

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 2nd August, 2023

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors F Evans (Vice-Chair), M Berry, M Borton, S Buckley,
A Dear, M Dent, N Folkard, J Harland, A Jones, R Longstaff,
C Mulroney, M Sadza and R Woodley

In Attendance: Councillor D Cowan
K Waters, C Galforg, P Keyes, S Mouratidis, J Benn, G Fairley, M
Warren, A Brown and T Row

Start/End Time: 2.00 pm - 4.15 pm

23 Apologies for Absence

Apologies for absence were received from Councillors Beggs (no substitute) and Walker (no substitute).

24 Declarations of Interest

No interests were declared at the meeting.

25 Supplementary Report

The Committee received and noted a supplementary report by the Executive Director (Environment & Place), that provided additional information on the items referred to elsewhere on the agenda since the publication of the reports.

- 26 **23/00237/FULH - 62 Mount Avenue, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Hipped to gable roof extension to rear and dormers to front and side to form habitable accommodation in the loftspace, part convert integral garage to form habitable accommodation, layout hardstanding and planters and erect front and side boundary walls to frontage, install raised patio to rear and alter elevations
Applicant: Ms Jessica Darke
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 this decision.

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

02 The development shall only be undertaken in accordance with the following approved plans: 3244/11/43 Rev 07 (Location Plan and Block Plan); 3244/11/43 Rev 07 (Existing and Proposed Elevations, Existing and Proposed Floor and Roof Plans, Existing and Proposed 3D).

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

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

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

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

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

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

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

06 Prior to its first use, the hardstanding to the front, hereby approved, shall be finished in permeable materials only and maintained as such for the life of the development.

Reason: To reduce the cumulative impact of development on the natural environment and infrastructure in accordance with Policy KP2 of the Core Strategy (2007).

Informatives

1. You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under

the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about the Levy.

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by 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.

- 27 23/00758/BC3 - General Market, High Street, Southend-on-Sea (Milton Ward)**
Proposal: Use part of highway from Victoria Circus to junction of Clifftown Road/High Street as weekly general market
Applicant: Mr Chris Cooke on behalf of Southend-on-Sea City Council
Agent: N/A

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: Location Plan; Market Layout Area Plan (Rev A) including the general arrangement of stalls and public thoroughfares between and around them.

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

03 The proposed market hereby approved shall contain no more than 45 stalls with each stall occupying an area of no more than 3m x 3m.

Reason: In the interests of the character and appearance of the area, the safety of pedestrians and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core

Strategy (2007) and Policies DM1, DM3, DM5 and DM15 of the Development Management Document (2015).

04 The proposed market hereby approved shall only operate between 08:30am and 5:30pm on Thursdays, Saturdays and Bank or Public Holidays. Traders shall not arrive on site and set up stalls before 7am with all associated waste and traffic to be cleared from the highway no later than 6:30pm on the same day.

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

05 No amplified music and/or amplified speech either recorded or live nor playing of unamplified musical instruments shall be undertaken in association with operation of the market hereby approved unless details of this have first been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Amplified music and speech means that broadcast electronically through a loudspeaker including through radios and by the use of microphones. This includes speech for the purposes of advertising.

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

06 Within six calendar months from the date of this permission the use hereby allowed shall cease unless and until details of the design and materials of the proposed waste storage and an associated Waste Management Strategy to include mitigation methods to control noise and odour from the waste storage and collection arrangements, and pest control measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details from the date these details are approved and shall be maintained and managed as such for the lifetime of the development.

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, CP3 and CP4 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Waste Management Plan for New Development (2019).

Positive and proactive statement:

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

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

Informatives:

1. You are advised that as the 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.

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

3. The development hereby approved has been assessed on the reasonable understanding that the market will operate in accordance with the rules and regulations set out in the supporting document 'Use of Stalls' or any other document authorised by the relevant Council department under the appropriate regulatory regime(s).

4. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER.

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

6. The applicant is encouraged to operate the market in a way that the stalls do not obstruct the pedestrian movements and also ensures there is sufficient permeability for shops to be accessible and shopfronts to be visible.

**23/00514/BC4 - Eastwood Community Nursery, Len Forge Centre,
Eastwoodbury Lane (St Laurence Ward)**

**Proposal: Erect single storey timber building for use as nursery school to
front of main building (Amended Proposal)**

Applicant: Eastwood Community Playgroup Association

Agent: Mr Trevor Masterson of Bell & Masterson

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: Location Plan, BM001 Rev C, BM.002, Floor Plan, Façade A-F, Façade F-A, Façade 1-5, Façade 5-1, Section A-A, Foundation Plan, Wall, Roof, Floor.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition and site clearance works, until details of the materials to be used in the construction of the external elevations of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before it is brought into use.

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

04 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment reference WFR-FRA-2022/01/Q18 dated 8 March 2022 before the development is occupied and the development shall thereafter be used in accordance with those details and measures for its lifetime.

Reason: To ensure that users are not placed at increased risk given that the site is liable to flood in accordance with the National Planning Policy Framework (2021) and Policy KP2 of Core Strategy (2007).

05 The development hereby permitted shall only be occupied for purposes falling within Use Class E(f) as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order

1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of resident amenities, environmental quality, to ensure there is sufficient parking and in the interests of highway safety further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

06 Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of refuse and recycling facilities for the development, including a waste management strategy, shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of user amenities and environmental quality further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

07 Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of drainage infrastructure, (including foul and surface water drainage infrastructure and 'sustainable urban drainage systems' SuDS principles) shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved details shall be provided at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: To prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with Policies KP1 and KP2 of the Core Strategy (2007), and Policy DM14 of the Development Management Document (2015).

08 Prior to the first use of the development hereby approved, full details of secure, covered cycle storage facilities shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The secure, covered cycle storage facilities shall be provided and made available for use at the site in accordance with the approved details prior to the approved development's first use and retained for the lifetime of the development.

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

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless full details of both hard and soft landscape works to be carried out at the site and in the surrounding area in association with the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be completed prior to first use of the development and the soft landscaping works within the first planting season following first use of the development. The soft landscaping works shall include replacement shrub and tree planting, comprising of no less than 18 broadleaf/ pollinator trees to be planted within the application site and the wider area(s) of the Eastwood designated Open Space, details of the works to include specification of the area(s) in which the planting will be undertaken, the species and size of trees/ shrubs to be planted and the timescale for such provision. Details submitted for the hard and soft landscaping within the site edged red for the application hereby approved generally shall include, but not be limited to:

- i. hard surfacing materials;
- ii. details of tree protection measures during development;
- iii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and maintenance strategy;
- iv. measures to enhance biodiversity;
- v. details of any permeable paving or other sustainable drainage measures to be implemented;
- vi. all and any means of enclosing 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 in writing with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating at least "Very Good" has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.

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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

11 Prior to first use of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be

submitted to, agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details.

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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

12 Prior to the first occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented and retained as such 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 the advice contained within the Southend-on-Sea Design and Townscape Guide.

Positive and Proactive Statement

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

INFORMATIVE

01 Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

03 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506.

29 23/00987/OUT - Garages Rear Of 647 To 657, Prince Avenue (St Laurence Ward)

Proposal: Demolish existing garage block and erect a pair of semi-detached dwellinghouses, layout parking to front and amenity space, bin and cycle storage to rear (Outline)

Applicant: Mr Andrew Timotheou

Agent: Mr Danny Knott of DK Building Designs

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development by reason of its backland location and its reliance on a narrow access served from a busy trunk road, and the interface and associated risks of conflict between vehicles and pedestrians who would use the access route to the proposed dwellings, would be detrimental to pedestrian and highway safety. Furthermore, the development has failed to demonstrate that adequate waste arrangements can be provided in a safe manner and without conflict with pedestrians using the access. This is unacceptable and contrary to the National Planning Policy Framework (2021); Core Strategy (2007) Policies KP2 and CP3, and Development Management Document (2015) Policy DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments 2019.

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

Informative

01 Please note that this application would have been liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning

permission had been granted. Therefore, if an appeal is lodged and subsequently allowed the CIL liability will be applied. Any revised application may also be CIL liable.

- 30 23/00242/FUL - Land Between 581 - 583 Rayleigh Road (Eastwood Park)**
Proposal: Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal)
Applicant: Mr A Bush
Agent: Mr A Davison of Brian Davison Associates

Ms Nunn a local resident spoke as an objector to the application. Mr Davison, the applicant's agent responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall be carried out solely in accordance with the approved plans: 1697/S1/E, 1697/ES1/D, 1697/ES1/E, 1697/300/E & 1697/301/D.

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

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

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

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

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

05 Within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the number, size, and location of the trees, shrubs, and plants to be retained and planted together with a planting specification including the treatment of the ground before planting and maintenance details.

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

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development and to enhance biodiversity in accordance with the National Planning Policy Framework, (2021), Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

06 The development hereby approved shall not be first occupied unless and until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall include details of materials to be used on hard surfacing which should permeable, as well as elevations and details of materials for the boundary treatment of the site including the gate and fencing to the walkway to the eastern side of the development.

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

07 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 under the terms of 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: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

08 Prior to the 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 water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

09 The development hereby approved shall be carried out in a manner to ensure that the dwelling complies with Building Regulation part M4(2) 'accessible and adaptable dwellings' before it is brought into first use and first occupied.

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

10 The roof of the flat roofed, single storey elements of the development 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 roofs 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).

11 The car parking spaces shown on approved plan 1697/S1/E shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. One space shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the dwelling 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-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

12 Full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, identifying covered and secure cycle parking for the approved development at the site. The

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

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

13 No drainage works associated with construction of the development hereby permitted shall commence unless and until full details of surface water attenuation for the site, based on Sustainable Drainage System (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved details before it is first occupied, and any systems put in place shall be maintained for the lifetime of the development.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

14 The first floor flank windows in the west and east flank 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 the internal floor level of the room or area served before the development is first occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B and E unless express planning permission has previously been obtained from the Local Planning Authority.

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

16 The demolition and construction works hereby permitted shall be carried out in accordance with the submitted Construction Method Statement & Site Plan 1697/CP/F submitted by Brian Davison Associates dated June 2023.

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3

17 The development shall be carried out in strict accordance with the recommendations and mitigation measures outlined at Section 6 of the Badger Assessment by ACJ Ecology (January 2023) including the following:

Prior to commencement of development, within five days of the start of works, a site walkover shall have been undertaken and completed by a qualified ecologist to ascertain the presence or otherwise of badgers on the site in accordance with BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

If there is any sign that badgers reside in or use the site, all development work shall cease until details of a scheme for protecting badgers at the site prior to, during and after the construction process has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Subsequently the development shall only be undertaken and managed in full accordance with the approved measures of badger protection. The development shall otherwise be undertaken and managed in accordance with the approved measures of badger protection in accordance with British Standards BS 42020:2013 Biodiversity: Code of Practice for Planning and Development:

- a. Any trenches or deep pits shall be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- b. Any trenches/pits shall be inspected each morning and evening to ensure no badgers have become trapped.
- c. The storage of topsoil or other 'soft' building materials within the site shall be subject to daily inspections for badger sett formation before work commences.
- d. Storage of any chemicals shall be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- e. Open pipework with a diameter of more than 120mm shall be properly covered at the end of the work-day to prevent badgers entering and becoming trapped.

Reason: To safeguard protected species in accordance with the National Planning Policy Framework (2021) and Southend-on-Sea Core Strategy (2007) Policy KP1.

18 The development hereby approved shall be undertaken in strict accordance with the levels details contained within plan number 1697/S1/E or any other levels, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall thereafter be completed in accordance with the approved details before it is occupied.

Reason: To safeguard the visual amenities of the site and wider area and to ensure that the development remains safe in terms of flood risk and does not

increase flood risk elsewhere as set out in National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

19 The flood risk mitigation measures set out in the Flood Risk Assessment by Civil Engineering Solutions dated January 2023, including details of property and ground levels, flood protection measures such as finished floor levels, flood resistant/resilient construction measures to mitigate flood risk to the building and a flood evacuation plan shall be incorporated within the development hereby approved prior to first occupation of the building and retained as such in perpetuity thereafter.

Reason: To protect the building and its occupants against the risk of flooding in accordance with the National Planning Policy Framework (2021) and Policy KP1 of the Core Strategy (2007).

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and development stopped with immediate effect. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Any measures so identified in the approved remediation scheme shall be completed and a verification report must be submitted to the Local Planning Authority for its agreement.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 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.

3. The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that the application site is likely to contain nesting birds between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

5. Further to Condition 18 relating to site levels, the technical assessments are based on these site levels and should any amendments to the levels proposed be sought, the technical studies (FRA) would need to be amended and reconsidered accordingly.

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.

**31 22/00328/UNAU_B - 141 Inverness Avenue, Westcliff-on-Sea
(Westborough Ward)
Breach of Planning Control: Erection of walls**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

(a.1) The removal from the site the boundary wall treatment along Fairfax Drive and Inverness Avenue in its entirety; OR

(a.2) the reduction to no more than 1m in height the boundary wall treatment at the site along Fairfax Drive and Inverness Avenue;

AND

(b.) the removal from site all materials resulting from compliance with either (a.1) or (a.2) 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 three (3) months is considered reasonable in compliance with any of the above requirements.

Chair: _____