

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 7th July, 2021**  
**Place: Council Chamber - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors A Dear (Vice-Chair), J Beck, K Buck, T Cowdrey\*,  
M Dent, F Evans, D Garne, D Garston, S Habermel, D Jarvis,  
A Jones, K Mitchell, C Mulroney, A Thompson, S Wakefield and  
C Walker  
\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** J Williams, K Waters, C Galforg, S Mouratidis, C White, M Warren  
and R Harris

**Start/End Time:** 2.00 pm - 4.40 pm

#### 117 **Apologies for Absence**

Apologies for absence were received from Councillor Cowan (substitute:  
Councillor Cowdrey).

#### 118 **Declarations of Interest**

The following interest were declared at the meeting:

(i) Councillor Beck – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine  
Parade, Southend on Sea – Non-pecuniary interest: has responded to objectors in  
respect of the application;

(ii) Councillor Buck – Application No. 21/00781/FUL - Meyrin House, 35 Holeythick Lane,  
Westcliff on Sea – Non-pecuniary interest: Has received correspondence with residents in  
the Ward;

(iii) Councillor Cowdrey – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine  
Parade, Southend on Sea – Non-pecuniary interest: Has given advice to residents  
on how to make a comment or objection on the application;

(iv) Councillor Cowdrey – Application No. 21/00641/FUL - Land at Marks Court,  
Southend on Sea – Non-pecuniary interest: Sought clarification from planning  
officers on behalf of residents and gave advice to them accordingly;

(v) Councillor Dent – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine  
Parade, Southend on Sea – Non-pecuniary interest: Has been in correspondence  
from objectors and the applicant;

(vi) Councillor Dent – Application No. 21/00641/FUL - Land at Marks Court,  
Southend on Sea – Non-pecuniary interest: Has given advice to objectors;

- (vii) Councillor F Evans – Application No. 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea – Non-pecuniary interest: Knows the speaker who has objected to the application as former Councillor and Mayor of the Borough;
- (viii) Councillor D Garston – Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Son owns flats in the St Mark's Court development;
- (ix) Councillor D Garston – Application No. 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea – Non-pecuniary interest: Has received correspondence from objectors and knows the speaker who has objected to the application as former Councillor and Mayor of the Borough;
- (x) Councillor Jones – Application No. 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea – Non-pecuniary interest: Lives next door to an HMO;
- (xi) Councillor Wakefield – Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Had undertaken work on behalf of the management agent of St Mark's Court;
- (xii) Councillor Wakefield – Application No. 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea – Non-pecuniary interest: Owns an HMO;
- (xiii) Councillor Walker – Application No. 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea – Non-pecuniary interest: Knows the speaker who has objected to the application as former Councillor and Mayor of the Borough; and
- (xiv) Councillor Ward – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: Has Spoken with the applicant regarding the application.

## 119 **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.

## 120 **21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea (Kursaal Ward)**

**Proposal: Demolish upper floors, erect three storey building over existing ground floor restaurant to form 9no. self-contained flats with balconies to rear and associated bin and cycle storage**

**Applicant: Mr G Gill**

**Agent: Mr Andrew Cooke of Dovetail Architects Ltd**

Mr N Kullman, a local resident, spoke as an objector to the application. Mr A Cooke, the applicant's agent, responded.

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

## General Conditions

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 4083\_L01, 4083\_PL01, 4083\_PL02, 4083\_PL03, 4083\_PL04, 4083\_PL05, 4083\_PL06, 4083\_PL07, 4083\_PL08, 4083\_PL09, 4083\_PL10.

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 site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building 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).

## Living Conditions

04 The use of the ground floor unit shall be solely within Use Class E as defined within the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To determine the scope of the permission in the interest of the character and functionality of the area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP1, Development Management Document (2015) Policies DM10, DM11 and DM12 and Southend Central Area Action Plan (2015) Policies DS1 and PA1.

05 The hours of operation of the ground floor commercial unit shall be 7 am to 11 pm.

Reason: 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).

06 Prior to the first use of the commercial unit hereby approved, a detailed vibration and noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include vibration and noise mitigation measures where needed along with a verification of their effectiveness on site after they have been carried out. The rating level of noise for all plant (including but not exclusively the ventilation, refrigeration and air conditioning equipment) installed at the site determined by the procedures in British Standards BS 4142:2014, shall be at least 10dB(A) below the background noise level with no tonal elements at all times. The LA90 to be determined according to the guidance in British Standard BS 4142:2014 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The assessment shall be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. The equipment shall be maintained in good working order thereafter. The plant must not have distinctive tonal or impulsive characteristics.

Reason: To ensure the resulting noise from the commercial unit would not be detrimental to 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).

07 Prior to commencement of development on site, other than demolition and site preparation works, details of vibration mitigation and noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard BS 8233:2014, shall 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 residential occupation of any part of the development hereby approved.

Reason: To mitigate the noise from the uses in the 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).

#### Impact on Residential Amenity of Neighbours

08 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 by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy 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: A pre-commencement condition is justified 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).

09 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).

10 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including on proposed balconies and terraces where needed. Before the development hereby approved is occupied, the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of future occupiers and 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).

#### Highways

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the first occupation of the residential units hereby approved nine (9) covered and secure cycle parking spaces shall be provided and made available for use on site in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development 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

12 No part of the development hereby approved shall be brought into residential use unless and until the bin store area shown on approved plan 4083\_PL06 have been created solely in accordance with design details which have previously been

submitted to and approved in writing by the Local Planning Authority, equipped with at least two 1100 litre waste and recycling containers and one 150 litre food waste container and are available for use and operation in accordance with a waste management plan which has previously been submitted to and approved in writing by the Local Planning Authority. The bin storage areas shall thereafter be maintained for the lifetime of the development.

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).

13 No part of the development hereby approved shall be brought into commercial use unless and until details of commercial waste storage and management have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved waste storage facilities shall be provided and made available for use prior to the first use of the commercial use here by approved and shall thereafter be maintained for the lifetime of the development and managed in accordance with the approved details.

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).

#### Flood Risk

14 The development hereby approved shall be implemented and undertaken in strict accordance with the findings, recommendations, mitigation and resilience measures contained within the submitted Flood Risk Assessment by Evans report reference 2614/RE/12-20/01 dated December 2020.

Reason: To ensure the approved development is safe and 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

15 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).

16 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 (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 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).

17 The dwellings hereby approved shall not be brought into first use unless internal storage space to meet the Nationally Described Space Standards for each dwelling has been provided and made available on site in accordance with internal layout floor plans which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

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).

#### Positive and Proactive Statement

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. 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.

- 121     21/00600/FULH - 15 Bohemia Chase, Leigh-on-Sea (Belfairs Ward)**  
**Proposal: Erect dormer to front to form habitable accommodation in the loftspace (amended proposal)**  
**Applicant: Steven Dore**  
**Agent: N/A**

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: P01C, P02A.

Reason: To ensure that the development is carried out in accordance with the provisions of 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: 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and advice in the Southend-on-Sea Design and Townscape Guide (2009).



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

#### Informatives

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

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.

- 122 21/00641/FUL - Land at Marks Court, Southend on Sea (Kursaal Ward)**  
**Proposal: Erect three storey building comprising of four self-contained flats with terraces to first floor east elevation, associated amenity space, parking, cycle spaces and refuse store**  
**Applicant: RG Airspace Developments Limited**  
**Agent: Davies Murch**

Mrs L Stevens, a local resident, spoke as an objector the application. Mr J Murch, the applicant's agent, responded.

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: WP-0758-A-0001 Revision A; WP-0758-A-0002 Revision A; WP-0758-A-0003 Revision A; WP-0758-A-0100 Revision B; WP-0758-A-0110 Revision B; WP-0758-A-0111 Revision B; WP-0758-A-0200 Revision B; WP-0758-A-0201 Revision B; WP-0758-A-202 Revision B; WP-0758-

A-0203 Revision B; WP-0758-A-0204 Revision B; WP-0758-A-0300 Revision B; WP-0758-A-DAS.

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

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 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 (2019), 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).

04 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscaping works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved 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. 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, 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).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be

implemented in full accordance with the details approved under this condition prior to first occupation of any part of the development hereby approved and shall be maintained as such in perpetuity.

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

06 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 prior to occupation of the development hereby approved 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) and Development Management Document (2015) Policy DM2.

07 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 (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

08 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 or Public Holidays.

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

09 The existing cycle parking facilities on the site which serves the existing Marks Court dwellings shall not be removed unless and until details of the re-provision of the cycle parking has been submitted to and approved in writing by the local planning authority. Prior to the removal of the existing cycle parking facilities, the approved cycle parking facilities to serve the existing Marks Court dwellings shall have been provided in accordance with the approved details and retained as such in perpetuity thereafter.

Reason: In the interests of residential amenity for the existing occupants and to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core

Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

10 Prior to the first occupation of the development hereby approved, full details of refuse, recycling and secure covered bicycle storage facilities for the flats hereby approved and shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the 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 cycle parking and refuse and recycling stores and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the flats hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed flats 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 dwellings 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 (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

12 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 size, design, materials, specification and location of all privacy screens and panels 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 safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwelling 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).

13 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that all the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the dwelling houses 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), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to 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 noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This pre-commencement condition is needed to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3.

15 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.

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notices. This contains details including the chargeable amount when this is payable and when and how exemption or relief on

the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](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 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.

04 The applicant's attention is drawn to condition 09 which requires the replacement of the existing cycle parking which serves the wider Marks Court development as part of this proposal. The applicant is encouraged to consider replacing the existing hoops with covered and secure cycle parking which would make this cycle storage more usable.

**123 21/00781/FUL - Meyrin House, 35 Hopleythick Lane, Westcliff on Sea (Prittlewell Ward)**  
**Proposal: Change of use from care home (Class C2) to 15 bed HMO (Sui Generis) with associated amenity space, parking, cycle and bin store**  
**Applicant: Vivienne Goddard**  
**Agent: Union 4 Planning**

Mr R Price, a local resident, spoke as an objector to the application. Miss V Goddard, the applicant, 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 hereby permitted shall be carried out in accordance with the following approved plans: Sht-1, Sht-2 Existing Plans, Sht-2 Proposed Plans, Sht-4, Sht-5.

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 Act 1990 (as amended) the building hereby approved shall not at any time be adapted to enable formation of more than 15 bedrooms and the property shall not have more than 15 persons residing in it at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

04 Notwithstanding the submitted plans otherwise hereby approved, the development shall not be brought into first use unless and until full details of appropriately sized, covered and ventilated refuse storage facilities for the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided and made available for use prior to first occupation of the HMO and shall be thereafter retained thereafter for the lifetime of the development.

Reason: In the interests of the living conditions of future occupiers, and the amenities of the area, further to 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).

05 Notwithstanding the submitted plans otherwise hereby approved, the development shall not be brought into first use unless and until full details of appropriately secure, covered cycle storage facilities for the development comprising provision for no fewer than 15 cycles, have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided and made available for use prior to first occupation of the HMO and shall be thereafter retained thereafter for the lifetime of the development.

Reason: In the interests of the living conditions of future occupiers, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4.

06 The six existing car parking spaces in the areas shown on approved plan Sht-1 shall be available prior to the first use of the HMO hereby approved and retained for the lifetime of the development for the purposes of car parking solely for residents of the approved use 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 the Development Management Document (2015).

07 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).

08 The development 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 (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 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).

09 The development shall not be occupied until details of the measures to be put in place to ensure that the occupiers of the 4 bedrooms without en-suite facilities have been provided with adequate toilet and washing facilities. The development shall thereafter be occupied only in full accordance with the approved details and maintained as such in perpetuity.

Reason: In the interests of the living conditions of future occupiers, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4.

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

Informatives:

01 You are advised that as the proposed extension(s) 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.



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

**124 17/00195/UNAU\_B & 21/00141/UNAU\_B - 78 Beach Avenue, Leigh-on-Sea (Chalkwell Ward)**  
**Breach of Control: Raised roof parapet and balustrade forming a roof terrace**

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to:

- (a) require the unauthorised roof parapet and balustrade to be removed; and
- (b) remove from site all materials resulting from compliance with (a) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

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

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