

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 6th November, 2019**

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

Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, A Chalk, D Cowan, A Dear, \*M Dent, F Evans, \*N Folkard, D Garston, D Jarvis, A Jones, H McDonald, C Mulronev, A Thompson, S Wakefield and C Walker

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: P Geraghty, C Galforg, P Keyes, S Mouratidis, M Warren and T Row

Start/End Time: 2pm – 3.55pm

#### **529 Apologies for Absence**

Apologies were received from Councillors Beck (Substitute: Dent) and Habermel (Substitute: Folkard).

#### **530 Declarations of Interest**

- a) All Councillors declared an interest in Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square): Non-pecuniary: A senior officer of the Council lives close by to the application.
- b) Councillor Dent: Agenda Item No. 7 (19/00729/FUL – Westcliff Eruv) and Agenda Item No. 8 (19/00978 – Westcliff Eruv) – Non-pecuniary Interest: Lives in the Eruv area.
- c) Councillor F Evans – Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square) Non-pecuniary Interest: A friend lives close by.
- d) Councillor Garston – Agenda Item No. (19/00729/FUL – Westcliff Eruv) and Agenda Item No. 8 (19/00978 – Westcliff Eruv) – Non-pecuniary Interest: Member of Finchley Road Synagogue in which the applicant is situated.
- e) Councillor Jones – Agenda Item No. 9 (19/01195/BC3M – Land Adjacent to the Forum, Elmer Approach) – Pecuniary Interest: Cabinet Member for Education.
- f) Councillor Mulronev – Agenda Item No. 9 (19/01195/BC3M – Land Adjacent to the Forum, Elmer Approach) – Pecuniary Interest: Cabinet Member for Environment and Planning.
- g) Councillor Mulronev – Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square) and Agenda Item No. 11 (19/01540/FUL – The

Ship Hotel, New Road) – Non-pecuniary Interest: Non-planning member of Leigh Town Council.

- h) Councillor Thompson - Agenda Item No. 9 (19/01195/BC3M – Land Adjacent to the Forum, Elmer Approach) – Disqualifying Non-pecuniary Interest: Trustee of the Forum.
- i) Councillor Walker – Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square) – Non-pecuniary Interest: A friend lives close by.
- j) Councillor Ward – Agenda item No. 10 (19/01446/FUL – Development Land, Underwood Square) – Non-pecuniary Interest: Worked for applicant in the past.
- k) Councillor Ward – Agenda Item No. 11 (19/01540/FUL – The Ship Hotel, New Road) – Non-pecuniary Interest: Owner of guest house, not in the area.

**531 Minutes of the meeting held on Wednesday, 31st July, 2019**

Resolved:-

That the Minutes of the Meeting held on 31<sup>st</sup> July 2019 be confirmed as a correct record and signed.

**532 Minutes of the Meeting held on Wednesday, 11th September, 2019**

Resolved:-

That the Minutes of the Meeting held on 11<sup>th</sup> September 2019 be confirmed as a correct record and signed.

**533 Minutes of the Meeting held on Wednesday, 2nd October, 2019**

Resolved:-

That the Minutes of the Meeting held on 2<sup>nd</sup> October 2019 be confirmed as a correct record and signed.

**534 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.

**535 19/00729/FUL - Westcliff Eruv, Finchley Road, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Erect street furniture comprising of 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) minor re-routing and re-positioning to the following previous locations 4A, 4B, 4C, 4D, 15-18 and 31 approved under planning permission 17/01263/FUL dated 03.10.2018**  
**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 The development hereby permitted shall be carried out in accordance with the following approved plans: 911.002 Revision E; 911.4A; 911.4B; 911\_51; 911.15 Revision A; 911.16 Revision A; 911.17 Revision A; 911.18 Revision A; 911.31 Revision A; 911.4C.

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 site 17A the detailed location, size and design detail of the 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 completed in full accordance with the details approved under this condition within 6 months of the commencement of the implementation of that particular pole, post or structure.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2019), 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 and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, 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 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 (2019) 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).

Informatives:

1 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.

2 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.

3 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.

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

5 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.

6 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.

7 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.

**536 19/00978/FUL - Westcliff Eruv, Finchley Road, Westcliff-on-Sea (Chalkwell Ward)**

**Erect street furniture comprising of an ornamental metal arch to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at location 18A -Footpath between 38/46 Bridgwater Drive and location 21A - Footpath between 157/159 Carlingford Drive.**

**Applicant: Westcliff Jewish Association**

**Agent: Mr Daniel Rosenfelder of 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 The development hereby permitted shall be carried out in accordance with the following approved plans: 911.002 Revision F; 911.18A; 911.21A.

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

03 In respect of sites 18a and 21a hereby approved, details of the design and colour of the external surfaces of the associated structures, 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 completed in full accordance with the details approved under this condition within 6 months of the implementation of the erection of that particular pole, post or structure.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2019), 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 and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, 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 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 (2019), 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 Notwithstanding the details shown on Drawing No 911; 21A, and as otherwise hereby approved, the metal arch at location 21A , Footpath between 157/159 Carlingford Drive, shall have no top cross bar and this structure shall comprise of only a translucent line fitted between the two approved upright posts.

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 (2019), 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).

Informatives:

1 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.

2 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.

3 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.

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

5 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.

6 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.

7 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.

**537 19/01195/BC3M - Land Adjacent To The Forum, Elmer Approach (Milton Ward)**

**Proposal: Erect a 4 storey building with basement level for use as an educational building and associated uses, comprising of additional space for the Focal Point Gallery, teaching kitchen, performing arts and music practice facilities, workspace incubator hub, associated offices and storage within (Use Class D1), public cafe/restaurant (Use Class A3), alter existing service head arrangements and layout landscaping.**

**Applicant: Mr Mark Murphy**

**Agent: Mr Joerg Poeschus of ADP**

Councillors Jones, Mulronev and Thompson withdrew for this item.

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:

Location Plan and Block Plan ADP-XX-00-DR-A-0900 Revision S2P2

Site Plan ADP-00-00-DR-A-0910 Revision S2 P3

Proposed Basement ADP-00-B1-DR-A-1000 Revision S2P3

Proposed Ground Floor ADP-00-00-DR-A-1001 Revision S2P3

Proposed First Floor ADP-XX-01-DR-A-1002 Revision S2P3

Proposed Second Floor ADP-XX-02-DR-A-1003 Revision S2P3

Proposed Third Floor ADP-00-03-DR-A-1004 Revision S2P3

Proposed Roof Level ADP-00-R1-DR-A-1005 Revision S2P4

Proposed East and North Elevations ADP-XX-ZZ-DR-A-1208 Revision S2P3

Proposed South Elevation ADP-XX-ZZ-DR-A-1211 Revision S2P2

Proposed North Elevation ADP-XX-ZZ-DR-A-1213 Revision S2P2

Proposed West and South Elevation ADP-XX-ZZ-DR-A-1207 Revision S2P3

Proposed Section ADP-XX-ZZ-DR-A-1230 Revision S2P2

Site Sections ADP-XX-ZZ-DR-A-1303 Revision S2P2

Site Section E ADP-XX-ZZ-DR-A-1304

Site Sections Existing and Proposed ADP-XX-ZZ-DR-A-1302 Revision S2P2

West Elevation Portion ADP-00-XX-DR-A-1215 S2P2

East Elevation ADP-XX-ZZ-DR-A-1212 Revision S2P2

West Elevation ADP-XX-ZZ-DR-A-1210 Revision S2P2

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

03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place until samples of the materials to be used on all the external elevations of the development hereby



approved have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details before it is brought into use.

Reason: 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).

04 Notwithstanding the details shown on the plans submitted and otherwise approved, no development above ground floor slab level shall take place until full details of both hard and soft landscape works and any boundary treatments 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 and boundary treatments shall be carried out prior to first use of the development hereby approved and the soft landscaping works within the first planting season following first use of the development. These details shall include:

- i. proposed finished levels or contours;
- ii. hard surfacing materials and means of enclosing the site;
- iii. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, and details of measures to enhance biodiversity within the site.

Reason: In the interests of visual amenity and 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)

05 Notwithstanding the details shown on the plans submitted and otherwise approved prior to the first use of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the location and number of secure, cycle spaces to be provided to serve the development. The approved cycle parking shall be provided in full and made available for use by students and staff.

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

06 Notwithstanding the details shown on the plans submitted and otherwise approved, prior to the first occupation of the development hereby approved a Servicing and Delivery Strategy shall be submitted to and agreed in writing by the local planning authority. The submitted strategy shall include hours of delivery, monitoring and review arrangements for the service of and deliveries to the development. Servicing and deliveries shall take place in accordance with the strategy prior to the first use of the development hereby approved and retained as such in perpetuity.

Reason: To ensure that the development is satisfactorily serviced and 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 DM3 and DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

07 Notwithstanding the details shown on the plans and the submitted Energy Strategy report, a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first use of any part of the development. This provision shall be made for the lifetime of the development. The renewable technology measures shall be installed prior to the first occupation of the building.

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), and the Design and Townscape Guide (2009).

08 The development hereby approved shall be undertaken and completed in accordance with the mitigation, recommendations and enhancement measures contained within Section 4, page 8 of the South Essex College-The Forum Phase II Ecological Appraisal prepared by LUC dated October 2018, within the first planting season prior to the occupation of the building.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2019), and Core Strategy (2007) Policies KP1, KP2 and CP4.

09 The development hereby approved shall be undertaken in accordance with the recommendations contained within the Geotechnical and Geo-environmental Interpretive Report Revision 1 (Phase 1 and Phase 2), Desk Study Report, and Geotechnical and geo-environmental interpretive report carried out by Card Geotechnics dated January 2012 previously submitted to and approved in writing by the Local Planning Authority under the approval of details application reference 11/01705/AD.

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

2. 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) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

10 The parts of the development hereby approved for purposes falling within Class D1, shall be limited to education use for South Essex College, performing arts and music practice and an art gallery and shall not be used for any other purpose, including any other use falling within use Class D1 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 equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To safeguard the impact on residential amenity and highway safety in accordance with policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM15 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

11 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan linking with that which exists for South Essex College and Forum 1 and including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 12 months of the development being occupied. 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. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

12 The noise mitigation measures outlined in the Planning Noise Control Strategy Revision 00 dated 29 March 2019 including sound insulation, ventilation and control of noise from building services and plant shall be implemented in their entirety prior to occupation of the development hereby approved and shall be maintained in perpetuity thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

13 Notwithstanding the details of opening hours for building submitted for consideration, an 'hours of operation' management plan shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of the building. The development shall be occupied in perpetuity only in accordance with the approved details.

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).

14 Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the storage and collection of general refuse and re-useable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy from first occupation and be retained in perpetuity.

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

15 No drainage infrastructure, including earthworks, associated with this development shall be undertaken 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) 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;
- ii) a timetable for its implementation; and
- iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors and access routes
- 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 construction works that does not allow for the burning of waste on site
- vii) measures to minimise noise disturbance impacts.

Reason: A pre-commencement condition is needed in the interests highway safety, visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

17 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied or brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the details, materials, specification and location of all obscure window film to be implemented as part of the development. The development hereby permitted shall be implemented and completed in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter.

Reason: To protect the amenities of nearby residential occupiers in terms of overlooking and loss of privacy. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3, and advice contained within the Design and Townscape Guide (2009).

18 No extraction and ventilation equipment for the proposed development shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of nearby residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

19 Notwithstanding the details submitted and otherwise hereby approved external lighting shall only be installed at the site in accordance with details including the design of the lighting and the hours of illumination that have previously been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities of surrounding residential occupiers 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 Design and Townscape Guide (2009).

20 Hours of works associated with this permission shall be limited to 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

21 Delivery times for the development hereby approved shall not take place outside 08:00 hours to 21:00 hours Mondays to Saturday and 08:00hours to 20:00 hours on Sundays.

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).

22 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 3.5m from the ground floor facades and 1m from all other facades of the neighbouring noise sensitive premises.

Reason: To protect the amenities of nearby residential occupiers from undue noise and disturbance in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

23 Prior to first occupation of the development hereby approved details of how the development will minimise the use of water and maximise the use of recycled water through efficient design measures for example: rainwater harvesting; greywater use; water efficient plumbing and wastewater reuse, shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details prior to first use and thereafter maintained and operated in accordance with the approved details in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with National Policy, Core Strategy (2007) policies KP2 and CP4, and Policies DM1 and DM2 of the Development Management Document (2015)

24 The development authorised by this permission shall not begin unless and until the local planning authority has approved in writing a full scheme of off site tree planting.

This scheme shall include:

i) details of the number, size and location of the trees to be planted together with a planting specification and details of the management of the site; eg; the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval

Reason: In the interests of visual amenity 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).

### Informatives

01 Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

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 architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical officer at Service Headquarters.

04 Essex County Fire and Rescue Service urges building owners and developers to consider the installation of Automatic Water Suppression Systems which can substantially reduce the risk to life and of property loss.

05 Anglian Water- The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) Informative - 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. (2) Informative - 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. (3) Informative - 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. (4) Informative - 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. (5) Informative: 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.

06 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) if you want to put up an advertisement at the property.

**538 19/01446/FUL - Development Land, Underwood Square, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square.**

**Applicant: Mr G Newton**

**Agent: Steven Kearney of SKArchitects**

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposal by reason of its scale, design, position and closeness to the site's southern boundary would create a cramped relationship with the setting of the dwelling at 51 Lime Avenue which would be materially harmful to the character and appearance of the streestcene and wider surroundings. This would be unacceptable and contrary 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) and advice contained within the Southend Design and Townscape Guide (2009).

02 The proposal would by reason of its scale, design, position and closeness to the site's southern boundary create an undue sense of enclosure for the rear garden setting of the adjoining dwelling 51 lime Avenue thereby harming the amenity of its occupiers. This would be unacceptable and contrary 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) and advice contained within the Southend Design and Townscape Guide (2009).



03 The proposal by reason of the out of date nature of the ecology survey has failed to demonstrate that the proposal would not harm on ecology at the site. This is unacceptable and contrary to the National Planning Policy Framework (2019) policy KP2 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

**539 19/01540/FUL - The Ship Hotel, New Road, Leigh-on-Sea (Leigh Ward)**

**Proposal: Change of use of former Public House (Class A4) to 15 bedroom Hotel (C1), erect 2 storey side extension to west side of building, raise roof ridge height and erect second floor rear extension, refurbish and alter elevations, install railings to terrace areas and balconies, erect external fire escape staircase to rear, repair existing boundary wall to front, layout 7 parking spaces and form hotel drop off point to front (amended proposal).**

**Applicant: Mr P Barthaud**

**Agent: Mr Colin Stone of Stone Me Ltd**

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 hereby approved shall be carried out in accordance with the approved plans: 1813 10E, 1813 11, 1813 12G, 1813 13B, 1813 14K, 1813 17E, 1813 18B, 1813 19, 1813 20B, 1813 21, 1813 25B, 1813 26B, 1813 27B and 1813 29.

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

03 The development hereby approved shall only be used as a hotel within Use Class C1 and shall not be used for any other purposes including any other purposes within the Town and Country Planning (Use Classes) Order 1987 (as amended) or 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.

Reason: To determine the scope of the permission and in the interests of the character and appearance of the area and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 The materials used on the external surfaces of the walls and roof of the development hereby approved shall only be in accordance with the samples submitted with the application, namely Heather Blend clay plain tile for the roof and cement render painted for the walls, both to match the existing materials on site.

Reason: To safeguard the character and appearance of the area and the Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

05 The proposed works to the chimneys on site shall be undertaken only in full accordance with the details shown on approved plans 1813 27B and 1813 29 retaining the original pots and using materials on the external surfaces to match the existing chimneys.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the lintels and timber boarding to be installed as part of the development hereby approved shall match those on the existing building. These works must be carried out and completed in full accordance with the approved details before the development hereby approved is first used.

Reason: To ensure the development suitably preserves and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

07 The windows and doors installed shall be of painted timber and shall accord with the details shown on the approved plans 1813 17E, 1813 18B and 1813 14K. The windows and French doors shall be painted in Dulux Heritage Roman White with black outer frames to match existing fenestration. The main entrance doors to the front and eastern elevation shall be painted black. These arrangements shall be retained in perpetuity.

Reason: To ensure the development suitably preserves and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

08 The balcony on the front elevation hereby approved shall be constructed and completed in full accordance with the details shown on the approved plan 1813 20B. The cantilevered balcony on the eastern elevation hereby approved

shall match in detailing the balcony on the front elevation in accordance with the details shown on the approved plan 1813 20B. The balconies shall be provided before the development hereby approved is brought into first use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

09 The works for the balustrades and railings to be affixed to the glazed bricks shall be carried out and completed in full accordance with the details shown on the approved plan 1813 27B before the development hereby approved is brought into first use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

10 Before the development hereby approved is brought into first use the lantern, details of which are shown on the approved plan 1813 21, shall be installed on site as shown on the approved plan 1813 14K and retained as such thereafter.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

11 Before the development hereby approved is brought into first use the satellite dish shall be removed from the eastern elevation of the building.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

12 Before the development hereby approved is brought into first use, the rear extension over the eastern part of the building hereby approved shall be constructed and completed with eaves detailing that matches the existing detailing and shall be retained as such thereafter.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the

Southend-on-Sea Core Strategy (2007) and 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).

13 The development shall not be first used unless and until the privacy screen around the northern terrace, as shown on the approved plan 1813 14K and in line with the details shown on the approved plan 1813 27B, which states that the glazing would be minimum level 4 of the Pilkington scale, has been implemented in full accordance with the above details and specifications approved. Thereafter, the screen around the balcony shall be permanently retained in accordance with the approved details in perpetuity.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

14 The second floor north facing (rear) window shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room. 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

15 The ground floor bar area hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2300 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

16 Deliveries to and refuse and recycling collection from the premises 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).

17 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby

approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the neighbouring noise sensitive premises.

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

18 The soft landscaping within planters and pots as shown on approved plans 1813 14K, 1813 19 and in line with the details contained on the approved plan 1813 26B shall be implemented in complete accordance with the approved details prior to the first use of any part of the development hereby approved and maintained as such thereafter.

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

19 The hard landscaping, including treatment of hard surfaces shown on approved plan 1813 26B and boundary wall shown on approved plan 1813 19 shall be implemented in full accordance with the approved scheme prior to the first use of any part of the development hereby approved and retained as such in perpetuity.

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

20 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, no privacy screen shall be installed between the rooms on the terrace to the front of the premises facing New Road.

Reason: To safeguard the character and appearance of the area and the Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

21 The development shall not be first used unless and until 7 on site car parking spaces and the hotel drop off point have been provided and made available for use in full accordance with the details shown on approved plans, including drawing 1813 10E. The parking spaces and drop off point shall be permanently maintained thereafter solely for use by users of the development.

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).

22 The development shall not be brought into first use unless and until the 4 secure, covered cycle parking spaces to serve the development shown on the approved plan 1813 25B have been provided on site and made available for

use in line with the approved plans. The approved cycle parking spaces shall thereafter be permanently maintained solely for use by users of the development.

Reason: To ensure the provision of adequate cycle parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

23 The development shall not be first used unless and until the refuse and recycle stores to serve the development as shown on drawings 1813 10E and 1813 21 have been provided at the site and made available for use by users of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose.

Reason: To ensure that satisfactory refuse and recycling facilities are proposed in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

24 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).

25 The sign within the gable of the eastern part of the building shall be retained and maintained on site in perpetuity as shown on the approved plan 1813 14K.

Reason: To ensure the development suitably preserves and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and 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).

Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability

Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the [Planning Portal](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) ([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)).

2 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.

3 The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each.

**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.**

540 19/01603/FULH - 140 Thorpe Hall Avenue, Thorpe Bay, Southend-on-Sea (Thorpe Ward)

Resolved:-

That PLANNING PERMISSION be REFUSED and ENFORCEMENT ACTION be AUTHORISED requiring that the unauthorised flue be removed from the site with a compliance period of 3 months for the following reason:

The unauthorised development, due to its rudimentary design, height and industrial appearance, represents an obtrusive form of development which is not in keeping with the residential character of the surrounding area and has harmed the visual amenity of the locality. The development has a materially detrimental impact on the character and appearance of the area and as such is unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007), policies D1 and DM3 of the

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

**541 19/01565/FUL - Viscount House, 97 Rochford Road, Southend-on-Sea (St Laurence Ward)**

**Proposal: Change of use of two ground floor shops (Class A1) to two self-contained flats (Class C3), install handrails to front and side and alter elevations.**

**Applicant: Mr Litman**

**Agent: Mrs Jahan of RD architecture Ltd.**

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 solely in accordance with the approved plans: 110 Revision P.2; 120 Revision P.1; 220 Revision P.3; 308.

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the 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 in writing by the Local Planning Authority details 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 the treatment of all hard and soft surfaces and all means of enclosing the site.

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



05 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. Any 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 first occupation of any part of the development hereby approved.

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

06 Prior to the first occupation of the dwellings hereby approved, the secure cycle and refuse and recycling storage for the flats hereby approved shall be implemented in accordance as shown on drawing 220 Revision P3. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such in perpetuity.

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

07 Hours of construction related to the development hereby approved 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 neighbouring residents in accordance with the National Planning Policy Framework (2019), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide, (2009).

08 Prior to first occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

Informatives:

1 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at: [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)

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

**542 19/01673/TPO - Land Adjacent 254 Green Lane And 7-9 Byfield, Independent Footway From Blatches Chase To Western Approaches (Eastwood Park Ward)**

**Proposal: Fell and grind stump 1 Ash Tree (T1), prune back branches overhanging private property garden fences to 3 Field Maple Trees (TG1) and reduce crown 30%, remove dead branches, sever ivy stems at base to 1 Oak Tree (T2)(Application for works to trees covered by a Tree Preservation Order)**

**Applicant: Mr Paul Sinclair**

**Agent: n/a**

Resolved:-

That CONSENT FOR WORK TO TREES be GRANTED subject to the following conditions:

01 The works covered by this permission shall begin no later than two years from the date of this consent.

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in the interests of Policy DM1 of the Development Management Document (2015).

02 The works shall be carried out in accordance with BS 3998 (2010) by a suitably qualified person.

Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015).

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