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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st December, 2021

Place: Council Chamber - Civic Suite

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

In Attendance: G Gilbert, K Waters, C Galforg, A Greenwood, P Keyes,
S Mouratidis, M Warren and T Row

Start/End Time: 2.00 pm - 5.20 pm

553 Apologies for Absence

Apologies for absence were received from Councillor Buck (substitute: Councillor McGlone).

554 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Dent – Application Ref. No. 21/01907/FUL - 208A York Road, Southend-on-Sea – Non-pecuniary interest: Owns a property in the vicinity;

(ii) Councillor Jarvis – Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Objector is known to him;

(iii) Councillor Mitchell – Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Chaired a meeting of the Council's Licensing Sub Committee which considered an application for premises licence;

(iv) Councillor Mitchell – Application Ref. No. 21/02084/FUL - Land Rear of Southend Mosque and Islamic Trust, 191 - 197 West Road, Westcliff on Sea – Non-pecuniary interest: Lives in the vicinity;

(v) Councillor Mulroney – Application Ref. No. 21/01374/FUL - Unit 2, Leighcliff Building, Leigh Cliff Road, Leigh on Sea, Application Ref. No. 21/01722/FUL - 137 Marine Parade, Leigh-on-Sea and Application Ref. No. 21/01945/AMDT - 52 High Street, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council, non-participant in planning;

(vi) Councillor Wakefield – Application Ref. No. 21/01813/FUL - 41 Alexandra Street, Southend-on-Sea – Pecuniary interest: Owns the property (withdrew);

(vii) Councillor Wakefield – Application Ref. No. 21/01907/FUL - 208A York Road, Southend-on-Sea – Non-pecuniary interest: Owns an HMO; and

(viii) All Councillors present – Application Ref. No. 21/01813/FUL - 41 Alexandra Street, Southend-on-Sea – Non-pecuniary interest: Applicant is a fellow Councillor and member of the Committee.

555 Minutes of the Meeting held on Wednesday 6th October 2021

Resolved:-

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

556 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.

557 21/01374/FUL - Unit 2, Leighcliff Building, Leigh Cliff Road, Leigh on Sea (Leigh Ward)

Proposal: Change of Use from storage unit (Class B8) to personal training studio (Class E) (retrospective)

Applicant: Mrs Strickland of Renegade Fitness & Strength Ltd

Agent: Mr Fardell of More Space Architecture Ltd

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01. The development shall be retained in accordance with the following approved plans: 200; 201; 202.

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

02. The use hereby approved shall not be open for customers outside the following hours: Monday – Saturday 07:00 - 21:00. There shall be no opening on Sundays, Bank or Public Holidays.

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

03. There shall be no more than four people on site including staff and customers at any one time.

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

04. Within three months of the date of this permission, mitigation measures set out within the findings and recommendations of the Technical letter of dB Consultation Limited dated 10 September 2021 shall be implemented at the site in full and thereafter be retained for the lifetime of the development. If the mitigation measures set out within the findings and recommendations of the Technical letter of dB Consultation Limited dated 10 September 2021 are not implemented within 3 months of the date of this permission the use of the site as a gym shall cease until they are implemented in full. No amplified music shall be played at the premises before 0800 hours, windows shall not be opened at the premises prior to 0800 hours and after 2000 hours, and no amplified speech shall be used at the site at any time.

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

05. Prior to installation of any external air conditioning units or equipment, at the premises specifically subject of this permission, details of their specification, position and appearance and any noise and vibration mitigation measures to be used shall be submitted to and agreed in writing by the Local Planning Authority. The air conditioning units or equipment shall be implemented in accordance with the details approved under this condition before they are brought into use and shall be retained as such in perpetuity thereafter. The noise arising from any external air conditioning units or equipment shall be at least 10dB below the background noise level as measured at 1m from the façade of the nearest noise sensitive property.

Reason: In the interests of visual amenity and neighbour amenities further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Design and Townscape Guide (2009).

06. Within three months of the date of this permission, details of secure cycle storage internal to the unit, together with a timetable for its implementation, shall have been submitted in writing to the Local Planning Authority for agreement. The approved cycle storage arrangement shall be implemented at the site and made available for use by staff and/or customers within 1 month of the agreement being given by the Local Planning Authority and in accordance with the agreed details and shall be retained for the lifetime of the development thereafter. If secure cycle storage has not been implemented at the site in full accordance with details approved under this condition within 4 months of the date of this permission the use of the site as a gym shall cease until such times as cycle storage has been implemented at the site in full accordance with details approved under this condition.

Reason: In the interests of accessibility further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

07. Within three months of the date of this permission, details of a waste management scheme, together with a timetable for its implementation, shall have

been submitted in writing to the Local Planning Authority for agreement. The waste management scheme shall be provided in accordance with the approved details and made available for use by staff and customers of the premises within 1 month of agreement of the details being given by the Local Planning Authority and shall be retained for the lifetime of the development thereafter. If waste management has not been implemented at the site in full accordance with details approved under this condition within 4 months of the date of this permission the use of the site as a gym shall cease until such time as waste management has been implemented at the site in full accordance with details approved under this condition.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

08. The use of the site shall be solely as a gymnasium and personal training facility and not for any other purposes including any other use within Use Classes E, as defined under 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) Order 2015 (as amended) or in any provisions equivalent to those Classes in any statutory instrument revoking and re-enacting these Orders.

Reason: To determine the scope of the permission in the interest of the character of the area and because alternative uses within Class E could have material different and potentially adverse impacts on residential amenity, parking, cycle parking and waste. This is in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP1, Development Management Document (2015) and Policies DM1, DM3 and DM15.

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

Informatives:

1. The proposal is a commercial change of use creating no new floor space and is not CIL liable.
2. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach

to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

3. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

4. The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

558 21/01567/FUL - Leigh Road Baptist Tennis Club, Victory Path (Chalkwell Ward)

Proposal: Install floodlights to the 3no. tennis courts

Applicant: Mr Simon Joyce

Agent: N/A

Ms Crowe, a local resident, spoke as an objector to the application. Mr Joyce, the applicant, responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out solely in accordance with the approved plans: Location Plan; Site Plan; 010A; 011A; 012A.

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

03 The lighting hereby approved shall be switched off and not be operated between the hours of 22:00 and 08:00 the following day on Mondays to Saturdays inclusive and between the hours of 6pm and 8am the following day on Sundays.

Reason: To ensure the lighting does not harm the amenities of nearby residents, in accordance with the National Planning Policy Framework (2021), Core Strategy

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

04 The development hereby permitted shall be carried out and permanently operated for its lifetime thereafter solely in accordance with the details and specifications contained within the LED Lighting Scheme by Armadillo Lighting dated 02.07.21. All external lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into adjacent residential properties.

Reason: To ensure the development is carried out in accordance with the development plan and the floodlighting does not cause demonstrable harm by way of light pollution to nearby residents in accordance National Planning Policy Framework (2021); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

05 The lighting poles and any other associated structural elements for the lighting hereby approved shall be finished only in dark green, black or grey.

Reason: In the interests of visual amenity and to ensure that the appearance of the floodlights make an acceptable contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and advice contained in the Design and Townscape Guide (2009).

Informatives

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

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

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

559 21/01628/FUL - Meyrin House, 35 Holeythick Lane, Westcliff on Sea (Prittlewell Ward)

Proposal: Demolish existing building and erect 4no. semi-detached dwellinghouses with associated amenity space, form parking to rear and new vehicle crossovers onto Chase Gardens

Applicant: Mr Tim Knight

Agent: Tim Knight of Knight Gratrix Architects

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 1553 014e 1553 015d, 1553 010, 1553 011b, 1553 012c, 1553 013b, 1553 016, 1553 017, 1553 018, 1553 019.

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

03. No development, including demolition shall take place until a scheme for the protection of the street trees adjacent to the site on Carlingford Drive and Holeythick Lane, in accordance with British Standard BS5837 (Trees in Relation to Construction – Recommendations) has been submitted to and agreed in writing by the local planning authority. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

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

04. No development above ground floor slab level shall take place until detailed specifications of materials to be used in the construction of all the external elevations of the dwellings hereby approved, including external walls, roofing, fascia and soffits, doors and windows, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into use.

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

05. 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 association with the development have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:

- (i.) hard surfacing materials;
- (ii.) details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- (iii.) details of any permeable paving or other sustainable drainage measures to be implemented;
- (iv.) all and any means of subdividing and enclosing the site;
- (v.) Measures to be used to enhance biodiversity at the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

06. Notwithstanding the details shown on the approved plans, the proposed first and second floor flank windows in the dwellings hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level of the room which they serve, and shall be retained as such in perpetuity thereafter.

Reason: In the interests of neighbour amenities further to 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).

07. The dwellings hereby permitted shall not be occupied until and unless secure, covered, and appropriately ventilated refuse and recycling storage for occupiers has been provided and made available for use in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The refuse and recycling 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).

08. The dwellings hereby permitted shall not be occupied until and unless secure, covered cycle storage for occupiers of the development has been provided in accordance with details which have been previously submitted to and approved in

writing by the Local Planning Authority. The approved cycle storage shall be made available for use by the occupants of the dwellings hereby approved prior to its occupation and 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).

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

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

10. The development hereby approved shall be carried out in a manner to ensure the dwellings comply fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are first occupied.

Reason: To ensure the dwelling hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents 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) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

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

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

advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

13. Notwithstanding the provisions of Classes A, AA, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, roof extensions or outbuildings shall be erected at the dwellings hereby approved without the receipt of express planning permission.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

14. The flat roofs of the buildings hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose. The roofs can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Design and Townscape Guide (2009).

15. The development hereby permitted shall not be occupied until and unless the car parking shown on the approved plan 1553 015 D has been provided and made available for use by occupiers of the dwellings and their visitors, and shall be retained as such for the lifetime of the development thereafter.

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

16. Notwithstanding the details submitted and otherwise hereby approved, before the development is brought into use the proposed vehicular crossovers shall each be constructed to a width of 4.88m in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into use and retained as such thereafter.

Reason: In the interests of highway safety, further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, and Development Management Document (2015) Policy DM15.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal,

in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

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

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

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

4. Consent will be required from the Highways Authority for the proposed vehicular accesses.

560 21/01722/FUL - 137 Marine Parade, Leigh-on-Sea (West Leigh Ward)
Proposal: Erect dormers to north, west and south including a recessed balcony to south elevation, rooflights to the east, and extension of existing roof to create 1no. self-contained flat
Applicant: Natalie Batrouni
Agent: William Tozer Associates Ltd.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: A/01/100; A/01/101/B; A/01/102/B; A/01/103/B; A/01/104; A/01/105; A/01/106; A/01/501; A/02/4101; A/02/4102; A/02/4103/D; A/02/4104/C; A/02/4105/C; A/02/4106/C, A/02/04107, A/02/4108.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the works to construct the dormer windows which form part of this consent shall not commence unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed extensions and alterations at the site including facing materials, roof detail, windows, doors and balustrade details have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwelling hereby approved is first occupied.

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

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

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and refuse and recycling stores and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

05 Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

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

06 The proposed windows in the western elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top

hung fan light which shall be a minimum of 1.7 metres above internal finished floor level. The windows shall be retained as such in perpetuity and in the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) Policy DM1 and advice contained in The Design and Townscape Guide (2009).

07 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.

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

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

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

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

Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they

have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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

3. No waste materials should be burnt on the site, instead being removed by licensed waste contractors. No dust emissions or fumes should leave the boundary of the site. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.

4. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

561 21/01780/FUL - 23 Pembury Road, Westcliff-on-Sea (Chalkwell Ward)
Proposal: Change of use from dwellinghouse (Class C3) to children's residential care home (Class C2)
Applicant: Mr J Mitchell
Agent: Mr Thomas Sharman of Smart Planning Ltd.

This application was WITHDRAWN.

562 21/01781/FUL - 9 Crowstone Road, Westcliff-on-Sea (Chalkwell Ward)
Proposal: Change of Use of Dwellinghouse (Use Class C3) to form Children's Residential Care Home (Use Class C2)
Applicant: Mr J Mitchell
Agent: Mr Thomas Sharman of Smart Planning Ltd.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development is hereby permitted in accordance with the following approved plans: 21.7502/M001, 21.7502/M002, 21.7502/E101, 21.7502/E102, 21.7502/E103, 21.7502/E104, 21.7502/M003, 21.7502/E105.

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

03. The development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential care home for up to 6 residents within the client group identified in the application, aged between 12 and 18 years, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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 within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

04. The use of the premises shall be only for purposes within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification and shall not be used for any other purpose.

Reason: To define the development, and in the interests of neighbour amenities, 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).

05. Prior to first use of the premises as a residential care home (use class C2), details of secure cycle storage shall have been submitted to and agreed in writing by the Local Planning Authority. The secure cycle storage shall be provided at the

site for the use of staff and residents in accordance with the agreed details for the lifetime of the development thereafter.

Reason: In the interests of accessibility further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

06. Prior to first use of the premises as a residential care home (use class C2), details of refuse storage shall have been submitted to and agreed in writing by the Local Planning Authority. The approved refuse storage arrangements shall be provided at the site for the use of staff and residents in accordance with the agreed details for the lifetime of the development thereafter.

Reason: In the interests of neighbour and occupier amenities, further to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015).

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

Informatives:

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

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

3. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

4. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally

placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

5 The applicant is recommended to consider use of external CCTV at the front of the property in association with the use approved, for the safety of the residents of the building, its staff and visitors.

563 21/01813/FUL - 41 Alexandra Street, Southend-on-Sea (Milton Ward)
Proposal: Erect single storey extension and convert existing store room at rear to form one self-contained flat
Applicant: Mr S Wakefield
Agent: Mr Paul Seager of APS Design Associates Ltd.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than three years 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: 3116-01; 3116-02; 3116-03B

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

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

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

04 Before the construction of the proposed extension above ground floor slab level a Noise Impact Assessment must be conducted by a competent person, submitted to the Local Planning Authority and approved by them in writing. The document submitted shall assess the potential impact of existing noise sources on

the occupiers of the approved dwelling and provide full details of any mitigation to be used to provide adequate noise conditions for future occupiers of the dwelling. The assessment must be made using the appropriate standards and methodology for the noise sources and the relevant best practice. The dwelling otherwise hereby approved shall be implemented in full accordance with the details and mitigation provided in the Noise Impact Assessment before it is occupied and shall be maintained as such in perpetuity thereafter.

The mitigation provided in the report shall ensure that the internal ambient noise levels of the proposed development shall not exceed the guideline values in BS8233:2014 Table 4 as follows:

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 to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification shall be provided for this in the assessment.

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

05 Prior to the occupation of the dwelling hereby approved, details of refuse/recycling and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided and made available for use by the occupants of the dwelling hereby approved prior to its first occupation and shall be retained as such for the lifetime of the development.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

06 No development above ground level shall take place unless and until full details of the soft and hard landscape works have been submitted to and approved in writing by the local planning authority. The approved landscaping works shall be completed within the first planting season following the completion of the development hereby approved.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

07 The windows to the southern flank elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

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

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

09 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, AA, B and C of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

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

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

11. 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water

recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives:

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

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

564 21/01907/FUL - 208A York Road, Southend-on-Sea (Kursaal Ward)
Proposal: Change of use from 6-person house in multiple occupation (Class C4) to 8-person house in Multiple Occupation (Sui Generis).
Applicant: Mr M Nunn
Agent: Mr Michael Coates-Evans of Town Planning Expert

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development would create additional pressures on reasonably required use of the internal shared facilities by the HMO's existing occupants and

this would give rise to a significantly harmful impact on the living conditions of those existing occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM8 of Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the 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.

- 565 21/01945/AMDT - 52 High Street, Leigh-on-Sea (Leigh Ward)**
Proposal: Application to remove condition 13 to allow for outside seating on the public highway (Minor Material Amendment of Planning Permission 20/01518/AMDT dated 06/01/2021)
Applicant: Mr J Batson
Agent: Mr Colin Stone of Stone Me Ltd.

Mr Sverdlhoff, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than 4th April 2021.

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

02 The development hereby permitted shall be carried out and operated in accordance with the following approved plans 17-Clarendon-04 Rev A, 1920-06a, 1920-03c, 1920-05c,

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

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

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

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

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

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

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

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

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

07 Prior to the first occupation of the building for A3 purposes the chimney extraction flue shall be installed in full accordance with the details which have been previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 07) or alternative chimney and extraction flue details that have

previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

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

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

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

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

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

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

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

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

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

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

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

13 The outside seating area at ground level in front of the building shall be managed in strict accordance with the Management Plan for the Siting of Benches at 52 High Street, Leigh-on-Sea SS9 2EN reference 1920-Rev A dated 12/11/21 for the lifetime of the development or any other management plan which has previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition, with the exception of the hours of use of this area which shall be as set out in condition 15 of this consent.

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

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

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

15 The entire customer seating area at ground level in front of the building shall not be used by customers for the consumption of food or drink or for smoking from

21:00 hours until the close of business on all days. The customer seating at ground level hereby agreed shall not be fixed to the ground at any time.

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

16 The entire customer seating area at ground level in front of the building hereby permitted is consented for a limited period only from the date of this permission until the 31st October 2022 only. At the end of this period the entirety of the customer seating at ground level in front of the building hereby permitted shall be entirely removed from the site and the land restored to its condition before the development took place.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with the National Planning Policy Framework (2021) and Policies KP1 and KP2 of the Core Strategy (2007).

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

Informatives

01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

02 The applicant is advised that some elements of the terrace and flue casing that have been installed on the rear roofslope do not accord with the previously approved details or the current application and are therefore unauthorised. These details need to be returned to the approved details. Failure to do this within a timely manner is likely to result in enforcement action.

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

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

is advised that any waste food collection must be undertaken by a licenced operator.

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

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

**566 21/02084/FUL - Land Rear of Southend Mosque and Islamic Trust, 191 - 197 West Road, Westcliff on Sea (Prittlewell Ward)
Proposal: Erect 2no. dwellinghouses with associated amenity and parking
Applicant: Mr Jerry O'Connor
Agent: Ankur Architects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved 01, 11, 12-P1, 13-P1, 14, 15-P1, 16-P1, 17-P1, 18, 19-P1, 20-P1, 26.

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 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 development hereby approved, including walls including decorative brickwork elements, roof, windows and doors, fascia and soffits, 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 The northeast panes of the first floor window on the east elevation of the northern most property and the two first floor bathroom windows of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut up to a height of not less than 1.7m above the relevant room's internal finished floor level before the occupation of the extension hereby approved and the windows shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- (i) Existing and proposed finished site levels or contours.
- (ii) Details of means of enclosure, of the site including any gates or boundary walls and fencing.
- (iii) Hard surfacing materials.
- (iv) 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.
- (v) 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)

06 The 2 car parking spaces and the associated new vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 13-P1 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 dwellings 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).

07 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).

08 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).

09 The development hereby approved shall be carried out in a manner to ensure the dwellings 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.

10 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 in line with The Sustainable Drainage Systems Design Guide for Essex Minor Applications <https://www.essexdesignguide.co.uk/suds/further-guidance/minor-applications/>) 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).

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

12 The site subject of this approval shall be remediated in full accordance with the Phase 1 Geo-Environmental Desk Study Report by Brown 2 Green reference 2311/Rpt1v2 dated October 2021, Geo-Environmental Site Investigation Report by Brown 2 Green reference 2311/Rpt2v2 dated October 2021 and Remediation Method Statement by Brown 2 Green reference 2311/Rpt3v2 dated October 2021 before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by, the Local Planning Authority before completion of the development or occupation of the dwellings (whichever comes first).

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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

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

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

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including measures to ensure the protection of the street tree.
- (v) measures to control the emission of dust and dirt during construction.
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site or pollution of the site.
- (vii) Measures to mitigate the impact of noise during construction.

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

14 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).

Informatives:

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

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 encouraged to include electric vehicle charging points at the site which is in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

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.

567 21/01906/FULH - 75 South Crescent, Southend-on-Sea (St Laurence Ward)

Proposal: Erect outbuilding to rear for use as a gymnasium (retrospective)

Applicant: Mr N Singh

Agent: Mr A Anwar

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 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, 101 & 102.

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

03 The outbuilding hereby permitted shall not be occupied at any time other than for purposes wholly ancillary to the residential use of the dwelling known as 75 South Crescent, Southend on Sea and shall not be sold or let separately or used as an independent unit for residential or any other purposes.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which may not be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1, DM3, DM8, DM15 and advice contained within the Southend Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

01 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about the Levy.

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

Chair: _____