

# Public Document Pack

## Southend-on-Sea City Council

Civic Centre  
Southend-on-Sea

2 March 2022

Dear Sir or Madam,



I hereby summon you to attend the meeting of the Southend-on-Sea City Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, **Thursday, 10th March, 2022 at 6.30pm** for the transaction of the following business.

A Lewis  
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 held on Thursday, 9 December 2021 (Pages 1 - 10)**  
Minutes attached
- 7 Minutes of the meeting of Special Council held Tuesday, 25 January 2022 (Pages 11 - 12)**  
Minutes attached
- 8 Minutes of the meeting of Special Council held Tuesday, 25 January 2022 (Pages 13 - 14)**  
Minutes attached
- 9 Minutes of the Extraordinary Council held Thursday, 17 February 2022 (Pages 15 - 18)**  
Minutes attached
- 10 Minutes of the meeting of Development Control Committee held Wednesday, 1 December 2021 (Pages 19 - 50)**  
Minutes attached

- 11 **Minutes of the meeting of Cabinet Committee held Tuesday, 4 January 2022 (Pages 51 - 54)**  
Minutes attached
- 12 **Minutes of the meeting of Development Control Committee held Wednesday, 5 January 2022 (Pages 55 - 76)**  
Minutes attached
- 13 **Minutes of the meeting of Audit Committee held Wednesday, 12 January 2022 (Pages 77 - 78)**  
Minutes attached
- 14 **Minutes of the meeting of Cabinet held Thursday, 13 January 2022 (Pages 79 - 96)**  
Minutes attached
- 15 **Minutes of the meeting of Appointments and Disciplinary Committee held Monday, 24 January 2022 (Pages 97 - 98)**  
Minutes attached
- 16 **Minutes of the meeting of Cabinet held Monday, 24 January 2022 (Pages 99 - 102)**  
Minutes attached
- 17 **Minutes of the meeting of Place Scrutiny Committee held Monday, 24 January 2022 (Pages 103 - 104)**  
Minutes attached.
- 18 **Minutes of the meeting of Place Scrutiny Committee held Monday, 7 February 2022 (Pages 105 - 112)**  
Minutes attached
- 19 **Minutes of the meeting of People Scrutiny Committee held Tuesday, 8 February 2022 (Pages 113 - 118)**  
Minutes attached
- 20 **Minutes of meeting Wednesday, 9 February 2022 of Development Control Committee (Pages 119 - 156)**
- 21 **Minutes of the meeting of Policy and Resources Scrutiny Committee held Thursday, 10 February 2022 (Pages 157 - 162)**  
Minutes attached
- 22 **Minutes of the meeting of Standards Committee held Monday, 14 February 2022 (Pages 163 - 164)**  
Minutes attached
- 23 **Minutes of the meeting of Licensing Sub-Committee B held Tuesday, 7 December 2021 (Pages 165 - 170)**  
Minutes attached

- 24 Minutes of the meeting of Licensing Sub-Committee A held Monday, 13 December 2021 (Pages 171 - 174)**  
Minutes attached
- 25 Notice of Motion - Right to Food (Pages 175 - 176)**  
Notice of Motion attached
- 26 Appointment of External Auditor (Pages 177 - 182)**  
Report of Executive Director (Finance and Resources) attached
- 27 Changes to the Constitution**  
Report of Executive Director (Legal and Democratic Services) to follow
- 28 Appointments to Committees, etc**
- 29 Opposition Business - Building on the Greenbelt**

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

**Meeting of The Council**

**Date: Thursday, 9th December, 2021**  
**Place: Council Chamber - Civic Suite**

**6**

**Present:** Councillor M Borton (Chair)  
Councillors 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, I Gilbert, 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 Mulroney, D Nelson, C Nevin, K Robinson, 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 - 10.30 pm

**532 Apologies for Absence**

There were no apologies for absence at this meeting.

**533 Declarations of Interest**

- Councillor Beggs

**People Scrutiny Committee – 30<sup>th</sup> November 2021**

Minute 502 – Home to School Transport and Vulnerable Adult Transport Services – Non-pecuniary interest: Family member has Special Educational Needs and Disabilities (SEND) and is in receipt of Educational Health Care Plan;

- Councillor Berry

**Council – 9<sup>th</sup> December 2021**

Agenda Item 4 (Public Questions) – Some of the public questioners are known to him;

- Councillor Bright

**Policy and Resources Scrutiny Committee – 1<sup>st</sup> December 2021**

Minutes 510 and 512 – Seaway Leisure – non-pecuniary interest: lives in the town centre;

- Councillor Buck

**Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01715/BC3 (Garages, Juniper Road, Leigh-on-Sea) – Non-pecuniary interest: His company is a benefactor to a Southend Homeless Charity;

Application Ref. No. 21/01621 (Part of former Goods Yard at Station Approach, Priory Works, Southend-on-Sea) – Non-pecuniary interest: Assisted residents with the application;

- Councillor Burton

**People Scrutiny Committee – 30<sup>th</sup> November 2021**

Minute 502 (Home to School Transport and Vulnerable Adult Transport Services (SEND) – Non-pecuniary interest: Employed as a teacher at a school outside the Borough;

- Councillor Cowan

**Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01715/BC3 (Garages, Juniper Road, Leigh-on-Sea) – Non-pecuniary interest: Owns a property in the vicinity;

**Council – 9<sup>th</sup> December 2021**

Agenda Item 5 (public questions) – Some of the public questioners are known to him;

- Councillor Dent

**Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01525/BC3 (Nicholson House, 299 Southchurch Road, Southend-on-Sea) – Non-pecuniary interest: Has received email correspondence from the applicant's agent;

Application Ref. No. 21/01621/FUL (Part of Former Goods Yard at Station Approach, Priory Works, Southend-on-Sea) – Non-pecuniary interest: Has had correspondence with residents regarding the application;

**Special Place Scrutiny Committee – 6<sup>th</sup> December 2021**

Minute No. 525 (Porters Place LLP Final RMA Proposals) and 526 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: Member of the Development Control Committee;

- Councillor F Evans

**Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01662/FULH (10 Ashleigh Drive, Leigh-on-Sea) – Non-pecuniary interest: Acquainted with the owner of the property next to the application site;

- Councillor D Garston

**Development Control Committee – 25<sup>th</sup> October 2021**

Application Ref. No 17/00733/FULM – Non-pecuniary interest: Is a retailer and a Retail Impact Assessment is mentioned in the report;

**Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01314/BC4 (Cliffs Pavilion, Station Road, Southend-on-Sea: Non-pecuniary interest: Member of the organisation which oversees Menora at the application site, which was mentioned during the debate;

Application Ref. No.21/01621/FUL (Part of Former Goods Yard at Station Approach, Priory Works, Southend-on-Sea) – Non-pecuniary interest: Assisted residents with the application;

- Councillor Garne

**Special Place Scrutiny Committee – 6<sup>th</sup> December 2021**

Minute No. 525 (Porters Place LLP Final RMA Proposals) and 526 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: Member of the Development Control Committee;

- Councillor Hooper

**People Scrutiny Committee – 30<sup>th</sup> November 2021**

Minute 499 – Annual Safeguarding Report and Minute 502 (Home to School and Vulnerable Adult Transport Services (SEND) – Non-pecuniary interest: Director of a not-for-profit company that works with SEND children; acquainted with the Learning Disabilities Mortality Review Manager;

- Councillor Jarvis

**Special Place Scrutiny Committee – 6<sup>th</sup> December 2021**

Minute No. 525 (Porters Place LLP Final RMA Proposals) and 526 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: Member of the Development Control Committee;

- Councillor Jones

#### **Cabinet – 2<sup>nd</sup> November 2021**

Minute 425 – Annual Safeguarding Report – Non-pecuniary interest: Reference to schools in the report – has a child still in education in the Borough;

Minute 428 – Minutes of the Transport, Asset Management and Inward Investment Working Party held 23 September 2021 – Non-pecuniary interest: son is a transport assistant at the Council;

#### **Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01314/BC4 (Cliffs Pavilion, Station Road, Southend-on-Sea and Application Ref. No. 21/01715/BC3 (Garages, Juniper Road, Leigh-on-Sea) – Disqualifying non-pecuniary interest: Cabinet Member (withdrew);

#### **Special Cabinet – 6<sup>th</sup> December 2021**

Minutes 519 (Porters Place LLP Final RMA Proposals) and 520 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: member of Development Control Committee;

#### **Special Place Scrutiny Committee – 6<sup>th</sup> December 2021**

Minute No. 525 (Porters Place LLP Final RMA Proposals) and 526 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: Member of the Development Control Committee;

- Councillor Mitchell

#### **Development Control Committee – 25<sup>th</sup> October 2021**

Application Ref. No. 19/01985/FULM – Non-pecuniary interest: Lives in the vicinity of Roots Hall Stadium;

#### **Special Place Scrutiny Committee – 6<sup>th</sup> December 2021**

Minute No. 525 (Porters Place LLP Final RMA Proposals) and 526 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: Member of the Development Control Committee;

- Councillor Mulroney

#### **Cabinet – 2<sup>nd</sup> November 2021**

Minute 419 – Conservation Area Appraisals – Non-pecuniary interest: Chair of Trustees of Leigh Heritage Centre in Leigh Old Town;

#### **Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01314/BC4 (Cliffs Pavilion, Station Road, Southend-on-Sea and Application Ref. No. 21/01715/BC3 (Garages, Juniper Road, Leigh-on-Sea) – Disqualifying non-pecuniary interest: Cabinet Member (withdrew);



### **Special Cabinet – 6<sup>th</sup> December 2021**

Minutes 519 (Porters Place LLP Final RMA Proposals) and 520 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: member of Development Control Committee;

- Councillor Nelson

### **Policy and Resources Scrutiny Committee – 1<sup>st</sup> December 2021**

Minute 510 – Seaway Leisure – Non-pecuniary interest: Member of a team that competes in a visually impaired tenpin bowling league;

- Councillor Nevin

### **People Scrutiny Committee – 30<sup>th</sup> November 2021**

Minute 499 (Annual Safeguarding Report) and Minute 501 (Annual Report – Comments, Complaints and Compliments 2020/21) – Non-pecuniary interest: Employed at external National Health Service Trust and family members employed at Mid and South Essex Trust hospitals;

- Councillor Salter

### **People Scrutiny Committee – 30<sup>th</sup> November 2021**

Minute 500 – Community Inpatient Beds in Mid and South Essex) – Non-pecuniary interest: Husband is a consultant surgeon at Southend Hospital;

- Councillor Wakefield

### **Special Place Scrutiny Committee – 6<sup>th</sup> December 2021**

Minute No. 525 (Porters Place LLP Final RMA Proposals) and 526 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: Member of the Development Control Committee;

- Councillor Ward

### **Development Control Committee – 25<sup>th</sup> October 2021**

Application Ref. Nos. 17/00733/FULM and 19/01985/FULM – Non-pecuniary interest: Family members are share-holders- of SUFC;

### **Development Control Committee – 3<sup>rd</sup> November 2021**

Application Ref. No. 21/01644/AMDT (The Bellhouse Public House, 321 Rayleigh Road, Eastwood) – Non-pecuniary interest: Applicant is known to him;

- Councillor Wexham

### **Development Control Committee – 25<sup>th</sup> October 2021**

Application Ref. No. 17/00733/FULM – Non-pecuniary interest: Son is a firefighter and Southend Fire Station is mentioned in the report;

## **Policy and Resources Scrutiny Committee – 1<sup>st</sup> December 2021**

Minute 513 – SO46 Report – Non-pecuniary interest: Trustee of Beecroft Art Trust;

All Councillors:

## **General Purposes Committee – 7<sup>th</sup> December 2021**

Minute 530 (Honorary Alderman Nominations) and Minute 531 (Freedom of the Borough Nominations) – Non-pecuniary interest: The nominees for the awards are known to them;

Officer Interests

## **Special Cabinet – 6<sup>th</sup> December 2021**

Mr A Lewis and Mr A Richards - Minutes 519 (Porters Place LLP Final RMA Proposals) and 520 (Minutes of the meeting of the Shareholder Board) – Non-pecuniary interest: Council appointed representatives on the Porters Place LLP Board.

### **534 Communications**

Presentation of the Yule Log

Councillor Keith Evans presented to the Council a Yule Log.

### **535 Questions from Members of the Public**

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

### **536 Questions from Members of the Council**

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

### **537 Minutes of the meeting held Thursday, 21 October 2021**

Resolved:

That the minutes of the meeting held on Thursday, 21<sup>st</sup> October 2021, be confirmed as a correct record and signed.

### **538 Minutes of the Meeting of the Council held Thursday, 25 November 2021**

Resolved:-

That the Minutes of the meeting held on Thursday, 25<sup>th</sup> November 2021, be confirmed as a correct record and signed.

**539 Minutes of the meeting of Development Control Committee held Monday, 25 October 2021**

Resolved:

That the minutes of this meeting, be noted.

**540 Minutes of the meeting of Licensing Sub-Committee B held Tuesday, 26 October 2021**

Resolved:

That the minutes of this meeting, be noted.

**541 Minutes of the meeting of Cabinet held Tuesday, 2 November 2021**

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 416 (Resourcing Better Outcomes), Minute 417 (Seaway Leisure), Minute 421 (Gambling Act Licensing Policy) and Minute 422 (Southend Theatres Contract Review), be approved.

**542 Minutes of the meeting of Development Control held Wednesday, 3 November 2021**

Resolved:

That the minutes of this meeting, be noted.

**543 Minutes of the meeting of Appeals Committee A held Wednesday, 17 November 2021**

Resolved:

That the minutes of this meeting, be noted.

**544 Minutes of the meeting of Place Scrutiny Committee held Monday, 29 November 2021**

During consideration of Minutes 510 and 512 (Seaway Leisure) a motion to refer the matter back to Cabinet was proposed and seconded.

Upon being put to the vote, the motion to refer the matter back to Cabinet was not carried.

Resolved:

That the minutes of this meeting, be noted.

**545 Minutes of the meeting of People Scrutiny Committee held Tuesday, 30 November 2021**

Resolved:

That the minutes of this meeting, be noted.

**546 Minutes of the meeting of Policy and Resources Scrutiny Committee held Wednesday, 1 December 2021**

Resolved:

That the minutes of this meeting, be noted.

**547 Minutes of the meeting of Special Cabinet held Monday, 6 December 2021**

Resolved:

That the minutes of this meeting, be noted.

**548 Minutes of the meeting of Special Place Scrutiny Committee held Monday, 6 December 2021**

Resolved:

That the minutes of this meeting, be noted.

**549 Minutes of the meeting of General Purposes Committee held Tuesday, 7 December 2021**

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 530 (Honorary Alderman Nominations) and Minute 531 (Freedom of the Borough Nominations), be approved.

**550 Local Council Tax Support Scheme 2022/23**

The Council considered a report of the Executive Director (Finance and Resources) presenting the Local Council Tax Support Scheme for 2022/23.

Resolved

That the current Local Council Tax Support Scheme, be re-adopted for 2022/23.

**551 Appointments to Committees, Outside Bodies, etc**

Resolved:

That the following officers of the Council be appointed as Directors to the outside bodies listed below:

Southend Business Services Ltd and Southend Trading Corporation

Alan Richards – Interim Executive Director (Growth and Housing)

(The appointment is for the sole purpose of closing these dormant companies which have not traded for several years and are no longer required.)

## Vecteo Board

Glyn Halksworth – Director of Housing

(The appointment is to ensure that the Council is properly represented on this Board.)

### **552 Opposition Business - Means to Hold the Administration to Account**

In accordance with Standing Order 19 the Conservative Group requested that the following proposal be debated:

- 1. To note that this Council has no confidence in the current Administration;*
- 2. To remove the current Leader of the Council.*
- 3. To elect a new Leader of the Council.'*

The motions set out at 1 and 2 above were voted on by way of a named vote. The voting was as follows:

For the removal of the Leader:

Cllrs Beggs, Boyd, Bright, Buck, Buckley, Courtenay, Cox, Davidson, Dear, F Evans, Folkard, Garne, Garston, Habermel, Jarvis, Lamb, McGlone, Moring, Moyies, Nelson, Salter, Walker and Warren (23)

Against removal of the Leader:

Cllrs Beck, Berry, Burton, Collins, Cowan, Cowdrey, Dent, George, Gilbert, Harp, Hooper, Jones, Kelly, Line, Mitchell, Mulroney, Nevin, Robinson, Shead, Stafford, Terry, Thompson, Wakefield, Ward, Wexham, Woodley and Borton (27)

Abstentions:

Cllr K Evans (1)

The motions set out at 1 and 2 above were not carried. (Therefore, it was not necessary to deal with element 3 of the proposals.)

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

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

**Meeting of The Council**

**Date: Tuesday, 25th January, 2022**  
**Place: Council Chamber - Civic Suite**

**7**

**Present:** Councillor M Borton (Chair)  
Councillors B Beggs, M Berry, H Boyd, A Bright, K Buck, S Buckley,  
L Burton, P Collins, J Courtenay, 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, J Lamb, A Line, D McGlone, K Mitchell, A Moring,  
J Moyies, C Mulroney, D Nelson, C Nevin, K Robinson, L Salter,  
I Shead, M Stafford, A Thompson, C Walker, N Ward, J Warren and  
P Wexham

**Start/End Time:** 5.00 pm - 5.40 pm

**638 Apologies for Absence**

Apologies for absence were received from Councillors Beck, Cowan, Terry, Wakefield and Woodley.

**639 Declarations of Interest**

All Members of the Council – Minute 640 (Honorary Alderman Awards) and Minute 641 (Freedom of the Borough Awards) - Non-pecuniary interest – in so far as they may know (or have served on the Council) with one or more of the recipients for Honorary Alderman and Freedom of the Borough.

**640 Honorary Alderman Awards**

Resolved:

That, pursuant to Section 249(1) of the Local Government Act 1972, the title of Honorary Alderman/Alderwoman be conferred upon the past Members listed below in recognition of their eminent services to the Council:

Mr Nigel Holdcroft  
Mr Ian Robertson

**641 Freedom of the Borough Awards**

Resolved:

That, pursuant to Section 249(5) of the Local Government Act 1972, the title of Freedom of the Borough of Southend-on-Sea be conferred upon Mr David Norman MBE and Mr Garry Lowen in recognition of their eminent and outstanding service they have rendered to the Borough of Southend-on-Sea.

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

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

**Meeting of The Council**

**Date: Tuesday, 25th January, 2022**  
**Place: Council Chamber - Civic Suite**

**8**

**Present:** Councillor M Borton (Chair)  
Councillors J Beck, B Beggs, M Berry, H Boyd, A Bright, K Buck, S Buckley, L Burton, P Collins, J Courtenay, 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, J Lamb, A Line, D McGlone, K Mitchell, A Moring, J Moyies, C Mulroney, D Nelson, C Nevin, K Robinson, L Salter, I Shead, M Stafford, M Terry, A Thompson, C Walker, N Ward, J Warren, P Wexham and R Woodley

**Start/End Time:** 6.30 pm - 6.45 pm

**642 Apologies for Absence**

Apologies for absence were received from Councillors Cowan and Wakefield.

**643 Declarations of Interest**

There were no declarations of interest at this meeting.

**644 Waste Collection Contract**

The report concerning the Waste Collection Contract (which is an Executive matter) was withdrawn by the Leader of the Council, on behalf on the Administration.

The Leader, on withdrawing the report, confirmed that the matter would be considered at the Environment, Culture, Tourism and Planning Working Party and that a further report would then be presented to Cabinet which will be available for scrutiny at Place Scrutiny Committee.

**645 Exclusion of the Public**

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**646 Waste Collection Contract - Confidential Matters**

This matter was withdrawn (see Minute 644 above).

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

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

**Meeting of The Council**

**Date: Thursday, 17th February, 2022**  
**Place: Council Chamber - Civic Suite**

**9**

**Present:** Councillor M Borton (Chair)  
Councillors B Beggs, M Berry, H Boyd, K Buck, S Buckley, L Burton,  
P Collins, J Courtenay, D Cowan, T Cowdrey, T Cox, M Davidson,  
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, J Lamb, A Line, D McGlone, K Mitchell, J Moyies,  
C Mulroney, D Nelson, C Nevin, K Robinson, 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 - 10.00 pm

**706 Apologies for Absence**

Apologies for absence were received from Councillors Beck, Dear and Moring.

**707 Declarations of Interest**

There were no declarations of interest at this meeting.

**708 Notice of Motions**

The Worshipful the Mayor had agreed to call this Council meeting following a requisition by 10 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: Waste Contract

The Council had before it a motion calling on the Council to procure a new Waste Contract with making weekly waste collections a mandatory requirement in the tender specification for a new waste contractor.

During consideration of the matter an amendment was proposed and seconded as follows:

Amendment:

*‘That this Council RESOLVES: To procure a new waste contract.*

*In doing so the following criteria will form the basis of the procurement process.*

- *The requirement for bidders to take into account the Council's preference for a weekly collection service;*
- *The declaration by the Council of a Climate Change Emergency in 2019 and the need to significantly reduce residual waste.*
- *The passing of the Environment Act 2021 and its promulgated requirements for recycling (likely to be 65% by 2035) and other environmental matters and adaptability to further changes in legislation.*

*The financial imperatives for the Council to ensure value for money principles are adhered to.'*

A requisition for a named vote having been made in accordance with Council Procedure Rule 12 on the amended motion, the voting was as follows:

For the amendment:

Cllrs Berry, Burton, Collins, Cowan, Cowdrey, Dent, George, Gilbert, Harp, Hooper, Jones, Kelly, Line, Mitchell, Mulroney, Nevin, Robinson, Shead, Stafford, Terry, Thompson, Wakefield, Ward, Wexham and Woodley (25)

Against the amendment:

Cllrs Beggs, Boyd, Buck, Buckley, Courtenay, Cox, Davidson, F Evans, K Evans, Folkard, Garne, Garston, Habermel, Jarvis, Lamb, McGlone, Moyies, Nelson, Salter, Walker and Warren (21)

Abstention:

Cllr Borton (Mayor) (1)

Absent:

Cllrs Beck, Dear and Moring (3)

The amended motion was carried.

A requisition for a named vote having been made in accordance with Council Procedure Rule 12 to refer the amended motion to Cabinet, the voting was as follows:

For reference to Cabinet:

Cllrs Berry, Burton, Collins, Cowan, Cowdrey, Dent, George, Gilbert, Harp, Hooper, Jones, Kelly, Line, Mitchell, Mulroney, Nevin, Robinson, Shead, Stafford, Terry, Thompson, Wakefield, Ward, Wexham and Woodley (25)

Against reference to Cabinet:

Cllrs Beggs, Boyd, Buck, Buckley, Courtenay, Cox, Davidson, F Evans, K Evans, Folkard, Garne, Garston, Habermel, Jarvis, Lamb, McGlone, Moyies, Nelson, Salter, Walker and Warren (21)

Abstention:

Cllr Borton (Mayor) (1)

Absent:

Cllrs Beck, Dear and Moring (3)

Accordingly it was resolved:

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

*'That this Council RESOLVES: To procure a new waste contract.*

*In doing so the following criteria will form the basis of the procurement process.*

- *The requirement for bidders to take into account the Council's preference for a weekly collection service;*
- *The declaration by the Council of a Climate Change Emergency in 2019 and the need to significantly reduce residual waste.*
- *The passing of the Environment Act 2021 and its promulgated requirements for recycling (likely to be 65% by 2035) and other environmental matters and adaptability to further changes in legislation.*

*The financial imperatives for the Council to ensure value for money principles are adhered to.'*

(b) Motion: Vote of No Confidence and Removal of current Leader of the Council

The Council had before it a motion calling on the Council:

- 1. To note that this Council has no confidence in the current Administration;*
- 2. To remove the current Leader of the Council.*
- 3. To elect a new Leader of the Council.'*

The motions set out at 1 and 2 above were voted on by way of a named vote. The voting was as follows:

For the removal of the Leader:

Cllrs Beggs, Boyd, Buckley, Courtenay, Cox, Davidson, F Evans, Folkard, Garne, Garston, Habermel, Jarvis, Lamb, McGlone, Moring, Moyies, Nelson, Salter, Walker and Warren (20)

Against removal of the Leader:

Cllrs Berry, Burton, Collins, Cowan, Cowdrey, Dent, George, Gilbert, Harp, Hooper, Jones, Kelly, Line, Mitchell, Mulroney, Nevin, Robinson, Shead, Stafford, Terry, Thompson, Wakefield, Ward, Wexham, Woodley and Borton (26)

Abstentions:

Cllr K Evans (1)

Absent:

Cllrs Beck, Dear and Moring (3)

The motions set out at 1 and 2 above were not carried. (Therefore it was not necessary to deal with element 3 of the proposals).

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

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

## **Meeting of Development Control Committee**

**Date: Wednesday, 1st December, 2021**

**Place: Council Chamber - Civic Suite**

# 10

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

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

**Start/End Time:** 2.00 pm - 5.20 pm

### **553 Apologies for Absence**

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

### **554 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Dent – Application Ref. No. 21/01907/FUL - 208A York Road, Southend-on-Sea – Non-pecuniary interest: Owns a property in the vicinity;

(ii) Councillor Jarvis – Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Objector is known to him;

(iii) Councillor Mitchell – Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Chaired a meeting of the Council's Licensing Sub Committee which considered an application for premises licence;

(iv) Councillor Mitchell – Application Ref. No. 21/02084/FUL - Land Rear of Southend Mosque and Islamic Trust, 191 - 197 West Road, Westcliff on Sea – Non-pecuniary interest: Lives in the vicinity;

(v) Councillor Mulroney – Application Ref. No. 21/01374/FUL - Unit 2, Leighcliff Building, Leigh Cliff Road, Leigh on Sea, Application Ref. No. 21/01722/FUL - 137 Marine Parade, Leigh-on-Sea and Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council, non-participant in planning;

(vi) Councillor Wakefield – Application Ref. No. 21/01813/FUL - 41 Alexandra Street, Southend-on-Sea – Pecuniary interest: Owns the property (withdrew);

(vii) Councillor Wakefield – Application Ref. No. 21/01907/FUL - 208A York Road, Southend-on-Sea – Non-pecuniary interest: Owns an HMO; and

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

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

Resolved:-

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

**556 Supplementary Report**

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

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

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

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

03. There shall be no more than four people on site including staff and customers at any one time.

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).



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

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

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

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

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

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

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

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

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

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

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

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

Informatives:

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

to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

3. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

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

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

**Proposal: Install floodlights to the 3no. tennis courts**

**Applicant: Mr Simon Joyce**

**Agent: N/A**

Ms Crowe, a local resident, spoke as an objector to the application. Mr Joyce, the applicant, responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out solely in accordance with the approved plans: Location Plan; Site Plan; 010A; 011A; 012A.

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

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

Reason: To ensure the lighting does not harm the amenities of nearby residents, in accordance with the National Planning Policy Framework (2021), Core Strategy

(2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

04 The development hereby permitted shall be carried out and permanently operated for its lifetime thereafter solely in accordance with the details and specifications contained within the LED Lighting Scheme by Armadillo Lighting dated 02.07.21. All external lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into adjacent residential properties.

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

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

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

#### Informatives

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

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

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

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

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

**Applicant: Mr Tim Knight**

**Agent: Tim Knight of Knight Gratrix Architects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 1553 014e 1553 015d, 1553 010, 1553 011b, 1553 012c, 1553 013b, 1553 016, 1553 017, 1553 018, 1553 019.

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

03. No development, including demolition shall take place until a scheme for the protection of the street trees adjacent to the site on Carlingford Drive and Hobleythick Lane, in accordance with British Standard BS5837 (Trees in Relation to Construction – Recommendations) has been submitted to and agreed in writing by the local planning authority. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

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

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

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

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

- (i.) hard surfacing materials;
- (ii.) details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- (iii.) details of any permeable paving or other sustainable drainage measures to be implemented;
- (iv.) all and any means of subdividing and enclosing the site;
- (v.) Measures to be used to enhance biodiversity at the site.

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

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

06. Notwithstanding the details shown on the approved plans, the proposed first and second floor flank windows in the dwellings hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level of the room which they serve, and shall be retained as such in perpetuity thereafter.

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

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

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

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

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

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

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

Reason: To ensure the dwelling hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the

advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

14. The flat roofs of the buildings hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose. The roofs can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Design and Townscape Guide (2009).

15. The development hereby permitted shall not be occupied until and unless the car parking shown on the approved plan 1553 015 D has been provided and made available for use by occupiers of the dwellings and their visitors, and shall be retained as such for the lifetime of the development thereafter.

Reason: In the interests of the living conditions of future occupiers and highway safety, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

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

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal,



in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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 or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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

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

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

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

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

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the works to construct the dormer windows which form part of this consent shall not commence unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed extensions and alterations at the site including facing materials, roof detail, windows, doors and balustrade details have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwelling hereby approved is first occupied.

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

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

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and refuse and recycling stores and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

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

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

06 The proposed windows in the western elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top

hung fan light which shall be a minimum of 1.7 metres above internal finished floor level. The windows shall be retained as such in perpetuity and in the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) Policy DM1 and advice contained in The Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

08 The dwelling hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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 (2021) and the Design and Townscape Guide (2009).

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

Informatives:

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

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

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

3. No waste materials should be burnt on the site, instead being removed by licensed waste contractors. No dust emissions or fumes should leave the boundary of the site. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.

4. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

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

This application was WITHDRAWN.

**562      21/01781/FUL - 9 Crowstone Road, Westcliff-on-Sea (Chalkwell Ward)**  
**Proposal: Change of Use of Dwellinghouse (Use Class C3) to form**  
**Children's Residential Care Home (Use Class C2)**  
**Applicant: Mr J Mitchell**  
**Agent: Mr Thomas Sharman of Smart Planning Ltd.**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development is hereby permitted in accordance with the following approved plans: 21.7502/M001, 21.7502/M002, 21.7502/E101, 21.7502/E102, 21.7502/E103, 21.7502/E104, 21.7502/M003, 21.7502/E105.

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

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

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

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

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

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

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

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

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

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

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

Informatives:

1. You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.
2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.
3. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.
4. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally

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

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

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

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

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

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

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

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

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

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

07:00 to 23:00

-Resting - Living room 35 dB LAeq,16hour

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

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

23:00 to 07:00

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

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

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

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

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

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

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



07 The windows to the southern flank elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

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

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

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

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

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

11. Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water

recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

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

Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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.

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

Resolved:-

That planning permission be REFUSED for the following reason:

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

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

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

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

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than 4th April 2021.

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

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

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

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

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

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

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

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

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding conservation area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 The entire customer seating area at ground level in front of the building hereby permitted is consented for a limited period only from the date of this permission until the 31<sup>st</sup> October 2022 only. At the end of this period the entirety of the customer seating at ground level in front of the building hereby permitted shall be entirely removed from the site and the land restored to its condition before the development took place.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with the National Planning Policy Framework (2021) and Policies KP1 and KP2 of the Core Strategy (2007).

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

#### Informatives

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

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

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

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

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

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

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

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved 01, 11, 12-P1, 13-P1, 14, 15-P1, 16-P1, 17-P1, 18, 19-P1, 20-P1, 26.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development hereby approved, including walls including decorative brickwork elements, roof, windows and doors, fascia and soffits, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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



04 The northeast panes of the first floor window on the east elevation of the northern most property and the two first floor bathroom windows of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority ) and fixed shut up to a height of not less than 1.7m above the relevant room's internal finished floor level before the occupation of the extension hereby approved and the windows shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

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

- (i) Existing and proposed finished site levels or contours.
- (ii) Details of means of enclosure, of the site including any gates or boundary walls and fencing.
- (iii) Hard surfacing materials.
- (iv) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- (v) Details of measures to enhance biodiversity within the site.

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

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

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

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

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

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

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

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

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

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

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

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

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

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme musty be prepared submitted for the approval in writing of the Local Planning Authority.

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

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

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

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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)).

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

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

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

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

**567      21/01906/FULH - 75 South Crescent, Southend-on-Sea (St Laurence Ward)**  
**Proposal: Erect outbuilding to rear for use as a gymnasium (retrospective)**  
**Applicant: Mr N Singh**  
**Agent: Mr A Anwar**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 101 & 102.

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

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

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

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

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

#### Informatives

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

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

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

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

### **Meeting of Cabinet Committee**

**Date: Tuesday, 4th January, 2022**  
**Place: Council Chamber - Civic Suite**

**11**

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

**In Attendance:** Councillors M Berry, K Buck, D Cowan, T Cox, N Folkard, A Moring,  
J Moyies, S Wakefield and C Walker  
S Harrington and T Row

**Start/End Time:** 6.30 pm - 8.50 pm

#### **647 Apologies for Absence**

Apologies for absence were received from Councillors D Garston (substitute: Councillor Walker) and Habermel (substitute: Councillor Folkard).

#### **648 Declarations of Interest**

The following interests were declared at the meeting:-

(i) Councillor Collins – Agenda Item No. 3 (Minutes of the Meeting held on Monday 13<sup>th</sup> September 2021) – Non-pecuniary interest: Lives in Green Lane which was mentioned in the debate; and

(ii) Councillor Buck – Agenda Item No. 5 (Petition Report – Esplanade Gardens proposal to replace Paving Slabs with Tarmacadam) – Non-pecuniary interest: Contractor at the former Havens Hospice site, which was mentioned in the debate, is a contractor of his.

#### **649 Minutes of the Meeting held on Monday 13th September 2021**

The Cabinet Committee received the Minutes of its meeting held on Monday 13<sup>th</sup> September 2021. It had been explained at that meeting that there had been no objections to the proposals in Green Lane and accordingly this had been agreed to be implemented as advertised although this was not reflected in the Minutes under resolution 4(i).

Resolved:-

That, subject to the inclusion of the following under resolution 4(i) of Minute 323, the Minutes of the meeting held on Monday 13<sup>th</sup> September 2021 be received, confirmed as a correct record and signed:

Green Lane – no waiting at any time on both sides on bend outside No. 2.

**650 Minutes of the Meeting held on Tuesday, 21st September, 2021**

Resolved:-

That the Minutes of the Meeting held on Tuesday, 21<sup>st</sup> September 2021 be received, confirmed as a correct record and signed.

**651 Petition Report - Esplanade Gardens proposal to replace Paving Slabs with Tarmacadam**

The Cabinet Committee received a report of the Executive Director (Neighbourhoods and Environment) concerning a petition containing 26 signatures requesting the Council to not use tarmacadam when undertaking highways improvement resurfacing work in Esplanade Gardens. The petition had been referred to the Cabinet Committee for consideration by Council at its meeting held on Thursday 25<sup>th</sup> November 2021 (Minute 468 refers).

In response to questions regarding the conflicting information received in respect of the implementation of the new resurfacing policy in Chalkwell Avenue, Acacia Drive and Thorpedene Gardens, Council's Head of Traffic & Highways undertook to investigate the matter and respond to the respective ward councillors directly.

The Head of Traffic & Highways also gave assurances to respond to the issues highlighted by Councillors relating to the re-instatement works being undertaken by City Fibre.

Having considered the views of the Traffic Regulations Working Party, it was:-

Resolved:-

1. That the footway resurfacing programme continue to be implemented in accordance with the current resurfacing policy.
2. That the petition be noted but that the request that footway resurfacing in Esplanade Gardens in concrete slabs be refused.
3. That the lead petitioner be informed of the Council's decision.

Reasons for Decision

As set in the submitted report

Other Options

As set out in the submitted report

Note: This is an Executive function

Eligible for call-in to Place Scrutiny Committee

Cabinet Member: Councillor Woodley



## **652 2021 Constitutional Changes - Traffic & Highways**

The Cabinet Committee received an oral report of the Head of Traffic and Highways that presented the new procedures following the constitutional change and amendments to delegations to officers approved by Council at its meeting on 9<sup>th</sup> September 2021 (Minute 309 refers).

Resolved:-

That the report be noted.

Reasons for Decision

As set in the submitted report

Other Options

As set out in the submitted report

Note: This is an Executive function

Eligible for call-in to Place Scrutiny Committee

Cabinet Member: Councillor Woodley

## **653 Thorpe Bay Gardens**

The Cabinet Committee considered a report of the Executive Director (Neighbourhoods and Environment) that provided background information of the draft traffic regulation order in Thorpe Bay Gardens. The matter had been referred back by the Place Scrutiny Committee at its meeting on 4<sup>th</sup> October 2021 (Minutes 364 and 477 of Council refer) for reconsideration by the Traffic Regulations Working Party and Cabinet Committee.

Having considered the views of the Traffic Regulations Working Party, it was:

Resolved:-

That a full report be prepared setting out a detailed evaluation of all the evidence and relevant facts, including the details and extent of any alleged anti-social behaviour, in relation to the issues relating to draft traffic regulation order in Thorpe Bay Gardens and/or possible inclusion in the review of the existing PSPO (Public Spaces Protection Order), for consideration by the Traffic Regulation Working Party and Cabinet Committee at a future meeting, the content and details of which to be agreed by the Cabinet Member for Transport, Asset Management and Inward Investment.

Reasons for decision

As set out in the submitted report

Other Options

As set out in the submitted report

Note: This is an Executive function

Not eligible for call-in as the matter has already been subject to the call-in procedure

Cabinet Member: Councillor Woodley

## 654 Crosby Road

The Cabinet Committee considered a report of the Executive Director (Neighbourhoods and Environment) that provided background information of the draft traffic regulation order for part-time waiting restrictions in Crosby Road. The matter had been referred back by the Place Scrutiny Committee at its meeting on 4th October 2021 (Minutes 364 and 477 of Council refer) for reconsideration by the Traffic Regulations Working Party and Cabinet Committee.

In response to a request for the costs incurred in respect of the Crosby Road scheme, the Head of Traffic & Highways undertook to email the details to the Ward Councillors and the Traffic Regulations Working Party.

Having considered the views of the Traffic Regulations Working Party, it was:

Resolved:-

1. That the current proposed draft traffic regulation order for the introduction of part-time waiting restrictions in Crosby Road not be progressed.
2. That the Head of Traffic & Highways be authorised to undertake the necessary surveys and research of the issues occurring in Crosby Road, including during the summer months, the timing of which surveys to be agreed in consultation with the relevant Ward Councillors, and prepare any necessary and appropriate proposals/scheme designed to combat/address them and carry out community consultation to establish the level of support, subject to appropriate funding being made available for the scheme.

Reasons for Decision

As set out in the submitted report

Other Options

As set out in the submitted report

Note: This is an Executive function

Not eligible for call-in as the matter has already been subject to the call-in procedure

Cabinet Member: Councillor Woodley

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

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

## **Meeting of Development Control Committee**

**Date: Wednesday, 5th January, 2022**

**Place: Council Chamber - Civic Suite**

# 12

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

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

**Start/End Time:** 4.00 pm - 6.15 pm

### **579 Apologies for Absence**

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

### **580 Declarations of Interest**

The following interests were declared at the meeting:

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

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

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

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

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

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

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

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

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

Resolved:-

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

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

Resolved:-

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

**583 Supplementary Report**

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

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

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

**Applicant: Regis Entertainment Limited**

**Agent: Jon Murch of DaviesMurch**

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

Resolved:-

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

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

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

General Conditions

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

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

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

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

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

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

Design and visual impact

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

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

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

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

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

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

06 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall follow the general principles shown on the approved plans and shall include details and, where practicable, samples of materials to be used on hardsurfacing and boundary treatment of the site, including boundaries within the site.

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

07 The substation hereby approved shall be constructed solely in accordance with the details contained in the approved plan WP-0753-A-0210-E Rev A or alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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

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

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

#### Residential amenity

09 No development shall take place, including any works of demolition or excavation, unless and until a Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to, and approved in writing by the Local Planning Authority under the provisions of this condition. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period and shall provide, amongst other things, for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding
- e) measures to control the emission of dust and dirt during construction
- f) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- g) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- h) details of the duration and location of any noisy activities and the measures to be implemented to minimise noise impacts.

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

10 Construction works associated with the approved development on site shall only be undertaken between 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

## Highways

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

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

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

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

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

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

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

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

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

#### Waste management

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

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

#### Energy and water sustainability

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

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

23 Prior to occupation of the development hereby approved the energy efficiency and other sustainability measures to benefit the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be implemented on site in accordance with the agreed details contained within in the submitted Energy and Sustainability Statement August 2021.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

#### Flooding and water drainage

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

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

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

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

Additional conditions required by the Committee

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

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

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

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

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

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

#### Positive and Proactive Statement

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

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

## Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).
2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
3. The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highway's legislation. They are separate regimes and different requirements apply to each.
4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
5. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
6. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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

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

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

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

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

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

**Applicant: Mr & Mrs Lowen**

**Agent: Breley Design Ltd**

Resolved:-

1. That planning permission be GRANTED subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

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

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

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

2. That listed building consent be GRANTED subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Informatives

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

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

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

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

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

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

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

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

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

Positive and Proactive Statement:

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

Informatives:

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

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

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

Resolved:-

1. That ENFORCEMENT ACTION be AUTHORISED to:

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

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

3. When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

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

Resolved:-

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

**589      21/00061/UNAU\_B - 193 Eastern Esplanade, Southend-on-Sea (Thorpe Ward)**  
**Breach of Control: Without planning permission the erection of a kiosk and change of use of land to a café and garden area (sui generis)**

Resolved:-

1. That ENFORCEMENT ACTION be AUTHORISED to:

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

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

3. When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

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

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

## **Meeting of Audit Committee**

**Date: Wednesday, 12th January, 2022**

**Place: Council Chamber - Civic Suite**

# 13

**Present:** Councillor M Dent (Chair)  
Councillors I Shead (Vice-Chair), H Boyd, A Dear, K Evans,  
N Folkard, S George, S Habermel, P Wexham and K Pandya

**In Attendance:** A Barnes, R Harris, S Dutton and C Fozzard

**Start/End Time:** 6.30 pm - 7.05 pm

### **590 Apologies for Absence**

There were no apologies for absence at this meeting.

### **591 Declarations of Interest**

There were no declarations of interest at this meeting.

### **592 Minutes of the Meeting held on Monday, 13 December 2021**

Resolved:

That the Minutes of the Meeting held on 13<sup>th</sup> December 2021 be confirmed as a correct record.

### **593 Treasury Management Policy for 2022/23**

The Committee considered a report of the Executive Director (Finance and Resources) outlining the treasury management policy for 2022/23 comprising the following documents:

- Treasury Management Policy Statement for 2022/23;
- Treasury Management Strategy for 2022/23; and
- Annual Treasury Management Investment strategy for 2022/23.

The Committee asked a number of questions which were responded to by officers.

Resolved:

That the Treasury Management Policy for 2021/22, be endorsed.

### **594 Internal Audit Service Quarterly Performance Report**

The Committee considered a report of the Executive Director (Finance and Resources) providing an update on the progress made in delivering the Internal Audit Strategy for 2021/22.

Resolved:

That the progress made in delivering the 2021/22 Internal Audit Strategy, be noted.

**595 Counter Fraud & Investigation Team Quarterly Performance Report**

The Committee considered a report of the Executive Director (Finance and Resources) on the progress made in delivering the Counter Fraud Strategy and Work Programme for 2021/22.

The Committee asked a number of questions which were responded to by officers.

Resolved:

That the performance of the Counter Fraud and Investigation Team over the past three months, be noted.

**596 Risk Management Update**

The Committee considered a report of the Executive Director (Finance and Resources) providing an update on the delivery of the risk management policy statement and strategy.

Resolved:

That the delivery of implementing the risk management policy statement and strategy, be noted.

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

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

### **Meeting of Cabinet**

**Date: Thursday, 13th January, 2022**

**Place: Council Chamber - Civic Suite**

# 14

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

**In Attendance:** T Forster, M Marks, J Williams, A Lewis, J Chesterton, C Gamble,  
D Simon, T Harris, B Leigh, B Martin and M Sheppard

**Start/End Time:** 2.00 pm - 4.30 pm

#### **597 Apologies for Absence**

There were no apologies for absence at this meeting.

#### **598 Declarations of Interest**

The following Councillors declared interests as indicated:

a) Cllr Burton – Agenda Item 10 (SEND Review) – Non-pecuniary interest: Teacher at a school outside the Borough;

(b) Cllr Gilbert – Agenda Items 8 (Draft HRA and Rent Setting) and Agenda Item 9 (Draft Prioritising Resources 2022/23 to 2026/27) – non-pecuniary interest: Employee of business near the High Street and GMB union member;

(c) Cllr Jones – Agenda Item 9 (Draft Prioritising Resources 2022/23 to 2026/27 – Non-pecuniary interest: Son works for C2C; Agenda Item 11 (Ten Year Contract – Southend Care Limited) – Non-pecuniary interest: Friends work for Southend Care Ltd; Agenda Item 13 (DfT Active Travel Fund Tranche 2 Grant Award) – non-pecuniary interest: Son works in the passenger transport team; Agenda Item 22 (SO46 Report) – Non-pecuniary interest: one of her sons works for SECTA and youngest son works for passenger transport team;

(d) Cllr Mulroney – Agenda Item 9 (Draft Prioritising Resources 2022/23 to 2026/27) – Non-pecuniary interest: Member of Leigh Town Council and Council appointee to Southend Tourism Partnership; Agenda Item 14 (Conservation Area Appraisals) – non-pecuniary interest; Member of Leigh Society and Chair of Trustees of Leigh Heritage Centre; Agenda Item 15 (20 MPH Neighbourhoods) – Disqualifying non-pecuniary interest: resident in one of the proposed roads/areas of the scheme (withdrew);

(e) Cllr Nevin – Agenda Item 11 (Ten Year Contract – Southend Care Limited) – Non-pecuniary interest: Essex County Council mentioned and ex mother-in-law receiving care outside this area; Employed at external National Health Service Trust and family members employed at Mid and South Essex Trust hospitals;

(f) Cllr Terry – Agenda Item 20 (20 MPH Neighbourhoods) – Non-pecuniary interest: Member of Burges Estate Residents Association; and

(g) Cllr Woodley – Agenda Item 20 (20 MPH Neighbourhoods) – Non-pecuniary interest: Thorpe Ward Councillor and Chair of Residents Association.

**599 Minutes of the meeting held Tuesday, 18 October 2021**

Resolved:

That the minutes of the meeting held on Tuesday, 18<sup>th</sup> October 2021, be confirmed and signed as a correct record.

**600 Minutes of the meeting held on Tuesday, 2 November 2021**

Resolved:

That the minutes of the meeting held on Tuesday, 2<sup>nd</sup> November 2021 be confirmed and signed as a correct record.

**601 Minutes of the Meeting held Monday, 6 December 2021**

Resolved:

That the Minutes of the Meeting held on Monday 6<sup>th</sup> December 2021, be confirmed as a correct record and signed.

**602 Resourcing Better Outcomes - Financial Performance Report for November (Period 8)**

The Cabinet considered a report of the Executive Director (Finance and Resources) reviewing the Council's financial performance.

Recommended:

That, in respect of the 2021/22 Revenue Budget Performance, as set out in Appendix 1 to the submitted report:

1. That the forecast outturn for the General Fund and the Housing Revenue Account as at November 2021 and the intention to defer the previously approved use of £2.5M from Reserves to support the 2021/22 budget, be noted.

That, in respect of the 2021/22 Capital Budget Performance, as set out in Appendix 2 to the report:

2. That the expenditure to date and the forecast outturn as at November 2021 and its financing, be noted.

3. That the requested changes to the capital investment programme for 2021/22 and future years, as set out in Section 4 of Appendix 2 to the report, be approved.

## Reasons for Decision

The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to Councillors, senior officers and other interested parties on the financial performance of the Council. It also informs decision making to ensure that the Council's priorities are delivered within the approved budget provision.

## Other Options

The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the current reporting schedule provides the appropriate balance to allow strategic oversight of the budget by Councillors and to also formally manage the Council's exposure to financial risk.

Note: This is a Council Function

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

Cabinet Members: Cllrs Gilbert and Collins

## **603 Council Tax Base and Non Domestic Rating Base 2022/23**

The Cabinet considered a report of the Executive Director (Finance and Resources) concerning the calculation of the Council Tax Base for 2022/23 and the submission of the National Non-Domestic Rates (NNDR1) form to the Ministry of Housing, Communities and Local Government (MHCLG) by 31st January 2022.

Members of the Cabinet received a copy of Appendix C (NNDR Form).

Resolved:

### In respect of the Council Tax Base:

In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003) and Local Government Finance Act 2012 (Calculation of billing authority's council tax base Section 15):

1. The amount calculated by Southend-on-Sea Borough Council as its Council Tax Base for the year 2022/23 shall be 59,086.74.
2. The amount calculated by Southend-on-Sea Borough Council as the Council Tax Base in respect of Leigh-on-Sea Town Council for the year 2022/23 shall be 8,890.46.

### In respect of the National Non-Domestic Rates Base (NNDR1 Form):

3. That the NNDR1 form for 2022/23 at Appendix C to the report, circulated at the meeting, be approved for submission to MHCLG.

## Reason for Decision

The setting of the Council Tax Base and National Domestic Rating Base enables the calculation of the core funding derived through local taxation that is used to finance the Council's proposed budget for 2022/23.

## Other Options

None

Note: This is an Executive Function

Eligible for Call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

### **604 Draft Housing Revenue Account Budget 2022/23 and Rent Setting**

The Cabinet considered a joint report of the Executive Director (Finance and Resources) and Executive Director (Housing & Growth) setting out the Housing Revenue (HRA) budget for 2022/23, together with the information necessary to set a balanced budget as required by legislation.

Resolved:

1. That an average rent increase of 4.10% on all tenancies, be endorsed.
2. That an average rent increase of 4.10% on shared ownership properties, be endorsed.
3. That an increase of 4.10% for garage rents to £12.70 per week for tenants and £15.24 for non-tenants (being £12.70 plus VAT), a rise consistent with the proposal for the main rent increase (all variants on a standard garage will receive a proportionate increase), be endorsed.
4. That the South Essex Homes core management fee at £6,648,000 for 2022/23, be endorsed.
5. That South Essex Homes proposals for average increases of 10.88% in service charges, be endorsed.
6. That South Essex Homes proposals for an average 16.95% reduction in heating charges for sheltered housing tenants and an average 4.42% increase in heating charges for hostel tenants to reflect the actual costs incurred, be endorsed.
7. That the following appropriations be endorsed:
  - £60,000 to the Repairs Contract Pensions Reserve;
  - £2,978,000 to the Capital Investment Reserve and
  - £8,309,000 from the Capital Investment Reserve

8. That subject to resolutions 1 to 7 above, the HRA budget for 2022/23, as set out in Appendix 1 to the submitted report, be approved.

9. That the value of the Council's capital allowance for 2022/23 be declared as £76,915,000, as determined in accordance with regulation 16 of the Local Authorities (Capital Finance and Accounting) (England) Regulations.

#### Reasons for Decision

Part of the process of maintaining a balanced budget for the HRA is to undertake an annual rent review and assessment of other service and facilities charges. Full Council will need to approve the HRA budget and any changes to rent and other services prior to the start of the financial year.

#### Other Options

There are other options available to Councillors in relation to the proposed rent and other services and facilities increases.

Note: This is an Executive Function save that approval of the final budget following Cabinet on 15<sup>th</sup> February 2022 is a Council Function  
Referred direct to Policy and Resources Scrutiny Committee  
Cabinet Members: Cllr Gilbert and Cllr Jones

#### **605 Draft Prioritising Resources to Deliver Better Outcomes - 2022/23 to 2026/27**

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the draft General Fund Revenue Budget for 2022/23.

#### Resolved:

1. That it be noted that the final version of the updated Financial Sustainability Strategy 2022-2032 will be available for consideration in February 2022 (Appendix 1 to the submitted report).

2. That it be noted that a Medium Term Financial Strategy for 2022/23 – 2026/27 will be available for consideration in February 2022 and the draft Medium Term Financial Forecast and estimated Earmarked Reserves Balances up to 2026/27 (Annexes 1 and 2 to Appendix 2 to the submitted report), be endorsed.

3. That the draft Section 151 Officer's statement on the robustness of the proposed budget, the adequacy of the Council's reserves and the Council's Reserves Strategy (Appendix 3 to the report), be noted.

4. That the appropriation of the sums to earmarked reserves totalling £2.675M (Appendix 4 to the report), be endorsed.

5. That the appropriation of the sums from earmarked reserves totalling £4.494M, which includes £2.500M that was previously approved to support the budget in 2021/22 and is now requested to be used to support the estimated budget gap for 2022/23 instead. (Appendix 4 to the report), be endorsed.

6. That a General Fund Budget Requirement for 2022/23 of £140.288M and Council Tax Requirement of £91.844M (Appendix 5) and any required commencement of consultation, statutory or otherwise, be endorsed.
7. That it be noted that the 2022/23 revenue budget has been prepared on the basis of using £1.5 million from accumulated Collection Fund surpluses for the core budget to allow for a smoothing of the budget gap across the next four financial years.
8. That a Council Tax increase of 3.99% for the Southend-on-Sea element of the Council Tax for 2022/23, being 1.99% for general use and 2.0% for Adult Social Care, be endorsed.
9. That it be noted that the position of the Council's preceptors is to be determined:
- Essex Police – no indication of Council Tax position
  - Essex Fire & Rescue Services – no indication of Council Tax position
  - Leigh-on-Sea Town Council – proposed Band D precept increase of 0.53%;
10. That no Special Expenses be charged other than the Leigh-on-Sea Town Council precept for 2022/23, be endorsed.
11. That the proposed General Fund revenue budget investment of £13.672M (Appendix 6 to the report), be endorsed.
12. That the proposed General Fund revenue budget savings and income generation initiatives for 2022/23 of £5.087M (Appendix 7 to the report), be endorsed.
13. That the proposed future outline Budget Transformation Programme 2023/24 – 2026/27 (Appendix 8 to the report), be noted.
14. That the proposed range of fees and charges for 2022/23 (Appendix 9 to the report), be endorsed.
15. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 10 to the report), be endorsed.
16. That the Capital Investment Strategy for 2022/23 to 2026/27 (Appendix 11 to the report) and the Capital Investment Policy (Annex 1 to Appendix 11 to the report), be endorsed.
17. That the new schemes and additions to the Capital Investment Programme for the period 2022/23 to 2026/27 totalling £12.6M for the General Fund (Appendix 12 to the report) and new schemes subject to viable business cases totalling £33.9M (£15.5M for the General Fund and £18.4M for the Housing Revenue Account) (Appendix 12 to the report), be endorsed.



18. That the proposed changes to the current Capital Investment Programme that were considered for approval as part of the Resourcing Better Outcomes – Financial Performance Report – Period 8 (Appendix 13 to the report), be noted.

19. That the proposed Capital Investment Programme for 2022/23 to 2026/27 of £119.8M to be delivered by the Council and £51.3M to be delivered by Subsidiary Companies, Partners and Joint Ventures (Appendix 14 to the report) of which £51.1M is supported by external funding, be endorsed.

20. That the Minimum Revenue Provision (MRP) Policy for 2022/23 (Appendix 15 to the report) and the prudential indicators (Appendix 16 to the report), be endorsed.

21. That the operational boundary and authorised limits for borrowing for 2022/23 are set at £385M and £395M respectively (Appendix 16 to the report), be endorsed.

#### Reason for Decision

To comply with statutory requirements and the relevant Local Authority codes of practice. Also, to ensure the budgets align to and enable the delivery of the Council's ambition and desired outcomes or to enhance the Council's infrastructure.

#### Other Options

Billing authorities are required by law to complete and approve their budget and set a council tax before 11 March immediately prior to the start of the financial year on 1 April.

Note: This is an Executive Function save that approval of the final budget following Cabinet on 15<sup>th</sup> February 2020 is a Council Function

Referred direct to all three scrutiny committees

Cabinet Members: Cllr Gilbert and Cllr Collins

## **606 SEND Peer Review**

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the findings and recommendations from the Local Government Association (LGA) Independent Peer Review Report into the SEND and Children with Disability (CWD) services and set out the proposed actions to be taken by the local authority to drive the necessary changes in order to improve services to residents and families.

#### Resolved:

1. That the Local Government Association Independent Peer Review Report, be noted.

2. That the recommendations made by the LGA Peer Review Team, as set out in Appendix 1 to the submitted report, be accepted.

3. That the Implementation Plan in response to the recommendations in the LGA Peer Review, as set out at Appendix two to the report, be approved.

4. That the matter be referred to the People Scrutiny Committee for consideration.

Reasons for decision:

To consider the findings from the Independent Review and endorse the proposed actions in response to the recommendations from the LGA Peer Review Report.

Other options:

None.

Note: This is an Executive Function

Referred direct to: People Scrutiny Committee

Cabinet Member: Cllr Burton

#### **607 Ten Year Contract - Southend Care Limited**

The Cabinet considered a report of the Executive Director (Adults and Communities) setting out the proposed ten-year contract with Southend Care Limited to deliver adult care.

Resolved:

That the Council enter into a 10-year agreement with Southend Care Limited, as set out in the submitted report.

Reasons for decision:

The services provided (support at home, daytime support, residential care and provider of last resort support) are necessary for the residents of Southend. The partnership with Southend Care Limited and the development plans in place offer substantial value to the Council and to the residents of Southend.

Other options:

To bring the services back into direct local authority control or offering the services to the private, independent and voluntary sector market. Both options are not recommended.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Nevin

## 608 Southend Leisure Provision Future

The Cabinet considered a report of the Executive Director (Adults and Communities) requesting confirmation of the in-year arrangements for the operation of the Council's leisure centres and set out the proposed steps in respect of the centres beyond April 2022.

Resolved:

1. That the ongoing waiver of Fusion's management fee until 31 March 2022, be approved.
2. That the remaining three year's management fee be repaid by Fusion over a reprofiled duration meeting the Council's financial expectations from the contract.
3. That it be noted that the Council's officers will continue to manage the existing contract performance of Fusion.
4. That Fusion's current proposals regarding the extension of the contract beyond 2025 be rejected and market testing take place.
5. That it be noted that a further report will be provided during 2022/23 to consider the long-term future and options for leisure services.

Reasons for decision:

To address the immediate position with respect to the leisure contract.

Other options:

The Council could consider alternative operators and Trusts. These are not recommended in the short term due to the additional financial risk to the Council of an early termination.

Note: This is an Executive Function

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

Cabinet Member: Cllr Mulroney

## 609 DfT Active Travel Fund - Tranche 2 Grant Award

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) concerning the schemes that had been awarded funding by the Department of Transport (DfT) following the Council's Tranche 2 bid. The consultation/survey results in relation to the schemes would be submitted to the DfT.

Resolved:

1. That the bid to the Department of Transport (DfT) on 20 November 2020 for Tranche 2 funding from the Active Travel Fund for the schemes for which funding in the sum of £741,000 was awarded, be endorsed.

2. That, following discussion at design review stage with the Transport, Capital and Inward Investment Working Party, authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Transport, Asset Management and Inward Investment, to agree the final detailed design options based upon the outline designs submitted to the DfT for Tranche 2 funding.

Reasons for decision:

To provide active travel improvements that further encourage increased walking and cycling activity in the Borough.

Other options:

None.

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

## **610 Conservation Area Appraisals**

The Cabinet considered a report of the Executive Director (Growth and Housing) presenting the Conservation Area Appraisals for Clifftown, Leigh, Leigh Cliff, Milton, The Leas and Shoebury Garrison, following a recent period of public consultation.

Resolved:

That the Conservation Area Appraisal documents, set out at Appendices 1 to 6 of the submitted report, for Clifftown, Leigh, Leigh Cliff, Milton, The Leas and Shoebury Garrison, be adopted.

Reason for decision:

Six Conservation Areas have been appraised as part of this work and the Conservation Area Appraisals produced for them provide up to date evidence on each Conservation Area and any issues affecting them. They also provide a new management plan to help guide appropriate and sympathetic change within the area and highlight opportunities to enhance the character and appearance of these important heritage areas.

Other options:

Not to adopt the Conservation Area Appraisals for Clifftown, Leigh, Leigh Cliff, Milton, The Leas and Shoebury Garrison. However, this would mean that each of these Conservation Areas does not have an up-to-date Appraisal and Management Plan in place.

Note: This is an Executive Function

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

Cabinet Member: Cllr Mulroney

## 611 20 MPH Neighbourhoods

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) seeking approval for the adoption of 20MPH Neighbourhoods pilot scheme in the following locations:

- Leigh West and Leigh Ward: Area bounded by Hadleigh Road, Rectory Grove, Lymington Avenue, London Road and Salisbury Road;
- Thorpe Ward: (i) Area bounded by Thorpe Hall Avenue, Thorpe Bay Gardens, Maplin Way and Station Road; (ii) On Burges Road, Colbert Avenue and Wyatts Drive; (iii) On Shaftesbury Avenue, Kensington Avenue and Northumberland Crescent.

Resolved:

1. That the proposed scheme for each of the areas detailed above, be taken forward to construction.
2. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Transport, Asset Management and Inward Investment, to approve the advertisement of any necessary traffic regulation orders.
3. That the £500,000 grant funded expenditure to implement the 20MPH Neighbourhoods Scheme, be approved.

Reasons for decision:

To support the Council's 2050 Shared 'Safe and Well' Ambition to ensure people in Southend-on-Sea feel safe in all aspects of their lives.

Other options:

Not to implement the 20MPH Neighbourhoods pilot scheme in the areas detailed above.

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

## 612 Street Prostitution Strategy

The Cabinet considered a report of the Executive Director (Adult and Communities) presenting the Street Prostitution Strategy and Charter of Agreement for consideration.

Resolved:

1. That the Street Prostitution Strategy and the Charter of Agreement, set out at Appendices 1 and 2 to the submitted report, be approved.
2. That the work undertaken in the Strategy and through the Charter of Agreement be overseen by the Violence and Vulnerability Board.

Reasons for decision:

To adopt the Street Prostitution Strategy and Charter of Agreement to support this socially excluded and vulnerable group and to ensure that the Strategy has overall Senior Leadership support via the Violence and Vulnerability Board.

Other options:

Not to adopt the Street Prostitution Strategy and Charter of Agreement in its present form and work continues with the current outreach service and drop-in provision currently being provided by the Voluntary Sector partners to support this vulnerable group.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Jones

### **613 Southend Adult Community College**

The Cabinet considered a report of the Executive Director (Growth and Housing) presenting the annual performance report for Southend Adult Community College ("the College") and an update on the progress made aligning the College with the Council's governance, accountability and Southend 2050 Ambition outcome delivery.

Resolved:

That the annual performance report for Southend Adult Community College 2020/21, set out in Appendix A to the submitted report, be noted.

Reasons for decision:

To note the College's annual performance report reflecting the changed governance arrangements now in place. It is important that the positive contributions of the College to the skills, employment and well-being of residents is presented as part of the Council's economic recovery and community resilience activity.

Other options:

None.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Gilbert

### **614 School Admissions Arrangements for Community Schools**

The Cabinet considered a report of the Executive Director (Children & Public Health) concerning the school admission arrangements for community schools in the Borough.

Resolved:

1. That the Cabinet determines (i.e formally agrees) the Admission Arrangements for Community Schools as set out in Appendix 1 to the submitted report.
2. That it be noted that the Determined Coordinated Admission Scheme for the academic year 2023/24 was published on 31 December 2021.

Reasons for decision:

The determination of admission arrangements for community schools and the provision of a coordinated scheme is a statutory requirement.

Other options:

None.

Note: this is an Executive Function  
Eligible for call-in to: People Scrutiny Committee  
Cabinet Member: Cllr Burton

#### **615 Maintained School Term Dates 2022/23**

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the proposed school term and holiday dates for the academic year 2022/23.

Resolved:

That the school term and holiday dates for 2023/2024, as set out in Appendix 1 to the submitted report, be approved for community schools and as a guide to all schools in the Borough.

Reason for Decision:

To approve the school term dates.

Other Options:

None

Note: This is an Executive Function  
Eligible for call-in to: People Scrutiny Committee  
Cabinet Member: Cllr Burton

## **616 Annual Fostering & Adoption Report**

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the updated statements of purpose for the Fostering and Adoption Service.

Resolved:

That the Fostering Service statement of purpose and Adoption Service statement of purpose, set out at Appendices 1 and 2 of the submitted report, be approved.

Reasons for decision:

To approve the Fostering Service and Adoption Service statements of purpose.

Other options:

None. It is a statutory requirement to approve the statements of purpose.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Burton

## **617 Debt Management Position to 30 November 2021**

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Finance and Resources) providing an update on the current position of outstanding debt to the Council, as at 30<sup>th</sup> November 2021.

Resolved:

1. That the current outstanding debt position as at 30 November 2021 and the position of debts written off to 30 November 2021, as set out in Appendices A and B to the submitted report, be noted.

2. That the two write offs for debts that exceed £25,000, as set out in Appendix B to the report, be approved.

Reason for Decision:

All reasonable steps to recover the debt have been taken, and therefore where write off is recommended it is the only course of action that is left available.

Other Options:

None.

Note: This is an Executive Function

Eligible for call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert



**618 SO46 Report**

Resolved:

That the submitted report be noted.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee / Policy and Resources Scrutiny Committee as appropriate

Cabinet Member: As appropriate to the item

**619 Minutes of the meeting of Environment, Culture, Tourism and Planning Working Party held 6 January 2022**

The Cabinet considered the recommendations of the Environment, Culture, Tourism and Planning Working Party held on 6 January 2022 concerning the Notices of Motion referred to the Working Party by Council.

Resolved:

That the recommendations of the Environment, Culture, Tourism and Planning Working Party concerning the Notices of Motion set out below, be approved:

a) Climate and Ecological Emergency (CEE) Bill

1. That the Notice of Motion be noted and that the Climate and Ecological Emergency Bill be formally and publicly supported and that officers inform the local media of this decision, in conjunction with the decision to join UK100.

2. That officers liaise with Southend's key stakeholders requesting their public support for the CEE Bill.

3. That officers write to the CEE Bill Alliance to formally confirm that the Council fully supports the Bill.

b) Going Green

That the Notice of Motion be noted and the creation of a Southend Going Green Grant Scheme to enable the Council to work with local organisations on local green initiatives and the allocation of £85,000 to the scheme, be approved in principle, subject to a further report to be considered by the Working Party setting out the final scope, application criteria and resources.

c) Personal Water Craft / Jet Ski's

1. That the Notice of Motion, be noted.

2. That officers write to Hywel Williams MP for Arfon and the two local MPS (Southend West and Rochford and Southend East) setting out the Council's support for the proposed parliamentary bill calling for greater controls of Personal Water Craft.

3. That, in the event that the current Bill is not being pursued, the local MPs be requested to promote such legislation in consultation with other coastal MPs.

d) Use of Glyphosate in Parks and Open Spaces

1. That the Notice of Motion be noted.
2. That it be noted that alternative methods for the control of unwanted vegetation were being investigated by officers and that further recommendations will be presented once the proposals were fully developed. Any changes will need to be considered as part of future budget setting.

e) Net Zero and UK100

1. That the Notice of Motion be noted.
2. That the Council joins UK100 and reaffirms its pledge towards Net Zero emissions by 2030. The link to the UK100 website to be provided to all Councillors.

f) Bee Bus Stops and Green Roofs

1. That the Notice of Motion be noted.
2. That it be noted that a further report will be presented to the Working Party covering the wider aspects of the proposals set out in the Notice of Motion.

Reasons for decision:

To respond to the Notices of Motion.

Other options:

None.

Note: This is an Executive Function  
Eligible for call-in to: Place Scrutiny Committee  
Cabinet Member: Cllr Mulroney

**620 Exclusion of the Public**

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**621 Southend Leisure Future - Confidential Appendix 1**

Resolved:

That the confidential appendix, be noted.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

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

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

### **Meeting of Appointments and Disciplinary Committee**

**Date: Monday, 24th January, 2022**  
**Place: Committee Room 1 - Civic Suite**

# 15

**Present:** Councillor I Gilbert (Chair)  
Councillors M Davidson, D Jarvis, \*J Courtenay, \*B Hooper and  
\*A Jones

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** A Lewis, M Marks and M Bearn (HAYS).

**Start/End Time:** 9.15 am - 11.30 am

#### **622 Apologies for Absence**

Apologies for absence were received from Councillors Cox (sub: Cllr Courtenay), Cowan (sub: Cllr Jones), Mulroney (sub: Cllr Hooper).

Apologies were also received from Councillor Burton.

#### **623 Declarations of Interest**

There were no declarations of interest at this meeting.

#### **624 Exclusion of the Public**

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **625 Appointment of Director of Children's Social Work, Early Help & Youth Support - Interviews**

The Committee interviewed the candidate for the post of Director of Children's Social Work, Early Help and Youth Support.

Resolved:

1. That, subject to the provisions of the Local Authorities Standing Orders (England) Regulations 2001 as incorporated in paragraph 5 of the Council's Officer Employment Procedure Rules, the post of Director of Children's Social Work, Early Help and Youth Support be offered to Lissa-Marie Minnis.

2. That the Chief Executive be authorised to offer the post outlined in 1 above to the candidate upon confirmation by the Leader that neither he nor any Cabinet Member has any objection to the making of such an offer.

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

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

## **Meeting of Cabinet**

**Date: Monday, 24th January, 2022**  
**Place: Council Chamber - Civic Suite**

# 16

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

**In Attendance:** Councillors Cox, K Evans, Buck, Folkard and Jarvis  
A Lewis, A Eastgate, J Williams, A Lewis, J Chesterton, R Harris,  
J Burr, I Kazalbash, A Richards, P Rabbitts and L White.

**Start/End Time:** 4.15 pm - 5.00 pm

### **626 Apologies for Absence**

Apologies for absence were received from Councillor Nevin.

### **627 Declarations of Interest**

There were no declarations of interest at this meeting.

### **628 Selective Licensing**

The Cabinet considered a report of the Executive Director (Growth and Housing) relating to the implementation of the Selective Licensing Scheme within neighbourhoods in the Milton, Kursaal, Victoria and Chalkwell Wards. The matter was referred back to Cabinet at full Council on 10 November 2021.

The Cabinet gave very serious consideration to the matter as it had been referred back.

Resolved:

1. That the resolutions made by Cabinet on 14 September 2021, as set out in Minute 333, be confirmed:

a) That the financial details of the Selective Licensing Scheme, as set out in the submitted report be noted.

b) That the proposed discounts for the Scheme including the early bird period of four months (December 2021 to March 2022) to promote early compliance as set out in the submitted report, be noted.

2. That for the avoidance of doubt, the designation date of 1 December 2021 be ratified.

3. That the Council complies with the obligations set out in section 3.13 of the submitted report, without delay.

Reasons for decision:

To provide a comprehensive financial assessment and clear recommendations on how the Selective Licensing Scheme can be delivered.

Other Options:

To seek to revoke the designation made on 18 March 2021.

Note: This is an Executive Function, but it is not eligible for call-in by virtue of Scrutiny Procedure Rule 15(e)(iii) as the matter has previously been the subject of call-in.

Cabinet Member: Cllr Gilbert

## **629 Waste Collection Contract**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting two options for securing the future service provision of the Recycling, Waste and Cleansing Contract, with the express aim of supporting the Council's declared Climate Emergency, the Southend 2050 Ambition and meeting the changing requirements of environmental legislation and the growing environmental demands of the Borough's residents.

Resolved:

1. That a Recycling, Waste and Cleansing Contract be procured for up to 20 years (Option B).

2. That the aims and parameters of any new Contract be to:

- Recognise the Climate Emergency declared by the Council in 2019 and support the move to carbon neutrality by 2030;
- Comply with the Environment Act 2021 and the need to improve recycling rates to achieve the anticipated Government requirement of 65% by 2035;
- Follow the principles of the Waste Hierarchy and aim to reduce waste to landfill;
- Maximise the use of sustainable fuels in the operation of the services;
- Provide the best customer and digital experience for residents;
- Consider whether the waste disposal contract should be included as part of the same procurement process;
- Consider the inclusion of a commercial waste offering; and
- Recognise the popularity with residents of the current scheme, and explore the viability of maintaining it, or something similar via market engagement.

3. That an indicative annual budget envelope for the Contract be established and forms part of the invitation to tender.

4. That authority be delegated to the Executive Director (Neighbourhoods and Environment) and Executive Director (Finance & Resources), in consultation with the Cabinet Member for Environment, Culture, Tourism and Planning, to negotiate a short term extension to the Veolia Contract from October 2023 if



required to enable the Council to maintain a waste collection service until the procurement process for a new Contract has concluded and that this is contained within the financial sums identified in the submitted report.

5. That the outcome of the tender process and its associated financial implications be reported to a future Cabinet meeting with a recommendation as to the award of the Contract.

6. That up to £1.5m be allocated from the Waste Reserve to support the one-off costs of the procurement.

7. That it be noted that any additional financial costs for the extension of the current Waste Contract from October 2023 would be reflected in the budget setting for 2023/24.

8. To note that the current levels of recycling are significantly below the future targets set by the Government, and the significant environmental and economic benefits that reducing residual waste, and increasing recycling will bring to the Borough. Action is therefore required to secure a future service provision that is capable of meeting the Council's own targets and obligations.

9. That authority be delegated to the Executive Director (Neighbourhoods and Environment), the Executive Director (Finance and Resources) and the Executive Director (Legal and Democratic Services), in consultation with the Cabinet Member for Environment, Culture, Tourism and Planning to:

a) Procure a public relations company at a one-off cost of up to £250,000 to run a dedicated engagement, information and education programme to support the aims of Option B to be funded by the Waste Reserve; and

b) Employ a Contract Manager at a cost of £75,000 per annum to support the management and effective performance of the Contract by the Contractor to be funded by the Waste Reserve in 2022/23 and for consideration as part of the budget setting for 2023/24.

Subject to decisions taken under these delegated powers being reported to Cabinet.

10. That cross party Member oversight of the procurement process be provided through the Environment, Culture, Tourism and Planning Working Party.

Reasons for Decision:

1. To evidence that best value has been achieved by undertaking a thorough and transparent market exercise;
2. To explore collection models and innovative solutions for Southend not currently offered under Option A, which could better meet the needs of residents;
3. To enable a joint procurement option to be considered for the waste collection and disposal Contract which is due to be procured within a similar timescale;

4. To enable greater engagement with members and the residents and provide greater transparency in securing a future service which touches and concerns every household in the Borough;
5. To explore solutions that could limit the commercial risk to the Council.

Other Options:

Four different delivery solutions (Options A to D) have been considered on how best to achieve the objectives that this new service will need to deliver upon. Two are considered viable options (A and B) and two are not (C and D).

Note: This is an Executive Function  
Referred direct to Special Place Scrutiny Committee  
Cabinet Member: Cllr Mulroney

#### **630 Exclusion of the Public**

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **631 Waste Collection Contract**

The confidential report of the Executive Director (Neighbourhoods and Environment) concerning the Waste Collection Contract was considered in conjunction with Minute 629 above.

Resolved:

That the confidential report, be noted.

Note: This is an Executive Function  
Referred direct to Place Scrutiny Committee  
Cabinet Member: Cllr Mulroney

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

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

### **Meeting of Place Scrutiny Committee**

**Date: Monday, 24th January, 2022**  
**Place: Council Chamber - Civic Suite**

**17**

**Present:** Councillor N Folkard (Vice-Chair, in the Chair),  
Councillors J Warren, K Buck, T Cowdrey\*, T Cox\*, M Dent, F Evans,  
K Evans, S George, D Jarvis, J Lamb\*, K Mitchell, K Robinson,  
N Ward and P Wexham  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillors I Gilbert, P Collins and C Mulroney (Cabinet Members)  
J Chesterton, A Eastgate, G Gilbert, J Burr, I Kazalbash and T Row

**Start/End Time:** 6.30 pm - 9.25 pm.

#### **632 Apologies for Absence**

Apologies for absence were received from the Chair, Councillor Moring (substitute: Councillor Cox), and Councillors Cowan (substitute: Councillor Cowdrey), Walker (substitute: Councillor Lamb) and Wakefield (no substitute).

#### **633 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillors Gilbert, Mulroney and Collins (Cabinet Members) – Interest in the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011.

#### **634 Questions from Members of the Public**

There were no public questions.

#### **635 Waste Collection Contract**

The Committee considered Minutes 629 and 631 of Cabinet, which had been referred direct to Scrutiny by Cabinet, together with the report of the Executive Director (Neighbourhoods and Environment) presenting two options for securing the future service provision of the Recycling, Waste and Cleansing Contract, with the express aim of supporting the Council's declared Climate Emergency, the Southend 2050 Ambition and meeting the changing requirements of environmental legislation and the growing environmental demands of the Borough's residents. Copies Minutes 629 and 631 were circulated to all Councillors prior to the meeting and were tabled.

Concerns were expressed at the lateness of the circulation of the reports to Councillors on the Committee, particularly given the importance and magnitude of the matter.

The Committee debated the matter in detail and asked a number of questions that were responded to by the Cabinet Member for Environment, Culture, Tourism and Planning and officers.

Resolved:-

1. That the matter be referred back to Cabinet for reconsideration with the recommendation that that the weekly collection of general residual waste be included in any tender documentation as a mandatory requirement.
2. That, in accordance with Council Procedure Rule 39, the matter be referred to full Council for consideration.

Reasons for Decision

To ensure that any new waste collection contract retains the existing weekly collection of general residual waste.

Other Options

As set out in the submitted report.

Note: This is an Executive Function  
Cabinet Member: Cllr Mulroney

#### **636 Exclusion of the Public**

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **637 Waste Collection Contract**

The Committee received a confidential report of the Executive Director (Neighbourhoods and Environment) concerning the Waste Collection Contract which was considered in conjunction with Minute 635 above.

Resolved:

That the confidential report be noted.

Note: This is an Executive Function  
Cabinet Member: Cllr Mulroney

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

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

### **Meeting of Place Scrutiny Committee**

**Date: Monday, 7th February, 2022**  
**Place: Council Chamber - Civic Suite**

# 18

**Present:** Councillor N Folkard (Vice-Chair, in the Chair)  
Councillors C Walker, K Buck, D Cowan, T Cox\*, M Dent, F Evans,  
K Evans, S George, D Jarvis, K Mitchell, K Robinson, S Wakefield,  
J Warren and P Wexham  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillors I Gilbert, P Collins, C Mulroney, M Terry and R Woodley  
(Cabinet Members)  
A Eastgate, T Forster, G Gilbert, P Bates, J Burr, S Dolling,  
S Harrington, N Hoskins, G Perry-Ambrose, A Roberts, T Row and  
S Wheeler

**Start/End Time:** 6.35 pm - 11.35 pm

#### **655 Apologies for Absence**

Apologies for absence were received from the Chair, Councillor Moring (substitute: Councillor Cox) and Councillor Ward (no substitute).

#### **656 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillors Gilbert, Collins, Mulroney, Terry and Woodley (Cabinet Members) – Interest in the called-in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

(ii) Councillor Buck – Minute 662 (Agenda Item No. 8 – Department for Transport (DfT) Tranche 2 – Active Travel Fund) – Non-pecuniary interest: Son attends Eastwood Academy which is mentioned in the report;

(iii) Councillor Buck – Minute 664 (Agenda Item No. 10 – 20mph Neighbourhoods) – Non-pecuniary interest: Contacted by residents in respect of this matter;

(iv) Councillor Cowan – Minute 662 (Agenda Item No. 8 – Department for Transport (DfT) Tranche 2 – Active Travel Fund) – Non-pecuniary interest: Appointed Governor at Prince Avenue School, which was mentioned in the report.

(v) Councillor Cowan – Minute 664 (Agenda Item No. 10 – 20mph Neighbourhoods) – Non-pecuniary interest: Knows some of the public questioners;

(vi) Councillor Dent – Minute 663 (Agenda Item No. 9 – Conservation Area Appraisals) Non-pecuniary interest: Lives in a conservation area;

- (vii) Councillor Dent – Minute 664 (Agenda Item No. 10 – 20mph Neighbourhoods) – Non-pecuniary interest: Contacted by residents in respect of this matter;
- (viii) Councillor K Evans – Minute 660 (Agenda Item No. 6 - Draft Prioritising Resources to Deliver Better Outcomes – 2022/23 to 2026/27) – Non-pecuniary interest: Member of Leigh Town Council;
- (ix) Councillor K Evans – Minute 664 (Agenda Item No. 10 – 20mph Neighbourhoods) – Non-pecuniary interest: Family live in one of the roads affected by the proposals;
- (x) Councillor Folkard – Minute 661 (Agenda Item No. 7 - Leisure Contract – Short-Term Options Review) – Non-pecuniary interest: Regular user of Council's leisure facilities;
- (xi) Councillor Jarvis – Minute 663 (Agenda Item No. 9 – Conservation Area Appraisals) – Non-pecuniary interest: Lives in Shoebury Conservation Area but spoke on the item as Shadow Cabinet Member;
- (xii) Councillor Mulroney – Minute 661 (Agenda Item No. 6 - Draft Prioritising Resources to Deliver Better Outcomes – 2022/23 to 2026/27) – Non-pecuniary interest: Member of Leigh Town Council;
- (xiii) Councillor Mulroney – Minute 663 (Agenda Item No. 9 – Conservation Area Appraisals) – Non-pecuniary interest: Executive Director of Leigh Society and Chair of Trustees of the Leigh Heritage Centre
- (xiv) Councillor Mulroney – Minute 664 (Agenda Item No. 10 – 20mph Neighbourhoods) – Disqualifying non-pecuniary interest: Lives in one of the roads affected by the proposals (withdrew);
- (xv) Councillor Warren – Minute 664 (Agenda Item No. 10 – 20mph Neighbourhoods) – Non-pecuniary interest: Office is located in one of the roads affected by the proposals; and
- (xvi) Councillor Woodley – Minute 664 (Agenda Item No. 10 – 20mph Neighbourhoods) – Non-pecuniary interest: Councillor for Thorpe Ward, Chair of Burges Estate Residents' Association, and lives in one of the roads affected by the proposals. Councillor Woodley stated he was satisfied that his non-pecuniary interest was not a disqualifying interest (under paragraph 10.3 of the Members' Code of Conduct) and so he did not withdraw.

## **657 Questions from Members of the Public**

The Cabinet Member for Transport, Asset Management & Inward Investment responded to questions from Mr David Webb and Ms Lydia Hyde. A copy of the response will be sent to Mr Webb as he was not present at the meeting.

The Cabinet Member for Transport, Asset Management & Inward Investment also gave a generic response to a number of questions relating to the 20mph Neighbourhood proposals in Thorpe Ward. The number of persons able to put their questions in person was limited to the following residents due the length of time permitted for public questions:

Mrs S Carr  
Mr M Ford  
Mrs L Ford  
Ms H Tomkinson  
Mr S Tomkinson  
Ms D Jansen  
Mr F Smith  
Ms L Walton  
Mrs Gotch  
Mr A Hall

A copy of the response was handed to each of the questioners present and will be circulated to all those who were unable to attend the meeting or able to put their questions in person.

**658 Minutes of the Meeting held on Monday, 29th November 2021**

Resolved:-

That the Minutes of the meeting held on Monday 29<sup>th</sup> November 2021 be received, confirmed as a correct record and signed.

**659 Minutes of the Meeting held on Monday 6th December 2021**

Resolved:-

That the Minutes of the meeting held on Monday 6<sup>th</sup> December 2021 be received, confirmed as a correct record and signed.

**660 Draft Prioritising Resources to Deliver Better Outcomes – 2022/23 to 2026/27**

The Committee considered Minute 605 of the meeting of the Cabinet held on January 2022, which had been referred directly to each of the scrutiny committees, together with a report of the Executive Director (Finance and Resources) presenting the draft prioritising resources to deliver better outcomes for 2022/23 to 2026/27.

Resolved:

That the following decision of Cabinet be noted:

“1. That it be noted that the final version of the updated Financial Sustainability Strategy 2022-2032 will be available for consideration in February 2022 (Appendix 1 to the submitted report).

2. That it be noted that a Medium-Term Financial Strategy for 2022/23 – 2026/27 will be available for consideration in February 2022 and the draft Medium Term Financial Forecast and estimated Earmarked Reserves Balances up to 2026/27 (Annexes 1 and 2 to Appendix 2 to the submitted report), be endorsed.

3. That the draft Section 151 Officer's statement on the robustness of the proposed budget, the adequacy of the Council's reserves and the Council's Reserves Strategy (Appendix 3 to the report), be noted.
4. That the appropriation of the sums to earmarked reserves totalling £2.675M (Appendix 4 to the report), be endorsed.
5. That the appropriation of the sums from earmarked reserves totalling £4.494M, which includes £2.500M that was previously approved to support the budget in 2021/22 and is now requested to be used to support the estimated budget gap for 2022/23 instead. (Appendix 4 to the report), be endorsed.
6. That a General Fund Budget Requirement for 2022/23 of £140.288M and Council Tax Requirement of £91.844M (Appendix 5) and any required commencement of consultation, statutory or otherwise, be endorsed.
7. That it be noted that the 2022/23 revenue budget has been prepared on the basis of using £1.5 million from accumulated Collection Fund surpluses for the core budget to allow for a smoothing of the budget gap across the next four financial years.
8. That a Council Tax increase of 3.99% for the Southend-on-Sea element of the Council Tax for 2022/23, being 1.99% for general use and 2.0% for Adult Social Care, be endorsed.
9. That it be noted that the position of the Council's preceptors is to be determined:
  - Essex Police – no indication of Council Tax position
  - Essex Fire & Rescue Services – no indication of Council Tax position
  - Leigh-on-Sea Town Council – proposed Band D precept increase of 0.53%;
10. That no Special Expenses be charged other than the Leigh-on-Sea Town Council precept for 2022/23, be endorsed.
11. That the proposed General Fund revenue budget investment of £13.672M (Appendix 6 to the report), be endorsed.
12. That the proposed General Fund revenue budget savings and income generation initiatives for 2022/23 of £5.087M (Appendix 7 to the report), be endorsed.
13. That the proposed future outline Budget Transformation Programme 2023/24 – 2026/27 (Appendix 8 to the report), be noted.
14. That the proposed range of fees and charges for 2022/23 (Appendix 9 to the report), be endorsed.
15. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 10 to the report), be endorsed.



16. That the Capital Investment Strategy for 2022/23 to 2026/27 (Appendix 11 to the report) and the Capital Investment Policy (Annex 1 to Appendix 11 to the report), be endorsed.

17. That the new schemes and additions to the Capital Investment Programme for the period 2022/23 to 2026/27 totalling £12.6M for the General Fund (Appendix 12 to the report) and new schemes subject to viable business cases totalling £33.9M (£15.5M for the General Fund and £18.4M for the Housing Revenue Account) (Appendix 12 to the report), be endorsed.

18. That the proposed changes to the current Capital Investment Programme that were considered for approval as part of the Resourcing Better Outcomes – Financial Performance Report – Period 8 (Appendix 13 to the report), be noted.

19. That the proposed Capital Investment Programme for 2022/23 to 2026/27 of £119.8M to be delivered by the Council and £51.3M to be delivered by Subsidiary Companies, Partners and Joint Ventures (Appendix 14 to the report) of which £51.1M is supported by external funding, be endorsed.

20. That the Minimum Revenue Provision (MRP) Policy for 2022/23 (Appendix 15 to the report) and the prudential indicators (Appendix 16 to the report), be endorsed.

21. That the operational boundary and authorised limits for borrowing for 2022/23 are set at £385M and £395M respectively (Appendix 16 to the report), be endorsed.”

Note: This is an Executive Function save that approval of the final budget following Cabinet on 15th February 2020 is a Council Function  
Referred direct to all three scrutiny committees  
Cabinet Members: Cllr Gilbert and Cllr Collins

## **661 Leisure Contract – Short-Term Options Review**

The Committee considered Minute 608 of Cabinet held on 13<sup>th</sup> January 2022, which had been called-in for scrutiny, together with the report of the Executive Director (Adults and Communities) requesting confirmation of the in-year arrangements for the operation of the Council’s leisure centres and set out the proposed steps in respect of the centres beyond April 2022.

Resolved:-

That the following decisions of Cabinet be noted:

“1. That the ongoing waiver of Fusion’s management fee until 31 March 2022, be approved.

2. That the remaining three year’s management fee be repaid by Fusion over a reprofiled duration meeting the Council’s financial expectations from the contract.

3. That it be noted that the Council’s officers will continue to manage the existing contract performance of Fusion.

4. That Fusion's current proposals regarding the extension of the contract beyond 2025 be rejected and market testing take place.

5. That it be noted that a further report will be provided during 2022/23 to consider the long-term future and options for leisure services."

Note: This is an Executive Function  
Cabinet Member: Cllr Mulroney

## **662 Department for Transport (DfT) Tranche 2 - Active Travel Fund**

The Committee considered Minute 609 of Cabinet held on 13<sup>th</sup> January 2022, which had been called-in for scrutiny, together with the report of the Executive Director (Neighbourhoods and Environment) concerning the schemes that had been awarded funding by the Department of Transport (DfT) following the Council's Tranche 2 bid. The consultation/survey results in relation to the schemes would be submitted to the DfT.

In response to questions regarding schools included in the School Streets scheme, the Council's Head of Civil Engineering undertook to investigate further and provide a written response to the following matters:

- (i) the number of schools on busy/main roads with high volumes of traffic and congestion and poor air quality that did not apply to be included in the scheme or would have expected to apply;
- (ii) whether there would be a further opportunity for other school to be involved or how the Council might encourage them to be involved;

In response to questions regarding the possibility of installing CCTV along the Prittlebrook Greenway should the proposed lighting not adequately address community safety or anti-social behaviour, the Head of Civil Engineering undertook to provide a written response after the meeting.

Resolved:-

That the following decisions of Cabinet be noted:

"1. That the bid to the Department of Transport (DfT) on 20 November 2020 for Tranche 2 funding from the Active Travel Fund for the schemes for which funding in the sum of £741,000 was awarded, be endorsed.

2. That, following discussion at design review stage with the Transport, Capital and Inward Investment Working Party, authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Transport, Asset Management and Inward Investment, to agree the final detailed design options based upon the outline designs submitted to the DfT for Tranche 2 funding."

Note: This is an Executive Function  
Cabinet Member: Cllr Woodley

## **663 Conservation Area Appraisals**

The Committee considered Minute 610 of Cabinet held on 13th January 2022, which had been called-in for scrutiny, together with the report of the Executive Director (Growth and Housing) presenting the Conservation Area Appraisals for Clifftown, Leigh, Leigh Cliff, Milton, The Leas and Shoebury Garrison, following a recent period of public consultation.

Resolved:-

That the following decision of Cabinet be noted:

“That the Conservation Area Appraisal documents, set out at Appendices 1 to 6 of the submitted report, for Clifftown, Leigh, Leigh Cliff, Milton, The Leas and Shoebury Garrison, be adopted.”

Note: This is an Executive Function  
Cabinet Member: Cllr Mulronev

## **664 20 mph Neighbourhoods**

The Committee considered Minute 610 of Cabinet held on 13th January 2022, which had been called-in for scrutiny, together with the report of the Executive Director seeking approval for the adoption of 20MPH Neighbourhoods pilot scheme in the following locations:

- West Leigh and Leigh Wards: Area bounded by Hadleigh Road, Rectory Grove, Lymington Avenue, London Road and Salisbury Road;
- Thorpe Ward: (i) Area bounded by Thorpe Hall Avenue, Thorpe Bay Gardens, Maplin Way and Station Road; (ii) on Burges Road, Colbert Avenue and Wyatts Drive; (iii) On Shaftesbury Avenue, Kensington Avenue and Northumberland Crescent.

The Committee discussed the matter in detail and asked a number of questions which were responded to by the Cabinet Member for Transport, Asset Management and Inward Investment and the Council's Head of Civil Engineering.

Resolved:-

That the matter be referred back to Cabinet for reconsideration with the following recommendations:

1. That the proposals for the 20mph Neighbourhood in the area within West Leigh and Leigh Wards be progressed as proposed.
2. That the proposals for the 20mph Neighbourhood in the areas within Thorpe Ward be subject to full consultation with residents before considering whether the scheme should progress in these areas.

Note: This is an Executive function  
Cabinet Member: Cllr Woodley

**665 Joint In-depth Scrutiny Project**

The Committee noted an oral update on the progress that had been made in respect of the joint in-depth Scrutiny study, entitled 'Enabling Councillors to be Effective'.

Resolved:-

That the report be noted.

Note: This is a Scrutiny function

**666 Exclusion of the Public**

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**667 Southend Leisure Future - Confidential Appendix 1**

The Committee considered the confidential appendix to the report of the Executive Director (Adults and Communities) the Leisure Contract – Short Term Options Review which was dealt with under Minute 661 above.

Resolved:-

That the confidential appendix, be noted.

Note: This is an Executive Function  
Cabinet Member: Cllr Mulroney

**668 Council procedure Rule 44.2**

During consideration of Agenda Item No. 6 and the time having reached 10.00 p.m. the Committee agreed that the remaining items of business on the Agenda be dealt with at this meeting.

**Chairman:** \_\_\_\_\_

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

### **Meeting of People Scrutiny Committee**

**Date: Tuesday, 8th February, 2022**

**Place: Council Chamber - Civic Suite**

# 19

**Present:** Councillor L Salter (Chair)  
Councillors H Boyd (Vice-Chair), B Beggs, M Berry, J Courtenay, T Cowdrey, T Cox\*, K Evans, D Garne, B Hooper, A Line, K Mitchell, J Moyies\*, I Shead, M Stafford and P Wexham\*

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors L Burton, A Jones, C Nevin (Cabinet Members), T Watts (Southend Carers Forum), O Richards (Healthwatch Southend) (Co-opted Members), S Kebbell (Southend Youth Council (Observer)), T D'orsi, H Farmer (NHS Southend Clinical Commissioning Group), P Johnson, S Delve (Southend SEND Independent Forum), J Chesterton, T Forster, P Grout, E Helm, A Kubeyinje, B Leigh, M Marks, S Tautz and J Williams

**Start/End Time:** 6.30 pm - 9.50 pm

#### **669 Apologies for Absence**

Apologies for absence were received from Councillor A Dear (Substitute: Councillor T Cox), Councillor J Lamb (Substitute: Councillor J Moyies) and Councillor A Thompson (Substitute: Councillor P Wexham).

#### **670 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillors L Burton, A Jones and C Nevin (Cabinet Members) - Interest in the called-in items; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.

(b) Councillors L Burton, A Jones and C Nevin (Cabinet Members) - Interest in the referred items; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.

(c) Councillor L Salter - Agenda Item 7 (Community Children's Services – South-East Essex) - Husband is a consultant surgeon at Southend Hospital; Daughter is a consultant at Basildon Hospital; Son-in-law is a general practitioner in the Borough - non-pecuniary interest.

(d) Councillor B Beggs - Agenda Item 6 (SEND Peer Review) - Family member has special educational needs and disabilities - non-pecuniary interest.

(e) Councillor T Cox - Agenda Item 6 (SEND Peer Review) - Family member has special educational needs and disabilities and is in receipt of an Education, Health and Care Plan - non-pecuniary interest.

(f) Councillor T Cowdrey - Agenda Item 4 (Draft Prioritising Resources to Deliver Better Outcomes 2022/23- 2026/27) - Primary carer for service user and involved in negotiating service complaints - non-pecuniary interests.

(g) Councillor B Hooper - Agenda Item 6 (SEND Peer Review) - Director of Blade Education, a not-for-profit company that works with local SEND children - non-pecuniary interest.

(h) Councillor L Burton - Agenda Item 6 (SEND Peer Review) - Employed as a teacher at a school outside the Borough - non-pecuniary interest.

(i) Councillor C Nevin - Agenda Item 7 (Community Children's Services – South-East Essex)- Employed at external National Health Service Trust; Family members employed at Mid and South-Essex Trust hospitals - non-pecuniary interests.

#### **671 Questions from Members of the Public**

The Committee noted the responses of the Cabinet Member for Children and Learning and the Cabinet Member for Communities and Housing, to questions submitted by Mr David Webb, which would be sent to Mr Webb as he was not present at the meeting.

#### **672 Minutes of the Meeting held on 30 November 2021**

Resolved:

That the minutes of the meeting of the Committee held on 30 November 2021 be confirmed as a correct record and signed.

#### **673 Draft Prioritising Resources to Deliver Better Outcomes – 2022/23 to 2026/27**

The Committee considered Minute 605 of the meeting of the Cabinet held on January 2022, which had been referred directly to each of the scrutiny committees, together with a report of the Executive Director (Finance and Resources) presenting the draft prioritising resources to deliver better outcomes for 2022/23 to 2026/27.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That it be noted that the final version of the updated Financial Sustainability Strategy 2022-2032 will be available for consideration in February 2022 (Appendix 1 to the submitted report).

2. That it be noted that a Medium Term Financial Strategy for 2022/23 – 2026/27 will be available for consideration in February 2022 and the draft Medium Term Financial Forecast and estimated Earmarked Reserves Balances up to 2026/27 (Annexes 1 and 2 to Appendix 2 to the submitted report), be endorsed.

3. That the draft Section 151 Officer's statement on the robustness of the proposed budget, the adequacy of the Council's reserves and the Council's Reserves Strategy (Appendix 3 to the report), be noted.

[

4. That the appropriation of the sums to earmarked reserves totalling £2.675M (Appendix 4 to the report), be endorsed.

5. That the appropriation of the sums from earmarked reserves totalling £4.494M, which includes £2.500M that was previously approved to support the budget in 2021/22 and is now requested to be used to support the estimated budget gap for 2022/23 instead. (Appendix 4 to the report), be endorsed.
6. That a General Fund Budget Requirement for 2022/23 of £140.288M and Council Tax Requirement of £91.844M (Appendix 5) and any required commencement of consultation, statutory or otherwise, be endorsed.
7. That it be noted that the 2022/23 revenue budget has been prepared on the basis of using £1.5 million from accumulated Collection Fund surpluses for the core budget to allow for a smoothing of the budget gap across the next four financial years.
8. That a Council Tax increase of 3.99% for the Southend-on-Sea element of the Council Tax for 2022/23, being 1.99% for general use and 2.0% for Adult Social Care, be endorsed.
9. That it be noted that the position of the Council's preceptors is to be determined:
- Essex Police – no indication of Council Tax position
  - Essex Fire & Rescue Services – no indication of Council Tax position
  - Leigh-on-Sea Town Council – proposed Band D precept increase of 0.53%;
10. That no Special Expenses be charged other than the Leigh-on-Sea Town Council precept for 2022/23, be endorsed.
11. That the proposed General Fund revenue budget investment of £13.672M (Appendix 6 to the report), be endorsed.
12. That the proposed General Fund revenue budget savings and income generation initiatives for 2022/23 of £5.087M (Appendix 7 to the report), be endorsed.
13. That the proposed future outline Budget Transformation Programme 2023/24 – 2026/27 (Appendix 8 to the report), be noted.
14. That the proposed range of fees and charges for 2022/23 (Appendix 9 to the report), be endorsed.
15. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 10 to the report), be endorsed.
16. That the Capital Investment Strategy for 2022/23 to 2026/27 (Appendix 11 to the report) and the Capital Investment Policy (Annex 1 to Appendix 11 to the report), be endorsed.
17. That the new schemes and additions to the Capital Investment Programme for the period 2022/23 to 2026/27 totalling £12.6M for the General Fund (Appendix 12 to the report) and new schemes subject to viable business cases totalling £33.9M (£15.5M for the General Fund and £18.4M for the Housing Revenue Account) (Appendix 12 to the report), be endorsed.
18. That the proposed changes to the current Capital Investment Programme that were considered for approval as part of the Resourcing Better Outcomes – Financial Performance Report – Period 8 (Appendix 13 to the report), be noted.
19. That the proposed Capital Investment Programme for 2022/23 to 2026/27 of £119.8M to be delivered by the Council and £51.3M to be delivered by Subsidiary

Companies, Partners and Joint Ventures (Appendix 14 to the report) of which £51.1M is supported by external funding, be endorsed.

20. That the Minimum Revenue Provision (MRP) Policy for 2022/23 (Appendix 15 to the report) and the prudential indicators (Appendix 16 to the report), be endorsed.

21. That the operational boundary and authorised limits for borrowing for 2022/23 are set at £385M and £395M respectively (Appendix 16 to the report), be endorsed.”

Note: This is an Executive Function, save that approval of the final budget following Cabinet on 15 February 2020 is a Council Function  
Cabinet Members: Councillors I Gilbert and P Collins

## **674 SEND Peer Review**

The Committee considered Minute 606 of the meeting of the Cabinet held on 13 January 2022, which had been referred directly to the Committee for scrutiny, together with a report of the report of the Executive Director (Children and Public Health) presenting the findings and recommendations from the Local Government Association (LGA) Independent Peer Review into Special Educational Needs and Disabilities and Children with Disability services, which also set out the proposed actions to be taken by the Council to drive necessary change in order to improve services to residents and families.

The Executive Director (Children and Public Health) undertook to provide a written response to questions raised by members of the Committee, with regard to the current level of completion of training by members of the Council in respect of the challenges of working with residents with SEND issues and awareness of the Education, Health and Care Plan (EHCP) process.

Resolved:

1. That the following decisions of the Cabinet be noted:

“1. That the Local Government Association Independent Peer Review Report, be noted.

2. That the recommendations made by the LGA Peer Review Team, as set out in Appendix 1 to the submitted report, be accepted.

3. That the Implementation Plan in response to the recommendations in the LGA Peer Review, as set out at Appendix two to the report, be approved.

4. That the matter be referred to the People Scrutiny Committee for consideration.”

2. That a report be made to the next meeting of the Committee setting out progress on the delivery of the Implementation Plan, on the basis of the RAG (Red, Amber, Green) status of each action.

3. That the Cabinet Member for Children and Learning consider how the reference in the Peer Review report, that the route to the Children with Disabilities Team through a safeguarding ‘lens’ is not always appropriate, could be addressed within Recommendation 7 (Threshold of Need Document) of the Implementation Plan.

4. That the Committee review options for the possible establishment of a Working Group to support the delivery of the Implementation Plan, at its next meeting.

Note: This is an Executive Function



**675 Community Children's Services - South-East Essex**

The Committee considered a report of the NHS Alliance Director and Interim Director for Children and Young People and Learning Disabilities, with regard to the current position and proposed arrangements for the transfer of Southeast Essex Community Children's services currently provided by Mid and South Essex NHS Foundation Trust within the Lighthouse Child Development Centre, to Essex Partnership University NHS Foundation Trust.

Resolved:

1. That the planned transfer of service provision for Southeast Essex Community Children's Services to Essex Partnership University NHS Foundation Trust during March 2022, be noted.
2. That the plans to commence on a co-design programme to further transform Community Children's Services across Mid and South Essex Health Care Partnership Integrated Care System, be noted.
3. That it be noted that the System Leadership Executive Group have identified Children and Young People as one of the top three priority areas for the Mid and South Essex Integrated Care System.
4. That an update on the transfer of service provision for Southeast Essex Community Children's Services be made to the Committee in July 2022.

Note: This is a Scrutiny Function

**676 Children's Services Improvement Board**

The Committee received a presentation by the Executive Director (Children and Public Health), that provided a six-monthly update on the work of the Children's Services Improvement Board.

The Executive Director (Children and Public Health) undertook to provide a written response to questions raised by members of the Committee, with regard to the current number of Looked-After Children that have special educational needs and disabilities.

Resolved:

1. That the current work programme and progress of the Children's Services Improvement Board, be noted.
2. That the presentation made by the Executive Director (Children and Public Health) on the work of the Children's Services Improvement Board be circulated to all members of the Committee.
3. That future updates on the work of the Children's Services Improvement Board be made to the Committee on the basis of a presentation by the Executive Director (Children and Public Health).

Note: This is an Executive Function  
Cabinet Member: Councillor L Burton

**677      Joint In-Depth Scrutiny Project 2021/22**

The Committee was advised of current progress with regard to the joint in-depth scrutiny project for 2021/22.

Councillors noted that the project had recently been delayed and that, as a result, the Project Team had requested that the work programme activity around Officer/Councillor Engagement, be reviewed to reflect that such aspects of the project could be aligned with the separate work taking place to implement the actions arising from the review of the Member/Officer Protocol. The Committee was informed that the Project Team had recently received a presentation on the current performance of the 'Councillor Queries' portal and plans for its development and had also asked to receive a presentation in respect of appropriate member casework management systems that could be considered by the Council.

Resolved:

That the report be noted.

Note: This is a Scrutiny function

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

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

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

**Date: Wednesday, 9th February, 2022**

**Place: Council Chamber - Civic Suite**

# 20

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

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

**Start/End Time:** 2.00 pm - 5.50 pm

#### **678 Apologies for Absence**

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

#### **679 Declarations of Interest**

The following interests were declared at the meeting:

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

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

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

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

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

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

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

## **680      Supplementary Report**

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

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

Resolved;-

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

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

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

Conditions

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 9011 – P01 P2, 9011 / P22 P2, 9011 / P10 P1, 9011 / P41 P1, 9011 / P20 P1, 9011 / P23, 9011 / P30 P2, 9011 / P31 P1, 9011 / P21, 9011 / P24 P1, 9011 / P32 P1, 9011 / P40 P2.

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

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

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

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

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

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works in relation to the proposed residential building other than ground preparation and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the residential building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external alterations to the existing building shall be carried out unless and until full product details of the materials to be used on all the external elevations of the existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

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

- i. means of enclosure of the site including any gates or boundary fencing;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. hard surfacing materials;
- iv. minor artefacts and structures (e.g. furniture and planters)
- v. measures to enhance biodiversity within the site.

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

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

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

- i. means of enclosure of the site including any gates or boundary fencing;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. hard surfacing materials;
- iv. minor artefacts and structures (e.g. furniture and planters)
- v. measures to enhance biodiversity within the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c(ii)) The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

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

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

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



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

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

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

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

19 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the residential building shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify a scheme of privacy screens to be incorporated to prevent overlooking of occupiers of the neighbouring flats at Royal Court. Before the residential building hereby approved is occupied the development shall have been implemented in full accordance with the privacy screens approved under this condition and shall be permanently retained as such thereafter.

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

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

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

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

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

21 Before any of the residential units hereby approved are first occupied, the development hereby approved shall be carried out in a manner to ensure that two of the flats hereby approved comply with building regulation M4(3) 'wheelchair user dwellings' standard and the remaining fifteen flats comply with building regulation M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 The residential development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before it is brought into use.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015).

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

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

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

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

#### Positive and Proactive Statement

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

#### Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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 or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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

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

4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
5. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
6. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
7. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
8. The works to construct new vehicular accesses and increased footway width will require a Section 278 agreement including a safety audit.
9. Registered Providers (RP's) should be contacted as early as possible with regards to understanding their requirements. Generally, RP's will prefer to have their affordable dwellings contained within one block/floor (per tenure). It is worth noting that RP's may be interested in taking on additional units particular where it would result in the ownership of an entire block/floor.
10. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
11. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of affordable housing, a financial contribution towards secondary education and a payment in mitigation of impacts identified in the RAMS SPD.
12. Please note that advertisements eg. signage for the commercial unit(s) will require separate advertisement consent.
13. The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including bats.

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

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

Resolved:-

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

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

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

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

#### General Conditions

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

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

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



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

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

#### Heritage related conditions

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

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

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

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

## Design and related conditions

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until full details, specifications and appropriately sized samples of the materials to be used for all external surfaces of the proposed buildings, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascias and balconies, have been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

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

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

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

## Landscape conditions

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

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

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

All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

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

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

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

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

Living Conditions related conditions

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

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

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

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

07:00 to 23:00

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

23:00 to 07:00

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

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

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

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

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

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

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

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

The submitted strategy shall include details of which plots on site and which windows on each plot require obscure glazing. The openings that are identified as needed to be glazed in obscure glass, shall only be so with the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by the window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units

shall be glazed in obscure glass to at least Level 4 on the Pilkington scale. The agreed obscure glazing shall be retained for the lifetime of the development.

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

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

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

13 No development above ground floor slab level shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

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

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

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

## 15 Contamination

### A. Site Characterisation

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

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

### B. Submission of Remediation Scheme

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

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

### C. Implementation of Approved Remediation Scheme

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

### D. Reporting of Unexpected Contamination

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

#### E. Long Term Monitoring and Maintenance

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

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

Reason: This pre-commencement condition is justified to ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

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

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

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

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

#### Parking and Highways

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

- Construction Traffic Strategy

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

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

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

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

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

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

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



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

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

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

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

#### Waste management

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

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

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

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

## Flooding and Drainage

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

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

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

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

## Ecology related conditions

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

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

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

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

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

#### Energy and water sustainability

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

## Airport related conditions

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

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

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

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

## Positive and Proactive Statement

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

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

## Informatives:

01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](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)).

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

03 In line with the Essex Police consultation response, the applicant is encouraged to liaise with the Essex Police – Designing out Crime office and is encouraged to achieve a Secure by Design (SBD) accreditation.

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

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

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

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

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

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

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

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

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

11 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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

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

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

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

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

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

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

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

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

**Applicant: Herald Build Limited**

**Agent: iArch Consulting**

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022), Section Detail

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls, bays and balconies, roof, eaves and roof terraces, windows and doors, entrance glazing and porch, fascia and soffits, balcony balustrades and privacy screen, bin and cycle stores, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the main entrance and porch and entrance porch to units 2 and 3, projecting bays and balconies including balustrade details, windows and doors including reveals and framing and fixing of Juliette balconies, projecting eaves detail including soffits, flat roof ridge edge detail, dormer detail to north elevation, tile hanging and brick decoration and any alterations to the existing boundaries to Kings Road and Chalkwell Avenue, at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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

05 Prior to the occupation of the development hereby approved an obscure glazed privacy screen (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) of not less than 1.7m high above terrace level shall be fitted to the south side of the 2nd floor terrace to unit 9 and to the south side of the 2nd floor terrace to unit 8 for a length of 2m measured back from the rear elevation of unit 8 in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.

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



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

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

- i) Proposed finished site levels or contours;
- ii) Means of enclosure, of the site including any gates or boundary walls and fencing;
- iii) hard surfacing materials;
- iv) full details of any structures (e.g. benches, planters, loggias, lighting etc.);
- v) full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- vi) details of measures to enhance biodiversity within the site.

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

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

07 The tree and tree root protection measures as set out in Tree Protection Plan Rev 3 dated 20.01.2022 and Appendix 3 of the Arboricultural Report Rev 03 by Andrew Day Arboricultural Consultancy Ltd dated 20.01.22 in relation to the trees identified as T2, T3, T4, T7, T8 and T9 in this statement including the mitigation measures in relation to construction within their root protection areas shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development hereby approved. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

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

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

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

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

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

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

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

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

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

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

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

13 No drainage infrastructure, including earthworks, associated with this development hereby approved shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

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

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

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

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

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

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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)).

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

03 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development. The applicant is advised to contact the Council's Highways Officer [martinwarren@southend.gov.uk](mailto:martinwarren@southend.gov.uk) to arrange the reinstatement of the crossover and verge on the Chalkwell Avenue frontage which must be carried out by the Council's appointed contractor.

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

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

This application was WITHDRAWN by the applicant.

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

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed roof extensions, by reason of their scale, siting and design, would appear out of keeping, unduly prominent and incongruous in the streetscene, to the significant detriment of the character and appearance of the dwelling, the streetscene and wider surroundings. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

#### Positive and Proactive Statement

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

#### Informative

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](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.

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

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

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

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

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

Positive and Proactive Statement:

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

Informatives:

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

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

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

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development, by reason of its scale, layout, density and design would be incongruous and obtrusive and fail to demonstrate a positive contribution to the character and appearance of the street scene, to the detriment of the character and quality of the site and its wider surroundings and representing an overdevelopment of the site. The proposal would provide the public benefits of 4no. M4(2) compliant dwellings, and a net increase of 3no. dwellings, however these benefits would not outweigh the significant harmful impacts identified. It is therefore concluded that the development would not be sustainable development, would be unacceptable and contrary to the National Planning Policy Framework (2021), National Design Guide (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

#### Positive and Proactive Statement

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

#### Informative

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

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

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

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

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised rear extension or its modification to comply with planning permission ref 20/00556/FULH.

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

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



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

### **Meeting of Policy and Resources Scrutiny Committee**

**Date: Thursday, 10th February, 2022**

**Place: Council Chamber - Civic Suite**

# 21

**Present:** Councillor S Habermel (Vice-Chair (in the chair))  
Councillors B Beggs\*, K Buck\*, S Buckley, D Cowan, T Cox, T Cowdrey,  
M Davidson, M Dent, S George, B Hooper\*, D McGlone, J Moyies, I Shead,  
S Wakefield and P Wexham

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors I Gilbert, P Collins, A Jones and M Terry (Cabinet Members),  
J Chesterton, S Meah-Sims and S Tautz

**Start/End Time:** 6.30 pm - 6.50 pm

#### **689 Apologies for Absence**

Apologies for absence were received from Councillor D Garston (Chair) (Substitute: Councillor B Beggs), Councillor M Kelly (no substitute), Councillor D Nelson (Substitute: Councillor K Buck) and Councillor A Thompson (Substitute: Councillor B Hooper).

#### **690 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillors I Gilbert, P Collins, A Jones and M Terry (Cabinet Members) - Interest in the called-in items; Attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.

(b) Councillors I Gilbert, P Collins, A Jones and M Terry (Cabinet Members) - Interest in the referred items; Attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.

(c) Councillor M Davidson - Agenda Item 6 (Draft Housing Revenue Account Budget and Rent Setting 2022/23) - Non-Executive Director of South Essex Homes - Non-pecuniary interest.

(d) Councillor M Dent - Agenda Item 7 (Draft Prioritising Resources to Deliver Better Outcomes 2022/23-2026/27) - Appointed as the Council's representative on the Board of the Essex Pension Fund - Non-pecuniary interest.

#### **691 Questions from Members of the Public**

The Committee noted the responses of the Leader of the Council (Cabinet Member for Economic Recovery and Regeneration) and the Cabinet Member for Public Protection to questions submitted by Mr David Webb, which would be sent to Mr Webb as he was not present at the meeting.

#### **692 Minutes of the Meeting held on 1 December 2021**

Resolved:

That the minutes of the meeting of the Committee held on 1 December 2021 be confirmed

as a correct record and signed.

**693      Resourcing Better Outcomes - Financial Performance Report for November (Period 8)**

The Committee considered Minute 602 of the meeting of the Cabinet held on 13 January 2022, which had been called-in to the Committee for scrutiny, together with a report of the Executive Director (Finance and Resources) reviewing the Council's financial performance.

Resolved:

That the following recommendations of the Cabinet be noted:

"That, in respect of the 2021/22 Revenue Budget Performance, as set out in Appendix 1 to the submitted report:

1. That the forecast outturn for the General Fund and the Housing Revenue Account as at November 2021 and the intention to defer the previously approved use of £2.5M from Reserves to support the 2021/22 budget, be noted.

That, in respect of the 2021/22 Capital Budget Performance, as set out in Appendix 2 to the report:

2. That the expenditure to date and the forecast outturn as at November 2021 and its financing, be noted.

3. That the requested changes to the capital investment programme for 2021/22 and future years, as set out in Section 4 of Appendix 2 to the report, be approved."

Note: This is a Council Function

Cabinet Members: Councillors I Gilbert and P Collins

**694      Draft Housing Revenue Account (HRA) Budget and Rent Setting Report 2022/23**

The Committee considered Minute 604 of the meeting of the Cabinet held on 13 January 2022, which had been referred directly to the Committee for scrutiny, together with a joint report of the Executive Director (Finance and Resources) and Executive Director (Housing and Growth), setting out the Housing Revenue Account (HRA) budget for 2022/23, together with the information necessary to set a balanced HRA budget.

Resolved:

That the following decisions of the Cabinet be noted:

"1. That an average rent increase of 4.10% on all tenancies, be endorsed.

2. That an average rent increase of 4.10% on shared ownership properties, be endorsed.

3. That an increase of 4.10% for garage rents to £12.70 per week for tenants and £15.24 for non-tenants (being £12.70 plus VAT), a rise consistent with the proposal for the main rent increase (all variants on a standard garage will receive a proportionate increase), be endorsed.

4. That the South Essex Homes core management fee at £6,648,000 for 2022/23, be endorsed.

5. That South Essex Homes proposals for average increases of 10.88% in service charges, be endorsed.

6. That South Essex Homes proposals for an average 16.95% reduction in heating charges for sheltered housing tenants and an average 4.42% increase in heating charges for hostel tenants to reflect the actual costs incurred, be endorsed.

7. That the following appropriations be endorsed:

- £60,000 to the Repairs Contract Pensions Reserve;
- £2,978,000 to the Capital Investment Reserve and
- £8,309,000 from the Capital Investment Reserve

8. That subject to resolutions 1 to 7 above, the HRA budget for 2022/23, as set out in Appendix 1 to the submitted report, be approved.

Note: This is an Executive Function, save that approval of the final budget following Cabinet on 15 February 2022 is a Council Function  
Cabinet Members: Councillors I Gilbert and A Jones

#### **695 Draft Prioritising Resources to Deliver Better Outcomes – 2022/23 to 2026/27**

The Committee considered Minute 605 of the meeting of the Cabinet held on January 2022, which had been referred directly to each of the scrutiny committees, together with a report of the Executive Director (Finance and Resources) presenting the draft prioritising resources to deliver better outcomes for 2022/23 to 2026/27.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That it be noted that the final version of the updated Financial Sustainability Strategy 2022-2032 will be available for consideration in February 2022 (Appendix 1 to the submitted report).

2. That it be noted that a Medium-Term Financial Strategy for 2022/23 – 2026/27 will be available for consideration in February 2022 and the draft Medium Term Financial Forecast and estimated Earmarked Reserves Balances up to 2026/27 (Annexes 1 and 2 to Appendix 2 to the submitted report), be endorsed.

3. That the draft Section 151 Officer’s statement on the robustness of the proposed budget, the adequacy of the Council’s reserves and the Council’s Reserves Strategy (Appendix 3 to the report), be noted.

4. That the appropriation of the sums to earmarked reserves totalling £2.675M (Appendix 4 to the report), be endorsed.

5. That the appropriation of the sums from earmarked reserves totalling £4.494M, which includes £2.500M that was previously approved to support the budget in 2021/22 and is now requested to be used to support the estimated budget gap for 2022/23 instead. (Appendix 4 to the report), be endorsed.

6. That a General Fund Budget Requirement for 2022/23 of £140.288M and Council Tax Requirement of £91.844M (Appendix 5) and any required commencement of consultation, statutory or otherwise, be endorsed.

7. That it be noted that the 2022/23 revenue budget has been prepared on the basis of using £1.5 million from accumulated Collection Fund surpluses for the core budget to allow for a smoothing of the budget gap across the next four financial years.

8. That a Council Tax increase of 3.99% for the Southend-on-Sea element of the Council Tax for 2022/23, being 1.99% for general use and 2.0% for Adult Social Care, be endorsed.
9. That it be noted that the position of the Council's preceptors is to be determined:
- Essex Police – no indication of Council Tax position
  - Essex Fire & Rescue Services – no indication of Council Tax position
  - Leigh-on-Sea Town Council – proposed Band D precept increase of 0.53%;
10. That no Special Expenses be charged other than the Leigh-on-Sea Town Council precept for 2022/23, be endorsed.
11. That the proposed General Fund revenue budget investment of £13.672M (Appendix 6 to the report), be endorsed.
12. That the proposed General Fund revenue budget savings and income generation initiatives for 2022/23 of £5.087M (Appendix 7 to the report), be endorsed.
13. That the proposed future outline Budget Transformation Programme 2023/24 – 2026/27 (Appendix 8 to the report), be noted.
14. That the proposed range of fees and charges for 2022/23 (Appendix 9 to the report), be endorsed.
15. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 10 to the report), be endorsed.
16. That the Capital Investment Strategy for 2022/23 to 2026/27 (Appendix 11 to the report) and the Capital Investment Policy (Annex 1 to Appendix 11 to the report), be endorsed.
17. That the new schemes and additions to the Capital Investment Programme for the period 2022/23 to 2026/27 totalling £12.6M for the General Fund (Appendix 12 to the report) and new schemes subject to viable business cases totalling £33.9M (£15.5M for the General Fund and £18.4M for the Housing Revenue Account) (Appendix 12 to the report), be endorsed.
18. That the proposed changes to the current Capital Investment Programme that were considered for approval as part of the Resourcing Better Outcomes – Financial Performance Report – Period 8 (Appendix 13 to the report), be noted.
19. That the proposed Capital Investment Programme for 2022/23 to 2026/27 of £119.8M to be delivered by the Council and £51.3M to be delivered by Subsidiary Companies, Partners and Joint Ventures (Appendix 14 to the report) of which £51.1M is supported by external funding, be endorsed.
20. That the Minimum Revenue Provision (MRP) Policy for 2022/23 (Appendix 15 to the report) and the prudential indicators (Appendix 16 to the report), be endorsed.
21. That the operational boundary and authorised limits for borrowing for 2022/23 are set at £385M and £395M respectively (Appendix 16 to the report), be endorsed.”
- Note: This is an Executive Function, save that approval of the final budget following Cabinet on 15 February 2020 is a Council Function
- Cabinet Members: Councillors I Gilbert and P Collins

The Committee was advised of current progress with regard to the joint in-depth scrutiny project for 2021/22.

Councillors noted that the project had recently been delayed and that, as a result, the Project Team had requested that the work programme activity around Officer/Councillor Engagement, be reviewed to reflect that such aspects of the project could be aligned with the separate work taking place to implement the actions arising from the review of the Member/Officer Protocol. The Committee was informed that the Project Team had recently received a presentation on the current performance of the 'Councillor Queries' portal and plans for its development and had also asked to receive a presentation in respect of appropriate member casework management systems that could be considered by the Council.

Resolved:

That the report be noted.

Note: This is a Scrutiny function

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

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

## **Meeting of Standards Committee**

**Date: Monday, 14th February, 2022**  
**Place: Committee Room 6 - Civic Suite**

# 22

**Present:** Councillor I Shead (Chair)  
Councillors B Hooper (Vice-Chair), D Cowan and T Cowdrey

**In Attendance:** Councillor J Healey (Leigh Town Council)  
J Morgan and J Tetley (Independent Persons)  
R Harris and S Goacher (Weightmans LLP)

**Start/End Time:** 10.00 am - 11.05 am

### **697 Apologies for Absence**

Apologies for absence were received from Councillors Cox, Buck, Moring, Nelson and Beck (no substitutes).

### **698 Declarations of Interest**

The following Councillors declared interests as indicated:

- (a) Cllr Shead – Minute 700 (Complaint Against a Councillor – Reference 20/012) – Non-pecuniary interest: Knows the Councillor subject to the complaint as a fellow Councillor;
- (b) Cllr Cowan - Minute 700 (Complaint Against a Councillor – Reference 20/012) – Non-pecuniary interest: Knows the Councillor subject to the complaint as a fellow Councillor;
- (c) Cllr Hooper - Minute 700 (Complaint Against a Councillor – Reference 20/012) – Non-pecuniary interest: Knows the Councillor subject to the complaint as a fellow Councillor;
- (d) Cllr Cowdrey - Minute 700 (Complaint Against a Councillor – Reference 20/012) – Non-pecuniary interest: Knows the Councillor subject to the complaint as a fellow Councillor;
- (e) Cllr Healey (Leigh Town Council) Minute 700 (Complaint Against a Councillor – Reference 20/012) – Non-pecuniary interest: Knows the Councillor subject to the complaint.

### **699 Exclusion of the Public**

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**700 Complaint Against a Councillor - Reference 20/012**

The Committee considered a report on the outcome of the investigation into complaint reference 20/012 and considered whether the investigation report was sufficient and if so whether it should be referred for a hearing or informal resolution should be sought.

Resolved:

That standards complaint reference 20/012 be referred for a hearing.

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



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

### **Meeting of Licensing Sub-Committee B**

**Date: Tuesday, 7th December, 2021**  
**Place: Committee Room 1 - Civic Suite**

# 23

**Present:** Councillor K Mitchell (Chair)  
Councillors A Dear and N Folkard

**In Attendance:** Councillors C Mulroney  
E Anakwue, T Row, A Penn, P Richards and M Newton

**Start/End Time:** 10.00 am - 3.15 pm

#### **743 Apologies for Absence**

There were no apologies for absence.

#### **744 Declarations of Interest**

The following interests were declared at the meeting:

- (i) All members of the sub-committee – Non-pecuniary interest: one of the objectors is known to them as a fellow Councillor;
- (ii) Councillor Mitchell – Non-pecuniary interest: one of the objectors who was not present is known to her.

#### **745 The Vine 149 Leigh Road, Leigh-on-Sea, SS9 1JF - Application for the Variation of Premises Licence**

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Mr Andreas Artemi for the grant of a variation of a Premises Licence at The Vine 149 Leigh Road, Leigh-on-Sea, SS9 1JF. The variation sought to remove a condition that had been imposed on the current licence which requires the premises to operate predominantly as a restaurant. During the consultation period, however, the Applicant amended the application following discussions with the Licensing Authority, in their capacity as Responsible Authority, to replace the condition that they had sought to remove from the licence with the following conditions, as follows:

1. As a minimum, food will be available within the following hours:
  - Mondays to Fridays 12.00 to 14.00 and 16.00 to 21.00;
  - Saturdays 12.00 to 21.00; and
  - Sundays 12.00 to 19.00 which may be ordered & consumed anywhere within the licensed area. A minimum of 50 seats shall be set out at tables at all times.
2. The premises shall have in place and operate a Noise Policy and Risk Assessment. This policy shall specifically include but not be limited to:
  - Noise related information and management controls;
  - A review of current and potential noise sources;

- An acoustic consultant's report;
- Noise mitigation measures and their subsequent evaluation;
- A noise complaints procedure (including any communicated through the council);
- A log of complaints and associated actions;
- Noise monitoring actions including locations, frequency and duration;
- Relevant staff training.

All of the above are to be made available to the council and Essex Police upon reasonable request, and a copy of the policy shall be lodged with the Environmental Protection Team and Licensing Authority. Contact details shall be published for residents to use in the event of noise related complaints.

3. The premises shall operate noise mitigation measures in accordance with their Noise Management Policy and risk assessment, subject to securing approval from the relevant authority in relation to the use of measures including movable acoustic barriers.

The application was presented by Mr M Bell, the Applicant's Licensing Consultant. The owner of the premises, Mr A Artemi, and the General Manager, Mr J Mayers were also in attendance and gave evidence.

The sub-committee noted that representations to this application had been received from the Licensing Authority in its capacity as Responsible Authority. Mr Penn attended the meeting to present their representation and gave evidence. An objection had also been received from Leigh Town Council. Ms H Symmons, Town Clerk, attended the meeting to present their objection and gave evidence. Representations to the application had also been received from 29 residents, although one of these (Mr Ridgewell) had subsequently withdrawn their representation. The Environmental Health had also objected to the application but subsequently withdrew their representation following the amendment to the application. A number of the residents attending the hearing, six of whom namely Mr and Ms Holmes, Ms Karslake, Mr Newman, Mr Battram and Mr Elliott spoke at the meeting and gave evidence. The objectors' concerns related to all four of the licensing objectives, , in particular, these can be summarised as follows: the venue's change from a restaurant to a bar; the non-compliance to the existing conditions of the licence being predominantly operated as a restaurant; noise and disturbance from loud music; noise and disturbance by patrons of the premises both inside and outside particularly late at night; extremely intoxicated patrons leaving the premises cause noise, disturbance, shouting, fighting etc in the streets nearby late at night; the effect of the anti-social behaviour and public nuisance on young children living in the area; the disturbance to families in the area late at night when trying to sleep; the potential for increase in crime and disorder by intoxicated persons; persons urinating, fighting and drinking in the streets; urinating and vomiting in residents' front gardens; bottles and broken glass in the residential streets nearby; intimidation of lone women passing the premises by patrons; the food provided at the premises was bought in from other restaurants/take-aways nearby and not prepared on the premises; the removal of tables for eating would create a larger area for people to stand and drink alcohol.

The residents alleged that many of these problems were currently being experienced and expressed concerns at the potential of these existing problems being exacerbated should the variation of the licence being sought be approved and the premises essentially becoming a bar/nightclub in a residential area. It was

highlighted that recent publicity regarding the premises and the premises' website and social media sites, such as Facebook, promoted a DJ playing dance music at the venue, TVs showing Sky Sports and a bar environment rather than having a restaurant focus. The sub-committee heard evidence and viewed video footage that had been submitted by the residents in attendance of the incidents referred to in their representations.

There were also concerns that the extension of hours would further exacerbate the existing problems. This representation was, however, deemed irrelevant as there were no proposal to amend the permitted hours on the licence.

The Licensing Authority's representation was on the basis that the Council had received a number of complaints of noise and anti-social behaviour relating to these premises. These also related to the "restaurant" condition, which the Applicant was seeking to be removed, not being complied with at all times. The Applicant, however, disputed the Authority's interpretation. Officers of the Licensing Authority had sought to work with the Applicant to resolve the matter, but complaints had continued to be received. The Licensing Authority therefore believed that the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance would be undermined should the application for variation be granted on the basis that the Applicant had failed to assess the risks posed to the local area by their proposal and that the Applicant had failed to adequately demonstrate how they would manage any potential risks or had included any positive proposals to do so.

The Applicant's Licensing Consultant contested that the Applicant was not complying with all the conditions on the premises licence, including operating predominantly as a restaurant. The running of the premises would remain unchanged should the application be granted and would still be run as a restaurant. The application was being sought to remove any ambiguity of the interpretation of the "restaurant" condition. The wording of the existing condition was very ambiguous and unclear with archaic terms, such as "covers" and was therefore hard to clearly interpret or enforce. There was no legal definition of the term "restaurant" within the Licensing Act 2003 or associated guidance. The word "predominantly" could also be interpreted in different ways in the context of the existing condition. The proposed wording of the new condition offered by the Applicant would provide clarity and precision, be unambiguous and enforceable. The Applicant's Licensing Consultant also offered to surrender the provision set out in the existing condition permitting the 12 occasions each year for pre-booked events where the condition would not apply.

The Applicant's Licensing Consultant explained that the re-wording of the condition would enable the premises to operate in a similar manner to the operating model exercised by the Wetherspoons chain. Food would still be available during the hours set out in the application but that customers would be able to sit at tables with only a drink if required. A copy of the menu was displayed at the meeting.

The Applicant's Licensing Consultant challenged the allegations of the residents that the drunk and disorderly behaviour by intoxicated persons could be attributed to the premises. Many of the representations were from residents some distance from the premises or without clear or direct visibility of the entrance. A map illustrating the location of the properties of the residents who had submitted

representations was displayed at the meeting. A snap indicative survey how and where patrons dispersed after leaving the premises late in the evening, together with a survey of the levels of foot traffic passing the premises late in the evening, was also produced which supported the assertion that the problems alleged were caused by other people who were not patrons of the premises. Moreover, paragraph 2.21 of the guidance issued under the Licensing Act 2003 stated that "Beyond the immediate area surrounding the premises, these (issues relating to public nuisance, and anti-social behaviour) are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right".

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 heard that the volume of the music played by the DJ was on Friday and Saturday nights was set at an appropriate level and was played through a noise limiting device in any event. There were a number of similar premises within the Leigh area and immediate vicinity. Additionally, the Police and Environmental Health Service were both experts in their respective field (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the amended application. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence. No such review had been requested by any of the responsible authorities or residents. Without any factual or meaningful evidence of the alleged issues being experienced by residents it was difficult for the Applicant to investigate or take appropriate action resolve the matters alleged. Where possible appropriate action/investigations were undertaken by the Applicant in response to such allegations.

The sub-committee heard the Applicant was extremely experienced and was mindful that the operations of the premises could adversely affect sections of the community through noise nuisance. He was responsive and responsible and had been extremely proactive in addressing the residents' complaints and concerns. A number of measures had been introduced by the Applicant at significant expense. These included the employment of registered door staff, a taxi management/marshalling service, undertaking regular noise checks in the immediate vicinity of the premises, the employment of a professional acoustic engineer to identify any areas of concern and issues of noise breakout/nuisance and prepare report, the preparation of a noise management policy and risk assessment, the purchase of temporary portable acoustic barriers on the highway immediately outside the front of the premises to prevent noise breakout from the premises to nearby residential properties. An example of the barriers and photographs of their assembly and removal at the premises from the CCTV footage were displayed at the meeting. These barriers had been hired but, following a successful trial of the barriers, the Applicant was now in the process of purchasing a number of them and had submitted an application to the Highway Authority to ensure the appropriate licence could be granted to site these on the

highway on Friday and Saturday evenings. The benefit of the barriers was acknowledged by the Licensing Authority, who had witnessed these in operation on two separate occasions. Residents, however, pointed that whilst they were effective at reducing noise break out at street/ground level, they had little benefit to flats and properties at first floor level and above. Video footage of the noise checks and levels recorded were displayed at the meeting. This indicated that the alleged levels of noise breakout from the premises was minimal and below the background noise levels of passing traffic etc. The Applicant also offered the opportunity for any resident to contact him to discuss any concerns or issues they may have to find a mutually appropriate solution or to report any incidents of concern when they occurred.

The Applicant's Licensing Consultant explained that the viability of the business at the premises may be jeopardised should the application not be granted.

The sub-committee was mindful that there was no legal definition of the term "restaurant" in the Licensing Act 2003 or the associated guidance. It acknowledged that the existing Condition requiring the premises to operate predominantly as a restaurant could therefore be considered slightly ambiguous and could be interpreted in different ways. The sub-committee noted the concerns that had been expressed by residents at the alleged incidents of public nuisance and anti-social behaviour. It also acknowledged the proactive measures undertaken by the Applicant to address their concerns. It was, however, mindful that the continued use of the portable acoustic barriers would be subject to permission being granted by the Highways Authority, which was not guaranteed.

On the basis of the evidence presented to it and after considering all the relevant issues, the sub-committee concluded that the wording of the existing condition inferred that the focus of the licensed premises was that alcohol was ancillary to the provision of food. This condition had been added to the premises licence when granted to ensure the promotion of the four statutory licensing objectives and consistency with the operating schedule. The sub-committee noted that whilst there was no definition of the term "restaurant" in the Licensing Act 2003 or the associated guidance, most dictionaries consider a restaurant akin to "a place where people pay to sit and eat meals that are prepared, cooked and served on the premises." The food provided at the Applicant's premises is supplied ready cooked by other food outlets/restaurants nearby and plated in the Applicant's kitchen, then served. The premises also has the benefit of late-night refreshment included on the current licence, although this is not utilised by the Applicant. This was apparent from the hours specified in the wording of the proposed new condition offered by the Applicant. The focus of the premises would therefore change with food becoming ancillary to the sale of alcohol should the variation be granted. The sub-committee believes that the licensing objectives would be undermined should the application be granted. It was therefore:

Resolved:-

1. That the application to vary the premises licence be refused.
2. That, for the purposes of clarity, the sub-committee interprets the existing condition on the licence to be that the premises should be operate as a restaurant (i.e. a place where people pay to sit and eat meals that are cooked and served on the premises) at all times the premises is open to the public, save for the 12

occasions a year (no more than 2 in a calendar month) where a pre-booked event is to take place and where the police licensing team and the licensing authority have been provided with at least two working days' notice of the event. A "cover" is interpreted to mean a place setting for the purposes of eating a meal.

**Chairman:** \_\_\_\_\_

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

### **Meeting of Licensing Sub-Committee A**

**Date: Monday, 13th December, 2021**

**Place: Virtual Meeting via MS Teams**

# 24

**Present:** Councillor K Mitchell (Chair)  
Councillors M Berry and I Shead

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

**Start/End Time:** 10.00 am - 1.45 pm

#### **746 Apologies for Absence**

There were no apologies for absence.

#### **747 Declarations of Interest**

No interests were declared at the meeting.

#### **748 Mad Dogs & Englishmen Interior Ltd, 1349-1353 London Road, Leigh-on-Sea, Essex SS9 2AB - Application to Vary a Premises Licence**

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Mad Dog & Englishmen Interiors Ltd for the variation of a Premises Licence at Mad Dogs & Englishmen Interiors Ltd, 1349-1353 London Road, Leigh-on-Sea, Essex SS9 2AB. The variation sought to amend the existing Premises Licence by extending the permitted hours for recorded music, late night refreshment and the supply of alcohol for consumption on the premises on Fridays and Saturdays from 22:00hrs to 24:00hrs. All other times and conditions on the licence would remain unchanged.

The application was presented by the Applicant, Ms Gill Hazell (Director) and Mr Justin Hazell (Designated Premises Supervisor).

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, although an amendment to an existing condition had been agreed between the Applicant and Essex Police should the application be granted. This related to the retention of the records when SIA door staff would be required at the premises for 3 months rather than the existing requirement of 31 days.

A letter of representation had been received from Leigh Town Council and Thirteen (13) representations had been received from local residents, objecting to the application. Councillor Cracknell attended the meeting and gave evidence on behalf of Leigh Town Council. One (1) of the residents, namely Mr Haden also attended the hearing and gave evidence.

The objections/representations related to all four of the licensing objectives. In particular, these can be summarised as follows: the potential increase for noise

and disturbance to residents in the residential streets behind the premises and in the vicinity later into the night; parking by patrons in residential streets; the potential for noise, litter and anti-social behaviour by intoxicated persons and the exposure of this to children and disturbance to their sleep; the attraction of underage teenagers to the anti-social behaviour by late-night activities; there are no other licensed premises open to midnight in the area and this is unacceptable in a residential area causing disturbance to children and families by people leaving the premises; the creation of more rubbish left to the side of the premises; patrons from the premises drinking in the residential streets; noise generated by clearing up and using the bins later into the evening; potential confrontation between patrons of the premises and residents over noise, nuisance and poor parking could lead to violence and upset; concerns of the premises becoming a cocktail bar by stealth.

Other issues included the current application is out of keeping with the current establishment and business model and is not necessary; the application is inconsistent with planning permission for the premises and a change of planning permission should be required; cars parking on double yellow lines causing a hazard and inconsiderate parking in the neighbouring residential street by patrons and staff; increased pressure on existing parking pressures; breaches of planning regulations regarding the siting of steel haulage containers.

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 need for licensed premises is not a matter for the sub-committee to consider. Neither are the issues relating to planning such as the breach of planning regulations or any requirement for the change of permitted use of the premises. These are matters for the local planning authority. Issues relating to the parking problems, inconsiderate or hazardous parking are matters for the highway authority. In accordance with the guidance issued under the Licensing Act 2003, the premises are not responsible for the management of the behaviour of customers once they are beyond the direct management of the licence holder and their staff. The behaviour is the responsibility of the individuals themselves under the law. An individual who engages in antisocial behaviour is accountable in their own right. They are therefore not matters that the sub-committee can take into account in respect of this application.

The sub-committee noted that the premises was located in a busy commercial road with residential streets to the rear. There were several other licensed premises in the vicinity in proximity to the schools in the area with longer operating hours. There was a local supermarket on the opposite corner permitted to sell alcohol until 11.00 p.m.

The sub-committee noted that there had been no complaints of noise, disturbance, public nuisance or anti-social behaviour made to any of the Responsible Authorities nor the premises themselves since the granting of the previous application in April this year. No complaints had been received from the neighbours immediately adjacent to the premises. Temporary event notices had been used on six separate occasions since the granting of the licence extending



the terminal hour for the sale of alcohol etc in line with the hours now sought under this application and no complaints of the problems alleged by the residents has been reported.

The sub-committee also heard that patrons were not permitted to take drinks or any drinking vessels outside the premises. A maximum of six people were permitted to smoke at the front of the premises in London Road, although there were never usually more than three at any one time. A concierge/front of house reception/booking service managed this inside at the front of the premises. They also provided a taxi-management/marshalling service by keeping customers waiting for a taxi within the premises. There was no intention to change the business to a bar/club. The proposal was to provide sharing platters of cheese, meats and vegetarian dishes wine, prosecco or cocktails later into the evening in line with the afternoon tea business already permitted. Live performances of jazz would continue to be provided on occasion but would finish by 22.00 – 22.30 hrs at the latest. Alcohol could only be consumed on the premises to patrons who were seated and would be supplied by waiter/waitress service.

The sub-committee also heard that the use of the bins was not permitted between the hours of 8.00 p.m. until 9.00 a.m. the following morning and that the refuse collection company had rescheduled the collection round to accommodate the requirements of the premises to minimise any disruption to residents. The applicant explained that the bins had been vandalised on numerous occasions and were subject to fly-tipping by other parties.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems of noise, disturbance and anti-social behaviour, glasses and bottles in the street and drinking in the residential streets could not be attributed to the premises. The Police and Environmental Health Service were both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the amended application. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

The sub-committee therefore did not believe that the promotion of the licensing objectives would be undermined by the granting of the application, subject to the imposition of appropriate conditions. It therefore:

Resolved:-

That the amended application be granted subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the report of the Executive Director (Neighbourhoods and Environment); and
- (ii) The conditions drawn from the Operating Schedule as set out in Appendix 2 to the report of the Executive Director (Neighbourhoods and Environment), subject to the amendment of Condition 10 (as reflected in Appendix of the report) to now read:

“Condition 10

During the hours where licensable activity takes place, the provision of SIA licensed door staff shall be provided on a risk assessment basis in order to ensure

the safety and security of patrons. Where SIA licensed door supervisors are used at the premises a record shall be maintained on the premises during the event and for 3 months thereafter which is legible and details:

- The day and date when the door supervisors were deployed
- The name and SIA registration number of each door supervisor on duty at the premises; and
- The duty start and end time for each door supervisor.

This record shall be made available to authorised representatives of the Police or Local Authority staff upon reasonable request.”

**Chairman:** \_\_\_\_\_

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

We are seeing a crisis of food poverty born out of the political choices and systemic failings created over the past four decades, which have now reached a tipping point for so many in our communities. The figures are devastating for one of the richest nations in the world and highlight the inequality of the UK in 2022.

Need for food banks is already at a record high. Food banks in the Trussell Trust network gave out 2.5 million emergency food parcels between April 2020 and March 2021, a 33% rise on the previous year. This comes on top of year-on-year increases in need.

This council notes the consistent high rates of poverty across our city. We recognise the growing concern amongst our health and care professionals of the current situation and the likely exacerbation of poverty figures through the impact of the COVID pandemic, the cost of living crisis, and economic uncertainty.

Southend Trussell Trust Food Bank provided food for 8512 people, including 3934 children, in 2021. They have seen a 53% rise in food bank use in January 2022 over January 2021, with all evidence suggesting that necessity will continue to increase at an alarming rate.

We also note the Government's forthcoming White Paper in response to the National Food Strategy; which reported in July 2021 and was the first independent review of England's entire food system for 75 years. The 'Right to Food' campaign believes that the 11 million people currently living in food poverty must be central to the response from Government.

Enshrining the 'Right to Food' into law would clarify Government obligations on food poverty and would introduce legal avenues to hold Government bodies accountable for violations.

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

To call on the Government for the Right to Food to be incorporated into the Government's White Paper in response to the National Food Strategy. We ask the Leader of the Council and the relevant Portfolio Holder to write to the Prime Minister and to our City's Members of Parliament, to further this request.

**Proposers**

Cllr Aston Line

Cllr Daniel Cowan

**Seconders**

Cllr Martin Berry

Cllr Kay Mitchell

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**Report of  
Executive Director (Finance and Resources) to  
Council**

**on 10 March 2022**

Report prepared by: Andrew Barnes, Head of Internal Audit

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**Arrangements for appointment of External Auditor**

**Cabinet Member – Cllr Collins**

**A Part 1 Public Agenda Item**

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**1. Purpose of Report**

- 1.1 This report summarises the options for the arrangements to appoint the External Auditors following the end of the current arrangements at the conclusion of the 2022/23 audit.
- 1.2 The Audit Committee has considered the options available and made a recommendation to Council to opt-in to the Local Government Association (LGA) sector led body Public Sector Audit Appointments Ltd (PSAA) for the independent appointment of the Council's External Auditor. Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt-in must be made by Full Council.

**2. Recommendations**

- 2.1 **For the Council to resolve to 'opt-in' to the Local Government Association (LGA) sector led body Public Sector Audit Appointments Ltd (PSAA) for the independent appointment of the Council's External Auditor, beginning with the audit for the financial year 2023/24.**

**3. Background**

- 3.1 The Local Audit and Accountability Act 2014 abolished the Audit Commission and established arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England.
- 3.2 For the current external auditor appointment the Council took the decision to opt-in to the PSAA appointments process for the five year period from 2018/19. This resulted in the appointment of Deloitte LLP. The contract is currently managed by PSAA. Over recent years, the Council has benefited from a reduction in fees in the order of 50% compared with historic levels. This has been due to a combination of factors including new contracts negotiated nationally with the firms of accountants and savings from the closure of the Audit Commission. The Council's current external audit fee is £159,000 per annum.
- 3.3 The Council is responsible for the appointment of its auditor. There are three options by which this can be achieved, each with varying risks and opportunities, as are outlined at section 4 below.

- 3.4 The scope of the audit will still be specified nationally, with the National Audit Office (NAO) responsible for writing the Code of Audit Practice which all firms appointed to carry out all Council audits must follow.

#### **4. Options for local appointment of External Auditors**

- 4.1 There are three broad options open to the Council under the Local Audit and Accountability Act 2014 (the Act):

##### **Option 1: Establish a stand-alone Auditor Panel to make the appointment**

- 4.2 To make a stand-alone appointment the Council will need to set up an Auditor Panel. The members of the Panel must be wholly (or a majority) independent members as defined by the Act. Independent members for this purpose are independent appointees; this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will have a limited role in assessing bids and choosing which firm of accountants should be awarded the contract. This new independent Auditor Panel would be responsible for selecting the auditor. The existing Audit Committee could not carry out this role unless it were to meet the criterion of having a majority of independent members.
- 4.3 **Advantages/benefit** Setting up an Auditor Panel allows the Council to take advantage of the new local appointment regime and have local input to the decision.
- 4.4 **Disadvantages/risks** Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000 plus on-going expenses and allowances
- 4.5 The Council would not be able to take advantage of reduced fees that may be available through joint or national procurement contracts. The assessment of bids and decisions on awarding contracts would be taken by independent appointees and not solely by elected members.

##### **Option 2: Explore the establishment of a Joint Auditor Panel / local joint procurement arrangements**

- 4.6 The Act enables the Council to join with other authorities to establish a joint Auditor Panel. Again this would need to be constituted of a majority of independent appointees (members). Further legal advice would be required on the exact constitution of such a Panel having regard to the obligations of each Council under the Act, and the Council will need to liaise with other local authorities to assess the appetite for such an arrangement.
- 4.7 **Advantages/benefits** The costs of setting up the Panel, running the bidding exercise and negotiating the contract would be shared across a number of authorities. There is greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract to the firms.
- 4.8 **Disadvantages/risks** The decision making body would be further removed from local input, with potentially no input from elected members where a wholly independent Auditor Panel is used, or possibly only one elected member representing each Council, depending on the constitution agreed with the other bodies involved.

- 4.9 The choice of auditor could be complicated where individual Councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for the Council. Where this occurs, some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint Auditor Panel selects a firm that is ineligible for this Council, then the Council may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

### **Option 3: Opt-in to the sector led body**

- 4.10 In response to previous consultation on the appointment arrangements, the LGA successfully lobbied for Councils to be able to 'opt-in' to a Sector Led Body (SLB) appointed by the Secretary of State under the Act. The SLB has the ability to negotiate contracts with the firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector.
- 4.11 **Advantages/benefits** The costs of setting up the appointment arrangements are shared across all opt-in authorities. Being offered large contract values, the firms are able to offer better rates and lower fees than are likely to result from local negotiation. Any conflicts at individual authorities would be managed by the SLB who have a number of contracted firms to call upon.
- 4.12 The appointment process is not ceded to locally appointed independent members. Instead the PSAA has been set up to act in the collective interests of all the 'opt-in' authorities.
- 4.13 **Disadvantages/risks** Individual elected members have less opportunity for direct involvement in the appointment process other than through the LGA and stakeholder representative groups. For the PSAA to be placed in the strongest possible negotiating position they need Councils to indicate their intention to opt-in before final contract prices are known.

## **5 Conclusion**

- 5.1 The Council has until December 2022 to appoint an external auditor for the audit of the 2023/24 financial year. In practical terms this means one of the options outlined in this report will need to be in place by Spring 2022 in order that the contract negotiation process can be carried out during 2022.
- 5.2 Based on the analysis of the available options above the optimum option is option 3: opt-in to the sector led body, PSAA, that the LGA are working with. Greatest economies of scale will come from the maximum number of councils acting collectively and opting-in to the PSAA arrangement.
- 5.2 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt-in must be made by Full Council. The Audit Committee considered the options at their meeting in October and made a recommendation to Full Council to make a resolution to opt-in to the appointing persons arrangements with the PSAA.

## **6. Reasons for Recommendations**

- 6.1 The Council needs to make arrangements to appoint an external auditor ready for when the current appointment expires at the end of the 2022/23 audit. Based on the analysis of the available options above the Audit Committee has recommended that the optimum option is option 3: opt-in to the Sector Led Body. As a result the Council is required to make a formal resolution to opt-in to the Sector Led Body arrangements, to comply with the requirements of the Local Audit (Appointing Person) Regulations 2015.**

## **7. Corporate Implications**

### **7.1 Contribution to the Southend 2050 Road Map**

Audit work provides assurance and identifies opportunities for improvements that contribute to the delivery of all Southend 2050 outcomes.

### **7.2 Financial Implications**

The prescribed requirements of what needs to be undertaken by the external auditor is defined by the National Audit Office. The plan and fees proposed reflect the application of these requirements to this Council based upon an assessment of risk which is set out in an annual Audit Plan from the external auditors.

The cost to the Council of external audit for 2020/21 is planned to be £159,000 for the audit work delivered under the NAO's Code of Audit Practice and other assurance services.

Because of challenges in the audit market generally there is a potential for increase in costs forthcoming in future contracts. This is considered to be best mitigated by opting in to the Sector Led Body procurement arrangement.

### **7.3 Legal Implications**

The Council is required to have an external audit of its activities that complies with the requirements of the Code. There are regulations in respect of the appointment of the auditor that need to be followed and following the recommendations in this report will address that.

### **7.4 People Implications**

None.

### **7.5 Property implications**

None.

### **7.6 Consultation**

The proposed approach and recommendations has been discussed and agreed with the Executive Director (Finance and Resources).

### **7.7 Equalities and Diversity Implications**

None.

### **7.8 Risk Assessment**

There is no immediate risk to the Council. However, a decision by the Council on choosing an option would enable the necessary planning to take place to achieve a successful transition to the new arrangement in a timely and efficient manner. If the Council does want to opt-in to the Sector Led Body arrangement the PSAA need to be notified by 11 March 2022.



7.9 Value for Money

Procuring and appointing the external auditor through the Sector Led Body arrangement is expected to provide the best value for money option.

7.10 Community Safety Implications

None.

7.11 Environmental Impact

None.

**8. Background Papers**

**PSAA Prospectus 2023 and beyond**

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