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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 5th July, 2023

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors F Evans (Vice-Chair), B Beggs, M Berry, M Borton,
S Buckley, A Dear, M Dent, N Folkard, J Harland, A Jones,
R Longstaff, M Sadza, C Walker and *P Collins

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors S Ayles and S Wakefield
K Waters, C Galforg, C White, S Mouratidis, A Greenwood, O Hart, J
Benn, M Warren and R Harris

Start/End Time: 2.00 pm - 5.30 pm

12 Apologies for Absence

Apologies for absence were received from Councillors Mulronee (substitute: Cllr Collins) and Woodley.

13 Declarations of Interest

The following declarations of interest were made:

(a) Councillor Beggs – Minute No. 17 (Application Ref 23/00543/FUL – 24 Cobham Road) – Is an independent member of the Southend Foster Panel.

(b) Councillor Berry – Minute No. 16 (Application Ref. No. 23/00030/FULM – Cantel Medical Ltd, Campfield Road, Shoeburyness), Minute No. 22 (Application Ref No. 23/00058/FUL – 35 Lancaster Gardens) – Has received correspondence / representations from residents.

(c) Councillor Borton - Minute No. 16 (Application Ref. No. 23/00030/FULM – Cantel Medical Ltd, Campfield Road, Shoeburyness), Minute No. 20 (Application Reference No. 22/01881/FUL – Land adj 5 Smallholdings) and Minute No. 22 (Application Ref No. 23/00058/FUL – 35 Lancaster Gardens) – Has received correspondence / representations from residents.

(d) Councillor Dear – Minute No.18 (Application Reference No. 23/00492 and 23/00026/UNAU_B – Garages at rear 33-45 Eastwood Old Road) – has spoken with and advised the objector on this application.

(e) Councillor Dent – Minute No. 16 (Application Reference No. 23/00030/FULM – Cantel Medical Ltd, Campfield Road) and Minute 22 (Application Reference No. 23/00058/FUL – 35 Lancaster Gardens) – Has liaised with residents regarding these applications.

(f) Councillor Folkard – Minute No.17 (Application Ref No. 23/00543/FUL – 24 Cobham Road) – Presented objections on behalf of residents and took no part in the debate or the vote (withdrew).

(g) Councillor Anne Jones – Minute No.22 (Application Reference No. 23/00058/FUL – 35 Lancaster Gardens) – Lives near the application and lives in the same residents parking zone.

(h) Councillor Longstaff – Minute No.16 (Application Reference No. Cantel Medical Ltd, Campfield Road) – Perception of bias in terms of potential pre-determination of the application (withdrew).

(k) Councillor Sadza – Minute No.22 (Application Reference No. 23/00058/FUL – 35 Lancaster Gardens) – Lives in neighbouring road and parks in Lancaster Gardens, member of Acorn Tenants Union and has received correspondence/representations from residents.

14 Minutes of the Meeting held on Wednesday, 31st May, 2023

Resolved:

That the Minutes of the Meeting held on Wednesday, 31 May 2023, be confirmed as a correct record.

15 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 elsewhere on the agenda since the publication of the reports.

16 23/00030/FULM - Cantel Medical Ltd, Campfield Road, Shoeburyness (Shoeburyness Ward)

Ms A Hilton, a local resident, spoke as an objector to the application. Mr S Caslin responded on behalf of the applicant.

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:

	Proposed Head of Term	Details
1	On Site Affordable Housing	Affordable Rent 4 x 1 bed apartments 8 x 2 bed apartments 4 x 3 bed houses Shared Ownership 2 x 2 bed houses 3 x 3 bed houses

		As shown on drawing D-101 rev D
2	Education	Secondary education contribution of £220,597.43
3	Highways	£4000 - Traffic Regulation Order - for traffic control within site. £8000 - contribution towards the upgrading of Ness Road / Campfield Road junction (other sites in the area are also contributing via their S106s) £18,000 - Contribution to the maintenance of block paving on the adopted road within the site over the next 20 years Total = £30,000
4	RAMS Ecology mitigation	£156.76 per unit (70) = £10,973.20
5	Travel Information Packs	Details to be agreed with LPA prior to commencement and provided for each unit on occupation
8	S106 Monitoring Fee	£10,000

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

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 D-001 (Existing Location Plan), D-330 (Site Section AA & BB), D-331 (Site Sections CC & DD), D-100 Rev M (Proposed Site Layout), D-332 (Site Sections EE, FF & GG), D-201 Rev C (House Type NA-21), D-202 Rev C (House Type NA-21), D-203 Rev C (House Type NA-21), D-204 Rev C (House Type NA-32), D-205 Rev C (house Type NA-32), D-206 Rev C (House Type NT-31), D-207 Rev C (House Type NT-31(X)), D-208 Rev C (House Type NA-42), D-209 Rev D (House Type NA-42), D-210 Rev C (House Type NT-41), D-211 Rev C (House Type NB-41), D-212 Rev C (House Type NA-44), D-213 Rev C (House Type D1624), D-214 Rev B (House Type NA-42 & NA20), D215 Rev A (House Type NT-31), D-220 Rev J (Apartment Block A Ground and First Floor Plans), D-221 Rev H (Apartment Block A 2nd Floor and Roof Plan), D-222 Rev H (Apartment Block A Elevations), D-310 Rev C (Streetscenes 1-3), D-311 Rev B (Streetscenes 4-5), D400 Rev B (Proposed Single Garages), D401 Rev B (Proposed Double Garages)

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

Materials and Design Details

03 Notwithstanding the details shown on the plans and the materials schedule 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 of the external elevations of the development, including walls and associated brick decoration; roof including slate, ridge tiles, eaves, roof verges, fascia, soffits, lift overrun and coping; windows and doors including projecting feature window surrounds, bay structure and roof, all parts of the dormer windows, stores and garage doors; porches including roof, fascia underside and supports, balconies including balustrade, supports, flooring, underside and fascia and rainwater goods, boundary walls, fences and gates including to the pumping station enclosure have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the 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 and construction up to ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the key design features including projecting brick detailing, projecting 70 window surrounds and reveals, bay window, dormer window, roof gabled roof side verge and parapet to block A 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 under the terms of this condition. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

Landscaping

05 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 under the terms of this condition. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- i. Full product details of hard surfacing materials for all forecourts, block paved areas, speed tables, patios, paths, pavements and roads.

- ii. Full details of the number, size, species and location of the trees and including tree planting specifications, shrubs and other plants to be retained and planted together with a planting specification.
- iii. Full details of any other landscaping structures such as seating, bins and play equipment including fences for the LAP play area.
- iv. Full details of measures to enhance the biodiversity of the site including product details for beehives, wildlife houses and bat and bird boxes and hedgehog doors in the fences between properties along the eastern boundary to facilitate a green link in this location.

The hard and soft landscaping within the public realm and public open spaces, including the publicly accessible areas to the north and south of the site, the playground (LAP) and other play and wildlife structures shall be implemented and provided in full prior to the first occupation of any part of the development hereby approved, shall be retained in accordance with the approved plans and shall be maintained in good working order thereafter for the lifetime of the development for the occupants of the development and the wider community.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06 The plot and site boundaries at the site shall be carried out in full accordance with plan reference D-107 Rev J and Landscape Strategy Plan reference 21.5216.01 Rev O prior to the first occupation of the dwellings hereby approved, or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

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 Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

07 No external lighting shall be installed on the development or within the parking, access or landscaped areas 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. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light." All illumination within the site shall be retained in accordance with the approved details.

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

Biodiversity and Ecology

08 No construction works above ground floor slab level shall take place unless and until a Landscape and Ecological Management Plan (LEMP) has been produced for all habitats and hedgerow features proposed within the site and has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The LEMP shall set out the appropriate establishment works and management responsibilities and maintenance schedules required to achieve the intended type and condition of each habitat /hedgerow feature proposed. The LEMP shall cover a minimum period of 30 years and include provisions for monitoring, review, reporting and contingency throughout as recommended by the Biodiversity Metric Assessment by Middlemarch Environmental Ltd reference 156454-03-Rev B dated 12.06.23.

Reason: A condition is justified to ensure that the biodiversity value of the proposed habitats is realised in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

09 The site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations set out in Section 7 of the Preliminary Ecological Appraisal by Middlemarch Environmental Ltd Reference RT-MME-156454-01-Rev A dated July 2022 including in regard to nesting birds, badgers and measures to enhance wildlife at the site, or any other details that have been previously submitted to and 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 wildlife utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2.

10 None of the development hereby approved shall commence unless and until bat emergence/re-entry surveys of the existing property, have been undertaken as recommended in Section 6 of the Dusk Emergence and Dawn Re-Entry Bat Surveys report by Middlemarch Environmental Ltd. Reference RT-MME-157687 dated July 2022. This survey must be carried out between April and September (inclusive). The results of the survey and details of any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall commence and proceed only in accordance with the approved mitigation scheme.

Reason: A pre commencement condition is justified to ensure any bats 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.

Tree Works and Tree Protection Measures

11 The tree works associated with the development hereby approved including pruning and felling works and works to be carried out within root protection areas including changes to land levels and retaining walls, shall be carried out in full accordance with the details set out in the Arboricultural Method Statement by Middlemarch reference RT-MME-159919-01 Rev D dated 15th June 2023. The tree protective barriers and ground protection, as shown on plan reference C159919-01-01-Rev C shall be implemented in full prior to commencement of the development and shall be retained as such throughout the demolition and construction phases of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturist.

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

Levels and Retaining Wall Details

12 Aside from demolition, none of the development hereby approved shall be undertaken including earthworks, unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i) a drawing showing the existing and proposed site levels (on the same drawing) across and surrounding the site;
- ii) full design details of the proposed retaining wall structure to the eastern boundary of the site. The retaining wall design shall include sufficiently legible large scale plans and sections clearly showing the location of the wall in relation to the trees to demonstrate no further encroachments into the root protection areas of trees T15 and T19 than shown on the approved site plan reference D-100 Rev M; and
- iii) the exact positioning and construction details of the proposed boundary fences in relation to trees T15 and T19.

These details shall be compliant with the tree and root protection measures as set out in the Arboricultural Method Statement by Middlemarch reference RT-MME-159919-01 Rev D dated 15th June 2023. The development shall be undertaken and completed in full accordance with the agreed details under the terms of this condition prior to the occupation of the development hereby approved.

Reason: In the interests of the residential amenity of adjoining residents, the character and appearance of the area, to ensure that preserved trees on the eastern boundary are adequately protected 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 contained within the Southend-on-Sea Design and Townscape Guide (2009).

Neighbour Impacts

13 The first floor window in the east elevation of Plot No 28 and the southernmost first and second floor kitchen/dining/living room windows of plots 30 and 36, as shown on plan references D-220 Rev J, D221-Rev H and D-222 Rev H, shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut up to a height of not less than 1.7m above the relevant rooms internal finished floor level before the occupation of the plot 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.

5 The 141 car parking spaces, including 7 disabled spaces, and the associated highways works as shown on approved plans D-100 Rev M and D-220 Rev J. Car parking for each individual plot shall be provided/carried out and made available for use prior to the first use or the first occupation of that unit accesses 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. At least 1 parking space for each dwelling, including the 7 disabled spaces, shall have access to an active electric vehicle charging point as shown on plan reference D-110 Rev E. Notwithstanding the details submitted on the Car Parking Management Plan by Ardent reference 2101833-05 dated 10.08.22, the development hereby approved shall not be occupied until further details have been submitted and approved in writing in relation to car parking management at the site. These details shall include:

- i) Full details of how the off plot parking will be managed at the site including visitor parking and parking within the parking courts.
- ii) Full details of any proposed signage in relation to parking management including signage specifications and locations.
- iii) Full details of the proposed electric vehicle charging points where they are proposed to be located within the parking courts as shown on plan reference D110 Rev E.

The development shall then be carried out in full accordance with the approved details.

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

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area including nearby heritage assets' setting and appearance and impact on preserved trees in accordance 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) and Shoebury Garrison Conservation Area Appraisal (2021).

Highways

15 The 141 car parking spaces, including 7 disabled spaces, and the associated highways works as shown on approved plans D-100 Rev M and D-220 Rev J. Car parking for each individual plot shall be provided/carried out and made available for use prior to the first use or the first occupation of that unit hereby approved. The car parking spaces and the associated vehicular accesses 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. At least 1 parking space for each dwelling, including the 7 disabled spaces, shall have access to an active electric vehicle charging point as shown on plan reference D-110 Rev E. Notwithstanding the details submitted on the Car Parking Management Plan by Ardent reference 2101833-05 dated 10.08.22, the development hereby approved shall not be occupied until further details have been submitted and approved in writing in relation to car parking management at the site. These details shall include:

- i) Full details of how the off plot parking will be managed at the site including visitor parking and parking within the parking courts.
- ii) Full details of any proposed signage in relation to parking management including signage specifications and locations.
- iii) Full details of the proposed electric vehicle charging points where they are proposed to be located within the parking courts as shown on plan reference D110 Rev E.

The development shall then be carried out in full accordance with the approved details.

Reason: To ensure that satisfactory off-street car parking and access arrangements are 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, the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

16 The apartment block hereby approved shall not be occupied unless and until space for at least 12 secure, covered cycle parking spaces to serve the development and its visitors have been provided as shown on approved drawing D-220 Rev J, or in such other on site location alternatively agreed by the Local Planning Authority under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by the occupiers of the development hereby approved and their visitors. Additionally,

prior to their occupation, all the houses without garages hereby approved shall be provided with a cycle store within the rear gardens of the plots as set out on plan reference D-109 Rev A in accordance with details that have been previously submitted and approved in writing by the Local Planning Authority. The approved cycle parking scheme shall thereafter 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 Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

17 The apartment block hereby approved shall not be occupied unless and until the refuse and recycling store to serve the block as shown on drawing D-220 Rev J has been provided in full accordance with the approved plans and made available for use by all occupiers of the apartment block 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).

Sustainability

18 Prior to the first occupation of the development hereby approved a scheme detailing how at least 10% of its total energy needs will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The agreed details must be implemented in full 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) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

19 Prior to the first 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 as such for the lifetime of the development.

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

20 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 7 of the units hereby approved comply with the building regulations M4 (3) 'wheelchair user dwellings' standard and the remaining 63 units comply with the building regulations 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 the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

Noise

21 Prior to the first occupation of the development hereby approved a scheme for alternative means of ventilation and air cooling and heating in relation to the Mechanical Ventilation and Heat Recovery (MVHR) system proposed for the residential plots closest to Campfield Road, as identified on plan references D220-F (MVHR required locations) and D-100 F (MVHR required locations), must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must 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 approved alternative means of ventilation and cooling shall be installed and made operable in full accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on Campfield Road to the north of the site would not be detrimental to living conditions 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).

Flood Risk and Drainage

22 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in Paragraphs 6.5 and 7.10 of the Flood Risk Assessment carried out by Ardent Consulting Engineers reference 2102833-01

dated 19.12.22 and associated Flood Levels FFL's Sketch reference 2102833 dated 02/03 including the requirement for all sleeping accommodation to be set above 6.40mAOD (1 in 200 annual probability flood level including climate change) and safe refuge to be provided at a minimum of 6.49mAOD (1 in 1000 annual probability flood level including climate change) before the dwellings hereby approved are first occupied.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment and in accordance with the National Planning Policy Framework (2021) and Policy KP2 of the Core Strategy (2007).

23 Prior to the construction of the development hereby approved above ground floor level full details of the proposed flood resistance and resilience measures shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. These shall include measures to flood proof the buildings at ground floor level and structural calculations to confirm that the buildings will be constructed to withstand the water pressures in a 0.1% (1 in 1000) annual probability flood level including climate change. The measures shall then be implemented in full accordance with the approved details before the development is first occupied or brought into first use.

Reason: To demonstrate that the buildings are structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water in accordance with the National Planning Policy Framework (2021) and Policies KP1, KP2 and KP3 of Core Strategy (2007).

24 Notwithstanding the details submitted within the Detailed Drainage Strategy reference 02-E dated 6.9.21, the Assessment by Ardent reference 2101833-01 dated December 2022, the Method Statement for Control of Surface Water Runoff During Construction by Ardent reference 2101833-06 dated March 2023 and the letter response by Stomor reference ST-3113/230320-LLFA Response dated 20.03.2023, no drainage works shall be undertaken at the site unless and until a detailed design of 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 under the terms of this condition. 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 shall obtain acceptance from the relevant statutory body for the proposed connection to the existing outfall. The applicant confirms that the proposed connection is into the private drainage system. Indirect connections into the public sewer may still require an application to Anglian Water under Section 106 of the Water Industry Act 1991. It is recommended that the applicant clarifies and confirms this with Anglian Water prior to construction.
- ii) The applicant shall provide information on how to manage any health and safety risks associated with the drainage proposals.
- iii) The applicant shall provide details of the body that will be responsible for the maintenance of proposed SuDS/drainage throughout the lifetime of the development. The applicant shall also provide a management statement to outline the required maintenance for the site and a maintenance schedule. If

applicable, the applicant shall provide economic valuation costs to demonstrate long-term viability of the proposed drainage systems.

iv) Construction drawings are to be provided for any SuDS and flow controls.

v) A scheme shall be provided for on-site foul water drainage works, including connection point and discharge rate. The applicant shall provide more information on the foul drainage proposals to specify who will own the system, including the pump station and rising main. This shall indicate who will be responsible for the maintenance of the system throughout the lifetime of the development.

vi) Whilst the applicant does not consider the risk of surcharge at the outfall, applicable to this scenario, they are reminded that the exceedance and failure assessment will need to be updated during detailed design to consider the potential impact of failure or a restricted outfall.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface and foul 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).

Archaeology

25 Prior to the commencement of the development hereby approved excluding full above ground demolition, a Written Scheme of Investigation, including location of trial trenching, shall be submitted to and agreed in writing with the Local Planning Authority under the terms of this condition. The approved Written Scheme of Investigation and measures to be undertaken throughout the course of the works affecting below ground deposits shall be carried out in full by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is first occupied or brought into first use.

Contamination

26 A. The development hereby permitted shall not commence apart of full above ground demolition and that required to carry out the agreed remediation until the measures set out in report reference GB696-RS-FEB-2023 'Remediation Strategy' by GB Card Partners dated 3.2.23 (the approved remediation scheme) have been implemented. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

B. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The remediation measures must be maintained thereafter.

C. Remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

D. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. Development must be halted in this part of the site until an assessment has been undertaken in accordance with the requirements of part A of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

E. Following completion of measures identified in the approved remediation scheme, prior to the first occupation of the development hereby approved, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

F. Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

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).

Construction Management

27 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Statement and Management Plan shall be adhered to throughout the demolition and construction periods. 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 including earth from the bund proposed for levelling of the site.
- (iv) The erection and maintenance of security hoarding.
- (v) A Noise and Dust Management Plan - measures to control the emission of noise and 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) Measures to mitigate noise disturbance during the development;
- viii) Details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

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 and DM3.

28 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 or Public 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 7th July 2023 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 on-site affordable housing, highways works, secondary education, biodiversity mitigation or Travel Information Packs and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2, KP3, CP3, and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 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 CIL - Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as

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

02 Existing Highways - 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 S106 - This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of onsite affordable housing, a financial contribution in relation to education, highways and RAMS, the provision of Travel Information Packs and monitoring of the agreement.

04 Gas Apparatus - Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

05 Asbestos - Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings 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.

07 Airport - The applicant is advised that if construction of the development requires a crane or piling rig, this will need to be safeguarded separately and, dependant on location, may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

08 Highways Works - A section 38/278 will be required in relation to the adoption of the spine road and any other highways works. Please contact martinwarren@southend.gov.uk for details.

09 Renewables - In relation to condition 18 the applicant is advised that PV panels are not considered appropriate for the front facing roof slope to plots 10, 15-19 and 56-59 because of the harm that this would cause to the setting of nearby heritage assets. Alternative more discreet renewable technologies should be sought to meet the renewable energy condition for these units.

10 Anglian Water Informative - Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The applicant must provide Anglian Water with notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

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

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

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

14 The applicant is advised that a UXO Preliminary Risk Assessment of the potential for unexploded ordnance at the site should be undertaken by a competent person and any recommendations for further action reported to Southend-On-Sea City Council.

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 solely in accordance with the approved plan: 410 Rev P3.

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

03 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a children's and young persons' residential care home for up to 6 residents who shall be between the ages of 5 to 18 with residents falling under the responsibility of Southend-On-Sea City Council given prioritisation in the allocation process. For every vacancy that arises at the property hereby approved, Southend-on-Sea City Council shall be given first refusal on placing a child at the premises, with notice of the vacancy being given to the Council in writing and the Council having a period of not less than 21 calendar days to confirm if they wish to place a child at the property. The property shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any act or order amending or re-enacting that Order or any changes permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any act or order amending or re-enacting that Order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP6 of the Core Strategy (2007), and Policy DM9 of the Development Management Document (2015).

04 Notwithstanding the details shown on the plans otherwise hereby approved, prior to first use of the development, full details (including elevations) shall be submitted to, and approved in writing, by the Local Planning Authority, identifying the provision of refuse and recycling storage and covered and secure cycle parking for the approved development at the site. The approved refuse and recycling stores and covered and secure cycle stores shall be provided in full and made available for use by the occupants of the development prior to the first occupation of the development hereby approved and be retained as such in perpetuity.

Reason: In the interests of the visual amenity of the area, accessibility, neighbour and occupier amenities further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, DM8 and DM15 of the Development Management Document (2015)

05 The car parking spaces for the development hereby approved shown on approved plan 410 Rev P3 shall be provided and made available for use at the site prior to the first use of the care home hereby approved. At least one of the parking spaces shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the approved development.

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 guidance in the Southend Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

06 Prior to first use of the development hereby approved full details of soft landscape works 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 soft landscaping works shall be carried out within the first planting season following first use of the development. The landscaping of the site shall be managed in accordance with an approved management plan in perpetuity. The details submitted shall include, but not be limited to:

- i. Full details of the number, size, species of trees, shrubs and other plants to be retained and planted together with a planting specification and management plan,
- ii. Details of measures to enhance the biodiversity of the site.

The landscaping of the site shall be managed in accordance with the approved plans and details in perpetuity.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives:

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

2. 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.

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.

18 23/00492/FUL and 23/00026/UNAU_B - Garages at Rear 33 - 45 Eastwood Old Road, Eastwood, Leigh-on-Sea (Belfairs Ward)

Resolved:

a) That the Director for Growth and Planning or the Development Control Service Manager be delegated responsibility to grant planning permission, subject to the conditions set out in the main report provided any additional representations received up to the end of 6 July 2023 do not raise any new considerations which have not been addressed within the report.

Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

01 The development shall be retained/ undertaken only in accordance with the following approved plans: EOR/G/100 Rev 01; EOR/G/200 Rev 01; EOR/G/300 Rev 01; EOR/G/301 Rev 01.

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).

02 The external elevations of the development hereby permitted shall be constructed solely with the materials as detailed in the submitted application form and plan no. EOR/G/300 Rev 01 or alternative materials, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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 The development hereby permitted shall not be used at any time other than for the domestic storage of goods and the domestic storage of vehicles. The development shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: In the interests of the residential amenity of the adjoining residents including those who live either side of the garage court access road and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

Informatives

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

2 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.

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.

b) That NO FURTHER ACTION be taken in respect of the site entrance gate and height restriction bar which do not form part of planning application 23/00492/FUL and that the current enforcement investigation 23/00026/UNAU_B be closed.

19 23/00237/FULH - 62 Mount Avenue, Westcliff-on-Sea (Chalkwell Ward)

Ms Anna Keddie spoke as an objector on this application.

Resolved:

That the planning application be deferred for a site visit.

20 23/00305/FUL - 77 - 83 West Road, Westcliff-on-Sea (Westborough Ward)

Resolved:

That planning permission be granted, subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 3002A_50revC; 3002A_51 revC; 3002A_52revC; 3002A_100revC; 3002A_200revC; 3002A_201revD; 3002A_202revC; 3002A_203rev C; 3002A_204rev C; 3002A_E100

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the development at the site including facing materials, roof detail, windows, doors, fascia and soffits and the privacy screens have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works 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. The details submitted shall include, but not limited to:

- i. means of enclosure, of the site including any gates or boundary fencing;
- ii. pedestrian access and circulation areas;
- iii. hard surfacing materials;
- iv. details of the number, size and location of the shrubs and plants to be planted together with a planting specification

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 and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

05 Notwithstanding the information submitted with this application, prior to the first occupation of the development hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and enclosed refuse and recycling storage for the approved development at the site. The approved refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such for the lifetime of the development.

Reason: In the interest of visual amenity and to ensure the provision of adequate waste storage in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

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

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

07 The cycle parking spaces shown on approved plan 3002A_100revC shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved.

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

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy

(2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

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

10 In the event that contamination is found at any time when carrying out the approved development, development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority.

Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: In the interest of the residential amenity of future occupants of the scheme in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM14 of the Development Management Document (2015).

11 Prior to first use of the dwellings hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts of existing commercial and transport infrastructure on the living conditions of future occupiers of the dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on that noise impact assessment, which must include any mitigation measures needed for the proposal to meet the required noise standards, as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.

The mitigation measures recommended in the submitted report shall ensure that the internal ambient noise levels of the proposed dwellings shall not exceed the guideline values in British Standards BS8233:2014 Table 4 as follows:

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour
23:00 to 07:00

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

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such in perpetuity.

The applicant must have regard to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC when proposing any scheme. Where alternative means of ventilation and air cooling and heating are to be used the submitted report shall include full details of what they will comprise and 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 implemented in full accordance with the details approved under this condition before the dwellings are first occupied and be maintained as such thereafter in perpetuity.

Reason: To protect the environment of people in the development 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 in the Southend-on-Sea Design and Townscape Guide (2009).

Positive and proactive statement:

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

Informatives:

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

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

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

3 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.

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

21 22/01881/FUL - Land Adjacent 5 Smallholdings, Eastwoodbury Lane, Southend-on-Sea (St Laurence Ward)

Resolved:

That the planning application be refused on the grounds that:

The proposed development would result in the loss of best and most versatile agricultural land, prevent the use of the site for its designated purpose as future public open space and have a significantly harmful impact on the functionality of the site as a green buffer to the south side of Eastwoodbury Lane. The limited provision of additional housing the scheme provides is not considered to outweigh the identified harm caused by the development, which is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core

Strategy (2007) policies CP4 and CP5 and policy ENV3 of the London Southend Airport Joint Area Action Plan (JAAP) (2014).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

22 23/00058/FUL - 35 Lancaster Gardens, Southend-on-Sea (Kursaal Ward)

Resolved:

That planning permission be refused on the grounds that:

The applicant has failed to demonstrate that adequate cycling, refuse and recycling storage facilities can be accommodated at the site in a manner which is appropriate and usable by occupiers of the property, to the detriment of their amenities. As such the proposed use of the property as a 9 person HMO represents an overdevelopment of the site. This is unacceptable and contrary to Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of 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 with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

Chair: _____

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