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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st September, 2021

Place: Council Chamber - Civic Suite

- Present:** Councillor A Dear (Vice-Chair in the Chair)
Councillors S Habermel, J Beck, K Buck, T Cowdrey*, M Dent,
F Evans, D Garne, D Garston, D Jarvis, A Jones, C Mulroney,
I Shead*, A Thompson, S Wakefield and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)
- In Attendance:** Councillor Berry
G Gilbert, K Waters, P Keyes, S Mouratidis, J Rowley, M Warren,
C White and T Row
- Start/End Time:** 2.00 pm - 4.30 pm

246 Apologies for Absence

Apologies for absence were received from Councillors Cowan (substitute: Councillor Cowdrey), Mitchell (no substitute) and Ward (substitute: Councillor Shead).

247 Appointment of Vice-Chair for the Meeting

Resolved:- That Councillor Habermel be appointed Vice-Chair for the meeting.

248 Declarations of Interest

The following interests were declared at the meeting:-

(i) Councillor Cowdrey - Application Ref No. 21/00604/FUL - Garages Adjacent to 1 Shoebury Avenue, Shoeburyness – Non-pecuniary interest: Relative lives across the road;

(ii) Councillor Dent - Application Ref No. 21/00220/FUL - 613 to 619 and Garages to Rear of 593 to 647 Southchurch Road, Southend-on-Sea – Non-pecuniary interest: Contacted by residents about the application;

(iii) Councillor Jones - Application Ref No. 21/00711/FULM - Land East of Fossetts Way, Southend-on-Sea – Non-pecuniary interest: Son is about to start as a Transport Assistant at the Council; and

(iv) Councillor Walker – Application Ref No. 21/00757/FUL - 153 Rayleigh Road, Eastwood and Application Ref No. 21/00758/ADV - 153 Rayleigh Road, Eastwood – Non-pecuniary interest: Shops at Rochford Corner.

249 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. The meeting was adjourned for 5 minutes to enable all Councillors an opportunity to read the report.

- 250 21/00220/FUL - 613 to 619 and Garages to Rear of 593 to 647 Southchurch Road, Southend-on-Sea (Kursaal Ward)**
Proposal: Demolish existing garages and erect 4no. two-storey dwellings, erect single storey extension to rear of existing commercial unit at 615-617 Southchurch Road to form self-contained flat, layout hardstanding, parking and refuse stores
Applicant: Harrison-Moore
Agent: AWW Sherlock of AWW

Resolved:- That consideration of this application be deferred to enable further information to be assessed.

- 251 21/00604/FUL - Garages Adjacent to 1 Shoebury Avenue, Shoeburyness (Shoeburyness Ward)**
Proposal: Demolish garages, erect two-storey building to form two self-contained flats with associated parking, amenity area, cycle and refuse storage
Applicant: Mr A Thorpe and Mr H Hyde
Agent: Mr Paul Seager of APS Design Associates Ltd.

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

General Conditions

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 3117 01, 3117 02 Rev A, 3117 03 Rev D, 3117 04.

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 demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site including facing materials, roof detail, windows, doors, fascia and soffits 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details.

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no waste or recycle bin storage facilities shall be provided on the frontage of the application site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 (2021), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

Living Conditions

07 Prior to its first occupation, the ground floor dwelling hereby approved shall be constructed to comply with building regulation M4(3) – Wheelchair User Dwellings.

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 (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

Impact on residential amenity of neighbours

08 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust, dirt and noise during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09 Construction and demolition 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 Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 The proposed first floor east, west and north facing 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) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by the window. 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 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

Highways

11 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, the occupation of the dwellings hereby approved shall not commence unless and until appropriate vehicle crossover(s) to serve the parking spaces on site has been provided on site solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Prior to the first occupation of the dwellings hereby approved the existing vehicular access(es) on Shoebury Avenue shall be permanently closed in accordance with the technical requirements of the Council's Highways department.

Reason: To ensure the provision of adequate access and egress for all units on site in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

12 Prior to the first occupation of the residential units hereby approved, two car parking spaces (one for each dwelling) and two cycle parking spaces (one for each dwelling) as shown on approved plan 3117 03 REV D shall be provided and made available for use on site. The car and cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate car and cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Energy and water sustainability

13 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

14 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient

fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) 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 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 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.

- 252 21/01097/FUL - 4 Ailsa Road, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Change of use from 9 bed HMO (sui-generis) to single dwellinghouse (Class C3), raise ridge height with hipped to gable roof extensions, install gabled front roof extension and dormers to front and rear to form habitable accommodation in the loftspace with balcony to front, erect part single/part two storey rear extension, form new basement level with access stairs to rear and alter elevations
Applicant: Mr Porges
Agent: Mr Maz Rahman of RD Architecture Ltd.

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

01 The development hereby permitted shall begin not later than three years 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: 105.P1; 205.P1; 210.P3; 220.P2

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.

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 (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and the advice contained in the Design and Townscape Guide (2009).

04 The first and second floor windows in the northern and southern flank elevations 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) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level. 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 on the Pilkington scale.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the national Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice within the Design and Townscape Guide (2009).

05 The flat roof of the single storey rear extension 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 Core Strategy (2007) policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).

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 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.

253 21/00757/FUL - 153 Rayleigh Road, Eastwood (Eastwood Park Ward)
Proposal: Change of use from retail (Class E) to restaurant and takeaway (Class E and Sui Generis), install extraction flue system to rear and form new rear access
Applicant: Mr M Kugathas
Agent: Mr T Ay

Mrs Shelley, a local resident, spoke as an objector to the application. Mr Ay, the applicant's agent, responded.

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

01 The development hereby permitted shall begin not later than 3 (three) years from the date of this decision.

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

02 The development hereby permitted shall be carried out and operated in accordance with the approved plans: 01; 02; 03; 04; 05; 06; Odour Management Plan by Delta Tech Ltd.; Noise Impact Assessment by DAA Group Ltd.

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

03 The development hereby approved shall be operated in strict accordance with the recommendations contained within the Odour Management Plan (by Delta Tech Ltd.)

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

04 In accordance with the contents of 'paragraph 6.0 (Sound Insulation Scheme) and Appendix B -Calculations' contained in the Revised Noise Impact Report (Issue 02) by DAA Group Ltd., the noise rating level arising from operation of the extractor flue hereby approved must be sufficient so as to meet BS 4142:2014 i.e. to not exceed 10dbB(A) below the prevailing background noise level measured at the nearest noise sensitive properties.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

05 Prior to the first operation of the use hereby approved, details of the design and materials of the proposed waste storage and an associated waste management plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details from its first operation and shall be maintained and managed as such for the lifetime of the development.

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, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

06 The ground floor unit of the development hereby approved shall solely be used as a sui generis restaurant and takeaway use or for purposes falling within Class E and shall be used for no other purposes including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of that order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to control the impact of the use of the premises within the Use Class specified in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy

(2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 The use hereby approved shall only be open for customers during the following hours: 08:00 hours to 23:00 hours Monday to Sunday and at no other times.

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

Informatives

01 You are advised that as the development does not result in 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.

03 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

04 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

05 This permission does not convey any form of consent for external advertisement signs, consent for which is required under the provisions of the Town and Country Planning Advertisement Regulations.

254 21/00758/ADV - 153 Rayleigh Road, Eastwood (Eastwood Park Ward)
Proposal: Install one externally illuminated fascia board and one internally illuminated projecting sign to front
Applicant: Mr M Kugathas
Agent: Mr T Ay

Resolved:- That consent be GRANTED subject to the following conditions:

01 The development shall only be undertaken in accordance with the following approved plans: 21.01; 21.02; 21.03; 21.05 RevA; 21.06

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

02 The intensity of the luminance of the internally illuminated fascia sign hereby granted consent shall not exceed 600 cd/m²

Reason: In the interests of amenity and general environmental quality in accordance with 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).

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.

255 21/00813/FUL - 123 The Broadway, Thorpe Bay (Thorpe Ward)
Proposal: Erect part two, part three storey rear extension with side terrace to first floor in order to extend the existing commercial unit and form a new additional commercial unit (Use Class E) at ground floor level and form two (2no.) self-contained flats above.
Applicant: Mr M Tran
Agent: Mr Anthony Merry of Design Associates

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

General Conditions

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 91491 01 REV C, 91491 02 REV D, 91491 03.

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

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

Reason: To determine the scope of the permission in the interest of the character and functionality of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP1, and Development Management Document (2015) Policies DM10, DM11 and DM12.

04 The hours of operation of the ground floor commercial units shall be 7 am to 11 pm only.

Reason: In the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

Design and related conditions

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site including facing materials, roof detail, windows, doors, fascia and soffits 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

06 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details.

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 (2021), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

Impact on residential amenity of neighbours

09 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust, dirt and noise during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 Construction and demolition 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 Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the dwellings hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including on the proposed terrace. 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Highways

12 Prior to the first occupation of the residential and commercial units hereby approved, four covered and secure cycle parking spaces (one for each residential and commercial unit) shall be provided and made available for use on site. The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Energy and water sustainability

13 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) 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 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.

- 256 21/00711/FULM - Land East of Fossetts Way, Southend-on-Sea (St. Luke's Ward)**
Proposal: Residential development comprising of up to 221 units with associated access, parking, landscaping and associated infrastructure
Applicant: Ilke Homes
Agent: Miss Esme Sparrow

Resolved:- (a) That the Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to the following conditions and following the completion of a LEGAL AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure the provision of:

- Residential use through the release of restrictions imposed in the S106 agreement dated 8 January 2004.
- 221 dwellings for affordable housing (60% shared-ownership and 40% affordable rent).
- £4,000.00 for junction improvement and traffic calming Traffic Regulation Orders.
- £10,000.00 for improved connectivity the site to footpath 178 from the eastern boundary.
- £5,000.00 for monitoring of the travel plan.
- Essex RAMS payment of £28,133.30 to mitigate the potential disturbance to European designated sites.
- Land in control of the applicant and 12% of the costs associated with the implementation of the Prittlewell Camp Scheduled Ancient Monument Archaeological Conservation Management Plan (July 2020) prepared by Orion.
- Details for travel packs to be distributed to future occupiers.
- The relevant costs for the monitoring of the S106 agreement.

(b) The Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control be authorised to determine the application upon completion of the above agreement, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

General Conditions

01 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: PL01, PL02, PL03 Rev B, PL04 Rev A, PL05 Rev A, PL07, PL08 Rev A, PL12 Rev A, PL15, PL17 Rev B, PL20, PL21 Rev A, PL22 Rev A, PL23 Rev A, PL24 Rev A, PL25 Rev A, PL26, PL27 Rev A, PL30 Rev A, PL31 Rev B, PL35 Rev A, PL36, DR15000 Rev P11, DR-5001 Rev P4, DR-5002 Rev P3, DR-5003 Rev P3, DR-5004 Rev P3, DR-5005 Rev P3, DR-5006 Rev P4, DR-5007 Rev P4, DR-5008 Rev P3, DR-5100 Rev P4, DR-5500 Rev P1, DR-5700 Rev P3, S38 Street Lighting Design, Private Street Lighting Design.

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

Impact on heritage related conditions

03 No development or preliminary groundworks shall take place until the Applicant has secured the implementation of a programme of archaeological works including trial trenching evaluation in accordance with a Written Scheme of Investigation (WSI) and specification which has been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority under the provisions of this condition. The approved WSI and measures shall be undertaken by a suitably qualified archaeologist. The subsequent recording and post-excavation assessment reports shall be submitted to the majority Local Planning Authority before the development is in use.

Reason: A pre-commencement condition is justified to allow the preservation by record of archaeological deposits and to provide an opportunity for a watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

Design and related conditions

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground floor slab level shall take place, unless and until full details and specifications, including samples of bricks, 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 Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. 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 of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The highest part of the development or any apparatus shall not exceed 48.5m AOD at any time during construction or after the completion of the development. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: This pre-commencement condition is required in the interest of visual amenity of the area and safety of air traffic in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM5 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

06 No site preparation or development of any kind shall take place on the site unless and until tree protection measures have been implemented on site in line with the submitted Arboricultural Impact Assessment & Method Statement 2930-5-4-002 Rev P1 dated 17 June 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition). The tree protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: This pre-commencement condition is justified in the interest of the visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

07 Within the first available planting season (October to March inclusive) following the first use of each phase of the development hereby approved, the relevant part of the soft landscaping scheme contained within the approved plans DR-5000 Rev P11, DR-5001 Rev P4, DR-5002 Rev P3, DR-5003 Rev P3, DR-5004 Rev P3, DR-5005 Rev P3, DR-5006 Rev P4, DR-5007 Rev P4, DR-5008 Rev P3, DR-5100 Rev P4, DR-5500 Rev P1 and DR-5700 Rev P3 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition), shall be implemented, completed and maintained thereafter in full accordance with the approved details.

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

08 The use of each phase of the development hereby approved shall not commence until and unless the relevant part of the hard landscaping scheme contained in the approved plans PL04 Rev A, DR-5000 Rev P11, and DR-5100 Rev P4 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) has been carried out and implemented solely in full accordance with the approved details.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

Living Conditions related conditions

09 Prior to the first use of each dwelling hereby approved, the noise mitigation and thermal comfort measures identified in the Noise Assessment 2007190-02 dated March 2021, the Acoustician's Letter dated 4 May 2021, the Acoustician's Email dated 21 May 2021, the Noise Assessment Addendum 2007190-07 dated 7 July 2021, the Technical note on Noise and Thermal Comfort 2007190-08 dated 22 July 2021 and the Thermal Comfort Analysis Issue 4 dated 20 July 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) shall be fully implemented as applicable and retained as such for the lifetime of the development.

The mitigation measures shall include alternative ventilation to be provided to properties near the southern and western boundary of the site as shown in Figure 1 of the Noise Assessment Addendum 2007190-07, enhanced glazing and ventilation as detailed in Table 4 of the Noise Assessment Addendum 2007190-07 and for the properties shown on Figure 2 of the Noise Assessment Addendum 2007190-07, a 4m high close boarded timber fence on the southern boundary of the site as shown on Figure 5-2 of the Noise Impact Assessment 2007190-02, 2.1m close boarded timber fence around the amenity areas of certain dwellings near the western boundary of the site as shown on figure 7-2 of the Noise Impact Assessment 2007190-02, windows to be side hung with a maximum opening angle of 45o and installed with solar control glazing with a g-value of 0.30.

Reason: To mitigate the noise from highway traffic and other activities in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

10 Prior to the first use of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority under the provisions of this condition.

The submitted strategy shall include details of which plots on site and which windows on each plot would require obscure glazing. The openings that are identified as needed to be glazed in obscure glass, shall only be so with the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by the window. 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 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

11 The 24no. dwellings marked as compliant with the building regulation M4(3) 'wheelchair user dwellings' standard on approved plan PL30 Rev A shall be constructed as such prior to their first occupation while all other dwellings on site

shall be constructed to comply with the building regulation M4(2) 'accessible and adaptable dwellings' standard prior to their first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

12 The development on site shall be carried out solely in full accordance with the proposed measures included in the Geo-Environmental and Geotechnical Report ESP.7785b.3499 Rev 2 dated July 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition), including:

- the UXO risk mitigation measures (see Appendix C for details),
- the completion of all ground gas and groundwater level monitoring visits and production of a monitoring addendum report,
- the supplementary geo-environmental sampling in proposed areas of gardens and landscaping in order to confirm the low risk posed by contamination,
- the supplementary pH and sulphate testing where foundations will come into contact with the London Clay Formation,
- the review of allowable loadings and likely settlement once the scheme design is confirmed,
- the verification testing of any soils imported to site,
- the WM3 assessment of soils to be disposed of off-site and materials management plan for re-use of soils on site and WM3 assessment of soils to be disposed of/re-used off-site, followed by WAC testing if disposal to landfill.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), , Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

13 Notwithstanding the provisions of Classes A and E; of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no enlargement, building or enclosure or swimming pool shall be erected on the application site without express planning permission from the Local Planning Authority (Southend-on-Sea Borough Council).

Reason: In the interest of maintaining an appropriate quantum of development on the site particularly with respect to appropriate provision of private outdoor amenity space in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management

Document (2015), , Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

14 The Local Equipped Area of Play, details of which are included in the approved plan DR-5008 Rev P3 hereby approved, shall be constructed, completed and made available for use by at least all occupiers of the application site and their visitors prior to the occupation of any dwelling hereby approved solely in accordance with the approved details (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) and shall be maintained as such thereafter for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

15 Notwithstanding the information contained in the submitted Utilities Assessment 15 March 2021, prior to the first occupation of each dwelling, the appropriate infrastructure to facilitate superfast broadband or fibre connection to the dwelling shall have been provided and made available for use.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021) and Policy CP1 of the Southend-on-Sea Core Strategy (2007).

16 No external lighting shall be installed on site unless in accordance with the submitted Lighting Strategy with Outdoor Lighting Reports 16 February 2021 and approved plans S38 Street Lighting Design, Private Street Lighting Design (or in accordance with alternative details which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) . All lighting shall be retained on site in accordance with the approved scheme and/or details for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policies DM1 and DM5 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

Highways

17 No dwelling shall be occupied until Southend-on-Sea Borough Council (as the majority local planning authority and highway authority) in consultation with Rochford District Council (as the minority planning Authority) have been submitted with and approved in writing a full scheme specification and programme of works, and all relevant highways approvals, consents and agreements are in place, in relation to the following highways works:

- a) the internal road/highway network associated with the residential development;
- b) details of the site access onto Fossetts Way for construction vehicles;
- c) details of the accessibility improvements to pedestrian footpath 178; and
- d) details of the junction improvement safety works. The development shall thereafter be undertaken in accordance with the approved details. No dwelling shall be occupied until full connection to footpaths and cycleways adjacent to the application site is made available. The highways works described above shall be completed for each phase of the development prior to the first occupation of the relevant phase of the development hereby approved.

Reason: In the interest of highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

18 No development shall take place, including any site preparation or clearance works, unless and until a Construction Management Plan and Strategy has been submitted to, and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) Phasing Strategy to include a programme of works, including any phasing of construction;
- ii) Construction Traffic Strategy
- iii) Noise and Dust Mitigation Strategies to include measures to control the emission of dust, dirt and noise during construction
- iv) the parking of vehicles of site operatives and visitors
- v) loading and unloading of plant and materials
- vi) storage of plant and materials used in constructing the development
- vii) the erection and maintenance of security hoarding
- viii) scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- ix) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- x) details of the duration and location of any noisy activities.
- xi) a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution

Reason: This pre-commencement condition is justified in the interest of highway safety and amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy

(2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

19 At least 221 secure and covered cycle parking spaces in convenient locations to serve the development shall be provided on site and made available for use in line with details which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The approved cycle parking spaces for each phase of the development shall all be provided and made available for use prior to the first occupation of the relevant phase of the development. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policy DM30 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

20 At least two (2) car parking spaces for each permitted dwellinghouse and at least one (1) parking space for each permitted flat shall have been provided on site and made available for use prior to occupation of that dwelling in accordance with the details shown on drawing PL17 Rev B (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition). Every car parking space shall be future proofed with passive electric vehicle charging point provision, with measures such as, but not exclusively, four-way duct and draw pits to all parking bays, so that electric charging points can be installed when demand requires. The car parking spaces shall be permanently maintained solely for use by occupiers of the relevant dwelling and their visitors.

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policy DM30 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

21 The submitted Travel Plan 2007190-04 Rev A dated March 2021 shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any

identified issues and timescales for doing so must be submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T3 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

22 The submitted Car Park Management Plan 2007190-06A dated March 2021 shall be implemented and operated for the lifetime of the approved development in accordance with the terms set out in therein.

Reason: In the interests of providing sustainable car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T3 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

Waste management

23 The block of flats hereby approved shall not be brought into first use unless and until waste storage and recycling facilities have been provided on site and made available for use by occupiers of the flats in line with the details shown on the approved plan PL35 Rev A. The provision of the waste storage and recycling facilities shall be retained for the lifetime of the development.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies CP1 and T1 of the Rochford Core Strategy (2011), Policies DM1, DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007), Southend-on-Sea Design and Townscape Guide (2009) and Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

Drainage

24 With regard to the Flood Risk Assessment 20106-BDC-ZZ-XX-RP-C-0001 Rev P2 dated 31 March 2021 and the email in response to the LLFA consultation dated 20 May 2021, no construction works above ground floor slab level shall take

place on site unless and until detailed designs of a surface water drainage scheme has been submitted to and agreed in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority and the Lead Local Flood Authorities. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- a.) The use of bioretention tree pits and small raingardens to replace the use of gully systems and petrol interceptors in the roads;
- b.) A table with the greenfield runoff rates (including Q_{bar}) compared to the proposed 5.54 l/s/ha rates;
- c.) Incorporate the upstream SuDS features in the storage calculations as these will contribute to a restricted rate closer to the greenfield runoff rates. This assessment may trigger the provision of further flow controls within the site which have not been identified in the strategy (e.g. downstream of swales and permeable pavement);
- d.) In the storage calculations in Appendix H:
 - i.) Cv values: a value of 1 should be used in new impermeable areas in line with ECC Design Guide. The values used should be justified.
 - ii.) Catchment areas: the areas included in the calculations in Appendix H should be presented in a table for each different scenario. This table should show how the different factors (climate change, urban creep) are applied and what is the assumed area drained into the ponds from catchments outside this site. The catchment areas within the development should consider any areas positively drained (permeable and impermeable).
 - iii.) Time-area diagram: the rationale for selecting different time area diagrams in the scenarios should be justified.
- e.) Aim for all the sub-catchments (especially roads where pollution hazard level is low or medium) to incorporate treatment upstream of the pond. The use of bioretention tree pits and raingardens should be considered. Catchpits and gullies will not be considered appropriate pre-treatment devices;
- f.) If any consents are required from Anglian Water or others in the connection to the existing pond;
- g.) Evidence of acceptance in principle from Anglian Water in the connection of foul water flows into the sewer;
- h.) Construction drawings, engineering layout and modelling calculations for all SuDS elements of the proposed site drainage system in line with this strategy prior to construction.
- i.) A freeboard of at least 300mm for critical event of 100year plus 40 percent climate change should be provided for the pond as recommended by CIRIA SUDS manual.
- j.) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- k.) Final modelling and calculations for all areas of the drainage system should be provided.
- l.) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753 should be provided.
- m.) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features should be provided.

n.) An updated written report summarising the final strategy and highlighting any minor changes to the approved strategy should be provided.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

25 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been implemented at the development hereby approved in accordance with details previously submitted to, and agreed in writing, by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority and the Lead Local Flood Authorities. The approved management plan shall be operated for the lifetime of the development. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

26 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by Southend-on-Sea Borough Council and Rochford District Council as the Local Planning Authorities and the Lead Local Flood Authorities.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

Ecology related conditions

27 The development hereby approved shall be undertaken, completed and operated thereafter solely in accordance with the findings, recommendations and mitigation measures contained within the Ecological Assessment DFA21017 dated March 2021, the Newt and Reptile Report DFA21033 dated June 2021 and the Information to Inform a Habitats Regulation Assessment DFA21018 dated March 2021. These include obtaining a licence from Natural England in order to translocate and exclude Great Crested Newts from the development site prior to the commencement of works and the provision of biodiversity enhancements through among others, community orchards, wildflower meadows, SuDS with native aquatic and emergent plants.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

Energy and water sustainability

28 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 Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition 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 (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and Policy ENV8 of the Rochford Core Strategy (2011).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and Policy ENV8 of the Rochford Core Strategy (2011).

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.

(c) In the event that the planning obligations or other means of securing the financial contributions referred to in part (a) above have not been completed by 22 September 2021 or an extension of this time as may be agreed, the Interim Director of Planning, Growth and Housing or the Head of 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, and would not provide sufficient mitigation for its highways impacts contrary to national and local planning policy.

Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk 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 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

5 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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

7 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements

8 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

9 You are advised that any archaeological finds should be deposited to Southend Museums and you are encouraged to get in touch with the Victoria Rathmill (she/her), Assistant Curator of Archaeology (email VictoriaRathmill@southend.gov.uk) in order to confirm charges for this and other procedural matters in relation to archaeology.

10 It is strongly recommended that the applicant consult the Essex Green Infrastructure Strategy to ensure that the proposals implement multifunctional green/blue features effectively. The link is: <https://www.essex.gov.uk/protecting-environment>

11 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

12 Any drainage features proposed for adoption by Essex County Council should be subject of consultation with the relevant Highways Development Management Office.

13 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

14 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Chair: _____