

# Public Document Pack

## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 29th November, 2023**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors F Evans (Vice-Chair), B Beggs, M Borton, S Buckley,  
C Campbell\*, M Dent, N Folkard, J Harland, A Jones, R Longstaff,  
C Mulroney, M Sadza and R Woodley  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** A Brown, K Waters, P Keyes, C Galforg, O Hart, C White, M Warren  
and T Row

**Start/End Time:** 2.00 pm - 3.00 pm

#### **63 Apologies for Absence**

Apologies for absence were received from Councillor Dear (Substitute: Councillor Campbell) and Councillors Berry (no substitute) and Walker (no substitute).

#### **64 Declarations of Interest**

The following interest was declared at the meeting:

(i) Councillor Harland – Minute No. 68: Application Ref No. 23/00866OUTM (165 Sutton Road, Southend on Sea) – Mother-in-law is a resident of Maldon Road.

#### **65 Minutes of the meeting held on Wednesday 18th October 2023**

Resolved:-

That the Minutes of the meeting held on Wednesday 18<sup>th</sup> October 2023 be confirmed as a correct record and signed.

#### **66 Minutes of the meeting held on Wednesday 1st November 2023**

Resolved:-

That the Minutes of the Meeting held on Wednesday 1<sup>st</sup> November 2023 be confirmed as a correct record and signed.

#### **67 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.

68 **23/00866/OUTM - 165 Sutton Road, Southend-on-Sea (Victoria Ward)**  
**Proposal: Erect four storey building comprising of 22 self-contained flats with parking to lower ground level (outline application)**  
**Applicant: Irving Brown Limited**  
**Agent: Mr Sam Lees of Reeve Brown**

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:

- (i.) Secondary education contribution of £31,083.33
- (ii.) RAMS contribution – 22No x £156.76 = £3448.72
- (iii.) Travel plan and travel plan monitoring fee up to £5,000, and Provision of Travel Information Packs to all residents.
- (iv.) 5 affordable units (Policy compliant 20%)
- (v.) Monitoring fee of up to £10,000.

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

#### General Conditions

01 Details of the appearance, means of access, landscaping, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin no later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 The development hereby approved shall be carried out in accordance with the approved plan: Location Plan.

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

#### Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until full details, specifications and appropriately sized samples of the materials to be used for all external surfaces of the proposed development, including facing materials, roof detail, windows (including sections, profiles and

reveals), doors, balustrading, fascias and balconies, have been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition. The development must then be carried out in full accordance with the approved details before any dwellings hereby approved are first occupied.

Reason: In the interest of the character and appearance and visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not exceed 12m in height or 4 storeys in scale above ground level, plus a single basement level.

Reason: To safeguard character and appearance of the area, the amenities of neighbouring occupiers and to reflect the contamination and drainage information submitted for the proposal in accordance with Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM14 of the Development Management Document (2015) and advice in the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the development permitted by this permission, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: This pre-commencement condition is required in the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

06 The landscaping details submitted with any Reserved Matters application pursuant to this outline planning permission shall include, but not be limited to:-

- (i.) Full soft landscaping details (size, number, species together with a planting specification and management plan)
- (ii.) Details of means of enclosure of the site and within the site including any walls, gates or boundary fencing;
- (iii.) Details of all external hard surfacing including any ramps to the front and rear elevations, and details of exterior lighting;
- (iv.) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- (v.) Details of measures to enhance biodiversity within the site.

Hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season (October to March inclusive) following first occupation of the development hereby approved.

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 approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 The development hereby approved shall be carried out from its outset solely in accordance with the measures and recommendations outlined in the Arboricultural Report (Rev 1) and separate Tree Protection Plan (Rev 1) both by Andrew Day Consultancy (and dated 10th October 2023) hereby approved.

Reason: This condition is needed to safeguard existing trees and so protect their contribution to the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2023), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

#### Living conditions related conditions

08 All residential units within the development hereby approved shall be provided in accordance with the minimum overall, bedroom and storage space standards contained in the Technical Housing Standards - Nationally Described Space Standard.

Reason: This condition is needed to ensure an adequate living environment for future occupants of the development in accordance with Policy DM8 of the Development Management Document (2015) as amended by the Technical Housing Standards Policy Transition Statement (2015) and the guidance contained within the Technical Housing Standards (2015).

09 All residential units within the development hereby approved shall be provided with their own private external amenity space by way of either a balcony or terrace area.

Reason: This condition is needed to ensure an adequate living environment for future occupants of the development in accordance with Policy DM8 of the Development Management Document (2015) and the guidance contained within the Technical Housing Standards (2015).

10 No development shall take place, other than demolition and site preparation works, unless and until full details of vibration mitigation and noise mitigation measures, to ensure that all habitable rooms in the development hereby approved achieve the requirements of British Standard BS 8233:2014, or any subsequent applicable standards, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved mitigation measures shall be fully implemented as approved prior to the first occupation of any part of the development hereby approved and shall be retained as such for the lifetime of the development.

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

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, no part of the development hereby granted planning permission shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by the Local Planning Authority, which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed development. Before any part of the development hereby approved is occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition unless an alternative timeframe for provision has previously been submitted to and approved in writing under the scope of this condition and shall be permanently retained as such for the lifetime of the development.

Reason: In the interests of residential amenity and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2023), 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).

12 No development above ground floor slab level shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

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 the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

### 13 A.Site Characterisation

Notwithstanding the details submitted with this application, no development shall be undertaken, other than that required to carry out additional necessary

investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, unless and until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

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

#### B. Site Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after the remediation.

#### C. Remediation Implementation and Verification

No development shall take place other than that required to carry out the agreed remediation unless and until the measures set out in the approved Remediation scheme have been implemented in full. The Local Planning Authority must be given a minimum of two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and shall be submitted for approval in writing to the Local Planning Authority pursuant to this condition.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. The development works must cease until an assessment has been undertaken in accordance with the requirements of part A of this condition, and

where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is brought into first use.

Reason: This pre-commencement condition is required 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).

#### Impact on neighbours and related conditions

14 No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of neighbouring residents and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2023), 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).

15 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 on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character of 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).

16 No part of the development hereby approved shall take place, including any site preparation or clearance works, unless and until a Construction Environmental Management Plan, Strategy and Method Statement have been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition. The approved Construction Environmental Management Plan and Strategy shall be adhered to in full throughout the development's construction period. The Statement shall provide, amongst other things, for:

- Construction Traffic Strategy
- Noise and Dust Mitigation Strategies and plans to include measures to control the emission of dust, dirt and noise during construction and boundary particulate monitoring during demolition and construction.
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoardings
- Scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- Details of the duration and location of any noisy activities and measures to mitigate this.
- A scheme to minimise the risk of off-site flooding and to prevent pollution caused by surface water run-off and groundwater during construction works.
- A scheme to minimise the impact of the construction on ecology and to protect habitats from impacts including accidental pollution or dust-settling.

Reason: This pre-commencement condition is justified in the interest of highway safety, ecology and amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

#### Parking and Highways

17 Notwithstanding the information and plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until a minimum of 1 covered, secure, safe and conveniently located cycle parking space per dwelling has been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

18 The development hereby approved shall not be first occupied unless and until at least one (1) off street parking space for each permitted flat has been provided on the site and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Every space shall be fitted with an active electric vehicle charging point. The parking spaces shall thereafter be permanently maintained solely for the parking of occupiers of and visitors to the development.

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).



19 The residential dwellings hereby approved shall not be first occupied unless and until full details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling(s) to which they relate and shall be retained as such for the lifetime of the development.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

### Flooding and Drainage

20 Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following;

1. The applicant to undertake infiltration testing in line with BRE 365 to identify whether any form of infiltration will be feasible.
2. The applicant to consider the use of rainwater harvesting systems, green roofs, permeable pavements and other SuDS as a part of their drainage strategy.
3. The applicant to show the proposed exceedance and conveyance routes, ensuring critical areas are protected from flooding where possible.
4. The applicant to confirm the invert level of the existing manhole to ensure that a gravity connection will be possible from lower ground floor level. The applicant also to confirm acceptance from Anglian Water that this proposed connection is acceptable.
5. The applicant to provide details on the management of health and safety risks as part of the drainage strategy.
6. The applicant to provide information on the pollution hazard levels of the surface water and propose methods to reduce this if necessary (preferably SuDS).
7. The applicant to confirm the groundwater conditions and whether surface water from adjacent land will enter the development and assess the impact of this on the proposed drainage system.
8. The applicant to consider the construction phase activities that may compromise the below ground surface water drainage infrastructure and take necessary precautions to prevent and/or repair damage.
9. The applicant to provide details of the management company that will be responsible for the maintenance of the proposed drainage system.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

## Energy and water sustainability

21 Prior to the first occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from on-site renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the provisions of this condition and implemented on site in full 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 (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 1st December 2023 or an extension of this time as may be agreed by the Director of Growth and Planning or Service Manager - Development Control, authority is delegated to the Director of Growth and Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for secondary education, biodiversity mitigation, the production of Travel Plan and securing the appropriate monitoring fee, the provision Travel Information Packs and affordable housing and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

## Positive and proactive statement:

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

Informatives:

1. Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).
2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.
3. This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to education and RAMS, production of a Travel Plan and the associated monitoring fee, the provision of Travel Information Packs, provision of 5 affordable housing units and monitoring of the agreement.
4. The applicant is advised that development moving forward to Reserved Matter Stage should retain a suitable mix of units materially in line with the indicative dwelling mix as shown in this Outline Permission. Any significant deviation from the indicative mix would require robust justification to be considered acceptable.
5. Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
6. 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 Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
7. Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) / 01702 538521.

## 8. Anglian Water

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## 9 Environmental Health

### (1) Construction outside of normal hours

If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council's regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance are available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

(2) A UXO Preliminary Risk Assessment of the potential for unexploded ordnance at the site should be undertaken by competent person and any recommendations for further action reported to Southend-On-Sea City Council.

(3) Overheating and Noise Protection

Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.

(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 Council, 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.

**69 23/01368/FUL - 101 Rochford Road, Southend-on-Sea (St Laurence Ward)**

**Proposal: Erect single storey front extension, single storey rear extension and first floor rear/side extension, form new external staircase and extend existing balcony to rear, relocate existing condenser units to rear**

**Applicant: Mrs T Patheepan**

**Agent: Mr Gary Fardell of More Space Architecture Ltd.**

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

01 The proposed external staircase would by reason of its position and configuration significantly harm the amenities of neighbouring occupiers in Viscount House through overlooking and a loss of privacy. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

## Positive and Proactive Statement

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

### Informatives:

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

### 70 **23/01540/FULH - 86 Chalkwell Avenue, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Erect single storey side/rear extension, first floor side/rear extension, two storey front extension and canopy to front entrance with balcony over**

**Applicant: Mr Craig Davies**

**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 plan: Sheet 1 of 1 Rev 00 dated Sept 2023.

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

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

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

04 The roof of the 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 National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

**71 23/00015/UNAU\_B - 54 - 56 Arterial Road, Leigh-on-Sea (Belfairs Ward)  
Breach of Planning Control: Earthworks and formation of retaining wall, steps, walling and hard surfaces to front gardens**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

(a) the removal from the site the hardstanding, steps and boundary walls in their entirety;

AND

(b) the restoration of the land to its condition before the breach took place including by raising the ground levels, replacing the hard surface with soft landscaping, creating access steps and erecting retaining boundary walls as shown on the existing layout and site section details shown on drawing No P10 for planning application 22/02234/FUL;

AND

(c) the removal from site all materials resulting from compliance with both (a) and (b) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance six (6) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

**72      22/00326/UNAU\_B - Day Nursery, 43 Imperial Avenue, Westcliff on Sea  
(Chalkwell Ward)  
Breach of Planning Control: Erection of fences, sheds, stores and laying out  
of a hardstanding within the front garden**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

(a) the removal from the site:

- (i) The central fencing which runs from the public highway to the nursery front entrance (annotated as Fencing A in Figure 1 illustrated in the submitted report).
- (ii) The central fencing which starts some 5.4m from the public highway and runs to the nursery front entrance (annotated as Fencing B in Figure 1 in the submitted report).
- (iii) The fencing fronting the public highway set back some 6m from it (annotated as Fencing C in Figure 1 of the submitted report).
- (iv) The fencing fronting the public highway set back some 5.4m from it (annotated as Fencing D in Figure 1 of the submitted report).

OR

(b) the reduction of the height of the fences stated in (a) above to no more than 1m.

AND

(c) the removal from the site the 3no. sheds, pushchair store and bin store (annotated as such in Figure 1 of the submitted report).

AND



(d) the removal from site all materials resulting from compliance with (a), (b) and (c) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance three (3) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

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

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## Southend-on-Sea City Council

Development Control Committee 29th November 2021

# Minute Item

### SUPPLEMENTARY REPORT

**Agenda Item 5  
23/00866/OUTM**

**Pages 31 – 80  
165 Sutton Road, Southend-on-Sea (Victoria Ward)**

Section 2

Paragraph 2.1

Wording Correction:

“Whilst scale, appearance, layout and landscaping are reserved matters, indicative plans have been submitted to demonstrate one way in which the site could be developed within the scope of the proposed ~~decoration~~ description of development.”

**Agenda Item 6  
23/01368/FUL**

**Pages 81 – 112  
101 Rochford Road, Southend-on-Sea (St Laurence Ward)**

Section 2

Paragraph 2.2

Correction to stated dimensions:

The building has an existing flat roofed single storey projection to the front elevation forming a shopfront. This would be enlarged by ~~0.5m~~ 1m in depth, projecting ~~4m~~ 2m beyond the main building and the width would be increased by 0.5m from 12.4m to 12.9m. The height would remain the same at 3.85m. The shopfront would be replaced and includes full width glazing.”

**Agenda Item 9  
22/00326/UNAU\_B**

**Pages 155 – 188  
Day Nursery, 43 Imperial Avenue, Westcliff-on-Sea  
(Chalkwell Ward)**

Since the publication of the agenda, a representation has been received from the Agent for the 2023 refused application (ref. 23/00946/FUL) which is summarised as follows:

- Have attended the site.
- Have visited other children’s nurseries drawn to my attention.
- Have had discussions with client regarding how the nursery operates and its ongoing safeguarding procedures and relationship with the Council’s Early Years Department.
- Following this, a number of background reports are being preparing relating to the visual character of Imperial

Avenue, safeguarding requirements which the nursery has to meet and how these compare to schools, other nurseries you have identified and whether they meet the safeguarding requirements, the role of the nursery in contributing to the supply of children's nursery places, including pre-school places within Southend-on-Sea and that the planning unit of the nursery is now a mix of Classes E and F1 uses as it provides 32 spaces for pre-school children out of a total of 52 places, which includes a teaching curriculum which must be complied with.

- None of the above was submitted in support of the refused application.
- Once the above is completed in the next few days, it will be submitted to the Council in connection with a pre-application request with a revised scheme with the aim of agreeing a solution which meets the safeguarding requirements.
- Client has instructed me to lodge an appeal against the recently refused planning permission.
- Client has an ongoing contract with the Council as a Registered Provider for the provision of "early education and childcare" which states "It is the legal responsibility of the Provider to ensure that they comply with the safeguarding and welfare regulations and meet the learning and development requirements as required by section 40 of the Childcare Act 2006..."
- The safeguarding requirements are a material consideration in the way in which the front of the property is designed.
- Early years team previously commented: "Early years guidance has no indication of requirements regarding fencing or height of fencing. However, there is the requirement to safeguard and secure children within the nursery and premises."