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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 8th November, 2017

Place: Committee Room 1 - Civic Suite

Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, B Ayling, M Borton, H Boyd, S Buckley, M Butler*, T Callaghan, N Folkard, R Hadley, H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker and N Ward

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: J K Williams, P Geraghty, M Smith, K Waters, C Galforg, P Keyes, M Warren and T Row

Start/End Time: 2.00 p.m. - 3.40 p.m.

463 Apologies for Absence

Apologies for absence were received from Councillor J Garston (Substitute: Councillor Butler).

464 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 8: 17/01049/FULH (54 Undercliff Gardens, Leigh-on-Sea) – Non-pecuniary interest: A resident of Undercliff Gardens is a friend;

(b) Councillor Arscott – Agenda Item No. 10 (17/00664/FULM - Toomey Nissan, 831-837 London Road, Westcliff-on-Sea, SS0 9TE) – Non-pecuniary interest: An objector is known to him;

(c) Councillor Arscott – Agenda Item No. 11 (17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW) – Non-pecuniary interest: School Governor at School within proposed academy led by St Thomas More High School;

(d) Councillor Ayling – Agenda Item No. 12 (17/01464/FULM - Grand Hotel, Broadway, Leigh-on-Sea, Essex, SS9 1PJ) – Non-pecuniary interest: Knows the applicant;

(e) Councillor Boyd – Agenda Item No. 11 (17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW) – Non-pecuniary interest: Lives close to the school and residents of Arundel Gardens are known to her;

(f) Councillor D Garston – Agenda Item No. 10 (17/00664/FULM - Toomey Nissan, 831-837 London Road, Westcliff-on-Sea, SS0 9TE) – Non-pecuniary interest: An objector is known to him;

(g) Councillor Mulroney – Agenda Item Nos. 7 (17/01379/FULH - 68 Pall Mall, Leigh-on-Sea), 8 (17/01049/FULH - 54 Undercliff Gardens, Leigh-on-Sea), 12 (17/01464/FULM - Grand Hotel, Broadway, Leigh-on-Sea, Essex, SS9 1PJ), 14 (17/00912/FUL - 109 - 111 Broadway, Leigh-on-Sea, Essex, SS9 1PE) and 15 (17/01460/FULH - 29 Hadleigh Road, Leigh-on-Sea, Essex, SS9 2DY) – Non-pecuniary interests: Member of Leigh Town Council and Leigh Society (non-participant in planning); and

(h) Councillor Norman MBE – Agenda Item No. 11 (17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW) – Non-pecuniary interest: Governor at Westcliff High School for Boys.

465 Minutes of the meeting held on Wednesday 2nd August 2017

Resolved: That the Minutes of the meeting held on Wednesday 2nd August 2017 be received, confirmed as a correct record and signed.

466 Minutes of the meeting held on Wednesday 13th September 2017

Resolved: That the Minutes of the meeting held on Wednesday 13th September 2017 be received, confirmed as a correct record and signed.

467 Minutes of the Meeting held on Wednesday 4th October 2017

Resolved: That the Minutes of the meeting held on Wednesday 4th October 2017 be received, confirmed as a correct record and signed.

468 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

**469 17/01379/FULH - 68 Pall Mall, Leigh-on-Sea (Leigh Ward)
Proposal: Demolish existing garage to rear and erect replacement garage
Applicant: Mr Tracy Meade
Agent: Mr Bruce Warren**

Mr Lee, a local resident, spoke as an objector to the application. Mr Meade, the applicant, responded.

Resolved: That planning permission be REFUSED for the following reason:

1. The proposed garage would, by reason of its height and position coupled with its projection into a shared pedestrian access and the consequent relationship to the existing garage at 28 Canonsleigh Crescent, result in an unduly dominant and oppressive built form prejudicial to the character and appearance of the street scene and harmful to the amenity of users of the pedestrian access whose reasonable sense of a safe and accessible environment would be materially

impaired. The proposal therefore conflicts with the objectives of the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4 and Development Management Document Policies DM1 and DM3.

- 470 17/01049/FULH - 54 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)**
Proposal: Raise ridge height and form hip to gable roof extension, erect dormers to front and rear to form habitable accommodation in roof, erect first floor front extension including enlargement of roof, replacement front balcony, new walkway to rear, relocate main entrance door and alter elevations.
Applicant: Mr Rupert Cousins
Agent: THS Concepts LTD

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: PA-001/F

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

03. No development shall take place until details and/or samples of the facing materials to be used in the construction of external elevations of the building hereby permitted, including the proposed windows, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policy DM1 and DM6 and The Design and Townscape Guide (2009).

04. The first floor windows in the west side elevation shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: In order to protect the character and appearance of the area and the amenities of the future occupiers from loss of privacy, in accordance with of the

Council's Policies KP2 and CP4 of the Core Strategy DPD1, Development Management DPD2 policies DM1 and DM3.

Informative

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

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.

- 471 17/00173/UNAU_B - 365 Victoria Avenue, Southend on Sea, Essex. SS2 6NH (Prittlewell Ward)**
Breach of Control: Without planning permission, construction of single storey side extension to north side and single storey rear extension

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure:

- (a) The removal of the side extension;
- (b) the removal of the rear structure;
- (c) the removal of all rubble, materials and equipment associated with complying with the notice.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 2 months is deemed reasonable for the removal of the unauthorised structures.

- 472 17/00664/FULM - Toomey Nissan, 831-837 London Road, Westcliff-on-Sea, SS0 9TE (Blenheim Park Ward)**
Proposal: Demolition of vacant car showroom and workshops, erect four storey building with retail (Class A1) at ground floor level, 31 retirement apartments above with balconies, install terrace at third floor to front elevation, layout parking and install vehicular access on to London Road (Amended Proposal)
Applicant: Mr J. Brook, Laidon Holdings Limited
Agent: Mr C. Green, Town Planning Services

Mr McLernon, a local resident, spoke as an objector to the application. Mr Green, the applicant, responded.

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02. The development shall be carried out in accordance with the approved plans: 6766_P12; 6766_P11A; 6766_P300; 6766_P301.0B; 6766_P301.1C; 6766_P301.2C; 6766_P301.3C; 6766_P301.4C; 6766_P301.5C; 6766_P301.6; 6766_P306.1C; 6766_P307.2D; 6766_P307.3C; 6766/P307.1C.

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

03. Each of the units hereby permitted shall be only occupied by:

- (i) persons aged 65 years or older; or
- (ii) persons living as part of a single household in the development with such a person or persons aged 65 years or older; or
- (iii) persons who were living as part of a single household in the development with such a person or persons who have since died.

Reason: To define the scope of this permission with respect to parking provision, amenity space, general living conditions and the provision of affordable housing and infrastructure required to support the development, in accordance with Core Strategy (2007) Policies KP2, KP3, CP4, CP6 and CP8 and Policies DM1 and DM3 of the Development Management Document (2015).

04 The communal spaces and guest facility as shown on the approved plans shall be provided before the proposal is occupied and shall not be altered or removed in any way and be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that amenity space and living conditions are safeguarded for future occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Council's Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

05. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the ground floor (parking) slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including projecting elevational box details including projection, reveals, balustrade, lighting, entrance canopy, screening, fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.

Reason: To safeguard character and appearance of 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).

06. The car parking spaces, cycle storage and refuse store shall be implemented in accordance with plan no. 6766/301.4 Revision C prior to occupation of the retail and residential uses hereby approved to provide not less than 29 car parking spaces for the residential use, 14 car parking spaces for the retail use and 5 cycle parking spaces and shall thereafter be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

07. Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not be commenced until the Local Planning Authority has approved in writing a full scheme of highways works (including detailed designs and contract details) and the relevant associated highways approvals are in place, in relation to the new service layby and new pedestrian crossing point. The works shall thereafter be undertaken in accordance with the approved details and completed prior to first occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highways management and safety in accordance with Core Strategy (2007) policies KP2, CP3, CP4; Development Management Document (2015) policy DM15.

08. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement 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 and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

09. No development shall take place until a site investigation of the nature and extent of contamination at this site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before construction begins. If, during the course of

development, any contamination is found which has not been identified in the site investigation construction shall stop immediately and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority before construction continues. The remediation of the site shall incorporate the approved additional measures before construction continues.

Reason: To ensure that any contamination on the site 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 policy DM14 of the Development Management Document (2015).

10. The retail unit hereby approved shall not be open for customers outside the following hours: - 07:00 hours to 23:00 hours Monday to Sundays and Bank Holidays.

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

11. All servicing of the site must take place between 07:00 to 23: 00 hours Monday to Sunday, with the exception of newspaper deliveries. Servicing includes loading and unloading goods from vehicles and transferring rubbish outside the building.

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

12. No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed at the site until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. The equipment shall only be installed in accordance with the approved details and shall be maintained in good working order thereafter.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13. No construction works above the slab level shall take place until full details of both hard and soft landscape works to take place at the site have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Details for the soft landscape works shall include the number, size and location of any shrubs, trees and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be

implemented in full accordance with the approved details before it is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14. The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out only in accordance with the approved details in perpetuity.

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) and Design and Townscape Guide (2009).

15. No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SUDs) Principles) have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with

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

16. 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 prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

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

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

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

18. 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 of for the time being maybe in force, the retail floorspace hereby approved shall be used only for purposes falling within Use Class A1 and for no other purpose.

Reason: To safeguard the amenities of adjoining residents, in accordance with policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.

19. Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure the flats comply with Building Regulation part M4(2) 'accessible and adaptable dwellings'.

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 the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and Design and Townscape Guide (2009).

20. The development shall not be occupied until details of the privacy screens to be installed at the site have been submitted to and approved in writing by the local planning authority. The development shall be occupied in full accordance with the approved details before it is occupied and be maintained as such in perpetuity thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with the National Planning Policy Framework (2012),

Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

21. Prior to their occupation the proposed first floor windows in the north elevation serving the kitchen to flat 1 hereby approved shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. 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. The windows shall be retained as such in perpetuity thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

Informatives

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council.

Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

2. 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

3. In relation to condition 07 above, the works to existing highway will require a Section 278 agreement or Highways Licence.

- 473 **17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW (Blenheim Park Ward)**
Proposal: Erect two storey building creating additional class rooms and fitness suite and associated accommodation, layout 10 additional car parking spaces and erect cycle store, layout Multi Use Games Area and associated works
Applicant: St Thomas More High School
Agent: Ingleton Wood LLP

Mr Clark, a local resident, spoke as an objector to the application.

Resolved: That considered of the application be DEFERRED pending a pre-meeting site visit.

- 474 **17/01464/FULM - Grand Hotel, Broadway, Leigh-on-Sea, Essex, SS9 1PJ (Leigh Ward)**
Proposal: Convert existing hotel into mixed use comprising basement wine bar and health club, ground floor restaurants and terrace, 18 self-contained flats on three floors, demolish existing mansard roof and form new replacement mansard roof, erect three storey rear extension with mansard roof, install balconies to rear and sides at first floor and third floor level, external alterations, install extract/ventilation equipment and solar PV panels on roof, layout additional parking, associated landscaping and communal roof terrace and form vehicular access onto Broadway (Amended Proposal)
Applicant: 460 Leisure Ltd
Agent: Smart Planning

MS P Godfrey, a local resident, spoke as an objector to the application. Mr Dadds, the applicant's solicitor, responded.

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION, subject to completion of an AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all of the appropriate legislation to secure the provision of:

- A financial contribution towards secondary education provision of £9,607.57 (index-linked), specifically providing increased capacity at Belfairs Academy which is payable prior to commencement;
- A financial contribution of £2500 to cover the cost of amending the Traffic Regulation Order to accommodate the new vehicular access ;
- The provision of Travel Packs for the commercial uses.

(b) The Director of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

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

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

02. The development shall be carried out in accordance with the approved plans: 1391-14A, 1622-01; 1622-02G; 1622-03J; 1622-04K; 1622-05L; 1622-06H; 1622-07E; 1622-08D; 1622-09D; 1622-11B; 1622-12A; 1622-25, Soft Landscape Plan; Location Plan

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

03. Prior to the commencement of development samples and / or product details of the materials to be used in the construction / alteration of the external elevations of the development hereby permitted, including bricks (sample required), tiles (sample required), roof materials, stonework (sample required) cladding (sample required) balconies and balustrades, windows and doors including doors and gates to storage areas, dormers, hardstanding and terrace paving, steps and ramp, boundary railings and boundary wall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

04. Prior to the commencement of development, a sample panel showing the pointing profile, copings, mortar mix, bricks and brick bond to be used on the extension and brick wall shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

05. Prior to the commencement of development, detailed drawings, including all styles of doors and windows, balustrades, balconies and railings, dormers, mansard ridge detail, stonework (window surrounds and boundary wall copings), dormer details including decorative pediments, chimney and parapet detail for the extension and details of the staircase access/lift shaft at roof level at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall only be carried out and in accordance with the approved details.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the

Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

06. Prior to the commencement of development of the front terrace hereby approved, details of the junction between the existing building and the proposed terrace, the ramp and the terrace wall/balustrade shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out only in accordance with the approved details.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

07. No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building other than in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

08. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a lower ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details.

The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

09. No construction works above a lower ground floor slab level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas,

has been submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan from occupation in perpetuity.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

10. Prior to the commencement of the development details of tree protection measures, in relation to the cedar tree to the front, shall be submitted to and approved by the local planning authority. The approved tree protection measures shall be implemented in full prior to commencement of the development and be retained throughout construction unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the cedar tree to the front of the site is adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

11. The development shall not be occupied or brought into use until space has been laid out within the site in accordance with drawing No. 1622-02G for 28 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shown in the approved plans shall be permanently retained only thereafter for the parking of occupiers, staff and visitors to the development.

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

12. The development shall not be occupied or brought into use until the refuse and recycling storage facilities are provided in full within the details shown on approved site in accordance with drawing No. 1622-02G . The refuse and recycling facilities shall be permanently retained as such thereafter.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

13. The development shall not be occupied or brought into use until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter only be carried out 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 DPD1 and Policy DM15 of the Development Management DPD 2015.

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

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

15. Prior to the commencement of the development details of any extraction and ventilation equipment to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the basement and ground floor commercial space is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

16. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at the site shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades of the nearest noise sensitive property and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

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

17. A Noise Management Plan in respect of the non-residential uses hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of non-residential uses hereby approved. The Noise Management Plan shall include measures to reduce noise transmission from the outdoor terrace area which may cause a nuisance to neighbouring properties including a prohibition on amplified music being played within this terrace area. The non-residential uses at the site shall be managed and operated in full accordance with the measures in the approved Noise Management Plan from them being first brought into use and in perpetuity thereafter.

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

18. There shall be no new orders for dining on the front terrace from 22:30 until the close of business that day and the entire front terrace area cleared of all customers by 23:00 until the close of business that day. Additionally all doors accessing the terrace shall be closed, except temporarily for access and egress, from 23:00 to 08:30.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document (2015).

19. Notwithstanding the details specified in the submitted acoustic report by SRL dated 20th July 2016, prior to the commencement of the development, an amended acoustic report that also includes an assessment of the noise potential of the function room and health club and which includes recommendations for mitigation measures for these areas shall be submitted and agreed in writing with the local planning authority. These uses in the scheme shall be managed and operated in full accordance with the measures in the approved report from them being first brought into use and in perpetuity thereafter.

Reason: In order to protect the amenities of the first floor flat occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.

20. The class A4 (wine bar) use hereby permitted in the basement shall not be open to customers outside the following times: 09:00 to 01:00 on Monday to Saturdays and 09:00 to 23:00 on Sundays and Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development and surrounding residential area from noise associated with patrons leaving the establishment and smokers congregating outside during opening times in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

21. The restaurant, brasserie and function room use hereby permitted at ground floor shall not be open to customers outside the following times: 09:00 to 01:00 on Mondays to Saturdays and 09:00 to 23:00 on Sundays and bank holidays and the French doors to access these areas shall be kept closed from 23:00 to 09:00.

Reason: In order to protect the amenities of occupiers of the development and surrounding residential area from noise associated with patrons leaving the establishment and smokers congregating outside during opening times in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the basement floorspace hereby approved and identified as the Health Club area, as shown on plan No 1662-.9D, shall only be used as a health club (class D2) and for no other purpose whatsoever.

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

23. The basement floorspace hereby approved and identified as the Health Club, as shown on plan No 1662-.9D shall not be used outside of the following hours: 07:00 to 23:00 Mondays to Sundays.

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

24. No deliveries or refuse collection shall be taken at or despatched from the non-residential uses hereby approved outside the hours of 07:00 to 19:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

25. No external lighting shall be installed on the building other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. No additional external lighting shall be installed on the building or within the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the conservation area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

26. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and separate secure covered cycle parking spaces to serve the commercial uses and additional external visitor cycle parking have been submitted to and agreed in writing by the local planning authority. The approved cycle parking shall be implemented in full prior to first occupation of the development and shall be permanently retained thereafter for the storage of cycles.

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

27. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement 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 and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

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

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

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

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings hereby approved unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the locally listed building and surrounding conservation area and airport safety in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

30. No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as

intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

31. Prior to occupation of the flats hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

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

32. Prior to the commencement of the development details shall be submitted to the local planning authority and approved in writing specifying the measure that shall be put in place to ensure that the chimneys on the existing building shall be able to be retained in full. The development shall be implemented only in accordance with the details approved under this condition.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

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

Informatives

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

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

02. 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03. The applicant is advised that an application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991

04. Please note that if you require crane or piling rig to construct the proposal, 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.

05. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.

06. In the event that the planning obligation referred to in part (a) above has not been completed by 16th November or an extension of this time as may be agreed the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for education provision. As such, the proposal would be contrary to Policies KP2, KP3 and CP6

07. The applicant is advised that 18 cycle spaces are required for the residential cycle store and 1 space per 100 sqm for the staff of the A3 and A4 uses (which equates to 6 spaces) as well as 10 spaces for the staff of the D2 use which need to be provided within a segregated secure store. In addition to this there is also a

requirement for 1 space per 100 sqm for visitors of A3 and A4 uses which may be located in the external area.

- 475 17/01524/BC3M - Futures Community College Lower College Building, Prospects College, Southchurch Boulevard, Southend-on-Sea (Southchurch Ward)**
Proposal: Erect building to be used as sports hall (Class D2) adjoining existing building
Applicant: Southend-on-Sea Borough Council
Agent: SKArchitects

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plan: 453P01, 453P02

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

03. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition and site clearance works, until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

04. Other than the demolition and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

05. Prior to first occupation of the sports hall hereby permitted, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the different sporting and community facilities provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-school users and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site, including cycle parking.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement in perpetuity from the first occupation of the site.

Reason: To secure well managed access to the sports and community facilities provided by the scheme and to ensure sufficient benefit to the development of sport in accordance with the National Planning Policy Framework (NPPF) and policies CP6, CP7 of the Core Strategy (2007).

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

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (NPPF) and Policy KP2 of the Core Strategy (2007).

07. No development shall take place until details of the implementation, adoption, maintenance and management of the drainage system to be used at the site have been submitted to and approved in writing by the local planning authority. This shall include full details of the sustainable urban drainage systems to be used and how these have been selected. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable urban drainage system throughout its lifetime.

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

08. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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 hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities;
- measures to control noise and the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- hours of work.

Reason: To protect residential amenity and general environmental quality in accordance with the general principles of the National Planning Policy Framework (NPPF); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policies DM1 and DM14.

09. The use of the development hereby approved shall be used for no purposes other than for those falling within Use Class D1 or a D2 or combination thereof. Notwithstanding the content of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking or amending or re-enacting this order, the development shall be used for no other purposes falling outside Use Class D1 and/or D2 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: In order to protect the impacts on community infrastructure in accordance with policy CP6 of the Core Strategy (2007).

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.

Informatives

01. Community Infrastructure Levy Liability Notice (CIL Regulation 65):- You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the planning department to discuss the requirement for planning permission and CIL liability. See www.southend.gov.uk/cil for further details about CIL.

02. 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>.

04. The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to Sport England's "Sports Hall Design & Layouts" design guidance note; <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/>.

**476 17/00912/FUL - 109 - 111 Broadway, Leigh-on-Sea, Essex, SS9 1PE
(Leigh Ward)**

Proposal: Change of use of first floor self-contained flat (Class C3) to restaurant (Class A3) to be used with existing ground floor restaurant, external seating area and alter elevations.

Applicant: The Roslin Beach Hotel

Agent: APS Design Associates - Mr Paul Seager

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 2565 01, 2565 02, 2565 03 Rev C

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

03. Prior to the commencement of the development hereby approved, details of any external materials to be used in the conversion of the building and the provision of the outside seating area must be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority and maintained thereafter.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area and to preserve the character of the Locally Listed Building and Leigh Conservation Area. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1 and DM5 and Design and Townscape Guide (2009).

04. The premises shall not be open for customers outside the following hours:

10am to 11pm Sundays to Thursdays (inclusive), including Public and Bank Holidays
10am to 1am Fridays and Saturdays.

Reason: To protect residential amenity and general environmental quality in accordance with, Core Strategy (2007) Policy KP2 and Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009).

05. The proposed outside seating area to the front of the premises fronting Broadway and contained within the site boundary, hereby approved shall be removed between 22:00 and 10:00 hours on all days.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

06. Prior to the first operation of the restaurant, an assessment shall be carried out by a suitably qualified and experienced acoustic consultant (who would normally be a member of the Institute of Acoustics) and submitted to the Local Planning Authority and approved in writing. The assessment shall demonstrate how the rating level of noise for all activities taking place at the premises shall be managed and mitigated so that they are at least 10dB(A) below the background noise (with no tonal elements) level when measured at neighbouring noise sensitive properties. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The management and mitigation identified in the approved document shall be fully in place from first occupation of the first floor as a restaurant and the site shall be managed and maintained in accordance with the approved measure in perpetuity thereafter.

Reason: To ensure inaudibility in noise sensitive premises and to protect the environment of people in neighbouring properties and general environmental

quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

07. Activities at the site shall be carried out so as to not give rise to structure borne noise to any noise sensitive premises including those within the building to which this application relates.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

08. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, before the first floor restaurant area hereby approved, is first brought into use, an acoustic lobbied entrance to the ground floor main entrance of an adequate size shall be provided, in order to ensure that the outer door can be closed before the inner door is opened, in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority. Except for ingress and egress, both outer and inner doors to the front entrance lobby shall remain closed between 21:00 and 10:00 hours the following day whilst customers remain on the premises on all days.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

09. No deliveries and/or collections to the premises shall be undertaken except between: 07:00 to 19:00 hours Monday to Friday and 08:00 to 13:00 hours Saturdays, with no deliveries or collections at all on Sundays, Public or Bank Holidays.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

10. The construction works associate with this permission shall be restricted to between 08:00 and 18:00hrs Monday to Friday, 08:00 and 13:00hrs on Saturdays and not at all on Sundays, Public or Bank Holidays.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

11. The development hereby approved shall be used for no purposes other than a restaurant (Use Class A3). The site shall be used for no other purposes falling within Use Class A3 as defined by the Town and Country Planning (Use Classes) Order 1987 as amended or any other use permitted under the Town and Country planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of these orders.

Reason: To enable future control to be retained in relation to the use of the building and to reflect the specific circumstances that has provided justification for the proposed use at the application site.

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

Informatives

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

02. You will need to get separate planning permission for any alterations to the existing windows and may need advertisement consent if you wish to put up any signage at the property.

03. Compliance with this decision notice 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 also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information

04. The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG

05. For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour

and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

477 17/01460/FULH - 29 Hadleigh Road, Leigh-on-Sea, Essex, SS9 2DY (Leigh Ward)

Proposal: Erect single storey side extension and extend existing balcony, install door to side elevation, removal of 2 Yew Trees (subject to tree preservation order) and erect detached outbuilding with decking area with associated landscaping and boundary treatment

Applicant: Mr & Mrs Jeremy and Amanda Holmes

Agent: Mosley Thorold Architects

Resolved: That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02. The development hereby permitted shall be carried out in accordance with the following approved plans: A1000C, A1001C, A1002C, A1010F, A1011C, A1020F, A1021C, A1022C, A1030C, A3000C, A3001D, A3002C, A3003E, A3010E, A3011E, PJC-0649-003

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

03. The materials used for the external surfaces of the proposed side extension and balcony shall match those used on the existing dwelling unless differences are shown on the drawings hereby approved or are required by other conditions attached to this permission

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

04. The proposed door to the existing utility area on the southern side of the property shall be constructed from timber in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

05. The materials used for the external surfaces of the proposed outbuilding shall be painted timber featheredged weather board, timber fascia, painted timber or aluminium windows and doors and a wildflower green roof unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

06. The boundaries treatments and means of enclosure installed at the application site in association with this permission shall be as set out on approved drawing No. PJC-0649-003 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

07. Three replacement trees shall be planted at the site by the end of the first planting season following completion of the development (end of March). The replacement trees shall comprise 1 x Swedish whitebeam (*Sorbus intermedia* 'Brouwers'), 1 x Scots pine (*pinus sylvestris*) and 1 x bird cherry (*prunus padus*) and shall be heavy standard (5-6m in height and 18-20cm girth) at time of planting and be planted in the locations shown on approved plan No PJC-0649-003. The trees shall be supplied, planted and maintained in accordance with 'BS 8545 2014 Trees: From Nursery to Independence in the Landscape Recommendations'. Any tree that fails within 3 years of planting shall be replaced with the same specification.

Reason: To mitigate for the loss of existing preserved trees and to safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies. This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08. No site clearance, preparatory work or development shall take place in association with this development until the protection measures set out in the submitted Arboricultural report titled 'Arboricultural Impact Assessment for 29 Hadleigh Road by PJC Consultancy dated 14th August 2017' have been implemented in full. These measures shall be maintained and the consent implemented in accordance with the approved protection measures for the extent construction period as associated with this consent.

Reason: To make sure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with the Core Strategy (2007) policies KP2 and CP4, policy DM1 of the Development Management Document (2015) and advice contained in the Design and Townscape Guide (2009).

09. The outbuilding hereby permitted shall solely be used for purposes incidental to the use of the main dwelling No 29 Hadleigh Road and for no other purpose including as habitable accommodation.

Reason : To safeguard the visual and residential amenities of the surrounding area in accordance with Core Strategy (2007) Policies KP2 and CP4 and Development Management DPD (2015) Policy DM1.

Informative

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

Chairman: _____