

# **SOUTHEND-ON-SEA BOROUGH COUNCIL**

## **Meeting of Development Control Committee**

**Date: Wednesday, 4th July, 2018**

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

**Present:** Councillor D Garston (Chair)  
Councillors B Arscott (Vice-Chair), M Borton, S Buckley, A Chalk,  
A Dear, F Evans, D Garne, J Garston, S Habermel, R Hadley,  
H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker  
and N Ward

**In Attendance:** Councillor N Folkard  
J K Williams, K Waters, C Galforg, P Keyes, C White, M Warren and  
T Row

**Start/End Time:** 2.00 pm - 4.55 pm

### **83 Apologies for Absence**

There were no apologies for absence.

### **84 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Evans – Agenda Item No. 5 (18/00688/BC4M - Belfairs Academy, Highlands Boulevard) – Disqualifying non-pecuniary interest: Friend of the Principal of the Academy (withdrew);

(b) Councillor Evans – Agenda Item No. 12 (18/00443/ADV & 18/00758/LBC - The Pier, Western Esplanade) – Disqualifying non-pecuniary interest: Acquainted with the Chairman of the Football Club who has made donations to her charity (withdrew);

(c) Councillor J Garston – Agenda Item Nos. 10 (18/01060/DOV5 - Marine Plaza Land Between Southchurch Avenue and Pleasant Road Fronting Marine Parade) and 11 (18/00874/AMDT - Marine Plaza Land Between Southchurch Avenue and Pleasant Road Fronting Marine Parade) – Non-pecuniary interest: Owns property in the vicinity;

(d) Councillor Habermel – Agenda Item No. 13 (18/00690/FUL - 38 Towerfield Road, Shoeburyness) – Non-pecuniary interest: Knows the applicant and has spoken on her behalf in respect of a previous application;

(e) Councillor McDonald – Agenda Item Nos. 5 (18/00688/BC4M - Belfairs Academy, Highlands Boulevard) and 7 (18/00629/AMDT - Shoeburyness High School, Caulfield Road) – Non-pecuniary interest: Works for a charity that provides support services to both Schools; and

(f) Councillor Van Looy – Agenda Item No. 6 (17/01180/FULM - 636 Southchurch Road, Southend on Sea) – Non-pecuniary interest: Owns a business in Southchurch Road.

## **85 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.

## **86 18/00372/OUTM - 27 Redstock Road, Southend on Sea (Victoria Ward) Proposal: Demolish existing buildings and erect a part 3, part 4 storey block, comprising 20 apartments with associated parking and amenity space, and form vehicular access onto Redstock Road Applicant: Mr Chris Morris Agent: Marcus Bennett Associates**

Mr Clark, a local resident, spoke as an objector to the application. Mr Bennett, the applicant's agent, responded.

RESOLVED: That planning permission be REFUSED for the following reasons:

01 The proposed development, by reason of its size, scale, bulk, mass, siting, detailed design and lack of opportunities for soft landscaping, results in an overly dominant, contrived and incongruous scheme which would cause material harm to the character and appearance of the site and the surrounding area, contrary to National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

02 The design, size, siting, bulk and mass of the proposed development are such that it would be overbearing, dominant and result in an unacceptable sense of enclosure to the detriment of the amenities of the occupiers of the neighbouring dwelling to the west at No.26 Redstock Road. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

03 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing need for larger family sized dwellings, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policy KP2 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015)

04 The proposed communal amenity deck, by virtue of the design of the pedestrian access arrangements and their relationship with the main habitable rooms serving flat 7 would result in material overlooking, loss of privacy, noise and disturbance and substandard living conditions to the occupiers of this dwelling providing a poor quality residential environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework

(2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

05 The application fails to demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community, includes stepped access to the main entrance, cycle and refuse store and information has not been submitted to demonstrate that the new dwellings would meet the M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM8 of the Development Management Document (2015).

06 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. In the absence of this undertaking the application is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Policies Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

Informative:

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

**87 18/00688/BC4M - Belfairs Academy, Highlands Boulevard (West Leigh Ward)**

**Proposal: Install plant equipment consisting of three external air handling units (AHU) to roof of main school building**

**Applicant: Legra Academy Trust**

**Agent: Barker Associates LLP**

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

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 approved plans and details; BA/P18-099-101/A, BA/P18-099-120, BA/P18-099-220, BA/P18-099-141, BA/P18-099-401, BA/P18-099-142, BA/P18-099-402, BA/P18-099-144, BA/P18-099-404, BA/P18-099-143, BA/P18-099-403, AHU Technical Data and Noise Impact Assessment and Acoustic Design Report dated 3rd April 2018, project number A3630 by Encon Associates Limited.

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

03 The noise rating level arising from all plant, infrastructure and other installed equipment in association with this permission shall be at least 5dB(A) below the prevailing background noise level with no tonal elements. The LA90 to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The plant, infrastructure and other installed equipment must be maintained to ensure compliance with these levels.

Reason: To protect the amenity of people in neighbouring properties and general environmental quality in accordance with National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM14 and the Design and Townscape Guide (2009).

04 Before the air handling units hereby approved are first used, acoustic screens designed also to visually shield the equipment from residential views shall be erected in accordance with details which shall previously have been submitted to and agreed in writing with the Local Planning Authority and the approved screens shall thereafter be permanently maintained unless and until such time as the air handling units are removed from the building

Reason: To protect the amenity of people in neighbouring properties and general environmental quality in accordance with National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM14 and the Design and Townscape Guide (2009).

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

#### Informatives

01 You are advised that in this instance the chargeable amount has been calculated as a zero rate as applicable to an educational and/or community use, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about 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 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

**88 17/01180/FULM - 636 Southchurch Road, Southend on Sea (Kursaal Ward)**

**Proposal: Demolish existing building, erect four storey building comprising part commercial unit to ground floor, 14 self-contained flats with balconies, roof terrace to front and side and layout parking**

**Applicant: Southchurch Holdings Ltd**

**Agent: DAP Architecture**

RESOLVED: That consideration of the application be DEFERRED to the next meeting of Committee to enable further discussion with the applicants regarding the provision of affordable housing and parking

**89 18/00629/AMDT - Shoeburyness High School, Caulfield Road (West Shoebury Ward)**

**Proposal: Application to vary condition 02 (approved plans) Various alterations to elevations (Minor Material Amendment of Planning Permission 16/02194/FULM dated 05.04.2017)**

**Applicant: Shoeburyness High School**

**Agent: The Draughtsman Architectural Ltd**

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

01 The development hereby permitted shall be begun not later than 5th April 2020.

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 approved plans Location Plan, SHS/NAK/02 Revision N, SHS/NAK/04

Revision M; SHS/NAK/03 Revision N, SHS/NAK/05 Revision C, SHS/NAK/06 Revision C, SHS/NAK/07 Revision C

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

03 The development shall be carried out in accordance with the details set out in the materials and landscaping schedule received on the 22.02.2017 and as approved under application ref 16/ 02194/FULM including north elevation- main wall panels Trespa Meteon colour silver grey, windows Comar 5Pi window system colour white, face brickwork to lower wall Ibstock 65mm Bristol Buff, Face brickwork to lower wall 65mm Staffs Slate Blue engineering brick; east elevation-, brick fashion wall panels to be Trespa Meteon in silver grey, winter grey, pure white; face brickwork to lower wall Ibstock 65mm 0657 Bristol buff multi, face brickwork to lower wall Ibstock 65mm Staffs Slate Blue engineering brick, entrance portal white painted sand and cement render; south elevation-main wall panels to be Trespa Meteon colour silver grey; west elevation- windows to be Comar 5Pi window and door system, colour white, exposed steelwork carried out in accordance with BS 5493; brise soleil aluminium aerofoil profile powder coated white; curved roof Kingspan panels product KS1000CR colour grey, soffit and fascia to be white powder coated plastol sheet profile to suit curved roof radius, glass balustrading to be toughed clear glass and tubular stainless steel frame before the building is occupied 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 surrounding locality. This is as set out in the Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).

04 The ventilation grilles and fire escape doors on the south and west elevations shall be powder coated to match the colour of the agreed wall materials (Trespa Meteon colour silver grey south elevation and white to the west elevation) before the building is occupied.

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 surrounding locality. This is as set out in the Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).

05 All planting in the approved landscaping as shown on drawings 'SHS/NAK/006 Revision C and the materials and landscaping schedule received on the 22.02.2017, shall be carried out within the first planting season of first occupation of the development. 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: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with Core Strategy (2007) policy KP2 and CP4,

Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).

06 Prior to the occupation of the building, 26 car parking spaces shall be provided at the site in accordance with drawing SHS/NAK/06 Revision C, and shall thereafter be permanently retained only for the parking of staff and visitors. Permeable materials shall be used for the hardstanding area.

Reason: In the interests of highway management and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy KP2, CP3 and CP4, DPD2 Development Management Document (2015) policy DM15, and the Southend Design and Townscape Guide (2009).

07 Parking facilities for 50 cycle and associated cycle enclosure shall be provided in accordance with details approved under the application with local planning authority reference 17/01243/AD and drawing references SHS/NAK/07 Revision C, SHS/NAK/12 Revision F and SHS/NAK/1 Revision F. The cycle parking shall be implemented prior to the first occupation of the building hereby approved and retained for cycle parking in perpetuity thereafter.

Reason: To ensure that satisfactory secure bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

08 External lighting at the site shall only be provided in accordance with details approved under the application with local planning authority reference 17/012431/AD and drawing reference 170086E700T1 and Electrical Services Specification carried out by Silcock Dawson and Partners dated June 2017.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2012), Core Strategy (2007) policy KP2 and CP4, and Development Management Document (2015) policy DM1.

09 99 square metres of solar panels shall be provided on the roof of the building in accordance with details approved under application local planning authority reference 17/01243/AD and drawing reference SHS/NAK/12 Revision E and energy report carried out by Silcock Dawson and Partners dated June 2017 and prior to the first occupation of the building and these shall be retained in perpetuity thereafter.

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

10 Asbestos removal at the site shall be carried out in accordance with details approved under application reference 17/01243/AD and as detailed in the asbestos survey carried out by Microtect (Air) Limited) reference C1306/05. This must be implemented prior to the occupation of the building.

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

11 Demolition and construction hours shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.

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

12 Mitigation measures to minimise and/or control noise and potential fugitive dust emissions resulting from the works shall be carried out in accordance with details approved under application reference 17/01243/AD and as detailed in the construction method statement dated July 2017 and associated mitigation measures contained within the dust management plan carried out by ASHE.

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

13 Sustainable drainage measures shall be carried out at the site in accordance with details approved under application with local planning authority reference 17/012431/AD and as detailed in the drainage strategy dated July 2017 carried out by Barter Hill and the associated maintenance schedule prior to the first occupation of the building and these shall be retained in perpetuity thereafter.

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

14. The first floor fire escape door, roof void access door on the south elevation and the stairs accessing these doors as shown on drawing reference SHS/NAK/3N hereby approved, shall solely be used to exit the building in the event of an emergency and for maintenance purposes and for no other purpose. The doors shall remain closed at all other times.

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

#### Informatives

01 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.

02 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website [http://www.southend.gov.uk/info/200011/building\\_control](http://www.southend.gov.uk/info/200011/building_control) for further information.



03 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.

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

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.

**90 15/00224/UNAU\_B - Flats above 95 Broadway, Leigh on Sea (Leigh Ward)**  
**Breach of Control: Without planning permission, the replacement of the existing wooden framed windows at first, second and third floor level in the front elevation with Upvc windows. (Conservation Area)**

RESOLVED: That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised Upvc framed windows installed to the first second and third floor front elevation of this property on the grounds that they harm the character and appearance of the property and the streetscene by reason of their unsympathetic materials and discordant frame thickness to the extent that they are detrimental to the character and appearance of the Leigh Cliff Conservation area contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

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, research and quotes are possibly still required to be obtained and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. It is considered that a compliance period of 3 months is deemed reasonable

- 91 15/00278/UNAU\_B - Rear of 225 Leigh Road, Leigh on Sea (Leigh Ward)**  
**Breach of Control: Without planning permission, the formation of a flat to the rear of shop premises**

RESOLVED: That ENFORCEMENT ACTION be AUTHORISED to secure the cessation of the unauthorised flat use on the grounds highlighted in paragraphs 5.3 & 5.4 of the report.

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 it is considered that a compliance period of 3 months is deemed reasonable.

- 92 18/01060/DOV5 - Marine Plaza Land Between Southchurch Avenue And Pleasant Road Fronting Marine Parade (Kusaal Ward)**  
**Proposal: Modification of planning obligation (Section 106 agreement) dated 22nd July 2015 pursuant to application 14/01462/FULM to allow variations to Clauses 1.1, 6.1, 6.2, 7.1 & 7.2 of the Second Schedule so that the obligations set out in these clauses do not apply prior to commencement but are triggered at a later phase of the construction process.**  
**Applicant: Mr Larry Fenttiman of Goldfield Developments Ltd**  
**Agent: Christopher Wickham of Christopher Wickham Associates**

RESOLVED: That the Deputy Chief Executive (Place), the Director of Planning and Transport or the Group Manager Development and Building Control be DELEGATED to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 22nd July 2015 pursuant to planning application 14/01462/FULM to allow variations to Clauses 1.1, 6.1, 6.2, 7.1 & 7.2 of the Second Schedule so that the obligations set out in these clauses do not apply prior to commencement but are triggered at a later phase of the construction process (including education payment, relocation of CCTV, off-site planting payment and payments relating to traffic/highway works – see paragraph 5.1 for details).

- 93 18/00874/AMDT - Marine Plaza Land Between Southchurch Avenue And Pleasant Road Fronting Marine Parade (Kursaal Ward)**  
**Proposal: Application to vary condition Number(s): 02, 08, 14, 17, 21, 22, 23, 24, 40 and 41(revised wording to pre-commencement conditions in relation to timing of the submission of details) of planning permission 14/01462/FULM dated 22.07.2015**  
**Applicant: Mr Larry Fenttiman of Goldfield Developments Limited**  
**Agent: Christopher Wickham Associates**

RESOLVED: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager Development and Building Control be DELEGATED to grant planning permission subject to completion of a planning agreement under section 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- Provision of affordable housing (84 flats including 58 rented and 26 shared ownership; 32x1 bed, 27x2 bed, 25x3 bed)
- Education Contribution: £160,334 payable prior to completion of Phase 3
- Relocation of CCTV to be completed prior to commencement of Phase 2
- Highway works to be carried out under a Section 38 / 278 agreement
- Public art to the value of £150,000
- Travel Packs/Travel Plan
- Other monetary contributions towards:
  - i. £10,000 off site planting – payable prior to completion of Phase 2
  - ii. £40,000 pedestrian signage – payable prior to commencement of Phase 2
  - iii. £2,000 changes to signal timings - payable prior to commencement of Phase 2
  - iv. £36,000 4 x AVL displays, real time information – payable prior to commencement of Phase 2
  - v. £10,000 2 x bus shelters – payable prior to commencement of Phase 2
  - vi. £1,000 taxi rank layout – payable prior to commencement of Phase 2
  - vii. £10,000 traffic regulation orders - payable prior to commencement of Phase 2
  - viii. £30,000 relocate traffic speed system – payable prior to commencement of Phase 2
  - ix. £25,000 car parking signs – payable prior to commencement of Phase 2

(b) The Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager Development and 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 shall be begun no later than 22nd July 2018.

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

02 Prior to the commencement of any and each phase other than phase 1, samples of the materials to be used on all the external elevations, including balconies, fenestration, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area, steps and podium to be constructed as part of that phase shall be submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area, the adjacent listed and locally listed buildings and the Kursaal Conservation Area.

03 The development shall not be occupied until 328 parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained 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.

04 Prior to first occupation of the development a waste management plan and service plan for the development shall be submitted to and agreed by the Local Planning Authority, waste management and servicing of the development shall thereafter 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.

05 Prior to first occupation of the development a car park management plan for the development shall be submitted to and agreed by the Local Planning Authority, waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety.

06 Prior to first occupation of the development 356 cycle parking spaces shall be provided within secure covered parking stores, the details of which shall have previously been submitted to and agreed by the Local Planning Authority. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property.

Reason: In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development.

07 Construction Traffic Management of the development shall be carried out in accordance with details approved under application 18/00861/AD; Construction Programme received 15th May 2018; Construction Traffic Management Plan by Thompson Cole dated May 2018, Phasing Diagram dated 04.05.2018

Reason: to ensure that the construction is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers.

08 Prior to the commencement of construction of the residential blocks above podium level (Phases 3, 4 & 5), details of acoustic insulation to the residential units against road traffic noise, including both building elements and ventilation arrangements including purge ventilation to comply with the building regulations, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the construction is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers.

09 The residential development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

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.

10 The commercial development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

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.

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

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.

12 All deliveries and collections shall take place between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.

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

### 13 Decontamination

#### 1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of 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, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

#### 2. Submission of 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. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a 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 remediation.

### 3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

### 4. 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 within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. 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 in accordance with condition 3.

### 5. Long Term Monitoring and Maintenance

No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

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.

14 Prior to the commencement of any phase other than phase 1, full details of both hard and soft landscape works for that phase shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;

v. hard surfacing materials;

vi. minor artefacts and structures e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.

This shall include details of details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping.

15 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be implemented as approved.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping.

16 Prior to first occupation of the development renewable energy measures set out in the Energy Statement by Xc02 energy dated February 2015 and plan ref 3202 PL117B shall be implemented and shall be permanently retained thereafter.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources.

17 Prior to the commencement of phase 2 of the development, a design code for the shopfronts of the commercial units shall be submitted to and approved by the LPA, the code shall include details of but shall not be limited to, glazing, doors, signage locations and form, shuttering, lighting and materials. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

18 Prior to installation of any shopfront, details of the design and materials, glazing, doors, signage locations and form and lighting, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

19 Prior to installation of any shopfront, details of the design and materials, glazing, doors, signage locations and form and lighting, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

20 Prior to installation details of any shutters to the commercial units shall be submitted to and approved by the Local Planning Authority. The shutters shall be installed and retained in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

21 Prior to the commencement of any phase of the development involving the construction of residential units, details of the balconies to the internal elevations for that phase of the development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

22 Prior to the commencement of any phase of the development involving the construction of residential units, details of balcony privacy screens for that phase of the development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

23 Prior to the commencement of phase 3, details of the balustrade to the podium shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area

24 Prior to the commencement of any phase of the development involving the construction of car park gates, details of the design and materials of the car park gates and screen shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area

25 Prior to first occupation of the development details of the control mechanism for the podium vehicular access shall be submitted to and approved by the Local Planning Authority the development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

26 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the buildings without the prior written consents of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area.

27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structures such as canopies, fences,



loggias, trellises or satellite or radio antennae are allowed to be installed within the development or on the buildings unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area.

28 Prior to installation of any external lighting to the building, details of the external lighting of the building, including direction, siting, and hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light, shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting shall be installed on the building without the prior approval of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, adjacent listed and locally listed buildings and the Kursaal Conservation Area and to protect the amenities of surrounding occupiers and to protect to adjacent SSSI.

29 The delivery and refuse collection hours to the premises shall be restricted to between 7am and 7pm and Monday to Friday; 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to the protect the amenities of surrounding residents.

30 The permitted hours for noise beyond the site boundary due to construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays. Noise from construction site activity shall not occur beyond the site boundary at any other time.

Reason: In order to protect the amenities of surrounding residents.

31 During any Construction and Demolition there shall be no burning of waste material on the site.

Reason: In order to protect the amenities of surrounding residents.

32 The mitigation measures with regard demolition, earthworks, construction and track-out of the Construction phase of the development, set out at section 8.6 of the Environmental Statement submitted September 2014 in support of application 14/01462/FULM shall be implemented during development.

Reason: To minimise the environmental impact of the development and that demolition, construction, earthworks and track-out is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers.

33 The mitigation measures with regard to piling, lighting, storage and movement of materials, drainage, and tree and scrub clearance set out at section

6.1142 to 6.1220 of the Environmental Statement submitted September 2014 in support of application 14/01462/FULM shall be implemented during development.

Reason: To minimise the environmental impact of the development and to minimise the risk of harm to a protected species.

34 The mitigation measures in relation to Construction Noise and Construction Vibration set out at section 9.5 of the Environmental Statement submitted September 2014 in support of application 14/01462/FULM shall be implemented during development.

Reason: To minimise the environmental impact of the development and that construction is satisfactorily managed to protect the amenities of surrounding occupiers.

35 The Commercial floorspace hereby approved can only be used as A1 shops A3 Restaurants and cafes, or D2 Assembly and Leisure and for no other purpose including any within Classes A, B1, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: Planning permission for unrestricted use within Classes A, B1, C3 or D1 cannot be granted in this case because the development would fail to comply with Core Strategy 2007 policies KP1, CP1 and CP2.

36 A maximum of 687sqm of commercial floorspace hereby approved shall be used for A1 retail use unless otherwise agreed in writing with the Local Planning Authority.

Reason: Planning permission for unrestricted retail cannot be granted in this case because the development it would fail to comply with Core Strategy 2007 policies KP1, CP1 and CP2.

37 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

38 Development shall not commence until a surface water drainage scheme in line with that detailed in the revised Flood Risk Assessment undertaken by SLR Consulting Limited, referenced 407.04361.00002 and dated January 2015, and Indicative Drainage Layout drawing no 003, dated January 2013, is submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the development is completed in accordance with the approved details.

The scheme shall:

Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water

drainage strategy are achievable across the site, based on the 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. Provide 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 that 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. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required. Provide attenuation storage to cater for the 1 in 100 year critical duration rainfall event including allowance for climate change over the lifetime of the development without causing nuisance or damage. Calculations should be provided to demonstrate the functionality of each drainage feature. Provide calculations of the piped network performance in the 1 in 30 year rainfall event to show no above ground flooding, and in the 1 in 100 year rainfall event including climate change to provide details of the volumes of flooding from each pipe, if any. Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635. Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development. Detail who will maintain each element of the surface water system for the lifetime of the development by submission of a maintenance schedule. Fully investigate the impacts of tide locking on the site and model a surcharge outfall scenario if required. Discharge to Anglian Water sewer shall be at the maximum agreed rate of 22l per second. Provide confirmation that Anglian Water accepts the surface water discharge proposed to both manhole 0251 and 9151 detailed in the Indicative Drainage Layout Drawing referenced 003, dated January 2015. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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.

39 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) prepared by SLR Consulting Limited referenced 407.04361.00002, dated January 2015 and approved as part of application 14/01462/FULM and the following mitigation measures detailed within the FRA: Finished ground floor levels of the residential development are set no lower than 6.05 meters above Ordnance Datum (AOD). Finished first floor levels of the residential unit and Podium level are set no lower than 8.4 meters above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent environmental and amenity problems arising from flooding.

40 Prior to the commencement of any phase of the development involving the construction of the car park flood gates, details of the structural design, appearance and method of operation to the car park flood gates shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and permanently maintained thereafter.

Reason: To prevent environmental and amenity problems arising from flooding.

41 Prior to first occupation of the development a Flood Response Plan should be submitted to and approved by the Local Planning Authority. The approved Plan shall be implemented in the event of flooding.

Reason: To prevent environmental and amenity problems arising from flooding.

42 (a) Archaeological investigation work and the development must be carried out in accordance with the details within the Archaeological watching brief by Pegasus Group dated April 2018 approved under application 18/00801/AD. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme. Copies of the written report of the investigation and findings must be sent to Southend Borough Council, Essex County Council and Historic England.

(b) No part of the new development can be used until the local planning authority has provided written confirmation that the archaeological fieldwork and development has been carried out in accordance with the approved scheme.

(c) No part of the new building can be used until the local planning authority has provided written confirmation that the archaeological fieldwork and development has been carried out in accordance with the approved scheme.

Reason: To avoid damage to archaeological remains

43 Unless otherwise agreed in writing the development hereby permitted shall be carried out in accordance with the following approved plans submitted with application 14/01672/FULM: PL101C, PL102C, PL103A, PL104A, PL105A, PL106A, PL107A, PL108A, PL109A, PL110A, PL111A, PL112A, PL113A, PL114A, PL115A, PL116A, PL117B, PL201A, PL202A, PL203A, PL204A, PL205A, PL206A, PL207A, PL208A, PL209A, PL210A, PL25A, PL26A.

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

44 The Development shall be phased as follows and as shown on the plan submitted under the application with LPA ref 18/00861/AD:

Phase 1 Enabling Works

Phase 2 Car Park and Commercial Units

Phase 3 Residential Block A and B, and Commercial Units

Phase 4 Residential Block C, D and E

Phase 5 Residential Block F and Commercial Units

Each phase shall be completed in its entirety in accordance with the phasing plan approved under application with the application with LPA ref 18/00861/AD before the next subsequent phase commences unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of visual and general amenity, highway safety and to ensure a coordinated development.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 13th August 2018 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 :

(i) provide for improvements to the public highway and the public realm within the vicinity of the site;

(ii) provide an effective means of enforcing/delivering a Travel Plan;

(iii) provide for a satisfactory provision of public art; and

(iv) provide for a satisfactory method of servicing the development

(v) provide for affordable housing or education accommodation to serve the needs of local residents. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would cause traffic congestion and fail to encourage sustainable modes of transport and be to the detriment of highway safety, would not contribute to affordable housing provision and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area.

Informatives:

01 As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted permission before a CIL Charging Schedule took effect, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

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

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](http://www.DEFRA.Gov.UK).

06 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/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

07 The developer should ensure the enclosed car parking areas are adequately naturally or mechanically ventilated to disperse exhaust fumes.

08 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependent on the location may be reinstatement in height and may also require full co coordination with the Airport Authority

09 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.

10 Water Supplies - the applicant or architect is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342.

11 Details of the shopfronts and advertisements to the commercial buildings should follow the approved Design Code for these elements.

12 Hard landscaping materials to the Marine Parade, Southchurch Avenue and Pleasant road frontages of the development shall match those of the existing City Beach scheme.

13 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.

14 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.

15 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.

16 The Flood Response Plan (FRP) shall include details of what should be done in the event of surface water flooding.

17 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 highways works, affordable housing provision, contributions for education, public art, off site tree planting and additional highways works and submission of a Travel Plan

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.

**94 18/00443/ADV & 18/00758/LBC - The Pier, Western Esplanade (Milton Ward)**

**Proposals : 1. Install two vinyl banners to East and West elevations of Pier and 2. Install two vinyl banners to East and West elevations of Pier (Listed Building Consent)**

**Applicant: Southend United Football Club**

**Agent: PowerHaus Consultancy**

RESOLVED:

1. That ADVERTISEMENT CONSENT 18/00443/ADV be REFUSED for the following reason:

01 The proposed advertisements would, by reason of their impact on the public views and setting of the pier, have a detrimental impact on the visual amenity of the designated heritage assets and wider area which is not outweighed by any other public benefits. The advertisement consent application is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015), policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).

2. That REFUSE LISTED BUILDING CONSENT 18/00758/LBC be REFUSED for the following reason:

01 The proposed works would, by reason of their impact on the setting of the pier and likely harm to the historic ironwork on the pier, cause significant material harm to the character and significance of the listed building which is not outweighed by any other public benefits. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015), Policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).

**18/00690/FUL - 38 Towerfield Road, Shoeburyness (Shoeburyness Ward)**  
**Proposal: Change of use from Light Industrial (Class B1) to Dance and Theatre School (Class D1 & D2) and layout 10 parking spaces**  
**Applicant: Mrs Wendy Headford**  
**Agent: The Draughtsman Ltd**

RESOLVED: That personal planning permission be GRANTED to Mrs Wendy Headford and Mrs Headford's daughter subject to the following conditions:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: TR/NAK/01, TR/NAK/02 & Location Plan.

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

3. The dance and theatre school (use class D1) use hereby permitted shall be carried on only by Mrs Wendy Headford and/or her daughter Michaela Headford. When the premises ceases to be occupied by at least one of Mrs Wendy Headford or Michaela Headford the dance and theatre school (use class D1) use hereby permitted shall cease and the site shall immediately revert back to its former Class B1 use.

Reason: Permission has been granted taking into consideration the special circumstances of this case. The local planning authority needs to control future use of the premises if Mrs Wendy Headford leaves to ensure compliance with the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).

4. The external materials to be used for the development shall only be as detailed on the approved plans and the submitted application form dated 12.04.2018.

Reason: To safeguard the visual amenities of the area, in accordance with policies as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

5. The development shall not be occupied until 10 car parking spaces have been provided at the site, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with details which shall previously have been submitted to and agreed in writing by the local planning authority. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development.



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

6. The development shall not be occupied until details of secure and covered cycle parking have been submitted to and approved by the local planning authority. The approved cycle parking shall be installed in accordance with the approved details before the building is occupied and shall be permanently maintained thereafter.

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

7. Prior to first use of the development hereby approved a Travel Plan which seeks to encourage travel to the site by more sustainable modes of transport shall be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented in full accordance with the approved details from the first occupation of the development. Before the end of the first and third years operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must thereafter be updated to address the problems identified and be immediately implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).

8. The development hereby approved, for purposes falling within Class D1, shall only be occupied as a dance and theatre school and shall not be used for any other purpose, including any other purpose within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments

to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

#### Informatives

1. You are advised that as the 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](http://www.southend.gov.uk/cil) for further details about CIL.

2. In relation to condition 7 the details of a travel plan shall include:

1. General provisions- A Travel Plan is a long-term management strategy for the Site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

2. The Travel Plan will set the general objective to:

a) reduce journeys to the site by single occupancy car and all car traffic and; b) not adversely affect parking in the local area

c) encourage travel by more sustainable modes of transport.

The Travel Plan must be consistent with the objectives of the National Planning Policy Framework, the Local Transport Plan and Development Plan Policies (departures from this will generally be unacceptable); clearly set out the benefits of a Travel Plan including carbon reduction and the health benefits from more active travel; and demonstrate how the travel needs for all users of the new development will be met.

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

**96 18/00942/DOV - Part of Former Keddies Building And Maitland House, Chichester Road (Milton Ward)**

**Proposal: Modification of Section 106 agreement dated 30/06/2011 (as amended by Deed of Variation dated 22/06/2016) pursuant to planning permission 10/02012/EXTM, to extend the payment provisions in relation to the Education, Bus Infrastructure and Warrior Square Contributions.**

**Applicant: Mr D Samuels of Broadway Estates Ltd**

**Agent: Mr D Jarman of Hobbs Parker Property Consultants LLP**

RESOLVED: That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 30th June 2011 (as amended by Deed of Variation dated 22nd June 2016) pursuant to planning permission 10/02012/EXTM to secure the following provisions:

- Clause 3.1 of the Second Schedule of the S.106 – Education Contribution payable within 60 months of Commencement of Development
- Clause 6.1 of the Second Schedule of the S.106 – Bus Infrastructure Contribution payable within 60 months of Commencement of Development
- Clause 7.1 of the Second Schedule of the S.106 – Warrior Square Contribution payable within 14 days of completion of any Deed of Variation pursuant to this application
- Clause 5.2 of the Deed of Variation dated 22nd June 2016 – the construction of the structural frame of the 11 storey extension comprised within the Development shall not commence before 1st June 2019.

**Chairman:** \_\_\_\_\_