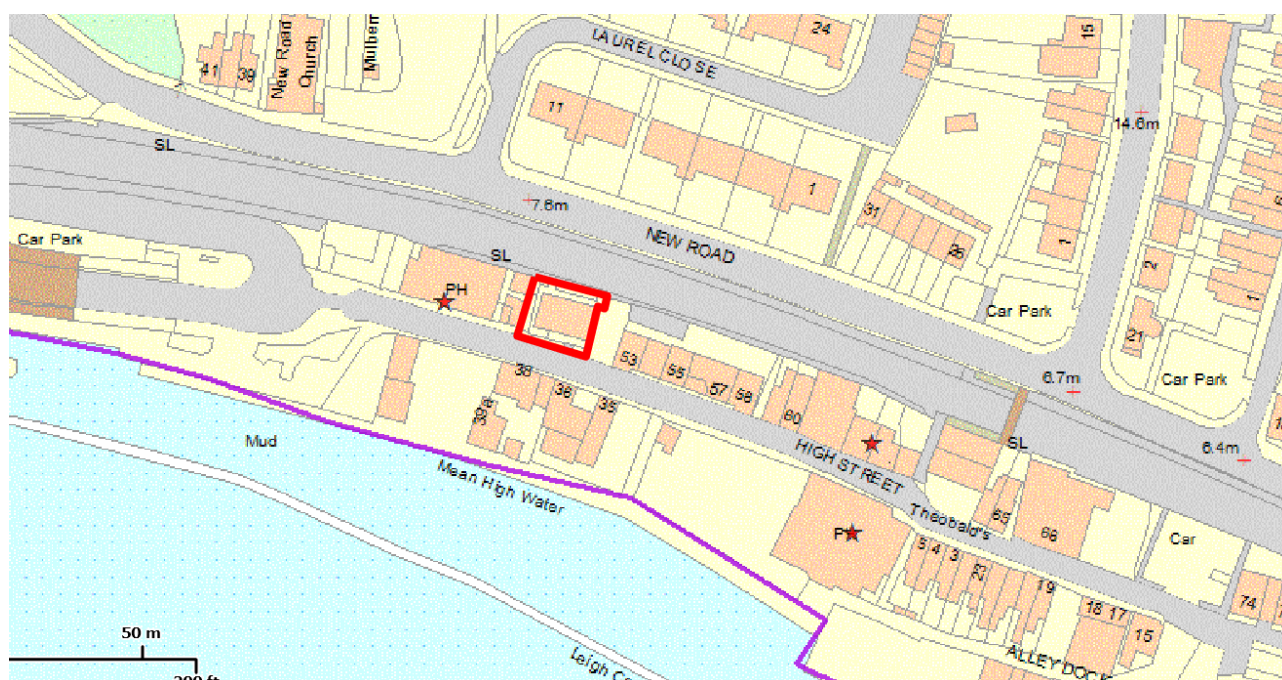


<b>Reference:</b>	21/01945/AMDT
<b>Application Type:</b>	Minor Amendment
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Application to remove condition 13 to allow for outside seating on the public highway (Minor Material Amendment of Planning Permission 20/01518/AMDT dated 06/01/2021)
<b>Address:</b>	Scout Hall, 52 High Street, Leigh-On-Sea
<b>Applicant:</b>	Mr J Batson
<b>Agent:</b>	Mr Colin Stone of Stone Me Ltd
<b>Consultation Expiry:</b>	21 <sup>st</sup> October 2021
<b>Expiry Date:</b>	3 <sup>rd</sup> December 2021
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	<b>17-clarendon-04 Rev A, 1920-11, Management Plan for the Siting of Benches at 52 High Street, Leigh-on-Sea SS9 2EN reference 1930-Rev A dated 12/11/21</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 Site and Surroundings

- 1.1 Planning permission was granted in 2018 for the conversion of this building, originally the Fisherman's Chapel to a restaurant under application reference 17/02280/FUL. These works are now complete and the premises is operating as a restaurant. A small amount of outside seating on the front terrace overlooks the High Street.
- 1.2 The site is at the western end of Leigh Old Town Conservation Area adjacent to the Crooked Billet Public House. The pub is grade II listed and one of the oldest buildings in the conservation area. The Billet marks the entrance to the Old Town from the west. The rest of the conservation area to the east contains some traditional and modern housing of modest scale, three other pubs and a few retail outlets.
- 1.3 To the rear of the site, across the railway, is the southern boundary of Leigh Conservation Area, which comprises the development on the hillside facing the Old Town.
- 1.4 The site is part in flood zone 3, part in flood zone 2 and part in flood zone 1.

## 2 The Proposal

- 2.1 Planning permission was granted on 25<sup>th</sup> January 2018 (ref 17/02280/FUL) to change of use of the building from a scout hall/gym (class D2) to restaurant (class A3), install an extract flue to rear, refuse area to the west side and to alter the front elevation. Subsequent to this, permission was granted on 6<sup>th</sup> January 2021 to amend that permission to allow for takeaway and to make some changes to the design detail reference 20/01518/AMDT .
- 2.2 The current application seeks to remove condition 13 of the latest consent 20/01518/AMDT. Condition 13 states:

*No tables, chairs, other furniture or permanent or temporary means of enclosure shall at any time be placed on the area at ground floor (public footway) level to the front of the premises.*

*Reason: In order to protect amenity and for the safe and efficient use of the adjacent public highway including the safe and convenient movement of pedestrians in accordance with policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).*

- 2.3 The application form states that '*Our client would like to position seating on the public highway as per the neighbouring building.*' The submitted plan shows the intention for 5 benches to be located in front of the building. The benches will be a similar style to those in front of the Crooked Billet. The management plan states that no tables will be placed by the benches.
- 2.4 It is noted that when the business opened 3 benches were placed on the highway in front of the building in contravention of this condition. Following an investigation by planning enforcement these have now been removed pending the outcome of this decision.

### **3 Relevant Planning History**

- 3.1 21/00484/AD - Application for approval of detail pursuant to condition 09 of 20/01467/FUL - granted
- 3.2 20/01518/AMDT - Application to vary conditions 02 (approved plans), 04 (details of new doors, new dormer windows and terrace balustrading/railings) and 13 (operate as restaurant only) - amendments to fenestration and to provide takeaway facilities - (Minor Material Amendment to Planning Permission 17/02280/FUL dated 25.01.2019) – granted
- 3.3 20/01467/FUL - Erect single storey rear and side extension, lean to porch to west elevation, install metal canopy to front with corrugated metal roof, metal balustrading to front and side elevations and alter elevations – granted
- 3.4 18/01760/AD - Application for approval of details pursuant to condition 03 (Details of Materials), condition 04 (Details of Doors and Balustrades), condition 05 (Details of Waste Storage), condition 06 (Details of Cycle Storage), condition 07 (Details of Chimney) and condition 08 (Details of Extraction and Mitigation) of planning permission 17/02280/FUL dated 4/4/2018 – details agreed
- 3.5 17/02280/FUL - Change of use from scout hall/gym (class D2) to restaurant (class A3), install extract flue to rear, refuse area to west side and alter front elevation – granted

### **4 Representation Summary**

#### **4.1 Public Consultation**

19 neighbouring properties were consulted, a site notice posted and a press notice published. 3 letters of representation have been received raising the following summarised issues:

- Impact on neighbour amenity.
- Increase in noise and disturbance from customers which is already causing problems from the terrace area.
- Any street furniture on the highway would restrict vehicular access to the properties opposite, 35-36 The Coal Hole, and 37-39 High Street which are access by an opening under 38 especially for large cars, vans and boats which use these spaces.
- Impact on traffic and congestion.
- Concern about pedestrians in the highway.
- There has already been an accident in this location.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

## **Highways Team**

- 4.2 There are no highway objections to this proposal. The application is similar in nature to that of the Crooked Billet who also have seating on the public highway. The applicant will be required to apply for the appropriate highway licence.

The road width is 4.8m. Opposite the site there are 2 accesses 1 measuring 2.4m and the other 2.2m. It is considered that the proposal will not restrict access to these premises.

There has been one reported personal injury collision in High Street, Leigh, in the past five years to 31<sup>st</sup> August 2021. The was classified as slight and occurred in December 2019. Our criteria for any intervention is four collisions at any one location within the past three years.

## **Environmental Health**

- 4.3 No objections subject to conditions relating to a noise management plan, external illumination, refuse and recycling and construction.

## **Leigh Town Council**

- 4.4 Leigh Town Council Committee object to this proposal - no tables, chairs or other furniture should be allowed to be placed on the area at ground floor level to the front of the premises. This is to protect the amenity for the safe and efficient use of the adjacent public highway including the safe and convenient movement of pedestrians in accordance with policies KP2 and CP3 of the Core Strategy and Policies DM1 and DM15 of the Development Management Document. Leigh Old Town is a working port and with large heavy goods vehicles driving through at any time and visitor safety should be paramount.

It is disappointing to note that once again an applicant has already ignored the condition as evidenced by photographs taken 5<sup>th</sup> October 2021. Furthermore, it should be noted that the neighbours who do not have this condition in place are able to have seating in their area as the premises is slightly set further back than the applicant's property as they already have external seating on a terrace which protrudes from the building.

## **Essex Fire Service**

- 4.5 No objections.

## **Network Rail**

- 4.6 No objections

## **Committee Call In**

- 4.7 This application was called to this Committee by Cllr Mulronev.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007) Policies KP1(Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility ) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.5 Development Management Document (2015) policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources) DM3 (Efficient and effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront) and DM15 (Sustainable Transport Management)
- 5.6 Southend Design & Townscape Guide (2009)
- 5.7 Leigh Old Town Conservation Area Appraisal (2010)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 This application is for the removal of condition 13 relating to the placement of furniture on the highway in front of the premises only. In all other respects the proposal remains unchanged from that previously approved under reference 20/01518/AMDT which is an amendment to the approval 17/02280/FUL. The only considerations in relation to this application therefore are the implications of the removal of this condition only which would allow for furniture to be placed on the highway in front of the premises for use by customers. In all other respects, including the principle of the restaurant and takeaway use, and the use of the terrace for customer seating and noise implications from restaurant customers, were previously considered and found to be acceptable in the previous applications.
- 6.2 The National Planning Policy Framework has been revised since the approval of the initial application in 2018, however, the national and local policy framework has not changed in any material respects as regards this proposal.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The principle of a change of use from D2 (leisure) to A3 was previously found acceptable under application reference 17/02280/FUL including in relation to flood risk implications. This therefore remains acceptable under the current proposal. This amendment application seeks to vary the initial approval to allow for the placement of customer seating on the highway in front of the building. It is considered that these changes fall within the scope of a Section 73 application as the description of development remains unchanged and there are no extensions to the building envelope. The principle of the proposal therefore remains acceptable subject to the detailed considerations below.

## Design and Impact on the Character of the Area

- 7.2 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 defines conservation areas as *'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*. In determining this application the Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.3 Paragraph 126 of the NPPF states *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.'*
- 7.4 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 7.5 Policy DM1 of the Development Management Document advocates the need for the Council to support proposals that add to the overall quality of an area, respect the character of the site, its local context and surroundings giving appropriate weight to the protection of heritage assets.
- 7.6 Policy DM5 of the Development Management Document seeks to protect the special character of the Boroughs Conservation Areas. In relation to this the pre ample to Policy DM5 of the Development Management Document states that:
- 'To conserve and enhance the character and quality of the Conservation Areas, development proposals, both traditional and modern, will have to be carefully considered and demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness.'*
- 7.7 Policy DM6 of the Development Management Document also seeks to protect the unique character of the seafront including Leigh Old Town.
- 7.8 The problems and pressures facing the conservation area are identified in the Leigh Old Town Conservation Area Appraisal which states that:
- '6.1.1 The primary pressure on the Conservation Area is the need for the businesses to operate in a modern and profitable manner. This is resulting in loss of character owing to increasingly inappropriate advertising and signage, cheap and ugly additions to buildings and inappropriate boundary treatments among other problems.'*

*6.6.6 The number of tourists visiting in fine weather puts pressure on the town in the same way as it does in most resorts. This has an impact on car parking and traffic levels as well as pubs and cafes which must stretch to accommodate these.'*

- 7.9 The policies above therefore support improvements to the leisure offer in the Old Town provided these are not at the expense of its heritage assets including the special character of historic buildings in the conservation area.
- 7.10 The proposal seeks planning permission to place customer seating on the highway in front of the building. No tables are proposed. It is understood that this would be in the form of 5 traditional timber benches similar to that seen in front of the Crooked Billet. No other changes are proposed to the building or site over that previously approved.
- 7.11 It is considered that this proposal would not have a harmful impact on the character of the existing building, the setting of the adjacent listed building or the wider conservation area. and is policy compliant in these regards.

### **Impact on Residential Amenity**

- 7.12 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 7.13 The restaurant currently has planning permission for customer seating on the terrace area to the front of the building until 22:00 hours on all days under application reference 17/02280/FUL and subsequent amendments application 20/01518/AMDT. The latter permission also consented for a takeaway service to operate until 21:00 hours each day. The level of noise and disturbance arising from these uses was found to be within acceptable limits. The current proposal will allow for additional customer seating in front of the building at the lower level. This will potentially increase the number of customers using this outside area although, due to the limited space in this location, the number of additional customers will be limited. The agent has confirmed that the use of this area would be until 21:00 hours in winter and 22:00 hours in summer which ties in with the times stipulated in their licence. They also proposed to undertake a litter patrol every morning and evening after service.
- 7.14 There are some differences in circumstance between the Crooked Billet and the site at 52 High Street. Principally, unlike the application site, there are no residential dwellings directly opposite The Billet, however they are close by to the east. Also there is a difference in the uses of these two businesses – the Billet is a pub which serves food and the application site is a restaurant and is not licenced to serve drinks only. The Councils Environmental Health Officer has not raised any objections to this proposal on the grounds of noise and disturbance provided that a management plan is conditioned

- 7.15 The agent has provided a management plan for this area which covers the following items:
- Management of use, noise and antisocial behaviour
  - Hours of Use
  - Use and disposal of bottles and litter
  - Complaints procedures.
- 7.16 The Management Plan proposes that the outside seating area would operate from 08:00 hours until 22:00 hours (April to October) and from 08:00 hours to 21:00 hours (November to March) and stipulates that the benches will be roped off with taut 40mm diameter ropes padlocked to the arms outside of these times.
- 7.17 The Old Town is generally a lively place until this time and, on balance, it is considered that the use of this area for customer seating, would not significantly harm the amenities of neighbours subject to a condition requiring it to cease at 10pm in line with the use of the terrace area and the agreement of a management plan prior to its installation and to be adhered to for the lifetime of the development. Subject to these conditions and on balance it is considered that the proposal would be acceptable and policy compliant in its impact on neighbour amenity.

### **Traffic and Transportation Issues**

- 7.18 The proposal seeks planning permission for customer seating in front of the building to the north side of the existing double yellow lines in this location. No tables are proposed. This is highways land so if planning permission were to be granted then a highway licence would be separately required for the use of this area.
- 7.19 Concerns have been raised by neighbours about the impact on vehicle manoeuvring into the parking spaces at 37-39 High Street, which are under the building opposite the site, and the yard at 35-36 High Street and in relation to safety. In relation to this issue the Council's Highways Officer comments that a road width of 4.8m would be available outside the red line boundary for manoeuvring into these parking areas. This is a standard road width and should be sufficient to access the parking areas of 37-39 High Street.
- 7.20 The proposed benches would be located close to the carriageway. Unlike moveable table tables and individual chairs which can be easily moved from their initial positions by customers, the proposed benches are most unlikely to be moved around once sited. No tables are proposed. This is a similar arrangement to that found at the Crooked Billet and use of the road by pedestrians along the length of the High Street in practice acts as an informal traffic calming for the area and vehicles generally move at very low speeds which reduces the risk of accidents. The Council's Road Safety Officer confirms that there has been 1 recorded collision in this location in the last 5 years which occurred in December 2019 involving a vehicle and a pedestrian. This was classified by the police as slight. It is Council policy to only consider interventions where four collisions occur at any one location within the past 3 years.



- 7.21 It is considered that the proposal would have an acceptable impact on all aspects of traffic and transportation including highway safety. The amended proposal is therefore acceptable and policy compliant in regard to traffic and transportation issues.

### **Community Infrastructure Levy (CIL)**

- 7.22 The proposed development is for a commercial to commercial change of use with no increase in floorspace. The proposal is therefore not CIL liable as it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the proposal to use the area to the front of the site for customer seating falls within the remit of a Section 73 application and the proposal would be acceptable in terms of design and impact on the conservation area. It would also have an acceptable impact on traffic and transportation, and, on balance, it would also be acceptable impact on neighbour amenity subject to conditions controlling hours of use and management of the area. Condition 13 of application reference 20/01518/AMDT can therefore be removed.
- 8.2 In all other respects including the principle of the change of use to a restaurant and flood risk, design and impact on the conservation area, impact on neighbours, highways impact, the proposal is the same as application reference 20/01518/AMDT which was found be acceptable and compliant with the objectives of the relevant development plan policies and guidance subject to conditions. There have been no material changes in policy since this time. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

- 9.1 **MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION** subject to the following conditions:

**01 The development hereby permitted shall begin not later than 4<sup>th</sup> April 2021.**

**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 following approved plans 17-Clarendon-04 Rev A, 1920-06a, 1920-03c, 1920-05c,**

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

**03 The materials for the development hereby approved shall only be matt black stained timber featheredged weatherboarding for the walls and dormer cheeks, black painted acoya timber with 6mm laminated safety glass to BS6206 for the windows and doors, black painted wrought iron for the terrace balustrade, black quarry tiles for the terrace flooring, red stock brick slips, lead capping and traditional clay pots for the flue chimney, no change to the existing roof covering**

**or guttering, black painted timber gates to waste storage area and cycle storage areas.**

**Reason: To safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**04 Prior to the first occupation of the building for A3 purposes, the windows and doors shall be installed in full accordance with the details set out on plan reference 1920-05C and the terrace balustrading shall be black painted 16mm bars with finial style F (W Farthing & Sons) and flat top posts as previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 04) or alternative refuse and recycling details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.**

**Reason: A condition is needed to safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**05 Prior to the first occupation of the building for A3 purposes, the refuse and recycling arrangements shall be implemented in full accordance with the details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 05) or alternative refuse and recycling details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.**

**Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding conservation area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).**

**06 Prior to the first occupation of the building for A3 purposes the staff cycle parking arrangements shall be implemented in full accordance with the details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 06) or alternative staff cycling storage details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.**

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

**07 Prior to the first occupation of the building for A3 purposes the chimney extraction flue shall be installed in full accordance with the details which have been previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 07) or alternative chimney and extraction flue details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.**

**Reason: A condition is needed in order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the conservation area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document 2015.**

**08 Prior to the first occupation of the building for A3 purposes, extraction and odour control equipment, and associated noise mitigation measures, shall be installed in full accordance with the details which have been previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 08) or alternative extraction and odour control details and associated noise mitigation that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The installation of extraction equipment shall be carried out in full accordance with the approved details and any noise and odour mitigation measures undertaken in association with the agreed details before the use hereby approved is commenced. With reference to BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character. The rating level of noise for all activities (including amplified and unamplified music and human voices) shall be at least 10dB(A) below the background noise to ensure inaudibility in noise sensitive premises.**

**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).**

**09 The class A3 (restaurant) use hereby permitted shall not be open to customers outside the following times: 09:00 until 24:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 24:00 hours Mondays to Sundays including bank holidays from October through to and including April. The ancillary takeaway element of this operation shall not be available to customers outside the following times: 09:00 and 21:00 Mondays to Sundays including bank Holidays.**

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

**10 The entire raised terrace area and the customer seating at ground level in front of the building shall not be used by customers for the consumption of food or drink or for smoking from 22:00 hours until the close of business on all days. Additionally, all doors accessing the terrace shall be closed, except temporarily for access and egress, from 22:00 to 09:00 on all days.**

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

**11 No deliveries or refuse collection shall be taken at or despatched from the A3 use hereby permitted other than between the hours of 07:00 to 18:00hours Mondays to Fridays and 08:00 to 13:00hours on Saturdays and not at any time on Sundays, Bank or Public Holidays.**

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

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

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

**13 The outside seating area at ground level in front of the building shall be managed in strict accordance with the Management Plan for the Siting of Benches at 52 High Street, Leigh-on-Sea SS9 2EN reference 1920-Rev A dated 12/11/21 for the lifetime of the development or any other management plan which has previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.**

**Reason: To protect residential amenity and general environmental quality 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) and the advice contained within the Design and Townscape Guide (2009).**

**14 The privacy screen to the east end of the terrace shall be installed in full accordance with the details agreed under application reference 21/00484/AD or alternative privacy screen details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The screen shall be retained for the lifetime of the development in accordance with the approved details.**

**Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained 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**

**01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so 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 The applicant is advised that the some elements of the terrace and flue casing that have been installed on the rear roofslope do not accord with the previously approved details or the current application and are therefore unauthorised. These details need to be returned to the approved details. Failure to do this within a timely manner is likely to result in enforcement action.**

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

**04 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2014 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG The applicant is advised that any waste food collection must be undertaken by a licenced operator**

**05 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.**

**06 The applicant is advised that a separate licence will be required from the Council in relation to use of public highway land.**