

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 6th March, 2019

Time: 2.00 pm

Place: Committee Room 4a - Civic Suite

Contact: Tim Row - Principal Democratic Services 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, 12th December, 2018
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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

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Date: Wednesday, 12th December, 2018

Place: Committee Room 1 - Civic Suite

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

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors A Jones
T Hartley, T Row, G Gilbert, K Waters, P Keyes and M Warren

Start/End Time: 2.00 - 3.35 pm

556 Apologies for Absence

Apologies were received from Councillor Buckley (Substitute: Councillor Buck) and Councillor Evans (No Substitute).

557 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor D Garston – Agenda item 5 (18/01352/FUL Henry Burgers) – Non-Pecuniary Interest: Mother of the applicant is a neighbour to him and a joint member of the resident's board.

(b) Councillor Mulroney – Agenda item 5 (18/01352/FUL Henry Burgers) – Non-Pecuniary Interest: Member of Leigh Town Council (non-participant in planning).

(c) Councillor Jones – Agenda item 6 (18/01812/FUL 258 Westborough Road) – Non-Pecuniary Interest: Relative lives nearby.

558 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.

559 18/01570/BC3 - Warrior Square Car Park, Warrior Square, Southend-on-Sea (Milton Ward)

**Proposal: Install Wheeled Sports Facility Area with associated works.
Applicant: Southend-on-Sea Borough Council
Agent: N/A**

Resolved:-That PLANNING PERMISSION be GRANTED 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:

SBC/WSWS/Plan/App/001,
SBC/WSWS/Plan/App/002,
Sections dated 04.10.2018,
Dimensions dated 04.10.2018,
Site Plan 04.10.2018.

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

3. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for excavation and site clearance works, until details of the materials to be used for development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before it is brought into use.

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.

4. The development hereby granted shall not be brought into use until secure bicycle parking facilities have been provided at the site in accordance with plans and details which shall have been previously submitted to and agreed by the Local Planning Authority. The bicycle parking spaces shall be permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory secure bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with NPPF (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) and The Design and Townscape Guide (2009).

5. No development shall take place, except for excavation works, until full details of the drainage infrastructure to be used at the site have been submitted to and approved in writing by the local planning authority. Drainage infrastructure shall only be implemented and thereafter managed at the site in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

6. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) no external lighting shall be installed at the site at any time without the prior receipt of express planning permission from the local planning authority.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

7. Prior to the first use of the development hereby approved, a management plan which identifies the measures to be implemented to mitigate any potential noise disturbance or anti-social behaviour impacts arising from the development shall be submitted to the Local Planning Authority, approved in writing and implemented in full. This shall include, but not be limited to, signage and CCTV coverage of the site. Within one calendar year of the first use of the site for the purposes hereby approved a report setting out any issues which have arisen from the use of the facility in terms of noise and disturbance and anti-social behaviour and crime, where issues are identified, and a revised management plan which includes measures to mitigate any such issues shall be submitted to the local planning authority and approved in writing. The management plan shall include a timescale for the implementation of the mitigation measures identified and the measures shall be implemented in full accordance with the approved timescale.

Reason: To protect the environment of people in neighbouring properties and general environmental quality 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).

8. No construction works other than excavation 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; bike or other non-vehicular and pedestrian access; hard surfacing materials. 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 development shall be implemented in full accordance with the approved details before any of the development is first brought into use.

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 policies DM1 and DM3 of the Development Management Document (2015).

9. No means of enclosure shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

10. Prior to the commencement of use, details of the refuse and recycling facilities shall be submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall be implemented in accordance with the approved details before the commencement of the use and shall be permanently maintained thereafter.

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 policies DM1 and DM3 of the Development Management Document (2015).

560 18/01352/FUL - Henry Burgers, 141 Broadway, Leigh-on-Sea (Leigh Ward)

Proposal: Erect first floor rear extension and second floor extension to form additional restaurant and ancillary storage space, and roof terrace to front, relocate associated roof-mounted equipment including installation of extract flue to roof, and erect replacement external staircase and associated elevation alterations.

Applicant: Henry Burgers

Agent: More Space Architecture Ltd

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 is hereby permitted in accordance with the following approved plans: 18-030 202 00 Location Plan, 18-030 201 08 Existing and Proposed Elevations and Site Plan, 030 200 07 Existing and Proposed Floor Plans, 18-030 204 01 bin storage detail.

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

03. The rooftop extension and rooftop terrace shall not be used by customers unless and until obscured glass has been installed to the south-

facing second floor window to the glazed balustrade / glass screen to the south elevation of the rooftop terrace, in accordance with details to have been previously submitted to and agreed in writing by the local planning authority. The glass shall 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 shall be retained as such in perpetuity thereafter.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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 second-floor external terrace hereby approved shall not be open for customers outside the following hours: 10:00 hours and 21:00 hours Monday to Sundays including Bank Holidays.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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 music or amplified sound shall be played on the second-floor external terrace at any time.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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).

06. Notwithstanding details shown on the submitted plans otherwise hereby approved, no development beyond the erection of a structural framework for the extension hereby approved shall take place until details of an acoustic lobbied entrance to the top floor outdoor seating area have been submitted to and approved by the local planning authority. The approved details shall be implemented in full as part of the development prior to first occupation of the second-floor external terrace. The lobby shall be of an adequate size and to ensure that the outer door can be closed before the inner door is opened.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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).

07. No development beyond the erection of a structural framework for the extension hereby approved shall take place until samples and specifications of the materials, including details of colour, 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 the extension is first 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).

08. The proposed rear staircase shall be used for staff access and egress purposes only or for emergency purposes, and shall not be used as a place to linger or sit out at any time.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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).

09. Notwithstanding details shown on the submitted plans and otherwise hereby approved, waste storage management and collection arrangements shall be carried out only in accordance with a waste management plan, that has been submitted to and agreed in writing with the local planning authority prior to first occupation of the extension hereby approved. The submitted details shall include specifications, siting of waste containers and associated machinery (compactors, crushers and balers), and details of collection arrangements including frequency, location and means of enclosure. Waste shall thereafter be stored and managed in accordance with the plan as agreed, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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).

10. Operation of waste compaction, crushing and baling equipment at the site shall be limited to between the hours of 09.00 to 18.00 only and shall not operate outside of these times on any day.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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).

11. Prior to the occupation of the extension hereby approved, extraction and ventilation equipment shall be installed on the premises in accordance with details that have been previously submitted to the Local Planning Authority and approved in writing. All extraction and ventilation equipment installed in association with these works shall terminate at least one metre above the roof of the premises and shall be free from any obstruction such as a cowl, cap or any other deflection at its termination point.

Reason: In order to protect the amenities of nearby occupiers in accordance 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. The rating level of noise for all plant, extraction and ventilation equipment installed in association with this consent determined by the procedures in BS4142:2014, shall be at least 5dB(A) below the background noise level with no tonal elements. If there are tonal elements they shall be at least 10db below background noise level. Details of how this standard will be met shall be submitted to the local planning authority and approved in writing prior to the development being brought into use. The LA90 in assessing any such impacts shall be determined according to the guidance in BS4142:2014 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises.

Reason: In order to protect the amenities of nearby existing and future occupiers in accordance 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).

13. The rating level of noise for all activities at the enlarged premises (including amplified and unamplified music and human voices) shall be at least 10dB(A) below the background noise to ensure inaudibility in noise sensitive premises. Details of how this standard will be met shall be submitted to the local planning authority and approved in writing prior to the development being brought into use. The LA90 in assessing any such impacts shall be determined according to the guidance in BS4142:2014 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential 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 nearby existing and future occupiers in accordance 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).

14. Prior to the installation of any external lighting at the site, details of the external lighting, including times of operation, shall be submitted to and agreed in writing by the local planning authority. The lighting shall only be implemented in accordance with the approved details. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property. The details submitted shall include an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light.

Reason: To secure a high standard of development and to protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Design and Townscape Guide (2009).

15. The premises shall not be open for customers outside the following hours: Monday to Sunday 10:00 to 23:30.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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).

16. Notwithstanding the details shown on the information submitted and otherwise hereby approved, the development hereby permitted shall not be occupied unless and until full details of any mitigation measures to be used in relation to potential odour impacts have been submitted to and approved in writing by the local planning authority. The mitigation measures hereby approved shall be implemented in full accordance with the details approved under this condition before the extensions are first brought into use and be maintained as such in perpetuity thereafter.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is 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 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.

561 18/01812/FUL - 258 Westborough Road, Westcliff-on-Sea (Westborough Ward)

Proposal: Change of use of doctors surgery (Class D1) into six self-contained flats (Class C3), erect first floor extension, two storey front and rear extensions, single storey extension with terrace to rear at first floor level, install balcony to rear, terrace to front, cycle and refuse store to rear, layout parking to rear, amenity space to rear and side and alter elevations (Amended Proposal).

Applicant: 22nd Century Property Ltd

Agent: Phase 2 Planning

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: 17.201/01 F, 17.201/02 F, 17.201/03 F, 17.201/04 F, 17.201/05 F, 17.201/06 F, 17.201/07 F, 17.201/08 F, 17.201/09 F, 17.201/10 E, 17.201/11 F, 17.201/12 F, 17.201/13 E, 17.201/14 F, 17.201/15 E, 17.201/16, and additional materials specifications in the letter from BDA ref. 17.150/DC.

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

03. The proposed balustrade to the south elevation of the balcony at the rear of Flat 6 shall be provided in full as shown on the approved plans before the dwelling is occupied, at a height of 1.7m above finished floor level and 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 shall be retained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

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).

04. From the commencement of the works associated with the implementation of this consent through to their completion the tree within the site near the junction of Westborough Road and Tintern Avenue shall be protected in full accordance with the requirements of British Standard 5837:2012.

Reason: In the interests of visual amenity and to maintain the positive contribution made by the established tree 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).

05. The approved hard landscaping works including boundary treatments 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. 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 is implemented pursuant to Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

06. Prior to the first occupation of the flats hereby approved the car parking shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwellings and thereafter be retained as such in perpetuity.

Reason: To ensure the provision of adequate car parking in accordance with 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07. Prior to the first occupation of the flats hereby approved the refuse store and cycle storage shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwellings and thereafter be retained as such in perpetuity.

Reason: To ensure the provision of adequate car parking in accordance with 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08. 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).

09. 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, before it is occupied.

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).

10. 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).

11. Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings within the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of future occupiers, 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 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.

562 18/01122/FUL - Mariner House, 157 High Street, Southend-on-Sea (Milton Ward)

Proposal: Change of use from shop (Class A1) to restaurant (Class A3) and install extraction vent to rear.

Applicant: Pillingstone Ltd

Agent: UPP – Urban Planning Practice

Resolved: - That consideration of the application be DEFERRED to a future meeting of the Committee to enable further discussion with the applicant regarding the current plan and the extraction vent to the rear.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 9th January, 2019

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, D Norman MBE, P Van Looy, C Walker, N Ward and P Wexham*

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: T Hartley, G Gilbert, K Waters, P Keyes, C White and M Warren

Start/End Time: 2.05 - 3.45 pm

582 Apologies for Absence

Apologies were received from Councillors Ward and Mulroney (Substitute: Councillor Wexham).

583 Declarations of Interest

The following declarations were made at the meeting:

(a) Councillor Buckley – Agenda item No. 5 (18/01963/FULM – Development Land at Priory Crescent) – Non-pecuniary interest: Has met with the management/staff of the store in recent weeks.

(b) Councillor Dear – Agenda item No. 7 (18/01749/FUL – 112 Fairway, Leigh-on-Sea) Non-pecuniary interest: Lives on The Fairway.

(c) Councillor D Garston – Agenda item No. 7 (18/02048/FUL – Clements House, 1279 London Road, Leigh-on-Sea) – Non-pecuniary interest: Is a client of the firm.

(d) Councillor D Garston – Agenda item No. 9 (18/01527/AMDT – 11 Leigh Park Road, Leigh-on-Sea) – Non Pecuniary interest: Architect is known to him.

(e) Councillor J Garston – Agenda item No. 7 (18/02094/FUL – Clements House, 1279 London Road, Leigh-on-Sea) – Non-pecuniary interest: Is a client to the firm.

(d) Councillor Walker – Agenda item No. 7 (18/02094/FUL – Clements House, 1279 London Road, Leigh-on-Sea) – Disqualifying non-pecuniary interest: Applicant is a relative.

584 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.

585 18/00810/FULM - 10 Fairfax Drive, Westcliff-on-Sea (Prittlewell Ward)

Proposal: Demolish existing buildings, erect three blocks of three, four and five storeys comprising of 92 self-contained flats with balconies and parking at ground floor level, landscaping, amenity space, associated works including highway alterations and alteration of existing access onto Fairfax Drive (Amended Proposal)

Applicant: Weston Homes PLC

Agent: N/A

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager Planning and Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).

- ***9 units of affordable housing (7 x 1 bed, 2 x 2 bed) all of which constitute shared ownership and an affordable housing review mechanism.***
- ***£45,400.50 contribution towards secondary education.***
- ***£4000 payable to the Council for expenditure towards covering the cost of the alterations of the Traffic Regulations Order in force along Fairfax Drive.***
- ***Travel packs***
- ***£4,600 towards biodiversity mitigation, management, protection and education.***

(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 solely out in accordance with the approved plans: WH181/17/P/35.01, WH1XX/17/P/05.01, AP234-P008 Rev E, AP234-P009 Rev E, AP234-P010 Rev E, WH181/18/P/05.02, AP234-P002 Rev E, AP234-P003 Rev E, AP234-P004 Rev F, AP234-P005 Rev E, AP234-P006 Rev E, AP234-P007 Rev E, AP234_201, PL1610.1.GA.300 01, PL1610.1.G1.301 01, PL1610.1.GA.302 01, PL1610.1.GA.200 01,

PL1610.1.GA.201 01, PL1610.1.GA.101 02, PL1610.1.GA.102 02, PL1610.1.GA.100 02, PL1610.1.GA.202 01, PL1610.1 Planting schedule, 170429-TK07 Rev. A, 170429-05 Rev. C

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 the lower ground floor 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 roofs, cladding, balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by the local planning authority. The development shall be finished in the approved facing brickwork Ibstock Leicester Multi and Ibstock Leicester Multi Yellow stock or any other brick details subsequently submitted to and approved in writing by the local planning authority. The development shall be carried out only in full accordance with the approved details.

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 - The development shall be undertaken in strict accordance with the approved hard and soft landscaping plans and particulars or any other hard and soft landscaping details that have been previously submitted to and approved in writing by the local planning authority. The 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 as may be agreed with the Local Planning Authority.

Reason: To safeguard character and appearance of surrounding area 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).

05 - The development hereby approved shall be carried out and completed in accordance with drawing AP234-P0002 Revision E dated 09/03/18 in relation to the highways works and new access road shown for the development in accordance with a timescale that has been submitted to the local planning authority and approved in writing before the development is first occupied.

Reason: In the interests of highways management and safety in accordance with Core Strategy (2007) policies KP2, CP3, CP4; Development Management Document (2015) policy DM15 and the advice contained within the Design and Townscape Guide (2009).

06 - The development shall not be occupied until 92 car parking spaces, of which 10 shall be for disabled users, have been provided at the site and made available for use in accordance with drawing AP234-P002 Revision E (dated 09/03/18) together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter 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 CP3 of the Core Strategy (2007) and Policy DM15 of the Council's Development Management Document (2015).

07 - The development shall not be occupied until details of all balcony and terrace areas within the development and how they will be served by privacy screens have been submitted to and approved in writing by the Local Planning Authority. The screens, as approved, shall be erected prior to first occupation of those balconies/ terrace areas, and retained thereafter in perpetuity. No flat roof areas within the development shall be used for the purposes of a sitting out, balcony or amenity area unless it has been specifically approved as part of the above 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 Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

08 - The development shall not be occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing AP234-P0002 Rev. E (dated 09/03/18) have been provided at the site and made available for use in full accordance with the approved plans. The approved scheme shall be permanently maintained 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) and Policy DM15 of the Development Management Document (2015).

09 - The development shall be undertaken in accordance with the approved Construction Phase (Health, Safety and Environment) Plan (Construction Method Statement) by SES reference WH181 dated March 2018 – version 1 or any other construction method statement previously submitted to and approved in writing for this development by the local planning authority.

Reason: In the interests of visual amenity and the amenities of neighbouring 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).

10 - No surface water drainage works shall take place until details of the 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 scheme shall be implemented in accordance with the approved details before the development is occupied and brought into use and be managed and maintained as such thereafter. 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 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

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

11 - 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 the development. This provision shall be made for the lifetime of the development.

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

12 - Before the development is first occupied or brought into use, the dwellings in blocks C and D/E hereby approved shall be carried out in a manner to ensure that they comply fully with the building regulation M4 (2) 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) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

13 - 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 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 (2018) Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

14 - Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

15 - No development above the current ground level 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 environment from contaminated land have been submitted to and approved in writing by the Local Planning Authority. The remediation 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 approved remediation scheme shall be implemented in full prior to the first occupation of the dwellings hereby approved. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 off-site receptors in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

16 - All the noise mitigation measures outlined in the Environmental Noise Assessment Report No. ENV1-SOUT-040 version 2 of 29 November 2017 to protect future residents of the building from the impact of vehicular noise along Fairfax Drive and noise from football stadium activity must be implemented in their entirety prior to occupation of the buildings hereby approved to achieve an internal noise level of no greater than 30dB and the approved measures implemented shall be maintained in perpetuity.

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).

17 - Notwithstanding the information submitted with the application and otherwise hereby approved, the development shall not be first occupied unless and until a car park management and waste strategy to include details of how parking on the site during match days at the adjoining Southend United Football Stadium and to include details of where visitors to the development will park has been submitted to and agreed in writing by the local planning authority. The development shall be implemented and completed in full accordance with the details approved under this condition before it is first occupied or brought into first use and the approved strategy shall be adhered to in full in perpetuity 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).

18 - With reference to British Standard 4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at this site in accordance with this consent shall be at least 5dB(A) below the prevailing background noise level 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 KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

19 - Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development shall not be implemented above the current ground level unless and until details of the levels of the proposed building, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: To ensure that the development is carried out at suitable levels in relation to adjoining land and the highway having regard to drainage and the amenities of the area and neighbouring occupiers.

20 - Before the development hereby approved is occupied bird and bat boxes shall be installed at the site in accordance with the recommendations on Page 16 of the Phase 1 Habitats Survey (extended) by Wildlife Matters dated 15 June 2017 submitted with this application. The installed boxes shall be permanently maintained thereafter.

Reason: To ensure that the development contributes to local ecology in accordance with the National Planning Policy Framework (2018) and Policies KP2 and CP4 of the Council's Core Strategy (2007).

21 - Before the development is occupied or brought into use, and notwithstanding details shown on the plans hereby approved, units B12, B13 and B14 on the ground floor of Block B shall be implemented as wheelchair accessible units to ensure compliance with the building regulation M4(3) standard in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development includes units suitably accessible for people using wheelchairs in accordance with the National Planning Policy Framework (2018), the Core Strategy (2007) Policy KP2, Policy DM8 of the Development Management Document (2015) and the Council's Design and Townscape Guide (2009).

22 - The development shall not be occupied until a scheme of highway signage both for the internal roadway within the site and outside the site in the vicinity of the site access/ egress, such scheme to incorporate signage to inform drivers about prohibited right turn movements into and from Fairfax Drive, has been submitted to and approved in writing by the Local Planning Authority. These works shall also form part of a Section 278 Highways Agreement. All the approved signage shall be implemented in full accordance with those approved details, prior to occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that traffic movement is satisfactorily managed in the interests of highway 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 27th February 2019 (or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager Planning & Building Control), the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning and Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing, highway works, travel packs, biodiversity mitigation or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 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.

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 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.

04 - 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 affordable housing, secondary education and biodiversity mitigation, management protection and education.

05 - The works to existing highway will require a Section 278 agreement or Highways Licence.

586 18/01963/FULM - Development Land at Priory Crescent (St Laurence Ward)

Proposal: Erect retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent.

Applicant: Aldi Stores Ltd

Agent: Planning Potential Ltd

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: 22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837.

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 building at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, 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 development hereby approved is 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).

04 - The development shall be undertaken in accordance with the approved hard and soft landscaping scheme as shown on drawing number V2238 L01, or any other hard and soft landscaping scheme that has been previously submitted to and approved in writing by the local planning authority. All planting in the approved landscaping scheme shall be carried out within the first available planting season following first use of the development hereby approved. Any shrubs or trees 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 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).

05 - The development shall not be first brought into use until 97 on site car parking spaces have been provided and made available for use in full accordance with drawing 2238-CHE-110 rev. B, 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 customers and staff of 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).

06 - Notwithstanding the details shown on the plans hereby approved the development shall not be brought into first use unless and until details of a minimum of 10 secure, covered cycle parking spaces to serve the development have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided 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).

07 - The development shall be undertaken and thereafter occupied and maintained in perpetuity in accordance with the waste and recycling management strategy reference 2238-CHE dated 08.10.18. or any other waste management strategy that has previously been submitted to and approved in writing by the local planning authority.

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).

08 - No external plant or ventilation equipment shall be installed at the development unless and until full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise 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 mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standard 4142 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 and to ensure an appropriate design response 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).

09 - 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 biodiversity and 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).

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 by the Local Planning Authority and implemented in full prior to the first use 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).

11 - Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 hours Mondays to Fridays and 07:00hours to 23:00hours on Saturdays, Sundays and 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).

12 - No surface water drainage works shall take place until details of the 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 scheme shall be implemented in accordance with the approved details before the development is brought into first use and shall be managed and maintained as such thereafter. 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 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

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

13 - 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 has been submitted to and approved in writing by the Local Planning Authority. 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 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

If any contaminant is found on the site during the investigation and assessment, no development shall take place until intrusive investigation (Phase II contaminated land assessment) is carried out to delineate the extent of the contamination and 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.

All approved remediation works must be implemented in their entirety prior to development commencing unless otherwise agreed in writing by the LPA

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).

14 - Notwithstanding the information submitted with the application, no development shall be undertaken unless and until a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports should be submitted to the local planning authority before the development is brought into first use.

Reason: to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2018) and Policy DM5 of the Development Management Document (2015).

15 - Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until 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 has been 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 and shall be reviewed after 9 months of the development. 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 (2012), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

16 - 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).

17 - Notwithstanding information submitted with this application the development shall not be brought into first use unless and 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.

18 - Notwithstanding the information submitted with this application, no development shall be undertaken unless and until up-to-date protected species and habitats surveys for bats, badgers and reptiles and the measures to be taken should any protected species or habitats be found, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details.

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.

19 - Site clearance works shall be undertaken outside of the bird nesting season (October to February) or if this is not possible then the site shall be surveyed by an ecologist before works commence. If nesting birds are found then work shall not commence until the young have fledged.

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.

20 - The development shall be undertaken in accordance with the Arboricultural assessment and method statement undertaken by Barrell Tree Consultancy reference 18311-AA-AN dated 28th September 2018.

Reason: To safeguard the existing nearby trees in the interests of the character and appearance of the area 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).

21 - Notwithstanding the information submitted with this application, the development shall not be first used unless and until a deliveries management plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the approved management plan in perpetuity.

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

22 - No development shall be undertaken unless and until full details of the right hand turn lane to be provided in Priory Crescent and the amended access to the site as indicatively shown on drawing 2238-CHE-110 Rev: B have been submitted to and approved in writing by the local planning authority. The approved right hand turn lane and access arrangements shall be provided before the development is brought into first use.

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

23 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order with, or without modification, no extensions or works to provide additional floorspace shall be carried out at the development hereby approved falling within Schedule 2, Part 7 Class A of that Order.

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 Design and Townscape Guide (2009).

24 - Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990) as amended, no mezzanine floorspace shall be erected within the approved development unless express planning permission for such works has been previously granted.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance 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).

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.

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

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 - You are advised that separate advertisement consent will be required for the advertisements shown on the approved plans and the granting of planning permission in this case does not permit the advertisements shown on the plans for which separate advertisement consent is required.

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.

587 18/01749/FUL - 112 The Fairway, Leigh on Sea (Belfairs Ward)

Proposal: Erect chalet bungalow on land rear of 112 The Fairway, with dormer to front, layout parking to front, install bin and cycle stores and install vehicular access onto Thorndon Park Drive for 112 The Fairway.

Applicant: Joe Albert

Agent: DK Building Designs Ltd

Resolved: That PLANNING PERMISSION be REFUSED for the following reason:

01 - The proposal by reason its roof design and form would result in an excessively bulky, incongruous and obtrusive feature materially out of keeping with and harmful to the character and amenities of the streetscene and the surrounding area. 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 and DM3 of the Development Management Document (2005) and the Southend-on- Sea Design and Townscape Guide (2009).

588 **18/02048/FUL - Clements House,1279 London Road, Leigh on Sea (Belfairs Ward)**

Proposal: Erect roof extension to form additional floor to existing two storey office building (use class A2), erect three storey side extension, extend existing vehicular access, layout 1no. additional car parking space and landscaping to front, secure cycle storage, bin store and alter elevations.

Applicant: Mr Hyde

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 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: 528_P102C, 528_P103, 528_P104D, 528_P106D

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

03 Notwithstanding details shown on the plans submitted and otherwise hereby approved, the external elevations of the extended and altered building hereby approved shall be finished in materials the details of which shall have been submitted to and approved in writing by the Local Planning Authority before the building is occupied. The development hereby approved shall not be occupied until the external elevations of the building have been finished in full accordance with the materials approved under this condition. For the avoidance of any doubt the external materials for the development hereby approved shall not be white / grey Cembrit fibre cement cladding (S212, S101, S030 and red oxide), as specified on the otherwise approved plans.

Reason: To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

04 - Prior to occupation of the extensions and alterations hereby approved the proposed, first and second floor windows in the west flank elevations of the building and the 2nd floor windows in the rear elevation shall 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. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained as such in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining development site, in accordance with the National Planning Policy Framework (2018) Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) policy DM1 and advice contained within the Design and Townscape Guide (2009).

05 - The extension hereby approved shall not be occupied until 10 car parking spaces have been provided and made available for use at the site in accordance with drawing reference 528_P106D. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development 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 extensions and alterations hereby approved, design details shall be submitted for the boundary treatments and any changes to the hardsurfacing of the parking areas at the site. The development shall then be carried out in full accordance with the approved details prior to the first occupation of the extensions and alterations hereby approved and shall 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 policy and DM15 of Development Management Document (2015).

07 - Prior to the first occupation of the extensions and alterations hereby approved, design details shall be submitted for the provision of the commercial refuse store and the proposed cycle store at the site. The approved refuse and cycle stores shall be provided in full and made available for use by the occupants of the development prior to the first occupation of the extensions and alterations hereby approved and shall be retained as such 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 policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

08 - Prior to occupation of the extensions hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development in accordance with details that have previously been submitted to the local planning authority and approved in writing 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 - Prior to the first occupation of the extensions hereby approved, the soft landscaping works as shown on approved plan reference 528_P106D shall be carried out at 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 and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

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).

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

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 to contact the Airport Authority if a crane or piling rig is required to construct the proposed development as this will need to be safeguarded separately and dependant on location may be restricted in height. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

589 18/02094/FUL - Harcourt House and Northfield House, Baxter Avenue, Westcliff on Sea (Victoria Ward)

Proposal: Erect third and fourth floors to Northfield House Providing 9 self-contained flats and alter elevations.

Applicant: Baxter Estates Developments Limited

Agent: D. Rose Planning LLP

Withdrawn

590 18/01527/AMDT - 11 Leigh Park Road, Leigh-on-Sea (Leigh Ward)

Proposal: Application to vary condition 2 (approved plans) to amend the west roof pitch, the windows and doors to the north elevation, add a dormer window to the north roof, amend railings to the balcony to match existing and add a conservation roof light to the south roof pitch (minor material amendments to planning permission 96/0365 dated 29th November 1996).

Applicant: Mr S. Ezra

Agent: GLS Architects

Resolved:

01 - That the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager of Planning be DELEGATED TO REFUSE, subject to expiry of the press notice consultation and not receiving any further representations on matters not already taken into account in the Development Control Committee resolution for the following reason:

The proposed development, by virtue of the scale and form of key architectural features would be harmful to the appearance of the building and street scene, and to the character and appearance of the Leigh Conservation Area. There would be no public benefits of sufficient weight to overcome the less than substantial harm that would result. The proposal is therefore contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 - That ENFORCEMENT ACTION be AUTHORISED for the following reasons:

To authorise planning enforcement action to require a) the reduction in height of the turret so as to accord with the planning approval under reference 96/0365

and b) remove the front gable window so as to accord with the planning approval under reference 96/0365 and c) unless the evidence available demonstrates, on the balance of probability, that their installation was completed more than four years ago or that they are otherwise an authorised development, to remove all upvc windows in the dwelling's rear elevation and d) remove of all rubble, materials and equipment associated with complying with the notice, on the grounds that the development that has occurred is of a form that causes harm to the character and appearance of the building and the significance of the conservation area with no public benefits of sufficient weight to overcome the harm caused. The development is therefore contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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 the Enforcement Notice the Local Planning Authority must ensure a reasonable period for compliance. It is considered that a six month compliance period for the modification of the dwelling is reasonable in these circumstances.

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

You are advised that as the proposed alterations 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 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.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 6th February, 2019

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 Dear,
F Evans, N Folkard*, D Garne, S Habermel, R Hadley, H McDonald,
C Mulroney, D Norman MBE, P Van Looy, C Walker and N Ward
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: G Gilbert, T Row, T Hartley, K Waters, P Keyes, C White, A
Greenwood and M Warren

Start/End Time: 2.00 pm - 3.30 pm

685 Apologies for Absence

Apologies were received from Councillor J Garston (Substitute: Councillor Folkard).

686 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Folkard – Agenda item No. 6 (18/0217/FUL Dawlea, Cliff Road, Leigh-on-Sea) – Disqualifying Non-Pecuniary Interest – One of the residents is known to him.

(b) Councillor D Garston – Agenda item No. 5 (18/0215/FULM – Car park at 27 Victoria Avenue, Southend-on-Sea) – Non-Pecuniary Interest – Agent of objector is known to him.

(c) Councillor Mulroney – Agenda item No. 8 (18/02275/AMDT – 34 Percy Road, Leigh-on-Sea) – Non-Pecuniary Interest – Member of Leigh Town Council (Non Planning).

687 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.

688 18/01847/FULM - Chase High School, Prittlewell Chase, Westcliff-on-Sea (Prittlewell Ward)

Proposal: Erect three storey teaching block (class D1) with canopy roof to front and side, comprising 14 Classrooms, ancillary offices and ground floor dining area, layout additional car parking spaces and 103 cycle parking spaces.

Applicant: Brentwood Academies Trust

Agent: Ingleton Wood LLP

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: CHASE-IW-XX-XX-DR-2100 P8, CHASE-IW-XX-XX-DR-2102 P1, CHASE-IW-ZZ-XX-DR-A-2101 P7, CHASE-IW-ZZ-XX-DR-A-2201 P5, CHASE-IW-ZZ-XX-DR-A-2202 P1, CHASE-IW-XX-XX-DR-A-2204 P4, CHASE-IW-XX-XX-DR-A-2206 P1

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

03 Notwithstanding the information submitted with the application, no development above ground level shall take place until samples of the materials to be used on all the external elevations of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details.

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

04 No development above ground level shall take place until full details of both hard and soft landscape works and any boundary treatments 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 and boundary treatments shall be carried out prior to first use of the development hereby approved and the soft landscaping works within the first planting season following first use of the development. These details shall include, for example:-

- i. proposed finished levels or contours;
- ii. hard surfacing materials and means of enclosing the site;
- iii. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and

removal of the stakes once the trees are established, and details of measures to enhance biodiversity within the site.

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, DM5 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 Prior to the first use of the development hereby approved, 41 off street car parking spaces shall be provided and made available for use at the site as shown on Drawing No. CHASE-IW-ZZ-XX-DR-A-2101 P7. The approved parking spaces shall thereafter be retained in perpetuity only for the parking of vehicles in connection with the school use.

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

06 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 and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

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).

07 Prior to the first use of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of 103 covered and secure cycle parking spaces and refuse and recycling storage at the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by pupils and staff at the school prior to the first use of the development hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3 and DM15 of Development Management Document.

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

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).

09 No external lighting, including floodlights shall be installed unless details of its design and location have been previously agreed in writing by the local planning authority.

Reason: In the interest of biodiversity and 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).

10 The development hereby approved shall be undertaken and completed in accordance with the recommendations contained within the approved Extended Phase 1 Habitat Survey Report undertaken by D F Clark Bionomique Ltd dated 11 July 2018 (reference DFCP 4273-01).

Reason: In the interests of biodiversity and ecology in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

11 Notwithstanding information submitted with this application the development shall not be brought into first use unless and 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.

12 Site clearance works shall be undertaken outside of the bird nesting season (October to February) or if this is not possible then the site shall be surveyed by an ecologist before works commence. If nesting birds are found then work shall not commence until the young have fledged.

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

13 The development hereby approved shall be undertaken in accordance with the recommendations contained within the approved Phase I Geo-Environmental Desk Study dated 9th July 2018 (reference UK18.4105 issue 1).

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).

14 Subject to condition 13 above, if any contaminant is found on the site during the investigations or during construction, no development shall take place until intrusive investigation (Phase II contaminated land assessment) is carried out to delineate the extent of the contamination and 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.

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. All agreed remediation works must be implemented in their entirety prior to further construction works commencing unless otherwise agreed in writing by the LPA.

All approved remediation works must be implemented and completed in their entirety prior to development commencing unless otherwise agreed in writing by the LPA.

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).

15 The development hereby approved, for purposes falling within Class D1, shall be limited to a school teaching block within use class D1 only and shall not be used for any other purpose, including any other use falling within use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor 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 determine the scope of the permission in terms of its impact on community infrastructure in accordance with Core Strategy Policy CP6.

16 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until 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 has been 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 and shall be reviewed after 12 months of the development. 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).

17 No development above ground level shall be undertaken, in accordance with the Drainage Statement (Ingleton Wood, July 2018, Document Ref: 111461), unless and until detailed design of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first use of the development 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 has been undertaken for the site and that they are compliant with BRE365 guidance.

b. Provide evidence that they have contacted the relevant third party landowner to seek permission to cross their land to discharge runoff direct to the watercourse.

c. Provide confirmation of the existing runoff rates for the 1 in 1 year, 1 in 30 year and 1 in 100 year storm events and Greenfield runoff rates for the site.

d. Provide evidence demonstrating that surface water runoff retention on site has been maximised for the 1 in 100 year plus 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 shall be provided if a reduced discharge rate is not considered to be feasible. The applicable climate change allowance is subject to agreement from the LPA on the proposed design life of 50 years for the development.

e. Provide MicroDrainage calculations to demonstrate the hydraulic performance of the entire network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change.

f. Provide a plan illustrating the conveyance and exceedance flow routes for storm events exceeding the 1 in 100 year plus allowance for climate change.

g. Provide an updated drainage layout plan indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Engineering plans should be provided for each of the SuDS and critical drainage elements, including the flow control features.

h. Provide information on the management of health and safety risks in relation to feature design.

i. Provide system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long term economic viability.

j. Provide evidence of consent from Anglian Water to discharge at the proposed rate and connection point (if it is not possible to seek agreement to cross third party land to discharge direct to watercourse).

k. Provide a method statement regarding the management of surface water runoff during the construction phase of the project.

l. Provide an updated site specific maintenance plan to ensure the frequency of the flow control maintenance is suitable given the size of the proposed orifice plates.

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

18 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the local planning authority. No hard-standing areas are to be constructed until and unless the works have been carried out in accordance with the strategy.

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

19 Notwithstanding the information submitted with this application, prior to the first use of the building hereby approved, a waste management strategy and full details of the refuse and recycling storage for the approved development shall be submitted to and approved in writing by the local planning authority. The approved waste management strategy shall be implemented and the approved refuse and recycling store shall be provided in full and made available for use prior to the first use of the building hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate refuse and recycling storage in accordance with the National Planning Policy Framework (2018) and Policy DM3 of 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

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.
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. Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within wither 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 the development can commence.
4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991, Contact Development Services Team 0345 606 6087.
5. It is highly likely that there are gas services and associated apparatus in the vicinity. Works on private land must not infringe Cadent and/or National Grid's legal rights. You must verify and establish the actual position of mains, pipes, cables, services and other apparatus before any activities are undertaken.

689 18/02151/FULM - Car Park at 27 Victoria Avenue, Southend-on-Sea
(Victoria Ward)

Proposal: Erect 217 self-contained flats comprising of part 13/part 15 storey building fronting Victoria Avenue and part 2 to part 12 storeys to rear with balconies to all elevations, roof terraces at second, eighth, ninth, eleventh and twelfth floors to rear, form commercial units (Use Classes A1, A2, A3 and A4) at ground floor level, layout 172 parking spaces at ground and first floor car park and cycle storage to rear, install vehicular accesses on to Victoria Avenue, form loading bays, alterations to highway, public realm alterations and associated landscaping (amended proposal).

Applicant: Weston Homes Plc and Mapeley Steps Ltd

Agent: n/a

Resolved:

(a) That PLANNING PERMISSION be GRANTED subject to completion a PLANNING AGREEMENT under section 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the following:

- 22 units of affordable housing (14 x 1 bed and 8 x 2 bed) all of which constitute shared ownership and an affordable housing review mechanism.
- £145,432.29 contribution towards secondary education
- Costs associated with any Traffic Regulation Order deemed necessary in association with the highway works and costs associated with providing loading bays.
- The provision of Travel Packs for residents and commercial operators and Travel Plan Monitoring.
- £10,850 towards biodiversity mitigation, management, protection or education.
- Costs associated with public realm works on the highway to the front of the site, including the provision of visitor cycle racks within the highway and securing public access to the northern side of the site.

(b) The 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 solely out in accordance with the approved plans: AA7218-2000-RevA, AA7218-2001-RevA, AA7218-2010-RevA, AA7218-2011-RevA, AA7218-2100-RevA, AA7218-2101-RevB, AA7218-2102-RevB, AA7218-2103-RevB, AA7218-2104-RevA, AA7218-2105-RevA, AA7218-2106-RevA, AA7218-2107-RevA, AA7218-2108-RevA, AA7218-2109-RevA, AA7218-2110-RevB, AA7218-2111-RevB, AA7218-2112-RevB, AA7218-2113-RevB, AA7218-2114-RevB, AA7218-2115-RevA, AA7218-2200-RevA, AA7218-2201-RevA, AA7218-2210-RevA, AA7218-2211-RevA, AA7218-2220-RevA, AA7218-

2221-RevA, AA7218-2222-RevA, AA7218-2223-RevA, AA7218-2224-RevA, AA7218-2225-RevA, AA7218-2226-RevA, AA7218-2240-RevA, AA7218-2241-RevA, AA7218-2242-RevA, AA7218-2243-RevA, AA7218-2300-RevA, AA7218-2301-RevA, AA7218-2302-RevA, AA7218-2304-RevA, AA7218-2305-RevA, AA7218-2306-RevA, AA7218-2307-RevA, AA7218-2320-RevA, AA7218-2340-RevA, AA7218-2341-RevA, AA7218-2342-RevA, AA7218-2343-RevA, AA7218-2345-RevA, AA7218-2346-RevA, AA7218-2347-RevA, AA7218-2348-RevA, AA7218-2349-RevA, AA7218-2350-RevA, AA7218-2351-RevA, AA7218-2552, AA7218-2353, AA7218-2360-RevA, WH189/18/15.02 (Surface Water Drainage Strategy), 2785-SK-08-RevC, 21110se-01

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 the ground floor slab level shall take place until product details and samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including roofs, cladding, balconies, balustrades, windows and doors and shopfronts have been submitted to and approved in writing by the local planning authority. The development shall be finished in the approved facing brickwork Red: Freshfield Lane- Selected Light, Grey/Brown: Weinberger - Pagus Grey and Black: Weinberger - Graphite Black or any other brick details subsequently submitted to and approved in writing by the local planning authority. The development shall be carried out and completed only in full accordance with the approved details.

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 submitted and otherwise hereby approved, no construction works other than demolition above 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 to the roof top terrace areas;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vi. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- vii. details of measures to enhance biodiversity within the site as recommended in the submitted ecology report;

- viii. details of the proposed green wall to the car park elevations and the proposed brown and green roofs including cross sections and planting details as appropriate
- ix. landscaping management plan to be implemented for a minimum of 5 years
- x. location and design of visitor cycle parking

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. The proposed landscape strategy shall include the ecology recommendations as set out in Section 7 of the Ecological Assessment by Ecology Solutions reference 7742.EcoAs.dv3 dated April 2018.

Reason: To safeguard character and appearance of surrounding area 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).

05 The development shall not be occupied until 174 car parking spaces, of which 22 shall be for disabled users, have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with drawings AA7218-2100RevA and AA7218-2101RevB together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter 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 CP3 of the Core Strategy (2007) and Policy DM15 of the Council's Development Management Document (2015).

06 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 full detailed design drawings of the entrance and shopfront bays, window reveals, balconies and Juliette balconies, brick and stone work detailing and shopfronts including approach to signage at appropriate scales 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: In the interest 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 Policy DM1 of the Development Management Document (2015).

07 The development shall not be occupied until the 218 secure, covered cycle parking spaces to serve the development as shown on drawing AA7218-2100RevA have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the residential units hereby approved and their visitors. The approved scheme shall be permanently 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) and Policy DM15 of the Development Management Document (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 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) Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.

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).

09 Prior to the occupation of the development the 65025kwh array of photovoltaic panels as shown on drawings reference AA7218-2115RevA and AA7218-2114RevA and detailed in the Energy and Sustainability Report by Stansted Environmental Services reference ENV001-VICT-055 shall be installed at the site and be operational and shall be permanently retained thereafter.

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

10 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 10% (22) of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 195 flats comply with building regulation standards part M4(2) 'accessible and adaptable dwellings upon occupation.

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 DM2 and the Design and Townscape Guide (2009).

11 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 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 first 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 (2018) Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

13 With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless the following details have been submitted and approved in writing by the local planning authority.

A. An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Desk Study and Preliminary Risk Assessment 27 Victoria Avenue by Stansted Environmental Service Ltd reference CON001-VICT-055. The Phase II report must be submitted to the Local planning authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination.

B. Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and

/or pollution of controlled waters affecting the site shall be submitted and approved by the local planning authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the local planning authority.

C. The site shall be remediated in accordance with the approved Site Remediation Strategy before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the local planning authority before completion of the development or occupation of the premises (whichever comes first).

D. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

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).

14 All the noise mitigation measures outlined in the Environmental Noise Assessment Report No. ENV1-VICT-055 of 15th November 2018 to protect future residents of the building from the impact of vehicular noise along Victoria Avenue and the surrounding area including the railway activity must be implemented in their entirety prior to occupation of any of the residential units hereby approved to achieve an internal noise level of no greater than 30dB and the approved measures implemented shall be maintained in perpetuity.

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).

15 The development shall be undertaken and thereafter managed in perpetuity in strict accordance with the approved Car Park Management Strategy by Weston Homes dated November 2018 and the Recycling / Waste Management Strategy dated November 2018 or any other car park management and waste strategy that has been previously submitted to and approved in writing by the local planning authority.

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).

16 No extraction or ventilation equipment for the proposed non-residential uses hereby approved 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).

17 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 the nearest 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 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 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).

18 Prior to commencement of construction of the development hereby approved, in accordance with the SuDS Drainage Assessment (Document Ref: WH189 Revision C ,Victoria Avenue, November 2018) detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. 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 has been undertaken for the site and that they are compliant with BRE365 guidance. If infiltration is found to be viable an updated drainage strategy should be submitted along with information in relation to the potential for ground instability or deterioration in groundwater quality as a result of infiltration.

b. Provide MicroDrainage calculations to demonstrate the hydraulic performance of the entire network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change, demonstrating that the maximum overall discharge from the site will be limited to greenfield runoff rate.

c. Provide an updated drainage layout plan indicating the dimensions and storage volumes for all features, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Engineering plans should be provided for each of the SuDS and critical drainage elements, including the flow control features.

d. Provide information on the provision of drainage for large storm events, including protection for SuDS systems. This should include clarification on the proposed mitigation measures to prevent exceedance flood water from the car park area affecting the utility areas which have their proposed finished flood levels at the same level as the car park.

e. Provide evidence of consent from Anglian Water to discharge at the proposed rate and connection point.

f. Provide a site specific maintenance plan.

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 (2007) and Policy DM2 of the Development Management Document (2015).

19 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).

20 Prior to occupation of the development hereby approved details of the number and location of electric car charging points to be installed in the car park shall be submitted to and approved in writing by the local planning authority. The agreed details shall then be implemented in full accordance with the details approved under this condition before the residential units hereby approved are occupied and be maintained as such in perpetuity thereafter.

Reason: In the interests of providing sustainable transport choices in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

21 The non-residential units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 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).

22 Details of the external lighting to be installed in the development hereby approved shall be submitted to and approved in writing by the local planning authority before any part of the development is first occupied or brought into use. Development shall be carried out in accordance with those approved details before the development is occupied or brought into use.

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).

23 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Classes A1, A2, A3, or A4 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 and to protect the character and amenities of the area in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

24 There shall be no use of the frontage for outdoor seating or dining in relation to the commercial units between the hours of 22:30 and 08:30 each day.

Reason: In order to protect the amenities of occupiers of the development and 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).

25 The development shall not be occupied until the commercial and residential refuse stores that serve the development as shown on drawing AA7218-2100RevA have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling thereafter.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

26 The development shall not be occupied until details of the 3 secure, covered cycle parking spaces to serve the commercial element of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details before the development is occupied or brought into use. The approved scheme shall be permanently retained for cycle storage thereafter.

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

27 Notwithstanding the provisions of the Town and Country Planning Advertisement Regulations (2007) and the Town and Country Planning General Permitted Development Order (2015) as amended or any orders or acts revoking or amending these orders, the existing shopfront windows in the building shall remain clear glazed and shall not be obscured (including through advertisements, vinyls or any other structures, operations or internal or external works) without the receipt of the prior written consent of the Local Planning Authority.

Reason: To maintain the vitality and viability of the town centre and to safeguard the character and appearance of the development in accordance with policies KP2 and CP4 of the Core Strategy (2007), Policy PA8 of the Southend Central Area Action Plan (2018) and Policy DM1 of the Development Management Document (2015).

28 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the building hereby approved:

A. The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any equivalent Order amending, revoking or re-enacting that Order

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 21st February 2019 (or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager Planning & Building Control), the Director of Planning and Transport or Group Manager of Planning and Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing, highway works, travel packs, biodiversity mitigation or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 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.

03 The applicant is advised that if a crane or piling rig is required to construct the proposed development, this will need to be safeguarded by the Airport Authority independent of this permission. Please note that this may be restricted in height and may also require full coordination with the Airport Authority dependant on location. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

04 Due to the nature of the site with residential dwellings nearby this site will require a COPA 1974 (Sec 61) Agreement with Southend Borough Council before Construction can begin. Please contact the Regulatory Services Group on 01702 215005.

05 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 affordable housing, secondary education and biodiversity mitigation, management protection and education.

06 The works to existing highway will require a Section 278 agreement or Highways Licence.

07 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.

08 The applicant is advised that due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Cadent Plant Protection Team on plantprotection@cadentgas.com or Tel 0800688588 before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

09 The applicant is advised that separate advertisement consent is likely to be required for any signage for the development. This must be obtained prior to installation of the signage.

690 18/02171/FUL - Dawnlea, Cliff Road, Leigh-on-Sea (Chalkwell Ward)

Proposal: Demolish existing chalet bungalow, erect one detached and two semi-detached dwellings with basement levels, layout parking to front and amenity space to rear.

Applicant: 111 Invest Ltd

Agent: Beresford & Barns Ltd

Resolved:

That PLANNING PERMISSION be REFUSED for the following reason:

The proposal, by reason of the plot widths proposed, the design, scale, layout and position of the dwellings and the development's positioning in relation to the prevailing street frontage, would result in a cramped and contrived overdevelopment of the site that would cause material harm to the character and appearance of the site, the streetscene and the wider 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).

691 **18/02174/FUL - Rear of 555, London Road, Westcliff-on-Sea (Westborough Ward)**

Proposal: Change of use from existing Light Industrial (Class B1c) to two self-contained flats (Class C3), replace existing single storey rear extension, form cycle store and amenity space to rear, erect boundary wall to front to form courtyard and erect bin store to front.

Application: RG Airspace Developments Ltd

Agent: n/a

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: 18-555LR-01/B, 18-555LR-02/C, 18-555LR-03.

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

03 No part of the development shall be occupied until full details of the refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall 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 satisfactory 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).

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

Reason: To minimise the environmental impact of the development through efficient use of 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).

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

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, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

06 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: To safeguard character and appearance of the site and the surrounding area in accordance with the National Planning Policy Framework, 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.

07 No part of the development shall be occupied until lockable, secure cycle parking has been provided on site in accordance with drawing 18-555LR-03 for 4 cycles to be parked. The spaces shall be made available for use prior to first occupation of the dwellings hereby approved and shall be permanently retained thereafter for cycle parking of occupiers of the development hereby approved and their visitors.

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) and Policy DM15 of the Development Management Document (2015).

08 The proposed rooflights in the north and south roof slopes 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 to a minimum height of 1.7 metres above internal floor level. 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), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

09 The proposed first floor side bedroom windows 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, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level, unless otherwise agreed in writing by the local planning authority. 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), DPD1 (Core Strategy) 2007 Policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

10 Construction hours shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday 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 (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

11 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 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(s) as may be required.

Reason: A 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).

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.

03 The applicant is reminded to make contact with the Council's highways department in relation to reinstating the vehicular access.

692 18/02275/AMDT - 34 Percy Road, Leigh-on-Sea (West Leigh Ward)

Proposal: Application to vary condition 10 (Window Cill Level) in order to reduce the cill height of windows to rear (Minor Material Amendment to Planning Permission 18/00380/FUL dated 26.04.2018).

Applicant: Ms H Collins

Agent: Knight Gratrix Architects

Resolved:

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 26th April 2021.

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 approved plans: 040 (Existing Floor Plans and Elevation); 042 (Street Scene) 051 (Proposed Floorplans) & 052 (Proposed Elevations).

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

03 The development hereby approved shall be undertaken in strict accordance with the approved material details detailed on front elevation plan '903/046' dated May 2018 and material samples received by the local planning authority on the 20.06.2018 as agreed under application 18/01183/AD unless otherwise agreed 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).

04 Prior to the occupation of the dwelling hereby approved the car parking spaces shall be provided in accordance with the approved plan No.051. The car parking spaces shall be kept available for the parking of motor vehicles at all times and permanently retained.

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

05 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory 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 site unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

06 The development hereby approved shall be undertaken in strict accordance with the approved details of the hard and soft landscaping contained within site plan '903/045' dated May 2018 and material samples received by the local planning authority on the 20.06.2018 agreed under application 18/01183/AD unless otherwise agreed in writing by the local planning authority. The landscaping shall be implemented in full accordance with the approved details before the dwelling is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the 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 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 the development. This provision shall be made for the lifetime of the development.

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

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

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

09 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours 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 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).

10 Prior to its first occupation the proposed dwelling hereby approved shall be constructed so that the floor level of the bedrooms with east facing windows shall be set not less than 1.10m below the cill level of the east facing windows. The development shall be retained as such in perpetuity thereafter.

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)

11 The new rooflight in the southern elevation 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, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. 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. (C17B)

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)

12 The development hereby approved shall be carried out in a manner to ensure that it complies with Building Regulation part M4 (2) 'accessible and adaptable dwellings', before it is brought in to use.

Reason: To ensure the dwellinghouse hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

Informatives

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. 18/00380/FUL, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced. Therefore, CIL Liability Notice ref. 18/00380/FUL/0001 still applies to the permission hereby granted and is enclosed for your reference.

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. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be criminal offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice contact: Essex Wildlife Trust – www.essexwt.org.uk; phone 01621 862960, Natural England – www.naturalengland.org; phone 0845 6003078

693 17/00193/UNAU_B - 64 Canterbury Avenue, Southend-on-Sea (Southchurch Ward)

Breaches of Control: Without planning permission, the unauthorised development of a two storey side extension and rear dormer.

Resolved:

That the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager Planning and Building Control be DELEGATED AUTHORISE ENFORCEMENT ACTION to:

- (a) remove the 2 storey side extension and rear dormer
- (b) to remove any other breaches of planning control identified at the property which in the opinion of officers are causing material harm to interests of acknowledged importance and against which it would be expedient to take enforcement action to seek to remedy such harm and
- (c) removal of all rubble and other materials and equipment associated with complying with the notice

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.

Chairman: _____

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 6th March 2019

WARD	APP/REF NO.	ADDRESS
Pre Site Plans Report		
Milton	18/02211/FUL	Park Road Methodist Church Park Road, Westcliff-On-Sea
Prittlewell	18/01985/FUL	241 Carlton Avenue Westcliff-On-Sea
Milton	18/01122/FUL	Mariner House 157 High Street
Westborough	18/00097/UNAU_B	162 Hainault Avenue Westcliff on Sea
Westborough	18/00185/UNAU_B	53 Westcliff Park Drive Westcliff –on-Sea
Eastwood Park	18/00232/UCOU_B	582 Rayleigh Road Eastwood

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Corporate Director of 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

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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

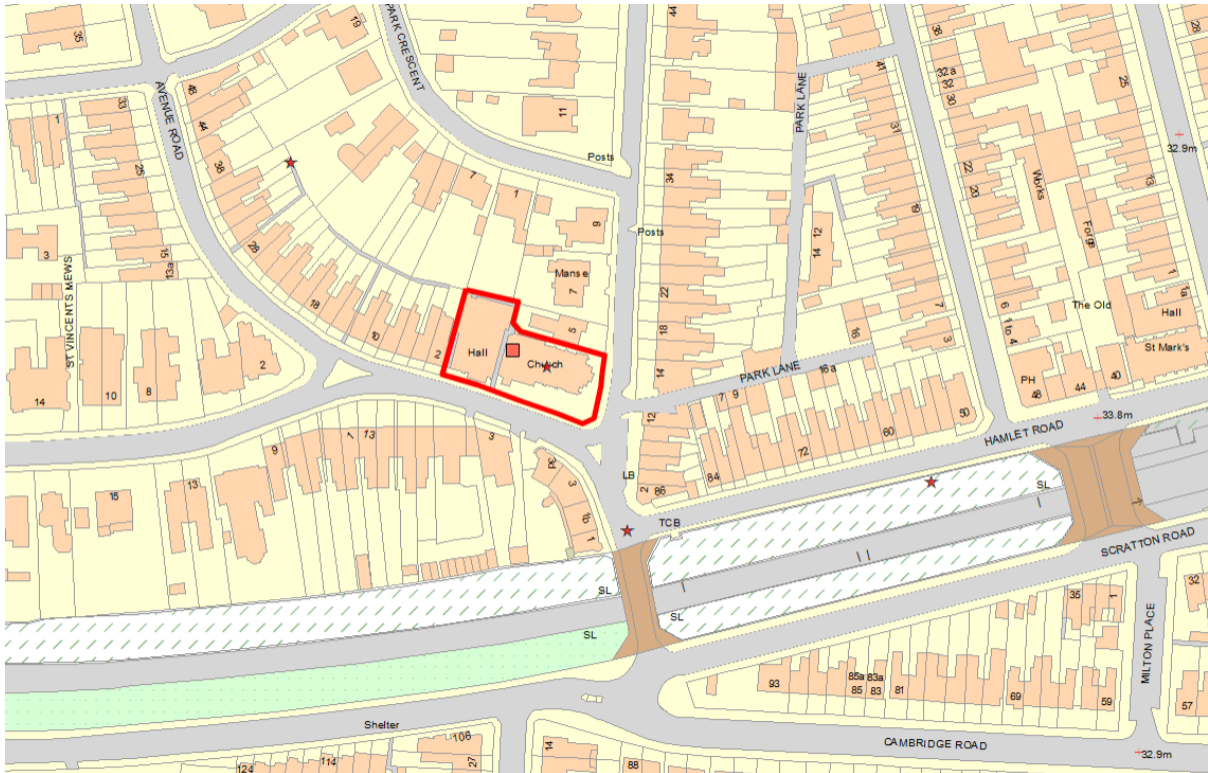
- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will 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:	1. 18/02211/FUL 2. 18/02212/LBC	<h1>7</h1>
Ward:	Milton	
Proposal:	<ol style="list-style-type: none"> 1. Partial demolition to church and church hall, erect single storey extension to west side of church, erect gabled extensions to north-east and north-west corners of church hall with internal alterations to convert into six dwellings, associated garages and cycle storage, layout amenity space and one visitor car parking space, form vehicular access onto Avenue Road, install boundary railings, install rooflights and alter elevations 2. Partial demolition to church and church hall, erect single storey extension to west side of church, erect gabled extensions to north-east and north-west corners of church hall with internal alterations to convert into six dwellings, associated garages and cycle storage, layout amenity space and one visitor car parking space, form vehicular access onto Avenue Road, install boundary railings, install rooflights and alter elevations (Listed Building Consent) 	
Address:	Park Road Methodist Church Park Road Westcliff-On-Sea Essex SS0 7PE	
Applicant:	David Morton	
Agent:	Ayshford and Sansome	
Consultation Expiry:	3 rd January 2019	
Expiry Date:	11 th March 2019	
Case Officer:	Abbie Greenwood	
Plan Nos:	1716/T/001, 1716/T/002, 1716/T/003, 1716/T/004, 1716/T/005, 1716/T/006, 1716/T/007, 1716/T/008, 1716/T/009, 1716/T/010, 1716/T/011, 1716/T/012, 1716/T/013, 1716/T/014, 1716/T/015, 1716/T/016, 1716/T/017, Design and Access and Heritage Statement by M Warner and R Coombs dated November 2016, Addendum to Design and Access and Heritage Statement by Ayshford and Sansome dated November 2018, Outline Acoustic Design by Cole Jarman dated 10 th August 2018, Thermal	

	Modelling Report and Services Strategy by The Engineering Workshop LLP dated 3 rd May 2018, Viable Alternative Uses Report by Wheeldon and Deacon Chartered Surveyors dated 22 nd April 2010
Recommendation:	1. REFUSE PLANNING PERMISSION 2. REFUSE LISTED BUILDING CONSENT



1 The Proposal

- 1.1 Planning permission is sought to convert the existing church building into 4 three bedroom apartments and to convert the church hall into a parking garage for 6 cars with 2 two bedroom apartments at first floor. Both buildings are grade II listed. The proposal will involve significant alteration to the exterior and internal fabric and spaces including some demolition. The key alterations are as follows (It should be noted that despite being shown on some of the drawings, the lost spire is not proposed for reinstatement) :

Church

Exterior

- Insertion of 30 rooflights into the existing slate roof.
- Insertion of 8 louvered ventilation panels measuring 1200mm x 400mm into the walls below the main windows.
- Demolition of the single storey flat roofed vestry addition to the west elevation of the building and its replacement with a new smaller single storey lobby addition which links to the existing organ loft/porch.
- Associated landscaping and reinstatement of boundary railings to south, north and east of the building facing the street.

Interior

- Demolition of internal balcony/gallery within main worship space.
- Relocation of pulpit and alter screen into the altered vestry.
- Relocation of memorial plaques into new lobby area.
- Removal of organs and all but 4 pews which will be relocated to the new lobby area.
- Insertion of 2 additional floors across the entire building.
- Insertion of a large number of partitions to create 4 x 3 bedroom apartments totalling 38 individual rooms.
- Installation of associated servicing and internal voids including ventilation and heat recovery units and sound insulation required for residential conversion.

Church Hall

Exterior

- Demolition of 4 former classrooms to west side of the building and demolition of part of the remaining western main internal wall to create double width opening to facilitate the conversion of the ground floor to a parking garage.
- Installation of parking gate with feature hipped roof to south west corner of the south elevation facing the street.
- Demolition of the two storey rear addition.
- Demolition of part of the roof including 4 gables to the east and west roofslopes.
- Formation of replacement gables to east and west roofslopes and a replacement smaller two storey extension to northern end of the building.

Interior

- Subdivision of ground floor at southern and northern end of the building to create 6 enclosed parking bays with roller shutters to central turning area.
- Insertion of a new floor to create 2 x 2 bed apartments at first floor each having 5 rooms and an external balcony to the rear.
- Creation of a shared communal amenity space of 125 sqm to the north of the church hall to serve all proposed units

- 1.2 The change of use of the buildings and the external changes require planning permission. The physical exterior and internal changes to the buildings require listed building consent.

Background to the Proposal

Pre – application 2010

- 1.3 A broadly similar scheme for the conversion of the church into 7 units over 3 floors and the demolition of the church hall to form a parking area with 2 apartments above the rear spaces was submitted for pre application advice in 2010. At this time the Council and Historic England raised significant concerns relating to the impact of rooflights and the inset balcony on the roof of the church, the extent of subdivision of the main worship space and the demolition of the church hall and the gap that this would create in the streetscene. It was considered that the proposal resulted in substantial harm to the listed buildings and conservation area. The pre-application advice suggested that the applicant consider alternative uses for the buildings which did not require such significant external and internal changes such as commercial, cultural, education or community uses. The applicant was specifically advised that if they wanted to pursue a proposal for residential conversion, then a rigorous marketing exercise should be carried out and evidenced to justify the case for residential use which is seen as requiring greater intervention than other potential uses.

Design Review 2013

- 1.4 Following the receipt of the pre-application response the applicant sought a second opinion on the proposals. The same proposals were then put before a Shape East Design Review Panel in 2013. The panel supported the Council's view also expressing significant reservations as to the extent of subdivision of the church interior. Particular concerns were raised regarding the impact of dividing the space into three floors which was seen as having a significant impact on the volume and character of the building and the quality of the internal space; the extent of alterations to the exterior particularly to the main roofslope to the south and concern over the demolition of the listed church hall and the design and placement of the apartment building to the rear of the proposed car park. The design review suggested the following should be considered:

- The proposal should first and foremost consider uses other than residential which require less intervention and robustly demonstrate the case if these are considered unviable.
- The proposal should reduce the subdivision of the main space including a reduction of the number of floors and pulling away from the south elevation.
- The proposal should consider through dwellings (dwellings that run from the front south wall to the back north wall.)

- The proposal should seek to locate all roof lights to the less visible north elevation.
- The panel raised concerns regarding potential sound transition between the units and queried how this would be addressed.
- The panel advised that it was important for the church hall to be retained

1.5 As with the Council's pre application response the panel stated that in making the case for future residential conversion the applicant should demonstrate that a range of alternative uses for the buildings which would enable less intervention, had been explored and fully evidenced and that a range of design options were considered.

1.6 In response to these comments in 2010 and 2013 the applicant has amended the proposal to reduce the number of units within the main church from 7 units to 4 although it is noted that these are now larger units with more rooms and that 3 floors of accommodation is still proposed. It is also noted that in the current proposal the listed church hall building is now only partially demolished, retaining most of the front elevation to the street. Some other alterations have been made to the detailed design such as the arrangement of rooflights. The proposal includes a surveyors report from 2010 which comments on why residential use was chosen but no marketing or viability information has been submitted with the application to justify why other less intrusive uses are not viable.

1.7 The outcome of the pre-application discussions and the Design Review are afforded some weight in the appraisal of these applications, however, it should be noted that great weight is given to responses received from statutory consultees on the current proposals such as Historic England.

2 Site and Surroundings

2.1 Park Road Methodist Church and Church Hall are grade II listed buildings. The church was constructed in 1872 to serve the newly formed Park Estate. It is built of Kentish ragstone with a large slate roof and feature pinnacles at the eastern end. The decorative fleche or spire has unfortunately been lost although the base remains marking its original location on the roof. The church is a simple but striking Gothic Revival Style and is a prominent landmark in the Milton Conservation Area.

2.2 The interior of the church is arranged as a single worship space with a mezzanine gallery at the eastern end accessed by a single staircase. The interior is lit by tall, narrow lancet windows below an exposed timber roof structure which includes carved braces, decorative columns and spandrels giving the space a dramatic impact. The original floor, pews and liturgical furnishings including the pulpit, screen and organs have been retained and give extra formality and grandeur to the interior. The intactness of the interior is noted as being of particular merit and significance.

2.3 The adjacent church hall, also grade II listed, was built to host the church school. It matches the style of the church to the street including the used of Kentish ragstone and replica pinnacles. It is yellow stock brick to the rear and has the characteristic appearance of later Victorian schools. It is a historically significant companion to the church.

- 2.4 The buildings are set close together on the plot at the junction of Park Road and Avenue Road. They provide good enclosure to the street at this key junction and are considered important landmarks for the conservation area. The houses surrounding the church are generally late Victorian and Edwardian in style and together form a striking streetscape. Opposite the church is a modern terrace which has been designed to replicate the Victorian style. This is moderately successful.
- 2.5 The buildings are located within Milton Conservation Area which is generally residential in character. There is one terrace of local shops to the south east of the site, most of which have been converted to residential use. The main town centre of Southend and the Southend Central Railway Station, are located within walking distance to the east. The London Road Public Transport Corridor is a short distance to the north. The seafront is located within reasonable walking distance to the south of the site.
- 2.6 The buildings were listed in 1984. The official listing description for the church and church hall is as follows:

'Wesleyan Methodist Church, 1872 by E Hoole. Ragstone with ashlar dressings, slate roof. Gothic style. Projecting gabled porch to Park Road has plank double doors with decorative hinges flanked by two light windows under parapets. Tall pinnacles flank central five light window with geometrical tracery. Smallest lancets to right and left, all with stopped drip moulds. Façade to Avenue Road is a six window range with buttresses and a porch to left. Gable fronted hall in similar style to left also has projecting porch and three 2-light windows flanked by pinnacles. The church was built as part of the Park Estate on ground given by J G Baxter.'

Planning Considerations

- 3.1 The main considerations in relation to the planning application are the design and impact on the character and appearance of the site and wider area, impact on the heritage assets, the impact on neighbour amenities, amenities of future occupiers, and any transport, highway and access issues and CIL. The only consideration in relation to the application for listed building consent is the impact on the architectural and historic character and significance of the listed buildings and their settings.

4 Appraisal

Principle of the Development

National Planning Policy Framework (NPPF) (2018) Core Strategy (2007) policies KP1, KP2, CP1, CP3, CP4, CP6, CP7 and CP8; Development Management Document (2015) Policies DM1, DM3 and DM5, DM13, DM15

- 4.1 The overarching aim of the National Planning Policy Framework (NPPF) is to promote sustainable development. Within the framework this is split into 3 objectives, an economic objective, a social objective and an environmental objective. The definition of the environmental objective within paragraph 8 of the framework makes particular reference to protecting and enhancing the built and historic environment as being a key contributor in achieving this objective.

- 4.2 Within this framework there is no objection in principle to the conversion and adaptation of listed buildings or loss of church uses provided that the proposal has due regard for the impact that these works would have on the character and significance of the listed buildings. This is discussed in detail below, along with the consideration of the impact on the character of the conservation area, any impact on neighbour amenity, transport and highways, the quality of accommodation for future occupiers and wider sustainability issues. The principle of the development is therefore considered to be acceptable subject to these considerations.

Design and Impact on the Listed Building and wider Milton Conservation Area

National Planning Policy Framework (2018) Core Strategy (2007) policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009)

- 4.3 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 4.4 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should also be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 4.5 In relation to works affecting listed buildings the National Planning Policy Framework states

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

195. Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

- 4.6 Policy KP2 of the Core Strategy requires that “*all new development contributes to economic, social, physical and environmental regeneration in a sustainable way*”.

And that development should:

“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.

- 4.7 Policy CP4 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. This will be achieved by:

7. safeguarding and enhancing the historic environment, heritage and archaeological assets, including Listed Buildings, Conservation Areas and Ancient Monuments

- 4.8 Policy DM1 states:

‘In order to reinforce local distinctiveness all development should:

1(i) 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 giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable;

- 4.9 In relation to development affecting a listed building and development in Conservation Areas DM5 states:

‘2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss.

Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'

- 4.10 The church has been largely vacant since it was sold over 20 years ago. In 1998 permission was granted to use the buildings for storage however, it does not seem that this was implemented particularly in relation to the main church itself which still contains all its fixtures and fittings including many pews.
- 4.11 The proposal seeks to convert the church into 4 apartments and to convert the church hall into a parking garage for 6 cars with 2 additional apartments above. The proposed changes are set out in section 1 above and will be considered in detail below.
- 4.12 In assessing the impact that a development will have on a designated heritage asset, including both listed buildings and buildings within a conservation area, it is first necessary to identify the significance of the heritage assets. The official listing description for the buildings are noted in paragraph 2.6 above. In this case the significance of the listed buildings and contribution to the conservation area can be summarised as:
- A fine example of an early gothic revival church.
 - Largely unaltered exterior and interior including survival of some fine fixtures and fittings within the main church.
 - The open spatial character and quality of the worship space roof within main church including its significant volume, exposed trusses and timbered roof.
 - The church hall designed to complement the main church is a historically significant companion and together they form an impressive group in the streetscene
 - The importance of the pair as a local landmark and their contribution to character of the surrounding conservation area, the development which they were built to serve.
 - Historical associations with the area and the rise of Methodism in Southend.
- 4.13 Whilst it is recognised that these buildings have been vacant for many years and the Council is keen to see these important listed buildings given a new lease of life, it is important to remember that listed buildings are a finite resource and the Council has a duty to ensure that all development proposals affecting listed buildings in Southend have respect for their special character and significance so that they are protected from significant and irreversible harm.
- 4.14 The impact of the proposed changes to these listed buildings is discussed below.

Church

- 4.15 The church is proposed to be converted into 4 apartments by splitting the building into quarters and inserting 3 floors to form dwellings each over 3 floors and creating a total of 38 rooms within the worship space. The floors will be set away from the north and south walls by 1m to reduce the impact of the conversion on the exterior views of the building and to provide a ventilation void for the interior rooms.

- 4.16 The exterior of the church remains relatively unchanged but introduces 30 rooflights, the demolition of the vestry to the north west corner to form a new lobby, the insertion of fresh air vents below the main windows and the insertion of clear glazing in some of the existing windows and doors.
- 4.17 Although the number of units within the main church has been reduced since the pre-application proposal and the new floors have been pulled a short distance away from the main elevations, the size of the apartments has increased and the number of rooms created by the proposal is significant (38). It is considered that the level of subdivision of this area, both horizontally and vertically, is still too great. If this proposal were to be implemented the spacious character and integrity of the church's worship space would be completely destroyed and the interest of its largely unaltered interior would be lost. Concern is particularly raised in relation to the number of floors proposed and the number of subdivisions within this space. Section drawings submitted with the application show the 2nd floor is to be inserted within the upper section of the exposed roof structure which means that this will no longer be seen as part of the main space. This will foreshorten the scale of the roofspace into more domestic proportions (2.4m floor height to the main living area) and would be inappropriate in this context and for a building of this character where a view to the proposed feature roof would be expected.
- 4.18 There will also be a significant impact on the historic fixtures and fittings within the building which at present are largely intact. The gallery and the organ will be demolished along with the historic floor covering, most of the pews, and the other features including the pulpit, screen and memorials will be relocated out of the main space into the new lobby area at the western end of the building. This too will harm the significance of the listed building.
- 4.19 There is also a requirement for extensive servicing to be introduced. Supporting documents submitted with the proposal comment that there is a need for up to 8 external condenser units to provide the necessary ventilation to meet building regulation requirements with fresh air being provided via 8 air vents of 1200mm x 400mm (3 on the principal elevation) and some of the 30 rooflights. No information has been provided as to where these external condenser units would be located but they are likely to have a significant impact on the exterior of the building and public views thereof. The size and prominent location of the southern vents is also a concern.
- 4.20 The acoustic report states that a '*mass barrier will be required to protect the head details of the party walls. It has been advised that the existing roof construction may not be able to support the weight of such ceilings and therefore they should be suspended from the proposed internal steel framework.....This ceiling should be installed where the pitched roof forms part of the ceilings of the second floor spaces with appropriate detailing around the roof lights.*' (4.1.1-4.1.5). This would obscure the exposed timber roof structure significantly impacting on the character and significance of the listed building. The proposal has therefore failed to demonstrate an acceptable solution to sound proofing of the units.

- 4.21 In relation to the exterior the arrangement of the rooflights has been amended from the pre-application design which saw two large groups, one as a cut in balcony feature, on the front elevation. This initial design was considered to cause great harm to the character of the building. Within the current proposal the 30 rooflights now proposed are more evenly spread across the roof and more ordered in their placement so that they align with the main windows. Whilst this has addressed concerns relating to the individual scale of interventions within the roof it is considered that the number of rooflights proposed on the main south slope, which is highly prominent in the streetscene, is too great and that this will detrimentally impact on the character of the listed building and the wider conservation area. This too is a consequence of the number of floors and number of rooms proposed within the building.
- 4.22 There is less concern over the loss of the single storey vestry in the north west corner of the building and its replacement with a new lobby although knocking through a large opening in the main west wall under the feature west window will require significant engineering which is a concern. Alternatives should be considered for the layout and circulation in this area - through dwellings as recommended by the Design Review may be one option. The existing vestry is a single storey flat roofed element which cannot be seen from the street, appears to be a later addition to the building and is separate to the main worship area and of less significance in this respect. There is therefore no objection to a replacement single storey extension in this location. The proposed design of the new lobby appears to be a simple small flat roofed structure glazing to the north elevation and solid walls to the west. Its detailing is unclear on the submitted drawings but this could be addressed by requiring further details to be submitted.
- 4.23 Overall therefore it is considered that the impact on the church would cause great harm to its significance. This view is supported by Historic England who have submitted a strong objection to the proposal in its current form (see paragraph 6.1 of this report). In relation to the proposed alterations to the main church, Historic England have commented that the proposed works would ' *completely compromise the interior of the building, losing any sense of its original open character and any ability to read the architectural elements of the building in combination. Any residential use would necessarily bring major changes to the interior, not least the loss of furnishings, but the proposals would have an intensive impact, beyond what might be necessary for the creation of fewer units. We are concerned this would have a highly damaging and harmful impact on the historic significance of the listed building. We have considered this application in terms of this policy and are seriously concerned that the degree of subdivision caused by the proposals could result in a very high level of harm to significance of the listed building in terms of the NPPF, paragraphs 193 and 194. Paragraph 189 of the NPPF requires applicants to describe the significance of heritage assets affected by proposed development and the contribution their setting might make to that significance.*'

- 4.24 Notwithstanding these individual concerns, there is an overarching issue of whether the building would be better converted to another alternative use which would enable better preservation of its main volume and features. Successful church conversions, where they occur, achieve a good balance between maintaining the openness of the main worship space and the introduction of subtle and generally lightweight divisions such as galleries and mezzanines to enable this open character to still be read. It is generally easier to achieve this for non-residential uses such as commercial, education, community or even an alternative religious use which may be better suited to this building. As noted above both the Council and the Design Review Panel recommended that the applicant undertake a robust marketing exercise to demonstrate the viability of alternative uses. A report entitled 'Viable Alternative Uses Report by Wheeldon and Deacon Chartered Surveyors dated 22nd April 2010' has been submitted with the application which makes passing reference to alternative uses such as offices but dismisses this as a option because of the level of change required [which it is noted is likely to be far less than currently proposed] and because the demand for offices is low although there is no evidence to demonstrate this. The report makes no mention of other uses except that there may be potential for a nursery within the Church Hall. There is no evidence that any marketing or costings have been undertaken. It is considered that this report is significantly out of date and does not robustly demonstrate that other less harmful uses would not be viable for the main church building. It is noted that in their comments Historic England also consider this document to be poor and that it does not justify that residential use is the only viable option for the building.
- 4.25 It is therefore considered that the proposal has failed to demonstrate the case for residential conversion of the main church into 4 apartments.

Church Hall

- 4.26 The church hall is a historically significant companion to the church but its interior is less important than the church itself as it a much smaller more compartmentalised space. It has a similar timbered ceiling as the main church but of a smaller scale, which is a positive feature, but otherwise it has no fixtures or fittings of note. In this respect it is less sensitive to conversion than the main church. The church hall has suffered from dry rot, which has been addressed, and water ingress though the roof of the former classrooms on the west side and the main roof on the east side which have not been repaired and is causing the building to deteriorate. The two storey rear cross wing, which is a later addition, has a number of severe cracks which are threatening its integrity. Consequently the building is in a significantly worse state of repair internally than the main church.
- 4.27 At pre application stage this building was proposed for total demolition. This was raised as a significant concern by the Council and the Design Review Panel both in relation to the loss of the listed building itself and the negative gap that it would create in the streetscene and subsequent impact on the character of the conservation area. The current proposal seeks to retain the building to the front. The two storey rear section, which is clearly suffering structural damage, is proposed for demolition and will be replaced by a new rear cross wing. It is also proposed to demolish the 4 classrooms to the west side of the building and rebuild the two roof gables on each of the east and west roof slopes.

The hipped roof section to the frontage (west side) will also be demolished and replaced with an access gate with a hipped roof. The remaining building is proposed to be converted to garages at ground floor with a permanent double width opening to its west side and the creation of 6 shuttered areas and a turning space within the building. A new floor is to be inserted above to provide two apartments within the roof. The demolition of the rear wing will allow a shared external amenity area to be formed at the rear.

- 4.28 In principle, the retention of this building is imperative to the acceptability of the proposal generally. It has group value with the adjacent church, is important in the streetscene and has its own place in the history of the area. The intention now to generally retain this building is therefore welcomed. There is no objection to the loss of the two storey rear wing which was a later addition and clearly in a poor structural state. The replacement extension here seems reasonable in scale and form and is acceptable in principle subject to detailing. The case for rebuilding the existing roof gables is less clear. These are proposed to be the same scale and form as the existing gables but no information has been submitted as to why the existing features could not be used. This would need to be explained as the loss of historic fabric, is currently unjustified.
- 4.29 Internally the proposal to convert this building to garages is more acceptable in principle than the subdivision of the main church, however, it is still considered that other alternative uses for this building which maintain it as an enclosed form should not be discounted without further robust marketing evidence. Indeed the 2010 report suggests that this could be suited to use as a nursery. However, if it can be justified that this building is needed for parking to support the viability of other more suitable uses or conversions of the main church then this may be considered a compromise. The fit out internally will need to ensure that this space is useable and is of a quality and design that is expected for a listed building.
- 4.30 Overall therefore, whilst the Council would be keen to see these important historic buildings brought back to life and regenerated, this should not be at any cost. The proposal, as it stands, would cause a very high level of harm to the significance of the listed church building. The harm to the church hall and conservation area would be less significant but there are still areas of concern that would need to be addressed in order for these elements of the proposal to be considered acceptable. The lack of any comprehensive and up to date marketing or viability appraisal of the buildings in respect of more sensitive uses, the lack of a condition survey and the proposed number of units also weighs heavily against the proposal. It should also be noted that the applicant was offered the opportunity for further pre application discussions with the Council and Historic England to try and resolve these issues but chose to decline this offer at this time.
- 4.31 It is therefore considered that the proposal does not meet the requirements of the NPPF in particular paragraphs 7,8, 189, 193 and 194 or the policies noted above or the Councils duty to protect its heritage assets. The design and heritage impact of the proposal is therefore unacceptable. This conclusion is supported by Historic England. Their full comments are noted in Section 6 Below.

Quality of Accommodation for Future Occupiers

Planning Policies: National Planning Policy Framework (2018) (NPPF), Core

Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8; Design and Townscape Guide (2009); the National Technical Housing Standards

- 4.32 The NPPF states 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.
- 4.33 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on future and surrounding occupiers and seek to ensure good relationships between new and existing development.
- 4.34 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users.

Internal Space Standards

- 4.35 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible enough to meet the changing needs of residents. This includes ensuring that new dwellings meet the National Space Standards.
- 4.36 The proposal seeks to create 2 x 3 bed 6 person dwellings, 2 x 3 bed 5 person dwellings and 2 x 2 bed 4 person dwellings. These are required to be 108 sqm, 99 sqm and 70 sqm respectively. All the proposed dwellings meet these standards as well as the required individual bedroom sizes.

Daylight, Sunlight and Outlook

- 4.37 There is no concern with the proposed daylight and sunlight to the church hall apartments. The daylight and sunlight from the proposed habitable rooms within the church is less straightforward as the rooms look onto the ventilation space and then through the existing church windows and proposed rooflights. Where the rooms face south onto the street elevation it is considered that sufficient daylight and sunlight would penetrate through the existing windows. There is however a concern that daylight to the main living space for the north eastern unit in particular and to some extent also the north west unit, which faces north onto the flank wall of number 5 Park Road, would be limited. This living area is positioned on the middle floor where it will receive limited light from the very upper section of the existing side windows of the church and will have some light from the lower rooflight. This, combined with the lack of outlook which is restricted by the existing opaque glass windows in this location, is likely to result in a poor quality main living space. Whilst there is a degree of flexibility for listed buildings if the proposed design is required to safeguard the significance of the building, in this case the insertion of 2 additional floors would not only cause great harm to the historical significance of the building but it would also lead to a poor standard of accommodation for future occupiers. This weighs against the proposal and is another indication that 3 floors is not an acceptable solution in this case.

- 4.38 The habitable rooms proposed within the church will not enjoy the level of outlook as regular dwellings because the existing windows are obscure glazed with green stained glass detail or fully stained glass with religious scenes. The windows are original to the building and an important part of its historic fabric. The upper floors will enjoy some outlook of the sky through the proposed rooflights. On balance and noting the principle of 'buyer beware' it is considered on balance that the restriction in outlook caused by retaining the existing windows can be accepted in this instance in order to safeguard the historic character of the building provided the rooms receive sufficient light.
- 4.39 The apartments in the church hall are all proposed to have new windows with clear glazing. This will ensure good outlook to the habitable rooms.

M4(2)

- 4.40 It is unlikely that the dwellings proposed would conform to Building Regulations M4(2) especially given that the units in the church only have tight spiral staircases, however, as this proposal relates to the conversion of an existing building and not a new build, it is not required to meet the M4(2) standard under the current policy.

External Amenity Space

- 4.41 The demolition of the rear two storey section of the church hall will make way for 125 sqm of shared external amenity area. This is considered to be reasonable given the constraints of the site and is seen to be a benefit to the scheme which includes family accommodation. The details of this area would be agreed via a landscaping condition if the proposal was otherwise found to be acceptable.
- 4.42 Overall therefore it is considered that, the proposal has not demonstrated that it would result in a good level of daylight and outlook to the living area of the north eastern unit within the church conversion. This is unacceptable and conflicts with policy.

Impact on Residential Amenity

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).

- 4.43 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."*
- 4.44 The proposal has 3 residential neighbours to the north and west of the buildings. The neighbour to the north of the church has a number of windows in its rear projection facing the church separated by a distance of around 3.5m, however, as the church windows on this side are obscure glazed, it is considered that the proposal to convert the church would not, in practice, cause harmful overlooking of this property or its amenity area. However, the north eastern flat of the proposed

conversion of the church hall has a corner window to its main living space which faces onto the rear garden and rear elevation of number 5 Park Road. This window would be 1m from the boundary of the garden to number 5 and 5.7m from its closest rear window. It is noted that the existing church hall extension in this location has 3 windows in this location facing onto this neighbour but all of these are obscure glazed so do not give rise to actual overlooking. The proposal as it stands would cause harm to the amenities of this neighbour. It should be noted that it would not be sufficient to just obscure glaze this window as this would still result in perceived overlooking.

- 4.45 To the north the church hall backs onto 1 Park Crescent. The proposed replacement rear extension to the church hall would be 6.4m from this boundary and it is a further 25.2m to the rear of the neighbouring property. 1 Park Crescent has mature trees against this boundary as well as a number of small outbuildings/sheds. The trees are not protected by tree preservation orders but are protected by virtue of their location within the conservation area. The proposed extension to the church hall has a clear window to the main living space and small terrace and external staircase to each of the two flats facing this neighbour. The existing 2 storey church hall building is located virtually on this boundary so is currently quite overbearing for this neighbour, however, this building only has obscure windows. On balance it is considered that, given the presence of the existing trees, the outbuildings which provide a buffer to the main amenity area of number 1 and the considerable distance between the proposed dwelling and the rear windows of number 1 Park Crescent the impact on this neighbour is within acceptable limits.
- 4.46 To the west the church hall faces onto 2 Avenue Road. The proposed northern replacement gable on this side would face onto the rear projection of the neighbour some 6.8m away. The neighbour has 2 small windows in the rear outrigger facing the application site. These appear to have top fanlights and are most likely bathrooms. It is therefore considered that the proposal would not result in unacceptable overlooking of this property. There is also a corner window to the north west corner of the rear extension which faces onto the amenity area of number 2, however, unlike the relationship with number 5 Park Road, which has its boundary 1m from the site, this window is set 5m off the boundary. Given that it is not the main outlook for this room, this arrangement is considered acceptable.
- 4.47 In relation to other amenity impacts the proposed extensions to the buildings are to replace larger sections of the building which are proposed for demolition. The additions will therefore not appear materially more overbearing on the neighbours than the existing situation or cause an unacceptable sense of enclosure or loss of outlook.
- 4.48 In relation to any potential noise nuisance arising from the proposed parking garage it is considered that, in this case, vehicle movements would be low so this should fall within reasonable limits.
- 4.49 Overall therefore, whilst the impact on 1 Park Crescent and 2 Avenue Road is found to be acceptable, it is considered that the proposed rear extension of the church hall would give rise to unreasonable overlooking of 5 Park Road. This is contrary to policy and unacceptable in this regard.

Traffic and Transportation

National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP3 and CP4; Development Management Document (2015) policy DM15, and the Design and Townscape Guide (2009).

- 4.50 Policy CP3 of the Core Strategy seeks to widen travel choice and improve road safety. Policy DM15 states that *'Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.'*
- 4.51 Policy DM15 of the Development Management Document states that one off-street parking space should be provided for each dwelling however it notes that *'Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.'*
- 4.52 The application is for 6 residential units. 6 garages with shutters and 1 external visitor parking space is proposed within the ground floor of the church hall building. The garages in the southern section of the building each measure 4.95m x 3.3m. The garages in the northern section of the building are each 6.9m x 2.7m. It is also noted that two of these northern garages have columns within the space proposed for parking which in practice shorten the useable parking area to 4.8m.
- 4.53 The Development Management Document comments that for garages to be considered as viable parking spaces they are required to have internal dimensions of at least 7m x 3m. None of the proposed garages would meet this standard although the 4 to the northern side are quite close to these dimensions.
- 4.54 The Council's Highways officer has raised an objection to this proposal as the garages fail to meet this standard. He recommends that the arrangement should be revised to enable fewer but larger spaces. He also suggests that a lesser standard than 1:1 may, depending on the type of dwellings proposed, be justified in this location, which is close to public transport links and other amenities.
- 4.55 It is considered that the proposed garages to the southern end of the building are too short of the standard to be considered as viable parking spaces. These would better serve the development as cycle and refuse storage areas. The 4 garages and visitor space to the north are potentially more useable, and could be adapted to be undercroft parking spaces rather than garages which would require less width. It is also considered that as there is no policy requirement for visitor parking, therefore this space could also be used to serve the main development. On balance it is considered that the proposed parking area, with some adjustment and tracking to demonstrate usability, could be considered sufficient to serve the development given its sustainable location.

Refuse and Cycle Stores

- 4.56 There is mention of cycle storage on the plans within the proposed garages with additional visitor cycle stands next to the new lobby. This would meet the policy requirement. There is, however, no refuse storage proposed and this is unacceptable.

Sustainability

National Planning Policy Framework (2018); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM2 and DM3 and the Design and Townscape Guide (2009).

- 4.57 The overarching theme of the NPPF is to achieve sustainable development. 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 Design and Townscape Guide”*.
- 4.58 The submitted Thermal Modelling Report states that the proposed conversion would utilise a mechanical heat recovery system (MVHR) to provide ventilation and heating for the units. This type of system recycles heat from exhaust air for space heating. This reduces the energy consumption of the building. No renewables are proposed. No information has been provided to demonstrate how much energy this would save compared to the baseline figures.
- 4.59 On balance, given the constraints of the listed building, it is considered that a lesser standard of renewables could be accepted on this proposal than would be required for a new build development which is not a listed building. The lack of renewables is therefore considered to be acceptable in this case.
- 4.60 In relation to water 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. This could be secured by condition were the proposal otherwise acceptable.

Other Issues

Landscaping

- 4.61 The proposal includes new landscaping and the reinstatement of traditional railings to the front boundary. This would be an enhancement to the setting of the building and the wider conservation area and is welcomed, however, it is noted that this does not outweigh the concerns noted above in relation to the impact of the development generally on the significance of the listed building and conservation area.

Bats

- 4.62 It has been suggested that the existing vacant buildings may be used by roosting bats. Bats are a protected species and therefore development proposals that might affect bat roosting sites need to follow strict guidelines and to comply with separate legislation. The submitted information does not include a bat survey in conflict with policies and unacceptable in this regard.

Community Infrastructure Levy (CIL)

- 4.63 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 would also be CIL liable.

Conclusion

- 4.64 Whilst the Council seeks to support the regeneration of listed buildings at risk, this should not be at any cost. The proposal, as it stands, is considered to cause a very high level of harm to the significance of the listed church building and harm the significance of the church hall and the conservation area. The proposal has also failed to demonstrate that it would provide a satisfactory quality of accommodation for future occupiers and parking facilities. It is also considered that the design of the church hall extension would give rise to an unacceptable level of overlooking of the neighbour at 5 Park Road. There is also not provision for refuse storage and any potential impact on bats has not been assessed.
- 4.65 The proposal is therefore unacceptable and contrary to policy. The benefits of the scheme do not outweigh this harm.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2018)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment), DM15 (Sustainable Transport Management)
- 5.4 The Southend Design and Townscape Guide (2009)
- 5.5 The Milton Conservation Area Appraisal (2014)

6 Representation Summary

Historic England

- 6.1 The grade II listed Park Road Methodist church was constructed in 1872 to serve the Victorian Park Estate and designed in a simple but powerful Gothic Revival style. The interior is a single open worship space with a mezzanine gallery at one end accessed by a single staircase. The interior is lit by tall, narrow lancet windows below an exposed timber roof structure which includes carved braces and spandrels giving a quite dramatic effect. Pews and liturgical furnishings give extra formality to the interior. The adjacent church hall as built to host the church school and has the characteristic appearance of later Victorian schools and is a historically significant companion to the church.

The proposed works would convert both buildings to residential use, including subdividing the interior of the church into four units. This would completely compromise the interior of the building, losing any sense of its original open character and any ability to read the architectural elements of the building in combination. Any residential use would necessarily bring major changes to the interior, not least the loss of furnishings, but the proposals would have an intensive impact, beyond what might be necessary for the creation of fewer units. We are concerned this would have a highly damaging and harmful impact on the historic significance of the listed building.

It is clear that the church has been out of use for many years. Permission was previously granted for a storage use which, even though it would have required internal changes, could have kept the main space as a single unit. This expired in 2003. A report included with the current application refers to marketing of the building being carried out in 2010. This includes that a residential use should be sought, but does not go into detail of the options considered, the costs of development and above all the need for the creation of multiple residential uses informed by estimates of the price at which the property was marketed. We are concerned about the level of harm the current proposals would cause and the lack of clear and convincing justification for this particular scheme rather than any less intensive version.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The NPPF also identifies that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). In determining applications it is a requirement that the applicant describe the significance of any heritage asset affected and that this detail should be proportionate to the asset's importance (paragraph 189). Paragraph 192 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. The significance of listed buildings can be harmed or lost by alteration to them.

The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 193 and 194). This weight given to conservation and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned.

We have considered this application in terms of this policy and are seriously concerned that the degree of subdivision caused by the proposals could result in a very high level of harm to significance of the listed building in terms of the NPPF, paragraphs 193 and 194. Paragraph 189 of the NPPF requires applicants to describe the significance of heritage assets affected by proposed development and the contribution their setting might make to that significance. Sufficient information should also be provided to enable an understanding of the potential impact of the development on the asset. In this case we would advise the Council that further details are needed on the marketing of the property, costs of repair and conversion and alternative schemes in order to provide a clear and convincing justification for the proposals and satisfy the requirements of paragraph 189. We would not support the granting of consent at this time but would like to advise the Council further once further information has been secured.

Recommendation

Historic England has serious concerns regarding the application on heritage grounds and would recommend the Council request further information on the need for the current proposals which could result in a high level of harm to the historic significance of the grade II listed building. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 189 193 and 194. As the application stands we would not support the granting of consent, but recommend the Council secure additional information to satisfy paragraph 189 as described above. Following this we would be happy to advise the Council further.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application.

Environmental Health

- 6.2 The application is for the conversion and partial demolition of a listed church and church hall with internal alterations to convert into six dwellings associated garages and cycle storage.

The Planning /Design/Access / Heritage Statement including the Addendum has been reviewed.

An Outline Acoustic Design Statement by Cole Jarmin dated 10/08/2018 showing adequate sound insulation provisions to meet Approved Document E has been reviewed.

There are no objections to the proposals 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
- The Listed Building Consent and provisions of glazing shall be expected to meet BS 8233:2014 Internal Noise Levels for all Habitable Rooms.

Highways

- 6.3 The garages shown do not meet current policy of 7m x 3m therefore cannot be considered parking spaces. The applicant would need to revise the garage sizes to meet policy guidance, the visitor space could be removed to assist this layout.

Consideration would also be given to reduced levels of parking given the sustainable location of the site which has good links to public transport in close proximity.

At this current time a highway objection is raised due to specifically relating to garage sizes which do not meet current policy guidance.

The Victorian Society

- 6.4 No response received.

Milton Society

- 6.5 This building has not been well cared for over the years with repeat approaches from us to the Council for action, particularly in relation to the lost flèche, masonry damage to the north side and damage resulting from water ingress. We do not have the benefit of seeing the interior condition in the last several years and would point out that under NPPF clause 191 damage resulting from neglect should not be taken into account. To the extent that the building has not been well cared for we believe that bats may be roosting in the building and a bat survey by a suitably qualified professional and bat management plan should be conditional to any approval.

A principle concern that we have with these applications is with the detail design of the intervening new build extension to the rear of the church hall. Here a more detailed rear elevation and three dimensional drawing would assist understanding. We shall refer again to this concern below.

This Listed building is of primary townscape importance in Milton Conservation Area and we fully support its retention and protection, particularly from a local townscape point of view. We trust that consultation has been invited from Historic England and The Victorian Society. However, we appreciate that the building has been unused for many years and therefore a suitable adaptive use could be appropriate, strictly providing that such enabling development serves to retain and repair the existing historic building.

In the absence of a detailed condition survey with the application this should include the repair, following good conservation practices, of the exterior walls and stonework, doors, windows and glazing, and roofs. In particular this should include the removal of inappropriate cement render to one of the east pinnacles and repair/replacement to the stonework, and the replacement of the fleche. We note that the applicant withholds this particular feature from the proposal yet, misleadingly, shows this on the drawings. This is an essential feature of the historic building and the surviving base has been kept in unprotected condition for many years. However, this is a significant historical feature that should be replaced.

We do not object to the major demolition to the rear of the hall as this is clearly of lesser architectural significance and recognise that this reduces the massing to the benefit of neighbouring outlook. However, the main body of the hall with its internal features and the south end elevation with returns should be retained as it appears in the application. We recognise that a new vehicular entry is an essential requirement but this too requires further detail design. Where the new rear extension to the hall is proposed we have concerns over the overlooking design proposed, notably from the proposed terraces and north facing dining room windows. We note that a small landscape amenity area could mitigate this to some extent but we believe the detailed design of the balconies and windows needs further work.

We appreciate the restrained, set back floor plate design to the church interior, protecting principal features and believe that this is of vital importance in protecting the scale of the interior characteristic, notwithstanding that the four 3 storey apartments with party walls are an inevitable consequence of residential development. Here it is important that internal features, particularly the roof structure, are protected and retained. We are also concerned about the relocation of the reredos, a principal feature of the church interior and believe entry to the apartments here could be redesigned to retain this important feature in a shared lobby.

We note that the proposal requires the intervention of rooflights to provide interior natural light and views out. These appear to be as restrained as possible and we note that, typically, Roger Coombs specified flush rooflights by The Rooflight Company to minimise the intervention. This is acceptable and should be conditioned with any approval.

Internal historical features such as the wall plaques should also be protected although the small memorial entrance hall appears contrived and not related to the original building. Re-use of a couple of pews in this area appears to be a good idea but rather as a practical part of the proposal than contrived and unusable rows. As we have not had recent access to the interior so assume that the Council will fully assess and report on the features to be retained.

Overall we refer to NPPF paragraph 127 and relates Local Development Plan policies requiring a high standard of design not fully described nor fully included in this application.

We also have concerns about the sustainability of this development and note that the applicant seeks to cut corners with the removal of grey water recycling, ground source heat pumps. This does not meet the requirements of NPPF Section 14.

However, in short, this application is potentially supportable with improvements to the design aspects we have raised but without these changes we have to object as the application stands.

We particularly note that any approval may not necessarily lead to development but possibly to a sale and then to subsequent proposals for more residential units. In this event a purchasing developer could exploit any shortcomings in a poorly made approval so we respectfully ask for very careful consideration with this important local landmark site.

Public Consultation

6.6 Two site notices were displayed, a press notice was published and 48 neighbours were consulted on the application. 3 responses has been received at the time of writing raising the following issues:

- 1 parking space per property is insufficient and the proposal will result in overspill parking into the surrounding area which suffers from parking stress.
- Overlooking of neighbouring properties.
- The buildings are important to the conservation area and alternative uses need to be found.
- All historical features should be retained and repaired and the fleche should be reinstated.
- There may be bats within the buildings.

6.7 The application was called to Development Control Committee by Councillor J Garston, Councillor Ware-Lane and Councillor Nevin.

7 Relevant Planning History

7.1 98/0409 – Use church (class D1) for warehouse storage and distribution purposes (Class B8) – granted

7.2 98/0408 Use vacant premises (class D1) for warehouse storage and distribution purposes (Class B8) – granted

8 Recommendation

Member are recommended to REFUSE Planning Permission for the following reasons:

01 The proposal has failed to demonstrate that the church and church hall can be converted into residential dwellings without harming the special character and significance of the listed building. In particular the extent of roof alterations to the principal roofslope and the visual impact of the ventilation equipment and louvres and the extent of roof demolition for the church hall are harmful to the character and integrity of the building.

This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposed church hall extension would give rise to an unacceptable level of overlooking of the neighbouring occupiers of number 5 Park Road and its private amenity area. The proposal is therefore unacceptable and contrary to the 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 guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

03 The proposed church conversion, by reason of the inadequate levels of light and outlook to the northern units, would result in an inadequate quality living environment, to the detriment of the amenities of the future occupiers of the proposed dwelling. This is unacceptable and contrary to 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 proposed parking layout as shown in drawing reference 1716/T/004 is unacceptable because the garages proposed fail to meet the garage standards as set out in the Development Management Document (2015) paragraph 7.12 and the spaces would therefore not be useable for the parking of vehicles. In the absence of this the proposal would be provided with inadequate parking to the detriment of the free flow of traffic and highway safety. The design also fails to make adequate provision for refuse and recycling storage for future occupiers and is likely to harm to the character, significance and setting of the heritage asset. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, CP3 and CP4 of the Southend Core Strategy (2007) and Policies DM1, DM3, DM5 and DM15 of the Development Management Document (2015).

05 The proposal has failed to assess the impact on bats and has therefore not demonstrated that there would not be an adverse impact on the ecology of the site. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018) and Policies KP2 and CP4 of the Southend Core Strategy (2007).

Member are recommended to REFUSE Listed Building Consent for the following reasons:

01 The proposal has failed to demonstrate that the church can be converted into 4 dwellings over 3 floors without harming the special character and significance of the listed building.

In particular the impact of the sub division on the integrity of the main worship space, the extent of the loss of the ecclesiastical features within the building, the extent of roof alterations to the principal roofslope, the visual impact of the ventilation equipment and louvers and the extent of roof demolition for the church hall are harmful to the character and integrity of the listed building. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

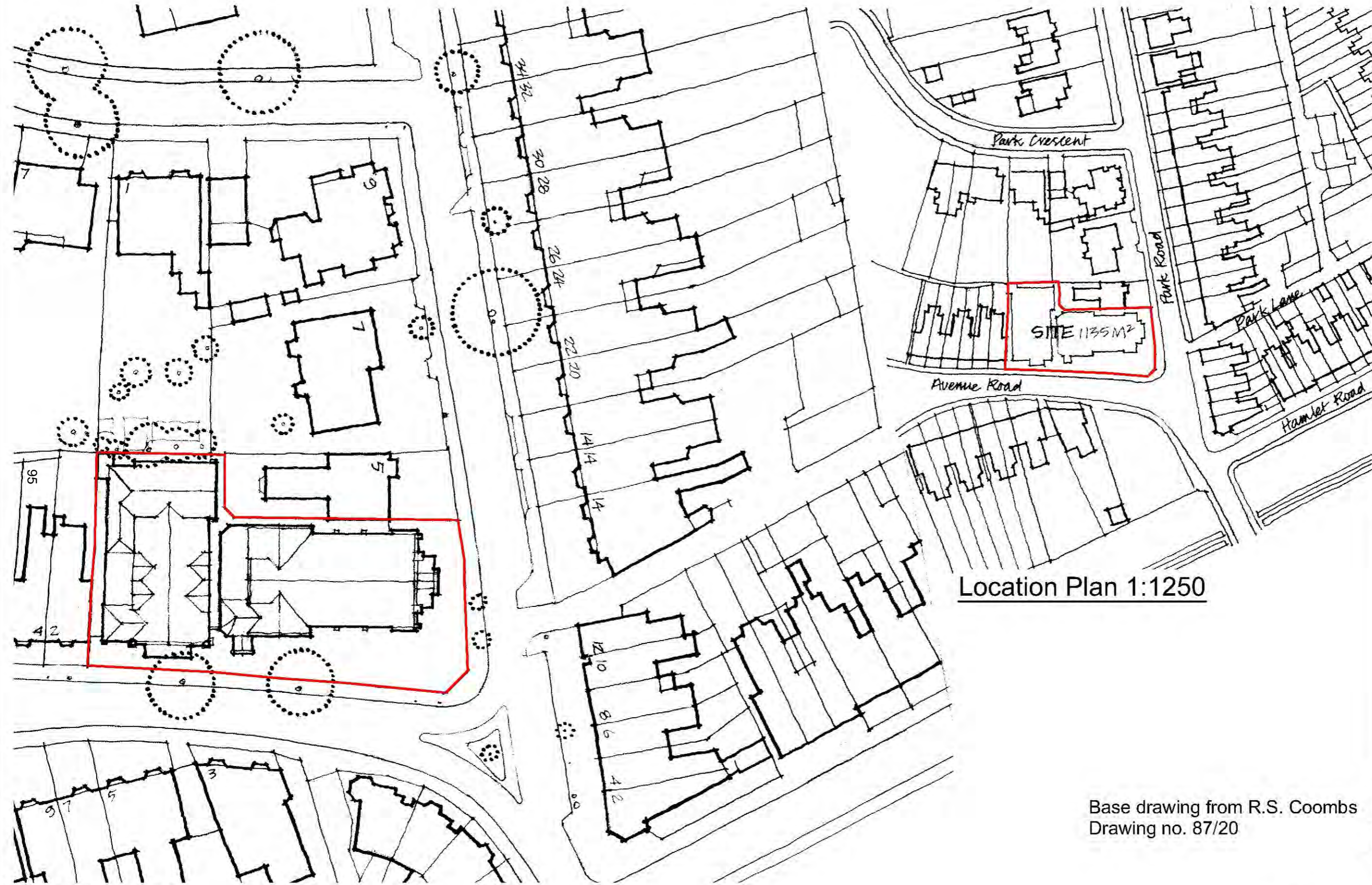
Informatives

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.

02 It is noted that some of the proposed drawings show the replacement of the fleche/spire. This would be a positive addition to the proposal and welcomed subject to detailing but it is understood that this has now been omitted from the proposal and is therefore an error on the drawing. This needs to be clarified in any amended proposal.

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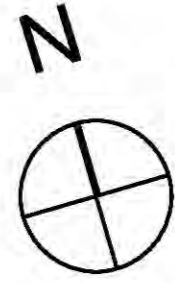
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Site Plan 1:500

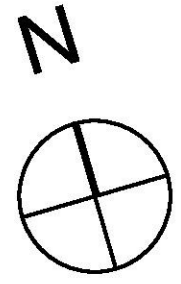
Location Plan 1:1250

Base drawing from R.S. Coombs
Drawing no. 87/20



Rev	Revision Note	Date
Date	Sept 2019	Scale 1:500 & 1:1250 @ A3
Status	PLANNING	
Project	Park Road Methodist Church Church Conversion to Residential Units Park Road Southend-on-Sea	
Title	Site & Location Plans	
Dwg No.	1716/T/001	
Chartered Architects	Post 6 Riverside House Lower Southend Road Wickford, SS11 8BB. Tel 01268 562266 Email info@ayshford.com	AYSHFORD SANSOME

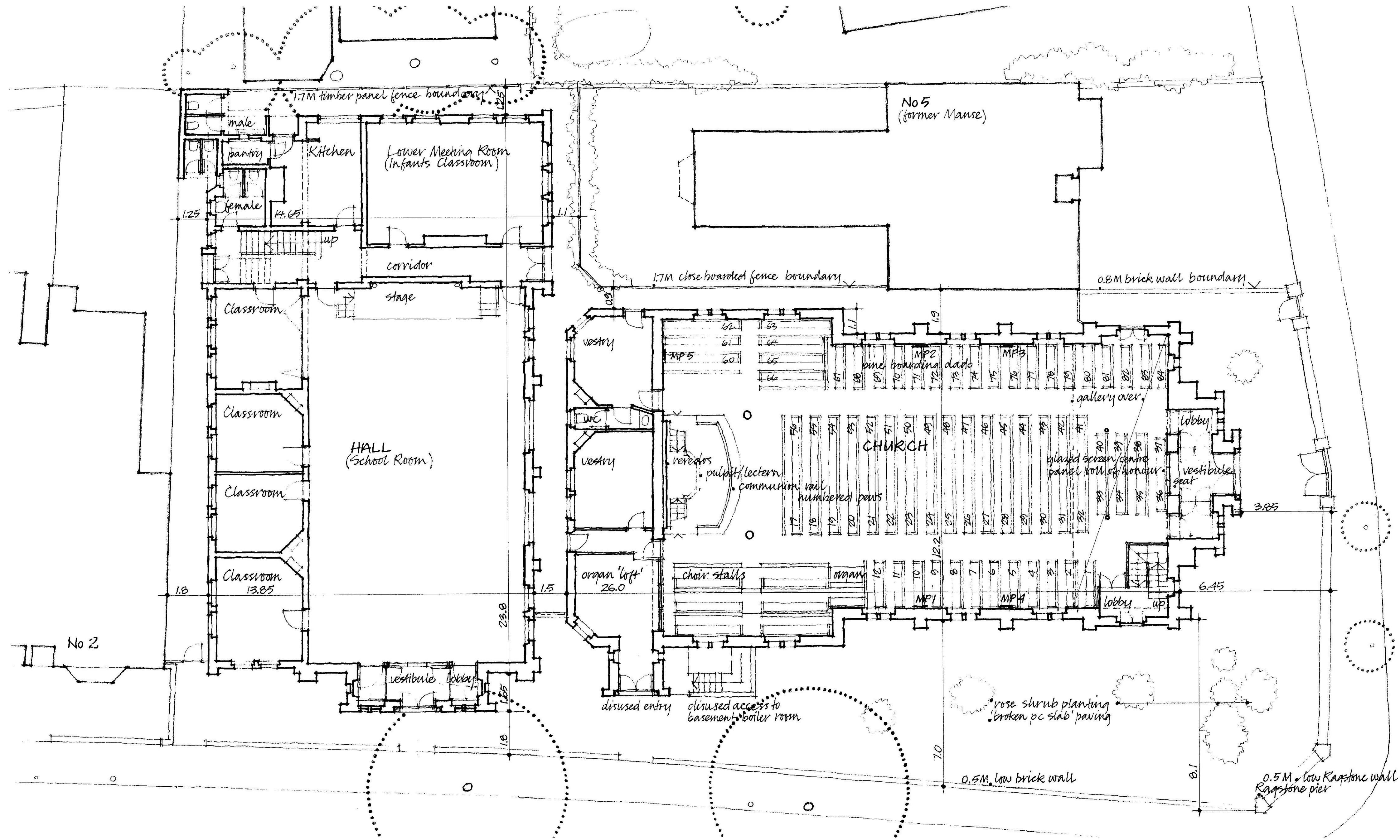
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Base drawing from R.S. Coombs
Drawing no. 87/28



Rev Revision Note Date

Date Sept 2019 Scale 1:100 @A1

PLANNING

Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: Existing Ground Floor Plan

Draw No: 1716/T/002

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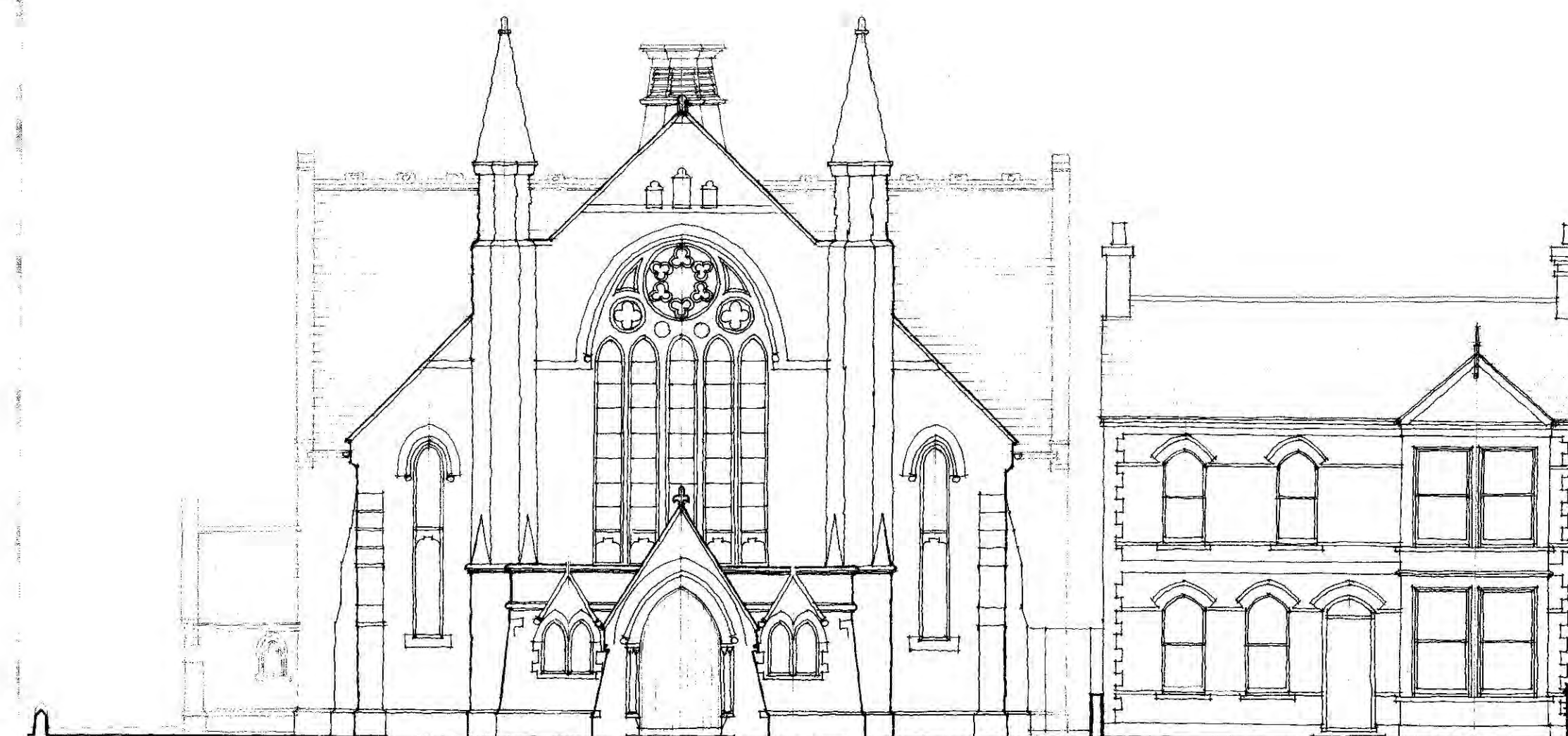


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Existing West Elevation

Base drawing from R.S. Coombs - Drawing no. 87/34



Existing East Elevation

Base drawing from R.S. Coombs - Drawing no. 87/31



Demolitions West Elevation

Base drawing from R.S. Coombs - Drawing no. 87/34



Demolitions East Elevation

Base drawing from R.S. Coombs - Drawing no. 87/31



Proposed West Elevation

Base drawing from R.S. Coombs - Drawing no. 87/34





Proposed East Elevation


Base drawing from R.S. Coombs - Drawing no. 87/32

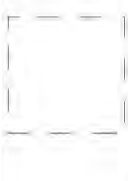
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 Area of roof to be demolished

 For additional areas of roof demolition refer to floor plans and elevation drawings.

 New openings made in existing fabric for rooflights and building services strategy

 Extended extent of opening up works to install new construction. Existing fabric reinstated where possible.

 Indication of new construction.

① Automatically operated Velux rooflight to ventilate the void, connected to rain sensor and internal temperature sensor.

② Manually operated by occupant Velux rooflight providing purge ventilation to each dwelling.

③ Fixed ventilation Louvre to low level of void as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.

Rev	Revision Note	Date

Date: Sept 2019

Scale: 1:100 @A1

PLANNING

Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: East & West Church Elevations

Drig No. 1716/T/012

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- Area of roof to be demolished
- For additional areas of roof demolition refer to floor plans and elevation drawings.
- New openings made in existing fabric for rooflights and building services strategy
- Extended extent of opening works to install new construction. Existing fabric reinstated where possible.
- Indication of new construction.
- ① Automatically operated Velux rooflight to ventilate the void, connected to rain sensor and internal temperature sensor.
- ② Manually operated by occupant Velux rooflight providing purge ventilation to each dwelling.
- ③ Fixed ventilation Louvre to low level of void as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.



Existing Hall West Elevation

Base drawing from R.S. Coombs - Drawing no. 87/26



Existing Hall East Elevation

Base drawing from R.S. Coombs - Drawing no. 87/25



Demolitions Hall West Elevation

Base drawing from R.S. Coombs - Drawing no. 87/26



Demolitions Hall East Elevation

Base drawing from R.S. Coombs - Drawing no. 87/25



Proposed Hall West Elevation

Base drawing from R.S. Coombs - Drawing no. 87/36



Proposed Hall East Elevation

Base drawing from R.S. Coombs - Drawing no. 87/35

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:100 @A1
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PLANNING

Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: East & West Hall Elevations

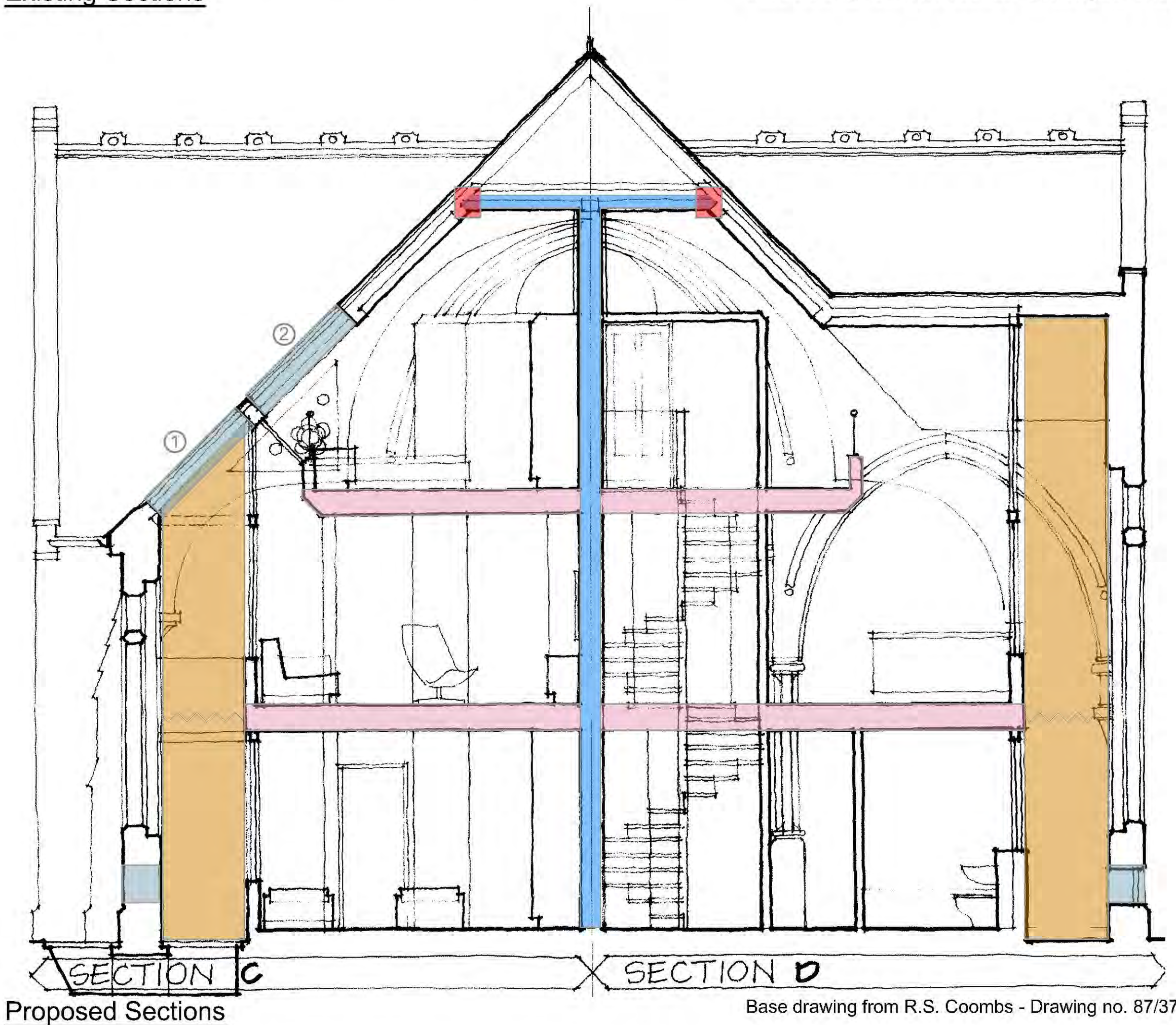
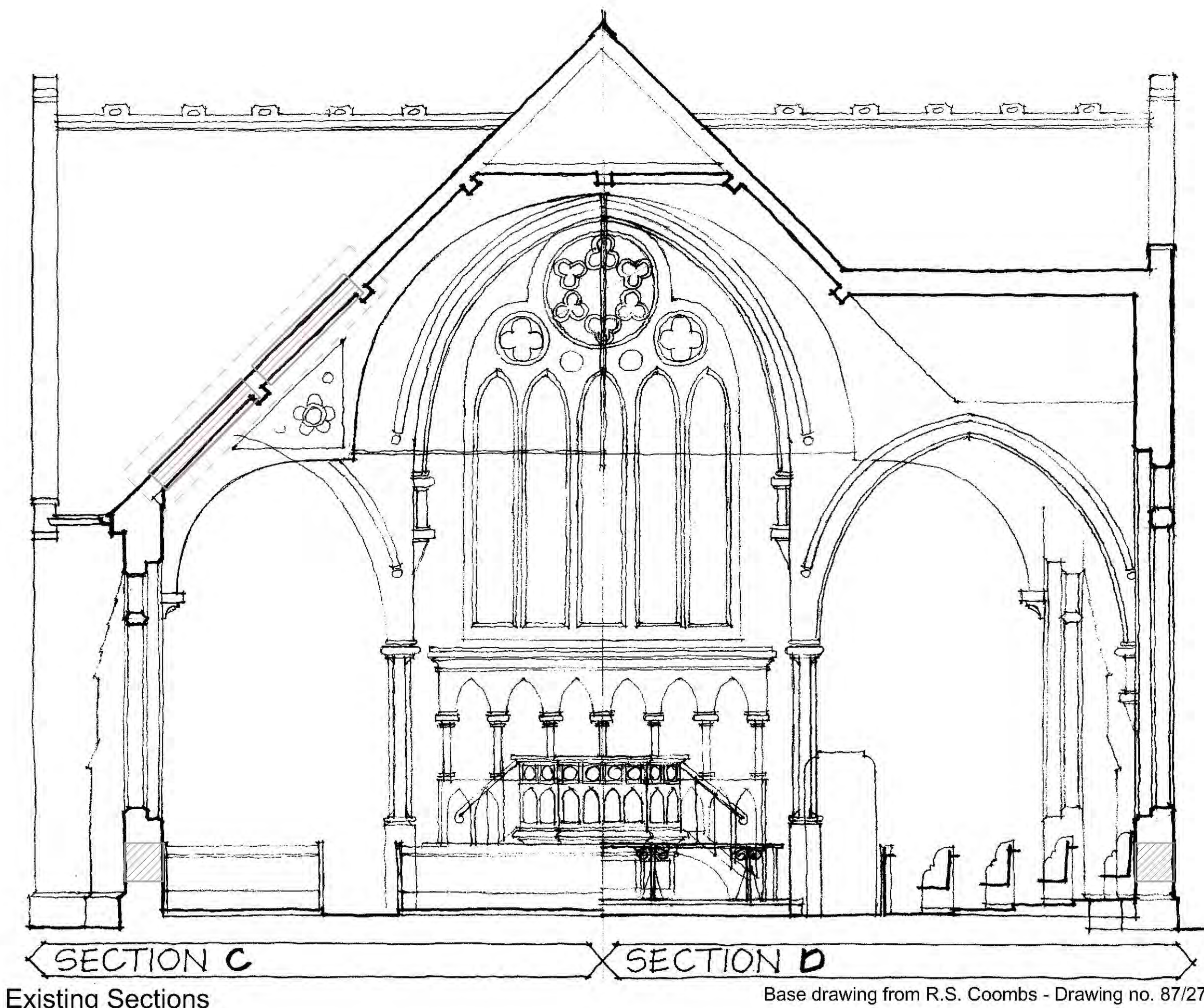
Drwg No: 1716/T/013

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- Area of roof to be demolished
- For additional areas of roof demolition refer to floor plans and elevation drawings.
- Party walls to meet performance specification outlined in Cole Jarmin's Acoustic design Report 18/0099/M01 dated August 2018.
- Areas of internal voids separating the external walls and roof from the new inserted structure. Void used as part of the buildings mechanical design strategy as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.
- New inserted upper floor levels. New internal structure and upper floors to be either steel frame or timber frame TBC without any fixings into the existing church wall or roof fabric.
- Locations of new internal partitions abutting to existing external walls.
- Locations of new internal upper floors abutting to existing external walls.
- Indication of new construction.
- ① Automatically operated Velux rooflight to ventilate the void, connected to rain sensor and internal temperature sensor.
- ② Manually operated by occupant Velux rooflight providing purge ventilation to each dwelling.
- New openings made in existing fabric for rooflights and building services strategy
- Extended extent of opening up works to install new construction. Existing fabric reinstated where possible.
- Open metal grate platform at floor level. Accessed from residential unit for maintenance to internal and existing windows.



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Date	Sept 2019	Scale	1:100 @A1
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PLANNING

Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: Sections C & D

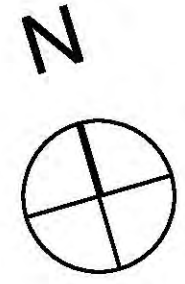
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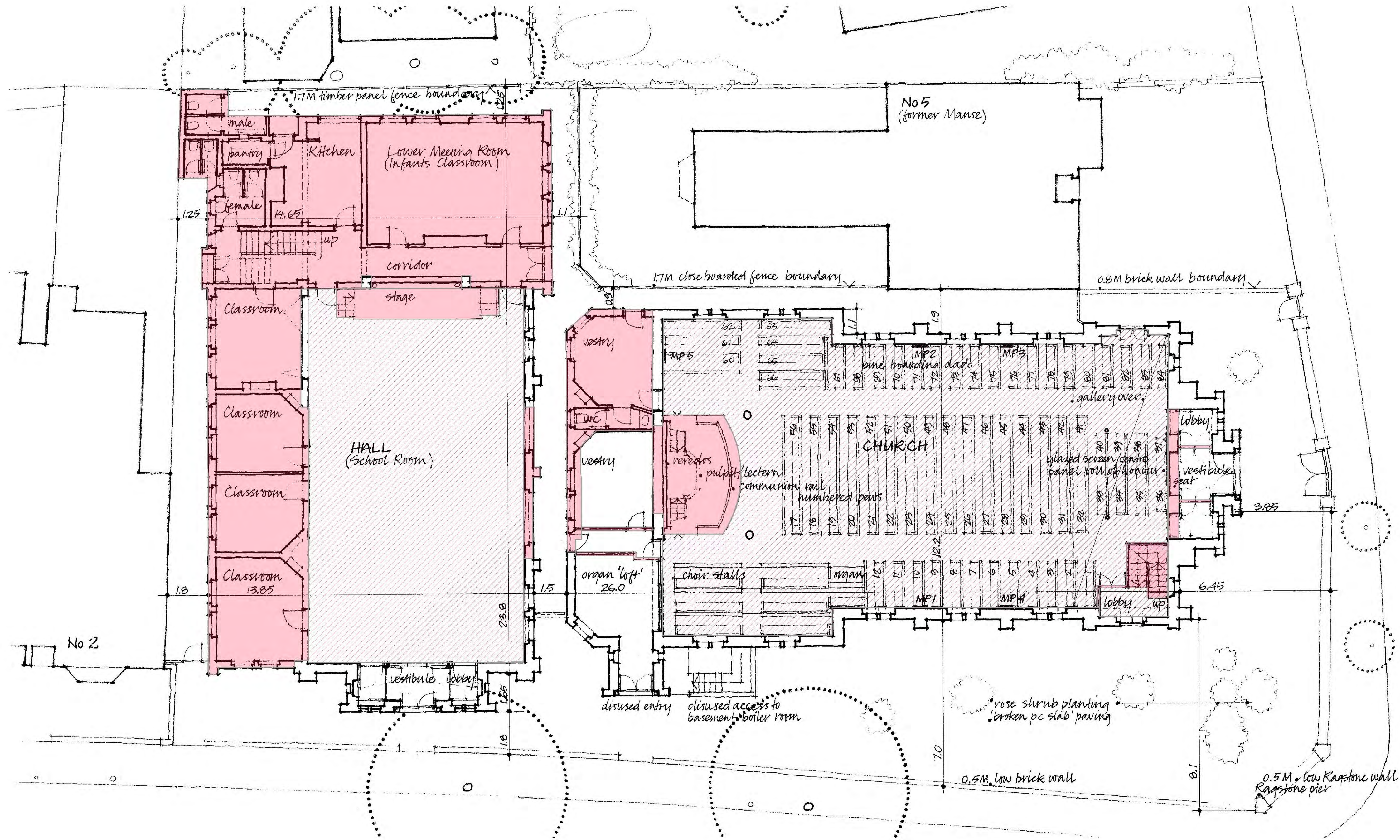
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Base drawing from R.S. Coombs
Drawing no. 87/28



- Area of roof to be demolished
- For additional areas of roof demolition refer to first floor plan and elevation drawings.
- Area of ground floor concrete slab to be broken out and replaced

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:100 @A1
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PLANNING

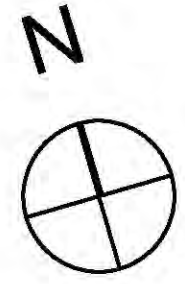
Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Ground Floor Demolition Plan

Drig No. **1716/T/003**

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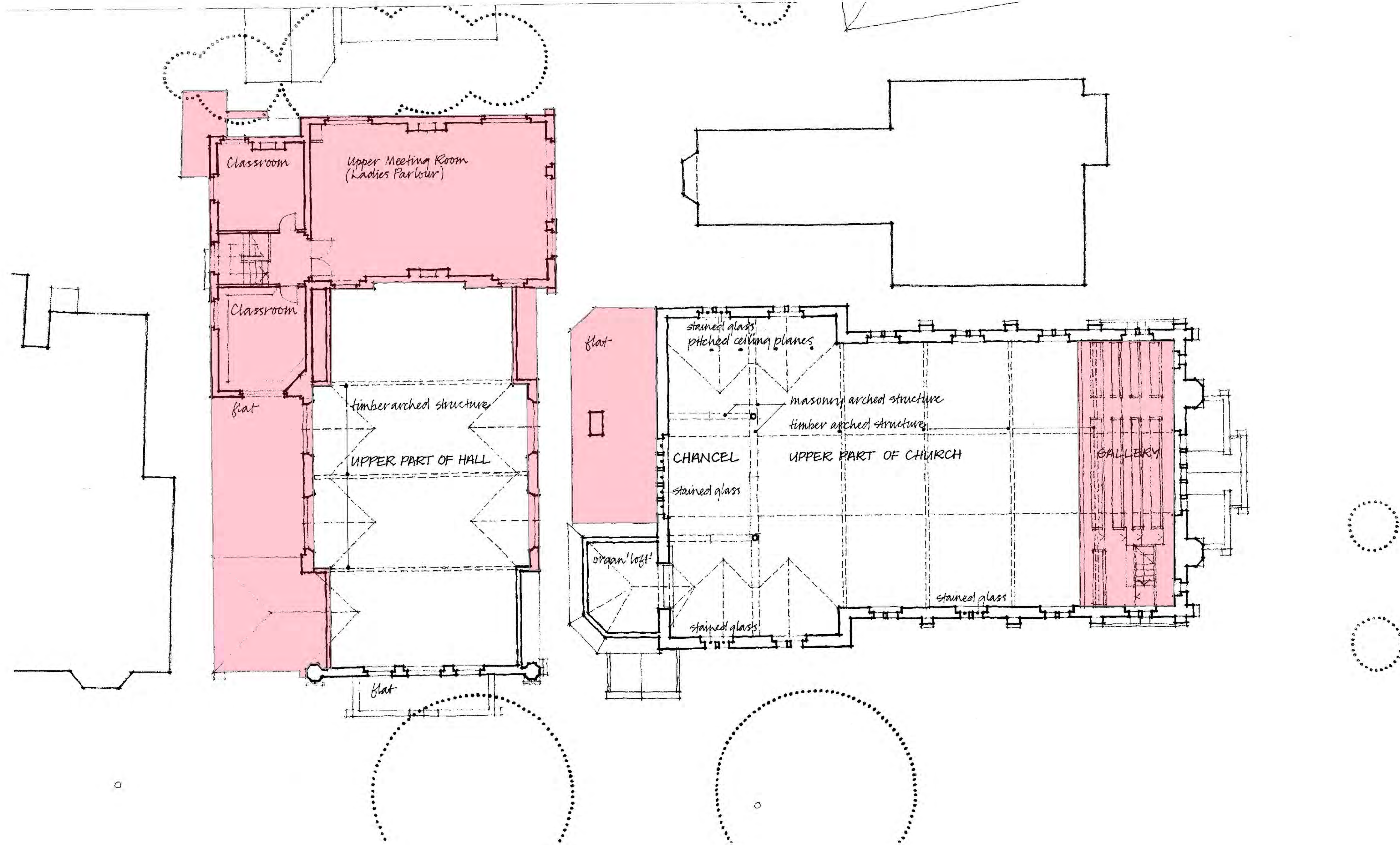
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Base drawing from R.S. Coombs
Drawing no. 87/29



109

 Area of roof to be demolished

For additional areas of roof demolition refer to first floor plan and elevation drawings.

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:100 @A1
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PLANNING

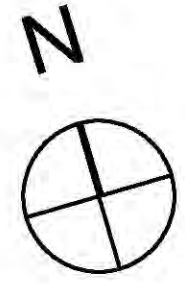
Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: First Floor Demolition Plan

Dwg No: 1716/T/006

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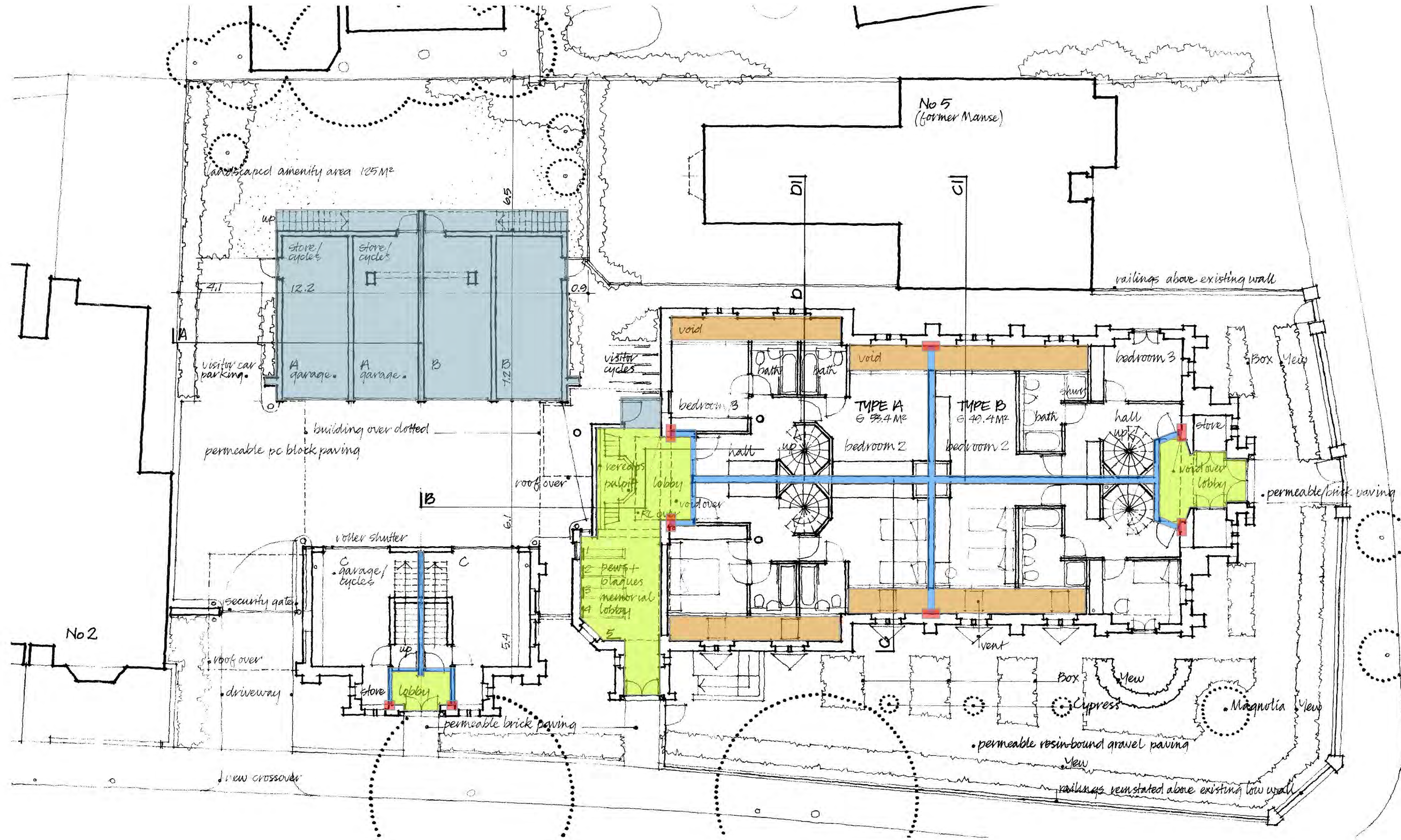
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Base drawing from R.S. Coombs
Drawing no. 87/38



- Party walls to meet performance specification outlined in Cole Jarmin's Acoustic design Report 18/0099/M01 dated August 2018.
- Areas of internal voids separating the external walls and roof from the new inserted structure. Void used as part of the buildings mechanical design strategy as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.
- New inserted upper floor levels. New internal structure and upper floors to be either steel frame or timber frame TBC without any fixings into the existing church wall or roof fabric.
- Locations of new internal partitions abutting to existing external walls. Refer to sketch detail for interface between existing and new construction.
- Locations of new internal upper floors abutting to existing external walls. Refer to sketch detail for interface between existing and new construction.

- Service risers within each dwelling, refer to The Engineering Workshop's Thermal Modelling Report and Service Strategy.
- Indication of new construction.

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:100 @A1
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Status	PLANNING
Project	Park Road Methodist Church Church Conversion to Residential Units Park Road Southend-on-Sea

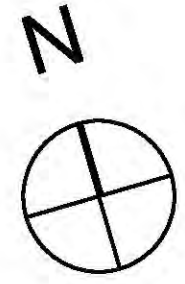
Title	Proposed Ground Floor Plan
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Draw No.	1716/T/004
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Email	info@aysford.com



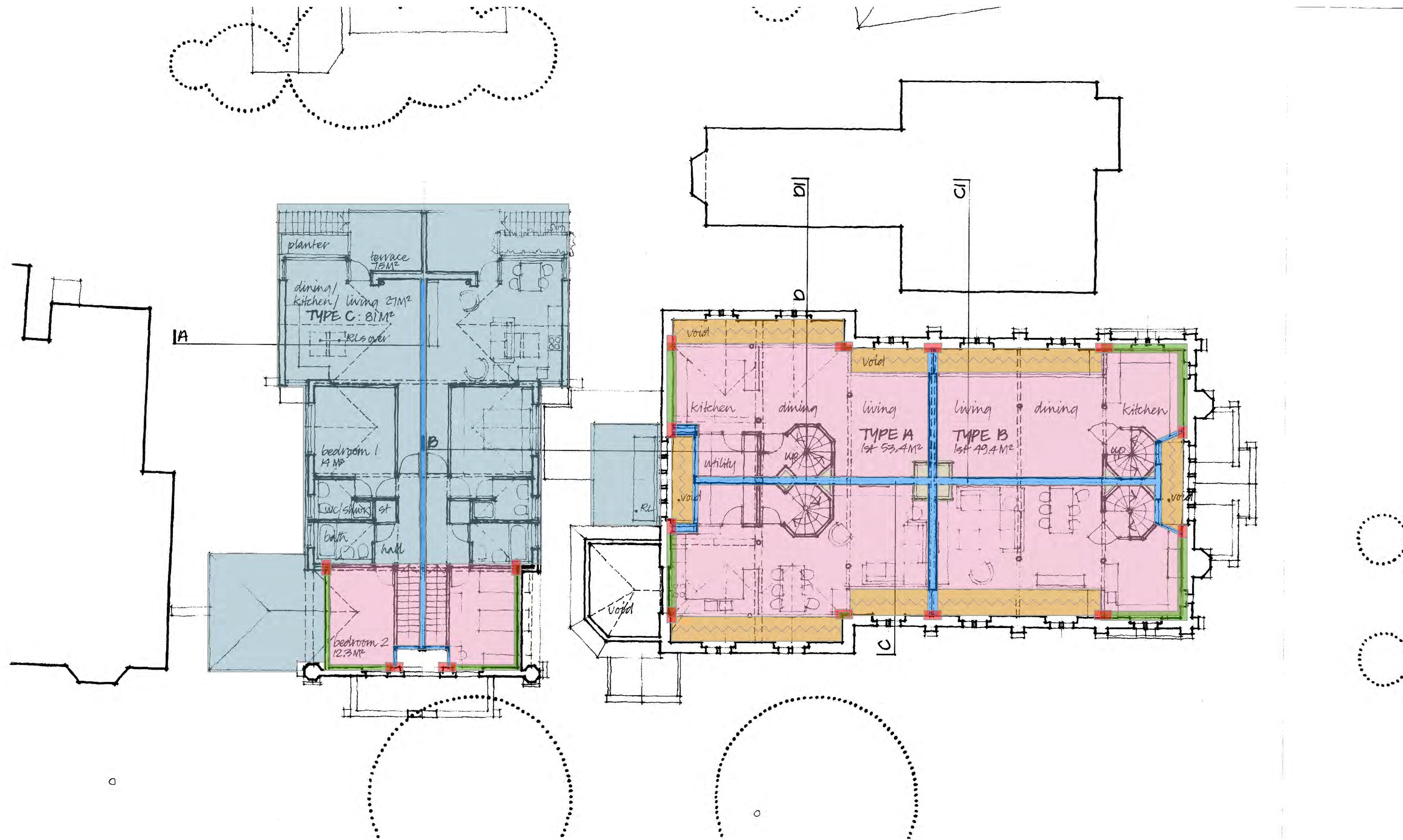
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Base drawing from R.S. Coombs
Drawing no. 87/39



113

- Party walls to meet performance specification outlined in Cole Jarmin's Acoustic design Report 18/0099/M01 dated August 2018.
- Areas of internal voids separating the external walls and roof from the new inserted structure. Void used as part of the buildings mechanical design strategy as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.
- New inserted upper floor levels. New internal structure and upper floors to be either steel frame or timber frame TBC without any fixings into the existing church wall or roof fabric.
- Locations of new internal partitions abutting to existing external walls. Refer to sketch detail ??????
- Locations of new internal upper floors abutting to existing external walls. Refer to sketch detail ??????

- Service risers within each dwelling, refer to The Engineering Workshop's Thermal Modelling Report and Service Strategy.
- Indication of new construction.
- Open metal grate platform at floor level. Accessed from residential unit for maintenance to internal and existing windows.

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:100 @A1
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PLANNING

Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

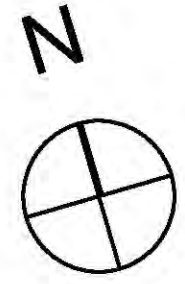
Title
Proposed First Floor Plan

Dwg No.
1716/T/007

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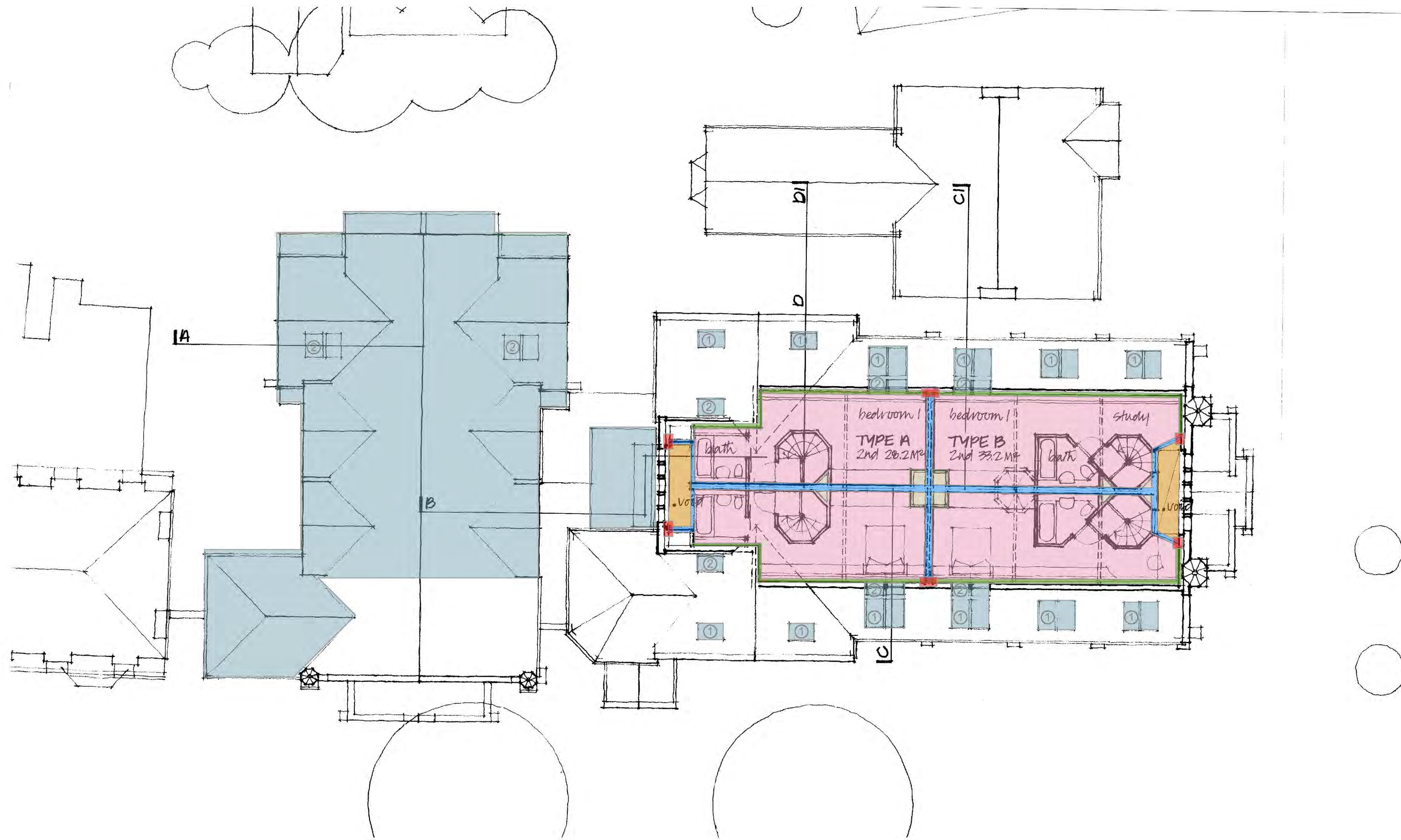
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Base drawing from R.S. Coombs
Drawing no. 87/40



115

- Party walls to meet performance specification outlined in Cole Jarmin's Acoustic design Report 18/0099/M01 dated August 2018.
- Areas of internal voids separating the external walls and roof from the new inserted structure. Void used as part of the buildings mechanical design strategy as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.
- New inserted upper floor levels. New internal structure and upper floors to be either steel frame or timber frame TBC without any fixings into the existing church wall or roof fabric.
- Locations of new internal partitions abutting to existing external walls. Refer to sketch detail ??????
- Locations of new internal upper floors abutting to existing external walls. Refer to sketch detail ??????

- Service risers within each dwelling, refer to The Engineering Workshop's Thermal Modelling Report and Service Strategy.
- Indication of new construction.
- ① Automatically operated Velux rooflight to ventilate the void, connected to rain sensor and internal temperature sensor.
- ② Manually operated by occupant Velux rooflight providing purge ventilation to each dwelling.

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:100 @A1
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Status	PLANNING
Project	Park Road Methodist Church Church Conversion to Residential Units Park Road Southend-on-Sea

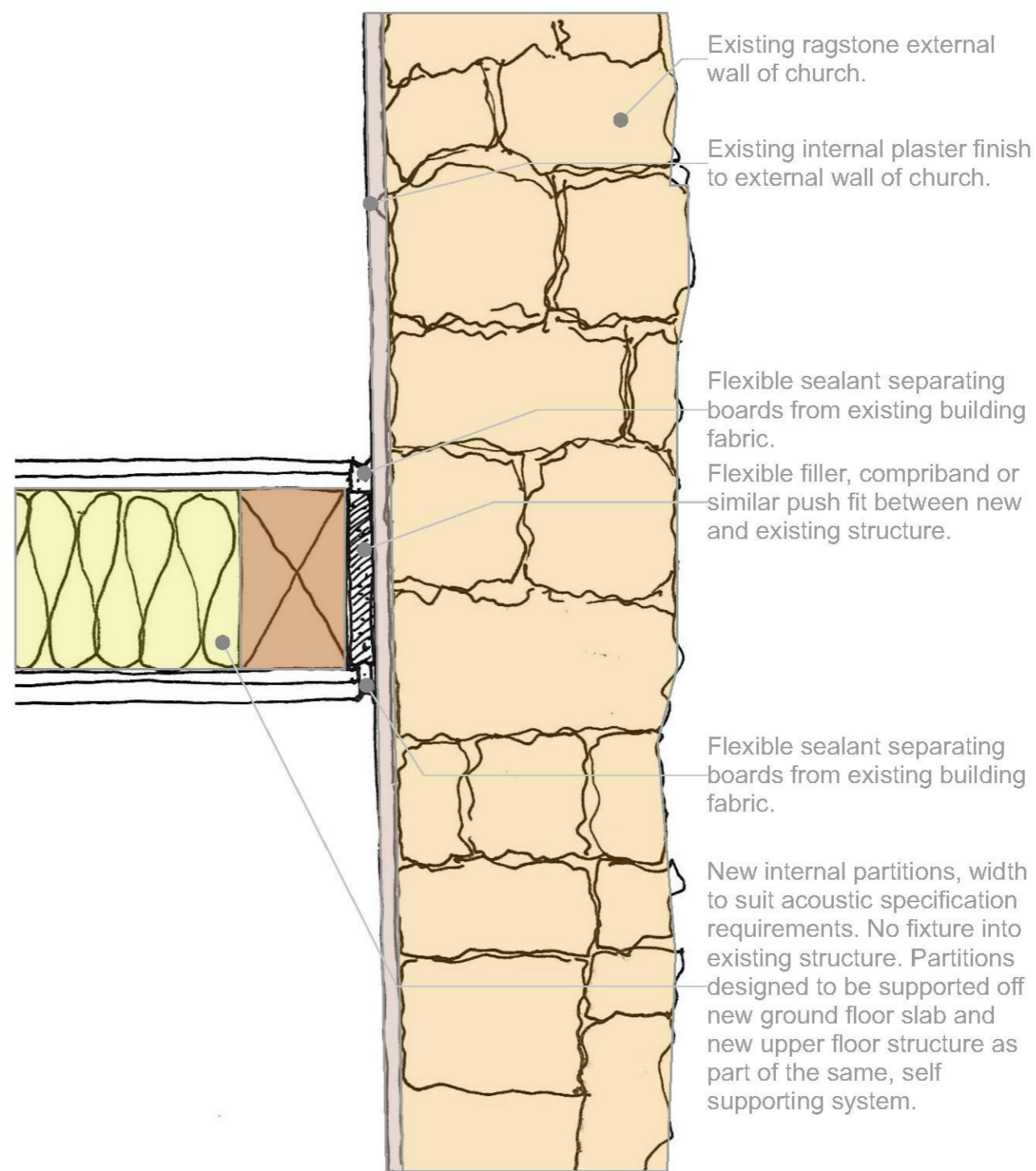
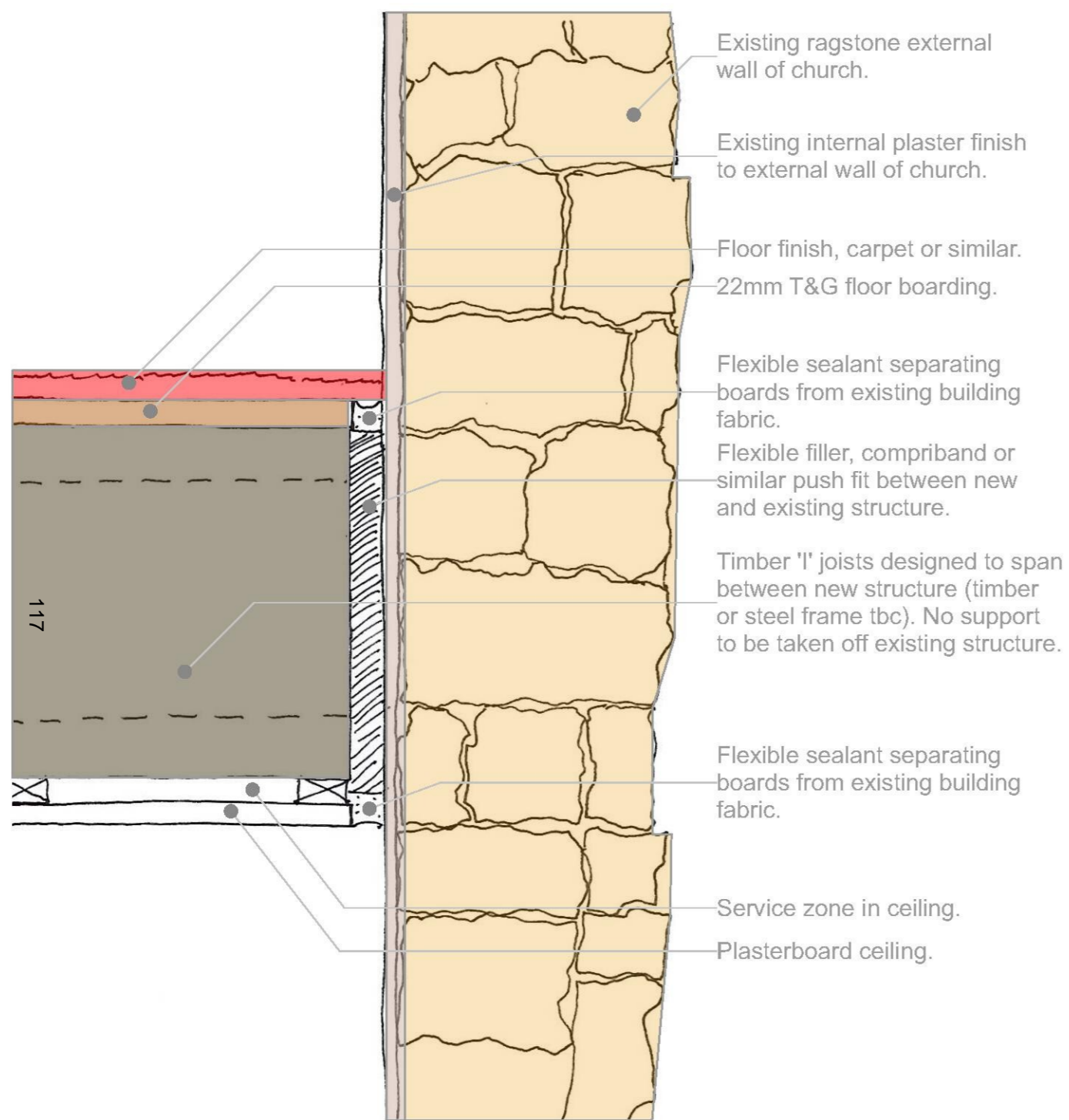
Title	Proposed Second Floor / Roof Plan
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Drig No.	1716/T/009
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Indicative Section Detail of New Upper Floor Junction with Existing External Wall.

Indicative Plan Detail of New Internal Partition Junction with Existing External Wall.

- No upper floors to act as party floors, floors to each unit to be separated at party wall junctions.

- New internal structure forming new units to be designed as a self-supporting system of floors and partitions with no structural connection to the existing building fabric. Only connection to existing fabric to be for sound and fire separation purposes.

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:5 @ A3
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Status **PLANNING**

Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: Indicative Details

Dwg No: 1716/T/016

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**AYSHFORD
SANSOME**

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Existing North Elevation

Base drawing from R.S. Coombs - Drawing no. 87/23



Demolitions North Elevation

Base drawing from R.S. Coombs - Drawing no. 87/23



Proposed North Elevation

Base drawing from R.S. Coombs - Drawing no. 87/33

DO NOT SCALE THIS DRAWING
Contractor must verify all dimensions on site before commencing any work or preparing manufacturing drawings. If in doubt ask.

- Area of roof to be demolished
- For additional areas of roof demolition refer to floor plans and elevation drawings.
- New openings made in existing fabric for rooflights and building services strategy
- Extended extent of opening works to install new construction. Existing fabric reinstated where possible.
- Indication of new construction.
- ① Automatically operated Velux rooflight to ventilate the void, connected to rain sensor and internal temperature sensor.
- ② Manually operated by occupant Velux rooflight providing purge ventilation to each dwelling.
- ③ Fixed ventilation Louvre to low level of void as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.

Rev	Revision Note	Date

Date	Sept 2019	Scale	1:100 @A1
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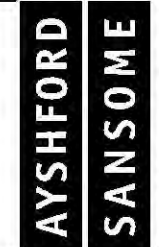
PLANNING

Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: North Elevation

Drwg No: 1716/T/011

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Existing South Elevation

Base drawing from R.S. Coombs - Drawing no. 87/21



Demolitions South Elevation

Base drawing from R.S. Coombs - Drawing no. 87/21



Proposed South Elevation

Base drawing from R.S. Coombs - Drawing no. 87/31

DO NOT SCALE THIS DRAWING

Contractor must verify all dimensions on site before commencing any work or preparing manufacturing drawings. If in doubt ask.

Area of roof to be demolished

For additional areas of roof demolition refer to floor plans and elevation drawings.

New openings made in existing fabric for rooflights and building services strategy

Extended extent of opening up works to install new construction. Existing fabric reinstated where possible.

Indication of new construction.

① Automatically operated Velux rooflight to ventilate the void, connected to rain sensor and internal temperature sensor.

② Manually operated by occupant Velux rooflight providing purge ventilation to each dwelling.

③ Fixed ventilation Louvre to low level of void as outlined in The Engineering Workshop's Thermal Modelling Report and Services Strategy.

Rev	Revision Note	Date

Date: Sept 2019 Scale: 1:100 @A1

PLANNING

Project: Park Road Methodist Church
Church Conversion to Residential Units
Park Road
Southend-on-Sea

Title: South Elevation

Drig No: 1716/T/010

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Reference:	18/01985/FUL	<h1>8</h1>
Ward:	Prittlewell	
Proposal:	Demolish existing bungalow, erect two semi-detached two storey dwellinghouses with dormers to rear, associated landscaping and extend existing vehicular access on to Carlton Avenue (Amended Proposal)	
Address:	241 Carlton Avenue, Westcliff-on-Sea	
Applicant:	Mr Hughes	
Agent:	RD Architecture Ltd	
Consultation Expiry:	04.01.2019	
Expiry Date:	08.03.2019	
Case Officer:	Kara Elliott	
Plan No's:	1619/305/P1, 1619/310/P0, 1619/320/P1, 1619/441/P0, 1619/450/P0, 1619/300/P2, 1619/410/P2, 1619/420/P2, 1619/430/P2	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing bungalow and to construct two semi-detached, three storey dwellings. The proposed handed dwellings would reach a height of approximately 8.25m (from lowest ground level), would have a combined overall width of approximately 9.5 metres and an overall depth of approximately 15 metres. The dwellings would have a large pitched roof and a stepped principal elevation. Each dwelling would have a single storey rear projection, a rear box dormer and rooflights in the front roof slope.
- 1.2 Proposed materials consist of red brickwork and cream render for the external walls, dark grey roof tiles and white uPVC double glazed windows and doors.
- 1.3 Both dwellings proposed are 3-bedroom units (the study at first floor does not accord with minimum national standards to be considered a single bedroom) and front Carlton Avenue. Each unit would be provided with one parking space at the front accessed via a crossover as well as a second parking space within an integral garage. Each property would benefit from a large pitched roof shed at the rear of garden.
- 1.4 The dwellings would benefit from rear private amenity spaces (85m² and 69m²).
- 1.5 The application follows a previously refused application for a similar development of a different design which was refused for the following reasons;

1. *The proposed development, by reason of its design, size, scale and bulk and resultant top-heavy appearance, fails to pay sufficient respect to the character and appearance of the site and the streetscene and would appear dominant, incongruous and contrived to the detriment of the character and appearance of the site and the wider area. This is unacceptable and contrary to the 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).*
2. *The proposed development, by reason of the insufficient and unacceptable provision of off-street parking and the access arrangements would result in vehicles crossing the footpath and cause additional on-street parking in an area of existing parking stress to the detriment of highway and pedestrian safety, the local highway network and the free-flow of traffic. This is therefore contrary to the National Planning Policy Framework (2018), Development Management Document (2015) Policy DM15 and Core Strategy (2007) policy CP3.*

2 Site and Surroundings

- 2.1 The site is located to the north of Carlton Avenue. The existing building constitutes a single family dwelling. A crossover provides access to parking at the front of the dwelling for two vehicles.

- 2.2 The buildings of the surrounding area are in residential use featuring a mixture of single, two storey and three storey dwellings.
- 2.3 The site has no specific allocation within the Development Management Document Proposals Map and does not relate to a listed building.

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, CIL payments and whether this scheme overcomes the harm as set out in the reasons for refusal in the previous application.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2, CP3, CP4, and CP8; Policies DM1, DM3, DM7, DM8 and DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.1 The property is located within a residential area. Amongst other policies to support sustainable development, the NPPF requires LPAs to boost the supply of housing by delivering a wide choice of high quality homes.
- 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.
- 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 DM3(2) requires that all development on a land that constitutes backland and infill development will be resisted where the proposals;
- “(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

- 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 Policy DM3(4) states *“The conversion of existing single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- (i) Does not create and unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
 - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.*
- 4.7 The existing dwelling that is to be demolished constitutes a bungalow, however planning permission (15/02033/FULH, which expired on 11.02.19) granted the extension of the dwelling to form a two storey dwelling and thus the principle of loss of the bungalow has previously been accepted. The applicant has also confirmed that the new dwellings will comply with M4(2) requirements and thus the development will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents (considered in more detail below), thus no objection is raised on this basis. It should also be noted that the principle of development was accepted at the time of the previously refused scheme. The design and impact of the proposal on the streetscene is also considered below.
- 4.8 The proposed dwellings would constitute an infill development within a residential area and as such, and subject to the requirements of DM3(2) above, no objection is raised to a residential use in principle on this site. However, the suitability of the site to accommodate the proposed dwellings requires consideration; in this regard, other material planning considerations, including living conditions, residential amenity, design and parking availability are assessed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) Policies KP2 and CP4; Policies DM1 & DM3 of the Development Management Document (2015) and the Design & Townscape Guide (2009)

- 4.9 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.”*

- 4.10 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.”*
- 4.11 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”*.
- 4.12 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”*.
- 4.13 Paragraph 201 of the Design and Townscape Guide advises that *“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle.”*
- 4.14 Paragraph 202 of the Design and Townscape Guide states that; *“where it is considered acceptable in principle, the key to successful integration of these sites into the existing character is to draw strong references from the surrounding buildings. For example, maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties reinforces the rhythm and enclosure of the street. This does not necessarily mean replicating the local townscape, although this may be an option.”*

- 4.15 The proposed dwellings have been positioned in a similar position to that of the existing dwelling, albeit approximately 1 metre from the boundary shared with 245 Carlton Avenue. The dwellings would have a stepped-back front elevation which reduces the impact of the development within the streetscene. In terms of their size, scale, height and bulk, the semi-detached dwellings are seen in context with the row of semi-detached dwellings to the east and are commensurate with the wider prevailing pattern of built form in the area. The dwellings would not be out of keeping in the streetscene and it is considered on balance that the proposed development overcomes the previous concerns whereby the previously refused dwellings were considered to be top-heavy, incongruous, prominent and contrived in design.
- 4.16 The single storey rear mono-pitched roofed extensions are considered acceptable and would not result in unduly bulky incompatible features of detriment to the overall character and appearance of the dwelling or rear garden scene. The Design and Townscape Guide (10.2.10) states that dormers should appear incidental in the roof slope and in particular, large box style dormers should be avoided as they result in a bulky and unsightly appearance. The rear dormers are modest in size, height and bulk and would not dominate the rear roofscape of the dwellings or the rear garden scene.
- 4.17 In terms of detailing, the use of red brickwork and cream render (including brickwork banding), proportionate fenestration and garage doors with glazed window features, adds interest and variation to the dwellings.
- 4.18 Paragraph 145 of the Design and Townscape Guide requires that landscaping should *“enhance the setting and appearance of a building and help to soften new development”*. The submitted drawings show box hedges and small grassed areas to the east and west front boundaries. Each dwelling would benefit from an integral garage which accords with the Development Management Document policy DM15 garage dimensions (internal size of 7m x 3m) in order to ensure that the front driveways are not car-dominated and allows for the small landscaped areas. Whilst the soft landscaping is peripheral, it is considered that the hardstanding at the application site would not appear excessive in size in comparison to examples nearby and is considered acceptable on balance.
- 4.19 The rear single storey sheds are appropriate in terms of their modest size, scale, bulk and height, would not be seen from the public view and not result in demonstrable harm to the character and appearance of the site or the rear garden scene.
- 4.20 The proposed development satisfies the policies detailed above, overcome the previous reason for refusal and is considered to be acceptable in relation to character and appearance.

Living Conditions for Future Occupiers

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4 and CP8; Policies DM1, DM3 and DM8 of the Development Management Document (2015), the Design and Townscape Guide (2009) and the National Housing Standards (2015)

4.21 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.

4.22 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 3 bedroom (5 person) 3 storey dwelling shall be 99 square metres.
- 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 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.

- 4.24 The internal floorspace proposed for each dwelling is some 118sqm which exceeds the minimum size required by the technical housing standards. The bedrooms are of acceptable sizes, in excess of the standards.
- 4.25 All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook.
- 4.26 The amenity spaces for the dwellings measure 85 and 69 square metres respectively which is sufficient to meet the needs of the occupiers of the dwellings.
- 4.27 According to the Design and Townscape Guide, refuse storage and recycling should not be visible from the streetscene and as such, it should be located either internally to the development or to the rear of the property, to minimise the adverse visual impact. In this regard, the plans submitted indicate that a shed will be provided in the rear garden. There is sufficient space within the site to provide covered refuse stores and covered and secure cycle parking. Subject to a condition in this respect no objection is therefore raised on this basis.
- 4.28 Policy DM8 of the Development management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st October have been substituted by building regulation M4 (2). These include a step-free access to the dwelling and any associated parking space, a step-free access to a WC, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach.
- 4.29 In this respect it is considered that the hallways provide sufficient of width for wheelchair users and all internal doorways can be designed to meet the Part M standards. Level access will be provided to the front entrance door with level surfaces from the proposed parking areas to the front entrance door, with each dwelling having a ground floor WC. Subject to a condition requiring the development to be built in accordance with M4(2) no objection is therefore raised on this basis.
- 4.30 The proposed dwellings meet the national space standards and must be built in accordance with Part M4(2) of the building regulations with the conditions recommended, therefore satisfying the abovementioned policies. It is considered that the standard of environment would be acceptable to future occupiers. The proposal is therefore acceptable and policy compliant in these regards.

Impact on Neighbouring Properties

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Policies DM1 & DM3 of the Development Management Document (2015) and the Design & Townscape Guide (2009

- 4.31 The Design and Townscape Guide 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.”*
- 4.32 In terms of dominance and an overbearing impact, the proposed dwellings would be located approximately one metre from the boundaries to the east and west. Whilst greater in height and scale than the existing, given the degree of separation which is consistent with the existing situation on site, it is considered that the proposal would not result in any material harm to the residential amenity of the adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure.
- 4.33 In terms of overlooking, the proposed first floor flank windows in the side of both proposed dwellings serving a study and a bedroom would be located opposite a first floor window in no.239 and would overlook the side of no.245 which contains no habitable accommodation windows to its side elevation. Considering the existing situation on site and the degree of impact from the two windows - one serving a non-habitable room (study) is a secondary bedroom window – which could both be conditioned to be obscurely glazed - the degree of overlooking or loss of privacy is considered negligible and would not result in material harm to the detriment of the amenities of the future or the neighbouring occupiers. It is not considered that the outlooks from the proposed rooflights would result in material harm in terms of overlooking or a loss of privacy due to their location at the front roof slope which overlooks the highway.
- 4.34 No objection is raised in relation to the front or rear windows, including the proposed dormers, due to their distances from adjacent neighbouring dwellings and the limited opportunities for overlooking. The proposed development is therefore considered acceptable and would not be in conflict with national and local planning policy in relation to neighbour amenity.

Traffic and Transport Issues

National Planning Policy Framework (2018); Policy CP3 of the Core Strategy (2007) Policy DM15 of the Development Management Document (2015); Design and Townscape Guide (2009)

- 4.35 Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Further to Policy DM15, proposed development is expected to contribute to sustainable transport objectives and promote walking, cycling and public transport as the preferable form of transport. Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. A minimum of 2 parking spaces would be required per dwelling.

- 4.36 The plans submitted indicate that each dwelling will be provided with a single parking space at the front of the site on a driveway together with an integral garage space. Appropriate storage space is an important component of modern living and sustainable development. Garages therefore need to be large enough to accommodate a modern, family sized car and some storage. The Development Management Document is clear that garages that have an internal dimension below 7.0m x 3.0m will not be considered or counted as a parking space. The proposed garage spaces accord with the space standards as set out within the Development Management Document. The proposed development therefore provides two off-street parking spaces per dwelling .
- 4.37 In terms of on-street parking, the roads surrounding the application site have very little provision with many spaces restricted to business permit holders only between the hours of 8:30am and 4:30pm Monday to Friday (Hospital Area - Zone H). Within a 100 metre radius of the application site, there are approximately 12 on-street parking spaces (all with restrictions for residential or business permit holders only). This increases the importance of providing suitable parking onsite.
- 4.38 Following the statutory consultation process, a number of representations have been received stating that the rear access is under private ownership and that the applicant has no right of way. However, this is not a matter for the planning system to arbitrate on and that this access falls outside the site boundary. It should be noted that no vehicular access or parking is proposed at the rear of the site.
- 4.39 Furthermore, the Council's Highway Engineer has not raised objection to the proposed development.
- 4.40 In terms of waste management and cycle parking, safe storage can be provided within the rear gardens of the dwellings. Bins can be safely moved to the highway on collection days. No objection is therefore raised on this basis.
- 4.41 The proposed development is therefore considered acceptable and compliant with planning policy in regard to highway and pedestrian safety and the free flow of traffic and overcomes the previous reason for refusal.

Use of on Site Renewable Energy Resources and Sustainable Construction

National Planning Policy Framework 2018, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009)

- 4.42 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 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"*

- 4.43 No details have been submitted in relation to on-site renewables. A condition could be imposed on any grant of consent in this respect. Subject to such a condition no objection is raised on this basis.
- 4.44 Policy DM2(iv) of the Development Management Document requires all new development to provide *“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, appliance and water recycling systems such as grey water and rainwater harvesting.”* Subject to a condition in this respect no objection is raised on this basis.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.45 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 118sqm, which may equate to a CIL charge of approximately £2,841.44 (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, it is found that, subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide adequate amenities for future occupiers and would have an acceptable impact on the character and appearance of the application site, the streetscene and the locality more widely, the highway and parking conditions would not result in material harm to the amenities of neighbouring occupiers. The application 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), CP3 (Transport and Accessibility), CP4 (Environment & 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 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).

6.4 Design & Townscape Guide (2009).

6.5 CIL Charging Schedule (2015)

6.6 National Housing Standards (2015)

7 Representation Summary

7.1 The application has been called in to Development Control Committee at the request of Councillor Garston.

Transport & Highways

7.2 No objections.

Environmental Health

7.3 No objection, subject to conditions in relation to construction/demolition.

London Southend Airport

7.4 No objection

Public Consultation

7.4 10 neighbour letters were sent out and a site notice was displayed. 2 persons have written objecting making the following summarised comments;

- The 2 sheds and hard paved area at the rear could be used for garaging and parking;
- The garden fences must define the boundary of the properties;
- There should be no common areas adjacent to the unmade private access track;
- The rear access track is in poor condition, is insufficient in size and not suitable for increased traffic or manoeuvres;
- The applicant has no access to the rear track;
- Proposal rather ambitious;
- Should be conditioned to prevent vehicular access at rear.

7.5 Officer comment: 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 this instance.

8 Relevant Planning History

8.1 15/02033/FULH - Erect single storey rear extension, install dormers to front and dormer to rear to form habitable accommodation in roof and alter elevations – Granted 11.02.2016.

- 8.2 18/00480/FUL - Change of use from existing dwellinghouse (Class C3) to a seven bedroom HMO (Sui Generis), erect single storey rear extension, dormers to front and rear and convert loft into habitable accommodation, alterations to front and side elevations, layout parking, cycle and bin stores to rear and install wheelchair ramps to front, side and rear. Withdrawn 11.06.2018.
- 8.3 18/01324/FUL - Demolish existing bungalow, erect two semi-detached two storey dwellinghouses with dormers to rear, garage to rear, associated landscaping and extend existing vehicular access on to Carlton Avenue – Refused 06.09.2018.

9 Recommendation

9.1 Members are recommended to hereby 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 following approved plans: 1619/305/P1, 1619/310/P0, 1619/320/P1, 1619/441/P0, 1619/450/P0, 1619/300/P2, 1619/410/P2, 1619/420/P2, 1619/430/P2.**

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 development shall take place, other than for demolition works and the construction up to ground floor slab level, 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 in full 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).

- 04 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 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.

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

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

- 06 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 1619/420/P2 for 4 cars to be parked. The parking spaces shall be made available for use prior to first occupation of the dwellings hereby approved and shall be permanently retained thereafter only for the parking of occupiers of the development hereby approved 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 (2007) and Policy DM15 of the Development Management Document (2015).

- 07 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 at the application site within Schedule 2, Part 1, Classes A, B, D, E, F or G to those Orders without the receipt of express planning permission.

Reason: To safeguard the living conditions of the future occupiers of the site and in the interest of the residential amenity of the adjoining residents and the character and appearance of the site and the wider area 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).

- 08 Prior to first occupation of the development hereby granted, secure, covered refuse and recycling storage areas to serve the development shall be provided in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development and these facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate waste storage is provided and retained

to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

- 09 The proposed first and second floor flank windows 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, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

- 10 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that the dwellings hereby approved comply with the Building Regulation 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, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 11 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, 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. hard surfacing materials and their permeability;
- 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 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, drainage, flood risk and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Informative

1. 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.
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.

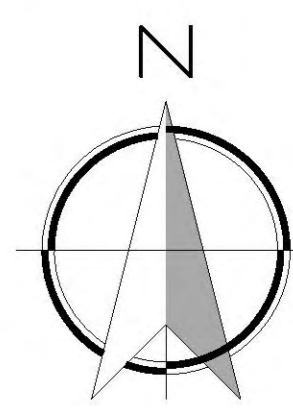
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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.

241 CARLTON AVENUE, WESTCLIFF ON SEA

RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

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ORIENTATION



LEGEND

- APPLICATION SITE
- FOOD/LAUNDRY/POST OFFICE/SHOPS/GYM
- DOCTOR/VETERINARY
- EDUCATION
- BUS STOP
- - - WALKING DISTANCE



16/10/24 P1 ISSUED FOR PLANNING APPROVAL IN MR
 16/10/24 FD ISSUED IN MR
 DATE: 16/10/24 DRAWN: MR

FOR CLIENT APPROVAL

PROJECT: RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES
 DRAWN: AERIAL VIEW

SCALE: 1:1000
 DRAWN: IN/MR
 CHECKED: MR

PROJECT NO: 1619 / DRAWING NO: 305 / REVISION: P1
 info@rdarchitecture.com | 020 5745 5320 | 07522 680 820

RD architecture

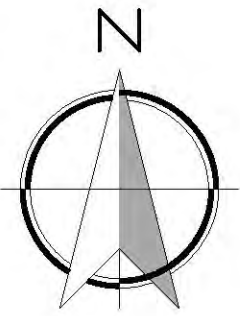
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241 CARLTON AVENUE, WESTCLIFF ON SEA

RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

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 SCALE BAR: 1:1000
 0M 1M 2M 3M 4M 5M 6M

ORIENTATION



LEGEND

- APPLICATION SITE
- TO BE DEMOLISHED



EXISTING BLOCK PLAN
SCALE 1:500



EXISTING SITE LOCATION PLAN
SCALE 1:250



EXISTING SITE LOCATION PLAN
SCALE 1:250

141

18.07.09 PO ISSUED	IN / MR
DATE REV. DESCRIPTION	DRAWN CHECKED SCALE STATUS
FOR PLANNING APPROVAL	
PROJECT: RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES	
DRAWN BY: IN / MR	
EXISTING BLOCK PLAN & SITE LOCATION PLANS	
CLIENT: PRIVATE	
SITE ADDRESS: 241 CARLTON AVENUE, WESTCLIFF ON SEA, ESSEX, SSO 0GG	
SCALE: 1500 / 1250 / 12500 ON A3	DRAWN: IN / MR
PROJECT NO: 1619	CHECKED: MR
DWG NO: 310	REVISION: PO
info@rdarchitecture.com	020 8745 5020 0702 680 820

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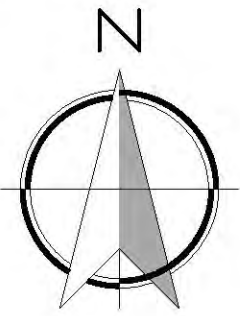
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241 CARLTON AVENUE, WESTCLIFF ON SEA

RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

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 SCALE BAR: 1:1000

ORIENTATION



LEGEND

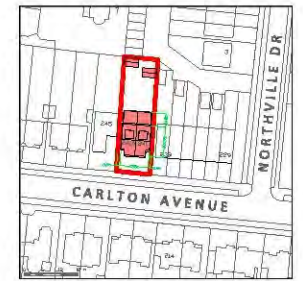
- APPLICATION SITE
- PROPOSED DEVELOPMENT



PROPOSED BLOCK PLAN
SCALE 1:500



PROPOSED SITE LOCATION PLAN
SCALE 1:250



PROPOSED SITE LOCATION PLAN
SCALE 1:2500

145

18.12.20	P2 UPDATED TO REFLECT DR420	MR
18.10.23	P1 REDESIGN	IN / MR
18.07.09	PO ISSUED	IN / MR
DATE	REV. DESCRIPTION	DRAWN BY / MR
		SCALE / DATE

FOR PLANNING APPROVAL

PROJECT: RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

DRAWN BY: IN / MR
 PROPOSED BLOCK PLAN & SITE LOCATION PLANS
 CLIENT: PRIVATE

SITE ADDRESS: 241 CARLTON AVENUE, WESTCLIFF ON SEA, ESSEX, SSO 0GD

SCALE: 1500 / 1250 / 12500 ON A3
 DRAWN: IN / MR
 CHECKED: MR

PROJECT NO: 1619 / DWG NO: 410 / REVISION: P2

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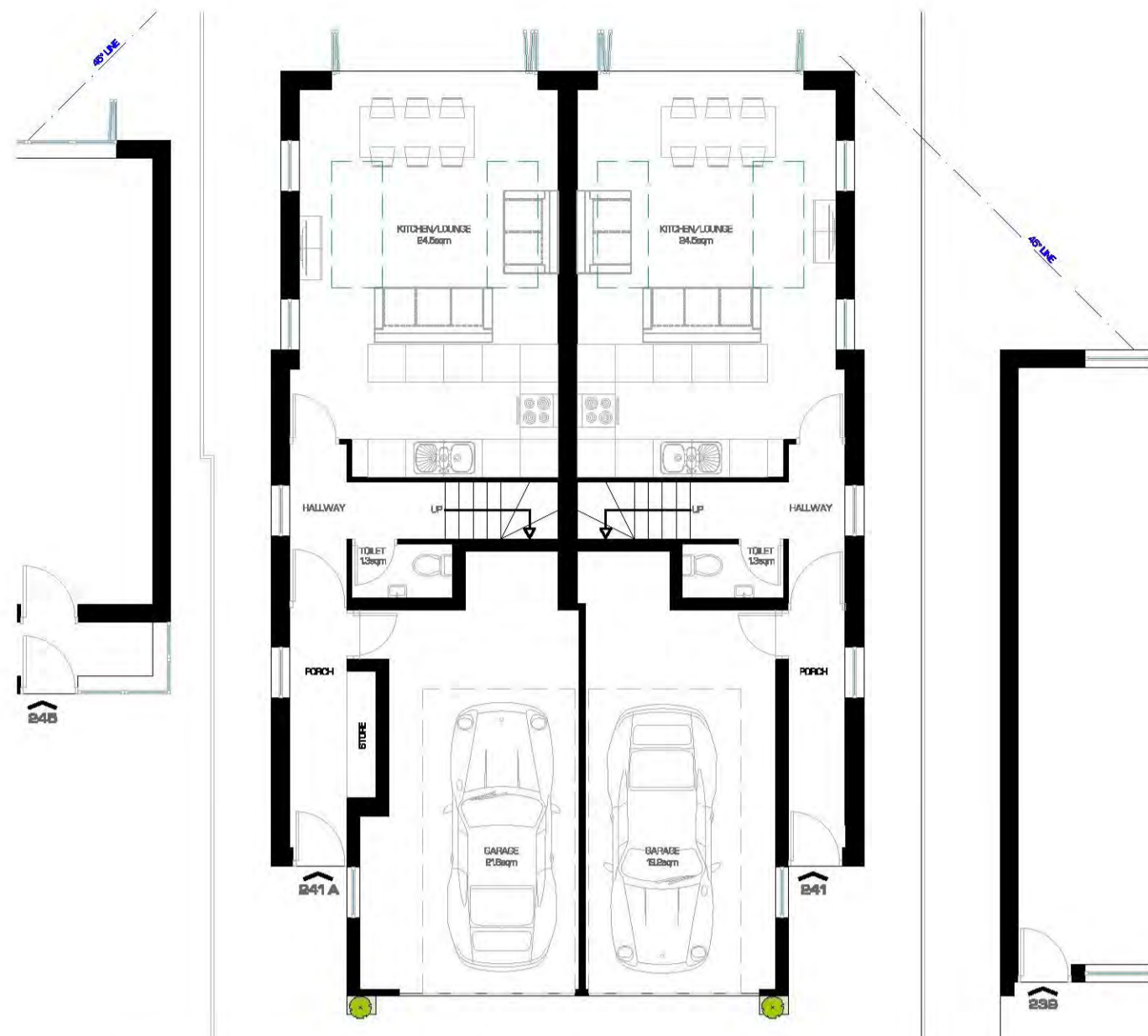


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241 CARLTON AVENUE, WESTCLIFF ON SEA

RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

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01 PROPOSED GROUND FLOOR PLAN Scale: 1:100



02 PROPOSED FIRST FLOOR PLAN Scale: 1:100



03 PROPOSED LOFT FLOOR PLAN Scale: 1:100



05 PROPOSED FRONT ELEVATION Scale: 1:100



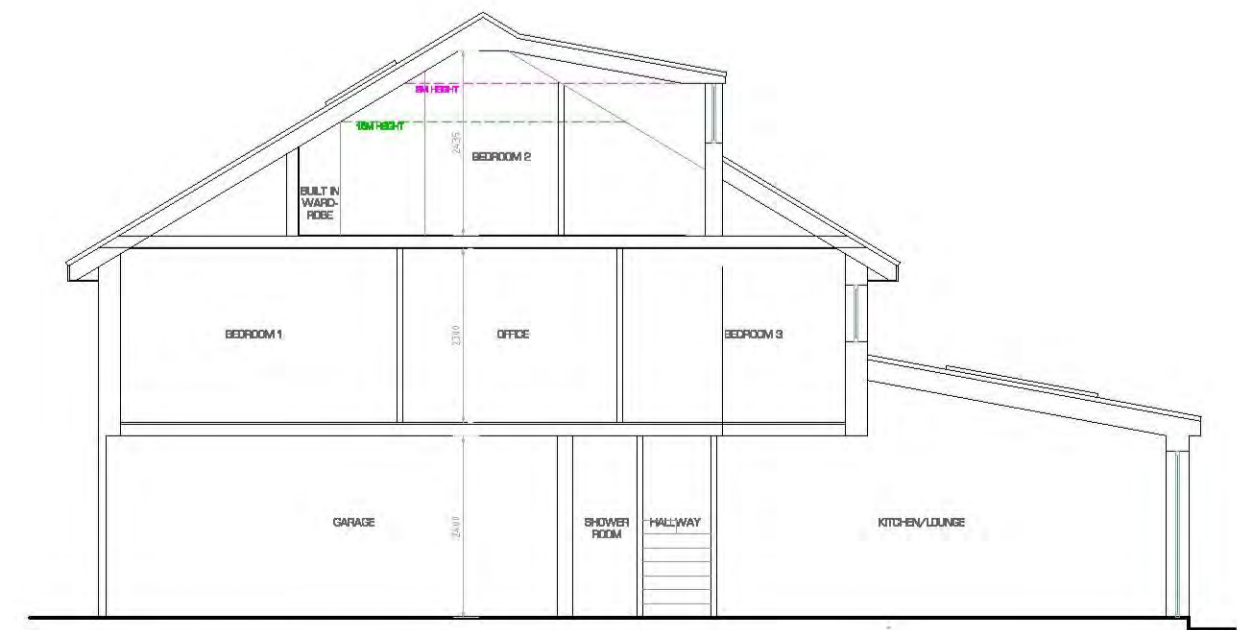
06 PROPOSED SIDE ELEVATION (241 A) Scale: 1:100



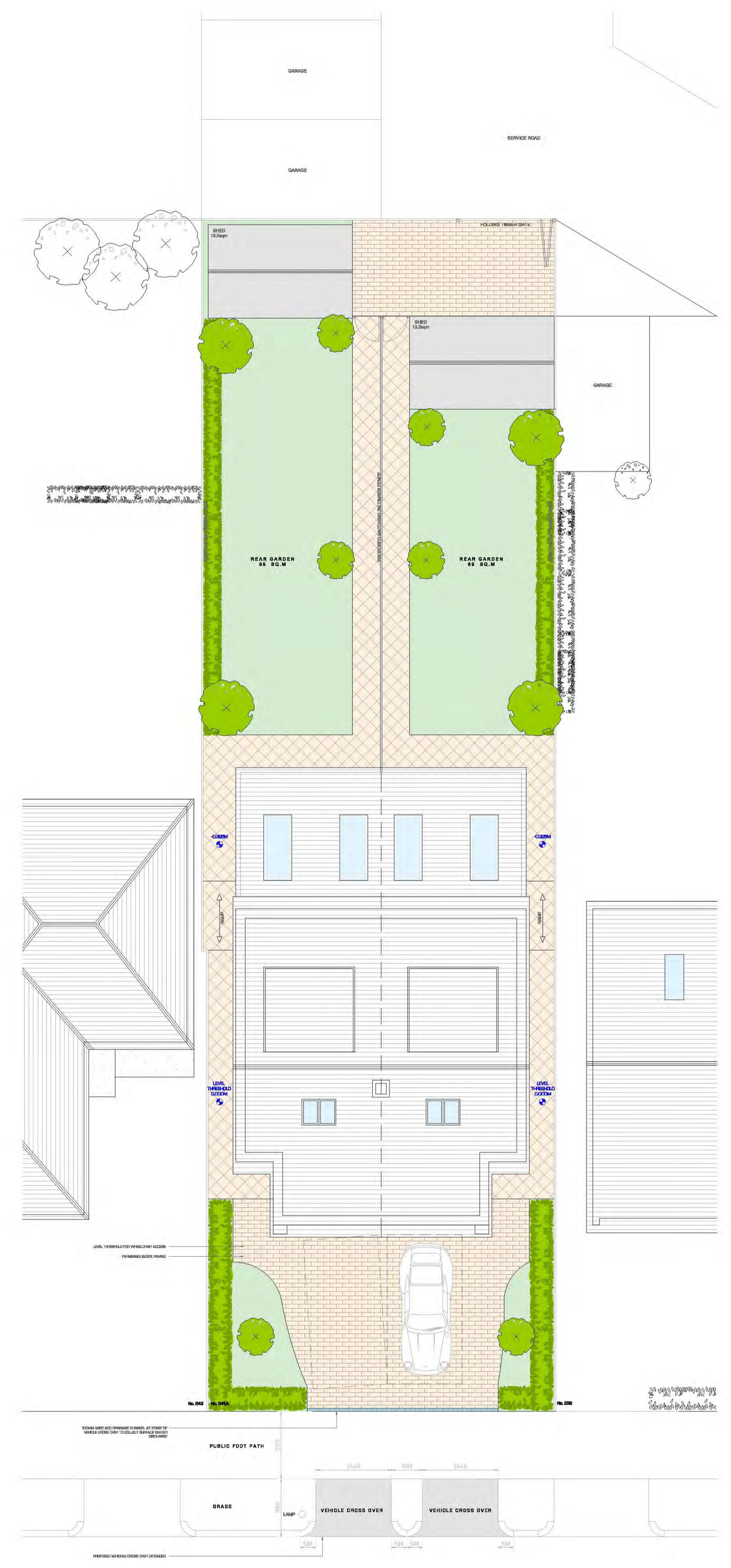
07 PROPOSED REAR ELEVATION Scale: 1:100



08 PROPOSED SIDE ELEVATION (241) Scale: 1:100



09 PROPOSED BUILDING SECTION Scale: 1:100



04 PROPOSED ROOF/BLOCK PLAN Scale: 1:100

FOR PLANNING APPROVAL
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241 CARLTON AVENUE, WESTCLIFF ON SEA

RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

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SCALE: 1:100 (SEE NOTE)



01 EXISTING FRONT STREET SCENE
Scale: 1:100



02 EXISTING REAR STREET SCENE
Scale: 1:100



03 PROPOSED FRONT STREET SCENE
Scale: 1:100



04 PROPOSED REAR STREET SCENE
Scale: 1:100

149


REVISIONS
NO. DATE BY REASON
1 16/09/2019 JMM/AMM FOR PLANNING APPROVAL
2 16/09/2019 JMM/AMM FOR PLANNING APPROVAL
3 16/09/2019 JMM/AMM FOR PLANNING APPROVAL
4 16/09/2019 JMM/AMM FOR PLANNING APPROVAL
5 16/09/2019 JMM/AMM FOR PLANNING APPROVAL
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241 CARLTON AVENUE, WESTCLIFF ON SEA

RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

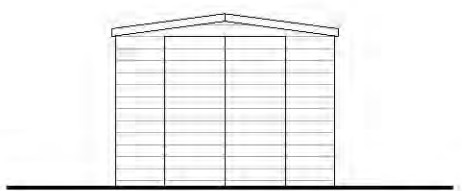
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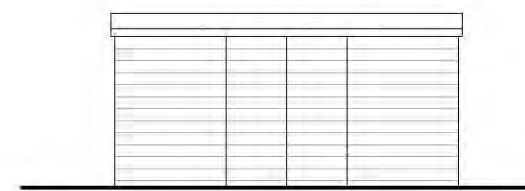

01 PROPOSED GROUND FLOOR PLAN
 Scale: 1:100



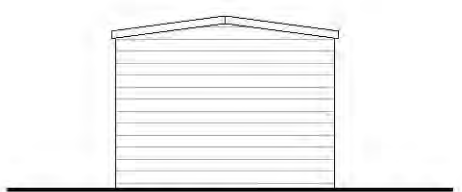
02 PROPOSED ROOF PLAN
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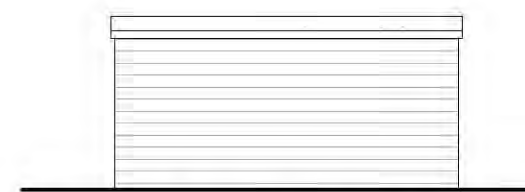
03 PROPOSED FRONT ELEVATION
 Scale: 1:100



04 PROPOSED SIDE ELEVATION
 Scale: 1:100



05 PROPOSED REAR ELEVATION
 Scale: 1:100



06 PROPOSED SIDE ELEVATION
 Scale: 1:100

151

18.10.23 PO ISSUED
 DATE REV. DESCRIPTION
 IN MR
 DRAWN CHECK
 RELEASED

FOR PLANNING APPROVAL

PROJECT
 RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

DRAWING
 PROPOSED GARDEN SHEDS
 PLANS & ELEVATIONS

CLIENT
 PRIVATE

SITE ADDRESS
 241 CARLTON AVENUE, WESTCLIFF ON SEA, ESSEX, SSO 0GG

SCALE
 1:100 ON A3

DRAWN IN
 CHECKED MR

PROJECT NO. 1619 / DWG NO. 441 / REVISION PO

info@rdarchitecture.com 020 3745 8000 0702 880 880

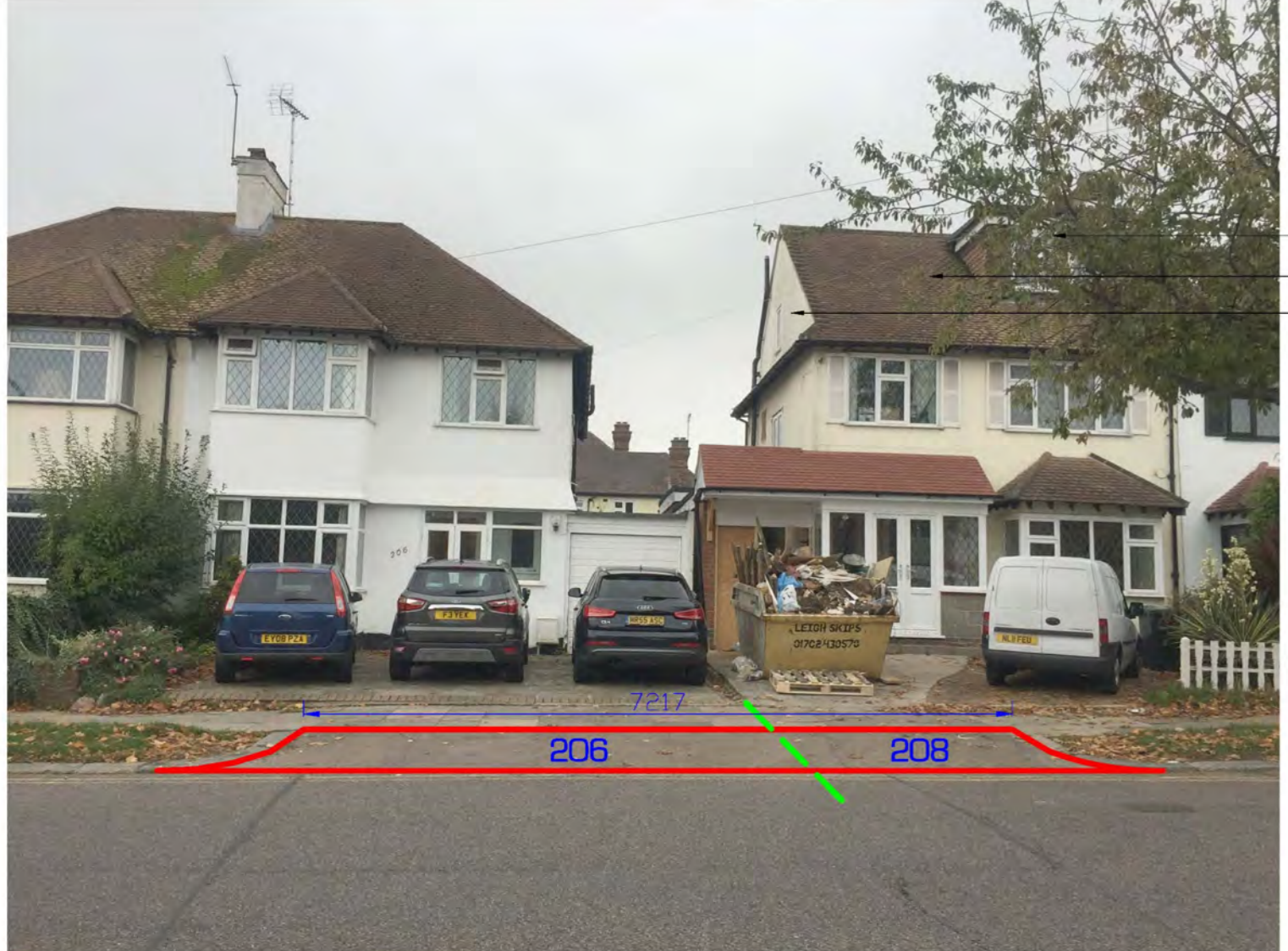
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241 CARLTON AVENUE, WESTCLIFF ON SEA

RESIDENTIAL DEVELOPMENT OF TWO SEMI-DETACHED HOUSES

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FRONT DORMER
3 STOREY
GABLE

01 VEHICLE CROSS OVER BETWEEN No.206 - No.208
CARLTON AVENUE

153



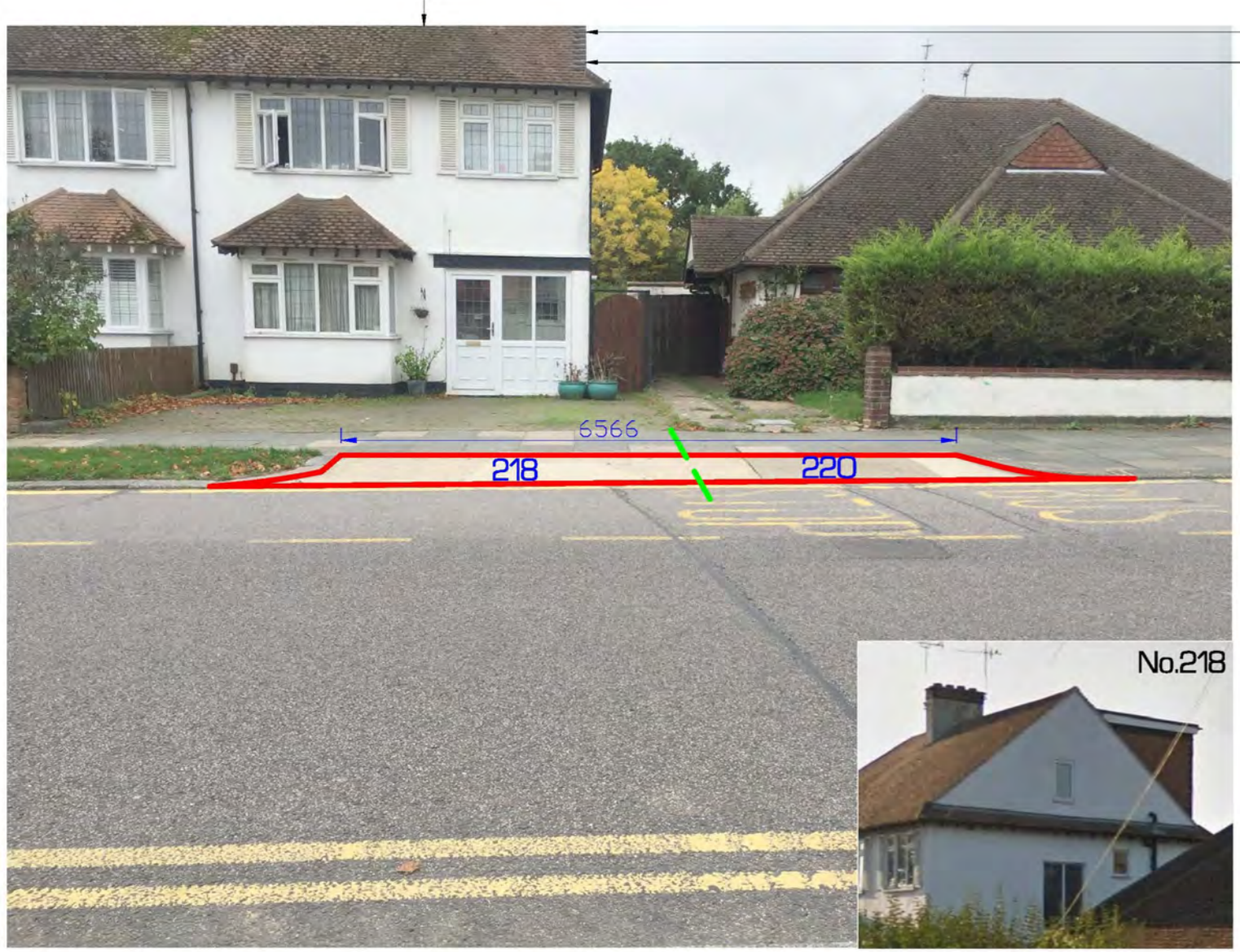
FRONT DORMER
LOFT CONVERSION
3 STOREY
GABLE
REAR DORMER DORMER

02 VEHICLE CROSS OVER BETWEEN No.210 - No.212
CARLTON AVENUE



LOFT CONVERSION
3 STOREY
GABLE

03 VEHICLE CROSS OVER BETWEEN No.214 - No.216
CARLTON AVENUE



3 STOREY
REAR DORMER
GABLE

04 VEHICLE CROSS OVER BETWEEN No.218 - No.220
CARLTON AVENUE

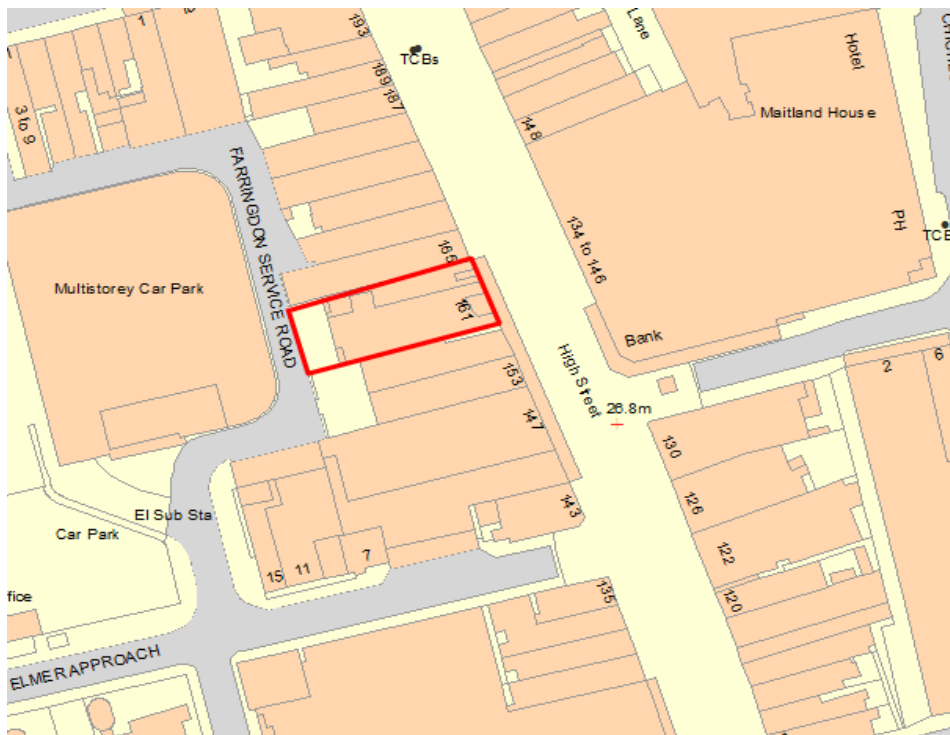


SIDE DORMER

05 VEHICLE CROSS OVER BETWEEN No.226 - No.228
CARLTON AVENUE

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Reference:	18/01122/FUL	<h1>9</h1>
Ward:	Milton	
Proposal:	Change of use from shop (Class A1) to restaurant (class A3) and install extraction vent to rear	
Address:	Mariner House, 157 High Street, Southend-on-Sea, Essex SS1 1LL	
Applicant:	Pilingstone Ltd	
Agent:	UPP – Urban Planning Practice	
Consultation Expiry:	29 th January 2019	
Expiry Date:	11 th March 2019	
Case Officer:	Abbie Greenwood	
Plan Nos:	U-PP-LP001, U-PP-EP001 Rev 4, U-PP- EE001 Rev 4, U-PP-PP001 Rev 4, U-PP-PP002 Rev 7, U-PP-PE001 Rev 7, U-PP-PS001 Rev 5, Noise Impact Assessment by Venta Acoustics ref VA2309.180820.NIA dated 7 th November 2018, Filtration Report by Purified Air dated 2.6.18, Design and Access Statement by UPP dated May 2018	
Recommendation:	Members are recommended to GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The proposal seeks to change the use of the ground floor from retail (class A1) to a restaurant (class A3) and install an air intake grille and an extract grille to the south elevation at ground floor. The proposal also includes the erection of a bin store to the rear forecourt area. The proposed specification for the extraction equipment and noise report were amended during the application to address concerns relating to the impact on neighbours.
- 1.2 No changes are proposed to the shopfront at this time.
- 1.3 In addition to the plans, the application is supported by a Design and Access Statement, a Filtration Report by Purified Air dated 2.6.18 and a revised Noise Impact Assessment by Venta Acoustics dated 9.11.18.
- 1.4 This proposal was deferred from 12th December 2018 Committee meeting of Development Control because of concerns about the location of the extraction grilles on the west elevation and their proximity to the first floor flat in this location. The proposal has now been amended so that the air intake and extraction grille are re-sited on the south elevation facing away from residential units.

2 Site and Surroundings

- 2.1 The proposal site is located on the west side of the High Street within the centre of the street block which spans between Queens Road and Elmer Approach. The unit itself is situated below the 10 storey tower of Mariner House which has recently been converted to residential use under permitted development. The unit is currently vacant.
- 2.2 The application building was constructed in the late twentieth century and has a modern appearance. The High Street generally is mixed in character including both historic and modern buildings. The ground floor units are all commercial uses comprising A1-A3 uses. The upper floors are a mix of commercial and residential.
- 2.3 The application site is located within the Defined Shopping Centre of Southend and is allocated as part of the Primary Shopping Frontage in the Southend Central Area Action Plan. It falls within the High Street Policy Area.

3 Planning Considerations

- 3.1 The planning considerations in relation to this development are the principle of the development, the impact on the existing building and the character of the area, impact on neighbour amenity, any traffic and transport impact and CIL.

4 Principle of Development

National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2, CP2, CP3 and CP4; Development Management Document (2015) Policies DM1, DM3, DM10 and DM15 ; Southend Central Area Action Plan (SCAAP) (2018) policies DS1 and PA2 Southend Design & Townscape Guide (2009)

- 4.1 The NPPF and policies noted above are seeking to support a prosperous retail centre.
- 4.2 In relation to retail development within the town centre and potential change of uses within the primary shopping frontage Policy DS1 states:

‘The Council will seek to maintain a high level of retail use with at least 60% Class A1 retail use within town centre primary shopping frontage. Alternative appropriate nonretail uses, particularly Class A3 restaurants and café uses, will also be supported provided that they contribute to the vitality of the Town Centre and would result in:

- a. no more than 40% of the town centre primary shopping frontage, measured in terms of length of frontage, being used for non-retail purposes. Where nonretail uses would exceed 40% of the primary shopping frontage length, no further loss of Class A1 will be allowed;*
- b. an active frontage is retained or provided with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public;*
- c. no detrimental impact to those living or working nearby, for example by causing undue noise, odour and disturbance.’*

- 4.3 The most recent survey data for the town centre found that 85.3% of the whole High Street frontage was in A1 (retail) use. The proposed change of use would alter this to 84.4%. Within the streetblock itself the proposal would change the % of A1 units from 72.2% to 60.9%. Both these figures are still within the threshold of Policy DS1. It is also considered that the proposed restaurant use would enable an active frontage to be maintained. Therefore, the principle of the proposed change of use is acceptable and policy compliant subject to the detailed considerations set out below.

Design and impact on the character of the existing building and the wider streetscene

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and PA2 Southend Design & Townscape Guide (2009)

- 4.4 The Core Strategy policy KP2 requires all new development to “*respect the character and scale of the existing neighbourhood’ in order to achieve a sustainable urban environment.*” and Core Strategy Policy CP4 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.*”

- 4.5 The proposed change of use will maintain an active frontage to the High Street. The reuse of a vacant retail unit will also contribute to the regeneration of the town centre by bringing additional footfall and natural surveillance to this area in the daytime and evenings. No changes are proposed to the shopfront within this application. It is therefore considered that the proposal would have a positive impact on the streetscene.
- 4.6 The only physical change to the property is the insertion of an air intake grille and an extract grille on the south elevation towards the rear of the building and a new bin store to the rear forecourt area. The impact on the building is therefore minor. The proposal for a dedicated bin store is welcomed as this will ensure a tidy forecourt. Full details of the refuse store design and materials will need to be agreed. Subject to this condition, the design of the proposal is considered to be acceptable and policy compliant in this regard.

Impact on Neighbouring Properties

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy DS1 and the Southend Design & Townscape Guide (2009)

- 4.7 Policy DM1 requires new development to '*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;*' and Policy DS1 of the SCAAP states that '*Class A3 restaurants and cafes will be supported provided that they would result in no detrimental impact to those living or working nearby, for example by causing undue noise, odour and disturbance.*'
- 4.8 The site is located directly below residential units within the tower of Mariner House. There are also other residential units located above some of the retail units in this street block to the north of the site. The other neighbours are commercial uses, mainly retail. The change of use has the potential to impact on these neighbours in terms of noise and odours emanating from the proposed duct to the south elevation.
- 4.9 Since this proposal was deferred from December 2018 Development Control Committee the position of the air intake and extraction grilles, which exit the building at ground floor ceiling height, have been relocated from the rear elevation to the south elevation so that they are further away from residential windows. Following this change a re-consultation was carried out on the amended plans. The specified extraction equipment internal to the building remains unchanged.

Noise

- 4.10 The applicant has submitted details of the kitchen and extraction system, a Design and Access Statement, a Filtration Report and a Noise Report in support of the application. During the course of the application the equipment specification and the Noise Report were revised following concerns raised by the Council's Environmental Health Officer in relation to noise and odour impact on neighbouring properties.

- 4.11 The noise report confirms that baseline measurements of the background noise level close to the nearest residential properties at first floor have been taken and these confirm the typical existing background noise levels to be 47dB between 0700 and 2300 and 42dB between 2300 and 0700. Following advice from the Council's Environmental Health Officer the plant has been designed to operate at a maximum of 33 dB which is more than 10dB below these background noise levels. The report confirms that 2 Alnor SIL 100-300 1050mm silencers will be used to achieve this. The plant proposed is not expected to generate any tonal noise.
- 4.12 With regard to structure borne noise the report states that the ductwork will be fitted with anti-vibration rubber or neoprene mounts with a minimum deflection of 5mm which will provide 95% isolation efficiency which is higher than the usual recommended minimum of 90%.
- 4.13 The Council's Environmental Health Officer has worked with the applicant's noise consultant to ensure that the mitigation measures proposed are suitable for the proposed use and context close to residential properties. He has confirmed that, subject to a condition requiring these mitigation measures set out in the revised noise report to be implemented, the proposal is acceptable in terms of noise from extraction equipment and structure borne noise. The Council's Environmental Health Officer also confirms that there are no noise concerns regarding the relocation of the extraction grilles to the south elevation.
- 4.14 The Design and Access Statement comments that the proposed hours of operation are until 12.30am on Sundays to Thursdays and 1.30am on Fridays and Saturdays and the noise report states 2am for all days. Given the proximity of residential uses and the potential for noise nuisance from customers exiting the premises at closing times, it is considered that these hours are antisocial and could cause noise disturbance to nearby residents. It is noted that a similar application in the block opposite was recently consented for opening hours of 0900-23.00 Monday – Sunday (A1 to A3 at 114-116 High street reference 18/00200/FUL). These hours are generally in accordance with opening times for similar uses in this area. It is therefore considered reasonable to restrict the opening times of the use to be the same as this recent approval.
- 4.15 It will also be necessary to impose a condition relating to delivery times as these too have the potential for noise disturbance. It is considered that these should be restricted to daytime only within the hours of 07.00 – 19.00 Monday to Friday and 08.00 – 13.00 Saturdays with no deliveries on Sundays and Bank Holidays. This is in line with other similar premises in the area.

Odour Control

- 4.16 The system plan shows there to be a grease filter, a particulate control unit, a carbon filter and an ozone generator unit (GreenTeck OT-64G) installed as part of the proposed extraction system design. As with the noise specifications, these odour control specifications have been revised following advice from Environmental Health.
- 4.17 The Council's Environmental Health Officer comments that the amended details have addressed concerns previously raised in relation to odour control. The Council's Environmental Health Officer also confirms that there are no odour concerns regarding the relocation of the extraction grilles to the south elevation.

- 4.18 Therefore it is considered, subject to the implementation of the increased specifications of plant and the proposed mitigation measures set out in the plans and noise report, and conditions controlling opening and delivery hours that the proposal has satisfactorily addressed the Committee's concerns relating to the impact on neighbours in terms of noise and odour control. The updated proposal is considered to have an acceptable impact on neighbours and is therefore policy compliant in this regard.
- 4.19 It is noted that the relocated extraction grilles will now face onto the neighbouring commercial forecourt to the south which is not owned by the applicant. As originally proposed the grilles were in the rear (east) facing elevation under the overhang and closer to windows of the flat above. The proposed grilles are now flat to the existing wall of the building but will impact on air movement in this location and will need to remain free of obstructions. This may require an agreement between the two parties which would be a matter which falls outside of planning control. This neighbour was consulted on this planning application. At the time of writing, no comments had been received. The agent has advised that they have also contacted the neighbour directly to discuss this matter. As it stands the proposed grilles would face onto an open area and this solution is workable and it is noted that any development at the neighbouring site will require planning permission and if this is proposed then the impact on the grilles will be considered. It is recommended therefore, that an informative be added to this application which recommends that the applicant engages with the neighbour on this issue.
- 4.20 In relation to other aspects of neighbour amenity such as outlook and daylight, there are no extensions proposed except the bin store. It is therefore considered that there will be no material impact on these aspects of neighbour amenity for the residents in the tower above or in neighbouring properties. Overall therefore, the amended plans and noise report, which include details of an enhanced specification of extraction plant, have demonstrated that the proposed change of use should not have an adverse impact on neighbour amenity.

Traffic and Transportation

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2, CP3 and CP4; Development Management Document Policies DM3 and DM15; Southend Central Area Action Plan (SCAAP) (2018) Policy DS5 and the Southend Design & Townscape Guide (2009)

- 4.21 Development Management Policy DM15 recommends a maximum of 1 space per 18 sqm for A1 uses and a maximum of 1 space per 6 sqm for A3 uses but applies a flexible approach to off street car parking for commercial sites within the town centre.
- 4.22 The existing building has an open forecourt to the rear which the Design Statement says can accommodate 6 spaces, The submitted documentation states that these would be retained in the proposal, however, it is noted that the approved cycle store to serve the new residential units is to be sited in this area and the current application also proposes a new refuse store for the A3 use here. The remaining space can accommodate 4 cars. It is assumed that these would be available for staff rather than customers.

- 4.23 The site is located in the heart of the town centre close to a variety of public transport options, a number of public car parks and other amenities. It is also considered likely that customers to the proposed restaurant would make linked trips. Overall the site is a very sustainable location.
- 4.24 The Council's Highways Officer confirms that there are no highway objections to this proposal as it is not considered that the change of use will have a detrimental impact upon the public highway. The parking and highways implications of the proposal are therefore acceptable and policy compliant in this regard.

Refuse and Recycling

- 4.25 The proposed plans include a new refuse facility to the rear of the building to serve the proposed restaurant. This will house 4 x 100 litre bins. The Council does not currently deliver commercial refuse and recycling collections so private arrangements will need to be made to suit the needs of the business. It is noted however that the proposal includes space for multiple bins so could accommodate different types of waste including recycling and food waste and that the bins are to be located in a convenient and accessible location at the rear of the premises . This is found to be an acceptable approach.
- 4.26 It is noted that concerns have been raised in respect of potential vermin in the vicinity of the refuse store. If this arose it would be dealt with separately under environmental health legislation.
- 4.27 It is considered that, if the proposal was found to be acceptable in all other regards full details of the proposed refuse store and a waste management plan can be conditioned to ensure that the refuse was properly stored and collected. This aspect of the proposal is therefore considered to be acceptable and policy compliant subject to these conditions.

Community Infrastructure Levy (CIL)

- 4.28 As the proposed alteration creates no new floorspace and is a commercial to commercial change of use, 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 subject to compliance with the attached conditions and recommended mitigation measures, 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 locality more widely. The highways impacts of the proposal are acceptable. 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), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance),
- 6.3 Development Management Document (2015): DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), Policy DM10 (Employment Sectors), and DM15 (Sustainable Transport Management)
- 6.4 Southend Central Area Action Plan (2018) Policies DS1(A Prosperous Retail Centre), DS5 (Transport, Access and Public Realm) and PA1 (High Street Policy Area Development Principles)
- 6.5 CIL Charging Schedule (2015)
- 6.6 Southend Design & Townscape Guide (2009)

7 Representation Summary

Highways

- 7.1 There are no highway objections to this proposal it is not considered that the change of use will have a detrimental impact upon the public highway.

Environmental Health

- 7.2 The Updated/Revised Report dated 07th November 2018 has been reviewed. The Contents of Paragraphs 5:2:1 & 5.2. 2 and paragraph 5.2.3 with Table 5.4 and Table 5.5 are acceptable. This report shows that it meets the Southend Council Noise criteria and as such that Planning Permission can be considered.

A condition should be imposed to require the development to adhere to all the mitigation measures set out in this report.

The proposed relocation of the Extract system is fine.

Cadent Gas Limited (National Grid)

- 7.3 Surveys have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

[Officer Comment: An informative is recommended.]

Building Control

- 7.4 A Building Regulation application is required; the works will be checked for Building Regulation compliance (including an assessment of the fire safety of the building). To comply with Building Regulation requirements, any ducts passing through the enclosure of a protected escape route are required to be fire-resisting.

Public Consultation

- 7.5 50 neighbours were notified of the proposal and a site notice was displayed. Re-consultation was carried out following the re-sited grilles. Representations were received from 10 residents raising the following issues:

- Impact on residential amenity.
- Fire risk from a commercial kitchen **[Officer Comment: Building Control have confirmed that this would be assessed and addressed under Building Regulations.]**
- Noise nuisance. **[Officer Comment: This is assessed under Section 4 above.]**
- Increase in insurance premiums. **[Officer Comment: This is not a material planning consideration.]**
- Antisocial behaviour. **[Officer Comment: This is addressed by others. The proposal will increase natural surveillance in the area.]**
- Odour from kitchen extract. **[Officer Comment: This is assessed under Section 4 above.]**
- Unsightly rubbish bins and associated smells and vermin. **[Officer Comment: The proposed bin store should improve the current situation.]**
- There are other more suitable vacant premises for restaurants in the town centre.
- Impact on property values. **[Officer Comment: This is not a material planning consideration.]**
- The flats to the rear are single aspect so there is no alternative source of ventilation other than the rear windows which are above the proposed extract. **[Officer Comment: the extract grilles have been relocated to the south elevation.]**
- Health and safety concerns. **[Officer Comment: Building Control have confirmed that this would be assessed and addressed under Building Regulations.]**
- Security concerns. **[Officer Comment: The proposal will increase natural surveillance in the area.]**
- Noise from vehicles associated with the restaurant to the rear of the building including from potential delivery vehicles. **[Officer Comment: This can be addressed by a condition restricting delivery and collection hours.]**
- The building would be better used as a youth centre to provide activities for the youths that hang around this area.
- There are already too many restaurants in this area.
- Any other use would be preferable. The unit should be used as a retail shop.
- Unsocial opening hours. Noise from customers. **[Officer Comment: This can be addressed by a condition restricting opening hours.]**
- Negative impact on resale of residential units. **[Officer Comment: This is not a material planning consideration.]**

- The proposal should include sound proofing between the restaurant and the residential units. **[Officer Comment: This will be addressed via a planning condition restricting noise associated with the use of the premises and under Building Regulations.]**
- 1.30am is too late and will cause disturbance to residents, this should be reduced to 11pm. **[Officer Comment: This can be addressed by a condition restricting opening hours.]**
- Noise associated with refuse collection. **[Officer Comment: This can be addressed by a condition restricting delivery and collection hours.]**
- Lack of parking. **[Officer Comment: This is assessed under Section 4 above.]**
- Harm to the amenity of the area.

[Officer Comment: These issues are taken into account in the appraisal above. Issues raised in respect of financial matters are not a material planning consideration.]

7.5 This application was called to committee by Councillor J Garston and Councillor Ware-Lane.

8 Relevant Planning History

8.1 16/01544/PA3COU - Change of use of first floor and part of ninth floor from office (Class B1(a)) to five self-contained flats (Class C3) (Prior Approval) – Prior Approval Granted

8.2 15/01434/FUL - Replace existing windows to front, side and rear elevations to second floor through to ninth floor – granted

8.3 14/01430/PA3COU - Change of use of the existing building from office use class B1(a) to 16 self-contained flats class C3 under Class J and of the Town And Country Planning (General Permitted Development) (Amendment) (England) Order 2013 – prior approval granted

8.4 08/01642/FUL - Install plant on roof- granted

8.5 08/01591/ADV -Install replacement internally illuminated fascia sign and internally illuminated projecting box sign – granted

8.6 08/01590/FUL - Install replacement shopfront and roller shutter – granted

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin not later than 3 (three) years from the date of this decision.

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

02 The development hereby permitted shall not be carried out except in complete accordance with the details shown on U-PP-LP001, U-PP-EP001 Rev 4, U-PP- EE001 Rev 4, U-PP-PP001 Rev 4, U-PP-PP002 Rev 7, U-PP-PE001 Rev 7, U-PP-PS001 Rev 5.

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

03 The installation of the plant equipment and noise and odour mitigation measures associated with the development hereby approved, shall be carried out before the use commences in full accordance with the approved plans noted in condition 02 and the submitted Noise Impact Assessment by Venta Acoustics ref VA2309.180820.NIA dated 7th November 2018 and shall be maintained in perpetuity thereafter.

Reason: In order to protect the amenities of the residential occupiers of the development and surrounding residential occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.

04 The premises shall not be open for customers outside the following hours: 09:00 hours to 23:00 hours Monday to Sunday and at no other times.

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

05 All deliveries and collections associated with the use hereby approved shall be between: 07:00-19:00 Monday to Friday; and 08:00-13:00 Saturday; with no deliveries on Sundays or Bank Holidays.

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).

06 Prior to the first occupation of the building for use class A3 purposes, design details and materials of the proposed waste storage and an associated waste management plan shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and shall be maintained and managed as such in perpetuity.

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, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

07 Prior to the first occupation of the building for use class A3 purposes, the grilles to be installed on the south elevation of the building shall be powder coated to match the adjacent wall.

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).

08 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise (with no tonal elements) level as measured at 1m from the facades of the neighbouring noise sensitive premises to ensure inaudibility in noise sensitive premises.

Reason: In order to protect the amenities of 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).

09 The installation of the odour control plant equipment measures associated with the development hereby approved, shall be as specified on approved plan reference PP-PS001 Rev 5 and shall be carried out in full before the development is brought into use and shall be maintained in perpetuity thereafter.

Reason: In order to protect the amenities of the residential occupiers of the development and surrounding residential occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

01 You are advised that the proposed development is for a commercial to commercial change of use with no increase in floorspace. The proposal is therefore not CIL liable as it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no change is payable.

02 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.

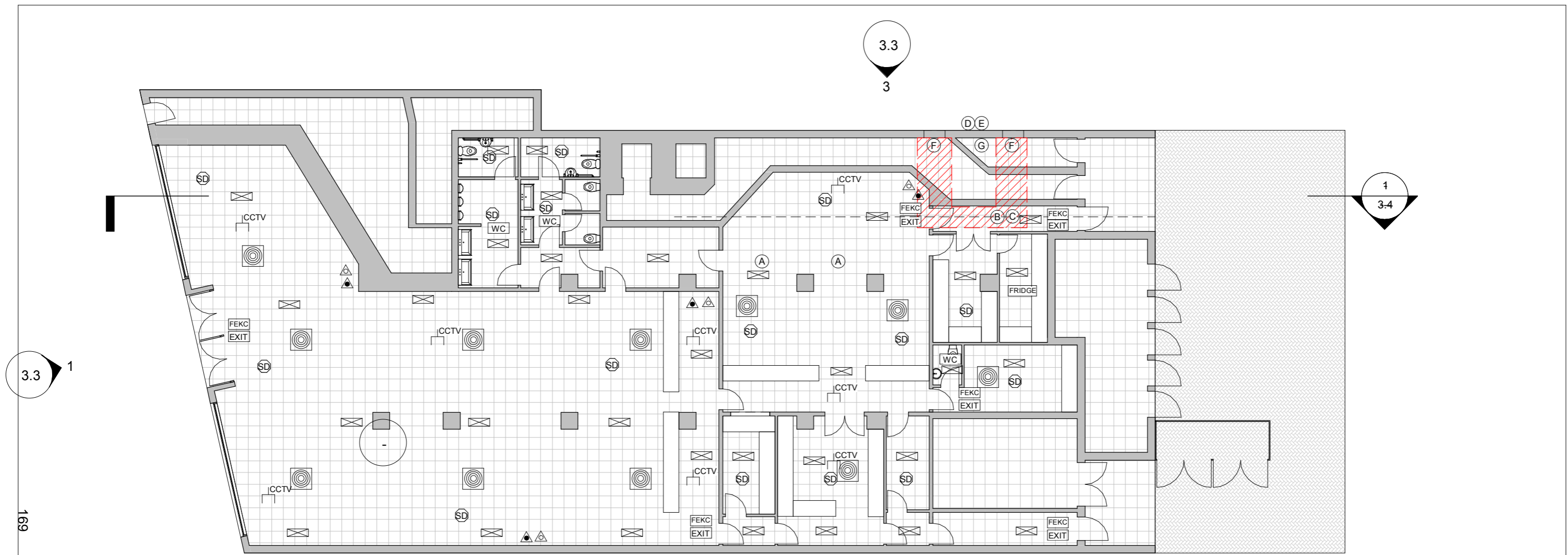
03 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG

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

05 The applicant is advised that surveys have identified that there is gas apparatus in the vicinity of your site which may be affected by the activities specified. You are required to contact Cadent Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. Contact details are plantprotection@cadentgas.com or Tel 0800 688588 quoting the following reference NL_TE_Z5_3NWP_011858.

06 The applicant is advised to contact the owners of the neighbouring property to the south regarding the location of air grilles facing their land and seek any necessary agreements or understandings prior to installation.

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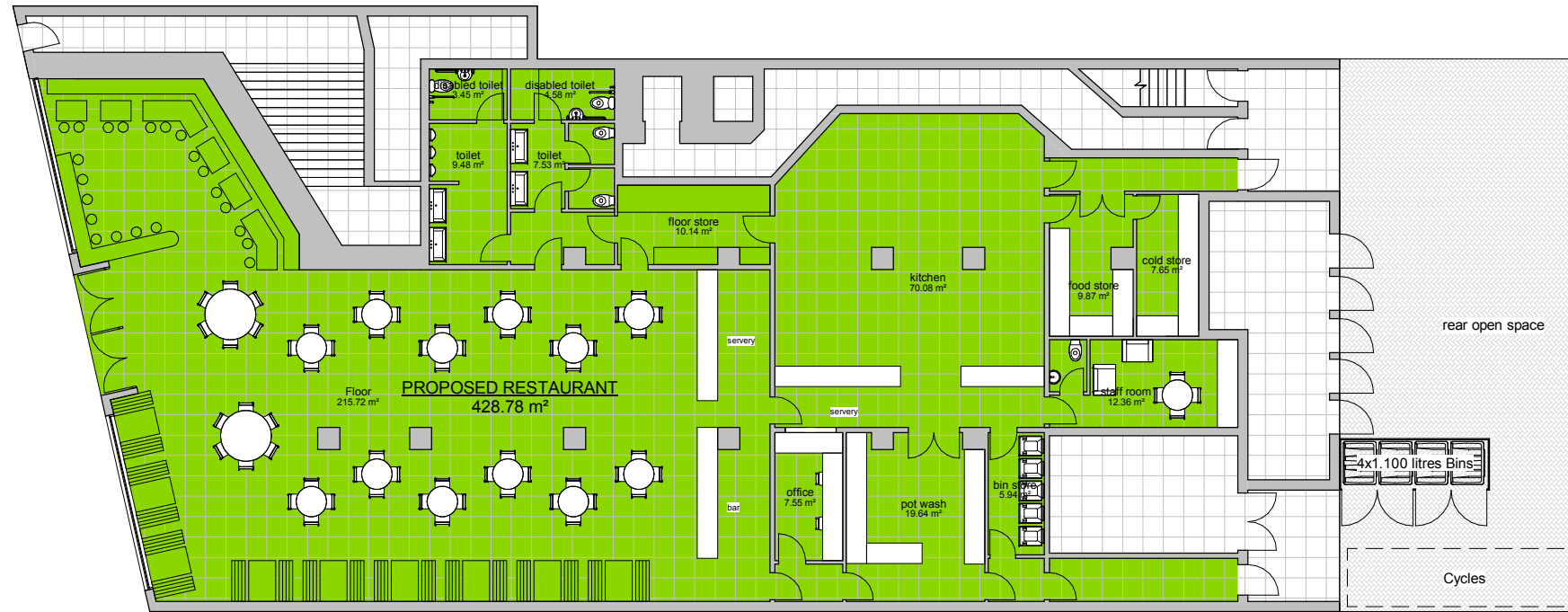


Proposed Ground Floor - Systems
1 : 150

- SMOKE DETECTOR
- 9L.T. WATER FIRE EXTINGUISHER
- CARBON DIOXIDE FIRE EXTINGUISHER
- FIRE ESCAPE KEEP CLEAR
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- CLOSED CIRCUIT TV
- FRIDGES
- SAFETY LIGHTS
- FAN
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- WC AREA
- COOKING PARTICULATES AND ODORUS
- COMPANY GREASE FILTER
- ESP - PARTICULATE CONTROL UNIT ESP 3000
- CARBON UNIT 12x SITESAFA PA 240924
- AEROFOIL 56JM FAN
- ALNOR SIL *100-300 100 200 350 SILENCER
- EXTRACTION SYSTEM

	File Name U-PP - PP002		Client: Pilingstone Ltd		 SCALE 1:150 m		 URBAN PLANNING PRACTICE		www.upp-planning.co.uk info@upp-planning.co.uk 0208 202 9996		This drawing and all information provided within it is the copyright of URBAN PLANNING PRACTICE and reproduction without prior consent is strictly forbidden.		Date:	Revision:	Notes:	INT:
	Drawn	PLNV	Checked	<input type="radio"/>	Approved	<input type="radio"/>	Site Address:		Notes: Any inaccuracies or errors to be reported to the architect/surveyor immediately and prior to any work commencing. All dimensions to be verified on site. All work to comply with British Standards Code of practice. All external surfaces and materials to match existing.		<h2 style="margin: 0;">Systems</h2>		17/12/2018	REV 6	Moved position of extraction louvres to side elevation. Layout of extract system revised.	PC
	Scale	1 : 150	Page	3.2	Sheet Size	A3	157-159 High St, Southend-on-Sea SS1 1LL						09/01/2018	REV 7	Moved position of extraction louvres away from the adjacent building boundary.	PC

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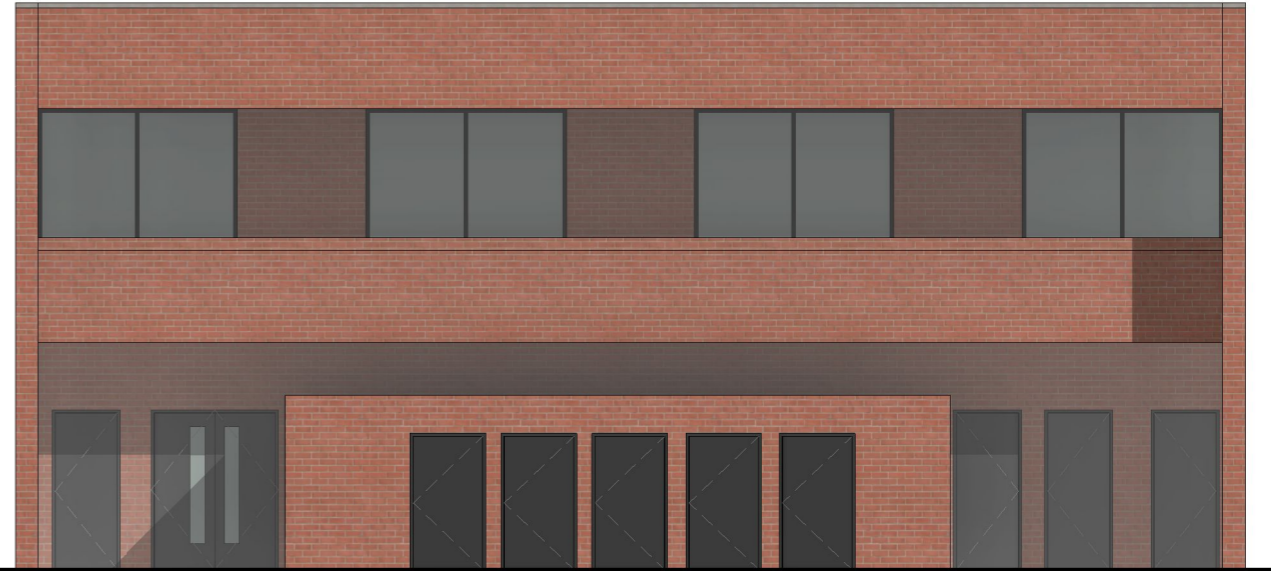


Proposed Ground Floor

171

	File Name U-PP - PP001	Client: Pilingstone Ltd	 SCALE 1:200 m	 URBAN PLANNING PRACTICE	www.upp-planning.co.uk info@upp-planning.co.uk 0208 202 9996	This drawing and all information provided within it is the copyright of URBAN PLANNING PRACTICE and reproduction without prior consent is strictly forbidden.	Date: 07/2018	Revision: REV 2	Notes:	INT:
	Drawn PLNV	Checked <input type="radio"/>	Approved <input type="radio"/>	Site Address: 157-159 High St, Southend-on-Sea SS1 1LL	Notes: Any inaccuracies or errors to be reported to the architect/surveyor immediately and prior to any work commencing. All dimensions to be verified on site. All work to comply with British Standards Code of practice. All external surfaces and materials to match existing.	Proposed Plans				
	Scale 1 : 200	Page 3.1	Sheet Size A3							

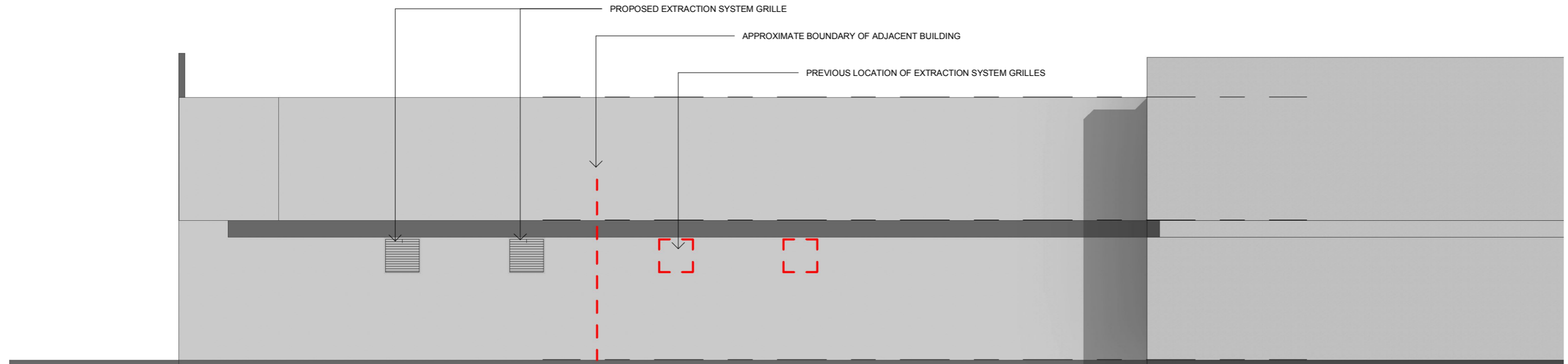
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Proposed Front Elevation
1 : 100

Proposed Rear Elevation
1 : 100

173



Proposed Side Elevation
1 : 100

	File Name U-PP - PE001		Client: Pilingstone Ltd		 SCALE 1:100 m		 URBAN PLANNING PRACTICE		www.upp-planning.co.uk info@upp-planning.co.uk 0208 202 9996		This drawing and all information provided within it is the copyright of URBAN PLANNING PRACTICE and reproduction without prior consent is strictly forbidden.		Date:	Revision:	Notes:	INT:
	Drawn	PLNV	Checked	<input type="radio"/>	Approved	<input type="radio"/>	Site Address: 157-159 High St, Southend-on-Sea SS1 1LL		Notes: Any inaccuracies or errors to be reported to the architect/surveyor immediately and prior to any work commencing. All dimensions to be verified on site. All work to comply with British Standards Code of practice. All external surfaces and materials to match existing.		Proposed Elevations		17/12/2018	REV 6	Moved position of extraction louvres to side elevation. Layout of extract system revised.	PC
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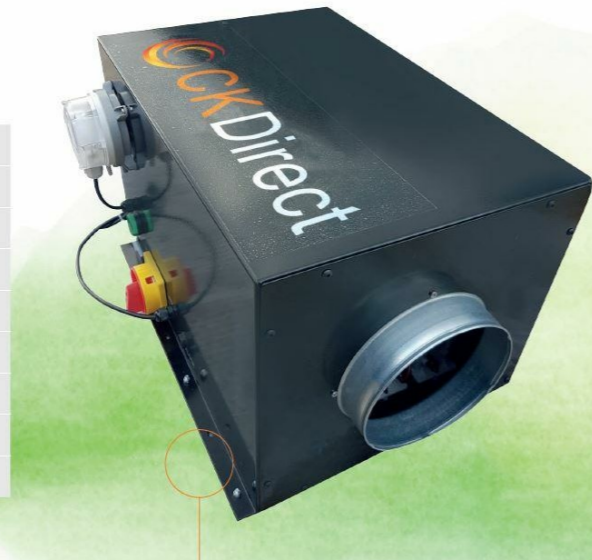
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Section 1
1 : 100

The GreenTeck OT-64G is a high efficiency ozone generator unit, ideal for use in commercial kitchens, food processing plants and factories. The unit is installed between the extraction point and the exhaust fan, external to the ductwork, making servicing and maintenance much easier. The unit eliminates smells by oxidising pathogens in the exhaust pipes and also prevents the build-up of residue in the ductwork, preventing failures in fans and fire hazards.

Maximum Power Requirement	343W
Voltage	Single Phase 240 V
Rated Current	1.5A
Fuse Rating	3A
Mains Frequency	50/60 Hz
Weight	~9kg
Dimensions (depth x width x height)	300mm x 340mm x 490mm
Reactor	64 grams / hour
Air flow rate	1000 m3/h



GREENTECK OT-64G OZONE GENERATOR



ALNOR SIL *100-300 100 200 350 SILENCER

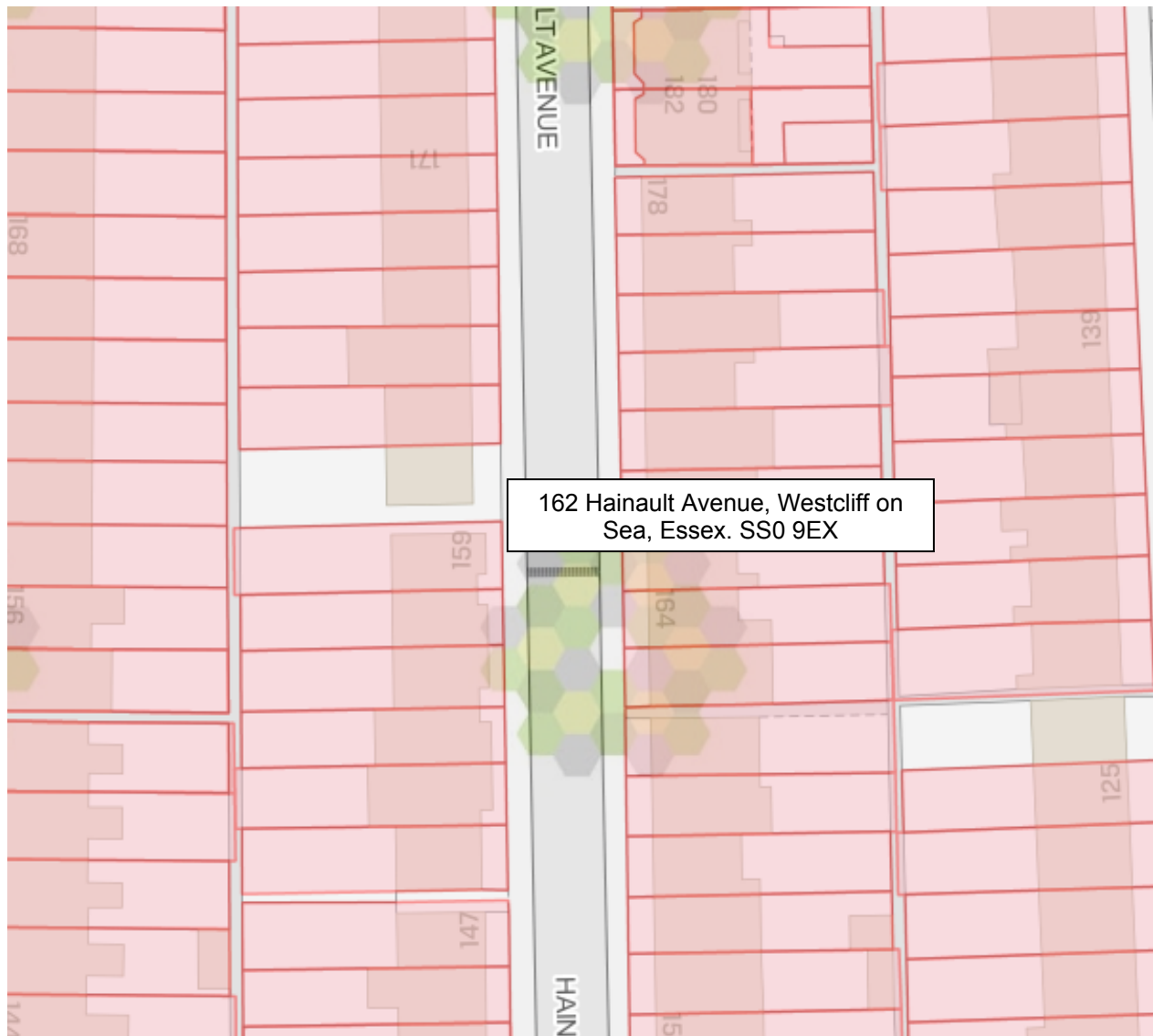
- (A) COOKING PARTICULATES AND ODORUS
- (B) COMPANY GREASE FILTER
- (C) ESP - PARTICULATE CONTROL UNIT ESP 3000
- (D) CARBON UNIT 12x SITESAFA PA 240924
- (E) AEROFOIL 56JM FAN
- (F) ALNOR SIL *100-300 100 200 350 SILENCER
- (G) GREENTECK OT-64G OZONE GENERATOR
- EXTRACTION SYSTEM

175

	File Name U-PP - PS001	Client: Pilingstone Ltd	 SCALE 1:100 m	 URBAN PLANNING PRACTICE	www.upp-planning.co.uk info@upp-planning.co.uk 0208 202 9996	This drawing and all information provided within it is the copyright of URBAN PLANNING PRACTICE and reproduction without prior consent is strictly forbidden.	Date:	Revision:	Notes:	INT:
	Drawn <input checked="" type="checkbox"/> PLNV Checked <input type="checkbox"/> Approved <input type="checkbox"/>	Site Address: 157-159 High St, Southend-on-Sea SS1 1LL	Notes: Any inaccuracies or errors to be reported to the architect/surveyor immediately and prior to any work commencing. All dimensions to be verified on site. All work to comply with British Standards Code of practice. All external surfaces and materials to match existing.	Proposed Section	17/12/2018 REV 4 Moved position of extraction louvres to side elevation. Layout of extract system revised.	PC				
	Scale 1 : 100	Page 3.4	Sheet Size A3	01/02/2018 REV 5 Moved position of extraction louvres away from the adjacent building boundary						

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Reference:	18/00097/UNAU_B	<h1>10</h1>
Ward:	Westborough	
Breach of Control	Without planning permission the installation of two dormer windows to the front elevation.	
Address:	162 Hainault Avenue, Westcliff on Sea, Essex. SS0 9EX	
Case Opened:	9 th April 2018	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 This end terraced house is on the eastern side of Hainault Avenue, south of the junction with Fairfax Drive. The property has a single storey rear extension and a rear dormer. There is a small frontage and the property is not served by any parking provision. The property has been extended within the roofspace with a rear dormer and two flat roof front dormers (partly constructed).
- 1.2 The streetscene is characterised predominantly by terraced dwellings of a very similar design and style. Front dormer windows are not present within the immediate area of Hainault Avenue and the terraced properties have a strong uniform character within the streetscene. The ground level slopes upwards from north to south.
- 1.3 The site is not the subject of any site specific policy designations.

2 Lawful Planning Use

- 2.1 The current use of the site is residential and is within Use Class C3 of the Town and Country Planning Act Use Classes (Amendment) Order 2005.

3 Background

- 3.1 In May 2018 following a complaint of unauthorised works it was confirmed that two dormer windows had been partly constructed in the roof of the front elevation. The property owner stated the dormers were repairs to pre-existing dormers.
- 3.2 Enquiries on Google Street View revealed that there were no dormers installed at this location in 2014 and it was considered that the current, partly installed dormers, were unlikely to be repairs to pre-existing dormers.
- 3.3 Staff advised the owner to remove the newly constructed dormers as a retrospective planning application would not likely be approved.
- 3.4 In July 2018 the Local Planning Authority received a retrospective planning application to retain the dormers as built (18/01334/FULH.) In August 2018 that application was refused. See copy of the Officers Report at Appendix 'A'
- 3.5 In September 2018 an amended planning application was received (18/01745/FULH.) That application was refused. See copy of the Officers Report at Appendix 'B'
- 3.6 In October 2018 a further amended proposal was received. (18/01997/FULH). In January 2019 that application was refused. See copy of the Officers Report at Appendix 'C'.

4 Appraisal and Policy Considerations

- 4.1 The appended officer reports for the refused applications and in particular that seeking to retain the dormers (18/01334/FULH) – Appendix 'A', set out a full assessment of policy and other material considerations.

- 4.2 The key issue relevant to this enforcement report is the impact on character
- 4.3 **Design and Impact on the Character of the Area:**
- 4.4 **National Planning Policy Framework (NPPF)(2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)**
- 4.5 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 Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. 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.”*
- 4.6 Policy KP2 of the Core Strategy (2007), confirms 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”*
- 4.7 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”*.
- 4.6 Paragraph 366 of the Design and Townscape Guide 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)...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 In this case, as set out in the officer report, the dormers by reason of their poor design and positioning within the roof slope, are an incongruous addition to the dwelling which has been found to cause material harm to the character and visual amenity of the existing dwelling itself and the wider streetscene contrary to (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3, SPD 1 (Design & Townscape Guide (2009)) and the core principles of the NPPF.
- 4.8 Despite two further proposed amendment applications, the owner has not come forward with any proposals which successfully overcome the identified harm. None of the Councils three refusals of planning permission have been appealed. It is considered necessary and proportionate to the identified harm caused, that enforcement action be taken to require the removal of the two unauthorised front dormers.

5.0 Relevant Planning History

- 5.1 18/01334/FULH – Erect two dormer windows to front elevation (Retrospective) – Refused
- 5.2 18/01745/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) – Refused
- 5.3 18/01997/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) – Refused

6.0 Recommendation

- 6.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to secure the removal of the unauthorised dormer windows to the front elevation.
- 6.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 6.3 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 considered reasonable for the removal of the existing dormer windows.
- 6.4 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.

APPENDIX 'A'

Reference:	18/01334/FULH
Ward:	Westborough
Proposal:	Erect two dormer windows to front elevation (Retrospective)
Address:	162 Hainault Avenue, Westcliff-On-Sea, Essex, SS0 9EX
Applicant:	Mr J Esmaelzadegan
Agent:	Mr Alex Collinson
Consultation Expiry:	3rd August 2018
Expiry Date:	31st August 2018
Case Officer:	Hayley Thompson
Plan Nos:	Drawing number 2722/5/40 1 of 1, Drawing number 2722/5/40 2 of 2
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to retain two dormer windows to the front elevation of an end terraced dwellinghouse to provide accommodation in the loft.
- 1.2 The proposed dormers are both box dormers with flat roofs. The dormer windows each measuring approximately 1.45 metres wide, 2 metres high and 2.95 metres deep.
- 1.3 Details of the proposed materials are not specified in the submitted plans or in the Design and Access Statement.

2 Site and Surroundings

- 2.1 The application site is an end terraced dwelling on the eastern side of Hainault Avenue. The adjoining terraced dwelling, number 164, is located on the northern side of the applicant property and has not been extended within the roof space.
- 2.2 The streetscene is characterised predominantly by terraced dwellings of similar design. There are no dormer windows located to the front of any dwellings or evidence that dwellings have been extended within the roof space in the immediate streetscene of Hainault Avenue.
- 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 and impact on residential amenity.

4 Appraisal

Design and Impact on the Character of the Area:

National Planning Policy Framework 2018, Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.1 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 Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. 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.”*

- 4.2 According to Policy KP2 of the Core Strategy (2007), 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”*.
- 4.3 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”*.
- 4.4 Paragraph 366 of the Design and Townscape Guide (2009) under the heading of ‘Roof Extensions and Dormer Windows’ states that *“dormer windows 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) and the materials should be sympathetic to the existing property.’* Also of relevance is Paragraph 348 of The Design and Townscape guide (2009) which 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’*.
- 4.5 The dormers to the front have been designed with a modest depth and height; however the dormers are positioned at roof ridge height, although this detail is not reflected in the submitted plans. The dormers, therefore, do not appear incidental or subservient within the roof plane and fail to adhere to guidance contained within the Design and Townscape Guide (2009).
- 4.6 While the front fenestration can be seen to align with that of the existing dwelling, consisting of two large bow uPVC windows and one modestly sized window, the dormers by reason of poor design and positioning within the roof slope, are an incongruous addition to the dwelling resulting in material harm to the character and visual amenity of the existing dwelling itself and the wider streetscene contrary to (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3; SPD 1 (Design & Townscape Guide (2009)) and the core principles of the NPPF.

Traffic and Transport:

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) Policy DM15, Southend-on-Sea Design and Townscape Guide (2009).

- 4.7 The dwelling has no off street parking currently. The creation of additional bedrooms within the roof space does not materially affect the dwelling’s non-compliance with the Council’s parking standards. A reason for refusal on parking grounds, therefore, could not be reasonably sustained.

Impact on Residential Amenity:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.8 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."*
- 4.9 The application property is an end terraced dwelling adjoined to number 164 on the northern side of the dwelling. There is an adequate separation distance between the applicant property and number 160 to the southern side of the dwelling.
- 4.10 As the dormers are situated at the front of the applicant property on Hainault Avenue, the public highway is already open to the public gaze and the immediate neighbours are not subject to material levels of overlooking.
- 4.11 It is therefore considered that the proposed dormers would not give rise to a material increase in overlooking or loss of privacy and would not have a detrimental impact on the amenity of the neighbours to the front of the property. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.12 The proposed development 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 considered that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. It is considered that the proposed development by virtue of its siting and design would be unacceptable in terms of design and material impact on the character of the dwelling and the wider streetscene. The proposal therefore is recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018): Section 7 (Requiring Good design)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): DM1 (Design Quality) and 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 Eight neighbours were notified of the proposal and no letters of representation have been received.

8 Relevant Planning History

- 8.1 No relevant planning history.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

- 1 The proposed front dormers by reason of their poor design and siting at the ridge line would be an incongruous addition failing to relate satisfactorily to the existing dwelling or the character of the area and to the detriment of visual amenity. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009).**

Informative

- 1 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.**

- 2 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 officer's report.**

APPENDIX 'B'

Reference:	18/01745/FULH
Ward:	Westborough
Proposal:	Erect dormer window to front elevation (Retrospective) (Amended Proposal)
Address:	162 Hainault Avenue Westcliff-On-Sea Essex SS0 9EX
Applicant:	Mr J Esmaelzadegan
Agent:	Mr Alex Collinson
Consultation Expiry:	16th October 2018
Expiry Date:	12th November 2018
Case Officer:	Julie Ramsey
Plan Nos:	2722/5/40 Rev A Sheet 1 of 2, Sheet 2 of 2
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to remove the part constructed two small dormer windows to the front elevation and replace with a pitched roof single dormer, to facilitate accommodation within the roof space.
- 1.2 The proposed dormer measures 3.25m wide, 3.3m deep with an eaves height of 1.75m and a maximum height of 2.1m.
- 1.3 The materials proposed are Redland Regent 13° Black/Red tile and double glazed windows to match the existing property. The dormers are to be clad in Hardie Plank – dark grey.
- 1.4 The loft space has been converted into living accommodation comprising of 2 bedrooms and a bathroom. A rear box dormer has been constructed.

2 Site and Surroundings

- 2.1 The application site is located on the eastern side of Hainault Avenue, south of the junction with Fairfax Drive. The site is occupied by an end terraced house. The property has a single storey rear extension and a rear dormer. There is a small frontage and the property is not served by any parking provision.
- 2.2 The streetscene is characterised predominantly by terraced dwellings of a very similar design and style. Front dormer windows are not present within the immediate area of Hainault Avenue and the terraced properties have a strong uniform character within the streetscene and the neighbouring streets. The ground level slopes upwards from north to south.
- 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, impact on residential amenity and any traffic or transport issues and CIL contributions.

4 Appraisal

Design and Impact on the Character of the Area:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.1 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 Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. 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.”

- 4.2 According to Policy KP2 of the Core Strategy (2007), 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”*.
- 4.3 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”*.
- 4.4 Paragraph 366 of the Design and Townscape Guide 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)...Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*
- 4.5 The proposed front dormer is considered to be unacceptable in this location, due to its size and scale. The dormer is set off centre within the front roof plane and there is minimum space between the top of the dormer and the ridge of the main dwelling. Therefore due to its position, size, scale and poor design, the proposed front dormer would excessively dominate the roofscape and fails to appear subservient. This is further exacerbated by the mismatch of fenestration detailing within the dormer and the front elevation overall.
- 4.6 The proposed dormer would result in a prominent, incongruous and obtrusive form of development, which lacks subservience within the streetscene and is considered to be out of character with the host dwelling and the wider streetscene. It is therefore considered that the proposed development would result in material harm to the character and appearance of the host dwelling and the surrounding area. The development is therefore unacceptable and contrary to policy in this respect and an objection is raised on this basis.

Traffic and Transport:

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) Policy DM15, Southend-on-Sea Design and Townscape Guide (2009).

- 4.7 Policy DM15 of the Development Management Document 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 should be available.

- 4.8 The dwelling currently has no off street parking, which is a characteristic of Hainault Avenue. The property is currently a three bedroom property and the formation of additional bedrooms within the roof space does not increase the parking requirements or materially affect the dwelling's non-compliance with the Council's parking standards. Therefore a reason for refusal on parking grounds could not be reasonably justified.

Impact on Residential Amenity:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.9 The Design and Townscape Guide 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 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."*
- 4.10 The application property is an end terraced dwelling adjoined to number 164 to the north and separated by a small alleyway to No. 160, which is also an end terrace.
- 4.11 The dormer is situated within the front roof slope and does not extend beyond the roof plane of the existing dwelling. The front of No. 162 Hainault Avenue is already open to the public gaze and the proposed dormer is not considered to have a detrimental impact on the residential amenities of the immediate neighbours to the north, south and east, in terms of undue dominance, overlooking, loss of light and privacy. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.12 The proposed development 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 considered that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. It is considered that the proposed development by virtue of its, size, siting and location would be form a prominent and incongruous built form which is unacceptable in terms of design and material impact on the character of the dwelling and the wider streetscene. The proposal therefore is recommended for refusal.

6 Planning Policy Summary

6.1 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): DM1 (Design Quality), 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 Eight neighbours were notified of the proposal and no letters of representation have been received.

8 Relevant Planning History

8.1 18/01334/FULH - Erect two dormer windows to front elevation (Retrospective)

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

1 The proposed front dormer by reason of its size, scale, design and position would form a prominent, obtrusive and incongruous addition, which fails to relate satisfactorily to the existing dwelling or the character and appearance of the prevailing streetscene. The proposal thereby results in material harm to the character and appearance of the host dwelling and the wider streetscene. The proposal 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 the advice contained with 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 officer's report.

Informative

- 1 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.

APPENDIX 'C'

Reference:	18/01997/FULH
Ward:	Westborough
Proposal:	Erect dormer window to front elevation (Part retrospective) (Amended Proposal)
Address:	162 Hainault Avenue Westcliff-On-Sea Essex SS0 9EX
Applicant:	Mr J Esmaelzadegan
Agent:	Mr Alex Collinson – New World Designers
Consultation Expiry:	3rd January 2019
Expiry Date:	31st January 2019
Case Officer:	Julie Ramsey
Plan Nos:	2730/9/40 Sheet 2 of 2, 2730/9/40 Sheet 1 of 2 dated Dec 2018
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to remove the unauthorised and part constructed two small dormer windows to the front elevation and replace with a pitched roof single dormer, to facilitate accommodation within the roof space.
- 1.2 The proposed dormer measures 3.3m wide, 3.3m deep with an eaves height of 1.75m and a maximum height of 2.1m.
- 1.3 The materials proposed are Redland Regent 13° dark red/black tile and double glazed windows to match the existing property. The dormers are to be dark grey cement cladding.
- 1.4 The loft space has already been converted into living accommodation comprising of 2 bedrooms and a bathroom. A large rear box dormer has been constructed.
- 1.5 This application follows two recent refusals, 18/01745/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) and 18/01334/FULH - Erect two dormer windows to front elevation (Retrospective). The applications were seeking regularisation of the development to the front roof plane.

1.6 Reasons for refusal:

18/01745/FULH

The proposed front dormer by reason of its size, scale, design and position would form a prominent, obtrusive and incongruous addition, which fails to relate satisfactorily to the existing dwelling or the character and appearance of the prevailing streetscene. The proposal thereby results in material harm to the character and appearance of the host dwelling and the wider streetscene. The proposal 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 the advice contained with the Design and Townscape Guide (2009).

18/01334/FULH

The proposed front dormers by reason of their poor design and siting at the ridge line would be an incongruous addition failing to relate satisfactorily to the existing dwelling or the character of the area and to the detriment of visual amenity. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009).

- 1.7 This re-submitted application appears to have increased the width of the dormer by 0.05m and altered the materials to dark grey cement cladding. Otherwise, based on the submitted information, the proposal appears to be identical to that previously refused under 18/01745/FULH.

2 Site and Surroundings

- 2.1 The application site is located on the eastern side of Hainault Avenue, south of the junction with Fairfax Drive. The site is occupied by an end terraced house. The property has a single storey rear extension and a rear dormer. There is a small frontage and the property is not served by any parking provision. The property has been extended within the roofspace with a rear dormer and two flat roof front dormers (partly constructed).
- 2.2 The streetscene is characterised predominantly by terraced dwellings of a very similar design and style. Front dormer windows are not present within the immediate area of Hainault Avenue and the terraced properties have a strong uniform character within the streetscene and the neighbouring streets. The ground level slopes upwards from north to south.
- 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, impact on residential amenity and any traffic or transport issues and CIL contributions.

4 Appraisal

Design and Impact on the Character of the Area:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.1 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 Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. 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.”*
- 4.2 According to Policy KP2 of the Core Strategy (2007), 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”*.
- 4.3 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”*.

- 4.4 Paragraph 366 of the Design and Townscape Guide 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)...Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.'*
- 4.5 The proposed front dormer is slightly wider than the previously refused and it is indicated on the plans to use dark grey cement cladding instead of the previously proposed dark grey Hardie Plank cladding. The front dormer remains unacceptable in this location, due to its size and scale. The dormer is set off centre within the front roof plane and there is minimum space between the top of the dormer and the ridge of the main dwelling. Therefore due to its position, size, scale and poor design, the proposed front dormer would excessively dominate the roofscape and fails to appear subservient. This is further exacerbated by the disparity between the two small windows proposed within the dormer and the front elevation overall.
- 4.6 The proposed dormer would result in a prominent, incongruous and obtrusive form of development, which lacks subservience within the streetscene and is considered to be out of character with the host dwelling and the wider streetscene. It is therefore considered that the proposed development would result in material harm to the character and appearance of the host dwelling and the surrounding area. The development is therefore unacceptable and contrary to policy in this respect and an objection is raised on this basis.

Traffic and Transport:

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) Policy DM15, Southend-on-Sea Design and Townscape Guide (2009).

- 4.7 Policy DM15 of the Development Management Document 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 should be available.
- 4.8 The dwelling currently has no off street parking, which is a characteristic of Hainault Avenue. The property is currently a three bedroom property and the formation of additional bedrooms within the roof space does not increase the parking requirements or materially affect the dwelling's non-compliance with the Council's parking standards. Therefore a reason for refusal on parking grounds could not be reasonably justified and did not form a reason for refusal of the previous applications.

Impact on Residential Amenity:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.9 The Design and Townscape Guide 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 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."*
- 4.10 The application property is an end terraced dwelling adjoined to number 164 to the north and separated by a small alleyway to No. 160, which is also an end terrace.
- 4.11 The dormer is situated within the front roof slope and does not extend beyond the roof plane of the existing dwelling. The front of No. 162 Hainault Avenue is already open to the public gaze and the proposed dormer is not considered to have a detrimental impact on the residential amenities of the immediate neighbours to the north, south and east, in terms of undue dominance, overlooking, loss of light and privacy. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.12 The proposed development 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 considered that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. It is considered that the proposed development by virtue of its, position, size, scale and poor design would be a prominent and incongruous built form which is unacceptable in terms of design and material impact on the character of the dwelling and the wider streetscene. The proposal therefore is recommended for refusal.

6 Planning Policy Summary

- 6.1 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): DM1 (Design Quality), 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 Eight neighbours were notified of the proposal and no letters of representation have been received.

8 Relevant Planning History

8.1 18/01745/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) – Planning permission refused

8.2 18/01334/FULH - Erect two dormer windows to front elevation (Retrospective) – Planning permission refused

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

1 **The proposed front dormer by reason of its size, scale, poor design and position would form a prominent, obtrusive and incongruous addition, which fails to relate satisfactorily to the existing dwelling or the character and appearance of the prevailing streetscene. The proposal thereby results in material harm to the character and appearance of the host dwelling and the wider streetscene. The proposal 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 the advice contained with 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 officer's report.

Informative

1 **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.**



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Reference:	18/00185/UNAU_B	<h1>11</h1>
Ward:	Westborough	
Breaches of Control	Without planning permission, the construction of a roof replacement, hip to gable roof extension, dormer to rear and first floor rear extension above existing single storey extension	
Address:	53 Westcliff Park Drive, Westcliff-On-Sea, Essex, SS0 9LW	
Case Opened:	14 th June 2018	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

53 Westcliff Park Drive, Westcliff-On-Sea, Essex, SS0 9LW



1 Site and Surroundings

- 1.1 53 Westcliff Park Drive is a semi-detached dwelling on the western side of Westcliff Park Drive. The area is residential and characterised by mostly semi-detached and terraced two storey dwellings. The site is prominent in the streetscene as it is the first dwelling in the streetscene when entering Westcliff Park Drive from Westborough Road.
- 1.2 No heritage or other designations apply to this site.

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 In June 2018 an enforcement case was raised following complaints that building works were being undertaken to the roofspace without planning permission.
- 3.2 In June 2018 Planning Enforcement Staff visited the site noting that the roof was being replaced and extended to create a hip to gable roof and dormer extension at the rear.
- 3.3 In June 2018 Planning Enforcement Staff wrote to the owner concerning the potential breach of planning controls advising that a Lawful Development Certificate or a Planning Application should be submitted to the Local Planning Authority. The letter advised that any further works at the property cease until the planning position was regularised.
- 3.4 In August 2018 Planning Enforcement Staff were informed that an agent had been employed to submit the relevant applications. The agent explained that they had experienced difficulties in making contact with the applicant and gaining access to the site. This was similar to the Planning Enforcement Staff's experience during the preceding period.
- 3.5 In August 2018 Planning Enforcement Staff sent a second letter to the address to enquire what arrangements had been made in respect of the submission of a retrospective planning application and advised that any further works at this property cease until the appropriate plans were approved.
- 3.6 In September 2018 Planning Enforcement Staff revisited the site with Building Control staff for an arranged site visit and entry was not gained to the site. Staff were able to view the works from the rear. It was noted during this site visit that a first floor rear extension was being built above an existing single storey extension.
- 3.7 In November 2018 Planning Enforcement Staff made contact with the agent who explained they have experienced difficulties making contact with the home owner and that the relevant agent fees had not been paid.
- 3.8 In November 2018 Planning Enforcement Staff hand delivered a notice of intended entry to gain access to the site.

- 3.9 In November 2018 the agent made contact in response to the notice of intended entry and explained that the home owner was on holiday abroad until February 2019.
- 3.10 In February 2019 Planning Enforcement Staff revisited the site and viewed the developments from an alley located to the side of the dwelling. It was established on site that works to the roof and the first floor rear extension are substantially built and are of poor design and construction.
- 3.11 To date, no planning application has been received by the Local Planning Authority to seek to regularise the breaches of planning control.
- 3.12 Express planning permission is required for the unauthorised roof extensions and first floor rear extension which constitutes operational development as defined by the Town and Country Planning Act 1990 (as amended).
- 3.13 The works to the roof would not be permitted development as the edge of the dormer roof enlargement closest to the eaves of the original roof is less than 0.2 metres from the eaves and the dormer is flush with the original rear wall of the dwelling.
- 3.14 The first floor flat roofed rear extension is not permitted development as the first floor rear extension connects to the rear dormer. In addition, the first floor extension is located within seven metres of the boundary opposite the rear wall of the dwelling and has been built above a single storey extension that was not built as permitted development or subject to planning approval. It is noted that the existing single storey extension is lawful by virtue of time.
- 3.15 The issues raised by the unauthorised developments are the design and visual impact of the structures and their impact on neighbouring properties and the character of the surrounding area.

4 Appraisal and Policy Background

National Planning Policy Framework, (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, Design and Townscape Guide (2009).

- 4.1 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 Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 4.2 Paragraph 124 of the NPPF 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.”*

- 4.3 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”*.
- 4.4 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate.”* Policy CP4 requires that a development 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.”*
- 4.5 Particular to this report seeking enforcement authority, the roof replacement and extensions and first floor rear extension have been constructed using poor quality timber materials. The roof replacement and hip to gable roof extension are not considered to result in material harmful to the character and appearance of the property or wider amenity. It is the largely completed rear dormer and flat roofed first floor rear extension which by reason of their form, poor quality design and appearance are incongruous and unsightly and which results in demonstrable material harm to the character and appearance of the rear garden scene as the developments are materially visible from adjoining dwellings and surrounding area. The developments are unsympathetic to their surroundings and respond negatively to the local character contrary to policy requirements.
- 4.6 In addition, the development is harmful to the residential amenities of the neighbouring occupiers at number 55 Westcliff Park Drive by causing an unacceptable sense of enclosure and material loss of daylight and outlook. This is contrary to policy requirements.
- 4.7 As extensive abortive attempts have been made to seek regularisation through submission of a planning application and material harm is identified it is considered necessary, proportionate and expedient for enforcement action to be taken.
- 4.8 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.

Relevant Planning History

- 5.1 None.

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 rear dormer window and first floor rear extension.

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.

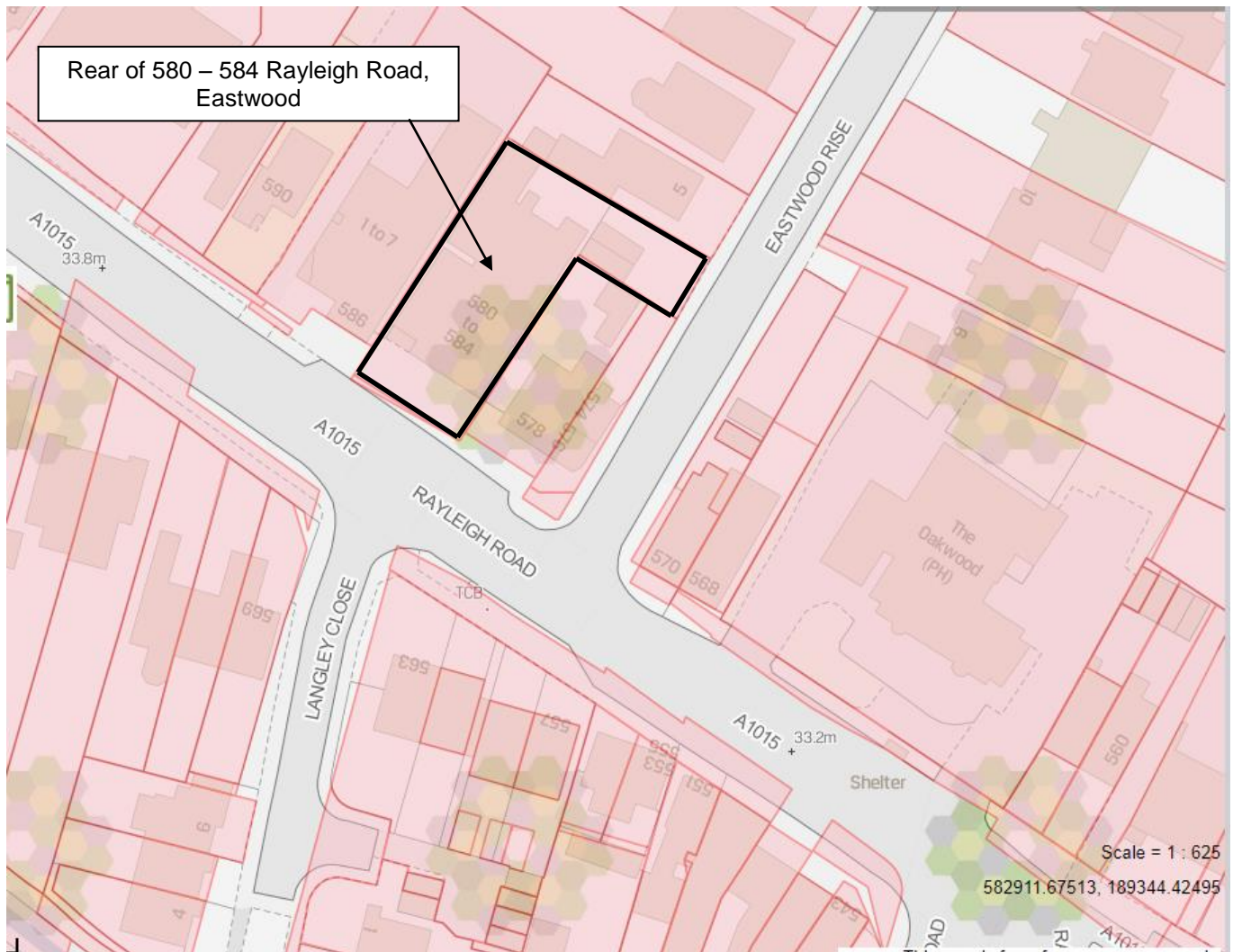
Appendix 1 – Photographs of 53 Westcliff Park Drive taken February 2019







Reference:	18/00232/UCOU_B	<h1>12</h1>
Ward:	Eastwood Park	
Breach of Control	Without planning permission the Unauthorised Change of Use from A1 retail to Car sales (Sui Generis)	
Address:	Land to rear of 580 - 584 Rayleigh Road, Eastwood, Essex. SS9 5HU	
Case Opened:	24 th July 2017	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The site is 'L' shaped. The main building is located on the north side of Rayleigh Road a short distance west of the junction with Eastwood Rise. The building consists of a retail unit to the ground floor (Class Use A1) with residential flats above (Class Use C3) and is identified on Land Registry records as 580, 582 and 584 Rayleigh Road. At the rear of the site is a double garage and large hardstanding/forecourt area and ancillary outbuildings accessed via Eastwood Rise. It is understood that this affords delivery access to the rear of the retail unit in Rayleigh Road. It is the site to the rear that is subject of this report.
- 1.2 Immediately south of the site access in Eastwood Rise is a barbers shop which faces onto Rayleigh Road and to the north is a residential bungalow. Eastwood Rise features a variety of house types but the immediate area predominantly consists of residential bungalows and chalets.
- 1.3 The site is not the subject of any site specific policy designations.

2 Lawful Planning Use

- 2.1 The current use of the site is mixed. The ground floor retail unit is within Use Class A1 of the Use Classes Order and the first floor flats are within Use Class C3. It is understood that the rear hardstanding, garage and outbuildings serve the retail unit and therefore are ancillary to that Class A1 use.

3 Background

- 3.1 In July 2018 an enforcement case was opened following a complaint that the site, consisting of the hardstanding in Eastwood Rise, had commenced operations as car sales without planning permission. Car sales is a Sui Generis use (for definition see para 4.1).
- 3.2 Enforcement Staff noted several cars for sale on the forecourt. Predominantly displayed around the site and on the vehicles was a mobile telephone number.
- 3.3 A Land Registry search established the owner of the site.
- 3.4 The identity of the person running the car sales site was not the same person identified as the owner of the site via Land Registry.
- 3.5 Enforcement Staff wrote to the site operator advising of the planning breach and advised that they could submit a planning application to seek to regularise the unauthorised change of use. They were also alternatively advised to cease the use of the site as a car sales forecourt by 24th August 2018.
- 3.6 Despite further written and verbal contact over the subsequent period, by 11th January 2019 several vehicles were still for sale on the forecourt next to Eastwood Rise and there was also a van for sale on the forecourt of the empty retail unit facing Rayleigh Road. That van displayed, on a window, the same mobile telephone number as displayed on the vehicles on the main site.

- 3.7 To date and despite several abortive attempts to secure submission of a retrospective planning application no application has been submitted.
- 3.8 A car sales operation, whether this be from an enclosed showroom or open site, falls under the Use Class term 'Sui Generis' meaning 'of its own kind' and is applied to uses not falling within any specific Class under the Use Classes Order. There are no Permitted Development Rights to change to a car sales use so express planning permission is required for this unauthorised change of use.
- 3.9 When assessing whether a change of use of land is acceptable, due regard must be given to the potential impact of the use and its associated activities on employment considerations, the character of the surrounding area and the amenity of neighbouring uses.

4.0 Policy Considerations and Appraisal

National Planning Policy Framework (NPPF) (2018), Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3, CP4 (The Environment and Urban Renaissance) of the Core Strategy (2007), Policies DM1 (Design Quality), DM3 (Efficient Use of Land) and DM11 (Employment Generating Development) DM15 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.1 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.
- 4.2 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.
- 4.3 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”.
- 4.4 Policy DM11 confirms that proposals for employment generating uses outside the (defined) Employment Areas, (which this site isn't), will be allowed where they do not impact on the amenity of the surrounding uses and do not conflict with other development plan policies.
- 4.5 In this case, there are not necessarily any in principle Policy DM11 employment land based objections to a commercial use on the land, including car sales, subject to compliance of such a use with other policy objectives. However, it is considered that uncontrolled car sales and the associated cleaning and repairs, has the potential to result in a significant activity on the land with associated noise and disturbance and potentially other environmental impacts caused for example by vehicular movements onto and off the site and activity carried out on the site in connection with the use.

This is deemed likely to impact detrimentally on the amenities of the neighbouring residential properties by reason of noise and disturbance. In the absence of any planning application (and conditions which could potentially be used within a grant of planning permission to reasonably control such impacts) the unauthorised car sales use conflicts with policy requirements in the above regards.

- 4.6 Similarly movement of vehicles on and off the site is considered likely to adversely affect highway safety in Eastwood Rise and the inability to formally control that through conditions on a grant of planning permission is of concern and means that this is contrary to policy requirements.
- 4.7 As attempts to remedy the identified harm through submission of a planning application have not succeeded, it is considered necessary reasonable, expedient proportionate and in the public interest to take enforcement action to secure the cessation of the unauthorised use.

5.0 Relevant Planning History

- 5.1 None

6.0 Recommendation

- 6.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to secure the cessation of use of the site as car sales.
- 6.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 6.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 2 calendar months is considered reasonable for the site to stop operating as vehicle sales.
- 6.4 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.



