

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

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

**Date: Wednesday, 31st August, 2022**

**Place: Council Chamber - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), M Berry, K Buck, L Burton\*,  
P Collins\*, A Dear, D Garston, S Habermel, D Jarvis, A Jones,  
C Mulroney, M Sadza and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

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

**Start/End Time:** 2.00 pm - 4.15 pm

#### **272 Apologies for Absence**

Apologies for absence were received from Councillors Dent (substitute: Councillor Burton), Thompson (substitute: Councillor Collins), F Evans (no substitute) and Shead (no substitute).

#### **273 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillors Berry, Collins and Walker – Application No. 22/00901/FUL (Land between 581-583 Rayleigh Road, Eastwood) – has been in touch with residents about how to engage in the process; and

(ii) Councillors Buck & D Garston – Application No. 22/01137/FUL (Part of Former Goods Yard at Station Approach, Leigh on Sea) – Residents have contacted them about noise at this location.

#### **274 Supplementary Report**

There was no supplementary report for this meeting.

#### **275 22/00840/FULM - 39 Vanguard Way, Shoeburyness (Shoeburyness Ward)**

**Proposal: Erect 17 Light Industrial units (Class E (g) (iii)) with associated car parking and landscaping**

**Applicant: Mr Fergus Prentice**

**Agent: Mr Andrew Cooke of Dovetail Architects Ltd.**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 4239\_PL01; 4239\_PL02; 4239\_PL03A; 4239\_PL04A; 4239\_PL05B; 4239\_PL06B; 4239\_PL07B; 4239\_PL08A

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 above the ground floor slab level shall take place until and unless specifications of the materials to be used in the construction of the external elevations of the development hereby permitted, including details of hard surfacing, 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 occupied.

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

04. No deliveries or collections, including haulage movements connected with the development hereby approved, shall take place at the site outside the hours of 07:30 to 19:00 Monday to Friday and 08:00 to 13:00 Saturday. No deliveries or collections of any kind shall take place on Sundays or Bank Holidays.

Reason: In the interests of resident 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).

05. The development hereby approved shall not operate outside the following hours: 07:30 to 18:30 Monday to Friday; 08:00 to 13:00 Saturdays and it shall not operate at any other times including at any time on Sundays or bank holidays.

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, and Development Management Document (2015) policy DM1.

06. Hours of construction works in association with the development hereby approved shall be 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of resident 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).

07. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

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

08. Before any external lighting is installed in association with the development hereby approved, details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The lighting shall be installed and operated solely in accordance with the approved details.

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

09. The rating level of noise for all activities associated with the development hereby approved at the site (including all process operations within the buildings, extract ventilation and air-cooling plant inside and outside of the buildings, amplified and unamplified music and human voices) shall be limited to 10dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone and intermittency, and background noise levels shall be established for discrete periods;

Daytime hours 0700 to 1900,  
Evening 1900 to 2300 and  
Night 2300 to 0700.

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties so that noise will not cause a statutory nuisance. This shall be undertaken by a suitably competent person.

Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority prior to first operation of the

development hereby approved. The development hereby permitted shall not be operated other than in accordance with these approved details.

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

10. Prior to first use of the development hereby approved, a post completion noise survey must have been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the actual plant and equipment noise levels are in excess of 10 dB(A) below background noise levels or there are any other characteristics that are liable to cause the noise to be a statutory nuisance details of further noise mitigation shall be submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and implemented prior to the first use of the development.

The final noise mitigation scheme shall be operated and maintained thereafter for the lifetime of the development.

Reason: In the interests of resident 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).

11. Prior to the first use of any individual unit within the development hereby approved, full details of any externally mounted equipment to be installed for the extraction and control of fumes and odours in association with the use of that unit shall have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition and shall include a maintenance schedule for the future operation of that equipment. Such a scheme shall be in accordance with current guidance from DEFRA, the Heating and Ventilating Contractors' Association (HVCA) and any current best practice or statutory guidance. The use of that unit shall not take place thereafter other than in full accordance with the details approved under this condition.

Reason: In the interests of residential 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).

12. Prior to the first occupation of any part of the development hereby approved, full details of refuse and recycling facilities, including a waste management strategy, shall have been submitted to and approved in writing by the Local Planning Authority.

The refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of residential amenities and environmental quality 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).

13. The development hereby approved shall only be used for purposes falling within Use Class E(g)(iii) as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted 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 provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of residential amenities and environmental quality, 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).

14. Prior to first occupation of the development hereby approved, the car parking arrangements shown on plan 4239\_PL08A shall have been provided and made available for use at the site in accordance with the details shown and shall be permanently retained as such thereafter. The car parking spaces shall be kept available solely for vehicle parking for staff and customers of the development.

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

15. Prior to first occupation of the development hereby approved, the cycle parking shown on plan 4239\_PL03A shall have been provided and made available for use at the site in accordance with the details shown and shall be permanently retained as such thereafter. The cycle parking spaces shall be kept available solely for the use staff and customers of the development.

Reason: To ensure that adequate cycle storage 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).

16. Prior to first occupation of the development hereby approved passive provision shall have been provided for 17 car parking spaces for electric vehicle (EV) charging points and active electric vehicle (EV) provision provided for at least 4 car parking spaces.

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) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

17. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be occupied until

full details of soft landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:

- means of enclosure of the site including any gates or boundary fencing;
- details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- measures to enhance biodiversity.

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

18. Prior to commencement of any drainage related works associated with the development hereby approved, a drainage scheme comprising details of drainage infrastructure (including foul and surface water drainage infrastructure, connection points and discharge rates) and a drainage management plan must be submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: This condition is required to prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with Policies KP1 and KP2 of the Core Strategy (2007).

19. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development hereby approved shall provide no more than 1,565sqm square metres of floorspace at any time and no mezzanine floorspace shall be erected in the development without the prior receipt of express planning permission from the Local Planning Authority.

Reason: To ensure the development delivered is consistent with the permission sought and in the interests of parking and amenity in accordance with policies CP1 and CP3 of the Core Strategy (2007) and policies DM10 and DM15 Southend-on-Sea Development Management Document (2015)

20. Part A –

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment

must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

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

#### Part B –

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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part C –

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented., The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

#### Part D –

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

Reason: For the avoidance of land contamination and human health in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1 and KP2 and Policy DM14 of the Development Management Document (2015).

21. 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 at least "Very Good" has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.

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).

22. Prior to first use or 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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 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. 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 will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

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 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.

4. Please note that advertisements e.g. signage for the light industrial unit(s) will be likely to require separate advertisement consent as appropriate.

5. Detailed drainage layouts for the site should be provided with evidence of correspondence with Anglian Water regarding permission for any new connections.

**276 22/00901/FUL - Land Between 581-583- Rayleigh Road (Eastwood Park Ward)**

**Proposal: Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal)**

**Applicant: Mr A Bush**

**Agent: Mr A Davison of Brian Davison Associates**

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

Resolved:-

That planning permission be REFUSED for the following reason:

01. The site lies partially within flood zone 2 and adjacent to flood zone 3. The applicant has failed to demonstrate that the development will not result in significantly harmful increased flood risk to surrounding occupiers as a result of the proposed reduction in ground levels across the application site. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), and Policies KP1 and KP2 of the Core Strategy (2007).

## Positive and Proactive Statement

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

### **277 22/01137/FUL - Part of Former Goods Yard at Station Approach, Leigh-on-Sea (Belfairs Ward)**

**Proposal: Install 33no. storage container units**

**Applicant: Mr Roy Pullinger**

**Agent: Miss Emily Weston of Fisher German LLP**

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: 130528-001C; 130528-002B; 130528-003D; 130528-004B

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

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

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

04. The storage containers hereby approved shall remain at ground level and shall not be stacked.

Reason: To protect the amenities and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. The development hereby approved, for purposes falling within Use Class B8, shall only be occupied for storage purposes within Use Class B8 and shall not be

used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or 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 (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).

06. The development hereby approved shall be operated in strict accordance with the measures to control noise and disturbance as outlined in the Management Plan (which was approved under the terms of discharge of condition 21/02370/AD). This includes restriction of operating hours to between 05:00-23:00 Mondays – Sundays inclusive and limiting HGV deliveries and collections to between 07:00-17:00 Monday – Friday only.

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)

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

Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (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/](http://www.planningportal.co.uk/info/200136/policy_and_legislation/))

70/community\_infrastructure\_levy) or the Council's website (www.southend.gov.uk/cil).

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

3. Network Rail strongly recommends the developer contacts the Asset Protection Team on [AngliaASPROLandClearances@networkrail.co.uk](mailto:AngliaASPROLandClearances@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation>

**278 11/01194/FUL - 28 Belfairs Drive, Leigh-on-Sea (Belfairs Ward)**  
**Proposal: Demolish existing bungalow, erect two dwellinghouses, layout parking to front and amenity space to rear**  
**Applicant: Mr Ali**  
**Agent: Mr Tim Knight of Knight Gratrix Architects**

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

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development by reason of its mass, height, width, depth and overall scale results in a bulky, cramped and incongruous form of development materially out of keeping with its context and harmful to the character and appearance of its surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement

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

**279 19/00068/UNAU\_B - Chiquita 96 - 98 West Road, Shoeburyness (West Shoebury Ward)**

**Breach of Control: Unauthorised extraction flue to rear**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- (a) Removal of the unauthorised extraction flue to the rear; and
- (b) Removal from site all materials and debris resulting from compliance with requirement (a) above.

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

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

**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.

**280 TPO 3-22 - Crowstone House, Crowstone Avenue (Chalkwell Ward)**

**Proposal: Tree Preservation Order Confirmation**

Resolved:-

That, on the basis of the information contained in the submitted report and given the high amenity value of these trees Tree Preservation Order TPO 3/2022 be CONFIRMED and be made PERMANENT including the modification proposed to the address and title of the Order.

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