

## **SOUTHEND-ON-SEA CITY COUNCIL**

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

**Date: Wednesday, 1st June, 2022**  
**Place: Council Chamber - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors M Berry, A Dear, K Buck, M Dent, F Evans, D Garston,  
D Jarvis, A Jones, C Mulroney, M Sadza, I Shead, A Thompson,  
C Walker, \*L Burton and \*N Folkard

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillor T Cowdrey  
K Waters, C Galforg, O Hart, P Keyes, S Mouratidis, M Warren,  
G Gilbert, Ms A Greenwood and R Harris

**Start/End Time:** 2.00 - 4.40 pm

#### **19 Apologies for Absence**

Apologies for absence were received from Councillors Borton (substitute: Cllr Burton), Habermel (substitute: Cllr Folkard) and Woodley (no substitute).

#### **20 Declarations of Interest**

The following declarations of interest were made:

- a) Cllr Ward – 22/00425/FUL (The Peter Boat Inn, 27 High Street) – Non-pecuniary interest - The owner of the application is known to him;
- b) Cllr Buck – 21/02457/FUL (222 Southchurch Road, Southend-on-Sea) – Disqualifying Non-pecuniary interest: The architect is well known to him and is the consulting architect for one of his clients (withdrew);
- c) Cllr Dent – 21/02457/FUL (222 Southchurch Road, Southend-on-Sea) – Non-pecuniary interest: Has spoken to the objectors and applicant regarding the application;
- d) Cllr Mulroney – 22/00614/FUL (55 Broadway, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Society and Leigh Town Council;
- e) Councillors Buck, D Garston, Walker and A Jones – 22/00459/BC3 (3 Norfolk Avenue, Leigh-on-Sea) – Non-pecuniary interests: Members of the Traffic Regulations Working Party concerning PVX applications;

#### **21 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.

**22      21/01887/DOV5 - Land Between Barge Pier Road and Ness Road  
(Shoeburyness)**

**Proposal: Modification of planning obligation (Section 106 agreement) dated 26<sup>th</sup> February 2021 pursuant to application 20/01227/OUTM to amend the charge provisions in relation to the affordable housing.**

**Applicant: Devonshires Solicitors LLP**

Resolved:

Delegated to the Director of Planning or Service Manager for Development Control to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 26<sup>th</sup> February 2021 pursuant to planning permission ref. 20/01227/OUTM.

**23      22/00459/BC3 - 3 Norfolk Avenue (Leigh-on-Sea) (Leigh Ward)**

**Proposal: Layout hardstanding to front and form vehicle crossover onto Norfolk Avenue for disabled access.**

**Applicant: Mr Dave Halladay**

**Agent: Mr Dave Halladay of Southend Borough Council**

Resolved:

PLANNING PERMISSION 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 solely in accordance with the following approved plans: Location plan, Existing site plan, 1996/01.

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

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.

Informative

01 You are advised that as the proposed alterations to your property do not result in new floorspace and 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](http://www.southend.gov.uk/cil) for further details about CIL.

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

03 The applicant is advised that they are required to apply to the Highways Authority for separate consent to have a vehicular crossover installed.

**24      21/02457/FUL - 222 Southchurch Road, Southend-on-Sea (Kursaal Ward)**

**Proposal: Change of use from dwellinghouse (Use Class C3) to 10-bedroom HMO (Use Class Sui Generis) (Part-Retrospective) raise roof form to rear projection and install new windows (amended plan).**

**Applicant: Atonia Homes Limited**

**Agenda: Mr Paul Seager of APS Design Associates Ltd**

Resolved:

PLANNING PERMISSION 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 shall only be undertaken in accordance with the following approved plans: 01 Site location plan, 01 Existing, and 03 revision A Proposed.

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.

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 Prior to first occupation of the development as hereby approved, details of how waste is to be stored on site, how materials for recycling will be stored separately and how waste management for the development will provide for the collection of general refuse and re-usable and recyclable waste shall be submitted to and

approved in writing by the Local Planning Authority. Waste management at the site shall be carried out in accordance with the approved strategy.

Reason: In the interest of achieving sustainable development as referred to in the NPPF (2021) and in accordance with Policy KP2 of the Core Strategy (December 2007) and Policy DM2 of the Development Management Document (July 2015).

05 The development hereby approved shall not be occupied until and unless secure covered cycle storage for at least ten (10) cycles has been provided on site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The agreed details shall be provided and made available for use by the development's occupiers and their visitors, prior to first occupation of the development, and shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 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).

06 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellings. 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, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

07 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 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).

08 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building, the accommodation in which is being altered under the provision of this permission, shall not at any time be adapted to enable formation of more than ten (10) bedrooms and the property shall not be occupied by more than ten (10) 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.

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

Reason: In the interests of sustainability in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

Informatives:

1 You are advised that as the development equates to less than 100 sq m 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 or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further information.

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 Local Planning Authority has acted positively and proactively in determining this application, by assessing the proposal against all material planning considerations, including planning policies and any representations that may have been received. Planning permission has been granted subject to conditions as the proposal was found to be compliant with the objectives of planning policies and guidance and there were no material considerations to justify reaching a different conclusion. A detailed analysis of the proposal is set out in a report on the application prepared by officers.

4 Future occupiers will not be eligible for a town centre or residential parking permits.

**25      22/00299/FUL - 54 The Ridgeway, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Erect replacement outbuilding at rear incorporating bike store, relocate existing office space into outbuilding and form additional floorspace to shop and replace existing steps to side with ramp.**

**Applicant: Mr Mehmet Hassain**

**Agent: Mr Colin Stone of Stone me Design Ltd**

Resolved:

PLANNING PERMISSION GRANTED subject to the following conditions:

1 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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1705-15a; 1705-16a

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1, and advice contained in the Southend-on Sea Design and Townscape Guide (2009).

4 The dry storage area of the outbuilding hereby permitted shall not be used at any time other than for purposes wholly ancillary to the commercial operation of the ground floor business unit known as 54 The Ridgeway.

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 Southend-on-Sea Design and Townscape Guide (2009).

5 Before any external lighting is installed in association with the outbuilding hereby permitted details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed solely in accordance with the approved details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

6 No plant equipment or machinery shall be installed or operated at the site unless a noise impact assessment (conducted out by a competent person) has previously been carried out, submitted to and approved in writing by the Local Planning Authority.

The assessment must be made using the appropriate standards and methodology for the noise sources and the relevant best practice. The plant equipment shall thereafter be implemented in full accordance with the details and mitigation provided in the approved Noise Impact Assessment before it is first brought into use and shall be maintained as such in perpetuity thereafter.

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).

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

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

8 The windows proposed within 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, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal finished floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity thereafter. 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: 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 Southend-on-Sea Design and Townscape Guide (2009)

9 Waste produced in association with the commercial operation of 54 The Ridgeway shall only be stored on the land known as '54 The Ridgeway' edged red on the approved location plan [Drawing No. 16A] and at no other location.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015)

Informative

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 [www.southend.gov.uk/cil](http://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.

#### 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.

#### **26      22/00425/FUL - The Peter Boat Inn, 27 High Street (Leigh Ward)**

**Proposal: Demolish existing outbuilding to west end of site and erect new bin store, extend existing millboard decking to south side of building, form new limestone patio to west side of building, resurface and reconfigure existing flexible car parking/external seating area and extend existing vehicle crossover onto High Street (Amended Proposal).**

**Applicant: East Anglia Pubs**

**Agent: Stone Me Ltd**

Resolved:

PLANNING PERMISSION GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 1266-2049a, 1266-2050b, 1266-2051b, 1266-2052e, 1266-2055a.

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

03 The materials to be used on the external surfaces of the bin store hereby approved shall be as detailed on plan reference 1266-2055a including matt black painted timber shiplap cladding for the walls, matt black painted timber brace and ledge doors, matt black painted timber fascia and dark grey fibreglass flat roof; the materials for the decked area hereby approved to the south of the building



shall match the existing decking in this location; the materials for the new paving area hereby approved to the west of the building shall match the existing black limestone paving in this area; the amended car park hereby approved shall be finished in tarmac with the spaces marked out with embedded block paving as detailed on plan reference 1266-2052e before the development hereby approved is brought into use.

Reason: To safeguard character and appearance of the building surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) advice contained within the National Design Guide (2021) Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

04 The amended car parking layout hereby approved shall not be brought into use unless and until the amended vehicular access to High Street as shown on plan reference 1266-2-52e has been provided and made available for use at the site. The vehicular access shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the site.

Reason: 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).

05 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).

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

Informatives:

01 You are advised that as the proposed extension(s) 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](http://www.southend.gov.uk/cil) for further details about CIL.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to

recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

03 The applicant will be required to apply to highways to construct the vehicle crossover and to reinstate the redundant vehicular crossovers back to pavement. Please contact [martinwarren@southend.gov.uk](mailto:martinwarren@southend.gov.uk) to arrange these works.

04 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**27      22/00607/FULH - 36 The Drive, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Raise ridge height, erect roof extension to rear to form habitable accommodation in roofspace, erect single storey side and rear extension, install canopy to rear at ground floor and balcony to rear at second floor, alter elevations.**

**Applicant: Mr and Mrs J Spokoini**

**Agent: Metson Architects Ltd**

Resolved:

PLANNING PERMISSION 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: 2106-TP-01-C, 2106-X-0, 2106-TP-10.

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 dwelling or be in accordance with those detailed on drawing no 2106-TP-01-C.

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 roofs of the single storey extensions hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other similar purpose unless express planning permission has previously been obtained. 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) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 The windows and rooflights in the side elevations 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 rooms or area served by the window(s) prior to the first use or occupation of the development hereby permitted and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the rear balcony hereby granted planning permission shall not be constructed unless and until plans and other appropriate details have previously been submitted to and approved in writing by the Local Planning Authority which specify the size, design, obscurity, materials and location of privacy screens to be fixed to the flank elevation of the balcony. Before the development hereby approved is occupied, the privacy screens shall be installed in full accordance with the details and specifications approved pursuant to this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of future occupiers and adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the 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 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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) 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 City.

#### 28 **22/00614/FUL - 55 Broadway, Leigh-on-Sea (Leigh Ward)**

**Proposal: Alter shopfront and install new extraction flue system and bin store to rear.**

**Applicant: Mr Abdelhamid Oukili**

**Agent: S K Architects**

Resolved:

PLANNING PERMISSION GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 732-P01-Rev A, 732-P03B- Rev G.

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

03 The replacement shopfront within the development hereby approved including the bifold doors including stallriser panel detail, fanlights, relocated door and fascia shall only be finished in painted timber. Prior to first operation of the rear flue the following shall have been completed at the site:

a) the flue shall have been spray painted to reasonably match the colour of the host building or in accordance with details of any other external treatment which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition,

- b) the screen balustrading shall have been erected in accordance with the details shown on drawing number 732-P03B – Rev G and
- c) the new shopfront and fascia shall have been completed in accordance with the details on drawing 732-P03B- Rev G

Reason: To safeguard the visual amenities of the conservation area, including the weight attached as part of a balanced assessment taking account of the benefits to the building and Conservation Area attributed to the new shopfront and fascia which is all 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-on-Sea Design and Townscape Guide (2009), the National Design Guide (2021) and Leigh Cliff Conservation Area Appraisal (2021).

04 Prior to first operation of the extraction flue system hereby approved, the noise mitigation measures as detailed in the Noise Impact Assessment Report - Kitchen Extraction System 55 Broadway, Leigh-On-Sea SA9 1PE for Picante Leigh-On-Sea by Sound Licensing Limited and dated 27 April 2022 (revision 1) shall be implemented, installed by competent persons and completed at the site in full accordance with those mitigation measure details. Additionally, prior to first operation of the development hereby approved, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the post- completion testing report. If the mitigation measures tested in the post-completion report prove to be insufficient, details of 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 Authority and installed and tested thereafter at the site prior to operation of the flue extraction system. The mitigation measures as approved shall be retained for the lifetime of the development.

Reason: To ensure the resulting noise from the flue extraction system would not be detrimental to living conditions of neighbouring and future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

05. The bifold doors within the shopfront hereby approved shall be closed between 22.00 and 09.00 hours Mondays to Sundays.

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

06 Prior to first operation of the rear flue hereby approved, the commercial refuse store, as shown on the plan reference 732-P03B- Rev G, shall be provided at the site and made available for use. This refuse store shall be retained for the lifetime of the development

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety

and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM5 and DM15 of the Development Management Document (2015).

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

08 There shall be no depositing of refuse into, or collection of refuse from, the bin store hereby approved outside the hours of 08:00 and 19:00 on any day.

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

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

Informatives:

01 You are advised that as the proposed development 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 [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

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

03 The applicant is advised that any takeaway function associated with any restaurant use of the application site within Class E (Business) of the Use Class Order must remain ancillary to that main restaurant function. If the takeaway element is judged to be more than ancillary, then separate express planning permission will be required for this change of use.

04 The applicant is reminded that the development hereby approved will have an impact on the area of flat roof proposed as an amenity terrace to the first floor flat

in the residential scheme approved in 2021 reference 21/02206/FUL. This aspect of the residential scheme will therefore require amendment and will be considered on its individual merits – this amendment must be sought through a separate application.

05 The applicant is advised that separate advertisement consent is required for any new signage and planning permission is likely to be required for any externally mounted lighting fixtures.

06 Prior to any alterations to the existing building an appropriate Asbestos survey of the buildings should be undertaken, and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.

**29      22/00633/FUL - Rose Martha Court, 64 Leigh Road (Chalkwell Ward)**

**Proposal: Enlarged windows to side and rear elevations (retrospective)**

**Applicant: Runwood Homes**

**Agent: Mr Barry Mullen of Connect Space**

Resolved:

PLANNING PERMISSION GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in accordance with the following approved plans: PA01, PA02, PA02A, PA03.

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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.

## Informative

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

### 30      **22/00704/FULH - 12 Ewan Close, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Raise ridge height, erect hip to gable roof extension to sides and gable extension to front, erect dormer to rear with juliette balcony, erect single storey rear and front extensions and first floor side extension, alter elevations (Amended Proposal).**

**Applicant: Mr and Mrs Speedie**

**Agent: Mr Jonathan Puplett of Whaleback Planning and Design**

Resolved:

PLANNING PERMISSION 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: (22) 02/20 EX01; (22) 02/20 PL02.A; (22) 02/20 PL02 RevA

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained in the Southend-on-Sea Design and Townscape Guide (2009).



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

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

05 The additional first and second floor side windows in both flank elevations associated with the development hereby approved must be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such for the lifetime of the development.

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

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

#### Informatives

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

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 City.

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