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Southend-on-Sea City Council

Civic Centre
Southend-on-Sea

30 August 2022



Dear Sir or Madam,

I hereby summon you to attend the meeting of the Southend-on-Sea City Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, **Thursday, 8th September, 2022 at 6.30pm** for the transaction of the following business.

A Lewis
Chief Executive

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Communications**
- 4 Questions from the Public**
- 5 Questions from Councillors**
- 6 Minutes of the Extraordinary Meeting held on Monday, 22 August 2022 (Pages 1 - 2)**
Minutes attached
- 7 Minutes of the Special meeting held Tuesday, 5 July 2022 (Pages 3 - 4)**
Minutes attached
- 8 Minutes of the meeting held Thursday, 14 July 2022 (Pages 5 - 16)**
Minutes attached
- 9 Minutes of the meeting of Development Control Committee held Wednesday, 6 July 2022 (Pages 17 - 38)**
Minutes attached
- 10 Minutes of the meeting of Licensing Sub-Committee B held Monday, 11 July 2022 (Pages 39 - 42)**
Minutes attached

- 11 **Minutes of the meeting of Audit Committee held Wednesday, 20 July 2022 (Pages 43 - 46)**
Minutes attached
- 12 **Minutes of the meeting of Cabinet held Tuesday, 26 July 2022 (Pages 47 - 54)**
Minutes attached
- 13 **Minutes of the meeting of Development Control Committee held Wednesday, 27 July 2022 (Pages 55 - 70)**
Minutes attached
- 14 **Minutes of the meeting of Licensing Sub-Committee A held Thursday, 28 July 2022 (Pages 71 - 74)**
Minutes attached
- 15 **Minutes of the meeting of Licensing Sub-Committee B held Thursday, 11 August 2022 (Pages 75 - 80)**
Minutes attached
- 16 **Minutes of the meeting of Licensing Sub-Committee A held Wednesday, 17 August 2022 (Pages 81 - 84)**
Minutes attached
- 17 **Minutes of the meeting of Licensing Sub-Committee B held Wednesday, 24 August 2022 (Pages 85 - 88)**
Minutes attached
- 18 **Minutes of the meeting of Special Cabinet held Wednesday, 24 August 2022 (Pages 89 - 90)**
Minutes attached
- 19 **Minutes of the meeting of Place Scrutiny Committee held Tuesday, 30 August 2022**
Minutes to follow
- 20 **Minutes of the meeting of People Scrutiny Committee held Wednesday, 31 August 2022**
Minutes to follow
- 21 **Minutes of the meeting of Policy and Resources Scrutiny Committee held Thursday, 1 September 2022**
Minutes to follow
- 22 **Minutes of the meeting of Appointments and Disciplinary Committee held Monday, 5 September 2022**
Minutes to follow
- 23 **Notice of Motion - Better Play (Pages 91 - 92)**
Notice of Motion attached
- 24 **Appointments to Committees, etc**

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of The Council

Date: Monday, 22nd August, 2022
Place: Council Chamber - Civic Suite

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Present: Councillor K Robinson (Chair)
Councillors B Beggs, M Berry, P Collins, D Cowan, T Cowdrey, T Cox, M Dent, F Evans, K Evans, D Garston, S George, I Gilbert, S Habermel, J Harland, B Hooper, L Hyde, A Jones, D Jones, A Line, R McMullan, K Mitchell, C Mulroney, M O'Connor, M Sadza, L Salter, I Shead, A Thompson, S Wakefield, C Walker, J Warren, P Wexham and R Woodley

Start/End Time: 6.30 pm - 8.00 pm

222 Apologies for Absence

Apologies for absence were received from Councillors Buck, Courtenay, Davidson, Moyies, Lamb, Stafford, Folkard, Borton, Ward, Terry, Dear, Kelly, Burton, Buckley, Nelson, Jarvis, Murphy and Warren.

223 Declarations of Interest

There were no declarations of interest at this meeting.

224 Notice of Motion - Cost of Living Emergency

The Worshipful the Mayor had agreed to call this Council meeting following a requisition by 5 Councillors, pursuant to Section 3 of Schedule 12 of the Local Government Act 1972, to consider the matters referred to in the requisition and the associated motion.

The Worshipful the Mayor was satisfied that these matters were legitimate subjects for the Council to debate.

Resolved:

That, in accordance with Standing Order 8.4, the following Motion, be referred to the Economic Recovery, Regeneration and Housing Working Party for consideration:

'Cost of Living Emergency

Residents of Southend-on-Sea are facing a cost of living emergency. The rate of inflation in the UK reached 9.4% in June and is feared that come the autumn could reach as high as 12%.

In October the new energy price cap could see average annual bills exceed £3,000, which going into winter leaves many residents facing an unaffordable cost to keep their homes warm. At the same time, food and housing costs are

also increasing dramatically, and a record number of children in Southend schools are eligible for free school meals, showing the levels of vulnerability. There is no one that will be untouched by this cost of living emergency.

There is no area of life on which it won't have an effect. This will be the defining issue and challenge of the next few years.

Southend Council notes:

- That the Cost-of-Living emergency is a key issue for us as a local authority, against a backdrop of financial factors at national and international level.
- In these increasingly difficult times, there is a for us as a local authority to ensure advice and appropriate support is available to all residents.
- The disproportionate impact of the crisis on low-income households, which will spend a larger proportion of their income than average on energy and food and will therefore be more affected by price increases and tax rises that result in reduced disposable income.
- That, while many of the economic factors causing the current cost of living crisis are outside of our control as a local authority, it is essential that we focus our efforts on providing the assistance we do have at our disposal to those residents struggling the most.

Southend Council resolves to:

- Declare a cost of living emergency in the City of Southend-on-Sea.
- Set up a working group, including members, relevant senior officers, as well as representatives from the local charity, education, and health sectors to ensure a coordinated and proactive response to the cost of living crisis.
- Continue to address food justice and insecurity in Southend, whilst calling on national government to enshrine the right to food in law, as well as working to address period poverty and inability to afford basic hygiene products.
- Ensure that council decisions are not disproportionately impacting on residents who are struggling the most, through introducing a socio-economic duty and considering socio-economic impacts in all our equality impact assessments.
- Continue campaigning for and championing a real living wage for workers in our city, especially working closely with employers.
- Ensure that cost of living concerns are taken into consideration in all Council decisions.
- Continue to develop and expand Southend-on-Sea City Council's work to provide up to date, accurate information and advice to residents on how to manage personal finances efficiently.'

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of The Council

Date: Tuesday, 5th July, 2022
Place: Council Chamber - Civic Suite

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Present: Councillor K Robinson (Chair)
Councillors M Borton, B Beggs, H Boyd, K Buck, S Buckley, L Burton, P Collins, J Courtenay, D Cowan, T Cowdrey, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garston, S George, I Gilbert, S Habermel (Vice-Chair), J Harland, B Hooper, L Hyde, D Jarvis, A Jones, D Jones, M Kelly, A Line, R McMullan, K Mitchell, J Moyies, C Mulroney, K Murphy, D Nelson, M O'Connor, M Sadza, L Salter, I Shead, M Stafford, M Terry, A Thompson, S Wakefield, C Walker, J Warren and P Wexham

Start/End Time: 7.00 - 7.40 pm

122 Apologies for Absence

Apologies for absence were received from Councillors Berry, Lamb, Ward and Woodley.

123 Declarations of Interest

The following declarations of interest were made:

- (a) Cllr Buck – Minute 128 (Levelling Up Fund Round 2) – Mr P Miller is known to him;
- (b) Cllr Borton - Minute 128 (Levelling Up Fund Round 2) – Received sponsorship funds during her mayoral year from the Miller family;
- (c) Cllr Sadza – Minute 128 (Levelling Up Fund Round 2) – Has attended seafront traders meetings;
- (d) Cllr Terry – Minute 128 (Levelling Up Fund Round 2) – Mr P Miller is known to him and has attended meetings with Stockvale;
- (e) Cllr Warren – Minute 128 (Levelling Up Fund Round 2) – Works for J. Duddridge MP who has been asked to support the LUF bid;
- (f) Cllr Dent – Minute 128 (Levelling Up Fund Round 2) – Mr P Miller is known to him.

124 Levelling Up Fund Round 2

The Council considered Minute 62 (Levelling Up Fund Applications) of the Cabinet held on 1st July 2022 which was referred to the Special meeting of the Place Scrutiny Committee held on 4th July 2022 (Minute 80 refers).

Resolved:

That the recommendations contained in Minute 62 (Levelling Up Fund) of Cabinet held 1st July 2022 and Minute 80 of Policy and Resources Scrutiny Committee held 4th July 2022, be approved.

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of The Council

Date: Thursday, 14th July, 2022
Place: Council Chamber - Civic Suite

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Present: Councillor K Robinson (Chair)
Councillors M Borton, B Beggs, M Berry, H Boyd, K Buck, S Buckley, L Burton, P Collins, J Courtenay, D Cowan, T Cowdrey, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garston, S George, I Gilbert, S Habermel (Vice-Chair), J Harland, B Hooper, L Hyde, D Jarvis, A Jones, D Jones, M Kelly, J Lamb, A Line, R McMullan, K Mitchell, J Moyies, C Mulroney, K Murphy, D Nelson, M O'Connor, M Sadza, L Salter, I Shead, M Stafford, M Terry, A Thompson, S Wakefield, C Walker, N Ward, J Warren, P Wexham and R Woodley

Start/End Time: 6.30 pm - 11.03 pm

125 **Apologies for Absence**

Apologies for absence were received from Councillors Hooper, Kelly and Lamb.

126 **Declarations of Interest**

- **Councillor Berry**

People Scrutiny Committee – 20th April 2022

Minute 907 (Vecteo Update) – Non-pecuniary interest: Ongoing association with member of Southend SEND Independent Forum (SSIF) around the current provision of special educational needs and disabilities (SEND) home to school transport services by Vecteo, Education Health and Care Plans and other related matters;

Council – 14th July 2022

Minute 128 (Public Questions) – one of the public questioners is known to him;

- **Councillor Borton**

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 103 (Southend City Centre, Seafront and Adjoining areas PSPO Extension and variation) – Member of the Board of Directors of South Essex Homes;

Council – 14th July 2022

Minute 155 (Appointments to Committees) – daughter works for EPUT at Basildon and Chelmsford Mental Health Units;

- **Councillor Buck**

Development Control Committee – 1st June 2022

21/02457/FUL (222 Southchurch Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: The architect is well known to him and is the consulting architect for one of his clients (withdrew);

22/00459/BC3 (3 Norfolk Avenue, Leigh-on-Sea) – Non-pecuniary interest: Member of the Traffic Regulations Working Party concerning PVX applications;

- **Councillor Buckey**

Council – 14th July 2022

Minute 134 (Petition – Safer movement of traffic and pedestrians in Walters Close) – Knows two of the residents very well in Walters Close;

- **Councillor Burton**

People Scrutiny Committee – 6th July 2022

Minute 108 (Passenger Transport Services – Performance Monitoring) – employed as a teacher at a school outside Southend-on-Sea;

- **Councillor Cowan**

Development Control Committee – 6th April 2022

Minute 863 (Application Ref. No. 21/02034/OUT – Land adjacent, 1 Smallholdings, Eastwoodbury Lane) – Non-pecuniary interest: Has been in extensive correspondence with residents about the application;

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 103 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – Rental property and place of employment within the area of the PSPO;

- **Councillor Cowdrey**

People Scrutiny Committee – 20th April 2022

Minute 907 (Vecteo Update) – Non-pecuniary interest: Ongoing association with a number of service users around the current provision of special

educational needs and disabilities (SEND) home to school transport services by Vecteo;

People Scrutiny Committee – 6th July 2022

Minute 99 (Questions from the public) – Known to one of the public questioners;

Minute 106 (Joint In-Depth Scrutiny Project 2021/22) and Minute 107 (Summary of Work 2021/22 & In-Depth Scrutiny Project 2022/23) – Works with families of children with special educational needs and disabilities;

- **Councillor Davidson**

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 103 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – Member of the Board of Directors of South Essex Homes;

- **Councillor Dent**

Development Control Committee – 1st June 2022

21/02457/FUL (222 Southchurch Road, Southend-on-Sea) – Non-pecuniary interest: Has spoken to the objectors and applicant regarding the application;

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 115 (PSPO Southend City Centre and Seafront area) – Has engaged extensively with residents and Cabinet members on the matter;

- **Councillor Folkard**

People Scrutiny Committee – 6th July 2022

Minute 103 (Integrated Care Partnership) and Minute 105 (Community In-patient beds) – Relative employed at Broomfield Hospital;

- **Councillor D Garston**

Development Control Committee – 1st June 2022

22/00459/BC3 (3 Norfolk Avenue, Leigh-on-Sea) – Non-pecuniary interest: Member of the Traffic Regulations Working Party concerning PVX applications;

- **Councillor George**

Special Cabinet – 1st July 2022

Minute 67 (City Music Festival) – Member of the Town 2 City Partnership;

- **Councillor Gilbert**

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 103 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – Rental property and place of employment within the area of the PSPO;

- **Councillor Hyde**

People Scrutiny Committee – 6th July 2022

Minute 102 (Delivery of Southend 2050 Outcomes and Priorities) – Colleague ward Councillor (Cllr Cowan) is a governor at Prince Avenue Nursery;

Minute 103 (Integrated Care Partnership) and Minute 105 (Community In-patient beds) – Close family friend employed by Essex Partnership University NHS Trust;

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 115 (PSPO Southend City Centre and Seafront) – Rents a property near the vicinity of the PSPO area;

- **Councillor Hooper**

People Scrutiny Committee – 20th April 2022

Minute 907 (Vecteo Update) – Non-pecuniary interest: Director of Blade Education, a not-for-profit company that works with local SEND children;

People Scrutiny Committee – 6th July 2022

Minute 102 (Delivery of Southend 2050 Outcomes and Priorities) - Director of Blade Education, a not-for-profit company that works with local SEND children and MENCAP;

- **Councillor A Jones**

Development Control Committee – 1st June 2022

22/00459/BC3 (3 Norfolk Avenue, Leigh-on-Sea) – Non-pecuniary interest: Member of the Traffic Regulations Working Party concerning PVX applications;

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 103 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – lives in Hastings Road, which is referred to in the comments section of the report;

Minute 108 (Vecteo) – Family member works in the vehicle manufacturing industry;

Council – 14th July 2022

Minute 129 (Questions from Councillors) – Question from Cllr K Evans mentions the Civic Centre employees working from home – her 2 sons employed by the Council work from home;

- **Councillor Line**

Development Control Committee – 6th April 2022

Minute 865 (Application Ref. No. 20/00098UNAU_B) – 369 Westborough Road, Westcliff-on-Sea) – Non-pecuniary interest: Has spoken with the applicant about the matter;

- **Councillor Mitchell**

Health and Wellbeing Board

Minute 35 (Adult JSNA) and Minute 36 (LeDeR Annual Report) – Non-pecuniary interest: A close family member with learning disabilities is a resident in supporting living;

Minute 37 (HWB Strategy Implementation) – Non-pecuniary interest: Appointed to the EPUT Board;

Minute 42 (ABSS) – Non-pecuniary interest: Chair of Hamlet Court Road Community Group;

Cabinet – 14th June 2022

Minute 49 (Adult Strategy Action Plans) and Minute 50 (Annual Procurement Plan) – A close family member with learning disabilities is a resident in supporting living; Chair of Hamlet Court Road Community Group and the Milton community builder supports this group;

Minute 52 (Debt Management Position) – A family friend works in the finance department;

People Scrutiny Committee – 6th July 2022

Minute 102 (Delivery of Southend 2050 Outcomes and Priorities) – Close family member has a learning disability and is a resident in supported living accommodation;

- **Councillor Mulroney**

- **Development Control Committee – 6th April 2022**

- Minute 864 (Application Ref. No. 22/00236/FULH – 11B New Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council and the Leigh Society, non-participant in planning;

- **Development Control Committee – 1st June 2022**

- 22/00614/FUL (55 Broadway, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Society and Leigh Town Council;

- **Special Cabinet – 1st July 2022**

- Minute 67 (City Music Festival) – Members of the Town 2 City Partnership;

- **Councillor Murphy**

- **People Scrutiny Committee – 6th July 2022**

- Minute 103 (Integrated Care Partnership) and Minute 105 (Community In-patient beds) – Employed by the NHS;

- **Councillor Robinson**

- **Council – 14th July 2022**

- Minute 155 (Appointments to Committees) – EPUT is his employer;

- **Councillor Sadza**

- **Policy and Resources Scrutiny Committee – 7th July 2022**

- Minute 102 (Seaway Leisure) and Minute 103 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – Councillor for Milton and regular involvement with seafront traders on both issues;

- **Councillor Salter**

- **Health and Wellbeing Board – 8th June 2022**

- Minute 37 (HWB Strategy Implementation Plan) and Minute 39 (Pandemic Updates) – Non-pecuniary interest: Husband is a consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital and son-in-law is a GP in the city;

People Scrutiny Committee – 6th July 2022

Minutes 102-108 (all minutes) - Husband is a consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital and son-in-law is a GP in the city;

- **Councillor Terry**

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 103 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – lives within the area of the PSPO;

Special Cabinet – 1st July 2022

Minute 64 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – lives within the area of the PSPO;

Minute 65 (PSPO Dog Friendly Beaches) – Lives near the seafront;

- **Councillor Thompson**

Development Control Committee – 6th April 2022

Minute 864 (Application Ref. No. 22/00236/FULH – 11B New Road, Leigh-on-Sea – Non-pecuniary interest: Had been lobbied by residents;

- **Councillor Ward**

Development Control Committee – 1st June 2022

22/00425/FUL (The Peter Board Inn, 27 High Street) – Non-pecuniary interest: The owner of the application is known to him;

- **Councillor Wakefield**

Development Control Committee – 1st June 2022

Minute 24 (222 Southchurch Road, Southend-on-Sea) – Owns an HMO;

Policy and Resources Scrutiny Committee – 7th July 2022

Minute 103 (Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – Sub-Contractor for South Essex Homes;

- **Councillor Walker**

Development Control Committee – 1st June 2022

22/00459/BC3 (3 Norfolk Avenue, Leigh-on-Sea) – Non-pecuniary interest: Member of the Traffic Regulations Working Party concerning PVX applications;

- **Councillor Wexham**

Policy and Resources Scrutiny Committee – 7th July 2022

(Southend City Centre, Seafront and adjoining areas PSPO Extension and variation) – Member of the Board of Directors of South Essex Homes;

Officer Interests

Special Cabinet – 1st July 2022 and Policy and Resources Scrutiny Committee – 7th July 2022

All Senior Managers – Minute 69 and Minute 101 (Minutes of the Senior Managers Pay Panel held 1st July 2022).

127 Communications

There were no communications from the Mayor at this meeting.

128 Questions from Members of the Public

The relevant Cabinet members responded to written questions received from the public.

129 Questions from Members of the Council

The relevant Cabinet members responded to written and supplementary questions received from Councillors.

130 Minutes of the meeting of Council held on Thursday, 24 March 2022

Resolved:

That the minutes of the meeting held on Thursday, 24 March 2022, be confirmed and signed as a correct record.

131 Minutes of the meeting of Annual Council held on Thursday, 12 May 2022

Resolved:

That the minutes of the Annual Council held Thursday, 12 May 2022, be confirmed and signed as a correct record.

132 Minutes of the meeting of Council held on Thursday, 19 May 2022

Resolved:

That the Minutes of the Meeting held on Thursday, 19 May 2022, be confirmed as a correct record and signed.

133 Appointment of Chief Executive

The Council considered a report of the Executive Director (Strategy, Change and Governance) which sought the Council's approval to the appointment of a new Chief Executive.

Resolved:

1. That the appointment of Rob Polkinghorne to the post of Chief Executive, Head of the Council's Paid Service, Returning Officer and Electoral Registration Officer in accordance with the recommendation of the Appointments and Disciplinary Committee, subject to the completion of normal pre-employment checks, be approved.

2. That authority be delegated to the Executive Director (Strategy, Change and Governance) in consultation with the Leader of the Council, to deal with the pre-employment checks, finalise the conditions of employment & start date and offer the post to Rob Polkinghorne.

134 Petition - Safe movement of Traffic and Pedestrians in Walters Close

Councillor McMullan presented a petition containing 14 signatures from residents concerning the safe movement of traffic and pedestrians in Walters Close.

Resolved:

That, in accordance with Council Procedure Rule 15.7 the petition be referred to the Executive Director (Neighbourhoods and Environment).

135 Minutes of the meeting of Licensing Committee held on Wednesday, 23 March 2022

Resolved:

That the minutes of this meeting, be noted.

136 Minutes of the meeting of Licensing Sub-Committee B held on Tuesday, 29 March 2022

Resolved:

That the minutes of this meeting, be noted.

137 Minutes of the meeting of Audit Committee held on Wednesday, 23 March 2022

Resolved:

That the minutes of this meeting, be noted.

138 Minutes of the meeting of Standards Committee held on Wednesday, 23 March 2022

These minutes were dealt with by Council held on 24 March 2022.

139 Minutes of the meeting of Appeals Committee B held on Wednesday, 30 March 2022

Resolved:

That the minutes of this meeting, be noted.

140 Minutes of the meeting of Development Control Committee held on Wednesday, 6 April 2022

Resolved:

That the minutes of this meeting, be noted.

141 Minutes of the meeting of Special People Scrutiny Committee held on Wednesday, 20 April 2022

Resolved:

That the minutes of this meeting, be noted.

142 Minutes of the meeting of Appointments and Disciplinary Committee held on Tuesday, 26 April 2022

Resolved:

That the minutes of this meeting, be noted.

143 Minutes of the meeting of Audit Committee held on Wednesday, 27 April 2022

Resolved:

That the minutes of this meeting, be noted.

144 Minutes of the meeting of Development Control Committee held on Wednesday, 1 June 2022

Resolved:

That the minutes of this meeting, be noted.

145 Minutes of the meeting of Health and Wellbeing Board held on Wednesday, 8 June 2022

Resolved:

That the minutes of this meeting, be noted.

146 Minutes of the meeting of Appointments and Disciplinary Committee held on Friday, 24 June 2022

Resolved:

That the minutes of this meeting, be noted.

147 Minutes of the meeting of Cabinet held on Tuesday, 14 June 2022

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 47 (Delivering Southend 2050 Outcomes and Priorities – Annual Report and Provisional Resources Outturn 2021/22), be approved.

148 Minutes of the meeting of Licensing Sub-Committee A held on Monday, 27 June 2022

Resolved:

That the minutes of this meeting, be noted.

149 Minutes of the meeting of Special Cabinet held on Friday, 1 July 2022

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 68 (Integrated Care Partnership) and Minute 72 (Vecteo), be approved.

150 Minutes of the meeting of Place Scrutiny Committee held on Monday, 4 July 2022

During consideration of Minute 79 (Waste Procurement) a motion was proposed and seconded to refer the matter back to Cabinet.

The motion to refer the matter back was not carried.

Resolved:

That the minutes of this meeting, be noted.

151 Minutes of the meeting of Appointments and Disciplinary Committee held on Tuesday, 5 July 2022

Resolved:

That the minutes of this meeting, be noted.

152 Minutes of the meeting of People Scrutiny Committee held on Wednesday, 6 July 2022

Resolved:

That the minutes of this meeting, be noted and the recommendations in Minute 103 (Integrated Care Partnership), be approved.

153 Minutes of the meeting of Policy and Resources Scrutiny Committee held on Thursday, 7 July 2022

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 113 (Delivering Southend 2050 Outcomes and Priorities: Annual Report and Provisional Resources Outturn 2021/22) and Minute 121 (Vecteo), be approved.

154 Minutes of the meeting of Appointments and Disciplinary Committee held on Wednesday, 13 July 2022

Resolved:

That the minutes of this meeting, be noted.

155 Appointments to Committees, Working Parties, etc

Resolved:

That the list of membership changes and appointments to Committees, etc, as appended to the minutes, be approved.

156 Notice of Motion - Environmental Crime and Fly-tipping

Resolved:

That the Notice of Motion concerning environmental crime and fly-tipping be referred to the Public Protection Working Party.

157 Exclusion of the Public

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

158 Minute 121 - Policy and Resources Scrutiny Committee held Thursday, 7 July 2022

On consideration of Minute 121 of Policy and Resources Scrutiny Committee held on Thursday, 7 July 2022, the Council moved into Part 2 to discuss the confidential matters.

Chair: _____

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 6th July, 2022
Place: Council Chamber - Civic Suite

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Present: Councillor M Borton (Vice-Chair in the Chair)
Councillors K Buck, *P Collins, A Dear, M Dent, F Evans, D Garston,
S Habermel, D Jarvis, A Jones, *A Line, M Sadza, I Shead,
A Thompson and R Woodley

*Substitute in accordance with Council Procedure Rule 31.

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

Start/End Time: 2.00 pm - 3.50 pm

159 Apologies for Absence

Apologies for absence were received from Councillors Berry (substitute: Cllr Line), Mulroney (substitute: Cllr Collins), Walker (no substitute) and Ward (no substitute).

160 Declarations of Interest

The following declarations of interest were made:

(a) Cllr Borton – Agenda Item 6 (22/00899/FULH – 24 Old School Court, Shoeburyness) – Whilst at the site visit an occupant of one of the adjacent properties to the application introduced themselves who the Councillor had met during her mayoral year at an event organised by the YMCA;

(b) Cllr Collins – Agenda Item 4 (21/00161/FULM – 659-665 London Road, Westcliff-on-Sea) – Has spoken to residents about this application but expressed no opinion on the matter; Agenda Item 7 (22/01051/FUL – 366 Rayleigh Road, Eastwood) – On prior applications on this site I have received numerous communications and has reported back on those previous applications and their outcomes and have made no comment about this application before the Committee;

(c) Cllr Sadza – Agenda Item 5 (22/01015/FUL – 1-3 Westcliff Avenue, Westcliff-on-Sea – Attended site visit with developers and other Milton Councillors;

(d) Cllr A Jones – Agenda Item 4 (21/00161/FULM – 659-665 London Road, Westcliff-on-Sea) – Neighbouring shop premises has been acquired by SVP, an organisation known to her.

161 Minutes of the Meeting held on Wednesday 6th April 2022

Resolved:-

That the Minutes of the Meeting held on Wednesday 6th April 2022 be confirmed as a correct record.

162 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.

163 21/00161/FULM - 659 - 665 London Road, Westcliff-on-Sea (Westborough Ward)

Proposal: Demolish existing building and part erect five storey, part 4 storey and part 3 storey building comprising of 20 flats with ground floor commercial unit (class E) and parking, layout cycle stores, bin stores and form vehicle access onto Fleetwood Avenue.

Applicant: SK Architects

Agent: SK Architects

Mr Webb, a local resident, attended the meeting and spoke as an objector to the application. A representative from SK Architects attended the meeting and responded on behalf of the applicants.

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:

- A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing
- £33, 343.93 contribution towards secondary education
- The planting of 3 new street trees in the highway to the front of the site to the Council's specifications including the reinstatement of the redundant London Road crossover in this location.
- The provision of Travel Packs for residents and Travel Plan Monitoring.
- £2,754.20 towards biodiversity mitigation, management, protection or education (RAMS).
- Standard S106 Monitoring Fee

(b) 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:

- A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing
- £33, 343.93 contribution towards secondary education
- The planting of 3 new street trees in the highway to the front of the site to the Council's specifications.
- The provision of Travel Packs for residents and Travel Plan Monitoring.
- £2,754.20 towards biodiversity mitigation, management, protection or education (RAMS).

- Standard S106 Monitoring Fee

That the Director of Planning or the Development Control Service Manager 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 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 409P01, 409P02B, 409P03A, 409P04B, 409P05B, 409P06B, 409P07A.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including walls, projecting and inset balconies including floor, underside, fascia and soffit, windows and doors, roof and roof terraces, coping, shopfront including details of any synthetic materials to be applied to the glazed frontage of the commercial unit, colonnade, fascia and soffits, privacy screen, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and 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, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the shopfront including approach to signage, window reveals and lintel details, balcony design, roof edge details and rainwater drainage solution at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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

05 No development shall take place above ground floor slab level until details of the design and specification of the privacy screen to the north terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is first occupied and shall be retained for the lifetime of the development.

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

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

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

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place 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. The approved landscaping works shall be carried out prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i) Existing and proposed finished site levels or contours.
- ii) Details of means of enclosure, of the site including any gates or boundary walls and fencing.
- iii) Hard surfacing materials for forecourt and parking area.
- iv) Hard and soft landscaping for the 2nd floor communal roof terrace

Reason: In the interests of the visual amenity of the area and the amenities of 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)

08 The 20 car parking spaces, including 2 disabled spaces, and the associated amended vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 409P03A shall be provided and made available for use prior to the first occupation of the dwellings hereby approved.

The car parking spaces and the associated vehicular access 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. Each parking space shall have access to an electric vehicle charging point.

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

09 The development hereby approved shall not be occupied until at least 20 secure, covered cycle parking spaces to serve the residential development and the 6 secure, covered cycle spaces to serve the commercial development as shown on drawing 409P03A have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the residential and commercial units hereby approved and their visitors. The approved scheme shall 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 Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

10 The development hereby approved shall not be occupied unless and until the commercial and residential refuse stores that serve the development as shown on drawing 409P03A have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units 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).

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

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

12 Prior to 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 in perpetuity.

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

13 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 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 18 flats comply with building regulation 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

14 Notwithstanding the details shown in the plans submitted and hereby approved, the overall height of the development, including any aerials, plant or other structures, must not exceed 56.46m Above Ordnance Datum

Reason: In the interests of aircraft safety and the safe operation of London Southend Airport in accordance with the National Planning Policy Framework (2021) and Policy DM1 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 except for use as a gymnasium with 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 surrounding occupiers and to protect the character and amenities of the area including because a gymnasium use could present noise and vibration characteristics 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 unit 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 plant or ventilation equipment for the ground floor commercial unit (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 has been submitted to, and approved in writing by, the Local Planning Authority. 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 use. With reference to British Standards BS4142 the noise rating level arising from all plant and ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5m from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers of the development and neighbouring occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3, DM5 and DM8 of the Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

18 No deliveries or refuse collection shall be taken at or despatched from the ground floor commercial unit 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)

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

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

Measurement and mitigation from traffic noise shall be undertaken in accordance with BS8233:2014 and plant and equipment in accordance with BS4142 BS 4142:2014+A1:2019 and/or the most appropriate method to provide accurate and representative noise predictions so that noise will not cause a statutory nuisance.

To prevent nuisance from normal living sound insulation standards are required to exceed the requirements of Building Regulations Approved Document E by 5dB such that airborne sound insulation weighted standardised level difference is increased by 5dB $D_{nT,w} + C_{tr}$ and the maximum allowable weighted standardised impact sound pressure level is reduced by 5dB $L_{nT,w}$.

Prior to the first use/occupation of the development 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. and must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The final noise mitigation schemes shall be operated and maintained thereafter.

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

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

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be maintained thereafter.

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

20 With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless the following details have been submitted to and approved in writing by the Local Planning Authority.

A. An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Desk Study Report by Endeavour Drilling reference END19-049 dated July 2019. The Phase II report must be submitted to the Local Planning Authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination.

B. Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the Local Planning Authority.

C. The site shall be remediated in accordance with the approved Site Remediation Strategy before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the Local Planning Authority before completion of the development or occupation of the premises (whichever comes first).

D. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full before the building is occupied.

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

21 Notwithstanding the details submitted within the SUDS Assessment Statement from HJ Structural Engineers reference MAS528 dated 19.07.19 and Supplementary SUDS Statement from HJ Structural Engineers reference MAS1123 dated 13.02.22 and as shown on the plans otherwise submitted and hereby approved, no drainage works shall be constructed at the site 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. 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. The applicant must provide a plan showing the drainage layout, source control measures, pollution control measures, location and type of flow control being used, location and volume of any storage and the location of the connection to the Anglian Water surface water sewer
- ii. The applicant must provide a drainage report including calculations as to how the proposed discharge rates will be achieved. Rates must align with those within the SuDS Assessment dated July 2019 and include climate change values for the 1 in 100 event.
- iii. Further details shall be provided regarding how the drainage meets SuDS water quality aspects for the lifetime of the development
- iv. Further details shall be provided regarding the body that will be responsible for the maintenance of SuDS/drainage for the lifetime of the proposed development. This must include details of the required maintenance types and frequencies
- v. A method statement must be provided outlining how surface water flood risk will be managed throughout construction
- vi. Evidence shall be provided showing an agreement in principle from Anglian Water to accept a connect to the surface water sewer with a maximum flow rate of 3.15 l/s

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).

22 No development shall take place, including any works of demolition, until a Construction/Demolition Method Statement and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide 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. A Dust Management Plan - measures to control the emission of 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. Measure to mitigate noise disturbance during the development.

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 & DM3.

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

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 8 July 2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the 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 affordable housing or education provision, or biodiversity mitigation or for highway landscape works or travel packs and that, as such, the proposal would be unacceptable and contrary to 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).

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.

24 Prior to the occupation of the development hereby approved a Car Park Management Strategy for the provision, allocation and use of the residential parking spaces including the disabled car parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on the site in full accordance with the agreed details prior to the first occupation of the residential units and maintained for the lifetime of the development thereafter.

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).

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 to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 In relation to Condition 03 and the installation of 3 new street trees as part of the S106 agreement, you are advised to contact Highways Engineer Martin Warren (Tel 01702 534328) to discuss the required 278 Highways Agreement and any associated Highways Licence. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works.

04 The proposed development will need to be assessed against the Instrument Flight Procedures both designed and published for London Southend Airport. The assessments will need to be carried out by a third party and the costs would be passed to the developer. Please contact sam.petrie@southendairport.com 01702 538521 to arrange this.

05 Prior to demolition of the existing building an appropriate Asbestos survey of the building 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.

164 22/01015/FUL - 1 - 3 Westcliff Avenue, Westcliff-on-sea (Milton Ward)

Proposal: Convert existing Beecroft Art Gallery (Class F1(b)) to 9no. self-contained flats (Class C3), extend dormer to front, erect four storey side/rear extension, form roof top access to new roof terraces, layout parking and form new vehicle access onto Station Road, alter elevations.

Applicant: Property Point AK Limited

Agent: Neobards Limited

Resolved:

GRANT PLANNING PERMISSION 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 solely in accordance with the following approved plans NEO.1166.0100 (Existing Site Plan), NEO.1166.0101 (Existing Ground Floor Plan), NEO.1166.0102 (Existing First Floor Plan), NEO.1166.0103 (Existing Second Floor Plan), NEO.1166.0104 (Existing Roof Plan), NEO.1166.0105 (Existing Elevations), NEO.1166.0125.C (Proposed Site and Location Plan), NEO.1166.0126.C (Proposed Ground Floor Plan), NEO.1166.0127.D (Proposed First Floor Plan), NEO.1166.0128.E (Proposed Second Floor Plan), NEO.1166.0129A (Proposed Third Floor Plan), NEO.1166.0130 (Proposed Roof Plan), NEO.1166.0131.B (Proposed Elevations), NEO.1166.0132.A (Proposed Details).

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works 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, including walls (infilling and new and gable decoration and including colours), balconies including balustrade, supporting column, fascia and floors and dormers, windows including glazing, roof and roof terraces including coping/edge, fascia and soffits, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

04 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 design details for all new doors (main entrance and French doors), any replacement dormers, eaves and balcony details for the proposed extension at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is brought into use. The detailed designs for the other historic features to be reinstated including the lantern, roof terrace, balustrade extension and windows shall be carried out in full accordance with plan reference NEO.1166.0132.A (Proposed Details).

Reason: To ensure the development suitably maintains and enhances the character and appearance of the historic building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the street elevations of the building subject of this permission without the receipt of express planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Conservation Area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

06 The 6 car parking spaces shown on plan reference NEO.1166.0125.C shall be provided and made available for use at the site prior to the first occupation of the flats hereby approved. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles in connection with the occupiers of the dwellings hereby approved and their visitors. All the car parking spaces at the rear onto Station Road shall have access to electric vehicle charging points details of which including their position, design and appearance shall have been submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety and that the appearance of EV charging points does not harm the character or appearance of the conservation area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM5 and DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

07 The development hereby approved shall not be occupied until and unless full details of the refuse and recycling store and the secure, covered cycle parking to serve the flats have been previously submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and shall be made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

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

08 The lower sashes of the first floor windows and second floor rear (north elevation) windows within the development hereby approved and labelled as obscure glazing on drawing reference NEO.1166.0135.A, shall be fixed in place and 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) before the occupation of the development hereby approved and the windows shall be retained as such in perpetuity. 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: To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

09 Prior to occupation of the flats 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 in perpetuity.

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

10 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. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i) Any new means of enclosure, of the site including any gates or boundary fencing or railings including internal divisions between the amenity spaces and storage areas;
- ii) Any new hard surfacing materials;
- iii) 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 tree management plan.

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

Reason: In the interests of visual amenity of the area and the amenities of 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).

11 No drainage infrastructure, including earthworks, associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i. A drainage plan must be provided showing all existing drainage to be utilised, details of the new soakaway, and details of the landscaping to show the areas of planting, soft landscaping and lawn. The plan should show or include

calculations to show the areas that will contribute surface water flows to the latter

- ii. Calculations must be provided detailing how the new soakaway has been sized including supporting BRE 365 soil testing results
- iii. Further details outlining the repair of the drainage around the bay projection, including what this involves, when it will be undertaken as part of the development and what evidence will be gathered to show the repair has been completed successfully
- iv. Details must be providing outlining who will maintain the soakaway and site drainage following completion of construction

The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such for the lifetime of the development.

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)

12 The proposed development shall be carried out in full accordance with the recommendations set out in Sections 5.2 - 5.4 of the Preliminary Ecological Assessment reference ASW/PPDL/004/26/2022 dated April 2022 and Section 5 of the Bat Emergence Survey reference ASW/PPDL/ 028/26/2022 dated June 2022 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and Development Management Document (2015) policy DM2.

13 No dwellings shall be occupied until their internal areas are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

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

In order to achieve this a noise impact assessment shall be undertaken and any subsequent mitigation measures to provide the required protection shall be designed by a person competent in acoustics.

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

14 The development hereby approved shall be carried out in full accordance with the submitted Construction Method Statement (Version 2) dated May 2022.

Reason: This 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 & DM3.

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 to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 will be required to apply to the Council's Highways section to construct the vehicle crossover onto Station Road including relocation of any street furniture as required. Please contact martinwarren@southend.gov.uk to arrange these works.

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.

165 22/00899/FULH - 24 Old School Court, Shoeburyness (Shoeburyness Ward)

Proposal: Erect dormer to the rear

Applicant: Mr Curtis Jewitt

Agent: Mr Dale Perry of Doodle Architectural Design

Resolved:

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development shall only be undertaken in accordance with the following approved plans: 01, 02, 03.

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).

Positive and Proactive Statement

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

Informatives

01 You 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 for further details about the Levy.

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

166 22/01051/FUL - 366 Rayleigh Road, Eastwood (Eastwood Park Ward)

Proposal: Change of use from storage/distribution (Class B8) to tyre sales and fitting (Sui Generis) (Retrospective) (Amended Proposal).

Applicant: Mr Karsaz Hassan

Agent: Nicholas Kingsley Smith of Kingsley Smith Solicitors LLP

Resolved:

REFUSE PLANNING PERMISSION for the following reason(s):

01 Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).

Informatives:

1 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.

2 As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.

167 22/00123/UNAU_B - 6 Philpott Avenue, Southend-on-Sea (Southchurch Ward)

Breach of planning control: unauthorised side extension

Resolved:

That Enforcement action be authorised to:

- a) Remove the unauthorised side extension in its entirety, and
- b) remove from site all materials resulting from compliance with a)

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised side extension.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

168 21/00050/UNAU_B - 530 Arterial Road, Leigh-on-Sea (Belfairs Ward)

Breach of planning control: Rear extension not in accordance with plans approved under planning permission reference 18/02173/FULH

Resolved:

That enforcement action be authorised to:

- a) Remove the unauthorised first floor rear extension in its entirety OR
- b) Reposition and amend the extension so that it fully complies with the plans approved under planning permission 18/02173/FULH
- c) remove from site all materials resulting from compliance with a) OR b) above

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised rear extension or 6 months for its modification to fully comply with the 2018 Permission.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

169 **20/00230/UNAU_B - 245 Bournemouth Park Road, Southend-on-Sea (St Lukes Ward)**

Breach of planning control: Erected rear extension

Resolved:

That Enforcement action be authorised to:

- a) Remove the unauthorised rear extension in its entirety, and
- b) Remove from site all materials resulting from compliance with a).

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised side extension.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee B

Date: Monday, 11th July, 2022

Place: Committee Room 1 - Civic Suite

10

Present: Councillor A Thompson (Chair)
Councillors S Buckley and I Shead

In Attendance: Councillor N Folkard
A Brown, T Row, M Newton and B Dowsett

Start/End Time: 10.00 am - 12.20 pm

170 Apologies for Absence

There were no apologies for absence.

171 Declarations of Interest

No interests were declared at the meeting.

**172 The Cork Dork, 86 The Ridgeway, Westcliff-on-Sea, SS0 8NU -
Application for Grant of Premises Licence**

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Bumblebee Tuna Ltd. for the grant of a premises licence at The Cork Dork, 84-86 The Ridgeway, Westcliff-on-Sea, SS0 8NU.

The application was presented by Mr Benedict Hurley, on behalf of the applicants.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, although conditions had been agreed with the Licensing Authority and Environmental Health, both acting as a Responsible Authority during the consultation period, should the application be granted. These conditions were set out in Appendix 2 to the submitted report of the Council's Executive Director (Neighbourhoods and Environment).

Eleven (11) representations had, however, been received from local residents objecting to the application. Copies of all the valid representations were provided to the sub-committee.

One of the objectors, attended the meeting and gave evidence. Councillor Nigel Folkard also attended the meeting and gave evidence on behalf of another of the objectors.

The objections/representations essentially related to all four of the licensing objectives.

Following, concerns expressed during the consultation period, the applicant amended the application so as to remove the use of the outside area for licensable activities. The applicant anticipated that there would be no more than 12-13 people attending the premises at any one time. The sub-committee also heard that the outside area to the front of the premises would be used for smokers and that the applicant would also be willing to limit the smokers at any one time.

In response to a question regarding the hours the premises would open to the public and the proposed commencement of licensable activities, the applicant explained that he had originally thought of providing coffees etc from 7.00 a.m. as there was no such facility in the vicinity. In view of the concerns from residents, however, he offered to remove this proposal from the business plan and amend the hours the premises would be open to the public to 09.00 to 23.00 daily. This was accepted by the sub-committee.

In determining the application, listened to all the evidence and submissions and read all the documents. The sub-committee had regard to the Statutory Guidance Notes and Southend-on-Sea City Council's Statement of Licensing Policy. It considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems of noise, disturbance and anti-social behaviour could not be attributed to the premises. The Police and Environmental Health Service were both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the application. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

The sub-committee therefore did not consider that the promotion of the licensing objectives would be undermined by the granting of the application, as amended at the hearing, subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the amended application be granted subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Neighbourhoods and Environment); and
- (ii) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority, as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment), subject to the amendment of Condition 12 (as reflected in Appendix of the submitted report) to now read:

Condition 12 to now read:

(12) No person shall be allowed to leave the premises whilst in the possession of any open drinking vessel, whether empty or containing any beverage. Signage reminding patrons of this shall be clearly displayed in a prominent position by the premises exit.

- (iii) The following additional condition:

“Smokers using the outside area of the premises shall be limited to a maximum number of four persons. Waste receptacles shall be made available for smokers to use, and the area swept of associated litter at the end of each trading session.”

For clarity the licensable hours are:

Hours open to the public;
09.00 to 23.00 daily

Hours for the sale of alcohol for consumption off the premises:
09.00 to 23.00 daily

Hours for the sale of alcohol for consumption on the premises:
11.00 to 23.00 daily

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Audit Committee

Date: Wednesday, 20th July, 2022
Place: Council Chamber - Civic Suite

11

Present: Councillor M Dent (Chair)
Councillors H Boyd, K Buck, T Cox, M Davidson, R McMullan,
K Murphy, K Pandya and *M O'Connor

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: A Barnes, R Harris, J Burr, J Chesterton and S Dutton

Start/End Time: 6.30 - 8.25 pm

173 Apologies for Absence

Apologies for absence were received from Councillor Shead (no substitute) and Councillor Line (substitute: Cllr O'Connor).

174 Declarations of Interest

The following interests were declared at the meeting:

Councillor Davidson – Minute 176 (Head of Internal Audit Annual Report – Non-Executive director of South Essex Homes (SEH)).

175 Minutes of the Meeting held on 27th April 2022

Resolved:

That the Minutes of the Meeting held on 27th April 2022, be confirmed as a correct record and signed.

176 Head of Internal Audit Annual Report 2021/22

The Committee considered a report of the Executive Director (Finance and Resources) providing the following information for the 2021/22 financial year:

- The rationale for and an audit opinion on the adequacy and effectiveness of Southend-on-Sea City Council's (the Council's) risk management, control and governance processes; and
- a statement on conformance with the UK Public Sector Internal Audit Standards (the Standards) and the results of the Quality Assurance and Improvement Programme.

The Committee asked questions which were responded to by officers.

Resolved:

That the Head of Internal Audit's Annual Report for 2021/22, be accepted and confirmed that the opinion of the Head of Internal Audit can be relied upon as a key source of evidence to support the Annual Governance Statement.

177 Counter Fraud and Investigation Annual Performance Report 2021/22

The Committee considered a report of the Executive Director (Finance and Resources) presenting the Counter Fraud & Investigation Team (CFIT) Annual Report 2021/22 and updating on progress made by CFIT in delivering the Counter Fraud Strategy and Work Programme for 2022/23.

The Committee asked questions which were responded to by officers.

Resolved:

That the performance of the Counter Fraud & Investigation Team over 2021/22 and the first quarter of 2022/23, be noted

178 Annual Governance Statement 2021/22

The Committee considered a report of the Executive Director (Finance and Resources) presenting the Annual Governance Statement for 2021/22 together with actions for 2022/23 and an update on progress made with the 2021/22 action plan.

The Committee asked questions which were responded to by officers.

Resolved:

That the Annual Governance Statement for 2021/22, subject to any further views expressed by External Audit, be approved and be recommended to the Leader of the Council and Chief Executive for authorisation and signature, and incorporation in the Statement of Accounts 2021/22.

179 Deloitte: External Audit 2020/21 and 2021/22 Progress Report

The Committee considered a report of the Executive Director (Finance and Resources) setting out the status of the 2020/21 external audit of the Statement of Accounts and the early headline planning intentions for the 2021/22 audit.

The Committee asked questions which were responded to by officers and the representative from the external auditor.

180 Audit Committee Annual Report 2021/22

The Committee considered a report of the Executive Director (Finance and Resources) presenting the Audit Committee Annual Report 2021/22.

The Committee asked questions which were responded to by officers.

Resolved:

That the Annual Report for the Audit Committee for 2021/22, be approved and referred to the Council for information.

181 Vecteo Update

The Committee considered a report of The Executive Director (Finance and Resources) setting out the progress made in delivering the work required in respect of the special educational needs and disability (SEND) passenger transport provision provided by Vecteo, that was agreed by resolutions of Council held on 25 November 2021.

On consideration of the matter the Committee agreed to move into Part 2 to discuss the confidential aspects and on conclusion came back into Part 1 for decision and general questions.

The Committee asked questions which were responded to by officers. However, there were some questions that could not be responded to at the meeting and officers undertook to provide a written response to the Committee as soon as practicable.

Resolved:

1. That the findings from the review work requested in respect of the SEND passenger transport contract and the progress made with the Council's arrangements for working with Vecteo, be noted.
2. That a further update on progress and delivery of the agreed actions contained within the different reports as detailed in Council Minute 486 of the meeting held 25 November 2021, be brought back to the Committee in September 2022.

182 Information Items

The Committee noted the recent publication of the latest issue of the Audit Committee Update from the CIPFA Better Governance Forum, which aimed to support members of audit committees in their role.

183 Exclusion of the Public

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

184 Vecteo - Confidential matters

During consideration of Minute 181 concerning Vecteo the Committee moved into Part 2 so that the confidential matters could be discussed. The Committee moved back into Part 1 for the decision.

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Cabinet

Date: Tuesday, 26th July, 2022
Place: Council Chamber - Civic Suite

12

Present: Councillor S George (Chair)
Councillors C Mulroney (Vice-Chair), L Burton, P Collins, I Gilbert,
K Mitchell, M Terry and S Wakefield

In Attendance: Councillors J Moyies and R Woodley
M Marks, A Lewis, J Chesterton, G Gilbert, J Burr, S Dolling,
R Harris, S Meah-Sims and K Ramkhelawon

Start/End Time: 10.00 am - 11.35 am

185 Apologies for Absence

There were no apologies for absence.

186 Declarations of Interest

The following declarations of interest were made:

(a) Cllr Mitchell – Agenda Items 7 (Corporate Risk Register) and 8 (Annual Public Health Report) – A Better Start Southend (ABSS) is in partnership with Hamlet Court Road in Harmony Community Group - the Councillor is the Chair of this group.

187 Minutes of the meeting held on Tuesday, 14 March 2022

Resolved:

That the minutes of the meeting held on Tuesday, 14 March 2022 be confirmed and signed as a correct record.

188 Minutes of the meeting held on Tuesday, 14 June 2022

Resolved:

That the minutes of the meeting held on Tuesday, 14 June 2022 be confirmed and signed as a correct record.

189 Minutes of the Special Meeting held on Friday, 1 July 2022

Resolved:-

That the Minutes of the Meeting held on Friday, 1 July 2022 be confirmed as a correct record and signed.

190 Corporate Plan

The Cabinet considered a report of the Interim Executive Director (Strategy, Change and Governance) presenting the Council's draft Corporate Plan for 2022-26 for agreement.

Recommended:

That the draft Corporate Plan 2022-26, set out at Appendix 1 to the submitted report, be approved and the responsibility for any final changes prior to publication be delegated to the Chief Executive, in consultation with the Leader of the Council.

Other Options:

There is no requirement to have a Corporate Plan, but it is best practice and provides a helpful narrative to set the direction for the work, clearly articulating our priorities and contribution to the Southend 2050 Ambition.

Reasons for recommendation:

To ensure the Council has a robust strategic plan which clearly articulates the priorities for the organisation enabling efficient use of resources.

Note: This is a Council Function

Called-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr George

191 Corporate Risk Register

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the the updated summary Corporate Risk Register.

Resolved:

That the updated summary Corporate Risk Register and the position at July 2022, outlined in Appendix 1 to the submitted report, be noted.

Other options:

None

Reason for decision:

The Accounts and Audit Regulations 2015 require that a relevant authority must ensure it has a sound system of internal control which facilitates the effective exercise of its function and the achievement of its aims and objectives, ensures that the financial and operational management of the authority is effective and includes effective arrangements for the management of risk.

Note: This is an Executive Function

Called-in to: All three Scrutiny Committees

Cabinet Member: Cllr Collins

192 Annual Public Health Report

The Cabinet considered a report of the Executive Director (Children and Public health) presenting the 2021 Annual Report of the Director of Public Health.

Resolved:

That the content and recommendations of the 2021 Annual Report of the Director of Public Health be noted.

Other Options:

There are no other options as it is a statutory duty of the Director of Public Health to prepare an Annual Public Health Report.

Reason for decision:

The Health and Social Care Act 2012 requires Directors of Public Health to prepare an annual report on the health of the local population.

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Mitchell

193 In-depth Scrutiny Project - 'Enabling Councillors to be effective' Final Report

The Cabinet considered a report of the Interim Executive Director (Strategy, Change and Governance) presenting the final report of the In-Depth Scrutiny Project for 2021/22 – 'Enabling Councillors to be Effective.'

Resolved:

1. That the recommendations arising from the in-depth scrutiny project, as set out in Appendix 1 to the submitted report, be approved.

2. That the budget implications arising from the recommendations of the in-depth scrutiny project be considered as part of current and future years' budget processes prior to implementation.

Reason for decisions:

In accordance with Scrutiny Procedure Rule 10 (Part 4 (e) of the Constitution), the report of the in-depth scrutiny requires approval by the Cabinet. Some of the recommendations arising from the review have budget implications that will require consideration as part of future years' budget processes prior to implementation.

Other Options:

To note the report but not progress any of the recommendations.

Note: This is an Executive Function
Called-in to: All three Scrutiny Committees
Cabinet Member: Cllr George

194 **City Culture Bid**

The Cabinet considered a report of the Executive Director (Adults and Communities) setting out the potential opportunities, risks and likely resources required for the Council to prepare a bid for the 2029 UK City of Culture competition.

Resolved:

That initial research and engagement be undertaken with the Southend-on-Sea resident community to assess the level of support for a bid to become the 2029 UK City of Culture and that a further report come back to Cabinet on the outcome of this engagement, with a 66% in favour of a bid being the criteria.

Other Options:

The Council could decide not to pursue a city of culture bid without any evidence gathering of the benefits/disbenefits and community engagement.

Reason for decision:

To reach out to the Southend-on-Sea community to test their appetite before committing significant public finances to progress a bid.

Note: This is an Executive Function
Called-in to: Place Scrutiny Committee
Cabinet Member: Cllr Mulroney

195 **Leisure Services**

The Cabinet considered a report of the Executive Director (Adults and Communities) presenting a way forward for the long-term future delivery of the Council's leisure provision following an options appraisal.

Resolved:

1. That the options for the long-term delivery of the Council's leisure provision, as set out in the submitted report, be noted.
2. That a procurement exercise be undertaken to appoint a provider to be the Council's leisure operator, which should consider and factor in the following key principles:
 - i. A 10-15 year contract to allow for investment in the facilities and provide the Council with both the best return and also the most attractive proposition for the market;
 - ii. The Council should seek investment from the market within SLTC as described and also the condition survey investment, on the basis that this will generate additional revenue to fund the capital through prudential borrowing undertaken by the Council;

- iii. Seek a financial offer from the market to deliver a new improved contract with a revenue position that enhances that under the existing leisure contract with innovation in offer and method of operation;
- iv. Structure the procurement on a lot-based approach, providing the opportunity for the relevant schools to bid and operate their own facilities where appropriate;
- v. Include utilities benchmarking;
- vi. Build into the specification the delivery of:
 - a. The overall health and wellbeing strategic aims and vision to ensure that the operator is required to support the Council in delivering these
 - b. The strategic management of Garon Park in partnership with the Garon Park Trust
- vii. Develop a dialogue-based approach to procurement to enable the Council to discuss approaches through competitive dialogue with the market.

Other options:

There are several alternative management options available when considering the future delivery of the Council's leisure provision.

Reasons for decision:

To proceed with a procurement exercise to appoint a provider to be the Council's leisure operator factoring in a range of key principles.

Note: This is an Executive Function
Called-in to: Place Scrutiny Committee
 Cabinet Member: Cllr Mulroney

196 Southend Business Improvement District LTD RE-Ballot

The Cabinet considered a report of the Executive Director (Adults and Communities) presenting an update on the success of the Southend Business Improvement District (BID) since its launch in April 2013 and re-ballot in 2017 and sought agreement to provide the support required for a renewal ballot of Southend City Centre businesses for a further five-year term of the Southend BID.

Resolved:

1. That the progress and impact of the BID be noted.
2. That the Director of Culture and Tourism, in consultation with the Cabinet Member for Public Protection, be given delegated authority to: -
 - i. Consider on behalf of the Council as billing authority, whether the proposal conflicts with any formally adopted policy of the Council, and, if it does, give notice of this in accordance with the BID regulations.
 - ii. Determine whether the Council should support the BID's proposal decided by the majority of BID Directors and businesses and if so, to vote yes on its behalf in the BID ballot. If a 'no' vote is proposed, this will be referred to Cabinet for further consideration.

iii. Formally manage the ballot process in accordance with BID regulations.

iv. That subject to a 'yes' vote at ballot by the relevant BID business community, the Council as relevant local billing authority will manage the billing and collection of the additional levy, and its transfer to the BID company. In the event of a 'no' vote, that the costs of the ballot be recovered from the BID Company as per the BID regulations.

v. Review and update the Operating Agreement, as required, which details the billing, collection and enforcement provisions as well as the arrangements for transmitting the BID receipts to the BID in consultation with the Executive Director (Finance and Resources).

vi. Enter into a revised service level agreement with the BID company regarding the operation of the BID and delivery of Council requirements and baselines.

Other Options:

There are certain functions within the BID ballot process which can only be undertaken by the local authority. Therefore, if the Council is to support a third term of the BID it must be willing to undertake these activities.

Reasons for Decision:

The Southend BID company has leveraged funding from businesses in the BID area which wouldn't otherwise have been available to invest in the city centre. The report sets out the impact the BID has made in the city centre and central seafront area funded through the levy and additional contributions. These interventions and value adding activities have been to the benefit of the area and could not have been delivered under the previous Town Centre Partnership / Management arrangement.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Terry

197 Fees and Charges Update

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting a selected range of new fees and charges, together with some targeted increases above CPI which are outside the scope of the Council's delegated fees and charges policy.

Recommended:

1. That the new fees and charges proposed for property and legal services, set out at Appendix 1a and the revisions to fees and charges shown in the schedule, set out at Appendix 1b to the submitted report, be approved.

2. That it not be the Council's policy to introduce charging in the following very small car parks in Zone 3:

- Eastwood Boulevard Car Park (Blenheim Park Ward);
- Pargat Drive Car Park (Eastwood Park Ward); and
- Sutherland Boulevard Car Park (West Leigh Ward)

3. That any decision to implement charging in the Rayleigh Road Car Park in Eastwood, as set out in the submitted report, will only occur after the appropriate governance process is followed.

Other Options:

To retain fees and charges at their current levels which will result in an increasing gap between income and expenditure as inflationary pressures drive up costs whilst fees and charges remain static.

Reasons for Recommendation:

As part of our commitment to achieving financial self-sustainability and improved resilience we must ensure a sensible commercial mindset where appropriate. The recommendations in this report allow the Council to improve its income generating capabilities and ensure that appropriate charges are levied where necessary to better cover (or make a contribution) to the costs incurred for delivery of that service.

Note: This is a Council Function

Called-in to: Policy and Resources Scrutiny Committee

Cabinet Members: Cllr George and Cllr Collins

198 SO46 Report

Resolved:

That the submitted report, be noted.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Collins

199 Reports approved under the Delegated Authority Report process

The Cabinet considered a report of the Interim Executive Director (Neighbourhoods and Environment) presenting the decisions taken under the Delegated Authority Report (DAR) process.

Resolved:

That the decisions taken under Delegated Authority, be noted.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Wakefield

200 Exclusion of the Public

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

201 Parking Procurement

The Cabinet considered a report of the Interim Executive Director (Neighbourhoods and Environment) presenting the outcomes of the invitation to Tender (ITT) process for the Parking Enforcement Services Contract Lot 1 and the Cashless Parking and Parking Permits System Contract Lot 2 and sought approval to award the Parking Enforcement Services contract (Lot 1) following the ITT process to the successful bidder and the direct award through a procurement framework agreement for the award of the Lot 2 Contract.

Resolved:

1. That the contract be awarded to Provider A; this being the successful bidder for the Lot 1 Contract for a seven-year period with the option to extend up to a further 3 years at the Council's discretion.
2. That authority be delegated to the Executive Director (Neighbourhoods and Environment) to liaise with Legal Services to finalise the required contract documentation and contract sealing for the Lot 1 Contract.
3. That a permanent budget increase of £300k per annum for the Lot 1 contract commencing April 2023 and that this be included as part of the 2023/24 budget setting process, be approved.
4. That one off implementation costs of £198k for the new contract funded by the Business Transformation Reserve, be approved.
5. That authority be delegated to the Executive Director (Neighbourhoods and Environment) to procure the services for Lot 2 Contract by way of direct award via a Framework Agreement, subject to the appropriate operating budget being in place.

Other Options:

As set out in the submitted report.

Reasons for Decisions:

As set out in the submitted report.

Note: this is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Wakefield

Chair: _____

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 27th July, 2022
Place: Council Chamber - Civic Suite

13

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), M Berry, K Buck, A Dear, M Dent,
F Evans, N Folkard*, D Garston, D Jarvis, C Mulroney, M Sadza,
I Shead, A Thompson and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

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

Start/End Time: 2.00 pm - 3.50 pm

202 Apologies for Absence

Apologies for absence were received from Councillors Habermel (substitute: Councillor Folkard) and Anne Jones (no substitute).

203 Declarations of Interest

The following interests were declared at the meeting:

(i) All Councillors present - Agenda Item No. 6 (22/00702/FUL - 38A Burdett Avenue, Westcliff on Sea) - the applicant was known to them as a Council Officer;

(ii) Councillor D Garston - Agenda Item No. 8 (22/01046/FUL - 32 Cobham Road, Westcliff on Sea) – The agent who responded to the public speaker is known to him;

(iii) Councillor Mulroney - Agenda Item No. 8 (22/01046/FUL - 32 Cobham Road, Westcliff on Sea) – The objector who spoke at the meeting is known to her; and

(iv) Mr G Gilbert Agenda Item No. 6 (22/00702/FUL - 38A Burdett Avenue, Westcliff on Sea) - Pecuniary interest: He is the applicant and owner of the property (withdrew).

204 Minutes of the Meeting held on Wednesday 6th April 2022

Resolved:

That the Minutes of the meeting held on Wednesday 6th April 2022 be received, confirmed as a correct record and signed.

205 Minutes of the meeting held on Wednesday 1st June 2022

Resolved:

That the Minutes of the meeting held on Wednesday 1st June 2022 be received, confirmed as a correct record and signed.

206 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.

207 22/01034/FUL - Ailsa House, 64 - 66 Genesta Road, Westcliff on Sea (Chalkwell Ward)

Proposal: Convert residential care home (Class C2) to create six self-contained flats (Class C3), install dormers to rear/sides, layout parking and bin storage to front and alter elevations

Applicant: Rajesh and Pooja Nair

Agent: Knight Gratrix Architects

Resolved:-

That the Director for Planning or the Development Control Service Manager be DELEGATED to GRANT planning permission, subject to the conditions set out below, provided any additional representations received up to the end of 28 July 2022 do not raise any new considerations which have not been addressed within the submitted report. Should further representations be received up to that date which raise new considerations not already addressed within this report, the application is to be brought back to Development Control Committee for determination.

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: 010B; 11E; 015D

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

03 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), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework,

Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 Prior to the first occupation of the development hereby approved full details of refuse, recycling and cycle facilities (including elevations) at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby approved, refuse, recycling and cycling facilities shall be provided and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter for that use.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Southend-on-Sea Design and Townscape Guide (2009).

05 All new work to the outside of the building subject of this approval must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the 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 the advice in the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

06 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i. means of enclosure of the site including any gates or boundary fencing including the separation of the ground floor private amenity areas serving flats 01, 02 and 03; to suitably prevent overlooking;
- ii. car parking layouts;
- iii. details of soft landscaping to prevent overlooking into ground floor areas from use of the parking spaces;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- vii. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or

shrubs of such size and species as may be agreed with the Local Planning Authority.

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

07 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of 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).

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

09 Prior to the first occupation of the residential units hereby approved, no less than six car parking spaces shall be provided and made available for use on site by occupiers of the new flats as shown on drawing no. 011E. All of the resident parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the flats. The car parking spaces shall be retained solely for use by occupiers and visitors to the approved development.

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

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

Informatives

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as

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

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

208 22/00702/FUL - 38A Burdett Avenue, Westcliff on Sea (Milton Ward)
Proposal: Replace existing balcony and stairs to rear first floor flat
Applicant: Mr G Gilbert
Agent: N/A

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out only in accordance with the following approved plans: 2022/05/38aBA Sheet 01 of 03, Sheet 02 of 03, Sheet 03 of 03.

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).

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) or the Council's website (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 may 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.

209 22/00841/FUL - Brambles Care Home, 22 Cliff Road, Leigh on Sea (Chalkwell Ward)

Proposal: Convert existing residential home (Class C2) into 9no. self-contained residential units (Class C3) with associated parking

Applicant: Mr Ken Kandola

Agent: Mr Gary Cumberland of Form Architecture Ltd.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

General Conditions

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1838/01A; 1838/02A; 1838/03A; 1838/04A

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

Design and character related conditions

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the 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 the advice in the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i. means of enclosure of the site including any gates or boundary fencing including the separation of the ground floor private amenity areas to suitably prevent overlooking;
- ii. car parking layouts;
- iii. details of soft landscaping to prevent overlooking into ground floor areas from use of the parking spaces;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- vii. details of measures to enhance biodiversity within the site;

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

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

Energy and water sustainability

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

06 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), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

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

Highways and bin storage

07 Prior to the first occupation of the residential units hereby approved, no less than six car parking spaces shall be provided and made available for use on site by occupiers of the new flats as shown on drawing no. 1838/03A. All of the resident parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the flats. The car parking spaces shall be retained solely for use by occupiers and visitors to the approved development in perpetuity.

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

08 Notwithstanding the details submitted and otherwise hereby approved full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the provisions of this condition identifying the provision of refuse and recycling storage in line with the Waste Storage, Collection and Management Guide for New Developments (2019) and at least one covered and secure cycle parking per residential unit for the approved development at the site before the development is occupied.

The approved refuse and recycling store and covered and secure cycle store facilities shall be provided in full and made available for use by the residential occupants of the dwelling prior to the first occupation of the residential units hereby approved and shall be retained as such in perpetuity.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate refuse storage and cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Southend-on-Sea Design and Townscape Guide (2009).

Protection of neighbouring occupiers' residential amenity

09 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of 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).

Informatives

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

2. 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 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.

- 210 22/01046/FUL - 32 Cobham Road, Westcliff on Sea (Chalkwell Ward)**
Proposal: Convert existing dwelling house into 3no. self-contained flats, install rooflights, enlarge existing crossover, layout parking, cycle and bin storage
Applicant: Engel
Agent: Mr Stern of SAM Planning services

Mr Hawkins, a local resident, spoke as an objector to the application. Mr Leigh responded on behalf of the applicant's agent.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

General Conditions

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

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

2. The development hereby approved shall be carried out solely in accordance with the approved plans: EX-L001D; EX-P001D; EX-P002D (Existing - First Floor); EX-P002D (Existing -Loft Plan); EX-P003D; EX-E001D; EX-E002D; EX-E003D; EX-S001D; EX-S002D; PR-L001F; PR-P001F; PR-P002F; PR-P003F; PR-P004F; PR-E001F; PR-E002F; PR-E003F; PR-S001F; PR-S002F

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

Design and character related conditions

3. The residential units hereby approved shall not be occupied unless and until full details of both hard and soft landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- i. means of enclosure and boundary treatment for the site plus internal boundaries within the site including any gates or boundary fencing;
- ii. hard surfacing materials;
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;
- iv. details of measures to enhance biodiversity within the site.

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

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

4. 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).

Protection of neighbouring occupiers' residential amenity

5. The proposed rooflights to the north and south facing roof slopes 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 where they are a minimum of 1.7 metres above internal finished floor level of the room or area served by the rooflight and shall remain as such in perpetuity. 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).

Highways and bin storage

6. The car parking spaces shown on approved plan PR-P001D shall be provided and made available for use at the site prior to the first occupation of the development hereby approved. Both of the resident parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the residential units hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the residential units hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

7. Notwithstanding the details submitted and otherwise hereby approved full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the provisions of this condition identifying the provision of refuse and recycling storage in line with the Waste Storage, Collection and Management Guide for New Developments (2019) and at least one covered and secure cycle parking per residential unit for the approved development at the site before the development is occupied. The approved refuse and recycling store and covered and secure cycle store facilities shall be provided in full and made available for use by the residential occupants of the dwelling prior to the first occupation of the residential units hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle, refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015) and guidance contained in the Waste Storage, Collection and Management Guide for New Developments (2019).

Energy and water sustainability

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

Reason: 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).

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

Reason: 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 Design and Townscape Guide (2009).

Positive and Proactive Statement

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

Informatives:

1. Please note that the development the subject of this application is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). It is not development for CIL purposes as defined in CIL Regulation 6 ('Meaning of "development"'). Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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

recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

3. Please note that you are required to apply to the Highways Authority for consent to enlarge an existing vehicular crossover installed on Cobham Road.

4. The applicant is encouraged to explore the feasibility of providing a third, conventionally sized, parking space to the front of the property in the interests of avoiding parking stress in Cobham Road.

211 22/00722/FULH - 2 Silversea Drive, Westcliff on Sea (Blenheim Park Ward)

Proposal: Hipped to gable roof extension with dormer to rear to form habitable accommodation in the loftspace, erect part single/part two storey side and rear extension and new porch to front

Applicant: Ms Horseman

Agent: Mr Alan Gloyne of ABG Architecture 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 permitted shall be carried out in accordance with the following approved plans: 114-P01; 114-P02C; 114P03C

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

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 dwelling. This applies unless differences are shown on submitted plans.

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

04 The flat roof of the single storey extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

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) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See www.southend.gov.uk/cil for further details about CIL.

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

- 212 22/00825/FULH - 16 Galton Road, Westcliff on Sea (Chalkwell Ward)**
Proposal: Raise ridge height, form half hipped roof, install dormer to rear and rooflights to front to form habitable accommodation in the loftspace, erect first floor side and rear extension, erect single storey side and rear extension, alter elevations
Applicant: Callum Burgess
Agent: Mr James Collinson of Design Spec 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 the 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 only in accordance with the following approved plans: 3139/03/43 Sheet 1 of 2 Rev KG, 3139/03/43 Sheet 2 of 2 Rev KG.

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 dwelling or be in accordance with those detailed on drawing no 3139/03/43 Sheet 2 of 2 Rev KG.

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

04 The roof of the single storey extension hereby approved shall not be used as balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

05 The upper floor windows in the side elevations of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the rooms or area served by the window(s) 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).

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) or the Council's website (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 may 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.

Chair: _____

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee A

Date: Thursday, 28th July, 2022
Place: Committee Room 1 - Civic Suite

14

Present: Councillor M Berry (Chair)
Councillors N Folkard and C Walker

In Attendance: E Anakwue, T Row, A Byrne and T Bahannack

Start/End Time: 10.00 am - 11.40 am

213 Apologies for Absence

There were no apologies for absence.

214 Declarations of Interest

No interests were declared at the meeting.

215 Application for grant of Premises Licence - The Artisan Market, 198-200 Leigh Road, Leigh on Sea, SS9 1BS

The sub-committee received a report of the Executive Director (Neighbourhoods and the Environment) concerning an application by Mr. Sam Giles for the grant of a premises licence at Artisan Market, 198-200 Leigh Road Leigh-on-Sea SS9 1BS.

The application was presented by Mr P Richards (21st Century Licensing), the applicants Licensing Consultant. Mr Troy Giles and Mr Sam Giles (Owners and applicants) were also in attendance and gave evidence.

The sub-committee noted that no letters of objections to this application had been received from any of the Responsible Authorities, although conditions had been agreed with the Licensing Authority and Environmental Health, both acting as a Responsible Authority during the consultation period, should the application be granted. These conditions were set out in Appendix 2 to the submitted report of the Council's Executive Director (Neighbourhoods and Environment).

Three (3) representations had, however, been received from local residents and one (1) from a local Ward Councillor objecting to the application. One of the residents subsequently withdrew their objections following dialogue with the applicant's agent. None of the objectors attended the meeting. Copies of all the remaining valid representations were provided to the sub-committee. The objections/representations essentially related to all four of the licensing objectives.

The sub-committee heard that premises was currently licensed for off sales only and that the purpose of the application was to become a restaurant/market/community event venue. Drinks would be served by waiter/waitress service to guests seated at tables.

The sub-committee also heard that the restaurant had been operating under temporary event notices on Fridays, Saturdays and Sundays over the past 12 weeks without any incident or complaint. The issues raised by the objectors could not therefore be attributed to this premises. The applicant was an experienced licence holder with other premises in the area. Mr Giles explained that he wanted to work with the community and be a good neighbour.

The applicant confirmed that there would be no use of the outside area to the rear of the premises in relation to any licensable activities at this premises. Smokers would be permitted to use the outside area to the front of the premises and, following negotiation with the Licensing Authority, the maximum number permitted to use this area would be 6 at any one time. A risk assessment for public nuisance had been submitted with the application which included signage to be displayed at the premises. The applicant explained he would operate a "one warning" scheme in respect of any nuisance that may be caused. He also mentioned that a contact number could be provided to residents to call if they had any concerns or issues to report about the premises.

It was acknowledged that an application had been made to the Highway Authority for a pavement licence for the use of the outside area on the footway which had been included in the licensed area. The use of this area would therefore be dependent on the granting of that licence.

In determining the application, the sub-committee listened to all the evidence and submissions and read all the documents. The sub-committee had regard to the Statutory Guidance Notes and Southend-on-Sea City Council's Statement of Licensing Policy. It considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems of noise, disturbance and anti-social behaviour could not be attributed to the premises. The Police and Environmental Health Service were both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the application. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

The sub-committee therefore did not consider that the promotion of the licensing objectives would be undermined by the granting of the application, as amended at the hearing, subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the application be granted subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Neighbourhoods and Environment);
- (ii) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority and Environmental Health, as set out in Appendix 2 to the submitted

report of the Executive Director (Neighbourhoods and Environment), subject to the following amendments:

Condition 1 to now read:

“1. The premises shall operate as a restaurant. This shall mean that, at all times, alcohol shall not be made available to customers unless they are engaged in waiting to consume, consuming or have consumed a meal at the premises.”

Condition 2 to now read:

“2. All sales of alcohol shall be by table service only. All sales of alcohol for consumption off the premises shall be in sealed containers. There shall be no vertical drinking.”

Condition 10 to now read:

“10. No open vessels shall be permitted to be taken from the premises.”

Condition 11 to now read:

“11. No open drinking vessel of any kind shall be allowed outside the premises between 21:00 and 08:00 the following day.”

Condition 15 to now read:

“15. No deliveries or refuse collections shall take place between 21.00 and 09.00hrs the following day.”

3. The following additional conditions:

“There shall be no use of the outside area to the rear of the premises for or in relation to any licensable activities at the premises.”

“Signs shall be clearly displayed asking patrons to be respectful of the neighbouring residents and to keep conversation at reasonable level while using the outside area in accordance with the risk assessment submitted by the applicant.”

It is anticipated that the applicant will surrender the current licence for the premises following the granting of this application.

Chairman: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee B

Date: Thursday, 11th August, 2022

Place: Helliwell & Deeping Rooms, The Forum, Elmer Square

15

Present: Councillor A Thompson (Chair)
Councillors M Borton and A Dear

In Attendance: A Brown, T Row, A Byrne, T Bahannack, K Ramkhelawon, R Pennington, S Wheeler and W, Reece.

Start/End Time: 10.00 am - 11.55 am

216 Apologies for Absence

There were no apologies for absence.

217 Declarations of Interest

The Councillors on the sub-committee declared an interest on the basis that the application had been submitted by the Council and the staff in attendance to present the application were known to them.

218 East Beach, Shoeburyness, SS3 9SG - Application for Grant of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Mr. Lee Sturgeon, on behalf of Southend-on-Sea City Council for the grant of a premises licence at East Beach, Shoeburyness, SS3 9SG.

At the outset of the meeting, the sub-committee was asked to disregard paragraph 4.3 of the submitted report of the Council's Executive Director (Neighbourhoods & Environment) regarding the Deregulation Act 2015 as this related to premises with a capacity of 500 or less. The sub-committee was also advised that should the capacity of the premises exceed 5000 persons a higher fee would be payable.

The application was presented by Mrs R Pennington on behalf of the applicants. Mr K Ramkhelawon was also in attendance and gave evidence.

The sub-committee noted that no letters of objections to this application had been received from any of the Responsible Authorities, although conditions had been agreed with the Licensing Authority and Essex Police, both acting as a Responsible Authority during the consultation period, should the application be granted. These conditions were set out in Appendix 2 to the submitted report of the Council's Executive Director (Neighbourhoods and Environment).

Twenty-four (24) representations had, however, been received from local residents. One of the residents subsequently withdrew their objection following dialogue with the applicant. A number of the objectors attended the meeting, but

only two of them addressed the sub-committee and gave evidence. Copies of all the remaining valid representations were provided to the sub-committee.

The objections/representations related to all four of the licensing objectives. In particular, the concerns related to the potential of additional noise, litter, anti-social behaviour and vandalism in an area of special scientific interest in close proximity to residential properties, many of which were occupied by elderly residents, and the beach which was often used by families. This would be exacerbated by people attending and leaving the event fuelled by alcohol, which would be available from 10.00 hrs to 22.00 hrs. This could also lead to verbal and physical abuse towards local residents by drunken persons attending an event. The application, if granted, would attract a significant number of people to the area and increase in traffic without adequate parking which would also cause major disruption to the residential streets. Any events held at this location would be difficult to police and there was no enforcement of the current problems endured caused by trippers to the area. There was also the risk of fire caused by discarded cigarettes on the dry grass and gorse hedges, adjacent to the residential properties. Broken glass could be left by patrons of the premises. The event should not therefore be held at this location and should be moved to another area such as Garon Park, away from residential properties and already established as an outdoor event venue. Concerns were also expressed as the urgency to determine this application to enable an event to take place, arrangements for which were in the process of being set up on site and were well advanced.

The sub-committee heard that, as a result of the representations received, the application had been amended during the consultation period reducing the number of events from five (5) events per year to one (1) event per year. The event organisers for the event already proposed at the premises to take place over the forthcoming weekend should the application be granted, were well experienced in staging such events across the country and that the event proposed was similar to other events held across the city. This event was not a commercial enterprise but a community event for all ages to celebrate Southend's City status and cultural community. It would be based on the Caribbean beach party theme. Although alcohol would be available, it was not the focus of the event. An event management plan had been submitted with the application addressing the issues raised in the representations received to the application.

The event organiser explained that, whilst the hours sought for the premises were 10.00hrs-22:00 hrs, this event would more than likely commence at 11.00 hrs on both days and finish at 21:00hrs on Saturday and 20:00 on Sunday. This would allow appropriate dispersal of attendees. The premises was well served by public transport and there was parking available. The event would be for the local community so local people would be able to attend. There would be traffic control measures in place to assist residents access their properties. The event management plan would set out how waste would be managed that the site for the event and how the site would be cleared to its original condition prior to the event. A noise management plan had also been submitted ensuring the sound would be more than 65db to the nearest property. This would be monitored by marshals. CCTV would be in operation 24 hours daily, to ensure security and there would be SIA trained staff, community safety officers and marshals on site for the event. Glass bottles would not be permitted to be taken into the premises. Any patron attempting to bring their own alcohol to the premises/event would result in the

alcohol being seized and held by staff until the event had finished. It would then be returned to them. Glass bottles would only be permitted in the VIP area and would be controlled by trained staff. An updated plan for the event proposal was circulated at the meeting. It was acknowledged that the communication of the event and application could have been managed more effectively and that the application for the premises license had been delayed. Although the event was being set up in advance of any grant of the application, this was being undertaken at the organiser's own risk and would be removed should the application be refused. None of the Responsible Authorities had objected to the application. If the sub-committee was minded, it was within its gift to grant the licence for one year only. Even if the application was granted, the event would still not be able to take place should the Safety Advisory Group deem it unsafe or unacceptable to proceed following their site visit the day before the event taking place.

The sub-committee was advised that, whilst it had heard how the proposed forthcoming event would be managed, the application was in respect of the granting of a premises licence not the event itself. It therefore was required to consider whether the licensing objectives would be undermined by the granting of the premises licence.

The sub-committee was mindful that the need for licensed premises is not a matter for the sub-committee to consider. Additionally, in accordance with the guidance issued under the Licensing Act 2003, the premises are not responsible for the management of the behaviour of customers once they are beyond the direct management of the licence holder and their staff. The behaviour is the responsibility of the individuals themselves under the law. An individual who engages in antisocial behaviour is accountable in their own right. Additionally, the behaviour of such individuals and the issues raised by the objectors could not therefore be attributed to this premises as they are not trading yet. They are therefore not matters that the sub-committee can take into account in respect of this application.

In determining the application, the sub-committee had regard to the Statutory Guidance Notes and Southend-on-Sea City Council's Statement of Licensing Policy. It considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee concluded that, on the basis of the evidence presented to it, the current problems of noise, disturbance, litter and anti-social behaviour in this area could not be attributed to the current proposed activities. The risk of fire was a matter for the Fire Service, as a Responsible Authority, and they had not objected to the application. The Police and Environmental Health Service were also both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the application. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

The sub-committee therefore felt that the promotion of the licensing objectives would not be undermined by the granting of the application, as amended, subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the application for a Premises Licence at East Beach, Shoeburyness be granted subject to:

(i) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Neighbourhoods and Environment);

(ii) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority and Environmental Health, as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment), subject to the following amendments:

Condition 1 to now read:

“1. The licence shall only be used for one weekend event per year, comprising 2 consecutive days. The date for the proposed event shall be notified to the Licensing Authority at least 3 months prior to the event, other than the 2022 event.”

Condition 3 to now read:

“3. The Event Management Plan and supporting documents shall contain full details of how the event shall be managed, operated, controlled and delivered in order to promote the Licensing Act 2003 objectives, shall specifically (but not exclusively) cover the following subjects and shall be agreed with the Police, Environmental Health Team and Licensing Authority no later than 3 months (with exception of the 2022 event) before the date of the event;

- i. General Event Safety including SIA Management
- ii. A Noise Management Plan
- iii. A Child Protection Policy
- iv. A Searching Policy
- v. A Drugs Policy
- vi. A Duty of Care Policy (for ejected/intoxicated persons)
- vii. Venue plan (identifying all site services i.e. medical location(s), toilets, missing persons and access points, location of event and areas that sell alcohol).
- viii. Management Structure (A contact sheet, including emergency contacts, on-duty staff etc.). The management structure shall include roles and responsibilities of each named individual and specific communications details during the entire event.
- ix. Nature and styles of the event (including crowd profile, capacity and expected attendance)
- x. Event program
- xi. Risk Assessments
- xii. Risk Assessment to assess the need for lifeguards
- xiii. Adverse Weather Plan
- xiv. Crowd Management Plan (including and ingress/egress plan)
- xv. Information for all Stages and Structures, including contractors, insurance, health and safety policy and method statement.
- xvi. Medical Management Plan
- xvii. Counter Terrorism Plan
- xviii. Waste Management Plan

The agreed Event Management Plan shall not be amended after this date without written agreement from the relevant bodies indicated in the Event Management Planning Schedule. If the licence holder and the appropriate authorities are unable to reach a mutual agreement on the final documentation, the licence holder shall take responsibility for the final decision on its contents and evidence their rationale why they have not taken the appropriate advice.

Note: The 'agreement' of the Event Management plan should not be taken as approval of any safety measures therein. Safety remains the ultimate responsibility of the Licensee."

3. The following additional conditions:

"21. The Designated Premises Supervisor shall ensure that no members of the public bring alcohol on to the licensed premises and appropriate measures, including relevant signage, shall be in place at all times that the event is in operation.

22. No more than 5000 people, including staff and performers, shall be present in the licensed area at any one time during the event weekend."

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee A

Date: Wednesday, 17th August, 2022

Place: Committee Room 1 - Civic Suite

16

Present: Councillor A Thompson (Chair)
Councillors A Jones and A Line

In Attendance: E Anakwue, T Row, M Newton and T Bahannack

Start/End Time: 10.10 am - 11.10 am

219 Apologies for Absence

There were no apologies for absence.

220 Declarations of Interest

Councillors A Jones and A Line declared an interest in respect of this application on the basis that the Applicant and, in particular, Ms Hodges on the basis that they had met during the course of their work. The interests were not so significant to disqualify them from considering the application.

221 The Ironworks, 90 The High Street, Southend-on-Sea, SS1 1JN - Application for Grant of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Kiwi Community Events C.I.C. for the grant of a premises licence at The Ironworks, 90 The High Street, Southend-on-Sea, SS1 1JN.

The application was presented by Ms Gillian Crew (Counsel). Ms Natalie Hodges (Director and Licensee) was also in attendance and gave evidence on behalf of the Applicants.

The sub-committee noted that no letters of objections to this application had been received from any of the Responsible Authorities, although conditions had been agreed with Essex Police, acting as a Responsible Authority during the consultation period, should the application be granted. These conditions were set out in Appendix 2 to the submitted report of the Council's Executive Director (Neighbourhoods and Environment).

One (1) representation had, however, been received from the neighbouring business objecting to the application. The objector did not attend the meeting. A copy of the representation was provided to the sub-committee.

The sub-committee noted that no objections had been received from the Environmental Health, in its capacity as responsible authority, the Applicant had been in discussion with them about the application and had subsequently agreed to some additional conditions to be added to the licence, in the event that the application was granted.

In determining the application, the sub-committee had regard to the Statutory Guidance Notes and Southend-on-Sea City Council's Statement of Licensing Policy. It considered

the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee concluded that, on the basis of the evidence presented to it, the issues raised in the representation, were either not matters for the sub-committee to consider or could be addressed by the imposition of appropriate conditions. The Police and Environmental Health Service were both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the application. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

The only matter of concern was the sub-letting of market stalls to other licensed traders. Although these traders may be personal licence holders and be bound by conditions on their own premises, they would need to comply with any requirements/conditions attached to the licence regarding the authorisation/consent to sell alcohol and training requirements and record keeping.

The sub-committee did not consider that the promotion of the licensing objectives would be undermined by the granting of the application subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the application for a Premises Licence at The Ironworks, 90 The High Street, Southend-on-Sea, SS1 1JN be granted, subject to:

(i) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Neighbourhoods and Environment);

(ii) The conditions drawn from the Operating Schedule, agreed with Essex Police, as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment), subject to the following amendment:

Condition 16 to now read:

“16. A record of staff training shall be kept on the premises and made available to the Police, Trading Standards and Licensing Authority on request.”

3. The following additional conditions:

- “Contact details shall be published for the site for complaints about noise or other nuisances.”
- “A complaints procedure shall be produced which will be made available to the Police and Licensing Authority at all times. This shall include a log detailing any complaints made and any action taken.”
- “Clearly visible signage shall be displayed advising customers to be quiet when leaving the premises.”

- The bin areas shall not be used between 21:00 hrs and 10:00 hrs the following day.”
- “No loudspeakers shall be located or operated in the outside areas. (For clarity, this includes the roof terrace)

NOTE: The applicant is recommended to seek appropriate legal advice regarding the proposed sub-letting of market space within the licensed area to other personal licence holders/traders to ensure there is no breach of the conditions attached to the licence hereby granted.

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee B

Date: Wednesday, 24th August, 2022
Place: Committee Room 4a - Civic Suite

17

Present: Councillor M Berry (Chair)
Councillors I Shead and C Walker

In Attendance: A Brown, T Row and A Byrne and B Dowsett

Start/End Time: 10.10 am - 11.40 am

229 Apologies for Absence

There were no apologies for absence.

230 Declarations of Interest

No interests were declared at the meeting.

231 Eggbro's, 194 Leigh Road Leigh-on-Sea SS9 1BS - Application for Grant of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Eggbro's Ltd. for the grant of a premises licence at Eggbro's, 194 Leigh Road Leigh-on-Sea SS9 1BS.

The application sought the following:

(a) The supply of alcohol for consumption on & off the premises, daily from 08:00 to 19:00, and

(b) Hours the premises are open to the Public, daily from 08:00 to 20:00.

The application was presented by Mr Paul Richards (21st Century Licensing), the Applicant's Licensing Consultant. Ms J Ralph (Share Director of Eggbro's Ltd) was also in attendance and gave evidence.

The sub-committee noted that no letters of objections to this application had been received from any of the Responsible Authorities, although conditions had been agreed with the Licensing Authority and Environmental Health, both acting as a Responsible Authority during the consultation period, should the application be granted. These conditions were set out in Appendix 2 to the submitted report of the Council's Executive Director (Neighbourhoods and Environment).

Four (4) representations had, however, been received objecting to the application during the consultation period. Two (2) were from local residents and two (2) from Limited Companies having an interest in neighbouring properties, although these representations were sent by persons with the same surname which appears to be the company officer making these representations via two separate companies.

One of the objectors attended the meeting and gave evidence. Copies of all the valid written representations were provided to the sub-committee. The objections/representations essentially related to all four of the licensing objectives.

The sub-committee heard that the premises had recently changed hands and that the new business was to be managed as café/restaurant, serving breakfast/brunch lunches with a glass of beer, wine or prosecco only with the food. The premises had been operating without serving alcohol but, as a result of enquiries from patrons to the premises, the intention was now to offer such refreshments with the food. Food would be supplied to the visitors of the soft play facility upstairs, which was provided by a completely separate company and not connected to the business in any other way. It was anticipated that the premises would open from 9.00 hrs. daily and would in most instances probably close at between 14.00 to 17.00 hrs depending on the day, with the flexibility of closing at 20.00 hrs should there be a children's party and the applicant offered to amend the application accordingly. There was currently no intention to sell spirits or to provide late night refreshment and alcohol late in the evening. Drinks would also be served by waiter/waitress service to guests seated at tables and no open drinking vessels containing alcohol would be permitted to be taken outside or anywhere off the premises to be licensed. The applicant offered to erect appropriate signage informing patrons of this restriction and to include a note of this on the menu. Smokers would be directed outside to the front of the premises for smoking and the applicant offered to provide ashtrays and to monitor the area to prevent issues arising from cigarette ends and litter. Any noise or anti-social behaviour from smokers was generally experienced late at night rather than at 19.00 hrs.

The sub-committee noted that the premises currently had the benefit of a premises licence granted to the previous owner(s). This licence has been suspended due to non-payment of the annual licence fee and had not been given to the applicants when the property was acquired. There was no intention of seeking to acquire the existing licence.

In determining the application, the sub-committee had regard to the Statutory Guidance Notes and Southend-on-Sea City Council's Statement of Licensing Policy. It considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee was mindful that whilst children would be using the soft play area upstairs, this area was not included within the application to be licensed. Furthermore, whilst food would be served to the families visiting the soft play area, this was not a licensable activity and neither was the consumption of alcohol. Adults attending the facility with children could take their own alcohol without restriction. Should the license be granted, no-one would be permitted to take open containers containing alcohol upstairs. Sealed containers could, however, be purchased downstairs and taken up with their food order and this could be managed and monitored. Signage could be erected informing patrons not to take glasses containing alcohol off the premises at each entry/egress point, which would include the stairway to the upstairs soft play facility. The sub-committee felt that this would be the most effective way in managing responsibilities to protect children from harm.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems alleged by the objectors could not be attributed to the premises. The Police and Environmental Health Service were both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the application. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

The sub-committee therefore did not consider that the promotion of the licensing objectives would be undermined by the granting of the application, as amended at the hearing, subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the application, as amended, be granted subject to:

(1) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Neighbourhoods and Environment);

(2) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority and Environmental Health, as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment), subject to the following amendment:

Condition 10 to now read:

“10. No open vessels containing alcohol shall be permitted to be taken from the premises and signage informing patrons of this restriction shall be clearly displayed at exits to the premises including the by stairway to the soft play area.”

3. The following additional conditions:

“The applicant shall provide ashtrays in the outside area and monitor the area regularly to ensure it is clear of litter at all times.”

“The hours the premises are open to the public shall be 09.00 to 20.00 daily.”

“The supply of alcohol for consumption on and off the premises shall be permitted daily from 09.00 to 19.00 daily.”

“The licence hereby granted shall not be effective until the designated premises supervisor has been appointed at the premises.”

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Cabinet

Date: Wednesday, 24th August, 2022

Place: Council Chamber - Civic Suite

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Present: Councillor S George (Chair)
Councillors C Mulroney (Vice-Chair), L Burton, P Collins, I Gilbert,
K Mitchell and S Wakefield

In Attendance: Councillor R Woodley
A Lewis and G Gilbert and R Harris

Start/End Time: 6.30 pm - 6.35 pm

225 Apologies for Absence

Apologies for absence were received from Councillor Terry.

226 Declarations of Interest

The following declaration of interest was made:

A Lewis – Minute 227 (Porters Place LLP – Change of Control – Acquisition of Swan HA by Orbit Group Limited) – Council representative on Porters Place Southend-on-Sea LLP Board.

227 Porters Place Southend-on-Sea LLP: Change of Control - Acquisition of Swan HA by Orbit Group Limited

The Cabinet considered a report of the Interim Director of Regeneration and Growth seeking formal approval to give Southend-on-Sea City Council's consent under the Porters Place Southend-on-Sea LLP Partnership Agreement for a change of control of Swan Housing Association in favour of Orbit Group Limited.

The matter had been considered by the Shareholder Board at its meeting held on 23rd August 2022 and the recommendations from the Board were before the Cabinet for consideration (Minute 228 below refers).

The Cabinet noted that the Shareholder Board had made an amendment to resolution 3 in respect of the extension to the time periods concerning the revised Business Plan, budget and viability assessment (as set out in the tabled Minutes).

Resolved:

1. That approval is given for consent, under the Porters Place Southend-on-Sea LLP Agreement, to a change of control of Swan BQ Limited to reflect the proposed acquisition of Swan Housing Association (together with its subsidiaries) by Orbit Group Limited.

2. That the Executive Director (Finance and Resources) be authorised to finalise and authorise the execution of any legal documentation (if required) with Orbit Group Limited, and any relevant other party, to comply with the terms of the legal suite and to effect the approval of the change of control.

3. That the time periods referred to in resolutions 1 and 2 of Cabinet of 22nd March 2022 (Minute 836 refers) be extended beyond the 31st December 2022 until such time as the revised Business Plan, budget and viability assessment is approved or the 31st December 2023, whichever is the earlier.

Note: This is an Executive Function

Cabinet Members: Cllr George and Cllr Gilbert

Referred direct to: Place Scrutiny Committee

228 Minutes of the meeting of the Shareholder Board held on Tuesday, 23 August 2022

The Cabinet received the Minutes of the meeting of the Shareholder Board that had taken place on 23rd August 2022, in respect of the report referred to in Minute 227 above.

Resolved:

That the Minutes of the meeting of the Shareholder Board held on 23rd August 2022, be noted.

Note: This is an Executive Function

Cabinet Member: Cllr George and Cllr Gilbert

Referred direct to: Place Scrutiny Committee

Chair: _____

Play better: A vision for better play facilities in Southend

23

Decades of research have shown that the first eight years of life, particularly the first 1000 days, are the most important period of human development. During this time, children are developing cognitive skills, emotional wellbeing, social skills, and forming the base of their future mental and physical health. Most of this early-years development is not gained through formal education, but through play, where children learn and thrive interacting and discovering with the world around them.

Public playgrounds offer a valuable safe space for children to play, and importantly play together, which builds fundamental social skills. The physical exertion used by the children in these spaces is also good for their health, and the whole family can draw benefit from the time together in the fresh air.

Whilst playgrounds vary in age and form, modern play spaces utilise the findings from cutting-edge research and offer stimulating environments for a broad spectrum of children.

In theory, as public play spaces are free of charge, they should be open to all children regardless of the socio-economic position of their household. However, not all children are in easy reach of a suitable playground. Some children may be excluded as there is insufficient equipment to meet their needs, for instance for children with neurodiversity or physical disabilities. Other children may not have additional needs, but the local play area does not have age-appropriate equipment.

Southend City Council notes:

- That easy access to suitable play spaces is important in the development of all children in Southend;
- In Southend we have 36 play areas, of which fewer than half have access friendly equipment;
- That 6% of children are considered disabled, and over 30% are believed to be neurodiverse.

Therefore, Southend City Council resolves:

- To form a new vision and costed strategy to improve all play areas in Southend by 2030;
- That all play spaces should offer some equipment that is accessible;
- That we create a flagship playground in the city for neurodiverse children.

Proposed by: Cllr Lydia Hyde

Seconded by: Cllr Daniel Cowan and Cllr Anne Jones

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