

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

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

**Date: Wednesday, 2nd November, 2022**

**Place: Council Chamber - Civic Suite**

**Present:** Councillor M Borton (Vice-Chair, in the Chair)  
Councillors M Berry, K Buck, A Dear, M Dent, F Evans, S Habermel,  
D Jarvis, A Jones, M Sadza, A Thompson and P Wexham\*  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor K Evans  
C Galforg, O Hart, P Keyes, S Mouratidis, T Row and M Warren

**Start/End Time:** 2.00 pm - 6.00 pm

#### **420 Apologies for Absence**

Apologies for absence were received from the Chair, Councillor Ward (no substitute) and Councillors D Garston (no substitute), Mulroney (substitute: Councillor Wexham), Shead (no substitute), and Walker (no substitute).

#### **421 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Buck – Application Reference No. 21/02305/FUL - The Trinity, 3 Trinity Avenue, Westcliff-on-sea - Regular benefactor to Off the Streets Charity (withdrew);

(ii) Councillor Dent – TPO Reference No. TPO 5/2022 - Southchurch Hall Gardens, Southchurch Hall Close – Has had conversations with neighbours regarding the matter;

(iii) Councillor Jarvis – Enforcement of Planning Control Reference No. 20/00158/UNAU\_B - 9 Gunnery House, 2 Chapel Road, Shoeburyness – Owner/Occupier of Flat 1 at this address (withdrew);

(iv) Councillor Sadza – Application Reference No. 21/02305/FUL - The Trinity, 3 Trinity Avenue, Westcliff-on-sea – Spoken to residents in Trinity Avenue, correspondence with Off the Streets and Member of the union Acon;

(v) Councillor Sadza – Application Reference No. 22/01707/FUL - 54 Burdett Avenue, Westcliff-on-Sea – Correspondence from residents; and

(vi) Councillor A Jones – Application Reference No. 21/02305/FUL - The Trinity, 3 Trinity Avenue, Westcliff-on-sea – Lives next door to a homeless facility.

**422 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, since the publication of the reports.

- 423 22/01511/BC3 - Pavement Adjacent to Thorpe Hall Avenue (Thorpe Ward)**  
**Proposal: Install permanent sculpture comprising of a brick column sculpture (A) as part of the "made from this land" sculpture trail on footpath at Thorpe Hall Avenue (Site 2)**  
**Applicant: Miss Laura Bowen of Focal Point Gallery**  
**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 the decision.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans, inclusive of the materials annotated; Location Plan Rev B '11/08/2022'; A002B; A200G

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

03 The development hereby permitted shall be carried out and maintained solely in accordance with the details contained in the submitted document "Made from this Land", Emma Edmondson, Section 106 Southchurch Art Commission".

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

**Positive and Proactive Statement**

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

**Informatives:**

01 You should be aware that in cases where damage occurs public during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing 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.

02 You are advised that as the proposed development does not involve the creation of new floorspace it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

**424 21/00783/AMDT & 19/02377/DOV5 - 939-953 London Road, Leigh-on-Sea (Blenheim Park Ward)**

**Proposals: (i) Modification of planning obligation to provide affordable housing (Section 106 agreement) dated 26.10.2017 pursuant to application 17/00563/OUTM as amended by Deed of Variation dated 06.11.2020 pursuant to application 20/00633/AMDT.**

**(ii) Application to vary condition number 01 (approved plans) to alter fenestrations and layout to comply with Building Regulations (Minor Material Amendment of planning permission 17/02183/RESM dated 06.06.2018) and modification of planning obligation to provide affordable housing (Section 106 agreement) dated 26.10.2017 pursuant to application 17/00563/OUTM as amended by Deed of Variation dated 06.11.2020 pursuant to application 20/00633/AMDT.**

**Applicant: Mr Horban**

**Agent: DAP Architecture**

Resolved:- That determination of the matter DEFERRED to ascertain whether the applicant would be willing to include a viability review mechanism as part of the legal agreement.

**425 22/01627/AMDT - 44 Canvey Road, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Application to vary and amend the wording to condition 03 to allow change to the type of 'A Bar' used (Minor Material Amendment of Planning Permission 21/01748/FULH dated 22/10/2021) (Part Retrospective)**

**Applicant: Mr Harry Kinn**

**Agent: N/A**

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

01 The development hereby permitted shall be carried out/ retained in full accordance with the following approved plans P01, P03, P05A and Cross Section titled SMA Alitherm Heritage Standard Garrard Square (W20170).

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

02 The replacement windows shall only be from the SMART Alitherm Heritage Range, finished in white metal to the outside and fitted with "A" shaped astragal bars as set out on Cross Section titled SMA Alitherm Heritage Standard Garrard Square (W20170) permanently bonded to the glass.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the Chapmanslord Conservation Area. This is as set out in the National Planning

Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Chappansford Conservation Area Appraisal (2021).

#### 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:

01 You are advised that as the proposed development equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

02 The applicant is reminded that the development on site remains unauthorised. Failure to remedy this is likely to result in the Council considering the expediency of enforcement action to seek to remedy the identified harm caused by the development currently on site.

03 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.

**426 21/02305/FUL - The Trinity, 3 Trinity Avenue, Westcliff on Sea (Milton Ward)  
Proposal: Change of use from hotel (Class C1) to 7-bedroom residential institution for up to 9 residents (Class C2) with new disabled access to rear  
Applicant: Sara Parkinson, Off the Streets  
Agent: Sara Parkinson**

Ms Oxenham, a local resident, spoke as an objector to the application. Ms Parkinson, acting for the applicant Off the Streets and as agent, responded.

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

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

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

02. The development hereby permitted shall be undertaken in accordance with the following approved plans: Location plan, 01, 02, 03A, 04A.

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

03. Prior to first operation of the use hereby approved, the submitted Management Statement updated 08.09.2022 shall have been further updated, re-submitted to and approved in writing by the Local Planning Authority, to include, in addition to its current content, details of an engagement policy for communication and liaison with the local community, including nearby residents, to allow for local resident and community engagement, incident reporting, escalation and resolution, as well as a mechanism for on-going review, and any necessary associated updating of that engagement policy. The use hereby permitted shall thereafter be carried out and thereafter operated for its lifetime in full accordance with the approved Management Statement, updated under the scope of this planning condition.

Reason: In the interests of the character of the area and residential amenities, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

04. The development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential home providing short-term accommodation for people who are, or would otherwise be, defined as homeless under the Housing Act 1996, for up to 9 residents at any one time, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

05. Prior to installation of any handrails or balustrades associated with the rear access ramp and decking hereby approved, full details of their design and materials shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed design and materials details only shall be provided for the lifetime of the development thereafter.

Reason: To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021).

06. No externally mounted equipment such as CCTV and lighting associated with the use hereby permitted shall be fixed to the front or rear facing elevations of the building unless full details of their design and materials have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021).

07. Prior to first use of the premises as a residential care home (use class C2), under the terms of this permission, details of waste storage and management shall have been submitted to and agreed in writing by the Local Planning Authority. The waste storage shall be provided at the site for the and made available for use of staff and residents in accordance with the agreed details for the lifetime of the development thereafter.

Reason: To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021) .

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

Informatives:

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

Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

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

**427      22/01629/FUL - 995-1003 London Road, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 3no. self-contained flats with associated parking, bin and cycle store (Amended Proposal)**  
**Applicant: Mr Richard Schofield on behalf of Cycles UK**  
**Agent: SKArchitects**

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

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

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 771-P01 Rev F; 771-P02 Rev E; 771-P03 Rev D

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

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

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

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

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

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

05 The development hereby approved shall not be occupied until and unless a hard landscaping scheme has first been carried out and implemented solely in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site, and the details of the covered and secure cycle parking spaces.

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



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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

07 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy 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 dust, dirt, mud being carried onto the road and noise 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.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified 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).

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

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

09 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the dwellings hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design,

obscurity, materials and location of all privacy screens to be fixed to the building, including on the proposed external terraces. Before the development hereby approved is occupied, the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of future occupiers and adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

10 Prior to the first occupation of the residential units hereby approved, no less than six covered and secure cycle parking spaces shall be provided for the future occupiers of the new flats and made available for use on site. The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

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

11 Prior to the first occupation of the residential units hereby approved, no less than five car parking spaces shall be provided and made available for use on site by occupiers/users/visitors of the three existing flats (one space each), the existing commercial unit (one space), and the new 3 bed/6 person flat hereby approved shown on drawing no. 771-P02 Rev E (one space). All parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the development hereby approved. The car parking spaces shall be retained for the benefit of the future users and occupiers and visitors to the approved development and the three existing flats for the lifetime of the development.

Reason: To ensure the provision of adequate vehicle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development SPD (2021)

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

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

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

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

14 The second floor rear windows in the north flank elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

15 Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front elevation of the development (windows to meet Specification RW 35) to mitigate Road Traffic Noise from London Road.

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

16 Prior to the first use of the development hereby approved, drainage infrastructure for the development including the built form and the rear parking area subject of this permission, shall have been installed at the site in full accordance with details of surface water attenuation, based on Sustainable Drainage Systems principles, which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The drainage infrastructure shall be maintained as approved on site for the lifetime of the development thereafter.

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

Positive and proactive statement:

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

Informatives:

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

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

**428 22/01707/FUL - 54 Burdett Avenue, Westcliff-on-Sea (Milton Ward)**  
**Proposal: Change of use from six bed HMO (Use Class C4) to eight bed HMO (sui generis), layout refuse storage to front and cycle storage to rear (retrospective)**  
**Applicant: Mr James Sahota**  
**Agent: N/A**

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

01 The development hereby approved shall be retained in accordance with the approved plans: 841-100, 841-101 Rev 01 (6 Bed), 841-101 Rev 01 (8 Bed), 841-104 Rev 01.

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

02 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development approved under the provisions of this permission shall not at any time be adapted to enable formation of more than eight (8) bedrooms and the property shall not be occupied by more than eight (8) residents at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

03 Notwithstanding the information submitted and otherwise hereby approved, within three months from the date of this permission, the development hereby approved shall be provided with at least eight (8) on site, secured and covered cycle parking spaces which shall be available for use by the occupiers of the development and their visitors in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The cycle parking shall then be implemented and made available for use within two months of the date of the approval of the details and in complete accordance with the agreed details. If the secure covered cycle parking is not implemented and/ or made available for use in full accordance with the details approved under this condition within 2 months of the date of the approval of the details by the Local Planning Authority the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The approved cycle parking shall be retained for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Within 3 months from the date of this permission 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. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The energy efficiency and other

sustainability measures shall then be implemented within two months of the date of the approval of the details and in complete accordance with the agreed details. If the energy efficiency and other sustainability measures are not implemented and/ or made available for use in full accordance with the details approved under this condition within 2 months of the date of the approval of the details by the Local Planning Authority the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The energy efficiency and other sustainability measures shall be implemented 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 advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 Within 3 months from the date of this permission, the development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. If such details are not incorporated within 3 months of the date of this permission the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The water efficient design measures shall be implemented 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 advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by 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. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal

([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

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

**429      22/01649/FULH - 31 Winsford Gardens, Westcliff on Sea (Prittlewell Ward)**  
**Proposal: Demolish and replace existing garage to side, extend roof and erect ground floor rear/side and first floor side extensions, flat roof dormer to rear and pitched roof dormer to front, alter elevations (Amended Proposal)**  
**Applicant: Hannah Pearce**  
**Agent: Simon Campbell of Tolerance Architectural Design**

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 shall only be undertaken in accordance with the following approved plans: 2200 Rev P01 & 2211 Rev P04

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

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

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

04 The roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without planning permission being granted by the Local Planning Authority. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.

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

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

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.

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**22/01706/FULH - 27 Parkside, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Raise ridge height, form hip to gable roof extensions to front, rear and side with dormer to side to form habitable accommodation in roofspace, erect part single/part two storey side/rear extension with first floor balcony to rear and second floor balcony to front (amended proposal)**

**Applicant: Mr & Mrs Roche**

**Agent: Mr Alan Gloyne of SKArchitects**

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: 559/P101, P102 Revision D.

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).

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

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

04 With the exception of the balcony hereby approved located at first floor level to the rear of the dwelling and at second floor level to the front of the dwelling, the remaining roof areas of the development hereby approved shall not be used as a balcony, roof garden, terrace or similar amenity area or for any other purpose at any time without express planning permission. The roofs can however be used for the purposes of maintenance or to escape in the event of an emergency.

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

05 The first floor rear balcony hereby permitted shall not be brought into use until details of obscure glazed privacy screens to either side of the balcony have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved privacy screens shall be installed prior to the first use of the balcony and shall be retained thereafter for the lifetime of the development.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the 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 Prior to the first use of the relevant rooms and/ or internal areas which they serve, the windows in the east-facing first floor wall, rooflights and window in the east-facing roof space and the west-facing dormer hereby permitted shall only be fitted with obscured glazing (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority), and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscure glazing shall be retained thereafter for the lifetime of the development.

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

Positive and Proactive Statement:

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

Informatives:

1. You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

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.

**431 TPO 5/2022 - Southchurch Hall Gardens, Southchurch Hall Close, Southend on Sea (Kursaal Ward)  
Proposal: Tree Preservation Order Confirmation**

Resolved:- That the matter be DEFERRED

**432 20/00158/UNAU\_B - 9 Gunnery House, 2 Chapel Road, Shoeburyness (Shoeburyness Ward)  
Breach of Planning Control: Without planning permission, the installation of a satellite dish and antenna to the property.**

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

- a) Removal of the satellite dish and antenna attached to the south-east flank wall of the building; and
- b) Restore the fabric of the listed building to its condition before the installation of the satellite dish and antenna took place and remove 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 a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Listed Building 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 28 days is considered reasonable for the above works.

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