

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 30th November, 2022

Place: Council Chamber - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), M Berry, K Buck, A Dear, M Dent,
F Evans, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney,
M Sadza, I Shead, A Thompson, C Walker and R Woodley

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

Start/End Time: 2.00 pm - 6.40 pm

521 Apologies for Absence

There were no apologies for absence.

522 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Borton – Application Ref. No. 22/00611/FULM – Has spoke about possible development with residents of Sutton Road/Glenhurst Road;

(ii) Councillor Dear – Application Ref. No. 22/01808/AMDT – Has been contacted by one of the objectors to the application and has visited the site to view the bedroom room windows of the application site;

(iii) Councillor Dent – TPO 05/2022 – Communications with residents;

(iv) Councillor Anne Jones – Application Ref. No. 22/01602/RES – Family work in river transport and railway which were both mentioned in the debate;

(v) Councillor Mulroney – Application Ref. No. 22/01976/BC3 – Artist is known to her; and

(vi) Councillor Ward – Application Ref. No. 22/01976/BC3 – Lives along Eastern Esplanade.

523 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.

**524 22/00611/FULM - 425 - 427 Sutton Road, Southend-on-Sea
(Victoria Ward)**

Proposal: Demolish existing buildings and erect two 3 storey blocks comprising of 33 self-contained flats facing Sutton Road, install vehicular access on to Sutton Road, layout parking to rear, cycle and bin storage, amenity space, landscaping and associated works

Applicant: Mr Chris Dove

Agent: N/A

Resolved:-

(a) That the Executive Director (Growth & Housing), Director or Planning or Service Manager – Development Control be DELEGATED to GRANT planning permission subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Affordable housing of 9no. affordable rent (4no. 1b2p, 2no. 2b3p, 2no. 2b4p and 1no. 3b4p units) and 24no. shared ownership (5no. 1b2p, 15no. 2b3p, 3no. 2b4p and 1no. 3b4p);
- Residential Travel Packs – to be agreed prior to occupation;
- Essex Coast RAMS – to be paid prior to occupation;
- Monitoring costs of £2250.

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

01 The development hereby permitted shall be begun not 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 permitted shall be carried solely out in accordance with the approved plans:

200 P4 Site Location Plan

201 P4 Existing Site Plan

202 P8 Proposed Site Plan

203 P8 Site Context Plan

204 P13 Proposed Ground and First Floor Plans

205 P9 Proposed Second Floor Plan and Roof Access

206 P8 Proposed Roof Plan

208 P5 Proposed Elevations

209 P11 Existing and Proposed Street Scene and Site Plan

210 P4 Existing and Proposed Street Scene with Sections

250 P2 Proposed Public Realm Improvements

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 in relation to the proposed residential buildings other than ground preparation and construction up to ground floor slab levels shall take place unless and until full product details of the materials to be used on all external elevations of the buildings including walls, projecting and inset balconies including floor, underside, fascia and soffit, windows and doors, roof and roof terraces, coping, privacy screens, rainwater goods and service doors including serving the cycle and refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

04 The dwellings hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works including boundary treatments shall be carried out prior to first occupation of the dwellings and the soft landscaping works within the first planting season following first occupation of the dwellings. The details submitted in respect of each shall include, but not limited to:

- means of enclosure of the site including any gates or boundary fencing;
- details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification including for the rear boundary trees, tree pit details, planting-soil and staking conditions, and a watering programme, to ensure their successful establishment;
- details of planting to the green roof areas together with supporting media and drainage where necessary, with inspection and management proposals, to ensure their successful establishment;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture and planters);
- specific measures to enhance biodiversity within the site such as indicated within the submitted Bat Survey by John Dobson November 2021 report and Ecology Report by Wild Frontier November 2021.

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

Reason: In the interests of the character and appearance of the area and the amenities of neighbouring occupiers, and ecology in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

05 The dwellings hereby approved shall not be occupied unless and until the removal and reinstatement of the existing crossovers and the public realm

improvements, all shown on plan 250 P2, have been completed in accordance with that drawing and have been certified in writing as complete by the Local Planning Authority.

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

06 The development authorised by this permission shall not begin until full details of additional street trees to the front of the site, as indicated on, and notwithstanding the details within, the 9546-D-AMS Rev B Tree Protection Plan by Hayden's, have been submitted to and approved in writing by Southend City Council as Local Planning Authority. The submitted details shall include tree pits to be constructed in a way that will prevent future root damage to the surrounding hard surfaces, a timetable for implementation, and ten-year management and maintenance proposals. The timetable for implementation shall provide for planting within the first planting season following completion of the public realm works identified in this planning permission. Any trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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

07 The dwellings hereby permitted shall not be occupied until and unless full details of the privacy screening at first and second floors and roof level have been submitted to and approved in writing by the Local Planning Authority, and the agreed details have thereafter been implemented in full. The agreed privacy screening shall thereafter be maintained for the lifetime of the development.

Reason: In the interests of the amenities of neighbouring 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 and the advice contained within the Southend Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external lighting shall be installed unless and until a full scheme of external lighting has been previously submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy

(2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

09 Prior to first occupation of the first and second floor flats within the development hereby approved, a scheme of obscure glazing to maintain the privacy conditions of adjacent existing and proposed dwellings, 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 windows permanently fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served by the window , shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is first occupied and shall be retained for the lifetime of the development.

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

10 The development hereby permitted shall be carried out in accordance with the Construction Method Statement Version 1_13.06.2022 or in accordance with alternative details for a Demolition and Construction Method Statement which have been submitted to and approved in writing by the Local Planning Authority under the terms of this planning condition. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of the free flow of traffic and general environmental quality in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM3 and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

11 Demolition or construction works of the development hereby approved shall not take place outside 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays nor at any time on Sundays or Bank Holidays.

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

12 No development above ground floor slab level shall take place unless and until a Noise Impact assessment (NIA) has been conducted by a competent person to assess all external and internal noise impacts on the future residents of the development and submitted to the Local Planning Authority for approval. These shall include but not be limited to:

- Road traffic noise
- Airborne and impact noise caused by normal living where bedrooms are above or below living areas
- Internal plant noise including lifts
- Use of communal stairwells and halls
- Impact of external building services and extract ventilation equipment.

The scheme shall have been carried out by a competent person (normally a member of the Institute of Acoustics) (IOA)) and shall incorporate mitigation measures to ensure that until the internal and external areas of dwellings are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels of the proposed development shall not exceed the guideline values in BS8233:2014 Table 4 as follows:

07:00 to 23:00: Resting - Living room 35 dB LAeq,16hour; Dining - Dining room/area 40 dB LAeq,16hour; Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour;
23:00 to 07:00: Sleeping/Night time - Bedroom 35 dB LAeq,8hour;

The mitigation measures shall have regard to thermal comfort in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and Association of Noise Consultants. Any alternative means of ventilation and air cooling and heating is required to 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 retained for the lifetime of the development thereafter.

The development hereby permitted shall take place only in full accordance with the details and measures in the approved Noise Mitigation Scheme and ventilation measures from first occupation of the development and shall remain as such in perpetuity thereafter.

Reason: In the interests of occupier amenities further to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM8.

13 Before any of the flats hereby approved are first occupied or brought into use, the development hereby approved shall have been carried out in a manner to ensure that four of the flats hereby approved comply with building regulation M4(3) 'wheelchair user dwellings' standard and all the remaining flats comply with building regulation M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the dwellings provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

14 The dwellings hereby approved shall not be occupied until and unless secure and covered refuse storage for occupiers has been provided at the site and made available for use in accordance with details shown on approved plan 204 P13. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: In the interests of the living conditions of existing and future residential occupiers and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

15 The dwellings hereby approved shall not be occupied until and unless a waste management scheme setting out collection arrangements and collection times has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the living conditions of existing and future residential occupiers and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

16 The development hereby approved shall not be occupied until and unless secure cycle storage for occupiers has been provided on site and made available for use in accordance with the details shown on approved plan 204 P13. The storage shall be retained as such for the lifetime of the development thereafter.

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

17 The development hereby approved shall not be occupied until and unless 33 car parking spaces, of which not less than 4 shall be for disabled users, have been provided at the site and made available for use , in accordance with the details shown on drawing 204-P13, together with a properly constructed vehicular access to the adjoining highway. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.

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

18 Notwithstanding the details submitted within the SUDS Assessment Statement from Dove Jeffery Homes reference SUT003 dated 11.03.2022 and the details submitted and otherwise hereby approved no drainage infrastructure associated with this development shall be installed until final details of drainage strategies have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details in full before it is occupied. The details shall provide for the following:

- Details of surface water management during the construction phase including details on the phasing of drainage installation relative to wider works;
- Greenfield runoff rate must be provided, and discharge must be limited to the greenfield run off rate, or show measures taken to achieve this. If existing surface water drains are being used, confirmation is needed and an agreement in principle from Anglian Water regarding the surface water connection point; a maximum flow

rate of 2 l/s should be provided if a connection to existing surface water sewers is being made;

- Updated drainage modelling calculation outputs should be provided with the following parameters amended - please note these are for review only given the system has been designed to a 1:100 year storm standard
- Cv values set to 1.0 for all storm simulations;
- Maximum rainfall amount set to the maximum allowed by the software or 500 mm/hr, whichever is lowest;
- The Additional Storage factor should be set to 0 unless conclusive evidence is provided to justify why this has been modelled using 10 m³/ha;
- Calculations of the brownfield run off rate must be given and a better of 50% must be proven.

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

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

The report of the findings must include:

- i) A survey of extent, scale and nature of contamination;
- ii) An assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural

and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

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

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

20 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 must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellings. This provision shall be made for the lifetime of the development.

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

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

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

22 Prior to first occupation of the dwellings hereby approved, no fewer than 33 active electric vehicle (EV) charging points shall have been provided, one to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

23 Other than the areas specifically denoted as roof terraces on the plans hereby approved, the roofs of the buildings hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

24 No development shall take place until and unless a scheme for the protection of the horse chestnut street tree, adjacent to the site on Sutton Road, has been implemented in accordance with the details contained within 9546-D-AMS Rev B Tree Protection Plan by Hayden's and the Arboricultural Method Statement & Tree Protection Plan 01/11/2022 Rev B by Hayden's. The approved protection measures shall be fully installed before the commencement of works and

maintained throughout construction. The development shall be implemented in full accordance with the approved statement, measures and methods.

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 9th December 2022, or an extension of this time as may be agreed by the by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on the grounds that the development will not secure the necessary affordable housing provision and mitigation of impacts on European designated sites. As such, the proposal would be unacceptable and contrary to Policies KP1, KP2, KP3, CP4 and CP8 of the Core Strategy (2007), Policies DM1, DM6 and DM7 of the Development Management Document (2015) and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020).

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 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.

02 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.

- 525 22/01602/RES - Land Between Barge Pier Road and Ness Road, Shoeburyness (Shoeburyness Ward)**
Proposal: Approval of Reserved Matters (Appearance, layout and scale) for the engineering works required to raise the levels of the site to create the development platforms and associated infrastructure works. Submission of details for conditions 2 and part discharge of conditions 7, 8, 9, 13, 16 and 17, in relation to the engineering works of planning permission 20/01227/OUTM dated 26.02.2021 - Erect up to 214 residential units (Use Class C3), provision of a new health centre up to 1000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure, Install vehicular access off Barge Pier Road, New Garrison Road and Magazine Road (Outline Application)
Applicant: Bellway Homes Essex
Agent: Savills

Resolved:- (a) That the RESERVED MATTERS be APPROVED, subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans: BA9923-SK011-02 (Site Location Plan), 2105160-140-P3 (Earthworks Surcharge Strategy Plan), 2105160-141-P1, 2105160-142-P1, 2105160-143-P3 (Cut and Fill Sections), 2105160-131-P2, 105160-130-P2, 2105160-132-P2 (Earthworks Surcharge Drainage Strategy Plans) and in full accordance with Preliminary Land Raising Strategy IDOM reference PLRSR-22438-22-101-Rev C dated 09.08.22.

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

02 Prior to the commencement of the development hereby approved, details of a survey of the existing eastern drainage ditch as shown on plan reference BA9923-SK011-02 and a strategy for any ditch maintenance works required to ensure that this drainage ditch is suitable for the intended temporary drainage works associated with the development hereby approved whilst also maintaining the ecology mitigation measures and required enhancement measures approved under, and secured by conditions 13, 14, 15, 16 and 17 of, planning permission 20/01227/OUTM shall be submitted to and agreed in writing by the Local Planning Authority. The approved works shall then be carried out and completed in full accordance with the approved details.

Reason: This pre-commencement condition is required to ensure the approved development does not increase flood risk elsewhere or harm ecology in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2, KP3 and CP4 and Development Management Document (2015) Policies DM6 and DM14.

03 The works to create the raised development platforms hereby approved shall be carried out and completed in full accordance with the timescales set out in section 3 of the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 or any other timetable that has previously been submitted to and agreed in writing with the Local Planning Authority under the terms of this planning condition. In addition, notwithstanding the contents of the CMP approved under condition 09 of planning permission 20/01227/OUTM for the construction of the raised development platforms, prior to the commencement of the development subject of this permission, a strategy for lorry movements to and from the development site through the City, including a means for the monitoring of the adherence of the development's vehicles travelling via the agreed routes, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate that the primary routing on entry to, and through, the City is via the A127. The development shall be carried out in full accordance with the approved details.

Reason: A pre commencement condition is required in the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality and to safeguard character and appearance of the area and the visual amenities of neighbouring occupiers in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

Informative

You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the 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. The developer will be held responsible for any mud on the road associated with the development and will be expected to address and clean this away promptly within the provisions of the approved CMP failing which the Highways Authority will seek to recover from the developer the Council's costs incurred in removing mud and cleaning the highway and any damage to the road network caused by the development under Section 148 of the Highways Act 1980.

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.

(b) That the PARTIAL DISCHARGE of the following conditions for planning permission 20/01227/OUTM, be GRANTED:

Condition 02 (Phasing Plan)

The details of the phasing of the engineering works, as set out in the phasing plans reference BA9923-SK017-01 and BA9923-SK012-04 and the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 are acceptable and partially agreed in accordance with the requirements of condition 02 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. A subsequent phasing plan will need to be separately agreed in relation to the detailed development in due course.

Condition 07 (Archaeological Recording)

The details of archaeological recording for the site as set out in the Written Scheme of investigation for a Geoarchaeological Borehole Survey by RPS JAC27603 dated May 2022 and the Geoarchaeological Borehole Survey by RPS reference JAC27603 dated May 2022 are acceptable and partially agreed in accordance with the requirements of condition 07 of planning permission reference 20/01227/OUTM in relation to the programme of archaeological recording and analysis only. A report detailing the findings of the borehole analysis will need to be submitted to the Local Planning Authority in due course.

Condition 08 (Existing and Proposed Levels)

The details of the existing and proposed levels, as set out in drawing reference 2105160-140-P3 (Earthworks Surcharge Strategy Plan) are acceptable and partially agreed in accordance with the requirements of condition 08 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. The final land levels will need to be separately agreed in relation to the detailed development in due course.

Condition 09 (Demolition and Construction Management Plan (Engineering Works only))

The details of the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 are acceptable and partially agreed in accordance with the requirements of condition 09 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. A subsequent CMP will need to be separately agreed in relation to the detailed development in due course.

Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures)

The details of the timescales for the implementation of Biodiversity Mitigation Measures, including the amended mitigation measures for the site in relation to badgers, as set out in the Updated Ecological Assessment by SES dated August 2022, Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22, the Ecological Condition Discharge Document: Conditions 13 and 16 Partial Discharge Relating to Badgers Rev B- by SES dated 08.11.22, the Badger Sett Location Plan dated October 2022 and email from agent dated 30.09.22 regarding Badger Mitigation are acceptable and partially agreed in accordance with the requirements of condition 13 of planning permission reference 20/01227/OUTM in relation to those measures relevant to the

construction of the raised development platforms only. A subsequent timetable for the full programme of Biodiversity Mitigation Measures will need to be separately agreed in relation to the detailed development in due course.

Condition 16 (Timetable for Ecological Enhancement Measures)

The details of the timescales for the implementation of Ecological Enhancement Measures as set out in the Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22 are acceptable and partially agreed in accordance with the requirements of condition 13 of planning permission reference 20/01227/OUTM in relation to those measures relevant to the construction of the raised development platforms only. A subsequent timetable for the full programme of Ecological Enhancement Measures will need to be separately agreed in relation to the detailed development in due course.

Condition 17 (Botany Reports)

The Condition 17 Compliance Note by SES dated 18.11.22 and Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22 are acceptable and partially agreed in accordance with the requirements of condition 17 of planning permission reference 20/01227/OUTM. Compliance with the translocation of key plant species will need to be demonstrated in due course.

Informatives:

01 Please note that all the conditions imposed on the Outline Permission 21/02034/OUT and the associated S106 agreement are in force and need to be complied with.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the 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. The developer will be held responsible for any mud on the road associated with the development and will be expected to address and clean this away promptly within the provisions of the approved CMP failing which the Highways Authority will seek to recover from the developer the Council's costs incurred in removing mud and cleaning the highway.

03 The applicant is advised that all aspects of the development must comply with Civil Aviation Authority CAP168 and EASA (European Union Aviation Safety Regulations) regulations including lighting, landscaping and renewable energy sources.

526 22/01976/BC3 - Pavement Junction at Lynton Road with Thorpe Esplanade (Thorpe Ward)

Proposal: Install permanent sculpture comprising of a brick column sculpture (B) as part of the "made from this land" sculpture trail (Site 4)

Applicant: Miss Laura Bowen of Focal Point Gallery

Agent: N/A

Resolved:- That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the following conditions and provided that any additional representations received up to the end of the consultation period on 1 December 2022 do not raise any new material planning considerations. In the event that representations are received and these raise new material considerations not addressed within this report, the application be brought back to this Committee for determination.

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; A010 Rev A; A201 Rev G.

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.

527 19/02377/DOV5 & 21/00783/AMDT - 939 - 953 London Road, Leigh-on-Sea (Blenheim Park Ward)

Proposal: (a) 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.

(b) 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:- (a) That MODIFICATION of the 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 be GRANTED to allow:

(i.) The removal of the obligation that the developer provides affordable housing on site.

(ii.) The securing of a financial contribution of £100,000.00 for the provision of affordable housing off site to be paid prior to first commencement of construction works, other than demolition, above ground floor level.

(iii.) The inclusion of a Late-Stage Viability Review Mechanism that would allow an additional contribution towards affordable housing

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

01 The development hereby permitted shall be carried out in accordance with plans 100; 350.01; 351.00; 352.00; 353.00; 354.00; 355.00; 356.00; 357.00; 358.00; 359.00; 360.00.

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

02 The development shall be carried out solely in accordance with the details of external materials shown on the approved plans 350.01, 351.00, 352.00, 353.00, 354.00 and 355.00 prior to first occupation of any development hereby approved.

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

03 The hard and soft landscaping shall be undertaken in accordance with the approved details of application 17/02183/RESM and as shown on drawing 601a submitted and approved with that application. The approved hard landscaping works shall be fully completed prior to first occupation of the development hereby approved and the soft landscaping works shall be completed within the first planting season following first occupation of the development and maintained in perpetuity thereafter.

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

04 A 1.5m high obscure glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) privacy screen to the northern edge of the communal amenity deck shown on drawing 359 shall be installed prior to the first occupation of the residential flats hereby approved. The privacy screen shall be permanently retained thereafter.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

05 One car parking space per residential and per commercial unit shall be provided with active electric vehicle charging facilities. Every car parking space shall be future proofed with passive electric vehicle charging point provision, with measures such as, but not exclusively, four-way duct and draw pits to all parking bays, so that electric charging points can be installed when demand requires. The charging infrastructure shall be permanently maintained for use by occupiers/users/visitors of the relevant dwelling and commercial units.

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 7 December 2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to provide affordable housing off-site and would not provide any secondary education contributions to mitigate the impact of the

development. As such, the proposal would be contrary to national and local planning policy.

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.

- 528** **22/01808/AMDT - 35 Belfairs Drive, Leigh-on-Sea (Belfairs Ward)**
Proposal: Application to vary condition 04 - to allow the main bedroom window in rear dormer to have clear glass with openable windows - (Minor Material Amendment of Planning Permission 21/00240/FULH dated 30/03/2021) (Retrospective)
Applicant: Mr Faysal Mahmud
Agent: Mr Sam Milne

Mr Moore, a local resident, spoke as an objector to the application. Mr Mahmud, the applicant, responded.

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

The provision of a clear glazed and openable rear bedroom window would result in loss of privacy and give rise to a harmful degree of actual and perceived overlooking of private amenity space and habitable rooms at Nos. 30 and 32 Eastwood Road to the significant detriment of the residential amenity of occupiers of these dwellings. This is 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 529** **22/01199/FUL - 171 West Road, Westcliff-on-Sea (Prittlewell Ward)**
Proposal: Change of Use from Dwellinghouse (C3) to 7 bed Large HMO (Sui Generis) (Retrospective)
Applicant: Mr K Virk
Agent: Mr G Miles of Miles Design

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

The development would provide an inadequate quality of living environment by failing to provide sufficient external space to meet the needs of existing and future occupiers to the detriment of their amenities. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

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

Resolved:- That Tree Preservation Order No TPO 05/2022 be CONFIRMED without modification.

Chair: _____