

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

## **Meeting of Development Control Committee**

**Date: Wednesday, 31st May, 2023**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors F Evans (Vice-Chair), B Beggs, M Berry, S Buckley,  
L Burton\*, P Collins\*, A Dear, M Dent, N Folkard, A Jones,  
R Longstaff, D Richardson\*, C Walker and R Woodley  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillors K Buck, S Habermel, J Lamb and P Wexham  
G Gilbert, K Waters, P Keyes, C Galforg, A Greenwood,  
S Mouratidis, C White, M Warren and T Row

**Start/End Time:** 2.00 pm - 4.30 pm

### **1 Apologies for Absence**

Apologies for absence are received from Councillor Borton (substitute: Councillor Burton), Councillor Sadza (substitute: Councillor Richardson) and Mulrone (substitute: Councillor Collins).

### **2 Declarations of Interest**

The following interests were declared at the meeting:-

(i) Councillor Beggs – Minute No. 9 (Application Ref. No. 23/00434/FUL – Leigh Road Baptist Tennis Club, Victory Path) - Daughter plays tennis on a Saturday and the applicant used to teach his daughter a long time ago in a primary school;

(ii) Councillor Buckley – Minute No. 6 (Application Ref. No. 23/00328/BC4 – Cockle Shed 1, High Street, Leigh on Sea, Minute No. 8 (Application Ref. No. 23/00462/FULH – 138 Hadleigh Road, Leigh on Sea), Minute No. 9 (Application Ref. No. 23/00434/FUL – Leigh Road Baptist Tennis Club, Victory Path) and Minute No. 10 (Application Ref. No. 22/01496/FUL – Land adjacent to 292 Leigh Road and 152 Broadway, Leigh on Sea) – Husband is a Leigh Town Councillor

(iii) Councillor Collins – Minute No. 7 (Application Ref No. 23/00342/FUL – 358 Rayleigh Road, Eastwood) - the owner of business is known to him as being their local Councillor;

(iv) Councillor Collins – Minute No. 10 (Application Ref No. 22/01496/FUL – Land adjacent to 292 Leigh Road and 152 Broadway, Leigh on Sea) – Disqualifying interest: Knows one of the adjacent property owners very well (withdrew);

(v) Councillor Evans – Minute No. 8 (Application Ref. No. 23/00462/FULH – 138 Hadleigh Road, Leigh on Sea) - Governor at St Michael's school;

**3 Minutes of the Meeting held on Wednesday, 5 April 2023**

Resolved:-

That the Minutes of the Meeting held on Wednesday 5<sup>th</sup> April 2023 be received, confirmed as a correct record and signed.

**4 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 since the publication of the reports.

This report included an amendment to Condition 10 in respect the permission relating to Application Ref. No. 22/01214/BC3 (Land Adjacent to 85 Lundy Close, Eastwood, Essex) granted by the Committee at its meeting on 12th October 2022. The Preliminary Ecological Appraisal referred to in the Condition should have been recorded as being provided by SES (Southern Ecological Solutions) and not Hybrid Ecology Ltd.

**5 23/00085/BC4M - Bournes Green Junior School, Ladram Road (Southchurch Ward)**

**Proposal: Erect single storey extension linking the infant and junior schools and erect an enclosure to the existing outdoor pool area**

**Applicant: Bournes Green Junior School**

**Agent: Mr Nick Kenney of The Draughtsman Architectural Ltd.**

Ms L Kulahcigil, a local resident, spoke as an objector to the application. Mr Stickley responded on behalf of the applicant.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: BG/NAK/01 Rev D; BG/NAK/02 Rev D; BG/NAK/03 Rev D; BG/NAK/04 Rev D; BG/NAK/05 Rev D

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

03 All new work to the outside of the development hereby approved must match existing the original building in terms of the choice of materials and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

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

04 The windows in the west flank elevation of the pool enclosure 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 equivalent) and be permanently 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 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. The windows shall be retained as such for the lifetime of the development.

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).

05 Prior to first operation of the development hereby approved, a noise impact assessment and sound insulation scheme to control the emission of sound from the pool enclosure and newly located pump room, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consider the need for extract ventilation and maintaining thermal comfort. Noise from any plant and equipment used to provide this shall be limited to 10 dB (A) below the background noise level measured and expressed as a LA90,15minutes at the boundary of the nearest residential property. The agreed scheme shall be implemented at the site prior to first use of the development and operated and maintained for its lifetime in full accordance with the agreed scheme thereafter.

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).

06 Before any external lighting is installed in association with the development hereby permitted, details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated solely in accordance with the approved details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

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

Reason: In the interests of residential amenity 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

08 No externally mounted plant or equipment shall be installed on the development hereby approved until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

09 Prior to first use of the development hereby approved the laurel hedging indicated in the submitted plan BG/NAK/03 Rev D between the development and the site's western boundary shall be undertaken at the site in accordance with details of species, planting density and height which shall previously have been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, the soft landscaping as shown in the submitted plan BG/NAK/03 Rev D between the newly formed parking area and Ladram Road shall be undertaken at the site in accordance with details of species, planting density and height, which shall previously have been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. In addition, a tree replacement scheme shall be undertaken at the site to achieve the planting of at least 2 new trees for every 1 removed tree, with details of species, planting density and height to have been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. The trees to be planted must be 'semi-mature' as defined by the British Standards Institution and Horticultural Trades Association.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

11 The new car parking arrangement shown on approved plan BG/NAK/03 Rev D shall be provided and made available for use at the site prior to the first use of the development hereby approved. The car parking shall thereafter be permanently retained for the parking of vehicles belonging to on-site staff.

Reason: To ensure that satisfactory car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP3 and Development Management Document (2015) policy DM15.

12 The development shall be carried out on site solely in accordance with the recommendations and Tree Protection measures outlined in the 'Tree Survey and Arboricultural Impact Assessment Revision A (ref. UTC-0770-AIA) by Underhill Tree Consultancy.'

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

13 Prior to installation of any associated drainage infrastructure, details of the following shall first have been submitted to and approved in writing by the Local Planning Authority:

- a) Information to show how the new structure will be drained, demonstrating how these follow SuDS principles
- b) A drainage plan be provided showing all pipe routings, sizes, manholes and connections into existing drainage systems, along with size and location of any SuDS and/or attenuation features
- c) Where applicable, an agreement in principle from Anglian Water to make a new drainage connection, including confirmation of the maximum flow rate this connection will discharge at
- d) Details of how much existing permeable area will now be impermeable due to the new structure
- e) Details of the greenfield runoff rate for the site with calculations showing how this has been reached.
- f) Details of how flood risk will be minimised during the construction phase.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021) and Core Strategy (2007) Policy KP1 and KP2.

14 Prior to first occupation and first use of the development hereby approved, a Sustainable Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage shall be submitted to and agreed in writing by the local planning authority. The approved Sustainable Travel Plan shall be fully implemented prior to first use of the development hereby approved and the approved development shall be operated in line with that plan thereafter. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Sustainable Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

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

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 Parks dept. F.A.O Jackie Gilbert ([jackiegilbert@southend.gov.uk](mailto:jackiegilbert@southend.gov.uk)) must be advised when the project begins and prior to the installation of the no-dig construction path.

**6 23/00328/BC4 - Cockle Shed 1, High Street (Leigh Ward)**

**Proposal: Remove screened container and convert space to low level store with extended terrace over including balustrade, remove built in storage container at southern end of the building and reinstate walls to form single storey infill extension under existing roof to west side and covered seating area to east side, alter elevations and roof design externally, remove platform lift in lieu of utilising north-east corner door as sole main entrance.**

**Applicant: Mr Ritchie Bridge of Cockleshed Company Ltd**

**Agent: Mr Colin Stone of Stone Me 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 permitted shall be carried out in accordance with the following approved plans 2904-01, 2904-02, 2904-03, 2094-06F, 2094-07F.

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

03 The materials to be used on the external surfaces of the development hereby approved shall be black painted timber shiplap cladding for the walls including the terrace walls, black or stained timber fascia and soffits to match the existing building, dark grey bitumen roofing shingles to match the existing or black curved corrugated roofing sheets, black metal railings with clear glazed inserts, black timber supporting columns and terrace flooring to match the existing terrace or any other materials, details of which have previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These materials shall be retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the site and the surrounding Leigh Old Town Conservation Area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

04 Prior to first use of the enlarged external terrace hereby approved, the approved enhancements to the existing building, including the removal of the hipped section of roof, the removal of the redundant air handling units and associated steel tray along the fascia and the painting of the existing and proposed railings black shall be undertaken and completed in full accordance with the details set out in plan references 2094-06F and 2094-07F. These enhancements shall be retained for the lifetime of the development in accordance with the approved plans.

Reason: To safeguard the character and appearance of the historic building and the Leigh Old Town Conservation Area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

05 Aside from the plant shown on plan references 2094-06F and 2094-07F, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, additional air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the development hereby approved without the prior 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 Leigh Old Town 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 within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

06 No external lighting shall be installed on the south or east elevations of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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

07 The external terrace hereby approved shall not be open to customers outside the following times: 08:00 until 22:00 hours on Monday to Sundays including Bank and Public Holidays.

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

Positive and Proactive Statement:

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

Informatives:



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

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 is advised that any enclosure of the external seating area, including the covered external seating area without express planning permission from the Local Planning Authority is likely to be regarded as a breach of planning control.

04 The applicant is advised that they may need an Environmental Permit for flood risk activities if they want to do work in, under, over or within 16m of the river and of any flood defence structure or culvert of the Pitsea Tidal Reaches designated a 'main river'. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. New forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law. Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: [floodriskactivity@environment-agency.gov.uk](mailto:floodriskactivity@environment-agency.gov.uk)

**7        23/00342/FUL - 358 Rayleigh Road, Eastwood (Eastwood Park Ward)**  
**Proposal: Install new vehicle crossover onto Rayleigh Road**  
**Applicant: Mr S. Miah**  
**Agent: Mrs Stamatia Exarchea of DSB Property Designs Ltd**

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development would result in vehicles accessing or egressing the highway in reverse gear in close proximity to a pedestrian crossing and across its zig zag safety markings and in addition is likely to result in larger vehicles overhanging the footpath to the significant detriment of pedestrian and highway safety. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policy CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015) and the Southend-on-Sea Vehicle Crossing Policy and Application Guidance (2021).

- 8 23/00462/FULH - 138 Hadleigh Road, Leigh-on-Sea (West Leigh Ward)**  
**Proposal: Demolish existing detached garage and erect garage with mezzanine level gym incorporating single storey link to dwellinghouse (Amended Proposal)**  
**Applicant: Mr And Mrs G Day**  
**Agent: Metson Architects 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 permitted shall be carried out in accordance with the following approved plans: 2015-X00; 2015-TP-301

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

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 dwelling. This applies unless differences are shown on submitted plans.

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

04 The development hereby permitted shall not be occupied at any time other than for purposes wholly incidental to the residential use of the dwelling known as 138 Hadleigh Road and shall not be used for any other purposes including as an independent dwelling or as ancillary residential accommodation.

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 cannot 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 and advice contained within the Southend Design and Townscape Guide (2009).

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 proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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.

- 9 23/00434/FUL - Leigh Road Baptist Tennis Club, Victory Path (Chalkwell Ward)**  
**Proposal: Install 8 No. steel columns complete with 8 No LED floodlights mounted at 8m above the court surface for 3 existing tennis courts**  
**Applicant: Mr Simon Joyce**  
**Agent: Mr Lee Burton of Midlands Lighting Solutions Ltd**

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

Resolved:-

That planning permission be REFUSED for the following reason:

The proposed floodlights would, by reason of their significant height and proximity to the rear boundaries of Nos. 32-40 Crosby Road, appear as overly dominant and oppressive additions in the rear garden scene which would result in an unacceptable overbearing effect to the significant detriment of the residential amenity of neighbouring occupiers at these properties. This is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**10 22/01496/FUL - Land Adjacent To 292 Leigh Road and 152 Broadway  
(Leigh Ward)**

**Proposal: Demolish existing storeroom and erect two storey building with basement for use as a restaurant (Class E) and use existing basement at 292 Leigh Rd as associated restaurant floorspace.**

**Applicant: Capability Ltd**

**Agent: Mr Dwight Breley of Breley Design Ltd**

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

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out strictly in accordance with the approved plans: 1447- 01 Rev A, 1447 – 02 Rev F, 1447 – 03 Rev G, 1447-04 Rev D & 1447 – 05 Rev B.

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

03 Prior to commencement of any drainage related works associated with the development hereby approved, a drainage scheme comprising details of drainage infrastructure (including any Sustainable Urban Drainage Systems (Suds), foul and surface water drainage infrastructure, connection points and discharge rates) and a drainage management plan shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall only be constructed in accordance with the approved details.

Reason: This condition is required to prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with the National Planning Policy Framework (2021) and Policies KP1 and KP2 of the Core Strategy (2007).

04 Notwithstanding the details shown on the submitted plans otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until full details including section details as appropriate and full specifications of the materials to be used for all the external surfaces of the approved building at the site including for elevations, face and engineering brickwork, bath stone panels, curtain and all other glazing, aluminium fins, doors, windows, louvres, roofing materials, concealed gutters, rainwater goods, lighting and signage have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development hereby permitted shall be implemented and completed in full accordance with the details and/or samples approved under this condition before it is first occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of this prominent corner site and its surroundings. 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 DM3, and the guidance contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of at least "Very Good" has been achieved for the development and a copy of this certification has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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

06 The development hereby approved shall not be open for customers outside the following hours: 09:00 hours to 23:00 hours Monday to Sunday.

Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

07 All deliveries to and collections from the site subject of this permission shall only be undertaken between 08:00 hours and 19:00 hours Monday to Friday and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: To protect the environment of people in neighbouring properties and general environmental quality 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 guidance in the Southend-on-Sea Design and Townscape Guide (2009).

08 The noise mitigation measures for the kitchen extraction ventilation system to serve the development hereby approved and as detailed in the report entitled Acoustic Assessment at 152 Broadway/292 Leigh Road, Leigh-on-Sea Document Ref: 572223 Date: 26/02/2023 by Ned Johnson Acoustics shall be implemented and installed by competent persons at the site prior to the first use of the development hereby approved. Prior to the first use of the development hereby approved, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set out in the report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority under the terms of this condition and fully installed and tested at the site prior to the first use of the development hereby approved.

The mitigation measures as approved shall be retained in good working order thereafter for the lifetime of the development.

Reason: To protect the environment of people in neighbouring properties and general environmental quality 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

09 Prior to the occupation of the development hereby approved a scheme demonstrating how noise transmission from the development through the party walls with No.150 Broadway and No's 292, 292A and 292B Leigh Road, Leigh-on-Sea, Essex will be controlled from within the proposed development, such scheme to be undertaken by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall thereafter be implemented and installed at the site by suitably competent persons prior to the first use of the development hereby approved. Prior to first use of the development hereby approved, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report on this must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess the performance of the noise mitigation measures against the noise levels as set out in the scheme.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority under the terms of this condition. The mitigation measures as approved shall be fully installed at the site prior to first use of the approved development and retained in good working order thereafter for the lifetime of the development.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

10 Prior to the first use of the development hereby approved for restaurant purposes details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including full specification of any installation of odour control measures, noise levels, noise mitigation measures and anti-vibration measures, air conditioning units and other plant and equipment, its location, appearance and finish shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be installed at the site in full accordance with the approved details before the development hereby approved is brought into first use and thereafter

shall be permanently retained as such in good working order for the lifetime of the development.

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

11 Prior to the first occupation of the development hereby approved details of the design and materials of the proposed commercial waste storage and an associated waste management plan which shall include full details of the timings that waste can be deposited to the outside refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be implemented in full accordance with the approved details from first occupation for the proposed use and shall be maintained and managed as such for the lifetime of the development.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety, residential amenity and visual amenity and to protect the character of the surrounding area, in accordance with National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

12 No development shall take place, including any works of demolition, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. 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, including decorative displays and facilities for public viewing, where appropriate,
- v. wheel washing facilities,
- vi. measures to control the emission of dust and dirt during construction,
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works,
- viii details of the duration and location of any noisy activities.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents and businesses 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 and DM3.

13 The roofs of the building hereby approved shall not be used as a balcony, roof garden amenity area or for any other similar purpose unless express planning permission has previously been obtained. 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), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

14 Notwithstanding the provisions of the Use Class Order, as amended or the General Permitted Development Order (2015), as amended, the development hereby approved shall be used for purposes as a restaurant (Use Class E(b)) with the sale of drink wholly ancillary to consumption of food on the premises and with no take away facilities and shall be used for no other purposes including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of that order aside from Use Class E(a), (c), (g)(i).

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to control the impact of the use of the premises within the Use Class specified in the interests of residential amenity and highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

15 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the 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 Core Strategy (2007) and in the interests of general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

17 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB (A) below the



background noise level as measured at 1m from the facades of the neighbouring noise sensitive premises.

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) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

18 Prior to the first use of the development hereby approved, full details of hard landscape works, the soft landscaped living wall and any rooftop planting to be carried out at the site shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard and soft landscaping works shall be carried out in accordance with the approved details prior to first use of the development hereby approved. The details submitted shall include, but not be limited to:-

- i. any means of enclosure of the site including any gates or boundary fencing;
- ii. any other vehicle and pedestrian access and circulation areas;
- iii. hard surfacing materials;
- iv. details of planting to the living wall area together with supporting framework and drainage where necessary, with inspection and management proposals, to ensure its successful establishment and maintenance.

Reason: In the interests of visual amenity 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).

19. Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until a Noise Management Strategy has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Before the development hereby approved is brought into first use, the development shall be completed and thereafter operated in accordance with the findings and recommendations of the approved Noise Management Strategy and shall be retained as such thereafter for the lifetime of the development.

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

#### Positive and Proactive Statement:

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

## Informatives

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 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 will 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 is reminded that the proposed materials as set out in the submitted plans and email dated 20th March 2023 are expected to accord with the nature and quality of materials for which design cues are shown in their submitted documents including the CGI representations and the email from Breley Design dated 24th November 2022 including its enclosed document entitled "Response to Council comments."

04 This permission does not convey any form of consent for external advertisement signs, consent for which will separately be required under the provisions of the Town and Country Planning Advertisement Regulations.

05 Essex County Fire and Rescue Service (ECFRS) advise that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. ECFRS therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

- 11 21/00218/UNAU\_B - 107 - 109 High Street, Southend-on-Sea (Milton Ward)**  
**Breach of Planning Control: Installation of four external air conditioning units to roof with associated works**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

- (a) the removal from the site the four air conditioning units and associated equipment in their entirety from floor 2 of the building (the external flat roof of floor 1), and
- (b) the removal from site all materials resulting from compliance with (a) 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 removal of the air conditioning units.

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