

<b>Reference:</b>	24/00272/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Part demolish No 24 Leigh Hill, part rebuild and erect 2 three storey dwellinghouses adjoining No 22, balconies to rear, change use of basement and ground floor at No 22 Leigh Hill from shop to dwellinghouse (Class C3), alter rear elevation, layout associated parking area, refuse and cycle storage at basement level and amenity space to rear	
<b>Address:</b>	22 - 26 Leigh Hill, Leigh-on-Sea	
<b>Applicant:</b>	Mr Thomas of Caneleigh Limited	
<b>Agent:</b>	Miss Emanuela Borri of Scene Architecture	
<b>Consultation Expiry:</b>	28.05.2024	
<b>Expiry Date:</b>	31.05.2024	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<p>LH-SCN-XX-XX-DR-A-01.001-A1-PL01, LH-SCN-XX-XX-DR-A-10.001-A1-PL01, LH-SCN-XX-XX-DR-A-10.001-A3-PL01, LH-SCN-XX-XX-DR-A-10.002-A3-PL01, LH-SCN-XX-XX-DR-A-10.003-A3-PL01, LH-SCN-XX-XX-DR-A-10.004-A3-PL01, LH-SCN-XX-XX-DR-A-10.005-A3-PL01, LH-SCN-XX-XX-DR-A-10.006-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.001-A3-PL01, LH-SCN-XX-ZZ-DR-A-ZZ.002-A3-PL02, LH-SCN-XX-ZZ-DR-A-ZZ.003-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.601-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.602-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.604-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.801-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.802-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.803-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.804-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.805-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.806-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.807-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.808-A3-PL01, LH-SCN-XX-ZZ-DR-A-ZZ.004-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL03, LH-SCN-XX-XX-DR-A-ZZ.001-A3-PL04, LH-SCN-XX-ZZ-DR-A-ZZ.006-A3-PL02, LH-SCN-XX-ZZ-DR-A-ZZ.005-A3-PL01</p>	
<b>Additional information:</b>	<p>Design and Access Statement</p> <p>Heritage Impact Assessment reference 8317A dated Jan 2024</p> <p>Structural Report by HLS Structural Engineers Ltd reference 23323/JL/JL dated 26 Apr 2024</p> <p>Letter from HLS Structural Engineers Ltd reference 23323</p>	

Rev B dated Apr 2024

RIBA Stage 3 Building Control Plan Review Category 2 - Accessible and Adaptable Dwellings reference 66109328 by Sweco dated 06.10.23

Environmental Noise Assessment by Loven Acoustics reference LA/1810/02cR/ML dated 31.01.24

Accommodation Schedule

Recycling and Waste Management Strategy reference 2307-022/RMWS/01 dated Dec 2023

Mumford and Wood Window Brochure (Timber sash and casement windows)

Velux Conservation Rooflight Brochure

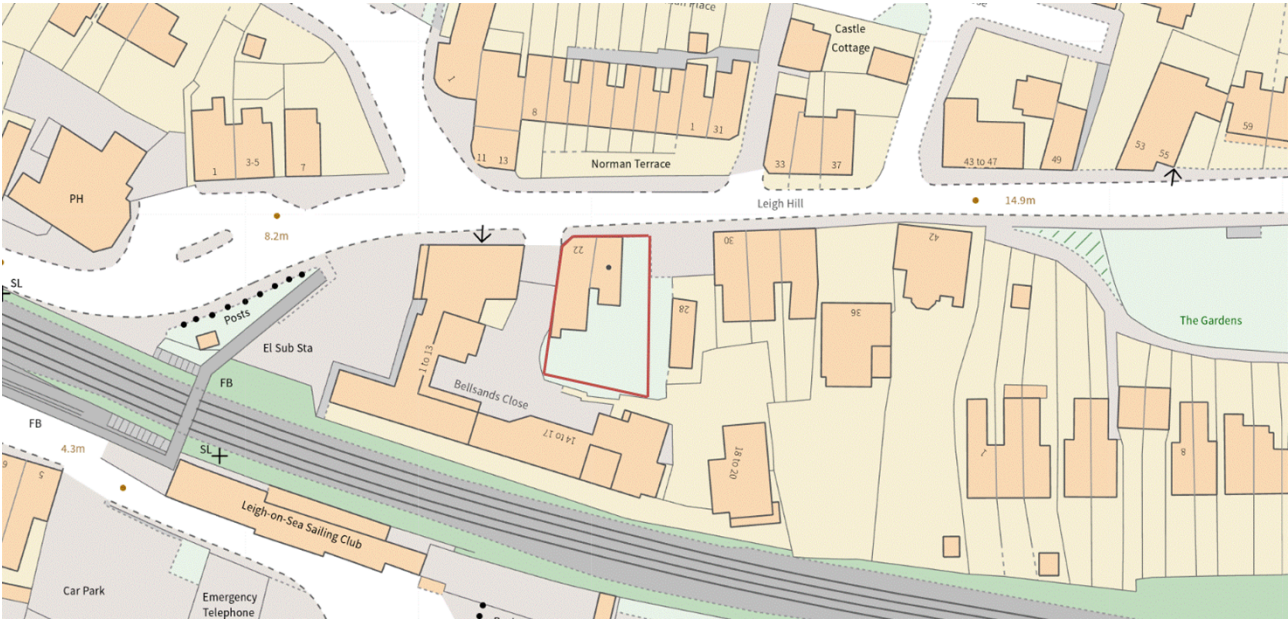
Marley Ashdowne Handcrafted Clay Tile Specification

Weinberger Brick Brochure (Smeed Dean London Yellow Stock with Warnham Red Stock detailing)

Sieger Architektursystem Balustrade Datasheet

Mobilane Green Screen Brochure

**Recommendation:** **GRANT PLANNING PERMISSION subject to conditions**



## **1 Site and Surroundings**

- 1.1 The application site is within Leigh Conservation Area. It is located on the south side of Leigh Hill in between the grade II listed cottage at No 28, and the rebuilt Bell Hotel (now flats). The site originally contained a terrace of 3 buildings, but the easternmost property (No 26) was demolished due to structural concerns as part of an earlier approval at the site (reference 14/01852/FUL) which has not been progressed. The remaining buildings comprise a pair of 3 storey Edwardian style properties with retail uses at ground floor. The structure of No 24 was exposed during the demolition of No 26 and this has revealed that it appears to be a remodelling and an extension of an earlier 2 storey building which was re-fronted and extended to match No 22. The retail use at ground floor was arranged as a single unit across all 3 buildings but was vacant for many years. The upper floors are also now vacant. The buildings are deteriorating but are identified in the Leigh Conservation Area Appraisal as being potentially positive for the conservation area if sensitively renovated and extended. The site is prominent in Leigh Hill and is visible in views from Leigh Park Road, Church Hill and the Cinder Path to the south.
- 1.2 Leigh Hill, formerly Horse Hill, was a historic route between the old Leigh port and the centre of Leigh located at the top of the cliff. As the name suggests, it is built on an incline. The site itself slopes down to the west and to the south and on these sides it is wrapped by the Bell Sands development which has a more modern seaside character which is distinctly different from the properties in Leigh Hill where a more traditional streetscape fronts the road. To the east, set back and nestled between the buildings, is the very modest grade II listed former blacksmiths cottage No 28 Leigh Hill which has been restored. The remaining townscape in this location is mainly Victorian and Edwardian domestic buildings of 2-3 storeys with a fine grain and strong vertical emphasis in their features. The buildings are generally located tight to the footpath providing strong enclosure to the street. The properties fronting the street are of varied designs but are all historic, with the exception of the rebuilt 'Bell Hotel' which is an authentic rebuild of the original design following its collapse. This gives the street an interesting, historic but eclectic character. A number of the buildings have recently been sympathetically renovated helping to regenerate this section of Leigh Hill which had suffered from vacancy and dereliction for many years. The application site is the last site to be resolved.
- 1.3 To the south of the site across the railway is Leigh Old Town Conservation Area. Aside from the heritage designations the proposal site sits within Development Management Policy DM6 Seafront Policy Zone 2. The foreshore, which can be seen to the south of the site on the other side of the railway, is protected by various nature designations.

## **2 The Proposal**

- 2.1 Planning permission is sought to demolish No 24 Leigh Hill and erect 2 three storey dwellinghouses adjoining the retained No. 22 with balconies to their rear, to change the use of the basement and ground floor of No. 22 Leigh Hill from shop to dwellinghouse (Class C3), alter the rear elevation, and layout associated parking, refuse and cycle storage for all 3 dwellings at basement/lower ground level. The proposals all include additional accommodation within their roofspace.
- 2.2 The resultant development, including the retained property at No 22, has a broadly rectangular footprint with a maximum width of 16.6m to the street and a maximum depth of 17.4m at ground level stepping back on the upper floors to the side and rear. It has a pitched roof to all sides with a central flat section which has an eaves height of between 8.5m and 9.7m (depending on ground level) and a maximum height of between 12m and 12.6m (not including basement).

- 2.3 The proposal would provide 3 x 4 bed family houses measuring some 270 sqm (No 22), 234 sqm (No 24) and 208 sqm (No 26). Each house would have access to 1 parking space, a cycle store and a general store in an enlarged basement area. The basement includes a turntable to enable the cars to leave and exit in forward gear.
- 2.4 The materials for the external elevations of the proposed development are red clay tiles, yellow London stock brick with red brick detailing, timber windows and doors, metal and glass balconies and Rimex cladding accents to match neighbouring properties.
- 2.5 The proposal follows 3 previous approvals at the site. The latest in 2022 reference 22/00606/FUL also sought to rebuild Nos 24 and 26 and to refurbish No 22. That application was refused for the following reasons:

*01 The proposal would, by reason of its scale, massing, form and detailed design and materials, result in an over dominant and poorly resolved design and an incongruous addition to the streetscene which would be harmful to the character and appearance of the site, the streetscene and wider conservation area and harmful to the setting of the adjacent listed building. This harm is less than substantial but significant in degree and not outweighed by the public benefits of the proposal including the provision of housing or bringing the site back into use to address the continuing deterioration of, and risks to, the heritage assets therein. This is unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).*

*02 The proposed development has failed to reasonably demonstrate that the 2 new build dwellings can be built to comply with Building Regulations M4(2) Standards, and therefore that these dwellings will be accessible and adaptable and suitable for all. This would result in an inadequate living environment, to the detriment of the amenities of the future occupiers of the proposed dwellings. This is unacceptable and contrary to National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

*03 The development offers no reasonable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.*

- 2.6 The key differences between the 2022 refusal and the current scheme are as follows:
- The detailing on the street frontage is more in keeping with the traditional character including the amendment of materials from slate effect tiles, black and grey vertical boarding and UPVC windows to the more traditional matching materials noted in paragraph 2.4 above. Full details have been provided in terms of materials and details.
  - The side elevations have been simplified and the rear elevation has been redesigned to have a more vertical emphasis to maintain the fine grain of the

area.

- The roof design has been refined to better disguise the roof terrace and maintain individual roof profiles and to reduce the massing and simplify the form of the development at 3<sup>rd</sup> floor at No 26.
- Formerly proposed car park ventilation grilles have been removed from the east wall forming the boundary with the Listed Building.
- A Structural Report has been submitted.
- A building regulations M4(2) compliance report has been submitted.
- The RAMs tariff has been paid.

2.7 These amendments are discussed in more detail below.

### 3 Relevant Planning History

3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

**Table 1: Relevant Planning History of the Application Site**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
22/00606/FUL	Part demolish 24 Leigh Hill, part rebuild and erect 2 three storey dwellinghouses adjoining no. 22, balconies to rear, change use of basement and ground floor at 22 Leigh Hill from shop to dwellinghouse (Class C3), alter rear elevation, layout associated parking, refuse and cycle storage at basement level and amenity space to rear	Refused
18/01431/FUL	Demolish 24 and 26 Leigh Hill and erect 3 storey side and rear extensions to part re-build 22, 24, 26 Leigh Hill, change of use of basement and ground floor from retail (class A1) to office (Class B1) and form three self-contained flats (Class C3) at first, second and third floors, construct raised terrace to rear at ground floor, balconies to rear at first, second and third floors, layout parking, refuse and cycle storage at basement level and alter elevations (Amended Proposal)	Approved
18/00040/AD	Application for the approval of details pursuant to conditions 03 (Details/drawings of materials), conditions 04 (details of proposed windows), Condition 07 (hard and soft landscaping) and condition 10 (scheme of 10% renewables) of planning permission 14/01852/FUL dated 12.03.2015	Details Agreed
14/01852/FUL	Demolish no. 26 Leigh Hill, erect three storey dwellinghouse adjoining no. 24 and 22 Leigh Hill with Juliette balconies to rear, demolish existing three storey rear extension at 24 Leigh Hill and erect three storey rear extension with balcony at third floor, change use of 22 Leigh Hill from shop (Class A1) to dwellinghouse (Class C3) and alter elevations to front and rear, associated layout parking and amenity	Approved

	space	
09/00416/FUL	Demolish existing single storey rear extensions, steps and boundary wall to west, form new steps, lay out 5 parking spaces and form vehicular access onto Bell Lane	Approved

## 4 Representation Summary

### Public Consultation

4.1 Site and press notices were displayed, and sixty (60) neighbours were twice notified of the application by letter during the course of the application, the second time following additional information regarding the basement construction and relationship to the adjacent listed building and revisions to the proposal. 9 letters of objection were initially received from 7 addresses and their contents are summarised as follows:

- Over development of the site particularly in relation to No 26 and Norman Terrace. This should be set back at the rear. Juliette balconies would be more appropriate to the rear. Too much glazing at the rear is out of character. Concern over use of black cladding. [Officer comment: black cladding is not proposed]. The proposal should be stock brick. The proposals are 4 storeys which is not appropriate in this location.
- Impact on the setting of the listed building. Impact on views from Church Hill.
- The additional storey at No 26 will impact on views from neighbouring properties.
- The impact on the structure of the listed building needs to be properly considered especially in relation to the basement construction and impact on cliff. The structural report should take into account the impact on the Leigh Hill ground conditions. A basement impact assessment should be provided including pressure calculations and geo technical investigations as the ground in this location is clay and made ground and is sensitive to change and may result in heave if large amounts of soil are removed. The foundation design needs to be amended to better suit this situation. Bracing during construction also needs to be accounted for. [Officer Comment: The structural report has been amended to widen the scope of its assessment to include the impact on No 28 Leigh Hill].
- A construction method statement is required.
- Lack of Parking. The development should contribute to the upkeep of the Bell Sands ramp. Concern over access for emergency vehicles. No visitor parking.
- Impact on the amenities of neighbours including impact on light and encroachment onto outlook from neighbouring properties. Noise and disturbance.
- Quality of applicant's development.
- The amended proposal is an improvement over the previous refusal.
- Impact on wildlife including owls and bats.
- The previous reasons for refusal have not been addressed.
- The existing building is in a poor condition and needs to be renovated.

During the course of the application additional information has been provided in relation to the impact on the adjacent listed building and this was subject to a second neighbour consultation. 2 letters of response have been received in relation to this which is summarised below:

- The rear elevation is larger than the existing building and will block light to Bell Sands. It should be reduced to match that of the existing arrangement.
- The garage turning will cause conflict with Bell Sands.

- 2 houses and parking to side would be preferable.
- Concerns in regard to the impact of the basement on the listed building have not been addressed as there are too many uncertainties in the information supplied.
- Is the proposal viable.
- The overall scale remains an issue.
- The boundary fencing will impact on neighbouring windows.
- The location of the mechanical heat pump should be clarified.

[Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

### **Historic England**

4.2 Refers to advice from Council's Conservation Officer.

### **Highways**

4.3 3 off street parking spaces have been provided and are accessed via a private accessway. Secure cycle parking has been provided. It is not considered that the proposal will have a detrimental impact on the local highway network. Therefore no highway objections are raised.

### **Essex County Fire Service**

4.4 No objections.

### **Environmental Health**

4.5 The Noise report recommendations are acceptable and should be conditioned. The Waste Management Strategy is acceptable. A CMP (Construction Management Plan) should be conditioned.

### **Parks**

4.6 The amended landscaping details, which include more longer flowering pollinators, is now acceptable.

### **Building Control**

4.7 Any impact on neighbours will be covered by the Party Wall Agreement between the owners of the properties and is outside the control of the Council. The proposal to monitor any movement at the neighbouring site is appropriate. The foundation and basement design and construction will require Building Regulations approval. It is recommended that the Council's Highways Engineer is consulted regarding any impact of the basement construction on Leigh Hill. Network Rail and C2C should also be consulted.

## **5 Procedural Matter**

5.1 This application is presented to the Development Control Committee because it was called in by Cllr Wexham.

## **6 Planning Policy Summary**

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2024)

- 6.3 National Design Guide (NDG) (2021)
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM6 (Southend Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre) DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Technical Housing Standards Policy Transition Statement (2015)
- 6.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 6.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.13 Leigh Conservation Area Appraisal (2021)
- 6.14 Leigh Old Town Conservation Area Appraisal (2021)

## **7 Planning Considerations**

- 7.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, including on the character and appearance of the Leigh Conservation Area, the standard of accommodation for future occupiers, the impact on neighbours' amenity, traffic and transportation, refuse and recycling storage, sustainability, ecology including RAMS and CIL and in the relevant regards whether the proposal has satisfactorily overcome the previous reasons for refusal.
- 7.2 The planning history of this site is also a material consideration for this application. Following the approval of application 14/01852/FUL to '*Demolish no. 26 Leigh Hill, erect three storey dwellinghouse adjoining no. 24 and 22 Leigh Hill with Juliette balconies to rear, demolish existing three storey rear extension at 24 Leigh Hill and erect three storey rear extension with balcony at third floor, change use of 22 Leigh Hill from shop (Class A1) to dwellinghouse (Class C3) and alter elevations to front and rear, associated layout parking and amenity space*' the pre commencement conditions were discharged under application reference 18/00040/AD and No 26 was demolished sometime between July 2017 and August 2018. No Certificate of Lawful Development has been submitted to formally confirm that commencement of this approved development is lawful but taking



into consideration that the demolition of No 26 was specifically included within the description of that 2014 development and that there have been no subsequent separate prior approval demolition applications granted, on the balance of probability that 2014 scheme can be regarded for the purposes of this assessment as having commenced. This means that the planning permission would be extant and could be fully implemented at any time without the need for further planning permission. In determining this current application, the Council must give weight to this fallback position particularly in terms of the principle of 3 storeys at No 26, the acceptability of a significantly enlarged basement and relationships with neighbouring development. This is discussed in more detail below. There is no evidence that the later approval in 2018 commenced in which case it will have now expired.

## **8 Appraisal**

### **Principle of Development**

- 8.1 Paragraph 119 of the NPPF states: *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”* Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 8.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The HDT and 5YHLS weigh in favour of the principle of the development.
- 8.3 The proposal is for new family housing for which there is an identified need and the principle of residential development across the whole site has been found acceptable through decisions made on previous applications. The NPPF has been updated since this time, but not in any materially relevant regards so the basis of the 2022 approval is considered to carry significant weight in the determination of the current proposal. It is considered that the principle of residential use is acceptable subject to the detailed considerations, set out below.

### **Design and Impact on the Character of the Area including the Leigh Conservation Area, Leigh Old Town Conservation Area and the adjacent Listed Building.**

- 8.4 In determining this application the Council has a statutory duty under sections 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas and under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.5 Paragraph 131 of the NPPF states that: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

- 8.6 Paragraph 205 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 8.7 Paragraphs 207 and 208 of the NPPF state: *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”* *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 8.8 Policy KP2 of the Core Strategy states that new development should: *“respect the character and scale of the existing neighbourhood where appropriate.”* Policy CP4 of the Core Strategy requires that development proposals should: *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development.”*
- 8.9 Policy DM1 of the Development Management Document states that all development should: *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*
- 8.10 Policy DM3 advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
  - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
  - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 8.11 Policy DM5 of the Development Management Document states: *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.”*
- 8.12 Leigh Hill is characterised by an eclectic mix of historic properties which have developed in a piecemeal fashion over the last 200 years. This makes for an interesting and well-articulated streetscene which contrasts with the other more uniform historic terraces in other parts of the Leigh Conservation Area. The rear and flank of the application buildings are publicly visible from Leigh Old Town Conservation Area to the south side of the C2C railway line. The application site contained a short terrace of 3 buildings from

two eras with shops at ground level and flats above but the eastern end of the terrace, No 26, was demolished a few years ago for structural reasons. The flats and shops have been mostly vacant for over 20 years and the building is in a poor state of repair however No 22, which is in the best condition, still has the potential for regeneration which would be positive for the conservation area.

- 8.13 Aside from The Ship, a vacant public house which has planning permission for conversion to a hotel, this is the last site in need of regeneration in this stretch of Leigh Hill - all other properties have been refurbished or are in a good condition. The site is next to a small listed (Blacksmith's) cottage and close to another listed building at No 42 Leigh Hill which are important to the character of the area.
- 8.14 Two applications for the rebuilding and regeneration of the application site were previously approved in 2014 and 2018. A later proposal 22/00606/FUL, was refused because its scale, massing, form and detailed design and materials were found to result in an over dominant and poorly resolved design which was out of character with the Leigh Conservation Area and harmful to the setting of the adjacent listed building. In particular, the roof form at the rear included: a large awkwardly detailed mansard which made the development appear top heavy; loss of the vertical proportions of the terrace; some unresolved detailing; and use of inappropriate materials including black and grey cladding, slate effect tiles and UPVC. The principle of the demolition and replacement of No 24 was not objected to in this application due to its poor structural condition and this proposed demolition remains acceptable.
- 8.15 In order to address this reason for refusal of the 2022 application the roof form and rear elevation designs have been significantly amended to better conceal the roof terrace at the upper level from all sides and to refine the design detailing including introducing strong vertical divisions between the three dwelling plots to ensure the historic grain is retained. The balcony designs have been amended to draw reference from the adjacent development at No 30-34 Leigh Hill so that the development reads as a more cohesive group when seen from the cinder path to the south. The proposal's materials now better reference the character of the conservation area including stock brick with red brick detailing, clay tile and timber windows and doors. The proposal also includes some elements of bronze cladding and metalwork again to reference the neighbouring regeneration scheme at No 30-34. The proposal is generally similar to the 2018 approval at the application site except the change from a mix of commercial at ground level and flats above to 3 houses. No objection was raised to this in principle in the 2022 application and this remains acceptable now. Overall, this proposal has a better scale and form at the upper level, is much more refined in its design detail and is considered to be more appropriate for this context.

#### *Impact on the Setting of the adjacent Listed Building*

- 8.16 The proposed design will complete the streetscene in Leigh Hill to the west of the listed cottage at No 28. The development will be taller than the listed building, which is of very modest scale, but is a similar scale and form to that which was previously approved and which was found to be an appropriate scale for the retained building at No 22 and the wider streetscene. In response to the design basis of the 2022 refusal the elevational treatment of the new dwelling at No 26, closest to the listed building, has been refined and it is now well articulated and suitably complements the historic streetscene of Leigh Hill including the listed building. Full details of the proposed materials and detailing of key features have been provided with the application which demonstrates a commitment to a high-quality development which will provide a positive setting for the listed building. It is considered that the impact on the setting of the listed building is acceptable.
- 8.17 Overall the amended design is a significant upgrade on the existing over-extended

rendered appearance of the building and would have a positive impact on the character of the site, the streetscene and wider area including the setting of the Leigh Conservation Area and nearby listed heritage assets. This proposal is acceptable and policy compliant in these regards and has satisfactorily addressed the previous design and heritage reasons for refusal.

### **Amenity Impacts**

- 8.18 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.

#### Residential Development

##### *Impact on neighbour to East No 28 Leigh Hill (Listed Building)*

- 8.19 The listed cottage to the east is set between 1.7m and 1.9m from the boundary with the site. That cottage is set well back from the pavement, approximately at the centre line of the proposed development on this side. The cottage has 2 windows at ground floor and 2 windows at first floor facing the development site. The central window at ground floor serves the hall and the southern window is the secondary window to the studio. At first floor the central window serves the bathroom and the southern window is a secondary bedroom window. The windows to the habitable rooms on this side of the listed building facing the site are around 3.5m past (to the south of) the rear building line of the proposal so there would not be any direct inter looking between the windows on the east elevation of the proposed development and the existing listed building.
- 8.20 The proposal is similar in scale and form to that refused in 2022 reference 22/00606/FUL which was found to have an acceptable impact on this neighbour's amenities and this carries material weight in the determination of this application. Regard must also be had to the comparative impacts of the 2014 development which as explained in the earlier part of this report was, on the balance of probability, implemented. The only significant changes in massing between the approved 2018 scheme and the current proposal are at 3<sup>rd</sup> floor/roof level where a smaller gabled roof form has been removed from the scheme reducing the massing at the upper level at No 22. The current proposal will therefore have a lesser impact on the amenities of the occupiers of the adjacent listed building in terms of light, outlook, or sense of enclosure than that previously found acceptable. The proposal is acceptable and policy compliant in this regard.
- 8.21 In terms of impact on No 28's privacy the east elevation of the proposal has the same arrangement of windows as the previous approval in 2018. These are all small sized secondary windows and do not form the primary outlook for the associated rooms. These windows are set further back (northwards) into the site than the existing windows to the listed building so there will be no direct inter looking particularly as only the two windows nearest the southern end of the listed building serve habitable rooms. These windows were previously found to have an acceptable impact on the listed building's privacy. This relationship remains acceptable for the current application.
- 8.22 Similar to the previous approvals, the proposal includes several balconies to its rear. The easternmost proposed balcony at No 26 Leigh Hill is set back such that it will not enable overlooking of the adjacent building No 28 Leigh Hill. The middle balcony at first floor at No 26 has the potential for limited overlooking of the secondary bedroom window and rear amenity area to No 28. This can be addressed via a condition requiring a

privacy screen to be installed on the eastern side of this balcony. The western balcony is sufficiently far from No 28 not to have a material impact although, as noted above, a privacy screen will be required to prevent inter looking between the proposed units here so mitigating and residual concerns. The top balcony is enclosed within the roof slope which will prevent outlook to the sides. Use of any remaining flat roof to the ground floor single storey projection to No 26 which is not included within the balcony can be controlled by condition.

- 8.23 Overall, subject to the obscure glazing and privacy screen conditions described, the proposal would have an acceptable impact on the amenities of the residents at No 28 Leigh Hill in all relevant regards.

*Impact on Bell Sands Development to the south and west*

- 8.24 Bells Sands, located to the south and west of the site, is a flatted development of up to 4 storeys. The rear elevation of the proposal includes balconies on all levels facing onto the Bell Sands development. The balconies are a minimum of 7.1m from the site's southern boundary and a minimum of 10.8m from the rear of the closet block of the Bell Sands development to the south. There are limited openings to the north elevation of the Bell Sands development as the majority habitable rooms look south onto the estuary. On the north elevation there is only 1 habitable room with sole windows facing the site, bedroom 2 of flat 14 on the 3<sup>rd</sup> floor, which has 2 small windows on the rear elevation. These windows are offset from the proposed development and angled slightly away from the rear elevation of the proposal towards the listed building, further reducing any potential for inter looking. All other rear elevation windows serve non-habitable rooms or are small secondary windows to bedrooms which have larger primary windows facing east or west away from the site. The proposed separation distances and arrangement of windows and balconies is very similar to that of the 2022 scheme and Bell Sands, and although this application was refused for other reasons, it was found to have an acceptable impact on the amenities of this neighbouring in all regards. A similar arrangement was also found to be acceptable in the approvals in 2018 and 2014. On their merits, the small variation in the separation distances of the current proposal have not changed the acceptability of this position. To the west side the existing relationship with the blank façade of the 'Bell Hotel' remains unchanged. Overall therefore, subject to a condition controlling permitted development, (see paragraph 8.31 below), it is considered the relationship between the proposed development and the Bells Sands properties is acceptable in all regards.
- 8.25 The proposal will have no material impact on the amenity areas of Bell Sands as these are set to the front and eastern end of the Bell Sands site away from the proposed development.
- 8.26 The proposal includes several car park grilles in the southern boundary retaining wall which faces onto the Bell Sands undercroft parking area. It is considered that this will not compromise the amenity of the neighbours as all living and amenity areas are set at first floor level. This aspect of the design would not have an unreasonable impact on the amenities of the residents of Bell Sands.
- 8.27 Third party concerns have been raised about the proposal's use of the same ramp and gates as the Bell Sands development including impacts on service charges, wear and tear and security. The agent has confirmed that the site has right of access over this area, so this is a matter for resolution between the site owners and not a material planning consideration.
- 8.28 Subject to the permitted development condition, the proposal would have an acceptable

impact on the amenities of Bell Sands residents in all relevant regards.

*Impact on neighbours to the north in Norman Terrace*

The proposal is set on the back of pavement facing Leigh Hill. There is a separation distance of at least 16.9m to the houses in Norman Terrace to the north. 3 storeys were approved here in 2018 and 2014 and found to be acceptable within the 2022 application which was refused for other reasons. The current proposal is the same scale and massing as these proposals and has very similar fenestration arrangements. The impact on the amenity of the Norman Terrace dwellings is acceptable.

8.29 Due to the relationships and distances involved, no other properties are materially affected by this development. The impact on residential amenity is therefore acceptable and policy compliant in all relevant regards subject to the conditions noted above.

*Permitted Development Impacts*

8.30 Given the proximity of the development to neighbouring properties and finely balanced relationship with the grain and character of the area, it is appropriate in this case that certain permitted development rights should be controlled by condition so that the implications of future extensions or outbuildings on the character of the area and neighbours' amenity can be fully assessed.

**Standard of Accommodation**

8.31 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

8.32 All new homes are required to meet the NDSS Standards in terms of floorspace, bedroom size and storage size. The required sizes are shown in the table below.

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

8.33 Bedrooms are required to be a minimum of 11.5sqm and 2.75m wide for doubles and a minimum of 7.5 sqm and a minimum of 2.15m wide for singles.

8.34 The proposed dwelling and bedroom sizes are as follows:

Plot	GIA	Bed1	Bed2	Bed3	Bed 4	Store	Amenity
22	268.9sqm	39.5sqm 6.6m wide	33.2 sqm 3.6m wide	15.9 sqm 2.8m wide	13.2 sqm 3.3m wide	5.5sqm	54.2sqm
24	233.5 sqm	29.7 sqm	22.6 sqm	18.1	15.2 sqm	5.3sqm	48.7sqm

		4.9m wide	4.3m wide	Sqm 3.7m wide	3.7m wide		
26	207.6 sqm	10.5 sqm 3m wide	16.4 sqm 3.6m wide	18.4sqm 3.6m wide	12.5sqm 3m wide	4.6sqm	80.1sqm

- 8.35 All of the houses exceed the relevant minimum NDSS standards in terms of GIA and bedroom total floor area. The proposed habitable rooms would receive acceptable levels of daylight and sunlight light and would have acceptable outlook.
- 8.36 The Council does not apply standards for amenity space provision but Policy DM8 states, “*Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances.*” Each proposed house has an amenity deck to the rear above the parking area and all have more than one private balcony on the rear elevation. The amenity decks would provide a useable family amenity space in this tight knit environment. Also, the site is very close to the seafront and associated public amenities. It is considered that, given the constraints to the site, including the part retention of the existing building, the proposal provides an acceptable level of amenity for the proposed houses. Privacy screens with integrated planters are proposed between the development’s balconies to the rear to prevent inter looking. These can be secured by condition.

#### *M4 (2) – Accessibility*

- 8.37 Development Management Policy DM8, as amended, requires all new homes to be accessible and meet the standards set out in Building Regulations M4 (2) Accessible and Adaptable Dwellings. This ensures that all new homes are sufficiently flexible to meet the needs of all generations.
- 8.38 The 2022 application was refused in part because the development failed to demonstrate that the two new houses (No 24 and No 26) would comply with building regulations M4(2). An RIBA stage 2 M4(2) compliance statement has been submitted with this application. This concludes that ‘*All internal and external requirements for No 24 and 26 are in full compliance with M4(2) requirements including step free access from the parking area where the gradient is ‘as shallow as the site permits’.* In regard to No 22, as a conversion there is no policy-based obligation to meet M4(2) but this is also compliant in most regards. The proposal is acceptable and policy compliant in the above regard and has overcome that previous reason for refusal.

#### *Noise*

- 8.39 A noise report has been submitted with the application. This recommends acoustic glazing particularly for rooms facing Leigh Hill to mitigate for traffic and railway noise overnight and mechanical ventilation so that these windows do not have to be opened to provide necessary ventilation. Indicative details of the ventilation system have been provided and are acceptable in visual and character terms. The proposal is therefore acceptable and policy compliant subject to the implementation of these measures which can be controlled by condition.
- 8.40 Overall, the proposed development would provide an acceptable standard of living accommodation and is policy complaint in all regards subject to the described conditions.

## **Traffic and Transportation Issues**

- 8.41 The NPPF states (paragraph 111) that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”*
- 8.42 Policy CP3 of the Core Strategy seeks to improve highway safety and accessibility. Policy DM15 of the Development Management Document (2015) states: *“All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context”.*
- 8.43 Outside of the central area the minimum parking requirements for dwellings with two or more bedrooms is two car spaces and one cycle space per unit but these standards can be applied flexibly if there is justification to do so on grounds of sustainability or character as provided for within Policy DM15.
- 8.44 The proposed development would accommodate three car parking spaces in the basement, one for each dwelling with a turntable for improved manoeuvring within an enclosed car park to the rear under the building. The car park would be accessed via the existing ramp serving Bell Sands. The agent has confirmed that there is a right of access over this route. Secure cycle parking and refuse storage is also provided in this location. The Council’s Highways Officer has raised no objections to the proposal. Given the context of the site and its sustainable location, this arrangement is considered to be acceptable and the proposal is policy compliant in this regard.
- 8.45 Electric Vehicle charging is required for the new build properties but there is no policy requirement for the conversion at No 22 however the agent has confirmed that all 3 spaces will have charging points. This is a benefit to the scheme and can be secured by condition.

### *Construction Management*

- 8.46 Given the context of the site and its relationship to Leigh Hill, it is considered that a pre commencement construction management plan would be required by condition.
- 8.47 Overall, the proposal is considered acceptable and policy compliant in the above regards subject to the described conditions.

## **Ground conditions and impact on the structure of the adjacent Listed Building**

- 8.48 Policy DM14 of the Development Management Document states that: *“All development proposals in the vicinity of the cliff frontages shall take full account of the risk of ground instability. Development that is at risk from land instability or that is likely to increase risk to a site or to the surrounding areas will be not acceptable. Proposals will only be considered where:*
- (i) It has been demonstrated to the satisfaction of the Council that the development of unstable or potentially unstable land will be constructed and used safely without increasing instability of the site and surrounding land; and*
  - (ii) It can be demonstrated that mitigation measures to stabilise land are environmentally acceptable and will not adversely impact upon neighbouring uses or sites.”*
- 8.49 The site is part of Leigh Cliffs so the development proposal needs to take account of



land stability. The Council's Highways Engineer has not raised any concerns with the principle of enlarging this site's basement next to Leigh Hill but recommends that the Council have the opportunity to oversee the work during construction, as required. This can be controlled by condition.

8.50 The following summarises the planning position in relation to third party concerns about the impact of the proposal on the stability of the adjoining listed building No 28. Such structural considerations are primarily a matter for separate and detailed technical control under the Building Regulations and the legal mechanisms available to the applicant and relevant neighbouring landowners under Party Wall Act provisions. The proposed development's basement extension will be located up to the eastern boundary with No 28 which is some 1.8m from the flank of that listed building and in the same location as the approved 2018 development. The 2014 development, considered on the balance of probability to have been implemented, also had a basement in this position. Sectional drawings which relate to No 28 Leigh Hill and the new foundations for the proposed development show that even with the shallowest of foundations to No 28 there is no removal of the underlying ground within 45 degrees of the foundations to No 28.

8.51 The principle of an enlarged basement at this site was agreed in the 2014 and 2018 approvals and the proposal remains acceptable in this regard. A structural report has been submitted with the application which sets out the general method of construction for the basement including how the impact on neighbouring properties will be managed and mitigated. This includes a full photographic baseline survey of the listed building, monitoring of any movement to the foundations/walls of the listed building, the use of only small mechanical plant to reduce potential vibrations and incremental construction of the retaining walls with no more than 20% of the basement excavation taking place at any one time to reduce the pressures on surrounding land. The full basement construction will be subject to Building Regulations Approval and will be overseen through the Building Control process. The applicant has confirmed their intention to enter into a Party Wall Agreement with the neighbours, which is subject of separate legal recourse, if relevant.

8.52 The circumstances of the Bell Hotel adjacent to the site in 2015 has also been raised as a concern. In regards this the submitted structural report states that:

*'The Bell Hotel had been rebuilt in 2017 after a partial collapse of the structure which led to full demolition for safety. The building had been vacant for over 20 years and no maintenance had been undertaken. The building was undergoing redevelopment into Flats, noted as some internal works and a new roof, when the new roof partially collapsed in November 2015. During this time the redevelopment to the rear of The Bell was under construction, including foundations set at a lower level than The Bell due to the natural slope of the ground. A short time after the roof collapse the rear wall to the building failed, it was then deemed unsafe and a full demolition was ordered. It is unclear the cause of the rear wall collapse, however foundation works were being undertaken in the vicinity of the wall. This does not confirm ground stability issues in the area, there are a number of differing reasons why the collapse happened.'*

8.53 Overall it is considered that the proposed basement enlargement is acceptable subject to the implementation of the recommended measures to mitigate the impact on the listed building as set out in the structural report and submissions by the applicant's Structural Engineer. This can be controlled by condition.

### **Sustainability**

8.54 Sustainable development is a key objective of the NPPF.

- 8.55 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).” Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” This includes energy efficient design and the use of water efficient fittings, appliances, and water recycling systems such as grey water and rainwater harvesting.
- 8.56 Certain information has been provided in relation to the renewable energy including the proposal for a mechanical heat recovery system with discreet vents to the rear and reference to PVs (photovoltaic panels) on the flat roof. This is considered acceptable in principle subject to demonstrating that the 10% requirement can be met which can be controlled by condition. A condition is also proposed for water efficiency measures. Care would be needed to ensure that the PVs submitted for approval under such a condition would not harm the character and appearance of the Leigh or Leigh Old Town Conservation Areas or the setting of the adjacent listed building. As the proposal includes new buildings and an enlarged basement it is reasonable to also include a condition relating to sustainable drainage.
- 8.57 Subject to those caveats, this aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

### **Ecology and Recreational disturbance Avoidance Mitigation Strategy (RAMS)**

- 8.58 The site was overgrown for a long time but has recently been cleared. To compensate for the loss of the previous greenery, albeit this was unmanaged and untidy, the landscaping scheme has been amended to include more pollinators and biodiverse planting as recommended by the Parks Officer. Neighbours have reported seeing bats in the vicinity of the site. Bats are protected species, and a licence will be needed for works to the building if there is an active bat roost. This is unknown so the agent has agreed to a pre commencement condition that requires bat surveys to be undertaken so that the position can be verified and addressed if required. Subject to this condition and a landscaping condition the proposal is acceptable and policy compliant in these regards.
- 8.59 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £163.86 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 8.60 The proposal would result in a net increase of 1 residential dwelling. The RAMS tariff for this has been paid. The proposal is acceptable and policy compliant in this regard.

### **Community Infrastructure Levy (CIL) and**

- 8.61 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of some 710 sqm, which may equate to a CIL charge of approximately £62,425.38 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

### **Equality and Diversity Issues**

- 8.62 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Conclusion**

- 8.63 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of residential use, and the provision of family housing which should be given increased weight in a balancing exercise.
- 8.64 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide three family sized dwellings, each a good standard of accommodation and would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the conservation areas more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development.. This application is therefore recommended for approval subject to conditions. The proposal has satisfactorily addressed the previous reasons for refusal in relation to application reference 22/00606/FUL.

## **9 Recommendation**

- 9.1 **GRANT PLANNING PERMISSION 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 shall only be undertaken in accordance with the following approved plans: LH-SCN-XX-XX-DR-A-01.001-A1-PL01, LH-SCN-XX-XX-DR-A-10.001-A1-PL01, LH-SCN-XX-XX-DR-A-10.001-A3-PL01, LH-SCN-XX-XX-DR-A-10.002-A3-PL01, LH-SCN-XX-XX-DR-A-10.003-A3-PL01, LH-SCN-XX-XX-DR-A-10.004-A3-PL01, LH-SCN-XX-XX-DR-A-10.005-A3-PL01, LH-SCN-XX-XX-DR-A-10.006-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.001-A3-PL01, LH-SCN-XX-ZZ-DR-A-ZZ.002-A3-PL02, LH-SCN-XX-ZZ-DR-A-ZZ.003-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.601-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.602-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.604-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.801-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.802-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.803-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.804-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.805-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.806-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.807-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.808-A3-PL01, LH-SCN-XX-ZZ-DR-A-ZZ.004-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL03, LH-SCN-XX-XX-DR-A-ZZ.001-A3-PL04, LH-SCN-XX-ZZ-DR-A-ZZ.006-A3-PL02, LH-SCN-XX-ZZ-DR-A-ZZ.005-A3-PL01.

**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).**

*Design and Heritage Conditions*

- 03** Before any of the dwellinghouses hereby approved are occupied, the materials used for their external surfaces shall be as set out on plan reference LH-SCN-XX-ZZ-DR-A-ZZ.002-A3-PL02 and the associated submitted materials specifications or in accordance with any other alternative external materials details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

**Reason: To safeguard the visual amenities, character and appearance of the area including the Leigh Conservation Area and Leigh Old Town Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021) and the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)**

- 04** The detailing for the key design elements of the development hereby approved shall only be as shown in plan references LH-SCN-XX-XX-DR-A-ZZ.801-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.802-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.803-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.804-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.805-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.806-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.807-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.808-A3-PL01 (Windows and Doors), LH-SCN-XX-XX-DR-A-ZZ.601-A3-PL01 (Eaves, Canopies and Bay), LH-SCN-XX-XX-DR-A-ZZ.602-A3-PL01 (Balconies, Ridge and Parapet) and LH-SCN-XX-ZZ-DR-A-ZZ.006-A3-PL02 (Vents) or in accordance any other alternative key design details that have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

**Reason: To safeguard the visual amenities, character and appearance of the area including the Leigh Conservation Area and Leigh Old Town Conservation Area, in**

accordance with the National Planning Policy Framework (2023) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021), the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)

- 05 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the front (north) exterior elevation of the building without the receipt of express planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Leigh Conservation Area and Leigh Old Town Conservation Area. This is as set out in the National Planning Policy Framework (2023), 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), the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)

- 06 The development hereby approved shall be carried out in full accordance with the procedures set out in the Structural Report by HLS Structural Engineers Ltd reference 23323/JL/JL dated 26 Apr 2024 and Letter from HLS Structural Engineers Ltd reference 23323 Rev B dated Apr 2024 including a full photographic survey and level monitoring of No 28 Leigh Hill.

Reason: To ensure that the development respects the integrity of the adjacent listed building during construction. This is as set out in the National Planning Policy Framework (2023), 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), the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)

#### *Landscaping*

- 07 05 The hard and soft landscaping and boundary treatments at the site subject of this permission shall be carried out in full accordance with the proposed landscaping scheme shown on plans ref LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL03 prior to occupation of any of the dwellings hereby approved, or in accordance with any other alternative landscaping details that have previously been submitted to and approved in writing by the Local Planning Authority. 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, character and appearance of the area including the Leigh Conservation Area 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 in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

#### *Neighbour Impact and Privacy*

- 08** The first floor east side windows to bedroom 2 of the dwelling hereby approved at No 26 Leigh Hill 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) as shown on plan references LH-SCN-XX-XX-DR-A-10.004-A3-PL01 and LH-SCN-XX-ZZ-DR-A-ZZ.002-A3-PL02 before the occupation of the replacement dwelling at No 26 Leigh Hill hereby approved. The windows shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

**Reason:** To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 09** Privacy screens not less than 1.7m high above balcony level shall be fitted to the sides and dividers of the rear balconies of the dwellings hereby approved at Nos 22 and 24 Leigh Hill and the southern section of the east side of the second floor balcony of No 26 Leigh Hill as shown on plan reference LH-SCN-XX-XX-DR-A-ZZ.603-A3 and in full accordance with details shown on this plan and plan reference LH-SCN-XX-XX-DR-A-ZZ.604-A3-PL01 or in full accordance any other alternative privacy screen details that have previously been submitted to and approved in writing by the Local Planning Authority under the scope of this condition, in all cases prior to first occupation of the development. The screens shall be retained for the lifetime of the development in accordance with the approved details.

**Reason:** To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) policy CP4, Development Management Document (2015) Policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 10** With the exception of the balcony shown in plan reference LH-SCN-XX-XX-DR-A-10.004-A3-PL01, the remaining area of flat roof to the ground floor single storey rear projection to No 26 Leigh Hill hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other such purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

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

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 advice in the Southend-on-Sea Design and Townscape Guide (2009).**

*Parking*

- 12 The 3 car parking spaces, turntable and the associated vehicular access for vehicles using these spaces to access the public highway, shown on approved plan LH-SCN-XX-XX-DR-A-10.002-A3-PL01 shall be provided and made available for use at the site prior to the first occupation of any of the dwellings hereby approved. The car parking spaces, turntable and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the development hereby approved and their visitors. Each car parking space shall have access to active electric vehicle charging.**

**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 (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009).**

*Waste and Cycle Storage*

- 13 A) The dwellings hereby approved shall not occupied unless and until the refuse and recycling stores to serve the development as shown on approved drawing LH-SCN-XX-XX-DR-A-10.002-A3-PL01 have been provided at the site and made available for use by users of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose.**
- B) The waste management arrangements for the dwellings hereby approved shall be carried out in full accordance with the Recycling and Waste Management Strategy reference 2307-022/RMWS/01 dated Dec 2023 or in accordance with any other alternative waste management details that have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

**Reason: To ensure that satisfactory refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character and appearance of the surrounding area including the Leigh Conservation Area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM5 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009) and Leigh Conservation Area Appraisal (2021).**

- 14 The dwellings hereby approved shall not be occupied until and unless the cycle storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number LH-SCN-XX-XX-DR-A-10.002-A3-PL01 or in accordance with any other alternative cycle storage details that have been previously submitted to and agreed in writing by the Local**

**Planning Authority under the terms of this condition. The cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details.**

**Reason: To ensure the provision of adequate cycle parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).**

*Construction Management*

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

- (i.) The parking of vehicles of site operatives and visitors;**
- (ii.) Loading and unloading of plant and materials;**
- (iii.) Storage of plant and materials used in constructing the development;**
- (iv.) The erection and maintenance of security hoarding including contact details (including out of hour contact details) that are to be displayed on the hoardings;**
- (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) Arrangements for contact with the Southend-on-Sea Council's Highways Engineer at least 2 weeks prior to commencement of the basement construction to facilitate reasonable inspection of the basement construction works .**

**Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents and ensure satisfactory measures are in place to safeguard the stability of the Leigh Hill highway during construction of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 & DM3.**

- 16 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, 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).**

*Renewables, Water Efficiency and Sustainable Drainage*

- 17 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 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 (2023), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 18 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.

**Reason:** To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2023), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

#### *Bats*

- 20 No development shall commence until and unless two bat emergence/re-entry surveys of the buildings present on the application site, have been undertaken to determine whether bats are present within the existing buildings. The results of the survey and any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. 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. The development shall commence and proceed only in accordance with the approved mitigation scheme or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

**Reason:** A pre commencement condition is justified to ensure any protected species and habitats present on or utilising the site are adequately protected

during demolition and building works in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, and Development Management Document (2015) Policy DM2.

*Noise Report*

- 21 The development shall be carried out in full accordance with the mitigation measures set out in Table 4 and figure 2 of the Environmental Noise Assessment by Loven Acoustics reference LA/1810/02cR/ML dated 31.01.24 and mechanical ventilation system as shown on plan reference LH-SCN-XX-ZZ-DR-A-ZZ.006-A3-PL02 or any other ventilation details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To mitigate road traffic noise from Leigh Hill and noise from the nearby railway line in the interests of the living conditions of future occupiers of the approved development in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

*Accessible Dwellings (New Development only)*

- 22 The development hereby approved shall be carried out in full accordance with the submitted RIBA Stage 3 Building Control Plan Review Category 2 - Accessible and Adaptable Dwellings reference 66109328 by Sweco dated 06.10.23 and in a manner to ensure the new dwellinghouses at No 24 and No 26 Leigh Hill comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the two new dwellings hereby approved provide a high quality and flexible internal layout to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and the advice contained in the Southend-on-Sea Design and Townscape Guide

**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](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 In relation to condition 15 of this permission the contact details for the Highway service are [Highwaysqueries@southend.gov.uk](mailto:Highwaysqueries@southend.gov.uk)