

# Southend-on-Sea City Council

## Development Control Committee 29<sup>th</sup> May 2024

### SUPPLEMENTARY REPORT

**Agenda Item 4**  
**24/00454/BC3**

**Pages 7-46**  
**Garages Rear of 40, 42, 44 and 46 Anson Chase (Shoeburyness Ward)**

#### **Section 4 Representations**

The neighbour consultation period has now expired (it expired on 27<sup>th</sup> May 2024). No further representations have been received.

**Agenda Item 5**  
**24/00271/FUL**

**Pages 7-46**  
**28 Belfairs Drive, Leigh-on-Sea (Belfairs Ward)**

#### **Section 4 Representations**

One additional letter of representation has been received raising the following issue:

- The dwellinghouses are capable of occupancy by 8 persons not 7 as stated in the Officers report.

***[Officer Comment:** The officer report is correct and no error has been made in the number of potential occupants. This is due to one of the bedrooms falling below the 11.5sqm requirement for consideration as a double bedroom and therefore, in line with government guidance, must be counted as a single occupant bedroom only. Therefore, both new dwellings are assessed as 4bed 7person units as correctly stated in the officer report.]*

**Agenda Item 7**  
**24/00421/BC3**

**Pages 123-188**  
**Garages at Bradford Bury, Leigh-on-Sea (Belfairs Ward)**

#### **Section 2 Paragraph 2.4 Officer Clarification**

The site levels to the rear garden would be raised locally with a patio to the back door to ensure a level threshold. Beyond the patio, the rest of the site topography would tie into the existing levels surrounding the site. The 1.8m high fence would be to the perimeter of the rear gardens only.

#### **Section 4 Representations**

One (1) further consultation response has been received from the Lead Local Flood Authority (LLFA) which raised no objections to the proposal, subject to a drainage condition.

#### **Section 8 Paragraph 8.21 Amendment to wording**

There is a typographical error at paragraph 8.21, which should read:

Due to the 3.2m separation distance, the proposal would **not** significantly harm the amenity of the neighbouring occupiers at No's 36-42 having regard to loss of light, loss of outlook, undue sense of enclosure, dominance or overbearing impacts.

## **Section 9 Condition Amendment**

The following amendment is made to proposed Condition 10 following the LLFA consultation response (added part underlined):

### **Condition 10 Drainage Infrastructure**

No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. **The details shall include the following:**

- **An agreement in principle from Anglian Water to make a new drainage connection should be provided, including agreement to proposed flow rate this connection will discharge at.**
- **The greenfield runoff rate for the site with calculations showing how this has been reached.**
- **Calculations to demonstrate the hydraulic performance of the entire pipe network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 45% climate change.**
- **Details of the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the SuDS features such as tanked system, flow restrictors and permeable paving.**
- **Details on how flood risk will be minimised during the construction phase.**
- **Consideration of the installation of water butts as a cost-effective measure to improve surface water flood and drought resilience.**

Any drainage infrastructure shall be installed in accordance with the approved details and maintained on site as approved thereafter.

Reason: To ensure the approved development does not increase flood risk on site or elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

## **Section 9 Informatives added**

4 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.

5 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 a overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.

**Agenda Item 8  
24/00272/FUL**

**Pages 189-238  
22-26 Leigh Hill, Leigh-on-Sea (Leigh Ward)**

**Amended Plans**

Amended plans have been received which alter the boundary treatment to the rear of No 26. The new plans are the proposed Ground Floor reference **LH-SCN-XX-XX-DR-A-10.003-A3-PL02** and proposed landscaping Plan reference **LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL04**. These plans are provided in **Appendix 1** below.

**Section 2 - Correction / Clarification**

2.5 The proposal follows 3 previous ~~approvals~~ **applications** at the site. **A refusal in 2022 reference 22/00606/FUL and two approvals reference 18/01431/FUL and 14/01852/FUL.** The latest in 2022 reference 22/00606/FUL was refused for the following reasons....

**Representations**

1 further representation has been received raising the following summarised comments:

- The rebuilding of No 26 is over scaled and will detrimentally impact on the setting of the listed building. This should be 2 storeys only.
- The rear balconies at first and second floor should be changed to Juliette balconies.
- Plant should be relocated away from neighbours. [Officer Note: there is no plant proposed near neighbours.]

The full representation is provided in **Appendix 2** below.

**Section 8 Correction**

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~~ **second** 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.

### **Condition Corrections**

The following amendments are made to the proposed conditions:

### **Condition 02 Approved Plans**

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-PL02**, 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-PL04**, 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.

### **Condition 07 Landscaping**

~~05~~ 07 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 plan reference **LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL04** 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

### **Condition 09 Privacy Screens**

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-PL04** 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.

### **Condition 13 Waste Storage**

13 A) The dwellings hereby approved shall not **be** 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.

**Agenda Item 9  
24/00441/FUL**

**Pages 239-280**

**Lynton House, 38 Kilworth Avenue, Southend-on-Sea (Kursaal Ward)**

**Section 4 Representations**

The neighbour consultation period has now expired (it expired on 17th May 2024). No representations have been received.

**Agenda Item 10  
23/00197/UNAU\_B**

**Pages 281-322**

**35 Albion Road, Westcliff-on-Sea (Victoria Ward)**

**Section 9 Recommendation (pages 284 – 285)**

Paragraph 9.2 – The second reason is removed:

9.2 For the following reasons:

01 The extension, due its siting abutting the site boundary, its size, noting its significant depth and its height above the existing fence, is dominant and creates an unacceptable loss of outlook and light and an undue sense of enclosure significantly harmful to the residential amenity of the occupiers of the neighbouring dwelling No.37 Albion Road. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

~~02 The choice of materials of the extension results in a visually incongruous addition to the existing building which results in significant harm to the character and appearance of the site, the rear garden scene and the wider area. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the 284 Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021).~~

**Agenda Item 14  
23/00231/UNAU\_B**

**Pages 387-402**

**5 Westcliff Park Drive, Westcliff-on-Sea (Westborough Ward)**

**Section 1 Site and Surroundings (page 388)**

- 1.1 No 5 is an end-of-terrace building, on the western side of Westcliff Park Drive. The building has previously been converted to two flats. The ground floor flat has been used as a clinic. The clinic is run by a rabi however it is stated in its website that it serves all communities who perform circumcisions for cultural or religious reasons. The site is not within a conservation area or subject to any other specific planning policy designations.

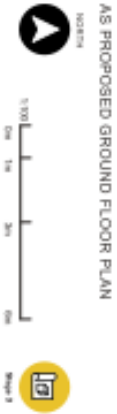
**Section 7 Paragraph 7.1 (page 388) – wording change**

- 7.1 In November 2023 a complaint was received by the Council alleging a 24/7 circumcision clinic was being operated at the property. It is understood that ~~this is primarily intended to serve the Jewish Community,~~ **while the clinic is run by a rabi, it serves all communities who perform circumcisions for cultural or religious reasons.**

**Section 8 Paragraph 8.20 (page 391) – wording removal**

- 8.20 There are benefits from the development to groups with protected characteristics, including followers of religions which perform the ritual of circumcision, parents of infants and children, mainly, ~~if not solely~~ from within the Jewish community of the city **as well as all communities of the city who perform circumcisions for cultural or religious reasons.** Officers consider that, in the absence of a mechanism to ensure appropriate planning controls are put in place, the benefits to these protected groups would not outweigh the identified potential harm to members of other groups.

Proposed Ground Floor Plan reference LH-SCN-XX-XX-DR-A-10.003-A3-PL02



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22-26 LEIGH HILL // PROPOSED GROUND FLOOR PLAN

Client Name: Greenlight Limited  
 Site Address: 22-26 Leigh Hill, Leigh-on-Sea, Essex, S89 2DN  
 Drawn by: EB  
 Scale: 1:150 @ A2  
 Date: 28 May 2024  
 Checked by: DAC  
 Date: 28 May 2024  
 Drawing no.: LH-SCN-XX-XX-DR-A-10.003-A3

KEY:  
 Existing walls  
 Proposed walls

No.	Description	Date	By
01	Issue for Information	28 May 2024	EB
02	Issue for Information	28 May 2024	EB
03	Issue for Information	28 May 2024	EB
04	Issue for Information	28 May 2024	EB

017345 440 302  
 017345 440 302





## Appendix 2 Neighbour Representation for 22-26 Leigh Hill 24/00272/FUL

Mr & Mrs D Mylroie  
10 Grasmead Avenue  
Leigh on Sea  
Essex SS9 3LA

24th May 2024

Southend on Sea City Council  
Director of Enterprise, Tourism and Environment  
Civic Centre,  
PO Box 5557  
Victoria Avenue  
Southend on Sea  
Essex SS2 6ER

Dear Mr Waters,

### **Development Committee 29<sup>th</sup> May 2024 Item 8: 24/00272/FUL : 22-26 Leigh Hill, Leigh on Sea**

We write further to our original e-mail representations concerning the above and would ask that this letter and supporting material be laid before committee when it meets next week.

We own and recently refurbished the listed building at 28 Leigh Hill which neighbours the proposed development site. This special heritage asset is precious to our family.

We support the development of the adjacent site as three new houses, but would question the need for them to be quite so large given the impact they will have upon the setting of 28 Leigh Hill and their impact within the wider Leigh Conservation Area. This is a concern shared by our neighbours in the local community.

We are especially concerned about:

- The structural consequences of ground reduction so close to a fragile listed building; we have procured and submitted professional structural advice in this regard to the Council – see attached;
- The proliferation of projecting balconies upon the proposed rear elevation; Juliette balconies at first and second floor would be a better solution;
- The proximity of mechanical plant so close to our main reception window; this could easily be relocated to a more neighbourly location;

The scale of the replacement building on the site of 26 Leigh Hill is too great given what previously existed on site (see attached before and after model views). We do not consider that what is proposed can reasonably be seen as "preserving or enhancing" the character or appearance of the conservation area or setting of a listed building.

Yours sincerely,

Mr & Mrs D Mylroie

**Attachments: Sketch-up models – before & after views ; Structural engineer's report**

# Sketch Up Model from Neighbour Representation

29/05/2024 Committee Item 8: 24/00272/FUL - 22-26 Leigh Hill, Leigh-on-Sea (Leigh Ward)



Note the more sympathetic scale of the pre-demolition building at 26 Leigh Hill, the replacement is two stories higher at its frontage to Leigh Hill

Existing and Proposed View from the bottom of Church Steps

Proposed Neighbouring Building



CURRENT SITE PHOTO

28 Leigh Hill  
Proposed dev't



## Sketch Up Model from Neighbour Representation

29/05/2024 Committee Item 8: 24/00272/FUL - 22-26 Leigh Hill, Leigh-on-Sea (Leigh Ward)

28 Leigh Hill: Listed Building

Pre-existing scale of 22-26 Leigh Hill



Note the more sympathetic scale of the pre-demolition building at 26 Leigh Hill. The replacement is two stories higher (with its gable) at its frontage to Leigh Hill and dramatically more imposing in the street scene, conservation area and upon the setting of the listed building.



Proposed Neighbouring Building

CURRENT SITE PHOTO

28 Leigh Hill Listed Building

Proposed development 22-26 Leigh Hill



# Structural Letter from Neighbour Representation



Directors  
M.A. O'Regan BSc CEng MI Struct E

Consultants  
L.A.C. Wight PEng RET FSE RE AMI StructE FCARE M. Weld I  
P.R. Burgess BSc CEng FICE MI Struct E

Our Ref:

02 May 2024

2024/P10

Mr D Mylroie  
28 Leigh Hill  
Leigh on Sea  
Essex  
SS9 2DN

By email

Dear Mr Mylroie

**Re: 28 Leigh Hill, Leigh on Sea.**

Thank you for sending us HLS Engineer's Revised Report.

To recap, you have instructed us to consider if the development proposals for 22 to 26 Leigh Hill could have any adverse effects on the Grade II listed building at 28 Leigh Hill. Our letter dated 02 April 2024 presented our initial review.

Having reviewed the updated HLS report we comment as follows:

- The report outlines an engineering aspiration for the type of substructure and foundation. It is not based upon any ground investigation that has determined the actual ground conditions beneath the site and determined their engineering properties.
- Instead, a borehole record is presented in the report that has been downloaded from the British Geological Society website. The borehole is over 100m away and unlikely to be on the same stratigraphic horizon. Again, no engineering properties of the soils are available.
- The foundation design is based on an assumed geology with no Made Ground, competent London Clay at surface level, and 1.0m deep shallow foundations. Again, this is aspirational and not based on bearing pressures, soil plasticity or likely ground movements.
- The statement in 4.2.3 suggests the retaining wall will now be designed with a permanent prop and not cantilevered. This is welcomed but what resists the horizontal prop forces and how are they dissipated into the ground. This is not mentioned; nor is it obvious from the generic sketch mark ups.
- A temporary works sequence is also presented in 4.2.3. This is an idealised and transferable generic detail. It is unclear how the sequence is specifically realised on a sloping site and in two directions such as exists here in Leigh Hill.
- The statement in 4.2.7 is not proven
- The sketches in 4.2.8 are encouraging as they demonstrate it is unlikely the foundations of your property will be undermined by excavation during the works.
- The engineer "expects" the substructure development works will result in potential cracks within your property that will not exceed 1.0mm in width. This equates to Burland Category 1.0 but it is not proven by any ground movement analyses. There is a fragile masonry chimney stack though the listed cottage that does not appear to have been

- considered. You have advised, and the original survey drawings indicate, the chimney stack leans appreciably towards No26 and downhill towards the southern elevation, which suggest past ground movement and subsurface instability.
- A movement monitoring regime is presented in 5.12. This requires the developer to regularly check your property for any movement during construction. This is customary in Party Wall matters. However, in our experience the trigger levels are determined from ground movement analyses which are based upon the actual site geology, the proven engineering properties of the geology, the scale of the development and the construction methodology. In this instance, none of the above is demonstrated or proven.

## **Conclusions**

The adjacent development is proposed within a challenging site that slopes in varying directions. The revised structural engineer's report provides an outline schematic proposal for the structural works. It is not however based upon any ground investigation that has determined the actual ground conditions beneath the site and determined their engineering properties.

The excavation of the new basement will cause vertical and lateral ground movements beyond the development site. No ground movement assessments have been carried out to predict the vertical and lateral movements to your property due to the basement works. The consequential damage according to the Burland Scale remains undetermined and can only be regarded as an aspiration.

The sloping nature of the site leads to an unbalanced lateral load across opposing basement wall faces. There is no information of how these are dissipated into the ground.

You reside in a Grade II heritage asset. It is a quirky building that already exhibits a noticeable lean towards no 26. The masonry chimney stack is fragile, already leans towards the development site and is simply braced by the existing timber structure of the cottage. The basement development on the adjacent site will result in ground movement. The amount of movement has not been calculated, nor has the proposed foundation system been confirmed. In the absence of a site-specific ground investigation, the developer seems unable to confirm the actual geology beneath the site and actual foundation system that will be appropriate. In the absence of such investigations, it is difficult to see how the engineering design can be taken much further.

Given the uncertainty we are therefore unable to confidently advise if the predicted levels of damage to your property is reliable. You and the local authority may also wish to seek the advice of Historic England.

Please feel free to contact me if you would like to discuss.

Kind regards  
**Yours faithfully**  
**Ross and Partners**



**Mike O'Regan**