

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 3rd October, 2018

Place: Committee Room 1 - Civic Suite

Present: Councillor D Garston (Chairman)
Councillors B Arscott (Vice-Chair), B Ayling*, S Buckley, A Chalk,
A Dear, F Evans, N Folkard*, D Garne, J Garston, R Hadley,
A Jones*, C Mulroney, D Norman MBE, C Walker and N Ward
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors T Harp and J Lamb
P Geraghty, G Gilbert, C Galforg, P Keyes, C White, M Warren and
T Row

Start/End Time: 2.00 pm - 5.10 pm.

308 Apologies for Absence

Apologies for absence were received from Councillors Borton (no substitute), Habermel (substitute: Cllr Folkard), McDonald (substitute: Cllr Jones) and Van Looy (substitute: Cllr Ayling).

309 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(b) Councillor Arscott – Agenda Item No. 11 (18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(c) Councillor Evans – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Disqualifying non-pecuniary interest: Close friend lives nearby (withdrew);

(d) Councillor Folkard – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(e) Councillor Folkard – Agenda Item No. 11 (18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(f) Councillor D Garston – Agenda Item No. 4 (17/01263/FUL - Westcliff Eruv, Finchley Road, Westcliff on Sea) – Non-pecuniary interest: Member of Southend West Hebrew Congregation which is referred to in the report;

(g) Councillor J Garston – Agenda Item No. 4 (17/01263/FUL - Westcliff Eruv, Finchley Road, Westcliff on Sea) – Non-pecuniary interest: Member of Southend West Hebrew Congregation which is referred to in the report;

(h) Councillor Jones – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Non-pecuniary interest: Cousin is employed by Legra;

(i) Councillor Mulroney – Agenda Item No. 5 (17/01734/FULM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(j) Councillor Mulroney – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(k) Councillor Mulroney – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(l) Councillor Mulroney – Agenda Item No. 11 (18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning) and Leigh Society and the applicant's agent is known to her;

(m) Councillor Walker – Agenda Item. No. 5 (17/01734/FULM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea) – Non-pecuniary interest: Two friends live in close proximity;

(n) Councillor Walker – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Non-pecuniary interest: Friend lives in close proximity;

(o) Councillor Walker – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Friend lives in Underwood Square and a work colleague lives in Lime Avenue; and

(p) Councillor Ward – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Disqualifying non-pecuniary interest: Has worked for the owner (withdrew).

310 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.

**311 17/01263/FUL - Westcliff Eruv, Finchley Road, Westcliff on Sea
(Chalkwell Ward)**

Proposal: Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the Borough

Applicant: Westcliff Jewish Association

Agent: Rosenfelder Associates

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

01 This development must be begun within three years from the date of this permission.

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

02 Except as otherwise agreed in writing by the Council under the provisions of Condition 3 of this planning permission the development hereby permitted shall be carried out in accordance with the following approved plans: 911.001 (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23; 911.24; 911.25; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D; 911.41

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

03 In respect of all sites hereby approved, details of the design and colour of the external surfaces of the posts and poles and associated structures plus, in respect of sites 17, 27, 30, 31 and 39 the detailed locations, sizes and design details of the polycarbonate and steel sheet fixings, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be implemented in full accordance with the details approved under this condition within 6 months of the erection of that particular pole, post or structure. Notwithstanding the details shown on the plans submitted and otherwise hereby approved the pole erected outside the boundary of 70 and 72 Eastbourne Grove (Site 21) shall be chamfered above a height no less than 1m above ground level to a diameter of 76mm in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

04 A Construction, Management and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, including details of the management arrangements for implementation of the works hereby approved shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Local Highway Authority, prior to the commencement of the development. The Construction and Maintenance Strategy submitted shall include details on how the Eruv structure (poles, posts, associated structures and wire) would be constructed and maintained in a manner that would not compromise highway and pedestrian safety or unacceptably impact on movements on the public highway. The development shall be implemented and in full accordance with the approved Construction, Management and Maintenance Strategy and maintained in accordance with this Strategy in perpetuity.

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the road network arising from the development would be kept to a minimum in accordance with the National Planning Policy Framework Policies KP2, CP3 and CP4 of the Core Strategy 2007 and Policies DM1, DM3 and DM15 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

05 No site works or other works associated with this development shall be commenced before an Arboricultural Method Statement and Tree Works Plan, detailing the precautions to be taken to minimise damage to trees within and adjacent the sites and any works to be carried out to trees as part of the implementation of the proposal (where relevant), in accordance with British Standards BS5837:2012 and BS3998:2010, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Arboricultural Method Statement and Tree Works Plan approved under this condition. The approved tree protection measures shall be fully installed before the commencement of works and maintained during construction.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

06 No site works or other works associated with this development shall be commenced unless and until an assessment of the impact of the wires on the flight paths of birds, for those approved structures within the reasonable proximity of Priory Park, have been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and propose measures such as, but not limited to, bird deflectors necessary to mitigate any identified harmful impacts and those agreed measures shall be fully installed prior to completion and first use of the respective developments and shall be permanently maintained for the lifetime of the developments hereby approved.

Reason: To ensure that the development protects local ecology in accordance with the National Planning Policy Framework, Policy KP2 and CP4 of the Council's Core Strategy (2007)

Informatives

01 The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

02 Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.

03 The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.

04 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

05 Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

06 The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.

07 The applicant is advised that they would be liable for the cost of any rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures.

08 The applicant is advised that they would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and leci to be erected on the public highway.

- 312 17/01734/FULM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea (Belfairs Ward)**
Proposal: Demolish existing buildings, erect three storey building comprising of 15 self-contained flats, layout refuse store, cycle store and parking
Applicant: BESB Contracts Ltd
Agent: Phase 2 Planning

Resolved:- That planning permission be REFUSED for the following reasons:

01 The proposal by reason of its scale, height and bulk would appear as an overly dominant, obtrusive and incongruous development that is out of keeping with and detrimental to the prevailing character and appearance of the streetscene and the surrounding area. This is unacceptable and contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

02 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions to meet the demand for such housing in the area and formal undertaking to secure contributions to the delivery of education facilities, to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007), and Policy DM7 of the Development Management Document (2015)

- 313 18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea (West Leigh Ward)**
Proposal: Erect three storey infill extension to form additional classrooms, sports facilities and associated rooms and extend main school hall
Applicant: Legra Academy Trust
Agent: Barker Associates LLP

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: BA/P18-099-N204/B, BA/P18-099-N200, BA/P18-099-N203/C, BA/P18-099-N205/B, BA/P18-099-N301, BA/P18-099-N350, BA/P18-099-N201/C, BA/P18-099-N141, BA/P18-099-H141, BA/P18-099-N202/C, BA/P18-099-N121, BA/P18-099-H202, BA/P18-099-H401, BA/P18-099-H103, BA/P18-099-N101.

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 construction up to the ground floor slab level, until samples of the materials to be used in the construction of the external elevations of the buildings 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 No construction works other than demolition works and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; hard surfacing materials; Details for the soft landscape works shall include the number, size and location of any trees, shrubs 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 approved hard landscaping works shall be carried out prior to first occupation of the development hereby approved and the soft landscaping works within the first planting season following first occupation of the development.

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 DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

05 The photovoltaic solar roof panels shall be implemented in full prior to the first occupation of the buildings as per drawing no. P18-099-N205_B and shall provide at least 10% of the total energy needs of the new buildings. 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).

06 The use of the development hereby approved shall be used for no purposes other than for those falling within Use Class D1 only. 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 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: In order to protect the impacts on community infrastructure, the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the NPPF, Policies KP2, CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 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 DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

08 No part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained 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 (2007) and Policy DM15 of the Development Management Document (2015).

09 The development hereby granted shall be implemented in accordance with the recommendations and noise mitigation measures contained within the Noise Impact Assessment and Acoustic Design Report dated 17 May 2018 by Encon Associates before it is occupied and retained as such thereafter.

Reason: To minimise the noise and disturbance impacts of the development in order to protect the amenities of neighbouring occupiers in accordance with National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

10 The rating level of noise for internal activities (including amplified and unamplified music and human voices) at the site shall be at least 10dB(A) below the background noise level to ensure inaudibility in noise sensitive premises as measured at 1 metre from the nearest residential 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 assessment shall be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

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 (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

11 Prior to occupation of the development, a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of;

- (a) A comprehensive survey of all staff ;
- (b) Targets set in the Plan to reduce car journeys to the premises;
- (c) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the building is occupied for A4 use.

The site shall be managed and operated in full accordance with the approved travel plan from its first occupation. At the end of 3 months following first occupation of the premises for D1 use a travel survey/questionnaire shall be carried out for staff and customers/visitors, and within 28 days of the survey the travel plan document must be updated to take into account the results of the staff/customer/visitor survey and submitted to the Local Planning Authority for approval. Immediately following approval of the revised Travel Plan it must be implemented and the site managed and operated in full accordance with it.

At the end of the first and third years of the life of the Travel Plan, 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 further revised Travel Plan must be implemented immediately and the site managed and operated in full accordance with it thereafter.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1 and DM15 and Design and Townscape Guide (2009).

12 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 Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

13 Prior to occupation of the development, details of additional cycle parking must be submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1 and DM15 and 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

1. 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.

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.

3. 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>

4. 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/>.

5. Please 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 works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

314 18/01141/OUTM - Shoebury House, Ness Road, Shoeburyness (West Shoebury Ward)

Proposal: Demolish existing building (Class D1), redevelop site with up to 10 residential dwellings (Class C3) with associated parking and form vehicular access onto Ness Road (Outline Application)

Applicant: NHS Property Services

Agent: Savills

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

01 Details of the appearance, layout, scale and landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matter to be approved.

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

02 Except for demolition and site preparation works no development above ground level shall be undertaken until and unless samples of the materials to be used on the external elevations including details of any boundary walls, fences, gates and windows have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it 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 the area. This is as set out in the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground level shall take place until full details of both hard and soft landscape works proposed for 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, hard surfacing materials, minor artefacts and structures (e.g. 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, 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 approved hard landscaping works shall be carried out prior to first occupation of the development hereby approved and the soft landscaping works shall be carried out within the first planting season following first occupation of the development.

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

04 Except for demolition and site clearance no development above ground level shall be undertaken until full details of refuse, recycling and covered and secure cycle storage to be provided at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is first occupied and the approved facilities shall be made available prior to first occupation and shall be retained in perpetuity.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the guidance contained in the Design and Townscape Guide (2009).

05 No development above ground level shall be undertaken until and unless a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented and completed in full prior to the first occupation of any of the residential units hereby approved. 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), Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

06 Prior to occupation any part of the residential units hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and completed in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

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

07 A total of 20 parking spaces to serve the residential development hereby approved shall be provided and made available for use within the site prior to the first occupation of any part of the development hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings and their visitors and for no other purpose.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

08 Prior to occupation of the development a parking management plan for the approved development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and completed in accordance with the approved document prior to the first occupation of any of the dwellings hereby approved and shall be operated in accordance with the approved arrangement plan in perpetuity.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

09 No development shall take place, including any works of demolition, unless and 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:

- 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 including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. noise mitigation measures to be used at the site.
- ix. maintenance of access and parking provisions for the 2 care homes in operation.

Reason: This pre-commencement condition is required to protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM15.

10 Before the development is occupied or brought into first use, the development hereby approved shall be completed in a manner to ensure that 1 of the units hereby approved comply with Building Regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 9 units comply with Building Regulation Part M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

11 External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the safety and amenities of the 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 DM3 of the Development Management Document (2015).

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

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

13 No development above ground level shall be undertaken unless and until the flood resilient and resistant measures proposed have been submitted to and approved in writing by the local planning authority and the finished first floor levels of the development hereby approved shall be set no lower than 6.15m above Ordnance Datum (AOD). The approved mitigation measures shall be fully implemented prior to the first occupation of the development hereby approved.

Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

14 The development hereby approved shall be undertaken and completed in accordance with the following:

- Lighting design should avoid lighting overspill onto the northern and southern boundaries of the site which are suitable for foraging bats;
- Vegetation clearance works and building demolition works shall be undertaken outside of the bird nesting season (March – August inclusive) else a suitable qualified ecologist should be employed to determine if nesting birds are using the site prior to the works commencing with any active sets found provided with a

10m buffer which would be left until the young had fledged. Clearance works within the area can recommence only once the nest is no longer in use;

- Full details of bird and bat boxes to be installed at the site shall be submitted to and approved in writing by the local planning authority before any development above ground level is undertaken. The approved bird and bat boxes shall be provided in full prior to the first occupation of the development hereby approved and retained as such in perpetuity.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

15 Notwithstanding the details shown on the submitted plans no development above ground level shall be undertaken until full details of the noise mitigation measures to be installed in the dwellings hereby approved and the details of the internal noise conditions these would achieve have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in accordance with the approved details before the development is first occupied.

Reason: In the interests of the living conditions of the future occupiers of the site, in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Development Management Document (2015), Policies DM1, DM3 and Dm8 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009).

16 No development other than demolition shall commence until the detailed design of the developments surface water drainage scheme, incorporating the following measures, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any of the residential units hereby approved.

The scheme shall address the following matters:

a. Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant needs to include evidence that infiltration testing and groundwater level monitoring have been undertaken for the site and that they are compliant with BRE365 guidance.

b. Confirmation of the existing runoff rates for the 1 in 1 year, 1 in 30 year and 1 in 100 year storm events.

c. Provide evidence demonstrating that surface water runoff retention on site has been maximised for the 1 in 100 year plus 40% climate change storm event to achieve an overall discharge from the site as close as possible to greenfield runoff rate. A robust justification of the proposed drainage arrangement should be provided if a reduced discharge rate is not considered to be feasible.

d. Provide detailed drawings of the drainage network including sizing of all SuDS features on the site, with demonstration of how the network will perform under different flood scenarios.

e. Provide a drawing to indicate how the exceedance flows will be managed and mitigated in the event of a drainage system failure or an event exceeding the 1 in 100 year plus 40% allowance for climate change storm event.

- f. Provide evidence of consultation with Anglian Water regarding proposed discharge rate and connection point to be provided.
- g. Provide a method statement regarding the management of surface water runoff during the construction phase of the project.

Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy (2007) and Development Management Document (2015) policy DM2.

17 Notwithstanding the information submitted within the application, the development hereby approved shall not exceed 3 storeys in height and must not exceed 15.05m in height.

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 at least preserves the setting of the adjoining heritage assets. This is as set out in the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and the guidance contained within the Design and Townscape Guide (2009).

18 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

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

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

20 No development including demolition shall be undertaken unless and until full details of tree protection measures to be provided to protect the trees to be retained on the site and nearby trees on adjoining sites that could be affected by the development have been submitted to and approved in writing by the local

planning authority. The development shall be undertaken in full accordance with the approved details. The approved tree protection measures shall be retained on the site for the entire duration of the construction phase of the development.

Reason: This pre-commencement condition is required in the interests of visual amenity and biodiversity pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

21 No development shall be undertaken unless and until 11 car parking spaces have been provided for the adjoining care homes in accordance with drawing number 171550-006. The 11 car parking spaces shall thereafter be permanently retained for the parking of private motor vehicles of staff, visitors and residents of the care homes "Norton" and "Autumn" and for no other purpose.

Reason: To ensure satisfactory parking is provided and retained to meet the needs of occupants, visitors and staff of the care homes and to ensure that the development satisfies the requirements of the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

22 The approved access arrangement shall be completed in full accordance with the details shown on drawing number 171550-006 prior to the first occupation of any of the dwellings hereby approved and shall thereafter be retained in perpetuity.

Reason: To ensure adequate access arrangements are provided for the development hereby approved in accordance with the requirements of the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

23 No development shall be undertaken unless and until an assessment has been undertaken of the potential for archaeology remaining on the site. If such remains are identified a programme of investigation should thereafter be undertaken in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the local planning authority.

Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to Development Management Document (2015) policy DM5

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 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found on the Council's website at www.southend.gov.uk/cil

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.

- 315 18/01215/FUL - Hand Car Wash Site, 652 Sutton Road, Southend on Sea (St Lukes Ward)**
Proposal: Demolish existing cafe building and erect single storey building to be used as Restaurant/Cafe (Class A3)
Applicant: Mr F Bala
Agent: Mr Gary Horrigan

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

01 The development hereby permitted shall be retained in accordance with the following approved plans: Site Location Plan, 1055/1 A.

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

02 Notwithstanding the approved plans, no development shall commence other than demolition and construction up to ground floor slab level unless and until details of all external materials including finishes to walls, window frames and glazing have been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented as part of the development.

Reason: To safeguard the visual amenities of the area, 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).

03 The premises shall not be open for business outside the following hours: 08:00 to 18:00 hours Monday to Sunday.

Reason: To protect residential amenity and general environmental quality 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).

04 The development hereby approved, for purposes falling within Class A3, shall only be occupied as a café only as applied for, and shall not be used for any other purpose, including 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 floor space 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), and Policy DM3 of the Southend-on-Sea Development Management Document (2015).

05 External extraction and ventilation equipment shall only be erected on the development in accordance with details that have previously been submitted to and agreed in writing by the local planning authority.

Reason: To safeguard the visual amenities of the area, 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

01 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.

02 A separate planning permission would be required for any external alterations to the approved building, including fume extraction equipment.

316 18/01313/FUL - Rear of 123 Wakering Road, Wakering Road, Shoeburyness (Shoeburyness Ward)
Proposal: Demolish existing buildings, erect two semi-detached bungalows to rear of 123 Wakering Road, layout parking, bin store and cycle store
Applicant: Mr Graham Eiles
Agent: DK Building Designs Ltd

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

01 The development hereby permitted shall begin not later than three years of 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 3406-06 rev A Sheet 1 of 3, 3406-06 rev A Sheet 2 of 3, 3406-06 rev A Sheet 3 of 3, Tree Protection Plan by Andrew Day Arboricultural Consultancy Ltd dated 17th August 2018

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than the demolition and construction up to ground floor slab level shall take place until product details of the materials to be used on all the external elevations, including walls, roof, rooflights, windows and doors, porch canopy, paving, and on any screen/boundary walls and fences, driveway, forecourt or parking area have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.

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

04 The first floor bathroom windows in the east and west elevations 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 as may be agreed in writing with the local planning authority) and fixed shut up to a height of 1.7m above first floor level before the occupation of the dwelling hereby approved 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: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2018), Development Management Document (2015) policies DM1 and DM3, 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 other than the demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing including any retention of all or part of the wall within the site which bounds the rear gardens of Picasso Way properties and in the event of retention of any part of the fabric of that wall, the proposed finished condition of the retained wall ;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- viii.. details of measures to enhance biodiversity within the site;

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

Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping in accordance with the National Planning Policy Framework (2018), Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than the demolition and construction of foundations shall take place until details 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; and
iii) a timetable for its implementation;

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).

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the prior receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Southend Design and Townscape Guide (2009).

08 The four car parking spaces and the associated vehicular access for the spaces to and from the public highway, shown on approved plan 3410-06 Rev A Sheet 3 of 3 shall be provided at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwelling hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP3, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The protection measures as set out in the Arboricultural Report by Andrew Day Arboricultural Consultancy dated 17th August 2018, in relation to the copper beech tree to the front covered by TPO 06/2006, 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. The mitigation measures in relation to construction within the root protection area of TPO 06/2006 set out in this report shall also be implemented in full including supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified to ensure the copper beech tree to the south east corner 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).

10 Prior to occupation of the dwellings 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 (lppd) (110 lppd 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

11 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 in accordance with the approved details prior to the first occupation of the dwellings. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

12 The development hereby approved shall be carried out in a manner to ensure the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

13 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours 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).

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 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.

317 18/01063/FUL - Haydon House,10 Underwood Square, Leigh on Sea (West Leigh Ward)

Proposal: Erect three dwellinghouses, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal)

Applicant: Mr G Newton

Agent: SKArchitects

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

01 The development hereby permitted shall begin not later than three years of 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 385P01A, 385P02B, 385P03C, 385P04, 385P06, 385P07, 16025 (Measured topological survey April 2016), DFPC 3950 TPP (tree protection plan BY Bionomique Ltd dated 17.8.18)

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until product details of the materials to be used on all the external elevations, including walls, roof, fascia and soffits, rooflights, windows and doors, dormer windows, porch canopy, boundary walls and fences, driveway, paving including parking area have been 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 the visual amenities of the area, in accordance with policies This is as set out in the National Planning Policy Framework (2018) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The first floor and second floor windows and rooflights in the north and south elevations of the proposed dwellings 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 as may be agreed in writing with the local planning authority) and fixed shut up to a height of 1.7m above first floor level before the occupation of the dwellings hereby approved 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: To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP4, Development Management DPD (2015) policy DM1, 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 other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- viii. details of measures to enhance biodiversity within the site;

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

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

06 No drainage infrastructure associated with this development shall be installed until details of the design 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
- iv) 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 the National Planning Policy Framework (2018), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy

Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08 The six car parking spaces and the associated vehicular access for the spaces to and from the public highway, shown on approved plan 385P03C shall be provided at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwellings hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The tree protection measures as set out in the Arboricultural Report by D F Clarke Bionomique Ltd dated 17.8.18 and associated tree protection plan reference DFCEP 3950 TPP, in relation to the Liquidambar street tree to the front, the oaks at 51 Lime Avenue and the preserved oak trees to the rear covered by TPO 4/1972, 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. The mitigation measures in relation to construction within the root protection areas of the liquidambar street tree and oaks within 51 Lime Avenue set out in the Arboricultural Report shall also be implemented in full during the construction works including supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are 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).

10 Prior to occupation of the dwellings 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 (lppd) (110 lppd 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

11 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, agreed in writing by the Local Planning Authority and implemented in full in

accordance with the approved details prior to the first occupation of the dwellings. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

12 The development hereby approved shall be carried out in a manner to ensure each of the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

13 Prior to the commencement of development, a full Phase 1 Habitat Survey of this site and a scheme of any relevant biodiversity mitigation measures to be implemented in association with the development and a timescale for their implementation shall be submitted to the local planning authority and approved in writing. Any mitigation measures set out in the agreed report shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: A pre commencement condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

14 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.
- vii) a detailed timetable for the supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified in the interests of visual amenity and the amenities of neighbours 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).

15 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of visual amenity and the amenities of neighbours 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).

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.

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

04 The applicant is advised to contact the owners of 51 Lime Avenue before undertaking any works to the oaks trees T19 and T20 (as identified in the submitted arboricultural report) so that a scope of works can be jointly agreed.

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.

**318 18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea (Leigh Ward)
Proposal: Install part cladding/part render to South Elevation of West Block
Applicant: Seabrink Residents Association Limited
Agent: Mr Tony Weber**

Resolved:-

1. That, in respect of application reference 18/01421/FUL, 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: Location plan, SK/05, SK/06, SK/07, SK/08.

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

03. The development hereby granted shall be clad in Marley Eternit Cedral timber effect horizontal cladding in silver/grey colour (ref: CC51) and retained as such 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. This is as set out in the National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) 2007 policies KP2 and CP4, Development Management Document (2015), policies DM1 and DM6 and The Design and Townscape Guide (2009).

INFORMATIVES

1. You are advised that as the proposed development equates to less than 100sqm 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.

2. You should be aware that in cases where damage occurs during construction works to the highway/footpath 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 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.

2. That, in respect of application reference 18/01425/FUL, 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: Location plan, SK/01, SK/02, SK/03, SK/04.

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

03 The development hereby granted shall be clad in Marley Eternit Cedral timber effect horizontal cladding in silver/grey colour (ref: CC51) and retained as such 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. This is as set out in the National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) 2007 policies KP2 and CP4, Development Management Document (2015), policies DM1 and DM6 and The Design and Townscape Guide (2009).

INFORMATIVES

1. You are advised that as the proposed development equates to less than 100sqm 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.

2. You should be aware that in cases where damage occurs during construction works to the highway/footpath 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 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.

- 319 16/00232/UNAU_B - 6 New Road, Leigh on Sea (Leigh Ward)**
Breach of Control: Without planning permission, the replacement of the existing side hung timber windows at ground and first floor level in the front elevation with Upvc windows. (Article 4 Direction)

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised Upvc framed windows installed to the ground and first floor front elevation of this property on the grounds that they harm the appearance of the property.

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, any delay in manufacture and installation is likely to be dictated by the suppliers lead time. A compliance period of 3 months is deemed reasonable.

- 320 18/00839/FUL - Land Rear of 106 To 112 High Street, Shoeburyness (Shoeburyness Ward)**
Proposal: Demolish existing commercial buildings, erect single storey dwelling, layout parking and amenity area rear of 104-112 High Street (Amended Proposal)
Applicant: Mr Hundal
Agent: N/A

DEFERRED

- 321 18/01273/FUL - Garages at Rear of 15A - 15D Smith Street, Shoeburyness (Shoeburyness Ward)**
Proposal: Demolish existing garages and erect dwellinghouse with cycle and bin storage
Applicant: Mr C Abbott
Agent: AVD Architects

Resolved:- That planning permission be REFUSED for the following reasons:

01 The proposed dwellinghouse, by reason of its cramped and awkward nature, design and siting would conflict with the grain of the local area, and would be out of keeping with and detract from the character and appearance of the site and wider rear garden scene and the setting of the Shoebury Garrison Conservation Area.

The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3 and DM5 and the advice contained within the Design and Townscape Guide (2009).

02 The proposed dwelling would appear as a dominant, overbearing and visually obtrusive feature that would detrimentally impact upon the amenities of existing dwellings at numbers 9 and 10 Anchor Close in terms of sense of enclosure, overbearing relationship and a loss of outlook. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018); Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

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. 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 and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

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 might also be CIL liable.

- 322 18/01541/FUL - Mayas Restaurant, First Floor, 42 London Road, Southend on Sea (Milton Ward)**
Proposal: Convert first floor restaurant (Class A3) to 5 self contained flats (Class C3) and Gymnasium, erect additional floor to form three self-contained flats with associated roof terraces, erect second floor rear extension, layout parking, refuse store to rear and alter elevations
Applicant: Cantor Properties Limited
Agent: BGA 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.

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: 0-001, 0-600A, 1-001, 1-002, 1-600A, 1-601A, 2-001, 2-600B

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

03 The external elevations of the building, including walls, roof, fascia, doors and windows, screens, refuse store enclosure and forecourt parking area shall only be finished in accordance with details that have been submitted to and approved beforehand in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: To safeguard the visual amenities of the area and ensure an acceptable environment for future residents, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 Southend Design and Townscape Guide (2009).

04 Prior to their installation, detailed design drawings of the new balconies, window reveals for windows facing the street, proposed screens to the south and east elevation at roof level and flat roof fascia detail 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 be carried out and in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of the existing building and the surrounding Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

05 The development shall not be occupied until 8 car parking spaces have been provided and made available for use at the site in accordance with drawing reference 0-600A. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the flats hereby approved.

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

06 Prior to the first occupation of the flats hereby approved, design details shall be submitted for the provision of the commercial and domestic refuse storage and the proposed residential cycle store at the site. The approved refuse storage shall be provided in full and made available for use by the occupants of the proposed flats and the ground floor commercial occupants prior to the first occupation of the flats hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policies DM8 and DM15 of Development Management Document (2015).

07 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, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the flats hereby approved. 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), Policy DM2 of the Development Management Document (2015) the Design and Townscape Guide (2009).

08 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

09 Notwithstanding the details specified in the submitted Environmental Noise Report by Sharps Redmore reference 1616048 dated 6th August 2018, prior to the construction of the second floor residential units hereby approved, an amended acoustic report that also includes an assessment of the noise potential of the proposed gym and which includes mitigation measures for this use and in relation to the traffic noise and any other relevant sources of noise, to meet the requirements of 'BS 8233:2014: Internal Noise Levels' shall be submitted and agreed in writing with the local planning authority.

The development shall then be constructed in full accordance with the mitigation measures in the approved report prior to occupation of the residential units hereby approved and shall be maintained as such in perpetuity thereafter.

Reason: In order to protect the amenities of future 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).

10 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).

11 The proposed resident's gym shown on plan reference 1-600B shall be used as a resident's gym ancillary to the proposed residential units hereby approved

only and for no other purpose including a public gym (class D2) as a separate planning unit. The gym shall not be used outside the hours 07:00 to 23:00 Mondays to Sundays.

Reason: In the interest of the amenities of future and neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

12 The proposed resident's storage units shown on plan reference 1-600B shall only be used as resident storage ancillary to the proposed residential units hereby approved and for no other purpose.

Reason: In the interest of the amenities of future 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 Prior to the occupation of the second floor flats, privacy screens not less than 1.7m high above terrace level shall be fitted between the amenity areas to flats 6, 7 and 8 and between the terrace to flat 6 and the communal amenity area at second floor level. The screens shall be retained for the lifetime of the development.

Reason: To protect the privacy and environment of people in new residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

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 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 The applicant is advised that the future occupiers of the residential units hereby approved, will not be eligible for car parking permits for the Council's town centre car parks as these car parks are reserved for visitors to the town centre and seafront in line with Council Highways Policy.

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.

Chairman: _____