

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 12th October, 2022

Place: Council Chamber - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Berry, T Cowdrey*, A Dear, M Dent, F Evans,
D Garston, S Habermel, D Jarvis, A Jones, C Mulroney, M Sadza,
I Shead, A Thompson and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillors S Buckley, D Cowan and J Lamb
G Gilbert, K Waters, C Galforg, O Hart, P Keyes, S Mouratidis,
T Row, H Thompson, M Warren and G Fairley

Start/End Time: 2.00 pm - 4.30 pm

407 Apologies for Absence

Apologies for absence were received from Councillor Buck (no substitute) and Councillor Borton (substitute: Councillor Cowdrey).

408 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Cowdrey – Application Ref. No. 22/00507/FULH (36 Sutton Road, Southend-on-Sea) – Spoke on behalf of objectors to the application (withdrew from the meeting for this item after making a statement on the grounds of predetermination);

(ii) Councillor Dent – Application Ref. No. 22/00507/FULH (36 Sutton Road, Southend-on-Sea) – Has had correspondence with objectors to the application;

(iii) Councillor D Garston – Application Ref. No. 22/00601/FULM (Memory House, 6 - 9 Marine Parade, Leigh-on-Sea) – Applicant is known to him;

(iv) Councillor Jarvis – Enforcement of Planning Control Ref. No. 20/00026/UNAU_B (79 The Drakes, Shoeburyness) – Has been a radio amateur for 66 years and a member of the Radio Society of Great Britain (withdrew from the meeting for this item after making a statement);

(v) Councillor A Jones – Application Ref. No. 22/01214/BC3 (Land Adjacent to 85 Lundy Close, Eastwood) – Was a Cabinet Member when the decision to develop the site was approved (withdrew);

(vi) Councillor A Jones – Application Ref. No. 22/01332/FUL (29A Ceylon Road, Westcliff-on-Sea) – Friend lives in the same road as the application site;

(vii) Councillor – Application Ref. No. 22/01214/BC3 (Land Adjacent to 85 Lundy Close, Eastwood) – Cabinet Member (withdrew); and

(viii) Councillor Sadza – Application Ref. No. 22/01332/FUL (29A Ceylon Road, Westcliff-on-Sea) – Has been in correspondence with the neighbour to the application site.

409 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.

410 22/00601/FULM - Memory House, 6 - 9 Marine Parade, Leigh-on-Sea (West Leigh Ward)

Proposal: Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle stores to rear, and lay out parking at rear (Amended Proposal)

Applicant: Mr Sanders

Agent: Mr Stewart Rowe of The Planning and Design Bureau Ltd.

Resolved:- That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 3 years beginning with the date of this permission.

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

02 The development hereby approved shall be carried out solely in accordance with the approved plans:

001 Rev H; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev B; 011 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A; PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA Rev A

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

03 Notwithstanding the information submitted with the application, with the exception of site preparation and demolition, no development above ground level shall take place until full details of the materials to be used on all the external elevations of the building have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall only be carried out and completed in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

04 The soft landscaping details including planting and maintenance shall be incorporated in full accordance with the details outlined in the submitted landscape plan (001 Rev H) within the first planting season following first use of the development hereby approved or, any alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The trees to be planted must be 'semi-mature' as defined by the British Standards Institution and Horticultural Trades Association.

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 in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009)..

05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

06 No development shall take place on site unless and until a detailed Arboricultural Method Statement and Tree Protection Plan for those trees to be retained on site, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. This will include the following; fencing type, ground protection measures, "no dig surfacing", access facilitation pruning specification, project phasing and an extensive auditable monitoring schedule. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

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

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play

equipment, refuse or other storage units, signs, lighting etc.). The approved hard landscaping works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

10 Prior to the first use or occupation of the development, 17 parking spaces shall be provided at the site in full accordance with plan number 'WD05 Rev B' and at least 4 spaces shall be provided with active electric vehicle charging infrastructure with the rest of the spaces being fitted with passive electric vehicle charging infrastructure. The approved parking facilities and active electric vehicle charging infrastructure shall be retained thereafter in perpetuity only for the use of the occupiers, staff and visitors to the site.

Reason: To ensure that adequate vehicular parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

11 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and

service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be provided and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter. Waste management and servicing of the development shall only take place in accordance with the approved details.

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

12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, details of secure cycle storage (including elevations) shall be submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. The secure cycle storage shall be provided at the site and made available for the use of staff and residents or their visitors in accordance with the agreed details prior to first occupation of the development. The cycle storage shall be maintained as approved for the lifetime of the development.

Reason: In the interests of accessibility and visual amenity further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

13 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a specialist residential care home for up to 50 residents within the client group identified in the application form, 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) or any act amending or re-enacting that Order, or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any act amending or re-enacting that Order.

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 (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during

construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

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

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

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

16 Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following;

1) A drainage plan must be provided showing the site drainage, connections to existing drainage systems and details of how these connections will be made. This must also show all SuDS and attenuation features.

2) An agreement in principle from Anglian Water must be provided confirming agreement of the new connection type, location and discharge rate.

The development shall only be implemented in accordance with the details approved under this condition and the conclusions and recommendations outlined in the Storm Drainage Strategy by DWW Consulting (Dated 10/08/2022). The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

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

17 Details of the biodiversity enhancement measures outlined in the findings, recommendations and conclusions of the Phase 1 and 2 Bat and Nesting Bird survey undertaken by Ridgeway Ecology Ltd dated 02.09.2020 shall be incorporated in full prior to first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4.

18 Prior to first use of the development hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts from plant and equipment including extract ventilation when operating at its maximum speed. Output shall be limited to 10 dB(A) below the background noise level, which is expressed as a LA90,15minutes at the boundary of the nearest residential property.

The assessment must be made using the appropriate standards and methodology for the noise sources and best practice with background noise levels established for the following periods:

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

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

A report on that impact assessment, which must include any necessary mitigation measures required for the development hereby approved, must be submitted to the Local Planning Authority for approval. Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must also be submitted to and approved in writing by the Local Planning Authority.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before it is first occupied and must thereafter be maintained as such in perpetuity

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

19 Prior to first occupation of the development hereby approved, the first-floor side windows serving the stairwell to the north-eastern most part 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, and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

20 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

21 No externally mounted plant or equipment shall be installed on the development hereby permitted until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed 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).

22 The development hereby approved 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 premises as a whole and include details in relation to matters such as, but not limited to, 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.

Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended).

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

2. 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.

3. 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.

411 22/01214/BC3 - Land Adjacent to 85 Lundy Close, Eastwood (St Laurence Ward)

Proposal: Erect a two storey block of 4no. self-contained flats, and a pair of semi-detached dwellinghouses and 3no. terrace houses on land adjacent to 85 Lundy Close, layout amenity space and landscaping, car parking spaces and cycle store

Applicant: Southend on Sea City Council

Agent: AK Design Partnership LLP

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, 4867.130-PL4, 4867.131-PL3, 4867.132-PL3, 4867.134-PL1, 4867.135-PL3, 4867.136-PL1, 4867.137-PL1, 4867.138-PL2, TCTC-17596-PL-01.

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 until full product details of the materials to be used on all the external elevations, including walls, roof, doors and windows, canopies, balconies, fascia and soffits and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall only 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) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The 16 car parking spaces, including 2 disabled spaces, the associated vehicular access for the spaces to access the public highway and the associated electric vehicle charging points as shown on approved plan 4760.138-PL2 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces, associated vehicular access to and from the public highway and Electric Vehicle charging points shall thereafter be permanently retained to serve occupiers and their visitors for the lifetime of the development.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

05 The development hereby approved shall not be occupied until and unless the refuse and recycling and cycle storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawings numbered 4867.136-PL1 and 4867.137-PL1 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling and cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details.

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

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until full details of the hard landscaping works and proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (i) Proposed finished levels or contours.
- (ii) Details for the means of enclosure of the amenity areas.
- (iii) Material product details for all hard landscaping at the site including roads, paths and patios.
- (iv) Details of proposed outbuildings.

The hard landscaping shall be implemented in full accordance with the approved details before the dwellings are occupied.

The soft landscaping at the site, including 30 new trees and shrub planting around the buildings, shall be carried out in full accordance with plan reference 4867.135-PL3 and shall be completed before the end of the first planting season following first occupation of the dwellings hereby approved.

Reason: In the interests of biodiversity, visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 Prior to the commencement of development the tree protective fences as shown on plan reference 4867.135-PL3, shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 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-on-Sea Design and Townscape Guide (2009).

08 No development shall commence on site unless and until a written strategy for green space enhancements, including measures to enhance biodiversity, within the estate surrounding the site, including indicative costings and timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied until the Local Planning Authority has received confirmation that the agreed strategy has been implemented in accordance with the approved details. The strategy shall demonstrate that a sum of at least £5,000 will be spent on environmental improvements in the local area.

Reason: The pre commencement condition is required to ensure that the development provides adequate mitigation for the loss of green space at the site in accordance with Policy CP7 of the Core Strategy (2007).

09 The development hereby approved shall be carried out in full accordance with the recommendations set out in the submitted Archaeology Written Scheme of Investigation Reference XEXLCS22-27117. These works shall be undertaken by a suitably qualified archaeologist. The subsequent recording and post-excavation

assessment reports shall be submitted to the Local Planning Authority before the development hereby approved is occupied.

Reason: A 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 Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

10 The proposed site clearance and construction works shall be carried out in full accordance with the recommendations set out in Preliminary Ecological Appraisal by Hybrid Ecology Ltd Rev B dated 21st Sept 2022 including the installation of the proposed badger corridor as shown on plan reference 4867.135-PL3 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. In addition, the following badger protection measures shall be implemented prior to the commencement of the development and maintained as such throughout the construction period:

- (i) All workmen on site must be fully briefed concerning the presence of badgers and the mitigation measures to be followed.
- (ii) An exclusion zone around the development area must be set up prior to the commencement of works to prevent encroachment on the badger sett during completion of the scheme. This must provide a clear 20m area around the sett, as a minimum, in which no construction work must take place, including the storage of materials or machinery.
- (iii) The proposed badger corridor must be similarly defined and fenced prior to the commencement of work to ensure the badgers have free access on and off site during the completion of the project.
- (iv) Any trenches or deep pits must be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank must be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- (v) Any trenches/pits must be inspected each morning and evening to ensure no badgers have become trapped.
- (vi) The storage of topsoil or other 'soft' building materials within the site must be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they must be subject to daily inspections before work commences.
- (vii) During the work, the storage of any chemicals must be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- (viii) Open pipework with a diameter of more than 120mm must be properly covered at the end of the workday to prevent badgers entering and becoming trapped.
- (ix) Litter on site must be cleared at the end of the working day or otherwise kept to a minimum.
- (x) Security lighting must be kept to a minimum, and away from setts, so as not to disturb the badgers on site.

Reason: A condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with

the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

11 No drainage infrastructure works associated with this development 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 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 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) and Policies KP2 and CP4 of the Core Strategy (2007).

12 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 dwellings 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) policies KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend-on-Sea Design and Townscape Guide (2009).

13 A scheme detailing measures to achieve a net zero carbon development, as set out in the submitted statement titled 'Public Benefit vs Loss of Open Space September 2022', shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in full in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained 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) policies KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend-on-Sea Design and Townscape Guide (2009).

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

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

(2015) Policy DM2 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

15 Plots 1-5 of the development hereby approved shall be carried out in a manner to ensure the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied. Plots 6 and 7 shall be carried out in a manner to ensure the dwellings comply with building regulation M4 (3) 'Wheelchair user dwellings' before they are occupied.

Reason: To ensure the dwellings 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 as amended by the Technical Housing Standards – Policy Transition Statement (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

16 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, detached buildings or other operational development shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or in any provision equivalent to this Order in any statutory instrument revoking and re-enacting this Order, with or without modification, unless express planning permission has been granted 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-on-Sea Design and Townscape Guide (2009).

17 The development shall be carried out in full accordance with the recommendations set out in Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3219.1.0 dated 20.12.18 before the development is occupied. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further works shall be carried out until a method statement detailing a scheme of mitigation for dealing with the additional contamination has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development is occupied.

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).

18 Prior to the first occupation of the dwellings hereby permitted a Noise Impact assessment must be conducted by a competent person to assess the potential

impact of existing industrial premises and noise from deliveries to those premises on the proposed dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on the impact assessment which must include any necessary mitigation measures required for the proposal to meet the required noise standards as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.

The mitigation measures shall ensure that the internal ambient noise levels of the dwellings hereby permitted shall not exceed the guideline values in British Standard 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 and located 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 must be provided to and agreed in writing by the Local Planning Authority under the provisions of this condition.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such in perpetuity.

The applicant must have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC when proposing any scheme. Where alternative means of ventilation and air cooling and heating are to be used, the submitted report shall include full details of what they will comprise and demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be implemented in full accordance with the details approved under this condition before the dwellings are first occupied and be maintained as such thereafter in perpetuity.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and

CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

19 No development shall take place, until 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 existing grass verges to the south section of the site to be retained.
- (v) measures to control the emission of noise, dust and dirt during construction
- (vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

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).

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

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

21 The dwellings hereby approved shall not be brought into first use unless internal storage space for each dwelling in compliance with the minimum Technical Housing Standards – Nationally Described Space Standards (2015) has been provided and made available on site in accordance with details which have previously been submitted and approved by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2021), Policy DM8 of the Development Management Document (2015) as amended with the Technical Housing Standards Policy Transition Statement (2015) and the advice contained within the Technical Housing Standards – Nationally Described Space Standards (2015).

Positive and Proactive Statement:

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

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

Informatives:

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

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council 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 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 badgers and bats. A Protected Species Licence may be required.

412 22/01332/FUL - 29A Ceylon Road, Westcliff-on-Sea (Milton Ward)
Proposal: Convert existing first floor flat into two self-contained flats, install dormer to rear to form a further self-contained flat in loftspace
Applicant: Mr Gavin Eade
Agent: Mr Adrian Arand of AAV Architecture

Mr Wilson, a local resident, spoke as an objector to the application. Mr Atkinson, the Applicant, responded.

Resolved:- That planning permission be REFUSED for the following reasons:

01 The proposed L-shaped dormer would, by reason of its size, height, form and design, fail to appear as an incidental addition to the roof of the host dwelling and

would be significantly out of keeping with and harmful to the character and appearance of the existing building rear garden scene and local area. This would be unacceptable and contrary 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 guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposed dwelling in the roof space would be capable of being occupied by two persons as the size of the bedroom would exceed the minimum area for a double or twin bedroom in the Technical Housing Standards – Nationally Described Space Standards (2015). The internal floor area proposed for the dwelling would be insufficient in size for two-person occupation. In addition, the development would result in a poor standard of accommodation for future occupiers of the development as result of the lack of amenity space, cycle parking and waste storage facilities, to the significant detriment of the living conditions of future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007); Polices DM1, DM3 and DM8 of the Development Management Document (2015) as amended by the Technical Housing Standards Policy Transition Statement (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Technical Housing Standards – Nationally Described Space Standard (2015).

03 The proposed development would provide insufficient on-site parking to meet the needs of future occupiers and the minimum parking standards. This would be likely to result in additional vehicles parking within the public highway, to the detriment of highway safety and the free flow of traffic. Insufficient information has been submitted to demonstrate that the short fall in parking could be justified. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policies CP3 of the Core Strategy (2007); Polices DM1, DM3 and DM15 of the Development Management Document (2015)

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

1. Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

413 22/00507/FULH - 36 Sutton Road, Southend-on-Sea (Kursaal Ward)
Proposal: Layout parking to front and form vehicle crossover onto Sutton Road for disabled access (part-retrospective)
Applicant: Mr Zoran Stepanovic
Agent: N/A

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 solely in accordance with the following approved plans: Location plan, Plan of front of property, S001A, S003/A.

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, prior to the first use of the hardstanding for parking vehicles, its surface shall be finished in external surface materials the purpose of which is to reduce the existing hardstanding's starkness, the details and specifications of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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), advice in the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 The area of hardstanding hereby approved shall only be used as a parking area for a single vehicle.

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

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 alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil 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 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 advised that they are required to apply to the Highways Authority for separate consent to have a vehicular crossover installed.
4. The applicant is advised that external surface materials designed to reduce the starkness of the existing white concrete material may include materials such as slabs, tiles, tarmac, bonded resin or a concrete paint purposely designed for exterior ground surface use.
5. The applicant is advised that failure to comply with condition 03 of this permission is likely to result in the Council considering the expediency of planning enforcement action to seek to remedy the identified harm.

**414 TPO 4-22 - Cantel (UK) Ltd Site, Campfield Road, Shoeburyness (Shoeburyness 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 the trees, Tree Preservation Order No. TPO 4/2022 be CONFIRMED and made permanent, subject to the modification of the species of T1 from sycamore to turkey oak.

**415 20/00026/UNAU_B - 79 The Drakes, Shoeburyness (Shoeburyness Ward)
Breach of Control: Without planning permission, the installation of radio antennae to the property**

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- (a) the removal of the three (3) poles and antennae attached to the north flank wall of the building; and
- (b) the removal of the two (2) poles and antennae attached to the rear elevation of the building; and
- (c) the removal of the two free-standing poles and antennae from the rear part of the site; and

(d) the removal from site all materials and debris resulting from compliance with requirement (a), (b) and (c) 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. Whilst proceedings could be brought in isolation against the sole remaining antenna at the site subject of the 2014 enforcement notice, it is considered that it would be sensible for any prosecution in that regard to take account of the enforcement action against the wider collection of antennae now on site including whether compliance is achieved through those means.

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 28 days is considered reasonable for the above works.

Chair _____