

# Public Document Pack

## Southend-on-Sea Borough Council

Civic Centre  
Southend-on-Sea

31 August 2021

Dear Sir or Madam,



I hereby summon you to attend the meeting of the Southend-on-Sea Borough Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, **Thursday, 9th September, 2021 at 6.30pm** for the transaction of the following business.

A Lewis  
Interim Chief Executive

### **A G E N D A**

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Communications**
- 4 Questions from Members of the Public**
- 5 Questions from Members of the Council**
- 6 Minutes of the meeting of Extraordinary Council held on Monday, 12 July 2021 (Pages 1 - 4)**  
Minutes attached
- 7 Minutes of the meeting of Council held on Thursday, 15 July 2021 (Pages 5 - 22)**  
Minutes attached
- 8 Petition - Parking Permits Jena Close, Waterloo and Maya Close (Pages 23 - 24)**  
Prayer of the Petition attached
- 9 Opposition Business - Notices of Motion referred to Working Parties (Pages 25 - 26)**  
Motion attached
- 10 Minutes of the meeting of Licensing Sub-Committee B held on Tuesday, 13 July 2021 (Pages 27 - 30)**  
Minutes attached

- 11 Minutes of the meeting of Development Control Committee held on Wednesday, 21 July 2021 (Pages 31 - 60)**  
Minutes attached
- 12 Minutes of the meeting of Cabinet Committee held on Monday, 26 July 2021 (Pages 61 - 64)**  
Minutes attached
- 13 Minutes of the meeting of Cabinet held on Tuesday, 27 July 2021 (Pages 65 - 76)**  
Minutes attached
- 14 Minutes of the meeting of Licensing Committee held on Monday, 16 August 2021 (Pages 77 - 78)**  
Minutes attached
- 15 Minutes of the meeting of Place Scrutiny Committee held on Tuesday, 31 August 2021**  
Minutes to follow
- 16 Minutes of the meeting of Development Control Committee held on Wednesday, 1 September 2021**  
Minutes to follow
- 17 Minutes of the meeting of People Scrutiny Committee held on Wednesday, 1st September 2021**  
Minutes to follow
- 18 Minutes of the meeting of Policy and Resources Scrutiny Committee held on Thursday, 2 September 2021**  
Minutes to follow
- 19 Minutes of the meeting of Special Cabinet held on Tuesday, 7 September 2021**  
Minutes to follow
- 20 Notice of Motion - Censorship of Gabriella Hirst's 'An English Garden' (Pages 79 - 80)**  
Notice of Motion attached
- 21 Notice of Motion - Bee Bus Stops and Green Roofs (Pages 81 - 82)**  
Notice of Motion attached
- 22 Appointments to Committees, etc**

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**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of The Council**

**Date: Monday, 12th July, 2021**  
**Place: Council Chamber - Civic Suite**

**6**

**Present:** Councillor M Borton (Chair)  
Councillors K Robinson (Vice-Chair), J Lamb, J Beck, B Beggs, M Berry, A Bright, K Buck, L Burton, P Collins, D Cowan, T Cowdrey, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garne, D Garston, S George, I Gilbert, S Habermel, T Harp, B Hooper, D Jarvis, A Jones, M Kelly, A Line, D McGlone, K Mitchell, A Moring, J Moyies, C Mulroney, C Nevin, L Salter, I Shead, M Stafford, M Terry, A Thompson, S Wakefield, C Walker, N Ward and P Wexham

**Start/End Time:** 6.30 - 8.20 pm

**141 Apologies for Absence**

Apologies for absence were received from Councillors Boyd, Buckley, Courtenay, Nelson, Warren and Woodley.

**142 Declarations of Interest**

- Councillor Buck

Minute 143 (Motion: Better Queensway) – Non-pecuniary interest: Has been contacted by residents and businesses and has publicly objected to the closure of the Queensway Road underpass;

- Councillor Beggs

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary interest: Daughter is SEN and wife runs SEN workshops for LAMDA and National Youth Theatre;

- Councillor Beck

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary interest: Is a teacher and has experience working with SEND children in the Borough;

- Councillor Burton

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary: Is a teacher outside of the Borough but students with SEND from the Borough attend the school;

- Councillor Cowdrey

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary interest: Parent of a child with SEND and is a supervisor for Social Work students in Special Schools in the Borough;

- Councillor Cox

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary interest: Daughter is a SEND child and is in receipt of an EHCP;

- Councillor Hooper

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary interest: Works for Blade Education who work with SEND children in the Borough;

- Councillor Mitchell

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary interest: Daughter has previously received SEND services;

- Councillor Jones

Minute 143 (Motion: Investigation into SEND Provision) – Non-pecuniary interest: Parent of children with SEND.

## 143 Notices of Motion

The Worshipful the Mayor had agreed to call this Council meeting following a requisition by 5 Councillors, pursuant to Section 3 of Schedule 12 of the Local Government Act 1972, to consider the three matters referred to in the requisition and the associated motions.

The Worshipful the Mayor was satisfied that these matters were legitimate subjects for the Council to debate.

### (a) Motion: Investigation into SEND Provision

The Council has before it a motion calling on the Council to undertake an independent investigation into SEND provision provided by the Council and the Children with Disabilities Team.

The Worshipful the Mayor drew attention to the SEND review scoping document which had been agreed with the Cabinet Member for Children and Learning and the shadow Cabinet Member.

Resolved:

That, in accordance with Standing Order 8.4, the following Motion, subject to the amendment in *italics*, be referred to the Cabinet:

‘To undertake an independent investigation into SEND provision provided by the Council and the Children with Disabilities Team *based on the SEND Review scoping document discussed with the groups on the Council and agreed between the Executive Councillor for Children and Learning and the Shadow Cabinet Member, to be circulated to all Councillors after this meeting.*’

(b) Motion: Car Parking Charges

The Council has before it a motion calling on the Council to reverse the current car parking charges to pre 1<sup>st</sup> April 2021 levels but still retaining the current pilot of the Southend Pass.

During consideration of the matter a motion was moved and seconded to refer the matter to Cabinet.

The motion to refer the matter to Cabinet was not carried.

(c) Motion: Better Queensway

The Council has before it a motion calling on the Council to re-enter discussions with Swan Housing to reverse the decision to close the Queensway Road underpass.

During consideration of the matter a motion was moved and seconded to refer the matter to Cabinet.

The motion to refer the matter to Cabinet was not carried.

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

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**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of The Council**

**Date: Thursday, 15th July, 2021**  
**Place: Council Chamber - Civic Suite**

**7**

**Present:** Councillor M Borton (Chair)  
Councillors K Robinson (Vice-Chair), J Beck, B Beggs, M Berry, H Boyd, A Bright, K Buck, S Buckley, L Burton, P Collins, J Courtenay, D Cowan, T Cowdrey, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garne, D Garston, S George, S Habermel, T Harp, B Hooper, D Jarvis, A Jones, M Kelly, J Lamb, A Line, D McGlone, K Mitchell, A Moring, J Moyies, C Mulrone, D Nelson, C Nevin, , L Salter, I Shead, M Stafford, M Terry, A Thompson, S Wakefield, C Walker, N Ward, J Warren, P Wexham and R Woodley

**Start/End Time:** 6.30 pm - 11.06 pm

**144 Apologies for Absence**

Apologies for absence were received from Councillor Gilbert.

**145 Declarations of Interest**

- Councillor Beggs

**People Scrutiny Committee – 6<sup>th</sup> July 2021**

Minute 115 (Outcome letter following SEND Area Revisit May 2021) – Non-pecuniary interest: Family member is SEND and wife runs workshops for the National Youth Theatre for SEND;

- Councillor Borton

**Development Control Committee – 30<sup>th</sup> March 2021**

Minute 948 (Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) – Non-pecuniary interest: Is on the Board of South Essex Homes and the supporters are known to her;

**Development Control Committee – 7<sup>th</sup> April 2021**

Minute 959 (20/02012/AMDT - The Forum, Elmer Approach, Southend on Sea) – Non-Pecuniary Interest: Is a governor at Milton Hall Primary School, which is close to the application site.

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Has received

communication from an objector who is known to her and the applicant is a fellow Councillor (withdrew).

Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

- Councillor Beck

**Development Control Committee – 30<sup>th</sup> March 2021**

Minute 948 (Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) – Non-pecuniary interest: Supporters and objectors are known to her and had discussed the proposal in general with residents;

**Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: A complaint was made against her in relation to this application and one of the objectors is also known to her and the applicant is a fellow Councillor (took no part in the voting thereon).

Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

**Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: has responded to objectors in respect of the application;

- Councillor Buck

**Development Control Committee – 30<sup>th</sup> March 2021**

Minute 948 (Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) – Non-pecuniary interest: Made public comments over the concerns of the highway aspect of the application;

**Development Control Committee – 7<sup>th</sup> April 2021**

Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Pecuniary: Cllr Buck is the applicant for this application (withdrew);

**Development Control Committee – 2<sup>nd</sup> June 2021**

Minute 34 (21/00721/FULH - 237 Prittlewell Chase, Westcliff-on-Sea) – Non-pecuniary interest: Had been contacted by objectors;

**Cabinet Committee – 10<sup>th</sup> June 2021**

Minute 48 (Update on Outstanding Schemes per Ward – Scheme No. 335 Highwood Close) – Non-pecuniary interest: Lives in the road;

**Place Scrutiny Committee – 5<sup>th</sup> July 2021**

Minute 106 (In-depth Scrutiny Project) – Non-pecuniary interest: A local waste services provider in Southend is a client;



### **Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00781/FUL - Meyrin House, 35 Hobblythick Lane, Westcliff on Sea – Non-pecuniary interest: Has received correspondence with residents in the Ward;

- Councillor Buckley

### **Cabinet Committee – 10<sup>th</sup> June 2021**

Minute 47 (Boroughwide Junction Protection Scheme) – Non-pecuniary interest: Has been lobbied for junction protection restrictions at the junctions within the Astronauts Estate;

- Councillor Collins

### **Cabinet – 15<sup>th</sup> June 2021**

Minute 60 (Electric Vehicle Charging Policy) – Non-pecuniary interest: Son holds blue badge for disabled parking bays;

- Councillor Cowan

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: The applicant has made a formal complaint against him and is a fellow Councillor (withdrew).

Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

### **Cabinet Committee – 10<sup>th</sup> June 2021**

Minute 47 (Boroughwide Junction Protection Scheme) – Non-pecuniary interest: Has been lobbied for junction protection restrictions at the junctions within the Astronauts Estate;

### **Policy and Resources Scrutiny Committee – 15<sup>th</sup> June 2021**

Minute 80 (Levelling Up Fund Applications) – Non-pecuniary interest: Has lobbied for improvements to the Harp House Roundabout;

- Councillor Cowdrey

### **Policy and Resources Scrutiny Committee – 15<sup>th</sup> June 2021**

Minute 80 (Levelling Up Fund Applications) – Non-pecuniary interest: Has worked with Concrete Culture arts collective to undertake consultation on the future use of the Kursaal;

### **Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: Has given advice to residents on how to make a comment or objection on the application;  
Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Sought clarification from planning officers on behalf of residents and gave advice to them accordingly;

- Councillor Dear

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 966 (20/02157/FUL - 34 Elmsleigh Drive, Leigh-on-Sea) – Non-Pecuniary Interest: Has received and an email from the applicant;  
Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: The applicant is a fellow Councillor.  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

- Councillor Dent

### **Development Control Committee – 30<sup>th</sup> March 2021**

Minute 948 (Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) – Non-pecuniary interest: Supporters of the application are known to him;

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary: The applicant has a formal complaint about him and one of the objectors is known to him (withdrew) and the applicant is a fellow Councillor.  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

### **Policy and Resources Scrutiny Committee – 15<sup>th</sup> June 2021**

Minute 80 (Levelling Up Fund Applications) – Non-pecuniary interest: Has worked with Concrete Culture arts collective to undertake consultation on the future use of the Kursaal;

### **Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: Has been in correspondence from objectors and the applicant;  
Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Has given advice to objectors;

- Councillor Folkard

#### **Place Scrutiny Committee – 5<sup>th</sup> July 2021**

Minute 100 (Covid Update) – Non-pecuniary interest: Uses the swimming pool at Southend Leisure & Tennis Centre which was mentioned in the debate;

- Councillor Garston

#### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 960 (20/02071/AMDT - The Esplanade, Western Esplanade) – Non-Pecuniary Interest: The application sight is within site of his son's property;

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: A complaint has been made about a comment made regarding the application and the applicant is a fellow Councillor (withdrew);

Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Disqualifying Non-Pecuniary Interest: The applicant is a fellow ward councillor and a close friend (withdrew);

#### **Development Control Committee – 2<sup>nd</sup> June 2021**

Minute 34 (21/00721/FULH - 237 Prittlewell Chase, Westcliff-on-Sea) – Non-pecuniary interest: Had been contacted by objectors and the applicant;

#### **Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Son owns flats in the St Mark's Court development;

Application No. 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea – Non-pecuniary interest: Has received correspondence from objectors and knows the speaker who has objected to the application as former Councillor and Mayor of the Borough;

- Councillor Gilbert

#### **Place Scrutiny Committee – 5<sup>th</sup> July 2021**

Minute 102 (Culture-led Regeneration and the Town Centre) – Non-pecuniary interest: Works for a business located in the Town Centre;

- Councillor Faye Evans

#### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

### **Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00781/FUL - Meyrin House, 35 Hopleythick Lane, Westcliff on Sea – Non-pecuniary interest: Knows the speaker who has objected to the application as former Councillor and Mayor of the Borough;

- Councillor Keith Evans

### **People Scrutiny Committee – 6<sup>th</sup> July 2021**

Minute 114 (Special Guardianship Order Updated Policy) – Non-pecuniary interest: Member of Fostering Panel;

- Councillor Habermel

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: The applicant is a fellow Councillor.  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

- Councillor Harp

### **Health and Wellbeing Board – 9<sup>th</sup> June 2021**

Minute 40 (A Better Start Progress Update) – Non-pecuniary interest: wife is employed by SAVS and he is a volunteer with SAVS; family friend employed in senior role at ABSS;

- Councillor Hooper

### **People Scrutiny Committee – 6<sup>th</sup> July 2021**

Minute 115 (Outcome letter following SEND Area Revisit May 2021) – Non-pecuniary interest: Is Director of Blade Education, a not-for-profit company that works with young people;

- Councillor Jarvis

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: The applicant is a fellow Councillor.  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

- Councillor Jones

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 958 (21/00217/BC3M - Chalkwell Hall Infants School, London Road) – Disqualifying Non-Pecuniary Interest: The applicant relates to a Council premises and is the relevant Cabinet Member (withdrew);  
Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying non-pecuniary interest: One of the objectors is known to her and the applicant is a fellow Councillor (withdrew);  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor.  
Minute 970 (18/00228/UNAU\_B - 2 Crowstone Close, Westcliff-on-Sea) – Non-Pecuniary interest: A neighbour to the application property is known to her;

### **Development Control Committee – 2<sup>nd</sup> June 2021**

Minute 28 (20/01726/BC3M - Garages at Eagle Way, Shoeburyness) – Disqualifying non-pecuniary interest: Relevant Cabinet Member (withdrew);

### **Cabinet – 15<sup>th</sup> June 2021**

Minute 56 (Culture-led Regeneration and the Town Centre) – Non-pecuniary interest: Son employed by c-2-c rail;  
Minute 61 (ASELA Governance) – Non-pecuniary interest: Husband employed by one of the ASELA partners;

### **Policy and Resources Scrutiny Committee – 15<sup>th</sup> June 2021**

Minute 80 (Levelling Up Fund Applications) – Non-pecuniary interest: son employed by c-2-c Rail;

### **Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00781/FUL - Meyrin House, 35 Hopleythick Lane, Westcliff on Sea – Non-pecuniary interest: Lives next door to an HMO;

- Councillor Mitchell

### **Development Control Committee – 30<sup>th</sup> March 2021**

Minute 948 (Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) – Non-pecuniary interest: Residents are known to her;

### **People Scrutiny Committee – 6<sup>th</sup> July 2021**

Minute 112 (Disabled Grants Policy) – Non-pecuniary interest: friend works in the Council's Finance Department;  
Minute 114 (Special Guardianship Order Updated Policy) – Non-pecuniary interest: Has recently been a member of the Fostering Panel;  
Minute 115 (Outcome letter following SEND Area Revisit May 2021) – family member is SEND and has previously received SEND services from the Council;

- Councillor Moring

#### **Cabinet Committee – 10<sup>th</sup> June 2021**

Minute 47 (Boroughwide Junction Protection Scheme) – Non-pecuniary interest: Lives in the Ward where junction is being implemented but not in the road where he lives);

#### **Place Scrutiny Committee – 5<sup>th</sup> July 2021**

Minute 105 (Thorpe Bay Gardens Covenant) – Non-pecuniary interest: Lives in Thorpe Bay;

- Councillor Mulronev

#### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 967 (21/00075/FUL - 119 Southsea Avenue, Leigh-on-Sea) – Non-Pecuniary Interest: Is a non-planning member of Leigh Town Council. Cllr Mulronev also lives on the same road but some distance from the application site.

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Cllr Mulronev has previously expressed a view on this application and the applicant is a fellow Councillor (withdrew);

Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

#### **Development Control Committee – 2<sup>nd</sup> June 2021**

Minute 28 (20/01726/BC3M - Garages at Eagle Way, Shoeburyness) – Non-pecuniary interest; Cabinet Member (Council Application);

Minute 31 (21/00692/AMDT - Development Land Underwood Square, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council non-participant in planning;

#### **Cabinet – 15<sup>th</sup> June 2021**

Minute 57 (Levelling Up Fund Applications) – Director of Leigh Port Partnership and previous chair of North Thames Fisheries Local Action Group;

#### **Policy and Resources Scrutiny Committee – 15<sup>th</sup> June 2021**

Minute 80 (Levelling Up Fund Applications) – Director of Leigh Port Partnership and previous chair of North Thames Fisheries Local Action Group;

### **Cabinet – 5<sup>th</sup> July 2021**

Minute 95 (Council's response to PSPO Public Consultation in Old Leigh/Chalkwell area) – Non-pecuniary interest: Business trustee in Leigh Old Town;

### **Policy and Resources Scrutiny Committee – 8<sup>th</sup> July 2021**

Minute 132 (Council's response to PSPO public consultation in the Old Leigh/Chalkwell Area: Non-pecuniary interest: Is Chair of the Trustees of Leigh Heritage Centre in Old Leigh;

- Councillor Nelson

### **People Scrutiny Committee – 6<sup>th</sup> July 2021**

Minute 113 (Covid Update) – Non-pecuniary interest: Wife is employed by the National Health Service;

- Councillor Nevin

### **Health and Wellbeing Board – 9<sup>th</sup> June 2021**

Minute 39 (Covid-19 Pandemic Updates) and Minute 41 (ICS Boundary Review Update) – Non-pecuniary interest: Employed at external NHS Trust; previous employment at Broomfield and Southend Hospitals; family members employed at Mid and South Essex Trust hospitals and in the Trust's Estates Department; Group Director for Pathology at Mid and South Essex NHS Foundation Trust known to her through previous employment;

### **Cabinet Committee – 10<sup>th</sup> June 2021**

Minute 48 (Update on Outstanding Schemes per Ward) – Non-pecuniary interest: Residents have approached her about the proposals;

### **People Scrutiny Committee – 6<sup>th</sup> July 2021**

Minute 113 (Covid Update) – Non-pecuniary interest: Employed at external NHS Trust; previous employment at Broomfield and Southend Hospitals; family members employed at Mid and South Essex Trust hospitals and in the Trust's Estates Department; Group Director for Pathology at Mid and South Essex NHS Foundation Trust known to her through previous employment;

- Councillor Salter

### **Health and Wellbeing Board – 9<sup>th</sup> June 2021**

Minute 39 (Covid-19 Pandemic Updates), Minute 41 (ICS Boundary Review Update) and Minute 42 (Southend Healthwatch Strategic Priorities) – Non-pecuniary interest: Husband is a consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; Son-in-law is GP in the Borough;

### **People Scrutiny Committee – 6<sup>th</sup> July 2021**

Minute 113 (Covid Update) – Non-pecuniary interest: Is a dentist; Husband is a consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; Son-in-law is GP in the Borough;

- Councillor Shead

### **Audit Committee – 28<sup>th</sup> April 2021**

Minute 944 (Deloittes Grants Report 2019/20) – Non-pecuniary interest: wife employed by South Essex College as an Invigilator;

- Councillor Terry

### **Policy and Resources Scrutiny Committee – 8<sup>th</sup> July 2021**

Minute 132 (Council's response to PSPO public consultation in the Old Leigh/Chalkwell Area) – Non-pecuniary interest: Lives adjacent to one of the areas specified in the proposed PSPO;

- Councillor Thompson

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – non-pecuniary interest: the applicant is a fellow Councillor;  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

- Councillor Wakefield

### **Development Control Committee – 30<sup>th</sup> March 2021**

Minute 948 (Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) – Non-pecuniary interest: Is a sub-contractor for South Essex Homes;

### **Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – non-pecuniary interest: the applicant is a fellow Councillor;  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

### **Place Scrutiny Committee – 5<sup>th</sup> July 2021**

Minute 102 (Culture-led Regeneration and the Town Centre) – Non-pecuniary interest: Has a business located in the Town Centre;

### **Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Had undertaken work on behalf of the management agent of St Mark's Court;  
Application No. 21/00781/FUL - Meyrin House, 35 Hopleythick Lane, Westcliff on Sea – Non-pecuniary interest: Owns an HMO;



- Councillor Walker

**Development Control Committee – 7<sup>th</sup> April 2021**

Minute 968 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – non-pecuniary interest: the applicant is a fellow Councillor;  
Minute 969 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor;

**Development Control Committee – 2<sup>nd</sup> June 2021**

Minute 31 (21/00692/AMDT - Development Land Underwood Square, Leigh on Sea) – Non-pecuniary interest: Friend lives in Fairview Lodge;

**Place Scrutiny Committee – 5<sup>th</sup> July 2021**

Minute 100 (Covid Update) – Non-pecuniary interest: Grand-daughter uses the diving facilities at Southend Leisure and Tennis Centre which was mentioned in the debate;

**Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea – Non-pecuniary interest: Knows the speaker who has objected to the application as former Councillor and Mayor of the Borough;

- Councillor Ward

**Development Control Committee – 2<sup>nd</sup> June 2021**

Minute 31 (21/00692/AMDT - Development Land Underwood Square, Leigh on Sea) – Non-pecuniary interest: Has previously worked at this site;

**Development Control Committee – 7<sup>th</sup> July 2021**

Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: Has Spoken with the applicant regarding the application;

- Councillor Wexham

**Policy and Resources Scrutiny Committee – 15<sup>th</sup> June 2021**

Minute 80 (Levelling Up Fund Applications) – Non-pecuniary interest: Director of Leigh Port Partnership and member of North Thames Fisheries Local Action Group;

- Councillor Woodley

**Cabinet Committee – 10<sup>th</sup> June 2021**

Minute 49 (Thorpe Bay Gardens – Covenant) – Non-pecuniary interest: Resident of the Burgess Estate;

Officer Interests:

**Policy and Resources Scrutiny Committee – 8<sup>th</sup> July 2021**

A Lewis, J Ruffle, J Williams and C Gamble - Minute 129 (Management Arrangements) – Pecuniary interest (withdrew).

**Appointments and Disciplinary Committee – 29<sup>th</sup> June 2021**

A Lewis, J Ruffle, J Williams and C Gamble – Minute 91 (Interim Chief Executive Arrangements) – Pecuniary interest (withdrew).

**146 Communications**

Minutes Silence: Professor Kenneth MacKinnon

The Council remained silent for one minute as a mark of respect to Professor Kenneth MacKinnon, former Councillor and Mayor of Southend in 1965-66, who sadly passed away recently.

**147 Questions from Members of the Public**

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

**148 Questions from Members of the Council**

The relevant Cabinet Members responded to written and supplementary questions received from Councillors.

**149 Minutes of the Meeting held Thursday 18<sup>th</sup> March 2021**

Resolved:

That the Minutes of the Meeting held on Thursday 18<sup>th</sup> March 2021, be confirmed as a correct record and signed.

**150 Minutes of the meeting of Annual Council held Thursday 20<sup>th</sup> May 2021**

Resolved:

That the Minutes of the Annual Meeting held on Thursday 20<sup>th</sup> May 2021, be confirmed as a correct record and signed.

**151 Minutes of the meeting of Appointments Council held Thursday 20 May 2021**

Resolved:

That the Minutes of the Appointments meeting held on Thursday 20<sup>th</sup> May 2021, be confirmed as a correct record and signed.

**152 Minutes of Extraordinary Council held on Wednesday 16 June 2021**

Resolved:

That the Minutes of the Extraordinary meeting held on Wednesday 16<sup>th</sup> June 2021, be confirmed as a correct record and signed.

**153 Petition - Pathway Resurfacing and Tree Planting in Ashburnham Road**

Councillor Mitchell presented a petition containing 22 signatures from residents requesting the pathway to be resurfaced and for small trees to be planted in Ashburnham Road to stop cars and delivery trucks destroying the pathway's surface.

Resolved:

That in accordance with Council Procedure Rule 15.7 the petition be referred to the Executive Director (Neighbourhoods and Environment) to respond.

**154 Minutes of the meeting of Licensing Sub-Committee C held Thursday 25th March 2021**

Resolved:

That the minutes of this meeting, be noted.

**155 Minutes of the meeting of Development Control Committee held Tuesday, 30 March 2021**

Resolved:

That the minutes of this meeting, be noted.

**156 Minutes of the of Development Control Committee held Wednesday, 7 April 2021**

Resolved:

That the minutes of this meeting, be noted.

**157 Minutes of the meeting of Licensing Sub-Committee B held Tuesday 27th April 2021**

Resolved:

That the minutes of this meeting, be noted.

**158 Minutes of the meeting of Audit Committee held on Wednesday, 28 April 2021**

Resolved:

That the minutes of this meeting, be noted.

**159 Minutes of the meeting of Licensing Sub-Committee A held Thursday, 29 April 2021**

Resolved:

That the minutes of this meeting, be noted.

**160 Minutes of the meeting of Development Control Committee held Wednesday, 2 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**161 Minutes of the meeting of Health and Wellbeing Board held Wednesday, 9 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**162 Minutes of the meeting of Cabinet Committee held Thursday, 10 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**163 Minutes of the meeting of Cabinet held Tuesday, 15 June 2021**

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 54 (Delivery of Southend 2050) and Minute 61 (ASELA Governance), be approved.

**164 Minutes of the meeting of Appeals Committee A held Tuesday, 15 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**165 Minutes of the meeting of Special Policy and Resources Scrutiny Committee held Tuesday, 15 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**166 Minutes of the meeting of Licensing Sub-Committee A held Wednesday, 16 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**167 Minutes of the meeting of Cabinet Committee held Thursday, 17 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**168 Minutes of the meeting of Appointments and Disciplinary Committee held Tuesday, 29 June 2021**

Resolved:

That the minutes of this meeting, be noted.

**169 Minutes of the meeting of Special Cabinet held Monday, 5 July 2021**

Resolved:

That the minutes of this meeting, be noted.

**170 Minutes of the meeting of Place Scrutiny Committee held Monday, 5 July 2021**

During consideration of Minute 101 (Southend New Local Plan) a requisition for a named vote having been made in accordance with Council Procedure Rule 12 to refer the matter back to Cabinet, the voting was as follows:

For reference back:

Cllrs Beggs, Boyd, Bright, Buck, Buckley, Courtenay, Cox, Davidson, Dear, F. Evans, Folkard, Garne, Garston, Habermel, Jarvis, Lamb, McGlone, Moring, Moyies, Nelson, Salter, Wakefield, Walker, Ward and Warren (25).

Against reference back:

Cllrs Beck, Berry, Burton, Collins, Cowan, Cowdrey, Dent, K. Evans, George, Harp, Hooper, Jones, Kelly, Line, Mitchell, Mulroney, Nevin, Robinson, Shead, Stafford, Terry, Thompson, Wexham and Woodley (24)

Abstention:

Cllr Borton (Mayor) (1)

Absent:

Cllr Gilbert (1)

The motion to refer the matter back to Cabinet was carried.

During consideration of Minute 105 (Thorpe Bay Gardens) a motion was moved and seconded to refer the matter back to Cabinet Committee.

The motion to refer the matter back to Cabinet Committee was not carried.

Resolved:

1. That the minutes of this meeting, be noted.
2. That Minute 101 and the associated Cabinet Minute 55 (Southend New Local Plan), be referred back to Cabinet for further consideration.

**171 Minutes of the meeting of People Scrutiny Committee held Tuesday, 6 July 2021**

Resolved:

That the minutes of this meeting, be noted.

**172 Minutes of the meeting of Development Control Committee held Wednesday, 7 July 2021**

Resolved:

That the minutes of this meeting, be noted.

**173 Minutes of the meeting of Policy and Resources Scrutiny Committee held Thursday, 8 July 2021**

During consideration of Minute 129 (Management Arrangements) a motion was moved and seconded to refer the matter back to Cabinet.

The motion to refer the matter back to Cabinet was not carried.

During consideration of Minute 131 (ASELA Governance) a motion was moved and seconded to refer the matter back to Cabinet.

The motion to refer the matter back to Cabinet was not carried.

Resolved:

That the minutes of this meeting, be noted.

**174 Minutes of the meeting of Appointments and Disciplinary Committee held Monday, 12 July 2021**

This meeting was postponed following the publication of the Council Agenda and therefore there are no minutes before the Council to consider.

**175 Minutes of the meeting of General Purposes Committee held Wednesday, 14 July 2021**

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 140 (Review of the Council's Constitution), be approved.

**176 Notice of Motion - CEE Bill**

Resolved:

That the Notice of Motion concerning the Climate and Ecological Emergency Bill be referred to the appropriate Working Party for consideration.

**177 Notice of Motion - Use of Glyphosate**

Resolved:

That the Notice of Motion concerning the use of glyphosate in the Borough's parks and open spaces be referred to the appropriate Working Party for consideration.

**178 Notice of Motion - Jet Skis**

Resolved:

That the Notice of Motion concerning the licensing of Jet Skis in the Borough be referred to the appropriate Working Party for consideration.

**179 Notice of Motion - Kursaal Comeback**

Resolved:

That the Notice of Motion concerning the Kursaal be referred to the appropriate Working Party for consideration.

**180 Notice of Motion - UK100**

Resolved:

That the Notice of Motion concerning the Members pledge towards Net Zero and joining UK100 be referred to the appropriate Working Party for consideration.

**181 Notice of Motion - Wildflower Verges**

Resolved:

That the Notice of Motion concerning environmentally sound management of roadside verges be referred to the appropriate Working Party for consideration.

**182 Notice of Motion - Going Green**

Resolved:

That the Notice of Motion concerning the creation of a Southend Going Green Grant Scheme be referred to the appropriate Working Party for consideration.

**183 Appointment of Chief Executive**

This item was withdrawn.

**184 Change to the Constitution**

The Council considered a report of the Executive Director (Legal and Democratic Services) setting out a minor change to the Constitution.

Resolved:

That a minor amendment be made to Standing Order 31.2, as set out in Appendix 1 to the submitted report, and that Part 4(a) of the Constitution be amended accordingly.

**185 Appointments to Committees, etc**

Resolved:

That the list of membership changes and appointments to Committees, etc, as appended to the minutes, be approved.

**186 Opposition Business - Notice of Motions Referred to Working Parties**

Opposition Business was deferred to the next ordinary meeting of the Council.

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



**PETITION:**

**Parking Permits Jena Close, Waterloo and Maya Close**

**8**

To introduce Resident Parking Permits in Jena Close, Waterloo and Maya Close.

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**Opposition Business: Notice of Motions referred to Working Parties**

**Motion**

We call upon the Council to reverse the decision to refer all motions to the working parties and re-instate that all motions are referred direct to Cabinet.

Proposer: Cllr Cox

Seconders: All members of the Conservative Group

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# SOUTHEND-ON-SEA BOROUGH COUNCIL

## Meeting of Licensing Sub-Committee B

**Date: Tuesday, 13th July, 2021**  
**Place: Virtual Meeting via MS Teams**

# 10

**Present:** Councillor K Mitchell (Chair)  
Councillors S Buckley and N Folkard

**In Attendance:** A Brown, T Row, A Penn, P Pearse and P Richards

**Start/End Time:** 10.00 am - 12.40 pm

### **187 Apologies for Absence**

There were no apologies for absence.

### **188 Declarations of Interest**

No interests were declared at the meeting.

### **189 Fellinis, 34-36 Elm Road, Leigh-on-Sea, Essex SS9 1SN - Application to Vary a Premises Licence**

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Mr Robert Sutherland of RDS Law, acting on behalf of Rococo (Leigh) Ltd, trading as Fellini's located at 34 – 36 Elm Road, Leigh-on-Sea, Essex SS9 1SN, to vary the Premises Licence at Fellini's, 34-36 Elm Road Leigh-on-Sea, Essex SS9 1SN. The variation sought an amendment to the condition on the existing licence that had been offered by the applicant, and subsequently imposed by the sub-committee at its meeting on 8th October 2020. This limited the number of patrons permitted for the purpose of dining and drinking on the terrace/balcony to 16 (sixteen). An increase in the total number to 48 (forty-eight) persons was now being sought. The overall capacity at the premises and all other conditions on the licence would remain unchanged.

The application was presented by Mr Sutherland, the Applicant's Solicitor. The General Manager of the premises, Mr Chaka was also in attendance and gave evidence.

The sub-committee noted that representations to this application had been received from the Licensing Authority and the Council's Environmental Health Team in their capacity as Responsible Authorities. Mr Penn and Mr Pearse attended the meeting to present their objection for these authorities respectively and gave evidence. An objection had also been received from Leigh Town Council. Councillor Cracknell attended the meeting to present their objection and gave evidence.

The sub-committee noted that letters of support had also been received from two local residents in respect of the application. One of these residents, namely Ms Kelly, attended the hearing and gave evidence.

The objectors' concerns related to the licensing objective regarding the prevention of public nuisance, in particular, the potential of noise arising from the cumulative effect of voices from a significantly increased number of customers in a raised, outside area and the disturbance this may cause to neighbouring residents. This could be exacerbated when alcohol was consumed. The noise generated by human voices was difficult to control or negate. The increase in noise generated would be further amplified through reflection of sound from solid surfaces in an external environment. It was also contested that there had been insufficient time, due to covid lockdown restrictions, since the granting of the licence with the restriction on the number of people on the terrace for the premises to demonstrate adequate control of the outside terrace.

Concerns of public safety were also raised, given that this area was used as an emergency escape route. It was highlighted, however, that the Fire Service had raised no representation to the application and that this matter would be controlled through the Regulatory Reform (Fire Safety) Order 2005.

At the hearing, the sub-committee heard that the premises had been operating outdoors (where permitted) and through off-sales in line with government advice during the restrictions imposed as a result of the Covid pandemic. Additionally, the overall capacity on the terrace had been increased to 48 persons on 24 occasions on Fridays and Saturdays between 27th April and 10th July through the use of Temporary Event Notices. No complaints of noise or disturbance had been following any of these events. A noise management policy for the premises had been prepared by Big Sky Acoustics setting out how the management of the premises would control and manage noise from the dining terrace area. A copy of this was circulated in advance of the meeting. Copies of photographs illustrating the terraced area were also circulated in advance of the meeting.

Ms Kelly also explained that she had visited the premises during these occasions and stated that there had been no issues. The rear garden of her property faced the terraced area and she had heard no increase in noise above that normally experienced.

The Responsible Authorities questioned the capacity approved through the use of the Temporary Event Notices, as both were of the belief that the capacity specified on the Notice was 30 persons. The applicant explained that the Temporary Event Notices enabled the increase of the capacity of the terrace to 30 people. Another part of the terrace was used for off-sales from another part of the premises which then enabled them to achieve a capacity in the outside area to 48 persons.

The robustness of the evidence from the occasions the capacity had been increased to 48 persons under the Temporary Event Notices was also questioned. It was suggested that the public would have been minded to tolerate any nuisance caused on the basis that the events were purely temporary and support such businesses following the impact of the Covid pandemic. A permanent increase in the capacity to 48 every day may, however, generate complaints.

The lack of planning consent for the use of the terrace was also raised. The sub-committee disregarded this point on the basis that this is a matter for the planning authority.

At the hearing when summing up the evidence, and having regard to the representation by Leigh Town Council, the Applicant suggested that whilst the variation sought was to increase the capacity of the terrace to 48 persons, by way of compromise he may be minded to accept a reduction of the increase in the capacity sought to 36 persons until 9.00 p.m. with the capacity remaining at 16 persons from 9.00 p.m. until 10.00 p.m. The timing for the last serving on the terrace would be 7.00 p.m.

The sub-committee listened to all the evidence and submissions and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. It also considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm as they related to this application. Each contested application is decided on its merits.

The sub-committee was mindful that each of the responsible authorities are experts in their respective field (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers). In considering the matter, the sub-committee had regard to paragraph 2.17 and 2.18 of the Revised Guidance, in particular, "conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises" and that "the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Additionally, paragraph 9.44 of the guidance states "...As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination." Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

On the basis of the evidence presented to it and after considering all the relevant issues, the sub-committee concluded that the promotion of the licensing objectives would not be undermined by the granting of the application with an amendment. The sub-committee therefore:

Resolved:-

1. That the application for the variation of the licence be granted as follows:

Annex 3 - Conditions attached after a hearing by the Licensing Authority shall be amended to read:

The external terrace area shall be limited to a maximum of 30 patrons only until 21.00 hrs. From 21:00 hrs until 22.00 hrs the maximum capacity shall not exceed 16 (sixteen) patrons only. The last booking for the use of the terrace shall be 19.00 hrs. For clarity, customers will be seated at tables with waiter/waitress

service and the sale of alcohol for consumption on the terrace shall be linked to the purchase of a substantial meal.

2. All other conditions on the licence shall remain unchanged.

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



# SOUTHEND-ON-SEA BOROUGH COUNCIL

## Meeting of Development Control Committee

**Date: Wednesday, 21st July, 2021**  
**Place: Council Chamber - Civic Suite**

# 11

**Present:** Councillor N Ward (Chair)  
Councillors A Dear (Vice-Chair), J Beck, M Berry\*, K Buck, D Cowan,  
F Evans, D Garne, D Garston, S Habermel, D Jarvis, K Mitchell,  
C Mulrone, I Shead\*, A Thompson and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

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

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

### 190 Apologies for Absence

Apologies for absence were received from Councillors Dent (no substitute), Jones (substitute: Councillor Berry) and Wakefield (substitute: Councillor Shead).

### 191 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Buck – Application No. 21/00344/FUL - 23-29 Clarence Street, Southend-on-Sea – Non-pecuniary interest: Applicant is known to him;

(ii) Councillor Buck – Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea – Disclosable Pecuniary Interest: Property owner and applicant (withdrew);

(iii) Councillor D Garston – Application Nos. 21/00289/FUL & 21/00416/LBC - Cockethurst, Eastwoodbury Lane, Eastwood – Non-pecuniary interest: Applicant known to him;

(iv) Councillor D Garston – Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea – Disqualifying non-pecuniary interest: Applicant is a fellow Councillor, Member of the Committee and a personal friend (withdrew);

(v) Councillor Mitchell – Application No. 21/00344/FUL - 23-29 Clarence Street, Southend-on-Sea – Non-pecuniary interest: Has corresponded with residents on the planning application process; and

(vi) In addition to the above, all Councillors in attendance declared a non-pecuniary interest in Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea on the basis that the applicant was a fellow Councillor and member of the Committee.

**192 Minutes of the meeting held on Wednesday 30th March 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 30<sup>th</sup> March 2021 be received, confirmed as a correct record and signed.

**193 Minutes of the meeting held on Wednesday 7th April 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 7<sup>th</sup> April 2021 be received, confirmed as a correct record and signed.

**194 Minutes of the meeting held on Wednesday, 2nd June 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 2<sup>nd</sup> June 2021 be received, confirmed as a correct record and signed.

**195 Minutes of the Meeting held on Wednesday 7th July 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 7<sup>th</sup> July 2021 be received, confirmed as a correct record and signed.

**196 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

**197 20/01895/FUL - 366 Rayleigh Road, Eastwood (Eastwood Park Ward)  
Proposal: Change of use from storage/distribution (Class B8) to Boxing Gym (Class E) (Retrospective)  
Applicant: Mr Pinnock  
Agent: Plainview Planning**

Mrs Catchpole, a local resident, spoke as an objector to the application. Mr Pinnock, the applicant, responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01. The development is hereby permitted in accordance with the following approved plans: Site Location Plan, Existing and Proposed Floor Plans, Existing Elevations.

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

02. The premises shall not be open for customers outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

03. Amplified music shall not be played on the premises outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.

Reason: In accordance with the submitted Noise Impact Assessment, to safeguard the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

04. The exterior windows and doors of the unit shall remain closed at all times during the operation of the use hereby approved.

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

05 (i) Within three months of the date of this permission, a detailed noise mitigation scheme, with timetable for implementation, based on the noise impact assessment and outline recommendations made in the reports Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 22/03/2021 Project Number 5751MP Version Reference 001 and Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 07/06/2021 Project Number 6145MP Version Reference 001 5751MP shall be submitted to and approved by the Local Planning Authority. The scheme shall include noise limiters to be fitted to all amplified music equipment and shall specify the prescribed noise limit with reference to the agreed noise impact assessment and outline recommendations identified above;

(ii) The agreed detailed noise mitigation scheme shall be installed in full accordance with the approved timetable;

(iii) a post completion noise survey must be undertaken in accordance with the approved timetable, by a suitably qualified acoustic consultant, and within the approved timetable a report shall be submitted to and approved in writing by the Local Planning Authority. The post-completion testing shall assess performance of the agreed scheme. The gymnasium use shall always thereafter and be operated in full accordance with these approved noise mitigation measures in perpetuity.

(iv) If the noise levels set out in the Noise Impact Assessment are exceeded, the use shall cease until additional noise mitigation measures have been implemented in accordance with details that are to have previously been submitted to and approved in writing by the Local Planning Authority.

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

06. Prior to installation of any external air conditioning units or equipment, at the premises subject of this permission, details of their specification, position and appearance shall be submitted to and agreed in writing by the Local Planning Authority. The units shall be implemented in accordance with the approved details and the specifications of the approved noise mitigation scheme before they are brought into use. If the noise levels set out in the scheme are exceeded, the use hereby approved shall cease until additional noise mitigation measures have been implemented in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

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

07. i) Noise from plant and equipment at the premises subject of this planning permission including extract ventilation at the maximum operating speed shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15 minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

ii) Prior to operation of any plant and equipment associated with this planning permission a post completion noise survey must have been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented in accordance with details previously agreed in writing with the Local Planning Authority.

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

08. Within three months of the date of this permission, details of secure cycle storage, together with a timetable for its implementation, shall have been

submitted in writing to the Local Planning Authority for agreement. The approved secure cycle storage shall be provided at the site and made available for use by staff and/or customers within 28 days of the agreement being given by the Local Planning Authority and in accordance with the agreed details and shall be retained for the lifetime of the development thereafter.

Reason: In the interests of accessibility further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

09. Within three months of the date of this permission, details of refuse and recycling storage, together with a timetable for its implementation, shall have been submitted in writing to the Local Planning Authority for agreement. Refuse and recycling storage shall be provided in accordance with the approved details and made available for use by staff and customers of the premises within 28 days of agreement of the details and shall be retained for the lifetime of the development thereafter.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

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

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

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

Informatives:

1. The proposal is a commercial change of use creating no new floor space and is not CIL liable.
2. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the

environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

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

4. If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If the local authority become aware of any works that are highly likely to cause a nuisance a notice may be served under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance are available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

**198 21/00289/FUL & 21/00416/LBC - Cockethurst, Eastwoodbury Lane, Eastwood (St Laurence Ward)**

**Proposal:**

- 1. 21/00289/FUL - Convert existing farm buildings into single dwelling house**
- 2. 21/00416/LBC - Convert existing farm buildings into single dwelling house (Listed Building Consent)**

**Applicant: Mr David Dedman**

**Agent: SKArchitects**

Resolved:-

1. That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 10186-01, 10186-02, 10186-03, 10186-04, 504\_P308B,

504\_P400A, 504\_P401A, 504\_P402A, 504\_P403B, 504\_P404, 504\_P405A, 504\_P406A, 504\_P407A, 504\_P409, 504\_P410A, 504\_P411A

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

03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020 and plans reference 504\_P411A and 504\_409 before the approved dwelling is occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.

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

04 The materials used for the development hereby approved shall only be as specified on plans reference 504\_308B, 504\_P403B, 504\_P404, 504\_P406A, 504\_P409 unless alternative material details are otherwise submitted to and agreed in writing with the Local Planning Authority under the scope of this planning condition.

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

05 The retention and re-siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features by SKArchitects reference 504B and plans reference 504\_409 and 504\_410A before the dwelling hereby approved is brought into use.

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

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document

(2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

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

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

08 The soft landscaping at the site shall be carried out in full accordance with the details and specifications shown in landscaping plan reference 504\_P402 before the dwelling hereby approved is occupied. The surfacing of the courtyard, parking spaces and driveway shall remain as the existing surfacing.

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

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

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

10 Prior to the commencement of the development hereby approved, tree protection measures, as set out in the Arboricultural Impact Assessment by Owen Allpress reference 2322 dated 25.02.21, shall be implemented in full and shall be retained throughout construction of the development.

Reason: A pre commencement condition is required to ensure the trees to the west of the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

11 The development hereby approved shall not be occupied until and unless 1 car parking space has been provided at the site and made available for use solely for occupiers of the residential unit hereby approved and their visitors all in accordance with the details shown on drawing 504\_P401A. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.



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

12 The development hereby approved shall not be occupied until and unless the cycle parking store and the refuse and recycling store, as shown on drawing 504\_P403B, have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the dwelling hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter.

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

13 Prior to occupation of the dwelling hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

14 Prior to any drainage infrastructure being installed, in accordance with the submitted Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020 and Technical Note by SLR reference 402.08714.00004 dated 09.03.20, detailed designs of a surface water drainage scheme incorporating the following details shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall address the following matters:

- (a.) A detailed drainage plan including pipe diameters, cover levels and invert levels, conveyance and failure/exceedance routes;
- (b.) A comment on the effects of high-water levels in the watercourse in the site drainage systems;
- (c.) A detailed construction drawing for the proposed geocellular storage and the flow-control chamber;
- (d.) Evidence of the assessment of any health and safety risks;
- (e.) A method statement detailing the effect of surface water during the construction phase;

(f.) Details of the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the geocellular storage and filter drains;

(g.) Measures to ensure damage to the drainage system resulting from associated construction activities must be considered and minimised;

(h.) Where required proposals for foul drainage.

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

15 All glazing to habitable rooms within the new and replacement windows shall be acoustic glazing RW 39 to meet the requirements of British Standard 8233:2014 unless alternative details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition.

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

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

The report of the findings must include:

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

(ii) An assessment of the potential risks to:

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

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land

Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

17 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no works associated with this consent shall be undertaken unless and until 2 x Schweglar bat boxes are installed in accordance with plan reference 504\_P402A. The proposed site clearance and construction works shall then be carried out in full accordance with the recommended mitigation measures nesting birds as set out on page 5 of the Ecology Report by Cherryfield Ecology dated 23.2.21 and the mitigation measures for bats set out in Section 4.3 of the Ecology Report by Cherryfield Ecology dated 30.6.21 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A condition is required to ensure any bats or nesting birds utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) policy DM2.

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

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

Informatives:

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

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

implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

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

04 The applicant is advised that an environmental permit for flood risk activities may be needed if works are proposed in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Eastwood Brook is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. It should be noted that anyone carrying out these activities without a permit where one is required, is breaking the law.

05 The applicant is reminded that a bat mitigation licence must be obtained prior to commencement of the works.

2. That LISTED BUILDING CONSENT be GRANTED subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 10186-01, 10186-02, 10186-03, 10186-04, 504\_P308B, 504\_P400A, 504\_P401A, 504\_P402A, 504\_P403B, 504\_P404, 504\_P405A, 504\_P406A, 504\_P407A, 504\_P409, 504\_P410A, 504\_P411A

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

03 The materials used for the development hereby approved shall be as specified on plans reference 504\_308B, 504\_P403B, 504\_P404A, 504\_P406A, 504\_P409 unless alternative material details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document

(2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The retention and re siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features by SKArchitects reference 504B and plans reference 504\_409 and 504\_410A before the dwelling hereby approved is brought into use.

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

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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

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

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

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

**199 21/00344/FUL - 23 - 29 Clarence Street, Southend-on-Sea (Milton Ward)**  
**Proposal: Change of use and convert existing takeaway and restaurant at ground floor level and A2 office space at first floor level into 4 No. self-contained houses, amenity space to rear at first floor level with privacy screen and alterations to front, side and rear elevations**  
**Applicant: Stockvale Investments Ltd.**  
**Agent: SKArchitects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: 400-P101; 400-P102.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless samples of the external materials and full details of the windows, doors, internal shutters, privacy screens and party walls subdividing the dwellings have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved materials. The development shall be carried out in full accordance with the approved details before it is first occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM5 and the guidance contained within the Design and Townscape Guide (2009).

04 Notwithstanding the provisions of Classes A & B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be), no development falling within those classes shall be undertaken at the site unless express planning permission has been obtained from the Local Planning Authority.

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality and in order to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

05 Prior to the first occupation of the dwellings hereby approved, full details of the design and layout of the 'winter gardens' and external amenity spaces at first floor level shown on the plans otherwise hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submission made shall include details of the hard and soft landscaping within these areas, all privacy screens and means of enclosure to be installed and the mechanism for opening and closing the winter gardens. The winter gardens and external amenity spaces shall be implemented in full accordance with the details approved under this condition prior to first occupation of the development hereby approved and the development shall thereafter be retained as approved in perpetuity.

The 'winter gardens' and external amenity spaces at first floor level shall be permanently retained as external amenity spaces for future occupiers of the dwellings only and shall not be converted to use for any other purpose, including as a habitable rooms (including bedroom, living room or kitchen), whether or not any such change would be permitted under the Town and Country Planning Act 1990 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any act or order revoking, amending or re-enacting this legislation).

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

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 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank or Public Holidays.

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

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

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (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).

08 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the dwellings hereby granted consent shall be first occupied unless and until plans and full details (including the Pilkington level of obscured glass) have been submitted to and approved in writing by the Local Planning Authority which specify full details of the obscure glazing and any restrictions to



the openings to the first floor rear fenestration Before the dwellings hereby approved are first occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1 and advice contained in The Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the guidance within the Design and Townscape Guide (2009).

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

#### Informatives

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

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party

responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

- 200 21/00468/FUL - 48 Argyll Road, Westcliff-on-Sea (Milton Ward)**  
**Proposal: Change of use of first floor of existing doctor's surgery and convert in to one (1no.) self-contained flat, erect linked two storey building at rear, to be used as two (2no.) self-contained flats and layout associated amenity space, cycle and bin stores**  
**Applicant: Dr B Bekas**  
**Agent: Mr Colin Stone of StoneMe Ltd.**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

#### General Conditions

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 1825 10, 1825 11 a, 1825 15, 1825 16, 1825 17

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

#### Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site, including facing materials, roof detail, windows, doors, fascia and soffits, have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (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 (2019) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no waste or recycle bin storage facilities shall be provided on either frontage of the application site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (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 (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

05 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of these conditions. The soft landscaping scheme be implemented, completed and maintained thereafter in full accordance with the approved details.

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (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 (2019) and the Design and Townscape Guide (2009).

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

#### Living Conditions

07 Prior to commencement of development on site, other than demolition and site preparation works, details of vibration mitigation and noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard BS 8233:2014, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first residential occupation of any part of the development hereby approved.

Reason: To mitigate the noise from the uses in the area in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

#### Impact on residential amenity of neighbours

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

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

09 The proposed first floor south facing windows and the eastern most ground floor south facing window (annotated as 'high level obscure' on the approved plan 1825 15) of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the interior room or area served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

#### Highways

10 Prior to the first occupation of the residential units hereby approved the three (3) cycle parking spaces as shown on approved plan 825 15 shall be provided and made available for use on site solely in accordance with the details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition. The cycle parking spaces shall be retained for the benefit of the future residential occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

#### Energy and water sustainability

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (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).

12 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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).

#### Positive and proactive statement

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

#### Informatives:

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

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

**201 21/00769/FUL - Land Adjacent to 4 Stonehill Road, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect detached dwellinghouse with associated amenity space and parking (Amended Proposal)**  
**Applicant: Mr Shane Henstock**  
**Agent: Mr Anthony Maskell**

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: Jan021-001 Amendment 'B'- Existing & Proposed Site Plan; Block Plan Sketch C, Jan020-017; Existing & Proposed Elevations; Sketch D; Roof Plan

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

03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place until full details and samples of the materials to be used on all the external elevations of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and completed in accordance with the approved details.

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

04 No development above ground level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- (i.) means of enclosure, of the site including any gates or boundary fencing;
- (ii.) car parking layouts;
- (iii.) other vehicle and pedestrian access and circulation areas;
- (iv.) hard surfacing materials;
- (v.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- (vi.) details of measures to enhance biodiversity within the site;

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

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

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

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

06 Prior to occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

07 The development hereby approved shall be carried out in a manner to ensure that the dwelling complies with Building Regulation part M4(2) 'accessible and adaptable dwellings' before it is brought into use and first occupied.

Reason: To ensure the residential unit hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

08 Notwithstanding demolition works, construction of the development hereby permitted shall not commence until details of surface water attenuation for the site,

based on Sustainable Urban Drainage principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

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

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

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B, D, E or F of that Order without the receipt of express planning permission.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

11 The car parking spaces to the existing and proposed dwellings shown on approved plan Jan021-001 Amendment 'B' shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwelling and No.4 Stonehill Road.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the Southend Design and Townscape Guide (2009).

12 Notwithstanding the information submitted with this application, prior to the first occupation of the dwelling hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of refuse and recycling storage and covered and secure cycle parking for the approved development at the site. The approved refuse and recycling store and covered and secure cycle store shall be provided in full and made available for use by the occupants of the dwellings prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.



Reason: To ensure the provision of adequate cycle, refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015).

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

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

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

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

Informatives:

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

02 Please note that you are required to apply to the Highways Authority for consent to have a vehicular crossover installed onto Stonehill Road.

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

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

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

**202 21/00902/FUL - 364 Rayleigh Road, Eastwood (Eastwood Park Ward)  
Proposal: Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation  
Applicant: Mr Karsaz Jamal Hassan  
Agent: Mr Gurdev Singh of Architectural Services**

Mrs Catchpole, a local resident, spoke as an objector to the application.

Resolved:-

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 in terms of noise, disturbance and fumes. 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).

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 Development Control 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.

Informatises:

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.

**203 21/00994/AMDT - 56 Whitehouse Road, Eastwood (St Laurence Ward)**  
**Proposal: Application to vary condition 1 (Approved opening hours) to extend opening hours to allow school children and working adults to utilise the facilities (Minor Material Amendment of planning permission 20/00160/FUL allowed on appeal dated 30/03/2021)**  
**Applicant: Mrs T Kennedy**  
**Agent: Mr Tony Collins**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The swimming pool subject of this permission shall operate only in accordance with the following approved hours:

Mondays-Thursdays: Classes: 9:30-18:00 - 1:1's: 18:00-20:00

Fridays Classes: 9:30-18:00 - 1:1's: 18:00-20:00

Saturdays: Classes: 9:00-14:00 - 1:1's: 14:00-18:00

Sundays: - 1:1's: 10:00-16:00

And at no other times

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

02 The commercial use of the swimming pool subject of this permission shall be limited to no more than 3 users at any one time.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

03 Vehicle parking for visitors using the swimming pool subject of this permission during its commercial periods of operation shall be permanently provided, maintained and made available for use within the 6 marked bays at the front of the property in strict accordance with plan No. CC/001.

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

04 The swimming pool subject of this permission shall be operated solely in accordance with the Travel Plan details previously submitted to and approved in writing by the Local Planning Authority under the approval of details application reference 21/00955/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be operated in accordance with the details approved under this condition in for its lifetime.

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

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

**204 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect car port to front and install solar panels to roof**  
**Applicant: Mr K Buck**  
**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 from the date of the decision.

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

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

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (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).

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

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

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

#### Informatives

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

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

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**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Cabinet Committee**

**Date: Monday, 26th July, 2021**  
**Place: Council Chamber - Civic Suite**

12

**Present:** Councillor R Woodley (Chair)  
Councillors P Collins (Vice-Chair) and C Nevin

**In Attendance:** Councillors L Burton, A Jones, K Buck, T Cox, D Garston, A Moring,  
J Moyies and S Wakefield  
A Dalton and T Row

**Start/End Time:** 6.30 am - 7.15 pm

**205 Apologies for Absence**

There were no apologies for absence.

**206 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Buck – Agenda Item No. 7 (Update on Outstanding Schemes – Scheme No. 335 - Highwood Close) – Non-pecuniary interest lives in the road.

**207 Minutes of the Meeting held on Thursday 10th June 2021**

Resolved:-

That the Minutes of the meeting held on Thursday, 10<sup>th</sup> June, 2021 be received confirmed as a correct record and signed.

**208 Minutes of the Meeting held on Thursday, 17th June, 2021**

Resolved:-

That the Minutes of the Meeting held on Thursday, 17<sup>th</sup> June 2021 be confirmed as a correct record and signed.

**209 Traffic Regulation Order (Waiting Restriction)**

The Cabinet Committee received a report of the Executive Director (Neighbourhoods and Environment) that sought approval of the commencement of consultation and implementation of a Traffic Regulation Orders to introduce no waiting restrictions in the sections of road set out in Appendix 1 to the submitted report.

With reference to the proposals for Item No. 2 Ashburnham Road, Southend on Sea, the Cabinet Committee noted that there may other roads within the Borough where one-way traffic flows had been introduced and additional parking could be

provided safely, by revoking sections of the existing waiting restrictions. The Council's Traffic & Highways Business Change & Development Service Manager undertook to refer this suggestion to the Highways Engineers for investigation.

It was also noted that the details of the proposals for Item No 3. London Road near to Cranleigh Drive, Leigh on Sea as set out in the Appendix to the report were unclear as reference had been made in the officer comments section to the introduction of shared use loading bay and pay and display parking. There were no other pay and display parking in this area of the London Road. Having considered the views of the Traffic Regulations Working Party, it was:-

Resolved:-

1. That the Executive Director (Neighbourhoods & Environment) be authorised to undertake the statutory consultation and prepare the requisite traffic regulation order(s) for the introduction of restrictions in the sections of road detailed Item No 1. Rayleigh Road Service Road, Eastwood (Rochford Corner) and Item No. 2 Ashburnham Road, Southend on Sea, as set out in Appendix 1 to the submitted report and, subject to there being no objections following statutory advertisement to arrange for the order to be confirmed and the proposals implemented. Any unresolved objections will be submitted to the Traffic Regulations Working Party and Cabinet Committee for consideration.

2. That the proposals in respect of Item No. 3 London Road near to Cranleigh Drive, Leigh on Sea be deferred pending clarification of the restrictions being recommended and the outcome of consultation with the Councillors representing Belfairs Ward, Blenheim Park Ward and Leigh Ward.

Reason for Decision

As set out in the submitted report

Other Options

As set out in the submitted report

Note: This is an Executive function

Cabinet Member: Councillor Woodley

**210 Report for Information: Traffic Regulation Order (Electric Vehicle Charging Only)**

This matter was deferred until the next meeting of the Traffic Regulations Working Party and Cabinet Committee.

**211 Update on Outstanding Schemes**

The Cabinet Committee considered the report of the Executive Director (Neighbourhoods and Environment) that provided an update on the status of the progression of Traffic Regulation Order requests in respect of various Waiting Restrictions and Schemes across the Borough and by Ward.

The Cabinet Committee was informed that all of the schemes listed as "to be advertised by end July" had now been advertised with the exception of scheme



No. 175 in relation to Eastwood Park. This scheme was pending the outcome of the review on the consultation of payment parking in parks.

The Cabinet Committee noted the comments of the Traffic Regulations Working Party regarding the lack of information on the spreadsheet attached at Appendix 1 to the report and suggested that more information be included in future. The Council's Traffic & Highways Business Change & Development Service Manager gave assurances that this would be addressed.

In response to questions regarding the current situation regarding the possible installation of average speed cameras in Eastern Avenue, Southend on Sea, the Council's Traffic & Highways Business Change & Development Service Manager undertook to circulate the details to the Working Party.

Resolved:-

1. That the update be noted.
2. That Councillors be requested to inform the service area by email to [traffweb@southend.gov.uk](mailto:traffweb@southend.gov.uk) if there are any schemes missing from the list.

Reason for Decision

As set out in the submitted report

Other Options

As set out in the submitted report

Note: This is an Executive function

Cabinet Member: Councillor Woodley

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

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# SOUTHEND-ON-SEA BOROUGH COUNCIL

## Meeting of Cabinet

Date: Tuesday, 27th July, 2021  
Place: Council Chamber - Civic Suite

# 13

**Present:** Councillor I Gilbert (Chair)  
Councillors R Woodley (Vice-Chair), L Burton, P Collins, A Jones,  
C Nevin and M Terry

**In Attendance:** Councillors S Habermel and S Wakefield  
A Eastgate, T Saunders, T Forster, M Marks, J Williams, A Lewis,  
A Barnes, S Brown, S Dolling, A Keating, S Newman, S Putt,  
A Richards and K Waters

**Start/End Time:** 2.00 - 3.52 pm

### **212 Apologies for Absence**

Apologies for absence were received from Councillor Mulronev.

### **213 Declarations of Interest**

There were no declarations of interest at this meeting.

### **214 Minutes of the meeting held on Tuesday 15 June 2021**

Resolved:

That the minutes of the meeting held on Tuesday 15<sup>th</sup> June 2021, be confirmed and signed as a correct record.

### **215 Minutes of the special meeting held on Monday 5 July 2021**

Resolved:

That the Minutes of the Meeting held on Monday 5<sup>th</sup> July 2021, be confirmed as a correct record and signed.

### **216 Southend 2050 Refresh**

The Cabinet considered a report of the Chief Executive presenting the annual review and refresh of Southend 2050 and set out how the Council will use the evolved Southend 2050 outcomes to drive recovery.

Resolved:

1. That the refresh of the Southend 2050 outcomes and high-level roadmap milestones, be endorsed.

2. That further developed work on the review and refresh of the Southend 2050 outcomes and associated roadmap milestones be presented to Cabinet in September, including the associated outcome success measures.

3. That the planned engagement over the summer and additional Special Cabinet meeting on 7<sup>th</sup> September 2021, following the Scrutiny Committees, be noted.

4. That it be noted that the Southend 2050 roadmap milestones will form part of future reports that update on Southend's recovery journey in order for responsive developments.

5. That it be noted that the performance and measures of success and progress to achieve 2050 will continue to be reported through the Outcome Success Measures Report, reported twice a year to Cabinet.

Reasons for decision:

To ensure the Council is clear on prioritised milestones to achieve the desired outcomes, focusing on response to the pandemic, economic recovery and sustainability – including financial, environmental and transformation as an organisation.

Other options:

Not to review the Council's current ambition and desired outcomes. However, this would mean failing to set out the huge impact the crises has had on the Borough, its people and the Council and its approach to recovery.

Note: This is an Executive Function save that approval of the final decision is a Council Function.

**Called-in / referred direct to all three Scrutiny Committees**

Cabinet Member: Cllr Gilbert

## 217 **Annual Public Health Report**

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the 2020 Annual Report of the Director of Public Health.

Resolved:

That the 2020 Annual Report of the Director of Public Health, including the highlighted actions, be approved.

Reasons for decision:

The Health and Social Care Act 2012 requires Directors of Public Health to prepare an annual report on the health of the local population.

Other options:

None.

Note: This is an Executive Function

**Called-in to: People Scrutiny Committee**

Cabinet Member: Cllr Nevin

## 218 Anti-Poverty Strategy

The Cabinet considered a report of the Executive Director (Adults and Communities) setting out the strategic approach to promoting food justice and tackling poverty in the Borough to enable more effective targeting of interventions, avoid duplication, and support a collective recovery from Covid.

Resolved:

1. That the work to put in place a Food Justice Champion and the related work plan, be extended to address the wider determinants of poverty.
2. That the work to address the wider determinants of poverty takes into consideration the Notices of Motion raised at Council on 4<sup>th</sup> March 2021 regarding Welfare Assistance and Fuel Poverty.
3. That an Anti-Poverty Plan be developed with partners and key stakeholders and progressed by an officer/partner task and finish group, supported by a project manager.
4. That, to ensure the project is embedded, the Executive Director (Adults and Communities) act as the Senior Responsible Officer and a Head of Service be identified to lead on and be accountable for the implementation of desired outcomes of the strategy.
5. That the officers and teams currently working on community resilience, and anti-poverty activity across the Council, be responsible for delivering the identified Anti-Poverty Plan actions.
6. That the Executive Councillor for Housing and Communities, be the Councillor Level Champion of this work.

Reasons for decision:

To widen the scope of the Food Justice Champion and related Action Plan to provide a strategic approach to promoting food justice and tackling poverty in the Borough. Such an approach will coordinate, prioritise and add value to the breadth of current and future activity and align this work to a set of strategic objectives, and ensure services are integrated to better meet the individual needs of a person or family to lift them out of the many determinants of deprivation, encapsulating all relevant services within the Council.

Other options:

To develop a Food Justice Action Plan focussed solely on issues relating to food.

Note: This an Executive Function

**Called-in to: Policy and Resources Scrutiny Committee**

Cabinet Member: Cllr Jones

## **219 Reference from Council, 12 July 2021 - Investigation into SEND Provision**

The Cabinet considered a report of the Executive Director (Children and Public Health) seeking approval for the motion agreed at the Extraordinary Council meeting held on 12<sup>th</sup> July 2021 regarding the commissioning of an independent review of SEND services and the Children with Disabilities Team.

Resolved:

That an independent investigation be undertaken into SEND provision provided by the Council and the Children with Disabilities (CWD) Team based on the SEND Review scoping document, set out at Appendix 1 to the submitted report, discussed with the groups on the Council and agreed between the Executive Councillor for Children and Learning and the Shadow Cabinet Member.

Reasons for recommendations:

To undertake an independent review of SEND as set out in the scoping document agreed by the groups on the Council.

Other options:

To undertake a different form of review or no review at all.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Burton

## **220 Reference from Council, 15 July 2021 - Southend New Local Plan**

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) seeking approval to publish the amended 'Refining the Plan Options' for public consultation as part of the next stage in preparing the Southend New Local Plan which had been referred back from Council held on 15<sup>th</sup> July 2021.

Resolved:

1. That the amended 'Refining the Plan Options' document, set out at Appendix 1 to the submitted report, which includes the additional text suggested at Full Council on 15<sup>th</sup> July 2021, by way of clarification, be approved as the second stage of the preparation of the Southend New Local Plan to be published for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. That the feedback received during the previous stage of consultation, the *Southend New Local Plan Issues and Options Document 2019*, as set out in the accompanying Consultation Statement, set out at Appendix 2 to the report, be noted.

3. That authority be delegated to the Interim Chief Executive and Acting Executive Director (Growth and Housing), in consultation with the Executive Councillor for Environment, Culture, Tourism and Planning, to:

- make minor amendments to the Southend New Local Plan – Refining the Plan Options prior to consultation; and

- take all necessary steps to ensure compliance with the relevant statutory processes and procedures to undertake the consultation.

4. That, in view of the constraints within the Borough and given the potential effects on the Green Belt in meeting our housing needs in full, being consulted upon in Options C and D of the Local Plan Consultation Document, that the the assistance of the local Members of Parliament be sought to effect a meeting with the Secretary of State for Housing, Communities and Local Government in order to lay before him the difficulties which the Council finds itself in meeting the housing figures imposed by the Government without impinging on substantial green belt land or over-densification of the urban area and the consequent detrimental effect on the health and wellbeing of residents of the Borough.

Reasons for decision:

To expedite production of a new Local Plan for Southend.

Other options:

The failure to prepare a new Local Plan for Southend would result in its current plans becoming progressively out of date and the Council becoming increasingly unable to positively influence the scale, nature and location of development within the Borough.

Note: This is an Executive Function

This matter is not eligible for call-in pursuant to Scrutiny Procedure Rule 15(e)(ii).

Cabinet Member: Cllr Mulroney

**221 In-Depth Scrutiny Project - 'How the Council and Councillors Communicate with Local People and Stakeholders.'**

The Cabinet considered a report of the Executive Director (Legal and Democratic Services) presenting the final report of the In-depth Scrutiny Project – 'How the Council and Councillors Communicate with Local People and Stakeholders.'

Resolved:

That the report and recommendations arising from the in-depth scrutiny project, be approved.

Reasons for decision:

To approve the report and recommendations from the in-depth Scrutiny Project.

Other options:

To note the report but not progress any of the recommendations.

Note: This is an Executive Function

**Called-in to: Policy and Resources Scrutiny Committee**

Cabinet Member: Cllr Collins

**222 In-Depth Scrutiny Project - To improve and increase domestic waste recycling in the Borough**

The Cabinet considered a report of the Executive Director (Legal and Democratic Services) presenting the final report of the In-depth Scrutiny Project – ‘To improve and increase domestic waste recycling in the Borough.’

Resolved:

1. That the report and recommendations arising from the in-depth scrutiny project, be approved.
2. That it be noted that approval of any recommendations with budget implications would require consideration as part of future years’ budget processes prior to implementation.

Reasons for decision:

To approve the report and recommendations from the in-depth Scrutiny Project.

Other options:

To note the report but not progress any of the recommendations.

Note: This is an Executive Function

**Called-in to: Place Scrutiny Committee**

Cabinet Members: Cllr Mulroney and Cllr Terry

**223 Corporate Risk Register**

The Cabinet considered a report of the Chief Executive presenting the updated Corporate Risk Register summary.

Resolved:

That the updated Corporate Risk Register summary and the position at June 2021, outlined in Appendix 1 to the submitted report, be approved.

Reasons for decision:

To approve the summary Corporate Risk Register as at June 2021.

Other options:

None

Note: This is an Executive Function

**Called-in to: All three Scrutiny Committees**

Cabinet Member: Cllr Collins



## 224 PSP Southend LLP Update

The Cabinet considered a report of the Executive Director (Finance and Resources) recommending that 4 sites are conditionally opted into PSP Southend LLP for delivery.

Resolved:

1. That it be noted that the high-level business plan, future updates to it and progress against it will be presented to the Shareholder Board in due course, together with the financial performance of PSP Southend LLP (the LLP).
2. That the sites listed in section 3.4 of the submitted report be conditionally opted into the LLP for delivery in line with the objectives set out, subject to the completion of all relevant due diligence required through PSP Stages e2 and e3 (including completion of the best value review by CIPFA). Operational decisions on the development of the sites going forward will be taken by the LLP Partnership Board (through the Council's LLP Representatives).
3. That officers continue to engage with the partnership through regular liaison meetings on the future pipeline of development opportunities to ensure that the business plan can be serviced and there is a continuous pipeline of delivery to optimise and support the viability of the LLP.
4. That it be noted that the £5m identified for the delivery of Ilfracombe Avenue was no longer required and can be released from the Capital Programme and that officers and the LLP are pursuing potential funding via the Homes England ASELA fund to assist with viability and delivery.

Reasons for decision:

It is important for the Council to maintain housing delivery across a range of development sites and types to help meet market demand and to contribute to the overall housing targets. All development also delivers local employment and helps the recovery of the economy.

Other options:

The Cabinet could agree not to opt some or all of the proposed sites into PSP Southend LLP for delivery and to either consider direct delivery (having regard to the scarce internal resources) or alternative delivery vehicles. Either of these options will however delay delivery and it should be noted that the e3 stage requires CIPFA to endorse the projects and that they deliver the best value for the Council before moving to e4 where the land is committed (in legal terms).

Note: This is an Executive Function

**Called-in to: Policy and Resources Scrutiny Committee**

Cabinet Member: Cllr Woodley

## 225 Land at Prince Avenue

The Cabinet considered a report of the Executive Director (Finance and Resources) setting out the strategic principles on the way forward for the potential future development of the Council's land north of Prince Avenue.

Resolved:

1. That the development principles set out in section 4.2 of the submitted report, be approved.
2. That the land be appropriated for planning purposes pursuant to s.122 Local Government Act 1972.
3. That future capital receipts from the land be used to finance a budget of £200,000 (Capital) to be applied to the workstreams identified in section 4.9 of the submitted report.
4. That, to the extent that they may fall outside the scope of the delegations in the Constitution, the detailed land transactions for each element be delegated to the Executive Director (Finance and Resources), in consultation with the relevant Executive Councillors.

Reasons for decision:

The proposed development principles set out a strategy for this land which seeks to provide some flexibility whilst also enabling the development objectives and is considered to be the optimal way to bring the land forward to have the greatest impact across a range of Southend 2050 outcomes

Other Options:

The Council could:

- a) seek a new farmer tenant.
- b) look to include the land in the Airport Lease
- c) self-deliver the proposed developments
- d) market the land for sale as it is (whole or parts).
- e) consider alternative uses for all or parts

Note: This is an Executive Function

**Called-in to: Policy and Resources Scrutiny Committee**

Cabinet Member: Cllr Woodley

## 226 Adoption of Highways Policies

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting new policies relating to Domestic Vehicle Crossovers and Highways Enforcement and new procedures for introducing Traffic Regulation Orders, in line with the outcome of a best practice review of other local authorities, and to make consequential amendments to the Council's decision-making processes and Delegations to Officers.

During consideration of the report the Executive Councillor for Transport, Asset Management and Inward Investment proposed a minor amendment to the Vehicle Crossover Policy to remove the following sentence on page 6, *'We will also refuse an access if the total length of existing accesses is more than 50% of the available kerbside space.'*

Resolved:

1. That the new Domestic Vehicle Crossover Policy set out in Appendix 1 to the submitted report, subject to the removal of the following sentence on page 6 of the Policy, *'We will also refuse an access if the total length of existing accesses is more than 50% of the available kerbside space'*, be adopted.
2. That the new Highways Enforcement Policy set out in Appendix 2 to the report, be adopted.
3. That the new procedures for dealing with Traffic Regulation Orders set out in Section 6 of the report, be approved.

Recommended:

4. That the Council be recommended to approve:
  - (i) Amendments to the Terms of Reference of the Traffic Regulations Working Party and Cabinet Committee;
  - (ii) the establishment of a new panel to deal with appeals against a decision to refuse the installation of a domestic vehicular crossing; and
  - (iii) the amendments to the Delegations to Officers (Part 3, Schedule 3 of the Council's Constitution).

Reasons for decision/recommendations:

To improve the way the Council deals with Traffic Regulation Orders, Domestic Vehicle Crossovers and Highway Enforcement and protect damage to the highway and ensure the roads and pavements are safe for use.

Other options:

None

Note: This is an Executive Function save that the recommendations contained in 4 above constitute a Council Function

**Called-in to: Place Scrutiny Committee**

Cabinet Member: Cllr Woodley

## 227 Hamlet Court Road Proposed Conservation Area

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) presenting the Hamlet Court Road Conservation Area Appraisal produced for the Council by independent heritage experts, Purcell, proposing that part of Hamlet Court Road (the area south of London Road and north of St Helen's Road) for Conservation Area status, following recent public consultation.

Resolved:

1. That the responses to the consultation on the draft Hamlet Court Road Conservation Area Appraisal, set out at Appendix 3 to the submitted report, be noted.

2. That the Hamlet Court Road Conservation Area Appraisal, set out at Appendix 1 to the report, be adopted and that an area of Hamlet Court Road, as set out in Appendix 2 to the report, be designated as a Conservation Area.

Reasons for decision:

To adopt the proposed Conservation Area (Hamlet Court Road, South of London Road and north of St Helens Road). The area proposed for Conservation Area status meets the requirements of the NPPF (2019) (Paragraph 186) concerning the designation of Conservation Areas.

Other options:

Not to designate Hamlet Court Road as a Conservation Area. This would be contrary to the recommendations of the Conservation Area Appraisal, comments from Historic England and other comments received during the public consultation.

Note: This is an Executive Function

**Called-in to: Place Scrutiny Committee**

Cabinet Member: Cllr Mulronev

## **228 Feed and Food Service Plan 2021/22**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Official Feed and Food Control Service Plan 2021/22, as required by the Food Standards Agency (FSA).

Recommended:

That the Official Feed and Food Control Service Plan 2021/22, as set out in Appendix 1 to the submitted report, be approved. ||

Reasons for recommendation:

To comply with the Food Standards Agency Framework Agreement and statutory requirements to produce a Feed and Food Control Service Plan.

Other options:

None

Note: This is a Council Function

**Called-in to: Place Scrutiny Committee**

Cabinet Member: Cllr Terry

**229 Third Party Representations to Planning Applications**

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Neighbourhoods and Environment) setting out proposed changes to the development control system regarding notification of third parties which would remove the right of neighbours and other interested parties to comment on planning applications when they are submitted in areas zoned for growth or renewal.

Resolved:

That the motion proposed by Steven Reed MP, set out at Appendix 1 to the submitted report, be approved.

Reasons for decision:

To highlight the proposed changes to the development control system and add the Council's support to the motion by Stephen Reed MP to retain local residents' right to object to individual planning applications. Without such rights being enshrined, the ability of local communities to shape new development in a manner that best reflects local character and identity will be diminished.

Other options:

Not to support the motion passed by the House of Commons.

Note: This is an Executive Function  
**Called-in to: Place Scrutiny Committee**  
Cabinet Member: Cllr Mulroney

**230 SO46 Report**

Resolved:

That the submitted report, be noted.

Note: This is an Executive Function  
**Called-in to: Relevant Scrutiny Committees**  
Cabinet Member: as appropriate to the item

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

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# SOUTHEND-ON-SEA BOROUGH COUNCIL

## Meeting of Licensing Committee

**Date: Monday, 16th August, 2021**  
**Place: Council Chamber - Civic Suite**

# 14

**Present:** Councillor K Mitchell (Vice-Chair in the Chair)  
Councillors M Berry, S Buckley, A Dear, M Dent\*, N Folkard,  
D Garne, T Harp, J Lamb, A Line and D McGlone  
\*Substitute in accordance with Council Procedure Rule 31.

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

**Start/End Time:** 10.00 am - 10.35 am

### **231 Apologies for Absence**

Apologies for absence were received from Councillor Cowdrey (substitute: Councillor Dent), Councillor K Evans (no substitute) and Councillor Thompson (no substitute).

### **232 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Line – Minute No 233 (Consultation on The Council's Statement of Gambling Licensing Policy) – Non-pecuniary interest: Personal licence holder and has worked in a casino;

(ii) Councillor Harp – Minute No. 233 (Consultation on The Council's Statement of Gambling Licensing Policy) – Non-pecuniary interest: Has associations with SAVS which was mentioned in the report; and

(iii) Councillor Lamb – Minute No. 233 (Consultation on The Council's Statement of Gambling Licensing Policy) – Non-pecuniary interest: Trustee of SAVS which was mentioned in the report.

### **233 Consultation on The Council's Statement of Gambling Licensing Policy**

The Committee received a report of the Executive Director (Neighbourhoods and the Environment) that provided information on the latest position of the formal consultation process in respect of the Gambling Licensing Policy. The report also sought the Committee's comments on the proposed revisions to the Policy, a copy of which was attached to the submitted report.

The Committee was informed that there were a couple of typographical errors in the report. These related to the dates in paragraphs 3.1 and 3.3 and were as follows:

- The date in line four of paragraph 3.1 should be 30<sup>th</sup> January 2022 not 2021;
- The date in line five of paragraph 3.1 should be 3<sup>rd</sup> January 2022 not 2019; and

- The date in the first line of paragraph 3.3 should be 23<sup>rd</sup> July 2021 not 2018.

The Committee noted that the changes to the statement of policy document (in comparison to the existing one) included some general updates and the following matters: -

- (i) the strengthening of the protection expected to be afforded to persons who do not use English as their first language (section 14.20);
- (ii) amendments to the wording of sections 21.5 and 21.6 reflecting the Government reduction of the maximum stake for B2 machines. In 2019 the Government announced that the maximum stake of these machines would be reduced from £100 to £2;
- (iii) the addition of the expectation that a plan will be provided by applicants for Gaming Machine permits in alcohol licensed premises (section 26.4). This will assist the Licensing Authority in determining such applications as it will highlight the proposed location of machines and allow an assessment by the Authority in respect of the protection of children and vulnerable adults; and
- (iv) the expansion of the list of consultees list in annex A.

Whilst noting the proposed revisions, the Committee felt that the wording of the first two bullet points under section 26.4 of the revised policy should be amalgamated and reworded to enable those premises unable to position the machines in sight of the bar an acceptable alternative.

Resolved:- That the Cabinet be recommended that the Revised Statement of Gambling Licensing Policy, as set out in Appendix 1 of the submitted report, be adopted subject to the following amendment:

- The first two bullet points under section 26.4 be amalgamated and reworded as follows:

“Adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18;”

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



Standing opposed to the censorship of Gabriella Hirst's 'An English Garden'

**Southend-on-Sea Borough Council notes that:**

Freedom of expression is essential to the arts: laws and rights exist which underpin this freedom.

The piece 'An English Garden' does not pose a risk to public safety, nor does it constitute hate speech in any way. The artwork is not in conflict with any UK legislation.

Our local history is of great importance to the residents of Southend, and unpleasant truths should not be concealed from public view.

The practice of censoring an artist on the grounds that their work criticises the UK Government is unethical, unacceptable, and highly dangerous.

The piece's censorship has received considerable national press coverage, so disgraceful was this.

The manner in which this matter has unfolded may well have been a breach of the spirit, if not the letter, of the Councillors' code of conduct.

Bullying and intimidation in this manner is utterly unacceptable, and measures should be considered to prevent this from ever happening again.

Local public support for the return of 'An English Garden' is overwhelming.

**Southend-on-Sea Borough Council therefore resolves:**

To condemn the censorship of art in this way.

To uphold the right of the artist for freedom of expression.

To work to the permanent reinstalment of Gabriella Hirst's 'An English Garden'.

To work in collaboration with Arts Council England to ensure that artists, exhibitors, and curators are protected in the future.

**Proposer**

Cllr Aston Line

**Seconders**

Cllr Martin Berry

Cllr Laurie Burton

Cllr Matt Dent

Cllr Stephen George

Cllr Anne Jones

Cllr Kay Mitchell

Cllr Cheryl Nevin

Cllr Kevin Robinson

**Bee bus stops and green roofs**

Southend on Sea Borough Council notes that:

Brighton, Leicester City and Cardiff are examples of local authorities working with a home advertising and infrastructure partner to develop 'bee bus stops' planted with wildflower and sedum plants, to reduce the decline of pollinating insects while incorporating solar panels for smart lighting.

Installing these across the most built up and traffic heavy routes, would provide a green roof corridor for biodiversity, and improve the environment, capturing pollutants while enhancing visual amenity within aspirations for Southend as a nature smart city.

We also need to transfer this to a much greater scale in our air quality action plan, due to the residential sectors contribution to CO2 emissions, with power continuing to be supplied primarily by fossil fuels.

The University of Sheffield's Green Roof Center contributed to the 'green roof guide'. This includes information about significantly reducing peak flow rates and total water run off (which could compliment the SUDs programme), increasing lifespan of waterproofing membranes by two or three times, reducing the heat island effect by cooling roofs in summer and insulating in winter, reducing energy consumption and other contributing factors to climate change.

The green roofs can also significantly reduce noise transfer and provide biodiversity that would be lost by building on brown field sites, which the university describe as some of the most biodiverse. Green roofs have the potential to provide amenity space or enhanced visual aspect while improving local air quality.

All of the benefits of green roofs in an urban landscape can form part of our defence against poor air quality, lack of amenity space and improve health and wellbeing into the future.

This council therefore resolves to:

- Incorporate Bee bus stops into the nature smart city action plans, exploring suppliers, how to offset costs with advertising revenue and giving the project a fast track to be completed.
- Research the benefits of green roofs to the environment and to health, with a view to green roofs being incorporated into the Local Plan.

**Proposed by**

Cllr Kay Mitchell and Cllr Aston Line

**Seconded by**

Cllr George and Cllr Wexham

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