

**Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL**

Development Control Committee

Date: Wednesday, 6th November, 2019

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the meeting held on Wednesday, 31st July, 2019**
- 4 Minutes of the Meeting held on Wednesday, 11th September, 2019**
- 5 Minutes of the Meeting held on Wednesday, 2nd October, 2019**
- 6 Supplementary Report
TO FOLLOW**
- **** Applications with Pre-Meeting Site Visits**
- 7 19/00729/FUL - Westcliff Eruv, Finchley Road, Westcliff-on-Sea
(Chalkwell Ward) (Pages 49 - 126)**
- 8 19/00978/FUL - Westcliff Eruv, Finchley Road, Westcliff-on-Sea
(Chalkwell Ward) (Pages 127 - 142)**
- 9 19/01195/BC3M - Land Adjacent To The Forum, Elmer Approach
(Milton Ward) (Pages 143 - 288)**
- 10 19/01446/FUL - Development Land, Underwood Square, Leigh-on-Sea
(West Leigh Ward) (Pages 289 - 324)**
- 11 19/01540/FUL - The Ship Hotel, New Road, Leigh-on-Sea (Leigh Ward)
(Pages 325 - 394)**
- 12 19/01603/FULH - 140 Thorpe Hall Avenue, Thorpe Bay, Southend-on-Sea
(Thorpe Ward) (Pages 395 - 412)**
- **** Main Plans List**
- 13 19/01565/FUL - Viscount House, 97 Rochford Road, Southend-on-Sea
(St Laurence Ward) (Pages 413 - 440)**

- 14 19/01673/TPO - Land Adjacent 254 Green Lane And 7-9 Byfield,
Independent Footway From Blatches Chase To Western Approaches
(Eastwood Park Ward) (Pages 441 - 448)**

TO: The Chairman & Members of the Development Control Committee:

Councillor N Ward (Chair)

Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear,
F Evans, D Garston, S Habermel, D Jarvis, A Jones, H McDonald, C Mulroney,
A Thompson, S Wakefield and C Walker

**PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the
front of the Civic Centre at 9.30 a.m.**

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 31st July, 2019

Place: Committee Room 1 - Civic Suite

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Present: Councillor Borton (Vice-Chair, in the Chair)
Councillors M Borton (Vice-Chair, in the Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear, F Evans, D Garston, S Habermel, H McDonald, C Mulroney, A Thompson, P Van Looy, C Walker, S Wakefield, M Dent and N Folkard

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor Wexham
T Hartley, T Row, G Gilbert, K Waters, P Keyes, M Warren, C White and J Rowley

Start/End Time: 2.00 - 3.15 pm

Apologies for Absence

Apologies were received from Councillors Ward (Substitute – Councillor Wakefield), Jarvis (Substitute – Councillor Folkard) and Jones (Substitute – Councillor Dent).

Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Mulroney

- Agenda Item No. 8 (19/01002/FUL – 136 Broadway, Leigh-on-Sea – Non-pecuniary Interest: Objector known to her and Member of Leigh Town Council in a non-planning capacity.
- Agenda item No .9 (19/00799/FULH – 36 Leigh Hill, Leigh-on-Sea – Non-pecuniary Interest: Applicant known to her and Member of Leigh Town Council in a non-planning capacity.

(b) Councillor Van Looy

- Agenda Item No. 6 (19/00552/FULM – 25 Roots Hall Avenue, Southend-on-Sea – Non-pecuniary Interest: Neighbours are known to him
- Agenda Item No. 11 (18/00409/UNAU_B) – Station Masters House, Station Road – Non-pecuniary Interest: The owner is known to him

Minutes of the Meeting held on 5th June 2019

Resolved:-

That the Minutes of the Meeting held on 5th June 2019 be confirmed as a correct record and signed.

Minutes of the Meeting held on 3rd July 2019

Resolved:-

That the Minutes of the Meeting held on 3rd July 2019 be confirmed as a correct record and signed.

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.

19/00552/FULM - 25 Roots Hall Avenue, Southend-on-Sea (Prittlewell Ward)

Proposal: Demolish existing building and erect 3 storey block comprising of 12 self-contained flats with associated car parking and amenity space, refuse and cycle stores and vehicular access onto Roots Hall Avenue (Amended Proposal)

Applicant: Mrs Ayandare

Agent: RD Architecture Ltd

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

(a) - DELEGATE to the Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to the following conditions and subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:

- A financial contribution towards secondary education provision of £12,810.10 (index linked) towards a project at Chase High School, or similar expansion of another local secondary school.

(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 out in accordance with the approved plans: 1594/230/P5, 1594/230/P4, 1594/150/P2, 1594/140/P3, 1594/130/P2, 1594/250/P11, 1594/251/P11, 1594/260/P10, 1594/261/P7.

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 development including facing materials, roof detail, windows, doors, fascia, balconies, and balustrades have been submitted to and approved in writing by the local planning authority. The works must then be carried out and completed in full accordance with the approved materials, details and specifications before the dwellings hereby approved are first occupied.

Reason: To safeguard 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).

04 - Notwithstanding the details shown on the plans hereby approved no development shall take place, other than demolition ground and site preparation works, until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces and all means of enclosing the site.

All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential units within the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to first 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), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

05 - The development shall not be first occupied until 8 on site car parking spaces have been provided and made available for use in full accordance with drawing 1594/250/P11. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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

06 - Before the development is first occupied, the development hereby approved shall be carried out in a manner to ensure that a minimum of 2 of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 10 flats comply with the building regulation part M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

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

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

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

08 - Prior to first occupation of the development hereby approved 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 installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

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

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

10 - Notwithstanding the details shown on the submitted plans, and otherwise hereby approved, prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the amended location and details of the refuse and recycling stores. The approved refuse and recycling facilities shall be provided in full and made available for use by the occupants of the dwellings prior to the first occupation of the dwellings hereby approved and be retained as such in perpetuity.

Reason: To ensure that the development is provided with satisfactory refuse and recycling storage in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and

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

11 - Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be commenced other than for demolition works unless and until a drainage strategy, surface water management strategy, and SuDS design statement has been submitted to and approved in writing by the local planning authority.

The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14.

12 - Notwithstanding the information submitted with the application, no development shall be undertaken other than demolition works, 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 shall 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 (2019) and Policy DM5 of the Development Management Document (2015).

13 - Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be occupied or brought into first 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: In the interests of the residential amenity and the living conditions of the future occupiers of the development and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

14 - Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall be undertaken unless and until a noise assessment and full details of the acoustic mitigation to be provided within the development, including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be completed in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

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

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

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

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

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

16 - The development shall not be first occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 1594/250/P11 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

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

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

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

18 - 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).

(c) - In the event that the planning obligation referred to in part (a) above has not been completed by 16th August 2019 or an extension of this time as may be agreed, the Director of Planning and Transport or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007).

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

Informatives:

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

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

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

04 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.

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

06 No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

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

08 It should be noted that future occupiers of the development will not be eligible for a town centre or resident parking permits.

Proposal: Change of use from dwellinghouse (Class C3) to 6 bedroom HMO (Class C4), demolish existing garage to side, erect part single/part two storey side extension, alter elevations, install cycle storage to rear and layout parking to front (Amended Proposal)

Applicant: Estuary Serviced Apartments

Agent: Krystal 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 of the date of this decision

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 549-001, 549-002-Rev 01, 549-003-Rev 01, 549-004-Rev01, 549-005-Rev02, 549-006

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

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

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

04 The development shall not be occupied until 4 car parking spaces and a space for turning of vehicles have been provided at the site and made available for use in accordance with drawing 549-002 Rev 01, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development.

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

05 The new first floor windows on the proposed south (side) and west (rear) elevation shall only be permanently 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 permanently fixed shut, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level, before the occupation of the dwelling hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until and unless full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:

- i. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- ii. details of any changes to means of enclosure
- iii. details of hard surfacing materials including sustainable drainage of this area
- iv. details of cycle storage

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details. The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the development hereby approved.

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).

07 The development shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use in full and unless in accordance with drawing No. 549-003 Rev 01. The refuse and recycling facilities shall be permanently retained as such 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).

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

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

09 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).

10 The building shall only be used as an HMO and for no other purpose.

Reason: In the interests of the amenities of neighbouring occupiers and parking provision in accordance with Policies KP2 and CP5 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

Informatives:

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

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

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.

19/01002/FUL - 136 Broadway, Leigh-On-Sea (Leigh Ward)

Proposal: Erect timber screen to external fridge and storage area to rear and install terrace balustrade to front (Part Retrospective)

Applicant: Fenner and Saunders

Agent: Lime Associates

Mr Davey Thomason, a local resident, spoke as an objector to the application. Mr Richard Hughes responded on behalf of the applicants.

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: 280-01-01, 280-01-02, 280-01-02A , 280-01-03 & 280-01-04

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

03 Prior to the use of the storage area within the development hereby permitted, the development shall be constructed in accordance with details of materials shown on submitted plans: 280-01-02, 280-01-03 & 280-01-04 unless alternative details of external materials have previously been submitted to and agreed in writing by the Local Planning Authority. The timber screens to the terrace fronting Broadway hereby permitted shall be retained solely in accordance with the details of materials shown on submitted plans: 280-01-02, 280-01-03 & 280-01-04.

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) policy KP2 and CP4, Development Management Document (2015) policies DM1 and the advice contained in the Design and Townscape Guide (2009).

04 The storage area hereby approved shall be used for storage purposes ancillary to the ground floor restaurant at No.136 Broadway only. It shall not be used for the preparation of food.

Reason: In order to protect the amenities of nearby occupiers in accordance the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009)

05 Notwithstanding the details shown in the plans and specifications submitted and otherwise hereby approved, the rating level of noise for all activities and plant (including but not exclusively refrigeration equipment) installed in association with this consent, must be 10dB below the background noise level as measured at the nearest noise sensitive premises.

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

Informatives:

01. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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

to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03. 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.

19/00215/FULH - 36 Leigh Hill, Leigh-On-Sea (Leigh Ward)

Proposal: Raise roof height, alter roof to form habitable accommodation in roofspace, erect dormer with recessed balcony to rear and alter elevations (amended proposal)

Applicant: Mr and Mrs Osbourne

Agent: Mr Ian Boorman of SL Architectural

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

The proposal, by reason of the appearance, design, scale, form and bulk of the enlarged and altered roof, would result in an incongruous and unsympathetic addition that does not relate satisfactorily to the existing dwelling, the character and appearance of the wider Leigh and Leigh Old Town Conservation Areas or the setting of the adjacent statutory listed building. The harm caused would be less than substantial but nevertheless significant and is not outweighed by any public benefits. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).

Informatives:

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

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

Proposal: Demolish garage, erect part single/part two storey side and rear extensions, install juliette balconies to rear and alter elevations (Amended Proposal)

Applicant: Mr K Seaden

Agent: Mr G Horrigan

Resolved:-

That PLANNING PERMISSION be GRANTED.

01 The development shall be undertaken solely in accordance with the approved plans 1174/1, 1174/2-A received 28/06/2019 and Site Location Plan.

Reason: In the interests of visual amenities, pursuant to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), 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).

04 The flat roof of the ground floor and first floor extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained from the Local Planning Authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the 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.

Informatives

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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

18/00409/UNAU_B - Station Masters House, Station Road (Thorpe Ward)

Breaches of Control: Without planning permission the erection of a single storey front and side extension.

Case Officer: Hayley Thompson

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to require:

- a) the removal of the unauthorised single storey front and side extension.
- b) Remove from site all rubble, materials and equipment arising from compliance with the requirement of the notice.

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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the removal of the unauthorised extension.

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 11th September, 2019

Place: Committee Room 1 - Civic Suite

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Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk,
D Cowan, A Dear, F Evans, S Habermel, D Jarvis, A Jones,
H McDonald, C Mulroney, A Thompson, C Walker and D McGlone

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors S Wakefield
K Waters, C Galforg, P Keyes, M Warren, T Row, G Gilbert,
T Hartley and P Jenkinson

Start/End Time: 2.00 - 3.05 pm

295 Apologies for Absence

Apologies were received from Councillor Garston (Substitute: Councillor McGlone)

296 Declarations of Interest

The following interests were declared at the meetings:

- (a) Councillor Borton – Agenda Item No. 6 (19/01093/BC3 & 19/01094/LBC - War Memorial, Clifftown Parade, Southend-on-Sea) – Non-pecuniary Interest: The artist is known to her.
- (b) Councillor Jarvis – Agenda Item No. 4 (19/00834/FULM - Land South of Campfield Road, Shoeburyness) – Non-pecuniary Interest: Resident in the Garrison.
- (c) Councillor Jones – Agenda Item No. 4 (19/00834/FULM - Land South of Campfield Road, Shoeburyness) – Non-Pecuniary Interest: Hinguar School was mentioned in discussion, she is a lead member.
And
Agenda Item No. 6 (19/01093/BC3 & 19/01094/LBC - War Memorial, Clifftown Parade, Southend-on-Sea) – Non-pecuniary Interest – The artist is known to her.
- (d) Councillor McGlone – Agenda Item No. 7 (19/00996/FULH & 19/00997/LBC - Cockethurst, Eastwoodbury Lane, Southend-on-Sea) – Non-pecuniary Interest: Aware of previous applications on this site.
- (e) Councillor Mulroney – Agenda Item No. 7 (19/00996/FULH & 19/00997/LBC - Cockethurst, Eastwoodbury Lane, Southend-on-Sea) – Non-pecuniary Interest: Owner is known to her.

- (f) Councillor Thompson – Agenda Item No. 7 19/00996/FULH & 19/00997/LBC - Cockethurst, Eastwoodbury Lane, Southend-on-Sea) - Non-Pecuniary Interest: Applicant is known to him.

297 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.

298 19/00834/FULM - Land South of Campfield Road, Shoeburyness (Shoeburyness Ward)

Proposal: Remove existing spoil heap, erect retail food store and part culverting of existing drainage ditch, layout parking, hard and soft landscaping and associated access

Applicant: Lidl Great Britain Limited

Agent: Mr Miles Drew

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: 7587L-15, 7587L-16 Rev E, 7587L-17 Rev A, 7587L-18 Rev D, 7587L-19 Rev B, JKK10373_TRRP-600 Rev 01, JKK10373_TCP-500 Rev 00, 190370-200 Rev B.

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

03 Notwithstanding details shown on the plans submitted and otherwise hereby approved, the external elevations of the building and road bridge and pedestrian footbridge 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 food store building is constructed beyond ground slab level. The development hereby approved shall not be first used until the external elevations of the building and bridges have been finished in full accordance with the materials approved under this condition. For the avoidance of any doubt the external materials for the approved building's south-east elevation shall not be white painted render, 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 Notwithstanding the details shown on the plans hereby approved no development above ground level shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces and all means of enclosing the site. For the avoidance of any doubt, replacement trees shall be provided on the site, including adjacent to the watercourse.

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 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. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

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

05 The development shall not be first occupied until 140 on site car parking spaces have been provided and made available for use in full accordance with drawing 7587L-16 Revision E, 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 staff and customers of the development hereby approved.

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 Prior to the first use of the development hereby approved, full details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking for a minimum of 10 cycles for staff and customers of the approved development. The approved cycle parking shall be provided in full and made available for use prior to the first use of the development hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015).

07 The development hereby approved shall not be brought into first use until and unless a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out and permanently maintained solely in accordance with the approved details which shall include full details of refuse and recycling storage facilities and waste servicing arrangements.

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

08 The development hereby approved shall not be open for customers outside the following hours: 07:00 and 22:00hrs Monday to Saturday and between 10.00 and 17.00hrs on Sunday.

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).

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 ecology 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 Notwithstanding the details submitted and otherwise hereby approved, no development other than the removal of the spoil shall be undertaken unless and until full details of the existing and proposed levels to include the proposed food store building, roads, footpaths, parking areas and landscaped areas relative to the adjoining land and any other changes proposed in the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

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).

11 The development hereby approved shall be implemented and thereafter permanently operated in strict accordance with the flooding recommendations and flood mitigation measures outlined on page 42 of the Flood Risk Assessment and Drainage Strategy undertaken by Ardent reference 190370-1 dated April 2019, including implementation of flood resistant and resilient measures, evacuation route, owners/managers to sign up to the Environment Agency flood warning service and that the finished floor levels of the development are raised 300mm above adjacent ground levels before the development is brought into first use.

Reason: In the interests of safety and to ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

12 Prior to the first occupation of the development hereby approved, a noise impact assessment that assesses all relevant impacts and identifies any necessary mitigation shall be submitted to and approved in writing by the local planning authority. The development must be undertaken in accordance with the approved details and any necessary mitigation measures prior to the first use of the development hereby approved and thereafter retained as such in perpetuity.

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

13 The development hereby approved shall not be brought into first use unless and until details of the design of the south-east elevation which may include public art or an alternative design approach to that currently shown has been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used until the approved public art or alternative design approach has been provided in full accordance with the details approved under this condition.

Reason: To provide an acceptable design response and 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).

14 Delivery times for the development hereby approved shall not take place outside 07:00 hours to 23:00 hours Mondays to Saturday and 08:00 hours to 20:00 hours on Sundays.

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

15 The development hereby approved shall be undertaken and completed in strict accordance with the recommendations set out on pages 26-32 of the approved Preliminary Ecological Appraisal Survey Report undertaken by Estrada Ecology reference LIDL.SHOE.17.12.2018 dated 11 February 2019, including covering excavations at the end of each working date, light overspill being minimised, that works stop if a great crested newt is found, that the population of common lizards are translocated, before the development is brought into first use.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

16 Notwithstanding the information and details submitted with the application and otherwise hereby approved, no development, including site clearance works shall be undertaken unless and until a water vole assessment which includes relevant mitigation measures has been completed and submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the approved assessment, including any necessary mitigation measures in accordance with the timescales specified in the approved report.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

17 The development hereby approved shall not take place in the bird breeding season (March to August) unless a scheme of mitigation to ensure breeding birds are not prejudiced by the implementation of the development hereby approved has been submitted to and approved by the Local Planning Authority. Where development takes place within the bird breeding season (March to August) the development shall only be implemented in accordance with the mitigation scheme approved under this condition.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

18 Notwithstanding the information and details submitted with the application and otherwise hereby approved, no development, including site clearance works shall be undertaken unless and until a translocation method statement for the exceptional population of common lizards on the site has been completed and submitted to and approved in writing by the local planning authority. Should the translocation not be undertaken within the 2019 survey season, a further size class assessment shall be undertaken and submitted to and approved in writing by the local planning authority before any translocation take place. The development shall be undertaken and completed in strict accordance with the approved reports, including any necessary mitigation in accordance with the timescales specified in the documents approved under this condition.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

19 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken other than removal of the existing spoil heap unless and until a detailed design of a surface water drainage scheme has been submitted to and agreed in writing by the local planning authority. The approved scheme shall be completed prior to the first use of the development hereby approved and shall be retained as such in perpetuity. The details submitted shall address but not be limited to the following matters:

- a. Provide updated Micro Drainage 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.
- b. Provide a plan illustrating the exceedance flow routes for storm events exceeding the 1 in 100 year plus 40% climate change.
- c. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
- d. Provide evidence that permission has been granted to discharge to the existing ordinary watercourse.
- e. Provide further details of the accessibility of the SuDS for future maintenance.

Reason: To ensure the approved development does not increase flood risk in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

20 No development other than the removal of the spoil shall be undertaken, unless and until an investigation into the history and current condition of the site to determine the likelihood of the existence of contamination (including ordnance risk) arising from previous uses and other potential sources of contamination has been carried out and the following steps have been complied with to the satisfaction of the Local Planning Authority (LPA). In order to comply with the above condition, the proposal should comply with Department for Environment Food and Rural Affairs (DEFRA) and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and "BS 10175 (2011) Code of Practice for the investigation of potentially contaminated sites" or any guidance which subsequently replaces these documents.

A) A written report (Phase 1 Desk study and walk-over survey Report) shall be submitted to and approved by the LPA which shall include details of the previous uses of the site, surrounding contaminative land uses, potential contaminants that might reasonably be expected given those uses and a description of the current condition of the site with regard to any activities that may have caused contamination before the development is commenced. The report shall confirm whether or not it is likely that contamination may be present on the site.

B) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment (Phase II intrusive site investigation) shall be carried out, submitted to the LPA and approved in writing before the development, other than the removal of the spoil is commenced. The report shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. The report shall fully and effectively characterise the nature and extent of any land contamination and /or pollution of controlled waters and should be submitted and agreed by the LPA.

C) Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation methods strategy (RMS) to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the LPA before the development is commenced, other than the removal of the spoil. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

D) Following the completion of the approved remediation works, a validation report shall be submitted to the LPA and approved in writing before the development is first brought into use or occupied. The report shall contain full details of the approved remediation works undertaken to make the site suitable for the intended user.

E) If, during the implementation of 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 addressing the additional contamination has been submitted to and agreed in writing by the Local Planning Authority. The

scheme approved under this part of the condition shall be implemented in full before the development is first occupied or brought into use.

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).

21 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the plant area as shown on drawing number 7587L-16 Rev E, including full details of its enclosure have been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used unless and until the plant area has been completed in full accordance with the approved details under this condition.

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).

22 The development hereby approved shall be operated in strict accordance with the findings, recommendations and conclusions of the approved Travel Plan by SCP reference GA/18667/TP01 dated April 2019. 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.

Reason: In the interests of sustainable transport in accordance with the National Planning Policy Framework (2019) and Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

23 Before it is first occupied, the development hereby approved shall be undertaken and completed in strict accordance with the Energy Usage and Sustainability Statement submitted by DDA dated April 2019 or other details that have previously been submitted to the local planning authority and approved in writing to ensure not less than 10% of the total energy needs of the development shall be supplied using on site renewable sources 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.

24 The development hereby approved shall only be used as a discount food store that does not occupy more than 2,000sqm Gross Internal Area with no more than 20% of the sales area of 1,313sqm to be used for comparison goods. It shall not be used for any other purpose including any other purpose within use class A1 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 in any statutory instruments revoking or re-enacting these Orders, with or without modification.

Reason: In the interests of the vitality and viability of the Town Centre, District Centres and Local Centres in accordance with National Planning Policy Framework (2019) and Policy CP2 of the Core Strategy (2007).

25 No development shall take place, including any works of demolition, unless and until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be 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 the removal of the spoil heap and during construction of the development.
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
- vii) How the C-X Ditch will be protected during construction.
- viii) hours of construction.

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).

26 No development other than the removal of the spoil shall be undertaken unless and until the applicant had secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including the methodology and any necessary mitigation which has been previously submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in strict accordance with the approved written scheme of investigation.

Reason: In the interests of the historic environment, in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

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

Informatives

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

02 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 Notwithstanding the information submitted with this application, separate advertisement consent would be required for the proposed advertisements.

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 highway or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

05 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.

06 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.

07 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this

matter. Building over existing public sewers will not be permitted without agreement from Anglian Water.

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

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

10 For the avoidance of doubt, in relation to condition 3, the provision of a blank, white, rendered wall on the prominent south-eastern elevation would not be acceptable.

**299 19/01111/FUL - Land to Rear of 6 Crosby Road, Westcliff-on-Sea
(Chalkwell Ward)**

Proposal: Erect 6 semi-detached dwellinghouses, layout amenity space to rear, parking to front and form access on to Crosby Road.

Applicant: EDG Holdings

Agent: Mr Steven Kearney of SKArchitects

Resolved:-

That's PLANNING PERMISSION be REFUSED for the following reasons:

The south-western part of the application site constitutes a playing field designated as protected green space which would be lost as a result of this development. The application has failed to demonstrate that the existing open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP7 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

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.

300 19/01093/BC3 & 19/01094/LBC - War Memorial, Clifftown Parade, Southend-on-Sea (Milton Ward)

Proposal: Erect bronze statue of soldier in front of Cenotaph War Memorial (Listed Building Consent and Planning Permission)

Applicant: Southend Borough Council

Agent: Southend Borough Council

Resolved:-

1. That PLANNING PERMISSION be GRANTED subject to the following conditions:

- a) The works covered by this consent shall begin not later than three years from the date of this consent.

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

- b) The development hereby permitted shall be carried out in accordance with the approved plans CNTPH/PLNapp/DG/BLUE001; CNTPH/PLNapp/DG/RED001; CNTPH/PLNapp/DG/BLUE002; CNTPH/PLNapp/DG/RED002; CNTPH/PLNapp/DG/Vs+Elvns/001.

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

2. That LISTED BUILDING CONSENT be GRANTED subject to the following conditions:

- a) The works covered by this consent shall begin not later than three years from the date of this consent.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- b) The development hereby permitted shall be carried out in accordance with the approved plans CNTPH/PLNapp/DG/BLUE001; CNTPH/PLNapp/DG/RED001; CNTPH/PLNapp/DG/BLUE002; CNTPH/PLNapp/DG/RED002; CNTPH/PLNapp/DG/Vs+Elvns/001.

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

301 **19/00996/FULH & 19/00997/LBC - Cockethurst, Eastwoodbury Lane,
Southend-on-Sea (St Laurence Ward)**

Proposal: 1. Erect garage to side and install hardstanding and timber gates.
 2. Erect garage to side and install hardstanding and timber gates (Listed Building Consent).

Applicant: Mr Dedman

Agent: SKArchitects

Resolved:-

1. 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 504_P202 Rev. C, 504_P201 Rev. C.

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

03 The garage, gates, fencing and hardstandings hereby approved shall be undertaken and completed in accordance with the materials and details as shown on drawing number 504_P202 Rev. C or any other details that have been previously submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development hereby approved.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building and wider surrounding area in accordance with the National Planning Policy Framework (2019), 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 advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the site in the environs of the approved building. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification. All planting in the approved landscaping scheme shall be carried out within the first 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.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building and to ensure a satisfactory standard of landscaping, pursuant to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

05 The detached garage hereby permitted shall only be used for parking and/or storage purposes incidental to the domestic occupation of the existing dwelling on the site known as Cockethurst, Eastwoodbury Lane. It shall not be used for any other purposes.

Reason: To protect the amenities of existing occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand, in accordance with the Core Strategy (2007) Policies KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15 and advice contained within the Southend Design and Townscape Guide (2009)

06 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations, methods and tree protection measures agreed within the approved Arboricultural Impact Assessment and Method Statement dated 24 May 2019 by Owen Allpress.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building, pursuant to National Planning Policy Framework (2019), Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015).

07 The 1.5m x 1.5m visibility splays as approved and as shown on drawing number 504_P202 Rev C. shall be provided prior to the use of the garage and be retained in perpetuity.

Reason: In the interests of highway safety in accordance with National Planning Policy Framework (2019), Policy DM15 of the Development Management Document and the Vehicle Crossing Policy and Application Guidance (2014).

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

2. That LISTED BUILDING CONSENT 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 504_P202 Rev. C, 504_P201 Rev. C.

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

03 The garage, gates, fencing and hardstandings hereby approved shall be undertaken and completed in accordance with the materials and details as shown on drawing number 504_P202 Rev. C or any other details that have been previously submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development hereby approved.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building and wider surrounding area in accordance with the National Planning Policy Framework (2019), 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 advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the site in the environs of the approved building. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification. All planting in the approved landscaping scheme shall be carried out within the first 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.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building and to ensure a satisfactory standard of landscaping, pursuant to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Informatives

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

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

302 19/00033/UNAU_B - Sovereign Mews, 201-203 Hamlet Court Road, Westcliff-on-Sea (Milton Ward)

**Breach of Control: Without planning permission the formation of 2 self-contained flats on the ground floor, construction of a garage/workshop to rear, installation of an external door and formation of balcony to serve rear first floor flat and breach of planning condition 7 of planning permission SOS/98/0509 requiring 7 on-site parking spaces to be permanently reserved for residential occupiers of mixed retail and residential development.
Case Officer: Steve Jones**

Resolved:-

That ENFORCEMENT ACTION be APPROVED for the following reasons:

- a) secure the removal of the unauthorised external door in the first floor west elevation
- b) secure the removal of the balcony and enclosures formed on the first floor west elevation
- c) removal in their entirety of the two ground floor flats known as 203A & 203B Hamlet Court Road and reinstate as a 4 parking space undercroft to serve the upper floor flats in the building
- d) demolish the ground floor rear extension to the west side of the building and reinstate 2 parking spaces to serve the upper floor flats in the building.
- e) remove from site all materials resulting from compliance with a) to d) above

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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable.

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 2nd October, 2019

Place: Committee Room 1 - Civic Suite

5

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear, F Evans, N Folkard (Councillor), D Garston, D Jarvis, A Jones, H McDonald, C Mulroney, A Thompson, C Walker and I Shead*

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: K Waters, P Keyes, J Rowley, M Warren and T Hartley

Start/End Time: 2.00 - 3.05 pm

361 Apologies for Absence

Apologies were received from Councillor Habermel (Substitute: Councillor Folkard) and Councillor Van Looy (Substitute: Councillor Shead).

362 Declarations of Interest

The following interests were declared at the meeting:

- (a) Councillor Cowan – Agenda Item 7 (19/01565/FUL - Viscount House, 7 Rochford Road, Southend-on-Sea) – Non-Pecuniary Interest: Has been lobbied by local residents on the matter.
- (b) Councillor Mulroney – Agenda Items 4, 5 and 6 (19/01331/FUL - 1333 London Road, Leigh-on-Sea - 19/01441/FUL - 1333 London Road, Leigh-on-Sea - 19/01417/FUL - 135 Marine Parade, Leigh-on-Sea) – Non-Pecuniary Interest: A non-planning member of Leigh Town Council.

363 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.

Proposal: Erect two storey rear extension to form two self-contained flats (Class C3), install balconies to side, with associated bin and bike stores.

Applicant: Mr M Saunders

Agent: Mr Alan Gloyne of SKArchitects

Mrs Bailey spoke as an objector to the application.

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 solely in accordance with the approved plans: 493-P01; 493-P03 Revision A.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until appropriately sized samples of the materials on the external elevations 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 before the development hereby approved is first occupied.

Reason: To safeguard the character and appearance of the 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 advice 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 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 KP2 and advice in the Design and Townscape Guide (2009).

05 Prior to the first occupation of the development hereby approved 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 installed in the development hereby approved and be retained in perpetuity thereafter.

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 advice in the Councils Design and Townscape Guide (2009).

06 Prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the existing and proposed commercial and residential units on the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupiers of the development prior to the first occupation of the dwellings 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 policies DM3, DM8 and DM15 of Development Management Document.

07 The first floor north facing window in the development hereby approved shall be permanently 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 permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is first occupied and shall be retained as such in perpetuity thereafter. 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: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

08 Hours of works associated with this consent shall be only between 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

09 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of tree protection measures for the street tree to the side of the site in Tankerville Drive 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 tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed 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).

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.

365 19/01441/FUL - 1333 London Road, Leigh-on-Sea (Belfairs Ward)

Proposal: Erect two storey rear extension to form dwelling (Class C3), install balconies to side, alter elevations, layout garden space with associated bin and bike stores.

Applicant: Mr M Saunders

Agent: Mr Alan Gloyne of SKArchitects

Mrs Bailey spoke as an objector to the application.

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 solely in accordance with the approved plans: 493-P01; 493-P04 Revision A.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until appropriately sized samples of the materials to be used on the external elevations of the development 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 before the development hereby approved is first occupied.

Reason: To safeguard the character and appearance of the 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 advice 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 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 KP2 and advice in the Design and Townscape Guide (2009).

05 Prior to the first occupation of the development hereby approved 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 installed in the development hereby approved and be retained in perpetuity thereafter.

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 advice in the Councils Design and Townscape Guide (2009).

06 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the existing and proposed commercial and residential units on the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants prior to the first occupation of the dwelling 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 policies DM3, DM8 and DM15 of Development Management Document.

07 The first floor north facing window in the development hereby approved shall be permanently 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 permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is first occupied and shall be retained as such in perpetuity thereafter. 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: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

08 Hours of works associated with this consent shall be only between 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

09 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of tree protection measures for the street tree to the side of the site in Tankerville Drive 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 tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed 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).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revoking or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouses hereby approved within Schedule 2, Part 1, Classes A, B, D or E to those Orders.

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

11 Prior to first occupation of the development hereby approved the garden area shall be implemented and made available for use in full accordance with the details shown on drawing 493-P04 and shall be retained as a garden area to serve the dwelling in perpetuity.

Reason: To safeguard the visual amenities of the area and provide amenity space for future occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).

Informatives:

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

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

366 19/01417/FUL - 135 Marine Parade, Leigh-on-Sea (West Leigh Ward)

Proposal: Extend existing pitched roof, install dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form six self-contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive (Amended proposal).

Applicant: Mr Paul Miller

Agent: BDA

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposed development, by reason of its excessive scale, footprint, mass, siting, unresolved design and materials, is considered to have a detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and

DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

02 The proposal fails to meet the requirements of the Nationally Described Space Standards (2015) in relation to flat E and the development as a whole fails to provide an adequate standard of amenity space for future occupiers. The proposal overall will therefore result in a poor standard of accommodation for future occupiers and is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

03 The proposed parking arrangements and associated vehicular movements at the site would result in an increased level of noise and disturbance which would be to the detriment of the amenities of 104 Thames Drive. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

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

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.

367 19/01565/FUL - Viscount House, 97 Rochford Road, Southend-on-Sea (St Laurence Ward)

Proposal: Change of use of two ground floor shops (Class A1) to two self-contained flats (Class C3), install handrails to front and side and alter elevations.

Applicant: Mr Litman

Agent: Mrs Jahan of RD architecture Ltd.

Resolved:-

That the item be DEFERRED to a future meeting to allow the applicant to explore opportunity of providing additional onsite parking.

368 18/00342/UNAU_B - 72 Boscombe Road, Southend-on-Sea (Kursaal Ward)

Breach of Control: Change of use from dwellinghouse (Class C3) to two self-contained flats (Class C3).

Case Officer: Hayley Thompson

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED.

To require cessation of the unauthorised use of the site as two self-contained flats.

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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the cessation of the use.

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DEVELOPMENT CONTROL COMMITTEE**AGENDA: 6th November 2019**

WARD	APP/REF NO.	ADDRESS
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Pre Site Plans Report		
Chalkwell	19/00729/FUL	Westcliff Eruv Finchley Road, Westcliff-On-Sea
Chalkwell	19/00978/FUL	Westcliff Eruv Finchley Road, Westcliff-On-Sea
Milton	19/01195/BC3M	Land Adjacent To The Forum Elmer Approach
West Leigh	19/01446/FUL	Development Land Underwood Square
Leigh	19/01540/FUL	The Ship Hotel New Road, Leigh-On-Sea
Thorpe	19/01603/FULH	140 Thorpe Hall Avenue Thorpe Bay

Main Plans Report		
St Laurence	19/01565/FUL	Viscount House 97 Rochford Road
Eastwood Park	19/01673/TPO	Land Adjacent 254 Green Lane And 7-9 Byfield Independent Footway From Blatches Chase To Western Approaches

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Deputy Chief Executive (Place), are not the decision of the Committee and are subject to consideration by Councillors.**
- (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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Delegated Report

Reference:	19/00729/FUL	7
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Erect street furniture comprising of groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) minor re-routing and re-positioning to the following previous locations 4A, 4B, 4C, 4D, 15-18 and 31 approved under planning permission 17/01263/FUL dated 03.10.2018	
Address:	Westcliff Eruv, Finchley Road, Westcliff-On-Sea	
Applicant:	Westcliff Jewish Association	
Agent:	Daniel Rosenfelder of Rosenfelder Associates	
Consultation Expiry:	24 th October 2019	
Expiry Date:	8 th November 2019	
Case Officer:	Janine Rowley	
Plan Nos:	911.002 Revision E; 911.4A; 911.4B Revision A; 911_51; 911.15 Revision A; 911.16 Revision A; 911.17 Revision A; 911.18 Revision A; 911.31 Revision A; 911.4C	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



WESTCLIFF ERUV - LOCATIONS SITE PLAN (NTS)

DRAWING REF: 911.002 Rev'n E



INDICATES REVISED LOCATIONS
APPLICATION REF 19/00729/FUL REFERS



1 Site and Surroundings

- 1.1 The application relates to eight specific locations described below, which would form part of the succession of individual placements of street furniture granted planning permission in October 2018 (17/01263/FUL). The Eruv is made up of existing features such as walls and buildings, and only where there are no features enabling continuity are specific items of street furniture required, such as those proposed. In association with designation of a nominated Eruv which is a continuous boundary designated in accordance with Jewish Law. That succession of street furniture placements to support the perimeter of a continuous Eruv boundary is predominantly focused on Westcliff but extends beyond into parts of Chalkwell, Leigh and Southend.
- 1.2 Location 4a at Station Road crosses at the railway from outside 114-116 Station Road to the south and to the southern fence bounding the railway. The location is characterised by commercial uses to the ground floor of properties along the south part of Station Road and residential units above. To the east of the site are further residential properties.
- 1.3 Location 4b is situated outside of no. 25 and 48 Holland Road. The Leas Conservation Area is further to the south beyond no. 48. The surrounding area is characterised by two storey dwellinghouses to the east and west and large flat developments to the southeast and southwest of Holland Road including (Homecove House) and Crowstone Court.

- 1.4 Location 4c at Station Road crosses from 130/132 to the south to the fourth pier of the railway wall to the north. The surrounding area is characterised by three storey and two storey properties which are predominantly residential with a commercial unit to the ground floor directly opposite the railway bridge. Westcliff Station is to the west.
- 1.5 Location 15A on Darlinghurst Grove crosses from the southern boundary of the Prittlebrook Greenway to the rear fence line of no. 18 Manchester Drive. The surrounding area is residential in character.
- 1.6 Location 16A is located to the eastern boundary of no. 2 Manchester Drive and the north playing fields serving Westcliff High School. The site is residential in character.
- 1.7 Location 17 crossing Kenilworth Gardens has schools to the north and south of the site within a residential area.
- 1.8 Location 18 situated on Mannering Gardens is surrounded by two storey residential properties to the south of the site and commercial premises to the north.
- 1.9 Location 31 along East Street is situated to the east and west of the railway bridge to its north and south sides. The Prittlewell Conservation Area boundary is set 1m away from the railway bridge to the south and 7m to the north.
- 1.10 Other than as described above, there are no heritage or other such designations on or in the vicinity of the site locations referred to above.

2 The Proposal

- 2.1 Detailed assessment of site circumstances following approval of planning application 17/01263/FUL, has prompted this application for detailed changes to the street furniture at some previously agreed locations plus some replacement locations.
- 2.2 Street furniture associated with designation of the Eruv perimeter boundary was granted planning permission (17/01263/FUL) at 40 locations, which are listed in the report at appendix 1. It is only this physical street furniture that required planning permission (as opposed to for example the concept and purpose of the Eruv). No markings or religious iconography are proposed to be fixed to the street furniture in association with the Eruv. This planning application solely relates to the eight locations described in paragraphs 1.2 to 1.9 above. In each of the following cases the proposed poles are 89mm diameter.
- 2.4 The previously approved locations (under planning permission 17/01263/FUL) for 4A, 4B and 4C were: sited on footpath next to the railway cutting next to Leonard Road crossing to the footpath next to 2 Hamlet Court Road; the footpath next to 20 and 22 Hamlet Court Road crossing to the ramped approach to Hamlet Court Road railway bridge (3 no. 5.5m poles with connecting wire); and use of the existing lamp post on the corner of Hamlet Court Road and Ditton Court Road. The locations 4A, 4B and 4C now proposed are as follows: 4A on the footpath outside of 114-116 Station Road to the south and southern fence of the railway to the north (2no. 5.5m high poles with connecting wire).
 - 4B 25-48 Holland Road (a clear nylon wire to be fixed to a small white eyelet to the front of 25 Holland Road at 5.5m extending to a matching eyelet fixed to the front of 48 Holland Road).

- 4C at 130-132 Station Road party wall to the fourth pier of the railway adjacent to Hamlet Court Road (2no. 5.5m high poles with connecting wire).

- 2.5 Location 15 approved application 17/01263/FUL has been relocated together with amended poles heights. Previously location 15 was sited next to 69 Darlington Grove crossing to footpath next to 73 Darlington Grove (2 no. 3.5m high poles with connecting wire). Location 15A) is now proposed along the footpath next to 69 Darlington Grove crossing to rear fence of no. 18 Manchester Drive (2 no. 5.5m high poles with connecting wire).
- 2.6 Location 16 approved under application 17/01263/FUL has been relocated from the footpath outside 34 and 36 Manchester Drive crossing to footpath opposite at Admiral Court Manchester Drive (2 no. 5.5m high poles with connecting wire). Location 16A) Footpath outside 2 Manchester Drive east flank concrete end fence post to footpath opposite adjacent to the school playing fields railing directly behind the telegraph pole opposite (2 no. 5.5m high poles with connecting wire).
- 2.7 Location 17 approved under application 17/01263/FUL has been relocated to location 17A footpath next to Westcliff High School for Girls on the south side of Kenilworth Gardens left of St Thomas Moore to the north (2no. 5.5m high poles with connecting wire and a 400mm x 800mm galvanised sheet to the central reservation).
- 2.8 Location 18 approved under application 17/01263/FUL is still the same although now numbered 18A however, the poles have increased in height from 3.5m to 5.5m. Location 18A footpath next to 61 Mannering Gardens crossing to footpath next to rendered brick wall between 56 Mannering Gardens and 60 Bridgewater Drive (2 no. 5.5m high poles with connecting wire).
- 2.9 Location 31 approved under application 17/01263/FUL has been amended moving further west away from the railway. Previously the location was on the footpath next to East Street Railway Bridge crossing opposite to the footpath on north of East Street (2no 5.5m high poles with connecting wire). Location 31A) is proposed on the footpath next to East Street Railway Bridge west of the pedestrian guard rail to the south adjacent to the fence at the rear of the footpath to the north (2 no. 5.5m high poles with connecting wire).

3 Relevant Planning History

- 3.1 19/00978/FUL- Erect street furniture comprising of an ornamental metal arch to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at location 18A -Footpath between 38/46 Bridgewater Drive and location 21A - Footpath between 157/159 Carlingford Drive- Pending consideration.
- 3.2 17/01263/FUL- Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the borough- Planning Permission Granted (03.10.2018)

4 Representation Summary

4.1 Public Consultation

Site notices were posted at the 8 locations subject of this application. Letters of objections were received from 11 households which in summary object to the proposal on the following:

- Two 3.5m high poles walking down Holland Steps will change the view of the sea and the estuary;
- All these poles have to be linked up in a circuit so it is not clear where the other poles are going to go;
- Inappropriate to erect religious barriers;
- Poles and copper wires at Station Road are out of character
- It is environmentally unfriendly
- Holland Road is a cul de sac and attractive street
- Description of poles in Holland Road incorrect given it is a clear nylon wire to the front of 25 and 48 Holland Road 5.5m above street level
- Impact on birdlife
- Queries of installation and maintenance costs
- Impact on setting of Holland Road and steps
- Impact on views
- Conflict with development plan policies
- Conflict with Streetscape manual
- Extent of consultation
- Symbolic creation of a ghetto
- An Eruv is unnecessary and unacceptable
- Design unacceptable
- One sector of the community to create a visible boundary in any shape or form is wrong
- No need for further street clutter
- Westcliff on Sea is multi cultured and multi religious and for one small group to impose their culture in such a way on the majority is wrong

Conservation Association Westcliff Seaboard

- Object as the proposal would deface the streetscape of the immediate area in Westcliff and affect the Leas Conservation Area
- Conflicts with Councils policies contained within the Development Management Document, Borough Local Plan, National Planning Policy Framework

During the course of the planning application location 4B has been amended omitting the previously proposed poles and connecting wire from the steps between Holland Road and Western Esplanade to a connecting wire set 5.5m above street level connected by a eyelet on no. 25 and 48 Holland Road. The concerns in the above representations are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 Highways Team

No objections.

4.3 Network Rail

No objections

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Greenspace)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea's Historic Environment), DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 The Community Infrastructure Levy Charging Schedule (2015)

6 Planning Considerations

6.1 The principle of supporting the installation of a succession of street furniture for the associated purpose of designating an Eruv perimeter and the equalities and diversity considerations related to this were agreed under planning permission 17/01263/FUL. The National Planning Policy Framework has been revised since determination of the above application but the relevant policy considerations have not changed in any material regard.

6.2 The main considerations in the determination of this application are design and impact on the streetscene, access, traffic and highways and impact on residential amenity and the proposals equalities and diversity considerations.

7 Appraisal

Design and Impact on the Character of the Area

7.1 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

7.2 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."*

7.3 Policy DM3 of the Development Management Document states:

“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”.

7.4 Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value. In relation to development within Conservation Areas in particular, Policy DM5 states that:

“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.”

7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council pays ‘special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering planning applications.’ Impacts on the settings of such heritage assets must also be carefully considered under this legislation.

Site 4- Footpath along Station Road outside of 114-116 to the southern fence of the railway to the north (4A), (4B) a clear nylon wire to be fixed to a small white eyelet to the front of 25 Holland Road at 5.5m above street level to a matching eyelet fixed to the front of 48 Holland Road, Station Road (4C) and Hamlet Court Road (2no. 5.5m high poles with connecting wire).

7.6 Two sets of 5.5m high poles and connecting wire are proposed along Station Road one set to the east outside of nos. 114-116 to the southern fence of the railway to the north and another set from the party wall of 130-132 Station Road to the north fourth pier on the railway below Hamlet Court Road. As an amendment to the application as originally submitted a clear nylon wire is now proposed to be fixed to a small white eyelet to the front of 25 Holland Road at 5.5m above street level to a matching eyelet fixed to the front of 48 Holland Road.

7.7 The design and siting of the proposed poles and wire are found to be acceptable. The poles and wire in Station Road and connecting nylon wire to the front of 25 Holland Road and 48 Holland Road would not impact adversely on the character and appearance of the area.

15A) Footpath next to 69 Darlington Grove crossing to rear fence of no. 18 Manchester Drive (2 no. 5.5m high poles with connecting wire)

7.8 The proposed poles would be situated on Darlington Grove to the northern boundary of no. 69 and southern boundary of no. 18 Manchester Drive to the north.

7.9 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character and appearance of the area.

16A) Footpath outside 2 Manchester Drive east flank concrete end fence post to footpath opposite adjacent to the school playing fields railing directly behind the telegraph pole opposite (2 no. 5.5m high poles with connecting wire)

- 7.10 The proposed poles would be located to the east of no. 2 Manchester Drive and directly opposite to the north near the railing for Westcliff High School.
- 7.11 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character and appearance of the area.

17A) Footpath next to Westcliff High School for Girls on the south side of Kenilworth Gardens left of St Thomas Moore to the north (2no. 5.5m high poles with connecting wire and a 400mm x 800mm galvanised sheet to the central reservation)

- 7.12 Two 5.5m high poles are to be erected to the southwest of St Thomas More High School and north of Westcliff High School for Boys with a connecting wire between. A 400mm x 800mm high steel sheet is also proposed to match railings within the central reservation pedestrian guard rails under the line of wire.
- 7.13 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance of the surrounding area. Details of the steel sheet to the central reservation can be controlled by condition to ensure the design is acceptable in relation to the impact on the character and appearance of the area.

18A) Footpath next to 61 Mannering Gardens crossing to footpath next to rendered brick wall between 56 Mannering Gardens and 60 Bridgewater Drive (2 no. 5.5m high poles with connecting wire)

- 7.14 5.5m high poles would be situated on either side of the road to the rear of the Spa shop (60 Bridgewater Drive) on the eastern side adjacent to 56 Mannering Gardens and an informal access road to the west north of 61 Mannering Gardens.
- 7.15 The design and siting of the proposed poles and wire is found to be acceptable.

31A) Footpath next to East Street Railway Bridge west of the pedestrian guard rail to the south adjacent to the fence at the rear of the footpath to the north (2 no. 5.5m high poles with connecting wire).

- 7.16 The poles are to be situated on the west and east side of Station Approach next to the existing chain link fencing with 2no. 5.5m high poles with connecting wire. The site is near but not within Prittlewell Conservation Area.
- 7.17 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance of the area. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Prittlewell Conservation Area.

Amenity and impact on residents

- 7.18 The proposed poles are slim line and similar to that of conventional highway street furniture. The height and position of the poles and nylon wire would not appear overly prominent and not result in material harm to the light, outlook, privacy or sense of enclosure of neighbouring properties.
- 7.19 The small white eyelets to nos. 25 and 48 Holland Road joined by nylon wire by reason of their siting 5.5m above street level would not result in material harm to the light, outlook, privacy or sense of enclosure of neighbouring properties.
- 7.20 The siting and size of the steel sheets to the central reservation of Kenilworth Gardens would be set a significant distance away from any residents (some 38m from 103 Eastwood Boulevard) and its relationship is such that it would not result in material harm to the light, outlook, privacy or sense of enclosure of the neighbouring properties.
- 7.21 Due to the location of the proposed street furniture it is not considered amenity of nearby residents are materially affected in any regard.
- 7.22 The development is acceptable and policy compliant in the above regard at all sites proposed.

Biodiversity

- 7.23 The locations proposed for the Eruv street furniture have no ecological designations. Taking into account the siting of the street furniture on the rear edge of footpaths and street furniture in the form of lamp posts, it is considered that the impact on ecology is negligible. None of the locations are sited within statutory nature conservation sites, sites of special scientific interest, local wildlife site nor sites known to be containing protected species.

Highways and access

- 7.24 The siting of the poles, nylon wire to the various locations set out above, steel sheets to central reservation of Kenilworth Gardens and the white eyelets to 25 and 48 Holland Road would not harm highway safety or access and Highways raise no objection to the proposal.
- 7.25 The development is acceptable and policy compliant in the above regard.

Equalities and Diversity

- 7.26 The report to this Committee for the installation of Eruv related street furniture, approved in October 2018, contained a full analysis of the proposals in the context of the Equality Act 2010 which sets out a general duty on public bodies. This duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and to foster good relations between different groups when discharging its functions.

- 7.28 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to those provisions of the Equality Act 2010. The Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.
- 7.29 Like the main street furniture proposals approved in October 2018 this proposal has the potential to generate some negative and positive impacts on groups with the protected characteristics of age, disability, sex, religion or belief. The potential impacts, both positive and negative, of the street furniture proposals on the different groups were identified in the appended report and weighed against each other.
- 7.30 The street furniture proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others.
- 7.31 There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups.

8 Conclusion

- 8.1 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 have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. The proposal would not harm highway safety and is acceptable on biodiversity, equalities and diversity grounds. This application is therefore recommended for approval.

Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 911.002 Revision E; 911.4A; 911.4B; 911_51; 911.15 Revision A; 911.16 Revision A; 911.17 Revision A; 911.18 Revision A; 911.31 Revision A; 911.4C.**

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

- 03** In respect of all sites hereby approved, details of the design and colour of the external surfaces of the posts and poles and associated structures plus, in respect of site 17A the detailed location, size and design detail of the steel sheet fixings, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be completed in full accordance with the details approved under this condition within 6 months of the commencement of the implementation of that particular pole, post or structure.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management (2015) and the advice contained within the Design and Townscape Guide (2009).

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

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the road network arising from the development would be kept to a minimum in accordance with the National Planning Policy Framework (2019) Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management (2015) and the advice contained within the Design and Townscape Guide (2009).

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

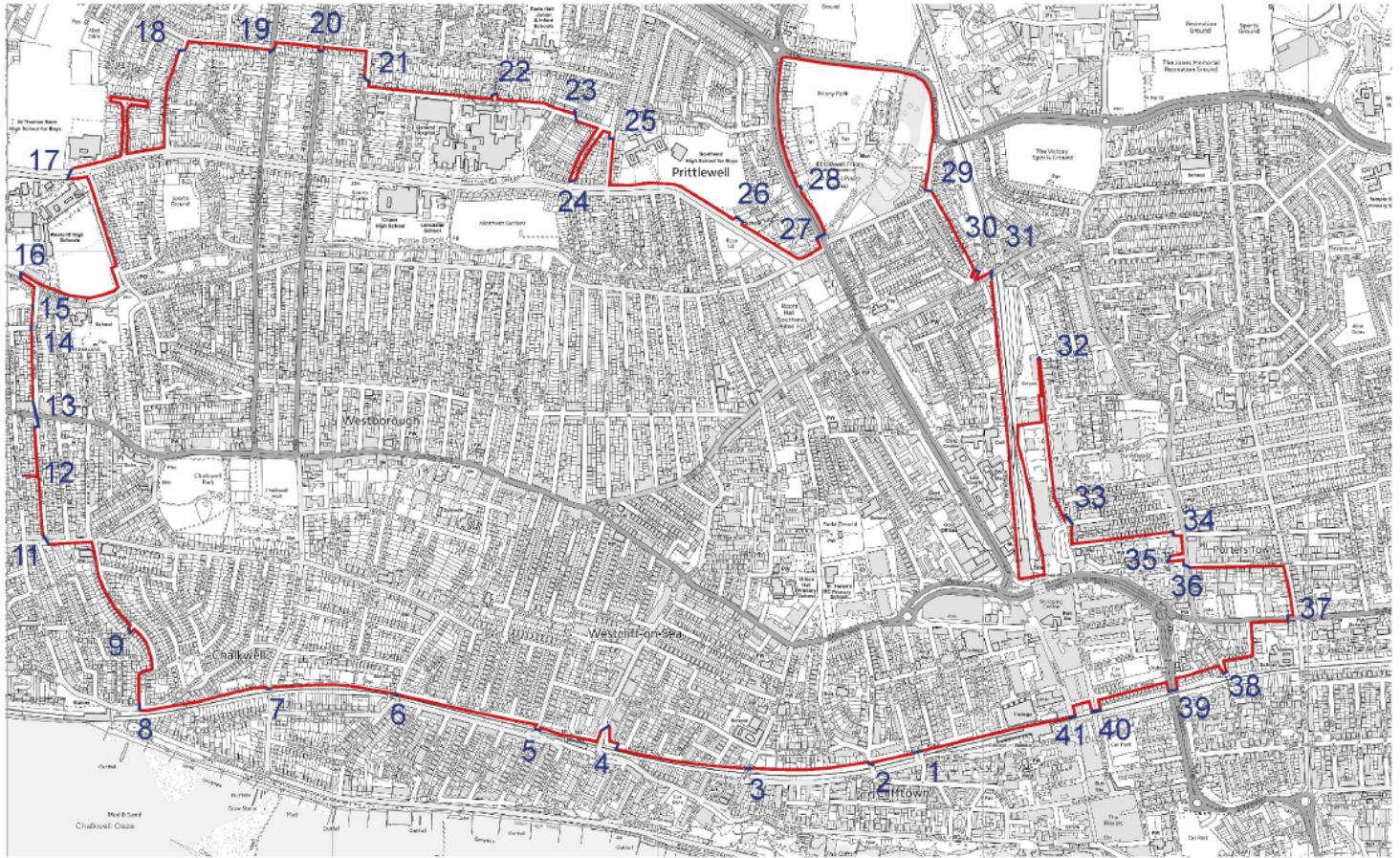
Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

Informatives:

- 1** The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.
- 2** Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
- 3** The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.
- 4** The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.
- 5** Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
- 6** The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.
- 7** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

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Reference:	17/01263/FUL	
Ward:	Chalkwell	
Proposal:	Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the borough	
Address:	Westcliff Eruv, Finchley Road, Westcliff-On-Sea, Essex	
Applicant:	Westcliff Jewish Association	
Agent:	Rosenfelder Associates	
Consultation Expiry:	31.10.2017	
Expiry Date:	10.11.2017	
Case Officer:	Patrick Keyes	
Plan numbers:	911.001 (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23; 911.24; 911.25; 911.26; 911.27;911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D; 911.41	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to erect street furniture at various locations in the Borough comprising groups of poles (usually two) between which is suspended, at high level, a nylon monofilament wire to designate the perimeter of a nominated Eruv. An Eruv is a continuous boundary designated in accordance with Jewish Law.
- 1.2 The proposed Eruv would include such street furniture at 40 location points (the applicant has confirmed whilst the location plan shows 41 there are only 40 locations as no. 10 has been omitted). It is only this physical street furniture that requires planning permission (as opposed to for example the concept and purpose of the Eruv). The location points for proposed street furniture are listed below. In each case, unless otherwise stated, the poles are 89mm in diameter. The wire itself is very thin (0.5mm) and translucent such that it is designed not to be materially visible to the eye but set at a height to permit safe passage of vehicles beneath. No markings or religious iconography are proposed to be fixed to the street furniture in association with the Eruv.

The applicant has been formally amended to Westcliff Jewish Association.

The proposed development comprises structures at the following locations:

- 1) Footpath crossing Bridge at Hamlet Road (2 no. 5.5 m high poles with connecting wire)

- 2) Footpath next to the railway embankment crossing to the footpath to the south end of 1 Avenue Road (2 no. 5.5m high poles with connecting wire)
- 3) Footpath next to Milton Road Gardens crossing to footpath next to Sea Cadet Headquarters (2 no. 5.5m high poles with connecting wire)
- 4) Footpath next to railway cutting next to Leonard Road crossing to footpath next to 2 Hamlet Court Road and footpath next to 20 and 22 Hamlet Court Road crossing to ramped approach to Hamlet Court Rd railway bridge (3 no. 5.5m poles with connecting wire) plus use of the existing lamp post on corner of Hamlet Court Road and Ditton Court Road
- 5) Valkyrie Road crossing at the railway bridge (2no. 5.5 m high poles with connecting wire)
- 6) Footpath in Britannia Road (2no. 3.5m high poles with connecting wire) and a 2.6m high segmental arch next to the access to bridge over railway and footpath adjacent to 131-137 Crowstone Road
- 7) Chalkwell Avenue next to abutment walls under Railway Bridge (2no. 1.05m high poles)
- 8) Footpath next to railway cutting along The Ridgeway crossing to the footpath next to 1 The Crossways (2no. 5.5m high poles with connecting wire)
- 9) Footpath next to 110 Hillside Crescent crossing to footpath next to 51 Mount Avenue (2 no. 5.5m high with connecting wire)

[Note : Site 10 omitted]

- 11) Relocate parking sign post next to Hadleigh Garage Leigh Road crossing to 89 Leigh Road next to Lansdowne Avenue (2no.5.5m high poles with connecting wire)
- 12) In alleyway between 56 and 60 Woodfield Park Road (2.4m high 50mm diameter ornamental arch)
- 13) Footpath next to 101 Lansdowne Avenue crossing to footpath next to 794 London Road and then crossing to footpath next to 959 London Road at Darlington Grove (3no. 5.5 poles with connecting wire)
- 14) Footpath next to 4 Glenbervie Drive in Darlington Grove crossing to footpath next to 61 Darlington Grove (2no. 5.5m high poles with connecting wire)
- 15) Footpath next to 69 Darlington Grove crossing to footpath next to 73 Darlington Grove (2 no. 3.5m high poles with connecting wire)

- 16) Footpath outside 34 and 36 Manchester Drive crossing to footpath opposite at Admiral Court Manchester Drive (2 no. 5.5m high poles with connecting wire)
- 17) Footpath next to Westcliff High School for Boys crossing to footpath opposite St Thomas More High School (2no. 5.5m high poles with connecting wire)
- 18) Footpath next to 61 Mannering Gardens crossing to footpath next to 56 Mannering Gardens and rear of 60 Bridgwater Drive (2no. 3.5m high poles with connecting wire)
- 19) Footpath next to Southbourne Grove Surgery, Bridgwater Drive crossing to footpath next to 313 Southbourne Grove (2no.5.5m high poles with connecting wire)
- 20) Footpath next to 361 Westbourne Grove crossing to footpath next to 350 Westbourne Grove (2 no. 5.5m high poles with connecting wire)
- 21) Footpath next to 204 Carlton Avenue crossing to footpath outside 70 and 72 Eastbourne Grove (2no. 5.5m high poles with connecting wire)
- 22) Footpath next to 151 Carlingford Drive crossing to the footpath to the rear of 149 Carlingford Drive (2no. 5.5m high poles with connecting wire)
- 23) Footpath next to 18a and 20 Carlingford Drive crossing to footpath next to 35 and 37 Carlingford Drive (2no 5.5m high poles with connecting wire)
- 24) Footpath next to 159 Prittlewell Chase crossing to footpath next to 157 Prittlewell Chase (2no. 5.5m poles with connecting wire)
- 25) Footpath outside 33 and 35 Hobblythick Lane crossing to footpath next to Southend High School for Boys (2no 5.5m high poles with connecting wire)
- 26) Footpath next to 26 to 36 Hardwick Court crossing to footpath next to Priory School (2no 5.5m high poles with connecting wire)
- 27) Footpath outside 15-17 Stephen McAdden House crossing to footpath on opposite side of Victoria Avenue – (2no 5.5m high poles with connecting wire)
- 28) Footpath next to Priory Lodge crossing to land alongside access road of Priory Park Entrance (2no 5.5m high poles with connecting wire)
- 29) Footpath outside 25 and 27 Priory Crescent crossing to footpath next to 92 Priory Crescent (2no 5.5m high poles with connecting wire)

- 30) Footpath on west side of Station Approach crossing to footpath on opposite side of Station Approach (2no 5.5m high poles with connecting wire)
- 31) Footpath next to East Street Railway Bridge crossing opposite to the footpath on north of East Street (2no 5.5m high poles with connecting wire)
- 32) A 2.6m segmental arch proposed at the Vale Avenue/Kenway end across the footpath between the rear of Arriva Bus depot and rear of 18 Bircham Road
- 33) Footpath next to 97 Milton Street crossing to footpath next to 88 Milton Street and St Ann's Road (2no 5.5m high poles with connecting wire)
- 34) Footpath next to rear of 95-97 Sutton Road and Guildford Road crossing to footpath next to 53-55 Sutton Road and Guildford Road (2no 5.5m high poles with connecting wire)
- 35) Footpath next to 43 Sutton Road crossing to the footpath next to Malvern Flats in Coleman Street (2no 5.5m high poles with connecting wire)
- 36) Footpath to front of Malvern Sutton Road to the footpath adjacent 44 Sutton Road and Boscombe Road - 2no 5.5m high poles with connecting wire
- 37) Footpath outside 339 and 341 and 343 Southchurch Road crossing to the footpath next to 7 – 12 Glenhurst Mansions (2no 5.5m high poles with connecting wire)
- 38) Crossing between each side of the footpath to Lancaster Crescent under the Railway Bridge (2 no. 1.05m high poles)
- 39) Footpath next to the east and west sides of Queensway Bridge (2no. 1.05m high poles)
- 40) To the east, west and north side of Chichester Road Bridge (4 no. 1.05m high poles)
- 41) To the east and west of under the High Street Railway Bridge (4 no. 1.05m high poles)

2 Background to and definition of an 'Eruv'

- 2.1 An Eruv is a continuous boundary designated in accordance with Jewish Law. Jewish Law prohibits Orthodox Jews from carrying items on the Sabbath but carrying is permitted within the defined boundary of an Eruv, as is the use of other items such as pushchairs and wheelchairs.

- 2.2 The Eruv boundary is formed by using continuous local features, such as fences or walls alongside roads, railways or buildings. However, where this continuity is not possible due to breaks in the boundary, for example roads, then this breach must be integrated within the Eruv by the erection of a notional 'gateway'. Such a gateway consists of posts or poles linked on top by a wire or cross bar crossing the highway. Where the boundary is broken by a route crossing under it, the boundary is continued by the installation of *Ieci*. These are vertical batons, 1m high, usually sited inside features such as bridge arches.
- 2.3 The Design and Access Statement accompanying this application provides further background to the definition and purpose of an 'Eruv':

"The applicant community subscribes to traditional Orthodox Jewish practice, the laws of which are derived from those set out in the first five books of the Bible, known as the Pentateuch. These laws were subsequently interpreted in detail by subsequent generations of rabbis and codified in the Talmud, completed in the 6th century. Further interpretation and derivation has continued throughout the intervening period including in modern times, to confront differing circumstances in living conditions and including those of the modern technological era.

One of the fundamentals of Judaism is the observance of the Sabbath from sunset on Friday until nightfall on Saturday.

Among the basic rules defining this observance is prohibition of the use of any form of transport and, in addition, the carrying or moving of any object from a private into any other domain is prohibited other than in a nominally 'enclosed area'.

This is a basic 'relevant protected characteristic' (as defined in S149 of the Equality Act 2010) of Jewish religious law, which also permits it to be addressed – and it is that which is the impetus for the provision of an 'Eruv'-- which is the Hebrew term for this relaxation.

It assists the creation of an 'eruv' that the qualifying definition of an 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre high, a 'structure' comprising two poles connected with a thin filament to provide the necessary continuity where the boundary crosses a road or public footpath. The generally agreed height of the poles is 5.5 metres so as to be safely above any high vehicles. Further, the integrity and safety of the 'eruv' is required under Jewish law to be checked at least once a week.

Thus it is possible to achieve a notional 'enclosure' as defined in Jewish law encompassing a large area throughout which carrying of objects and movement of non-ambulant persons is permitted.

This is of great benefit to Sabbath observant people who are thus able to carry not only personal effects (handkerchiefs, keys, spectacles, etc) but, most importantly, it enables non-ambulant persons, i.e. all wheelchair users and babies to be pushed in the street thus overcoming a very limiting restriction on them and also on their carers who are otherwise unable to leave their home on the Sabbath

The qualifying definition of a nominal 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre in height, a structure comprising no more than a thin wire spanning between the tops of two poles.

It is the street furniture comprising these pairs of poles and the filament between them to complete the notional 'enclosure', which form the subject of this application".

- 2.4 The applicant cites a number of examples where Eruvs have been approved such as Edgware, Stanmore, Mill Hill, Belmont, Borehamwood, Bushey, Woodside Park, Barnet, Chigwell and North Manchester/Salford, Westminster, Brondesbury and Pinner.

3 Sites and Surroundings

- 3.1 The area bounded by the proposed succession of individual placements of street furniture is predominantly focused on Westcliff but extends beyond into parts of Chalkwell, Leigh and Southend. The individual street furniture locations are discussed in further detail in subsequent sections of this report. The locations are predominately within or bordering residential areas but take in sections of, for example, commercial areas such as London Rd and Leigh Rd and Location 41 is in High Street Southend. Some of the locations concern conservation areas: location 1 is near, but not within, Clifftown Conservation Area; locations 2 and 3 are within Milton Conservation Area, and locations 30 and 31 are close to, but not within, Prittlewell Conservation Area.

Highways Licence

- 3.2 The erection of the 'gateways' on the highway requires a licence under the Highways Act 1980. This would be subject to a number of conditions such as, use of an approved council contractor, indemnity insurance/bond and a section 278 agreement which also will cover future maintenance carried out by the council approved contractor. Failure to comply with any of these matters the licence would result in the license not being granted..
- 3.3 The Highway Licence covers the proposal in terms of the positions of each structure and will evaluate potential concerns including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire) matters.

The terms of the Licence would require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions to be taken by the approved council contractor to resolve these. An annual fee is also charged via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

4 Planning Considerations

- 4.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, access, traffic and highways and impact on residential amenity, highways licence and equalities and diversity matters.

5 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2, KP3, CP3, CP4, CP6 and CP7; Development Management Document (2015) Policies DM1, DM3, DM5, and DM15 and the Design and Townscape Guide (2009), Southend Central Area Action Plan (SCAAP) (2018)

- 5.1 The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.
- 5.2 One of the Core Planning Principles in paragraph 17 of the NPPF requires that Planning should *“take account of and support local strategies to improvecultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.”*
- 5.3 Core Strategy strategic objective SO13 is to *“Secure the social and physical infrastructure related to improving the health, education, lifelong learning and well-being of all sectors of the community”*.
- 5.4 Policy CP6 of the Core Strategy states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected not jeopardising the Borough’s ability to improve the education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by ensuring the needs of all residents and visitors, including disabled and other vulnerable groups, are met and ensuring access and safety concerns are resolved within all new development.
- 5.5 Accordingly there is policy support for the principle of the development associated with the formation of an Eruv. The proposal’s impact in terms of policies covering character (including Conservation Areas), design, amenity access and highway matters are considered below on a site by site basis.

Design and Impact on the Streetscene and Conservation Areas, Access, Traffic and Highways and Impact on Residential Amenity

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, CP3, CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and the Design and Townscape Guide (2009), Southend Central Area Action Plan (2018)

- 5.6 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 5.7 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.”*
- 5.8 Policy DM3 of the Development Management Document states:
- “The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”.*
- 5.9 Policy DM5 of the Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value. In relation to development within Conservation Areas in particular, policy DM5 (Historic Buildings) states that:
- “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.”*
- 5.10 In relation to development with conservation areas paragraph 302 of the Design and Townscape Guide states that:
- ‘New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area.’*

- 5.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council pays 'special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering planning applications.' Impacts on the settings of such heritage assets must also be carefully considered under this legislation.

Amenity, Access and Highways Considerations related to location points of street furniture for the Eruv

Site 1 - Footpath crossing Bridge at Hamlet Road/Scratton Road (2 no. 5.5 m high poles with connecting wire)

- 5.12 The proposed poles and wire would be situated on the existing pavement to the north of the railway bridge close to an existing lamppost to the east and against the mesh fence to the railway embankment with a wire crossing the bridge to the Scratton Road site at the rear of the footpath. The boundary of Clifftown Conservation Area starts on the other side of this road bridge over the railway cutting.
- 5.13 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Clifftown Conservation Area.

Site 2 - Footpath crossing to 1 Avenue Road (2 no. 5.5m high poles with connecting wire)

- 5.14 The proposed poles are to be located on the boundary next to no. 1 Avenue Road to the west and to the south east at the start of the railway bridge next to the mesh fencing to the railway embankment.
- 5.15 The poles are to be located within the Milton Conservation Area. It is not considered that the siting of the poles would affect the character and townscape value or the setting of the conservation area taking into account similar equipment in the form of prevailing lampposts and telegraph poles within the street scene and the simple and discrete design and scale of the proposal. The poles will not materially impact on the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 3 - Milton Road Gardens to Sea Cadet Headquarters (2 no. 5.5m high poles with connecting wire)

- 5.16 The poles are to be located to the south of the play area on the eastern side in Milton Road Gardens and south of the Sea Cadet Headquarters to the west.

- 5.17 The poles are to be located within the Milton Conservation Area. It is not considered that the siting of the poles would affect the character and townscape value or the setting of the conservation area taking into account similar equipment in the form of prevailing lampposts and telegraph poles within the street scene and the simple and discrete design and scale of the proposal. The poles will not materially impact on the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Further details can be dealt with by condition to ensure location 'A' to the south of the play area would not interfere with the bridge deck.

Site 4 - Leonard Road crossing to 2 Hamlet Court Road to 20 and 22 Hamlet Court Road (3 no. 5.5m poles with connecting wire and polycarbonate strip) including the existing Lamp post corner of Hamlet Court Road and Ditton Court Road

- 5.18 A 5.5m high pole is proposed next to the 2m high wire mesh fence on the north side of the railway with a wire crossing Leonard Road to a matching pole adjacent to the south flank of 2 Hamlet Court Road. A 5.5m high pole is to be erected at the rear of the footpath next to the site boundary line between 20 and 22 Hamlet Court Road with a wire fixed to the top of the existing lamppost located at the north end of the balustrade wall to the west side of the ramp. A clear polycarbonate strip will be fixed with clear adhesive to the face of the brick pier beneath the coping, under the line of the wire over.
- 5.19 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Details of the polycarbonate strip can be controlled by condition. Connecting the wire to an existing lamp post to the north of the bridge on the west side of Hamlet Court Road, will reduce street clutter and can be dealt with under a Section 278 Highways agreement.

Site 5 - Valkyrie Road crossing Bridge (2no. 5.5 m high poles with connecting wire)

- 5.20 The proposed poles and wire would be situated on the existing pavement to the north of the crossing bridge close on the east side and close to an existing lamppost to the west. The pole would be set 250mm to the south of the existing pier on the east side and 900mm to the south of the existing lamp post.
- 5.21 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 6 - Britannia Road Footpath (2no. 3.5m high poles with connecting wire) and a 2.6m high segmental arch to access to bridge over railway footpath adjacent to 131-137 Crowstone Road

- 5.22 A 3.5m high pole is proposed at the rear of the Britannia Road footpath next to the corner post of the galvanised steel paling fence to the east of the access path to the railway bridge stairs with a wire crossing the path to a matching pole adjacent to the corner post of the galvanised steel paling fence on the west site, opposite with a galvanised tube arch above.
- 5.23 The design and siting of the proposed poles and galvanised tube arch is found to be acceptable. The poles and archway would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 7- Chalkwell Avenue under Railway Bridge (2no. 1.05m high poles)

- 5.24 Two 1.05m poles ('leci') would be located next to the bridge abutment walls on the east and west side of Chalkwell Avenue below the outer edge beam of the bridge.
- 5.25 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 8 - The Ridgeway to 1 The Crossways (2no. 5.5m high poles with connecting wire)

- 5.26 A 5.5m high pole is to be located in the footpath in front of the chain link fence to the south side of The Ridgeway set 250mm to the left of the concrete fence. The pole to the south would link with a wire to a pole situated on the west side of The Crossways in front of the brick boundary wall to 1 The Crossway set approximately 900mm from the south end of the wall.
- 5.27 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 9 - Adjacent to 110 Hillside Crescent to adjacent 51 Mount Avenue (2 no. 5.5m high with connecting wire)

- 5.28 The proposed poles would be situated on Hillside Crescent next to 51 Mount Avenue to the north and 110 Hillside Crescent to the south to the rear of the side flanks of the properties.

- 5.29 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Note – there is no Site 10

Site 11 - Relocate Parking Sign adjacent to Hadleigh Garage Leigh Road to 89 Leigh Road adjacent Lansdowne Avenue (2no.5.5m high poles with connecting wire)

- 5.30 The existing kerbside parking pole on the south side of Leigh Road will be replaced and re-sited with a new 5.5m high pole with wire connecting to a pole next to the flank elevation of no. 89 Leigh Road fronting Lansdowne Avenue.
- 5.31 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 12 - Between 56 and 60 Woodfield Park Road (2.4m high ornamental arch)

- 5.32 A 2.4m high black colour-coated ornamental arch with 50mm diameter posts and wrought iron scrollwork above is proposed to the flank elevations of numbers 56 and 60 Woodfield Park Drive.
- 5.33 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 13 - 101 Lansdowne Avenue, to adjacent 794 London Road, to adjacent to 959 in Darlington Grove (3no.5.5 poles with connecting wire)

- 5.34 A 5.5m pole is to be located to the north of the garage to 101 Lansdowne Avenue on the west side linking to a new pole on the east side adjacent to the flank elevation of 794 London Road with the wire spanning across London Road to the side of no. 959 London Road fronting Darlington Grove.
- 5.35 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 14 - Adjacent 4 Glenbervie Drive in Darlinghurst Grove to adjacent to 61 Darlinghurst Grove (2no. 5.5m high poles with connecting wire)

- 5.36 A 5.5m pole is located to the flank elevation of no. 4 Glenbervie Drive (location 'A') and one adjacent to no 61 Darlinghurst Grove to the east of the garage.
- 5.37 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting next to 61 Darlinghurst Grove in close proximity to the vehicle access serving the existing garage would not be so harmful as to warrant a refusal on access or highways grounds. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 15 - 69 Darlinghurst Grove to Land adjacent 73 Darlinghurst Grove (2 no. 3.5m high poles with connecting wire)

- 5.38 Two 3.5m poles are to be located to the south and north of the Prittlebrook Greenway on the western side of Darlinghurst Grove with connecting wire.
- 5.39 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 16 - Between 34 and 36 Manchester Drive to opposite at Admiral Court Manchester Drive (2 no. 5.5m high poles with connecting wire)

- 5.40 Two 5.5m high poles are to be located to the south adjacent to no. 36 Manchester Drive joining diagonally to a matching pole outside of Admiral Court to the north.
- 5.41 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 17- Westcliff High School for Boys to opposite St Thomas Moore High School (2no. 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

- 5.42 Two 5.5m high poles are to be erected to the south of St Thomas More High School and north of Westcliff High School for Boys with a connecting wire between. A 150mm wide x 600mm high x 9mm thick clear polycarbonate panel is to be fixed by cable ties to the north carriageway kerbside and central reservation colour coated railings. A 400mm x 800mm high steel sheet is also proposed to match railings within the central reservation pedestrian guard rails under the line of wire.

- 5.43 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles, structures and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet fixings are not objected to on the grounds of character, amenity of the area, highway or the amenity of residents further details are required of their installation and maintenance and this can be controlled by condition.

Site 18 - Adjacent 61 Mannering Gardens to adjacent 56 Mannering Gardens and rear of 60 Bridgewater Drive (2no. 3.5m high poles with connecting wire)

- 5.44 3.5m high poles would be situated on either side of the road to the rear of the Spa shop on the eastern side adjacent to 56 Mannering Gardens and an informal access road to the west north of 61 Mannering Gardens.
- 5.45 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area taking into account the existing street furniture or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 19 - Adjacent to Southbourne Grove Surgery, Bridgewater Drive to opposite 313 Southbourne Grove (2no. 5.5m high poles with connecting wire)

- 5.46 The proposed 5.5m poles would be situated on the junction of Bridgewater Drive to the side of Southbourne Surgery and to the east next to 313 Southbourne Grove.
- 5.47 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 20 - Adjacent to 361 Westbourne Grove to adjacent to 350 Westbourne Grove (2 no. 5.5m high poles with connecting wire)

- 5.48 A 5.5m pole is to be erected to the east end of the rendered flank boundary wall of 361 Westbourne Grove with a wire crossing Westbourne Grove to a second pole (5.5m) adjacent to a fence enclosing the rear garden of 350 Westbourne Grove.
- 5.49 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 21 - Adjacent to 204 Carlton Avenue to between 70 and 72 Eastbourne Grove (2no. 5.5m high poles with connecting wire)

- 5.50 The proposed poles would be situated on either side of Eastbourne Grove, between the boundary of 70 and 72 Eastbourne Grove to the east and the rear garden of 204 Carlton Avenue to the west.
- 5.51 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting of the pole on the eastern side of Eastbourne Grove on the boundary between nos. 70 and 72 would not be so harmful as to warrant a refusal even when account is taken of the proximity to the driveways. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 22 - Adjacent to 151 Carlingford Drive to the rear of 149 Carlingford Drive (2no. 5.5m high poles with connecting wire)

- 5.52 The proposed poles are to be located to the rear of 149 Carlingford Drive next to the rear garden on the eastern side of Commercial Road and to the side elevation of 151 Carlingford Drive to the west in Commercial Road.
- 5.53 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The poles would not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. The impact of the proposal on the adjacent tree is found to be acceptable and this matter is assessed further below.

Site 23 - Between 18a and 20 Carlingford Drive to adjacent 35 and 37 Carlingford Drive (2no 5.5m high poles with connecting wire)

- 5.54 The proposed poles would be situated adjacent to the eastern side elevation of 35 and 37 Carlingford Drive to the north in Lavender Grove with wire connecting to a pole to the southeast in Carlingford Drive between the boundary of nos. 18a and 20.
- 5.55 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting of the pole on the southern side of Carlingford Drive on the boundary between nos. 18a and 20 given the close proximity of the driveways serving each of the properties would not be so harmful to warrant a refusal. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 24 - Adjacent 159 Prittlewell Chase to adjacent to 157 Prittlewell Chase
(2no. 5.5m poles with connecting wire)

- 5.56 The poles would be situated to the rear of 157 Prittlewell Chase on the east side of Chase Gardens with wire crossing to a pole on the western side of Chase Road to the side elevation of 159 Prittlewell Chase.
- 5.57 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 25 - Adjacent 33 and 35 Hobleythick Lane to Southend High School for Boys (2no 5.5m high poles with connecting wire)

- 5.58 A pole would be situated on the eastern side of Hobleythick Lane south of the pedestrian access serving Southend High School for Boys with a wire crossing to a pole in front of 33 and 35 Hobleythick Lane to the west.
- 5.59 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 26 - Land adjacent to 26 to 36 Hardwick Court to opposite adjacent to Priory School (2no 5.5m high poles with connecting wire)

- 5.60 A pole would be situated to the rear of the footpath directly behind the existing lamp post on the north side of the Burr Hill Chase junction with a wire crossing the end of Burr Hill Chase to a matching pole adjacent to the corner post of the colour-coated steel paling fence to Priory School.
- 5.61 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 27 - Front of 15-17 Stephen McAdden House to Opposite Victoria Avenue – (2no 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

- 5.62 A pole would be located to the rear of the footpath immediately to the right of the brick pier and south of the existing telegraph pole (location 'A') in front of Stephen McAdden House with a wire crossing Victoria Avenue to a matching pole at the rear of the footpath behind the existing lamppost. A polycarbonate panel is to be fixed by cable ties to the galvanised railings on the central reservation.

A 400mm x 800mm high steel sheet is also proposed to match railings fixed to each side of the pedestrian guard rail over the baluster post, under the line of wire.

- 5.63 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet fixings are not objected to on the grounds of character, amenity of the area or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 28 - Front of Priory Lodge to the access Road of Priory Park Entrance (2no 5.5m high poles with connecting wire)

- 5.64 A 5.5m pole is to be located at the rear of the footpath adjacent to the low brick wall in front of Priory Lodge with a wire crossing the Priory Park access road to a matching pole next to the first post from the end of the railings leading into Priory Park.
- 5.65 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 29 - Between 25 and 27 Priory Crescent to land adjacent 92 Priory Crescent (2no 5.5m high poles with connecting wire)

- 5.66 A 5.5m high pole is to be located between the boundary of 25 and 27 Priory Crescent with a wire crossing the road to a matching pole next to the end post to the north side of the fence between the vehicular access of 82 and 92 Priory Avenue leading to Priory Works.
- 5.67 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 30 - West side of Station Approach to opposite Station Approach (2no 5.5m high poles with connecting wire and a polycarbonate panel)

- 5.68 The poles are to be situated on the west and east side of Station Approach next to the existing chain link fencing. On the east side of Station Approach a 150mm wide, 600mm high and 9mm deep clear polycarbonate panel is to be fixed by means of cable ties to the road side of the kerbside galvanised

railings. The site is near but not within Prittlewell Conservation Area.

- 5.69 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Prittlewell Conservation Area. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel is not objected to on the grounds of character, amenity of the area, heritage impacts or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 31 - East Street Railway Bridge opposite to the North of East Street (2no 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

- 5.70 One pole is situated to the western end of the railway bridge on the north side with a wire crossing East Street to a matching pole at the rear of the footpath to the south side (western end). A 150m wide x 600m high x 9mm deep clear polycarbonate panel is to be located to the kerbside galvanised railings to each side. A 400mm x 800mm high galvanised steel sheet to match the railings, fixed to each other to each side of the guard rail is also proposed under the line of the wire over.
- 5.71 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Prittlewell Conservation Area. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet is not objected to on the grounds of character, amenity of the area heritage impacts or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 32- Rear of Arriva Bus Depot Prittlewell Footpath to rear of 18 Bircham Road. A 2.4m segmental arch proposed at the Vale Avenue/Kenway end across the footpath between the rear of Arriva Bus depot and rear of 18 Bircham Road

- 5.72 A 2.4m high segmental arch spanning the north end of the access path between the west side of the steel palisade fence at the northwest corner of 18 Bircham Road.
- 5.73 The design and siting of the proposed arch is found to be acceptable. The archway would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on

the public highway.

Site 33 - Adjacent to 97 Milton Street to adjacent 88 Milton Street and St Ann's Road (2no 5.5m high poles with connecting wire)

- 5.74 The proposed poles would be situated to the south flank wall of 97 Milton Street with a wire crossing Milton Street diagonally to a matching pole adjacent to the flank wall of 88 Milton Street in St Ann's Road approximately 1m from the front corner.
- 5.75 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 34 - Rear of 95-97 Sutton Road and Guildford Road to adjacent to 53-55 Sutton Road and Guildford Road (2no 5.5m high poles with connecting wire)

- 5.76 The poles are situated to the rear of the vehicle access of 95 Sutton Road with a wire crossing Guildford Road to a matching pole 300mm away from the brickwork pier to the right of the doors in the flank elevation of the Co-op building at 53-55 Sutton Road.
- 5.77 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 35 - Adjacent to 43 Sutton Road to the footpath adjacent to Malvern Coleman Street (2no 5.5m high poles with connecting wire)

- 5.78 The poles are situated to the flank elevation of 43 Sutton Road in Coleman Street with a wire crossing Coleman Street diagonally to a matching pole adjacent to a post in the railings in Coleman Street.
- 5.79 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 36 - Footpath to front of Malvern Sutton Road to the footpath adjacent 44 Sutton Road and Boscombe Road - 2no 5.5m high poles with connecting wire

- 5.80 One pole is to be situated to the rear of the footpath adjacent to the north of the vehicular access to the flats on Sutton Road to a matching pole at the rear of the footpath next to the end corner fence post of the close boarded timber fence to the flank elevation of 44 Sutton Road.

- 5.81 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 37- Between 339 and 341 Southchurch Road to the footpath adjacent to 7 – 12 Glenhurst Mansions (2no 5.5m high poles with connecting wire)

- 5.82 A 5.5m pole is proposed to the rear of the footpath in front of the end of the fence wall between 339-341 and 343 Southchurch Road with wire crossing Southchurch Road diagonally to a matching pole at the rear of the footpath next to the corner post of the railings to the east end of 7-12 Glenhurst Mansions.

- 5.83 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 38 - Each side of the footpath to Lancaster Crescent under Railway Bridge (2 no. 1.05m high poles)

- 5.84 Two 1.05m poles 'leci' located next to the bridge abutment wall on the each side of the footpath to Lancaster Crescent below the outer edge beam of the bridge.

- 5.85 The design and siting of the proposed poles 'beneath the railway bridge is found to be acceptable. The two poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 39 - To the east of Queensway Bridge to the west of Queensway Bridge (2no. 1.05m high poles and a galvanised steel sheet)

- 5.86 Two 1.05m poles 'leci' located adjacent to the east and west of the abutment directly below the outer edge beam of the Queensway Bridge. A 400mm wide galvanised steel sheet to match the railings would be fixed to each side of the pedestrian guard rail over the baluster posts under the edge of the bridge.

- 5.87 The design and siting of the proposed poles and associated structures beneath the railway bridge is found to be acceptable. The two poles and sheet would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Details of the sheet would be secured through the conditions recommended.

Site 40 - To the east, west and north side of Chichester Road Bridge (4 no. 1.05m high poles)

- 5.88 Four 1.05m poles ('leci') are proposed to be located on the north side of the railway bridge over Chichester Road. These would be located east to west adjacent to the central walls and abutment walls.
- 5.89 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 41 - To the east and west of under the High Street Railway Bridge (4 no. 1.05m high poles)

- 5.90 Two 1.05m poles ('leci') located on the north side of railway bridge over the High Street adjacent to the east abutment and a matching post adjacent to the west abutment, directly beneath the outer edge of the beam over.
- 5.91 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The two poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Conclusions of design, character, access, highways and amenity considerations

- 5.92 In summary it is found that the street furniture proposed in each of the 40 separate locations would not cause material harm by reason of their design, or impact on character and that the proposals would preserve the character and setting of the relevant conservation areas. Nor would the proposals cause material harm to the safety and amenity of highway users, residents or businesses. Subject to appropriate conditions the proposals are therefore acceptable and policy compliant in the above regards.

Ecology and Biodiversity

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4 and Development Management Document (2015) Policies DM1, DM2 and DM3.

- 5.93 The National Planning Policy Framework (section 11) states that local authorities should aim to conserve and enhance biodiversity appropriately. Planning decisions must prevent unacceptable harm to bio-diversity and should require adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process.

Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. The locations proposed for the Eruv street furniture have no ecological designations. Taking into account the siting of the poles on the rear edge of footpaths and street furniture in the form of lamp posts, telegraph poles it is considered the impact on ecology is negligible. None of the locations are sited within statutory nature conservation sites, sites of special scientific interest, local wildlife site nor sites known to be containing protected species.

Impact on trees

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

- 5.94 No trees are proposed for removal as part of the proposals and no trees potentially affected by the Eruv street furniture are protected by tree preservation orders or located within a conservation area. To ensure trees within the highway or close proximity to the proposed Eruv street furniture are safeguarded a suitable condition can be imposed to ensure works are carried out in accordance with a tree protection plan and arboricultural report which complies with Clause 7 of British Standard BS5837 - Trees in Relation to Construction – Recommendations. This would be secured through the use of a condition.

6 Equality and Diversity matters

- 6.1 Section 149 of The Equality Act 2010 sets out a general duty on public bodies. This duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and to foster good relations between different groups when discharging its functions.

- 6.2 Equality duties require public authorities to demonstrate that any decision they make is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups. Section 149 provides that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) tackle prejudice, and
- (b) promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are:

- age;
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

6.3 This Council delivers that Public Sector Equality Duty through its Corporate Equality Objectives which include:

- The council continues to improve outcomes for all (including vulnerable people and marginalised) communities by ensuring services are fully accessible and responsive to differing needs of service users; and
- The diversity of Southend is celebrated and the Borough is an increasingly cohesive place where people from all communities get on well.

- 6.4 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.
- 6.5 Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, religion or belief.
- 6.6 Based upon the Census 2011 publication faith groups within Southend Borough are characterised as follows:
- Christian- 55.7%
 No religion- 31.6%
 Religion not stated- 7.8%
 Muslim-1.9%
 Hindu- 0.7%
 Sikh- 0.1%
 Buddhist- 0.5%
 Jewish- 1.2%
 Other religion- 0.5%
- 6.7 It is considered that the following protected groups could potentially be affected by the proposal:
- Those of Jewish faith
 - People from other Faith groups including Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
 - People from Secular Groups including Agnostic, Atheist, Humanist
 - Disabled people
 - Elderly people
 - Young children and parents of young children who are Jewish
 - Jewish women (on the assumption that these have greater childcare responsibility)
- Orthodox Jews*
- 6.8 As referred to elsewhere in the report, in the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws. The prohibition identified above has the following adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath:
- Parents cannot use a pram or pushchair to take their baby/young child with them to the synagogue or other places such as to visit friends or relations.

In effect this means that children aged two and under may be housebound as will at least one of their parents, a situation that would continue to exist until all the children in a family are able to walk the distances required.

-The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

-Disability takes various forms and those who require an appliance such as a wheelchair, walking stick, Zimmer frame to get out and about cannot make use of such equipment in a public thoroughfare without transgressing Jewish Law on the Sabbath.

-The prohibition also applies to the carrying of medication such as pills and nebulisers unless the absence of such medication were life threatening. Less obviously Jewish Law also prevents the carrying of reading glasses whilst walking.

- 6.9 The introduction of the Eruv enabled by the proposed street furniture subject of this planning application would directly benefit these members of the Jewish community who are adversely affected as outlined above. Indirectly other members of the Jewish community would benefit from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

Other faith groups

- 6.10 The proposal could have a potential adverse impact on those of other non-Jewish faith groups who feel it impinges on their beliefs. Officers nevertheless consider the potential adverse impact of the proposal in these protected groups is outweighed by the positive outcomes that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to carry out a range of activities on the Sabbath and the Day of Atonement. In reaching this conclusion officers have given weight to the impact that the proposals would have on the identified protected groups, however the harm is outweighed by the other considerations identified. In reaching this conclusion it is relevant to consider that the proposed eruv equipment does not display or carry any Jewish or other overtly religious symbolism that would allow it to be distinguished from other items of street furniture. The equipment is designed and located so as to be readily assimilated into the street scene.

Secular groups

- 6.11 This group includes Atheists, Agnostics and Humanists, a protected category under the Equality Act 2010. The proposal could be perceived as potentially raising secular tensions, promoting inequality and imposing religious beliefs on other persons. However it is considered that these potential perceived adverse impacts are mitigated by the Eruv street furniture not carrying any Jewish symbolism and that it would be usually seen as part and parcel of the normally expected street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Othodox Jewish Community.

Disabled people

- 6.12 Whilst the proposal would benefit disabled members of the Jewish community it is a reasonable potential concern that the proposed street furniture could create a hazard to disabled persons using the highway. Officers consider however that the design of the structures and the sites for the equipment have been carefully chosen so as to prevent such situations arising to any significant degree. The poles are 89mm in diameter so are relatively thin structures that can often be sited at the back edge of the pavement, so as to minimise intrusion onto the footway. Such poles are considerably smaller than many items of street furniture that can be erected without the need for any planning permission. The location of the poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.
- 6.13 Highways have been consulted throughout the process and have no objections to the proposal.
- 6.14 In addition to planning permission being necessary, the street furniture also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued. Officers also find that having visited the individual sites and having considered the proposed siting of the Eruv equipment, that any concerns in respect of the safety of disabled members of the community would be mitigated by the combination of the size and design of the equipment and its location.
- 6.15 Given the above and the careful consideration given to the siting of the individual poles, officers consider that the health and safety of disabled persons would not be prejudiced by the proposal in the normal course of events. Officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Orthodox Jewish community.

Elderly People

- 6.16 There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled. Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals.

Where they are members of the Orthodox Jewish community without the introduction of an Eruv they would be prohibited from carrying these items on the Sabbath and as such would be housebound and unable to take part in various activities. The introduction of the eruv would remove this prohibition and similar benefits would accrue to the elderly as for the disabled. The location of the poles has had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to the accessibility and safety of movement of elderly and/or disabled people.

The proposal would have clear and significant benefits for elderly member of the Orthodox Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

Young Children and parents of young children in the Orthodox Jewish Community

- 6.17 Without the introduction of an eruv young children, more specifically those that have not reached walking age or are only capable of walking short distances, would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.
- 6.18 At least one parent of young children would be effectively housebound by having to look after their children who cannot walk to the synagogue, local park, friends, grandparents etc. Furthermore, it is likely that mothers would have a greater childcare responsibility and are therefore likely to be disproportionately affected. The introduction of the Eruv would enable the use of pushchairs, prams etc for taking children out on the Sabbath. This will not only increase equality of opportunity for the children themselves but also their carers. In addition there would be indirect benefits to the wider family groups and community from being able to include all members in the communal activities.
- 6.19 It is considered that the planning application itself provides an opportunity for inter faith and religious understanding to be promoted. The application itself outlines the role of the Eruv thus giving more insight to the wider community of certain aspects of the Orthodox Jewish faith.

Overall conclusion on equalities impacts

- 6.20 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

- 6.21 Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, sex, religion or belief. The potential impacts, both positive and negative, of the proposal on the different groups have been identified and weighed against each other. As evidenced by the report this is not an easy task particularly when assessing the impact of the proposal on the religion/beliefs of different groups.
- 6.22 The street furniture proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others.
- 6.23 There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups.

7 Conclusion

- 7.1 The National Planning Policy Framework identifies that the purpose of the planning system is to contribute to the achievement of sustainable development, which it advises has three dimensions; economic, social and environmental. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural wellbeing. The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment when considering this application.
- 7.2 The application is found to be supported by the development plan policies as an overarching strategic objective SO13 of the Core Strategy to *"Secure the social and physical infrastructure related to improving the health, education, lifelong learning and well-being of all sectors of the community"*.
- 7.3 It is only the physical street furniture that represents development requiring planning permission and not the concept of the Eruv per se. Each individual Eruv street furniture site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the character and amenities of the area and neighbouring residents including the character and appearance of conservation areas where impacted.
- 7.4 The siting and design of the proposed street furniture on the public highway has been carefully considered in respect of highway safety in general, the potential for causing of obstructions and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in these regards.

- 7.5 The impact of the proposal is also found to be acceptable with regard to biodiversity, ecological and tree matters subject to the conditions recommended.
- 7.6 The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken carefully into account in the consideration of this application. It is found that no one group would be significantly directly disadvantaged by the proposed Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit significantly. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups.
- 7.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within National Planning Policy Framework, Core Strategy, Development Management Document, Design and Townscape Guide as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.
- 7.8 For the reasons set out in the previous sections of this report it is concluded that the proposed development accords with the relevant development plan policies and constitutes a sustainable form of development. It is therefore considered that there are material planning considerations which justify the grant of planning permission for the proposed street furniture in accordance with development plan policies.

8 Development Plan

- 8.1 National Planning Policy Framework (2018)
- 8.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Greenspace)
- 8.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land), DM5 (Historic Buildings) DM15 (Sustainable Transport Management)
- 8.4 Design and Townscape Guide (2009)
- 8.5 Southend Central Area Action Plan (2018)
- 8.6 The Community Infrastructure Levy Charging Schedule (2015)

9 Relevant Planning History

9.1 None.

10 Representation Summary

Highways

Location 1, Scratton Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 2, Avenue Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 3, Milton Road both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Location A must be checked to ensure that the erection of the pole does not interfere with the bridge deck.

Location 4, Leonard Road / Hamlet Court Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 5, Valkyrie Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 6, Britannia Road Footpath, the location is acceptable. It does not obstruct or have an unacceptable impact on the public highway.

Location 7, Chalkwell Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 8, The Ridgeway, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 9, Hillside Crescent, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 11, Lansdowne Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 12, Woodfield Park Drive, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 13 a,b,c, London Road, the locations are acceptable. They do not obstruct or have an unacceptable impact on the public highway.

Location 14, Glenbervie Drive, both locations are acceptable. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Location 15, Prittle Brook, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 16, Manchester Drive, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 17, Kenilworth Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Further details of the polycarbonate panel and galvanised steel sheet fixings will be required at this location before this location is implemented.

Location 18, Mannering Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 19, Southbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 20, Westbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 21, Eastbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 22, Commercial Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 23, Lavender Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 24, Chase Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 25, Hogleythick Lane, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 26, Burr Hill Chase, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 27, Victoria Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 28, Priory Park Entrance, Locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 29, Priory Crescent, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 30, Station Approach, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 31, East Street, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Location A/B must be checked to ensure that the erection of the pole does not interfere with the bridge deck.

Location 32, Vale Avenue, the location is acceptable. It does not obstruct or have an unacceptable impact on the public highway.

Location 33, Milton Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 34, Guildford Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 35, Coleman Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 36, Sutton Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 37, Southchurch Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 38, Lancaster Gardens, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 39, Queensway. Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 40, Chichester Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 41, High Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

In conclusion, having reviewed the application there are no highway objections to the proposal.

Network Rail

10.2 The Developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from Network Rail Asset Protection, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to Network Rail Asset Protection. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for approval to Network Rail Asset Protection prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

[Officer Comment: The above points have been taken into consideration in relation to material planning considerations. A number of the points raised by Network Rail are covered by separate legislation].

Parks

- 10.3 No objections raised subject to conditions

Natural England

- 10.4 Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Essex Estuaries (SAC), Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) (SPA & Ramsar) and Benfleet & Southend Marshes (SPA & Ramsar) have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Crouch & Roach Estuaries SSSI and Benfleet & Southend Marshes SSSI have been notified. We therefore advise your authority that these SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural

England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Milton Conservation Society

- 10.5 Object on following grounds: Unsightly poles harmful to street scene and conservation area; wire is a danger to wildlife; broken wire may harm public; possible further conflict with similar boundary proposals by other faith groups; an application by one faith group, not representative of wider society, should not be a material consideration in determination of this application.

10.6 **Chalkwell Residents Association**

Convey concerns that proposed structures will add to cluttered streetscene throughout the Borough and Chalkwell ward. Concerns about unsightliness and may require maintenance in event of damage and hope that they won't obstruct pavements of properties' accesses.

Public Consultation

- 10.7 Site notices were posted at the 40 locations as detailed in paragraph 1.2 above on the 2nd October 2017. A press notice was published on 4th October 2017. 107 letters of representation have been received (39 support and 68 objections) in relation to the proposal. The comments made can be summarised as follows.

Comments made in support (39 received):

- Expression for support without further details

- An Eruv will enable families with young children to participate more widely in community activities
- Eruvs are common throughout the UK in other towns and cities
- The Eruv isn't obtrusive and won't be seen by the general public including this being the case in other authorities where Eruvs exist
- An Eruv will enable families with young children, the elderly and people with disabilities to push/ use pushchairs/ wheelchairs and other aids without being restricted by Sabbath laws as well as improving quality of life for general community
- An Eruv will bring the community as a whole together including for religious services, education and social functions
- Jewish law requires the Eruv to be regularly checked and maintained so it will not fall into disrepair and its upkeep will continue to be privately funded
- An Eruv will be a positive consideration for families seeking to move to the Borough including those with personal and/or family disabilities and will add to Southend's attraction for holidays or breaks
- Southend has supported a Jewish population in its Borough for over a century. The Eruv will convey a positive message about the tolerance of this town
- An Eruv will support investment for regeneration and higher business rates / Council tax income
- An Eruv will enable medication to be carried including to enable visits to the synagogue

Summary of objections (68 received);

- Objection without detailed reason
- Harm to resident, user and wider area amenity
- Design unacceptable
- Harm to character and appearance of area
- Harm to heritage assets
- Harm to highway users
- Principle of erecting unsightly poles outside houses
- Inappropriate to erect religious barriers on public highways
- Legal background to any decisions on the Eruv proposal should be according to English law except as allowed by EJC rulings
- Request (submission) in the name of Southend and Westcliff Hebrew Congregation (SWHC) made without agreement of the community and is not in its best interests. Approx. 50% of the (relevant) community are excluded from the purpose which the Eruv is meant to address. Southend's Jewish community are well integrated within the community and people of all faiths. The Jewish community have never needed an Eruv and don't now. The Eruv will be of no benefit to the vast majority of the Jewish community
- Concerns about potential maintenance of the poles and wires and risk of vandalism' graffiti and metal theft plus possible anti-Semitic incidents
- An Eruv will unnecessarily create too much street furniture, a proliferation of poles and resultant clutter

- Eruv equipment will be unsightly, obtrusive and intrusive
- An Eruv will cause bad feeling in the community
- Those proposing the Eruv should instead abide by their own rules, rather than propose an Eruv breaking those rules
- Concerns that the new structures will be erected in the borough without proper residents consultation
- New street furniture should serve a (collective) purpose for the whole community not just one small element
- If one religious group is allowed to erect street furniture in 40 locations around the Borough others will be entitled to do so and where will it stop.
- Proposed street furniture is at odds with SPD3 Streetscape Manual
- Allowing one group to enforce its religious structures on non-religious residents would seem at odds with the Equality Act 2010
- Comparison drawn with historic formation of Jewish ghettos
- Religious symbolism should be restricted to places of worship and religious groups should not be allowed to display symbolism in so many public spaces maintained by the area's taxpayers
- This additional street furniture would create more obstacles for all pedestrians including wheelchair users and visually impaired people
- Impact on accessibility where next to residential driveway
- Eruv's in other locations have been where the orthodox Jewish community already exists which is not the case in Southend. So this application is premature
- There is no reliable method to ascertain the actual necessary delineation of the Eruv
- Downgrading of residential roads through clutter will affect property values and will reduce income to the Council plus who will compensate householders?
- This is a Christian country and non- Christian religious beliefs should not be forced onto others
- If friction arises hidden cameras may be put up which only the Council should have the right to do
- Fanatics make these outrageous rules so they should alter them to sort out their own needs
- Harm to outlook caused by tall, unsightly poles including casting shadows on adjacent properties
- Potential contradiction of British values
- Harmful to community cohesion
- Structures should be eligible for payment of Community Infrastructure Levy (CIL)
- An Eruv does not comply with criteria in the Equality Act 2010 or the Public Sector Equality Duty
- Health and safety implications
- An Eruv does not comply with the Human Right to self-determination
- An Eruv is an imposition to those who live in Southend and Westcliff who are not Orthodox Jews and many see an Eruv as offensive and sacrilegious behaviour
- Why bring attention to the area and increase the risk of terrorism

- The concept of an Eruv is outdated
- Too many unanswered questions within the application
- Who will pay for removal of graffiti?
- Who will pay for an archaeology dig at each site?
- Who will decide on the colour, design and placement of the structures?
- Who pays for the structures, their maintenance, regular inspection and insurance and who bears legal responsibility in perpetuity?
- Potential for Council tax reduction claims by affected residents
- Reference to experience and problems with Eruvs in other countries
- Potential for interpreting Jewish laws in other ways to circumvent perception of the requirement for an Eruv
- Why is an Eruv required at this time when there is no historical precedent for a local Eruv?
- Proposal will change the cultural mix of Chalkwell /Westcliff as more Jewish families move into the area
- The proposal relies on extremely selective use of the Core Strategy, Human Rights and equality legislation
- That rather than reliance on site notice consultation a public meeting should have been held
- Extent and nature of publicity for the proposals
- Disturbance caused through infrastructure needs of the Orthodox Jewish community
- The proposal for street furniture and wires is a device for a far broader aim of self-interested social engineering
- Disagreement with content and opinions expressed in the application Design and Access statement
- Community who are subject of the application are, contrary to the Design and Access Statement able to leave their homes on the Sabbath , it is that they choose not to do so
- The application refers to approved Eruvs elsewhere but not those rejected
- The proposed eruv will segregate rather than integrate the community
- Effect on utilities within the highway
- Visibility from conservation areas
- Wire is a hazard to birds and bats in flight
- An independent Environmental Impact assessment (EIA) should be scoped and paid for by the applicant
- No economic benefit to (vast majority) of non-Jews who live in Southend as most of the incomers only frequent Jewish establishments
- (Objector) wishes to be free of religion
- Reference to Holocaust and ill-advised for any religious group to define their own (potential) ghetto through erecting boundary posts
- An Eruv is unnecessary and (the issue) could be solved using free map, Sat-Nav or use of existing landmarks
- Reference to relationship between street furniture and Controlled parking Zones
- The Eruv could use existing street furniture rather than require additional
- Application details incomplete
- No reference to (separately required) highways licence

- A divisive religious concept that together with symbolism has no place in a secular society
- The street furniture will not enhance the conservation areas
- The huge scale of the project is for the benefit of only (some) 600 families in the Borough (similarly expressed as approximated percentages in various representations)
- Queries about Southend's population composition

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. The points are addressed in greater detail where relevant in the earlier sections of this report.

- 10.8 Councillor Flewitt and Councillor Folkard requested this application be dealt with by Development Control Committee.

11 Recommendation

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

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

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

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

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

- 03 In respect of all sites hereby approved, details of the design and colour of the external surfaces of the posts and poles and associated structures plus, in respect of sites 17, 27, 30, 31 and 39 the detailed locations, sizes and design details of the polycarbonate and steel sheet fixings, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be implemented in full accordance with the details approved under this condition within 6 months of the erection of that particular pole, post or structure.**

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

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

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

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

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

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

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

Informatives

- 01** The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.
- 02** Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
- 03** The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.
- 04** The applicant is advised that on sites located on traffic sensitive routes,

deliveries during the construction period should not take place during restricted hours.

- 05 Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.**
- 06 The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.**
- 07 The applicant is advised that they would be liable for the cost of any rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures.**
- 08 The applicant is advised that they would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and leci to be erected on the public highway.**

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Diagram illustrating the 1:10 Plan of the 5000 concrete base. The diagram shows a large circle representing the base and a smaller concentric circle representing the excavation. Arrows point from the text labels to the respective circles.

Labels and dimensions:

- 5000Ø x 10250P CONCRETE BASE, TOP 175 BELOW EXTG FINISHED LEVEL; HAND DUG EXCAVATION TO SAFEGUARD EXTG SERVICES DUCTS AND TREE ROOTS
- WITH MIN 150 COVER
- 1:10 PLAN OF 5000Ø CONCRETE BASE

TYPICAL 76Ø POLE
DETAIL ADJ TO BRICK BOUNDARY
WALL

BRIDGE ABUTMENT WALL

POST CENTRED UNDER
OUTER EDGE OF GIRDER
ABOVE -- SEE LOCATION
DETAIL DRAWING

ELEVATION OF POST UNDER BRIDGES —
LOCATIONS 39-41

FACE OF BRIDGE ABUTMENT WALL

DOMED TOP TO 1.05m HIGH 76Ø
BLACK COLOUR-COATED POLE

1050

FOOTPATH

300x350x450dp
CONC BASE WITH
SLIP JOINT TO B/WK

75

450

80 MM

SECTION OF POST UNDER
BRIDGES — LOCATIONS 39

POLE DESIGN

89Ø x 3mm GALVANISED COLOUR-COATED POLE

POLE + WIRE HEIGHTS

TOP OF ALL POLES CROSSING ROADS TO BE 5500 ABOVE CROWN OF ROAD WITH A NYLON FISHING LINE SPANNING TAUT BETWEEN, EXTENDING OVER TOP OF POLE TO FIXING STAPLE @ 2500AGL FOR EASE OF EMERGENCY MAINTENANCE ACCESS.

POLES ADJACENT TO FOOTPATHS, DRIVEWAYS etc TO BE TO HEIGHT INDICATED ON SPECIFIC LOCATION DRAWING.

POLES TO BE COLOUR-COATED LIGHT GREY RAL7035 UNLESS OTHERWISE NOTED AT SPECIFIC LOCATIONS TO BLEND WITH IMMEDIATE BACKGROUND.

ALL COLOURS SUBJECT TO FINAL AGREEMENT WITH THE LOCAL AUTHORITY

300

50 MIN GAP;
(225 MAX IF
PROJECTION
OVER)

350

PLAN OF POST UNDER BRIDGES —
LOCATIONS 39-41

1:5 ELEVATION

1:5 PLAN @ POST TOP

Labels for Elevation:

- CLEAR NYLON WIRE
- 35H 60° ARMS ON 3mm PLATE SCREWED TO POST TOP
- 760 LAMP POST

Labels for Plan:

- RO

DRAWING REF : 911-51

SCALE : 1:50

WESTCLIFF 'ERUV' POLE & WIRE AND POST CONSTRUCTION DETAILS

V-PLATE @ TOP OF
LAMP POST — (LOCATION 4)

ROSENFELDER ASSOCIATES

Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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WESTCLIFF ERUV - LOCATIONS SITE PLAN (NTS)

DRAWING REF: 911.002 Rev'n E



INDICATES REVISED LOCATIONS
APPLICATION REF 19/00729/FUL REFERS

ROSENFELDER ASSOCIATES
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10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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DESCRIPTION:

A 5.5-metre high, 89dia pole adjacent to the south fence of the railway enclosure with a wire crossing Station Road to a matching pole immediately to the right of the pier between 114 and 116 Station Road.



LOCATION A WITH POLE



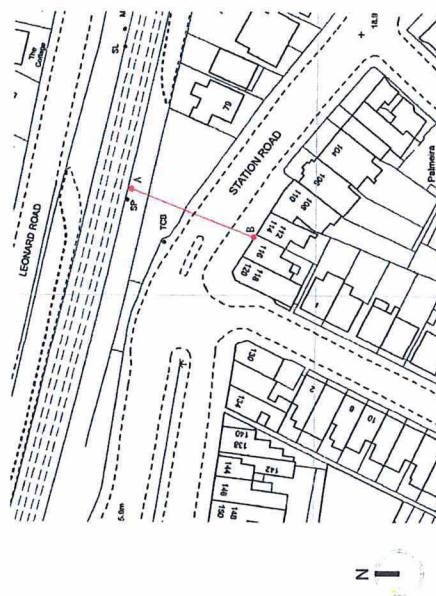
LOCATION A WITHOUT POLE



LOCATION B WITH POLE



LOCATION B WITHOUT POLE



LOCATION PLAN SCALE 1:1250

DRAWING REF: 911.4A

ROSENFELDER ASSOCIATES

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WESTCLIFF ERUV - LOCATION 4A- STATION ROAD

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DESCRIPTION:

A clear nylon wire to be fixed to a small white eyelet to the front of 25 Holland Road at 5.5m above street level and extend to a matching eyelet fixed to the front of 48 Holland Road at 5.5m above street level.

WESTCLIFF ERUV - LOCATION 4B - HOLLAND ROAD

Rev'n A

DRAWING REF: 911.4B

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LOCATION A WITHOUT POLE



LOCATION A WITH POLE

DESCRIPTION:

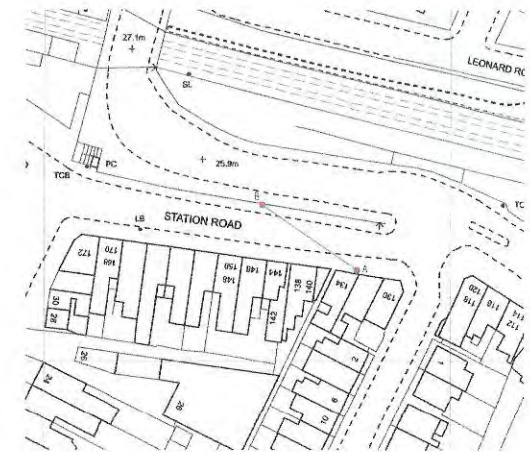
A 5.5-metre high, 89dia pole immediately to the right of the pier on the 130/132 party wall with a wire crossing Station Road diagonally to a matching pole immediately to the right hand side of the fourth pier from the end, projecting the same height about the wall as the height of the wall.



LOCATION B WITHOUT POLE



LOCATION B WITH POLE



LOCATION PLAN SCALE 1:1250

WESTCLIFF ERUV - LOCATION 4C- STATION ROAD / HAMLET CT ROAD

DRAWING REF: 911.4C

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LOCATION A WITHOUT POLE



LOCATION A WITH POLE

DESCRIPTION:

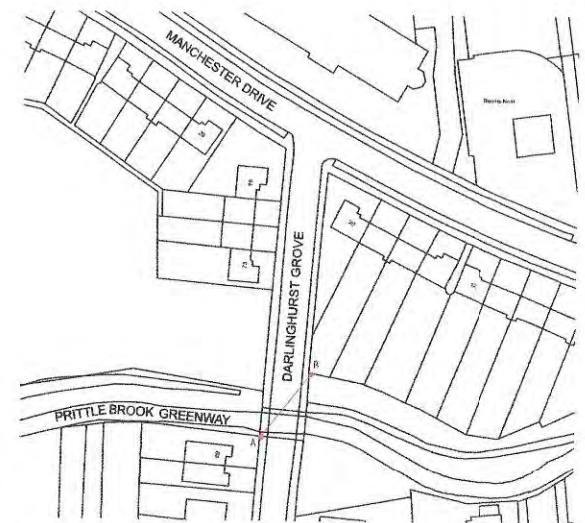
A 5.5-metre high, 89dia pole at the rear of the footpath adjacent to the south end of the brick balustrade wall to the bridge over Prittle Brook Greenway with a wire crossing Darlington Road diagonally northwards to a matching pole at the rear of the footpath at the end of the south fence to the rear of the 18 Manchester Drive.



LOCATION B WITHOUT POLE



LOCATION B WITH POLE



LOCATION PLAN SCALE 1:1250

Rev'n A

DRAWING REF: 911.15

WESTCLIFF ERUV- LOCATION 15 - PRITTLE BROOK

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LOCATION A WITHOUT POLE



LOCATION A WITH POLE



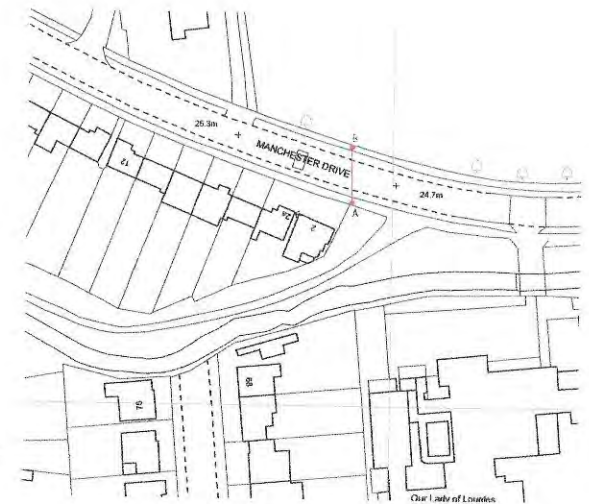
LOCATION B WITHOUT POLE



LOCATION B WITH POLE

DESCRIPTION:

A 5.5-metre high, 89dia pole at the rear of the foot-path immediately in front of the 2 Manchester Drive east flank concrete end fence post with a wire crossing Manchester Drive to a matching pole adjacent to the school playing fields railing directly behind the telegraph pole opposite, slightly to the west.



LOCATION PLAN SCALE 1:1250

WESTCLIFF ERUV - LOCATION 16 - MANCHESTER DRIVE

Rev'n A

DRAWING REF: 911.16

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Chartered Architects + Planning Consultants
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LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE

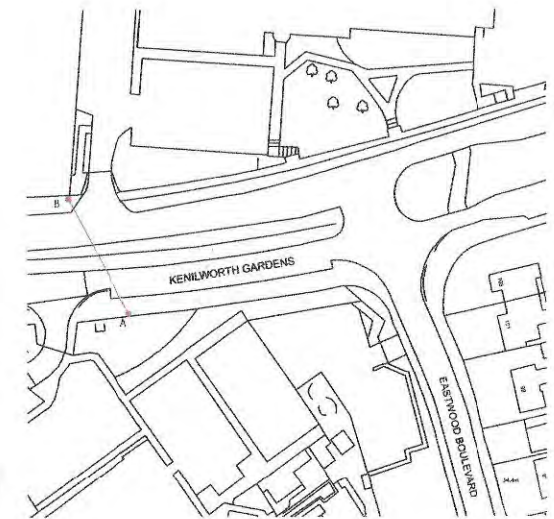


LOCATION B WITH POLE

DESCRIPTION:

A 5.5-metre high, 89dia pole adjacent to the railings on the south side of Kenilworth Gardens, 1 metre to the left of the feeder pillar to the left of the Westcliff High School for Girls entrance with a wire crossing Kenilworth Gardens to a matching pole adjacent to the corner post in the railings at the rear of the footpath on the left hand side of the Westcliff High School for Boys pedestrian entrance gate.

A 400x800 16swg galvanised, colour-coated green to match the railings, fixed by means of clear nylon cable ties, over the thin baluster posts to each side of the central reservation pedestrian guardrail, under the line of the wire over.



LOCATION PLAN SCALE 1:1250

Rev'n A

DRAWING REF: 911.17

WESTCLIFF ERUV- LOCATION 17 - KENILWORTH GARDENS

ROSENFELDER ASSOCIATES

Chartered Architects + Planning Consultants
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LOCATION A WITHOUT POLE



LOCATION A WITH POLE

DESCRIPTION:

A 5.5-metre high, 89dia pole at the rear of the footpath in front of the end fence post to the south side of the path to the north of 61 Mannering Gardens with a wire crossing to a matching pole in front of the end of the rendered brick wall between 56 Mannering Gardens and 60 Bridgewater Drive.



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

WESTCLIFF ERUV - LOCATION 18 - MANNERING GARDENS



LOCATION PLAN SCALE 1:1250

Rev'n A

DRAWING REF: 911.18

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LOCATION A WITHOUT POLE



LOCATION A WITH POLE

DESCRIPTION:

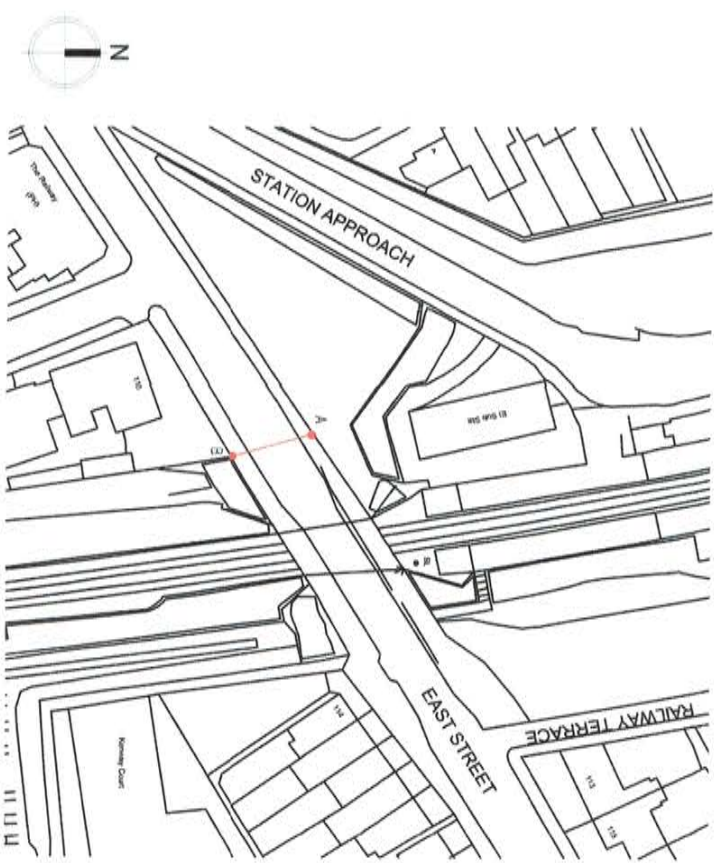
A 5.5-metre high, 69dia pole at the rear of the footpath adjacent to the first concrete chain-link fence post west of the pedestrian guard rail with a wire crossing East Street to a matching pole adjacent to the fence at the rear of the footpath directly opposite Pole A.



LOCATION B WITHOUT POLE



LOCATION B WITH POLE



LOCATION PLAN SCALE 1:1250

Rev'n A

DRAWING REF: 911.31

WESTCLIFF ERUV - LOCATION 31 - EAST STREET

ROSENFELDER ASSOCIATES

Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

Delegated Report

Reference:	19/00978/FUL	8
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Erect street furniture comprising of an ornamental metal arch to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at location 18A -Footpath between 38/46 Bridgwater Drive and location 21A - Footpath between 157/159 Carlingford Drive	
Address:	Westcliff Eruv, Finchley Road, Westcliff-On-Sea	
Applicant:	Westcliff Jewish Association	
Agent:	Mr Daniel Rosenfelder of Rosenfelder Associates	
Consultation Expiry:	24 th October 2019	
Expiry Date:	8 th November 2019	
Case Officer:	Janine Rowley	
Plan Nos:	911.002 Revision F; 911.18A; 911.21A	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



WESTCLIFF ERUV - LOCATIONS SITE PLAN (NTS)

XX INDICATES NEW LOCATIONS
APPLICATION REF 19/00978/FUL REFERS

DRAWING REF: 911.002 Rev'n F

ROSENFELDER ASSOCIATES
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1 Site and Surroundings

- 1.1 The application relates to two new specific locations described below, which would form part of the succession of individual placements of street furniture granted planning permission in October 2018 (17/01263/FUL) in association with designation of a nominated Eruv which is a continuous boundary designated in accordance with Jewish law. That succession of street furniture placements to support the perimeter of a continuous Eruv boundary is predominantly focused on Westcliff but extends beyond into parts of Chalkwell, Leigh and Southend.
- 1.2 Location 18a is to the flank fence elevations of nos. 36 and 48 Bridgewater Drive in close proximity to the rear boundary of those dwellings. The surrounding area is characterised by two storey properties and is residential in character.
- 1.3 Location 21a is to the flank fence elevations of nos. 157 and 159 Carlingford Drive, in close proximity to the front building line of those bungalows. The surrounding area is residential in character to the east, west and north and Southend Hospital is to the south of the site.
- 1.4 There are no heritage or other such designations on or in the vicinity of these sites.

2 The Proposal

- 2.1 Planning permission is sought to erect street furniture at the two locations in the form of an ornamental arch 2.4m high and 50mm diameter to designate the perimeter of a nominated Eruv.

- 2.2 Street furniture associated with designation of the Eruv perimeter boundary was granted planning permission at 40 locations under 17/01263/FUL. Those locations are listed in appendix 1 to the separate report on this committee agenda for 19/00729/FUL. It is only this physical street furniture that required planning permission (as opposed to for example the concept and purpose of the Eruv). No markings or religious iconography are proposed to be fixed to the street furniture in association with the Eruv. This planning application solely relates to the two new locations described in paragraphs 1.2 and 1.3 above. Planning permission is only sought for structures where existing features such as walls and buildings do not provide the necessary enclosure. The majority of the Eruv would be made up of existing structures of that nature.
- 2.3 The applicant is seeking other changes to some detailed locations of the approved street furniture for the Eruv under a separate planning application 19/00729/FUL.

3 Relevant Planning History

- 3.1 19/00729/FUL- Erect street furniture comprising of groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) minor re-routing and re-positioning to the following previous locations 4A, 4B, 4C, 4D, 15-18 and 31 approved under planning permission 17/01263/FUL dated 03.10.2018– Pending consideration
- 3.2 17/01263/FUL- Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the borough- Planning Permission Granted (03.10.2018)

4 Representation Summary

4.1 Public Consultation

Site notices were posted at the two locations subject of this application.

One letter of representation has been received from the Milton Society objecting to the siting of the ornamental steel archways for the following reasons:

- No reasonable justification for the installation of the structures in terms of the local plan;
- The structures maybe forerunners of wider roll out of these structures and should be refused;

Officer comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 Highways Team

There are no highway objections to this proposal.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)

- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Greenspace)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 The Community Infrastructure Levy Charging Schedule (2015)

6 Planning Considerations

- 6.1 The principle of supporting the installation of a succession of street furniture for the associated purpose of designating an Eruv perimeter and the equalities and diversity considerations related to this were agreed under planning permission 17/01263/FUL. The National Planning Policy Framework has been revised since determination of the above application but the relevant policy considerations have not changed in any material regard.
- 6.2 The main considerations in the determination of this application are design and impact on the character of the area, access, traffic and highways, impact on residential amenity and the relevant equalities and diversity considerations.

7 Appraisal

Design and Impact on the Character of the Area

- 7.1 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 7.2 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.”*
- 7.3 Policy DM3 of the Development Management Document states:

“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”.
- 7.4 A 2.4m high black colour-coated ornamental arch with 50mm diameter posts and wrought iron scrollwork above is proposed to the flank fence elevations of numbers 36 and 48 Bridgewater Drive and numbers 157 and 159 Carlingford Drive.

7.5 The ornamental arch is modest in form and design and in each case is located within access routes set back from the main streetscene. The arches would therefore have a discreet and acceptable impact on the streetscene and character of the wider surroundings.

7.6 The proposal is therefore acceptable and policy compliant in this regard.

Amenity

7.7 At 2.4m in height to the main frame, above which is a centrally positioned scroll feature, the arch structures would be broadly comparable in scale with features found in a rear garden setting. In the case of the Bridgewater Drive arch it would be positioned between tall fencing either side and alongside the gable of a shed in the adjacent rear garden. It would not appear overly prominent and not result in material harm to the light, outlook, privacy or sense of enclosure of the neighbouring properties.

7.8 The Carlingford Drive arch is similarly positioned within a fenced corridor alongside the flank boundary treatment of neighbouring properties. That fencing is lower but still provides a context for the arch and its relationship is such that it would not result in material harm to the light, outlook, privacy or sense of enclosure of the neighbouring properties.

7.9 Due to the location of both arches no other residential occupiers' amenity would be materially affected in any regard.

7.10 The development is therefore acceptable and policy compliant in the above regard.

Highways

7.11 The siting of the ornamental arches between 38 and 46 Bridgewater Drive and 157 and 159 Carlingford Drive would not have any harmful impact on highway safety. The highways officer raises no objection.

7.12 The proposal is therefore acceptable and policy compliant in the above regard.

Equalities and Diversity

7.13 The report to this Committee for the installation of Eruv related street furniture, approved in October 2018, contained a full analysis of the proposals in the context of the Equality Act 2010 which sets out a general duty on public bodies. This duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and to foster good relations between different groups when discharging its functions.

7.14 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to those provisions of the Equality Act 2010. The Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

- 7.15 Like the main street furniture proposals approved in October 2018 this proposal has the potential to generate some negative and positive impacts on groups with the protected characteristics of age, disability, sex, religion or belief. The potential impacts, both positive and negative, of the street furniture proposals on the different groups were identified in the appended report and weighed against each other.
- 7.16 The street furniture proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others.
- 7.17 There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups.

8 Conclusion

- 8.1 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 have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. The proposal would result in no harm to highway safety and supports equalities and diversity objectives. This application is therefore recommended for approval.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 911.002 Revision F; 911.18A; 911.21A.**

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

- 03 In respect of sites 18a and 21a hereby approved, details of the design and colour of the external surfaces of the associated structures, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be completed in full accordance with the details approved under this condition within 6 months of the implementation of the erection of that particular pole, post or structure.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management (2015) and the advice contained within the Design and Townscape Guide (2009).

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

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the road network arising from the development would be kept to a minimum in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management (2015) and the advice contained within the Design and Townscape Guide (2009).

Informatives:

- 1** The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.
- 2** Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.

- 3 The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.**
- 4 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.**
- 5 Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.**
- 6 The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.**
- 7 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.**



WESTCLIFF ERUV - LOCATIONS SITE PLAN (NTS)

DRAWING REF: 911.002 Rev'n F

XX INDICATES NEW LOCATIONS
APPLICATION REF 19/00978/FUL REFERS

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
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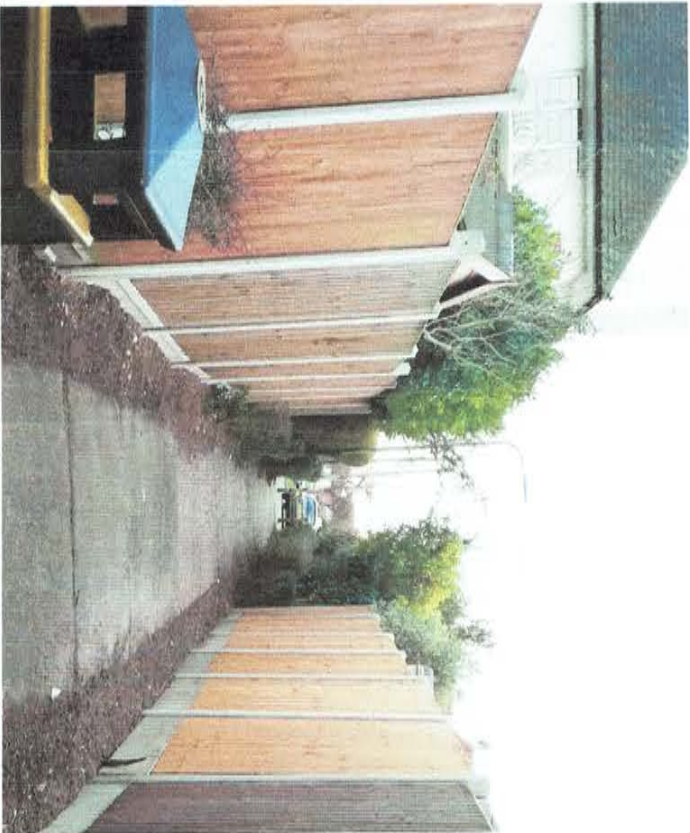
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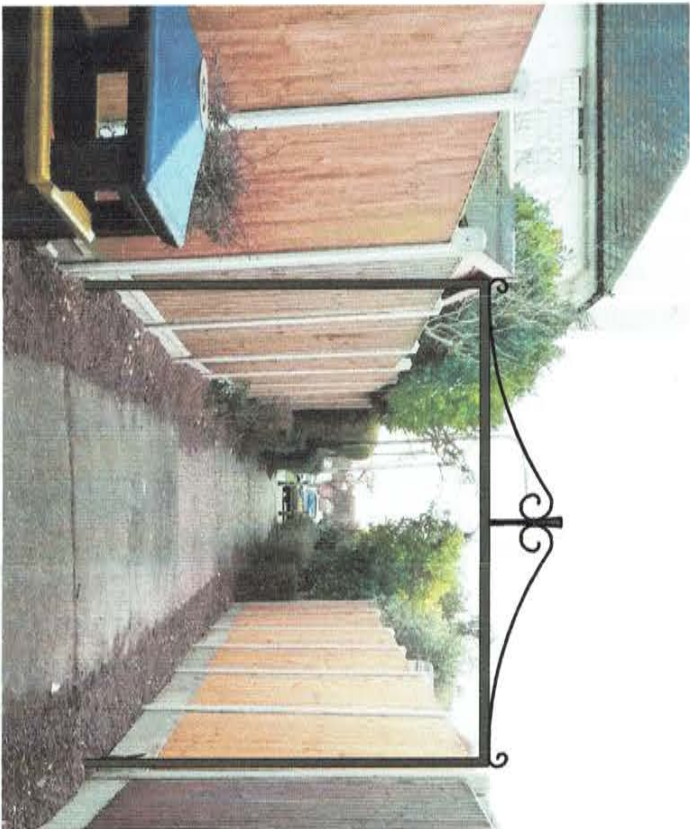
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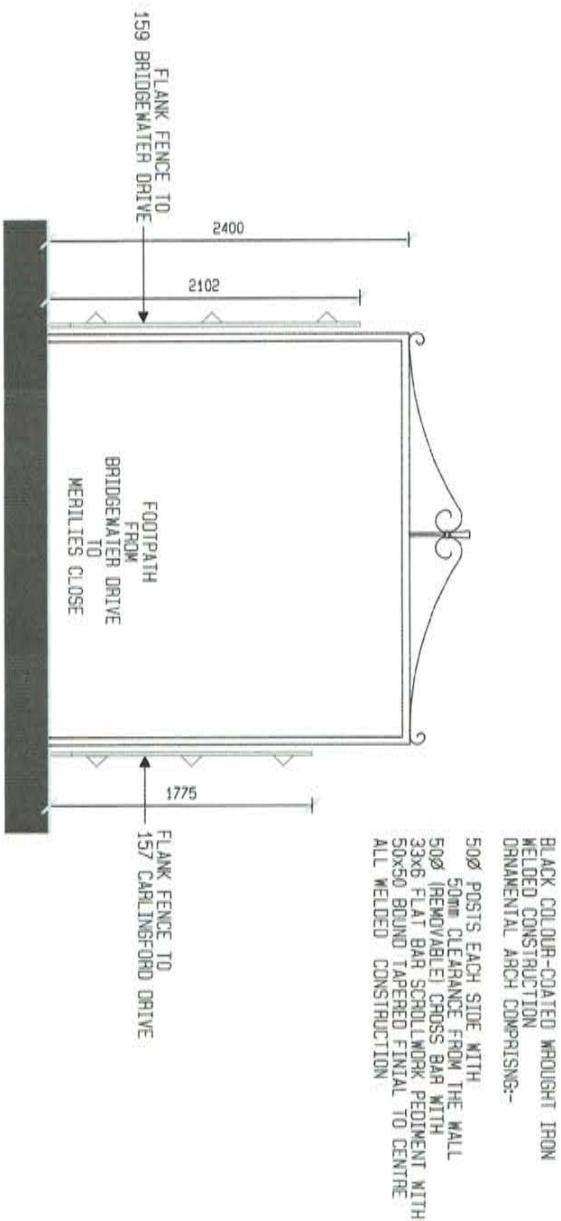
FOOTPATH BEYOND SHRUBS WITHOUT ARCH



FOOTPATH WITH NEW ARCH

DESCRIPTION:

A 2400 high black colour coated ornamental arch, comprising 50dia posts and head with wrought iron scrollwork pediment over all as illustrated on Drawing No 911.18A.1 between the flank fences of 36 and 48 Bridgewater Drive approximately half way up the path.



LOCATION PLAN SCALE 1:1250

WESTCLIFF ERUV - LOCATION 18A - BRIDGEWATER DRIVE
(FOOTPATH BETWEEN 36/48)

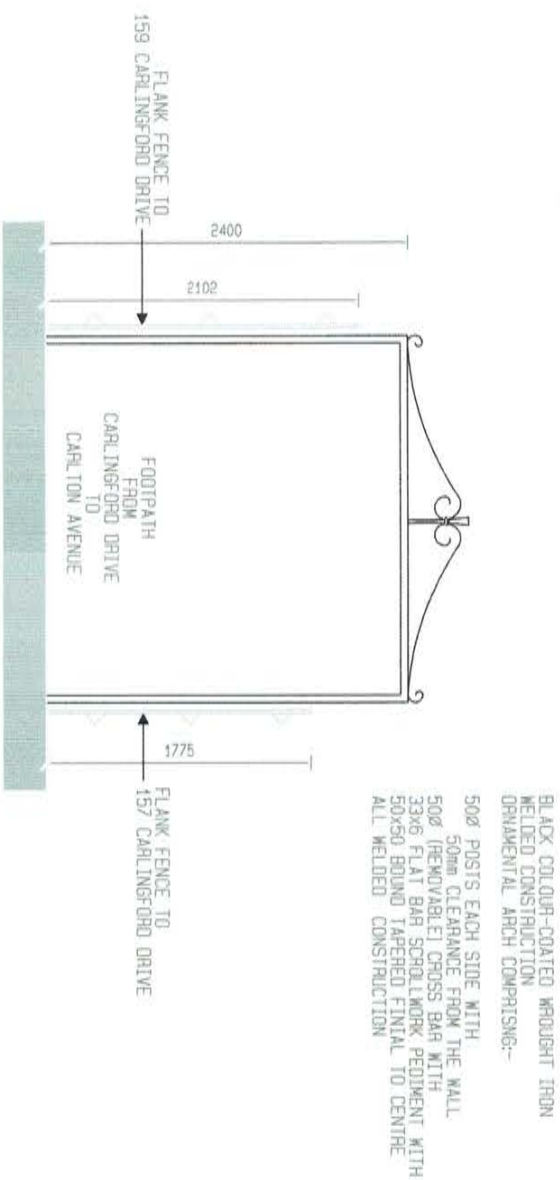
DRAWING REF: 911.18A

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LOCATION 21A WITH ARCH



DRAWING REF: 911.21A.1

WESTCLIFF ERUV - LOCATION 21A - CARLINGFORD DRIVE
(FOOTPATH BETWEEN 157/159)

DESCRIPTION:

A 2400 high black colour coated ornamental arch, comprising 50dia pots and head with wrought iron scrollwork pediment over all as illustrated on Drawing No 911.21A.1 between the flank fences of 157 and 159 Carlingford Drive.



LOCATION PLAN SCALE 1:1250

DRAWING REF: 911.21A

ROSENFELDER ASSOCIATES

Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

Reference:	19/01195/BC3M
Application Type:	Major
Ward:	Milton
Proposal:	Erect a 4 storey building with basement level for use as an educational building and associated uses, comprising of additional space for the Focal Point Gallery, teaching kitchen, performing arts and music practice facilities, workspace incubator hub, associated offices and storage within (Use Class D1), public cafe/restaurant (Use Class A3), alter existing service head arrangements and layout landscaping
Address:	Land Adjacent To The Forum, Elmer Approach, Southend-On-Sea
Applicant:	Mr Mark Murphy
Agent:	Mr Joerg Poeschus of ADP
Consultation Expiry:	25th July 2019
Expiry Date:	14 th October 2019
Case Officer:	Janine Rowley
Plan Nos:	<p>Basement Level Drainage Layout 9202 Revision P01</p> <p>Ground Level Drainage Layout 9201 Revision P05</p> <p>Engineering Details 9161 Revision P01</p> <p>Existing site plan ADP-XX-00-DR-A-0901 Revision S2 P 2</p> <p>Waste Management ADP-00-XX-DR-A-0920 Revision S2 P1</p> <p>Strategy Diagram Highways ADP-00-XX-DR-A-0924</p> <p>Proposed Ground Floor ADP-00-00-DR-A-1001 Revision S2P3</p> <p>Proposed Second Floor ADP-XX-02-DR-A-1003 Revision S2P3</p> <p>Proposed Roof Level ADP-00-R1-DR-A-1005 Revision S2P4</p> <p>Massing View 2 ADP-00-XX-DR-A-1091 Revision S2P2</p> <p>Existing Elevations East and North ADP-XX-ZZ-DR-A-1206 Revision S2P2</p> <p>Proposed East and North Elevations ADP-XX-ZZ-DR-A-1208 Revision S2P3</p> <p>Proposed South Elevation ADP-XX-ZZ-DR-A-1211 Revision S2P2</p> <p>Proposed North Elevation ADP-XX-ZZ-DR-A-1213 Revision S2P2</p> <p>Proposed Section ADP-XX-ZZ-DR-A-1230 Revision S2P2</p> <p>Site Sections ADP-XX-ZZ-DR-A-1303 Revision S2P2</p> <p>Site Section E ADP-XX-ZZ-DR-A-1304</p> <p>Site Sections Existing and Proposed ADP-XX-ZZ-DR-A-1302 Revision S2P2</p> <p>West Elevation Portion ADP-00-XX-DR-A-1215 S2P2</p> <p>East Elevation ADP-XX-ZZ-DR-A-1212 Revision S2P2</p>

9

1 Site and Surroundings

- 1.1 Elmer Square currently is the site for the Forum I building and public square which were granted planning permission in 2011 (11/00790/BC3M). The site is bounded by the University of Essex and South Essex College to the south, the High Street to the east, Queens Road (secondary retail area) and residential properties to the north, and Elmer Avenue (residential properties) to the west of the Forum 1 building.
- 1.2 The surrounding area is generally characterised by two, three and four storey buildings but also includes high rise buildings in the form of Mariners House to the east of the site, which has been converted into residential use, and 9 Elmer Approach to the south of the site, which is currently undergoing conversion and has an extant outline planning permission for a 108 room hotel granted under reference 18/00341/OUTM.
- 1.3 The site is located within the Southend Central Area Action Plan (SCAAP) Policy Area PA3 and is designated an Opportunity Site (PA3.1) for development (Elmer Square Phase 2).
- 1.4 The site is not located within a conservation area or subject to any other site specific planning policies.

2 The Proposal

- 2.1 Planning permission is sought to erect a four storey building with basement level for use as an educational building. The building is flat roofed in design, with a feature overhang to the top floor supported by columns. The proposed building is 50m wide, 24m deep and 20.9m high.
- 2.2 The development is a joint venture between the Council and South Essex College. The new building will house additional gallery space and accommodation for the Focal Point Gallery, currently located in the Forum building, together with a small digital workspace incubator hub and office accommodation. The development would provide new state of the art performing arts and music practice facilities together with a new public café, restaurant and a new skills kitchen for students.
- 2.3 The proposed materials for the development include white render with dark grey capping and inset windows, curtain walling with a combination of clear and translucent glazing and powder coated/anodised aluminium panels, metal rain screen cladding in mainly blue and grey, but with vibrant colours to the service area, to provide an active frontage at this part of the building.

2.4 Different uses run by both Southend Borough Council (SBC) and South Essex College (SEC) will occupy the building including:

- Basement: teaching kitchen, music recording and practice rooms.
- Ground floor: exhibition space, public and teaching restaurant and kitchen.
- First floor: teaching areas, digital artist workshop, project space studios, office and meeting rooms.
- Second floor: Performance studios and general teaching areas.
- Third floor: Two performance studios.

2.5 The applicant states that *“together these facilities will further establish Elmer Square as the centre of Southend further and higher education offer, with the library, providing a modern integrated centre of learning and research that meets the varied needs and requirement of residents, students, business people and visitors alike. Users benefit from a cluster of learning, research and cultural facilities located within the heart of the town centre served by excellent public transport links”*

2.6 The applicant also states that the development *“allows the College to consolidate fragmented provision in leased or hired accommodation, provide leading edge accommodation grow student numbers in Design, Media and Performance and the ease overcrowding/utilisation within the existing Luker Road site.”*

2.7 The supporting information accompanying this application states the maximum occupancy of the building is 945 people: comprising 75 staff, 442 students, 372 visitors and 56 artists.

2.8 The building will be managed 24 hours a day 7 days a week, with CCTV linked back to the central town CCTV system. There will be a staffed reception from 09:00 to 18:00 and security in the office.

2.9 43 existing immature trees within the application site are proposed to be removed and a number of these (birches) would be replanted to the east of the existing bicycle shelters. 6 semi-mature trees within planters, together with additional under planting, would be installed to the front of the proposed building as detailed on the submitted landscaping plan. Additional planting is also proposed to be carried within the vicinity of the site.

2.10 The college areas generally operate between 08:00-21:30 Monday to Thursday and 08:00-18:00 on Friday. This applies to all teaching and administration/ancillary spaces. The council managed areas will vary in opening times, opening all 7 days of the week. The exhibition space on the ground floor will be open from 10:00 to 22:00. The office and the studio spaces on the first floor will have 24 hour access.

The project room, digital artist workspace, photography and editing suites will be open between 08:00 and 22:00.

2.11 The applicant has submitted the following documentation support of the application: Design and Access Statement, Transport Statement, Contamination Statement, Daylight and Sunlight Report, Construction Management, Noise Control Strategy, Landscape Strategy, Material Precedent Images, Sustainability Report, Drainage

Strategy, Flood Risk Assessment and Ecological Appraisal.

3 Relevant Planning History

- 3.1 11/00790/BC3M– Erect part 3/ part 4 storey building, incorporating LED display screen, to use as library and for education purposes (Sui Generis) lay out landscaping and amenity area– Planning Permission Granted.

4 Representation Summary

4.1 Public Consultation

105 neighbouring properties were consulted and site and press notices posted. Letters of representation have been received from 10 persons at 8 separate addresses.

Neighbour amenity

- No prior consultation from the Council with residents
- Architects not assessed each individual residents accommodation
- Loss of sunlight and daylight
- Light survey states the development would be an extremely poor neighbour and reduce residents natural and ancient light
- Rights of light
- Sense of enclosure
- Overscaled and overbearing
- Residential health affected
- Noise impacts unacceptable
- Odour emissions and noise and fumes from delivery vehicles
- Odour and noise emissions from plant
- Impact on privacy
- Avison Young submitted report breaches the daylight distribution
- Avison Young submitted report does not present results for the Annual Probable Sunlight Hours
- Avison Young Report should instruct a surveyor to re-run BRE daylight and sunlight tests.

Character and appearance

- Height and scale of the development not acceptable
- Cramming development
- Design will quickly look dated
- Development does not enhance existing area
- Loss of green space
- Loss of trees
- Design unacceptable
- A biodiverse roof would assist with SuDs

Requested conditions

- Roof should be conditioned not to be a terrace area
- Noise levels
- Kitchen extract routed away from residents
- Maintenance of extract equipment
- Delivery and servicing strategy
- Construction management strategy

Other

- Sustainable Urban Drainage Systems not taken into account
- Impact on sewage system
- Impact on infrastructure
- Potential for flooding of nearby basement
- Poor refuse storage
- Delivery access affect existing properties
- Increased crime
- Increased rough sleeping
- Alternative uses would be preferable
- Submitted plans are not accurate
- Consultation not carried out properly

Officer comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. A number of the points raised are addressed in more detail in subsequent sections of this report.

4.2 Highways

The application has provided information relating to the sustainable location of the site with associated public transport links detailing additional trips anticipated on bus, rail and cycle networks.

A number of town centre parking spaces are located around the vicinity of the site, it should be noted the members of staff or students will not be eligible for town centre parking permits due to the absence of parking associated with the development. Secure cycle parking spaces are provided and a travel plan will be secured through condition.

It is considered that the proposal will not have a detrimental impact upon the public highway or highway safety.

A construction management plan should also be conditioned.

No highway objections are raised.

4.3 Environmental Health

Summary - No objection on waste, lighting, noise or air quality grounds.

The Daylight/Sunlight report has been reviewed, during the course of the application additional information was requested to address impact on nearby residents this has now been provided. This is an acceptable and robust assessment of the scheme.

Conditions requested as follows:

- Hours of use restricted to 08:00 – 22:00 hrs daily.
- Delivery hours restricted to 08:00 – 21:00hrs daily.
- Construction Management Plan.

- Drainage Systems to meet DEFRA Guidance and SUDs Requirements.
- Plant noise shall be designed to meet L90 -10dB(A)

4.4 Education

This development will enhance the educational and community facilities offered by the University of Essex and South Essex College and as such is supported by the education department.

4.5 Fire Brigade

Access for fire service vehicles is considered satisfactory.

4.6 Essex Police

No objection.

4.7 Natural England

No objection.

4.8 **Lead Local Flood Authority (LLFA)**

No objection subject to a condition relating to the following:

- SuDs strategy to be submitted and agreed incorporating the matters relating to:
 - infiltration testing;
 - updated drainage layout plan;
 - surface water management during construction;
 - consent from Anglian Water to discharge at the proposed rate and connection;
 - details on the accessibility of the SuDS for future maintenance.

4.9 **Essex and Suffolk Water**

No objections.

4.10 **Anglian Water**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site and a number of informatives are recommended.

5 **Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space).

5.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4: (Tall and Large Buildings); DM5 (Historic Environment); DM10 (Employment Sectors), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (2018): Policies DS3: (Landmarks and Landmark Buildings); DS4 (Flood Risk Management and Sustainable Drainage); DS5 (Transport, Access and Public Realm); PA3 (Elmer Square Policy Area Development Principles), Opportunity Site (PA3.1): Elmer Square Phase 2.

5.5 Elmer Square Development Brief (2009)

5.6 Design & Townscape Guide (2009)

5.7 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of development for an education building in this location, design and impact on the character and appearance of the area, impacts on the residential amenity of neighbouring occupiers, traffic and transportation, sustainability, contamination, ecology, flooding and drainage and CIL (Community Infrastructure Levy) requirements.

7 Appraisal

Principle of Development

7.1 The application site constitutes brownfield land. The NPPF at para 117 states that *“Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”*

Section 8 of the NPPF (Promoting healthy and safe communities) states at para 92:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

7.2 Policy KP1 of the Core Strategy states that the Primary Focus for regeneration and growth within Southend will be *“to regenerate the existing town centre, as fully competitive regional centre, led by the development of the University Campus”*

- 7.3 Policy CP1 goes on to state that: *“To promote economic regeneration, development will be expected to: enhance the town’s role as a cultural and intellectual hub, a higher education centre of excellence, visitor destination and cultural centre”*. This approach is restated in Policy CP2 of the Core Strategy.
- 7.4 Policy CP6 of the Core Strategy supports *‘improvement to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.’*
- 7.5 Elmer Square is on the edge of the Town Centre in an area of transition between the High Street to the east and the residential areas to the west. The area contains a state of the art library ‘The Forum’ and learning facilities, and is complemented by the adjacent Higher and Further Education campuses. The area was formerly occupied by a 4/6 storey multi storey car park backing onto properties within the High Street, and was first identified for redevelopment as part of wider regeneration and growth plans for the town centre, within the Elmer Square Development Brief, which was adopted by the Council in 2009. This document envisaged that the whole former car park site would come forward for redevelopment in phases and would extend up to 8 storeys in height in Phase 2 of the development, where it was sited adjacent to the High Street buildings.
- 7.6 This allocation was carried forward into the SCAAP and was first identified on the SCAAP proposals Map within the Proposed Submission Document in 2011. The adopted SCAAP (2018) identifies the Elmer Square Policy Area development principles within Policy PA3 as (amongst other things):

“The Council, through its role in determining planning applications and other initiatives, will: promote educational and supporting uses that deliver the aims of the Policy Area”

Policy PA3 goes on to identify the application site as *Opportunity site PA3.1 Elmer Square Phase 2*. The policy states:

“i) Within Opportunity Site (PA3.1): Elmer Square Phase 2, planning permission will be granted for educational and supporting uses, such as commercial studios and workspace and cafes/ restaurants to complement Phase 1 and to further reinforce Elmer Square as the heart of the learning hub.

ii. Opportunities to improve the visual appearance of the rear of buildings on the High Street that front onto the public space, and associated public realm enhancements including surfacing, lighting, landscaping and the continued provision of high quality outside public space to complement Phase 1 will also be promoted within Opportunity Site PA3.1. Efforts to further connect this area and create new vistas with the high street area will be encouraged.”

- 7.7 It is considered the principle of development of the application site for educational and supporting uses is policy compliant in the above regards. The development also supports the wider aspirations for the Town Centre and Borough as a cultural and intellectual hub, a higher education centre of excellence, visitor destination and cultural centre and is considered to constitute the best use of an accessible brownfield site as required by the NPPF. No objection is therefore raised to the principle of the development, subject to other material planning considerations which are considered below.

Design and Impact on the Character of the Area

- 7.8 Paragraph 124 of the NPPF states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this”*.
- 7.9 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.10 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.11 The site is located within a town centre area characterised by a mix of education, commercial and residential buildings of varying size and scales. As such the development is not considered to fall within the scope of Development Management Policy DM4 which refers to Tall and Large Buildings as *“buildings that are substantially taller and/or bulkier and out of scale with the prevailing built form of the surrounding area and/or have a significant impact on the skyline”*
- 7.12 The proposed scale of the building broadly reflects that of Forum 1 to the west of the site and sits comfortably in the townscape in this location. The overall height at 20.9m high is slightly higher than the existing Forum building but is reduced to 18.9m adjacent to properties on the eastern side of the building to reference the varied scale of the residential properties on this side. The four storey development therefore responds well to the surrounding area in terms of its scale, size and depth and would not appear at odds with the character and appearance of the area taking into account the existing buildings surrounding the site including Forum 1 and the tower blocks of Mariner House and 9 Elmer Approach to the east and south of the site. The building will screen the rear of buildings within High Street, but will maintain public views of landmark buildings such as The Forum, SEC and the University. The scale of the development is considered acceptable and appropriate for the site.

- 7.13 The building utilises contemporary materials and methods of construction, again referencing the contemporary nature of the Forum 1 to the west of the site. The building has public frontages on all sides and therefore must balance the need for attractive and animated elevations with the other constraints and requirements of the site. The west elevation of the building facing the Forum is the main elevation and the focus for the development. It has a curtain wall system to the ground, first and second floor façade. The ground floor has full height glazing which will provide an active frontage to the square. The upper floors at first and second are made up of a checker board system, with solid and transparent panels alternating across the façade to add interest and provide some privacy for occupants. A mixture of solid anodised aluminium panels, coloured panels and clear translucent glazing are proposed. Signage will be located within the central atrium space. A feature overhang is proposed at the top floor which will be supported by columns to the top floor and clad in a metal standing seam cladding, made up of three colours and varying widths together with two corner angled windows which provide additional articulation.
- 7.14 The south elevation of the building also has curtain walling with dark brickwork on all three levels to maintain an animated frontage on this side which can be seen from Elmer Approach. The top floor is a continuation of the overhang and feature cladding and is a visual standalone element. White render is proposed to the eastern side of the southern elevation with ground floor brickwork.
- 7.15 The east elevation, facing properties on the High Street, has less glazing to protect the privacy of residential units on this side of the site. The elevation consists of white render, and some translucent film is proposed to glazed areas. The turning bay under the building is proposed as a bright vibrant colour to the walls and soffit area to enhance the public view of the servicing area and create an additional feature on this side. The north elevation is similar to the south however, less glazing is proposed and there is no signage on this elevation.
- 7.16 The existing 43 immature trees within the application site are proposed to be removed, whilst this is regrettable the applicant has confirmed that existing trees to the east of the cycle rack have not been thriving due to poor soil conditions. The majority of the existing silver birches will be replanted to the east of the cycle racks and 6 new, semi-mature specimens are proposed to be planted to the west elevation of the building together with additional planting. External seating is proposed to be installed in order to maximise the usage of this area. The applicant has confirmed that additional planting will also be carried out within the vicinity of the site to ensure that 2 trees are planted for every one lost as part of the development. This can be controlled by condition. The building will provide an attractive and animated frontage to the existing square and the proposed public realm enhancements will help maximise the public usage of this area, while softening the frontage of the building, which is welcomed. The scheme's landscaping would be controlled by the conditions recommended.

Conclusion

- 7.17 The overall scale of the development is considered to be appropriate for this town location and the relationship with Forum to the west of the site. The development is appropriately designed and well detailed, providing a contemporary building which will enhance the character and appearance of the surrounding area. As such the proposed new educational building is considered to be of an acceptable size, scale and design that would not result in any material harm to the character or appearance of the site or

the wider surrounding area.

- 7.18 Subject to conditions, the design and layout of the development is acceptable and policy compliant in respect of character and landscaping matters.

Impact on Residential and Neighbouring Occupier Amenity

- 7.19 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.20 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management Document requires that all development should (amongst other things):

“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;”

- 7.21 There are residential properties to the north of the site along Queens Road and to the east of the site along High Street. These residential properties are generally flats over commercial properties at ground floor. It is noted that Mariner House at 157-163 High Street was converted to residential use as permitted development following Prior Approval applications in 2014 for floors 2-9, and 2016 for the first floor and an additional part of the 9th floor, in 2016. 9 Elmer Approach, to the south, is currently undergoing conversion and has prior approval for partial conversion into flats and outline planning permission for extension and conversion to an hotel.
- 7.22 The proposed building would be sited a minimum of some 15.75m from the rear of properties in Queens Road, 14.3m from the podium level of Mariners House and some 25.5m from the main tower of Mariners House. The upper residential floors of other properties within the High Street are no closer than specified.

Impact on sunlight and daylight

- 7.23 There are specific British Standard guidelines for assessing daylight and sunlight impacts of new development (BR209). These guidelines are not mandatory but offer guidance on how to assess the impact of a development proposal on existing and proposed residents and they make recommendations as to what might be considered acceptable. However the individual circumstances of the site and the scheme must also be considered. These guidelines recommend measurements for changes in:
- Vertical Sky Component (VSC) which is a measure of the amount of sky visible from a centre point of a window;
 - The Average Daylight Factor (ADF) represents the average amount of light (illuminance) on the working plane compared with outside;
 - No Sky Line (NSL) which is a measure of the distribution of light within a room including determining the point at which there is no view of the sky;

- Annual Probable Sunlight Hours (APSH) which is a measure of how much sunlight a window can receive;
- Overshadowing diagrams for various points throughout the year.

Daylight and Sunlight Impact on surrounding properties

- 7.24 An initial Daylight and Sunlight by Avison Young was submitted with the application. During the course of the application and following comments by the Councils Environmental Health Officer, a further, updated report was submitted dated September 2019. A copy of the updated report is attached as Appendix 1 to this report. The report assesses the impact on the following properties:

9 Elmer Approach

1B, 7A, 13 Queens Road and 15A Queens Road;

157 – 163, 165-167, 169 – 171, 173-175, 177, 181, 185-187, 189-189a High Street.

Environmental Health Officers are satisfied that the revised information now addresses all relevant issues and that the report is an acceptable and robust assessment and is considered to allow proper consideration of the schemes impact. The results of the updated Daylight and Sunlight Study can be summarised as follows:

- 1B Queens Road – has one living room and bedroom that see a change in excess of 20% of VSC, however both rooms have an existing level of daylight in excess of 30%. The retained level is 22.44% and 23.84%, these are high levels of daylight for a centre of town location and all rooms remain well lit. Retained sunlight is well in excess of guidance requirements. *Impact found to be acceptable.*
- 7A Queens Road – top floor reduction in daylight for VSC, ADF of less than 20% reduction and retains 90% of its room lit by the daylight contour. First floor sees in excess of 20% reduction but again retains in excess of 90% of its room lit by the daylight contour. On that basis this room will be well lit. Overall the impact on daylight is acceptable. Sunlight fully compliant. *Impact found to be acceptable*
- 13 Queens Road - BRE compliant. *Impact found to be acceptable*
- 15A Queens Road - BRE compliant. *Impact found to be acceptable*
- 157 – 163 High Street (Mariner House) - The flats in the tower element of this block see no noticeable impact with very minor alterations in light. The latterly consented podium flats will see a change to daylight given that the windows serving them are located on the rear boundary hard against the roadway between it and the site. The rooms have been fitted into the podium footprint and as such are very long and narrow meaning that only exceedingly low rise development on the Forum site would achieve a compliant result. *The scheme will cause a noticeable loss of light.*

The daylight and sunlight report goes on to state: *In essence these have been consented as an extremely poor neighbour to the development of the site and given the proposals for the Forum it is somewhat surprising consent was granted. In our view given these are the only adjacent residential units with any noticeable loss then in overall terms the scheme should be deemed as acceptable.*

Officers would note that this scheme was converted through the Prior Approval Process

- 165-167 High Street. - BRE compliant. *The schemes impact is found to be acceptable*
- 169 – 171 High Street - This flat again has three rooms facing the site. The windows to these rooms are already in a sheltered location and thus have lower existing levels of daylight and actual reductions in daylight are small. It is likely here that the internal conditions will not appear unduly different. *The schemes impact is found to be acceptable*
- 173-175 High Street - BRE compliant. *The schemes impact is found to be acceptable*
- 177 High Street - BRE compliant. *The schemes impact is found to be acceptable*
- 181 High Street - reductions are minimal with a slight increase in daylight for one

window. *The schemes impact is found to be acceptable*

- 185-187 High Street - BRE compliant. *The schemes impact is found to be acceptable*
- 189-189a High Street -. BRE compliant. *The schemes impact is found to be acceptable*
- 9 Elmer Approach – The building is not occupied, therefore as is the industry norm, the internal daylighting conditions have been analysed as opposed to potentially noticeable differences to the VSC. In all cases the internal average daylighting levels remain significantly higher than any requirements. Internal daylight distribution is approaching 100% in all cases post the planned Forum development. If the VSC figures were analysed, all but two rooms will retain in excess of 27% VSC which is the ideal standard daylight for a suburban house. The two rooms in question retain 23.02% and 24.96%. In combination with a daylight distribution of over 90% of the rooms' area then these are exceedingly well lit. *Impact acceptable.*

7.25 The impact of the development on the majority of the surrounding residential properties meets the BRE guidelines and/or is considered to be satisfactory. The proposed development would however have some impact on the surrounding residential occupiers and it is recognised that there will be a significant loss of sunlight and daylight to the two west facing flats within the podium level of Mariner House, 156-163 High Street.

7.26 This impact must be weighed against a number of factors: the previous use of this brownfield site was as a 4-6 storey multi storey car park; there has been a long term allocation of the site for development, firstly within the Elmer Square Development Brief, then within the Southend Central Area Action Plan and its allocation as Opportunity Site PA3.1; and the site is located within the Town Centre, within a close knit urban environment where all development, except very low rise development, will impact upon neighbouring properties.

7.27 A very low rise building would not fit comfortably on the site from a townscape point of view, would not reflect the character of this site and its surroundings and would not give rise to the regeneration benefits of the proposed scheme. Furthermore the proposed development would have multiple public benefits, including the provision of a highly accessible, state of the art new educational and arts building to improve and expand existing facilities within the town and to reinforce Elmer Square as the heart of the learning hub, in accordance with key local plan policies.

7.28 Taking all these factors into account it is considered that the negative impact of the development on the occupiers of Mariner House, 156-163 High Street, does not outweigh the benefits of the proposal and is not considered to warrant refusal of the application. The proposal is considered to meet the objectives of development plan policies and guidance.

Overbearing impact, sense of enclosure and outlook

7.29 Taking into account the siting and height of the development (which is comparable to the Forum 1 building), the set back of the upper floor away from the High Street properties and the detailed design of the elevations, it is considered that whilst there will

be some impact on the outlook and a greater sense of enclosure to surrounding occupiers (particular those within the podium level of Mariner House), weighing this against the factors set out in paras 7.26 and the public benefits of the scheme set out on para 7.27 it is not considered that this is not considered to warrant refusal of the application. The proposal is considered to meet the objectives of development plan policies and guidance.

Overlooking and loss of privacy

- 7.30 Taking into account the siting of the development and the detailed design of the elevations, including the use of translucent film to the glazing area for privacy and reduced glazing to the north and south elevations to mitigate against any overlooking or loss of privacy, it is not considered that the design of the development is such that, with the recommended conditions, it would result in a material loss of privacy or overlooking to the detriment of surrounding residential properties.

Lighting

- 7.31 It is proposed to downlight the exterior of the sides and rear of the building at ground floor level and to illuminate the area under the front facing upper floor projection. This will allow illumination of the building such that it will enhance its appearance and discourage antisocial behaviour, whilst protecting the amenities of surrounding occupiers. The applicants have submitted a Lighting Study carried out by DIALux dated 22nd June 2019 demonstrating the proposal will not harm the residential amenities of nearby properties. The Councils Environmental Health Officer has raised no objection to the lighting strategy and the submitted scheme is considered to be acceptable .

Noise and increased activity at the site.

- 7.32 The applicants have submitted a noise assessment 'Planning Noise Control Survey' in support of their application. This sets out the acoustic strategy to control external sound break in to the development and building services noise emissions to the surroundings. The assessment demonstrates that currently the local sound environment is moderately calm and quiet and is generally characterised by road traffic noise emissions on the roads surrounding the site, along with deliveries to and from the nearby retail premises and the Forum and operation of the Forum Screen.
- 7.33 The sound insulation needs of the building envelope have been assessed and sound reduction measures proposed such as double-glazed window systems in most areas with more robust construction methods for the performance studios.
- 7.34 The ventilation strategy states that office spaces are to be natural ventilated with attenuated ventilation openings. General teaching spaces, performance studios, the restaurant, the exhibition space and the office will be provided with a hybrid ventilation system. The performance venue and other internal areas will be mechanically ventilated so as to allow a more controlled environment. A number of mitigation measures are proposed to control the noise from building services plant including low-noise equipment, provision of high performance attenuation packages to the heat rejection plant and induct attenuators to the connections of all air handling plant, which are considered acceptable.
- 7.35 The Councils Environmental Health Officer has raised no objection in relation to noise,

subject to the relevant noise mitigation measures to be implemented prior to the occupation of the development. In order to safeguard the amenity of surrounding residents a number of conditions will be imposed to ensure noise levels from the development are kept to an acceptable level including for any plant or ventilation equipment to be installed.

- 7.36 The applicant has indicated the opening hours for the college areas will vary between 08:00-21:30 Monday to Thursday and 08:00-18:00 on Friday. The council managed opening times will vary, opening 7 days of the week. The exhibition space on the ground floor will be open from 10:00 to 22:00. The office and the studio spaces on the first floor will have 24 hour access. The project room, digital artist workspace, photography and editing suites are open between 08:00 and 22:00.
- 7.37 No objection is raised to the opening hours as set out above, which are similar to that of the Forum building to the west of the site. Notwithstanding the stated opening hours, the applicant has confirmed the opening hours may vary in the future. Therefore a condition is proposed to require a management strategy for hours of opening to be approved prior to the occupation of the development to protect the amenities of nearby residential occupiers and to ensure that the opening hours are formally agreed. This is considered to be an acceptable approach.
- 7.38 Overall, it is considered that, subject to the imposition of conditions, the impacts of the proposed development on the amenities of surrounding neighbours is acceptable in all relevant regards, on balance. The impacts of the development on daylight and sunlight are noted and have been fully taken into account and the balance weighed in the assessment of the scheme. However the proposal's impacts in this regard are found to be related to the site's urban context and the development of a scheme which is appropriate in this context and which addresses the site's policy allocation. The wider planning benefits that the scheme would deliver are also found to weigh significantly in its favour. Overall the scheme meets the objectives of the Borough's planning policy framework.

Traffic and Transportation Issues

- 7.39 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. All development should meet the parking standards (including cycle parking).

- 7.40 The application site benefits from a good level of transport infrastructure provision that provides opportunities for people to travel to the proposed development by non-car modes of transport. The site is considered to be extremely accessible. It is located within convenient walking distance of two stations which connect with both London Liverpool Street and Fenchurch Street and is close to cycle routes, bus routes and a number of public car parks within walking distance. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads.
- 7.41 The applicant has confirmed the maximum design occupancy of the building is 945 people: 75 staff, 442 students, 372 visitors and 56 artists. The Design and Access Statement (DAS) sets out the *“existing accommodation consolidation strategy”* stating that Forum II *“allows the College to consolidate fragmented provision in leased or hired accommodation and ease overcrowding in the Luker Road site as well as providing additional student places in media and the performing arts.”*
- 7.42 The Transport Statement sets out that the development will generate 175 vehicular movements during the AM peak hour and 75 during the PM peak. The applicant states the vehicle movements will be spread across the Southend highway network due to the various car parks around the site and therefore it is considered that the impact on the highway network will be negligible. In relation to impact on public transport 28 additional trips are forecast during the AM peak hour (08:00-09:00) for trains and 12 trips during the PM peak hour (17:00-18:00) resulting in 1.65 additional passengers per train during the AM peak, and less than one additional passenger per train during the PM peak. In relation to impact on local bus services, 13 additional trips are forecast to be made using buses during the AM peak hour (08:00-09:00) and 6 during the PM peak hour (17:00-18:00). The overall impact on the bus services is considered negligible as the net increase in trips is within typical daily fluctuations. The impact on the cycle infrastructure is that 16 additional cycle trips are forecast to be generated following the development during the AM/PM peak hours, with 49 trips across an entire day, thus not resulting in an adverse impact on the local cycle infrastructure. The Councils Highways Officer has raised no objection to the development on highways grounds subject to submission of a construction management plan. This matter can be addressed by a suitable condition.
- 7.43 Policy DM15 of the Development Management Document sets out maximum parking standards include 1 space per 40sqm for an office (Class B1) 1 space per 15 students for full time equivalent staff for education (Class D1) plus 1 space per 15 students for student parking and 1 space per 25sqm for exhibition space (Class D1). Thus a maximum of 83 parking spaces would be required for the new development.
- 7.44 The Transport Statement submitted with the application states *“there are 287 car parking spaces located on College Way that belong to the University and located under to the Luker Road College site and eight other public parking areas which include underground parking of University of Essex on Luker Road, and parking bays at different locations (Warrior Square, Southend Central Station, Sainsbury’s Southend, Essex Street, Short Street, Tylers Avenue and York Road and Portcullis House. More than 1000 spaces are available in less than a 10 minute walk from the proposed development which will be able to accommodate the forecasted demand”*.

- 7.45 The parking standards as set out by the Council in paragraph 7.43 above are maxima, and taking into account the location of the site within the highly sustainable town centre with ready access to a range of modes of public transport and a number of car parks within close proximity, no objection is raised to a zero on-site parking provision. The Council's Highways Officer has raised no objection to the development on parking grounds. The proposal is considered to be acceptable and policy compliant in terms of its car parking provision and its impacts on the highway and public transport networks.

Cycle Parking

- 7.46 The number of cycle spaces required for the proposed development in accordance with Policy DM15 of the Development Management Document is 1 space per 200sqm for visitors and 1 space per 100sqm for members of staff (Class B1) equating to 9 parking spaces; education (Class D1) requires 1 space per 5 staff and 1 space per 3 students equating to 163 spaces; 1 space 4 staff plus visitor parking for exhibition (Class D1) equating to 20 spaces - thus a total of 191 for all the uses proposed. The transport statement states "*the current provision of cycle parking spaces around the site is considered acceptable given the low forecasted number of cycle trips to the site*". No evidence has been submitted to support this assertion; however notwithstanding the details submitted a condition can ensure a suitable number of additional cycle spaces are provided to encourage the use of sustainable transport.

Travel Plan

- 7.47 A draft framework for a travel plan has been submitted to facilitate and encourage sustainable travel to and from the proposed development. This requires amendment before it could be considered to be robust and should also be linked to existing travel plans for the College and Forum. It is considered that the requirement for a travel plan to serve the new building can be the subject of a condition.

Servicing

- 7.48 Deliveries and servicing, including refuse collection, will be facilitated by the provision of a delivery bay to the north of the development alongside the Farringdon Service Road. The servicing would generate seven deliveries and servicing trips per day, six of these will utilise cars and vans and one an HGV utilising the two loading bays on Farringdon Service Road under the development. A delivery and servicing plan together with a waste management strategy are proposed to be required though the conditions recommended to ensure that these elements of the scheme are acceptable.

Conclusion on transport

- 7.49 On balance, taking into account that the site is located within the town centre with good access to public transport and a number of car parks, and cycle provision is to be secured by condition, the proposed development would not have an adverse impact on traffic generation or highway safety in the locality and the provision of zero on site parking is considered acceptable. On balance, the development is considered to be acceptable and policy compliant, in respect of traffic and transport matters.

Sustainability

- 7.50 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 7.51 The submitted ‘The Forum 2, Energy Strategy Report dated May 2019’ indicates that the development is committed to provide 10% of energy needs through low carbon technologies. Preferred renewable technologies include a water source heat pump (WSHP) to convert heat from water into sustainable energy. The various low carbon technologies will provide 24% of onsite renewable energy. Further information is required to confirm that this provides 10% of energy needs through on site renewable options. This matter can be addressed by the use of a suitable condition. Subject to a condition no objection is raised on this basis.
- 7.52 For Southend, there is an identified need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in Essex and it is necessary to ensure that water efficient design measures are incorporated into the proposed development. Whilst details of these have not been submitted with the application, this matter can be addressed by imposition of suitable conditions.

Flood Risk and Drainage Matters

- 7.53 A drainage strategy and water quality management report has been submitted for consideration and revised to include additional information during the course of the application. The desktop study indicates that the site is located on the London Clay Formation (clay and silt over sedimentary bedrock). Based upon the information submitted the infiltration as a means of disposal is not feasible on the site due to the likely permeability of the clay sub soils. The proposed surface water drainage system will be restricted to two litres/sec prior to its connection onto the existing Anglian Water surface water sewer and can be controlled by condition. Oversized pipes and below ground cellar crates will be used to store surface water prior to slow discharge from the site and rainwater will be discharged to sewers/drains.
- 7.54 The application has been submitted with a flood risk assessment which states that the site is located in a flood zone 1 and therefore is classified as low risk, with a less than 0.01% chance of being flooded. The report states that the site is not at risk of fluvial flooding for return periods including the 1 in 1000 year. Flooding of external areas is predicted on the 1000 year event surface water flooding maps. The proposed building will be situated 0.15m above proposed ground levels resulting in a low risk of all forms of flooding.
- 7.55 The LLFA and Anglian Water have raised no objections to the development subject to appropriate conditions. Subject to such conditions, the development is considered acceptable and policy compliant in respect of flooding and drainage matters.

Decontamination

- 7.56 Paragraph 170 of the NPPF states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by...remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.’*
- 7.57 Policy DM14 of the Development Management Document states *‘Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where: an appropriate contaminated land assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality...’*
- 7.58 A Geotechnical and Geoenvironmental Interpretive Report Revision 1 (Phase 1 and Phase 2), Desk Study Report, and Geotechnical and geo-environmental interpretive report carried out by Card Geotechnics have been previously submitted with application 11/00790/BC3M for the Forum phase I, which covered both phases of development and the information submitted was considered acceptable. However, if during the course of the development any contamination is found which has not been previously identified a suitable condition can be imposed to ensure full details are submitted to and agreed in writing with the local planning authority.
- 7.59 The development is therefore considered acceptable and policy compliant in this respect.

Archaeology

- 7.60 It is considered that as the site is previously developed land, in this instance there are unlikely to be any archaeological implications for this site and none were found during the construction of the Forum Phase I to the west of the site.

Ecology

- 7.61 Paragraph 170 of the NPPF states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...minimising impacts on and providing net gains for biodiversity...’*
- 7.62 Policy KP2 of the Core Strategy states *‘All new development...must respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the Borough’s biodiversity and green space resource...’*
- 7.63 The application has been submitted with an extended phase I habitat survey report which concludes that the development will not have a negative impact on nearby designated sites. The report states there is no evidence of protected or notable species surrounding the site due to the young trees on site that would provide negligible bat roost potential or nesting opportunities for common bird species. The site is therefore confirmed to be of low ecological value. There are a number of mitigation measures and recommendations, within the submitted survey, that can be controlled by condition.

- 7.64 Given the findings of the submitted habitats survey, it is considered, that the development would have no adverse impact upon protected species or biodiversity with the conditions recommended. The scheme is acceptable and policy compliant in this respect.

Community Infrastructure Levy (CIL)

- 7.65 Although this application is CIL liable, in this instance the chargeable amount has been calculated as a zero rate as the development is being undertaken by a 'not for profit organisation'. The Council and College are predominantly publicly funded organisations. However, it is recommended that a condition be applied to this permission restricting the nature of the use within Use Class D1 to prevent future changes in the use of the building to a use that would not be zero rated and would have a greater impact in terms of infrastructure requirements. This condition is required to determine the scope of this permission in terms of its impact on community infrastructure in accordance with Core Strategy Policy CP6.

8 Conclusion

- 8.1 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 overall objectives of the development plan policies and national guidance. The redevelopment of the site for education purposes is wholly in accordance with the Elmer Square Development Brief, Core Strategy aims and objectives and policies contained within the Southend Central Area Action Plan and is welcomed. The regeneration of the site would have positive impacts on the character and appearance of the streetscene and wider area. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development.
- 8.2 Whilst it is recognised that the development would have an impact on the amenities of the occupiers of the podium level of Mariner House, 156-163 High Street in certain regards, in this urban, town centre location, and weighted in the balance, this does not warrant a refusal of planning permission. Furthermore the proposed development would have multiple public benefits, including the provision of a new educational and arts building to improve and expand existing facilities within the town and to reinforce Elmer Square as the heart of the learning hub, in accordance with key local plan policies. The application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall be carried out in accordance with the approved plans:
Location Plan and Block Plan ADP-XX-00-DR-A-0900 Revision S2P2
Site Plan ADP-00-00-DR-A-0910 Revision S2 P3

Proposed Basement ADP-00-B1-DR-A-1000 Revision S2P3
Proposed Ground Floor ADP-00-00-DR-A-1001 Revision S2P3
Proposed First Floor ADP-XX-01-DR-A-1002 Revision S2P3
Proposed Second Floor ADP-XX-02-DR-A-1003 Revision S2P3
Proposed Third Floor ADP-00-03-DR-A-1004 Revision S2P3
Proposed Roof Level ADP-00-R1-DR-A-1005 Revision S2P4
Proposed East and North Elevations ADP-XX-ZZ-DR-A-1208 Revision S2P3
Proposed South Elevation ADP-XX-ZZ-DR-A-1211 Revision S2P2
Proposed North Elevation ADP-XX-ZZ-DR-A-1213 Revision S2P2
Proposed West and South Elevation ADP-XX-ZZ-DR-A-1207 Revision S2P3
Proposed Section ADP-XX-ZZ-DR-A-1230 Revision S2P2
Site Sections ADP-XX-ZZ-DR-A-1303 Revision S2P2
Site Section E ADP-XX-ZZ-DR-A-1304
Site Sections Existing and Proposed ADP-XX-ZZ-DR-A-1302 Revision S2P2
West Elevation Portion ADP-00-XX-DR-A-1215 S2P2
East Elevation ADP-XX-ZZ-DR-A-1212 Revision S2P2
West Elevation ADP-XX-ZZ-DR-A-1210 Revision S2P2

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 floor slab 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 before it is brought into use.

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** Notwithstanding the details shown on the plans submitted and otherwise approved, no development above ground floor slab 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:

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

- 05 Notwithstanding the details shown on the plans submitted and otherwise approved 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 location and number of secure, cycle spaces to be provided to serve the development. The approved cycle parking shall be provided in full and made available for use by students and staff.**

Reason: To ensure the provision of adequate cycle storage and parking in accordance with policies DM3 and DM15 of Development Management Document (2015).

- 06 Notwithstanding the details shown on the plans submitted and otherwise approved, prior to the first occupation of the development hereby approved a Servicing and Delivery Strategy shall be submitted to and agreed in writing by the local planning authority. The submitted strategy shall include hours of delivery, monitoring and review arrangements for the service of and deliveries to the development. Servicing and deliveries shall take place in accordance with the strategy prior to the first use of the development hereby approved and retained as such in perpetuity.**

Reason: To ensure that the development is satisfactorily serviced and 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 DM3 and DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 07 Notwithstanding the details shown on the plans and the submitted Energy Strategy report, 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. The renewable technology measures shall be installed prior to the first occupation of the building.**

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

- 08 The development hereby approved shall be undertaken and completed in accordance with the mitigation, recommendations and enhancement measures contained within Section 4, page 8 of the South Essex College-The Forum Phase II Ecological Appraisal prepared by LUC dated October 2018, within the first planting season prior to the occupation of the building.**

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2019), and Core Strategy (2007) Policies KP1, KP2 and CP4.

- 09 The development hereby approved shall be undertaken in accordance with the recommendations contained within the Geotechnical and Geoenvironmental Interpretive Report Revision 1 (Phase 1 and Phase 2), Desk Study Report, and Geotechnical and geo-environmental interpretive report carried out by Card Geotechnics dated January 2012 previously submitted to and approved in writing by the Local Planning Authority under the approval of details application reference 11/01705/AD.**

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

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

- 10 The parts of the development hereby approved for purposes falling within Class D1, shall be limited to education use for South Essex College, performing arts and music practice and an art gallery 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 safeguard the impact on residential amenity and highway safety in accordance with policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM15 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

- 11 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan linking with that which exists for South Essex College and Forum 1 and 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 being occupied. 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 (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

- 12** The noise mitigation measures outlined in the Planning Noise Control Strategy Revision 00 dated 29 March 2019 including sound insulation, ventilation and control of noise from building services and plant shall be implemented in their entirety prior to occupation of the development hereby approved and shall be maintained in perpetuity thereafter.

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).

- 13** Notwithstanding the details of opening hours for building submitted for consideration, an 'hours of operation' management plan shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of the building. The development shall be occupied in perpetuity only in accordance with the approved details.

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).

- 14** Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the storage and collection of general refuse and re-useable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy from first occupation and be retained in perpetuity.

Reason: To ensure that satisfactory waste management is undertaken in the interests of highway safety, visual and general 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).

- 15** No drainage infrastructure, including earthworks, associated with this development shall be undertaken until details of the design implementation maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity. Those details shall include:

- i) **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;**
- ii) **a timetable for its implementation; and**
- iii) **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).

- 16 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 and access routes**
- 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**
- vii) measures to minimise noise disturbance impacts.**

Reason: A pre-commencement condition is needed in the interests highway safety, visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 17 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 and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the details, materials, specification and location of all obscure window film to be implemented as part of the development. The development hereby permitted shall be implemented and completed 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 amenities of nearby residential occupiers in terms of overlooking and loss of privacy. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development

Management Document (2015) policies DM1 and DM3, and advice contained within the Design and Townscape Guide (2009).

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

Reason: To protect the amenities of nearby residential 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 advice contained within the Design and Townscape Guide (2009).

- 19 Notwithstanding the details submitted and otherwise hereby approved external lighting shall only be installed at the site in accordance with details including the design of the lighting and the hours of illumination that have previously been submitted to and approved in writing by the local planning authority.**

Reason: To protect the amenities of surrounding residential occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

- 20 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 21 Delivery times for the development hereby approved shall not take place outside 08:00 hours to 21:00 hours Mondays to Saturday and 08:00hours to 20:00 hours on Sundays.**

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).

- 22** 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 level as measured at 3.5m from the ground floor facades and 1m from all other facades of the neighbouring noise sensitive premises.

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

- 23** Prior to first occupation of the development hereby approved details of how the development will minimise the use of water and maximise the use of recycled water through efficient design measures for example: rainwater harvesting; greywater use; water efficient plumbing and wastewater reuse, shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details prior to first use and thereafter maintained and operated in accordance with the approved details in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with National Policy, Core Strategy (2007) policies KP2 and CP4, and Policies DM1 and DM2 of the Development Management Document (2015)

- 24** The development authorised by this permission shall not begin unless and until the local planning authority has approved in writing a full scheme of off site tree planting.

This scheme shall include:

- i) details of the number, size and location of the trees to be planted together with a planting specification and details of the management of the site; eg; the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval

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

Informatives

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

- 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 architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical officer at Service Headquarters.
- 04** Essex County Fire and Rescue Service urges building owners and developers to consider the installation of Automatic Water Suppression Systems which can substantially reduce the risk to life and of property loss.
- 05** Anglian Water- The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) Informative - 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. (2) Informative - 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. (3) Informative - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) Informative - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) Informative: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
- 06** You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) if you want to put up an advertisement at the property.

APPENDIX 1 – Daylight and Sunlight report Avison Young September 2019

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Daylight and
Sunlight
Report

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The Forum 2, Southend-on-Sea

ADP Architects

Updated September 2019

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Appendix II Daylight & Sunlight Analysis - Drawings_EL24/04/BRE98-BRE110 plus Tables

Prepared By: Ian Absolon, Senior Director

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Doc Ref.: FO26/18/ROL

For and on behalf of GVA Grimley Ltd t/a Avison Young

1. Introduction and Scope of Report

- 1.1 Avison Young (formerly GVA Schatunowski Brooks) has been retained by ADP Architecture to assess the impact of the proposed development at Elmer Square, Southend in respect of Daylight and Sunlight in respect of neighbouring residential properties.
- 1.2 The report will assess the impact of the proposed scheme on any residential neighbours that have the possibility of impact on their Daylight and Sunlight.
- 1.3 Assessed properties are as follows:
- 15A Queens Road
 - 7A Queens Road
 - 1B Queens Road
 - 189-189A High Street
 - 185-187 High Street
 - 181 High Street
 - 177 High Street
 - 173-175 High Street
 - 169-171 High Street
 - 165-167 High Street
 - 157-163 High Street
 - 9 Elmer Approach

2. Sources of Information

- 2.1 Existing site ADP 3D model rec'd April 2011.
- 2.2 Surrounding Buildings 10 Dec 2018 – 3D survey, 3Dview-(3Djoergp) by XYZ surveys.
- 2.3 Proposed scheme- 3-D model ADP architects.

3. Scheme Assessment

Impact on Neighbouring Dwellings

- 3.1 The analysis has been carried out using the BRE methodology as set out in the document "Site layout planning for Daylight and Sunlight, A guide to good practice 2011".
- 3.2 All results are shown in plan and tabular format in the report appendices.
- 3.3 Drawings numbered EL24/04/BRE98-101 show the scheme in 3-D and on plan for existing and proposed scenarios with neighbour's buildings referenced. The existing scenario was the now demolished car park and recently constructed Forum 1.

Daylight & Sunlight Analysis

15A Queens Road – Drawings BRE 102

- 3.4 This is a single level flat above a retail outlet with its rear window facing towards the site.
- 3.5 There is minimal change here with only a reduction of 4.5%.
- 3.6 With regards to Sunlight there is no change to the existing condition.
- 3.7 There is no noticeable change and is fully BRE compliant.

13 Queens Road – Drawings BRE 102

- 3.8 This is a single level flat above a retail outlet with its living room window facing towards the site. It is a five faceted window.
- 3.9 There is minimal change here with two facets seeing single figure reduction and the rest retaining light in excess of 27% VSC.
- 3.10 The sunlight analysis shows all windows retain in excess of the BRE requirements and as such is fully compliant.
- 3.11 There is therefore no noticeable change and it is fully BRE compliant.

7A Queens Road – Drawings BRE 103

- 3.12 This house sits on three levels and has a variety of impacts and all tests for VSC , ADF and daylight distribution are shown in the tables within the appendices

- 3.13 Ground floor windows received little light in the existing condition and this is slightly improved. To the first floor the light is reduced by 25%, slightly in excess of the BRE guidance whilst the top floor sees only a reduction of 20%.
- 3.14 The results show that the ground floor sees a small increase in daylight for VSC, ADF and daylight distribution although this is thought to be a commercial unit. The top floor sees less than 20% reduction and retains 90% of its room lit by the daylight contour. The first floor does see in excess of 20% reduction but again retains in excess of 90% of its room lit by the daylight contour. On that basis it cannot be said that this room will not be well lit.
- 3.15 Overall we feel the impact here is acceptable.
- 3.16 In terms of Sunlight analysis the modelling shows that the gap between the Forum already built and the proposed building means that there is a little increase in winter sun at ground floor. However we believe that is actually the rear store room window of the ground floor commercial unit.
- 3.17 To the first and second floors there is one window per floor each with 3 glazed sections. Both floors retain sunlight that is in excess of the BRE requirements of 25 % annual probable sunlight hours with 5% of those in the winter. 7A is therefore fully compliant with the scheme in place.

1B Queens Road – Drawings BRE 104

- 3.18 This is a single level flat above a retail outlet, with its rear windows of three rooms facing towards the site.
- 3.19 One room sees a less than 20% reduction and two just over, however, all rooms retain between 22% and 24% VSC, these are very high levels of daylight for the centre of a town location and the rooms will all remain well daylit.
- 3.20 Its Sunlight calculations produce similar results retaining sun light percentages of 57%, 58% and 59%, significantly in excess of the guidance requirement of 25% APSH.

189-189A High Street - Drawing-BRE105+106

- 3.21 This is a flat above retail with only one window facing the site.
- 3.22 The reduction is only 5% and as such well within BRE guidance and is therefore fully compliant.

185-187 High Street - Drawing-BRE105+106

- 3.23 This is also a flat above retail and has two windows facing the site.
- 3.24 The reductions are all much less than 20% and the flat is fully BRE compliant.

181 High Street - Drawing-BRE105+106

- 3.25 This is another flat above retail with only one window facing the site.
- 3.26 The reductions are minimal here with a slight increase in daylight for one window.

177 High Street - Drawing-BRE105+106

- 3.27 A single story above shops, this flat sees a less than 20% reduction for one window and retained in excess of 27% VSC for its others.
- 3.28 This flat is fully BRE compliant.

173-175 High Street - Drawing-BRE105+106

- 3.29 This flat is on the second floor, it has three rooms facing the site.
- 3.30 Two rooms have a less than 20% reduction and the third retains in excess of 27% VSC.
- 3.31 This flat is fully BRE compliant.

169-171 High Street - Drawing-BRE105+106

- 3.32 This flat again has three rooms facing the site.
- 3.33 The windows to these rooms are already in a sheltered location and thus have lower existing levels of daylight compared to many of the other flats considered here, consequently there are higher percentage reductions than in other locations but the actual reductions in daylight are small.
- 3.34 It is likely here that the internal conditions will not appear unduly different.

165-167 High Street - Drawing-BRE105+106

- 3.35 This is another second floor flat; it has three rooms facing the site.
- 3.36 All rooms have a less than 20% reduction of VSC.
- 3.37 This flat is fully BRE compliant.

9 Elmer Approach – Drawing BRE 107+108

- 3.38 The flats in this building are those which have planning consent for conversion to residential use under PDR guidance.
- 3.39 As these are yet to be occupied, as is the industry norm, the internal daylighting conditions have been analysed as opposed to potentially noticeable differences to the VSC.
- 3.40 In all cases the internal average daylighting levels remain significantly higher than any requirements, for example on the lowest level of the building a Lounge/Kitchen/Diner retains 5.70% Average Daylight Factor as opposed to the British Standard of 2%.
- 3.41 Internal daylight distribution is approaching 100% in all cases post the planned Forum development.
- 3.42 If one did analyse the VSC figures for the rooms then all but two rooms will retain in excess of 27% VSC which is the ideal standard daylight for a suburban house. In fact the two rooms in question retain 23.02% and 24.96%. In combination with a daylight distribution of over 90% of the rooms' area then these can only be said to be exceedingly well lit.

157-163 High Street –Drawing BRE 109+110

- 3.43 This building was originally an office building which has been converted into flats with consents in 2016 and 2018.

- 3.44 The 2016 consent gave permission to convert all floors above first into residential units, the 2018 consent granted permission to convert the first floor podium into flats over the commercial ground floor.
- 3.45 The flats in the tower element of this block see no noticeable impact with very minor alterations in light.

- 3.46 The latterly consented podium flats will see a change to daylight given that the windows serving them are located on the rear boundary hard against the roadway between it and the site. The rooms have been fitted into the podium footprint and as such are very long and narrow meaning that only exceedingly low rise development on the Forum site would achieve a compliant result.
- 3.47 In essence these have been consented as an extremely poor neighbour to the development of the site and given the proposals for the Forum it is somewhat surprising consent was granted.
- 3.48 In our view given these are the only adjacent residential units with any noticeable loss then in overall terms the scheme should be deemed as acceptable.

4. Summary and Conclusion

- 4.1 The scheme is restricted in its impact on neighbour's light with only very few residential units seeing any noticeable loss.
- 4.2 Two of these are restricted to losses slightly in excess of 20% in one location where retained levels remain in the high 20 VSC levels and one flat which has sheltered lighting conditions in the existing condition.
- 4.3 The other building is as described above one that has been granted consent for conversion recently and become an extremely bad neighbour for the development of this site.
- 4.4 In our view these do not constitute sufficient issues to prevent the granting of consent.
- 4.5 Should you require any further information please do not hesitate to contact us.

Appendix I

Daylight & Sunlight Principles

Appendix II

Daylight & Sunlight Analysis - Drawings EL24/04/BRE98-BRE110 plus Tables

Daylight & Sunlight Principles

The BRE Guidelines – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice are well established and are adopted by most Local Authorities as the appropriate scientific and empirical methods of measuring daylight and sunlight in order to provide objective data upon which to apply their planning policies. The Guidelines are not fixed standards but should be applied flexibly to take account of the specific circumstances of each case.

The Introduction of the Guidelines states:

"The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the developer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of the many factors in site layout design."

The 'flexibility' recommended in the Guidelines should reflect the specific characteristics of each case being considered. For example, as the numerical targets within the Guidelines have been derived on the basis of a low density suburban housing model, it is entirely appropriate to apply a more flexible approach when dealing with higher rise developments in a denser urban environment where the general scale of development is greater. In addition, where existing and proposed buildings have specific design features such as projecting balconies, deep recesses, bay windows etc., it is also equally valid to apply a degree of flexibility to take account of the effect of these particular design features. This does not mean that the recommendations and targets within the Guidelines can be disregarded but, instead, the 'flexibility' that should be applied should be founded on sound scientific principles that can be supported and justified. This requires a certain level of professional value judgement and experience.

Daylighting

In respect of daylighting, the BRE Guidelines adopt different methods of measurement depending on whether the assessment is for the impact on existing neighbouring premises or for measuring the adequacy of proposed new dwellings. For safeguarding the daylight received by existing neighbouring residential buildings around a proposed development, the relevant recommendations are set out in Section 2.2 of the Guidelines.

The adequacy of daylight received by existing neighbouring dwellings is measured using two methods of measurement. First, it is necessary to measure the Vertical Sky Component (VSC) followed by the measurement of internal Daylight Distribution by plotting the position of the 'existing' and 'proposed' no sky line contour.

VSC is measured at the mid-point on the external face of the window serving a habitable room. For the purpose of the Guidelines, a "habitable" room is defined as a Kitchen, Living Room or Bedroom. Bathrooms, hallways and circulation space are excluded from this definition. In addition, many Local Authorities make a further distinction in respect of small kitchens. Where the internal area of a small kitchen limits the use to food preparation and is not of sufficient size to accommodate some other form of "habitable" use such as dining, the kitchen need not be classed as a "habitable" room in its own right.

VSC is a 'spot' measurement taken on the face of the window and is a measure of the availability of light from the sky from over the "existing" and "proposed" obstruction caused by buildings or structures in front of the window. As it is measured on the outside face of the window, one of the inevitable shortcomings is that it does not take account of the size of the window or the size or use of the room served by the window. For this reason, the BRE Guidelines require internal Daylight Distribution to be measured in addition to VSC.

The 'No Sky Line' contour plotted for the purpose of measuring internal Daylight Distribution identifies those areas within the room usually measured on a horizontal working plane set at table top level, where there is direct sky visibility. This therefore represents those parts within the room where the sky can be seen through the window. This second measure therefore takes account of the size of the window and the size of the room but is only more reliable than VSC when the actual room uses, layouts and dimensions are known. When interpreted in conjunction with the VSC value, the likely internal lighting conditions, and hence the quality of lighting within the room, can be assessed.

For VSC, the Guidelines states that:

"If this Vertical Sky Component is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the Vertical Sky Component with the new development in place is both less than 27% and less than 0.8 times its former value, then the occupants of the existing building will notice the reduction in the amount of skylight."

To put this in context, the maximum VSC value that can be received for a totally unobstructed vertical window is 40%. There are however circumstances where the VSC value is already below 27%. In such circumstances, it is permissible to reduce the existing VSC value by a factor of 0.2 (i.e. 20%) so that the value on the 'proposed' conditions remains more than 0.8 times its former value. The scientific reasoning for this permissible margin of reduction is that existing daylight (and sunlight) levels can be reduced by a factor of 20% before the loss becomes materially noticeable. This factor of reduction applies to VSC, daylight distribution, sunlight and overshadowing.

By contrast, the adequacy of daylight for proposed 'New-Build' dwellings is measured using the standards in the British Standard Code of Practice for Daylighting, BS8206 Part 2.

The British Standard relies upon the use of Average Daylight Factors (ADF) rather than VSC and Daylight Distribution. The use of ADF is referred to in the BRE Guidelines (Appendix C) but its use is usually limited as a supplementary 'check' of internal lighting conditions once the VSC and Daylight Distribution tests have been completed.

ADF is sometimes seen as a more accurate and representative measure of internal lighting conditions as it comprises a greater number of design factors and input variables/coefficients. That is, the value of ADF is derived from:

- The actual amount of daylight received by the window(s) serving the room expressed as the "angle of visible sky" which is derived from the VSC value and therefore represents the amount of light striking the face of the window.
- The loss of transmittance through the glazing.
- The size of the window (net area of glazing).
- The size of the room served by the window(s) (net internal surface area of the room).
- The internal reflectance values of the internal finishes within the room.
- The specific use of the room.

One of the main reasons why ADF is more appropriate for New-Build dwellings is that any of the above input variables can be changed during the course of the design process in order to achieve the required internal lighting values. The ability to make such changes is not usually available when dealing with existing neighbouring buildings.

Unlike the application of VSC and daylight distribution, the British Standard differentiates between different room uses. It places the highest ADF standard on Family Kitchens where the minimum target value is 2% df. Living Rooms should achieve 1.5% df, and Bedrooms 1.0% df.

Sunlighting

The requirements for protecting sunlight to existing residential buildings are set out in section 3.2 of the BRE Guidelines.

The availability of sunlight varies throughout the year with the maximum amount of sunlight being available on the summer solstice and the minimum on the winter solstice. In view of this, the internationally accepted test date for measuring sunlight is the spring equinox (21 March), on which day the United Kingdom has equal periods of daylight and darkness and sunlight is available from approximately 08:30hrs to 17:30hrs. In addition, on that date, sunlight received perpendicular to the face of a window would only be received where that window faces within 90° of due south. The BRE Guidelines therefore limit the extent of testing for sunlight where a window faces within 90° of due south.

The sunlight standards are normally applied to the principal Living Room within each dwelling rather than to kitchens and bedrooms.

The recommendation for sunlight is:

"If this window reference point can receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months of 21 September and 21 March, then the room should still receive enough sunlight .

Any reduction in sunlight access below this level should be kept to a minimum. If the availability of sunlight hours are both less than the amounts given and less than 0.8 times their former value, either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight."

A good level of sunlight will therefore be achieved where a window achieves more than 25% APSH, of which 5% should be in the winter months. Where sunlight levels fall below this suggested recommendation, a comparison with the existing condition should be undertaken and if the reduction ratio is less than 0.2, i.e. the window continues to receive more than 0.8 times its existing sunlight levels, the impact on sunlight will be acceptable.

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EXISTING BUILDING

3D model from ADP Architects
received April 2011

SURROUNDING BUILDINGS

INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys

Estimations of windows, internal rooms
not covered by the survey

Please note due to limitations of the 3D survey
the lowest 2-3 floors of windows along
165-189 High Street have been modelled
indicatively, therefore only portray a trend
and cannot be relied upon

PROPOSED BUILDING

3D model proposal received from ADP Architecture

**AVISON
YOUNG**

08449 02 03 04
65 Gresham Street, London, EC2V 7NQ
www.gva.co.uk

Project Name

Elmers Square, London

Client

ADP Architecture

Drawing Title

Existing Site Plan highlighting in red
properties analysed

Drawn By

AC

Chk'd By

-

Scale @ A3

n/a

Date

02 Feb 2019

Project No.

EL24_04

Drawing No.

BRE_98

Revision

-



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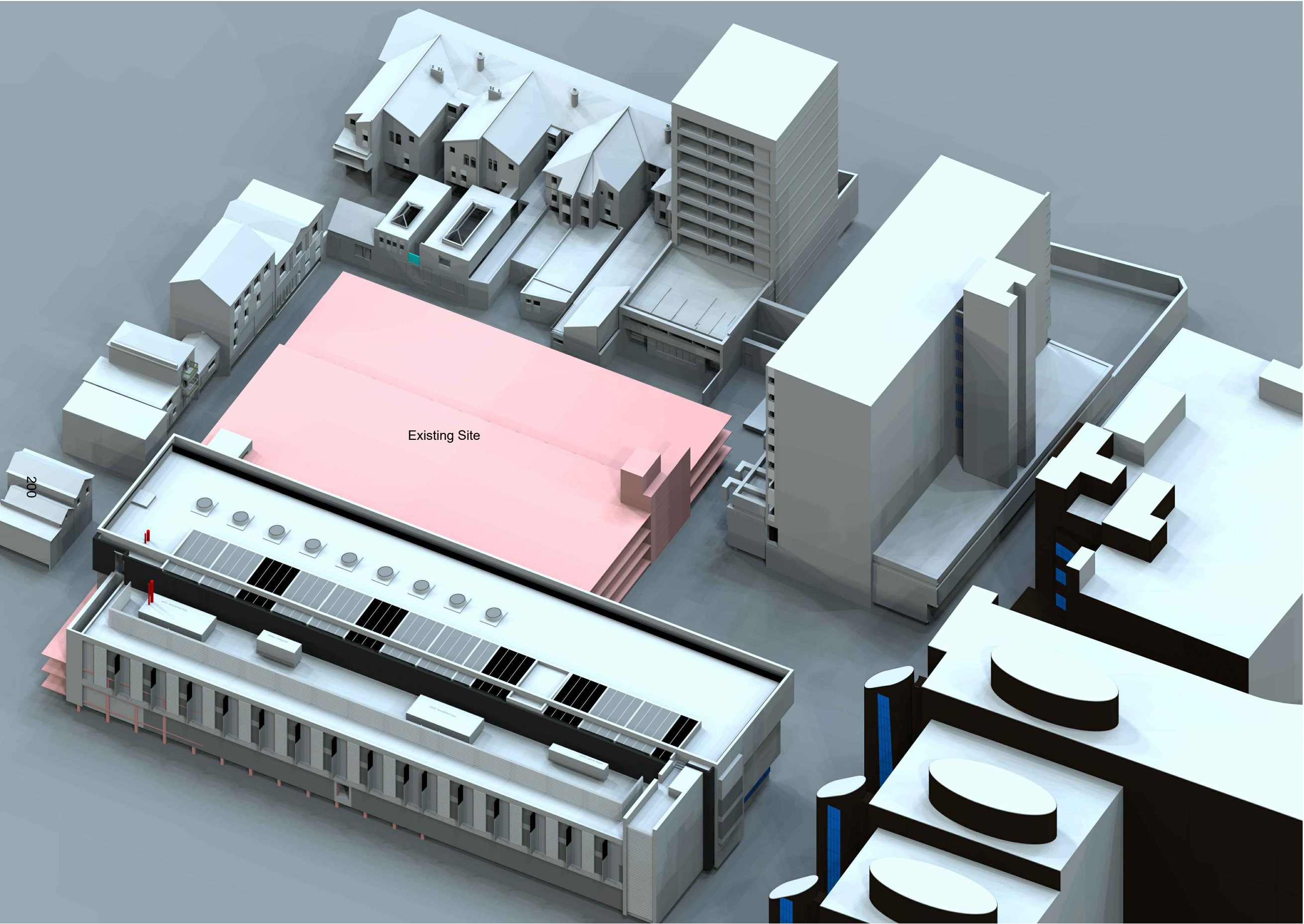
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Drawing No.

BRE_99

Revision

-



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Project Name

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Client

ADP Architecture

Drawing Title

3D View of Existing Site

Drawn By

AC

Chk'd By

-

Scale @ A3

-

Date

02 Feb 2019

Project No.

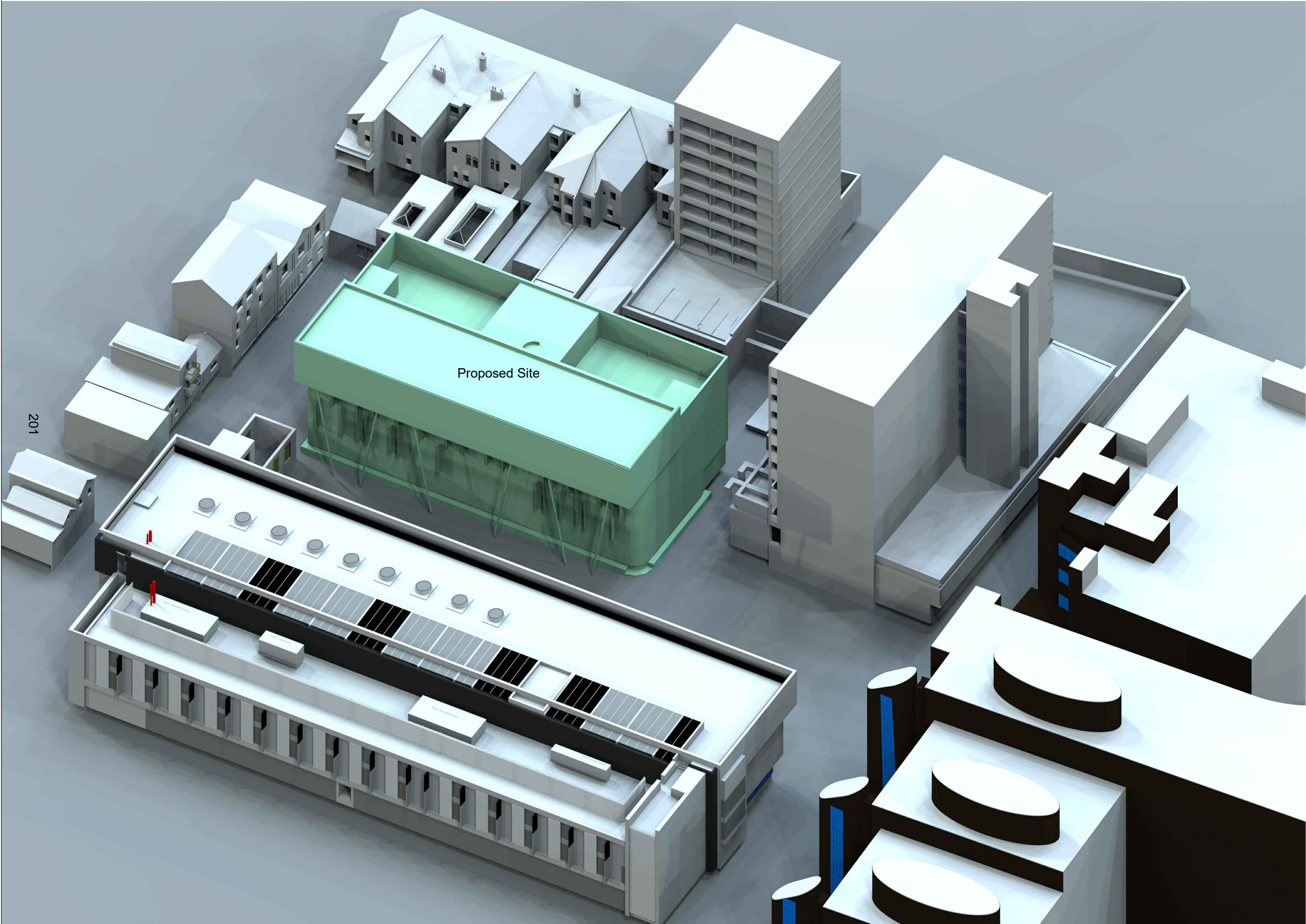
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Drawing No.

BRE_100

Revision

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Project Name

Elmers Square, London

Client

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Drawing Title

3D View of Proposed Site

Drawn By

AC

Chk'd By

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Scale @ A3

n/a

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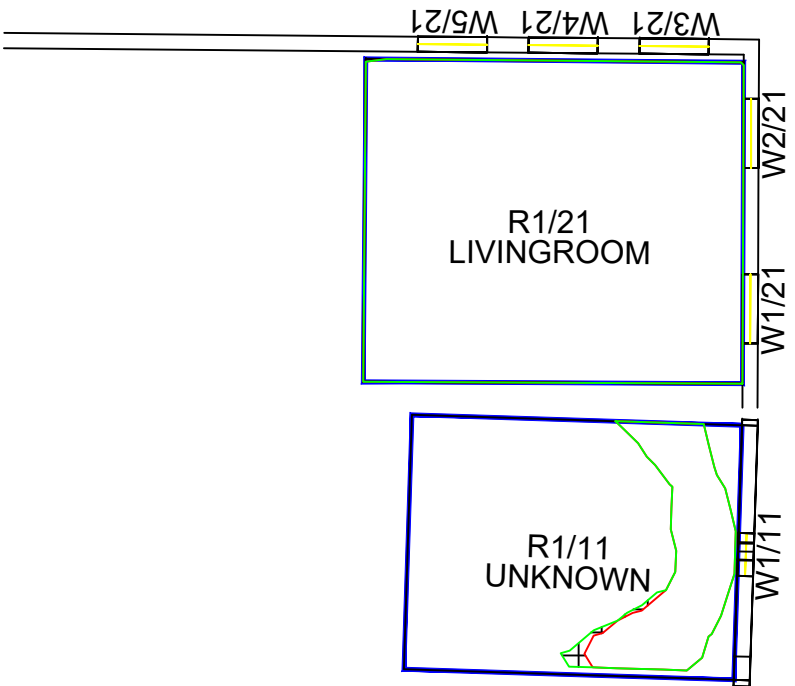
EL24_04

Drawing No.

BRE_101

Revision

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13 Queens Road

15A Queens Road

First Floor

This drawing is Copyright © of GVA Grimley Limited.
Do not scale this drawing.
All dimensions to be checked on site. Drawing to be read in conjunction with any specifications, schedules and Consultants drawings and details.

Legend

Daylight

Existing

Proposed

1ft Grid Loss Hatching

Room Layout

Existing No-Sky Line Contour

Proposed No-Sky Line Contour

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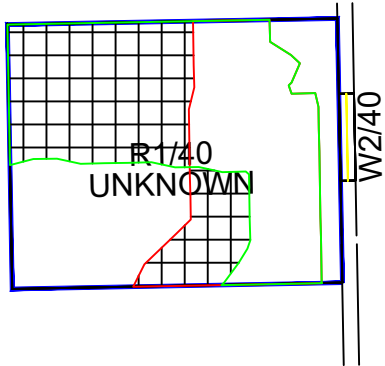
Project Name
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Client
ADP Architecture

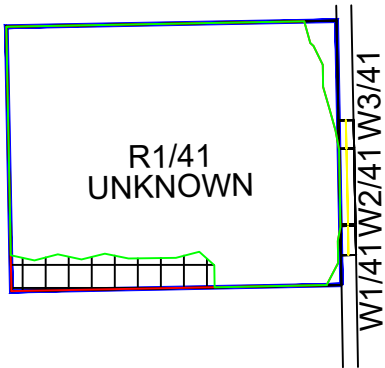
Drawing Title
No-Sky Line Contours for
13 & 15a Queens Road

Drawn By AC	Chk'd By -	Scale @ A3 1:100	Date 02 Feb 2019
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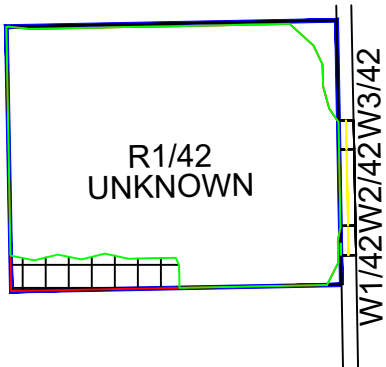
Project No. EL24_04	Drawing No. BRE_102	Revision -
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Ground Floor



First Floor



Second Floor

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Legend

Daylight

Existing

Proposed

1ft Grid Loss Hatching

Room Layout

Existing No-Sky Line Contour

Proposed No-Sky Line Contour

Sources of Information

EXISTING BUILDING
3D model from ADP Architects received April 2011

SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys
Estimations of windows, internal rooms not covered by the survey
Please note due to limitations of the 3D survey the lowest 2-3 floors of windows along 165-189 High Street have been modelled indicatively, therefore only portray a trend and cannot be relied upon

PROPOSED BUILDING
3D model proposal received from ADP Architecture

AVISON YOUNG

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65 Gresham Street, London, EC2V 7NQ
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Project Name
Elmers Square, London

Client
ADP Architecture

Drawing Title
No-Sky Line Contours for
7a Queens Road

Drawn By
AC

Chk'd By
-

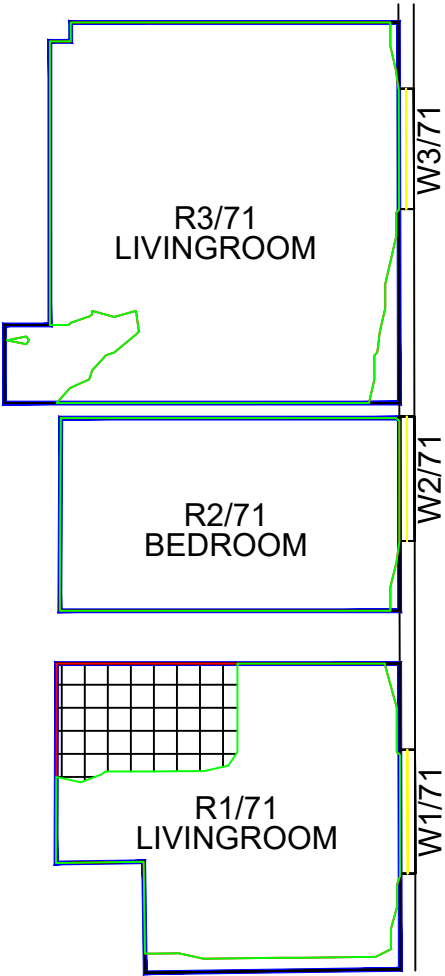
Scale @ A3
1:100

Date
02 Feb 2019

Project No.
EL24_04

Drawing No.
BRE_103

Revision
-



First Floor

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Legend

Existing

Proposed

1ft Grid Loss Hatching

Room Layout

Daylight

Existing No-Sky Line Contour

Proposed No-Sky Line Contour

Sources of Information

EXISTING BUILDING
3D model from ADP Architects received April 2011

SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys
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PROPOSED BUILDING
3D model proposal received from ADP Architecture

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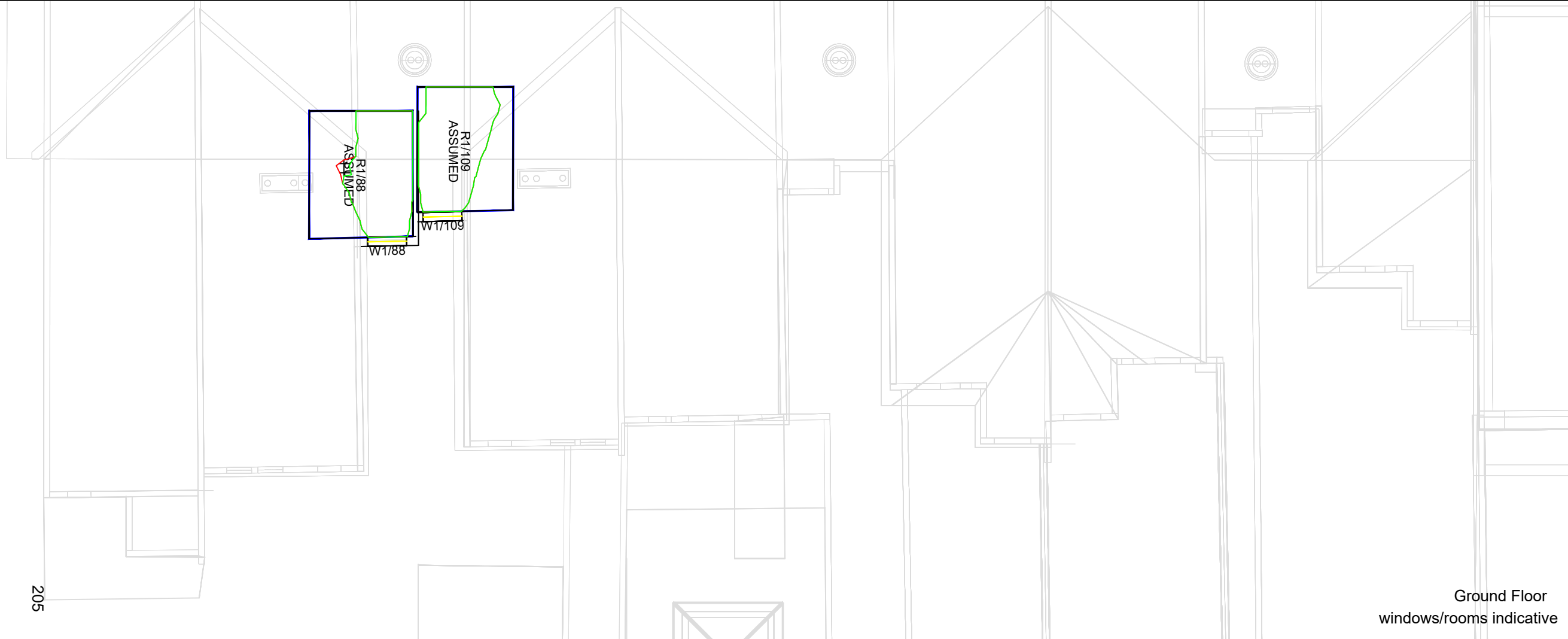
Project Name
Elmers Square, London

Client
ADP Architecture

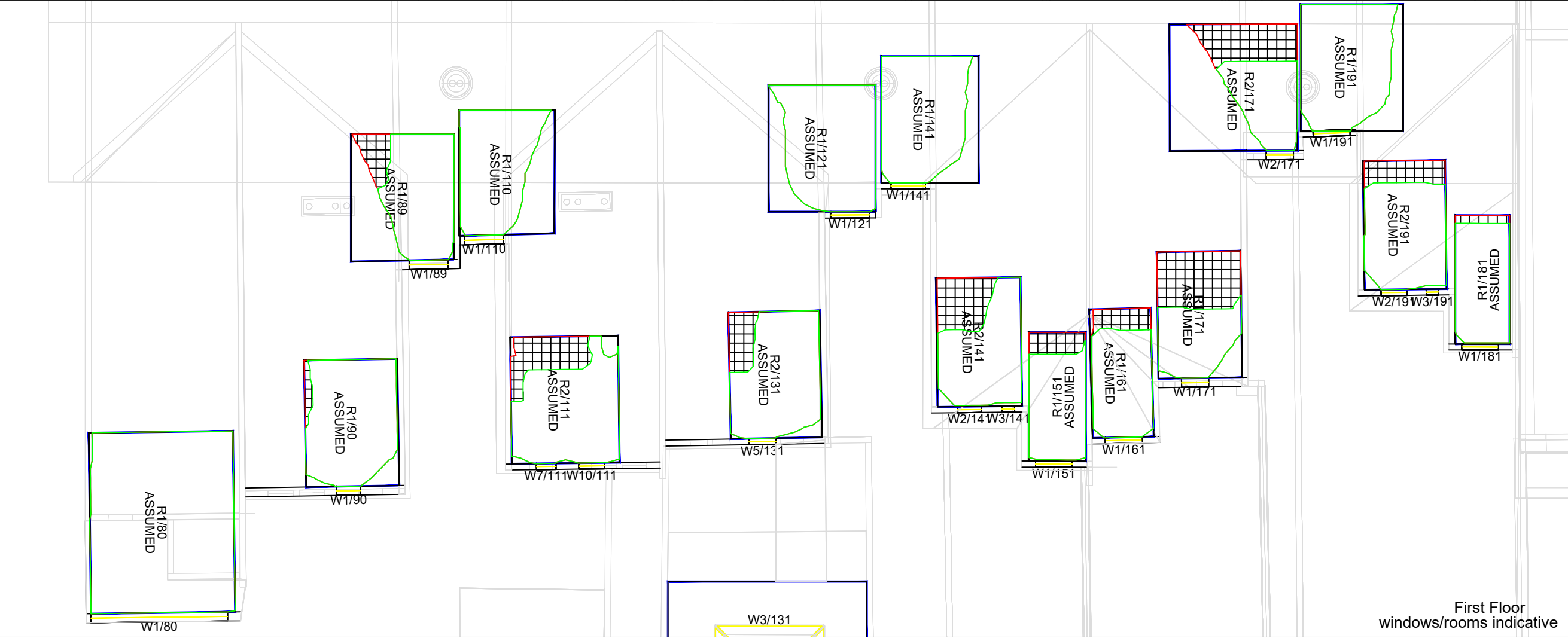
Drawing Title
No-Ski Line Contours for
1B Queens Road

Drawn By	Chk'd By	Scale @ A3	Date
AC	-	1:100	02 Feb 2019

Project No.	Drawing No.	Revision
EL24_04	BRE_104	-



Ground Floor
windows/rooms indicative



First Floor
windows/rooms indicative

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Legend

Daylight

Existing
Proposed
1ft Grid Loss Hatching
Room Layout

Existing No-Sky Line Contour
Proposed No-Sky Line Contour

Sources of Information

EXISTING BUILDING
3D model from ADP Architects received April 2011

SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys
Estimations of windows, internal rooms not covered by the survey

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PROPOSED BUILDING
3D model proposal received from ADP Architecture

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Project Name
Elmers Square, London

Client
ADP Architecture

Drawing Title
No-Sky Line Contours for 165-189 High Street

Drawn By
AC

Chk'd By
-

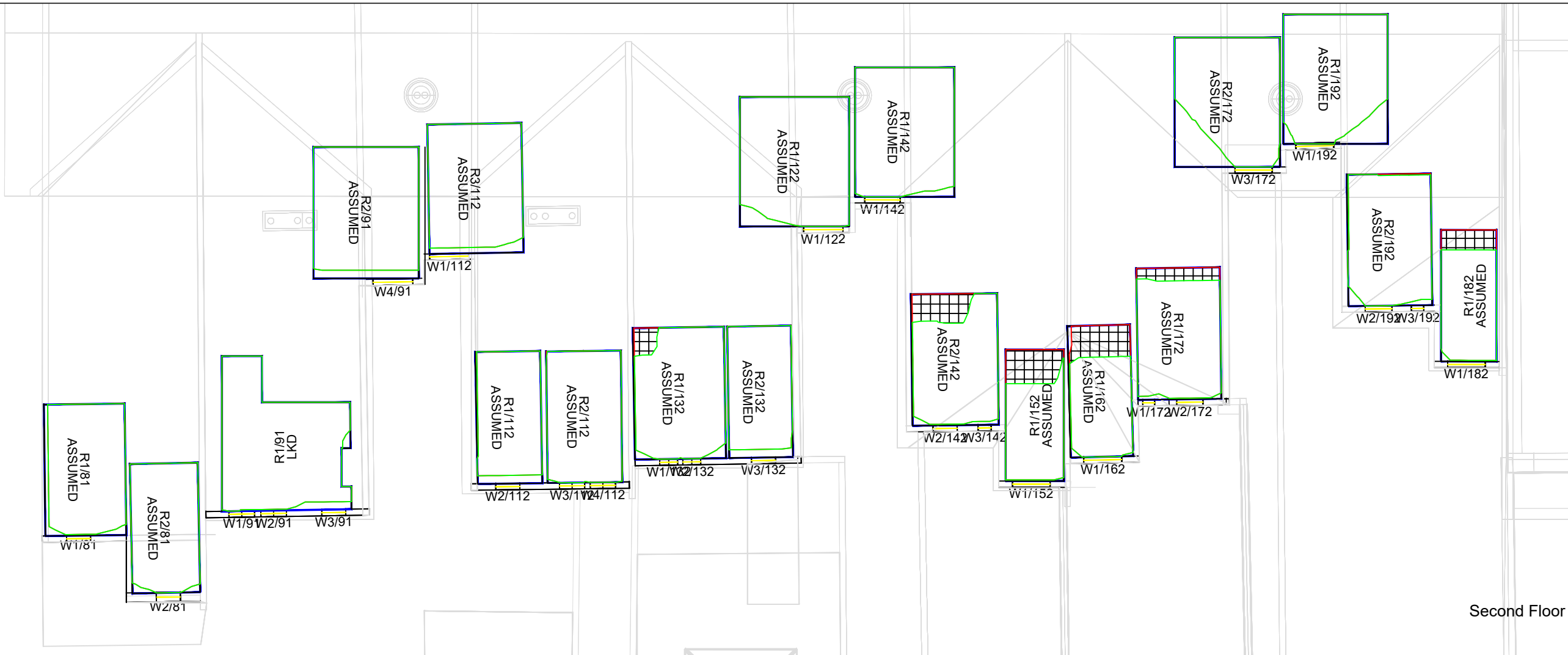
Scale @ A3
1:150

Date
02 Feb 2019

Project No.
EL24_04

Drawing No.
BRE_105

Revision
-



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Legend

Daylight

Existing

Proposed

1ft Grid Loss Hatching

Room Layout

Existing No-Sky Line Contour

Proposed No-Sky Line Contour

Sources of Information

EXISTING BUILDING
3D model from ADP Architects
received April 2011

SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys

Estimations of windows, internal rooms
not covered by the survey

Please note due to limitations of the 3D survey
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165-189 High Street have been modelled
indicatively, therefore only portray a trend
and cannot be relied upon

PROPOSED BUILDING
3D model proposal received from ADP Architecture



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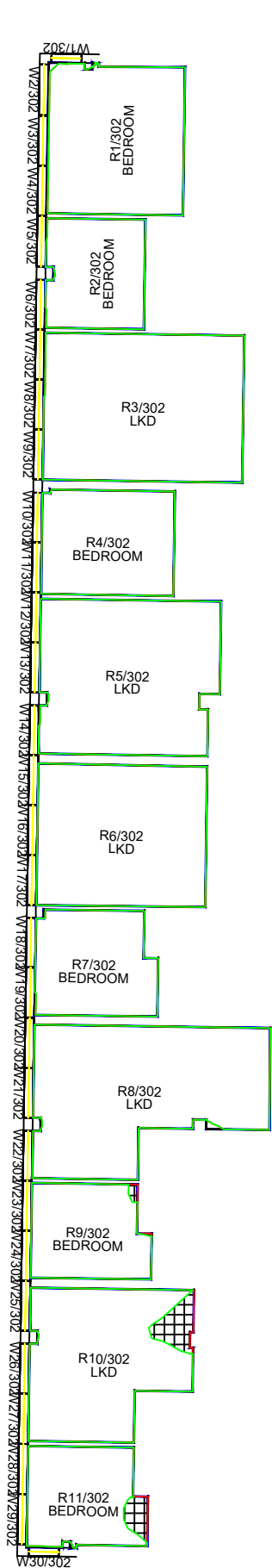
Project Name
Elmers Square, London

Client
ADP Architecture

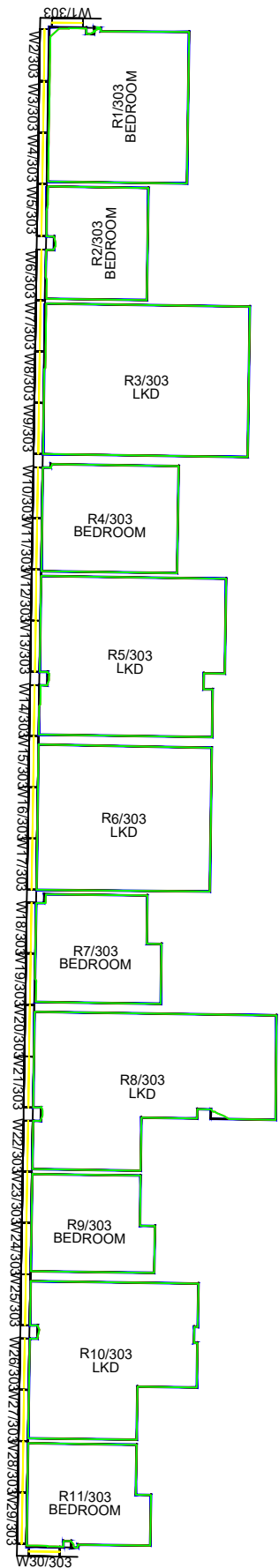
Drawing Title
No-Sky Line Contours for
165-189 High Street

Drawn By AC	Chk'd By -	Scale @ A3 1:150	Date 02 Feb 2019
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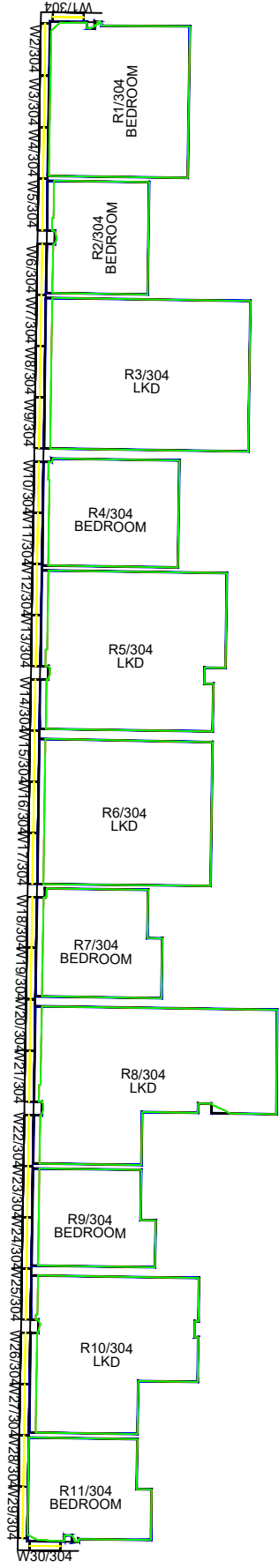
Project No. EL24_04	Drawing No. BRE_106	Revision -
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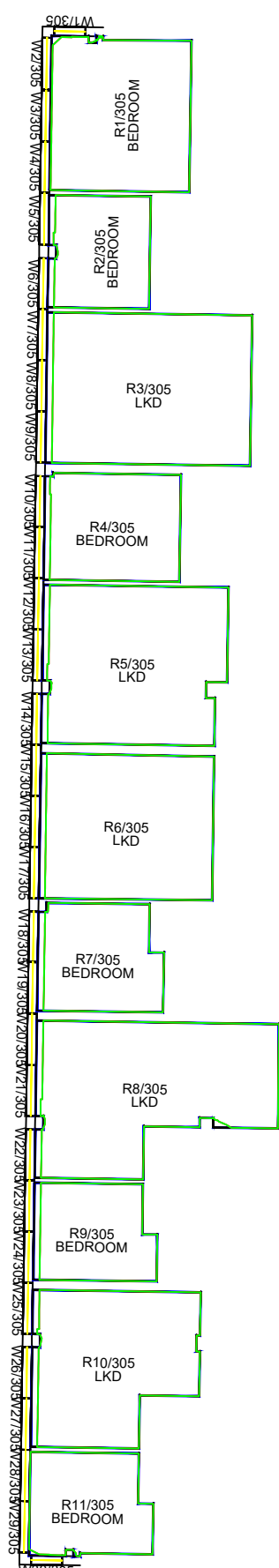
Second Floor



Third Floor

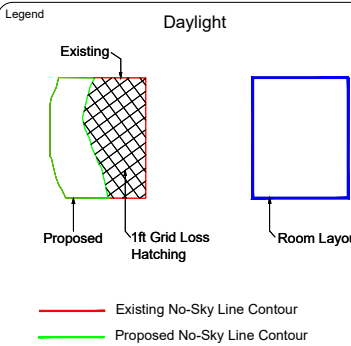


Fourth Floor



Fifth Floor

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Sources of Information

EXISTING BUILDING
3D model from ADP Architects received April 2011

SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys
Estimations of windows, internal rooms not covered by the survey

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PROPOSED BUILDING
3D model proposal received from ADP Architecture

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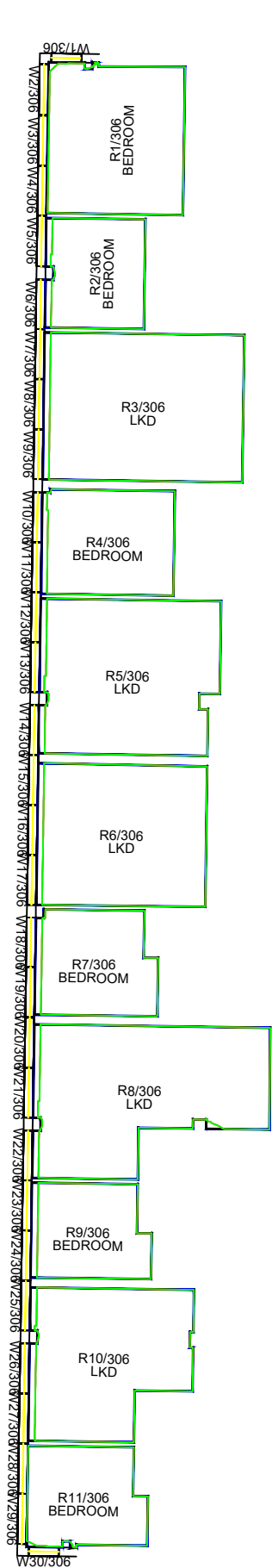
Project Name
Elmers Square, London

Client
ADP Architecture

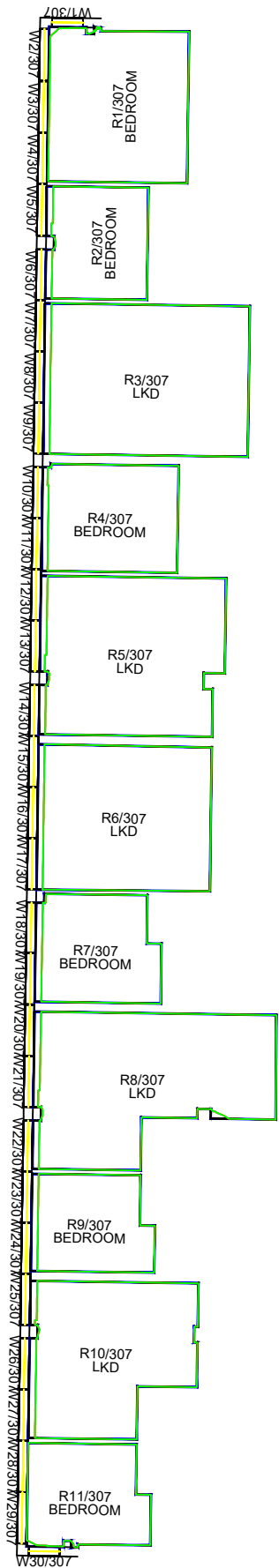
Drawing Title
No-Sky Line Contours for
9 Elmer Approach PD scheme

Drawn By AC	Chk'd By -	Scale @ A3 1:200	Date 02 Feb 2019
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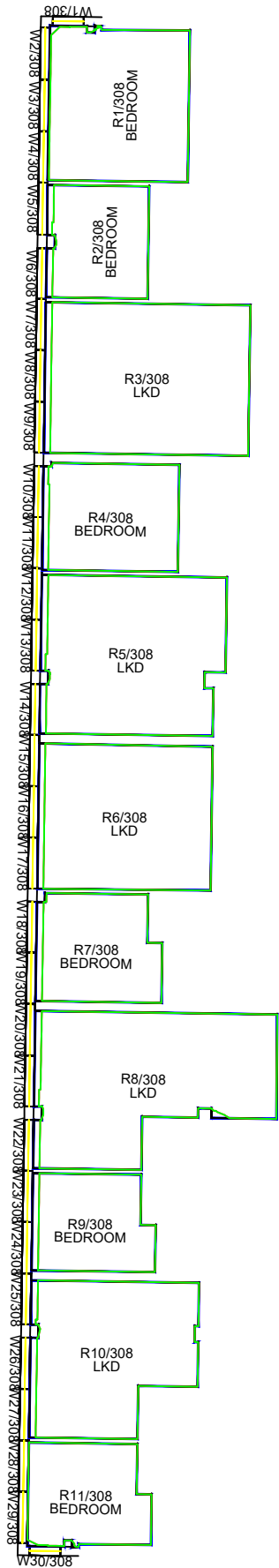
Project No. EL24_04	Drawing No. BRE_107	Revision -
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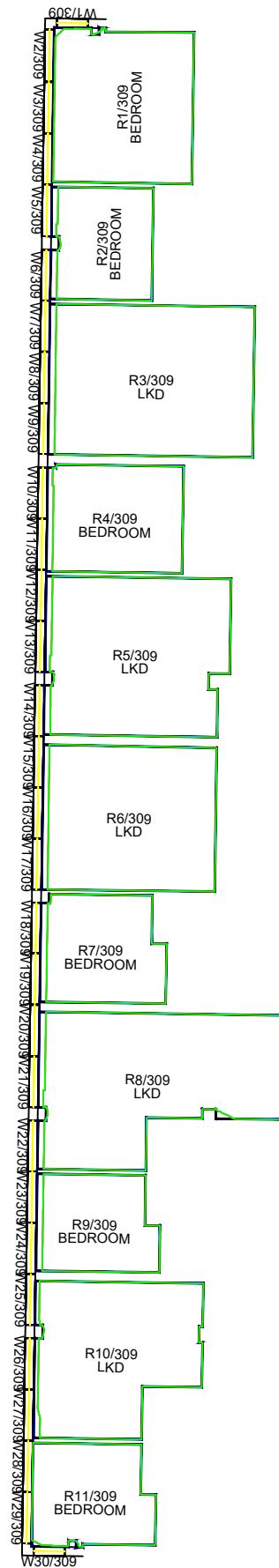
Sixth Floor



Seventh Floor



Eighth Floor



Ninth Floor

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Legend

Daylight

Sources of Information

EXISTING BUILDING
3D model from ADP Architects received April 2011

SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys

Estimations of windows, internal rooms not covered by the survey

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PROPOSED BUILDING
3D model proposal received from ADP Architecture

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Project Name
Elmers Square, London

Client
ADP Architecture

Drawing Title
No-Sky Line Contours for
9 Elmer Approach PD scheme

Drawn By
AC

Chk'd By
-

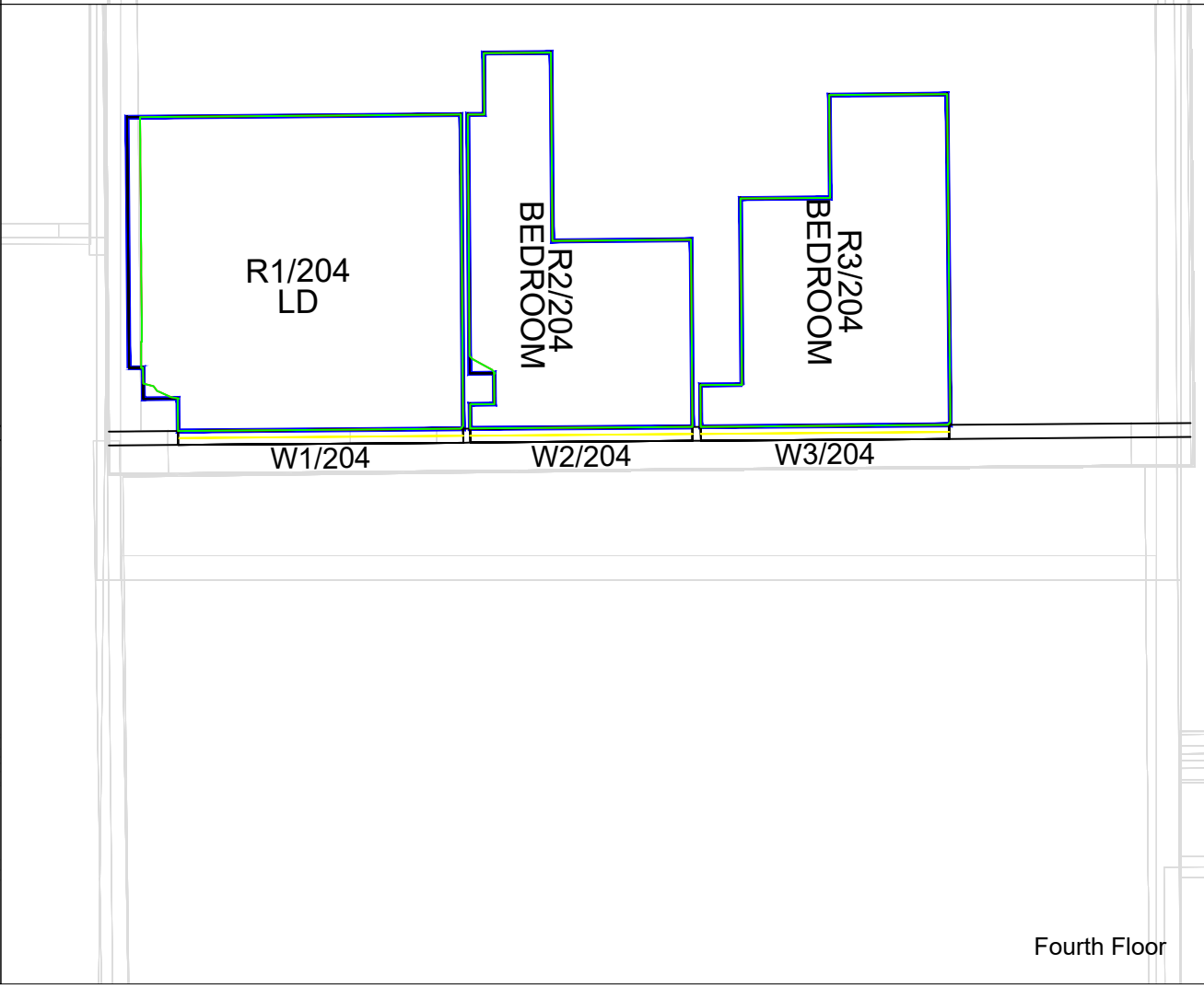
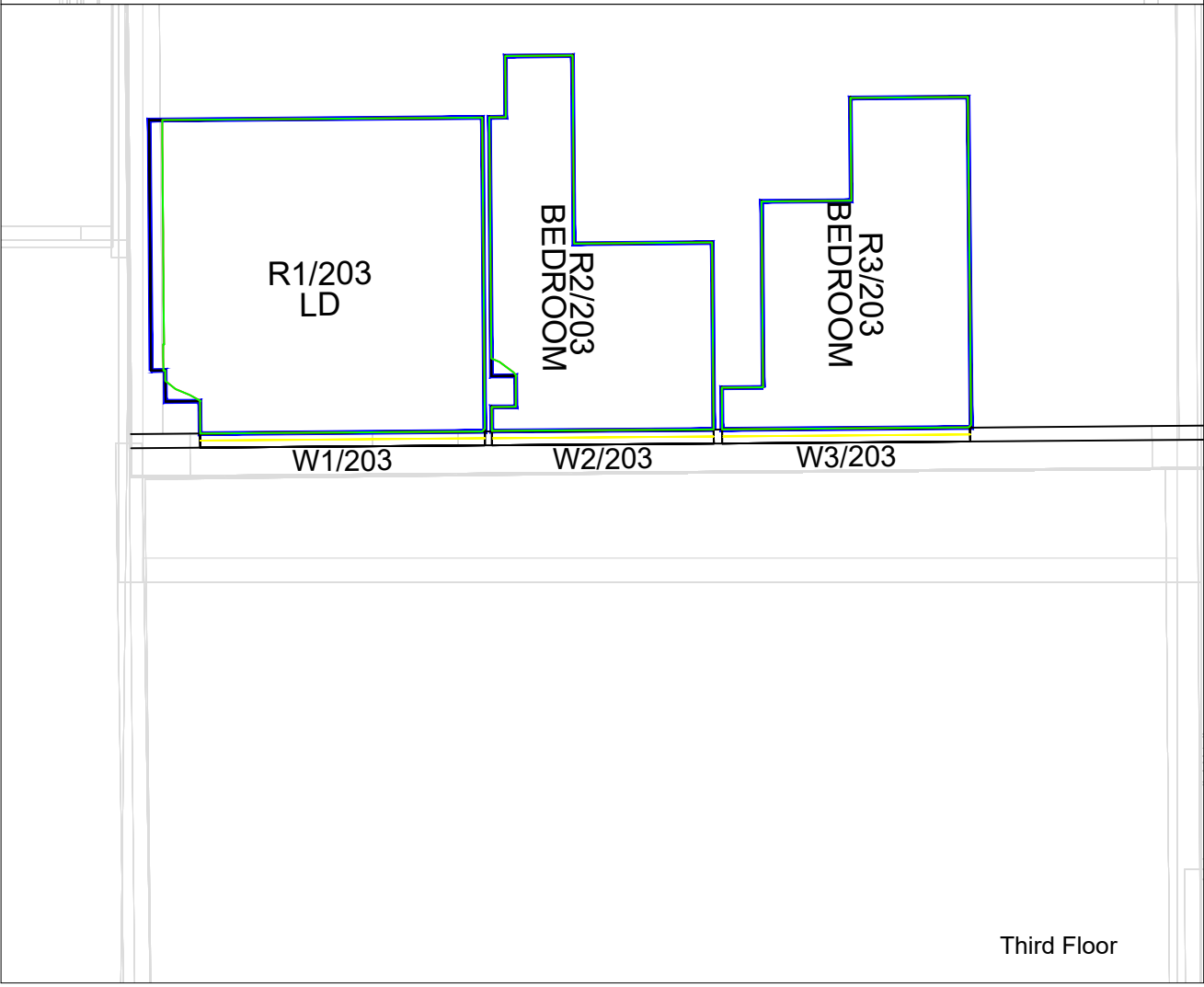
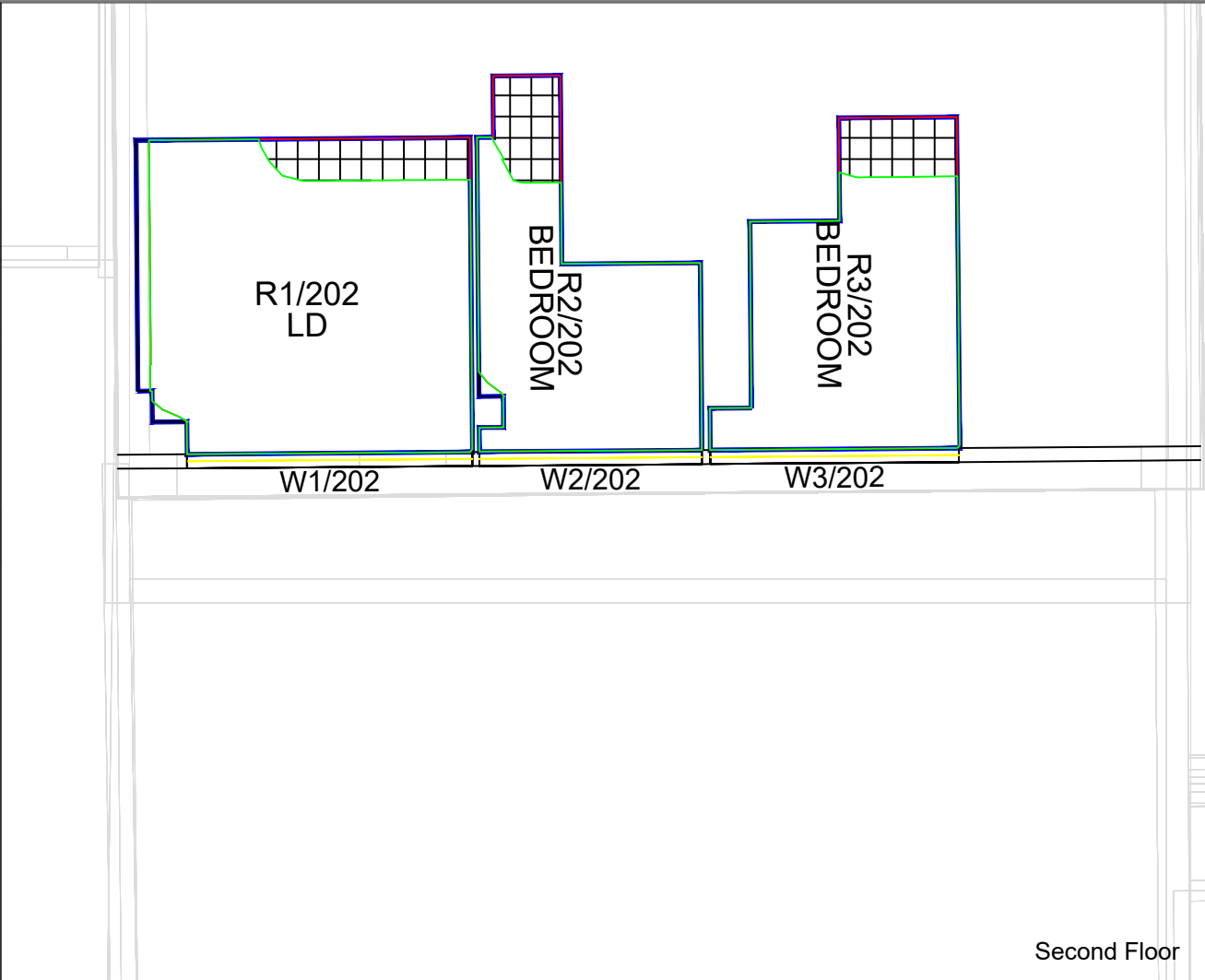
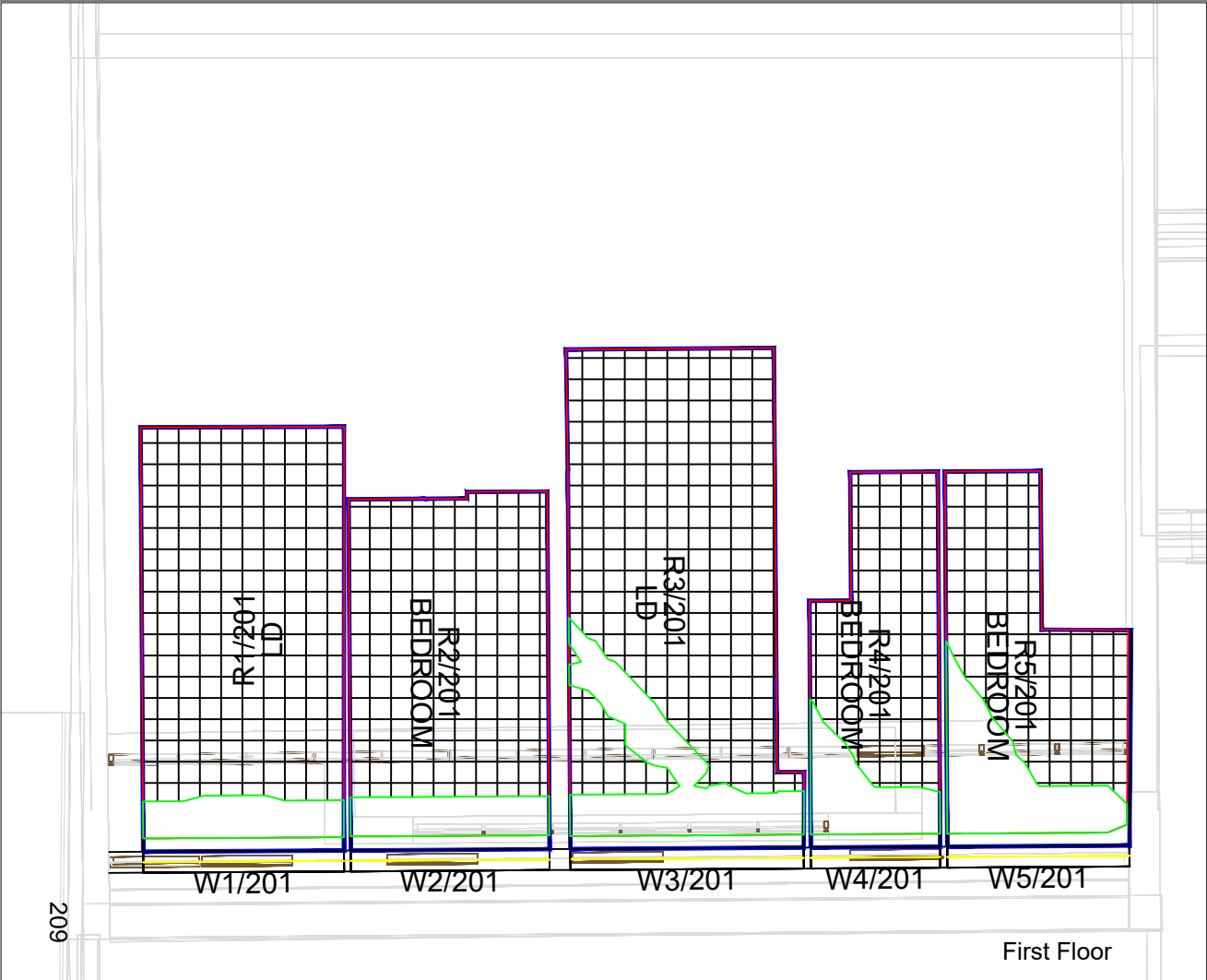
Scale @ A3
1:200

Date
02 Feb 2019

Project No.
EL24_04

Drawing No.
BRE_108

Revision
-



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Legend

Daylight

Existing

Proposed

1ft Grid Loss Hatching

Room Layout

Existing No-Sky Line Contour

Proposed No-Sky Line Contour

Sources of Information

EXISTING BUILDING
3D model from ADP Architects received April 2011

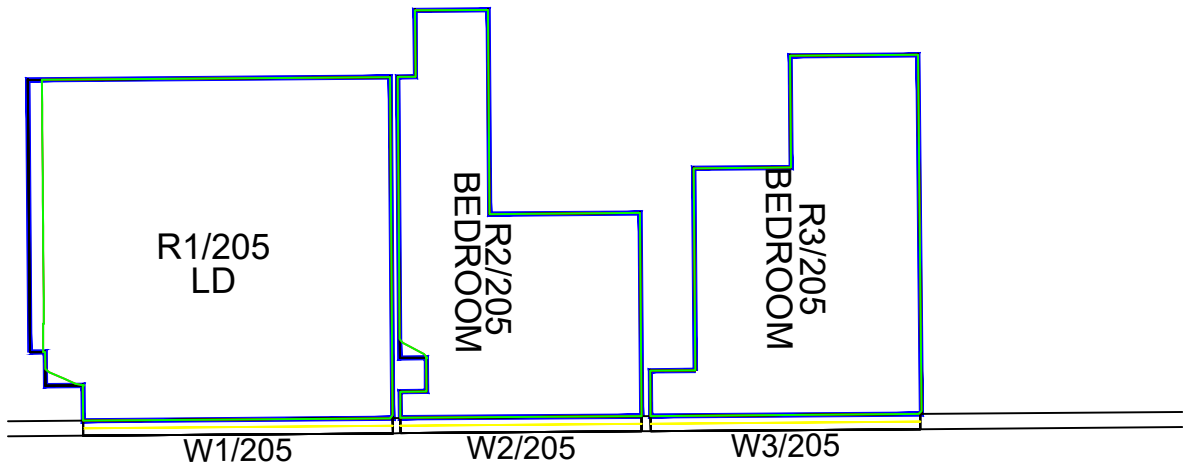
SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys
Estimations of windows, internal rooms not covered by the survey
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PROPOSED BUILDING
3D model proposal received from ADP Architecture

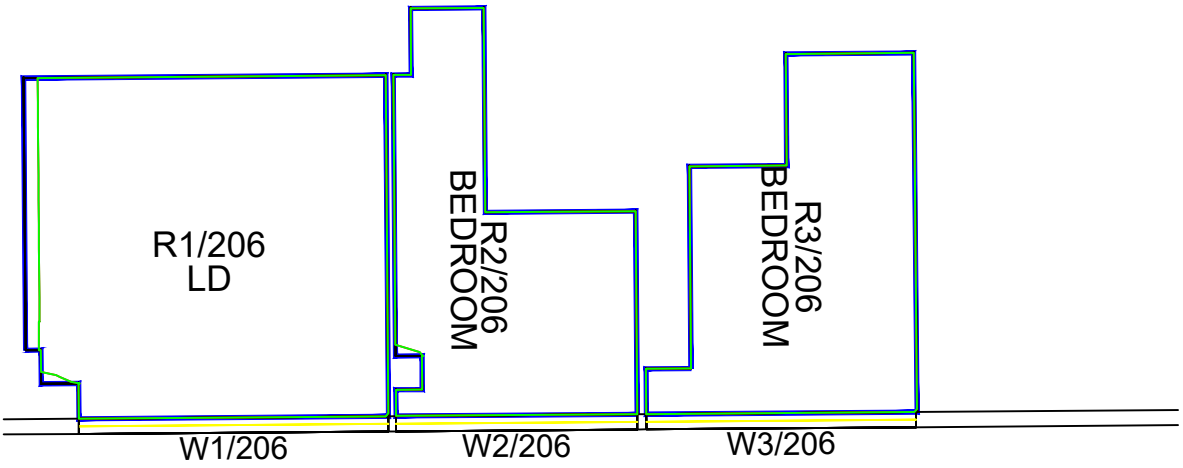
AVISON YOUNG

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Project Name Elmers Square, London			
Client ADP Architecture			
Drawing Title No-Sky Line Contours for 157-163 High Street			
Drawn By AC	Chk'd By -	Scale @ A3 1:100	Date 02 Feb 2019
Project No. EL24_04	Drawing No. BRE_109	Revision -	

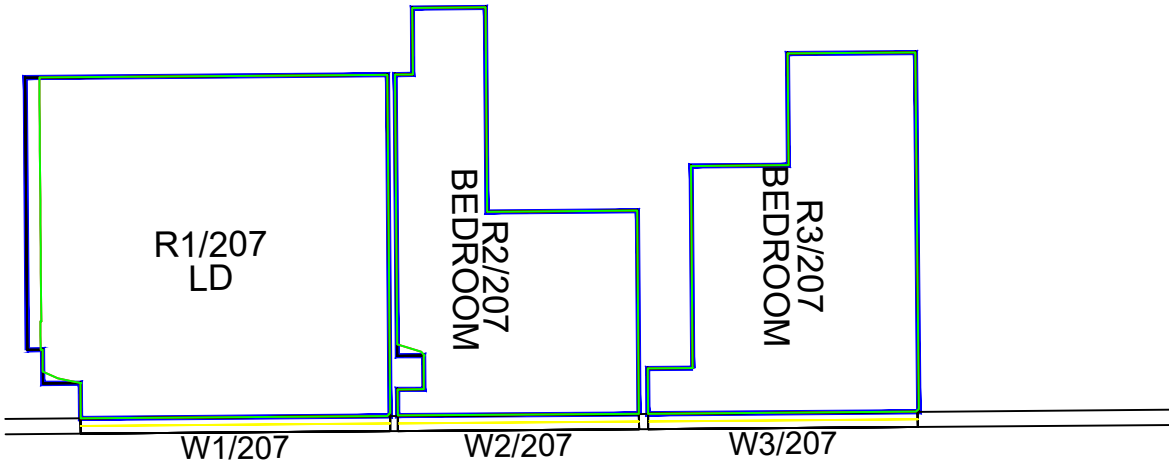


Fifth Floor



Sixth Floor

210



Seventh Floor



Eighth Floor

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Legend

Daylight

Sources of Information

EXISTING BUILDING
3D model from ADP Architects received April 2011

SURROUNDING BUILDINGS
INFO 10 DEC 2018 - 3D SURVEY
3DView-(3D-joergp) by XYZ Surveys
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PROPOSED BUILDING
3D model proposal received from ADP Architecture

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Project Name
Elmers Square, London

Client
ADP Architecture

Drawing Title
No-Sky Line Contours for
157-163 High Street

Drawn By AC	Chk'd By -	Scale @ A3 1:100	Date 02 Feb 2019
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Project No. EL24_04	Drawing No. BRE_110	Revision -
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Elmers Square, Southend
Daylight results for proposal job 04 02 February 2019

Yellow represents indicative windows

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky		
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing	
15A Queens Road BRE_102											
1st Floor											
R1/11	UNKNOWN	W1/11	14.96	14.28	4.55%	0.20	0.20	2.00%	22.62%	-4.68%	
13 Queens Road BRE_102											
1st Floor											
R1/21	LIVINGROOM	W1/21	17.86	16.90	5.38%	2.52	2.42	4.05%	99.96%	0.00%	
		W2/21	19.29	18.06	6.38%						
		W3/21	33.68	31.90	>27						
		W4/21	33.92	32.32	>27						
		W5/21	34.23	32.73	>27						
7A Queens Road BRE_103											
Gnd Floor											
R1/40	UNKNOWN	W2/40	6.84	7.09	-3.65%	0.14	0.15	-8.70%	58.13%	-51.11%	
1st Floor											
R1/41	UNKNOWN	W1/41	18.24	13.08	28.29%	1.20	0.92	22.81%	90.14%	7.67%	
		W2/41	19.45	14.48	25.55%						
		W3/41	18.70	12.83	31.39%						
2nd Floor											
R1/42	UNKNOWN	W1/42	31.40	25.28	19.49%	1.73	1.45	16.30%	90.51%	6.36%	
		W2/42	30.86	24.56	20.41%						
		W3/42	31.57	24.79	21.48%						
1B Queens Road BRE_104											
1st Floor											
R1/71	LIVINGROOM	W1/71	30.49	22.44	26.40%	1.89	1.51	19.94%	74.64%	21.50%	
R2/71	BEDROOM	W2/71	30.25	23.84	21.19%	2.48	2.09	15.80%	99.35%	0.00%	
R3/71	LIVINGROOM	W3/71	29.93	24.89	16.84%	1.40	1.22	12.62%	91.72%	0.00%	
189 - 189A High Street BRE_105-106											
1st Floor											
R1/80	ASSUMED	W1/80	34.09	31.70	>27	3.10	2.92	5.90%	99.35%	0.00%	
2nd Floor											
R1/81	ASSUMED	W1/81	31.62	30.84	>27	0.68	0.67	1.62%	92.70%	0.00%	
R2/81	ASSUMED	W2/81	36.27	34.44	>27	0.85	0.81	4.48%	97.59%	0.00%	

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
185-187 High Street BRE_105-106										
Gnd Floor										
R1/88	ASSUMED	W1/88	7.01	6.91	1.43%	0.41	0.40	0.99%	55.48%	2.82%
1st Floor										
R1/89	ASSUMED	W1/89	10.14	9.43	7.00%	0.52	0.50	4.61%	61.28%	14.01%
R1/90	ASSUMED	W1/90	27.32	25.69	5.97%	0.59	0.56	4.96%	88.88%	3.65%
2nd Floor										
R1/91	LKD	W1/91	24.53	22.51	8.23%	2.40	2.27	5.58%	96.17%	0.00%
		W2/91	29.08	26.96	7.29%					
		W3/91	33.84	31.73	>27					
R2/91	ASSUMED	W4/91	21.18	20.57	2.88%	1.49	1.46	1.81%	93.70%	0.00%
181 High Street BRE_105-106										
Gnd Floor										
R1/109	ASSUMED	W1/109	6.74	6.74	0.00%	0.43	0.43	0.00%	66.24%	0.00%
1st Floor										
R1/110	ASSUMED	W1/110	9.27	9.27	0.00%	0.54	0.54	0.00%	71.89%	0.00%
R2/111	ASSUMED	W7/111	26.29	25.32	3.69%	1.03	0.98	4.57%	74.54%	22.34%
		W10/111	26.45	24.49	7.41%					
2nd Floor										
R1/112	ASSUMED	W2/112	35.78	33.21	>27	0.86	0.80	6.43%	92.09%	0.00%
R2/112	ASSUMED	W3/112	35.34	32.31	>27	3.20	2.96	7.58%	99.64%	0.00%
		W4/112	34.67	31.49	>27					
R3/112	ASSUMED	W1/112	16.09	16.10	-0.06%	1.33	1.33	0.00%	94.64%	0.00%
177 High Street BRE_105-106										
1st Floor										
R1/121	ASSUMED	W1/121	11.75	9.78	16.77%	0.98	0.89	9.77%	82.72%	0.00%
2nd Floor										
R1/122	ASSUMED	W1/122	21.58	19.97	7.46%	1.48	1.41	4.80%	95.82%	0.00%
1st Floor										
R2/131	ASSUMED	W5/131	22.04	21.45	2.68%	0.74	0.72	2.44%	82.13%	13.85%
2nd Floor										
R1/132	ASSUMED	W1/132	30.44	27.20	>27	1.84	1.69	8.35%	91.39%	5.26%
		W2/132	33.23	29.89	>27					
R2/132	ASSUMED	W3/132	35.35	31.91	>27	0.91	0.83	8.40%	93.38%	0.00%
173 - 175 High Street BRE_105-106										
1st Floor										
R1/141	ASSUMED	W1/141	10.11	8.95	11.47%	0.77	0.72	6.66%	82.18%	0.00%
R2/141	ASSUMED	W2/141	28.56	23.25	18.59%	0.82	0.70	13.73%	70.87%	26.20%
		W3/141	20.73	17.43	15.92%					

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
2nd Floor										
R1/142	ASSUMED	W1/142	19.43	18.53	4.63%	1.23	1.19	2.94%	97.60%	0.00%
R2/142	ASSUMED	W2/142	30.55	26.41	13.55%	0.93	0.83	10.24%	82.40%	14.68%
		W3/142	20.58	18.11	12.00%					
R1/151	ASSUMED	W1/151	30.54	23.60	22.72%	2.18	1.80	17.30%	82.37%	16.57%
R1/152	ASSUMED	W1/152	33.64	27.96	>27	2.59	2.24	13.67%	74.54%	24.59%
169 -171 High Street BRE_105-106										
1st Floor										
R1/161	ASSUMED	W1/161	26.15	19.05	27.15%	1.82	1.46	19.45%	80.41%	16.18%
2nd Floor										
R1/162	ASSUMED	W1/162	28.71	22.95	20.06%	2.24	1.90	14.89%	73.13%	24.03%
1st Floor										
R1/171	ASSUMED	W1/171	25.04	18.77	25.04%	0.70	0.57	18.80%	47.73%	48.14%
R2/171	ASSUMED	W2/171	13.12	10.69	18.52%	0.36	0.32	12.01%	32.13%	41.20%
2nd Floor										
R1/172	ASSUMED	W1/172	20.35	16.92	16.86%	1.21	1.06	12.50%	88.59%	9.66%
		W2/172	31.26	26.31	15.83%					
R2/172	ASSUMED	W3/172	15.22	13.33	12.42%	0.95	0.87	8.32%	84.42%	0.00%
165 -167 High Street BRE_105-106										
1st Floor										
R1/181	ASSUMED	W1/181	21.60	17.33	19.77%	1.76	1.53	13.18%	92.26%	6.27%
2nd Floor										
R1/182	ASSUMED	W1/182	24.75	20.22	18.30%	2.16	1.89	12.56%	83.31%	15.36%
1st Floor										
R1/191	ASSUMED	W1/191	10.61	8.76	17.44%	0.78	0.70	9.86%	82.86%	0.00%
R2/191	ASSUMED	W2/191	26.69	21.28	20.27%	1.04	0.89	14.77%	79.30%	17.88%
		W3/191	21.53	17.17	20.25%					
2nd Floor										
R1/192	ASSUMED	W1/192	8.16	6.62	18.87%	0.67	0.58	13.02%	90.09%	0.00%
R2/192	ASSUMED	W2/192	26.77	22.32	16.62%	1.11	0.97	12.17%	95.68%	0.58%
		W3/192	21.07	17.90	15.05%					
157 -163 High Street BRE_109-110										
1st Floor										
R1/201	LD	W1/201	12.90	0.13	98.99%	1.20	0.00	100.00%	9.22%	90.49%
R2/201	BEDROOM	W2/201	16.08	0.40	97.51%	1.56	0.00	100.00%	11.05%	88.50%
R3/201	LD	W3/201	17.17	0.73	95.75%	1.39	0.00	100.00%	16.64%	82.87%
R4/201	BEDROOM	W4/201	17.49	1.35	92.28%	1.35	0.16	88.34%	20.50%	78.67%
R5/201	BEDROOM	W5/201	17.44	2.05	88.25%	1.65	0.36	78.12%	26.83%	71.63%

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
2nd Floor										
R1/202	LD	W1/202	29.92	23.54	21.32%	3.95	3.27	17.20%	88.35%	8.44%
R2/202	BEDROOM	W2/202	29.34	23.15	21.10%	3.96	3.30	16.63%	87.35%	12.22%
R3/202	BEDROOM	W3/202	28.57	22.75	20.37%	4.39	3.68	16.21%	88.66%	11.34%
3rd Floor										
R1/203	LD	W1/203	31.22	26.45	15.28%	4.09	3.58	12.43%	96.50%	0.00%
R2/203	BEDROOM	W2/203	30.65	26.00	15.17%	4.10	3.61	12.03%	99.51%	0.00%
R3/203	BEDROOM	W3/203	29.88	25.52	14.59%	4.55	4.01	11.71%	100.00%	0.00%
4th Floor										
R1/204	LD	W1/204	32.25	29.23	>27	4.19	3.87	7.71%	96.58%	0.00%
R2/204	BEDROOM	W2/204	31.72	28.76	>27	4.21	3.90	7.50%	99.59%	0.00%
R3/204	BEDROOM	W3/204	31.00	28.21	>27	4.68	4.34	7.29%	100.00%	0.00%
5th Floor										
R1/205	LD	W1/205	33.28	31.61	>27	4.30	4.12	4.25%	96.63%	0.00%
R2/205	BEDROOM	W2/205	32.81	31.15	>27	4.33	4.15	4.18%	99.59%	0.00%
R3/205	BEDROOM	W3/205	32.14	30.57	>27	4.81	4.62	4.09%	100.00%	0.00%
6th Floor										
R1/206	LD	W1/206	34.11	33.49	>27	4.39	4.32	1.55%	96.63%	0.00%
R2/206	BEDROOM	W2/206	33.72	33.11	>27	4.42	4.36	1.51%	99.68%	0.00%
R3/206	BEDROOM	W3/206	33.13	32.55	>27	4.93	4.86	1.46%	100.00%	0.00%
7th Floor										
R1/207	LD	W1/207	34.62	34.62	>27	4.44	4.44	0.00%	96.67%	0.00%
R2/207	BEDROOM	W2/207	34.31	34.31	>27	4.49	4.49	0.00%	99.68%	0.00%
R3/207	BEDROOM	W3/207	33.81	33.81	>27	5.01	5.01	0.00%	100.00%	0.00%
8th Floor										
R1/208	LD	W1/208	35.12	35.12	>27	4.50	4.50	0.00%	96.71%	0.00%
R2/208	BEDROOM	W2/208	34.91	34.91	>27	4.55	4.55	0.00%	99.68%	0.00%
R3/208	BEDROOM	W3/208	34.52	34.52	>27	5.10	5.10	0.00%	100.00%	0.00%
9th Floor										
R1/209	LD	W1/209	35.58	35.58	>27	4.74	4.74	0.00%	96.71%	0.00%
R2/209	BEDROOM	W2/209	35.46	35.46	>27	4.86	4.86	0.00%	99.68%	0.00%
R3/209	BEDROOM	W3/209	35.20	35.20	>27	5.45	5.45	0.00%	100.00%	0.00%

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
9 Elmer Approach BRE_107-108										
2nd Floor										
R1/302	BEDROOM	W1/302	38.08	38.08	>27	9.62	9.32	3.12%	98.74%	0.00%
		W2/302	29.06	27.65	>27					
		W3/302	29.48	27.96	>27					
		W4/302	29.89	28.26	>27					
R2/302	BEDROOM	W5/302	30.34	28.57	>27	8.52	8.13	4.68%	99.45%	0.00%
		W6/302	30.64	28.68	>27					
R3/302	LKD	W7/302	30.88	28.77	>27	6.05	5.70	5.77%	99.73%	0.00%
		W8/302	31.15	28.86	>27					
		W9/302	31.43	28.94	>27					
R4/302	BEDROOM	W10/302	31.92	29.14	>27	7.43	6.89	7.24%	99.93%	0.00%
		W11/302	32.34	29.31	>27					
R5/302	LKD	W12/302	32.72	29.41	>27	6.61	6.01	9.10%	99.85%	0.00%
		W13/302	33.07	29.43	>27					
		W14/302	33.36	29.28	>27					
R6/302	LKD	W15/302	33.68	29.19	>27	7.69	6.77	12.02%	100.00%	0.00%
		W16/302	33.98	29.04	>27					
		W17/302	34.20	28.80	>27					
R7/302	BEDROOM	W18/302	34.49	28.41	>27	8.60	7.29	15.22%	99.68%	0.00%
		W19/302	34.72	28.05	>27					
R8/302	LKD	W20/302	34.93	27.67	>27	6.24	5.06	18.91%	99.66%	0.00%
		W21/302	35.11	27.29	>27					
		W22/302	35.09	25.97	25.99%					
R9/302	BEDROOM	W23/302	35.13	24.96	28.95%	9.59	7.24	24.53%	98.43%	1.57%
		W24/302	35.01	23.90	31.73%					
R10/302	LKD	W25/302	34.90	23.02	34.04%	8.02	5.73	28.59%	92.82%	7.14%
		W26/302	34.62	22.14	36.05%					
		W27/302	34.51	21.61	37.38%					
R11/302	BEDROOM	W28/302	34.25	21.13	38.31%	11.26	8.49	24.59%	92.10%	7.50%
		W29/302	34.01	20.93	38.46%					
		W30/302	30.81	28.58	>27					

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
3rd Floor										
R1/303	BEDROOM	W1/303	38.30	38.30	>27	9.96	9.80	1.59%	98.74%	0.00%
		W2/303	30.80	30.06	>27					
		W3/303	31.18	30.39	>27					
		W4/303	31.57	30.72	>27					
R2/303	BEDROOM	W5/303	32.01	31.09	>27	8.89	8.68	2.37%	99.45%	0.00%
		W6/303	32.33	31.31	>27					
R3/303	LKD	W7/303	32.59	31.49	>27	6.32	6.13	2.96%	99.73%	0.00%
		W8/303	32.87	31.67	>27					
		W9/303	33.14	31.85	>27					
R4/303	BEDROOM	W10/303	33.61	32.16	>27	7.75	7.46	3.76%	99.93%	0.00%
		W11/303	34.02	32.43	>27					
R5/303	LKD	W12/303	34.38	32.64	>27	6.89	6.56	4.81%	99.85%	0.00%
		W13/303	34.71	32.79	>27					
		W14/303	35.00	32.85	>27					
R6/303	LKD	W15/303	35.31	32.92	>27	8.00	7.48	6.50%	100.00%	0.00%
		W16/303	35.59	32.94	>27					
		W17/303	35.82	32.90	>27					
R7/303	BEDROOM	W18/303	36.12	32.78	>27	8.94	8.18	8.50%	99.68%	0.00%
		W19/303	36.35	32.65	>27					
R8/303	LKD	W20/303	36.57	32.49	>27	6.50	5.79	10.98%	99.66%	0.00%
		W21/303	36.80	32.32	>27					
		W22/303	36.93	31.61	>27					
R9/303	BEDROOM	W23/303	37.11	31.10	>27	10.10	8.60	14.79%	100.00%	0.00%
		W24/303	37.20	30.50	>27					
R10/303	LKD	W25/303	37.35	30.00	>27	8.58	7.03	18.12%	99.96%	0.00%
		W26/303	37.43	29.43	>27					
		W27/303	37.55	29.08	>27					
R11/303	BEDROOM	W28/303	37.59	28.70	>27	12.27	10.25	16.49%	99.56%	0.00%
		W29/303	37.64	28.49	>27					
		W30/303	34.94	33.13	>27					

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
4th Floor										
R1/304	BEDROOM	W1/304	38.49	38.49	>27	10.22	10.14	0.86%	98.74%	0.00%
		W2/304	32.13	31.71	>27					
		W3/304	32.46	32.03	>27					
		W4/304	32.82	32.35	>27					
R2/304	BEDROOM	W5/304	33.21	32.72	>27	9.15	9.04	1.25%	94.50%	0.00%
		W6/304	33.51	32.98	>27					
R3/304	LKD	W7/304	33.75	33.19	>27	6.49	6.40	1.45%	96.88%	0.00%
		W8/304	34.01	33.41	>27					
		W9/304	34.27	33.63	>27					
R4/304	BEDROOM	W10/304	34.69	34.00	>27	7.95	7.81	1.77%	95.79%	0.00%
		W11/304	35.05	34.31	>27					
R5/304	LKD	W12/304	35.37	34.58	>27	7.05	6.90	2.14%	96.79%	0.00%
		W13/304	35.66	34.82	>27					
		W14/304	35.94	35.00	>27					
R6/304	LKD	W15/304	36.21	35.17	>27	8.17	7.93	2.90%	96.53%	0.00%
		W16/304	36.46	35.31	>27					
		W17/304	36.66	35.39	>27					
R7/304	BEDROOM	W18/304	36.93	35.48	>27	9.12	8.77	3.82%	94.91%	0.00%
		W19/304	37.13	35.52	>27					
R8/304	LKD	W20/304	37.34	35.54	>27	6.62	6.29	5.00%	96.81%	0.00%
		W21/304	37.54	35.56	>27					
		W22/304	37.67	35.32	>27					
R9/304	BEDROOM	W23/304	37.84	35.17	>27	10.27	9.57	6.84%	94.48%	0.00%
		W24/304	37.92	34.95	>27					
R10/304	LKD	W25/304	38.07	34.78	>27	8.73	7.98	8.66%	95.91%	0.00%
		W26/304	38.17	34.52	>27					
		W27/304	38.29	34.38	>27					
R11/304	BEDROOM	W28/304	38.35	34.18	>27	12.58	11.55	8.19%	99.30%	0.00%
		W29/304	38.42	34.05	>27					
		W30/304	37.10	36.05	>27					
5th Floor										
R1/305	BEDROOM	W1/305	38.71	38.71	>27	10.52	10.50	0.19%	98.74%	0.00%
		W2/305	33.60	33.50	>27					
		W3/305	33.88	33.78	>27					
		W4/305	34.17	34.07	>27					
R2/305	BEDROOM	W5/305	34.50	34.39	>27	9.44	9.42	0.26%	94.50%	0.00%
		W6/305	34.76	34.64	>27					
R3/305	LKD	W7/305	34.97	34.84	>27	6.69	6.67	0.33%	96.88%	0.00%
		W8/305	35.18	35.05	>27					
		W9/305	35.41	35.26	>27					

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
R4/305	BEDROOM	W10/305	35.76	35.60	>27	8.16	8.13	0.40%	95.79%	0.00%
		W11/305	36.05	35.89	>27					
R5/305	LKD	W12/305	36.32	36.14	>27	7.21	7.18	0.47%	96.79%	0.00%
		W13/305	36.56	36.37	>27					
		W14/305	36.79	36.58	>27					
R6/305	LKD	W15/305	37.01	36.80	>27	8.32	8.28	0.58%	96.53%	0.00%
		W16/305	37.21	36.98	>27					
		W17/305	37.38	37.14	>27					
R7/305	BEDROOM	W18/305	37.60	37.33	>27	9.26	9.20	0.74%	94.91%	0.00%
		W19/305	37.77	37.47	>27					
R8/305	LKD	W20/305	37.93	37.61	>27	6.72	6.66	0.89%	96.81%	0.00%
		W21/305	38.10	37.75	>27					
		W22/305	38.20	37.82	>27					
R9/305	BEDROOM	W23/305	38.34	37.93	>27	10.40	10.29	1.09%	94.48%	0.00%
		W24/305	38.41	37.97	>27					
R10/305	LKD	W25/305	38.53	38.05	>27	8.83	8.71	1.36%	95.91%	0.00%
		W26/305	38.62	38.08	>27					
		W27/305	38.73	38.15	>27					
R11/305	BEDROOM	W28/305	38.78	38.15	>27	12.75	12.58	1.34%	99.30%	0.00%
		W29/305	38.84	38.17	>27					
		W30/305	38.15	37.91	>27					
6th Floor										
R1/306	BEDROOM	W1/306	38.95	38.95	>27	10.86	10.86	0.00%	98.74%	0.00%
		W2/306	35.20	35.20	>27					
		W3/306	35.40	35.40	>27					
		W4/306	35.62	35.62	>27					
R2/306	BEDROOM	W5/306	35.87	35.87	>27	9.77	9.77	0.00%	94.50%	0.00%
		W6/306	36.06	36.06	>27					
R3/306	LKD	W7/306	36.23	36.23	>27	6.89	6.89	0.00%	96.88%	0.00%
		W8/306	36.39	36.39	>27					
		W9/306	36.56	36.56	>27					
R4/306	BEDROOM	W10/306	36.82	36.82	>27	8.38	8.38	0.00%	95.79%	0.00%
		W11/306	37.04	37.04	>27					
R5/306	LKD	W12/306	37.23	37.23	>27	7.37	7.37	0.00%	96.79%	0.00%
		W13/306	37.41	37.41	>27					
		W14/306	37.58	37.58	>27					
R6/306	LKD	W15/306	37.74	37.74	>27	8.47	8.47	0.00%	96.53%	0.00%
		W16/306	37.89	37.89	>27					
		W17/306	38.01	38.01	>27					
R7/306	BEDROOM	W18/306	38.18	38.18	>27	9.39	9.39	0.00%	94.91%	0.00%
		W19/306	38.29	38.29	>27					

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
R8/306	LKD	W20/306	38.41	38.41	>27	6.79	6.79	0.00%	96.81%	0.00%
		W21/306	38.53	38.53	>27					
		W22/306	38.60	38.60	>27					
R9/306	BEDROOM	W23/306	38.71	38.71	>27	10.50	10.50	0.00%	94.48%	0.00%
		W24/306	38.76	38.76	>27					
R10/306	LKD	W25/306	38.84	38.84	>27	8.90	8.90	0.00%	95.91%	0.00%
		W26/306	38.91	38.91	>27					
		W27/306	38.98	38.98	>27					
R11/306	BEDROOM	W28/306	39.02	39.02	>27	12.83	12.83	0.00%	99.30%	0.00%
		W29/306	39.06	39.06	>27					
		W30/306	38.54	38.54	>27					
7th Floor										
R1/307	BEDROOM	W1/307	39.20	39.20	>27	11.22	11.22	0.00%	98.74%	0.00%
		W2/307	36.87	36.87	>27					
		W3/307	37.00	37.00	>27					
		W4/307	37.14	37.14	>27					
R2/307	BEDROOM	W5/307	37.29	37.29	>27	10.11	10.11	0.00%	94.50%	0.00%
		W6/307	37.42	37.42	>27					
R3/307	LKD	W7/307	37.52	37.52	>27	7.11	7.11	0.00%	96.88%	0.00%
		W8/307	37.62	37.62	>27					
		W9/307	37.73	37.73	>27					
R4/307	BEDROOM	W10/307	37.89	37.89	>27	8.60	8.60	0.00%	95.79%	0.00%
		W11/307	38.02	38.02	>27					
R5/307	LKD	W12/307	38.15	38.15	>27	7.53	7.53	0.00%	96.79%	0.00%
		W13/307	38.26	38.26	>27					
		W14/307	38.36	38.36	>27					
R6/307	LKD	W15/307	38.46	38.46	>27	8.61	8.61	0.00%	96.53%	0.00%
		W16/307	38.55	38.55	>27					
		W17/307	38.63	38.63	>27					
R7/307	BEDROOM	W18/307	38.73	38.73	>27	9.52	9.52	0.00%	94.91%	0.00%
		W19/307	38.80	38.80	>27					
R8/307	LKD	W20/307	38.87	38.87	>27	6.87	6.87	0.00%	96.81%	0.00%
		W21/307	38.94	38.94	>27					
		W22/307	38.99	38.99	>27					
R9/307	BEDROOM	W23/307	39.05	39.05	>27	10.59	10.59	0.00%	94.48%	0.00%
		W24/307	39.09	39.09	>27					
R10/307	LKD	W25/307	39.14	39.14	>27	8.96	8.96	0.00%	95.91%	0.00%
		W26/307	39.18	39.18	>27					
		W27/307	39.22	39.22	>27					
R11/307	BEDROOM	W28/307	39.25	39.25	>27	12.90	12.90	0.00%	99.30%	0.00%
		W29/307	39.27	39.27	>27					
		W30/307	38.89	38.89	>27					

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
8th Floor										
R1/308	BEDROOM	W1/308	39.43	39.43	>27	11.58	11.58	0.00%	98.74%	0.00%
		W2/308	38.47	38.47	>27					
		W3/308	38.53	38.53	>27					
		W4/308	38.58	38.58	>27					
R2/308	BEDROOM	W5/308	38.65	38.65	>27	10.45	10.45	0.00%	94.50%	0.00%
		W6/308	38.70	38.70	>27					
R3/308	LKD	W7/308	38.74	38.74	>27	7.32	7.32	0.00%	96.88%	0.00%
		W8/308	38.78	38.78	>27					
		W9/308	38.83	38.83	>27					
R4/308	BEDROOM	W10/308	38.89	38.89	>27	8.82	8.82	0.00%	95.79%	0.00%
		W11/308	38.95	38.95	>27					
R5/308	LKD	W12/308	39.00	39.00	>27	7.69	7.69	0.00%	96.79%	0.00%
		W13/308	39.04	39.04	>27					
		W14/308	39.09	39.09	>27					
R6/308	LKD	W15/308	39.13	39.13	>27	8.75	8.75	0.00%	96.53%	0.00%
		W16/308	39.16	39.16	>27					
		W17/308	39.20	39.20	>27					
R7/308	BEDROOM	W18/308	39.25	39.25	>27	9.65	9.65	0.00%	94.91%	0.00%
		W19/308	39.27	39.27	>27					
R8/308	LKD	W20/308	39.30	39.30	>27	6.94	6.94	0.00%	96.81%	0.00%
		W21/308	39.33	39.33	>27					
		W22/308	39.35	39.35	>27					
R9/308	BEDROOM	W23/308	39.38	39.38	>27	10.68	10.68	0.00%	94.48%	0.00%
		W24/308	39.39	39.39	>27					
R10/308	LKD	W25/308	39.41	39.41	>27	9.02	9.02	0.00%	95.91%	0.00%
		W26/308	39.43	39.43	>27					
		W27/308	39.45	39.45	>27					
R11/308	BEDROOM	W28/308	39.46	39.46	>27	12.97	12.97	0.00%	99.30%	0.00%
		W29/308	39.47	39.47	>27					
		W30/308	39.19	39.19	>27					
9th Floor										
R1/309	BEDROOM	W1/309	39.61	39.61	>27	11.85	11.85	0.00%	98.74%	0.00%
		W2/309	39.62	39.62	>27					
		W3/309	39.62	39.62	>27					
		W4/309	39.62	39.62	>27					
R2/309	BEDROOM	W5/309	39.62	39.62	>27	10.71	10.71	0.00%	94.50%	0.00%
		W6/309	39.62	39.62	>27					
R3/309	LKD	W7/309	39.62	39.62	>27	7.48	7.48	0.00%	96.88%	0.00%
		W8/309	39.62	39.62	>27					
		W9/309	39.62	39.62	>27					

Room/Floor	Room Use	Window	%VSC			% Daylight Factor			Proposed No Sky	
			Exist	Prop	% Loss	Exist	Prop	% Loss	% of Room Area	% Loss of Existing
R4/309	BEDROOM	W10/309	39.62	39.62	>27	8.98	8.98	0.00%	95.79%	0.00%
		W11/309	39.62	39.62	>27					
R5/309	LKD	W12/309	39.62	39.62	>27	7.80	7.80	0.00%	96.79%	0.00%
		W13/309	39.62	39.62	>27					
		W14/309	39.62	39.62	>27					
R6/309	LKD	W15/309	39.62	39.62	>27	8.86	8.86	0.00%	96.53%	0.00%
		W16/309	39.62	39.62	>27					
		W17/309	39.62	39.62	>27					
R7/309	BEDROOM	W18/309	39.62	39.62	>27	9.74	9.74	0.00%	94.91%	0.00%
		W19/309	39.62	39.62	>27					
R8/309	LKD	W20/309	39.62	39.62	>27	6.99	6.99	0.00%	96.81%	0.00%
		W21/309	39.62	39.62	>27					
		W22/309	39.62	39.62	>27					
R9/309	BEDROOM	W23/309	39.62	39.62	>27	10.74	10.74	0.00%	94.48%	0.00%
		W24/309	39.62	39.62	>27					
R10/309	LKD	W25/309	39.62	39.62	>27	9.07	9.07	0.00%	97.22%	0.00%
		W26/309	39.62	39.62	>27					
		W27/309	39.62	39.62	>27					
R11/309	BEDROOM	W28/309	39.62	39.62	>27	13.02	13.02	0.00%	99.30%	0.00%
		W29/309	39.62	39.62	>27					
		W30/309	39.42	39.42	>27					

Elmers Square, Southend
Sunlight results for proposal job 04 10 September 2019

Available sunlight as a percentage of
annual unobstructed total (1486.0 Hrs)

Annual unabsorbed total (1466.6 hrs)

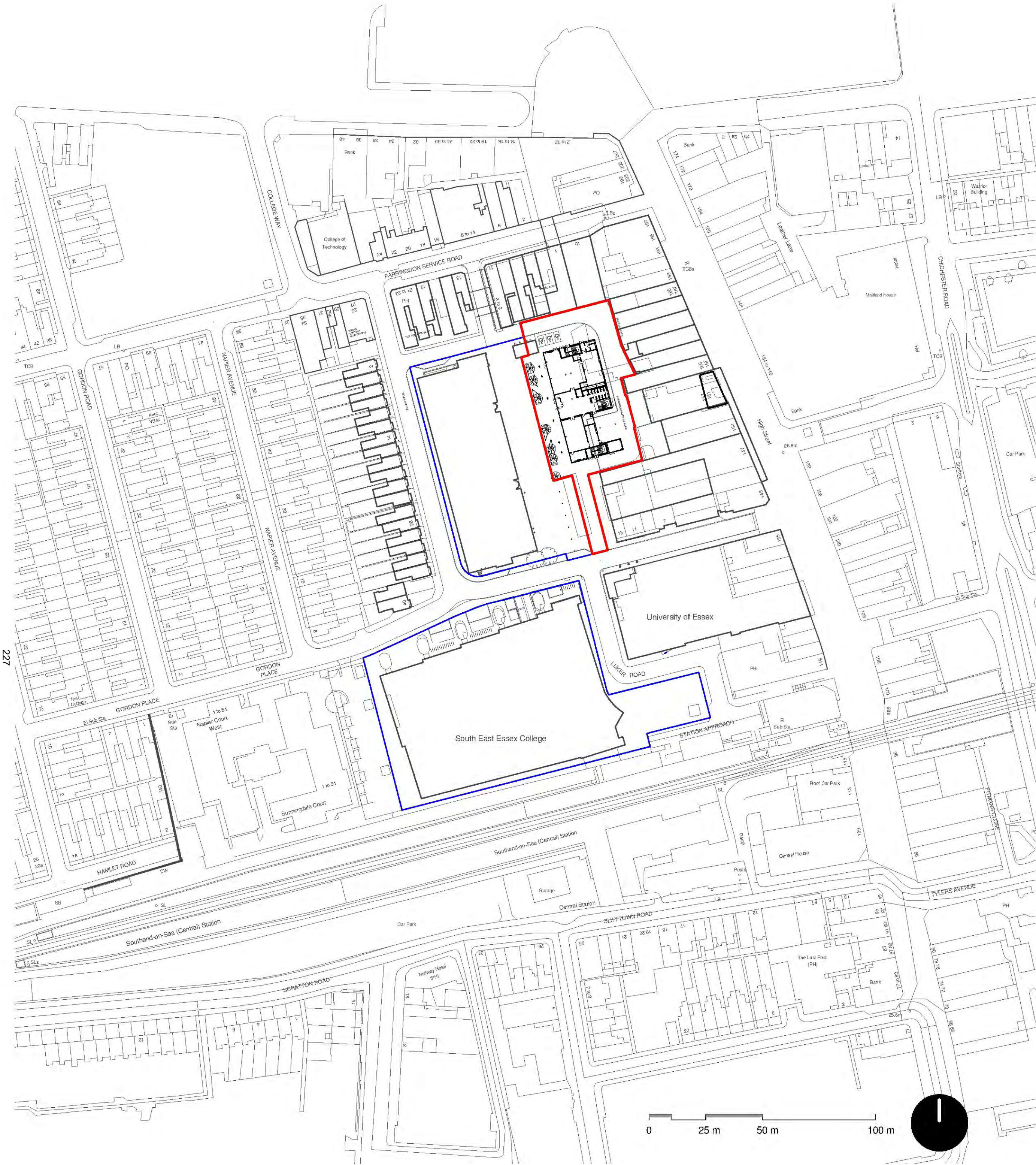
Room use	Window Ref	Existing %			Proposed %			% Loss of Summer	% Loss of Winter	% Loss of Total
		Summer	Winter	Total	Summer	Winter	Total			
15A Queens Road										
1st Floor										
W1/11		22.00	1.00	23.00	22.00	1.00	23.00	0.00%	0.00%	0.00%
13 Queens Road										
1st Floor										
W1/21		34.00	6.00	40.00	33.00	5.00	38.00	2.94%	16.67%	5.00%
W2/21		35.00	6.00	41.00	34.00	6.00	40.00	2.86%	0.00%	2.44%
W3/21		25.00	2.00	27.00	24.00	2.00	26.00	4.00%	0.00%	3.70%
W4/21		24.00	2.00	26.00	23.00	2.00	25.00	4.17%	0.00%	3.85%
W5/21		24.00	2.00	26.00	23.00	2.00	25.00	4.17%	0.00%	3.85%
7A Queens Road										
Gnd Floor										
W2/40		11.00	3.00	14.00	7.00	5.00	12.00	36.36%	-66.67%	14.29%
1st Floor										
W1/41		11.00	13.00	24.00	6.00	10.00	16.00	45.45%	23.08%	33.33%
W2/41		29.00	12.00	41.00	23.00	9.00	32.00	20.69%	25.00%	21.95%
W3/41		11.00	13.00	24.00	6.00	7.00	13.00	45.45%	46.15%	45.83%
2nd Floor										
W1/42		26.00	20.00	46.00	24.00	12.00	36.00	7.69%	40.00%	21.74%
W2/42		44.00	20.00	64.00	42.00	11.00	53.00	4.55%	45.00%	17.19%
W3/42		26.00	20.00	46.00	24.00	9.00	33.00	7.69%	55.00%	28.26%
1B Queens Road										
1st Floor										
W1/71		50.00	20.00	70.00	50.00	7.00	57.00	0.00%	65.00%	18.57%
W2/71		50.00	19.00	69.00	50.00	8.00	58.00	0.00%	57.89%	15.94%
W3/71		50.00	19.00	69.00	50.00	9.00	59.00	0.00%	52.63%	14.49%
189 - 189A High Street										
ASSUMED	W1/80	35.00	15.00	50.00	35.00	10.00	45.00	0.00%	33.33%	10.00%
1st Floor										
ASSUMED	W1/81	29.00	4.00	33.00	29.00	3.00	32.00	0.00%	25.00%	3.03%
ASSUMED	W2/81	35.00	14.00	49.00	35.00	12.00	47.00	0.00%	14.29%	4.08%
185-187 High Street										
ASSUMED	W1/88	9.00	0.00	9.00	9.00	0.00	9.00	0.00%	0.00%	0.00%
ASSUMED	W1/89	11.00	1.00	12.00	11.00	1.00	12.00	0.00%	0.00%	0.00%
ASSUMED	W1/90	35.00	11.00	46.00	35.00	9.00	44.00	0.00%	18.18%	4.35%
1st Floor										
LKD	W1/91	34.00	15.00	49.00	34.00	12.00	46.00	0.00%	20.00%	6.12%
LKD	W2/91	36.00	16.00	52.00	36.00	13.00	49.00	0.00%	18.75%	5.77%
LKD	W3/91	34.00	15.00	49.00	34.00	13.00	47.00	0.00%	13.33%	4.08%
ASSUMED	W4/91	30.00	7.00	37.00	30.00	7.00	37.00	0.00%	0.00%	0.00%

		Existing %			Proposed %					
Room use	Window Ref	Summer	Winter	Total	Summer	Winter	Total	% Loss of Summer	% Loss of Winter	% Loss of Total
181 High Street										
ASSUMED	W1/109	6.00	0.00	6.00	6.00	0.00	6.00	0.00%	0.00%	0.00%
ASSUMED	W1/110	7.00	0.00	7.00	7.00	0.00	7.00	0.00%	0.00%	0.00%
1st Floor										
ASSUMED	W7/111	26.00	10.00	36.00	26.00	7.00	33.00	0.00%	30.00%	8.33%
ASSUMED	W10/111	27.00	6.00	33.00	26.00	4.00	30.00	3.70%	33.33%	9.09%
2nd Floor										
ASSUMED	W2/112	36.00	14.00	50.00	36.00	11.00	47.00	0.00%	21.43%	6.00%
ASSUMED	W3/112	35.00	11.00	46.00	35.00	7.00	42.00	0.00%	36.36%	8.70%
ASSUMED	W4/112	33.00	11.00	44.00	32.00	7.00	39.00	3.03%	36.36%	11.36%
ASSUMED	W1/112	10.00	0.00	10.00	10.00	0.00	10.00	0.00%	0.00%	0.00%
177 High Street										
ASSUMED	W1/121	14.00	1.00	15.00	13.00	0.00	13.00	7.14%	100.00%	13.33%
2nd Floor										
ASSUMED	W1/122	28.00	7.00	35.00	28.00	6.00	34.00	0.00%	14.29%	2.86%
1st Floor										
ASSUMED	W5/131	24.00	0.00	24.00	22.00	0.00	22.00	8.33%	0.00%	8.33%
2nd Floor										
ASSUMED	W1/132	37.00	13.00	50.00	36.00	10.00	46.00	2.70%	23.08%	8.00%
ASSUMED	W2/132	37.00	14.00	51.00	36.00	11.00	47.00	2.70%	21.43%	7.84%
ASSUMED	W3/132	35.00	13.00	48.00	34.00	10.00	44.00	2.86%	23.08%	8.33%
173 - 175 High Street										
ASSUMED	W1/141	8.00	0.00	8.00	7.00	0.00	7.00	12.50%	0.00%	12.50%
ASSUMED	W2/141	24.00	5.00	29.00	22.00	1.00	23.00	8.33%	80.00%	20.69%
ASSUMED	W3/141	14.00	1.00	15.00	11.00	0.00	11.00	21.43%	100.00%	26.67%
2nd Floor										
ASSUMED	W1/142	13.00	0.00	13.00	13.00	0.00	13.00	0.00%	0.00%	0.00%
ASSUMED	W2/142	29.00	6.00	35.00	28.00	3.00	31.00	3.45%	50.00%	11.43%
ASSUMED	W3/142	15.00	1.00	16.00	13.00	0.00	13.00	13.33%	100.00%	18.75%
ASSUMED	W1/151	29.00	6.00	35.00	22.00	2.00	24.00	24.14%	66.67%	31.43%
ASSUMED	W1/152	31.00	7.00	38.00	27.00	3.00	30.00	12.90%	57.14%	21.05%
169 - 171 High Street										
ASSUMED	W1/161	36.00	8.00	44.00	28.00	4.00	32.00	22.22%	50.00%	27.27%
2nd Floor										
ASSUMED	W1/162	36.00	11.00	47.00	31.00	7.00	38.00	13.89%	36.36%	19.15%
ASSUMED	W1/171	34.00	8.00	42.00	29.00	4.00	33.00	14.71%	50.00%	21.43%
ASSUMED	W2/171	14.00	2.00	16.00	13.00	1.00	14.00	7.14%	50.00%	12.50%
ASSUMED	W1/172	27.00	9.00	36.00	26.00	6.00	32.00	3.70%	33.33%	11.11%
ASSUMED	W2/172	35.00	9.00	44.00	31.00	6.00	37.00	11.43%	33.33%	15.91%
ASSUMED	W3/172	19.00	3.00	22.00	19.00	2.00	21.00	0.00%	33.33%	4.55%
165 - 167 High Street										
1st Floor										
ASSUMED	W1/181	17.00	0.00	17.00	11.00	0.00	11.00	35.29%	0.00%	35.29%
2nd Floor										
ASSUMED	W1/182	19.00	1.00	20.00	14.00	0.00	14.00	26.32%	100.00%	30.00%
ASSUMED	W1/191	9.00	1.00	10.00	7.00	0.00	7.00	22.22%	100.00%	30.00%
ASSUMED	W2/191	25.00	4.00	29.00	19.00	1.00	20.00	24.00%	75.00%	31.03%
ASSUMED	W3/191	16.00	1.00	17.00	10.00	0.00	10.00	37.50%	100.00%	41.18%
ASSUMED	W1/192	12.00	0.00	12.00	10.00	0.00	10.00	16.67%	0.00%	16.67%
ASSUMED	W2/192	25.00	4.00	29.00	22.00	3.00	25.00	12.00%	25.00%	13.79%
ASSUMED	W3/192	17.00	1.00	18.00	14.00	0.00	14.00	17.65%	100.00%	22.22%

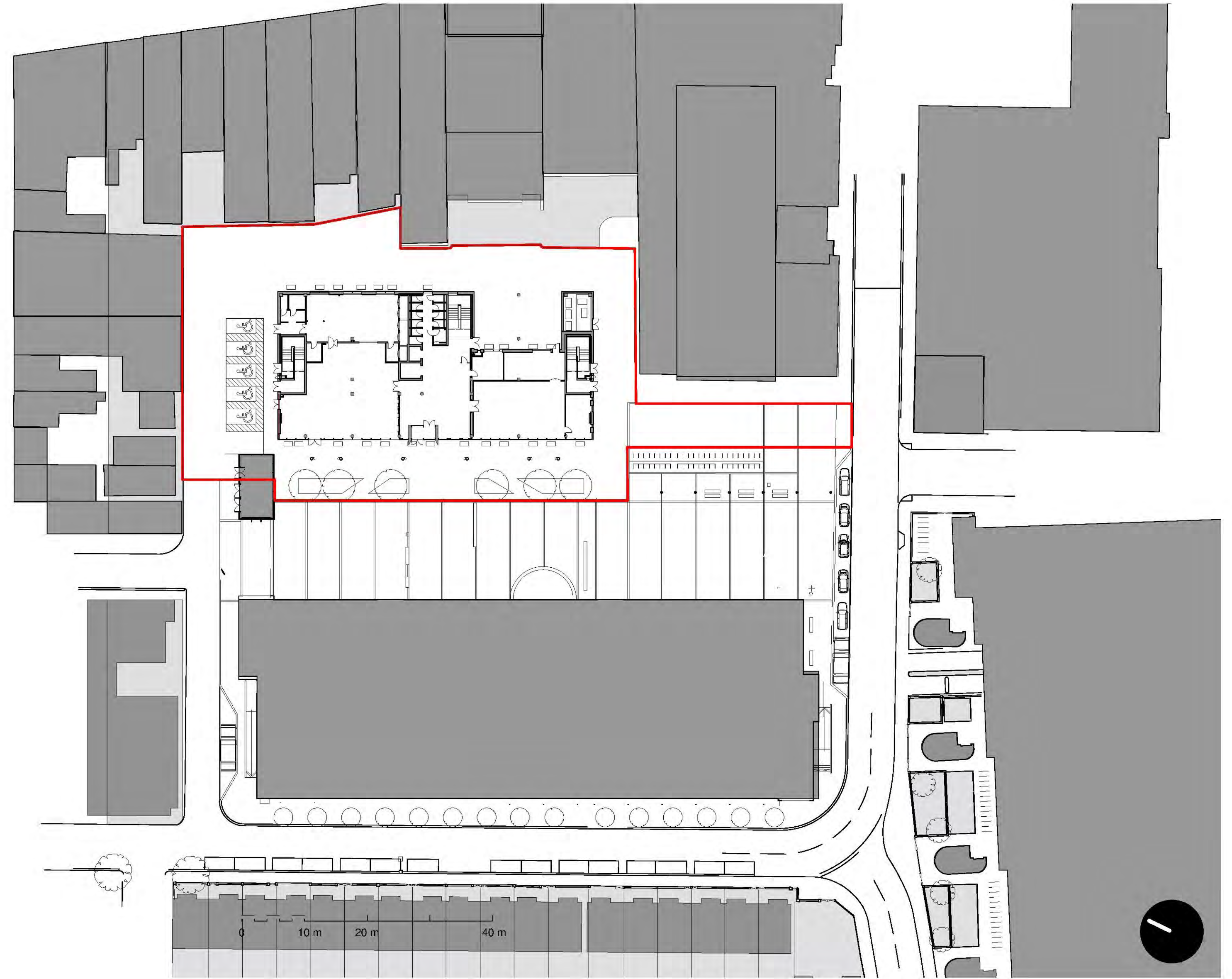
		Existing %			Proposed %					
Room use	Window Ref	Summer	Winter	Total	Summer	Winter	Total	% Loss of Summer	% Loss of Winter	% Loss of Total
157 -163 High Street										
1st Floor										
LD	W1/201	16.00	5.00	21.00	1.00	0.00	1.00	93.75%	100.00%	95.24%
BEDROOM	W2/201	19.00	4.00	23.00	1.00	0.00	1.00	94.74%	100.00%	95.65%
LD	W3/201	20.00	3.00	23.00	1.00	0.00	1.00	95.00%	100.00%	95.65%
BEDROOM	W4/201	20.00	3.00	23.00	1.00	0.00	1.00	95.00%	100.00%	95.65%
BEDROOM	W5/201	20.00	3.00	23.00	2.00	1.00	3.00	90.00%	66.67%	86.96%
2nd Floor										
LD	W1/202	32.00	5.00	37.00	25.00	2.00	27.00	21.88%	60.00%	27.03%
BEDROOM	W2/202	32.00	4.00	36.00	25.00	2.00	27.00	21.88%	50.00%	25.00%
BEDROOM	W3/202	31.00	3.00	34.00	25.00	2.00	27.00	19.35%	33.33%	20.59%
3rd Floor										
LD	W1/203	32.00	7.00	39.00	28.00	5.00	33.00	12.50%	28.57%	15.38%
BEDROOM	W2/203	32.00	6.00	38.00	28.00	4.00	32.00	12.50%	33.33%	15.79%
BEDROOM	W3/203	31.00	4.00	35.00	27.00	2.00	29.00	12.90%	50.00%	17.14%
4th Floor										
LD	W1/204	32.00	9.00	41.00	31.00	7.00	38.00	3.13%	22.22%	7.32%
BEDROOM	W2/204	32.00	8.00	40.00	31.00	6.00	37.00	3.13%	25.00%	7.50%
BEDROOM	W3/204	32.00	6.00	38.00	31.00	4.00	35.00	3.13%	33.33%	7.89%
5th Floor										
LD	W1/205	32.00	10.00	42.00	32.00	8.00	40.00	0.00%	20.00%	4.76%
BEDROOM	W2/205	32.00	9.00	41.00	32.00	8.00	40.00	0.00%	11.11%	2.44%
BEDROOM	W3/205	32.00	7.00	39.00	32.00	6.00	38.00	0.00%	14.29%	2.56%
6th Floor										
LD	W1/206	32.00	11.00	43.00	32.00	11.00	43.00	0.00%	0.00%	0.00%
BEDROOM	W2/206	32.00	10.00	42.00	32.00	10.00	42.00	0.00%	0.00%	0.00%
BEDROOM	W3/206	32.00	9.00	41.00	32.00	9.00	41.00	0.00%	0.00%	0.00%
7th Floor										
LD	W1/207	32.00	13.00	45.00	32.00	13.00	45.00	0.00%	0.00%	0.00%
BEDROOM	W2/207	32.00	11.00	43.00	32.00	11.00	43.00	0.00%	0.00%	0.00%
BEDROOM	W3/207	32.00	11.00	43.00	32.00	11.00	43.00	0.00%	0.00%	0.00%
8th Floor										
LD	W1/208	32.00	15.00	47.00	32.00	15.00	47.00	0.00%	0.00%	0.00%
BEDROOM	W2/208	32.00	13.00	45.00	32.00	13.00	45.00	0.00%	0.00%	0.00%
BEDROOM	W3/208	32.00	13.00	45.00	32.00	13.00	45.00	0.00%	0.00%	0.00%
9th Floor										
LD	W1/209	32.00	16.00	48.00	32.00	16.00	48.00	0.00%	0.00%	0.00%
BEDROOM	W2/209	32.00	16.00	48.00	32.00	16.00	48.00	0.00%	0.00%	0.00%
BEDROOM	W3/209	32.00	16.00	48.00	32.00	16.00	48.00	0.00%	0.00%	0.00%
9 Elmer Approach										
2nd Floor										
BEDROOM	W28/302	3.00	0.00	3.00	3.00	0.00	3.00	0.00%	0.00%	0.00%
BEDROOM	W29/302	3.00	0.00	3.00	3.00	0.00	3.00	0.00%	0.00%	0.00%
BEDROOM	W30/302	27.00	5.00	32.00	27.00	5.00	32.00	0.00%	0.00%	0.00%
3rd Floor										
BEDROOM	W28/303	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W29/303	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W30/303	30.00	6.00	36.00	30.00	6.00	36.00	0.00%	0.00%	0.00%
4th Floor										
BEDROOM	W28/304	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W29/304	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W30/304	30.00	10.00	40.00	30.00	10.00	40.00	0.00%	0.00%	0.00%

		Existing %			Proposed %					
Room use	Window Ref	Summer	Winter	Total	Summer	Winter	Total	% Loss of Summer	% Loss of Winter	% Loss of Total
5th Floor										
BEDROOM	W28/305	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W29/305	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W30/305	30.00	10.00	40.00	30.00	10.00	40.00	0.00%	0.00%	0.00%
6th Floor										
BEDROOM	W28/306	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W29/306	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W30/306	30.00	10.00	40.00	30.00	10.00	40.00	0.00%	0.00%	0.00%
7th Floor										
BEDROOM	W28/307	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W29/307	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W30/307	30.00	10.00	40.00	30.00	10.00	40.00	0.00%	0.00%	0.00%
8th Floor										
BEDROOM	W28/308	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W29/308	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W30/308	30.00	10.00	40.00	30.00	10.00	40.00	0.00%	0.00%	0.00%
9th Floor										
BEDROOM	W28/309	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W29/309	4.00	0.00	4.00	4.00	0.00	4.00	0.00%	0.00%	0.00%
BEDROOM	W30/309	30.00	10.00	40.00	30.00	10.00	40.00	0.00%	0.00%	0.00%

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1 LOCATION PLAN
1 : 1250




2 BLOCK PLAN
1 : 500

SITE BOUNDARY
LANDOWNERSHIP BOUNDARY

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	ADP
S2 P 2	06/06/19	Planning Issue	ADP	ADP

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

PLANNING



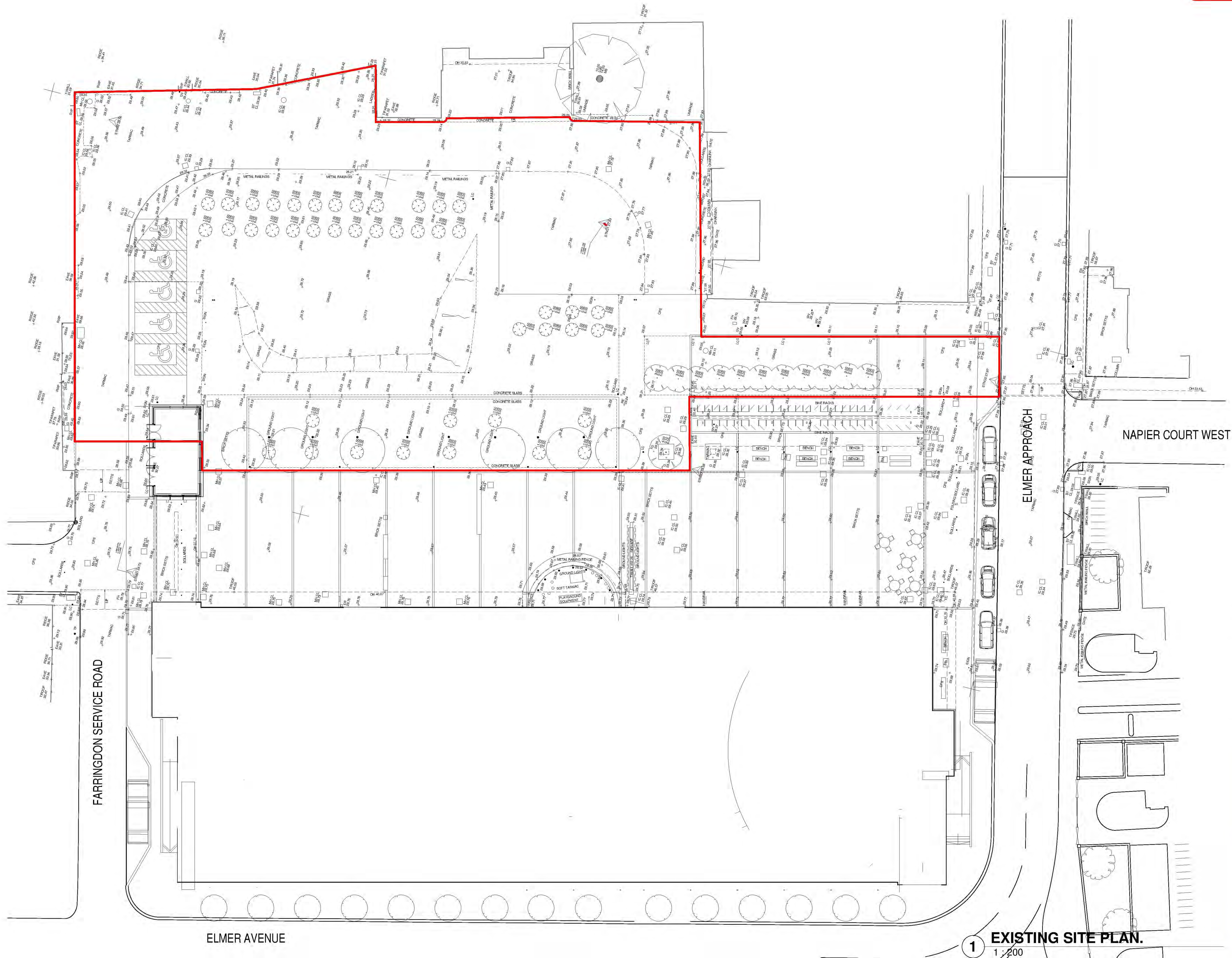
The Fire Station
150 Waterloo Road, London SE1 6SB
T +44 (0) 20 7089 1720
E london@adp-architecture.com
www.adp-architecture.com


JOB TITLE:
THE FORUM 2

DRAWING TITLE:
LOCATION PLAN & BLOCK PLAN

SCALE: As indicated	DRAWING SHEET SIZE: A1	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-00-DR-A-0900	REVISION: S2 P 2

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05

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REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	ADP
S2 P 2	05/05/19	Planning Issue	ADP	ADP

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

PLANNING



The Fire Station
150 Watlington Road, London SE1 8SR
T: +44 (0) 20 7088 1720
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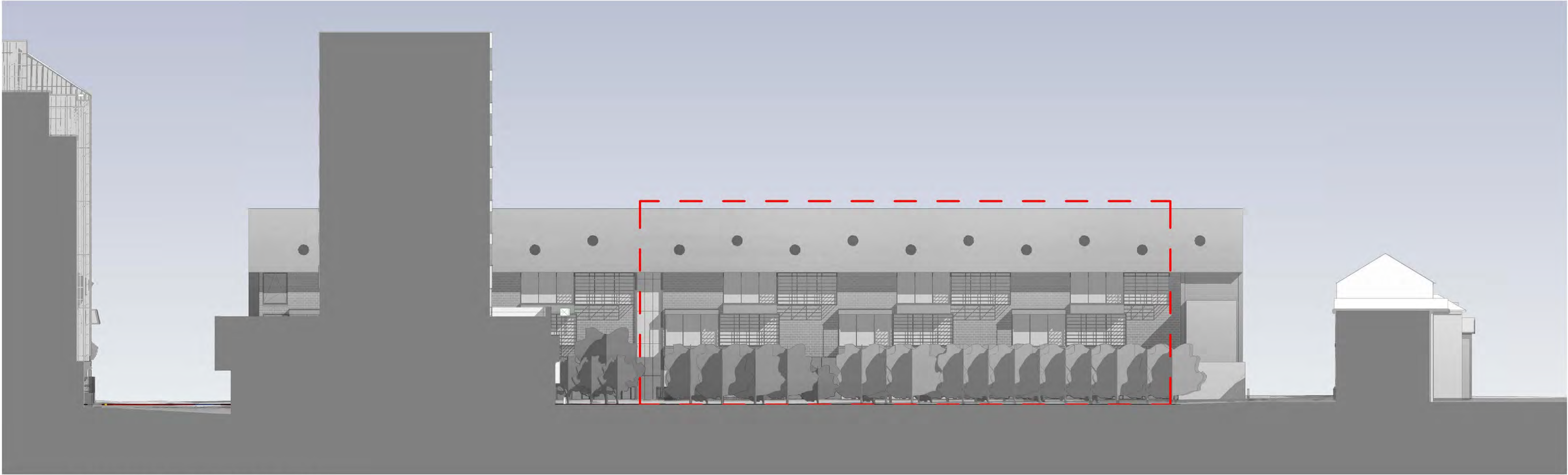
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THE FORUM 2

DRAWING TITLE:
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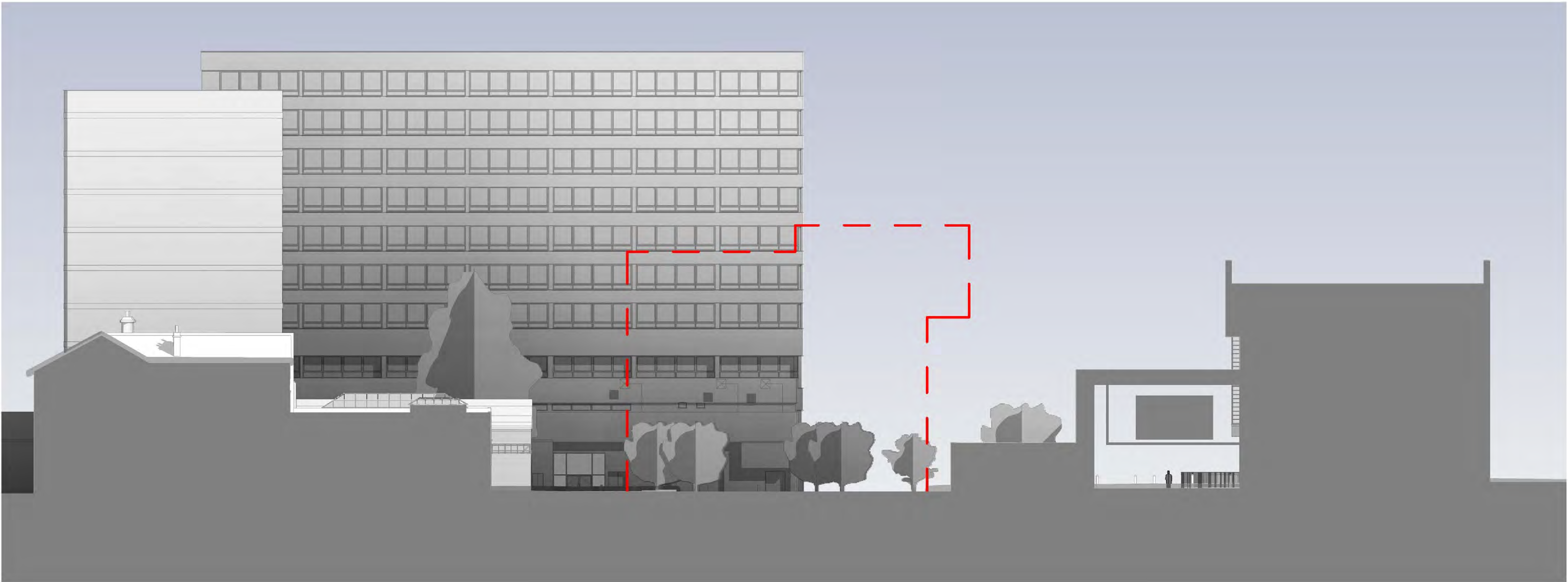
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1 : 200
EXISTING SITE PLAN.

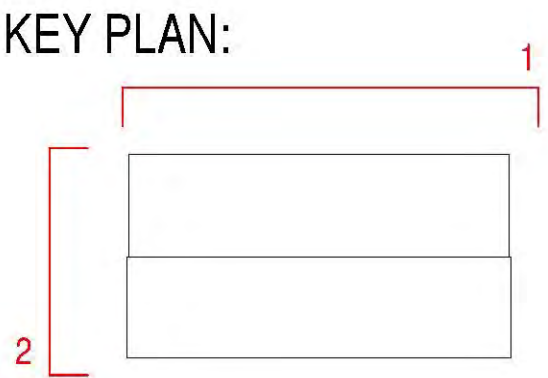
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1 EXISTING ELEVATION EAST
1 : 200



2 EXISTING ELEVATION NORTH
1 : 200



REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	ADP
S2 P 2	06/06/19	Planning Issue	ADP	ADP

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

PLANNING

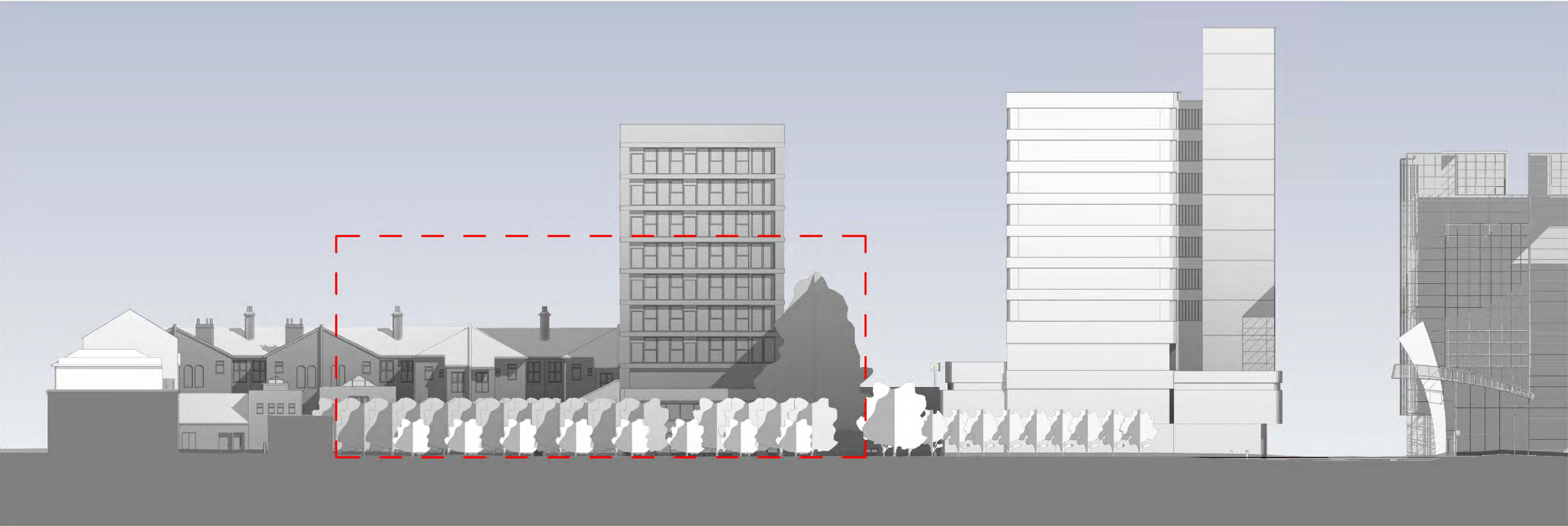
The Fire Station
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www.adp-architecture.com

JOB TITLE:
THE FORUM 2

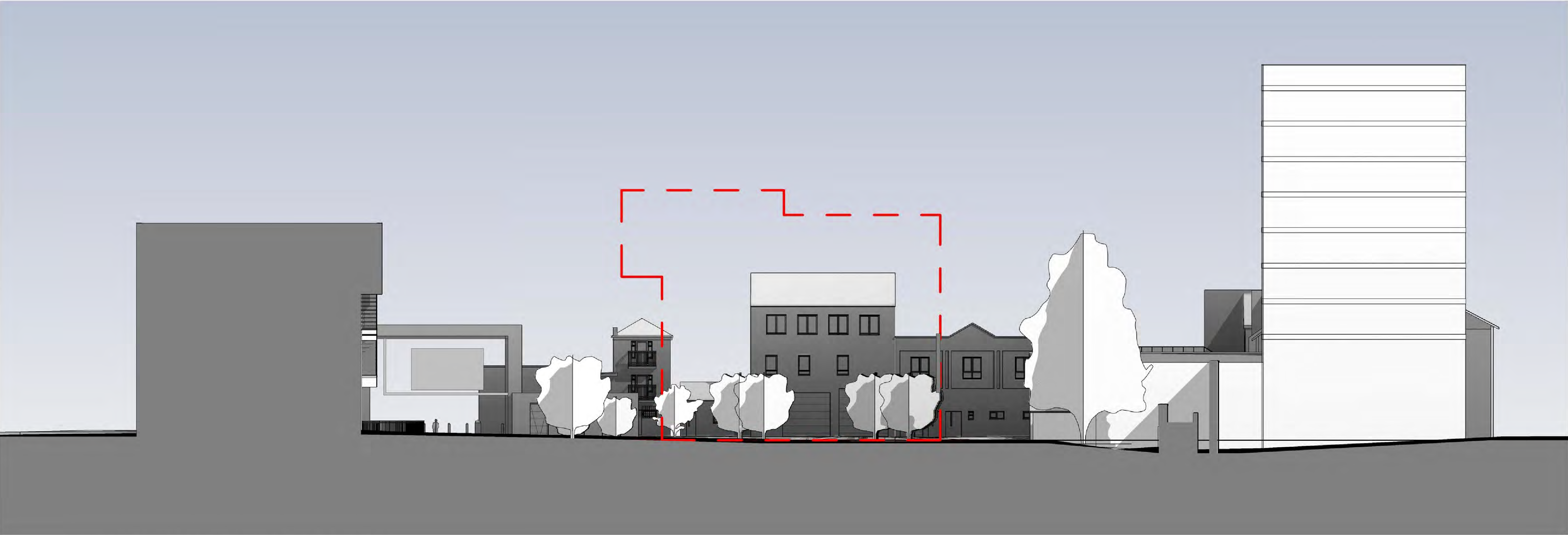
DRAWING TITLE:
EXISTING ELEVATIONS EAST AND NORTH

SCALE: As indicated	DRAWING SHEET SIZE: A1	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1206	REVISION: S2 P 2

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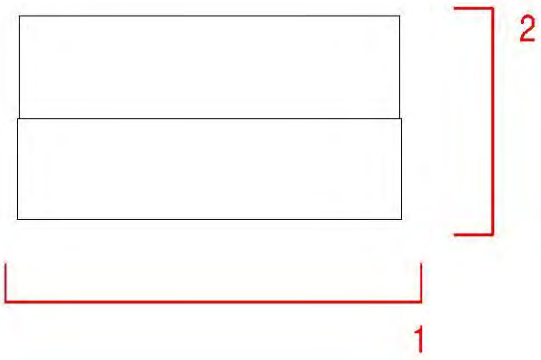


1 EXISTING ELEVATION WEST
1 : 200



2 EXISTING ELEVATION SOUTH
1 : 200

KEY PLAN:



0 5 10 m				
REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	ADP
S2 P 2	06/06/19	Planning Issue	ADP	ADP

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
EXISTING ELEVATIONS WEST AND SOUTH

SCALE: As indicated	DRAWING SHEET SIZE: A1	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1205	REVISION: S2 P 2

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 SITE BOUNDARY

235

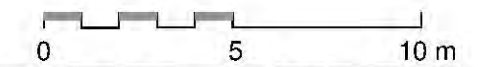
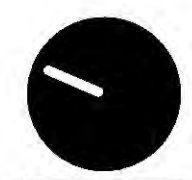
FARRINGTON SERVICE ROAD

1 SITE PLAN
1 : 200

ELMER AVENUE

ELMER APPROACH


NAPIER COURT WEST



REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	29/11/18	Stage 2 Issue	ADP	
S2 P 2	01/05/19	Stage 3 Issue	ADP	
S2 P 3	06/06/19	Planning Issue	ADP	

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
SITE PLAN

SCALE:
1 : 200

DRAWING SHEET SIZE:
A1

JOB CODE:
ESQ3

DRAWING NUMBER:
ADP-00-00-DR- A-0910

REVISION:
S2 P 3

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
BASEMENT LEVEL

SCALE:	DRAWING SHEET SIZE:
As indicated	A1

JOB CODE:	DRAWING NUMBER:	REVISION:
ESQ3	ADP-00-B1-DR-A-1000	S2 P 3

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- Department
- Circulation
 - Sanitary
 - Public use
 - Admin
 - Support and ancillary
 - Plant
 - Kitchen
- Key
- DR Dry riser
 - DF Drinking fountain
 - PH Pigeon holes
 - AV Audio visual rack
 - RWP Rain water pipe
 - AOV Automated opening vent
 - OV Opening vent

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	29/11/18	Stage 2 Issue	ADP	
S2 P 2	01/05/19	Stage 3 Issue	ADP	
S2 P 3	06/06/19	Planning Issue	ADP	

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
LEVEL 00

SCALE: As indicated	DRAWING SHEET SIZE: A1
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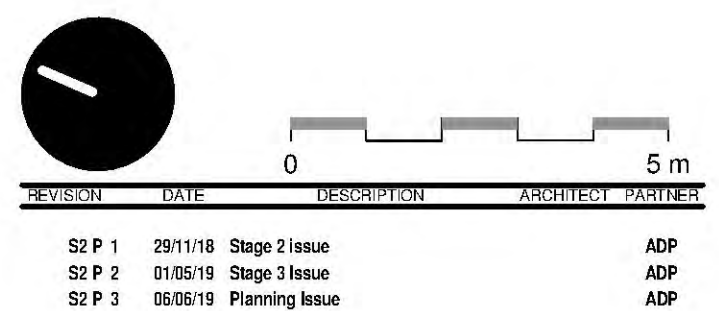


Department

- Admin support
- Breakout
- Circulation
- Digital Artist Workshop
- Sanitary
- Music/Performance
- Admin
- Support and ancillary
- Plant
- Digital media spaces

Key

- DR Dry riser
- DF Drinking fountain
- PH Pigeon holes
- AV Audio visual rack
- RWP Rain water pipe
- AOV Automated opening vent
- OV Opening vent



CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

PLANNING



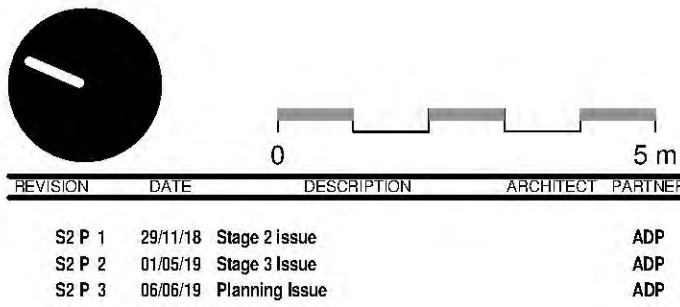
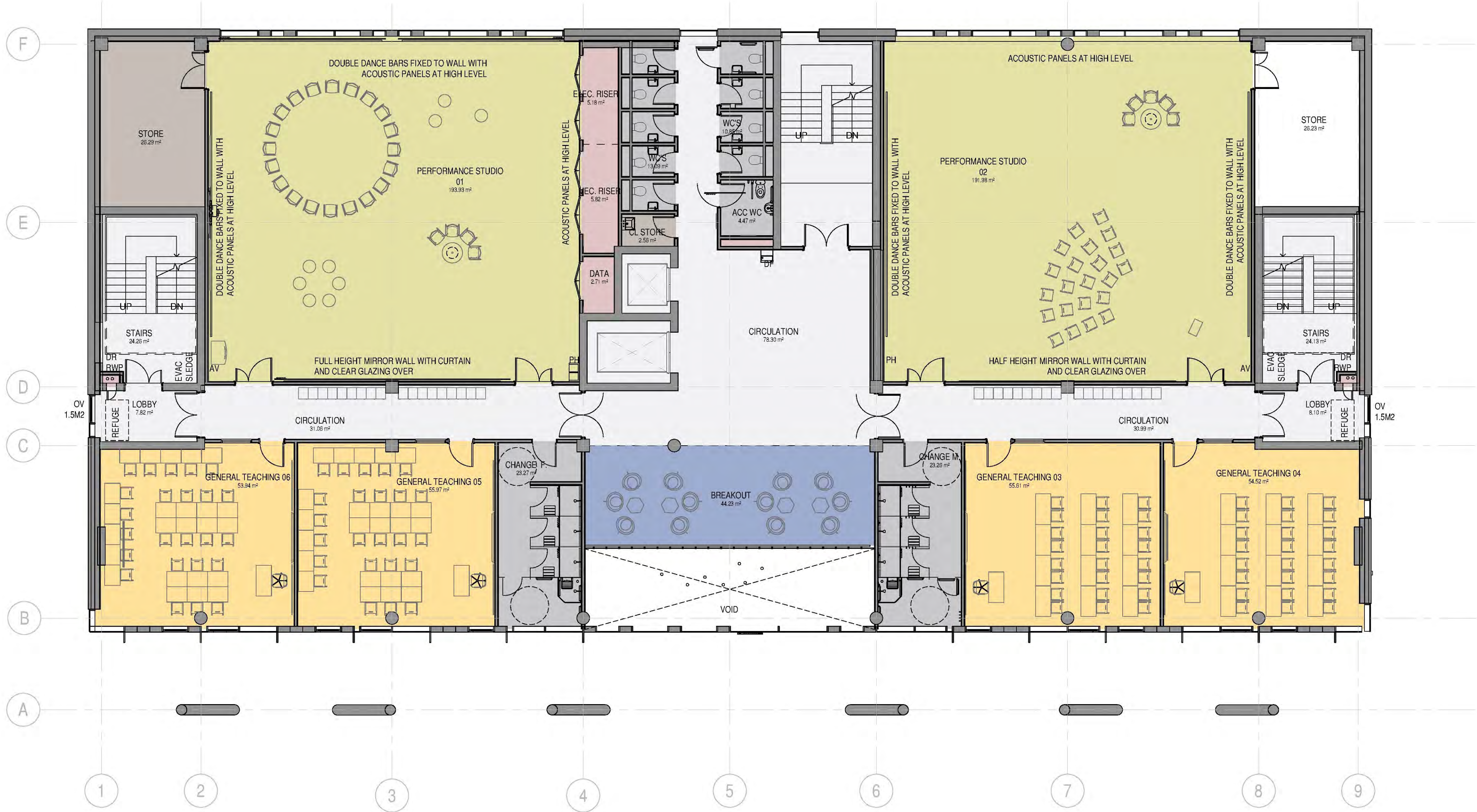
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JOB TITLE: THE FORUM 2		
DRAWING TITLE: LEVEL 01		
SCALE: As indicated	DRAWING SHEET SIZE: A1	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-01-DR-A-1002	REVISION: S2 P 3

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- Department
- Breakout
 - Circulation
 - Sanitary
 - Music/Performance
 - General teaching
 - Support and ancillary
 - Plant

- Key
- DR Dry riser
 - DF Drinking fountain
 - PH Pigeon holes
 - AV Audio visual rack
 - RWP Rain water pipe
 - AOV Automated opening vent
 - OV Opening vent



REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	29/11/18	Stage 2 Issue	ADP	
S2 P 2	01/05/19	Stage 3 Issue	ADP	
S2 P 3	06/06/19	Planning Issue	ADP	

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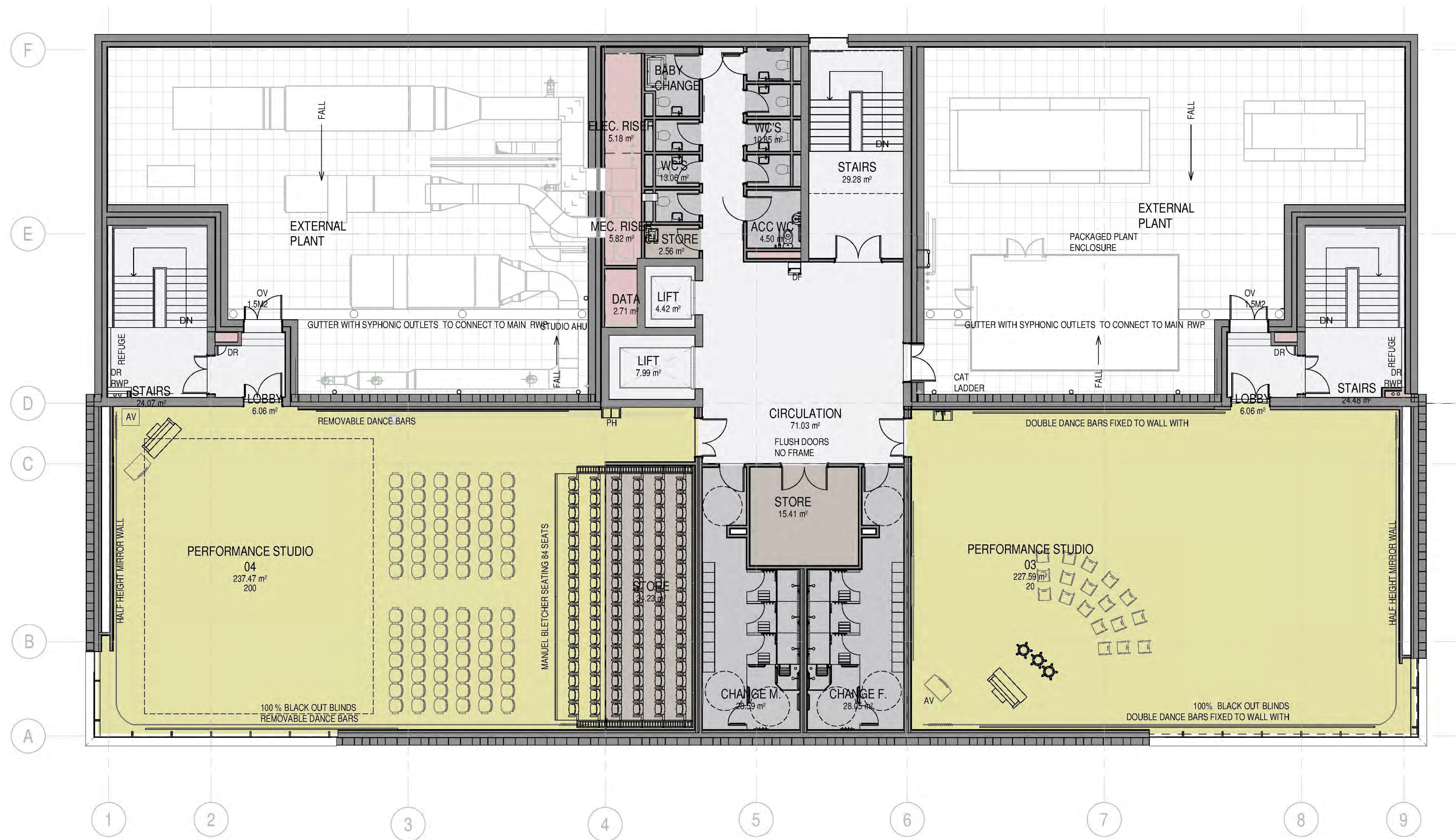
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DRAWING TITLE:
LEVEL 02

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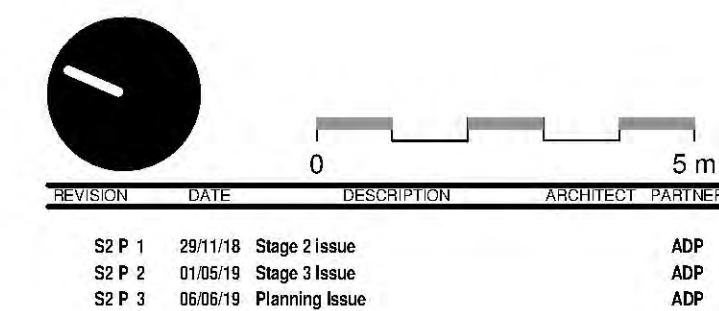
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- Department
- Circulation
 - Sanitary
 - Music/Performance
 - Support and ancillary
 - Plant

- Key
- DR Dry riser
 - DF Drinking fountain
 - PH Pigeon holes
 - AV Audio visual rack
 - RWP Rain water pipe
 - AOV Automated opening vent
 - OV Opening vent



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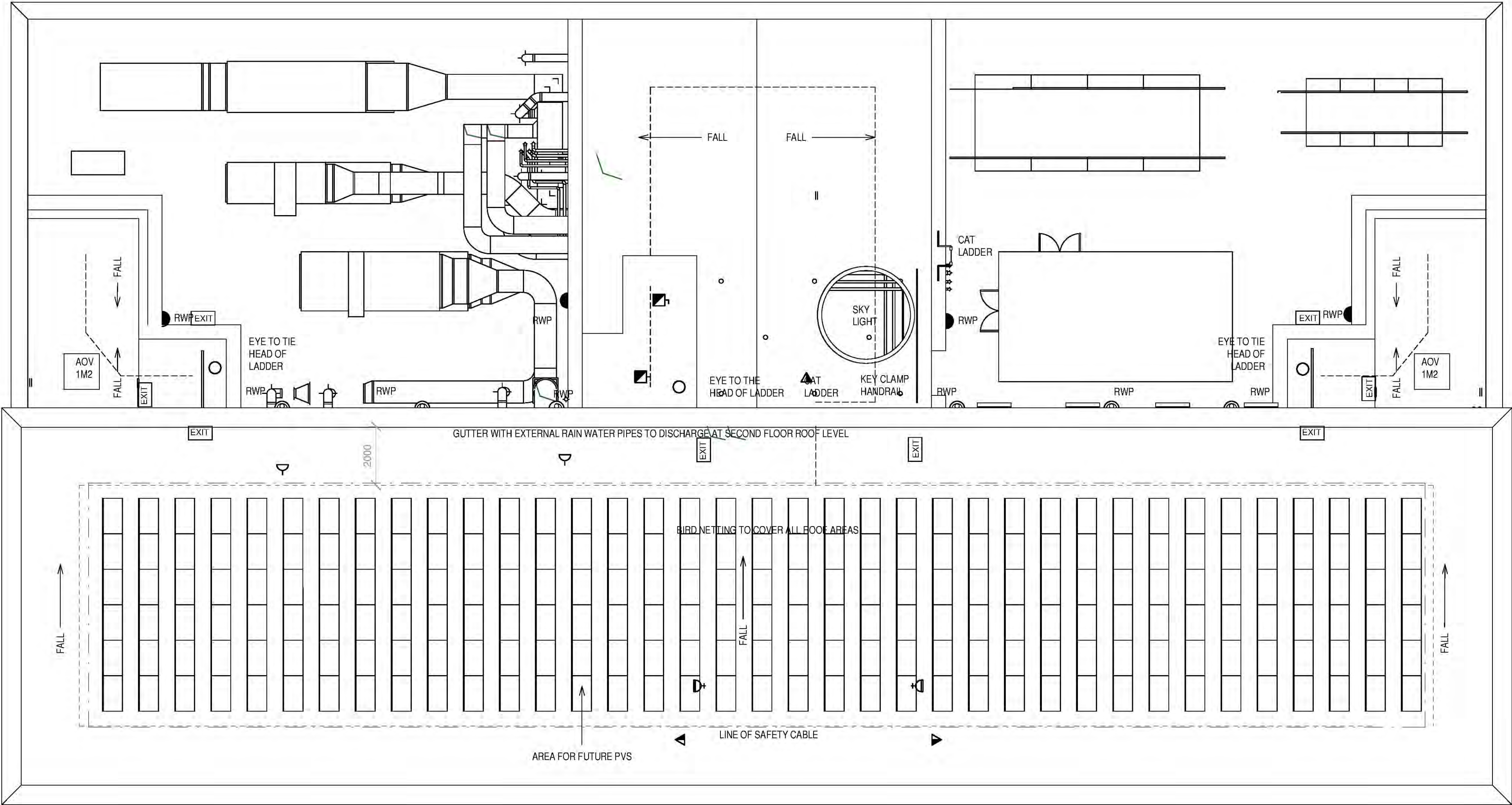
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THE FORUM 2

DRAWING TITLE:
LEVEL 03

SCALE: As indicated	DRAWING SHEET SIZE: A1
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JOB CODE: ESQ3	DRAWING NUMBER: ADP-00-03-DR- A-1004	REVISION: S2 P 3
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- Key
- DR Dry riser
 - DF Drinking fountain
 - PH Pigeon holes
 - AV Audio visual rack
 - RWP Rain water pipe
 - AOV Automated opening vent
 - OV Opening vent

NOTE:
PVS ARE NOT REQUIRED, BUT THE
ROOF PLAN IS SHOWING
POTENTIAL FUTURE PV PROVISION
TO REDUCE CARBON EMISSIONS
FURTHER. REFER ALSO TO M&E
ENERGY STATEMENT.

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER	
S2 P 1	29/11/18	Stage 2 Issue	ADP		
S2 P 2	01/05/19	Stage 3 Issue	ADP		
S2 P 3	06/06/19	Planning Issue	ADP		
S2 P 4	04/06/19	Room Drawing Issue for client meeting 05/05	ADP		

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ROOF LEVEL

SCALE: As indicated	DRAWING SHEET SIZE: A1
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JOB CODE: ESQ3	DRAWING NUMBER: ADP-00-R1-DR-A-1005	REVISION: S2 P 4
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METAL CLADDING WITH STANDING SEAM AND THREE SEPERATE STEEL BLUE/GREY COLOUR SHADES



FOR AREAS OF CURTAIN WALLING ALLOW FOR THE FOLLOWING:
- 40% FIXED CLEAR GLAZING
- 10% OPENING CLEAR GLAZING
- 10% COLOURED GLASS
- 20% OPAQUE PANELS WITH AN ANODISED ALUMINIUM FINISH
- 20% POWDER COATED LOUVRES
- PROVIDE A SHUCO CAPLESS SYSTEM
- INCLUDE PROJECTING SOLAR SHADING FINS



1 ELEVATION SOUTH
1 : 100



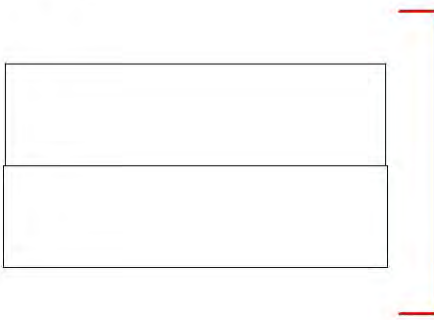
AREAS WITH A WHITE COLOURED EXTERNAL INSULATED RENDER FINISH FROM STO.



AREAS WITH A DARK BRICK WITH LIGHT MORTAR

GENERALLY ANY UNLABELED EXTERNAL VISIBLE MATERIALS IE CAPPING, FRAMING, COLUMNS ETC ARE TO HAVE A DARK GREY RAL 7024 DARK GREY FINISH. SERVICES ARE TO NOT BE FIXED TO EXTERNAL WALLS WITHOUT PRIOR AGREEMENT WITH THE ARCHITECT.

KEY PLAN:



REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	ADP
S2 P 2	06/06/19	Planning Issue	ADP	ADP

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ELEVATION SOUTH

SCALE: 1 : 100	DRAWING SHEET SIZE: A1
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JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1211	REVISION: S2 P 2
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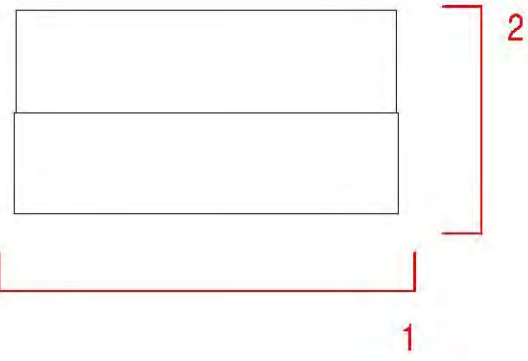


1 ELEVATION WEST
1 : 200



2 ELEVATION SOUTH
1 : 200

KEY PLAN:



0 5 10 m			
REVISION	DATE	DESCRIPTION	ARCHITECT PARTNER
S2 P 1	29/11/18	Stage 2 Issue	ADP
S2 P 2	01/05/19	Stage 3 Issue	ADP
S2 P 3	06/06/19	Planning Issue	ADP

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ELEVATION WEST & SOUTH

SCALE: As indicated	DRAWING SHEET SIZE: A1
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JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1207	REVISION: S2 P 3
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KEY PLAN:



1 ELEVATION WEST
1 : 100

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	
S2 P 2	05/06/19	Planning Issue	ADP	

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ELEVATION WEST

SCALE: 1 : 100	DRAWING SHEET SIZE: A1	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1210	REVISION: S2 P 2

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1 WEST ELEVATION - TYPICAL PORTION
1 : 50

- KEY:
- T TRANSLUCENT FILM APPLIED TO INTERNAL FACE OF GLASS
 - C CLEAR GLASS
 - A INSULATED PANEL WITH ANODISED ALUMINIUM FINISH TO MATCH BUILDING OPPOSITE (DARK BLUE GREY)
 - AA INSULATED PANEL WITH ANODISED ALUMINIUM FINISH (COLOUR TBC)
 - M MULLIONS 200X50MM WITH CAPLESS EXTERNAL FINISH GENERALLY FWSS0SG
 - W WINDOWS TO HAVE SIDE FIXED FRICTION STAY INCLUDE 100MM MAX OPENING RESTRICTORS. AWS75SISG WITH OVER BONDED GLASS
 - D DOORS. ADS 75HDI WITH ANTI FINGER TRAP
 - P PIVOT DOORS TBC
 - L RENSON WEATHERING LOUVRE WITH 75MM PITCH AND PPC FINISH
 - G COLOURED GLASS PANELS. COLOUR TBC (6 DIFFERENT SHADES)
 - F PROJECTING FINS. 300-450MM PROJECTING COVER CAPS
 - MSS METAL STANDING SEAM CLADDING (3 DIFFERENT SHADES)

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	ADP
S2 P 2	06/06/19	Planning Issue	ADP	ADP

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
WEST ELEVATION PORTION

SCALE: As indicated	DRAWING SHEET SIZE: A1
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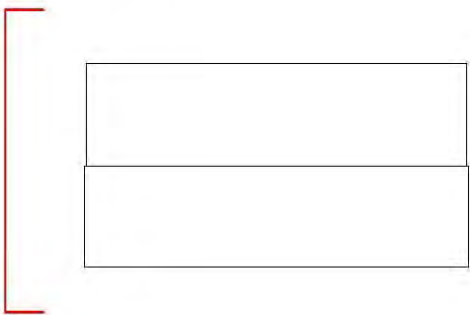
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1 ELEVATION NORTH
1 : 100

KEY PLAN:



0 5 m			
REVISION	DATE	DESCRIPTION	ARCHITECT PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP
S2 P 2	06/06/19	Planning Issue	ADP

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ELEVATION NORTH

SCALE: 1 : 100	DRAWING SHEET SIZE: A1
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JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1213	REVISION: S2 P 2
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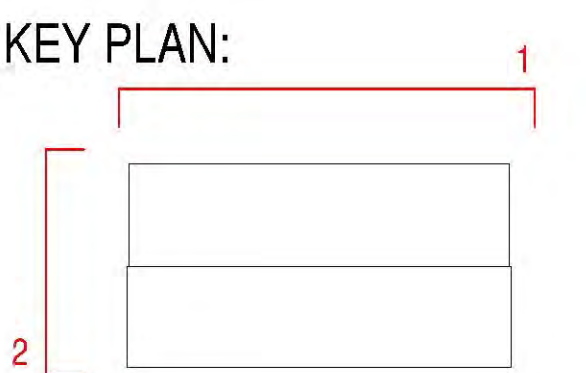
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1 ELEVATION EAST
1 : 200



2 ELEVATION NORTH
1 : 200



REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	29/11/18	Stage 2 Issue	ADP	
S2 P 2	01/05/19	Stage 3 Issue	ADP	
S2 P 3	06/06/19	Planning Issue	ADP	

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ELEVATION EAST & NORTH

SCALE: As indicated		DRAWING SHEET SIZE: A1	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1208		REVISION: S2 P 3

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KEY PLAN:



1 ELEVATION EAST
1 : 100

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	
S2 P 2	06/06/19	Planning Issue	ADP	

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ELEVATION EAST

SCALE: 1 : 100	DRAWING SHEET SIZE: A1	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-XX-ZZ-DR-A-1212	REVISION: S2 P 2


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REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	
S2 P 2	06/06/19	Planning Issue	ADP	

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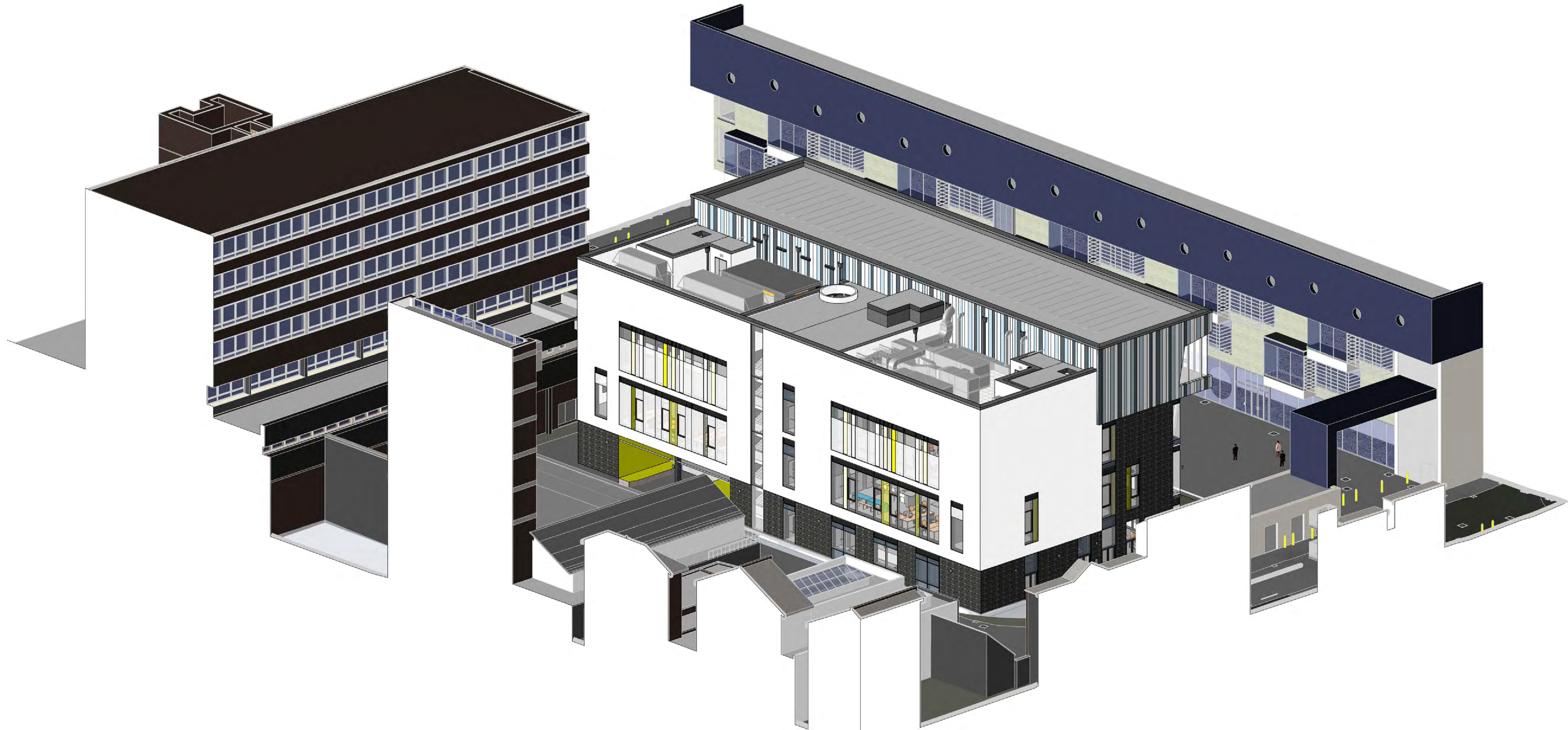
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THE FORUM 2

DRAWING TITLE:
MASSING VIEW 1

SCALE:	DRAWING SHEET SIZE: A1
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REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	
S2 P 2	06/06/19	Planning Issue	ADP	

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
MASSING VIEW 2

SCALE: 1 : 10	DRAWING SHEET SIZE: A1
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KEY PLAN:



1 ELEVATION WEST
1 : 100

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	
S2 P 2	06/06/19	Planning Issue	ADP	

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
ELEVATION WEST

SCALE: 1 : 100	DRAWING SHEET SIZE: A1
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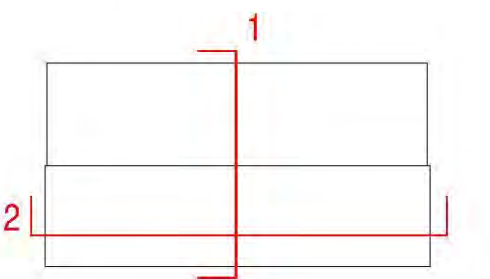
1 SITE SECTION A
1 : 200

269



2 SITE SECTION B
1 : 200

KEY PLAN:



REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	ADP
S2 P 2	05/05/19	Planning Issue	ADP	ADP

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS

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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
SITE SECTIONS
Existing and Proposed

SCALE:	DRAWING SHEET SIZE:
As indicated	A1
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	REVISION: S2 P 2

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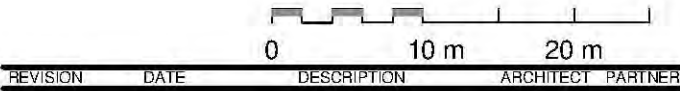
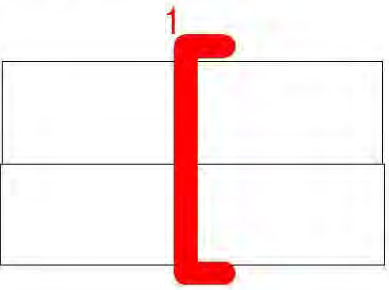


1

SITE SECTION E

1 : 500

KEY PLAN:



CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS.

PLANNING

The Fire Station
150 Waterloo Road London SE1 6SB
T +44 (0) 20 7688 1720
E london@adp-architecture.com
www.adp-architecture.com

JOB TITLE:
THE FORUM 2

DRAWING TITLE:
SITE SECTIONS

SCALE:
As indicated

DRAWING SHEET SIZE:
A1

JOB CODE:
ESQ3

DRAWING NUMBER:
ADP-XX-ZZ-DR-A-1304

REVISION:

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NOTES

1. All setting out to be in accordance with the Architects drawings. Any discrepancies between the Engineers and the Architects drawings to be referred to the Architect before proceeding. Dimensions must not be scaled.

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15. All highways works to be carried out in accordance with Southend Borough Council's highway standards, to the satisfaction of the Highway Authority Section 278 Inspector and in accordance with the Specification for Highway Works.

16. Gullies, gully connections, drains, manholes, catch pit, soakaways, headwalls and other drainage structures intended to convey only highway water are to be constructed in accordance with the specification of Southend Borough Council and to the satisfaction of the Highway Inspector.

17. Where existing junctions and accesses are to remain in operation within the works during the construction process, the Contractor will ensure that access to these units remains available at all times.

18. Highways in the vicinity of the works must be kept free from mud, debris and dust falling from vehicles or wheels of vehicles connected with the works. Where the deposits of debris and mud are unavoidable, warning signs must be displayed whilst work is in progress and affected carriageways / footways must be regularly cleaned.

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- Drainage Engineer in advance of construction works commencing. All new sewer runs to be laid upstream of the outfall location.

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22. All adoptable drainage pipes will have 360° Class S granular bed and surround. However, any pipes below adoptable carriageway with less than 12m of cover (90mm in verges and untrafficked areas), will be Class Z surrounded with 150mm of ST4 concrete with flexible joints.
- Source:

• Topographical survey by Randal Surveys LLP Drawing No. 11938/TM/1G

• Proposed site layout by ADP Architecture Drawing No. ESQ2 A-0910 Revision 1

• Architectural floor plans by ADP Architecture Drawing No. ESQ2 A-1000, A-1001 Revision 1



IDENTIFIES RISKS DURING THE CONSTRUCTION PROCESS ON THE DRAWINGS:

NOTE: The list below and notes on the drawing identify risks which are deemed to be unusual, abnormal, residual or unexpected to a competent contractor carrying out the works. These notes relate to risks which we have been unable to design out.



Scale 1:100 (m)

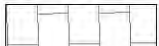
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GENERAL NOTES

CARRIAGEWAY CONSTRUCTION
BLOCK PAVING



- 80mm

Charcon Andover / Vianova Block Pavors to Architect's Details laid in 45° herringbone Pattern
- 30mm

Klin dried sand bedding layer
- 165mm

AC32 Dense base 40/60 rec to BS EN 13108 - 1:2016
- 150mm

Type 1 sub-base to Clause 803 and 806
- 300mm

6F2 Capping material

CARRIAGEWAY TIE-IN CONSTRUCTION
HOT ROLLED ASPHALT (HRA)



- 40mm

HRA 30/14F surf 40/60 rec, with 20mm pre-coated chippings, to comply with BS EN 13108 - 4:2016
- 60mm

AC20 Dense bin 40/60 rec to BS 13108 - 1:2016
- 165mm

AC32 Dense base 40/60 rec to BS EN 13108 - 1:2016

FOOTWAY CONSTRUCTION
BLOCK PAVING



- 80mm

Charcon Andover / Vianova Block Pavors to Architect's Details laid in 45° herringbone Pattern
- 30mm

Klin dried sand bedding layer
- 165mm

AC32 Dense base 40/60 rec to BS EN 13108 - 1:2016
- 150mm

Type 1 sub-base to Clause 803 and 806
- 300mm

6F2 Capping material

KEY

- HB2

Proposed Marshall's 125x255mm precast concrete half batter kerb, type HB2, laid with 125mm upstand or equivalent
- EF

Proposed Marshall's 50x150mm precast concrete edging kerb, Type EF, laid flush with adjacent surfaces or equivalent
- DK

Proposed Marshall's 100x150mm precast concrete bullnose kerb, type BN, laid with 0-6mm upstand or equivalent
- SC

Proposed Marshall's 150x100mm precast concrete square channel kerb, type SC, laid flush with adjacent surfaces or equivalent
- +17.40

Proposed level
- Proposed road gully. Refer to drawing 9250 for details.
- Proposed ditched channel. Refer to drawing 9201 for details.
- Proposed drainage channel. Refer to drawing 9201 for details.

P01 Preliminary issue AJC GT 22/05/19

Rev	Amendment	Dwn	Chkd	Date
-----	-----------	-----	------	------

Drg Status PRELIMINARY Suitability S3

AKSWard[®]

CONSTRUCTION CONSULTANTS

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OX2 0JJ

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☐ Birmingham

Tel: 01865 240071
Fax: 01865 246006
e-mail: oxford@aksward.com
web: www.aksward.com



Project **The Forum, Elmer Square
Southend on Sea
Essex**

Title **Engineering Layout**

Reviewed Scheme G Taylor Date 22 May 19

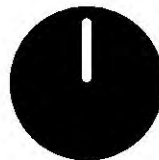
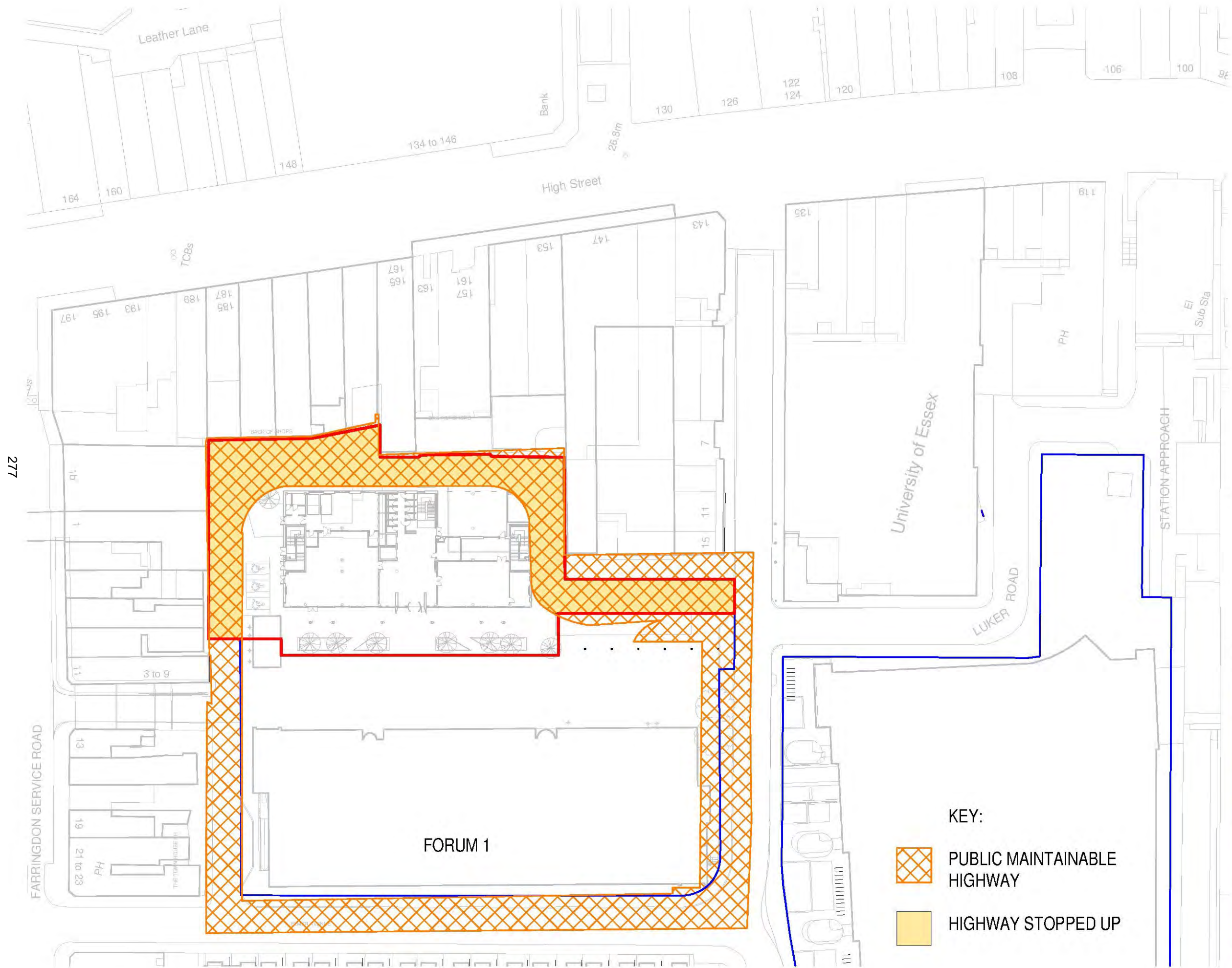
Reviewed Final Date

Scales at A1 1:100 Project No. **L181070**

Project Ref.	Originator	Zone	Level	Type	Rate	Drg No.	Rev.
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181070 AKSW XX-00 DR C 9151 - P01

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REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
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CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS



The Fire Station
150 Waterloo Road London SE1 8SB
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E london@adp-architecture.com
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JOB TITLE:
THE FORUM 2

DRAWING TITLE:
STRATEGY DIAGRAM - HIGHWAYS

SCALE:
1 : 750

DRAWING SHEET SIZE:
A3

JOB CODE:
ESQ3

DRAWING NUMBER:
ADP-00-XX-DR-A-0924

REVISION:

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NOTES

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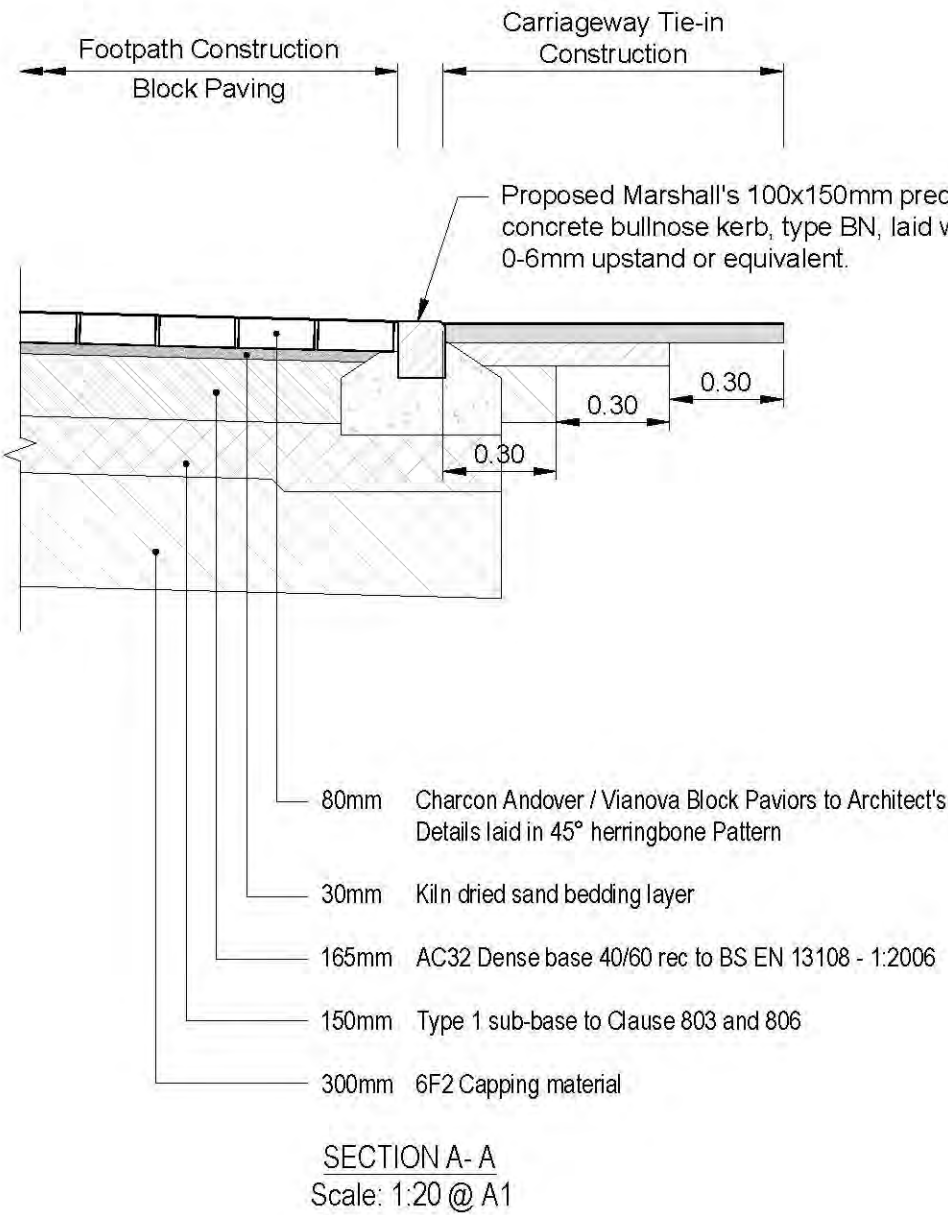


IDENTIFIES RISKS DURING THE CONSTRUCTION PROCESS ON THE DRAWINGS:

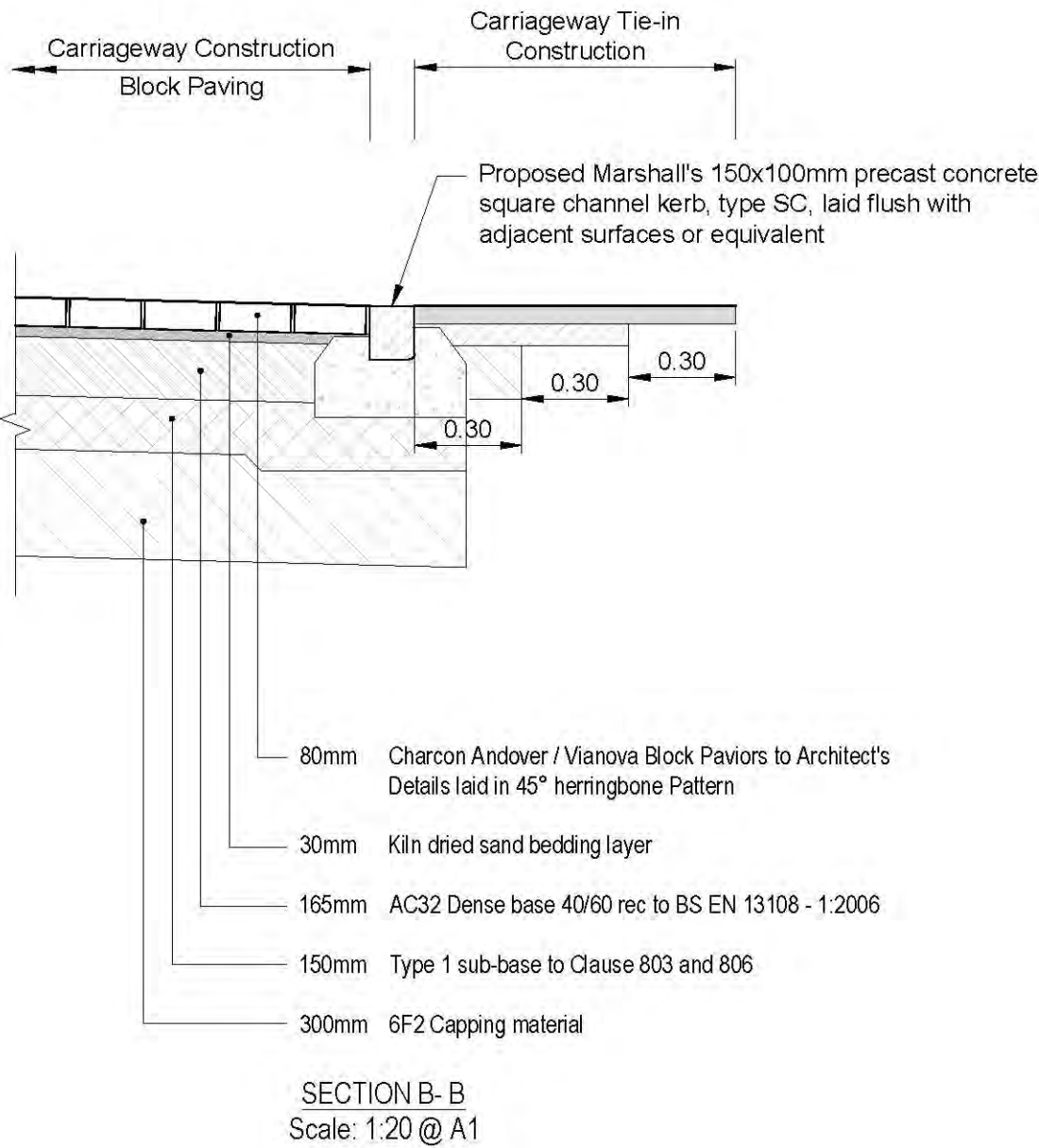
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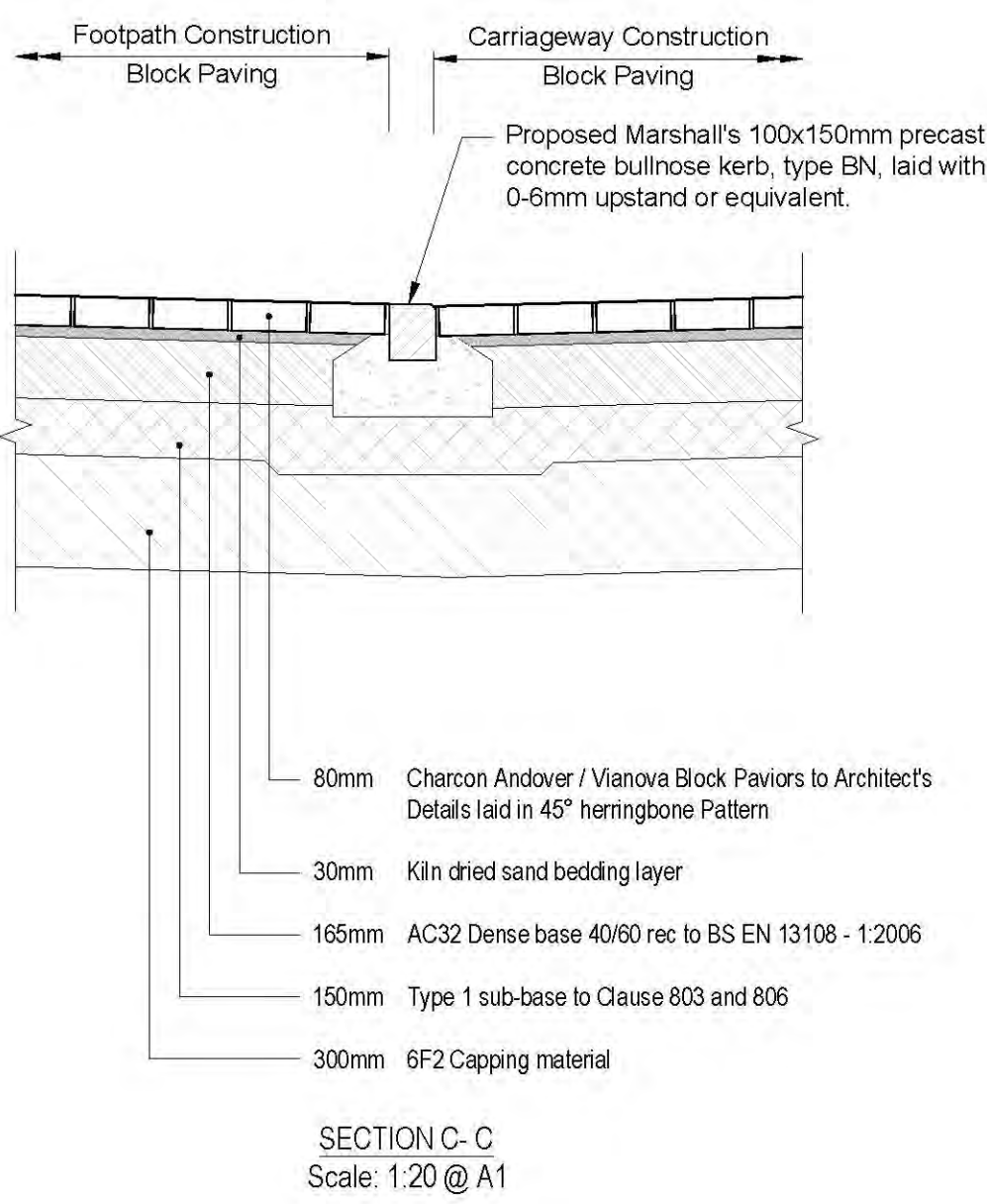
GENERAL NOTES



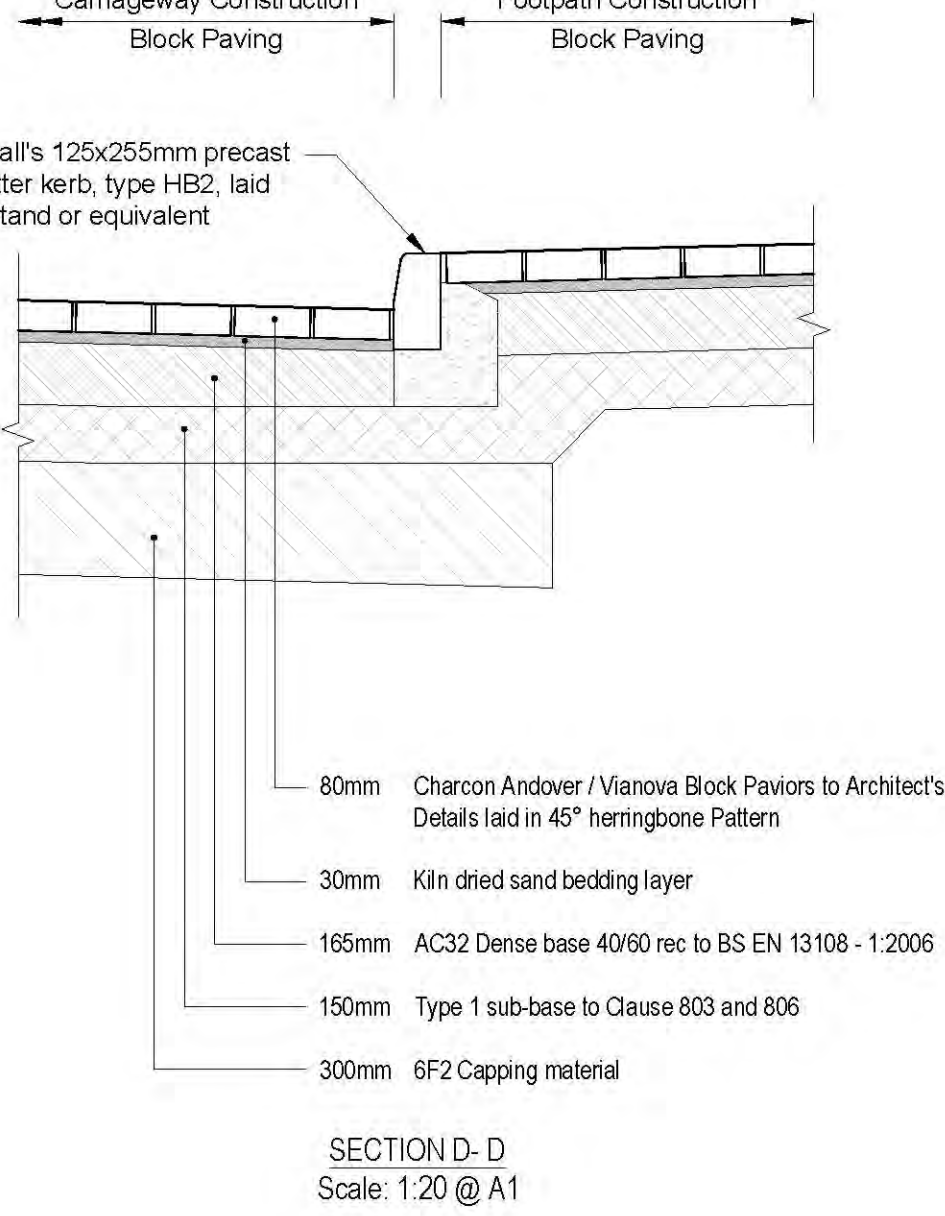
SECTION A - A
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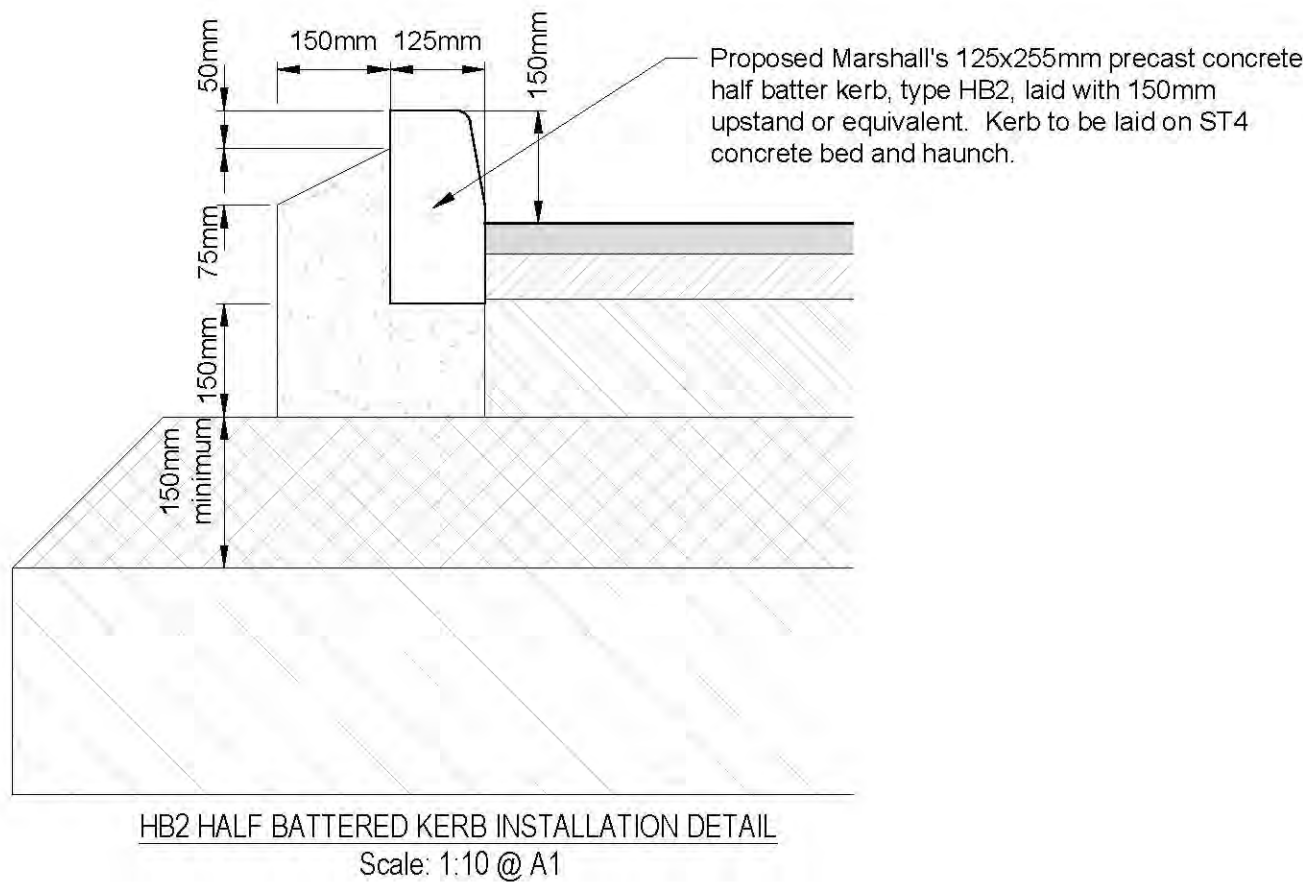
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Scale: 1:20 @ A1



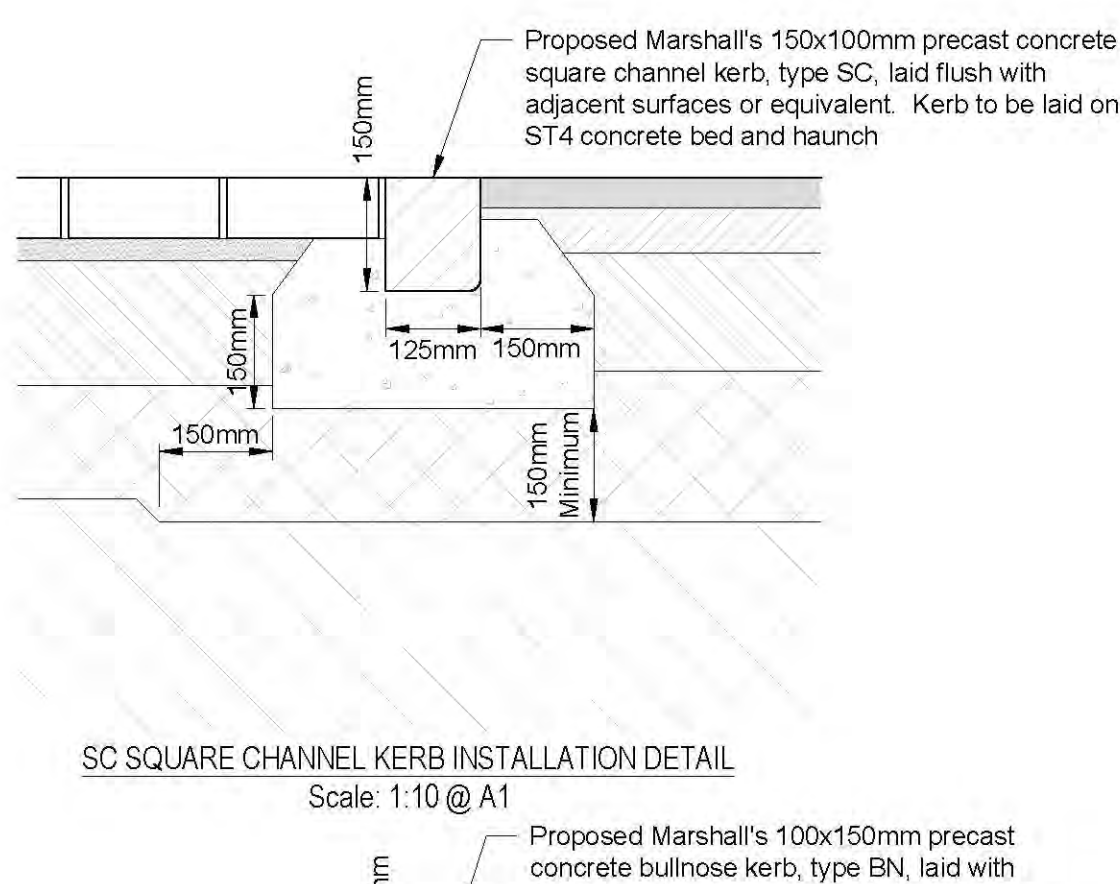
SECTION C - C
Scale: 1:20 @ A1



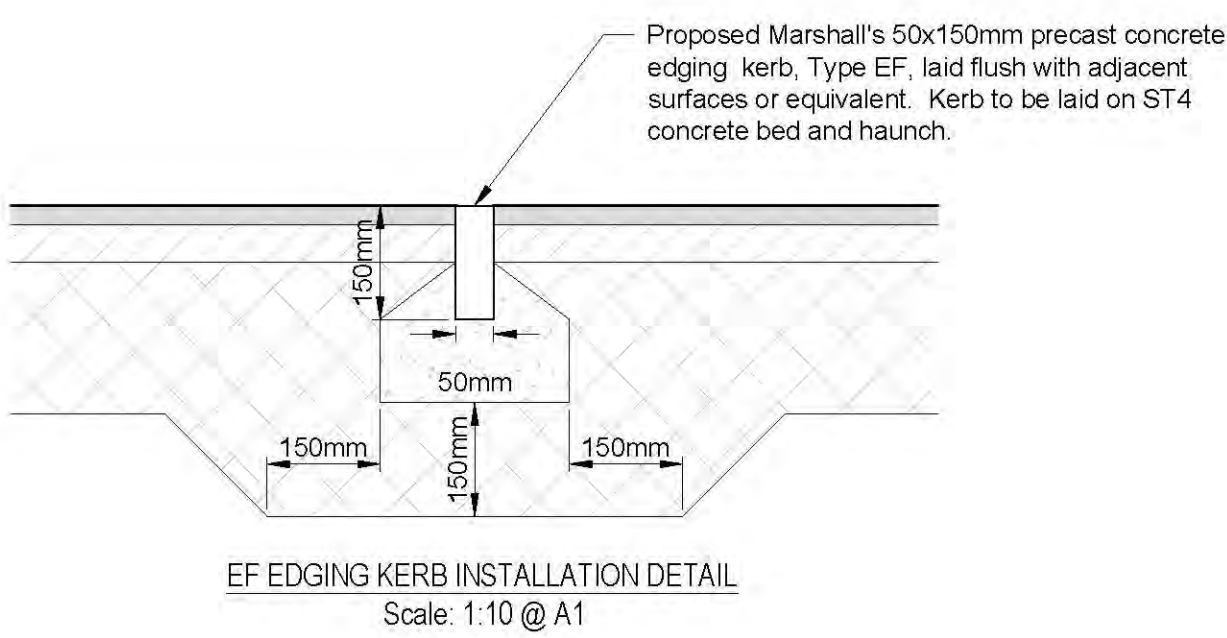
SECTION D - D
Scale: 1:20 @ A1



HB2 HALF BATTERED KERB INSTALLATION DETAIL
Scale: 1:10 @ A1



SC SQUARE CHANNEL KERB INSTALLATION DETAIL
Scale: 1:10 @ A1



EF EDGING KERB INSTALLATION DETAIL
Scale: 1:10 @ A1



BN BULLNOSE KERB INSTALLATION DETAIL
Scale: 1:10 @ A1

P01 Preliminary issue AJC GT 22/05/19

Rev.	Amendment	Dwn	Chkd	Date
------	-----------	-----	------	------

Dwg Status	Suitability
------------	-------------

PRELIMINARY **S3**

AKSWard²

CONSTRUCTION CONSULTANTS

Seacourt Tower West Way Oxford OX2 0JJ	<input type="checkbox"/> London <input type="checkbox"/> Hitchin <input checked="" type="checkbox"/> Oxford <input type="checkbox"/> Southampton <input type="checkbox"/> Birmingham
Tel: 01865 240071 Fax: 01865 248006 e-mail: oxford@aksward.com web: www.aksward.com	



Project **The Forum, Elmer Square**
Southend on Sea
Essex

Title **Engineering Details**

Reviewed Scheme	G Taylor	Date	22 May 19
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Reviewed Final		Date	
----------------	--	------	--

Scales at A1	As Shown	Project No.	L181070
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Project Ref.	Originator	Zone	Level	Type	Rate	Dwg No.	Rev.
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181070 AKSW XX XX DR C 9161 - P01

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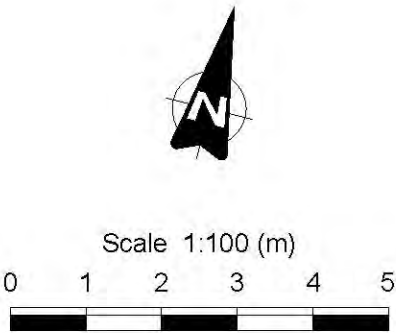
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- Source:
 - Topographical survey by Randal Surveys LLP Drawing No. 11938/TM/1G
 - Proposed site layout by ADP Architecture Drawing No. ESQ2 A-0910 Revision 1
 - Architectural floor plans by ADP Architecture Drawing No. ESQ2 A-1000 A-1001 Revision 1
 - M&E Ground floor plan by Elementa Consulting Drawing No. ESQ3 ELE-XX-B1-52101_P1

IDENTIFIES RISKS DURING THE CONSTRUCTION PROCESS ON THE DRAWINGS:

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GENERAL NOTES

KEY - PRIVATE FOUL DRAINAGE

Scale 1:100 @ A1

- Existing private foul sewer and manhole

Existing private foul rising main

Abandoned private foul sewer

Abandoned private foul rising main

Private foul sewer and manhole

Private foul rising main

Private foul inspection chamber

Private foul pump

Foul drain point (FDP)

Foul gully (FG)

KEY - PUBLIC FOUL DRAINAGE

Scale 1:100 @ A1

- Existing public foul sewer and manhole

Existing public foul rising main

Abandoned public foul sewer

KEY - PRIVATE SURFACE WATER DRAINAGE

Scale: 1:100 @ A1

- Existing private surface water sewer and manhole

Existing private surface water rising main

Abandoned private surface water sewer

Abandoned private surface water rising main

Private surface water sewer and manhole

Private surface water rising main

Private flow control (FC) manhole

Private surface water inspection chamber

Private surface water catch pit (CP)

Private surface water silt trap (ST)

Private surface water pump

Rodding eye (RE)

Rain water pipe (RWP)

Road gully (RG)

Yard gully (YG)

Formpave 354x708x150mm distribution tank or equivalent

Marshalls 305x150mm dished channel (DC) or equivalent

PDS Envirochannel and outlet or equivalent

Wavin 1.0x0.5x0.4m Aquacell Core and Plus storage crates or equivalent

KEY - PUBLIC SURFACE WATER DRAINAGE

Scale: 1:100 @ A1

- Existing public surface water sewer and manhole

Existing public surface water rising main

Abandoned public surface water sewer

P06	Foul gully added to plant room. Attenuation reshaped following email 13 May 19	AJC	AJC	22/05/19
P04	Architect's layout updated. Drainage revised to suit	AJC	AJC	12/04/19
P03	Ground level drainage rerouted to the west of the proposed building.	AJC	GT	10/12/18
P02	Floor plans updated. Ground and basement level drainage revised to suit	AJC	GT	06/12/18
P01	Preliminary issue	AJC	GT	31/10/18

Rev.

Amendment

Dn

Chkd

Date

Drg. Status

PRELIMINARY

Satirability

S3

AKSWard

CONSTRUCTION CONSULTANTS

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Fax: 01865 248006
e-mail: oxford@aksward.com
web: www.aksward.com

☐ London

☐ Hitchin

☒ Oxford

☐ Southampton

☐ Birmingham

Project

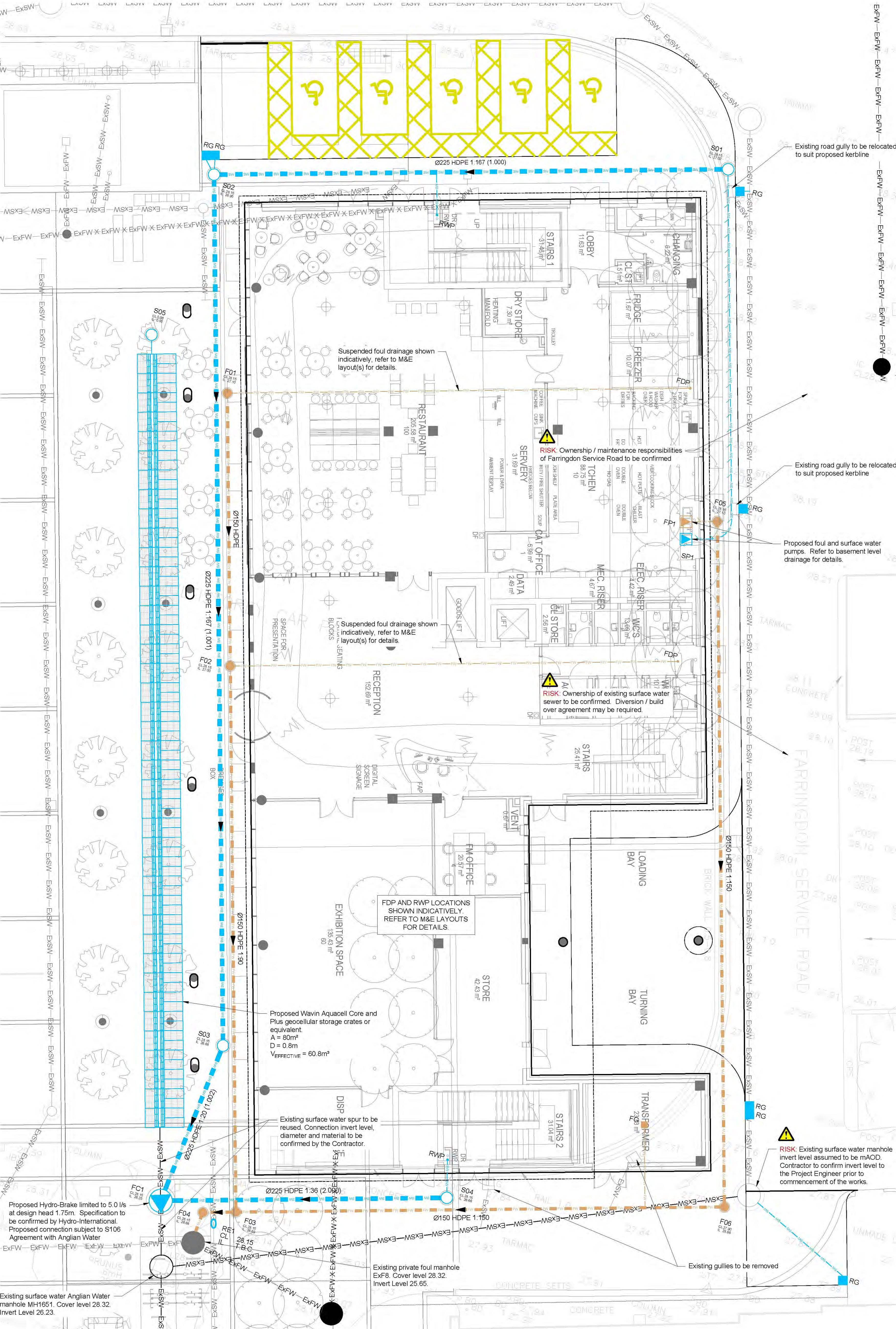
The Forum, Elmer Square
Southend on Sea
Essex

Title

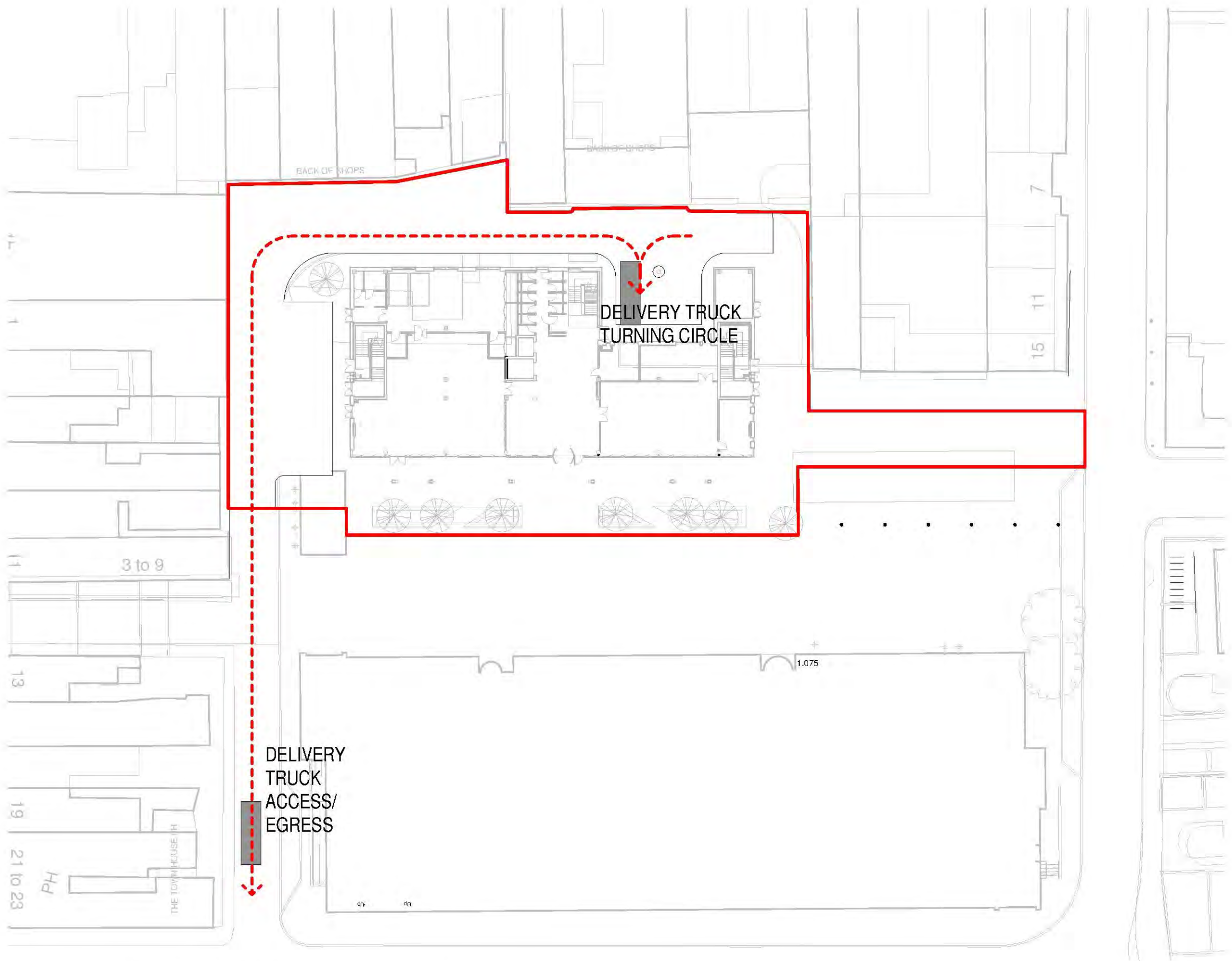
Ground Level
Drainage Layout

Reviewed Scheme	G Taylor	Date	10 Dec 18				
Reviewed Final		Date					
Scales at A1	1:100	Project No.	L181070				
Project Ref.	Originator	Zone	Level	Type	Role	Drg No.	Rev.

181070 AKSW XX 00 DR C 9201 - P05




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REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS



The Fire Station
150 Waterloo Road London SE1 8SB
T +44 (0) 20 7089 1720
E london@adp-architecture.com
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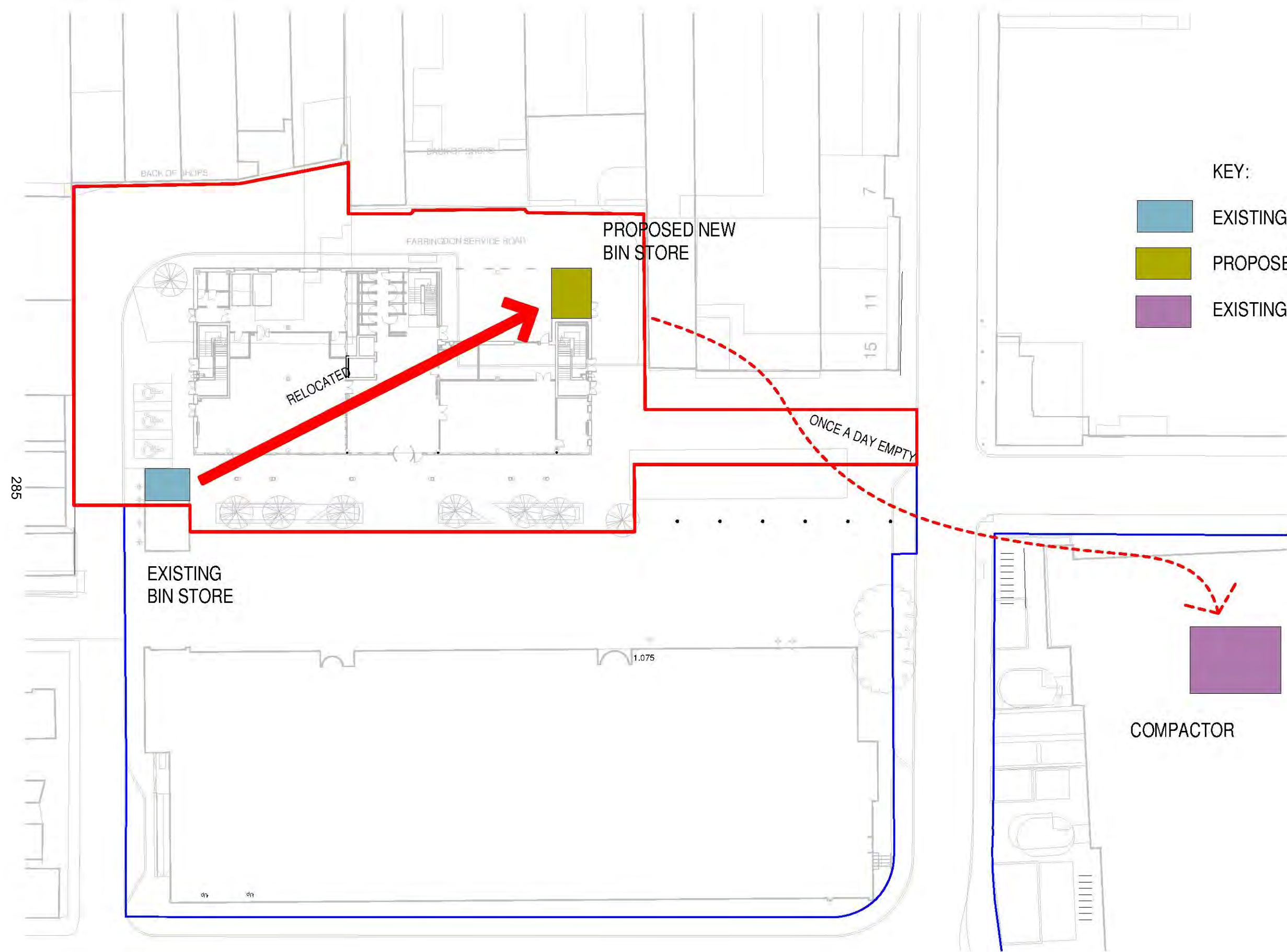
JOB TITLE:
THE FORUM 2

DRAWING TITLE:
STRATEGY DIAGRAMS - DELIVERIES

SCALE: 1 : 500	DRAWING SHEET SIZE: A3	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-00-XX-DR-A-0922	REVISION: S2 P 1

1 **DIAGRAM - DELIVERIES**
1 : 500

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- KEY:
- EXISTING BIN STORAGE
 - PROPOSED BIN STORAGE
 - EXISTING COMPACTOR

REVISION	DATE	DESCRIPTION	ARCHITECT	PARTNER
S2 P 1	01/05/19	Stage 3 Issue	ADP	

CHECK ALL DIMENSIONS AND VERIFY ON SITE. REPORT ANY ERRORS OR OMISSIONS

The Fire Station
150 Waterloo Road London SE1 8SB
T +44 (0) 20 7089 1720
E london@adp-architecture.com
www.adp-architecture.com

JOB TITLE:
THE FORUM 2

DRAWING TITLE:
STRATEGY DIAGRAMS - WASTE MANAGEMENT

SCALE: 1 : 500	DRAWING SHEET SIZE: A3	
JOB CODE: ESQ3	DRAWING NUMBER: ADP-00-XX-DR-A-0920	REVISION: S2 P 1

1 **DIAGRAM - WASTE MANAGEMENT**
1 : 500

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NOTES

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10. The Contractor will ascertain the CBR value of the subgrade in order to determine the required sub-base / capping thickness.

11. Prior to laying any material, the subgrade must be inspected and any soft spots removed and filled with 6F2 capping material.

12. 65mm Minimum thickness tactile paving, coloured buff will be incorporated at all pedestrian crossings in accordance with the Department for Transport and Regions document "Guidance on the Use of Tactile Paving Surfaces." (DETR No 1998)

13. All signs and road markings will be in accordance with the 'Traffic Signs Regulations and General Directions 2016', (TSRGD 2016)

14. All excavation and backfilling work in the existing highway to be in accordance with the provisions of the New Street

- Works Act 1991 or that specified on the working drawings.

15. All highways works to be carried out in accordance with Southend Borough Council's highway standards, to the satisfaction of the Highway Authority Section 278 Inspector and in accordance with the Specification for Highway Works.

16. Gullies, gully connections, drains, manholes, catch pit, soakaways, headwalls and other drainage structures intended to convey only highway water are to be constructed in accordance with the specification of West Sussex County Council and to the satisfaction of the Highway Inspector.

17. Where existing junctions and accesses are to remain in operation within the works during the construction process, the Contractor will ensure that access to these units remains available at all times.

18. Highways in the vicinity of the works must be kept free from mud, debris and dust falling from vehicles or wheels of vehicles connected with the works. Where the deposits of debris and mud are unavoidable, warning signs must be displayed whilst work is in progress and affected carriageways / footways must be regularly cleaned.

19. Prior to the construction of any drainage works, the Contractor is to confirm the invert levels of existing manholes and sewers. Any variations from the designed levels shown on the drawings must be reported to the
- Drainage Engineer in advance of construction works commencing. All new sewer runs to be laid upstream of the outfall location.

20. All manhole / valves / inspection covers in existing carriageway to be adjusted to suit design levels.

21. All drain and sewer pipes to be laid soffit to soffit, unless shown otherwise.

22. All adoptable drainage pipes will have 360° Class S granular bed and surround. However, any pipes below adoptable carriageway with less than 1.2m of cover (90mm in verges and untrafficked areas), will be Class Z surrounded with 150mm of ST4 concrete with flexible joints.
- Source:

• Topographical survey by Randell Surveys LLP
Drawing No. 11938/TM/1G

• Proposed site layout by ADP Architecture
Drawing No. ESQ2 A-0910 Revision 1

• Architectural floor plans by ADP Architecture
Drawing No. ESQ2 A-1000, A-1001 Revision 1

• M&E Basement floor plan by Elementa Consulting
Drawing No. ESQ3 ELE-XX-B1-52201_P1

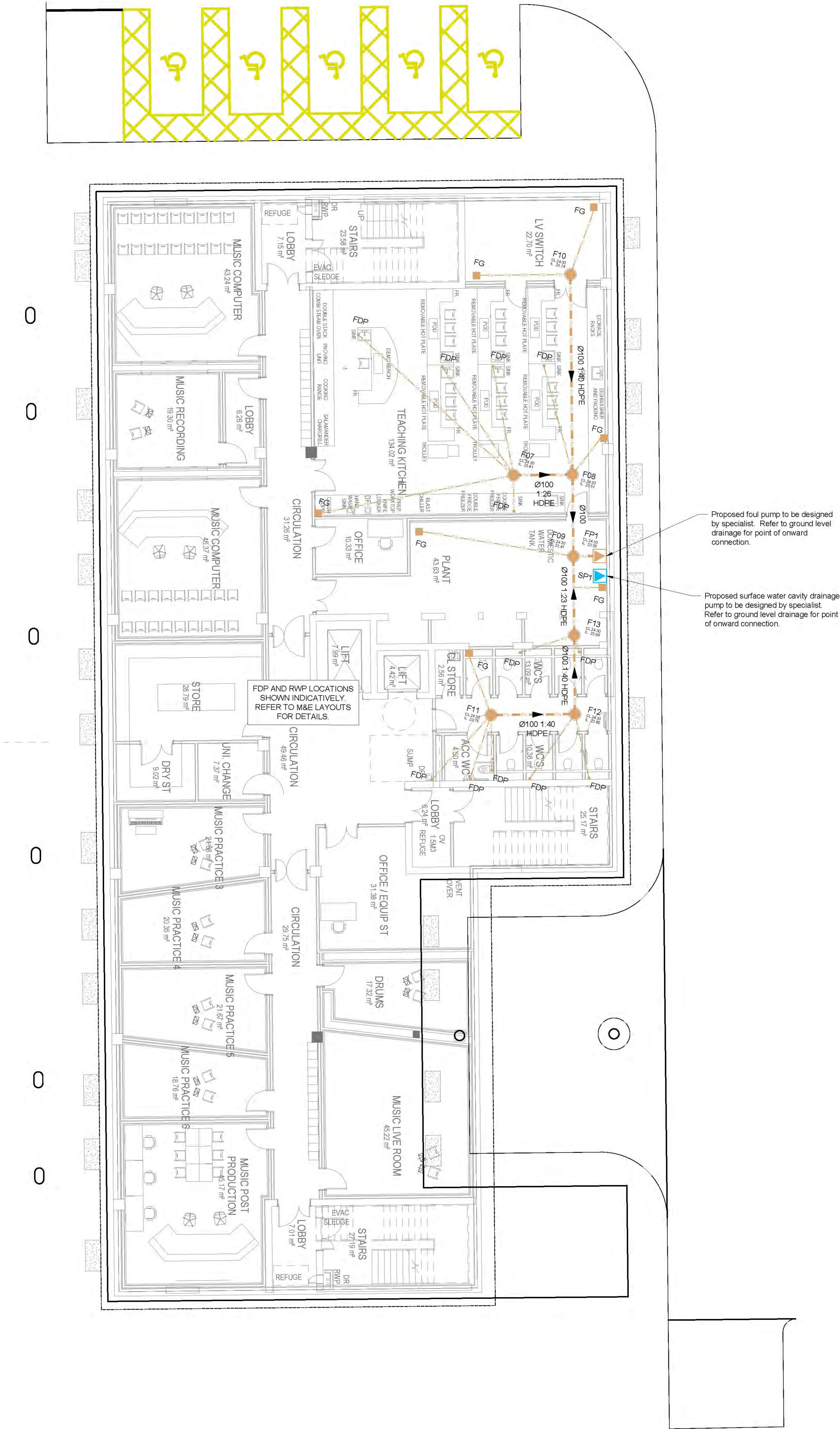


IDENTIFIES RISKS DURING THE CONSTRUCTION PROCESS ON THE DRAWINGS:

NOTE: The list below and notes on the drawing identify risks which are deemed to be unusual, abnormal, residual or unexpected to a competent contractor carrying out the works. These notes relate to risks which we have been unable to design out.



Scale 1:100 (m)
0 1 2 3 4 5



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GENERAL NOTES

P01 Preliminary issue AJC GT 22/05/19

Rev.	Amendment	Dwn	Chkd	Date
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Drw Status	PRELIMINARY	Suitability	S3
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AKSWard²

CONSTRUCTION CONSULTANTS

Seacourt Tower West Way Oxford OX2 0JJ	<input type="checkbox"/> London <input type="checkbox"/> Hitchin <input checked="" type="checkbox"/> Oxford <input type="checkbox"/> Southampton <input type="checkbox"/> Birmingham
Tel: 01865 240071 Fax: 01865 246006 e-mail: oxford@aksward.com web: www.aksward.com	



Project **The Forum, Elmer Square
Southend on Sea
Essex**

Title **Basement Level
Drainage Layout**

Reviewed Scheme	G Taylor	Date	22 May 19
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Reviewed Final		Date	
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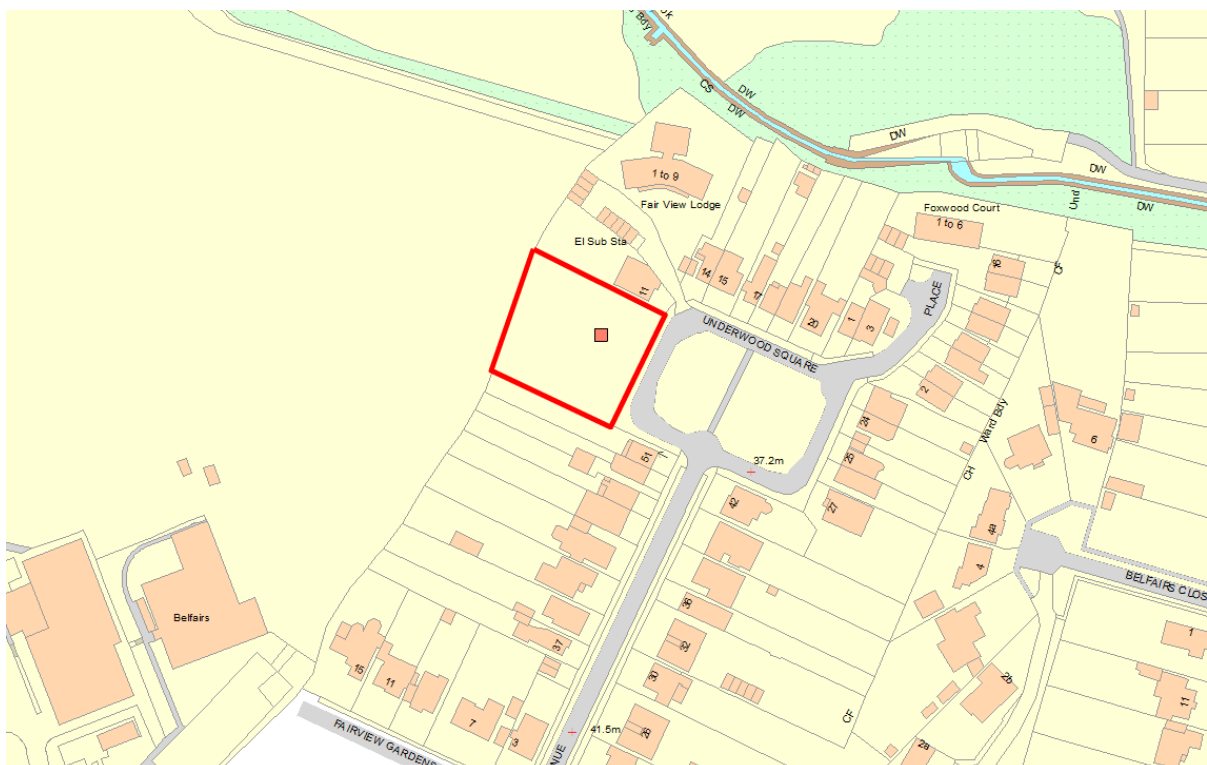
Scales at A1	1:100	Project No.	L181070
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Project Ref.	Originator	Zone	Level	Type	Rate	Drw No.	Rev.
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181070 AKSW XX B1 DR C 9202 P01

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Reference:	19/01446/FUL	10
Application Type:	Full Application	
Ward:	West Leigh	
Proposal:	Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square	
Address:	Development Land, Underwood Square, Leigh-On-Sea	
Applicant:	Mr G Newton	
Agent:	Steven Kearney of SKArchitects	
Consultation Expiry:	17th October 2019	
Expiry Date:	6th November 2019	
Case Officer:	Abbie Greenwood	
Plan Nos:	385-P400-A, 385-P402C, 385-P404, Design and Access Statement, Bat and Badger Survey by Essex Mammals Survey, Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24 th October 2019, 1874-02-P1 (Tree Retention and Protection Plan)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 Underwood Square is a purpose built urban square consisting of an informal green space surrounded and enclosed by detached and semi-detached houses. The houses are of different ages and designs and do not form a cohesive streetscene. The character of the square is derived primarily from the arrangement of the houses enclosing the open space and the presence of many mature trees, including a significant number of street trees and a number of mature oak trees on the rear (west) boundary of the application site and in neighbouring gardens.
- 1.2 The site was formerly occupied by a single detached house which was demolished in 2017. The plot is of a significant size taking up almost the entire west side of the square. There is only one other property on the west side of the square to the north of the application site (number 11). This is a modest detached house of traditional design. For the purposes of this application the plot of the former Haydon House has been split into two. The current application for 1 detached house relates to the southern quarter of the site only. The rest of the site is subject to a separate application for 2 pairs of semi detached houses which is pending consideration reference 19/01749/FUL.
- 1.3 The opposite side of the square contains 5 houses which are arranged as 2 pairs of semi-detached houses and one detached property. The houses to the north side are more varied in their design and form. The south side contains the junction and is enclosed by the flank elevations of properties in Lime Avenue.
- 1.4 There are slight changes in levels north to south across the wider site as the land slopes down to Prittlebrook a short distance to the north. The surrounding area is residential in character mainly consisting of two storey houses, most of which are semi-detached. To the rear of the site is Belfairs School playing fields and Belfairs Woods beyond.
- 1.5 The central square is designated as protected green space. The large oak trees on the western boundary of the site are protected by Tree Preservation Order 4/72. There are no other policy or heritage designations in the vicinity of the site.

2 The Proposal

- 2.1 The proposal seeks to build a 2 storey detached house with accommodation in the roof space. The house will have five double bedrooms and measures 7m wide, 13.1m deep at two storeys and has a further 3.6m single storey conservatory to the rear. The property will be 10.7m tall with an eaves height of 6m and a maximum height of 10.9m including the chimney. 3 triangular dormers are proposed to the roof, two on the north flank and one on the south, which measure 3.6m wide, 2.1m tall and 1.7m deep. The property has an internal area of 233 sqm.
- 2.2 The proposal will be constructed of brick and render with feature burnt larch timber cladding, clay peg tiles and powder coated aluminium windows.
- 2.3 Two off street parking spaces are proposed to the frontage accessed by a new crossover to Underwood Square. An amenity area of 193.9 sqm is proposed to the rear.

- 2.4 The application includes a streetscene drawing showing the intention for the rest of the site which includes 2 pairs of semi-detached houses of a similar style but a smaller scale and form than the current proposal. Whilst this proposal is useful in envisaging future possibilities for the site the semi-detached houses do not form part of this application. They will be considered under the separate pending application reference 19/01749/FUL which will be presented at a subsequent committee. The proposal in this case must be judged in isolation and on its individual merits.

3 Relevant Planning History

- 3.1 19/01749/FUL – Erect 4no two storey detached dwelling houses, layout parking to front and form vehicular accesses onto Underwood Square - Pending Consideration.
- 3.2 18/02308/FUL – Erect chalet at northern end of the site, layout parking to front and form vehicular access onto Underwood Square – refused
- 3.3 18/01674/TPO – Prune 4 oak trees at site (works to trees covered by a tree preservation order) – granted.
- 3.4 18/01063/FUL- Erect three dwellinghouses, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal) – granted
- 3.5 17/01361/TPO - Crown lift, prune and removal of deadwood to various oak trees (works to trees covered by a tree preservation order) – granted
- 3.6 17/00396/DEM – Demolish existing dwellinghouse (Application for Prior Approval for Demolition) – Prior Approval Granted
- 3.7 17/00234/FUL - Demolish existing dwelling house and erect 4no two storey dwelling houses, form vehicular accesses on to Underwood Square – refused and dismissed at appeal. A copy of the appeal decision can be found at Appendix 1.
- 3.8 16/01866/TPO - Crown reduction by 4-5m to five Oak Trees (Works covered by a Tree Preservation Order) - refused.

4 Representation Summary

Public Consultation

- 4.1 5 neighbouring properties were consulted and a site notice displayed. Neighbours were consulted 3 times during the process of the application including on additional information received. 33 letters of representation have been received from 16 households raising the following issues:
- Imposing and overbearing nature of the proposal - taller and larger than the average home in the vicinity
 - The mass and bulk of the proposal is too large.
 - Overlooking and loss of privacy
 - Impact on neighbour amenity
 - Impact on neighbouring trees and street trees including roots
 - Loss of on street parking and parking stress
 - Access and highway safety

- Visual impact of parking on the frontage from property and highway
- Impact on view from public space
- Loss of active frontage
- Parallel parking arrangement will be difficult to manoeuvre does not work which will result in parking on the highway
- Overdevelopment of the site.
- The proposal is contrary to policy.
- The plans are inaccurate. [Officer comment: The inaccuracies have been corrected and neighbours renotified.]
- Impact on trees. The proposal impacts on root protection areas.
- The proposal is taller than neighbouring properties.
- The design is out of character.
- The proposal should include an environmental survey, a traffic and transportation survey and a full phase 1 habitats survey
- Impact on green space of Underwood Square
- The property is oversized for this location.
- The proposal is the same as that refused in 2017.
- Impact on wildlife on the site.
- The overall site is only suitable for 3 houses.
- There is no arboricultural statement. [Officer comment: An Arboricultural Statement has now been submitted.]
- Loss of light to neighbours.
- If passed the proposal will leave the way for additional out of character houses to be constructed on the rest of the site.
- Tree roots need to be protected.
- Badgers need to be protected.
- The proposal should be moved further away from the southern boundary
- Impact on important street tree.
- Lack of access for construction traffic.
- The scale and mass of the proposal is out of keeping with the area.
- Additional traffic.
- 5 houses would be crammed onto the site.
- Impact on local services.
- The proposal is closer to the southern boundary than the previous approval. [Officer comment: The proposal will be 450mm closer to the south boundary than the previous approval.]
- The gable feature will be over dominant.
- The proposal shows that the ground will be relevelled which will impact on trees. [Officer comment the levels are the same as that shown on the 2018 approval.]
- The increase in density is unacceptable.
- The levels are different from the existing situation.
- The piecemeal nature of the application may result in a development which is not cohesive. The proposal should be for the whole site so that the impact can be properly assessed.
- There are no shadow drawings.
- The bat and badger survey is inaccurate. Woodpecker holes may be colonised by bats. A full phase 1 Habitat Survey should be submitted.
- Impact on water table.
- Geothermal heat pumps are unacceptable.
- Increased surface water runoff and flood risk.

- Impact on sewer system.
- Landscaping, suds, phase 1 habitat survey, construction method statement, tree protection measures, removal of permitted development should be conditioned.
- The proposal will be overbearing on number 51 Lime Avenue and result in an increased sense of visual enclosure for neighbours.
- The decision for this application needs to be consistent with the previous decisions.
- The proposal is more cramped than the appeal proposal.
- The proposal is out of character with the grain of the area.
- The front windows and the staircase window will overlook neighbouring properties.
- The foundations need to take account of the trees.
- There should be a controlled parking zone for existing residents
- The footprint of the house is too deep.
- The design is incongruous.
- The proposal contravenes the planning appeal inspector decision.
- Windows in the site elevation will overlook neighbours.
- The spacing of the approval for 3 houses was more acceptable.
- Anglian water should be consulted.
- The developer should have engaged with local residents.
- The site is unique and needs to be protected from over development.
- The area is an overspill parking area for the school which has increased parking stress.
- The proposal could set a precedent for over development.
- 3 storeys is out of character.
- Many households have more than two cars.
- There should be a greater separation distance between the windows for the proposal and windows at 51 Lime Avenue. This should be at least 22m.
- The proposal breaches the 45 degree guideline.
- The parking spaces are not viable because they would require considerable manoeuvring to access and there is limited visibility.

[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 the circumstances of this case.]

Leigh Town Council

4.2 Leigh Town Council object to the proposal on the following grounds:

- Design, bulk, mass size out of keeping with the area
- Overbearing relationship with number 51 Lime Avenue which will result in visual enclosure and loss of light and outlook
- Failure to provide information in relation to sewerage
- Loss of trees

Highways Team

4.3 No objections

Environmental Health

- 4.4 No objections subject to conditions

Parks

- 4.5 No objections subject to conditions relating to tree protection measures and construction mitigation.

Natural England

- 4.6 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

Essex Badger Protection Group

- 4.7 The Essex Badger Protection Group object to the proposal because their records indicate that the badger sett in this area may be more active than the submitted Bat and Badger Survey suggests. On this basis they recommend that a further study is carried out. This will need to include details of mitigation measures to protect badgers on and crossing the site during construction and after completion of the development. The applicant will also require a licence prior to commencement of any works.
- 4.8 The proposal was called to committee by Councillors Walker, Evans and Hooper

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Vehicle Crossing Policy & Application Guidance (2014)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene, traffic and transportation, impact on residential amenity, sustainable construction, quality of accommodation for future occupiers, ecology, impact on trees and CIL.
- 6.2 It is noted that there is extensive history for this site including a refused application and subsequent dismissed appeal in 2017 (reference 17/00234/FUL) for 4 houses which were of the same individual design as the current proposal. The appraisal of this scheme will therefore need to give significant weight to this appeal decision in particular the basis of the Inspectorate's finding on the individual considerations raised by that proposal notwithstanding that the appeal was, overall, dismissed. A later application for 3 large houses in 2018 (reference 18/01063/FUL) which was granted planning permission is also a relevant consideration of significant weight. The latest refusal in 2018 (reference 18/02308/FUL) was for a single chalet at the northern end of the site and is not considered to be relevant to the current application as it only relates to a single house at the southern end of the site.

7 Appraisal

Principle of Development

- 7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 122 states:

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

- 7.2 Policy KP2 of the Core Strategy states development must be achieved in ways which "make the best use of previously developed land, ensuring that sites and buildings are put to best use". Policy CP4 requires that new development "maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments" and that this should be achieved 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".

- 7.3 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.
- 7.4 Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*
- 7.5 Policy DM7 of the Development Management Document requires new housing development to meet the needs of the Borough in terms of the type and size of development proposed
- 7.6 The site is in a residential area which comprises of mainly family housing. There is therefore no objection in principle to family sized house in this location for which there is an identified need in the Borough. The principle of residential development did not form a reason for refusal of the previous application or dismissal of the subsequent appeal and was accepted in the appraisal in the approval given for 18/01063/FUL.
- 7.7 The wider site previously accommodated a single 4 bedroom detached dwellinghouse. This application proposes a single 5 bed house on the southern end of the site. An additional application for 2 pairs of semi-detached houses on the northern section of the site is pending consideration (reference 19/01749/FUL). The principle of providing a more intensive use of the wider site needs to be weighed against the NPPF paragraph 122 above which requires Council’s to make efficient use of land. The density and scale of development is discussed in more detail below and will be a key consideration in the application for the northern section of the site. It should be noted, however, that this application relates to the single property only so the indicative proposals for the remainder of the site cannot be given significant weight in this appraisal. The principle of residential development on this site is therefore considered to be acceptable.

Design and Impact on the Character of the Area

- 7.8 *Paragraph 124 of the NPPF states ‘ The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.9 Policy DM1 of the Development Management Document states that *“all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*
- 7.10 Policy DM3 part 2 of the Development Management Document states that *“all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations 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.”*

Scale and Form

- 7.11 The proposal seeks to erect a 2 storey dwelling with roof accommodation on the northern end of the site. The design of the proposed dwelling is almost identical to the design of the houses for the appeal scheme reference 17/00234/FUL. That application was for 4 identical detached houses on the wider site of 10 Underwood Square. These houses were the same design as that currently proposed except for the entrances arrangement which were proposed as linked porches rather than the side entrance now proposed. This 2017 proposal was dismissed at appeal. A copy of the decision is attached as Appendix 1. In regards to the scale and form of the proposal the inspector raised the following concerns:

9. The new dwellings’ front building line would be constant and would roughly align with that of No 11. However, despite the height difference, the distance between the facing flank walls of No 11 and House 4 would be only slightly greater than that between Houses 1 and 2 and also Houses 3 and 4. This would make for an awkward relationship with the existing dwelling. However, considering that No 51 Lime Avenue is substantially forward of the intended building line, despite its relatively lower ridgeline, I do not find any significant visual conflict would result from this particular relationship.

10. Taking the development as a whole, although the four dwellings would be detached, it would span significantly across this wide frontage and the dwellings would be positioned close to one another, particularly Houses 2 and 3. Moreover, due to the steeply pitched centrally ridged roofs, the height of these four dwellings as a close-knit row, would emphasise and accentuate the development’s verticality. This, combined with their massing from the substantial depth, which would be glimpsed from certain points at Underwood Square, would give the impression of a substantial development at odds with local character. Although the dwellings on the north side of Underwood Square are positioned close to one another this is tempered by the variety of styles and designs evident, along with a generally lower ridge height evident.

- 7.12 It is clear from these comments that the inspector had concerns in relation to the overall impact of the scale and massing of the 4 houses as a group in the wider streetscene as well as their relationship with number 11 which has a significantly lower ridge height than the proposed houses and which would be in the same grouping. The inspector did not have a concern about the scale relationship between the southernmost property and number 51 Lime Avenue because of the forward positioning of number 51 Lime Avenue in relation to the site. It is also noted that number 51 Lime Avenue is a part of a more substantial pair of semi-detached properties which is noticeably taller than number 11 Underwood Square. The current proposal is for one house only of an almost identical design and scale to the 2017 houses which is situated at the southern end of the site. The current application is situated on the same building line as the appeal scheme but is closer to the south boundary. The 2017 appeal scheme was set 2.6m from the south boundary.

The current proposal is set 2.15m away from this boundary (450mm difference). In terms of visual impact of the scale of development in the streetscene there is only a marginal difference between these proposals in relation to the impact of the southern house only. It is considered that in terms of scale and siting, the visual relationship between the proposed house and number 51 Lime Avenue is acceptable on balance.

- 7.13 The indicative streetscene drawing included with the application for the purposes of illustration only shows the context for the further proposed development of the site but the semi-detached properties shown on this drawing do not have permission so can be afforded little weight in the determination of this proposal. The scale and massing of these houses will be assessed on their merits in the determination of the separate application.

Design Detail

- 7.14 The other houses in this area are very mixed in their designs and there is no cohesive character. Most properties have a pitched roof and gables are a common feature either as the form of the main roof or as a feature projection. Materials are also mixed with white render and red tile being the most prevalent. The area is defined by its variety and its leafy character and by the arrangement and enclosure of the houses around the public space.
- 7.15 The proposed house is a modern interpretation of an Arts and Crafts style with strong gabled frontage clad with waney edged timber boarding, canopy detail at first floor, tall feature chimney and large glazed bay window adding interest at street level. The design draws on the Arts and Crafts style of the previously demolished dwelling on this site. The proposal is considered to be well articulated in terms of its proportions and detailing.
- 7.16 As noted above the design detail is virtually identical to the design of the houses on the appeal scheme (the porch detail has been altered). In relation to this issue the planning inspector made the following comment:

'6....The dwellings, identical in form and design, would all be to a height of some 2.5 storeys and have steeply pitched gables which the Council acknowledges to be integral to the overall design. Indeed, as an entity in itself, the proposed development with its intended features and cladding would have visual attraction.'

- 7.17 It is clear therefore that the inspector concurred that the detailed design of the proposed houses were of an acceptable quality. The architect has submitted various design details for the features on the front elevation including for the bay, canopy, entrance reveal, driveway and boundary and this provides assurance of the quality of the detailing which will be important to achieving a positive design in the streetscene. Some information has been provided in relation to landscaping of the frontage however, full details can reasonably be agreed by condition.
- 7.18 It is therefore considered that the design, scale and form of the proposal is acceptable in this context and the proposal is policy compliant in this regard on balance.

Standard of Accommodation for Future Occupiers

Delivering high quality homes is a key objective of the NPPF.

- 7.19 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *“Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents”*.

Space Standards and Quality of Habitable Rooms.

- 7.20 All new homes are required to meet the National Technical Housing Standards in terms of floorspace and bedroom sizes. The required size for a 3 storey, 5 bed 8 person household is 134 sqm. There is no size given for a 3 storey, 5 bed 10 person house as it is assumed that not all the doubles will be occupied by 2 people for a single household. The minimum standards for bedrooms are:

- Master - minimum area 11.5 sqm, minimum width 2.75m
- Other doubles – minimum area 11.5 sqm, minimum width 2.55m
- Singles - minimum area 7.5 sqm and minimum width 2.15m

- 7.21 The proposal would have a net internal area of approximately 233sqm which is well in excess of the standard for an 8 person dwelling. The dimensions of the proposed bedrooms are also well over the minimum standards. All habitable rooms would benefit from good outlook and daylight. The proposal is therefore acceptable in these regards.

M4(2) – Accessibility

- 7.22 Development Management Policy DM8 requires all new homes to be accessible for all and meet the standards set out in Building Regulations M4(2) - Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough meet the changing needs of all generations. The Design and Access Statement makes a commitment to providing accessible and adaptable homes. This requirement can also be secured by a condition requiring full compliance with M4(2).

Amenity Provision

- 7.23 A garden of 193.9sqm is proposed to the rear of the dwelling. It is considered that this will comfortably meet the needs of a large family dwelling.
- 7.24 Overall it is considered that the proposal will provide a good standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.25 Policy DM1 of the Development Management Document states that development should, *“protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*

7.26 The proposal only has one existing neighbour number 51 Lime Avenue to the south. The site is set significantly further west than number 51 but shares a boundary with its rear garden. The proposal has a depth of 13.1m at two storeys and a further 3.6m at single storey on this side. It has an eaves height of 6m and a ridge height of 10.7m. It is set 2.15m from the boundary with this neighbouring garden. The proposal has one large window to the staircase and one dormer window facing south towards the garden of 51 Lime Avenue. Number 51 is set 10m south of the proposed dwelling and is 1.5m to the south of this shared boundary. The front elevation of the proposal therefore does not sit directly in line with the rear elevation of this neighbour. This actual separation distance is around 14.1m at an angle of some 40 degrees window to window at first floor.

7.27 The proposal is materially the same in form and scale to the previously refused houses on this site reference 17/00234/FUL which was dismissed at appeal. This appeal was dismissed on design and on the impact on number 11 Underwood Square only but not on the impact on number 51 Lime Avenue. The only material difference between the current proposal and the appeal scheme in relation to the impact on this neighbour is that the current proposal is set 0.45m closer to the shared boundary. The previous window to window distance was approximately 14.5m at a similar oblique angle. In relation to the impact on this neighbour the planning inspector stated:

15..considering the relative footprints and orientations, with No 51 sitting to the south of House 1, I am satisfied that the dwelling itself would not be unduly affected by the development. Its rear garden would be overshadowed to some extent by House 1 but the facing flank wall would be positioned adequately from the properties' common boundary. Indeed, degrees of overshadowing would be an inevitable consequence of any new dwelling situated towards this end of the site given the acceptability of the site for residential development, and the probability of No 11's front building line being followed to this end.

7.28 It is also a material consideration that what is proposed is a similar arrangement to that previously approved under scheme reference 18/01063/FUL. This type of arrangement is not unusual in the area. On balance, it is considered that, when judged on its own merits, the gap to the south boundary of 2.15m will not have a significant impact on this relationship in terms of sense of enclosure or over shadowing. Nor will it result in a significantly worse impact on terms of the relationship between the front windows of the proposal and the rear windows of number 51 in terms of overlooking as the houses are offset and the separation distance is over 14m.

7.29 It is noted that there is a material change between the appeal scheme and the current proposal in terms of the proposed fenestration to the southern flank as a large window has been introduced to the staircase. If left clear this would result in harmful overlooking of the neighbouring amenity space which would be unacceptable. However, as it serves a non-habitable space, this window can be reasonably conditioned to be obscure glazed. The same applies for the proposed dormer window on this side which is a secondary window to the rear second floor bedroom. This window also can be obscure glazed to prevent direct overlooking of the neighbouring garden. Subject to this condition, and given the separation distance and offset alignments between the first floor front windows and rear elevation of number 51, it is considered that the proposal would not give rise to unacceptable overlooking or loss of privacy of number 51.

Impact on other neighbours

- 7.30 To the north the site faces onto the remainder of the development site which is currently vacant. The proposed property would be set 1.3m from this boundary and has two small bathroom windows at first floor and two secondary dormer windows at second floor facing this site. A separation of 1.3m is considered reasonable in this context. In order not to prejudice the future development of the neighbouring site these side windows can be obscure glazed via condition.
- 7.31 To the west, the existing site backs onto playing fields associated with Belfairs High School and to the east is the public space of Underwood Square. It is therefore considered that the proposal would have no material impact on the amenities of other properties in the square in terms of outlook, overlooking, sense of enclosure and daylight/sunlight
- 7.32 In relation to noise and disturbance, it is not considered the increased activity associated with the proposed development and subsequent development on the remainder of the site, will have an adverse impact on residential amenity taking into account the residential nature of the proposal. To ensure the amenities of residential occupiers surrounding the site are safeguarded during construction a condition will be imposed in relation to construction hours.
- 7.33 Overall therefore it is considered subject to a condition requiring obscure glazing to the upper windows on the flank elevations to protect the privacy of number 51 and the potential neighbours to the north, the proposal will have an acceptable impact on the amenities of neighbours and is policy compliant in this regard

Traffic and Transportation Issues

- 7.34 Policy DM15 states that each dwelling should be served by at least two off street parking spaces. The proposed parking arrangement will include the formation of a new vehicle crossover (4.8m wide) and two parking spaces on the frontage. This meets the policy requirements. The Council's Highways Officer has not raised any objections in this regard.
- 7.35 The formation of additional crossovers will inevitably result in the loss of some on street parking to the front of the site but this will be the case for any development on this site and no objections have been raised by the Councils Highway Officer in relation to this issue. Most other properties on the square have their own crossover. Taking into account the benefits of new housing in this location, no objection is raised to the proposed parking arrangements and the proposal is policy compliant in this regard.
- 7.36 The submitted plans do not show details of refuse or cycle storage however, as a large dwelling house with a large garden it is considered that there is sufficient scope for these to be provided to the rear of the property. The proposal is therefore acceptable and policy compliant in these regards.

Construction Management Plan

- 7.37 A number of concerns have been raised by objectors in regard to construction management including the burning of waste, access for construction vehicles and impact on access to neighbouring properties. Whilst a construction management plan would not normally be sought for a single house, in these particular circumstances, given the proximity of the large street trees to the pavement edge and the potential for damage by construction traffic without a clear access plan, it is considered that it would be prudent to require a construction management plan to be submitted so that routes and access and other issues can be fully considered. This can be controlled by a condition requiring the developer to submit a Construction Management Plan. A condition relating to hours of construction can also be imposed. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in this regard.

Impact on Trees

- 7.38 The mature oak trees along the western boundary of the site are protected by a tree preservation order ref TPO 4/72. There are also some semi mature oaks within the garden of 51 Lime Avenue close to the southern boundary of the site and a significant street tree close to the south east corner of the site. The large trees in this area are a key feature and important to local character.
- 7.39 An Arboricultural Statement has been submitted with the application. The report confirms that the development would be outside of the root protection area of the preserved oak trees to the rear of the site but that it would be located marginally within the root protection area of the two semi mature oak trees in the garden of 51 Lime Avenue and the forecourt parking area and boundary to this property falls partly within the root protection area of the adjacent street tree. The oaks at number 51 are not covered by preservation orders although a request has been received from the owner of the trees for the Council to consider serving a TPO on these trees. (This request will be considered separately to this application and on its own merits based on a standard assessment method). These oaks are partly hidden in the streetscene by the street tree which is a large and prominent specimen and which makes a significant and positive contribution to the character of the area.
- 7.40 The tree report has assessed the impact of the proposal on the surrounding trees. The closest trees to the proposal are the two oaks within the rear garden of 51 Lime Avenue. The proposal would be located beneath the crowns of these trees to a small degree and a limited amount of crown lifting works will be required to enable the scaffolding to be erected. The exact amount has yet to be determined and is proposed to be agreed through a pre-commencement condition. The report also comments that seasonal leaf litter from these trees may present a nuisance to future occupiers of the development but this can be mitigated by the installation of gutter brushes. This can be required by condition, however, lateral reduction of overhanging branches at regular intervals is also likely to be sought in the future by the new occupiers. In relation to the roots of these trees there would be a minor encroachment into the root protection areas and the report recommends that excavation in this area is supervised by a suitably qualified arboriculturalist during the formation of the foundations at the initial stage of construction. In relation to these trees the report concludes that *'it is not thought that, given the dimensions and nature of the encroachments, the development presents a significant detrimental impact on the long term retention of these trees.'*

- 7.41 In relation to the impact on the street tree to the front of the site the report confirms that the proposed parking area will encroach onto the root protection area but that this encroachment will be below the recommended maximum 20% coverage for new surfaces. To mitigate the impact of this encroachment it is proposed that the parking surface be constructed above the existing ground levels using no-dig methodology which involves laying a permeable cellular surface on top of the existing ground levels. The new crossover and driveway will be ramped up to this level. It is also recommended that the installation of this surface is supervised by a suitably qualified arboriculturalist and a structural engineer. Full design details for this element of the proposal and levels for the proposed surfacing and the wider site could be controlled by condition.
- 7.42 The report confirms that the proposal will not impact on the preserved oak trees to the rear boundary.
- 7.43 In relation to tree protection during construction the report includes a plan of protective fencing to delineate the construction exclusion zone. Given the nature of the site proposed layout it is not possible for the entire root protection areas to be contained within the fenced exclusion zone so where root protection areas are exposed it is proposed to install temporary ground protection in the form of steel sheets or scaffold boards laid across the affected area.
- 7.44 The report includes a Method Statement for all these mitigation and protection measures.
- 7.45 In considering the acceptability of the siting of the development it is also relevant to attach significant weight to the planning history of the site in relation to this issue. The only approval on this site for 3 large houses is application reference 18/01063/FUL. In this application the southernmost house was located 2.5m from the southern boundary with 51 Lime Avenue. It is also noted that the forecourt parking area was located outside the root protection area of the street tree.
- 7.46 Also of relevance are the findings material to the appeal scheme reference 17/00234/FUL. In this instance the same design of house as currently proposed was to be sited 2.6m from the southern boundary with 51 Lime Avenue and the forecourt parking spaces were partially located within the root protection area of the street tree. Although the appeal on this site was dismissed, this was solely in relation to the impact on the character of the area and the impact on the amenities of number 11 Underwood Square. No objections were raised by the inspector in relation to the impact on trees. Both these applications are material considerations of significant weight in relation to the impact on these trees.
- 7.47 The current proposal is set 2.15m from the southern boundary with number 51 Lime Avenue and the forecourt parking spaces are located almost entirely within the root protection area of the street tree. The parking spaces are proposed in this location to enable the new crossover and driveway to be shared with an adjacent dwelling proposed on the rest of the site under reference 19/01749/FUL (pending consideration). It is therefore necessary to consider whether siting the proposal 350mm closer to the boundary and trees with number 51 Lime Avenue and the amended parking arrangement are materially different to the 2017 scheme or whether, with the mitigation measures noted above, they remain acceptable subject to the relevant tree conditions.

- 7.48 The Arboricultural Statement submitted with the application concludes that, subject to the specified mitigation measures, the development will not cause material harm to these trees. The Council's Arboricultural Officer has reviewed the tree report and recommended mitigation and protection measures and has provided the following comments:

'The proposed siting of the dwelling encroaches into the Root Protection Areas (RPA's) of 3 trees. 2 young, but fairly substantial oak trees T8, and T9 in the adjacent property and a mature Liquidambar t10 (owned by S.B.C) to the front within the highway. The default position (BS 5837: Trees in relation to design, demolition and construction 2012) states that structures should be outside of the RPA, unless there is an overriding justification to construct within an RPA. The purpose of the RPA is to allow for adequate soil volume to be retained and to some extent ensures dwellings are not constructed too close to trees in the absence of above ground constraints not being considered. It should be borne in mind large trees in close proximity to new dwellings can lead to post development pressure to prune or for the removal of trees.

With regard to T10, Liquidambar. In my opinion it is likely a large proportion of the root system could be located within the development site, due to the hard surface of the road and public footpath. These areas being less hospitable to root growth than the development site, which if I recall correctly was largely laid to lawn. The proposal for the cellular confinement system for parking spaces is acceptable as long as it is achievable with the existing undisturbed soil levels. At present the parking bays cover 9.9% of the RPA which is within the 20% maximum recommended within BS5837. It would appear the proposed cross over from the road is just inside the RPA of T10 so the impact of this would be minimal.

The oaks, T8 and T9 overhang the site and would require pruning to facilitate the construction. There is also an incursion into the RPAs of these trees which appears to be relatively minor and these trees have a large volume of available soil within the garden they occupy. Although I doubt construction would cause significant damage to the trees due to root severance it is not ideal. It is assumed the foundation dig will exactly follow the line of the footprint and strip foundations are proposed so no further incursion into the RPA will be required. The dwelling is being built under the crowns of T8 and T9 and future conflict will need to be considered as would foundation design with regard to future possible subsidence.

The location of all services will need to be provided as would a detailed method statement for the installation of the cellular confinement system. All works, site supervision and tree protection should be carried out as detailed in the Arboricultural Report by Owen Allpress ref 1874 dated 24th October 2019. Also subsequent site monitoring reports should be made available.'

- 7.49 On balance, therefore, it is considered that given the planning history of the site and the mitigation measures proposed, the impact on the trees can be considered acceptable subject to conditions relating to tree protection during development, construction within the root protection areas to be supervised by a qualified arboriculturalist and the installation of a permeable no dig cellular parking surface. The proposal is therefore considered to have an acceptable impact on the surrounding trees subject to these conditions and is policy compliant in this regard.

Ecology

- 7.50 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity. The site itself has no ecological designation however it is known to be a habitat for wildlife including badgers and foxes and falls within the zone of influence of for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) .
- 7.51 The applicant has provided a Bat and Badger Survey carried out by Intext Properties Limited dated October 2018. This comments that no evidence of bats were found in the recent survey, however, the trees could provide a sheltered foraging area. The survey also comments that a badger path, a snuffle hole and gaps under the fence were observed but that there was no new evidence of badgers using the existing holes on site since the previous survey in 2017. To allow badgers to continue to move through the site the report recommends that the existing gaps under the fences be retained.
- 7.52 The Essex Badger Protection Group has indicated that their records suggest that the badger sett in this area may be more active than the submitted Bat and Badger Survey suggests. On this basis they recommend that a further more detailed wildlife study is carried out. This will need to include details of mitigation measures to protect badgers on and crossing the site. The applicant will also require a licence prior to commencement of any works.
- 7.53 The Badger Survey is the same as that submitted for the previous approval on this site reference 18/01063/FUL. This survey was considered acceptable for the previous application. At the time of submission in August 2019 this report was less than 1 year old and was considered acceptable to validate the application. As it is now over 1 year old and given the uncertainty relating to the level of wildlife activity on the site it is considered that it would be reasonable to require this to be updated and agreed including any associated mitigation measures for badger protection prior to the commencement of the development. This can be achieved via a pre commencement condition. Subject to this condition being pre commencement, the proposal is considered to be acceptable and policy compliant in this regard.
- 7.54 Natural England have highlighted that the site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 7.55 Any new residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The CIL contribution for this site will include a contribution towards mitigation measures at a local wildlife site. Subject to this mitigation it is considered that the requirements of the habitat regulations are fully met by the proposal.
- 7.56 Overall therefore the ecological implications of the site can be considered acceptable and policy compliant subject to the appropriate conditions and CIL contributions.

Sustainability

- 7.57 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.58 The Design and Access Statement comments that roof mounted photo-voltaic panels are proposed but these are not shown on the plans and no calculations have been provided to demonstrate that this meets the 10% requirement. No information has been given regarding water usage.
- 7.59 It is considered that, for a scheme of this magnitude, the requirement for renewable energy and restrictions on water usage could be controlled with conditions. The proposal will need to take account of shading from the surrounding trees. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to conditions.

Drainage

- 7.60 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.61 The site is located in flood risk zone 1 (low risk). No information has been provided regarding drainage. A condition can be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to that condition.

Permitted Development

- 7.62 Given the proximity of the development to large trees and tree roots, some of which are for preserved trees and the potential impact on neighbouring properties, it is considered appropriate in this case to remove permitted development rights so that the implications of any extension on the trees and neighbours can be fully assessed if extensions are proposed in the future. This can be achieved by way of a condition.

Community Infrastructure Levy (CIL)

- 7.63 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 234 sqm, which may equate to a CIL charge of approximately £ 17172.00 (subject to confirmation).

Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 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 on balance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking, highways or ecology impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans 385-P400-A, 385-P402C and 38385-P404

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

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

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

- 04 The first floor and second floor windows in the north and south elevations of the approved dwelling shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity.

In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

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

- i. details of any means of enclosure for all boundaries of the site including the design of mitigation measures to enable badgers to cross the site;**
- ii. detailed design, including sections, of the whole of the proposed forecourt parking area including site levels, planting areas and details of hard surfacing materials and cellular confinement system;**
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- iv. details of measures to enhance biodiversity within the site;**

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

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

- 06 No drainage infrastructure, including earthworks, associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity. Those details shall include:**

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;
- iii) a timetable for its implementation; and
- 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 the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

- 08** The two car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 385-P402C shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwelling hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

- 09** The tree and tree root protection measures as set out in Section 4 of the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 and associated tree protection plan reference 1874-02-P1 in relation to the trees identified as T1-T10 in this statement shall be implemented in full prior to commencement of the development and be retained throughout the construction phase of the development. The mitigation measures in relation to construction within the root protection areas of the trees denoted as T8, T9 and T10 in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 shall also be implemented in full during the construction works, including supervision of works by a qualified arboriculturalist. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

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

- 10** Prior to the commencement of the development the following information shall be submitted to and approved in writing by the local planning authority:
- i. Full details of the proposed tree works to trees T8 and T9 as identified in the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019.
 - ii. Full design and construction details of the cellular confinement installation for the forecourt parking area including information on levels and the crossover referred to in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019
 - iii. Full details of the design of the foundations to be used for the approved dwelling.

The development shall then only be carried out in accordance with the approved details and shall be completed in accordance with the approved details before the development is first occupied. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

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

- 11** Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lppd) (110 lppd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

- 13** The development hereby approved shall be carried out in a manner to ensure the dwellinghouse complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential unit hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

- 14** Prior to the commencement of development, a full Phase 1 Habitat Survey of this site including badgers and a scheme of any relevant biodiversity or wildlife mitigation measures to be implemented in association with the development and a timescale for their implementation shall be submitted to the local planning authority and approved in writing. Any mitigation measures set out in the agreed report shall be implemented and completed in full in accordance with the agreed timetable.

Reason: A pre commencement condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

- 15** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to 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) measures to control the emission of dust and dirt during construction
- v) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
- vi) a detailed timetable for the supervision of works by a qualified arboriculturalist.
- vii) noise mitigation measures to be used during construction.

Reason: A pre commencement condition is justified in the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 16** Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays 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).

- 17** Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until full details of the existing and proposed levels to include the proposed dwelling, forecourt and landscaped areas relative to the adjoining land and any other changes proposed in the existing levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented and completed only in accordance with the approved details.

Reason: A pre commencement condition is required 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).

Informatives:

- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.
- 03** The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

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

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Appeal Decision

Site visit made on 31 January 2018

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2018

Appeal Ref: APP/D1590/W/17/3182743

10 Underwood Square, Leigh-on-Sea, Essex SS9 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Intex Properties Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 17/00234/FUL, dated 6 February 2017, was refused by notice dated 14 June 2017.
 - The development proposed is described as '*Demolition of existing house and garage. Erect 4 No detached link five bedroom houses.*'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that upon registration the Council made a minor change to the description of the development and the appellant was agreeable to this. The change has not materially affected the essence of the proposal.

Application for costs

3. An application for costs was made by Intex Properties Ltd against Southend-on-Sea Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - 1) The effect of the proposal on the character and appearance of the area; and
 - 2) The effect of the proposal on the living conditions at No 11 Underwood Square, and No 51 Lime Avenue, with particular regard to natural light entry and outlook.

Reasons

Character and appearance

5. Underwood Square comprises a centrally placed area of tree-lined open space surrounded by a roadway serving a series of dwellings of differing styles and ages on both its north and east sides. Accessed via Lime Avenue to its south, on its west side, is an expanse of cleared land following the demolition of No 10 or Haydon House. This former dwelling was set in a substantial curtilage. In

its place it is proposed that the site accommodates a row of four detached dwellings.

6. The dwellings, identical in form and design, would all be to a height of some 2.5 storeys and have steeply pitched gables which the Council acknowledges to be integral to the overall design. Indeed, as an entity in itself, the proposed development with its intended features and cladding would have visual attraction. The good standard of accommodation is acknowledged and I also note the measures to be employed in its construction. Nonetheless, when taking into account the appeal site's contextual setting and the scale of the proposed development I have certain concerns.
7. At my site visit I noted that land levels drop to the north along Lime Avenue and continue to fall, although less so, northwards across Underwood Square. As a result, the existing two-storey dwelling, No 11, which lies to the north of the development, sits on slightly lower ground. This relationship is not identified or reflected in the submitted plans.
8. Whilst noting the comments from the Council's Design Officer as to the scheme I also note that the Council's pre-application advice letter referred to the development's physical relationship with No 11. The letter on such comments that there is concern that the resultant height could be significantly above this existing dwelling, and recommends that an acceptable relationship with regard to scale would need to be demonstrated. However, there is little illustrative material before me to address this concern. Indeed, the submitted elevational drawing shows a marked difference in height between No 11 and the nearest new dwelling (House 4).
9. The new dwellings' front building line would be constant and would roughly align with that of No 11. However, despite the height difference, the distance between the facing flank walls of No 11 and House 4 would be only slightly greater than that between Houses 1 and 2 and also Houses 3 and 4. This would make for an awkward relationship with the existing dwelling. However, considering that No 51 Lime Avenue is substantially forward of the intended building line, despite its relatively lower ridgeline, I do not find any significant visual conflict would result from this particular relationship.
10. Taking the development as a whole, although the four dwellings would be detached, it would span significantly across this wide frontage and the dwellings would be positioned close to one another, particularly Houses 2 and 3. Moreover, due to the steeply pitched centrally ridged roofs, the height of these four dwellings as a close-knit row, would emphasise and accentuate the development's verticality. This, combined with their massing from the substantial depth, which would be glimpsed from certain points at Underwood Square, would give the impression of a substantial development at odds with local character. Although the dwellings on the north side of Underwood Square are positioned close to one another this is tempered by the variety of styles and designs evident, along with a generally lower ridge height evident.
11. Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (CS) both refer to making the best use of previously developed land, of which this site is a case in point. This aim is reflected in policy DM3 of the Southend-on-Sea Development Management Document (DMD). However, the policies also stress that new development should respond to local character and appearance in order to ensure an acceptable integration.

12. Supplementary Planning guidance on matters of design is provided by the Southend-on-Sea Design and Townscape Guide (SPD1) which, more specifically, indicates that the successful integration of any new development is dependent upon an appropriate scale, height and massing in relation to the existing built fabric.
13. In this instance the extent and scale of the development as a whole would be dominant in the streetscene and harmful to the character and appearance of the area. Accordingly, I conclude that the proposal would be in material conflict with the design objectives of CS policies KP2 and CP4, DMD policies DM1 and DM3 and also relevant advice within the Council's SPD1.

Living conditions

14. The Council has raised objections in respect of the proposal's effects on two particular dwellings; No 51 Lime Avenue and No 11 Underwood Square. In this regard I have had regard to the daylight study commissioned by the appellant which concludes that the proposed development would have a low impact on the light received by its neighbouring properties and satisfies the requirements of the BRE publication 'Site layout planning for daylight and sunlight: a guide to good practice'(BR 209). I have also noted the series of shadow diagrams provided with the planning application.
15. Again, considering the relative footprints and orientations, with No 51 sitting to the south of House 1, I am satisfied that the dwelling itself would not be unduly affected by the development. Its rear garden would be overshadowed to some extent by House 1 but the facing flank wall would be positioned adequately from the properties' common boundary. Indeed, degrees of overshadowing would be an inevitable consequence of any new dwelling situated towards this end of the site given the acceptability of the site for residential development, and the probability of No 11's front building line being followed to this end.
16. In contrast, No 11, beyond the opposite end of the site, would sit to the north of the development. Given this orientation, unfavourable to No 11, the proximity of its flank wall to that of House 4, the latter's depth and the drop in land levels, I consider that, when seen from No 11's various side facing windows, the development would appear as somewhat overbearing with a reduced outlook and a resultant visual sense of enclosure. I therefore find that this physical relationship, as proposed, would compromise the living conditions of the occupiers of No 11. This would be particularly contrary to the aims of DMD policy DM1 which comments that protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of new development into its surroundings.
17. On this main issue I conclude that the proposal would be harmful to the living conditions at No 11 Underwood Square. It would also be in material conflict with the requirements of CS policies KP2 and CP4, DMD policies DM1 and DM3 and also relevant advice within the Council's SPD1.

Other considerations

18. The appellant makes the point of the importance of small sites in the need for new housing. New housing provision is one of the main objectives of the National Planning Policy Framework (the Framework) which, as a strong material consideration, states that applications for housing should be

considered in the context of the presumption in favour of sustainable development. Reference is also made to ministerial statements on the issue of national housing need. I also note that CS Policy CP8 identifies that 80% of residential development shall be provided on previously developed land. Accordingly, I have afforded these matters significant weight.

19. In this particular instance the Council indicates its Strategic Housing Land Availability Assessment (SHLAA) demonstrates that the Council has a six year supply of housing, which accords with the Framework's requirement. This is not a matter of dispute between the main parties. As such, for this purpose, the development plan is not considered out-of-date.
20. The development would bring about benefits, particularly in economic terms, one of the strands of sustainable development. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 says that to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance I have found that in environmental terms, another strand of sustainable development, undue impacts resulting from the proposal would be harmful and not in accordance with relevant policies in the development plan.
21. I have had regard to the various representations received from interested parties. I have already addressed many of the concerns raised, whilst the appellant has produced evidence to indicate that others highlighted, such as those traffic and ecologically related, are not matters which weigh against the development.

Conclusion

22. I have found harm on both main issues and that there are material policy objections to the proposal. I have taken into account and given appropriate weight to the relevant material considerations but these do not outweigh my findings as to the adverse impacts arising from the proposal.
23. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR



PRE-EXISTING WEST (REAR) ELEVATION 1:100



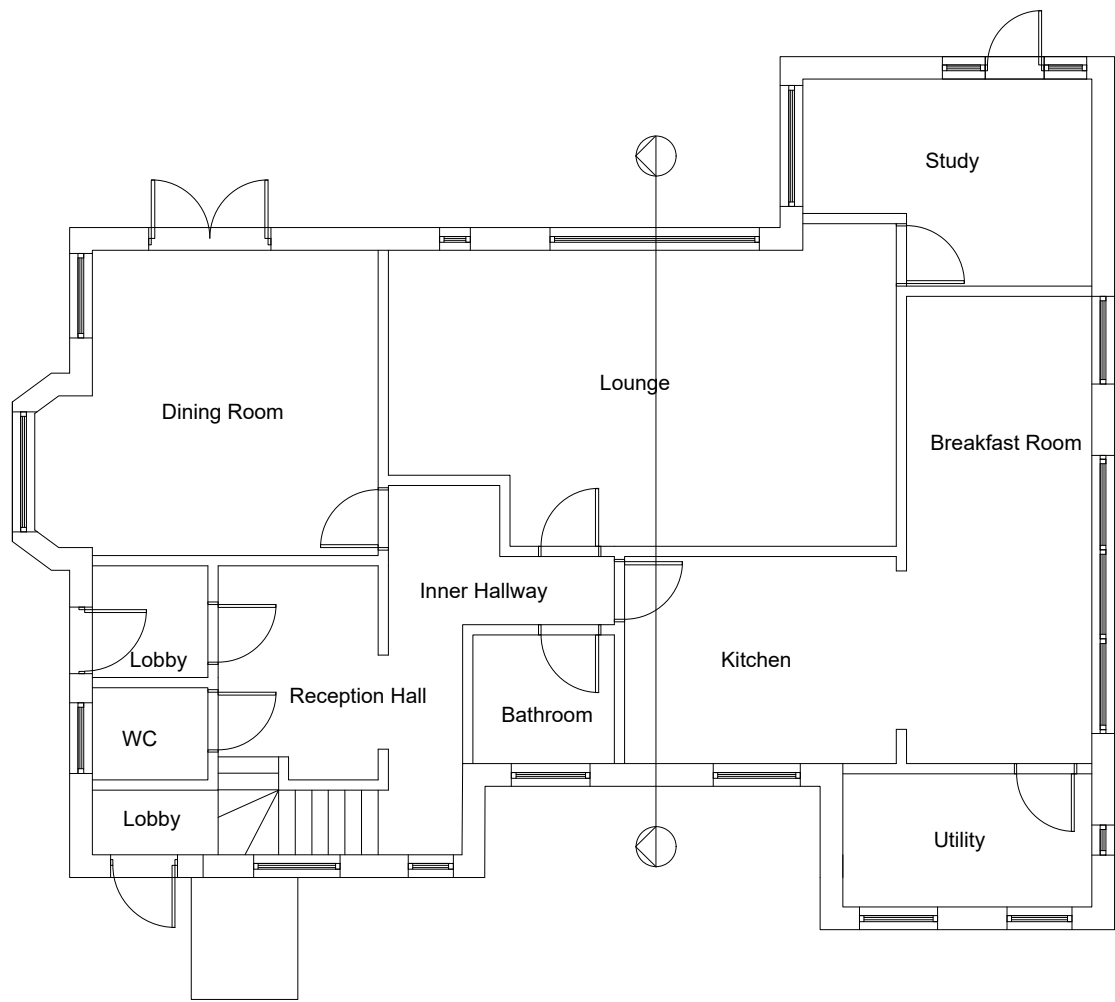
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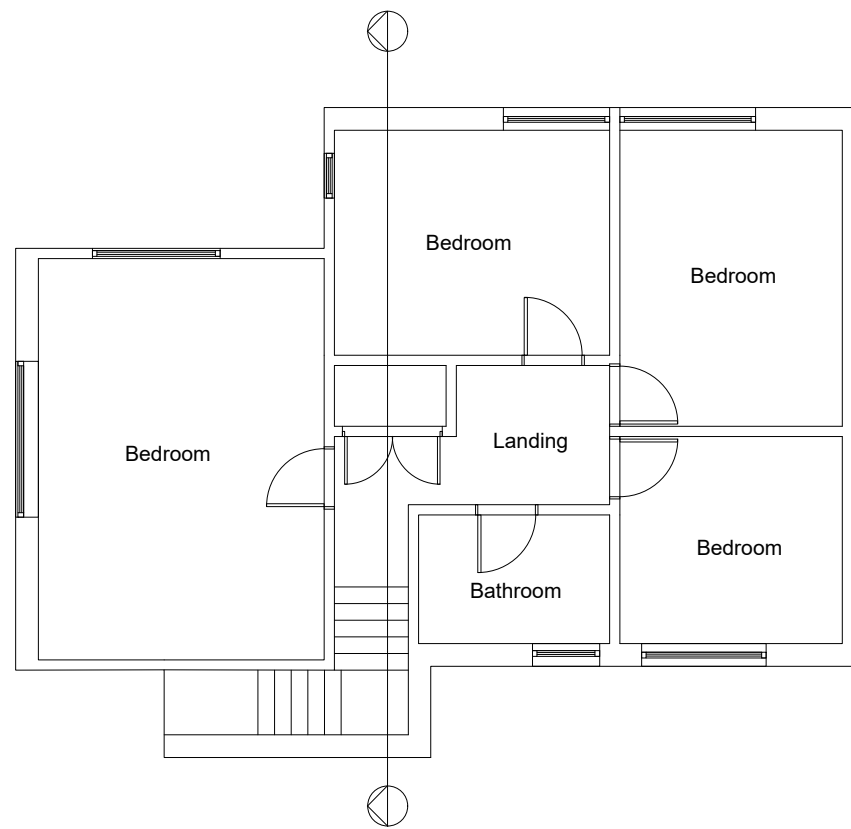
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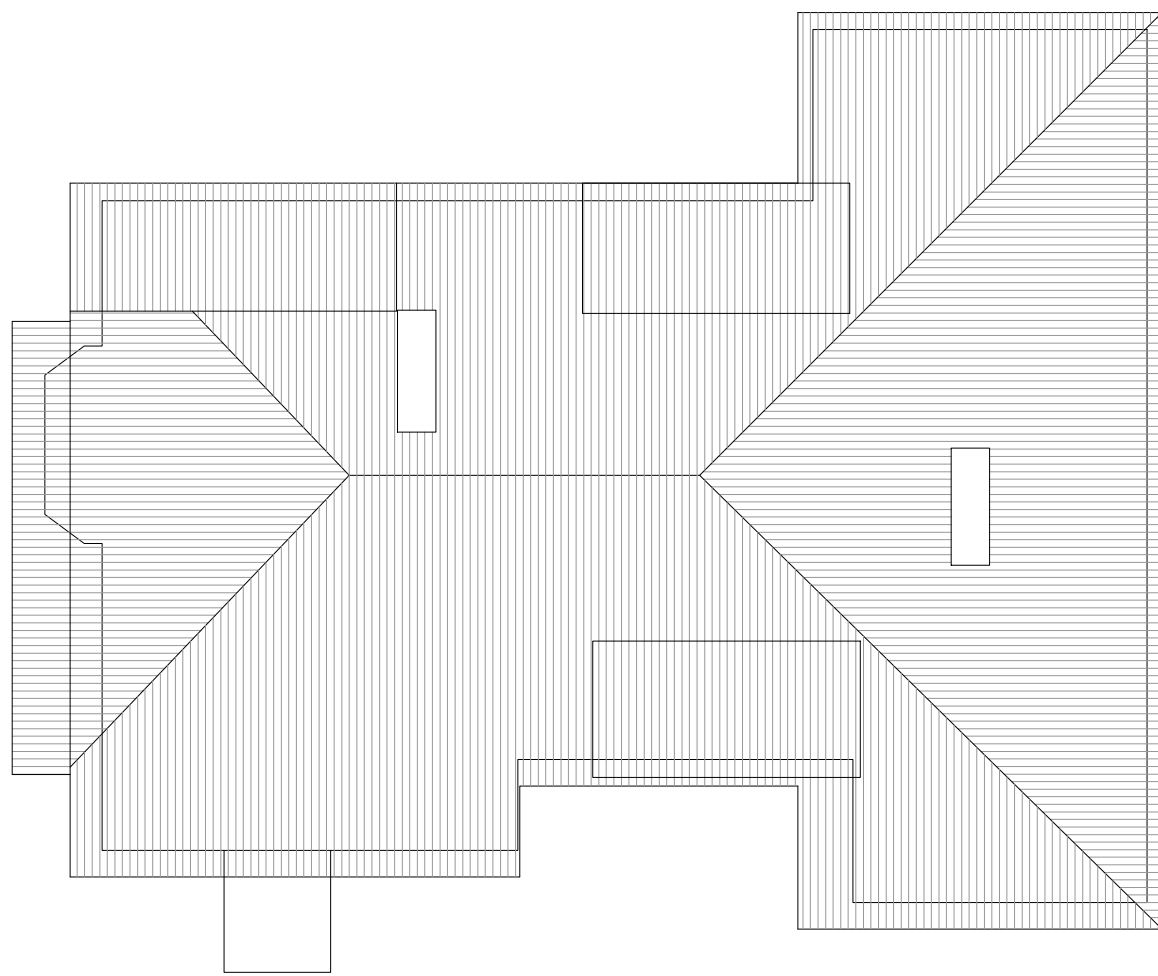
PRE-EXISTING NORTH (SIDE) ELEVATION



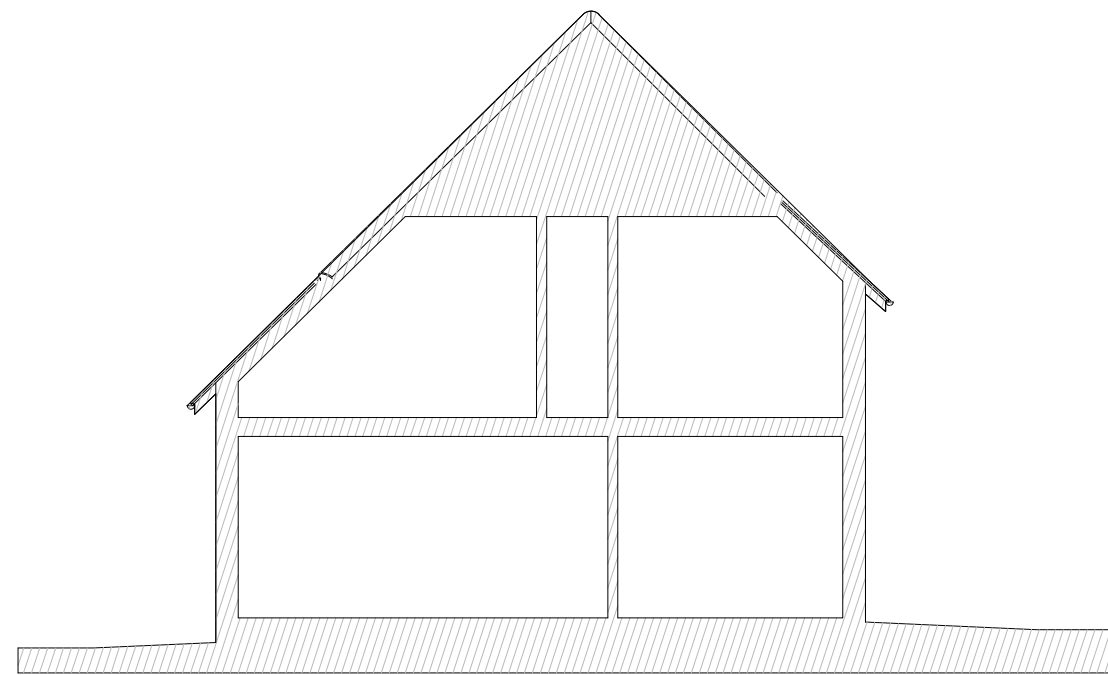
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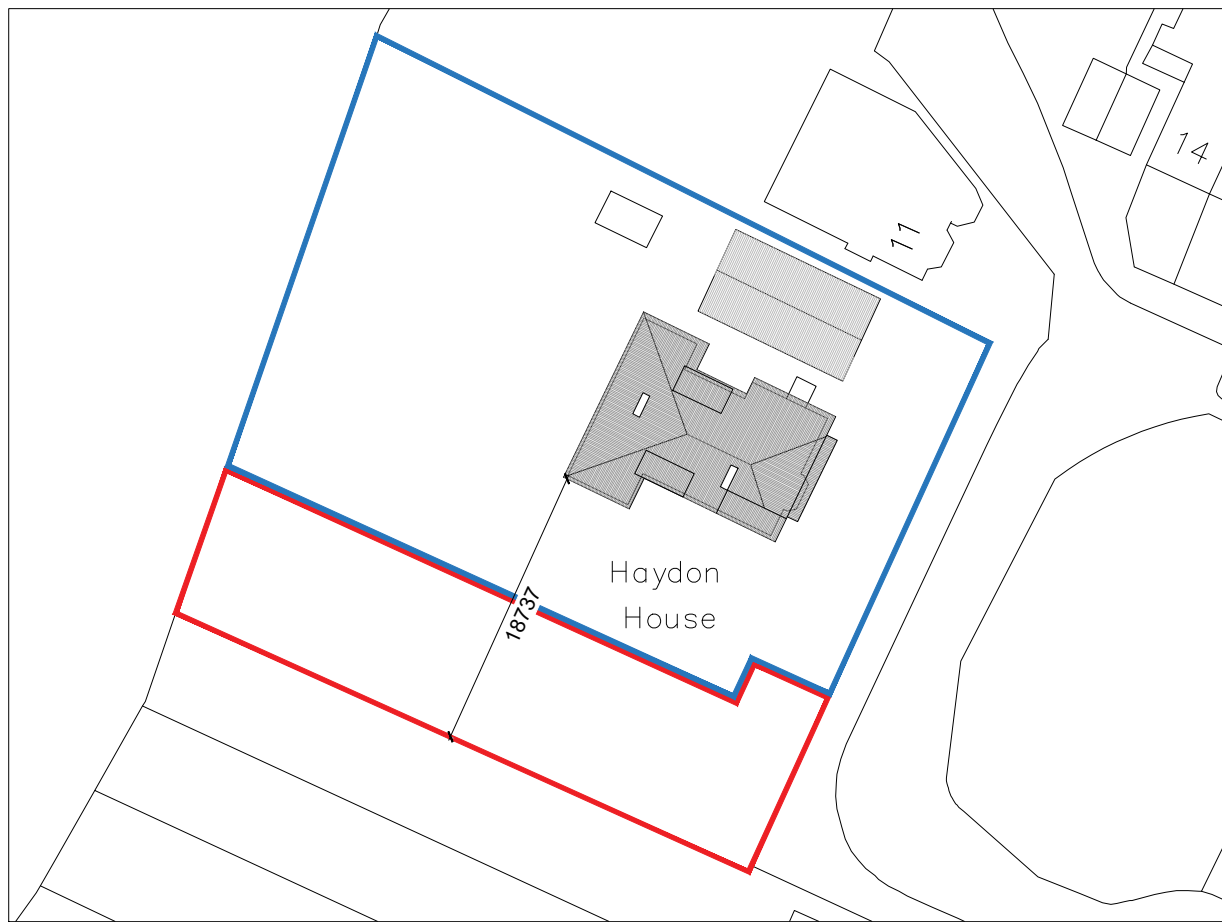
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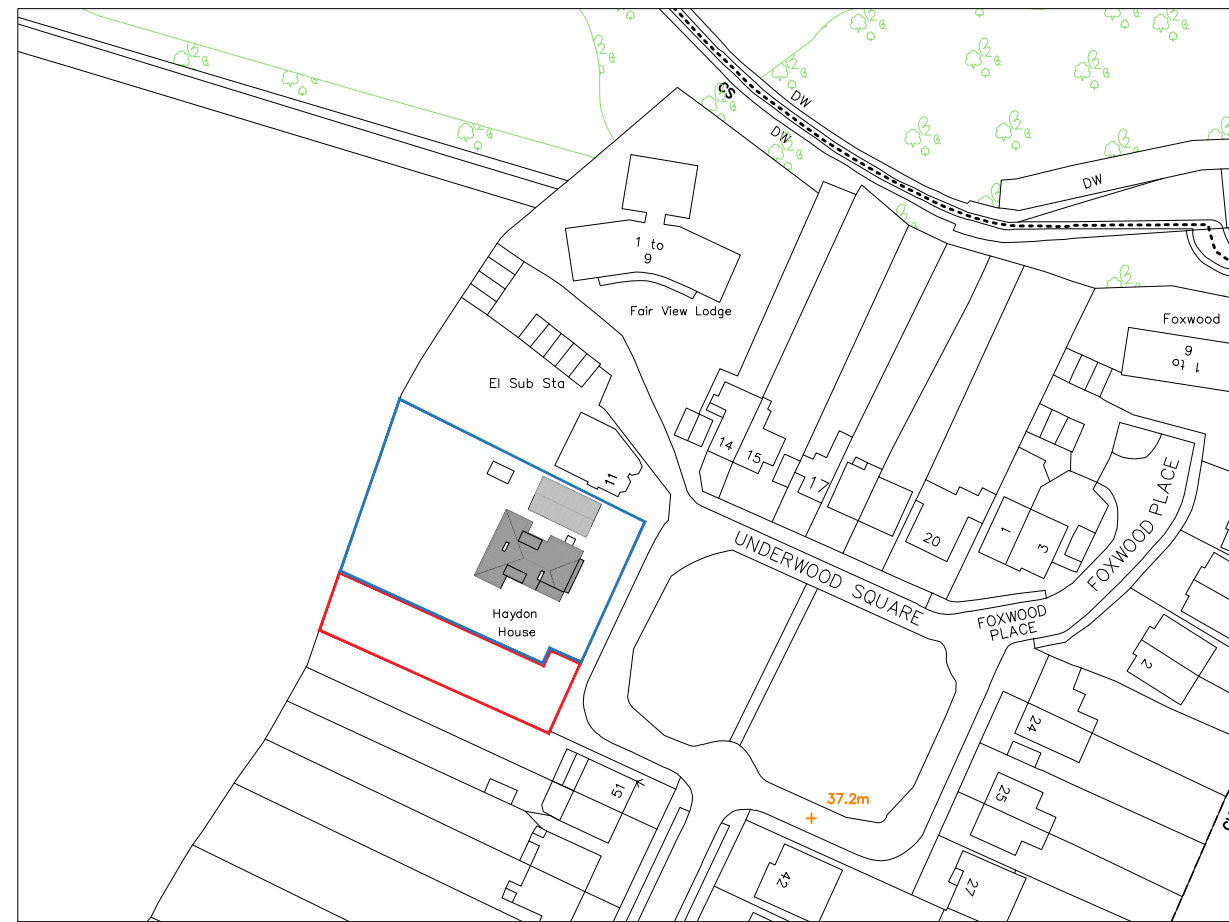
PRE-EXISTING ROOF PLAN 1:100



PRE-EXISTING SECTION



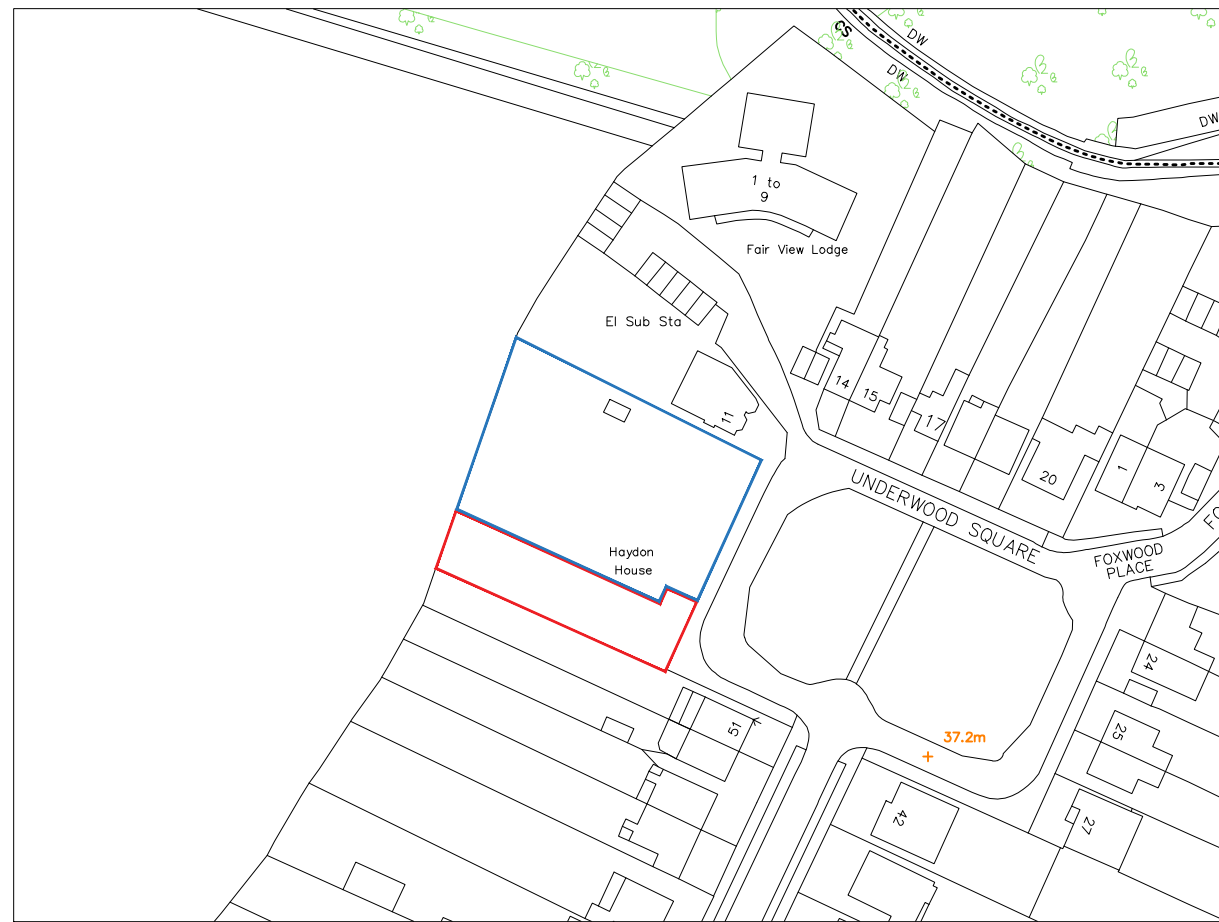
PRE-EXISTING BLOCK PLAN - 1:500



PRE-EXISTING LOCATION PLAN - 1:1250



EXISTING BLOCK PLAN - 1:500



EXISTING LOCATION PLAN - 1:1250

Notes:

A	NEIGHBOUR EXTENSION	DS	18/09/2019
Rev	Comment	By	Date

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Haydon House
10 Underwood Square
Leigh - on - sea
SS9 3PB

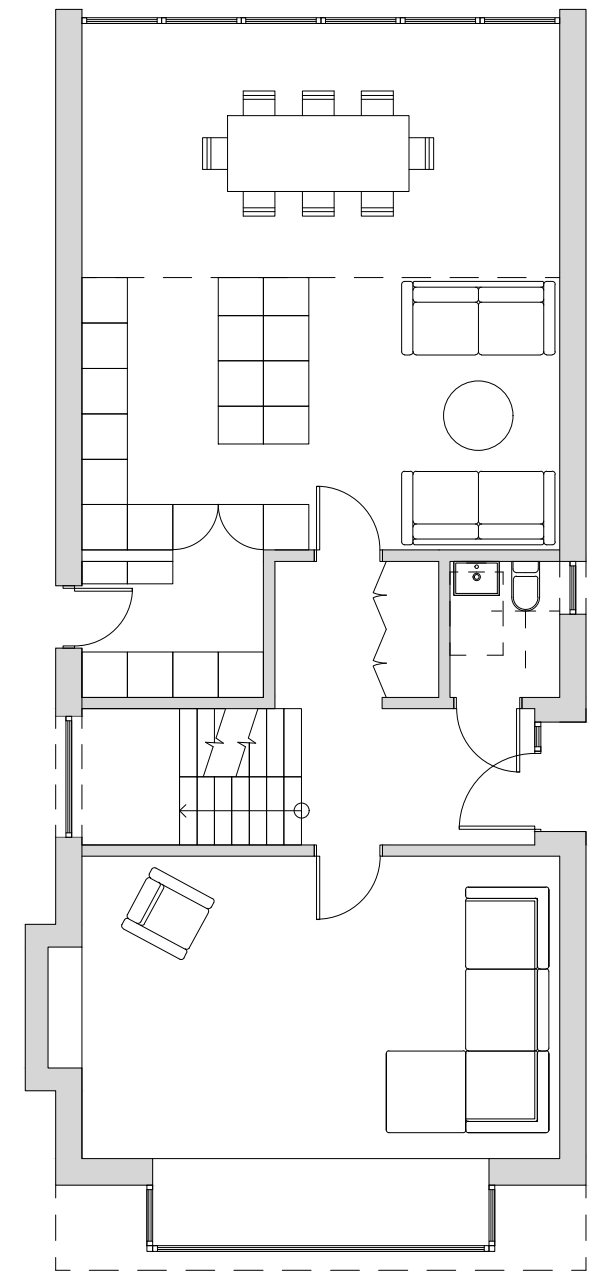
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Pre-Existing and Existing

Drawing no:	385-P400	Revision:	A
Project no:	385	Drawn by:	RJS, WRS
Scale:	1:100, 1:500, 1:1250 @ A1	Chkd by:	SK

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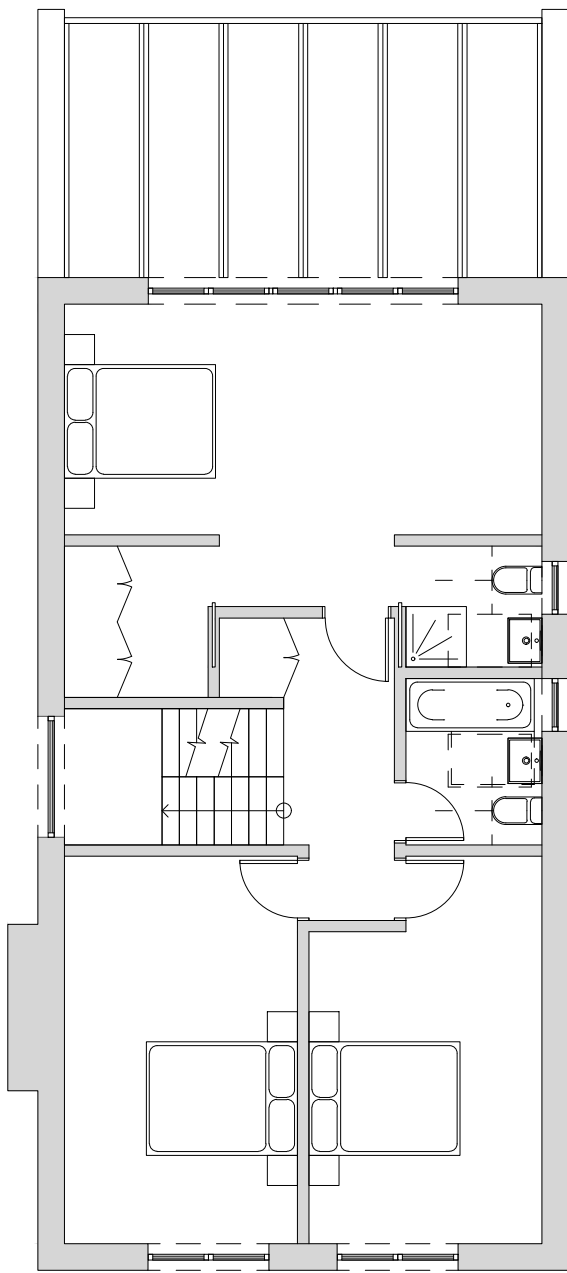
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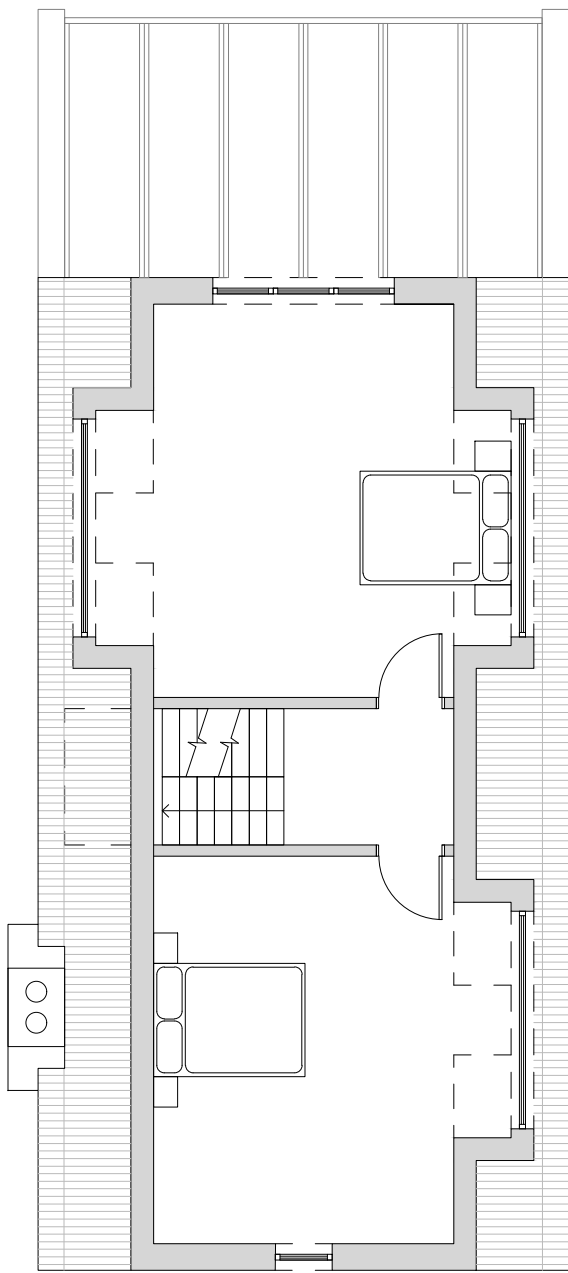


GROUND FLOOR PLAN

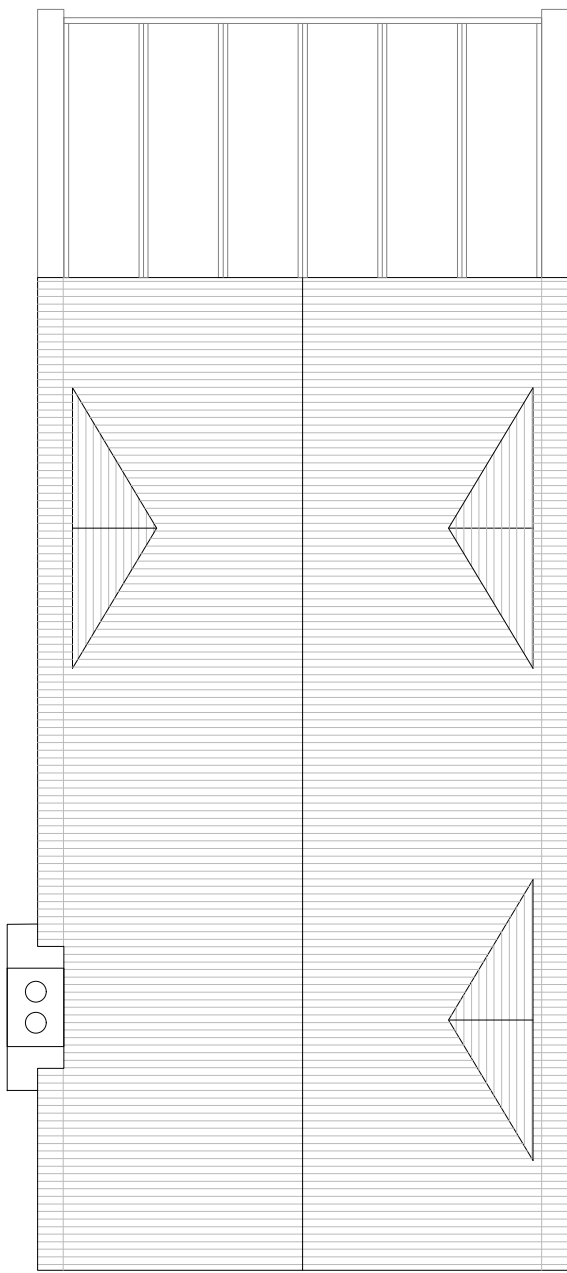
PROPOSED PLANS - 1:100



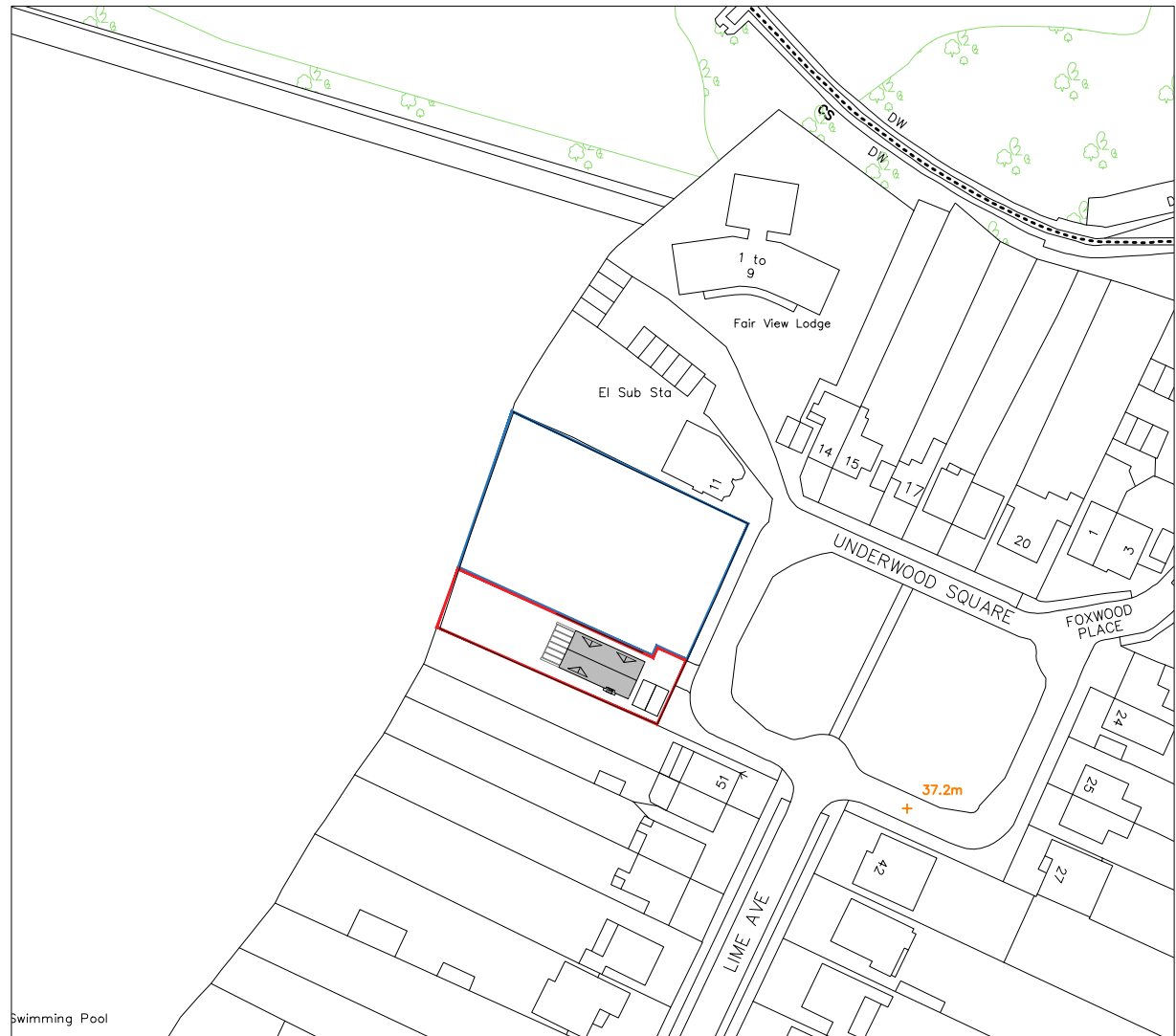
FIRST FLOOR PLAN



LOFT PLAN



ROOF PLAN



PROPOSED LOCATION PLAN - 1:1250



NORTH



PROPOSED BLOCK PLAN - 1:500

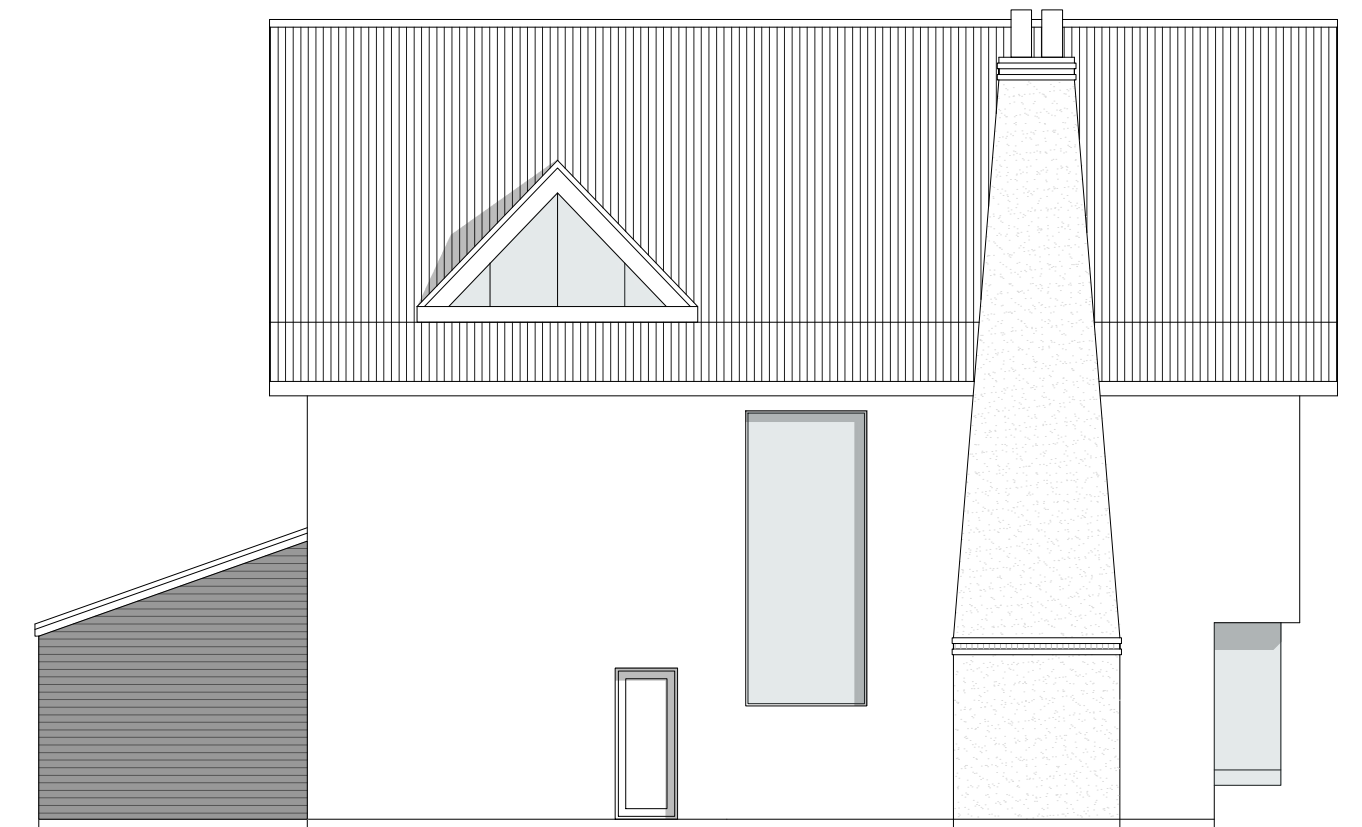
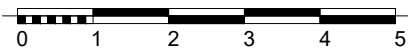


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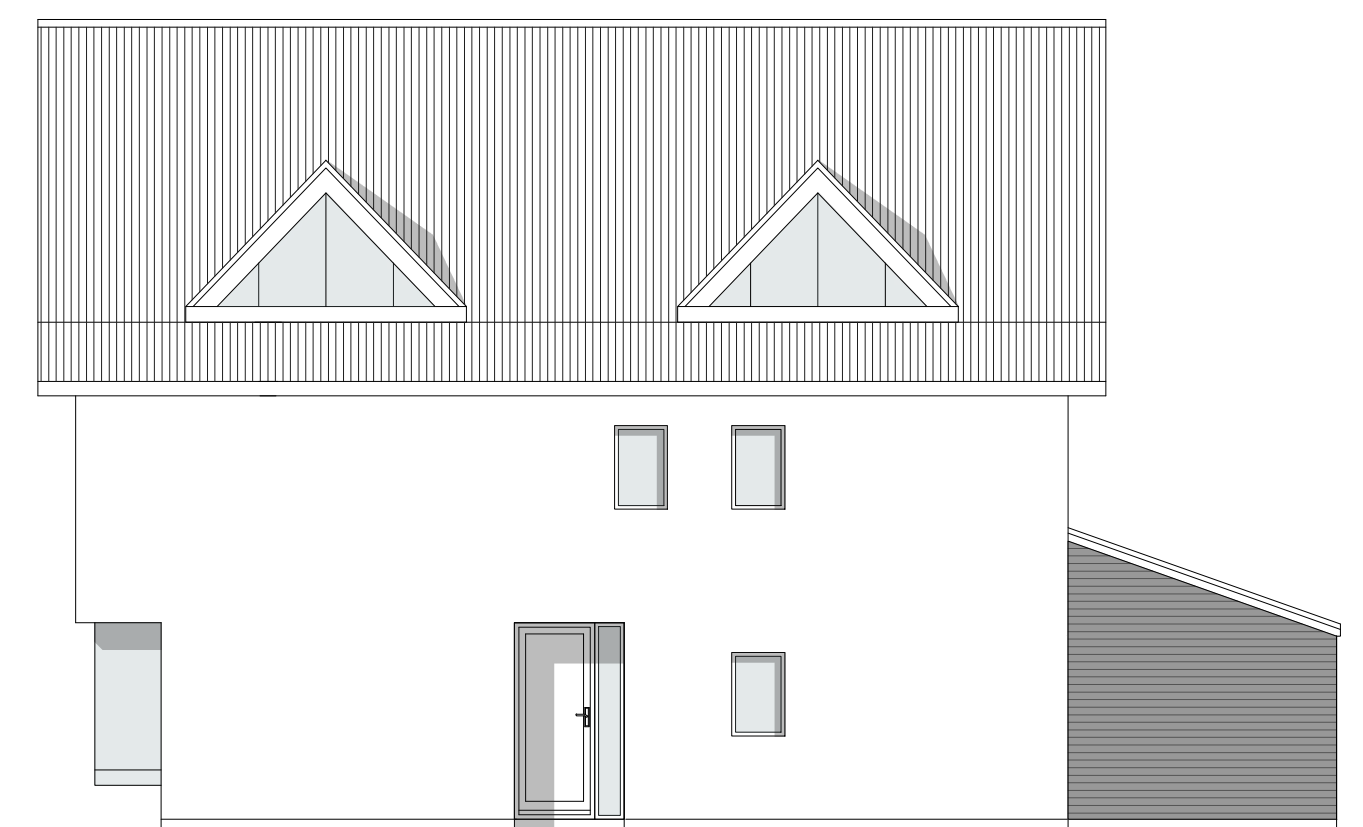


PROPOSED FRONT ELEVATION

PROPOSED ELEVATIONS - 1:100



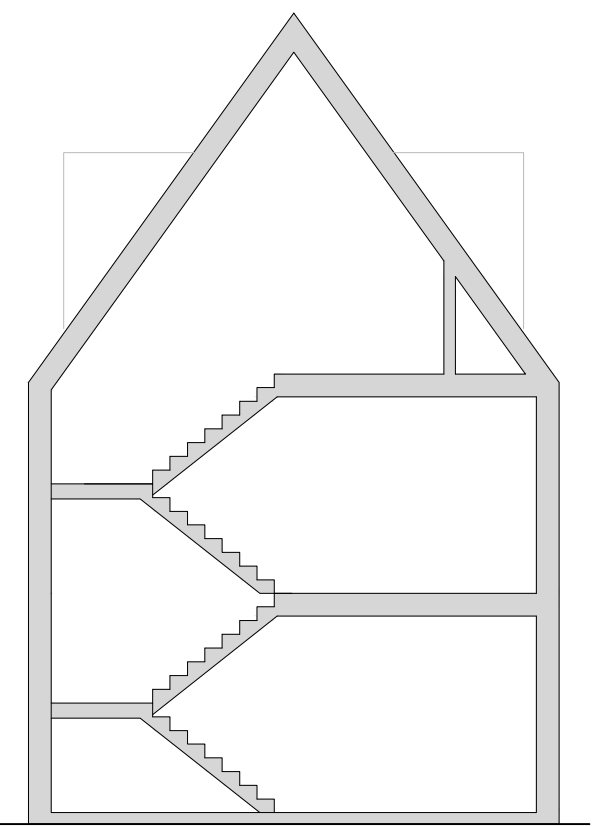
PROPOSED SIDE ELEVATION



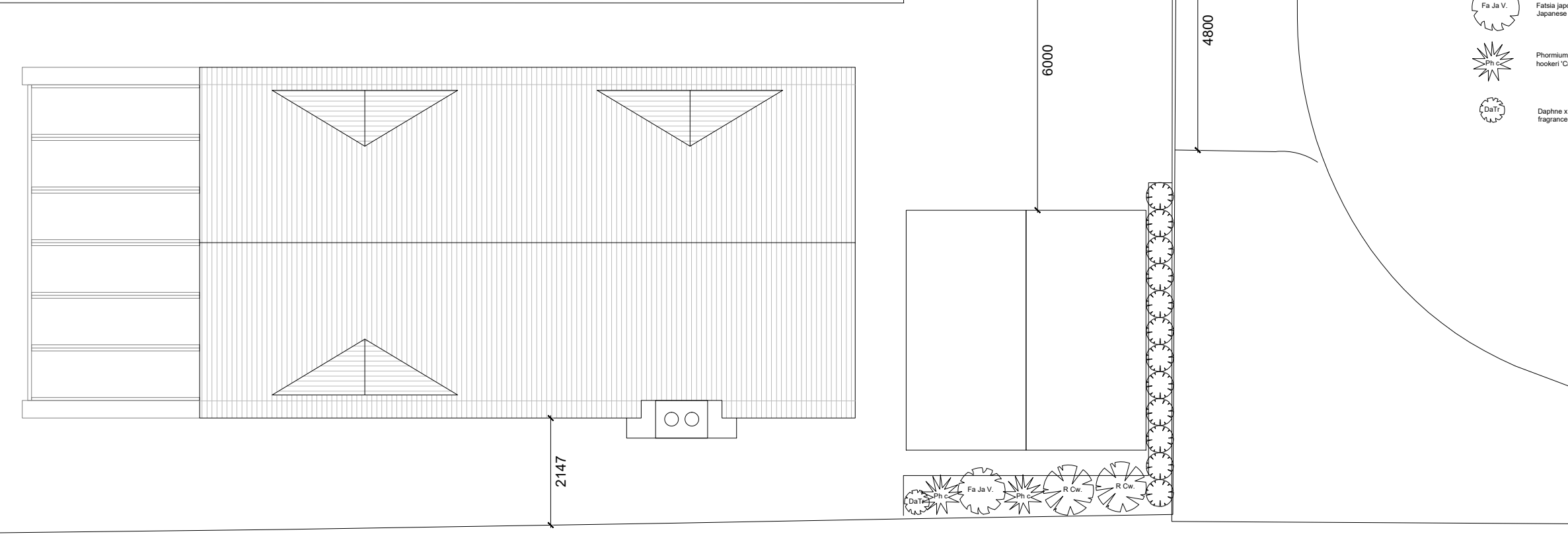
PROPOSED SIDE ELEVATION



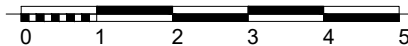
PROPOSED REAR ELEVATION



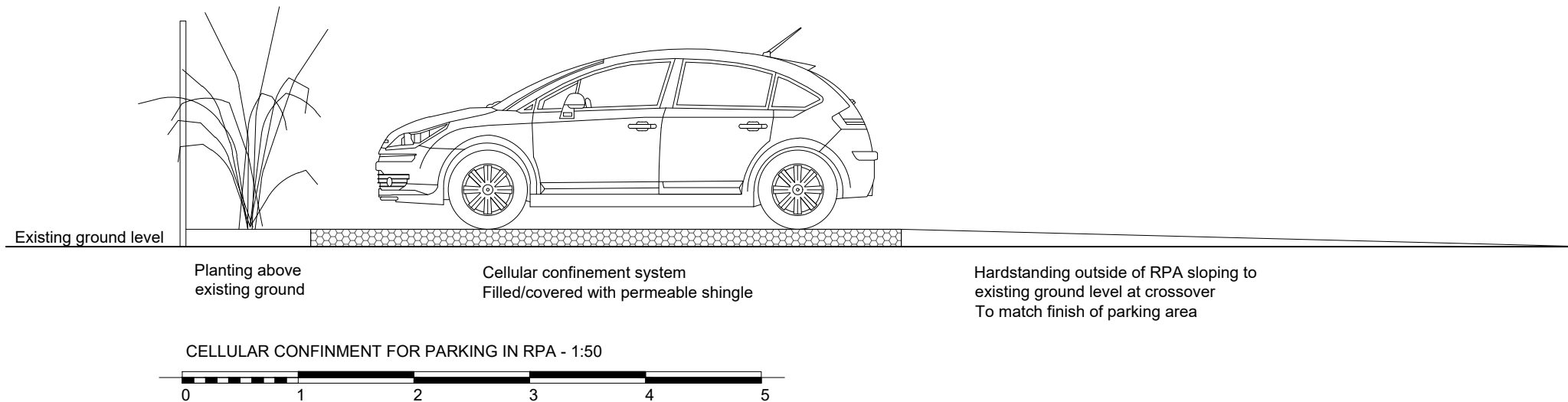
PROPOSED SECTION- 1:100



PROPOSED LANDSCAPING - 1:100

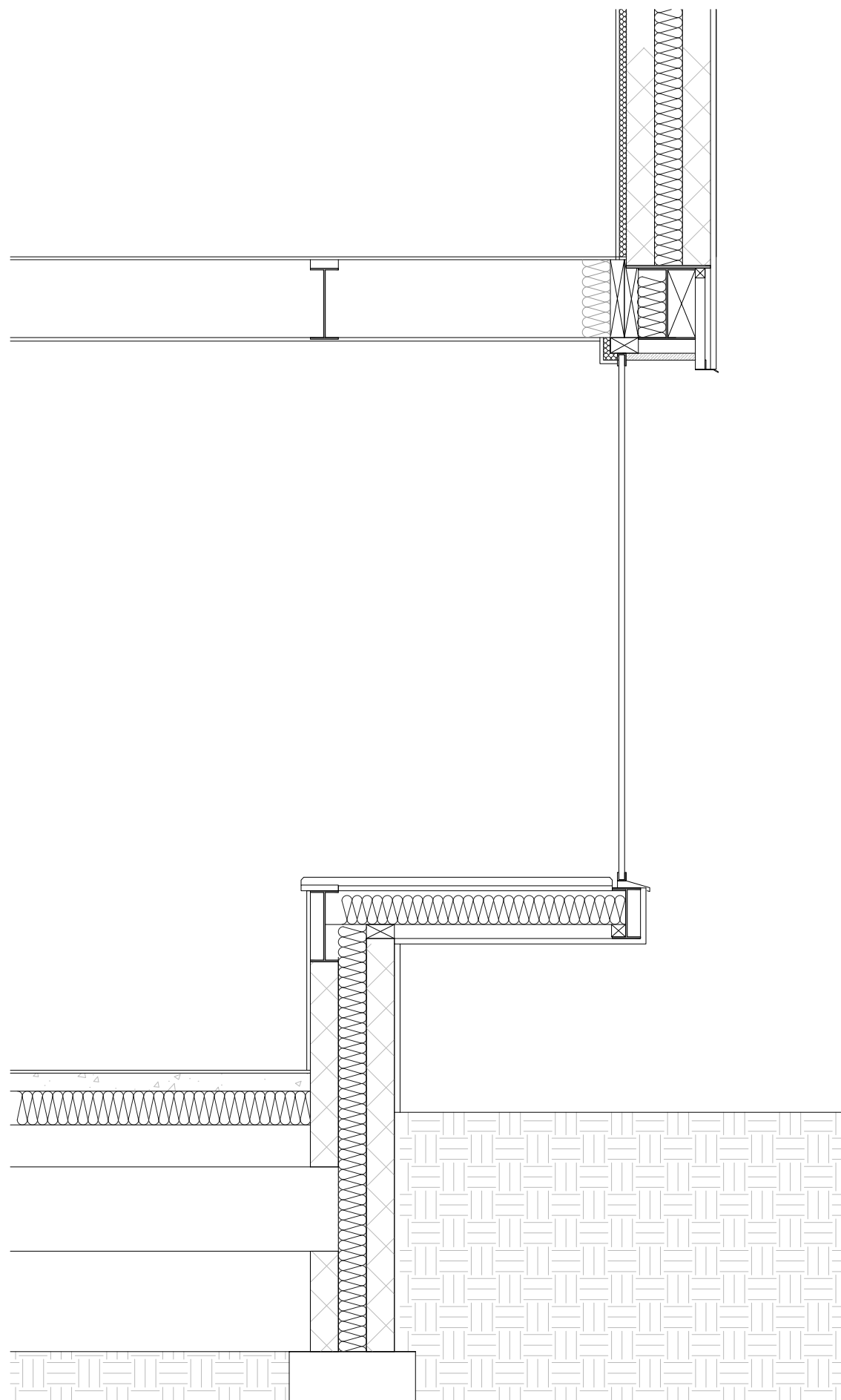


NORTH

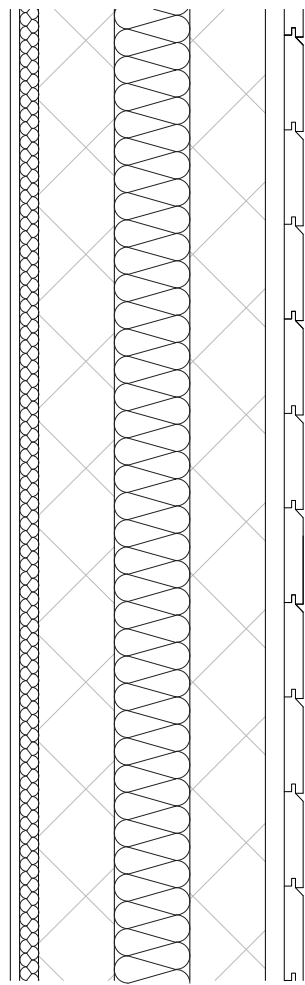


Notes:			
C	CELLULAR GRID SECTION	DS	14/10/2019
B	NEIGHBOUR EXTENSION	DS	18/09/2019
A	Boundary distances	DS	27/08/2019
-	-	DS	22/07/2019
Rev	Comment	By	Date
Stage: 3 - Developed Design			
Client: Mr G Newton			
Project: Hayden House 10 Underwood Square Leigh - on - sea SS9 3PB			
Drawing Title: Proposed			
Drawing no: 385-P402		Revision: C	
Project no: 385		Drawn by: DS, MRS	
Scale: 1:50, 1:100, 1:500, 1:1250 @ A1		Chkd by: SK	
<div>SKARCHITECTS</div> <div>853-855 London Road Westcliff-on-Sea SS9 8SZ Tel: 01702 509250 Email: info@skarchitects.co.uk</div>			
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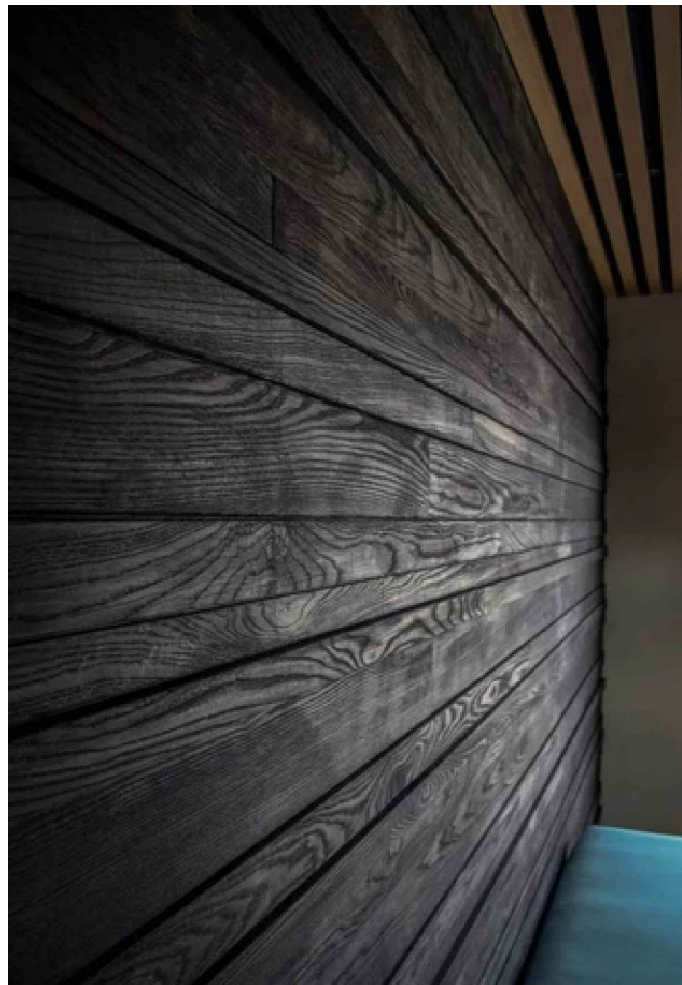
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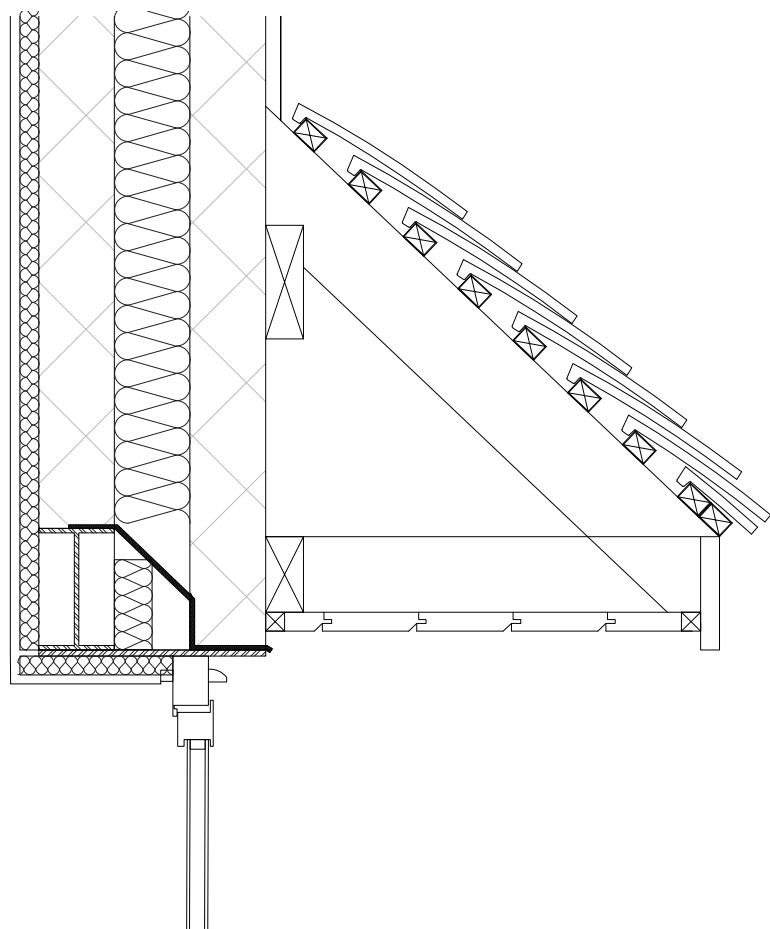
FRONT BAY SECTION 1:20



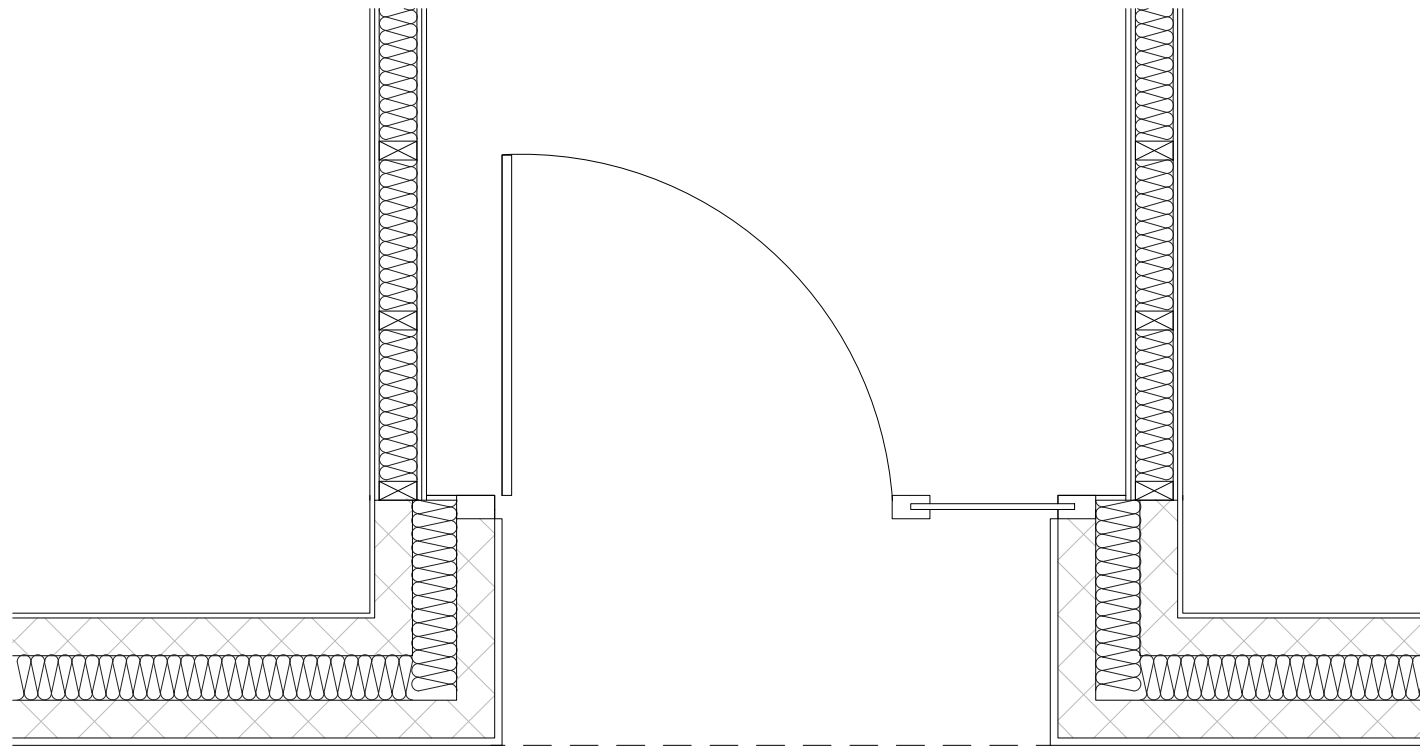
CLADDING 1:10



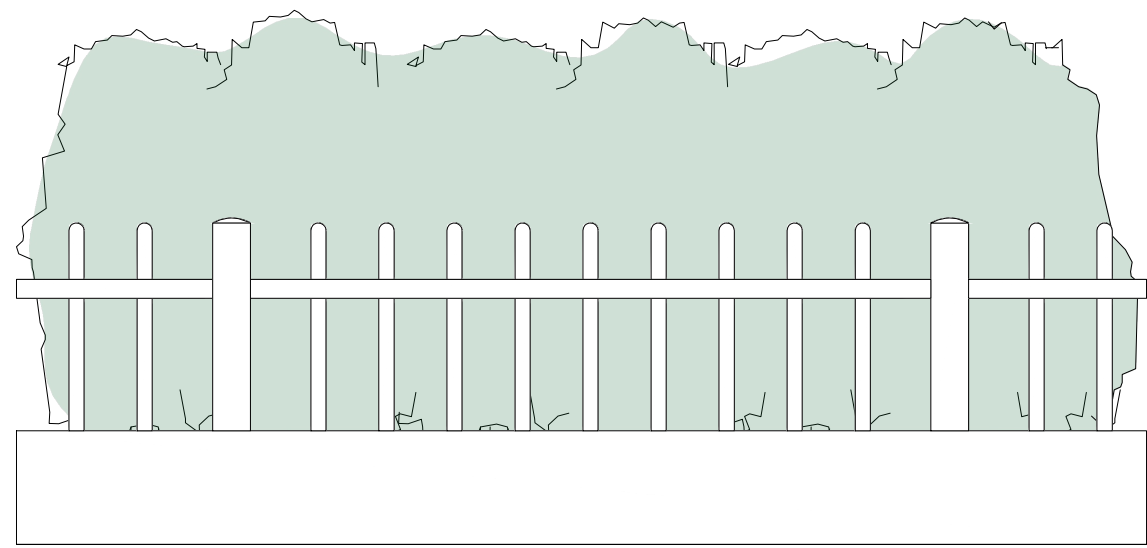
BURNT LARCH CLADDING



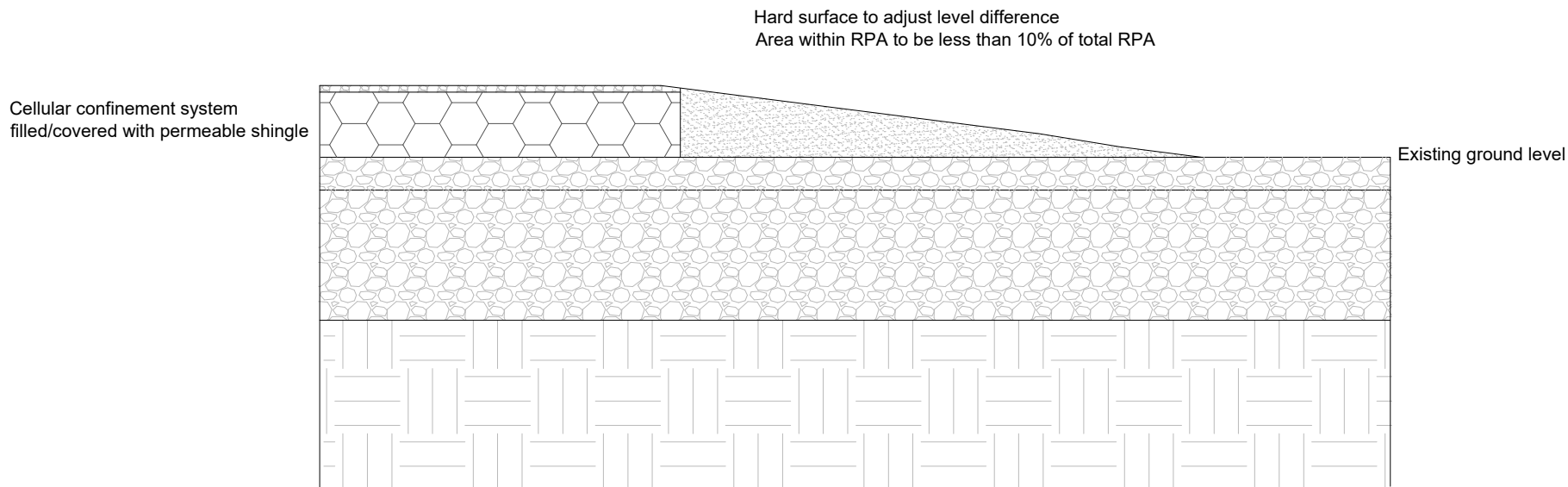
FIRST FLOOR CANOPY 1:10



PORCH PLAN 1:20



FRONT BOUNDARY FENCE 1:20



LANDSCAPING 1:10

Notes:			
-	-	DS	16/10/2019
Rev	Comment	By	Date
Stage:			
3 - Developed Design			
Client:			
Mr G Newton			
Project:			
Hayden House 10 Underwood Square Leigh-on-sea SS9 3PB			
Drawing Title:			
Details			
Drawing no:		Revision:	
385-P404		-	
Project no:		Drawn by:	
385		DS	
Scale:		Chkd by:	
1:10, 1:20 @ A1		RS	
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Reference:	19/01540/FUL	11
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Change of use of former Public House (Class A4) to 15 bedroom Hotel (C1), erect 2 storey side extension to west side of building, raise roof ridge height and erect second floor rear extension, refurbish and alter elevations, install railings to terrace areas and balconies, erect external fire escape staircase to rear, repair existing boundary wall to front, layout 7 parking spaces and form hotel drop off point to front (amended proposal)	
Address:	The Ship Hotel, New Road, Leigh-On-Sea	
Applicant:	Mr P Barthaud	
Agent:	Mr Colin Stone of Stone Me Ltd	
Consultation Expiry:	19th September 2019	
Expiry Date:	11th November 2019	
Case Officer:	Spyros Mouratidis	
Plan Nos:	1813 10E, 1813 11, 1813 12G, 1813 13B, 1813 14K, 1813 17E, 1813 18B, 1813 19, 1813 20B, 1813 21, 1813 25B, 1813 26B, 1813 27B, 1813 29	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the northern side of New Road and is occupied by a detached building which is currently vacant and was last in use as a public house. To the immediate east, north and west of the site are residential dwellings. The railway line is located to the south, opposite the site. The existing building is two to three storeys in scale.
- 1.2 The Ship is described within the Leigh Conservation Area Appraisal as:

“Early 20th-century Tudor style road house, false timber-framing, cream painted render, bright red painted brickwork with dark green glazed voussoirs over windows, original timber windows, machine made tiles probably original. Picnic tables outside. Built on the site of the original Ship Hotel/Inn which dated from 17th century”.
- 1.3 The area has no specific policy designation within the Development Management Document’s Proposal Map. The site is located within the Leigh Conservation Area. The building within the application site is not a listed or locally listed building and is located outside of the area covered by an Article 4 (2) direction. The site is outside of any areas of medium or high probability of flood risk (Flood Risk Zones 2 and 3).

2 The Proposal

- 2.1 Planning permission is sought to change the use of the site from a public house (Class A4) to a 15-bedroom hotel (Class C1). It is also proposed to erect a two-storey extension to the west of the building, raise the roof height and erect second floor extensions, one to the western part of the building and one to the rear of the eastern part of the building, erect a roof extension between the eastern and western parts of the main roof of the building, refurbish and alter the elevations, install balconies and railings to terraces, repair the existing front boundary wall, layout seven (7) parking spaces and form a hotel drop off point to the front of the site. During the course of the application the proposed scheme was amended to reduce the width of the proposed upper floor extension to the eastern part of the building and to remove inconsistencies from the submitted plans.
- 2.2 The proposed western extension would measure some 3m x 4.2m with a height of some 7.5m. The proposed second floor extension of the western part of the building would be accommodated by the increase of the height of the roof, including one of the existing front gables, from approximately 10m to some 11.8m. The roof extension between the western and eastern parts of the roof would measure approximately 2.5m wide by 2.6m deep and would increase the height of the roof by a maximum of 1.1m. The proposed second floor extension to the rear of the eastern part of the building would measure 4.3m deep by 5.6m wide with a maximum height of 9.25m from the ground, 0.6m lower than the ridge height of the existing eastern part of the main building.
- 2.3 The existing terraces will be altered and reused to provide private terraces for a number of bedrooms and first floor balconies are proposed to the front and eastern elevations. A number of alterations to the elevations are proposed including new and altered fenestration, increase in the size of the front terrace and removal of the blocks, and finish with cement render. It is also proposed to restore the original glazed brickwork and provide new and amended fire escapes.

- 2.4 Seven (7) parking spaces are proposed at the site; five to the rear of the site and two to the eastern side of the site. A hotel drop off area is also proposed to the east of the site. An external refuse store is proposed to the rear. The application has been submitted with a Design and Access Statement, a Heritage Statement, samples of proposed materials and details about boundaries, balconies, bin storage screens, the lantern at the corner of the building, windows, cycling storage, landscaping, chimneys, railings and privacy screens.
- 2.5 The current application has been submitted after the approval of a previous application (details at paragraph 3.2) in July 2019. Most elements of the current proposal have already been granted planning permission within the above approval. The differences between the two schemes are the following:
- The number of rooms approved was 14. The current proposal is for 15 rooms.
 - The previous application did not include the roof extension between the two main sections of the roof.
 - The previous application did not include the second storey rear extension to the rear of the eastern part of the building.

3 Relevant Planning History

- 3.1 19/01541/AD - Application for approval of details pursuant to conditions 03 (material samples), 04 (details of landscaping), 07 (details of cycle store), 12 (details of privacy screening), 15 (details of chimney) and 17 (details of balustrades and railings) of planning permission 19/00757/FUL dated 02.07.2019 – Pending Consideration
- 3.2 19/00757/FUL - Change of use of former Public House (Class A4) to 14 bedroom Hotel (C1), erect 2 storey side extension to west side of building, raise roof ridge height and erect second floor rear extension, refurbish and alter elevations, install railings to terrace areas and balconies, erect external fire escape staircase to rear, repair existing boundary wall to front, layout 7 parking spaces and form hotel drop off point to front - Granted Permission [2 July 2019]

4 Representation Summary

- 4.1 The application has been called to the Development Control Committee by Councillor Mulroney.

Public Consultation

- 4.2 Forty-eight (48) neighbouring properties were consulted, a site notice has been displayed and the application has been advertised in the local press both for the application as originally submitted and the revisions received during the course of the application. Seven (7) representations from five (5) neighbouring addresses have been received for this application. The objecting comments made within the representations are summarised as follows:
- Overdevelopment and obstruction of views towards the old town and estuary.
 - Harmful impact on the privacy of neighbouring occupiers.
 - Overshadowing of neighbouring properties.
 - Considering that the site access is on a bend and there is limited parking provision, an increase in traffic congestion detrimental to the safety of pedestrians, cyclists and other vehicle users.

- The proposed parking arrangements are unusable.
- The parking provision of 7 spaces is inadequate for 15 rooms and would increase the current problems with parking in the area
- The proposal would be detrimental to highway safety during its construction.
- The proposed use would be at odds with the prevailing residential use of the area and would result in increased noise and disturbance harmful to amenity.

4.3 Where relevant to planning matters the comments have been taken into consideration and the matters raised are discussed in the relevant sections of the report.

4.4 The supporting comments made within the representations are summarised as follows:

- No objection

Highways Team

4.5 No objections.

Environmental Health

4.6 No objections subject to conditions.

Leigh Town Council

4.7 Object – Overdevelopment of the site. The proposal does not respect its surroundings in terms of height and bulk. It would not contribute positively to the space between buildings and its relationship to the public realm. The application does not protect the amenity of immediate neighbours and surrounding area. The proposed 15 bedrooms are considered too many as it will add to the parking stress in the immediate area with the provision of only 7 spaces.

4.8 The comments have been taken into consideration and the matters raised are discussed in the relevant sections of the report.

Anglian Water

4.9 No objections.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM12 (Visitor Accommodation), DM10 (Employment Sectors), DM15 (Sustainable Transport Choices).

5.4 Design & Townscape Guide (2009)

5.5 Leigh Conservation Area Appraisal (2010)

- 5.6 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the site, the wider surrounding area and the Conservation Area, residential amenity, parking and highways considerations, refuse and recycling storage and CIL (Community Infrastructure Levy). The previous permission carries significant weight in the determination of this amended proposal.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions."
- 7.2 Policy KP2 of the Core Strategy states that all new development should: "make the best use of previously developed land, ensuring that sites and buildings are put to best use". Policy CP4 of the Core Strategy requires development proposals to: "maximise the use of previously developed land [...] and promote good, well-designed, quality, mixed use development." Similarly Policy DM3 of the Development Management Document states that: "The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner"
- 7.3 Paragraph 92 of the NPPF states: "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments".
- 7.4 Policy DM12 of the Development Management Document states that: "New visitor accommodation will be focused within the Southend Central Area, London Southend Airport area and at locations with good access and a clear and strong relationship with the Seafront. Proposals must relate well to strategic routes and the distributor road network, have good public transport accessibility and meet the requirements of other relevant planning policies".
- 7.5 Policy DM12 also states: "Tourism and cultural industries within Southend are important for sustained economic growth in the Borough. Visitor accommodation is an important part of the tourism sector [...] there are opportunities in Southend to develop this sector".
- 7.6 The preamble to Policy DM12 states: "the Seafront will not be considered as a defined area but as relating to an area that clearly has a strong relationship with the Seafront.

This relationship will be considered on a site-by-site basis and will take account of an area's function and connectivity with the Seafront and superficially whether there are clear, convenient and direct walking routes to the Seafront".

- 7.7 Policy CP6 of the Core Strategy states: "Development proposals must mitigate their impact on community infrastructure [...] by [...] safeguarding existing and providing for new leisure, cultural, recreational and community facilities"
- 7.8 The information submitted with the application states: "The building was originally used as a mansion house before being transformed into an inn which included guest rooms above in circa 1828 [...] Throughout the course of its life the guest rooms were lost as it continued use as a public house and live music venue until most recently when it closed in March 2017". The application states that this development will provide a hotel in Leigh, whereby there are none currently.
- 7.9 When the previous application was determined by the Local Planning Authority it was considered that the principle of the development is acceptable on the basis that:

"The application site is not located within the Southend Central Area or the London Southend Airport area, but is located close to Old Leigh and its seafront area at Bell Wharf. [...] Old Leigh is a popular destination that does attract visitors to the area. The Ship is located on the northern side of the railway line. However, there is a pedestrian footpath located to the south of and in very close proximity to The Ship which provides direct pedestrian access, including for disabled users, over the railway and into Old Leigh and the Bell Wharf Seafront area. As such it is considered that the site can be considered to have a strong relationship to the Seafront. Given that policy DM12 does permit new visitor accommodation in areas with good access to and a strong relationship with the Seafront, which is the case in this instance and given the previous, historic use of the site as an Inn, no objection is raised to the principle of providing a hotel in this location.

The development would result in the loss of a public house. Public houses are an important community facility and therefore, any loss of these facilities needs careful consideration. In this instance, given that the public house has been vacant for a significant length of time; with the submission stating that the site has been vacant since March 2017, given that the ground floor retains a bar area which the agent has confirmed will be open to the public and given that there are a number of public houses retained within Old Leigh to the south of the site, on balance, it is considered that the development proposed would not result in an unacceptable loss of community facilities within the area."

- 7.10 These considerations are still relevant and render the proposal acceptable in principle. Furthermore, the planning permission granted in July 2019 permits the same change of use to take place on site. This is a planning consideration of substantial weight when considering the proposed development. There is, therefore, no objection to the principle of the development. Other material planning considerations are discussed in the following sections of this report.

Design and Impact on the Character of the Area

- 7.11 Good design is 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 also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”

- 7.12 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.”
- 7.13 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.”
- 7.14 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”.
- 7.15 The Design and Townscape Guide states that: “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”
- 7.16 The application site is located within the Leigh Conservation Area. Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.17 Paragraph 193 of the NPPF states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 7.18 Paragraphs 195 and 196 of the NPPF state: “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.” “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 7.19 Policy DM5 of the Development Management Document states: “Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs

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

- 7.20 The design and impact of the development on the Conservation Area were considered acceptable when planning permission was granted by the Local Planning Authority in July 2019. The relevant section the officer’s report states:

“As amended during the course of the application, the proposed extensions to the building are considered to be of an acceptable overall design. The proposed roof addition would be subservient to the main building and includes vertical timber panels to match the existing, adjoining gable. The western extension has also been designed to be subservient to the main building and would not be particularly visible from the streetscene. These additions are considered acceptable and would preserve the character and appearance of the host building, the wider surrounding area or the Conservation Area.

The changes proposed to the elevations and the more detailed elements of the design and layout, including the fenestration alterations and balconies are considered to be acceptable following the submission of amended plans [and] will ensure a cohesive development that would preserve the character and appearance of the host building, the wider surrounding area or the Conservation Area.

The proposed development is considered to preserve the character and appearance of the Conservation Area, in accordance with National and Local Planning Policy.

Having taken account of the concerns raised in the responses received, the development is acceptable and policy compliant in the above regards.”

- 7.21 Considering that the approved alterations form part of the proposal, the above findings are relevant and carry substantial weight. As amended during the course of this application, the proposed roof addition between the main parts of the building and the upper floor extension to the rear of the eastern part of the building would be subservient to the main building and would respect its visual cues such as the eaves height and detailing. The overall design of the proposal, including the already approved and additional extensions and alterations to the building, is considered to be acceptable. The proposed development as a whole would preserve the character and appearance of the host building, the wider surrounding area and the Conservation Area.
- 7.22 Concerns have been raised by third parties regarding overdevelopment of the site and obstruction of views towards the estuary. It is not considered that the additional elements would result in overdevelopment of the application site. As already mentioned the proposed extensions are subservient to the main building and respect its character and appearance preserving the significance of the heritage asset. It is considered that neither the additional proposed extensions nor the extensions already approved would result in any detrimental loss of public views towards the estuary when considering the character and topography of the area along with the location and scale of nearby development.
- 7.23 During the course of this application, detailed design proposals have been submitted

for the front terrace and boundary wall with balustrade on top, the balconies, the screens, the chimneys, the lantern, the railings, the doors and windows, the cycle storage areas, the screening wall for the bin storage area and the landscaping of the site. Samples of the materials proposed to be used on the development have also been submitted. The materials are Heather Blend clay plain tile for the roof and cement render painted for the walls, both to match the existing materials. These details are considered to be acceptable, will ensure a cohesive development that would preserve the character and appearance of the host building and the Conservation Area and can be controlled by condition. During the course of the application, the applicant has offered to remove an existing satellite dish from the eastern elevation of the building. This can also be controlled by condition. The proposed development as a whole is considered acceptable and policy compliant in the above regards.

Impact on Residential Amenity

7.24 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

7.25 When planning permission was granted previously the officer's report stated:

"The proposed extension to increase the height of the roof of part of the building would be located some 7.1m from the rear boundary of the site, some 5.8m from the western boundary and some 12.7m from the eastern boundary. Given the position of this extension in relation to the existing nearby and adjoining dwellings it is considered that this part of the proposal would not result in any material harm to these residents in terms of dominance, an overbearing impact, overshadowing, loss of light and outlook or a material sense of enclosure.

The western extension proposed would be located some 13.7m from the rear boundary of the site and between 0.4m and 1m from the western boundary of the site. This part of the [proposal] would not extend beyond the rear wall of the dwelling to the immediate west and there are no flank windows in the eastern elevation of this adjoining dwelling. Given this and the roof design which slopes away from the neighbours, it is considered that this part of the proposal would not result in any material harm to these residents in terms of dominance, an overbearing impact, overshadowing, loss of light and outlook or a material sense of enclosure.

In terms of overlooking the additional windows and balconies on the front and eastern side of the building would overlook the public highway and public realm and as such would not result in any material harm in terms of overlooking and loss of privacy.

To the west it is proposed to provide an additional ground floor door, with the existing ground floor windows in this location removed and it is proposed to alter and re-use the first floor terrace area, with additional fenestration. The submitted plans indicate that the terrace will have obscure glazed privacy screens to the northern and western sides of the terrace. These screens are shown to have a height of some 1.6m. Subject

to a condition requiring the provision and retention of privacy screens measuring 1.7m in height, it is considered that this part of the proposal would not result in any material harm to the adjoining residents in terms of overlooking and loss of privacy whilst not providing substandard hotel accommodation. The western roof lights proposed are located above head height and as such would not result in any material overlooking or loss of privacy.

To the rear elevation a new fire escape door and first floor window are proposed. The eastern balconies also have the potential to provide views to the north. The additional fenestration proposed would be located approximately 7m from the rear boundary of the site and some 15m from the rear elevations of the dwellings to the north and is shown to be obscure glazed. Given the isolation spaces provided, the changes in levels with the dwellings to the rear on much higher ground level, the tight-knit pattern of development that characterises the Conservation Area, the existing, intervening boundary treatments, the extent of the existing fenestration and given the position and relationship of the proposed balconies to the adjoining dwellings, on balance, it is considered that the development would not result in any material overlooking or loss of privacy to the rear in this respect subject to conditions requiring the additional second storey rear window to be obscure glazed and requiring a privacy screen, of an appropriate design to the northern edge of the eastern balcony.

Given the previous use of the site as a public house, it is considered that the proposed hotel would not result in material harm to the adjoining occupiers in terms of noise and disturbance over and above the former and potential activity associated with that lawful use of the site. The parking to the rear given its limited size and scale is not considered to result in material harm to the adjoining residents in terms of noise and disturbance. Given that there were existing terraces to the rear and given that the rear terraces are to be enclosed by new privacy screens, on balance, it is considered that, subject to conditions, the balconies would not result in any material harm to the residential amenity of the adjoining residents in terms of noise and disturbance. The other terraces are found to be acceptable in this regard as proposed by virtue of the design approach taken.

Having taken account of the concerns raised through the consultation process, the development is considered to be acceptable and policy compliant in the above regards."

- 7.26 The above comments are relevant to this application, as these approved aspects are also part of this proposal. The additional upper floor extension to the rear of the eastern part of the building would be located approximately 6.9m from the rear boundary of the site, some 11.8m from the western boundary and approximately 7.4m from the eastern boundary. It would be served by a window to the eastern elevation of the site. This extension would not worsen the relationship of the building with the neighbouring properties and it would not result in material harm to the amenity of neighbouring occupiers in terms of dominance and overpowering, overshadowing, loss of light and outlook or a sense of enclosure.
- 7.27 Details have been submitted for the screen around the western terrace. The submitted plans show that the terrace will have obscure glazed privacy screens to the northern and western sides. These screens would be a maximum height of 1.8m with glazing at minimum level 4 of Pilkington scale. The screens would have a chamfered corner between the rooms. Subject to a condition requiring the provision and retention of

privacy screens in line with the approved plans, it is considered that this part of the proposal would not result in any material harm to the amenity of adjoining residents in terms of overlooking and loss of privacy whilst not providing substandard hotel accommodation as per the findings in the previous decision.

- 7.28 Representations received by neighbouring occupiers raised concerns that the proposal would result in unacceptable intrusion on the privacy of neighbouring occupiers and would result in overshadowing of neighbouring properties. The approved development has already been found to be acceptable in terms of its impact to the amenity of neighbouring occupiers. The additional extension now proposed would overlook the public highway and by reason of its scale and siting, would not result in any material overshadowing. The proposal is acceptable and policy compliant in terms of its impacts on neighbour amenity in all relevant regards.

Traffic and Transportation Issues

- 7.29 Policy DM15 of the Development Management Document states: "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". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.

- 7.30 The adopted parking standards require the provision of a maximum of 1 parking space per 5sqm for Class A4 drinking establishments and a maximum of 1 space per bedroom for Class C1 hotels. The existing public house therefore has a maximum parking requirement of 122 parking spaces and the proposed development has a maximum parking requirement of 15 spaces. When the previous planning application was determined by the Local Authority, the maximum parking requirement for the approved development was 14 spaces. The following were considered:

"The proposed development would provide 7 off-street parking spaces and includes a hotel drop off-point. The highways team have commented that the build out proposed is positive and will improve sightlines for vehicles within the area. A Traffic Regulation Order will be required which will allow the Highway Authority to introduce a formal parking area and provide a safer exit point into Leigh Hill. The Highways Team concludes that the parking provision and highway treatment outside the frontage of the site is acceptable.

The neighbour concerns raised are noted, but given the comments received from the Highways Team, the previous use and parking requirements on the site and the sustainable location of the site, with good public transport links in close proximity to the site, it is considered that the development would provide adequate parking provisions for the development and will not have a detrimental impact upon the highway safety."

- 7.31 These comments are still relevant for this application and carry substantial weight. It is not considered that the one additional room and associated requirement for one additional space when compared to the approved scheme would be sufficient to justify the refusal of the proposal. The lawful use of the site as a pub could attract significantly more vehicle movements and create substantially greater demand for parking in the area. The proposed parking arrangements would be 8 parking spaces less than the Council's maximum standard. The location is sustainable, in the vicinity

of the train station and near well serviced bus routes. In addition there are public parks available in close proximity of the application site. The highways team raised no objection. The proposal is acceptable and policy compliant in terms of its impacts on highway safety, the free flow of traffic and its parking provision.

- 7.32 When considering the now approved application, it was considered necessary to impose a condition to require provision for and details of cycle storage for at least four bicycles. The submitted plans include details of two sheds which would accommodate two cycle storage spaces each. The submitted details are acceptable.

Refuse and Recycling Storage

- 7.33 The submitted plans show refuse and recycling store areas to the rear of the application site. Details of screening for the storage areas have also been submitted. The Council's Waste Management Guide requires that refuse storage is located in a convenient location for collection and offers sufficient capacity for the intended use. It is considered that the proposed arrangements would result in an easily accessible area and would offer sufficient capacity for the proposed hotel use. Furthermore, with the proposed screen, the proposed storage would not detrimentally impact the character and appearance of the application site, the streetscene and the wider area, including Leigh Conservation Area. Subject to a condition requiring the provision of the storage prior to the first use of the proposed development, these details are acceptable and policy compliant.

Community Infrastructure Levy (CIL)

- 7.34 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 120m², which may equate to a CIL charge of approximately £1,467.69 (subject to confirmation).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the basis of the July 2019 planning permission for a 14-bed hotel and the representations received on the amended application, 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 have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene, the locality more widely and would preserve the character and appearance of the Leigh Conservation Area. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

9 Recommendation

- 9.1 **GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 1813 10E, 1813 11, 1813 12G, 1813 13B, 1813 14K, 1813 17E, 1813 18B, 1813 19, 1813 20B, 1813 21, 1813 25B, 1813 26B, 1813 27B and 1813 29.**

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

- 03 The development hereby approved shall only be used as a hotel within Use Class C1 and shall not be used for any other purposes including any other purposes within the Town and Country Planning (Use Classes) Order 1987 (as amended) or 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.**

Reason: To determine the scope of the permission and in the interests of the character and appearance of the area and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), 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).

- 04 The materials used on the external surfaces of the walls and roof of the development hereby approved shall only be in accordance with the samples submitted with the application, namely Heather Blend clay plain tile for the roof and cement render painted for the walls, both to match the existing materials on site.**

Reason: To safeguard the character and appearance of the area and the Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 05 The proposed works to the chimneys on site shall be undertaken only in full accordance with the details shown on approved plans 1813 27B and 1813 29 retaining the original pots and using materials on the external surfaces to match the existing chimneys.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 06** Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the lintels and timber boarding to be installed as part of the development hereby approved shall match those on the existing building. These works must be carried out and completed in full accordance with the approved details before the development hereby approved is first used.

Reason: To ensure the development suitably preserves and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 07** The windows and doors installed shall be of painted timber and shall accord with the details shown on the approved plans 1813 17E, 1813 18B and 1813 14K. The windows and French doors shall be painted in Dulux Heritage Roman White with black outer frames to match existing fenestration. The main entrance doors to the front and eastern elevation shall be painted black. These arrangements shall be retained in perpetuity.

Reason: To ensure the development suitably preserves and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 08** The balcony on the front elevation hereby approved shall be constructed and completed in full accordance with the details shown on the approved plan 1813 20B. The cantilevered balcony on the eastern elevation hereby approved shall match in detailing the balcony on the front elevation in accordance with the details shown on the approved plan 1813 20B. The balconies shall be provided before the development hereby approved is brought into first use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 09** The works for the balustrades and railings to be affixed to the glazed bricks shall be carried out and completed in full accordance with the details shown on the approved plan 1813 27B before the development hereby approved is brought into first use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 10 Before the development hereby approved is brought into first use the lantern, details of which are shown on the approved plan 1813 21, shall be installed on site as shown on the approved plan 1813 14K and retained as such thereafter.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 11 Before the development hereby approved is brought into first use the satellite dish shall be removed from the eastern elevation of the building.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 12 Before the development hereby approved is brought into first use, the rear extension over the eastern part of the building hereby approved shall be constructed and completed with eaves detailing that matches the existing detailing and shall be retained as such thereafter.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 13 The development shall not be first used unless and until the privacy screen around the northern terrace, as shown on the approved plan 1813 14K and in line with the details shown on the approved plan 1813 27B, which states that the glazing would be minimum level 4 of the Pilkington scale, has been implemented in full accordance with the above details and specifications approved. Thereafter, the screen around the balcony shall be permanently retained in accordance with the approved details in perpetuity.**

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 14 The second floor north facing (rear) window shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor**

level of the room. 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 15 The ground floor bar area hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2300 hours on any day.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 16 Deliveries to and refuse and recycling collection from the premises shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.**

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

- 17 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 level as measured at 1m from the facades of the neighbouring 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).

- 18 The soft landscaping within planters and pots as shown on approved plans 1813 14K, 1813 19 and in line with the details contained on the approved plan 1813 26B shall be implemented in complete accordance with the approved details prior to the first use of any part of the development hereby approved and maintained as such thereafter.**

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).

- 19 The hard landscaping, including treatment of hard surfaces shown on approved plan 1813 26B and boundary wall shown on approved plan 1813 19 shall be**

implemented in full accordance with the approved scheme prior to the first use of any part of the development hereby approved and retained as such in perpetuity.

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).

- 20 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, no privacy screen shall be installed between the rooms on the terrace to the front of the premises facing New Road.**

Reason: To safeguard the character and appearance of the area and the Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 21 The development shall not be first used unless and until 7 on site car parking spaces and the hotel drop off point have been provided and made available for use in full accordance with the details shown on approved plans, including drawing 1813 10E. The parking spaces and drop off point shall be permanently maintained thereafter solely for use by users 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).

- 22 The development shall not be brought into first use unless and until the 4 secure, covered cycle parking spaces to serve the development shown on the approved plan 1813 25B have been provided on site and made available for use in line with the approved plans. The approved cycle parking spaces shall thereafter be permanently maintained solely for use by users of the development.**

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

- 23 The development shall not be first used unless and until the refuse and recycle stores to serve the development as shown on drawings 1813 10E and 1813 21 have been provided at the site and made available for use by users of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose.**

Reason: To ensure that satisfactory refuse and recycling facilities are proposed 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).

- 24 Demolition or construction works associated with this permission shall not take**

place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

Informatives:

- 1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the [Planning Portal \(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy\)](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council 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 granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each.

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.**

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Delegated Report

Reference:	19/00757/FUL
Application Type:	Full Application
Ward:	Leigh
Proposal:	Change of use of former Public House (Class A4) to 14 bedroom Hotel (C1), erect 2 storey side extension to west side of building, raise roof ridge height and erect second floor rear extension, refurbish and alter elevations, install railings to terrace areas and balconies, erect external fire escape staircase to rear, repair existing boundary wall to front, layout 7 parking spaces and form hotel drop off point to front
Address:	The Ship Hotel, New Road, Leigh-On-Sea
Applicant:	Mr P Barthaud
Agent:	Mr Colin Stone of Stone Me Ltd
Consultation Expiry:	6th June 2019
Expiry Date:	2nd July 2019
Case Officer:	Charlotte White
Plan Nos:	1813 10A, 1813 11, 1813 12C, 1813 13, 1813 14D, 1813 17D, 1813 18A, 1813 19, 1813 20B, 1813 21, 1813 22
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions

1 Site and Surroundings

- 1.1 The application site is located on the northern side of New Road and is currently occupied by a vacant, detached public house. To the immediate east, north and west of the site are residential dwellings. The railway line is located to the south, opposite the site. The existing building is 2 to 3 storeys in scale.
- 1.2 The ship is described within the Leigh Conservation Area Appraisal as *'Early 20th-century Tudor style road house, false timber-framing, cream painted render, bright red painted brickwork with dark green glazed voussoirs over windows, original timber windows, machine made tiles probably original. Picnic tables outside. Built on the site of the original Ship Hotel/Inn which dated from 17th century'*
- 1.3 The site has no specific policy designation within the Development Management's Proposal Map. The site is located within the Leigh Conservation Area. The application building is not a listed or locally listed building and is located outside of the area subject of an Article 4 direction. The site is not located within an area of medium or high probability of flood risk (flood risk zones 2 and 3).

2 The Proposal

- 2.1 Planning permission is sought to change the use of the site from a public house (Class A4) to a 14-bedroom hotel (Class C1). It is also proposed to erect a 2 storey extension to the west of the building, raise the roof height and erect a second floor extension, refurbish and alter the elevations, install balconies and railings to terraces, repair the existing front boundary wall, layout 7 parking spaces and form a hotel drop off point to the front of the site.
- 2.2 The proposed roof extension would increase the height of one of the existing front gables from some 10m to some 11.8m. The proposed western extension measures some 3m x 4.2m with a height of some 7.5m.
- 2.3 The existing terraces will be altered and reused to provide private terraces to some of the bedrooms and first floor balconies are proposed to the front and eastern elevations.
- 2.4 A number of alterations to the elevations are proposed including new and altered fenestration, increase in the size of the front terrace and remove the blocks, and finish with cement render. It is also proposed to restore the original glazed brickwork and provide new and amended fire escapes.
- 2.5 7 parking spaces are proposed at the site; 5 to the rear of the site and 2 to the eastern side of the site. A hotel drop off area is also proposed to the east of the site. An external refuse store is proposed to the rear.
- 2.6 The application has been submitted with a Design and Access Statement and a Heritage Statement.

3 Relevant Planning History

- 3.1 None

4 Representation Summary

4.1 Public Consultation

48 neighbour letters were sent out, a site notice was displayed and the application was advertised in the press. 11 letters of representation have been received which make the following summarised objections

- Design proposed unacceptable and harmful to the area
- Residential amenity concerns.
- Terraces to rear and side provide very little amenity to the hotel customers and overlook houses, gardens and habitable rooms and are an unacceptable intrusion to privacy
- Loss of light including as a result of the raised roof blocking light from gardens, kitchen and upstairs and all rear windows. Loss of sunlight and overshadowing. Dominates the view.
- Proposal overbearing.
- Noise from guests and parking will impact neighbours
- Overdevelopment. Too many rooms within the existing building envelope and too small a plot
- Concerns relating to the height and size of the proposed extensions. Would dwarf its neighbours. Out of place in a residential area and in the Conservation Area.
- Request rear windows are not clear glazed to protect privacy
- Insufficient access arrangements and parking
- Lack of parking causing overcrowding of local car parks and the car park opposite where there is already a parking issue. Loss of parking in the road set back area meaning people can't park near their homes. Ship landlady previously lived on site and had minimal staff. Parking is already difficult and this proposal will make the situation worse. Insufficient parking for staff (day and night) and the number of rooms. Insufficient space to turn vehicles means some parking spaces are not usable and will be dangerous and could be used for bin storage, etc. Insufficient space for delivery/collection of goods. Loss of two public parking spaces to have drop off point in an area that lacks parking. Highway safety concerns as a result of guests driving along looking for the hotel. Highway safety concerns due to location on a bend with an adjacent road junction. Concerns if several guests arrive at the same time on this blind bend. No drop off proposed. Accidents in the location. Coach and vehicle drop off occurs in this location
- Too many changes to exterior losing the character of the building
- Highly likely to create additional jobs and journeys to the site. An impact statement in this respect should be submitted.
- Queries relating to land ownership and whether access is part of the site.
- Queries relating to how cars access the hotel drop off point
- Inaccuracies in submission including questions 18 and 20 of the application form and inaccuracies on submitted plans. **[Officer comment: the information and plans submitted are sufficient to determine the application]**
- Concerns that no pre-application advice was sought
- Concerns relating to inadequacy of heritage statement submitted
- No evidence has been provided to support statement that 14 rooms is the minimum capacity needed economically.
- The additional two rooms at second floor will be expensive to build and have a major impact on the means of escape and circulation arrangements

- Concerns relating to access for people with disabilities and includes narrow corridors and additional fire lobbies and too many rooms
- No further roof height permissions should be subsequently allowed
- Loss of a view
- Some support is expressed for the use of the site as a hotel but concerns are raised generally to the size of the development, residential amenity, parking etc , as summarised above

4.2 1 letter of support has been received which makes the following summarised comments.

- Provision of a hotel in Leigh is overdue
- Many nearby homes are small and struggle to accommodate visiting families.
- Plans look sympathetic to surrounding area and should tidy up a corner which has become rundown.
- There is a nearby station with its car park, the provision of parking at the hotel should be adequate. Suggests a drop off place would be useful
- Parking is an issue in Leigh but so is the lack of a hotel

4.3 The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.4 **Leigh Town Council**

Object to the development because whilst keen to see an accommodation provision in Leigh and refurbishment of the building, the application is considered an overdevelopment of the site and does not respect its surroundings in terms of height and bulk. It would not contribute positively to the space between buildings and its relationship to the public realm. The application does not protect the amenity of immediate neighbours and surrounding area and is therefore overall contrary to Policy DM1 of the Development Management Document. 14 bedrooms was considered too many as with guests and employees, it will add to the parking stress in the immediate area with only the provision of 7 spaces.

4.5 **Design and Conservation Team**

Following initial comments from this team, amended plans were submitted to address the concerns raised.

4.6 **Anglian Water**

No objection subject to conditions and informatives

4.7 **Environmental Health Team**

No objections subject to conditions.

4.8 **Highways Team**

No objection

4.9 **Essex Police**

No objection.

5 **Planning Policy Summary**

- 5 1 The National Planning Policy Framework (NPPF) (2019)
- 5 2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure)
- 5 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), DM5 (Southend-on-Sea's Historic Environment), DM12 (Visitor Accommodation), DM10 (Employment Sectors), DM15 (Sustainable Transport Choices)
- 5 4 Design & Townscape Guide (2009)
- 5 5 Leigh Conservation Area Appraisal (2010)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the site, the wider surrounding area and the Conservation Area, residential amenity, parking and highways considerations and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

- 7 1 Paragraph 117 of the NPPF states *'planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*
- 7.2 Policy KP2 of the Core Strategy states that all new development should *'make the best use of previously developed land, ensuring that sites and buildings are put to best use.'* Policy CP4 of the Core Strategy requires development proposals to *'maximise the use of previously developed land...and promote good, well-designed, quality, mixed use development'* Similarly Policy DM3 of the Development Management Document states that *'The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner..'*
- 7 3 Paragraph 92 of the NPPF states *'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ...plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments..'*
- 7 4 Policy DM12 of the Development Management Document states that *'New visitor accommodation will be focused within the Southend Central Area, London Southend Airport area and at locations with good access and a clear and strong relationship with*

the Seafront. Proposals must relate well to strategic routes and the distributor road network, have good public transport accessibility and meet the requirements of other relevant planning policies'

- 7.5 Policy DM12 states *'Tourism and cultural industries within Southend are important for sustained economic growth in the Borough Visitor accommodation is an important part of the tourism sector...there are opportunities in Southend to develop this sector. '*
- 7.6 Policy CP6 of the Core Strategy states *'Development proposals must mitigate their impact on community infrastructure.. by. .safeguarding existing and providing for new leisure, cultural, recreational and community facilities...'*
- 7.7 The information submitted with the application states *'The building was originally used as a mansion house before being transformed into an inn which included guest rooms above in circa 1828.. Throughout the course of its life the guest rooms were lost as it continued use as a public house and live music venue until most recently when it closed in March 2017 '* The application states that this development will provide a hotel in Leigh, whereby there are none currently
- 7.8 The application site is not located within the Southend Central Area or the London Southend Airport area, but is located close to Old Leigh and its seafront area at Bell Wharf The preamble to Policy DM12 states *'the Seafront will not be considered as a defined area but as relating to an area that clearly has a strong relationship with the Seafront This relationship will be considered on a site-by-site basis and will take account of an area's function and connectivity with the Seafront and superficially whether there are clear, convenient and direct walking routes to the Seafront...'* Old Leigh is a popular destination that does attract visitors to the area. The Ship is located on the northern side of the railway line, however there is a pedestrian footpath located to the south of The Ship and in very close proximity to The Ship which provides direct pedestrian access, including for disabled users, over the railway and into Old Leigh and the Bell Wharf Seafront area As such it is considered that the site can be considered to have a strong relationship to the Seafront Given that policy DM12 does permit new visitor accommodation in areas with good access to and a strong relationship with the Seafront, which is the case in this instance and given the previous, historic use of the site as an Inn, no objection is raised to the principle of providing a hotel in this location.
- 7.9 The development would result in the loss of a public house Public houses are an important community facility and any loss of these facilities therefore needs careful consideration. In this instance, given that the public house has been vacant for a significant length of time, with the submission stating that the site has been vacant since March 2017, given that the ground floor retains a bar area which the agent has confirmed will be open to the public and given that there are a number of public houses retained within Old Leigh to the south of the site, on balance, it is considered that the development proposed would not result in an unacceptable loss of community facilities within the area.
- 7.10 There is therefore no objection to the principle of the development, subject to other detailed considerations as outlined below

Design and Impact on the Character of the Area and the Leigh Conservation Area

- 7.11 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"*

- 7.12 Paragraph 124 of the National Planning Policy Framework 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'*

- 7.13 In the Council's Development Management Document Policy DM1 states that development should *"add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."*

- 7.14 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"*.

- 7.15 The Design and Townscape Guide states that *"The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant. . the easiest option is to draw reference from the surrounding buildings."*

- 7.16 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas

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

- 7.18 Paragraphs 195 and 196 of the NPPF states *'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 if necessary to achieve substantial public benefits that outweigh that harm or loss. .Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

- 7.19 Policy DM5 of the Development Management Document states *'Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or*

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

- 7 20 As amended during the course of the application, the proposed extensions to the building are considered to be of an acceptable overall design. The proposed roof addition would be subservient to the main building and includes vertical timber panels to match the existing, adjoining gable. The western extension has also been designed to be subservient to the main building and would not be particularly visible from the streetscene. These additions are considered acceptable and would preserve the character and appearance of the host building, the wider surrounding area or the Conservation Area.
- 7 21 The changes proposed to the elevations and the more detailed elements of the design and layout, including the fenestration alterations and balconies are considered to be acceptable following the submission of amended plans and will ensure a cohesive development that would preserve the character and appearance of the host building, the wider surrounding area or the Conservation Area.
- 7.22 The proposed development is considered to preserve the character and appearance of the Conservation Area, in accordance with National and Local Planning Policy.
- 7.23 Having taken account of the concerns raised in the responses received, the development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7 24 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7 25 The proposed extension to increase the height of the roof of part of the building would be located some 7.1m from the rear boundary of the site, some 5.8m from the western boundary and some 12.7m from the eastern boundary. Given the position of this extension in relation to the existing nearby and adjoining dwellings it is considered that this part of the proposal would not result in any material harm to these residents in terms of dominance, an overbearing impact, overshadowing, loss of light and outlook or a material sense of enclosure.
- 7 26 The western extension proposed would be located some 13.7m from the rear boundary of the site and between 0.4m and 1m from the western boundary of the site. This part of the proposed would not extend beyond the rear wall of the dwelling to the immediate west and there are no flank windows in the eastern elevation of this adjoining dwelling. Given this and the roof design which slopes away from the neighbours, it is considered that this part of the proposal would not result in any material harm to these residents in terms of dominance, an overbearing impact, overshadowing, loss of light and outlook or a material sense of enclosure.

- 7 27 In terms of overlooking the additional windows and balconies on the front and eastern side of the building would overlook the public highway and public realm and as such would not result in any material harm in terms of overlooking and loss of privacy
- 7 28 To the west it is proposed to provide an additional ground floor door, with the existing ground floor windows in this location removed and it is proposed to alter and re-use the first floor terrace area, with additional fenestration. The submitted plans indicate that the terrace will have obscure glazed privacy screens to the northern and western sides of the terrace. These screens are shown to have a height of some 1.6m. Subject to a condition requiring the provision and retention of privacy screens measuring 1.7m in height, it is considered that this part of the proposal would not result in any material harm to the adjoining residents in terms of overlooking and loss of privacy whilst not providing substandard hotel accommodation. The western roof lights proposed are located above head height and as such would not result in any material overlooking or loss of privacy
- 7.29 To the rear elevation a new fire escape door, and first floor window are proposed. The eastern balconies also have the potential to provide views to the north. The additional fenestration proposed would be located approximately 7m from the rear boundary of the site and some 15m from the rear elevations of the dwellings to the north and is shown to be obscure glazed. Given the isolation spaces provided, the changes in levels with the dwellings to the rear on much higher ground level, the tight-knit pattern of development that characterises the Conservation Area, the existing, intervening boundary treatments, the extent of the existing fenestration and given the position and relationship of the proposed balconies to the adjoining dwellings, on balance, it is considered that the development would not result in any material overlooking or loss of privacy to the rear in this respect subject to conditions requiring the additional second storey rear window to be obscure glazed and requiring a privacy screen, of an appropriate design to the northern edge of the eastern balcony.
- 7.30 Given the previous use of the site as a public house, it is considered that the proposed hotel would not result in material harm to the adjoining occupiers in terms of noise and disturbance over and above the former and potential activity associated with that lawful use of the site. The parking to the rear given its limited size and scale is not considered to result in material harm to the adjoining residents in terms of noise and disturbance. Given that there were existing terraces to the rear and given that the rear terraces are to be enclosed by new privacy screens, on balance, it is considered that, subject to conditions, the balconies would not result in any material harm to the residential amenity of the adjoining residents in terms of noise and disturbance. The other terraces are found to be acceptable in this regard as proposed by virtue of the design approach taken
- 7 31 Having taken account of the concerns raised through the consultation process, the development is considered to be acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7 32 Policy DM15 of the Development Management Document states *'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'*

- 7 33 The adopted parking standards require the provision of a maximum of 1 parking space per 5sqm for Class A4 drinking establishments and a maximum of 1 space per bedroom for Class C1 hotels. The existing public house therefore has a maximum parking requirement of 122 parking spaces and the proposed development has a maximum parking requirement of 14 spaces.
- 7 34 The proposed development would provide 7 off-street parking spaces and includes a hotel drop off-point. The highways team have commented that the build out proposed is positive and will improve sightlines for vehicles within the area. A Traffic Regulation Order will be required which will allow the Highway Authority to introduce a formal parking area and provide a safer exit point into Leigh Hill. The Highways Team concludes that the parking provision and highway treatment outside the frontage of the site is acceptable.
- 7 35 The neighbour concerns raised are noted, but given the comments received from the Highways Team, the previous use and parking requirements on the site and the sustainable location of the site, with good public transport links in close proximity to the site, it is considered that the development would provide adequate parking provisions for the development and will not have a detrimental impact upon the highway safety.
- 7.36 The adopted parking standards require the provision of 1 covered and secure cycle parking space per 5 staff plus 1 space per 10 bedrooms. As would be expected at this stage it is not known how many staff will be employed as a result of the development. Given the number of bedrooms proposed, it would be reasonable to require the provision of a minimum of 4 cycle parking spaces which can be secured via planning condition. Subject to such a condition no objection is raised on this basis.

Community Infrastructure Levy (CIL)

- 7.37 As the proposed extension(s) or change of use to the property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

8 Conclusion

- 8 1 Having taken all material planning considerations into account, including the representations received, 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 have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene, the locality more widely and would preserve the character and appearance of the Leigh Conservation Area. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02** The development shall be carried out in accordance with the approved plans: 1813 10A, 1813 11, 1813 12C, 1813 13, 1813 14D, 1813 17D, 1813 18A, 1813 19, 1813 20B, 1813 21, 1813 22.

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 appropriately sized samples of the materials to be used for all the external surfaces of the development 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 before the development hereby approved is first occupied.

Reason: To safeguard character and appearance of the area and the Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 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 the development shall not be first occupied unless and until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces and all means of enclosing the site.

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, Policies DM1 and DM3 of the Development Management.

- 05** All planting in the approved landscaping scheme shall be carried out within the first available planting season following first use of the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to first use of any part of the development hereby approved.

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

- 06 The development shall not be first used unless and until 7 on site car parking spaces and the hotel drop off point have been provided and made available for use in full accordance with drawing number 1813 10. The parking spaces and drop off point shall be permanently maintained thereafter solely for the use of users 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).

- 07 The development shall not be brought into first use unless and until a minimum of 4 secure, covered cycle parking spaces to serve the development have been provided on site, and made available for use, details of which shall have previously been submitted to and approved in writing by the local planning authority. The approved cycle parking spaces shall thereafter be made available and shall be permanently maintained solely for the use of users of the development.**

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

- 08 The development shall not be first used unless and until the refuse and recycle store to serve the development as shown on drawings 1813 10A and 1813 21 have been provided at the site and made available for use for users of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose.**

Reason: To ensure that satisfactory refuse and recycling facilities are proposed in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 09 The ground floor bar area hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2300 hours on any day.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

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

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

- 15 No works to the chimneys shall be undertaken unless and until full details of the rebuilt chimneys have previously been submitted to and approved in writing by the local planning authority. The works must then be carried out only in full accordance with the approved details.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 16 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the lintels and timber boarding installed shall match the existing building and the windows installed shall be of a timber construction in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The works must be carried out in full accordance with the approved details before the development hereby approved is first used.**

Reason: To ensure the development suitably preserves and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 17 The balustrades and railings to be affixed to the glazed bricks shall not be installed unless and until full details of how the railing and balustrades will be fixed to the glazed bricks have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the development hereby approved is brought into first use.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the conservation area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 18 The second floor north facing (rear) window 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 be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room. 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development

- 11 Refuse and recycling collection and deliveries to the approved premises shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.**

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

- 12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development shall not be first used unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens, which shall be a minimum of 1.7m in height to be installed at the property. Before the development hereby approved is first used the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy 92007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 13 The development hereby approved shall only be used as a hotel within Use Class C1 and shall not be used for any other purposes including any other purposes within the Town and Country Planning (Use Classes) Order 1987 (as amended) or 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.**

Reason: To determine the scope of the permission and in the interests of the character and appearance of the area and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), 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).

- 14 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 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).

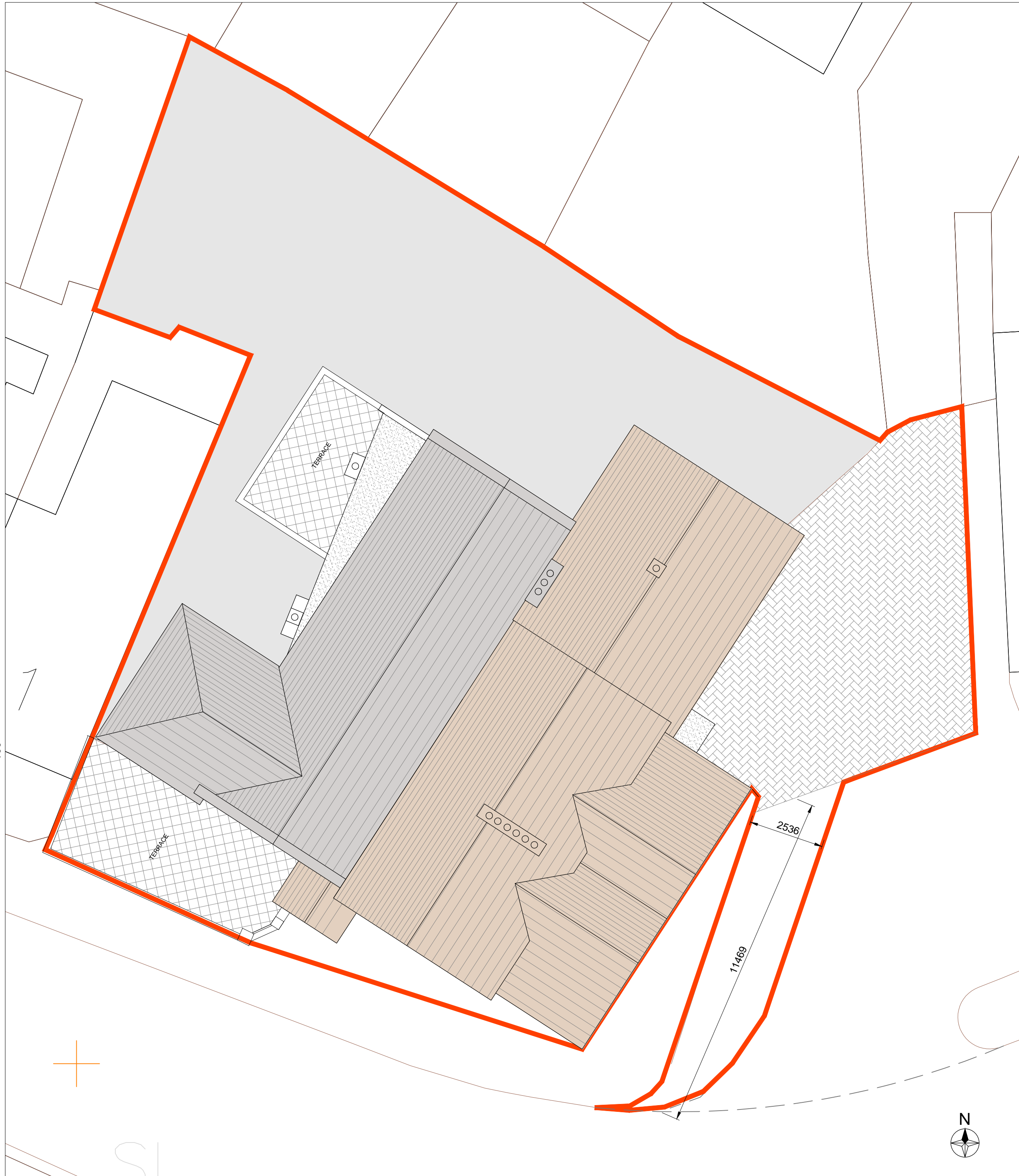
Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

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

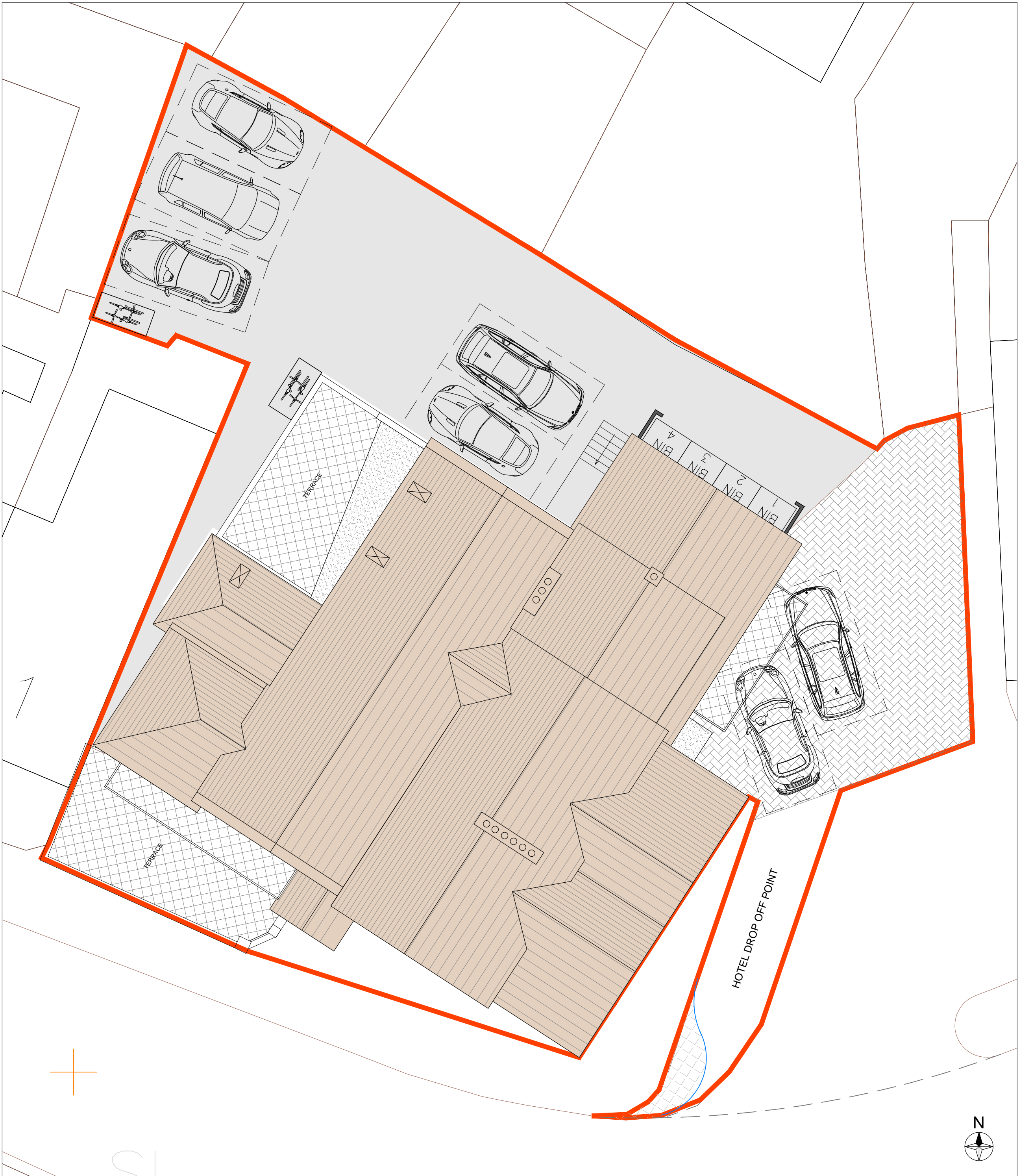
Informatives:

- 01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

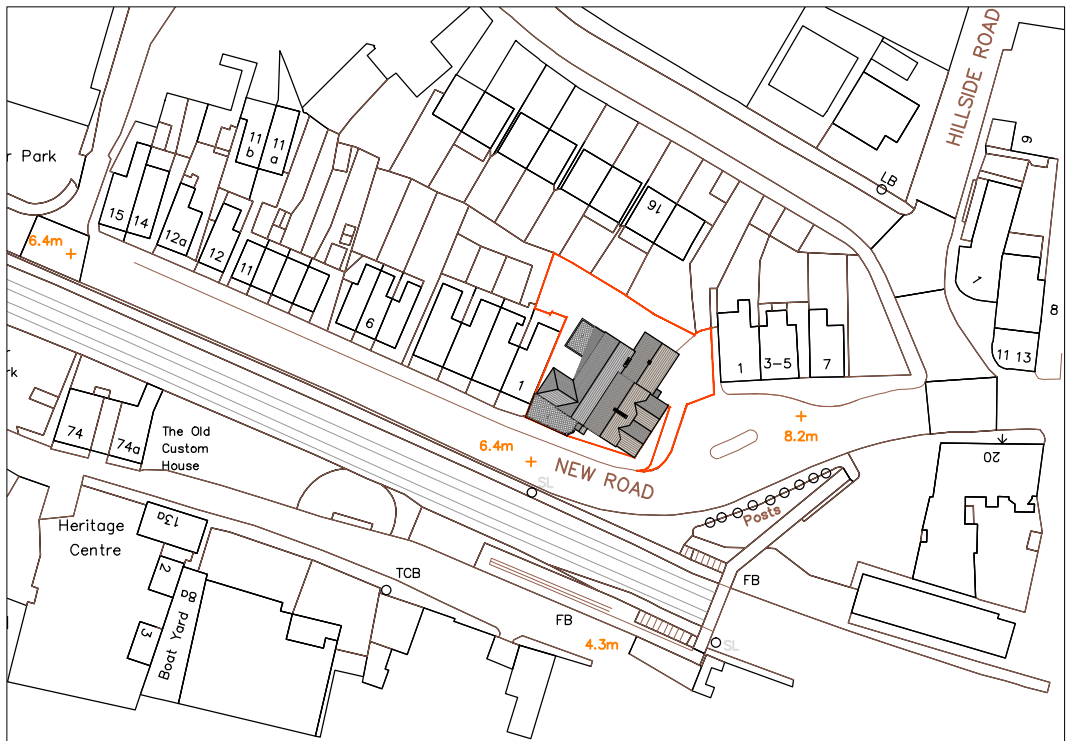
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Existing Site Plan
Scale 1:100



Proposed Site Plan
Scale 1:100



Location Plan
Scale 1:1250

The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

This drawing must be read with and checked against any structural or other specialist drawings provided.

Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.

The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.


This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.

This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation.

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architectural & interior design

5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client:	EAST ANGLIA PUB CO					
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA					
Drawing:	SITE PLANS					
Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
Date:	19.09.2019			Scale:	Varies @ A1	
Project No.:	1813			Drawing No.:	10E	



1:100 0m 1 2 3 4 10.0m

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Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.

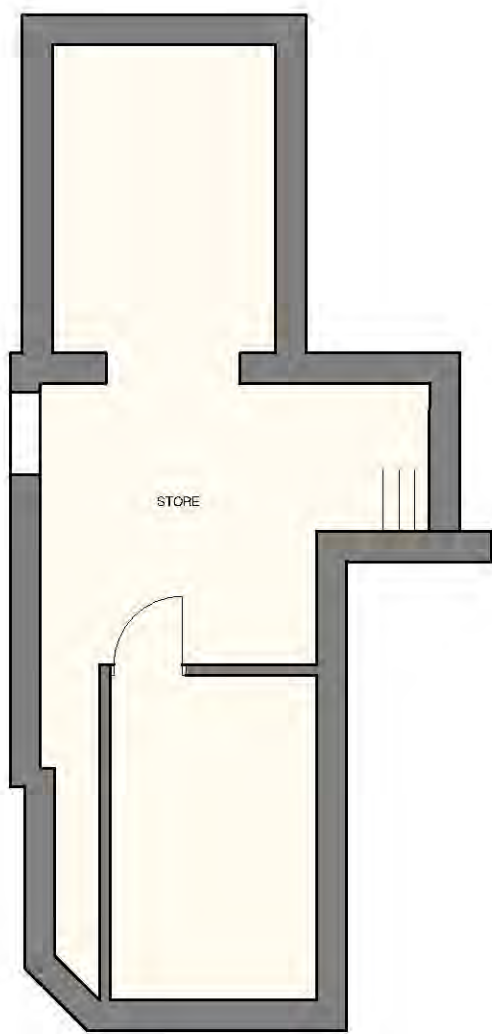
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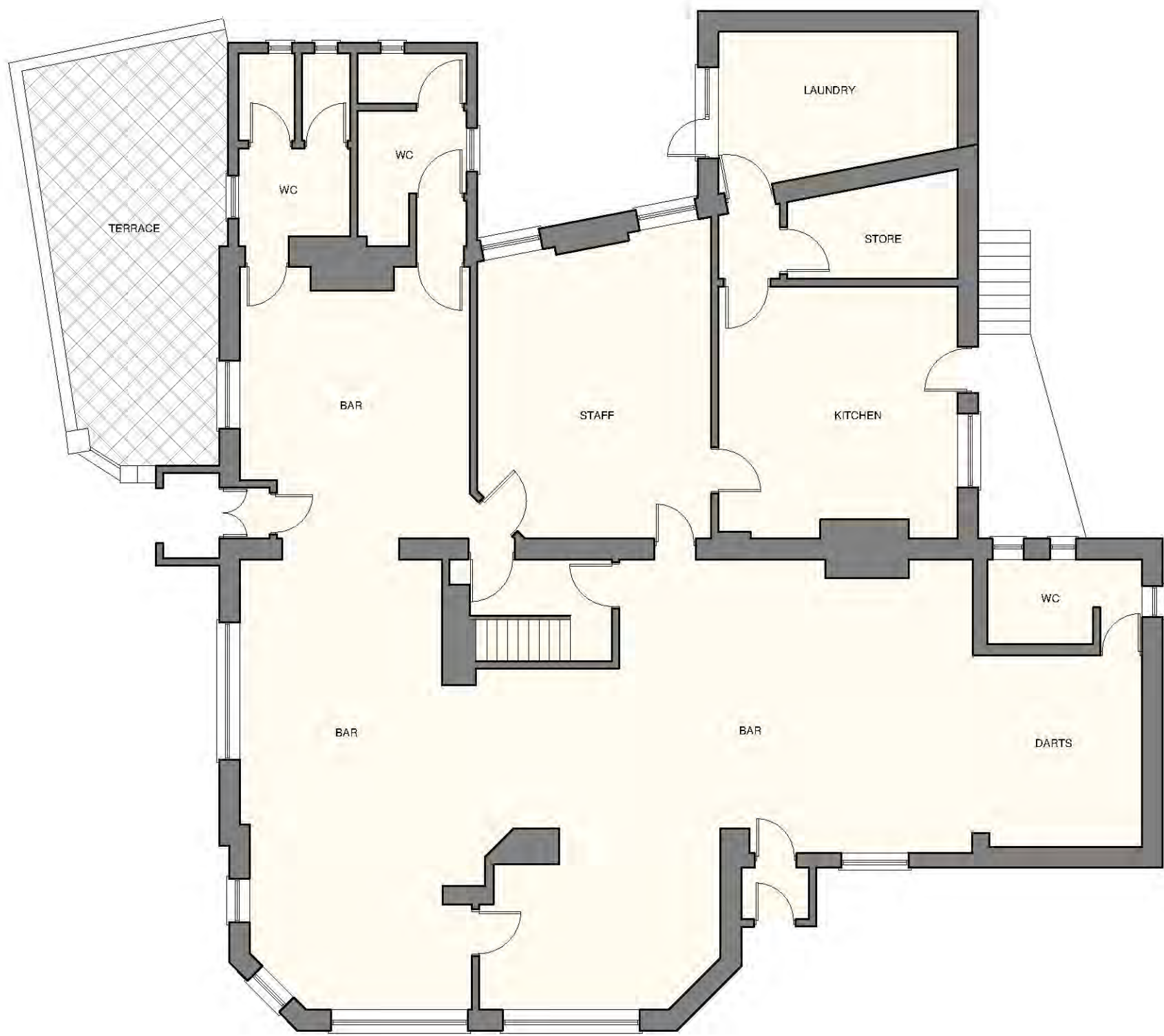
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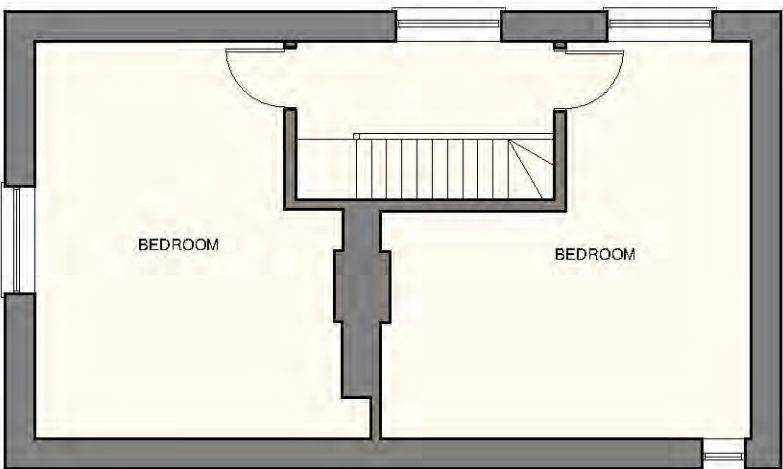
Existing Basement Plan
Scale 1:100



Existing Ground Floor Plan
Scale 1:100



Existing First Floor Plan
Scale 1:100



Existing Second Floor Plan
Scale 1:100

REV:	DATE:	AMENDMENT:
<div><p>architectural & interior design</p><p>5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com</p></div>		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	EXISTING LAYOUT PLANS	
Issue:	Client	Pre-App
Date:	18.04.2019	Scale: 1:100 @ A1
Project No.:	1813	Drawing No.: 11
<div><p>1:100 0m 1 2 3 4 10.0m</p></div>		

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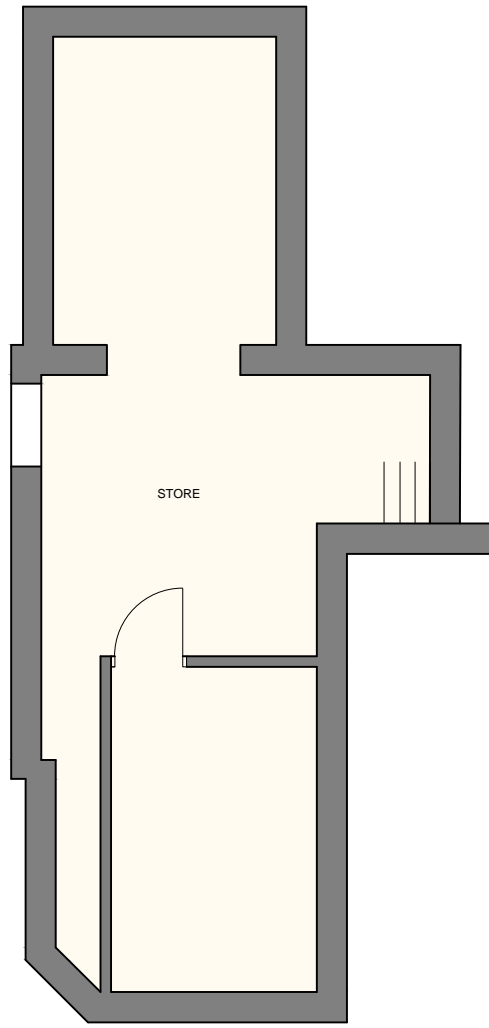
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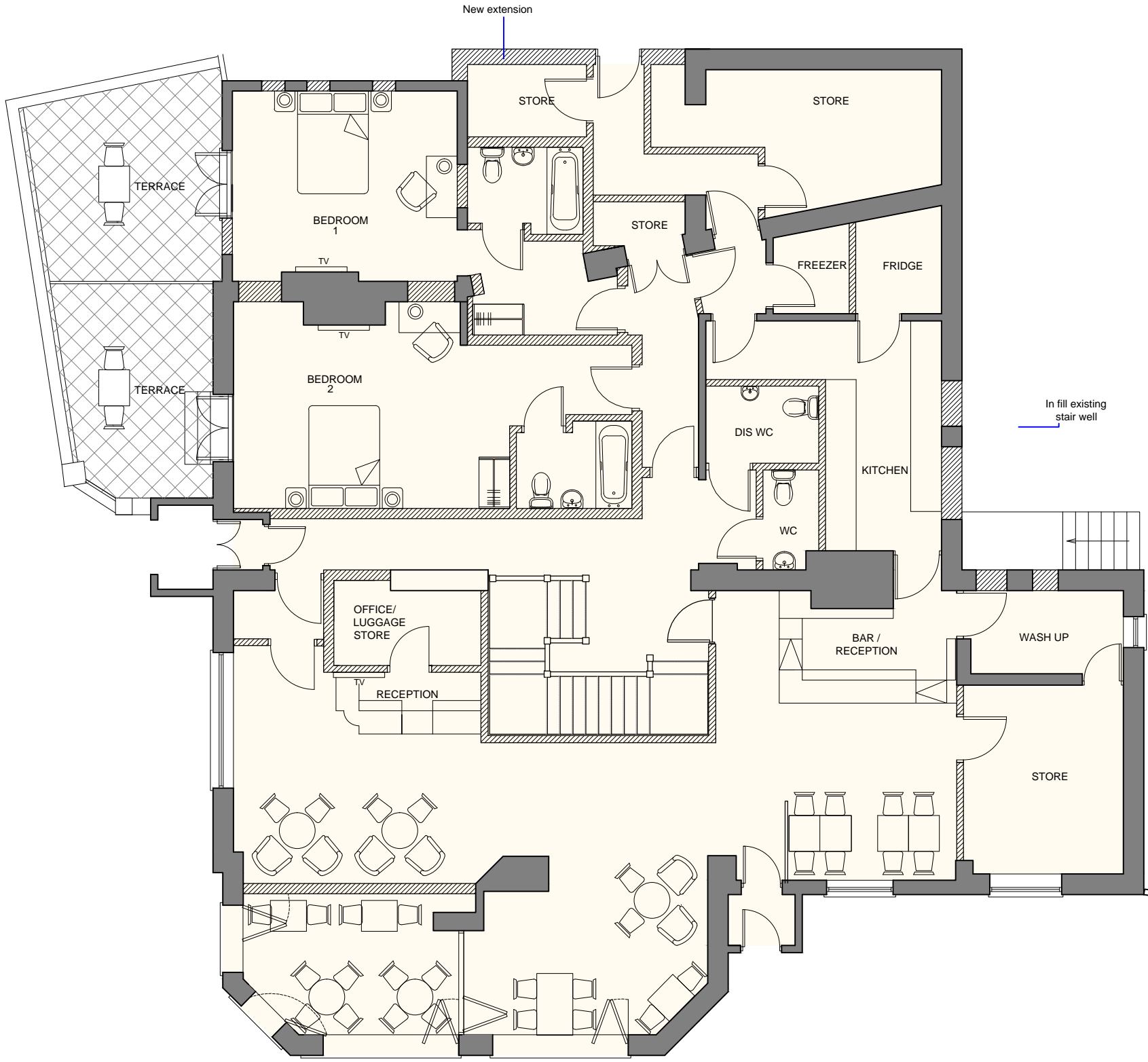
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365



Proposed Basement Plan

Scale 1:100



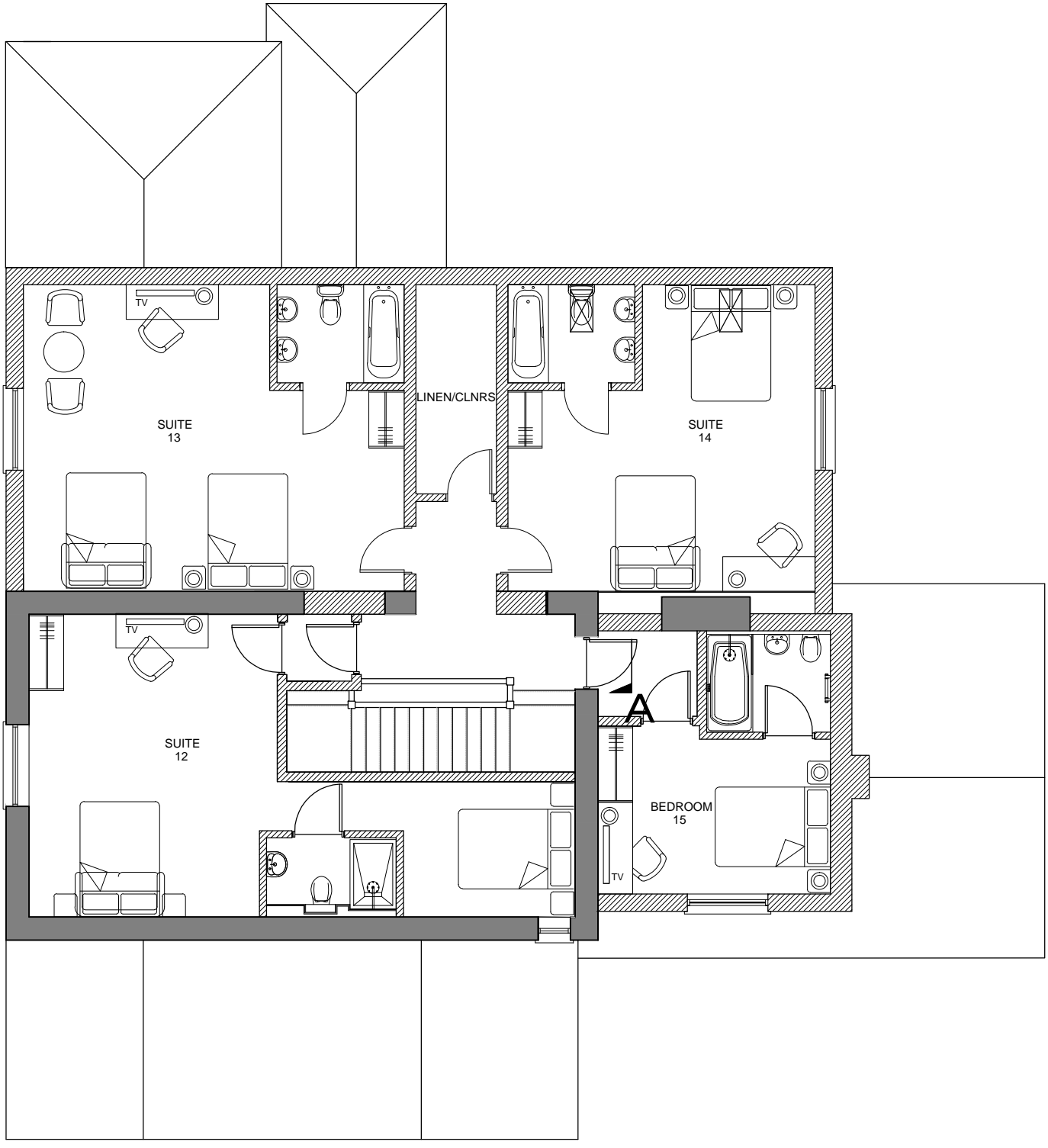
Proposed Ground Floor Plan

Scale 1:100



Proposed First Floor Plan


Scale 1:100



Proposed Second Floor Plan

Scale 1:100

REV:	DATE:	AMENDMENT:
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architectural & interior design

5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client:	EAST ANGLIA PUB CO					
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA					
Drawing:	PROPOSED LAYOUT PLANS					
Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
Date:	19.09.2019			Scale:	1:100 @ A1	
Project No.:	1813			Drawing No.:	12G	

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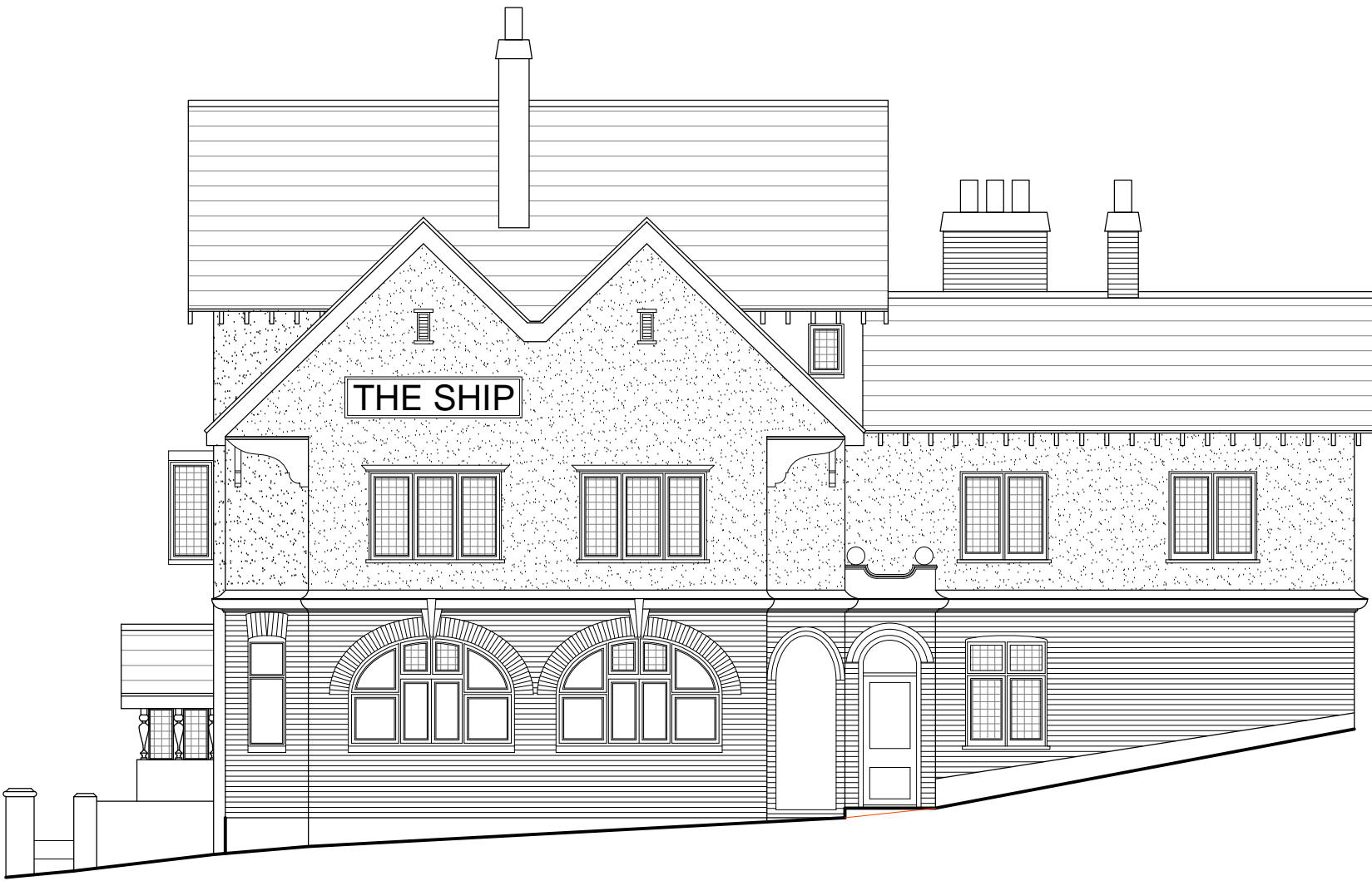


0m 1 2 3 4 10.0m

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Existing Front Elevation
Scale 1:100



Existing Side (E) Elevation
Scale 1:100



Existing Rear Elevation
Scale 1:100



Existing Side (W) Elevation
Scale 1:100

The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

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Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client:	EAST ANGLIA PUB CO					
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA					
Drawing:	EXISTING ELEVATIONS					
Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
						
Date:	19.09.2019			Scale:	1:100 @ A1	
Project No.:	1813			Drawing No.:	13B	

1:100

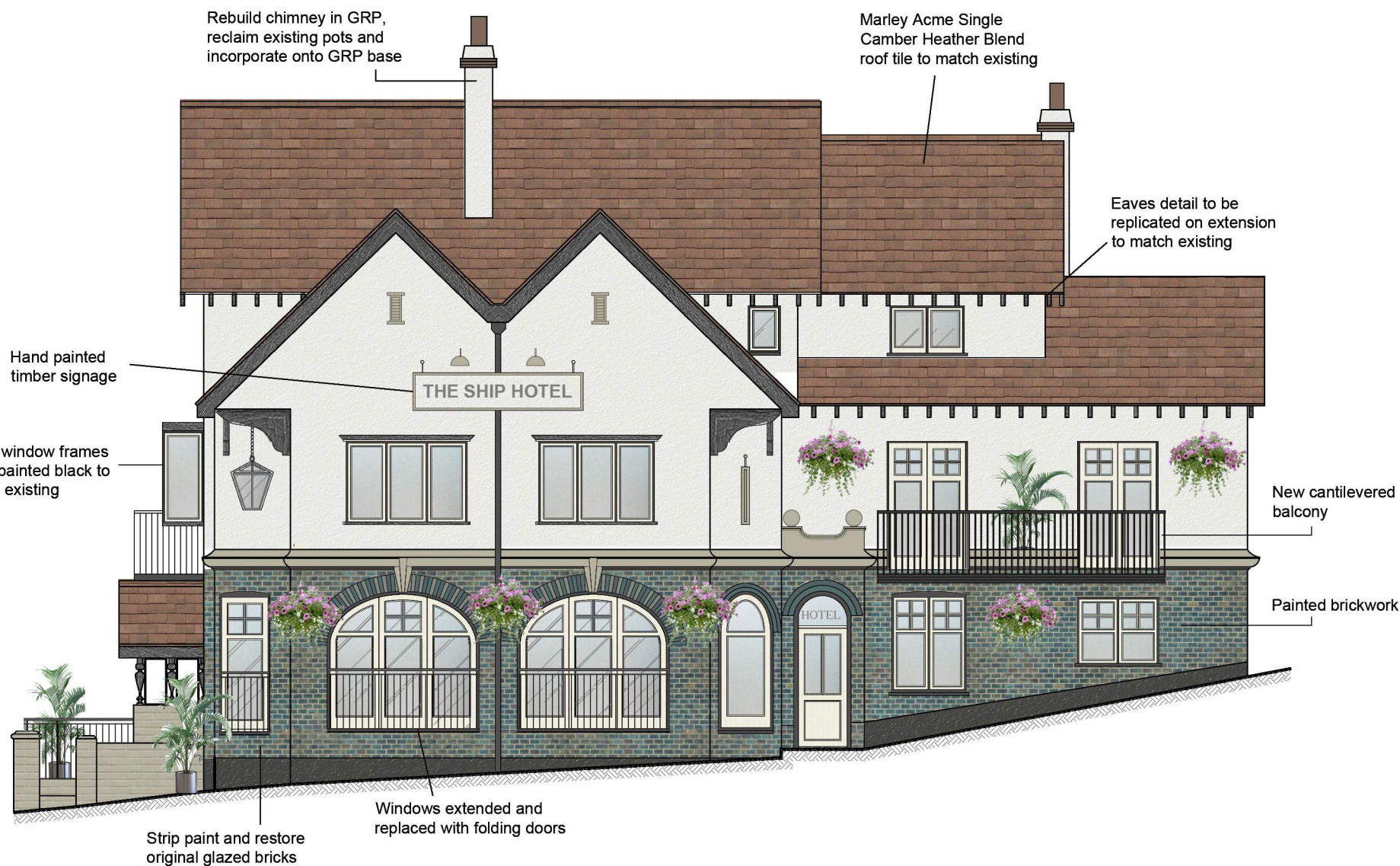


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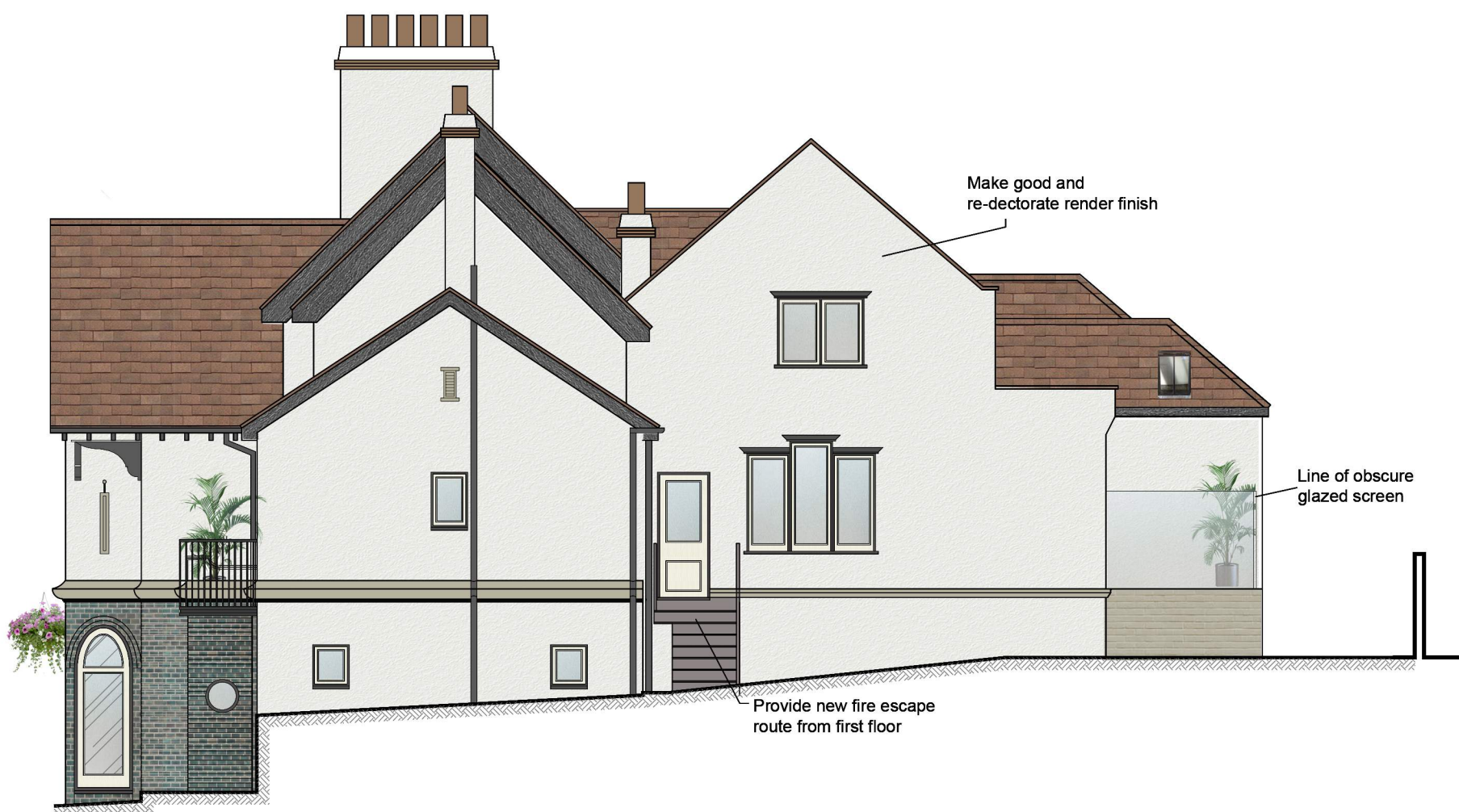
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Proposed Front Elevation
Scale 1:100



Proposed Side (E) Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



Proposed Side (W) Elevation
Scale 1:100

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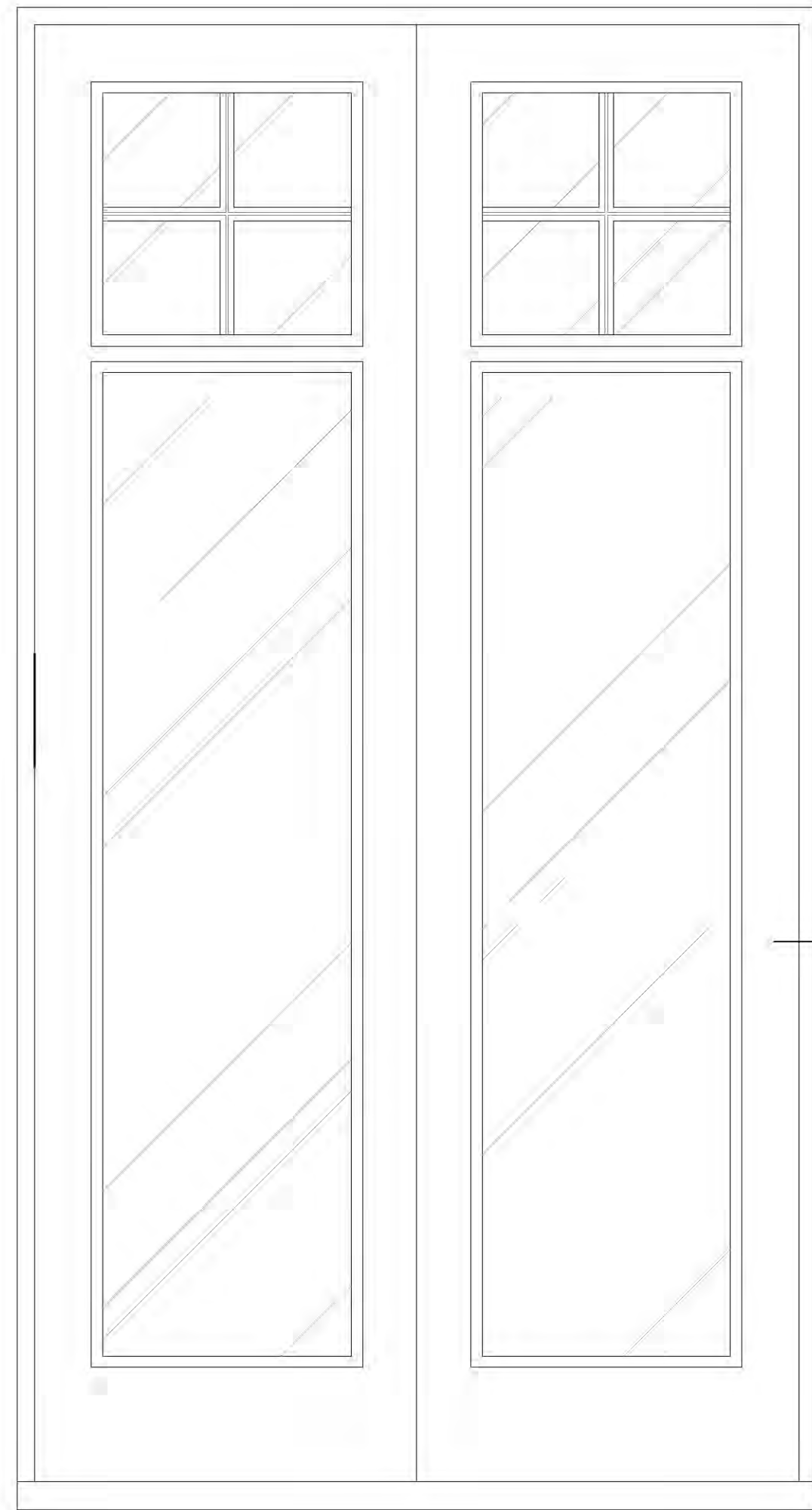
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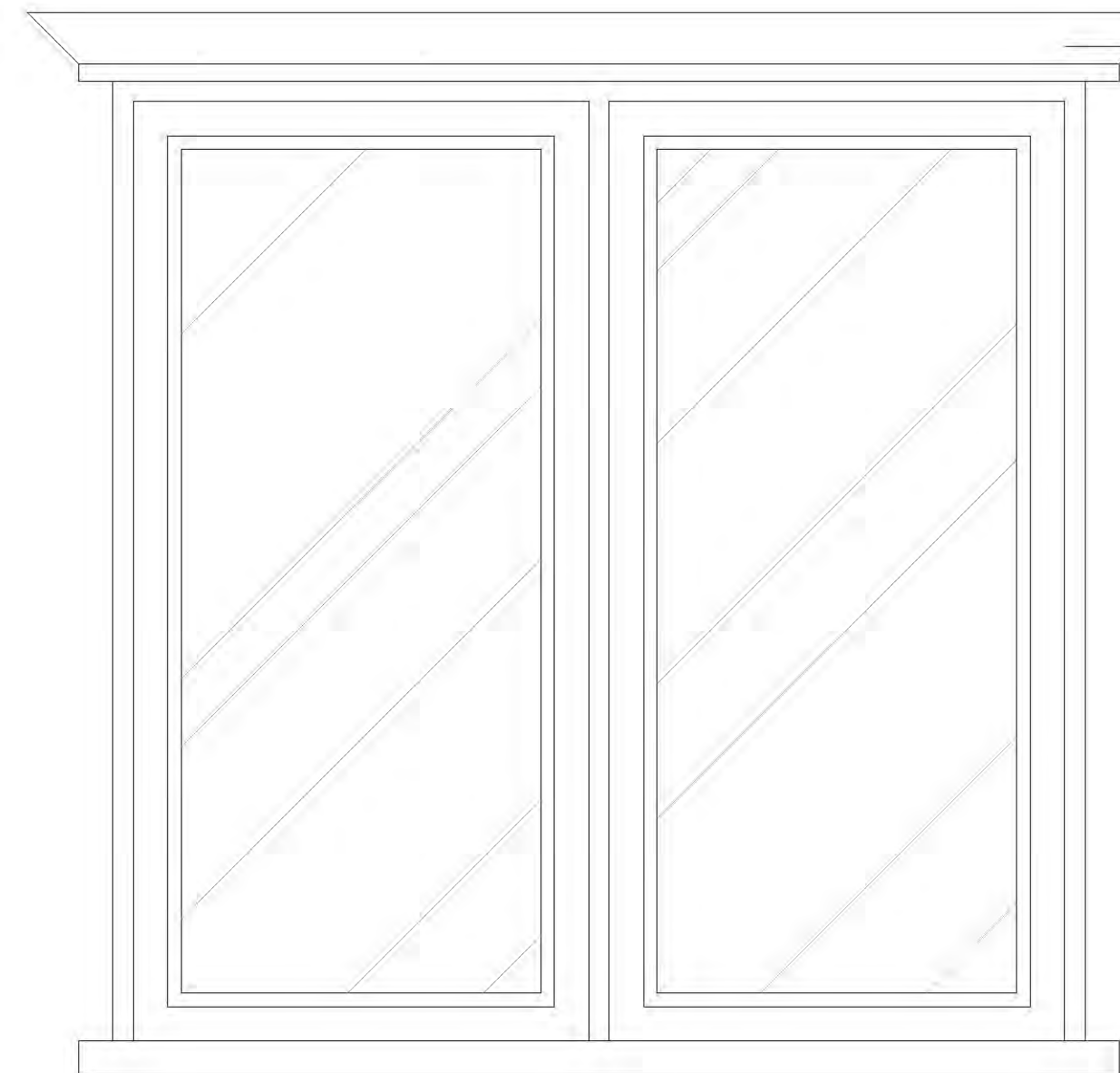
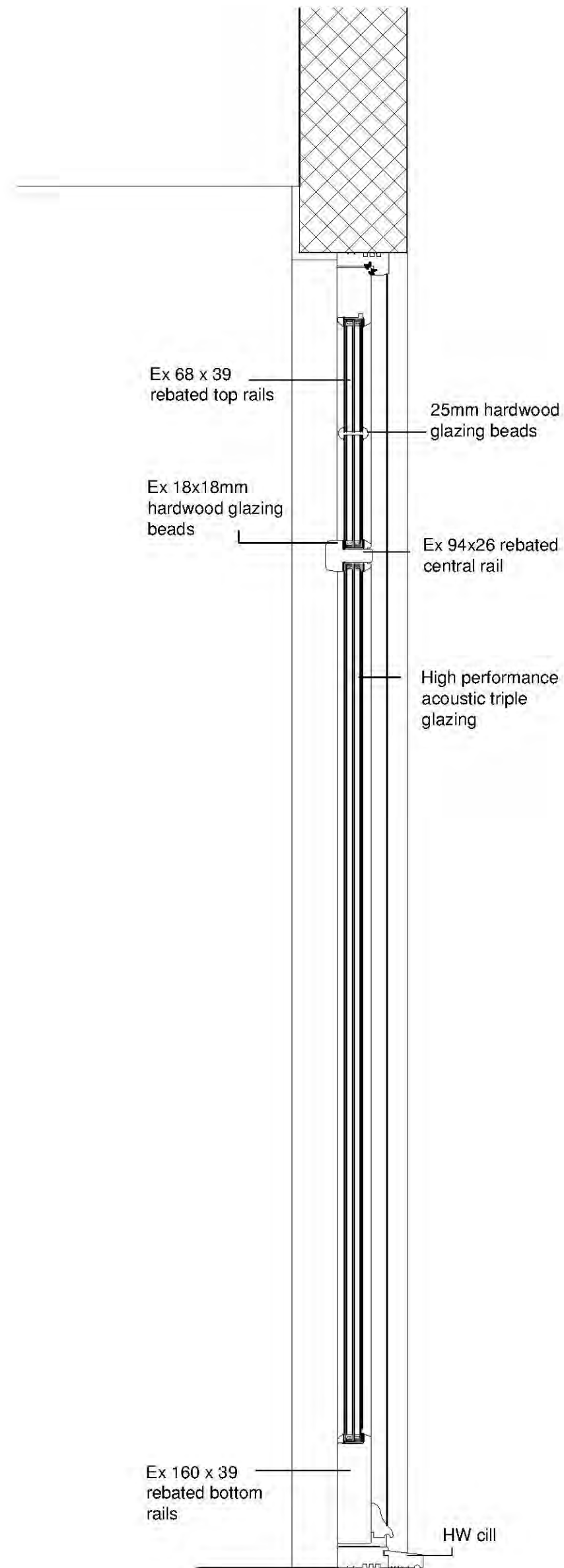
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<div>Stoneme!</div> <div>architectural & interior design</div> <div>5 FOUNTAIN LANE, HOCKLEY, ESSEX, S85 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com</div>		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	PROPOSED ELEVATIONS	
Issue:	Client	Pre-App
Date:	19.09.2019	Scale: 1:100 @ A1
Project No.:	1813	Drawing No.: 14K
1:100 0m 1 2 3 4 10.0m		

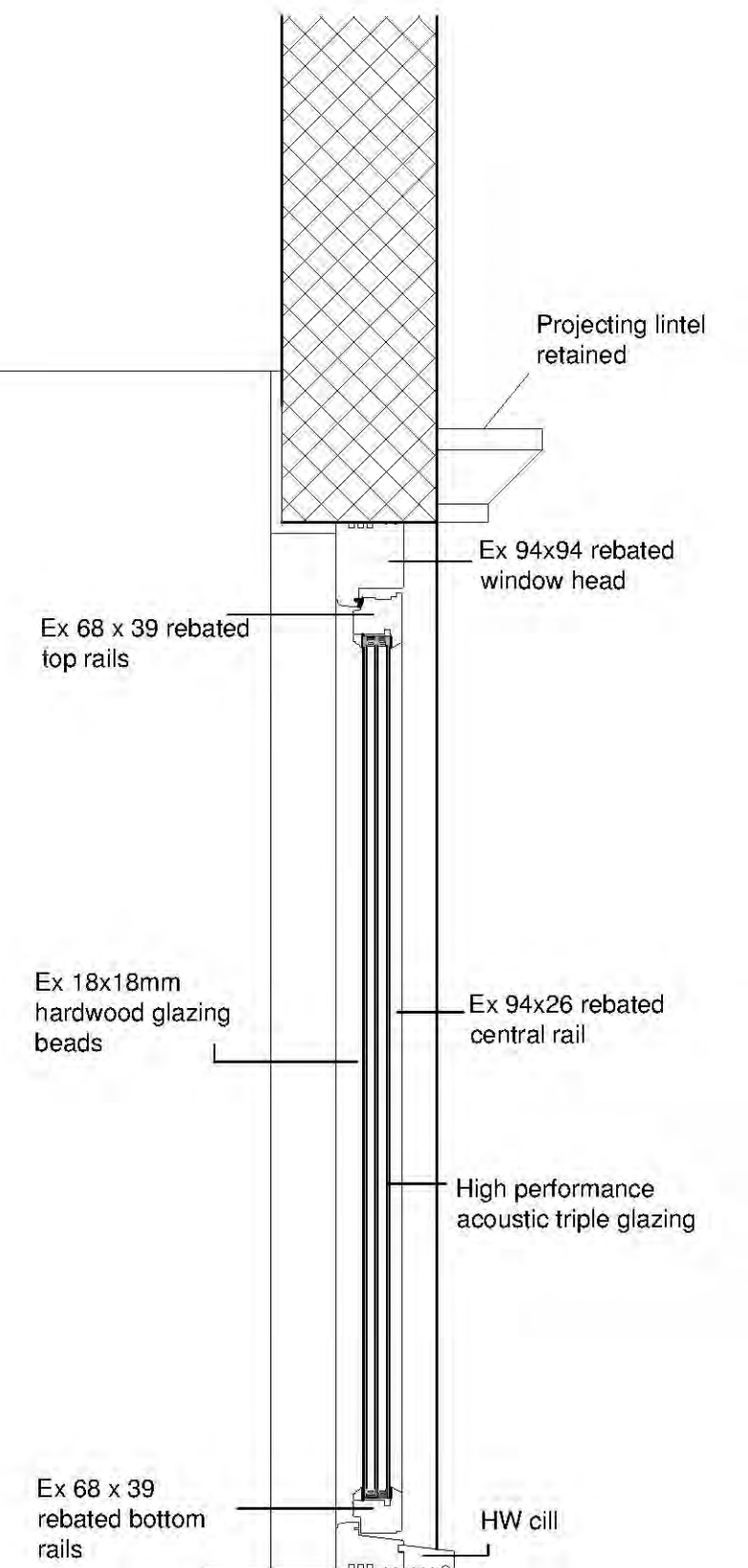
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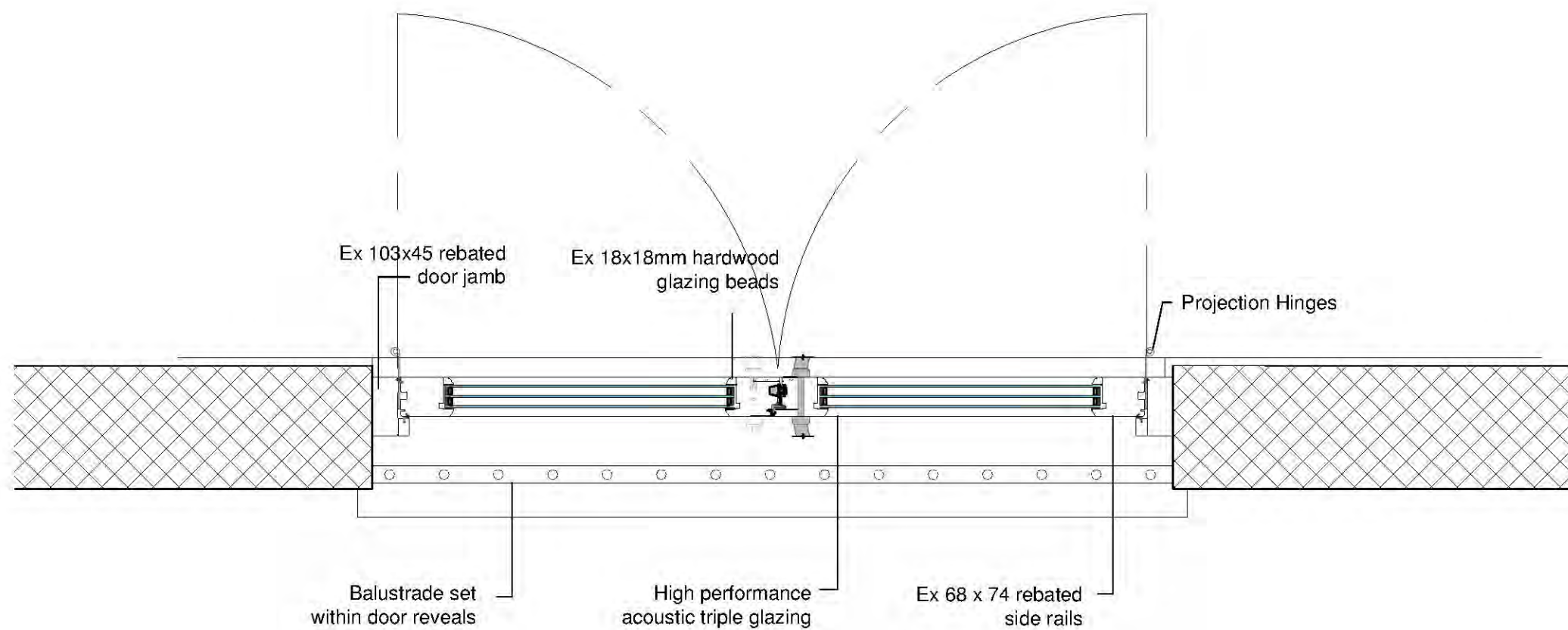
All windows and doors to be fully timber, painted Dulux Heritage Roman White



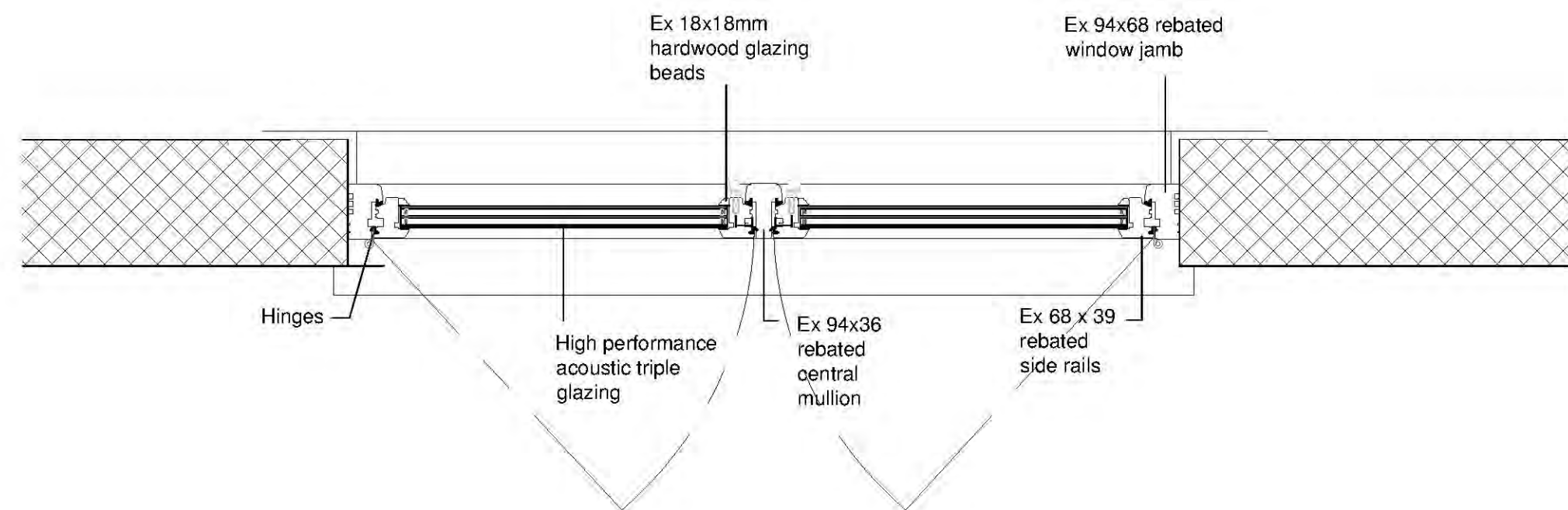
Projecting lintel



The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.
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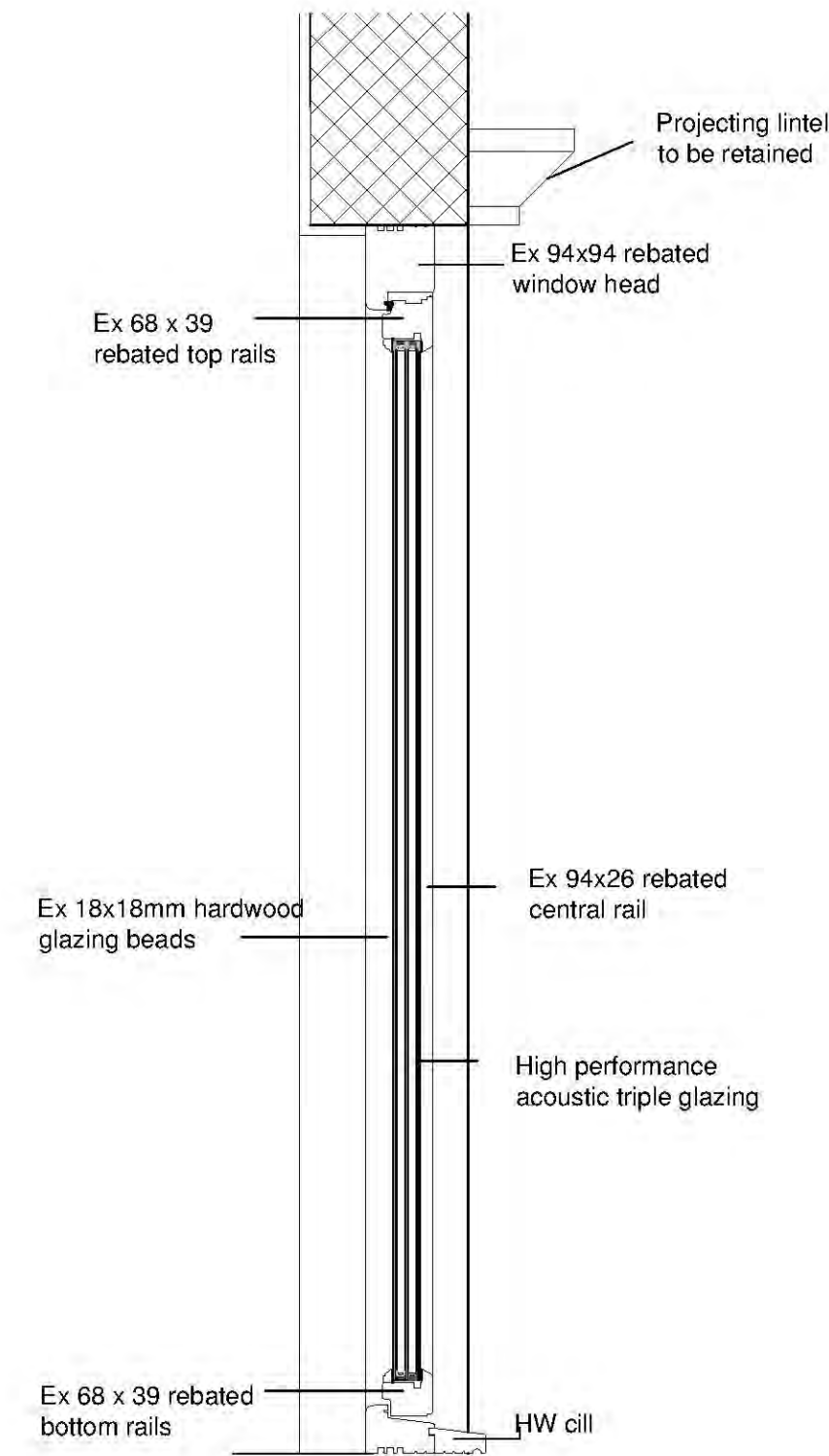
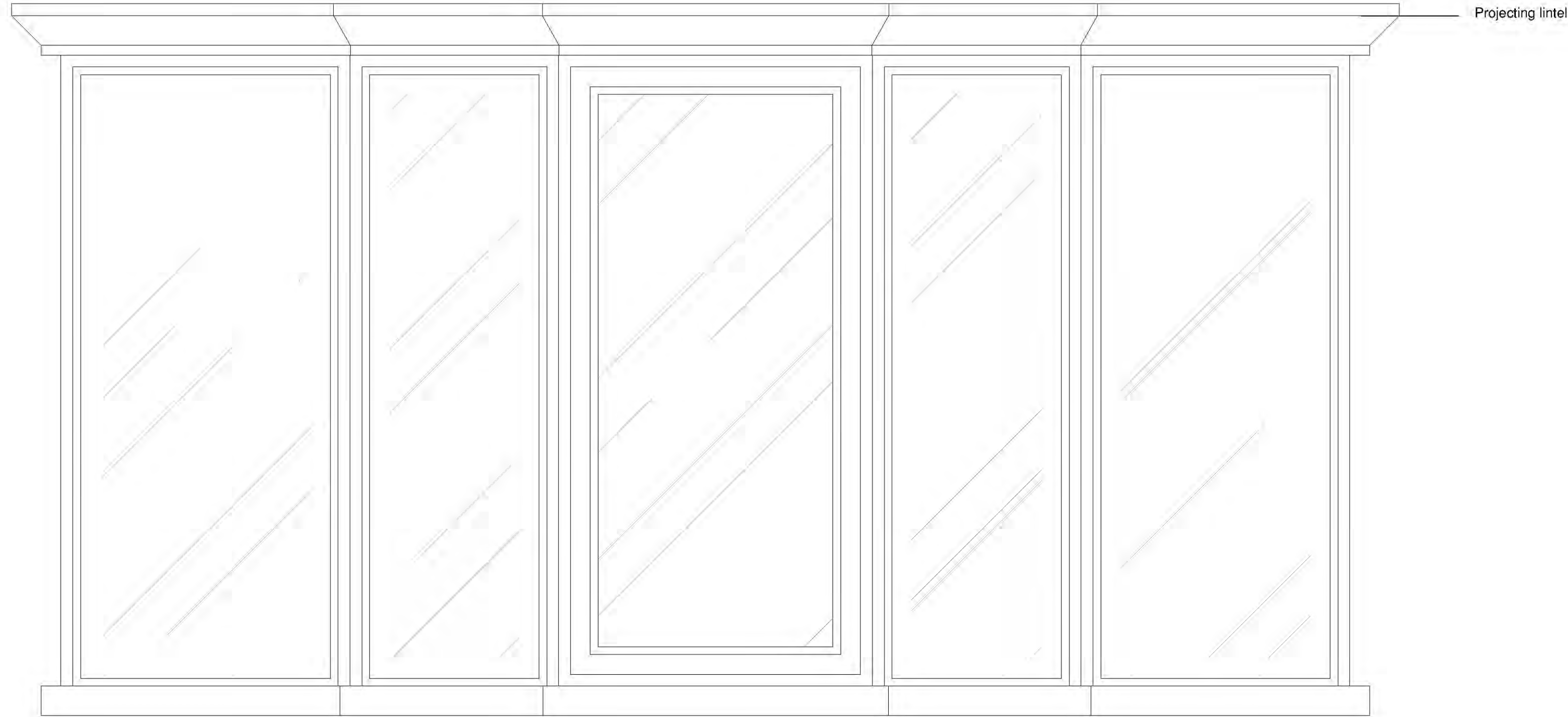
Typical Door Detail
Scale 1:10



Typical Window Detail
Scale 1:10

REV:	DATE:	AMENDMENT:
 architectural & interior design 5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	JOINERY DETAILS	
Issue:	Client	Pre-App
Date:	19.09.2019	Scale: 1:100 @ A1
Project No.:	1813	Drawing No.: 17E
		

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The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

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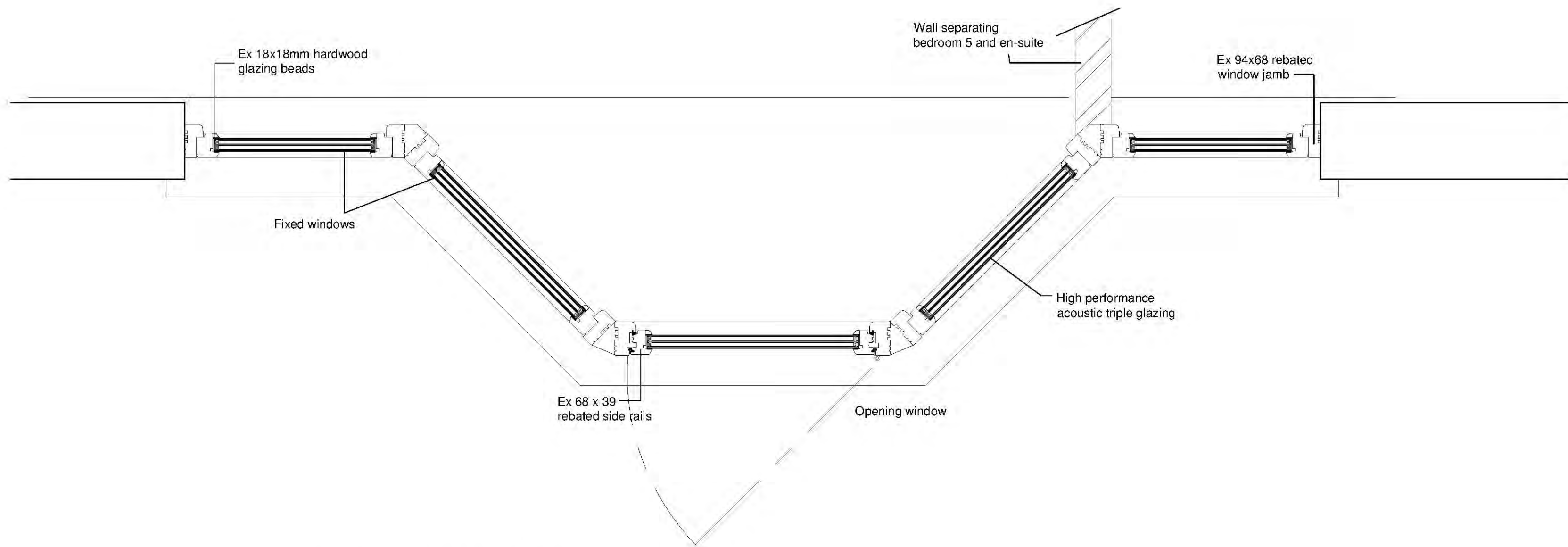
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Bedroom 5 Window Detail

Scale 1:10

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Client:	EAST ANGLIA PUB CO
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA
Drawing:	WINDOW 5 DETAILS

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
						

Date:	19.09.2019	Scale:	1:100 @ A1
Project No.:	1813	Drawing No.:	18B

1:100

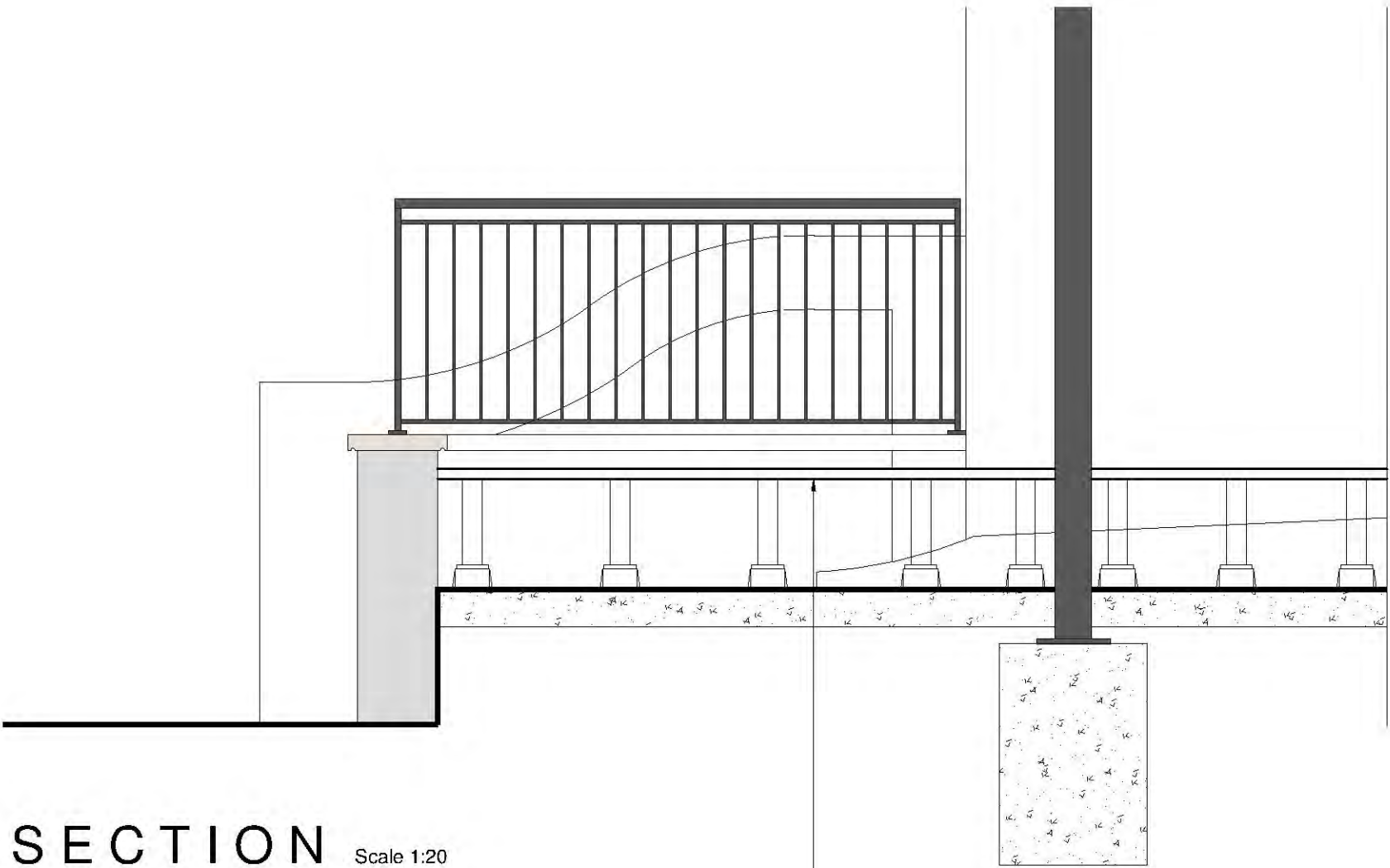


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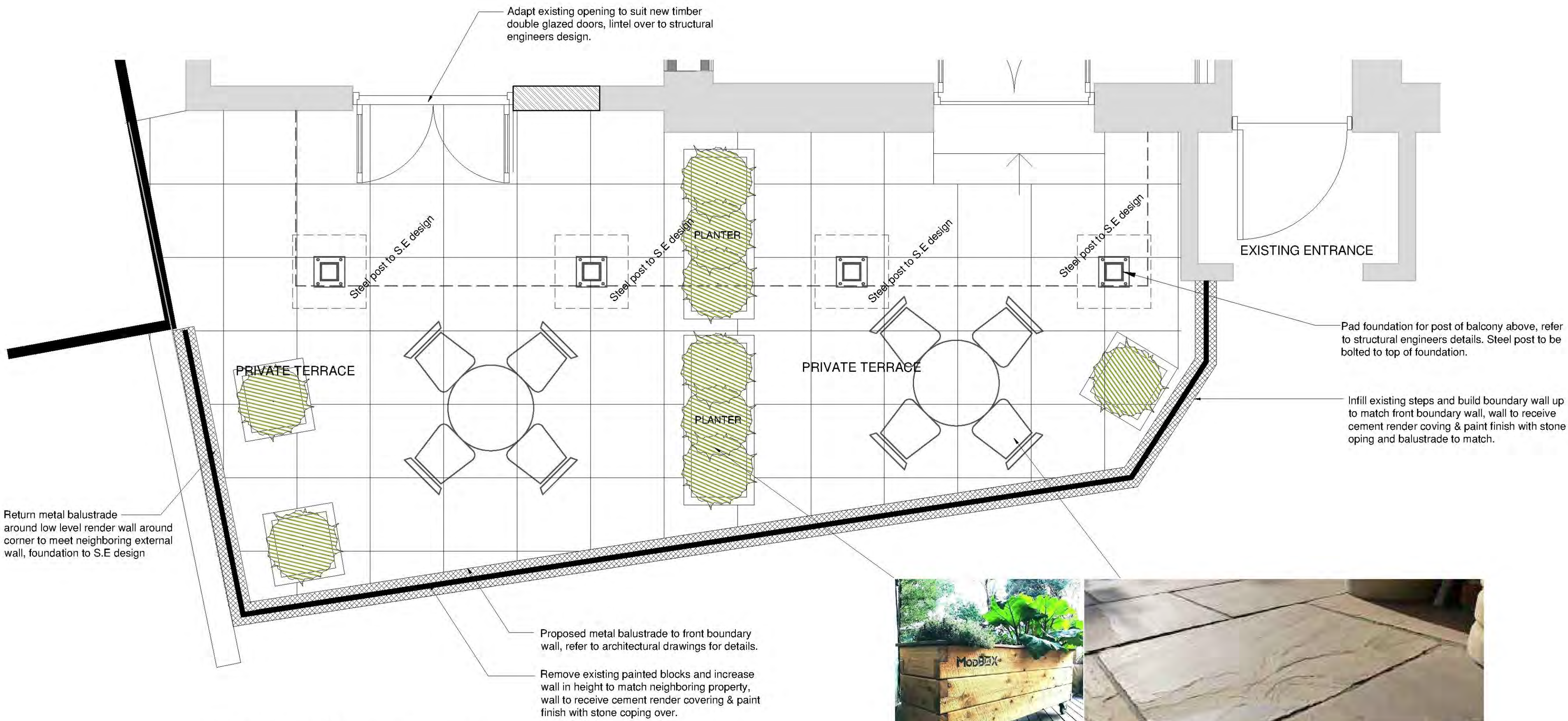


BOUNDARY WALL LEIGH HILL Scale 1:20



SECTION Scale 1:20

LEVEL ACCESS TO
TERRACE FOR
WHEELCHAIR USE



TERRACE PLAN LEIGH HILL Scale 1:20



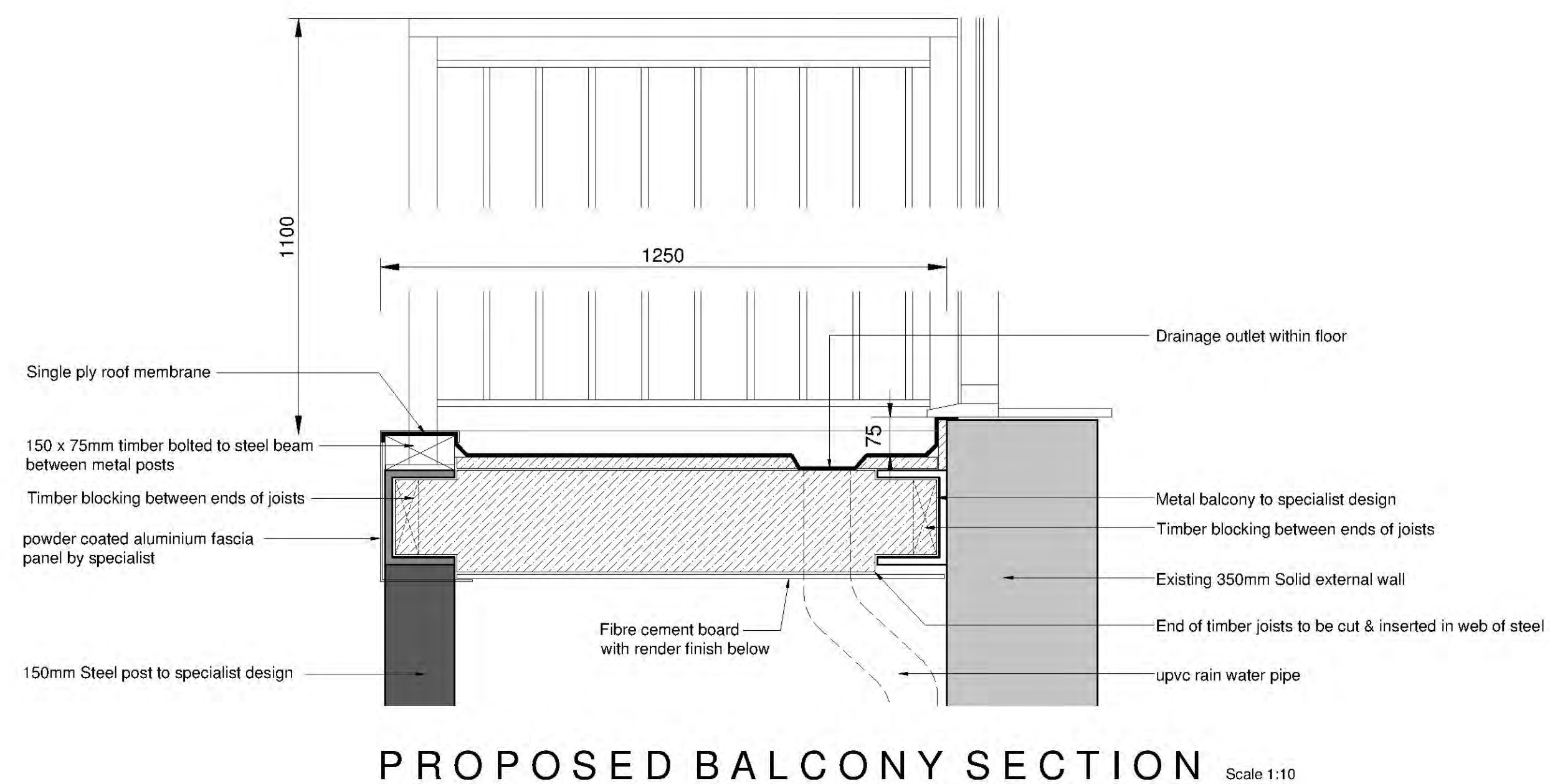
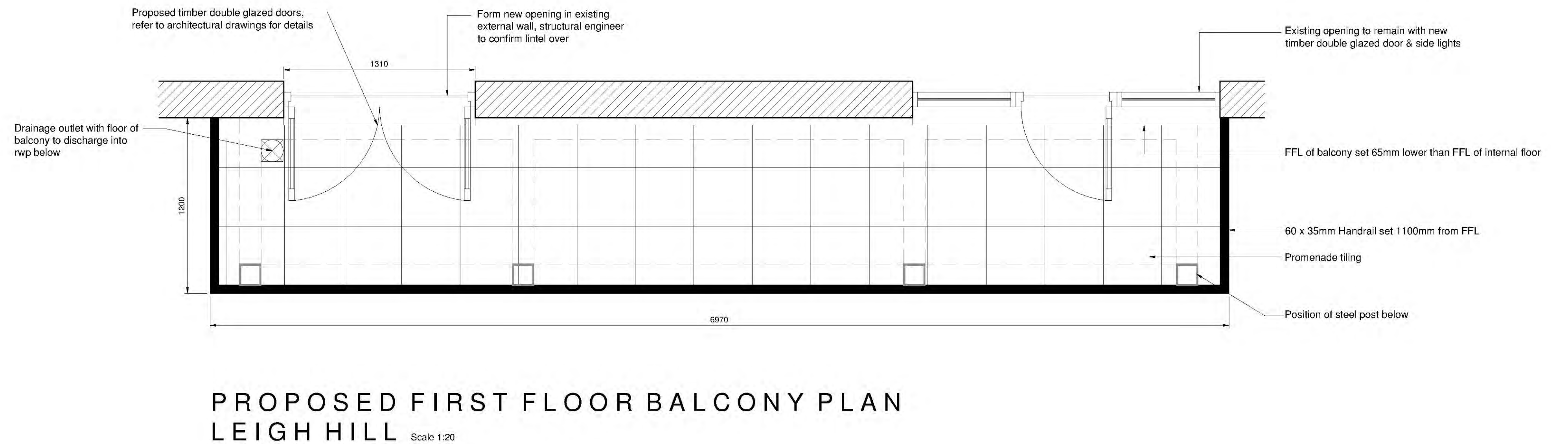
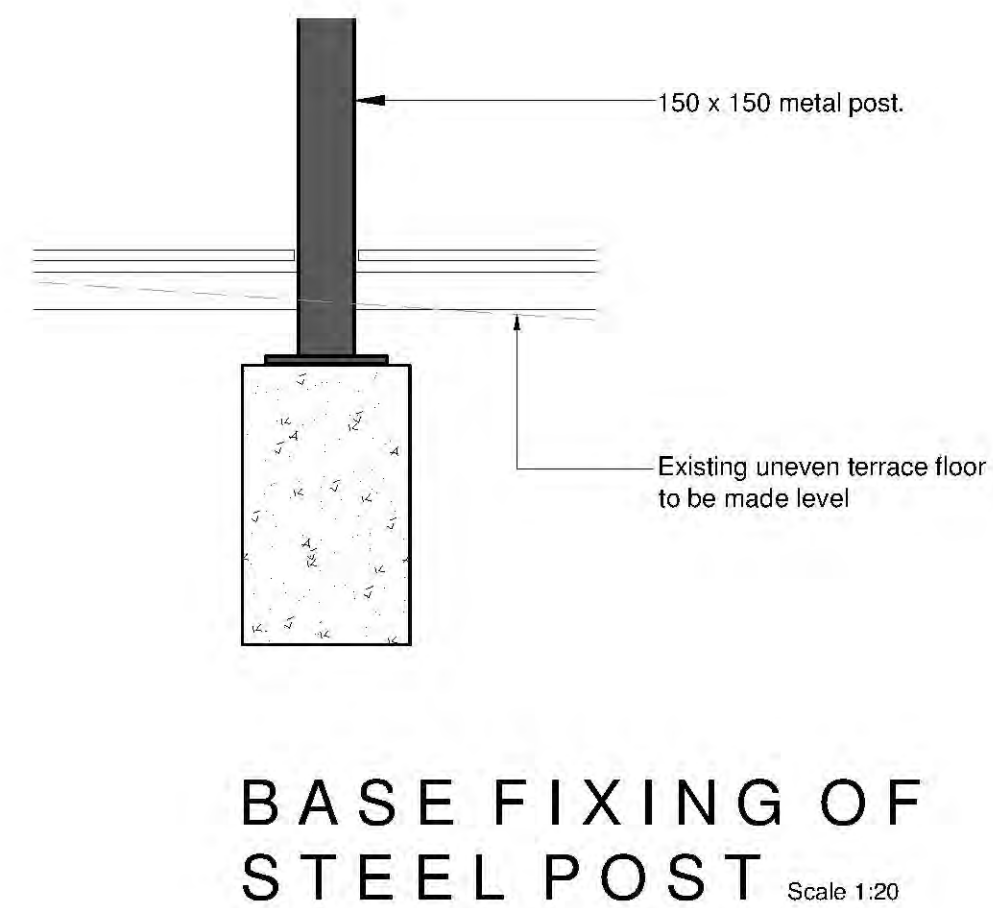
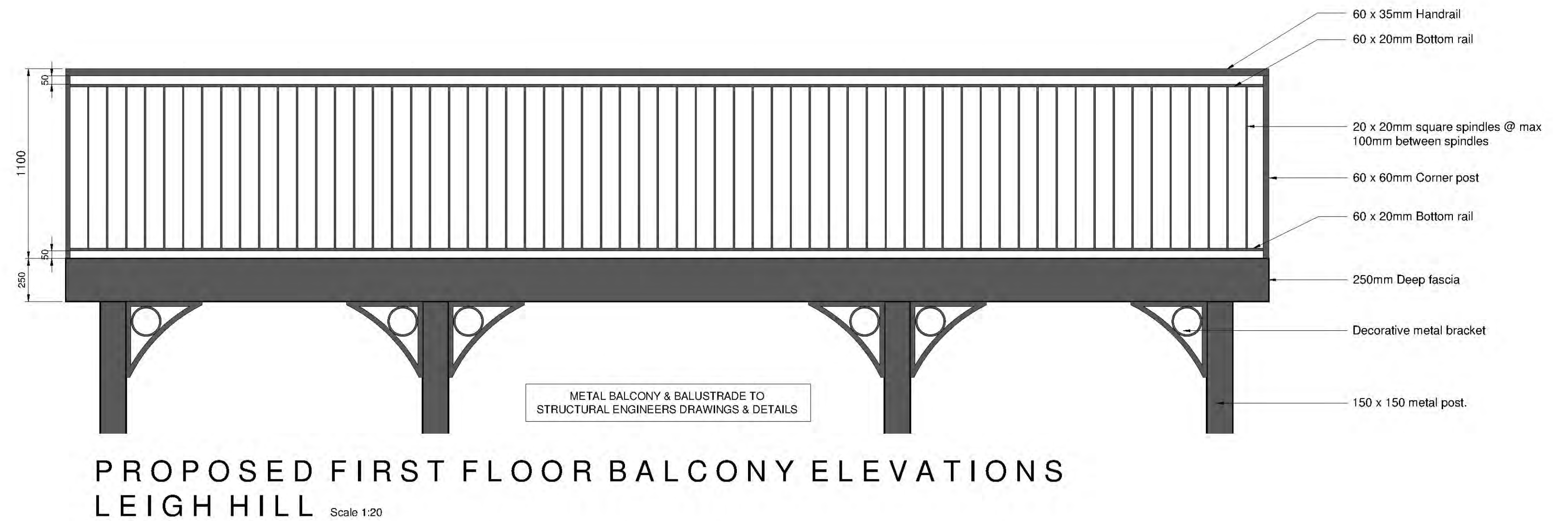
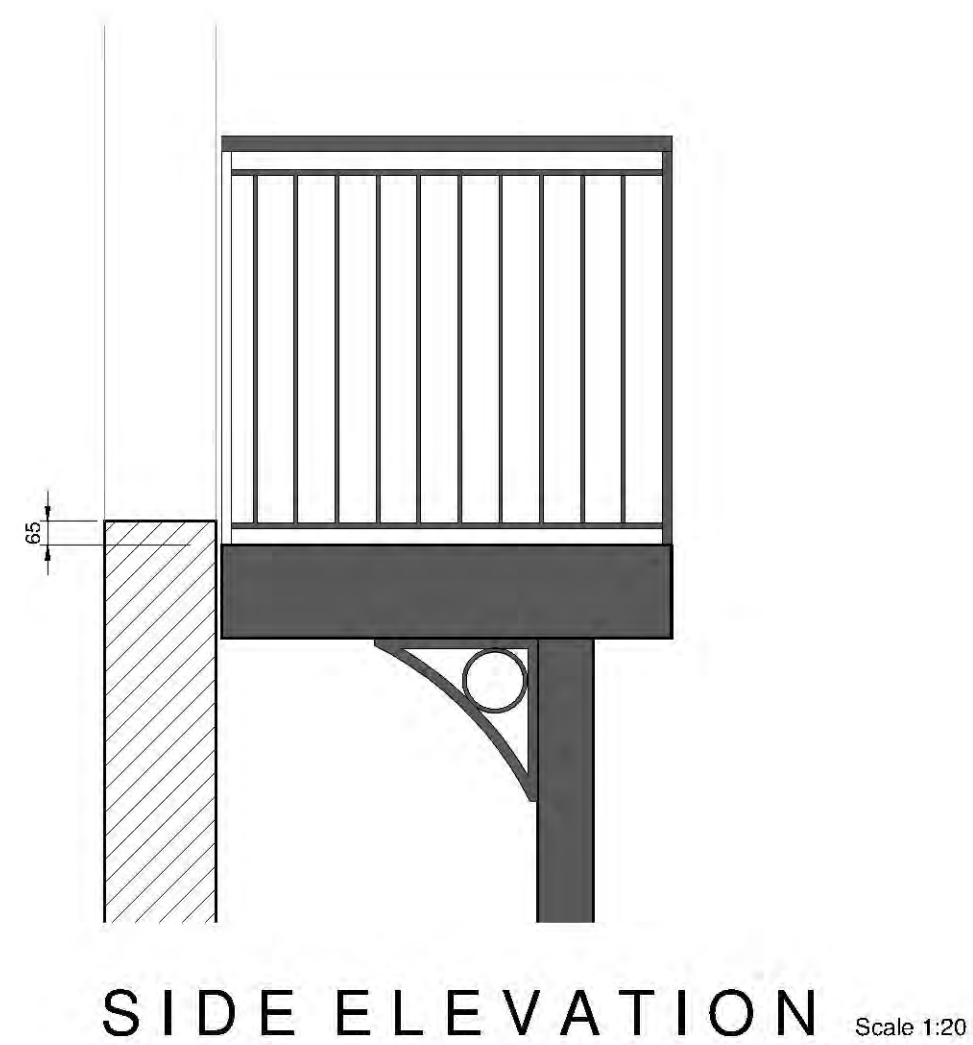
Free standing planter providing separation between terraces



Indian sandstone paving

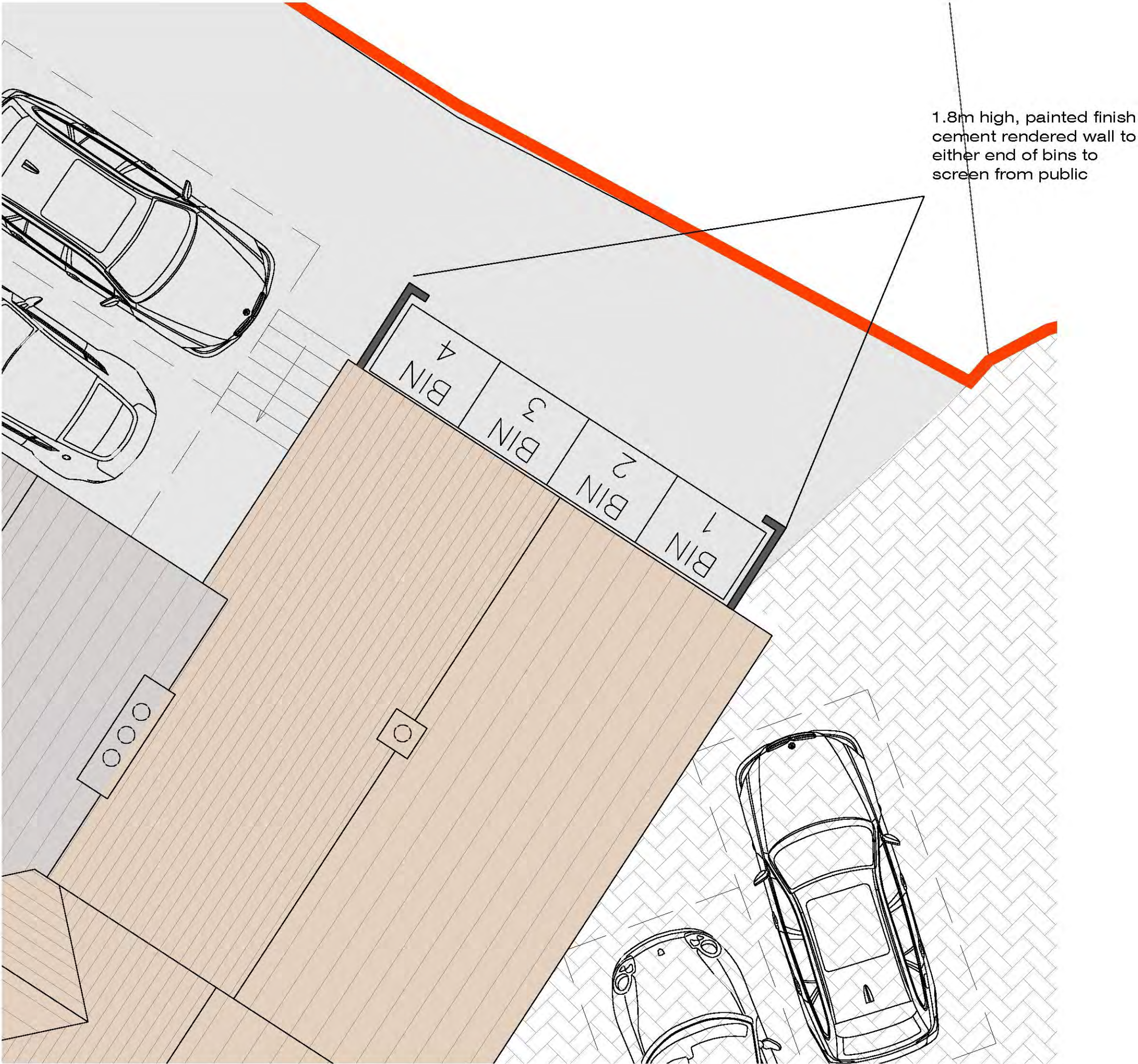
REV:	DATE:	AMENDMENT:
<div><div>Stoneme!</div><div>architectural & interior design</div><div>5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com</div></div>		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	PROPOSED FRONT TERRACE & BOUNDARY WALL	
Issue:	Client	Pre-App
Date:	18.04.2019	Scale: 1:20 @ A1
Project No.:	1813	Drawing No.: 19
1:100 0m 1 2 3 4 10.0m		

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Stoneme! architectural & interior design		
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Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	PROPOSED BALCONY DETAILS FACING LEIGH HILL	
Issue:	Client	Pre-App Planning B.Cont As Built Other
Date:	18.04.2019	Scale: 1:10 / 1:20 @ A1
Project No.:	1813	Drawing No.: 20B
1:100 0m 1 2 3 4 10.0m		

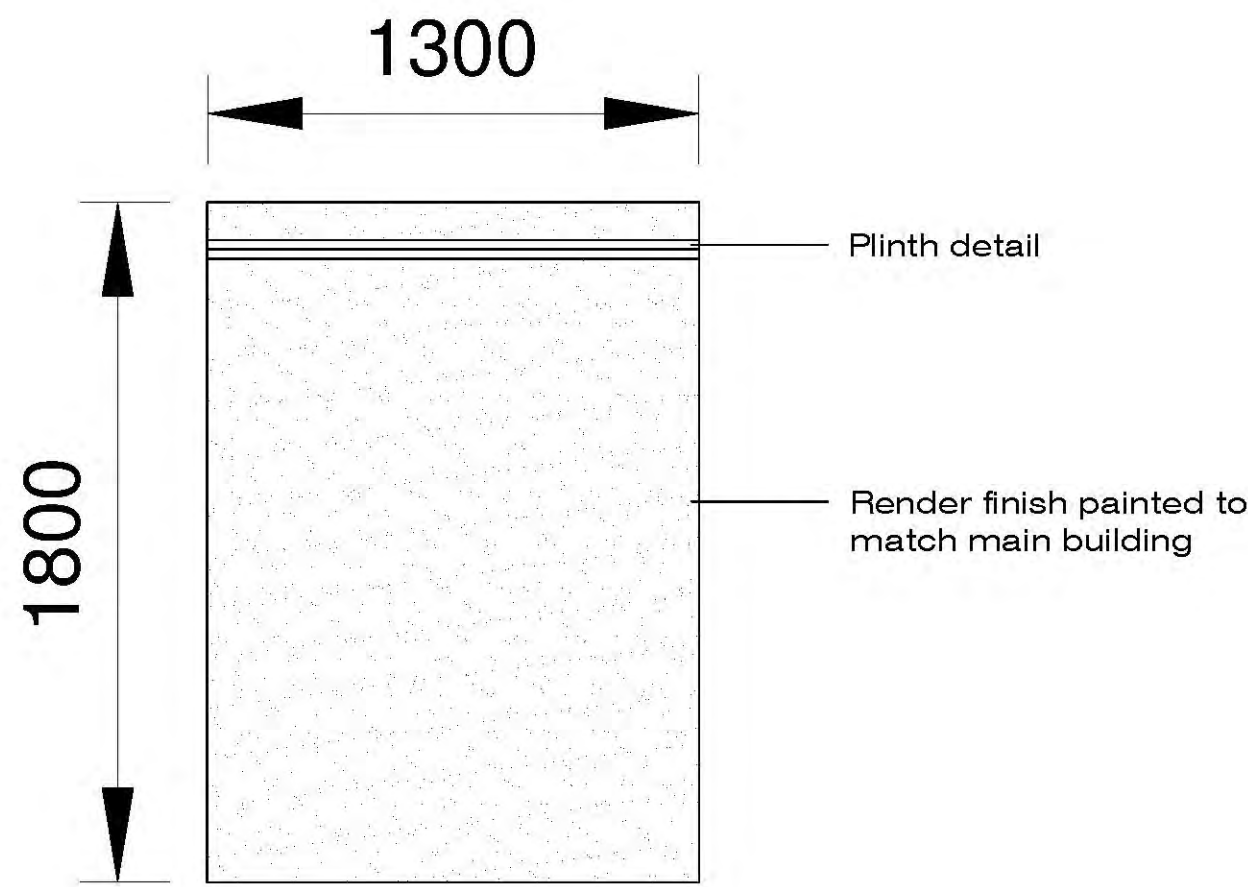
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1.8m high, painted finish
cement rendered wall to
either end of bins to
screen from public

Proposed Bin Screening

Scale 1:50



Proposed Bin Screening Wall

Scale 1:20



Proposed lantern over entrance

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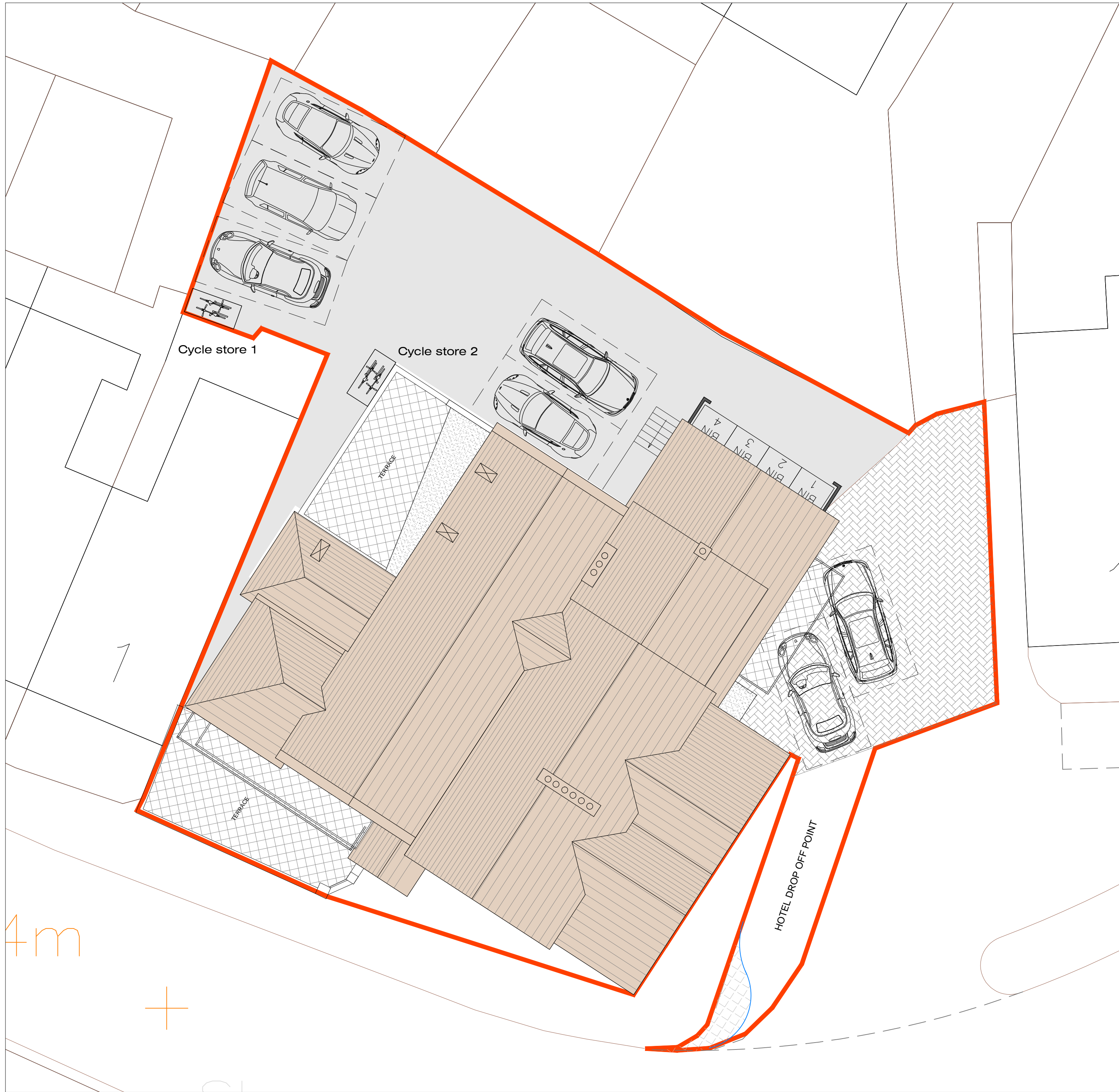
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The Victorian Emporium
Chelsea Copper chain lantern
VE17-26486

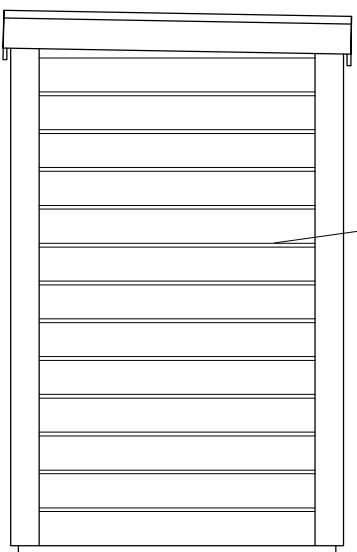
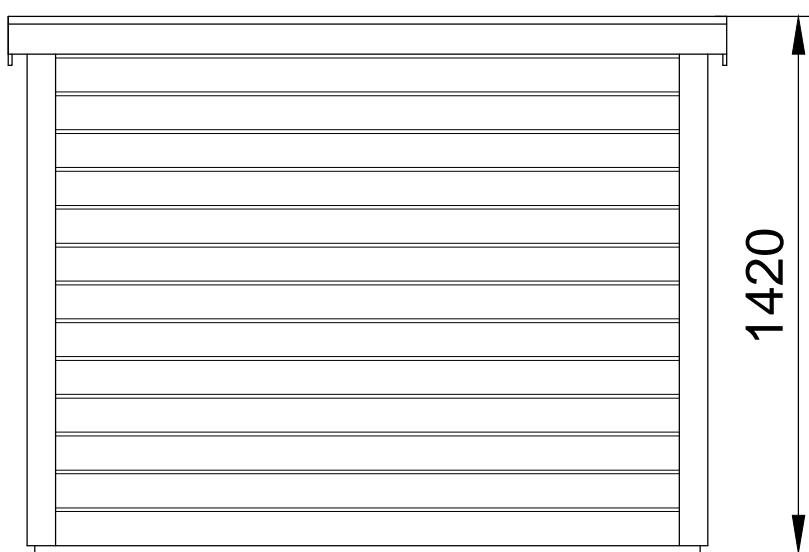
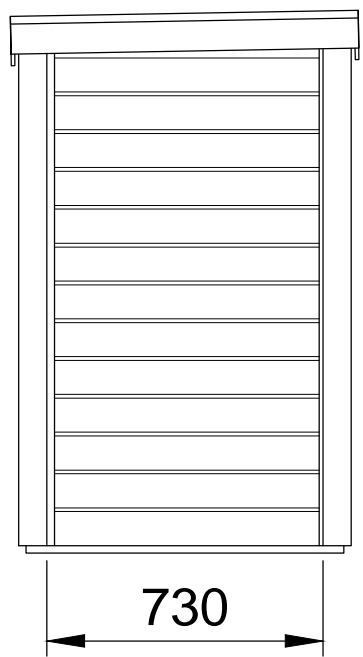
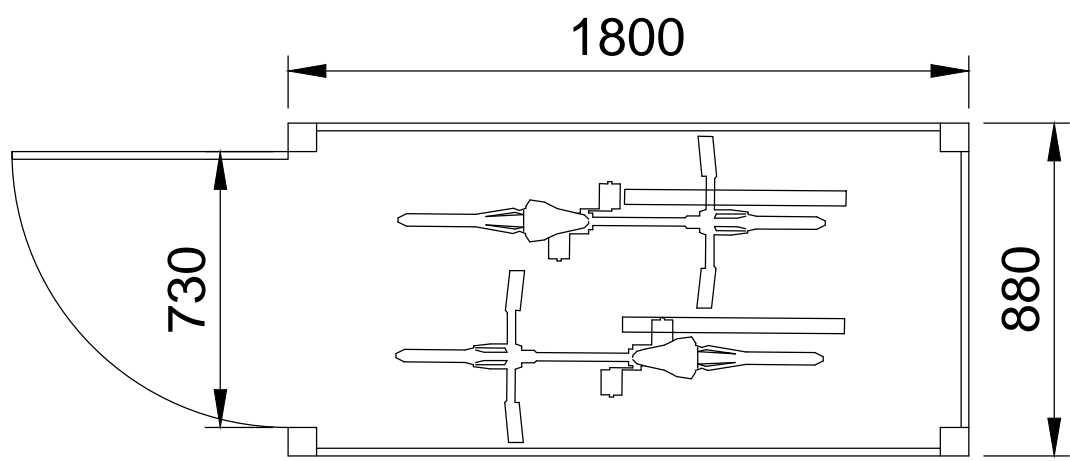
Overall Height with Chain 950mm
Width 250mm
Maximum 100Watts

REV:	DATE:	AMENDMENT:
 5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	PROPOSED BIN SCREEN & LANTERN	
Issue:	Client	Pre-App
Date:	18.04.2019	Scale: 1:100 @ A1
Project No.:	1813	Drawing No.: 21
1:100 0m 1 2 3 4 10.0m		

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Site Plan
Scale 1:100



Timber Shiplap Board

CYCLE STORE DETAILS
Scale 1:20



FLOOR MOUNTED WHEEL CLAMP



EXAMPLE SIMILAR STORE

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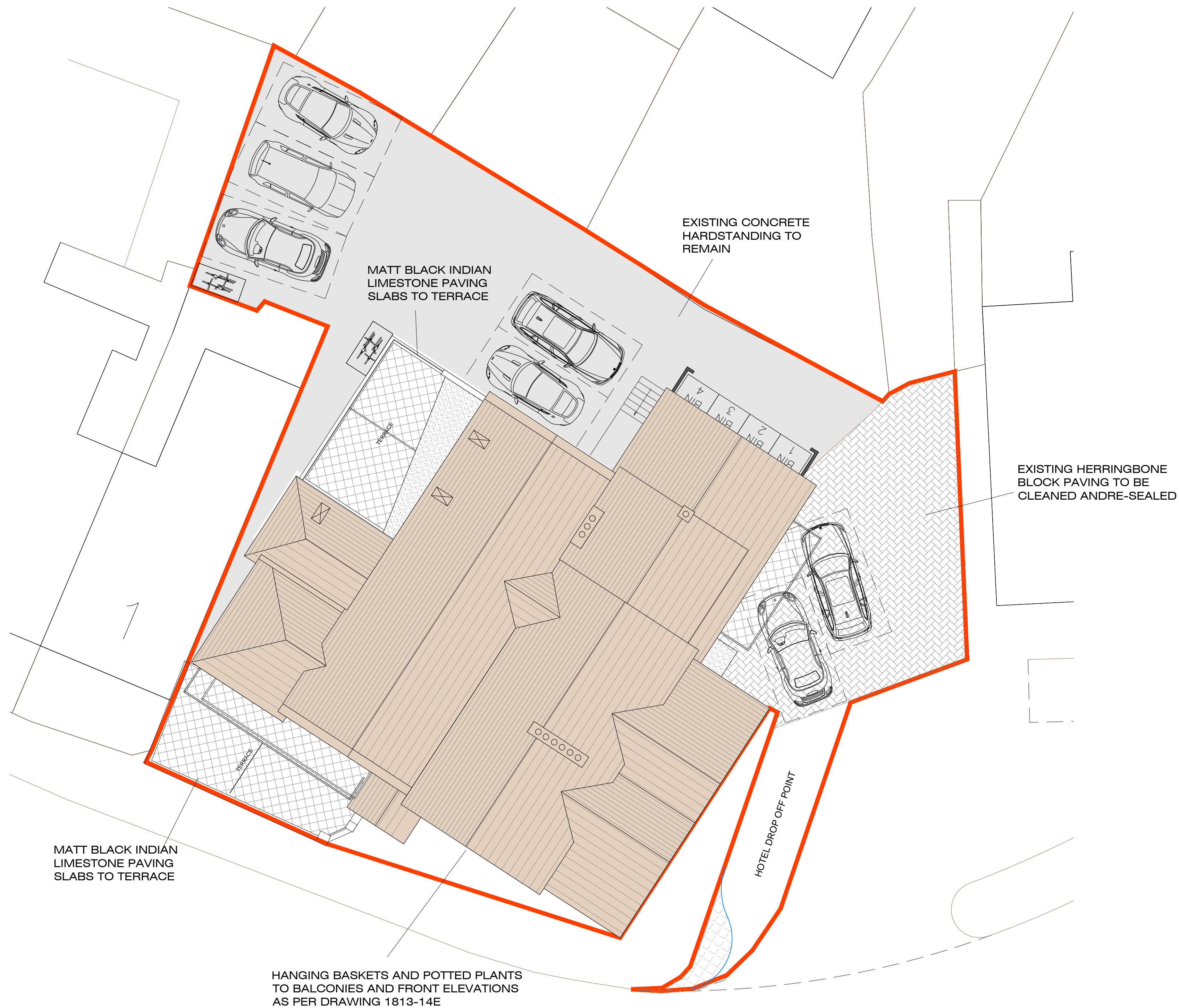
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REV:	DATE:	AMENDMENT:
 architectural & interior design		
5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	CYCLE STORE	
Issue:	Client	Pre-App
Date:	19.09.2019	Scale: Varies @ A1
Project No.:	1813	Drawing No.: 25B
1:100 0m 1 2 3 4 10.0m		

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Site Plan
Scale 1:100



MATT FINISH INDIAN LIMESTONE PAVING



EXISTING HERRINGBONE BLOCK PAVING TO BE CLEANED ANDRE-SEALED



HANGING BASKETS REPLANTED SEASONALLY

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POTTED BUXUS MICROPHYLLA

REV:	DATE:	AMENDMENT:
 architectural & interior design		
5 FOUNTAIN LANE, HOCKLEY, ESSEX, S85 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	LANDSCAPING	
Issue:	Client	Pre-App
Date:	19.09.2019	Scale: Varies @ A1
Project No.:	1813	Drawing No.: 26B
1:100 0m 1 2 3 4 10.0m		

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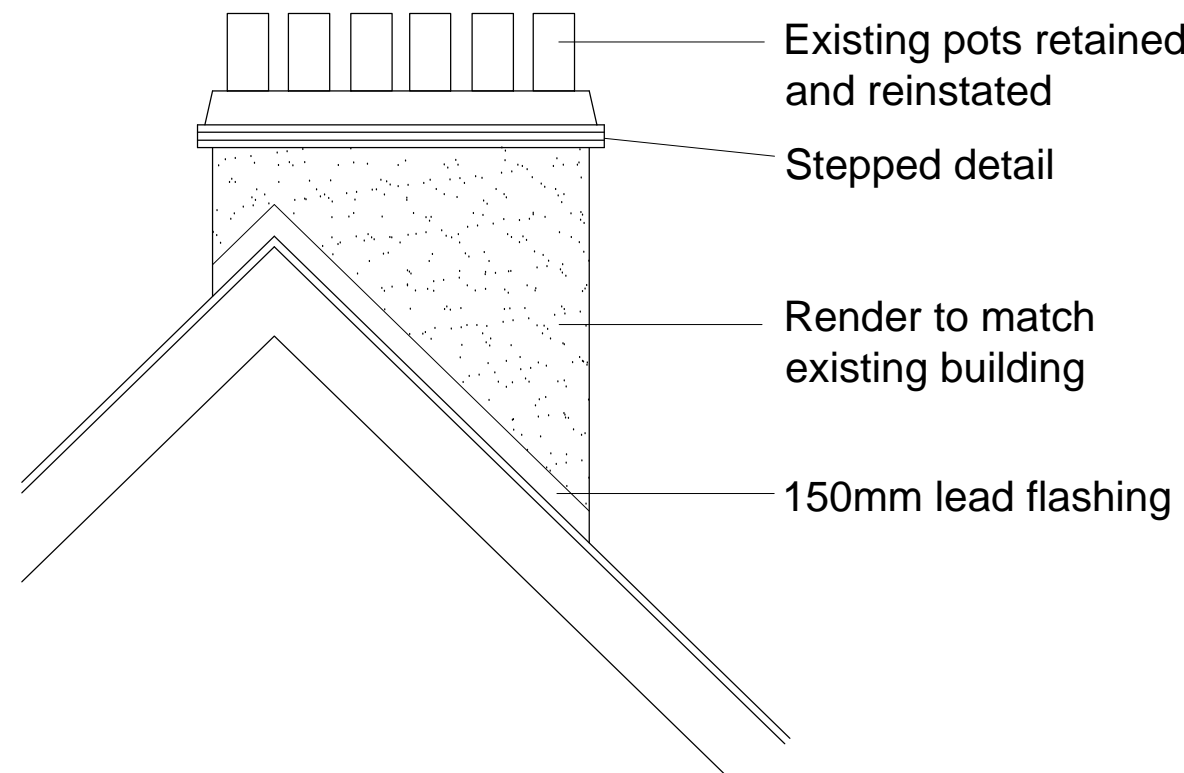


Site Plan

Scale 1:100



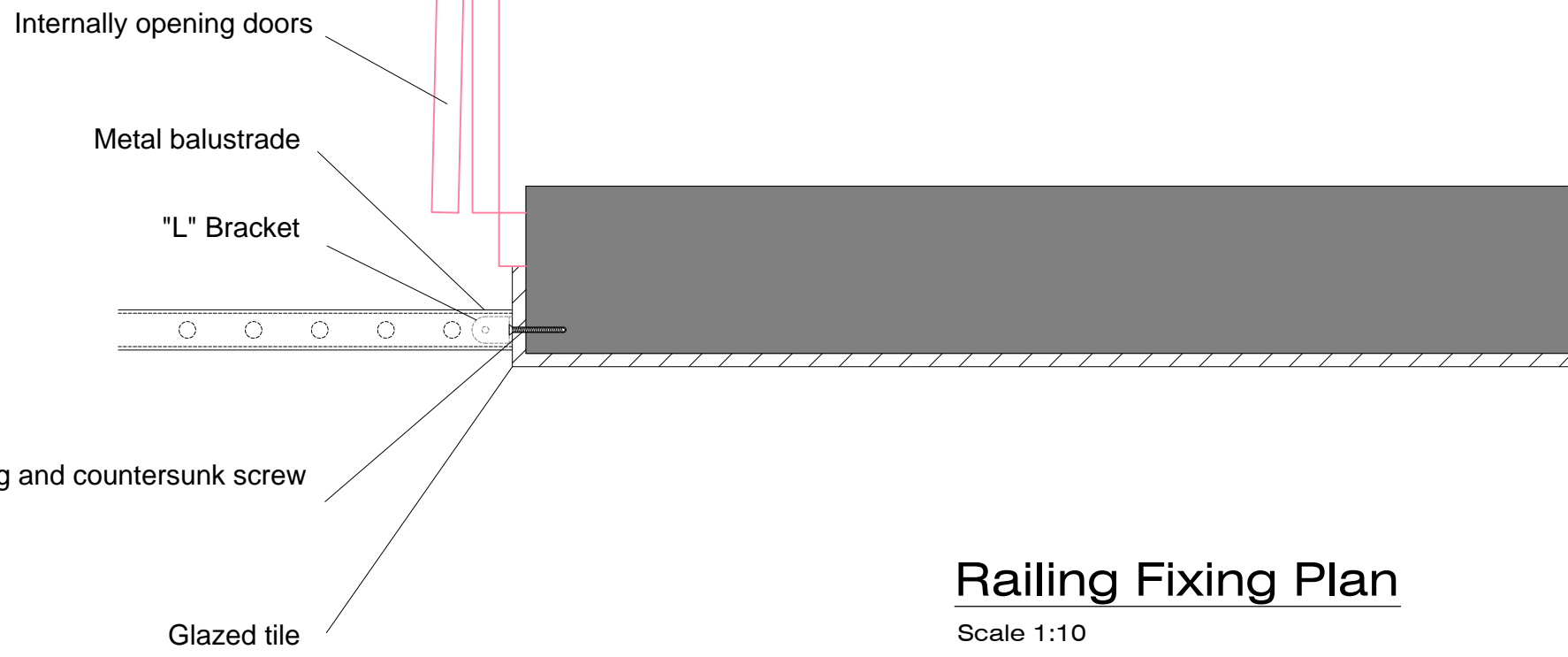
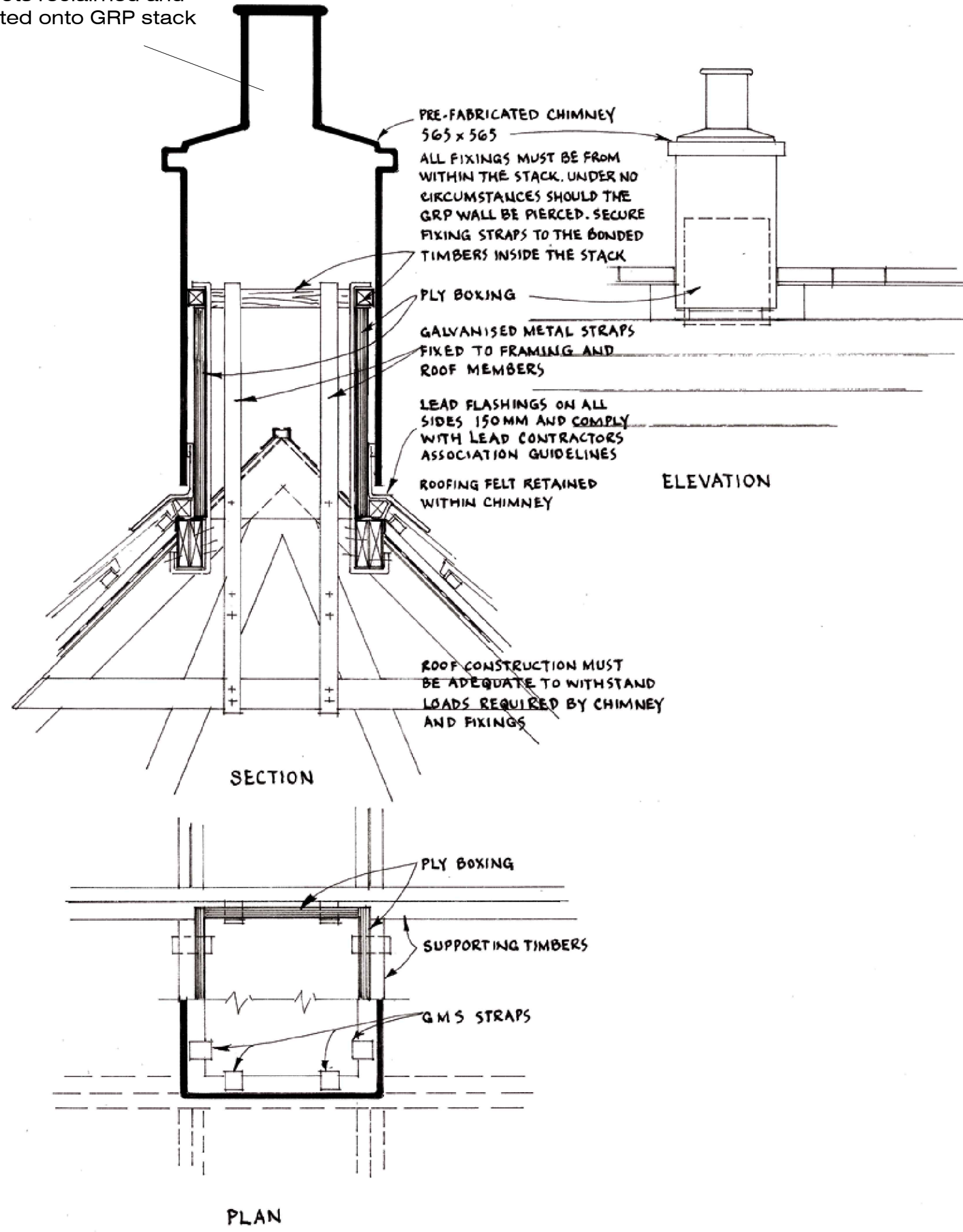
1.8m PRIVACY SCREEN WITH CHAMFERED CORNER



GRP CHIMNEY DETAILS

Scale 1:50

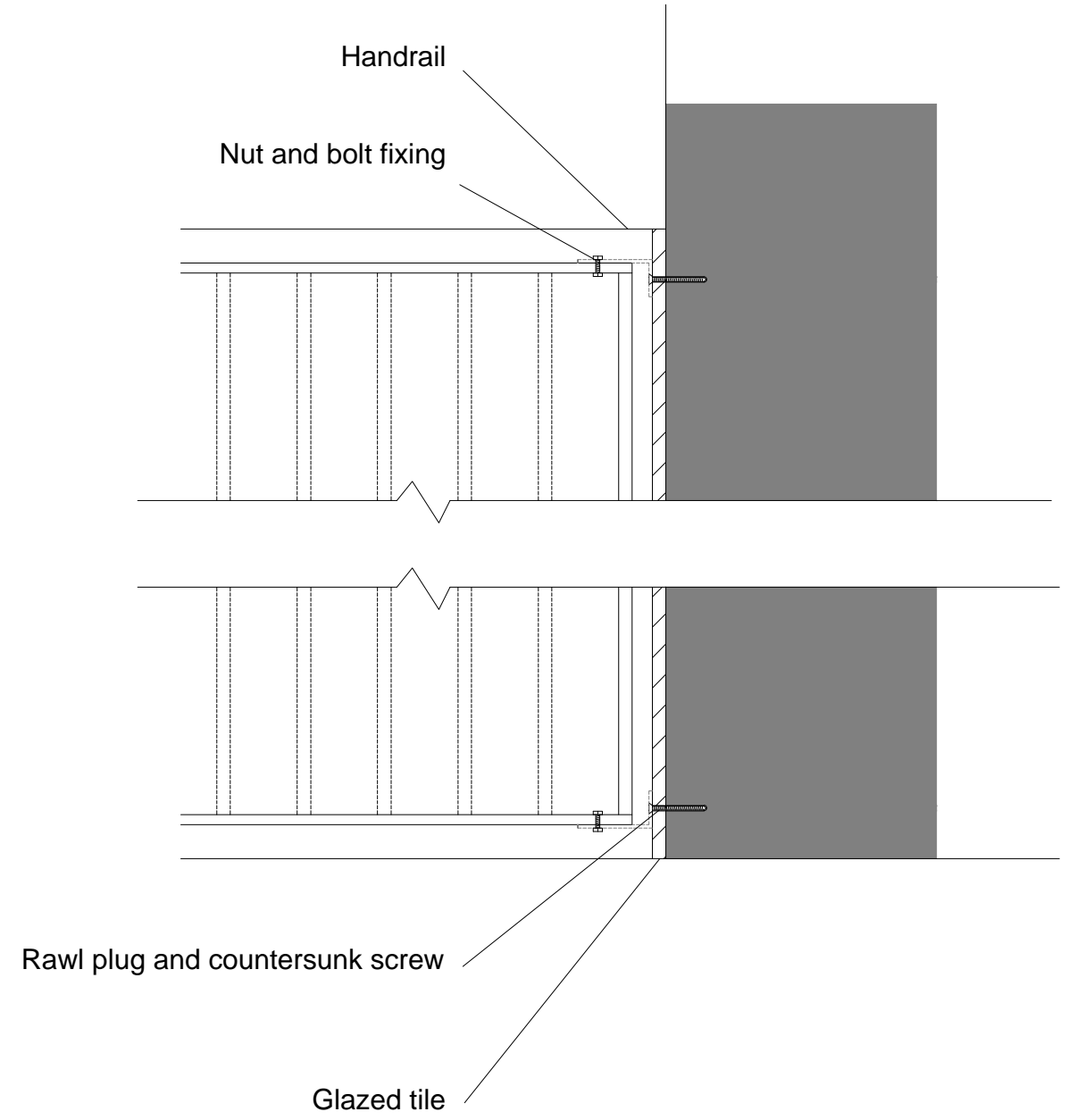
Existing pots reclaimed and incorporated onto GRP stack



Railing Fixing Plan

Scale 1:10

Holes drilled in glazed bricks using a water-fed, segmented diamond drill bit on a low speed.
Do not allow the drill bit to become hot and dampen the brick with cold water often



Railing Fixing Elevation

Scale 1:10

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REV: DATE: AMENDMENT:

Stoneme!
architectural & interior design

5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client: EAST ANGLIA PUB CO

Project: THE SHIP HOTEL
NEW ROAD
LEIGH-ON-SEA

Drawing: CHIMNEY, RAILINGS AND PRIVACY
SCREENS

Issue: Client Pre-App Planning B.Cont As Built Other

Date: 19.09.2019 Scale: Varies @ A1

Project No.: 1813 Drawing No.: 27B

1:100 0m 1 2 3 4 10.0m

Copyright House Martin Grp Ltd
Tel 01626 853987 Dry No
Date January 2011 CH 01 RS

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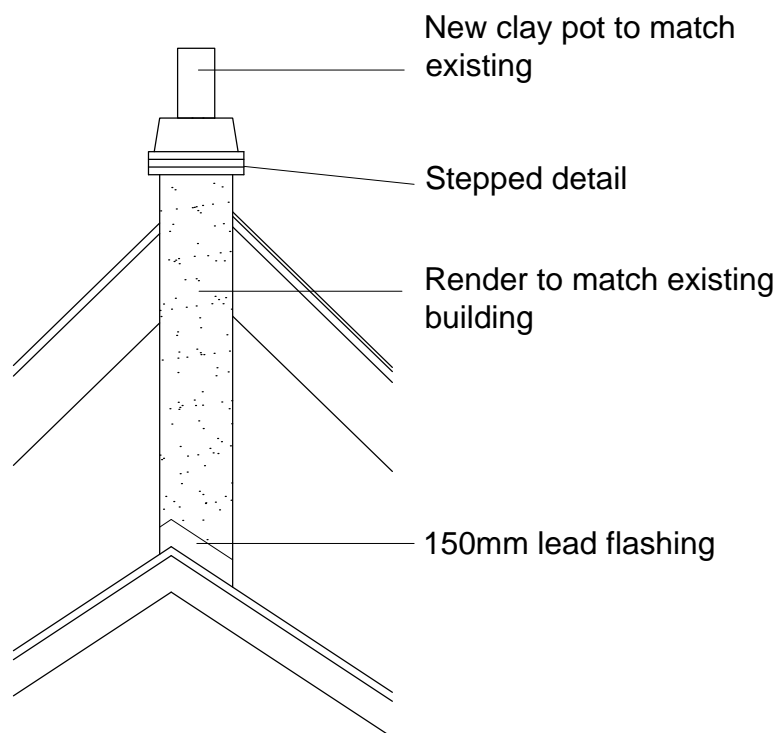
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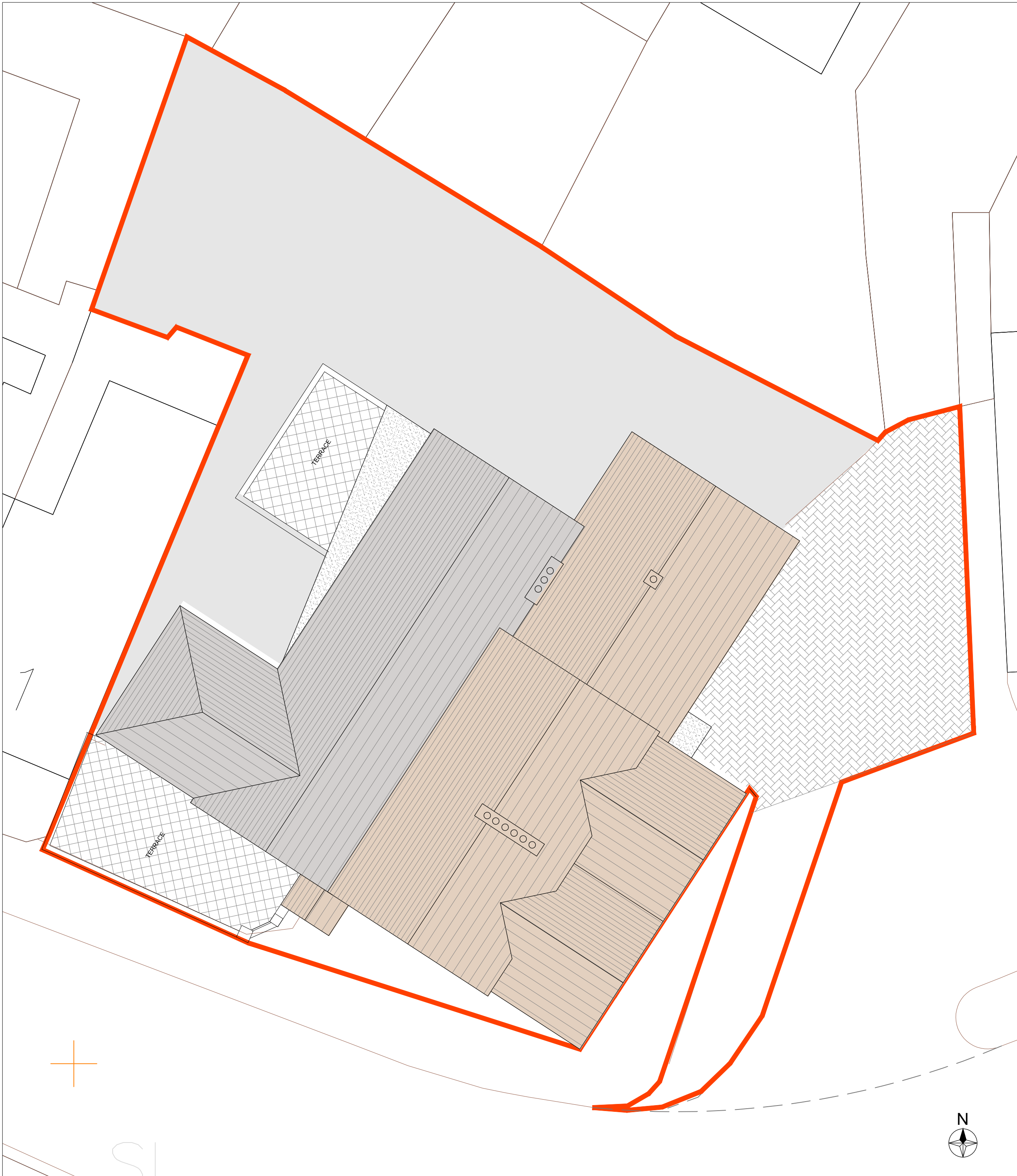


NEW CHIMNEY DETAILS

Scale 1:50

REV:	DATE:	AMENDMENT:
Stone! architectural & interior design		
5 FOUNTAIN LANE, HOOKLEY, ESSEX, SS5 4ST Tel: 01702 263333 E: info@stone.me W: www.stone.me		
Client:	EAST ANGLIA PUB CO	
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA	
Drawing:	NEW CHIMNEY DETAIL	
Issue:	Client	Pre-App
Date:	16.10.2019	Scale: 1:50 @ A1
Project No.:	1813	Drawing No.: 29

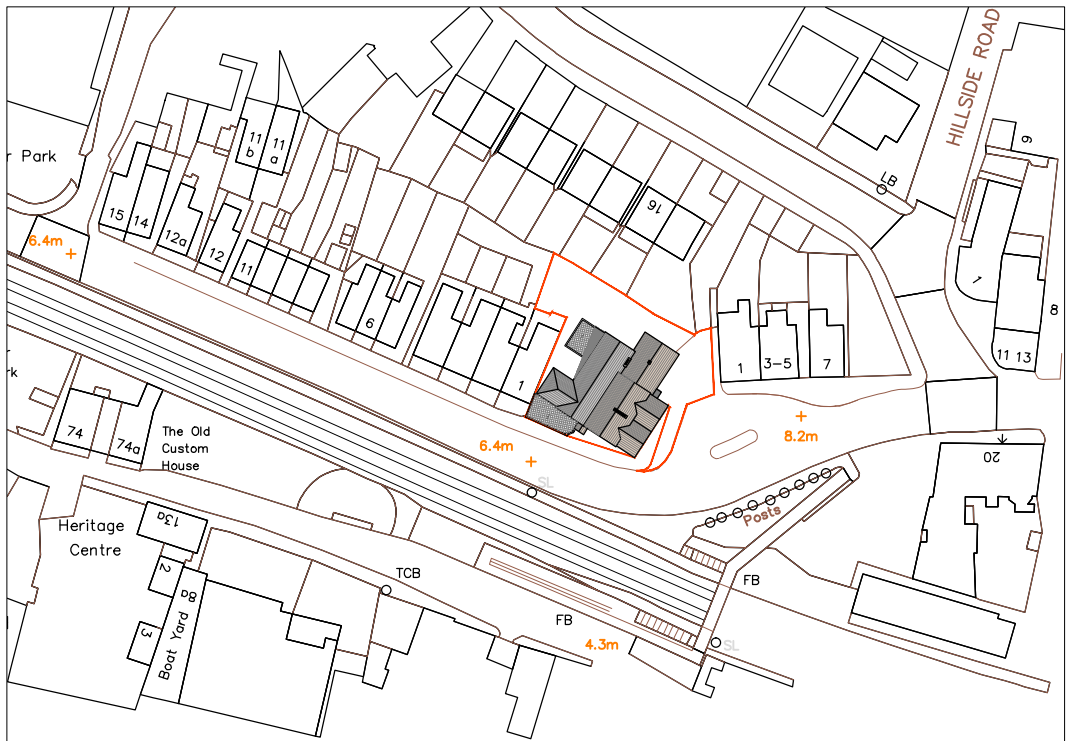
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Existing Site Plan
Scale 1:100



Proposed Site Plan
Scale 1:100



Location Plan
Scale 1:1250

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REV:	DATE:	AMENDMENT:
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5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client:	EAST ANGLIA PUB CO
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA
Drawing:	SITE PLANS

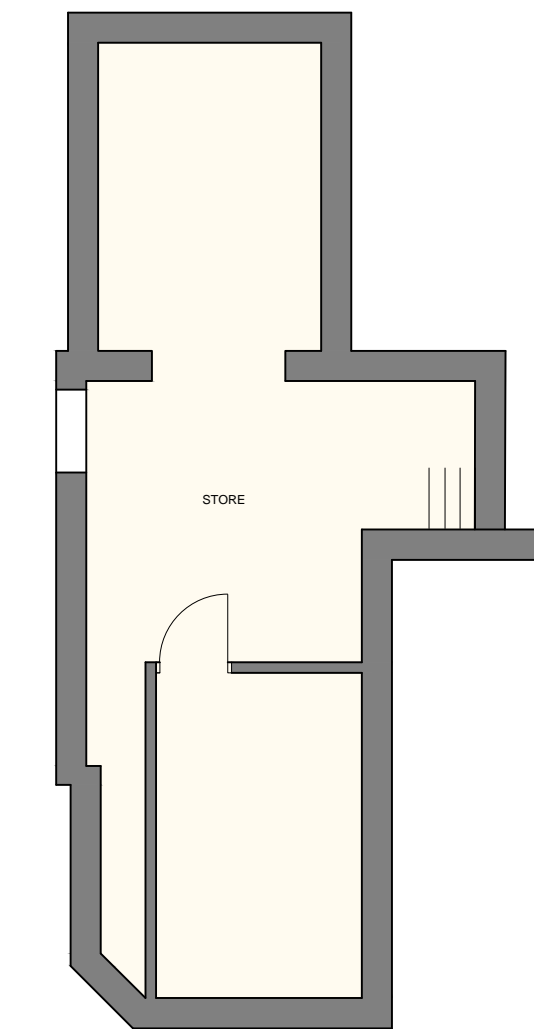
Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
Date:	18.04.2019	Scale:	Varies @ A1			
Project No.:	1813	Drawing No.:	10a			

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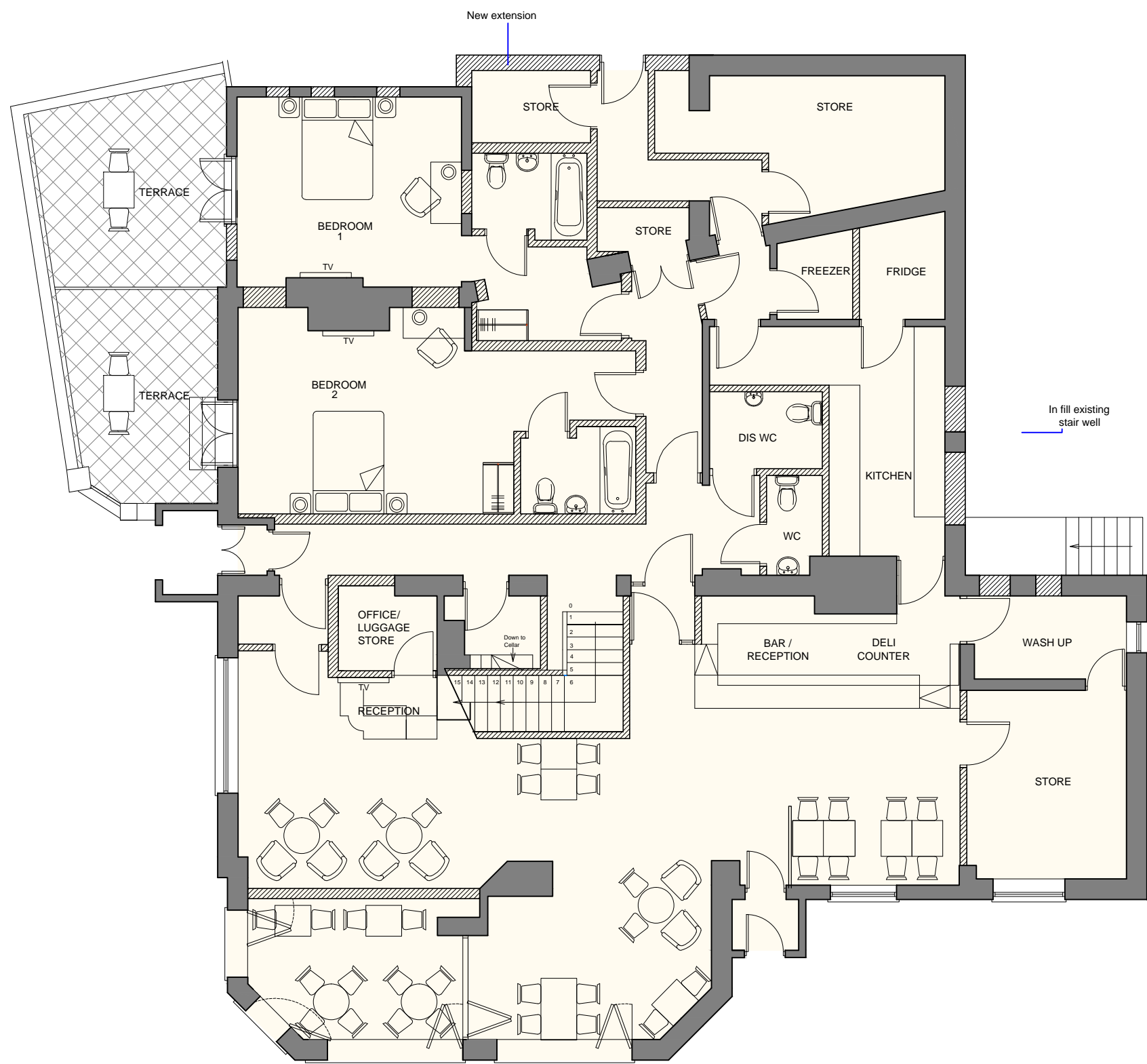
Proposed Basement Plan

Scale 1:100



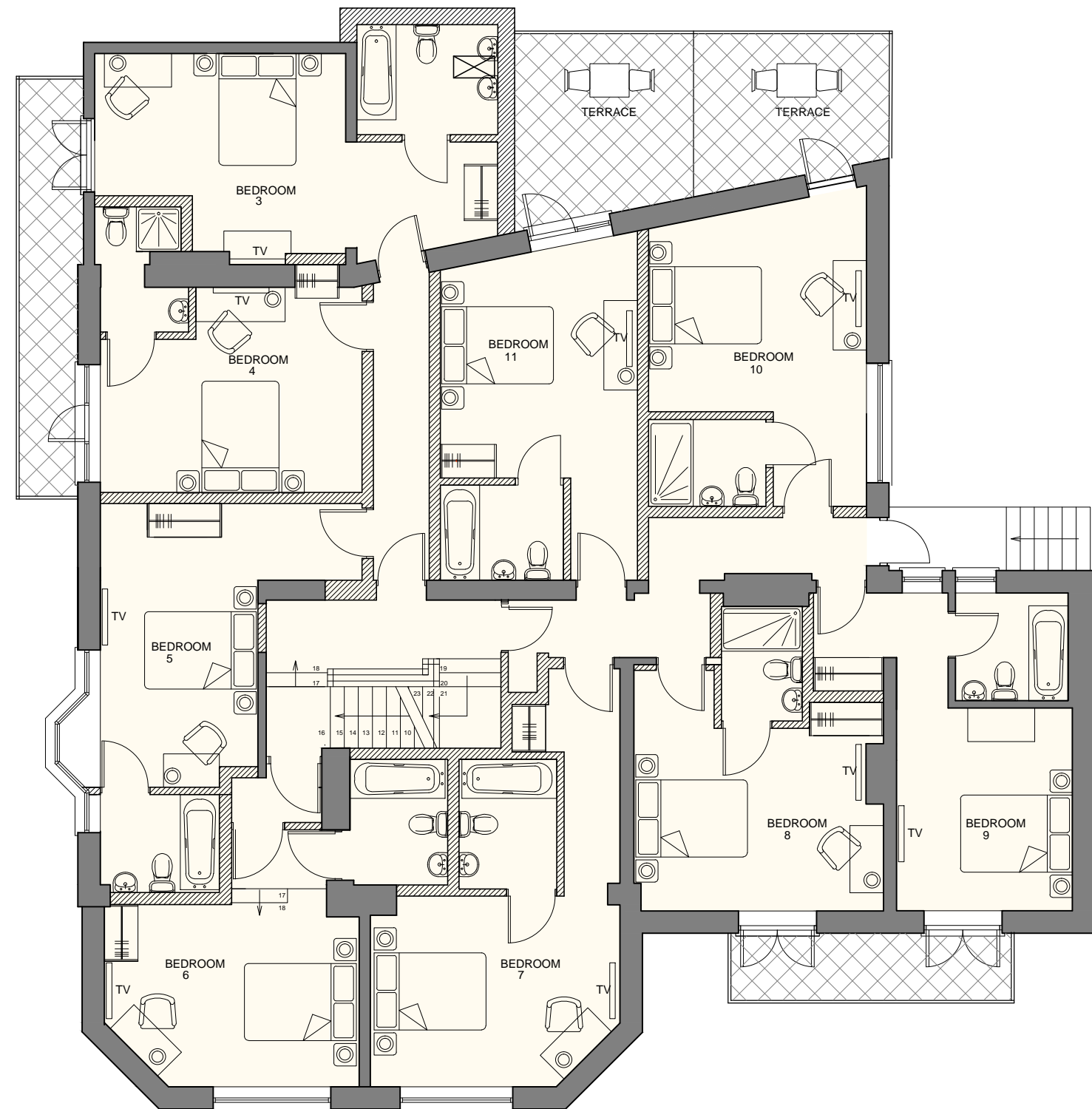
Proposed Ground Floor Plan

Scale 1:100



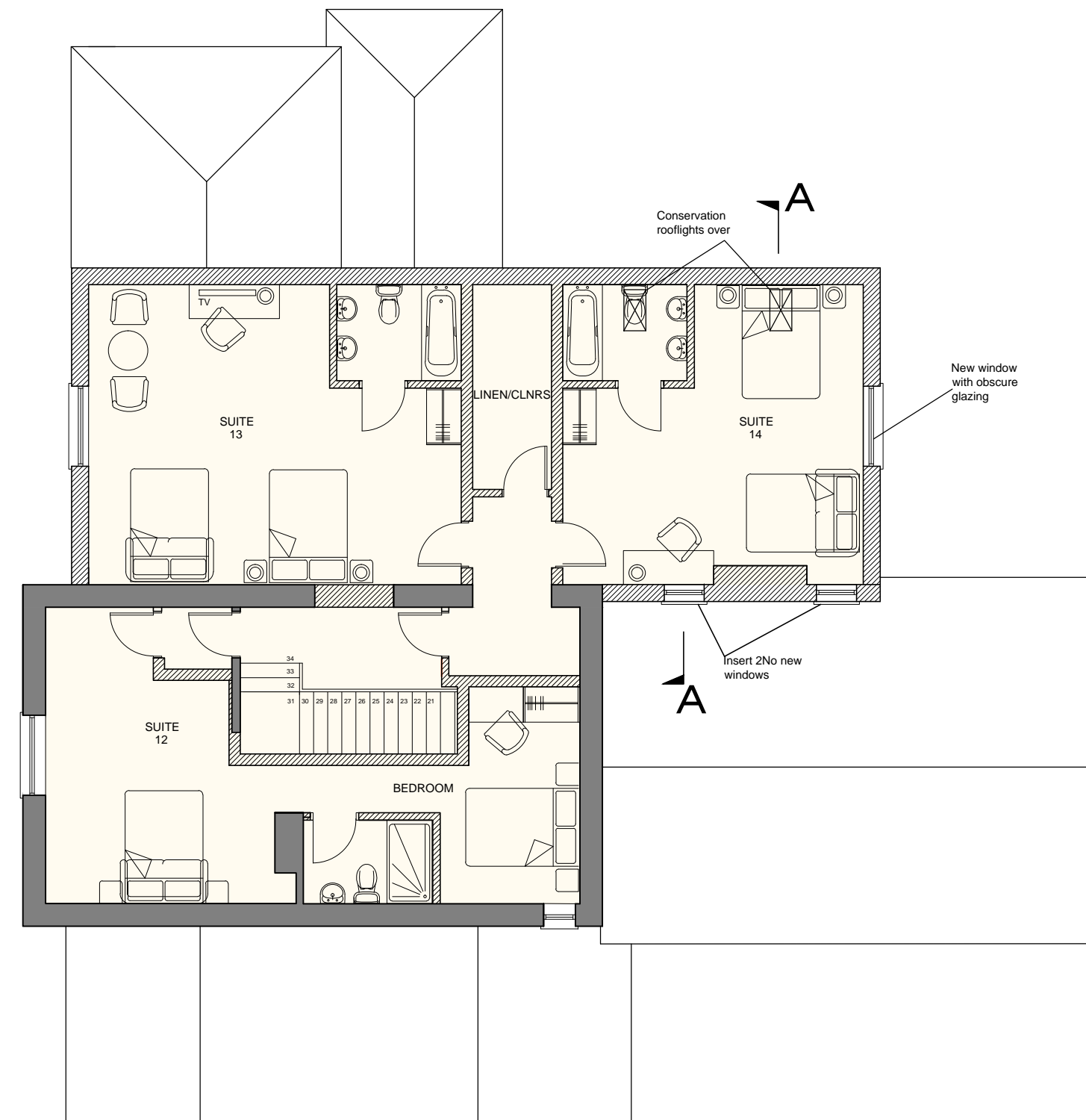
Proposed First Floor Plan

Scale 1:100



Proposed Second Floor Plan

Scale 1:100



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REV:	DATE:	AMENDMENT:
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Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client:	EAST ANGLIA PUB CO
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA
Drawing:	PROPOSED LAYOUT PLANS

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other

Date:	19.06.2019	Scale:	1:100 @ A1
Project No.:	1813	Drawing No.:	12C

1:100

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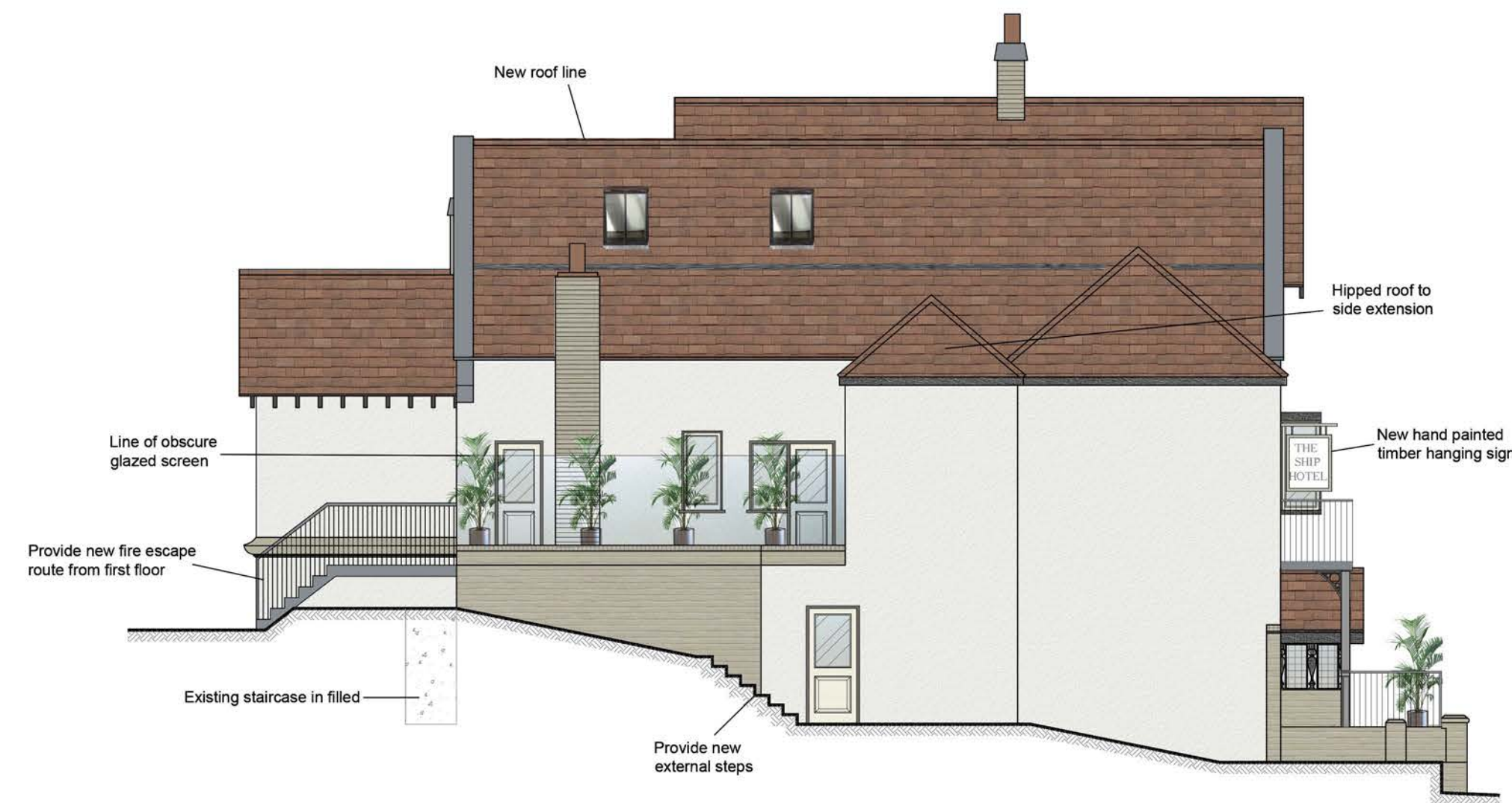
Proposed Front Elevation
Scale 1:100



Proposed Side (E) Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



Proposed Side (W) Elevation
Scale 1:100

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REV:	DATE:	AMENDMENT:
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5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client:	EAST ANGLIA PUB CO					
Project:	THE SHIP HOTEL NEW ROAD LEIGH-ON-SEA					
Drawing:	PROPOSED ELEVATIONS					
Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
Date:	26.06.2019			Scale: 1:100 @ A1		
Project No.:	1813			Drawing No.: 14D		

0m 1 2 3 4 10.0m

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Reference:	19/01603/FULH	12	
Application Type:	Full Application - Householder		
Ward:	Thorpe		
Proposal:	Install chimney flue for log burner to outbuilding at rear (Retrospective)		
Address:	140 Thorpe Hall Avenue, Thorpe Bay, Essex		
Applicant:	Mr Barry Brook		
Agent:	Mr Alan Green of A9 Architecture		
Consultation Expiry:	24th September 2019		
Expiry Date:	8th November 2019		
Case Officer:	Spyros Mouratidis		
Plan Nos:	1337 01, 1337 02, 1337 03, 1337 04, 1337 05 A, 1337 06 A		
Recommendation:	GRANT PLANNING PERMISSION subject to conditions		



1 Site and Surroundings

- 1.1 The application site is on the eastern side of Thorpe Hall Avenue and is occupied by a semi-detached dwellinghouse and associated outbuildings. The area is residential in nature with sizeable dwellings sitting within spacious gardens. On the opposite side of Thorpe Hall Avenue is the Thorpe Hall Golf Club. The site lies within a Flood Risk Zone 3 (the higher probability zone).

2 The Proposal

- 2.1 Planning permission is sought for the installation of a chimney flue above one of the outbuildings to the rear part of the application site. The development has already been completed. This application has been submitted retrospectively, following an enforcement enquiry, under the provisions of section 73A of the Town and Country Planning Act 1990. The chimney projects approximately 2.3m above the highest point of the outbuilding and its height from the ground is 4.7m. The chimney flue has a diameter of approximately 0.2m and is made of stainless steel painted black.

3 Relevant Planning History

- 3.1 There is no relevant planning history. Other planning history for the application site includes applications for the extension of the main dwellinghouse but they are not relevant to this application.

4 Representation Summary

- 4.1 The application has been called to the Development Control Committee by Councillor Woodley.

Public Consultation

- 4.2 Three (3) neighbouring properties were consulted. Two (2) representations have been received, one objecting to and one commenting upon the proposal. The following objections and comments were raised:

- The development is an ugly, tall, industrial type of chimney completely unsuitable for the area which is highly visible and granting planning permission for it would create a precedent for other structures to be installed in the area.
- The drawings do not include the additional supporting structures.
- The chimney is not aesthetically pleasing and is disproportionate to the building.
- The chimney is closer to the neighbouring property than it is to the main dwelling on site.
- Possible smoke impact to neighbouring properties.
- Harm to amenity

- 4.3 These concerns are noted and where relevant are discussed in detail in the following sections of this report.

- 4.4 Councillor Woodley expressed concerns regarding the environmental impact of the development.

Environmental Health

4.5 No objection.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment and Urban Renaissance).

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land)

5.4 Design & Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the area, the impact on residential amenity and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

7.1 The principle of altering an existing outbuilding to provide facilities in association with its existing use is considered acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

7.2 Good design is 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 also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”

7.3 Paragraph 56 of the NPPF states that: “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

7.4 Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”

7.5 The development that has been carried out on site is of limited architectural value. The chimney flue is of a rudimentary and utilitarian design. Nevertheless, it is not

uncommon for the installation of log burners to be accompanied by the installation of a chimney of such a design. The top of the chimney is 4.7m above ground level and of a slender form which is not bulky or over-dominant and while it is visible, especially from within the rear gardens of adjacent properties, it is not considered to be overly conspicuous or intrusive on balance. The development is seen from adjacent public areas within the context of the rear gardens where modest sized trees and other features comprise the vernacular. Even if trees which comprise the backdrop of the development when viewed from certain vistas or obscure the development, were to be removed (as they are not permanent features), it is not considered that the chimney would be so prominent as to cause material harm to the visual amenity of the area. The colour scheme for the development is adequate and would limit any sunlight glaring.

- 7.6 Concerns have been raised about the omission of the supporting structures from the drawings. Amended plans were requested and have been submitted showing the supporting structures. These structures are minimal in terms of size and do not significantly alter the effect the chimney flue has on the character and appearance of the area. Overall, the development is not harmful to the character and appearance of the area to such a degree as to warrant refusal of the application on this basis. Hence, the development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.7 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “[...] having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.8 By its nature the chimney flue would not cause any overlooking, any significant overshadowing or any detrimental overpowering impacts on any of the neighbouring properties. Neighbouring gardens are generously sized such that, although visible, the flue is set away from neighbouring dwellings and as such there is no adverse harm in terms of outlook. Concerns have been raised by neighbouring properties in relation to air pollution. The height of the chimney is considered sufficient to allow adequate dispersal of smoke and other combustion gases and by-products in order to avoid material harm to the living conditions within neighbouring properties. It is not considered that the development would materially affect the amenity of neighbouring occupiers in relation to noise and disturbance. The Council’s Environmental Health team has been consulted and raised no objection. Overall, the development is acceptable and in line with policy in the above regards.

Community Infrastructure Levy (CIL)

- 7.9 The proposed development equates to less than 100m² of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the

proposed development would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. This application is therefore recommended for approval subject to a condition.

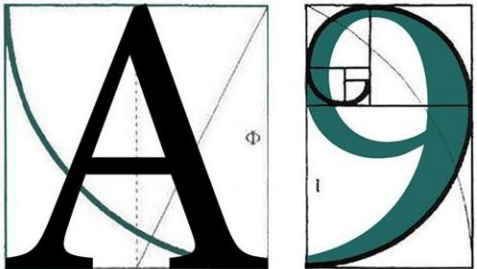
9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following condition:

- 01 The development hereby approved shall be retained on site in accordance with the approved plans: 1337 01, 1337 02, 1337 03, 1337 04, 1337 05, 1337 06**

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

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ARCHITECTURE
255 London Road, Hadleigh, Essex , SS7 2BN
Info@A9Architecture.co.uk
Tel: 01702558888

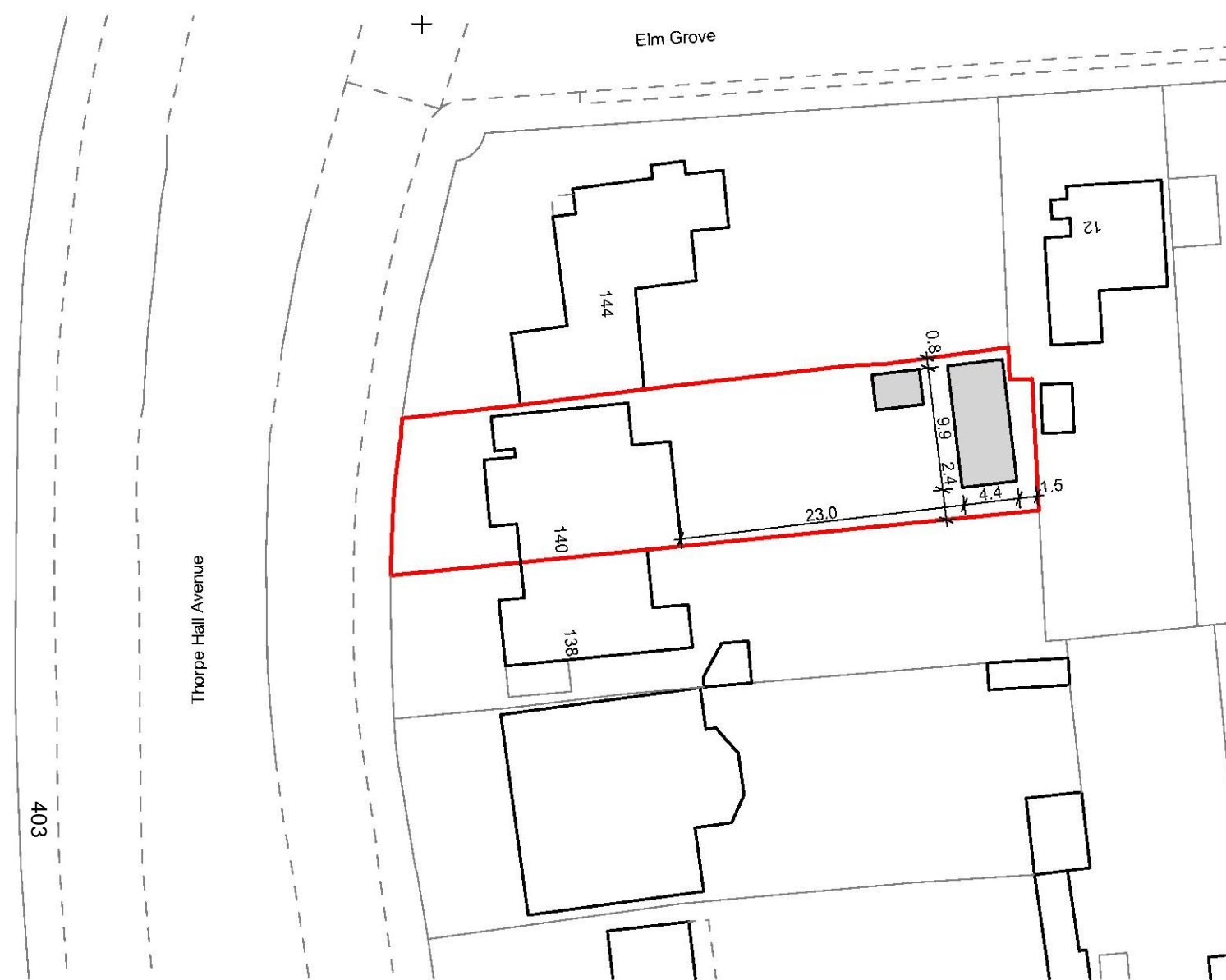
Project:
**140 Thorpe Hall Avenue,
Southend-on-Sea, Essex,
SS1 3AR**

Drawing Title:
Location Plan

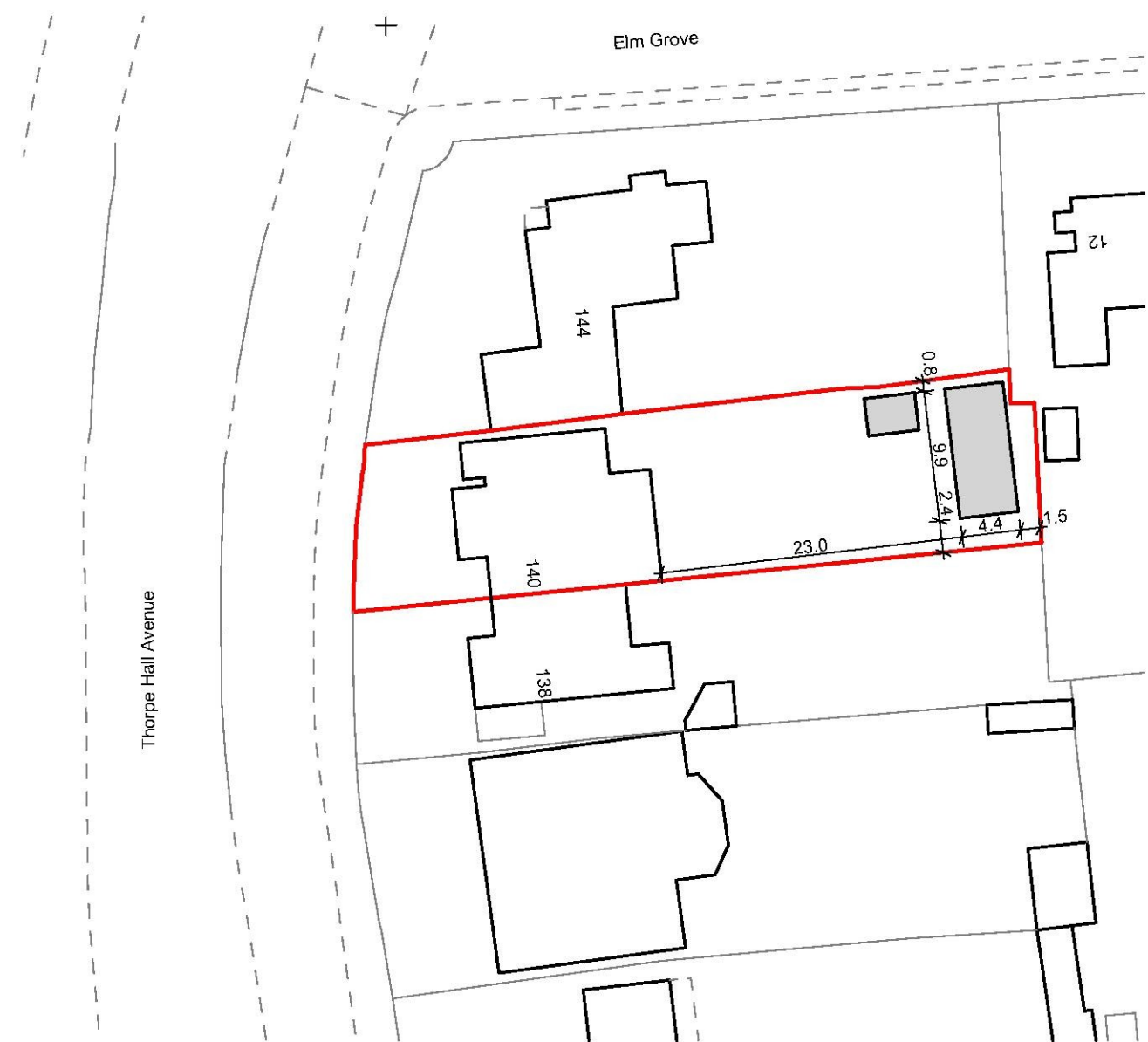
Client:
Barry Brook

Drawn:	Checked:	Date:	Scale:	Paper Size
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Job no. 1337		Dwg. no. 01	Revision:	<input type="radio"/> Preliminary <input checked="" type="radio"/> Design <input type="radio"/> Tender <input type="radio"/> Contract <input type="radio"/> Working

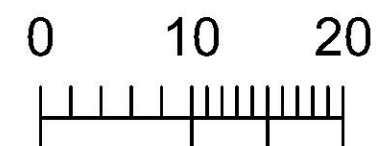
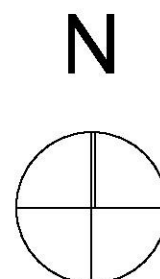
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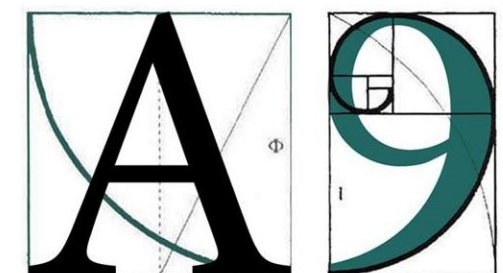
EXISTING SITE PLAN



PROPOSED SITE PLAN



Metres



ARCHITECTURE

255 London Road, Hadleigh, Essex, SS7 2BN

Info@A9Architecture.co.uk

Tel: 01702558888

Project:

**140 Thorpe Hall Avenue,
Southend-on-Sea, Essex,
SS1 3AR**

Drawing Title:

Site plan

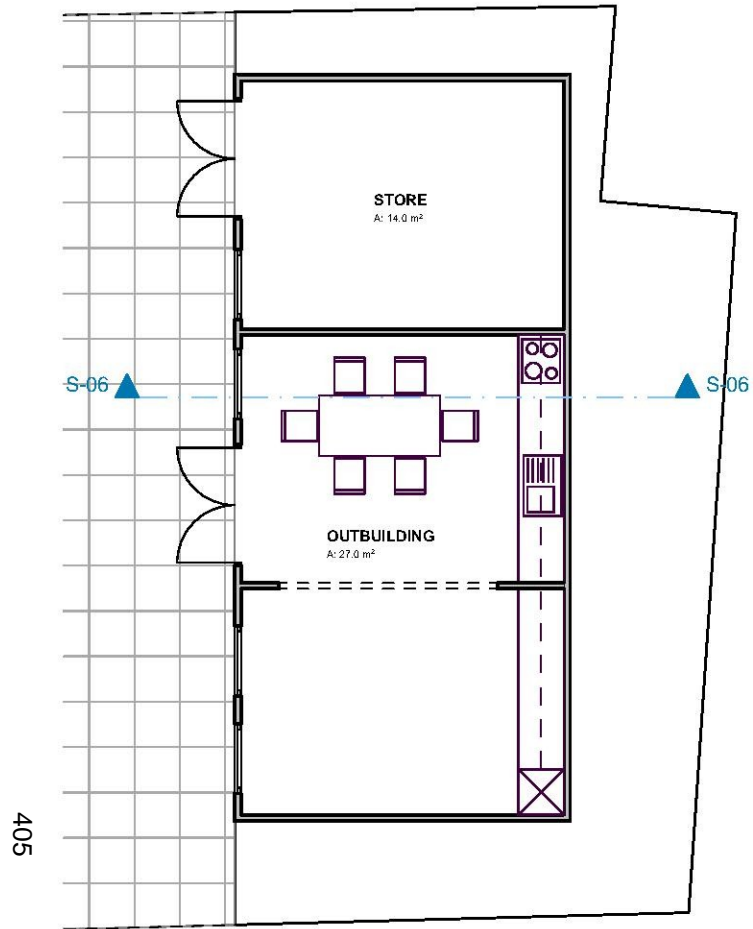
Client:

Barry Brook

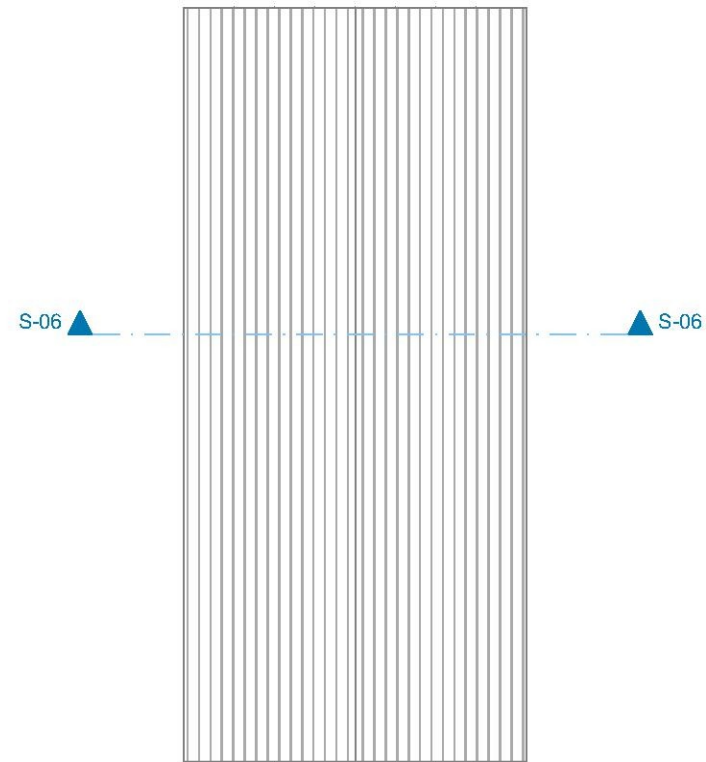
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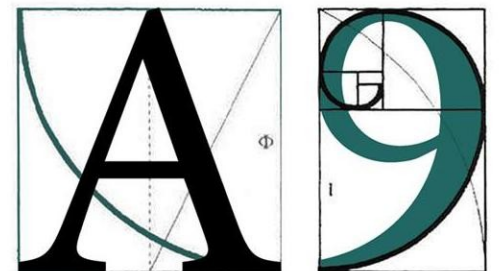
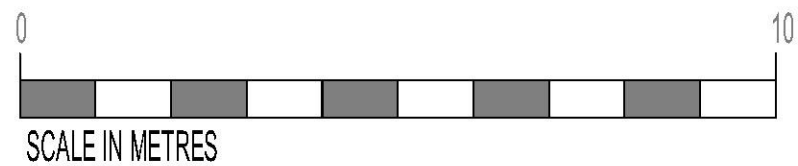
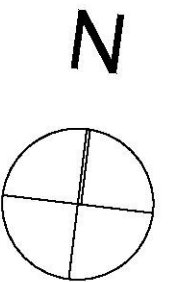
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Ground Floor



Roof Plan



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Tel: 01702558888

Project:

**140 Thorpe Hall Avenue,
Southend-on-Sea, Essex,
SS1 3AR**

Drawing Title:

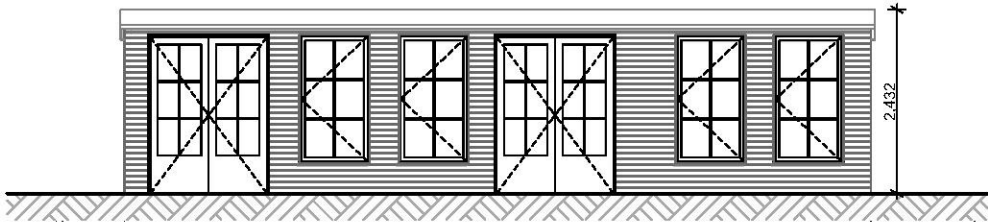
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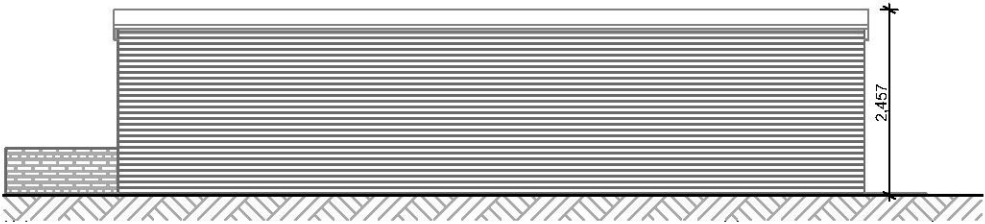
Barry Brook

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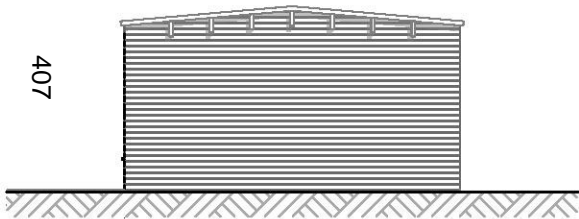
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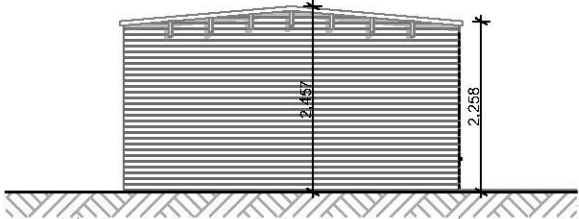
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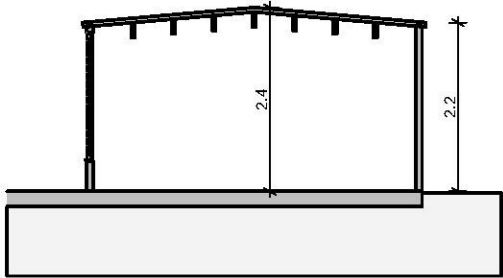
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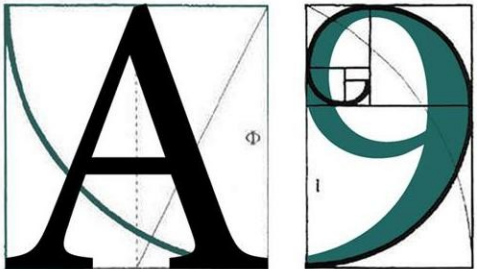
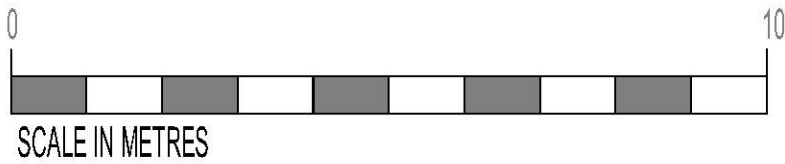
Flank Elevation



Flank Elevation



Section



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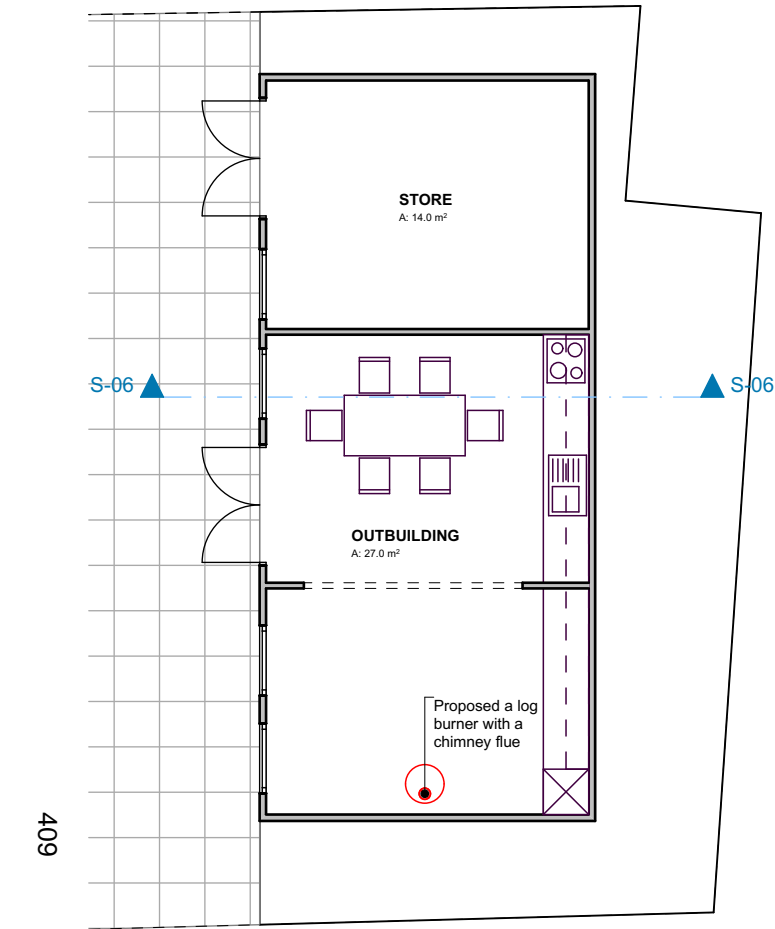
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Southend-on-Sea, Essex,
SS1 3AR**

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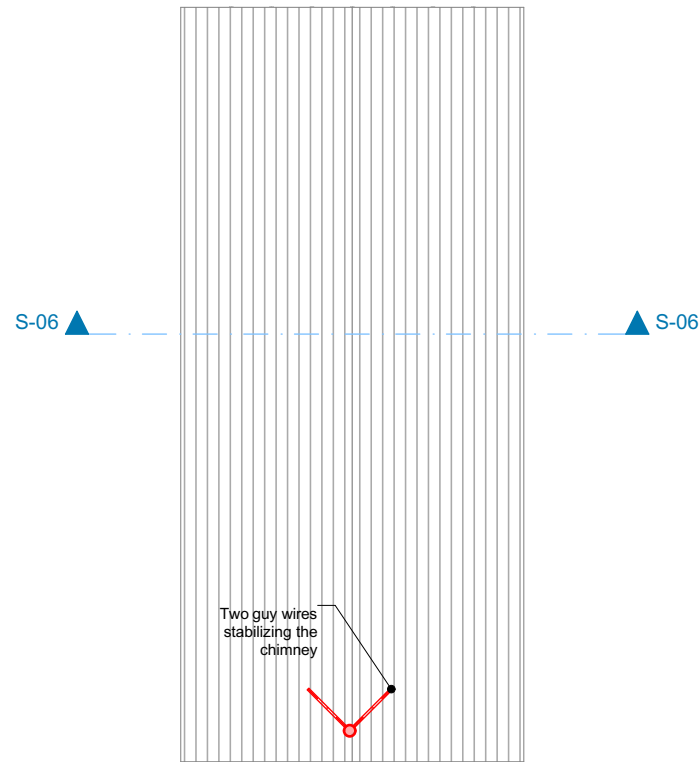
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Barry Brook

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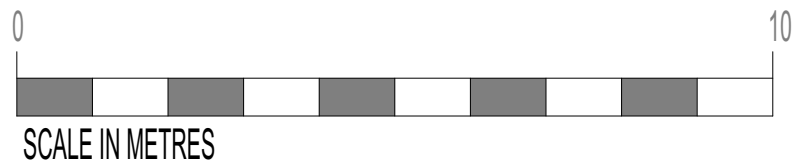
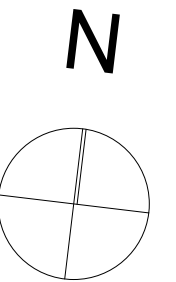
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Ground Floor



Roof Plan






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Project: **140 Thorpe Hall Avenue,
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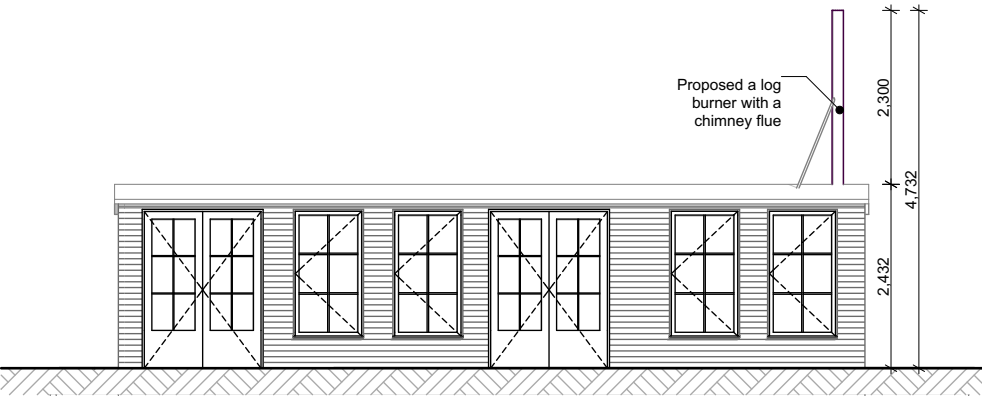
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Client: **Barry Brook**

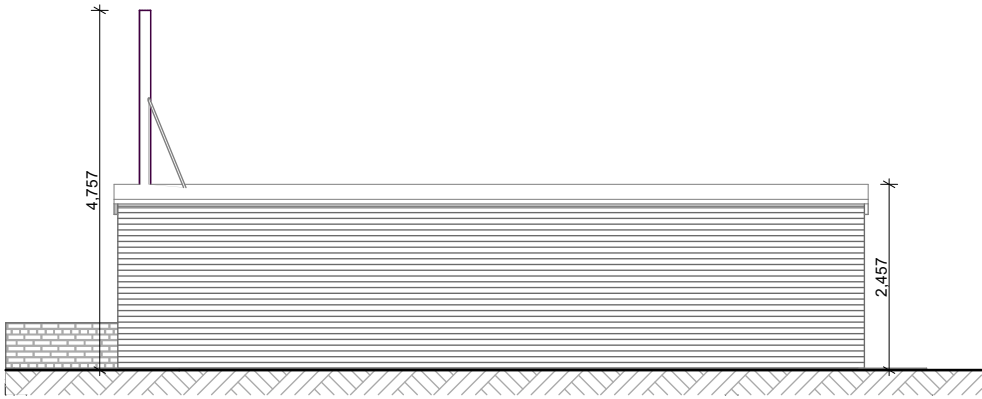
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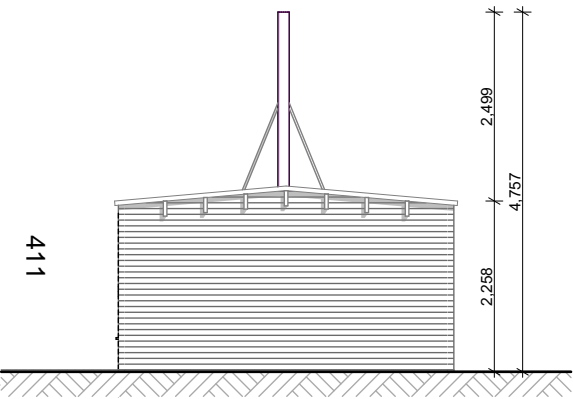
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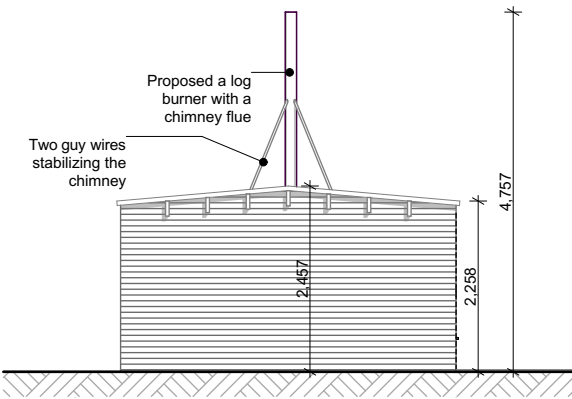
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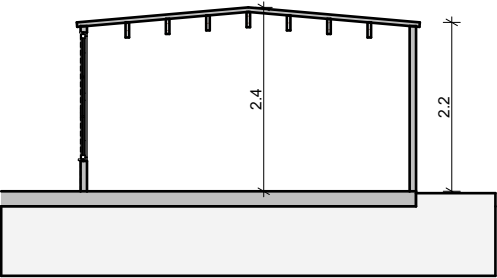
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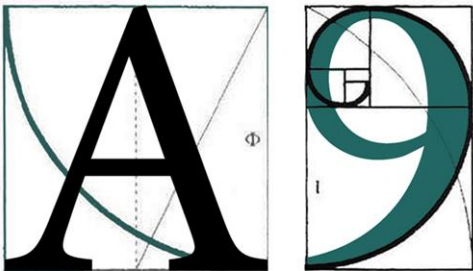
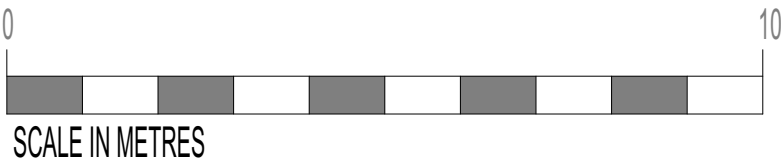
Flank Elevation



Flank Elevation



Section



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Project:
**140 Thorpe Hall Avenue,
Southend-on-Sea, Essex,
SS1 3AR**

Drawing Title:
**Proposed Elevations and
Sections**

Client:
Barry Brook

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Reference:	19/01565/FUL	13
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Change of use of two ground floor shops (Class A1) to two self-contained flats (Class C3), install handrails to front and side and alter elevations	
Address:	Viscount House, 97 Rochford Road, Southend-On-Sea	
Applicant:	Mr Litman	
Agent:	Mrs Jahan of RD architecture Ltd.	
Consultation Expiry:	18th September 2019	
Expiry Date:	8 th November 2019	
Case Officer:	Janine Rowley	
Plan Nos:	110 Revision P.2; 120 Revision P.1; 220 Revision P.3; 308	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is located on the west side of Rochford Road, outside of any primary and secondary shopping frontage. It contains a three storey building fronting Rochford Road, the ground floor of which was fitted out in shell form to create two commercial units (Class A1) with 14 flats above (07/00774/FULM). The two commercial units have remained vacant since construction.
- 1.2 The surrounding area is predominantly residential in character.
- 1.3 The site is not located within a conservation area or subject to any site specific planning policies.

2 The Proposal

- 2.1 Planning permission is sought to change the use of the two ground floor shops (Class A1) to two self-contained flats (Class C3) including the installation of handrails to the front and side and alterations to the elevations.
- 2.2 The internal floorspace of flat 1 is 52.8sqm, with one 1 person bedroom. It would have an external terrace of 4.4sqm. Flat 2 has an internal floorspace of 42sqm, with one bedroom for a single person, and an external terrace of 3.8sqm.
- 2.3 A number of external changes are proposed to the fenestration replacing the commercial frontages with different window openings together with the handrails described above. The existing pedestrian access to the south of the building will be extended in width retaining the vehicle access width serving the parking area to the rear as 3.6m.
- 2.4 Access to the flats will be via Rochford Road. Refuse and recycling is provided within the flats. No additional parking is provided for the new flats and no details of the cycle parking have been provided.
- 2.5 Consideration of the application was deferred at the 2nd October 2019 Development Control Committee meeting to enable the applicant to respond to parking concerns as members wished to understand whether it would be possible in principle to provide additional on-site parking without compromising amenity space.
- 2.6 Plan number 1681-111-P1 has been provided illustrating a bay to the west of the existing vehicle access and two tandem parking spaces to the north west behind existing allocated parking. However, as confirmed following assessment of the layout by the Council's Highways department, this plan demonstrates that such an alternative layout providing even one further parking space significantly restricts vehicular movement within that part of the site and would not enable a vehicle to enter and leave in a forward gear in no more than a 3 point turn. This is a requirement of the Council's Vehicle Crossing Policy as Rochford Road is a classified road.

- 2.7 Two tandem parking spaces could theoretically be provided at the sites top end but would result in the loss of amenity space and could only be formed behind existing parking spaces serving existing flats within the main development. Tandem parking can work but only in situations where the use is all under one practical control such as single family dwellinghouses or sometimes uses such as offices. Tandem parking does not work for flatted schemes reliant on independent use of spaces by different occupiers. In all regards therefore the theoretical alternative parking layout would rely on fundamentally on substandard design which would be unacceptable and in conflict with policy.
- 2.8 Therefore, the application is proposed as originally submitted, with no off street parking spaces for the two new 1 bedroom flats.
- 2.9 Development Control Committee also raised concern in relation to the plywood curtain walling to the existing commercial unit. The applicant has confirmed this is a temporary measure to keep the units secure whilst vacant. The black fascia above the hoarding is also temporary and will be removed if the proposed development proceeds.

3 Relevant Planning History

- 3.1 Demolish buildings, erect part two/ part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store- Refused (06/00862/FUL)
- 3.2 Demolish buildings, erect part two/ part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Amended Proposal)- Refused (07/00774/FULM) Allowed at appeal.
- 3.3 Demolish buildings, erect part two/part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Application to extend the time limit for implementation following planning permission 07/00774/FULM allowed on appeal dated 14.08.2008)-Planning Permission Granted (11/01005/EXTM).
- 3.4 Change of use of ground floor shops (Class A1) to two self-contained flats (Class C3)(Prior Approval)- Prior Approval Refused (19/01137/PA3COU)

4 Representation Summary

4.1 Public Consultation

41 neighbouring properties were consulted and a site notice was displayed. Three letters of representation have been received raising the following objections:

- Impact on parking unacceptable
- Customers park in the laybys to the front of the site
- New flats require more parking spaces
- Building works will affect health
- Loss of retail uses when more retail is needed

The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Where appropriate, these issues are discussed in greater detail in subsequent sections of this report.

- 4.2 Councillor Flewitt has requested this application be dealt with by Development Control Committee and has objected to the application on parking and infrastructure grounds.

- 4.3 **Highways Team**
No objections.

- 4.4 **Environmental Health**
No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.6 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.7 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, and Community Infrastructure Levy (CIL).

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

- 7.2 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”* and seeks to *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021. Policy CP8 also requires the provision of not less than 80% of residential on previously developed land.
- 7.3 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.”*
- 7.4 The redevelopment of the site would result in the reuse of brownfield land which is in accordance with National and Local Planning Policy and seeks to provide additional housing for which there is an identified need in this area and as such there is no objection to the principle of the proposal on this basis.
- 7.5 The site has no specific allocation within the Core Strategy and Development Management Document. The development would result in the loss of two commercial units amounting to 96.3sqm of retail floorspace. This does not conflict with planning policy in principle in this location and the principle of forming two residential units is acceptable subject to other material planning considerations discussed in detail below.

Design and Impact on the Character of the Area

- 7.6 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.”*
- 7.7 Paragraph 124 of the National Planning Policy Framework 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.’*
- 7.8 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.9 In the Council’s Development Management Document Policy DM1 states that development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*

7.10 The existing building is three storeys with flats behind the commercial unit shells on the ground floor, and on the first and second floors. The two commercial units are currently boarded up but the 2007 planning permission allowed on appeal included glazed shopfronts. To enable the conversion to residential at ground floor the proposal includes residential windows openings, handrails to the front and side of the building and formation of terraces to the north and south of the building with soft planting to the front. The fenestration is consistent with the upper floors and would not harm the character and appearance of the existing building or wider streetscene. No objection is raised to the siting of the external terraces and hand rails in design terms and the soft landscaping to the front of the site is welcomed enhancing the street frontage. Subject to such a condition to ensure the materials match the existing building and control over the details of the soft landscaping details no objection is raised on this basis.

7.11 The development is acceptable and policy compliant in the above regards.

Living Conditions

7.12 Paragraph 17 of the NPPF 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 table:

7.13 Minimum property size for residential units shall be as follow:

- 1 bedroom (1 space) 37sqm if a shower room, 39sqm if bathroom
- 1 bedroom (2 bed spaces) 50sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm 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.

7.14 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 7.15 Both flats proposed satisfy the minimum sizes required by the technical housing standards and the bedrooms are of acceptable sizes. The proposal is therefore acceptable and policy compliant in this respect.
- 7.16 All habitable rooms will be provided with windows to provide adequate levels of light, outlook and ventilation. The development is acceptable and policy compliant in this respect.
- 7.17 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. It is not considered reasonable to enforce building regulation M4(2) given the proposal is for a conversion of the existing building.
- 7.18 A 4.4sqm terrace area is proposed to serve flat 1 and 3.8sqm to flat 2. Taking into account that these are not designed for family sized households and that there is access to a range of amenities locally, no objection is raised.
- 7.19 The proposal would provide adequate living conditions for future occupiers of the site and is acceptable and policy compliant in this respect.

Impact on Residential Amenity

- 7.20 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.21 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 requires that all development should amongst other things:
- “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;”*
- 7.22 The nearest residential properties outside the site are no. 93 Rochford Road to the

south and the first floor of 101 Rochford Road to the north. Given the proposal is to convert the existing retail units at ground floor and the only external change is to introduce replacement glazing to the existing shopfront, handrails and formation of two terrace areas it is not considered the proposed development would result in material harm to the amenity of surrounding residents by way of material loss of light, or dominant, overbearing impacts or an unacceptable sense of enclosure. It is not considered the external terrace area to serve the flats to the north and south of the building would result in unacceptable noise levels to immediate neighbours taking into account the commercial premises to the north of the site and separation distance to the flank elevation of no. 93 Rochford Road and the relationship with other existing dwellings in the site.

- 7.23 It is not considered that the proposed development will result in material harm to the amenities of any other residential occupiers in any regard.
- 7.24 The proposal is therefore acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.25 A vehicle crossover to the south of the site leads to 14 parking spaces serving the existing flats. The commercial premises to the front of the site do not have any off street parking other than a 4 parking layby to the front of the site for both parking for the shops and unloading and loading of deliveries.

- 7.26 Policy DM15 of the Development Management Document states:

“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.

- 7.27 The maximum standards set by the Development Management Document require 1 space per 20sqm for Class A1 retail use and a minimum of 1 space per 1 bedroom dwelling (so 2 required). The existing retail floorspace to be lost at ground floor is 96sqm equating to a maximum 5 parking spaces when assessed against the above standards.

- 7.28 The development was allowed at appeal. In paragraph 14 of the appeal decision (APP/D15900/A/08/2067017) the Inspector concluded with respect to the retail uses in terms of parking provision:

“There is no parking proposed for the commercial units on the site. However, there would remain 4 spaces within the lay-by which could accommodate some customer parking. The Council state that this may not be sufficient for customers and staff of the commercial units. Even if the residential use or the commercial use of the site were to give rise to parking on the surrounding roads, the appellant has demonstrated that there is considerable capacity on surrounding roads to safely accommodate it. The Council

does not seek to challenge the appellant's evidence in this respect and I also conclude that in the event that overspill parking did take place it would be of a limited amount and could be done so safely and without detriment to neighbouring residents".

- 7.29 The site is considered to be located in a sustainable location with access to a number of bus services and within reasonable walking distance of Southend Airport train station. On balance, taking into account the modest capacity of the proposed flats and their location, it is not considered that parking conditions or highways safety would be materially harmed. Highways have raised no objection to the proposal.

Community Infrastructure Levy (CIL)

- 7.30 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of some 94.6sqm, which may equate to a CIL charge of approximately £2314.06 (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.

8 Conclusion

- 8.1 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 have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. On balance, there would be no harmful traffic, parking or highways impacts caused by the proposed development. In response to this committee's deferral the applicant has demonstrated that any additional parking spaces created within the existing car parking area would need to be of substandard design and would also in part reduce amenity space. This application is therefore recommended for approval.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall be carried out solely in accordance with the approved plans: 110 Revision P.2; 120 Revision P.1; 220 Revision P.3; 308.

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

- 03 All new work to the outside of the building must match existing original work in

terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the character and appearance of the 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 advice contained within the Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority details of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces and all means of enclosing the site.**

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

- 05 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to first occupation of any part of the development hereby approved.**

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

- 06 Prior to the first occupation of the dwellings hereby approved, the secure cycle and refuse and recycling storage for the flats hereby approved shall be implemented in accordance as shown on drawing 220 Revision P3. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such in perpetuity.**

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document (2015).

- 07 Hours of construction related to the development hereby approved shall be restricted to 8am - 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.**

Reason: In the interests of the amenities of neighbouring residents in

accordance with the National Planning Policy Framework (2019), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide, (2009).

- 08** Prior to first occupation of the development hereby approved 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 installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Council's Design and Townscape Guide (2009).

Informatives:

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

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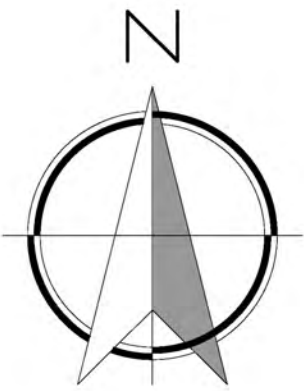
97-99 ROCHFORD ROAD, SOUTHEND ON SEA

CONVERSION OF SHOPS TO FLATS

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SCALE BAR 1:100

ORIENTATION



LEGEND

- APPLICATION SITE
- PARK
- TRAIN STATION
- BUS STOP
- WALKING DISTANCE



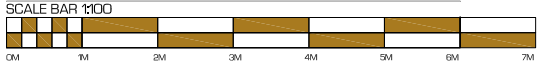
P.1	2019.05.24	first issued
REV.	DATE	DESCRIPTION
STATUS		
FOR PLANNING APPROVAL		
SITE ADDRESS		
97-99 ROCHFORD ROAD, SOUTHEND ON SEA, ESSEX, SS2 6SX		
CLIENT		
PRIVATE		
PROJECT		
CONVERSION OF SHOPS TO FLATS		
DRAWING TITLE		
AERIAL VIEW		
SCALE		
AS SHOWN ON A1 PAPER		
PROJECT NO.	1681	DRG NO. 105
REV.	P.1	
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97-99 ROCHFORD ROAD, SOUTHEND ON SEA

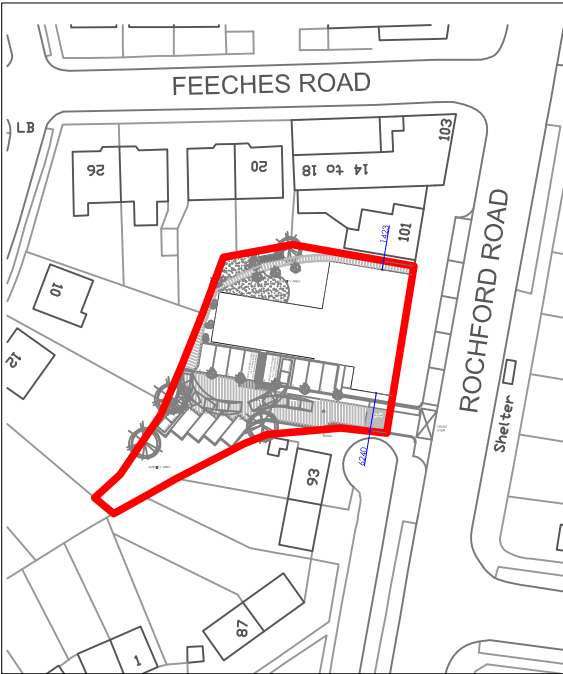
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LEGEND

**APPLICATION SITE OUTLINE**



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SCALE BAR 1:100

1m 2m 3m 4m 5m 6m 7m



02 EXISTING FRONT ELEVATION - EAST
Scale: 1:100



04 EXISTING SIDE ELEVATION - SOUTH
Scale: 1:100

DATE	2019.09.24	first issued
REV.	DATE	DESCRIPTION
STATUS		
FOR PLANNING APPROVAL		
SITE ADDRESS		
87-89 ROCHFORD ROAD, SOUTHDOWN ON SEA, ESSEX, SS8 6BX		
CLIENT		
PROJECT		
CONVERSION OF SHOPS TO FLATS		
DRAWING TITLE		
EXISTING GROUND FLOOR PLAN & ELEVATIONS		
SCALE		
AS SHOWN ON A1 PAPER		
PROJECT NO	DWG NO	REV
1681	120	P.1
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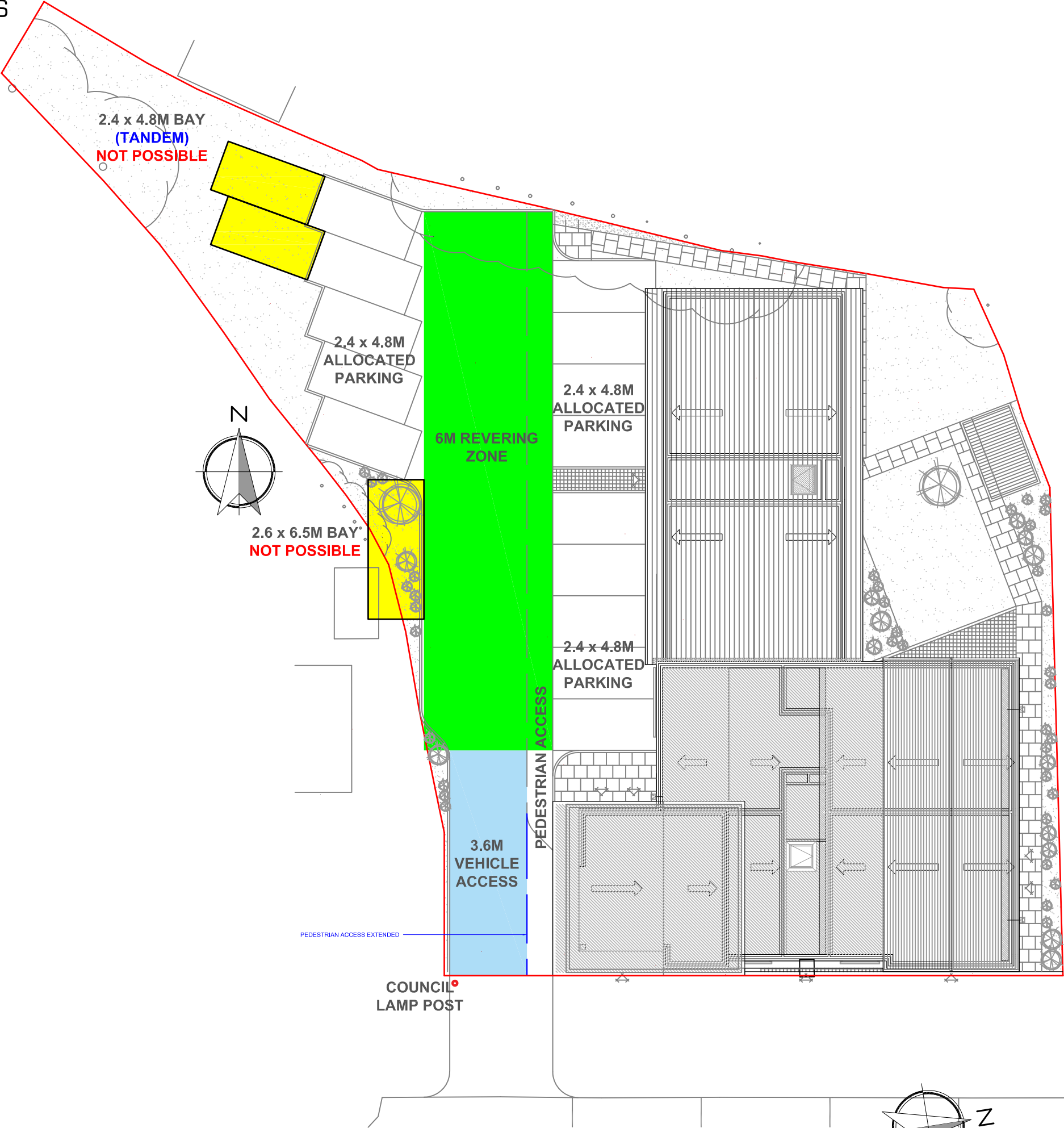
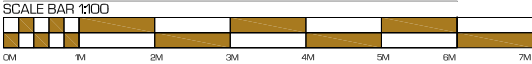


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97-99 ROCHFORD ROAD, SOUTHEND ON SEA

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03 PARKING DIAGRAM
Scale: 1:200

P1	2019.05.24	first issued
REV.	DATE	DESCRIPTION

STATUS
FOR PLANNING APPROVAL

SITE ADDRESS
97-99 ROCHFORD ROAD, SOUTHEND ON SEA,
ESSEX, SS2 6SX

CLIENT
PRIVATE

PROJECT
CONVERSION OF SHOPS TO FLATS

DRAWING TITLE
PARKING DIAGRAM

SCALE
AS SHOWN ON A3 PAPER

PROJECT NO. 1681 - DRG NO. 111 - REV. P1

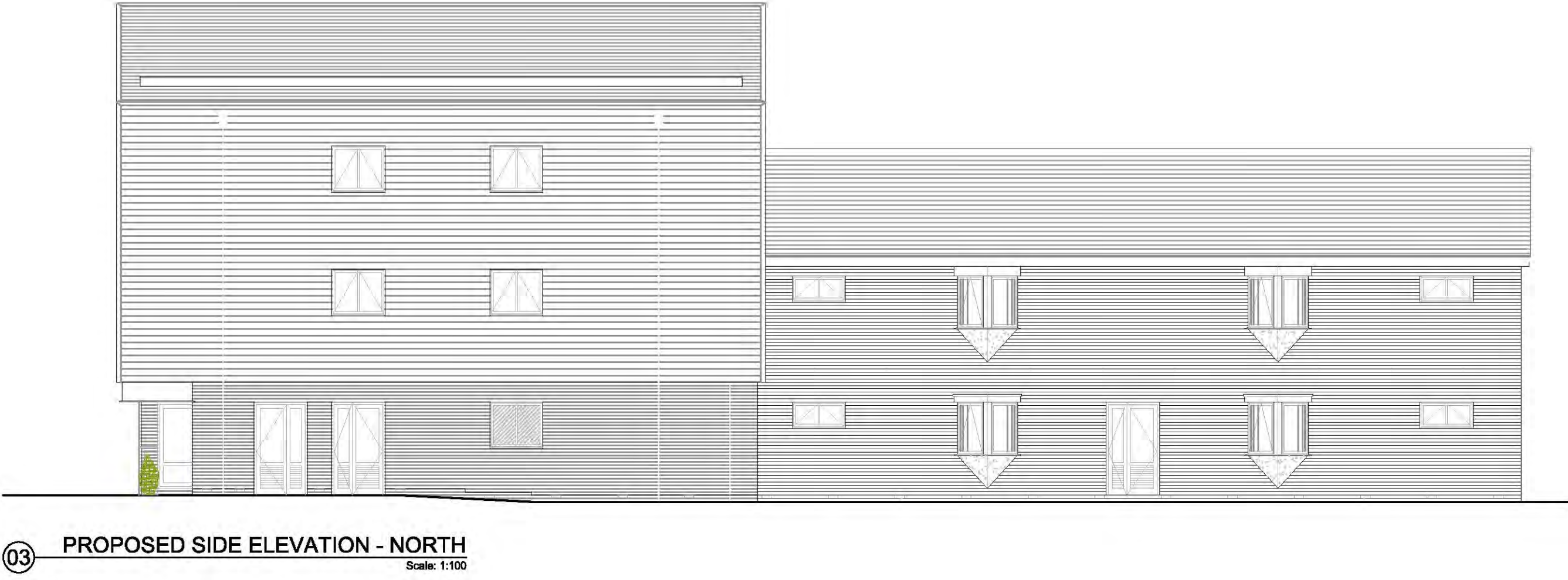
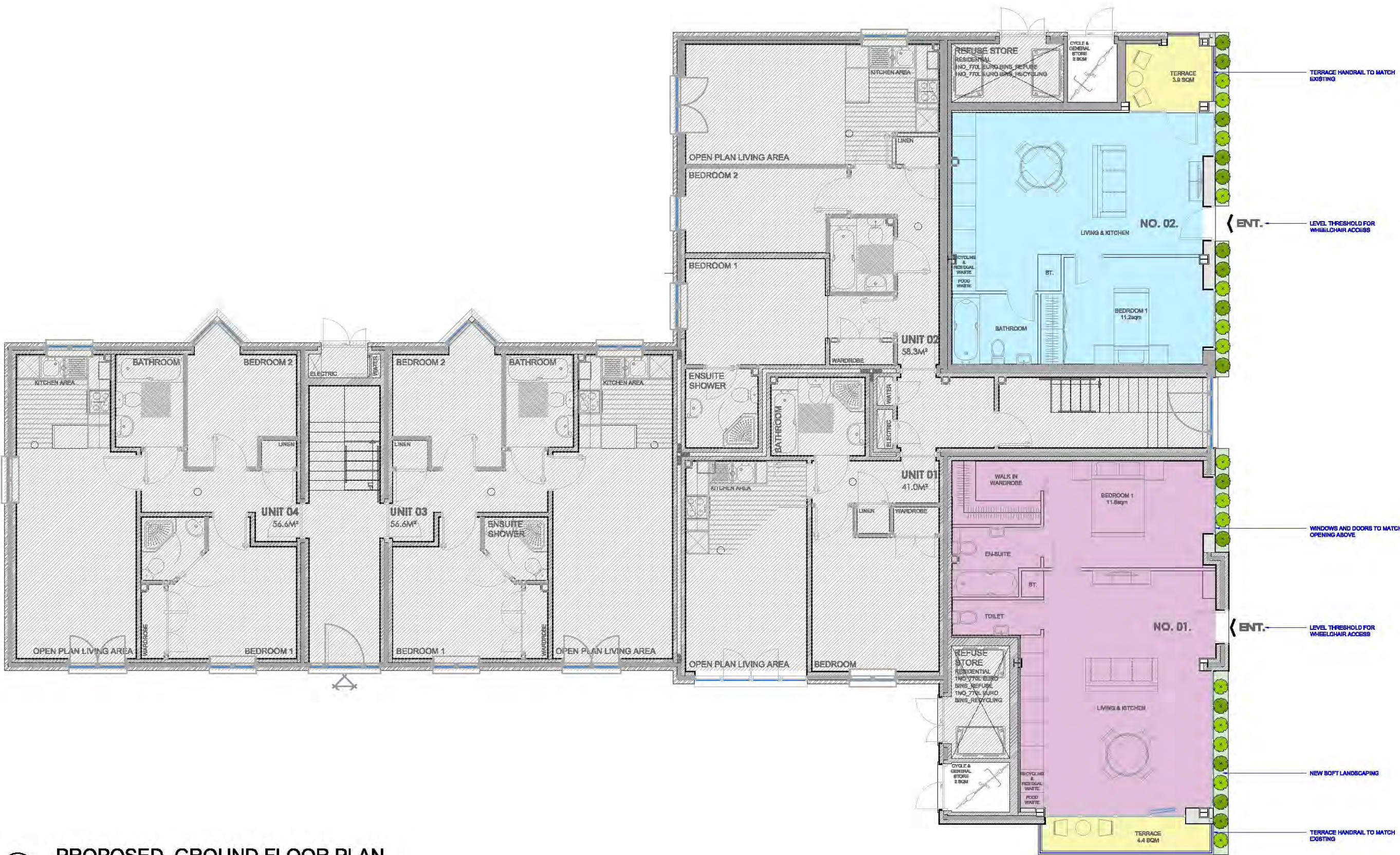
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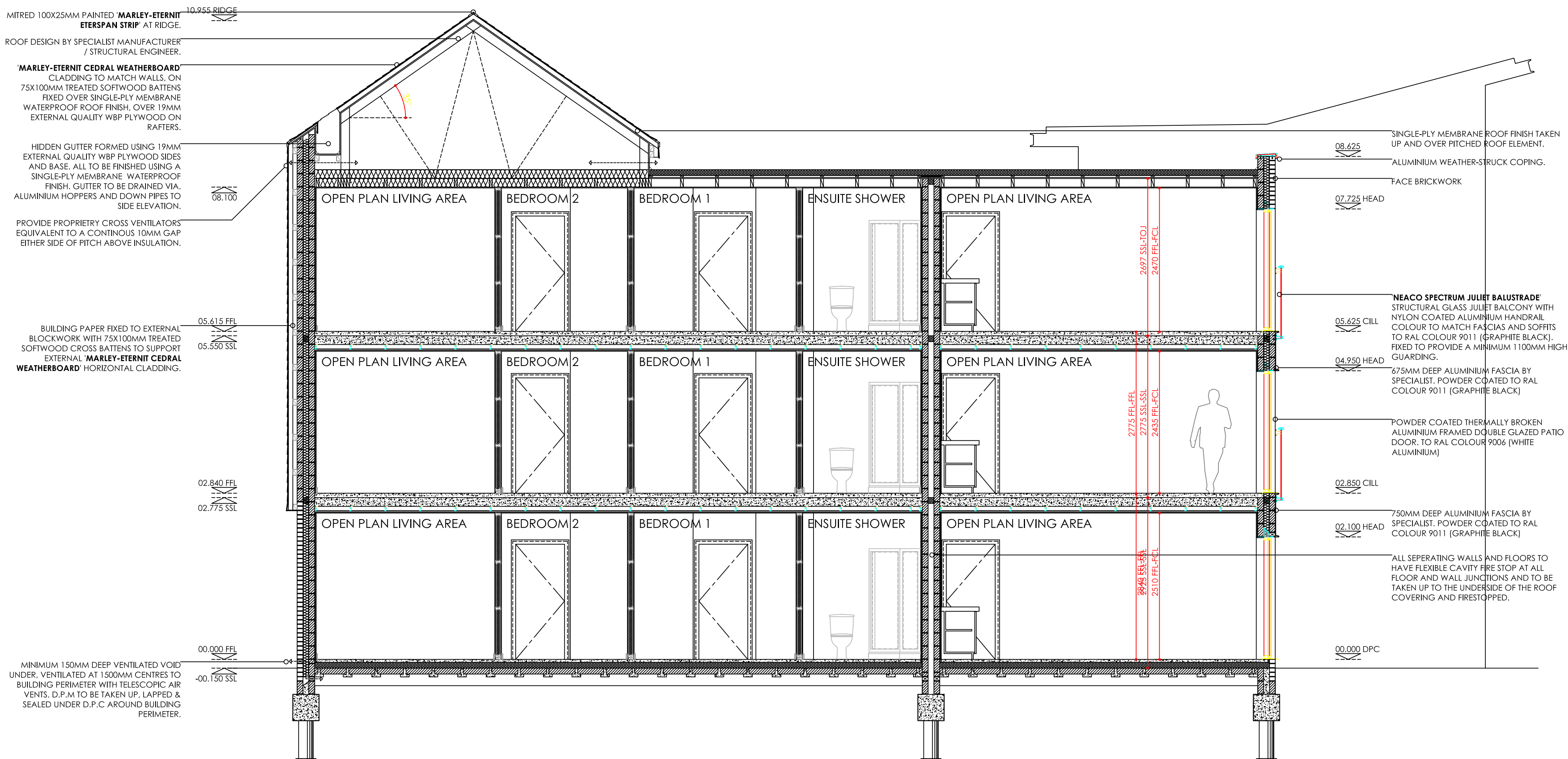
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P.3	2019.08.22	last update, store reviewed, flat no. added.
P.2	2019.08.22	interior furniture added
P.1	2019.05.24	final issued
STATUS		
REV.	DATE	DESCRIPTION
FOR PLANNING APPROVAL		
SITE ADDRESS		
97-99 ROCHFORD ROAD, SOUTHBEND ON SEA, ESSEX, SS8 6BX		
CLIENT		
PRIVATE		
PROJECT		
CONVERSION OF SHOPS TO FLATS		
DRAWING TITLE		
PROPOSED GROUND FLOOR PLAN & ELEVATIONS		
SCALE		
AS SHOWN ON A1 PAPER		
PROJECT NO.		
1681	220	P.3
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DETAILED SECTION C

SCALE 1:50



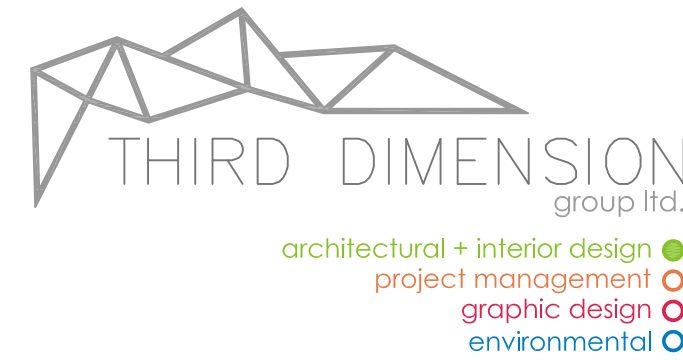
DETAILED SECTION D

SCALE 1:50

Rev.	Date.	Amendment.	Dwn.

MIXED-USE DEVELOPMENT
97-99 ROCHFORD ROAD
SOUTHEND-ON-SEA

ESSEX, SS2 6SX.



Drawing title.

PRELIMINARY
DETAILED SECTIONS C + D

Client.
TOWER RADIO LIMITED

Scale. 1:50@ A1	DWG No. 308
Date. 07.2009	Project No. 114
Dwn. DC	Chk. ---

AVIATION WAY, SOUTHEND-ON-SEA, ESSEX, SS2 6UN
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Reference:	19/01673/TPO	14
Application Type:	Tree(s) subject to TPO	
Ward:	Eastwood Park	
Proposal:	Fell and grind stump 1 Ash Tree (T1), prune back branches overhanging private property garden fences to 3 Field Maple Trees (TG1) and reduce crown 30%, remove dead branches, sever ivy stems at base to 1 Oak Tree (T2)(Application for works to trees covered by a Tree Preservation Order)	
Address:	Land Adjacent 254 Green Lane And 7-9 Byfield, Independent Footway From Blatches Chase To Western Approaches, Eastwood	
Applicant:	Mr Paul Sinclair	
Agent:	n/a	
Consultation Expiry:	10th October 2019	
Expiry Date:	5th November 2019	
Case Officer:	Spyros Mouratidis	
Plan Nos:	Site plan	
Recommendation:	GRANT CONSENT FOR WORKS TO TREES	



1 Site and Surroundings

- 1.1 The application site is located on the western side of a footpath at Blatches Chase, near its junction with Green Lane/Western Approaches to the north. The protected trees are located between the footpath and the boundary fences of adjacent properties. The trees are owned and managed by Southend-on-sea Borough Council and are preserved on the basis of Tree Preservation Order (TPO) 4/1967. The TPO covers an area and preserves all trees that were present at the time it was made. To the west of the site there are residential properties. To the east and south there are open areas, including a play field.

2 The Proposal

- 2.1 This application, submitted on behalf of Southend-on-sea Borough Council seeks consent for the following works to the preserved trees:
- T1 – Ash Tree – Fell tree and grind stump.
 - T2 – Oak Tree – Crown reduction of 30%, removal of dead branches, severing of ivy stems at base of Oak tree's trunk.
 - TG1 – Group of three (3) Field Maple Trees – Prune back branches overhanging private property garden.
- 2.2 The works to T1 and T2 are proposed in relation to a claim for subsidence damage caused at the neighbouring property at no.9 Byfield. The works to TG1 are proposed for the maintenance of the trees. The proposal has been supported by reports from the consultants of the claimant's insurance company and the applicant's specialist consultant.

3 Relevant Planning History

- 3.1 09/00162/TPO - Prune 3 Maple trees, 1 Oak tree and fell 1 Ash tree to rear of 7-9 Byfield (Application for works to trees covered by a Tree Preservation Order) – Consent Granted (31.03.2009).

4 Representation Summary

- 4.1 The application has been called to the Development Control Committee by Councillor Walker.

Public Consultation

- 4.2 Five (5) neighbouring properties were consulted and a site notice was displayed. One (1) representation has been received objecting to the proposed works. The following objections and comments were raised:
- It is fine to remove dead wood and ivy.
 - Trees are good for the environment and should not be cut down unless they are dangerous or dead.
 - The proposal would change views of Blatches Chase.
- 4.3 These concerns are noted and where relevant are discussed in detail in the following sections of this report.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment and Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality) and DM3 (The efficient and effective use of land)
- 5.4 Design & Townscape Guide (2009)

6 Planning Considerations

- 6.1 When determining an application seeking consent for works to protected trees the Local Planning Authority should consider the following:
 - The likely impact of the proposal on the amenity value of the tree and whether or not the proposal is justified having regard for the reasons for the application and any supporting information supplied with the application
 - whether any loss or damage is likely to arise if consent is refused or granted subject to conditions
 - whether any requirements apply in regard to protected species

7 Appraisal

Impact on amenity value and justification

- 7.1 The Council seeks to protect preserved trees which make a positive contribution to local character. Applications for pruning and felling of preserved trees therefore need to be justified.
- 7.2 The trees are located next to a public footpath. They are prominent in this setting. Furthermore, the Ash tree and the Oak tree, due to their height are visible from farther away. The impact of the proposed works would vary for each tree. The Ash tree (T1) is of medium amenity value and its proposed felling would result in total loss of this amenity value. The Oak tree (T2) is of significant amenity value. The proposed reduction of its crown by 30%, while it would reduce its size and limit views from farther away would not substantially reduce its amenity value. The Field Maple trees are lower than the other two but still contribute positively to the verdant character of the footpath and as such have medium amenity value. The proposed works to this group of trees are relatively minor and would preserve most of their amenity value.
- 7.3 The works to T1 and T2 have been proposed following a claim for compensation on the basis that the trees have caused subsidence to a nearby building. Evidence has been submitted to support the claim that the subsidence is cyclical and on the balance of probability caused by the interaction of the trees' roots with the moisture on the ground below the adjacent building. It should be noted that this is the second claim of damage caused by the same trees. The previous claim led to consent for works agreed under application 09/00162/TPO (see paragraph 3.1 of the report).

- 7.4 The current application has been submitted by the Council's Arboriculture Officer following the examination of the evidence submitted by the consultant of the claimant's insurance company and the advice of the Council's expert consultant on matters of damage caused the Council's trees. From the submitted evidence it is clear that the preferred option, both for the claimant and the Council's insurers, in order to settle the claim with as few expenses as possible, would be to fell both trees. However, after the input from the Council's Tree Officer it has been agreed that T1 which is located closer to and does not predate the building, probably causing most of the damage, would need to be felled and for T2 a reduction, management and monitoring program would be agreed. The submitted evidence is sufficient to justify the works and the resulting loss of amenity value offered by the trees.
- 7.5 The works to TG1 are proposed on the basis that the works are required for the proper maintenance of the trees. The submitted explanation is sufficient to justify the works to TG1 considering that there would not be a significant loss of amenity value.

Loss or damage likely to arise

- 7.6 As already stated, this is the second claim for damage caused by trees T1 and T2. If the Local Planning Authority were to refuse the application, on the basis of the submitted evidence, it is likely that the damage to the adjacent building will continue and future claims for damages may be lodged. In relation to the other issues for consideration there are no known structural concerns in regard to these trees, the reason given for the works is general maintenance.
- 7.7 It is considered reasonable to require the tree works to be carried out in accordance with British Standard BS3998:2010 which covers the recommendations for tree work. The imposition of this condition is unlikely to result in any loss or damage.

Protected species

- 7.8 The trees proposed to be removed are not protected species.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is considered that the proposed works are proportionate on the basis of the justification that has been put forward. The proposal is therefore acceptable and policy compliant subject to conditions.

9 Recommendation

- 9.1 **GRANT CONSENT FOR WORKS TO TREES** subject to the following conditions:

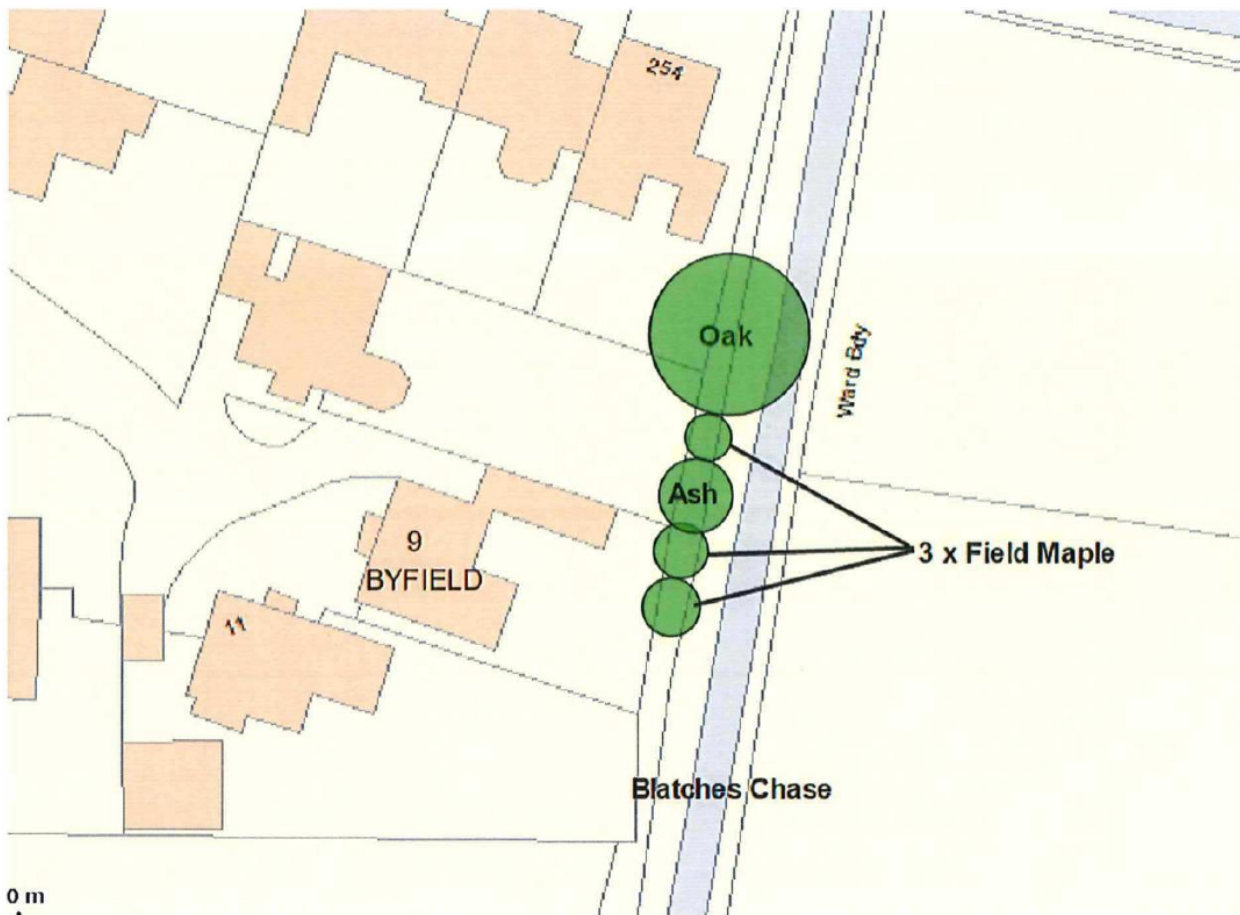
- 01 The works covered by this permission shall begin no later than two years from the date of this consent.

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in the interests of Policy DM1 of the Development Management Document (2015).

- 02 The works shall be carried out in accordance with BS 3998 (2010) by a suitably qualified person.**

Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015).

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