

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 13th December, 2023

Place: Committee Room 1 - Civic Suite

Present: Councillor F Evans (Vice-Chair in the Chair)
Councillors B Beggs, M Borton, S Buckley, D Cowan*, A Dear,
M Dent, N Folkard, J Harland, A Jones, R Longstaff, C Mulroney,
M Sadza and R Woodley
(*Substitute in accordance with Council Procedure Rule 30)

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

Start/End Time: 2.00 pm - 3.55 pm

73 Apologies for Absence

Apologies for absence were received from the Chair, Councillor Ward (no substitute) and Councillors Berry (substitute: Councillor Cowan) and Walker (no substitute).

74 Declarations of Interest

No interests were declared at the meeting.

75 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.

- 76 23/00976/FUL - Land Rear Of 2 Smallholdings Eastwoodbury Lane, Southend-on-Sea (St Laurence Ward)**
Proposal: Erect eight dwellinghouses with associated amenity space, parking, cycle and bin stores
Applicant: Mr Oliver Hall of Eastway Homes
Agent: Mr Dwight Breley of Breley Design Ltd.

RESOLVED:-

That PLANNING PERMISSION be GRANTED subject 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: 1542-01 Rev B; 1540-02 Rev J; 1540-07 Rev C; 1540-07 Rev D; 1540-07 Rev E; 1540-05 Rev D; 1540-06 Rev D; 1540-10; 1540-12; 1540-13; Tree Protection Plan Rev 1; Construction Management Plan

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

03 The development hereby permitted shall be finished solely in accordance with the material details contained within the Planning Materials Document, namely; K Rend Waterproof render in Limestone White to exterior walls; Sahtas Dark Farmhouse brick plinth; Red clay roof tiles [Ste Foy Rouge Nuance] by Edillians; White UPVC windows and patio doors; Black front doors White fascias and soffits and Black guttering, or in accordance with any other alternative details of materials that have first been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: In the interest of visual amenity in accordance 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 contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the information submitted with this application, prior to the first occupation of the development hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and enclosed refuse and recycling bin and cycle storage for the approved development at the site. The approved cycle storage and refuse and recycling bin storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such for the lifetime of the development.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

05 Construction shall take place solely in accordance with the details contained within the Construction Method Statement Rev A by Breley Design Ltd. or, in accordance with any other alternative details that have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: This condition is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

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

07 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and completed at the levels shown on the approved drawing(s) and shall not exceed the highest level of land or structure adjacent to the application site.

Reason: In the interests of the safety of aviation, the residential amenity of adjoining residents 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).

08 Notwithstanding the details shown on the plans hereby approved, no development shall take place, other than ground and site preparation works, unless and until a scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority.

The submitted hard and soft landscaping schemes shall include full details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces, including any earthworks to be carried and all means of enclosing the site, including boundaries within the site. The scheme shall include the number of existing trees which are proposed to be removed and are over the relevant stem diameter as set out in the relevant British Standard to be considered as trees and demonstrate that the proposed planting scheme would achieve a ratio of 2 new trees for every 1 tree removed.

Prior to first occupation of the dwellings hereby approved, the approved hard landscaping scheme shall be implemented and completed in full accordance with the details approved pursuant to this condition. Within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, the approved soft landscaping scheme shall be implemented and completed in full accordance with the details approved under the provisions of this condition.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree 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 approved under the scope of this planning 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, Policies DM1 and DM3 of the Development Management Document (2015) and the advice in the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall commence at the site unless it complies with the recommendations in the Preliminary Ecological Appraisal Version 2.0 by MKA Ecology Ltd. (Dated 16/11/2023), the Reptile Report Version 2.0 by MKA Ecology Ltd. (Dated 16/11/2023) and the additional points agreed between MKA Ecology Ltd. and the Council's Parks Team which are as follows:

1. Each new building shall be fitted with bat boxes;
2. No development shall commence unless and until a further reptile Mitigation Strategy which shall include details of a translocation strategy has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition and any development shall be carried out solely in accordance with the recommendations in the agreed strategy; and
3. The development shall not be first occupied unless and until a Landscape Ecological Management Plan (LEMP) requiring details of soil samples to aim to maximise the botanical value of any grassland areas have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition and any recommendations in the agreed LEMP shall be carried out within the first available planting season (October to March inclusive) following the first occupation of the development. The development shall then be maintained in accordance with the approved LEMP.

Reason: This pre-commencement condition is required in the interest of biodiversity in accordance with National Planning Policy Framework (2023) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 Agreed tree removal works for the development hereby approved (including which trees will be removed) shall not take place between March and August and shall only be carried out in accordance with the recommendations contained in the Arboricultural Report Rev 1 by Andrew Day Arboricultural Consultancy (Dated 16/11/2023).

Reason: In the interest of biodiversity in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

11 No development shall take place unless and until the tree protection measures outlined in the Arboricultural Report Rev 1 and Tree Protection Plan Rev 1 by Andrew Day Arboricultural Consultancy (Dated 16/11/2023) have been implemented in full at the site. The tree protection measures shall be retained as installed throughout the construction phase of the development and the development shall be carried out in accordance with the recommendations included in the approved Arboricultural Report.

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

12 The development hereby approved shall not be first occupied unless and until 16 on site car parking spaces (2no. for each dwelling) have been provided and made available for use at the site in full accordance with the details shown on approved drawing 1540-02 Rev J, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. At least one of the parking spaces for each approved residential unit, shall be fitted with an active electric vehicle charging point. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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 (2023), 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).

13 No drainage infrastructure associated with this approved development shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be maintained as such for the lifetime of the development.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

14 Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority. No dwelling in the development shall be occupied until and unless it has been implemented in accordance with the details approved under this condition. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

15 Prior to 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 for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

16 The development hereby approved shall be carried out in a manner to ensure that the dwellings fully comply with the Technical Housing Standards – Nationally Described Space Standards (2015) and with Building Regulation M4(2) ‘accessible and adaptable dwellings’ before they are brought into use and first occupied.

Reason: To ensure provision of 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) Policy KP2, Development Management Document (2015) Policy DM8 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

17 No external lighting shall be installed on the site subject of this permission unless it is in accordance with the details and specifications of a Lighting Strategy which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers 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 the Southend-on-Sea Design and Townscape Guide (2009).

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouses within Schedule 2, Part 1, Classes A, AA, B, D, E or F of that Order without the receipt of express planning permission.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance 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 contained within the Southend-on-Sea Design and Townscape Guide (2009).

19 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into

use until details a waste management and service plan including waste vehicle tracking data have been submitted to and agreed in writing by the Local Planning Authority. Waste management and servicing of the development shall only take place in accordance with the approved details.

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

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified development must stop and it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved remediation scheme shall then be fully implemented at the site before any other works continue. Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, and submitted in writing to the Local Planning Authority for its approval under the terms of this condition before the development is brought into first use.

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

Reason: To ensure that if any contamination is found on the site, it is 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).

Positive and proactive statement:

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

Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they

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

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

3. No waste as part of the development shall be burnt on site.

4. 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 / 01702 538521.

5. The applicant is advised to consider installation of Automatic Water Suppression Systems (AWSS) within the new dwellings.

**77 23/00265/OUTM - Empire Theatre, Alexandra Street, Southend-on-Sea
(Milton Ward)**

Proposal: Erect 5 storey building comprising of 22 self-contained flats (Class C3) commercial units at ground floor level (class E), community/residential space with first floor amenity deck, ancillary bike and bin stores and landscaping (Outline Application)

Applicant: Mr Kotecha

Agent: Mr Steven Kearney of SKArchitects

RESOLVED:-

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

- Secondary education contribution of £31,083.33

- RAMS contribution – 22 x £156.76 = £3,448.72
- Travel Plan and travel plan monitoring fee up to £5,000; Provision of Travel Information Packs to all residents.
- Late-Stage Viability Review Mechanism for a financial contribution in lieu of on-site Affordable Housing provision to retrieve 60% of any surplus up to cap of £347,449.78
- Monitoring fee of up to £10,000.

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

01 Details of the landscaping, (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 (except for landscaping which is indicative only) shall be carried out in accordance with the approved plans: 262-P101 Rev A; 262-P102 Rev E; 262-P103 Rev C; 262-P104 Rev C; 262-P105 Rev B; 262-P106 Rev B; 262-P108 Rev A

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the development at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the development hereby approved is first occupied.

Reason: In the interest of visual amenity and the setting of nearby heritage assets in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until large scale sections

and details of the colonnade to Alexandra Street including underside, balcony and window surround detail and inset balustrade, blind windows, internal balcony arrangements, parapet detail at roof level and podium edge, shopfronts including framing detail (south, east and north) and all brickwork decoration have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the development hereby approved is first occupied.

Reason: In the interest of visual amenity and the setting of nearby heritage assets in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- i. means of enclosure, of the site including any gates or boundary fencing;
- ii. pedestrian access and circulation areas;
- iii. hard surfacing materials;
- iv. details of the number, size and location of the shrubs and plants to be planted together with a planting specification;
- v. Biodiversity enhancement measures.

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

Reason: In the interests of visual amenity, the setting of nearby heritage assets and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protection measures are implemented pursuant to Policy DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

06 Prior to the first occupation of the development hereby approved, the residential cycling and bin storage areas shown on the approved plan 262-P102 Rev E shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Waste Storage, Collection and Management Guide for New Developments (2019).

07 Prior to the first occupation of the development hereby approved, the commercial cycling and bin storage areas and the external visitor cycle parking shown on the approved plan 262-P102 Rev E shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Waste Storage, Collection and Management Guide for New Developments (2019).

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

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

09 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) the erection and maintenance of security hoarding,
- (v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- (vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- (vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction,
- (viii) details of the duration and location of any noisy activities, and
- (ix) Details of access management arrangements for the Public Right of Way during the construction period.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers and the safety and convenience of the public in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 Prior to 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 onsite renewable sources, shall be

submitted to, agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

11 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

12 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).

13 The noise mitigation measures as detailed in the report by ES Acoustics (ref. number 20294.RPT.01 dated 15/02/2023) shall be implemented by competent persons.

No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the

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

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).

14 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the buildings (/ development) hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter 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).

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

Reason: To reflect the nature of the application and in order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and amenities of the area all in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

16 Deliveries and collections to and from the commercial units within the development hereby approved shall only be undertaken between:

- Monday to Fridays between 7am and 7pm
- Saturdays between 8am and 1pm
- Not at any time on Sundays and Bank Holidays

Reason: To protect the environment of people in the development and general environmental quality including neighbours' amenity 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).

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

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual and residential 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)

18 The non-residential units hereby approved shall not be open for customers outside the following hours:

- 7am to 10pm on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

19 The outdoor seating area for the non-residential uses as shown on drawing 262-P102 Rev E hereby approved shall not be open for customers outside the following hours: from 8am to 7pm on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

20 Before the development hereby approved is occupied or brought into use it shall be carried out in a manner to ensure that 3 of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 19 flats comply with building regulation part M4(2) 'accessible' and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with 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).

21 The two community units hereby approved and as annotated on plan number 262-P102 Rev E shall be used only for purposes falling within Classes F1 or F2 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any

statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the provision of community uses within the City, in accordance with Policy PA6 of the Southend Central Area Action Plan (2018), Policies KP2, CP4 and CP6 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

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

- (1) The applicant must update their drainage plan to include overland flow routes and exceedance routes, ensuring critical areas are protected from flooding where possible.
- (2) The applicant must provide details on the management of health and safety risks as a part of the drainage strategy.
- (3) The applicant must confirm the groundwater conditions and assess the impact on the proposed system. The applicant must also determine whether any surface water from adjacent areas will make its way to the proposed site.
- (4) The applicant must 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.
- (5) The applicant must provide details of the third part management and maintenance company who will maintain the proposed drainage network.
- (6) Infiltration tests must be undertaken prior to detailed design to confirm that partial infiltration is achievable in the permeable pavement.
- (7) Rainwater harvesting must be considered further in the scheme during detailed design, including within the blue roof and underground storage.

The development must only be implemented in accordance with the details approved under this condition and the conclusions and recommendations contained in the SUDs Statement (Dated April 2023) by HJ Structural Engineers Ltd.

The approved drainage works must be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

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.

23 The recommendations and biodiversity enhancement measures as detailed in the Preliminary Ecological Appraisal by Arbtech Issue 2 (dated 11/10/2023) shall be implemented in full by competent persons. The bird and bat boxes shall be installed solely in accordance with details inclusive of their siting and design that

have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of biodiversity in accordance with the National Planning Policy Framework (2023) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

24 The maximum height of development shall not exceed 56.46m (AOD). A third-party instrument flight procedure assessment (ILS) must be completed before the development commences and confirmation that this has been agreed with the London Southend Airport shall be submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: This pre-commencement condition is required in the interest of the safety of aviation in accordance with the National Planning Policy Framework (2023), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

25 The proposed windows in the side (east and west facing) elevations of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level 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).

26 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into use until details of a waste management and service plan have been submitted to and approved in writing by the Local Planning Authority. Waste management and servicing of the development shall only take place in accordance with the approved details.

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 19 December 2023 or an extension of this time as may be agreed by the Executive Director (Environment & Place), the Director of Planning and Economy or Service Manager - Development Control, authority is delegated to the Executive Director (Environment & Place), the Director of Planning and Economy 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, RAMs, Travel Plan, monitoring of travel plan and provision of Travel Information Packs, a Late-Stage Viability

Review Mechanism for a financial contribution in lieu of on-site Affordable Housing Provision and for a Monitoring fee 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 \(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy\)](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
2. 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.
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, a financial RAMS contribution, the provision of Travel Information Packs, late-stage affordable housing viability review and monitoring of the agreement.
4. 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.
5. 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 for more advice on 01702

215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

6. 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 / 01702 538521.

7. Advertisement signage associated with the development must be submitted for under separate Advertisement legislation.

78 23/01153/FUL - Land At Garon Park, Eastern Avenue, Southend-on-Sea (St Luke's Ward)

Proposal: Install five two storey units for use as classrooms for sports education and two single storey units for use as WCs, layout parking with associated access and erect new boundary fencing and access gates (part-retrospective)

Applicant: Garon Park Community Interest Company

Agent: Zarina Ali of Tor&Co

RESOLVED:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The permission hereby granted is for a temporary period only. After the 1st November 2027, 5 years from the date of first use of the site for the purposes hereby approved, the use hereby approved shall cease and all containers and other structures shall be removed from the site and the land shall be returned to its condition when the previous authorised use was taking place.

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework (2023) and Policies KP1 and KP2 of the Core Strategy (2007).

02 The development shall be carried out in accordance with the approved plans: 2231/F/101/P01 Rev 01; 2231/F/102/P01 Rev 01; 2231/F/103/P01 Rev 01; 2231/F/201/P01 Rev 01

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

03 All containers presently on the site as well as those yet to be installed in both cases the subject of this planning permission must be painted and finished in dark green. Within three months of the date of this grant of planning permission, full details and specifications of the dark green finish must be submitted to and approved in writing by the Local Planning Authority. If the container finish to dark green is not implemented in full accordance with the details approved under this condition within 2 months of the date of the approval of the details by the local planning authority the use of the development shall cease until such time as they are. The approved exterior finish to the containers shall be maintained for the lifetime of the development in accordance with the agreed specifications.

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

04 No external lighting shall be installed on the site subject of this permission unless it is undertaken in complete accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Any external lighting approved and installed pursuant to this condition shall be maintained as such thereafter.

Reason: In the interests of the amenities of the area, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 The development hereby approved shall not be used for any other purpose other than for education and training purposes solely in association with and delivered by Southend United Community and Educational Trust (SUCET).

Reason: To reflect the very special circumstances of the application and its impact on the Green Belt and Protected Open Space, in accordance with the National Planning Policy Framework (2023) and Policies KP1, CP4 and CP7 of the Core Strategy (2007).

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 in this instance, due to the temporary nature of the permission, the application is not liable for a Community Infrastructure Levy (CIL) charge.
2. 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.

79 22/00341/UNAU_B - 15 Leslie Close, Eastwood, Leigh on Sea (Eastwood Park Ward)
Breach of Planning Control: Erection of dormers not in accordance with planning permission (21/02453/FULH) granted on appeal

RESOLVED:-

That the CLOSURE of the case be AUTHORISED.

Chair: _____