

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

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

**Date: Wednesday, 5th April, 2023**

**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 and I Shead

**In Attendance:** Councillors S Buckley, D Cowan and L Hyde  
G Gilbert, K Waters, C Galforg, P Keyes, S Mouratidis, C White,  
K Elliott, J Benn and T Row

**Start/End Time:** 2.00 pm - 6.30 pm

#### **826 Apologies for Absence**

Apologies for absence were received from Councillors Walker and Woodley (no substitutes).

#### **827 Declarations of Interest**

The following interests were declared at the meeting:-

(i) Councillor Borton – Application Ref. No. 22/01541/FULM (141-159 Sutton Road, Southend-on-Sea) – Has spoken to two residents, including the objector in her capacity as Ward Councillor;

(ii) Councillor Dent – Application Ref. No. 23/00363/TEL (Grass Verge, Whitehouse Road, Eastwood) and Application Ref. No. 23/00364/TEL (Footpath outside Eastwood Pre-School, Western Approaches) – Has spoken with Ward Councillors regarding these applications;

(iii) Councillor D Garston – Application Ref. No. 23/00244/FUL and 20/00189/UNAU\_B (148-150 Hamlet Court Road, Westcliff-on-Sea) – Applicant is a friend as his son;

(iv) Councillor D Garston – Application Ref. No. 22/01496/FUL (Land adjacent to 292 Leigh Road, Leigh-on-Sea) – son is a member of Leigh Town Council;

(v) Councillor Habermel – Application Ref. No. 22/02340/FUL and 21/00222/UNAU\_B (16 The Leas, Westcliff on Sea) – Applicant is a personal friend of his wife (withdrew);

(v) Councillor A Jones – Application Ref. No. 22/02342/DOV – Son works for the Council's Transport Team and a contribution to bus infrastructure was mentioned during the debate;

(vi) Councillor Mulroney – Application Ref. No. 22/01496/FUL (Land adjacent to 292 Leigh Road, Leigh-on-Sea) – Non-planning member of Leigh Town Council and personal friend of an objector (withdrew);

(vi) Councillor Mulroney – Application Ref. Nos. 23/00077/FUL (96 Broadway, Leigh-on-Sea), 23/00280/FUL and 19/00177/UNAU\_B (94 Broadway, Leigh-on-Sea) and 23/00218/TPO (33 Hadleigh Road, Leigh-on-Sea) – Member of Leigh Society and non-planning member of Leigh Town Council;

(vii) Councillor Sadza – Any application that includes social housing – Member of Acorn Tenants Union;

(viii) Councillor Sadza – Application. Ref No. 22/00244/FUL and 20/00189/UNAU\_B (148-150 Hamlet Court Road, Westcliff-on-Sea) – has received email correspondence from the applicant; and

(ix) Councillor Ward – 23/00218/TPO (33 Hadleigh Road, Leigh-on-Sea) – Works for a company which is on this site (withdrew – the chair for this item was taken by the Vice-Chair, Councillor Borton).

## **828 Minutes of the Meeting held on Wednesday, 1 March 2023**

Resolved:-

That the Minutes of the meeting held on Wednesday, 1<sup>st</sup> March 2023 be received, confirmed as a correct record and signed.

## **829 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.

## **830 22/01541/FULM - 141 - 159 Sutton Road, Southend-on-Sea (Victoria Ward)**

**Proposal: Demolish existing buildings, erect part three/part four storey building containing 3no. commercial units (Class E) and 34no. residential units with associated parking**

**Applicant: Mr Antony Mason**

**Agent: BGA Architects**

Mr Garwood, a local resident, spoke as an objector to this application.

Resolved:-

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

- Secondary education contribution of £50,863.63.
- RAMS contribution - 34 x £137.71 = £5329.84
- Provision of Travel Information Packs to all residents.

- Late-Stage Viability Review Mechanism in regards to Affordable Housing Provision (60% of any surplus).
- Monitoring fee of £1,000.

(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 begin no later than three years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 0-001A, 0-002A, 0-200G, 1-001A, 1-200D, 1-201F, 1-202E, 1-203C, 1-204C, 1-210D, 1-211C, 2-001A, 2-200C, 2-201C, 2-210C, 3-200C, 4-200C.

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

03 Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including walls and associated brick decoration; roof including coping; windows and doors including entrance curtain walling; signage details; waste and recycling store doors; shopfronts including awnings and fascias and rainwater goods have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, none of the units hereby granted consent shall be occupied unless and until the design details, materials and specifications for the privacy screens for all linked balconies and the design of the balustrading for the roof terraces and balconies, including balustrades, floor, underside, screens and any acoustic attenuation measures, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The enclosures shall be implemented prior to occupation of any of the units and shall thereafter be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full 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 under the terms of this condition. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- (i.) Existing and proposed finished site levels or contours.
- (ii.) Details of all means of enclosure of the site including any new gates or boundary walls and fencing.
- (iii.) Hard surfacing materials for forecourt and vehicle access, turning and parking areas and the roof terraces.
- (iv.) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and management plan including planting to the sides and front of the building to provide softening in the streetscene, in the car parking area and on the communal roof terrace.
- (v.) Details of any other landscaping structures such as seating areas, pergolas and play areas on the communal roof terrace.
- (vi.) Measures to enhance the biodiversity of the site.

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

06 The tree protection measures, as set out in Section 3 of the submitted Arboricultural Impact Assessment by Andrew Day Arboricultural Consultancy revision 01 dated 27/09/22 and associated tree protection plan, in relation to the trees identified as T1 and T2 in this statement, including the protective trunk hoarding, shall be implemented in full prior to commencement of the development and be retained as such throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 The 36 car parking spaces, including 4 disabled spaces, and the associated amended vehicular accesses for users of the spaces to access the public highway at the site and the reinstatement of crossovers onto Sutton Road, St Ann's Road and Maldon Road, as shown on approved plan 0-200G, shall be provided/carried

out and made available for use prior to the first use or the first occupation of any of the development hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. 20 parking spaces, including the 4 disabled spaces, shall have access to an active electric vehicle charging point. The remaining 16 parking spaces shall have passive provision for electric vehicle charging.

Reason: To ensure that satisfactory off-street car parking and access arrangements are provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15, the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

08 The development hereby approved shall not be occupied unless and until space for at least 37 secure, covered cycle parking spaces to serve the development and its visitors have been provided as shown on drawing 0-200G, or in such other on site location alternatively agreed by the Local Planning Authority under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by the occupiers of the development hereby approved and their visitors. The approved cycle parking scheme shall thereafter be permanently retained for the lifetime of the development.

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

09 The development hereby approved shall not be occupied unless and until the three refuse stores to serve the development as shown on drawing 0-200 G have been provided at the site in full accordance with the approved plans and the Waste Management Strategy reference 3021014.D.2A and made available for use by all occupiers of the development hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

10 The renewable energy proposals for the development hereby approved shall be carried out in full accordance with the recommendations set out in section 4 of the Energy and Sustainability Statement by Watt Energy & Consulting Engineers dated 29 November 2022 including the installation of 12.24 kWP of PV cells (equivalent to 34no x 360W panels) or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These renewables shall be implemented at the site prior to the first use or first occupation of the development and retained as such for the lifetime of the development 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 in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

12 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 4 of the flats hereby approved comply with the building regulations M4 (3) 'wheelchair user dwellings' standard and the remaining 30 flats comply with the building regulations M4(2) 'accessible and adaptable dwellings' standard.

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

13 The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in paragraph 9.3 of the Façade Noise Exposure Assessment by HA Acoustics reference HA/AD238/V1.2 dated 13.3.23 to ensure that the internal noise levels in habitable rooms within the approved flats are in accordance with the ProPG guidance and British Standards BS4142. These mitigation measures shall be implemented prior to the first occupation of the development and shall be retained as such for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on the main road to the east of the site would not be detrimental to living conditions of neighbouring and future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14 Prior to the occupation of the development hereby approved a scheme for alternative means of ventilation and air cooling and heating in relation to the Mechanical Ventilation and Heat Recovery (MVHR) system proposed for the development must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must 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 scheme must be designed to complement the agreed noise mitigation scheme Façade Noise Exposure Assessment by HA Acoustics dated 20 July 2022 reference HA/AD238/V1.1. The approved alternative means of ventilation and cooling shall be installed in full accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on the main road to the east of the site would not be detrimental to living conditions of neighbouring and future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

15 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation or for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Class E with the exception of use as a gymnasium within Class E(d) of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and amenities of the area including because a gymnasium use could present noise and vibration characteristics and impacts potentially harmful to residential amenity which would warrant further detailed assessment all in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

16 The commercial ground floor units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.

Reason: To protect 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).

17 No deliveries or refuse or recycling collections shall be taken at or despatched from the ground floor commercial units hereby approved outside the hours of 07:00 to 20:00 hours Mondays to Saturdays and 09:00 to 18:00 hours on Sundays nor at any time on Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development and 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)

18 No plant or ventilation equipment for the ground floor commercial units (use class E) hereby approved shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures required and proposed in respect of noise impacts on the nearest noise sensitive properties have been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. With reference to British Standards BS4142 the noise rating level arising from all plant and ventilation equipment shall be at least 10dB(A) below the prevailing background levels at 3.5m from the ground floor facades and 1m from all other facades of the nearest noise sensitive property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance etc.

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

Background noise levels shall be established for the following periods:

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

Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Heating and ventilation shall be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The use hereby permitted shall not take place other than in accordance with these approved details.

The installation of the plant and ventilation equipment shall be carried out only in full accordance with the approved details and specifications and any noise mitigation measures shall be undertaken in accordance with the agreed details before the plant and ventilation equipment is brought into first use and shall be operated and maintained as such thereafter for the lifetime of the development.

Reason: To protect the amenities of the occupiers of the development and neighbouring occupiers from undue noise and disturbance in accordance with Core Strategy (2007) Policies KP2 and CP4, Policies DM1, DM3 and DM8 of the



Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

19 Notwithstanding the details submitted within the SUDS strategy by Marks Heeley Ltd dated November 2021 and as shown on the plans submitted and otherwise hereby approved, no drainage works shall be undertaken at the site unless and until a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

(i.) An agreement in principle for Anglian Water regarding the surface water connection point.

(ii.) Updated drainage modelling calculation outputs to 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 (volumetric run-off coefficient) 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 20 m<sup>3</sup>/ha.
- Urban creep to be set at 10%.

(iii.) A scheme for on-site foul water drainage works, including connection point and discharge rate.

(iv.) Details of how surface water will be managed during the construction phase including the phases of drainage installation relative to wider works.

No hard-standing areas shall be constructed until the works hereby approved have been carried out in accordance with the agreed strategy.

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).

20 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i.) the parking of vehicles of site operatives and visitors;
- (ii.) loading and unloading of plant and materials;
- (iii.) storage of plant and materials used in constructing the development;
- (iv.) the erection and maintenance of security hoarding including contact details (including out of hour contact details) that are to be displayed on the hoardings;

- (v.) a Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- (vi.) a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- (vii.) measures to mitigate noise disturbance during the development;
- (viii.) details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

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

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

## 22 A.Site Characterisation

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

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

## B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended uses

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 under the terms of this condition. 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.

#### C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation unless and until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority under the terms of this condition. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

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

#### 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 the development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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

23 No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in

writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

24 Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into first use unless and until a service plan including full details of how larger vehicles will make deliveries and collections to and from the site has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The servicing of the development shall thereafter be undertaken in strict accordance with the approved service plan for the lifetime of the development.

Reason: In the interests of the amenities of neighbours and to ensure a good general environmental standard in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Plan (2015).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 5th May 2023 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 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 for secondary education, biodiversity mitigation or Travel Information Packs and a viability review mechanism for a late stage affordable housing viability review and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and Proactive Statement:

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

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

03 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to education, a financial RAMS contribution, the provision of Travel Information Packs, late stage affordable housing viability review and monitoring of the agreement.

04 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions). Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

05 Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty

of care. It is recommended that the Council's Building Control Department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

06 The applicant is advised that an enhanced scheme of sound insulation should be installed where there is the potential for nuisance from noise transference within the development due to the juxtaposition of living rooms and bedrooms.

07 The applicant is advised that if construction of the development requires a crane or piling rig, this will need to be safeguarded separately and, dependant on location, may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

08 The applicant is encouraged to make the car park a one-way system with access to the site via Maldon Road due to the one-way systems in the area.

09 The applicant is advised that residents and occupiers of the development hereby approved will not be issued with on-street parking permits.

**831 22/02342/DOV - Part of Former Keddie's Building and Maitland House, Chichester Road (Milton Ward)**  
**Proposal: Modification of Section 106 agreement dated 30/06/2011 (as amended by Deeds of Variation dated 22/06/2016 and 19/09/2018) pursuant to planning permission 10/02012/EXTM, to extend the payment provisions in relation to the Education, Bus Infrastructure and Warrior Square Contributions.**  
**Applicant: Mr David Samuels of Broadway Estates Ltd**  
**Agent: Mr Steve Davies of Hobbs Parker Property Consultants LLP**

Resolved:-

(a) That the Council enter into a Planning Obligation by Deed of Variation under Section 106 of the Town and Country Planning Act 1990 (as amended) to allow the following modifications to the Deed of Agreement dated 30th June 2011 (as amended by Deeds of Variation dated 22nd June 2016 and 19th September 2018) pursuant to planning permission 10/02012/EXTM:

(i.) Clause 3.1 of the Second Schedule – Education Contribution payable prior to first occupation of any of the residential units provided by the planning permission

(ii.) Clause 6.1 of the Second Schedule – Bus Infrastructure Contribution payable prior to first occupation of any of the residential units provided by the planning permission

(iii.) Definitions, Clause 7 of the Second Schedule, Clause 1.1 and 1.3 of the Third Schedule – Warrior Square Contribution – amend the definition and terms to 'Local Play Contribution' to be spent within 10 years of receipt and to be spent on 'the provision of new play equipment within the vicinity of the Site'

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager for Development Control be DELEGATED to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 30th June 2011 (as amended by Deeds of Variation dated 22nd June 2016 and 19th September 2018) pursuant to planning permission 10/02012/EXTM referred to above.

(c) That the cancellation of the associated invoice no. 771452 dated 4th July 2019 be authorised, including Bus Infrastructure Contribution (£30,739.80) and Education Contribution (£27,165.67); as well as ceasing any debt recovery proceedings in relation to this outstanding invoice as the payments would no longer be due at this stage.

**832 23/00363/TEL - Grass Verge, Whitehouse Road (St Laurence Ward)**  
**Proposal: Install 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and associated ancillary works**  
**Applicant: CK Hutchinson Networks (UK) Ltd**  
**Agent: Mr Alan Osborne of WHP Telecoms Limited**

Resolved:-

That PRIOR APPROVAL be REFUSED, for the following reasons:

01 The proposed telecommunications mast would, by reason of its height, siting and appearance constitute a prominent and visually dominant feature in the streetscene resulting in significant harm to the residential character, appearance and visual amenities of the surrounding area. The cumulative effect of the equipment cabinets by reason of their size and scale and position and exacerbated by their colour would detrimentally add to visual clutter at the application site to the detriment of the character, appearance and visual amenities of the surrounding area. The benefits of the proposal do not outweigh the significant harm identified. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed mast would not have a detrimental impact on public safety due to its height and position relative to London Southend Airport. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policy DM1.

**833 23/00364/TEL - Footpath outside Eastwood Pre-School, Western Approaches (St Laurence Ward)**  
**Proposal: Install 15m slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and associated ancillary works**  
**Applicant: CK Hutchinson Networks (UK) Ltd**  
**Agent: Mr Alan Osborne of WHP Telecoms Limited**

Resolved:-

That PRIOR APPROVAL be REFUSED for the following reasons:

01 The proposed telecommunications mast would, by reason of its height, siting and appearance constitute a prominent and visually dominant feature in the streetscene resulting in significant harm to the residential character, appearance and visual amenities of the surrounding area. The cumulative effect of the

equipment cabinets by reason of their size and scale and position and exacerbated by their colour would detrimentally add to visual clutter at the application site to the detriment of the character, appearance and visual amenities of the surrounding area. The benefits of the proposal do not outweigh the significant harm identified. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed mast would not have a detrimental impact on public safety due to its height and position relative to London Southend Airport. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policy DM1.

**834 22/01496/FUL - Land adjacent to 292 Leigh Road and 152 Broadway (Leigh Ward)**

**Proposal: Demolish existing storeroom and erect two storey building with basement for use as a restaurant (Class E) and use existing basement at 292 Leigh Rd as associated restaurant floorspace.**

**Applicant: Capability Ltd**

**Agent: Mr Dwight Breley of Breley Design Ltd**

Ms N Stimson, a local resident, spoke as an objector to the application. Mr Harvey,, the applicant's agent, responded.

Resolved:-

That the matter be DEFERRED for further clarity about adjacent premises' windows.

**835 22/01880/FUL - Garages Rear of 647 to 657 Prince Avenue (St Laurence Ward)**

**Proposal: Replace existing derelict garage with 1no. storage unit and erect 1no. storage unit (retrospective)**

**Applicant: Mr Andrew Timotheou**

**Agent: Mr Craig Pallett of BDA Architecture**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained only in accordance with the following approved plans: 22.167/01, 22.167/02 Revision A, 22.167/03 Revision A, 22.167/04 Revision A.

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



02 The external appearance of the buildings hereby approved must accord with approved plan: 22.167/04 Revision A in terms of the choice of materials, method of construction and finished appearance.

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

03 The development hereby permitted shall not be used at any time other than for the domestic storage of goods and the domestic storage of vehicles. The development shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: 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 and Development Management Document (2015) policies DM1 and DM3.

04 A 'Give Way' sign shall be installed to the north side of unit 11 incorporating instructions displayed for vehicle drivers to access/egress the site in forward gear, in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and they shall be retained for the lifetime of the development.

Reason: To discourage unsafe vehicle movements within the site to the material detriment of pedestrian and highway safety and the local highway network and to comply with Policy CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015).

05 No external lighting shall be installed at the development otherwise hereby approved unless and until a 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).

Positive and Proactive Statement:

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

Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

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

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

**836 22/02340/FUL and 21/00222/UNAU\_B - 16 The Leas, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Replace existing wooden sash windows with uPVC double glazed sash windows at 16 and 16A The Leas (retrospective)**

**Applicant: Mrs Julie Burgess**

**Agent: Andy Stevens of ASP**

Resolved:-

(A) That, subject to no new material planning considerations being raised by the end of the statutory consultation period, the Executive Director (Growth & Housing), Director of Planning or the Service Manager – Development Control, be AUTHORISED to REFUSE PLANNING PERMISSION for the following reason:

01 The development, by reason of the detailed design and materials of the replacement windows and doors, has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene and the wider area including the conservation area. Whilst this harm is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the National Design Guide (2021) the Southend-on-Sea Design and Townscape Guide (2009) and The Leas Conservation Area Appraisal (2022).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and

determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2)

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 planning permission will be required for replacement windows and doors following the removal of the unauthorised fenestration subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that replacement windows and doors closely replicate the original timber windows and doors.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

(i) the removal of the uPVC windows and doors highlighted in red in drawing TL-BU-02; and

(b) the removal from site all materials resulting from compliance with (i) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of nine (9) months is considered reasonable for the removal of the unauthorised uPVC windows taking into account the need to obtain planning permission and manufacture timber sash windows resulting in compliance with this.

**837 23/00077/FUL - 96 Broadway, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Change of use of all floors, garden and terrace from shop and residential (Classes E and C3) to cafe/restaurant (Class E), install timber balustrade to terrace (Part Retrospective) (Amended Proposal)**  
**Applicant: Mr Stuart Childs**  
**Agent: Mr Ian Farrow of Ergotechnics Ltd**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: PP100, PP101, PP102, PP103 Rev C, PP104 Rev C, PP105 Rev A.

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

03 The raised terrace area to the rear of the building shall not be used by customers unless and until the narrow-slatted timber balustrading and 1m deep planter have been installed as shown on approved plans reference PP103 Rev C and PP104 Rev C. These measures shall be retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the site and the surrounding Leigh Cliff Town Conservation Area and the amenities of neighbours in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the National Design Guide (2021), Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Cliff Town Conservation Area Appraisal (2021).

04 The Class E (café/restaurant) use hereby permitted shall not be open to customers outside the following times: from 8:30am to 6pm Mondays to Fridays, from 8:30am to 10pm on Saturdays and from 9am to 4pm on Sundays and Bank and Public Holidays.

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

05 No deliveries or refuse collection shall be taken at or despatched from the Class E use hereby permitted other than the following hours from 7am to 6pm Mondays to Fridays and from 8am to 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

06 Other than for maintenance or in the event of emergency escape, the rear first floor terrace area of the development hereby approved shall not be used by staff or customers for any purposes including for the consumption of food or drink or smoking outside the following hours: from 10am until 5pm on Mondays to Saturdays and from 12 noon to 4pm on Sundays and Bank and Public Holidays. There shall be no speakers or music, amplified or otherwise, played or relayed on the terrace or in the garden at any time.

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

07 Within 2 months of the date of this decision a post completion noise survey must be undertaken by a competent qualified acoustic consultant to accurately measure the noise from the replacement kitchen extract fan hereby approved at the maximum operating speed. This survey shall demonstrate that the noise from the kitchen extract fan when operating at its maximum speed is limited to 10 dB(A) below the background noise level over 15 minutes including any penalties for noise characteristics such as tone and intermittency measured in accordance with British Standards BS4142:2014+A1:2019. The results of the survey report shall be submitted to and approved in writing by the Local Planning Authority. If the post completion survey reveals that the above noise criteria have not been met further noise mitigation shall be specified and implemented shall be retained thereafter. If within 6 months from the date of this decision the noise criteria set above have not been met, the use of the building as a café/restaurant shall cease until a noise survey has been submitted to the Local Planning Authority confirming compliance.

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

08 Within 2 months of the date of this decision, the noise mitigation measures as detailed in the 'Noise Impact Assessment' by Venta Acoustics (Report VA4337.220914.NIA dated 15 December 2022) shall be implemented at the site in full by competent persons and a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures as approved shall be retained thereafter.

If within 6 months from the date of this decision the noise criteria set above have not been met, the use of the building as a café/restaurant shall cease until a noise survey confirms compliance.

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

09 The use hereby approved shall be managed in strict accordance with the Noise Management Plan received 20 March 2023 and associated 'One Warning' Policy and Risk Assessment or any other management plan full details of which have previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and in either eventuality for the lifetime of the development.

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

10 Within 1 month of the date of this decision, the refuse and recycling area to the rear of the building as shown on plan reference PP105 Rev A shall be enclosed on its west side by a 1.8m slatted timber screen which shall fully accord with the details and specifications shown on that plan. The refuse and recycling storage facilities shall be retained for the lifetime of the development in accordance with the approved details.

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

11 Within 3 months from the date of this decision cycle storage facilities for at least 2 bicycles shall be provided and made available for use at the site by the employees of the approved use in full accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage facilities shall then be retained for the lifetime of the development.

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

12 No external lighting shall be installed to the rear of the building subject of this permission or within its outside seating areas other than in accordance with details including lighting design, specifications and location that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All lighting within the site shall be retained in accordance with the approved details.

Reason: In order to protect the amenities surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy

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

13 Construction works associated with this permission shall not take place outside the following hours: from 8am to 6pm Mondays to Fridays, from 8am to 1pm on Saturdays and at no time Sundays or Bank and Public Holidays.

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

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 extension(s) 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 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.

03 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'.

04 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.

05 The applicant is reminded that the development on site remains unauthorised until the mitigation measures hereby approved have been installed. Failure to remedy this may result in the council considering the expediency of enforcement action to seek to remedy the currently identified harm.

**838 23/00280/FUL and 19/00177/UNAU\_B - 94 Broadway, Leigh-on-Sea (Leigh Ward)**

**Proposal: Alterations to shop front (part-retrospective)**

**Applicant: Mr and Mrs Ribeiro**

**Agent: Trudys Architectural Consultants**

Resolved:-

(A) That PLANNING PERMISSION be REFUSED for the following reason:

01 The development, by reason of the metal cladding which has been applied to the fascia on the north elevation has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which is harmful to the character and appearance of the site, the streetscene and the wider Leigh Cliff Conservation Area and harms the setting of the adjacent and nearby locally listed buildings. Whilst this harm is less than substantial, it is nevertheless at least moderate in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Cliff 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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2).

**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, following the removal of the unauthorised metal cladding subject of this decision, the fascia should be returned to the plain painted style approved under planning permission 19/01711/FUL. If this area of the building is left



untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

- (i) the removal of the unauthorised metal cladding to the fascia and stallriser on the north elevation of the building; and
- (ii) the removal from site all materials resulting from compliance with (i) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of four (4) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows and fascia.

**839 23/00136/FUL - Land at Rear of 77-83 West Road (Westborough Ward)**  
**Proposal: Demolish existing outbuildings, erect block of 2no. self-contained flats with associated parking, cycle store and new boundary treatment (part retrospective)**  
**Applicant: Mr Halpern – Lands Partners LTD**  
**Agent: Mr Stan Beanland of Beanland Associates Architects Ltd.**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:-

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 3002\_50; 3002\_052 REVB; 3002\_100 REVB; 3002\_101 REVB; 3002\_102 REVB; 3002\_103; 3002\_200B; 3002\_201; 3002\_202 REVB; 3002\_203 REVB, 3002\_700, 3002\_701, 3002\_710, 3002\_703

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 development 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 which includes details of net biodiversity gain, 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. It is expected that the landscaping scheme submitted for approval shall accord with the principles and nature of that shown on drawing No 3002\_052 REV B.

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.

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 and cycle storage for the approved development at the site. The approved refuse and recycling and cycle 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

dwelling hereby approved and shall be retained as such for the lifetime of the development.

Reason: In the interest of visual amenity and to ensure the provision of adequate waste and cycle storage 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. and
- (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) and 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) and Policies DM1 and DM3 of the Development Management Document (2015).

09 The (2No) car parking spaces shown on approved plan 3002\_052 REVB shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The parking spaces shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained for the parking of vehicles of the occupiers and visitors to the dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy

Framework (2021), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

10 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 under the terms of this condition 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).

11 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 (lppd) (110 lppd 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).

12 Prior to the first use of the development hereby approved, drainage infrastructure for the development including the built form and the 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.

13 In the event that contamination is found at any time when carrying out the approved development, development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Following completion of measures identified in the approved

remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority.

Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: In the interest of the residential amenity of future occupants of the scheme in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM14 of the Development Management Document (2015).

14 Prior to first use of the dwellings hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts of existing commercial and transport infrastructure on the living conditions of future occupiers of the dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on that noise impact assessment, which must include any mitigation measures needed for the proposal to meet the required noise standards, as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.

The mitigation measures recommended in the submitted report shall ensure that the internal ambient noise levels of the proposed dwellings shall not exceed the guideline values in British Standards 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 development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such in perpetuity.

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

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

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design

methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be implemented in full accordance with the details approved under this condition before the dwellings are first occupied and be maintained as such thereafter in perpetuity.

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

15 The first-floor rear stairwell window in the eastern rear 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).

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.

3. The applicant is advised they will need to contact the Highways department to return a section of the existing extended dropped kerb to public highway.

**840 23/00244/FUL and 20/00189/UNAU\_B - 148-150 Hamlet Court Road, Westcliff-on-Sea (Milton Ward)**  
**Proposal: Replace existing uPVC top hung casement windows with Rehau Heritage Slider Sash windows to front and side, enlarge ground floor rear window and install uPVC top hung casement window**  
**Applicant: Mr Simon Rush**  
**Agent: Mr Matthew Driscoll of MJD Planning Ltd**

Resolved:-

(A) That PLANNING PERMISSION be REFUSED for the following reason:

01 The proposed replacement windows, by virtue of their modern material (uPVC), dimensions and the use of double-glazed units are considered to be harmful to the character and appearance of the site, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and harm the setting of the Grade II listed Havens building at No 140 Hamlet Court Road. Whilst the harm to the designated heritage assets is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Hamlet Court Road 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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application

service available at: <https://www.southend.gov.uk/make-planning-application-planning-advice/planning-advice-guidance/2>

#### Informatives

1. 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.

2 The applicant is reminded that planning permission will be required for replacement windows following the removal of the unauthorised fenestration subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that replacement windows closely replicate the original timber sash windows which were removed at the site.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

(i) the removal of the unauthorised uPVC windows from the west (front), east (rear) and north (flank) elevations at first and second floor; and

(ii) the removal from site all materials resulting from compliance with (i) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of nine (9) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows.

**841 23/00067/FULH and 22/00319/BRCN\_B - 60 Gunners Rise, Shoeburyness (Shoeburyness Ward)**

**Proposal: Install replacement windows and doors (Retrospective)**

**Applicant: Mr Neil Hurrell**

**Agent: Mr Liam Bedwell of Mibe Architects Ltd**

Resolved:-

(A) That PLANNING PERMISSION be REFUSED for the following reason:

01 The development, by reason of the detailed design and materials of the replacement windows and doors has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene and the wider area. The development has also resulted in harm to the setting and appearance of the adjacent Shoebury Garrison Conservation Area. Whilst this harm is less than



substantial, it is nevertheless moderate to significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) the Southend-on-Sea Design and Townscape Guide (2009) and the Shoebury Garrison Conservation Area Appraisal (2020).

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at: [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2).

#### 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 planning permission will be required for replacement windows and doors following the removal of the unauthorised fenestration subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that replacement windows and doors closely replicate the original timber sash windows which were removed at the site but can still be seen on adjacent properties.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

- (i) the removal of the unauthorised windows and doors outlined in red in the sketch included in Appendix B of the submitted report; and
- (ii) the removal from site all materials resulting from compliance with (i) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of nine (9) months is considered reasonable for the removal of the unauthorised operational

development and obtaining planning permission for acceptable replacement windows and doors.

- 842 23/00193/FULH - 12 Burges Road, Thorpe Bay (Thorpe Ward)**  
**Proposal: Extend and alter roof with glazed gable end and balcony to rear, form pitched roof to first floor existing rear gable, erect single storey rear and side extension, remove chimney and install rooflight to side**  
**Applicant: Mr and Mrs Williamson**  
**Agent: Knight Gratrix Architects**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions

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

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

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans: 010 Revision A, 012 Revision C.

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.

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 within the roof to the rear of the dwelling as shown on approved plan 012 Revision C and the existing balcony at first floor level to the front of the dwelling, the roof areas of the development hereby approved shall not be used as a balcony, roof garden, terrace or any similar purpose 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 proposed rooflight in the eastern flank elevation of the development hereby approved, shown on drawing number 012 Revision C, shall only be glazed

in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut where it is less than 1.7 metres above internal finished floor level of the room or internal area served before the development is first used or occupied and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To 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 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 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.

**843 23/00197/FULH - 423 Woodgrange Drive, Southend-on-Sea (Thorpe Ward)**

**Proposal: Erect part single/part two storey rear extension with balcony to rear at first floor level, extend existing dormer to side, single storey front/side extension to form porch area, install rooflights to side elevations and alterations to front elevation**

**Applicant: Mr Martin Hainesborough**

**Agent: Mrs Lindsey Wislocki of Hedgehog Architects**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions

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

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

02 The development shall only be undertaken in accordance with the following approved plans: P1000, P1001 Rev A

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

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

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

04 The proposed side dormer window of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level prior to the first use or occupation of the development hereby permitted and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To 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).

05 The roof of the proposed development hereby approved (apart from the first floor balcony area hereby approved) shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without express 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).

#### 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.

#### 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.

- 844 23/00218/TPO - 33 Hadleigh Road, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Fell and grind out stump (T2) - Sycamore (Acer pseudoplatanus), remove major deadwood to Trees (T5) and (T6) - Scots Pine (Pinus sylvestris) and remove major deadwood (T7) - Corsican Pine (Pinus nigra) (Application for works to Trees subject to a Tree Preservation Order)**  
**Applicant: E Leonard**  
**Agent: Mr Simon Govier of Montrose Trees Ltd**

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

01 The Sycamore Tree (T2) positively benefits the character and appearance of the local area and has significant amenity value. The proposed works would be detrimental to the amenity value of the tree, resulting in its total loss, and would be harmful to the character of the streetscene and area more widely including the character and appearance of Leigh Conservation Area. The justification for the works submitted with the application would not outweigh the significant loss of amenity value. The proposal is therefore unacceptable and contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015), and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and Leigh Conservation Area Appraisal (2022).

Informative:

1. The removal of deadwood is exempt from the need to obtain express consent from the Local Planning Authority.

- 845 22/00338/UNAU\_B - 8 Somerville Gardens, Leigh-on-Sea (Leigh Ward)**

**Breach of Planning Control: Erection of a dormer to the rear**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(i) the removal from the site the rear dormer in its entirety; OR

(ii) the modification of the dormer so that it its position, form, size and external finishes fully complies with all relevant provisions and conditions of permitted development set out within Part 1 Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015;

AND

(iii) the removal from site all materials resulting from compliance with (i) OR (ii) above

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised dormer or alternatively its amendment so that it then either fully complies with Permitted Development provisions or with any necessary planning permission which needs to be obtained, together with removal of all materials resulting in compliance with any of those requirements.

**846 Vote of Thanks**

The Committee thanked the Chair for the able way in which he had conducted the meetings of the Committee over the Municipal Year.

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