

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 9th February, 2022**

**Place: Council Chamber - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors A Dear (Vice-Chair), K Buck, P Collins\*, D Cowan,  
M Dent, F Evans, D Garne, S Habermel, D Jarvis, A Jones,  
D McGlone\*, K Mitchell, C Mulrone, S Wakefield and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor M Berry  
G Gilbert, K Waters, C Galforg, P Keyes, S Mouratidis, M Warren  
and T Row

**Start/End Time:** 2.00 pm - 5.50 pm

#### **678 Apologies for Absence**

Apologies for absence were received from Councillors Beck (no substitute), D Garston (substitute: Councillor McGlone) and Thompson (substitute: Councillor Collins).

#### **679 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Berry – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Discloseable non-pecuniary interest: Is the Secretary of the “Fossetts for the People” Campaign. (Attended the meeting as a Ward Councillor to present his objection to the application only but withdrew from the meeting after his objection had been presented to the Committee);

(ii) Councillor Collins – Application Ref. No. 21/01453/FULH – 15 Leslie Road, Eastwood – Non-pecuniary interest: Had been in correspondence with residents in the area in respect of a previous application;

(iii) Councillor Cowan – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Non-pecuniary interest: Members of the “Fossetts for the People” Campaign are known to him;

(iv) Councillor Dent – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Non-pecuniary interest: Has had contact with the objectors to the application some of whom are known to him;

(v) Councillor Dent – Application Ref. No. 21/01506/FUL – 12 Branksome Road, Southend-on-Sea – Non-pecuniary interest: Has had contact from residents regarding the application and some of the objectors are known to him;

(vi) Councillor Jones – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Discloseable non-pecuniary interest: Has attended meetings of the “Fossetts for the People” Campaign and appeared in photographs etc with the campaign (withdrew); and

(vii) Councillor Mitchell – Application Ref. No. 20/00337/OUTM – Land at Fossetts Farm, Sutton Road – Discloseable non-pecuniary interest: Associated with the “Fossetts for the People” Campaign group and has expressed views that the land should be used for 100% council housing (withdrew).

## 680 **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.

- 681 **21/01643/FULM - 53 - 57 Sutton Road, Southend-on-Sea (Victoria Ward)**  
**Proposal: Convert part of ground floor, first floor and second floor to self-storage facility (Class B8) including up to 120 sqm flexible floorspace (Use Classes B8 and E), retain 25 car parking spaces and service access to rear, erect 3-storey building to rear of existing car park comprising 17 residential units (Class C3) with associated parking for 14 cars with access onto Guildford Road, cycle parking, hard and soft landscaping and amenity provision**  
**Applicant: Mr Tom Hesp**  
**Agent: Miss Nour Sinno of HTA Design LLP**

Resolved;-

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A minimum of 4 Affordable housing units comprising 3 for affordable rent and 1 unit for shared ownership;
- A financial contribution towards secondary education provision of £21664.14, specifically for refurbishment to access places at Cecil Jones Academy;
- A payment of £127.30 per dwelling for 17 dwellings, (£2164.10) under the terms of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy.

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions below:

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: 9011 – P01 P2, 9011 / P22 P2, 9011 / P10 P1, 9011 / P41 P1, 9011 / P20 P1, 9011 / P23, 9011 / P30 P2, 9011 / P31 P1, 9011 / P21, 9011 / P24 P1, 9011 / P32 P1, 9011 / P40 P2.

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

03 The Use Class E use hereby approved shall not be open for customers outside the following hours: 0700 hours to 2200 hours on any day.

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

04 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), or any Acts, Orders or Regulations revoking, amending or re-enacting that legislation, the ground floor windows facing Sutton Road shall not be obscured other than in accordance with details that have previously been submitted to the local planning authority and approved in writing.

Reason: In the interests of the vitality of the shopping frontage, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP2 of the Core Strategy (2007), and Policy DM13 of the Development Management Document (2015).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works in relation to the proposed residential building other than ground preparation and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the residential building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

Reason: In the interests of the visual amenities of the area, 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 and the advice contained within the Southend Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external alterations to the existing building shall be carried out unless and until full product details of the materials to be used on all the external elevations of the existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

07 The dwellings hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in relation to the residential building have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works relating to the residential building shall be carried out prior to first occupation of the residential element of the development and the soft landscaping works relating to the residential building within the first planting season following first occupation of the residential development. The details submitted in respect of each shall include, but not limited to:

- i. means of enclosure of the site including any gates or boundary fencing;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. hard surfacing materials;
- iv. minor artefacts and structures (e.g. furniture and planters)
- v. 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 the character and appearance of the area 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 and the advice contained within the Southend Design and Townscape Guide (2009).

08 The B8 self-storage use and B8/Class E flexible use hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in relation to the commercial parking and servicing area have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works relating to the commercial parking and servicing area shall be carried out prior to first occupation of the commercial element of the development and the soft landscaping works relating to the commercial parking and servicing area within the first planting season following first occupation of the commercial element of the development. The details submitted in respect of each shall include, but not limited to:

- i. means of enclosure of the site including any gates or boundary fencing;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. hard surfacing materials;
- iv. minor artefacts and structures (e.g. furniture and planters)
- v. 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 the character and appearance of the area 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 and the advice contained within the Southend Design and Townscape Guide (2009).

09 The development shall be carried out in accordance with the recommendations and enhancements identified in the submitted Preliminary Roost Assessment Survey, in relation to timing of works at the existing building and the provision of the identified bat and bird boxes as specified. The bat and bird box provision shall be carried out in full prior to first occupation of the B8 use hereby approved.

Reason: In the interests of achieving a net increase in biodiversity further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 The construction phase of the development shall only be carried out in accordance with the Construction Phase Mitigation Measures identified in the submitted Noise Impact Assessment by Aval Consulting Group August 2021 and dust control measures in the submitted Air Quality Assessment by Aval Consulting Group dated August 2021.

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

11 Construction hours 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 residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external lighting shall be installed prior to a full scheme of external lighting having been previously submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

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

13 The B8 self-storage use otherwise hereby approved shall not be first occupied unless and until noise mitigation measures to be implemented in association with this use have been installed in full, in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. The details submitted shall include measures associated with the proposed roller shutters and exterior doors. The measures shall be formulated and supported by a proportionate noise impact assessment, to minimise the noise impacts of access and egress to the facility with particular reference to evening and night-time hours.

Reason: In the interests of residential amenity further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

14 Other than for ground preparation and site clearance, no development of the residential building shall take place until a site investigation of the nature and extent of any collapsible deposits has been carried out, further to the recommendations of the submitted Phase I Assessment by Aval Consulting Group August 2021.

(a) The results of the site investigation shall be made available to the local planning authority before any construction begins. If any collapsible deposits or contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins.

(b) The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

(c) If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority.

(c(i)) The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

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

15 The residential development shall not be occupied until and unless refuse storage for occupiers has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

16 Notwithstanding the approved plans, the Class E or self-storage use shall not be first occupied until and unless refuse storage to serve the development has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

17 The residential development shall not be occupied until and unless secure covered cycle storage for occupiers has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

18 Notwithstanding the approved plans, the Class E or self-storage use shall not be first occupied until and unless secure covered cycle storage for staff and users of the development has been provided in accordance with details to have been previously submitted to and approved in writing by the Local Planning Authority. The storage shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

19 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the residential building shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify a scheme of privacy screens to be incorporated to prevent overlooking of occupiers of the neighbouring flats at Royal Court. Before the residential building hereby approved is occupied the development shall have been implemented in full accordance with the privacy screens approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of existing and future occupiers, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

20 Notwithstanding the details submitted and otherwise hereby approved no drainage infrastructure associated with this development shall be installed until a drainage strategy has been submitted to and approved in writing by the local

planning authority. The development shall be implemented in accordance with the approved drainage strategy in full before it is occupied. The strategy shall provide for the following:

- i. Soakaway tests to be undertaken in line with BRE 365 guidelines to confirm the infiltration rates and sufficient depth from SuDS systems to groundwater level. The applicant should confirm, based on ground investigations, that there is no risk of ground instability, pollution to groundwater or groundwater flooding associated with the use of the proposed infiltration systems;
- ii. Proposed permeable and impermeable areas to be identified on plan;
- iii. Exceedance flow routes to be shown in the drainage plans;
- iv. The applicant should confirm who will be the final adopting authority / body responsible for the maintenance of each drainage/SuDS elements;
- v. Construction details for the proposed connection into the sewer;
- vi. A method statement detailing the effect of surface water during the construction phase and how it will be managed.

Reason: To secure appropriate drainage conditions and manage wider flood risks in accordance with National Planning Policy Framework (2021) and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

21 Before any of the residential units hereby approved are first occupied, the development hereby approved shall be carried out in a manner to ensure that two of the flats hereby approved comply with building regulation M4(3) 'wheelchair user dwellings' standard and the remaining fifteen flats comply with building regulation M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

22 No development associated with this permission shall commence unless and until full details of the highway works proposed in relation to the new and altered vehicular accesses, a safety audit of the changes and a suitable means to secure their delivery has been submitted to and approved in writing by the Local Planning Authority. The highways works shall be implemented in full accordance with the details approved under this condition before the development is first occupied.

Reason: In the interests of highways management, the character of the area and safety in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4 and Development Management Document (2015) Policies DM1, DM3 and DM15.

23 Prior to first occupation of the residential building hereby approved, the 14 residential car parking spaces shown on the approved plan 9011/P10 P1, including the 2 disabled accessible spaces, shall have been provided and made available for the use of occupiers of the development and their visitors. It shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the



Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

24 Prior to first occupation of the Class E or B8 commercial spaces hereby approved, the car parking and servicing/loading arrangements as shown on the approved plan 9011/P10 P1, providing 10 spaces for the Class E/B8 uses and 15 spaces for the existing retail unit, of which 2 spaces shall be disabled accessible, shall have been provided and made available in full for the use of customers, staff and service and delivery vehicles and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

25 Prior to first occupation of any part of the development hereby approved, a car parking management plan for the car parking provision for the relevant part of the development, with the objective of optimising the availability of parking and the free flow of traffic, and including review procedures, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan(s) shall be implemented as part of the development and retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

26 Prior to first occupation of the residential building hereby approved, no fewer than 14 active electric vehicle (EV) charging points shall have been provided to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

27 Prior to first occupation of the Class E or B8 commercial spaces hereby approved, no fewer than 2 active and 8 passive electric vehicle (EV) charging points shall have been provided to the parking spaces allocated for the Class E or B8 uses.

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle

Charging Infrastructure for new development Supplementary Planning Document (2021).

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

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

29 The residential development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before it is brought into use.

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

30 Excluding the Class B8/Class E flexible unit, to the extent that it may also be used for purposes within Class E, the development hereby approved, for purposes falling within Class B8, shall only be occupied as a self-storage facility, and shall not be used for any other purpose, including any other purpose within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), nor any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 16.02.2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to secure the necessary affordable housing provision, contributions to education provision and mitigation of impacts on European designated sites. As such, the proposal would be contrary to Policies KP1, KP2, KP3, CP4, CP6 and

CP8 of the Core Strategy (2007), Policies DM1, DM6 and DM7 of the Development Management Document (2015) and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020).

### Positive and Proactive Statement

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

### Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal 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.

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

4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
5. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
6. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
7. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
8. The works to construct new vehicular accesses and increased footway width will require a Section 278 agreement including a safety audit.
9. Registered Providers (RP's) should be contacted as early as possible with regards to understanding their requirements. Generally, RP's will prefer to have their affordable dwellings contained within one block/floor (per tenure). It is worth noting that RP's may be interested in taking on additional units particular where it would result in the ownership of an entire block/floor.
10. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
11. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of affordable housing, a financial contribution towards secondary education and a payment in mitigation of impacts identified in the RAMS SPD.
12. Please note that advertisements eg. signage for the commercial unit(s) will require separate advertisement consent.
13. The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including bats.

**682 20/00337/OUTM - Land at Fossetts Farm, Sutton Road (St Lukes Ward)**  
**Proposal: Erect up to 131 residential units with associated car parking, landscaping and ancillary works at land on Fossetts Farm (Outline Application)**  
**Applicant: Homes England**  
**Agent: Miss Mhairi Summers of Stantec**

Councillor Berry spoke as an objector to the application and withdrew from the meeting after presenting his objection. Ms G Care responded on behalf of the applicants' agent.

Resolved:-

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- 30% units of affordable housing provided on site with a 60/40 (social/affordable rent/shared ownership) tenure split – which based on 131 units would constitute 40 affordable units – 24 of which would be social/affordable rented and 16 shared ownership. (The final numbers of affordable units will depend on the final number of units to be provided on site which will be confirmed at reserved matters stage).
- A financial contribution of £368,290.33 towards secondary education at Chase High School or another secondary school within acceptable travel distance, assuming 131 dwellings are provided, to be paid prior to commencement of the development. The final amount required will depend on the final number of units and the final dwelling mix which will be confirmed at reserved matters stage.
- Essex RAMS payment of £127.30 (index linked) per dwelling – would be £16,676.30 based on 131 units to mitigate the potential disturbance to European designated sites (the final amount will depend on final number of units which will be confirmed at reserved matters stage).
- Highways contributions:
  - Travel Plan
  - £1,000 per year for 5 years from first occupation for the Travel Plan Monitoring.
  - Travel Packs which must include free bus tickets and free car club use for each dwelling and must be provided to residents before first occupation.
  - Travel Packs which must include 4 x travel cards for use on local buses valid for 2 weeks, details of local bus and rail operators, details of any offer by bus operators of discounted travel to residents, details of free car club membership valid for 1 year, details of 10 car club driving hours for those eligible. Travel Packs are to be provided to the first occupier of each dwelling before first occupation.
  - Developer to work with a bus company to provide an enhanced bus service for a minimum of 3 years which runs at least half hourly Monday – Friday 07:00 – 20:00, at least half hourly Saturdays 07:30 – 20:00 and at least hourly Sundays 09:00 – 19:00 and which must be up and running before the first unit is occupied.
  - £10,000 contribution towards investigations into and minor works to local cycleways.
  - 1x Car Club Vehicle and Space which must be served by an electric charging point.
  - To enter into a car club agreement for a period of up to 10 years, including provision of 1x Car Club Vehicle and Space which must be served by an electric charging point. Free car club membership for 1 year and 10 hours free driving time to be provided for the first occupier of each dwelling upon request.

- The applicant will transfer the Schedule Monument land within its ownership to the Council prior to the commencement of the development.
- The applicant is required to pay and a proportion of 7% of the costs required for the implementation of the SAM Archaeological Conservation Management Plan (2020) drafted by Orion or any subsequent variation of this which has been agreed with the Local Planning Authority.
- Mitigation to be provided to ensure the net loss of biodiversity at the site, as a result of this development, is off-set within the Borough with a minimum of an overall 10% biodiversity net gain achieved within the Borough:
  - Prior to commencement of the development, the owner shall submit an overall strategy within a Principle Biodiversity Impact Assessment (BIA) to the Council for its written approval.
  - Once approved, where the BIA shows a Biodiversity Loss the owner shall submit a Biodiversity Mitigation Scheme to the Council for its written approval, prior to commencement of the development, which fully details the on-site and any off-site off-setting mitigation to be used with a minimum overall 10% biodiversity net gain to be achieved within the Borough. The Biodiversity Scheme shall include a time frame for the implementation of the off-site minimum 10% net gain.
  - Once approved the owner shall carry out the actions in the approved Biodiversity Mitigation Scheme to provide the overall 10% biodiversity net gain within the Borough, in accordance with the approved time frame.
  - Residential use through the release of restrictions imposed in the S106 agreement dated 8th January 2004.
  - £10,000 for the monitoring of the S106 Agreement.

(b) That the Executive Director (Growth and Housing), Director of Planning or Development Control Service Manager be DELEGATED to GRANT PLANING PERMISSION following completion of the LEGAL AGREEMENT under Section 106 of the Town and Country Planning Act 1990 (as amended) referred to above and subject to the conditions set out below:

#### General Conditions

01 Details of the appearance, layout, scale and landscaping, (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 The development hereby approved shall be carried out in accordance with the approved plans and parameter plans: Location Plan: 12605\_ACQ\_Rev B  
 Parameter Plans: Land Use Parameter Plan - 6702\_300 Rev F, Green Infrastructure Plan - 6702\_301 Rev E, Building Heights Parameter Plan - 6702\_302 Rev D, Density Parameter Plan - 6702\_303 Rev D, Access &

Movement Parameter Plan – 6702\_305 Rev C, Framework Plan – 6702\_306 Rev B.

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

#### Heritage related conditions

03 Notwithstanding the information submitted with the application, no development or preliminary groundworks of any kind shall take place unless and until an archaeological written scheme of investigation for a programme of archaeological work including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered for any works, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved archaeological written scheme of investigation / watching brief and measures shall be undertaken throughout the course of the works affecting below ground deposits in full accordance with the details approved under this condition and are to be carried out by a suitably qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is first brought into use.

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

04 Notwithstanding the information submitted with the application and otherwise hereby approved, no development or preliminary groundworks of any kind shall take place unless and until full details of the protection measures proposed for the Prittlewell Camp Scheduled Monument and the Scheduled Monument Buffer during construction of the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Scheduled Monument and Scheduled Monument Buffer protection measures shall be provided prior to commencement of the development and shall be retained in situ for the entire construction period.

Reason: A pre-commencement condition is justified to protect the Scheduled Monument in the interests of archaeology and the character, appearance and setting of the Scheduled Monument in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

## Design and related conditions

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until full details, specifications and appropriately sized samples of the materials to be used for all external surfaces of the proposed buildings, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascias and balconies, have been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

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

06 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the works permitted by this permission, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

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

## Landscape conditions

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than ground and site preparation works, unless and until there has been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition, a scheme of hard and soft landscaping for the site and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping. This shall include full details of:

- i) Details of the trees to be retained,
- ii) The number, size and location of the trees and shrubs to be planted together with a planting specification,
- iii) Existing and proposed finished levels and contours,
- iv) Details of measures to enhance biodiversity within the site,
- v) Details of the treatment of all hard and soft surfaces, including all means of enclosing the site,
- vi) Details of any minor Artefacts and structures,
- vii) Full details of the play equipment, benches and associated facilities proposed.



viii) A timetable for the completion of the hard and soft landscaping and planting.

All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

08 The area of Public Open Space for the development hereby approved and as defined on the Land Use Parameter Plan (6702\_300F) shall be provided and made accessible to the public in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, prior to the first occupation of any residential units.

Reason: For the avoidance of doubt and in the interests of proper planning.

09 No site preparation or development of any kind shall take place on the site unless and until full details of all tree protection measures at the site have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be fully installed before the commencement of any works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

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

Living Conditions related conditions

10 Prior to the first occupation of the proposed dwellings, a Noise Impact Assessment shall be conducted by a competent person to assess the potential impact of existing commercial, industrial, leisure and and transport infrastructure on the proposed dwellings, which must include any necessary mitigation measures required for the proposal and which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Any agreed mitigation shall be installed and maintained as such in perpetuity prior to the first occupation of the dwellings hereby approved.

The internal and external areas of the dwellings are to be protected from external noise in accordance with British Standard BS8233:2014 and the current Noise

Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in British Standards BS8233:2014 Table 4.

For steady state noise internal ambient noise levels shall not exceed:

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

- Sleeping/Night-time Bedroom 35 dB LAeq,8hour

External areas shall be designed and located to ensure that private amenity areas are protected on all boundaries as to not exceed 55 dB LAeq,16hr.

No dwelling shall be first occupied unless and until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. A method statement should be submitted to and approved by the Local Planning Authority under the terms of this condition prior to the survey being undertaken. The requirement for Additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellings hereby approved.

Where it is necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change prediction
- Noise from the system will not present an adverse impact on occupants.

The approved alternative means of internal thermal regulation shall be maintained thereafter.

Reason: To mitigate noise in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

11 Prior to the first use of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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

shall be glazed in obscure glass to at least Level 4 on the Pilkington scale. The agreed obscure glazing shall be retained for the lifetime of the development.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by the Local Planning Authority, which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings. Before any buildings hereby approved are occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such for the lifetime of the development.

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

13 No development above ground floor slab level shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

14 The development hereby approved shall be undertaken in strict accordance with the mitigation measures as set out in Parts 6.1 and 6.2 of the Air Quality Assessment by Stantec reference 45085/3004 dated January 2020 or any other mitigation measures that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interest of air quality and residential amenity 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 National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

## 15 Contamination

### A. Site Characterisation

No development other than site preparation works shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems archaeological sites and ancient monuments;

### B. Submission of Remediation Scheme

No development other than site preparation works shall take place until and unless 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, an appraisal of remedial options, and proposal of the preferred option(s), and a 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.

### C. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to 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 and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. 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 in accordance with condition 3.

#### E. Long Term Monitoring and Maintenance

E1) No development shall take place until a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same, have both been submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority as above.

Reason: This pre-commencement condition is justified to ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

16 No part of the development hereby approved above ground floor slab level shall be undertaken unless and until a Light Assessment to include full details of all external lighting at the site and a programme setting out the timescale for their implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be retained for the lifetime of the development.

Reason: In the interest of the safety, including highway safety, the visual amenities of the area and in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2021), policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

17 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 on Sundays or Bank Holidays.

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

#### Parking and Highways

18 No part of the development hereby approved shall take place, including any site preparation or clearance works, unless and until a Construction Environmental Management Plan, Strategy and Method Statement have been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition. The approved Construction Environmental Management Plan and Strategy shall be adhered to in full throughout the development's construction period. The Statement shall provide, amongst other things, for:

- Construction Traffic Strategy

- Noise and Dust Mitigation Strategies and plans to include measures to control the emission of dust, dirt and noise during construction and boundary particulate monitoring during demolition and construction.
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoardings
- Scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- Details of the duration and location of any noisy activities and measures to mitigate this.
- A scheme to minimise the risk of off-site flooding and to prevent pollution caused by surface water run-off and groundwater during construction works.
- A scheme to minimise the impact of the construction on ecology and to protect habitats from impacts including accidental pollution or dust-settling.

Reason: This pre-commencement condition is justified in the interest of highway safety, ecology and amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

19 Notwithstanding the information and plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until a minimum of 1 covered, secure, safe and conveniently located cycle parking space per dwelling has been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

20 The development shall not be first occupied unless and until at least two (2) off-street car parking spaces for each permitted house with 2 or more bedrooms and at least one (1) of street parking space for each permitted flat or dwellinghouse of 1 bedroom have been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The parking spaces shall thereafter be permanently maintained solely for the parking of occupiers of and visitors to the development.

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

21 Notwithstanding the information and plans submitted and otherwise hereby approved, no part of the development hereby approved shall be first occupied or

brought into first use unless and until a car parking management plan has been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The car parking at the site shall be managed in accordance with the plan approved under this condition from first occupation of the scheme and in perpetuity thereafter for the lifetime of the development.

Reason: To ensure adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

22 Notwithstanding the information and plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied unless and until full details of the vehicle, cycle and pedestrian routes within the site have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby approved, the approved vehicle, cycle and pedestrian routes within the site shall be provided and made available for use in accordance with the approved details and retained as such thereafter.

Reason: In the interests of sustainability and permeability in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

#### Waste management

23 The development hereby approved shall not be first occupied unless and until a waste servicing plan to include servicing and delivery details and swept path analysis has been submitted to and approved in writing by the local Planning Authority. The development shall be undertaken and thereafter operated and managed only in strict accordance with the approved waste servicing plan from its first occupation.

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

24 The residential dwellings hereby approved shall not be first occupied unless and until full details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling(s) to which they relate and shall be retained as such for the lifetime of the development.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

## Flooding and Drainage

25 No drainage infrastructure associated with this planning permission shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained for the lifetime of the development.

Reason: To ensure satisfactory and sustainable drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

26 The development hereby approved shall be implemented in strict accordance with the flood mitigation strategy as outlined at paragraph 6.1 of the Flood Risk Assessment by Stantec reference 45085/4001 Rev B dated 22nd January 2020 or any other flood mitigation strategy that has previously been submitted to and approved in writing by the local Planning Authority under the terms of this condition prior to its first occupation and operated in accordance with the requirements of the same documents in perpetuity thereafter.

Reason: To ensure satisfactory flood mitigation of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

## Ecology related conditions

27 The development hereby approved shall be undertaken, completed and operated in accordance with the findings, recommendations and mitigation measures contained within the Ecological Assessment Report by Stantec ref. 45065 dated September 2019, the Badger Survey by Stantec ref: 332110065 dated July 2021, and the Technical Note – Updated Extended Phase 1 Habitat Survey by Stantec ref. 332110065 dated 26th July 2021 (or any amendment approved under the provisions of this condition by the Local Planning Authority) which includes, but is not limited to, the following habitat mitigation measures being required:

- Prior to the first occupation of the development hereby approved, full details of the number, types and locations of the bird boxes, bat boxes and insect boxes to be provided shall be submitted to and agreed in writing by the local Planning Authority under the terms of this condition. The development shall not be first occupied unless and until the approved bird, bat and insect boxes have been provided in accordance with the details approved under this condition.
- During construction any trenches 1m or deeper shall be covered and secured with an escape provided and any open pipes shall be capped to prevent badgers and other animals becoming trapped.
- Prior to the felling of any trees that have potential to support roosting bats, additional bat surveys of such trees shall be undertaken, submitted to and approved in writing by the Local Planning Authority under the terms of this



condition. The development shall thereafter be undertaken only in accordance with the approved details.

- Habitat for Great Crested Newts and for Reptiles shall be retained and provided within the open space to the south of the site shown on drawing ref 6702\_300F in accordance with details and timescales that have been submitted to and approved in writing by the local planning authority prior to the first occupation of the dwellings hereby approved.
- All vegetation clearance shall be undertaken outside the bird breeding season (September to November inclusive) unless the vegetation has been checked by a suitably qualified ecologist for active bird nests first. If any active nests are identified, the nests shall be left intact until the young have fledged.
- No development hereby approved shall be undertaken unless and until details of any required translocation of reptiles from parts of the site to suitable receptor areas or sites have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The approved translocation shall be undertaken in accordance with the approved details and completed prior to the first occupation of the development hereby approved.

Reason: This pre-commencement condition is required in the interest of biodiversity protection, mitigation and enhancement in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

#### Energy and water sustainability

28 Prior to the first 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 on-site renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the provisions of this condition and implemented on site in full accordance with the agreed details.

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

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

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

## Airport related conditions

30 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until confirmation that the development complies with the relevant Instrument Flight Procedures of the Airport Authority and confirmation that the development complies with the European Union Authority for Aviation Safety (EASA) lighting and renewable energy requirements has been submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority under the terms of this condition.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

31 The development shall not be first occupied unless and until at least one car parking space available for the car club car and one space per residential unit have been fitted with active provision of an electric vehicle charging point in line with the requirements of the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021). Prior to first occupation all remaining spaces shall have been fitted with passive provision of electric vehicle charging infrastructure. The infrastructures required by this condition shall be maintained and retained for the benefit of future users and occupiers and visitors of the approved development for the lifetime of the development.

Reason: To ensure the provision of adequate electric vehicle charging infrastructure in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

## Positive and Proactive Statement

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 10th February 2022, or an extension of this time as may be agreed by the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Development Control Service Manager to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to affordable housing, secondary education and mitigation as it relates to the Recreational Avoidance Mitigation Strategy, highways and transport impacts, Scheduled Ancient Monument enhancement and maintenance, biodiversity net gain and Section 106 monitoring. As such, the proposal would be unacceptable and contrary to National and Local Planning Policy.

## Informatives:

01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) ([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)).

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 In line with the Essex Police consultation response, the applicant is encouraged to liaise with the Essex Police – Designing out Crime office and is encouraged to achieve a Secure by Design (SBD) accreditation.

04 Due to the distance to the nearest existing statutory fire hydrant, it will be necessary for fire hydrants to be installed within the curtilage of the proposed site. You should consult with the Essex Fire Authority and the Water Authority to ensure all necessary fire hydrants are provided.

If a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, as required by the Building Regulations 2010 Approved Document B, an alternative solution may be required such as an Automatic Water Suppression System (AWSS) incorporated into the building design.

05 As part of any reserved matters application, the applicant is encouraged to explore all possibilities of providing a direct pedestrian link from the site to the bus stop located on Fossetts Way.

06 Any works on the public highway will need to be carried out under a Section 278 agreement and the adoption of any public highways, if deemed appropriate, will need to be carried out under Section 38.

07 The applicant is advised, in the submission of any Reserved Matters to consider including visitor parking within the development, given the site's relationship with the Scheduled Monument, which has potential to attract people who do not live on the site to visit the site.

08 The applicant is advised that at Reserved Matters stage, a full Daylight and Sunlight report will be required to be submitted with such application(s).

09 Once the final heights of the buildings are confirmed an Instrumental Flight Procedure (IFP) Assessment may be required. London Southend Airport is happy to engage with the developer on this. The development must be EASA compliant from a lighting and renewable energy point of view.

10 Further to condition 25, the following additional SuDS/Drainage information will be required as a minimum:

1. Soakaway testing covering different areas of the site should be provided by the applicant to confirm the hierarchy of disposal and maximise opportunities from infiltration (partial or total) across the site;
2. An illustrative management train with different options is considered in the FRA. The applicant should confirm the selected options;
3. The greenfield runoff rate should be calculated based on the positively drained (impermeable and permeable) areas only instead of the total site area;
4. Evidence of approval from AW will need to be provided by the applicant in relation to the new sewer requisition in Fossett's Way and any other drainage element to be offered for adoption.
5. Flow Control types and locations not shown on plan;
6. Exceedance paths not shown on plan;
7. The applicant has not presented a phasing plan as part of the submission;
8. The applicant has not presented any health and safety risks as part of the submission;
9. Surface water treatment is briefly mentioned within descriptions of SuDS features that may be incorporated into the detailed design proposals but has not outlined a treatment strategy (e.g. SuDS Manual Simple Index Approach (SIA));
10. The applicant has presented no evidence that the land south of the proposed site has been considered in the site surface water drainage proposals. The applicant should ensure that the soft landscaped area to the south and east of the site boundary are taken into consideration as potential catchment areas that should be accounted for within hydrological modelling;
11. The applicant should consider structural design for drainage infrastructure following appropriate guidance for the detailed design stage planning submission;
12. The applicant should consider appropriate materials and products for their intended use during the detailed design stage planning submission.

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

12 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

13 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087

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

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

16 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

17 Essex and Suffolk Water will require a water connection for the new dwellings is made onto their Company network for revenue purposes.

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

**683 21/02089/AMDT - Former 51 Chalkwell Avenue, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Application to vary condition 02 (Approved Plans) replace plan numbers 001 Ground Floor and site Plan, 002 First Floor Plan, 003 Second Floor Plan, 004 West Elevation, 005 South Elevation, 006 North Elevation, 007 East Elevation , 008 Roof Plan with plan numbers Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022) - adjustment in the reduction footprint and adjustment of the internal plans and elevations necessitated by updated survey information (Minor Material Amendment of Planning Permission 20/02224/FUL dated 2.6.2021)**

**Applicant: Herald Build Limited**

**Agent: iArch Consulting**

Mrs Ellman, a local resident, spoke as an objector to the application. Mr Wislocki, responded on behalf of the applicant.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than 2nd June 2024.

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 Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022), Section Detail

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls, bays and balconies, roof, eaves and roof terraces, windows and doors, entrance glazing and porch, fascia and soffits, balcony balustrades and privacy screen, bin and cycle stores, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the main entrance and porch and entrance porch to units 2 and 3, projecting bays and balconies including balustrade details, windows and doors including reveals and framing and fixing of Juliette balconies, projecting eaves detail including soffits, flat roof ridge edge detail, dormer detail to north elevation, tile hanging and brick decoration and any alterations to the existing boundaries to Kings Road and Chalkwell Avenue, 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 area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 Prior to the occupation of the development hereby approved an obscure glazed privacy screen (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) of not less than 1.7m high above terrace level shall be fitted to the south side of the 2nd floor terrace to unit 9 and to the south side of the 2nd floor terrace to unit 8 for a length of 2m measured back from the rear elevation of unit 8 in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority. 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).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level of the existing building 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, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i) Proposed finished site levels or contours;
- ii) Means of enclosure, of the site including any gates or boundary walls and fencing;
- iii) hard surfacing materials;
- iv) full details of any structures (e.g. benches, planters, loggias, lighting etc.);
- v) full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- 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 the visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

07 The tree and tree root protection measures as set out in Tree Protection Plan Rev 3 dated 20.01.2022 and Appendix 3 of the Arboricultural Report Rev 03 by Andrew Day Arboricultural Consultancy Ltd dated 20.01.22 in relation to the trees identified as T2, T3, T4, T7, T8 and T9 in this statement including the mitigation measures in relation to construction within their root protection areas shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development hereby approved. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

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

08 The 9 car parking spaces, each with associated electric vehicle charging points, the associated new vehicular access for these spaces to access the public

highway on Kings Road and the reinstatement of the redundant crossover on Chalkwell Avenue back to planted verge, as shown on approved plan 012 (18.01.2022) shall be provided and made available for use prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.

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).

09 The development hereby approved shall not be occupied or brought into use until and unless the refuse and recycling storage and cycle storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawings number 012 (18.01.2022) and 010 (18.01.2022) or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate refuse and recycling storage and secure cycle 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).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

11 Prior to occupation of the development 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 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 whole development 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 Design and Townscape Guide (2009).



12 The development hereby approved shall be carried out in a manner to ensure the flats comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide.

13 No drainage infrastructure, including earthworks, associated with this development hereby approved shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

14 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.

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

15 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 the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

16 The development hereby approved shall be undertaken in full accordance with the submitted Construction Method Plan Rev 2 dated 17.01.2022 or any other Construction Method Plan which has been previously submitted to and approved in writing by, the Local Planning Authority. This plan shall be fully adhered to throughout the construction period of the development.

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

Informatives:

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

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

03 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development. The applicant is advised to contact the Councils Highways Officer [martinwarren@southend.gov.uk](mailto:martinwarren@southend.gov.uk) to arrange the reinstatement of the crossover and verge on the Chalkwell Avenue frontage which must be carried out by the Councils appointed contractor.

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.

- 684 **21/01900/FUL - 995 - 1003 London Road, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect two storey rear extension and form new second floor to main building with green roof and roof terrace to form 5no. self-contained flats with associated parking, bin and cycle store**  
**Applicant: Mr Schofield on behalf of Cycles UK**  
**Agent: SKArchitects**

This application was WITHDRAWN by the applicant.

- 685 **21/02453/FULH - 15 Leslie Close, Eastwood (Eastwood Park)**  
**Proposal: Raise ridge height and form hipped to gable roof extension, install dormers to front and rear to form habitable accommodation in the loftspace, erect single storey rear extension (amended proposal)**  
**Applicant: Mr Tony Wilkins**  
**Agent: Mr Carl Brampton of Contour Architectural Designs Ltd.**

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed roof extensions, by reason of their scale, siting and design, would appear out of keeping, unduly prominent and incongruous in the streetscene, to the significant detriment of the character and appearance of the dwelling, the streetscene and wider surroundings. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policy 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 National Design Guide (2021) and Southend-on-Sea 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 with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning 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.

#### Informative

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

**686 21/02329/FULH - 141 North Avenue, Southend-on-Sea (St Lukes Ward)**  
**Proposal: Erect single storey rear extensions**  
**Applicant: Biloenkomo**  
**Agent: A R Property Designs**

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 hereby permitted shall be carried out only in accordance with the following approved plans: LOCATION L1, DRWG 01A.

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

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

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

Positive and Proactive Statement:

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

Informatives:

1 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.

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.

**687 21/01506/FUL - 12 Branksome Road, Southend-on-Sea (Kursaal Ward)**  
**Proposal: Demolish existing building and erect 4no two storey dwellinghouses with associated amenity space and parking, form new vehicular accesses onto Branksome Road (Amended Proposal)**  
**Applicant: Susan Steel**  
**Agent: Mrs Lindsey Wislocki of Hedgehog Architects**

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development, by reason of its scale, layout, density and design would be incongruous and obtrusive and fail to demonstrate a positive contribution to the character and appearance of the street scene, to the detriment of the character and quality of the site and its wider surroundings and representing an overdevelopment of the site. The proposal would provide the public benefits of 4no. M4(2) compliant dwellings, and a net increase of 3no. dwellings, however these benefits would not outweigh the significant harmful impacts identified. It is therefore concluded that the development would not be sustainable development, would be unacceptable and contrary to the National Planning Policy Framework (2021), National Design Guide (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).

Positive and Proactive Statement

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 planning 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.

Informative

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

**688 20/00348/UNAU\_B - 176 Burges Road, Thorpe Bay (Thorpe Ward)  
Breach of Planning Control: Extension not in accordance with approved  
plans under reference 20/00556/FULH**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- a) the removal of the unauthorised rear extension in its entirety OR
- b) reposition and amend the extension so that it fully complies with the approval granted under planning reference 20/00556/FULH; and
- c) the removal from site all materials resulting from compliance with a) OR b) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised rear extension or its modification to comply with planning permission ref 20/00556/FULH.

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

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