

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 7th November, 2018

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: committeesection@southend.gov.uk

A G E N D A

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- 2 Declarations of Interest
- 3 Minutes of the meeting held on Wednesday, 1st August 2018
- 4 Minutes of the meeting held on Wednesday, 12th September 2018
- 5 Minutes of the meeting held on Wednesday, 3rd October 2018
- 6 Supplementary Report
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- **** **Reports on Planning Applications with Pre-Meeting Site Visits**
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(Pages 115 - 148)
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(Pages 291 - 330)

14 18/01436/FULH - 34 Birchwood Drive, Leigh-on-Sea (Blenheim Park)
(Pages 331 - 340)

TO: The Chairman & Members of the Development Control Committee:
Councillor D Garston (Chair)
Councillors B Arscott (Vice-Chair), M Borton, S Buckley, A Chalk, A Dear, F Evans,
D Garne, J Garston, S Habermel, R Hadley, H McDonald, C Mulroney,
D Norman MBE, P Van Looy, C Walker and N Ward

PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 10.30 a.m.

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st August, 2018
Place: Committee Room 1 - Civic Suite

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Present: Councillor D Garston (Chair)
Councillors B Arscott (Vice-Chair), M Borton, S Buckley, A Chalk,
A Dear, F Evans, D Garne, J Garston, S Habermel, R Hadley,
H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker
and N Ward

In Attendance: Councillor K Buck
J K Williams, P Geraghty, K Waters, C Galforg, P Keyes, C White,
M Warren and T Row

Start/End Time: 2.00 pm - 4.40 pm

198 Apologies for Absence

There were no apologies for absence.

199 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – 18/00867/FULH (53 Leigh Cliff Road, Leigh-on-Sea) – Non-pecuniary interest: Objector/neighbour is known to him:

(b) Councillor Arscott – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant is a close friend (withdrew);

(c) Councillor Borton – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Governor at Milton Hall Primary School, which is mentioned in the report:

(d) Councillor Borton – 18/00899/FULM (Crowstone Preparatory School, Westcliff-on-Sea) – Non-pecuniary interest: Governor at Milton Hall Primary School, which is mentioned in the report:

(e) Councillor Buckley – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Has been lobbied by Milton Conservation Society and by Applicant's Planning Consultant;

(f) Councillor Buckley – 18/00925/FULH (29 Dolphins, Westcliff-on-Sea) – Non-pecuniary interest: Councillor for St Laurence Ward and has dealt with a case involving a number of the residents;

(g) Councillor Dear – 18/00952/FULM (Development Land at Priory Crescent, Southend-on-Sea) – Non-pecuniary interest: Volunteer driver for Havens Day Care Hospice Ltd.;

- (h) Councillor Evans – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Non-pecuniary interest: Applicant is known to her;
- (i) Councillor D Garston – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Son lives in Clifftown Parade;
- (j) Councillor D Garston – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Non-pecuniary interest: Applicant is known to him;
- (k) Councillor J Garston – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Lives in the area;
- (l) Councillor Mulroney – 18/00813/FUL (194 Leigh Road, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (m) Councillor Mulroney – 18/00867/FULH (53 Leigh Cliff Road, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (n) Councillor Mulroney – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant and architect are known to her;
- (o) Councillor Norman – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant is a friend and a colleague;
- (p) Councillor Van Looy – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: The neighbours of the site are known to him;
- (q) Councillor Van Looy – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant is known to him;
- (r) Councillor Van Looy – 18/01225/FULH (123 Poynings Avenue, Southend-on-Sea) – Pecuniary interest: Owner of the property and applicant (withdrew); and
- (s) All Councillors present declared a non-pecuniary interest in Agenda Item No. 14 (18/01225/FULH 123 Poynings Avenue, Southend-on-Sea) on the grounds that the applicant was known to them as a fellow Councillor and a Member of the Committee.

200 Minutes of the Meeting held on Wednesday 6th June 2018

Resolved: That the Minutes of the meeting held on Wednesday, 6th June 2018 be received confirmed as a correct record and signed.

201 Minutes of the Meeting held on Wednesday 4th July 2018

Resolved: That the Minutes of the Meeting held on Wednesday, 4th July 2018 be received, confirmed as a correct record and signed.

202 **Supplementary Report**

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

The Committee noted that since the publication of the Development Control Committee Agenda, the revised 2018 National Planning Policy Framework (NPPF) had been published. As such, all conditions and reasons for refusal needed to be updated to refer to the 2018 NPPF, rather than the superseded 2012 NPPF. Where more specific changes were required they were detailed in the Supplementary Report

203 **17/02266/FULM - The Esplanade, Western Esplanade, Southend-on-Sea (Milton Ward)**

Proposal: Demolish existing buildings, erect five storey building comprising 49 self-contained flats with ground floor restaurants, basement parking, refuse and cycle storage and landscaping, plant and storage rooms, form new vehicular access onto the Western Esplanade (amended proposal)

Applicant: Clifftown Shore Developments Ltd

Agent: Strutt and Parker

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to the following conditions and subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:

- A financial contribution towards off-site affordable housing of £331, 673.46 (index linked), which is to be paid no later than occupation of the 20th dwelling.
- A financial contribution towards secondary education provision of £27,692.42 (index linked) specifically for expansion of Eastwood Academy, which is payable prior to commencement of the development.
- A financial contribution for the highway works of £14,000 (index linked) specifically to provide a loading bay and re-provision of dropped kerbs and parking spaces and tactile paving which is payable prior to the commencement of the development.
- Implementation of landscaping works and tree planting
- Implementation of Travel Plan (including provision of Welcome Packs and appointment of a Travel Plan Coordinator).

(b) The Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

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

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

02 The development shall be carried out in accordance with the approved plans: 8531-01 P1, 8531-02 P1, 8531-03 P1, 8531-04 P1, 8531-05 P1, 8531-06 P1, 8531-07 P1, 8531-08 P2, 8531-09 P2, 8531-10 P2, 8531-11 P2, 8531-12 P2, 8531-13 P1, 8531-14 P2, 8531-15 P1, 8531-16 P2, 8531-17 P1, 8531-18 P1, 8531-19 P1

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia, balconies, and balustrades have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials, details and specifications before the dwellings or non-residential units hereby approved are first occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans hereby approved and the landscaping strategy Rev. B, no development shall take place, other than demolition ground and site preparation works, until there has been submitted to and approved by the Local Planning Authority a detailed scheme of hard and soft landscaping for the development. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and all means of enclosing the site.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

05 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential or commercial units within the development. Any 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. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

06 The development shall not be first occupied until 49 on site car parking spaces have been provided and made available for use in full accordance with drawings 8531-06 P1 and 8531-18 P1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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

07 The development shall not be first occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 8531-07 P1 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

08 No part of the mixed use development hereby approved shall be first occupied or brought into first use until a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out solely in accordance with the approved details which shall include details of refuse storage facilities and waste servicing arrangements.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

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

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

10 The non-residential units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2300 hours on any day.

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

11 Before the development is occupied or brought into first use, the development hereby approved shall be carried out in a manner to ensure that 5 of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 44 flats comply with building regulation part M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

12 External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 Prior to occupation of the development hereby approved a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of any part of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

14 Prior to occupation any part of the residential units hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be

implemented in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

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

15 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

16 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until details of the shutter to the car park have been submitted to and approved in writing by the local planning authority. The works must be carried out and completed in full accordance with the details approved under this condition before the dwellings or non-residential units hereby approved are first occupied or brought into first use.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no structures including but not limited to plant, satellite, radio antennae, renewable energy or telecommunications equipment shall be installed on the external elevations of the building or roof of the development hereby approved unless permission has been obtained beforehand in writing from the local planning authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area and airport safety in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

18 Any CCTV shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

19 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment undertaken by Systra reference STHLSD32-03 dated 18 December 2017 including the mitigation measures on pages 19 and 20 before the development is occupied.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

20 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Construction Management Plan undertaken by Cura.

Reason: In the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

21 The development shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Noise Assessment undertaken by Cass Allen reference RP01-17591 and notwithstanding the details shown on the plans submitted and otherwise hereby approved, and approved no development above ground level shall be undertaken unless and until full details of the acoustic properties of the development including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be undertaken in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

Reason: To safeguard the residential amenity of the adjoining and nearby residents accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

22 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the dwellings hereby approved are first occupied and maintained in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

23 Commercial refuse collection and delivery times shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core

Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

24 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Ecology Appraisal undertaken by Peak Ecology Limited reference BeyBo01 dated 13 December 2017 and the approved Badger Survey undertaken by Peak Ecology Limited reference BeyBo01 dated 13 December 2017.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

25 No particularly noisy demolition equipment (eg concrete breakers) or construction techniques (eg percussive piling) shall be used during the period from 2 hours before high tide until 2 hours after high tide, on any days when either the air temperature is below 5 degrees Centigrade or the ground remains frozen.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity and to ensure that the development, as submitted, will not impact upon the features of special interest for which the Benfleet and Southend Marshes SSSI is notified in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

26 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence other than for demolition unless and until a drainage strategy and SuDS design statement has been submitted to and approved in writing by the local planning authority. The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

27 The ground floor outdoor terrace area shall not be open to members of the public between 22:00 and 08:00 on any day.

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

28 Other than the demolition and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

29 No development shall be undertaken until full details of tree protection measures to be provided to off-site trees that are to be retained as part of the development or will be affected by their proximity to the development have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved tree protection measures thereafter.

Reason: This pre-commencement condition is required in the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

30 Prior to demolition of the existing buildings a method statement, prepared by a chartered civil engineer, to demonstrate how the surrounding land will be stabilised during and following demolition shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

Reason: This pre-commencement condition is required to ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

31 Prior to commencement of development a full site investigation and structural survey, including slip circle analysis and details of mitigation measures prepared by a chartered civil engineer shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be implemented and retained thereafter.

Reason: This pre-commencement condition is required to ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

32 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the building granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design and materials and location of all privacy screens to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

33 Notwithstanding the details shown on the plans hereby approved no development shall take place above ground level until full details and specifications of the green roof have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

34 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until the car parking stacker system has been installed in accordance with details and specifications which have previously been submitted to and approved in writing by the local planning authority. The car park stacker system must be implemented in full accordance with the details approved under this condition and made fully available for use by residents of the building before any of the dwellings hereby approved are first occupied and shall thereafter be maintained in an operable condition and made fully available for use by residents of the building in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

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.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 8th August 2018 or an extension of this time as may be agreed, the Director of Planning and Transport or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing, highways, travel packs or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007).

Informatives

1 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 application site is located within Zone 2 therefore a CIL rate of £36.12 per sqm is required for the residential development and £12.04 per sqm for the commercial uses. The proposed development equates to CIL a charge of approximately £132,454.03 (subject to confirmation).

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

3 Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999.

4 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 21500

5 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

6 The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”.
http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

7 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council’s Environmental Health Officer for more advice on 01702 215005.

8 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

9 In relation to condition 04, it is recommended that the applicant liaises with the Council’s Parks Team to determine an appropriate landscaping scheme.

204 18/00952/FULM - Development Land at Priory Crescent, Southend-on-Sea (St Laurence Ward)

Proposal: Erect 16 bedroom hospice (Class C2) with day care and treatment facilities, ancillary office space, layout parking, hard and soft landscaping, form vehicular access on to Priory Crescent

Applicant: Havens Christian Hospice Ltd.

Agent: Strutt & Parker

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: 16271-LSI-A1-XX-DR-A-1180 Rev. B, 16271-LSI-A1-ZZ-DR-A-1351 Rev. B, 16271-LSI-A1-ZZ-DR-A-1370 Rev. A, 16271-LSI-A1-ZZ-DR-A-1350 Rev. B, 16271-LSI-A1-ZZ-DR-A-1352 Rev. B, 16271-LSI-A1-ZZ-DR-A-1370 Rev. A, 16271-LSI-A1-XX-DR-A-1170 Rev. A, 17110_D4_01 Rev.05, 16271-LSI-A1-RF-DR-A-1315 Rev. B, 16271-LSI-A1-GF-DR-A-1300 Rev. A, 16271-LSI-A1-01-DR-A-1301 Rev. A, 12743se-13, 16271-LS1-A1-XX-DR-A-1175 Rev. A 3413 M 301 Rev.P1, 3414 M030 Rev. P1, 3413 M031 Rev. P1, 3413 M032 Rev P1, 3413 M033 Rev. P1, 3413 M 300 rev. P1, 3413 M 302 Rev P.1, 3413 M 303 Rev. P1 and 16271-LSI-A1-DR-A-1307 Rev. A

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing

by the local planning authority. The development shall be carried out only in accordance with the approved details.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground level shall take place until full details of both hard and soft landscape works proposed for the site, have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours, means of enclosure, hard surfacing materials; minor artefacts and structures (e.g. furniture, bollards, refuse or other storage units, signs, lighting etc.). Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The approved hard landscaping works shall be carried out prior to first occupation of the development hereby approved and the first phase of soft landscaping works to the front and eastern parts of the site (as outlined in the Design and Access Statement submitted by LSI dated May 2018) shall be carried out within the first planting season following first occupation of the development with the full programme of landscaping works for phases 2 and 3 to be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved. The landscaping shall be completed in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

06 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 16271-LSI-A1-XX-DR-A-1180 Rev. B for 103 cars to be parked (including 12 accessible spaces). The parking spaces shall be permanently retained thereafter solely for the parking of occupiers and visitors to the development.

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management Document (2015).

Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground level shall be undertaken until full details of the secure, covered cycle parking for no less than 25 cycles has been submitted to and approved in writing by the local planning authority. The approved cycle parking facility shall be provided in full and made available for use for the development prior to the first use of the development hereby approved and be retained as such in perpetuity.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, DM3 and DM15 and the guidance contained in the Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be occupied until full details of any public art to be provided has been submitted to and approved in writing by the local planning authority. The approved public art shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

09 The development hereby approved shall be undertaken and thereafter operated in perpetuity in strict accordance with the approved waste management plan reference HSRM-003 Revision 04-2011.

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

10 The refuse and waste storage facilities as identified on the approved plans reference 16271-LSI0A1-XX-DR-A-1180 Rev. B shall be provided on the site prior to the first use of the development hereby approved and thereafter be permanently retained in perpetuity.

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

11 The development hereby approved shall be undertaken and thereafter operated in perpetuity in strict accordance with the approved parking management policy document reference HSRM-TBC Revision 04-2018.

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management Document (2015).

12 The development hereby approved shall be undertaken and completed in strict accordance with the mitigation measures in the approved Flood Risk

Assessment and Drainage Strategy undertaken by Ardent Consulting Engineers reference P854-02 dated May 2018 before it is occupied.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

13 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Phase II Contamination Report undertaken by A F Howland Associates reference MSH/17.417/Phase II dated 12 December 2017. A geo-marker membrane shall be provided beneath the clean topsoil provided and a final remediation certificate shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved.

Reason: To ensure that the development is safe for its lifetime in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

14 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Arboricultural impact Assessment undertaken by Innovation Group Environmental Services reference PA-14157 dated 22 December 2017.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

15 The development shall not be first occupied or brought into first use until a photovoltaic array has been provided on the site which has been demonstrated to provide at least 10% of the energy needs to the development from a renewable source. The solar panels shall be permanently retained in good working order thereafter.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

16 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusion of the approved Extended Phase 1 Habitat Survey reference E-14158 dated December 2017 undertaken by Innovation Group Environmental Services with the exception of the details submitted regarding the bird and bat boxes which are unacceptable as proposed in this report. In this respect, notwithstanding the bat and box details included in this report, no development above ground level shall be undertaken until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

17 Details of the external lighting to be installed on the building or within the site shall be submitted to and approved in writing by the local planning authority before the development is first occupied or brought into first use. The development shall be carried out and completed in accordance with the approved details before the development is occupied or brought into first use.

Reason: In the interests of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

18 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time Sundays or Bank Holidays.

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

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

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

20 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development

- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

21 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the rating level of noise for all plant installed in association with this consent determined by the procedures in British Standard: 4142:2014, shall be at least 5dB(A) below the background noise with no tonal elements. The LA90 shall be determined according to the guidance in British Standard:4142 measured at 3.5m from ground floor facades and 1m from all facades above ground floor level to the nearest residential premises.

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

22 The approved ambulance bay on the southern elevation shall be permanently screened from first occupation of the development in accordance with the approved plans references 16271-LSI-A1-XX-DR-A-1180 Rev. B, 16271-LSI-A1-ZZ-DR-A-1351 Rev. b and 16271-LSI-A1-ZZ-DR-A-1350 Rev. B

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

23 The development hereby approved shall not be brought into first use unless and until details of how all vehicles using the development will be permanently prevented from turning right out of and/or into the site have been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used until those approved no right turn arrangements have been implemented in full accordance with the details approved under this condition.

Reason: This condition is required in the interests of highway safety in accordance with the National Planning Policy Framework (2018) and Policy DM15 of the Development Management Document (2015)

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

Informatives

1 The proposal is CIL Liable, however, in this instance the chargeable amount has been calculated as a zero rate as the application relates to a registered charity and makes no profit.

2 If a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane application should be directed to sam.petrie@southendairport.com / 01702 538521.

3 Essex Fire Service has highlighted that it is necessary to provide a private fire hydrant within the curtilage of the proposed site. This should be considered at any early stage and will be a requirement for the Building Regulations.

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

205 18/00813/FUL - 194 Leigh Road, Leigh-on-Sea (Leigh Ward)

Proposal: Erect hip to gable roof extension to rear to form one self-contained flat, install dormer to front, external staircase to rear and form roof terrace

Applicant: Mr J Doassans

Agent: Stone Me Ltd

Resolved: That planning permission be REFUSED for the following reason:

1. The proposed development, by reason of the absence of off-street parking for the proposed dwelling unit, would cause additional on street parking in an area of parking stress to the detriment of residential amenity, highway safety and the free-flow of traffic. This is unacceptable and contrary to the National Planning Policy Framework (2018), Development Management Document (2015) Policy DM15 and Core Strategy (2007) Policy CP3.

206 18/00867/FULH - 53 Leigh Cliff Road, Leigh-on-Sea (Leigh Ward)

Proposal: Erect two storey south side extension, two storey front extension, single storey north side extension incorporating garage, single storey rear extension with roof terrace, install dormer to north side, dormer with balcony to south west and alter roof and elevations (amended proposal)

Applicant: Mrs and Mrs Jarvis

Agent: Do Architecture

Ms Clements, a local resident, spoke as an objector to the application. Mr Beecham, the applicant's agent, responded.

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 17.109-01, 17.109-02, 17.109-03, 17.109-04, 17.109-05, 17.109-07, 17.109-08B, 17.109-09B, 17.109-10B, 17.109-11B, 17.109-12B, 17.109-13B, 17.109-14B, 17.109-15B, 17.109-16B, 17.109-17B, Existing Sections dated Feb 2018

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

03 The materials to be used in the construction of the development shall be as shown on drawing number 17.109-13B and 17.109-14B.

Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 No development shall take place until details of the privacy screen to be placed on the southern side of the proposed first floor terrace have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first floor terrace is first used and shall be retained as such in perpetuity.

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

05 The north and south facing first and second floor windows and dormer windows in the side elevation and roof slopes of the proposed building shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level before the occupation of the dwelling hereby approved and 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 neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development

Management DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

06 Prior to occupation of the extensions hereby permitted not less than 2 off street car parking spaces shall be provided at the site in accordance with drawing reference 17.109-09B. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development.

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

07 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 in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of any plant equipment and materials used in constructing the development
- iv) the erection and maintenance of any security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of highway safety and in order to protect the amenities of occupiers of the development surrounding occupiers and the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4

Informative

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be

sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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

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.

207 18/00899/FULM - Crowstone Preparatory School, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Demolish existing buildings, including 6 Crosby Road, erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road (Amended Proposal)

Applicant: BESB Contracts Ltd

Agent: Phase 2 Planning

Resolved: That planning permission be REFUSED for the following reasons:

01 The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2018), 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 Design and Townscape Guide (2009).

02 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

03 A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and

CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

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

Informatives

1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

- 208 18/01006/OUT - 8 Burdett Road, Southend-on-Sea (Kursaal Ward)**
Proposal: Demolish existing storage building (Class B1(c)), erect nine dwellings, form additional parking and alter vehicular access on to Burdett Road (outline) (amended proposal)
Applicant: Gilson
Agent: T C Matthew Chartered Architect

Resolved: That OUTLINE planning permission be REFUSED for the following reasons:

01 The development, by virtue of the absence of a safe refuge above predicted flood levels for the ground floor self-contained flats proposed would fail to provide a safe development which complies with Part B of the Exceptions Test as outlined in the National Planning Policy Framework (2018). This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP1 and KP2 of the Core Strategy (2007), Policy DM6 of the Development Management Document (2015) and Policy DS4 of the Southend Central Area Action Plan (2018).

02 The proposal, by reason of its excessive size, scale, bulk and mass, its poor layout and lack of opportunities for soft landscaping within and in front of the development would result in an incongruous, cramped and overly prominent

development within the streetscene to the detriment of the character and appearance of the site and wider area. The proposal is considered to represent an overdevelopment of the site. It is therefore unacceptable and contrary to the National Planning Policy Framework (2018), 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 adopted Design and Townscape Guide (2009).

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

**209 18/00820/FUL - 37-38 Shoebury Avenue, Southend-on-Sea
(Shoeburyness Ward)**

Proposal: Change of use from storage and distribution (Class B8) to a gymnasium (Class D2) and Cheerleading and Gymnastics Training Centre (Class D2)

Applicant: Miss R Blatch

Agent: Mr N Kenney

Resolved: (a) That planning permission be REFUSED for the following reason:

01 The applicant has failed to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses, and that the proposed use cannot reasonably be located elsewhere within the area that it serves. On this basis it is concluded that the continued use of the premises as proposed would undermine the employment growth area and the long term availability of employment-generating development in the Borough. There are found to be no material planning considerations of sufficient weight to outweigh the harm caused by this conflict with development plan policy. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future.

Informatives

1 You are advised that as the proposed development at your property benefits from a Minor Development Exemption under the Community Infrastructure Levy

Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

(b) That That ENFORCEMENT ACTION be AUTHORISED to secure the cessation of the use of the unauthorised of both premises.

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

When serving an Enforcement or Breach of Condition Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 9 months is considered reasonable for the relocation of the business.

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

210 18/00925/FULH - 29 Dolphins, Westcliff-on-Sea (St Laurence Ward)

Proposal: Erect single storey side extension

Applicant: Mr and Mrs Campbell

Agent: Knight Gratrix Architects

Resolved: That planning permission be GRANTED subject to the following conditions:

01 The development shall be undertaken solely in accordance with the approved plans 1261-010-B.

Reason: In the interests of visual amenities, pursuant to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy 2007 and Policies DM1 and DM3 of the Development Management Document 2015.

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

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the

area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

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

Informatives

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

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

- 211 18/01225/FULH - 123 Poynings Avenue, Southend-on-Sea (Southchurch Ward)**
Proposal: Demolish garage and conservatory to rear, erect single storey side and front extension and single storey rear extension with roof lantern
Applicant: Councillor Van Looy
Agent: DSB Property Designs Ltd

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 2018/06/03/123PA 2/8 Rev A, 3/8 Rev A, 4/8 Rev A

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished

appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

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

04 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

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

Informative

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

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

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 12th September, 2018

Place: Committee Room 1 - Civic Suite

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Present: Councillor D Garston (Chair)
Councillors B Arscott (Vice-Chair), B Ayling*, M Borton, S Buckley,
K Buck*, A Chalk, F Evans, J Garston, S Habermel, R Hadley,
A Jones*, H McDonald, C Walker, N Ward and P Wexham*
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillor G Phillips
J K Williams, P Geraghty, K Waters, C Galforg, C White, A Rogers,
M Warren and T Row

Start/End Time: 2.00 pm - 4.10 pm

227 Apologies for Absence

Apologies for absence were received from Councillors Dear (substitute: Councillor Buck), Garne (no substitute), Mulroney (substitute: Councillor Wexham), Norman MBE (substitute: Councillor Jones) and Van Looy (substitute: Councillor Ayling).

228 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 4 (18/01146/OUTM - Nazareth House, 111 London Road, Southend-on-Sea, Essex, SS1 1PP) – Non-pecuniary interest: Attends services in chapel, families and residents are known to him;

(b) Councillor Arscott – Agenda Item No. 12 (18/01234/FULH - 115 Tattersall Gardens, Leigh on Sea) – Disqualifying non-pecuniary interest: Acquainted with residents (withdrew);

(c) Councillor Walker – Agenda Item No. 11 (18/01001/FUL - 66 High Street, Leigh on Sea) – Non-pecuniary interest: Knows applicant's father and have assisted him clearing the yard;

(d) Councillor Wexham – Agenda Item No. 11 (18/01001/FUL - 66 High Street, Leigh on Sea) – Non-pecuniary interest: Knows applicant's father; and

(e) Mr P Geraghty – Agenda Item No. 6 (18/01291/AMDT - Car Park, Centurion Close, Shoeburyness) – Disqualifying non-pecuniary interest: Council appointee on the PSP Officer Board to advise on planning matters.

229 **Supplementary Report**

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

- 230 **18/01146/OUTM - Nazareth House, 111 London Road, Southend-on-Sea, Essex, SS1 1PP (Victoria Ward)**
Proposal: Demolish existing buildings, retain existing chapel, erect seven storey, four storey building, 2no 3 storey buildings and six storey building forming 154 self-contained flats and a 77 bedroom care home and convent (outline application)
Applicant: The Congregation of the Sisters of Nazareth
Agent: Scurr Architects

Resolved: That planning permission be REFUSED for the following reasons:

01. The proposal, by reason of its size, scale, mass, bulk and the overall failure of the masterplan to address the design constraints of the site results in a development which fails to demonstrate a sufficiently high standard of design to achieve a sustainable form of development. The proposal would result in an excessively prominent, cramped and incongruous development that would cause significant harm to the character and appearance of the site and the wider surrounding area. The application has not shown that the quantum of development sought can be achieved while having acceptable impacts on design and character grounds. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM4 of the Development Management Document (2015), Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018) and the advice contained within the Design and Townscape Guide (2009).

02. A number of the proposed self-contained flats and care home rooms would be provided with unacceptable levels of amenities for their future occupiers by reason of a poor level of light, ventilation and outlook to habitable rooms and a lack of amenity space. The application has not shown that the quantum of development sought can be achieved while providing adequate amenities for future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

03. The application does not include a formal undertaking to secure a contribution towards affordable housing provisions to meet the demand for such housing in the area and it has not been demonstrated that such a contribution would make the scheme unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

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

Informative

01. Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

231 18/00978/FULM - Car Park at 27 Victoria Avenue, Southend on Sea, Essex (Victoria Ward)

Proposal: Erect part 14/part 15 storey building comprising 228 flats with balconies to all elevations, roof terraces at second, tenth and eleventh floors to rear, form commercial units (Use Classes A1, A2, A3 and A4) at ground floor, layout 183 parking spaces at ground and first floor, install vehicular accesses on to Victoria Avenue, form loading bays, alterations to highway, public realm alterations and associated landscaping

Applicant: Weston Homes Plc and Mapeley Steps Ltd

Agent: N/A

Resolved: That planning permission be REFUSED for the following reasons:

01 The proposal would have an unacceptable impact on the amenity and living conditions of the adjoining residents in terms of daylight and sunlight to habitable rooms in the south elevation of Baryta House. The application is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and Southend Central Area Action Plan (SCAAP) (2018) policy DS3 and the guidance contained within the Design and Townscape Guide (2009).

02 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions incorporating a satisfactory review mechanism to meet the demand for such housing in the area. Formal undertakings to secure contributions to the delivery of education facilities, to meet the need for such infrastructure generated by the development, and to provide highways works and transport mitigation measures needed to achieve an appropriately sustainable form of development are also absent. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007), Policy DM7 of the Development Management Document (2015) and Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Informative

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

232 18/01291/AMDT - Car Park, Centurion Close, Shoeburyness (Shoeburyness Ward)

Proposal: Application to vary condition 02 (Approved Plans) to replace plan number P_702 with plan number 17-084/700 A, Condition 9 (Nursery Parking) and Condition 10 (New Mews Shared Surface) (Minor Material Amendment to Planning Permission 16/02207/BC4M dated 08.02.2017) (Retrospective)

Applicant: Public Sector Partnership (Southend) LLP

Agent: ISL

Resolved: That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than three years from the date of the original permission (8th February 2017).

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

02 The development shall be carried out in accordance with the approved plans:

729_P_700; 17-084/700-A; 729_P_703; 729_P_704; 729_P_705; 734_P_706; 734_P_707; 729_P_708; 729_P_710; 729_P_712; 729_P_713; 729_P_714; 729_P_718; 729_P_720; 729_P_721; 729_P_722; 729_P_723; 729_P_724; 729_P_725; 734_P_730; 734_P_731; 734_P_732; 734_P_73 P2; 734_P_734; 734_P_735; 734_P_737; 734_P_740; 734_P_741; 734_P_742; 734_P_743

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

03 The nursery building shall be constructed in accordance with the material details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01244/AD or

18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 No construction works for the dwellings above the ground floor slab level shall take place until samples and product details of the materials to be used in the construction of the external elevations of the buildings hereby permitted, including cladding, screening, balustrades, glazed brickwork and fenestration have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

05 No construction works for the housing above the ground floor slab level shall take place until details of fenestration including reveals, brick patterning panels, and glazed brickwork within window frames, at a scale of at least 1:20 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

06 Prior to the display of any signage relating to the Nursery details shall first be submitted to and approved in writing by the Local Planning Authority and the signage shall be displayed only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

07 The nursery development shall be completed in strict accordance with the hard and soft landscaping details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved hard landscaping shall be completed, prior to first use of the nursery development and the approved soft landscaping works shall be completed prior to the end of the first planting season following first use of the nursery development. Management of the landscaping shall be implemented in accordance with the agreed management plan.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2018), Policy CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

08 No construction works for the dwellings above the ground floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure, boundary treatment, forecourt, shared space and pedestrian access and circulation areas; details of the method of preventing vehicular access between the site and The Renown; hard surfacing materials; minor artefacts and structures (eg. planters, furniture, benches, bollards, refuse or other storage units, lighting etc.)

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, and landscape management plan, site preparation and planting details, long term design objectives, management responsibilities and maintenance schedules for all landscape areas

The hard landscaping shall be completed, as approved prior to first occupation of the dwellings and the soft landscaping works shall be completed, as approved, prior to the end of the first planting season following first occupation of the dwellings and planting to all public areas retained thereafter. Management of the landscaping shall be implemented in accordance with the agreed management plan.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2018), Policy CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

09 The nursery shall not be occupied until 8 car parking spaces have been laid out within the site in accordance with drawing 17-084/700-A. The parking spaces shall be permanently retained thereafter for the parking of staff and visitors to the nursery development only.

Reason: To ensure that adequate car parking is provided and retained to serve the nursery development in accordance with the National Planning Policy Framework (2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

10 No dwelling hereby approved shall be occupied until 2 parking spaces per dwelling and the "New Mews" shared surface has been laid out within the site in accordance with drawing 17-084/700-A to serve the dwellings and to allow vehicles to access the site and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces/shared space shall be

permanently retained thereafter and the parking shall be retained for occupiers and visitors to the housing development only.

Reason: To ensure that adequate car parking and access is provided and retained to serve the houses development in accordance with the National Planning Policy Framework (2018), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

11 Access to The Renown from the development shall be restricted to pedestrian and cycle access only.

Reason: In the interest of highway safety in accordance with the National Planning Policy Framework (2018), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

12 The nursery development shall not be first used until a parking management plan for the nursery development has been submitted to and agreed in writing by the Local Planning Authority. On first occupation of the Nursery development the agreed management plan shall be implemented as approved.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

13 The nursery development shall be completed in strict accordance with the refuse arrangements and details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved refuse store shall be installed and made available prior to the first occupation of the nursery development and shall be permanently retained as such thereafter. Waste storage and collection from the development shall be carried out in accordance with details set out in the submitted Design and Access Statement dated December 2016 or other details that have previously been approved in writing by the local planning authority.

Reason: In the interest of visual amenity and to ensure that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

14 No construction works for the housing development above the ground floor slab level shall take place until details of the refuse stores have been submitted to and approved by the Local Planning Authority. The refuse stores shall be installed in accordance with the approved details prior to first occupation of the housing development and permanently retained as such thereafter.

Reason: In the interest of visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework

(2018), Policies KP2 and CP3 of the Core Strategy Document (2007) and Policy DM15 of the Development Management Document (2015).

15 The Nursery development shall not be first used until details of secure, covered cycle parking spaces to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available on first occupation and shall be permanently retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with the National Planning Policy Framework (2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

16 The development hereby approved shall be completed in strict accordance with the construction method statement previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

17 No mechanical plant or extraction/ventilation equipment to serve the Nursery shall be installed unless details of the proposed plant or extraction/ventilation equipment have previously been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and retained thereafter in accordance with the approved plans and details. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character. Appropriate mitigation should then be recommended as necessary.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies Policy DM1 and DM3 of the Development Management Document (2015).

18 No meter boxes shall be installed on the front of the dwellings or side elevations of the dwellings that face a highway. No meter boxes shall be installed on the eastern or northern elevation of the nursery building unless their design and location has previously been submitted to and approved in writing by the Local Planning Authority prior to their installation and the meter boxes installed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies Policy DM1 and DM3 of the Development Management Document (2015).

19 Prior to installation of any external lighting to the development, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall only be installed and retained in accordance with the approved details.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

20 The development shall be completed in strict accordance with the surface water drainage works previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details which have previously been submitted to the local planning authority and approved in writing.

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 (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

21 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

22 The nursery development shall be completed in strict accordance with the photovoltaic cell details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been agreed in writing by the local planning authority. The approved scheme shall be implemented and brought into use on first occupation of the Nursery development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

23 No construction works above the level of the floor slab of the dwellings shall take place until details of the proposed Photovoltaic cells set out in the submitted Energy and Sustainability Statement by Norman Bromley Partnership have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the dwellings.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

24 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D or F and Schedule 2 part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development extensions or alterations to the dwellings or walls or fences or other means of enclosure shall be erected at the dwellinghouses hereby approved without the receipt of express planning permission.

Reason: In order to protect the character and visual amenities of the development and the surrounding area and the amenities of occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

25 The development shall be completed in strict accordance with the highways work details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing before it is brought into first use.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policies KP2, KP3 and CP3 and Policies DM1 and DM15 of the Development Management Document (2015).

26 The Nursery building shall only be used for purposes within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers to protect the character the area in accordance and to ensure that parking provision to serve the development is sufficient, in accordance with the National Planning Policy Framework (2018), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

27 The rating level of noise for all activities associated with the Nursery/Community Hall (including amplified and unamplified music) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with

the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

28 The Nursery/Community Hall building shall not be open for use outside the hours of 07:00 - 23:00 hours Monday to Friday, 09.00 to 23:00 Saturdays and 09.00 to 17:00 Sundays and Bank Holidays.

Reason: In order to protect the surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

29 Prior to first occupation of the Nursery a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the nursery school;
- (b) Targets set in the Plan to reduce car journeys to the nursery school;
- (c) A timetable from implementation
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new Nursery school building is occupied.

At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in accordance with the approved details.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

30 The external intrusive noise mitigation measures for the residences set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 (including double glazing, external fabric specification and boundary treatment) shall be implemented to ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014.

Reason: In order to protect the amenities of future occupiers of the dwellings in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

31 The external intrusive noise mitigation measures for the Nursery set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 shall be implanted to ensure that indoor noise levels meet the recommended acoustic criteria based on the guidelines set out in BB93.

Reason: In order to protect the amenities of future occupiers of the Nursery in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

32 During any Construction and Demolition there shall be no burning of waste material on the site.

Reason: In order to protect the amenities of surrounding residents in accordance with the National Planning Policy Framework (2018) and policies KP2 and CP4 of the Core Strategy (2007).

33 Contaminated Land

1. Site Characterisation

No further development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

2. Submission of Remediation Scheme

With the exception of demolition, grubbing up of foundations and site clearance no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

34 Prior to installation final specifications and acoustic properties of any landscaping/ fencing to be provided to the playground area shall be submitted to and approved by, the Local Planning Authority, the landscaping/fencing shall be installed in accordance with the approved details and subsequently retained thereafter.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

35 Deliveries and collections to the Nursery/Community Hall shall take place between: 08:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday only with no deliveries on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Informative

01 Community Infrastructure Levy (CIL): This application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and as such CIL Regulation 9(6) applies. You are advised that as the amount of CIL payable would not change from the previous permission ref. 16/02207/BC4M, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced.

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

233 18/00937/BC3M - Priory House, Prittlewell Chase, Westcliff-on-Sea (Prittlewell Ward)

Proposal: Demolish existing buildings and erect building to provide a 60 bed Care Home and Day Centre with associated parking, landscaping and install vehicular accesses onto Prittlewell Chase and Burr Hill Chase

Applicant: Southend on Sea Borough Council

Agent: Robinson Escott Planning

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans;

1477-PEL-00-GF-DR-A-0004-S2_P2, 1477-PEL-00-GF-DR-A-0003-S2_P2,
1477-PEL-00-GF-DR-A-0005-S2_P2, 1477_PEL_00_XX_DR_A_0020_S2_P1,
1477_PEL_00_XX_DR_A_0015_S2_P1, 1477_PEL_00_XX_DR_A_0014_S2_P1,
1477_PEL_00_XX_DR_A_0013_S2_P1, 1477_PEL_00_XX_DR_A_0011_S2_P1,
1477_PEL_00_ZZ_DR_A_0002_S2_P1, 1477_PEL_00_XX_DR_A_0001_S2_P1,
1477_PEL_00_XX_DR_A_0012_S2_P1, 1477_PEL_00_GF_DR_A_0006_S2_P1,
1477_PEL_00_02_DR_A_0008_S2_P1, 1477_PEL_00_01_DR_A_0007_S2_P1.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) as well as the guidance contained within the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: the timings of the hard and soft landscaping works; proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, location and species of the trees to be removed, the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The approved hard and soft landscaping works shall be carried out in accordance with the approved timings.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) as well as the guidance contained within the Design and Townscape Guide (2009).

05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to first occupation of any of the development. The landscaping of the site shall be managed in accordance with the approved management plan in perpetuity.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

06 Prior to the use or occupation of the development, parking spaces for cars, motorcycles and minibuses shall be provided at the site in full accordance with plan number 1477-PEL-00-GF-DR-A-0004-S2/P2. The approved parking facilities shall be retained thereafter in perpetuity only for the use of the occupiers, staff

and visitors to the site. Prior to the occupation or use of the development a timescale for the provision of the additional parking facilities shown in the final phase of the development as shown on plan number 1477-PEL-00-GF-DR-A-0005-S2/P2 shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plan and timescale and shall be retained as such in perpetuity thereafter with the parking facilities used only for occupiers, staff and visitors to the site.

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

07 Cycle parking facilities shall be provided at the site in accordance with details, including the number of cycle parking spaces and the timescale for their provision under both the first and final phases, that have been agreed in writing by the Council prior to the use or occupation of the development.

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

08 No part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

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

09 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, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
- vii) measures to limit noise and disturbance.
- (viii) how the continued activities and phased transfer of operations from Priory House will be impacted and addressed during the construction period

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document 2015.

10 The development hereby granted shall be carried out and completed in accordance with the Drainage Strategy dated May 2018 including the implementation, maintenance and management of surface water drainage works and Sustainable Urban Drainage (SuDs) before any of the development is first occupied or brought into use and shall be maintained as such thereafter.

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 Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy and Policy DM2 of the Development Management Document 2015.

11 The development hereby granted shall be implemented in accordance with the Energy Statement dated May 2018 before it is brought into use or occupied to ensure that at least 10% of the total energy needs of the development will be supplied using on site renewable sources. The approved 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 (2012), Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

12 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

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

13 The care home hereby approved shall be used only for purposes falling under Use Class C2 and the daycentre hereby approved shall be used only for purposes falling under Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting that Order, with or without modification and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP4, CP6;

Development Management Document (2015) Policies DM1, DM3, DM9, DM10 and DM15, and the Design and Townscape Guide (2009)

14 Development shall be implemented in full accordance with the mitigation measures and recommendations as set out in the Archaeological Desk Based Assessment carried out by Allen Archaeology dated November 2017. If during the course of the development, any archaeological remains are found which have not been identified previously, the developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority.

Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to Policy DM5 of the Development Management Document (2015).

15 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Preliminary Ecological Appraisal undertaken by Anglian Ecology.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

16 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Tree Survey by Wynne-Williams Associates dated February 2018.

Reason: To safeguard the character and appearance of the surrounding area and protected trees on site in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

17 Other than the demolition and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

18 Prior to occupation of the development hereby approved the delivery service area shall be provided and made available for use in full accordance with the details shown on drawing number 1477-PEL-00-GF-DR-A-0004-S2/P2 and shall be permanently retained for the lifetime of the development.

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

19 Prior to the commencement of the development, details of tree protection measures to protect all preserved trees on the site and all trees to be retained within the development hereby approved shall be submitted to and approved in writing by the local planning authority. The approved tree protection measures shall be implemented in full prior to the commencement of the development and be retained throughout construction unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the trees to be retained as part of the development hereby approved are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015).

20 Notwithstanding the information included with this application, no development above ground level shall be undertaken unless and until full details of bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first occupation of the development hereby approved and retained as such in perpetuity.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018) and Core Strategy (2007) Policies KP1, KP2 and CP4.

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

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued

as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

02 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03 The proposed delivery entrance/exit from Prittlewell Chase will require alteration of the existing traffic regulation order to provide additional on street parking in the vicinity of the site at a cost of £4,000. Please contact the Highways Department for more information.

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

05 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the planning department to discuss the requirement for planning permission and CIL liability.

234 18/01246/FUL - 85 Western Road, Leigh-on-Sea (West Leigh Ward)
Proposal: Erect two storey side and rear extension with access to rear parking, first and second floor rear extension to form three additional self-contained flats, install dormer to rear, refuse and cycle stores, canopy to front, alter elevations and extend vehicular access on to Western Road
Applicant: Mr Jay Neale
Agent: DAP Architecture

Rev. D Wilks, a local resident spoke as an objector to the application.

Resolved: That planning permission be REFUSED for the following reasons:

01. The proposed side, rear and roof extensions would by reason of their size and design be incongruous, poorly integrated, unsympathetic and overly dominant additions to the detriment of the character and appearance of the host property, the street scene and the surroundings including the rear garden scene. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02. The proposed replacement of the rear garden with car parking in association with the development would diminish an appropriate garden setting to the building, which would be unduly intrusive and materially harmful to the character and appearance of the site and its surroundings in particular having regard to its qualities as an area of houses with private rear gardens. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 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 proposed side and rear extension, as a result of its height, design, size, rear extent and proximity to site boundaries, would be a dominant, visually overbearing feature to neighbouring occupiers causing an undue sense of enclosure and loss of daylight. This would be harmful to neighbour amenities, unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. The high density form of the development would introduce the potential for a degree of comings and goings and general activity which would be harmful to the amenities of adjoining occupiers in an area characterised by a lower density of accommodation with significantly less activity. In particular the proposal would require use of the front and rear gardens for car parking with consequent introduction of noise to the rear gardens, habitable accommodation and private amenity spaces of surrounding occupiers. The harm caused by this intense degree of activity in an extended semi-detached dwelling would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. The proposed development would provide an insufficient standard and size of outdoor amenity space, given the site context, the number of residential units and the provision of larger residential units which may be occupied by small families resulting in a poor standard of accommodation. This is unacceptable and contrary to the National Planning Policy Framework, 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).

06. The width of the proposed vehicular crossover would be excessive, and would reduce the extent of dedicated footway unacceptably, harming highway safety and compromising the safe and convenient passage of pedestrians, and the visual quality of the residential environment. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009).

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

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

235 16/00122/UNAU_B - Land Rear of Ambleside Court, Ambleside Drive (Kursaal Ward)
Breach of Control: Without planning permission, the construction of a block of 5 flats

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the demolition of the unauthorised two storey block for which permission (with modifications to the building's layout and design) was refused under planning application 18/00636/FUL dated 31 May 2018 ; and

(b) the laying out of on-site car parking provision for the flats within Ambleside Court, Ambleside Drive in full accordance with the requirements of Condition 2 of planning permission 11/00337/FUL dated 12 May 2011; and

(c) the removal of all rubble, materials and equipment associated with complying with the notice(s).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case it is considered that a compliance period of 6 months is reasonable.

236 15/00160/UCOU_B - 5 - 9 Grosvenor Road, Westcliff on Sea (Chalkwell Ward)
Breach of Control: Without planning permission, the unauthorised Change of Use from a care home (Use Class C2) to 21 self-contained flats (Use Class C3)

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure cessation of the unauthorised use of the building as 21 self-contained flats and the breach of conditions.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 6 months is deemed reasonable.

237 18/01001/FUL - 66 High Street, Leigh on Sea (Leigh Ward)
Proposals: Alterations to east elevation and install bi-folding serving hatch with sliding shutter doors
Applicant: Mr Ralph Tait
Agent: Baines Surveying Services Ltd

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans; 01, 02.

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

03 Prior to the commencement of development, detailed design drawings of the new doors and windows/serving hatch at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out and in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

Informatives

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

2. The applicant is reminded that should any further development be implemented in association with the serving of refreshments on site or the serving of hot food off site i.e. external or internal dining areas; express planning permission for a change of use may be required.

3. The applicant is advised that compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information

4. The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2014 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG The applicant is advised that any waste food collection must be undertaken by a licenced operator.

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

6. Please note that any new fascia signs etc. may require separate Advertisement Consent. For further information please visit: https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application 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.

- 238 18/01234/FULH - 115 Tattersall Gardens, Leigh on Sea (West Leigh Ward)**
Proposal: Raise roof height and erect roof extension, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations (Amended Proposal)
Applicant: Mr J Moore
Agent: Knight Gratrix Architects

Ms L Cook spoke as an objector to the application. Mrs Moore, the applicant, responded.

Resolved: That planning permission be REFUSED for the following reason:

01 The proposed increased height and design of the roof combined with the rear gable feature sought would, by reason of their height, size, scale and bulk not appear subservient or sympathetic in bulk and scale to the host dwelling.

As a result they would appear as incongruous, obtrusive and excessively dominant features that would be harmful to the character and appearance of the existing dwelling and the surrounding area. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

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

- 239 18/01181/FUL - The Peter Boat Inn, 27 High Street, Leigh on Sea (Leigh Ward)**
Proposal: Erect additional storage structure and Ice Shed at rear, first floor flat roof level (Part Retrospective)
Applicant: East Anglia Pub Co.
Agent: Stone Me Ltd

Resolved: That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans 1266-1001A, 1226-1002A, 1266-1003A

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

02 The proposed general storage extension hereby approved shall be finished in white render (walls) and natural slate (roof) to match that of the existing building before it is brought into use.

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

03 No construction works to be undertaken within or immediately adjacent to the SSSI, SPA and Ramsar site during the overwintering period (September – end March).

Reason: To avoid significant impacts from construction and demolition that may cause significant disturbance to overwintering waterfowl and the habitats that support them and/or to additional intertidal interest features (habitats for invertebrates and plants) in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

04 No materials or waste associated with the proposed development are to be deposited or stored within, or immediately adjacent to the boundaries of the SSSI, SPA and Ramsar site unless agreed in advance in writing as part of the construction management plan.

Reason: To avoid contamination, pollution or the smothering habitats of the SPA, SSSI and Ramsar site in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

05 No security or other exterior lighting shall be illuminated outside hours of daylight, unless agreed in advance in writing as part of a suitable lighting plan, where lights are so arranged to prevent any light spillage onto the SSSI, SPA and Ramsar site and to minimise direct glare when viewed from the foreshore.

Reason: To minimise the risk of disturbance to or displacement of wintering birds utilising the SSSI, SPA and Ramsar site or cause disorientation to birds whilst in flight in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

Informative

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

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

03 The applicant is advised that the plastic storage shed and the large air conditioning unit to the west side of the ice shed do not benefit from planning permission and should be removed. Failure to do this could result in enforcement action.

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

240 17/01180/FULM - 636 Southchurch Road, Southend on Sea (Kursaal Ward)

Proposal: Demolish existing building, erect four storey building comprising part commercial unit to ground floor, 14 self-contained flats with balconies, roof terrace to front and side and layout parking

Applicant: Southchurch Holdings Ltd

Agent: DAP Architecture

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:

- A financial contribution towards secondary education provision of £13,940.40, specifically for the secondary expansion of Shoeburyness High School.

(b) The Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

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

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

02 The development shall be carried out in accordance with the approved plans: 621.001.00, 621.002.00, 621.003.00, 621.200.01, 621.201.03, 621.202.02, 621.203.02, 621.204.02, 621.205.02.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and policies DM1 and DM3 of the Development Management Document 2015

04 No construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, and the initial tree planting and tree staking details. The hard landscaping shall be implemented in full accordance with the approved details before any of the development is first occupied or brought into use. The soft landscaping shall be implemented in the first planting season following occupation of the development.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

05 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 621.200.00 for 14 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter only for the parking of occupiers to the development and their visitors.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

06 No part of the development shall be occupied until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

07 Secure, covered cycle parking spaces for 14 cycles to serve the residential development shall be provided in accordance with drawing no. 621.200.00 prior to first occupation of the development and shall be permanently retained for cycle parking thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

08 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, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
- vii) measures to limit noise and disturbance.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

09 The Sustainable Urban Drainage (SuDs) measures as set out on pages 16 and 17 the supporting SuDS Assessment carried out by Ardent dated June 2017 shall be implemented (and thereafter managed) before any of the development is first occupied and brought into use and be maintained as such thereafter.

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 Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy and Policy DM2 of the Development Management Document 2015.

10 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to first occupation of any part of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and Development Management Document policy DM2.

11 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

12 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 hereby approved comply with the Building Regulation M4(2) 'accessible and adaptable dwellings' standard and flat 13 hereby approved complies with the Building Regulation M4(3) 'wheelchair user dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM2 and DM8 and the Design and Townscape Guide.

13 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed building. Before any of the building hereby approved is first occupied the privacy screens shall be installed in full accordance with the agreed details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of residential occupiers in accordance with Policies KP2 and CP4 of

the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

14 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

15 Prior to occupation of the development hereby approved, details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.

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

16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force, the ground floor A1 retail unit hereby permitted shall not benefit from a change use to any other use without the receipt of express planning permission from the local planning authority.

Reason: To determine the scope of the development hereby approved in the interests of protecting the amenity of occupiers of neighbouring properties, general environmental quality and in the interests of visual amenity, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

17 Prior to the commencement of the development, other than for, demolition, groundworks and site preparation works, a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic, the activities of uses neighbouring the site and any other relevant sources of

noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason: To ensure that the amenities of the occupiers of the development are not prejudiced by noise and in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

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

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 19.09.2018, or an extension of this time as may be agreed by the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager (Planning & Building Control), authority is delegated to the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager (Planning and Building Control) to refuse planning permission for the application on the grounds that the development will not secure the necessary contributions to education provision. As such, the proposal would be contrary to Policies KP2, KP3 and CP6, of the development plan.

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

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development.

Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

02 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards secondary education.

04 Please note that advertisements i.e. fascia signage for the commercial unit will require separate advertisement consent. Details can be found at https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs

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

241 18/00679/AMDT - 411-415 Sutton Road, Southend on Sea (Victoria Ward)
Proposal: Application to vary condition 02 (Approved Plans), condition 04 (Landscaping) and condition 05 (Parking) replacing plan number 16.563 200 P5 (Proposed site plan and street scene) with plan number 16.563 200 P6 (Proposed site plan and street scene), and replacing plan number 2244-17 rev 3 (Soft landscaping – planting) with 2244-17 rev 8 (Soft landscaping – planting) (Minor Material Amendment to planning permission 17/00821/AMDT dated 06.12.2017)
Applicant: Dove Jeffrey Homes Ltd
Agent: FRONT Architecture Ltd

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 2x1 bed and 7x2 bed units.
- Traffic Regulation Order contribution of £4,000
- Provision of Travel Packs for residents.
- Retail Travel Plan.

(b) The Deputy Chief Executive (Place), Director for Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 The development shall be carried out in accordance with the approved plans:

Location plan 001

16.563 200 P6 Proposed site plan and street scene

2244-17 rev 8 Soft landscaping – planting

FRNT_16.563_201_P4 Block A floor plans

FRNT_16.563_202_P4 Block B floor plans

FRNT_16.563_203_P4 Block C Floor Plans

FRNT_16.563_204_P4 Block A elevations

FRNT_16.563_205_P4 Block B elevations

FRNT_16.563_206_P4 Block C elevations

FRNT_16.563_208_P4 Proposed overview floor plans

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

02 Materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods, shall be in accordance with details approved under application 18/00053/AD or other details as submitted to the local planning authority and approved in writing before the relevant unit is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009

03 Hard and Soft Landscaping shall be carried out in accordance with the approved plan No 2244-17 rev 8. Hard Landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. (or within any other time limit agreed in writing with the local planning authority). If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 and DM3 of the Development Management Document 2015.

04 The development shall not be occupied until space has been laid out within the site in accordance with drawing 16.563 200 P6 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

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

05 The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be occupied in accordance with the agreed management plan.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015)

06 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out only in accordance with the approved details.

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

07 Secure, covered cycle parking shall be provided to serve the residential development and the retail/commercial unit, in accordance with the details approved under application 18/00053/AD or other details that may be submitted to the local planning authority and approved in writing, and each part of the development shall not be occupied until the approved facilities are available for the use of the occupiers and users of the respective parts of the development, and shall be retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) DPD1 and Policy DM15 of the Development Management Document (2015).

08 Construction shall be carried out in accordance with the Construction Method Statement approved under application 17/00883/AD unless otherwise agreed in writing with the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of visual amenity and to protect the amenities of occupiers of the development and surrounding occupiers pursuant to Policies CP4 of the Core strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

09 Before the retail use hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the retail unit is occupied. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

10 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015.)

11 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours on any day.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

12 No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

13 The development shall be carried out in accordance with the assessment of contamination and mitigation measures approved further to application ref 17/00953/AD or other details that may have been submitted to the local planning authority and approved in writing before the development is occupied or brought into use. If, during the course of development, any further contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority before the development is brought into use. The remediation of the site shall incorporate the approved additional measures before the development is brought into use.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

14 The development shall be carried out in accordance with the details of the implementation, maintenance and management of a scheme for surface water drainage works that have been approved in application 18/00053/AD or other details that may have been submitted to the local planning authority and approved in writing. The scheme shall be implemented in accordance with the approved details before the development is occupied and shall be maintained as such thereafter.

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 Policy KP2 and CP4 of the Core Strategy (2007) and area in accordance with Policy DM2 of the Development Management Document (2015).

15 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the retail use hereby permitted begins and residential apartments are occupied. The development shall be carried out in accordance with the approved details. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 of the Development Management Document (2015).

16 The development shall be carried out in accordance with the scheme for protecting the proposed dwellings from noise from road traffic approved in application 18/00053/AD, unless otherwise agreed in writing by the Local Planning Authority. The agreed noise mitigation measures shall be installed prior to first occupation of the dwellings and retained at all times thereafter.

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

17 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

18 Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application 17/00884/AD or other details that have been previously submitted to the local planning authority and approved in writing.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

19 The development shall be carried out in accordance with the scheme of Photovoltaic cells approved in application 18/00053/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved details shall be installed prior to first occupation of the dwellings and brought into use on first occupation of the development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document 2015.

20 Prior to the installation of any shopfront, the details of the design, materials, glazing, doors, shutters, signage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The retail unit development shall be carried out in accordance with the approved details before it is occupied and permanently retained thereafter.

Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document 2015.

21 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 and DM13 of the Development Management Document (2015).

22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

23 The commercial floorspace hereby approved shall only be occupied for uses falling within Use Class A1 retail and shall not be used for any other purpose and for no other purpose including any within Classes A2, A3, A4 and A5, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force). The hereby approved Use Class A1 retail floorspace shall also not be used for any alternative uses otherwise permitted under the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking or re-enacting that Order).

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

24 The development shall be carried out in accordance with the Method Statements for Tree Protection and Tree Works approved under application 17/00885/AD unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management Document (2015)

25 The development shall not be occupied until new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements in accordance with details approved under application 17/00974/AD, or other details to have previously

been submitted to the local planning authority and approved in writing, have been implemented in full and (prior to this) the Council as Highways Authority has approved in writing a full scheme of highways works and the relevant associated highways approvals are in place.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance Core Strategy (2007) policies KP2, KP3 and CP3 and policies DM1 and DM15 of the Development Management Document (2015)

Informatives

01 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

02 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

03 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.

04 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

05 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

06 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can

reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

07 The applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342

08 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil.

09 In relation to Condition 26; you are advised to contact Highways Engineer – Martin Warren; (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.

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

(c) In the event that the planning obligation referred to in part 10(a) above has not been completed by 27th September 2018 or a later date that has been agreed in writing by the local planning authority, the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for affordable housing and this would fail to provide an appropriate mix of housing contrary to the objectives of Policies KP1, KP2, KP3, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM7 of the Southend-on-Sea Development Management Document (2015) the Southend Central Area Action Plan (2018).

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

- 242 **18/00885/DOV - Richmond House, 73 Victoria Avenue, Southend on Sea (Victoria Ward)**
Proposal: Modification of Unilateral Undertaking dated 24th September 2007 (as amended by Deed of Variation dated 25th February 2016) pursuant to planning application 06/00598/FUL, to allow a change in the tenure of the affordable housing within Richmond House to either Shared Ownership or Intermediate Market Rent
Applicant: Notting Hill Genesis
Agent: G L Hearn

Resolved: That a MODIFICATION OF THE UNILATERAL UNDERTAKING dated 24th September 2007 (as amended by Deed of Variation dated 25th February 2016) pursuant to planning application 06/00598/FUL, be APPROVED to allow a flexibility in the tenure of 30 of the affordable housing units within Richmond House as either Shared Ownership or Intermediate Market Rent on the basis of the terms set out in paragraph 4.15 of the submitted committee report.

- 243 **18/00240/UNAU_B - 4 Marine Avenue, Westcliff on Sea (Milton Ward)**
Breaches of Control: Without planning permission, the replacement of the existing framed windows at ground and first floor level in the front elevation with Upvc windows. (Conservation & Article 4 Area)

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised Upvc framed windows installed to the ground and first floor front elevation.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, research and quotes are possibly still required to be obtained and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. A compliance period of 3 months is deemed reasonable.

- 244 **16/00232/UNAU_B - 6 New Road, Leigh on Sea (Leigh Ward)**
Breach of Control: Without planning permission, the replacement of the existing side hung timber windows at ground and first floor level in the front elevation with Upvc windows. (Article 4 Direction)

DEFERRED

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 3rd October, 2018

Place: Committee Room 1 - Civic Suite

5

Present: Councillor D Garston (Chairman)
Councillors B Arscott (Vice-Chair), B Ayling*, S Buckley, A Chalk,
A Dear, F Evans, N Folkard*, D Garne, J Garston, R Hadley,
A Jones*, C Mulroney, D Norman MBE, C Walker and N Ward
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors T Harp and J Lamb
P Geraghty, G Gilbert, C Galforg, P Keyes, C White, M Warren and
T Row

Start/End Time: 2.00 pm - 5.10 pm.

308 Apologies for Absence

Apologies for absence were received from Councillors Borton (no substitute), Habermel (substitute: Cllr Folkard), McDonald (substitute: Cllr Jones) and Van Looy (substitute: Cllr Ayling).

309 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(b) Councillor Arscott – Agenda Item No. 11 (18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(c) Councillor Evans – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Disqualifying non-pecuniary interest: Close friend lives nearby (withdrew);

(d) Councillor Folkard – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(e) Councillor Folkard – Agenda Item No. 11 (18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Resident is known to him;

(f) Councillor D Garston – Agenda Item No. 4 (17/01263/FUL - Westcliff Eruv, Finchley Road, Westcliff on Sea) – Non-pecuniary interest: Member of Southend West Hebrew Congregation which is referred to in the report;

- (g) Councillor J Garston – Agenda Item No. 4 (17/01263/FUL - Westcliff Eruv, Finchley Road, Westcliff on Sea) – Non-pecuniary interest: Member of Southend West Hebrew Congregation which is referred to in the report;
- (h) Councillor Jones – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Non-pecuniary interest: Cousin is employed by Legra;
- (i) Councillor Mulroney – Agenda Item No. 5 (17/01734/FULM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (j) Councillor Mulroney – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (k) Councillor Mulroney – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (l) Councillor Mulroney – Agenda Item No. 11 (18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning) and Leigh Society and the applicant's agent is known to her;
- (m) Councillor Walker – Agenda Item. No. 5 (17/01734/FULM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea) – Non-pecuniary interest: Two friends live in close proximity;
- (n) Councillor Walker – Agenda Item No. 6 (18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea) – Non-pecuniary interest: Friend lives in close proximity;
- (o) Councillor Walker – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Friend lives in Underwood Square and a work colleague lives in Lime Avenue; and
- (p) Councillor Ward – Agenda Item No. 10 (18/01063/FUL - Haydon House, 10 Underwood Square, Leigh on Sea) – Disqualifying non-pecuniary interest: Has worked for the owner (withdrew).

310 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

**311 17/01263/FUL - Westcliff Eruv, Finchley Road, Westcliff on Sea
(Chalkwell Ward)**

Proposal: Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the Borough

Applicant: Westcliff Jewish Association

Agent: Rosenfelder Associates

Resolved:- That planning permission be GRANTED subject to the following conditions:

01 This development must be begun within three years from the date of this permission.

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

02 Except as otherwise agreed in writing by the Council under the provisions of Condition 3 of this planning permission the development hereby permitted shall be carried out in accordance with the following approved plans: 911.001 (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23; 911.24; 911.25; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D; 911.41

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

03 In respect of all sites hereby approved, details of the design and colour of the external surfaces of the posts and poles and associated structures plus, in respect of sites 17, 27, 30, 31 and 39 the detailed locations, sizes and design details of the polycarbonate and steel sheet fixings, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be implemented in full accordance with the details approved under this condition within 6 months of the erection of that particular pole, post or structure. Notwithstanding the details shown on the plans submitted and otherwise hereby approved the pole erected outside the boundary of 70 and 72 Eastbourne Grove (Site 21) shall be chamfered above a height no less than 1m above ground level to a diameter of 76mm in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

04 A Construction, Management and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, including details of the management arrangements for implementation of the works hereby approved shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Local Highway Authority, prior to the commencement of the development. The Construction and Maintenance Strategy submitted shall include details on how the Eruv structure (poles, posts, associated structures and wire) would be constructed and maintained in a manner that would not compromise highway and pedestrian safety or unacceptably impact on movements on the public highway. The development shall be implemented and in full accordance with the approved Construction, Management and Maintenance Strategy and maintained in accordance with this Strategy in perpetuity.

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the road network arising from the development would be kept to a minimum in accordance with the National Planning Policy Framework Policies KP2, CP3 and CP4 of the Core Strategy 2007 and Policies DM1, DM3 and DM15 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

05 No site works or other works associated with this development shall be commenced before an Arboricultural Method Statement and Tree Works Plan, detailing the precautions to be taken to minimise damage to trees within and adjacent the sites and any works to be carried out to trees as part of the implementation of the proposal (where relevant), in accordance with British Standards BS5837:2012 and BS3998:2010, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Arboricultural Method Statement and Tree Works Plan approved under this condition. The approved tree protection measures shall be fully installed before the commencement of works and maintained during construction.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

06 No site works or other works associated with this development shall be commenced unless and until an assessment of the impact of the wires on the flight paths of birds, for those approved structures within the reasonable proximity of Priory Park, have been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and propose measures such as, but not limited to, bird deflectors necessary to mitigate any identified harmful impacts and those agreed measures shall be fully installed prior to completion and first use of the respective developments and shall be permanently maintained for the lifetime of the developments hereby approved.

Reason: To ensure that the development protects local ecology in accordance with the National Planning Policy Framework, Policy KP2 and CP4 of the Council's Core Strategy (2007)

Informatives

01 The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

02 Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.

03 The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.

04 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

05 Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

06 The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.

07 The applicant is advised that they would be liable for the cost of any rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures.

08 The applicant is advised that they would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and leci to be erected on the public highway.

- 312 17/01734/FULM - The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea (Belfairs Ward)**
Proposal: Demolish existing buildings, erect three storey building comprising of 15 self-contained flats, layout refuse store, cycle store and parking
Applicant: BESB Contracts Ltd
Agent: Phase 2 Planning

Resolved:- That planning permission be REFUSED for the following reasons:

01 The proposal by reason of its scale, height and bulk would appear as an overly dominant, obtrusive and incongruous development that is out of keeping with and detrimental to the prevailing character and appearance of the streetscene and the surrounding area. This is unacceptable and contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

02 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions to meet the demand for such housing in the area and formal undertaking to secure contributions to the delivery of education facilities, to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007), and Policy DM7 of the Development Management Document (2015)

- 313 18/01075/FULM - Belfairs Academy, Highlands Boulevard, Leigh on Sea (West Leigh Ward)**
Proposal: Erect three storey infill extension to form additional classrooms, sports facilities and associated rooms and extend main school hall
Applicant: Legra Academy Trust
Agent: Barker Associates LLP

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plan: BA/P18-099-N204/B, BA/P18-099-N200, BA/P18-099-N203/C, BA/P18-099-N205/B, BA/P18-099-N301, BA/P18-099-N350, BA/P18-099-N201/C, BA/P18-099-N141, BA/P18-099-H141, BA/P18-099-N202/C, BA/P18-099-N121, BA/P18-099-H202, BA/P18-099-H401, BA/P18-099-H103, BA/P18-099-N101.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition and construction up to the ground floor slab level, until samples of the materials to be used in the construction of the external elevations of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

04 No construction works other than demolition works and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; hard surfacing materials; Details for the soft landscape works shall include the number, size and location of any trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The approved hard landscaping works shall be carried out prior to first occupation of the development hereby approved and the soft landscaping works within the first planting season following first occupation of the development.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

05 The photovoltaic solar roof panels shall be implemented in full prior to the first occupation of the buildings as per drawing no. P18-099-N205_B and shall provide at least 10% of the total energy needs of the new buildings. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (NPPF) and Policy KP2 of the Core Strategy (2007).

06 The use of the development hereby approved shall be used for no purposes other than for those falling within Use Class D1 only. Notwithstanding the content of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking or amending or re-enacting this order, the development shall be used for no other purposes falling outside Use Class D1 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: In order to protect the impacts on community infrastructure, the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the NPPF, Policies KP2, CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

08 No part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

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

09 The development hereby granted shall be implemented in accordance with the recommendations and noise mitigation measures contained within the Noise Impact Assessment and Acoustic Design Report dated 17 May 2018 by Encon Associates before it is occupied and retained as such thereafter.

Reason: To minimise the noise and disturbance impacts of the development in order to protect the amenities of neighbouring occupiers in accordance with National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

10 The rating level of noise for internal activities (including amplified and unamplified music and human voices) at the site shall be at least 10dB(A) below the background noise level to ensure inaudibility in noise sensitive premises as measured at 1 metre from the nearest residential properties. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment shall be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

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

11 Prior to occupation of the development, a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of;

- (a) A comprehensive survey of all staff ;
- (b) Targets set in the Plan to reduce car journeys to the premises;
- (c) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the building is occupied for A4 use.

The site shall be managed and operated in full accordance with the approved travel plan from its first occupation. At the end of 3 months following first occupation of the premises for D1 use a travel survey/questionnaire shall be carried out for staff and customers/visitors, and within 28 days of the survey the travel plan document must be updated to take into account the results of the staff/customer/visitor survey and submitted to the Local Planning Authority for approval. Immediately following approval of the revised Travel Plan it must be implemented and the site managed and operated in full accordance with it.

At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The further revised Travel Plan must be implemented immediately and the site managed and operated in full accordance with it thereafter.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1 and DM15 and Design and Townscape Guide (2009).

12 No development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that

the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

13 Prior to occupation of the development, details of additional cycle parking must be submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1 and DM15 and Design and Townscape Guide (2009).

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

Informatives

1. Community Infrastructure Levy Liability Notice (CIL Regulation 65):- You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the planning department to discuss the requirement for planning permission and CIL liability. See www.southend.gov.uk/cil for further details about CIL.

2. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development.

3. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>

4. The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to Sport England's "Sports Hall Design & Layouts" design guidance note; <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/>.

5. Please be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party

responsible for damaging them. This includes damage carried out when implementing a planning permission or works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

314 18/01141/OUTM - Shoebury House, Ness Road, Shoeburyness (West Shoebury Ward)

Proposal: Demolish existing building (Class D1), redevelop site with up to 10 residential dwellings (Class C3) with associated parking and form vehicular access onto Ness Road (Outline Application)

Applicant: NHS Property Services

Agent: Savills

Resolved:- That OUTLINE planning permission be GRANTED subject to the following conditions:

01 Details of the appearance, layout, scale and landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 Except for demolition and site preparation works no development above ground level shall be undertaken until and unless samples of the materials to be used on the external elevations including details of any boundary walls, fences, gates and windows have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground level shall take place until full details of both hard and soft landscape works proposed for the site, have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures (e.g. refuse or other storage units, signs, lighting etc.).

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The approved hard landscaping works shall be carried out prior to first occupation of the development hereby approved and the soft landscaping works shall be carried out within the first planting season following first occupation of the development.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Except for demolition and site clearance no development above ground level shall be undertaken until full details of refuse, recycling and covered and secure cycle storage to be provided at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is first occupied and the approved facilities shall be made available prior to first occupation and shall be retained in perpetuity.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the guidance contained in the Design and Townscape Guide (2009).

05 No development above ground level shall be undertaken until and unless a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented and completed in full prior to the first occupation of any of the residential units hereby approved. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

06 Prior to occupation any part of the residential units hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and completed in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

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

07 A total of 20 parking spaces to serve the residential development hereby approved shall be provided and made available for use within the site prior to the first occupation of any part of the development hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings and their visitors and for no other purpose.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

08 Prior to occupation of the development a parking management plan for the approved development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and completed in accordance with the approved document prior to the first occupation of any of the dwellings hereby approved and shall be operated in accordance with the approved arrangement plan in perpetuity.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

09 No development shall take place, including any works of demolition, unless and 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 decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. noise mitigation measures to be used at the site.
- ix. maintenance of access and parking provisions for the 2 care homes in operation.

Reason: This pre-commencement condition is required to protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM15.

10 Before the development is occupied or brought into first use, the development hereby approved shall be completed in a manner to ensure that 1 of the units hereby approved comply with Building Regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 9 units comply with Building Regulation Part M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

11 External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

12 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

13 No development above ground level shall be undertaken unless and until the flood resilient and resistant measures proposed have been submitted to and approved in writing by the local planning authority and the finished first floor levels of the development hereby approved shall be set no lower than 6.15m above Ordnance Datum (AOD). The approved mitigation measures shall be fully implemented prior to the first occupation of the development hereby approved.

Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

14 The development hereby approved shall be undertaken and completed in accordance with the following:

- Lighting design should avoid lighting overspill onto the northern and southern boundaries of the site which are suitable for foraging bats;
- Vegetation clearance works and building demolition works shall be undertaken outside of the bird nesting season (March – August inclusive) else a suitable qualified ecologist should be employed to determine if nesting birds are using the site prior to the works commencing with any active sets found provided with a

10m buffer which would be left until the young had fledged. Clearance works within the area can recommence only once the nest is no longer in use;

- Full details of bird and bat boxes to be installed at the site shall be submitted to and approved in writing by the local planning authority before any development above ground level is undertaken. The approved bird and bat boxes shall be provided in full prior to the first occupation of the development hereby approved and retained as such in perpetuity.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

15 Notwithstanding the details shown on the submitted plans no development above ground level shall be undertaken until full details of the noise mitigation measures to be installed in the dwellings hereby approved and the details of the internal noise conditions these would achieve have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in accordance with the approved details before the development is first occupied.

Reason: In the interests of the living conditions of the future occupiers of the site, in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Development Management Document (2015), Policies DM1, DM3 and Dm8 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009).

16 No development other than demolition shall commence until the detailed design of the developments surface water drainage scheme, incorporating the following measures, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any of the residential units hereby approved.

The scheme shall address the following matters:

a. Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant needs to include evidence that infiltration testing and groundwater level monitoring have been undertaken for the site and that they are compliant with BRE365 guidance.

b. Confirmation of the existing runoff rates for the 1 in 1 year, 1 in 30 year and 1 in 100 year storm events.

c. Provide evidence demonstrating that surface water runoff retention on site has been maximised for the 1 in 100 year plus 40% climate change storm event to achieve an overall discharge from the site as close as possible to greenfield runoff rate. A robust justification of the proposed drainage arrangement should be provided if a reduced discharge rate is not considered to be feasible.

d. Provide detailed drawings of the drainage network including sizing of all SuDS features on the site, with demonstration of how the network will perform under different flood scenarios.

e. Provide a drawing to indicate how the exceedance flows will be managed and mitigated in the event of a drainage system failure or an event exceeding the 1 in 100 year plus 40% allowance for climate change storm event.

- f. Provide evidence of consultation with Anglian Water regarding proposed discharge rate and connection point to be provided.
- g. Provide a method statement regarding the management of surface water runoff during the construction phase of the project.

Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy (2007) and Development Management Document (2015) policy DM2.

17 Notwithstanding the information submitted within the application, the development hereby approved shall not exceed 3 storeys in height and must not exceed 15.05m in height.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area and at least preserves the setting of the adjoining heritage assets. This is as set out in the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and the guidance contained within the Design and Townscape Guide (2009).

18 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, B, D, E or F of that Order.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

20 No development including demolition shall be undertaken unless and until full details of tree protection measures to be provided to protect the trees to be retained on the site and nearby trees on adjoining sites that could be affected by the development have been submitted to and approved in writing by the local

planning authority. The development shall be undertaken in full accordance with the approved details. The approved tree protection measures shall be retained on the site for the entire duration of the construction phase of the development.

Reason: This pre-commencement condition is required in the interests of visual amenity and biodiversity pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

21 No development shall be undertaken unless and until 11 car parking spaces have been provided for the adjoining care homes in accordance with drawing number 171550-006. The 11 car parking spaces shall thereafter be permanently retained for the parking of private motor vehicles of staff, visitors and residents of the care homes “Norton” and “Autumn” and for no other purpose.

Reason: To ensure satisfactory parking is provided and retained to meet the needs of occupants, visitors and staff of the care homes and to ensure that the development satisfies the requirements of the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

22 The approved access arrangement shall be completed in full accordance with the details shown on drawing number 171550-006 prior to the first occupation of any of the dwellings hereby approved and shall thereafter be retained in perpetuity.

Reason: To ensure adequate access arrangements are provided for the development hereby approved in accordance with the requirements of the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

23 No development shall be undertaken unless and until an assessment has been undertaken of the potential for archaeology remaining on the site. If such remains are identified a programme of investigation should thereafter be undertaken in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the local planning authority.

Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to Development Management Document (2015) policy DM5

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

Informatives

01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found on the Council's website at www.southend.gov.uk/cil

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

- 315 18/01215/FUL - Hand Car Wash Site, 652 Sutton Road, Southend on Sea (St Lukes Ward)**
Proposal: Demolish existing cafe building and erect single storey building to be used as Restaurant/Cafe (Class A3)
Applicant: Mr F Bala
Agent: Mr Gary Horrigan

Resolved:- That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in accordance with the following approved plans: Site Location Plan, 1055/1 A.

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

02 Notwithstanding the approved plans, no development shall commence other than demolition and construction up to ground floor slab level unless and until details of all external materials including finishes to walls, window frames and glazing have been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented as part of the development.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 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 premises shall not be open for business outside the following hours: 08:00 to 18:00 hours Monday to Sunday.

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

04 The development hereby approved, for purposes falling within Class A3, shall only be occupied as a café only as applied for, and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floor space within the Use Class specified so that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM3 of the Southend-on-Sea Development Management Document (2015).

05 External extraction and ventilation equipment shall only be erected on the development in accordance with details that have previously been submitted to and agreed in writing by the local planning authority.

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

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

Informatives

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

02 A separate planning permission would be required for any external alterations to the approved building, including fume extraction equipment.

316 18/01313/FUL - Rear of 123 Wakering Road, Wakering Road, Shoeburyness (Shoeburyness Ward)
Proposal: Demolish existing buildings, erect two semi-detached bungalows to rear of 123 Wakering Road, layout parking, bin store and cycle store
Applicant: Mr Graham Eiles
Agent: DK Building Designs Ltd

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 3406-06 rev A Sheet 1 of 3, 3406-06 rev A Sheet 2 of 3, 3406-06 rev A Sheet 3 of 3, Tree Protection Plan by Andrew Day Arboricultural Consultancy Ltd dated 17th August 2018

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than the demolition and construction up to ground floor slab level shall take place until product details of the materials to be used on all the external elevations, including walls, roof, rooflights, windows and doors, porch canopy, paving, and on any screen/boundary walls and fences, driveway, forecourt or parking area have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: To safeguard the visual amenities of the area, in accordance with Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The first floor bathroom windows in the east and west elevations shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut up to a height of 1.7m above first floor level before the occupation of the dwelling hereby approved and 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 neighbouring residential properties, in accordance with the National Planning Policy Framework (2018), Development Management Document (2015) policies DM1 and DM3, and advice contained within the Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than the demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing including any retention of all or part of the wall within the site which bounds the rear gardens of Picasso Way properties and in the event of retention of any part of the fabric of that wall, the proposed finished condition of the retained wall ;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- viii.. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping in accordance with the National Planning Policy Framework (2018), Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than the demolition and construction of foundations shall take place until details a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved 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 be maintained as such thereafter in perpetuity. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform

as intended based on the topography of the site and the location of the proposed surface water management features; and
iii) a timetable for its implementation;

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 Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

07 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 development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the prior 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 (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Southend Design and Townscape Guide (2009).

08 The four car parking spaces and the associated vehicular access for the spaces to and from the public highway, shown on approved plan 3410-06 Rev A Sheet 3 of 3 shall be provided at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwelling hereby approved.

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 (2018), Core Strategy (2007) policy CP3, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The protection measures as set out in the Arboricultural Report by Andrew Day Arboricultural Consultancy dated 17th August 2018, in relation to the copper beech tree to the front covered by TPO 06/2006, shall be implemented in full prior to commencement of the development and be retained throughout construction unless otherwise agreed in writing with the local planning authority. The mitigation measures in relation to construction within the root protection area of TPO 06/2006 set out in this report shall also be implemented in full including supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified to ensure the copper beech tree to the south east corner of the site is adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015)

policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

10 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 not more than 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 development and thereafter 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

11 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development and implemented in full in accordance with the approved details prior to the first occupation of the dwellings. 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 (2018), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

12 The development hereby approved shall be carried out in a manner to ensure the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

13 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

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

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

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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

317 18/01063/FUL - Haydon House,10 Underwood Square, Leigh on Sea (West Leigh Ward)

Proposal: Erect three dwellinghouses, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal)

Applicant: Mr G Newton

Agent: SKArchitects

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 385P01A, 385P02B, 385P03C, 385P04, 385P06, 385P07, 16025 (Measured topological survey April 2016), DFCP 3950 TPP (tree protection plan BY Bionomique Ltd dated 17.8.18)

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until product details of the materials to be used on all the external elevations, including walls, roof, fascia and soffits, rooflights, windows and doors, dormer windows, porch canopy, boundary walls and fences, driveway, paving including parking area have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in the National Planning Policy Framework (2018) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The first floor and second floor windows and rooflights in the north and south elevations of the proposed dwellings shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut up to a height of 1.7m above first floor level before the occupation of the dwellings hereby approved and 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 (2018), Core Strategy (2007) policy CP4, Development Management DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- viii. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

06 No drainage infrastructure associated with this development shall be installed 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 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 be maintained as such thereafter in perpetuity. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;
- iii) a timetable for its implementation; and
- iv) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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 (2018), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

07 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 development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy

Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08 The six car parking spaces and the associated vehicular access for the spaces to and from the public highway, shown on approved plan 385P03C shall be provided at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwellings hereby approved.

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 (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The tree protection measures as set out in the Arboricultural Report by D F Clarke Bionomique Ltd dated 17.8.18 and associated tree protection plan reference DFCEP 3950 TPP, in relation to the Liquidambar street tree to the front, the oaks at 51 Lime Avenue and the preserved oak trees to the rear covered by TPO 4/1972, shall be implemented in full prior to commencement of the development and be retained throughout construction unless otherwise agreed in writing with the local planning authority. The mitigation measures in relation to construction within the root protection areas of the liquidambar street tree and oaks within 51 Lime Avenue set out in the Arboricultural Report shall also be implemented in full during the construction works including supervision of works by a qualified arboriculturalist.

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

10 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 not more than 105 litres per person per day (lppd) (110 lppd 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 development and thereafter 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

11 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in

accordance with the approved details prior to the first occupation of the dwellings. 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 (2018), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

12 The development hereby approved shall be carried out in a manner to ensure each of the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

13 Prior to the commencement of development, a full Phase 1 Habitat Survey of this site and a scheme of any relevant biodiversity mitigation measures to be implemented in association with the development and a timescale for their implementation shall be submitted to the local planning authority and approved in writing. Any mitigation measures set out in the agreed report shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: A pre commencement condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

14 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 in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
- vii) a detailed timetable for the supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified in the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

15 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at.

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

03 The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

04 The applicant is advised to contact the owners of 51 Lime Avenue before undertaking any works to the oaks trees T19 and T20 (as identified in the submitted arboricultural report) so that a scope of works can be jointly agreed.

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.

**318 18/01421/FUL - Seabrink 1 to 9, 46 Undercliff Gardens & 18/01425/FUL - Seabrink, 10 to 19, 46 Undercliff Gardens, Leigh on Sea (Leigh Ward)
Proposal: Install part cladding/part render to South Elevation of West Block
Applicant: Seabrink Residents Association Limited
Agent: Mr Tony Weber**

Resolved:-

1. That, in respect of application reference 18/01421/FUL, planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, SK/05, SK/06, SK/07, SK/08.

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

03. The development hereby granted shall be clad in Marley Eternit Cedral timber effect horizontal cladding in silver/grey colour (ref: CC51) and retained as such thereafter.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) 2007 policies KP2 and CP4, Development Management Document (2015), policies DM1 and DM6 and The Design and Townscape Guide (2009).

INFORMATIVES

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

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

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

2. That, in respect of application reference 18/01425/FUL, planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, SK/01, SK/02, SK/03, SK/04.

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

03 The development hereby granted shall be clad in Marley Eternit Cedral timber effect horizontal cladding in silver/grey colour (ref: CC51) and retained as such thereafter.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) 2007 policies KP2 and CP4, Development Management Document (2015), policies DM1 and DM6 and The Design and Townscape Guide (2009).

INFORMATIVES

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

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received

and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

- 319 16/00232/UNAU_B - 6 New Road, Leigh on Sea (Leigh Ward)**
Breach of Control: Without planning permission, the replacement of the existing side hung timber windows at ground and first floor level in the front elevation with Upvc windows. (Article 4 Direction)

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised Upvc framed windows installed to the ground and first floor front elevation of this property on the grounds that they harm the appearance of the property.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, any delay in manufacture and installation is likely to be dictated by the suppliers lead time. A compliance period of 3 months is deemed reasonable.

- 320 18/00839/FUL - Land Rear of 106 To 112 High Street, Shoeburyness (Shoeburyness Ward)**
Proposal: Demolish existing commercial buildings, erect single storey dwelling, layout parking and amenity area rear of 104-112 High Street (Amended Proposal)
Applicant: Mr Hundal
Agent: N/A

DEFERRED

- 321 18/01273/FUL - Garages at Rear of 15A - 15D Smith Street, Shoeburyness (Shoeburyness Ward)**
Proposal: Demolish existing garages and erect dwellinghouse with cycle and bin storage
Applicant: Mr C Abbott
Agent: AVD Architects

Resolved:- That planning permission be REFUSED for the following reasons:

01 The proposed dwellinghouse, by reason of its cramped and awkward nature, design and siting would conflict with the grain of the local area, and would be out of keeping with and detract from the character and appearance of the site and wider rear garden scene and the setting of the Shoebury Garrison Conservation Area.

The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3 and DM5 and the advice contained within the Design and Townscape Guide (2009).

02 The proposed dwelling would appear as a dominant, overbearing and visually obtrusive feature that would detrimentally impact upon the amenities of existing dwellings at numbers 9 and 10 Anchor Close in terms of sense of enclosure, overbearing relationship and a loss of outlook. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018); Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application might also be CIL liable.

- 322 18/01541/FUL - Mayas Restaurant, First Floor, 42 London Road, Southend on Sea (Milton Ward)**
Proposal: Convert first floor restaurant (Class A3) to 5 self contained flats (Class C3) and Gymnasium, erect additional floor to form three self-contained flats with associated roof terraces, erect second floor rear extension, layout parking, refuse store to rear and alter elevations
Applicant: Cantor Properties Limited
Agent: BGA Architects

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 0-001, 0-600A, 1-001, 1-002, 1-600A, 1-601A, 2-001, 2-600B

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

03 The external elevations of the building, including walls, roof, fascia, doors and windows, screens, refuse store enclosure and forecourt parking area shall only be finished in accordance with details that have been submitted to and approved beforehand in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: To safeguard the visual amenities of the area and ensure an acceptable environment for future residents, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 Southend Design and Townscape Guide (2009).

04 Prior to their installation, detailed design drawings of the new balconies, window reveals for windows facing the street, proposed screens to the south and east elevation at roof level and flat roof fascia detail at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out and in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of the existing building and the surrounding Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

05 The development shall not be occupied until 8 car parking spaces have been provided and made available for use at the site in accordance with drawing reference 0-600A. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the flats hereby approved.

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

06 Prior to the first occupation of the flats hereby approved, design details shall be submitted for the provision of the commercial and domestic refuse storage and the proposed residential cycle store at the site. The approved refuse storage shall be provided in full and made available for use by the occupants of the proposed flats and the ground floor commercial occupants prior to the first occupation of the flats hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policies DM8 and DM15 of Development Management Document (2015).

07 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the flats hereby approved. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015) the Design and Townscape Guide (2009).

08 Prior to occupation of the flats hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 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 development and thereafter 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

09 Notwithstanding the details specified in the submitted Environmental Noise Report by Sharps Redmore reference 1616048 dated 6th August 2018, prior to the construction of the second floor residential units hereby approved, an amended acoustic report that also includes an assessment of the noise potential of the proposed gym and which includes mitigation measures for this use and in relation to the traffic noise and any other relevant sources of noise, to meet the requirements of 'BS 8233:2014: Internal Noise Levels' shall be submitted and agreed in writing with the local planning authority.

The development shall then be constructed in full accordance with the mitigation measures in the approved report prior to occupation of the residential units hereby approved and shall be maintained as such in perpetuity thereafter.

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

10 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

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

11 The proposed resident's gym shown on plan reference 1-600B shall be used as a resident's gym ancillary to the proposed residential units hereby approved

only and for no other purpose including a public gym (class D2) as a separate planning unit. The gym shall not be used outside the hours 07:00 to 23:00 Mondays to Sundays.

Reason: In the interest of the amenities of future and neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

12 The proposed resident's storage units shown on plan reference 1-600B shall only be used as resident storage ancillary to the proposed residential units hereby approved and for no other purpose.

Reason: In the interest of the amenities of future occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

13 Prior to the occupation of the second floor flats, privacy screens not less than 1.7m high above terrace level shall be fitted between the amenity areas to flats 6, 7 and 8 and between the terrace to flat 6 and the communal amenity area at second floor level. The screens shall be retained for the lifetime of the development.

Reason: To protect the privacy and environment of people in new residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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

take care when carrying out works on or near the public highways and footpaths in the borough.

03 The applicant is advised that the future occupiers of the residential units hereby approved, will not be eligible for car parking permits for the Council's town centre car parks as these car parks are reserved for visitors to the town centre and seafront in line with Council Highways Policy.

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

Chairman: _____

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 7th November 2018

WARD	APP/REF NO.	ADDRESS
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Pre Site Plans Report

Belfairs	18/01606/FUL	149 Kingswood Chase, Leigh-on-Sea
Belfairs	18/01374/FULH	530 Arterial Road, Leigh-on-Sea
Milton	18/00924/FUL	58 Milton Road, Westcliff-on-Sea
Milton	18/01142/FUL	1B Queens Road, Southend-on-Sea
Victoria	17/00130/UNAU_B	Viceroy House 117 Victoria Avenue, Southend-on-Sea
Eastwood Park	18/00018/UNAU_B	137 Rayleigh Road, Leigh-on-Sea

Main Plans Report

Victoria	18/01479/FULM	85 London Road, Southend-on-Sea
Blenheim Park	18/01436/FULH	34 Birchwood Drive, Leigh-on-Sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the (Deputy Chief Executive (Place), are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

BLP	-	Borough Local Plan
DAS	-	Design & Access Statement
DEFRA	-	Department of Environment, Food and Rural Affairs
DPD	-	Development Plan Document
EA	-	Environmental Agency
EPOA	-	Essex Planning Officer's Association
DCLG	-	Department of Communities and Local Government
NPPF	-	National Planning Policy Framework
NPPG	-	National Planning Practice Guidance
SPD	-	Supplementary Planning Document
SSSI	-	Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	-	Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	-	Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and NPPG
- (vi) Core Strategy
- (vii) Borough Local Plan

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away

- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution

- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation

- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

1. Necessity

A site visit is only likely to be necessary if either:

- (i) The proposed development is difficult to visualise from the plans, photographs and supporting material; or
- (ii) There is good reason why the comments of the applicant and / or objector(s) cannot be expressed adequately in writing; or
- (iii) The proposal is particularly contentious; or
- (iv) A particular Member requests it and the request is agreed by the Chairman of DCC.

2. Selecting Site Visits

- (i) Members can request a site visit by contacting the Head of Planning and Transport or the Group Manager for Planning; providing the reason for the request. The officers will consult with the Chairman.
- (ii) If the agenda has not yet been printed, notification of the site visit will be included on the agenda. If the agenda has already been printed, officers will notify Members separately of the additional site visit.
- (iii) Arrangements for visits will not normally be publicised or made known to applicants or agents unless access is required to be able to go on land.

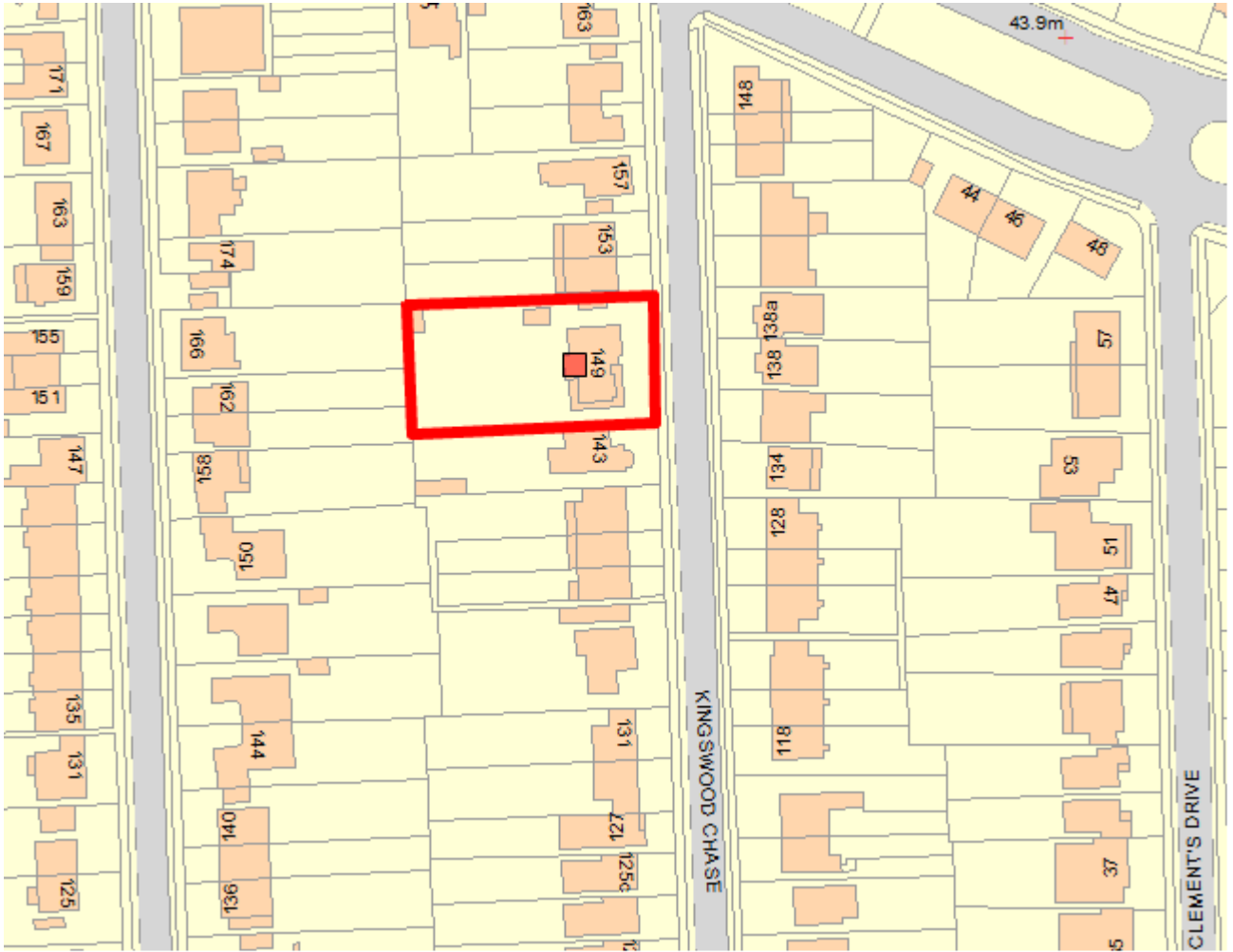
3. Procedures on Site Visits

- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will normally be viewed from a public place, such as a road or footpath.
- (iv) Representations will not be heard, and material will not be accepted. No debate with any party will take place. Where applicant(s) and/or other interested person(s) are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered having first explained to them that it is not the function of the visit to accept representations or to debate.

Version: April 2016

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Reference:	18/01606/FUL	7
Ward:	Belfairs	
Proposal:	Demolish existing dwelling, erect three 2 storey dwellinghouses with dormers to rear, layout parking to front and install vehicular accesses on to Kingswood Chase (Amended Proposal)	
Address:	149 Kingswood Chase Leigh-On-Sea	
Applicant:	Narrate Properties Limited	
Agent:	Smart Planning	
Consultation Expiry:	27.09.2018	
Expiry Date:	08.11.2018	
Case Officer:	Robert Lilburn	
Plan Nos:	17-151 0-001 revision A Location Plan 17-151 A 0-500 revision D Site Layout Plan 17-151 1-001 revision B Existing Plans and Elevations 17-151A 1-500 revision B Proposed Plans and Elevations Plot 1 17-151A 1-600 revision B Proposed Plans and Elevations Plots 2 & 3 17-151A 2-500 revision A Existing and Proposed Street Scenes	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission to erect three dwellings; a detached four-bedroom (6 person) dwelling house (Plot 1) and a semi-detached pair of five-bedroom (8 person) dwelling houses (Plots 2 and 3). The development would take place following the demolition of the existing building.
- 1.2 The proposed buildings at Plots 2 and 3 would be two-storey with accommodation in the roof space. The roof space (second floor) accommodation would be facilitated by the use of roof lights to the front elevation and rear dormer windows. The proposed dwelling at Plot 1 would be two-storeys only; no accommodation is proposed in the roof space.
- 1.3 Each dwelling would have a single storey rear projection and a modest two-storey rear projection. The buildings at Plots 2 and 3 would have gable-ended dual-pitched roofs with two-storey gabled bays to the front. The proposed dwelling at Plot 1 would be a hipped, ridged roof, with a reduced ridge height, also with a two-storey gabled bay to the front. The buildings would be finished externally in brick. No further details of materials have been specified.
- 1.4 The development would include the provision of 2no. off-street car parking spaces per dwelling. These would be situated at the front of the buildings, and oriented perpendicular to the highway. Vehicular access would be made by widening an existing crossover at the north end of the site, and by forming two new crossovers in the middle and towards the south end of the site.
- 1.5 The submitted plans indicate that five trees and shrubs within the existing curtilage would have to be removed as part of the development.
- 1.6 The submitted plans state that the internal floor area of the dwellings at Plots 2 and 3 would measure some 188sqm. The two dwellings would each have five bedrooms. The internal floor area of the dwelling at Plot 1 would measure some 155sqm. The dwelling would have four bedrooms.
- 1.7 The schedule of accommodation for Plots 2 and 3 is as follows:
 - bedroom 1: 12sqm
 - bedroom 2: 9sqm
 - bedroom 3: 15sqm
 - bedroom 4: 8sqm
 - bedroom 5: 23sqm
- 1.8 The schedule of accommodation for Plot 1 is as follows:
 - bedroom 1: 12sqm
 - bedroom 2: 9sqm
 - bedroom 3: 14sqm
 - bedroom 4: 10sqm
- 1.9 No external cycle or bin storage arrangements have been shown on the submitted

plans. Boundary treatments have been shown on the submitted plans as 1m fences between the units and a 1m high wrought iron railing within the frontage.

1.10 The submitted plans refer to the existing building as a bungalow. The building has accommodation at the first floor and a two-storey element at the rear and is not therefore considered to fall within the definition of a bungalow. This has not prevented the accurate assessment of the proposal.

1.11 This application follows a previous application, 18/00719/FUL, to demolish the existing bungalow, erect three 2 storey dwelling houses with dormers to rear, layout parking to front and install vehicular accesses on to Kingswood Chase, which was refused for the following reasons:

“01. By virtue of its siting and design, the proposed development would create a stark and incongruous relationship with the neighbouring bungalow to the south, materially harming the appearance of the street scene and detracting from the quality of the area. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

02. By virtue of its siting and design, the proposal would create a stark and unremitting area of car parking to the front of the buildings, together with the loss of a significant area of soft landscaping. This would be materially harmful to character and visual amenities of the street scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

03. By virtue of the proposed width of vehicle crossovers, the proposal would be harmful to highway safety. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) Policy DM15 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009)”.

1.12 The key differences between the application under consideration and the refused application 18/00719/FULH are:

- The proposed dwelling at Plot 1 has been reconfigured from a gabled roof form to a hipped roof form, and the submitted plans show that the proposed ridge height has been reduced from 9.4m to 8.5m. As part of this a previously-proposed fifth bedroom has been deleted from Plot 1;
- The frontage hardstanding has been reduced in depth and width. Space of 4.9m depth and 2.4m width would be available for six parked cars (in three blocks of two) compared with the previously-proposed blocks of two spaces and four spaces, and dimensions of 5.7m and 2.9m per space;
- As a consequence of the reduced hardstanding depth and width, the

proposal has introduced a larger area of soft landscaping and boundary treatment in larger available spaces to soften the appearance of the frontage hardstanding and provide a landscaped setting to the buildings, with a landscaped strip in between increasing from 1.6m to 3.6m width and opportunity for planting in front of the buildings;

- The proposed dropped kerb vehicular crossings would be narrowed from the previously-proposed pair measuring 11.8m and 5.9m to a pair measuring some 9.7m and 4.9m.

2 Site and Surroundings

- 2.1 The application site is a domestic dwelling and garden. The proposal also includes the public highway to the front of the house to accommodate the proposed additional vehicular crossovers.
- 2.2 The existing building is a detached dwelling with accommodation at first floor, situated within a relatively large garden plot. It has a large hipped roof accommodating roof space rooms. It is finished externally in red roof tiles and white rendered walls, with exposed timber detailing.
- 2.3 The curtilage is defined by a low boundary wall to the front, within which is cut a single vehicular access and crossover to the north end of the plot. Within the curtilage is a substantial garden, comprising soft landscaping including modest shrubs and trees. There is a pair of semi-mature trees situated to the far rear end.
- 2.4 Kingswood Chase is a suburban residential area characterised by a mixture of detached and semi-detached dwellings. These are a combination of bungalows and two-storey buildings with both hipped and gabled roof forms.
- 2.5 The relationship of buildings including the configuration of roof forms, and their alignment on plan, together with the prevailing presence of intact landscaped front gardens, boundary walls and street trees, creates a relatively cohesive and pleasing street scene.
- 2.6 The site is not specifically identified on the policies and proposals map of the Development Management Document. It is not within a conservation area and no heritage assets are affected. The site is located within Flood Zone 1.

3 Planning Considerations

- 3.1 The main planning considerations in this case are: the principle of development, design quality and impact on surrounding area, amenities of neighbouring occupiers, living conditions of future occupiers, car parking arrangements/transport considerations and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Policies KP1, KP2, CP3, CP4 and CP8 of the Core Strategy (2007), Policies DM1, DM2, DM3, DM8 and DM15 of the Development Management Document (2015) and guidance contained

within the Design and Townscape Guide (2009)

- 4.1 This proposal is considered in the context of the National Planning Policy Framework, Core Strategy and the Development Management Document, and the Design and Townscape Guide.
- 4.2 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land (para.8) in particular previously developed land (para.117).
- 4.3 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to promote sustainable patterns of development, and Policy KP2 (Development Principles) seeks to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 4.4 Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. Policy DM8 of the Development Management Document provides for additional dwellings in the Borough but seeks to resist the loss of existing valuable residential resources.
- 4.5 As part of its Strategic Housing Land Availability Assessment (SHLAA) 2017 update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has an 8 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 4.6 The site is located within the built-up area and in reasonable proximity to services and transport links. This is a relatively sustainable location for development which conforms to the prevailing land use around it. The development would add to the supply of dwellings.
- 4.7 As the development would be situated predominantly on the foot print of the existing building, which would be demolished, it would primarily occupy previously developed land. It would therefore be a sequentially preferable site for the development.
- 4.8 The proposal for dwellings at the site is therefore acceptable in principle subject to detailed considerations which are discussed below.

Design and Impact on the Character of the Area National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.9 The National Planning Policy Framework requires new development to respond positively to its surroundings.

- 4.10 Paragraph 127 of the NPPF states that local planning authorities should aim to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 4.11 Paragraph 130 of the NPPF states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 4.12 Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and to complement local character.
- 4.13 Policy DM1 states that 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. It should contribute positively to the space between buildings and their relationship to the public realm.
- 4.14 Policy DM3 states that the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 4.15 The Design and Townscape Guide notes at paragraph 92 (section 4) that in areas of varied scale, such as the site surroundings, the lack of regularity is a positive defining characteristic. New development should take reference from its surroundings, respond positively and integrate appropriately by respecting the characteristics of its context. This may include smoothing the transition between adjacent buildings of different heights.
- 4.16 The Guide states the importance of a cohesive local character and at paragraph 200 (section 5) comments that *“piecemeal development of gardens in areas of strong uniform character would disrupt the grain of development and will be considered unacceptable. In exceptional cases, where the local character is more informal and where there are no issues of space and overlooking, subdivision of existing garden areas may be acceptable in principle”*.
- 4.17 At paragraphs 166-169 (section 4) the Guide seeks to discourage the use of frontage parking. Open frontages and total loss of front gardens to parking will be considered unacceptable. 169. Where considered acceptable in principle, whatever the size of scheme, only a small proportion of the frontage should be given over to parking.
- 4.18 The layout of the proposed dwellings would correspond appropriately to the general grain of development in the area. The proposal would be a comprehensive redevelopment of the site and thus would not be a piecemeal development of gardens. The scale and proportions of the proposed dwellings would not be inconsistent with the surrounding buildings in general. Their height and alignment would be broadly similar to the neighbouring two-storey buildings.

- 4.19 The revised roof form of Plot 1 in close proximity to the modest bungalow at no.143 would allow for a more graded transition between the bungalow and the proposed development. Elsewhere in the street there is a gentle relief transitioning between bungalows and two-storey buildings, formed by the spaces between buildings and intervening single-storey elements. It lends the proposal a degree of sympathy with the positive aspects of the street scene and is found to be acceptable on balance.
- 4.20 The detailed design of the dwellings would be appropriate, in configuration of windows, roof form, use of bays and rear dormers for example. The use of brick is not unprecedented in the street scene and the details shown are not objected to. Details of materials can be required as a condition of any planning permission.
- 4.21 An appropriate amount of rear garden area would remain following the development. The trees and shrubs shown to be removed are not significant contributors to the visual amenities of the area and would not represent a reason for objection to the scheme. However, in the event of approval the retention of some individuals can be sought where appropriate through a landscaping scheme.
- 4.22 The proposal involves the loss of the front garden and a substantial element of frontage car parking. It is acknowledged that many of the houses on Kingswood Chase have had their front gardens paved over to a large extent, and some boundary walls have been removed or in the case of a newer development nearby may not have existed.
- 4.23 The prevailing form is one where a general definition of boundaries exists, contributing to a cohesive appearance, and where the street scene is relatively green as a result of the retention or partial retention of front gardens. The proposal would incorporate a reasonable degree of soft landscaping to the frontage, and this would outweigh to an extent the loss of grass verge within the highway, on balance.
- 4.24 The proposed use of smaller areas of hard standing, together with planting and fencing within the frontage, would soften the appearance of the development in the street scene. On balance the proposal would maintain the general cohesiveness and visual amenities of the street scene with a sufficient quantity and quality of frontage landscaping. While the proportion of frontage given over to parking would not be small, it would be appropriately landscaped and most importantly would be consistent with the general characteristics of the surroundings, to form a setting to the buildings.
- 4.25 On balance, the proposals are considered acceptable and policy-compliant in regard to character and appearance of the site, surroundings and the street scene. The proposal is considered to have overcome the earlier reasons for refusal in this respect.

Impact on Residential Amenity

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.26 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future

occupants of land and buildings.

- 4.27 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.28 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 4.29 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.
- 4.30 The submitted plans show that the proposed buildings would be aligned with neighbours at the front, as at present, but would project an approximate additional 7m rearwards beyond the footprint of the existing building.
- 4.31 The submitted plans indicate that the development would project an approximate additional 5.4m beyond the rear plane of no.151 and approximately an additional 3m beyond the main rear elevation of no.143. The rearmost 2.4m portion of this projection would be formed of the proposed single storey element while the first portion in each case would be formed the two-storey main body of the proposed buildings.
- 4.32 The buildings would be set approximately 1m away from no.143 to the south and approximately 1.9m away from no.151 to the north. Each neighbouring building appears to have habitable room windows (French doors) to the rear elevation adjacent to the application site.
- 4.33 The submitted proposed layout plan shows that there would be an approximate 3m deep single storey projection beyond the rear face of no.143. This would be considered not to have a material detrimental effect on occupiers in terms of being visually overbearing or causing a reduction in daylight levels. Being situated to the north there would not be a significant overshadowing impact. The proposal does not include windows on the upper side walls (only those at the front bay windows and a ground floor side door and hallway window) and given their position there would not be a material increase in direct overlooking; the rear upper floor windows and dormers would allow further views down the gardens and oblique sideways views however this would not be considered materially harmful in terms of overlooking towards neighbouring occupiers.
- 4.34 The submitted plans show that the proposed building at Plot 3 would project 3m at two storeys beyond the rear plane of the main body of no.151 to the north. It would then project between 2m and 3m at single storey beyond the single storey rear extension at no.151. The nearest upper floor rear windows at no.151 appear to serve bathrooms. Given the 1.9m separation between the buildings, and the

relative configuration of two-storey and single-storey elements at each, together with the modest relative rear extent of the proposal and the presence of an existing outbuilding close to the boundary with no.151, it is considered that the effect would not be visually overbearing and would not lead to a significant loss of daylight to no.151. There would be an increase in overshadowing, however this would be slight due to the orientation of the application site to the immediate south of no.151 and would not justify a refusal of planning permission.

- 4.35 The side windows at no.151 appear to be secondary windows and light sources for stairs and non-habitable spaces. The proximity of the proposed north-facing gable wall is considered therefore not to be likely to lead to a materially harmful impact in terms of loss of outlook or loss of light.
- 4.36 The proposed buildings would not include any windows on the upper side walls and given their position there would not be a material increase in overlooking.
- 4.37 The proposal would introduce a degree of additional activity involving comings and goings in close proximity to dwellings, by intensifying the use of the site for three dwellings as opposed to one dwelling at present. This might cause some limited additional noise disturbance in general. In the built-up context of the site it is considered that the small number of additional occupiers would not be likely to result in significant additional noise – from within the buildings or from comings and goings –which might affect nearby residents to a degree that would cause material harm.
- 4.38 It is considered that the development would maintain neighbour amenities to a reasonable degree in all relevant regards. The proposals are considered acceptable and policy-compliant in this regard.

**Living Conditions for Future Occupiers
National Planning Policy Framework (2018), Development Management Document (2015) Policy DM8, The National Technical Housing Standards (2015) and the Design and Townscape Guide (2009)**

- 4.39 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 4.40 Further to this, from the 1st October 2015 the National Housing Standards have been adopted and state that 106sqm internal floorspace is required per four-bedroom (6 person) two storey dwelling house (Plot 1), and 134sqm is required per five-bedroom (8 person) three storey dwelling house (Plots 2 and 3), to ensure the development is in line with building control requirements.
- 4.41 The proposed floorspaces would be some 155sqm for Plot 1 and 188sqm for Plots 2 and 3, and as such the proposal complies with the standards. The room sizes shown are compliant with the standards. Each room would have suitable daylight, outlook and ventilation arrangements.
- 4.42 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide adaptable and accessible dwellings. Details have been supplied to demonstrate that the dwelling would be accessible and adaptable for all, further to the National Planning Policy Framework,

Development Management Document (2015) Policy DM8 and the National Technical Housing Standards 2015.

- 4.43 One of the core planning principles of the National Planning Policy Framework is that the planning system should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Policy DM8 of the Development Management Document states that all new dwellings must make provision for usable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.44 The Council’s Design and Townscape Guide states that “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”.
- 4.45 The proposed rear garden area would be acceptable for occupiers use in this instance. Bin storage and cycle storage details could be required as a condition of any planning permission, as there is ample space within each proposed curtilage for suitable arrangements. The proposals are considered acceptable and policy-compliant in regard to living conditions.

Traffic and Transport Issues

National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.46 Policy DM15 of the Development Management Document and Policy CP3 of the Core Strategy seek to maintain highway safety for all users.
- 4.47 Policy DM15 states that dwelling houses should have at least two parking spaces. The Council’s Vehicle Crossing Policy and Application Guidance is also a material consideration and specifies minimum car parking space sizes of 2.4m x 4.8m and dropped kerb specifications for the public highway.
- 4.48 Two parking spaces of dimensions in accordance with the prescribed minimum are proposed to the front of each dwelling. This quantum of off-street parking is acceptable, further to the above policies and the parking standards appended thereto.
- 4.49 The proposal includes three vehicular crossings of a maximum width of 4.8m; these have been revised further to Highways comments. These dimensions are consistent with the maximum crossing width specified.
- 4.50 While the crossings would reduce on-street parking opportunities, they would provide a standard of parking commensurate with the quantum of development proposed.
- 4.51 Details of appropriate surfacing and boundary treatments can be secured through a condition of planning permission. Taking account all material considerations, the proposals are considered acceptable and in accordance with the objectives of development plan policies in this regard, overcoming the earlier reason for refusal.

Sustainable Construction

National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.52 Policy KP2 of the Core Strategy states that *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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), such as those set out in SPD 1 Design and Townscape Guide”*.
- 4.53 No details of renewable energy have been provided within this formal submission. However a suitable condition could be imposed to ensure the proposal complies with Policy KP2 of the Core Strategy; this issue could be satisfactorily controlled by a condition.
- 4.54 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. These can be secured through the use of conditions.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.55 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 343sqm, which may equate to a CIL charge of approximately £4743 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building ” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, on balance, it is found that the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The development would be consistent with the prevailing character of the surroundings, on balance, and would not materially harm the amenities of neighbouring occupiers. It would be capable of providing a reasonable standard of accommodation and the proposed access and parking arrangements would be acceptable. The application has overcome the earlier reasons for refusal is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy 2007: KP1 (Spatial Strategy) KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling provision).
- 6.3 Development Management Document 2015: DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources, DM3 (The Efficient and Effective Use of Land), DM8 (Residential standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Highways

- 7.1 Former highway objection to this proposal due to the maximum width for a vehicle crossover exceeding the stipulated policy. The applicant has changed the proposal to ensure the scheme complies with the vehicle crossover policy.
- 7.2 Consideration has been given to the objections that have been raised by local residents. The potential increase in vehicular trips associated with the proposal when compared with the existing use is negligible. It is not considered that the proposal will have a detrimental impact on the local highway network and the surrounding area.

Environmental Health

- 7.3 During the construction/demolition phase, there is a potential to disturb or identify contamination on site, in addition noise issues which may arise, which can give rise to some public health issues. Therefore the following conditions are to be attached:

01.No development (including site clearance, demolition etc.) shall take place until a detailed assessment of how each and every part of the site has been used in the past and the potential risk of contamination has been carried out and a written report of the assessment in the form of a Phase 1 (contaminated land assessment) report submitted to the LPA for approval. The report shall contain details of the investigation, including detailed description of the extent, scale and nature of contamination (whether it originates from the site or not), an assessment of risks to potential receptors (as outlined in DEFRA Contaminated Land Statutory Guidance), a conceptual site model (devised in the desktop study), and all pollutant linkages. The assessment must be undertaken by a competent person as stipulated in the National Planning Policy Framework, Annex 2 and in accordance with BS10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination - CLR 11.

Reason - To ensure that risks from land contamination to the future users of

the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

02. A full asbestos survey shall be carried out by a suitably qualified person on the building(s) to be demolished. Any asbestos containing material (ACM) must be removed and disposed off-site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing.
03. During the demolition and construction, noise and vibration issues may arise which could lead to the hours of work being restricted. Demolition and construction hours are therefore restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.
04. Full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration control measures detailed in *Best Practice Guidance “The control of dust and emissions from construction and demolition”*.
05. There shall be no burning of waste materials on the site during the construction and demolition given the site’s proximity to other properties.

[Officer comment: in the context of the scale and character of the development conditions requested at points 2, 4 and 5 would not meet the six tests for planning conditions as set out in planning practice guidance].

7.4 Recommended informatives:

01. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

Public Consultation

- 7.5 27 neighbours were notified of the proposal and a site notice was posted. Twenty letters of representation have been received, stating the following concerns:

- Harm to neighbour amenity;
- Amendments have not been sufficient since last application which was refused;
- The other larger crossovers and car parking do not justify similar ones now, which would be unsightly and dangerous [**officer comment: revised plans have been submitted which address this issue**];
- Overdevelopment of the plot;
- Several similar proposals have led to an increase in population and

vehicle usage in the street, and changed the character and aesthetics of the street;

- Location plan is out of date [**officer comment: the applicant has updated this plan**];
- The frontage of the plot is not much wider than that of no.138;
- Loss of garden with consequent effects on drainage and wildlife [**officer comment: the total built form would not be significantly greater than the existing footprint, with the exception of the hardstandings for which permeable surfacing would be expected. Details of hardstanding surfaces can be required as a condition of planning permission**];
- Added strain on sewers and drains as up to 28 occupiers possible date [**officer comment: the total proposed bed spaces is 22**];
- The proposal will cause a loss of light to neighbouring properties and those opposite;
- The proposal will cause a loss of privacy to neighbouring properties;
- The proposal will cause a sense of enclosure to neighbouring properties;
- One dwelling would be 7m longer than rear threshold of neighbour [**officer comment: this appearance has arisen due to the initial submission of an out of date base OS plan and would not be the case with the proposal, as demonstrated on the updated, amended layout plan**];
- The proposal will prevent maintenance of flank wall of no.151 neighbouring property;
- Proposed dwellings overbearing in street and on neighbours, this effect and effects on daylight and privacy worsened by the upward slope of the road;
- Effect of crossovers on roadside parking;
- Inadequate parking and harm to highway safety;
- Road safety effects as occupants likely to have more than two cars and the street is a narrow 'rat run', as well as generating additional traffic;
- Proposal is loss of another bungalow [**officer comment: the building is not a bungalow**];
- Proposal is overbearing and unsympathetic to the area, environment and community;
- Loss of gardens and trees have made the street less attractive over the years;
- Dwellings could have permitted development rights to extend further, further harming neighbour amenities [**officer comment: permitted development rights may be removed as a condition of planning permission given the proposal would be introducing a new built form**];
- Projecting window at no.151 is not taken into account on the plans, and the proposed Plot 3 is too close [**officer comment: this relates to an oriel style window, that it projects does not materially alter the impact of the development to that side of the building**];
- Loss of roadside parking will create stress for residents especially impacting older residents;
- Parking congestion and narrow street lead to pavement parking affecting ability of pushchair and wheel chair users to use the pavement;
- Proposed demolition would lead to loss of history for profit [**officer**

comment: the site is not a heritage asset];

- Proposals are virtually unchanged from earlier application and may be an attempt to wear down the planners;
- A maximum of two houses would be acceptable at this location;
- Plans do not accurately show no.138 and no.138a and give impression that street is less built-up than it now is;
- Development would project above the ridge line [**officer comment: the submitted plans show a maximum ridge height above the existing building but lower than neighbouring no.151 to the north**];
- Proposed houses should have fewer bedrooms to reduce likelihood of 'overflow' on street parking;
- Driveways should be used to accommodate additional parking within the site;
- Proposals are harmful to character and appearance of site and area;
- Proposals will lead to noise nuisance from occupiers and associated traffic;
- Oppressive scale of buildings;
- Design is out of keeping and unacceptable;
- Large family housing will lead to demand for more than two cars at certain times especially when children become older;
- This is just a money-making exercise;
- Flooding risk from runoff from new hardstandings;
- Risks from construction traffic and builders' parking;
- Unreasonably high density and inappropriate scale;
- Previous owner wished the dwelling to be sold to a family;
- Proposal would be cramped and overbearing;
- Junction at Blenheim Chase is awkward and together with speeding and rat running the development would add to pressure on highways;
- Existing developments in the street have impacted on the highway;
- Numerous near misses and damage to parked cars, as well as damage to the pavement and verges caused by passing cars and other vehicles;
- Highway pressures in an area of family housing risking danger to vulnerable pedestrians including school children;
- The dwellings would not be affordable or suit first time buyers;
- The small amount of greenery proposed around the parking areas would not compensate for loss of the front garden and verge;

7.6 These concerns are noted and they 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.

8 Relevant Planning History

8.1 18/00719/FUL: Demolish existing bungalow, erect three 2 storey dwelling houses with dormers to rear, layout parking to front and install vehicular accesses on to Kingswood Chase. Refused.

9 Recommendation

9.1 **GRANT PLANNING PERMISSION subject to the following conditions:**

01.The development hereby permitted shall begin not later than three

years from the date of this decision.

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

- 02.** The development hereby permitted shall be carried out in accordance with the following approved plans: 17-151 0-001 revision A Location Plan, 17-151 A 0-500 revision D Site Layout Plan, 17-151 1-001 revision B Existing Plans and Elevations, 17-151A 1-500 revision B Proposed Plans and Elevations Plot 1, 17-151A 1-600 revision B Proposed Plans and Elevations Plots 2 & 3, 17-151A 2-500 revision A Existing and Proposed Street Scenes.

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

- 03.** Notwithstanding the details shown on the approved plans, no development other than demolition and construction up to ground floor slab level shall take place until samples and specifications of the materials to be used on all the external elevations of the development have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the buildings makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 04.** The development hereby approved shall not be occupied unless and until plans and details have been submitted to the Local Planning Authority and approved in writing which specify details of all boundary treatments. The approved details shall be implemented prior to occupation as part of the development and shall be permanently retained thereafter.

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

- 05.** No development other than demolition and site preparation works shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works

shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. pedestrian access and circulation areas;
- ii. hard surfacing materials;
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- iv. details of measures to enhance biodiversity within the site;
- v. details of any permeable paving or other sustainable drainage measures to be implemented.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

06. Notwithstanding the provisions of Classes A, B, D, E and F of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the building hereby approved without the receipt of express planning permission.

Reason: To safeguard the amenity of neighbours and the character and appearance of the surrounding area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM6 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07. Prior to the occupation of the dwellings hereby approved, details of secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided at the site prior to the first occupation of the dwelling hereby approved and retained as such in perpetuity.

Reason: To provide suitable storage for cycles in accordance with the National Planning Policy Framework (NPPF), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

08. The development hereby approved shall be carried out in a manner to

ensure it complies appropriately with Building Regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 09.** A scheme detailing how at least 10% of the total energy needs of the buildings 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 first occupation. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

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

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

- 11.** Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

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

- 12.** (a) Prior to commencement of development, a site investigation of the nature and extent of any land contamination present shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

(b) The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

(c) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM14 of the Southend-on-Sea Development Management Document (2015).

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

10 Informatives

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most

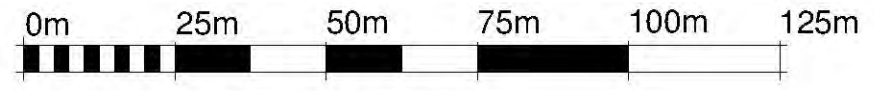
claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

02. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
03. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

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1 Location Plan
1 : 1250



VISUAL SCALE 1:1250 @ A3

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Rev	By/Chk	Date	Description
A	JSPH	12/04/18	Scale Bar Added

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Client:
Narrate Properties Limited

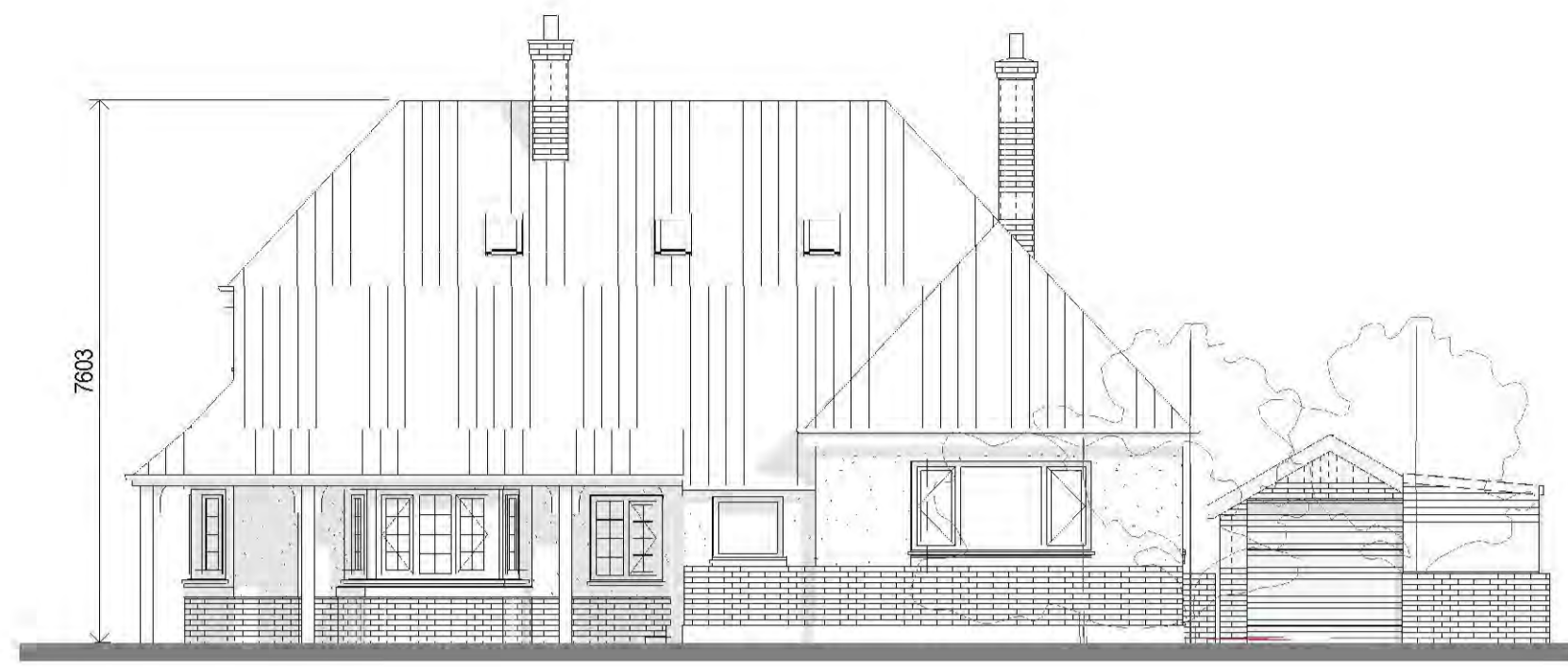
Project Description:
149 Kingswood Chase
Leigh on Sea
Essex SS9 3BE

Drawing Title:
Location Plan

Project No: 17-151	Dwg No: 0-001	
Date: 14-03-18	Drawn By: JS	Chk By: PH
Scale: 1 : 1250 @ A3	Revision: A	

AWAITING TOWN PLANNING APPROVAL

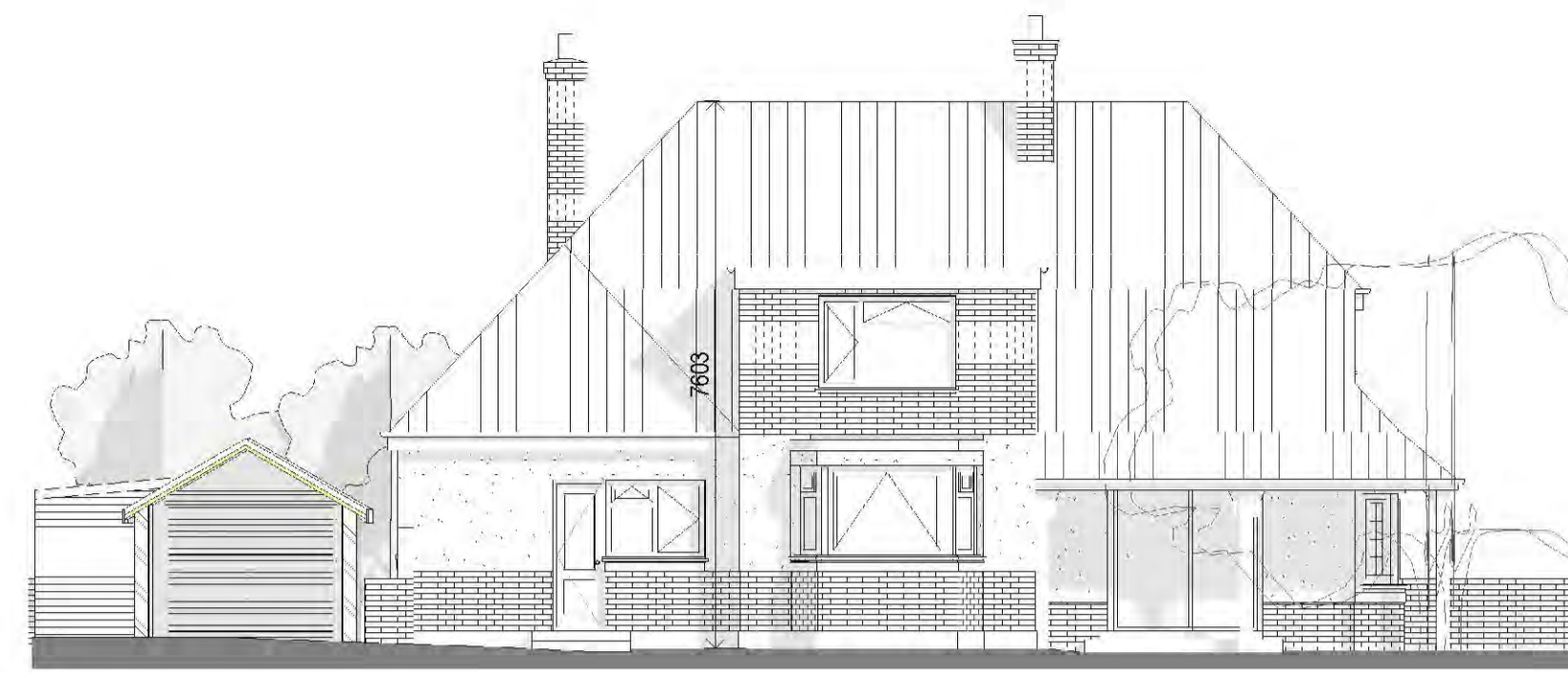
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1 Existing Elevation - East
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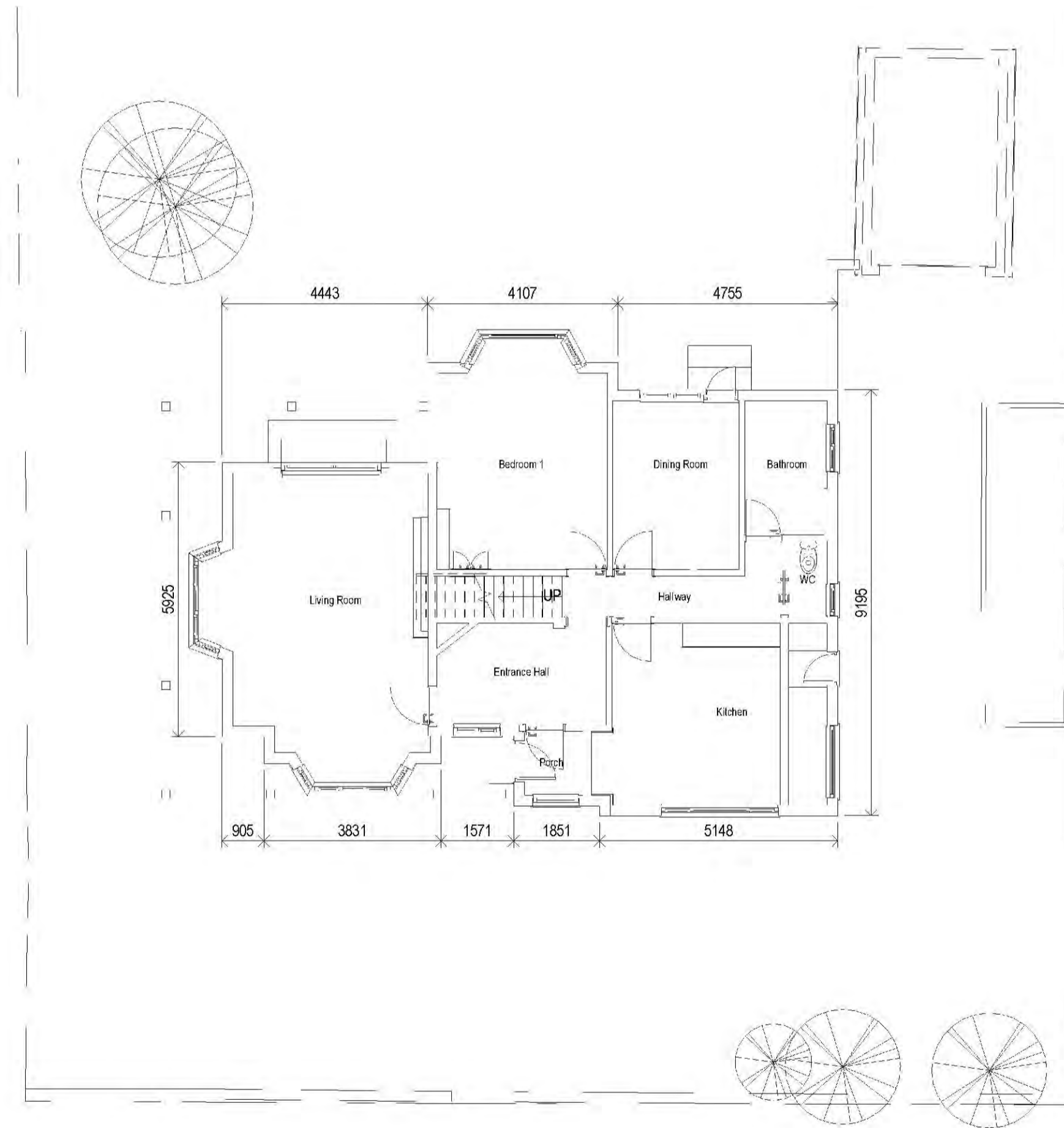
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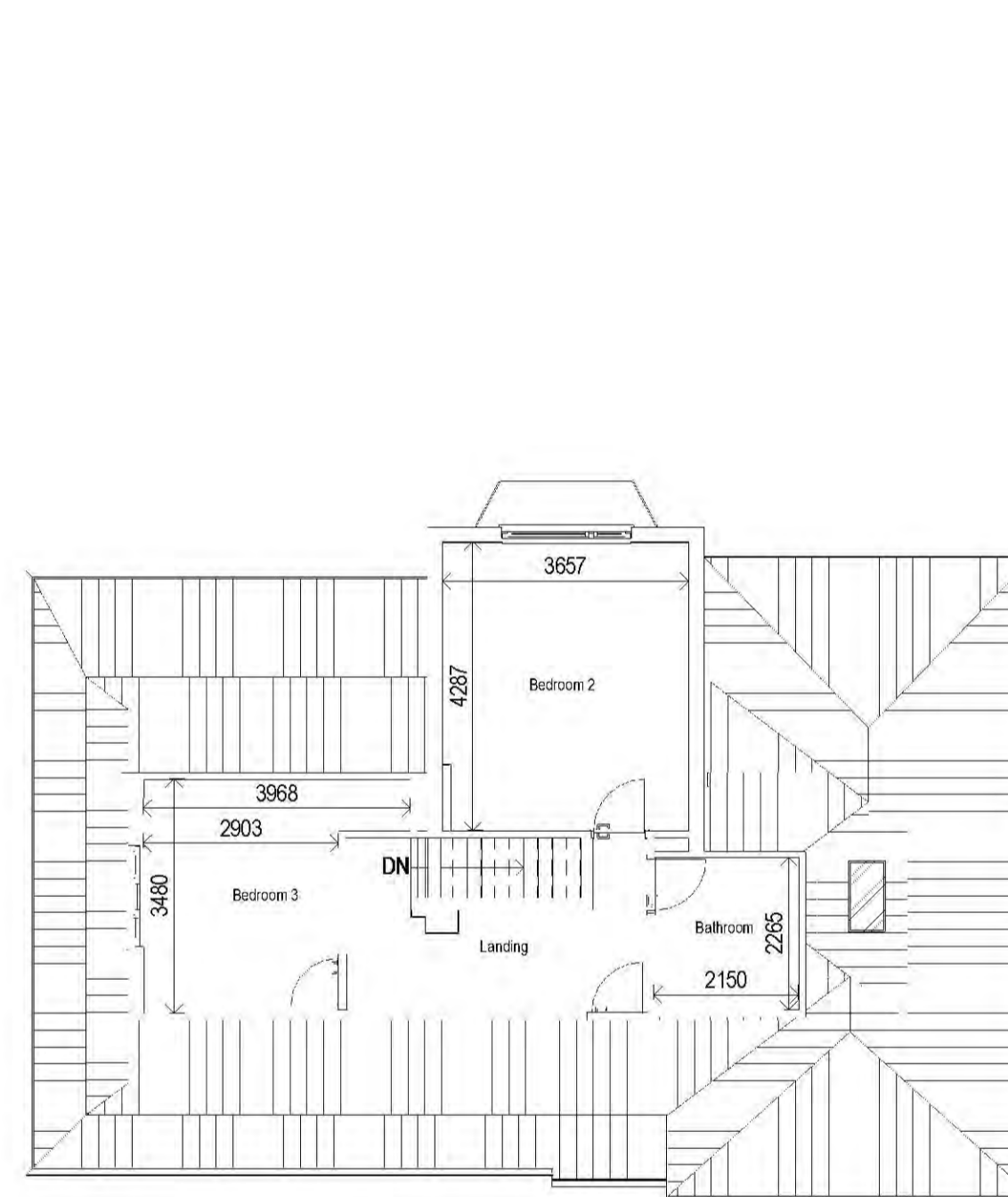
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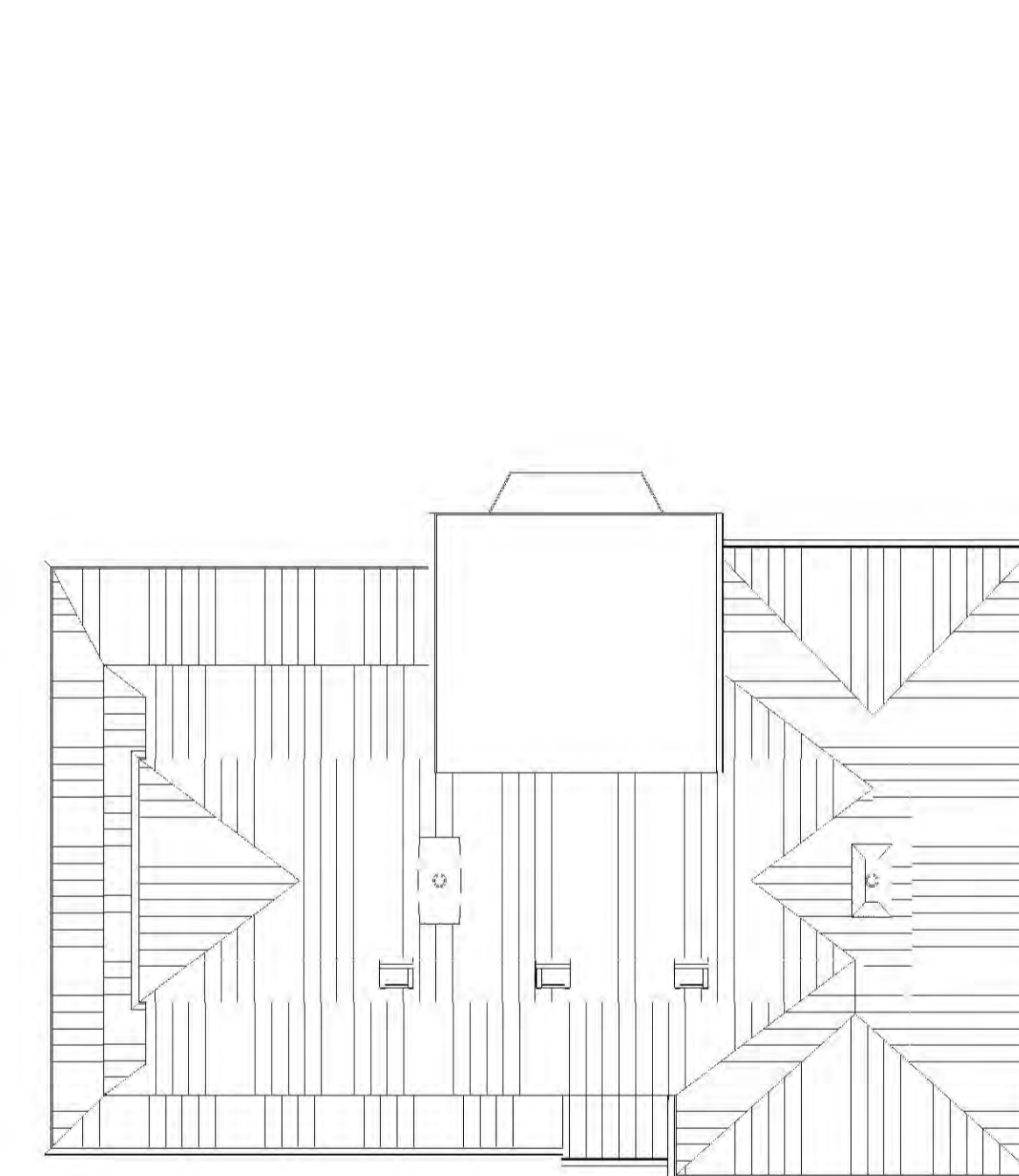
4 Existing Elevation - North
1 : 100



5 Ground Floor - Existing
1 : 100



6 First Floor - Existing
1 : 100



7 Roof Plan - Existing
1 : 100

Ground Floor: 102sq.m
First Floor: 44sq.m
Total: 146sq.m

Rev	By/CHK	Date	Description
B	JSP/PH	13/04/18	Clear Areas Added
A	JSP/PH	12/04/18	Dimensions Added

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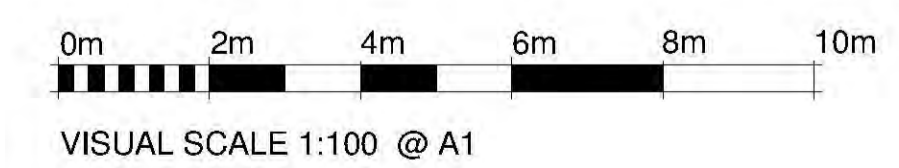
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43 Progress Road, Leigh on Sea, Essex, SSS 5PR
Tel: 01702 471057
Email: info@bga-architects.com
Web: www.bga-architects.com

Client:
Narrate Properties Limited

Project Description:
149 Kingswood Chase
Leigh on Sea
Essex, SS9 3BE

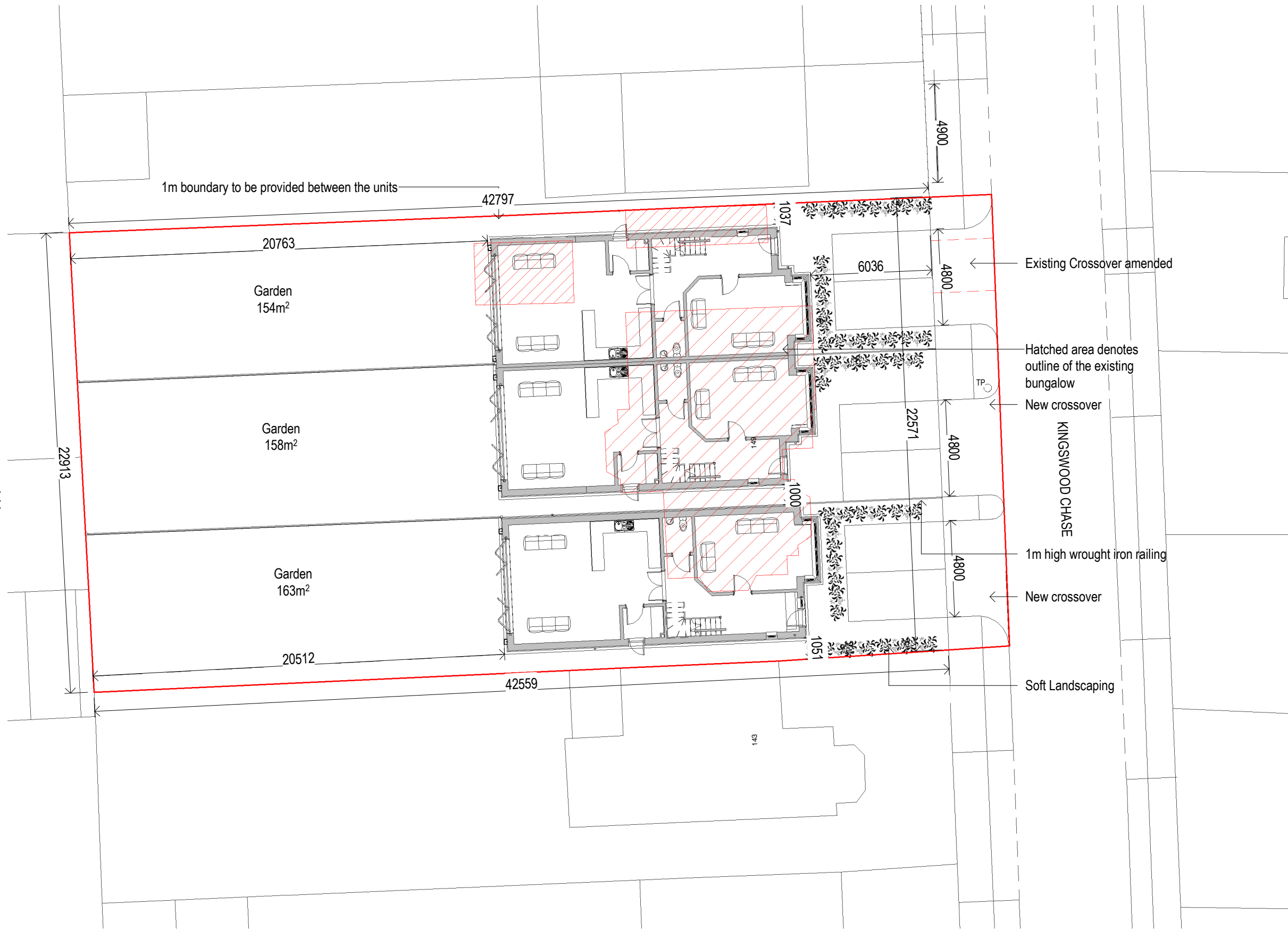
Drawing Title:
Existing Plans and Elevations

Project No: 17-151	Draw No: 1-001
Date: 06-04-18	Drawn By: JS
Scale: 1 : 100	Check By: PH
	Revised: B



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Rev	By/Chk	Date	Description
D	JS/RM	16/10/18	Crossovers amended
C	JS/RM	12/10/18	Crossovers amended
B	JS/PH	11/10/18	OS Updated
A	JS/PH	13/08/18	Plot 1 amended

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Client:
Narrate Properties Limited

Project Description
**149 Kingswood Chase
Leigh on Sea
Essex SS9 3BE**

Drawing Title:
Proposed Site Plan

Project No.: 17-151A	Dwg No.: 0-500	
Date: 01-08-18	Drawn By: JS	Chk By: PH
Scale: 1 : 200 @ A3	Revision D	

AWAITING TOWN PLANNING APPROVAL

① Site Plan - Proposed
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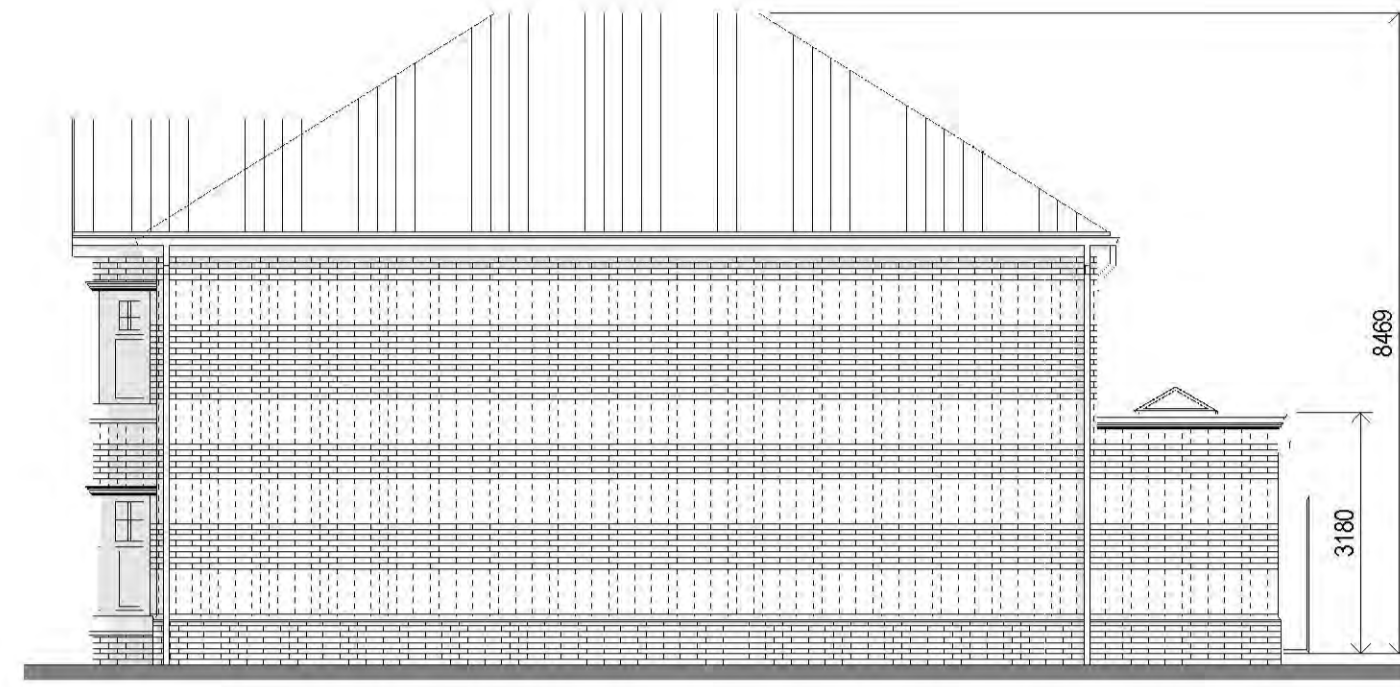
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NOTE: ELEVATIONAL DIMENSIONS ARE SHOWN FROM THE FINISHED FLOOR LEVEL OF THE GROUND FLOOR



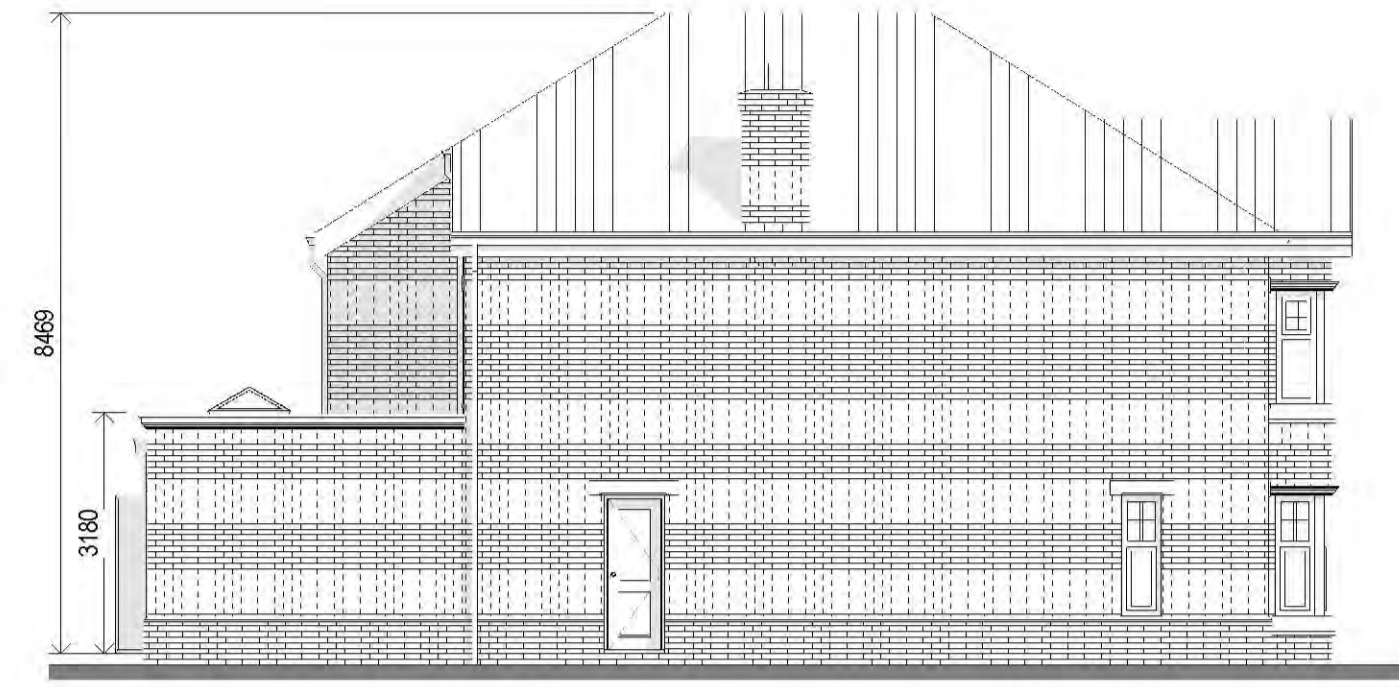
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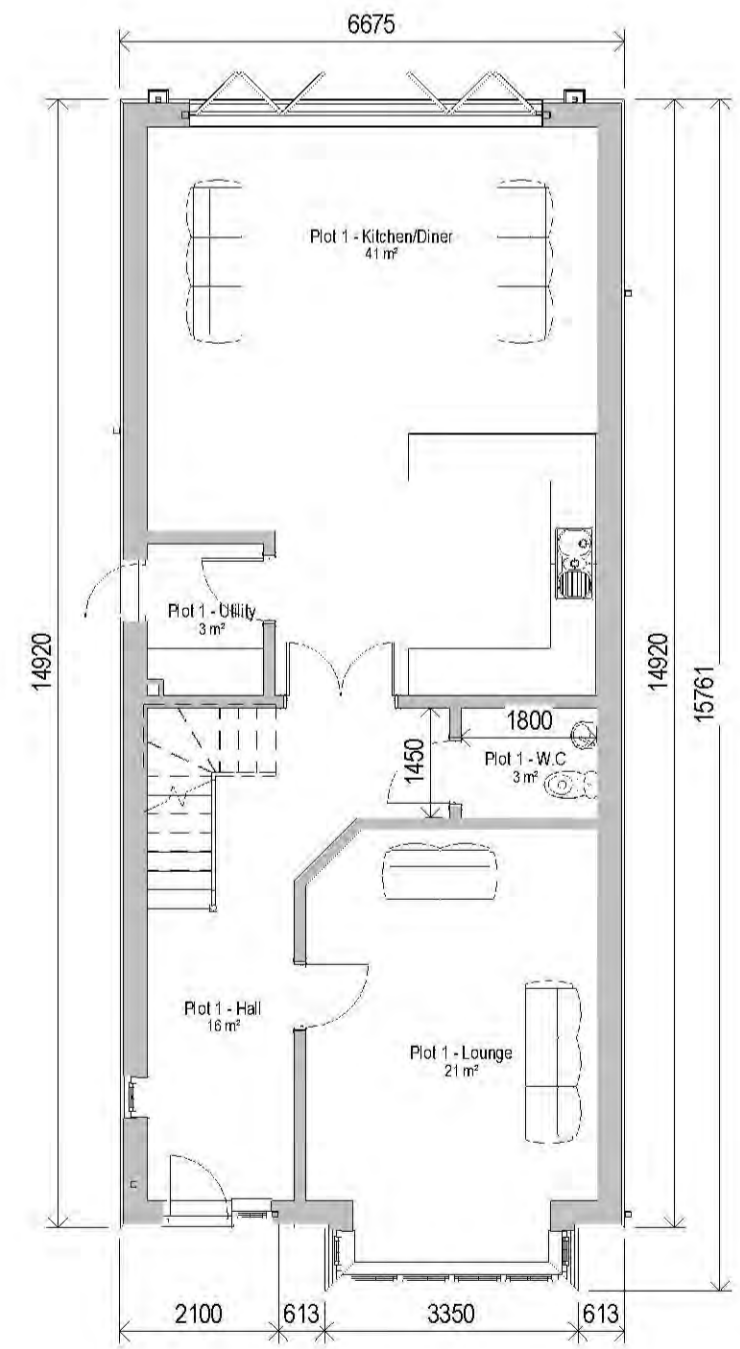
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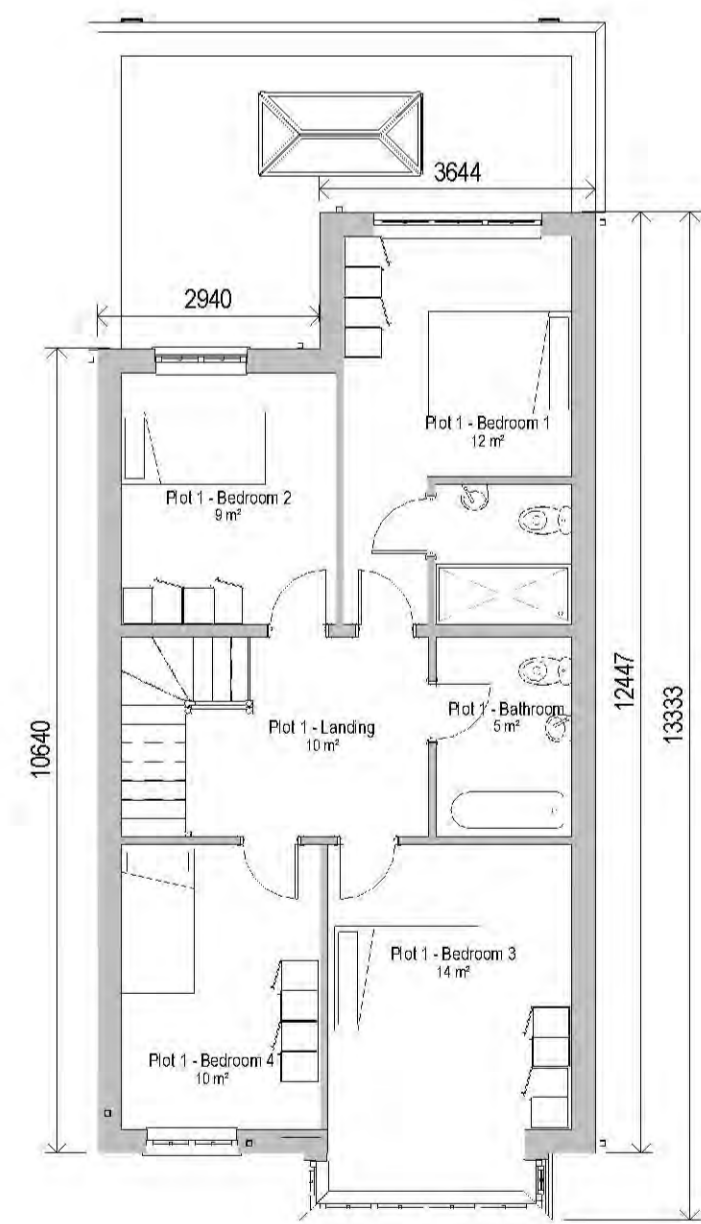
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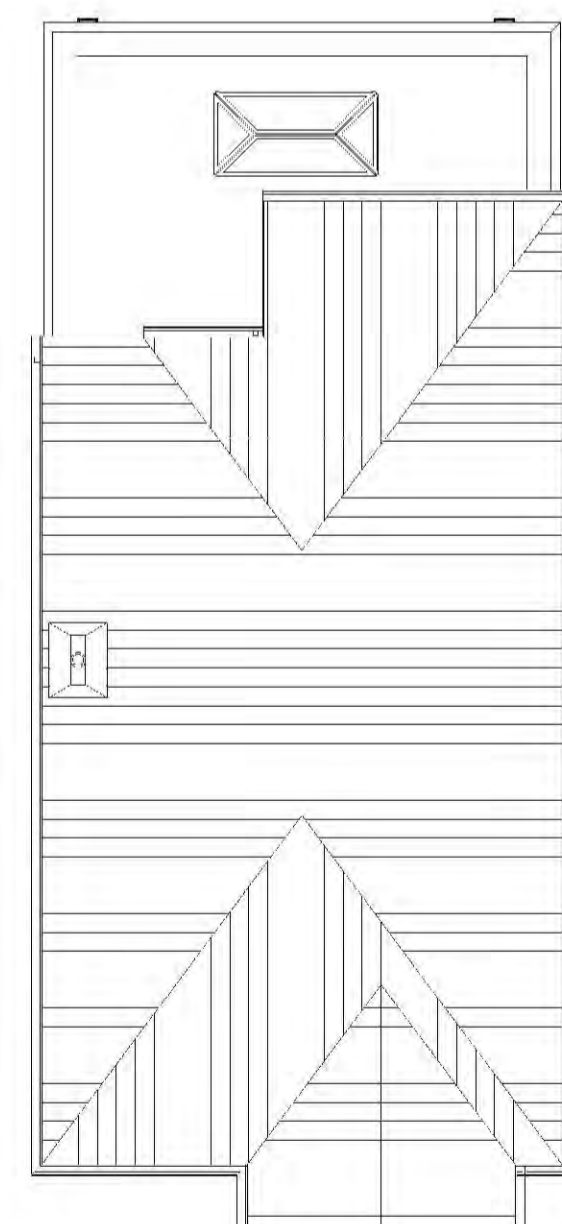
4 Proposed Elevation - Town Planning North
1 : 100



5 Ground Floor - Proposed Town Planning
1 : 100

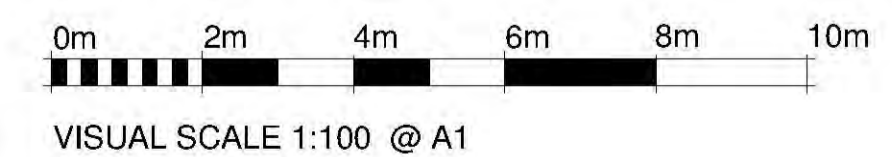


6 First Floor - Proposed Town Planning
1 : 100



7 Roof Plan - Proposed Town Planning
1 : 100

Ground Floor: 85sq.m
First Floor: 69sq.m
Total: 154sq.m



AWAITING TOWN PLANNING APPROVAL

Rev	By/CR	Date	Description
B	JSPH	14/08/18	Dimensions Added
A	JSPH	13/08/18	Roof Pitch Altered

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Tel: 01902 471027 Email: info@bga-architects.com Web: www.bga-architects.com

Client: Narrate Properties Limited

Project Description: 149 Kingswood Chase, Leigh on Sea, Essex, SS9 3BE

Drawing Title: Proposed Plans and Elevations Plot 1

Project No: 17-151A	Draw No: 1-500	
Date: 01-08-18	Drawn By: JS	Check By: PH
Scale: 1:100	Revision: B	

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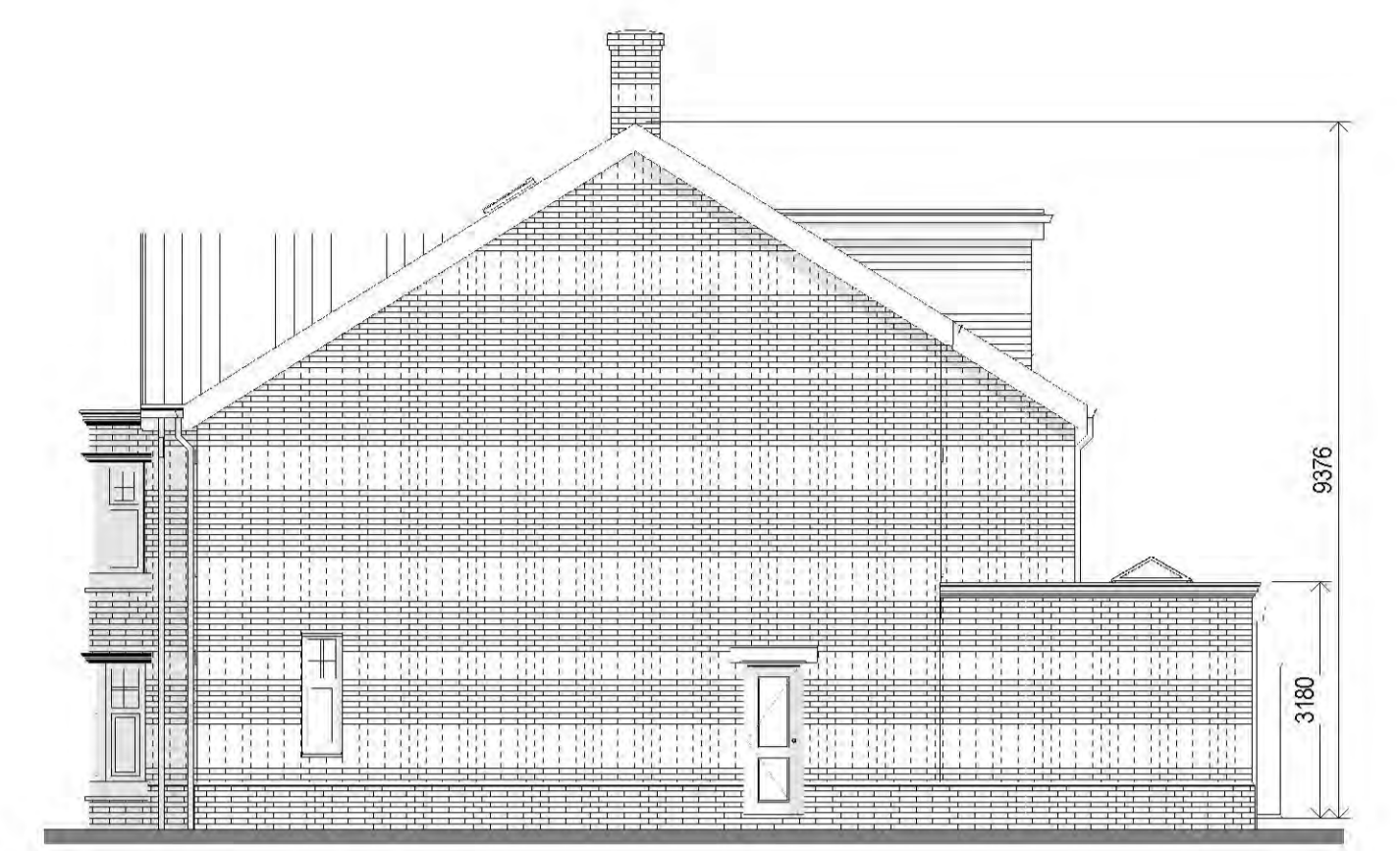
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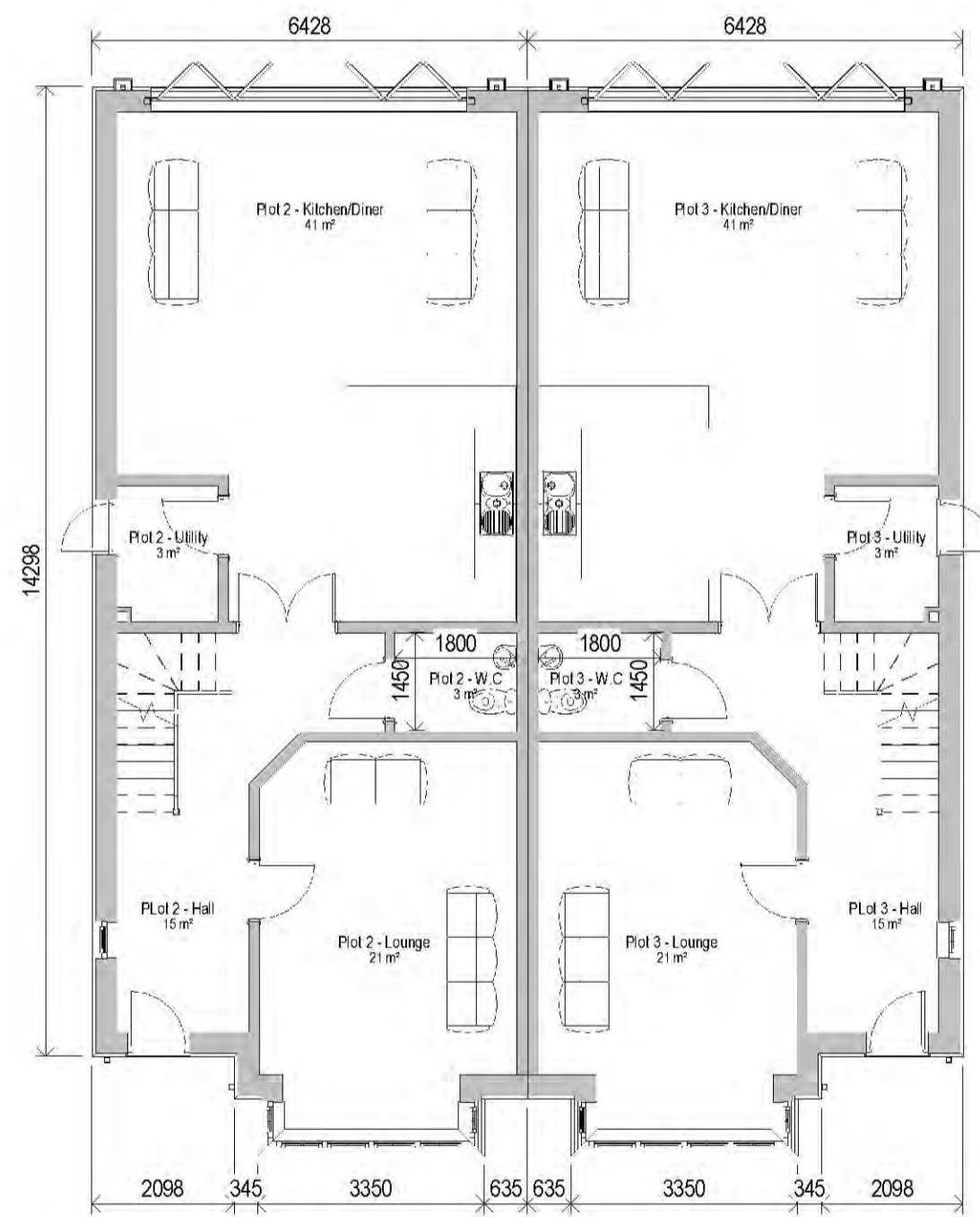
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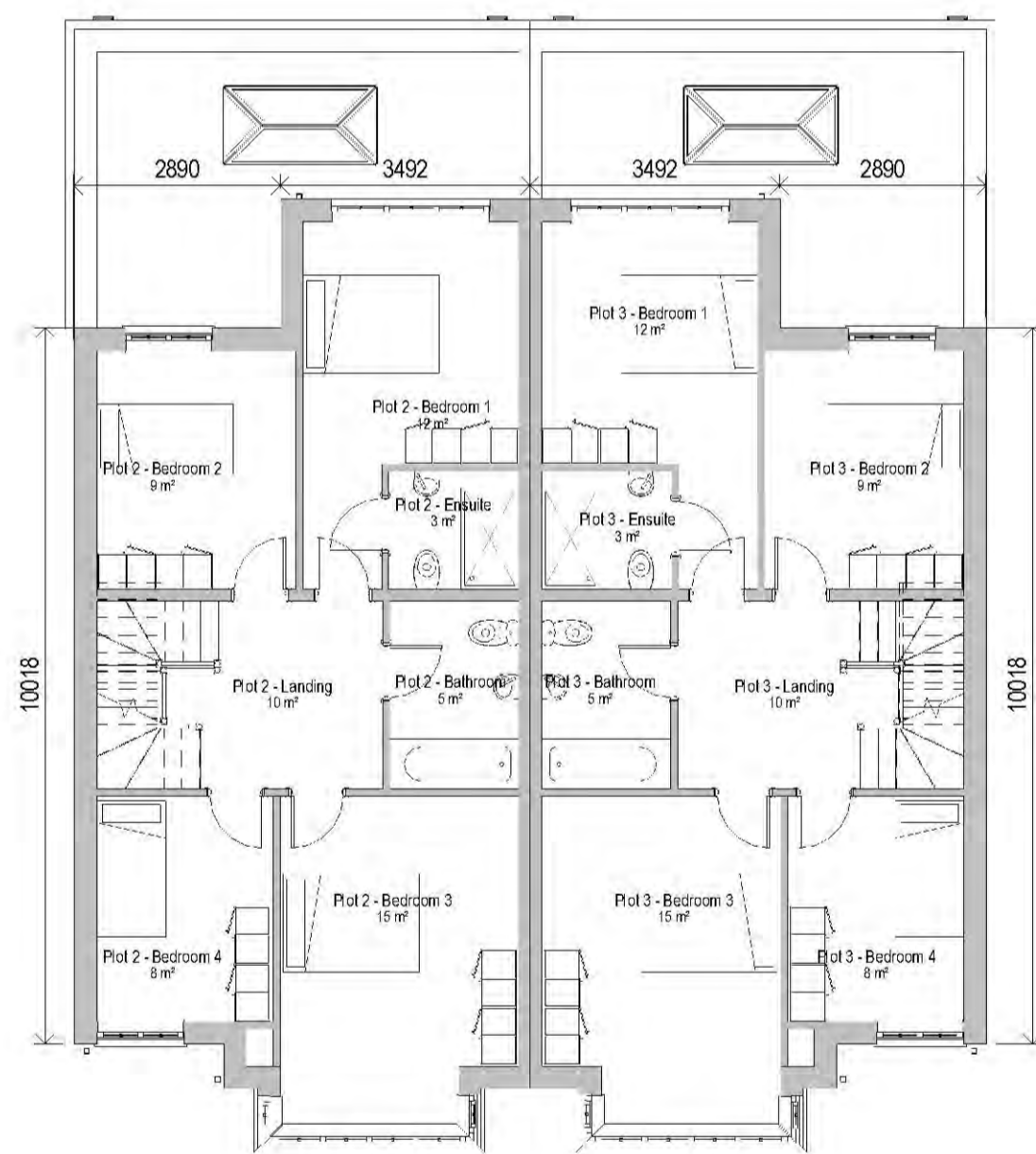
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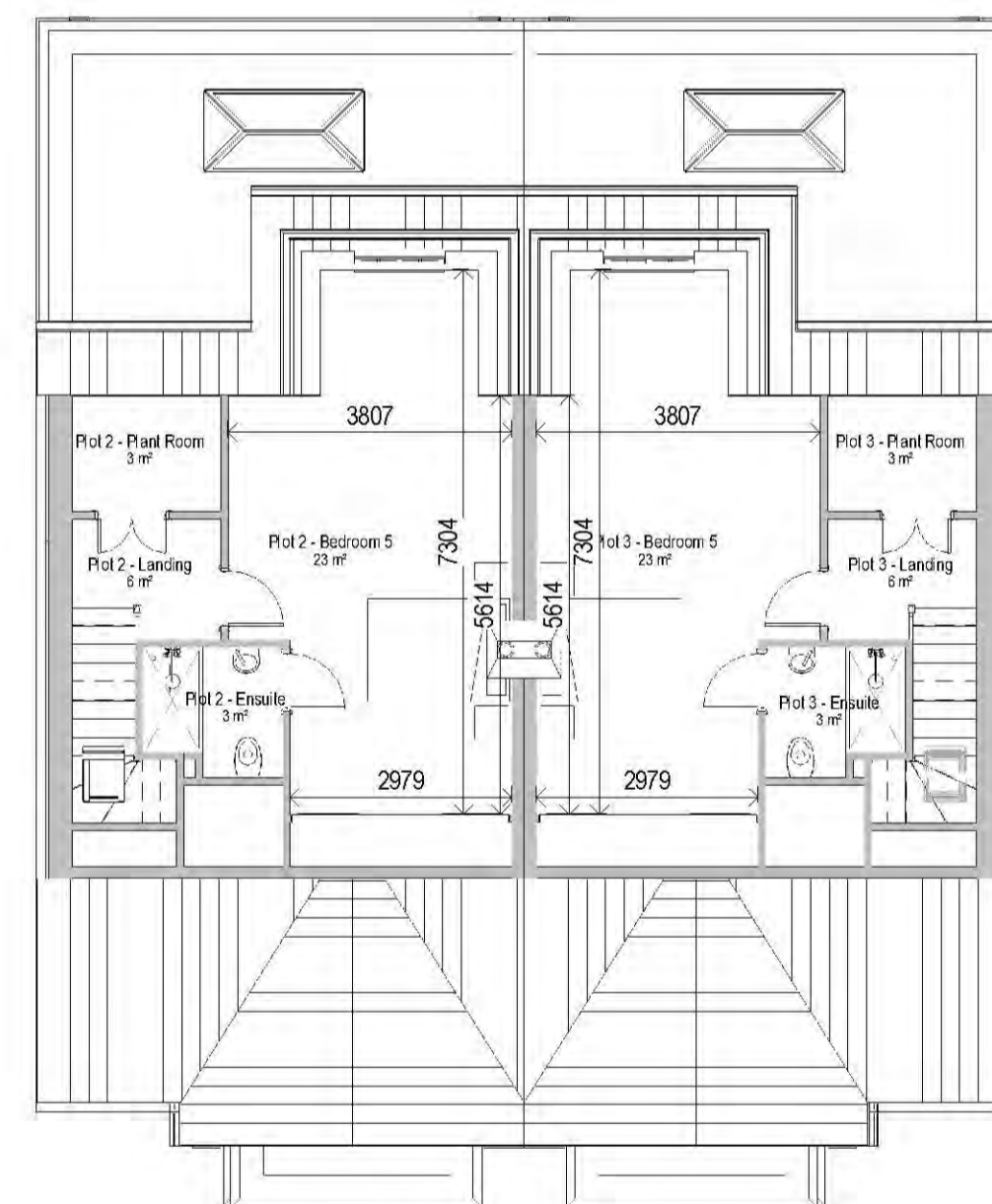
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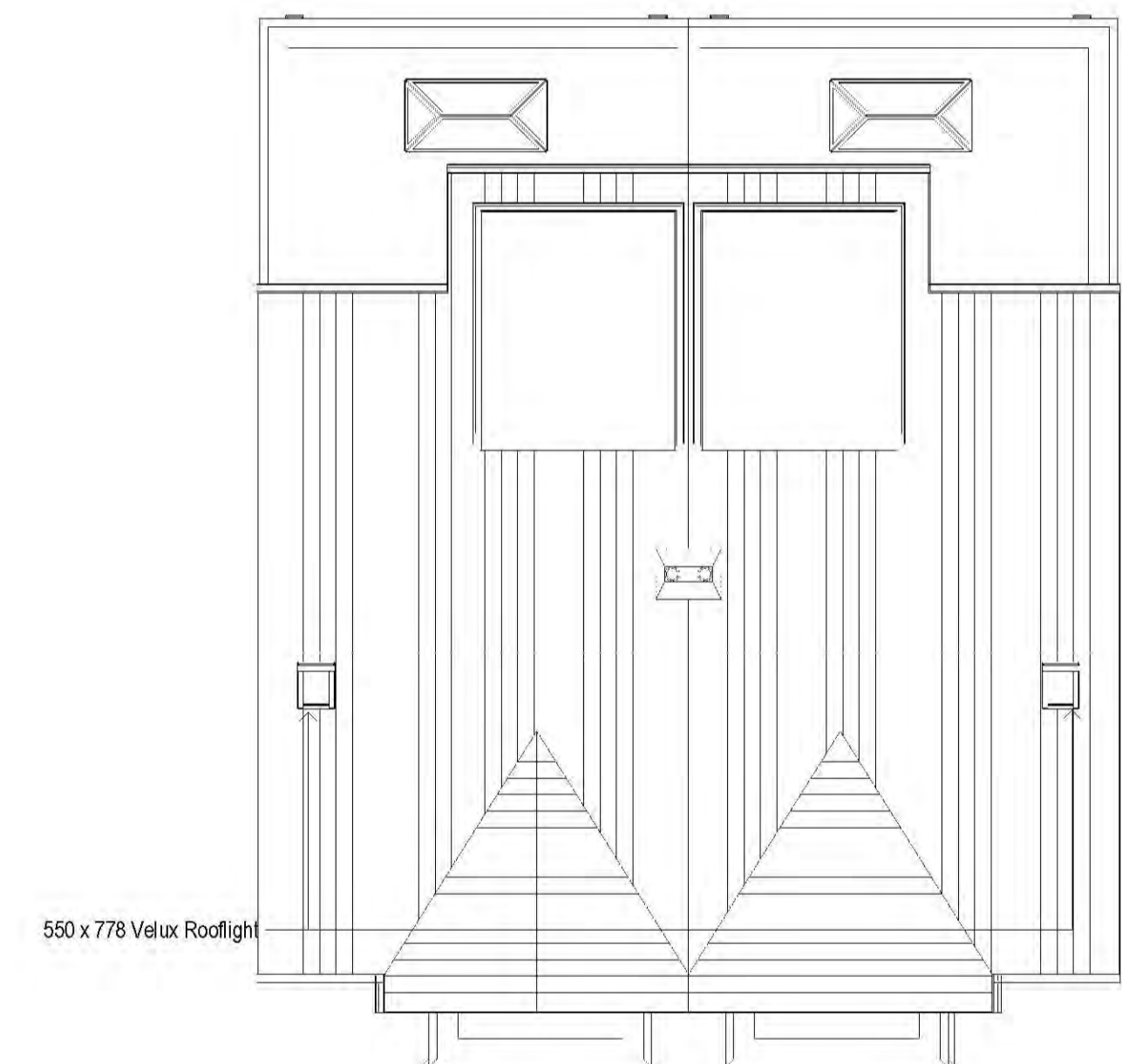
5 Ground Floor - Proposed Town Planning
1 : 100



6 First Floor - Proposed Town Planning
1 : 100



7 Second Floor - Proposed Town Planning
1 : 100



8 Roof Plan - Proposed Town Planning
1 : 100

Plot 2	Ground Floor:	85sq.m
	First Floor:	66sq.m
	Second Floor:	37sq.m
	Total:	188sq.m
Plot 3	Ground Floor:	85sq.m
	First Floor:	66sq.m
	Second Floor:	37sq.m
	Total:	188sq.m

Rev	By/CHK	Date	Description
B	JSPH	04/08/18	Roof Plan Added
A	JSPH	13/08/18	Window Added to Halfway

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Client:
Narrate Properties Limited

Project Description:
149 Kingswood Chase
Leigh on Sea
Essex, SS9 3BE

Drawing Title:
Proposed Plans and Elevations Plot 2 & 3

Project No:
17-151A

Drawn By:
JS

Check By:
PH

Date:
01-08-18

Scale:
1 : 100

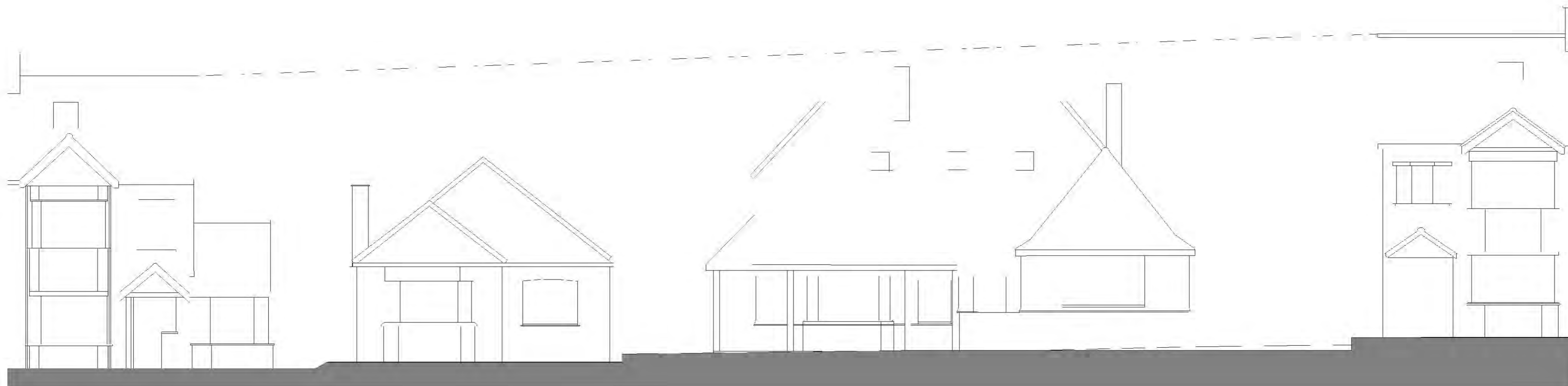
Sheet No:
B



VISUAL SCALE 1:100 @ A1

AWAITING TOWN PLANNING APPROVAL

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① Existing Elevation - Street Scene
1 : 100



② Proposed Elevation - Street Scene
1 : 100

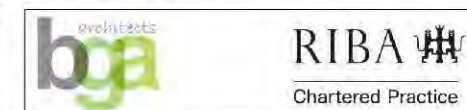


VISUAL SCALE 1:100 @ A2

AWAITING TOWN PLANNING APPROVAL

Rev	By/Chk	Date	Description
A	JSPH	13/08/18	Plot 1 amended

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Client:
Narnate Properties Limited

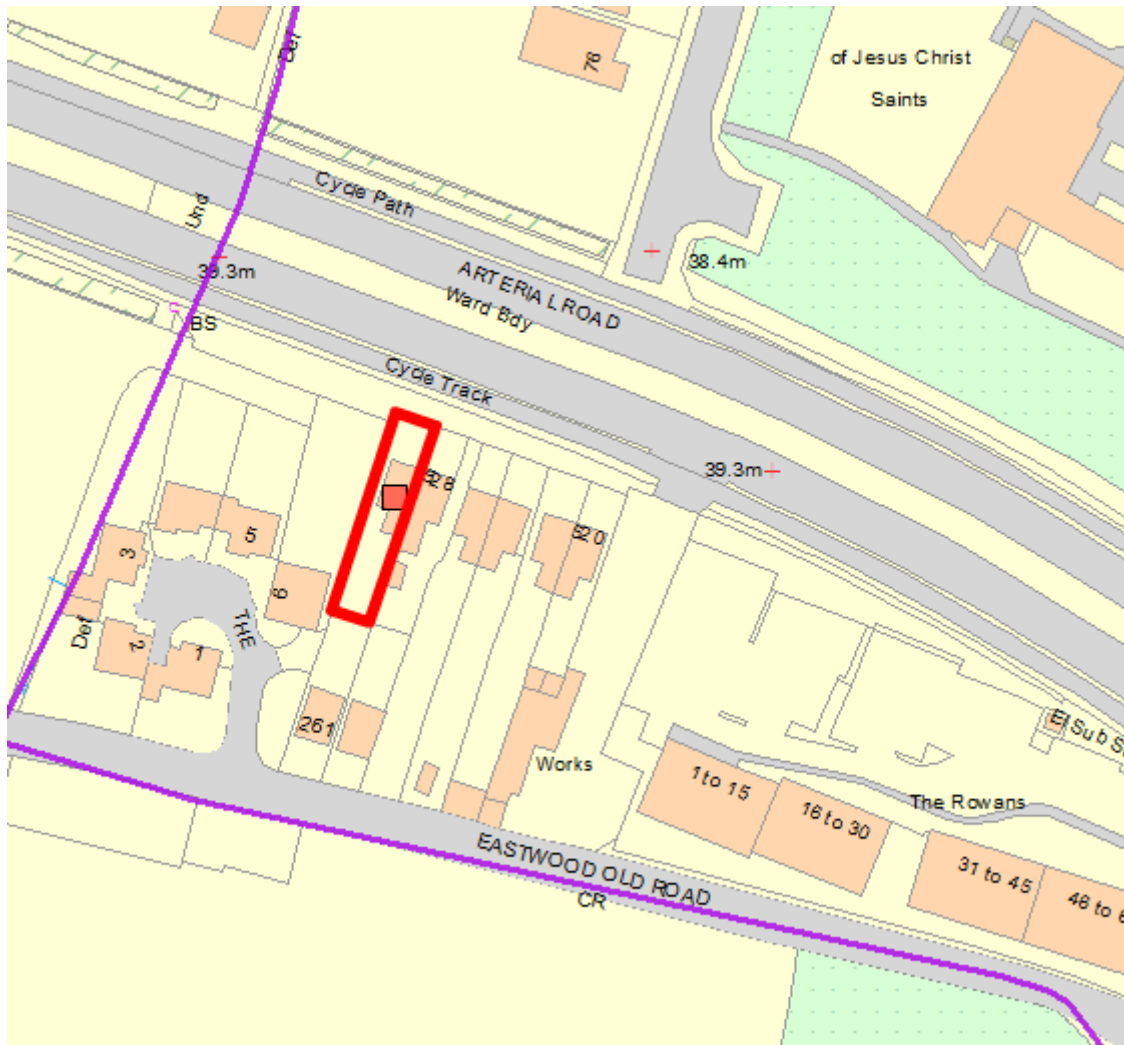
Project Description
149 Kingswood Chase
Leigh on Sea
Essex SS9 3BE

Drawing Title
Existing & Proposed Street Scene

Project No: 17-151A	Dwg No: 2-500
Date: 01-08-18	Drawn By: JS
Scale: 1 : 100	Chk By: PH
	Revision: A

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Reference:	18/01374/FULH	<h1>8</h1>
Ward:	Belfairs	
Proposal:	Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal)	
Address:	530 Arterial Road, Leigh-On-Sea, Essex, SS9 4DT	
Applicant:	Mr Michael Peach	
Agent:	Mrs Charlotte Taylor	
Consultation Expiry:	10.08.2018	
Expiry Date:	08.10.2018	
Case Officer:	Oliver Hart	
Plan Nos:	Location Plan, Site Plan, 1711/1-3	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to erect a first floor rear extension and alter the roof form of the existing single storey rear extension.
- 1.2 The proposed first floor extension would have a maximum depth of 4.3m, a height of 8m (when measured from ground level) and would extend the width of the dwelling, approximately 5.6m. It would have a hipped roof which would extend from approximately 0.3m below the ridgeline of the original dwelling. The extension would accommodate a bedroom and a bathroom and the exterior of the extension would be finished in cavity render, concrete tiles and white UPVC windows to match the existing dwelling.
- 1.3 The existing single storey extension currently has a monopitch roof sloping upwards towards the boundary with No.528 Arterial Road. This is proposed to be replaced with a monopitch roof which would adjoin the first floor rear extension.
- 1.4 This is an amended proposal following refusal for a similar scheme under application ref. 18/00056/FULH for the 'erection of a first floor rear extension.' This was for a L shaped flat roofed first floor design, which projected between 1.43m and 3.28m beyond the original rear wall of the application dwelling adjacent to No.528 before stepping in 1.85m and extending to a maximum depth of 3.28m. This was refused for the following reason:

“The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).”

- 1.5 The application has been called in by Councillor Aylen.

2 Site and Surroundings

- 2.1 The application property is a two storey semi-detached house located on the southern side of the A127 Southend Arterial Road. The application dwelling is one of a pair of similar dwellings; the other being No. 528 which is the neighbouring property to the east, and which has similar architectural style and materials as the application dwelling.
- 2.2 The original site would have stretched from the A127 back to Eastwood Old Road to the south. However the site, similar to No. 528, has been subdivided to allow the construction of a dwelling facing onto Eastwood Old Road (now named 261 Eastwood Old Road).
- 2.3 It maintains a relatively large rear garden, with high evergreen hedging along the west boundary, which adjoins the rear garden of no.6 The Gables.
- 2.4 As previously noted, there is an existing single storey extension measuring

approximately 4m in depth, occupying the full width of the dwelling and with a monopitch roof sloping upwards towards the boundary with no.528 Arterial Road. At the boundary the peak of the roof meets the peak of a monopitch roof on a rear projection at no.528 Arterial Road.

2.5 The surrounding area is residential in character, comprising a mix of dwelling types, sizes and layouts.

2.6 The A127 Arterial Road is a classified road.

3 Planning Considerations

3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area and impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

4.1 The proposal is considered in the context of the NPPF, Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling is acceptable subject to the detailed design considerations below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (National Planning Policy Framework), in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that; *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

4.3 Paragraph 124 of the NPPF (2018) states that; *“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.”*

- 4.4 The importance of good design is further reflected in policies KP2 and CP4 of the Core Strategy (2007). Policy KP2 states that new development should “*respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design*”. Policy CP4 of the Core Strategy furthers this understanding, requiring that development proposals “*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*”.
- 4.5 Policy DM1 of the Development Management Document (2015) 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*”.
- 4.6 The surrounding area is characterised by two storey dwellings of a similar size and scale with modest single storey rear projections. The proposed extension is to the rear elevation of the first floor and would be visible from Eastwood Old Road, which adjoins the rear boundary. While attempts have been made to integrate the proposed extension with the existing dwelling, including use of matching materials and a ridge height set below the existing ridgeline, it is considered that the proposed extension by virtue of its excessive scale, bulk and depth of projection would be disproportionate to the size and scale of the original dwelling. This is further compounded by the visibility of the application dwelling from Eastwood Old Road and is considered to result in a detrimental impact to visual amenity and to the character and appearance of the existing dwelling and the wider area. This is contrary to the above noted policies and guidance.
- 4.7 The proposed mono-pitch roof form sloping downwards towards the rear boundary of the application dwelling is considered to be acceptable, maintaining the character of the original dwellinghouse and the wider rear garden scene.
- 4.8 For the reasons set out above, it is considered that the proposed first floor rear extension would be an incongruous addition that is out of keeping with the character and appearance of the application dwelling and the wider surrounding area to the detriment thereof. It would be unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and guidance contained within the Design and Townscape Guide.

Impact on Residential Amenity

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.9 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.10 Policies DM1 and DM3 of the Development Management Document seek to support

sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.

- 4.11 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 4.12 The application dwelling adjoins No.528 Arterial Road. The extension would project beyond the first floor rear wall of this neighbouring property by some 4.3m. Due to the existence of an existing extension, ground floor windows at No.528 would not be affected significantly by the proposal, however, there are first floor windows to the rear elevation of this dwelling that serve habitable rooms. The excessive depth of the extension combined with the gabled roof and close proximity to the shared boundary is considered to result in an adverse impact on the residential amenity of the occupants at No.528, by way of overshadowing, loss of light and outlook and an increased sense of enclosure. The proposal is therefore considered contrary to the above policies and is considered to result in material harm.
- 4.13 The distance to the boundary with No.6 The Gables and the design of the extension is considered such that it would preclude any material impact, by way of loss of light, outlook, overlooking or loss of privacy arising from the extension to occupiers of that property.
- 4.14 The 14m length of garden to the rear boundary with No.261 Eastwood Old Road is considered such that it would be sufficient to preclude any loss of light, outlook, overlooking or loss of privacy resulting from the first floor rear extension.
- 4.15 For the reasons set out above, it is considered that the proposed development would result in an adverse impact on the residential amenity of the occupants at the adjoining neighbour No.528 by way of overshadowing, loss of light and outlook and an increased sense of enclosure. It would be unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and guidance contained within the Design and Townscape Guide.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.16 The proposed extensions to the existing property equates to less than 100sqm of new floor space the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The proposed development is considered to be out of keeping with the character and appearance of the existing

dwelling and the wider area by reason of its unacceptable size, depth and scale and, by virtue of its height, depth and siting on the boundary, would result in demonstrable harm to the amenity of the occupiers of No.528 Arterial Road by way of way of overshadowing, loss of light and outlook and an increased sense of enclosure.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP2 (Development Principles) CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

- 7.1 Four neighbours were notified and no letters of representation have been received.

8 Relevant Planning History

- 8.1 18/00056/FULH- Erect first floor rear extension. Refused. 28.02.2018

Reason: The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

- 8.2 13/00558/FULH: Erect first floor rear extension. Refused. 08.07.2018

Reason: The proposed two storey rear extension is excessive in depth and therefore fails to successfully integrate with the existing dwelling, furthermore it would result in a form of development which is overbearing and cause unreasonable overshadowing of the neighbouring property at No. 528 Arterial Road and overlooking of the rear of No. 6 The Gables to the detriment of the amenities of the adjoining residents and character of the area contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan, the Design and Townscape Guide and the NPPF.

- 8.3 11/00046/FULH: Erect Store to rear (Part Retrospective). Granted. 18.03.2011

07/00715/FUL: Demolish garage and erect chalet bungalow on land at rear and form vehicular access onto Eastwood Old Road. Granted. 19.07.2007

Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

- 01** The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

- 02** The proposed development, by reason of its excessive depth, height and proximity to the shared boundary with No.528 Arterial Road, would result in unacceptable overshadowing, loss of light and outlook and cause an unacceptable sense of enclosure to the detriment of the occupiers of 528 Arterial Road. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

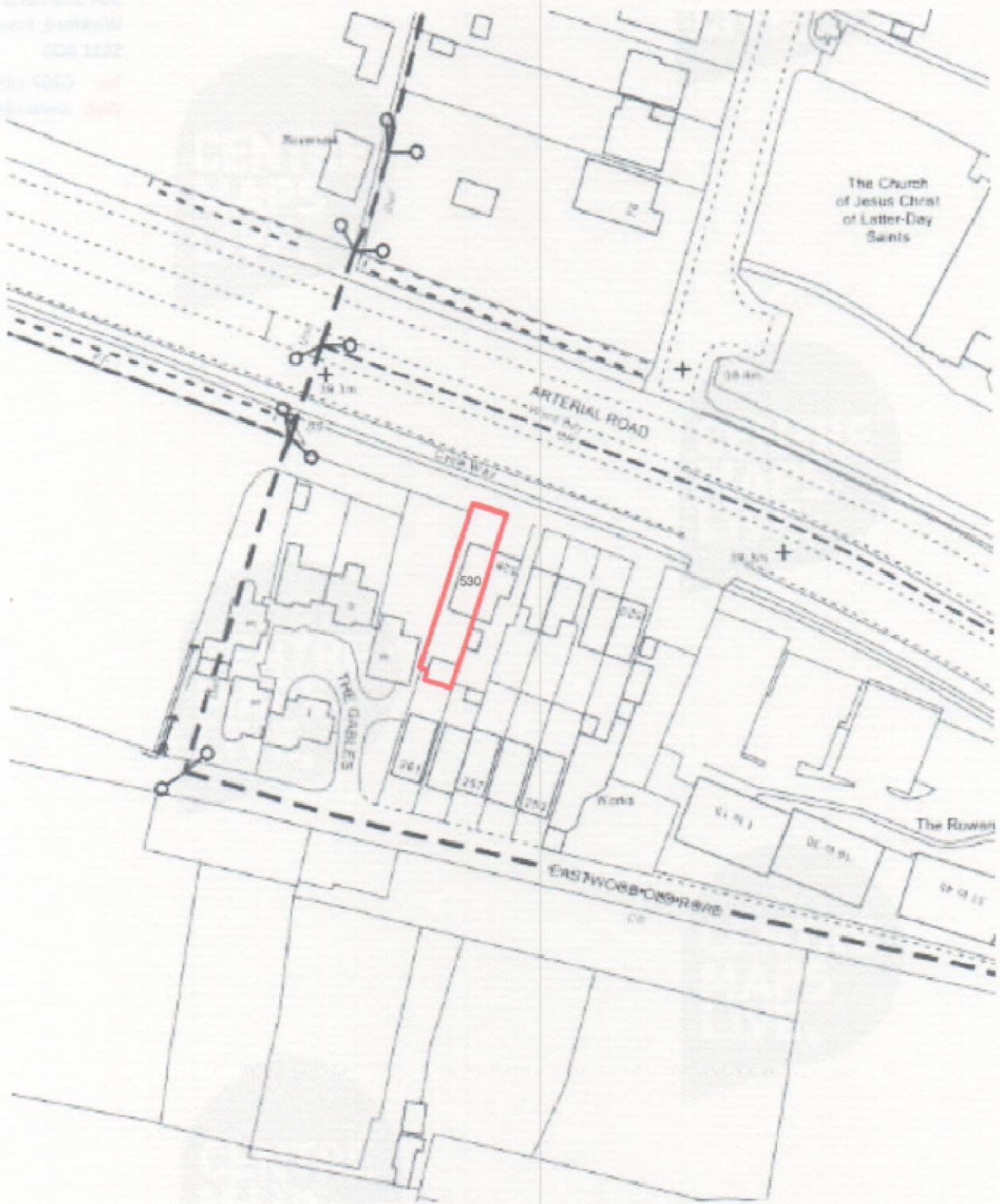
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider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

10 Informatives

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

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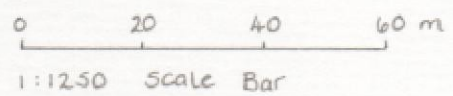
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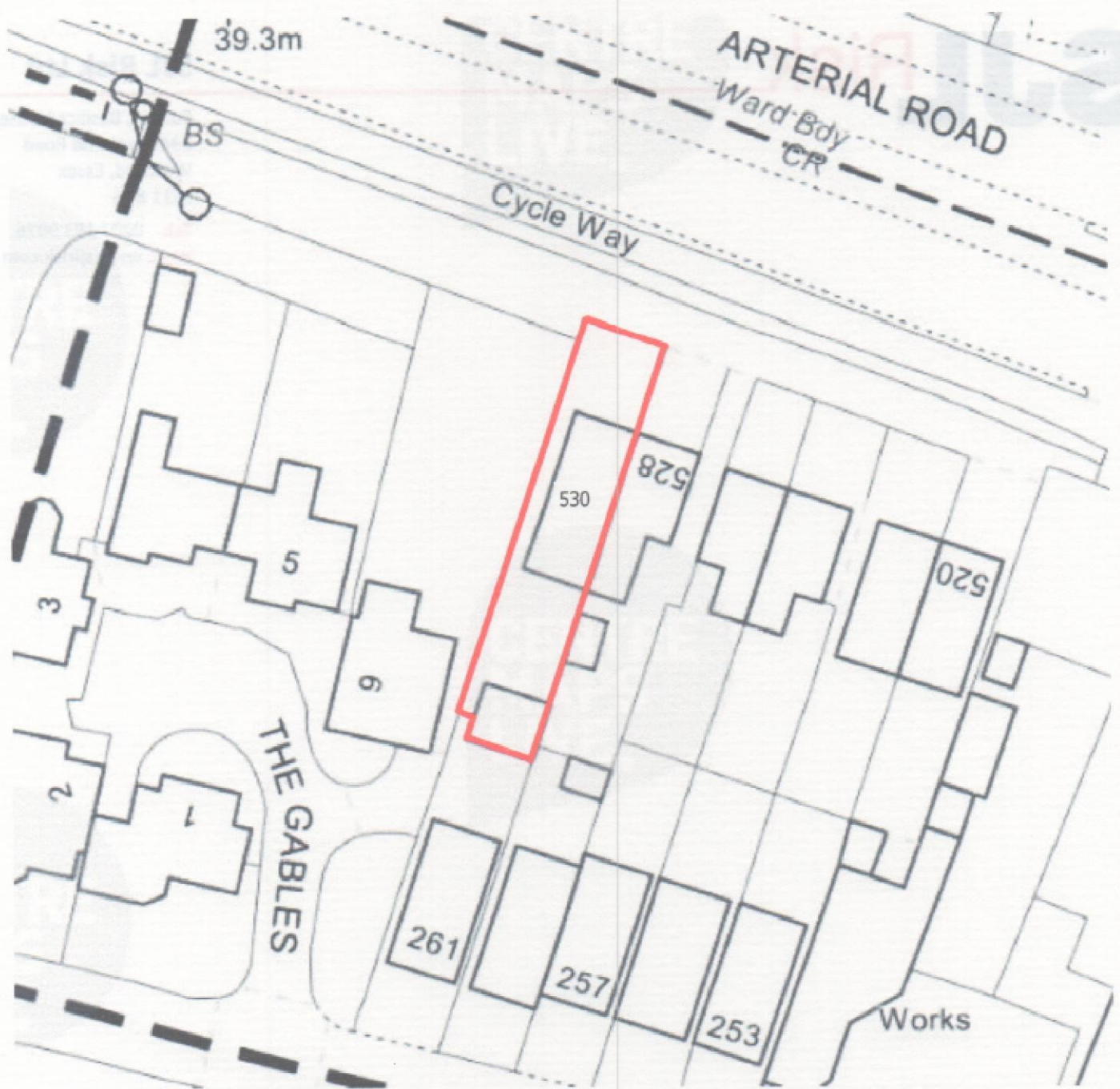
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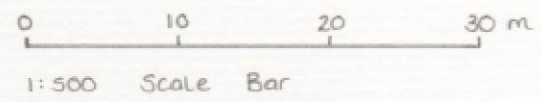


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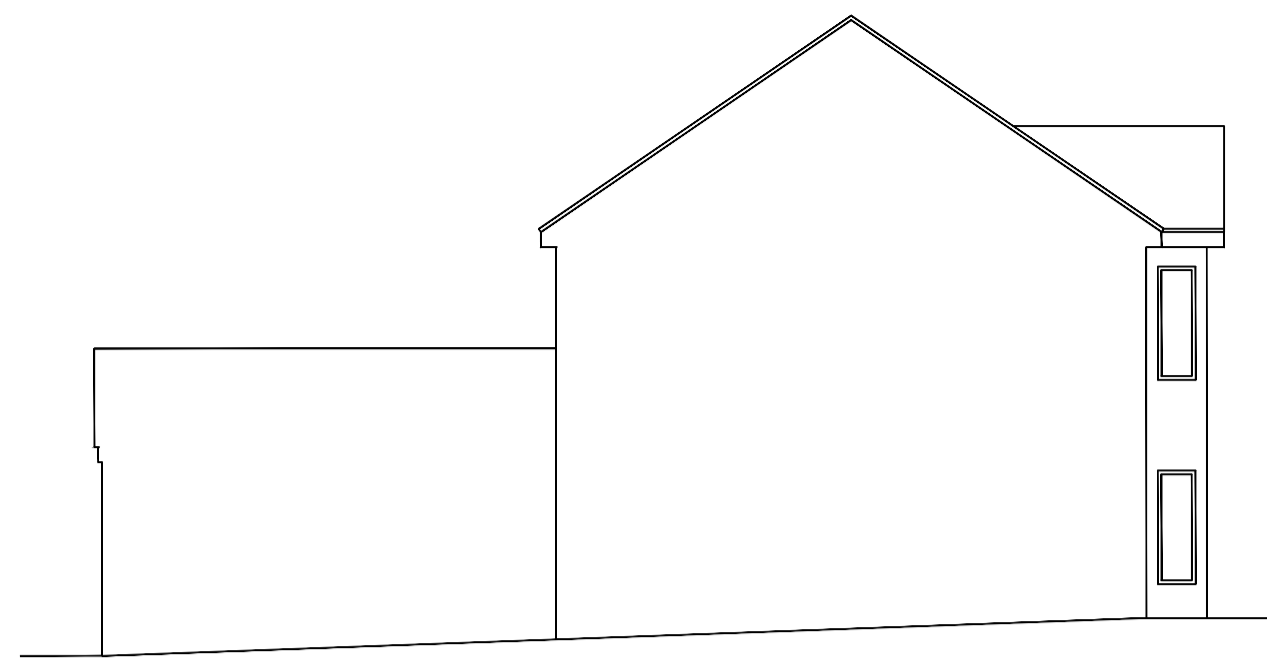


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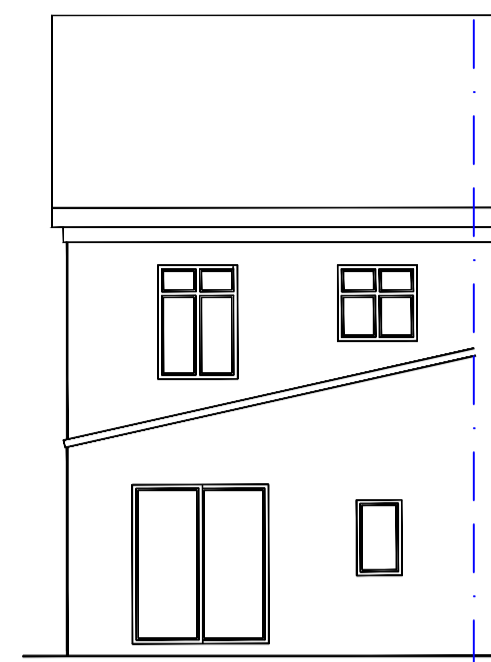
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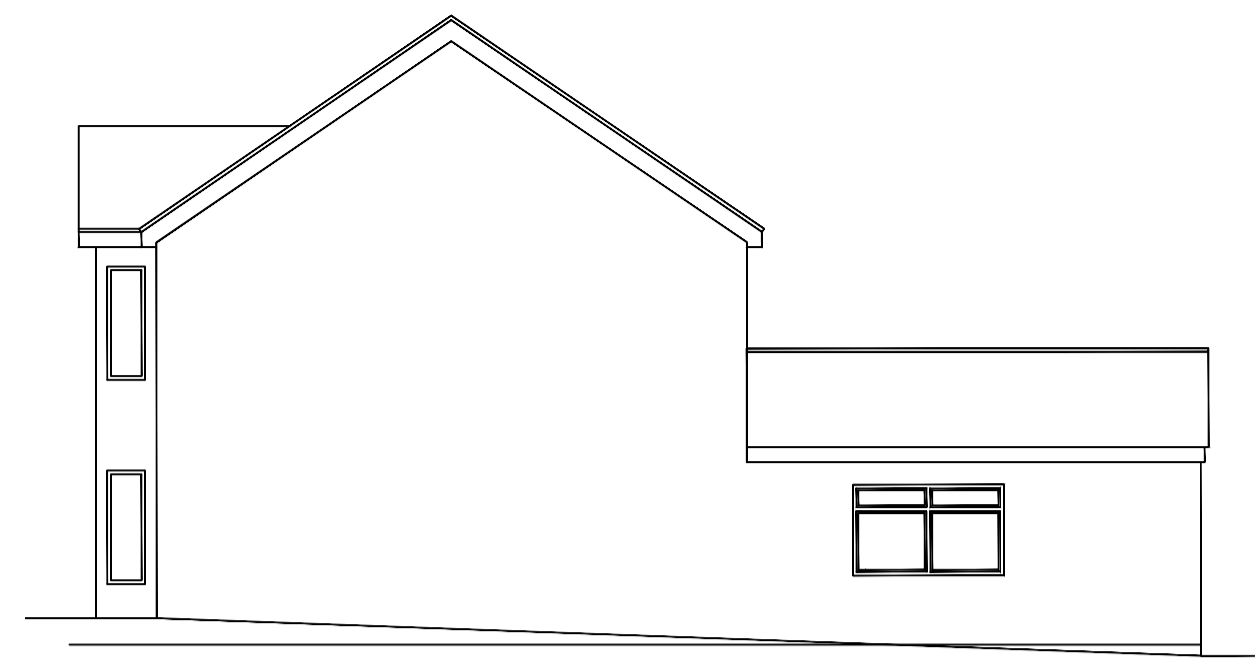
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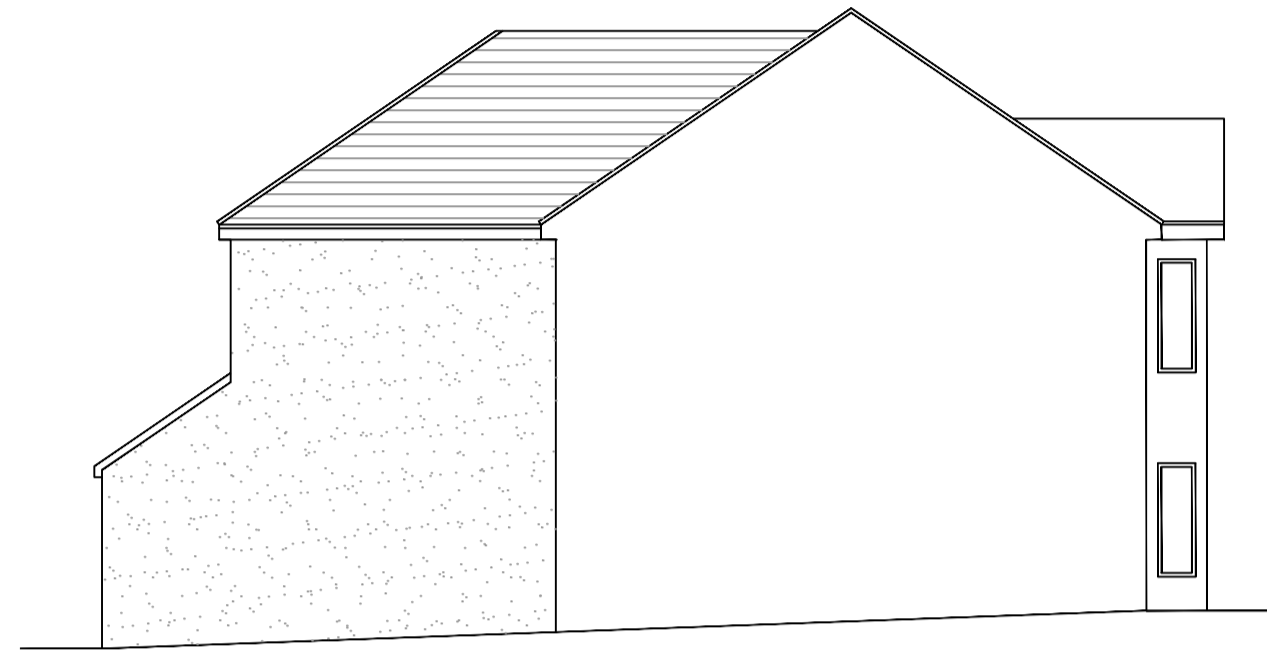
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EXISTING REAR ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



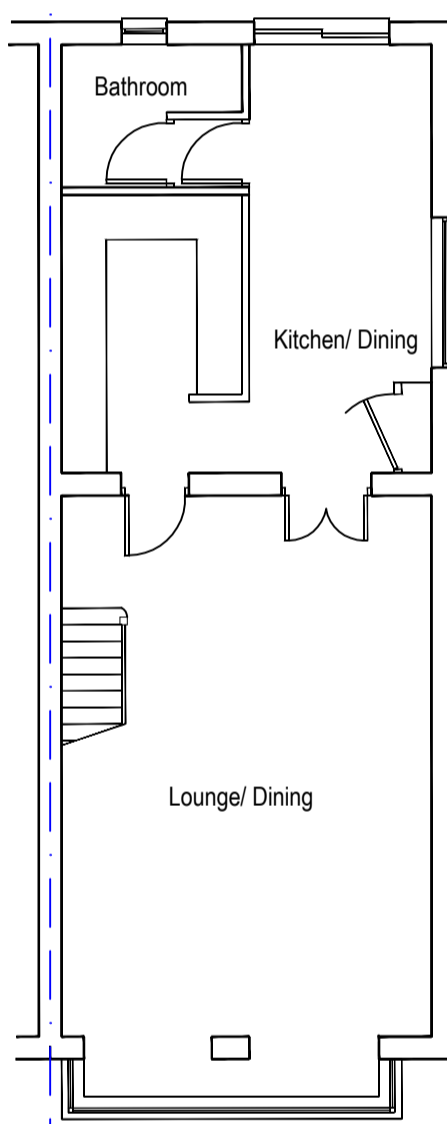
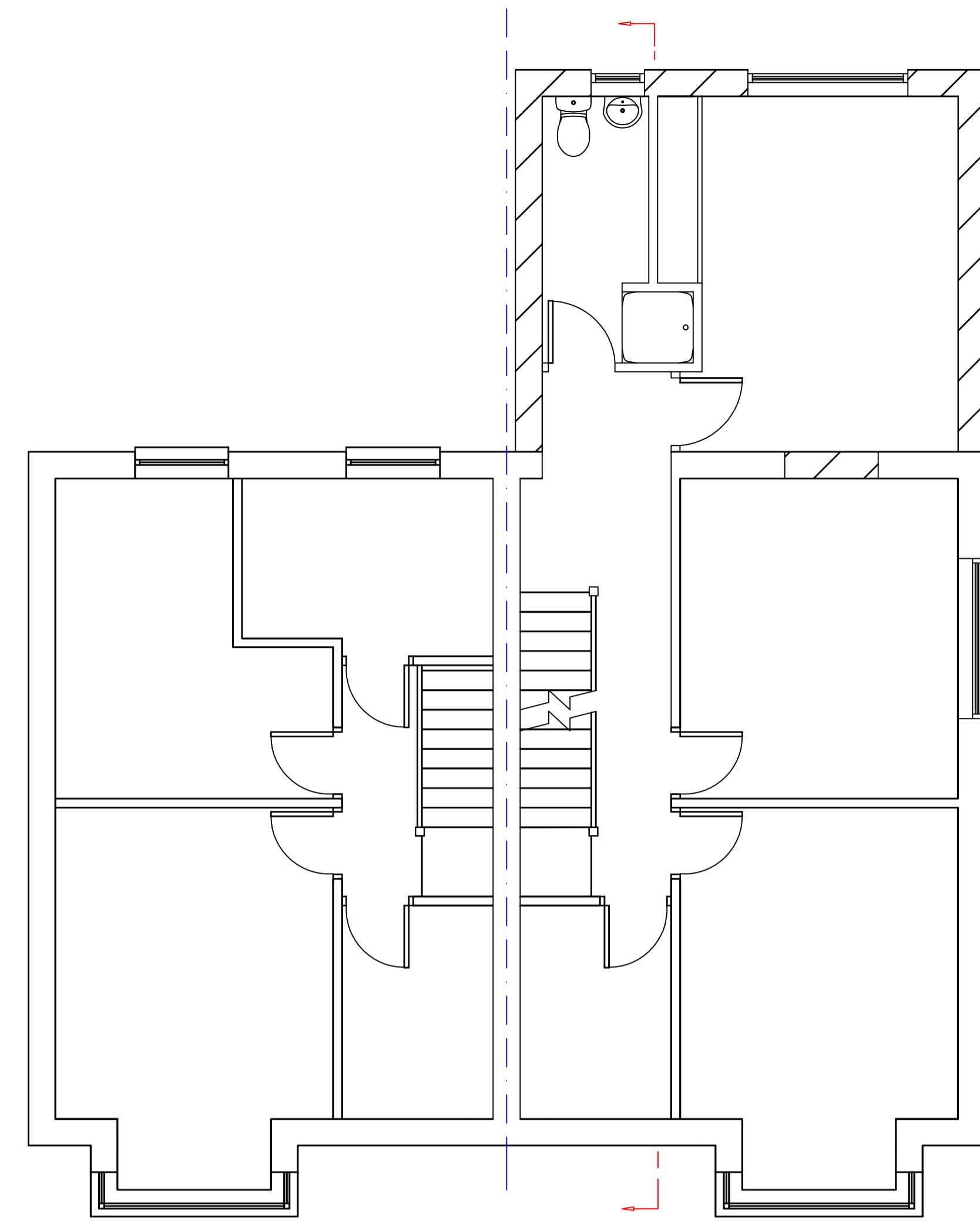
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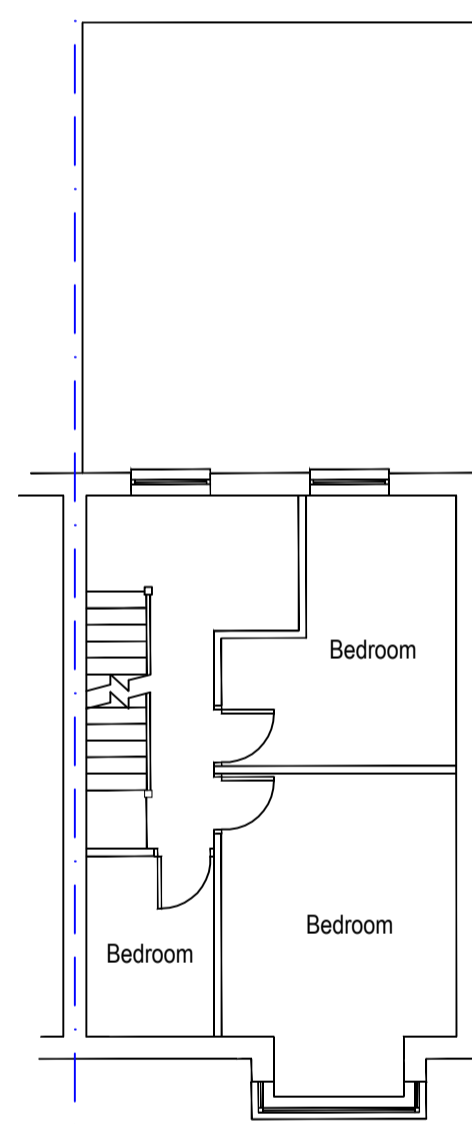
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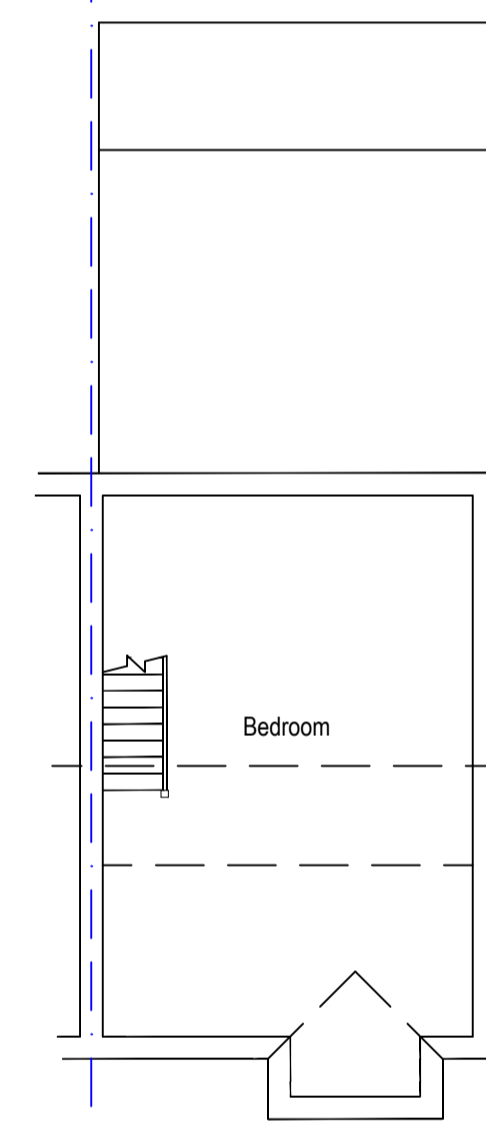
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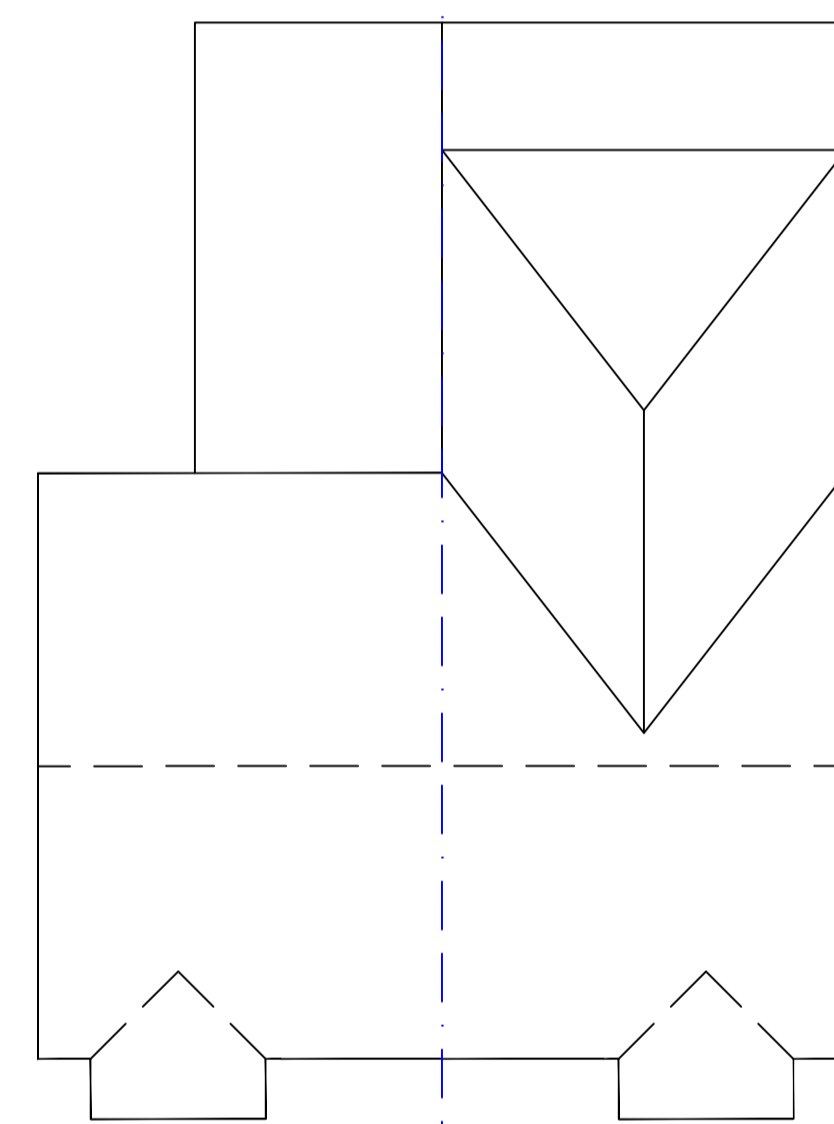
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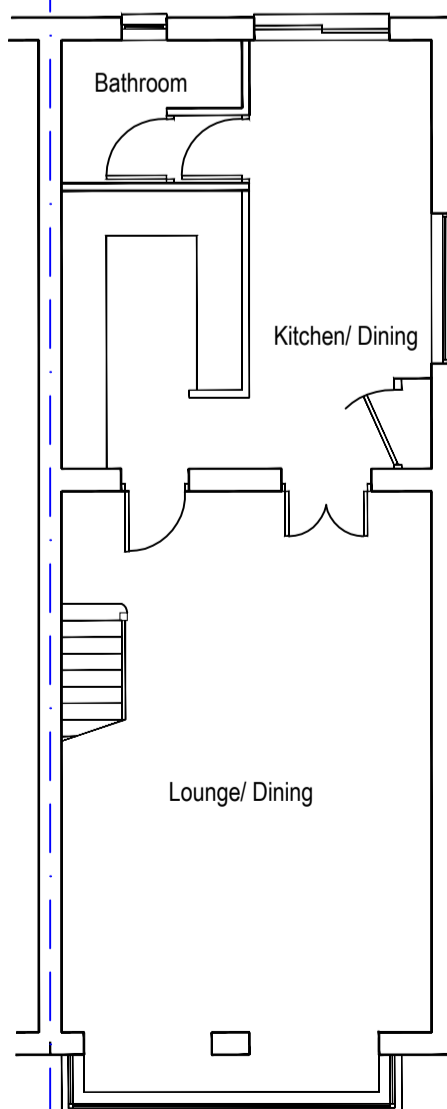
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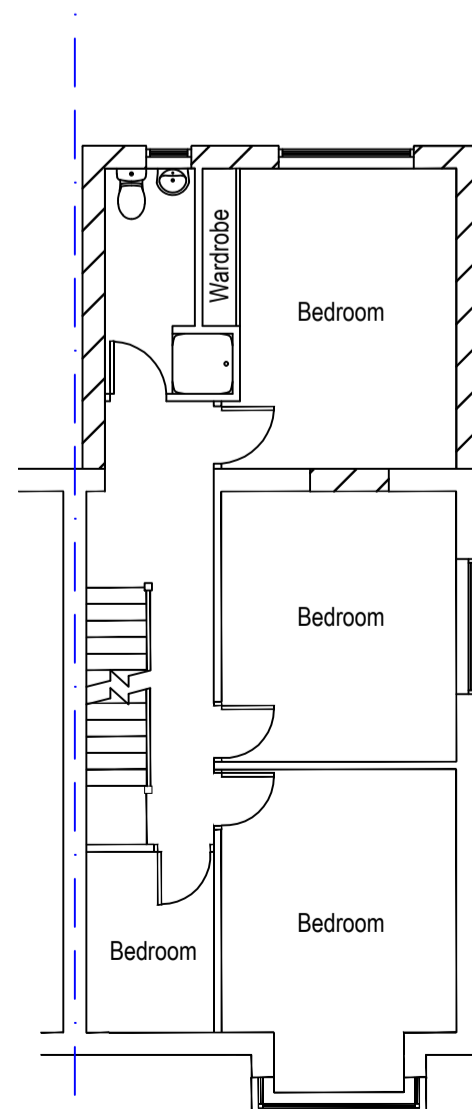
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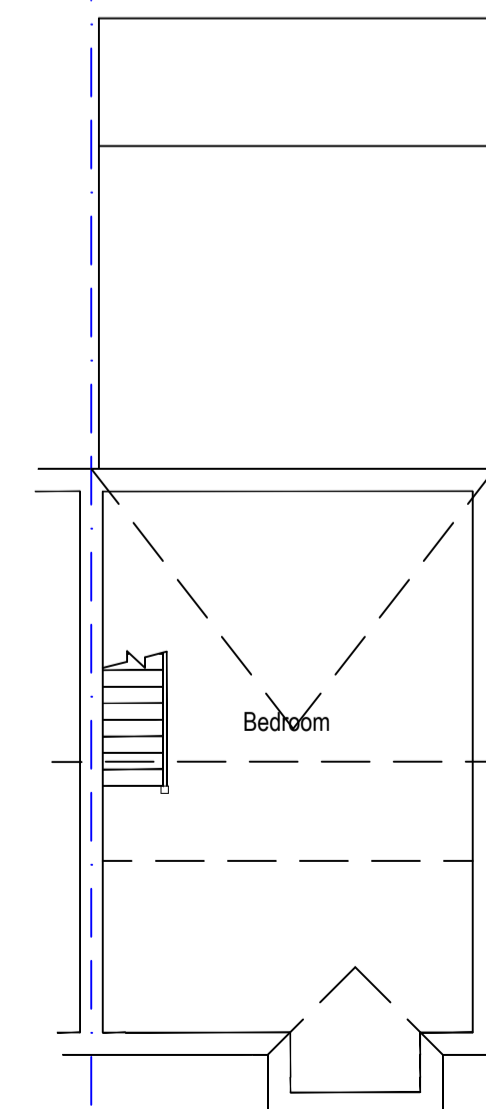
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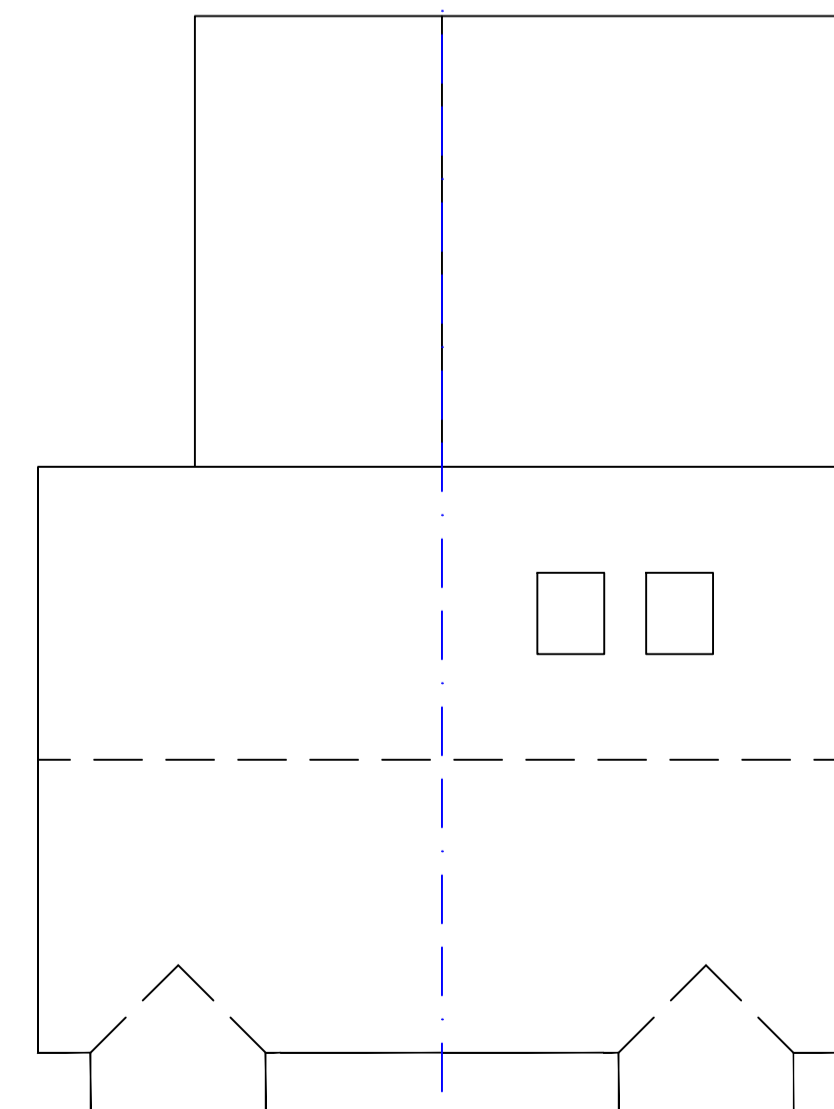
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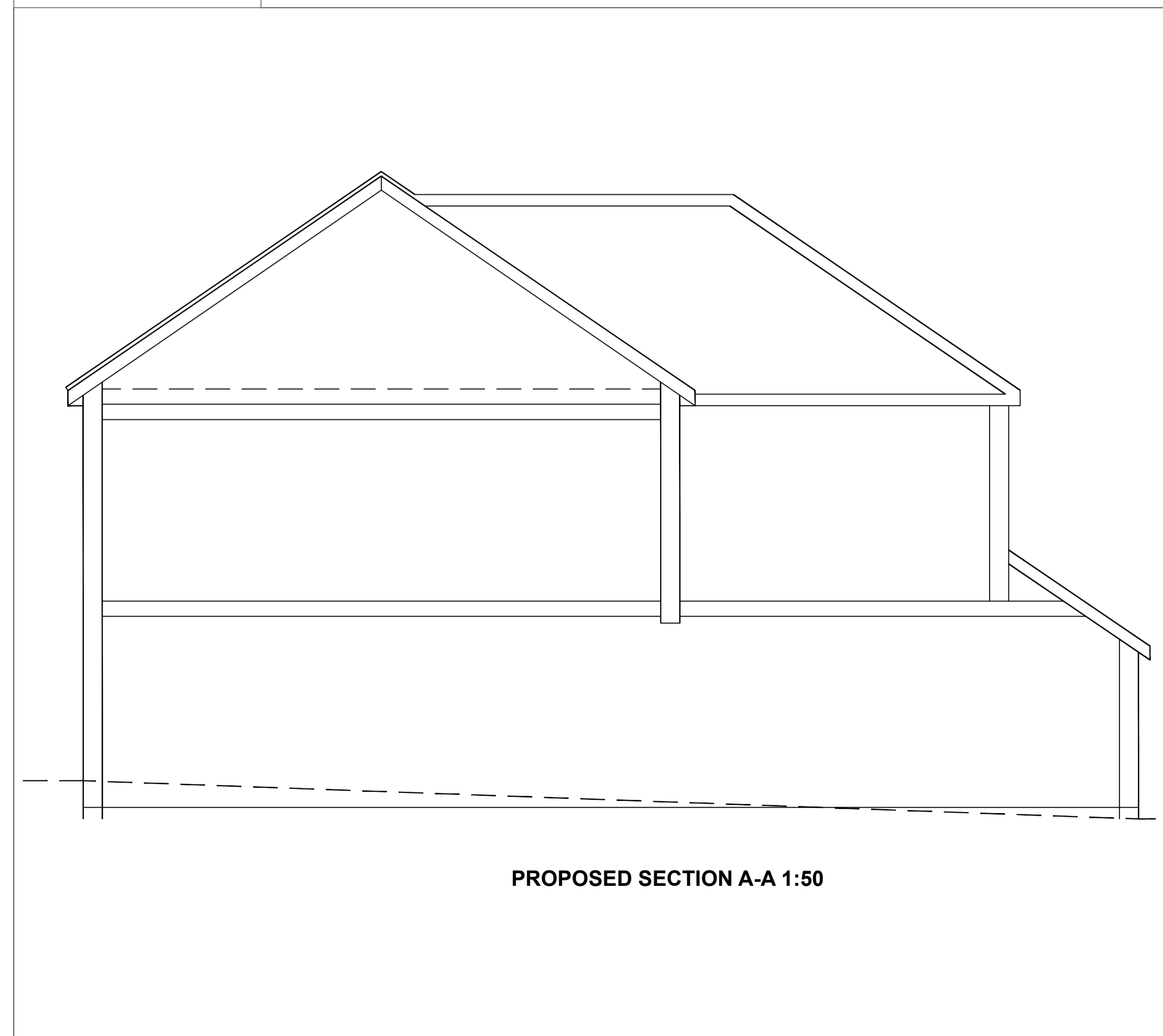
PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED SECOND FLOOR PLAN 1:100



PROPOSED ROOF PLAN 1:100



PROPOSED SECTION A-A 1:50

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TOWN PLANNING

161

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 Tel: 01702 524117 Fax: 01702 524117
 Email: enquiries@cetarchitects.co.uk

Client:
Mr Peach

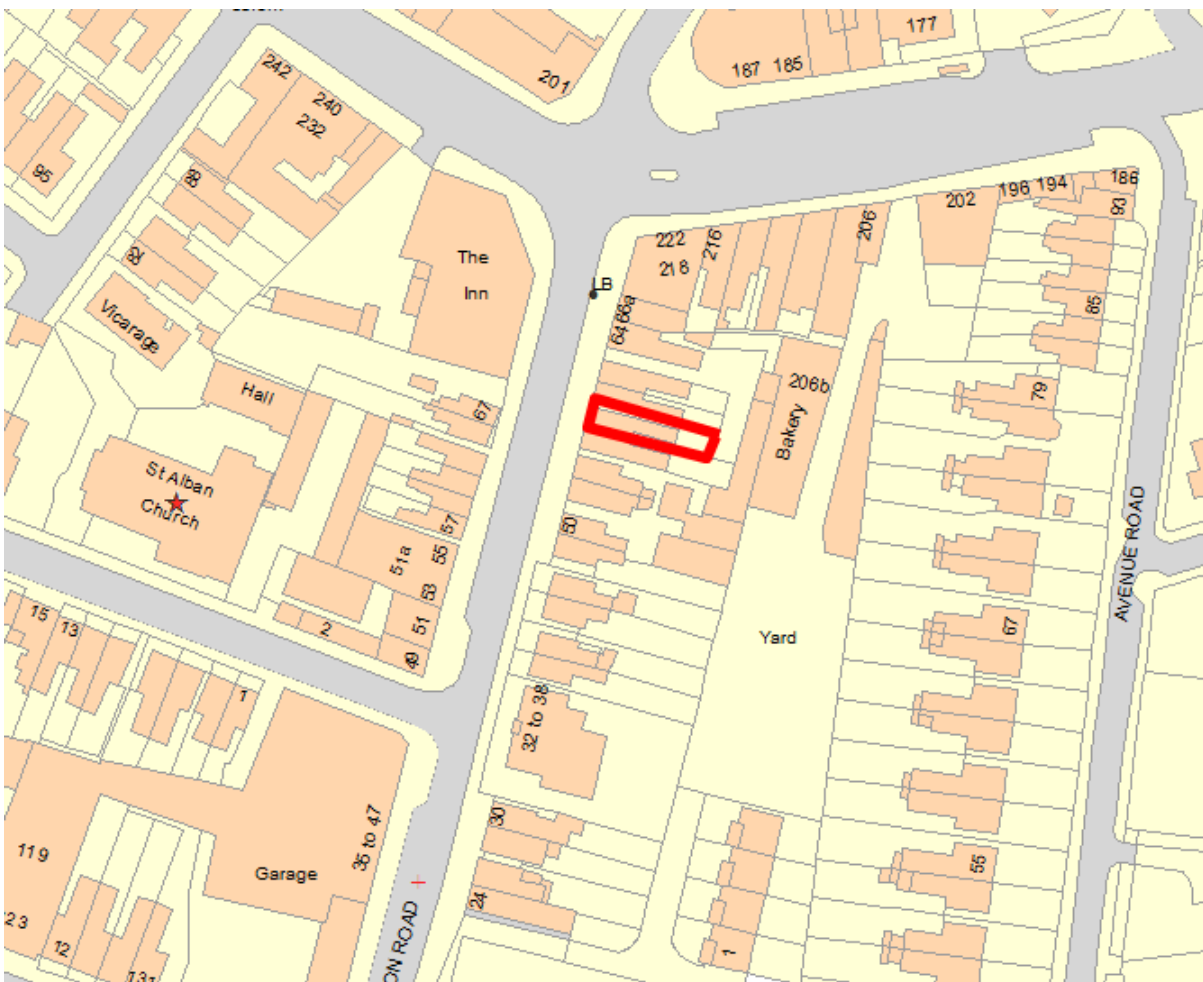
Project Description:
**530 Arterial Road
 Leigh on sea
 Essex**

Drawing Title:
TOWN PLANNING

Project No.:	1711	Dwg No.:	1711/1
Date:	10/2018	Drawn By:	CT
Scale:	1:100 & 1:50 @A1	Chk By:	TT
		Revision:	3

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Reference	18/00924/FUL	9
Ward	Milton	
Proposal	Change of use from Hot Food Takeaway (Class A5) to Drinking Establishment/Restaurants/Cafes (Class A4/A3) and erect single storey side extension	
Address	58 Milton Road, Westcliff-on-Sea	
Applicant	Mr Terrence Thomas	
Agent	UK Surveyors Ltd	
Consultation Expiry	19.07.2018	
Expiry Date	05.10.2018	
Case Officer	Kara Elliott	
Plan Nos	Location Plan, 003961 1 of 4, 003962 2 of 4, 003962 3 of 4 Rev A, 003962 4 of 4	
Recommendation	GRANT PLANNING PERMISSION subject to conditions	



1 The Proposal

- 1.1 Planning permission is sought for the change of use of the application site from an A5 (takeaway) to a mixed A3/A4 (restaurant/bar) use.
- 1.2 In addition, a single storey lean-to side extension is proposed to be demolished and replaced by a flat roof single storey addition which would measure 3.7 metres deep, by 1.2 metres wide and would have an overall height of 2.5 metres.

2 Site and Surroundings

- 2.1 The application site relates to a two storey, mid-terrace property which was formerly used as a takeaway at ground floor with offices above.
- 2.2 The surrounding area comprises mainly shops and some eateries at ground floor level with residential properties above. There are residential properties to the rear fronting onto the courtyard area and above the unit at first floor.
- 2.3 At the time of the site visit it was noted that the change of use currently proposed had not commenced but works had taken place internally i.e. bar and seating areas which reflects that of the submitted plans.
- 2.4 The application site is not located within a primary or secondary shopping frontage area and is not located within the Central Southend Area or a designated District Centre. The application site is not located within a conservation area and does not relate to a listed building.
- 2.5 The application falls to be determined by Members of the Development Control Committee at the request of Cllr J Garston.

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, impacts on residential amenity, impacts upon the character and appearance of the area, highway/parking implications and CIL contributions.

4 Appraisal

Principle of the Development

The National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) Policies KP1, KP2, CP1, CP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM13

- 4.1 The existing lawful use of the site is an A5 takeaway, which was granted a lawful development certificate (ref 04/01688/CLE) on 11.01.2005.
- 4.2 The NPPF states that;

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be

located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

- 4.3 The definition of main town centre uses within the NPPF includes restaurants, bars and pubs. In line with paragraph 86 of the NPPF, where a proposal fails to satisfy the sequential test, it should be refused. This is also reflected in the Council’s Core Strategy which states that employment generating development should be located using a sequential approach in accordance with the spatial priorities and roles set out in Policies KP1 and CP2. In particular, as per CP2 of the Core Strategy, Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses.
- 4.4 Notwithstanding the above, the site is located outside of a primary and secondary shopping frontage area but is located within a small row of commercial properties, including a restaurant (Syrtaki) at 60 Milton Road which was granted planning permission from A1 shop to restaurant and takeaway (A3/A5) in 2014 (14/01859/FUL). It should also be noted that the current lawful use of the site is an A5 takeaway; its last occupier being Jerk Kitchen UK.
- 4.5 In consideration of the existing use of the site, its minor scale with a floorspace for customers amounting to approximately 14.5 square metres and the location of similar food and drink establishments within the vicinity of the site i.e. Syrtaki restaurant next to the site and The Cricketers Inn opposite the site, the proposed change of use from a takeaway to a restaurant/bar is not considered to result in demonstrable harm to the vitality and viability of Southend town centre or other centres in the Borough. Furthermore, the proposed development would result in the currently vacant unit being brought back into use.
- 4.6 Whilst it has not been demonstrated that there are not sequentially preferable locations for the proposed development, it is considered that the sequential test should be applied flexibly in this case as it is clear that the proposed use would have no greater impact on town centre and shopping frontages of the Borough than the former use as set out above.
- 4.7 The principle of the development is therefore considered, on balance, to be acceptable in the specific circumstances of this case, subject to the detailed material considerations discussed below.

Design and Impact on the Character of the Area

The National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM13, The Design and Townscape Guide (2009)

- 4.8 National Planning Policy Framework (paragraph 124) states;

“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.”

- 4.9 Policy KP2 of the Core Strategy advocates the need for all new development to

respect the character and scale of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.

- 4.10 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.11 In terms of external alterations and additions, a single storey lean-to side extension is proposed to be demolished and replaced by a flat roof single storey addition which would measure 3.7 metres deep, by 1.2 metres wide and would have an overall height of 2.5 metres. Despite the roof form being different (from lean-to to flat), the proposed extension is like-for-like in size and impact and due to its minor scale and rear siting, is not considered to be of detrimental harm to the character and appearance of the application site or the wider area.
- 4.12 There are no changes proposed to the existing shopfront and given the existing lawful use of the site the proposed use is not found to be in conflict with the character of the area.
- 4.13 The proposal is found to be acceptable and compliant with the objectives of development plan policies relating to design/character and appearance.

Impact on Residential Amenity

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policy DM1 and The Design and Townscape Guide (2009)

- 4.14 Policy DM1 of the Development Management requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.15 Due to its minor size, scale, height and bulk and as it replaces an existing rear/side extension of comparable size and impact, the proposed extension would not result in demonstrable harm to neighbouring occupiers through overbearing impacts, dominance, sense of enclosure, loss of light, loss of privacy or a loss of outlook.
- 4.16 In terms of levels of noise disturbance and activity from the proposed change of use to a restaurant/bar, it is considered that the level of activity and customers frequenting the site and the associated noise and disturbance are likely to be different compared to the existing lawful takeaway use. Due to commercial uses

surrounding the site, the lawful use of the site and the small size of the bar area (14.5m²), it is considered that the impact of the proposed mixed A3/A4 restaurant/bar use would be acceptable, subject to conditions to minimise noise impacts from the proposal by way of acoustic mitigation to be installed in the building and a noise mitigation management plan; particularly in consideration of the first floor flat above.

- 4.17 The submitted design and access statement notes the current opening hours for the lawful takeaway use of the site as Monday to Thursday 07:00 to 00:00 (midnight), Friday to Saturday 07:00 to 02:00, Sunday 12:00 to 22:00 (closed Bank Holidays). It should be noted that there are no planning conditions which control current opening hours. It is considered that a suitable condition could be applied to any positive decision to control the opening hours of the premises to 11:00 to 23:00 Sunday to Thursday and 11:00 to 00:00 (midnight) Friday and Saturday. These hours of operation would be unlikely to cause an unacceptable level of comings and goings to and from the site at unsocial hours. These hours are also consistent with similar existing uses located within the vicinity of the site. For example, with Syrtaki; a licensed restaurant located next to the application site and The Cricketers public house, located nearby at the junction of Milton Road and London Road.
- 4.18 Due to the reasons set out above and subject to appropriate conditions, the proposed development is not considered to result in materially adverse impact on the residential amenities of surrounding occupiers in any regard. Therefore the development is considered to be in accordance with the requirements of the development plan policies and is acceptable in regards to neighbour amenity.

Traffic and Transportation

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 , CP3; Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009)

- 4.19 DM15 of the Development Management Document provides parking standards which states that for an A3 or A4 use of this size (approximately 50m²), a maximum of 10 parking spaces are required. The existing A5 use would require a maximum of 3 parking spaces. No on-site parking is provided for the existing or proposed development.
- 4.20 Whilst the proposed change of use would result in a slight increase in demand for parking beyond the current lawful A5 use of the site, it is considered that due to the existing situation, the minor size of the floorspace and therefore the low levels of customers as well as the sustainable locality of the site close to London Road providing a range of main bus routes the development would not result in an unacceptable impact on parking provision which would detrimentally impact upon parking availability and highway safety. In terms of on-street parking provision, Milton Road is free of restrictions in the evening when customers are likely to visit. In addition, a drinking establishment would be less likely to be travelled to and from by car.
- 4.21 Furthermore, the movements and parking associated with waste collections and deliveries would not be materially different to the existing takeaway use and

therefore it is considered that no objection should be raised to the proposal on the grounds of highway safety. The Council's Highways department does not object to the proposed development on highway or parking grounds.

- 4.22 Therefore the proposed development is considered to be acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL) Charging Schedule 2015.

- 4.23 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

5 Conclusion

- 5.1 The proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance as well as national planning policy/guidance. The proposal would not cause any detrimental impact on the character of the area, parking conditions in the area or highway safety nor, subject to conditions, the amenity of neighbours. This application is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies: KP1: (Spatial Strategy); KP2: (Development Principles); CP1: (Employment Generating Development); CP2: (Town Centre and Retail Development); CP3: (Transport and Accessibility); CP4: (The Environment and Urban Renaissance).
- 6.3 Development Management Document (2015) Policies: DM1: (Design Quality); DM3: (Efficient and Effective Use of Land); DM13: (Shopping Frontage Management outside the Town Centre) DM15: (Sustainable Transport Management).
- 6.4 The Design and Townscape Guide (2009)

Representation Summary

Public Consultation

- 7.1 13 neighbouring occupiers were notified of the proposal. A site notice was posted. One letter of representation has been received.

Summary of objections:

- Impact on amenity of neighbours and the area;
- Noise impacts from customers at site and coming and going;

- Anti-social behaviour;
- Wrong location for development (should be in town centre);
- Noise and smells from extraction equipment;
- Lack of parking.

Officer Comment: The concerns are noted and they 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. It is also noted that no new extraction is proposed.

Highways

7.5 There are no highway objections to this proposal.

Environmental Health

7.6 Concerns raised in relation to proposed opening until 02:00 on Friday and Saturday nights. Suggests conditions in relation to construction hours, no burning of waste etc.

7.7 Officer comment: please refer to paragraph 4.17 in relation to opening hours.

8 Relevant Planning History

8.1 04/01688/CLE - Hot food takeaway (Class A3) (Certificate of Lawfulness for an Existing Use) – Granted.

9 RECOMMENDATION

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

1 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.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 003961 1 of 4, 003962 2 of 4, 003962 3 of 4 Rev A, 003962 4 of 4.

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

3 The premises shall not be open to customers other than between the hours of 11:00am to 23:00 Sunday to Thursday and 11:00am to 00:00am (midnight) Fridays and Saturdays.

Reason: To protect the amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 4 There shall be no outside dining/seating areas to the front of the building at any time without the receipt of express planning permission from the Local Planning Authority.**

Reason: In the interests of visual amenity and to protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 5 No extraction and ventilation equipment shall be installed at the site in connection with the use hereby approved, unless and until full details of its location, design and specifications together with a noise assessment including any necessary noise mitigation measures have first been submitted to, and approved in writing by, the Local Planning Authority. Extraction and ventilation equipment shall only be carried out at the site in full accordance with details approved under this condition. With reference to British Standard 4142 the noise rating level arising from all plant and extraction/ventilation equipment installed shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

Reason: In order to protect the amenities of the character and appearance of the site and the wider area and the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.

- 6 The use of the development hereby approved shall be only for a restaurant and drinking establishment falling under Use Classes A3 and A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting that Order, with or without modification and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification.**

Reason: In order to protect the amenities of the character and appearance of the site and the wider area and the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document 2015.

- 7 The extended property shall only be occupied for the purpose hereby approved (a restaurant and drinking establishment) and in full accordance with a noise mitigation management plan. The details of which will have previously been submitted to the Local Planning Authority and approved in writing.**

Reason: To protect the environment of people in neighbouring properties and

general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 8 No external refuse or recycling storage shall take place at the site other than in accordance with details that have previously been submitted to the Local Planning Authority, approved in writing and retained as such thereafter.

Reason: In order to protect the amenities of the character and appearance of the site and the wider area and the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document 2015.

INFORMATIVES

- 1 Compliance with the decision notice does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended). Contact the Council's Environmental Health department on 01702 215005 for further information.
- 2 Please note that any new fascia signs etc. will require separate Advertisement Consent. For further information please visit:
https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs
- 3 You are advised that as the proposed development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application 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.

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58 Milton Road, Westcliff-On-Sea, SS0 7JX

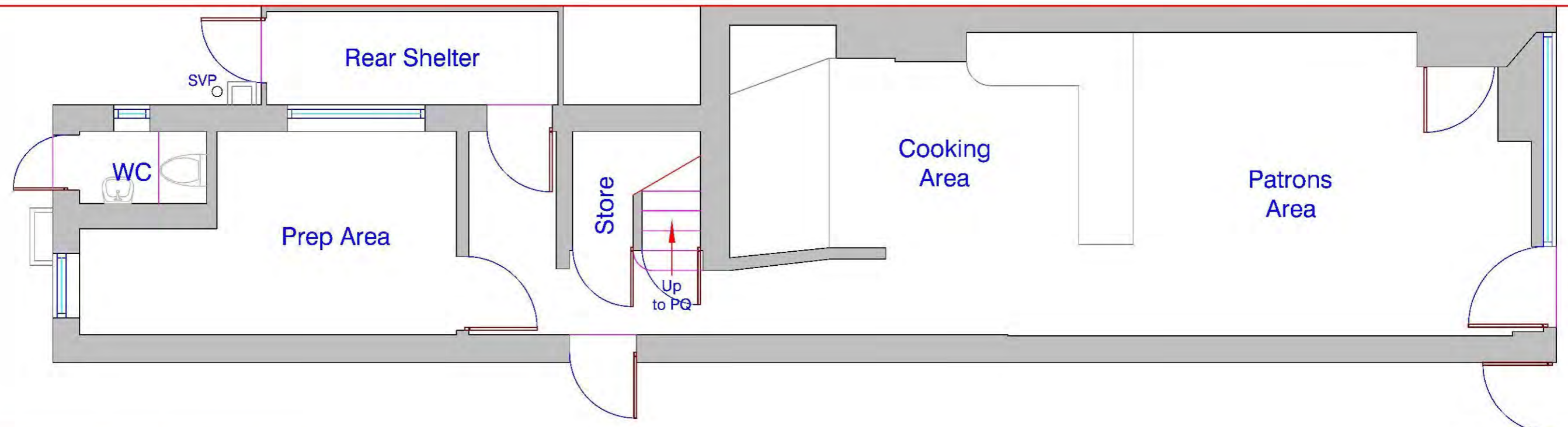


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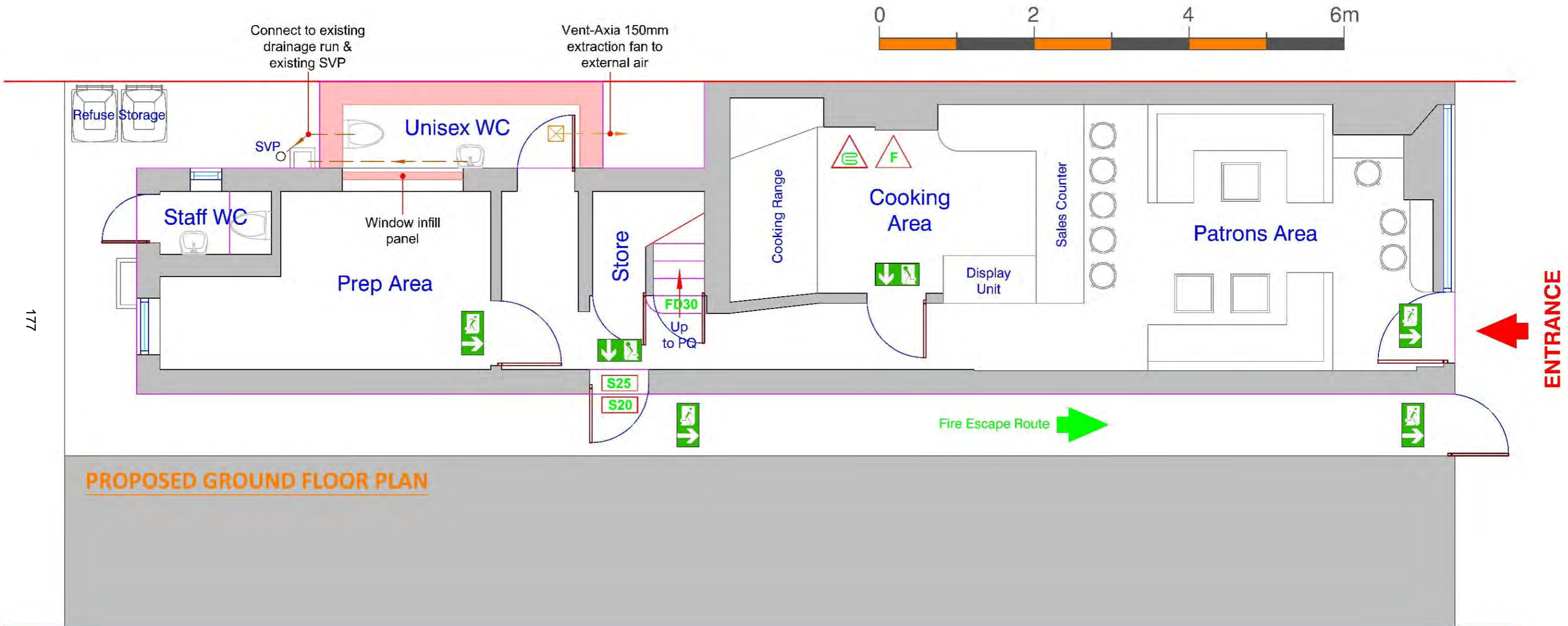
ENTRANCE

EXISTING GROUND FLOOR PLAN

Notes:
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Drawing No: 003961	Drawing Title: Existing Floor Plans	Property: 58 Milton Road, Westcliff on Sea, Essex SS0 7JX	Date: 04/05/2018	Sheet: 1 of 4
 UK Surveyors Ltd CAD Drafting - Planning - Building Regulations - Building Surveying - Alcohol Licensing		☎: Freephone: 0808 168 9059 ☎: Head Office: 01889 220 880 ✉: enquiries@uksurveyors.net 🌐: www.uksurveyors.net		Drawn By: DJR Scale: 1:50 @ A3

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PROPOSED GROUND FLOOR PLAN

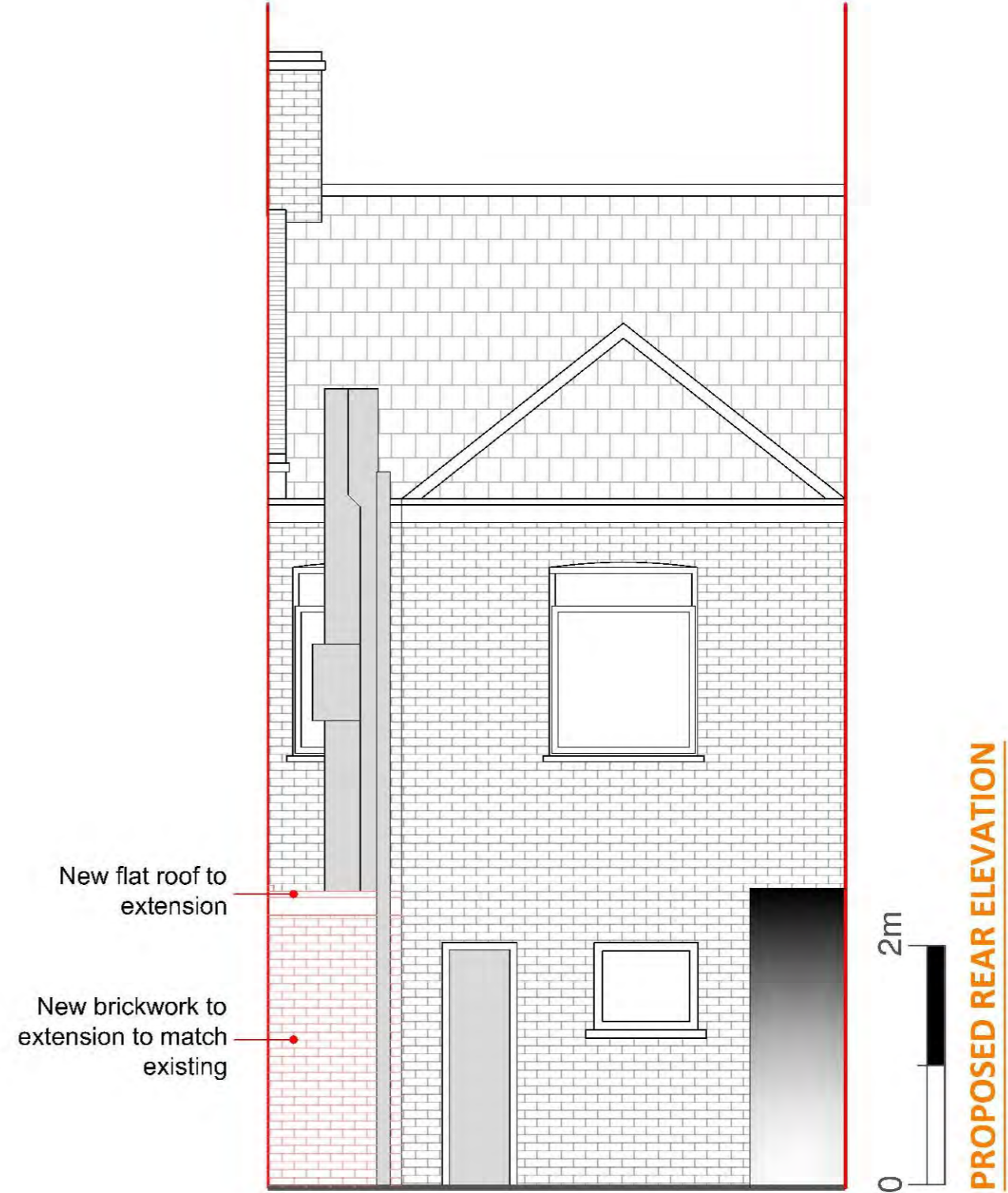
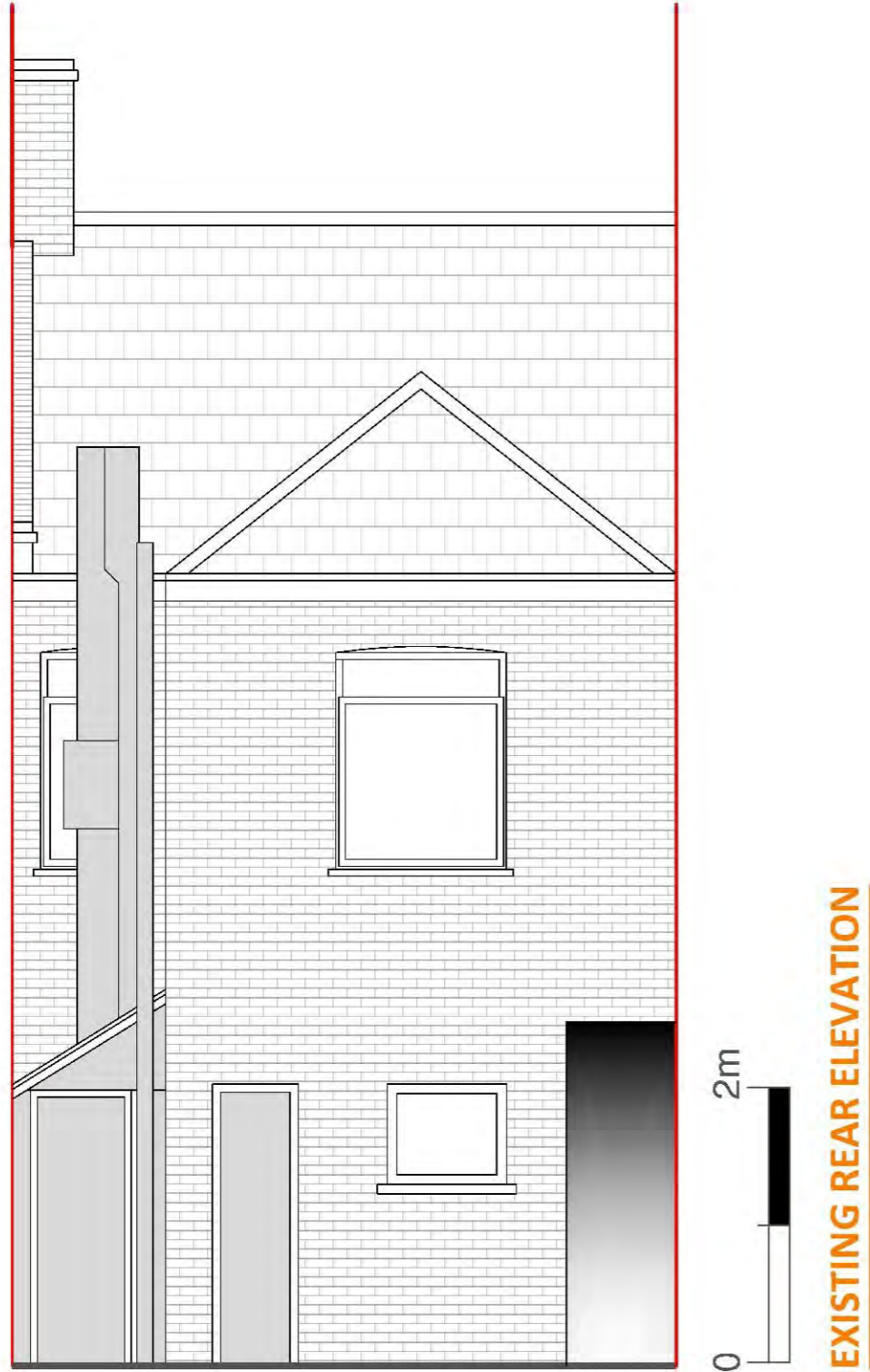
Drawing Symbols

-  : Fire Blanket
-  : Fire Extinguisher Foam
-  : Fire Exit Keep Clear
-  : Push Bar To Open
-  : Fire Resistant Door 30Min
-  : FireExit

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Drawing No: 003962	Drawing Title: Proposed Floor Plans	Property: 58 Milton Road, Westcliff on Sea, Essex SS0 7JX	Date: 04/05/2018	Sheet: 2 of 4
 UK Surveyors Ltd CAD Drafting - Planning - Building Regulations - Building Surveying - Alcohol Licensing			Freephone: 0808 168 9059 Head Office: 01889 220 880 enquiries@uksurveyors.net www.uksurveyors.net	
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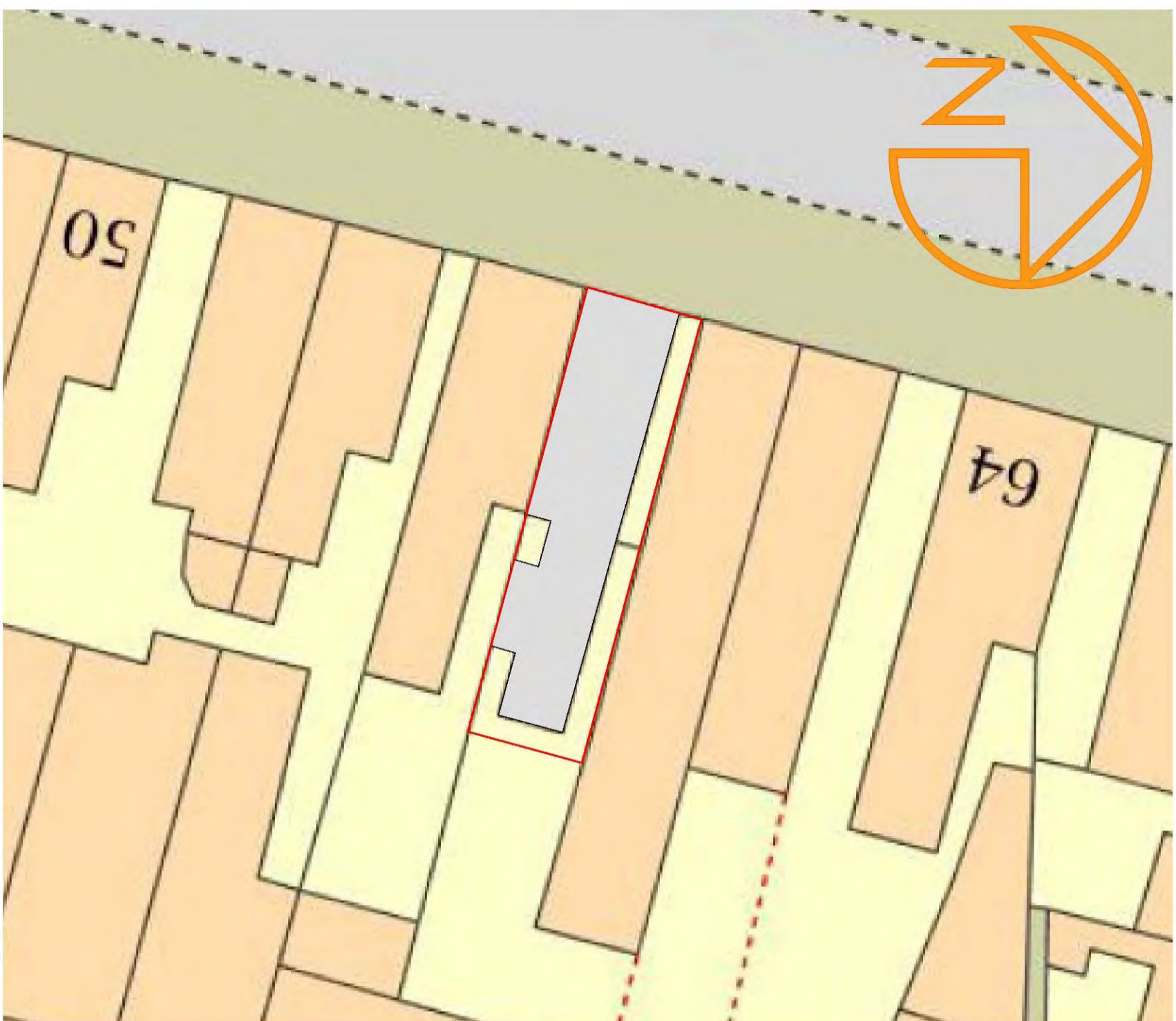


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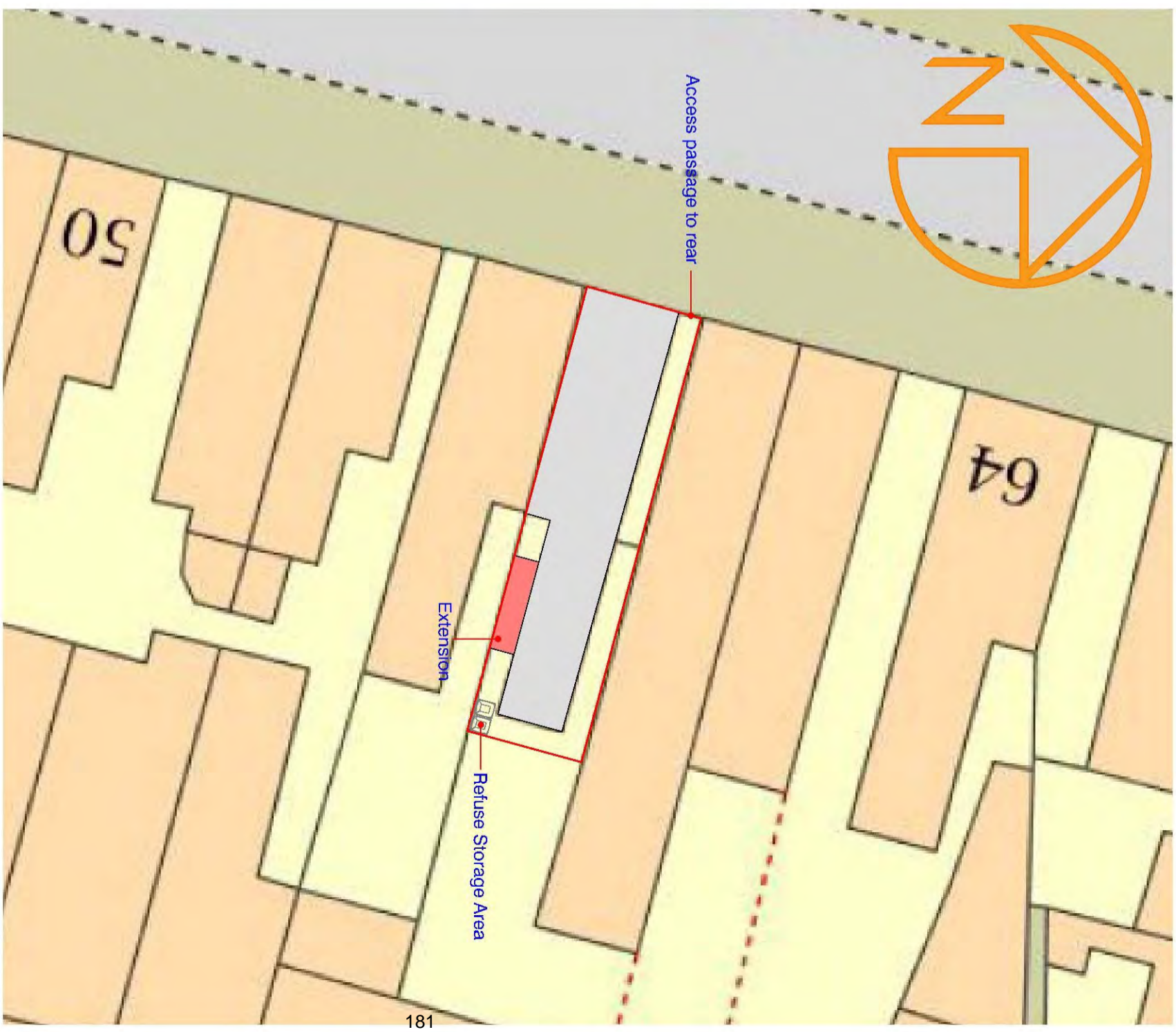
Drawing No: 003962 Rev-A	Drawing Title: Existing & Proposed Rear Elevations	Property: 58 Milton Road, Westcliff on Sea, Essex SS0 7JX	Date: 04/05/2018	Sheet: 3 of 4
 UK Surveyors Ltd CAD Drafting - Planning - Building Regulations - Building Surveying - Alcohol Licensing		☎: Freephone: 0808 168 9059 ☎: Head Office: 01889 220 880 ✉: enquiries@uksurveyors.net 🌐: www.uksurveyors.net		Drawn By: DJR Scale: 1:50 @ A3

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EXISTING SITE PLAN



PROPOSED SITE PLAN

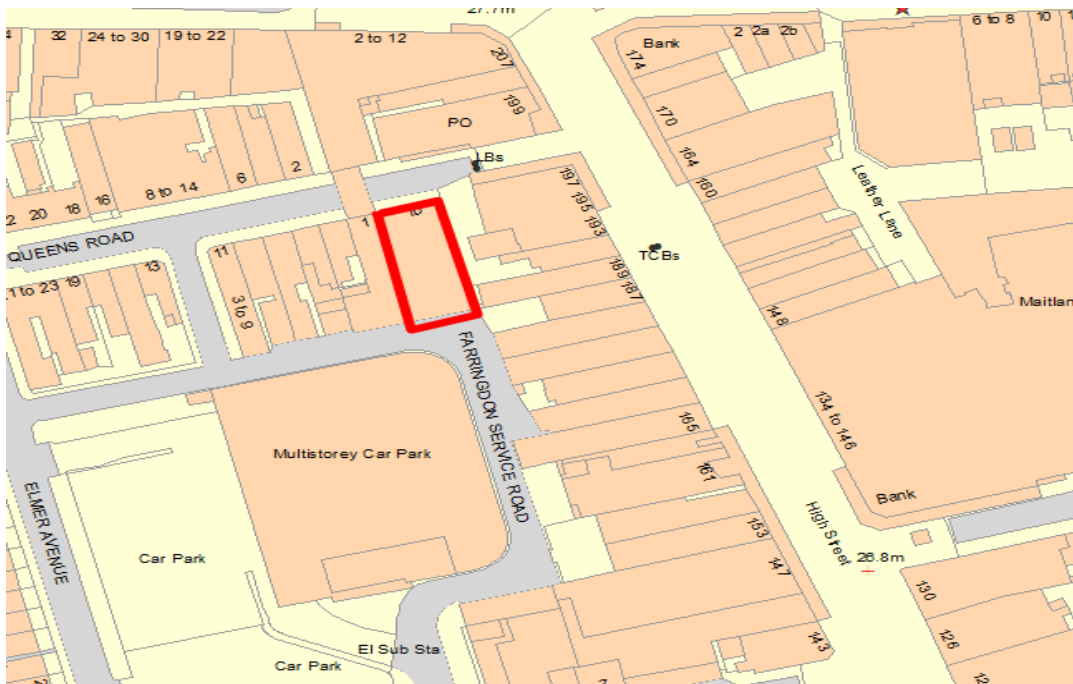


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Drawing No: 003962	Drawing Title: Existing & Proposed Site Plans	Property: 58 Milton Road, Westcliff on Sea, Essex SS0 7JX	Date: 04/05/2018	Sheet: 4 of 4
 UK Surveyors Ltd CAD Drafting - Planning - Building Regulations - Building Surveying - Alcohol Licensing			Freephone: 0808 168 9059	Drawn By: DJR
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Reference:	18/01142/FUL	<h1>10</h1>
Ward	Milton	
Proposal:	Change of use of first floor Social Club (Class D1) to form 5 self-contained flats (Class C3) with juliet balconies, erect additional floor to form 4 self-contained flats (Class C3) with terraces/privacy screens and provide secure cycle parking and refuse storage	
Address:	1B Queens Road, Southend-On-Sea, Essex	
Applicant:	Eaglelink Investments Ltd	
Agent:	SMB Town Planning Ltd	
Consultation Expiry:	26.07.2018	
Expiry Date:	10.10.2018	
Case Officer:	Kara Elliott	
Plan No's:	305, 350, 351, 155, 301, 157, 355, 356, 357, 300, 100, 101/0, 153, 150, 200/C, 151, 201/D, 202/B, 152, 203, 156	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 The Proposal

- 1.1 Planning permission is sought to convert the existing first floor social club (D1) to five flats and to erect a second storey extension containing four flats.
- 1.2 The proposal includes;
- 1.3 First floor: Conversion of D1 to C3 (5 flats);
- Flat 1: 2 bedroom, 3 person flat measuring 61sqm
 - Flat 2: 1 bedroom, 2 person flat measuring 56sqm
 - Flat 3: 2 bedroom, 3 person flat measuring 66sqm
 - Flat 4: 1 bedroom, 2 person flat measuring 50sqm
 - Flat 5: 1 bedroom, 1 person flat measuring 43.5sqm
- 1.4 Second floor: 4 flats;
- Flat 6: 1 bedroom, 2 person flat measuring 50sqm (4.3sqm balcony)
 - Flat 7: 1 bedroom, 2 person flat measuring 50sqm (6.4sqm balcony)
 - Flat 8: 1 bedroom, 2 person flat measuring 53sqm (6.4sqm balcony)
 - Flat 9: 2 bedroom, 4 person flat measuring 82sqm (7.8sqm balcony)
- 1.5 Two pedestrian accesses are provided, one at the front from Queens Road (providing access to flats 1, 2, 3, 6 and 7) and one to the rear (providing access to flats 4, 5, 8 and 9). Flats 6, 7, 8 and 9 would each benefit from a small recessed terrace/balcony located at the east side elevation at second storey. The average size of these areas is 6.2 square metres.
- 1.6 Refuse and recycling storage is provided at the rear of the site with two secure bin stores as well as a small lockable store for bulky items awaiting collection. A secure cycle store is provided at the rear of the site for the storage of three bikes. An additional six cycle parking spaces are provided internally within the lobby of the Queens Road entrance. No vehicular parking is provided for the development.
- 1.7 In terms of external alterations, two windows to the existing front and rear first floor elevations are proposed to become Juliet balconies (both end windows). In addition, two of the existing first floor side windows are proposed to be Juliet balconies.
- 1.8 The second floor flat roof extension would reach a total height of approximately 11 metres from ground level (approximately 2.6 metres higher than existing) and would be finished in brown/red coloured vertical cladding. The addition would have two windows to the front elevation and three to the rear with four recessed balconies to the side elevation.

2 Site and Surroundings

- 2.1 The application site relates to a two storey building (ground floor retail toy shop with basement storage and first floor D1 social club; formerly offices) located on the south side of Queens Road within the Town Centre. The site is situated close to the pedestrianised high street and amounts to approximately 0.38 hectares.
- 2.2 The building has its frontage on Queens Road with the rear of the site overlooking

Farringdon Service Road. The accesses are already located on each of these roads. The east elevation is located next to an access road to properties at the rear of 191 to 197 High Street. This access is gated at the northern boundary of no.193 High Street.

- 2.3 The surrounding area is made up of slighter taller development located next to the building; of three stories. The surrounding area is characterised by commercial premises, including shops and restaurants, with some residential units above some of the commercial buildings.
- 2.4 The site is located within the Town Centre Secondary Shopping Area.
- 2.5 In terms of planning history, retrospective planning permission was granted in May 2017 for the change of use of the first floor from offices (B1) to a D1 social club/day centre.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability and CIL.

4 Appraisal

Principle of the Development

National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP4, CP6, CP7 and CP8; Policies DM1, DM3, DM7, DM8 and DM15 of the Development Management Document (2015), Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and PA1 and the Design and Townscape Guide (2009)

- 4.1 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 the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough.
- 4.2 Policy KP2 of the Core Strategy requires that; *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and Policy KP1 of the Core Strategy identifies Southend Town Centre and Centre Area as the primary focus of regeneration and growth with 6,500 new jobs and at least 2,000 additional homes to be provided within this area between 2001 and 2021.
- 4.3 Policy DM3 of the Development Management Document promotes *“the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 4.4 Policy DS1 of the SCAAP states that; *‘Proposals for the use of upper floors in*

shopping frontages for retail, residential, leisure, office or other complementary uses which help to maintain or enhance the character and vitality of the centre will be supported' and that, 'Delivering new homes within Southend Central Area, including residential above ground floor commercial, will contribute to creating sustainable communities that will add critical mass to support the vitality and vibrancy of the town centre, throughout the day and evening economy.'

- 4.5 Paragraph 85(f) of the NPPF states that planning should *'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'*
- 4.6 It is considered that the proposal to convert and extend the upper floors to provide 9 residential units would accord with National and Local Planning Policy which recognises that the residential use of upper floors in Town Centres can enhance the vitality of the Town Centre.
- 4.7 The redevelopment of the site would also result in the more efficient use of the site and includes a mixture of unit sizes from a one bedroom, one person unit to a two bedroom, four person unit.
- 4.8 Furthermore, the loss of the D1 use is not objected too considering the significant offering of leisure uses within the town centre and surrounding and considering its minimal size.
- 4.9 The site has a secondary shopping frontage with the ground floor retaining its retail use at ground floor.
- 4.10 The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (paragraph 59).
- 4.11 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seeks to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below;

Dwelling size:	1-bed	2-bed	3-bed	4-bed
No bedrooms				
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	66.6%	33.3%	0%	0%

- 4.12 It is considered that the units proposed incorporate a good mix of units which are

typical of town centre development. The proposed dwelling mix is considered to be in accordance with the context of the proposed development being of a conversion of an existing building and the constraints of the site.

- 4.13 Paragraph 59 of the National Planning Policy Framework (2018) states that *'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*. Therefore, on balance, in this particular instance, the dwelling mix as proposed, whilst not strictly in accordance with policy DM7, taking into account the abovementioned factors, the market trend in the area and the fact that it is a small scheme i.e. 9 units, is considered adequate.
- 4.14 As such it is considered that the proposal is acceptable in principle as it would accord with National and Local Planning Policy, subject to compliance with the other material considerations discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (NPPF); Core Strategy (2007) Policies KP2 and CP4; Policies DM1 and DM3 of the Development Management Document (2015), Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and PA1 and the guidance contained within the Design & Townscape Guide (2009)

- 4.15 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*
- 4.16 Paragraph 124 of the NPPF states that; *"The creation of high quality 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."*
- 4.17 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"*.
- 4.18 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"*.

- 4.19 Policy PA1 of the SCAAP supports *'mixed-use development with active ground floor frontages...public realm improvements...maintain and improve the High Street as a public space for pedestrians by providing quality landscaping, green walls and roofs, tree planting, improved lighting and integrated signage, in order to create an attractive, coordinated public realm...'*
- 4.20 In terms of size, scale and mass, the proposed second storey addition would result in a building of a similar height of surrounding built form and due to its minimal size and design is considered to appear as a subservient addition which would not dominate the character and appearance of the building or the wider area. In addition, its simplistic design and the retention of the existing detailing of the roof of the building appears in keeping and represents a low-impact additional storey. The scale, size, bulk and appearance of the development would therefore be in-keeping with the surrounding area and would not result in any material harm to the character or appearance of the area.
- 4.21 The proposed use of vertical brown/red cladding is not currently observed at the existing building but due to its sympathetic colouring and in consideration of the wide range of materials used within the vicinity of the site, it is not considered to result in demonstrable harm to the character and appearance of the building or the wider area.
- 4.22 In terms of detailing, the replacement of some of the existing windows with Juliet balconies to the first floor is considered acceptable to result in a minor shift to a more residential appearance. However, this is not considered to result in material harm and the building would still appear consistent with its surroundings and is therefore considered acceptable. The general arrangement of fenestration is considered acceptable and proposed new openings are considered to appear consistent with the existing building.
- 4.23 Furthermore, the proposed terraces to the side of the building at second storey are considered acceptable due to their recessed position not protruding from the building line, their siting to the side of the building which does not have clear views from the street and the use of discreet privacy screening.
- 4.24 The rear of the site proposes bin and bike stores which provide suitable storage solutions which would not result in any material harm to the character or appearance of the area. The rear of the site is located within Farringdon Service Road which is characterised by its 'back of house' appearance where refuse storage and service accesses are present and there is an absence of principle elevations.
- 4.25 Subject to conditions, the proposal is considered Policy compliant in this respect and no objection is raised to the design of the development and it is considered that the proposal would result in no adverse harm to the character and appearance of the wider surrounding area.

Living Conditions for Future Occupiers

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4 and CP8; Policy DM8 of the Development Management Document (2015), the Design and Townscape Guide and the National Housing

Standards

- 4.26 Delivering high quality homes is one of the Government's requirements according to the NPPF. From the 1st October 2015 Policy DM8 of the Development Management Document has been superseded by the National Housing Standards regarding the minimum internal floorspace standards.
- 4.27 Paragraph 127 of the National Planning Policy Framework states that "*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*". It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below;
- Minimum property size for a 1 bed 1 person unit of 37/39sqm, for a 2 bed 3 person unit; 61sqm and for a 3 bed 5 person unit of 86sqm.
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5m for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.
- 4.28 Weight should also be given to the content of Policy DM8 which states the following standards in addition to the national standards.
- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
 - Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
 - Storage: Suitable, safe cycle storage with convenient access to the street frontage.
 - Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
 - Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.29 All of the units proposed are of sufficient sizes to satisfy the minimum sizes required by the technical housing standards and all habitable rooms will be provided with windows to provide light ventilation and outlook, as well as access to terraces on the second storey. It is considered that the standard of accommodation is adequate on balance and would not be to the detriment of the living standards of the future occupiers with the conditions recommended. This is in compliance with National Planning Policy Framework (2018), policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide.
- 4.30 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space. Four of the flats benefit from private terrace areas ranging from 4.3sqm to 7.8sqm which would provide a small private amenity space and in most instances a sitting-out area. No communal garden or roof garden is proposed. However, in consideration of the standard of internal accommodation, the four small terraces at second storey and the town centre location of the application site, it is considered that the development would provide acceptable amenity spaces for the benefit of future occupiers.
- 4.31 The site is located within the upper floors of a town centre building where gardens are unexpected or uncommon. The site is located within short walking distances to public open spaces, the town centre and the seafront providing additional amenities for enjoyment which are close to the site. This is in accordance with the NPPF (2018) which states that decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. It is considered that adequate external amenity provisions will be provided for the future occupiers and no objection is therefore raised on this basis.
- 4.32 The proposed flats are located above an A1 retail unit and therefore no concern is raised in relation to potential noise and smell disturbances to future occupiers. There are a small number of A3/A4 establishments located close to the application site. However, due to their distance and orientation from the site, in particular Molo's which faces the High Street and has no windows or doors to its west (rear) elevation which is adjacent to the application site, it is not considered that these establishments result in material harm from potential noise and smell disturbances to future occupiers. Furthermore, Environmental Health Officers have not raised any objections to the development.
- 4.33 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. However, in this instance it is considered that it would be unreasonable to require for the building to comply with the lifetime home standards given that it already exists and the units proposed are above ground level. It is therefore considered that the proposed development should not be

refused on the grounds that it has not been demonstrated that the development would accord with Part M4(2) of the Building Regulations.

- 4.34 The living conditions for future occupiers are therefore considered to be acceptable and policy compliant in this regard. Subject to conditions.

Impact on Neighbouring Properties

National Planning Policy Framework (2018) Core Strategy (2007) Policies KP2 and CP4; Policies DM1 and DM3 of the Development Management Document (2015) and the Design & Townscape Guide (2009)

- 4.35 The Design and Townscape Guide (2009) states that “*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”
- 4.36 The development includes new openings to each elevation. As such the development would overlook Queens Road and Farringdon Service Road which are spaces that are already open to public gaze. The north elevation proposed front windows would be located adjacent to upper windows of an existing commercial unit which fronts the high street (199-203 High Street). This unit is currently vacant (formerly a gym) and due to its commercial use and a distance of 12.4 metres between the two elevations, it is not considered that the proposed openings would result in demonstrable harm from overlooking or a loss of privacy with the recommended conditions. Similarly, it is considered that due to its commercial use there would be no loss of amenity to occupiers at 1 Queens Road, including the linking bridge section of the building, which is used in conjunction with the WH Smiths store which is fronted within the High Street.
- 4.37 An extant permission exists for the conversion of the first and second floors to six flats at Molo’s, 195 - 197 High Street which neighbours the site to the east. This development has commenced and therefore forms a material consideration of weight in the determination of this application. The west (rear) of 195 - 197 High Street would have living accommodation to the first and second floors with windows/small balconies which would be located opposite to the proposed windows/terraces of the proposed development. Distances between these elevations is approximately 7 metres. With the use of screening and obscured glazing and due to the location of the application site within a busy town centre location whereby a degree of overlooking is acceptable and there are already existing overlooking impacts in many instances, it is considered that the proposal would not result in any significant material overlooking or loss of privacy to nearby residents to a degree that would justify a refusal of consent. With the conditions recommended the proposal is therefore policy compliant in this respect and no objection is therefore raised on this basis on balance.
- 4.38 Given the size, scale, mass and bulk of the development which is not out of keeping with the surrounding area, it is considered that the development would

not result in any material harm to nearby residents in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure.

- 4.39 Given the Town Centre location of the site, the proposed residential use would not result in any material harm to the residential amenity of existing nearby residents in terms of noise and disturbance.
- 4.40 It is therefore considered that the proposed development would not result in any significant material harm to the adjoining residents. It is therefore, on balance with the conditions recommended, policy compliant in this regard.

Traffic and Transport Issues

National Planning Policy Framework (2018); Policy CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Design and the Design and Townscape Guide (2009)

- 4.41 Policy DM15 states that flats should be provided with one parking space per flat. In this respect, the proposed development would not provide any off-street parking. However, the existing site does not benefit from any off street parking and the site is located within a highly sustainable location with shops and services and good public transport links located within walking distance of the site. It is also noted that the Highway Officer has raised no objection to the proposed development. No objection is therefore raised on this basis.
- 4.42 With regard to cycle parking, the plans submitted indicate that 9 parking spaces will be provided at ground floor level within the front entrance lobby and three can be stored securely to the rear of the building in dedicated cycle storage. In terms of waste, two lockable stores which can each accommodate large 110l bins are proposed to the rear of the building. These will ensure that waste storage is not in conflict with pedestrians or the highway and can be easily collected from the roadside. Subject to a condition requiring the cycle parking and refuse and recycling storage to be provided in accordance with these details no objection is therefore raised on this basis.

Use of on Site Renewable Energy Resources and Sustainable Construction

National Planning Policy Framework (NPPF) (2012), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide 2009

- 4.43 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), such as those set out in the Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.”* Policy DM2 of the Development Management Document also states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*
- 4.44 A detailed Energy and Sustainability Report has been submitted in relation to the

provision of renewables on site and the roof plan indicated that solar panels will be provided on the roof of the second storey. The development, through the use of solar panels, is proposed to provide 10.44% of the development's energy demand. It is therefore considered that, subject to a condition, the proposed development would accord with Policy KP2 of the Southend Core Strategy in relation to onsite renewable energy.

- 4.45 Policy DM2 of the Development Management Document is clear that there is an identified need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in Essex. In particular, part (iv) of Policy DM2 requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. On a national level, the NPPF states that in order to support a low carbon future, Local Planning Authorities should set sustainability standards in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards. A sustainability and energy report accompanies the application which states that the development will incorporate the above design measures and will comply with DM2 of the Development Management Document. A suitable condition should be included to any positive decision in order to ensure this for the lifetime of the development.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.46 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 579sqm, which may equate to a CIL charge of approximately £13,942.32 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

5 Conclusion

- 5.1 It is considered, having taken all material planning considerations into account that the proposed development would comply with the Development Plan on balance. The development is of an acceptable design, would have no significant adverse impact on nearby residents and provides adequate living conditions for any future occupiers of the site on balance. The loss of the existing use if found to be acceptable in this instance and there is no harm to highway safety. The proposal is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling mix, size and type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre) and PA1 (High Street Policy Area Development Principles)
- 6.5 Design & Townscape Guide (2009)
- 6.6 CIL Charging Schedule (2015)
- 6.7 National Housing Standards (2015)

7 Representation Summary

Transport & Highways

- 7.1 No objection.

Waste & Recycling

- 7.2 Comments;

- Recommend that the design of the storage container and locking system is extremely robust;
- Note that the landlord will arrange for additional chargeable collections (Design and Access Statement, Page 28) above and beyond the scheduled weekly collection in the event that the proposed storage is insufficient for the number of properties proposed;
- Recommend additional bulky waste external space storage - we request clarification from the developer where these types of unwanted bulky items will be stored.

- 7.3 **Officer comment: following these comments, a lockable bulky waste store was incorporated into the rear ground floor of the building, accessed from Farringdon Service Road.**

Environmental Health Officer

- 7.4 No objection. Conditions recommended in relation to disturbances during construction.

Public Consultation

7.5 26 neighbour letters were sent out and a site notice was displayed. 1 letter of objection has been received which makes the following summarised comments:

- Concerns in relation to disturbance and inconvenience from building works to the existing ground floor businesses.

7.6 The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

8 Relevant Planning History

8.1 17/00472/FUL - Change of use of first floor from office (Class B1) to day centre (Class D1) (Retrospective) – Granted 09.05.2017

9 Recommendation

9.1 **GRANT PLANNING PERMISSION, subject to the following conditions:**

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

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

02 The development shall be carried out in accordance with the approved plans: 305, 350, 351, 155, 301, 157, 355, 356, 357, 300, 100, 101/0, 153, 150, 200/C, 151, 201/D, 202/B, 152, 203, 156.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the extension shall not commence until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including cladding, screening and fenestration have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details before it is occupied.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2018), Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and PA1, Development Management Document (2015) Policies DM1 and DM3 and Core Strategy (2007) Policies KP2 and CP4.

04 No part of the development shall be occupied until details of the cycle parking and refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling and cycle parking facilities shall be implemented in accordance with the approved details before first occupation of any of the development and

shall be permanently maintained thereafter.

Reason: To ensure that satisfactory cycle parking facilities and refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 05** The roof of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of the residential amenity of nearby residents and in the interests of the visual amenity of the area, to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 06** No part of the development shall be occupied a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management of the development shall thereafter be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2018), Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and DS5, Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 07** The privacy screens for the balconies hereby granted on the east elevation of the building shall be implemented in full in obscure glazing only in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to occupation of the flats and shall be retained in perpetuity as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

- 08** Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the dwellings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposal that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the

manner and design in which these windows are to be implemented. Before the dwellings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

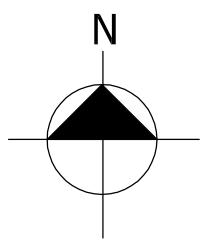
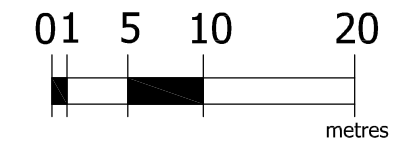
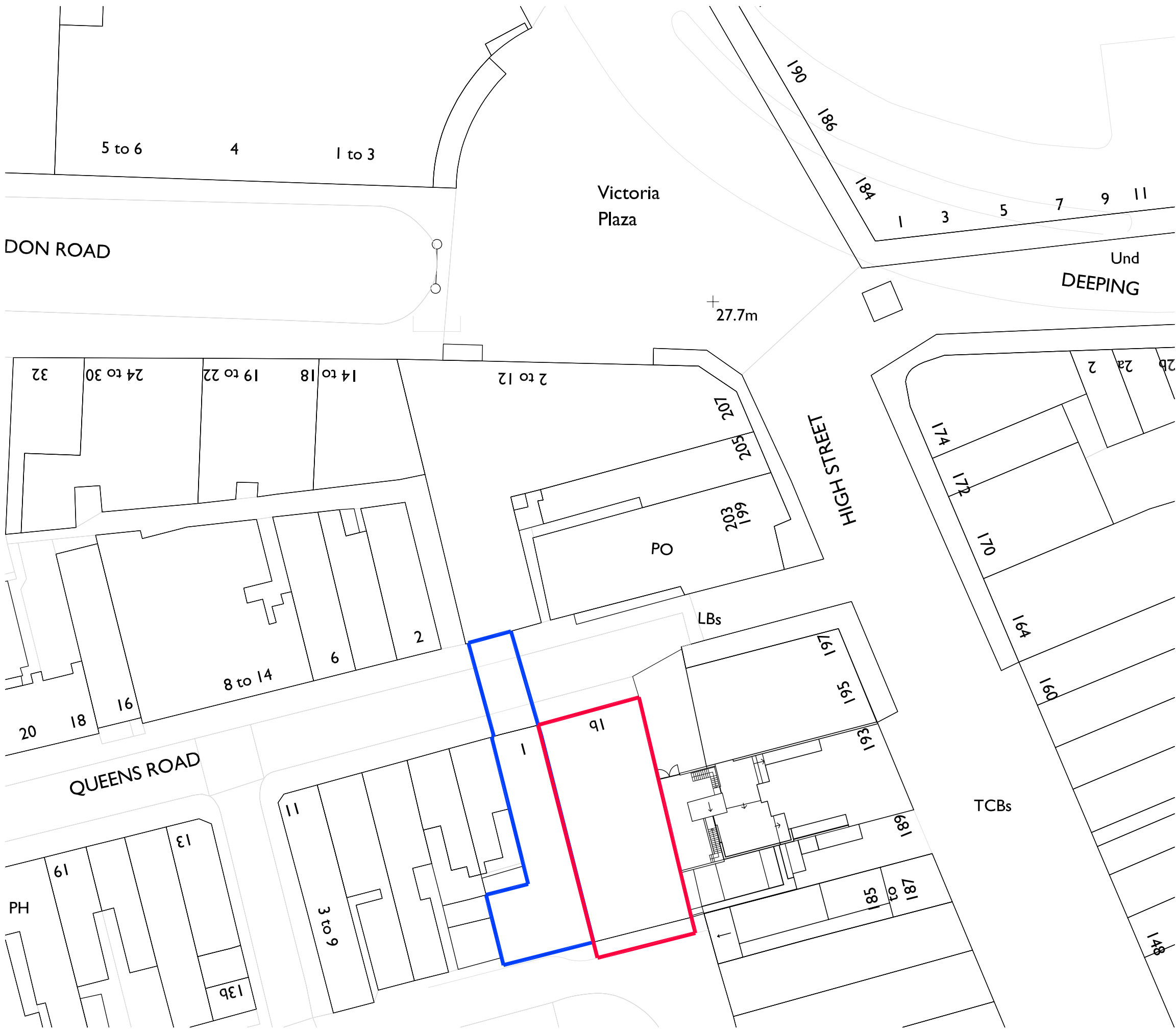
Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings.

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.

Informative

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 03 Please note that occupiers of the development are not eligible for Town Centre parking concessionary season tickets. For more information please visit:
https://www.southend.gov.uk/info/200361/car_parks_parking_and_permits/33/residents_parking_permits/12

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DESIGN COORDINATION: No civil services, MEP layouts and only limited structural information has been provided by the client, therefore BCstudio has made certain assumptions regarding sizes, openings and detailing, in all cases these are shown Indicatively. Under no circumstances shall BCstudio take any liability for any third party design.



SITE BOUNDARY FOR THIS APPLICATION
SITE IN OWNERSHIP OF THE APPLICANT

0
ISSUED FOR PLANNING
04/06/2018

**1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT**

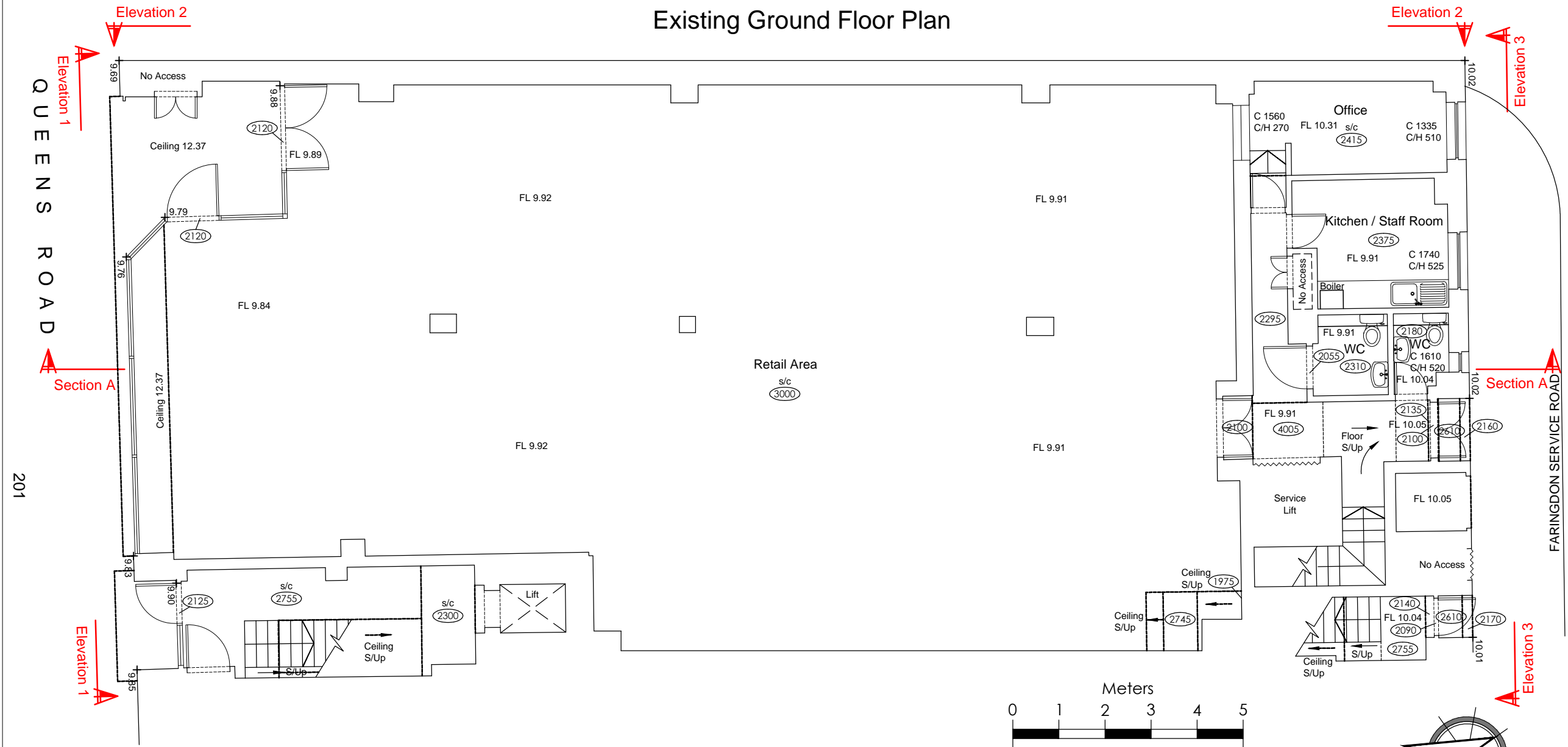
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CHECKED MV

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REVISION 0

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Existing Ground Floor Plan



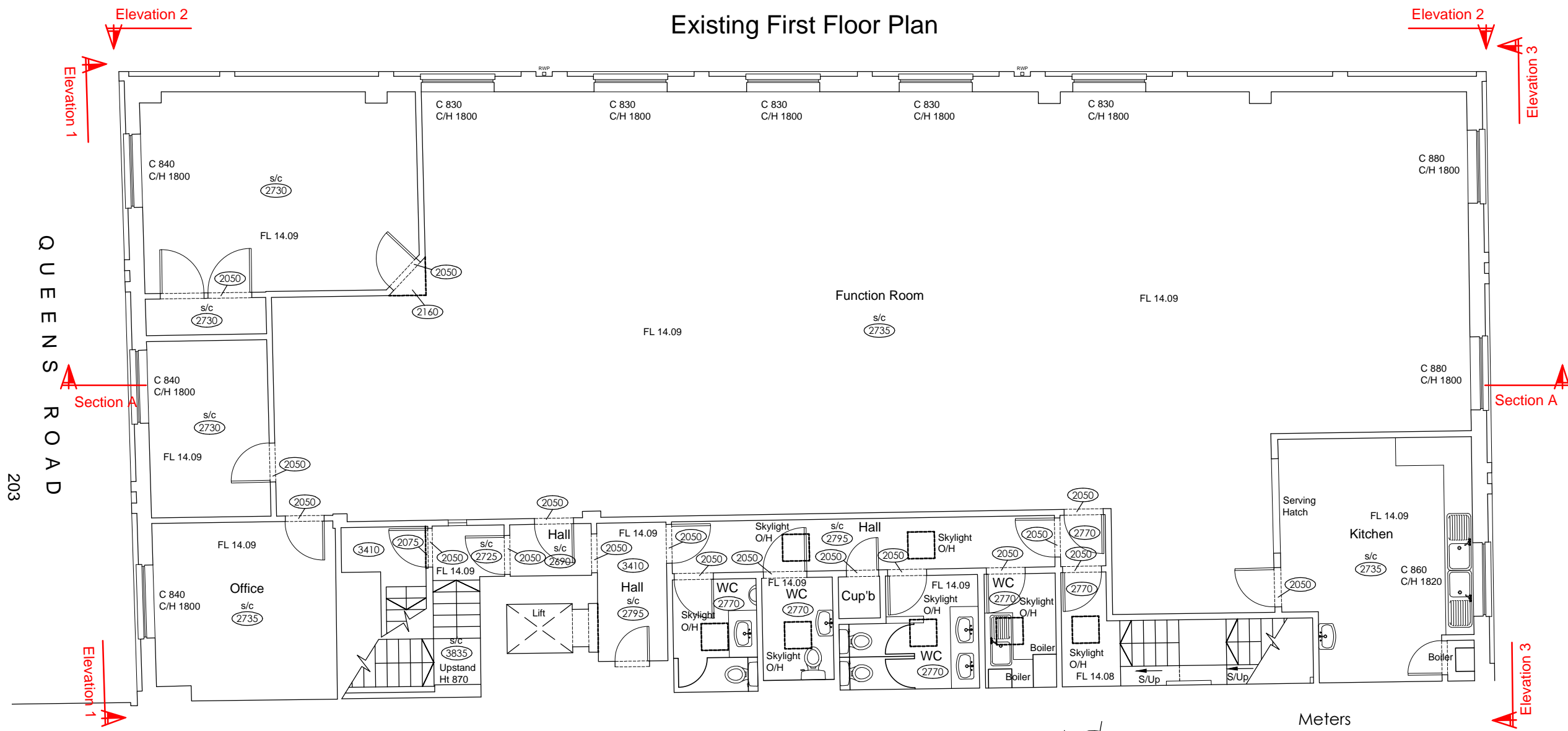
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REVISION ISSUED	ISSUED FOR PLANNING 11/06/2018
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PROJECT ADDRESS	
EXISTING GROUND FLOOR PLAN	
DRAWING SCALE	1:100@A3
AUTHOR CHECKED	OVS MV
DATE PROJECT	DRAWING# REV#
1422	150 # 30i
<small>BCIstudio 152-160 City Rd, London EC1V 2NX T-44 (0)2087428945 E info@bci-studio.com</small>	

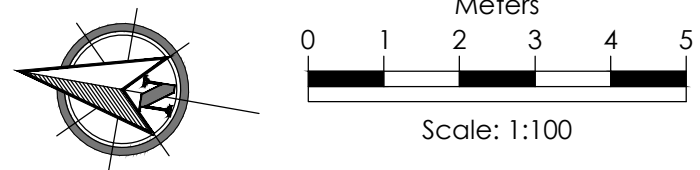
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Existing First Floor Plan



QUEENS ROAD
203



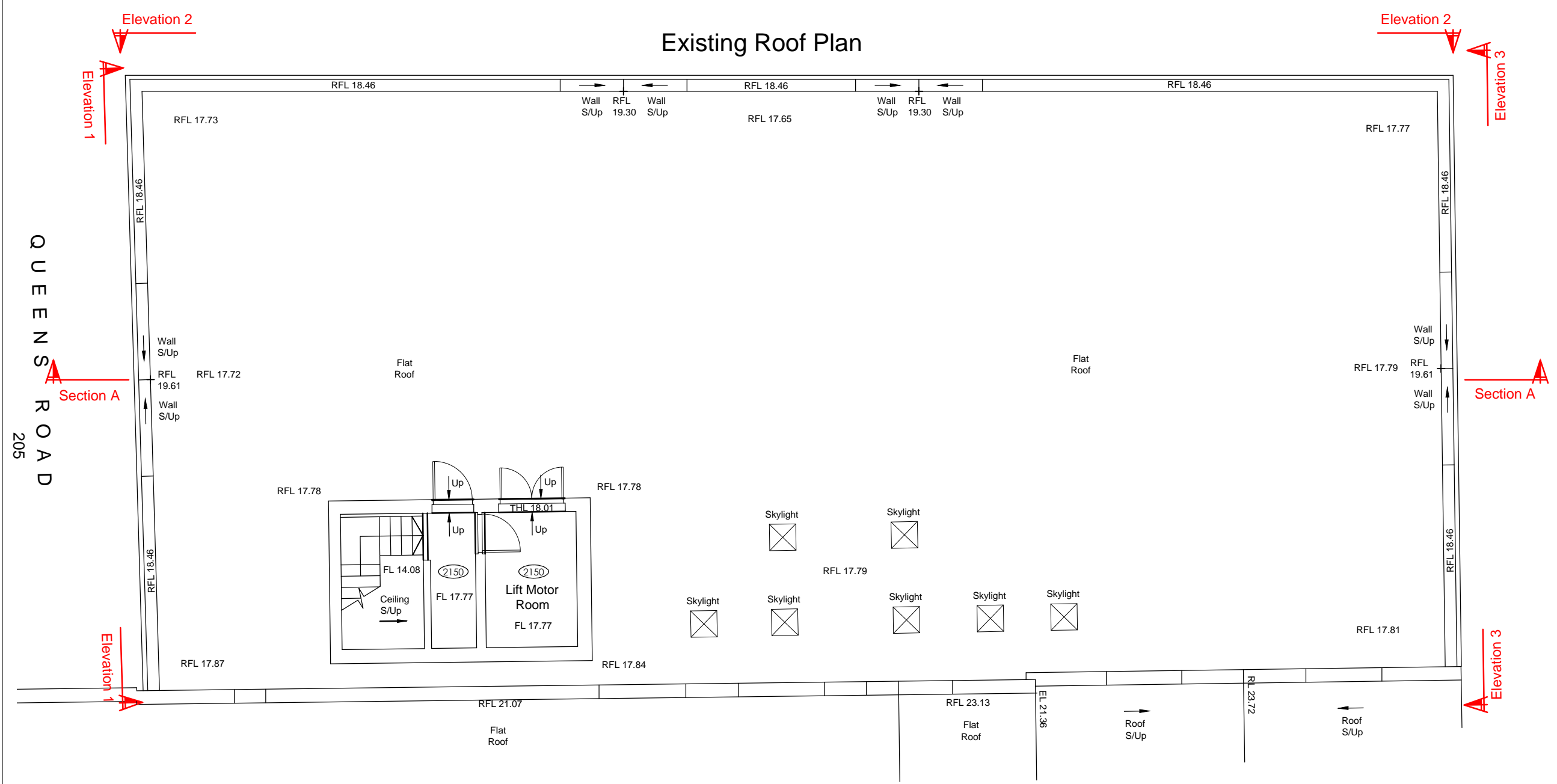
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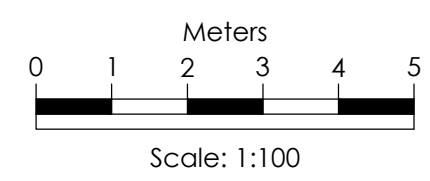
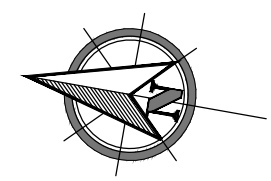


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Existing Roof Plan



QUEENS ROAD
205



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REVISION ISSUED FOR PLANNING
ISSUED 04/06/2018

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SOUTHEND-ON-SEA
SS1 1LT**

PROJECT ADDRESS
**EXISTING
ROOF PLAN**

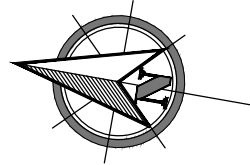
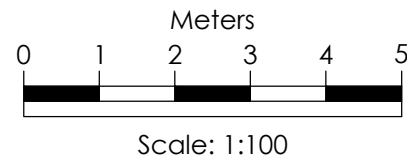
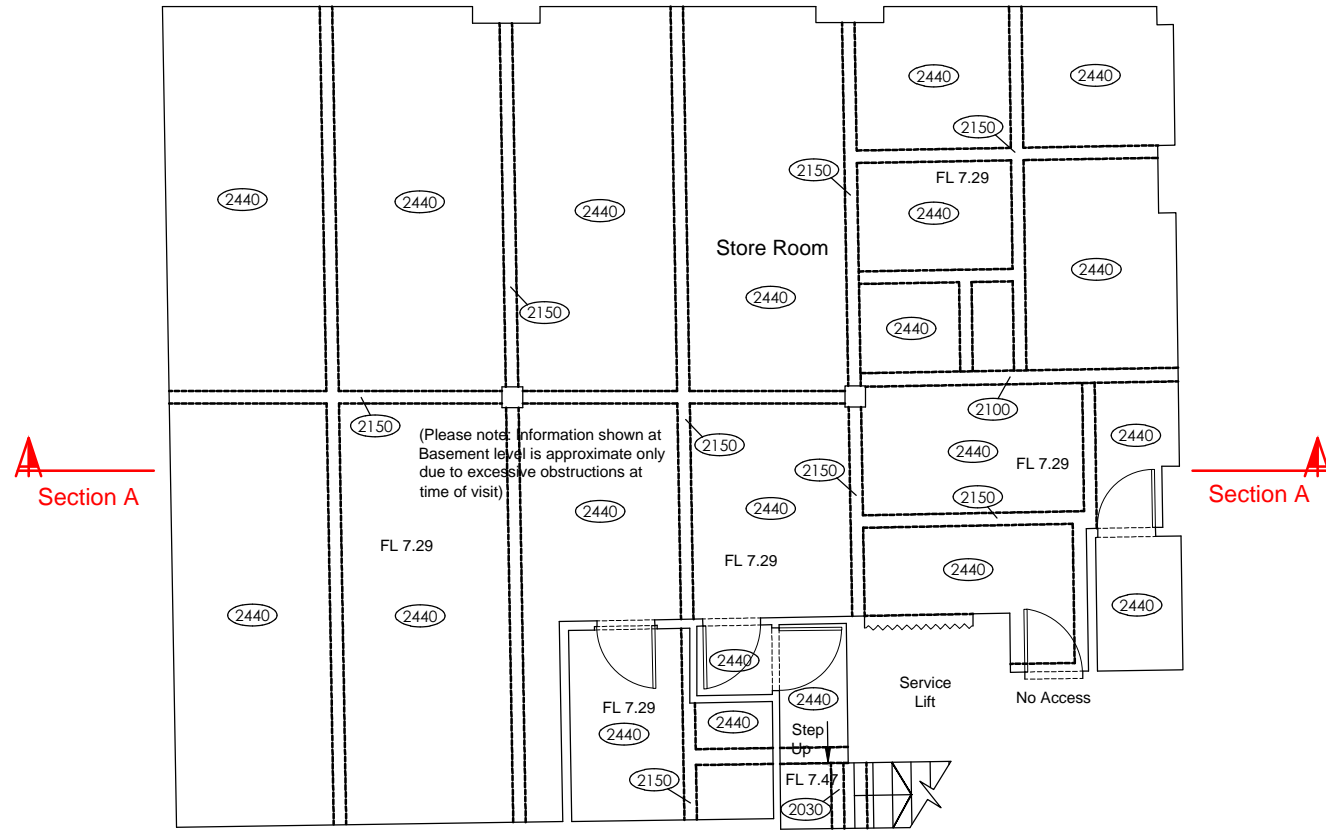
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Existing Basement Plan



207

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#

REVISION ISSUED FOR PLANNING
 ISSUED 11/06/2018

**1b QUEENS RD
 SOUTHEND-ON-SEA
 SS1 1LT**

PROJECT ADDRESS

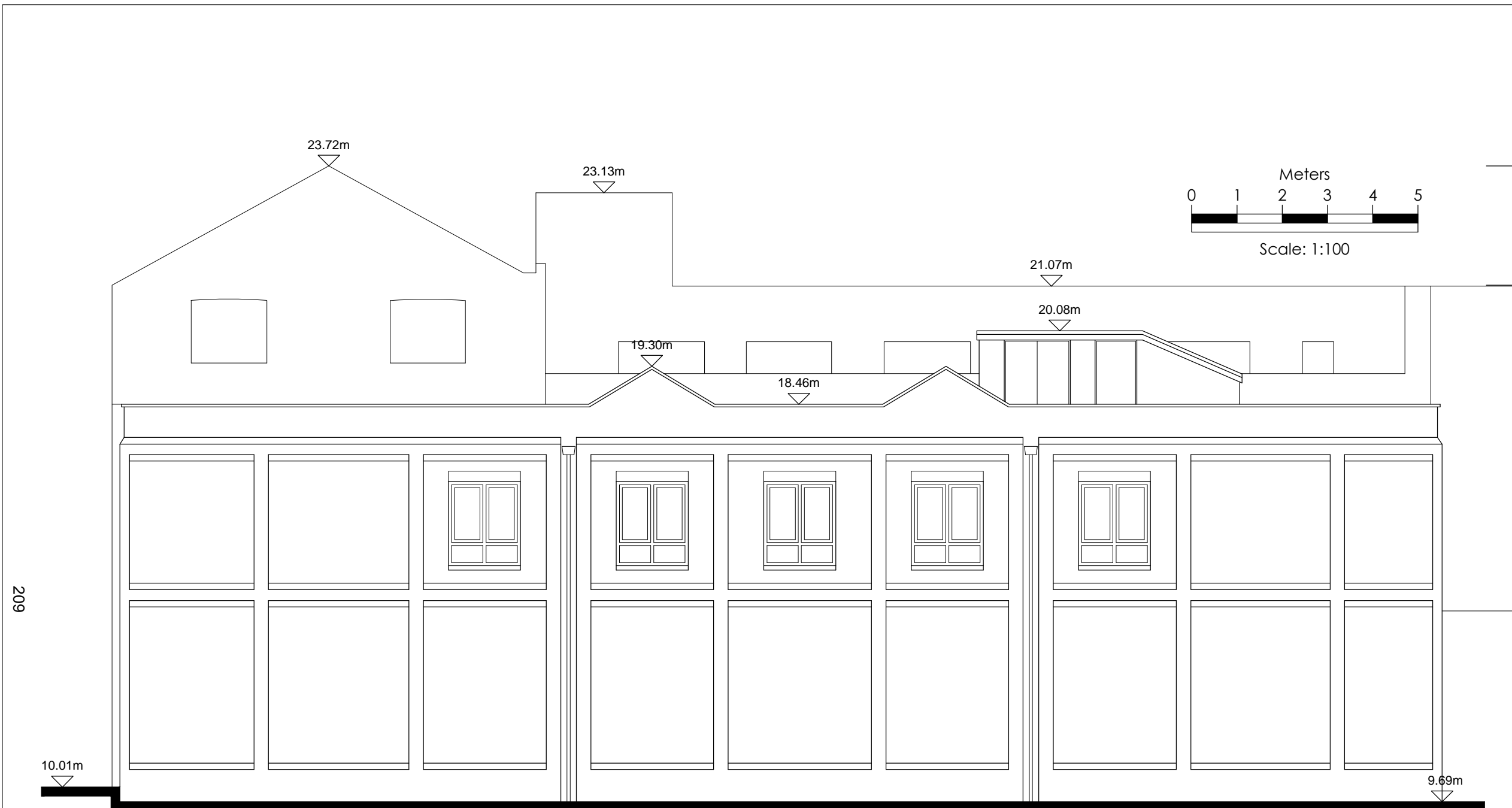
**EXISTING AND
 PROPOSED BASEMENT**

DRAWING SCALE 1:100@A3

AUTHOR OVS
 CHECKED MV

DATE PROJECT DRAWING# REV#
 1422 153 # 30i
 BCStudio 152-160 City Rd, London EC1V 2NX
 T-44 (0)2087428945 E info@bc-studio.com studio

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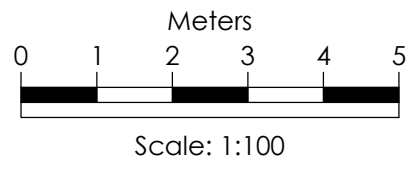
NOTES:

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209

Existing Elevation 2 (Side Elevation)
Datum: 8.00m

#

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ISSUED 05/06/2018

**1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT**

PROJECT ADDRESS

**EXISTING
ELEVATION 2
(SIDE ELEVATION)**

DRAWING SCALE 1:100@A3

AUTHOR OVS
CHECKED MV

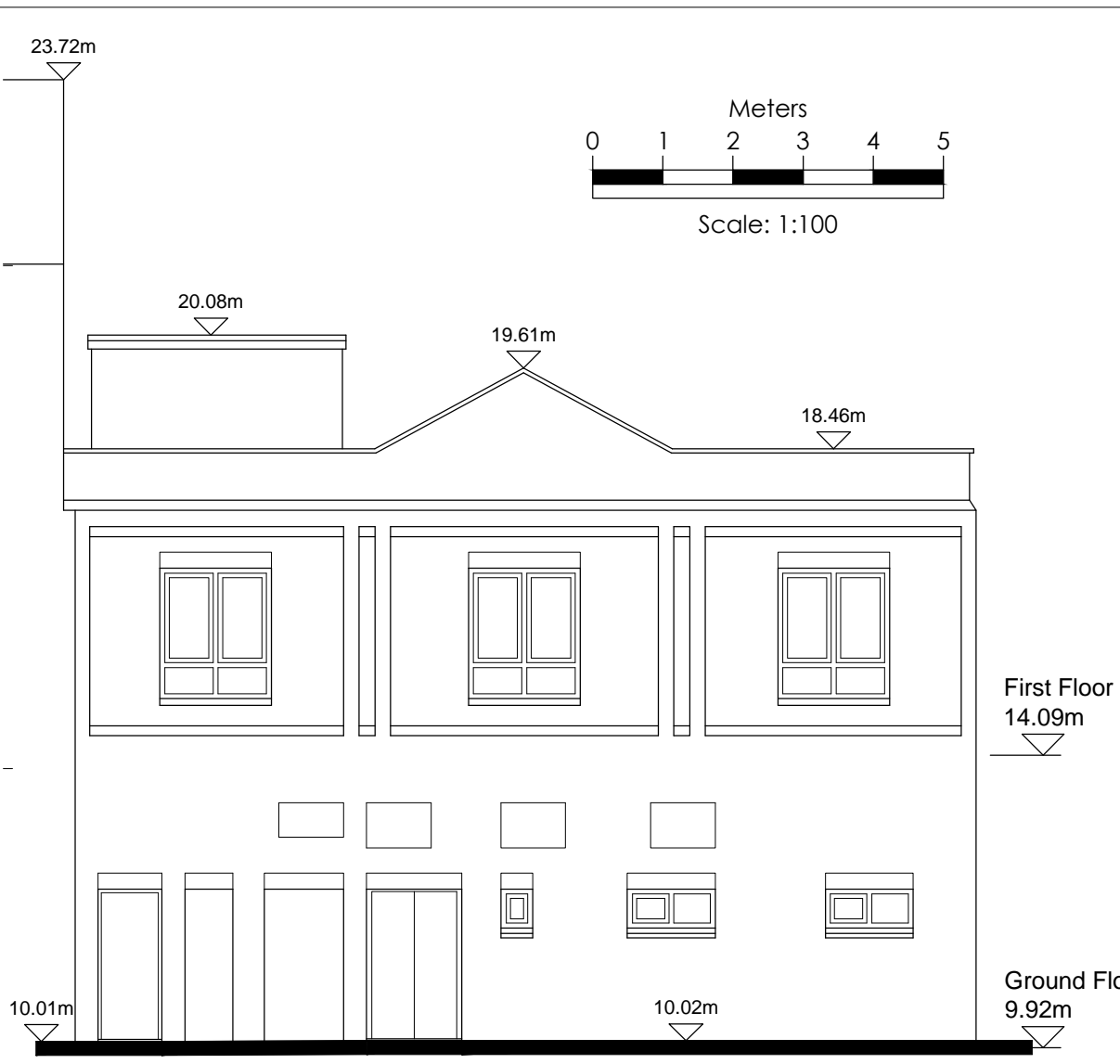
DATE PROJECT DRAWING# REV#
1422 **155 #** **BCi**

BCIstudio
152-160 City Rd, London EC1V 2NX
T-44 (0)2087428945 E info@bci-studio.com

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Existing Elevation 1
Datum: 8.00m



Existing Elevation 3
Datum: 8.00m

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#

REVISION ISSUED FOR PLANNING
ISSUED 05/06/2018

**1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT**

PROJECT ADDRESS

**EXISTING
ELEVATIONS 1&3
(FRONT AND REAR
ELEVATIONS)**

DRAWING SCALE 1:100@A3

AUTHOR OVS
CHECKED MV

DATE PROJECT 1422 DRAWING# 156 # REV# 30i
 BCStudio 152-160 City Rd, London EC1V 2NX
 T-44 (0)2087428945 E info@bci-studio.com studio

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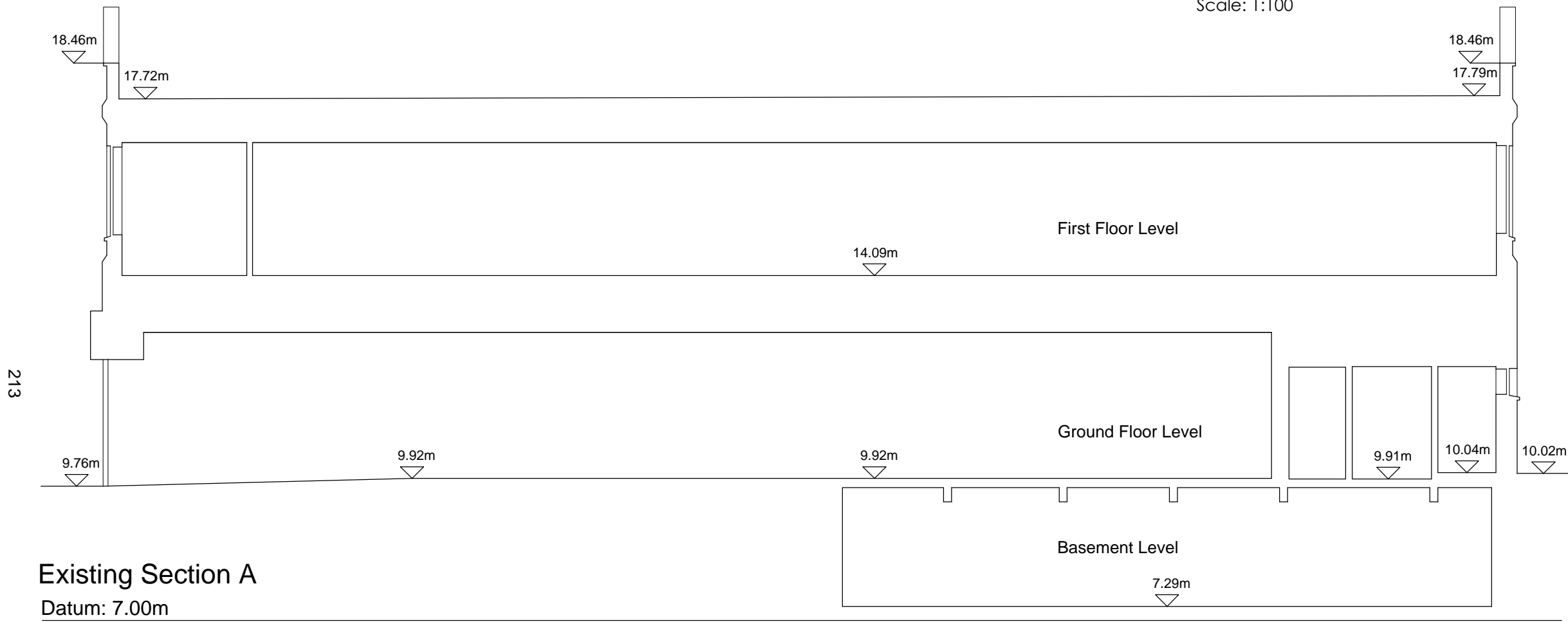
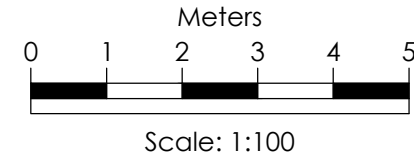
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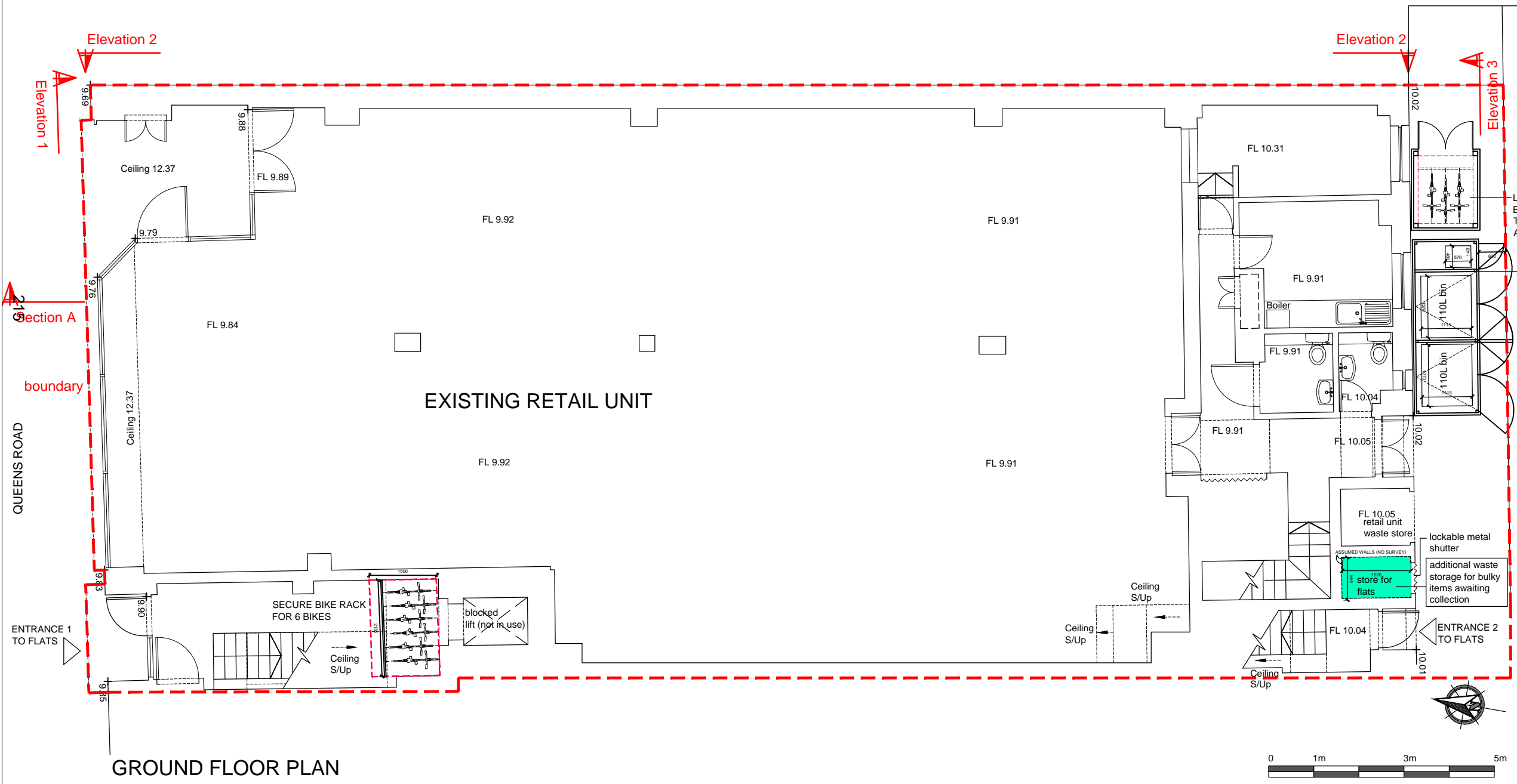
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	#
REVISION ISSUED	ISSUED FOR PLANNING 04/06/2018
PROJECT ADDRESS	1b QUEENS RD SOUTHEND-ON-SEA SS1 1LT
	EXISTING SECTION AA
DRAWING SCALE	1:100@A3
AUTHOR CHECKED	OVS MV
DATE PROJECT	1422
DRAWING#	157 #
REV#	30i
<small>BCIstudio 152-160 City Rd, London EC1V 2NX T-44 (0)2087428945 E info@bci-studio.com</small>	

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LOCKABLE, COVERED BIKE RACK FOR 3 BIKES
 TIMBER CLADDING AND METAL STRUCTURE/FRAME

LOCKABLE, COVERED BIN STORE FOR RESIDENTIAL FLATS
 TIMBER CLADDING AND METAL STRUCTURE/FRAME
 VERY ROBUST DESIGN AND LOCKING SYSTEM

REVISION ISSUED	REISSUED FOR PLANNING	01/08/2018	C
REVISION ISSUED	ISSUED FOR PLANNING	04/06/2018	B
REVISION ISSUED	WORK IN PROGRESS	26/10/2017	A
REVISION ISSUED	WORK IN PROGRESS	25/10/2017	#

**1b QUEENS RD
 SOUTHEND-ON-SEA
 SS1 1LT**

PROJECT ADDRESS

**PROPOSED PLAN
 GROUND FLOOR**
 DRAWING SCALE 1:100@A3

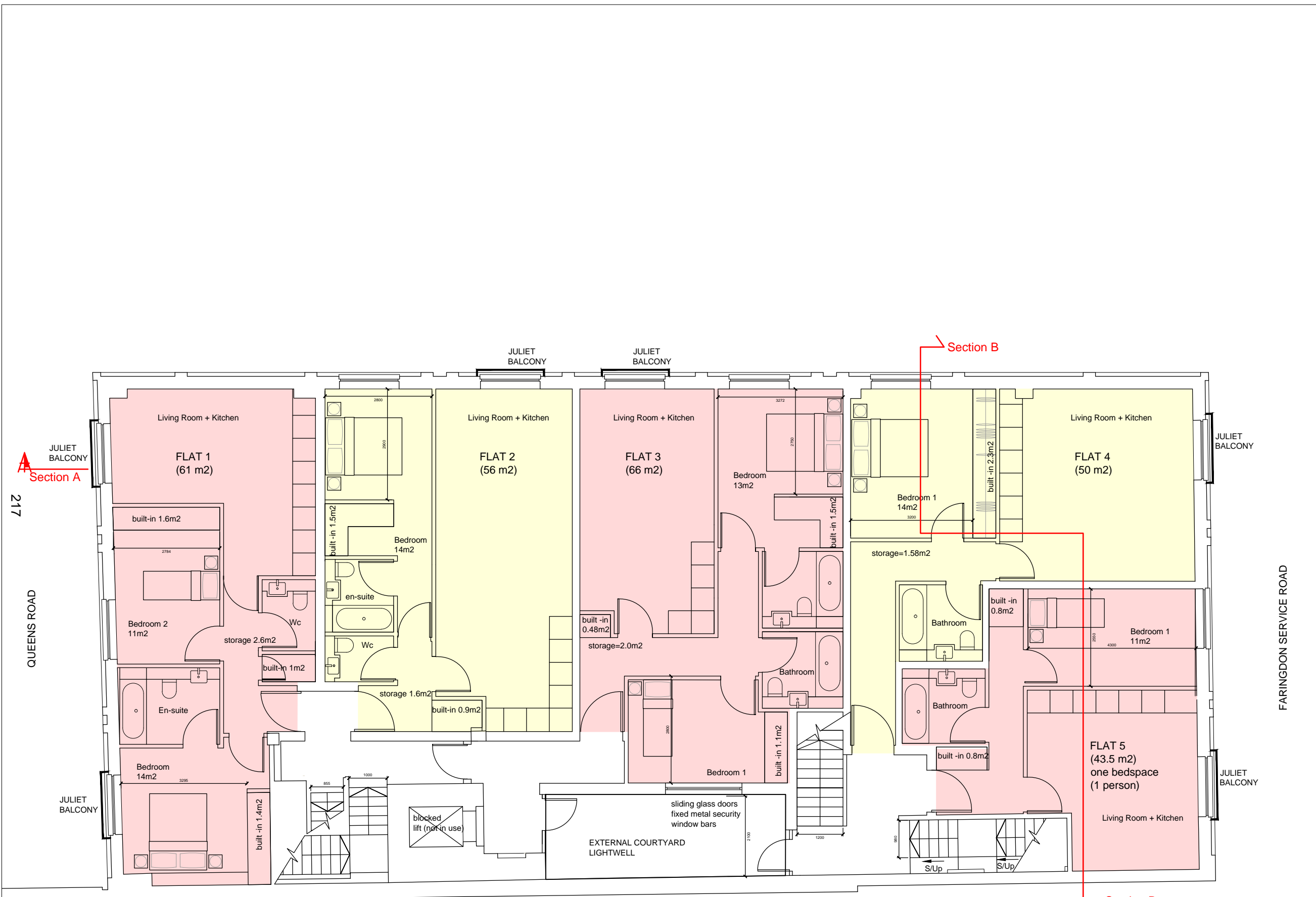
AUTHOR RT
 CHECKED MV

DATE PROJECT 1422 DRAWING# 200^C REV# 30i
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GROUND FLOOR PLAN

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D	REVISION REISSUED FOR PLANNING ISSUED	26/09/2018
C	REVISION REISSUED FOR PLANNING ISSUED	12/09/2018
B	REVISION ISSUED FOR PLANNING ISSUED	04/06/2018
A	REVISION WORK IN PROGRESS ISSUED	25/10/2017
0	REVISION ISSUED FOR CONCEPT ISSUED	28/07/2017

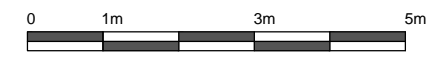
**1b QUEENS RD
 SOUTHEND-ON-SEA
 SS1 1LT**

**PROPOSED PLAN
 FIRST FLOOR**
 DRAWING SCALE 1:100@A3

AUTHOR RT
 CHECKED MV

DATE PROJECT DRAWING# REV#
 1422 201 D 30i
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FIRST FLOOR PLAN



Section A

Section B

Section B

217

QUEENS ROAD

FARINGTON SERVICE ROAD

JULIET BALCONY

JULIET BALCONY

JULIET BALCONY

JULIET BALCONY

JULIET BALCONY

Living Room + Kitchen

Living Room + Kitchen

Living Room + Kitchen

Living Room + Kitchen

FLAT 1
(61 m²)

FLAT 2
(56 m²)

FLAT 3
(66 m²)

FLAT 4
(50 m²)

FLAT 5
(43.5 m²)
one bedspace
(1 person)

Bedroom 2
11m²

Bedroom
14m²

Bedroom
13m²

Bedroom 1
14m²

Bedroom 1
11m²

Bedroom
14m²

Bedroom 1

storage 2.6m²

storage 1.6m²

storage=2.0m²

storage=1.58m²

built-in 1.4m²

built-in 0.9m²

built-in 0.48m²

built-in 1.1m²

built-in 0.8m²

built-in 1m²

built-in 1.5m²

built-in 1.5m²

built-in 2.3m²

blocked lift (not in use)

EXTERNAL COURTYARD LIGHTWELL

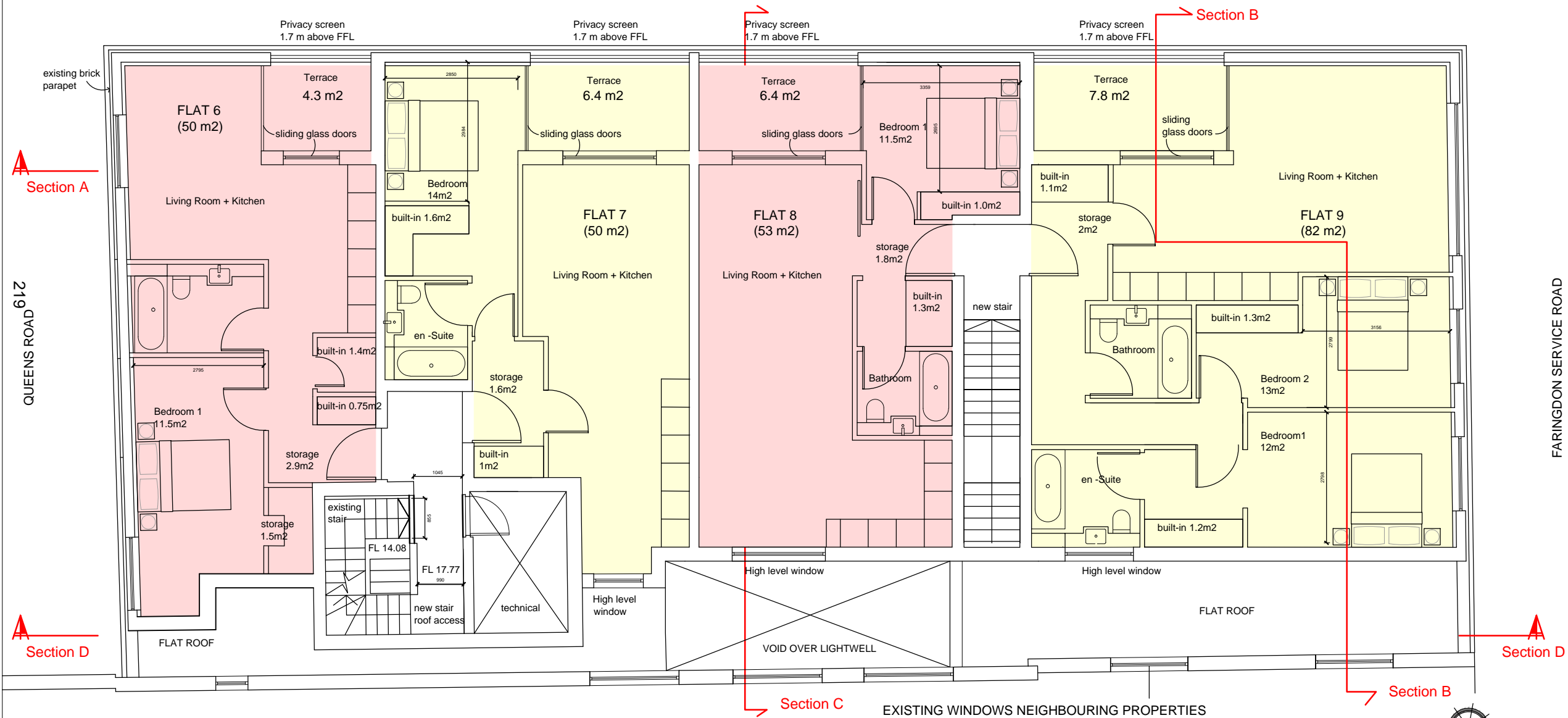
sliding glass doors
fixed metal security
window bars

S/Up

S/Up

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RESIDENTIAL DEVELOPMENT ACROSS



SECOND FLOOR PLAN

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REVISION	ISSUED FOR PLANNING
ISSUED	11/06/2018
REVISION	WORK IN PROGRESS
ISSUED	25/10/2017
REVISION	ISSUED FOR CONCEPT
ISSUED	28/07/2017

**1b QUEENS RD
 SOUTHEND-ON-SEA
 SS1 1LT**

PROJECT ADDRESS

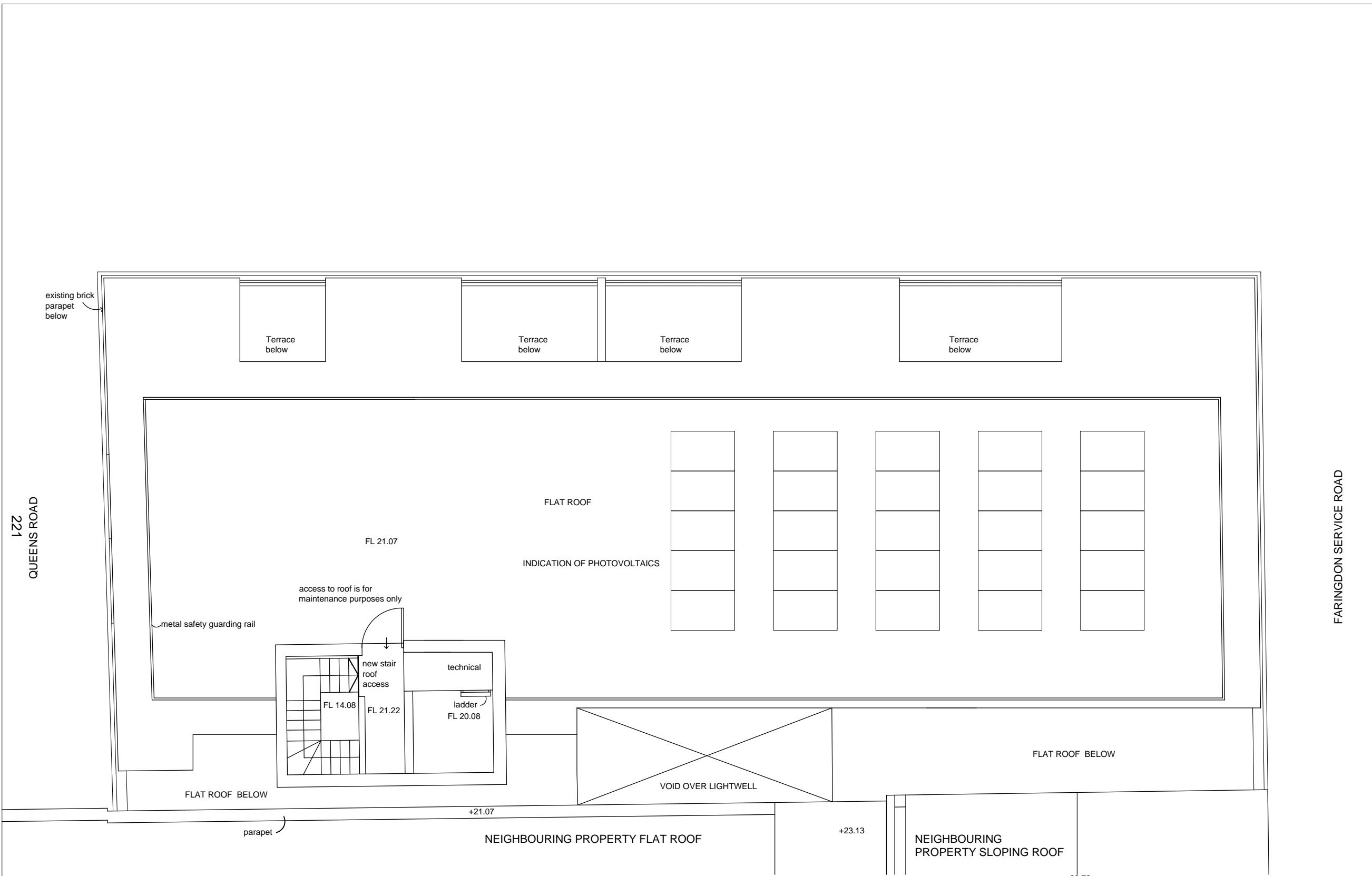
**PROPOSED PLAN
 SECOND FLOOR**
 DRAWING SCALE 1:100@A3

AUTHOR RT
 CHECKED MV

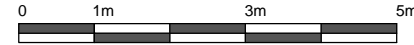
DATE PROJECT DRAWING# REV#
 1422 202 B 30i
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ROOF PLAN



REVISION ISSUED FOR PLANNING #
 ISSUED 04/06/2018

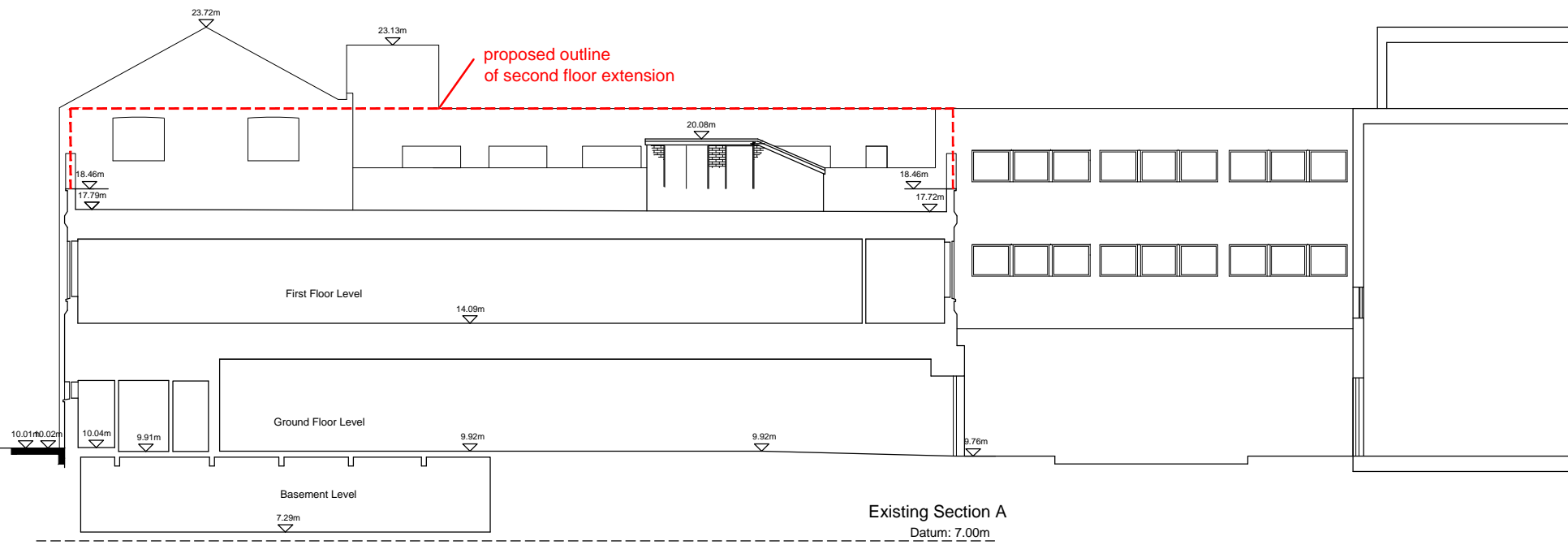
PROJECT ADDRESS
**1b QUEENS RD
 SOUTHEND-ON-SEA
 SS1 1LT**

**PROPOSED ROOF
 PLAN**
 DRAWING SCALE 1:100@A3

AUTHOR RT
 CHECKED MV

DATE PROJECT DRAWING# REV#
 1422 **203** # **30i**
 BCStudio 152-160 City Rd, London EC1V 2NX
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#

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ISSUED 04/06/2018

**1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT**

PROJECT ADDRESS

**EXISTING
STREET SECTION**

DRAWING SCALE 1:200@A3

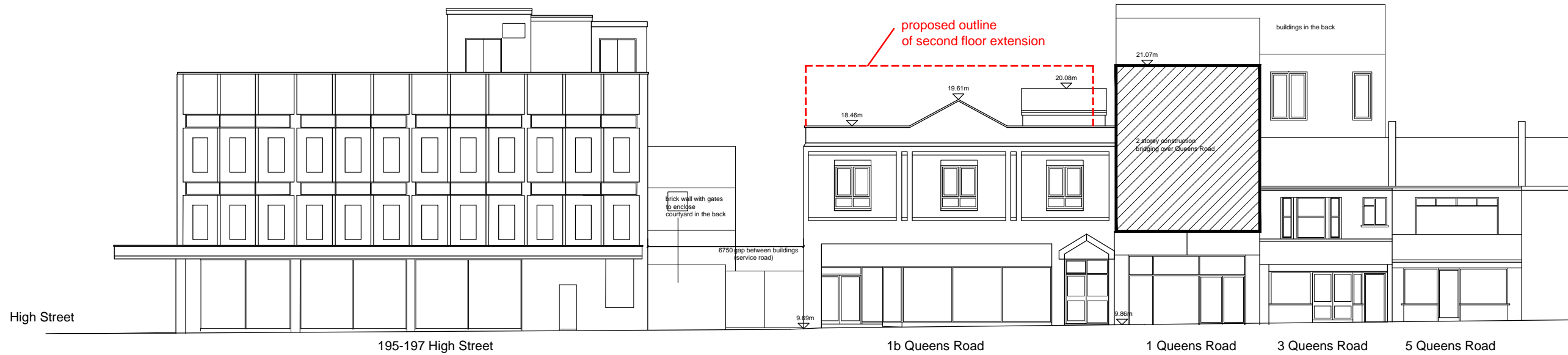
AUTHOR OVS
CHECKED MV

DATE PROJECT DRAWING# REV#
1422 300# 30i

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T+44 (0)2087428945 E info@bci-studio.com studio

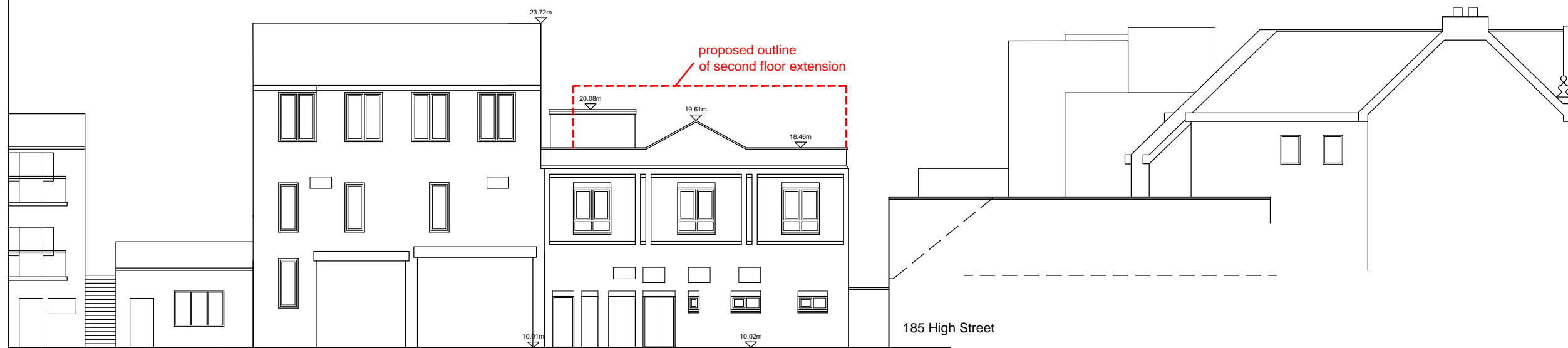
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Existing Street Scene Elevation 1 - QUEENS ROAD
 Datum: 8.00m

225



Existing Elevation 3 - FARRINGDON SERVICE ROAD
 Datum: 8.00m

REVISION ISSUED FOR PLANNING
 ISSUED 04/06/2018

1b QUEENS RD
 SOUTHEND-ON-SEA
 SS1 1LT

PROJECT ADDRESS

EXISTING STREET SCENES
 DRAWING SCALE 1:200@A3

AUTHOR OVS
 CHECKED MV

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 BCStudio 152-160 City Rd, London EC1V 2NX T+44 (0)2087428945 E info@bci-studio.com

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Proposed Street Scene Elevation 1 - QUEENS ROAD
Datum: 8.00m

227



Proposed Elevation 3 - FARRINGDON SERVICE ROAD
Datum: 8.00m

REVISION ISSUED FOR PLANNING
ISSUED 04/06/2018

1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT

PROPOSED
STREET SCENES
DRAWING SCALE 1:200@A3

AUTHOR OVS
CHECKED MV

DATE PROJECT 1422 DRAWING# 305# REV# 30i
BCIstudio 152-160 City Rd, London EC1V 2NX
T+44 (0)2087428945 E info@bci-studio.com studio

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Proposed Elevation 2 (Side Elevation)

Datum: 8.00m

1. EXISTING MATERIAL TO BE PRESERVED
2. FRENCH DOORS: ALUMINUM OPENABLE WINDOWS:
 - FRAMES INSULATED ALUMINUM PROFILES
 - FINISH: POLYESTER POWDER COATED TO MARINE BS IN RAL COLOR 7021 DARK GREY OR SIMILAR TO MANUFACTURER SPECIFICATION
 - GLAZING SYSTEM: DOUBLE GLAZED SEALED UNITS IN ACCORDANCE WITH BUILDING REGULATIONS, CLEAR GLASS
3. WINDOWS: AS PER 2 (NEW OPENABLE TILT AND TURN WINDOWS IN EXISTING OPENINGS)
4. WINDOWS: AS PER 3 IN NEW OPENINGS
5. SLIDING DOORS: AS PER 2 (OPENABLE, SLIDING ALUMINUM DOORS)
6. JULIET BALCONY:
 - 70 MM DIA HANDRAIL AND BRACKETED BOTTOM RAIL EXTRUDED ALUMINUM PROFILES, FINISH MATT SILVER ANODIZING SUITABLE FOR MARINE CONDITION
 - 10 MM TOUGHENED GLASS, CLEAR TINT WITH DOUBLE SIDED SELF-CLEANING GLASS COATED; GLASS TO BE INSTALLED ON FRONT PANELS/ SIDE GLASS PANELS OR SAFETY METAL POST TO BE INSTALLED ON SIDES TO COMPLY WITH BUILDING REGULATIONS OF MAX 10MM BALL SIZE GAP
 - COMPLIANT WITH BUILDINGS REGULATIONS
7. FRONT DOOR IN TIMBER WITH HORIZONTAL PANELS AND RAL 7021 DARK GREY FRAME
8. FIXED PANEL, DOUBLE GLAZING WITH SAFETY GLASS TO COMPLY WITH BUILDING REGULATIONS; FROSTED GLASS
9. FIXED PANEL, DOUBLE GLAZING TO COMPLY WITH BUILDING REGULATIONS; CLEAR GLASS
10. PLASTER PORTICO, PAINTED RAL 7021 DARK GREY WITH WITH "ADDRESS DETAILS SIGNAGE"
11. BRICK SLIPS CLADDING - BRICK FINISH "YELLOW BRICK TO MATCH BRICK ON EXISTING FACADE INSETS AND PARAPET"
12. STANDING SEAM PANEL FACADE CLADDING, 25 MM HEIGHT RIB VERTICAL, VENTILATED CLADDING SYSTEM, COLOR BROWN RED, SUITABLE FOR MARINE CONDITION
13. METAL SAFETY GUARD RAIL, RAL 7021 DARK GREY
14. PRIVACY SCREEN IN STRUCTURAL SAFETY FROSTED GLASS (OPAQUE) COMPLIANT WITH BUILDING REGULATIONS
15. HIGH QUALITY CONCRETE PANEL FACADE CLADDING, SUITABLE FOR MARINE ENVIRONMENT, COLOR DARK GREY RAL 7021, FINISH GROOVED

NOTES:

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REVISION ISSUED FOR PLANNING
ISSUED 05/06/2018

**1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT**

PROJECT ADDRESS

**PROPOSED
ELEVATION 2
(SIDE ELEVATION)**

DRAWING SCALE 1:100@A3

AUTHOR CHECKED

RT
MV

DATE PROJECT DRAWING# REV#
1422 350 # 30i
BCStudio 152-160 City Rd, London EC1V 2NX
T+44 (0)2087429945 E info@bci-studio.com studio

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Proposed Elevation 1 (Front Elevation - Queens Road)

Datum: 8.00m



Proposed Elevation 3 (Rear Elevation - Farringdon Service Road)

Datum: 8.00m

1. EXISTING MATERIAL TO BE PRESERVED
2. FRENCH DOORS: ALUMINUM OPENABLE WINDOWS:
 - FRAMES INSULATED ALUMINUM PROFILES
 - FINISH: POLYESTER POWDER COATED TO MARINE BS IN RAL COLOR 7021 DARK GREY OR SIMILAR TO MANUFACTURER SPECIFICATION
 - GLAZING SYSTEM: DOUBLE GLAZED SEALED UNITS IN ACCORDANCE WITH BUILDING REGULATIONS, CLEAR GLASS
3. WINDOWS: AS PER 2 (NEW OPENABLE TILT AND TURN WINDOWS IN EXISTING OPENINGS)
4. WINDOWS: AS PER 3 IN NEW OPENINGS
5. SLIDING DOORS: AS PER 2 (OPENABLE, SLIDING ALUMINUM DOORS)
6. JULIET BALCONY:
 - 70 MM DIA HANDRAIL AND BRACKETED BOTTOM RAIL EXTRUDED ALUMINUM PROFILES, FINISH MATT SILVER ANODIZING SUITABLE FOR MARINE CONDITION
 - 10 MM TOUGHENED GLASS, CLEAR TINT WITH DOUBLE SIDED SELF CLEANING GLASS COATED; GLASS TO BE INSTALLED ON FRONT PANELS/ SIDE GLASS PANELS OR SAFETY METAL POST TO BE INSTALLED ON SIDES TO COMPLY WITH BUILDING REGULATIONS OF MAX 10MM BALL SIZE GAP
7. COMPLIANT WITH BUILDINGS REGULATIONS
8. FRONT DOOR IN TIMBER WITH HORIZONTAL PANELS AND RAL 7021 DARK GREY FRAME
9. FIXED PANEL , DOUBLE GLAZING TO COMPLY WITH BUILDING REGULATIONS; CLEAR GLASS
10. PLASTER PORTICO, PAINTED RAL 7021 DARK GREY WITH WITH "ADDRESS DETAILS SIGNAGE"
11. BRICK SLIPS CLADDING - BRICK FINISH "YELLOW BRICK TO MATCH BRICK ON EXISTING FACADE INSERTS AND PARAPET
12. STANDING SEAM PANEL FACADE CLADDING, 25 MM HEIGHT RIB VERTICAL, VENTILATED CLADDING SYSTEM, COLOR BROWN RED, SUITABLE FOR MARINE CONDITION
13. METAL SAFETY GUARD RAIL, RAL 7021 DARK GREY
14. PRIVACY SCREEN IN STRUCTURAL SAFETY FROSTED GLASS (OPAQUE) COMPLIANT WITH BUILDING REGULATIONS
15. HIGH QUALITY CONCRETE PANEL FACADE CLADDING , SUITABLE FOR MARINE ENVIRONMENT, COLOR DARK GREY RAL 7021 , FINISH GROOVED

REVISION ISSUED FOR PLANNING
 ISSUED 05/06/2018

**1b QUEENS RD
 SOUTHEND-ON-SEA
 SS1 1LT**

**PROPOSED
 ELEVATIONS1&3
 (FRONT AND REAR
 ELEVATIONS)**

DRAWING SCALE 1:100@A3

AUTHOR RT
 CHECKED MV

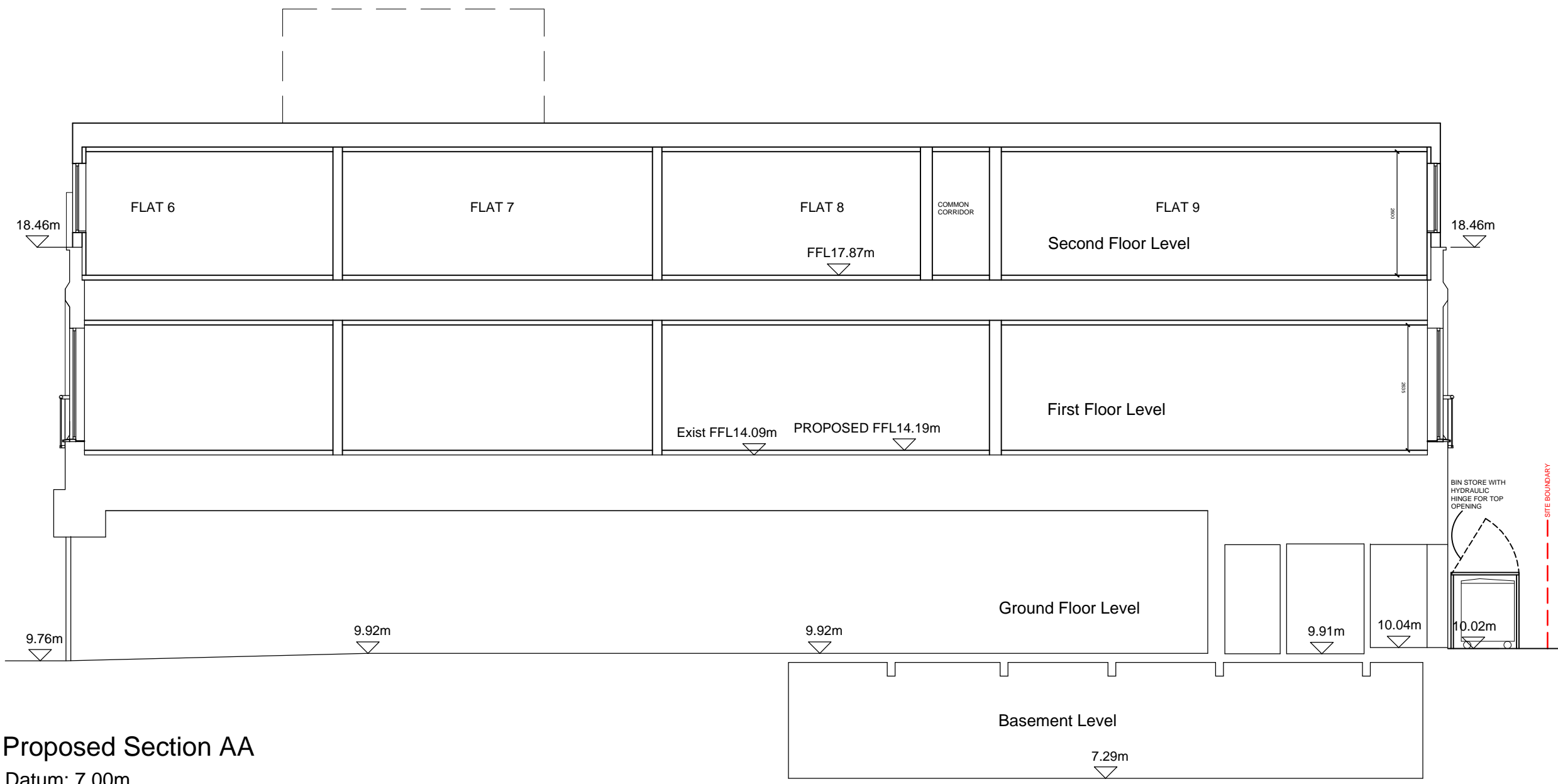
DATE PROJECT DRAWING# REV#
 1422 351 #

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Proposed Section AA
 Datum: 7.00m

#
 REVISION ISSUED FOR PLANNING
 ISSUED 04/06/2018

1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT
 PROJECT ADDRESS

PROPOSED
SECTIONS A-A
 DRAWING SCALE 1:100@A3

AUTHOR RT
 CHECKED MV

DATE PROJECT DRAWING# REV#
 1422 355 #
 BCStudio 152-160 City Rd, London EC1V 2NX
 T+44 (0)2087429945 E info@bci-studio.com **BCI studio**

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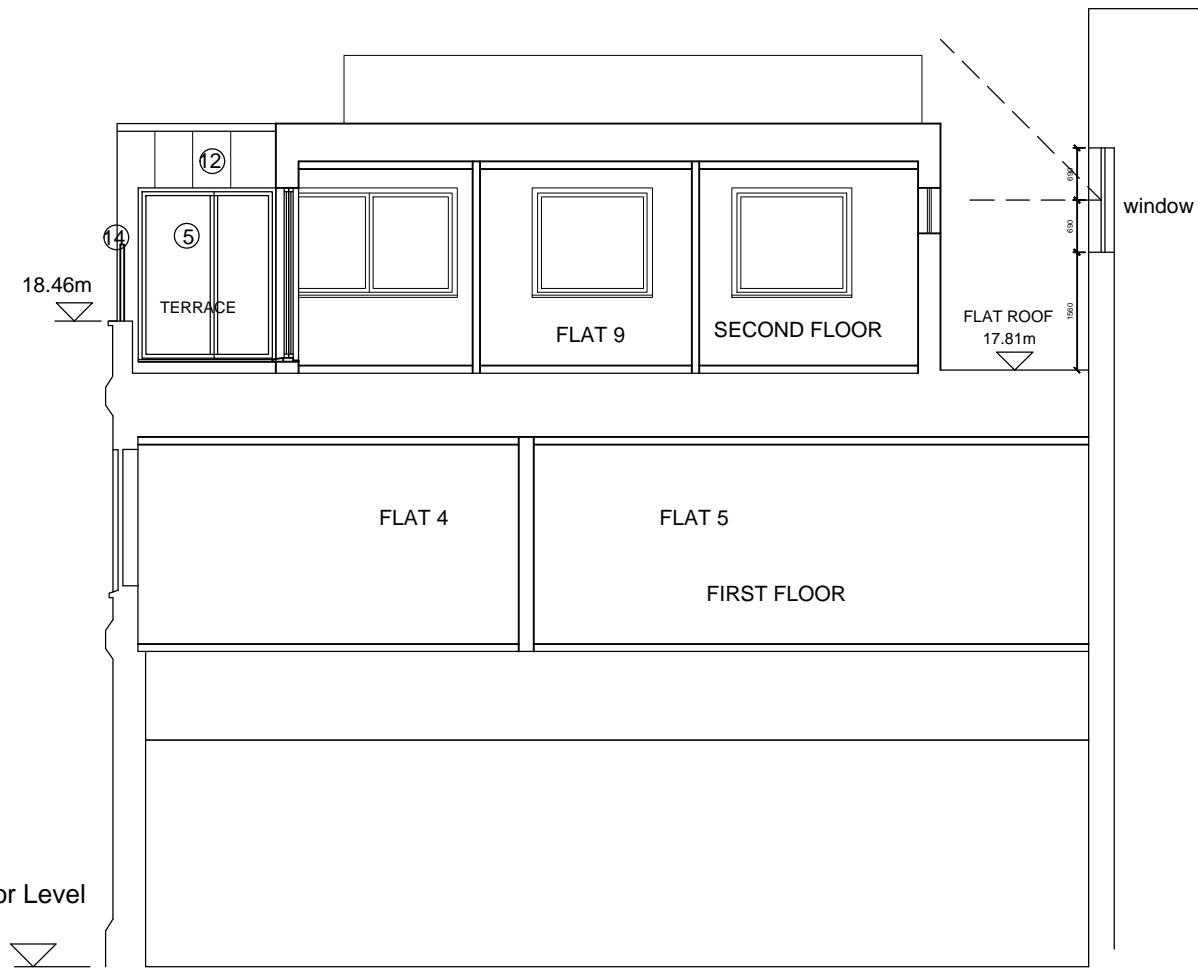
NOTES:

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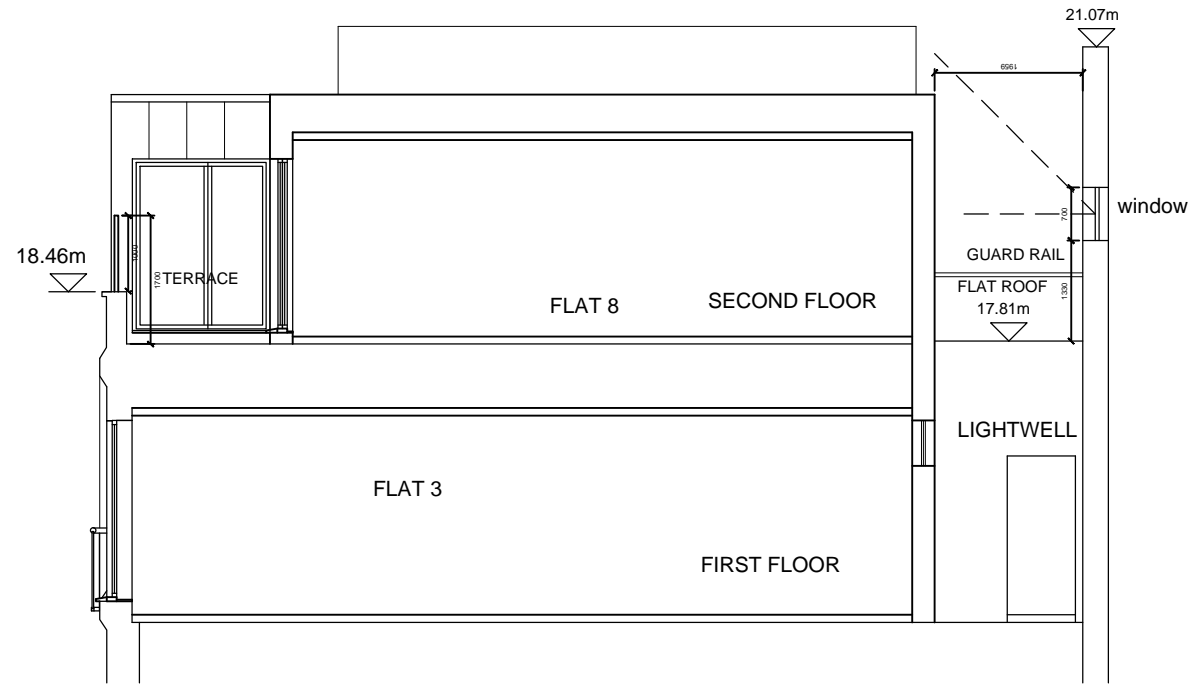
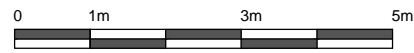
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Proposed Section BB

Datum: 8.00m



Proposed Section CC

1. EXISTING MATERIAL TO BE PRESERVED
2. FRENCH DOORS: ALUMINUM OPENABLE WINDOWS:
 - FRAMES INSULATED ALUMINUM PROFILES
 - FINISH: POLYESTER POWDER COATED TO MARINE BS IN RAL COLOR 7021 DARK GREY OR SIMILAR TO MANUFACTURER SPECIFICATION
 - GLAZING SYSTEM: DOUBLE GLAZED SEALED UNITS IN ACCORDANCE WITH BUILDING REGULATIONS, CLEAR GLASS
3. WINDOWS: AS PER 2 (NEW OPENABLE TILT AND TURN WINDOWS IN EXISTING OPENINGS)
4. WINDOWS: AS PER 3 IN NEW OPENINGS
5. SLIDING DOORS: AS PER 2 (OPENABLE, SLIDING ALUMINUM DOORS)
6. JULIET BALCONY:
 - 70 MM DIA HANDRAIL AND BRACKETED BOTTOM RAIL EXTRUDED ALUMINUM PROFILES, FINISH MATT SILVER ANODIZING SUITABLE FOR MARINE CONDITION
 - 10 MM TOUGHENED GLASS, CLEAR TINT WITH DOUBLE SIDED SELF CLEANING GLASS COATED; GLASS TO BE INSTALLED ON FRONT PANELS/ SIDE GLASS PANELS OR SAFETY METAL POST TO BE INSTALLED ON SIDES TO COMPLY WITH BUILDING REGULATIONS OF MAX 10MM BALL SIZE GAP
 - COMPLIANT WITH BUILDINGS REGULATIONS
7. FRONT DOOR IN TIMBER WITH HORIZONTAL PANELS AND RAL 7021 DARK GREY FRAME
8. FIXED PANEL , DOUBLE GLAZING WITH SAFETY GLASS TO COMPLY WITH BUILDING REGULATIONS; FROSTED GLASS
9. FIXED PANEL , DOUBLE GLAZING TO COMPLY WITH BUILDING REGULATIONS; CLEAR GLASS
10. PLASTER PORTICO, PAINTED RAL 7021 DARK GREY WITH WITH "ADDRESS DETAILS SIGNAGE"
11. BRICK SLIPS CLADDING - BRICK FINISH "YELLOW BRICK TO MATCH BRICK ON EXISTING FACADE INSETS AND PARAPET
12. STANDING SEAM PANEL FACADE CLADDING, 25 MM HEIGHT RIB VERTICAL, VENTILATED CLADDING SYSTEM, COLOR BROWN RED, SUITABLE FOR MARINE CONDITION
13. METAL SAFETY GUARD RAIL, RAL 7021 DARK GREY
14. PRIVACY SCREEN IN STRUCTURAL SAFETY FROSTED GLASS (OPAQUE) COMPLIANT WITH BUILDING REGULATIONS
15. HIGH QUALITY CONCRETE PANEL FACADE CLADDING , SUITABLE FOR MARINE ENVIRONMENT, COLOR DARK GREY RAL 7021 , FINISH GROOVED

#

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**1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT**

PROJECT ADDRESS

**PROPOSED
SECTIONS BB&CC**

DRAWING SCALE 1:100@A3

AUTHOR RT
CHECKED MV

DATE PROJECT DRAWING# REV#
1422 356 #

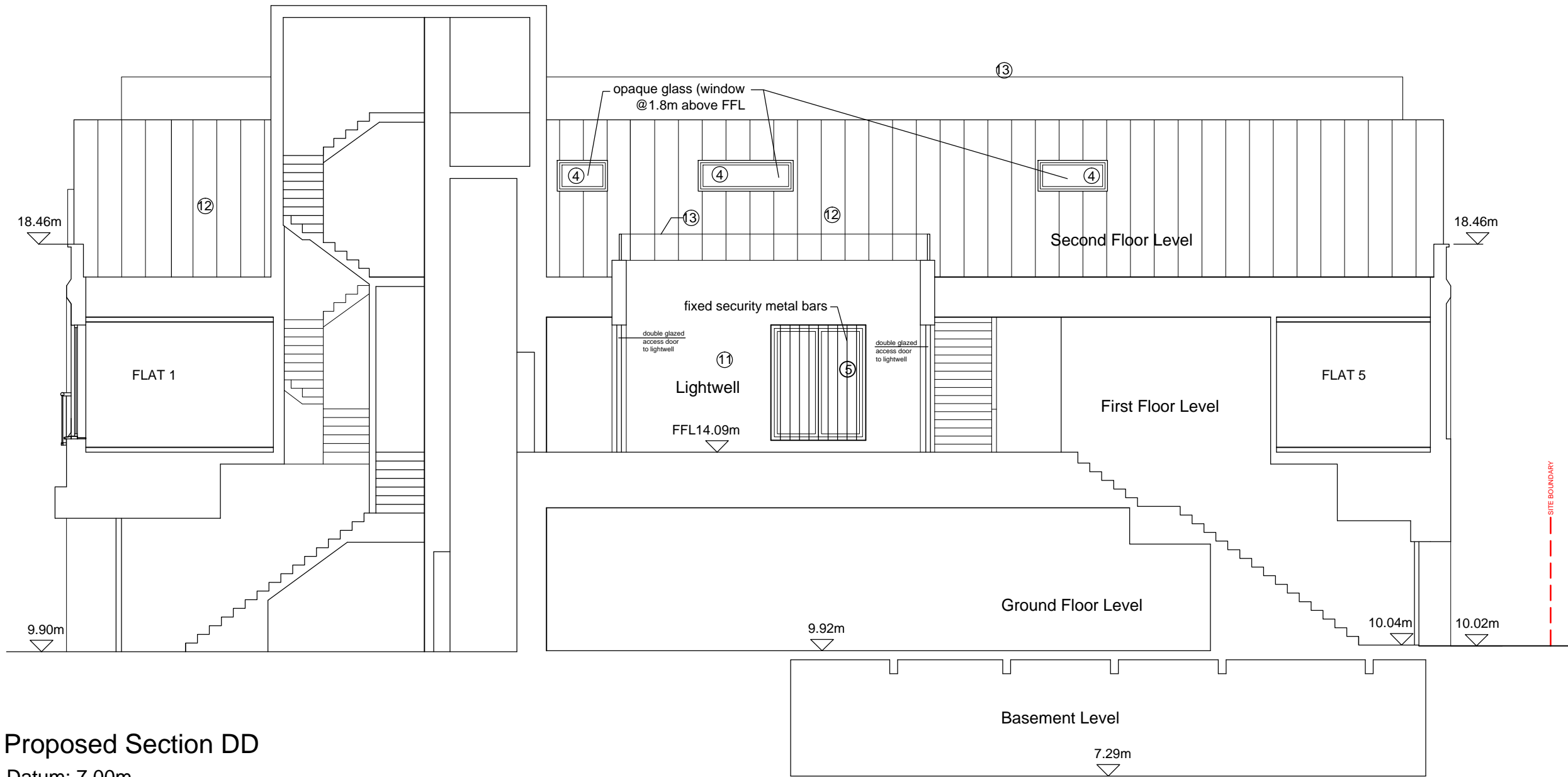
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BCI studio

235

Ground Floor Level
9.92m

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Proposed Section DD

Datum: 7.00m



- 1. EXISTING MATERIAL TO BE PRESERVED
- 2. FRENCH DOORS: ALUMINUM OPENABLE WINDOWS:
 - FRAMES INSULATED ALUMINUM PROFILES
 - FINISH: POLYESTER POWDER COATED TO MARINE BS IN RAL COLOR 7021 DARK GREY OR SIMILAR TO MANUFACTURER SPECIFICATION
 - GLAZING SYSTEM: DOUBLE GLAZED SEALED UNITS IN ACCORDANCE WITH BUILDING REGULATIONS, CLEAR GLASS
- 3. WINDOWS: AS PER 2 (NEW OPENABLE TILT AND TURN WINDOWS IN EXISTING OPENINGS)
- 4. WINDOWS: AS PER 3 IN NEW OPENINGS
- 5. SLIDING DOORS: AS PER 2 (OPENABLE, SLIDING ALUMINUM DOORS)
- 6. JULIET BALCONY:
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 - 10 MM TOUGHENED GLASS, CLEAR TINT WITH DOUBLE SIDED SELF CLEANING GLASS COATED; GLASS TO BE INSTALLED ON FRONT PANELS/ SIDE GLASS PANELS OR SAFETY METAL POST TO BE INSTALLED ON SIDES TO COMPLY WITH BUILDING REGULATIONS OF MAX 10MM BALL SIZE GAP
 - COMPLIANT WITH BUILDINGS REGULATIONS
- 7. FRONT DOOR IN TIMBER WITH HORIZONTAL PANELS AND RAL 7021 DARK GREY FRAME
- 8. FIXED PANEL, DOUBLE GLAZING WITH SAFETY GLASS TO COMPLY WITH BUILDING REGULATIONS; FROSTED GLASS
- 9. FIXED PANEL, DOUBLE GLAZING TO COMPLY WITH BUILDING REGULATIONS; CLEAR GLASS
- 10. PLASTER PORTICO, PAINTED RAL 7021 DARK GREY WITH WITH "ADDRESS DETAILS SIGNAGE"
- 11. BRICK SLIPS CLADDING - BRICK FINISH "YELLOW BRICK TO MATCH BRICK ON EXISTING FACADE INSETS AND PARAPET
- 12. STANDING SEAM PANEL FACADE CLADDING, 25 MM HEIGHT RIB VERTICAL, VENTILATED CLADDING SYSTEM, COLOR BROWN RED, SUITABLE FOR MARINE CONDITION
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- 15. HIGH QUALITY CONCRETE PANEL FACADE CLADDING, SUITABLE FOR MARINE ENVIRONMENT, COLOR DARK GREY RAL 7021, FINISH GROOVED

NOTES:

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**1b QUEENS RD
SOUTHEND-ON-SEA
SS1 1LT**

PROJECT ADDRESS

**PROPOSED
SECTIONS D-D**

DRAWING SCALE 1:100@A3

AUTHOR RT
CHECKED MV

DATE PROJECT 1422
DRAWING# 357 #
REV#
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Reference:	17/00130/UNAU_B	<h1>11</h1>
Ward:	Victoria	
Breaches of Control	Without planning permission, the unauthorised Development and Change of Use from an office (Use Class B1) and warehouse (Use Class B8) to 6 self-contained flats (Use Class C3)	
Address:	Viceroy House Rear of 117 Victoria Avenue, Southend on Sea, Essex. SS2 6EL	
Case Opened:	24 th May 2017	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



Site and Surroundings

- 1.1 The site contains a two storey building with car parking to the east and south of the building. This backland site is accessed between No's 117 and 119 Victoria Avenue and is bounded by residential properties to the east, south and west. To the north is a commercial garage. The streetscene to the south of the site is characterised by two storey semi-detached properties and terraced properties to the west of the site in Colchester Road.
- 1.2 The site is not the subject of any site specific policy designations.

2 Lawful Planning Use

- 2.1 Records indicate that the building has been used for both offices (falling within Use Class B1) and as a warehouse (falling within use Class B8).

3 Present Position

- 3.1 In January 2015 a complaint was received that the property was undergoing unlawful development into a number of flats. Reference (15/00012/UCOU_B)
- 3.2 In February 2015 Planning staff determined that the building was being subdivided into 6 units but that the intended use of those units was as offices or warehousing and therefore concluded that no material change of use had occurred. The enforcement case was consequently closed.
- 3.3 In May 2017 a further complaint was received concerning the installation of windows to the ground floor on the east wall facing residential properties in Colchester Road.
- 3.4 Planning staff attended the site and although it was not possible to access most of the units it appeared that the property had been converted into a number of unauthorised flats. Doors number 1-6 had been installed to the west side of the property along with several new window openings to both ground and first floors.
- 3.5 A Land Registry check established the owner.
- 3.6 Planning staff wrote to the owner concerning the unauthorised material change of use and operational development and invited a retrospective planning application.
- 3.7 Planning staff were informed that an architect had been engaged to submit a retrospective planning application and by August 2017 a planning application was received under reference (17/01252/FUL). The proposal was to change the use of a warehouse/commercial unit to 6 self-contained flats. The initial application was invalid and it took several weeks to reach a point where the application was valid.
- 3.8 The above application was determined on 8th February 2018 and was refused.
- 3.9 In June 2018 an amended planning application aiming to overcome the identified

harm was received under reference (18/01262/FUL).

3.10 The above application was refused on 23rd August 2018 for the following reasons.

- *The proposal fails to justify the loss of land which is currently in employment use contrary to the provisions of Policy DM11 of the Development Management Document (2015). The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework (2018), Policy CPI of the Southend on Sea Core Strategy (2007) and Policy DM11 of the Development Management Document (2015), which seeks to promote building a strong, competitive economy, and in the absence of an adequate justification case the Council has been unable to assess whether the loss of employment use is outweighed by the merits of the proposal.*
- *The development provides inadequate amenity for occupiers, by virtue of the building's siting, layout and design forming a contrived domestic design with inadequate internal space, a poor outlook, and poor levels of daylight for future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)*
- *The poor standard design and contrived layout to the rear elevation would result in material levels of overlooking and loss of privacy to the detriment of amenities enjoyed by existing occupiers in Colchester Road. This is unacceptable and contrary to the National Planning Policy Framework (2008), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of Development Management Document (2015), and the advice contained within the Design and Townscape Guide (2009)*

4 Policy Background and Appraisal

- 4.1 The policy background is fully set out in the attached Officers Report in respect of the refusal of planning application 18/01262/FUL at Appendix 'A'. Para 4.
- 4.2 The unauthorised change of use and operational works represent development for which express planning permission is required and in respect of which two retrospective planning applications have been refused.
- 4.3 Enforcement action should be considered where there is a breach of planning control and it is expedient to take formal action to seek to remedy demonstrable harm.
- 4.4 Here, demonstrable harm has been evidenced as listed under para 3.10. It is considered that the unauthorised development is sufficiently harmful to warrant enforcement action.
- 4.5 Service of an Enforcement Notice will not prejudice the owner's ability to submit, if they wish, a further planning application seeking to address the identified harm.
- 4.6 Taking enforcement action in this case may amount to an interference with the

owner/occupiers' Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to require the cessation of the use of the building as 6 flats.

5 Planning History

- 5.1 On 4th August 2017 a planning application was received under reference (17/01252/FUL). The proposal was to change the use of a warehouse/commercial unit to 6 self-contained flats. – Planning Permission refused on 8th February 2018.
- 5.2 On 26th June 2018 an amended planning application was received under reference (18/01262/FUL) – Planning Permission was refused on 23rd August 2018.

6 Planning Policy Summary

- 6.1 The following policies are set out fully within the officer report attached at Appendix 'A':

National Planning Policy Framework (2018)

Policies KP1, KP2, CP1, CP3, CP4 and CP8 of the Core Strategy (2007),

Policies DM1, DM2, DM3, DM5, DM7, DM8, DM11 and DM15 of the Development Management Document (2015),

Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018) and guidance contained within the Design and Townscape Guide (2009).

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to (a) secure cessation of the unauthorised use of the building as 6 self-contained flats. (b) removal of the window opening/s to the east wall facing Colchester Road, (c) removal of internal fixtures and fixings serving the residential use to include kitchen units, baths and showers, domestic appliances and domestic furniture, (d) cessation of the use of the yard area used for residential parking and (e) removal of all rubble and other materials and equipment associated with complying with the notice.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 6 months is deemed reasonable.

APPENDIX 'A'

Reference:	18/01262/FUL
Ward:	Victoria
Proposal:	Change of use of warehouse/commercial to six self-contained flats and external alterations (Class C3) (Retrospective) (Amended Proposal)
Address:	Viceroy House, 117-121 Victoria Avenue, Southend-On-Sea, Essex
Applicant:	Mr G Malekos
Agent:	APS Design Associates Ltd
Consultation Expiry:	03.08.2018
Expiry Date:	24.08.2018
Case Officer:	Charlotte White
Plan Nos:	2699 01, 2699 02 and 2699 03
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought retrospectively for the change of use of a warehouse and commercial premises to 6 flats (2 x 1 bedroom, 1 x 2 bedrooms and 3 x 3 bedrooms).
- 1.2 The external alterations proposed as part of this planning application include fenestration alterations, installation of roof lanterns and installation of privacy screens.
- 1.3 The internal floorspace of the flats are as follows:
 - Flat 1 – approximately 81sqm (2 bedroom, 3 person unit)
 - Flat 2 – approximately 39sqm (1 bedroom, 2 person unit)
 - Flat 3 – approximately 105sqm (3 bedroom, 6 person unit)
 - Flat 4 – approximately 92sqm (3 bedroom, 5 person unit)
 - Flat 5 – approximately 39sqm (1 bedroom/studio, 2 person unit)
 - Flat 6 – approximately 103sqm (3 bedroom, 6 person unit)
- 1.4 Two communal outside amenity spaces are proposed totalling some 118sqm to the side and front of the building. A communal refuse and separate cycle store are proposed to the southern side of the building.
- 1.5 The site is currently accessed from Victoria Avenue to the east of the site. 6 parking spaces are proposed as part of this development.
- 1.6 The application has been submitted with no supporting statements.
- 1.7 Planning permission was previously refused for a similar development to this proposal under reference 17/01252/FUL for the following reasons:

The proposal fails to justify the loss of land which is currently in employment use contrary to the provisions of Policy DM11 of the Development Management Document. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy (2007), Policy DM11 of the Development Management Document (2015), which seeks to promote building a strong, competitive economy, and in the absence of an adequate justification case the Council has been unable to assess whether the loss of employment use is outweighed by the merits of the proposal.

The development provides inadequate amenity for occupiers, by virtue of the building's siting, layout and design forming a cramped and contrived domestic design with inadequate internal and external space, a poor outlook, and poor levels of daylight. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design

and Townscape Guide (2009).

The poor standard design and contrived layout to the rear elevation would result in material levels of overlooking and loss of privacy to the detriment of amenities enjoyed by existing occupiers in Colchester Road. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of Development Management Document (2015), and the advice contained within the Design and Townscape Guide (2009).

- 1.8 The main changes proposed as part of this application include:
- Provision of roof lanterns.
 - Fenestration alterations.
 - Alterations to refuse and cycle storage facilities.
 - Provision of canopies to most of the front doors.
 - Details of amenity area and parking provided.
 - No supporting information has been submitted with this application – the previous application was submitted with marketing information which has not been provided with this application.

2 Site and Surroundings

- 2.1 The application site contains a two storey building with car parking to the east and south of the site. The site constitutes a backland site and is accessed between No's 117 and 119 Victoria Avenue. The site is bounded by residential properties to the east, south and west. To the north is a commercial garage. The streetscene to the south of the site is characterised by two storey semi-detached properties and terraced properties to the west of the site in Colchester Road.
- 2.2 The site has no specific allocation within the Development Management Document (2015). The Prittlewell Conservation Area is located to the north of the site. The site is located within the Victoria Gateway Neighbourhood Policy Area of the Southend Central Area Action Plan (SCAAP) (2018)

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, the design and impact on the character of the area, the standard of living conditions for future occupiers, the impact on residential amenity and highway implications and CIL.

4 Appraisal

Principle of the Development

National Planning Policy Framework (2018), Policies KP1, KP2, CP1, CP3, CP4 and CP8 of the Core Strategy (2007), Policies DM1, DM2, DM3, DM5, DM7, DM8, DM11 and DM15 of the Development Management Document (2015), Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018) and guidance contained within the Design and Townscape Guide (2009).

Employment

- 4.1 The site is located on land that has been previously developed. Paragraph 117 of the NPPF (2018) states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 4.2 The application form states that the previous use prior to the residential conversion of the building on the 19th October 2012 was for warehouse/commercial purposes constituting storage and distribution (Class B8) uses. The site is not designated by the Development Management Document for any specific use.
- 4.3 Policy CP1 of the Core Strategy states that permission will not be normally granted for development proposals that involve the loss of existing employment land unless it can be clearly demonstrated that the proposals will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.4 Policy DM11 Part 4 of the Development Management Document states:

"Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies".

- 4.5 Part 5 of Policy DM11 of the Development Management Document goes on to state:

"Outside the Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:

- (i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes; or*
- (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.*

It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use".

- 4.6 Appendix 4 Part c of the Development Management Document states:

"The appraisal will set out an analysis identifying the advantages and limitations of the site or premises in question to accommodate employment uses. For each limitation that is identified, a justification should be provided as to why it could not be overcome having regard to the introduction of alternative employment uses, general investment or improvements, or through competitive rental levels.

In addition, the appraisal should include, but is not limited to, the following analysis:

- 1. The relevant national, regional, local planning and economic policy context;*
- 2. The quality of the buildings/ site;*
- 3. The accessibility of the site and its ability to serve a range of employment uses*

having regard to private and public transport; and
4. Any constraints that will limit the future use of the site or premises for employment uses.

Additional marketing and market demand information, reflecting Part A and/ or Part B as set out above, may be used to support the appraisal.

Comparison with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises”.

- 4.7 This application has not been accompanied with any supporting information to justify the loss of the employment/commercial use of the site. The previously refused application (reference 17/01252/FUL) was accompanied by supporting information in the form of an advert from Eaton Green Commercial and Reliance Estates for the 6 commercial units however there were no specific dates as to when the storage and offices had been marketed.
- 4.8 Paragraph 120 of the NPPF (2018) states *‘Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan they should, as part of plan updated, reallocate the land for a more deliverable use...and in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.’*
- 4.9 Although the proposal will provide additional residential accommodation in accordance with Policy CP8 of the Core Strategy, the principle of redevelopment is contrary to policies KP1 and CP1 of the Core Strategy and Policy DM11 of the Development Management Document. The applicant has not demonstrated that there is no long term reasonable prospect of the site concerned being used for Class B purposes so criteria 5 (i) and (ii) of Policy DM11 of the Development Management Document have not been met. The proposal thus conflicts with Core Strategy Policy CP1 and Policy DM11 of the Development Management Document. This application has not been submitted with any supporting information to justify the loss of the employment use of the site and this application has therefore failed to overcome the first reason for refusal previously raised under reference 17/01252/FUL. It is therefore unacceptable and in conflict with policy in this regard.

Design and Impact on the Character of the Area (including the nearby adjoining Prittlewell Conservation Area)

The National Planning Policy Framework (2018); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM5 and the Design and Townscape Guide (2009)

- 4.10 Paragraph 124 of the National Planning Policy Framework (2018) states that *‘The creation of high quality 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.’*

- 4.11 In the Council's Development Management Document Policy DM1 states that 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."*
- 4.12 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surroundings and therefore wholly appropriate in its context.
- 4.13 The Design and Townscape Guide states that *"The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings."*
- 4.14 The existing building has been converted into residential flats. This application seeks to install new fenestration to the ground and first floors of the building and seeks to install privacy screens and canopies over the front doors. Whilst no objections are raised per se to the inclusion of additional fenestration the proposed arrangement to the rear elevation with an inset courtyard results in a poor quality overly contrived design which weighs against the proposed development.
- 4.15 Unlike the previous application, this application includes details of amenity areas and landscaping for the development. The proposal includes 2 communal amenity areas and landscaped areas to the front of the building. As such the development is considered acceptable in this respect and provides an acceptable setting for the building (subject to a condition requiring full landscaping details). As such the revised proposal has overcome this previous concern raised under reference 17/01252/FUL.
- 4.16 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 4.17 Paragraph 193 of the NPPF (2018) 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).'*
- 4.18 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 building and buildings within conservation areas, will be resisted, unless there is clear the 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 is no clear and convincing justification for this.'*

- 4.19 Policy PA8 of the SCAAP (2018) states that the Council will *‘ensure all development within and adjacent to Prittlewell Conservation Area, seeks to conserve and enhance the heritage assets and repair gaps in the frontage along Victoria Avenue...’*
- 4.20 The application site is located to the south of the Prittlewell Conservation Area. Given the separation between the site and the Conservation Area and the intervening buildings, resulting in very limited views of the site to and from the Conservation Area, it is considered that the proposal would have no material impact on the character or appearance of the Prittlewell Conservation Area. The proposal is therefore acceptable and policy compliant in this respect.
- 4.21 Whilst the proposal would not harm the character and appearance of the nearby Conservation Area and provides some landscaping to the site’s frontage to provide an acceptable setting for the development, the inset courtyard to the rear of the site results in a poor quality and overly contrived design. For this reason the development is unacceptable and conflicts with the National Planning Policy Framework (2018) and the above-mentioned policies of the development plan.

Standard of Accommodation:

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the guidance contained in the Design and Townscape Guide (2009).

- 4.22 Paragraph 127 of the NPPF (2018) states that planning policies and decisions should ensure that developments should *‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...’* It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

- Minimum property size for residential units shall be as follow:

- 1 bedroom (2 bed spaces) 50sqm
- 2 bedroom (3 bed spaces) 61sqm
- 3 bedroom (5 bed spaces) 86sqm
- 3 bedroom (6 bed spaces) 95sqm.

Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

4.23 The following is also prescribed:

Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.

Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

Storage: Suitable, safe cycle storage with convenient access to the street frontage.

Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.

Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.24 The internal floorspaces for the flats proposed are as follows:

- Flat 1 – approximately 81sqm (2 bedroom, 3 person unit)
- Flat 2 – approximately 39sqm (1 bedroom, 2 person unit)
- Flat 3 – approximately 105sqm (3 bedroom, 6 person unit)
- Flat 4 – approximately 92sqm (3 bedroom, 5 person unit)
- Flat 5 – approximately 39sqm (1 bedroom/studio, 2 person unit)
- Flat 6 – approximately 103sqm (3 bedroom, 6 person unit)

4.25 The sizes of the bed spaces serving both of the 1-bedroom flats would accommodate 2 people as the bedrooms sizes both exceed 11.5sqm and are shown on drawing 2699 03 to accommodate double beds. Their adequacy therefore needs to be considered on that basis. Both 1-bed units fall significantly below the minimum size required for 1-bedroom 2-person units and would therefore provide unacceptable living conditions for any future occupiers of the site and are contrary to national and local planning policy in this respect. This is not off-set by any other aspects of the proposal such as, for example, a particularly generous external amenity area dedicated to those units.

4.26 There is also concern with respect to the outlook and daylight serving the flats, given a number of habitable rooms face a boundary wall to the north of the site, which is unacceptable. Similarly habitable rooms to all 6 flats are only served by windows which overlook a small rear courtyard which is separated by privacy screens. This would result in poor outlook and limited daylight which is unacceptable and contrary to national and planning policy. An objection is therefore maintained to the proposal on this basis.

- 4.27 Policy DM8 of the Development Management Document states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. In this instance and as with the previously considered application, given that the proposals relate to an existing building rather than the erection of a new building, it is considered that it is not reasonable or feasible to require compliance with the abovementioned standards.
- 4.28 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.29 Whilst the Council's Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”.*
- 4.30 The proposed flats will be provided with 2 amenity areas. One area measures some 50sqm and is located on the north-east, front of the site and the other measures some 68sqm and is located to the southern side of the site, to the south of the building. Whilst the amenity areas are located adjacent to the parking spaces, the plans indicate that hedging will be provided to separate the parking from the amenity spaces. The overall size and shape of the amenity spaces proposed will provide usable outside space for the occupiers of the development. Subject to a condition requiring full landscaping details no objection is therefore raised on this basis and the proposal is acceptable and policy compliant and has overcome the previous concerns raised in this regard under reference 17/01252/FUL.
- 4.31 Given the substandard sizes of the 1-bedroom 2 person units and the lack of light and outlook provided to habitable rooms to all flats overlooking the rear courtyard area, the proposal would provide substandard living conditions and is found to be unacceptable and contrary to policy in these regards.

Traffic and Transport Issues

National Planning Policy Framework (2018), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.32 Policy DM15 of the Development Management Document states that 1 and 2+ bedroom flats should be provided with a minimum of 1 off-street car parking space.
- 4.33 The plans submitted indicate that 6 parking spaces will be provided within the courtyard at the front of the site. As such each flat will be provided with 1 parking space and the development is therefore acceptable and policy compliant in this respect.

- 4.34 Refuse and cycle storage can be successfully accommodated within the site and further details can be required as a condition in the event of any grant of planning permission.

Impact on Residential Amenity

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and guidance contained within the Design and Townscape Guide (2009)

- 4.35 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.36 The northern side windows overlook the flank wall of the adjoining commercial garage and as such would not result in any material overlooking or loss of privacy. The front windows would be located some 24m from the back of the dwellings fronting Victoria Avenue including No's 121, 119 and 117 Victoria Avenue which is considered acceptable. The southern windows would be located some 8.5m from the southern boundary of the site. The southern windows overlook only the rear part of the gardens of dwellings to the south and it is noted that there were existing windows on this elevation. As such it is considered that the proposal would not result in any material harm in terms of overlooking or loss of privacy to the north, east or south.
- 4.37 To the western rear of the site, in an attempt to avoid overlooking a courtyard with privacy screens has been created. This courtyard creates separate concerns in terms of design and living conditions for the occupiers, as discussed above. Whilst side windows are provided within the courtyard, the 1 bedroom flats retain rear windows which serve habitable rooms and are located only approximately 3.6m from the rear boundary of the adjoining dwellings to the rear in Colchester Road. This is unacceptable and would result in material harm to the residential amenity of the adjoining dwellings in Colchester Road in terms of overlooking and loss of privacy. The development is unacceptable and contrary to policy in this respect.
- 4.38 In considering any further application it would also be necessary to prevent use of the building's flat roof as an amenity area, an issue which has been raised in representations against the current proposal.
- 4.39 Given that the proposal is for the change of use of the building and the development does not seek to increase the size of the building, the development would not result in any material harm to the adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure.
- 4.40 Taking into account the previous commercial use of the site with its associated servicing and deliveries, it is considered that the provision of 6 dwellings would

result in less noise and disturbance than the previous use on the site. The proposal is therefore acceptable and policy compliant in this respect.

- 4.41 As such it is considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and is therefore unacceptable and contrary to planning policy as detailed above.

Community Infrastructure Levy

- 4.42 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, the case for the loss of the former employment use of the land has not been evidenced. The contrived internal layout of the flats, their limited outlook, poor levels of natural light and inadequate levels of internal amenity areas, is found to result in unacceptable living conditions for occupiers of the site. The inset courtyard results in poor design and the development would result in material harm to the residential amenity of the adjoining dwellings to the rear in Colchester Road in terms of overlooking and loss of privacy. The proposal is considered unacceptable and contrary to development plan policy in each of these regards. Any benefits, arising from the change to residential use would not outweigh this harm.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018) including Chapters 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy), 11 (Making effective use of land), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment).
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix), DM8 (Residential Standards), DM11 (Employment Areas), DM15 (Sustainable Transport Management).
- 6.4 Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).
- 6.5 Design & Townscape Guide (2009)
- 6.6 Waste Management Guide
- 6.7 Community Infrastructure Levy CIL Charging Schedule

7 Representation Summary

Public Consultation

Highways Team

- 7.1 The proposal is accessed via an existing access way which leads to a parking area for 6 vehicles. The layout of the parking area ensures that vehicles can enter and leave in a forward gear which is required as Victoria Avenue is a classified road. Secure cycle parking has also been provided. It is not considered that the proposal will have a detrimental impact upon the public highway and the change of use would generate similar volume of traffic movements as the existing use. Therefore no highway objections are raised.

Waste Management Team

- 7.2 The proposed plans show that a bin store is proposed for this development

In order to comment further on this proposal it is necessary to understand the proposal for waste collection in more detail (for example, the size and design of the bin stores, how much recycling and waste capacity has been incorporated into the design, distances crews will be required to wheel bins to collection vehicles, etc.).

Environmental Health Team

- 7.3 Conditions recommended:

1. Construction hours shall be restricted to 8am – 6pm Monday to Friday, 8am- 1pm Saturday and not at all on Sundays or Bank Holidays.
2. During construction and demolition there shall be no burning of waste material on site.

- 7.4 A site notice was displayed and 35 neighbours were notified of the proposal. 4 neighbour objections have been received which make the following summarised comments:

- Unsuitable for residential use.
- Cramped and contrived.
- Already lots of apartments being created in Southend, particularly in Victoria Avenue and Baxter Avenue – why are 6 more needed in an area used for light industry and retail.
- Residential amenity concerns including loss of privacy to Colchester Road. Windows cannot overlook Colchester Road.
- Concerns that right of way at rear of gardens in Colchester Road will be impacted. When rear windows are open it limits access to the alleyway to the rear and causes health and safety issues.
- Nothing to stop tenants accessing roof – if roof used as a garden results in overlooking. Roof has already been used by residents.
- Lack of information regarding the privacy screens. Concerns screens could be removed and balconies created.
- Is not residential, is commercial and should not have anyone living there. Lack of commercial premises in area.
- Ground floor side window that has been inserted looks directly

- into garden and kitchen causing loss of privacy.
- Design concerns – windows installed poorly and create an eyesore.
- Noise from flats restricting garden use, especially as there is no fence.
- Smells from cooking in flats is a concern and comes into garden.
- Concerns that the application has been submitted as a retrospective application and doesn't have planning permission.
- Concerns about the way in which building work has been undertaken at the site without permission.
- Impacts on pets.

These concerns are noted and they have been taken into account in the assessment of the application.

8 Relevant Planning History

- 8.1 17/01252/FUL – Change of use of warehouse/commercial to six self-contained flats (Class C3) (Retrospective) – planning permission refused 8 February 2018.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposal fails to justify the loss of land which is currently in employment use contrary to the provisions of Policy DM11 of the Development Management Document (2015). The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework (2018), Policy CP1 of the Southend on Sea Core Strategy (2007) and Policy DM11 of the Development Management Document (2015), which seeks to promote building a strong, competitive economy, and in the absence of an adequate justification case the Council has been unable to assess whether the loss of employment use is outweighed by the merits of the proposal.**
- 02 The development provides inadequate amenity for occupiers, by virtue of the building's siting, layout and design forming a contrived domestic design with inadequate internal space, a poor outlook, and poor levels of daylight for future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 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 poor standard design and contrived layout to the rear elevation would result in material levels of overlooking and loss of privacy to the detriment of amenities enjoyed by existing occupiers in Colchester Road. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of Development Management Document (2015), and the advice contained within the Design and Townscape Guide (2009).**

The Local Planning Authority has acted positively and proactively in

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

Informative

- 01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.**



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24 05 2017

Reference:	18/00018/UNAU_B	<h1>12</h1>
Ward:	Eastwood Park	
Breaches of Control	Without planning permission, the construction of two dormer windows to the front and north side elevations.	
Address:	137 Rayleigh Road, Eastwood, Essex, SS9 5XE	
Case Opened:	30 th January 2018	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 137 Rayleigh Road is a detached bungalow on the western side of Rayleigh Road at the junction with Willow Close. The site is prominent in the streetscene in which there are clear views of the front and north side and open views of the roof to the rear and south sides. The area is residential and characterised by mostly hipped roof detached or semi-detached bungalows especially on the west side of the road. One or two bungalows have visible dormers but they are not commonplace in the streetscene. The east side is more varied in character and includes some houses.
- 1.2 There are no heritage or other designations in this area.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

3 Present Position

- 3.1 On 30th August 2017 a planning application was received by the Local Planning Authority (LPA), reference 17/01534/FULH, proposing the erection of a single storey rear extension, a loft conversion with four dormers to the sides, front and rear and to alter elevations to form habitable accommodation.
- 3.2 That application was refused on 20th November 2017 as the combination of the proposed dormers would represent a discordant, incongruous and overly dominant feature which would be detrimental to the character and appearance of the host property and also the area more widely.
- 3.3 On 30th November 2017 a planning application was received by the LPA, reference 17/02128/FULH, with an amended proposal to erect a single storey rear extension, a loft conversion with three dormers to the sides and rear and to alter elevations to form habitable accommodation.
- 3.4 On 18th January 2018 during a site visit by a Planning Officer it was established that four dormers had been substantially built and works on the single storey extension had commenced.
- 3.5 On 18th January 2018, the agent was emailed and queried that the developments on site were well underway including a dormer to the front elevation which was not part of the proposal for application 17/02128/FULH. The agent was asked if the owner intended to amend the scheme to include the front dormer or whether it was proposed to remove it.
- 3.6 On 24th January 2018 the agent requested that the application be determined as submitted.
- 3.7 The application reference 17/02128/FULH was refused on 25th January 2018 as the combination of the proposed dormers would represent a discordant, incongruous and overly dominant feature which would be detrimental to the

- character and appearance of the host property and also the area more widely.
- 3.8 In January 2018 an enforcement case was raised following the refused applications, 17/01534/FULH and 17/02128/FULH, and on the basis that unauthorised works were being carried out on site. A copy of the officer reports for these applications are attached as Appendices 1 and 2.
 - 3.9 In February 2018 Planning Enforcement Staff visited the site noting its substantial redevelopment and spoke to the builder who expressed interested in a resolution.
 - 3.10 On 2nd March 2018 two separate Lawful Development Certificates (proposed) were received by the LPA. Application 18/00394/CLP proposed a single storey rear extension and to alter elevations. Application 18/00396/CLP proposed three dormers to the sides and rear to form habitable accommodation in the roof, a single storey rear extension and to alter elevations.
 - 3.11 Meanwhile an appeal was received against the refusal of application 17/01534/FULH. That appeal was decided on 5th April 2018. A copy is attached as Appendix 3. The Inspector concluded that the combined effect of the dormers materially alters the simple original roof form, by together adding considerable bulk and mass to it and unbalancing the proportions of the host dwelling, giving it a 'top heavy' appearance. Moreover, the different designs to the sides, front and rear draws further attention to these features and gives them an incongruous, uneven appearance that harmfully undermines the simple design of the host dwelling in its original form. It was therefore concluded that the proposal has an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. The appeal was dismissed.
 - 3.12 On 15th May 2018 the two applications, 18/00394/CLP and 18/00396/CLP, were refused as the development constitutes development requiring planning permission.
 - 3.13 During July 2018 Planning Enforcement Staff visited the site and corresponded with the home owners and their builder.
 - 3.14 On 27th July 2018 Planning Staff emailed the builder explaining that a letter was to be sent advising that permission should be sought for a lesser scheme which would address the appeal decision findings. It advised that if no response was received the following 14 days authorisation would be sought for the issuance of an Enforcement Notice at the next available Development Control Committee.
 - 3.15 On 16th August 2018 an email was received from the home owner confirming their intention to submit a new planning application for modified works.
 - 3.16 On 24th August 2018 a planning application was received 18/01607/FULH, proposing to erect dormers to the rear and south side elevation, erect a single storey rear extension only and to erect a porch and install rooflights to front and north side elevation (part-retrospective). The unauthorised dormers to the front and north side elevation existing on site are not part of the above application.
 - 3.17 Application reference 18/01607/FULH is due to be determined by 25th October 2018.

4 Appraisal and Policy Background

- 4.1 Policies KP2 and CP4 of the Southend Core Strategy and Policies DM1 and DM3 of the Southend Development Management Document all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area. These policies are consistent with the National Policy Framework.
- 4.2 The Design and Townscape Guide provides detailed guidance in support of these development plan policies and states that additional roof accommodation within existing properties must respect style, scale and form of the existing roof design and the character of the wider townscape.
- 4.3 The appeal Inspector concluded that the combined effect of the four dormers materially alters the simple original roof form, by together adding considerable bulk and mass to it and unbalancing the proportions of the host dwelling, giving it a 'top heavy' appearance. Moreover, the different designs to the sides, front and rear draws further attention to these features and gives them an incongruous, uneven appearance that harmfully undermines the simple design of the host dwelling in its original form.
- 4.4 Particular to this report seeking enforcement authority, it is concluded that the unauthorised dormers to the front and north side elevation are the elements of the overall unauthorised developments that cause material harm contrary to policy requirements.
- 4.5 Planning application 18/01607/FULH, proposes to erect dormers to the rear and south side elevation only. This aims to address the harm identified within the previous planning refusals and dismissal of the planning appeal by proposing to retain only the dormers to the rear and south side elevation and not to seek permission for the front and north side elevation dormers suggesting that these would be voluntarily removed. A decision on that application will be made shortly. In the event that planning application 18/01607/FULH is approved it will enable a means for the owner to address the harm.
- 4.6 If that planning application is refused then the identified harm will remain. As it is at the owner's volition as to whether to implement any alternative approved scheme and in view of the conflict with policy requirements, it is considered expedient to pursue enforcement action to secure the removal of the dormer windows to the front and north side elevation. This will ensure that if the owner does not voluntarily remove the two unauthorised dormers, irrespective of the outcome of the latest planning application, then this Council has a robust mechanism in place to require their removal.
- 4.7 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to remove the unauthorised developments.

5 Relevant Planning History

- 5.1 17/01534/FULH – Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations – Permission refused.
- 5.2 17/02128/FULH – Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations (amended proposal) – Permission refused.
- 5.3 18/00394/CLP - Single storey rear extension and alter elevations – Permission refused.
- 5.4 18/00396/CLP - Three dormers to sides and rear to form habitable accommodation in roof, single storey rear extension and alter elevations – Permission refused.
- 5.5 18/01607/FULH - Erect dormers to rear and south side elevation, erect single storey rear extension and porch and install rooflights to front and north side elevation (part-retrospective) – Pending consideration

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2018).
- 6.2 Core Strategy (2007) Policies KP1 and KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land).
- 6.4 Design and Townscape Guide (2009).

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the removal of the dormer windows to the front and north side elevation.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is deemed reasonable.

Appendix 1 – Officer Report in refused application reference
17/01534/FULH.

Reference:	17/01534/FULH
Ward:	Eastwood
Proposal:	Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations
Address:	137 Rayleigh Road Eastwood Essex SS9 5XE
Applicant:	Mr Duce
Agent:	gclarkitecture
Consultation Expiry:	16.10.17
Expiry Date:	20.11.17
Case Officer:	Abbie Greenwood
Plan No's:	RR-DU-01, RR-DU-02, RR-DU-03, RR-DU-04, RR-DU-05, RR-DU-06, RR-DU-07
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 The application seeks planning permission to erect a single storey rear extension, convert the roof to habitable accommodation, erect 4 dormers, one on each side and one each to the front and rear and alter the south and north elevations.
- 1.2 The rear extension is proposed as 3.6m deep, 8m wide, spanning the whole width of the property, with an eaves height of 2.6m and a maximum height of 4.2m. It is proposed to extend the main hipped roof of the bungalow at a lower pitch to cover the rear extension. The proposed materials are render and tile to match the existing property.
- 1.3 One dormer is proposed to each of the four roofslopes. To the front and rear the dormers are hipped measuring 2m wide, 2.5m tall with a projection of 2.1m. The dormers to the side are flat roofed box style dormers with a width of 3.6m, a height of 1.9m and a depth of 2.4m. The dormers are shown on the drawing as being tiled but this is unconfirmed.
- 1.4 It is also proposed to demolish the top half of the feature chimney on the north side and insert a new door and 3 small windows on the south side.

2 Site and Surroundings

- 2.1 The site is a detached bungalow on the western side of Rayleigh Road at the junction with Willow Close. It is very exposed in the streetscene having clear views of the front and north side and open views of the roof to the rear and south sides.
- 2.2 The area is residential and characterised by mostly hipped roof detached or semi-detached bungalows especially on the west side of the road. One or two have visible dormers but they are not commonplace in the streetscene. The east side is more varied in character and includes some houses.
- 2.3 There are no heritage or other designations in this area.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, design and the impact on the street-scene and any impact on neighbouring properties. It is not considered that there are any highways implications arising from this proposal.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP2 and CP4, Development Management DPD Policies DM1, DM3, and DM15. and SPD1 (Design & Townscape Guide (2009))

- 4.1 This proposal is considered in the context of the above policies. These policies and guidance support alterations and extensions to properties where they respect

the character of the locality and the amenities of neighbours. The principle of an extension in this location is therefore acceptable.

Design

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP2 and CP4, Development Management DPD (2015) Policies DM1, DM3 and DM15. and Southend Design & Townscape Guide (2009)

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. This is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy.
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*.
- 4.4 Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.*
- 4.5 In relation to the design of new development and extensions, Policy DM1 of the Development Management DPD 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”*
- 4.6 In relation to dormer windows the Design and Townscape Guide para 366 states *‘Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*
- 4.7 There is no objection in principle to a single storey rear extension on this property and the proposed design and scale seems reasonable in this context. There is a concern, however, with the impact of the proposed dormers. Four dormers on a single bungalow in such an exposed location will be a dominant addition to the property and to the streetscene and the overall impact of this element of the proposal is not considered to be an incidental addition to the roofscape. In addition to the concern over the number of dormers proposed there is also a concern that because the dormers are of different designs, they will appear as an uncoordinated and incongruous addition to the property. Dormers are not a

common feature in this area and it would be more appropriate to reduce the number to 2 only of the same design.

- 4.8 There are no objections to the proposed door and windows at ground floor to the south side which is screened from the street, however, the proposal to remove only half of the feature chimney on the north side which faces Willow Close, would result in an unresolved elevation to this side and be rather awkward in the streetscene. It is recommended that the chimney remain as existing as this does not seem to interfere with the proposal and is a positive feature of the property.
- 4.9 Overall therefore, it is considered that whilst there is no objection to the rear extension, the number and design of the proposed dormers would dominate the existing property and would appear as an incongruous addition to the roof scape and the wider streetscene.

Impact on Neighbouring Properties

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP2 and CP4, Development Management DPD (2015) Policies DM1, DM3 and DM15. and Southend Design & Townscape Guide (2009)

- 4.10 Policy DM1 of the Development Management DPD also states 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.”*
- 4.11 The site is located on a corner with only one close neighbour to the south number 135 Rayleigh Road. This property is a semi-detached bungalow which has two windows on the north side facing the application property, one of which is obscured and one which is clear most likely serving a bedroom or other habitable room. There is a separation distance of around 2m between the properties.
- 4.12 The rear building line of 135 extends significantly past that of the application property and as such the proposed rear extension would remain behind that of the neighbour. The impact of this element of the proposal is therefore considered to be acceptable. A dormer is also proposed on the south roofslope facing number 135. This dormer has two windows, one serving a bathroom, which will be obscured, and one is a secondary window to the rear bedroom. This window is could be conditioned to be obscured as it is not the primary outlook for this room. It is therefore considered that the proposal would not have a detrimental impact on the amenities of the neighbour to the south.
- 4.13 To the north number 143 Rayleigh Road is across the junction of Willow Close and the separation distance between the proposed dormer on this side and number 147 is at least 12.5m. It is considered that this is sufficient not to result in unreasonable overlooking from this dormer.
- 4.14 To the west the nearest property in Willow Close is set over 15m from the proposed rear dormer so again this is considered to be sufficient not to give rise to overlooking of this property.
- 4.15 The impact on the surrounding neighbours is therefore considered to be

acceptable.

Highways and Transport Issues

National Planning Policy Framework, Policy KP2, CP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3, and DM15 and the Design and Townscape Guide

- 4.16 The proposal will not result in any net loss of parking at the property.

Community Infrastructure Levy

- 4.17 The proposed extensions equate to less than 100sqm of new floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

5 Conclusion

- 5.1 The proposed dormers, by reason of their design, scale, siting and form are considered to have an incongruous and overly dominant impact on the character of the existing property and the wider area. It would therefore be contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within Design and Townscape Guide (2009).

6 Planning Policy Summary

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy 2007 Policies KP2 (Development Principles), CP2 (Town Centre and Retail Development) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Plan Document 2: Development Management Document 2015 Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Public Consultation

- 7.1 4 neighbouring properties were notified of the proposal. No representations were received.

8 Relevant Planning History

- 8.1 06/01467/FUL- form vehicular access onto Rayleigh Road.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

01 The proposed dormer windows would, by reason of their number, design, size, scale and siting, represent a discordant, incongruous and overly dominant feature, which would be detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Informatives

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

Appendix 2 – Officer Report in refused application reference
17/02128/FULH.

Reference:	17/02128/FULH
Ward:	Eastwood
Proposal:	Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides and rear and alter elevations (Amended Proposal)
Address:	137 Rayleigh Road Eastwood Essex SS9 5XE
Applicant:	Mr Duce
Agent:	gclarkitecture
Consultation Expiry:	10 th January 2018
Expiry Date:	25 th January 2018
Case Officer:	Julie Ramsey
Plan No's:	RR-DU-01, RR-DU-02, RR-DU-03, RR-DU-06, RR-DU-08, RR-DU-09, RR-DU-10
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 The application seeks planning permission to construct a single storey rear extension, convert the loft into habitable accommodation with three dormers, one on each side and one to the rear, roof lights to the front and alter the south and north elevations.
- 1.2 The rear extension measures 1.8m deep, 8m wide, spanning the whole width of the property, with an eaves height of 2.6m and a maximum height of 4.2m. It is proposed to extend the main hipped roof of the bungalow out over the rear extension. The proposed materials are render, tile and white uPVC doors and Grey powder coated aluminium windows.
- 1.3 Two dormers are proposed to each side and one to the rear. The dormer to the rear is hipped measuring 2m wide, 2.2m high and 2.1m deep. The dormers to the side are flat roofed box style dormers with a width of 3.6m, a height of 1.9m and a depth of 2.4m.
- 1.4 The existing feature chimney on the north side has been demolished. The proposal also includes a new door and three small windows on the south side.
- 1.5 This application follows a recent refusal, application No. 17/01534/FULH - Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations.
- 1.6 The reason for refusal is as follows:

The proposed dormer windows would, by reason of their number, design, size, scale and siting, represent a discordant, incongruous and overly dominant feature, which would be detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 1.7 The amended proposal has removed the front dormer. All other aspects of the proposal remain unaltered.
- 1.8 However, following the refusal of the previous application and a subsequent site visit, works appear to have continued at the site with all four previously proposed dormers partly constructed. The front dormer has been omitted from this amended proposal and the Agent has asked for the application to be determined as submitted.

2 Site and Surroundings

- 2.1 The site is a detached bungalow on the western side of Rayleigh Road at the junction with Willow Close. It is very visible in the streetscene, given the corner plot location and there are clear views of the front and north side and open views of the roof to the rear and south sides.

2.2 The area is residential in character and the surrounding area is mostly made up of hipped roof detached and semi-detached bungalows, particularly on the west side of the road. One or two properties have visible dormers but they are not commonplace within the streetscene. The east side of the street is more varied in character and includes some houses.

2.3 There are no heritage or other designations in this area.

3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, design and the impact on the character of the area, any impact on residential amenity and whether the revised proposal has overcome the reason for refusal.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design & Townscape Guide (2009)

4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Policy DM1 which addresses design quality. These policies and guidance support extensions and alterations to residential properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and an extension or an alteration to the property is considered acceptable in principle, subject to detailed considerations discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design & Townscape Guide (2009)

4.2 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document (2015). The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

4.3 According to 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”*.

- 4.4 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”*.
- 4.5 Paragraph 348 of The Design and Townscape guide (2009) stipulates that *‘Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form’*
- 4.6 Paragraph 366 of The Design and Townscape Guide goes on to state that *‘Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*
- 4.7 The proposed rear extension is of an acceptable design and is of a scale proportionate to the existing bungalow. The extension is integrated into the main dwelling by extending the roof over the rear extension. Rooflights and bi-fold doors are proposed to the rear elevation.
- 4.8 The additional doors and windows to the south side are considered appropriate as the internal layout has been re-configured. The additional windows would serve an en-suite and W.C and the side door would allow access to the utility room.
- 4.9 Concerns were raised in the previously refused application regarding the retention of the feature chimney on the north side which faces Willow Close, however following a recent site visit the chimney has been demolished.
- 4.10 The revised proposal has removed the front dormer, with the side and rear dormers remaining. These are unchanged in both design and size.
- 4.11 The concern regarding the impact of the proposed dormers therefore remains. The three proposed dormers to the bungalow located within a highly visible and prominent corner plot would be a dominant addition to the property, the streetscene and the overall impact of the dormers would not appear to be an incidental addition to the existing roofscape.
- 4.12 This concern is exacerbated by the design differences of the proposed dormers. The combination of box dormers to the side and a hipped roof dormer to the rear would appear as uncoordinated and incongruous additions to the bungalow. Dormers are not a strong feature of the streetscene and therefore the proposed

dormers would be an awkward and incongruous addition to the existing property.

- 4.13 Therefore, it is considered that whilst there is no objection to the rear extension, the number and design of the proposed dormers would be an unacceptable addition to the roofscape and would be out of character with the wider streetscene.

Impact on Residential Amenity

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design & Townscape Guide (2009)

- 4.14 The Design and Townscape Guide (2009) Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings) states that amongst other criteria, that *'extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties'*. In addition to this Policy DM1 of the Development Management Document (2015) also states 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."*
- 4.15 The application site is located within a corner plot. The adjoining neighbour to the south No. 135 Rayleigh Road is a semi-detached bungalow which has two windows on the north side facing the application property, one of which is obscure glazed and one which is clear glazed, which most likely serves a bedroom or other habitable room. There is a separation distance of around 2m between the properties.
- 4.16 The rear building line of No. 135 extends significantly past the rear of the application property and as such the proposed rear extension would remain behind the rear wall of the neighbour. The impact of this element of the proposal is therefore considered to be acceptable. A side dormer is also proposed on the south roofslope facing No. 135. This dormer has two windows, one serving a bathroom, which would be obscure glazed and one is a secondary window to the rear bedroom. These windows could be conditioned to be obscure glazed. It is therefore considered that the proposal would not have a detrimental impact on the amenities of the neighbour to the south.
- 4.17 To the north No. 143 Rayleigh Road is located across the highway of Willow Close and the separation distance between the proposed dormer on this side and No. 147 is approximately 12.5m. It is considered that this is sufficient distance to mitigate any overlooking from this dormer.
- 4.18 To the west the nearest property in Willow Close is set over 15m from the proposed rear dormer so again this is considered to be of a sufficient distance as to not to give rise to undue overlooking of this property.
- 4.19 The impact on the surrounding neighbours is therefore considered to be acceptable.

Community Infrastructure Levy

- 4.20 The proposed extensions equate to less than 100sqm of new floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

5 Conclusion

- 5.1 The proposed dormers, by reason of their design, scale, siting and form are considered to have an incongruous and overly dominant impact on the character of the existing property and the wider area. It would therefore be contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within Design and Townscape Guide (2009).

6 Planning Policy Summary

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy 2007 Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)
- 6.4 Community Infrastructure Levy Charging Schedule 2015
- 6.5 Design & Townscape Guide, 2009.

7 Representation Summary

Public Consultation

- 7.1 4 neighbouring properties were notified of the proposal. No representations were received.

8 Relevant Planning History

- 8.1 **17/01534/FULH** - Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations – Planning permission refused.

06/01467/FUL- form vehicular access onto Rayleigh Road – Planning permission granted

9 Recommendation

- 9.1 **REFUSE PLANNING PERMISSION for the following reason:**

01 The proposed dormer windows would, by reason of their number, design, size, scale and siting, represent a discordant, incongruous and overly

dominant feature, which would be detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Informatives

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



Appeal Decision

Site visit made on 20 March 2018

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2018

Appeal Ref: APP/D1590/D/17/3191624

137 Rayleigh Road, Eastwood SS9 5XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Duce against the decision of Southend-on-Sea Borough Council.
 - The application Ref 17/01534/FULH, dated 30 August 2017, was refused by notice dated 20 November 2017.
 - The development proposed is single storey rear extension and loft conversion including dormer windows.
-

Preliminary Matter

1. The extension and dormer windows the subject of this appeal had largely been constructed at the time of the inspection. Accordingly, I have dealt with the appeal on the basis that it involves an application for retrospective permission.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal property is a detached bungalow located next to the junction of Rayleigh Road with Willow Close. The surrounding area is predominantly residential with a mix of bungalows and two storey detached and semi-detached dwellings.
5. Policies KP2 and CP4 of the Southend Core Strategy and Policies DM1 and DM3 of the Southend Development Management Document all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area. These policies are consistent with the National Planning Policy Framework, particularly section seven concerning good design.

6. The *Supplementary Planning Document 1 Design and Townscape Guide* (the SPD) provides more detailed guidance in support of these development plan policies. It says that additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape.
7. The submitted plans show the original dwelling as a relatively modestly-sized bungalow with a simple unaltered roof form, similar to most of those alongside it on Rayleigh Road and behind it on Willow Close. The rear extension would be a limited change to its built form as it would not add substantive depth and would respect the original roofscape. As such, this element of the proposal would not result in any harm to the host dwelling or surrounding area. I accept also the appellant's contention that the partial removal of the chimney is not harmful.
8. The proposal involves adding a dormer to each of the four pitched roof slopes. Those to the front and rear match and have a hipped and pitched design positioned almost level with the main roof ridge; those to either side are also matching but are larger flat-roofed box style dormers. While individually each of these windows is proportionate to the scale of the roof plane on which it is positioned, the windows are seen in combination from surrounding views.
9. The combined effect of the dormers materially alters the simple original roof form, by together adding considerable bulk and mass to it and unbalancing the proportions of the host dwelling, giving it a 'top heavy' appearance. Moreover, the different designs to the sides, front and rear draws further attention to these features and gives them an incongruous, uneven appearance that harmfully undermines the simple design of the host dwelling in its original form.
10. There are a limited number of dormer windows visible within the street scene and area surrounding No 137. These are largely in the form of single dormers to the front roof slope of properties, including the adjacent bungalow, No 143, some of the bungalows along Willow Close, and on some two storey dwellings along the main road to the north. The four dormers on the appeal property compared to the single window that is more generally the case on surrounding properties, appears incongruous and uncharacteristic within the street scene. Moreover, the prominence of the extended dwelling is heightened by the use of large grey roof tiles, which contrast unfavourably with the general use of reddish brown tiles on the majority of surrounding properties.
11. The appearance and prominence of the extended dwelling is in part due to its position on rising ground as Rayleigh Road inclines gently uphill. This means that in its extended form No 137 is framed by views of the smaller properties along Willow Close to the rear and the smaller bungalows to either side. As such, due to the bulk of its roof with four dormers and the different materials used for the extended roof, it represents a particularly incongruous and uncharacteristic built form within the street scene, both in its own right and by contrast to the general character and appearance of the surrounding area.
12. I have had regard to the appellant's contention that the Council's reasons for refusal and policy basis for its decision are unclear. However, the Council gave a specific reason for its refusal of permission in its decision notice and the officer report provides details under the 'Design' heading of the particular parts

of the relevant development plan policies and guidance that informed the decision. As such, I find nothing unusual in the manner in which the Council made its assessment which informed its decision or the basis for that decision. There is nothing in the appeal submissions to suggest that inappropriate weight was given to the SPD compared to development plan policies. Therefore, while I have had regard to this matter raised by the appellant it does lead me to reach a different conclusion on the appeal.

13. Therefore, for all the above reasons, I conclude that the proposal has an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. As such, it is contrary to the development plan policies and the SPD referred to above and, as a result, the appeal should not succeed.

J Bell-Williamson

INSPECTOR

Appendix 4 – Photographs of 137 Rayleigh Road taken October 2018.





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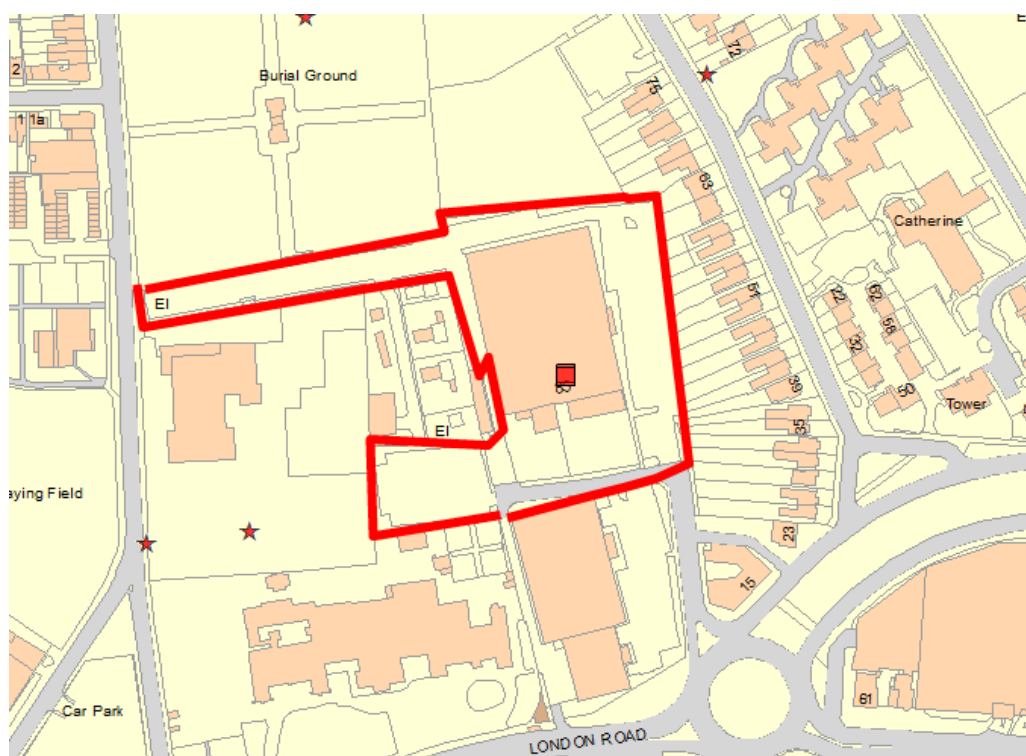


137



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Reference:	18/01479/FULM	<h1>13</h1>
Ward:	Victoria	
Proposal:	Convert Existing A1 unit into two A1 units, raise roof height, install mezzanine floor and shutter to unit 2, erect security fencing to north side of building, canopies to south side of building, alter all elevations, replace security fencing and install electric gate to substation, reconfigure and create additional parking and associated works	
Address:	85 London Road, Southend-on-Sea, Essex SS1 1PP	
Applicant:	George Capital 2 (Southend) Ltd Retail Estate	
Agent:	Montagu Evans	
Consultation Expiry:	27 th September 2018	
Expiry Date:	27 th November 2018	
Case Officer:	Abbie Greenwood	
Plan No's:	PL001B PL002C, PL003B, PL004A, PL005, PL006, PL007, PL008, PL009B, PL010, PL011	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

1.1 The application seeks planning permission to subdivide the existing building into two retail units. The proposal also includes the re location of the outdoor sales area to the northern end of the building and a reconfiguration of the car park.

1.2 The subdivision includes a revised mezzanine floor to the northern retail unit. The proposed units will have the following areas

	Ground floor Area	Mezzanine Area	External Area	Total Area
Existing Homebase Store	3902 sqm	1545 sqm	1022 sqm	6469 sqm
Unit 1 Proposed	1920 sqm			1920 sqm
Unit 2 Proposed	1965 sqm	557 sqm	465 sqm	2987 sqm
Total for proposal	3885 sqm	557 sqm	465 sqm	4907 sqm
Net Change	-17 sqm	-988 sqm	-557 sqm	-1562 sqm

1.3 The resultant development will be contained within the same building footprint but have a reduced mezzanine sales area and a reduced external sales area.

1.4 The proposal includes an increase of car parking from 182 spaces within and around the site to 203 spaces within the same area by incorporating the site of the existing open garden centre to the south of the building. The proposal includes 9 disabled spaces, 7 parent spaces, 5 van spaces and 2 car and trailer spaces.

1.5 In relation to the external alteration the proposal is seeking to modernise the appearance of the existing building by the following changes:

- Render plinth and install new metal cladding above
- Raise height of cladding to the north east and south elevations to create a flat parapet – this will add between 1.75m and 0.3m height to the building on these elevations
- Create two new entrances including canopies/entrance lobby to the south east corner and east elevation
- Install curtain walling to the south east corner and new mezzanine windows to the east elevation
- Install replacement service door with roller shutter and canopy to the south elevation and new service door with roller shutter to the north elevation
- Relocate fire exits

1.6 The application is supported by a Design and Access Statement, a Planning Statement, a Sustainability Statement and a Recycling and Waste Management Strategy by Montagu Evans and a Travel Plan by TTP Consulting.

2 Site and Surroundings

- 2.1 The application site is located within the London Road Retail Park on Princes Street close to the junction between the A13 London Road and Queensway. The site covers an area of 1.48 Hectares (3.66 acres) and includes a standalone retail unit which has for many years been occupied by Homebase with a garden centre to the southern end. The existing use is class A1 (retail) but the specific use of the building falls within the definition of 'bulky goods' which is defined on the Planning Portal as *"Goods of a large physical nature (for example DIY, furniture, carpets) that sometimes require large areas for storage or display."*
- 2.2 The building currently has a trading area of 5,597 sqm set at ground and mezzanine level and an additional external sales area of 1,022 sqm. There are 182 car parking spaces that serve this retail unit, 78 of which are shared with the other retail warehouses in this location. The parking spaces are located to the east, north and south west of the unit.
- 2.3 The existing building is a large warehouse with a shallow double gabled roof and a box like form. It is constructed of brick to the lower section with cladding above.
- 2.4 The unit is serviced at the rear (west) via a one way vehicular access with its entrance in North Road. This access runs behind the Homebase building and the retail warehouses to the south and exits onto London Road. The access services all 3 retail units.
- 2.5 The London Road Retail Park includes 2 other warehouse units which also offer the sale of bulky goods including Currys/PC World and Pets at Home. The site is in close proximity to the town centre but is outside the Town Centre Primary Shopping Area. It is considered to be a sustainable location close to public transport nodes and amenities.
- 2.6 The surrounding area to the east, north and west contains a mix of uses including residential, a school and a care home.
- 2.7 The site falls within the Victoria Avenue Policy Area as defined by the Southend Central Area Action Plan but has no other specific policy designations.

3 Planning Considerations

- 3.1 The main considerations for this application are the principle of the development including the impact on the vitality and viability of the town centre, the design including the impact of the proposed works on the character and appearance of the existing building and the wider area, any impact on neighbours, traffic and parking, sustainability and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018); The Core Strategy (2007) Policies KP1, KP2, CP1, CP2 and CP4 Development Management Document (2015) Policies DM1, DM2, DM3 and DM15, Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and PA8, and the Southend Design and Townscape Guide (2009).

- 4.1 In relation to ensuring the vitality of town centres the National Planning Policy Framework Guidance (2018) (reference 2b-001-20140306) states *‘The National Planning Policy Framework sets out 2 key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test. These are relevant in determining individual decisions and may be useful in informing the preparation of Local Plans. The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).’* The threshold for development to trigger a sequential test is 2500 sqm.
- 4.2 In relation to retail development Core Strategy Policy CP2 states *‘Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people, as set out in relevant national planning policy and local strategies and plans. Town centre and retail development should be located within these centres, should contribute to their vitality and viability, and must be appropriate to the function, size and character of the centre concerned, in accordance with the above hierarchy and priorities. In relation to the location of retail development the policy states ‘additional comparison goods floorspace, to be located in accordance with the sequential preference:*
1. *within Southend Town Centre;*
 2. *on the edge of Southend Town Centre, where the development will contribute to and not prejudice achievement of the regeneration and urban renaissance objectives for the Town Centre.*
 3. *District Centres*
 4. *Other centres’*
- 4.3 Policy DS1 of the SCAAP states that *‘Proposals for retail development inside or outside the Primary Shopping Area will be determined in accordance with Policy CP2: Town Centre and Retail Development of the Southend-on-Sea Core Strategy and the provisions of the National Planning Policy Framework (NPPF), so that the town centre remains the first preference for all forms of retail development and for other town centre uses attracting large numbers of people to support the centre’s viability and vitality and encourage investment.’*
- 4.4 The original retail (class A1) permission for the current building on this site was granted in 1978 (reference 840/77/O). This included a condition which restricted the permission to the sale of non-food goods only. The reason given for this condition was because *‘The location is considered unsuitable for a convenience food retailing operation, outside local centres, as it would tend to compete with existing shopping provision. Furthermore, such a retail facility would be more likely to have an adverse effect upon neighbouring residential properties.’*
- 4.5 The current proposal is seeking to convert the existing building into two smaller retail units within the A1 retail use class. The Planning Statement comments that

'the planning application does not propose any changes to the permitted range of goods' and the agent has confirmed that they are not seeking food retail at this time. The planning statement also comments that the overall retail sales area is reduced in the proposal as compared to the existing situation.

- 4.6 There has been no substantial change in the use of the building since it was approved in 1978 but there has been a material change in planning policy both at the national and local level during this time. Relevant extracts from the up to date policy and guidance are noted above. The site is considered to be an edge of town centre location and therefore if this was a new build application it would trigger the sequential and impact test. It is noted however, that in this case there is has been a bulky goods A1 non-food retailer on the site for many years and this is also a material consideration.
- 4.7 The application confirms that new tenants for the building have not been agreed and the proposal is a speculative development seeking to modernise the accommodation following the imminent vacation of the current tenant. Whilst the longstanding use of this site for retail is noted, there is a concern that the proposed smaller units would be more representative of the size of units normally found in the town centre primary retail area. These units may therefore be more attractive to traditional town centre retailers such as clothing and non-bulky homeware stores and there is a concern that an unrestricted A1 (non-food) use could have a detrimental impact on the vitality and viability of the Town Centre.
- 4.8 In the absence of the sequential and impact test to demonstrate otherwise, it is considered necessary to restrict the uses within A1 to non –food and to bulky goods only through the use of conditions to protect the viability of the town centre. Subject to these restrictions the principle of the proposal is considered to be acceptable and policy compliant. The other more detailed considerations are assessed below.

Design and impact on the character of the existing building, the wider area

National Planning Policy Framework (2018); The Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 4.9 *Paragraph 124 of the NPPF states 'The creation of high quality 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.'*
- 4.10 Policy KP2 of the Core Strategy advocates the need for all new development to *'respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design'*.
- 4.11 Policy CP4 of the Core Strategy states *'development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.'*

- 4.12 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.13 The proposal seeks to remodel the existing retail unit including rendering the brick plinth and the installation of new cladding above. The proposal also includes the alteration of the roof parapet profile from shallow gables to flat parapet to the east and south sides, the introduction of significant areas of glazing to the south east corner, two new feature entrances to serve the new smaller retail units and replacement shuttered service doors and fire escapes. The proposal also includes the relocation of the external sales area from the front of the site to the rear and a remodelled car park which will be enclosed with a 3m weld mesh fence. The applicant is proposing these changes to update the building.
- 4.14 Overall it is considered that, the amended design, which includes better quality materials, feature entrances and a more active and visible frontage is an improvement over the character of the existing building and this is welcomed.
- 4.15 There is also no objection to the re-organisation of the car park and external sales area although it is considered that this needs to be complemented by an appropriate landscaping scheme to soften the extent of hardsurfacing as has been achieved around the front retail units.
- 4.16 There is therefore no design based objection to the exterior changes to the building subject to conditions relating to the agreement of materials and landscaping details. The design of the proposal is therefore acceptable and policy compliant in the above regards subject to these conditions.

Traffic and Parking

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015): Policy DM15 and Design and Townscape Guide (2009).

- 4.17 The Planning Statement submitted with the application states that the retail park is located on the edge of the town centre and is very accessible by a range of public transport modes. It also comments that there will be no increase in floorspace and no change in access or servicing arrangements. In relation to parking provision it confirms that there will be a net increase in parking spaces and an improved layout and circulation. The statement comments that there may be an increase in deliveries but this will be minimal
- 4.18 Development Management Document Policy DM15 requires a maximum of 1 parking space per 35 sqm of A1 non-food use within the central area. The proposal currently has 182 parking spaces. This is proposed to increase to 203 following the remodelling of the site. The existing floor space is 6469 sqm which equates to 1 space per 35 sqm.
- 4.19 The proposed floorspace is 4907 sqm which equates to 1 space per 24 sqm. The

car park to sales area ratio will therefore increase as a result of this proposal and there will be significantly more parking spaces per sqm of development. 24 cycle spaces are proposed as part of the development. There is no provision for cycling at present. It is noted that the additional car parking proposed will mean that the development exceeds the maximum standards for this use class however, on balance, this is not considered to be a reason to refuse planning permission in this case.

- 4.20 The proposal will maintain the same service arrangements as the existing unit which is via a dedicated one way service route to the rear of the unit which is accessed from North Road and runs past the adjacent retail units existing onto London Road. The proposal includes no changes to this route but does include new gates and a fence at the North Road access to improve security and enable remote entry to the secure service area. The existing external sales area to the south of the building is proposed to be converted to parking and replaced by a smaller external sales area to the north of the building. This will separate the car park from the service access but will not materially affect circulation, access or parking.
- 4.21 The Council's Highways Officer has reviewed the proposal and considers that it is not materially different to the existing usage in terms of traffic generation, highways safety and parking impact. He considers that the proposal would not have a detrimental impact upon the public highway. The proposal is considered to be acceptable and policy compliant in these regards.

Refuse and Recycling

- 4.22 A Recycling and Waste Management Strategy has been submitted with the application. This comments that refuse and recycling storage for each unit will be accommodated within the service yard to the rear (west) of the building which is the same arrangement as for the existing store. This will ensure that the storage and collection of waste and recycling is hidden from public view and set away from sensitive residential uses. There is no objection to this in principle and it is considered that full details of the waste management for the site can be agreed by condition. This arrangement is considered to be acceptable and policy compliant.

Impact on Neighbouring Properties

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4 Development Management Document (2015): Policy DM1 and DM3 and Design and Townscape Guide (2009).

- 4.23 Policy DM1 of the Development Management Document states that development should, *'protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.'*
- 4.24 The site is surrounded by a range of uses including retail to the south, residential to the east, a school to the north and a substation to the west.
- 4.25 The site contains an existing A1 retail warehouse which has been in operation for many years. The proposal seeks to reorganise the retail floorspace into two smaller units and modernise the building but does not propose and material

increase in scale. It may be that with two retail uses operating at the site and increased parking provision there will be a slight intensification of vehicle movements in terms of customers and deliveries, however, the Council's Highways Officer considers this would be insignificant and it is noted that the additional car parking and service area are located away from the most sensitive residential uses.

- 4.26 It is therefore considered that the proposal will not result in a material increase in the noise and disturbance over and above that of the existing retail use in this location. In addition, it is not considered that the proposed alterations to the building will have a material impact on the amenities of the neighbours. The impact of the proposal development on the amenities of neighbours is considered to be acceptable and policy compliant in this regard.

Sustainability

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4 Development Management Document (2015): Policy DM2 and the Southend Design and Townscape Guide (2009).

- 4.27 Policy KP2 of the Core Strategy requires that *'All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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)'*. In relation to conversions of existing buildings Policy DM2 of the Development Management Document states that *'High standards of energy and water efficiency in existing developments will be supported wherever possible through retrofitting.'*
- 4.28 A Sustainability Statement and Travel Plan have been submitted with the application. The sustainability statement comments that the roof of the building would be suitable for solar voltaic panels although there is no firm commitment to renewable technologies. The statement also comments that construction materials for the refurbishment of the building will be chosen for their environmental rating and that preference will be given to high performing materials.
- 4.29 The Travel Plan seeks to improve pedestrian and cycle access to the site for employees and customers including a commitment to secure by design principles, welcome packs for employees and the installation of cycle parking. This is welcomed in principle and the exact details and monitoring can be secured via condition.
- 4.30 The proposal is for conversion only so the policy requirement for sustainable development is less stringent and does not require a firm commitment to on site renewables. However, the inclusion of renewable energy and high standards of energy and water efficiency are seen to be a benefit to the proposal. In this case the commitments and considerations proposed within the Sustainability Statement and Travel Plan are supported and considered to be a positive aspect of the scheme. The application is therefore acceptable and policy compliant in this regard.

Other Issues - Contamination

- 4.31 A Contaminated Land Assessment has been submitted with the application. This concludes that the proposed development would not raise any issues in terms of contamination and a full assessment would not be required. The Council's Environmental Health Officer has not raised any objections to the report. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.32 As this application involves the conversion of one retail unit into two retail units and no additional floorspace has been proposed, this development is not considered to be CIL Liable.

Conclusion

- 4.33 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 principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene, and the area more widely. The highways impacts of the proposal are also acceptable. The proposal is therefore recommended for approval subject to conditions.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2018).
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 Southend Central Area Action Plan (2018) Policies DS1 (A Prosperous Retail Centre) and PA8 (Victoria Gateway Policy Area Development Principles).
- 5.5 Southend Design & Townscape Guide (2009).
- 5.6 Community Infrastructure Levy (2015)

6 Representation Summary

Highways

- 6.1 Having reviewed the proposal it is not considered materially different to the previous use in terms of traffic generation and parking impact. It is not considered that the proposal will have a detrimental impact upon the public highway. Therefore no highway objections are raised.

Environmental Health

6.2 No objections subject to the following suggested conditions:

- Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am -1pm Saturday and not at all on Sundays or Bank Holidays.
- During construction and demolition, there shall be no burning of waste material on site. **[Officer Comment: It is not considered that a condition is needed for this issue as it is covered by alternative environmental legislation.]**
- Delivery times shall not to be allowed during sensitive hours of sleep, therefore all Deliveries/Collections shall be between 07:00- 18:00hrs Monday to Friday, while 08:00 – 13:00hrs Saturday and not at all on Sundays or Bank Holidays.

Cadent (National Grid)

6.3 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

[Officer Comment: An informative will be added informing the applicant of this requirement.]

Neighbours

6.4 59 neighbours were informed of this proposal, a site notice displayed and a press notice published. 1 letter of representation was received raising the following issues:

- Concern over pedestrian safety in relation to the service entrance on North Road.
- Concern over the use of this service access for unauthorised parking which increases the likelihood of conflicts between pedestrians and vehicles.

[Officer Comment: The proposal to install remote activated security gates in this area should address concerns relating to unauthorised use of this area. The Council's Highways Officer has not raised any concerns in relation to this as an existing servicing entry point.]

7 Relevant Planning History

- 7.1 02/01370/FUL - Install security netting to two perimeter walls on south and west elevations and install external lighting (Retrospective) to garden centre. – granted
- 7.2 02/00358/FUL - Demolish part of building, reclad building externally, erect 4m high enclosure and canopy to form garden centre, erect entrance feature, and modify layout of parking and servicing areas – granted
- 7.3 00/01024/FUL - Erect 3.5m high timber fencing and steel framed gates with timber cladding to service yard. Erect new 2.5m and 3.5m high palisade fence and gates to North Road access and 2.4m high palisade fence to western boundary of western car park – granted
- 7.4 840/77/O - proposed non-food retail warehouse – granted 1978

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans PL001B PL002C, PL003B, PL004A, PL005, PL006, PL007, PL008, PL009B, PL010, PL011

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

03 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended); or any statutory provisions revoking, amending or re-enacting these orders, the two units hereby approved shall only be used for the sale of non-food items and items which constitute bulky goods. The two units shall not be used for any other purposes within use class A1 nor any other use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended). For the purposes of this condition bulky goods constitute furniture, carpets, do it yourself goods, electrical goods, car accessories and garden items or other bulky goods as may have been previously agreed in writing by the local planning authority.

Reason: In order to ensure an acceptable impact on the vitality and viability of the town centre pursuant to the National Planning Policy Framework (2018), Core Strategy (2007) Policy CP2 and Southend Central Area Action Plan Policy DS1.

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than the internal alterations and demolition and construction up to ground floor slab level shall take place until product details and specifications of the materials to be used on all the external elevations, including walls, roof, rooflights, windows and doors, porch canopy, paving, and on any screen/boundary walls and fences, or parking areas have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is first used.

Reason: To safeguard the visual amenities of the area, in accordance with Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than the internal alterations and demolition shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. details of any changes to the means of enclosure of the site including any gates or boundary walls;
- ii. details of car parking layouts and pedestrian routes;
- iii. details of any tree felling including details of replacement tree planting
- iv. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- v. details of any exterior lighting or other structures within the car park area such as trolley bays, planters, seating or bollards
- vi. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

Reason: In the interests of visual amenity of the area and the amenities of

occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

06 Prior to the first occupation of the retail units hereby approved, details shall be submitted for the provision of the commercial recycling and refuse storage and associated waste management plan including collection arrangements. The approved refuse arrangements shall be provided in full and made available for use by commercial operators prior to the first use of the units hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate recycling and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policies DM8 and DM15 of Development Management Document (2015).

07 Prior to occupation of the development, a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of;

- i. A comprehensive survey of all employees ;
- ii. Targets set in the Plan to reduce car journeys to the premises;
- iii. Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the building is occupied for the use hereby approved.

The site shall be managed and operated in full accordance with the approved travel plan from its first occupation. At the end of 3 months following first occupation of the subdivided premises for A1 use a travel survey/questionnaire shall be carried out for staff and customers/visitors, and within 28 days of the survey the travel plan document must be updated to take into account the results of the staff/customer/visitor survey and submitted to the Local Planning Authority for approval. Immediately following approval of the revised Travel Plan it must be implemented and the site managed and operated in full accordance with it.

At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The further revised Travel Plan must be implemented immediately and the site managed and operated in full accordance with it thereafter.

Reasons: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1 and DM15 and Design and Townscape Guide (2009).

08 No deliveries or refuse collection shall be taken at or be despatched from the A1 uses hereby permitted outside the hours of 07:00 to 18:00hours Mondays to Fridays and 08:00 to 13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

09 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 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 works, including the provision of any mezzanine floorspace, shall be carried out at the development hereby approved specified within Schedule 2, Part 7, Class A of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission from the local planning authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of town centre viability and vitality in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1 and CP2, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

11 Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act 1990 as amended, no works to create additional mezzanine floorspace in the development hereby approved, beyond that shown in the approved plans, shall be carried out 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 town centre viability and vitality in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1 and CP2, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

12 Prior to the construction of the new mezzanine floorspace shown in the approved plans, the existing mezzanine floorspace in the development shall be removed in its entirety.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of town centre viability and vitality in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1 and CP2, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

Informatives

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

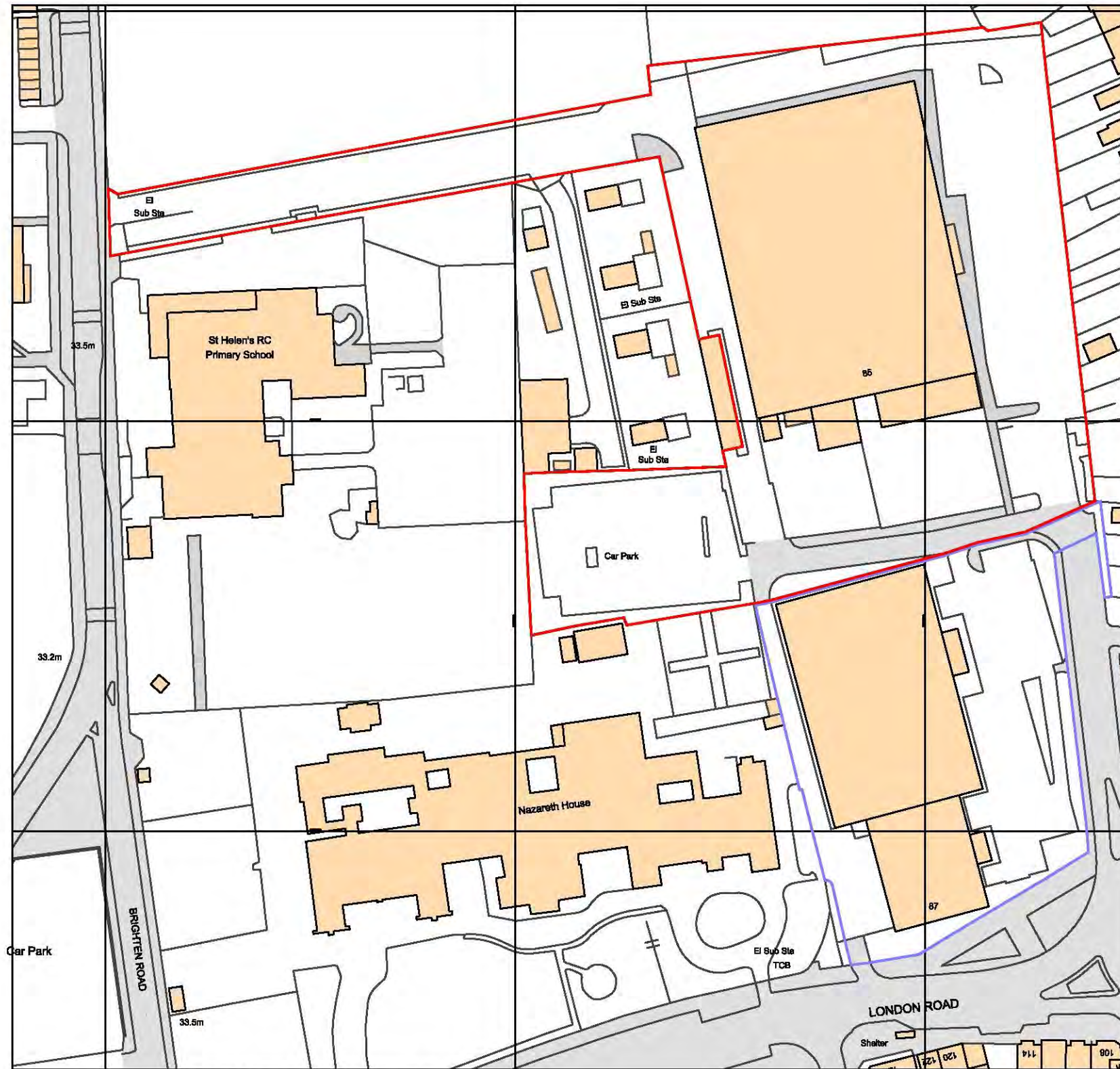
02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing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

03 The applicant is advised that operational gas apparatus has been identified within the site and as such you are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

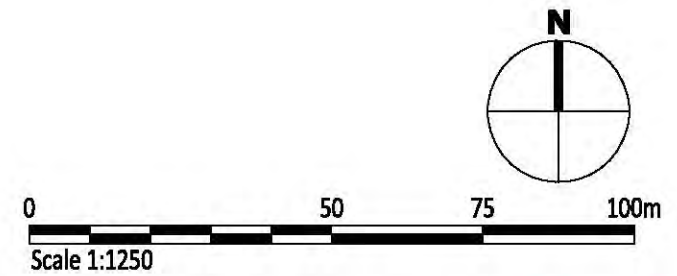
04 The applicant is advised that separate advertisement consent will be required for any new signage in relation to the development hereby approved.

05 In discharging condition 05 the applicant will be expected demonstrate the inclusion of additional soft landscaping within the site on a similar level to that found in the car park for the retail units to the south. This may involve the loss of a few parking spaces.

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.



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Offices Architecture
 Woking Planning
 London Master Planning
 Milton Keynes Urban Design
 Warsaw Interiors

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 www.prc-group.com

Revisions:
 A Boundary lines updated
 B Boundary lines reverted

Drawn/Chkd: Date:
 AM/SC 17.08.18
 PM/SC 23.08.18

Client:
 GEORGE CAPITAL 2 (SOUTHEND) LTD

Project:
 London Road Retail Park SOUTHEND

Drawing Title:

LOCATION PLAN

Scale @ A3: 1:1250
Checked by: SC
Date: Jul 2018

Job No: 10863
Stage: PL
Drawing No: 001
Rev: B

Construction Preliminary Information
 Approval Tender



PRC Architecture & Planning

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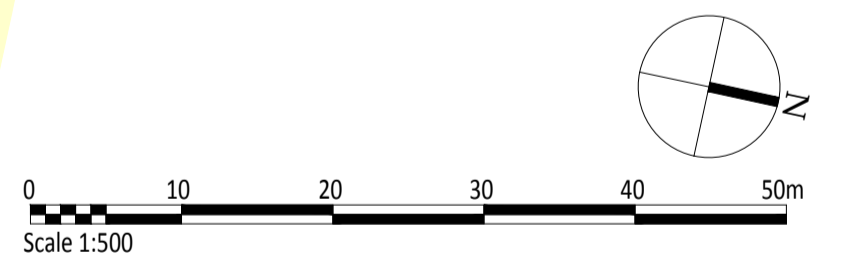
Figured dimensions only are to be used. All dimensions to be checked onsite. Differences between drawings and between drawings and specification or bills of quantities to be reported to the PRC Group.

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Revisions:	Drawn / Chkd:	Date:
A	Boundary line updated	AM/SC 17.08.18
B	Retail Unit 2 Area Revised Parking Space No.s updated and Note added	SN/SC 18.10.18
C	Red Line Boundary and Site Area removed	SN/SC 24.10.18

existing fencing and gates to be replaced with new security fencing and electronically controlled gates

TOTAL No. PARKING SPACES ON SITE = 203



Client:
GEORGE CAPITAL 2 (SOUTHEND) LTD

Project:
London Road Retail Park SOUTHEND

Drawing Title:



24 Church St West,
Woking, Surrey,
GU21 6HT
01483 494 350
info@prc-group.com
www.prc-group.com

Site layouts as existing and proposed

Scale @ A1: 1:500
Checked by: SC
Date: Jul 2018

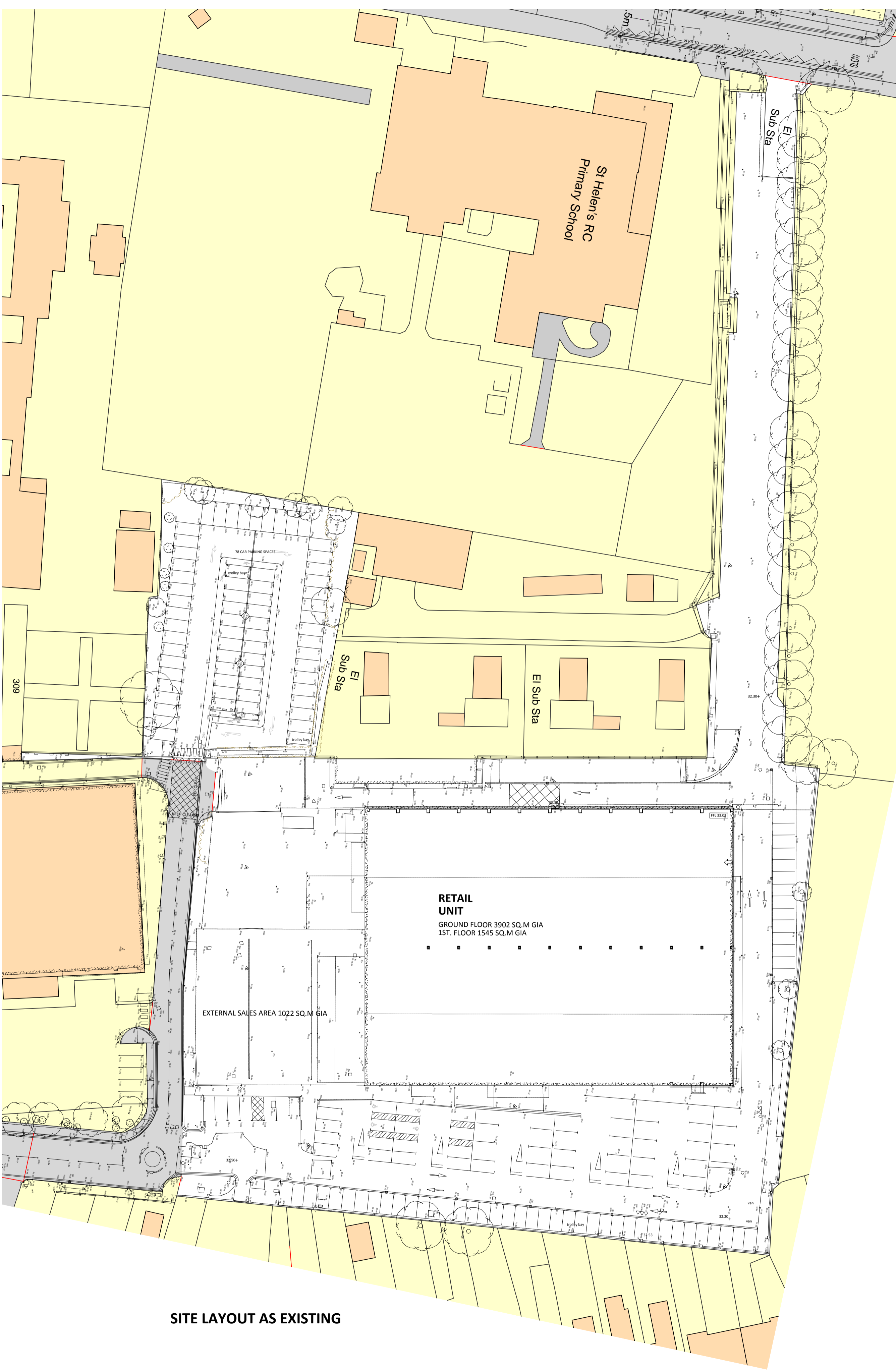
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Stage: PL 002
Drawing No: Rev: C

Issue Status:
 Construction
 Information
 Preliminary
 Approval
 Tender

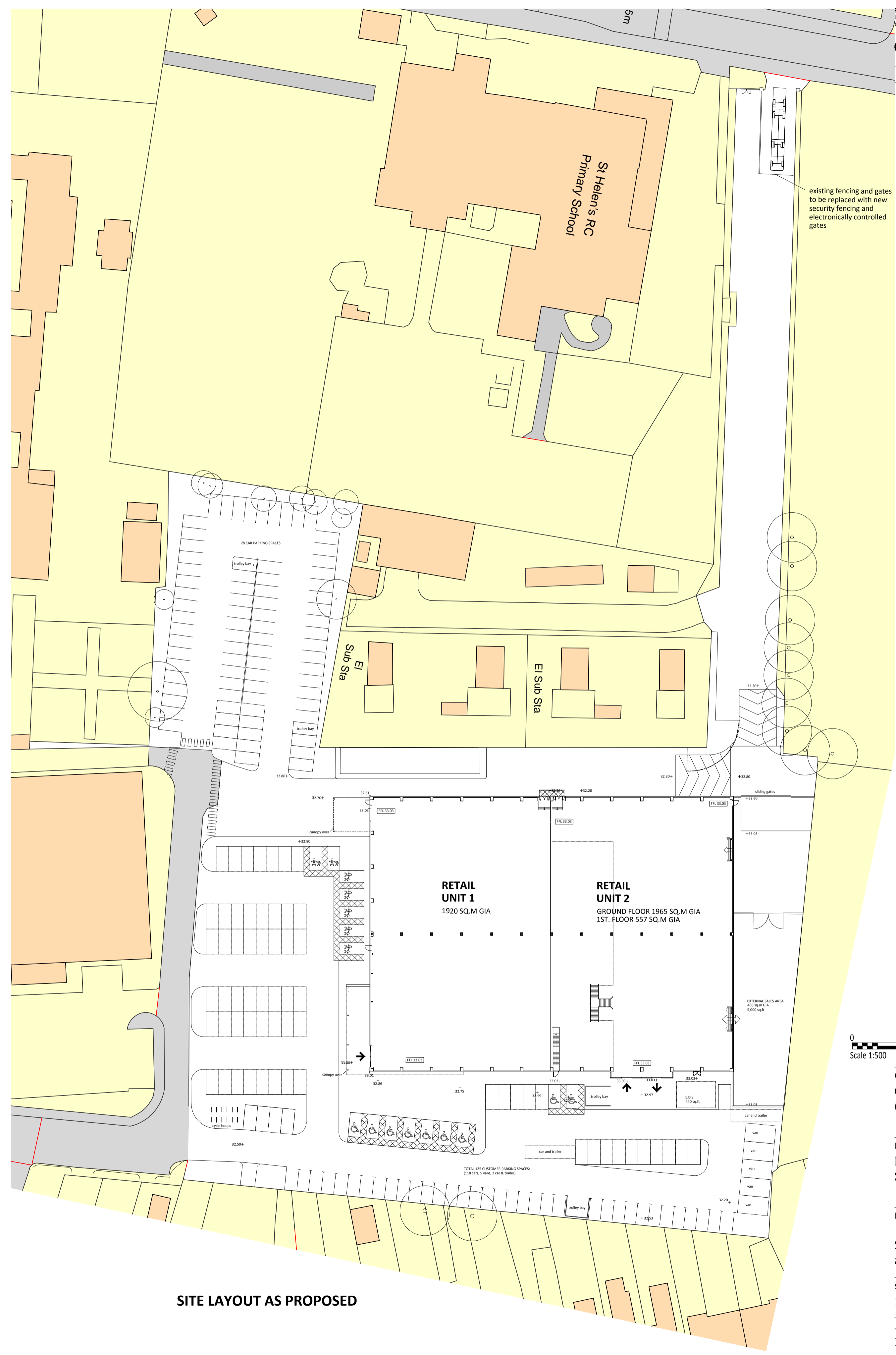
Architecture
Master Planning
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Offices
Woking
London
Milton Keynes
Warsaw

PRC Architecture & Planning

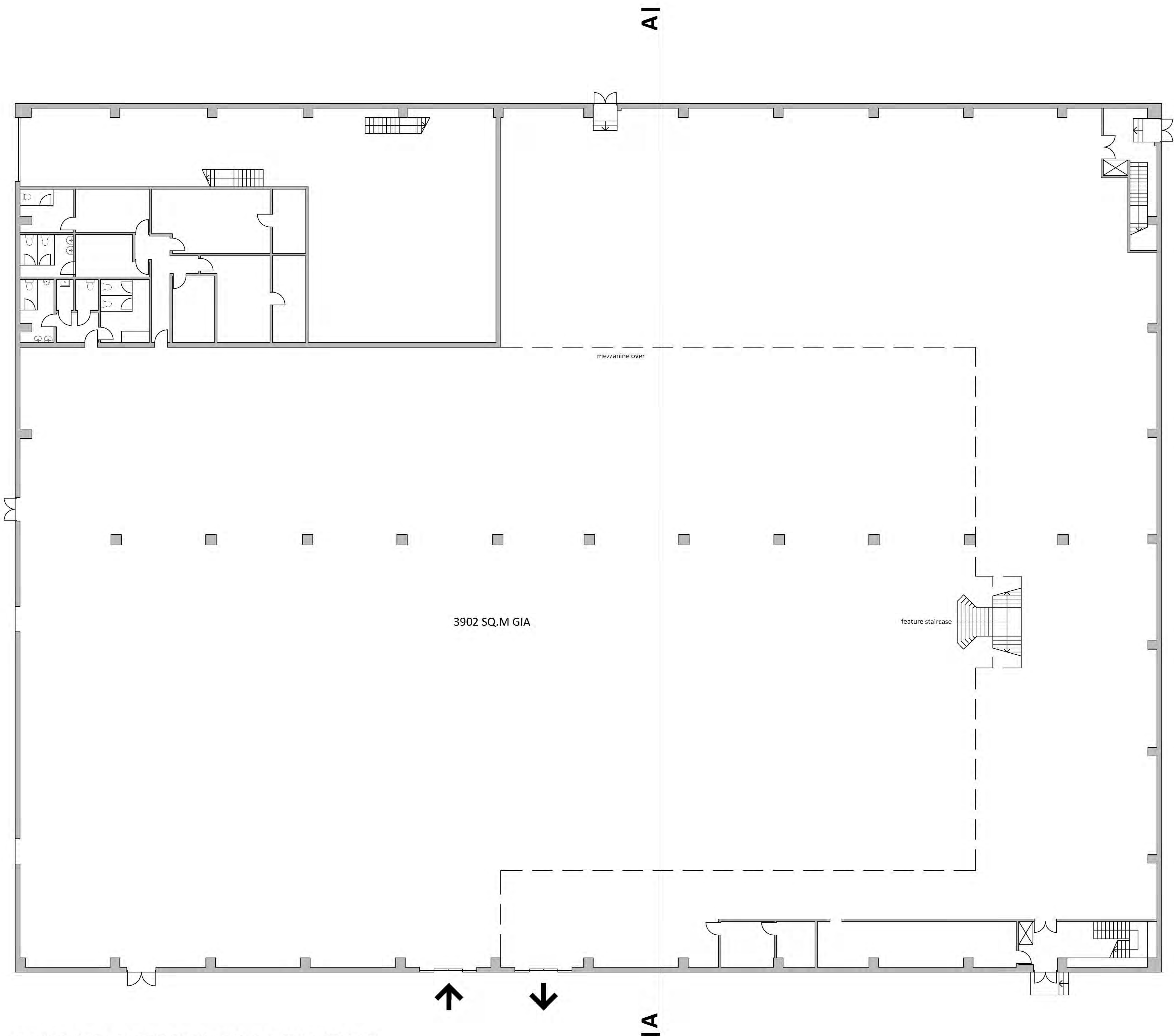


SITE LAYOUT AS EXISTING

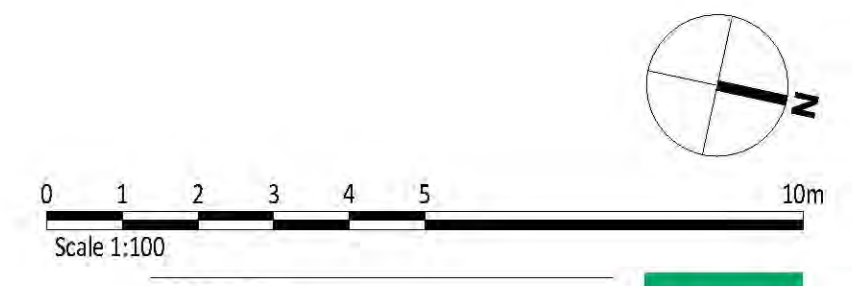


SITE LAYOUT AS PROPOSED

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GROUND FLOOR PLAN AS EXISTING



Client:
GEORGE CAPITAL 2
 (SOUTHEND) LTD

Project:
London Road Retail Park
 SOUTHEND

Drawing Title:
Ground floor plan
 as existing

Scale @ A0: 1:100 Checked by: SC Date: Jul 2018

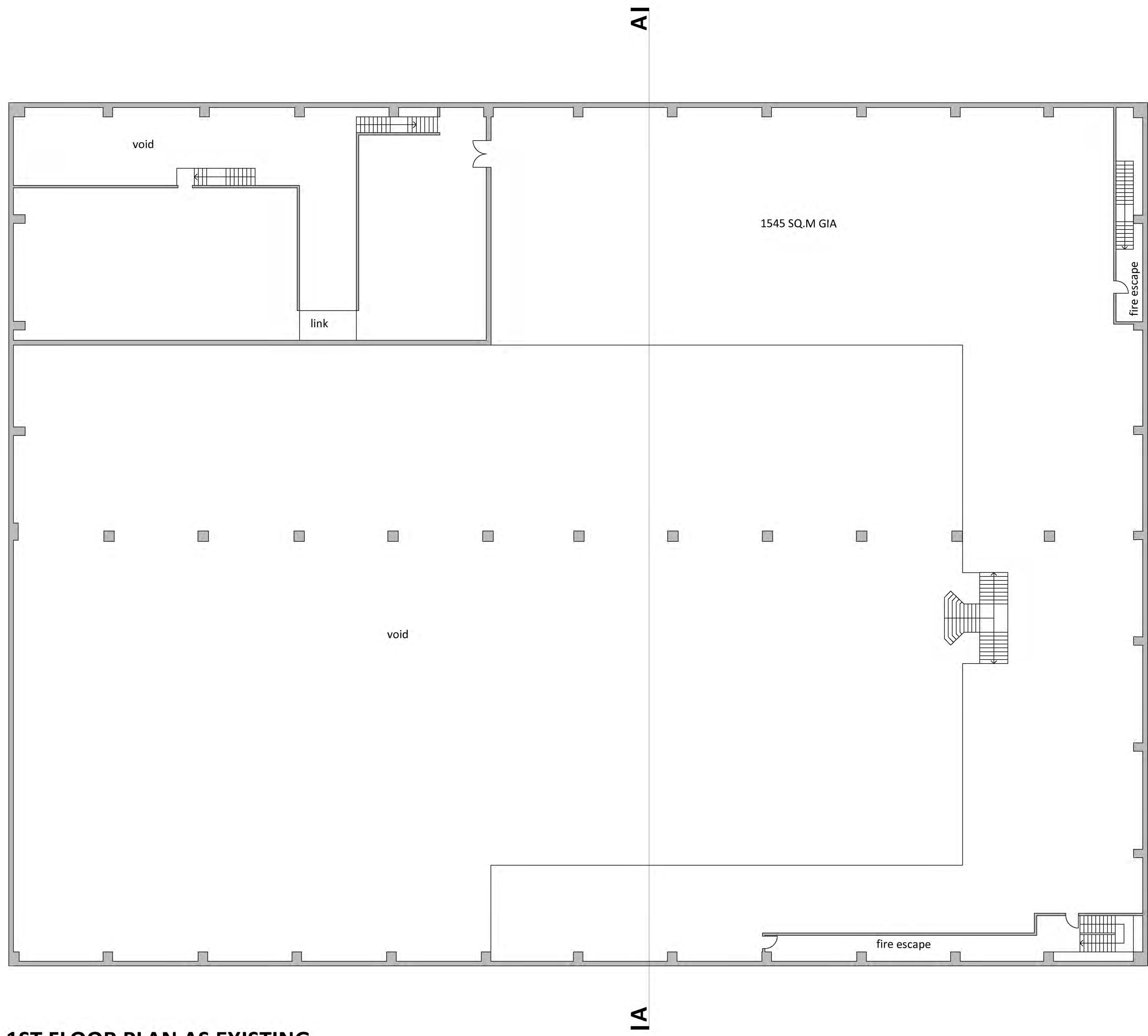
Job No: 10983 Stage: PL 006

Issue Status:
 Construction Preliminary
 Information Approval
 Tender Approval

Offices:
 Working: London
 Milton Keynes
 Warsaw

PRC Architecture & Planning

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1ST FLOOR PLAN AS EXISTING

DRAFT 5

0 1 2 3 4 5 10m
Scale 1:100

Client:
**GEORGE CAPITAL 2
(SOUTHEND) LTD**

Project:
**London Road Retail Park
SOUTHEND**

Drawing Title:
**1st floor plan
as existing**

Scale @ A0: 1:100 Checked by: SC Date: Jul 2018

Job No: 10983 Stage: PL 007 Drawing No: Rev:

Issue Status:
 Construction Preliminary
 Information Approval
 Tender

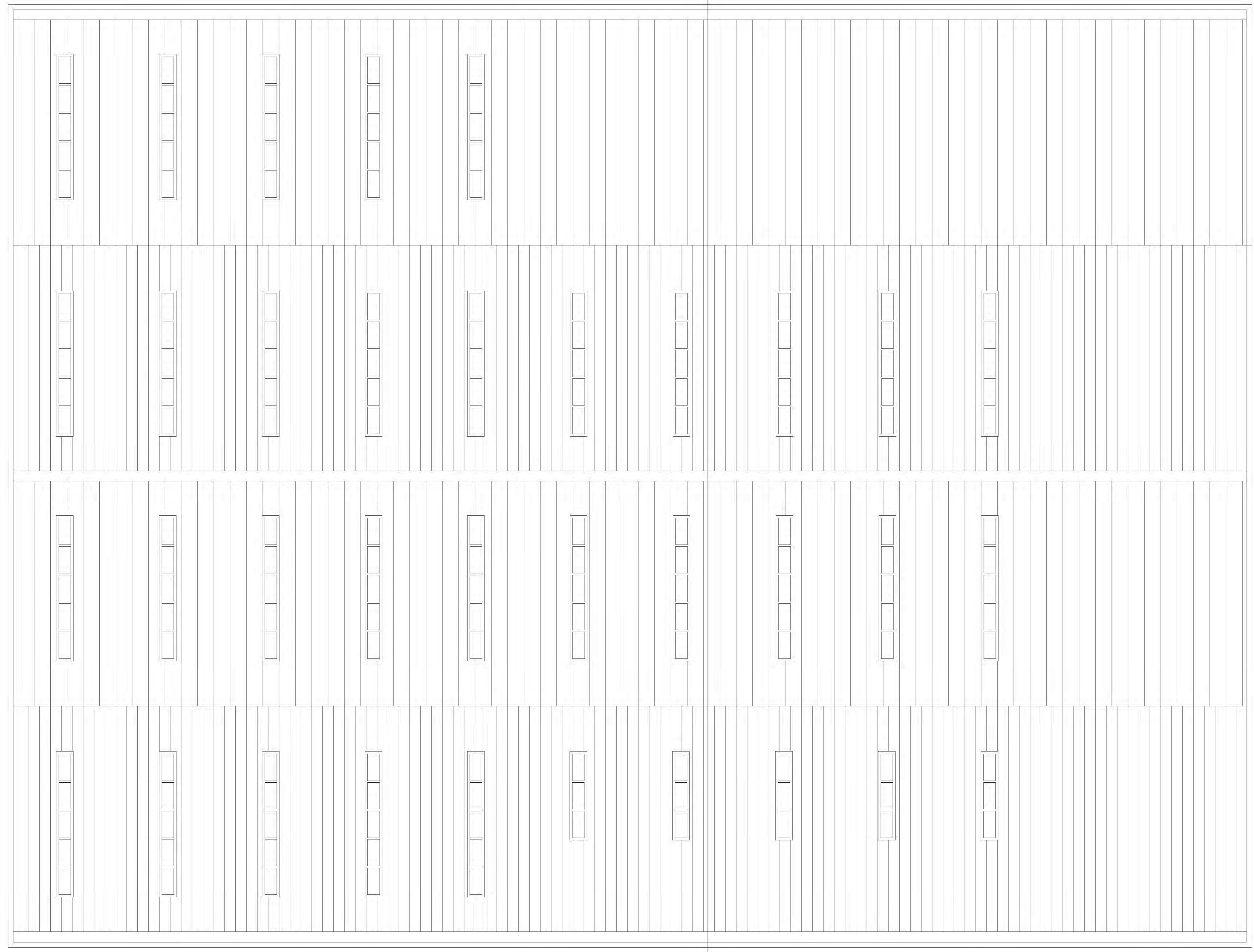


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Milton Keynes
Wansley

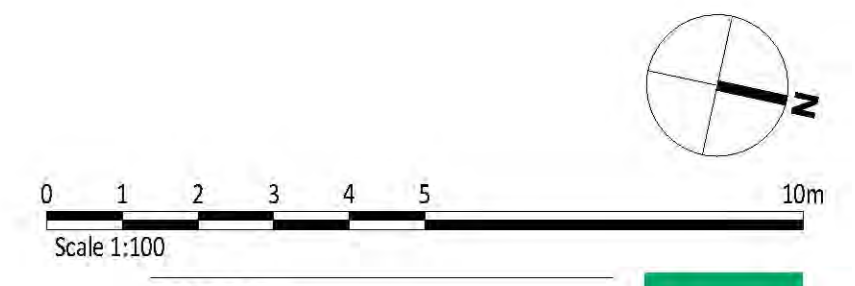
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AJ



ROOF PLAN AS EXISTING

IA



Client:
**GEORGE CAPITAL 2
(SOUTHEND) LTD**

Project:
**London Road Retail Park
SOUTHEND**

Drawing Title:
**Roof plan
as existing**

Scale @ A0: 1:100 Checked by: SC Date: Jul 2018

Job No: 10963 Stage: Drawing No: Rev: PL 008

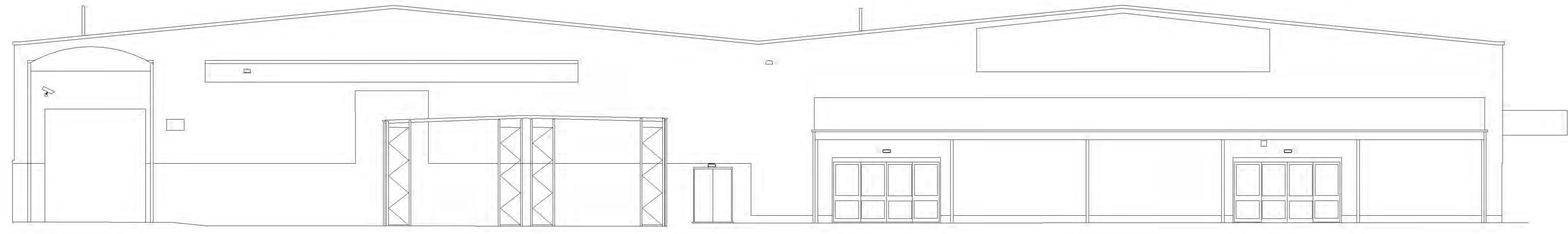
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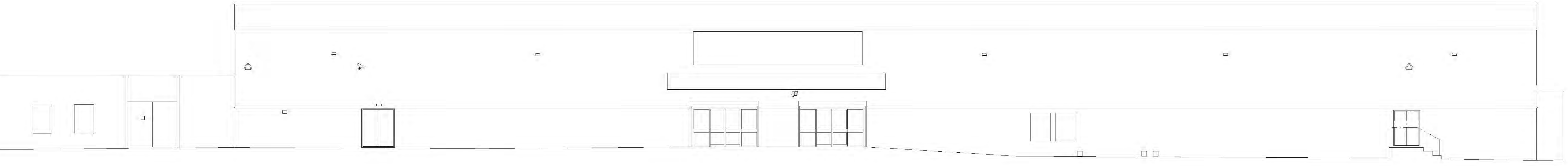
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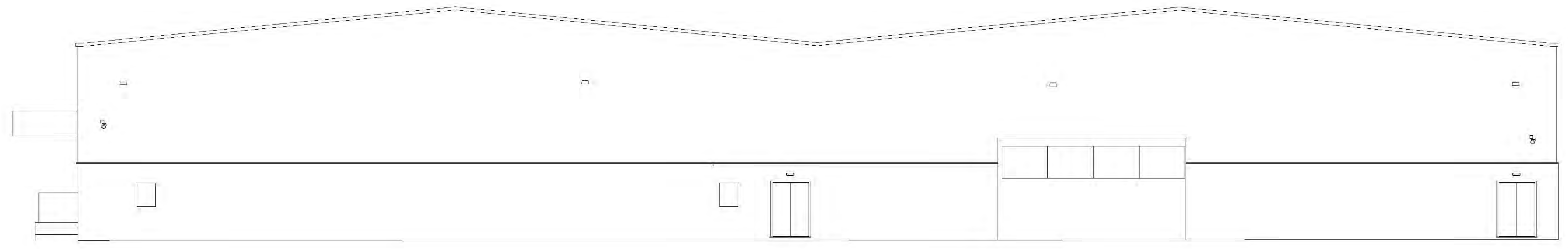
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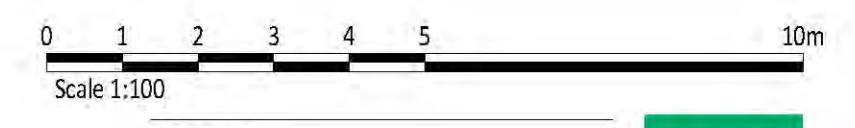
SOUTH ELEVATION AS EXISTING



NORTH ELEVATION AS EXISTING



WEST ELEVATION AS EXISTING



Client:
**GEORGE CAPITAL 2
(SOUTHEND) LTD**



Project:
**London Road Retail Park
SOUTHEND**

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Drawing Title:
**Elevations
as existing**

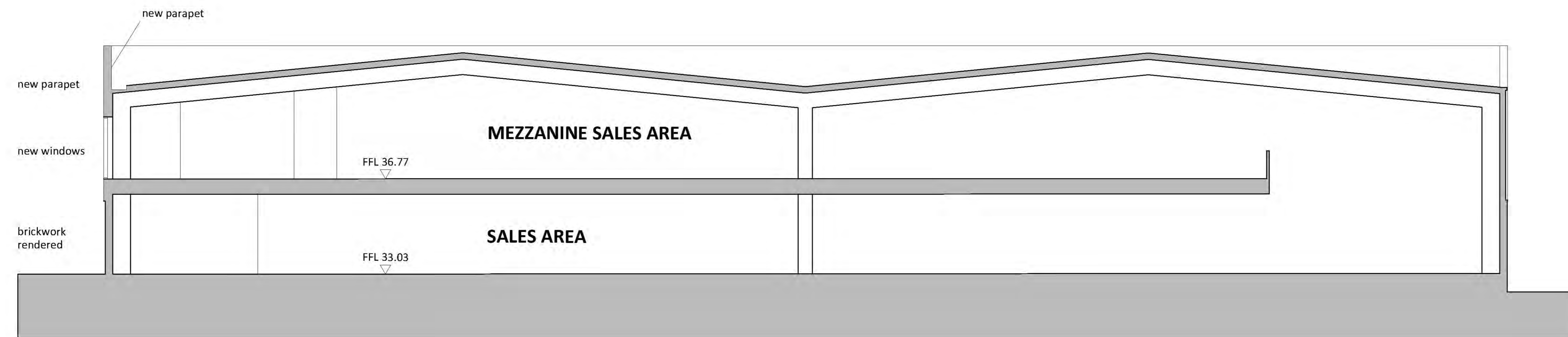
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Master Planning
Urban Design
Interiors

Scale @ A0: 1:100 Checked by: SC Date: Jul 2018

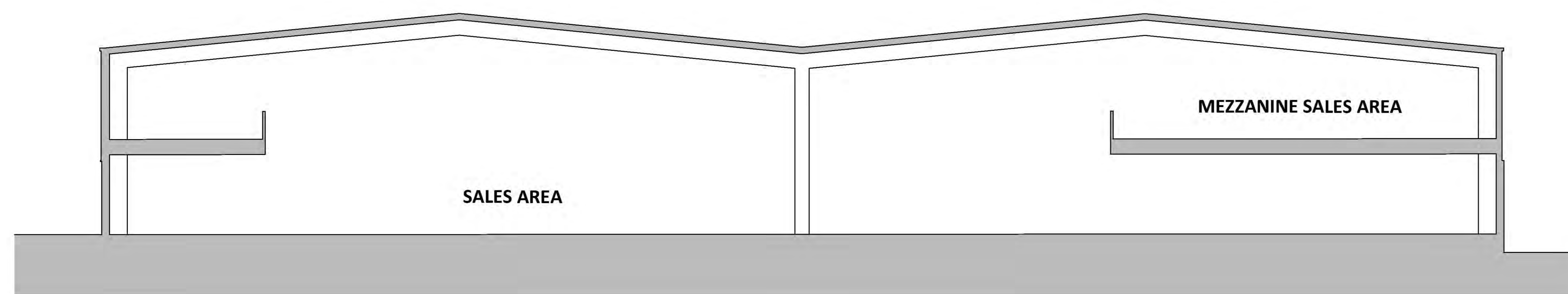
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Issue Status:
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 Information Approval
 Tender
Offices
Woking
London
Milton Keynes
Warsaw

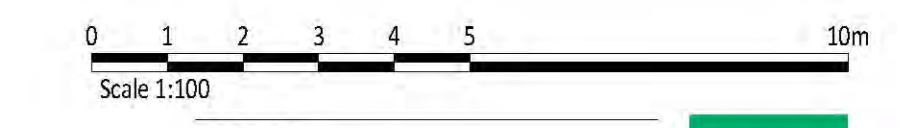
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SECTION AA AS PROPOSED



SECTION AA AS EXISTING



Client:
**GEORGE CAPITAL 2
 (SOUTHEND) LTD**

Project:
**London Road Retail Park
 SOUTHEND**

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 GU24 0JF
 01483 494310
 info@prcgroup.com
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Drawing Title:
**Section AA
 as proposed and existing**

Scale @ A0: 1:100 Checked by: SC Date: Jul 2018

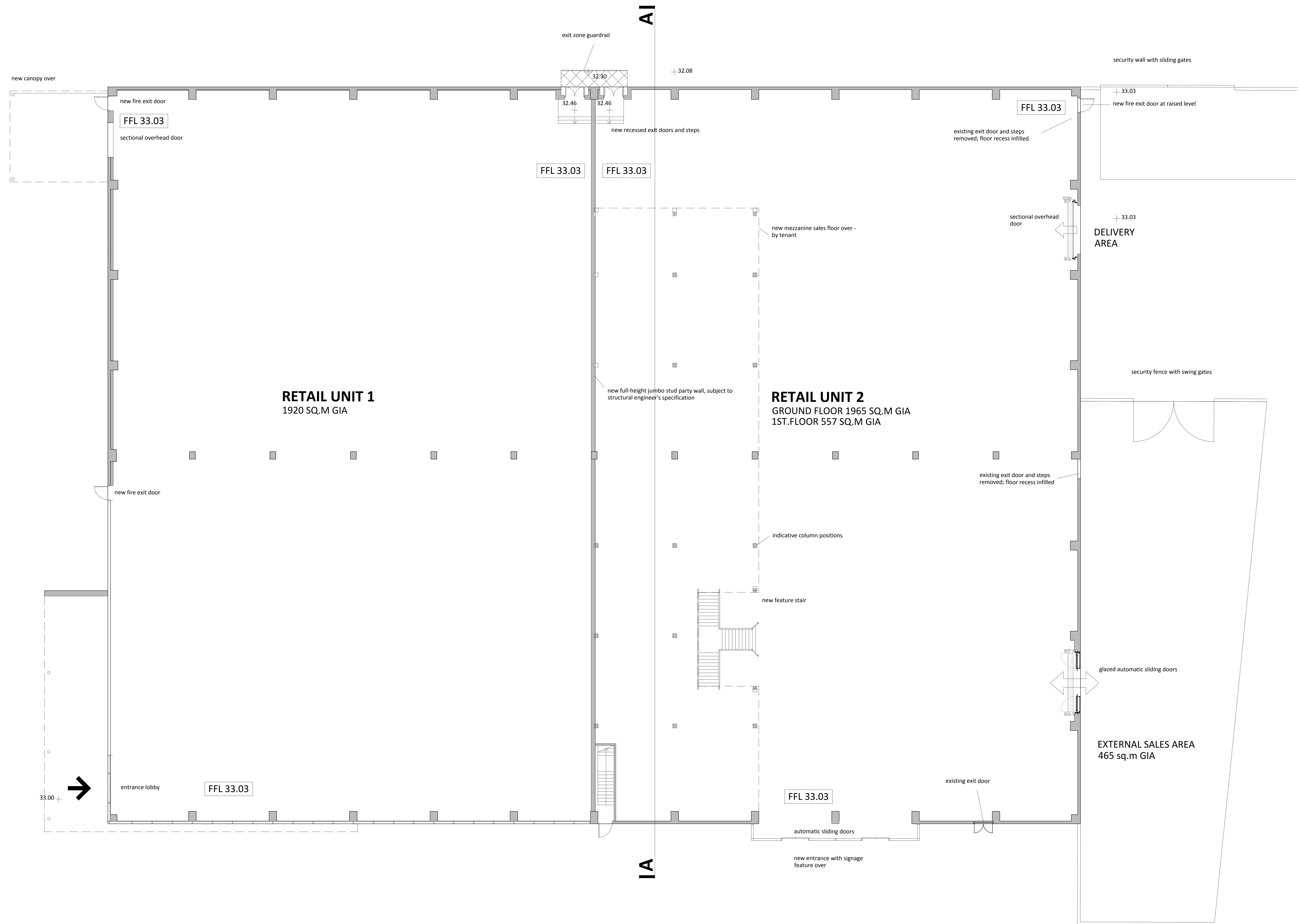
Job No: 10983 Stage: PL 011

Issue Status:
 Construction Preliminary Approval Tender

Woking
 London
 Milton Keynes
 Warsaw

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GROUND FLOOR PLAN AS PROPOSED

Scale 1:100

Client: GEORGE CAPITAL 2 (SOUTHEND) LTD
 Project: London Road Retail Park SOUTHEND
 Drawing Title: Ground floor plan as proposed

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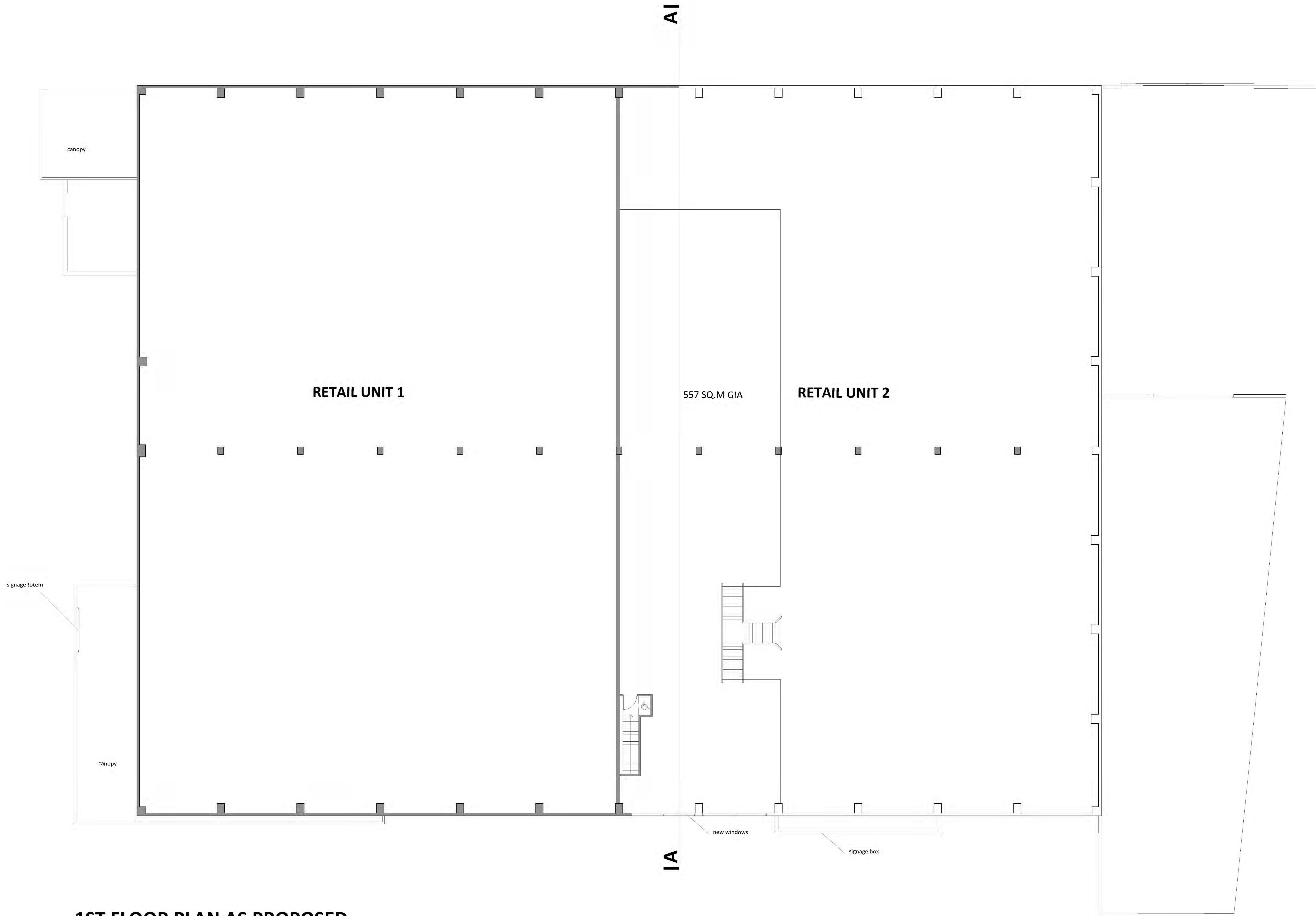
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 Checked by: SC
 Date: Jul 2018
 Job No: 10863
 Stage: PL 003
 Rev: B

Issue Status:
 Construction
 Information
 Tender

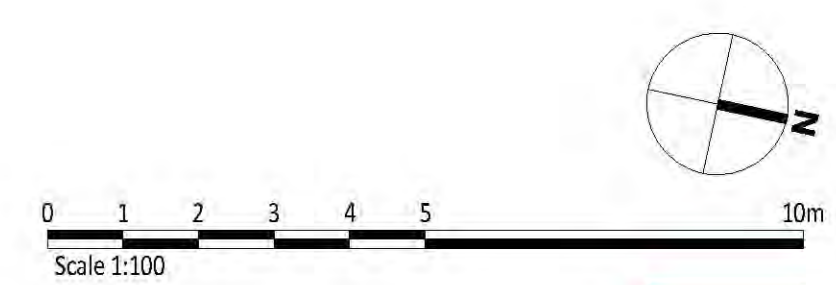
Working London Milton Keynes Warsaw
 Preliminary
 Approval

Offices

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1ST FLOOR PLAN AS PROPOSED



Client: GEORGE CAPITAL 2 (SOUTHEND) LTD
 Project: London Road Retail Park SOUTHEND
 Drawing Title: 1st floor plan as proposed
 Scale @ A0: 1:100
 Checked by: SC
 Date: Jul 2018
 Job No: 10863
 Stage: PL 004
 Rev: A

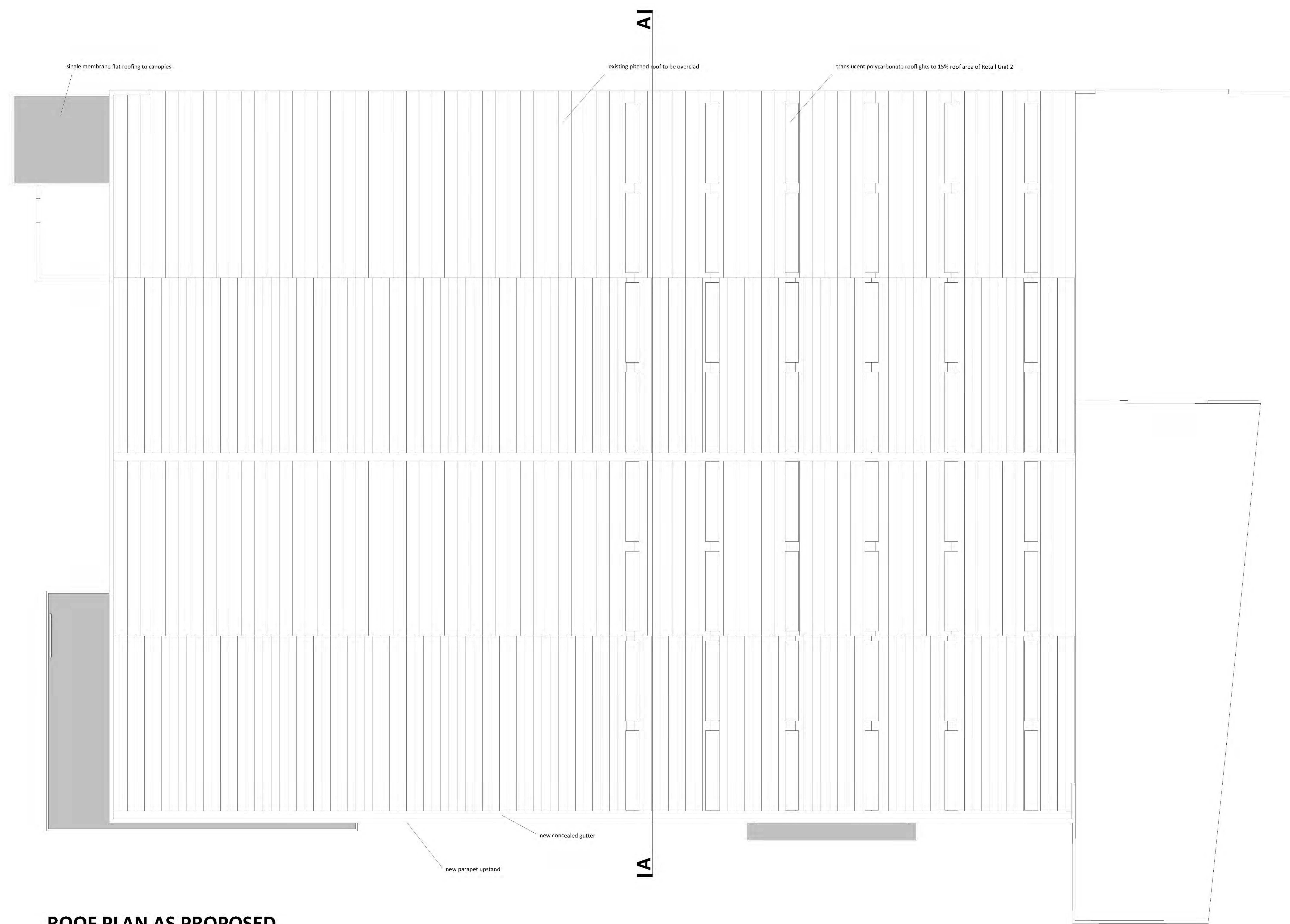


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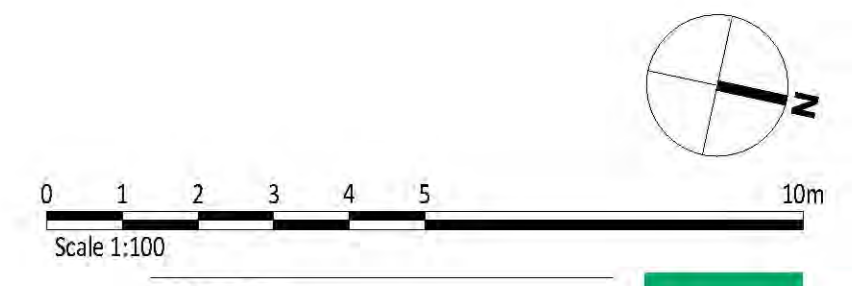
Architecture Planning
 Master Planning
 Urban Design
 Interiors

Issue Status:
 Construction
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 Approval
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 London
 Milton Keynes
 Warsaw
 PRC Architecture & Planning

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ROOF PLAN AS PROPOSED



Client:
**GEORGE CAPITAL 2
(SOUTHEND) LTD**



Project:
**London Road Retail Park
SOUTHEND**

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01483 404310
info@prcgroup.com
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Drawing Title:
**Roof plan
as proposed**

Architecture
Planning
Master Planning
Urban Design
Interiors

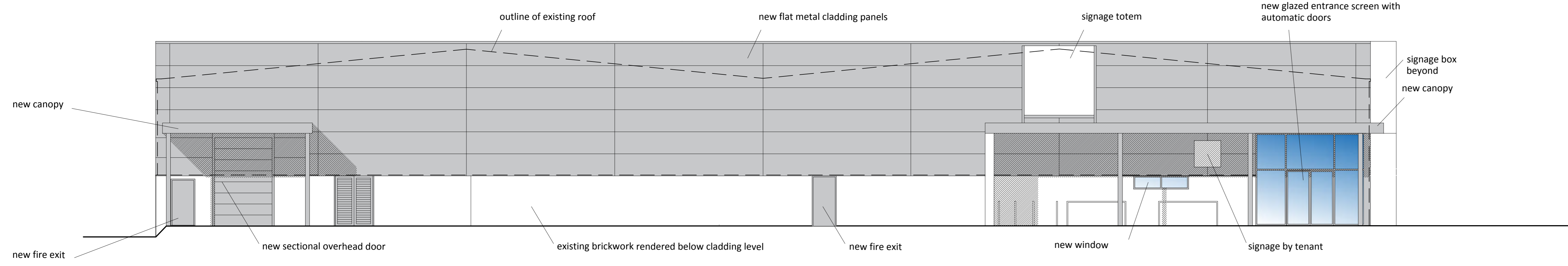
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Job No: 10963 Stage: PL 005 Drawing No: Rev:

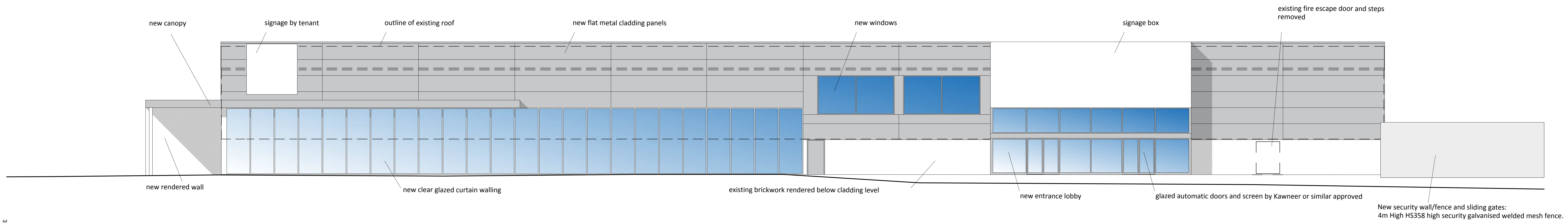
Issue Status:
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 Information Approval London
 Tender Approval Milton Keynes
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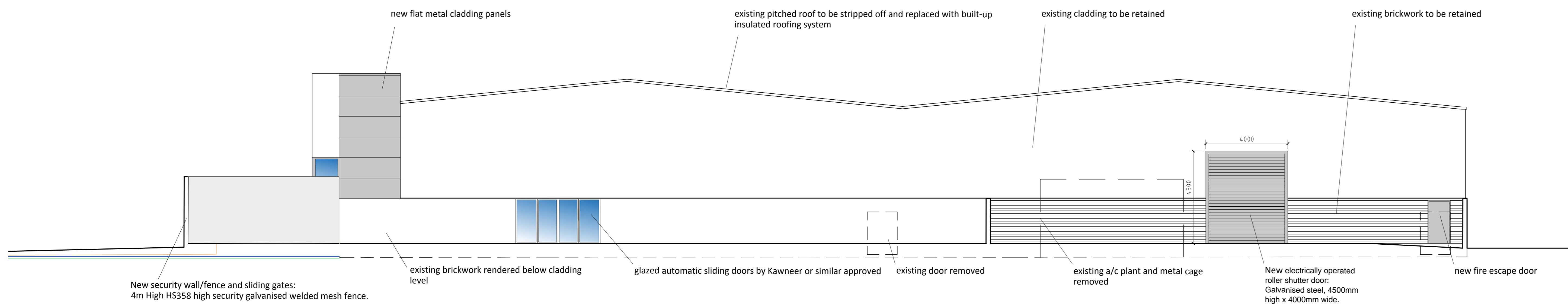
Revisions:	Drawn/Chkd:	Date:
A Security fencing and roller shutter door detail added	AM/SC	17.08.18
B Entrance beyond shown to South Elevation	SN/SC	18.10.18



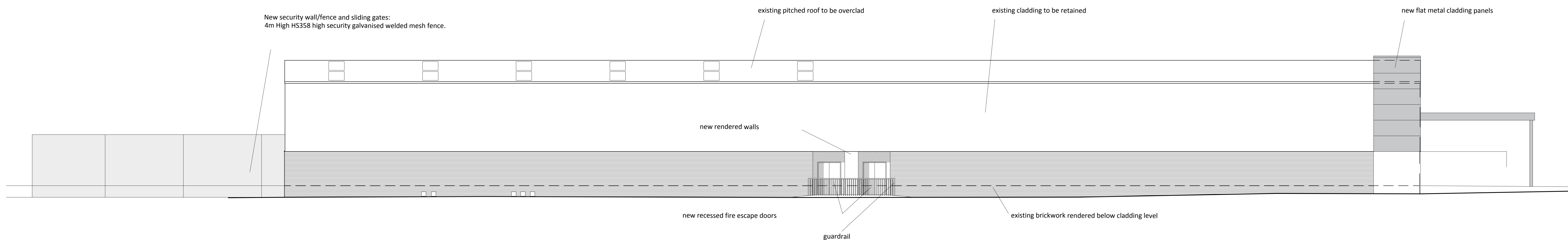
SOUTH ELEVATION AS PROPOSED



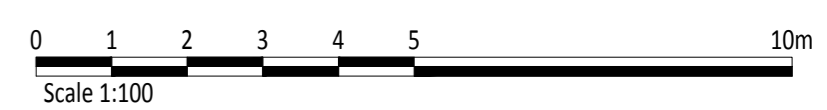
EAST ELEVATION AS PROPOSED



NORTH ELEVATION AS PROPOSED



WEST ELEVATION AS PROPOSED



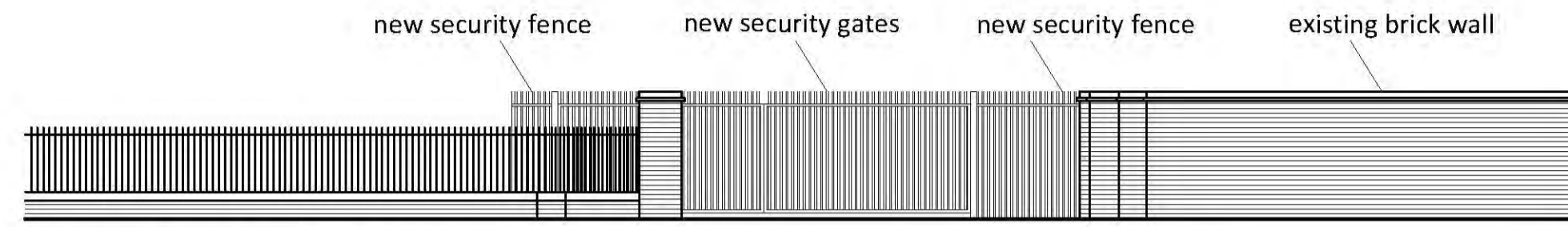
Client: GEORGE CAPITAL 2 (SOUTHEND) LTD
 Project: London Road Retail Park SOUTHEND
 Drawing Title: Elevations as proposed
 Scale @ A0: 1:100
 Checked by: SC
 Date: Jul 2018
 Job No: 10863
 Stage: PL 009
 Rev: B



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Issue Status:	Offices:
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<input type="checkbox"/> Information	<input type="checkbox"/> Approval
<input type="checkbox"/> Tender	
	Woking London Milton Keynes Warsaw

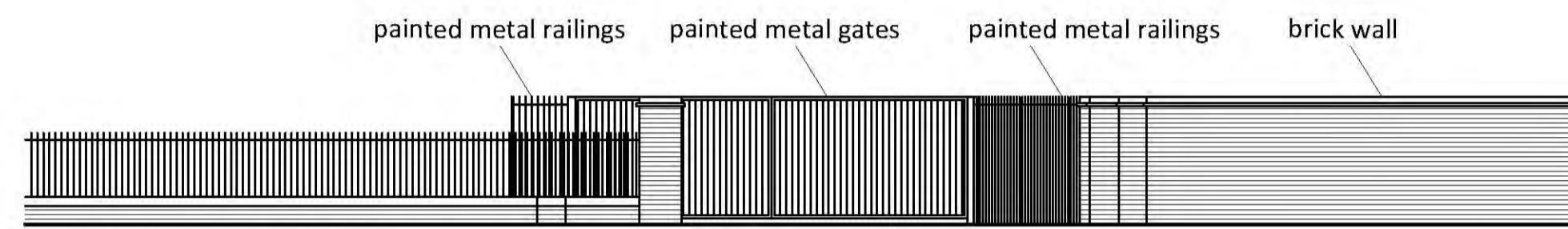
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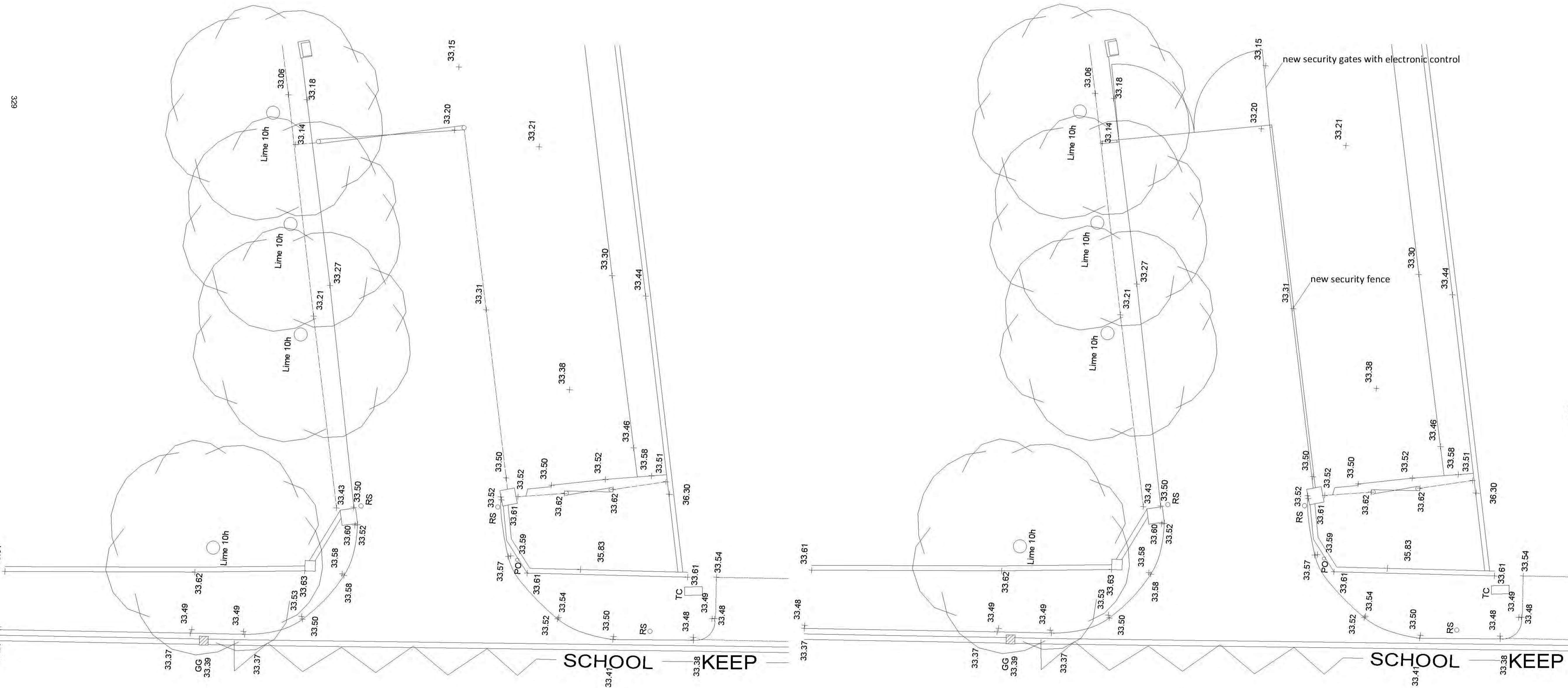
ELEVATION AS PROPOSED



ILLUSTRATIVE FENCING



ELEVATION AS EXISTING



PLAN AS EXISTING

PLAN AS PROPOSED



Client:
GEORGE CAPITAL 2
(SOUTHEND) LTD



Project:
London Road Retail Park
SOUTHEND

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Drawing Title:

SECURITY ENTRANCE DETAILS

Architecture
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Master Planning
Urban Design
Interiors

Scale @ A1: 1:100
Checked by: SC
Date: Aug 2018

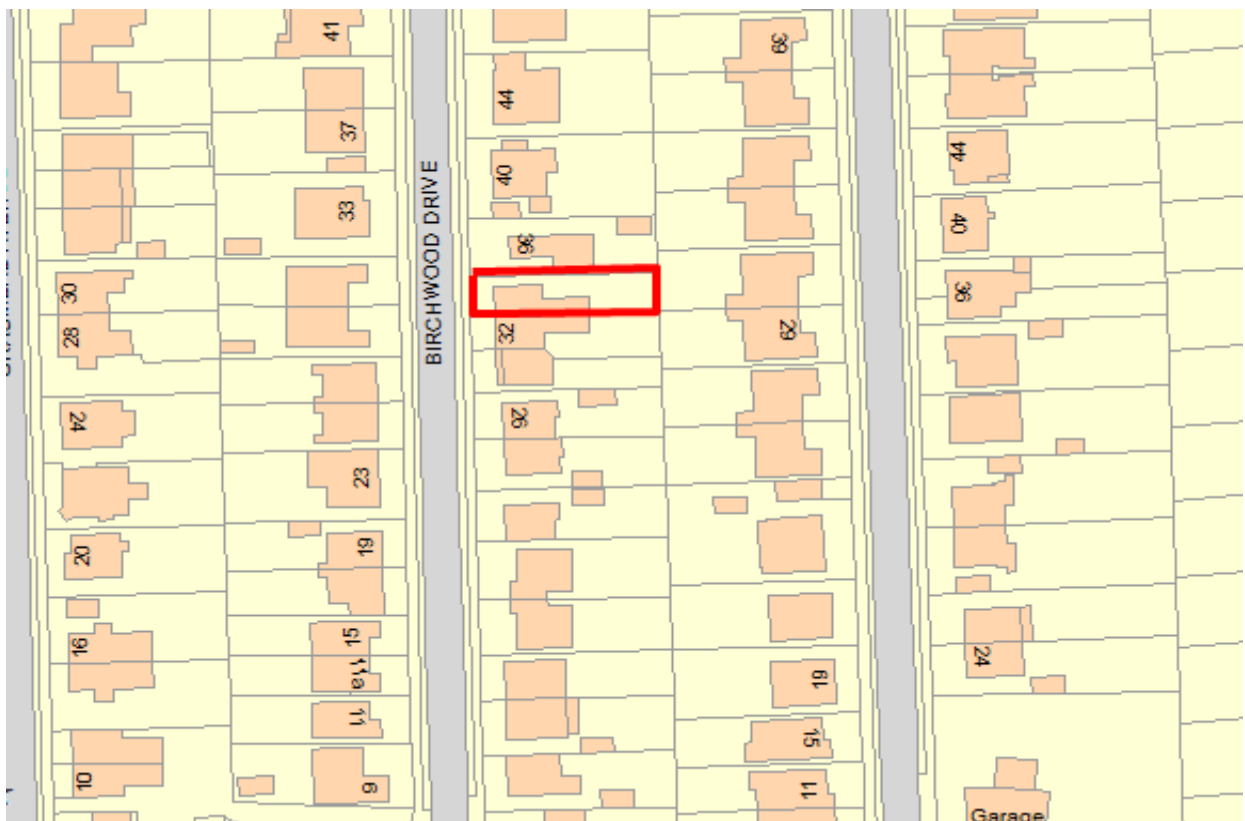
Job No: 10863
Stage: PL
Drawing No: 012
Rev:

Issue Status:
 Construction
 Information
 Tender
 Preliminary
 Approval

Offices
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Milton Keynes
Warsaw

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Reference:	18/01436/FULH	<h1>14</h1>
Ward:	Blenheim Park	
Proposal:	Erect single storey side and rear extension	
Address:	34 Birchwood Drive Eastwood Essex SS9 3LE	
Applicant:	Mrs Stone	
Agent:	Barker Woodrow	
Consultation Expiry:	31 st August 2018	
Expiry Date:	8 th November 2018	
Case Officer:	Julie Ramsey	
Plan Nos:	607 Rev B	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission to demolish the existing side conservatory and rear single storey addition and construct a single storey flat roof rear/side extension, which would wrap around the existing outrigger.
- 1.2 The proposed side/rear extension would extend from the rear wall of the property and extend the full length of the outrigger, some 5.5m, extend a further 1.5m beyond the rear wall and wrap around the existing outrigger to the southern boundary with No. 32. The extension would measure a maximum of 5.25m wide and have a maximum height of 3.1m with a parapet roof.
- 1.3 The proposed development would be finished in white render and uPVC windows and doors to match the existing property.
- 1.4 During the course of the application a small change to the fenestration detailing on the north flank elevation of the extension have been made by adding a glazed panel door.
- 1.5 The application falls to be considered by the Development Control Committee as the applicant is related to a member of staff of Southend Borough Council.

2 Site and Surroundings

- 2.1 The application site is located on the eastern side of Birchwood Drive, north of the junction with London Road (A13). The site contains a semi-detached two storey dwelling. The property has a front bay window and open porch. There is an attached garage to the side and a small conservatory to the rear. The property has hardstanding to the front for parking purposes.
- 2.2 The surrounding area is predominantly made up of pairs of semi-detached houses with hipped roofs and front bay windows, interspersed with bungalows and detached houses of varying designs and styles.
- 2.3 The site is not located within a designated Conservation area and is not a listed building.

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, highway and parking impacts, impacts on residential amenity and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015), Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 4.1 This proposal is considered in the context of the National Planning Policy Framework (2018) and Core Strategy Policies KP1, KP2 and CP4. Also of relevance is Policy DM1 which addresses design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and an extension or an alteration to the property is considered acceptable in principal, subject to detailed considerations discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 4.2 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document (2015). The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 According to Policy KP2 of the Core Strategy, 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”*.
- 4.4 Policy DM1 of the Development Management Document (2009) 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”*.
- 4.5 Policy DM3 (5) also 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.’*
- 4.6 Paragraph 351 of the Design and Townscape Guide states that *‘Many properties in the Borough have the capacity to extend to the side. However, side extensions can*

easily become overbearing and dominate the original property. In order to avoid this, side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated'

- 4.7 Paragraph 348 of The Design and Townscape Guide (2009) also states that *"whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form."*
- 4.8 In terms of its size, scale, bulk and height, the proposed side/rear extension is considered to be visually acceptable and would not result in demonstrable harm to the character and appearance of the dwelling or the wider area. The existing conservatory and single storey rear section are to be demolished and a side/rear extension constructed within a comparable footprint. The side extension would extend from the rear wall of the dwelling and wrap around the existing outrigger to the southern boundary with No. 32. The extension would increase the width of the existing outrigger at ground floor by some 2.2m and extend beyond the rear wall by some 1.5m. The proposal would have a flat roof and roof lantern consistent with residential extensions to the rear. The extension would be rendered to match the existing property, with a window and set of French doors to the rear and a door and window to the side elevation serving the utility room and a fully glazed panel door to the side serving the kitchen/dining area.
- 4.9 It is therefore considered that the proposed development would not result in a detrimental impact on the character and visual amenity of the dwelling or the wider area in accordance with Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3; The Design & Townscape Guide (2009) and the core principles of the NPPF (2018). Therefore the proposed side/rear extension is acceptable and compliant with the relevant national and local planning policies.

Impact on Residential Amenity

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 4.10 The Design and Townscape Guide (2009) states that *"extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties."* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management Document (2015) requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *"having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."*
- 4.11 The application property is neighbored by No. 36 and No. 32 Birchwood Drive. The rear element of the extension is located on the shared boundary with No. 32. However the depth of the rear element is only 1.5m this is identical to the depth of

the existing rear projection that is to be demolished and which is also present to the rear of this adjoining neighbour. The bulk of the rear extension is reduced, in comparison to that which exists, as the proposed extension has a flat roof and is therefore set lower on the boundary than the neighbouring rear projection. Therefore, it is considered that the proposed development would not result in a loss of amenity to the occupiers of No. 32 in terms of undue overshadowing, loss of light or privacy, reduced outlook or an unacceptable level of perceived or actual dominance or enclosure.

- 4.12 The side/rear extension would extend the full depth of the existing outrigger and project some 1.5m beyond the rear wall of the outrigger, giving a total depth of some 7.5m. The extension would replace the existing conservatory and rear projection and form a continuous side and rear flat roof extension with a maximum height of 3.1m. The neighbouring property, No. 36 is an 'L' shaped detached bungalow, with a side element which sits back from the front of the bungalow, close to the shared boundary with the application site. The side element faces the proposed extension which is some 2m from the shared boundary. The proposed extension would extend approximately 2.1m forward of this side element with No. 32.
- 4.13 The garage serving the application property is located on this shared boundary and there is approximately 2m separation between the main dwelling and boundary. The side element of No. 36 facing the proposed extension does not contain any windows and the proposal would be predominantly screened from this neighbour by this side element. The proposed extension is some 4.5m from the side wall of the main bungalow and nearest habitable windows. The side element to No. 32 has a window facing front (west), this is close to the shared boundary. The proposed extension would sit forward of this window and could result in a 'well' forming between the neighbouring property and the proposed extension. However the existing garage is built on the shared boundary and a number of shed buildings are also located on this boundary. Therefore given the single storey nature of the proposal and the separation distances, it is, on balance, considered that the side/rear extension would not result in a material increase in overlooking, loss of privacy, loss of outlook and light undue overshadowing, dominance or an increased sense of enclosure to this neighbour. The proposal is therefore acceptable and policy compliant in this regard.
- 4.14 The property is bordered at the rear by the rear gardens of No. 29 and No. 31 Darlinghurst Grove. There is adequate separation distance between the proposed development and the rear boundary. Hence, it is not considered that the proposed extension would have a detrimental impact on this neighbour to the rear.

Traffic and Transport Issues

National Planning Policy Framework (2018); Development Management Document (2015) Policy DM15; Core Strategy (2007) Policy CP3; The Design & Townscape Guide (2009)

- 4.15 Policy DM15 of the Development Management Document (2015) states that new development will only be permitted if it makes provision for off-street parking in accordance with the adopted vehicle parking standards. For a dwelling of 2+ bedrooms, a minimum of 2 off-street parking spaces is required.

- 4.16 The application property is a three bedroom dwelling. The proposed development would not result in an increased parking requirement or alteration to the existing parking arrangements on site. Therefore, the proposed development is not considered to result in any material harm to highway safety or the local highway network.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.17 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

5 Conclusion

- 5.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. Furthermore, the proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. The proposal would not result in any adverse impact on parking provision or highways safety. This application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007), Policies KP1 (Spatial Strategy), KP2 (Development Principles) CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015), Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

- 7.1 Six neighbours were notified of the application and no letters of representation have been received.

8 Relevant Planning History

8.1 None

9 Recommendation

Members are recommended to 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 hereby permitted shall be carried out in accordance with the following approved plans: 607 Rev B

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the Design and Townscape Guide (2009).

04 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

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

Informative

- 1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.**

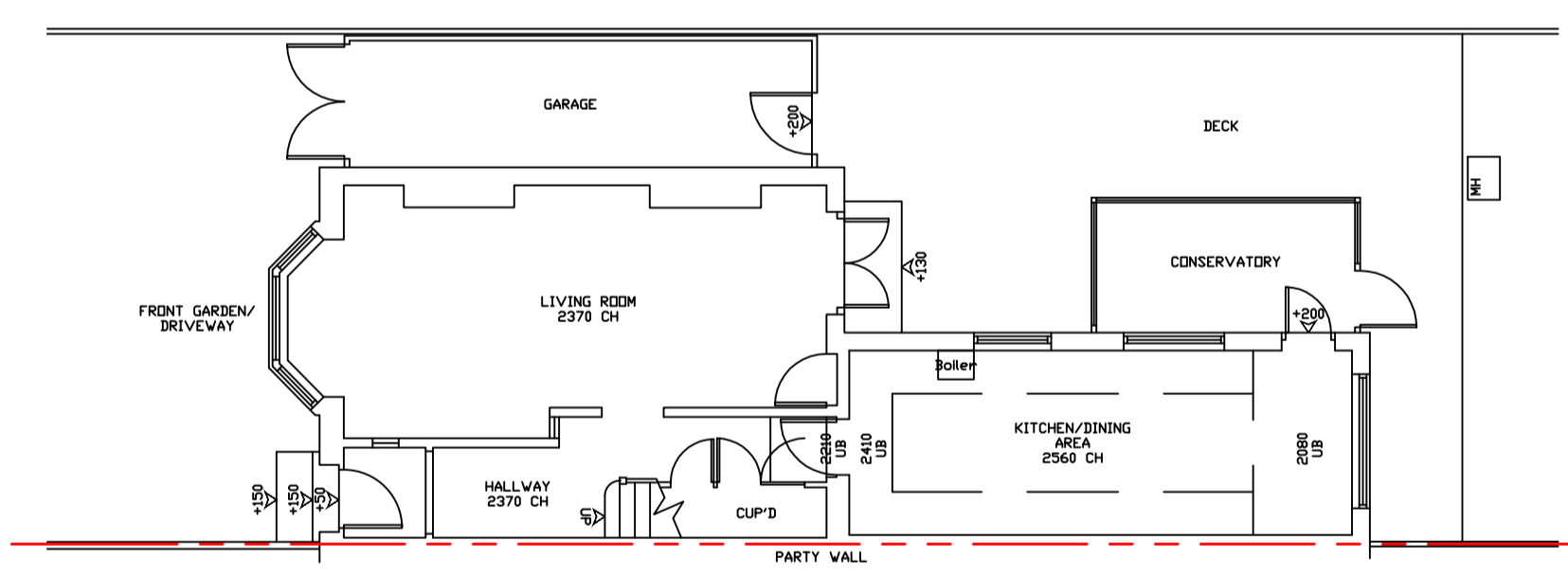
1 EXISTING ELEVATIONS
1:100



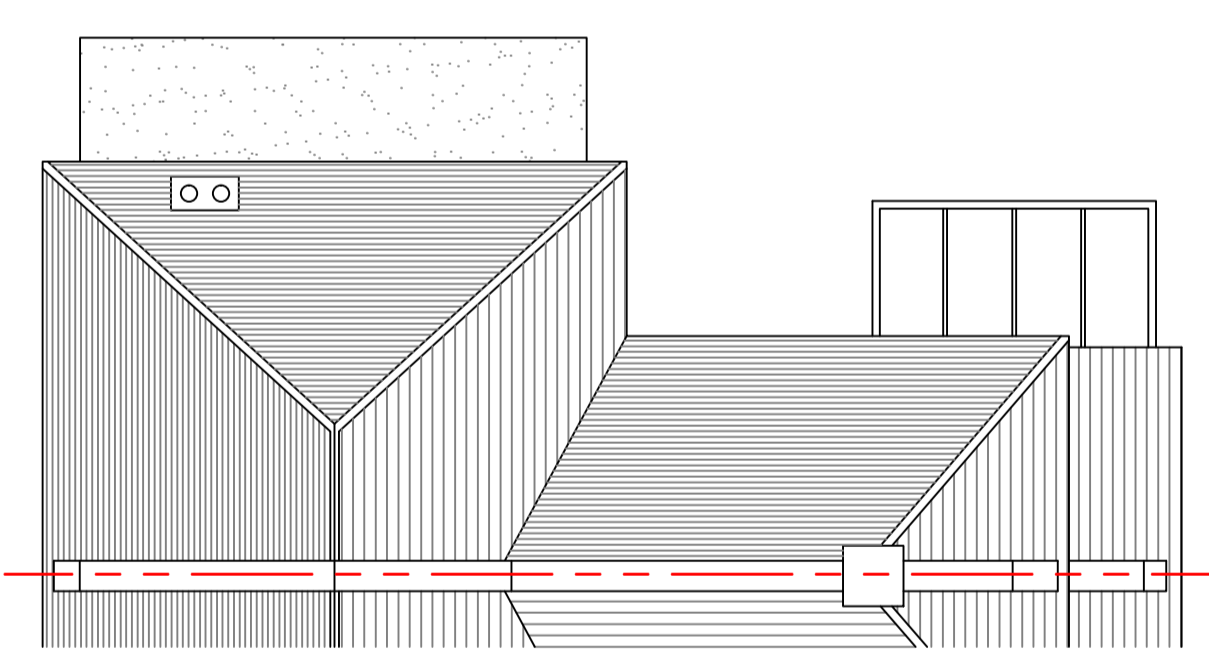
2 PROPOSED ELEVATIONS
1:100



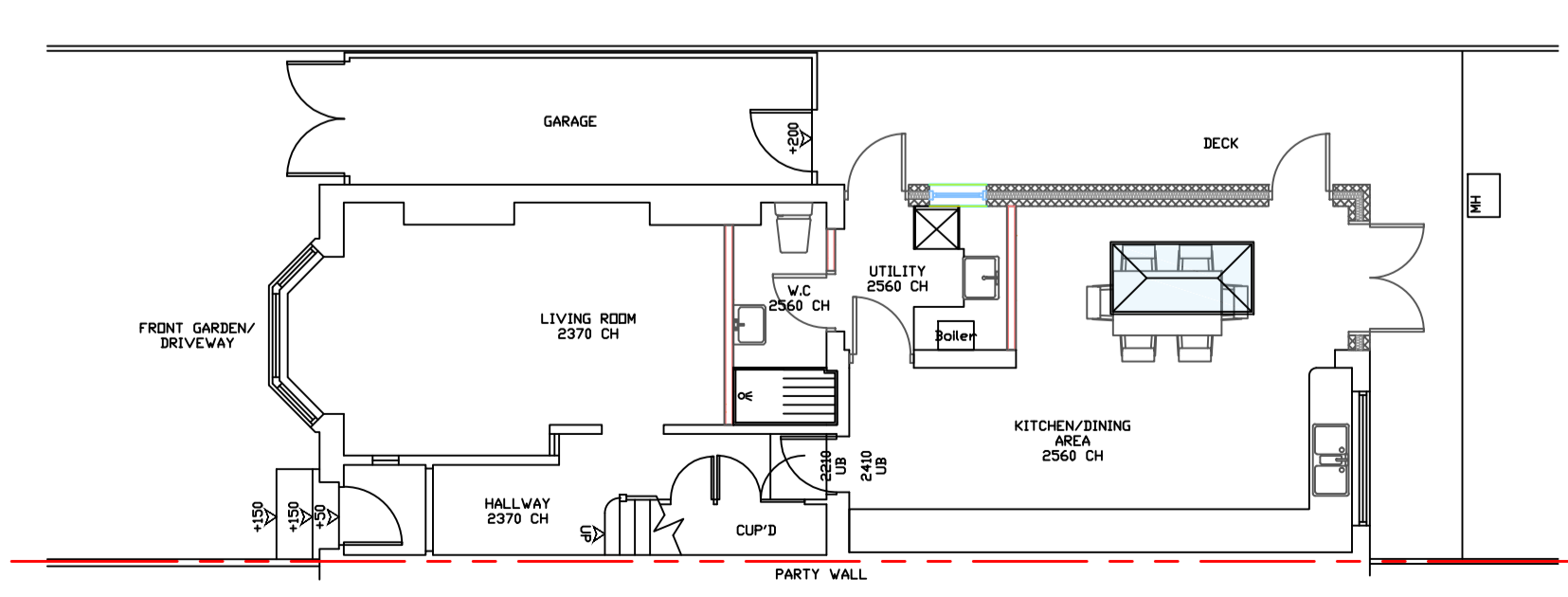
3 EXISTING FLOOR PLAN
1:100



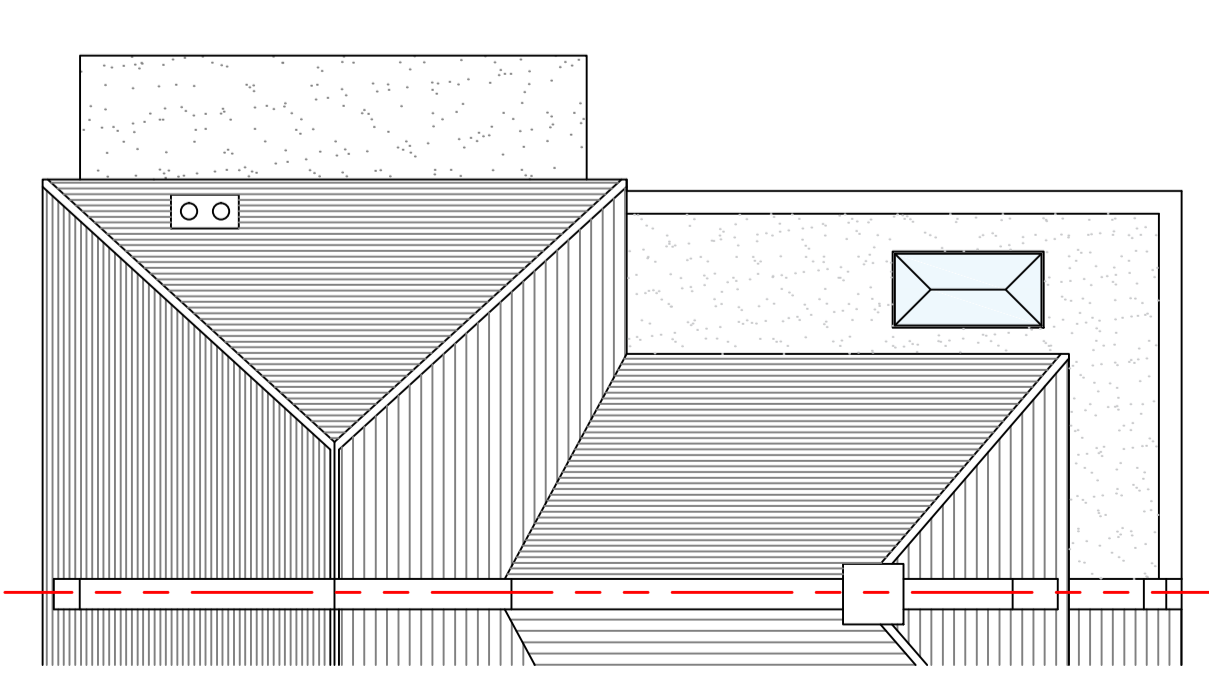
5 EXISTING ROOF PLAN
1:100



4 PROPOSED FLOOR PLAN
1:100



6 PROPOSED ROOF PLAN
1:100



7 LOCATION PLAN
1:1000



NOTES:
ALL LEVELS AND DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO ANY WORKS COMMENCE. ALL LEVELS AND DIMENSIONS ARE NOT GUARANTEED EXACT, ANY DISCREPANCIES ON THE DRAWINGS ARE TO BE NOTIFIED TO BARKER WOODROW IN THE FIRST INSTANCE.
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8 SITE PLAN
1:500



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PLANNING ISSUE



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SCALE AT A1: 1:100, 1:500, 1:1000	DATE: 08/10/2018	DRAWN: WB
PROJECT NO: 18/259	DRAWING NO: 607	REVISION: B

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