

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

### **Meeting of Development Control Committee**

**Date: Wednesday, 11th September, 2019**

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

**Present:** Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk,  
D Cowan, A Dear, F Evans, S Habermel, D Jarvis, A Jones,  
H McDonald, C Mulroney, A Thompson, C Walker and D McGlone

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors S Wakefield  
K Waters, C Galforg, P Keyes, M Warren, T Row, G Gilbert,  
T Hartley and P Jenkinson

**Start/End Time:** 2.00 - 3.05 pm

#### **295 Apologies for Absence**

Apologies were received from Councillor Garston (Substitute: Councillor McGlone)

#### **296 Declarations of Interest**

The following interests were declared at the meetings:

- (a) Councillor Borton – Agenda Item No. 6 (19/01093/BC3 & 19/01094/LBC - War Memorial, Clifftown Parade, Southend-on-Sea) – Non-pecuniary Interest: The artist is known to her.
- (b) Councillor Jarvis – Agenda Item No. 4 (19/00834/FULM - Land South of Campfield Road, Shoeburyness) – Non-pecuniary Interest: Resident in the Garrison.
- (c) Councillor Jones – Agenda Item No. 4 (19/00834/FULM - Land South of Campfield Road, Shoeburyness) – Non-Pecuniary Interest: Hinguar School was mentioned in discussion, she is a lead member.  
And  
Agenda Item No. 6 (19/01093/BC3 & 19/01094/LBC - War Memorial, Clifftown Parade, Southend-on-Sea) – Non-pecuniary Interest – The artist is known to her.
- (d) Councillor McGlone – Agenda Item No. 7 (19/00996/FULH & 19/00997/LBC - Cockethurst, Eastwoodbury Lane, Southend-on-Sea) – Non-pecuniary Interest: Aware of previous applications on this site.
- (e) Councillor Mulroney – Agenda Item No. 7 (19/00996/FULH & 19/00997/LBC - Cockethurst, Eastwoodbury Lane, Southend-on-Sea) – Non-pecuniary Interest: Owner is known to her.

- (f) Councillor Thompson – Agenda Item No. 7 19/00996/FULH & 19/00997/LBC - Cockethurst, Eastwoodbury Lane, Southend-on-Sea) - Non-Pecuniary Interest: Applicant is known to him.

**297      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.

**298      19/00834/FULM - Land South of Campfield Road, Shoeburyness  
(Shoeburyness Ward)**

**Proposal: Remove existing spoil heap, erect retail food store and part culverting of existing drainage ditch, layout parking, hard and soft landscaping and associated access**

**Applicant: Lidl Great Britain Limited**

**Agent: Mr Miles Drew**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: 7587L-15, 7587L-16 Rev E, 7587L-17 Rev A, 7587L-18 Rev D, 7587L-19 Rev B, JKK10373\_TRRP-600 Rev 01, JKK10373\_TCP-500 Rev 00, 190370-200 Rev B.

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

03 Notwithstanding details shown on the plans submitted and otherwise hereby approved, the external elevations of the building and road bridge and pedestrian footbridge hereby approved shall be finished in materials the details of which shall have been submitted to and approved in writing by the Local Planning Authority before the food store building is constructed beyond ground slab level. The development hereby approved shall not be first used until the external elevations of the building and bridges have been finished in full accordance with the materials approved under this condition. For the avoidance of any doubt the external materials for the approved building's south-east elevation shall not be white painted render, as specified on the otherwise approved plans.

Reason: To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans hereby approved no development above ground level shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces and all means of enclosing the site. For the avoidance of any doubt, replacement trees shall be provided on the site, including adjacent to the watercourse.

All planting in the approved landscaping scheme shall be carried out within the first available planting season following first use of the development hereby approved. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

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

05 The development shall not be first occupied until 140 on site car parking spaces have been provided and made available for use in full accordance with drawing 7587L-16 Revision E, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of staff and customers of the development hereby approved.

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

06 Prior to the first use of the development hereby approved, full details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking for a minimum of 10 cycles for staff and customers of the approved development. The approved cycle parking shall be provided in full and made available for use prior to the first use of the development hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015).

07 The development hereby approved shall not be brought into first use until and unless a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out and permanently maintained solely in accordance with the approved details which shall include full details of refuse and recycling storage facilities and waste servicing arrangements.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

08 The development hereby approved shall not be open for customers outside the following hours: 07:00 and 22:00hrs Monday to Saturday and between 10.00 and 17.00hrs on Sunday.

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

09 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 ecology 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).

10 Notwithstanding the details submitted and otherwise hereby approved, no development other than the removal of the spoil shall be undertaken unless and until full details of the existing and proposed levels to include the proposed food store building, roads, footpaths, parking areas and landscaped areas relative to the adjoining land and any other changes proposed in the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

11 The development hereby approved shall be implemented and thereafter permanently operated in strict accordance with the flooding recommendations and flood mitigation measures outlined on page 42 of the Flood Risk Assessment and Drainage Strategy undertaken by Ardent reference 190370-1 dated April 2019, including implementation of flood resistant and resilient measures, evacuation route, owners/managers to sign up to the Environment Agency flood warning service and that the finished floor levels of the development are raised 300mm above adjacent ground levels before the development is brought into first use.

Reason: In the interests of safety and to ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

12 Prior to the first occupation of the development hereby approved, a noise impact assessment that assesses all relevant impacts and identifies any necessary mitigation shall be submitted to and approved in writing by the local planning authority. The development must be undertaken in accordance with the approved details and any necessary mitigation measures prior to the first use of the development hereby approved and thereafter retained as such in perpetuity.

Reason: To safeguard the residential amenity of the adjoining and nearby residents in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

13 The development hereby approved shall not be brought into first use unless and until details of the design of the south-east elevation which may include public art or an alternative design approach to that currently shown has been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used until the approved public art or alternative design approach has been provided in full accordance with the details approved under this condition.

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

14 Delivery times for the development hereby approved shall not take place outside 07:00 hours to 23:00 hours Mondays to Saturday and 08:00 hours to 20:00 hours on Sundays.

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

15 The development hereby approved shall be undertaken and completed in strict accordance with the recommendations set out on pages 26-32 of the approved Preliminary Ecological Appraisal Survey Report undertaken by Estrada Ecology reference LIDL.SHOE.17.12.2018 dated 11 February 2019, including covering excavations at the end of each working date, light overspill being minimised, that works stop if a great crested newt is found, that the population of common lizards are translocated, before the development is brought into first use.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

16 Notwithstanding the information and details submitted with the application and otherwise hereby approved, no development, including site clearance works shall be undertaken unless and until a water vole assessment which includes relevant mitigation measures has been completed and submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the approved assessment, including any necessary mitigation measures in accordance with the timescales specified in the approved report.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

17 The development hereby approved shall not take place in the bird breeding season (March to August) unless a scheme of mitigation to ensure breeding birds are not prejudiced by the implementation of the development hereby approved has been submitted to and approved by the Local Planning Authority. Where development takes place within the bird breeding season (March to August) the development shall only be implemented in accordance with the mitigation scheme approved under this condition.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

18 Notwithstanding the information and details submitted with the application and otherwise hereby approved, no development, including site clearance works shall be undertaken unless and until a translocation method statement for the exceptional population of common lizards on the site has been completed and submitted to and approved in writing by the local planning authority. Should the translocation not be undertaken within the 2019 survey season, a further size class assessment shall be undertaken and submitted to and approved in writing by the local planning authority before any translocation take place. The development shall be undertaken and completed in strict accordance with the approved reports, including any necessary mitigation in accordance with the timescales specified in the documents approved under this condition.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

19 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken other than removal of the existing spoil heap unless and until a detailed design of a surface water drainage scheme has been submitted to and agreed in writing by the local planning authority. The approved scheme shall be completed prior to the first use of the development hereby approved and shall be retained as such in perpetuity. The details submitted shall address but not be limited to the following matters:

- a. Provide updated Micro Drainage calculations to demonstrate the hydraulic performance of the entire network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change.
- b. Provide a plan illustrating the exceedance flow routes for storm events exceeding the 1 in 100 year plus 40% climate change.
- c. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
- d. Provide evidence that permission has been granted to discharge to the existing ordinary watercourse.
- e. Provide further details of the accessibility of the SuDS for future maintenance.

Reason: To ensure the approved development does not increase flood risk in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

20 No development other than the removal of the spoil shall be undertaken, unless and until an investigation into the history and current condition of the site to determine the likelihood of the existence of contamination (including ordnance risk) arising from previous uses and other potential sources of contamination has been carried out and the following steps have been complied with to the satisfaction of the Local Planning Authority (LPA). In order to comply with the above condition, the proposal should comply with Department for Environment Food and Rural Affairs (DEFRA) and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and "BS 10175 (2011) Code of Practice for the investigation of potentially contaminated sites" or any guidance which subsequently replaces these documents.

A) A written report (Phase 1 Desk study and walk-over survey Report) shall be submitted to and approved by the LPA which shall include details of the previous uses of the site, surrounding contaminative land uses, potential contaminants that might reasonably be expected given those uses and a description of the current condition of the site with regard to any activities that may have caused contamination before the development is commenced. The report shall confirm whether or not it is likely that contamination may be present on the site.

B) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment (Phase II intrusive site investigation) shall be carried out, submitted to the LPA and approved in writing before the development, other than the removal of the spoil is commenced. The report shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. The report shall fully and effectively characterise the nature and extent of any land contamination and /or pollution of controlled waters and should be submitted and agreed by the LPA.

C) Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation methods strategy (RMS) to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the LPA before the development is commenced, other than the removal of the spoil. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

D) Following the completion of the approved remediation works, a validation report shall be submitted to the LPA and approved in writing before the development is first brought into use or occupied. The report shall contain full details of the approved remediation works undertaken to make the site suitable for the intended user.

E) If, during the implementation of the development land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for addressing the additional contamination has been submitted to and agreed in writing by the Local Planning Authority. The

scheme approved under this part of the condition shall be implemented in full before the development is first occupied or brought into use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Core Strategy (2007) Policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

21 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the plant area as shown on drawing number 7587L-16 Rev E, including full details of its enclosure have been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used unless and until the plant area has been completed in full accordance with the approved details under this condition.

To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

22 The development hereby approved shall be operated in strict accordance with the findings, recommendations and conclusions of the approved Travel Plan by SCP reference GA/18667/TP01 dated April 2019. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainable transport in accordance with the National Planning Policy Framework (2019) and Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

23 Before it is first occupied, the development hereby approved shall be undertaken and completed in strict accordance with the Energy Usage and Sustainability Statement submitted by DDA dated April 2019 or other details that have previously been submitted to the local planning authority and approved in writing to ensure not less than 10% of the total energy needs of the development shall be supplied using on site renewable sources for the lifetime of the development.

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

24 The development hereby approved shall only be used as a discount food store that does not occupy more than 2,000sqm Gross Internal Area with no more than 20% of the sales area of 1,313sqm to be used for comparison goods. It shall not be used for any other purpose including any other purpose within use class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General



Permitted Development) Order 2015 (as amended) or in any provision in any statutory instruments revoking or re-enacting these Orders, with or without modification.

Reason: In the interests of the vitality and viability of the Town Centre, District Centres and Local Centres in accordance with National Planning Policy Framework (2019) and Policy CP2 of the Core Strategy (2007).

25 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 fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during the removal of the spoil heap and during construction of the development.
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
- vii) How the C-X Ditch will be protected during construction.
- viii) hours of construction.

Reason: A pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

26 No development other than the removal of the spoil shall be undertaken unless and until the applicant had secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including the methodology and any necessary mitigation which has been previously submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in strict accordance with the approved written scheme of investigation.

Reason: In the interests of the historic environment, in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

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

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 Notwithstanding the information submitted with this application, separate advertisement consent would be required for the proposed advertisements.

04 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highway or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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

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

07 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this

matter. Building over existing public sewers will not be permitted without agreement from Anglian Water.

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

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

10 For the avoidance of doubt, in relation to condition 3, the provision of a blank, white, rendered wall on the prominent south-eastern elevation would not be acceptable.

**299      19/01111/FUL - Land to Rear of 6 Crosby Road, Westcliff-on-Sea  
(Chalkwell Ward)**

**Proposal: Erect 6 semi-detached dwellinghouses, layout amenity space to rear, parking to front and form access on to Crosby Road.**

**Applicant: EDG Holdings**

**Agent: Mr Steven Kearney of SKArchitects**

Resolved:-

That's PLANNING PERMISSION be REFUSED for the following reasons:

The south-western part of the application site constitutes a playing field designated as protected green space which would be lost as a result of this development. The application has failed to demonstrate that the existing open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP7 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Informatives

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

**300      19/01093/BC3 & 19/01094/LBC - War Memorial, Clifftown Parade, Southend-on-Sea (Milton Ward)**

**Proposal: Erect bronze statue of soldier in front of Cenotaph War Memorial (Listed Building Consent and Planning Permission)**

**Applicant: Southend Borough Council**

**Agent: Southend Borough Council**

Resolved:-

1. That PLANNING PERMISSION be GRANTED subject to the following conditions:

- a) The works covered by this consent shall begin not later than three years from the date of this consent.

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

- b) The development hereby permitted shall be carried out in accordance with the approved plans CNTPH/PLNapp/DG/BLUE001; CNTPH/PLNapp/DG/RED001; CNTPH/PLNapp/DG/BLUE002; CNTPH/PLNapp/DG/RED002; CNTPH/PLNapp/DG/Vs+Elvns/001.

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

2. That LISTED BUILDING CONSENT be GRANTED subject to the following conditions:

- a) The works covered by this consent shall begin not later than three years from the date of this consent.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- b) The development hereby permitted shall be carried out in accordance with the approved plans CNTPH/PLNapp/DG/BLUE001; CNTPH/PLNapp/DG/RED001; CNTPH/PLNapp/DG/BLUE002; CNTPH/PLNapp/DG/RED002; CNTPH/PLNapp/DG/Vs+Elvns/001.

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

## Proposal:

**2. Erect garage to side and install hardstanding and timber gates (Listed Building Consent).**

**Applicant:**

**Agent:**

**Resolved:-**

1. 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 504 P202 Rev. C, 504 P201 Rev. C.

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

03 The garage, gates, fencing and hardstandings hereby approved shall be undertaken and completed in accordance with the materials and details as shown on drawing number 504\_P202 Rev. C or any other details that have been previously submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development hereby approved.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building and wider surrounding area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the site in the environs of the approved building. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification. All planting in the approved landscaping scheme shall be carried out within the first planting season following first use of the development hereby approved.

Any shrubs or trees 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.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building and to ensure a satisfactory standard of landscaping, pursuant to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

05 The detached garage hereby permitted shall only be used for parking and/or storage purposes incidental to the domestic occupation of the existing dwelling on the site known as Cockethurst, Eastwoodbury Lane. It shall not be used for any other purposes.

Reason: To protect the amenities of existing occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand, in accordance with the Core Strategy (2007) Policies KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15 and advice contained within the Southend Design and Townscape Guide (2009)

06 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations, methods and tree protection measures agreed within the approved Arboricultural Impact Assessment and Method Statement dated 24 May 2019 by Owen Allpress.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building, pursuant to National Planning Policy Framework (2019), Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015).

07 The 1.5m x 1.5m visibility splays as approved and as shown on drawing number 504\_P202 Rev C. shall be provided prior to the use of the garage and be retained in perpetuity.

Reason: In the interests of highway safety in accordance with National Planning Policy Framework (2019), Policy DM15 of the Development Management Document and the Vehicle Crossing Policy and Application Guidance (2014).

**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 LISTED BUILDING CONSENT 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 504\_P202 Rev. C, 504\_P201 Rev. C.

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

03 The garage, gates, fencing and hardstandings hereby approved shall be undertaken and completed in accordance with the materials and details as shown on drawing number 504\_P202 Rev. C or any other details that have been previously submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development hereby approved.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building and wider surrounding area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the site in the environs of the approved building. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification. All planting in the approved landscaping scheme shall be carried out within the first planting season following first use of the development hereby approved. Any shrubs or trees 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.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building and to ensure a satisfactory standard of landscaping, pursuant to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

## Informatives

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

**302      19/00033/UNAU\_B - Sovereign Mews, 201-203 Hamlet Court Road,  
Westcliff-on-Sea (Milton Ward)**

**Breach of Control: Without planning permission the formation of 2 self-contained flats on the ground floor, construction of a garage/workshop to rear, installation of an external door and formation of balcony to serve rear first floor flat and breach of planning condition 7 of planning permission SOS/98/0509 requiring 7 on-site parking spaces to be permanently reserved for residential occupiers of mixed retail and residential development.**

**Case Officer: Steve Jones**

Resolved:-

That ENFORCEMENT ACTION be APPROVED for the following reasons:

- a) secure the removal of the unauthorised external door in the first floor west elevation
- b) secure the removal of the balcony and enclosures formed on the first floor west elevation
- c) removal in their entirety of the two ground floor flats known as 203A & 203B Hamlet Court Road and reinstate as a 4 parking space undercroft to serve the upper floor flats in the building
- d) demolish the ground floor rear extension to the west side of the building and reinstate 2 parking spaces to serve the upper floor flats in the building.
- e) remove from site all materials resulting from compliance with a) to d) above

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable.

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