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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 7th April, 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

In Attendance: Councillor K Buck
K Waters, G Gilbert, C Galforg, P Keyes, C White, M Warren, T Row,
T Hartley and A Smyth

Start/End Time: 3.00 pm - 6.00 pm

949 Apologies for Absence

There were no apologies of absence for this meeting.

950 Declarations of Interest

The following declarations of interest were made at the meeting:

All Committee Members – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

All Committee Members – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

Cllr Ayling – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Pecuniary Interest: Cllr Ayling is the applicant for this application (withdrew).

Cllr Beck – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: A complaint was made against her in relation to this application and one of the objectors is also known to her (took no part in the voting thereon).

Cllr Borton – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Has received communication from an objector who is known to her (withdrew).

Cllr Borton – Agenda Item No. 11 (20/02012/AMDT - The Forum, Elmer Approach, Southend on Sea) – Non-Pecuniary Interest: Is a governor at Milton Hall Primary School, which is close to the application site.

Cllr Buck – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Pecuniary: Cllr Buck is the applicant for this application (withdrew).

Cllr Cowan – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: The applicant has made a formal complaint against him (withdrew).

Cllr Dent – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary: The applicant has a formal complaint about him and one of the objectors is known to him (withdrew).

Cllr Dear – Agenda Item No. 18 (20/02157/FUL - 34 Elmsleigh Drive, Leigh-on-Sea) – Non-Pecuniary Interest: Has received and an email from the applicant.

Cllr Garston – Agenda Item No. 12 (20/02071/AMDT - The Esplanade, Western Esplanade) – Non-Pecuniary Interest: The application sight is within sight of his son's property.

Cllr Garston – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: A complaint has been made about a comment made regarding the application (withdrew).

Cllr Garston – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Disqualifying Non-Pecuniary Interest: The applicant is a fellow ward councillor and a close friend (withdrew).

Cllr Jones – Agenda Item No. 10 (21/00217/BC3M - Chalkwell Hall Infants School, London Road) – Disqualifying Non-Pecuniary Interest: The applicant relates to a Council premises and is the relevant Cabinet Member (withdrew).

Cllr Jones – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying non-pecuniary interest: One of the objectors is known to her (withdrew).

Cllr Jones – Agenda Item No. 22 (18/00228/UNAU_B - 2 Crowstone Close, Westcliff-on-Sea) – Non-Pecuniary interest: A neighbour to the application property is known to her.

Cllr Mulroney – Agenda Item No. 19 (21/00075/FUL - 119 Southsea Avenue, Leigh-on-Sea) – Non-Pecuniary Interest: Is a non-planning member of Leigh Town Council. Cllr Mulroney also lives on the same road but some distance from the application site.

Cllr Mulroney – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Cllr Mulroney has previously expressed a view on this application (withdrew).

951 Minutes of the Meeting held on Wednesday 9th December 2020

Resolved:-

That the Minutes of the Meeting held on Wednesday, 9th December 2020 be confirmed as a correct record and signed.

952 Minutes of the Meeting held on Wednesday 6th January 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 6th January 2021 be confirmed as a correct record and signed.

953 Minutes of the Meeting held on Wednesday 3rd February 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 3rd February 2021 be confirmed as a correct record and signed.

954 Minutes of the Meeting held on Wednesday 3rd March 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 3rd March 2021 be confirmed as a correct record and signed.

955 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.

956 20/01396/FULM - Victoria House, 47 Victoria Avenue, Southend on Sea (Victoria Ward)

Proposal: Erect two storey extension to form seventh and eighth floor comprising of 11 self-contained flats, with associated parking, bin and cycle stores.

Applicant: Aldel Designs Ltd

Agent: Mr Alan Gloyne of SKArchitects

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 approved shall be carried out in accordance with the approved plans: 470-P01 REV D, 470-P02 REV C, 470-P03 REV B, 470-P04 REV B, 470-P05 REV C, 470-P06 REV A, 470-P07 REV A, 470-P08 REV F, 470-P09 REV C, 470-P10 REV B, 470-P11 REV E, 470-P12 REV E, 470-P13 REV E, 470-P14 REV E.

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 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).

Living Conditions related conditions

04 The dwellings hereby approved shall not be brought into first use unless internal storage space has been provided and made available on site in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, or alternative details which have previously been submitted and approved 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).

05 Prior to its first occupation, each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, which show all flats complying with building regulation M4(2) save for the eighth floor eastern flat and seventh floor north-eastern flat which are shown to comply with building regulation M4 (3).

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).

06 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 around the proposed roof terrace and on balconies 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).

Impact on residential amenity of neighbours

07 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: 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).

08 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).

09 The north facing (side) windows of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the internal area which it serves. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in line with these details in perpetuity.

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

10 Prior to the first occupation of the residential units hereby approved, eight additional parking spaces as shown on the approved plan 470-P08 REV F shall be provided and made available for use on site. The parking spaces shall be retained in perpetuity for the purposes of car parking solely for residents of the development hereby approved 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).

11 Prior to the first occupation of the residential units hereby approved the twenty-one (21) additional cycle parking spaces as shown on the approved plan 470-P09 REV B shall be provided on site. 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 The development hereby approved shall not be brought into first use unless and until at least ten recycling (1100l) containers, seven residual waste (1100l) containers and five food waste (140l) containers have been provided on site and made available for use in line with the details shown in approved plan 470-P08 REV F. The provision of the waste storage facilities shall be retained in perpetuity. The development hereby approved shall accord with the waste management details approved for the site under application 17/02163/AD.

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

13 Notwithstanding the information submitted, the details shown on the plans submitted and otherwise hereby approved, no drainage related works shall take place on site associated with this planning permission unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved pursuant to 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

14 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).

15 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).

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 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) or the Council's website (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.

957 20/01726/BC3M - Garages at Eagle Way, Shoeburyness (Shoeburyness Ward)

Proposal: Demolish former disused garage sites to rear of 16 Eagle Way (Site 1A) and former compound site (Site 1B) and redevelop sites comprising of 5 terrace dwellinghouses with associated parking and amenity space (site 1A) and erect four storey block of 16 self-contained flats with communal garden and cycle store to rear, lay out associated parking and form additional vehicular access to north of site (1B) on to Eagle Way

Applicant: Southend on Sea Borough Council

Agent: AK Design Partnership LLP

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 4760.111 PL8, 4760.113 PL2, 4760.116 PL6, 4760.117 PL3, 4760.118 PL4

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

03 No development can commence unless and until a scheme for securing the timing and delivery of all of the dwellings hereby approved (21 dwellings) as affordable dwellings, including their location, tenure and mix has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a suitable means to secure the continuing provision of the 21 units as affordable housing. No housing in the scheme can be occupied until it has been built and management handed over to South Essex Homes in accordance with the terms set out in the scheme approved under this condition.

Reason: A pre-commencement condition is necessary to ensure that the affordable housing is secured for the lifetime of the development in accordance with Core Strategy (2007) Policies CP6 and CP8.

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 until a brick sample and full product details of the materials to be used on all the external elevations, including walls, roof, doors and windows, balconies, canopies, soffits 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 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 The 44 car parking spaces, including 6 disabled car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plans 4760.111-PL8 and 4760.116-PL6 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces noted on the approved plan and the associated vehicular access to and from the public highway shall thereafter be permanently retained as such.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

06 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).

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) proposed finished levels or contours;
- ii) Details for the means of enclosure of the amenity areas,
- iii) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details.
- iv) Measures to enhance biodiversity.

The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building. 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 policies DM1 and DM3 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

08 Prior to the commencement of development the tree protective fences as shown on plan reference 4760-118-PL4 shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

Reason: A pre-commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

09 The first-floor windows on the side elevation of house plot 5 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

10 The flatted development hereby approved shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained as such thereafter.

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

11 The flatted development hereby approved shall not be occupied or brought into use until the cycle storage facilities are provided in full and made available for use by the occupiers in accordance with the details shown on drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be permanently retained as such thereafter.

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

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

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development

- d) The erection and maintenance of security hoarding including measures to ensure the protection of the existing grass verges to the north section of the site to be retained.
- e) Measures to control the emission of noise, dust and dirt during construction
- f) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

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

13 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).

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, including the Drainage Strategy Report reference 200372 dated Dec 2020 and associated Drainage Plans references DBS200372-01A, DBS200372-02, DBS200372-03, DBS200372-04, the development hereby permitted shall not be commenced other than for demolition works unless and until the remaining information required in relation to sustainable drainage at the site has been submitted to and approved in writing by the local planning authority. The following additional information on the proposed sustainable drainage system shall be provided:

- a) The proposed drainage strategy for the permeable pavement elements should be assessed based on the infiltration results. It should be noted that permeable pavement systems are compatible with low infiltration soils but different construction details may be required.
- b) The design and statement should incorporate further consideration to other applicable types of SuDS (e.g. permeable pavement in car park spaces, green roofs, raingardens, swales, etc). Where these are not implemented, a valid justification should be provided.
- c) A plan showing the areas positively drained into the system should be provided.
- d) The type and location of flow control device should be shown on the plan.
- e) Exceedance flow routes should be shown on the plan.
- f) Construction details of permeable pavement, underground storage and flow controls should be provided.
- g) Calculations or justification should be provided to confirm that the proposed discharge is below the pre-development discharge rates.
- h) Evidence of acceptance from Anglian Water is required for the discharge.
- i) Evidence of acceptance from Anglian water is required for the two sewer diversions.
- j) Confirmation is required that no additional catchment area is proposed to be discharged into the sewer in relation to the pre-development status.

- k) The method used to calculate the attenuation storage calculation (BRE Digest 365) is only applicable to infiltration systems. An acceptable calculation method for attenuation storage (see chapter 24 in CIRIA SuDS Manual C753) should be used and detailed calculations provided.
- l) The statement should incorporate a section on water quality.
- m) Apart from the sewer diversions, the drainage strategy does not include the proposals for the foul drainage on the site. These proposals should be included in the report and drawing.
- n) Details of management of health and safety risks in relation to the drainage design should be provided.
- o) A method statement detailing the effect of surface water during the construction phase should be provided.
- p) A SuDS Management Plan should be provided and should include details of the body who will be responsible for the drainage maintenance, the required maintenance activities, the maintenance schedules and any access points and easements.

The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

15 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (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 advice contained within the Southend Design and Townscape Guide (2009).

16 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwelling hereby approved. This provision shall be made for the lifetime of the development.

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

17 The development hereby approved shall be carried out in a manner to ensure that at least 10% of the dwellings, a minimum of 3 units, comply with building regulation M4(3) 'wheelchair user dwellings' and the remaining dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential unit hereby approved provides a high quality and flexible internal layout 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).

18 The development shall be carried out in full accordance with the recommendations set out in Sections 15.1 and 15.4 of the Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20 December 2018 before the development is occupied, including undertaking a watching brief by a competent person during any below ground works in accordance with the steps set out in paragraphs 15.1.2 and 15.4.2 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 of mitigation for dealing with the additional contamination has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the dwellinghouses (plots 1-5) hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

20 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 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 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 The applicant is advised that the commitment to seek the nationally recognised security accreditation is welcomed by Essex Police and the applicant is invited to contact Essex Police who can provide support for this application at designingoutcrime@essex.police.uk

05 The applicant is advised that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. Please contact Anglian Water at planningliaison@anglianwater.co.uk Reference 167627/1/0110592.

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.

958 21/00217/BC3M - Chalkwell Hall Infants School, London Road (Chalkwell Ward)

Proposal: Demolish two existing portacabins and erect a single storey classbase building comprising of 3 classrooms with ancillary space

Applicant: Ms Sarah Clements

Agent: Southend Borough Council

Sara Walsh spoke as an objector to the application. Drew Jones spoke as a respondent.

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 P01, P02, P03B, P04, P05B, P06, P07

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

03 The materials for the external surfaces of the development hereby approved shall be as shown on plan reference P05B, or any other details which have previously been submitted to and agreed in writing with the local planning authority under the terms of this condition, before the development is first brought into use.

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

04 The hard and soft landscaping and boundary treatment fronting Sunningdale Avenue shall be carried out in full accordance with the proposed landscaping details shown on plan reference P03B and the email from agent dated 10.03.21, or any other details that have previously been submitted to and approved in writing by the local planning authority. The boundary treatment between the south-west corner of the building and the boundary with 29/29a Sunningdale Avenue shall be raised to be a minimum of 2.1m in height. The hard landscaping shall be carried out prior to occupation of the development hereby approved. The soft landscaping shall be carried out within the first planting season following completion of the development (October to March). Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

05 The approved Construction Management Plan dated 04.03.21 shall be fully adhered to throughout the construction period or any other Construction Management Plan which has been previously submitted to and agreed in writing with the local planning authority under the terms of this condition.

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

06 Prior to the commencement of development, the protection measures for the street tree to the front of the site on Sunningdale Avenue shall be implemented in full accordance with the details set out on plan reference P05B or any other tree protection measures which have been previously submitted to and agreed in writing with the local planning authority under the terms of this condition. The protective hoarding shall be maintained throughout the construction of the development.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with Core Strategy (2007) policies KP2 and CP4, policy DM1 of the Development Management Document (2015) and advice contained in the Design and Townscape Guide (2009).

07 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 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 Policy DM1 of the Development Management Document (2015).

08 Prior to occupation of the development hereby approved, an energy strategy for the development, which fulfils the objectives of Core Strategy Policy KP2, including a timeframe for implementation, shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in full accordance with the approved scheme and timeframe.

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) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, and in accordance with the Drainage Plan drawing reference H14500.D1, the development hereby permitted shall not be commenced other than for demolition works unless and until a detailed design of a surface water drainage scheme and surface water management strategy has been submitted to and approved in writing by the local planning authority. The details submitted shall include, but not limited to:-

- a) A SuDS/drainage statement. This should include information on how the proposed drainage design satisfies SuDS in terms of water quality, attenuation and discharge quantity for the lifetime of the development.
- b) Evidence in the SuDS statement of consideration for infiltration (with ground investigation data or records) and connection to a watercourse.
- c) Evidence of consideration of appropriate source control measures as rainwater harvesting, green, blue or brown roofs with appropriate justification when these have not been implemented.
- d) Confirmation of the acceptance from Anglian Water on the proposed indirect connection into the sewer.

- e) A detailed drainage plan including positively drained areas (permeable and impermeable), final sizing of proposed SuDS and drainage systems, points of connection, discharge restrictions/flow controls and failure/exceedance overland flow routes. The applicant should confirm on the plan if pumping is required. The drainage design should consider that construction phase activities may compromise the below ground surface water drainage infrastructure and take necessary precautions to prevent and/or repair damage.
- f) Calculations of the attenuation storage for the 1 l/s restriction up to 1 in 100 year storm (including 40% climate change).
- g) Details of the body that will be responsible for the maintenance of proposed SuDS/drainage throughout the lifetime of the development. The applicant should also provide a management statement to outline the required maintenance for the site and a maintenance schedule
- h) Information should be provided in relation to the management of Health and Safety Risks arising from the proposals.

The drainage strategy and SuDS design statement must 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 prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

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

Informatives

01 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the proposal.

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 a highways licence from the Council may be required in relation to scaffolding works and skips.

04 Due to the presence of Cadent and/or National Grid apparatus in the vicinity of the site the applicant is advised to contact the Cadent Plan Protection Team via email at plantprotection@cadentgas.com or by telephone on 0800 688588 reference NL_GE4A_3NWP_028393 prior to commencement of the works.

05 If a crane or piling rig is required to construct the development, the applicant is required to contact London Southend Airport so that a safeguarding assessment can be undertaken. Any crane applications should be directed to sam.petrie@southendairport.com

959 20/02012/AMDT - The Forum, Elmer Approach, Southend on Sea (Milton Ward)

Proposal: Vary condition 18 of planning application 11/00790/BC3M dated 17/08/2011 to extend opening times to central ground floor and first floor areas to be used as a safe haven hub (Minor material amendment to Planning Permission 11/00790/BC3M dated 17/08/2011)

Applicant: Mr Mark Murphy

Agent: Mr Neil Pointer of Southend on Sea Borough Council

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in complete accordance with the plans approved under planning application 11/00790/BC3M: Location Plan 010A, Proposed Layout and Elevations of Substation and Bin Store 115, Proposed Sections C-C/D-D 111G, Proposed Sections A-A/B-B 110J, Roof Plan D102K, Proposed First, Second and Third Floor 101Q, Proposed Lower Ground and Ground Floor 100P, Existing Site Section C-C/D-D 021A, Existing Site Section A-A/B-B 020 A, Landscaping Plan 013, Proposed Site Plan 012, Existing Site Plan 011 A, Proposed Elevations G-G/H-H 114B, Proposed Elevation E-E/F-F 113N.

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

02 Waste management at the site shall be carried out in accordance with the strategy submitted and approved under application 13/01233/FUL.

Reason: To protect the environment and ensure adequate and appropriate storage, recycling and collection of waste resulting from the development 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).

03 Servicing shall take place in accordance with the strategy submitted and approved under application 13/01233/FUL.

Reason: To ensure that the development does not have a detrimental impact on the surrounding highway network in accordance with the National Planning Policy Framework, Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).

04 The scheme of public art installed on site must be permanently retained on this site and not moved or removed.

Reason: To secure the provision of public art and in the interests of visual amenity in accordance with Policies KP2 and CP4 of the Core Strategy (2007), and the advice contained in the Design and Townscape Guide (2009).

05 The environmental sustainability measures as installed on site must be permanently retained.

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).

06 Other than the external lighting approved under application 13/01014/AD, no additional external lighting shall be installed within any part of the site without express planning permission having first been obtained from the Local Planning Authority.

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).

07 All equipment installed as part of the scheme to control the emission of fumes and smell from the premises shall be operated and maintained in accordance with the manufacturer's instructions in perpetuity.

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).

08 The ventilation system installed on site shall not be altered without express planning permission having first been obtained from the Local Planning Authority.

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).

09 The space laid out within the site for 78 bicycles to be parked shall be permanently retained for cycle parking for the lifetime of the development.

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

10 The building subject of this permission shall be open for use only in accordance with the hours set out on the approved plan 'Hours of Operation' drawing number D 301 rev A.

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).

11 No signs(s) or advertisements(s) shall be displayed on the building subject of this permission or within the public square without the express consent of the local planning authority, notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 or any equivalent provision in any statutory revoking and re-enacting those Regulations.

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).

12 Following the first ten Category C and E events and the first Category A, B and D events held within the public square the management plan for the screen and the public square shall be reviewed taking into account any necessary mitigation measures identified during the assessment monitoring. No further events shall take place until this plan has been submitted to and approved in writing by the LPA and mitigation measures implemented.

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).

13 During each of the first 10 Category C and E events held within the public square noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any identified mitigation measures shall be implemented prior to any further events taking place.

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).

14 During each of the first Category A, B and D events held within the public square, noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any identified mitigation measures shall be implemented prior to any further events taking place.

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).

15 Amplified music and speech from the approved screen shall be limited to background noise levels during hours of operation unless prior written approval from the Local Planning Authority has been given for a specific event.

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).

16 The acoustic barrier shall be permanently retained in perpetuity in accordance with the details approved with application 13/00921/AD.

Reason: To protect the amenities of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, U2; and C11, and SPD1 (Design and Townscape Guide).

Informatives:

1 No additional floorspace is proposed to be created with this application and as such the development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).*

960 20/02071/AMDT - The Esplanade, Western Esplanade (Milton Ward)
Proposal: Application to vary conditions 02 (approved plans), 03 (materials), 04 (hard and soft landscaping), 06 (car park and access), 07 (cycle parking), 13 (renewable energy), 21 (noise assessment), 28 (land contamination), 29 (tree protection), 30 (demolition method), 31 (structural survey) and 33 (details of green roof) to allow for changes to roof to incorporate kitchen ventilation plant, amend tree planting, change front entrance ramp, additional mezzanine link over vehicle access and green roof specifications (Minor Material Amendment of planning permission 17/02266/FULM dated 05/09/2018)
Applicant: Clifftown Shore Developments Ltd
Agent: Mr Paul Haggis of Strutt & Parker

Resolved: -

(a) DELEGATE to the Interim Director of Planning or Group Manager Planning & Building Control to GRANT PLANNING PERMISSION subject to conditions following the completion of a variation of the AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure that the provisions of the existing section 106 agreement remain in force under this new planning permission.

(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:

01 The development shall be carried out in accordance with the approved plans: 8531-01 P1, 8531-02 P1, 8531-03 P1, 8531-04 P1, 8531-05 P1, 8531-06 P4, 8531-07 P4, 8531-08 P3, 8531-09 P3, 8531-10 P3, 8531-11 P3, 8531-12 P8, 8531-13 P5, 8531-14 P5, 8531-15 P4, 8531-16 P5, 8531-17 P2, 8531-18 P1, 8531-19 P1, 8531-30 P1, 8531-31 P1, GUA-DR-L-002 Rev P05, GUA-DR-L-003 Rev P04, GUA-DR-L-004 Rev

P06, GUA-DR-L-005 Rev P02, Door Tresh Detail, Perimeter Upstand Detail, Green Roof Build Up.

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

02 The development hereby approved shall solely be carried out in full accordance with the details and specifications of materials approved under application 20/01353/AD and the details contained within the approved plans 8531-13 P5, 8531-14 P5, 8531-15 P4, 8531-16 P5, or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition, before the dwellings or non-residential units hereby approved are first occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers 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).

03 The hard and soft landscaping on site shall be implemented solely in accordance with the details contained within the approved plans GUA-DR-L-002 Rev P05, GUA-DR-L-003 Rev P04, GUA-DR-L-004 Rev P06, GUA-DR-L-005 Rev P02 and documents Landscape – Visual Appraisal – 1967-GUA-DOC-L-001, Landscape – Visualisations - 1967-GUA-DOC-L-002 or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition.

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

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

04 The development shall not be first occupied until 49 on site car parking spaces have been provided and made available for use in full accordance with drawings 8531-06 P4 and 8531-18 P1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The parking spaces shall be permanently maintained 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 DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

05 The development shall not be first occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 8531-07 P4 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The approved facility shall be permanently maintained thereafter.

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

06 No part of the mixed-use development hereby approved shall be first occupied or brought into first use until a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out solely in accordance with the approved details which shall include details of refuse storage facilities and waste servicing arrangements.

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

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

Reason: To protect the amenities of 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).

08 The non-residential units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2300 hours on any day.

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

09 Before the development is occupied or brought into first use, the development hereby approved shall be carried out in a manner to ensure that 5 of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 44 flats comply with building regulation part M4(2) 'accessible and adaptable dwellings' standard.

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

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

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

11 The scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be implemented in full prior to the first occupation of any part of the development and in line with the detail approved under application 20/01517/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

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

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

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

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

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until details of the shutter to the car park have been submitted to and approved in writing by the local planning authority. The works must be carried out and completed in full accordance with the details approved under this condition before the dwellings or non-residential units hereby approved are first occupied or brought into first use.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers 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).

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no structures including but not limited to plant, satellite, radio antennae, renewable energy or telecommunications equipment shall be installed on the external elevations of the building or roof of the development hereby approved unless permission has been obtained beforehand in writing from the local planning authority.

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

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

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers 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).

17 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment undertaken by Systra reference STHLSD32-03 dated 18 December 2017 including the mitigation measures on pages 19 and 20 before the development is occupied.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

18 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Construction Management Plan undertaken by Cura.

Reason: In the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

19 The development shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Noise Assessment undertaken by Cass Allen reference RP01-17591 and the details approved under application 20/01517/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The development must be undertaken in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

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

20 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use 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 before the dwellings hereby approved are first occupied and maintained 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).

21 Commercial refuse collection and delivery times shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

22 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Ecology Appraisal undertaken by Peak Ecology Limited reference BeyBo01 dated 13 December 2017 and the approved Badger Survey undertaken by Peak Ecology Limited reference BeyBo01 dated 13 December 2017.

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

23 No particularly noisy demolition equipment (eg. concrete breakers) or construction techniques (eg. percussive piling) shall be used during the period from 2 hours before high tide until 2 hours after high tide, on any days when either the air temperature is below 5 degrees Centigrade or the ground remains frozen.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity and to ensure that the development, as submitted, will not impact upon the features of special interest for which the Benfleet and Southend Marshes SSSI is notified in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

24 The drainage strategy and SuDS design statement approved with application 19/02114/AD must be implemented in full accordance with the approved details or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of 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 (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

25 The ground floor outdoor terrace area shall not be open to members of the public between 22:00 and 08:00 on any day.

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).

26 If, during the course of development, any contamination is found which has not been identified in the site investigation approved under 20/00100/AD, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

27 The development shall be undertaken solely in accordance with the tree protection measures approved under application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

28 The development shall be carried out in accordance with the details and mitigation measures contained in the site investigation and structural survey approved with application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition and shall be implemented and retained in perpetuity or for the duration that are necessary as per the approved details.

Reason: To ensure the development does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

29 The development shall be carried out solely in accordance with the details and mitigation measures contained in the demolition method statement approved with application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition and shall be implemented and retained in perpetuity or for the duration that are necessary as per the approved details.

Reason: To ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

30 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the building 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 the size, design and materials and location of all privacy screens to be fixed to the proposed building. Before the building hereby approved is 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: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

31 The development shall be implemented in full accordance with the details and specifications of the green roof contained within the submitted plans and documents Renolit Alkorgreen Information Sheet, Green Roof Build Up, Door Tresh Detail, Perimeter Upstand Detail, Renolit Alkorplan Sedum Blanket Datasheet and Renolit Alkorplan Extensive Sedum Green Roof Maintenance Schedule or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The development shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2018), Core

32 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until the car parking stacker system has been installed in accordance with details and specifications which have previously been submitted to and approved in writing by the local planning authority. The car park stacker system must be implemented in full accordance with the details approved under this condition and made fully available for use by residents of the building before any of the dwellings hereby approved are first occupied and shall thereafter be maintained in an operable condition and made fully available for use by residents of the building 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).

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

Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (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 Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been

made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999.

4 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 21500

5 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

6 The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

7 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005.

8 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to - Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

9 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.

(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 14 April 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.

961 20/02220/FUL - Southend Leisure and Tennis Centre, Garons Park, Southend on Sea (St Lukes Ward)
Proposal: Replace two existing outdoor tennis courts with four Padel tennis courts, incorporating fencing up to 4m high, external floodlights and erection of canopy roof over three courts (Amended Proposal)
Applicant: Mr Christopher Wilkinson
Agent: Kate Jennings of Whirledge & Nott

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 approved plans: Location Plan, 1902-10-001-GA rev C, Site plan v1, 2533 TP-001, 1902-10-004 rev D, 1902-10-005 rev C.

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

03 The courts shall not be artificially illuminated between the hours of 22:00 and 08:00 on any day.

Reason: To ensure the lighting does not cause demonstrable harm to the Green Belt or the amenities of nearby residents, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

04 The external floodlighting hereby permitted shall be installed in accordance with the details and specifications shown on the approved drawings and the details of the external lighting contained within the Relux report dated 18.12.20 before it is brought into use and shall be permanently maintained as such in perpetuity thereafter.

Reason: To ensure the lighting does not cause demonstrable harm to the openness of the Green Belt, or the amenities of nearby residents, in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

05 The tennis courts shall not be open for use outside the following hours: 08:00 to 22:00 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

06 The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Local Planning Authority on 25/09/2019 under planning permission reference 19/01029/FUL is commenced. Once the permission hereby granted is implemented, the previous permission with reference 19/01029/FUL shall not be implemented.

Reason: In the interests of maintaining the openness of the green belt, further to the National Planning Policy Framework (2019) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

Informatives

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

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

3. 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.

962 21/00229/FUL - Chalkwell Beach, Chalkwell Esplanade (Chalkwell Ward)
Proposal: Install temporary art sculptures comprising 15 wooden posts 2m – 2.8m tall with painted resin sculptures fixed to the top in the tidal sands near Chalkwell Beach
Applicant: M Freeman
Agent: R Warren of SKArchitects

Resolved: -

That PLANNIGN PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be for a limited period only from the date of this permission until the 3rd October 2021. At the end of this period the development hereby permitted shall be entirely removed from the site and the land restored to its condition before the development took place.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with the National Planning Policy Framework (2019) and Policies KP1 and KP2 of the Core Strategy (2007).

02 The development hereby permitted shall be carried out in accordance with the following approved plans 596-P02C, 596-P12E, 596-P16A and 596-P17B.

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

03 The materials for the sculpture shall be natural timber posts and resin sculptures.

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

04 Notwithstanding the details set out elsewhere in this application and permission the posts hereby approved shall only be installed prior to the 1st May 2021 and removed after the 30th September 2021.

Reason: To ensure that the installation and removal works does not harm biodiversity and give rise to sediment disturbance within the bathing water testing season which runs from May to September.

05 The development shall be installed in full accordance with the details set out in the Construction Method Statement by SKArchitects reference 596-08-19 Rev A, or any other Construction Method Statement that has been previously submitted to and approved in writing by the Local Planning Authority, and in a manner which minimises disturbance and dispersal of buried sediment. The location of the posts shall avoid any eelgrass beds.

Reason: This condition is needed in the interests of traffic safety and the amenities of the area and to prevent dispersal of contaminants in buried sediment pursuant to Policies KP1, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM6 and DM15 of the Development Management Document (2015).

06 The development hereby approved shall be carried out in full accordance with the mitigation measures set out in the Risk Assessment and Method Statement by Metal and these mitigation measures shall remain in place throughout the lifetime of the installation.

Reason: This condition is needed in the interests of safety pursuant to Policies CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015).

07 The eight 180mm diameter green safety marker buoys, as detailed on plan reference 596-P12E and in the Risk Assessment by Metal, shall be in place from the installation of the first pole and remain in situ until the last pole is removed.

Reason: This condition is needed in the interests of safety pursuant to Policies CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015).

08 Construction Hours for the installation and removal of the development hereby approved shall be restricted to 8am – 6.30pm Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

Informatives:

01 The site is owned by the Council and therefore a formal installation licence/lease will be required on the land. This will be subject to obtaining all necessary statutory consents and internal approvals. Please contact Antony Daniels antonydaniels@southend.gov.uk This needs to be completed prior to installation. The proposal may also require a Marine licence from the Marine Management Organisation (MMO) further details on this can be found here <https://www.gov.uk/guidance/construction-alteration-or-improvement-of-works>

02 The applicant is advised that a Highways Licence may be required. Please contact martinwarren@southend.gov.uk

03 You should be aware that in cases where damage occurs public during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing 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.

04 You are advised that as the proposed development does not involve the creation of new floorspace it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

963 20/01589/FUL - Adalah Residential Rest Home, 20 Cliff Road (Chalkwell Ward)

Proposal: Convert residential home (Class C2) to 9 self-contained flats (Class C3), erect single storey rear extension, install balustrading, alter elevations, layout parking to front, erect balustrade to front and rear and erect raised platform to rear

Applicant: Mr Kandola

Agent: Mr Gary Cumberland of Form Architecture

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: 1729/01 Rev A, 1729/02, 1729/03 Rev A & 1729/04

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

03 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, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 Prior to the first occupation of the development hereby approved full details of refuse and recycling facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby approved, refuse and recycling facilities shall be provided

and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter for that use.

Reason: In the interests of residential amenity for future occupants, 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).

05 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 the advice in the Design and Townscape Guide (2009).

06 Prior to the first occupation of the development hereby approved, full details of 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 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 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).

07 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, 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).

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 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).

09 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.

10 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 1729 03A 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).

11 Notwithstanding the details shown on the plans submitted, the external terraces shall not be used unless and until full details of privacy screens and balustrades have been submitted to and approved in writing by the local planning authority. The screens shall be provided in accordance with the approved details prior to first use of the terraces of the development hereby permitted and shall thereafter be retained in perpetuity in that form.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern 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.

Informative

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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

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

- 964 20/02050/FUL - 275 Prince Avenue, Westcliff-on-Sea (St Laurence Ward)**
Proposal: Change of use from vacant storage yard (Use Class B8) to car sales (Class Sui Generis) erect ancillary buildings to provide office, car wash and detailing area, security lighting and form hardstanding (Part-Retrospective).
Applicant: Marden Homes Ltd
Agent: Mr Alan Gloyne of SK Architects

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the approved plans: 688 SK01, 688 P01, 688 P02 & 13201 Drainage Plan

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

02 The use hereby permitted shall not be open to customers seeking to view or purchase cars at any time.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with 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).

03 Prior to the first operation of the use hereby approved, details shall be submitted to and approved in writing by the local planning authority for the provision of the recycling and refuse storage and associated waste management plan including collection arrangements. The approved refuse arrangements shall be provided in full and made available for use by commercial operators prior to the first use of the car wash hereby approved and be retained as such in perpetuity.

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

04 Notwithstanding the details submitted and otherwise hereby approved, details of drainage within the site including a separator or series of oil separators to prevent surface water being discharged into any watercourse, soakaway or surface water sewer shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of pollution to the water environment in accordance with the National Planning Policy Framework (2019) Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

05 No machinery or plant shall operate on the site in association with the use hereby permitted outside the following times: 8 am to 6 pm on any day.

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).

06 The Rating Level of noise for activities associated with the use hereby permitted shall not exceed 10dB(A) below the background level as measured at the closest residential property in accordance with BS4142:1997.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), 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).

07 The 'car washing' and 'car detailing' facilities hereby approved, as described in the application documents, shall remain ancillary to the main use of the site as a car sales facility and shall not operate as an independent planning uses at any time.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with the National Planning Policy Framework (2018), 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).

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Use Class Order 1987 (as amended) or any provisions equivalent to those Orders in any statutory instrument amending, revoking or re-enacting the Orders, with or without modification the development hereby approved, shall be used as a sui generis car sales business where customers do not visit the site and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that in any statutory instrument amending, revoking or re-enacting that Order, with or without modification.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity and the provision of employment uses in accordance with Policies CP1, KP1 and KP2 of the Core Strategy (2007) and Policies DM1, DM3, DM10 and DM11 of the Development Management Document (2015).

09 Other than the security lighting hereby approved, no external lighting shall be installed on site other than in accordance with details that have been previously submitted to and approved in writing by the local planning authority. All external lighting shall thereafter be retained on site in line with the details approved under this condition only.

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).

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 Planning Portal.

(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website at www.southend.gov.uk/cil.

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

03 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.

965

20/02091/FUL - 570 Rayleigh Road, Eastwood (Eastwood Park Ward)

Proposal: Erect single storey rear extension with associated elevation alterations and part change of use of ground floor commercial unit (use class E) to residential use (use class C3), together with remodelling of existing self-contained maisonette to form 2 self-contained flats, with associated landscaping, bin and cycle stores, lay out parking to rear, and extend existing vehicular access onto Eastwood Rise, following demolition of existing outbuildings.

Applicant: Chaya Parekh

Agent: Danny Knott of DK Building Designs Ltd

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years 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: 3694-11-2 Rev B, 3694-11-1 Rev B.

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

03. No development, including demolition, shall take place until a scheme for the protection of the oak trees adjacent to the site, in full accordance with British Standard BS5837 "Trees in Relation to Construction – Recommendations" has

been submitted to and agreed in writing by the local planning authority. The protection measures shall include a detailed tree protection plan and provide a methodology to be adhered to from the commencement of development and site preparation, and throughout the construction process. The development shall be implemented in full accordance with the approved statement, protection measures and methodology.

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

04. Prior to commencement of the development above ground floor slab level, product details of materials to be used in the construction of all the external elevations of the extensions and alterations hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is brought into use.

Reason: In the interests of visual amenities, 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 Southend-on-Sea Design and Townscape Guide (2009).

05. No development above ground floor slab level shall take place until full details of hard and soft landscape works and boundary treatments to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscape works and boundary treatments shall be completed 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. details of external hard surfacing, to include permeable paving;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. details of measures to enhance biodiversity within the site;
- iv. all and any means of subdividing and enclosing the site, which shall include details of visibility splays to the proposed vehicular access.

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 is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: To protect the environment of people in neighbouring residential properties, in accordance with 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 Southend-on-Sea Design and Townscape Guide (2009).

07. A scheme detailing how at least 10% of the total energy needs of the development will be supplied, where feasible, 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 Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

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 it is brought into use.

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

09. The development shall not be occupied until and unless details of covered refuse and recycling storage for use by occupiers of both ground and first floor flats, and the commercial unit, have previously been submitted to and approved in writing by the local planning authority. The approved refuse and recycling storage shall be provided and made available for use by the occupants of the development hereby approved prior to first occupation and shall be retained in perpetuity thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

10. The development shall not be occupied until and unless details of secure, covered cycle storage for use by occupiers of both ground and first floor flats, and the commercial unit, have previously been submitted to and approved in writing by the local planning authority. The approved cycle storage shall be provided and made available for use by the occupants of the development hereby approved prior to first occupation and shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11. The development hereby permitted shall not be occupied until and unless the two car parking spaces shown on the approved plans have been provided and made available for use by occupiers of the development and their visitors and shall be retained as such for the lifetime of the development thereafter.

Reason: In the interests of the living conditions of future occupiers and highway safety, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

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

Informatives

1. 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 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) or the Council's website (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.

4. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

966 20/02157/FUL - 34 Elmsleigh Drive, Leigh-on-Sea (Blenheim Park Ward)
Proposal: Demolish existing bungalow and erect no.3 new dwellings with associated amenity space, parking to front and form three new vehicle crossovers onto Elmsleigh Drive.
Applicant: Mr Duncan Reed of Eton-Southchurch Property Limited
Agent: Mr James Collinson of Design Spec Ltd

Resolved: -

That PLANNING PERMISSION be REFUSED for the following reason:

The proposal would by reason of its cramped and over-intensified nature represent an overdevelopment of the site harmful to the character and appearance of the site, the streetscene and wider surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

967 21/00075/FUL - 119 Southsea Avenue, Leigh-on-Sea (Leigh Ward)
Proposal: Erect single storey side and rear extension, alter elevations
Applicant: Mr Zyberi
Agent: SKArchitects

Mr Burges spoke as an objector to the application.

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 shall be undertaken solely in accordance with the following approved plan(s): 690-P02 Rev A

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) Policy KP2 and CP4, Development Management Document (2015) Policies DM1 and the advice contained in the Design and Townscape Guide (2009).

04 Prior to the first occupation of the development hereby approved full details of refuse and recycling storage facilities for the ground floor flat shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse and recycling 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 and to ensure the provision of adequate refuse and recycling storage in the interests of highway safety, residential and visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Use Class Order 1987 (as amended) or any provisions equivalent to those Orders in any statutory instrument amending, revoking or re-enacting the Orders, with or without modification the development hereby approved shall only be used as a C3 (dwellinghouse) and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that in any statutory instrument amending, revoking or re-enacting that Order, with or without modification.

Reason: To ensure the development permitted complies with the terms of the consent and sought and to protect the character and appearance of the dwelling and surrounding area in accordance with Policies CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and the 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 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) or the Council's website (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.

968 21/00383/FULH - The Lodge by The Bridge, Eastern Avenue (St Lukes Ward)

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

Applicant: Mr Brian Ayling

Agent: N/A

Cllrs Ayling, Borton, Cowan, Dent, Garston, Jones, and Mulroneu withdrew from the meeting for this item.

Resolved: -

That the Interim Director of Planning or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to no new material planning considerations being raised before the end of the statutory consultation period and subject to the following CONDITIONS:

01 The development hereby approved shall be retained in accordance with the approved plans: BA01-P101, BA01-P102.

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

02 The buildings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Lodge

By The Bridge, Eastern Avenue, Southend-On-Sea. The buildings hereby permitted shall not be used for any other purpose including as an independent self-contained residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in line with the stipulations of the National Planning Policy Framework (2019), the Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15, and the Design and Townscape Guide (2009).

03 The buildings hereby permitted shall not be allowed to accommodate any cooking facilities.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in line with the stipulations of the National Planning Policy Framework (2019), the Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15, and the Design and Townscape Guide (2009).

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

Informatives:

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) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

969 21/00199/FULH - 1 Highwood Close, Leigh-on-Sea (Blenheim Park Ward)
Proposal: Erect car port to front elevation
Applicant: Mr K Buck
Agent: Mr Paul Seager of APS Design Associates Ltd.

Cllrs Buck and Garston withdrew from the meeting for this item.

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 the decision.

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

02 The development shall be undertaken solely in accordance with the following approved plans: Drawing number 01; Drawing number 02; Drawing 03 Revision A.

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 details of materials, method of construction and finished appearance. This applies unless differences are shown in approved plans.

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), 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 Southend-on-Sea Design and Townscape Guide (2009).

04 The roof of the car port hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with 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 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

01. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations

2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil 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.

970 18/00228/UNAU_B - 2 Crowstone Close, Westcliff-on-Sea (Chalkwell Ward)

Breaches of Control: Without planning permission, the erection of a first-floor side extension.

Resolved: -

That ENFORCEMENT ACTION be AUTHORISED to;

- a) Remove the unauthorised first floor side extension, and.
- b) Remove from site all materials resulting from compliance with a) above
- c) Reinstate the single storey side extension to its former condition., or
- d) erect an extension in full accordance with either planning permission reference 18/02119/FULH or as amended by planning permission reference no. 19/00516/AMDT.

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the removal of the 1st floor side extension or its amendment to comply with the planning permissions specified at 7.1 d).

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

Chair: _____