

## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Development Control Committee**

**Date: Wednesday, 6th July, 2022**

**Place: Council Chamber - Civic Suite**

**Present:** Councillor M Borton (Vice-Chair in the Chair)  
Councillors K Buck, \*P Collins, A Dear, M Dent, F Evans, D Garston,  
S Habermel, D Jarvis, A Jones, \*A Line, M Sadza, I Shead,  
A Thompson and R Woodley

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** K Waters, C Galforg, P Keyes, S Mouratidis, M Warren,  
A Greenwood, R Harris and G Gilbert

**Start/End Time:** 2.00 pm - 3.50 pm

#### **159 Apologies for Absence**

Apologies for absence were received from Councillors Berry (substitute: Cllr Line), Mulroney (substitute: Cllr Collins), Walker (no substitute) and Ward (no substitute).

#### **160 Declarations of Interest**

The following declarations of interest were made:

(a) Cllr Borton – Agenda Item 6 (22/00899/FULH – 24 Old School Court, Shoeburyness) – Whilst at the site visit an occupant of one of the adjacent properties to the application introduced themselves who the Councillor had met during her mayoral year at an event organised by the YMCA;

(b) Cllr Collins – Agenda Item 4 (21/00161/FULM – 659-665 London Road, Westcliff-on-Sea) – Has spoken to residents about this application but expressed no opinion on the matter; Agenda Item 7 (22/01051/FUL – 366 Rayleigh Road, Eastwood) – On prior applications on this site I have received numerous communications and has reported back on those previous applications and their outcomes and have made no comment about this application before the Committee;

(c) Cllr Sadza – Agenda Item 5 (22/01015/FUL – 1-3 Westcliff Avenue, Westcliff-on-Sea – Attended site visit with developers and other Milton Councillors;

(d) Cllr A Jones – Agenda Item 4 (21/00161/FULM – 659-665 London Road, Westcliff-on-Sea) – Neighbouring shop premises has been acquired by SVP, an organisation known to her.

#### **161 Minutes of the Meeting held on Wednesday 6th April 2022**

Resolved:-

That the Minutes of the Meeting held on Wednesday 6<sup>th</sup> April 2022 be confirmed as a correct record.

**162 Supplementary Report**

The Committee received and noted a supplementary report by the Executive Director (Growth and Housing) that provided additional information on the items referred to elsewhere on the Agenda.

**163 21/00161/FULM - 659 - 665 London Road, Westcliff-on-Sea (Westborough Ward)**

**Proposal: Demolish existing building and part erect five storey, part 4 storey and part 3 storey building comprising of 20 flats with ground floor commercial unit (class E) and parking, layout cycle stores, bin stores and form vehicle access onto Fleetwood Avenue.**

**Applicant: SK Architects**

**Agent: SK Architects**

Mr Webb, a local resident, attended the meeting and spoke as an objector to the application. A representative from SK Architects attended the meeting and responded on behalf of the applicants.

Resolved:

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

- A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing
- £33, 343.93 contribution towards secondary education
- The planting of 3 new street trees in the highway to the front of the site to the Council's specifications including the reinstatement of the redundant London Road crossover in this location.
- The provision of Travel Packs for residents and Travel Plan Monitoring.
- £2,754.20 towards biodiversity mitigation, management, protection or education (RAMS).
- Standard S106 Monitoring Fee

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

- A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing
- £33, 343.93 contribution towards secondary education
- The planting of 3 new street trees in the highway to the front of the site to the Council's specifications.
- The provision of Travel Packs for residents and Travel Plan Monitoring.
- £2,754.20 towards biodiversity mitigation, management, protection or education (RAMS).

- Standard S106 Monitoring Fee

That the Director of Planning or the Development Control Service Manager be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below.

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 409P01, 409P02B, 409P03A, 409P04B, 409P05B, 409P06B, 409P07A.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including walls, projecting and inset balconies including floor, underside, fascia and soffit, windows and doors, roof and roof terraces, coping, shopfront including details of any synthetic materials to be applied to the glazed frontage of the commercial unit, colonnade, fascia and soffits, privacy screen, 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) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the shopfront including approach to signage, window reveals and lintel details, balcony design, roof edge details and rainwater drainage solution at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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

05 No development shall take place above ground floor slab level until details of the design and specification of the privacy screen to the north terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is first occupied and shall be retained for the lifetime of the development.

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

06 Other than the areas specifically denoted as roof terraces on the plans hereby approved, the roofs of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

07 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 landscaping works shall be carried out prior to 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 for forecourt and parking area.
- iv) Hard and soft landscaping for the 2<sup>nd</sup> floor communal roof terrace

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)

08 The 20 car parking spaces, including 2 disabled spaces, and the associated amended vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 409P03A 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. Each parking space shall have access to an electric vehicle charging point.

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) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

09 The development hereby approved shall not be occupied until at least 20 secure, covered cycle parking spaces to serve the residential development and the 6 secure, covered cycle spaces to serve the commercial development as shown on drawing 409P03A have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the residential and commercial units hereby approved and their visitors. The approved scheme shall be permanently retained for the lifetime of the development .

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

10 The development hereby approved shall not be occupied unless and until the commercial and residential refuse stores that serve the development as shown on drawing 409P03A have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

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, 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

12 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

13 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 18 flats comply with building regulation M4(2) 'accessible and adaptable dwellings standard

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts 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 DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

14 Notwithstanding the details shown in the plans submitted and hereby approved, the overall height of the development, including any aerials, plant or other structures, must not exceed 56.46m Above Ordnance Datum

Reason: In the interests of aircraft safety and the safe operation of London Southend Airport in accordance with the National Planning Policy Framework (2021) and Policy DM1 of the Development Management Document (2015)

15 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation or for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Class E except for use as a gymnasium with Class E(d) (of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area including because a gymnasium use could present noise and vibration characteristics impacts potentially harmful to residential amenity which would warrant further detailed assessment all in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

16 The commercial ground floor unit hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.

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

17 No plant or ventilation equipment for the ground floor commercial unit (use class E) hereby approved shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures required and proposed in respect of noise impacts on the nearest noise sensitive properties has been submitted to, and approved in writing by, the Local Planning Authority. The installation of the plant and ventilation equipment shall be carried out only in full accordance with the approved details and specifications and any noise mitigation measures shall be undertaken in accordance with the agreed details before the plant and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise rating level arising from all plant and ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5m from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers of the development and neighbouring occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3, DM5 and DM8 of the Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

18 No deliveries or refuse collection shall be taken at or despatched from the ground floor commercial unit hereby approved outside the hours of 07:00 to 20:00 hours Mondays to Saturdays and 09:00 to 18:00 hours on Sundays nor at any time on Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development and 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)

19 No development above ground floor slab level shall take place unless and until a Noise Impact assessment (NIA) has been conducted by a competent person to assess all external and internal noise impacts on the future residents of the development. These shall include but not be limited to:

- Road traffic noise
- Airborne and impact noise caused by normal living where bedrooms are above or below living areas
- Internal plant noise including lifts
- Use of communal stairwells and halls
- Bedrooms above the commercial unit
- Impact of external building services and extract ventilation equipment
- Noise from deliveries

Measurement and mitigation from traffic noise shall be undertaken in accordance with BS8233:2014 and plant and equipment in accordance with BS4142 BS 4142:2014+A1:2019 and/or the most appropriate method to provide accurate and representative noise predictions so that noise will not cause a statutory nuisance.

To prevent nuisance from normal living sound insulation standards are required to exceed the requirements of Building Regulations Approved Document E by 5dB such that airborne sound insulation weighted standardised level difference is increased by 5dB  $D_{nT,w} + C_{tr}$  and the maximum allowable weighted standardised impact sound pressure level is reduced by 5dB  $L_{nT,w}$ .

Prior to the first use/occupation of the development a post-completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.

The post completion testing shall assess performance of the noise mitigation measures. and must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The final noise mitigation schemes shall be operated and maintained thereafter.

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

The alternative means of ventilation and cooling will not compromise any noise protection measures; the alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants; the alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be maintained thereafter.

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).

20 With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless the following details have been submitted to and approved in writing by the Local Planning Authority.

A. An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Desk Study Report by Endeavour Drilling reference END19-049 dated July 2019. The Phase II report must be submitted to the Local Planning Authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination.

B. Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the Local Planning Authority.



C. The site shall be remediated in accordance with the approved Site Remediation Strategy 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 premises (whichever comes first).

D. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full before the building is occupied.

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).

21 Notwithstanding the details submitted within the SUDS Assessment Statement from HJ Structural Engineers reference MAS528 dated 19.07.19 and Supplementary SUDS Statement from HJ Structural Engineers reference MAS1123 dated 13.02.22 and as shown on the plans otherwise submitted and hereby approved, no drainage works shall be constructed at the site until a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

- i. The applicant must provide a plan showing the drainage layout, source control measures, pollution control measures, location and type of flow control being used, location and volume of any storage and the location of the connection to the Anglian Water surface water sewer
- ii. The applicant must provide a drainage report including calculations as to how the proposed discharge rates will be achieved. Rates must align with those within the SuDS Assessment dated July 2019 and include climate change values for the 1 in 100 event.
- iii. Further details shall be provided regarding how the drainage meets SuDS water quality aspects for the lifetime of the development
- iv. Further details shall be provided regarding the body that will be responsible for the maintenance of SuDS/drainage for the lifetime of the proposed development. This must include details of the required maintenance types and frequencies
- v. A method statement must be provided outlining how surface water flood risk will be managed throughout construction
- vi. Evidence shall be provided showing an agreement in principle from Anglian Water to accept a connect to the surface water sewer with a maximum flow rate of 3.15 l/s

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).

22 No development shall take place, including any works of demolition, until a Construction/Demolition Method Statement and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. A Dust Management Plan - measures to control the emission of dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent.
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- vii. Measure to mitigate noise disturbance during the development.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Development Management Document (2015) policies DM1 & DM3.

23 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 8 July 2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing or education provision, or biodiversity mitigation or for highway landscape works or travel packs and that, as such, the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

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

out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

24 Prior to the occupation of the development hereby approved a Car Park Management Strategy for the provision, allocation and use of the residential parking spaces including the disabled car parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on the site in full accordance with the agreed details prior to the first occupation of the residential units and maintained for the lifetime of the development thereafter.

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

Informatives:

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

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

03 In relation to Condition 03 and the installation of 3 new street trees as part of the S106 agreement, you are advised to contact Highways Engineer Martin Warren (Tel 01702 534328) to discuss the required 278 Highways Agreement and any associated Highways Licence. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works.

04 The proposed development will need to be assessed against the Instrument Flight Procedures both designed and published for London Southend Airport. The assessments will need to be carried out by a third party and the costs would be passed to the developer. Please contact sam.petrie@southendairport.com 01702 538521 to arrange this.

05 Prior to demolition of the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

**164 22/01015/FUL - 1 - 3 Westcliff Avenue, Westcliff-on-sea (Milton Ward)**

**Proposal: Convert existing Beecroft Art Gallery (Class F1(b)) to 9no. self-contained flats (Class C3), extend dormer to front, erect four storey side/rear extension, form roof top access to new roof terraces, layout parking and form new vehicle access onto Station Road, alter elevations.**

**Applicant: Property Point AK Limited**

**Agent: Neobards Limited**

Resolved:

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 solely in accordance with the following approved plans NEO.1166.0100 (Existing Site Plan), NEO.1166.0101 (Existing Ground Floor Plan), NEO.1166.0102 (Existing First Floor Plan), NEO.1166.0103 (Existing Second Floor Plan), NEO.1166.0104 (Existing Roof Plan), NEO.1166.0105 (Existing Elevations), NEO.1166.0125.C (Proposed Site and Location Plan), NEO.1166.0126.C (Proposed Ground Floor Plan), NEO.1166.0127.D (Proposed First Floor Plan), NEO.1166.0128.E (Proposed Second Floor Plan), NEO.1166.0129A (Proposed Third Floor Plan), NEO.1166.0130 (Proposed Roof Plan), NEO.1166.0131.B (Proposed Elevations), NEO.1166.0132.A (Proposed Details).

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls (infilling and new and gable decoration and including colours), balconies including balustrade, supporting column, fascia and floors and dormers, windows including glazing, roof and roof terraces including coping/edge, 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 building and wider conservation area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full design details for all new doors (main entrance and French doors), any replacement dormers, eaves and balcony details for the proposed extension at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is brought into use. The detailed designs for the other historic features to be reinstated including the lantern, roof terrace, balustrade extension and windows shall be carried out in full accordance with plan reference NEO.1166.0132.A (Proposed Details).

Reason: To ensure the development suitably maintains and enhances the character and appearance of the historic building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the street elevations of the building subject of this permission without the receipt of express planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Conservation Area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

06 The 6 car parking spaces shown on plan reference NEO.1166.0125.C shall be provided and made available for use at the site prior to the first occupation of the flats hereby approved. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles in connection with the occupiers of the dwellings hereby approved and their visitors. All the car parking spaces at the rear onto Station Road shall have access to electric vehicle charging points details of which including their position, design and appearance shall have been submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety and that the appearance of EV charging points does not harm the character or appearance of the conservation area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM5 and DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

07 The development hereby approved shall not be occupied until and unless full details of the refuse and recycling store and the secure, covered cycle parking to serve the flats have been previously submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and shall be made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

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

08 The lower sashes of the first floor windows and second floor rear (north elevation) windows within the development hereby approved and labelled as obscure glazing on drawing reference NEO.1166.0135.A, shall be fixed in place and 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) before the occupation of the development 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 Southend-on-Sea Design and Townscape Guide (2009).

09 Prior to occupation of the flats 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, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice within the Southend-on-Sea Design and Townscape Guide (2009).

10 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full 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) Any new means of enclosure, of the site including any gates or boundary fencing or railings including internal divisions between the amenity spaces and storage areas;
- ii) Any new hard surfacing materials;
- iii) 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.

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 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).

11 No drainage infrastructure, including earthworks, associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i. A drainage plan must be provided showing all existing drainage to be utilised, details of the new soakaway, and details of the landscaping to show the areas of planting, soft landscaping and lawn. The plan should show or include

calculations to show the areas that will contribute surface water flows to the latter

- ii. Calculations must be provided detailing how the new soakaway has been sized including supporting BRE 365 soil testing results
- iii. Further details outlining the repair of the drainage around the bay projection, including what this involves, when it will be undertaken as part of the development and what evidence will be gathered to show the repair has been completed successfully
- iv. Details must be providing outlining who will maintain the soakaway and site drainage following completion of construction

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 for the lifetime of the development.

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)

12 The proposed development shall be carried out in full accordance with the recommendations set out in Sections 5.2 - 5.4 of the Preliminary Ecological Assessment reference ASW/PPDL/004/26/2022 dated April 2022 and Section 5 of the Bat Emergence Survey reference ASW/PPDL/ 028/26/2022 dated June 2022 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

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

13 No dwellings shall be occupied until their internal areas are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

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



In order to achieve this a noise impact assessment shall be undertaken and any subsequent mitigation measures to provide the required protection shall be designed by a person competent in acoustics.

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) and Policies DM1 and DM3 of the Development Management Document (2015).

14 The development hereby approved shall be carried out in full accordance with the submitted Construction Method Statement (Version 2) dated May 2022.

Reason: This condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Development Management Document (2015) policies DM1 & DM3.

#### Informatives

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

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 city.

03 The applicant will be required to apply to the Council's Highways section to construct the vehicle crossover onto Station Road including relocation of any street furniture as required. Please contact [martinwarren@southend.gov.uk](mailto:martinwarren@southend.gov.uk) to arrange these works.

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.

**165 22/00899/FULH - 24 Old School Court, Shoeburyness (Shoeburyness Ward)**

**Proposal: Erect dormer to the rear**

**Applicant: Mr Curtis Jewitt**

**Agent: Mr Dale Perry of Doodle Architectural Design**

Resolved:

GRANT PLANNING PERMISSION 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 shall only be undertaken in accordance with the following approved plans: 01, 02, 03.

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

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

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

Positive and Proactive Statement

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

Informatives

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](http://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 city.

**166 22/01051/FUL - 366 Rayleigh Road, Eastwood (Eastwood Park Ward)**

**Proposal: Change of use from storage/distribution (Class B8) to tyre sales and fitting (Sui Generis) (Retrospective) (Amended Proposal).**

**Applicant: Mr Karsaz Hassan**

**Agent: Nicholas Kingsley Smith of Kingsley Smith Solicitors LLP**

Resolved:

REFUSE PLANNING PERMISSION for the following reason(s):

01 Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).

Informatives:

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development.

2 As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.

**167 22/00123/UNAU\_B - 6 Philpott Avenue, Southend-on-Sea (Southchurch Ward)**

**Breach of planning control: unauthorised side extension**

Resolved:

That Enforcement action be authorised to:

- a) Remove the unauthorised side extension in its entirety, and
- b) remove from site all materials resulting from compliance with a)

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised side extension.

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

**168 21/00050/UNAU\_B - 530 Arterial Road, Leigh-on-Sea (Belfairs Ward)**

**Breach of planning control: Rear extension not in accordance with plans approved under planning permission reference 18/02173/FULH**

Resolved:

That enforcement action be authorised to:

- a) Remove the unauthorised first floor rear extension in its entirety OR
- b) Reposition and amend the extension so that it fully complies with the plans approved under planning permission 18/02173/FULH
- c) remove from site all materials resulting from compliance with a) OR b) above

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised rear extension or 6 months for its modification to fully comply with the 2018 Permission.

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

169 **20/00230/UNAU\_B - 245 Bournemouth Park Road, Southend-on-Sea (St Lukes Ward)**

**Breach of planning control: Erected rear extension**

Resolved:

That Enforcement action be authorised to:

- a) Remove the unauthorised rear extension in its entirety, and
- b) Remove from site all materials resulting from compliance with a).

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised side extension.

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

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