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**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Development Control Committee**

**Date: Wednesday, 3rd February, 2021**

**Place: Virtual Meeting via MS Teams**

Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk,  
D Cowan, A Dear, M Dent, F Evans, D Garston, S Habermel, D Jarvis,  
A Jones, C Mulrone, A Thompson, S Wakefield and C Walker

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors Boyd, Davidson, Folkard and Garne.  
E Cook, K Waters, C Galforg, P Keyes, C White, M Warren, S  
Mouritadis, T Hartley, T Row and G Gilbert

Start/End Time: 2.00 - 6.10 pm

**781 Apologies for Absence**

There were no apologies for absence at the meeting.

**782 Declarations of Interest**

The following interests were declared at the meeting:

(a) All Councillors present – Agenda Item No. 11 (Application No. 20/01972/FULH - The Lodge by The Bridge, Eastern Avenue, Southend on Sea) – Non-pecuniary interest: Applicant is known to them as a fellow Councillor;

(b) Councillor Ayling – Agenda Item No. 11 (Application No. 20/01972/FULH - The Lodge by The Bridge, Eastern Avenue, Southend on Sea) – Disclosable pecuniary interest: Applicant and owner of the property (withdrew);

(c) Councillors Ayling, Borton, Chalk, Dent, Jarvis and Ward – Agenda Item No. 8 (Application No. 20/02016/FUL - 90 Caulfield Road, Shoeburyness) – Non-pecuniary interest: Had received correspondence regarding the application;

(d) Councillor Dear – Agenda Item No. 4 (20/00728/OUTM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea) – Non-pecuniary interest: Has received numerous correspondence from resident regarding the application;

(e) Councillor D Garston – Agenda Item No. 4 (20/00728/OUTM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea) – Non-pecuniary interest: Developer is known to him;

(f) Councillor D Garston – Agenda Item No. 6 (20/00599/FUL Application No. 27 Leigh Park Road, Leigh-on-Sea) – Pecuniary interest: Application site backs on to his place of residence (withdrew);

(g) Councillor D Garston – Agenda Item No. 8 (Application No. 20/02016/FUL - 90 Caulfield Road, Shoeburyness) – Non-pecuniary interest: Son owns a property in the vicinity;

(h) Councillor Jones – Agenda Item No. 8 (Application No. 20/02016/FUL - 90 Caulfield Road, Shoeburyness) – Disqualifying non-pecuniary interest: Cabinet Member with responsibility for children and corporate parent (withdrew);

(i) Councillor Mulronee – Agenda Item No. 5 (Application No. 20/01759/FULM - Former Car Wash, 120 Broadway, Leigh on Sea) and XXX (20/00599/FUL Application No. 27 Leigh Park Road, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council non-participant in planning);

(j) Councillor Mulronee – Agenda Item No. 8 (Application No. 20/02016/FUL - 90 Caulfield Road, Shoeburyness) – Non-pecuniary interest: CEO of the Applicant is known to her;

(k) Councillor Wakefield – Agenda Item No. 8 (Application No. 20/02016/FUL - 90 Caulfield Road, Shoeburyness) – Lives in the vicinity of the application site; and

(l) Councillor Ward – Agenda Item No. 10 (20/02080/FUL - 4 Merilies Close, Westcliff-on-Sea) – Non-pecuniary interest: Had received correspondence from another objector requesting to speak received in respect of this matter.

### **783 Supplementary Report**

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

### **784 20/00728/OUTM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea (Belfairs Ward)**

**Proposal: Demolish existing building and erect part two-storey/part three storey building, comprising of thirteen (13no.) self contained flats, parking, cycle store & refuse store (Outline Application with Landscaping reserved).**

**Applicant: Mr Brian Strickland**

**Agent: Mr Steven Kearney of SKArchitects**

Resolved: -

- (a) That the Interim Director of Planning or Group Manager of Planning & Building Control be delegated responsibility to GRANT PLANNING PERMISSION subject to conditions below following the completion of a PLANNING AGREEMENT under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the provision of:
- £224,053.17 financial contribution towards off-site affordable housing.
  - £23,359.59 contribution towards secondary education.

- Essex RAMS payment of £1,632.54 to mitigate the potential disturbance to European designated sites.
- (b) The Interim Director of Planning or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above requirement, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

#### General Conditions

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 575-P01 A, 575-P02 C, 575-P03 A, 575-P04 C, 575-P05, 575-P06 REV A, 575-P05.

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

#### Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

04 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition shall take place on site unless and until details of the levels of the proposed building, to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The highest part of the building shall not exceed 56.46m AOD. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: In the interest of visual amenity and to safeguard the safety of air traffic, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM15, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

05 No demolition or development of any kind shall take place on site unless and until tree protection measures have been implemented on site in line with an up to date Arboricultural Impact Assessment and Method Statement prepared in accordance with British Standard BS5837 (Trees in Relation to Construction - Recommendations) which should consider trees on site and adjacent street trees and which shall have previously been submitted and approved in writing by the Local Planning Authority. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

06 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, the soft landscaping scheme which has previously been submitted and approved in writing by the Local Planning Authority with the relevant Reserved Matters application, shall be implemented, completed and maintained thereafter in full accordance with the approved details.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the

advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

07 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority with the relevant Reserved Matters application. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

Living Conditions related conditions

08 Notwithstanding the details submitted and otherwise hereby approved, the dwellings hereby approved shall not be brought into first use unless at least internal storage space, excluding kitchen cupboards and wardrobes less than 0.72m<sup>2</sup> in a double bedroom and 0.36m<sup>2</sup> in a single bedroom, in line with the requirements of the Nationally Described Space Standards for each unit have been provided and made available on site in line with details that have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

09 No development above ground level shall take place on site until details of noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard 8233:2014, have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first use of the development hereby approved.

Reason: To mitigate the noise from highway traffic and the communal parking area in the interest of the living conditions of future 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).

10 Notwithstanding the details submitted and otherwise hereby approved, no development other than site preparation works shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 1 of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all 12 of the remaining dwellings complying with the building regulation part M4(2) 'accessible

and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

#### Impact on residential amenity of neighbours

11 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy to include Noise and Dust Mitigation Strategies has been submitted to, and approved in writing by the local planning authority. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust, dirt and noise 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) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: In the interest of 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).

12 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of 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).

#### Highways

13 The approved dwellings shall not be occupied unless and until the following works have been implemented in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority:

- a. The construction of new vehicular accesses to Tudor Gardens;
- b. The removal of the redundant crossover to Eastwood Road and reinstatement of the footway.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

14 The dwellings hereby approved shall not be occupied unless and until at least one parking space per unit in the area shown on the approved plan 575-P02 C has been provided and made available for use on site. The parking spaces shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

15 The development hereby approved shall not be brought into first use unless and until at least one cycle parking space per unit has been provided on site and made available for use in line with the details shown in approved plan 575-P02 C. The provision of at least one cycle parking space per unit for the benefit of future occupiers of the approved development shall be retained in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

#### Waste management

16 The development hereby approved shall not be brought into first use unless and until at waste storage has been provided on site and made available for use in line with the details shown in approved plan 575-P02 C. The provision of the waste storage facilities shall be retained in perpetuity.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

#### Drainage

17 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: 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.

#### Energy and water sustainability

18 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

19 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

#### Ecology

20 No development shall take place on site, including any works of demolition, unless and until a breeding bird survey has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the approved breeding bird survey.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and 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.

(c) In the event that the planning obligations or other means of securing the financial contribution referred to in part (a) above have not been completed by 5 February 2021 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, would not provide adequate levels of affordable housing, would not provide any secondary education contributions to mitigate the development contrary to National and Local planning policy.

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](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)).

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 applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

**785 20/01759/FULM - Former Car Wash, 120 Broadway, Leigh on Sea (Leigh Ward)**

**Proposal: Demolish existing retail unit and former car wash site and erect a 3-storey building with upper storey set-back comprising of 280sq.m commercial space at ground floor level and 15 self-contained flats (Class C3), ground floor parking court, refuse, cycling storage, lay out landscaping and install vehicular access onto Victor Drive.**

**Applicant: Plaistow Broadway Filling Stations**

**Agent: DAP Architecture Ltd**

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 001.01, 200.12, 201.07, 202.11, 203.11, 204.14, 205.08, 206.09, 210.02, 211.02

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

03 No development approved by this permission shall be commenced unless and until the Local Planning Authority has approved in writing by way of a Section 278 Highways Agreement a full scheme of highway works (including detailed designs and contract details) and the relevant highways approvals are in place, in relation to the proposed loading bay, alterations to the existing accesses including reinstatement of redundant crossovers on Broadway, amended traffic regulation order, planting specifications and details of 4 new street trees and details of the 5 new visitor cycle hoops. The works shall thereafter be undertaken in accordance with the approved details and completed prior to occupation of the development hereby approved.

Reason: A pre commencement condition is required in the interests of highways management, the character of the area and safety in accordance with Core Strategy (2007) policies KP2, CP3 and CP4 and Development Management Document (2015) policies DM1, DM3 and DM15 and the advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls, inset balconies and projecting windows, roof and roof terraces, coping, windows and doors, shopfront, colonnade, fascia and soffits, balcony balustrades and screens, bin and cycle store doors, entrance gates, rainwater goods and boundaries have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the residential entrance and shopfronts including approach to signage, window surrounds including brick and stone detailing, balustrades design, reveals, parapet details and rainwater drainage solution at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- i. Existing and proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing including to the roof top terrace areas;
- iii. hard surfacing materials including for the amenity terraces and under the colonnade to the front;
- iv. minor artefacts and structures (e.g. furniture, planters, lighting, etc.) including lighting of the colonnade to the front and main entrance;
- v. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification
- vi. details of measures to enhance biodiversity within the site;

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

Reason: To safeguard character and appearance of 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 the Design and Townscape Guide (2009).

07 The development shall not be occupied until 17 car parking spaces, of which not less than 2 shall be for disabled users, have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with drawings reference 200.12 and 211.02 together with properly constructed vehicular access to the adjoining highway, and the reinstatement of existing redundant crossovers in Broadway all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.

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

08 The development shall not be occupied until at least 15 secure, covered cycle parking spaces to serve the development as shown on drawing 200.12 have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the units hereby approved and their visitors. The approved scheme shall be permanently retained thereafter.

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

09 The development shall not be occupied unless and until the commercial and residential refuse stores that serve the development as shown on drawing 200.12 have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling thereafter.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

10 Prior to the first occupation of any dwelling, details of the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of their first occupation.

Reason: In the interests of sustainability 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).

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

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

12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full

throughout the construction period. The Statement shall provide, amongst other things, for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. measures to control the emission of dust, noise and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
- vii. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.

Reason: A pre commencement condition is required in the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

13 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 13 flats comply with building regulation M4(2) 'accessible and adaptable dwellings standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

14 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 are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented 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. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

15 No development shall take place above ground floor slab level until details of the design and specification of the privacy screen to the east terrace and the privacy screens to the terraces at 3rd floor level have been submitted to and approved in writing by the local planning authority. The development shall be carried out solely

in accordance with the approved details before it is first occupied and shall be retained as such in perpetuity.

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) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

16 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the ground floor slab level shall take place unless and until a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and agreed in writing by the Local Planning Authority. The renewables shall be implemented in full in accordance with the approved details prior to the first occupation of the dwellings. This provision shall be made for the lifetime of the development.

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

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

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

18 Prior to the commencement of development an instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify and remediate the risks identified by the Phase 1 Site Investigation by Geo- Environmental Assessment (Desk Study & Ground Investigation) Report Ref: P9093J631 of July 8, 2015. The submitted phase II report shall include:

- i. Details of all measures to be undertaken to make the site suitable for the intended use, including a timeframe for the works.
- ii. Confirmation that all underground fuel storage tanks will be removed from the site by a suitably qualified contractor and disposed of off site. Validation soil samples from areas around the tank(s) must be tested to ensure that they are suitable to be left in-situ and the results provided to the Council.
- iii. Confirmation that all hydrocarbon contaminated soil will be excavated to the appropriate depth and disposed off-site to a facility licensed by the Environment Agency. The waste transfer certificate must be included in the validation report.
- iv. Confirmation that all imported soil for any backfilling operations must be suitable for the intended use and certified to the CLEA or any other relevant standard.

v. Prior to commencement of development, the Validation Report must be submitted to the Local Planning Authority for approval. The Validation Report must contain details of the remediation measures undertaken to make the site suitable for use including their effectiveness. The report must also contain details of the volume of soil removed from the site (including any waste transfer certificate) and the volume of imported soil to the site (including their chemical contents).

vi. If during 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 dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. Any such works shall then be undertaken and completed solely in accordance with the agreed method statement.

Reason: A pre commencement condition is necessary 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).

19 All the noise mitigation measures outlined in Section 7 of the Noise Impact Assessment by Cambridge Acoustics reference 1009.20 dated 10th September 2020 to protect future residents of the building from the impact of vehicular noise along Broadway and the surrounding area must be implemented in their entirety prior to occupation of any of the residential units hereby approved to achieve an internal noise level which meets British Standards BS 8233:2014 criteria. The approved measures implemented shall be maintained in perpetuity.

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

20 Prior to the commencement of the development hereby approved, full details of the proposed car stacking system, including provision for a wider unit to accommodate 1 disabled space within this system, together with a report detailing any mitigation measures proposed in respect of noise impacts of this system shall be submitted to, and approved in writing by, the Local Planning Authority. The installation of the car stacking system shall be carried out in full accordance with the approved details, including any noise mitigation measures to be undertaken in association with the agreed details, and made available for use prior to first occupation of any of the residential units hereby approved. With reference to British Standards BS4142 the noise rating level arising from all plant and car stacking 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: A pre commencement condition is required in order to protect the amenities of the 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).

21 No deliveries or refuse collection shall be taken at or despatched from the ground floor Class E use hereby permitted outside the hours of 07:00 to 20:00

hours Mondays to Saturdays and 09:00 to 13:00 hours on Sundays nor at any time on Bank or Public Holidays.

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

22 The non-residential Use Class E units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.

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).

23 No plant or ventilation equipment for the proposed non-residential uses hereby approved 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 impacts on the nearest noise sensitive properties has been submitted to, and approved in writing by, the Local Planning Authority. The installation of the plant and ventilation equipment shall be carried out only in full accordance with the approved details and specifications and any noise mitigation measures undertaken in association with the agreed details before the plant and ventilation equipment is brought into use.

With reference to British Standards BS4142 the noise rating level arising from all plant and 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 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).

24 Notwithstanding the details submitted within the Flood Risk Statement and SUDS Strategy by Ardent Consulting reference V674-02 dated Sept 2020 and on the plans otherwise hereby approved no drainage works shall be constructed at the site until a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- i. Further justification for discarding infiltration based of site investigation (including soakaway testing if applicable). Even if total infiltration is unlikely, the applicant should consider partial infiltration where possible, considering the deterioration of groundwater quality and ground stability if required;
- ii. Justification for not using rainwater harvesting, rain gardens and trees; and consider, where possible, these systems. The applicant should outline the location of podium deck attenuation on the Preliminary SuDS / Surface Water Drainage Strategy (V674-003);
- iii. A catchment plan with all areas positively draining into the proposed drainage system;

- iv. Outline conveyance routes from the rainwater downpipes to the proposed below-ground surface water drainage network on the Preliminary SuDS / Surface Water Drainage Strategy (V674-003);
- v. Overland flow paths on a plan based on the proposed levels design (that ensures people and property are protected during an exceedance or failure event);
- vi. A review of the runoff rate and storage calculations in further detail and provide clarity on:
  - a.
    - The evidence of the runoff rate calculations made for the existing site and proposed site. This should include evidence that the existing site was already connected into the sewer.
  - b.
    - It is noted that the proposed discharge rates in Table 5.1 of the FRS are not in line with the calculation results in the appendices. This requires clarification.
  - c.
    - The impermeable areas considered within the calculations, ensuring they are consistent with the FRS.
  - d.
    - Detailed hydraulic calculations for the proposed network.
- vii. Water quality analysis following the Simple Index Approach (or other acceptable method) to ensure water quality metrics are met (utilising proprietary treatment systems where necessary);
- viii. Evidence of health and safety management for the proposed drainage/SuDS;
- ix. A strategy for information delivery and community engagement (if applicable);
- x. A valuation of the proposed drainage designs (if applicable);
- xi. CEMP prior to construction;
- xii. Confirm the details of the management company and the proposed maintenance schedule for the drainage system;
- xiii. Details of the foul water drainage strategy for the applicant should provide construction details outlining the connection to the existing Anglian Water surface water sewer at manhole 6951. site; and
- xiv. Construction details outlining the connection to the existing Anglian Water surface water sewer at manhole 6951.

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).

25 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the building hereby approved:

- i. The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any equivalent Order amending, revoking or re-enacting that Order

Reason: To ensure that the development does not impact adversely on the townscape and character of the adjacent conservation area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of

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

26 Construction hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank or Public Holidays.

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (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).

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

03 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development.

04 In relation to Condition 03, you are advised to contact Highways Engineer Martin Warren (Tel 01702 534328) to discuss the requisite 278 Highways Agreement and any associated Highways Licence. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works.

05 The applicant is advised that the Council Parks Section have recommended that the species of tree most suitable for planting in the Highway would be *Carpinus betulus* 'Frans Fontaine' or similar species tolerant of urban conditions. These should be planted in a suitable root cell system to avoid damage to any paving and provide a suitable rooting environment for continued growth. Full details will need to be agreed as part of the required Section 278 Highways Agreement.

06 The applicant is encouraged to include electric vehicle charging points at the site which is in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

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

**786 20/00599/FUL - 27 Leigh Park Road, Leigh-on-Sea (Leigh Ward)**

**Proposal: Demolish existing building and erect two dwellinghouses with associated amenity spaces and basement parking.**

**Applicant: SJT Developments**

**Agent: Mr Alan Gloyne of SKArchitects**

Cllr Garston withdrew from the meeting for this agenda item.

Resolved: -

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposal, due to the loss of the existing traditional building which makes a positive contribution to the Leigh Conservation Area and by reason of its unsympathetic design, including its scale, rudimentary form and distinctly modern appearance, would result in a materially harmful impact on the character and appearance of the site, the streetscene and the wider area as well as less than substantial, albeit significant, harm to the importance of Leigh Conservation Area. This is unacceptable and contrary to 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 the advice contained within the National Design Guide (2019), the Southend Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal.

Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

Informatives:

1 Please note that this application would have been 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 may also be CIL liable.

**787 20/01990/FUL - 29 Honiton Road, Southend-on-Sea (Kursaal Ward)**

**Proposal: Erect three storey side extension with loft conversion to form 3 additional self-contained flats, layout parking, amenity space, bin and cycle storage and extend existing vehicle crossover onto Honiton Road.**

**Applicant: Mr Henry Gover**

**Agent: Stone Me Design Ltd**

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: 01, 02, 04, 05, 06, 07, 08, 09 & 10,

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

03 Prior to the occupation of the development hereby approved the car parking spaces shall be provided and made available for use in accordance with the details shown on approved plan 1864 02 and shall be permanently retained as such thereafter. The car parking spaces shall be kept available solely for the parking of motor vehicles of occupiers of the dwellings hereby approved and their visitors.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site including for elevations, brickwork, glazing, doors, windows and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

05 Prior to the first occupation of the development hereby approved full details of refuse, recycling and secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse, recycling and bicycle storage facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate refuse, recycling and cycle storage in the interests of highway safety, residential and visual amenity as set out in the National Planning Policy Framework (2018), Core Strategy (2007) policies KP2, CP3 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

06 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i. means of enclosure, of the site including any gates or boundary fencing;
- ii. car parking layouts;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. details of the number, size and location of the trees including replacement trees, shrubs and plants to be retained and planted together with a planting specification
- vi. details of measures to enhance biodiversity within the site;

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

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

07 No site clearance, preparatory work or development shall take place unless and until the measures set out in the report by the Andrew Day Arboricultural consultancy dated 28th October 2019 for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations have been implemented as described and approved.

Reason: A pre-commencement condition is required in the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Core

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

08 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 occupation of the development. This provision shall be made for the lifetime of the development.

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

09 Water efficient design measures as 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 shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed dwellings that are to be permanently glazed with obscured glass (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent) and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details

and specifications approved under this condition and shall be permanently retained as such thereafter.

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

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

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

13 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall be carried out in a manner to ensure that the dwellings labelled flat 04 on plan number 1864 02 complies with the building regulation M4 (2) 'Accessible and Adaptable Dwellings' standard before it is occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall be carried out in a manner to ensure that the dwellings labelled flat 8 on plan number 1864 04 complies with the building regulation M4 (1) 'Visitable Dwellings' standard before it is occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

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

Informatives:

01 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 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 The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossings 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.

**788 20/02016/FUL - 90 Caulfield Road, Shoeburyness (West Shoebury Ward)**

**Proposal: Change of use from dwelling (Class C3) to children's residential care home (Class C2) with associated installation of decking area to rear.**

**Applicant: Syrie Cox**

**Agent: Steven Kearney of SKArchitects**

Cllr Jones withdrew from the meeting for this agenda item.

Mr Andreas Iacovou spoke as an objector the application. Ms Syrie Cox responded.

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02. The development is hereby permitted in accordance with the following approved plans: 680 P01, 680 P02.

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

03. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential care home for up to 5 residents aged between 11 and 18 and up to 4 members of staff. The site shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

04. Prior to first use of the premises as a residential care home (use class C2), details of secure cycle storage shall have been submitted to and agreed in writing by the Local Planning Authority. The secure cycle storage shall be provided at the site for the use of staff and residents in accordance with the agreed details before the use hereby permitted commences and be retained in perpetuity for the lifetime of the development thereafter.

Reason: In the interests of accessibility further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

05. Prior to first use of the premises as a residential care home (use class C2), details of refuse storage shall have been submitted to and agreed in writing by the Local Planning Authority. The approved refuse storage arrangements shall be provided at the site for the use of staff and residents in accordance with the agreed details before the use hereby permitted commences and be retained in perpetuity for the lifetime of the development thereafter.

Reason: In the interests of neighbour and occupier amenities, further to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015).

06. Before the use of the development hereby permitted is commenced not less than 2 car parking spaces shall be provided at the site in accordance with details that have previously been submitted to and approved in writing by the local

planning authority. The car parking spaces approved under this condition shall be retained as such in perpetuity thereafter.

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

07 The development hereby approved shall not be occupied unless and until full details of a CCTV system, including management and maintenance proposals, has been submitted to and approved in writing by the local planning authority. The CCTV system shall be installed prior to first occupation of the premises for the approved and retained maintained and managed in accordance with the approved details.

Reason: To protect the character and quality of the site surroundings in the interests of occupier and neighbour amenities, further to Policies KP2 and CP4 of the Core Strategy (2007), 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

1. 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.

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.

**789 20/02066/AMDT - 71 Chalkwell Esplanade, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Application to vary condition number 13 to remove the requirement for the front bay window to be glazed with obscure glass (Minor Material Amendment of planning permission 19/00390/FUL dated 03.05.2019) (Retrospective).**

**Applicant: Mr & Mrs G Allison**

**Agent: Mr Tim Knight**

Resolved: -

That PLANNING PERMISSION be REFUSED for the following reason:

The retention of the clear glazed first floor flank window would result in continued harmful levels of actual and perceived overlooking of the neighbouring garden area and habitable accommodation at No.73 Chalkwell Esplanade to the detriment of neighbours' amenity in terms of a material loss of privacy. This is unacceptable and contrary to the National Planning Policy Framework, 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).

Informative:

The existing clear glazed first floor window is unauthorised and failure to resolve this issue is likely to result in the council considering the expediency of enforcement action to remedy the currently identified harm.

**790 20/02080/FUL - 4 Merilies Close, Westcliff-on-Sea (Prittlewell Ward)**

**Proposal: Enlarge existing outbuilding (garage) and use for tutoring/schooling (Retrospective).**

**Applicant: Mr King**

**Agent: Mr Luis Mulry of Edith Garland Architecture**

Resolved: -

That PLANNING PERMISSION be REFUSED and ENFORCMENT ACTION (with a compliance period of 3 months) be authorised to require cessation of the unauthorised educational use for the following reasons:

01 The development has introduced a significant education use within a purely residential cul-de-sac to the material detriment of the character of site and the wider area. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2019) and the Southend Design and Townscape Guide (2009).

02 The application fails to demonstrate that the development would not have a materially detrimental impact on the residential amenity of neighbouring occupiers as a result of noise and disturbance arising from activities and vehicle movements associated with the education element of the mixed use. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

03 The application fails to demonstrate that the development would provide sufficient on-site parking and waiting facilities to meet the needs of future

employees, occupiers and users of the premises, which would be likely to result in additional vehicles parked within the public highway, to the material detriment of parking conditions in the locality, highway safety and the free flow of traffic. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies CP3 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Southend-on-Sea 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 via the pre-application service available at [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2)

Informatives:

1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 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)) for further details about CIL.

2 Failure to regularise the unauthorised use is likely to result in the Council considering it expedient to take enforcement action to seek to remedy the identified harm.

**791 20/01972/FULH - The Lodge by The Bridge, Eastern Avenue, Southend on Sea (St Luke's Ward)**

**Proposal: Erect three single storey outbuildings to rear and covert existing outbuilding to be used as ancillary to main dwelling (Class use C3) (Retrospective).**

**Applicant: Mr Brian Ayling**

**Agent: N/A**

Cllr Ayling withdrew from the meeting for this item.

Mr Newman spoke as an objector to the application. A written response from Mr Ayling was read to the committee by an officer.

Resolved: -

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The outbuildings, by virtue of their design, are not found to be ancillary to the main dwelling and represent an overdevelopment of the site to the detriment of its prevailing character. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2019) and the Southend Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

Informatives:

1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 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)) for further details about CIL.

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

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