

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 6th April, 2022

Time: 2.00 pm

Place: Council Chamber - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: 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 1st December 2021**
 - 4 **Minutes of the meeting held on Wednesday 5th January 2022**
 - 5 **Minutes of the meeting held on Wednesday 9th February 2022**
 - 6 **Minutes of the Meeting held on Wednesday, 2nd March, 2022**
 - 7 **Supplementary Report**
Report to follow. This report will provide additional information on the items referred to elsewhere on the Agenda, which was not available when the Agenda was published.
- **** **Contents List and Introduction**
- **** **Reports on Planning Applications**
- 8 **21/02034/OUT - Land Adjacent, 1 Smallholdings, Eastwoodbury Lane (St Laurence Ward) (Pages 109 - 156)**
 - 9 **22/00236/FULH - 11B New Road, Leigh-on-sea (Leigh Ward) (Pages 157 - 176)**
- **** **Enforcement of Planning Control**
- 10 **20/00098/UCOU_B - 369 Westborough Road, Westcliff-on-Sea (Westborough Ward) (Pages 177 - 216)**
 - 11 **19/00190/UNAU_B - 18 Parkgate, Westcliff-on-Sea (Milton Ward) (Pages 217 - 246)**

TO: The Chair & Members of Development Control Committee:

Councillor N Ward (Chair),

Councillors A Dear (Vice-Chair), K Buck, D Cowan, 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

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st December, 2021
Place: Council Chamber - Civic Suite

3

Present: Councillor N Ward (Chair)
Councillors A Dear (Vice-Chair), J Beck, D Cowan, M Dent, F Evans,
D Garne, D Garston, S Habermel, D Jarvis, A Jones, D McGlone*,
K Mitchell, C Mulroney, A Thompson, S Wakefield and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: G Gilbert, K Waters, C Galforg, A Greenwood, P Keyes,
S Mouratidis, M Warren and T Row

Start/End Time: 2.00 pm - 5.20 pm

553 Apologies for Absence

Apologies for absence were received from Councillor Buck (substitute: Councillor McGlone).

554 Declarations of Interest

The following interests were declared at the meeting:

- (i) Councillor Dent – Application Ref. No. 21/01907/FUL - 208A York Road, Southend-on-Sea – Non-pecuniary interest: Owns a property in the vicinity;
- (ii) Councillor Jarvis – Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Objector is known to him;
- (iii) Councillor Mitchell – Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Chaired a meeting of the Council's Licensing Sub Committee which considered an application for premises licence;
- (iv) Councillor Mitchell – Application Ref. No. 21/02084/FUL - Land Rear of Southend Mosque and Islamic Trust, 191 - 197 West Road, Westcliff on Sea – Non-pecuniary interest: Lives in the vicinity;
- (v) Councillor Mulroney – Application Ref. No. 21/01374/FUL - Unit 2, Leighcliff Building, Leigh Cliff Road, Leigh on Sea, Application Ref. No. 21/01722/FUL - 137 Marine Parade, Leigh-on-Sea and Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council, non-participant in planning;
- (vi) Councillor Wakefield – Application Ref. No. 21/01813/FUL - 41 Alexandra Street, Southend-on-Sea – Pecuniary interest: Owns the property (withdrew);
- (vii) Councillor Wakefield – Application Ref. No. 21/01907/FUL - 208A York Road, Southend-on-Sea – Non-pecuniary interest: Owns an HMO; and

(viii) All Councillors present – Application Ref. No. 21/01813/FUL - 41 Alexandra Street, Southend-on-Sea – Non-pecuniary interest: Applicant is a fellow Councillor and member of the Committee.

555 Minutes of the Meeting held on Wednesday 6th October 2021

Resolved:-

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

556 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.

**557 21/01374/FUL - Unit 2, Leighcliff Building, Leigh Cliff Road, Leigh on Sea (Leigh Ward)
Proposal: Change of Use from storage unit (Class B8) to personal training studio (Class E) (retrospective)
Applicant: Mrs Strickland of Renegade Fitness & Strength Ltd
Agent: Mr Fardell of More Space Architecture Ltd**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01. The development shall be retained in accordance with the following approved plans: 200; 201; 202.

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

02. The use hereby approved shall not be open for customers outside the following hours: Monday – Saturday 07:00 - 21:00. There shall be no opening on Sundays, Bank or Public Holidays.

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework (2021), 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. There shall be no more than four people on site including staff and customers at any one time.

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework (2021), 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).

04. Within three months of the date of this permission, mitigation measures set out within the findings and recommendations of the Technical letter of dB Consultation Limited dated 10 September 2021 shall be implemented at the site in full and thereafter be retained for the lifetime of the development. If the mitigation measures set out within the findings and recommendations of the Technical letter of dB Consultation Limited dated 10 September 2021 are not implemented within 3 months of the date of this permission the use of the site as a gym shall cease until they are implemented in full. No amplified music shall be played at the premises before 0800 hours, windows shall not be opened at the premises prior to 0800 hours and after 2000 hours, and no amplified speech shall be used at the site at any time.

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

05. Prior to installation of any external air conditioning units or equipment, at the premises specifically subject of this permission, details of their specification, position and appearance and any noise and vibration mitigation measures to be used shall be submitted to and agreed in writing by the Local Planning Authority. The air conditioning units or equipment shall be implemented in accordance with the details approved under this condition before they are brought into use and shall be retained as such in perpetuity thereafter. The noise arising from any external air conditioning units or equipment shall be at least 10dB below the background noise level as measured at 1m from the façade of the nearest noise sensitive property.

Reason: In the interests of visual amenity and neighbour amenities further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Design and Townscape Guide (2009).

06. Within three months of the date of this permission, details of secure cycle storage internal to the unit, together with a timetable for its implementation, shall have been submitted in writing to the Local Planning Authority for agreement. The approved cycle storage arrangement shall be implemented at the site and made available for use by staff and/or customers within 1 month 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. If secure cycle storage has not be implemented at the site in full accordance with details approved under this condition within 4 months of the date of this permission the use of the site as a gym shall cease until such times as cycle storage has been implemented at the site in full accordance with details approved under this condition.

Reason: In the interests of accessibility further to the National Planning Policy Framework (2021), 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).

07. Within three months of the date of this permission, details of a waste management scheme, together with a timetable for its implementation, shall have

been submitted in writing to the Local Planning Authority for agreement. The waste management scheme shall be provided in accordance with the approved details and made available for use by staff and customers of the premises within 1 month of agreement of the details being given by the Local Planning Authority and shall be retained for the lifetime of the development thereafter. If waste management has not been implemented at the site in full accordance with details approved under this condition within 4 months of the date of this permission the use of the site as a gym shall cease until such time as waste management has been implemented at the site in full accordance with details approved under this condition.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), 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).

08. The use of the site shall be solely as a gymnasium and personal training facility and not for any other purposes including any other use within Use Classes E, as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended), nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those Classes in any statutory instrument revoking and re-enacting these Orders.

Reason: To determine the scope of the permission in the interest of the character of the area and because alternative uses within Class E could have material different and potentially adverse impacts on residential amenity, parking, cycle parking and waste. This is in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP1, Development Management Document (2015) and Policies DM1, DM3 and DM15.

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. 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. 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

4. The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

558 21/01567/FUL - Leigh Road Baptist Tennis Club, Victory Path (Chalkwell Ward)

Proposal: Install floodlights to the 3no. tennis courts

Applicant: Mr Simon Joyce

Agent: N/A

Ms Crowe, a local resident, spoke as an objector to the application. Mr Joyce, 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 solely in accordance with the approved plans: Location Plan; Site Plan; 010A; 011A; 012A.

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

03 The lighting hereby approved shall be switched off and not be operated between the hours of 22:00 and 08:00 the following day on Mondays to Saturdays inclusive and between the hours of 6pm and 8am the following day on Sundays.

Reason: To ensure the lighting does not harm the amenities of nearby residents, in accordance with the National Planning Policy Framework (2021), 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 development hereby permitted shall be carried out and permanently operated for its lifetime thereafter solely in accordance with the details and specifications contained within the LED Lighting Scheme by Armadillo Lighting dated 02.07.21. All external lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into adjacent residential properties.

Reason: To ensure the development is carried out in accordance with the development plan and the floodlighting does not cause demonstrable harm by way of light pollution to nearby residents in accordance National Planning Policy Framework (2021); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

05 The lighting poles and any other associated structural elements for the lighting hereby approved shall be finished only in dark green, black or grey.

Reason: In the interests of visual amenity and to ensure that the appearance of the floodlights make an acceptable contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and advice contained in the Design and Townscape Guide (2009).

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.

559 21/01628/FUL - Meyrin House, 35 Holeythick Lane, Westcliff on Sea (Prittlewell Ward)

Proposal: Demolish existing building and erect 4no. semi-detached dwellinghouses with associated amenity space, form parking to rear and new vehicle crossovers onto Chase Gardens

Applicant: Mr Tim Knight

Agent: Tim Knight of Knight Gratrix Architects

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: 1553 014e 1553 015d, 1553 010, 1553 011b, 1553 012c, 1553 013b, 1553 016, 1553 017, 1553 018, 1553 019.

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 street trees adjacent to the site on Carlingford Drive and Holeythick Lane, in 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 approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: In the interests of visual amenity further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. No development above ground floor slab level shall take place until detailed specifications of materials to be used in the construction of all the external elevations of the dwellings hereby approved, including external walls, roofing, fascia and soffits, doors and windows, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into use.

Reason: In the interests of visual amenities further to the National Planning Policy Framework (2021), 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).

05. The dwellings hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in association with the development have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works 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.) hard surfacing materials;
- (ii.) details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- (iii.) details of any permeable paving or other sustainable drainage measures to be implemented;
- (iv.) all and any means of subdividing and enclosing the site;
- (v.) Measures to be used to enhance biodiversity at 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, the amenities of occupiers and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping and drainage 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. Notwithstanding the details shown on the approved plans, the proposed first and second floor flank windows in the dwellings 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 floor level of the room which they serve, and shall be retained as such in perpetuity thereafter.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

07. The dwellings hereby permitted shall not be occupied until and unless secure, covered, and appropriately ventilated refuse and recycling storage for occupiers has been provided and made available for use in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be retained as such for the lifetime of the development thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

08. The dwellings hereby permitted shall not be occupied until and unless secure, covered cycle storage for occupiers of the development has been provided in accordance with details which have been previously submitted to and approved in

writing by the Local Planning Authority. The approved cycle storage shall be made available for use by the occupants of the dwellings hereby approved prior to its occupation and retained as such for the lifetime of the development thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), 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).

09. 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 or Public Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), 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).

10. The development hereby approved shall be carried out in a manner to ensure the dwellings comply fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are first occupied.

Reason: To ensure the dwelling hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), 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).

11. 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.

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).

12. 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 (2021), 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).

13. Notwithstanding the provisions of Classes A, AA, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, roof extensions or outbuildings shall be erected at the dwellings hereby approved without the receipt of express planning permission.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), 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).

14. The flat roofs of the buildings hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose. The roofs 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Design and Townscape Guide (2009).

15. The development hereby permitted shall not be occupied until and unless the car parking shown on the approved plan 1553 015 D has been provided and made available for use by occupiers of the dwellings 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).

16. Notwithstanding the details submitted and otherwise hereby approved, before the development is brought into use the proposed vehicular crossovers shall each be constructed to a width of 4.88m in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into use and retained as such thereafter.

Reason: In the interests of highway safety, further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, and Development Management Document (2015) Policy DM15.

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 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. Consent will be required from the Highways Authority for the proposed vehicular accesses.

560 21/01722/FUL - 137 Marine Parade, Leigh-on-Sea (West Leigh Ward)
Proposal: Erect dormers to north, west and south including a recessed balcony to south elevation, rooflights to the east, and extension of existing roof to create 1no. self-contained flat
Applicant: Natalie Batrouni
Agent: William Tozer Associates Ltd.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: A/01/100; A/01/101/B; A/01/102/B; A/01/103/B; A/01/104; A/01/105; A/01/106; A/01/501; A/02/4101; A/02/4102; A/02/4103/D; A/02/4104/C; A/02/4105/C; A/02/4106/C, A/02/04107, A/02/4108.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the works to construct the dormer windows which form part of this consent shall not commence unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed extensions and alterations at the site including facing materials, roof detail, windows, doors and balustrade details 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 dwelling hereby approved is first occupied.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

04 Prior to the first occupation of the development hereby approved, full details of refuse, recycling and secure covered bicycle storage facilities for the flat hereby approved 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 and be made available for use 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 (2021), 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 Construction and demolition 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 (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

06 The proposed windows in the western elevation 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. The windows shall be retained as such in perpetuity and 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 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 (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) Policy DM1 and advice contained in The Design and Townscape Guide (2009).

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

08 The dwelling hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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

Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they

have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) 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. No waste materials should be burnt on the site, instead being removed by licensed waste contractors. No dust emissions or fumes should leave the boundary of the site. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.

4. 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

561 21/01780/FUL - 23 Pembury Road, Westcliff-on-Sea (Chalkwell Ward)
Proposal: Change of use from dwellinghouse (Class C3) to children's residential care home (Class C2)
Applicant: Mr J Mitchell
Agent: Mr Thomas Sharman of Smart Planning Ltd.

This application was WITHDRAWN.

562 21/01781/FUL - 9 Crowstone Road, Westcliff-on-Sea (Chalkwell Ward)
Proposal: Change of Use of Dwellinghouse (Use Class C3) to form Children's Residential Care Home (Use Class C2)
Applicant: Mr J Mitchell
Agent: Mr Thomas Sharman of Smart Planning 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 is hereby permitted in accordance with the following approved plans: 21.7502/M001, 21.7502/M002, 21.7502/E101, 21.7502/E102, 21.7502/E103, 21.7502/E104, 21.7502/M003, 21.7502/E105.

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

03. The development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential care home for up to 6 residents within the client group identified in the application, aged between 12 and 18 years, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

04. The use of the premises shall be only for purposes within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification and shall not be used for any other purpose.

Reason: To define the development, and in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

05. Prior to first use of the premises as a residential care home (use class C2), details of secure cycle storage shall have been submitted to and agreed in writing by the Local Planning Authority. The secure cycle storage shall be provided at the

site for the use of staff and residents in accordance with the agreed details for the lifetime of the development thereafter.

Reason: In the interests of accessibility further to the National Planning Policy Framework (2021), 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).

06. Prior to first use of the premises as a residential care home (use class C2), details of refuse storage shall have been submitted to and agreed in writing by the Local Planning Authority. The approved refuse storage arrangements shall be provided at the site for the use of staff and residents in accordance with the agreed details for the lifetime of the development thereafter.

Reason: In the interests of neighbour and occupier amenities, further to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015).

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

Informatives:

1. You 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.
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 architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.
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.

5 The applicant is recommended to consider use of external CCTV at the front of the property in association with the use approved, for the safety of the residents of the building, its staff and visitors.

563 21/01813/FUL - 41 Alexandra Street, Southend-on-Sea (Milton Ward)
Proposal: Erect single storey extension and convert existing store room at rear to form one self-contained flat
Applicant: Mr S Wakefield
Agent: Mr Paul Seager of APS Design Associates Ltd.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 3116-01; 3116-02; 3116-03B

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

03 Notwithstanding the information submitted with the application and otherwise hereby approved, no development above ground level shall take place until full details of the materials to be used on all the external elevations of the dwelling 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: 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 (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and advice contained in the Design and Townscape Guide (2009)

04 Before the construction of the proposed extension above ground floor slab level a Noise Impact Assessment must be conducted by a competent person, submitted to the Local Planning Authority and approved by them in writing. The document submitted shall assess the potential impact of existing noise sources on

the occupiers of the approved dwelling and provide full details of any mitigation to be used to provide adequate noise conditions for future occupiers of the dwelling. The assessment must be made using the appropriate standards and methodology for the noise sources and the relevant best practice. The dwelling otherwise hereby approved shall be implemented in full accordance with the details and mitigation provided in the Noise Impact Assessment before it is occupied and shall be maintained as such in perpetuity thereafter.

The mitigation provided in the report shall ensure that the internal ambient noise levels of the proposed development shall not exceed the guideline values in BS8233:2014 Table 4 as follows:

07:00 to 23:00

-Resting - Living room 35 dB LAeq,16hour

-Dining - Dining room/area 40 dB LAeq,16hour

-Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

-Sleeping/Night-time Bedroom 35 dB LAeq,8hour

External areas shall be designed to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification shall be provided for this in the assessment.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

05 Prior to the occupation of the dwelling hereby approved, details of refuse/recycling and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided and made available for use by the occupants of the dwelling hereby approved prior to its first occupation and shall be retained as such 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 (2021), 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).

06 No development above ground level shall take place unless and until full details of the soft and hard landscape works have been submitted to and approved in writing by the local planning authority. The approved landscaping works shall be completed within the first planting season following the completion of the development hereby approved.

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

07 The windows to the southern flank elevation 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 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 protect the privacy and environment of people in neighbouring residential properties, in accordance with the national Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice within the Design and Townscape Guide (2009).

08 Hours of construction 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 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

09 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, AA, B and C 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

10 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).

11. 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 (lppd) (110 lppd 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 (2021), 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).

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.

564 21/01907/FUL - 208A York Road, Southend-on-Sea (Kursaal Ward)
Proposal: Change of use from 6-person house in multiple occupation (Class C4) to 8-person house in Multiple Occupation (Sui Generis).
Applicant: Mr M Nunn
Agent: Mr Michael Coates-Evans of Town Planning Expert

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development would create additional pressures on reasonably required use of the internal shared facilities by the HMO's existing occupants and

this would give rise to a significantly harmful impact on the living conditions of those existing occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM8 of Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

- 565 21/01945/AMDT - 52 High Street, Leigh-on-Sea (Leigh Ward)**
Proposal: Application to remove condition 13 to allow for outside seating on the public highway (Minor Material Amendment of Planning Permission 20/01518/AMDT dated 06/01/2021)
Applicant: Mr J Batson
Agent: Mr Colin Stone of Stone Me Ltd.

Mr Sverdlhoff, a local resident, 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 4th April 2021.

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

02 The development hereby permitted shall be carried out and operated in accordance with the following approved plans 17-Clarendon-04 Rev A, 1920-06a, 1920-03c, 1920-05c,

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

03 The materials for the development hereby approved shall only be matt black stained timber featheredged weatherboarding for the walls and dormer cheeks, black painted acoya timber with 6mm laminated safety glass to BS6206 for the windows and doors, black painted wrought iron for the terrace balustrade, black quarry tiles for the terrace flooring, red stock brick slips, lead capping and traditional clay pots for the flue chimney, no change to the existing roof covering or guttering, black painted timber gates to waste storage area and cycle storage areas.

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

04 Prior to the first occupation of the building for A3 purposes, the windows and doors shall be installed in full accordance with the details set out on plan reference 1920-05C and the terrace balustrading shall be black painted 16mm bars with finial style F (W Farthing & Sons) and flat top posts as previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 04) or alternative refuse and recycling details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

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

05 Prior to the first occupation of the building for A3 purposes, the refuse and recycling arrangements shall be implemented in full accordance with the details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 05) or alternative refuse and recycling details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

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 conservation area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).

06 Prior to the first occupation of the building for A3 purposes the staff cycle parking arrangements shall be implemented in full accordance with the details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 06) or alternative staff cycling storage details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

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

07 Prior to the first occupation of the building for A3 purposes the chimney extraction flue shall be installed in full accordance with the details which have been previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 07) or alternative chimney and extraction flue details that have

previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

Reason: A condition is needed in order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the conservation area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document 2015.

08 Prior to the first occupation of the building for A3 purposes, extraction and odour control equipment, and associated noise mitigation measures, shall be installed in full accordance with the details which have been previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 08) or alternative extraction and odour control details and associated noise mitigation that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The installation of extraction equipment shall be carried out in full accordance with the approved details and any noise and odour mitigation measures undertaken in association with the agreed details before the use hereby approved is commenced. With reference to BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character. The rating level of noise for all activities (including amplified and unamplified music and human voices) shall be at least 10dB(A) below the background noise to ensure inaudibility in noise sensitive premises.

Reason: In order to protect the amenities of the 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).

09 The class A3 (restaurant) use hereby permitted shall not be open to customers outside the following times: 09:00 until 24:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 24:00 hours Mondays to Sundays including bank holidays from October through to and including April. The ancillary takeaway element of this operation shall not be available to customers outside the following times: 09:00 and 21:00 Mondays to Sundays including bank Holidays.

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

10 The entire raised terrace area in front of the building shall not be used by customers for the consumption of food or drink or for smoking from 22:00 hours until the close of business on all days. Additionally, all doors accessing the terrace shall be closed, except temporarily for access and egress, from 22:00 to 09:00 on all days.

Reason: In order 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 No deliveries or refuse collection shall be taken at or despatched from the A3 use hereby permitted other than between the hours of 07:00 to 18:00hours Mondays to Fridays and 08:00 to 13:00hours on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development 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).

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

13 The outside seating area at ground level in front of the building shall be managed in strict accordance with the Management Plan for the Siting of Benches at 52 High Street, Leigh-on-Sea SS9 2EN reference 1920-Rev A dated 12/11/21 for the lifetime of the development or any other management plan which has previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition, with the exception of the hours of use of this area which shall be as set out in condition 15 of this consent.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), 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).

14 The privacy screen to the east end of the terrace shall be installed in full accordance with the details agreed under application reference 21/00484/AD or alternative privacy screen details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The screen shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009)

15 The entire customer seating area at ground level in front of the building shall not be used by customers for the consumption of food or drink or for smoking from

21:00 hours until the close of business on all days. The customer seating at ground level hereby agreed shall not be fixed to the ground at any time.

Reason: In order 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).

16 The entire customer seating area at ground level in front of the building hereby permitted is consented for a limited period only from the date of this permission until the 31st October 2022 only. At the end of this period the entirety of the customer seating at ground level in front of the building 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 (2021) and Policies KP1 and KP2 of the Core Strategy (2007).

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

02 The applicant is advised that some elements of the terrace and flue casing that have been installed on the rear roof slope do not accord with the previously approved details or the current application and are therefore unauthorised. These details need to be returned to the approved details. Failure to do this within a timely manner is likely to result in enforcement action.

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

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

is advised that any waste food collection must be undertaken by a licenced operator.

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

06 The applicant is advised that a separate licence will be required from the Council in relation to use of public highway land.

**566 21/02084/FUL - Land Rear of Southend Mosque and Islamic Trust, 191 - 197 West Road, Westcliff on Sea (Prittlewell Ward)
Proposal: Erect 2no. dwellinghouses with associated amenity and parking
Applicant: Mr Jerry O'Connor
Agent: Ankur Architects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

GRANT PLANNING PERMISSION 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 01, 11, 12-P1, 13-P1, 14, 15-P1, 16-P1, 17-P1, 18, 19-P1, 20-P1, 26.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development hereby approved, including walls including decorative brickwork elements, roof, windows and doors, fascia and soffits, rainwater goods 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 first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) 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 The northeast panes of the first floor window on the east elevation of the northern most property and the two first floor bathroom 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 such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut up to a height of not less than 1.7m above the relevant room's internal finished floor level before the occupation of the extension hereby approved and the windows 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 (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

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

- (i) Existing and proposed finished site levels or contours.
- (ii) Details of means of enclosure, of the site including any gates or boundary walls and fencing.
- (iii) Hard surfacing materials.
- (iv) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- (v) 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 the visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

06 The 2 car parking spaces and the associated new vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 13-P1 shall be provided and made available for use prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained

solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors.

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 (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

07 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 development 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 (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

08 Prior to occupation of the development 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 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 whole development 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

09 The development hereby approved shall be carried out in a manner to ensure the dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide.

10 No drainage infrastructure, including earthworks, associated with this development hereby approved shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles in line with The Sustainable Drainage Systems Design Guide for Essex Minor Applications <https://www.essexdesignguide.co.uk/suds/further-guidance/minor-applications/>) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance

with the approved details before the development is occupied or brought into use and shall 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 (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

11 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 development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, 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 .

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

12 The site subject of this approval shall be remediated in full accordance with the Phase 1 Geo-Environmental Desk Study Report by Brown 2 Green reference 2311/Rpt1v2 dated October 2021, Geo-Environmental Site Investigation Report by Brown 2 Green reference 2311/Rpt2v2 dated October 2021 and Remediation Method Statement by Brown 2 Green reference 2311/Rpt3v2 dated October 2021 before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by, the Local Planning Authority before completion of the development or occupation of the dwellings (whichever comes first).

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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

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

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

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

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).

14 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 the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 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). 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).

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 include electric vehicle charging points at the site which is in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

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.

567 21/01906/FULH - 75 South Crescent, Southend-on-Sea (St Laurence Ward)

Proposal: Erect outbuilding to rear for use as a gymnasium (retrospective)

Applicant: Mr N Singh

Agent: Mr A Anwar

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 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: Location Plan, 101 & 102.

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

03 The outbuilding hereby permitted shall not be occupied at any time other than for purposes wholly ancillary to the residential use of the dwelling known as 75 South Crescent, Southend on Sea and shall not be sold or let separately or used as an independent unit for residential or any other purposes.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which may not be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1, DM3, DM8, DM15 and advice contained within the Southend Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

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

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.

Chair: _____

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 5th January, 2022

Place: Council Chamber - Civic Suite

4

Present: Councillor N Ward (Chair)
Councillors A Dear (Vice-Chair), J Beck, K Buck, D Cowan, M Dent,
F Evans, N Folkard*, D Garne, A Jones, K Mitchell, C Mulroney,
A Thompson, S Wakefield and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillors M Stafford, M Terry and R Woodley
K Waters, G Gilbert, C Galforg, P Keyes, S Mouratidis, M Warren
and T Row

Start/End Time: 4.00 pm - 6.15 pm

579 Apologies for Absence

Apologies for absence were received from Councillors D Garston (no substitute), Habermel (substitute: Councillor Folkard) and Jarvis (no substitute).

580 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Cowan – Application Ref. No. 21/00061/UNAU_B - 193 Eastern Esplanade, Southend-on-Sea – Non-pecuniary interest: Rental property in the vicinity;

(ii) Councillor Mitchell – Application Ref. No. 19/00158/UNAU_B – 21 Holland Road, Westcliff on Sea – Non-pecuniary interest: Has visited the site to view premises and has been in correspondence with residents regarding the planning process;

(iii) Councillor Mulroney – Application Ref. No. 20/01199/FULM - Roslin Hotel, Thorpe Esplanade, Southend on Sea – Non-pecuniary interest: Management of the hotel is known to her;

(iv) Councillor Wakefield – Application Ref. No. 20/01199/FULM - Roslin Hotel, Thorpe Esplanade, Southend on Sea – Non-pecuniary interest: Known to people involved with the application;

(v) Councillor Walker – Application Ref. No. 20/01199/FULM - Roslin Hotel, Thorpe Esplanade, Southend on Sea – Non-pecuniary interest: Received support during his Mayoral Year;

(vi) Councillor Ward – Application Ref. No. 20/01199/FULM - Roslin Hotel, Thorpe Esplanade, Southend on Sea – Non-pecuniary interest: Lives in the road;

(vii) Councillor Ward – Application Ref. No. 21/00061/UNAU_B - 193 Eastern Esplanade, Southend-on-Sea – Non-pecuniary interest: Lives in the road.

(viii) All Councillors present declared a non-pecuniary interest in Application Ref Nos. 21/02172/FUL and 21/022173/LBC - 5-6 Clifftown Parade, Southend-on-Sea on the grounds that the applicant is known to them. Councillor F Evans withdrew from the meeting or the consideration of the applications on the basis that the applicant was a close personal, friend and had stayed at the hotel as a paying guest.

581 Minutes of the Meeting held on Monday 25th October 2021

Resolved:-

That the Minutes of the special meeting held on Monday, 25th October 2021 be received, confirmed as a correct record and signed.

582 Minutes of the Meeting held on Wednesday 3rd November 2021

Resolved:-

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

583 Supplementary Report

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

584 20/01199/FULM - Roslin Hotel, Thorpe Esplanade, Southend on Sea (Thorpe Ward)

Proposal: Partial demolition of the hotel and the erection of three storey extensions to the east, fronting Walton Road and to the west fronting Clieveden Road, reconfiguration of the main hotel elevation fronting Thorpe Esplanade, reconfiguration of the car park to provide 60 parking spaces, increase in floorspace from 3,140sqm to 5,708sqm, increase in hotel rooms from 62 to 67, creation of a part basement, provision of 44 cycle parking spaces, and hard and soft landscaping

Applicant: Regis Entertainment Limited

Agent: Jon Murch of DaviesMurch

Mr Garlick, a local resident, spoke as an objector to the application. Mr Murch, the applicants' agent, responded.

Resolved:-

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

Highways contribution - £1,500.00 per year for 5 years from first occupation for monitoring of the travel plan.

(b) That the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

General Conditions

01 The development hereby permitted shall begin no later than three years beginning with the date of this permission.

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

02 The development hereby approved shall be carried out in accordance with the approved plans: WP-0753-A-0000-P-00 Rev A; WP-0753-A-0001-P-00 Rev A; WP-0753-A-0003-P-00 Rev A; WP-0753-A-0004-P-01 Rev A; WP-0753-A-0005-P-02 Rev A; WP-0753-A-0006-P-03 Rev A; WP-0753-A-0020-E-XX Rev A; WP-0753-A-0021-E-XX Rev A; WP-0753-A-0022-E-XX Rev A; WP-0753-A-0030-S-XX Rev A; WP-0753-A-0099-P-B1 Rev A; WP-0753-A-0100-P-00 Rev A; WP-0753-A-0101-P-01 Rev A; WP-0753-A-0102-P-02 Rev A; WP-0753-A-0103-P-03 Rev A; WP-0753-A-0200-E-XX Rev A; WP-0753-A-0201-E-XX Rev A; WP-0753-A-0300-S-XX Rev A; WP-0753-A-0301-S-PR Rev A; WP-0753-A-0202-E-XX Rev A; WP-0753-A-0203-E-XX Rev A; WP-0753-A-0204-E-XX Rev A; WP-0753-A-0205-E-XX Rev A; WP-0753-A-0206-E-XX Rev A; WP-0753-A-0207-E-XX Rev A; Existing Room Count Markup.

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

03 The development hereby approved shall only be used as a hotel within Use Class C1 with ancillary or incidental facilities as shown on the approved plans and shall not be used for any other purposes including any other purposes within that use class in the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instruments revoking or re-enacting these Orders.

Reason: To determine the scope of the permission in the interest of amenity and the character and functionality of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP1 of the Core Strategy (2007) and Policies DM10, DM11 and DM12 of the Development Management Document (2015).

Design and visual impact

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works except demolition and construction up to ground floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, as well as details of entrances, joins between old and new sections of the building, joins between roof profiles, balconies, eaves/framing, ground floor treatment including any areas of

obscure glazing or external solar shading, any elements of decorative detailing, signage, external lighting, landscaping, renewables and plant/equipment including any screening/enclosure, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out solely in full accordance with the approved details before it is first occupied.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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 and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall follow the general principles shown within the approved plans and shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree existing or 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: Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) 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 under the terms of this condition. The hard landscaping scheme shall follow the general principles shown on the approved plans and shall include details and, where practicable, samples of materials to be used on hardsurfacing and boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

07 The substation hereby approved shall be constructed solely in accordance with the details contained in the approved plan WP-0753-A-0210-E Rev A or alternative details 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 of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

08 Prior to the first use of the development hereby approved, a signage strategy shall be implemented in full accordance with details which have previously been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

Residential amenity

09 No development shall take place, including any works of demolition or excavation, unless and until a Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to, and approved in writing by the Local Planning Authority under the provisions of this condition. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period and 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
- e) measures to control the emission of 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.
- g) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- h) details of the duration and location of any noisy activities and the measures to be implemented to minimise noise impacts.

Reason: This pre-commencement condition is required in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

10 Construction works associated with the approved development on site shall only be undertaken between 7:30 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 (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

11 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the building hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

12 No external lighting shall be installed on site unless in accordance with the details of a scheme which has previously been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. Details to be submitted for approval shall include design, siting, direction and screening of the light sources on site. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

13 The premises of the hotel hereby approved shall not be open to non-residents outside the hours of 07:00 am to 11:00 pm on any day.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

14 Deliveries to and collections (including refuse and recycling collections) from the premises hereby approved shall not take place outside the hours of 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank or Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the

Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

15 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the neighbouring noise sensitive premises.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

16 Notwithstanding the information submitted and otherwise hereby approved, the proposed substation shall not be constructed unless and until full details of the acoustic insulation of this building have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The substation shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter for the lifetime of the development.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

Highways

17 The development hereby approved shall not be first used unless and until the access improvement works, the sixty (60) on site car parking spaces, including two (2) spaces for disabled users and forty-four (44) cycle parking spaces shown on the approved plans and traffic management signage and pedestrian access improvements, the details of which have previously submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, have been fully implemented at the site solely in accordance with the approved details. The car and cycle parking spaces, the access arrangements, traffic management signage and pedestrian access improvements shall be permanently maintained thereafter.

Reason: To ensure that acceptable access arrangements and adequate car and cycle parking is provided and retained to serve the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

18 Prior to the first occupation of the development hereby approved at least twelve (12) car parking spaces shall have an active electric charging point provided, capable of charging vehicles from the outset, and the remaining forty-eight (48) car parking spaces shall be future proofed with passive electric vehicle charging

point provision, with measures such as, but not exclusively, four-way duct and drawpits to all service bays, so that electric charging points can be installed when demand requires.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

19 The development hereby approved shall not be brought into first use unless and until a Detailed Travel Plan to promote sustainable travel for journeys associated with the proposed development, which shall include, among other requirements, details of parking packs, booking arrangements to be offered to customers, details of parking areas for staff, a communication strategy, which shall include the provision of individual travel packs to engage with customers and employees in order to encourage them to use public transport to access the hotel and timescales for implementation, monitoring and review arrangements for the Detailed Travel Plan, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The Detailed Travel Plan shall be implemented and reviewed in full accordance with the terms set out in the approved details.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

20 The development hereby approved shall not be brought into first use unless and until a detailed Car Parking Management Plan to promote sustainable use of the available car parking spaces associated with the proposed development, which shall include, among other requirements, details of the operation of the car parking facilities e.g. timed use of parking by different users, management and enforcement, and consideration to the Safer Parking Award, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The detailed Car Parking Management Plan shall be implemented from the first use of the development and operated for the lifetime of the approved development in accordance with the terms set out in the approved details.

Reason: In the interests of providing sustainable car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

Waste management

21 Prior to the first occupation of the development hereby approved the refuse area shown on the approved plans shall be provided and operated in full accordance with the principles contained within a refuse management strategy, which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, in perpetuity for the lifetime of the development.

Reason: To ensure that the development is satisfactorily serviced and that refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021), the Design and Townscape Guide (2009) and Waste Storage, Collection and Management Guide for New Developments (2019).

Energy and water sustainability

22 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating “Very Good” has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority.

Reason: In the interests of providing a sustainable development, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

23 Prior to occupation of the development hereby approved the energy efficiency and other sustainability measures to benefit 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 implemented on site in accordance with the agreed details contained within in the submitted Energy and Sustainability Statement August 2021.

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 (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

Flooding and water drainage

24 No construction works other than demolition and excavation works shall take place on site unless and until detailed designs of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the provisions of this condition. The approved scheme shall be implemented prior to the first occupation of the development and be maintained in good working order in accordance with the maintenance plan for the lifetime of the development. The scheme shall address the following matters:

- 1) A final version of the Surface Water Management Strategy document shall be submitted.
- 2) The applicant should consider that although a full infiltration method of discharge may not be feasible, a partial infiltration method may be. Soakaway testing may be required if a partial infiltration system is proposed. Where partial or total infiltration is proposed, consideration should be given to ground stability and deterioration in groundwater quality.

- 3) The applicant should confirm that the proposed permeable pavement will be implemented. The applicant should consider the use of appropriate systems as green roofs, rainwater harvesting, rain gardens and trees to manage and re-use surface water from roof and impervious hardstanding areas. If these systems are not used, appropriate justification is required.
- 4) The applicant should provide a Catchment Plan. This should include any permeable and impermeable areas draining into the system.
- 5) The applicant should provide a Detailed Drainage Plan which should show the proposed point of connection and flow control chamber. Evidence should be provided for the acceptance from Anglian Water and the proposed construction details for the connection into the sewer.
- 6) The application should include graphical information such as plans to show the blockage, conveyance and exceedance routes.
- 7) A more detailed calculation of the available storage volume in the permeable pavement should be provided, by considering site gradients, permeable/impermeable ratios, sub-base depths, access points for SuDS and incoming/outgoing pipework of the different sections of the pavement.
- 8) The applicant should provide method statements or other evidence for the management of any health and safety risks related to the drainage/SuDS
- 9) Where applicable, the applicant should present a process for information delivery and community engagement to relevant stakeholders. This may not be applicable, but the applicant should confirm.
- 10) Where applicable, the applicant should provide any economic valuation costs to demonstrate long-term viability.
- 11) The details of the management agent responsible for maintenance should be provided. The maintenance schedule provided by the applicant should consider the requirements of permeable pavement in CIRIA's SuDS Manual.
- 12) The applicant should provide proposals for foul drainage.
- 13) The applicant should be reminded that the permeable pavement must be designed to preserve their structural integrity under any anticipated loading conditions as per S10 (Non-statutory technical standards for SuDS, DEFRA, 2015).

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021) and Policies KP1 and KP2 of the Core Strategy (2007).

Additional conditions required by the Committee

25 No plant or machinery associated with the approved use shall be installed or operated on the site unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any noise, vibration and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The plant shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

26 The development hereby approved (the new side wings) shall not be used unless and until a noise management plan has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The noise management plan shall relate to the operation of the extended premises as a whole and the premises shall be managed from its first use solely in accordance with the approved noise management plan and thereafter for the lifetime of the development.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

27 The development hereby approved (the new side wings) shall not be used unless and until a service and delivery management plan has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The service and delivery management plan shall relate to the operation of the extended premises as a whole and include details in relation to matters such as, but not limited to, management of waste storage and collection, delivery and collection of goods, management of third party service providers attending the site as part of the normal operation of the premises. The service and delivery management plan shall be implemented in full from the first use of the development hereby approved and adhered to at all times thereafter in perpetuity.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) 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.

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 12th January 2022 or an extension of this time as may be agreed by the Director of Planning or Head of Planning and Building Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for the Travel Plan monitoring. As such, the proposal would be contrary to National and Local Planning Policy.

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

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

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

6. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

7. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

8. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

9. Please note that the apparatus that has been identified as being in the vicinity of your proposed works is: Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result, it is highly likely that there are gas services and associated apparatus in the vicinity).

10. You are reminded that 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.

585 21/02172/FUL & 21/02173/LBC - 5 - 6 Clifftown Parade, Southend-on-Sea (Milton Ward)

Proposal: Change of use from Guest House (Class C1) to 7No. Self-contained flats (Class C3) with associated internal alterations and alter elevations

Applicant: Mr & Mrs Lowen

Agent: Breley Design Ltd

Resolved:-

1. 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 solely in accordance with the following approved plans 1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works as shown in the approved plans shall take place unless and until full product details of the materials to be used on all the external and internal elevations, including roofs, walls (external infill and new partitions and ceilings), all new windows and doors including dormers, external terraces, boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in full accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the listed building and wider conservation area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the rear extension and internal partitions as set out in the approved plans shall take place unless and until full design details for the proposed heritage enhancement works as set out in document titled 'Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL & 21/02173/LBC dated 13.12.21' have first been submitted to and agreed in writing by the Local Planning Authority. These shall include:

(i) Design details including large scale cross sections at 1:10 or 1:20 as appropriate for the proposed remodelling of the mansard roof at number 5 Clifftown Parade including replacement front dormer window arrangement and detailing of new facing materials including ridge and eaves detail.

(ii) A schedule of all windows identifying all original and non-original windows. All original windows shall be retained and refurbished as required. All non-original windows shall be replaced with new single glazed timber sash windows of the original design. Full detailing of the replacement windows including large scale details and sections at a scale of 1:10 shall be provided.

(iii) Large scale details and sections at 1:5 or 1:10 as appropriate of proposed replacement skirting boards, cornices and internal doors and architraves.

(iv) Large scale details of the proposed outbuilding windows and doors at a scale of 1:10 or 1:20 as appropriate.

(v) Full details of making good of the front elevation following removal of the rain porch and the infilling of the rear elevation at lower ground floor following removal of the existing single storey extension including replicating stone surround to match upper floors.

(vi) Any new servicing required by the conversion scheme which impacts on the external elevations including meter boxes, vents and pipes.

The development shall be carried out and completed in full accordance with the approved details before the development hereby approved is brought into use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

05 The 2 car parking spaces (including 1 disabled spaces) shown on approved plan 1436-03D shall be provided and made available for use at the site prior to the first occupation of the flats hereby approved. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles in connection with the occupiers of the dwellings hereby approved and their visitors.

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 (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

06 The development hereby approved shall not be occupied until and unless full details of the refuse and recycling store and the secure, covered cycle parking to serve the flats have been previously submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and shall be made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

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

07 Prior to occupation of the flats 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 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 whole development and retained in perpetuity.

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

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the existing building shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried

out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i) Any new means of enclosure, of the site including any gates or boundary fencing including internal divisions between the rear amenity spaces and storage areas;
- ii) Any new hard surfacing materials;
- iii) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.

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 DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

09 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, Bank or Public 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 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, in order to meet Building Regulations requirements for plot 7, which is over 45m from the highways, sprinklers will be required to be installed in this unit (as this planning permission and listed building consent does not consent for a dry riser to be installed through the listed building which is the only other alternative). The sprinklers will not require listed building consent in this case as the outbuilding is not historic and therefore does not fall under the remit of the listing.

2. That listed building consent 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans 1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works as shown in the approved plans shall take place unless and until full product details of the materials to be used on all the external and internal elevations, including roofs, walls (external infill and new partitions and ceilings), all new windows and doors including dormers, external terraces, boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in full accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the listed building and wider conservation area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the rear extension and internal partitions as set out in the approved plans shall take place unless and until full design details for the proposed heritage enhancement works as set out in document titled 'Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL & 21/02173/LBC dated 13.12.21' have first been submitted to and agreed in writing by the Local Planning Authority. These shall include:

(i) Design details including large scale cross sections at 1:10 or 1:20 as appropriate for the proposed remodelling of the mansard roof at number 5

Clifftown Parade including replacement front dormer window arrangement and detailing of new facing materials including ridge and eaves detail.

(ii) A schedule of all windows identifying all original and non-original windows. All original windows shall be retained and refurbished as required. All non-original windows shall be replaced with new single glazed timber sash windows of the original design. Full detailing of the replacement windows including large scale details and sections at a scale of 1:10 shall be provided.

(iii) Large scale details and sections at 1:5 or 1:10 as appropriate of proposed replacement skirting boards, cornices and internal doors and architraves.

(iv) Large scale details of the proposed outbuilding windows and doors at a scale of 1:10 or 1:20 as appropriate.

(v) Full details of making good of the front elevation following removal of the rain porch and the infilling of the rear elevation at lower ground floor following removal of the existing single storey extension including replicating stone surround to match upper floors.

(vi) Any new servicing required by the conversion scheme which impacts on the external elevations including meter boxes, vents and pipes.

The development shall be carried out and completed in full accordance with the approved details before the development hereby approved is brought into use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

Informatives

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

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

586 21/02116/FULH - 7 Navestock Gardens, Southend-on-Sea (Southchurch Ward)
Proposal: Erect single storey rear/side extension with roof lantern
Applicant: Mrs Holli
Agent: Mr Mulry of Edith Garland Architecture

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 hereby permitted shall be carried out only in accordance with the following approved plans: R01, R02, R03, R04/A, R05/A.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

04 The roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar 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 (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within 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. 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.

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.

587 20/00027/UNAU_B - 32 Belfairs Drive, Leigh-on-Sea (Belfairs Ward)
Breach of Control: Without planning permission the erection of a building containing a raised platform

Resolved:-

1. That ENFORCEMENT ACTION be AUTHORISED to:

- a) require the removal of the unauthorised play structure in its entirety.
- b) remove from site all materials resulting from compliance with (a) above.

2. 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.

3. 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.

588 19/00158/UNAU_B - 21 Holland Road, Westcliff-on-Sea (Milton Ward)
Breach of Control: Unauthorised roof enlargement

Resolved:-

That no further action be taken and that the current enforcement investigation be closed.

589 21/00061/UNAU_B - 193 Eastern Esplanade, Southend-on-Sea (Thorpe Ward)

Breach of Control: Without planning permission the erection of a kiosk and change of use of land to a café and garden area (sui generis)

Resolved:-

1. That ENFORCEMENT ACTION be AUTHORISED to:

- a) cease use of the land as a café
- b) require the removal of the unauthorised building in its entirety and removal from the land of all associated seating, tables, signage and similar items
- c) remove from site all materials resulting from compliance with (a) and (b) above.

2. 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.

3. 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

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 9th February, 2022
Place: Council Chamber - Civic Suite

5

Present: Councillor N Ward (Chair)
Councillors A Dear (Vice-Chair), K Buck, P Collins*, D Cowan,
M Dent, F Evans, D Garne, S Habermel, D Jarvis, A Jones,
D McGlone*, K Mitchell, C Mulrone, S Wakefield and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillor M Berry
G Gilbert, K Waters, C Galforg, P Keyes, S Mouratidis, M Warren
and T Row

Start/End Time: 2.00 pm - 5.50 pm

678 Apologies for Absence

Apologies for absence were received from Councillors Beck (no substitute), D Garston (substitute: Councillor McGlone) and Thompson (substitute: Councillor Collins).

679 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Berry – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Discloseable non-pecuniary interest: Is the Secretary of the “Fossetts for the People” Campaign. (Attended the meeting as a Ward Councillor to present his objection to the application only but withdrew from the meeting after his objection had been presented to the Committee);

(ii) Councillor Collins – Application Ref. No. 21/01453/FULH – 15 Leslie Road, Eastwood – Non-pecuniary interest: Had been in correspondence with residents in the area in respect of a previous application;

(iii) Councillor Cowan – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Non-pecuniary interest: Members of the “Fossetts for the People” Campaign are known to him;

(iv) Councillor Dent – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Non-pecuniary interest: Has had contact with the objectors to the application some of whom are known to him;

(v) Councillor Dent – Application Ref. No. 21/01506/FUL – 12 Branksome Road, Southend-on-Sea – Non-pecuniary interest: Has had contact from residents regarding the application and some of the objectors are known to him;

(vi) Councillor Jones – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Discloseable non-pecuniary interest: Has attended meetings of the “Fossetts for the People” Campaign and appeared in photographs etc with the campaign (withdrew); and

(vii) Councillor Mitchell – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Discloseable non-pecuniary interest: Associated with the “Fossetts for the People” Campaign group and has expressed views that the land should be used for 100% council housing (withdrew).

680 **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.

- 681 **21/01643/FULM - 53 - 57 Sutton Road, Southend-on-Sea (Victoria Ward)**
Proposal: Convert part of ground floor, first floor and second floor to self-storage facility (Class B8) including up to 120 sqm flexible floorspace (Use Classes B8 and E), retain 25 car parking spaces and service access to rear, erect 3-storey building to rear of existing car park comprising 17 residential units (Class C3) with associated parking for 14 cars with access onto Guildford Road, cycle parking, hard and soft landscaping and amenity provision
Applicant: Mr Tom Hesp
Agent: Miss Nour Sinno of HTA Design LLP

Resolved;-

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A minimum of 4 Affordable housing units comprising 3 for affordable rent and 1 unit for shared ownership;
- A financial contribution towards secondary education provision of £21664.14, specifically for refurbishment to access places at Cecil Jones Academy;
- A payment of £127.30 per dwelling for 17 dwellings, (£2164.10) under the terms of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy.

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions below:

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: 9011 – P01 P2, 9011 / P22 P2, 9011 / P10 P1, 9011 / P41 P1, 9011 / P20 P1, 9011 / P23, 9011 / P30 P2, 9011 / P31 P1, 9011 / P21, 9011 / P24 P1, 9011 / P32 P1, 9011 / P40 P2.

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

03 The Use Class E use hereby approved shall not be open for customers outside the following hours: 0700 hours to 2200 hours on any day.

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

04 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), or any Acts, Orders or Regulations revoking, amending or re-enacting that legislation, the ground floor windows facing Sutton Road shall not be obscured other than in accordance with details that have previously been submitted to the local planning authority and approved in writing.

Reason: In the interests of the vitality of the shopping frontage, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP2 of the Core Strategy (2007), and Policy DM13 of the Development Management Document (2015).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works in relation to the proposed residential building other than ground preparation and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the residential building 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 first use.

Reason: In the interests of the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external alterations to the existing building shall be carried out unless and until full product details of the materials to be used on all the external elevations of the existing building 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 first use.

Reason: In the interests of the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

07 The dwellings hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in relation to the residential building have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works relating to the residential building shall be carried out prior to first occupation of the residential element of the development and the soft landscaping works relating to the residential building within the first planting season following first occupation of the residential development. The details submitted in respect of each shall include, but not limited to:

- i. means of enclosure of the site including any gates or boundary fencing;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. hard surfacing materials;
- iv. minor artefacts and structures (e.g. furniture and planters)
- v. 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 the character and appearance of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

08 The B8 self-storage use and B8/Class E flexible use hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in relation to the commercial parking and servicing area have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works relating to the commercial parking and servicing area shall be carried out prior to first occupation of the commercial element of the development and the soft landscaping works relating to the commercial parking and servicing area within the first planting season following first occupation of the commercial element of the development. The details submitted in respect of each shall include, but not limited to:

- i. means of enclosure of the site including any gates or boundary fencing;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. hard surfacing materials;
- iv. minor artefacts and structures (e.g. furniture and planters)
- v. 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 the character and appearance of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

09 The development shall be carried out in accordance with the recommendations and enhancements identified in the submitted Preliminary Roost Assessment Survey, in relation to timing of works at the existing building and the provision of the identified bat and bird boxes as specified. The bat and bird box provision shall be carried out in full prior to first occupation of the B8 use hereby approved.

Reason: In the interests of achieving a net increase in biodiversity further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 The construction phase of the development shall only be carried out in accordance with the Construction Phase Mitigation Measures identified in the submitted Noise Impact Assessment by Aval Consulting Group August 2021 and dust control measures in the submitted Air Quality Assessment by Aval Consulting Group dated August 2021.

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external lighting shall be installed prior to a full scheme of external lighting having been previously submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

13 The B8 self-storage use otherwise hereby approved shall not be first occupied unless and until noise mitigation measures to be implemented in association with this use have been installed in full, in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. The details submitted shall include measures associated with the proposed roller shutters and exterior doors. The measures shall be formulated and supported by a proportionate noise impact assessment, to minimise the noise impacts of access and egress to the facility with particular reference to evening and night-time hours.

Reason: In the interests of residential amenity further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

14 Other than for ground preparation and site clearance, no development of the residential building shall take place until a site investigation of the nature and extent of any collapsible deposits has been carried out, further to the recommendations of the submitted Phase I Assessment by Aval Consulting Group August 2021.

(a) The results of the site investigation shall be made available to the local planning authority before any construction begins. If any collapsible deposits or contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins.

(b) The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

(c) If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority.

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

15 The residential development shall not be occupied until and unless refuse storage for occupiers has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

16 Notwithstanding the approved plans, the Class E or self-storage use shall not be first occupied until and unless refuse storage to serve the development has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

17 The residential development shall not be occupied until and unless secure covered cycle storage for occupiers has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), 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).

18 Notwithstanding the approved plans, the Class E or self-storage use shall not be first occupied until and unless secure covered cycle storage for staff and users of the development has been provided in accordance with details to have been previously submitted to and approved in writing by the Local Planning Authority. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), 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).

19 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the residential building 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 a scheme of privacy screens to be incorporated to prevent overlooking of occupiers of the neighbouring flats at Royal Court. Before the residential building hereby approved is occupied the development shall have been implemented in full accordance with the privacy screens approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of existing and future occupiers, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

20 Notwithstanding the details submitted and otherwise hereby approved no drainage infrastructure associated with this development shall be installed until a drainage strategy has been submitted to and approved in writing by the local

planning authority. The development shall be implemented in accordance with the approved drainage strategy in full before it is occupied. The strategy shall provide for the following:

- i. Soakaway tests to be undertaken in line with BRE 365 guidelines to confirm the infiltration rates and sufficient depth from SuDS systems to groundwater level. The applicant should confirm, based on ground investigations, that there is no risk of ground instability, pollution to groundwater or groundwater flooding associated with the use of the proposed infiltration systems;
- ii. Proposed permeable and impermeable areas to be identified on plan;
- iii. Exceedance flow routes to be shown in the drainage plans;
- iv. The applicant should confirm who will be the final adopting authority / body responsible for the maintenance of each drainage/SuDS elements;
- v. Construction details for the proposed connection into the sewer;
- vi. A method statement detailing the effect of surface water during the construction phase and how it will be managed.

Reason: To secure appropriate drainage conditions and manage wider flood risks in accordance with National Planning Policy Framework (2021) and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

21 Before any of the residential units hereby approved are first occupied, the development hereby approved shall be carried out in a manner to ensure that two of the flats hereby approved comply with building regulation M4(3) 'wheelchair user dwellings' standard and the remaining fifteen flats comply with building regulation 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 (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

22 No development associated with this permission shall commence unless and until full details of the highway works proposed in relation to the new and altered vehicular accesses, a safety audit of the changes and a suitable means to secure their delivery has been submitted to and approved in writing by the Local Planning Authority. The highways works shall be implemented in full accordance with the details approved under this condition before the development is first occupied.

Reason: In the interests of highways management, the character of the area and safety in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4 and Development Management Document (2015) Policies DM1, DM3 and DM15.

23 Prior to first occupation of the residential building hereby approved, the 14 residential car parking spaces shown on the approved plan 9011/P10 P1, including the 2 disabled accessible spaces, shall have been provided and made available for the use of occupiers of the development and their visitors. It shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the

Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

24 Prior to first occupation of the Class E or B8 commercial spaces hereby approved, the car parking and servicing/loading arrangements as shown on the approved plan 9011/P10 P1, providing 10 spaces for the Class E/B8 uses and 15 spaces for the existing retail unit, of which 2 spaces shall be disabled accessible, shall have been provided and made available in full for the use of customers, staff and service and delivery vehicles and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

25 Prior to first occupation of any part of the development hereby approved, a car parking management plan for the car parking provision for the relevant part of the development, with the objective of optimising the availability of parking and the free flow of traffic, and including review procedures, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan(s) shall be implemented as part of the development and retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

26 Prior to first occupation of the residential building hereby approved, no fewer than 14 active electric vehicle (EV) charging points shall have been provided to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

27 Prior to first occupation of the Class E or B8 commercial spaces hereby approved, no fewer than 2 active and 8 passive electric vehicle (EV) charging points shall have been provided to the parking spaces allocated for the Class E or B8 uses.

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle

Charging Infrastructure for new development Supplementary Planning Document (2021).

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

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

29 The residential 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 (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015).

30 Excluding the Class B8/Class E flexible unit, to the extent that it may also be used for purposes within Class E, the development hereby approved, for purposes falling within Class B8, shall only be occupied as a self-storage facility, and shall not be used for any other purpose, including any other purpose within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), nor any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 16.02.2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to secure the necessary affordable housing provision, contributions to education provision and mitigation of impacts on European designated sites. As such, the proposal would be contrary to Policies KP1, KP2, KP3, CP4, CP6 and

CP8 of the Core Strategy (2007), Policies DM1, DM6 and DM7 of the Development Management Document (2015) and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020).

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 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. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
5. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
6. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
7. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
8. The works to construct new vehicular accesses and increased footway width will require a Section 278 agreement including a safety audit.
9. Registered Providers (RP's) should be contacted as early as possible with regards to understanding their requirements. Generally, RP's will prefer to have their affordable dwellings contained within one block/floor (per tenure). It is worth noting that RP's may be interested in taking on additional units particular where it would result in the ownership of an entire block/floor.
10. 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.
11. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of affordable housing, a financial contribution towards secondary education and a payment in mitigation of impacts identified in the RAMS SPD.
12. Please note that advertisements eg. signage for the commercial unit(s) will require separate advertisement consent.
13. The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including bats.

**682 20/00337/OUTM - Land at Fossetts Farm, Sutton Road (St Lukes Ward)
Proposal: Erect up to 131 residential units with associated car parking,
landscaping and ancillary works at land on Fossetts Farm (Outline
Application)
Applicant: Homes England
Agent: Miss Mhairi Summers of Stantec**

Councillor Berry spoke as an objector to the application and withdrew from the meeting after presenting his objection. Ms G Care responded on behalf of the applicants' agent.

Resolved:-

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- 30% units of affordable housing provided on site with a 60/40 (social/affordable rent/shared ownership) tenure split – which based on 131 units would constitute 40 affordable units – 24 of which would be social/affordable rented and 16 shared ownership. (The final numbers of affordable units will depend on the final number of units to be provided on site which will be confirmed at reserved matters stage).
- A financial contribution of £368,290.33 towards secondary education at Chase High School or another secondary school within acceptable travel distance, assuming 131 dwellings are provided, to be paid prior to commencement of the development. The final amount required will depend on the final number of units and the final dwelling mix which will be confirmed at reserved matters stage.
- Essex RAMS payment of £127.30 (index linked) per dwelling – would be £16,676.30 based on 131 units to mitigate the potential disturbance to European designated sites (the final amount will depend on final number of units which will be confirmed at reserved matters stage).
- Highways contributions:
 - Travel Plan
 - £1,000 per year for 5 years from first occupation for the Travel Plan Monitoring.
 - Travel Packs which must include free bus tickets and free car club use for each dwelling and must be provided to residents before first occupation.
 - Travel Packs which must include 4 x travel cards for use on local buses valid for 2 weeks, details of local bus and rail operators, details of any offer by bus operators of discounted travel to residents, details of free car club membership valid for 1 year, details of 10 car club driving hours for those eligible. Travel Packs are to be provided to the first occupier of each dwelling before first occupation.
 - Developer to work with a bus company to provide an enhanced bus service for a minimum of 3 years which runs at least half hourly Monday – Friday 07:00 – 20:00, at least half hourly Saturdays 07:30 – 20:00 and at least hourly Sundays 09:00 – 19:00 and which must be up and running before the first unit is occupied.
 - £10,000 contribution towards investigations into and minor works to local cycleways.
 - 1x Car Club Vehicle and Space which must be served by an electric charging point.
 - To enter into a car club agreement for a period of up to 10 years, including provision of 1x Car Club Vehicle and Space which must be served by an electric charging point. Free car club membership for 1 year and 10 hours free driving time to be provided for the first occupier of each dwelling upon request.

- The applicant will transfer the Schedule Monument land within its ownership to the Council prior to the commencement of the development.
- The applicant is required to pay and a proportion of 7% of the costs required for the implementation of the SAM Archaeological Conservation Management Plan (2020) drafted by Orion or any subsequent variation of this which has been agreed with the Local Planning Authority.
- Mitigation to be provided to ensure the net loss of biodiversity at the site, as a result of this development, is off-set within the Borough with a minimum of an overall 10% biodiversity net gain achieved within the Borough:
 - Prior to commencement of the development, the owner shall submit an overall strategy within a Principle Biodiversity Impact Assessment (BIA) to the Council for its written approval.
 - Once approved, where the BIA shows a Biodiversity Loss the owner shall submit a Biodiversity Mitigation Scheme to the Council for its written approval, prior to commencement of the development, which fully details the on-site and any off-site off-setting mitigation to be used with a minimum overall 10% biodiversity net gain to be achieved within the Borough. The Biodiversity Scheme shall include a time frame for the implementation of the off-site minimum 10% net gain.
 - Once approved the owner shall carry out the actions in the approved Biodiversity Mitigation Scheme to provide the overall 10% biodiversity net gain within the Borough, in accordance with the approved time frame.
 - Residential use through the release of restrictions imposed in the S106 agreement dated 8th January 2004.
 - £10,000 for the monitoring of the S106 Agreement.

(b) That the Executive Director (Growth and Housing), Director of Planning or Development Control Service Manager be DELEGATED to GRANT PLANING PERMISSION following completion of the LEGAL AGREEMENT under Section 106 of the Town and Country Planning Act 1990 (as amended) referred to above and subject to the conditions set out below:

General Conditions

01 Details of the appearance, layout, scale and landscaping, (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

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.

02 The development hereby approved shall be carried out in accordance with the approved plans and parameter plans: Location Plan: 12605_ACQ_Rev B
 Parameter Plans: Land Use Parameter Plan - 6702_300 Rev F, Green Infrastructure Plan - 6702_301 Rev E, Building Heights Parameter Plan - 6702_302 Rev D, Density Parameter Plan - 6702_303 Rev D, Access &

Movement Parameter Plan – 6702_305 Rev C, Framework Plan – 6702_306 Rev B.

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

Heritage related conditions

03 Notwithstanding the information submitted with the application, no development or preliminary groundworks of any kind shall take place unless and until an archaeological written scheme of investigation for a programme of archaeological work 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 for any works, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved archaeological written scheme of investigation / watching brief and measures shall be undertaken throughout the course of the works affecting below ground deposits in full accordance with the details approved under this condition and are to be carried out by a suitably qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is first brought into use.

Reason: A pre-commencement condition is justified to allow the preservation by record of archaeological deposits and to provide an opportunity for a watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the information submitted with the application and otherwise hereby approved, no development or preliminary groundworks of any kind shall take place unless and until full details of the protection measures proposed for the Prittlewell Camp Scheduled Monument and the Scheduled Monument Buffer during construction of the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Scheduled Monument and Scheduled Monument Buffer protection measures shall be provided prior to commencement of the development and shall be retained in situ for the entire construction period.

Reason: A pre-commencement condition is justified to protect the Scheduled Monument in the interests of archaeology and the character, appearance and setting of the Scheduled Monument in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

Design and related conditions

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until full details, specifications and appropriately sized samples of the materials to be used for all external surfaces of the proposed buildings, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascias and balconies, have been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition. 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 of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

06 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the works permitted by this permission, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: This pre-commencement condition is required in the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

Landscape conditions

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than ground and site preparation works, unless and until there has been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition, a scheme of hard and soft landscaping for the site and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping. This shall include full details of:

- i) Details of the trees to be retained,
- ii) The number, size and location of the trees and shrubs to be planted together with a planting specification,
- iii) Existing and proposed finished levels and contours,
- iv) Details of measures to enhance biodiversity within the site,
- v) Details of the treatment of all hard and soft surfaces, including all means of enclosing the site,
- vi) Details of any minor Artefacts and structures,
- vii) Full details of the play equipment, benches and associated facilities proposed.

viii) A timetable for the completion of the hard and soft landscaping and planting.

All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. 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 under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2021), 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).

08 The area of Public Open Space for the development hereby approved and as defined on the Land Use Parameter Plan (6702_300F) shall be provided and made accessible to the public in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, prior to the first occupation of any residential units.

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

09 No site preparation or development of any kind shall take place on the site unless and until full details of all tree protection measures at the site have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be fully installed before the commencement of any works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: This pre-commencement condition is justified in the interest of the visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

Living Conditions related conditions

10 Prior to the first occupation of the proposed dwellings, a Noise Impact Assessment shall be conducted by a competent person to assess the potential impact of existing commercial, industrial, leisure and and transport infrastructure on the proposed dwellings, which must include any necessary mitigation measures required for the proposal and which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Any agreed mitigation shall be installed and maintained as such in perpetuity prior to the first occupation of the dwellings hereby approved.

The internal and external areas of the dwellings are to be protected from external noise in accordance with British Standard BS8233:2014 and the current Noise

Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in British Standards BS8233:2014 Table 4.

For steady state noise internal ambient noise levels shall not exceed:

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

- Sleeping/Night-time Bedroom 35 dB LAeq,8hour

External areas shall be designed and located to ensure that private amenity areas are protected on all boundaries as to not exceed 55 dB LAeq,16hr.

No dwelling shall be first occupied unless and until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. A method statement should be submitted to and approved by the Local Planning Authority under the terms of this condition prior to the survey being undertaken. The requirement for Additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellings hereby approved.

Where it is necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change prediction
- Noise from the system will not present an adverse impact on occupants.

The approved alternative means of internal thermal regulation shall be maintained thereafter.

Reason: To mitigate noise in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

11 Prior to the first use of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

The submitted strategy shall include details of which plots on site and which windows on each plot require obscure glazing. The openings that are identified as needed to be glazed in obscure glass, shall only be so with 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 room or area served by the 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. The agreed obscure glazing shall be retained for the lifetime of the development.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by the Local Planning Authority, which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings. Before any buildings hereby approved are occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such for the lifetime of the development.

Reason: In the interests of residential amenity and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

13 No development above ground floor slab level shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

14 The development hereby approved shall be undertaken in strict accordance with the mitigation measures as set out in Parts 6.1 and 6.2 of the Air Quality Assessment by Stantec reference 45085/3004 dated January 2020 or any other mitigation measures that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interest of air quality and residential amenity in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), and the advice contained

within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

15 Contamination

A. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems archaeological sites and ancient monuments;

B. Submission of Remediation Scheme

No development other than site preparation works shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

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

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

E. Long Term Monitoring and Maintenance

E1) No development shall take place until a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same, have both been submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority as above.

Reason: This pre-commencement condition is justified 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 National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

16 No part of the development hereby approved above ground floor slab level shall be undertaken unless and until a Light Assessment to include full details of all external lighting at the site and a programme setting out the timescale for their implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be retained for the lifetime of the development.

Reason: In the interest of the safety, including highway safety, the visual amenities of the area and in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2021), policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

17 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 on Sundays or Bank 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).

Parking and Highways

18 No part of the development hereby approved shall take place, including any site preparation or clearance works, unless and until a Construction Environmental Management Plan, Strategy and Method Statement have been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition. The approved Construction Environmental Management Plan and Strategy shall be adhered to in full throughout the development's construction period. The Statement shall provide, amongst other things, for:

- Construction Traffic Strategy

- Noise and Dust Mitigation Strategies and plans to include measures to control the emission of dust, dirt and noise during construction and boundary particulate monitoring during demolition and construction.
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoardings
- Scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- Details of the duration and location of any noisy activities and measures to mitigate this.
- A scheme to minimise the risk of off-site flooding and to prevent pollution caused by surface water run-off and groundwater during construction works.
- A scheme to minimise the impact of the construction on ecology and to protect habitats from impacts including accidental pollution or dust-settling.

Reason: This pre-commencement condition is justified in the interest of highway safety, ecology and amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

19 Notwithstanding the information and plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until a minimum of 1 covered, secure, safe and conveniently located cycle parking space per dwelling has been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

20 The development shall not be first occupied unless and until at least two (2) off-street car parking spaces for each permitted house with 2 or more bedrooms and at least one (1) of street parking space for each permitted flat or dwellinghouse of 1 bedroom have been provided and made available for use in accordance with full 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 thereafter be permanently maintained solely for the parking of occupiers of and visitors to the development.

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

21 Notwithstanding the information and plans submitted and otherwise hereby approved, no part of the development hereby approved shall be first occupied or

brought into first use unless and until a car parking management plan has been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The car parking at the site shall be managed in accordance with the plan approved under this condition from first occupation of the scheme and in perpetuity thereafter for the lifetime of the development.

Reason: To ensure adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

22 Notwithstanding the information and plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied unless and until full details of the vehicle, cycle and pedestrian routes within the site have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby approved, the approved vehicle, cycle and pedestrian routes within the site shall be provided and made available for use in accordance with the approved details and retained as such thereafter.

Reason: In the interests of sustainability and permeability in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

Waste management

23 The development hereby approved shall not be first occupied unless and until a waste servicing plan to include servicing and delivery details and swept path analysis has been submitted to and approved in writing by the local Planning Authority. The development shall be undertaken and thereafter operated and managed only in strict accordance with the approved waste servicing plan from its first occupation.

Reason: To ensure that the development provides adequate servicing 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).

24 The residential dwellings hereby approved shall not be first occupied unless and until full details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling(s) to which they relate and shall be retained as such 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 the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

Flooding and Drainage

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

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

26 The development hereby approved shall be implemented in strict accordance with the flood mitigation strategy as outlined at paragraph 6.1 of the Flood Risk Assessment by Stantec reference 45085/4001 Rev B dated 22nd January 2020 or any other flood mitigation strategy that has previously been submitted to and approved in writing by the local Planning Authority under the terms of this condition prior to its first occupation and operated in accordance with the requirements of the same documents in perpetuity thereafter.

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

Ecology related conditions

27 The development hereby approved shall be undertaken, completed and operated in accordance with the findings, recommendations and mitigation measures contained within the Ecological Assessment Report by Stantec ref. 45065 dated September 2019, the Badger Survey by Stantec ref: 332110065 dated July 2021, and the Technical Note – Updated Extended Phase 1 Habitat Survey by Stantec ref. 332110065 dated 26th July 2021 (or any amendment approved under the provisions of this condition by the Local Planning Authority) which includes, but is not limited to, the following habitat mitigation measures being required:

- Prior to the first occupation of the development hereby approved, full details of the number, types and locations of the bird boxes, bat boxes and insect boxes to be provided shall be submitted to and agreed in writing by the local Planning Authority under the terms of this condition. The development shall not be first occupied unless and until the approved bird, bat and insect boxes have been provided in accordance with the details approved under this condition.
- During construction any trenches 1m or deeper shall be covered and secured with an escape provided and any open pipes shall be capped to prevent badgers and other animals becoming trapped.
- Prior to the felling of any trees that have potential to support roosting bats, additional bat surveys of such trees shall be undertaken, submitted to and approved in writing by the Local Planning Authority under the terms of this

condition. The development shall thereafter be undertaken only in accordance with the approved details.

- Habitat for Great Crested Newts and for Reptiles shall be retained and provided within the open space to the south of the site shown on drawing ref 6702_300F in accordance with details and timescales that have been submitted to and approved in writing by the local planning authority prior to the first occupation of the dwellings hereby approved.
- All vegetation clearance shall be undertaken outside the bird breeding season (September to November inclusive) unless the vegetation has been checked by a suitably qualified ecologist for active bird nests first. If any active nests are identified, the nests shall be left intact until the young have fledged.
- No development hereby approved shall be undertaken unless and until details of any required translocation of reptiles from parts of the site to suitable receptor areas or sites have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The approved translocation shall be undertaken in accordance with the approved details and completed prior to the first occupation of the development hereby approved.

Reason: This pre-commencement condition is required in the interest of biodiversity protection, mitigation and enhancement in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

Energy and water sustainability

28 Prior to the first 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 on-site renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the provisions of this condition and implemented on site in full 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 (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

29 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Southend-on-Sea 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 (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

Airport related conditions

30 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until confirmation that the development complies with the relevant Instrument Flight Procedures of the Airport Authority and confirmation that the development complies with the European Union Authority for Aviation Safety (EASA) lighting and renewable energy requirements has been submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority under the terms of this condition.

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

31 The development shall not be first occupied unless and until at least one car parking space available for the car club car and one space per residential unit have been fitted with active provision of an electric vehicle charging point in line with the requirements of the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021). Prior to first occupation all remaining spaces shall have been fitted with passive provision of electric vehicle charging infrastructure. The infrastructures required by this condition shall be maintained and retained for the benefit of future users and occupiers and visitors of the approved development for the lifetime of the development.

Reason: To ensure the provision of adequate electric vehicle charging infrastructure in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

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.

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 10th February 2022, or an extension of this time as may be agreed by the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Development Control Service Manager to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to affordable housing, secondary education and mitigation as it relates to the Recreational Avoidance Mitigation Strategy, highways and transport impacts, Scheduled Ancient Monument enhancement and maintenance, biodiversity net gain and Section 106 monitoring. As such, the proposal would be unacceptable and contrary to National and Local Planning Policy.

Informatives:

01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (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 In line with the Essex Police consultation response, the applicant is encouraged to liaise with the Essex Police – Designing out Crime office and is encouraged to achieve a Secure by Design (SBD) accreditation.

04 Due to the distance to the nearest existing statutory fire hydrant, it will be necessary for fire hydrants to be installed within the curtilage of the proposed site. You should consult with the Essex Fire Authority and the Water Authority to ensure all necessary fire hydrants are provided.

If a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, as required by the Building Regulations 2010 Approved Document B, an alternative solution may be required such as an Automatic Water Suppression System (AWSS) incorporated into the building design.

05 As part of any reserved matters application, the applicant is encouraged to explore all possibilities of providing a direct pedestrian link from the site to the bus stop located on Fossetts Way.

06 Any works on the public highway will need to be carried out under a Section 278 agreement and the adoption of any public highways, if deemed appropriate, will need to be carried out under Section 38.

07 The applicant is advised, in the submission of any Reserved Matters to consider including visitor parking within the development, given the site's relationship with the Scheduled Monument, which has potential to attract people who do not live on the site to visit the site.

08 The applicant is advised that at Reserved Matters stage, a full Daylight and Sunlight report will be required to be submitted with such application(s).

09 Once the final heights of the buildings are confirmed an Instrumental Flight Procedure (IFP) Assessment may be required. London Southend Airport is happy to engage with the developer on this. The development must be EASA compliant from a lighting and renewable energy point of view.

10 Further to condition 25, the following additional SuDS/Drainage information will be required as a minimum:

1. Soakaway testing covering different areas of the site should be provided by the applicant to confirm the hierarchy of disposal and maximise opportunities from infiltration (partial or total) across the site;
2. An illustrative management train with different options is considered in the FRA. The applicant should confirm the selected options;
3. The greenfield runoff rate should be calculated based on the positively drained (impermeable and permeable) areas only instead of the total site area;
4. Evidence of approval from AW will need to be provided by the applicant in relation to the new sewer requisition in Fossett's Way and any other drainage element to be offered for adoption.
5. Flow Control types and locations not shown on plan;
6. Exceedance paths not shown on plan;
7. The applicant has not presented a phasing plan as part of the submission;
8. The applicant has not presented any health and safety risks as part of the submission;
9. Surface water treatment is briefly mentioned within descriptions of SuDS features that may be incorporated into the detailed design proposals but has not outlined a treatment strategy (e.g. SuDS Manual Simple Index Approach (SIA));
10. The applicant has presented no evidence that the land south of the proposed site has been considered in the site surface water drainage proposals. The applicant should ensure that the soft landscaped area to the south and east of the site boundary are taken into consideration as potential catchment areas that should be accounted for within hydrological modelling;
11. The applicant should consider structural design for drainage infrastructure following appropriate guidance for the detailed design stage planning submission;
12. The applicant should consider appropriate materials and products for their intended use during the detailed design stage planning submission.

11 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.

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

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

14 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

15 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

16 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

17 Essex and Suffolk Water will require a water connection for the new dwellings is made onto their Company network for revenue purposes.

18 You are advised that any archaeological finds should be deposited with Southend Museums and you are encouraged to contact Victoria Rathmill Assistant Curator of Archaeology (email VictoriaRathmill@southend.gov.uk) in order to confirm charges for this and other procedural matters in relation to archaeology.

683 21/02089/AMDT - Former 51 Chalkwell Avenue, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Application to vary condition 02 (Approved Plans) replace plan numbers 001 Ground Floor and site Plan, 002 First Floor Plan, 003 Second Floor Plan, 004 West Elevation, 005 South Elevation, 006 North Elevation, 007 East Elevation , 008 Roof Plan with plan numbers Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022) - adjustment in the reduction footprint and adjustment of the internal plans and elevations necessitated by updated survey information (Minor Material Amendment of Planning Permission 20/02224/FUL dated 2.6.2021)

Applicant: Herald Build Limited

Agent: iArch Consulting

Mrs Ellman, a local resident, spoke as an objector to the application. Mr Wislocki, responded on behalf of the applicant.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than 2nd June 2024.

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 Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022), Section Detail

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls, bays and balconies, roof, eaves and roof terraces, windows and doors, entrance glazing and porch, fascia and soffits, balcony balustrades and privacy screen, bin and cycle stores, rainwater goods 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 first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) 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 shown on the plans submitted and otherwise hereby approved, no construction works above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the main entrance and porch and entrance porch to units 2 and 3, projecting bays and balconies including balustrade details, windows and doors including reveals and framing and fixing of Juliette balconies, projecting eaves detail including soffits, flat roof ridge edge detail, dormer detail to north elevation, tile hanging and brick decoration and any alterations to the existing boundaries to Kings Road and Chalkwell Avenue, 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 area, in accordance with the National Planning Policy Framework (2021) 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 Prior to the occupation of the development hereby approved an obscure glazed privacy screen (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) of not less than 1.7m high above terrace level shall be fitted to the south side of the 2nd floor terrace to unit 9 and to the south side of the 2nd floor terrace to unit 8 for a length of 2m measured back from the rear elevation of unit 8 in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development

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

06 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 of the existing building shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i) Proposed finished site levels or contours;
- ii) Means of enclosure, of the site including any gates or boundary walls and fencing;
- iii) hard surfacing materials;
- iv) full details of any structures (e.g. benches, planters, loggias, lighting etc.);
- v) full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- 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 the visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

07 The tree and tree root protection measures as set out in Tree Protection Plan Rev 3 dated 20.01.2022 and Appendix 3 of the Arboricultural Report Rev 03 by Andrew Day Arboricultural Consultancy Ltd dated 20.01.22 in relation to the trees identified as T2, T3, T4, T7, T8 and T9 in this statement including the mitigation measures in relation to construction within their root protection areas shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development hereby approved. 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).

08 The 9 car parking spaces, each with associated electric vehicle charging points, the associated new vehicular access for these spaces to access the public

highway on Kings Road and the reinstatement of the redundant crossover on Chalkwell Avenue back to planted verge, as shown on approved plan 012 (18.01.2022) shall be provided and made available for use prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.

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 (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The development hereby approved shall not be occupied or brought into use until and unless the refuse and recycling storage and cycle storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawings number 012 (18.01.2022) and 010 (18.01.2022) or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate refuse and recycling storage and secure cycle 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).

10 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 development 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 (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

11 Prior to occupation of the development 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 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 whole development 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

12 The development hereby approved shall be carried out in a manner to ensure the flats comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide.

13 No drainage infrastructure, including earthworks, associated with this development hereby approved shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and shall 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 (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

14 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

15 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 the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

16 The development hereby approved shall be undertaken in full accordance with the submitted Construction Method Plan Rev 2 dated 17.01.2022 or any other Construction Method Plan which has been previously submitted to and approved in writing by, the Local Planning Authority. This plan shall be fully adhered to throughout the construction period of the development.

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).

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). 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).

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. The applicant is advised to contact the Councils Highways Officer martinwarren@southend.gov.uk to arrange the reinstatement of the crossover and verge on the Chalkwell Avenue frontage which must be carried out by the Councils appointed contractor.

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.

- 684 **21/01900/FUL - 995 - 1003 London Road, Leigh-on-Sea (Blenheim Park Ward)**
Proposal: Erect two storey rear extension and form new second floor to main building with green roof and roof terrace to form 5no. self-contained flats with associated parking, bin and cycle store
Applicant: Mr Schofield on behalf of Cycles UK
Agent: SKArchitects

This application was WITHDRAWN by the applicant.

- 685 **21/02453/FULH - 15 Leslie Close, Eastwood (Eastwood Park)**
Proposal: Raise ridge height and form hipped to gable roof extension, install dormers to front and rear to form habitable accommodation in the loftspace, erect single storey rear extension (amended proposal)
Applicant: Mr Tony Wilkins
Agent: Mr Carl Brampton of Contour Architectural Designs Ltd.

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed roof extensions, by reason of their scale, siting and design, would appear out of keeping, unduly prominent and incongruous in the streetscene, to the significant detriment of the character and appearance of the dwelling, the streetscene and wider surroundings. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the National Design Guide (2021) and Southend-on-Sea 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 with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

Informative

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.

686 21/02329/FULH - 141 North Avenue, Southend-on-Sea (St Lukes Ward)
Proposal: Erect single storey rear extensions
Applicant: Biloenkomo
Agent: A R Property Designs

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 hereby permitted shall be carried out only in accordance with the following approved plans: LOCATION L1, DRWG 01A.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (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 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.

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.

687 21/01506/FUL - 12 Branksome Road, Southend-on-Sea (Kursaal Ward)
Proposal: Demolish existing building and erect 4no two storey dwellinghouses with associated amenity space and parking, form new vehicular accesses onto Branksome Road (Amended Proposal)
Applicant: Susan Steel
Agent: Mrs Lindsey Wislocki of Hedgehog Architects

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development, by reason of its scale, layout, density and design would be incongruous and obtrusive and fail to demonstrate a positive contribution to the character and appearance of the street scene, to the detriment of the character and quality of the site and its wider surroundings and representing an overdevelopment of the site. The proposal would provide the public benefits of 4no. M4(2) compliant dwellings, and a net increase of 3no. dwellings, however these benefits would not outweigh the significant harmful impacts identified. It is therefore concluded that the development would not be sustainable development, would be unacceptable and contrary to the National Planning Policy Framework (2021), National Design Guide (2021), 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).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

Informative

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

**688 20/00348/UNAU_B - 176 Burges Road, Thorpe Bay (Thorpe Ward)
Breach of Planning Control: Extension not in accordance with approved
plans under reference 20/00556/FULH**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- a) the removal of the unauthorised rear extension in its entirety OR
- b) reposition and amend the extension so that it fully complies with the approval granted under planning reference 20/00556/FULH; and
- c) the removal from site all materials resulting from compliance with a) OR b) 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 demolition of the unauthorised rear extension or its modification to comply with planning permission ref 20/00556/FULH.

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 CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 2nd March, 2022
Place: Council Chamber - Civic Suite

6

Present: Councillor N Ward (Chair)
Councillors A Dear (Vice-Chair), M Berry*, K Buck, T Cowdrey*,
M Dent, F Evans, D Garne, S Habermel, D Jarvis, A Jones,
D McGlone*, C Mulroney, A Thompson, S Wakefield and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillor P Collins
K Waters, G Gilbert, P Keyes, C Galforg, S Mouratidis, M Warren
and T Row

Start/End Time: 2.00 pm - 4.35 pm

755 Apologies for Absence

Apologies for absence were received from Councillors Cowan (substitute: Councillor Berry), D Garston (substitute: Councillor McGlone) and Mitchell (substitute: Councillor Cowdrey).

756 Declarations of Interest

The following interests were declared at the meeting;-

(a) Councillor Collins – Application Ref. No. 21/92459/FUL (366 Rayleigh Road, Eastwood) – Non-pecuniary interest: Received representations and spoke about the application with residents;

(b) Councillor Habermel – Enforcement of Planning Control Ref. No. 20/00009/UNAU_B (84-90 The Ridgeway, Westcliff on Sea) – Non-pecuniary interest: Rear garden of his property is on the other side of the railway in close proximity to the site (withdrew);

(c) Councillor Mulroney – Application Ref. No. 21/02498/FUL (Flat 1, Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council, non-participant in planning;

(d) Councillor Wakefield – Application Ref. No. 21/02525/FUL (11 Wesley Road, Southend on Sea) – Non-pecuniary interest: Owns an HMO;- and

(e) Councillor Walker – Application Ref. No. 21/92459/FUL (366 Rayleigh Road, Eastwood) – Non-pecuniary interest: Has been asked about the application by residents.

757 Supplementary Report

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

758 21/02498/FUL - Flat 1, 82 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)
Proposal: Extend existing detached outbuilding to form store area
Applicant: Mr and Mrs M Day
Agent: Metson Architects Ltd

Mr Weber, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed extension in combination with existing and consented development on the site would be detrimental to the open and undeveloped character of the rear gardens within Undercliff Gardens at this point to the detriment of the character of the area and representing an overdevelopment of the site contrary to the provisions of the National Planning Policy Framework (2021), Policies KP2 and Policy CP4 of the Core Strategy, Policies DM1 and DM6 of the Development Management Document (2015) and the Design & 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 with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

759 22/00002/FUL - 172 - 174 London Road, Southend-on-Sea (Milton Ward)
Proposal: Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage (Amended Proposal)
Applicant: Mr Martin Saunders
Agent: Mr Jonathan McDermott of Town Planning Experts

Mr Moore, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby approved shall be carried out in accordance with the approved plans: 695-400; 695-401; 695-402; 695-403 Rev 03; 695-404 Rev 03

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

03. Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing dwelling. This applies unless differences are shown on submitted plans.

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

04. Prior to occupation of the development hereby approved, details of energy efficiency and other sustainability measures, including the provision of at least 10% of the energy needs of the development hereby approved being provided from renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried only 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 (2021), Core Strategy (2007) policies KP2 and CP4 and the guidance contained within the Design and Townscape Guide (2009).

05. 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

06. Prior to occupation of the development hereby approved, details of secure, covered cycle and refuse storage for the flats shall be submitted to and approved in writing by the local planning authority. The agreed details shall be implemented and made available for use before the flats are first occupied and shall be permanently retained for occupiers of the development thereafter.

Reason: In order to protect the character and visual amenities of the area and the environment for residents and provide sustainable modes of transport in accordance with of the Council's Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) policies DM1, DM3 and DM15.

07. Hours of construction 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 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

08. Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front elevation of the development (windows to meet Specification RW 35) to mitigate Road Traffic Noise from London Road.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09. 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 under the provisions of this condition. 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 and boundary treatment for the site plus internal boundaries within the site including any gates or boundary fencing;
- (ii.) hard surfacing materials;
- (iii.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- (iv.) 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 under the provisions of this condition.

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

10. No development shall take place on site, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority under the provisions of this condition. The approved CMS shall be adhered to throughout the construction period. The CMS 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;
- vii) measures to mitigate noise impacts

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

11. Prior to occupation of the dwellings hereby approved, obscure glazed privacy screening (to at least Level 4 on the Pilkington scale of obscurity) shall be installed to the first-floor rear balconies in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The privacy screens shall be retained as approved for the lifetime of the development.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).

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). 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).

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

take care when carrying out works on or near the public highways and footpaths in the Borough.

The Local Planning Authority has acted positively and proactively in determining this application by 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.

760 21/02525/FUL - 11 Wesley Road, Southend-on-Sea (Kursaal Ward)
Proposal: Change of use from existing 6 bed HMO (Class C4) to 7 bed HMO (Sui Generis) with bike store to rear and refuse store to front
Applicant: Mr Martin Saunders
Agent: Krystal Architecture Ltd.

Mr Udod, a local resident, 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 no later than three years from the date of this permission.

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 654-400-Rev 00, 654-401-Rev 01, 654-402-Rev 00.

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

03 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building, the accommodation in which is being extended under the provision of this permission, shall not at any time be adapted to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) people 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

04 Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until at least seven (7) secured and covered cycle parking spaces have been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which have been previously submitted to and

approved in writing by the Local Planning Authority under the scope of this planning condition. The cycle provision shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 (Rev 2021) and the Design and Townscape Guide (2009).

05 Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until secure refuse and recycling store has been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which are previously submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition. The refuse and recycling provision shall be retained in perpetuity thereafter.

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 (2021), 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 (Rev 2021), the Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

06 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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

Informatives:

1. 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.

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.

761 21/02450/FUL - 366 Rayleigh Road, Eastwood, Leigh-on-Sea (Eastwood Park Ward)
Proposal: Change of use from storage/distribution (Class B8) to tyre sales and fitting (Class Sui Generis)
Applicant: Karsaz Hassan
Agent: Nicholas Kingsley Smith of Kingsley Smith Solicitors LLP

Resolved:-

1. That planning permission be REFUSED for the following reason:

01 Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).

Positive and Proactive Statement

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

Infomative

01 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.

2. That ENFORCEMENT ACTION be AUTHORISED to:

- a) Cease operating as a tyre fitting unit;
- b) Remove the corrugated sheeting and blue painted finish from the building;
- c) Remove from site all materials resulting from compliance with a) and b) above, including tyres stored externally and internally.

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.

762 20/00009/UNAU_B - 84 - 90 The Ridgeway, Westcliff-on-Sea (Chalkwell Ward)

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- (a) the removal of the unauthorised first floor rear extensions;
- (b) the removal of the unauthorised patio; and
- (c) the removal from site of all materials resulting from compliance with (a) and (b) 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: 06th April 2022

WARD	APP/REF NO.	ADDRESS
-------------	--------------------	----------------

Main Plans Report		
St Laurence	21/02034/OUT	Land Adjacent 1 Smallholdings
Leigh	22/00236/FULH	11B New Road Leigh-on-sea

Enforcement Report		
Westborough	20/00098/UCOU_B	369 Westborough Road Westcliff-On-Sea
Milton	19/00190/UNAU_B	18 Parkgate Westcliff-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) London Southend Airport & Environs 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
- (xvi) Southend Electric Vehicles Charging Infrastructure SPD

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:	21/02034/OUT	<h1>8</h1>
Application Type:	Outline Application	
Ward:	St Laurence	
Proposal:	Erect nine dwellinghouses with associated landscaping and car parking (Outline)	
Address:	Land Adjacent, 1 Smallholdings, Eastwoodbury Lane, Southend-on-Sea, Essex	
Applicant:	Millen	
Agent:	N/A	
Consultation Expiry:	19 th November 2021	
Expiry Date:	8 th April 2022	
Case Officer:	Oliver Hart	
Plan Nos:	Location Plan; SEOS001 Rev 1; SEOS004	
Supporting Documents	Design and Access Statement; Habitat Mitigation Plan; Reptile Survey; Tree Survey and Arboricultural Impact Assessment (ref no. 22_5837_02_42)	
Recommendation:	Members are recommended to GRANT OUTLINE PLANNING PERMISSION subject to CONDITIONS	



1 Site and Surroundings

- 1.1 The application site consists of a parcel of land to the south of Eastwoodbury Lane, some 0.27ha in area. Irregular in shape, the site is currently undeveloped with an existing access point from Eastwoodbury Lane.
- 1.2 The land immediately to the south of the site is undeveloped land and beyond that is a community allotment. To the north-west and east of the site are residential dwellings positioned along Eastwoodbury Lane (north) and Eastwoodbury Crescent and Eastwoodbury Close (east). To the west is undeveloped land comprising a small area of woodland to its fringe. The majority of the site is covered in a mix of bramble, small trees, long grass, vegetation and saplings.
- 1.3 The accompanying Design and Access Statement states that the application site once formed part of the rear garden to 1 Smallholdings (north-west) but was historically separated from the property's legal title upon sale of the property so that it could be retained by the current owner.
- 1.4 The site is designated as Best and Most Versatile Agricultural Land (BMVAL) within the Core Strategy and Development Management Document. It also lies within the area covered by the London Southend Airport Joint Area Action Plan (JAAP) however, it holds no specific designation. The application site is not the subject of any other site-specific policy designations.

2 The Proposal

- 2.1 Outline planning permission is sought for access and layout only for a residential development comprising 9no. 2- bedroom dwellinghouses, with all other matters, namely appearance, scale and landscaping, reserved for future consideration.
- 2.2 The accompanying site plan outlines the layout of the dwellings as a short terrace and 3no. pairs of semi-detached dwellinghouses set in a crescent arrangement around a central turning area. The site plan details each dwelling would be provided with its own private garden area and 2no. off-street car parking spaces, several of which would be provided either in a tandem arrangement, or within double garages.
- 2.3 The site plan also details the removal of 5no. existing trees in the application site to make way for the development, with a total of 128 new trees and shrubs proposed to be planted across the site. No specific details of planting have been submitted at this time with landscaping being a reserved matter for later consideration.
- 2.4 Whilst scale is a reserved matter, from the site plan and accompanying submission documents, it can reasonably be determined that each dwelling would be two storeys and would measure some 8.5m deep by 5m wide.
- 2.5 Access is not a reserved matter and details have been submitted for full consideration as part of this outline application. It is proposed to enlarge the existing vehicle crossover to 4.8m from Eastwoodbury Lane and install a private access road some 4.8m wide to ensure vehicles can access and egress the site in a forward gear.

3 Relevant Planning History

- 3.1 17/00002/FUL – Erect two storey detached dwellinghouse with parking to front on land adjacent to 1 Smallholdings- Refused
- 3.2 17/00829/FUL- Erect two storey detached dwellinghouse with parking to front (Amended Proposal)- Refused. Dismissed at Appeal.

Officer Comment: These previously refused applications relate to development that was proposed to infill the space between 12 Eastwoodbury Lane and 1 Smallholdings. They were refused as the siting and design of the dwelling proposed was considered to have appeared out of keeping with the existing layout and character of development in the area and would have resulted in infill development which was visually harmful to the character and appearance of the surrounding area.

This application differs in that development would be positioned to the rear of 1 Smallholdings, retaining the existing separation space between 12 Eastwoodbury Lane and 1 Smallholdings. It is therefore considered that the nature of the two applications is materially different and therefore, only very limited weight can be attached to these previous refusals.

4 Representation Summary

4.1 Public Consultation

34 neighbouring properties were consulted and a site notice displayed. 11 letters of representation have been received which make the following summarised comments:

- Objection to loss of Agricultural land.
- Objection to lack of Affordable housing.
- Proposal may set a precedent for other similar development in the immediate vicinity
- Concerns about impact of development on protected species
- Concerns about increased pollution from loss of trees
- Proposal will lead to increased traffic movements
- Objection to loss of Green Belt
- Amenity concerns
- Impact on existing views and receipt of sunlight to properties and neighbouring rear gardens
- Noise and disturbance concerns from new access road
- Design and character concerns- proposal would appear out of keeping with surrounding development
- Highway safety concerns
- Parking concerns
- The land was farmed successfully for a period post the first world war
- Undeveloped land should be preserved
- Proposal represents overdevelopment
- New landscaping encroaches onto neighbouring properties
- Concerns about impact on existing trees

[Officer Comment] These concerns are noted and they have been taken into account

in the assessment of the application, but are not found to constitute reasons for refusal in the specific circumstances of this case. The application site does not form part of the Green Belt.

Committee Call In

4.2 This application has been referred to committee by Cllrs Cowan, McGlone, Walker.

Highways Team

4.3 No objections - Car parking provision is policy compliant. No detrimental impact on the local highway network. The proposed access will not be suitable for adoption as public maintainable highway. Waste collection policy should inform the construction of the road.

Parks

4.4 No objections - The recommendations of the ecological report and other biodiversity enhancing measures should be conditioned. As per the tree survey, an arboricultural method statement and tree protection plan should be conditioned to detail how the retained trees will be protected through the development phase. This method statement should include the requirement for tree removal to be undertaken outside of bird nesting season.

4.5 Environmental Health

No objections subject to conditions relating to construction management and waste management.

4.6 London Southend Airport

No objections subject to condition limiting the height to be no taller than the surrounding properties and an informative about cranes.

4.7 Essex County Fire & Rescue

No objections subject to an informative about sprinklers.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

5.3 Technical Housing Standards - Nationally Described Space Standards (2015)

5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP5 (Minerals and Soils Resources) and CP8 (Dwelling Provision).

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), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).

5.6 Design & Townscape Guide (2009)

- 5.7 Vehicle Crossover Application Guidance (2021)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Southend Airport Joint Area Action Plan (2014)
- 5.11 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)
- 5.12 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.13 Technical Housing Standards Policy Transition Statement (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, biodiversity considerations, design and impact on the character and appearance of the area, residential amenity implications, whether the development would provide suitable living conditions for future occupiers, highway, parking and traffic and transportation considerations, sustainability, waste, ecology, flood risk and surface water drainage and CIL liability.

7 Appraisal

Principle of Development

Provision of housing and loss of Best and Most Versatile Agricultural Land (BMVAL)

- 7.1 Paragraph 119 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 Paragraph 121 of the NPPF states *'Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.'*
- 7.3 Policy KP2 of the Core Strategy states that all new developments should *'...make the best use of previously developed land, ensuring that sites and buildings are put to best use...respect, conserve and enhance and where necessary adequately mitigate effects on the nature and historic environment...do not place a damaging burden on existing infrastructure...promote improved and sustainable modes of travel...secure improvements to the urban environment through quality design...respect the character and scale of the existing neighbourhood where appropriate...'*

- 7.4 Policy CP8 of the Core Strategy states: *‘Provision is made for 3,350 net additional dwellings between 2001 and 2011 and for 3,150 net additional dwellings between 2011 and 2021.’* However, this document is more than fourteen years old, pre-dating the NPPF, and as such SBC’s policy related to the number of homes required to be delivered in the City is out-of-date. Accordingly, the Standard Method (December 2020) applies. This increases the annual housing need of Southend-on-Sea from 325 dwellings per annum to 1,181 dwellings per annum, representing a 263% increase and highlighting the pressing need for housing within the City. The Addendum to the South Essex Strategic Housing Market Assessment (“SESHMA”) (May 2017) identified a similar level of housing need.
- 7.5 Policy DM3 of the Development Management Document 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.’*
- 7.6 The Government’s latest Housing Delivery Test (“HDT”) Results (January 2022) show that Southend-on-Sea delivered 31% of its total housing requirement between 2018-2021, thereby triggering the presumption in favour of sustainable development under paragraph 11 of the NPPF. Southend-on-Sea’s Five-Year Housing Land Supply (“5YHLS”) figure shows that there is a deficit in housing land supply in Southend-on-Sea. The latest available figure stands at 2.55 years’ worth of housing land supply. Together, this demonstrates a pressing need for housing delivery within the City. The SESHMA identifies that Southend-on-Sea 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.
- 7.7 The proposed development would provide additional housing within the City, including dwellings which could be utilised by small family groups which is a positive of the scheme and for which there is a significant identified need in the City. This is considered to carry significant weight in the assessment of the scheme.
- 7.8 In terms of the BMVAL designation, the key policy is CP5 of the Core Strategy which *‘seeks to protect the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) from irreversible damage where this is consistent with the full range of sustainability considerations, including biodiversity; quality and character of the landscape; amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality.’*
- 7.9 Annex 2 of the NPPF defines BMVAL as Land in grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the BMVAL. Paragraph 175 and footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 7.10 The proposal would result in new development on land that is designated as BMVAL and

sequentially is less preferable than lower grades of agricultural land. Despite the conflict with policy, this issue is not capable of disengaging the presumption in favour of sustainable development.

- 7.11 The planning statement submitted details that the neighbouring parcels of undeveloped land are all of modest size and under private ownership, representing a significant obstacle in mobilising the site for any future commercial agricultural activity. In addition, the modest size of the site itself, its position in a semi-urban locale and proximity to residential development to the immediate north and east are such that it is unlikely to hold any value in terms of agricultural potential.
- 7.12 This case is supported by the applicant with the submission of an appeal decision¹ for a site in Winterley, Cheshire (the “Winterley Decision”) where the Planning Inspector reasoned that due to the size of the land and its isolation from any non-residential surrounding land, the introduction of residential development would not materially impact on agriculture production. The size of the site in question was some 2.1ha, which is significantly larger in comparison to the application site. The Planning Inspector afforded modest weight to the loss of BMVAL. This part of the submitted Winterley Decision is relevant to the determination of this application and should be given significant weight. Other matters weighed in the Winterley Decision, such as the provision of housing and affordable housing, the HDT and 5YHLS of Cheshire East Council, the application of local policies of that Local Planning Authority are not directly relevant for the consideration of this application.
- 7.13 The relevant part of the Winterley Decision would suggest that, in the circumstances of this application site, due to the size of the application site and isolation from any non-residential use of land, the loss of BMVAL in this instance would not compromise agricultural activities in Southend-on-Sea. This is further highlighted by the fact that the site only makes up a small percentage of such land within the City limits, and that the majority of such land is already protected by a Green Belt designation (to the north-east of the City bordering Rochford District Council). In line with the Winterley Decision, modest or even limited weight should be given to this less positive aspect of the proposal.
- 7.14 It is considered that the indicative scheme of 9no. dwellings at the density proposed would constitute effective and efficient use of the land. The results of the HDT and 5YHLS position weigh significantly in favour of the proposed housing scheme which in this instance, given its scale, is considered to make a significant contribution towards the provision of housing for the area. The development is considered to satisfy national and local planning policy in these regards. The tilted balance in favour of sustainable development should be applied.

Backland development

- 7.15 The location of the proposed dwellings would render the proposal backland 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:

¹ PINS reference APP/R0660/W/20/3251104, dated 11 March 2021

- 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.”

7.16 The surrounding area is mixed in character, comprising residential development to the north-west and east and undeveloped land to the south and west. Regard is had to the position of the application site in a broadly sustainable location for development and which, on balance, would duly conform to the prevailing land use around it. As discussed in more detail in the relevant sections of the report, the proposal would comply with the relevant criteria of policy DM3.

7.17 On the basis of the information outlined above, it is considered in this instance and on balance, that the resultant harm caused by the loss of BMVAL is outweighed by the case for new residential development and the application of the presumption in favour of sustainable development. Subject to other detailed considerations outlined below, the principle of development is acceptable.

Design and Impact on the Character of the Area

7.18 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 Council is committed to good design and will seek to create attractive, high-quality living environments.”

7.19 Paragraph 126 of the National Planning Policy Framework 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.’

7.20 Development Management Document Policy DM1 states that 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.”

7.21 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 development, and respecting the scale and nature of that development*”.

7.22 This is an outline application with appearance, scale and landscaping matters reserved for later consideration. Site layout plans have been submitted with the application to allow the formal assessment of the proposed layout and access arrangements.

- 7.23 The application site is positioned on the fringe of the suburban area, between established residential development to the north-west and east and open land to the west. As noted, the development will introduce built form on presently undeveloped land and the impact on the open and spacious character of the area is a less positive aspect of the proposal.
- 7.24 Regard is had to the layout of the dwellings as a short terrace and 3no. pairs of semi-detached dwellinghouses set in a crescent arrangement around a central turning area. There is significant separation between the dwellings themselves and deep rear gardens are also noted such that it is considered that spaciousness has been carefully designed into the scheme. The proposal will have an impact on the open and spacious character of the area, but having due regard to the urgent need for new housing and noting that there would not be a total reduction in the sense of spaciousness that exists between the existing dwellings 12 Eastwoodbury Lane and 1 Smallholdings, on balance, no objection is raised to the development on this basis.
- 7.25 There is no overall order to the siting and/or arrangement of neighbouring properties in the adjoining roads, with properties along Eastwoodbury Lane and Eastwoodbury Crescent following a more traditional rectilinear pattern whilst those dwellings along Eastwoodbury Close resemble 'backland' development, owing to their position beyond the rears of dwellings fronting Eastwoodbury Crescent and siting around a central turning area. On this basis, it is not considered that the proposal as a residential 'backland' development would appear significantly at odds with the urban grain of the area.
- 7.26 The character of the neighbouring properties is also mixed, comprising terraced and semi-detached two-storey properties of varying form and design, positioned on plots of varying size. Due to the mixture of the surrounding development and having regard to the position of the proposed dwellings to the rear of neighbouring development, away from clear public views, it is not considered that there is a prevailing character or appearance that the proposed development should replicate or reference. Rather, the new small estate will establish its own character.
- 7.27 Scale, appearance and materiality are reserved matters. The site layout plan indicates the proposed dwellings would be two storeys in scale, hip roofed in design, and some 5m wide by 8.5m deep. In general terms, it is considered that the scale and appearance of the development, as indicated on the submitted plans, is acceptable. Limited material details have been submitted at this stage given the outline nature of the application. Conditions are suggested to require full details of the above matters.
- 7.28 Landscaping is also a reserved matter and specific landscaping details have not been provided for consideration within the outline application. As noted above, the site layout plan shows the development is to be set within a landscaped setting following the planting of 128 new trees and shrubs which is a positive feature of the development. Subject to conditions requiring full landscaping details, the level of planting being suggested is considered acceptable.
- 7.29 The application has been submitted with a tree survey and an Arboricultural Impact Assessment (AIA). The proposal seeks to remove 3no. Elder trees to make way for the proposed development: T6, T14 and T15 and 2no. Sycamore trees: T9 and T11. These trees are not the subject of a TPO. The Elder trees have been categorised in the AIA as being in poor physical condition (category U trees) with a life expectancy of less than 10 years. The Sycamore trees

are identified in the AIA as in good condition (category B trees) with a life expectancy between 20 and 40 years. The AIA concludes that the loss of the 5 trees will have little impact on the visual amenity of the area. Due regard is had to the generally poor condition of those identified trees and the generous planting schedule proposed such that on balance, no objection is raised on this basis.

- 7.30 All retained trees will require suitable tree protection and specialist methods of design and construction will need to be employed to minimise any impact on trees to be retained. Subject to a condition requiring the development to be undertaken in accordance with the recommendations of the AIA, the development is considered to have an acceptable impact on the trees within and adjacent to the site and would not significantly harm the character and appearance of the site or surrounding area in this regard, especially noting the extensive tree planting proposed as part of this proposal.
- 7.31 Overall, the proposal is considered to be, on balance, and subject to conditions, acceptable and policy compliant in terms of its impact on character and appearance of the site, streetscene and wider surrounding area.

Living Conditions of Future Occupiers

- 7.32 Paragraph 129 of the NPPF states that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

Technical Housing Standards

- 7.33 Significant weight should be given to the Technical Housing Standards that have been published by the Government which are set out below:
- Minimum property size for residential units shall be as follow:
 - 2 bedroom (3 person units) - 61sqm to 70sqm (depending on the storeys)
 - 2 bedroom (4 person units) – 70sqm to 79sqm (depending on the storeys)
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.
- 7.34 The following is also prescribed:
- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided

for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.

- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

7.35 Limited details have been submitted at this stage as the internal layout, scale and appearance are reserved for later consideration, however, it is considered that dwellings could be designed on the site which could satisfy all of the minimum requirements of the technical space standards.

Light and outlook

7.36 Limited details have been submitted at this stage as the layout, scale and appearance are reserved for later consideration. However, it is considered that the scheme for 9no. new dwellings could be provided on the site that provides adequate and acceptable levels of light, outlook and ventilation for any future occupiers. It is also considered that the proposed layout is such that it would not result in unacceptable levels of intervisibility between the units.

Amenity Areas

7.37 Policy DM8 of the Development Management Document states new dwellings should *'Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reason for which will need to be fully justified and clearly demonstrated.'*

7.38 The site layout plan shows each dwelling would benefit from their own private rear gardens. Based on the application submissions, it is considered that the dwellings would be provided on the site with acceptable amenity areas for their future residents. No objection is therefore raised on this basis.

Accessibility

- 7.39 Policy DM8 of the Development Management Document as amended by the Technical Housing Standards Policy Transition Statement states that developments should meet building regulation M4 (2) – ‘accessible and adaptable dwellings’ unless it can be clearly demonstrated that it is not viable and feasible to do so.
- 7.40 Limited details have been submitted in this respect, given the outline nature of the proposal. However, the applicant’s agent has confirmed that all of the dwellings are designed to be Building Regulation M4(2) compliant. Subject to a condition in this respect, the development is acceptable and policy compliant in this regard.
- 7.41 Subject to conditions, the development is considered to provide acceptable living conditions for future occupiers and the development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.42 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High-quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.43 The application seeks to obtain outline planning permission with the details of appearance, scale and internal layout reserved for later consideration. However, a site layout plan has been provided to help assessment at this stage.
- 7.44 Plot 1 is the nearest proposed dwelling to 1 Smallholdings, 12 Eastwoodbury Lane and 23 and 25 Eastwoodbury Crescent. Plot 1 would be located some 3m from the rear boundary of 1 Smallholdings (north) and some 23m from the rear of the neighbouring property itself. It would be positioned some 19m from the rear/flank boundary of 12 Eastwoodbury Lane (north-east) and some 30m from the rear of the neighbouring property itself. With regards to No’s 25 and 23 Eastwoodbury Crescent, Plot 1 would be removed from the respective rear boundaries by some 8.5m and some 40m from the rears of the neighbouring properties themselves. The other proposed dwellings are further removed. It is not considered the proposed development would appear significantly overbearing or result in an undue sense of enclosure to these properties.
- 7.45 The proposed terrace (Plots 1-3) and the nearest semi-detached pair (Plots 4-5) are positioned between 9 and 9.9m from the rear boundary of 7 Eastwoodbury Close. The separation increases to between 22 and 24m from No.7’s rear and flank elevations such that it is not considered the proposed development would appear significantly overbearing or result in an undue sense of enclosure to this property.
- 7.46 Plot 9 is the nearest proposed dwelling to neighbouring dwellings at 3 to 6 Eastwoodbury Close. The position of Plot 9 is such that its flank elevation would be located adjacent to the neighbouring rear boundaries. A separation between 4.5m and 5.5m from the flank of Plot 9 to the respective neighbouring rear boundaries would be maintained. The separation increases to between 14m and 16m from the rears of the neighbouring properties such that it is not

considered the proposed development would appear significantly overbearing or result in an undue sense of enclosure to these properties.

- 7.47 It is understood that the proposal will impact upon available views from the rears of adjoining properties, particularly along Eastwoodbury Close. However, there is a distinction in planning terms between the protection of private views and outlook. Outlook is the more immediate confines of a vista, an expectation that vistas would not be hemmed in unreasonably by development and is duly safeguarded by planning controls. A view refers to unrestricted access to the wider surrounds. Neighbouring properties presently benefit from private views across open land. However, unless the presence of built form contains their outlook unreasonably, the loss of the open view is not a reason to refuse planning permission. It is reasoned that the separations involved and the spacious layout of the proposed dwellings are such that the resultant outlook of the adjoining properties will not be significantly reduced so as to warrant refusal of the planning application on this basis.
- 7.48 The arrangement of the proposed dwellings is such that there would be a degree of overlooking of neighbouring rear gardens. Generally, when considering the site as a whole, this is not considered to be against the grain of what can reasonably be expected in a residential setting. The arrangement of neighbouring properties as two-storey terraces and semi-detached pairs is such that a degree of over-looking of rear gardens exists at present and is considered to form part of the character of the rear garden scene. Therefore, there is no objection to a similar arrangement at the proposed development. The separation of proposed Plot 5 to 6 Eastwoodbury Close, is some 16.5m. Due to the angled position of 6 Eastwoodbury Close away from Plot 5, together with Plot 5's corner location (where primary windows can face into the side elevation) and additional screening provided by proposed trees, on balance, this relationship is considered acceptable.
- 7.49 In addition, whilst internal floor layout of the dwellings is a matter for later consideration, the separations as identified above, together with the suggested condition for an obscure glazing strategy within which any proposed flank windows impacting on the privacy of neighbours would be required to be obscured, are considered sufficient to preclude harmfully intrusive views of neighbouring habitable accommodation.
- 7.50 It is not considered the proposal would give rise to undue additional noise and disturbance to the detriment of neighbouring occupants' amenity. A construction management plan is referred to in 7.52 below and a condition to control hours of construction is also recommended.
- 7.51 Whilst the proposed provision of an access road running along the flank/rear boundaries of neighbouring dwellings has potential to give rise to noise and disturbance from vehicular movements, due regard is had to the modest number of dwellings and the modest occupancy levels proposed such that it is not considered this would be significantly harmful. Significant planting is also shown within the proposed site layout plan which is considered to further mitigate against any potential air pollution to within acceptable levels. A condition to require an external lighting strategy is recommended, to minimise light pollution.
- 7.52 Given the relationship of the plots with neighbouring properties, alterations/extensions to the proposed dwellings 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 and F would therefore be necessary.

Construction Method Statement

- 7.53 Environmental Health have recommended a condition is imposed on any grant of consent requiring the submission of a construction method statement which includes details of the control of dust, a dust management plan and hours of work. Given the nature and scale of the proposal, a construction method statement is considered necessary and can be secured with a planning condition.
- 7.54 On balance and subject to conditions, the proposed development is considered acceptable and policy compliant in the above regards.

Highways, Parking and Traffic and Transportation Issues

Access

- 7.55 Details of access have been submitted with this outline application. An existing dropped kerb from Eastwoodbury Lane is proposed to be enlarged to 4.8m to enable access and egress from the new estate. The submitted planning statement confirms this access has a visibility splay of 2.4m/43m in either direction. A private access road some 4.8m wide would then be installed. Details of surfacing materials have not been provided at this outline stage so the requirement for such details is conditioned. Highways confirm that the design of this new access is acceptable to accommodate the development traffic in terms of capacity and highway safety and have raised no objection.

Parking

- 7.56 Policy DM15 of the Development Management Document seeks a minimum of 2 car parking space per 2+ bedroom dwelling. It is also a requirement to provide a minimum of 1 cycle parking space per dwelling. The Electric Vehicle Charging Infrastructure SPD requires at least one car parking space per dwelling to be fitted with active provision of charging infrastructure with any remaining spaces being provided with passive provision.
- 7.57 The proposal provides 2 parking spaces per unit in accordance with Policy DM15. The parking spaces will all be accessed via proposed crossovers off the new access road. A condition to secure the necessary charging infrastructure is recommended. Highways have raised no objection to the proposal, commenting that the parking proposed is acceptable and concluding that the development would not harm the public highway network. Sufficient space for parking would be retained for the existing property at 1 Smallholdings.
- 7.58 No cycle storage has been shown on the submitted plans but it is considered space exists within the application site for acceptable provision. This is subject of a condition. Highways have not objected to the scheme. Overall, the proposed development is considered acceptable and policy compliant in the above regards subject to the described conditions.

Sustainability

- 7.59 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*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design. No details have been submitted at this time as this an outline application. Details of the sustainability requirement can be secured by a planning condition. Subject to this, the development is acceptable in this respect.
- 7.60 Policy DM2 of the Development Management Document part (iv) requires 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.’ Subject to a condition requiring the development to comply with this requirement, no objection is raised on this basis.

Refuse and Recycling Storage

- 7.61 It is expected that the proposed dwellinghouses would be served by the Council’s kerbside sack collection scheme. Access for waste freighters is satisfactory as well as maximum distances to carry the sacks which are in line with the relevant guidance. The proposal would be acceptable and policy compliant in this regard.

Drainage

- 7.62 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere, including any undue discharge of surface water on the highway. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to this, the development is acceptable and policy compliant in these regards.

Ecology

- 7.63 Paragraph 170 of the NPPF states that ‘*Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...*’
- 7.64 A Preliminary Ecological Appraisal was carried out for the applicant in January 2021. There were no badger setts found within the application site itself. However, 2no. setts were located to the south of the site. The submission states that the design of the proposal has been prepared in association with the planning agents’ ecologist to ensure any new development is a substantial distance from these setts so as to not give rise to undue disturbance (distance in excess of 25m).

- 7.65 The application has also been submitted with a Reptile Survey and Habitat Mitigation Plan. The

survey identified a “good” population of slow worm (peak count 15 adults) on the development site. Breeding activity was confirmed by gravid (i.e. pregnant) females visible in August and juveniles identified during the late August/September visits. The survey states that no other reptile species were found.

- 7.66 The application site does not include an area of some 0.18ha to the south of the application site which is in the applicant’s control. This area includes dense scrub and grassland and is also noted in the submitted ecological surveys to support badger setts. The survey suggests that some scrub can be removed to accommodate a larger area of grassland with log piles and hibernaculum for the reptiles. The survey moreover states that utilising this area as habitat for the reptiles would also mean connectivity to the allotments is maintained. As the land is privately owned, in the applicant’s control, and there is no public access, the suggested measures can be managed long term.
- 7.67 The survey goes on to state that following receipt of the planning permission sought, a Temporary Amphibian Fence (TAF) will be erected to define the receptor area and the reptiles would be trapped over at least 30 consecutive days until 5 clear days are achieved. This must be carried out by experienced ecologists between March-October when reptiles are most active. Once the site is deemed clear of reptiles, the habitat can then be cleared. Importantly, the TAF will remain in situ until development is complete and the fence line must be kept clear of vegetation throughout the construction phase. Subject to the above, it is considered that the development could proceed lawfully. This approach is considered acceptable and this has been confirmed by the Council’s in-house specialist (within the Parks department). A condition to secure the recommendations of the relevant reports is recommended.
- 7.68 The accompanying planning statement also outlines a number of bio-diversity enhancement measures, including: Eco-grid paving to parking areas to ensure that the green outlook on site is maintained; Brick bird houses to the gable ends of each dwelling; Wildlife friendly fencing in all areas; Bee towers to encourage solitary bees in the gardens; Extensive native planting; Hedgehog Houses. Along with the proposed tree planting, the biodiversity enhancement measures are considered acceptable, mitigating appropriately the loss of habitat. The Council’s in-house specialist supports these measures. A condition to secure the suggested measures is recommended.

RAMS

- 7.69 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.

- 7.70 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of 9no. dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Equality and Diversity

- 7.71 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Community Infrastructure Levy (CIL)

- 7.72 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. As this is an outline application, the CIL amount payable will be calculated on submission of the reserved matters application(s) when the floorspace figures will be confirmed.

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 proposed development is acceptable in principle and subject to conditions, is acceptable in terms of ecology, sustainability, highways and living conditions of future occupiers. On balance, the proposal would also be acceptable in terms of design and impact on the character and appearance of the site and wider surrounding area, and it would not result in any significant harm to the residential amenity of nearby residents.
- 8.2 The development constitutes sustainable development, providing economic, social and environmental benefits. Any limited harm identified as a result of the proposal is clearly outweighed by the benefits of the proposal, including the provision of 9 additional dwellings. If any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it is necessary to demonstrate that in reaching a decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The report summarises that the site forms Best and Most Versatile Agricultural Land but also that this Council has a significant 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 significant contribution to the housing needs of this City which must be given increased weight in the

planning balance. Subject to conditions, the application is therefore recommended for approval.

9 Recommendation

9.1 GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:

General conditions

- 01 Details of the appearance, scale, and landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.**

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.

- 02 The development shall be carried out in accordance with the approved plans: Location Plan; SEOS001 Rev 1; SEOS004.**

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

Design 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 groundworks and site preparation works, unless and until full details of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows, 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: To safeguard character and appearance of the area and the visual amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the dwellinghouses hereby permitted shall not exceed 8.2m in height.**

Reason: To safeguard the character and appearance of the area and the visual amenities of neighbouring occupiers plus aviation safety in accordance with Policies KP2 and CP4

of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

Construction related conditions

- 05** No development shall take place, including any site preparation works, unless and until a Construction Management Plan to include Noise and Dust Mitigation Strategies has been submitted to, and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:
- i) the parking of vehicles of site operatives and visitors**
 - ii) loading and unloading of plant and materials**
 - iii) storage of plant and materials used in constructing the development**
 - iv) the erection and maintenance of security hoarding**
 - v) measures to control the emission of dust, 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: This pre-commencement condition is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 06** 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).

Landscaping related conditions

- 07** No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and completed at the levels shown on the approved drawing and shall not exceed the highest level of land adjacent to the application site.

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 08 Notwithstanding the details shown on the plans hereby approved, no development shall take place, other than ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping for the site.**

The submitted hard and soft landscaping schemes shall include full details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces, including any earthworks to be carried and all means of enclosing the site, including boundaries within the site.

Prior to first occupation of the dwellings hereby approved, the approved hard landscaping scheme shall be implemented and completed in full accordance with the details approved pursuant to this condition. Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, the approved soft landscaping scheme shall be implemented and completed in full accordance with the details approved under the provisions of this condition.

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

Ecological related conditions

- 09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence unless and until the biodiversity mitigation measures outlined within the Reptile Survey (by Hybrid Ecology Ltd. dated September 2021) which includes mitigation in relation to reptiles, badgers and their habitats have been carried out in full. A timescale for the implementation of these measures shall first be submitted to the Local Planning Authority and approved in writing pursuant to this condition. The measures shall be implemented in accordance with the approved timescale and retained as approved thereafter.**

Reason: This pre-commencement condition is required in the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 10 Prior to first occupation of the dwellings hereby approved, the biodiversity enhancement**

measures outlined within the Design and Access Statement (or alternative details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition) shall be implemented and completed in full. These measures shall be retained for the lifetime of the development.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 11 Tree removal works shall not take place between March and August and shall only be carried out (including which trees will be removed) in accordance with the recommendations contained in the Tree Survey and Arboricultural Impact Assessment (ref no. 22_5837_02_42) by ROAVR Environmental Ltd.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 12 No development shall take place on site unless and until details of tree protection measures for the trees to be retained on site, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Highways related conditions

- 13 The development hereby approved shall not be first occupied unless and until 18 on site car parking spaces (2no. for each dwelling) have been provided and made available for use at the site in full accordance with drawing SEOS001 Rev 1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. At least one of the parking spaces for each approved residential unit, shall be fitted with an active electric vehicle charging point. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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 (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

- 14 The development hereby approved shall not be first occupied or brought into first use

unless and until full details (including elevations) of the covered and secure cycle parking to serve the new dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved cycle storage details and the cycle storage shall be provided and made available for use prior to the first occupation of the dwellings hereby approved.

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

Waste storage related conditions

- 15 The residential dwellings hereby approved shall not be first occupied unless and until full details (including elevations) of the refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling to which they relate and shall be retained as such 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).

Drainage related conditions

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

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.

Sustainability related conditions

- 17 Prior to construction of the development hereby approved above ground floor slab level 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. No building in the scheme shall be occupied until and unless it has been implemented in accordance with the details approved under 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).

- 18 Prior to occupation of the development hereby approved water efficiency 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 shall be installed in the development hereby approved and be retained for the lifetime of the development.**

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).

- 19 The development hereby approved shall be carried out in a manner to ensure that the dwellings fully comply with the Technical Housing Standards – Nationally Described Space Standards (2015) and with Building Regulation M4(2) ‘accessible and adaptable dwellings’ before they are brought into use and first occupied.**

Reason: To ensure provision of high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and Design and Townscape Guide (2009).

Neighbour amenity safeguarding related conditions

- 20 Prior to the occupation of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The submitted strategy shall include details of which plots on site and which windows on each plot require obscure glazing. The openings that are identified as needing to be glazed in obscure glass, shall only be so with 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 room or area served by the 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 the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea

Design and Townscape Guide (2009).

- 21 No external lighting shall be installed on the site subject of this permission unless it is in accordance with the details and specifications of a Lighting Strategy which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.**

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 22 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 dwellinghouses 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

Informatives:

- 01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL 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).**
- 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 City.**
- 03 Please note that you are required to apply to the Highways Authority for consent to have a vehicular crossover installed on Eastwoodbury Lane and that the private access road for this development will be expected to support the weight of refuse freighters in accordance with the Council's Waste Storage, Collection and Management Guide for New Developments (2019).**

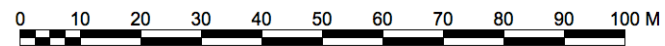
- 04** The applicant is advised that refuse stores should not be prominently located within the development. As such it is recommended that the refuse stores are not located to the front of the dwellings.
- 05** No waste as part of the development shall be burnt on site.
- 06** Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.
- 07** The applicant is advised to consider installation of Automatic Water Suppression Systems (AWSS) within the new dwellings.

This page is intentionally left blank

DEVELOPMENT OF 9 DWELLINGS ON LAND AT SMALLHOLDINGS SOUTH-END-ON-SEA



135



PROJECT:	PROPOSED REDEVELOPMENT OF 9 DWELLINGS AT EASTWOODBURY LANE, SOUTHEND-ON-SEA.	
DRAWING No:	SEOS005	DATE: 05/10/2021
DRAWING TITLE	LOCATION PLAN	REVISION No:
SCALE:	1:1250	

MILLEN 

This page is intentionally left blank

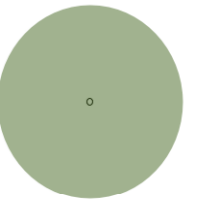
DEVELOPMENT OF 9 DWELLINGS ON LAND AT SMALLHOLDINGS SOUTH-END-ON-SEA

SCHEDULE OF ACCOMODATION:

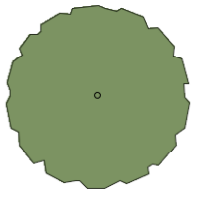
UNIT TYPE : 2 Bedroom / 70m2 x 9

DRAWING KEY

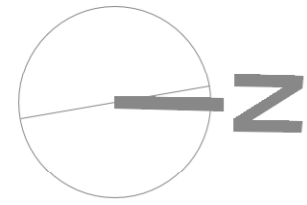
EXISTING RETAINED TREE



PROPOSED NEW LANDSCAPING



PROPOSED NEW LANDSCAPING



PROJECT:		PROPOSED REDEVELOPMENT OF 9 DWELLINGS AT EASTWOODBURY LANE, SOUTHEND-ON-SEA.	
DRAWING No:	SEOS001	DATE:	22/03/2022
DRAWING TITLE	SITE LAYOUT PLAN	REVISION No:	1
SCALE:	1:250		



This page is intentionally left blank

Eastwoodbury Lane Outline Application

Eastwoodbury Lane

140

Eastwoodbury Crescent

Eastwoodbury Close



12 Eastwoodbury Lane

Application site entrance
(south side of Eastwoodbury
Lane)

1 Smallholdings



View to proposed access road leading to the proposed dwellings



Rear of outbuilding belonging
to 23 Eastwoodbury Crescent
(east)

Dwellings along Eastwoodbury Close
(east)



2 trees to be removed



Trees to be retained



View back to main access/rears of No's 1 Smallholdings and 12 Eastwoodbury Lane



View south to main area of application site



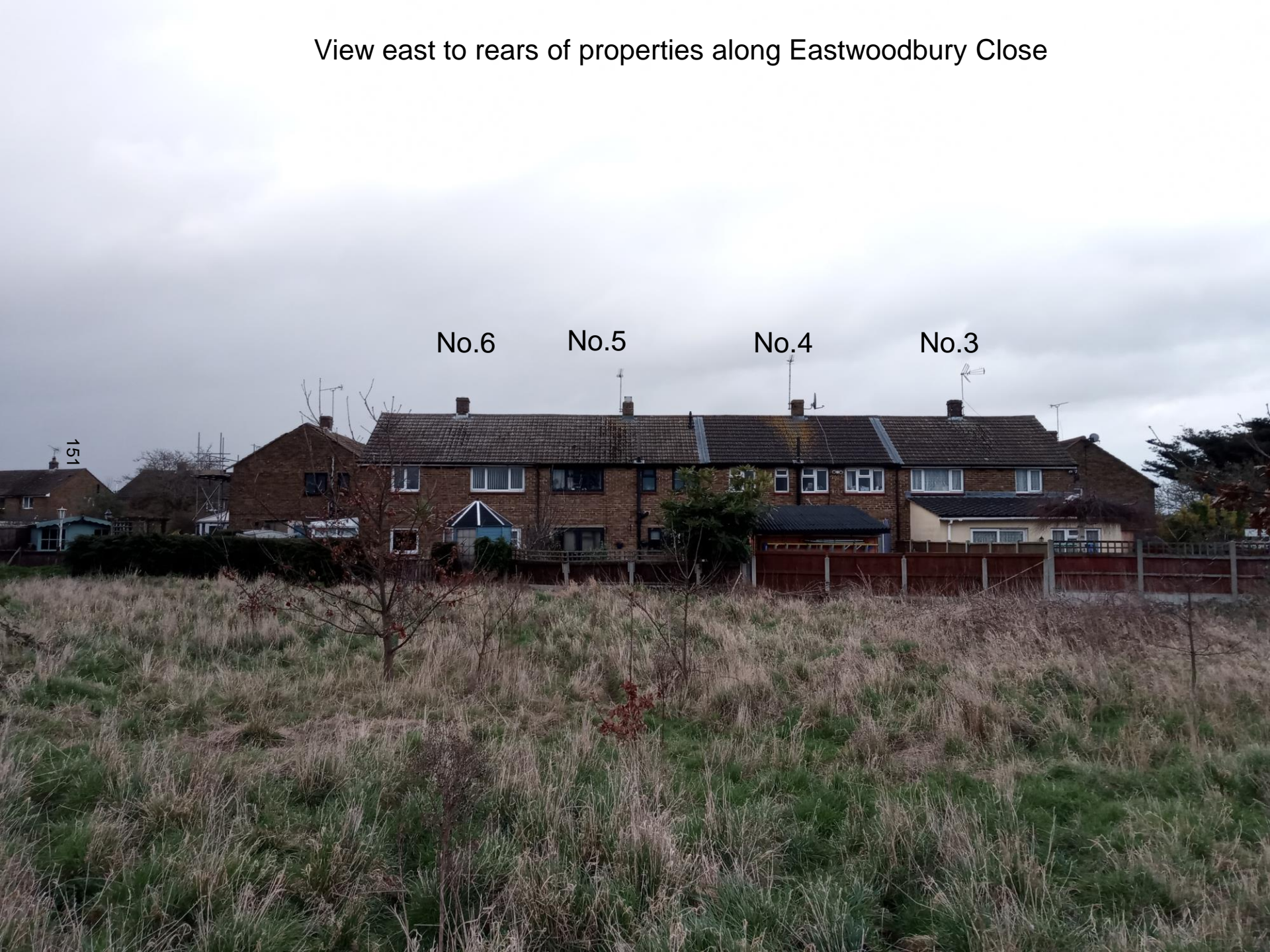
This page is intentionally left blank

Part 2

View north east to the 2 trees to be removed and the relationship with properties along Eastwoodbury Close



View east to rears of properties along Eastwoodbury Close



No.6

No.5

No.4

No.3

151

View south-east to rears of properties along Eastwoodbury Close and Rochford Road

Rears of properties along Eastwoodbury Close

Rears of properties along
Rochford Road



View south to rears of properties along Rochford Road



153

View to south-western portion of the application site



View to western portion of application site



155

This page is intentionally left blank

Reference:	22/00236/FULH	<h1>9</h1>
Application Type:	Full Application - Householder	
Ward:	Leigh	
Proposal:	Replace existing wooden sash windows with UPVC windows to all elevations (retrospective)	
Address:	11B New Road, Leigh-on-Sea, Essex	
Applicant:	Mr M Good and Ms C Harper	
Agent:	Mr Thomas Sharman of Smart Planning Ltd	
Consultation Expiry:	10th March 2022	
Expiry Date:	7th April 2022	
Case Officer:	Kara Elliott	
Plan Nos:	21.7663/M001, 21.7663/M002, 21.7663/E101, 21.7663/E102	
Supporting Documents:	Planning Statement, Heritage Statement	
Recommendation:	(A) REFUSE PLANNING PERMISSION; and (B) AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The application property is a semi-detached two storey dwelling on the northern side of New Road behind 11 and 12 New Road, located within the Leigh Conservation Area. The application site is also within the area subject of the Leigh Article 4 Direction which removes permitted development rights for, amongst other development, the alteration of any window.

2 The Proposal

- 2.1 Submitted in response to a planning enforcement investigation, planning permission is sought to retain white UPVC casement windows to all elevations (front, western flank and rear) on the ground and first floors.
- 2.2 This report comes to Development Control Committee because it includes a recommendation to authorise enforcement action.

3 Relevant Planning History

- 3.1 The relevant planning history for the application is listed below:
- 3.2 21/00293/UNAU_B – Enforcement investigation for UPVC windows in Conservation Area
- 3.3 There is extensive replacement window history within New Road. In particular:
- 3.4 **10 New Road**
20/01347/FULH - Replace single glazed wooden Georgian sash box windows at front to wooden double glazed box sash windows – Granted 09.11.2020
- 3.5 **6 New Road**
19/02252/FULH - Replace existing UPVC windows with timber sash windows to front elevation (Amended Proposal) – Granted 12.02.2020
- 3.6 19/00450/FULH - Replace existing UPVC sash windows with timber sash windows to front elevation – Granted 23.05.2019
- 3.7 17/00140/FULH - Retain two UPVC windows to front elevation (Retrospective) - Refused 11.07.2017
- 3.8 16/00232/UNAU_B – Enforcement Notice against replacement of timber windows with UPVC windows – Issued 22.11.2018
- 3.9 **12 New Road**
16/02106/FULH - Replace windows to front elevation (timber) – Granted 19.12.2016
- 3.10 **11 New Road**
16/01310/FULH - Replace windows to front elevation (timber) – Granted 08.09.2016
- 3.11 **11A New Road**
15/00226/FULH - Replace existing windows to front and rear elevations (timber) –

Granted 16.10.2015

4 Representation Summary

Leigh Town Council

4.1 Objects.

Heritage & Conservation

4.2 Objects. Comments: *Inappropriate style and material for this historic cottage. The loss of timber sashes have caused harm to the significance of the building and the wider conservation area. This harm is not outweighed by any public benefits.*

Public Consultation

4.3 8 neighbouring properties were consulted, a site notice was displayed and a press notice was published. 2 letters of representation have been received which make the following objections;

- Harm to character and appearance of site and wider conservation area;
- Not in keeping with area;
- Velux window installed to front elevation roof slope;
- Sets a precedent for inappropriate development.

4.4 The views in the representations have been taken into consideration in the assessment of the application. Other than as reflected in the reason for refusal at Section 8 of this report the remaining points of objection raised were not found to be justifiable reasons for refusing planning permission in the circumstances of this case.

5 Planning Policy Summary

5.1 National Planning Policy Framework (NPPF) (2021).

5.2 The National Design Guide (2021)

5.3 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)

5.4 Development Management Document (2015) policies DM1 (Design Quality), DM5 (Southend on Sea Historic Environment)

5.5 Design & Townscape Guide (2009)

5.6 CIL Charging Schedule (2015)

5.7 Leigh Conservation Area Appraisal (2020)

6 Appraisal

Principle of Development

- 6.1 This application is considered in the context of the above policies relating to design and conservation. These policies and guidance support alterations and extensions to properties in a conservation area where they respect the special historic character and significance of the building and that of the wider conservation area.
- 6.2 Subject to these requirements this development is acceptable in principle. The determining factors are therefore the detailed material considerations discussed below.

Design and Impact on the Character of the Area

- 6.3 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the National Planning Policy Framework, 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.”*
- 6.4 With regard to the character of the area, the application site is located within the Leigh Conservation Area. A Conservation Area is; *“an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance”* (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character comes from a range of factors including the design of the buildings as well as the materials used.
- 6.5 Consistent with the statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy DM5 of the Development Management Document states that in order to conserve and enhance the character and quality of the Conservation Areas, development proposals will have to be carefully considered and demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness.
- 6.6 Leigh Conservation Area has generally retained a good proportion of its original features, including timber windows which make an important contribution to the character and significant of the conservation area. There are some instances of inappropriate replacement plastic windows in New Road. However, these are historic and where recent replacements have been undertaken, the Council has sought reinstatement with sympathetic timber windows to stop the erosion of the historic character. A brief history of planning permissions for timber replacements and refusing/taking enforcement action against UPVC replacements can be found
- 6.7 in section 3 of this report.
- The application retrospectively seeks planning permission for the development as the white UPVC windows are already in place. The application property forms part of a group of similar cottages at the eastern end of New Road. Nos. 11A and 11B are located behind the front row of buildings immediately facing New Road but their front elevations can be glimpsed in the gaps between the front houses, such glimpses contributing to the setting and character of the conservation area. These cottages and in particular the application property are described in the 2020 Leigh Conservation Area Appraisal as making a positive contribution to the special
- 6.8 character of the conservation area.

6.9 Despite the restricted views of these properties, there is significant value to the character and integrity of the conservation area and character of the existing building in retaining their historic features, especially to their principal south elevation. This value is reinforced by the inclusion of these properties within the Leigh Article 4 Direction and applies to all windows on a building under the Direction. The side and rear elevations of the dwelling on site, whilst not readily visible from public vistas, are also contributing to the architectural and historic significance of the conservation area.

6.10 The UPVC windows which have been installed to all elevations are top hung casements with heavy frames. These are of an inappropriate style and material for this historic cottage. The inappropriate design of the installed windows and alien material, result in fenestration that significantly detracts from the historic character and appearance of the dwelling on site and are unsympathetic additions to all elevations of the dwelling, regardless of public vistas. The loss of timber sashes has caused harm to the significance of the building and the wider conservation area. This harm is not outweighed by any identified public benefits. The applicant attaches weight to the sustainability benefits of using UPVC windows. However, this is not considered to outweigh the significant harm identified. Furthermore, sustainability credentials can be improved without harm to the heritage assets and alternative solutions should be sought.

The development fails to preserve the character and significance of the conservation area, causing less than substantial, albeit significant harm, and the public benefits of the development do not outweigh the identified harm. This is unacceptable and contrary to policy in this regard.

Other Matters

6.11 The development is not found to result in any significant parking or highways impacts or any material neighbour amenity impacts, it is therefore acceptable and policy compliant in these regards.

6.12 The development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

Request for Enforcement Authority

6.13 In light of the recommendation that planning permission be refused and because the unauthorised windows are causing significant harm to the character and appearance of the Leigh Conservation Area in conflict with planning policies, Staff consider it is proportionate and justified in the circumstances of the case to seek authority for an enforcement notice to be served as this will bring focus to the need for the breach to be regularised. Service of an enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for a different replacement window proposal which remedies the identified harm. Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area.

Equality and Diversity Issues

6.14

The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

7 Conclusion

7.1 Having taken all material planning considerations into account, it is considered that the development is unacceptable in terms of its impact on the character of the existing dwelling and that of the streetscene and that it fails to preserve or enhance the character of the Leigh Conservation Area. The identified harm to the heritage asset is less than substantial, albeit significant, and any public benefits arising from the development do not outweigh the identified harm. The development conflicts with the development plan policies and guidance set out above and therefore this application is recommended for refusal and it is requested that the power to serve an enforcement notice be authorised.

8 Recommendation

8.1 **Members are recommended to:**

A) REFUSE PLANNING PERMISSION for the following reasons:

01. The replacement windows, by reason of their materials and detailed design are considered to be detrimental to the historic character and significance of the existing property and the wider Leigh Conservation Area. The identified harm to the conservation area is less than substantial, albeit significant, and any public benefits arising from the development do not outweigh the identified harm. The development is contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

AND

B) AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to:

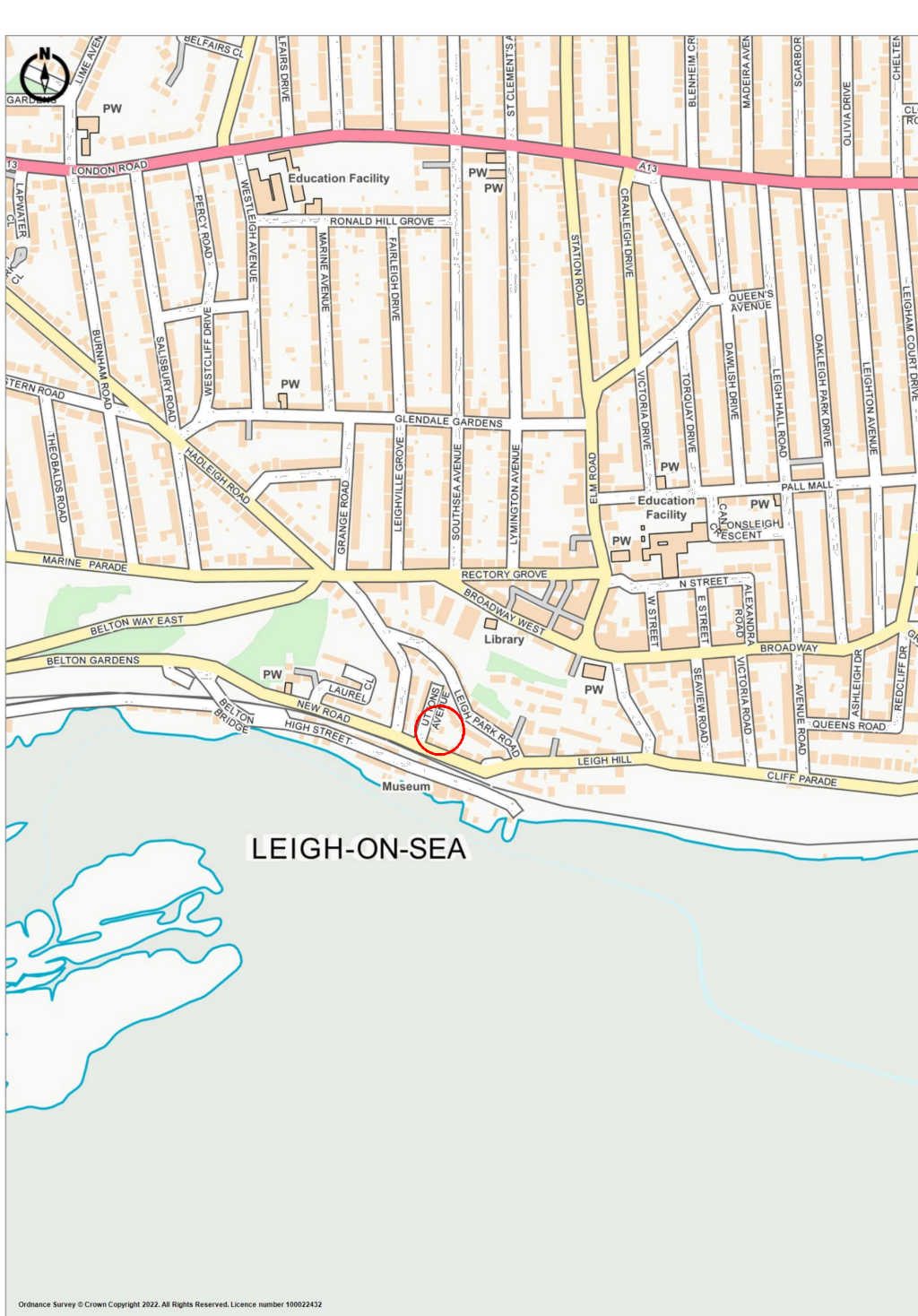
- a) remove the unauthorised windows UPVC; and**
- b) remove from site all materials resulting from compliance with a) above.**


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 six (6) months is considered reasonable for the removal of the unauthorised windows, considering that planning permission is required for the installation of new appropriate windows.

This page is intentionally left blank


Client Name : Mr Michael Good			
Project Title : 11B New Road, Leigh-on-Sea, Essex, SS9 2EA			
Drawing Name : Location Map			
Scale : 1:10000 @ A4	Drawn/Checked: ZAH/TWS	Status : Application	Rev : -
Date : 19 January 2022	Plot Date : 19 January 2022 12:09:30	Dwg No : 21.7663/M001	





 Ordnance Survey Crown Copyright 2022. All rights reserved.
 Licence number 100022432.
 Plotted Scale - 1:10000. Paper Size – A4

Note:
 The dimensions of the building hereby submitted are as a result of a third party survey and therefore Smart Planning Ltd accepts no responsibility for any discrepancies that may arise. 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** contact@smartplanning.co.uk
 **Website** www.smartplanning.co.uk
 **Phone** 0330 053 6811

No.	Date	Amendment	Initials

This page is intentionally left blank

Client Name : Mr Michael Good

Project Title : 11B New Road, Leigh-on-Sea, Essex, SS9 2EA

Drawing Name : **Location Plan**

Scale : 1:1250 @ A4

Drawn/Checked: **ZAH/TWS**

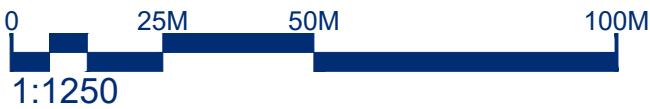
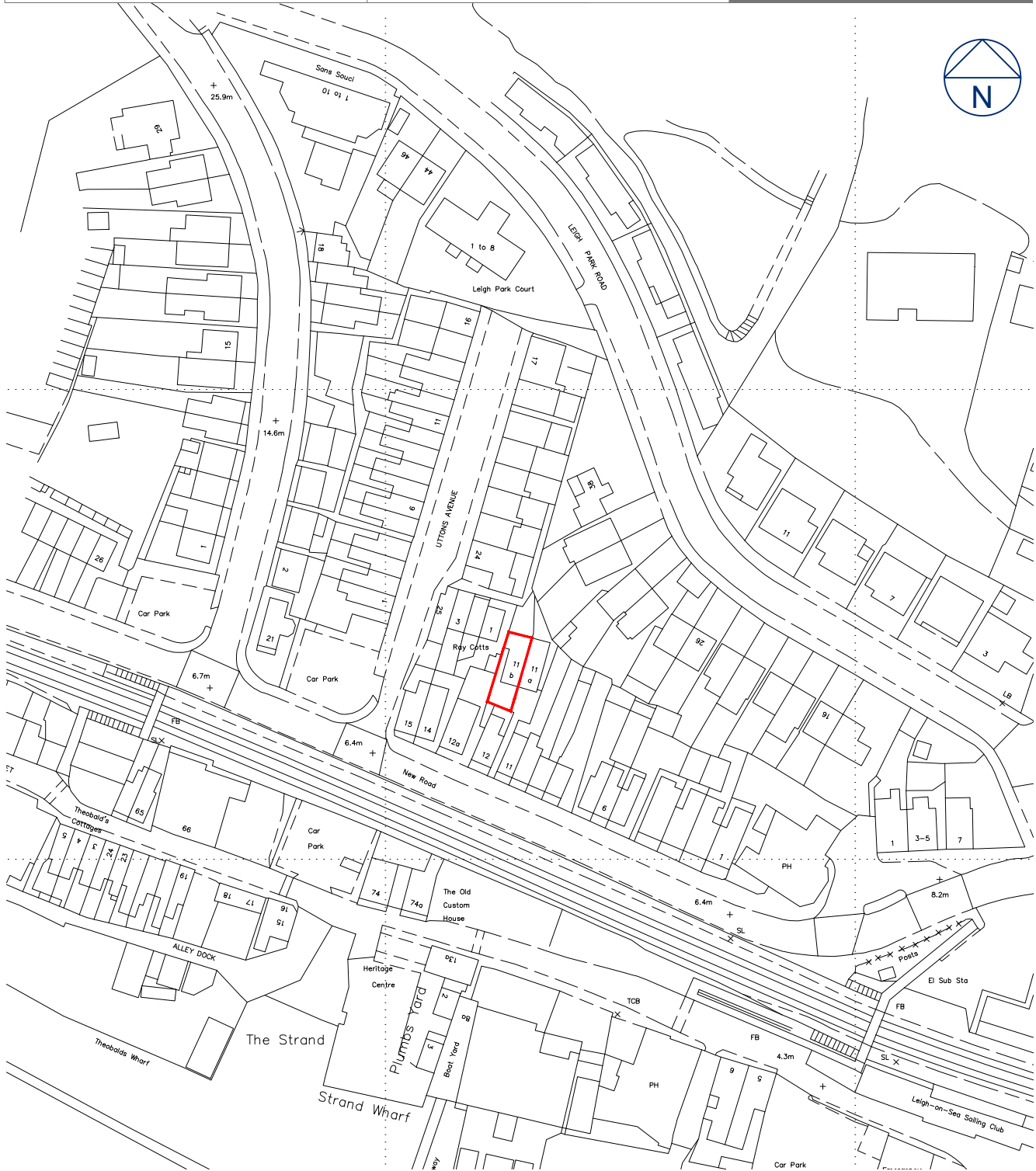
Status : **Application**

Rev : -

Date : 19 January 2022

Plot Date : 09 February 2022 15:32:40

Dwg No : **21.7663/M002**



Note:

The dimensions of the building hereby submitted are as a result of a third party survey and therefore Smart Planning Ltd accepts no responsibility for any discrepancies that may arise. 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 contact@smartplanning.co.uk

Website www.smartplanning.co.uk

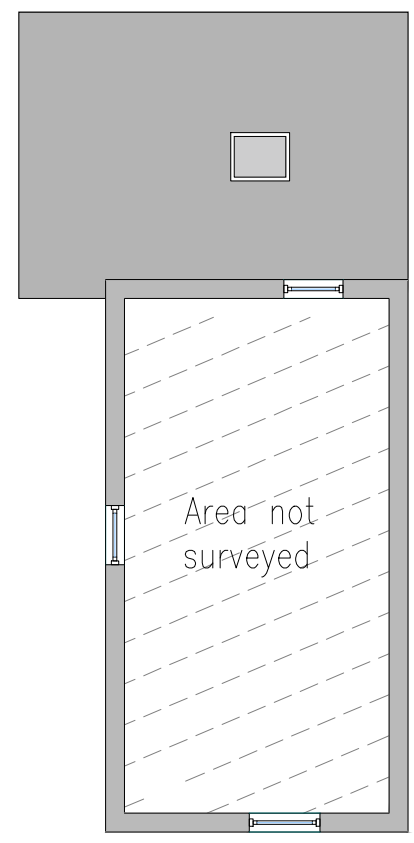
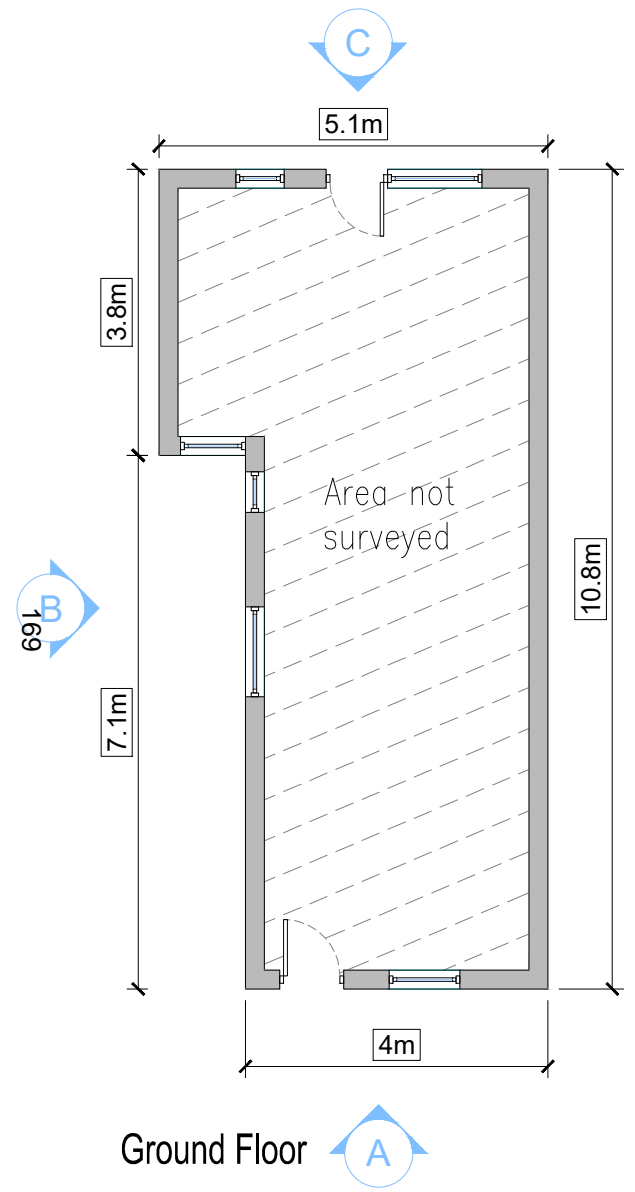
Phone 0330 053 6811

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

This page is intentionally left blank

Client Name : Mr Michael Good			
Project Title : 11B New Road, Leigh-on-Sea, Essex, SS9 2EA			
Drawing Name : Existing/Proposed Floor Plans and Elevations			
Scale : 1:100 @ A3	Drawn/Checked: ZAH/TWS	Status : Application	Rev : -
Date : 19 January 2022	Plot Date : 09 February 2022 15:17:02	Dwg No : 21.7663/E102	



First Floor

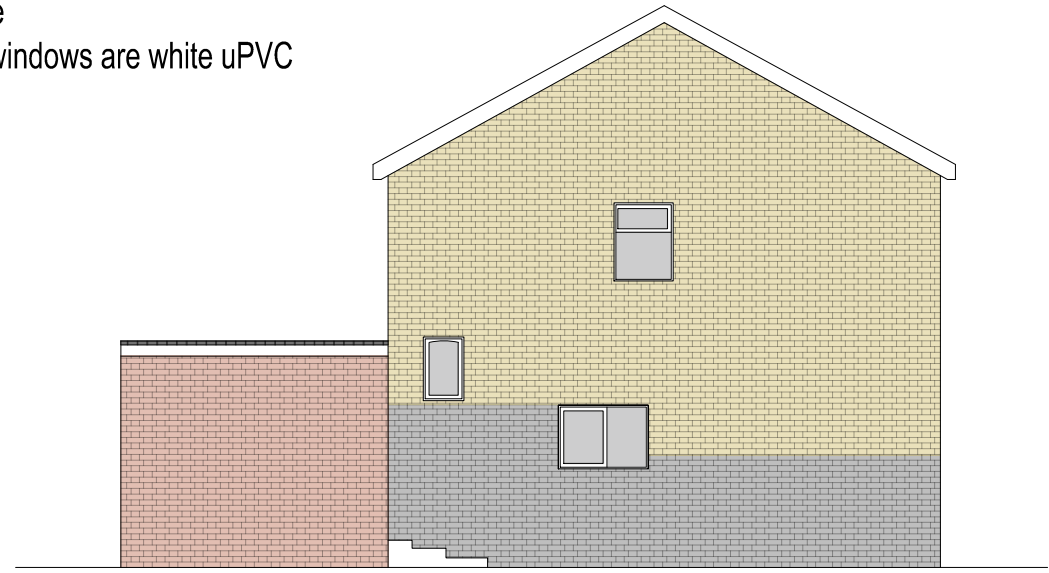


Elevation A



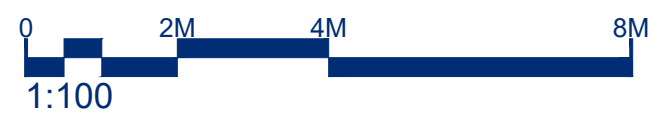
Elevation C

Note
All windows are white uPVC



Elevation B

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

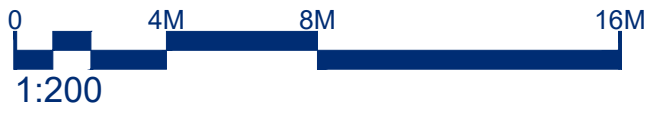
This page is intentionally left blank

Client Name : Mr Michael Good			
Project Title : 11B New Road, Leigh-on-Sea, Essex, SS9 2EA			
Drawing Name : Existing/Proposed Site Plan			
Scale : 1:200 @ A3	Drawn/Checked: ZAH/TWS	Status : Application	Rev: -
Date : 19 January 2022	Plot Date : 09 February 2022 15:35:29	Dwg No : 21.7663/E101	



Site Area
83.93 sq.m
0.008 ha

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 contact@smartplanning.co.uk
Website www.smartplanning.co.uk
Phone 0330 053 6811

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

This page is intentionally left blank

Front elevation now



Rear elevation now



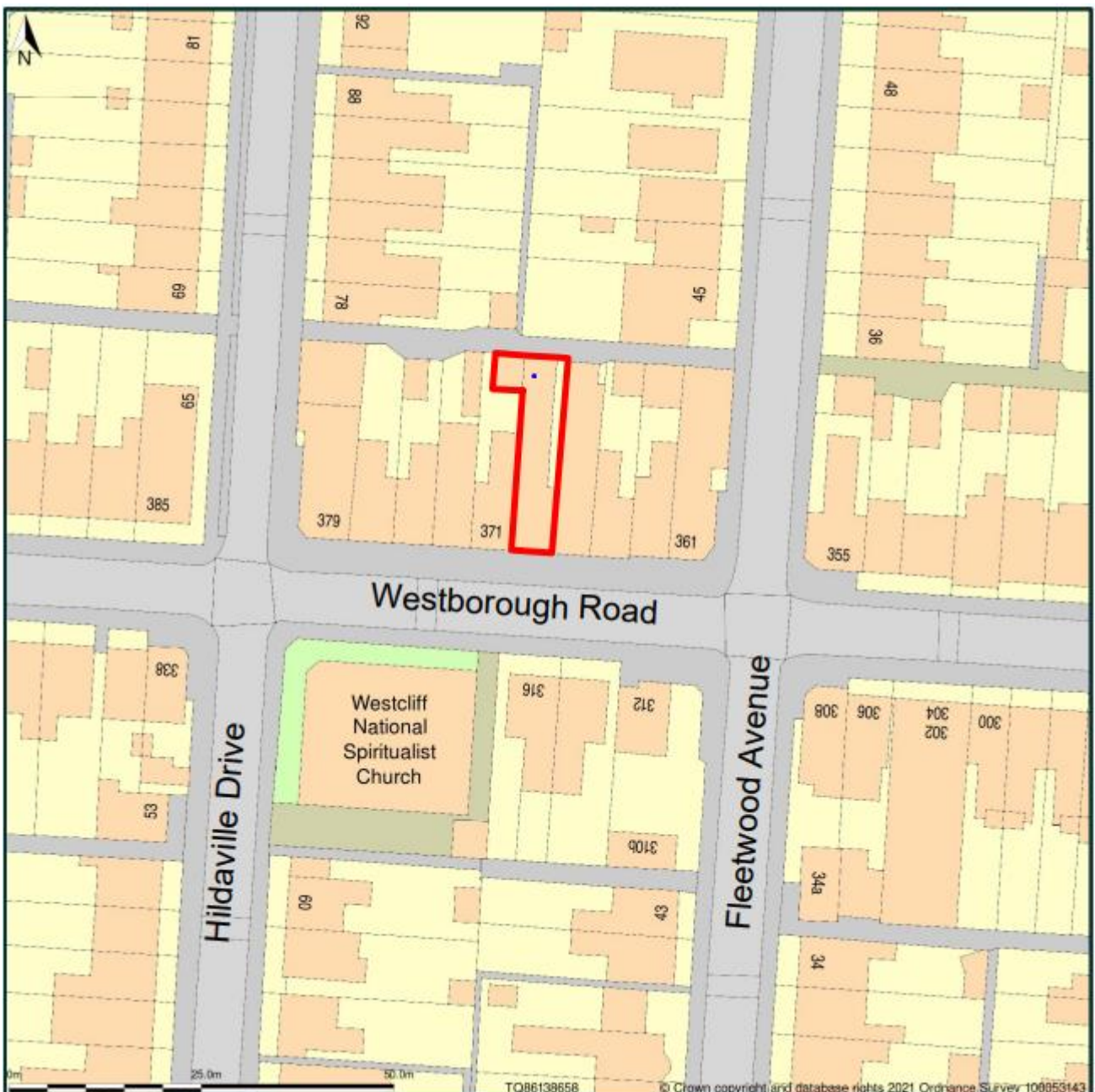
Front elevation before



Rear elevation before



Reference:	20/00098/UCOU_B	<h1>10</h1>
Ward:	Westborough	
Breach of Control:	Use of the rear part of the building as a residential unit	
Address:	369 Westborough Road, Westcliff-On-Sea, Essex, SS0 9TS	
Case opened :	13 th February 2020	
Case Officer:	Mark Broad	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site location and description

- 1.1 The site is on the northern side of Westborough Road currently occupied by a commercial unit to the front with a two-storey part to the rear of the site. The rear part of the building is the subject of this report as it is currently used as residential units. That part of the building appears to formerly have been used for storage and as an office associated with the commercial use.
- 1.2 At the rear of the site is an accessway running between Hildaville Drive and Fleetwood Avenue.
- 1.3 The site is not located within a conservation area or subject to any site-specific planning policy designations. The site is in Flood Zone 1.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a hot food take-away, a sui generis use.

3 Relevant Planning History

- 3.1 21/01988/FUL - Change of use of rear part of ground floor from ancillary storage space to the takeaway (Class Sui Generis) to self-contained dwelling on ground and first floor (Class C3) (Retrospective) - Refused 10.02.2022
- 3.2 08/00868/FUL - Convert front section of premises (Class A1) into Hot Food Takeaway (Class A5) at ground floor and one self-contained flat (Class C3) to first floor - Refused 01.10.2008
- 3.3 08/00867/FUL - Convert ground and first floor workshop/storage area at rear of 369 and 371 Westborough Road into one self-contained flat (Class C3) and alter elevations - Refused 01.09.2008

4 The alleged planning breach and the harm caused

- 4.1 The breach of planning control is the unauthorised material change of use of the rear part of the building on site to a separate residential unit (Use Class C3).
- 4.2 It has been found through the determination of planning application 21/01988/FUL (the "2021 Application") that the development is unacceptable and contrary to the objectives of the relevant national and local planning policies and guidance, even when the "tilted balance" of housing provision is taken into account. It was found that the unauthorised development is out of character with the area, it harms the amenities of neighbouring occupiers, and is harmful to the amenities of current and future occupiers and fails to mitigate impacts on habitats and species. For the above reasons, the development is unacceptable and fails to comply with planning policy. Conditions would not remedy the identified harm.

5 Background and efforts to resolve breach to date

- 5.1 In February 2020 an enforcement case was raised alleging that the rear building at the property was in residential use without planning permission.

- 5.2 On 30th September 2021, the 2021 Application was submitted seeking to regularise the self-contained flat on the ground and first floor. On 10th February 2022 the 2021 Application was refused for the following reasons:

01 The development by reason of its windows overlooking rear gardens of residential properties to the north, especially at 45 Fleetwood Avenue and 78 Hildaville Drive, is significantly harmful to the amenities of the occupiers of the neighbouring dwellings. This is unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).

02 By reason of the failure to provide useable private outdoor amenity space, accessibility for all future users, waste storage or secure cycle storage, the development is significantly harmful to the residential amenity of future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) policies KP1 and CP4, Development Management Document (2015) policy DM8 and the advice contained with the Design and Townscape Guide (2009).

03 The development, by reason of its size, siting and design, represents a cramped and incongruous form of development which is significantly at odds with and harmful to the grain, character and appearance of the site and surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2021), 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 guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The development offers no reasonable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.

- 5.3 On 17th February 2022 an email was received from the owner of the site advising that they intended to submit an appeal against the refusal of the 2021 Application. The owner was advised that the Council would consider whether it would be expedient to issue an Enforcement Notice. A right of appeal would apply to an enforcement notice also.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

- 6.1 The officer's report for the 2021 Application sets out fully the basis for refusal and is attached at Appendix 1. The policy context and site circumstances have not changed materially in the interim in any relevant regards.
- 6.2 Staff consider that it is proportionate and justified in the circumstances of the case

that an enforcement notice should be served to seek to regularise the breach of planning control and to remedy the identified harm. Service of an enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for a different proposal which seeks to remedy the identified harm.

- 6.3 It is considered expedient to take enforcement action at this stage as Council Tax records show the property having been brought into banding in May 2019. Any appeal lodged against the planning refusal may take up to a year to be determined. Hence, waiting for any such appeal to be determined would bring the use close to the four-year immunity period which would then mean the use would become lawful and exempt from enforcement action.
- 6.4 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area.

Equality and Diversity Issues

- 6.5 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have, in considering this enforcement case and preparing this report, had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the recommended enforcement action will not conflict with the Council's statutory duties under this legislation.

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to:**
- a) cease the residential use of the rear part of the building on site;**
 - b) remove all kitchen appliances from the ground floor of the rear part of the building on site;**
 - c) remove all bathroom facilities from the first floor of the rear part of the building on site;**
 - d) remove all facilities that facilitate the use of the rear part of the building on site as a residential unit; and**
 - e) remove from site all materials and debris resulting from compliance with requirements (a), (b), (c) and (d) above.**
- 7.2 **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.**
- 7.3 **When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of**

6 months is considered reasonable for the above works.

Appendix 1 – Officer Report application reference 21/01988/FUL

Delegated Report

Reference:	21/01988/FUL
Application Type:	Full Application
Ward:	Westborough
Proposal:	Change of use of rear part of ground floor from ancillary storage space to the takeaway (Class Sui Generis) to self-contained dwelling on ground and first floor (Class C3) (Retrospective)
Address:	369 Westborough Road, Westcliff-on-Sea, Essex
Applicant:	Mr Stavrinides
Agent:	Miss Sara Boreham of Planning Direct
Consultation Expiry:	18th November 2021
Expiry Date:	10 th February 2022
Case Officer:	Jonathan Doe
Plan Nos:	Sheet no. 1 Rev 2 Site location plan at 1:1250 received 21st October 2021, Sheet no. 2 Rev 1 Site location plan at 1:500 received 21st October 2021, Sheet no. 3 Rev 2 Pre-existing floor plan received 21st October 2021, Sheet no. 4 Existing floor plan, Planning Statement.
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The site is that of a commercial unit, in use as a fish and chip take away, on the northern side of Westborough Road. The junction with Hildaville Drive is to the west. The junction with Fleetwood Avenue is to the east. The application relates to a two storey building to the rear of the site which appears to formerly have been used for storage and as an office associated with the frontage use.
- 1.2 At the rear of the commercial units is an accessway running between Hildaville Drive and Fleetwood Avenue.
- 1.3 The site is not located within a conservation area or subject to any site-specific planning policies. The site is shown on the Environment Agency's flood risk map as being in Flood Zone 1.

2 The Proposal

- 2.1 The application, which is retrospective, seeks planning permission to retain a self-contained dwelling, described as a flat, on the ground floor and first floor.
- 2.2 The dwelling has a kitchen and a lounge on the ground floor and two bedrooms and a bathroom on the first floor. It is accessed via a footway to the rear of a parade of predominantly commercial properties.

- 2.3 The dwelling has a gross internal area of some 70 sq m. One bedroom would have a floor area of some 11.2 sq m, the other bedroom would have a floor area of some 10.8 sq m.

3 Relevant Planning History

- 3.1 20/00098/UCOU_B – Enforcement investigation - use of rear building as residential unit.
- 3.2 08/00868/FUL - Convert front section of premises (Class A1) into Hot Food Takeaway (Class A5) at ground floor and one self-contained flat (Class C3) to first floor – Refused 01.10.2008
- 3.3 08/00867/FUL - Convert ground and first floor workshop/storage area at rear of 369 and 371 Westborough Road into one self-contained flat (Class C3) and alter elevations – Refused 01.09.2008

4 Representation Summary

4.1 Public Consultation

14 neighbouring properties were consulted, and a site notice was posted. No letters of representation have been received.

4.2 Highways Team

There are no highway objections to this proposal.

4.3 Environmental Health

Conditions recommended.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2021)
- 5.2 Planning Practice Guidance and National Design Guide (revised 2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 5.5 Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)
- 5.7 Southend Waste Management Guide (2019)
- 5.8 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the impact on the character and appearance of the area, the standard of accommodation for current and future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, sustainability, ecology and compliance with the Essex Coast RAMS SPD and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

- 7.1 Paragraph 60 of the NPPF states: “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.”
- 7.2 The NPPF states, at paragraph 124, that planning decisions should support development that makes efficient use of land. However, a number of points should be taken into account, including the desirability of maintaining an area’s prevailing character and setting.
- 7.3 The National Design Guide seeks well-designed places in which development integrates and relates well into its surroundings. This accounts for patterns of built form including routes and spaces around buildings.
- 7.4 Policy KP2 of the Core Strategy requires, at point 2, to make the best use of previously developed land, ensuring that sites and buildings are put to best use.
- 7.5 Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend, including maintaining and enhancing the amenities, appeal and character of residential areas.
- 7.6 Policy CP8 requires that development proposals contribute to local housing needs. It identifies housing targets for Southend and requires the provision of not less than 80% of residential development on previously developed land.
- 7.7 Policy DM1 requires that new development reinforces local distinctiveness. In order to achieve this, it should add to the overall quality of the area and respect the character of its local context 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 Policy DM3 of the Development Management Document seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.
- 7.9 Policy DM7 of the Development Management Document identifies an above average existing supply of 1- and 2-bedroom dwellings.
- 7.10 Paragraph 80 of the Design & Townscape Guide (‘the Guide’) states that proposed accommodation mixes should reflect the local character. Policy DM7 of the

Development Management Document identifies an above average existing supply of 1- and 2-bedroom dwellings.

- 7.11 The site is adjacent to the local centre and therefore is a sustainable location for a new dwelling. The development has added a single dwelling to the supply of two-bed dwellings.
- 7.12 The provision of a new dwelling on previously developed land is a positive aspect of the application. However, although new housing has been created, it is necessary to demonstrate that in reaching a decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development is applied when determining the application, as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. The new housing provision is limited, and the identified harm is significant both in areas of principle and detailed impacts. The tilted balance justifies refusal of the application; it is considered that the provision of one two-bedroom dwelling carries limited weight in the balance of planning considerations given its minimal impact in terms of housing supply.
- 7.13 Policy DM3 states, at point 3, *‘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.’*
- 7.14 The site is considered a ‘backland’ site. Notwithstanding that there are flats within the terrace which has commercial units at ground floor, the free-standing nature of the application building is not consistent with the urban grain at this location. This is discussed below in relation to the impact of the proposal on the character of the area. The proposal, being ‘backland development’, is therefore unacceptable in principle.

Design and Impact on the Character of the Area

- 7.15 The NPPF requires new development to respond positively to its surroundings. Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document, and the Design and Townscape Guide, advocate the need for new development to respect and complement local character.
- 7.16 Paragraph 130 of the NPPF refers to how planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment, and how developments should maintain a strong sense of place, using the arrangement of streets, spaces, building types to create attractive, welcoming and distinctive places to live, work and visit.

- 7.17 The Design and Townscape Guide ('the Guide') notes at paragraph 193 that backland development can take advantage of access to local facilities and infrastructure, provide natural surveillance and generally lift an area which may be susceptible to crime and disorder. However, such development is required to integrate with the established character including the established grain, density and openness of the townscape.
- 7.18 The surrounding built environment is relatively cohesive, with street-facing frontages, and a leafy rear garden environment. The application site is part of a cluster of outbuildings, additions and extensions that appear to have developed in association with the commercial frontage. No external changes associated with the development are proposed within this application. However, to retain a dwelling at this position would fail to respect the history or general layout and grain of the vicinity. It would be harmful to the visual amenities of the site and wider area and would be contrary to development plan policies in these regards.

Impact on Residential Amenity

- 7.19 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.
- 7.20 To the north of the site, on the far side of an accessway, are residential properties facing onto Fleetwood Avenue and Hildaville Drive. The position of the flat is level with the rear boundaries of rear gardens to these properties.
- 7.21 The flat has two first-floor windows facing these rear gardens, to the north. The windows serve a bedroom and a staircase. A window to the second bedroom faces east.
- 7.22 There appears to be flats above the parade of commercial properties facing Westborough Road. These flats also have rear windows facing north. However, these windows are set further away whereas the windows to the flat in question overlooks rear gardens by only the width of the accessway.
- 7.23 It would be possible to impose a condition that the staircase window be obscure glazed were the development otherwise acceptable. However, the bedroom window facing north is the only window to this room. A condition to require obscure glazing to this window would create a room with no outlook which would be unacceptable in terms of the residential amenity of the occupiers of the flat.
- 7.24 The bedroom window overlooks the rear gardens of 45 Fleetwood Avenue and 78 Hildaville Drive (over distances of some 3m and 7m respectively) and other rear gardens to the north. As such the overlooking and loss of privacy to occupiers of residential properties to the north has a significant adverse impact.
- 7.25 A planning statement forming part of the application documentation makes an argument that planning permission is required for only the change of use of the ground floor since the first floor was converted to residential use in 2008 as Permitted Development. However, no record can be found of this. Also, no

Certificate of Lawful Use has been granted or applied for in this respect so little to no weight is attached to the applicant's case on this point. The application has been determined as it stands.

- 7.26 From examining the planning history, it is evident that a two-storey built form has existed at the site for a considerable time. The application involves no material change to the size or form of this built form. The development causes no significant harm to the occupiers of any neighbouring residential property with regard to outlook and a sense of enclosure or daylight or sunlight.
- 7.27 Occupiers and visitors to the flat would generate some activity but it is considered that in the urban setting of the proposal this would not be to a degree which would create any significant detriment to the amenity of occupiers of neighbouring properties in any relevant regard.
- 7.28 However, with regard to overlooking it is considered that the development significantly g harms residential amenity. It is therefore unacceptable and contrary to policy in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.29 The NPPF, at paragraph 130 (f), states that planning decisions should ensure that developments are places with a high standard of amenity for existing and future occupiers. The nationally described space standards replaced the space standards used by local authorities and are afforded significant weight.
- 7.30 The Technical housing standards – nationally described space standard (27 March 2015) for a two-bedroom, three-person dwelling of two storeys is 70 sq m plus 2 sq m of built-in storage. The flat has a gross internal floor area of some 70 sq m. The flat therefore falls minimally below the standard.
- 7.31 The Technical requirements standard also requires that a dwelling with two or more bedspaces has at least one double (or twin) bedroom. A double (or twin bedroom) should have a floor area of at least 11.5 sq m. The room shown on the submitted plans as a master bedroom has a floor area of 11.2 sq m, minimally below the standard. The standard states that in order to provide one bedspace, a single bedroom has to have a floor area of at least 7.5 sq m and is at least 2.15m wide. The room shown on the submitted plans as bedroom 2 comfortably exceeds these requirements with a floor area of 10.8 sq m.
- 7.32 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and, at (v), states that new dwellings should make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 7.33 Paragraph 138 of the Design and Townscape Guide states that outdoor space significantly enhances the quality of life for residents and an attractive and useable garden area is an essential element of any new residential development.
- 7.34 Other than a path to the side entrance door, the flat has no outdoor amenity space. Whilst this may be acceptable for a first floor flat above commercial premises, it is considered unacceptable for a two-bedroom two-storey dwelling.

- 7.35 Access to the development is via an accessway to the rear of commercial premises. Other than a path to the side entrance door, the flat has no outdoor amenity space. Whilst this may be acceptable for a first floor flat above commercial premises, it is considered unacceptable for a two-bedroom, two-storey dwelling. The sole lounge window of the flat looks onto a brick wall at a close distance and other windows are hard onto the accessway, which is informally used to store waste from the commercial units. It is considered that outlook from the development is poor and unacceptable.
- 7.36 Policy DM8 requires that new dwellings include suitable space for waste storage and secure cycle storage. The Guide notes at paragraphs 196-197 that all development must ensure that appropriate provisions are made for waste collection, and that the site itself must be of a sufficient size and shape to accommodate practical internal space, usable amenity space and sufficient off-street parking for occupiers.
- 7.37 The site lacks reasonable scope for suitable waste storage provision externally and for secure covered cycle storage for the use of occupiers. Access to the unit is via a rear accessway, outside space consists of a walkway shared with the fish and chip shop and outlook from the unit is poor.
- 7.38 Policy DM8 of the Development Management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st of October 2015 have been substituted by Building Regulation M4(2). Part M4(2) of the Building Regulations requires the need to provide adaptable and accessible dwellings. The applicant has not submitted information demonstrating that the proposed dwelling would meet the criteria of building regulation M4(2). However, given that the development is a conversion of an existing building it would not be reasonable to require compliance with Building regulation M4(2) in this instance.
- 7.39 It is therefore considered that the proposal would significantly harm the residential amenity of future occupiers. It is therefore unacceptable and contrary to policy in the above regards.

Traffic and Transportation Issues

- 7.40 Policy DM15 of the Development Management Document requires that dwellings with 2+ bedrooms must provide two parking spaces.
- 7.41 No off-street car parking is provided for the flat. Considering that the site is at a sustainable location, adjoining a retail parade, no objection is raised on parking grounds. The proposal would not harm highway safety in accordance with planning policy.
- 7.42 The proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.43 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the development, where feasible, should be provided by renewables in order to meet Policy KP2.

- 7.44 No details of renewable energy technologies have been described in the proposed submission. There is limited scope on the site to employ such technologies. However, a condition could be attached to any planning permission to ensure the proposal complies reasonably with Policy KP2 of the Core Strategy in these regards were the development otherwise acceptable.
- 7.45 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110lpd when including external water consumption). This requirement could be dealt with by condition were the development otherwise acceptable.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.46 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, required 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.
- 7.47 The Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by the Council in October 2020. The site falls within the Zone of Influence for one or more European designated sites scoped into the RAMS.
- 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).
- 7.49 The proposal would involve a net increase of one dwelling within the Zone of Influence. The applicant has failed to agree a mechanism for appropriate mitigation within a reasonable timescale, or for any alternative mitigation.
- 7.50 The application therefore fails to reasonably mitigate the in-combination effect of the development on habitats and species in accordance with the Habitats Regulations as identified in the adopted SPD. This is unacceptable and contrary to the adopted SPD, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.

Community Infrastructure Levy (CIL)

- 7.51 This application is CIL liable; the proposal relates to a dwelling where there is no record of planning permission having been granted for a dwelling. If the application had been recommended for approval, a CIL charge would have been payable. If an

appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

Equality and Diversity Issues

- 7.52 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the development is unacceptable and contrary to the objectives of the relevant development plan policies and guidance, even when the “tilted balance” of housing provision is taken into account, it is out of character with the area, it harms the amenities of occupiers, and is harmful to the amenities of further occupiers and fails to mitigate impacts on habitats and species. For the above reasons, the development is unacceptable and fails to comply with planning policy. The application is therefore recommended for refusal.

9 Recommendation

- 9.1 **REFUSE PLANNING PERMISSION for the following reason(s):**

- 01 **The development by reason of its windows overlooking rear gardens of residential properties to the north is significantly harmful to the amenities of the occupiers of the neighbouring dwellings. This is unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).**
- 02 **By reason of the failure to provide useable private outdoor amenity space, accessibility for all future users, waste storage or secure cycle storage, the development is significantly harmful to the residential amenity of future occupiers, especially at 45 Fleetwood Avenue and 78 Hildaville Drive . This is unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) policies KP1 and CP4, Development Management Document (2015) policy DM8 and the advice contained with the Design and Townscape Guide (2009).**
- 03 **The development, by reason of its size, siting and design, represents a cramped and incongruous form of development which is significantly at odds with and harmful to the grain, character and appearance of the site and surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2021), 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 guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

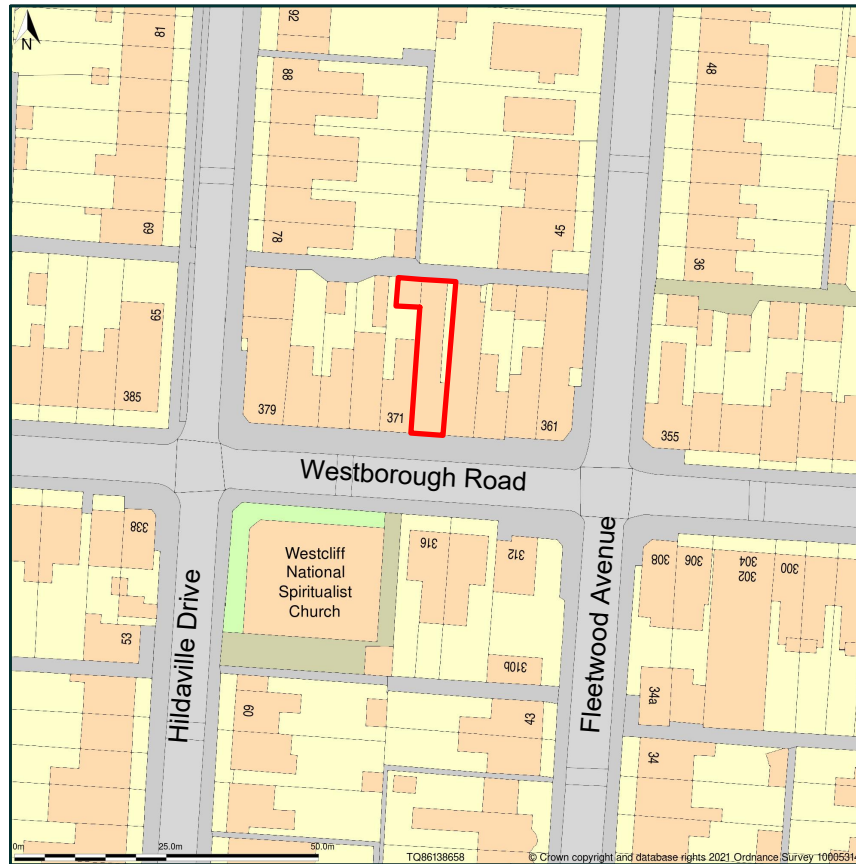
- 04 The development offers no reasonable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.**

Informatives:

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application might also be CIL liable.**
- 2 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development.**

This page is intentionally left blank

369, Westborough Road, Westcliff-on-sea, Southend-on-sea, SS0 9TS



Comments:

NB
Drawings are not for construction purposes.



The Furnace, The Maltings,
Princes Street, Ipswich,
Suffolk, IP1 1SB.
Tel: 01473 407911
enquiries@planningdirect.co.uk
www.planningdirect.co.uk

Client Details:

Anthony Stavrindes

Site:

369 Westborough Road,
Westcliff, SS0 9TS

Site Area: 129m²

Footprint:

GIFA:

Title:

Site Location Plan

Drawn by: JB Date: 19.10.21

Scale:

1:1250

Sheet:

A4

Sheet No:

1

Rev:

2

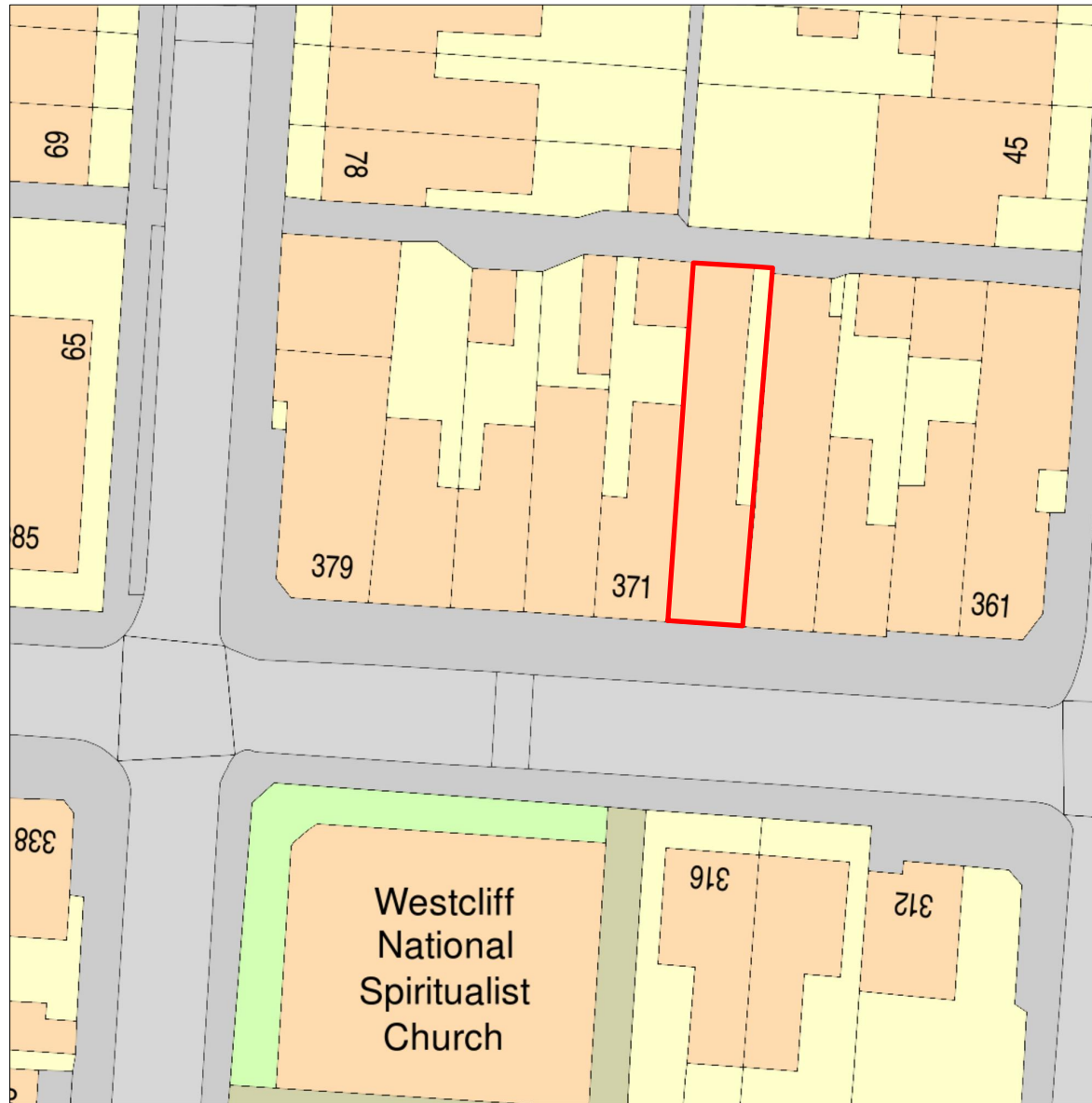
Ref:

0762

This page is intentionally left blank



195



Comments:

NB
Drawings are not for
construction purposes.



The Furnace, The Maltings,
Princes Street, Ipswich,
Suffolk, IP1 1SB.
Tel: 01473 407911
enquiries@planningdirect.co.uk
www.planningdirect.co.uk

Client Details:

Anthony Stavrinides

Site:

369 Westborough Road,
Westcliff, SS0 9TS

Site Area:

Footprint:

GIFA:

Title:

Existing/Proposed
Block Plan

Drawn by: JB Date: 21.05.21

Scale:

1:500

Sheet:

A4

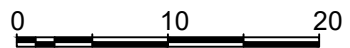
Sheet No:

2

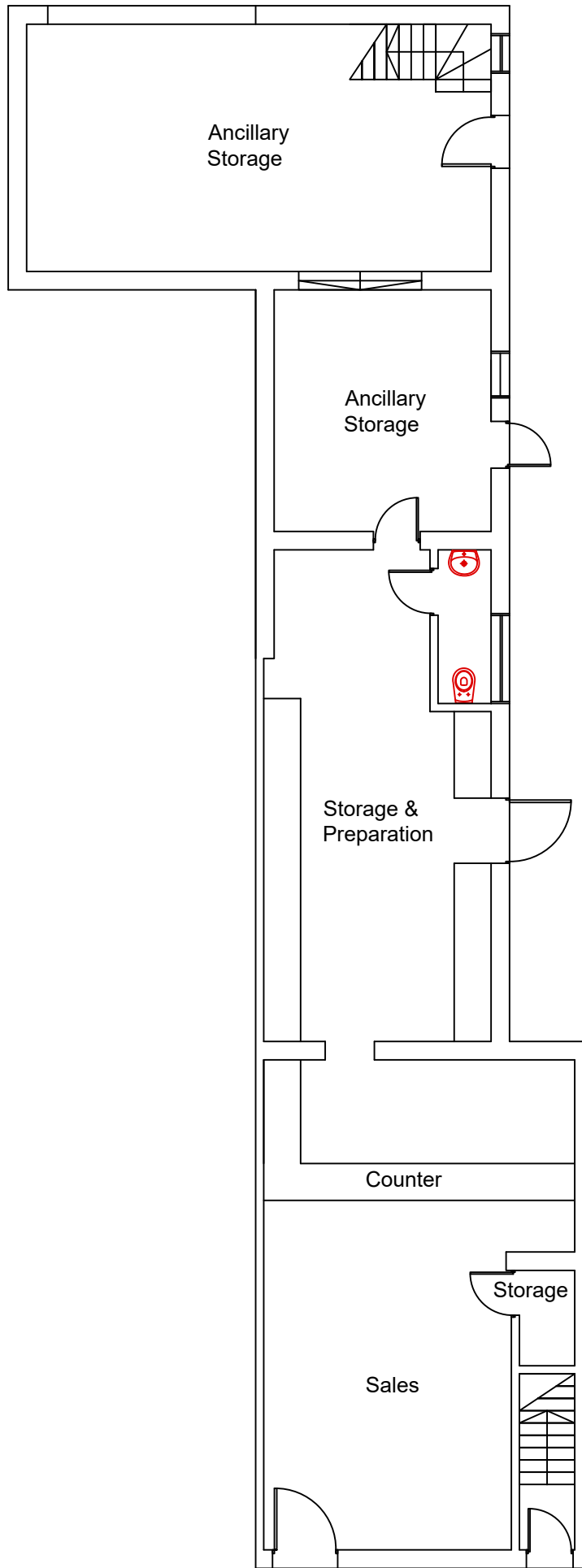
Rev:

Ref:

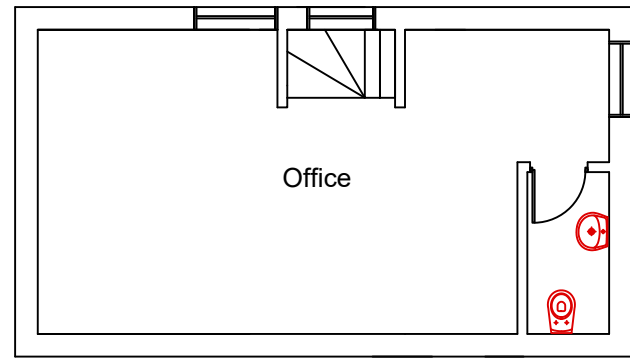
0762



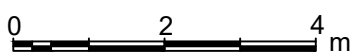
This page is intentionally left blank



Ground Floor



First Floor



Comments:

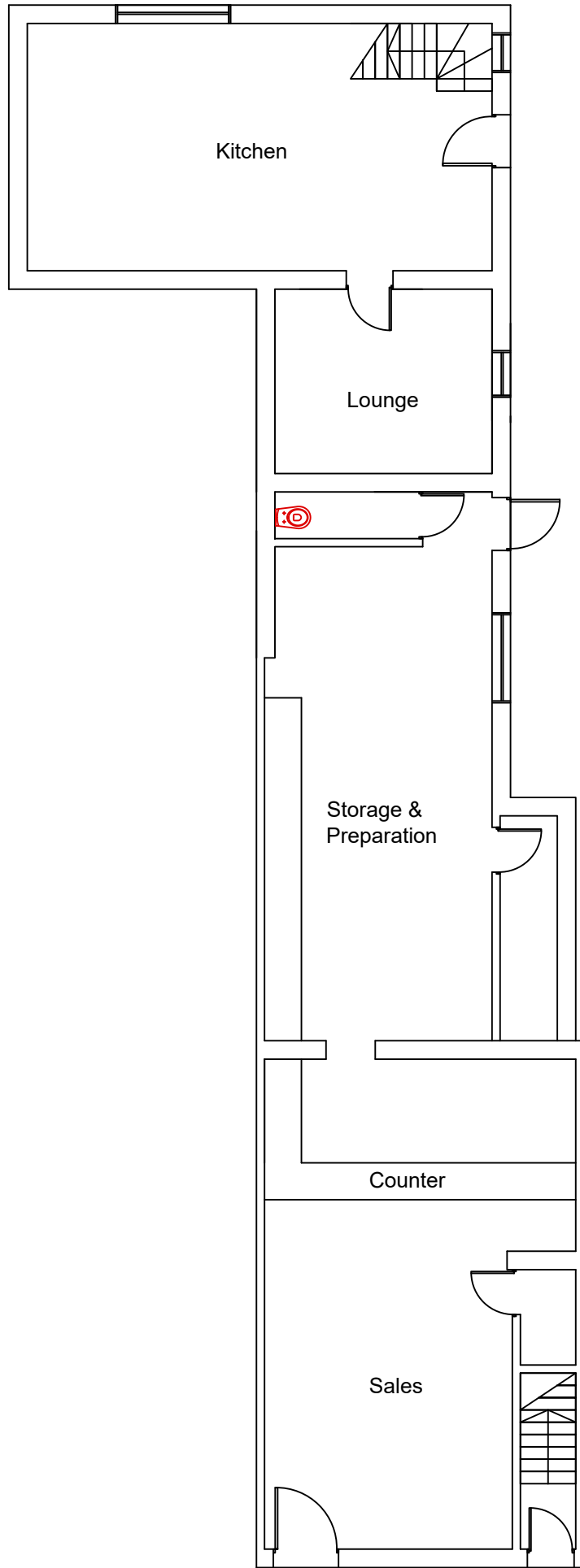
NB
Drawings are not for construction purposes.



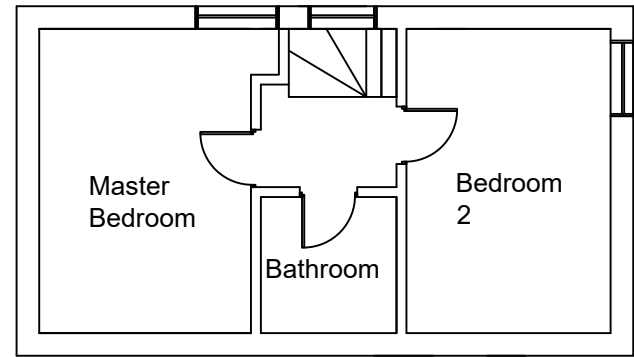
The Furnace, The Maltings,
Princes Street, Ipswich,
Suffolk, IP1 1SB.
Tel: 01473 407911
enquiries@planningdirect.co.uk
www.planningdirect.co.uk

Client Details:		Title:	
Anthony Stavrinides		Pre-Existing Floor Plan	
Site: 369 Westborough Road, Westcliff, SS0 9TS		Drawn by: JB	Date: 19.10.21
Site Area:		Scale:	Sheet:
Footprint: GIFA:		1:100	A3
		Sheet No:	Rev: Ref:
		3	2 0762

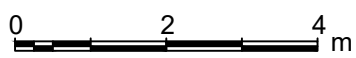
This page is intentionally left blank



Ground Floor



First Floor



Comments: NB Drawings are not for construction purposes.	 The Furnace, The Maltings, Princes Street, Ipswich, Suffolk, IP1 1SB. Tel: 01473 407911 enquiries@planningdirect.co.uk www.planningdirect.co.uk	Client Details:		Title:		
		Anthony Stavrinides		Existing Floor Plan		
		Site: 369 Westborough Road, Westcliff, SS0 9TS		Drawn by: JB	Date: 29.09.21	
		Site Area:		Scale: 1:100		Sheet: A3
Footprint:		GIFA:	Sheet No: 4	Rev:	Ref: 0762	

This page is intentionally left blank

North elevation



North elevation, upper floor windows



Entrance door



From east



Eastern end of footway to flat



Rear of parade to south



From west



To western end of footway



Gate to flat next door















This page is intentionally left blank

Reference:	19/00190/UNAU_B	11
Ward:	Milton	
Breach of Control:	Replacement of timber windows with UPVC windows in a Conservation Area	
Address:	18 Parkgate, Westcliff-On-Sea, Essex, SS0 7NY	
Case opened:	1 st July 2019	
Case Officer:	Mark Broad	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site location and description

1.1 The site contains a detached two-storey building on the western side of Park Road within the Milton Conservation Area and which is subdivided into flats. This report concerns a first floor flat in the southern part of the building, the elevations of which are open to public view from Park Road.

1.2 The Milton Conservation Area Character Appraisal notes that: “16-18 Parkgate is a large detached two storey house built slightly later than its neighbours. Red brick to ground floor with render above and a hipped red clay tile roof with prominent chimneys. Corner turret with steep roof provides a mini landmark to the street. Two storey canted bay with boarded gabled top forms a secondary feature on the frontage. Square bay to first floor side supported by decorative columns providing open porch to what appears to be the main entrance. Additional simpler entrance porch to the front. Modern replica timber casement windows with stained glass detail to fanlight. Now divided into 3 flats as Development Control Report part of the Parkgate development. Yellow stock brick wall to the front provides good enclosure and helps to screen the block paved parking area. Mature trees on the boundary provide good softening to the street.”

1.3 In terms of the contribution to the Conservation Area from the building, the appraisal states that this is positive. Milton Conservation Area is covered by an Article 4 Direction which seeks to protect this special character. The Direction removes householder permitted development rights in relation to the alteration of any window which fronts a highway, among other things.

1.4 Regardless of the Article 4 Direction, replacement windows would need planning permission for this property as it is a flat.

2 Lawful Planning Use

2.1 The lawful planning use is as a self-contained residential flat within Use Class C3 of the Town and Country Planning Use Class Order 1987 (as amended).

3 Relevant Planning History

3.1 19/01743/FUL (the “2019 Application”) - Replace single glazed timber windows with double glazed UPVC window at first floor flat (Retrospective). Refused.

Summarised reason for refusal:

The windows, by reason of their detailed design and materials are harmful to the character and appearance of the individual property and the street scene in the wider Milton Conservation Area of which it forms a part. Whilst this harm is less than substantial, the public benefits do not outweigh the harm.

3.2 20/00393/FUL (the “2020 Application”) - Replace single glazed timber windows with double glazed UPVC windows to first floor flat (Retrospective)(Amended Proposal). Refused. Appeal dismissed 25th June 2021 under reference 21/00002/REFN.

Summarised reasons for refusal:

The windows, by reason of their detailed design and materials are harmful to the character and appearance of the individual property and the street scene in the wider

Milton Conservation Area of which it forms a part. Whilst this harm is less than substantial, the public benefits do not outweigh the harm.

4 The alleged planning breach and the harm caused

4.1 Without planning permission, the replacement of original wood sash windows with UPVC framed windows.

4.2 It has been found through determination of two planning applications and dismissal of a subsequent appeal, that the current windows, by reason of their detailed design and materials are harmful to the character and appearance of the individual property and the street scene in the wider Milton Conservation Area of which it forms a part. Whilst the identified harm is less than substantial, the public benefits do not outweigh the harm. The development is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Milton Conservation Area Appraisal 2020.

5 Background and efforts to resolve breach to date

5.1 On 1st July 2019 an enforcement case was raised regarding the replacement of the original wood sash windows with UVPC windows.

5.2 A letter was sent to the owners on 11th July 2019 advising that planning permission was required for the replacement of the windows.

5.3 The 2019 Application was submitted on 23rd September 2019 and was refused on 22nd November 2019. The 2020 Application was submitted on 4th March 2020 and was refused on 27th July 2020.

5.4 An appeal was lodged with the Planning Inspectorate on 12th January 2021 under reference APP/D1590/W/20/3261209 (Council's reference: 21/00002/FEFN) (the "Appeal Decision") against the refusal of the 2020 Application. That appeal was dismissed on 25th July 2021.

5.5 To date no further planning application has been submitted nor any other actions have taken place to seek to overcome the reason for refusal of the retrospective planning applications or dismissed appeal.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

6.1 The officer's report for the 2020 Application setting out the reason for refusal is attached at Appendix 1.

6.2 The Appeal Decision concurring with the Council's reasons for refusal is attached at Appendix 2.

6.3 The unauthorised replacement windows are causing significant and demonstrable harm to the character and appearance of the site and the Conservation Area in conflict with relevant planning policies.

- 6.4 Staff consider that it is proportionate and justified in the circumstances of the case that an enforcement notice should be served as this will bring further focus to the need for the breach to be regularised and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 6.5 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area.

Equality and Diversity Issues

- 6.6 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have, in considering this enforcement case and preparing this report, had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the recommended enforcement action will not conflict with the Council's statutory duties under this legislation.

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to:**
- a) remove the unauthorised UPVC windows; and**
 - b) remove from site all materials and debris resulting from compliance with (a) above.**
- 7.2 **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.**
- 7.3 **When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised windows, considering that planning permission is required for the installation of new appropriate windows.**

Appendix 1 – Officer Report application reference 20/00393/FUL

Reference:	20/00393/FUL
Ward:	Milton
Proposal:	Replace single glazed timber windows with double glazed UPVC windows to first floor flat (Retrospective)(Amended Proposal)
Address:	18 Parkgate, Westcliff-On-Sea, Essex, SS0 7NY
Applicant:	Mr England
Agent:	Design Spec Ltd.
Consultation Expiry:	25.06.2020
Expiry Date:	27.07.2020
Case Officer:	Scott Davison
Plan No's:	Drawing No: 2808/09/40 Sheet 1/2 & 2808/09/40 Sheet 2/2
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is a detached two storey house located on the western side of Park Road subdivided divided into flats. The application site is a first floor flat and is within the Milton Conservation Area.
- 1.2 The Milton Conservation Area Character Appraisal notes that Park Road is a long north-south road that marks the boundary of the conservation area to the east. First edition Ordnance Survey maps from 1872 show that its development began with a short run of larger villa style properties to the eastern side of the street but by the second edition in 1897 the development had become much more mixed. More modest terraces and semis appeared at either end of the street and larger detached and semi-detached houses sprang up in the centre. It is interesting to note that although consistent on each side there is a significant difference in the building lines on either side of the street. On the eastern side they are tight and these houses have small front gardens and on the western side, they are much deeper giving a more spacious feel to the properties.
- 1.3 The Milton Conservation Area Character Appraisal notes that *16-18 Parkgate is a large detached two storey house built slightly later than its neighbours. Red brick to ground floor with render above and a hipped red clay tile roof with prominent chimneys. Corner turret with steep roof provides a mini landmark to the street. Two storey canted bay with boarded gabled top forms a secondary feature on the frontage. Square bay to first floor side supported by decorative columns providing open porch to what appears to be the main entrance. Additional simpler entrance porch to the front. Modern replica timber casement windows with stained glass detail to fanlight. Now divided into 3 flats as part of the Parkgate development. Yellow stock brick wall*

to the front provides good enclosure and helps to screen the block paved parking area. Mature trees on the boundary provide good softening to the street. In terms of the contribution to the Conservation Area from the dwelling, the appraisal states that this positive.

- 1.4 Milton Conservation Area is covered by an Article 4 Direction which seeks to protect this unique character. The Direction removes householder permitted development rights in relation to:
- The alteration of any window which fronts a highway.
 - The rendering of any brickwork which fronts a highway (other forms of cladding already need planning permission).
 - Re-roofing with different materials
 - The installation of a hardstanding for vehicles.
- 1.5 This means that planning permission would be required for these works.
- 1.6 UPVC windows are evident within this block (15 Parkgate) at ground floor level granted permission under ref: 14/00812/FUL. These windows are located to the rear of the site and are not visible from the street or wider public realm. There are some examples of UPVC windows within the conservation area however these either pre-date the adoption of the conservation area or are unauthorised. The installation of UPVC windows are considered to have had a negative impact on the character of the conservation area.

2 The Proposal

- 2.1 The application seeks retrospective planning permission for 5 white UPVC framed windows with top hung fanlights. The windows are located within the first floor of the corner turret feature in the front elevation of the dwelling house. No details have been provided of the previous windows however site photographs taken in 2014 show the previous windows were timber framed windows with stained glass top lights.
- 2.2 This application follows the refusal of application Ref: 19/01743FUL - Replace single glazed timber windows with double glazed UPVC window at first floor flat (Retrospective). The application was refused for the following reason.

01 The windows, by reason of their detailed design and materials are harmful to the character and appearance of the individual property and the street scene in the wider Milton Conservation Area of which it forms a part. Whilst this harm is less than substantial, the public benefits do not outweigh the harm. The development is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Milton Conservation Area Appraisal 2010.

- 2.3 The only evident difference between this refused application and the development is that the applicant has submitted a document listing some 15 other properties in Park Road, Park Terrace and Avenue Road within the Milton Conservation Area that have had UPVC windows installed.

3 Relevant Planning History

- 3.1 19/01743FUL Replace single glazed timber windows with double glazed UPVC window at first floor flat (Retrospective). Refused.

Enforcement History

- 3.2 19/00190/UNAU_B. Installation of Replacement windows.

4 Representation Summary

Public Consultation

- 4.1 27 neighbours were informed and a site notice displayed and press notice published. No letters of representation have been received.

Milton Conservation Area

- 4.2 Objection. These windows cause harm to the conservation area and visible from the public highway. A grant of planning permission would set a terrible precedent.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF), (2019).
- 5.2 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality) and DM5 (Southend on Sea's Historic Environment).
- 5.4 Design & Townscape Guide, (2009) sections 9 & 10.
- 5.5 Milton Conservation Area Appraisal (2014).

6 Planning Considerations

- 6.1 The main considerations for this application are the principle of the development, and the design including the impact of the proposed works on the character and appearance of the conservation area and whether it overcomes the previous reason for refusal. It is not considered that there would be any impact on neighbours or highway implications arising from this proposal.

7 Appraisal

Principle of Development

- 7.1 The proposal is considered in the context of the NPPF, Core Strategy Document (2007) Policies KP2 and CP4, Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009). These policies and guidance support development in most cases but require it to respect the existing character and appearance of the building and preserve or enhance the character of the Conservation Area and respect the amenities of neighbours. The building is located within a residential area where extensions and alterations are generally acceptable. Therefore, the principle of development is acceptable subject to the detailed design considerations below.

- 7.2 The Article 4 Direction for Milton Conservation Area requires that planning permission be obtained for the alteration of any window which fronts a highway because they are considered to be important to the historic character and significance of the conservation area. Applications for replacement windows will therefore need to demonstrate that the replacement windows would preserve or enhance the historic character of the conservation area i.e. they are of an appropriate style and material. If this can be justified then replacement windows would be acceptable. The principle of replacement windows would therefore be acceptable on this basis.

Design and impact on the character of the existing building and the wider conservation area

- 7.3 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy DM5 of the Development Management Document states the Council has a statutory duty to preserve or enhance their character and appearance. Development proposals must demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character.
- 7.4 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (section 12) and in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 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.”
- 7.5 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.”* (Section 12 Para 124 – ‘Achieving well-designed places’).
- 7.6 Policy KP2 of the Core Strategy 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”*.
- 7.7 Policy CP4 of the Core Strategy 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. This will be achieved by:*

5. 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.

9. safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance;

- 7.8 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. It states that:

'In order to reinforce local distinctiveness all development should:

(i) 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 giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable;'

- 7.9 Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value. In relation to development within Conservation Areas the policy states: *"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."* The site is located in the Milton Conservation Area and therefore special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area as stated in Policy DM5. *The NPPF states that: "When considering the impact of a proposed development on the significance of a designated heritage asset, the Local Planning Authority should take account of the desirability of new development making a positive contribution to local character and distinctiveness (Paragraph 192 2018)".*
- 7.10 In relation to development with conservation areas Paragraph 302 of the Design and Townscape Guide states; *'New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area.'*
- 7.11 In relation to Article 4 Directions Paragraph 308 of the Design and Townscape Guide states: *'There are a number of key building features of particular significance to the character of Conservation Areas and it is important that these are preserved and respected. Where necessary the Council has introduced Article 4 Directions to give greater protection to these features.'*
- 7.12 Paragraph 309 of the Design and Townscape Guide states: *"Traditional windows, especially timber sliding sashes, are vital for the character of Conservation Areas. Original windows can be given a new lease of life by overhauling them and installing draft proofing brushes in the sash rebates. Secondary glazing is also acceptable if it is unobtrusive".* Paragraph 310 continues: *If replacement or reinstatement is necessary, purpose-made windows to match the original materials and external appearance should normally be installed. For most buildings, double glazing within timber frames is acceptable if the external appearance is unaltered and the metal frames and seals are not visible. Non-traditional materials, especially plastic, cannot match traditional timber windows and are normally not acceptable.*

To safeguard the building's character, new windows should normally:

- Be of good quality softwood or hardwood from renewable sources;*

- *Be painted (not stained);*
- *Copy the original pattern of glazing bars and horns, if any - glazing bars should be built into the window and not stuck on to the glass;*
- *Use the original method of opening;*
- *Retain or restore the dimensions of the original window opening and the position of the frame within the opening – most openings are well-proportioned and most frames in older brick buildings are well set back from the face of the wall to give weather-protection, shadow and character;*
- *Give adequate ventilation;*
- *Retain decorative surrounds - they give elegance and distinction to many Victorian and Edwardian buildings.*

7.13 The Milton Conservation Area has generally retained a good proportion of its original features and in Parkgate and Park Road this includes timber sash windows. The front windows are considered to be a key part of the character of the conservation area and are therefore protected from inappropriate replacements under the Article 4 Direction.

7.14 Section 10 of the character Appraisal (Problems and Pressures) states, “*UPVC windows and doors, modern timber casements, picture windows and louvres are present in a number of properties and where there is a concentration of these the impact on the historic character of the area is severe. Unfortunately many of these alterations are historic and the Council cannot prevent exact like for like replacements although the reinstatement of original styles and materials is always encouraged. However, the alterations of windows which front the highway is controlled by the Milton Article 4 Direction and where changes are proposed to the design or materials of already inappropriate windows the reinstatement of the original design and materials will be sought. Where original windows remain, the Article 4 Direction will be used to protect them... The reinstatement of traditional windows where they have been lost can have a hugely positive impact on the quality and attractiveness of the conservation area*”.

7.15 The proposal seeks permission for the replacement white UPVC framed windows. No.18 has recently replaced all the windows within the front turret feature with new UPVC windows. Prior to this the property had its white painted timber framed windows with top hung fanlights with stained glass. The square bay above the porch is timber framed with casement windows with stained glass within the top hung fanlights. The windows on the street facing level at first floor level are timber framed with alternate opening casement windows and stained glass detailing lazing for the top hung fanlights. The windows at ground floor level are set within different window surrounds to those at first floor but are timber framed, alternate opening casement windows with stained glass detailing within the top hung fanlights. The timber windows are considered to make a positive contribution to the character of the conservation area.

7.16 The application form states that the new windows installed in 2018. They are very visible from the public realm and located within a prominent corner turret feature on the dwelling. Although the replacement windows appear to be similar in design, differences are apparent in their design detailing as well the different look of the materials. In particular the thickness of the windows frames which appear thinner than the windows that were replaced, as shown in the 2014 photographs. This is clearly evident in the narrow transom. The fanlights in the replacement windows are clear glazed in direct contrast with the former fanlight windows and the fanlights in the street facing elevation of the building at both ground and first floor levels which all appear to be opaque stained glass. The joins within the plastic frame were evident at

the corners, which would normally be concealed behind paintwork. The black lines of the sealed glazing units on the inside of the UPVC frames are also evident. It is considered that these differences have contributed to an erosion of historic character. Whilst UPVC windows having been installed at ground floor level in this building, they are located to the rear elevation of the property aside from two small sidelight windows to a blank bay like projection located towards the rear of the side elevation hidden behind the porch and are not visible from the public realm. In contrast to the proposed windows are located within a highly prominent feature on the building clearly visible from the public realm. It is therefore considered that the proposal is contrary to the objectives of the Milton Conservation Area Appraisal, and that the new windows have not preserved or enhanced the character of the application property or the wider conservation area and so this application cannot be supported.

- 7.17 The applicant submitted a supporting document which states “our client has gathered some evidence of other properties in the vicinity with the same proposed UPVC windows in the same conservation area which we would like to witness as part of our application.” The document lists the following properties as examples where UPVC windows have been installed:

*1-5 Park Road
12 Park Road
14 Park Road
84a Park Road
96 Park Road
100 Park Road
Edith Ville, Park Terrace
Hereford House, Park Terrace
3 Park Terrace
4 Park Terrace
12 Park Terrace
14 Park Terrace
13 Avenue Road
28 Avenue Road
32 Avenue Road*

- 7.18 Having checked the planning history of the cited examples, there are no historic applications for the replacement of existing windows with UPVC at these properties. It is noted that at No.32 Avenue Road, Planning permission Ref: 17/00448/FULH – “Replace seven windows to front elevation at ground and first floor” permission was granted to replace aluminium casement window with timber windows. In any event alleged historic examples do not justify or mitigate the development when it is unacceptable in its own right.
- 7.19 The application is therefore found to be contrary to the policies and guidance outlined above which seeks to preserve and enhance the historic character of the conservation area unless the harm to the heritage asset is outweighed by the public benefit. There are no public benefits to justify the retention of these windows in this case and this application fails to overcome the previous reason for refusal.
- 7.20 The development is therefore considered to be unacceptable and contrary to policy compliant in the above regards.

Community Infrastructure Levy (CIL) Charging Schedule.

- 7.21 The proposal for the existing property equates to less than 100sqm of new floor space, 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 considered that the development is unacceptable in terms of its impact on the character of the existing property and that of the streetscene and that it would fail to preserve or enhance the character of the Milton Conservation Area. The proposal fails to overcome the previous reason for refusal and the proposal therefore conflicts with the development plan policies and guidance set out above and is recommended for refusal.

9 Recommendation

It is recommended that the application be REFUSED for the following reason:

- 01 The windows, by reason of their detailed design and materials are harmful to the character and appearance of the individual property and the street scene in the wider Milton Conservation Area of which it forms a part. Whilst this harm is less than substantial, the public benefits do not outweigh the harm. The development is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Milton Conservation Area Appraisal 2010.**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's preapplication advice service.

Informatives

- 01 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.**
- 02 The applicant is advised that an installation of traditional timber windows which could include slim line double glazing would be considered more acceptable but these will require a revised planning application. If you require further**

advice regarding this please contact the Council's Conservation Officer on 01702 215330.



Appeal Decision

Site visit made on 1 June 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/D1590/W/20/3261209 18 Parkgate, Westcliff-on-Sea, SS0 7NY

- 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 Dr Alistair England against the decision of the Southend-on-Sea Borough Council.
 - The application Ref. 20/00393/FUL dated 27 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is replace single glazed timber windows with double glazed uPVC windows to first floor flat (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form stated that the development was 'replacement windows retrospective'. However, the council revised this description to read 'Replace single glazed timber windows with double glazed uPVC windows to first floor flat (retrospective)'. I note that this description has been adopted on the appeal form. Since this is a more accurate way to describe the proposed development in this appeal, I have used it in the heading above.

Main Issue

3. The main issue in the case is the effect of the replacement windows, in respect of their design and materials, on the character and appearance of the appeal property and the street scene and the wider Milton Conservation Area of which it forms a part.

Reasons

4. The appeal concerns the first floor flat of a detached two storey house located on the western side of Park Road. The site is within the Milton Conservation Area. The Milton Conservation Area Character Appraisal notes that *"16-18 Parkgate is a large detached two storey house built slightly later than its neighbours. Red brick to ground floor with render above and a hipped red clay tile roof with prominent chimneys. Corner turret with steep roof provides a mini landmark to the street. Two storey canted bay with boarded gabled top forms a secondary feature on the frontage. Square bay to first floor side supported by decorative columns providing open porch to what appears to be the main entrance. Additional simpler entrance porch to the front. Modern replica timber casement windows with stained glass detail to fanlight"*.
-
5. Milton Conservation Area is covered by an Article 4 Direction which seeks to protect this character. The Direction removes householder permitted development rights, including in relation to the alteration of any window which fronts a highway.
 6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan policies that are most relevant to the issues in this case are Core Strategy Document (2007) Policies CP4, and Policies DM1, DM3 and DM5 of the Development Management Document (2015), and advice contained within the Southend Design and Townscape Guide (2009).
 7. In brief, Policy CP4, at item 7 provides for the safeguarding and enhancing of the historic environment, heritage and archaeological assets, including listed buildings, conservation areas and ancient monuments. Policy DM1 supports Good design including, at item (ii), providing appropriate detailing that contributes to and enhances the distinctiveness of place. Policy DM3, at item 5, requires that alterations and additions to a building will be expected to make a positive contribution to the character of the original building and surrounding area. Policy DM5 sets out detailed policies on Southend-on-Sea's historic environment. Item 2 of this policy is particularly relevant, including the statement that *"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"*.
 8. These policies are in accord with the policies in the National Planning Policy Framework (the Framework). The appeal proposal must be considered in the context of Framework section 16, which concerns 'Conserving and enhancing the historic environment'. The first paragraph (184) sets the direction of policy. It includes *"These assets (which include sites and buildings of local historic value to those of the highest significance) are an irreplaceable resource, and should be conserved in a manner appropriate to their significance..."*. It gives guidance on levels of harm and how this should be weighed in paragraph 196, which states: *"Where a development proposal will lead to less than substantial harm (rather than substantial harm which signifies a greater degree of 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”.

9. The appellant’s case can be summarised as the need to replace single glazed rotten timber windows, that resulted in excessive damp and mould in the flat; the replacement windows are double glazed and are energy efficient and easier to maintain than wooden windows; there is a lack of companies that repair wooden windows, and their upkeep and replacement is prohibitively expensive; the definition of ‘fronts the highway’ is questioned; the windows do not detract from the character and look of the building; and a substantial number of examples of uPVC windows within the conservation area are cited, including the downstairs flat that has uPVC windows that were granted planning permission.
10. At my site visit I went to see many of the examples of uPVC windows that are referred to. Generally it was not necessary for me to be careful about looking at the house numbering, because these examples were easy to pick out. Whilst I fully recognise the indignation that the appellant feels, in my judgement these examples for the most part fully demonstrate the harm to the character and appearance of the conservation area that results from inappropriate replacement windows.
11. Turning to the windows the subject of the appeal, they are clearly visible, for instance when looking across the entrance to Parkgate from the south. I appreciate that this is looking against the flow of traffic in the one-way Park Road, but such detail is much more apparent on foot than in a vehicle. They are certainly windows that ‘front a highway’. I understand the advantages of modern materials, and of uPVC windows in particular, but living in an attractive historic conservation area, in a building that helps to contribute to its qualities, will often bring additional expense and sometimes a little inconvenience.
12. The council’s Design and Townscape Guide provides good advice about dealing with traditional timber windows in relation to the character of conservation areas. Paragraph 309, which is quoted in the officer’s report, suggests ways in which original windows can be overhauled, with draft proofing and secondary glazing. The replacement windows subject of this appeal conflict with the guidance and policy set out. They are prominent in the turret feature, and stand out as incongruous because of the different character of plastic to painted timber, and the difference in profiling and detailing and the appearance of the glazing.
13. The council has given an explanation for some of the windows that are drawn to my attention, including its attitude to those windows at ground floor level in this building, taking account that they are located at the rear elevation of the property, aside from two small sidelight windows to a blank bay-like projection located towards the rear. This, it appears to me, demonstrates that the council takes a considered and sensible approach to these matters. It is, of course, regrettable that a more proactive lookout for unauthorised and inappropriate replacements has not been achieved, but there are probably reasons for this that have nothing to do with my consideration of this appeal. The Article 4 direction, in place since 1989, would have been well publicised and certainly should be revealed on any property searches since then.

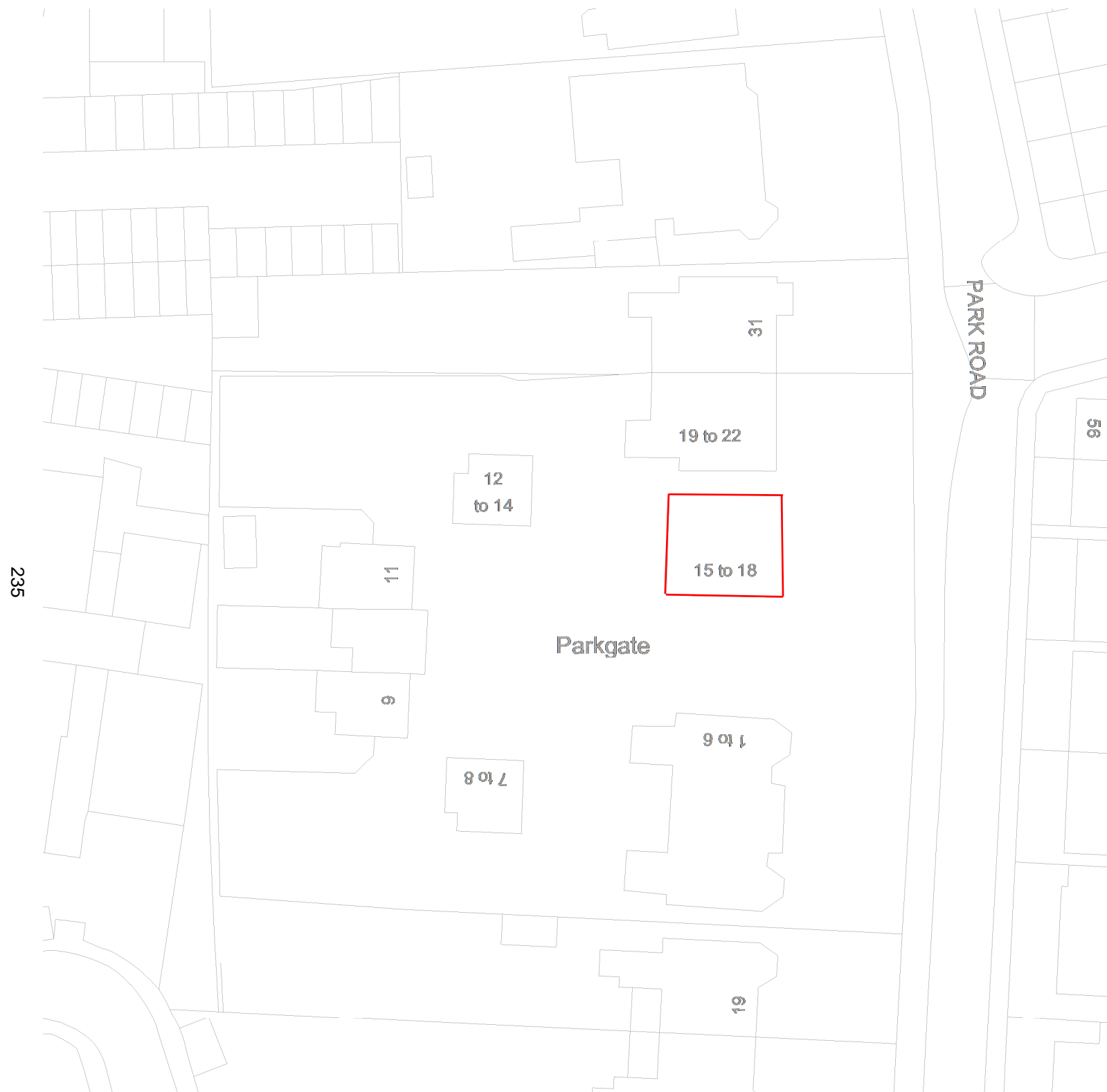
Conclusion

14. National planning policy, as well as that in the development plan for the borough, places considerable weight on avoiding harm to conservation areas. In addition, there is a general duty placed on a planning decision maker, including myself, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
15. In drawing a conclusion on this appeal, my judgement is that the subject windows bring 'less than substantial harm' to the character and appearance of the appeal property and the street scene and the Milton Conservation Area due to their design and materials. There is nothing put before me, in terms of public benefits of the proposal, that overrides this harm.
16. I have taken account of all other matters raised, including the fact that some of the appellant's messages to the council have gone unanswered, but these are not considerations for me. In view of my conclusion, reached on the basis of the considerations that I have set out, I dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR

This page is intentionally left blank



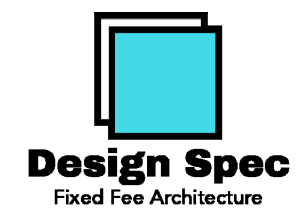
Site Plan

1 : 500



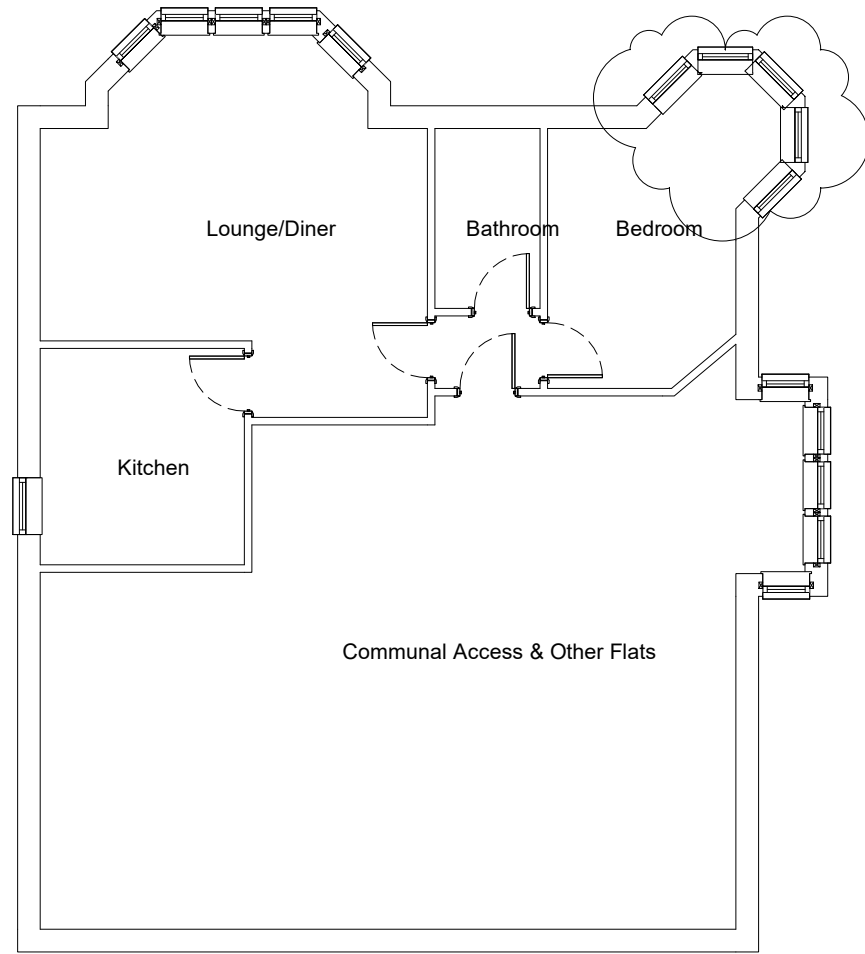
Location Plan

1 : 1250



CLIENT	Mr Alastair England	
Date	September 2019	Project number 2808/09/40
Drawn by	KG	PROJECT
Checked by	KG	18 Parkgate, Westcliff on Sea, Essex SS0 7NY

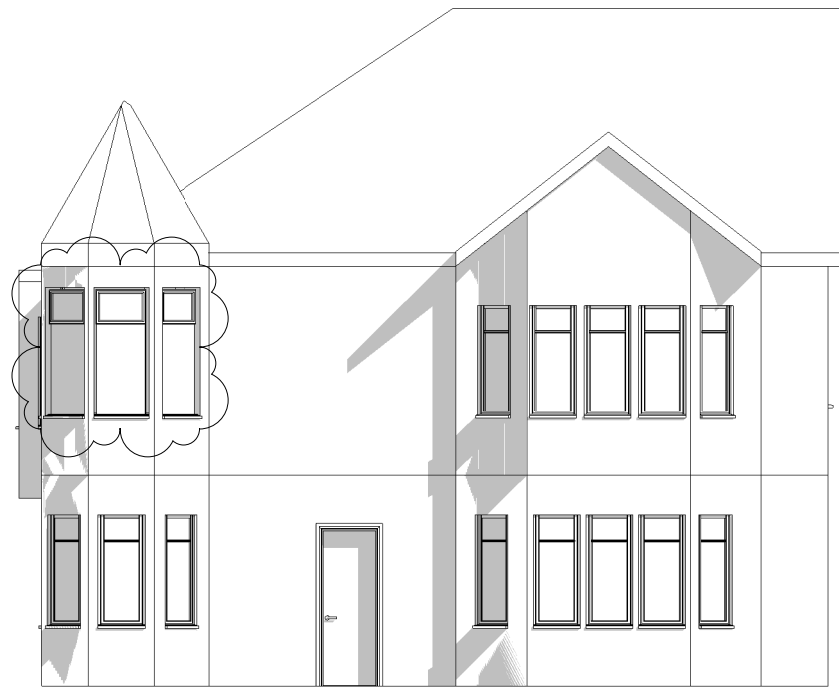
This page is intentionally left blank



Existing First Floor Plan

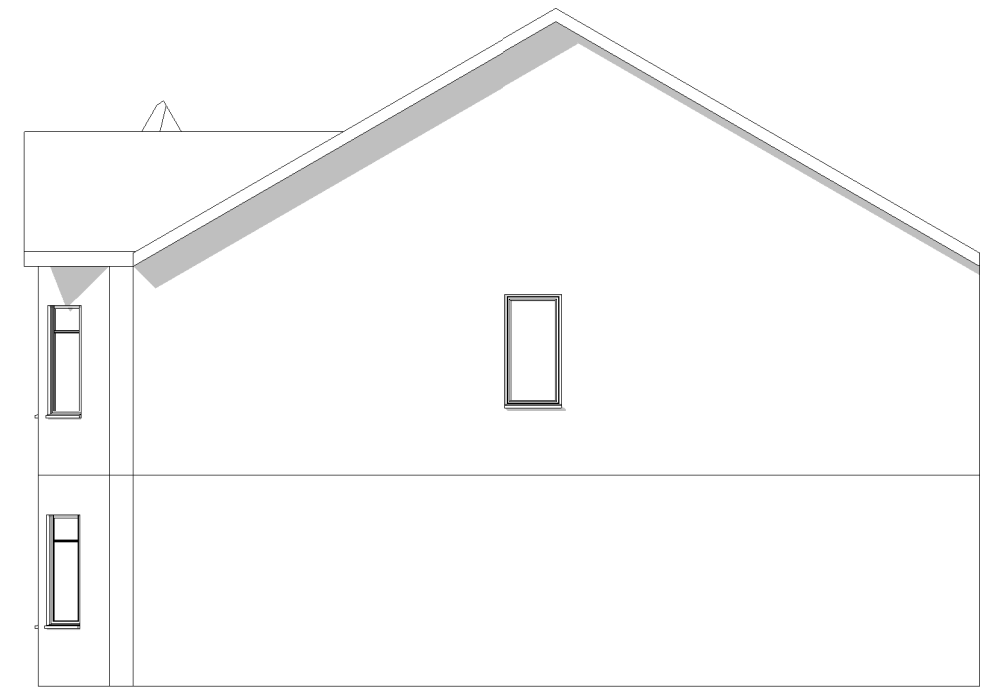
1 : 100

237



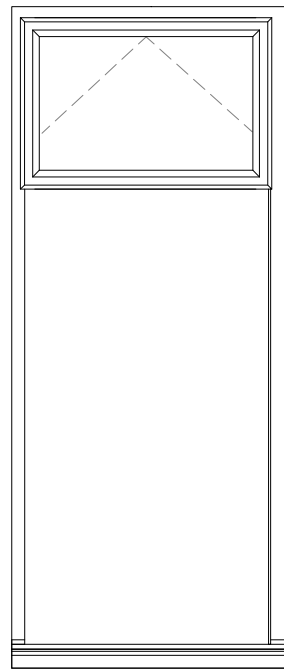
Existing Front Elevation

1 : 100



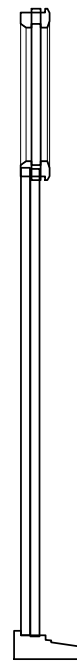
Existing Left Side Elevation

1 : 100



Window Section 2

1 : 20



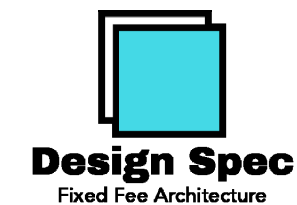
Window Section 1

1 : 20



Existing Right Side Elevation

1 : 100



CLIENT	Mr Alastair England	
Date	September 2019	Project number 2808/09/40
Drawn by	KG	PROJECT 18 Parkgate, Westcliff on Sea, Essex SS0 7NY
Checked by	KG	

This page is intentionally left blank

18 Parkgate

19/01743/FUL

First floor windows



First floor front elevation



Application site

242



Application site



Bay above porch in side elevation

244



No.15 to rear.



Application site

246

