

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 21st July, 2021**  
**Place: Council Chamber - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors A Dear (Vice-Chair), J Beck, M Berry\*, K Buck, D Cowan,  
F Evans, D Garne, D Garston, S Habermel, D Jarvis, K Mitchell,  
C Mulrone, I Shead\*, A Thompson and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor P Collins  
G Gilbert, K Waters, P Keyes, S Mouratidis, C White, J Rowley,  
M Warren and T Row

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

#### 190 Apologies for Absence

Apologies for absence were received from Councillors Dent (no substitute), Jones (substitute: Councillor Berry) and Wakefield (substitute: Councillor Shead).

#### 191 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Buck – Application No. 21/00344/FUL - 23-29 Clarence Street, Southend-on-Sea – Non-pecuniary interest: Applicant is known to him;

(ii) Councillor Buck – Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea – Disclosable Pecuniary Interest: Property owner and applicant (withdrew);

(iii) Councillor D Garston – Application Nos. 21/00289/FUL & 21/00416/LBC - Cockethurst, Eastwoodbury Lane, Eastwood – Non-pecuniary interest: Applicant known to him;

(iv) Councillor D Garston – Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea – Disqualifying non-pecuniary interest: Applicant is a fellow Councillor, Member of the Committee and a personal friend (withdrew);

(v) Councillor Mitchell – Application No. 21/00344/FUL - 23-29 Clarence Street, Southend-on-Sea – Non-pecuniary interest: Has corresponded with residents on the planning application process; and

(vi) In addition to the above, all Councillors in attendance declared a non-pecuniary interest in Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea on the basis that the applicant was a fellow Councillor and member of the Committee.

**192 Minutes of the meeting held on Wednesday 30th March 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 30<sup>th</sup> March 2021 be received, confirmed as a correct record and signed.

**193 Minutes of the meeting held on Wednesday 7th April 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 7<sup>th</sup> April 2021 be received, confirmed as a correct record and signed.

**194 Minutes of the meeting held on Wednesday, 2nd June 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 2<sup>nd</sup> June 2021 be received, confirmed as a correct record and signed.

**195 Minutes of the Meeting held on Wednesday 7th July 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 7<sup>th</sup> July 2021 be received, confirmed as a correct record and signed.

**196 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

**197 20/01895/FUL - 366 Rayleigh Road, Eastwood (Eastwood Park Ward)  
Proposal: Change of use from storage/distribution (Class B8) to Boxing Gym (Class E) (Retrospective)  
Applicant: Mr Pinnock  
Agent: Plainview Planning**

Mrs Catchpole, a local resident, spoke as an objector to the application. Mr Pinnock, the applicant, responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01. The development is hereby permitted in accordance with the following approved plans: Site Location Plan, Existing and Proposed Floor Plans, Existing Elevations.

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

02. The premises shall not be open for customers outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework, 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. Amplified music shall not be played on the premises outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.

Reason: In accordance with the submitted Noise Impact Assessment, to safeguard the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

04. The exterior windows and doors of the unit shall remain closed at all times during the operation of the use hereby approved.

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

05 (i) Within three months of the date of this permission, a detailed noise mitigation scheme, with timetable for implementation, based on the noise impact assessment and outline recommendations made in the reports Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 22/03/2021 Project Number 5751MP Version Reference 001 and Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 07/06/2021 Project Number 6145MP Version Reference 001 5751MP shall be submitted to and approved by the Local Planning Authority. The scheme shall include noise limiters to be fitted to all amplified music equipment and shall specify the prescribed noise limit with reference to the agreed noise impact assessment and outline recommendations identified above;

(ii) The agreed detailed noise mitigation scheme shall be installed in full accordance with the approved timetable;

(iii) a post completion noise survey must be undertaken in accordance with the approved timetable, by a suitably qualified acoustic consultant, and within the approved timetable a report shall be submitted to and approved in writing by the Local Planning Authority. The post-completion testing shall assess performance of the agreed scheme. The gymnasium use shall always thereafter and be operated in full accordance with these approved noise mitigation measures in perpetuity.

(iv) If the noise levels set out in the Noise Impact Assessment are exceeded, the use shall cease until additional noise mitigation measures have been implemented in accordance with details that are to have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

06. Prior to installation of any external air conditioning units or equipment, at the premises subject of this permission, details of their specification, position and appearance shall be submitted to and agreed in writing by the Local Planning Authority. The units shall be implemented in accordance with the approved details and the specifications of the approved noise mitigation scheme before they are brought into use. If the noise levels set out in the scheme are exceeded, the use hereby approved shall cease until additional noise mitigation measures have been implemented in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and neighbour amenities further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Design and Townscape Guide (2009).

07. i) Noise from plant and equipment at the premises subject of this planning permission including extract ventilation at the maximum operating speed shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15 minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

ii) Prior to operation of any plant and equipment associated with this planning permission a post completion noise survey must have been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented in accordance with details previously agreed in writing with the Local Planning Authority.

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

08. Within three months of the date of this permission, details of secure cycle storage, together with a timetable for its implementation, shall have been

submitted in writing to the Local Planning Authority for agreement. The approved secure cycle storage shall be provided at the site and made available for use by staff and/or customers within 28 days of the agreement being given by the Local Planning Authority and in accordance with the agreed details and shall be retained for the lifetime of the development thereafter.

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

09. Within three months of the date of this permission, details of refuse and recycling storage, together with a timetable for its implementation, shall have been submitted in writing to the Local Planning Authority for agreement. Refuse and recycling storage shall be provided in accordance with the approved details and made available for use by staff and customers of the premises within 28 days of agreement of the details and shall be retained for the lifetime of the development thereafter.

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

10. 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 Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, 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).

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. The proposal is a commercial change of use creating no new floor space and is not CIL liable.
2. 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.

3. Prior to any alterations to the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.

4. If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If the local authority become aware of any works that are highly likely to cause a nuisance a notice may be served under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance are available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

**198 21/00289/FUL & 21/00416/LBC - Cockethurst, Eastwoodbury Lane, Eastwood (St Laurence Ward)**

**Proposal:**

- 1. 21/00289/FUL - Convert existing farm buildings into single dwelling house**
- 2. 21/00416/LBC - Convert existing farm buildings into single dwelling house (Listed Building Consent)**

**Applicant: Mr David Dedman**

**Agent: SKArchitects**

Resolved:-

1. 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 10186-01, 10186-02, 10186-03, 10186-04, 504\_P308B,

504\_P400A, 504\_P401A, 504\_P402A, 504\_P403B, 504\_P404, 504\_P405A, 504\_P406A, 504\_P407A, 504\_P409, 504\_P410A, 504\_P411A

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

03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020 and plans reference 504\_P411A and 504\_409 before the approved dwelling is occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and Policy KP2 of Core Strategy.

04 The materials used for the development hereby approved shall only be as specified on plans reference 504\_308B, 504\_P403B, 504\_P404, 504\_P406A, 504\_P409 unless alternative material details are otherwise submitted to and agreed in writing with the Local Planning Authority under the scope of this planning condition.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

05 The retention and re-siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features by SKArchitects reference 504B and plans reference 504\_409 and 504\_410A before the dwelling hereby approved is brought into use.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document

(2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

07 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills, ducting or telecommunication equipment shall be fixed to the exterior of the building without prior written approval of the local planning authority.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

08 The soft landscaping at the site shall be carried out in full accordance with the details and specifications shown in landscaping plan reference 504\_P402 before the dwelling hereby approved is occupied. The surfacing of the courtyard, parking spaces and driveway shall remain as the existing surfacing.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

09 Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), there shall be no formation of new marked or treated boundaries of any kind within the site including to separate the main farmhouse from the courtyard.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

10 Prior to the commencement of the development hereby approved, tree protection measures, as set out in the Arboricultural Impact Assessment by Owen Allpress reference 2322 dated 25.02.21, shall be implemented in full and shall be retained throughout construction of the development.

Reason: A pre commencement condition is required to ensure the trees to the west of 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).

11 The development hereby approved shall not be occupied until and unless 1 car parking space has been provided at the site and made available for use solely for occupiers of the residential unit hereby approved and their visitors all in accordance with the details shown on drawing 504\_P401A. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.



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

12 The development hereby approved shall not be occupied until and unless the cycle parking store and the refuse and recycling store, as shown on drawing 504\_P403B, have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the dwelling hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter.

Reason: To ensure that adequate refuse and recycling storage cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

13 Prior to occupation of the dwelling 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

14 Prior to any drainage infrastructure being installed, in accordance with the submitted Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020 and Technical Note by SLR reference 402.08714.00004 dated 09.03.20, detailed designs of a surface water drainage scheme incorporating the following details shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall address the following matters:

- (a.) A detailed drainage plan including pipe diameters, cover levels and invert levels, conveyance and failure/exceedance routes;
- (b.) A comment on the effects of high-water levels in the watercourse in the site drainage systems;
- (c.) A detailed construction drawing for the proposed geocellular storage and the flow-control chamber;
- (d.) Evidence of the assessment of any health and safety risks;
- (e.) A method statement detailing the effect of surface water during the construction phase;

(f.) Details of the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the geocellular storage and filter drains;

(g.) Measures to ensure damage to the drainage system resulting from associated construction activities must be considered and minimised;

(h.) Where required proposals for foul drainage.

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 Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

15 All glazing to habitable rooms within the new and replacement windows shall be acoustic glazing RW 39 to meet the requirements of British Standard 8233:2014 unless alternative details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition.

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

16 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority.

The report of the findings must include:

(i) A survey of extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- human health;
- properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land

Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

17 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no works associated with this consent shall be undertaken unless and until 2 x Schweglar bat boxes are installed in accordance with plan reference 504\_P402A. The proposed site clearance and construction works shall then be carried out in full accordance with the recommended mitigation measures nesting birds as set out on page 5 of the Ecology Report by Cherryfield Ecology dated 23.2.21 and the mitigation measures for bats set out in Section 4.3 of the Ecology Report by Cherryfield Ecology dated 30.6.21 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A condition is required to ensure any bats or nesting birds utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) policy DM2.

18 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 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](http://www.southend.gov.uk/cil).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when

implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

04 The applicant is advised that an environmental permit for flood risk activities may be needed if works are proposed in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Eastwood Brook is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. It should be noted that anyone carrying out these activities without a permit where one is required, is breaking the law.

05 The applicant is reminded that a bat mitigation licence must be obtained prior to commencement of the works.

2. That LISTED BUILDING CONSENT 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 10186-01, 10186-02, 10186-03, 10186-04, 504\_P308B, 504\_P400A, 504\_P401A, 504\_P402A, 504\_P403B, 504\_P404, 504\_P405A, 504\_P406A, 504\_P407A, 504\_P409, 504\_P410A, 504\_P411A

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

03 The materials used for the development hereby approved shall be as specified on plans reference 504\_308B, 504\_P403B, 504\_P404A, 504\_P406A, 504\_P409 unless alternative material details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document

(2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The retention and re siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features by SKArchitects reference 504B and plans reference 504\_409 and 504\_410A before the dwelling hereby approved is brought into use.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

06 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills, ducting or telecommunication equipment shall be fixed to the exterior of the building without prior written approval of the Local Planning Authority.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

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.

**199 21/00344/FUL - 23 - 29 Clarence Street, Southend-on-Sea (Milton Ward)**  
**Proposal: Change of use and convert existing takeaway and restaurant at ground floor level and A2 office space at first floor level into 4 No. self-contained houses, amenity space to rear at first floor level with privacy screen and alterations to front, side and rear elevations**  
**Applicant: Stockvale Investments Ltd.**  
**Agent: SKArchitects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: 400-P101; 400-P102.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless samples of the external materials and full details of the windows, doors, internal shutters, privacy screens and party walls subdividing the dwellings have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved materials. The development shall be carried out in full accordance with the approved details before it is first occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM5 and the guidance contained within the Design and Townscape Guide (2009).

04 Notwithstanding the provisions of Classes A & B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be), no development falling within those classes shall be undertaken at the site unless express planning permission has been obtained from the Local Planning Authority.

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality and in order to protect the amenities of surrounding occupiers 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 Design and Townscape Guide (2009).

05 Prior to the first occupation of the dwellings hereby approved, full details of the design and layout of the 'winter gardens' and external amenity spaces at first floor level shown on the plans otherwise hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submission made shall include details of the hard and soft landscaping within these areas, all privacy screens and means of enclosure to be installed and the mechanism for opening and closing the winter gardens. The winter gardens and external amenity spaces shall be implemented in full accordance with the details approved under this condition prior to first occupation of the development hereby approved and the development shall thereafter be retained as approved in perpetuity.

The 'winter gardens' and external amenity spaces at first floor level shall be permanently retained as external amenity spaces for future occupiers of the dwellings only and shall not be converted to use for any other purpose, including as a habitable rooms (including bedroom, living room or kitchen), whether or not any such change would be permitted under the Town and Country Planning Act 1990 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any act or order revoking, amending or re-enacting this legislation).

Reason: In the interests of visual amenity and the amenities of occupiers and existing nearby residents 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).

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

Reason: In order to protect the amenities of surrounding occupiers and to protect the character 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).

07 Prior to the first occupation of the development hereby approved full details of covered and secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and thereafter retained for the lifetime of the development.

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 (2021), 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).

08 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the dwellings hereby granted consent shall be first occupied unless and until plans and full details (including the Pilkington level of obscured glass) have been submitted to and approved in writing by the Local Planning Authority which specify full details of the obscure glazing and any restrictions to



the openings to the first floor rear fenestration Before the dwellings hereby approved are first occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

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

09 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the guidance within 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

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

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.

- 200 21/00468/FUL - 48 Argyll Road, Westcliff-on-Sea (Milton Ward)**  
**Proposal: Change of use of first floor of existing doctor's surgery and convert in to one (1no.) self-contained flat, erect linked two storey building at rear, to be used as two (2no.) self-contained flats and layout associated amenity space, cycle and bin stores**  
**Applicant: Dr B Bekas**  
**Agent: Mr Colin Stone of StoneMe 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: 1825 10, 1825 11 a, 1825 15, 1825 16, 1825 17

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

#### Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site, including facing materials, roof detail, windows, 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 (2019) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no waste or recycle bin storage facilities shall be provided on either 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 (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

05 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 these conditions. The soft landscaping scheme 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 (2019) and the Design and Townscape Guide (2009).

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

#### Living Conditions

07 Prior to commencement of development on site, other than demolition and site preparation works, details of vibration mitigation and noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard BS 8233:2014, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first residential occupation of any part of the development hereby approved.

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

#### Impact on residential amenity of neighbours

08 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 (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09 The proposed first floor south facing windows and the eastern most ground floor south facing window (annotated as 'high level obscure' on the approved plan 1825 15) 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 interior room or area served by that 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

10 Prior to the first occupation of the residential units hereby approved the three (3) cycle parking spaces as shown on approved plan 825 15 shall be provided and made available for use on site solely in accordance with the details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition. The cycle parking spaces shall be retained for the benefit of the future residential occupiers of the approved development in perpetuity.

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

11 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 (2019) and the Design and Townscape Guide (2009).

12 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 (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 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](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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

**201 21/00769/FUL - Land Adjacent to 4 Stonehill Road, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect detached dwellinghouse with associated amenity space and parking (Amended Proposal)**  
**Applicant: Mr Shane Henstock**  
**Agent: Mr Anthony Maskell**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no 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: Jan021-001 Amendment 'B'- Existing & Proposed Site Plan; Block Plan Sketch C, Jan020-017; Existing & Proposed Elevations; Sketch D; Roof Plan

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

03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place until full details and samples of the materials to be used on all the external elevations of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and completed in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

04 No development above ground level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- (i.) 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 and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

05 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 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 and in accordance with the agreed details.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the Design and Townscape Guide (2009).

06 Prior to occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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 shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

07 The development hereby approved shall be carried out in a manner to ensure that the dwelling complies with Building Regulation part M4(2) 'accessible and adaptable dwellings' before it is brought into use and first occupied.

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

08 Notwithstanding demolition works, construction of the development hereby permitted shall not commence until details of surface water attenuation for the site,

based on Sustainable Urban Drainage principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

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

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and The Design and Townscape Guide (2009).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B, D, E or F of that Order without the receipt of express planning permission.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents 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 Design and Townscape Guide (2009).

11 The car parking spaces to the existing and proposed dwellings shown on approved plan Jan021-001 Amendment 'B' shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwelling and No.4 Stonehill Road.

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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the Southend Design and Townscape Guide (2009).

12 Notwithstanding the information submitted with this application, prior to the first occupation of the dwelling hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of refuse and recycling storage and covered and secure cycle parking for the approved development at the site. The approved refuse and recycling store and covered and secure cycle store shall be provided in full and made available for use by the occupants of the dwellings prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.



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

13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, 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 noise, dust and dirt during construction
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 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 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](http://www.southend.gov.uk/cil).

02 Please note that you are required to apply to the Highways Authority for consent to have a vehicular crossover installed onto Stonehill Road.

03 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.

04 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.

**202 21/00902/FUL - 364 Rayleigh Road, Eastwood (Eastwood Park Ward)  
Proposal: Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation  
Applicant: Mr Karsaz Jamal Hassan  
Agent: Mr Gurdev Singh of Architectural Services**

Mrs Catchpole, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be REFUSED for the following reason:

01 Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers in terms of noise, disturbance and fumes. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).

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

Informatises:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

**203 21/00994/AMDT - 56 Whitehouse Road, Eastwood (St Laurence Ward)**  
**Proposal: Application to vary condition 1 (Approved opening hours) to extend opening hours to allow school children and working adults to utilise the facilities (Minor Material Amendment of planning permission 20/00160/FUL allowed on appeal dated 30/03/2021)**  
**Applicant: Mrs T Kennedy**  
**Agent: Mr Tony Collins**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The swimming pool subject of this permission shall operate only in accordance with the following approved hours:

Mondays-Thursdays: Classes: 9:30-18:00 - 1:1's: 18:00-20:00

Fridays Classes: 9:30-18:00 - 1:1's: 18:00-20:00

Saturdays: Classes: 9:00-14:00 - 1:1's: 14:00-18:00

Sundays: - 1:1's: 10:00-16:00

And at no other times

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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 Design and Townscape Guide (2009).

02 The commercial use of the swimming pool subject of this permission shall be limited to no more than 3 users at any one time.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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 Design and Townscape Guide (2009).

03 Vehicle parking for visitors using the swimming pool subject of this permission during its commercial periods of operation shall be permanently provided, maintained and made available for use within the 6 marked bays at the front of the property in strict accordance with plan No. CC/001.

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

04 The swimming pool subject of this permission shall be operated solely in accordance with the Travel Plan details previously submitted to and approved in writing by the Local Planning Authority under the approval of details application reference 21/00955/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 shall be operated in accordance with the details approved under this condition in for its lifetime.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework, 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 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.

**204 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect car port to front and install solar panels to roof**  
**Applicant: Mr K Buck**  
**Agent: Mr Paul Seager of APS Design Associates Ltd.**

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.

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 (2021), 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 (2021), 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](http://www.southend.gov.uk/cil) for further details about CIL.

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

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

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