

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 8th January, 2020

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Minutes of the Meeting held on Wednesday 6th November 2019
- 4 Supplementary Report
- **** **Contents and Introduction**
- **** **Reports on Applications with Pre-meeting Site Visits**
- 5 **19/01924/FULM - 277 Prince Avenue, Westcliff-on-Sea (St Laurence Ward) (Pages 33 - 110)**
- 6 **19/01807/BC3 - North Shoebury Open Space, Shoebury Common Road (West Shoebury Ward) (Pages 111 - 128)**
- 7 **19/01646/FUL - West Leigh Baptist Church, Lymington Avenue, Leigh-on-Sea (Leigh Ward) (Pages 129 - 164)**
- 8 **19/01908/FUL - 6A Clifton Terrace, Southend-on-Sea (Milton Ward) (Pages 165 - 176)**
- 9 **19/02074/FULH - 52 Tattersall Gardens, Leigh-on-Sea (West Leigh Ward) (Pages 177 - 196)**
- 10 **19/01819/FULH - 144 Carlton Avenue, Westcliff-on-Sea (Prittlewell Ward) (Pages 197 - 210)**
- 11 **19/01997/FULH - 22 Hayes Barton, Shoeburyness (West Shoebury Ward) (Pages 211 - 226)**
- 12 **19/02023/TPO - Land at Junction of Four Sisters Way and fronting Rayleigh Road, Eastwood (St Laurence Ward) (Pages 227 - 236)**

TO: The Chair & 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, 6th November, 2019

Place: Committee Room 1 - Civic Suite

3

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, A Chalk, D Cowan,
A Dear, *M Dent, F Evans, *N Folkard, D Garston, D Jarvis, A Jones,
H McDonald, C Mulronev, A Thompson, S Wakefield and C Walker

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: P Geraghty, C Galforg, P Keyes, S Mouratidis, M Warren and T Row

Start/End Time: 2pm – 3.55pm

529 Apologies for Absence

Apologies were received from Councillors Beck (Substitute: Dent) and Habermel (Substitute: Folkard).

530 Declarations of Interest

- a) All Councillors declared an interest in Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square): Non-pecuniary: A senior officer of the Council lives close by to the application.
- b) Councillor Dent: Agenda Item No. 7 (19/00729/FUL – Westcliff Eruv) and Agenda Item No. 8 (19/00978 – Westcliff Eruv) – Non-pecuniary Interest: Lives in the Eruv area.
- c) Councillor F Evans – Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square) Non-pecuniary Interest: A friend lives close by.
- d) Councillor Garston – Agenda Item No. (19/00729/FUL – Westcliff Eruv) and Agenda Item No. 8 (19/00978 – Westcliff Eruv) – Non-pecuniary Interest: Member of Finchley Road Synagogue in which the applicant is situated.
- e) Councillor Jones – Agenda Item No. 9 (19/01195/BC3M – Land Adjacent to the Forum, Elmer Approach) – Pecuniary Interest: Cabinet Member for Education.
- f) Councillor Mulronev – Agenda Item No. 9 (19/01195/BC3M – Land Adjacent to the Forum, Elmer Approach) – Pecuniary Interest: Cabinet Member for Environment and Planning.
- g) Councillor Mulronev – Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square) and Agenda Item No. 11 (19/01540/FUL – The

Ship Hotel, New Road) – Non-pecuniary Interest: Non-planning member of Leigh Town Council.

- h) Councillor Thompson - Agenda Item No. 9 (19/01195/BC3M – Land Adjacent to the Forum, Elmer Approach) – Disqualifying Non-pecuniary Interest: Trustee of the Forum.
- i) Councillor Walker – Agenda Item No. 10 (19/01446/FUL – Development Land, Underwood Square) – Non-pecuniary Interest: A friend lives close by.
- j) Councillor Ward – Agenda item No. 10 (19/01446/FUL – Development Land, Underwood Square) – Non-pecuniary Interest: Worked for applicant in the past.
- k) Councillor Ward – Agenda Item No. 11 (19/01540/FUL – The Ship Hotel, New Road) – Non-pecuniary Interest: Owner of guest house, not in the area.

531 Minutes of the meeting held on Wednesday, 31st July, 2019

Resolved:-

That the Minutes of the Meeting held on 31st July 2019 be confirmed as a correct record and signed.

532 Minutes of the Meeting held on Wednesday, 11th September, 2019

Resolved:-

That the Minutes of the Meeting held on 11th September 2019 be confirmed as a correct record and signed.

533 Minutes of the Meeting held on Wednesday, 2nd October, 2019

Resolved:-

That the Minutes of the Meeting held on 2nd October 2019 be confirmed as a correct record and signed.

534 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.

535 19/00729/FUL - Westcliff Eruv, Finchley Road, Westcliff-on-Sea (Chalkwell Ward)

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
Applicant: Westcliff Jewish Association
Agent: Rosenfelder Associates

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 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.

536 19/00978/FUL - Westcliff Eruv, Finchley Road, Westcliff-on-Sea (Chalkwell Ward)

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.

Applicant: Westcliff Jewish Association

Agent: Mr Daniel Rosenfelder of Rosenfelder Associates

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 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).

05 Notwithstanding the details shown on Drawing No 911; 21A, and as otherwise hereby approved, the metal arch at location 21A , Footpath between 157/159 Carlingford Drive, shall have no top cross bar and this structure shall comprise of only a translucent line fitted between the two approved upright posts.

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.

537 19/01195/BC3M - Land Adjacent To The Forum, Elmer Approach (Milton Ward)

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.

Applicant: Mr Mark Murphy

Agent: Mr Joerg Poeschus of ADP

Councillors Jones, Mulronev and Thompson withdrew for this item.

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:

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 Geo-environmental 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.

538 19/01446/FUL - Development Land, Underwood Square, Leigh-on-Sea (West Leigh Ward)

Proposal: Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square.

Applicant: Mr G Newton

Agent: Steven Kearney of SKArchitects

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposal by reason of its scale, design, position and closeness to the site's southern boundary would create a cramped relationship with the setting of the dwelling at 51 Lime Avenue which would be materially harmful to the character and appearance of the streestcene and wider surroundings. This would be unacceptable and contrary 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) and advice contained within the Southend Design and Townscape Guide (2009).

02 The proposal would by reason of its scale, design, position and closeness to the site's southern boundary create an undue sense of enclosure for the rear garden setting of the adjoining dwelling 51 lime Avenue thereby harming the amenity of its occupiers. This would be unacceptable and contrary 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) and advice contained within the Southend Design and Townscape Guide (2009).

03 The proposal by reason of the out of date nature of the ecology survey has failed to demonstrate that the proposal would not harm on ecology at the site. This is unacceptable and contrary to the National Planning Policy Framework (2019) policy KP2 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

539 19/01540/FUL - The Ship Hotel, New Road, Leigh-on-Sea (Leigh Ward)

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).

Applicant: Mr P Barthaud

Agent: Mr Colin Stone of Stone Me Ltd

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development 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).

25 The sign within the gable of the eastern part of the building shall be retained and maintained on site in perpetuity as shown on the approved plan 1813 14K.

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).

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.

540 19/01603/FULH - 140 Thorpe Hall Avenue, Thorpe Bay, Southend-on-Sea (Thorpe Ward)

Resolved:-

That PLANNING PERMISSION be REFUSED and ENFORCEMENT ACTION be AUTHORISED requiring that the unauthorised flue be removed from the site with a compliance period of 3 months for the following reason:

The unauthorised development, due to its rudimentary design, height and industrial appearance, represents an obtrusive form of development which is not in keeping with the residential character of the surrounding area and has harmed the visual amenity of the locality. The development has a materially detrimental impact on the character and appearance of the area and as such is unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007), policies D1 and DM3 of the

Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

541 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 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: 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 Councils 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.

542 19/01673/TPO - Land Adjacent 254 Green Lane And 7-9 Byfield, Independent Footway From Blatches Chase To Western Approaches (Eastwood Park Ward)

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)

Applicant: Mr Paul Sinclair

Agent: n/a

Resolved:-

That CONSENT FOR WORK TO TREES be GRANTED 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).

Chair: _____

DEVELOPMENT CONTROL COMMITTEE**AGENDA: 8th January 2020**

WARD	APP/REF NO.	ADDRESS
Pre Site Plans Report		
St Laurence	19/01924/FULM	277 Prince Avenue Westcliff-On-Sea
West Shoebury	19/01807/BC3	North Shoebury Open Space Shoebury Common Road
Leigh	19/01646/FUL	West Leigh Baptist Church Lymington Avenue
Milton	19/01908/FUL	6A Clifton Terrace Southend-On-Sea
West Leigh	19/02074/FULH	52 Tattersall Gardens Leigh-On-Sea
Prittlewell	19/01819/FULH	144 Carlton Avenue Westcliff-On-Sea
West Shoebury	19/01997/FULH	22 Hayes Barton Shoeburyness
St Laurence	19/02023/TPO	Land At Junction Of Four Sisters Way And Fronting Rayleigh Road

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Corporate Director of Place, are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

BLP	- Borough Local Plan
DAS	- Design & Access Statement
DEFRA	- Department of Environment, Food and Rural Affairs
DPD	- Development Plan Document
EA	- Environmental Agency
EPOA	- Essex Planning Officer's Association
DCLG	- Department of Communities and Local Government
NPPF	- National Planning Policy Framework
NPPG	- National Planning Practice Guidance
SPD	- Supplementary Planning Document
SSSI	- Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	- Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	- Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and NPPG
- (vi) Core Strategy
- (vii) Borough Local Plan

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away

- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution

- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation

- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

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

This page is intentionally left blank

Reference:	19/01924/FULM	<h1>5</h1>
Ward:	St Laurence	
Proposal:	Demolish existing buildings and erect three storey block comprising of 12 self-contained flats and 8 two storey dwellinghouses, layout landscaping, amenity space and parking (Amended Proposal)	
Address:	277 Prince Avenue Southend-on-Sea Essex SS0 0JS	
Applicant:	Dove Jeffrey Homes and Estuary HA	
Agent:	Phase 2 Planning	
Consultation Expiry:	28 th November 2019	
Expiry Date:	23 rd January 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	200-P4, 200-P5, 201-P5, 202-P4, 203-P5, 204, 205, 206, 207, 6861-D-AIA-B	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The site is located at the northern end of Prince Close just off Prince Avenue near to Tesco's Superstore. The existing building on the site is a detached single storey 1970s style light industrial unit which was for many years occupied by Rotary Watches but is now vacant. The site is designated as an Employment Area in the Core Strategy and the Development Management Document.
- 1.2 Prince Close Industrial Estate is one of the Borough's designated employment areas. The application building is by far the largest property in the estate. There are four other smaller industrial buildings located to the west site of the site which are occupied by a property development firm's office, a recording studio and a gym. There is an area of vacant industrial land to the north west of the site. Otherwise the site is surrounded by residential properties. The A127 arterial road is located to the south of the site.
- 1.3 A footpath runs through the middle of the industrial estate on the west boundary of the site which connects the main road to the housing area to the north. The trees that line this route are protected by TPO 5/96 G1. There are also a number of other trees surrounding the building both within the site and in neighbouring gardens. Aside from these designations there are no other policy constraints applicable to the site.

2 The Proposal

- 2.1 This application seeks planning permission to demolish the existing industrial buildings and erect a three storey building comprising of 12 self-contained flats, 8 two storey dwellinghouses and to layout landscaping, amenity space and parking on the site.
- 2.2 The proposed flats are within a single flat roofed block which measures 25.5m wide, 14.2m deep and 9.1m high. This block contains 9 x 2 bed 4 person units and 3 x 2 bed 3 person units and is located at the northern end of the site.
- 2.3 The proposed houses are arranged as semi-detached pairs. Three pairs of a matching design are proposed along the eastern side of the site. These are two storeys with a gabled roof and measure 12.1m wide (per pair), 9.5m deep, 5.2m to the eaves and 8.5m to the ridge. A single additional pair of semi-detached houses is also proposed at the front of the site. These are a different but similar design to the other houses and measure 11.3m wide (for the pair), 9.6m deep, 5.1m to the eaves and 8.5m to the ridge. 7 of the houses are 3 bed 5 person units and one is a 2 bed 3 person property. All 20 of the units are proposed as affordable housing and are stated to be managed by Estuary Housing Association.
- 2.4 All the buildings are proposed to be constructed of yellow/buff face brickwork, with a darker brick tone for detailing. No detailed information has been provided regarding the other external materials or exact brick choices.
- 2.5 Other structures on the site include a communal bin and bike store for the flats and a car port structure for 3 of the houses which is located in the centre of the site behind the front pair of semis. Altogether 28 parking spaces are proposed for the dwellings and 7 additional parking spaces are proposed for visitors along the access route making 35 spaces in total. The houses all have private gardens ranging from 60 sqm

to 91 sqm. The flats have private balconies of 5 sqm and a rear communal amenity space of 400 sqm.

2.6 The application is supported by the following:

- Planning Statement (letter) by Phase 2 Planning ref C18154 dated 18.10.19
- Design and Access Statement reference eV2-19.10.2019
- Market Analysis Report by Savills
- Viability Report dated 24.10.19
- Letter from Homes England dated 24.09.19 confirming the grant offer and supporting the proposal
- A letter from Dove Jeffery Homes dated 24.10.19 confirming the scheme is deliverable and they will not be seeking to vary the S106.
- A financial Summary from Estuary Housing reference 2019/10/24 confirming the scheme is deliverable
- Emails from Keith Carter (Estuary Housing) dated 14.11.19 and 15.11.19 confirming the grant details and that all units can be secured as affordable housing in the legal agreement.
- Accommodation Schedule
- Phase I Desk Study by AF Howland Associates reference JAH/18.478/Phase I
- Contamination Findings Report by Groundsure reference GS-5707245
- Phase II Contamination Investigation Report AF Howland Associates reference JAH/18.478/Phase II
- Enviro Insight report by Groundsure reference GS-5707245
- Remediation Method Statement by AF Howland Associates reference JAH/18.478/RMS
- Transport Statement by Markides Associates dated 3.1.19
- Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan by Haydens Arboricultural Consultants reference 6861revB
- Flood Risk Assessment and Drainage Strategy by Rossi Long Consulting reference RLC181340
- Drainage and Services Survey Plans
- Landscape and Ecology Management Plan by Wild Frontier Ecology Ltd
- Bat Survey reference PR1003
- Energy Statement by Fusion 13 version 1 dated 15.1.19

2.7 The application is an amended proposal following refusal of a similar scheme reference 19/00086/FULM. This scheme was refused for the following reasons:

01 The proposed development is wholly located within a designated employment area and the proposal fails to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses and that the proposed use could not reasonably be located elsewhere in the area it serves. On this basis it is concluded that the use of the site as proposed would materially undermine the status of a designated employment area and the long term availability of employment generating development in the Borough. There are found to be no material planning considerations, or other public benefits including by reason of the modest number of additional dwellings proposed, to outweigh the harm caused by this conflict with development plan policy. This proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2 and CP1 of the Core Strategy (2007) and policies DM3 and DM11 of the Development Management Document (2015).

02 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions to meet demand for such housing in the area. A formal undertaking to secure a contribution to the delivery of educational facilities is also absent. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

A copy of the Committee Report is attached at Appendix 1.

- 2.8 In order to address these reasons for refusal the site has been put onto the market and a Market Analysis Report has been submitted. The amended scheme also proposes to secure all 20 units as affordable housing via the legal agreement so they are protected as such for the lifetime of the development. A letter of grant confirmation and support for the proposal has also been received from Homes England.

3 Relevant Planning History

- 3.1 19/00086/FULM - Demolish existing buildings and erect three storey block comprising of 12 self-contained flats and 8 two storey dwellinghouses, layout landscaping, amenity space and parking – refused
- 3.2 18/01803/FUL - Increased height of existing garage (partially retrospective). – granted

4 Representation Summary

Public Consultation

- 4.1 50 neighbours have been consulted on the application, a press notice has been published and a site notice displayed. No letters of response have been received.

Planning Policy

- 4.2 An objection is raised to the loss of employment land which is contrary to policy DM11.

Strategic Housing

- 4.3 No objections.

Transport and Highways

- 4.4 No objections subject to the provision of Travel Packs to each property.

Education

- 4.5 As the proposal is for 100% affordable housing secured by the S106 there is no requirement for an education contribution.

Environmental Health

- 4.6 No objections subject to conditions relating to contamination, glazing specification, waste management and construction hours.

Parks

- 4.7 The Hayden's Arboricultural (Arb) Impact Assessment and plan addresses adequately the initial issue of tree protection during development, however adherence to the recommendations of the report is essential to ensure the protection of the trees identified for retention. Para 6.2, the report states that:

'Subject to achieving planning permission, it is recommended that a detailed Arboricultural Method Statement and Tree Protection Plan should be provided. This will include the following: Ground protection measures, access facilitation pruning specification, project phasing and an extensive auditable monitoring schedule.'

A condition should be applied requiring the detailed Arboricultural Method Statement and Tree Protection Plan to be submitted and approved, prior to commencement.

Service route information was not available when the Arb report was submitted. This information must be available and included in the Arb Method Statement when it is submitted for approval.

Drainage Engineer

- 4.8 No objections subject to conditions attached to any consent if this application is approved by the LPA (conditions were specified in consultation response.)

Anglian Water

- 4.9 No objections

Police

- 4.10 No objections.

Fire Brigade

- 4.11 No objections.

- 4.12 This application was called to committee by Councillor Cowan and Councillor Flewitt.

5 Planning Policy Summary

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

- 5.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development). CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) CP7 (Sport, Recreation and Green Space)

- 5.3 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) DM10 (Employment Sectors) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas) Policy DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.4 The Design and Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main issues for consideration include the principle of the loss of employment land in a designated employment area, housing mix including affordable housing, the design and its impact on the character of the area, the standard of accommodation for future occupiers, the impact on neighbours, traffic and parking implications, sustainability, potential contamination, trees and CIL and S106 contributions and whether the amended proposal overcomes the reasons for refusal of the previous application.

7 Appraisal

Principle of Development

- 7.1 Government guidance with regard to planning matters is set out in the National Planning Policy Framework (2019). The NPPF states that there are three dimensions to sustainable development. These are economic, social and environmental.
- 7.2 In relation to the economic strand of the definition of sustainable development, paragraph 3 of the NPPF states that the planning system will contribute to building a strong competitive economy by *'ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure'*.
- 7.3 Paragraph 11 of the NPPF states that *'decisions should apply a presumption in favour of sustainable development....For decision-taking this means:*
 - c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

- 7.4 Paragraph 15 states that planning should *'be genuinely plan-led'*. Paragraph 20 states *'Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*
- a) *housing (including affordable housing), employment, retail, leisure and other commercial development;*
- 7.5 Paragraph 120 of the NPPF states that *'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*
- a) *they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) *in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'*
- 7.6 Policy KP1 seeks sustainable development by focussing appropriate regeneration and growth towards Priority Urban Areas and the main industrial/employment areas.
- 7.7 Policy CP1 of the Core Strategy states that *'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.'* and that *'Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.'*

Loss of Employment Land

- 7.8 Prince Close Industrial Estate is identified as a designated Industrial / Business Estate in the Development Management Document. Policy DM11 of the Development Management Document seeks to protect Class B uses within the Borough's designated Employment Areas. In relation to this issue Section 2 of policy DM11 states:

'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:

2A the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or

2B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or

2C. it can be demonstrated to the Council's satisfaction that:

- i. *there is no long term or reasonable prospect of the site concerned being used for Class B purposes**, and
- ii. *the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and*
- iii. *the alternative use cannot be reasonably located elsewhere within the area it serves**; and*
- iv. *the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking.*

2D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.

**This should include a minimum 2 year active marketing exercise where the vacant site / floorspace has been offered for sale or letting on the open market at a realistic price and that no reasonable offers have been refused. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. Appendix 4 sets out the information to be provided in relation to marketing and market demand.*

*** The Borough Council will make a judgement about the extent of the area based upon the site concerned and the proposed use.*

7.9 Appendix 4 of the Development Management Document set out the specific requirements that should be submitted in relation to the Marketing Assessment and Market Demand Analysis required by Policy DM11 above. In relation to changes of use for designated employment sites it states:

'PART A - Marketing

In instances where policies require marketing information to be submitted, the following details will be used to assess the acceptability, or otherwise, of the information submitted and any marketing undertaken.

Marketing evidence requires demonstration of an active marketing campaign for a continuous 2 year period, whilst the premises were vacant, which has shown to be unsuccessful.

Marketing must be through a commercial agent at a price that genuinely reflects the market value of the lawful use. It must be shown to the council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through redevelopment or Change of Use.

Active marketing should include all of the following:

- 1. A visible advertisement board posted in a prominent location on site, including relevant contact information (subject to advertising consent, if required);*
- 2. Registration of property with at least one commercial property agent and continuously advertised on the agent's website;*
- 3. Property details and information available to enquirers on request;*
- 4. Property marketed at a reasonable price reflecting market conditions, including in*

relation to use, condition, quality and location of the premises/ site;

5. Property marketed for the appropriate use or uses as defined by the relevant planning policy.

Sufficient detailed information is required to be submitted alongside any planning application to demonstrate compliance with the above criteria. Additionally, information should be submitted regarding:

- i. the number and details of enquiries received;*
- ii. the number of viewings;*
- iii. the number, type, proposed uses and value of offers received;*
- iv. reasons for refusal of any offer received, and/or reasons why any offers fell through;*
- v. the asking price and/or rent that the site or property has been offered at, including a professional valuation from at least three agents to confirm that this is reasonable;*
- vi. the length of marketing period, including dates, and*
- vii. the length of the vacancy period.*

PART B – Market Demand Analysis

A detailed assessment of the current, and potential future, market demand for the site or premises in question should be provided. Market demand analysis submitted alongside, or where justified, in place of marketing evidence must set out clear and up-to-date information on matters including:

- i. Business floorspace available in other similar properties within the market area*
- ii. Rental levels achieved for these properties*
- iii. Independent commentary on the current and likely future demand for floorspace within the market area, based on the above factors and other relevant considerations (e.g. the latest Southend Employment Land Review and Survey of Key Employment Areas).*

To take account of changing economic circumstances consideration should be given to any likely changes in market conditions within a 3-5 year time horizon, which could impact on development viability.'

- 7.10 It is clear that criteria 2A, 2B and 2D do not apply in this case. The proposal therefore is assessed against criterion 2C.
- 7.11 Criterion 2Ci) requires that it be demonstrated that there is no long term or reasonable prospect of the site being used for class B purposes. As noted above this should be verified by evidence of a continuous 2 year marketing of the vacant premises showing there to be no demand for class B uses on the site.
- 7.12 The previous application was refused because it failed to demonstrate that there was no long term or reasonable prospect of the site being used for B class uses and that the proposed use could not reasonably be located elsewhere. On this basis it was found to undermine the status of the designated employment area and the long-term availability of employment generating development in the Borough.

- 7.13 In weighing up the planning balance of the previous application the conclusion was that overall, there were no material planning considerations or other public benefits of the proposal which would outweigh the harm caused by this conflict with the development plan.
- 7.14 In response to this the current application has sought to provide additional information in support of the marketing of the site though, a more robust Market Demand Analysis. The proposal is also seeking to make a case for exceptional circumstances on grounds that it provides significant public benefits in the form of additional, specifically affordable, housing.

Marketing of the Site and Market Demand Analysis

- 7.15 The previous application provided details on the soft marketing which had been undertaken by the site owner whilst the factory was still in operation and provided some information from local agents about the unsuitability of the site for continued industrial use primarily based on its limited accessibility and the poor quality of the building. This is set out in detail in the previous committee report for application reference 19/00086/FULM (see copy at Appendix 1) but was previously considered insufficient to meet the requirements of policy DM11 outlined above.
- 7.16 The building has since become vacant. The current submission confirms that it has been on the market since 15th August 2019 with two commercial agents and a proactive marketing campaign has been undertaken by both agents including internet advertising, signboards, mail shots and cold calling to potential clients who are looking for new properties or investment opportunities. Following this exercise a total of 23 enquiries were received in 4 months but no offers were made. The reasons given for the absence of offers are as follows:
- Poor location / building - 9
 - Not a suitable investment - 2
 - Looking for development site for alternative use - 9 (mainly residential)
 - Looking for short term let only - 1
 - Poor access for large vehicles - 4
 - Limited yard space for turning and storage - 2
- 7.17 In addition to the active marketing of the site the applicant has also undertaken a more rigorous Market Demand Analysis Assessment than was undertaken for the previously refused scheme. The purpose of this document is to assess the opportunities and constraints of the site and its viability for future employment use. The document particularly considered the following topics:
- Opportunities and constraints of the site;
 - a comparison with the alternative available business premises in the area;
 - an overview of the take up, supply and demand of industrial units in the wider area;
 - an analysis of the local and regional markets and projections for the demand of Class B uses the area and where growth is forecast;
 - an investigation into the emerging opportunities in the area.

- 7.18 In relation to the opportunities and constraints of the site the report reiterates many of the concerns raised previously and by prospective purchasers including the poor location which has no street frontage, a narrow restricted access, lack of yard space and is set within a residential area as well as the poor quality of the building. It concludes that the site is an impracticable location for an industrial operation and there are more suitable premises available on other employment sites in the area and details of these were provided.
- 7.19 The report also suggests through statistical analysis that there has been a dramatic fall in demand for smaller units in the south Essex area. In addition to identifying a number of other vacant units in the area the report also provides an overview of new industrial units which are coming on line including at the Airport Business Park, the new port at Thurrock and in Basildon where significant new industrial space is under construction targeting small to medium sized occupiers of a similar size to the proposal site. These will provide a range of modern industrial units in more accessible and desirable locations.
- 7.20 The report also includes information on other sites in the Borough where contending that a comparable level or less information/justification regarding loss of employment use was supplied and accepted by the Council. These include 425 Sutton Road and 10 Fairfax Drive, however, it is important to note that, unlike the application site, the cases listed are not located in designated employment areas. These cases have therefore been judged against a lower bar in terms of employment policy than applies to the application site.
- 7.21 The Planning Policy Section have reviewed the application and have made the following comments in regard to this issue:

It is noted that a recent application on the site (19/00086), which involved the loss of employment use and a proposed residential use, was refused on the grounds of the loss of employment land, lack of supporting evidence to justify this, and lack of affordable housing provision. The current application presents a scheme for 100% affordable housing. The issue in relation to the loss of the employment land remains however.

The supporting statement which seeks to justify the loss of employment use is dated August 2019. The building, it is stated, was vacated by the previous tenant following the expiration of their lease in June 2019.

[The policy] requires marketing information to be submitted, demonstrating an active marketing campaign for a continuous 2 year period whilst the premises were vacant. In exceptional circumstances, relating to site specific circumstances, DM11 outlines that a marketing exercise can be shorter than 2 years where a robust market demand analysis is supplied.

It is noted that one of the previous reasons for refusal is likely now to be overcome, given the provision of affordable housing on site, which is a positive improvement, and this will be taken into account in the decision making process and a balanced judgement made regarding the case for exceptional circumstances to apply to this site owing to the provision of 100% affordable housing, given that the criteria of DM11 have not been fully met.

The Council is in the early stages of bringing forward its new Local Plan, which will review employment areas and related policies in due course, with a duty to consider the future needs of the Borough, including growth in both residential and jobs provision. However, at this time the Development Management Document and Core Strategy provide the adopted policy framework.

Evidence base studies, such as the South Essex Economic Development Needs Assessment and the Southend Economic Land Availability Assessment, will be used to inform the Local Plan and do not alter the current policy approach as per the Development Management Document. The local plan will have a duty to meet the needs of the local area which will involve meeting significant job growth as well as housing need.

- 7.21 The South Essex Economic Development Needs Assessment (EDNA) 2017 reviews the quality employment sites across the region. As part of this exercise the sites are categorised according to their quality and suitability for future employment use. The categories in order of suitability are:
1. Protect and Maintain
 2. Protect and Enhance
 3. Significant Intervention Required
 4. Monitor and Manage
- 7.22 The Prince Close employment area is highlighted as being ‘Monitor and Manage’ the commentary stating that it *‘should not necessarily be supported for continued employment use over time, dependent on retention of existing occupiers.’* (Table 33) and the commentary at paragraph 6.109 highlights that Prince Close is considered to be *‘of poor overall quality and is recommended to be monitored and managed. It is suggested that this site may not necessarily be the most appropriate for continued B class employment activity, however this is dependent on whether its existing occupiers remain on the site and underpin its continued employment activity.’*
- 7.23 Monitor and Manage is defined in the document as *‘sites which are poor quality and/or are not identified to be functioning adequately as employment sites, particularly based on poor stock condition and lack of investment, non B class uses evident on site, location in areas with poor accessibility and amenity levels, and/or location in a context not supporting of employment activity. This categorisation is not intended to suggest a release from employment land designation or that the site does not meet the needs of occupiers. Instead it is intended to identify the weakest offer which may, over the long term, face challenges in terms of retaining existing or attracting new occupiers due to their limitations.....Each decision would need to be taken on a case by case basis’*
- 7.24 Prince Close Industrial Estate is one of only 4 industrial estates which are in this lowest category the others being Grainger Road, Terminal Close and Prittlebrook but it is noted that unlike Prince Close both Terminal Close and Grainger Road are identified as Employment Growth Areas in Development Management Document Policy Table 8 and have been identified in the EDNA as *‘having the potential for additional B class floorspace supply through regeneration of the existing site’* (para 6.94).

This report also states that Terminal Close should be *'monitored and managed as it could be more appropriate for non-employment uses, although there could also be potential to provide support for the provision of flexible workspace for SMEs'* (small and medium enterprises)(para 6.100) whereas the commentary on Prince Close states that that *'this site may not necessarily be the most appropriate for continued B class employment activity, however this is dependent on whether its existing occupiers remain on the site and underpin its continued employment activity.'* (para 6.109).

7.25 The Southend Employment Land Availability Assessment (ELAA) 2018 also reiterates this conclusion where the recommendation for Prince Close Industrial Estate is again to *'monitor and manage pending potential release'*. At paragraphs 5.17-5.18 of this document it comments that *'it is recommended that the Council monitors the occupation of the site and considers it for potential release unless there is a continued requirement for manufacturing uses and the retention of existing occupiers'*.

7.26 It is clear from these studies that Prince Close Industrial Estate as a whole is considered to be less important than to the majority of the other designated employment areas in the Borough and its suitability for future retention as a viable employment area is questioned. However, at this time it remains a designated employment site and the proposal is still required to meet criterion 2C above. Although a case has been made in the Market Demand Analysis Report that an industrial use is no longer viable and an alternative use would be more suitable, with only 3 months marketing evidence to support this it is considered that the policy requirement has not been met. The acceptability of the proposal will now depend on whether the public benefits of the proposal are sufficient to outweigh this identified harm and a balanced judgement will need to be made as to whether this constitutes exceptional circumstances justifying approval. This is discussed at the end of this section.

Housing Mix and Affordable Housing Provision

7.27 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types, including tenure and sizes, helps to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types provides greater choice for people seeking to live and work in Southend and will therefore also support economic growth. So the Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the Borough's housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.

7.28 The Southend-on-Sea Housing Strategy 2011, the Strategic Housing Market Assessment (SHMA) 2017 and the Council's Community Plan 2011-2021 seek to provide sustainable balanced communities and advise that housing developments will need a range of tenures and size of dwelling. The SHMA has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation.

The provision of high quality, affordable family homes is an important strategic housing priority in Southend. The Core Strategy also highlights a need to retain a stock of larger family housing.

7.29 Policy CP8 seeks an affordable housing provision of 20% for residential proposals of between 10-49 dwellings.

7.30 Policy DM7 sets out the desired mix of dwellings types and sizes in all new major residential development proposals. This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Affordable Housing	16%	43%	37%	4%
Market Housing	9%	22%	49%	20%

7.31 Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council. Policy DM7 also states that where affordable housing is proposed an indicative tenure mix of 60:40 between social and/ or affordable rented accommodation and intermediate housing is sought respectively.

7.32 The Planning Statement for the current proposal confirms that the whole development will be delivered for an affordable housing provider and all the units will be secured as affordable housing within the S106 legal agreement.

7.33 The proposed housing mix and tenure is as follows:

Tenure	2-bed	3-bed	Total
Affordable Rent	8 units (40%)		8 (40%)
Social Rent	4 units (20%)		4 (20%)
Shared Ownership	1 unit (5%)	7 units (35%)	8 (40%)
Total Number of Units	13 units (65%)	7 units (35%)	20 (100%)

7.34 The previously refused application proposed 2 x affordable rented and 2 x shared ownership units to be secured by a S106 agreement, plus 16 additional non-secured shared ownership units. This was considered to be a policy compliant position in relation to the provision of affordable housing but was not judged represent a public benefit outweighing the conflict with employment policy because only 4 units were guaranteed as affordable housing in perpetuity.

7.35 The current scheme is proposing 100% secured affordable housing and an enhanced mix including 60% rented units. This significantly exceeds the policy requirement in this regard.

- 7.36 In terms of tenure it is noted that, with 60% of the affordable units being either affordable rent or social rent and the remaining 40% shared ownership, the proposal is exactly policy compliant with Policy DM7 in terms of the tenure split for affordable housing however, rather than providing only the 3 rented units needed to comply with the policy, 12 secured rented units are proposed. This is a positive aspect of the scheme and a significant public benefit.
- 7.37 In relation to housing mix the scheme is providing a mix of 2 bed (65%) and 3 bed (35%) units but there are a range of 3 bed sizes and the proposal includes both flats and houses. This should provide for a mix of accommodation including family sized units. Given the relatively small size of the site and its constrained location, the provision of only 2 and 3 bed units is considered to be reasonable. The Councils Strategic Housing Team note that there is a large demand for 2 and 3 bed affordable units and have no objection to the proposed mix. The proposal is therefore considered to significantly exceed that required to meet policies CP8 and DM7 in terms of affordable housing provision.

The case for exceptional circumstances on the grounds of public benefits

- 7.38 As noted above, although the marketing evidence in the amended proposal has been strengthened, it is considered that the proposal has not managed to demonstrate full compliance with Policy DM11. The proposal is therefore also seeking to make a case for an exception to requirements of Policy DM11 on the grounds the proposal would provide significant public benefits in terms of the provision of affordable housing.
- 7.39 The previously refused application also proposed 100% affordable housing but with only a policy compliant 20% of units secured in the legal agreement meaning that there was no guarantee that the remaining units would remain as affordable housing in perpetuity. The application is based on all 20 units (100%) being secured as affordable housing in the legal agreement ensuring that they will all remain as such in perpetuity. They are also proposing that 60% of the units will be either affordable or social rented units which are the most sought after affordable units. This arrangement has also been confirmed with Homes England who are grant funding the proposal. The developer and the affordable housing provider have also confirmed in writing that this scheme is deliverable that they will not seek to vary the S106 in the future.
- 7.40 The agent suggests that this guarantee of 100% affordable housing including 60% rented units goes significantly above and beyond the policy requirement for the provision of affordable housing as set out in Policy CP8 and that this should be considered as a considerable public benefit such that it should justify an exception to the loss of employment policy in this particular case.
- 7.41 Overall and on balance it is considered that the specific circumstances of the site, in terms of its location and access constraints, together with the conclusions of the Market Demand Analysis and taking into account the results of the independent studies of the Borough's employment areas carry some weight but do not in themselves evidence a case for an exception to employment policy. However it is considered, on balance, that the public benefits of providing 100% secured affordable housing units, including 60% rented units, carries material weight and can be considered sufficient to justify a departure from policy DM11 in this case.

Therefore, subject to securing the proposed affordable housing in a legal agreement, the previous reason for refusal in relation to the change of use from employment land to residential is overcome and the principle of the development can, in this instance, be considered acceptable.

7.42 The detailed considerations of the application are set out below.

Design and Impact on the Character of the Area

7.43 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.*'

7.44 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.*"

7.45 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."*

7.46 The existing building has no design merit and consistent with the basis of the previous decision on the earlier 2019 application there is no objection to its loss in the streetscene or impact on the wider surrounding area.

7.47 The proposal seeks to erect a number of residential buildings on the site including a 2 storey block of flats and 4 pairs of semi-detached houses. The flats are sited to the northern end of the site adjacent to a similar scaled flatted block to the north. The houses are arranged on the eastern side of the site and to the front. Each have their own amenity area to the rear. Parking is principally located to the rear in front of the flatted block. The layout also includes soft landscaping which will soften the development and help to offset the visual impact of the parking court to the rear. The design of the proposal is the same as the previously refused scheme except that privacy screens are now proposed for the rear balcony of the flats. No objections were previously raised to the layout of the site which sits comfortably with the grain of the wider area and this element of the proposal remains acceptable.

7.48 As with the previously refused scheme the proposed buildings are of a modest scale which draws reference from the surrounding residential uses. The flats to the rear are 3 storeys with a flat roof which is the same form as the adjacent block to the north of the site. The houses are of a domestic scale and are also similar to the surrounding area. There is therefore no objection to the scale or quantum of development on the site.

7.49 The buildings themselves are brick with well-proportioned windows and feature detailing. The elevations are satisfactorily balanced with clearly defined entrances and added brick detailing to add interest and provide a sense of place. The addition of privacy screens to the rear elevation of the flatted block has had no material bearing on the design of the scheme and this remains acceptable. The incidental buildings including the bin/cycle store and car port are more utilitarian in their design but utilise matching materials and will not be dominant in the wider context. These remain unchanged. Overall therefore, as with the previous proposal, the design of the buildings is considered to be acceptable and the scheme is policy compliant in respect of design and character matters.

Standard of Accommodation for Future Occupiers

7.50 Delivering high quality homes is a key objective of the NPPF.

7.51 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*”.

7.52 Policy DM8 and the associated housing transition statement requires all new housing to meet the nationally described space standards. It also requires the units to be accessible and adaptable for all.

Space Standards

7.53 Nationally Described Space Standards (NDSS) require the following areas in terms of floorspace and bedroom sizes.

- 2 bed 3 person flat - minimum 61 sqm
- 2 bed 3 person house – minimum 70 sqm
- 2 bed 4 person flat - minimum 70 sqm
- 3 bed 5 person house - minimum 93 sqm
- Master bedroom - minimum area 11.5 sqm, minimum width 2.75m
- Other double bedrooms – minimum area 11.5 sqm, minimum width 2.55m
- Single bedrooms - minimum area 7.5 sqm and minimum width 2.15m

7.54 As with the previously refused proposal all the units meet these standards.

M4(2) and M4(3) – Accessible Dwellings

7.55 Policy DM8 requires that 10% of dwellings in all major housing developments to be wheelchair compatible (Building Regulations M4(3) standard) and all other units to be adaptable for all (Building Regulations M4(2) standard).

- 7.56 As with the basis of the previously refused proposal the submitted information confirms that 2 of the units (10%) are wheelchair compatible and the remaining units would meet the M4(2) standard. This is therefore acceptable and policy compliant.

Daylight, Sunlight and Outlook from Habitable Rooms

- 7.57 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight. Where the habitable rooms look out over the parking area, a landscaped buffer has been provided to soften the visual impact of the vehicles. The daylight, sunlight and outlook of habitable rooms is therefore considered to be acceptable and policy compliant.

Amenity Provision

- 7.58 All the dwellings have access to private amenity space. The houses have their own private gardens to the rear which range between 60 sqm and 91 sqm. This is considered reasonable for family accommodation. The flats each have a private balcony or ground floor sitting out terrace and they also have access to a communal amenity area of 400 sqm. This is considered to satisfactorily serve the number of flats proposed. The amenity provision for the site is therefore considered to be acceptable.

Noise and disturbance from rest of the industrial estate

- 7.59 The site constitutes one half of a small industrial estate. It is therefore necessary to consider the potential impact of the neighbouring industrial uses on the future occupiers of the proposed housing. The site at present contains a number of small scale uses including offices, a gym and recording studio and an area of vacant open land. The Councils Environmental Health Officer has no concerns with this juxtaposition of uses subject to the use of appropriate conditions. The proposal is acceptable and policy compliant in this regard.
- 7.60 Overall, as with the basis of the previously refused scheme, the amended scheme provides an acceptable quality of accommodation for future occupiers and is policy compliant in this regard.

Impact on Residential Amenity

- 7.61 Policy DM1 of the Development Management Document states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 7.62 Policy DM3 of the Development Management Document seeks to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.

Impact on neighbour to the north 14-25 Purley Way

7.63 The proposed flatted block to the northern end of the site is 11.2m from the boundary with 14-25 Purley Way, the adjacent flatted block, and 19.4m from the flank of this neighbour. The proposal has habitable room windows facing onto this neighbour. 14-25 Purley Way is, however, orientated east to west therefore has only high level non habitable room windows facing the site. Consistent with the basis of the decision on the previous proposal, it is considered that the separation distances and orientation of the proposed building will ensure that the proposal will not have a detrimental impact on the amenity of flats to the north.

Impact on houses to the east 56-66 Denton Avenue

7.64 To the east the site bounds onto the rear gardens of 56-66 Denton Avenue which are two storey houses. At the northern end of the site the flatted block is 2.75m from the eastern boundary with 62-64 Denton Avenue, but there is a separation distance of over 29m to those dwellings themselves. There are 6 windows on the eastern elevation of this flatted block but the plans show them to be secondary windows only which will be obscure and fixed shut. The proposed flatted block is 9.1m tall. There are 2 balconies proposed to the northern elevation. The amended design shows privacy screens have now been proposed on the eastern sides of these balconies to shield views to the east.

7.65 The existing industrial building on this site is much closer to this shared boundary but is single storey only. The change in height between this and the proposed flatted block will be evident from the neighbouring gardens, however, it is noted that there is a considerable separation distance between the proposed flats and those dwellings (over 29m). The views from the balconies will be restricted by the proposed privacy screens but there may be an element of perceived overlooking from the proposed obscure windows on the east elevation. These are proposed to provide light to the units and to help to break the massing of the flank elevation which would otherwise be blank and rather oppressive. It is also noted that this relationship is not dissimilar to that between the flatted block to the north (14-25 Purley Way) and the houses on Denton Avenue which have a 30m separation distance and which have habitable windows facing the east boundary 7.5m away. On balance and given the significant separation distance between the buildings, in this instance and consistent with the basis of the decision made on the earlier proposal, this relationship can be considered reasonable in an urban context and the proposal would not result in a materially harmful impact on the amenities of these neighbours.

7.66 At the southern end of site the houses are set 9m off the shared boundary with 56-60 Denton Avenue and there is a separation distance of at least 28m to the nearest dwelling itself. The proposed houses have habitable room windows at first floor facing east. In this section of Denton Avenue, the existing houses are set at an angle so do not directly face onto the application site. This is an unusual relationship but it will noticeably reduce the opportunity for direct overlooking between the properties. On balance and consistent with the basis of the previous decision, it is considered that this is an acceptable relationship and the proposal would not have a detrimental impact on the amenity of these neighbours.

Impact on houses to the south 259-273 Prince Avenue

- 7.67 The proposed southernmost house would be set 3.4m from the southern boundary and 28.2m from the rear elevations of the properties in Prince Avenue. One landing window is proposed in the southern flank of plot 03. The boundary between the site and the properties in Prince Avenue is lined with large trees.
- 7.68 The separation distance between the houses here is similar to that achieved between the proposal and existing properties to the east and north however, the impact here is further reduced by the tree cover and the absence of habitable windows. Consistent with the basis of the previous decision, it is considered that the impact on the amenities of the properties in Prince Avenue is acceptable.

Impact on neighbours to the west - other employment uses within Prince Close

- 7.69 The nearest building, plot 01 is 1.6m from the western boundary and over 25m from the nearest permanent industrial building to the west. There are some porta cabin offices around 20m from plot 01. A public footpath bisects the industrial estate between the site and these neighbours. The public footpath is lined by mature trees some of which are covered by a tree preservation order. At the northern end of the site, the proposed flatted block is 5.4m from the west boundary. On the other side of the footpath here is an open land which is being used to store wrecked cars. Consistent with the basis of the previous decision, it is considered that the nature and scale of the proposal would not have a detrimental impact on the amenities of these neighbours.
- 7.70 In relation to the inter relationships of the proposed dwellings themselves, the layout and separation distances proposed are such that the proposal will not result in unreasonable overlooking, loss of light or appear over bearing to the neighbouring properties within the site.
- 7.71 Overall therefore, on balance, it is considered that the proposal would be acceptable and policy compliant in its impact on neighbour amenity. This is the same conclusion as was reached on the previous proposal.

Traffic and Transportation

- 7.72 Policy DM15 of the Development Management Document requires all development to meet the off-street parking standards which for residential development outside the central area is expressed as a minimum standard of 2 parking spaces for houses and 1 space for flats. There is no minimum requirement for visitor parking. The policy requirement for the development is therefore 28.
- 7.73 As with the previously refused proposal, the submitted plans show that 35 parking spaces are proposed within the application site, 28 for occupiers of the proposed development and 7 visitor spaces. The plans show these to be convenient to the properties. The proposed number of parking spaces therefore exceeds the minimum policy requirement but is not so excessive in ratio as to materially harm the Council's objectives for sustainable transport. The proposal is therefore acceptable and policy compliant in this regard.

- 7.74 No changes are proposed to the site access arrangement from Prince Avenue. The layout includes a size 3 turning head and tracking has been provided to demonstrate it will satisfactorily accommodate a refuse vehicle. In relation to traffic movement the Transport Statement includes TRICS data analysis which shows there to be a reduction of predicted traffic movements in relation to the existing use on the site. The Council's Highways Officer has not raised any objections in relation to parking, highways or traffic impact of the proposal.

Cycle Storage, Refuse and Recycling

- 7.75 The cycle storage for the development is policy compliant and this is considered to be acceptable. The Council's Waste Management Guide for Developers recommends that flatted schemes of 15-21 units provide a minimum of 2 x 1100 litre bins for refuse and 3 x 1100 litre bins for recycling and at least 1 x 140 litre food waste bin. It does not seem that the proposed refuse store will be able to accommodate this level of bin storage. In these instances the Waste Management Guide recommends that the development will require an enlarged store or a recycling and waste management strategy should be sought. The plans show that there would be scope to increase the size of this store or to utilise the cycle storage for bins and provide a separate cycle store in the amenity area. These details and a Recycling and Waste Management Strategy can be agreed by condition.
- 7.76 Subject to these conditions, the parking, traffic and highways implications of the development are found to be acceptable and policy compliant.

Sustainability

Energy and Water

- 7.77 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.
- 7.78 The Energy statement comments that 12,176.9 kW of energy will be provided by PV panels on the roof of the flatted block and this equates to 10% of the energy needs of the whole site. This would be policy compliant and can be secured by a condition. No information has been provided regarding water efficiency but this too can be secured by condition. Subject to such conditions the proposal is acceptable and policy compliant in the above regards.

Sustainable Drainage SuDS

- 7.79 A drainage strategy has been submitted for the site. This confirms that the site has a low risk of surface water flooding and limited potential for ground water flooding. The drainage plan for the site includes permeable surfacing and an underground attenuation tank which will provide sufficient storage and controlled water release for larger storm events including climate change allowances.

The Council's drainage engineer has not objected to the proposed SUDs scheme but has requested further information in relation to flow calculation and future management. These details can be secured via a condition.

Preserved Trees and Ecology

- 7.80 The Council seeks to protect trees which make a positive contribution to the amenity of the area from the impact of new development.
- 7.81 The proposal site contains a number of existing trees and there are other established trees around the site including some which are protected by a TPO adjacent to the public footpath on the western edge. An arboricultural report has been submitted with the proposal. This proposes the removal of some trees within the site at the northern end, some pruning works to trees outside the site and some works within the root protection area. The arboricultural statement comments that the largest tree to be removed is required because it is in poor health and this would be necessary even if the development were not proposed. Otherwise the works are required to facilitate the development. In relation to tree protection measures the report proposes:
- a temporary protective barrier to protect the canopies of the trees and
 - methods for the demolition of the existing building and removal of the existing hard surfacing within the root protection areas (RPAs)
 - a commitment that new services will be outside the RPAs
 - a method for construction of new hardsurfaces within the RPAs
- 7.82 The report concludes that, if planning permission is granted, a more detailed arboricultural method statement and tree protection plan which includes details of ground protection measure, access facilitation, pruning specification, project phasing and monitoring be agreed with the Council to ensure the trees are protected during demolition and construction.
- 7.83 The Council's Arboricultural Officer has not raised any objections to the proposed works but agrees that a more detailed method statement and protection details should be agreed prior to demolition works. This can be secured by condition.
- 7.84 An Ecology report has been submitted with the application. This comments that, aside from the trees, the site does not have any existing ecology features of note. It proposes a number of enhancements to improve the ecology of the site including:
- The use of native hedgerows where possible
 - Native species for all tree planting
 - Managed grassland for the northern amenity space
 - 5 bird boxes across the site
 - 2 bat boxes across the site
 - 5 invertebrate boxes
 - Ground level gaps in the boundaries to enable the movement of small mammals
 - A 5 year management plan

7.85

A bat
been
site
that th
of ba
site.

7.86

The s
enhan
will im
of
welco
secur

7.87

Conta

The
indust
years
invest
have
includ

•

•

•

•

•

7.88

The
invest
that
conce
were
of the
conta
were
two
made
remed
identif
metho
for the
them
devel
Coun
Health
review
docur
no ob
the p
the
remed
out.
secur

Plann

7.89

Parag
NPPF
'Plann
must
where
the fo

-
-
-

7.90

Parag
NPPF
to-dat
out
expec
devel
applic
with
assur
is up
demo
partic
justify
viabili
the ap

7.91

The
Practi
clear
plann
requir
housi
traffic
to in
shoul
their
indiv
applic
subm
schem
obliga
consi

7.92 Core Strategy Policy KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will:

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as;

- a. roads , sewers, servicing facilities and car parking;*
- b. improvements to cycling, walking and passenger transport facilities and services;*
- c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);*
- d. affordable housing;*
- e. educational facilities;*
- f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate;*
- g. any other works, measures or actions required as a consequence of the proposed development; and*
- h. appropriate on-going maintenance requirements.”*

7.93 In relation to affordable housing provision Core Strategy policy CP8 states:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

7.94 The policy compliant provision of affordable housing for a site of 20 units is 20% which equates to 4 units. The application documents state that the proposal will deliver all units for Estuary Housing Association, a registered provider, with the help of a grant from Homes England. In the previously refused scheme 4 of these units were proposed to be secured in perpetuity as affordable housing within the legal agreement. This was considered to meet the policy requirements of CP8. The current scheme proposes to secure all 20 units (100%) as affordable units in the legal agreement. This significantly exceeds the policy requirement of 20% but, as noted above, this additional public benefit is required to justify an on balance exception to Policy DM11 which relates to the loss of employment land.

7.95 The previously refused scheme required a contribution to secondary education to be secured via the legal agreement. Based on the details of this amended proposal the Education Team have confirmed that, as the proposal is 100% affordable housing, the proposal would be exempt from an education contribution so this is now removed from the heads of terms.

7.96 The Council’s Highways Officer has requested that Travel Packs be provided to new residents.

- 7.97 The S106 contribution Heads of Terms can therefore summarised as:
- Affordable housing including 8 x affordable rent (8 x 2 bed units) , 4 x social rent 4 (4 x 2 bed units) and 8 x shared ownership (1 x 2 bed and 7 x 3 bed units)
 - Residential Travel Packs – to be agreed prior to occupation
- 7.98 A legal agreement has been drafted on this basis.
- 7.99 The above addresses the specific mitigation for the proposed development for matters not addressed within the Regulation 123 Infrastructure List covered by the CIL payment.
- 7.100 The contributions noted above are considered to satisfy the tests set out in the CIL Regulations 2010 in relation to a scheme of this scale. Subject to prior completion of the legal agreement the proposal is considered to be acceptable and policy compliant in respect of developer contributions.

Community Infrastructure Levy (CIL)

Charging Schedule (2015).

- 7.101 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 2492.36 sqm, which may equate to a CIL charge of approximately £60966.96 (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. Since all of the development would be for affordable housing the applicant can apply for an exemption.

8 Conclusion

- 8.1 As submitted the application conflicts with Policy DM11 in relation to the loss of employment land and this is a negative aspect of the proposal and weighs against the scheme, however, given the specific circumstances of the site in relation to the quality of the existing employment provision together with the proposal to provide 100% secured affordable housing at a policy compliant tenure, which significantly exceeds the policy requirements, it is considered that, in this instance and on balance, the significant public benefits of the proposal are enough to outweigh the harm caused in relation to the loss of employment land. It is therefore considered that the proposal has overcome the previous reason for refusal in this regard. In all other matters the proposal is considered to 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, the street scene and the locality more widely. The highways impacts of the proposal are acceptable. This application is therefore recommended for approval subject to conditions and subject to the agreement of the S106 legal agreement.

9 Recommendation

(a) Members are recommended to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the following:

- Affordable housing including 8 x affordable rent (8 x 2 bed units) , 4 x social rent 4 (4 x 2 bed units) and 8 x shared ownership (1 x 2 bed and 7 x 3 bed units)**
- Residential Travel Packs – to be agreed prior to occupation**

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

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

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

02 The development shall be carried solely out in accordance with the approved plans: 200-P4, 201-P5, 202-P4, 203-P5, 204, 205, 206, 207, 6861-D-AIA-B

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition 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 roof, walls including brick patterning, fascia and soffits, windows and doors, balconies, bays and entrance porches, car port and refuse store 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 character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority.

The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing;
- iii. hard surfacing materials including for the vehicular areas and amenity areas;
- iv. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification

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

05 The development shall not be occupied until and unless 35 car parking spaces, of which not less than 3 shall be for disabled users, have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with the details shown on drawing 200-P5, together with properly constructed vehicular access to the adjoining highway, in full accordance with the approved plans. The parking spaces shall be permanently retained 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 CP3 of the Core Strategy (2007) and Policy DM15 of the Council's Development Management Document (2015)

06 The development shall not be occupied until and unless the store containing 12 secure, covered cycle parking spaces and the refuse and recycling store to serve the flatted development as shown on drawings 202P4 and 203P5 have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the residential flats hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter.

Reason: To ensure that adequate refuse and recycling storage cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

07 The east facing first and second floor windows on the flatted block hereby approved 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 permanently fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level before occupation of the dwellings served by those windows 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. Prior to the occupation of the flats the privacy screens as detailed on drawing references 203P5 and 202P4 shall be installed in accordance with details on those drawings and shall thereafter be and retained in perpetuity

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).

08 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwellings 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).

09 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

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

10 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 10% (2) of the units hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 18 units comply with building regulation standards part M4(2) 'accessible and adaptable dwellings upon occupation.

Reason: To ensure the residential units hereby approved provides high quality

and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

11 With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless the remediation measures as set out in the Remediation Method Statement for 277 Prince Avenue reference JAH/18.478/RMS dated 8.4.19 and drawing reference 18.478/RMS/02 have been carried out in full and the site remediated in accordance with those approved measures. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the local planning authority before completion of the development or first occupation of the premises (whichever comes first). If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing with the Local Planning Authority. The dwellings shall not be occupied until any further contaminated land mitigation has been completed in full and a validation report confirming the completion of the remediation has been submitted to the local planning authority and approved in writing.

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).

12 Prior to commencement of development other than demolition, detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- a. Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant needs to include evidence that infiltration testing has been undertaken for the site and that they are compliant with BRE365 guidance.
- b. Provide calculations to demonstrate the hydraulic performance of the entire proposed SuDS system, including the pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change.
- c. Provide an updated drainage layout plan to include pipe diameters and gradients, manhole cover and invert levels and volume of storage to be provided by all SuDS features on the site in accordance with the submitted calculations. Engineering plans to be provided for each of the SuDS and critical drainage elements, including the flow control features.
- d. Provide information regarding the management of health and safety risks in relation to the feature design.
- e. Provide a system valuation (including capital costs, operation and

maintenance costs, and cost contributions) and a demonstration of long term economic viability.

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

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

h. Provide a site specific management and maintenance plan for the site to include all elements of the proposed SuDS.

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

13 Notwithstanding the Tree Survey, Arboricultural Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan by Hayden's Arboricultural Consultants Ltd reference 6861 dated 11.1.19 submitted with the application, prior to the commencement of the development a suitably detailed arboricultural method statement and tree protection plan which provides full details of protection measures including ground protection measures, pruning details including access facilitation, details of the services in relation to the trees, project phasing and monitoring shall be submitted to and approved in writing by the local planning authority. Throughout its implementation and completion the approved development shall then be undertaken in full accordance with the approved details.

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).

14 The development shall be carried out in full accordance with ecology enhancement measures as detailed in Section 2 of the submitted Landscape and Ecology Management Plan by Wild Frontier Ecology dated January 2019.

Reason: To ensure that the development does not have an adverse impact on the biodiversity of the environment in accordance with the wildlife Act, National Planning Policy Framework (2019) and Development Management Document (2015) Policy DM3.

15 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 and unless a noise report has been submitted and agreed in writing by the local planning authority to demonstrate that the internal noise levels for all habitable rooms will meet the standards set out in BS 8233:2014 (Internal Noise Levels). The development shall then be undertaken and completed in accordance with the agreed details within that report before it is occupied.

Reason: In order to protect the amenities of the occupiers of the dwellings

hereby approved from unacceptable traffic noise from in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

16 Notwithstanding the 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).

17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**
- vii) a method statement regarding the management of surface water runoff arising during the construction phase of the project.**
- viii) measures to mitigate noise impacts.**

Reason: In the interests the amenities of neighbouring occupiers and to ensure a satisfactory standard of highway safety to Policies CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

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

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

In the event that the planning obligation referred to in part (a) above has not

been completed by 23rd January 2020 (or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager Planning & Building Control), the Director of Planning and Transport or Group Manager of Planning and Building Control be authorised to refuse planning permission for the application on the same grounds application reference 19/00086/FULM was refused planning permission.

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

Informatives

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

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

Reference:	19/00086/FULM	
Ward:	St Laurence	
Proposal:	Demolish existing buildings and erect three storey block comprising of 12 self-contained flats and 8 two storey dwellinghouses, layout landscaping, amenity space and parking	
Address:	277 Prince Avenue Westcliff-On-Sea Essex SS0 0JS	
Applicant:	Dove Jeffrey Homes Planning Service	
Agent:	Phase 2 Planning	
Consultation Expiry:	28 th March 2019	
Expiry Date:	3 rd May 2019	
Case Officer:	Abbie Greenwood	
Plan Nos:	200-P4, 201-P4, 202-P3, 203-P3, 204, 205, 206, 207, 6861-D-AIA rev B	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The site is located at the northern end of Prince Close just off Prince Avenue near to Tesco's Superstore. The existing building on the site is a detached single storey 1970s style light industrial unit which is currently occupied by Rotary Watches although it is understood that they plan to vacate the premises in June. The site is designated as an Employment Area in the Core Strategy and Development Management Document.
- 1.2 Prince Close Industrial Estate is one of the Borough's designated employment areas. The application building is by far the largest property in the estate. There are four other smaller industrial buildings located to the west of the site which are occupied by property development offices, recording studio and a gym. There is an area of vacant industrial land to the north west of the site. Otherwise the site is surrounded by residential properties. The A127 arterial road is located to the south of the site.
- 1.3 A footpath runs through the middle of the industrial site on the western boundary of the site which connects the main road to the housing area to the north. The trees that line this route are protected by TPO 5/96 G1. There are also a number of other trees surrounding the building both within the site and in the neighbouring gardens. Aside from these designations there are no other policy constraints applicable to the site.

2 The Proposal

- 2.1 This application seeks planning permission to demolish the existing industrial buildings and erect a three storey building comprising of 12 self-contained flats, 8 two storey dwellinghouses and to layout landscaping, amenity space and parking on the site.
- 2.2 The proposed flats are within a single flat roofed block which measures 25.5m wide, 14.2m deep and 9.1m high. This block contains 9 x 2 bed 4 person units and 3 x 2 bed 3 person units and is located to the northern end of the site.
- 2.3 The proposed houses are arranged as semi-detached pairs. Three pairs of a matching design are proposed along the eastern side of the site. These are two storeys with a gabled roof and measure 12.1m wide, 9.5m deep, 5.2m to the eaves and 8.5m to the ridge. A single additional pair of semi-detached houses is also proposed at the front of the site. These are a different but similar design to the other houses and measure 11.3m wide, 9.6m deep, 5.1m to the eaves and 8.5m to the ridge. 7 of the houses are 3 bed 5 person units and one is a 2 bed 3 person property.
- 2.4 All the buildings are proposed to be constructed of yellow/buff face brickwork, with a darker brick tone for detailing. No information has been provided regarding other external materials.
- 2.5 Other structures on the site include a communal bin and bike store for the flats and a car port structure for 3 of the houses which is located in the centre of the site behind the front pair of semis. Altogether 28 parking spaces are proposed for the dwellings and 7 additional parking spaces are proposed for visitors along the access route making 35 spaces in total. The houses all have private gardens ranging from 60sqm to 91 sqm. The flats have private balconies of 5 sqm and a communal amenity space of 400 sqm.

2.6 The application is supported by the following:

- Design and Access Statement
- Planning Statement
- Transport Statement
- Bat Survey
- Services and Unities Report
- Phase 1 Contamination Desk Study
- Tree Survey and Arboricultural Report
- Accommodation Schedule
- Landscape and Ecology Management Plan
- Energy Statement
- Flood Risk Assessment
- Temporary Traffic Management Plan

3 Relevant Planning History

3.1 There is no planning history for this site.

4 Representation Summary

Public Consultation

4.1 A site notice was posted and 50 neighbours have been individually notified of the application. 1 response has been received stating that they have submitted concerns to the ward Councillors although no details have been provided.

Planning Policy

4.2 The site at Prince Close as defined by the planning application 19/00086/FULM is located wholly on land designated as an employment area as per the Development Management Policies Map 2015. The Development Management Document sets out the Council's policy position regarding employment areas, and is applicable in this case, see Policy DM11.

With regards to the loss of employment use, the applicant gives three examples of sites where lesser information was provided. It is important to note that, unlike the site in question, none of these sites (411-419 Sutton Road, 1307 London Road and 522 Prince Avenue respectively) are in a designated employment area. The site at Prince Close is in a designated employment area and as such more rigorous tests apply as set out in the adopted development plan for the Borough.

The proposal is for the change of use from B class use to C3 class residential resulting in the loss of an existing employment use on an existing designated employment area. Policy DM11.2 seeks to support the retention, enhancement and development of Class B uses within the Employment Areas. Where a proposal falls outside of Class B use, the policy sets out the conditions which must be met for a non-class B use to be considered, and are relevant to this application, in particular DM11.2.C which includes 4 criteria, *all* of which should be demonstrated to the Council's satisfaction. These are set out below in full:

C. it can be demonstrated to the Council's satisfaction that:

Development Control Report

- i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes.*; and*
- ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and*
- iii. the alternative use cannot be reasonably located elsewhere within the area it serves**; and*
- iv. the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or*

** This should include a minimum 2 year active marketing exercise where the vacant site / floorspace has been offered for sale or letting on the open market at a realistic price and that no reasonable offers have been refused. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. Appendix 4 sets out the information to be provided in relation to marketing and market demand.*

*** The Borough Council will make a judgement about the extent of the area based upon the site concerned and the proposed use.*

As noted above Appendix 4 Parts A and B, are also applicable in this case. Part A requires marketing information to be submitted, demonstrating an active marketing campaign for a continuous 2 year period whilst the premises were vacant. Marketing information is provided however, as it states, the site was not vacant at the time. Appendix 4 part A sets out a number of criteria which should be addressed in any marketing analysis, and there may be scope for further information to be provided to satisfy this requirement.

In exceptional circumstances, DM11 outlines that a marketing exercise can be shorter than 2 years where a robust market demand analysis is supplied. The market demand analysis supplied, dated 11.03.19, considers the requirements set out in Appendix 4 parts A & B, however, the main part of the report refers to matters in relation to the limitations of the existing building.

The evidence provided to meet the requirements of policy DM11 part 2 is not sufficient for the reasons set out above. It is crucial for the Council to maintain the robustness of policy DM11 and to seek that it is applied in a consistent manner, as such, the requirement that sound evidence is supplied to satisfy the requirements of the policy must be fulfilled.

The Council is in the early stages of bringing forward its new Local Plan, which will review employment areas and related policies in due course, with a duty to consider the future needs of the Borough, including growth in both residential and jobs provision. However, at this time the Development Management Document and Core Strategy provide the adopted policy framework. Evidence base studies such as the survey of key employment areas will be used to inform the local plan and do not alter the current policy approach as per the Development Management Document. The local plan will have a duty to meet the needs of the local area which will involve meeting significant job growth as well as housing need.

Strategic Housing

4.3 Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

- 10 to 49 units = 20%,
- 50+ units = 30%

The applicants planning statement has proposed that 4 units of affordable housing be delivered through the S106 agreement in line with the requirement set out above. Additionally, it is understood that the remainder (16) of the units are proposed to be delivered as shared ownership dwellings, however these would not be secure through the S106 agreement.

In terms of dwelling mix the Strategic Housing Team will take into consideration Policy DM7 which outlines the Council's affordable dwellings mix. Furthermore, the current housing need as evidenced by the Council's Housing Register data is also taken into consideration when assessing proposed dwelling mixes.

The Strategic Housing Team is supportive of the proposed dwelling mix.

Affordable Housing: Tenure

The proposal has highlighted the preference for 2 affordable rented and 2 shared ownership units secured by S106.

A policy compliant tenure mix is as follows:

	No.
AH Units:	4
AR (60%)	2
SO (40%)	2

Each affordable housing unit must meet their respective size standard as outlined in the "technical housing standards – nationally described space standard"

The Strategic Housing Team is supportive of the proposal which consists of 4 units of affordable housing, with 2 Shared Ownership and 2 Affordable Rented secured by S106.

The affordable dwellings should consist of: 3 x 2 bedroom dwellings and 1 x 3 bedroom dwelling.

Transport and Highways

- 4.4 A total of 35 car parking spaces including 7 visitor spaces have been provided for the development which is considered acceptable. The site is accessed via an existing road way, the site layout ensures that vehicles can manoeuvre efficiently with the road space, vehicle tracking has been provided to demonstrate the refuse freighters can enter and leave in a forward gear.

Consideration has been given to the previous use of the site which had the potential to generate a large number of vehicle movements. The applicant has provided census data demonstrating car ownership in the Southend Area as well as TRICS data analysis to support the reduction in vehicle movements as a result of the proposal in the surrounding area.

Given the above information and that contained within the application there are no highway objections to this proposal

The applicant should provide travel packs for each dwelling.

Education

- 4.5 This application falls within the primary catchment area for Prince Avenue Primary School and The Eastwood Academy Secondary School. Primary places are available. All secondary schools within acceptable travel distance are oversubscribed. An expansion programme is currently underway within all the non-selective secondary schools in Southend and any further developments within the area will add to this oversubscription. A contribution towards the Secondary expansion of Southchurch High School of £41,067.67 is therefore requested.

Environmental Health

- 4.6 *Contaminated land*

The entire site has been identified as accommodating, or having accommodated, a potentially contaminating process. In recognition of this, the applicant has prepared and submitted a Phase 1 Desk Study Report Ref: JAH/18.478/Phase1 dated 14th January 2019 with their application. The recommendations contained within Paragraph 11 of that report must be enacted and it is recommended, therefore, that, notwithstanding completion of the Phase 1 stage and for the avoidance of doubt, the following contaminated land condition be attached to any consent that may be granted. In view of the proximity of residential accommodation to the application site, it is further recommended that the following noise control condition be attached.

- C15A – Contaminated land.

Noise and Disturbance

There appears to be 3 No. commercial/industrial sites on the opposite (west) side of the access road to the application site.

The southern-most plot is currently occupied by the offices of a construction company whilst the adjacent plot (to the north) accommodates a fitness centre. Despite the very close proximity of residential property to those sites, no complaints regarding the activities conducted thereon have ever been received by my Section which isn't surprising in view of the low potential for nuisance arising from those uses. Any statutory nuisance which may occur from activities on those sites in the future could be controlled by the service of formal Notice(s).

The third, most northerly area, comprises a compound which has been used for a short while for the reception and holding of recovered vehicles. As far as I am aware, and from my own observations, no breaking or dismantling of vehicles was undertaken on that site. I did receive a complaint regarding spill from the security lighting and noise from late night delivery of recovered/crash damaged vehicles, but contact with the operating company secured an undertaking that those issues would be addressed as soon as maybe. I was informed by the company that they only intended to use the site for a limited period (6 months was, I think, mentioned). I'm aware that your enforcement officers have been investigating possible infringement of consent for that use of the land, though the site is now entirely vacant with the security lighting removed. Any planning application which may be forthcoming with regard to that site would be subject to recommendations that appropriate conditions be attached to any consent that may be granted for the control and mitigation of any potential nuisance.

Therefore I have no observations to make regarding the likely impact of nuisance on the occupiers of the proposed dwellings on the application site from the uses to which those areas are currently being put.

Additional suggested conditions

- C11A – 7:30 to 18:00 weekdays, 8:00 to 13:00 Saturdays and at no time on Sundays or public holidays.
- No burning of any waste materials shall take place on the application site at any time throughout the entire demolition and construction processes. **[Officer Note: this is controllable under separate legislation.]**
- The removal and disposal of any materials comprising or containing asbestos on the application site shall be carried out in accordance with the provisions of the Control of Asbestos Regulations 2012. **[Officer Note: this is controllable under separate legislation.]**

Recommended informative conditions

Notwithstanding the above, the following informative should be attached to any consent that may be granted:~

- 'The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ'.

Parks

- 4.7 The Hayden's Arboricultural (Arb) Impact Assessment and plan addresses adequately the initial issue of tree protection during development, however adherence to the recommendations of the report is essential to ensure the protection of the trees identified for retention.

Para 6.2, the report states that:

'Subject to achieving planning permission, it is recommended that a detailed Arboricultural Method Statement and Tree Protection Plan should be provided. This will include the following: Ground protection measures, access facilitation pruning specification, project phasing and an extensive auditable monitoring schedule.'

A condition should be applied requiring the detailed Arboricultural Method Statement and Tree Protection Plan to be submitted and approved, prior to commencement.

Service route information was not available when the Arb report was submitted. This information must be available and included in the Arb Method Statement when it is submitted for approval.

Drainage Engineer

- 4.8 No objections subject to conditions attached to any consent if this application is approved by the LPA (conditions were specified in consultation response.)

Anglian Water

Assets Affected

- 4.9 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.

Wastewater Treatment

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows

Used Water Network

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 advice 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.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Insufficient evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval

Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON To prevent environmental and amenity problems arising from flooding.

[Officer Comment: This could be combined with the SUDs condition if the application were otherwise found to be acceptable. An informative could also be added to notify the applicant to contact Anglian Water in respect of the existing assets which must be respected or diverted]

Police

- 4.10 Essex Police pursuant to the National Planning Policy Framework and Southend's Core Strategy, creating safe and accessible places, by employing Crime Prevention through Environmental Design (CPTED), Southend on Sea Development plan 2.7 identifies Secured by Design as the preferred enabler. There has been no pre-application consultation, with the applicant or their representatives, as recommended. The Design and Access statement (DAS) makes no reference to physical security. Furthermore, Essex Police would also like to draw attention to the brick detailing feature. The examples given in the DAS could be used as climbing aids thereby facilitating unauthorised access. As such, Essex Police would like to invite the developers to contact us with a view to discussing CPTED.
- 4.11 This application was called to committee by Councillor Flewitt.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2019)
- 5.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development). CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) CP7 (Sport, Recreation and Green Space)
- 5.3 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) DM10 (Employment Sectors) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas) DM15 (Sustainable Transport Management)
- 5.4 The Design and Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main issues for consideration include the principle of the loss of employment land in a designated employment area, housing mix including affordable housing, the design and its impact on the character of the area, the standard of accommodation for future occupiers, the impact on neighbours, traffic and parking implications, sustainability, potential contamination, trees and CIL and S106 contributions.

7 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2019), Policies KP1, KP2 and CP1, CP4, CP6, CP7 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM7, DM8, DM10, DM11 and DM15 of the Southend-on-Sea Development Management Document (2015)

- 7.1 Government guidance with regard to planning matters is set out in the National Planning Policy Framework (2019). The NPPF states that there are three dimensions to sustainable development. These are economic, social and environmental.
- 7.2 In relation to the economic strand of the definition of sustainable development, paragraph 3 of the NPPF states that the planning system will contribute to building a strong competitive economy by *'ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure'*.
- 7.3 Paragraph 11 of the NPPF states that *'decisions should apply a presumption in favour of sustainable development....For decision-taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*
- 7.4 Paragraph 15 states that planning should *'be genuinely plan-led'*. Paragraph 20 states *'Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;'*

- 7.5 Paragraph 120 of the NPPF states that *'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*
- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
 - b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'*
- 7.6 Policy KP1 seeks sustainable development by focussing appropriate regeneration and growth towards Priority Urban Areas and the main industrial/employment areas.
- 7.7 Policy CP1 of the Core Strategy states that *'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.'* and that *'Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.'*

Loss of Employment Land

- 7.8 Prince Close industrial Estate is identified as a designated Industrial / Business Estate in the Development Management Document. Policy DM11 of the Development Management Document states that the Borough Council will support the retention, enhancement and development of Class B uses within the Borough's designated Employment Areas. In relation to this Section 2 of policy DM11 states:

'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:

2A the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or

2B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or

2C. it can be demonstrated to the Council's satisfaction that:

- i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes*, and*
- ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and*

- iii. *the alternative use cannot be reasonably located elsewhere within the area it serves**; and*
- iv. *the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking.*

2D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.

**This should include a minimum 2 year active marketing exercise where the vacant site / floorspace has been offered for sale or letting on the open market at a realistic price and that no reasonable offers have been refused. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. Appendix 4 sets out the information to be provided in relation to marketing and market demand.*

*** The Borough Council will make a judgement about the extent of the area based upon the site concerned and the proposed use.*

7.9 Appendix 4 of the Development Management Document set out the specific requirements that should be submitted in relation to the Marketing Assessment and Market Demand Analysis required by Policy DM11 above. In relation to changes of use for designated employment sites it states:

'PART A - Marketing

In instances where policies require marketing information to be submitted, the following details will be used to assess the acceptability, or otherwise, of the information submitted and any marketing undertaken.

Marketing evidence requires demonstration of an active marketing campaign for a continuous 2 year period, whilst the premises were vacant, which has shown to be unsuccessful.

Marketing must be through a commercial agent at a price that genuinely reflects the market value of the lawful use. It must be shown to the council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through redevelopment or Change of Use.

Active marketing should include all of the following:

- 1. A visible advertisement board posted in a prominent location on site, including relevant contact information (subject to advertising consent, if required);*
- 2. Registration of property with at least one commercial property agent and continuously advertised on the agent's website;*
- 3. Property details and information available to enquirers on request;*
- 4. Property marketed at a reasonable price reflecting market conditions, including in relation to use, condition, quality and location of the premises/ site;*
- 5. Property marketed for the appropriate use or uses as defined by the relevant planning policy.*

Sufficient detailed information is required to be submitted alongside any planning application to demonstrate compliance with the above criteria. Additionally, information should be submitted regarding:

- i. the number and details of enquiries received;*
- ii. the number of viewings;*
- iii. the number, type, proposed uses and value of offers received;*
- iv. reasons for refusal of any offer received, and/or reasons why any offers fell through;*
- v. the asking price and/or rent that the site or property has been offered at, including a professional valuation from at least three agents to confirm that this is reasonable;*
- vi. the length of marketing period, including dates, and*
- vii. the length of the vacancy period.*

PART B – Market Demand Analysis

A detailed assessment of the current, and potential future, market demand for the site or premises in question should be provided. Market demand analysis submitted alongside, or where justified, in place of marketing evidence must set out clear and up-to-date information on matters including:

- i. Business floorspace available in other similar properties within the market area*
- ii. Rental levels achieved for these properties*
- iii. Independent commentary on the current and likely future demand for floorspace within the market area, based on the above factors and other relevant considerations (e.g. the latest Southend Employment Land Review and Survey of Key Employment Areas).*

To take account of changing economic circumstances consideration should be given to any likely changes in market conditions within a 3-5 year time horizon, which could impact on development viability.'

7.10 In seeking to justify the loss of employment land the agent has highlighted comments made in the Employment Land Review 2010. This document was prepared on behalf of the Council to assess the future of Employment Land and to inform the preparation of the Development Management Document and other policy documents. In relation to Prince Close Industrial Estate the Employment Land Review 2010 recognises that the site has good strategic access to the A127, public transport and the airport but identifies a number of constraints which could affect its long term future including:

- Small size of overall estate
- General outdated B2 units, poor quality of premises
- Surrounded on 3 sides by residential properties which may lead to nuisance complaints
- Potential conflicts arising from shared access with neighbouring residential properties

7.11 The estate is summarised as:

“Prince Close is a small employment site located off the A127 near Thanet Grange. It is of low quality with a problematic access and poor relationship with surrounding residential uses. Whilst still occupied the site is no longer considered suitable for future employment uses. Once vacant, the site is likely to be difficult to let and will therefore be targeted for alternative uses. It is recommended that the Council should continue to monitor the site and consider it for release unless market demand requires its retention for manufacturing purposes.”

7.12 The Employment Land Review recommends that the site should be monitored to assess demand and that consideration should be given to releasing this industrial estate from the employment designation. Recent surveys of the site confirm that there is only 1 vacant unit although it is noted that the planning statement accompanying this application states that the application building will become vacant in the summer. This is the largest building on the site by some margin.

7.13 All the employment areas are under review as part of the new Local Plan process and their future designations will be determined during the course of this process. Nevertheless, at this time Prince Close Industrial Estate remains a designated employment site under the current local planning policy documents. It is therefore protected from changes to other non-industrial uses under policies CP1 and DM11. In this context, any proposal for non-industrial uses on this site is required to demonstrate that it conforms with one of the four criteria 2A-2D in policy DM11 above. The proposed development falls outside Criteria 2A, 2B and 2D as it relates to a use falling within Use Class C3 which is not ancillary to, supportive of or similar to an employment use that falls within Class B and the site is not supported by an adopted planning brief. Criterion C is therefore the only possible applicable exception under policy DM11. In this situation, the policy states that all the four criteria within part 2C must be met. These criteria are examined below.

7.14 Criteria 2Ci) requires that it be demonstrated that there is no long term or reasonable prospect of the site being used for class B purposes. As noted above this should be verified by submitting evidence of a continuous 2 year marketing of the vacant premises showing there to be no demand for the site for B uses on the site.

7.15 In relation to this requirement the agent confirms that the site is not vacant and therefore the required 2 years of marketing information where the vacant site / floorspace has been offered for sale or letting cannot be provided in this instance. However, in September 2014 the existing business gave notice of their intention to vacate the premises at the end of their lease in June 2019 citing the unsuitability of the existing building as a key factor in this decision. The site has therefore been subjected to a marketing campaign for periods during this time whilst the building remains occupied. Based on information supplied with, the application marketing undertaken can be summarised as follows:

- Discussions were held with 4 local commercial agents who all expressed concerns about the quality of the building.
- Discussions were also undertaken with the Southend Development Corporation and Southend Airport who also expressed concern over the quality of building and availability of more modern premises in the area.

- Soft Marketing was undertaken by the site owner between October 2014 and August 2016 during which time over 50 potential purchases from the commercial, residential and healthcare and general property investment sectors were shown round the building although the building was not officially put on the open market.
- In April 2015 Lambert Smith Hampton were appointed to undertake pre application discussions with the Council over the potential change of use to residential.
- In 2016 an option sale agreement (a sale subject to contract) was entered into with Fewhirst Properties who immediately placed the site on the open market with Ayers and Cruik although this did not result in a sale. A photo of the for sale board from this time has been provided along with an email from Ayers and Cruik to the applicant dated 18.11.16 notifying them of this 'new instruction'. It is not known how long the sale board was displayed. The applicant has stated that it was marketed by this agent for a year after which the sale contract was terminated because no buyer was found.

7.16 When comparing this information with the requirements of Appendix 4A there are deficiencies in the following areas

- The property is not vacant and has not been vacant to date. Therefore any marketing carried out has been undertaken whilst the building was occupied. The requirement is '*active marketing campaign for a continuous 2 year period, whilst the premises were vacant*'
- Although the building was 'soft marketed' for 3 years from 2014-2017 by the owner approaching a wide range of property developers, (not just commercial/industrial developers) there is no evidence that it was continuously on the open market for this time including being advertised on an agents website and via a sale board.
- There is a photo of a sale board at the site and evidence of website marketing from Ayes and Cruiks in 2016 but no information has been provided as to how long the premises was advertised in this way. No information has been provided in relation to enquires via Ayres and Cruiks from 2016-2017.
- No information has been provided in relation to the price at any time and no independent property valuations have been provided - Appendix 4 requires marketing to be '*through a commercial agent at a price that genuinely reflects the market value of the lawful use*' and '*a professional valuation from at least three agents to confirm that this is reasonable*'

7.17 The submitted marketing information therefore does not meet all the criteria set out in Appendix 4 A. As noted above, Policy DM11 states that '*In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.*' If the whole site were being secured for affordable housing through the legal agreement then this might go some way to justifying exceptional circumstances but in this case the affordable units that are being put forward for the S106 agreement do not exceed the policy requirement for a market site.

The agent comments that this is due to funding restrictions but nevertheless, based on the mechanisms available to secure affordable housing within the scope of the proposal as submitted, this would not guarantee a 100% affordable scheme at the site and as such cannot be considered to provide exceptional circumstances. No further comment has been provided on any other exceptional circumstances which should be applied in this case. The agent has, however, commissioned a Market Demand Analysis from a commercial agent which makes the following comments in relation to the site:

- The narrow access preventing use by articulated sized delivery vehicles
- The internal divisions of the building is a constraint to potential users requiring a more open plan arrangement and general lack of useable floor spaces
- High rates compared to usable floor space
- The lack of space for loading and unloading within the building
- Limited height of the eaves and ridge restricting installation of adequate loading and unloading facilities
- General poor quality of building including age, condition and external appearance
- Concern over potential neighbour complaints in relation to noise and air pollution

7.18 In relation to alternative premises the report comments that the locality is served by a number of commercial and industrial areas providing a range of more modern B1/B8 premises in a range of sizes and they have provided examples of 3 other premises available to rent (not purchase) in Temple Farm and St Laurence Industrial Estates. They also comment that new modern employment floorspace will become available at the Airport Business Park in future years.

7.19 In relation to the potential demolition and redevelopment of the site with a more modern industrial unit the agent comments that this is likely to be unviable because of the constraints over access and the availability of more sustainable and accessible industrial locations elsewhere in the Borough. However no detail is provided in this regard.

7.20 The commercial agent also makes the following comments in relation to the future of the market: *'while there has been a downturn in enquires due to uncertainties surrounding Brexit, demand for modern industrial floorspace remains positive within the borough generally, however as noted above the property does not provide modern industrial accommodation. Consequently there would be no demand for a property of this nature'* The report goes on to state *"It is unclear how the marketplace and economy will be affected generally post Brexit however we consider than neither a positive or negative economy post Brexit would improve the possibilities of acquiring an end user for the property. Development plans for future industrial floorspace in and around Southend London Airport are also likely to further exacerbate the problem and highlight the properties constraints in comparison to newer, more modern industrial accommodation"*.

7.21 The applicant has also submitted information in relation to other approved sites in the Borough where they contend that a comparable level of, if not less, information/justification regarding loss of employment use was supplied. The applicant refers to these sites as follows:

- 411-419 Sutton Road, application reference 14_02043_FULM. Marketed vacant from 6th May 2014. Date of planning application 18.12.14. Marketing period 7 months. The site was allocated for employment use in the Local Plan and identified as a regeneration priority containing buildings beyond their economic life cycle that detracted from the quality of the street scene. Application type open marketing housing but for an Registered Provider (RP) provider. The same as Prince Avenue excepting the whole site was secured via a S106 as affordable housing as the RP agreed this with Homes England.
- 1307 London Road, application reference 16_01_0780_FULM. Period of marketing unclear but the building was 50% occupied when the planning application was submitted (23.09.16). Although the site was without any designation within the Development Plan, it was in use as a vehicular repairs, sales and storage and subject to policy DM11 that sought to protect existing employment generating uses from redevelopment for non-employment uses. Application type open marketing housing.
- 522 Prince Avenue, application reference 15_02100_FULM. Marketed from 10th August 2014. Marketed vacant from November 2014. Date of the planning application 14.12.15. Marketing period 13 months vacant. The site was last in employment use but not within any designated employment area and subject to Policy that sought to protect existing employment generating uses from redevelopment for non-employment uses. Application type open market housing.

7.22 The Council's Strategic Planning Policy Team have reviewed this information, including the case for exceptional circumstances, against the policy requirements. The full policy response is noted in paragraph 4.2 above but the key comments are as follows:

'In exceptional circumstances, DM11 outlines that a marketing exercise can be shorter than 2 years where a robust market demand analysis is supplied. The market demand analysis supplied, dated 11.03.19, considers the requirements set out in Appendix 4 parts A & B, however, the main part of the report refers to matters in relation to the limitations of the existing building. The evidence provided to meet the requirements of policy DM11 part 2 is not sufficient for the reasons set out above. It is crucial for the Council to maintain the robustness of policy DM11 and that it is applied in a consistent manner, as such, the requirement that sound evidence is supplied to satisfy the requirements of the policy must be fulfilled.'

7.23 In relation to the comparable sites they comment that:

'With regards to the loss of employment use, the applicant gives three examples of sites where lesser information was provided. It is important to note that, unlike the site in question, none of these sites (411-419 Sutton Road, 1307 London Road and 522 Prince Avenue respectively) are in a designated employment area. The site at Prince Close is in a designated employment area and as such more rigorous tests apply as set out in the adopted development plan for the Borough.'

7.24 The need for housing is also recognised however, it is also necessary to bear in mind that the Borough also has a strong need to maintain land for jobs. It is the purpose of the policy documents to ensure that the supply of land for housing and jobs is balanced and meets the needs of the Borough. In relation to this issue the Policy Team comment that:

'The Council is in the early stages of bringing forward its new Local Plan, which will review employment areas and related policies in due course, with a duty to consider the future needs of the Borough, including growth in both residential and jobs provision. However, at this time the Development Management Document and Core Strategy provide the adopted policy framework. Evidence base studies such as the survey of key employment areas will be used to inform the local plan and do not affect the current policy approach as per the Development Management Document. The local plan will have a duty to meet the needs of the local area which will involve meeting significant job growth as well as housing need.'

7.25 Therefore, whilst it is considered that criteria 2Cii and 2Civ could potentially be met, and will be assessed in more detail below, the applicant has not demonstrated that there is no long term reasonable prospect of the site to continue to be used for Class B purposes. So criterion 2Ci of policy DM 11 has not been met. Nor has any evidence been provided as to why this proposal could not reasonably be located on another site which is not designated as an employment use so criterion 2Cii has not been met. In addition whilst some information has been provided in relation to the limitations of the existing premises and on the availability of alternative industrial accommodation, the proposal has not demonstrated why exceptional circumstances should be applied in this case and therefore why the building should not be advertised and tested on the open market for an alternative industrial user following the departure of the existing tenant. Overall therefore it is considered that the proposal does not meet the criteria which would justify the loss of the existing B1 use and the proposal is therefore unacceptable and contrary to policy in this regard.

Housing Mix and Affordable Housing Provision

7.26 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types, including tenure and sizes, helps to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types provides greater choice for people seeking to live and work in Southend and will therefore also support economic growth. So the Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the Borough's housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.

7.27 The Southend-on-Sea Housing Strategy 2011, the Strategic Housing Market Assessment (SHMA) 2017 and the Council's Community Plan 2011-2021 seek to provide sustainable balanced communities and advise that housing developments will need a range of tenures and size of dwelling. The SHMA has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality, affordable family homes is an important strategic housing priority in Southend. The Core Strategy also highlights a need to retain a stock of larger family housing.

7.28 Policy CP8 seeks an affordable housing provision of 20% for residential proposals of between 10-49 dwellings.

7.29 Policy DM7 sets out the desired mix of dwellings types and sizes in all new major residential development proposals. This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Affordable Housing	16%	43%	37%	4%
Market Housing	9%	22%	49%	20%

7.30 Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council. Policy DM7 also states that where affordable housing is proposed an indicative tenure mix of 60:40 between social and/ or affordable rented accommodation and intermediate housing is sought respectively.

7.32 The Planning Statement for the current proposal confirms that the whole development will be delivered for an affordable housing provider but it is not possible for all the units to be secured as affordable housing within the legal agreement for funding reasons. Therefore only those units put forward to be secured by the S106 can be considered in this appraisal against policies CP8 and DM7.

7.33 The proposed housing mix and tenure is as follows:

No of bedrooms and tenure	2-bed	3-bed	Total
Number and Proportion of dwellings secured by the S106	3 units 15% of total scheme, 75% of total Secured AH provision 1 x affordable rent and 2 x shared ownership	1 unit 5% of total scheme, 25 % of total secured AH provision 1 x Affordable rent	4 (20%)
Remaining dwellings	6 Units 30% of total scheme, 37.5% of non-secured AH provision	10 Unit 50% of total provision, 62.5% of non-secured AH provision	16 (80%)
Total Number of Units	9 units (45%)	11 units (55%)	20

- 7.34 The scheme has been amended during the course of the application to increase the number of affordable housing units that can be secured via the S106 from 3 to 4 to provide a policy compliant scheme. The tenure of these units is also considered to be acceptable and the proposal is therefore policy compliant in this regard.
- 7.35 In relation to housing mix the scheme is only providing a mix of 2 and 3 bed units but there are a range of 3 bed sizes and the proposal includes both flats and houses. This should provide for a mix of accommodation including family sized units. Given the relatively small size of the site and its constrained location, the provision of 2 and 3 bed units only is therefore considered to be reasonable. The mix of the private housing is close to that required by the policy if it is grouped into small and large units (1/2 bed vs 3/4 bed). The mix for the affordable housing is skewed towards the smaller units however overall the numbers are low so it is considered that this will not have a significant impact. The Councils Strategic Housing Team note that there is a large demand for 2 and 3 bed affordable units and have no objection to the proposed mix. The proposal is therefore considered acceptable and policy compliant both in terms of the secured affordable housing provision and the housing mix on balance.
- 7.36 In summary, the principle of the proposal is unacceptable and conflicts with policy due to the loss of employment land. The detailed elements of the scheme are considered in turn below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.37 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.*’
- 7.38 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.*”
- 7.39 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.*”

- 7.40 The existing building has no design merit and there is no objection to its loss in the streetscene or impact on the wider surrounding area.
- 7.41 The proposal seeks to erect a number of residential buildings on the site including a 2 storey block of flats and 4 pairs of semi-detached houses. The flats are sited to the northern end of the site adjacent to a similar scaled flatted block to the north. The houses are arranged on the eastern side of the site and to the front. Each have their own amenity area to the rear. Parking is principally located to the rear in front of the flatted block. The layout also includes soft landscaping which will soften the development and help to offset the visual impact of the parking court to the rear. Overall it is considered that the layout of the site is satisfactorily considered and sits comfortably with the grain of the wider area in this respect.
- 7.42 The proposal is of a modest scale which draws reference from the surrounding residential uses. The flats to the rear are 3 storeys with a flat roof which is the same form as the adjacent block to the north of the site. The houses are of a domestic scale and are also similar to the surrounding area. There is therefore no objection to the scale or quantum of development on the site.
- 7.43 The buildings themselves are brick with satisfactorily proportioned windows and feature detailing. The elevations are satisfactorily balanced with clearly defined entrances and added brick detailing to add interest and provide a sense of place. The incidental buildings including the bin/cycle store and car port are more utilitarian in their design but utilise matching materials and will not be dominant in the wider context. Overall the design of the buildings is considered to be acceptable and the scheme is policy compliant in this regard.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) policies DM1, DM3, DM8, The National Technical Housing Standards DCLG (2015) and advice contained within the Design and Townscape Guide (2009)

- 7.44 Delivering high quality homes is a key objective of the NPPF.
- 7.45 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”*.
- 7.46 Policy DM8 and the associated housing transition statement requires all new housing to meet the nationally described space standards. It also requires the units to be accessible and adaptable for all.

Space Standards

7.47 Nationally Described Space Standards (NDSS) require the following areas in terms of floorspace and bedroom sizes.

- 2 bed 3 person flat - minimum 61 sqm
- 2 bed 3 person house – minimum 70 sqm
- 2 bed 4 person flat - minimum 70 sqm
- 3 bed 5 person house - minimum 93 sqm
- Master bedroom - minimum area 11.5 sqm, minimum width 2.75m
- Other double bedrooms – minimum area 11.5 sqm, minimum width 2.55m
- Single bedrooms - minimum area 7.5 sqm and minimum width 2.15m

7.48 All the units meet these standards.

M4(2) and M4(3) – Accessible Dwellings

7.49 Policy DM8 requires that 10% of dwellings in all major housing developments to be wheelchair compatible (Building Regulations M4(3) standard) and all other units to be adaptable for all (Building Regulations M4(2) standard).

7.50 The submitted information confirms that 2 of the units (10%) are wheelchair compatible and the remaining would meet the M4(2) standard. This is therefore acceptable and policy compliant.

Daylight, Sunlight and Outlook from Habitable Rooms

7.51 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight. Where the habitable rooms look out over the parking area, a landscaped buffer has been provided to soften the visual impact of the cars. The daylight, sunlight and outlook of habitable rooms is therefore considered to be acceptable and policy compliant.

Amenity Provision

7.52 All the dwellings have access to private amenity space. The houses have their own private gardens to the rear which range between 60 sqm and 91 sqm. This is considered reasonable for family accommodation. The flats each have a private balcony or ground floor sitting out terrace and they also have access to a communal amenity area of 400 sqm. This is considered to be sufficient to serve the number of flats proposed. The amenity provision for the site is therefore considered to be acceptable.

Noise and disturbance from rest of the industrial estate

7.53 The site constitutes one half of a small industrial estate. It is therefore necessary to consider the potential impact of the neighbouring industrial uses on the future occupiers of the proposed housing. The site at present comprises a number of small scale uses including offices, a gym and recording studio and an area of vacant open land. The Councils Environmental Health Officer has no concerns with this juxtaposition of uses. The proposal is therefore acceptable and policy compliant in this regard.

- 7.54 Overall the scheme provides an acceptable quality of accommodation for future occupiers and is policy compliant in this regard.

Impact on Residential Amenity

National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.55 Policy DM1 of the Development Management Document states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 7.56 Policy DM3 of the Development Management Document seeks to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.

Impact on neighbour to the north 14-25 Purley Way

- 7.57 The proposed flatted block to the northern end of the site is 11.2m from the boundary with 14-25 Purley Way, the adjacent flatted block, and 19.4m from the flank of this neighbour. The proposal has habitable room windows facing onto this neighbour. 14-25 Purley is, however, orientated east to west therefore has only high level non habitable room windows facing the site. It is considered that the separation distances and orientation of the proposed building will ensure that the proposal will not have a detrimental impact on the amenity of flats to the north.

Impact on houses to the east 56-66 Denton Avenue

- 7.58 To the east the site bounds onto the rear gardens of 56-66 Denton Avenue which are two storey houses. At the northern end of the site the flatted block is 2.75m from the eastern boundary with 62-64 Denton Avenue, but there is a separation distance of over 29m to those dwellings themselves. There are 6 windows on the eastern elevation of this flatted block but the plans show them to be secondary windows only which will be obscure and fixed shut. The proposed flatted block is 9.1m tall.
- 7.59 The previous building on this site was much closer to this shared boundary but was single storey only. The change in height between this and the proposed flatted block will be evident from the neighbouring gardens, however, it is noted that there is a considerable separation distance between the proposed flats and those dwellings (over 29m). There may be an element of perceived overlooking from the proposed obscure windows but they help to break the massing of the flank elevation which would otherwise be oppressive. It is also noted that this relationship is not dissimilar to that between the flatted block to the north (14-25 Purley Way) and the houses on Denton Avenue which have a 30m separation distance and which have habitable windows facing the east boundary 7.5m away.

On balance and given the significant separation distance between the buildings, it is considered that, in this instance this relationship can be considered reasonable in an urban context and the proposal would not result in a materially harmful impact on the amenities of these neighbours.

- 7.60 At the southern end of site the houses are set 9m off the shared boundary with 56-60 Denton Avenue and there is a separation distance of at least 28m to the nearest dwelling itself. The proposed houses have habitable room windows at first floor facing east. In this section of Denton Avenue, the existing houses are set at an angle so do not directly face onto the application site. This is an unusual relationship but it will noticeably reduce the opportunity for direct overlooking between the properties. On balance it is considered that this is an acceptable relationship and the proposal would not have a detrimental impact on the amenity of these neighbours.

Impact on houses to the south 259-273 Prince Avenue

- 7.61 The proposed southernmost house would be set 3.4m from the southern boundary and 28.2m from the rear elevations of the properties in Prince Avenue. One landing window is proposed in the southern flank of plot 03. The boundary between the site and the properties in Prince Avenue is lined with large trees.
- 7.62 The separation distance between the houses here is similar to that achieved between the proposal and existing properties to the east and north however, the impact here is further reduced by the tree cover and the absence of habitable windows. It is therefore considered that the impact on the amenities of the properties in Prince Avenue is acceptable.

Impact on neighbours to the west - other employment uses within Prince Close

- 7.63 The nearest building, plot 01 is 1.6m from the western boundary and over 25m from the nearest permanent industrial building to the west. There are some porta cabin offices around 20m from plot 01. A public footpath bisects the industrial estate between the site and these neighbours. The public footpath is lined by mature trees some of which are covered by a tree preservation order. At the northern end of the site, the proposed flatted block is 5.4m from the west boundary. On the other side of the footpath here is an open land which is being used to store wrecked cars. It is considered that the nature and scale of the proposal would not have a detrimental impact on the amenities of these neighbours.
- 7.64 In relation to the inter relationships of the proposed dwellings themselves, the layout and separation distances proposed are such that the proposal will not result in unreasonable overlooking, loss of light or appear over bearing to the neighbouring properties within the site.
- 7.65 Overall therefore, on balance, it is considered that the proposal would be acceptable and policy compliant in the above regards.

Traffic and Transportation

National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.66 Policy DM15 of the Development Management Document requires all development to meet the off-street parking standards. For residential development outside the central area the standard is 2 parking spaces for the houses and 1 space for the flat. There is no minimum requirement for visitor parking. The policy requirement for the development is therefore 28.
- 7.67 The submitted plans show that 35 parking spaces are proposed within the application site, 28 for occupiers of the proposed development and 7 visitor spaces. The plans show these to be convenient to the properties. The proposed number of parking spaces therefore exceeds the minimum policy requirement but is not so excessive in ratio as to materially harm the Council's objectives for sustainable transport. The proposal is therefore acceptable and policy compliant in this regard.
- 7.68 No changes are proposed to the site access arrangement from Prince Avenue. The layout includes a size 3 turning head and tracking has been provided to demonstrate it will accommodate a refuse vehicle. In relation to traffic movement the Transport Statement includes TRICS data analysis which shows there to be a reduction of predicted traffic movements in relation to the existing use on the site. The Council's Highways Officer has not raised any objections in relation to parking, highways or traffic impact of the proposal.

Cycle Storage, Refuse and Recycling

- 7.69 The cycle storage for the development is policy compliant and this is considered to be acceptable. The Council's Waste Management Guide for Developers recommends that flatted schemes of 15-21 units provide a minimum of 2 x 1100 litre bins for refuse and 3 x 1100 litre bins for recycling and at least 1 x 140 litre food waste bin. It does not seem that the proposed refuse store will be able to accommodate this level of bin storage. In these instances the Waste Management Guide recommends that the development will require an enlarged store or a recycling and waste management strategy should be sought. The plans show that there would be scope to increase the size of this store or to utilise the cycle storage for bins and provide a separate cycle store in the amenity area. These details and a Recycling and Waste Management Strategy could be agreed by condition if the proposal was otherwise found to be acceptable.
- 7.70 Subject to these conditions, the parking, traffic and highways implications of the development are found to be acceptable and policy compliant.

Sustainability

National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

Energy and Water

- 7.71 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.
- 7.72 The Energy statement comments that 12,176.9 kW of energy will be provided by PV panels on the roof of the flatted block and this equates to 10% of the energy needs of the whole site. This would be a policy compliant and can be secured by a condition if the proposal were otherwise found to be acceptable. No information has been provided regarding water efficiency but it is considered that this could be secured by condition if the proposal was otherwise found to be acceptable. Subject to such conditions the proposal is therefore acceptable and policy compliant in this regard.

Sustainable Drainage SuDS

- 7.73 A drainage strategy has been submitted for the site. This confirms that the site has a low risk of surface water flooding and limited potential for ground water flooding. The drainage plan for the site includes permeable surfacing and an underground attenuation tank which will provide sufficient storage and controlled water release for larger storm events including climate change allowances. The Council’s drainage engineer has not objected to the proposed SUDs scheme but has requested further information in relation to flow calculation and future management. It is considered that these details could be secure via a condition if the proposal is otherwise found to be acceptable.

Preserved Trees and Ecology

- 7.74 The Council seeks to protect trees which make a positive contribution to the amenity of the area from the impact of new development.
- 7.75 The proposal site contains a number of existing trees and there are other established trees around the site including some which are protected by a TPO adjacent to the public footpath on the western edge. An Arboricultural report has been submitted with the proposal. This proposes the removal of some trees within the site at the northern end, some pruning works to trees outside the site and some works within the root protection area. The arboricultural statement comments that the largest tree to be removed is required because it is in poor health and this would be necessary even if the development were not proposed. Otherwise the works are required to facilitate the development. In relation to tree protection measures the report proposes:
- a temporary protective barrier to protect the canopies of the trees and
 - methods for the demolition of the existing building and removal of the existing hard surfacing within the root protection areas (RPAs)
 - a commitment that new services will be outside the RPAs
 - a method for construction of new hardsurfaces within the RPAs

- 7.76 The report concludes that a more detailed arboricultural method statement and tree protection plan be agreed with the Council to ensure the trees are protected during demolition and construction.
- 7.77 The Council's Arboricultural Officer has not raised any objections to the proposed works but agrees that a more detailed method statement and protection details should be agreed prior to demolition works.
- 7.78 An Ecology report has been submitted with the application. This comments that, aside from the trees, the site does not have any existing ecology features of note. It proposes a number of enhancements to improve the ecology of the site including:
- The use of native hedgerows where possible
 - Native species for all tree planting
 - Managed grassland for the northern amenity space
 - 5 bird boxes across the site
 - 2 bat boxes across the site
 - 5 invertebrate boxes
 - Ground level gaps in the boundaries to enable the movement of small mammals
 - A 5 year management plan

A bat survey has also been undertaken but this concludes that there has been no evidence of bats roosting at the site.

- 7.79 The suggested ecology enhancement measures will improve the ecology of the site and are welcomed. If the proposal were otherwise found to be acceptable these measures could be secured via a condition.

Contamination

- 7.80 The site has been in industrial use for many years. A Phase 1 Desk Study report has been submitted with the application. This report concludes that there was previously a clothing factory on the site before it was used by Rotary Watches (watch servicing and materials supplier including the supply and painting of watch display cabinets). They consider that there is a low to moderate risk of contaminants on the site in relation to the shallow soils and a very low risk of groundwater and nearby surface water contamination. The report recommends that further investigation works should be undertaken to confirm the situation.

Planning Obligations

The National Planning Policy Framework (2019) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007), policies KP3, CP7 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

7.81 Paragraph 56 of the NPPF states that ‘Planning obligations must only be sought where they meet all of the following tests:

Necessary to make the development acceptable in planning terms;
Directly related to the development; and
Fairly and reasonably related in scale and kind to the development.

7.82 Paragraph 57 of the NPPF states ‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.’

7.83 The National Planning Practice Guide makes it clear that ‘Where local planning authorities are requiring affordable housing obligations or traffic style contributions to infrastructure, they should be flexible in their requirements...On individual schemes applicants should submit evidence on scheme viability where obligations are under consideration.’

7.84 Core Strategy Policy KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will:

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.

This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”

7.85 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will...enter into negotiations with developers to ensure that:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

- 7.86 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations”
- 7.87 A development of this scale would require the provision of 20% affordable housing which equates to 4 units. The developer has agreed to provide 4 units of affordable housing. These will be comprised of 1 x 3 bed affordable rent unit, 1 x 2 bed affordable rent unit and 2 x 2 bed shared ownership units. This is acceptable and policy compliant.
- 7.88 The Education Team has confirmed that a contribution of £41,067.67 would be required for St Thomas More Academy expansion to mitigate the impact of this development. This has been agreed in principle with the agent and as has Travel Packs for the new occupiers.
- 7.89 The S106 contributions can therefore summarised as:
- Affordable housing including 2 x affordable rent and 2 x shared ownership (comprising a mix of 3 x 2 bed and 1 x 3 bed) – to be made ready for occupation prior to 35% of Market Housing Units being occupied; to be transferred to a Registered Provider prior to 40% of Market Housing Units being occupied
 - A contribution of £41,068 towards the secondary school expansion of Southchurch High School – to be paid prior to commencement
 - Residential Travel Packs – to be agreed prior to occupation
- 7.90 The above addresses the specific mitigation for the proposed development for matters not addressed within the Regulation 123 Infrastructure List covered by the CIL payment.
- 7.91 The contributions noted above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. In the absence of a completed enforceable agreement to secure these contributions the application is found to be unacceptable and a reason for refusal in this respect has been recommended.

Community Infrastructure Levy (CIL)

Charging Schedule (2015).

- 7.92 It is understood from the submitted information that the scheme has been submitted in partnership with an affordable housing provider and will be 100% affordable units however only the policy compliant 20% will be secured by the S106 agreement. This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

8 Conclusion

- 8.1 Whilst the detail of the proposal, including housing mix and tenure, design and impact on the wider area, standard of accommodation for future occupiers, impact on neighbours, traffic and transportation impact, sustainability, ecology and impact on tree are all found to be acceptable on their individual merits, the proposed development is wholly located within a designated employment area. It is found that the proposal has failed to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses and that the proposed use could not reasonably be located elsewhere in the area it serves. On this basis it is concluded that the use of the site as proposed would materially undermine the status of a designated employment area and the long term availability of employment generating development in the Borough. There are found to be no material planning considerations of sufficient weight to outweigh the harm caused by this conflict with development plan policy nor do the identified public benefits, notably the modest additional provision of housing units for the Borough, outweigh the harm caused to the strategic provision of employment land and related jobs for the Borough. This proposal is therefore unacceptable and contrary to the National planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and policies DM3 and DM11 of the Development Management Document (2015).
- 8.2 No legal agreement has been completed to date to secure appropriate contributions for affordable housing and secondary education facilities for residents and this is also unacceptable. The scheme therefore fails to provide affordable housing to meet local needs and fails to mitigate the resulting pressure on local education infrastructure.
- 8.3 The benefits of the proposal do not outweigh the significant and material harm identified and the application is therefore recommended for refusal.

9 Recommendation

Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

01 The proposed development is wholly located within a designated employment area and the proposal fails to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses and that the proposed use could not reasonably be located elsewhere in the area it serves. On this basis it is concluded that the use of the site as proposed would materially undermine the status of a designated employment area and the long term availability of employment generating development in the Borough. There are found to be no material planning considerations, or other public benefits including by reason of the modest number of additional dwellings proposed, to outweigh the harm caused by this conflict with development plan policy. This proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2 and CP1 of the Core Strategy (2007) and policies DM3 and DM11 of the Development Management Document (2015).

02 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions to meet demand for such housing in the area. A formal undertaking to secure a contribution to the delivery of educational facilities is also absent. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

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

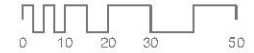
01 Please note that this application would be liable for payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also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

THIS DRAWING IS THE © COPYRIGHT OF FRONT ARCHITECTURE LTD AND SHOULD NOT BE COPIED WITHOUT PERMISSION.

CONTRACTORS ARE TO CHECK ALL LEVELS AND DIMENSIONS BEFORE WORK COMMENCES ON SITE AND ANY DISCREPANCIES ARE TO BE REFERRED TO FRONT ARCHITECTURE.

DO NOT SCALE, WORK TO FIGURED DIMENSIONS ONLY.

1:1250



SITE LOCATION PLAN
SCALE: 1:1250@A4



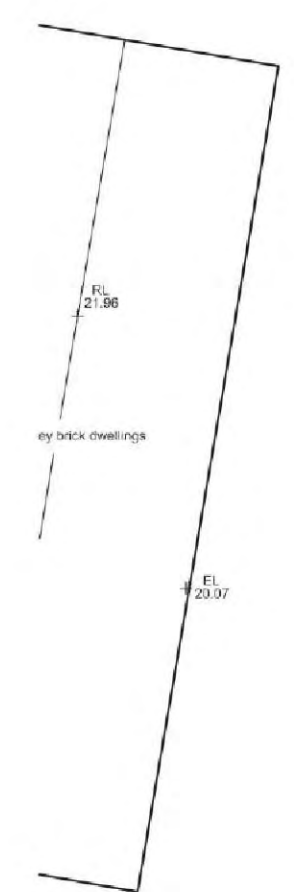
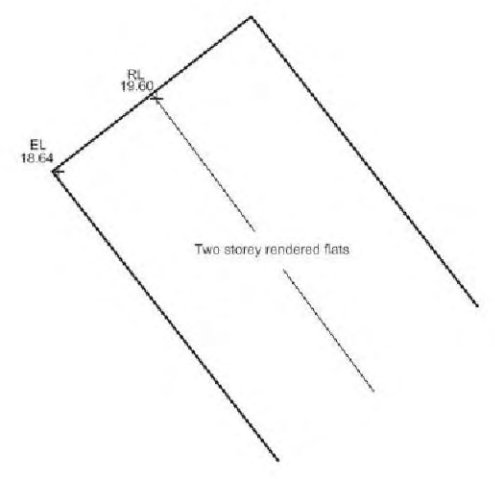
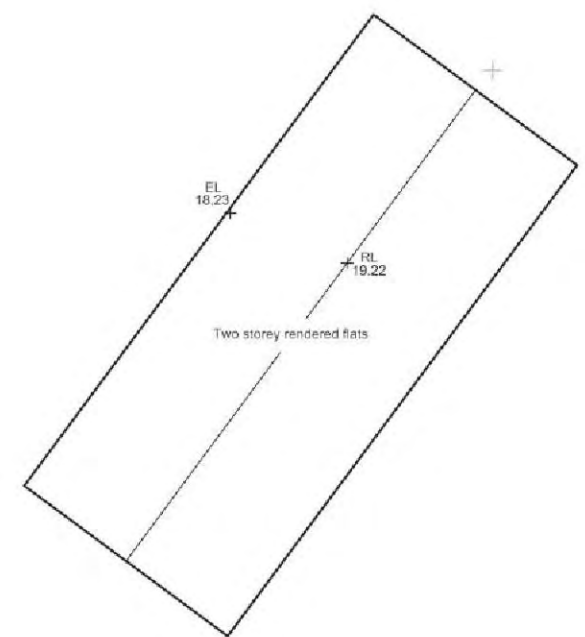
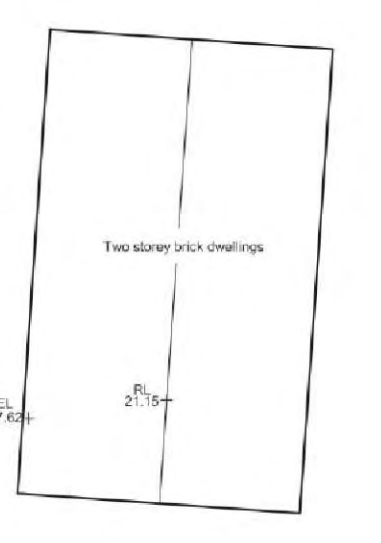
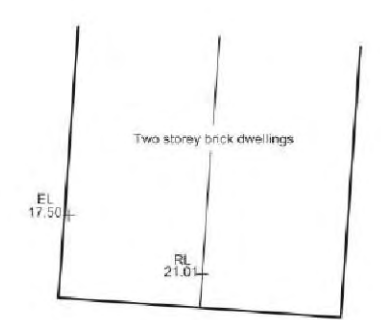
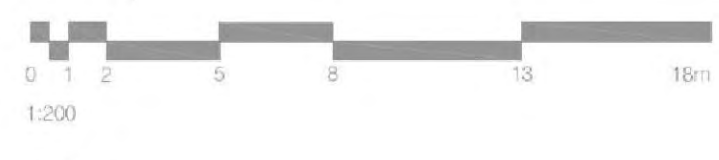
PROJECT:
RESIDENTIAL DEVELOPMENT
277 PRINCE AVENUE
SOUTHEND-ON-SEA

CLIENT:
DOVE JEFFERY HOMES PLANNING SERVICES
DRAWING TITLE:
LOCATION PLAN

REV.	DATE	AMENDMENT	DRAWN
18	851	-	
DATE: JANUARY 2019			204
FRONT.			

8 SOUTH STREET, ROCHFORD, ESSEX, S64 1BQ
TEL: +44 (0)1702 531419 FAX: L.HELLO@FRONTARCHITECTURE.CO.UK

This page is intentionally left blank



SURVEY INFORMATION:
 PROPOSED SITE PLAN DRAWINGS BASED ON SURVEY SOLUTIONS
 SURVEY DRAWING: 222416a-01

REV	DATE	REVISION	DRAWN
01	07/01/2018	HOUSE NO. 2 ROOF AMENDED	MD

RESIDENTIAL DEVELOPMENT
 277 PRINCE AVENUE
 SOUTHBEND-ON-SEA

DRAWING TYPE
PROPOSED ROOF & SITE PLAN

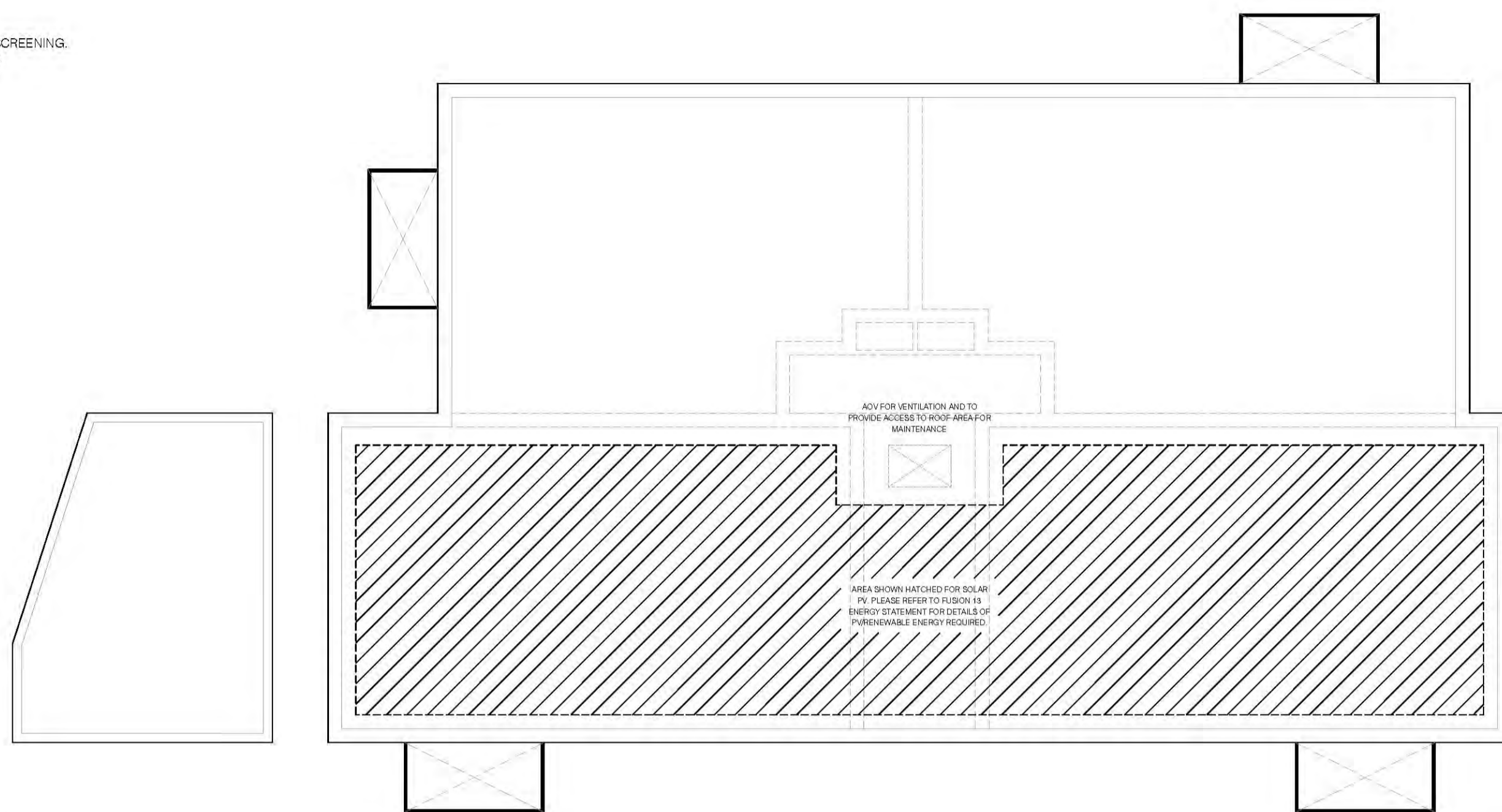
CLIENT
 DOVE JEFFERY HOMES PLANNING SERVICES

DRAWN	PROJECT NO.	DRAWING NO.
McL	18.851	200
CHECKED	DATE	
	1:200@A1	
DATE	REVISION	
NOVEMBER 2018		P4

This page is intentionally left blank



FLATS:
 PROPOSED FIRST FLOOR PLAN
 SCALE: 1:100@A1



FLATS:
 PROPOSED ROOF PLAN
 SCALE: 1:100@A1



FLATS:
 PROPOSED GROUND FLOOR PLAN
 SCALE: 1:100@A1



FLATS:
 PROPOSED SECOND FLOOR PLAN
 SCALE: 1:100@A1



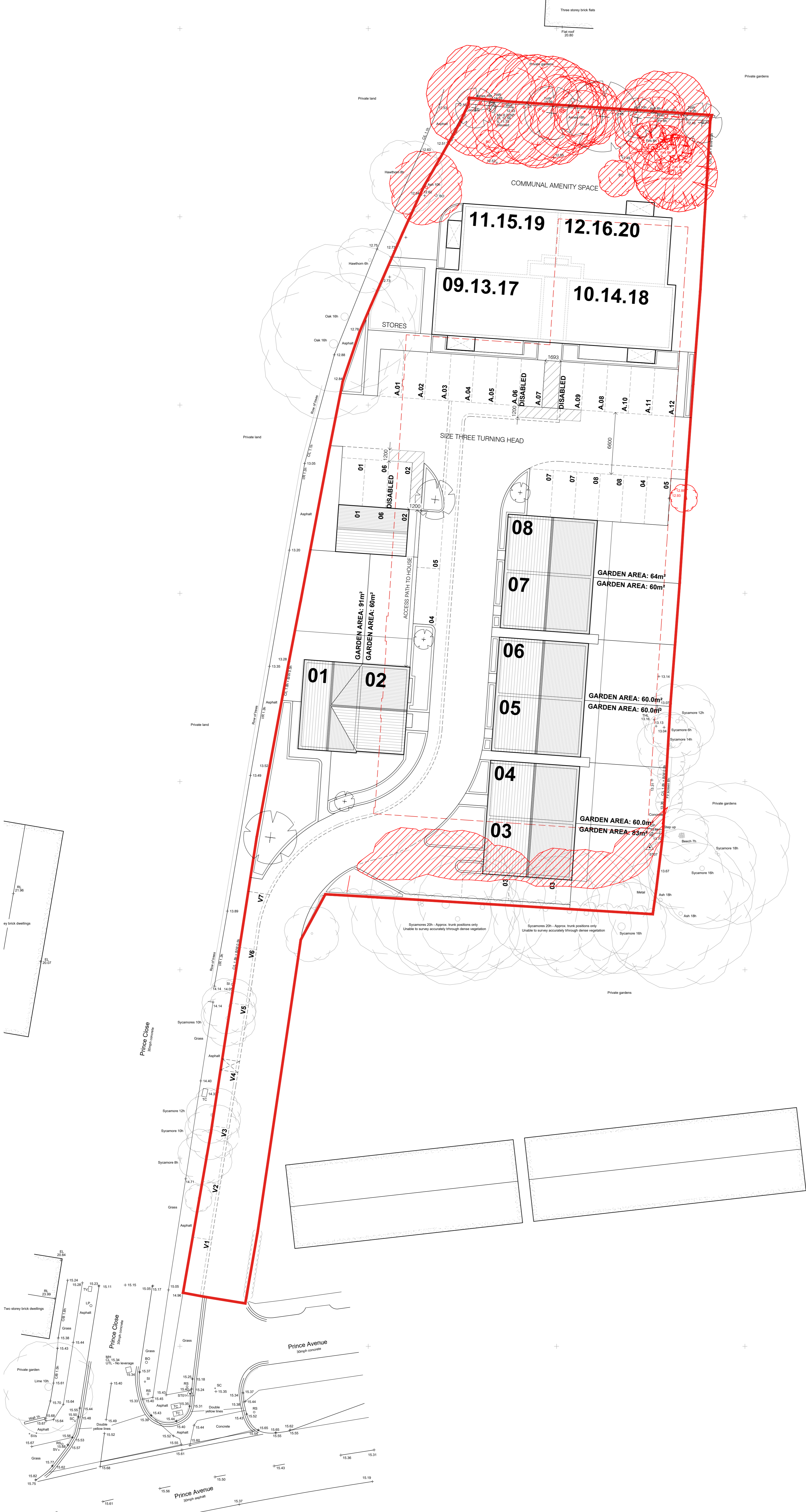
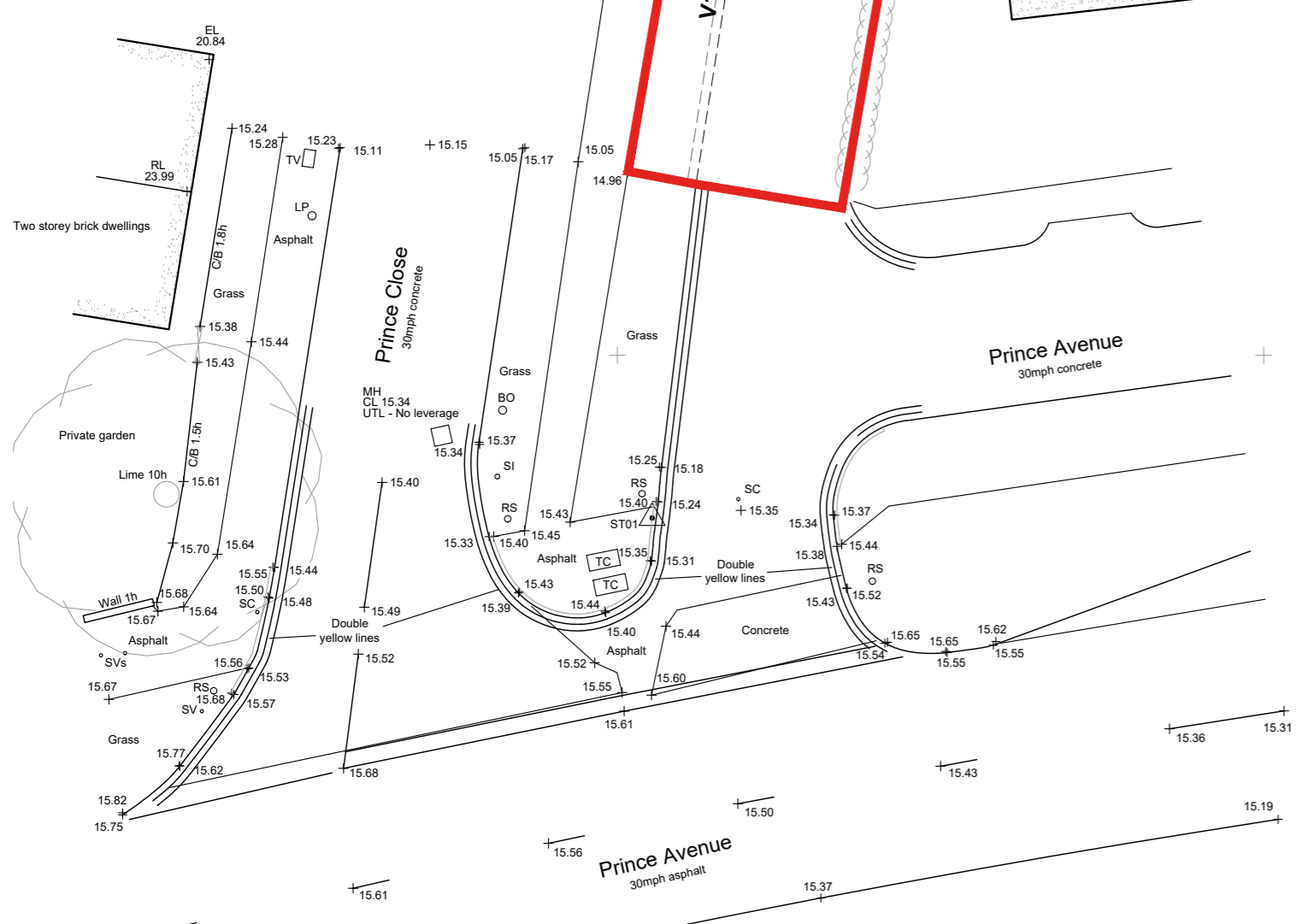
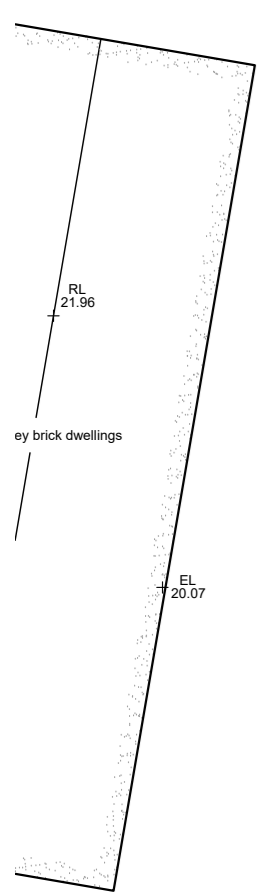
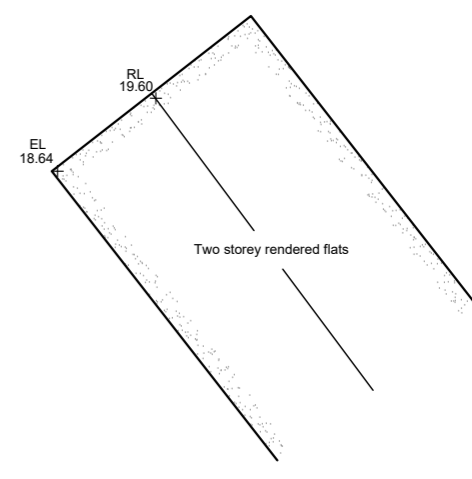
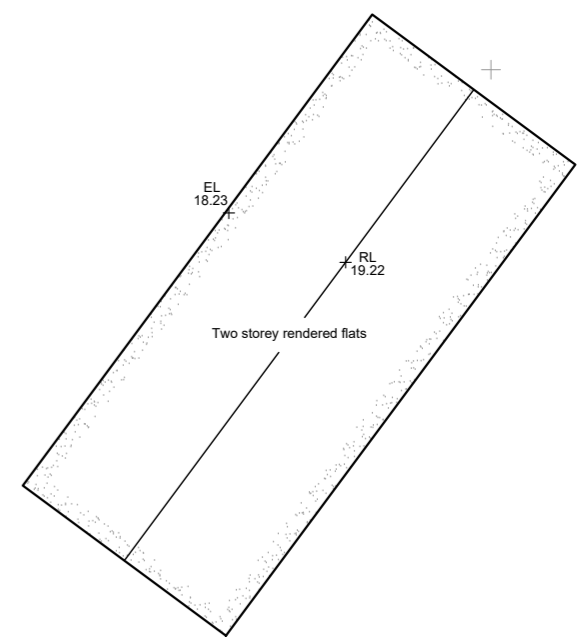
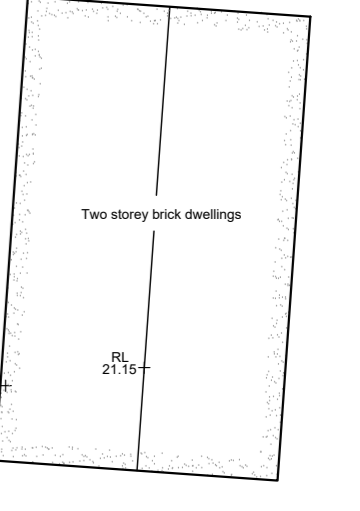
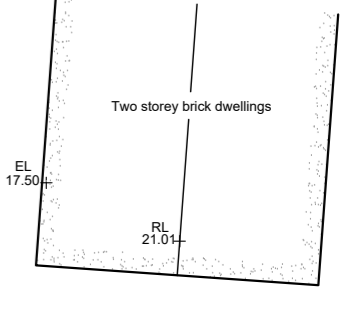
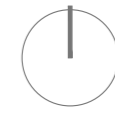
NO.	DATE	DESCRIPTION	BY
01	18.10.2018	BALCONY SCREENING ADDED	MD
02	07.01.2019	FLAT NUMBER TEXT AMENDED	MD
03	14.11.2018	WORKING AMENDED	MD
REV	DATE	AMENDMENT	DRAWN

PROJECT:
RESIDENTIAL DEVELOPMENT
 277 PRINCE AVENUE
 SOUTHTEND-ON-SEA

DRAWING TITLE:
PROPOSED FLATS PLANS
 CLIENT:
 DOVE JEFFERY HOMES PLANNING SERVICES

DRAWN	PROJECT NO.	DRAWING NO.
McL	18,851	202
CHECKED	SCALE: 1:100@A1	
DATE: NOVEMBER.2018	REVISION:	P4

This page is intentionally left blank



SURVEY INFORMATION:
 PROPOSED SITE PLAN DRAWINGS BASED ON SURVEY SOLUTIONS
 SURVEY DRAWING: 222419e-01

PS	19.12.2019	DISABLED SPACES NOTED	PF
REV	DATE	AMENDMENT	DRAWN
PROJECT			

RESIDENTIAL DEVELOPMENT
 277 PRINCE AVENUE
 SOUTHBEND-ON-SEA

DRAWING TITLE
PROPOSED ROOF & SITE PLAN

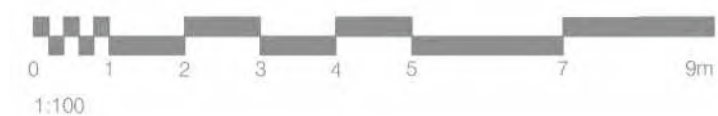
CLIENT
 DOVE JEFFERY HOMES PLANNING SERVICES

DRAWN	PROJECT NO	DRAWINGS NO.
McL	18.851	
CHECKED	SCALE	
	1:200@A1	
DATE	REVISION	
NOVEMBER.2018		

200

This page is intentionally left blank

THIS DRAWING IS THE © COPYRIGHT OF FRONT ARCHITECTURE LTD AND SHOULD NOT BE COPIED WITHOUT PRIOR WRITTEN CONSENT.
 CONTRACTORS ARE TO CHECK ALL LEVELS AND DIMENSIONS BEFORE WORK COMMENCES ON SITE AND ANY DISCREPANCIES ARE TO BE REFERRED TO FRONT ARCHITECTURE.
 DO NOT SCALE. WORK TO FIGURED DIMENSIONS ONLY.



EXTERNAL MATERIALS SCHEDULE

- ① BUFF/YELLOW BRICKWORK
- ② GREY uPVC WINDOWS
- ③ METAL & GLASS BALCONY (SSQM USEABLE AMNIETY)
- ④ ALUMINIUM PARAPET CAPPING
- ⑤ RECESSED BRICK DETAIL, DARKER BRICK SHADE APPLIED TO RECESS. TBC BY CONDITION
- ⑥ ENTRANCE DOOR WITH CANOPY OVER
- ⑦ THROUGH LETTER BOX
- ⑧ LOUVERED DOORS TO BIN STORAGE AREA TO PROVIDE VENTILATION
- ⑨ FIXED SHUT OBSCURE WINDOWS TO SIDE ELEVATION TO PREVENT OVER LOOKING. OBSCURE GLASS MATERIAL TO BE CONFIRMED BY CONDITION



FLATS:
PROPOSED FRONT ELEVATION
SCALE: 1:100@A1

FLATS:
PROPOSED SIDE ELEVATION
SCALE: 1:100@A1



FLATS:
PROPOSED REAR ELEVATION
SCALE: 1:100@A1

FLATS:
PROPOSED SIDE ELEVATION
SCALE: 1:100@A1



STREET-SCENE:
PROPOSED STREET-SCENE ELEVATION SCALE: 1:200@A1

REV	DATE	AMENDMENT	DRAWN
P5	09.12.2018	BALCONY AMENDED	AM
P4	15.10.2018	ELEVATION ADJUSTMENTS	PF
P3	07.07.2018	ELEVATION ADJUSTMENTS	FD
P2	22.11.2016	ELEVATION ADJUSTMENTS	PF
APP1	14.11.2016	WORKING AMENDMENTS	PF
REV	DATE	AMENDMENT	DRAWN

RESIDENTIAL DEVELOPMENT
 277 PRINCE AVENUE
 SOUTHEND-ON-SEA

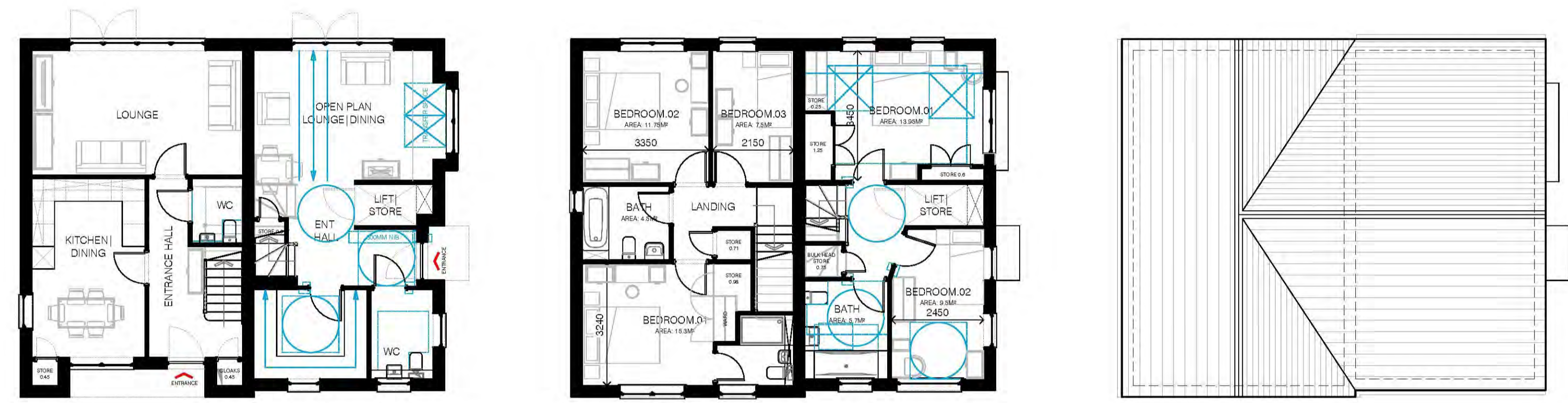
DRAWING TITLE:
 PROPOSED FLATS AND STREET-SCENE ELEVATIONS
 CLIENT:
 DOVE JEFFERY HOMES PLANNING SERVICES

DRAWN:	PROJECT NO:	DRAWING NO.:
McL	18.851	203
CHECKED:	SCALE:	
	1:100@A1	
DATE:	REVISION:	
NOVEMBER.2018		P5

This page is intentionally left blank



PLOTS 1-2: PROPOSED FRONT ELEVATION SCALE: 1:100@A1
 PLOTS 1-2: PROPOSED SIDE ELEVATION SCALE: 1:100@A1
 PLOTS 1-2: PROPOSED REAR ELEVATION SCALE: 1:100@A1
 PLOTS 1-2: PROPOSED SIDE ELEVATION SCALE: 1:100@A1

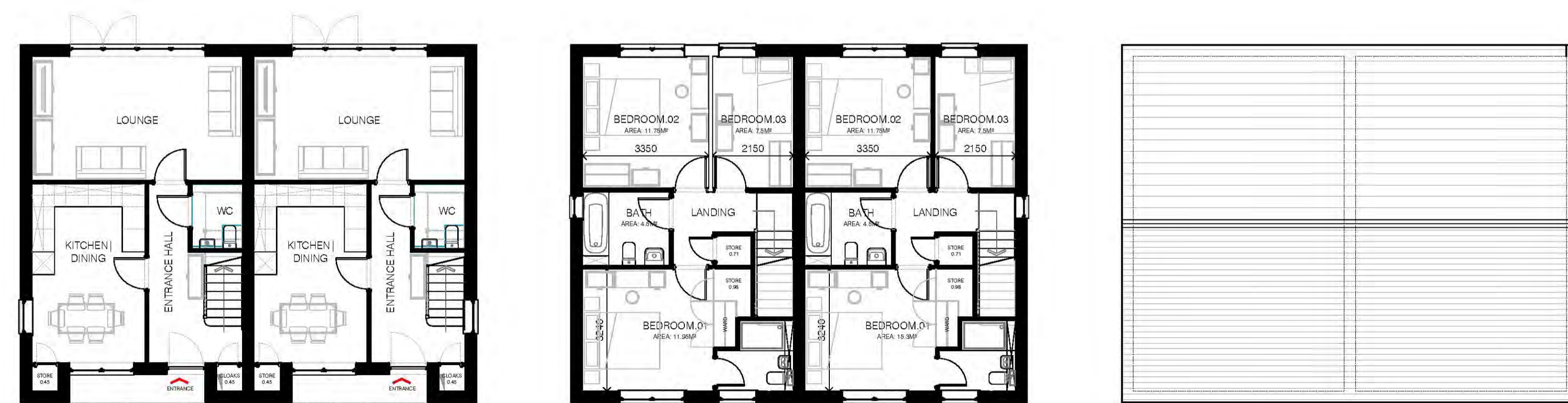


PLOTS 1-2: PROPOSED GROUND FLOOR PLAN SCALE: 1:100@A1
 PLOTS 1-2: PROPOSED FIRST FLOOR PLAN SCALE: 1:100@A1
 PLOTS 1-2: PROPOSED ROOF FLOOR PLAN SCALE: 1:100@A1

100



PLOTS 3-8: PROPOSED FRONT ELEVATION SCALE: 1:100@A1
 PLOTS 3-8: PROPOSED SIDE ELEVATION SCALE: 1:100@A1
 PLOTS 3-8: PROPOSED REAR ELEVATION SCALE: 1:100@A1
 PLOTS 3-8: PROPOSED SIDE ELEVATION SCALE: 1:100@A1



PLOTS 3-8: PROPOSED GROUND FLOOR PLAN SCALE: 1:100@A1
 PLOTS 3-8: PROPOSED FIRST FLOOR PLAN SCALE: 1:100@A1
 PLOTS 3-8: PROPOSED ROOF FLOOR PLAN SCALE: 1:100@A1



REV	DATE	DESCRIPTION	BY	CHECKED
P5	16.10.2018	WINDOWS AMENDED		
P4	07.01.2019	WINDOWS ADDED TO UPPER COMMENT	AM	
P3	07.01.2019	REMOVED WINDOW POSITIONS	AM	
P2	07.01.2019	WINDOWS ADDED TO UPPER COMMENT	AM	
P1	07.01.2019	HOUSE NO. 2 AMENDED TO WHEELCHAIR ACCESSIBLE DWELLINGS	RD	

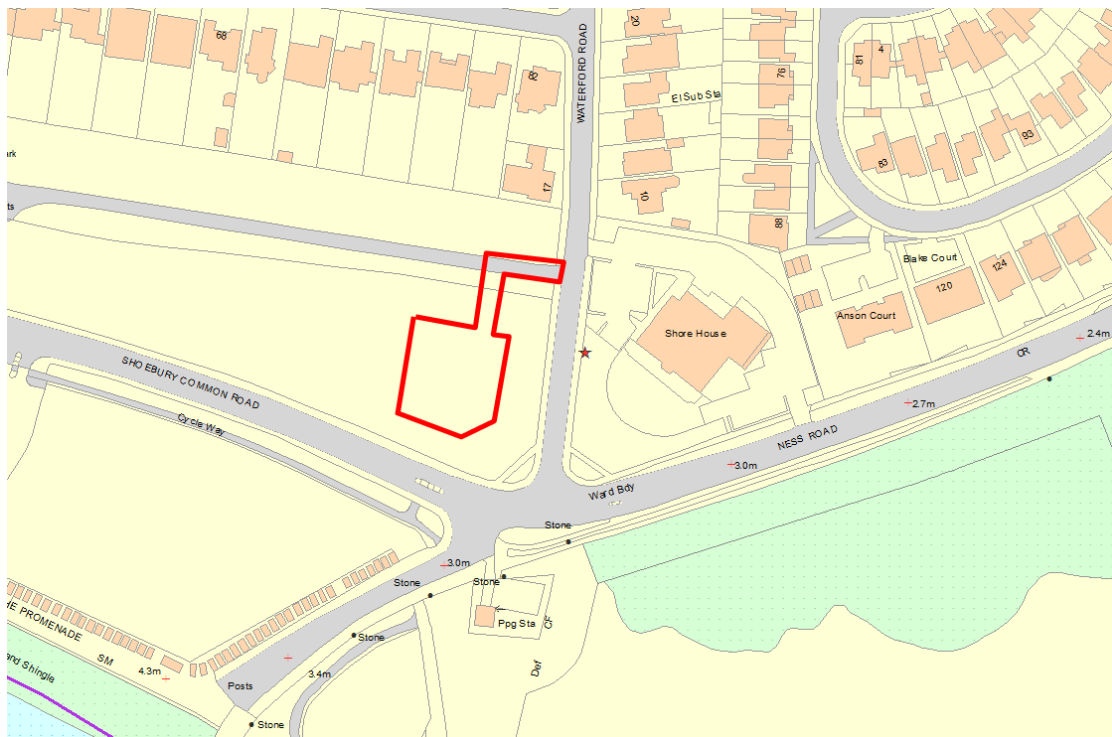
PROJECT:
RESIDENTIAL DEVELOPMENT
 277 PRINCE AVENUE
 SOUTHBEND-ON-SEA

DRAWING TITLE:
**PROPOSED HOUSE TYPES
 PLANS AND ELEVATIONS**
 CLIENT:
 DOVE JEFFERY HOMES

DRAWN:	PROJECT NO:	DRAWING NO:
McL	18,851	201
CHECKED:	SCALE:	
	1:100@A1	
DATE:	REVISION:	
NOVEMBER.2018		P5

This page is intentionally left blank

Reference:	19/01807/BC3	<h1>6</h1>
Application Type:	Borough Council Regulation 3	
Ward:	West Shoebury	
Proposal:	Lay out external Children's Play Area, install 3 x retractable bollards, boundary treatment and associated works	
Address:	North Shoebury Open Space, Shoebury Common Road, Shoeburyness	
Applicant:	Mr David Giles	
Agent:	n/a	
Consultation Expiry:	14th November 2019	
Expiry Date:	10th January 2020	
Case Officer:	Spyros Mouratidis	
Plan Nos:	SCN/PA/02, Location Plan, Surfacing, Fencing, Elevations, 3D Views	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located within a public open amenity space known as Shoebury Common North. The nearest vehicular access to the public space is via Waterford Road to the east. Pedestrians can access the public space from any point on both adjoining streets, Waterford Road and Shoebury Common Road. The application site is located to the south-eastern part of the open space. To the south of the public space is more open land, the beach, the Coastguard building and the beach huts. To the east is a public house. To the north and west, the public space is enclosed by boundaries of residential properties.
- 1.2 Shoebury Common North is a designated and protected green space. Its northern strip is also designated as a local wildlife site. The application site is to the south of the local wildlife site. The site and the wider area are within Flood Zone 3.

2 The Proposal

- 2.1 Planning permission is sought for the creation of a children's play area intended for use by children up to the age of 14. Within the area it is proposed to install twenty-four (24) items of play equipment, two seating benches, five picnic tables and three bins. The items installed on site would vary in height with the highest apparatus reaching some 3.5m in height. The site is some 985m² and is proposed to be enclosed with 1.2m high metal fencing. It is proposed to surface part of the site with tarmac in order to create a footpath and with "Wetpour" surfacing below the play equipment in order to protect children from injuries.

3 Relevant Planning History

- 3.1 There is no relevant planning history.

4 Representation Summary

- 4.1 The application is being presented to the Development Control Committee because the application site is within land owned by the Council and a representation objecting to the application has been received.

Public Consultation

- 4.2 Thirty-eight (38) neighbouring properties were consulted and two site notices have been displayed. Three (3) representations have been received for this application. One representation objecting to the application is summarised as follows:
- Obstruction of views.
 - Impact on amenity of neighbouring occupier due to noise and overlooking.
 - Concerns about parking.
 - The location of the play area should be moved to the west.
- 4.3 The comments have been taken into consideration and the relevant to planning matters raised are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application.

4.4 Two representations supporting the application are summarised as follows:

- The play area is greatly needed.
- The speed limit in the area needs to be reduced.

Highways Team

4.5 No objections.

Environmental Health

4.6 No objections.

Natural England

4.7 No objections.

5 Planning Policy Summary

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

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)

5.3 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 CP7 (Sport, Recreation and Green Space).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Choices).

5.5 Design & Townscape Guide (2009)

5.6 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, the design and impact on the character of the streetscene and wider area, the impact on residential amenity, any traffic and transportation issues, flood risk considerations, the impact on the natural environment and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

7.1 The main aim of the NPPF, achieving sustainable development, has three objectives. As stated at paragraph 9 of the NPPF, the social objective includes provision of open spaces that reflect current and future needs and support communities' health social and cultural well-being. Paragraphs 96 to 101 of the NPPF seek to protect existing public open space used for sports or recreation.

- 7.2 Policy KP2 of the Core Strategy stipulates that any proposed development should respect, conserve and enhance the green space resources of the Borough. Policy CP4 of the Core Strategy seeks to protect and enhance the town's parks gardens and open spaces due to their townscape, amenity and biodiversity value. Policy CP7 of the Core Strategy states that the Council will bring forward proposals that contribute to green space facilities within the Borough for the benefit of local residents and visitors, including at least four additional equipped play areas for children and young people.
- 7.3 The application is for the provision of an equipped playing area within an existing public open space. This, in principle, represents an enhancement of the existing space and is acceptable. Other material planning considerations are discussed in the following sections of this report.

Design and Impact on the Character of the Area

- 7.4 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."
- 7.5 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."
- 7.6 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."
- 7.7 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".
- 7.8 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."
- 7.9 The design and impact of the development on the character and appearance of the area are considered acceptable. The location of the play area is to the south-east of the public open space where it would have an acceptable impact on the grain of the area as it would create a concentration of activities in the vicinity of the junction. The layout of the play area is typical for this kind of development and is also acceptable. In terms of scale, form and appearance, it is normal to see equipment, fencing and surfacing in an equipped area of play and the proposal is acceptable in these regards. Whilst it is noted that currently the area is open, the addition of playing equipment in a

public open space is considered appropriate given that this is where such equipment would be expected to be installed. The proposed materials are sympathetic for the type of development and would not materially harm the character and appearance of the site or the wider area. On this basis, the proposed development is considered acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.10 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.
- 7.11 Given the separation distance between the proposal and the nearest residential properties on Waterford Road (some 50m away from the play area) and Leitrim Avenue (more than 100m from the play area to the dwelling), it is not considered that the proposed development would have a material impact upon those residents' amenity in terms of overlooking, overshadowing, loss of privacy, loss of light, loss of outlook, sense of enclosure or creation of an overbearing relationship. It is noted that concerns have been raised about potential noise and disturbance arising from the development.
- 7.12 The area is open and there is the potential for any noise to travel uninterrupted. However, the location of the site is not within an area of low ambient noise levels. There is a relatively busy highway junction, a public house and other recreational facilities in the area that contribute to the background noise levels. Furthermore, the site and the surrounding public open space are already in use as a public amenity space in which the creation of a degree of noise can be expected. Whilst it is accepted that there would be some concentration of activity on the application site, it is not considered that the noise and disturbance arising from the play area designed for use by children up to 14 years old would be of such nature or to such a degree as to be materially harmful to the amenity of residential occupiers. Environmental Health raised no objection. The proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.13 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. There is no specific standard for play areas.
- 7.14 It is not considered that the play area would create significant amounts of additional vehicular traffic. There is existing provision of public parking in the area. This is considered to be adequate to accommodate any additional need generated by the proposal. The area is also well served by cycling facilities. The highways team raised no objection. On this basis, the proposal is acceptable and policy compliant in terms of its impacts in the above regards.

Flood Risk

- 7.15 The site is located within Flood Zone 3, the highest probability zone. Paragraph 155 of the NPPF requires that inappropriate development in areas at risk of flooding should be avoided and directed to areas with lower risk. A similar approach is taken by policy KP1 of the Core Strategy.
- 7.16 Table 2: Flood Risk vulnerability classification¹ of the PPG states that amenity open space, outdoor sports and recreation facilities are water-compatible development. Details to ensure adequate drainage on site will be secured through conditions in order to reduce the probability of exacerbating the flood risk elsewhere as a result of the development. On this basis, the development is considered acceptable and policy compliant in relation to risk from flooding.

Ecology and Impact on Natural Environment

- 7.17 The proposed play area is located in close proximity to a designated Local Wildlife Site and part of the application site, the access to the play area, is within that Local Wildlife Site. Paragraphs 174 to 177 of the NPPF seek to protect and where possible enhance sites important for biodiversity. Similarly policy KP1 of the Core Strategy highlights the importance of safeguarding the biodiversity importance of the foreshore.
- 7.18 The Local Wildlife Site is already an open public space which is used by the public. The provision of the play equipment outside of the designated site may draw some activity away from the protected site. The area where the play equipment is proposed to be located is surfaced with low grass which is of limited ecological value. It is considered that the proposal would safeguard the ecology and biodiversity of the site and the surrounding area. Its impact on the natural environment would not be materially harmful. Natural England raised no objection to the proposal. The development is considered acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 7.19 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, 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 paragraphs of the NPPF, 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. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. Furthermore, the proposal is considered a water-compatible type of development and safeguards the ecology and biodiversity value of the site and the area. This application is therefore recommended for approval subject to conditions.

¹ Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014

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: SCN/PA/02, Location Plan, Surfacing, Fencing, Elevations, 3D Views.**

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

- 03 The materials used on the external surfaces of the structures hereby approved shall be in accordance with the details stated on the submitted application form and on the approved plans (referenced Location Plan, Surfacing, Fencing and Elevations).**

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).

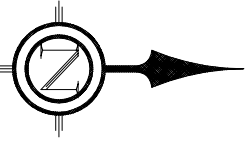
- 04 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction above ground level shall take place unless and until a drainage and surface water management strategy incorporating SUDS principles has been submitted to and approved in writing by the local planning authority. The drainage and surface water management strategy must be implemented in full accordance with the details approved under this condition before the development hereby approved is brought into first use.**

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

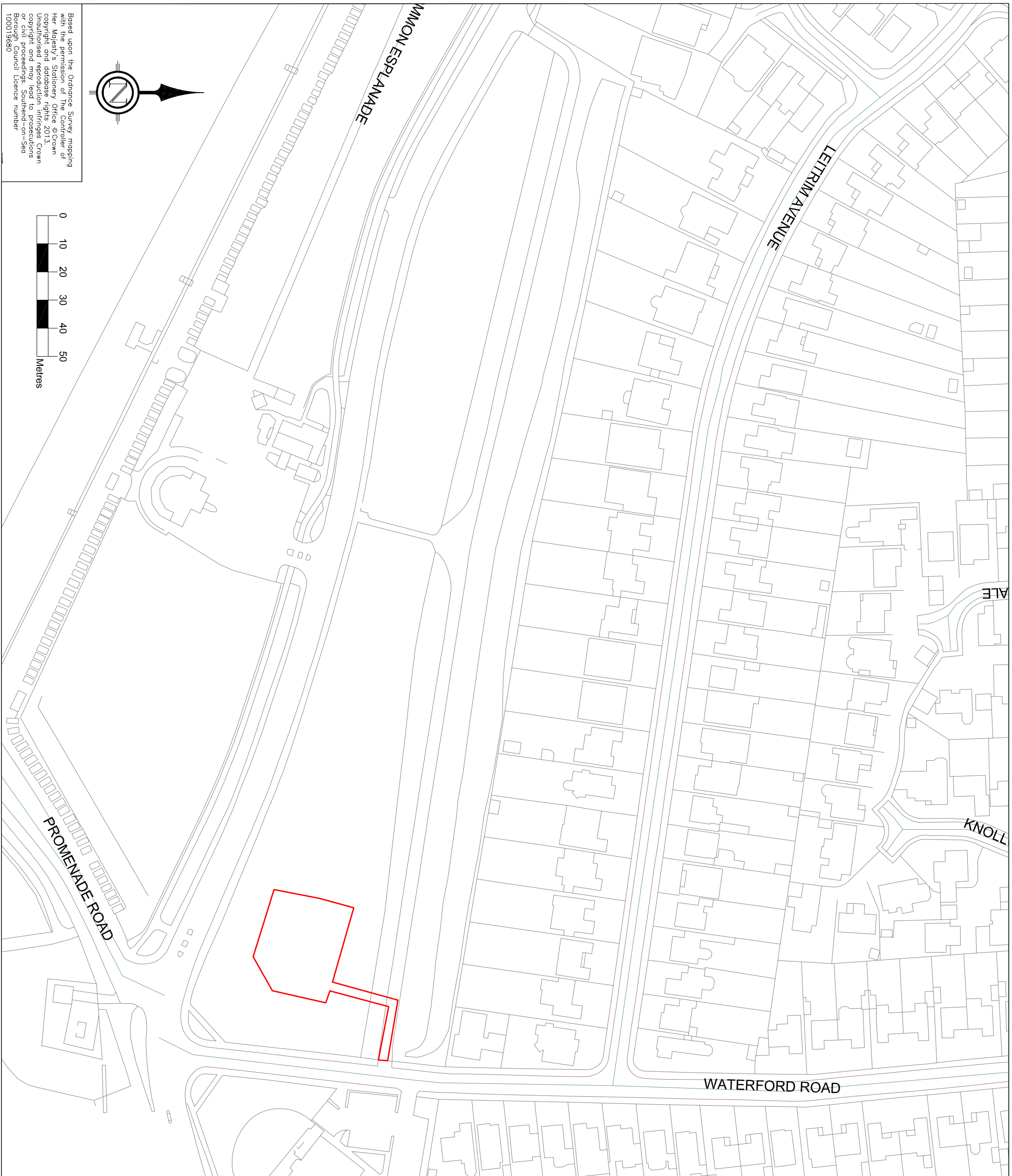
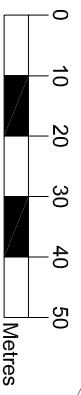
Informatives:

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

- 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.**



Based upon the Ordnance Survey mapping with the permission of The Controller of Her Majesty's Stationery Office © Crown copyright and database rights 2013. Unauthorised reproduction infringes Crown copyright and may lead to prosecutions or civil proceedings. Southend-on-Sea Borough Council Licence number 100019680



— Play Area Location

**SOUTHEND-ON-SEA
BOROUGH COUNCIL**

HEAD OF CULTURE
SCOTT DOLLING

**Shoebury Common North
Play Area Location Plan**

Scale: 1:1250 @ A3

Drawn by: David Giles

Date: 04/11/2019

Drawing No: SCN/PA02

This page is intentionally left blank

Shoebury Park Southend on Sea - Location Plan

Quote No.3800977A

Dwn JO/DB Scale 1:200@A1 15.10.19 Do not scale from this drawing

design
make
play
SutcliffePlay

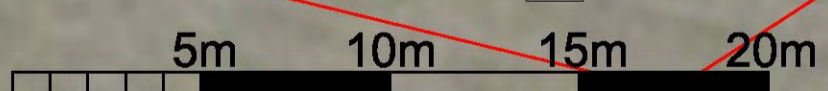


Equipment List		
No.	Code	Description
01	SBN083Z	2.4m high Swing with 2 x BUMPER & Inclusive Nest Seat
02	SWP082Z	2.4m high Swing 2 x Pod Seat
03	SBS081Z	2.4m high Swing with Boat Seat
04	DZW445	Dice Spin Panel
05	Graphics	1-49 Snakes & Ladders
06	SWD700	Whirlybob
07	SSB840	Pablo Seesaw
08	DZW277	Toddlerzone Boat Climber
09	SSB040	Wilbur Whale Springie
10	SSB050ST	Pirate Ship (Static)
11	PZW686	Playzone Scramble and Slide
12	MTU010	Sensory Flower
13	SWD580	Seaside Oyster
14	CZW304	Mission Hunter
15	SWD720	Hula
16	SWD480	Wind Rider
17	PZU100	Talktubes
18	FUB000Y	Bench x 2
19	FUT000Y	Inclusive Picnic Table
20	FUL100Y	Upright Litter Bin

Equipment List		
No.	Code	Description
A	S01-046	3D Shark
B	S01-005	Sea Star
C	E01-006	Crab
D	E01-005	Turtle
E	E01-003	Fish 4
F	B01-031	Drops x 2
G	F01-018	Palm tree x 2

NB install from client stock. 3 x heavy duty telescopic retractable bollards
Install from clients stock
4 x Picnic tables
2 x litter bins

Childrens Playground



Fencing and gates
119.6m 1.2m high bow top (green)
1 x single yellow 1.2 pro self gate
1 x vehicle which can be used as single access if require.

Wetpour Surfacing - Total 105.4m²
86.4m² at 60mm Black
26m² at 60mm Colour
Base works 105.4m²
Poc edging 22km

New Pathway
Tarmac 200m²
Base works 200m²
Poc edging 134.5m

Concrete pad 2.5m²
Timber Edging 7m

Wetpour Surfacing - Total 276m²
233.7m² at 40mm
42.3m² at 60mm
Base works 276m²
Chaseout into grass 89m

This page is intentionally left blank

North View



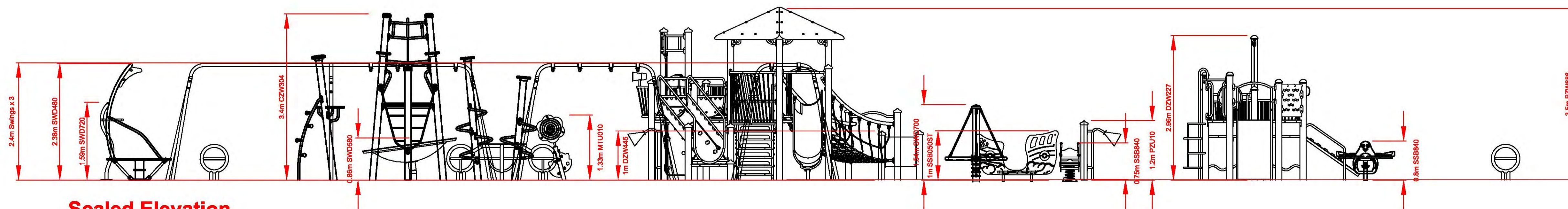
East View



West View



South View



Scaled Elevation

5m

10m

15m

20m



**Shoebury Park
Southend on Sea - Elevations**

Quote No.3800977A

Dwn JO Scale 1:50@A1 15.10.19

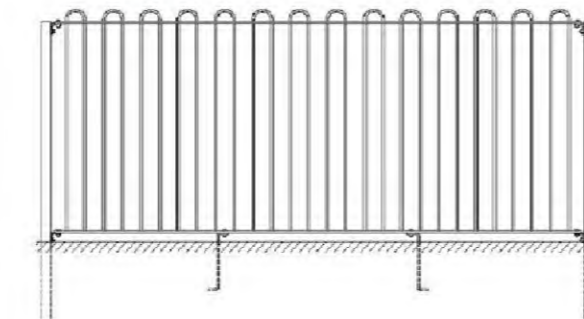
Do not scale from this drawing

This page is intentionally left blank

Fencing and gates
 119.5m 1.2m high bow top (green).
 1 x single yellow 1.2 pro safe gate

 1 x vehicle which can be used as single access
 if require.


Playspec® PRODUCT INFORMATION

Playspec® Standard Specification (available from stock)

PANELS	
Height	900mm & 1200mm
Diameter in/Ø	12mm & 16mm option for both heights
Post Spacing	90mm
Panel Width	2720mm

POSTS	
Post Size	50 x 50 SHS
Post Centre	2800mm



Playspec® has a reduced height bow to comply with neck trap regulations



Features:

- Standard heights available from stock
- Compliant with BS EN 1176
- Security linkage
- Stepping clouts
- Hot Dip Galvanised to BS EN ISO 1461
- Polyester Powder Coating (optional)

Suitable for:

- Playgrounds
- Theme Parks
- Parks

TEL: 01782 339320
 FAX: 01782 339323
 fencing@iae.co.uk
 www.iae.co.uk


Shoebury Park
Southend on Sea - Fencing
 Quote No.3800977A
 Dwn JO/DB Scale 1:100@A2 15.10.19
 Do not scale from this drawing

This page is intentionally left blank

Shoebury Park Southend on Sea - 3D Views

Quote No.3800977A

Dwn JO @A1 15.10.19

Do not scale from this drawing



This page is intentionally left blank

Delegated Report

Reference:	19/01646/FUL	7
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Demolish existing rear memorial hall and erect replacement two storey hall with office space in roof linked to existing Church, erect single storey extension to front entrance and install ramp to improve access from London Road, form central courtyard with landscaping and lay out parking spaces	
Address:	West Leigh Baptist Church, Lymington Avenue, Leigh-On-Sea	
Applicant:	Mr M M'Clelland	
Agent:	Mathews Serjeant Architects	
Consultation Expiry:	18th November 2019	
Expiry Date:	9 th January 2020	
Case Officer:	Janine Rowley	
Plan Nos:	Location Plan; Site Plan; 2145-EX01; 2145-EX 02; 2145 P-04A; 2145-P-05A; 2145-P-03B	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The site is on a corner plot, located to the south of London Road and to the west of Lymington Avenue. The site is occupied by a 2 storey church of contemporary design which fronts London Road, with a return to Lymington Avenue. To the rear of the Church is a parking court area and to the rear of the site, beyond the parking is the detached Memorial Hall building.
- 1.2 The surrounding area is largely residential in nature, although there are some commercial units along London Road. No. 1152 adjoining the site to the west is a three storey block containing flats.
- 1.3 The site has no specific allocation within the Development Management Document Proposal's Map.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing rear memorial hall and erect a replacement two storey multi-purpose hall, with office space in roof, both for use related to the existing Church, erect a single storey extension to the front entrance, install a ramp to improve access from London Road, form a central courtyard with landscaping and lay out parking spaces.
- 2.2 There is an extant planning permission, from 2007 07/01377/FULM to demolish the existing church buildings, erect a new church with a two storey building including a hall, meeting rooms, kitchen and toilets. The church building fronting London Road together with the kitchen and toilets has been completed but this application seeks a differently detailed hall and associated meeting rooms. The hall and meeting rooms approved under application 07/01377/FULM measure 20.4m wide, 21.3m deep to 24.5m deep and 8.8m to 9.1m high to the south elevation and 9.5m high to the west elevation. The internal floorspace of the extant permission equates to 276sqm to the ground floor for the sports hall and offices, and 87sqm to the first floor meeting rooms (363sqm in total). This is a fall-back position for the applicant and carries material weight in the assessment of the current proposal.
- 2.3 Planning permission 19/00009/FUL to use a portacabin as a church hall to enable construction of the remainder of the hall and associated church building expires on 1st March 2022.
- 2.4 During the course of this planning application, the applicant has amended the plans with specific reference to reducing the floorspace of the hall to the south of the site and increasing onsite parking provision from 7 parking spaces to 10 together with additional cycle parking provision.
- 2.5 The proposed development subject of this application is a two storey building with roof accommodation which is 'L' shaped. It would be 21.5m wide, 21.3m to 24.5m deep and 5.4m high to 9.5m high with a gable roof design to the rear of the existing church building. A new entrance lobby is proposed to the existing church building, this includes a single storey extension fronting London Road 3.2m-5.1m wide, 2.1m-2.8m deep and 2.9m high including glazing and a flat roof canopy.
- 2.6 The proposed internal floorspace arrangement includes a sports hall, meeting rooms,

kitchen, administration office and craft room to the ground floor and new front entrance lobby (338sqm) first floor meeting rooms (137sqm) and a senior pastor's office/study to the second floor (61.5sqm) (536sqm in total). A new external courtyard is proposed to the centre of the site north of the new hall and south of the church. This would include soft and hard landscaping.

- 2.7 Ten new parking spaces are proposed to be accessed from Lymington Avenue with associated alterations to the existing crossovers. Cycle spaces are also proposed to the east of the site fronting Lymington Avenue and within the new central courtyard.
- 2.8 The application is accompanied by a Design and Access Statement, Pre-Planning Neighbourhood Consultation, and Travel Survey.

3 Relevant Planning History

- 3.1 19/00009/FUL- Erect portacabin for use as Church Hall- Planning Permission Granted
- 3.2 16/01265/ADV - Install two internally illuminated fascia signs to front and side (Amended Proposal) – Advertisement Consent Granted
- 3.3 15/02036/ADV – Install two internally illuminated fascia signs to front and side and one TV display sign to front –Advertisement Consent Granted
- 3.4 10/01888/AD – Application for approval of details pursuant to condition 6 (landscaping) and 11 (dust suppression) of planning permission 07/01377/FUL granted 14.12.2007 – details approved.
- 3.5 10/00944/AD - Application for Approval of Details pursuant to condition 02 (samples of materials) 03 (Parking), 06(Landscaping) and 09 (hardstanding) of planning permission 07/01377/FULM dated 02.01.2008 – part approved, part refused.
- 3.6 10/00648/FULM - Extend hours of opening to 07.30 - 22.30 Monday to Sundays, including Bank Holidays (Variation of condition 4 of planning permission SOS/07/01377/FULM Hours of opening 09.00 - 22.30 Monday to Sundays, including Bank Holidays) – Planning Permission Granted.
- 3.7 10/00646/NON – Re-positioning of windows and alterations to facades (non-material amendment following planning permission 07/01377/FULM). Planning Permission Granted.
- 3.8 07/01377/FULM- Demolish existing church buildings erect new church with two storey building including a hall, meeting rooms, kitchen and toilets and lay out parking. Planning Permission Granted.

4 Representation Summary

4.1 Public Consultation

138 neighbouring properties were consulted and a site notice was displayed. Representations by 20 different parties have objected to the proposal on the following grounds:

Amenity

- Building imposing
- Overlooking and loss of privacy
- Loss of light
- The 3 storey link could be achieved with a single storey corridor reducing the impact of the building
- A condition requiring obscured glazing should be imposed.
- Height of the building would result in overshadowing

Design

- Layout/density of building out of character with surroundings
- Badminton court is an inefficient use of the space

Traffic/Parking

- The existing development has resulted increased on street parking and confrontation between users/residents
- There will be a 50% reduction in car parking on site
- The proposed parking is insufficient to serve the development. More parking should be provided.
- The development will result in increased on street parking and parking stress in already streets surrounding streets to the detriment of highway safety.
- Existing streets already saturated with parking
- Existing plans do not accurately show existing parking.
- An office block has been permitted opposite which will already impact on parking demand
- Car parking strategy submitted by the applicant is not correct and random checks need to be done on the real parking situation

Other

- The church could be expanded in a more modest manner
- This site is meant to be a place of worship not a sports facility
- Lack of consultation by the church with neighbours
- Request that Members visit the site

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. The material considerations raised are addressed in subsequent sections of this report in more detail.

4.2 Councillor Mulroney has requested this application be dealt with by Development Control Committee.

4.3 **Leigh Town Council**
No objection.

4.4 **Airport Director**
No objection.

4.5 Cadent Gas

Cadent have identified operational gas apparatus within the application site boundary. No objections are raised subject to a number of informatives.

4.6 Highways Team

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 (Environment and Urban Renaissance) and CP6 (Community Infrastructure)

5.3 Development Management Document (2015) Policy DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land) and 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 character of the area, impact on residential amenity, traffic and transportation, sustainability and CIL (Community Infrastructure Levy) contributions.

7 Appraisal

Principle of Development

- 7.1 The application site constitutes brownfield land. The NPPF at paragraph 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”*
- 7.2 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...’*
- 7.3 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, recreation and community facilities...’*. The proposed development will provide an enhanced community facility contributing to the Borough’s cultural, recreational and community facilities.
- 7.4 Planning permission 07/01377/FULM was granted to demolish the existing church buildings and erect a new church with a two storey building including a hall, meeting rooms, kitchen and toilets and layout parking. The main church building to the north of the site fronting London Road has been implemented so planning permission 07/01377/FULM is extant and the remainder of the development could be completed, including the two storey building, associated meeting rooms and hall to the rear of the site. Since the consideration of the 2007 application there have been changes to local and national planning policy including the Southend Core Strategy (2007), Development Management Document (2015) and revised National Planning Policy Framework (2019) as well as advice in the Design and Townscape Guide (2009) which affect the material considerations. However, the proposed two storey hall with office accommodation in the roof, single storey front extension along London Road and formation of a central courtyard with landscaping and laying out of parking spaces will provide enhanced community facilities, which is acceptable in principle and no objections are raised. The proposal remains acceptable in principle subject to the detailed material considerations below.

Design and Impact on the Character of the Area

- 7.5 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.”*

- 7.6 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.’*
- 7.7 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”*.
- 7.8 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.”*
- 7.9 The proposed scale of the building broadly reflects that of the extant planning permission granted in 2007. The overall height of the hall is 8.8m to 9.1m due to varying site levels and 9.5m high to the west elevation on the boundary with no. 1152 London Road. The development responds well to the built form and townscape of the surrounding area and is not set higher than the previously approved application 07/01377/FULM. It would not appear materially at odds with the surrounding area in terms of its form, scale, size and depth.
- 7.10 The design of the development is simple with a gable roof form to the hall and fenestration to all elevations to add interest. The simple flat roof design of the single storey extension fronting London Road provides a defined entrance to the church and is a positive addition to the streetscene and appearance of the building.
- 7.11 The new development includes a new courtyard with soft and hard landscaping to be situated between the hall and church building to the north with external seating. Parking is provided to the east of the hall and south of the church building. Details of the soft and hard landscaping can be controlled by condition.
- 7.12 The development’s proposed materials reference those in the existing church building to the north including render and facing brickwork, roof tiles and aluminium windows and doors. The materials will integrate satisfactorily with the surrounding area.
- 7.13 The overall scale of the development is considered to be acceptable and relates satisfactorily to the existing church building to the north of the site. The development is appropriately designed and well detailed, providing a positive addition which will enhance the character and appearance of the surrounding area. As such the proposal is not considered to result in any material harm to the character or appearance of the site the streetscene or the wider surrounding area.
- 7.14 Subject to conditions, the development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

7.15 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.

7.16 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”

7.17 The nearest property to the development in Lymington Avenue is no. 153 to the south of the site and which contains no windows in its northern flank wall. The boundary of the application site and the southern elevation of the proposed building are both set 2.5m away from the flank boundary of the rear garden serving that property with an access way between them. The proposed hall would have an overall height of 8.8m to 9.2m (eaves level 3.3m to 3.6m high). The existing hall spans the depth of the rear garden of 153 Lymington Avenue 28.9m in length and is 10m high. The length of the proposed hall is 20m which is the same as the extant planning permission 07/01377/FULM. On balance, taking into account that the siting of the hall is to the north of no. 153, the hall's modest eaves, the ridge height of the development and siting of the windows the proposal is consistent with findings for the position and scale of built form found acceptable under the extant planning permission. Five parking spaces are proposed to the southern boundary in the same position as previously approved and separated by the shared private alleyway. It is not considered the development would result in material harm to the residential amenity of the occupiers of no. 153 in terms of dominance, an overbearing impact, material loss of light or outlook, overlooking and loss of privacy or a material sense of enclosure.

7.18 To the west of the site is a three storey block of flats at no. 1152 London Road. These have clear glazed windows facing the application site at ground, first and second floor level in their flank elevations. The windows/doors to flat 1 at ground floor include an obscure door to the bin area and, a clear glazed secondary window serving a living room and dining area, which also benefits from doors to the south leading out on to the garden area. To the first floor flat, the flank contains a door to the staircase leading to the garden and a secondary window serving the living/dining room, which also benefits from doors to the south on the balcony. At third floor is a window that serves that flats landing area and dining room, which is the only source of light and, a secondary window to the living room which also benefits from doors to the south serving the balcony.

- 7.19 A two storey building along the western boundary of the site was approved as part of planning permission 07/01377/FULM. The flats at 1152 London Road were notified and the impact on them was assessed under the previous application which introduced the proposed church of two storeys with a maximum height of 9.5m. The height of the building proposed under this amended application is similarly 9.5m on the western elevation facing no. 1152. In comparison with the 2007 approval which included a 9.4m tall full width gable to the shared boundary to the west in the application site's south west corner, the taller part of the building is now set back from the western boundary by 1.4m with only a single storey projection 5.6m high now proposed to be used as part of the 'crafts room'. As constructed the church is marginally further away from the western boundary than indicated on the 2007 approved plans. The current proposal places the main section of the extension on that same western flank building line and is such no closer to the properties to the west that was previously accepted. The main changes which impact differently on residential amenity include a new dormer window at second floor to the west elevation which is to be obscure glazed and can be controlled by condition. Proposed windows to the first floor have been altered in terms of their detailed size and siting compared with those previously agreed in 2007 but are in the same general positions as previously considered acceptable and also will remain obscure glazed with this controllable by condition. The new single storey gable feature to the eastern boundary will also contain windows at ground floor. There would be some reduction of light taking into account the siting of the proposed development to the east of no. 1152, however the rear of these flats is open to the west and south. On balance, the flats will continue to benefit from sufficient light and outlook. Given the building will project no further west than the extant planning permission, nor will the development be any higher, and subject to appropriate conditions to control any potential overlooking and loss of privacy it is not considered the proposal would result in overlooking or any material loss of privacy, light, outlook, or unacceptable sense of enclosure for neighbouring occupiers at no. 153 Lymington Avenue or 1152 London Road.
- 7.20 The site is located on a corner plot and is removed from any adjoining dwellings to the east of the site, so it is not considered the proposed development would result in material harm to the amenity of the residents to the east of the site in the above regards.

Noise and Disturbance

- 7.21 No details of noise impacts have been submitted with the current application. The new parking layout will include five parking spaces set 2.5m away from the flank elevation of no. 153 Lymington Avenue to the south of the site and the remainder of the spaces are located to the south of the existing church building adjacent to Lymington Avenue to the east. The main entrance to the hall and associated meeting rooms subject of this application is from a courtyard accessed from Lymington Avenue. No. 153 is likely to experience some general disturbance from car movements together with other residents opposite the site in Lymington Avenue. Activity within the courtyard, too, could generate noise and disturbance when users of the site use the new hall and potentially the outside space. The applicant has confirmed the hall will be naturally ventilated with no windows facing 153 Lymington Avenue and all services will come from the existing plant and boiler rooms serving the main church building.

In order to safeguard the amenity of surrounding residents within Lymington Avenue to the south and east and 1152 London Road to the west a number of conditions will be imposed to control noise levels from the development hours of use and any future

externally mounted plant and equipment. Subject to these conditions it is considered that the proposal would not harm the amenities of these neighbouring properties in terms of noise and disturbance.

7.22 Subject to the conditions, it is not considered that the proposed development will result in material harm to the amenities of any other residential occupiers in any regard.

7.23 The proposal is therefore acceptable and policy compliant in the above regards.

Traffic and Transportation Matters

7.24 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.

7.25 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 fronts London Road to the north, with access to a range of bus services. The existing site benefits from a vehicle access from Lymington Avenue to the east of the site and has 10 parking spaces.

7.26 The proposed layout will include a vehicle access from Lymington Avenue with 10 parking spaces laid out to the south of the existing church and north of no. 153 Lymington Avenue. No objections have been raised by the Councils Highway Officer to the proposed vehicle access and car parking would not materially harm the free flow of the local highway network.

7.27 Maximum car parking standards in the Development Management Document seek up to 1 parking space per 10sqm for use Class D1 place of worship. The maximum car parking standards indicate a maximum requirement for the proposed development of 53 parking spaces. Ten parking spaces are proposed. Previously under application 07/01377/FULM, a maximum 36 parking spaces would have been required based upon the 363sqm of new floorspace, which is the fall-back position taking into account the permission is extant. There is a difference of 17 parking spaces between the current proposal and extant permission in terms of the maximum requirement under local policies.

7.28 The applicant has provided a comprehensive travel survey on how members of the congregation attend church services. The supporting information states that Sundays are arranged with two services to mitigate against parking on street. A number of policies and action measures are provided including advice to church users and visitors to the existing facilities to utilise public transport and walk to the church and the availability of parking bays available along London Road all to seek to reduce the impact on parking within the surrounding roads.

- 7.29 Whilst the travel survey does not specifically reference the users of the new hall the applicant has confirmed that it is designed for use by church users only. The applicant advises that currently such activities as badminton and sponge football are held in the existing place of worship due to the memorial hall being in a poor state and this is why the new hall is proposed. Information supplied by the applicant indicates that the hall would mainly be used in association with the main church for activities such as meetings, recreation, sport and events. On balance, it is considered the associated activity would involve a significant overlap with the existing church functions and that the impact on the surrounding area should be viewed in this context. The wider impact of any users of the hall can be considered and controlled through the agreement of a travel plan described below.

Travel Plan

- 7.30 A travel plan has been submitted for consideration to facilitate and encourage sustainable travel to and from the proposed development. In order to ensure the reduction of private car parking and on street parking pressure within the surrounding streets a full robust travel plan to serve the new building can be the subject of a condition.
- 7.31 During the course of the planning application the drawings have been amended to increase the parking provision to 10 car parking spaces and provided additional cycle parking both which would accessed from Lymington Avenue. The existing vehicular crossover is well in excess of our normal maximum standards and has been amended to reinstate pavements to enable pedestrian's access along Lymington Avenue.

Cycle Parking

- 7.32 The number of cycle spaces required for the proposed development in accordance with Policy DM15 of the Development Management Document is 1 space per 4 staff plus visitor parking for places of worship. The travel survey accompanying this application states 10 cycle spaces are proposed to encourage the use of sustainable transport, which can be controlled by condition.

Recycling and Waste

- 7.33 The proposed plans indicate a refuse store to the north of the new hall that would serve the development. The Council does not currently provide commercial refuse and recycling collections so private arrangements will need to be made to suit the needs of the business. The applicant has confirmed the waste store situated to the east of the new hall will provide sufficient capacity.
- 7.34 It is considered that, full details of the proposed refuse store and a waste management plan can be conditioned to ensure that the refuse is properly stored and collected. This aspect of the proposal is therefore considered to be acceptable and policy compliant subject to these conditions.

Traffic and Transport Conclusion

- 7.35 On balance, taking into account that the site is located along London Road with good access to public transport and the travel plan and cycle provision proposal to be secured by condition, the proposed development would not have an adverse impact on traffic generation or highway safety in the locality and provision of ten on-site parking spaces proposed is considered acceptable. On balance, the development is considered to be acceptable and policy compliant, in respect of traffic and transport matters.

Sustainability

- 7.36 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.
- 7.37 No details have been provided however given the scale of the development it is considered this matter can be addressed by the use of a suitable condition. Subject to a condition no objection is raised on this basis.
- 7.38 There is an identified need for increased water efficiency measures to be integrated into new developments to take account 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 a suitable condition.

Community Infrastructure Levy (CIL)

- 7.39 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 Church is owned by a charity. However, it is recommended that a condition be applied to this permission restricting the nature of the use to ‘place of worship’ 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 objectives of the relevant development plan policies and guidance. The proposed development will provide an enhanced community facility contributing to the Borough’s cultural, recreational and community facilities. 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, it is considered there would be no harmful traffic, parking or highways impacts caused by the proposed development. 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 hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan; 2145-EX01; 2145-EX 02; 2145 P-04A; 2145-P-05A; 2145-P-03B.**

Reason: To ensure that the development is carried out in accordance with the policies in 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 be carried out solely 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 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 The use of the development hereby approved shall not commence until and unless the 10 vehicle parking plus cycle parking spaces have been provided in accordance with the approved plan 2145 P03B, together with properly constructed vehicular access to the adjoining highway. The parking areas shall be permanently retained for the parking of vehicles of people using the development.**

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

- 05 The development hereby approved shall be carried out and completed in accordance with drawing 2145 P03B in relation to the highways works including alterations to vehicle crossovers and the reinstatement of the pavements along Lymington Avenue before the development is first occupied and the access arrangements shall thereafter be retained in perpetuity.**

Reason: To safeguard the character and appearance of the surrounding area and interest of highways management and safety 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).

- 06 The development hereby approved shall not be used other than between the hours of 07:30- 22:30 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).

- 07 The building and parking area hereby approved shall only be used for purposes falling within Class D2 of the Town and Country Planning (General Permitted Development) Order 2015 directly associated with use of the existing site as a place of worship. The building hereby permitted shall not be used as a planning unit which is independent of the main church site.**

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).

- 08 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 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 (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 09 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 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).

- 10 Prior to use of the development hereby approved, a scheme detailing windows to**

be obscure glazed within the development shall be submitted and approved in writing by the local planning authority. The development shall be undertaken solely in full accordance with those approved details and they shall be retained thereafter for the lifetime of the development.

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 Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

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

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

- 12 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of all users, targets to reduce car journeys to and from the site, and 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 shall 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, recommendations and timescales.**

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).

- 13 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 advice contained in the Design and Townscape Guide (2009).

- 14 No development shall take place, including any works of demolition, until a**

Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be 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).

- 15 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 Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, and Policies DM1 and DM2 of the Development Management Document (2015)

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

- 17 No externally mounted plant equipment for the development hereby approved shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of its noise impacts has been submitted to, and approved in writing by, the Local Planning Authority. With reference to British Standards BS4142 the noise rating level arising from all plant equipment at the site 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. Implement plant only in accordance with details approved under this condition.**

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).

- 18 Prior to commencement above ground floor of the development hereby approved a scheme of noise mitigation measures to protect adjoining and nearby residents from noise generated within the development shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented in full prior to first use of the development hereby permitted and shall be retained thereafter for the lifetime of the development.**

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).

Informatives:

- 1 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.**
- 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 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

**If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com
Tel: 0800 688 588**

This page is intentionally left blank



West Leigh Baptist Church - 1:500 Site Plan

This page is intentionally left blank

This page is intentionally left blank



Front elevation of Memorial Hall facing Lymington Avenue
East facing elevation to Lymington Avenue



Gates into courtyard



Section Through Admin Office/Foyer Space
Section Through Courtyard
Sectional Elevation Looking East BB



North Elevation Facing London Road



Section Through Meeting Room 2
Section Through Courtyard
Sectional Elevation Looking North CC
Formal Entrance to Worship Space



COPYRIGHT: REVISIONS:

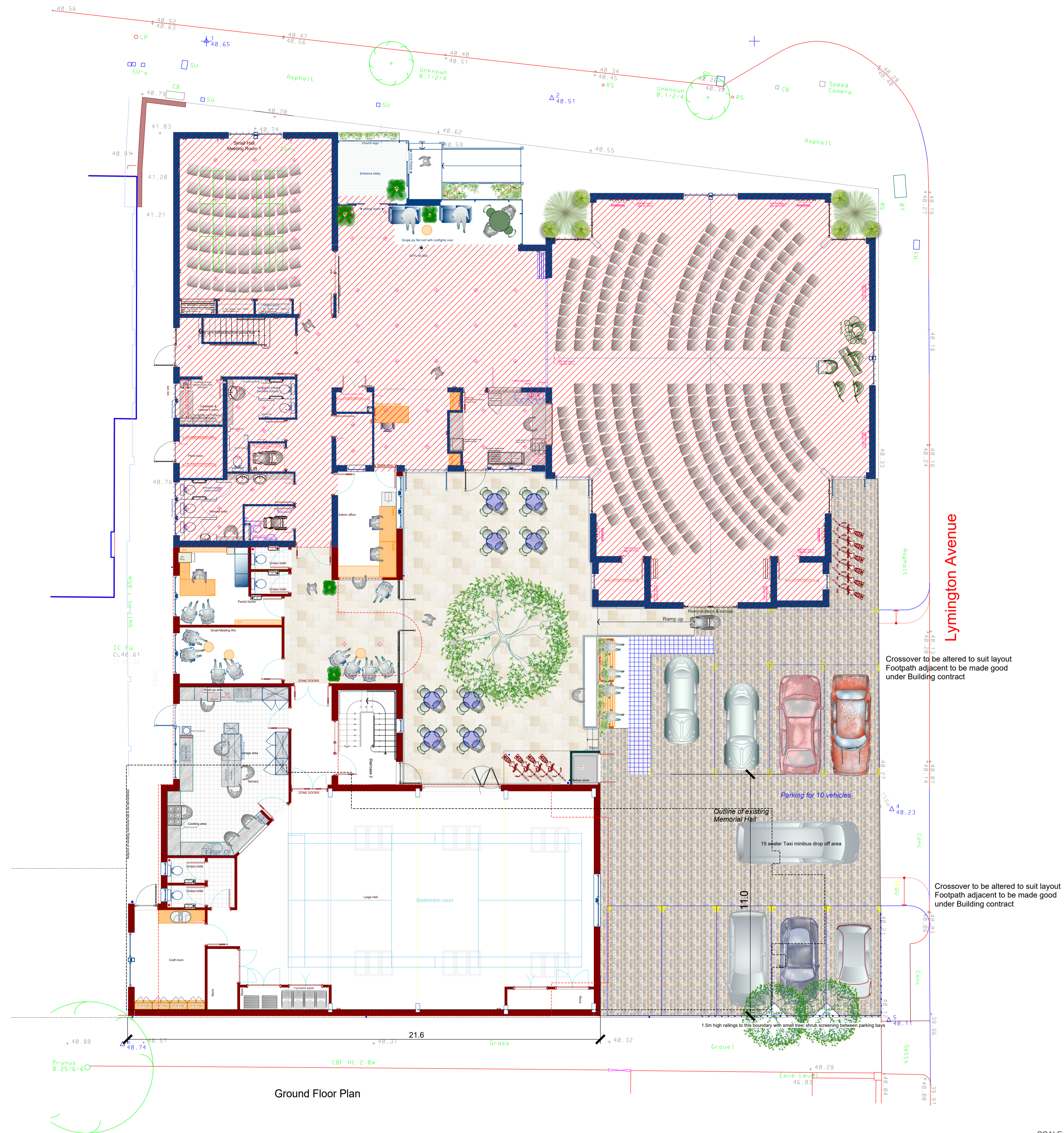
© This drawing is the copyright of Mathews Serjeant Architects Ltd. and is therefore reserved. It is issued on condition that it is not to be copied, reproduced in any form or derived by any unauthorized person, other than the client, without the express written consent of Mathews Serjeant Architects Ltd.
Do not scale from this drawing.
This drawing is to be read in conjunction with all relevant architect's and engineer's drawings and specifications. Contractors must verify all dimensions/levels on site prior to construction and preparation of shop drawings. Any discrepancies must be reported to the architect/contract administrator immediately for verification.

CLIENT: West Leigh Baptist Church
PROJECT: New Church Buildings
ISSUE:
DRAWING: Existing Sections & Elevations Church
SCALE: 1:100 (@A1)
DWG. NO. 2145 EX01
athews . serjeant ARCHITECTS

This page is intentionally left blank

- NOTES:**
- Phase I walls: █
 - Phase II walls: █
 - Approved footprint of phase II:
 - Outline of Existing memorial hall to be demolished:
 - Phase One (complete):

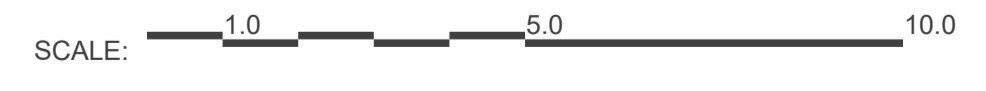
155



Ground Floor Plan

COPYRIGHT:
 This drawing is the copyright of Mathews Serjeant Architects Ltd. and is therefore reserved. It is issued on condition that it is not to be copied, reproduced in any form or disclosed to any unauthorized person, either wholly or in part, without the express written consent of Mathews Serjeant Architects Ltd.
 Do not scale from this drawing.
 This drawing is to be read in conjunction with all relevant architect's and engineer's drawings and specification. Contractors must verify all dimensions/levels on site prior to construction and preparation of shop drawings. Any discrepancies must be reported to the architect/contract administrator immediately for verification.

- REVISIONS:**
- Revision following Client team meeting 14/10/2019
 - Rev A 15:10:19 Car parking increased - length of new hall reduced internal layout and Bin store relocated to accommodate changes/Cycle racks increased some under cover
 - Crossover/ kerb adjusted to suit new parking layout
 - Rev B 20:11:19 Note added regarding making good pavement adjacent crossover adjustments






CLIENT: West Leigh Baptist Church
PROJECT: New Church Buildings
ISSUE: Planning Application
DRAWING: Phase II - Ground Floor Plan
SCALE: 1:100 (@A1), 1:200 (@A3)
DWG. NO.: 2145 P 03B

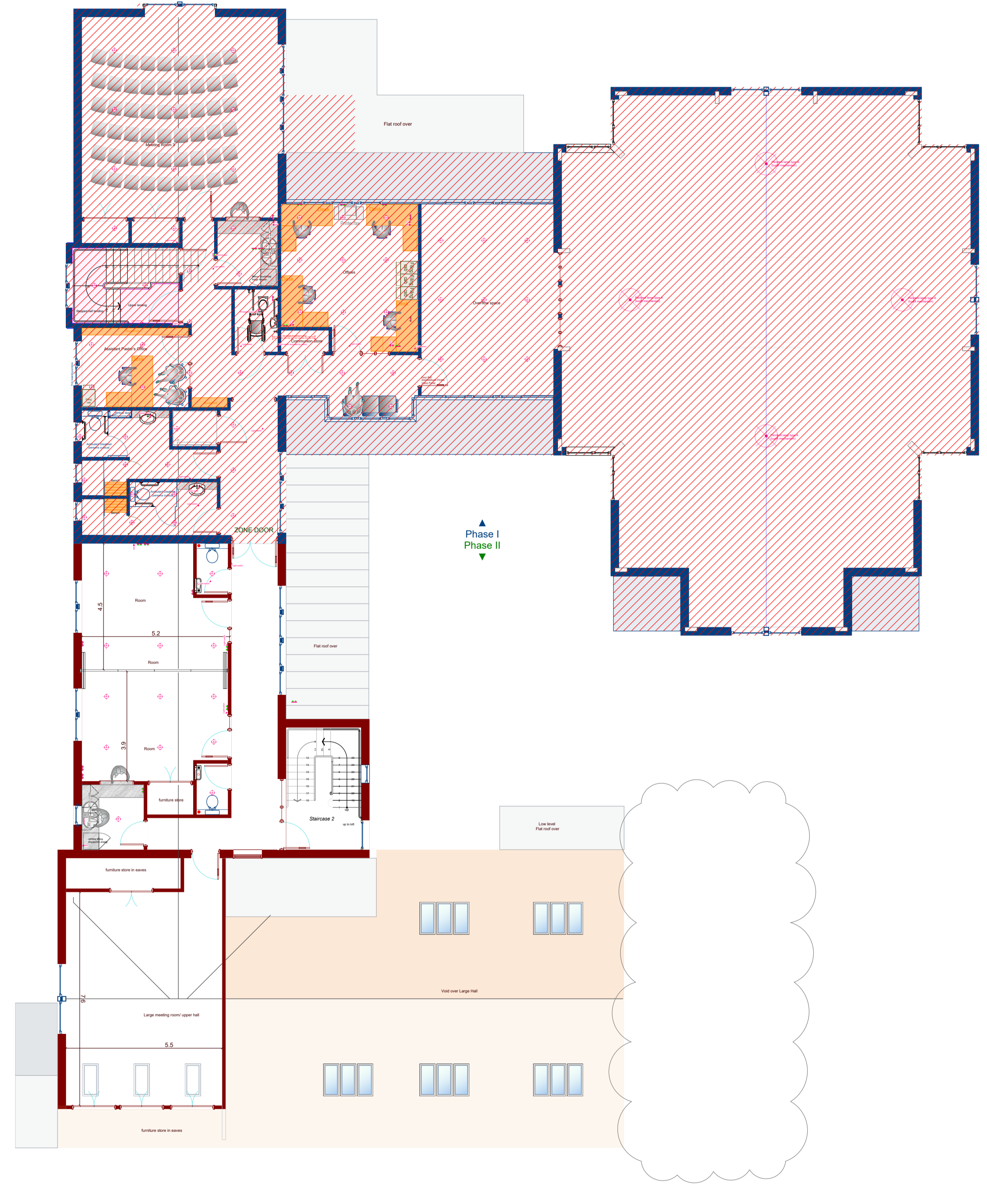
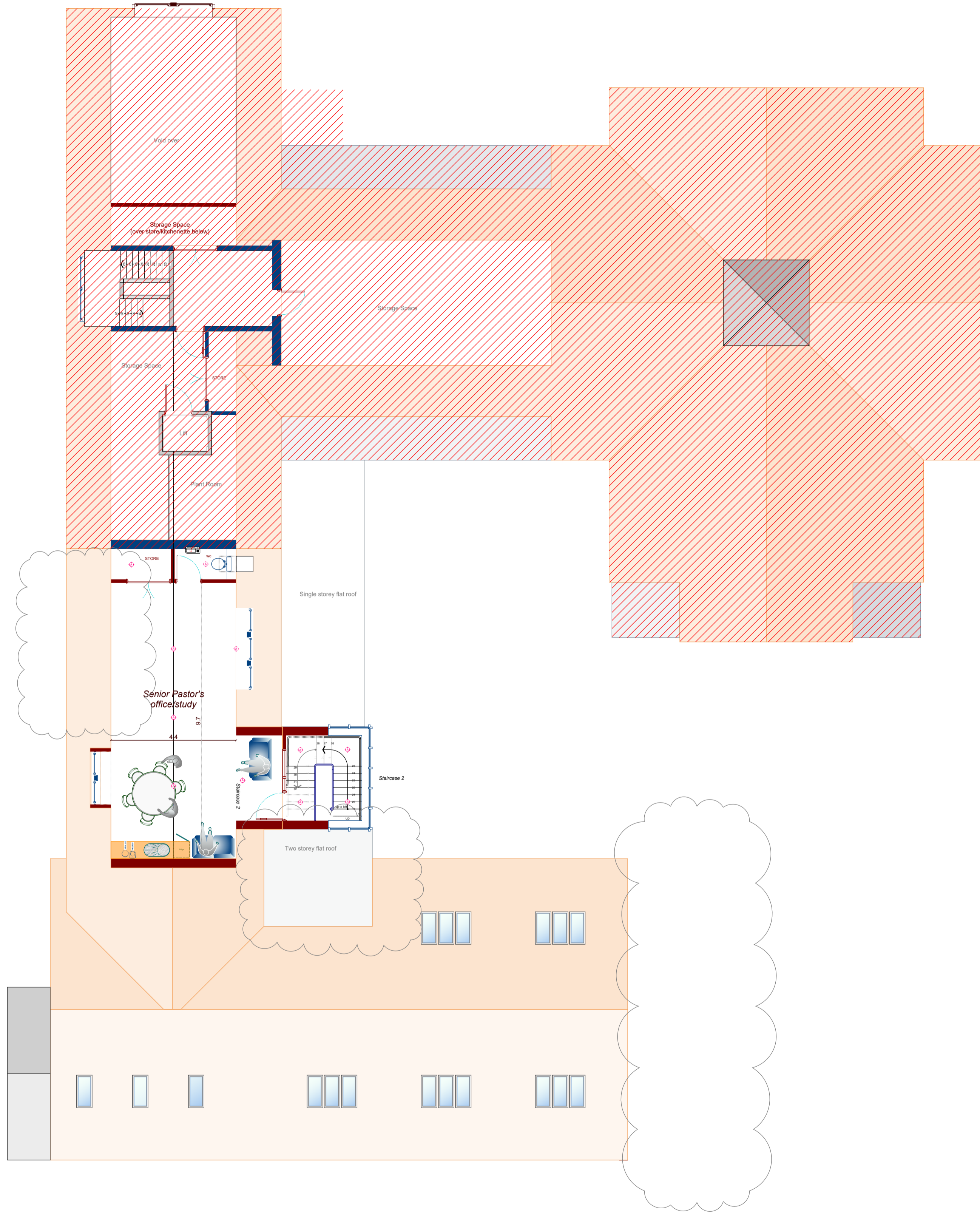
NORTH

mathews . serjeant
ARCHITECTS

Mathews Serjeant Architects Ltd. 23 Bellingham Lane, Rayleigh, Essex, SS6 7ED Tel 01268 777077 Email: studio@ms-architects.co.uk

This page is intentionally left blank

NOTES:
 Phase I walls: 
 Phase II walls: 
 Phase One (complete) 




157




Roof Level Floor Plan


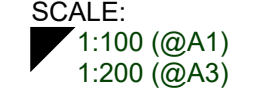
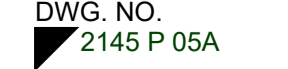
First Floor Plan

COPYRIGHT:  This drawing is the copyright of Mathews Serjeant Architects Ltd. and is therefore reserved. It is issued on condition that it is not to be copied, reproduced or published in any form or disclosed to any unauthorised person, either wholly or in part, without the express written consent of Mathews Serjeant Architects Ltd.
 Do not scale from this drawing.
 This drawing is to be read in conjunction with all relevant architect's and engineer's drawings and specification. Contractors must verify all dimensions on site prior to construction and preparation of shop drawings. Any discrepancies must be reported to the architect/contract administrator immediately for verification.

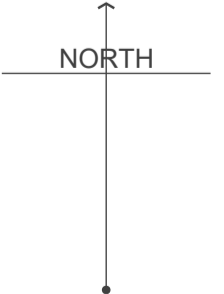
REVISIONS:
 Rev A04.10.19 Length of new hall reduced and roof over stores omitted at Gable end


SCALE: 

CLIENT:  West Leigh Baptist Church
 PROJECT:  New Church Buildings
 ISSUE:  Planning Application

DRAWING:  Phase II - Upper Floor Plans
 SCALE:  1:100 (@A1)
 1:200 (@A3)
 DWG. NO.  2145 P 05A

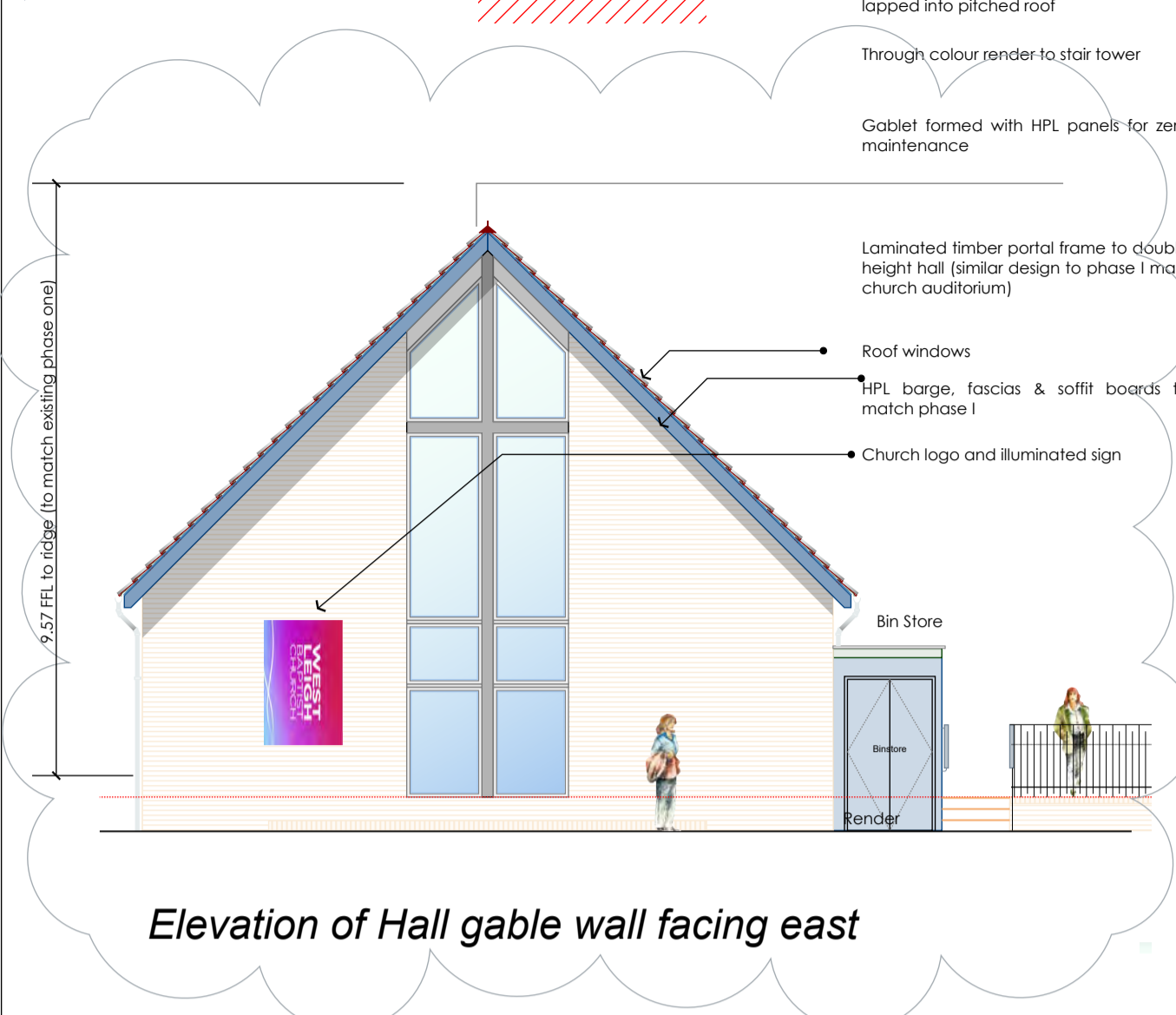
Mathews Serjeant Architects Ltd. 23 Bellingham Lane, Rayleigh, Essex, SS6 7ED Tel 01268 777077 Email: studio@ms-architects.co.uk

 NORTH

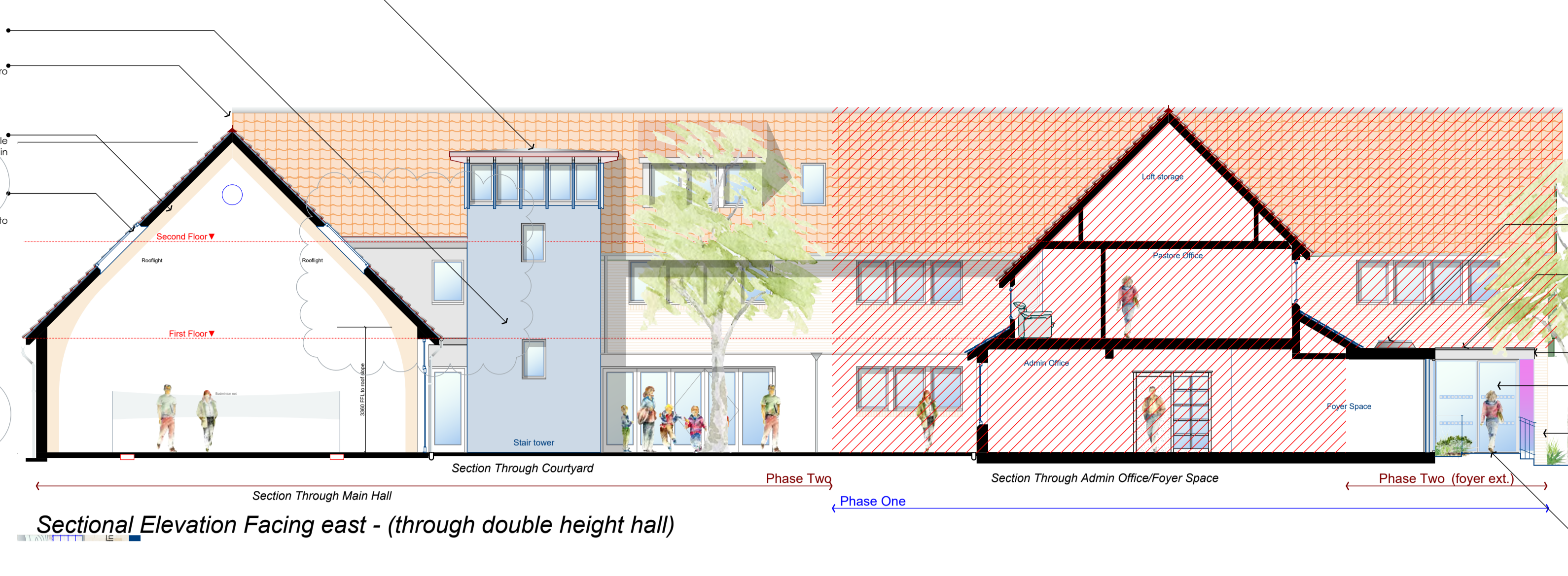
 mathews . serjeant ARCHITECTS

This page is intentionally left blank

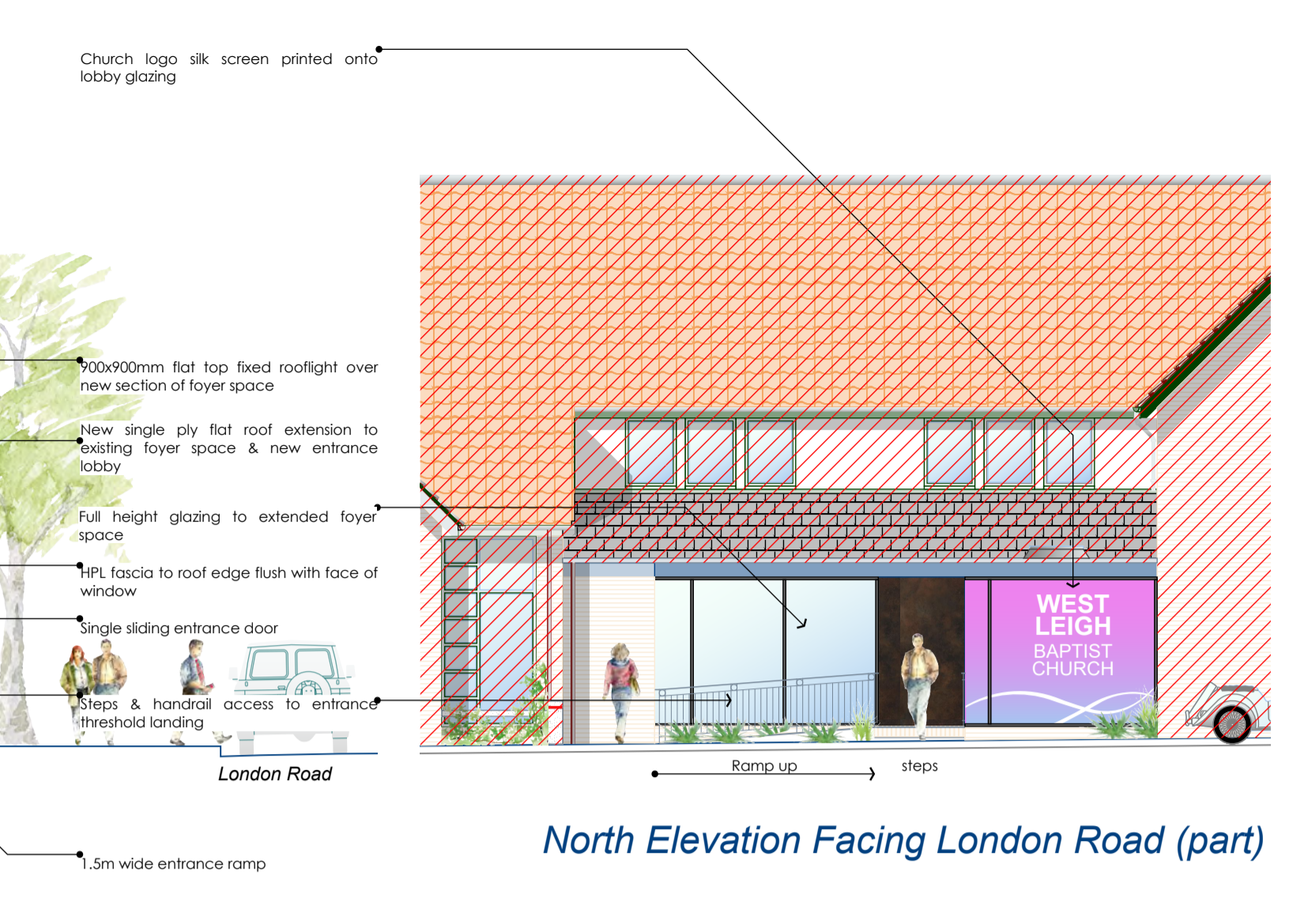
NOTES: Phase One (complete)



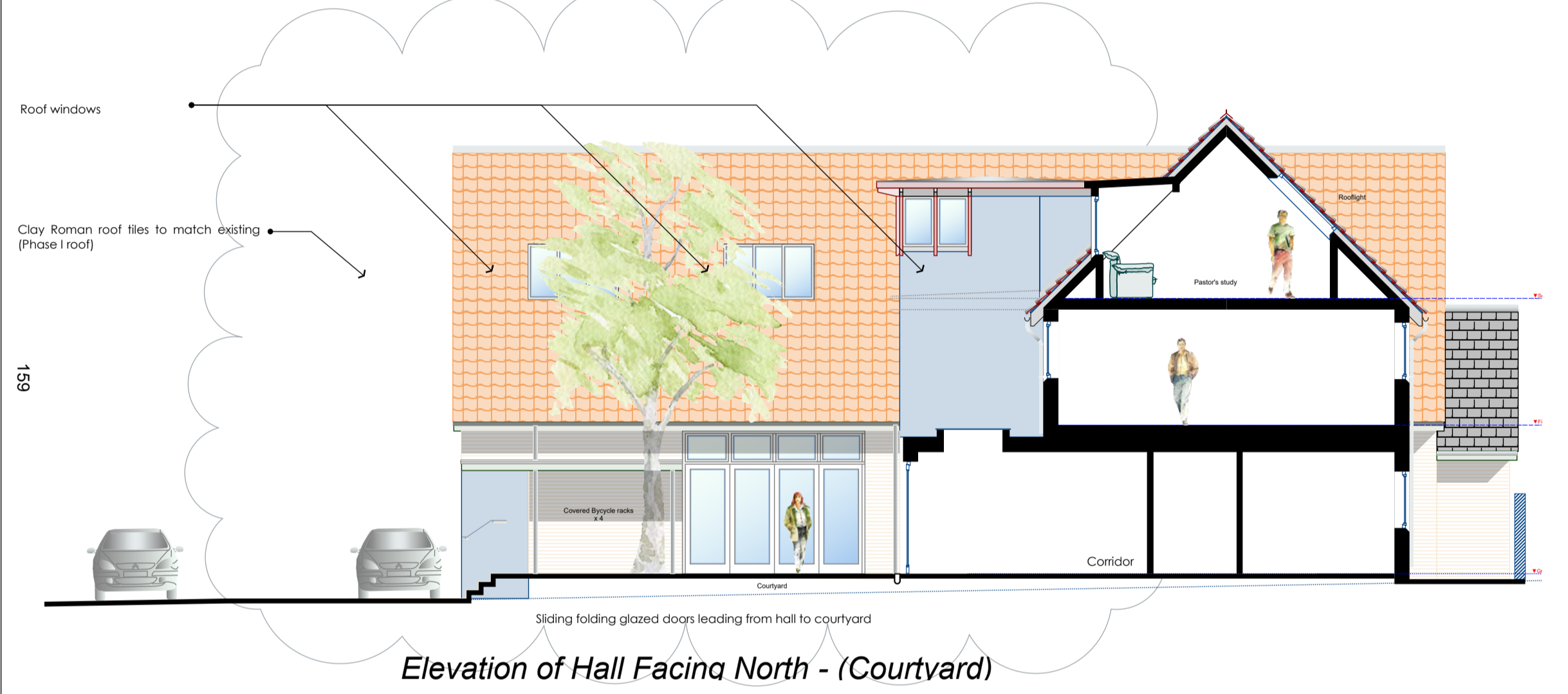
Elevation of Hall gable wall facing east



Sectional Elevation Facing east - (through double height hall)



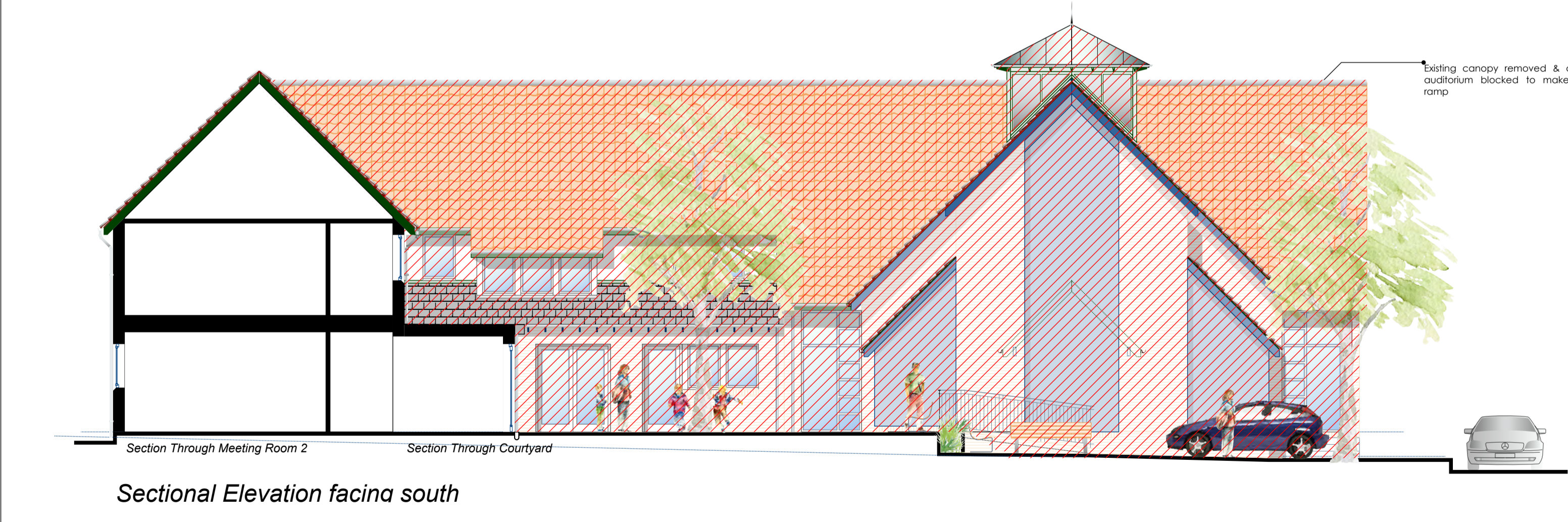
North Elevation Facing London Road (part)



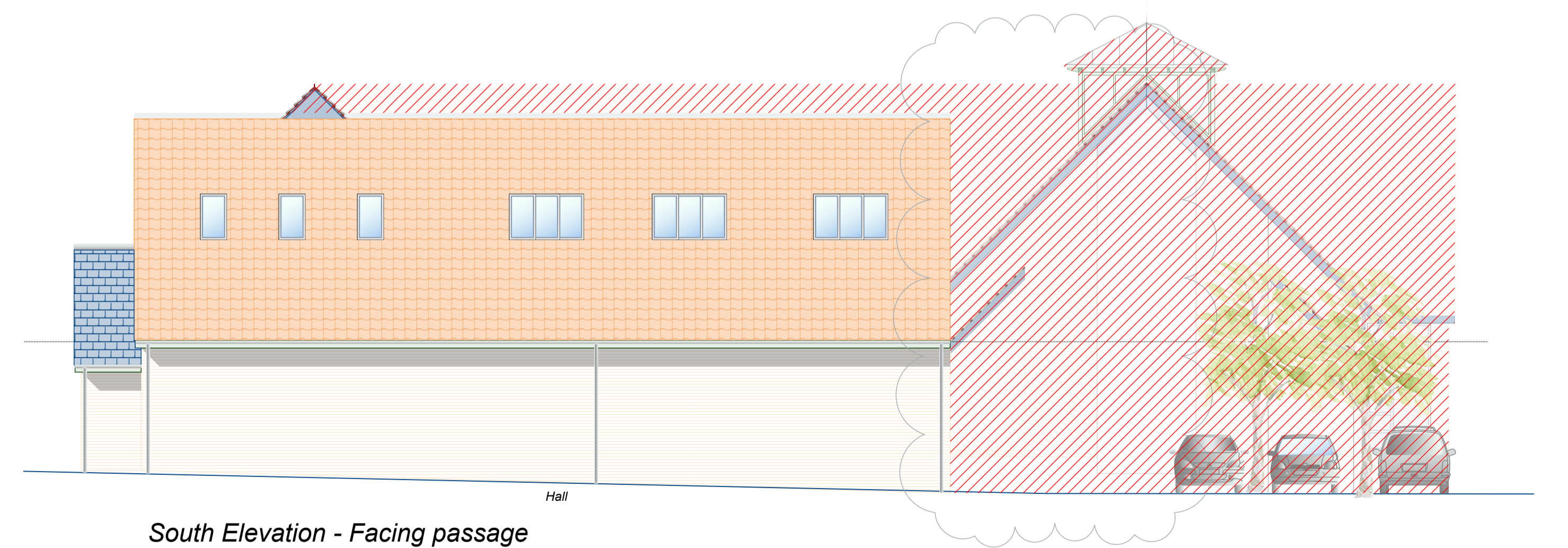
Elevation of Hall Facing North - (Courtyard)



West Elevation



Sectional Elevation facing south



South Elevation - Facing passage

SCALE: 1.0 5.0 10.0

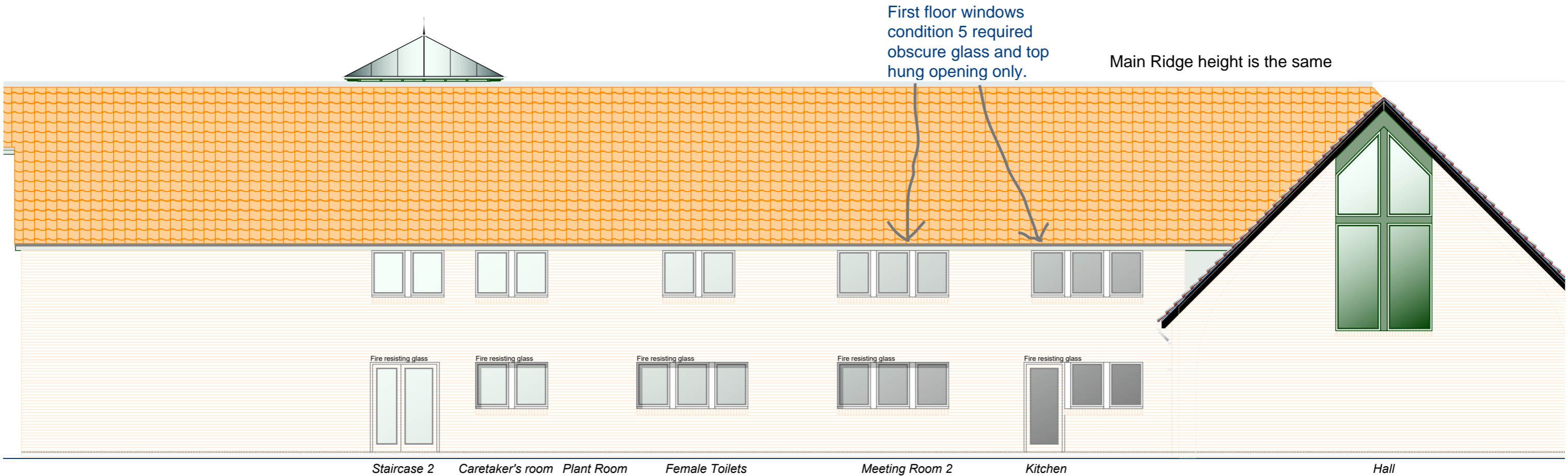
COPYRIGHT: This drawing is the copyright of Mathews Serjeant Architects Ltd. and is therefore reserved. It is issued on condition that it is not to be copied, reproduced in any form or disclosed to any unauthorised person, either wholly or in part, without the express written consent of Mathews Serjeant Architects Ltd. Do not scale from this drawing. This drawing is to be read in conjunction with all relevant architect's and engineer's drawings and specification. Contractors must verify all dimensions on site prior to construction and inspection of shop drawings. Any discrepancies must be reported to the architect/contract administrator immediately for verification.

REVISIONS: Revision following Client team meeting 14/10/2019 Rev A04:10:19 Car parking increased - length of new hall reduced and store relocated to accommodate changes elevations amended to reflect

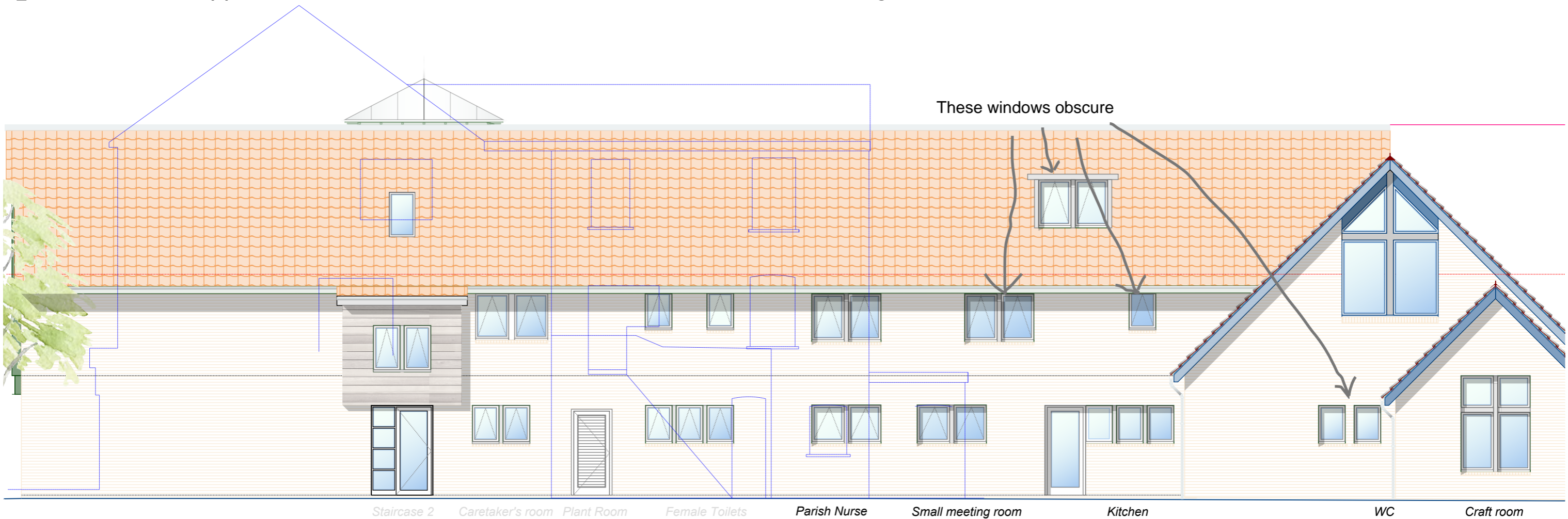
CLIENT: West Leigh Baptist Church PROJECT: New Church Buildings ISSUE: Planning Application
DRAWING: Sections & Elevations SCALE: 1:100 (@A1) 1:200 (@A3) DWG. NO: 2145 P 04A
Mathews Serjeant Architects Ltd. 23 Bellingham Lane, Rayleigh, Essex, SS6 7ED Tel 01268 777077 Email: studio@ms-architects.co.uk



This page is intentionally left blank



West Elevation Approved scheme ref: SOS/07/01377/FULM extracts from dwg ref 2003/P08



This page is intentionally left blank



Lymington Avenue looking North East (Aerial view)



6: London Road looking southeast



7: London Road looking southwest



London Road looking South West (Overhead)

WEST LEIGH BAPTIST CHURCH - PHASE II BUILDING PROJECT



1: Lymington Avenue looking North West



2: Courtyard looking North West



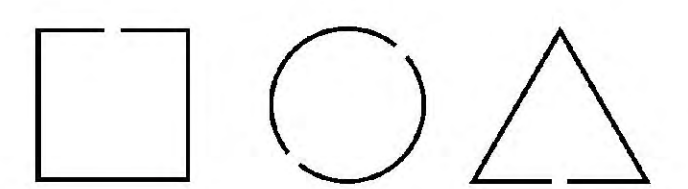
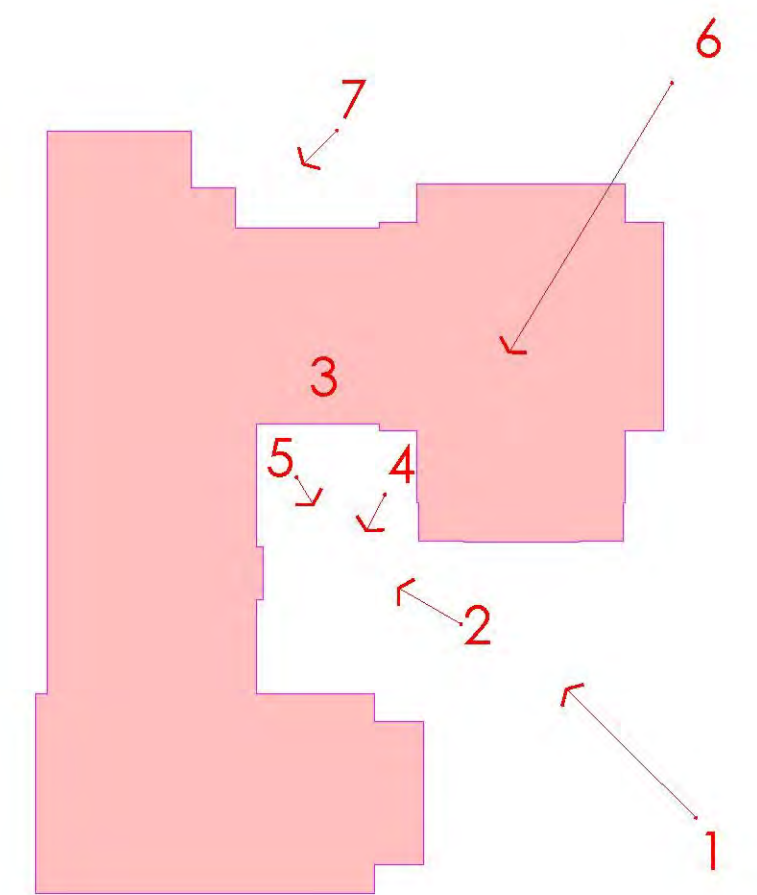
3: Courtyard looking South West (Aerial view)



4: Courtyard looking South West

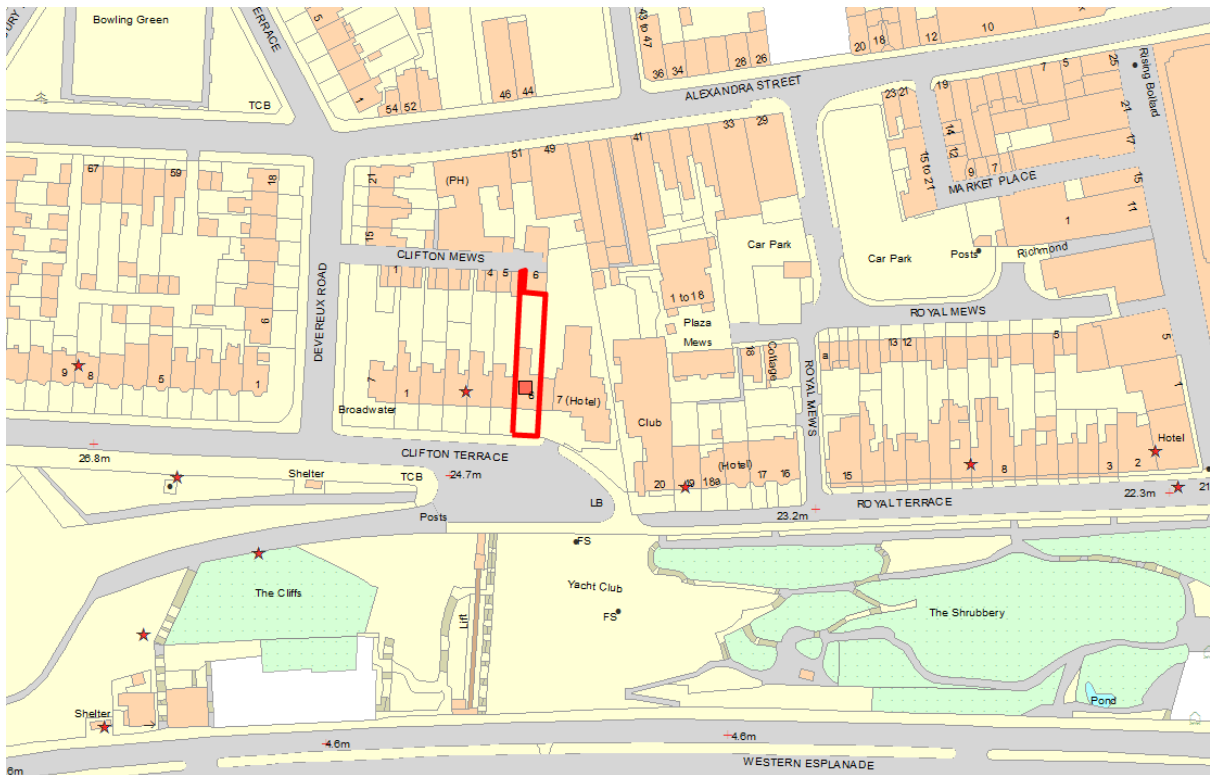


5: Courtyard looking South East



This page is intentionally left blank

Reference:	19/1908/FUL	<h1>8</h1>
Ward:	Milton	
Proposal:	Erect timber outbuilding and timber decking to rear	
Address:	6A Clifton Terrace, Southend-on-Sea, Essex	
Applicant:	Ms Victoria Morgan	
Agent:	Mr Mark Morgan	
Consultation Expiry:	25.11.2019	
Expiry Date:	26.12.2019	
Case Officer:	Oliver Hart	
Plan Nos:	01; 01A; Heritage Statement; Design & Access Statement	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is a 5 storey end-terrace property in Clifton Terrace that has previously been sub-divided into flats. The terrace, which includes 7 buildings of the same design, is grade II listed and located within the wider Clifftown Conservation Area. It is well proportioned and detailed to the front and forms an impressive group of buildings in the streetscene. The consistency of this frontage is an important part of its significance.
- 1.2 To the rear of the properties is Clifton Mews, a collection of original coach houses that were used in association with the wider terrace. The majority of these coach houses have since been converted to residential accommodation or to commercial units and workshops. 6 Clifton Mews which adjoins to the rear of the application site is currently in operation as a workshop.
- 1.3 The application site itself relates to a ground floor flat and has direct access out onto a rear amenity space that is currently grassed. It is important to note that the existing rear amenity space has been sub-divided and is presently shared with the basement unit. Timber decking has been installed to the portion of garden owned by the basement unit however, there is no evidence of permission for this.
- 1.4 Rear gardens along the wider terrace are divided by low, brick built boundary walls which provide a visual link between the listed buildings and the coach houses to the rear, and this forms part of the historic fabric of the area. The modest height of these boundary walls and absence of ancillary outbuildings (with the exception of small sheds) is such that there remains a strong sense of openness and visual coherence within the rear garden scene, so much so that this is considered to inform the character of the area and provides a positive and relevant setting for the listed terrace.
- 1.5 The application site is bounded to the east by the car park belonging to the Seven Hotel.

2 The Proposal

- 2.1 Planning permission is sought to erect decking and an outbuilding to the rear of No.6a's garden area.
- 2.2 The decking would be constructed in timber, 150mm high and measuring some 37sq.m in total area.
- 2.3 The outbuilding would be constructed over the decking and is proposed to be finished in vertical stained timber cladding with a felt flat roof felt and stained hardwood sliding patio doors facing back toward the rear of the terrace. The outbuilding would measure 3m deep, 3m wide and 2.6m high and would be positioned 1m from 6 Clifton Mews and 300mm from the eastern flank boundary adjacent to the seven hotel car park.

3 Relevant Planning History

6 Clifton Terrace

- 3.1 08/01561/FUL & 08/01586/LBC- Demolish part of first floor rear extension and erect part first floor/part second floor rear extension incorporating glazed balcony to second floor- Refused

09/00555/FUL- Erect part first/part second floor rear extension incorporating glazed balcony to second floor (Amended Proposal)- Refused

4 Representation Summary

Public

- 4.1 11no. neighbouring properties were notified and one letter of representation has been received. Summary of representation:

- Concerns regarding material loss of light and outlook to primary workshop window. Request that BRE sunlight/Daylight report be submitted to examine the impact of the proposal.
- Natural light important to the function of the upholstery business.
- Flat roofed cube design out of keeping with the character and appearance of the conservation area.
- Size of the outbuilding in breach of permitted development guidelines.
- Concerns decking could result in potential drainage/flooding issues with 6 Clifton Mews
- Decking together with the outbuilding would result in visual clutter.
- Relocation of Acer Tree breaches requirement of previous TCA application.

[Officer Comment] All relevant planning considerations are assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application except for those reflected in the reason for refusal at the end of this report, the remaining concerns raised in the representations are not found to represent justifiable reasons for refusal.

Design and Heritage Officer

- 4.2 Objection raised;

- There is a concern that the scale, siting and design of the proposed outbuilding together with the provision of decking would interfere with the established relationship between Clifton Terrace and Clifton Mews to the rear as it will introduce a sizeable structure in between the main terrace and the coach house.
- This is considered to cause harm to the character and the setting of the listed building and wider conservation area.

Historic England

- 4.3 No comment.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (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), DM5 (Southend-on-Sea's Historic Environment)
- 5.4 Southend Central Area Action Plan (SCAAP) (2018) Policy PA6 (Clifftown Policy Area Development Principles)
- 5.5 The Design and Townscape Guide (2009)
- 5.6 Clifftown Conservation Area Appraisal 2006

6 Planning Considerations

- 6.1 The proposal would not increase the need for parking nor reduce the current off-site parking provision. The main considerations for this application are therefore the principle of the development, the design (including the impact of the proposed works on the character and appearance of the conservation area and the setting of the adjacent listed buildings), residential amenity impacts and CIL.

7 Appraisal

Principle of Development

- 7.1 Section 72(1) of the Planning and Listed Buildings 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.
- 7.2 In relation to development within Conservation Areas and within the setting of listed buildings policy DM5 (Historic Buildings) states that "*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.*"
- 7.3 In relation to development in the Clifftown Policy Area SCAAP policy PA6 states that the Council will "*ensure that all development proposals affecting all designated and non-designated heritage assets, including Conservation Areas, listed and locally listed buildings conserve and enhance these buildings and their settings in line with Development Management Policy DM5 (Historic Environment).*"

- 7.4 This section of the conservation area is part of the original Cliff Town Planned Estate designed by Banks and Charles Barry junior and built between 1859 & 1861.
- 7.5 The estate had strict design controls, providing four classes of terraced housing, and a fifth class of shops with residential accommodation. Unified designs and materials and its layout around open spaces and gardens give the estate visual coherence and a very uniform grain reflecting the hierarchy of buildings within the estate.
- 7.6 The houses at Clifton Terrace were the highest class of house and their importance is reflected in the grander architecture and dedicated coach houses along Clifton Mews.
- 7.7 The layout and relationship of the mews to the main houses is part of this hierarchy and the original planned design. It is noted that the internal boundaries between the gardens here are all low stock brick built walls which reinforces this relationship and in turn, creates a sense openness of rear gardens along Clifton Terrace. Whilst some kind of very minor outbuilding may be acceptable in principle, it is considered important to maintain a strong visual link between the main terrace and the coach houses along Clifton Mews.
- 7.8 On this basis, it is considered that the erection of an ancillary outbuilding and decking in the space between Clifton Terrace and Clifton Mews at the scale proposed, would have a materially harmful impact upon the visual link between the listed terrace and the original coach houses, the established separation of built form in the rear garden scene and on the subsequent outlook from the surrounding listed buildings onto the amenity areas.
- 7.9 The principle of development in this location is therefore considered to be materially out of character with the historic context and established grain of the area and would therefore be harmful to the setting of the listed terrace and wider conservation area.
- 7.10 On this basis the principle of development is therefore found to be unacceptable.

Design and Impact on the Character of the Area

- 7.11 The preservation and enhancement of listed buildings and the requirement for good design generally is fundamental to achieving high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM5 of the Development Management Document and Policies KP2 and CP4 of the Core Strategy. The Southend Design and Townscape Guide (2009) also states that the Council is committed to good design and the protection of heritage assets.
- 7.12 Policy DM5 states that *“the Borough Council will seek to conserve and enhance Southend’s built and landscape heritage and when considering proposals affecting listed buildings, will have special regard to the desirability of conserving the building or its setting or any features of special architectural or historic merit.”*

- 7.13 As noted above there is an objection to the principle of development on this land as it is considered that it would be detrimental to the grain of the conservation area and setting of the adjacent listed terrace. Notwithstanding this, the merits of the detailed design and its impact of the setting of the listed building and wider conservation area are discussed below.
- 7.14 The application seeks to erect timber decking and a timber framed outbuilding some 3m deep, 3m wide and 2.6m high to the rear of No.6a's garden area.
- 7.15 The design of the outbuilding is for a box like form with simple sliding patio doors that open out onto the decking area. The proposed design is clearly modern but its design is not considered to be particularly innovative or interesting.
- 7.16 Whilst in principle there is no objection to modern design within a heritage setting, this needs to be of a sufficiently high quality which can stand alongside the surrounding historic buildings which are recognised as being some of the best in the Borough. Aside from the concern raised above with regard to the principle of any development in this particular location, it is considered that the proposal is not of a design quality which would complement the surrounding townscape.
- 7.17 Furthermore, the extent of decking proposed would, together with the existing section to the rear of the basement unit, cover nearly half the available garden area. This is considered to result in a visually cluttered appearance and a form of development materially at odds with the prevailing character and appearance of the rear garden scene of the listed terrace which is predominantly grassed.
- 7.18 In relation to the setting of the listed building, the concern is not just the design quality of the proposal. It is also considered that the position of the proposal directly in between the listed terrace and the associated historic coach house would have a detrimental impact on the visibility of these two associated historic buildings and would diminish their relationship and blur the boundaries between these two historic streets. As noted above, the appearance of the area between the terrace and the coach houses and the visual links is important to the setting of the listed building. The proposal would detrimentally impact upon this relationship.
- 7.19 It is therefore considered that the design and siting of the proposal would not preserve or enhance the character of the conservation area and that it would cause less than substantial but still significant harm to the setting and significance of the adjacent listed terrace. The design of the proposal is therefore unacceptable and contrary to the policies and guidance noted above as there are no public benefits to outweigh this harm.

Impact on Residential Amenity

- 7.20 Paragraph 343 of the Design and Townscape Guide under the heading of 'Alterations and Additions to Existing Residential Buildings' states that "*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*"

” 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.”*

- 7.21 Policy DM1 of the Development Management Document also states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*
- 7.22 Concerns have been raised in relation to the size, scale and siting of the proposed outbuilding in relation to the main rear window serving 6 Clifton Mews. It is acknowledged that the siting of the outbuilding is such that it will have a significant impact on the receipt of light and the outlook to this window however, this window serves non-habitable accommodation and subsequently, limited weight is afforded to their protection. The provision of a secondary window to the rear elevation of 6 Clifton Mews is such that the proposed outbuilding in this instance is not considered to form a reasonable reason for refusal.
- 7.23 The position of the outbuilding to the rear of the existing amenity space and subsequent separation to neighbouring habitable accommodation along Clifton Terrace (in excess of 12m) is such that the proposal is not considered to give rise to a material loss of light, outlook or dominant impacts. This separation is also such that it is not considered the use of the outbuilding would give rise to an undue increase in noise and disturbance to the detriment of neighbour amenity.
- 7.24 The presence of an outbuilding in this location with doors facing back towards the rear of the application property is not considered to give rise to a material loss of privacy to neighbouring flats given the existing use and enjoyment of the rear amenity space. The outbuilding is therefore not considered to give rise a material increase in overlooking over and above the existing situation.
- 7.25 Given the separations involved, no other properties would be materially affected by this proposal. It is therefore considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy

- 7.26 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 The proposed development, by reason of its siting, scale, form and design would conflict fundamentally with the historic grain of the conservation area and have a detrimental impact on the setting of the adjacent listed building and its relationship with the coach house to the rear. This harm is less than substantial but still significant and there are no public benefits to outweigh this harm.

The proposal is therefore unacceptable in principle and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA6 of the Southend Central Area Action Plan (2018) and the Southend Design and Townscape Guide (2009).

9 Recommendation

REFUSE PLANNING PERMISSION:

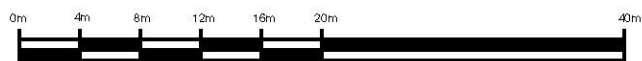
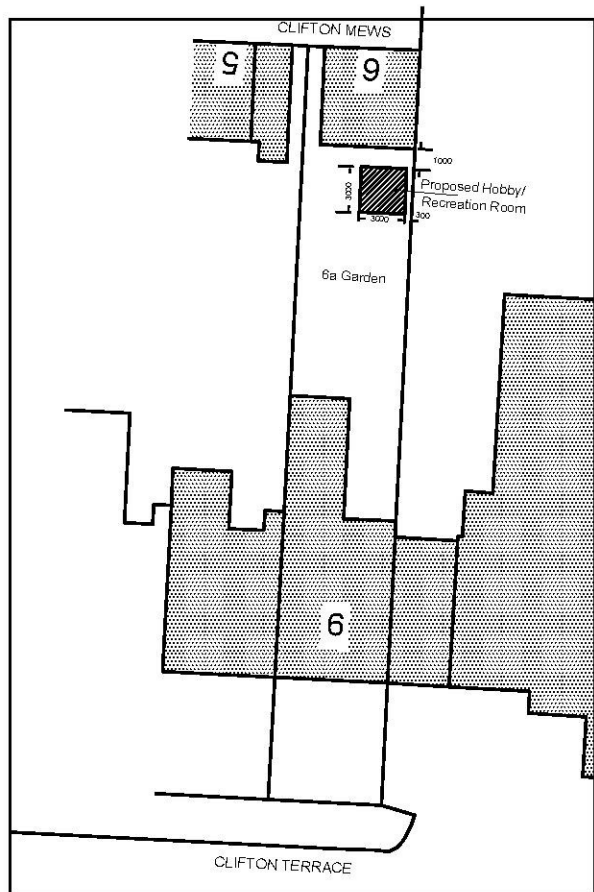
- 1 The proposed development, by reason of its siting, scale, form and design would conflict with the historic grain of the conservation area and have a detrimental impact on the setting of the adjacent listed building and its relationship with the coach house to the rear. The proposal would cause less than substantial but still significant harm, rather than preserving or enhancing the special character of the Conservation Area and neither the harm to the setting of the listed building or to the Conservation Area, which is also less than substantial but still significant has been outweighed by any other public benefit. 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 DM5 of the Development Management Document (2015), Policy PA6 of the Southend Central Area Action Plan (2018) and the advice contained in the Southend Design and Townscape Guide (2009).**

10 Informative

- 1 You are advised that the proposed development at your property benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**

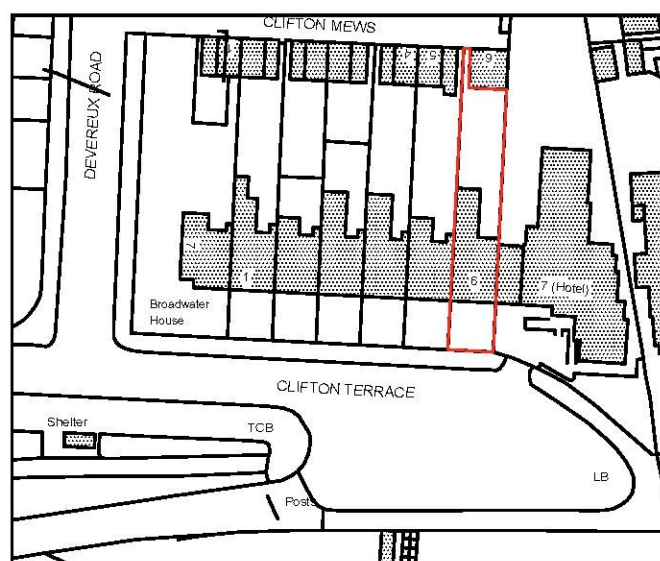


North



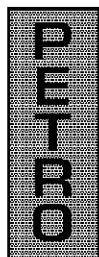
Scale Bar 1:500

Block Plan



Scale Bar 1:1250

Location Plan



Petro Designs Limited
 Unit 20
 West Station Yard
 Spital Road
 Maldon
 Essex
 CM9 6TS
 T 01621 840055
 F 01621 842212
 E office@petro-designs.co.uk

Project:

Clifton Terrace
 Southend On Sea

Client:

Date:

Essex Drawn:

WPJM

Title:

Site Location & Block Plan

Scale:

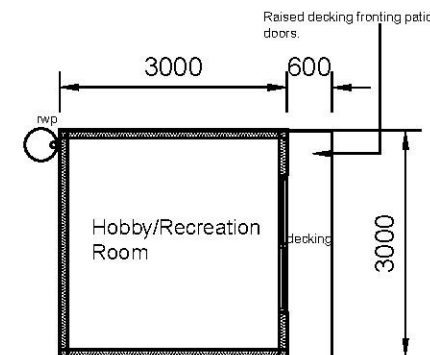
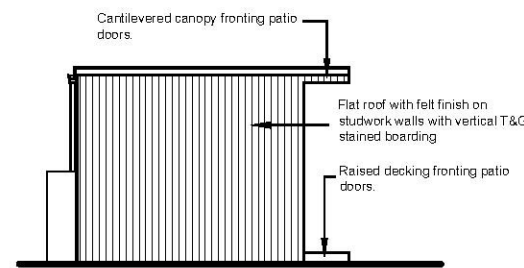
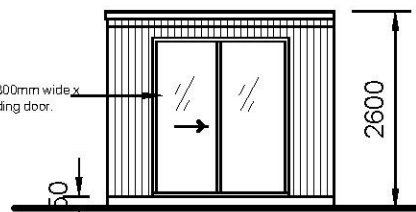
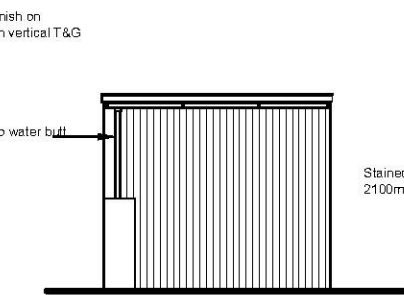
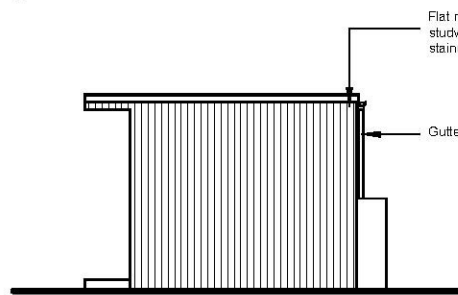
1:1250

Job No.

Dwg No.

01

This page is intentionally left blank



Proposed side elevation

Proposed rear elevation

Proposed front elevation

Proposed side elevation

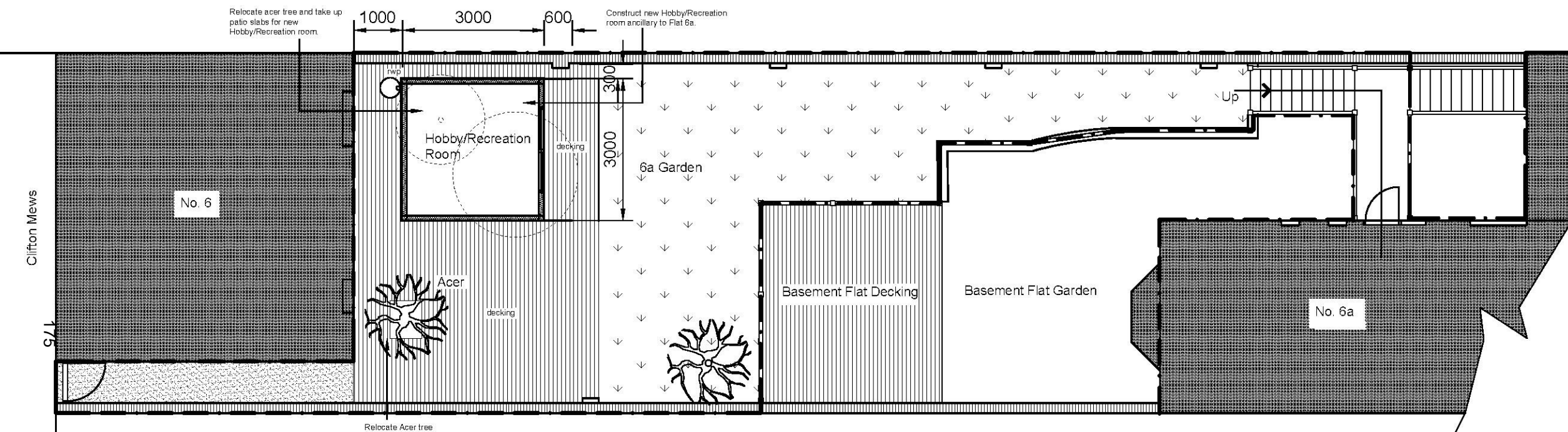
Proposed side elevation

DO NOT SCALE THIS DRAWING
© COPYRIGHT RESERVED

Revisions		
A	23/10/19	Scale revised MJM



Scale Bar-1:100
 @A3



Proposed Layout Plan



Petro Designs Limited
 Unit 20
 West Station Yard
 Spital Road
 Maldon
 Essex
 CM9 6TS
 T 01621 840055
 F 01621 842212
 E office@petro-designs.co.uk

Project:

Proposed Hobby Outbuilding
Flat 6a Clifton Terrace
Southend-on-Sea

Title:

Plans & elevations as
existing and proposed

Client:

Date:

Oct 2019

Drawn:

MJM

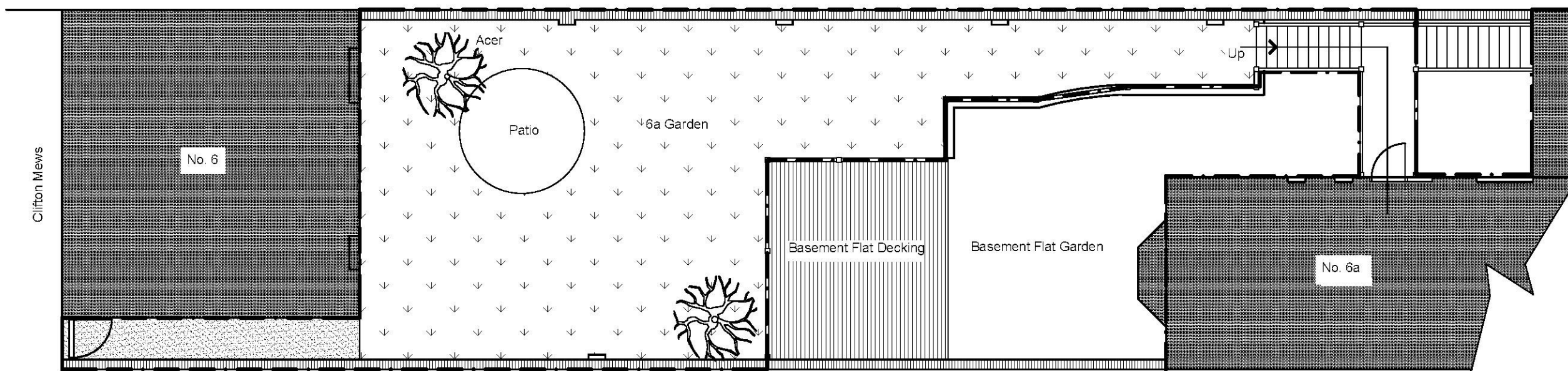
Scale:

1:100

Job No.

Dwg No.

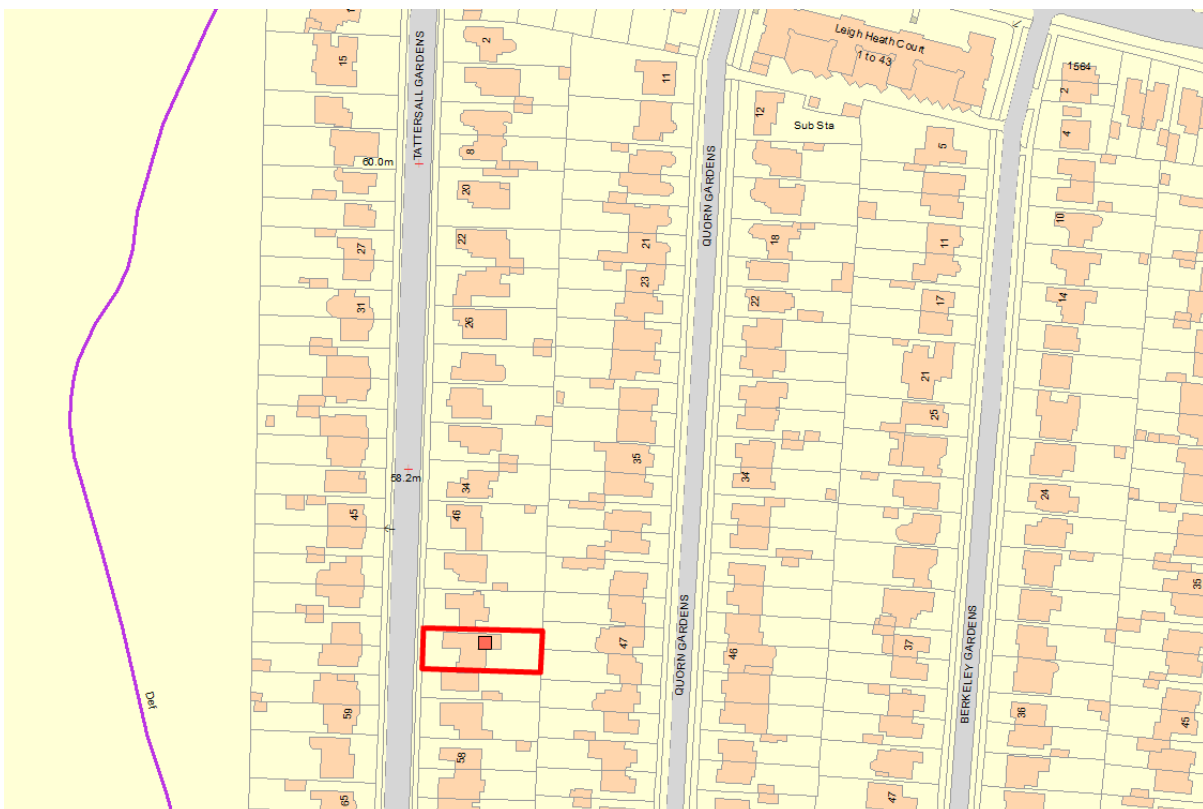
01A



Existing Layout Plan

This page is intentionally left blank

Reference:	19/02074/FULH	<h1>9</h1>
Ward:	West Leigh	
Proposal:	Erect first floor extension to convert bungalow into two storey dwellinghouse, erect porch to front, install raised decking to rear, alter elevations	
Address:	52 Tattersall Gardens Leigh-On-Sea Essex SS9 2QT	
Applicant:	Mr And Mrs Watts	
Agent:	Trudy's Architectural Consultants	
Consultation Expiry:	13/12/2019	
Expiry Date:	16/01/2019	
Case Officer:	Peter Lang	
Plan Nos:	103/19/A Rev 1, 103/19/B Rev 2, 103/19/C, 103/19/D and Location Plan	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is located on the eastern side of Tattersall Gardens and contains a detached bungalow of L-shaped footprint with a hipped roof and rear projection. To the front of the property are a front porch and the projecting entrance to a garage. The plot slopes downwards both east towards the rear garden and also towards the south.
- 1.2 The surrounding area is primarily characterised by semi-detached and detached two storey dwellings of varying design and forms interspersed with smaller bungalows. To the north is No 48, a bungalow. To the south, No 54 is a detached two storey dwelling. The application site forms the end dwelling of a row of similarly designed bungalows that have undergone differing detailed types of alteration. The majority of the properties within the streetscene are rendered.
- 1.3 The site is not located within a Conservation Area or subject to any site specific planning policies.

2 The Proposal

- 2.1 The proposal seeks planning permission to construct a first floor extension to the existing three bedroom bungalow to form a two storey dwelling. The proposed development would provide four first floor bedrooms.
- 2.2 The maximum footprint of the existing dwelling is some 18.25m deep and 11.0m wide. The existing height of the eaves to the front elevation and the maximum roof height of the dwelling are some 2.7m and 6.75m respectively. The proposal increases the front eaves and maximum roof height to some 5.45m and 9.5m. This first floor extension would be erected above all parts of the footprint of the existing ground floor apart from the rear projection, front porch and the garage entrance. Alterations to the fenestration on all elevations are also proposed.
- 2.3 The footprint of the existing rear projection would be retained but the hipped roof would be replaced with a flat roof with a height matching the existing eaves height. An area of stepped decking some 4.6m deep with a maximum height of 0.8m above ground level is proposed to the southern flank of this projection.
- 2.4 To the front elevation, an enlarged front porch is proposed some 2.3m deep and 1.75m wide. This would have a crown roof form with a maximum height of some 3.85m. To this elevation. The front section of the existing garage would be removed.
- 2.5 The enlarged dwelling would be externally finished in roof tiles, render and white uPVC windows.

3 Relevant Planning History

- 3.1 No relevant planning history.

4 Representation Summary

4.1 Public Consultation

8 neighbouring properties were consulted and one response has been received:

- Residential amenity concerns.
- Proposal is out of keeping with the surrounding bungalows and would set a harmful precedent.
- The extension could lead to a subsequent loft conversion.
- Varying ground levels mean that the proposal would overlook the rear of neighbouring dwellings in Quorn Gardens resulting in the loss of privacy and outlook.
- Loss of housing suitable for the older demographic affecting local service demand.

All relevant planning considerations have been assessed within the appraisal section of the report (Section 7). 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.

This application was called into Development Control Committee by Councillor Mulronev.

4.2 Leigh Town Council

No objection.

4.3 Environmental Health

No objection subject to conditions.

4.4 Highways

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), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management).

5.4 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, design and impact on the character of the area, impact on residential amenity, traffic and transportation and CIL (Community Infrastructure Levy) contributions.

7 Appraisal

Principle of Development

- 7.1 Policy DM3 of the Development Management Document states that *“the conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- I. Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
 - II. Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standard”*
- 7.2 The surroundings consist of a mix of bungalows but predominantly two storey dwellings. Given this mixed character, it is considered that the erection of first floor accommodation as proposed would not be materially out of character in the streetscene or wider area in principle. This satisfies Policy DM3 (Part 4) (i) above and is discussed in greater detail below.
- 7.3 The applicant has confirmed that the proposed development would meet the criteria of building regulation M4 (2) regarding accessibility and adaptability. The proposal is therefore acceptable in principle and compliant with Policy DM3 (part 4) (ii) above.
- 7.4 This proposal is considered in the context of the National Planning Policy Framework and Core Strategy Policies KP2 and CP4. Also of relevance are Policies DM1 and DM3 which address design quality matters. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and the principle of an extension or an alteration to the property, is considered acceptable, subject to the detailed considerations discussed below.

Design and Impact on the Character of the Area

- 7.5 Paragraph 124 of the National Planning Policy Framework states.

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”

- 7.6 Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document advocate the need for development to secure good relationships with existing development and to respect the existing scale. The Design and Townscape Guide states that alterations to existing buildings with particular reference to extensions should appear subservient and must be respectful of the scale of the present building.
- 7.7 Paragraph 375 of the Design and Townscape Guide states that *“In a few cases it may be possible to extend a property upward by adding an additional storey however this will only be appropriate where it does not conflict with the character of the street.”* Paragraph 374 states that *“Extensions that raise the ridge height of an existing building are only considered acceptable in principle where they complement the design of the original building and where they do not break the continuity of the streetscene or appear overbearing.”* Paragraph 361 states that *“Most property entrances are located on the front elevation and therefore it is particularly important that the design of the porch is of an appropriate scale, well integrated with the parent building and does not obscure or conflict with existing features such as bay windows.”*
- 7.8 Tattersall Gardens has a mixed character consisting pre dominantly of two storey semi-detached and detached houses of varying designs and styles. There are some common features, including forward projections with hipped roofs and evenly sized windows. The proposal would sit between the row of 5 bungalows to the north and the detached two storey house to the south.
- 7.9 The existing dwelling is a hipped roof detached bungalow and the proposal would enlarge this upwards to form a two storey dwelling with a similar hipped roof form. In terms of its form and scale, the proposal would not result in the extended dwelling being materially out of keeping or harmful to the character of the surrounding area, noting that it is the southernmost of the existing row of 6 bungalows and adjoins a two storey house to the south.
- 7.10 In relation to the design characteristics of the surrounding area, the area is of a mixed character of dwellings with the similarly designed bungalows to the north having undergone differing external alterations. The proposed form and design of the proposal would integrate satisfactorily with its surroundings in this respect.
- 7.11 The proposed first floor extension would align with the existing ground floor which is set in some 1.0m from the site’s northern flank boundary and some 0.4m from the southern boundary. While the two storey dwelling would sit satisfactorily in its own plot, it would contrast to a degree with the wider spacing of dwellings that characterises the streetscene. On balance, given the mixed designs of dwellings in the surrounding area and the L-shaped footprint of the dwelling which would reduce the massing closest to the street this element of the proposal is considered to have an acceptable impact in regards to character and the wider streetscene.
- 7.12 The first floor fenestration to the front elevation would align satisfactorily with the altered ground floor openings which is positive. Alterations to the fenestration on other elevations are minor and would not be materially visible from the wider streetscene. The roof design would not result in a dominant or incongruous structure in the streetscene.

The proposed finishing materials would satisfactorily relate to the existing dwelling and to the wider surrounding area.

- 7.13 The proposed alterations to the rear elevation including the removal of the rear projection's roof and decking would not be visible from the wider streetscene. These alterations are considered to be subservient to the existing dwelling and would not result in harm to the character and appearance of the host dwelling or the wider rear garden scene.
- 7.14 The proposed porch would be visible on the front elevation. Due to the subservient scaling of this porch, its design, degree of set back and use of similar materials it would not result in harm to the character and the appearance of the dwelling or the surrounding area.
- 7.15 The proposal is therefore on balance, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.16 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of the Design and Townscape Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 7.17 The proposal would increase the height and scale of the dwelling and therefore has the potential to impact the amenity of occupiers of neighbouring residential properties.
- 7.18 No 54 Tattersall Gardens to the south is a two storey detached dwelling set slightly downhill to No 52. This dwelling has a flank separation to No 52 of some 1.5m with a rear building line set some 1.5m behind the application dwelling. In the northern flank of this dwelling is a sole window serving a non-habitable room.
- 7.19 The proposed alterations at No 52 would not increase the footprint of the building being restricted to a new first floor above the existing dwelling. Given the absence of proposed first floor windows facing No 54, it is not considered that the proposed alterations would have a materially harmful impact on the amenity of the occupiers of No 54 in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing, a material sense of enclosure, overlooking or loss of privacy.
- 7.20 The proposal includes new windows in the flank wall of the single storey rear extension and a raised decking area in close proximity to the shared boundary. To protect the privacy of the amenity space of No 54, which is set downhill to No 52, a condition can be imposed requiring the privacy screen shown in plan No 103/19/A Rev 1 to be installed and retained in perpetuity.
- 7.21 The proposed porch would be separated from No 54 with windows offering similar outlook as that existing. This element of the proposal is not considered to harm the amenity of No 54's occupiers in any regards.

- 7.22 To the north of the application site is No 50 Tattersall Gardens, a detached bungalow situated on slightly higher ground than No 52. There is an existing flank separation between No 52 and the primary flank of No 50 of some 3.7m. The rear projection of No 52 extends some 3.4m deeper than the southern rear building line of No 50. There are no primary windows in the flank elevation of No 50.
- 7.23 Removal of the existing hipped roof to the single storey rear extension at No 52 would reduce the dominance of this existing rear projection on the sense of enclosure for No 50 which is considered to be a positive. The proposal includes addition of first floor windows serving secondary rooms and a secondary flank window for the rear projection at ground floor. These windows can be conditioned to be obscure glazed with limited openings in perpetuity to protect the privacy of No 50's rear garden. Subject to the above conditions, it is considered that the proposal would not materially harm the amenity of the occupiers of No 50 in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing, a material sense of enclosure or overlooking and loss of privacy.
- 7.24 Dwellings in Quorn Gardens to the rear are set at their closest some 30m away. Given this separation and that similar elevated and first floor views are already available from nearby dwellings at Tattersall Gardens the proposal is not considered to result to material harm to the amenity of these dwellings in any regard.
- 7.25 All other dwellings are sufficiently removed from the proposal to prevent any material harm to amenity in any regards.
- 7.26 The proposal's impact on residential amenity is therefore acceptable and policy compliant.

Traffic and Transportation Issues

- 7.27 Policy DM15 of the Development Management Document requires dwellings with 2+ bedrooms to provide a minimum of two parking spaces. The proposal does not affect the availability of car parking spaces and does not increase the parking requirements over and above the existing requirements. The proposal would remove an existing garage space that is not policy compliant and retains an existing driveway space. The impact on traffic, transport and parking is therefore acceptable and policy compliant.

Community Infrastructure Levy (CIL)

- 7.28 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 106.41 sqm, which may equate to a CIL charge of approximately £ 7808.37 (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.
- 8.2 The proposal would, have an acceptable impact on the amenities of neighbouring occupiers and the character and, on balance, the appearance of the application site, the character of the streetscene and the locality more widely. There are no adverse highway implications. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 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.

- 02 The development shall be undertaken solely in accordance with the approved plans 103/19/A Rev 1, 103/19/B Rev 2, 103/19/C, 103/19/D and Location Plan.**

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (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 roof of the single storey rear projection shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has been previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with 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).

- 05** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the raised decking hereby approved shall not be 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 size, design, materials and location of privacy screens to be fixed on its southern side. Before the decking is first brought into use the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Notwithstanding the details shown on the approved plans and prior to the first use of the extensions hereby approved, all first floor windows in the north elevation and the ground floor window in the northern elevation of the single storey rear projection 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 permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level and shall be retained as such in perpetuity.

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

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

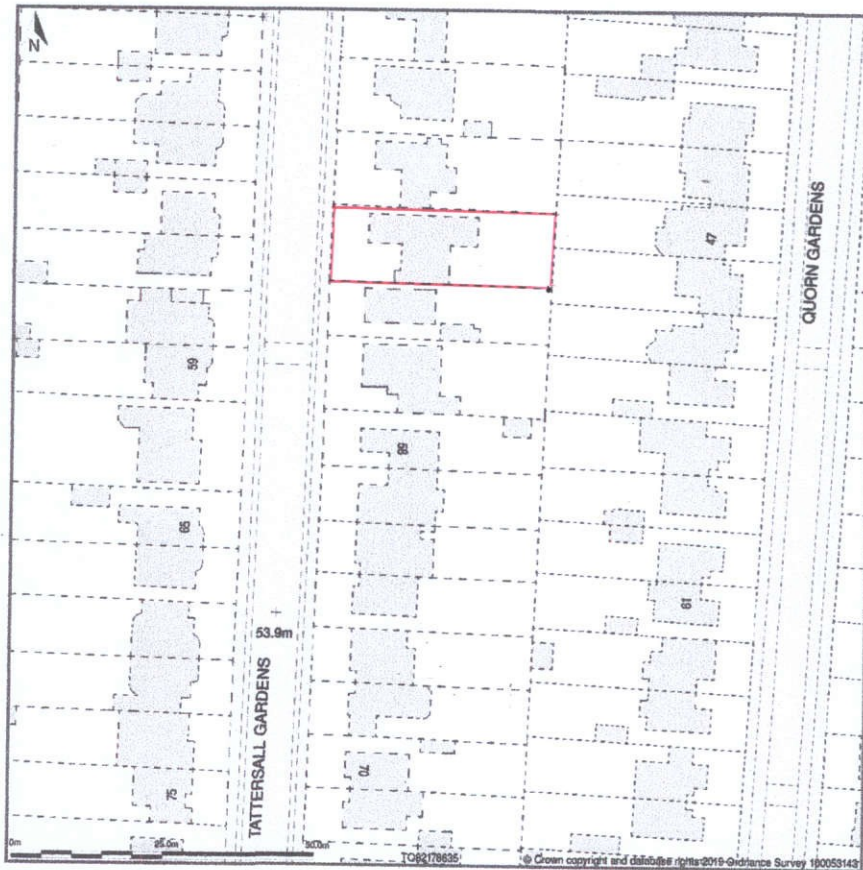
Informatives

- 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.

52. Tattersall Gardens, Leigh-on-sea, Southend-on-sea, SS9 2QT

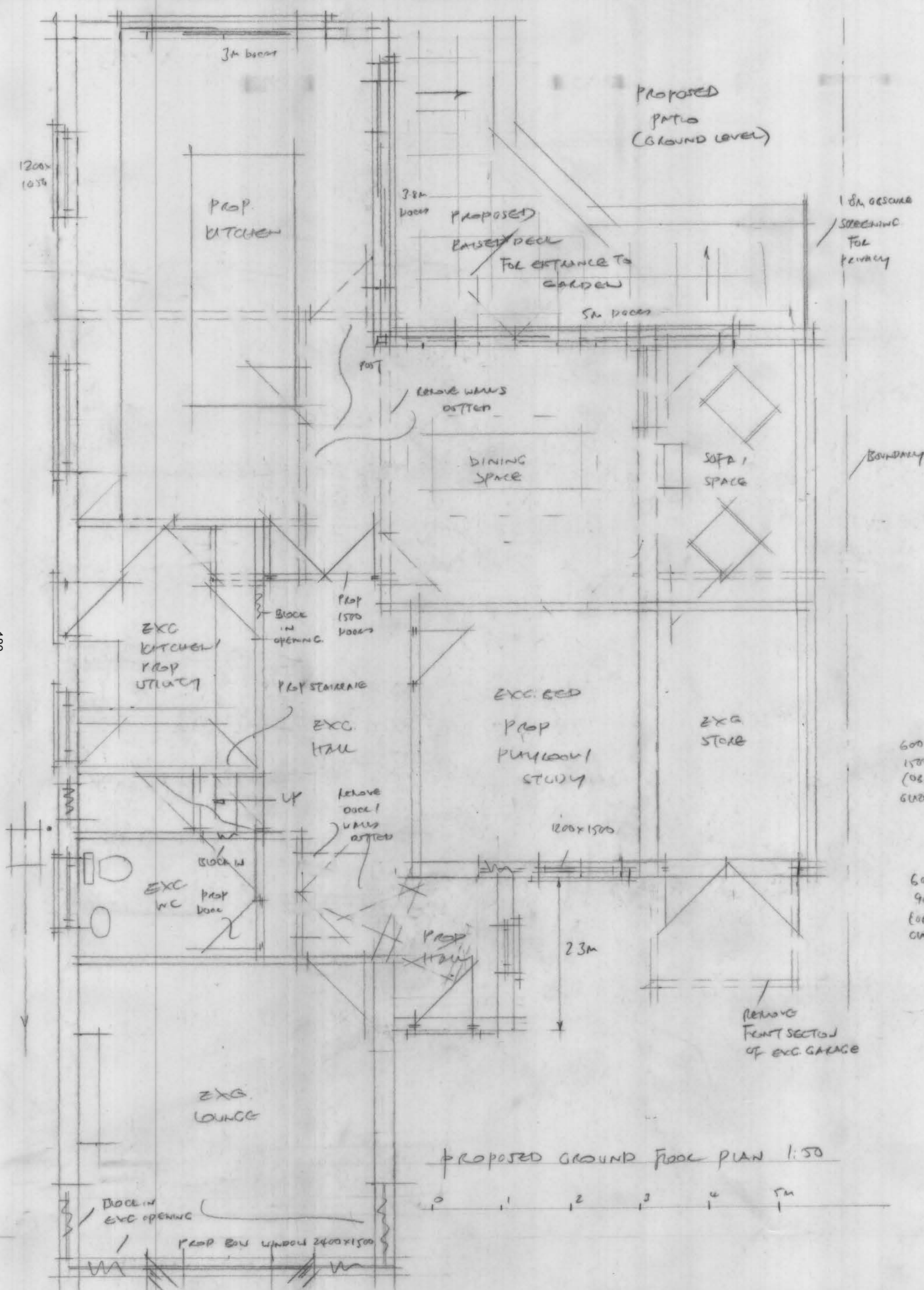


Site Plan shows area bounded by: 582102.07, 186279.57 582243.49, 186420.99 (at a scale of 1:1250), OSGridRef: TQ82178635. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

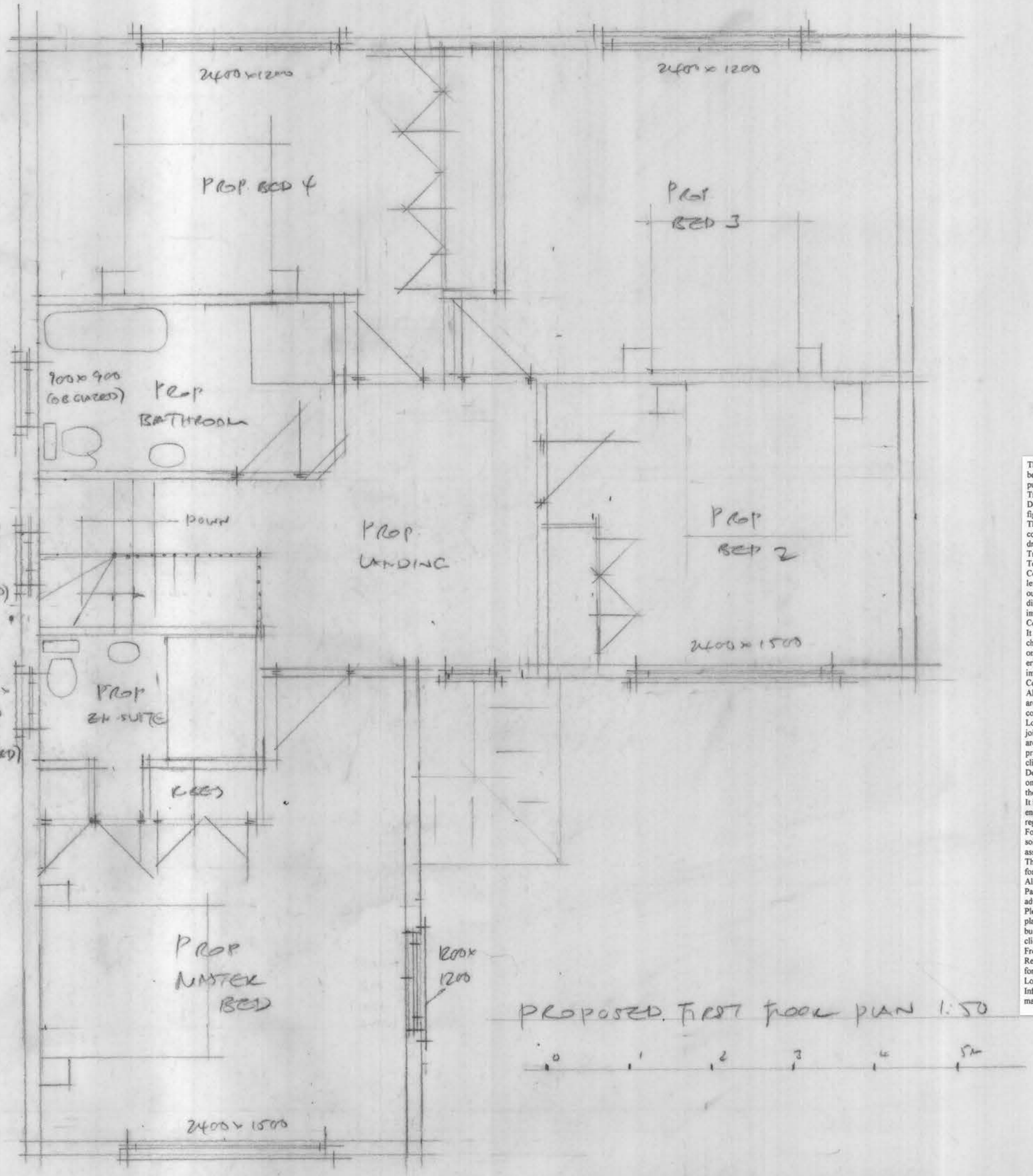
Produced on 14th Oct 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00463072-2D6CF5

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are Copyright © Pass Inc Ltd 2019

This page is intentionally left blank



PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED FIRST FLOOR PLAN 1:50



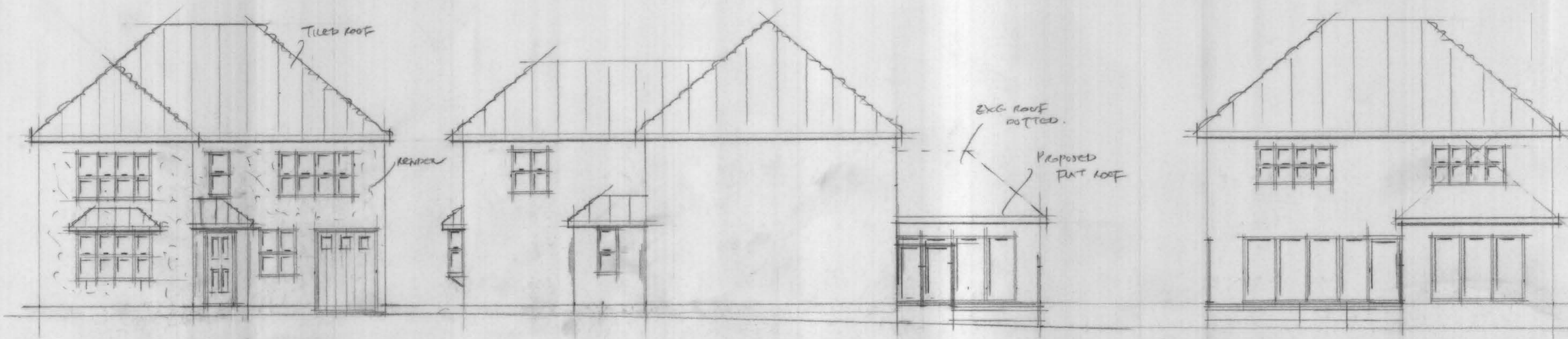
This drawing is copyright and shall not be reproduced or used for any other purpose without written permission of Trudys Architectural Consultants. Do not copy from this drawing, use figured dimensions only. The drawing must be read in conjunction with all other related drawings and documentation inc. Trudys Architectural Consultants Terms and Conditions. Contractors are to check all sizes, levels and dimensions before setting out any site work, any errors or discrepancies to be reported immediately to Trudys Architectural Consultants. It is the contractor's responsibility to check all sizes, levels and dimensions on site prior to commencement, any errors or discrepancies to be reported immediately to Trudys Architectural Consultants. All lines on conduit are assumed and are to be checked prior to commencement by contractor / client. Load Bearing walls, floor joists, ceiling joists, boundary lines, external drainage are assumed and are to be checked prior to commencement by contractor / client. Details and sizes shown are indicative only and are subject to confirmation by the relevant Specialist Sub-contractor. It is the contractor's responsibility to ensure compliance with building regulations. Foundation design is based on assumed soil conditions and subject to assessment upon excavation. This drawing services only the purpose for which it is produced. All heights, levels etc to suit existing. Party Wall Act 1996 - the client is advised to seek advice. Please note any work carried out before planning / lawful development / building regulation approval is at the clients / contractors own risk. From 1st October 2015 CDM Regulations 2015 must be adhered to for all construction work. Local Authority Community Infrastructure Levy Regulations 2010 may apply.

PROPOSED FIRST FLOOR EXTENSIONS TO FORM TWO STOREY HOUSE:
 N^o 52, TATTOISAW GARDENS, LEIGH - ON - SEA TO MR AND MRS WATTS.

DRAWING NO. 103/19/A /REV D

This page is intentionally left blank

This drawing is copyright and shall not be reproduced or used for any other purpose without written permission of Trudys Architectural Consultants. Do not copy from this drawing, use figured dimensions only. The drawing must be read in conjunction with all other related drawings and documentation inc Trudys Architectural Consultants Terms and Conditions. Contractors are to check all sizes, levels and dimensions before setting out any site work, any errors or discrepancies to be reported immediately to Trudys Architectural Consultants. It is the contractors responsibility to check all sizes, levels and dimensions on site prior to commencement, any errors or discrepancies to be reported immediately to Trudys Architectural Consultants. All lines on conduit are assumed and are to be checked prior to commencement by contractor / client. Load bearing walls, floor joists, ceiling joists, boundary lines, external drainage are assumed and are to be checked prior to commencement by contractor / client. Details and sizes shown are indicative only and are subject to confirmation by the relevant Specialist Sub-contractor. It is the contractor's responsibility to ensure compliance with building regulations. Foundation design is based on assumed soil conditions and subject to assessment upon excavation. This drawing services only the purpose for which it is produced. All heights, levels etc to suit existing Party Wall Act 1996 - the client is advised to seek advice. Please note any work carried out before planning / lawful development / building regulation approval is at the clients / contractors own risk. From 1st October 2015 CDM Regulations 2015 must be adhered to for all construction work. Local Authority Community Infrastructure Levy Regulations 2010 may apply.

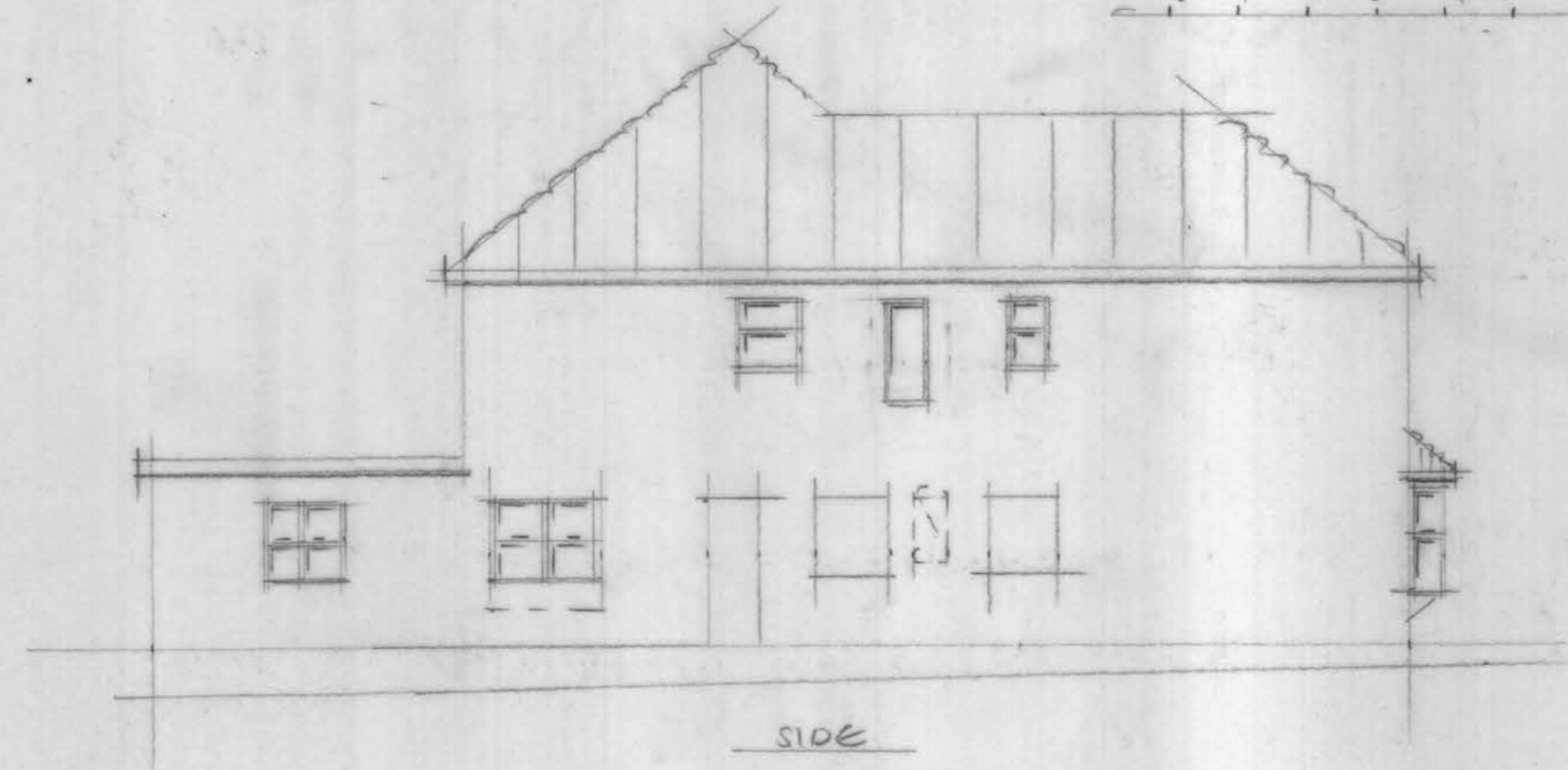


FRONT

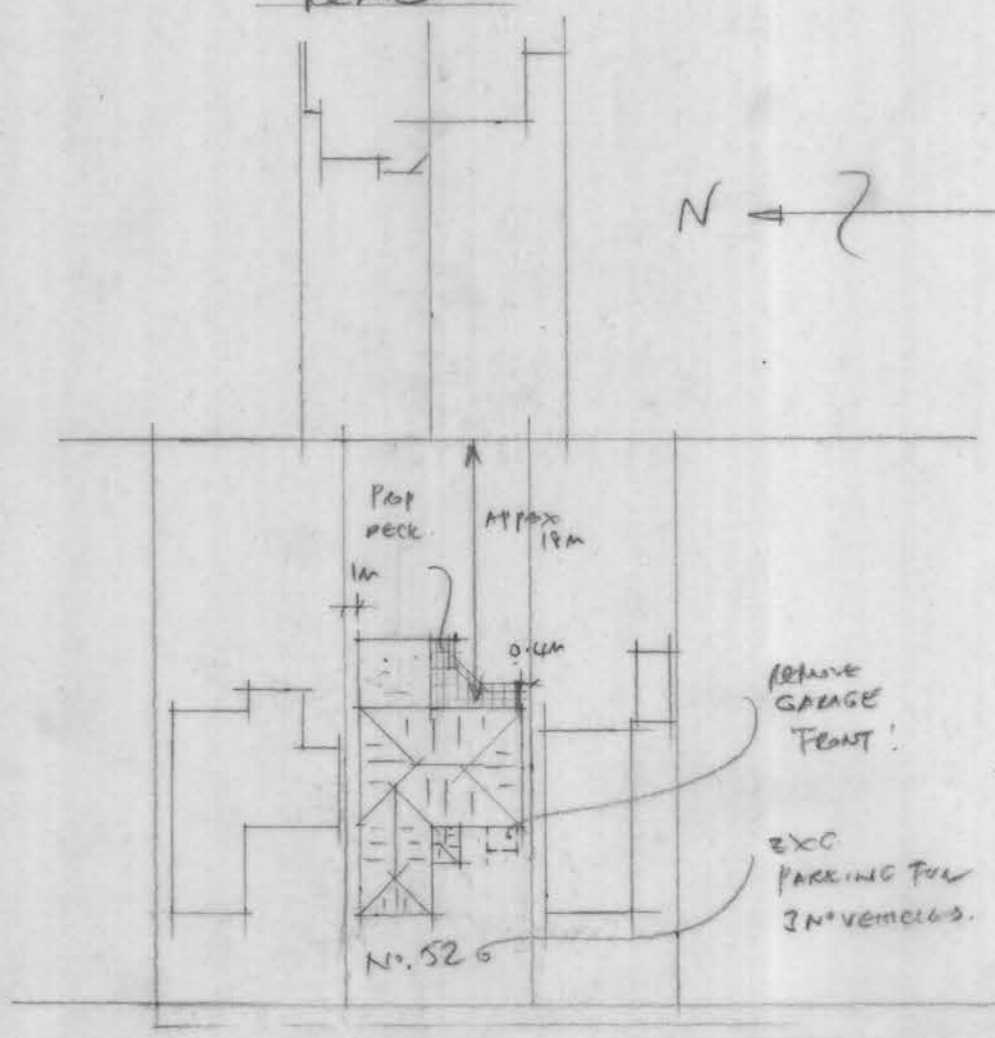
SIDE

REAR

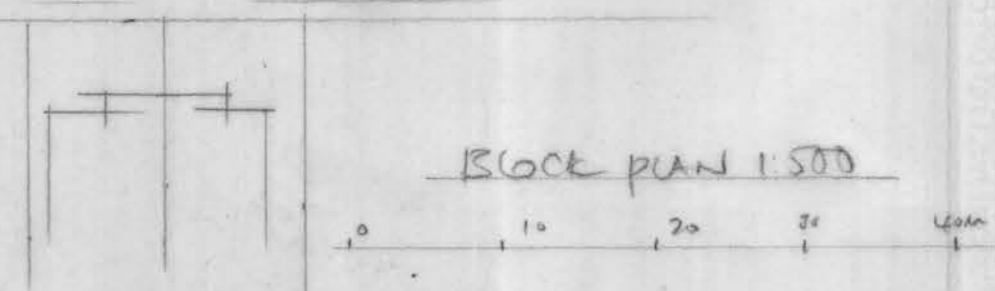
PROPOSED ELEVATIONS 1:100
0 1 2 3 4 5m



SIDE



TATTERSALL GARDENS



BLOCK PLAN 1:500
0 10 20 30 40m

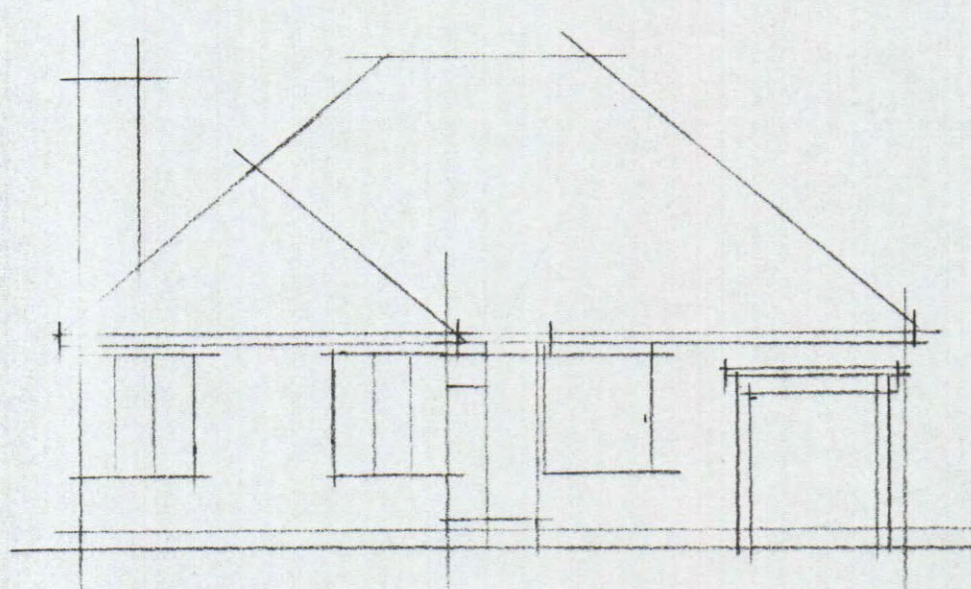
DRAWING No 103/1916/PA(2)

PROPOSED FIRST FLOOR EXTENSIONS AND INTERNAL ALTERATIONS TO FARM HOUSE

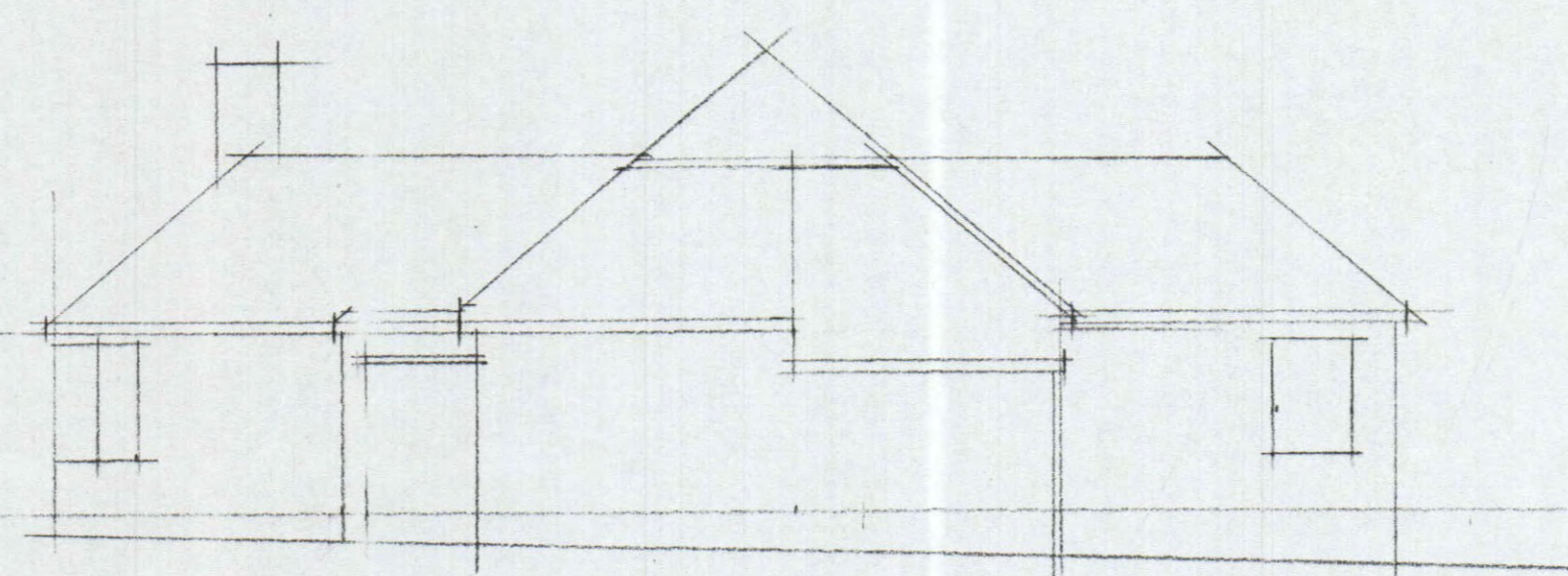
No 52, TATTERSALL GARDENS, LEIGH - CH - SECT J1 M. M. S. VATTI

191

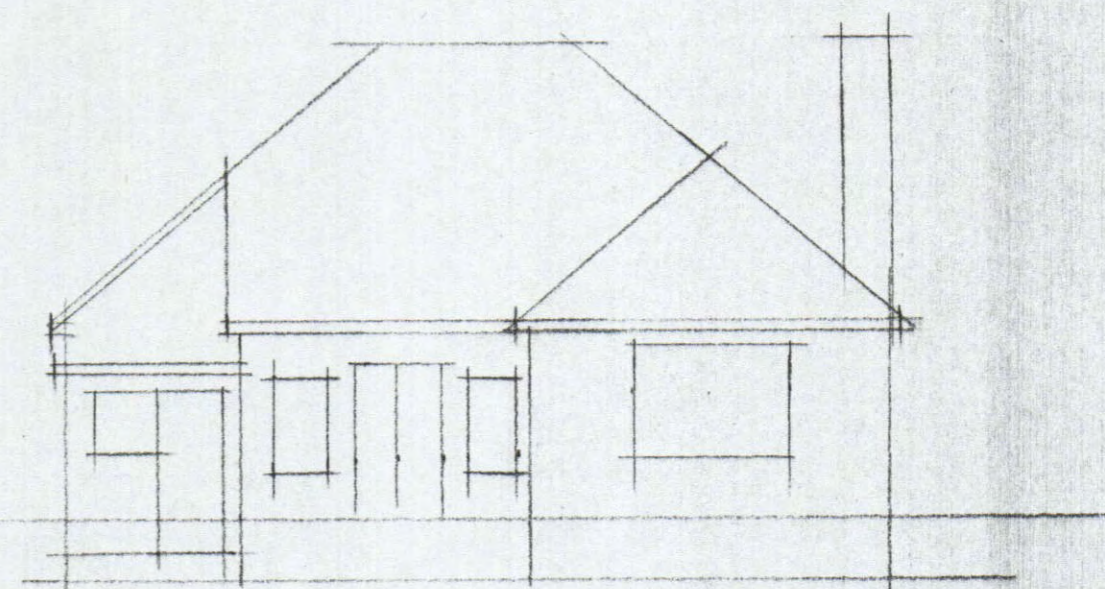
This page is intentionally left blank



FRONT



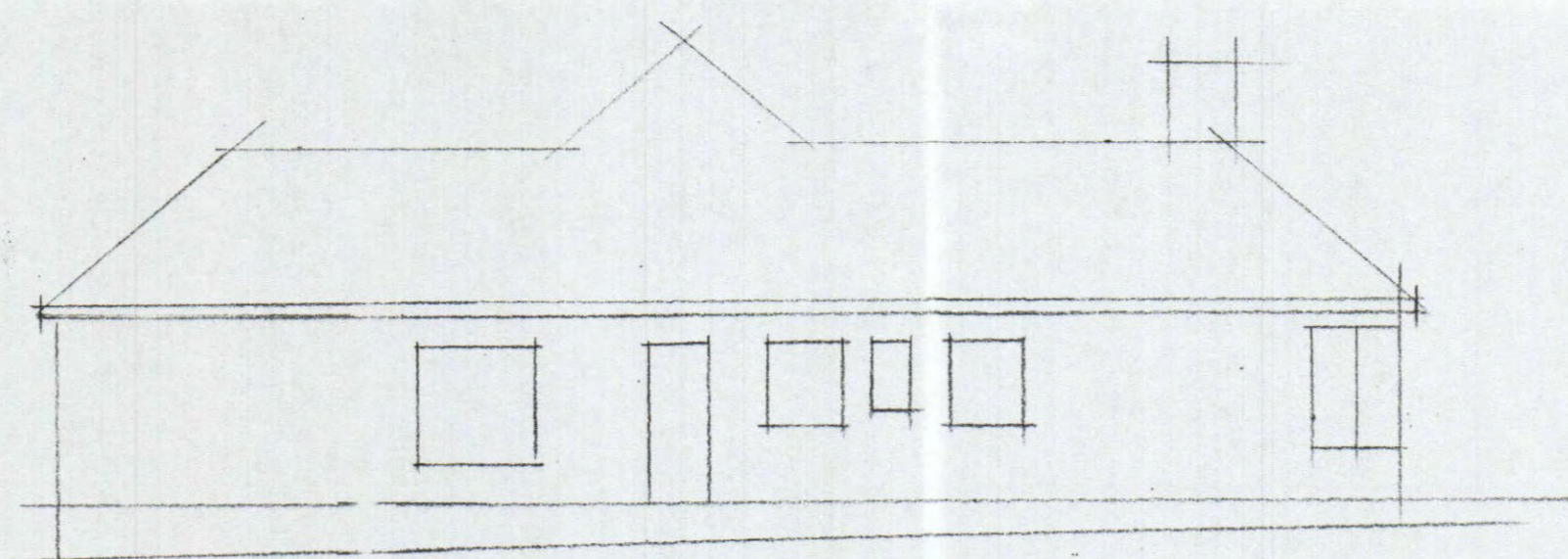
SIDE



REAR

EXISTING ELEVATIONS 1:100

1 2 3 4 5



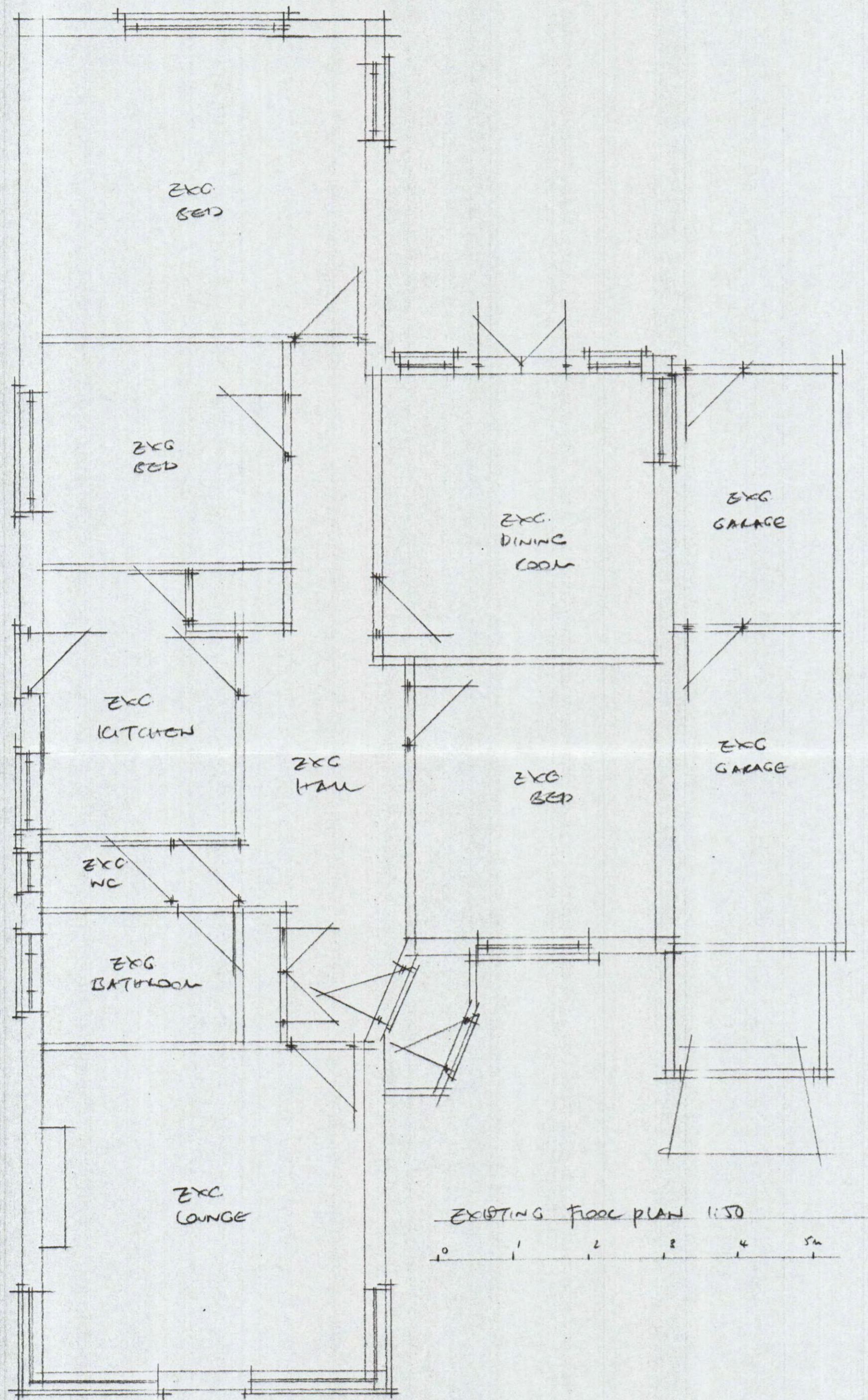
SIDE

EXISTING PLANS -

No. 52, TATTERDALE GARDENS, LEIGH - ON - SEA for Mr. & Mrs. WATTS

DRAWING NO. 1031/1910

This page is intentionally left blank



EXISTING PLANS -

Nº 52, TATTERSALL GARDENS, LEIGH - CN - 3CA for Mr. M. L. ATT

DRAWING N. 103/191D

This page is intentionally left blank

Reference:	19/01819/FULH	<h1>10</h1>
Ward:	Prittlewell	
Proposal:	Erect part single/part two storey side and rear extension	
Address:	144 Carlton Avenue, Westcliff-On-Sea, Essex, SS0 0QQ	
Applicant:	Kweku Welsing-Quacoe	
Agent:	DK Building Designs Ltd	
Consultation Expiry:	15 th November 2019	
Expiry Date:	13 th January 2020	
Case Officer:	Scott Davison	
Plan Nos:	3528-03 Rev C & 3591-09 Rev A	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is a dwellinghouse on the southern side of Carlton Avenue, west of the junction with Commercial Avenue. The site is occupied by a semi-detached house with a hipped roof, covered front porch and bay window at ground floor. There is a driveway to the eastern side of the property for vehicle parking, with the remaining frontage laid to lawn. The property has a pitched roof outbuilding within the rear garden and an existing single storey rear extension.
- 1.2 The street scene is mixed with a variety of semi-detached and detached dwellinghouses and bungalows of varying designs and styles. There is a grass verge to the front of the dwellings bordering the main highway.
- 1.3 The site is not located within a conservation area or subject to any site specific planning policies.

2 The Proposal

- 2.1 The application seeks planning permission to erect a part single storey rear and side extension/part two storey rear extension to the dwellinghouse. Part of the existing rear projection would be demolished as would a single storey pitched roof outbuilding.
- 2.2 The single storey element of the proposal would project some 4.0m from the rear wall of the existing rear extension on the western side, to a total depth of 7.1m from the existing rear wall of the building. The proposed single storey extension would be set some 2.6m from the shared boundary and would be some 5.4 across the width of the dwelling. It wraps around the side of the building to a maximum depth of 11.3m on the eastern side. The single storey element has a mono-pitched roof to the eastern side and a flat roof to the rear, with an eaves height of some 2.8m and a maximum height of 3.7m. Two windows are proposed in the rear elevation and a window and door opening in the flank elevation.
- 2.3 The first floor element projects some 3.7m from the rear wall of the dwelling on the eastern side over the ground floor extension. It would be some 3.5m in width. The first floor extension would have a hipped roof, with an eaves height of 5.4m and a maximum height of 6.9m. The eaves height matches that of the main dwelling. A single rear facing window is proposed.
- 2.4 The proposed materials include white render, tiles and white uPVC windows and doors to match the existing building.
- 2.5 The development would have one double bedroom, two single bedrooms, two bathrooms, lounge, kitchen and office at ground floor and three double bedrooms and a bathroom at first floor.
- 2.6 This application is for physical extensions to the building only. The applicant has stated that the use of the property would be unchanged and that it is currently used as use class C3(b) dwellinghouse, which covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. Presently 3 people live at the site and the maximum of number of people living at the address would be 6.

- 2.7 This application follows the refusal of planning application Ref: 19/00654/FULH described as “Erect part single/part two storey side and rear extension.” The application was refused for the following reasons:

01. The proposal would by reason of its size, design mass and scale result in a contrived, incongruous, dominant and obtrusive form of development and out of keeping with and harmful to the character and appearance of the dwelling and the rear garden scene to the detriment of visual amenity. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

02. The proposed development by reason of its excessive depth and close proximity to habitable room windows would result in demonstrable harm to the amenity of the occupiers of No. 146 Carlton Avenue by way of loss of light and outlook and an increased sense of enclosure. This is unacceptable and contrary to 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 with the Design and Townscape Guide (2009).

The main differences between the proposed development and the refused scheme are:

- The total width of the proposed rear projection would be reduced in width.
- The single storey element of the refused scheme extended some 4m beyond the existing 3.1m rear projection *abutting the shared boundary* with No.146 resulting in total rear projection of some 7.1m from the existing rear wall of the dwelling.
- The proposed single storey would still project some 4m from the existing 3.1m rear projection *but the west facing side elevation would be set off the shared boundary by some 2.6m*
- The flat roof of the refused scheme contained a roof light. This is omitted from the proposed scheme.
- The refused scheme contained a double door opening in the rear elevation. The proposed scheme does not include a rear facing door opening.
- A door opening is included in the east facing flank elevation of the proposed scheme.

3 Relevant Planning History

- 3.1 90/0690 - Retain single storey rear extension. Granted
- 3.2 19/00654/FULH Erect part single/part two storey side and rear extension. Refused.
- 3.3 19/01225/FULH Erect part single/part two storey side and rear extension (Amended Proposal). Withdrawn.

4 Representation Summary

Environmental Health

4.1 No objection.

Essex Police

4.2 No objection.

Public Consultation

4.3 Councillor Garston has called the application in for consideration by the Development Control Committee.

4.4 Nine neighbouring properties were consulted and a site notice posted. One letter of representation has been received. The objections are summarised below.

- The proposed extensions will impact on the standard of living of neighbouring occupiers
- The plans are incorrect as a rear extension to a neighbouring property is shown as larger than the existing extension to the application property.
- Layout shown as existing is incorrect. The objection alleges that the “lounge” is used as a bedroom and the “diner” as a living room.
- The website of the applicant states the property is a home with 5 bedrooms
- Extensions would lead to a loss of privacy and overlooking to home and garden.
- Increased sense of enclosure, dominance and feeling of being hemmed in due to size and close proximity of extension.
- Loss of daylight and sunlight to habitable rooms on ground and first floor.
- Increase in noise levels due to expansion of existing house of multiple occupation for adults with learning disabilities and their carers since 2016.
- Extensions will double the capacity of the property up to 7 residents.
- Noise levels already high especially in the evening and at night which impacts on neighbour amenity.

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 the case.

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) and CP4 (Environment & Urban Renaissance)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)

5.4 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, design and impact on the character of the area, impact on residential amenity, traffic and transportation and CIL (Community Infrastructure Levy) contributions and whether the proposal overcomes the previous reasons for refusal.

7 Appraisal

Principle of Development

- 7.1 The proposal is considered in the context of the NPPF, Core Strategy, Policies KP1, KP2 and CP4 and Policy DM1 of the Development Management Document. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. No change of use of the dwelling is proposed and it is located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling is acceptable subject to the detailed design considerations below.

Design and Impact on the Character of the Area

- 7.2 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in 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 Policy KP2 of the Core Strategy states 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”*.
- 7.4 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 Paragraph 348 of the Design and Townscape Guide also emphasises the importance of the design of rear extensions, regardless of whether there are any public views and any development should integrate well with the character of the main dwelling with particular regard to the scale, materials, fenestration detailing and form.
- 7.6 The proposed development would significantly increase the overall footprint of the existing dwelling. The property is a semi-detached dwelling and the proposal would extend the dwelling to the side and rear at ground floor, along with a two storey element to the rear. The extension at ground floor would add an additional 3.3m of built form to the rear of the dwelling, resulting in an extension of some 7.1m.

The existing rear extension is located on the shared boundary with No. 146 and the proposed single storey rear projection would be set some 2.6m off the shared boundary.

- 7.7 It is considered that the ground floor extension now proposed, on balance, would integrate acceptably with the dwelling house. Given its reduced width and setting away from the shared boundary, the ground floor extension is considered proportionate to the host dwelling achieving a scale which remains subservient to that of the main dwelling. In terms of its appearance, the use of external materials in the extension to match those of the existing dwelling would ensure that the development would appear unified with the existing dwelling. It is not considered that the proposed rear extension to the dwelling would cause material harm to the character or appearance of the dwelling or the surrounding area.
- 7.8 The first floor element comprises of a hipped roof extension of some 3.7m deep and 3.5m wide, which is considered to be a large addition to the dwelling. The eaves height matches the existing eaves height of the main dwelling and the ridge would be set lower than the main ridge resulting in a subservient appearance. Given the use of matching materials, this element of the proposed development would in itself integrate satisfactorily with the main dwelling and the rear garden scene.
- 7.9 The proposed extensions are located towards the rear of the property. The side extension would be visible in oblique views from the streetscene. It would be set back some 10m from the main highway and views would be limited by the position of the neighbouring bungalow No. 142 and would not therefore result in material harm to the character and appearance of the wider streetscene.
- 7.10 On balance, it considered that the proposed development would result in an acceptable impact on the character and visual amenity of the dwelling itself and the wider area. The proposed development has therefore overcome the previous reason for refusal. The proposal is therefore acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.11 The Design and Townscape Guide Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings, states that amongst other criteria, that *'extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties'*. In addition to this Policy DM1 of the Development Management Document also states that development should *"Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."*
- 7.12 The application dwelling is bounded by No. 146, the attached semi-detached (to the west) and No. 142 (to the east) Carlton Avenue. The adjacent neighbour No.142 is a detached bungalow, which is set back behind the established building line within Carlton Avenue and extends past the rear wall of No. 144. It also has an existing single storey rear extension some 4.5m deep. The proposed side extension is located approximately 1m from the shared boundary and would extend the full length of the western flank wall of No. 142. The first floor element is located some 3m from the shared boundary. There are no windows facing the shared boundary within No. 142 and a ground floor kitchen window is present in the flank elevation of No. 144.

Therefore, it is not considered that the proposal would have a detrimental impact on the neighbouring occupiers to the east No.142 in terms of being overbearing, or creating undue dominance, loss of light or outlook or a material sense of enclosure.

- 7.13 The neighbouring property, No. 146 is the other half of the semi-detached pair and has an existing single storey rear extension some 2.5m in depth across the full width of the dwelling. The proposed extension would project some 4m in depth beyond the existing 3.1m deep rear extension resulting in a total projection of some 7.1m. The proposed single storey element would be set some 2.6m in from the shared boundary. There are main habitable windows facing rearward in the neighbours extension, with a central first floor window. Given that the proposed single storey extension is some 2.7m in height and would be set in some 2.6m from the shared boundary, on balance it is considered that the approximate 4.5m projection beyond the rear of No.146 would not result in a loss of light, outlook or perceived or actual levels of dominance or an undue sense of enclosure. The first floor element is located some 2.65m from the shared boundary and does not breach a nominal 45 degree line taken from the neighbours' first floor window. It is therefore considered that proposal has overcome the previous reason for refusal in this respect.
- 7.14 The development is therefore acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.15 Policy DM15 of the Development Management Document requires dwellings with 2+ bedrooms to provide a minimum of two parking spaces.
- 7.16 The proposal would remove part of the existing driveway for parking. The remaining space would be some 10m in depth and this is considered to be of sufficient size to accommodate the required two parking spaces. No highways objections raised. Therefore the impact on traffic, transport and parking is considered to be acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL) CIL Charging Schedule (2015)

- 7.17 The proposed extension equates to less than 100sqm of new floorspace as such the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

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, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would, on balance have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, and the surrounding area more widely. There are no adverse highways implications. The previous reason for refusal has been overcome and this application is 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 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: 3528-03 Rev C & 3591-09 Rev A.

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the advice in the Design and Townscape Guide (2009).

04 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with 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).

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.
- 03** You are advised that this application relates to proposed extensions to the dwelling only. Any change of use from a dwellinghouse (Use Class C3) could require separate planning permission.

This page is intentionally left blank



Proposed 3D View 1



Existing 3D View 1



Proposed 3D View 2



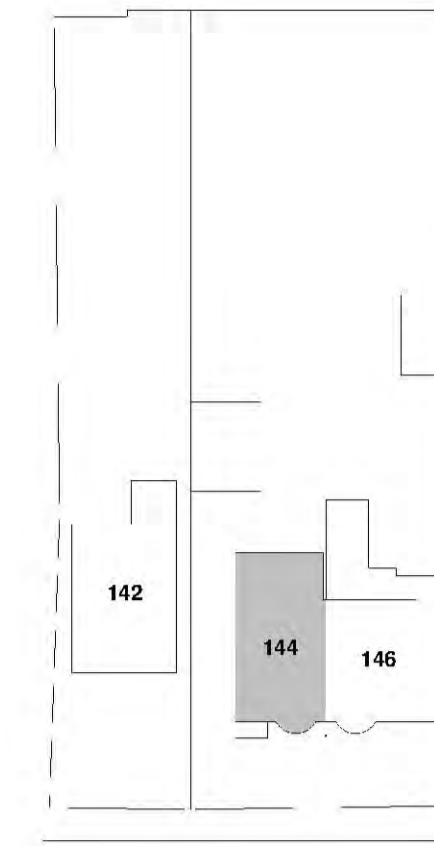
Existing 3D View 2



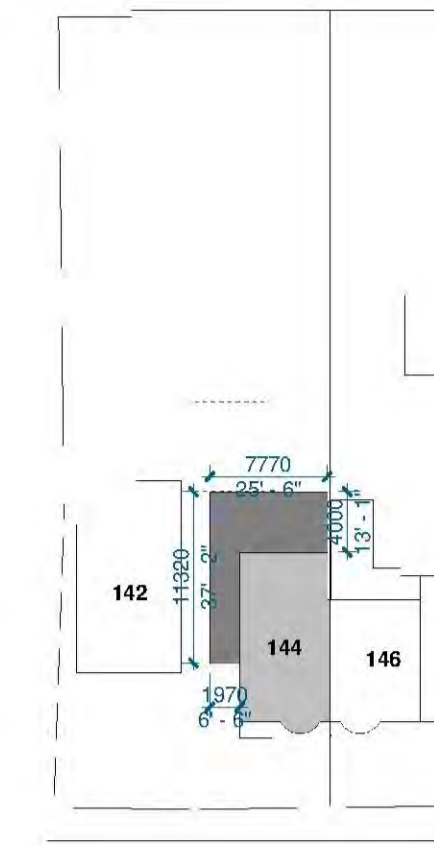
Proposed 3D View 3



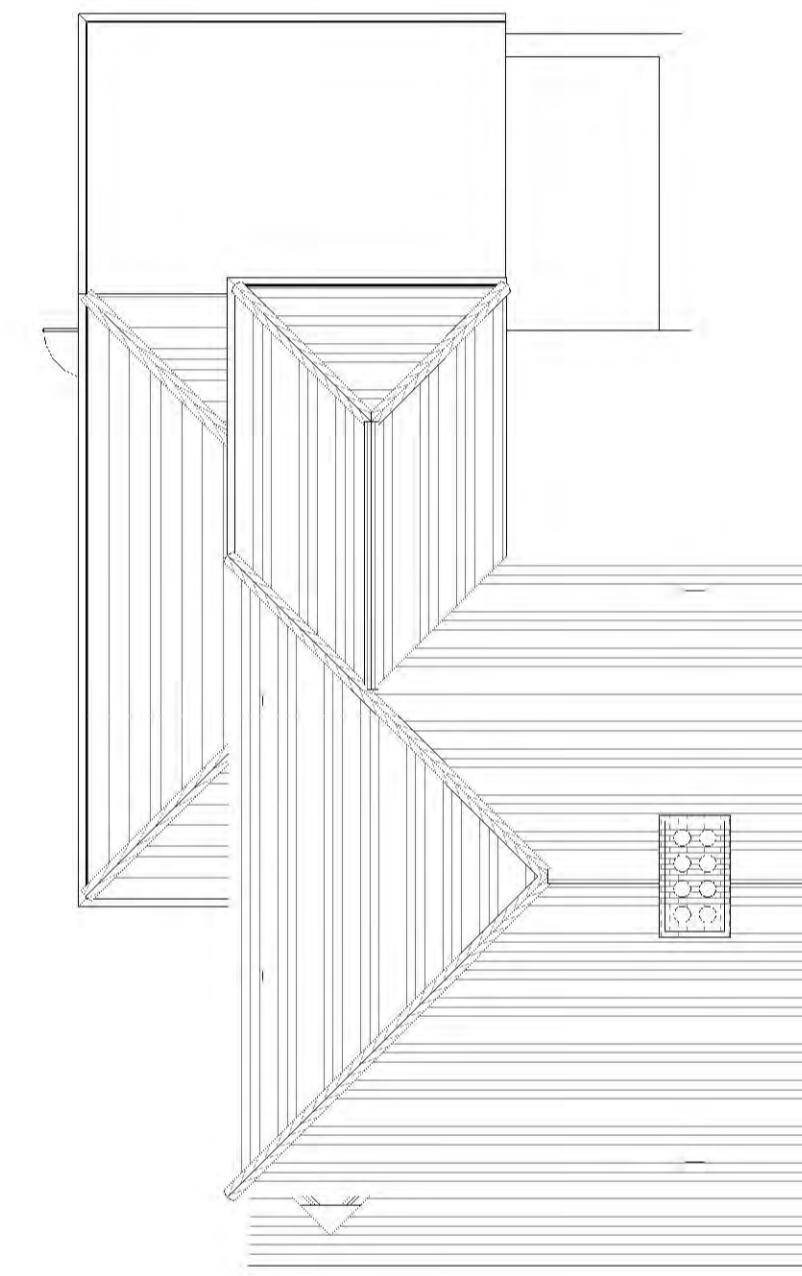
Existing 3D View 3



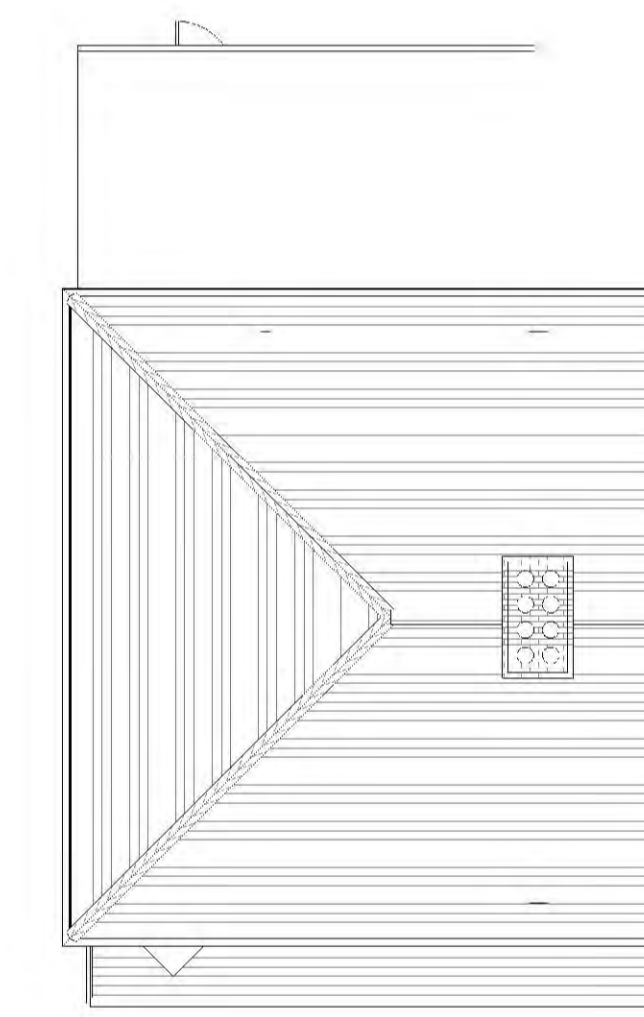
CARLTON AVENUE
Site Plan Existing
1 : 500



CARLTON AVENUE
Site Plan Proposed
1 : 500



Proposed Roof Plan
1 : 100



Existing Roof Plan
1 : 100



Location Plan
1 : 1250

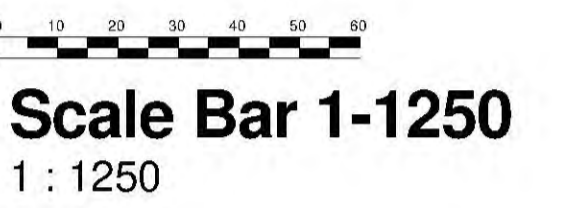


Notes
All dimensions and/or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.

Plans are copyright and are not to be used without consent from DK Building Designs.

If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc.

All beam calculations (if applicable) as per separate sheet. All stated spans of beams are clear spans only, between supports. Additional length to be added for end bearing of beams. Beams to cover full length of padstones.

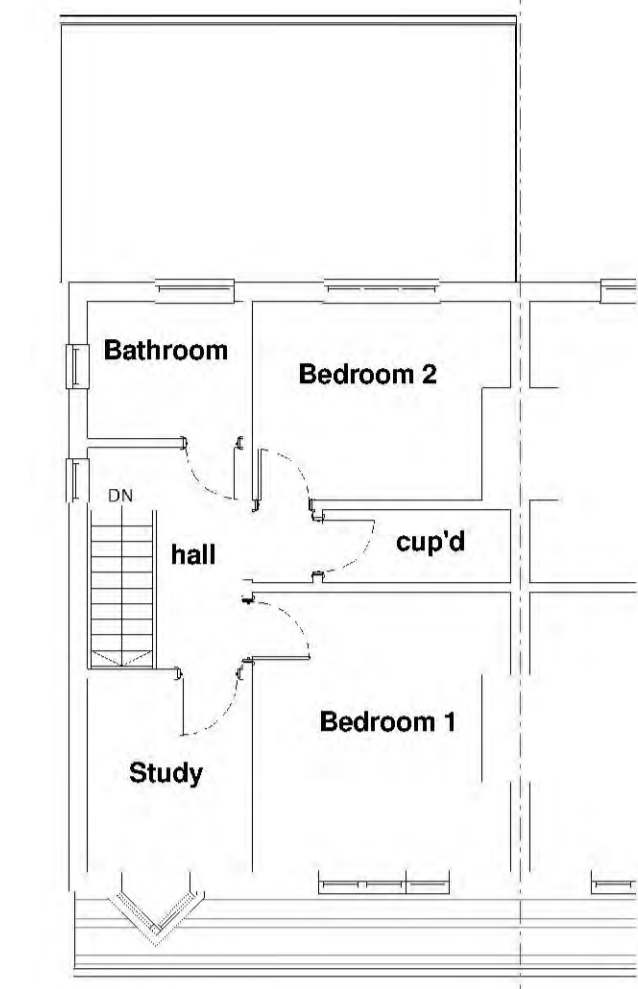
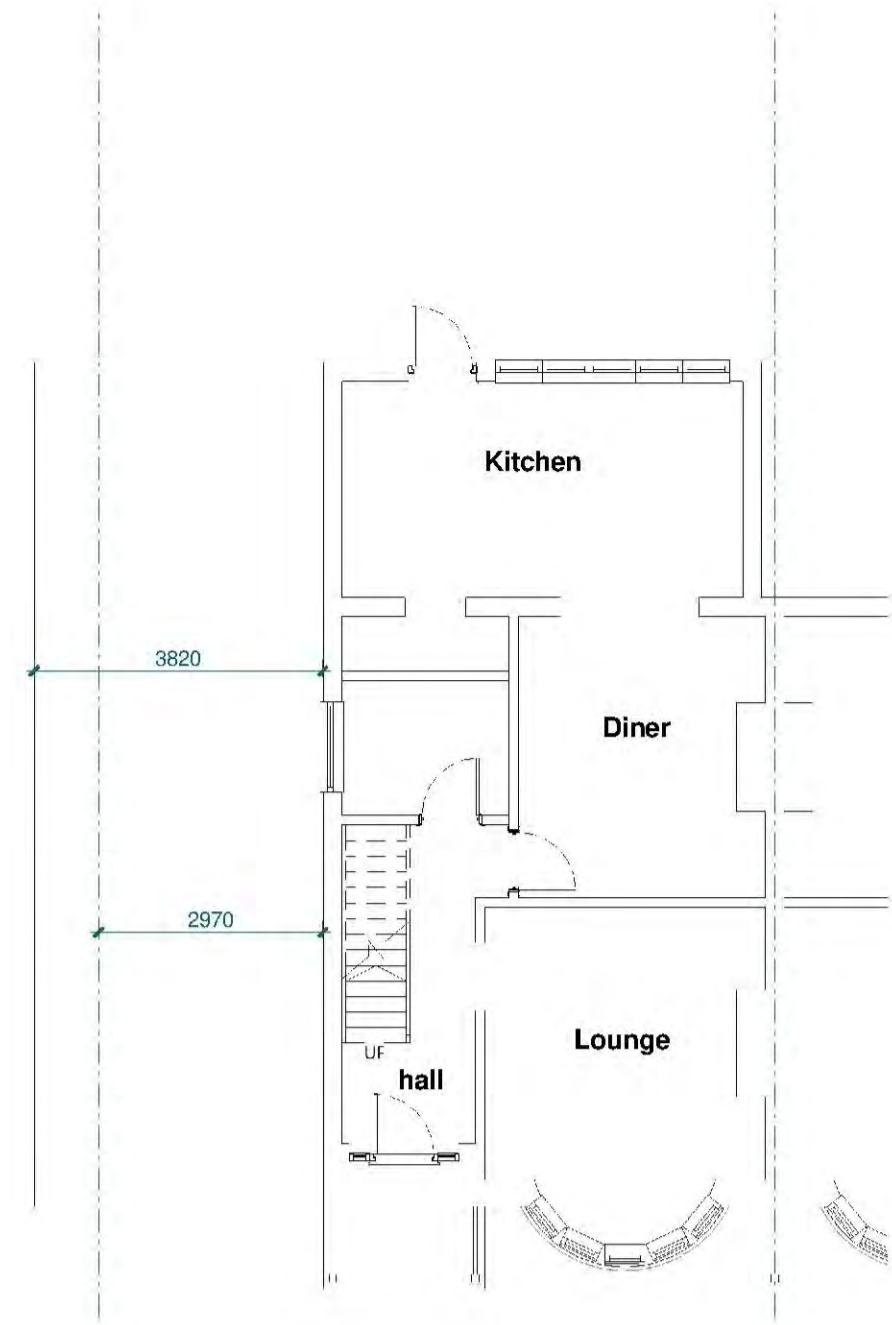
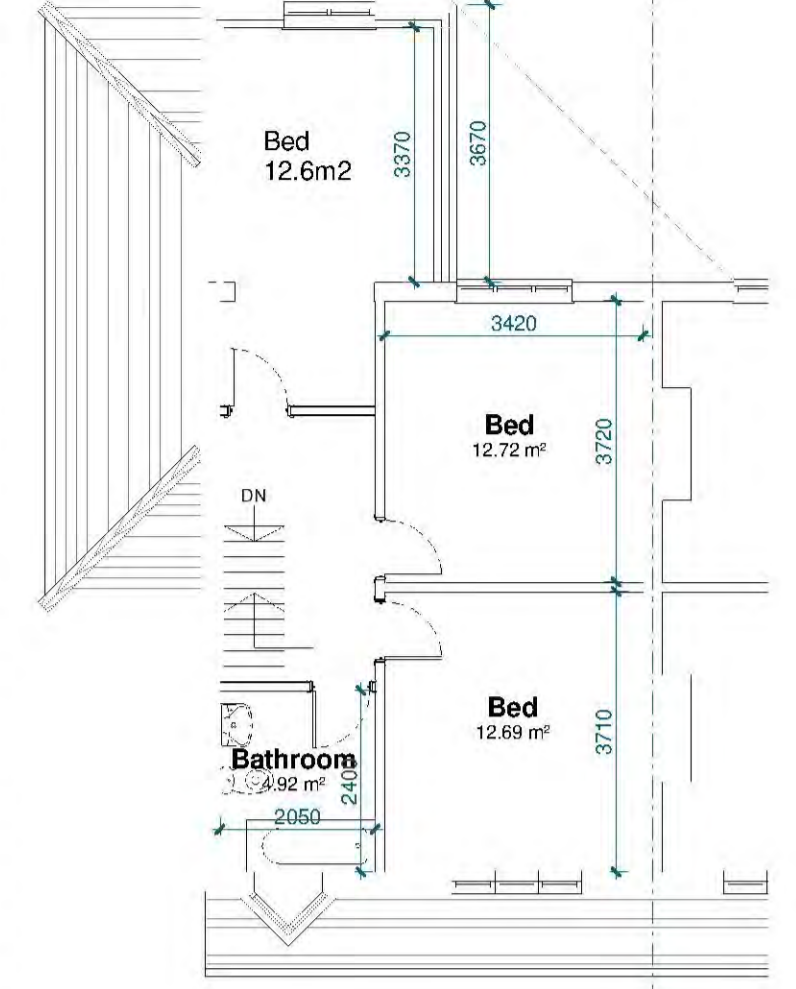
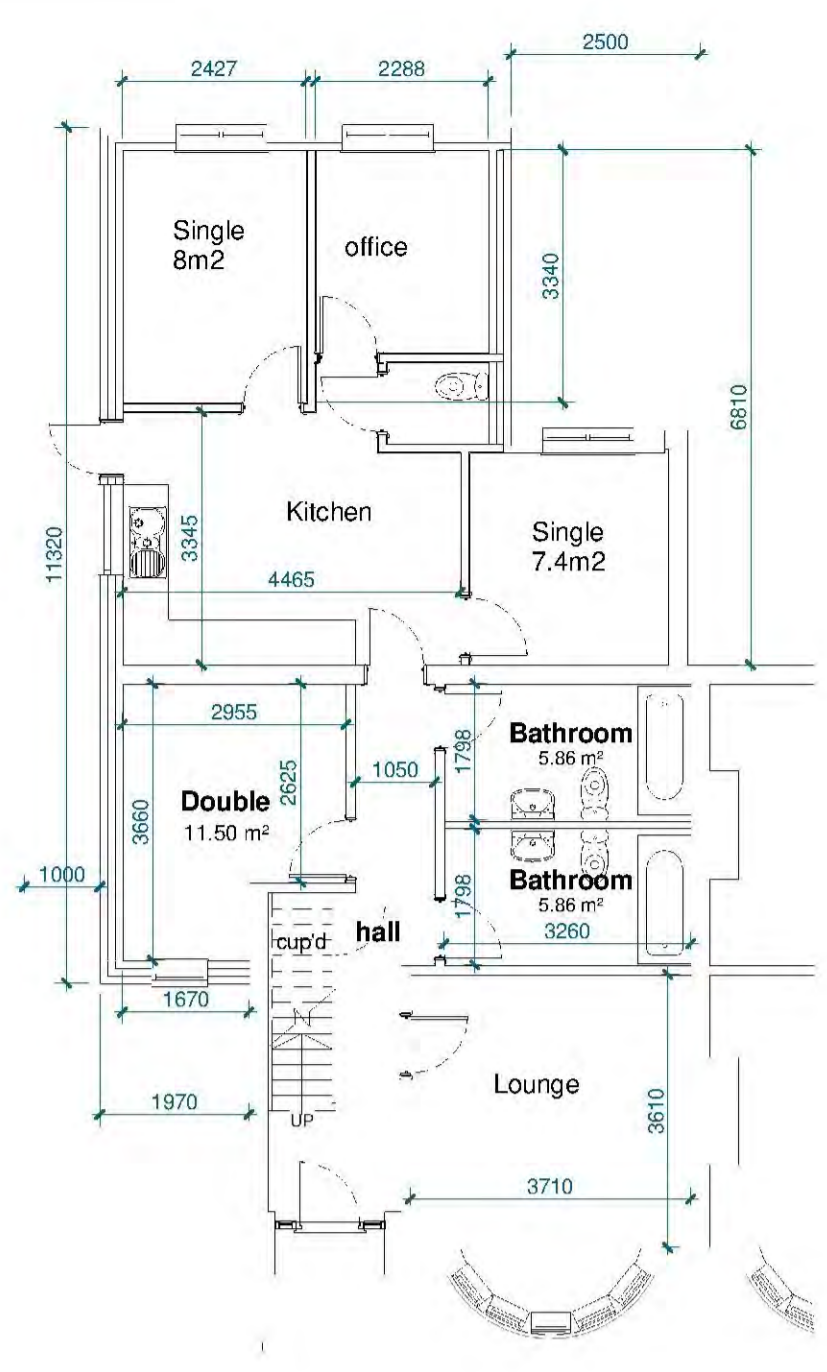


This page is intentionally left blank

Change of use to Care Home with part single storey / two storey side and rear extension at 144 Carlton Avenue Westcliff-on-Sea

Notes
 All dimensions and/or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.
 Plans are copyright and are not to be used without consent from DK Building Designs.
 If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc.
 All beam calculations (if applicable) as per separate sheet. All stated spans of beams are clear spans only, between supports. Additional length to be added for end bearing of beams. Beams to cover full length of padstones.

Scale Bar 1-100.
 1 : 100



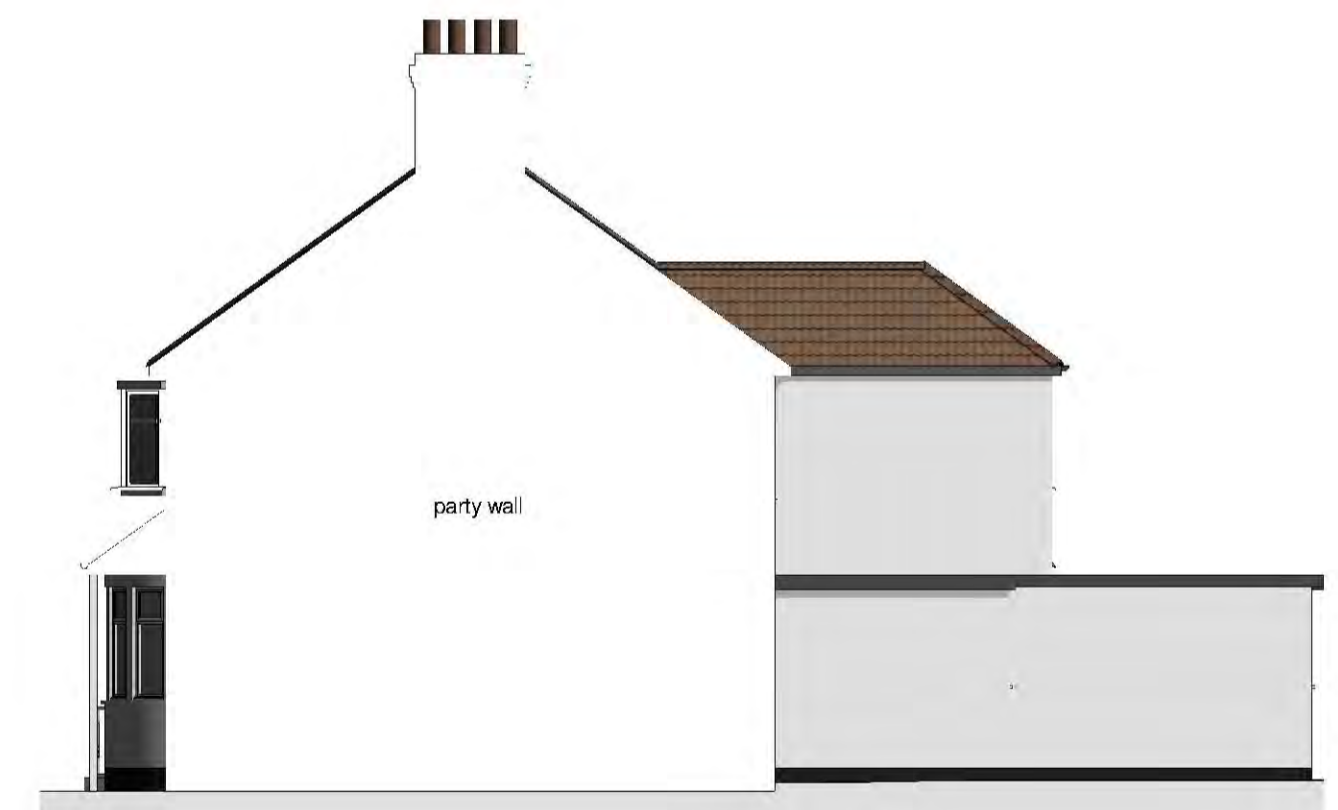
Proposed Ground Floor Plan
 1 : 100

Proposed First Floor Plan
 1 : 100

Existing Ground Floor Plan
 1 : 100

Existing First Floor Plan
 1 : 100

209

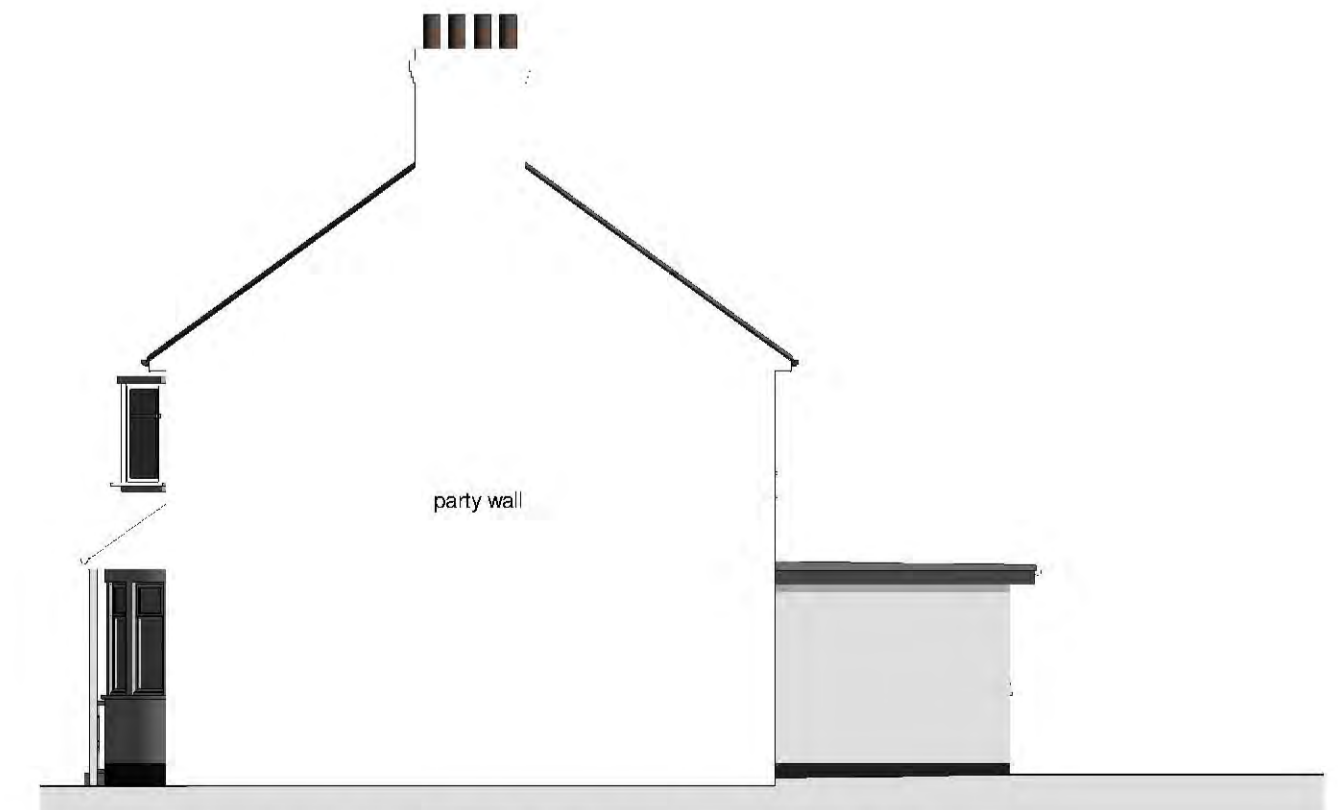


Proposed Front Elevation
 1 : 100

Proposed Left Side Elevation
 1 : 100

Proposed Rear Elevation
 1 : 100

Proposed Right Side Elevation
 1 : 100



Existing Front Elevation
 1 : 100

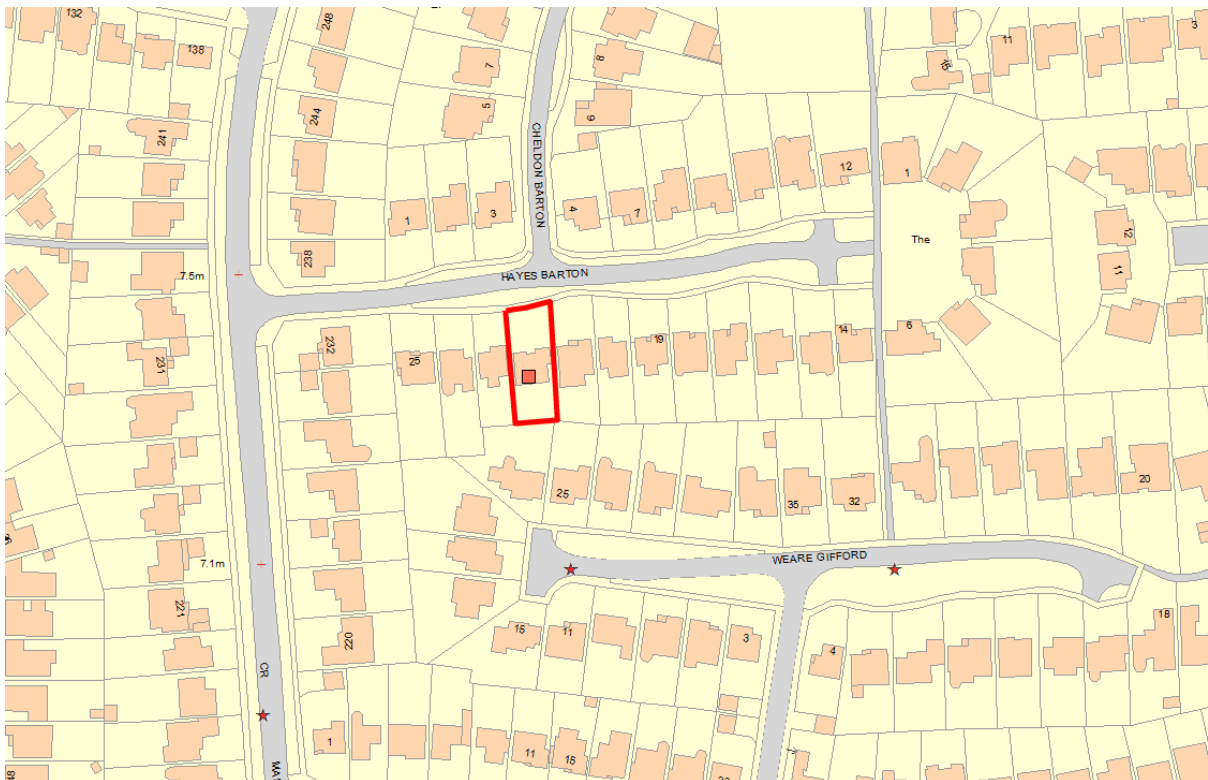
Existing Left Side Elevation
 1 : 100

Existing Rear Elevation
 1 : 100

Existing Right Side Elevation
 1 : 100

This page is intentionally left blank

Reference:	19/00703/FULH	11
Ward:	West Shoebury	
Proposal:	Erect two storey front extensions and new front porch and glazed landing, alter roof form by extending width of main roof, install new flat roof and pitched roof to the front and part gabled, part hipped roof extension to side, remove existing dormers to side and install new dormer and window to side, convert roofspace into habitable accommodation and alter elevations (Amended Proposal).	
Address:	22 Hayes Barton, Shoeburyness, Southend-On-Sea, Essex	
Applicant:	Miss L Wheeler	
Agent:	APS Design Associates Ltd.	
Consultation Expiry:	29.11.2019	
Expiry Date:	13.01.2020	
Case Officer:	Scott Davison	
Plan Nos:	01, 02 & 03 Revision A	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is comprised of a two storey detached dwellinghouse with an integral garage. To the front of the dwelling is a hard surfaced area which can accommodate several vehicles accessed by a vehicle crossover. To the rear of the dwelling is a modestly sized rectangular shaped rear garden largely laid to lawn commensurate in size with surrounding gardens. Land levels across the site are flat. The application site is prominent in the street scene as it is located opposite the junction with Cheldon Barton.
- 1.2 The surrounding area is residential in character, comprising detached dwellings of a similar architectural style with elements including hipped pitched roofs. The surrounding dwellings are generally of a similar scale, form and size with a characteristic degree of spacing and separation between properties. The property to the west of the site is materially higher than the application property and the neighbour to the east is materially lower.
- 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 erect two storey gabled front extensions with a centrally located front porch and glazed entrance above inset between the proposed gabled front extensions. A new area of flat roof would be formed above the new central feature. A part gabled part hipped roof extension is proposed to the eastern side elevation and the eaves height would be increased. Two dormers would be removed in the eastern elevation and a new dormer and new window inserted. The width of the ridge of the main roof would be extended. Two rooflights would be installed in the side roof slopes and the roofspace would be converted into habitable accommodation including a bedroom and office.
- 2.2 The dwelling has a largely hipped roof with a central ridge and maximum ridge height of 8.6m. The central ridge would be extended in width. The maximum ridge height would remain unchanged. The roof form would be changed to a pitched roof with part gabled part hipped flank elevation to the eastern side.
- 2.3 Two storey front extensions are proposed to a maximum depth of 2.4m at ground floor. These comprise one projecting gable feature which would extend forward as continuation of an existing gabled feature, a part gabled part hipped feature extending forward some 1.4m. A central hipped extension between the two gables is proposed and areas of flat roof would be formed. The roofspace would be converted into habitable accommodation including an additional bedroom, office and storage areas. New fenestration is proposed in the front and rear elevations and a new porch is proposed in the front elevation. The gross internal floorspace would increase by some 160sqm.
- 2.4 Materials to be used on the external elevations would include a mix of render, cladding and brickwork, concrete plain tiles and UPVC fenestration.

2.5 This application follows the refusal of planning application Ref: 19/00703/FULH described as “Raise ridge height, erect hip to gable roof extension, two storey rear extensions, part single/part two storey side extension, two storey front extensions, convert roofspace into habitable accommodation, install dormer to rear at first floor, juliette balconies to rear at second floor and alter elevations.” The application was refused for the following reason:

01 The proposed development by reason of its size, height, bulk, mass, siting and design would be discordant, incongruous and overly dominant which would be detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015); and advice contained within the Design and Townscape Guide (2009).

2.6 The main differences between the proposed development and the refused scheme are

- No changes are proposed to the rear elevations
- Maximum height of the roof remains as existing
- Gable feature to west elevation deleted.
- Both of the two storey front projections are now set below main ridge and the fully gabled front projection above the garage and central entrance/porch is now a part gable/part hipped roof
- Single storey side extension to east elevation deleted.
- Reduction in number of rooflights in flank elevations

2.7 It is noted that there are inconsistencies between the submitted plans and elevations but this has not prejudiced consideration of the application.

3 Relevant Planning History

3.1 19/00703/FULH. Raise ridge height, erect hip to gable roof extension, two storey rear extensions, part single/part two storey side extension, two storey front extensions, convert roofspace into habitable accommodation, install dormer to rear at first floor, juliette balconies to rear at second floor and alter elevations. Refused.

4 Representations Summary

Public Consultation

4.1 Councillor Garne has called the application in for consideration by the Development Control Committee.

4.2 6 neighbours were notified and two letters of representation have been received and included an appraisal of the scheme by an architect on behalf of an objector. The objections are summarised as follows:

- Proposal is not dissimilar to the previous application and the objections remain pertinent, i.e. block of natural light and loss of privacy.
- Detrimental to character of area

- Visual impact on surrounding properties
- Loss of privacy
-
- Overdevelopment, poor relationship with neighbouring properties and out of character in street scene.
-
- The size, siting and design would result in an unneighbourly development. Approval would create an undesirable precedent.
- Introduction of dormers in side elevations is incongruous and alien
- Proposed development would project beyond building line to front and rear elevations

[Officer Comment: These comments are noted and have been taken into account in the assessment of the application].

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 & Urban Renaissance).
- 5.3 Development Management Document (2015): DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management).
- 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, design and impact on the character of the area, impact on residential amenity, traffic and transportation, CIL (Community Infrastructure Levy) contributions and whether the proposal overcomes the previous reason for refusal.

7 Appraisal

Principle of Development

- 7.1 The proposal is considered in the context of the NPPF and Core Strategy Policies KP2 and CP4. Also of relevance is Policy DM1 which addresses design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and extensions and alterations to the property are considered acceptable in principle, subject to detailed considerations discussed below.

Design and Impact on the Character of the Area:

- 7.2 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 Policies DM1 and DM3 of the Development Management Document. The Design and Townscape Guide (DTG) also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.3 Paragraph 124 of the NPPF states that “Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and create places with a high standard of amenity for existing and future users.
- 7.4 Policy KP2 of the Core Strategy states 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”.
- 7.5 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 land*”
- 7.6 Policy DM3 (5) also advises that *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.*
- 7.7 Design and Townscape Guide Para.360 states; “*Extensions to the front of existing properties are generally discouraged as they alter the relationship of property within the street and may be detrimental to the wider townscape. Where front extensions are considered not to harm the local townscape care must be taken to ensure that they are of an appropriate size and scale, that they show consideration for the established street frontage and do not unreasonably obstruct light to habitable rooms within the existing property or on the flank or front walls of adjoining properties*”.

- 7.8 Design and Townscape Guide Para.351 (Side Extensions) states: *“Many properties in the Borough have the capacity to extend to the side. However side extensions can easily become overbearing and dominate the original property. In order to avoid this, side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved. Setbacks can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations”.*
- 7.9 The Design and Townscape Guidance Para.366 states that *dormer windows should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors*
- 7.10 The proposed development is comprised of a number of different elements including front extensions, changes to the form of the roof and other alterations including new fenestration and external finishes.
- 7.11 The proposal would change the shape of the roof from a hipped pitched roof with a modest projecting gable, to a hipped roof with two projecting gables and a central area of flat roof. A part gabled part hipped side elevation would be formed to the eastern elevation and central section of roof would extended to the east. A new section of roof extending from the eastwards would not be any higher than the existing roof.
- 7.12 Two storey extensions are proposed to the front of the dwelling that would project to a maximum depth of 2.5m forward of the footprint of the existing dwelling. The projecting gable to the western side would be extension of an existing gable feature and would not be materially wider or higher than the existing gable feature. A two storey part gabled, part hipped projecting feature with a garage and first floor bedroom would be formed on the eastern side. A new porch and a centrally positioned glazed section at first floor level would be inset between the proposed extensions. It would have flat roof section and would be topped by a hipped roof. The front extensions would project beyond the building line of the dwelling to the west (No.23) and some 2m forward of No.21 to the east of the site.
- 7.13 The proposed development also includes the erection of a part gable part hipped side extension. A dormer and new window would be formed in the eastern roof slope. A single roof light would be formed each side roof slope.
- 7.14 The proposed forward projections would have a part gable part hipped roof form and gable elevation that would appear as continuation of an existing feature. The proposed development would increase the footprint of the building. Whilst the height of the gables and central flat roof section would be set below the ridgeline of the main roof and materially lower than the ridge height of the forward projections of the refused scheme, the forward projections would appear as bulky additions to the dwelling and would exacerbate and significantly increase the prominence of the development in the street scene.

The two projections on the front elevation are of different proportions and would add unacceptably to the massing of the building and would also detract from its appearance and, hence, from the appearance of the street scene. The centrally positioned glazed section above the entrance door in the front elevation would be an incongruous feature that would further adversely impact on the appearance of the dwelling in the street scene. It is considered that the development has not overcome this element of the previous reason for refusal and the front and roof extensions are considered to be unacceptable in terms of their size, scale, bulk and design.

- 7.15 Furthermore fully gabled side elevations are uncharacteristic of the area. The change of the hipped roof to a pitched roof would include a part gable part hipped roof slope on the eastern roof slope. A new dormer and new window are proposed on the eastern elevation. This element of the scheme would reduce the spacing at first floor level between the application property and its shared boundaries, however, the scale of the proposed roof extension is such that, on balance, this relationship is considered acceptable as an isolated element of the design.
- 7.16 The surrounding area is characterised by brick and timber cladding to the elevations with limited use of render. It is not considered that the proposed finishing materials of brick, cladding and render would be out of character in the surrounding area and were the proposal deemed otherwise acceptable, a suitably worded condition could be imposed to ensure the materials match the original dwelling.
- 7.17 In summary, the cumulative impact of the extensions would unacceptably add to the bulk and mass of the dwelling. The uncharacteristic forward projections and the large section of flat roof would exacerbate the unacceptable impact of the proposed development in the street scene. The design, size and scale of the proposed development would not be in keeping with the existing dwelling and would result in demonstrable harm to the character and appearance of the building and that of the wider surrounding area.
- 7.18 The proposal would be unacceptable and would not be compliant with policy in the above regards.

Impact on Residential Amenity:

- 7.19 The Design and Townscape Guide states that “*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”
- 7.20 The increased mass of the roof is not considered to impact on the residential amenity of the neighbours to the west or east (No. 21 & 23 Hayes Barton). The application site sits roughly on the same building line as the adjoining properties. The increased mass of the roof would be not set within the footprint of the application dwelling given the proposed front extensions.

However it is not considered that these extensions would result in an overbearing impact on the occupants of the neighbouring properties. Houses to the front (north) of the application site are over 40m away and some 25m to the south. Rooflights are proposed in the side roof slopes however it is considered that the proposed development would not increase the overall roof height, the rooflights would not give rise to any detrimental overbearing, perceived or actual dominant impacts upon these properties, nor loss of privacy or light given the separation distance between them and the application site.

- 7.21 No.23 Hayes Barton to the west of the site is a materially higher building than the application dwelling and sits forward of No.22. The proposed two storey front extension would project forward by some 2.5m would sit further forward than the front elevation of No.23 by some 0.4m. The flank elevation of the proposed extension would be set 1.1m off the shared boundary at the front (its nearest point) and would not contain any window openings facing towards No.23. Given the arrangement within the plot and relationship to No.23, it is not considered that this element of the proposal would give rise to any detrimental overbearing, perceived or actual dominant impacts on this neighbouring property.
- 7.22 No.21 Hayes Barton to the east of the site has the same front building line as the No.22. The proposed two storey front extension would project forward of No.21 by some 2m. The flank elevation of the proposed extension would be set 1.3m off the shared boundary at the front (its nearest point) and 2.4m off the flank elevation. It would not contain any window openings facing towards No.21. It is considered that the proposal would not infringe on a notional horizontal 45 degree angle of light taken from the middle of the first floor bedroom window of No.21 nor would the height of the extension infringe on a notional 45 degree vertical angle taken from the cill height of the bedroom window. It is not considered that this element of the proposal would give rise to any detrimental overbearing, perceived or actual dominant impacts on this neighbouring property.
- 7.23 The proposed development includes a part gable part hipped side roof slope that would not project beyond the side elevation of the application property but would increase built form vertically. A new dormer and a window are shown in the plans which would serve a walk in wardrobe and a bedroom. Given that an existing dormer which presently serves a bedroom would be removed and the new window would also serve a bedroom and a new dormer would serve a non-habitable room and its window could be obscured glazed, it is not considered that this element of the scheme would result in materially different relationships than those which currently exist. It is considered that this element of the proposed development would not adversely impact upon the amenities of the neighbour to the west in terms of sense of enclosure, overbearing impact or loss of daylight, sunlight etc.
- 7.24 To the rear (south) of the site are residential dwellings in Weare Gifford. There is a 12m separation distance to the rear boundary and back to back distance of 25m to the nearest property to the south. It is not considered that the proposed extensions to the front of the dwelling and changes to the roof form would give rise to any detrimental overbearing, perceived or actual dominant impacts upon the properties to the south nor result in materially different relationships from that which already exists.

- 7.25 The impact on residential amenity of surrounding properties is therefore considered to be acceptable and policy compliant in the above regards.

Traffic and Transport Issues

- 7.26 Policy DM15 states that each dwelling should be served by two parking spaces. An integral garage is proposed that would measure internally 6.7m x 4.4m which would not meet the adopted standards to be included as a garage. The application would continue to be capable of accommodating the required two off street parking spaces on the existing hard surfaced area to the front of the house. Therefore there are no highway objections to the proposed development. The proposal is considered to be acceptable and policy compliant in the above regards.

CIL Charging Schedule 2015

- 7.27 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The proposed extensions are poorly designed, cumulatively would appear as over-scaled, incongruous and dominant features. The proposal is considered to result in a detrimental impact on the character and appearance of the application dwelling and the locality more widely due to its size, height, bulk, mass, scale and its poor design. The application fails to overcome the previous reason for refusal and this application is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons

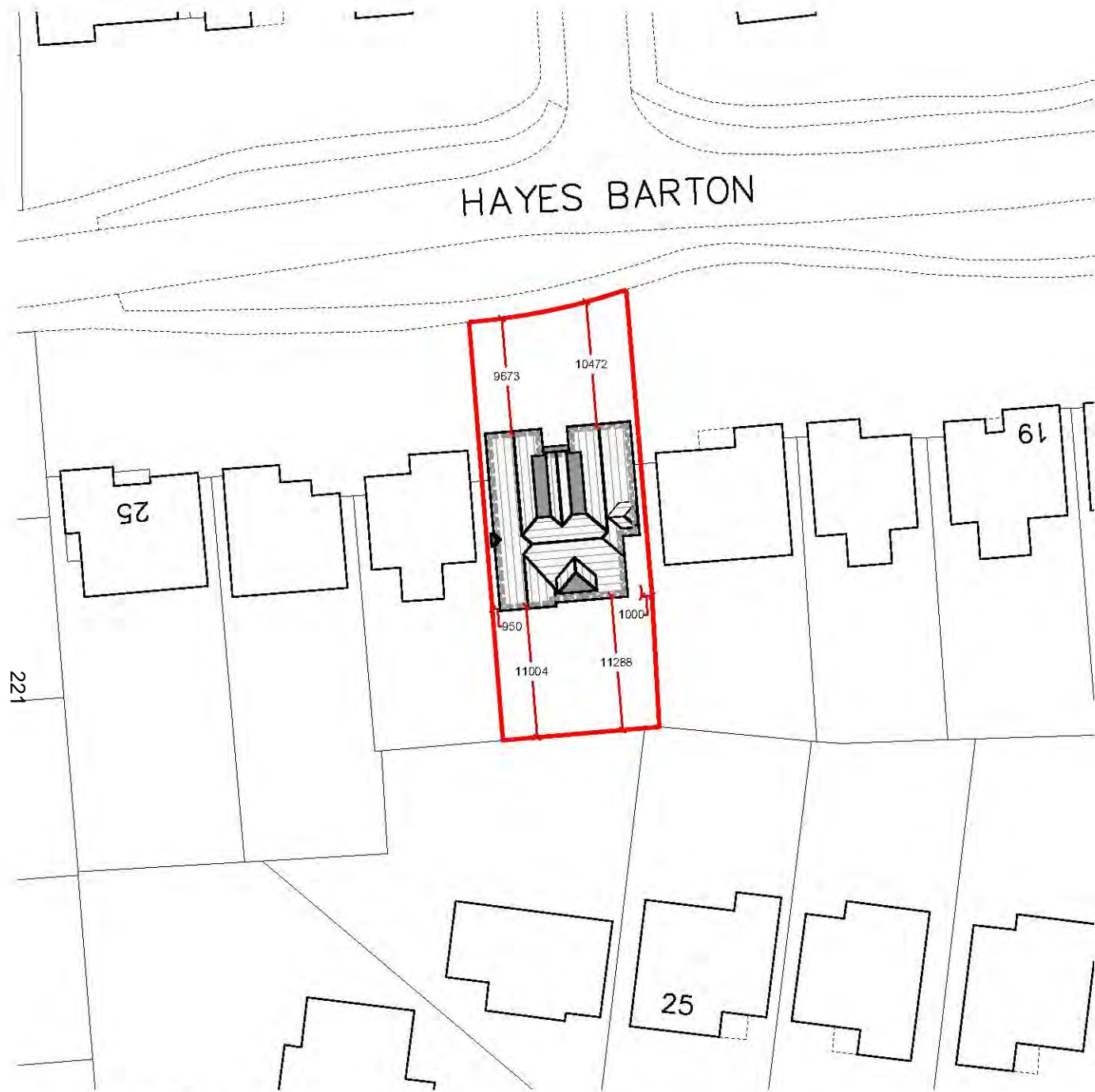
- 01 **The proposed development by reason of its size, scale, height, siting and design would be discordant, incongruous and overly dominant and to the detriment of the character and appearance of the host property and the streetscene more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015); and advice contained within the Design and Townscape Guide (2009).**

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

10 Informatives

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

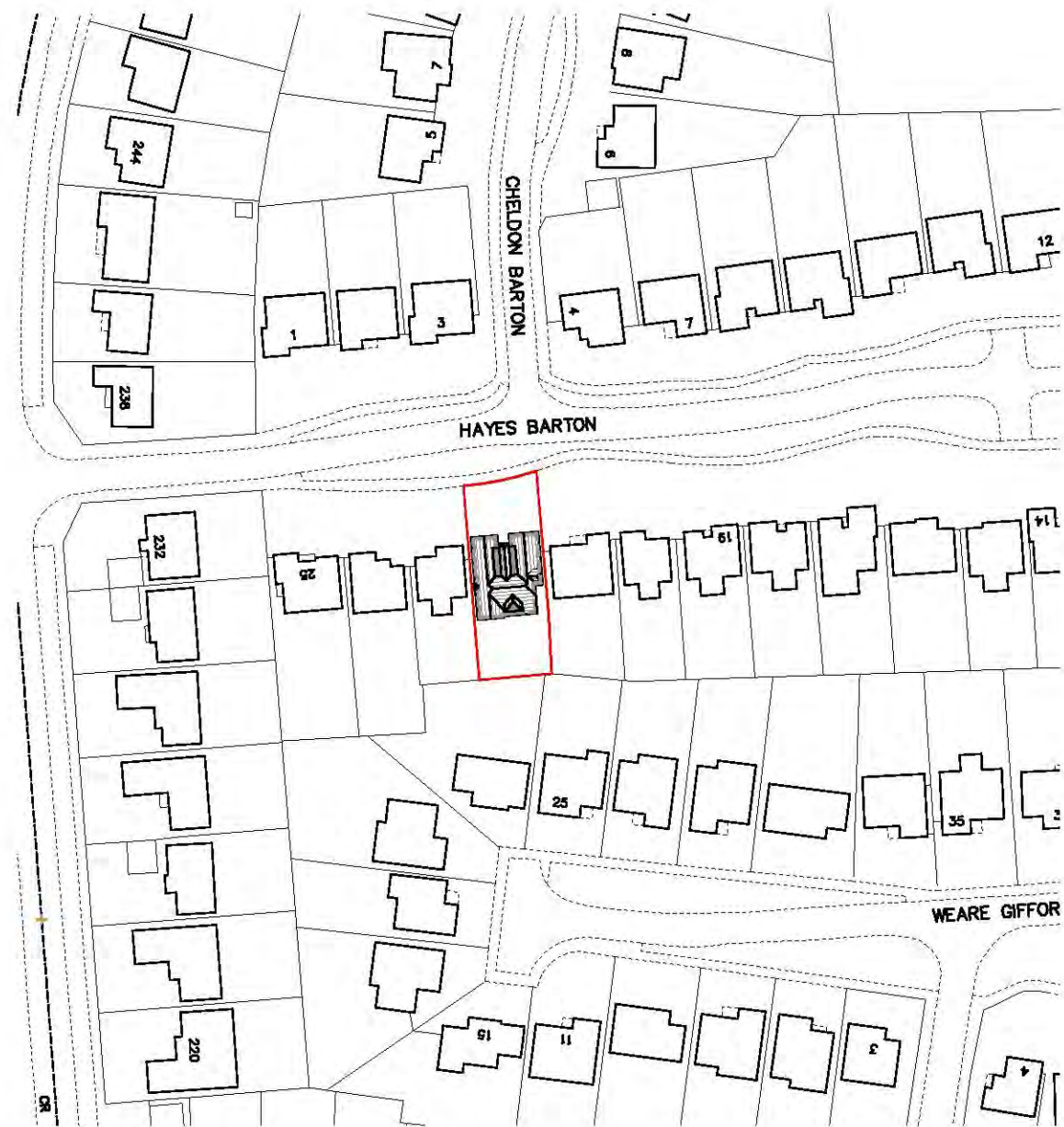
02. The applicant is advised that there are a number of inconsistencies in the submitted plans including the roof form and windows shown in the floor plans and elevations



① Site Plan

Scale: 1:500

SCALE 1:500



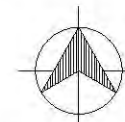
② Location Plan

Scale: 1:1250

SCALE 1:1250



DO NOT SCALE THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. THIS DRAWING IS COPYRIGHT OF APS DESIGNS AND SHOULD ONLY BE REPRODUCED WITH THEIR EXPRESS PERMISSION. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES SHOULD BE REPORTED TO APS DESIGNS PRIOR TO COMMENCEMENT.



NORTH

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		

PROJECT STAGE: Town Planning	DRAWN BY: GD	DATE: October 2019
CLIENT:		

PROJECT:
22 Hayes Barton

JOB NO:
2953

DRAWING NO:
01

REVISION:

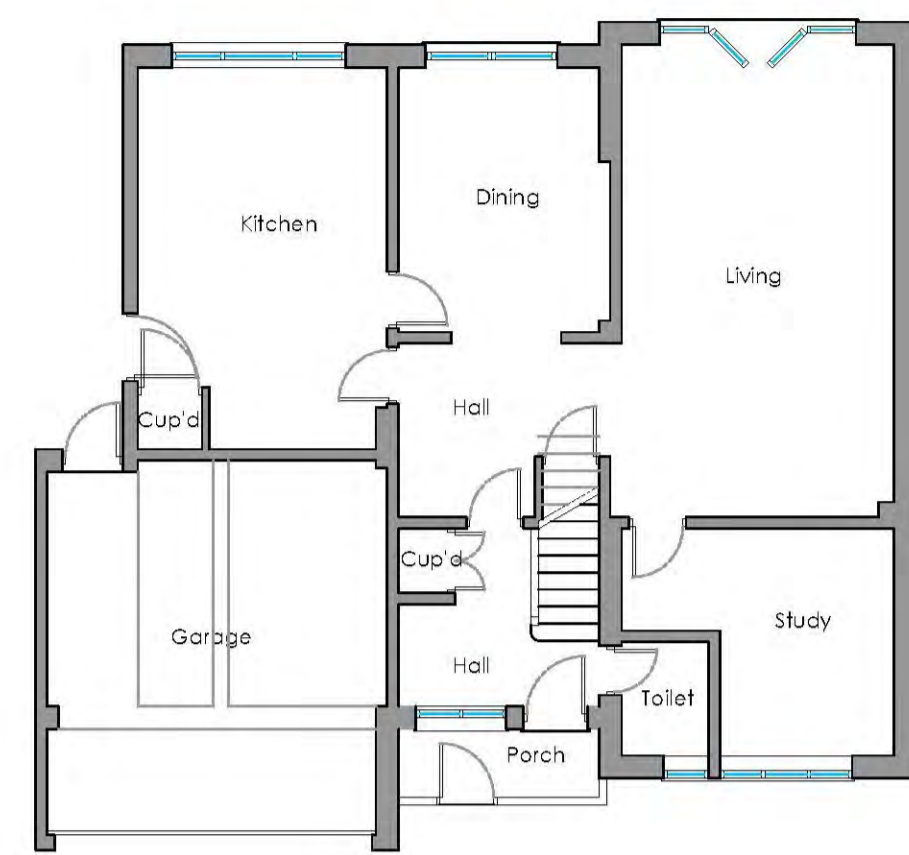
DRAWING TITLE:
Site and Location Plans

The Design Studio
1 Cambridge Road (Rear)
Nelson Street
Southend-On-Sea
Essex
SS1 1ET

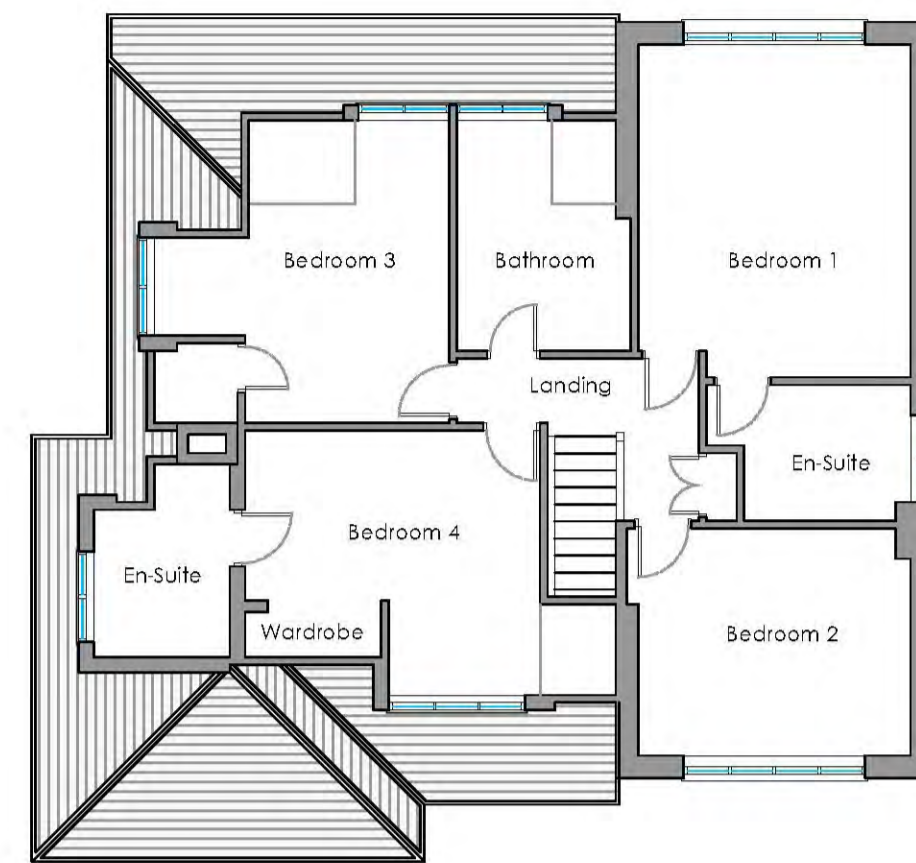
SCALE:
1:1250 & 1:500 @ A3

Tel: 01702 469 769 - 01702 337328
Email: admin@apsdesignsuk.com
design@apsdesignsuk.com
planning@apsdesignsuk.com
Website: www.apsdesignsuk.com

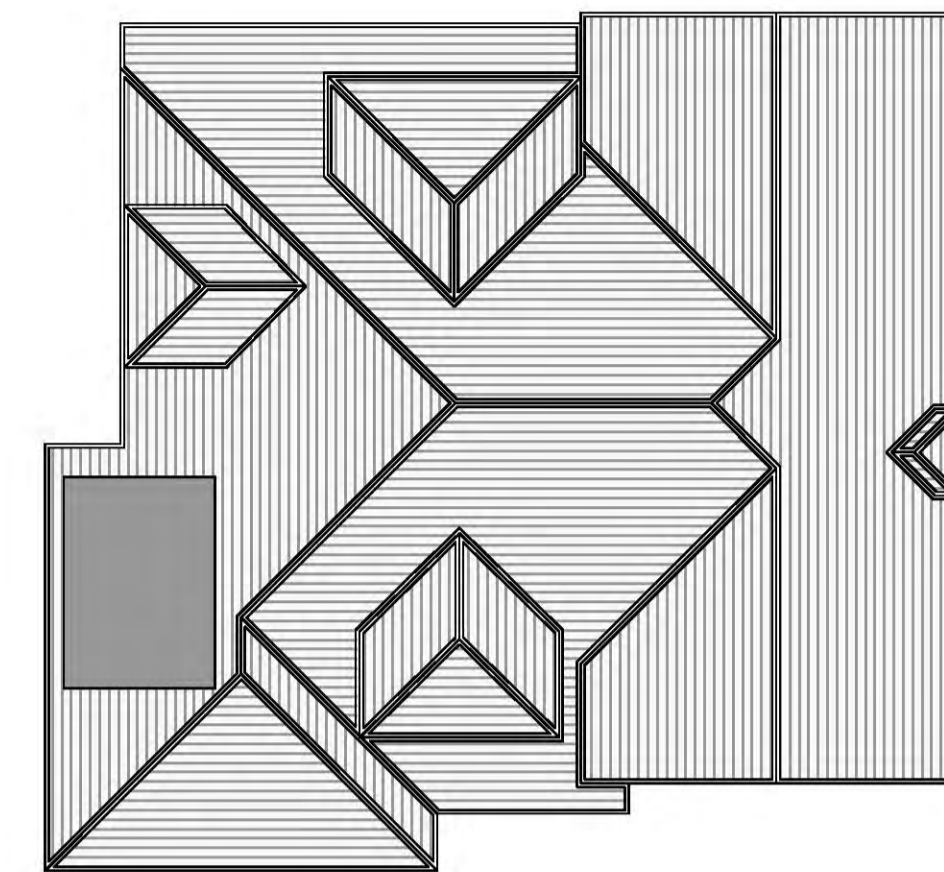
This page is intentionally left blank



1 Existing Ground Floor Plan Scale: 1:100



2 Existing First Floor Plan Scale: 1:100



3 Existing Roof Plan Scale: 1:100



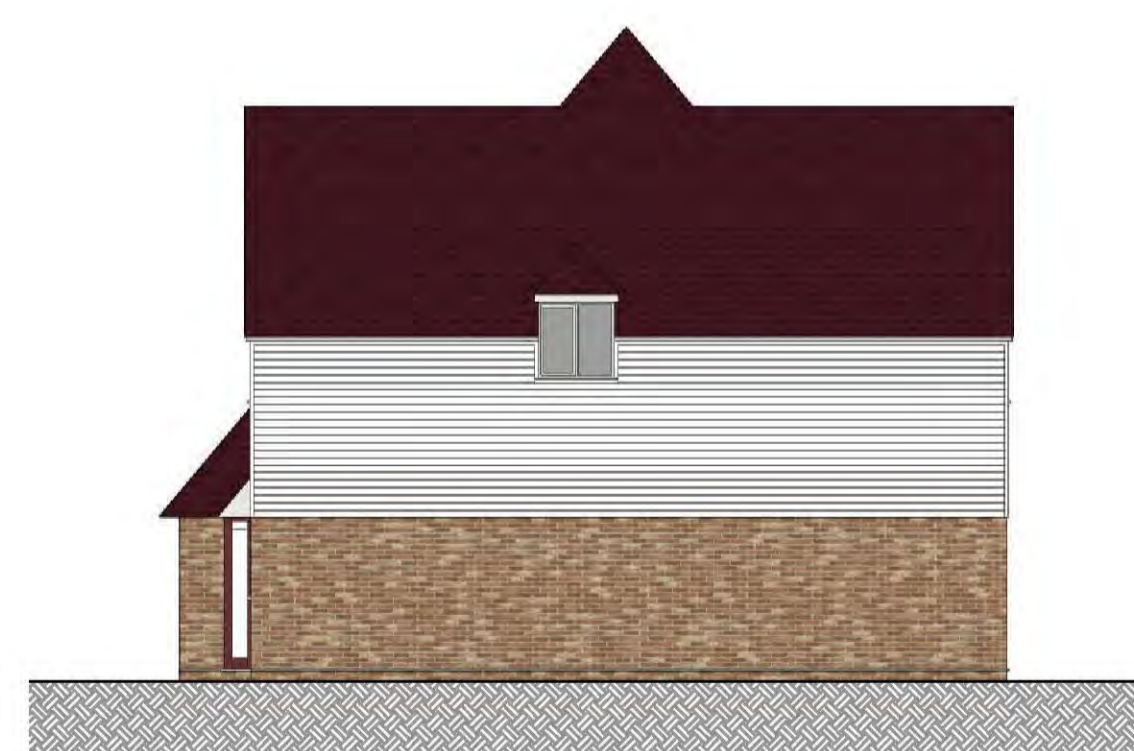
4 Existing Front Elevation Scale: 1:100



5 Existing Left Elevation Scale: 1:100



6 Existing Rear Elevation Scale: 1:100



7 Existing Right Elevation Scale: 1:100

SCALE 1:100
0 1 2 3 4 5 6 7 8 9 10 [M]

DO NOT SCALE THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. THIS DRAWING IS COPYRIGHT OF APS DESIGNS AND SHOULD ONLY BE REPRODUCED WITH THEIR EXPRESS PERMISSION. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES SHOULD BE REPORTED TO APS DESIGNS PRIOR TO COMMENCEMENT.

This page is intentionally left blank

225



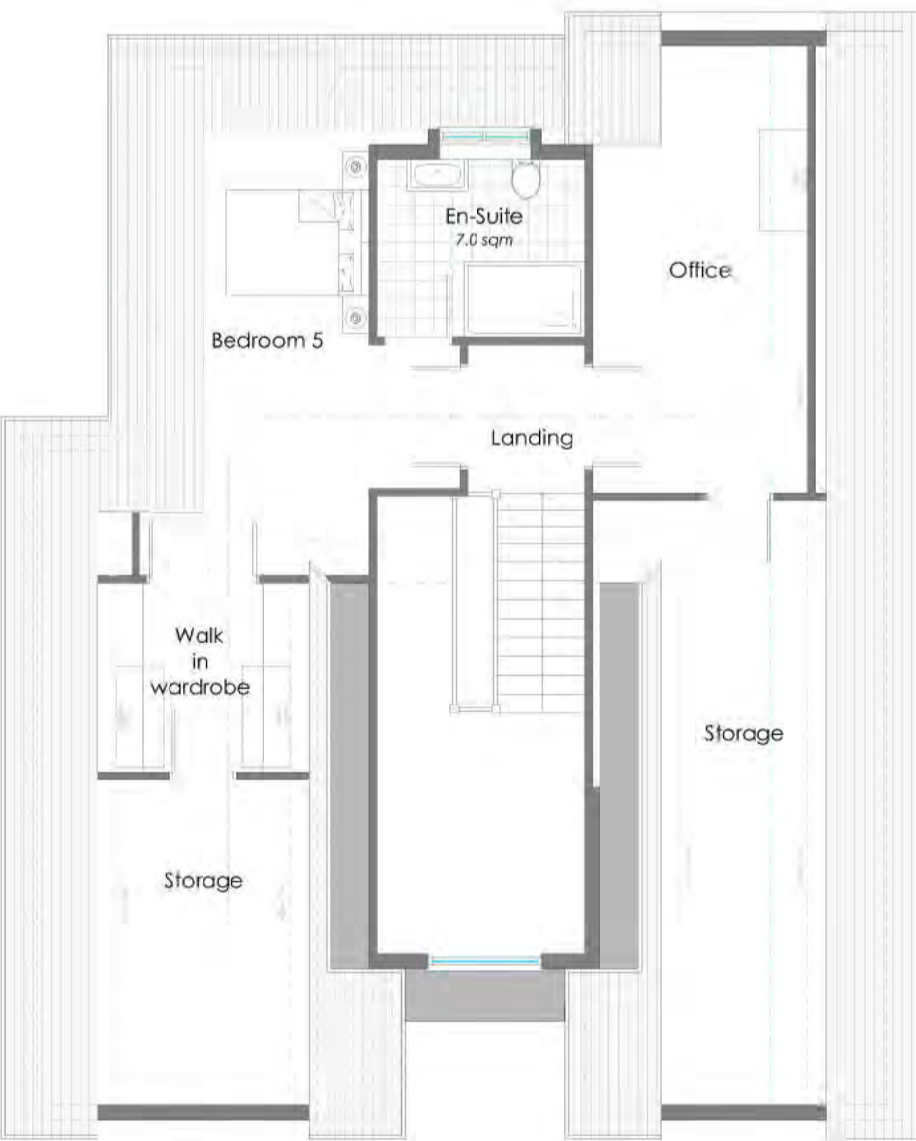
1 Proposed Ground Floor Plan

Scale: 1:100



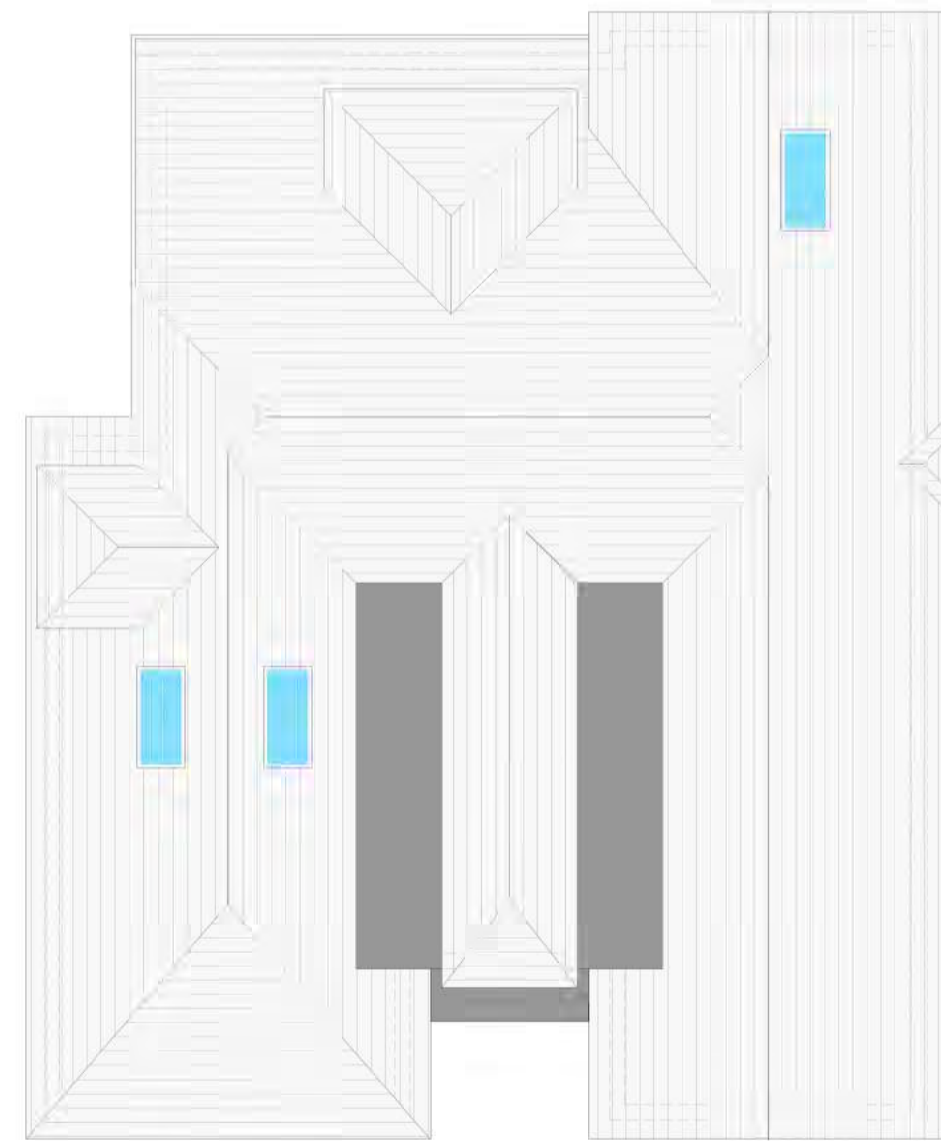
2 Proposed First Floor Plan

Scale: 1:100



3 Proposed Second Floor Plan

Scale: 1:100



4 Proposed Roof Plan

Scale: 1:100



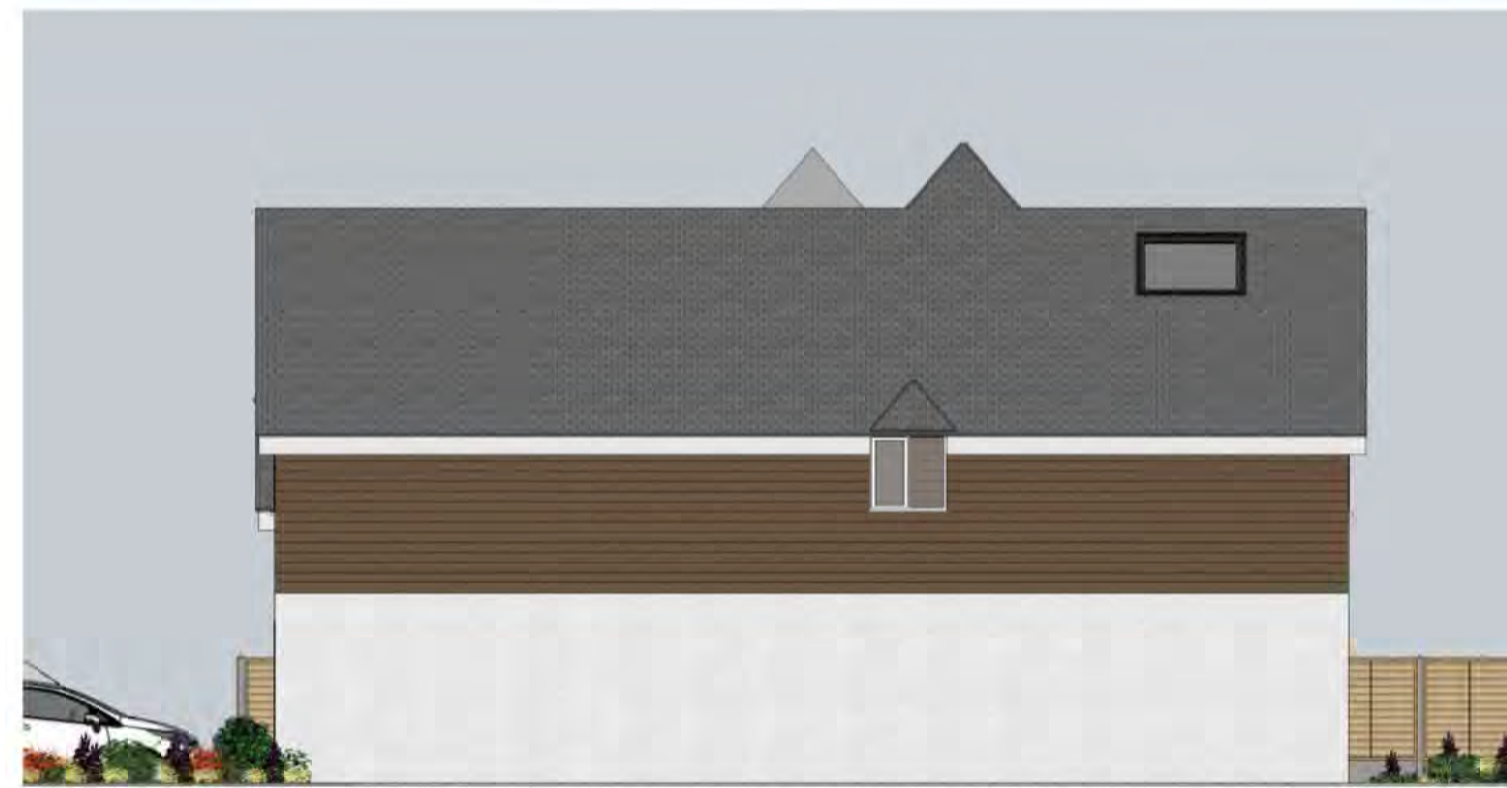
5 Proposed Front Elevation

Scale: 1:100



6 Proposed Left Elevation

Scale: 1:100



7 Proposed Rear Elevation

Scale: 1:100



8 Proposed Right Elevation

Scale: 1:100

Note:
All windows will be White UPVC

SCALE 1 : 100
0 1 2 3 4 5 6 7 8 9 10 [M]

DO NOT SCALE THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. THIS DRAWING IS COPYRIGHT OF APS DESIGNS AND SHOULD ONLY BE REPRODUCED WITH THEIR EXPRESS PERMISSION. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES SHOULD BE REPORTED TO APS DESIGNS PRIOR TO COMMENCEMENT.

REVISION	DATE	AMENDMENT
A	05.12.2019	Roof amendment
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE:	DRAWN BY:	DATE:
Town Planning	GD	October 2019
CLIENT:		
PROJECT:	DRAWING NO.:	REVISION:
22 Hayes Barton	03	A
JOB NO.:		SCALE:
2953		1:100 @ A1
DRAWING TITLE:		
Proposed		
The Design Studio 1 Cambridge Road (Rear), Nelson Street Southend-On-Sea Essex		
Tel: 01702 459788 - 01702 337328 Email: admin@apsdesigns.co.uk design@apsdesigns.co.uk planning@apsdesigns.co.uk Website: www.apsdesigns.co.uk		
SSI 1ET		

This page is intentionally left blank

Reference:	19/02023/TPO	<h1>12</h1>
Ward:	St Laurence	
Proposal:	Fell to ground level and grind stump 1 Cherry and 1 Bird Cherry Tree, Maintenance prune, reduce crown to previous points, grind stump various trees at land adjacent 9 and 10 Four Sisters Close and 1, 3, 5 and 7 Four Sisters Way (Works to Trees covered by a Tree Preservation Order).	
Address:	Land at junction of Four Sisters Way and fronting Rayleigh Road, Eastwood, Essex	
Applicant:	Rick Milsom, Southend-On-Sea Borough Council	
Agent:	N/A	
Consultation Expiry:	29.11.2019	
Expiry Date:	13.01.2020	
Case Officer:	Scott Davison	
Plan No's:	Location of Tree Plans	
Recommendation:	GRANT CONSENT FOR WORKS TO PRESERVED TREES	



1 Site and Surroundings

- 1.1 This group of trees are located on a piece of open space between Four Sisters Way and Rayleigh Road, The land forms a buffer between the houses and the main road. The trees form an attractive group in the streetscene and have significant public amenity value. The trees are covered by blanket Tree Preservation Order (Ref: TPO/TPO 05/94).

2 The Proposal

- 2.1 The applicant seeks consent to fell to ground level and grind to a stump, 1 Cherry tree and 1 Bird Cherry tree and to prune various trees located in the green space fronting Four Sisters Way adjacent to Rayleigh Road. The pruning works proposed are:

T2 Pilar Apple (TPO 5/94 T26) Crown reduction to previous points
T4 Norway Maple (TPO 5/94 T24) Maintenance and prune
T5 Norway Maple (TPO 5/94 T23) Maintenance, prune and to reduce canopy by 2m from property on the east side and balance into upper canopy
T7 Norway Maple (TPO 5/94) remove epicormic growth
T8 Norway Maple (TPO 5/94) Maintenance and prune
T11 Red Horse Chestnut (TPO 5/94 T20) Maintenance and prune
T12 Red Horse Chestnut (TPO 5/94 T19) Maintenance and prune
T13 Red Horse Chestnut (TPO 5/94 T21) Maintenance and prune
T14 Norway Maple (TPO 5/94) Maintenance and prune
T15 Cherry (TPO 5/94 T17) Fell to ground level and grind stump
T16 Norway Maple (TPO 5/94 T15) Reduce crown all round by approx. 1.5m
T18 White Willow (TPO 5/94 T12) Reduce to crown to previous reduction points.
T20 White Willow (TPO 5/94 T10) Reduce crown to previous reduction points.
T21 Bird Cherry stump (TPO 5/94 T8) Grind Stump
T22 Bird Cherry (TPO 5/94 T9) Grind Stump
T23 Bird Cherry (TPO 5/94 T7) Fell to ground and grind stump

- 2.2 Where the proposed works are described as maintenance and prune, the works specification is confirmed as crown lift to a height 4.5m where the tree canopy is over roads and a crown lift to 2.5m where the tree canopy is over paths. Other works includes the removal basal and epicormic growth. (*Basal growth is the new shoots that start growing up at the base of shrubs. Epicormic growth includes new shoots along tree branches and tree trunks.*)
- 2.3 The reason given for the works is for general maintenance to clear paths, roads and properties. The application states that tree planting is to be carried out within the site with a minimum of 6 trees to be planted. Details of the trees to be planted have not been submitted.

3 Relevant Planning History

- 3.1 08/01088/TPO Prune 13 trees on north side of Rayleigh Road at junction with Four Sisters Way (Application for works to trees covered by a Tree Preservation Order TPO 5/94) Consent for Works to Trees

- 3.2 14/01001/TPO Prune various trees at land adjacent 9 and 10 Four Sisters Close and 1, 3, 5 and 7 Four Sisters Way (works to trees covered by a Tree Preservation Order) Consent for Works to Trees.

4 Representations Summary

Public Consultation

- 4.1 Councillor Cowan has called the application in for consideration by the Development Control Committee.
- 4.2 Twenty Six neighbours were consulted and a site notice was displayed. One response was received. It is summarised below.
- The bird cherry trees have been havens for flocks of Goldfinches and other hedge birds and offer food and dense cover than willows and maples on the border. The numbers of birds visiting the trees have reduced since the two trees died. All the trees should be replaced by samplings of identical species.

Parks

- 4.3 No objection.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF), (2019).
- 5.2 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management Document (2015) Policy DM1 (Design Quality)
- 5.4 Southend Design & Townscape Guide (2009).

6 Planning Considerations

- 6.1 When determining a TPO application the authority should consider the following:
- The likely impact of the proposal on the amenity 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;
 - Whether there are any other material considerations, including development plan policies.

7 **Appraisal**

- 7.1 The Council seeks to protect preserve trees which make a positive contribution to the townscape of an area. Applications for pruning of preserved trees therefore need to be justified.
- 7.2 These are council owned trees and the application has been made by the Council's Arboricultural Officer. The works are required for general maintenance purposes to reduce the encroachment over the paths, roads and onto the neighbouring properties. The works have been recommended for approval by a Parks Officer who considers that the works are "appropriate and fully reflect those required given the present condition of the individual trees concerned and their position within a location of this type. The tree removals are required due to the decayed and poor condition of the two cherry trees." There is therefore no objection to this proposal.
- 7.3 The proposed works including the reduction of crowns by up to 4.5m and the removal basal and epicormic growth. It is not considered that the proposed works would be detrimental to the amenity and ongoing health of the trees or their retention. As such the trees would still contribute positively to the open landscaped environment and wider surrounding area after the works have been undertaken.
- 7.4 There is also no known evidence of protected species or nesting birds, however, as a precaution, a condition could be imposed to ensure that the works are carried out in accordance with British Standard BS3998 which covers the protection of wildlife and its habitat.
- 7.5 The works proposed are therefore considered to be acceptable and policy compliant.

8 **Recommendation**

8.1 **GRANT CONSENT FOR WORKS TO PRESERVED TREES subject to the following conditions.**

- 01 **The works covered by this consent must be begun not later than the expiration of two years beginning with 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 accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1 and Southend Design and Townscape Guide (2009).

- 02 **The works shall be carried out in accordance with BS 3998 (2010) Tree Work by a suitably qualified person.**

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1 and Southend Design and Townscape Guide (2009).

- 03 The pruning works to trees at the land fronting Four Sisters Way covered by TPO 5/94 shall be restricted to: T2 Pilar Apple (TPO 5/94 T26) Crown reduction to previous points, T4 Norway Maple (TPO 5/94 T24) Maintenance and prune including crown lift to a maximum height of 4.5m and remove basal and epicormic growth, T5 Norway Maple (TPO 5/94 T23) Maintenance, prune crown lift to a maximum height of 4.5m and remove basal and epicormic growth and to reduce canopy by 2m from property on the east side and balance into upper canopy, T7 Norway Maple (TPO 5/94) remove epicormic growth, T8 Norway Maple (TPO 5/94) Maintenance and prune including crown lift to a maximum height of 4.5m and remove basal and epicormic growth, T11 Red Horse Chestnut (TPO 5/94 T20) Maintenance and prune including crown lift to a maximum height of 4.5m and remove basal and epicormic growth, T12 Red Horse Chestnut (TPO 5/94 T19) Maintenance and prune including crown lift to a maximum height of 4.5m and remove basal and epicormic growth, T13 Red Horse Chestnut (TPO 5/94 T21) Maintenance and prune including crown lift to a maximum height of 4.5m and remove basal and epicormic growth, T14 Norway Maple (TPO 5/94) Maintenance and prune including crown lift to a maximum height of 4.5m and remove basal and epicormic growth, T15 Cherry (TPO 5/94 T17) Fell to ground level and grind stump, T16 Norway Maple (TPO 5/94 T15) Reduce crown all round by approx. 1.5m, T18 White Willow (TPO 5/94 T12) Reduce to crown to previous reduction points, T20 White Willow (TPO 5/94 T10) Reduce crown to previous reduction points, T21 Bird Cherry stump (TPO 5/94 T8) grind stump, T22 Bird Cherry (TPO 5/94 T9) grind stump and T23 Bird Cherry (TPO 5/94 T7) fell to ground and grind stump.**

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1 and Southend Design and Townscape Guide (2009).

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

Informative

01. The applicant is informed that tree numbers 7, 8, and 14 are not covered by TPO 5/94.

This page is intentionally left blank







