

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 1st July, 2020

Time: 5.00 pm

Place: Virtual Meeting via MS Teams

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report

**** **Contents List and Introduction**

4 **20/00315/FUL - Baryta House, Victoria Avenue, Southend-on-Sea (Victoria Ward) (Pages 5 - 44)**

5 **20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness (Shoeburyness Ward) (Pages 45 - 90)**

6 **20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea (Thorpe Ward) (Pages 91 - 110)**

7 **20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea (Prittlewell Ward) (Pages 111 - 174)**

**** **Enforcement of Planning Control**

8 **18/00241/UNAU_B - 47 Prince Avenue, Southend-on-Sea (St Laurence Ward) (Pages 175 - 210)**

9 **18/00142/UNAU_B - 1595 London Road, Leigh-on-Sea (West Leigh Ward) (Pages 211 - 226)**

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

Councillor N Ward (Chair)

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

DEVELOPMENT CONTROL COMMITTEE

AGENDA: 1st July 2020

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Victoria	20/00315/FUL	Baryta House Victoria Avenue
Shoeburyness	20/00468/BC4 & 20/00469/LBC	Gunners Park Ness Road
Thorpe	20/00513/FULM	All Weather Pitch Southchurch Park
Prittlewell	20/00423/FUL	22 - 24 St Benet's Road Southend-On-Sea

Enforcement Report		
St Laurence	18/00241/UNAU_B	47 Prince Avenue Southend-On-Sea
West Leigh	18/00142/UNAU_B	1595 London Road Leigh-On-Sea

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

Background Papers

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

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

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

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

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

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

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Reference:	20/00315/FUL	<h1>4</h1>
Application Type:	Full Application	
Ward:	Victoria	
Proposal:	Erect four storey building comprising 9no. flats with undercroft car park and reconfigure car park to rear of Baryta House	
Address:	Baryta House, Victoria Avenue, Southend-On-Sea	
Applicant:	Shaviram Southend Limited	
Agent:	Mr Daniel Rose of D. Rose Planning LLP	
Consultation Expiry:	10 th June 2020	
Expiry Date:	10 th July 2020	
Case Officer:	Charlotte White	
Plan Nos:	205 P04, 204 P04, 204, 202 P05, 200 P05, 206 P03, 203 P04, 0003 A01	
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions	



1 Site and Surroundings

- 1.1 The application site is not quite rectangular in shape and is located between Victoria Avenue and Baxter Avenue. It is on the eastern side of Baxter Avenue and the western side of Victoria Avenue and is slightly wider towards Baxter Avenue. The site is currently occupied by a tall, 12 storey building which fronts Victoria Avenue which was recently converted from offices to residential units. To the rear of the site, near Baxter Avenue is the surface car parking.
- 1.2 The surrounding area is largely residential, following the conversion of the majority of the tall buildings in this location from offices to residential flats. The scale of the buildings fronting Victoria Avenue is greater than those to the rear in Baxter Avenue.
- 1.3 The site has no specific allocation within the Development Management Document Proposals Map, but it is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP (Southend Central Area Action Plan).

2 The Proposal

- 2.1 Planning permission is sought to construct a detached 4 storey block of 9 self-contained flats with undercroft parking, located to the rear of the site and fronting on to Baxter Avenue. The proposed building has a flat roof with inset balconies.
- 2.2 The proposed block of flats measures 23.3m x 13.3m with a height of some 12.4m.
- 2.3 The accommodation proposed comprises:
- 2.4 Ground floor: 8 undercroft parking spaces with 6 spaces to the rear that are located partially within an overhang/undercroft arrangement, entrance lobby, stair core, cycle store, refuse store and plant room.
- 2.5 First floor: 3x flats:
 - Flat 1: 3 bedroom, 4 person unit measuring 75sqm with bedrooms of 12.2sqm, 8.7sqm and 7.5sqm with a balcony of some 9.5sqm.
 - Flat 2: 2 bedroom 3 person unit measuring 67sqm with bedrooms of 12.1sqm and 9.3sqm and a balcony of some 9.5sqm.
 - Flat 3: 2 bedroom, 3 person unit measuring 65sqm with bedrooms of 11.6sqm and 9.6sqm and a balcony of some 6.5sqm.
- 2.6 Second floor: 3x flats:
 - Flat 4: 3 bedroom, 4 person unit measuring 75sqm with bedrooms of 12.2sqm, 8.7sqm and 7.5sqm with a balcony of some 9.5sqm.
 - Flat 5: 2 bedroom 3 person unit measuring 67sqm with bedrooms of 12.1sqm and 9.3sqm and a balcony of some 9.5sqm.
 - Flat 6: 2 bedroom, 3 person unit measuring 65sqm with bedrooms of 11.6sqm and 9.6sqm and a balcony of some 6.5sqm.
- 2.7 Second floor: 3x flats
 - Flat 7: 3 bedroom, 4 person unit measuring 75sqm with bedrooms of 12.2sqm, 8.7sqm and 7.5sqm with a balcony of some 9.5sqm.
 - Flat 8: 2 bedroom 3 person unit measuring 67sqm with bedrooms of 12.1sqm and

- 9.3sqm and a balcony of some 9.5sqm.
- Flat 9: 2 bedroom, 3 person unit measuring 65sqm with bedrooms of 11.6sqm and 9.6sqm and a balcony of some 6.5sqm.

2.8 The proposed block of flats is located on an existing parking area. The submitted plans indicate that immediately surrounding the proposed flats, to the north and east there will be 15 parking spaces, 2 of which would be accessible spaces for people with mobility problems (this includes the 6 semi-undercroft spaces referred to above). A further 34 surface car parking spaces will be provided to the north-east of the proposed flats.

2.9 In terms of materials, the information submitted states *'The scheme will entail a yellow/cream coloured stock face brickwork...complemented by offsets of smooth through coloured render of white/grey...'* Light grey window frames are proposed. It is stated that *'The ground floor will feature brick corbeling at every 6th course and will be either be a matching brick to the façade or a contrasting brick. Stone heads will be used above all the windows and openings...this stone head will project out forming a canopy over the main entrance point and refuse store'*

3 Relevant Planning History

3.1 16/02168/FUL - Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations – Planning permission granted.

3.2 17/02182/AD - Application for approval of details pursuant to condition 05 (details of parking allocation, refuse and cycle stores), condition 06 (details of water efficiency) and condition 07 (details of renewables) of planning permission 16/02168/FUL dated 31.03.2017 – Granted.

[It is noted that this approval of details permitted the provision of 2 allocated parking spaces for the 4 flats]

3.3 17/02176/NON - Replace plan numbers PL 06 D with PL 06 F 010 reconfiguration of parking layout (Non-material Amendment to Planning Permission 16/02168/FUL Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations dated 31.03.2017 – non-material amendment granted.

[It is noted that the reconfigured car park layout that was approved under this non-material amendment application retained 74 parking spaces including 1 disabled space.]

3.4 17/01969/AD – Application for approval of details pursuant to condition 03 (details of screening) of planning permission 16/02168/FUL dated 31.03.2017 – granted.

3.5 17/01928/NON - Replace plan numbers PL_47F, PL_48F, PL_49D, PL_50F, PL_51D, PL_52A with PL_47G, PL_48G, PL_49E, PL_50G, PL_51F, PL_52B (Non-material Amendment to Planning Permission 16/02168/FUL Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations dated 31.03.2017 – non-material amendment granted.

- 3.6 17/01084/AD - Application for approval of details pursuant to condition 01 (details of waste management) of application 16/00297/PA3COU dated 20.04.2016 – granted.
- 3.7 16/02168/FUL - Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations – planning permission granted.
- 3.8 16/00297/PA3COU - Change of use of existing building from office (Class B1(a)) to one hundred and five flats (Class C3) (Prior Approval) – Prior approval granted.
- 3.9 15/01487/CLE - Use as self-contained flat (Lawful Development Certificate - Existing) – Lawful.
- 3.10 15/00953/PA3COU - Change of use of existing building from office (Class B1(a)) to one hundred and two flats (Class C3) (Prior Approval) – Prior approval granted.
- 3.11 15/00926/FUL - Replace existing cladding and windows to all elevations – Planning permission granted.
- 3.12 16/02004/AMDT - Application to vary conditions 02 (Approved plans, to alter fenestration and remove escape stair) and remove Condition 3 (samples of materials) (Minor Material Amendment to planning permission 15/00926/FUL replace existing cladding and windows to all elevations dated 06.08.2015) – Planning permission granted.
- 3.13 15/00322/PA3COU - Change of use from office use (Class B1a) to 72 self-contained flats (Class C3) under Prior Notification of Class J (Town and Country Planning General Permitted Development Order 1995 (As Amended) Class J, Part 3, Schedule 2 – Prior approval granted.

4 Representation Summary

4.1 Public Consultation

296 neighbouring properties were consulted and a site notice displayed. There was a re-consultation following the submission of amended plans during the course of the application. 5 letters of representation have been received which make the following summarised comments:

- Residential amenity concerns.
- Loss of light.
- Overlooking and loss of privacy.
- Parking concerns – loss of parking, insufficient parking, car park already full with no visitor parking and already difficultly manoeuvring within the car park.
- Car parking not properly controlled.
- Concerns relating to construction noise and disturbance plus already suffering noise and disturbance from adjacent building site.
- Concerns relating to parking availability during construction.
- Concerns relating to existing lack of disabled access and disabled parking.
- Queries regarding the number and allocations of disabled parking provisions proposed, the manoeuvrability of the amended car park, disabled parking provision during construction and the accessibility of paths and provision of ramps.
- Antisocial behaviour concerns and concerns relating to drug dealing.
- Concerns relating to content of parking justification statement submitted.

- Inaccurate information submitted in relation to distance of the site from Southend High School for Boys – there are 4 various education facilities within a 2km walking distance of the site.
- There is a still a need for parking despite the location of the site.
- Reason for low car ownership here is because there is a lack of parking facilities in and around the town centre. Concerns raised census data is also outdated.
- Concerns that existing Baryta House residents risk losing their allocated parking spaces and will not be permitted resident parking permits to park elsewhere in surrounding area.

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

4.2 This application was referred to the Development Control Committee by Cllr Gilbert.

4.3 **Parks**

Would request a condition be introduced to agree the landscaping scheme. Additionally, it is likely the street tree on Baxter Avenue outside of the proposed development site would require protection measures throughout construction.

4.4 **Highways Team**

There are no highway objections to this revised application. Future occupiers will not be eligible for a town centre or residential parking permit.

4.5 **Environmental Health**

Noise

The submitted report indicates that despite shielding from Baryta House (which is part of the development red line) noise levels in the proposed site would have a significant adverse health effect if not mitigated. The report goes provide criteria to which the building fabric, roof and glazing should be built to provide desirable levels of internal levels of noise. This would also require an alternative form of ventilation to maintain the internal levels.

It is not evident that any of the design of the building has been influenced by the noise impact assessment e.g. locating bedrooms at the quietest facades. The author states that the noise levels within the dwellings will be dependent on the configuration as well as the materials.

This could be incorporated into the design if a permission is granted as part of the mitigation measures.

In the current configuration it appears that windows cannot be opened for ventilation and purging without causing adverse internal noise levels. Regulatory Services will always wish for dwelling to have openable windows in accordance with WHO criteria for dwellings and wellbeing. Therefore we would want the configuration of proposed dwellings to reflect this before permission is granted.

However if the LPA is minded to grant permission a planning permission a condition is recommended requiring a scheme for the protection of occupiers from noise from traffic and any existing noise.

Contamination

I have reviewed the Phase 1 Desk Study by Lustre Consulting dated May 2020 and reference 3600-200514. The report concludes that there is minimal risk to the end users so much so that it is doubtful that the site would be regarded as contaminated land under Part 2A of the EPA 1990 in the future once developed. From the information therefore no further investigation is necessary. I tend to agree with this as it is most likely that any risk will be a health and safety at work matter. The report recommends a watching brief so if a permission is granted an appropriate condition will be recommended.

Air Quality

The report is comprehensive, technically robust with sound methodology, and therefore acceptable.

Conditions recommended relating to contamination, construction/demolition statement, noise, waste management and external illumination.

4.6 **Design Team**

Concerns raised relating to parking resulting in an inactive frontage, the forward position of the building, lack of soft landscaping, the car sized opening to the front which only provides pedestrian access which reduces soft planting areas further. It is also queried whether a public pedestrian/cycle access route to Victoria Avenue could be provided, perhaps via No.27 by removing the intervening fence. The site would benefit from soft landscaping to the open parking area which would uplift the area and improve the outlook to the new flats Query why balconies provided to the north where they would receive limited sunlight. Indicative landscape scheme should be provided.

Officer comment: amended plans were subsequently submitted to address these concerns during the course of the application

4.7 **Fire Service**

No objections - detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019) and National Design Guide (2009)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) & CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009)
- 5.5 Southend Central Area Action Plan (SCAAP) (2018) Policies DS5 (Transport, Access and Public Realm), PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles), Opportunity Site PA8.1

5.6 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area, residential amenity considerations, living conditions for future occupiers, parking and transport issues, sustainability and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

7.1 The principle of the development is assessed against National Planning Policy Framework; Core Strategy Policies KP1, KP2, CP1, CP4 & CP6, Development Management Document Policies DM1, DM3 & DM8 and the Design and Townscape Guide. Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed.

7.2 The site is located within Opportunity Site PA8.1 (Victoria Avenue Office Area) within the SCAAP which states *'planning permission will be granted for comprehensive redevelopment of the site, or incremental development within the area, to transform it into a sustainable mixed use community with high quality developments...'*

7.3 The site is previously developed land and Core Strategy Policy CP8 supports the provision of dwellings on such land, subject to detailed considerations, where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough. The proposed development would help towards meeting the Council's target for housing provision in this area. The provision of housing in this location is also supported within the SCAAP.

7.4 The proposed development constitutes infill development. Policy DM3 of the Development Management Document in respect of infill development states:

"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."*

7.5 Policy DM3 is discussed in more detail below however, there would be no loss of local ecological assets including wildlife habitats and significant or protected trees. The impact upon the amenities of neighbouring occupiers and the character of the area is assessed in more detail below.

- 7.6 Policy DM7 states that *“the Council will look favorably upon the provision of family size housing on smaller sites, particularly where the surrounding building types provide an appropriate context for this type of development to be included within a scheme”*. The plans indicate that the development would provide 3x 3-bedroom units and 6x 2-bedroom units and would therefore provide an acceptable mix and new family units which is positive.

Design and Impact on the Character of the Area

- 7.7 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy Policies KP2 and CP4, Development Management Policies DM1, DM3 and the Design and Townscape Guide.

- 7.8 Paragraph 124 of the NPPF states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”*.

- 7.9 Paragraph 127 of the NPPF states *“Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

- 7.10 Policy KP2 of the Core Strategy requires all new developments to respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.

- 7.11 Policy DM1 of the Development Management Document states, *“The need for good quality, innovative design that contributes positively to the creation of successful places. All developments should draw reference from the relevant design principles set out in the ‘Design and Townscape Guide’, and where a Design and Access Statement is required demonstrate within this how the relevant principles have been addressed to achieve high quality, sustainable design. In order to reinforce local distinctiveness all development should respect and enhance 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. Provide appropriate detailing that contributes to and enhances the distinctiveness of place; Contribute positively to the space between buildings and their relationship to the public realm; Protect the amenity of the site, immediate neighbours, and surrounding area”.*
- 7.12 The site is located within Opportunity Site PA8.1 (Victoria Avenue Office Area) within the SCAAP which states *‘planning permission will be granted for comprehensive redevelopment of the site, or incremental development within the area, to transform it into a sustainable mixed use community with high quality developments, this will include an acceptable mix of uses focused on residential uses to upper floors...full integration with the surrounding area through the provision of pedestrian and cycling routes, to improve access and linkages...urban greening projects, including the use of green walls and roof gardens, comprehensive landscaping...’*
- 7.13 In terms of scale the information submitted with the application states *‘The height will be respectful and not look to surpass the height of Cumberland House or the most outward projection of Catherine Lodge.’* The scale in the area is mixed with tall buildings to the east of the site fronting Victoria Avenue. The buildings located on and fronting the eastern side of Baxter Avenue have a reduced scale compared to those in Victoria Avenue but have a greater scale than the buildings on the western side of Baxter Avenue which includes rows of Victorian/Edwardian 2 storey dwellinghouses.
- 7.14 To the north of the site, on the eastern side of Baxter Avenue is Kingswood House which is 5 storeys in scale and to the south is Cumberland House which is 4 storeys in scale. From the plans submitted it is evident that the development would have a lower height than the adjoining Cumberland House. As such the overall height and the 4 storey scale of the proposed development is acceptable and would not be out of keeping with the scale and height of the surrounding development. Taking account of the size, widths, depths and designs of the surrounding buildings it is considered that the form, mass and bulk of the development is also acceptable and would not be out of keeping with or harmful to the character and appearance of the site or the wider surrounding area.
- 7.15 In terms of siting, concern was originally raised that the proposed development would be located very close to Baxter Avenue, with the building originally proposed to be located some 0.6m from the boundary of the site with Baxter Avenue. Whilst buildings within Baxter Avenue are located close to the site boundaries, typically a minimum of some 1.5m is provided between the buildings and Baxter Avenue. As such, the scheme was amended during the course of the application. The building has been set back 1.8m from Baxter Avenue and has a similar building line to Cumberland House, to the south of the application site. As such, it is considered that the amended proposal is of an appropriate siting and would not result in any material harm to the character or appearance of the site or the wider surrounding area in this respect.

- 7.16 In terms of detailed design, on balance, the undercroft parking proposed, although not feature of strong design, is considered acceptable in this instance, given the extent of landscaping proposed to the front of the site. The proposal also includes a prominent entrance to the development on Baxter Avenue which is positive. The materials, fenestration design and detailing proposed is considered acceptable.
- 7.17 In terms of landscaping, limited details have been provided at this stage, but the Design and Access Statement submitted does outline that there will be feature tall trees to shroud the frontage with tree and planting beds to create a feature active link between the undercroft parking and Baxter Avenue, minor tree pits to the existing car park are also proposed, with low level hedging to the front boundary and planting beds adjacent to walkways. Subject to a full landscaping condition no objection is therefore raised on this basis.
- 7.18 Overall, it is considered that the proposal is of an acceptable overall scale, form, mass, siting and design. The development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.19 The proposal is considered in the context of Policy CP4 of the Core Strategy and Policies DM1 and DM3, which requires all development to be appropriate in its setting by respecting neighbouring development, existing residential amenities and overall character of the locality.
- 7.20 The proposed development would be located some 14.3m from the existing block of flats at Baryta House to the east, some 7m from the flank elevation of Cumberland House to the south, some 8.6m to 12.4m from the front of Catherine Lodge on the western side of Baxter Avenue and would be located some 29m from the flank of Kingswood House to the north. Given these separation distances and the scale and configuration of these existing adjoining developments, it is considered that the proposal would not result in any material dominance, overbearing impact or material sense of enclosure to the adjoining and nearby residents.
- 7.21 In terms of impacts on light, outlook and overshadowing, a daylight study plan has been submitted and it is evident that the development would result in some overshadowing impacts, but from the information submitted and given the separation distances provided it is considered that the development would not result in any material loss of light, outlook or overshadowing to adjoining and nearby residents.
- 7.22 In terms of overlooking, Cumberland House to the south of the site has a number of flank windows facing the application site. The proposed development would be located some 7m from the flank wall of Cumberland House. It is apparent from business rates information available that Cumberland House is used for commercial purposes. Given these circumstances, it is considered that in this instance, the development would not result in any material overlooking or loss of privacy to the south.
- 7.23 The proposed development would be located some 29m from Kingswood House to the north and as such would not result in any material overlooking or loss of privacy in this respect. Catherine Lodge to the front of the site is located some 8.6m to 12.4m from the proposed development.

Given this degree of separation and the fact that Baxter Avenue is located between the two sites which is a space that is already open to public gaze, it is considered that the development would not result in any material overlooking or loss of privacy to the west. A separation of some 14.3m would be provided between the proposed development and the existing building at Baryta House. Given the urban nature of the site, where a degree of overlooking is to be expected, and informs the characteristics of local types and levels of amenity, and given the existing relationships between other blocks in the area, it is considered that this is an acceptable relationship that would not result in any material overlooking or loss of privacy on balance.

7.24 In terms of noise and disturbance, given the mainly residential character of the area and the relatively limited scale of the development (9 dwellings), it is considered that the development would not result in any material noise and disturbance to adjoining residents.

7.25 The development is acceptable and policy compliant in the above regards.

Standard of accommodation

7.26 Paragraph 127 of the NPPF states that *“Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 3 bedroom (4 person bed space) 1 storey dwelling shall be 74sqm and for a 2 bedroom (3 person bed space) 1 storey dwelling shall be 61sqm.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.
- Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.
- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
 - Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
 - Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.
- 7.27 All of the proposed self-contained flats are of acceptable sizes, exceeding the minimum sizes required by the technical housing standards and the bedrooms are of acceptable sizes. The development is acceptable in this respect.
- 7.28 All habitable rooms are to be provided with windows to provide adequate levels of light, outlook and ventilation.
- 7.29 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 7.30 The Council's Design and Townscape Guide states: *"Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development"*.
- 7.31 The applicant states *'Private amenity will be provided to every dwelling via terraces off the living area. The amenity provided will consist of 2 bedroom apartments with 9.5sqm and 6.5sqm and 3 bedroom apartments with 9.5sqm.'*
- 7.32 Whilst it is unfortunate that no communal outside space is proposed, especially given the family sizes of the flats, in this instance, on balance, the private balcony areas proposed are considered adequate to meet the requirements of future occupiers in this respect.
- 7.33 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application.
- 7.34 The information submitted in the Design and Access Statement states *'All proposed accesses to the dwelling will meet current part M requirements and level thresholds will be provided to allow disabled access.'* The applicant's Agent has also confirmed that the development will be M4(2) compliant. The development is therefore acceptable in this respect.
- 7.35 In terms of cycle storage, there is a dedicated, secure and covered cycle store proposed at ground floor and the information submitted states *'The scheme allows for an integral cycle store, either wall or floor mounted cycles.'*

- 7.36 In terms of waste the information submitted states *'The scheme allows for all units to have their refuse and recycling to be stored within an integral refuse store with access externally from the side elevation.'*
- 7.37 Given the information provided and the nature and size of the dedicated cycle and refuse and recycling stores proposed, subject to conditions requiring their provision and subsequent retention for use by the occupiers, the development is considered acceptable in this regard and no objection is raised on this basis.
- 7.38 In terms of noise conditions for any future occupiers, the Environmental Health Team originally raised concerns due to the proposed development's location on Victoria Avenue which has been identified under the European Noise Directive as being within the highest levels of exposure from traffic noise where some levels are on average 75dB(A). Environmental Health raised concerns that no noise impact assessment had been submitted to demonstrate how future occupiers will be protected from noise. A desktop noise survey has now been submitted which states *'...the proposed development is considered 'medium risk'. As there are multiple residential dwellings in similar proximity to the main noise sources, it is thought that provided good acoustic design is implemented then the amenity of future occupants can be fully protected.'*
- 7.39 The submitted report states *'The noise levels within the proposed dwellings will be dictated by the configuration, materials and elements of the façade. The non-glazed elements of the façade will contribute significantly to the reduction of ambient noise levels in combination with superior quality appropriate acoustic glazing specification.'* Section 4.2.2 of the report recommends measures relating to the design and nature of the facades, roofs, glazing and ventilation. Environmental Health have recommended a condition in this respect. Subject to such a condition no objection is raised on this basis.
- 7.40 In terms of land contamination, the Environmental Health Team originally commented that the application should have been submitted with a phase 1 risk assessment for contamination. The application has now been submitted with a Phase 1 Desktop study. Environmental Health have subsequently commented that the report submitted concludes that there is minimal risk to the end users and as such no further investigation is necessary. Environmental Health concur with these findings, stating that any risk will be a health and safety at work matter. However, a condition requiring a watching brief is recommended by Environmental Health. Subject to such a condition no objection is raised on this basis.
- 7.41 The Environmental Health Team also raised concerns that no evidence of the potential impact on future occupiers of the site from the local air quality had been submitted, which is required given the classification of Victoria Avenue. An Air Quality Assessment has now been submitted which concludes that there is no need to consider building mitigation and that the proposals are acceptable in terms of air quality impacts. In this respect Environmental Health have comment that the report is comprehensive, technically robust with sound methodology, and therefore acceptable. No objection is therefore raised on this basis.
- 7.42 In summary, subject to condition, it is considered that the development would provide adequate living conditions for future occupiers.

Traffic and Transportation Issues

- 7.43 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...Access to the proposed development and any traffic generated must not unreasonably harm the surroundings’*
- 7.44 Policy DM15 of the Development Management Document states *‘All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.’* The parking standards set out in Appendix 6 requires a minimum of 1 parking space per flat.
- 7.45 The application has been submitted with a parking justification statement which states *‘At present, the Baryta House site consists of 113 residential flats which have an associated 75 car parking spaces (including 1 disabled parking space). The existing car park offers a provision of 0.66 spaces per residential unit...Proposals will result in a total provision of 122 flats/apartments within the Baryta House site, with a provision of 59 car parking spaces (including 3 disabled parking spaces), this would result in a net loss of 16 spaces across the site, at a ratio of 0.48 spaces per residential unit. Although a reduction to the existing provision of car parking is proposed, the site is located within a central Southend-on-Sea area, within easy walking distance to public transport, local facilities and services...In addition to this the local car ownership of the area is 0.32 cars per flat, a level which is exceeded by the proposed car parking provision for the site.’* It is proposed to utilise the existing access to the site.
- 7.46 The application has been submitted with swept path analysis tracking plans which demonstrate that the 8 parking spaces proposed within the undercroft will all be accessible.
- 7.47 The access is not sought to be altered and the swept path analysis indicates that the car parking spaces will be accessible. The reduction of parking spaces across the site from 75 to 59 is noted, but given the highly sustainable location of site; located close to frequent and high quality public transport, and close to the town centre and its shops and services it is considered that the parking provided is adequate in this instance. It is also noted that when planning permission was granted to construct an additional storey at Baryta house, 4 additional flats were granted planning permission with the provision of 2 parking spaces, which is a similar parking ratio as that hereby proposed. The highways team have raised no objection to the proposal, taking account of the robust parking information submitted, with accompanying census data and the sustainable location of the site.
- 7.48 The neighbour concerns regarding accessible access and parking are noted. Given that this development would provide 2 additional accessible spaces and given that the applicant’s agent has confirmed that the new self-contained flats would be building regulations part M4(2) compliant, no objection is raised on this basis. It is also noted that the Highways Team have commented that the provision of 3 accessible spaces is acceptable.

7.49 The development is acceptable and policy compliant in the above regards on balance.

Sustainable Construction

7.50 Core Strategy Policy KP2 and the Design and Townscape Guide require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. The information included within the Design and Access Statement indicates that photovoltaic panels will be provided on the roof. Full details have not been submitted in this regard, but could be secured via condition if the scheme is otherwise considered acceptable.

7.51 Policy DM2 states that water efficient design measures should be incorporated into development. Whilst details have not been submitted for consideration, this can be dealt with by condition.

Community Infrastructure Levy (CIL)

7.52 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of some 838.8sqm, which may equate to a CIL charge of approximately £21,550.71 (subject to confirmation).

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development and the development would provide adequate living conditions for any future occupiers of the site. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: 205 P04, 204 P04, 204, 202 P05, 200 P05, 206 P03, 203 P04, 0003 A01

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

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

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

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

All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential or commercial units within the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

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

- 05** The development shall not be first occupied until 59 on site car parking spaces have been provided on site and made available for use in full accordance with drawings 205 P04 and 202 P05 in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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

- 06 No part of the development hereby approved shall be first occupied unless and until a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out solely in accordance with the approved details for the lifetime of the development.**

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

- 07 Before the development is first occupied, the development hereby approved shall be carried out in a manner to ensure that all of the flats hereby approved comply with the building regulation M4(2) 'accessible and adaptable dwellings' standard.**

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

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

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

- 09 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 (lppd) (110 lppd 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).

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

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

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

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

- 12** The development shall not be first occupied until a minimum of 9 secure, covered cycle parking spaces to serve the development as shown on drawing 202 P05 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

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

- 13** The development shall be undertaken in strict accordance with the findings, recommendations and conclusions as set out in section 4.2.2 of the approved Desktop Noise Survey by Nova Acoustics dated 11th May 2020 reference 4537CF Rev. A and notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the acoustic properties of the development including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be undertaken in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

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

- 14** In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must cease and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority. This shall be conducted by a competent person and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not be occupied until the measures set out in the approved report have been implemented.

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

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

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

- 16 Prior to the first occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.**

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

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

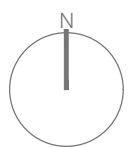
Reason: In the interests of the residential amenity of adjoining and future residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

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

Informatives:

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**
- 03 Future occupiers will not be eligible for a town centre of residential parking permit.**

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PROJECT:
APARTMENT DEVELOPMENT
 LAND TO THE REAR OF 29 VICTORIA AVENUE
 SOUTHEND-ON-SEA, ESSEX, SS2 6AZ

CLIENT:
 SHAVIRAM SOUTHEND LTD.
 DRAWING TITLE:
 PLANNING PACKAGE:
 LOCATION PLAN

REV.	DATE	AMENDMENT	DRAWN
1	18.FEBRUARY.2020		

PROJECT NO. 19.533
 REVISION: -
 DRAWING NO. **207**

DATE: 18.FEBRUARY.2020

FRONT. | 8 SOUTH STREET, ROCHFORD, ESSEX. SS4 1BQ
 TEL: +44 (0) 1702 831 415 | EMAIL: HELLO@FRONT-ARCHITECTURE.CO.UK

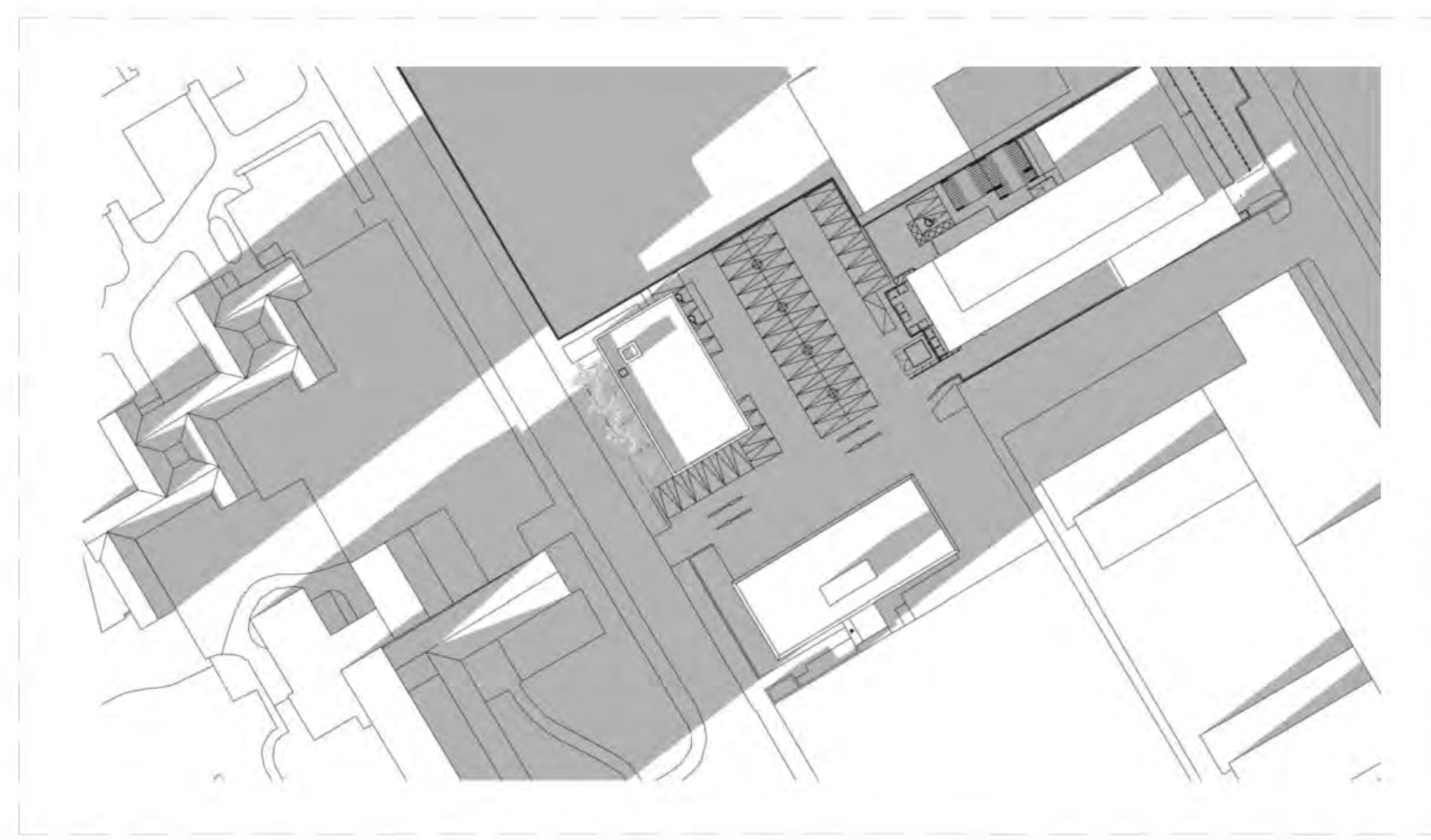
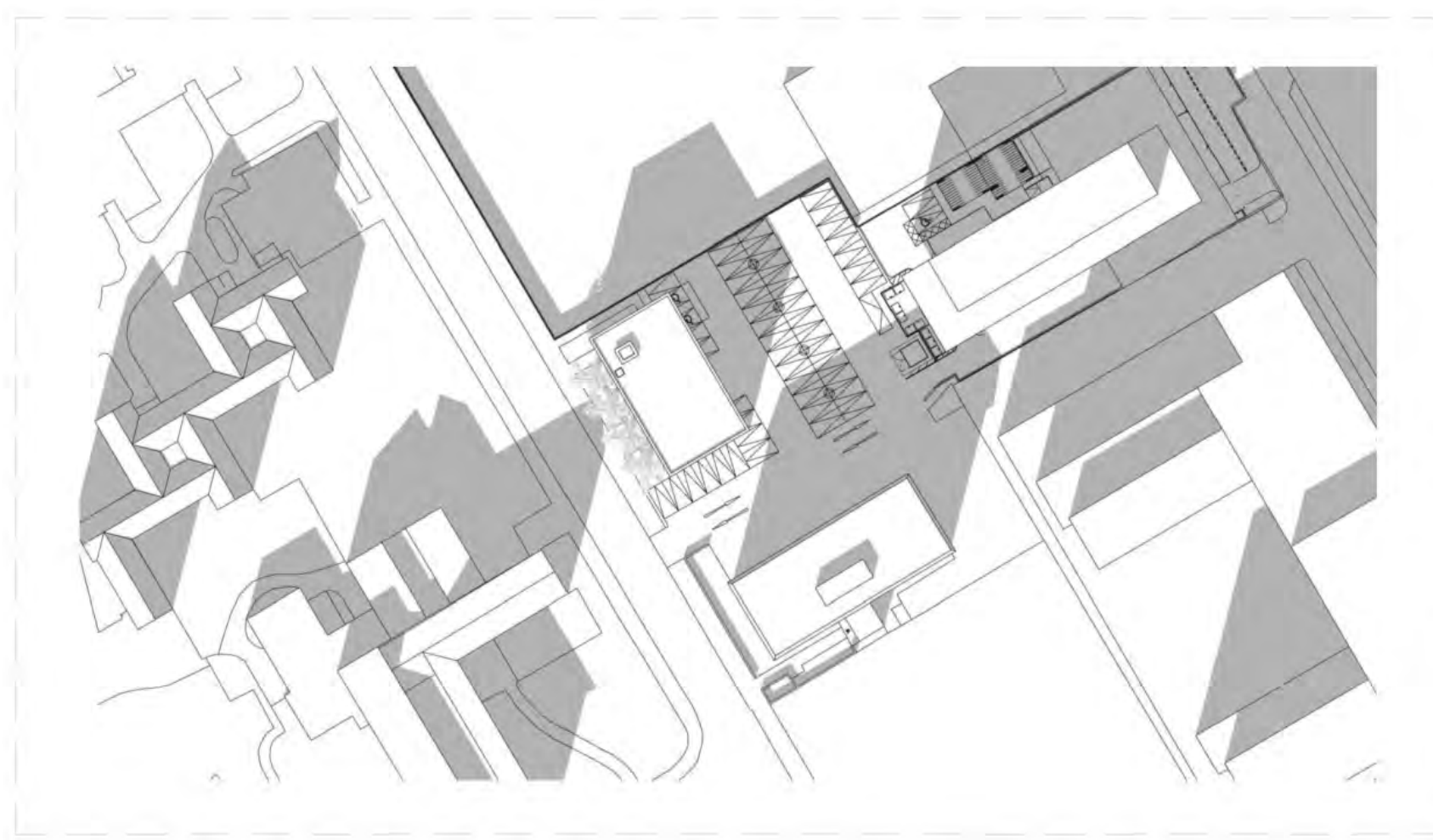
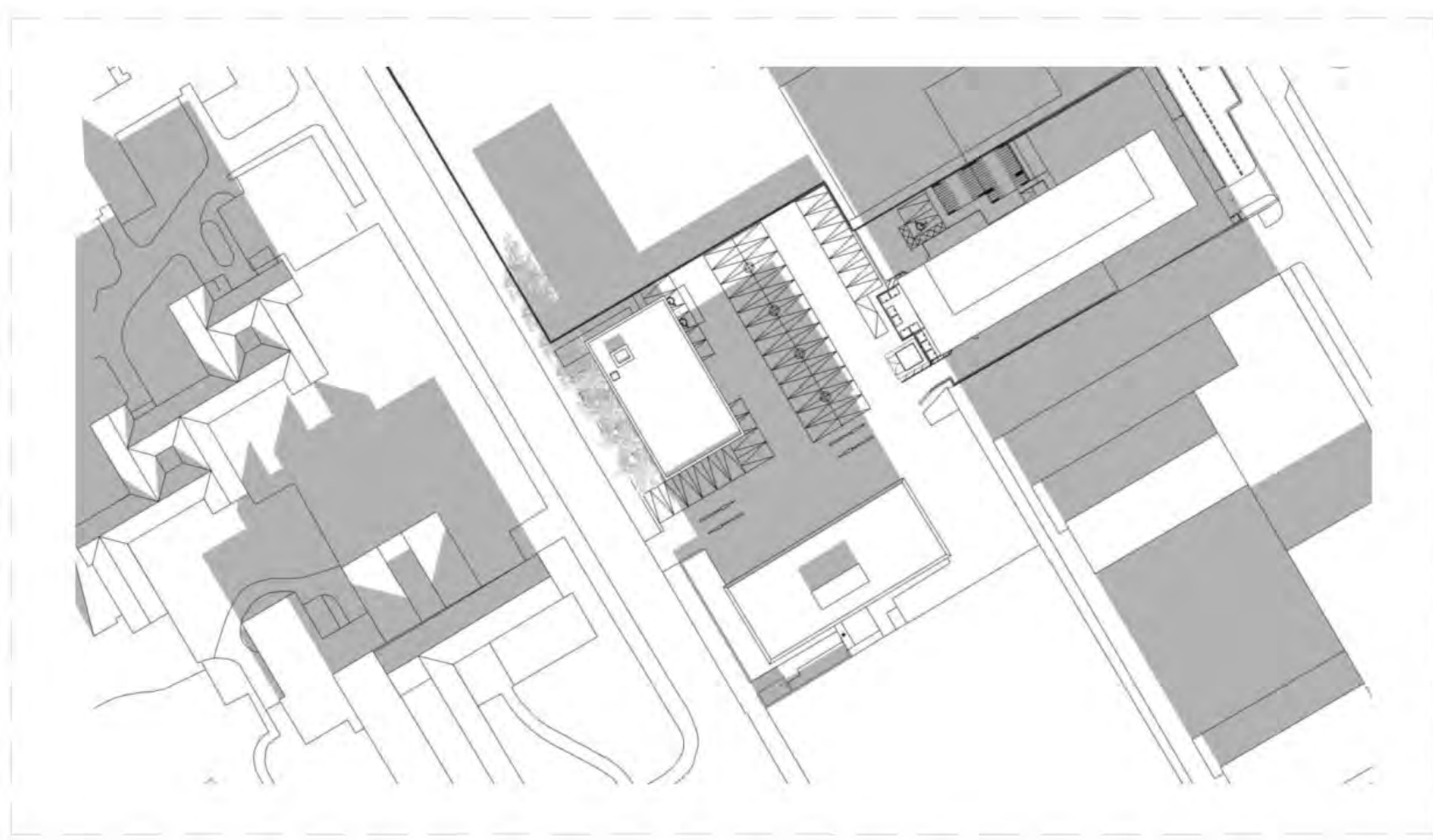
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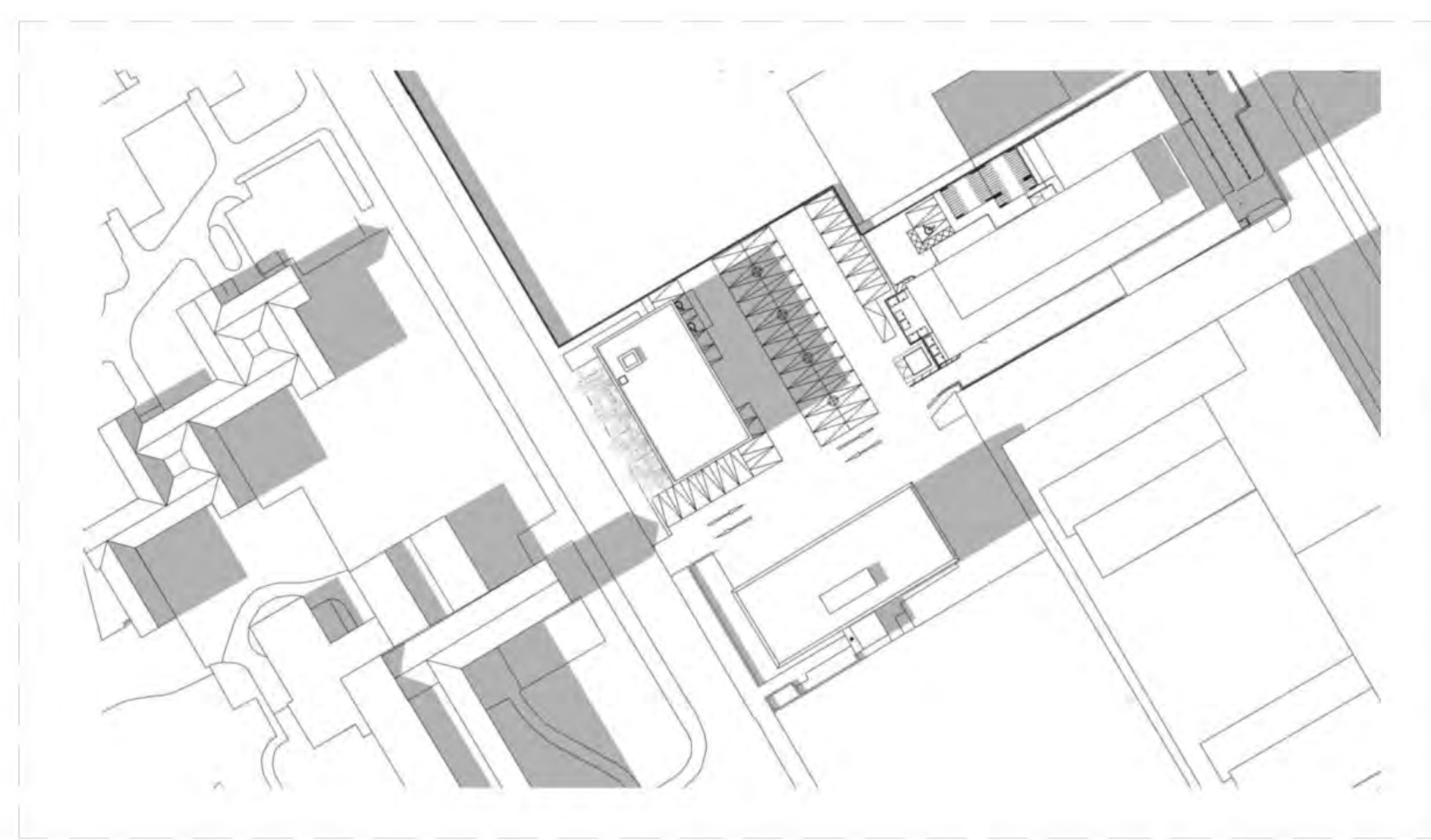
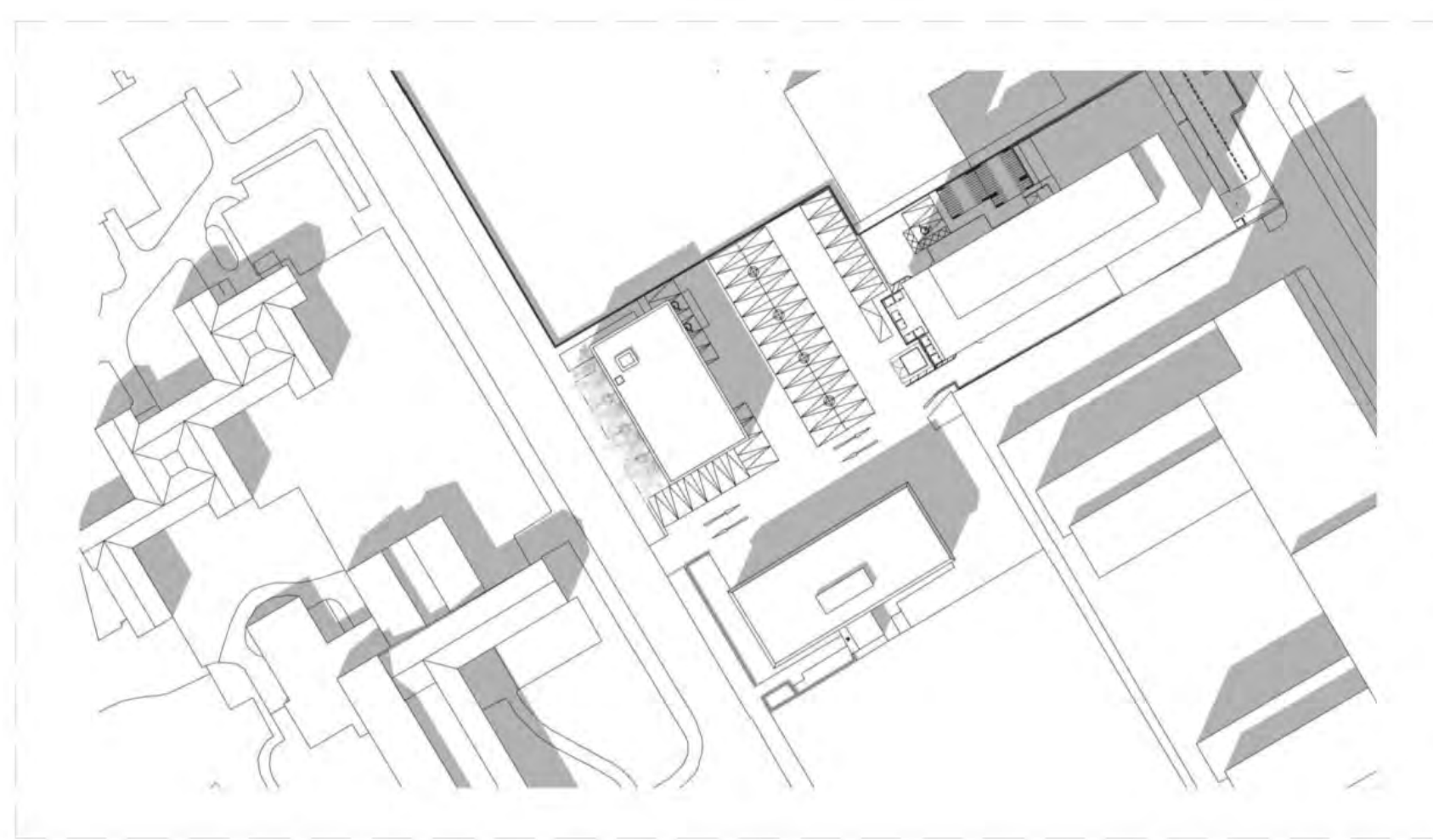
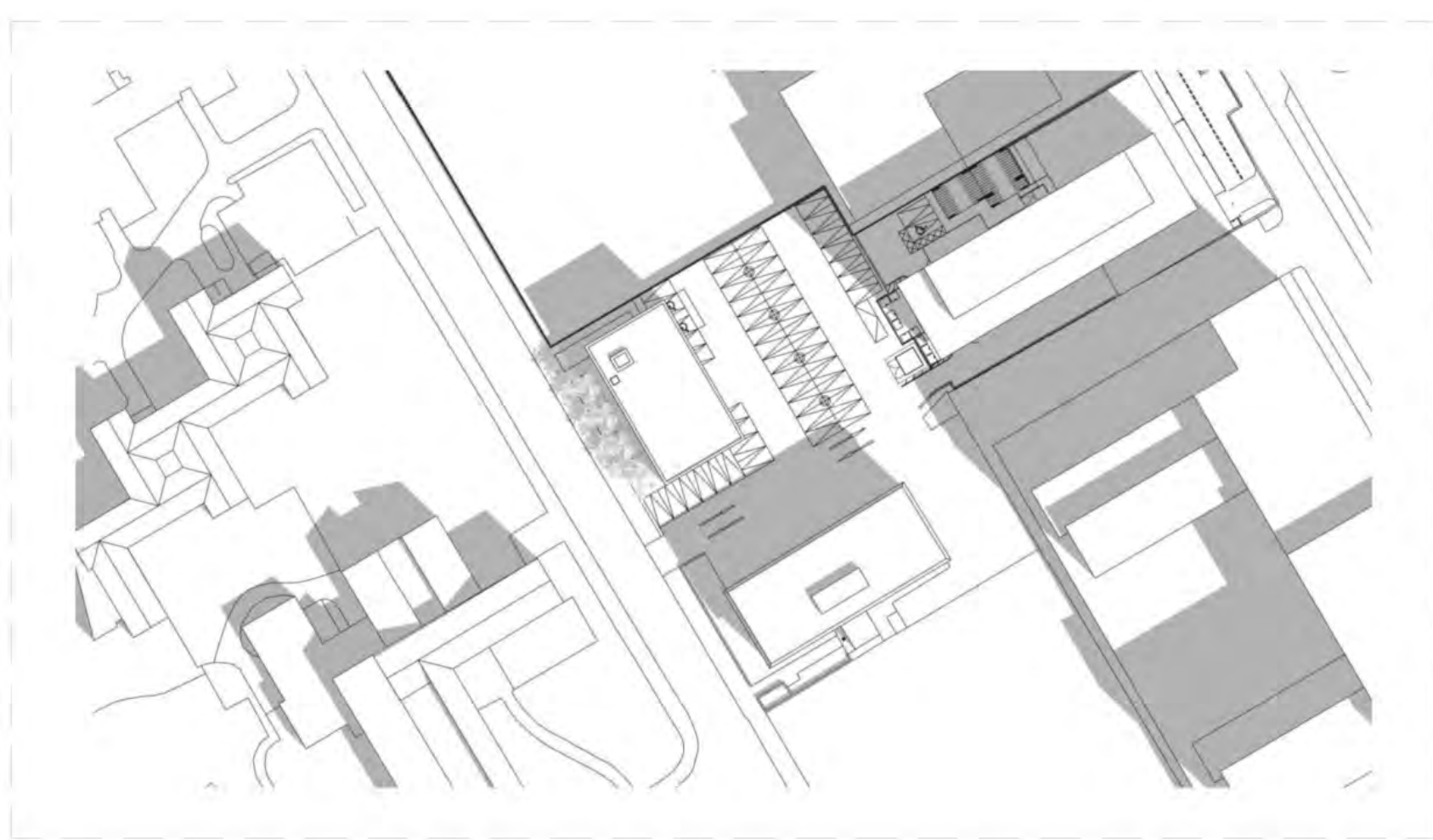
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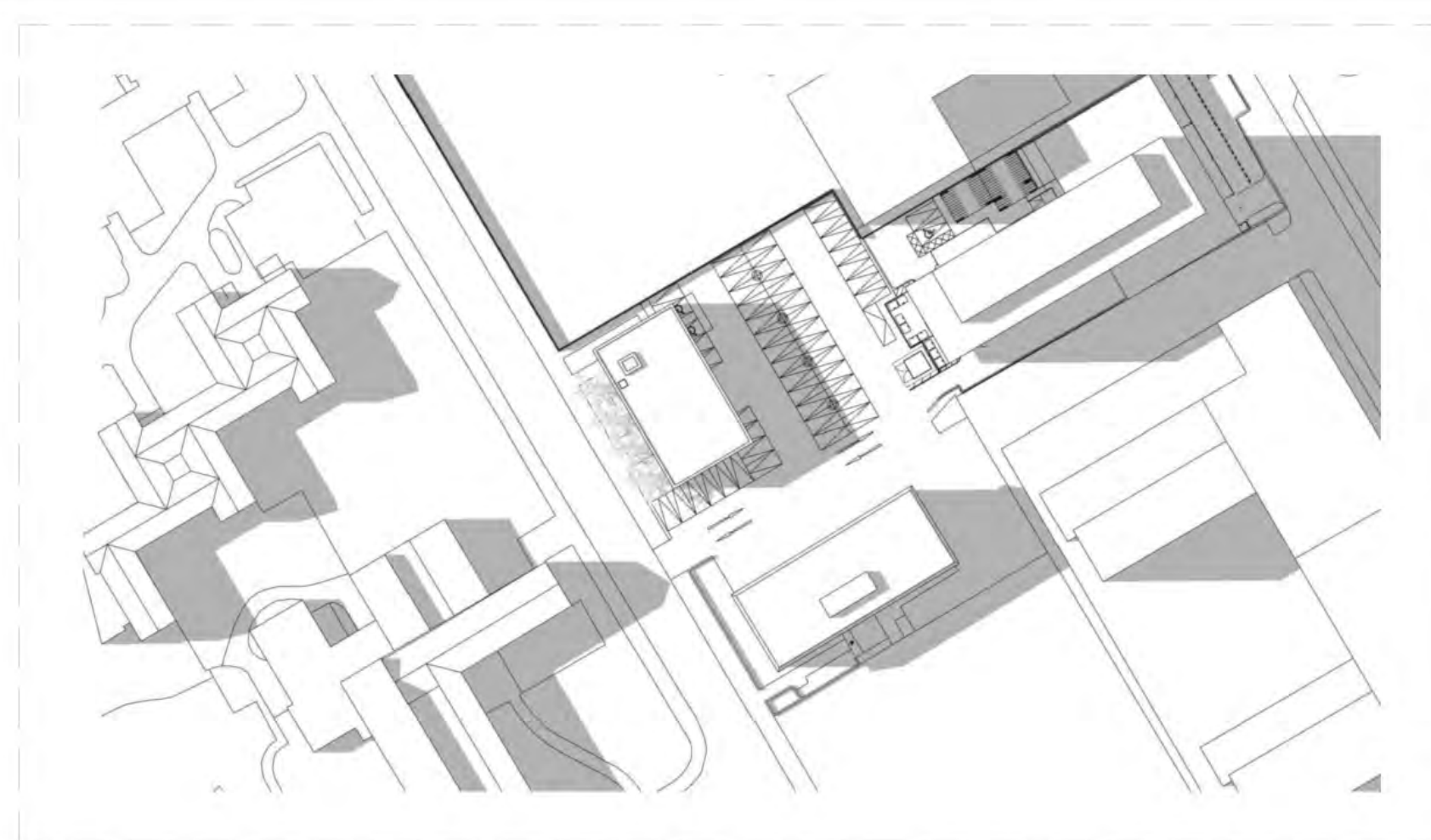
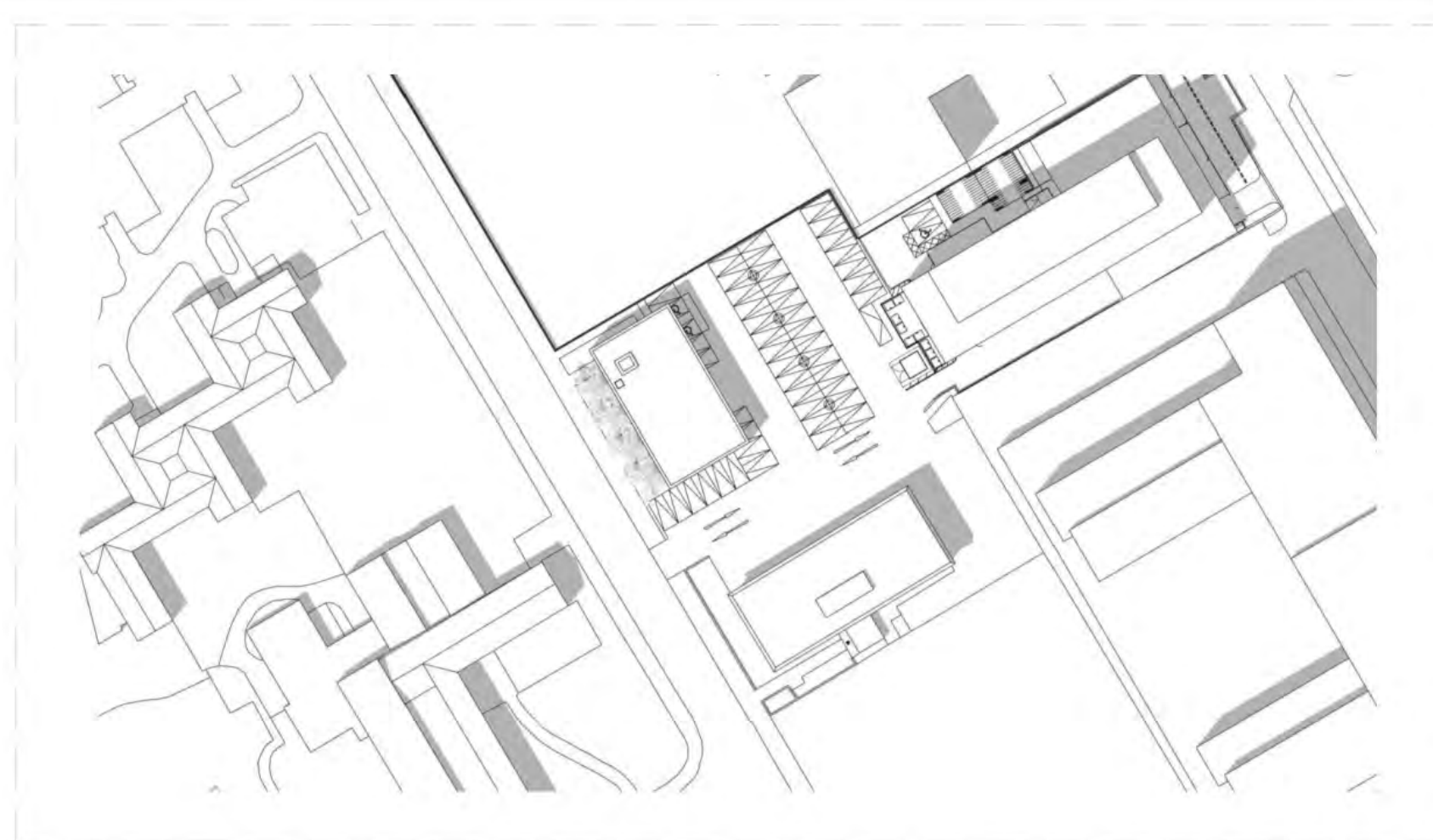
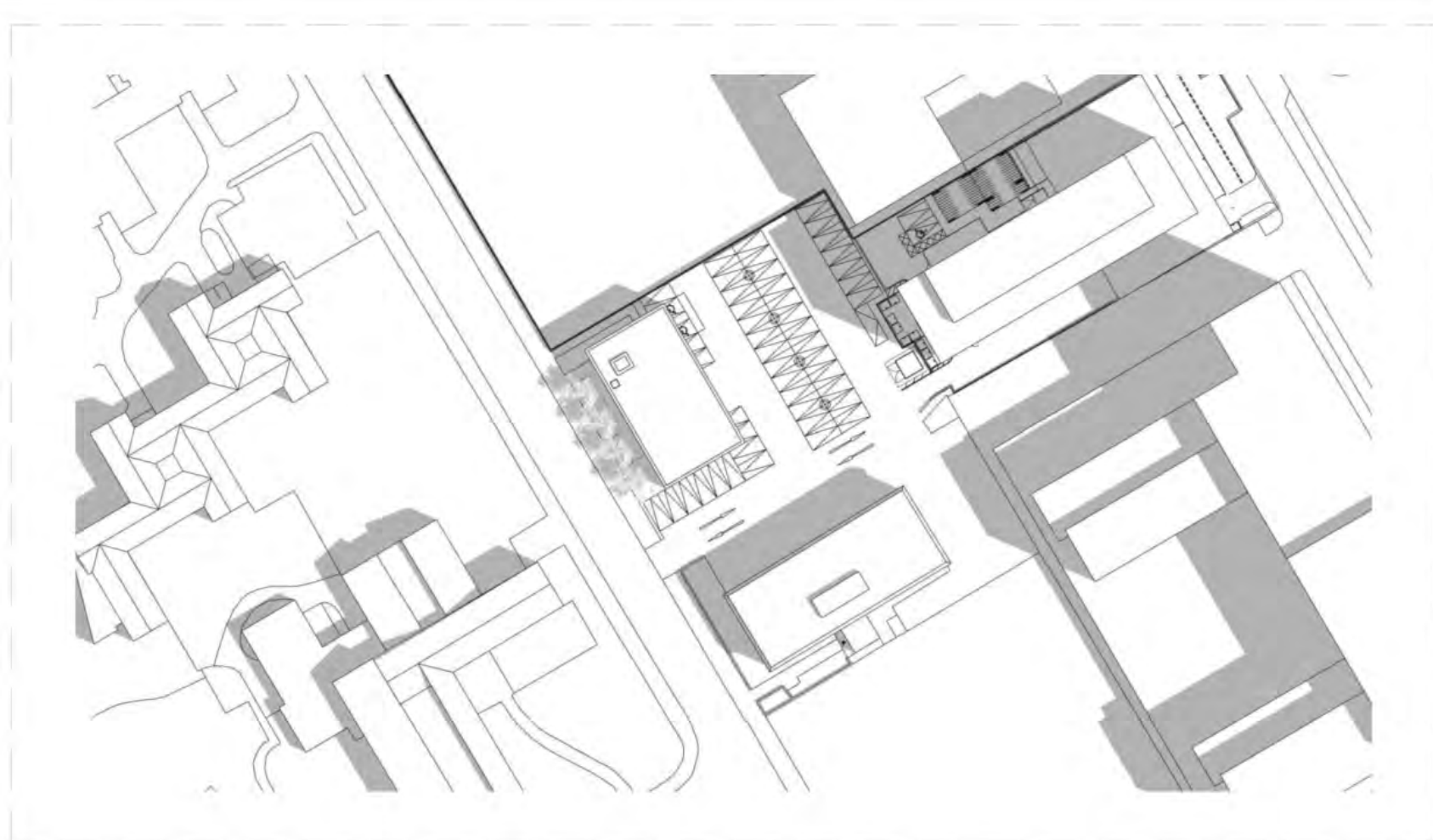
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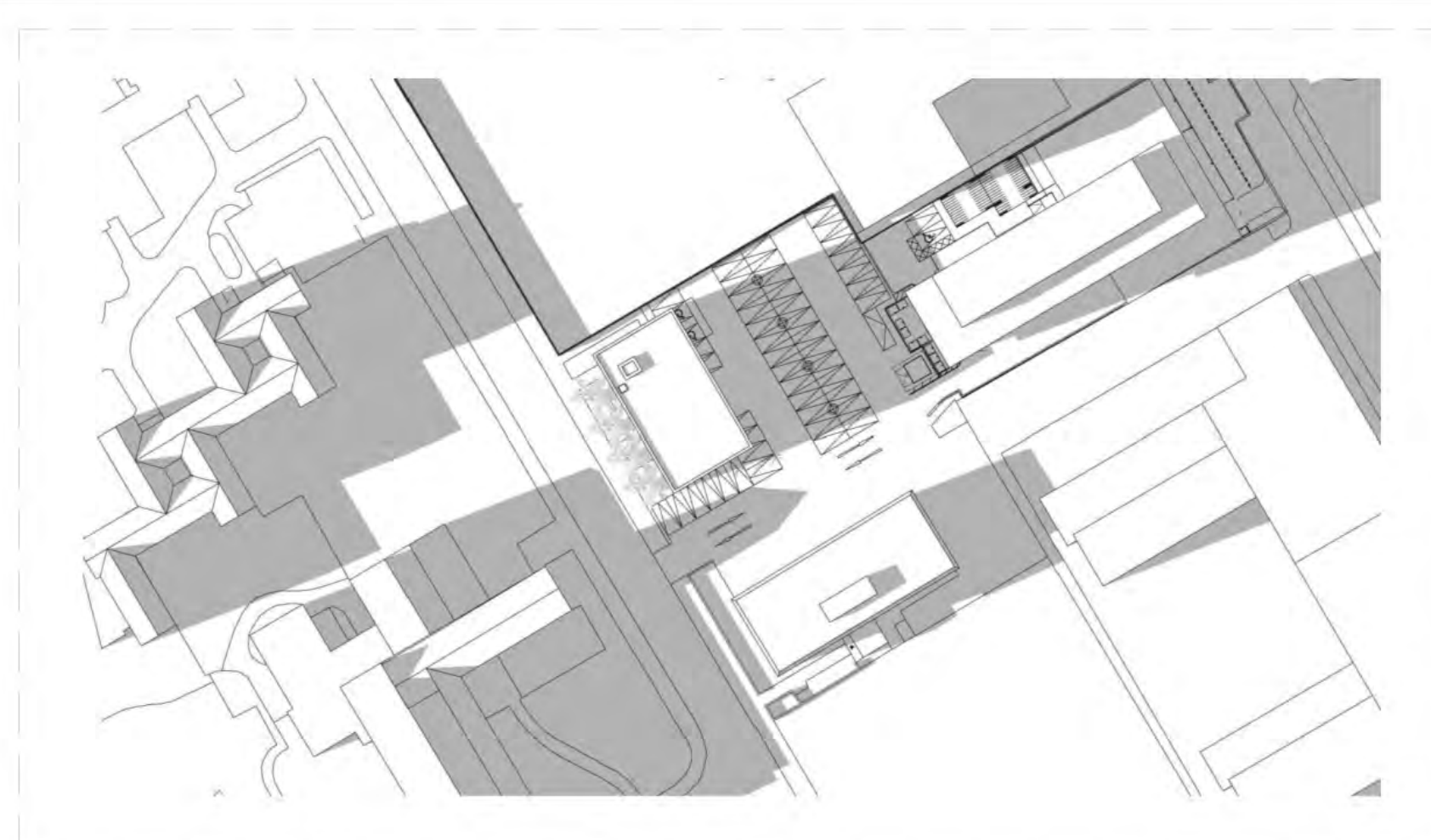
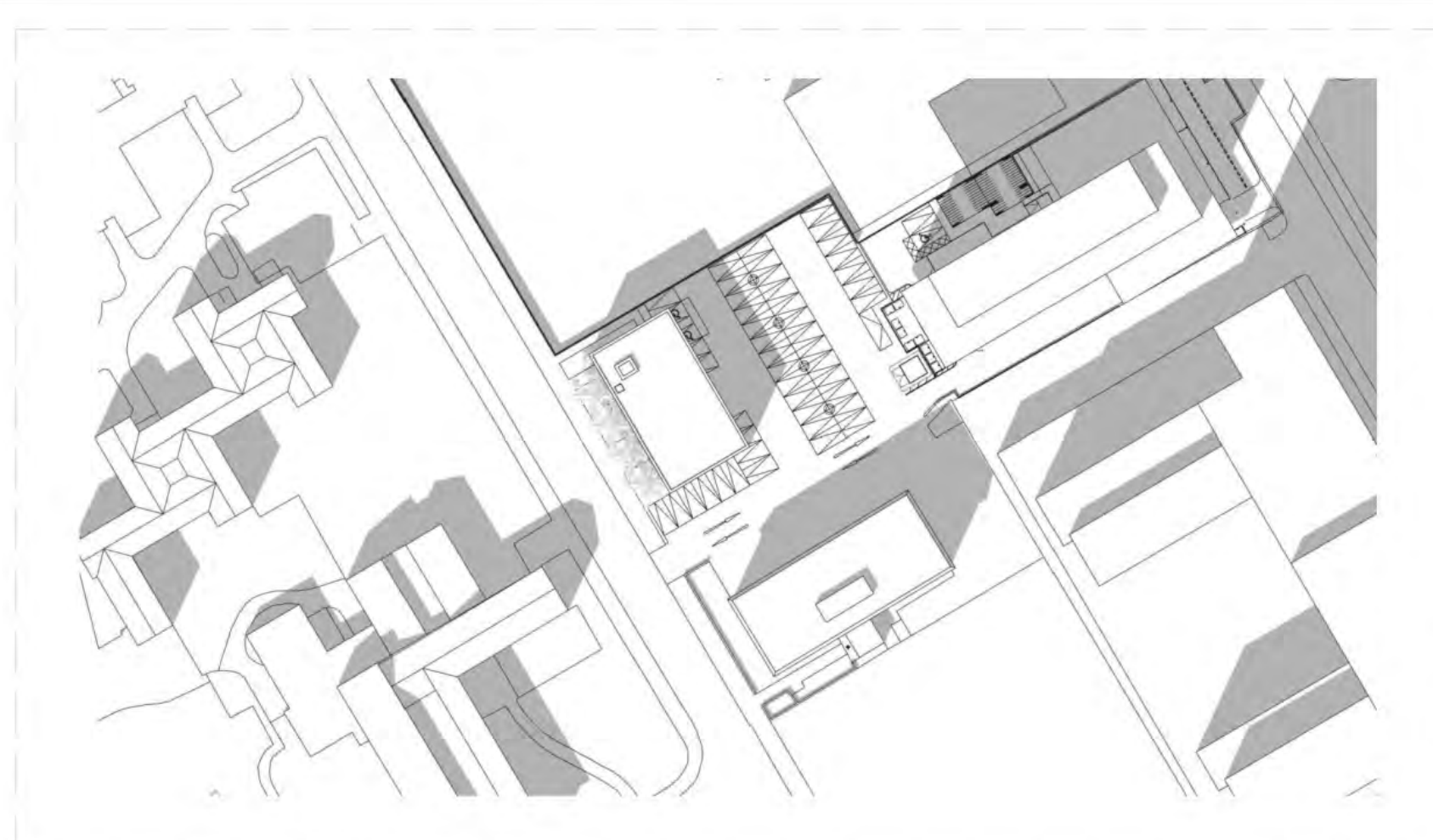
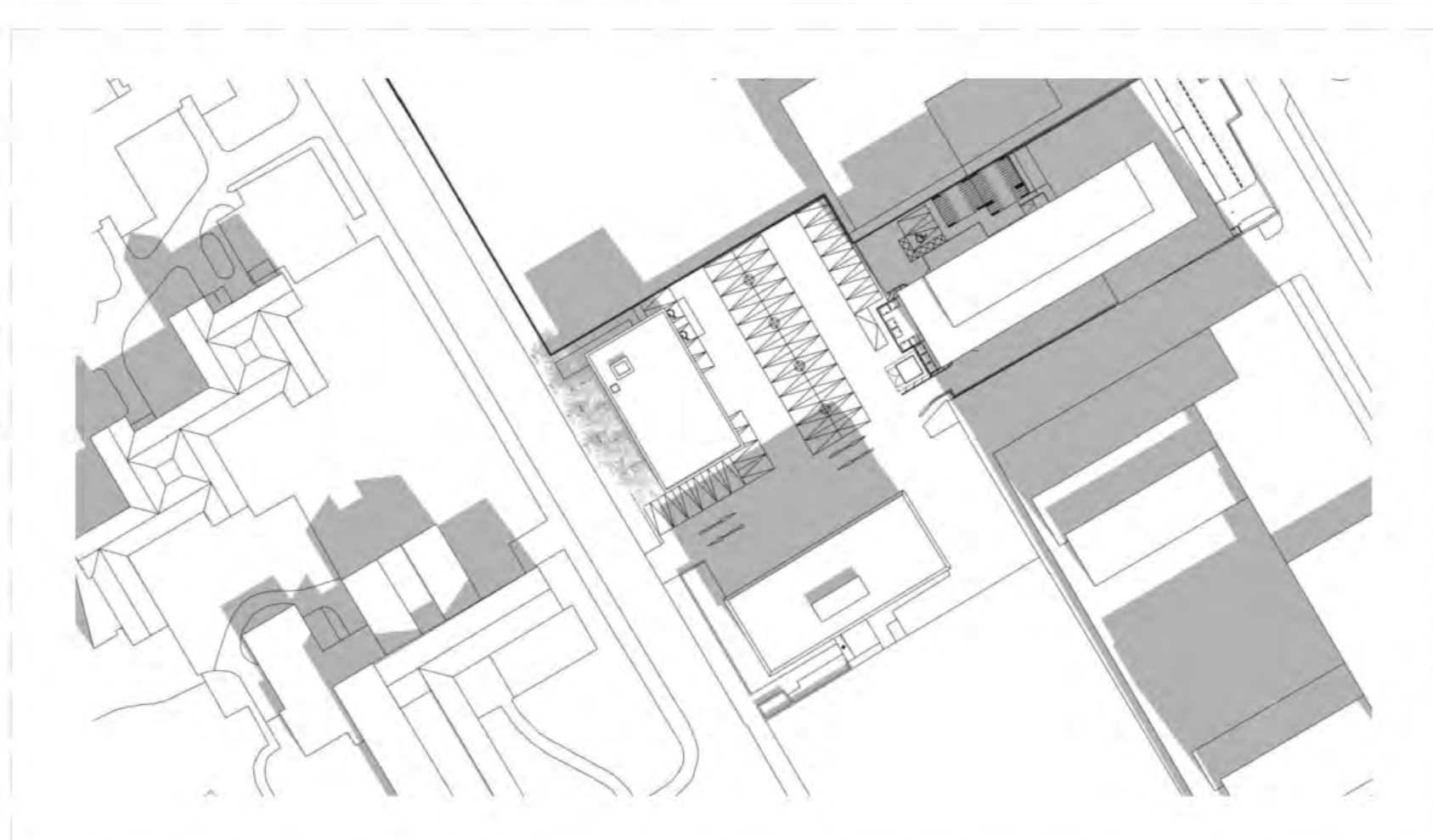
SPRING



SUMMER



AUTUMN



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PROJ	22/04/2020	FULL PLANNING PACKAGE AMENDED	RD
PROJ	17/02/2020	PLANNING PACKAGE ISSUE	RD
PROJ	04/02/2020	PRELIMINARY ISSUE	RD
REV	DATE	AMENDMENTS	DRAWN

PROJECT
APARTMENT DEVELOPMENT
LAND TO THE REAR OF 29 VICTORIA AVENUE
SOUTHEND-ON-SEA, ESSEX, SS2 6AZ

DRAWING TITLE
PLANNING PACKAGE:
DAY LIGHT STUDY
CLIENT
SHAVIRAM SOUTHEND LTD.

DRAWN	PROJECT NO	DRAWING NO
RD	19.533	206
CHECKED	SCALE	
DC	NTS @ A1	
DATE	REVISION	
04.FEBRUARY.2020		P03

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EXTERNAL WORKS KEY/INDICATIVE LANDSCAPING.

- ① Position of feature trees to frontage.
- ② Trees with planting bed containing low level plantings/shrubs to Landscape Architects design. Position of key element to create feature active link between undercroft parking and Baxter Avenue, whilst maintaining separation/no-through access for vehicles.
- ③ Possible minor tree pits to existing rear car park area to provide a boost in vegetation and outlook exposure between new block and Baryta House.
- ④ Low level hedging to front boundary and framing of soft landscaped areas at each end to Landscape Architects design.
- ⑤ Hard landscaping in block paving flag paving to be confirmed.
- ⑥ Planting bed adjacent walkway and around base of trees for tall planting/shrubbery.
- ⑦ Areas between Hedges and planting beds to be grassed.

Hatch indicating grassed areas:

Hatch indicating planting bed areas:

Hatch indicating paved walkways between landscaping:

SUMMARY ACCOMMODATION SCHEDULE
 Refer to PRN 19 533 500 LHO 29 Victoria Avenue Accommodation Schedule 44_1 for full schedule.

APARTMENT No.	BEDROOMS	PERSONS	GIA M ² FT ²
01	3	4P	75m ² 807ft ²
02	2	3P	67m ² 721ft ²
03	2	3P	69m ² 699ft ²
04	3	4P	75m ² 807ft ²
05	2	3P	67m ² 721ft ²
06	2	3P	65m ² 699ft ²
07	3	4P	75m ² 807ft ²
08	2	3P	67m ² 721ft ²
09	2	3P	65m ² 699ft ²

TOTAL MIX -
 6No. 2-bedroom apartments
 3No. 3-bedroom apartments

TOTAL AMENITY -
 Private balconies provided to each new apartment.
 2-bedroom apartments minimum 9.5m² & 8.5m²
 3-bedroom apartments minimum 9.5m²

TOTAL PARKING -
 Existing site wide parking total 75no. serving 113no. residential units.
 Proposed site wide parking total 59no. serving 122no. residential units.
 Achieved site wide parking ratio of 0.48 spaces per residential unit.

REV.	DATE	AMENDMENT	BY	CHKD.
006	15/04/2020	PLANNING PACKAGE AMENDED	RD	RD
004	16/04/2020	PLANNING PACKAGE AMENDED TO SUIT PLANNING COMMISSION	RD	RD
003	17/02/2020	PLANNING PACKAGE ISSUE	RD	RD
002	07/02/2020	UNDERCROFT PARKING AMENDED TO 3 BAY SPACES	RD	RD
001	17/01/2020	PRELIMINARY ISSUE	RD	RD

APARTMENT DEVELOPMENT
 LAND TO THE REAR OF 29 VICTORIA AVENUE
 SOUTHEND-ON-SEA, ESSEX, SS2 6AZ

DRAWING TITLE
 PLANNING PACKAGE:
 EXISTING & PROPOSED SITE PLANS.

CLIENT
 SHAVIRAM SOUTHEND LTD.

DRAWN	PROJECT NO.	DRAWING NO.
RD	19.533	200

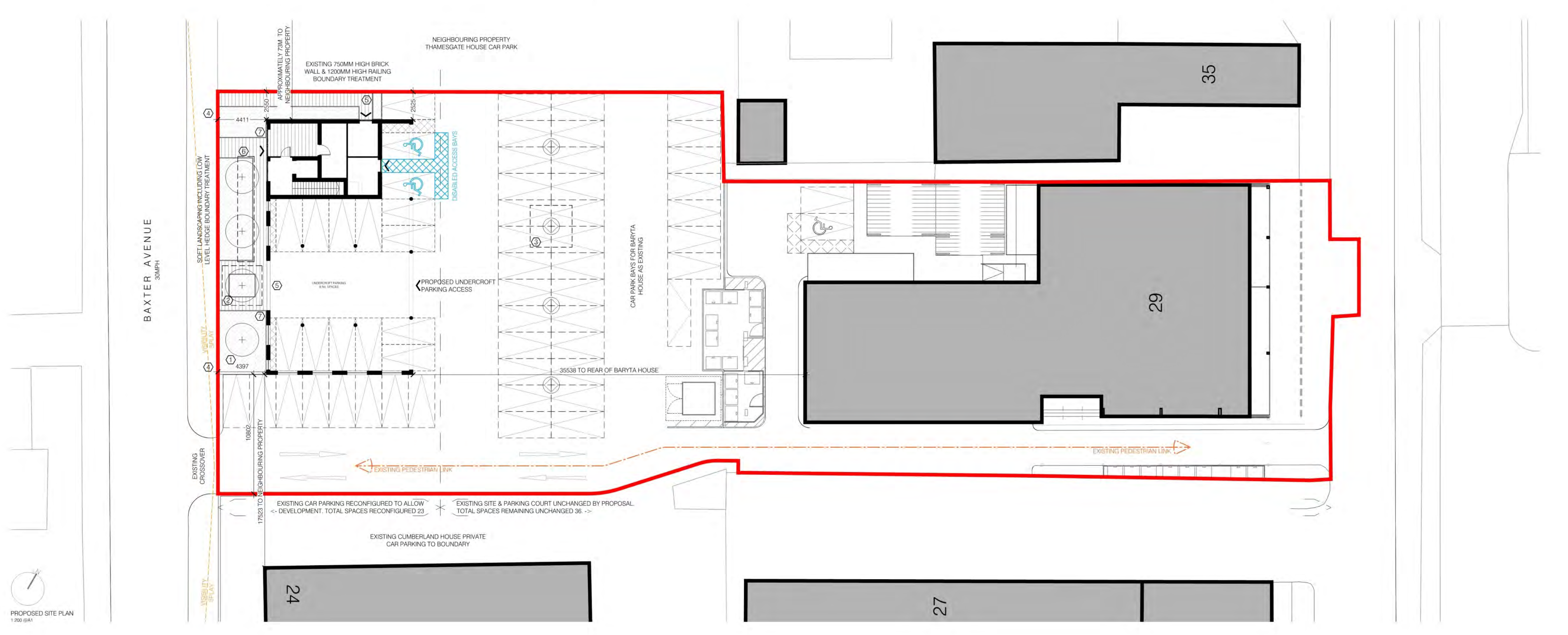
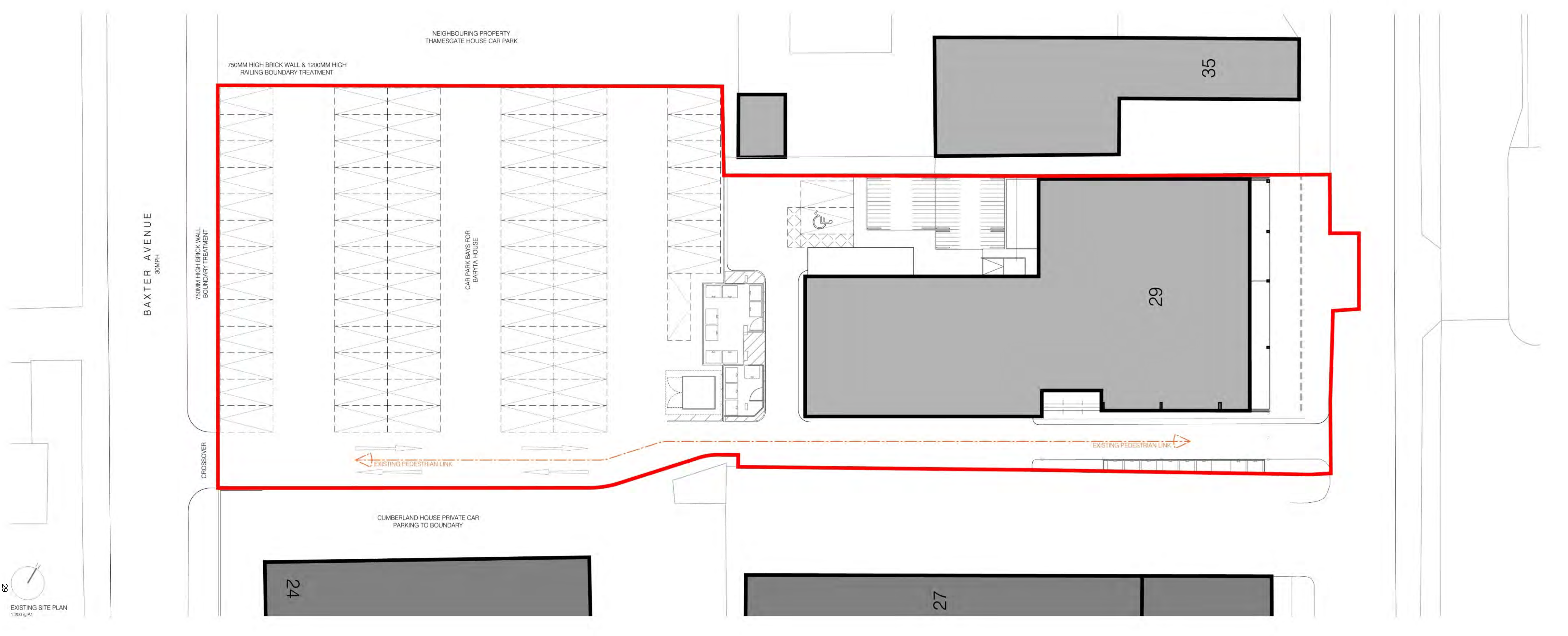
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DATE
 16 JANUARY 2020

REVISION
 P05

FRONT. 18 SOUTH STREET, ROCHFORD, ESSEX, SS4 1RD
 TEL: +44 (0)1702 831 416 | EMAIL: INFO@FRONTARCHITECTURE.CO.UK



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- EXTERNAL WORKS KEY/INDICATIVE LANDSCAPING.**
- Position of feature trees to frontage.
 - Tree with planting bed containing low level planting/hedges to Landscape Architects design. Position of any element to create feature screen link between undercroft parking and Baxter Avenue, whilst maintaining separation through access for vehicles.
 - Possible minor tree pits to existing rear car park area to provide a boost in vegetation and outlook exposure between new block and Baryta House.
 - Low level hedging to front boundary and fencing of soft landscaped areas at each end to Landscape Architects design.
 - Hard landscaping in block paving/tile paving to be confirmed.
 - Planting bed adjacent walkway and around base of trees for tall planting/shrubbery.
 - Areas between Hedges and planting beds to be grassed.
- Hatch indicating grassed areas:
- Hatch indicating planting bed areas:
- Hatch indicating paved walkways between landscaping:

SUMMARY ACCOMMODATION SCHEDULE
 Refer to IPWV 19.533.600 DRD 29 Victoria Avenue Accommodation Schedule 44.2 for full schedule.

APARTMENT No.	BEDROOMS	PERSONS	GIA M ² FT ²
01	3	4P	75m ² 807ft ²
02	2	3P	67m ² 721ft ²
03	2	3P	65m ² 699ft ²
04	3	4P	75m ² 807ft ²
05	2	3P	67m ² 721ft ²
06	2	3P	66m ² 697ft ²
07	3	4P	75m ² 807ft ²
08	2	3P	67m ² 721ft ²
09	2	3P	65m ² 697ft ²

TOTAL MIX -
 6No. 2 bedroom apartments
 3No. 3 bedroom apartments

TOTAL AMENITY -
 Private balconies provided to each new apartment.
 2 bedroom apartments minimum 3.5m² & 0.5m²
 3 bedroom apartments minimum 5.5m²

TOTAL PARKING -
 Existing site wide parking total 75no. serving 113no. residential units.
 Proposed site wide parking total 59no. serving 120no. residential units.
 Achieved site wide parking ratio of 0.48 spaces per residential unit.

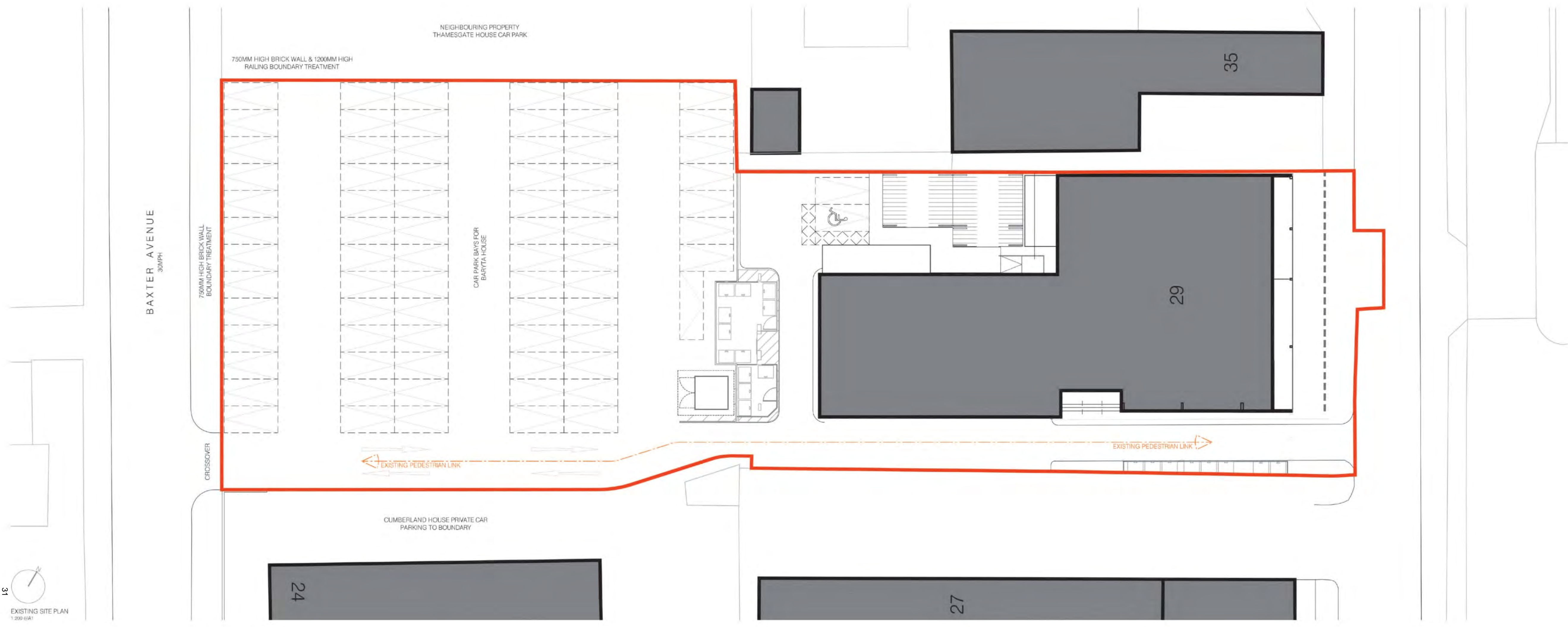
REV	DATE	AMENDMENT	ENG/NO
P01	13.04.2020	FULL PLANNING PACKAGE AMENDED	RD
P04	16.04.2020	PLANNING PACKAGE AMENDED TO REFLECT AMENDMENTS TO DRAWINGS	RD
P05	17.07.2020	PLANNING PACKAGE FOR SUB	RD
P07	07.09.2020	UNDERCROFT PARKING AMENDED TO 5 SPACES	RD
P08	17.07.2020	TRAILWAY SCALE	RD

APARTMENT DEVELOPMENT
 LAND TO THE REAR OF 29 VICTORIA AVENUE
 SOUTHEND-ON-SEA, ESSEX, SS2 6AZ

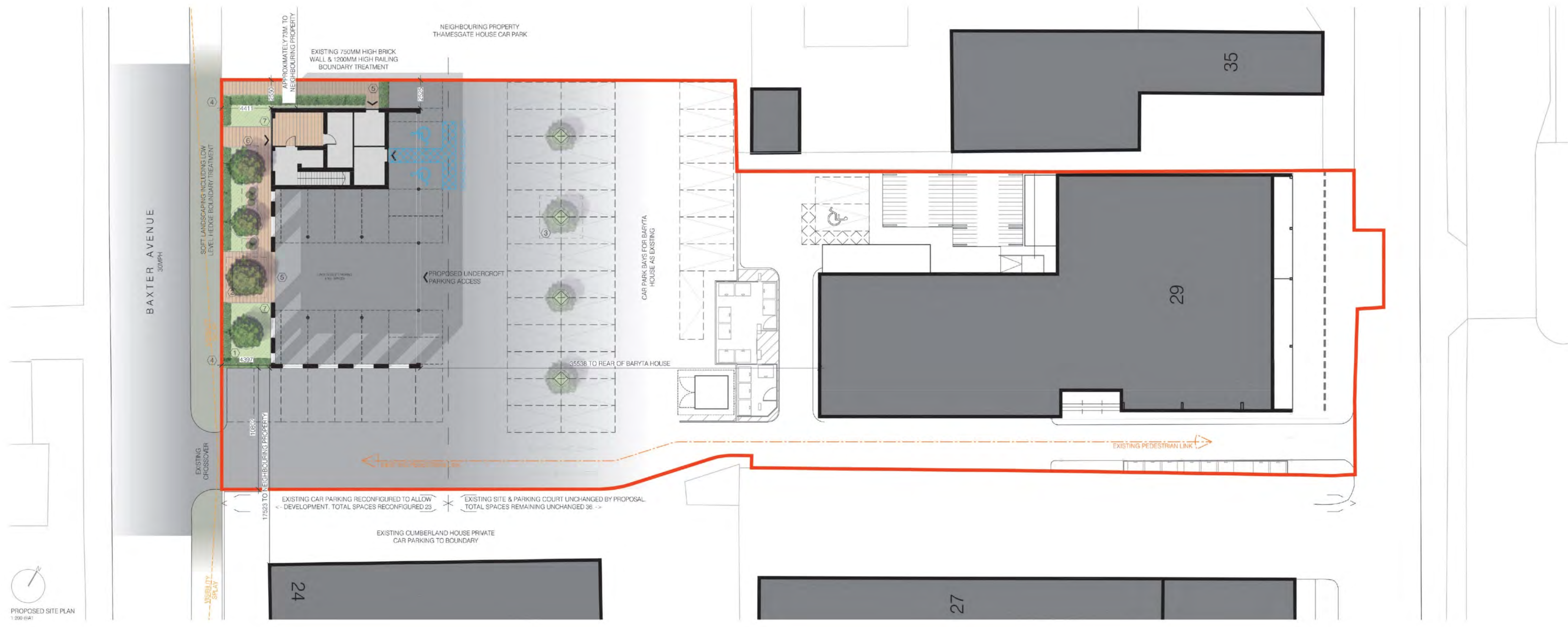
DRAWING TITLE
 PLANNING PACKAGE:
 EXISTING & PROPOSED SITE PLANS.

CLIENT
 SHAWIRAM SOUTHEND LTD.

DRAWN	PROJECT NO	DRAWING NO
RD	19.533	200
CHECKED	SCALE	
DC	1:200 @ A1	
DATE	REVISION	
16.JANUARY.2020		



31
 EXISTING SITE PLAN
 1:200 @ A1



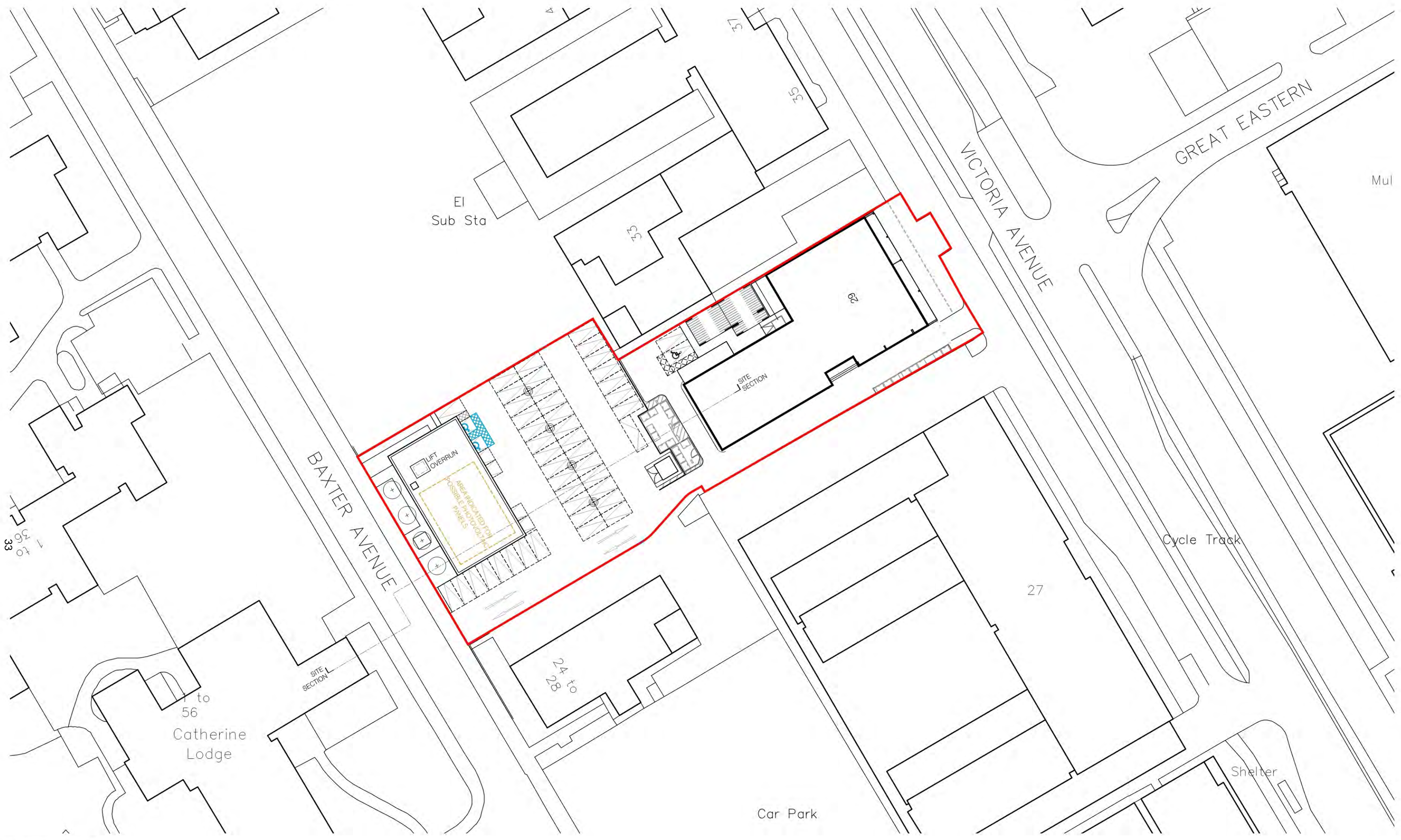
PROPOSED SITE PLAN
 1:200 @ A1

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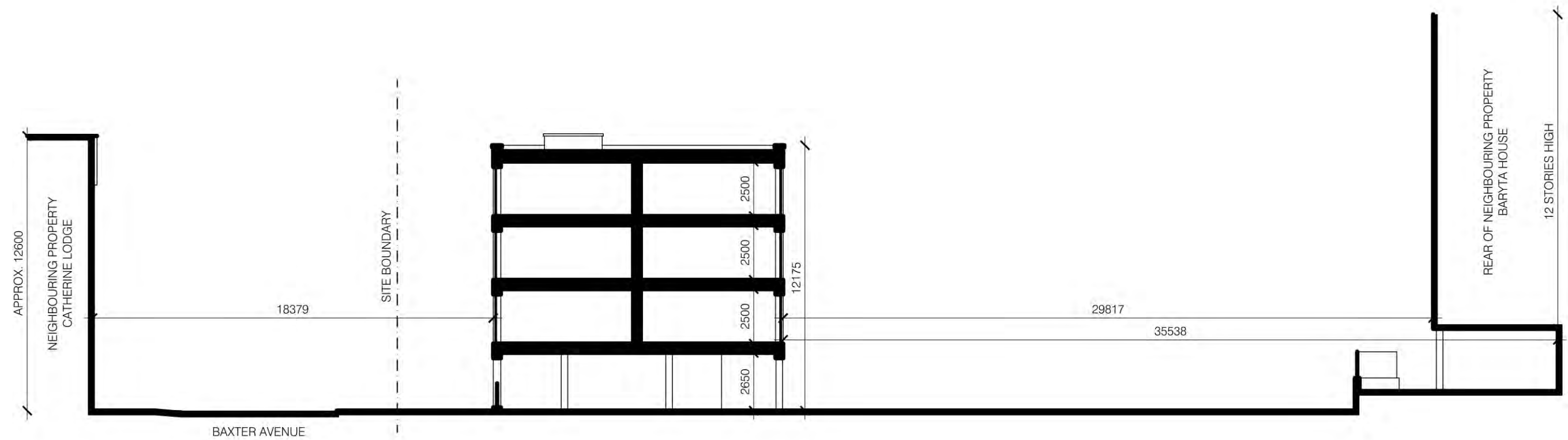
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PROPOSED BLOCK PLAN
1:200 @A2



PROPOSED SITE SECTION
1:200 @A2

P04	23.04.2020	FULL PLANNING PACKAGE AMENDED.	RD
P03	17.02.2020	PLANNING PACKAGE ISSUE.	RD
P02	07.02.2020	UNDERCROFT PARKING AMENDED TO 8 SPACES.	RD
P01	17.01.2020	PRELIMINARY ISSUE.	RD
REV.	DATE.	AMENDMENT	DRAWN.

PROJECT:
APARTMENT DEVELOPMENT
LAND TO THE REAR OF 29 VICTORIA AVENUE
SOUTHEND-ON-SEA, ESSEX, SS2 6AZ

DRAWING TITLE:
**PLANNING PACKAGE:
PROPOSED BLOCK PLAN & SITE SECTION**

CLIENT:
SHAVIRAM SOUTHEND LTD.

DRAWN:	PROJECT NO:	DRAWING NO:
RD	19.533	205
CHECKED:	SCALE:	
DC	1:200 @ A2	
DATE:	REVISION:	
16.JANUARY.2020		

P04

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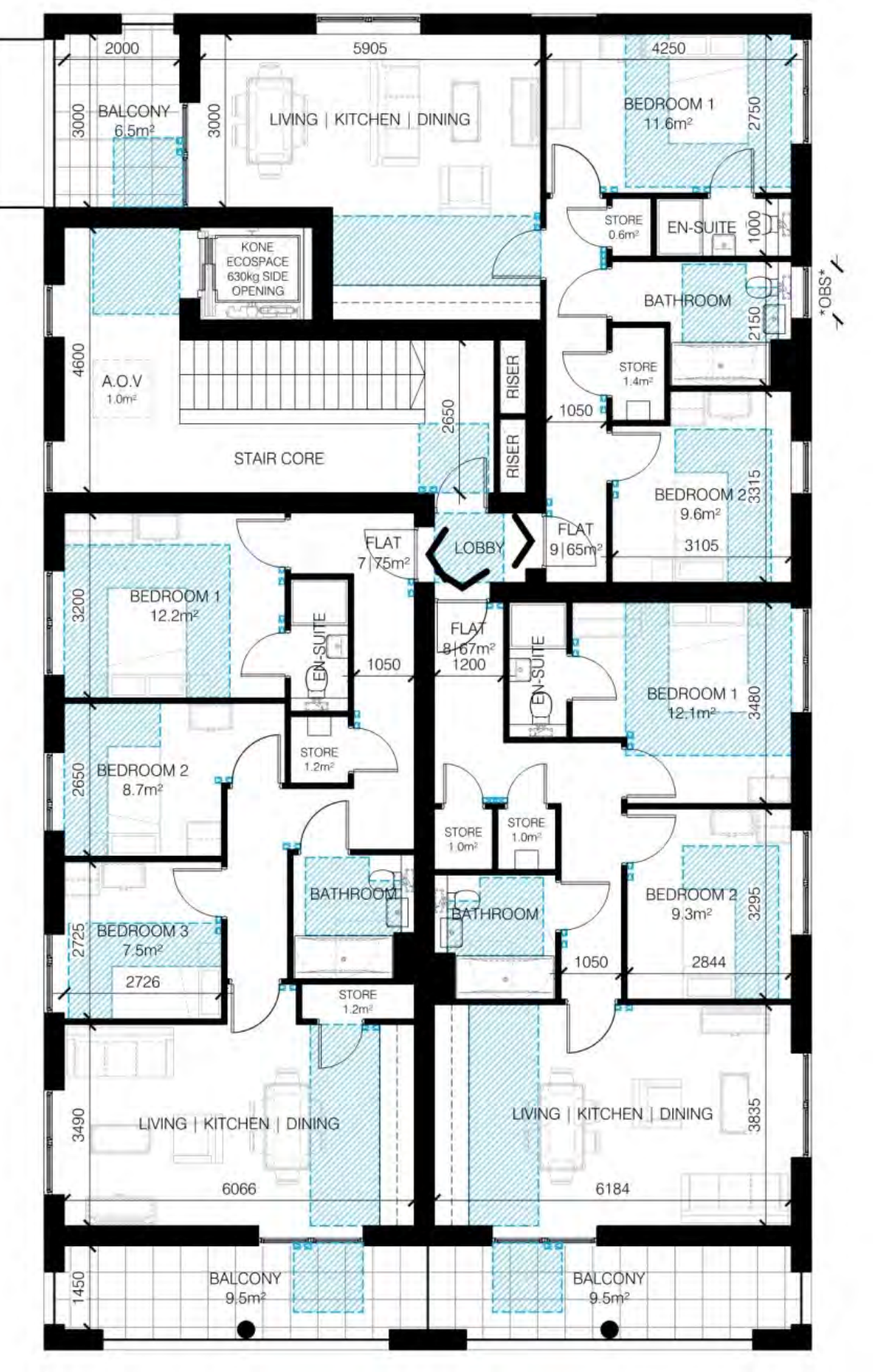
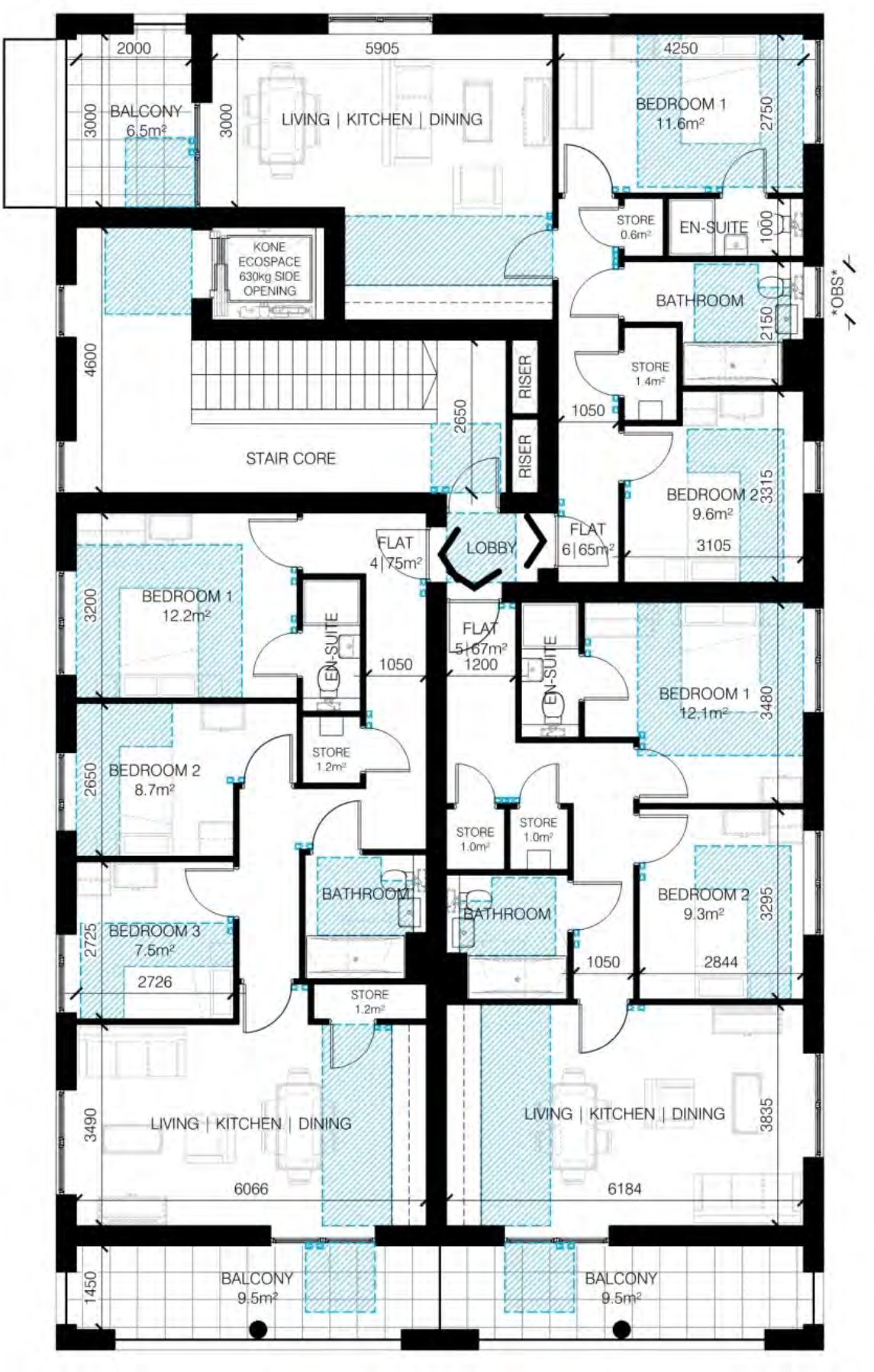
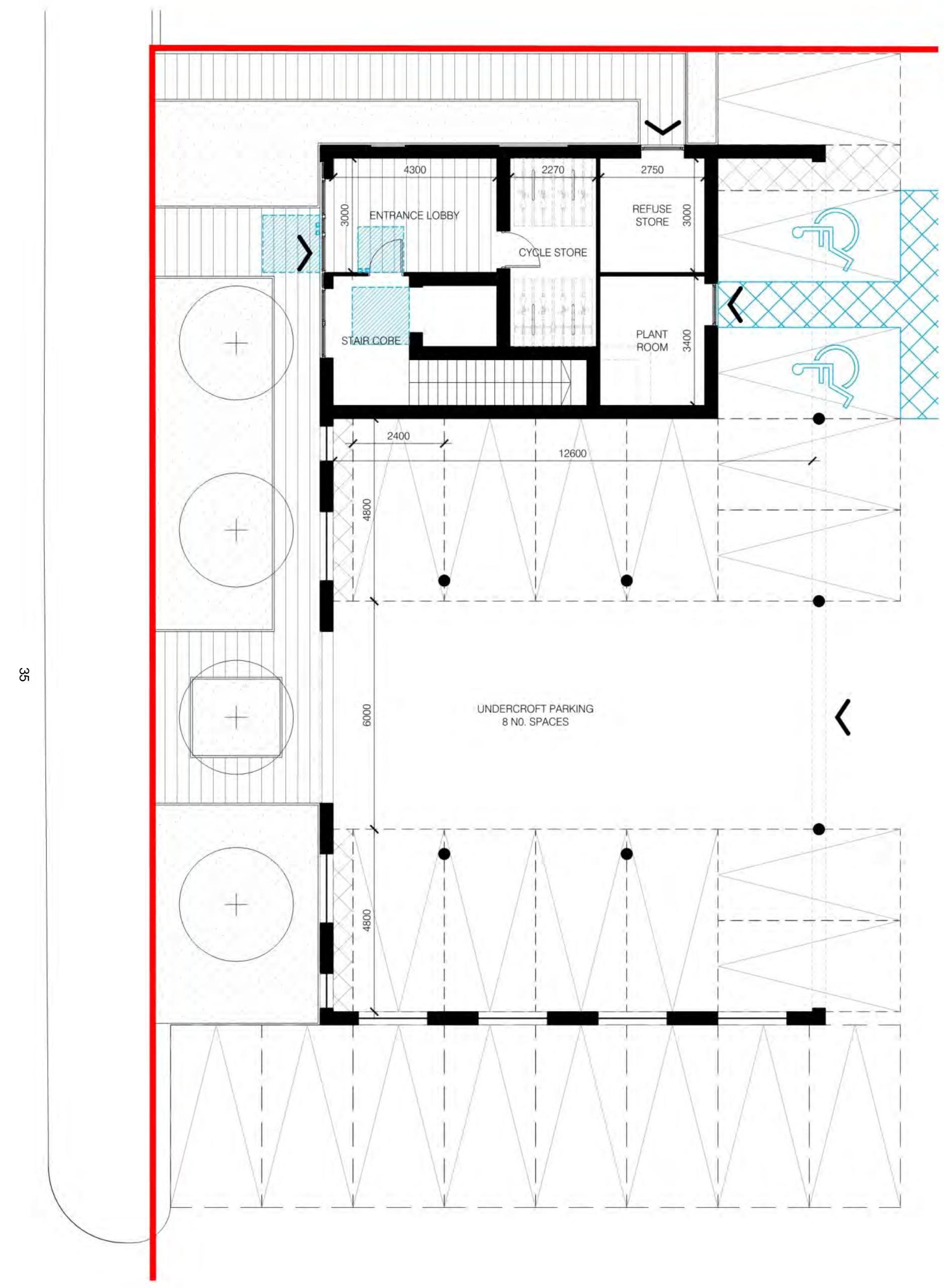
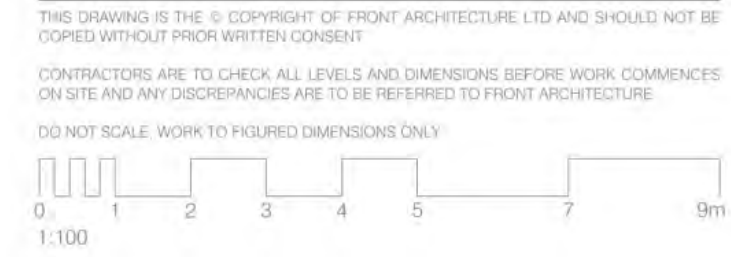
TECHNICAL HOUSING STANDARDS - NATIONALLY DESCRIBED SPACE STANDARD MARCH 2015.

TECHNICAL REQUIREMENTS -
 The standard requires that:
A. The dwelling provides at least the gross internal floor area and built-in storage area set out in table 1.
 Please refer to plans below and accommodation schedule.
B. A dwelling with two or more bed spaces has at least one double (or twin) bedroom.
 All units have 1 double bed space.
C. In order to provide a bed space, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide.
 Please refer to plans below for dimensions and area of each single bedroom.
D. In order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5m².
 Please refer to plans below for dimensions and area of each double bedroom.
E. One double (or twin) bedroom is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
 Not applicable.
F. Any area with a headroom of less than 1.5m is not counted within the gross internal area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the gross internal area...
 Not applicable.
G. Any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all.
 Not applicable.

H. A built-in wardrobe counts towards the gross internal area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m² in a double bedroom and 0.36m² in a single bedroom counts towards the built-in storage requirement.
 Not applicable.
I. The minimum floor to ceiling height is 2.3m for at least 75% of the gross internal area.
 Proposed plans indicate 2.5m ceiling height for all units.
 Not applicable.

MINIMUM GROSS INTERNAL FLOOR AREAS AND STORAGE (M²) -

No. of bedrooms	No. of bed spaces (P)	1 Storey dwellings	Built-in Storage
1b	1p	39 (37) ²	1.0
	2p	50	1.5
2b	3p	61	2.0
	4p	70	2.0
3b	4p	74	2.5
	5p	86	
	6p	95	



ACCESS TO AND USE OF BUILDINGS - APPROVED DOCUMENT M. PART M42)
APPROACH ROUTES -
 2.9 An approach route for a category 2 dwelling should comply with all of the following:
 A. The approach route is level, gently sloping or, where necessary, ramped.
 To comply.
 B. Private parts of the approach route have a minimum clear width of 900mm...
 Not applicable.
 C. Communal parts of the approach route (except communal stairs) have a minimum clear width of 1200mm...
 To comply as per plans.
 D. Any localized obstruction does not occur opposite or close to a doorway...
 To comply.
 E. All external parts of the approach route have a suitable ground surface...
 To comply.
 F. Every gate (or gateway) along the approach route has both...
 Not applicable.
EXTERNAL AND INTERNAL RAMPS FORMING PART OF AN APPROACH ROUTE -
 2.10 To enable people to use a ramp safely, the ramp should comply with all of the following:
 Not applicable.
EXTERNAL STEPS FORMING PART OF AN ADDITIONAL ROUTE -
 2.11 To enable a wide range of people to use steps safely, a stepped approach should comply with all of the following:
 Not applicable.
PARKING SPACE -
 2.12 Where a parking space is provided for the dwelling, it should comply with all of the following:
 A. Where the parking is within the private carliage of the dwelling (but not within a carport or garage) at least once space is a standard parking bay that can be widened to 3.3m...
 Not applicable.
 B. Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is external). The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d...
 To comply as per site plan.
 C. Access between the parking bay and the principle entrance or, where necessary, the alternative private entrance to the dwelling is step free...
 Access from all parking bays is step free till the principle entrance.
 D. The parking space is level or, where unavoidable, gently sloping...
 To comply.
 E. The gradient is as shallow as the site permits...
 To comply.
 F. The parking space has a suitable ground surface.
 To comply.
DROP-OFF POINT -
 2.13 Where a drop-off point is provided for the dwelling, it should comply with all of the following:
 Not applicable.

COMMUNAL ENTRANCES -
 2.14 The principle communal entrance should comply with all the following:
 A. There is a level landing a minimum of 1500mm wide and 1500mm long directly outside the entrance and clear of the swing of any door...
 As per plans above indicated with blue hatch.
 B. The landing is covered to a minimum width of 1200mm and depth of 3000mm.
 Proposed canopy as per elevation drawings.
 C. Lighting is provided which uses fully diffused luminaires activated by photocell or dusk to dawn timer or by detecting motion...
 To comply.
 D. The entrance door (or gate) has a minimum clear opening width of 850mm, when measured in accordance with diagram 2.2...
 Proposed entrance door to have a minimum clear opening greater than 850mm.
 E. Where there are double doors (or gates), the main (or leading) leaf provides the required minimum clear opening width...
 Not applicable.
 F. A minimum 300mm nib is provided to the leading edge of the door (or gate) and the nib width created by this nib is maintained for a minimum of 1200mm beyond it...
 As per plans above, blue 300mm nib marked on entrance door leading edge.
 G. The reveal on the leading side of the door (usually the inside) has a maximum depth of 200mm...
 To comply.
 H. The threshold is an accessible threshold...
 A level threshold is to be provided to the main entrance door.
 I. Where there is a lobby or porch, the doors are a minimum of 1500mm apart and there is at least 1500mm between door swings...
 Main entrance lobby as per plans above.
**J. The ground surface (or entrance flooring) does not impede wheelchair movement...
 To comply.
 K. Door entry controls, where provided, are mounted 900-1000mm above finished ground level, and at least 300mm away from any projecting corner...
 To comply as per front elevation.
 2.15 Every communal door, or gate, along the approach route should comply with provisions of 2.14...
 All other communal doors comply with provisions d. to k.**

COMMUNAL LIFTS -
 2.16 A wide range of people, including accompanied wheelchair users, should be able to access and use the lift. Every passenger lift that gives access to the dwelling should comply with all of the following:
 A. There is a level external landing with a minimum width and depth of 1200mm...
 As indicated on plans above with blue hatch within lobby area.
 B. The landing is covered for a minimum width of 900mm and a minimum depth of 600mm...
 Internal lobby proposed.
 C. Lighting is provided which uses fully diffused luminaires activated automatically by dusk to dawn timer or by detecting motion...
 To comply with detecting motion.
 D. The door has a minimum clear opening width of 850mm when measured in accordance with diagram 2.2...
 To comply.
 E. Where there are double doors, the main (or leading) leaf provides the required minimum clear opening width...
 Not applicable.
 F. A minimum 300mm nib is provided to the leading edge of the door and the nib width created by this nib is maintained for a minimum distance of 1200mm beyond it...
 As per plans above, blue 300mm nib marked on every doors leading edge.
COMMUNAL STAIRS -
 2.17 The principle communal stair that gives access to the dwellings should meet the requirements of Part K for a general access stair...
 Proposed stairs as above will comply with:
 - Between 150mm (Min) and 170mm (Max) rise
 - Between 250mm (Min) and 400mm (Max) going
 The above complies with a general access stair as table 1.1 approved document K.
PRIVATE ENTRANCES -
 2.20 The principle private entrance, or the alternative private entrance where step-free access cannot be achieved to the principle entrance should comply with the following:
 A. There is a level external landing with a minimum width and depth of 1200mm...
 As indicated on plans above with blue hatch within lobby area.
 B. The landing is covered for a minimum width of 900mm and a minimum depth of 600mm...
 Internal lobby proposed.
 C. Lighting is provided which uses fully diffused luminaires activated automatically by dusk to dawn timer or by detecting motion...
 To comply with detecting motion.
 D. The door has a minimum clear opening width of 850mm when measured in accordance with diagram 2.2...
 To comply.
 E. Where there are double doors, the main (or leading) leaf provides the required minimum clear opening width...
 Not applicable.
 F. A minimum 300mm nib is provided to the leading edge of the door and the nib width created by this nib is maintained for a minimum distance of 1200mm beyond it...
 As per plans above, blue 300mm nib marked on every doors leading edge.

COMMUNAL STAIRS -
 2.20 The principle private entrance, or the alternative private entrance where step-free access cannot be achieved to the principle entrance should comply with the following:
 A. There is a level external landing with a minimum width and depth of 1200mm...
 As indicated on plans above with blue hatch within lobby area.
 B. The landing is covered for a minimum width of 900mm and a minimum depth of 600mm...
 Internal lobby proposed.
 C. Lighting is provided which uses fully diffused luminaires activated automatically by dusk to dawn timer or by detecting motion...
 To comply with detecting motion.
 D. The door has a minimum clear opening width of 850mm when measured in accordance with diagram 2.2...
 To comply.
 E. Where there are double doors, the main (or leading) leaf provides the required minimum clear opening width...
 Not applicable.
 F. A minimum 300mm nib is provided to the leading edge of the door and the nib width created by this nib is maintained for a minimum distance of 1200mm beyond it...
 As per plans above, blue 300mm nib marked on every doors leading edge.

CIRCULATION AREAS AND INTERNAL DOORWAYS -
 2.22 To facilitate movement into, and between, rooms throughout the dwelling, doors and corridors should comply with all of the following (see diagram 2.3):
 A. The minimum clear width of every hall or landing is 900mm...
 All units have a minimum hallway width of 1050mm.
 B. Any localized obstruction, such as a radiator, does not occur opposite or close to a doorway or at a change of direction and is no longer than 2m in length; and the corridor is not reduced below a minimum 750mm width at any point...
 To comply.
 C. Every door has a minimum clear opening width as set out in table 2.1.
 All doors other than to stores have a clear opening greater than 800mm with 1050mm hallway width complying with table 2.1 in the approved document.
**D. A minimum 300mm nib is provided to the leading edge of every door within the entrance storey...
 As per plans above, blue 300mm nib marked on every doors leading edge.
 PRIVATE STAIRS AND CHANGES OF LEVEL WITHIN THE DWELLING -**
 2.23 To allow people to move between storeys, and to allow a stair-lift to be fitted to the stairs from the entrance storey to the storey above...
 Not applicable.
HABITABLE ROOMS -
 2.24 To provide usable living spaces and easy, step-free access between a living area, a WC and the principle private entrance, key accommodation should comply with all of the following:
 A. Within the entrance storey there is a living area (which may be a living room, dining room or a combined living and dining room).
 All proposed flats are single storey and contain the living/kitchen/dining area within the entrance storey.
 B. A minimum 1200mm clear space is provided in front of and between all kitchen units and appliances...
 As per blue hatch indicated in front of all kitchen units. Appliances to be located within this area.
 C. Glazing to the principle window of the principle living area starts a maximum of 850mm above floor level or at the minimum height necessary to comply with the requirements of Part K for guarding to windows...
 Opening area of principle window above 1100mm. Fixed panels with shower areas at principle window above 800mm. Secondary opening provided for every living/kitchen/dining onto balcony as indicated.

WC FACILITIES ON THE ENTRANCE STOREY -
 2.27 To provide step-free access to a WC that is suitable and convenient for some wheelchair users and, where reasonable, to make provision for showering, dwellings should comply with all the following...
 Not applicable.
 2.28 Where the dwelling provides both a suitable and accessible bathroom with a WC and a WC/bathroom with the same storey, the WC/bathroom may comply with the provisions of diagram 1.3...
 Not applicable.
BATHROOMS -
 2.29 To provide convenient access to a suitable bathroom, the dwelling should comply with all the following:
 A. Every dwelling has a bathroom that contains a WC, a basin and a bath, that is located on the same floor as the double bedroom, described as the principle bedroom in paragraph 2.25b...
 All units have a bathroom containing a WC, basin and bath on the same level as the principle bedroom marked bedroom 1.
 B. The WC, basin and bath (together with their associated clear access zones) meet the provisions of diagram 2.5...
 The bathrooms to all units have a clear access zone equal to the requirement set out in diagram 2.5 in the approved document. Access zone size is 1350x1650mm as indicated by blue hatch.
 C. Provision for a potential level access shower is made within the bathroom if not provided elsewhere within the dwelling...
 As indicated on plans above.

SANITARY FACILITIES -
 2.26 All walls, ducts and ceilings to the WC/bathroom, bathrooms and shower rooms should be strong enough to support grab rails, seats and other adaptations that could impose a load of up to 1.5kN/m².
 Boxings and walls to all bathrooms will be strengthened to comply with the above.

REVISIONS

NO.	DATE	REVISION
004	03/08/2020	FULL PLANNING PACKAGE AMENDED
003	17/02/2020	PLANNING PACKAGE ISSUE
002	07/02/2020	UNDERCROFT PARKING AMENDED TO 8 SPACES
001	17/01/2020	PRELIMINARY ISSUE

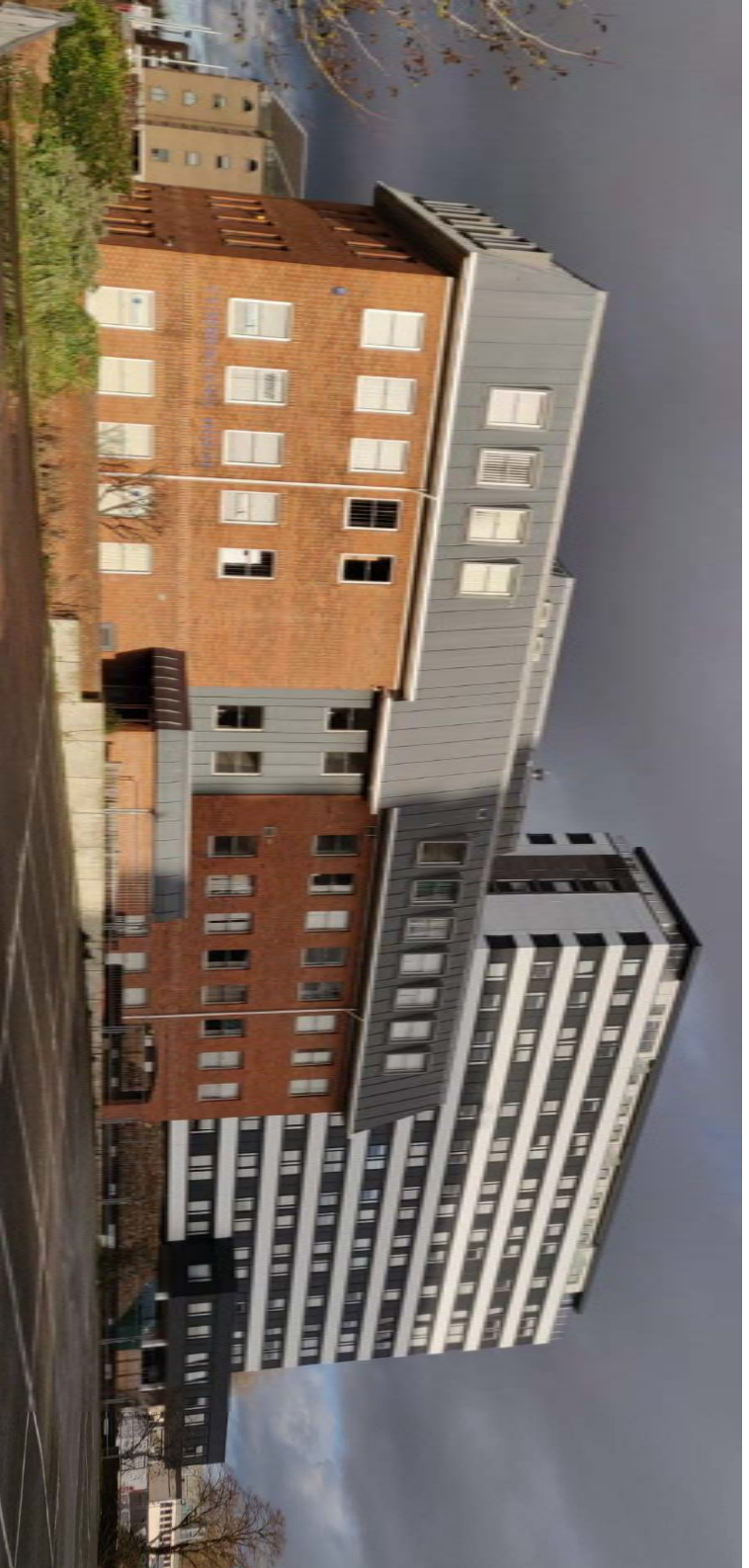
PROJECT: SHIVARAM SOUTHEM LTD.
 DRAWN: RD PROJECT NO: 19-533 DRAWING NO: 203
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 DATE: 16 JANUARY 2020 REVISION: P04

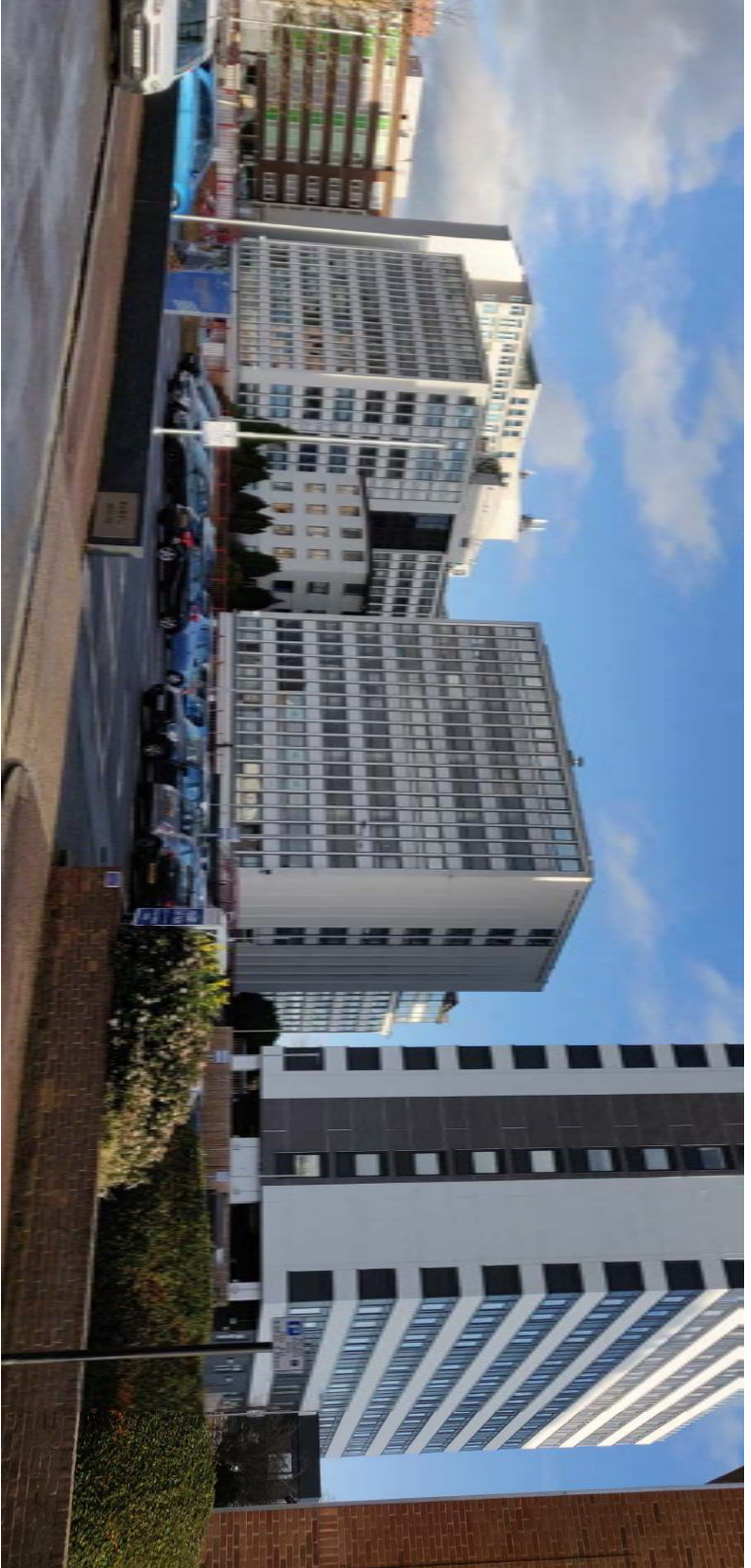
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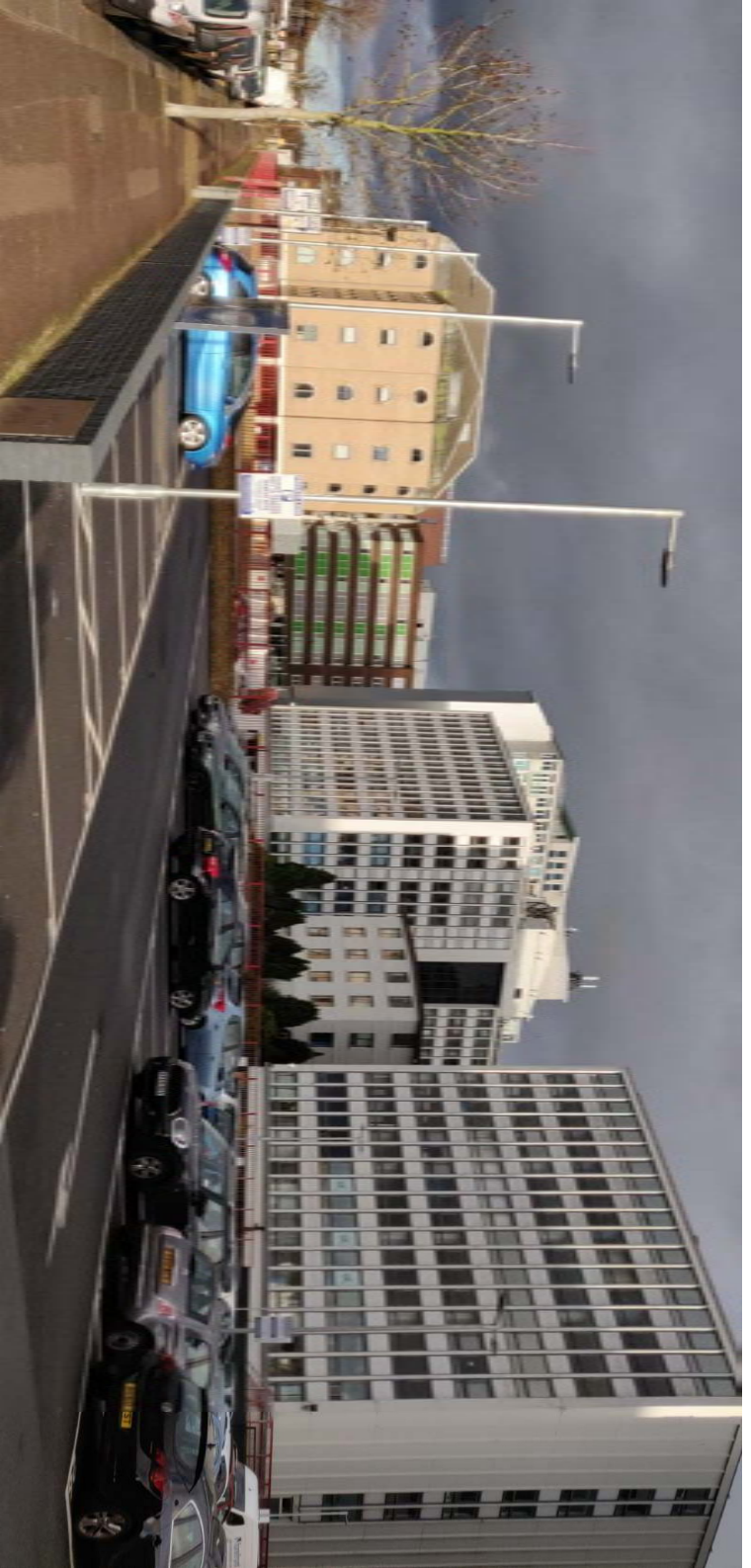
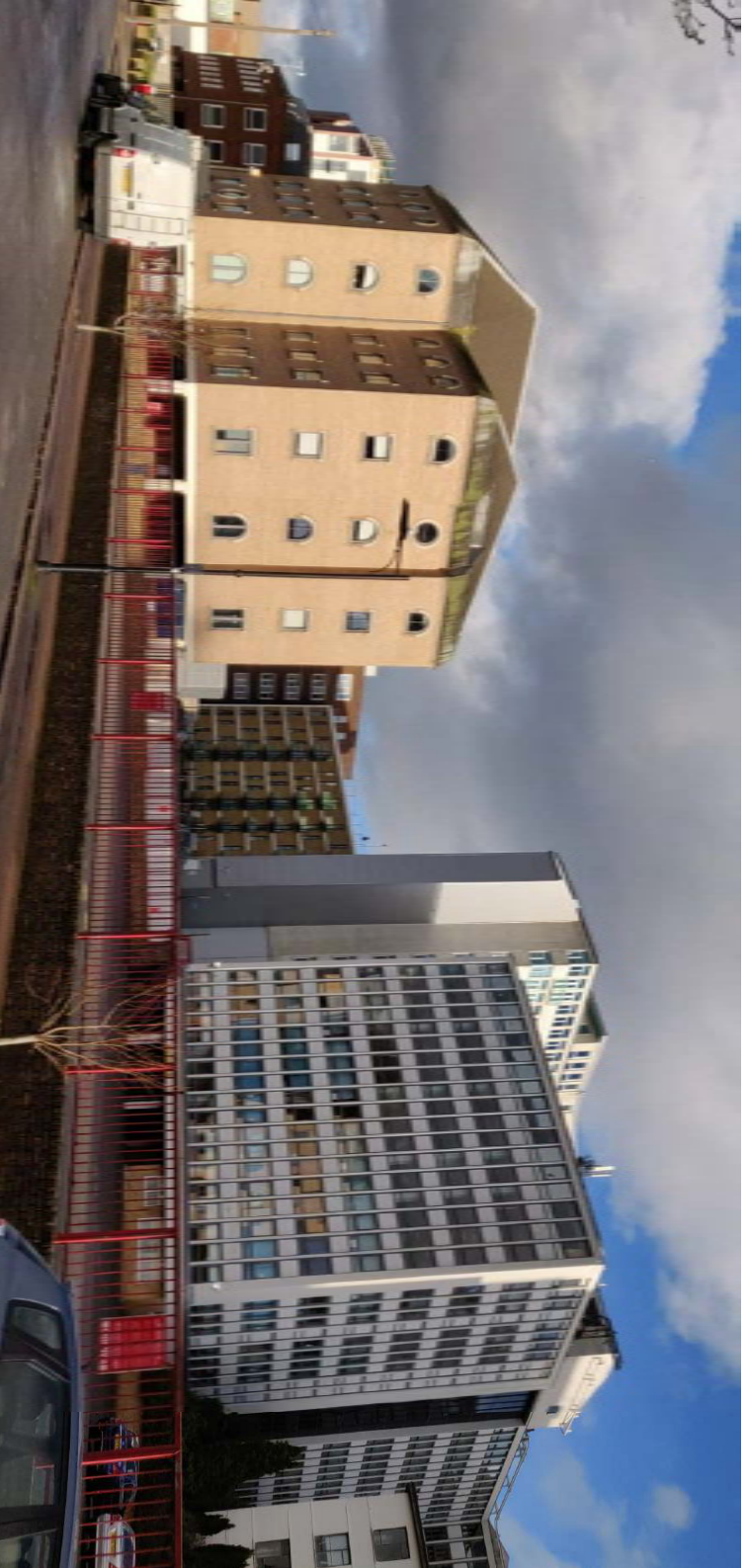
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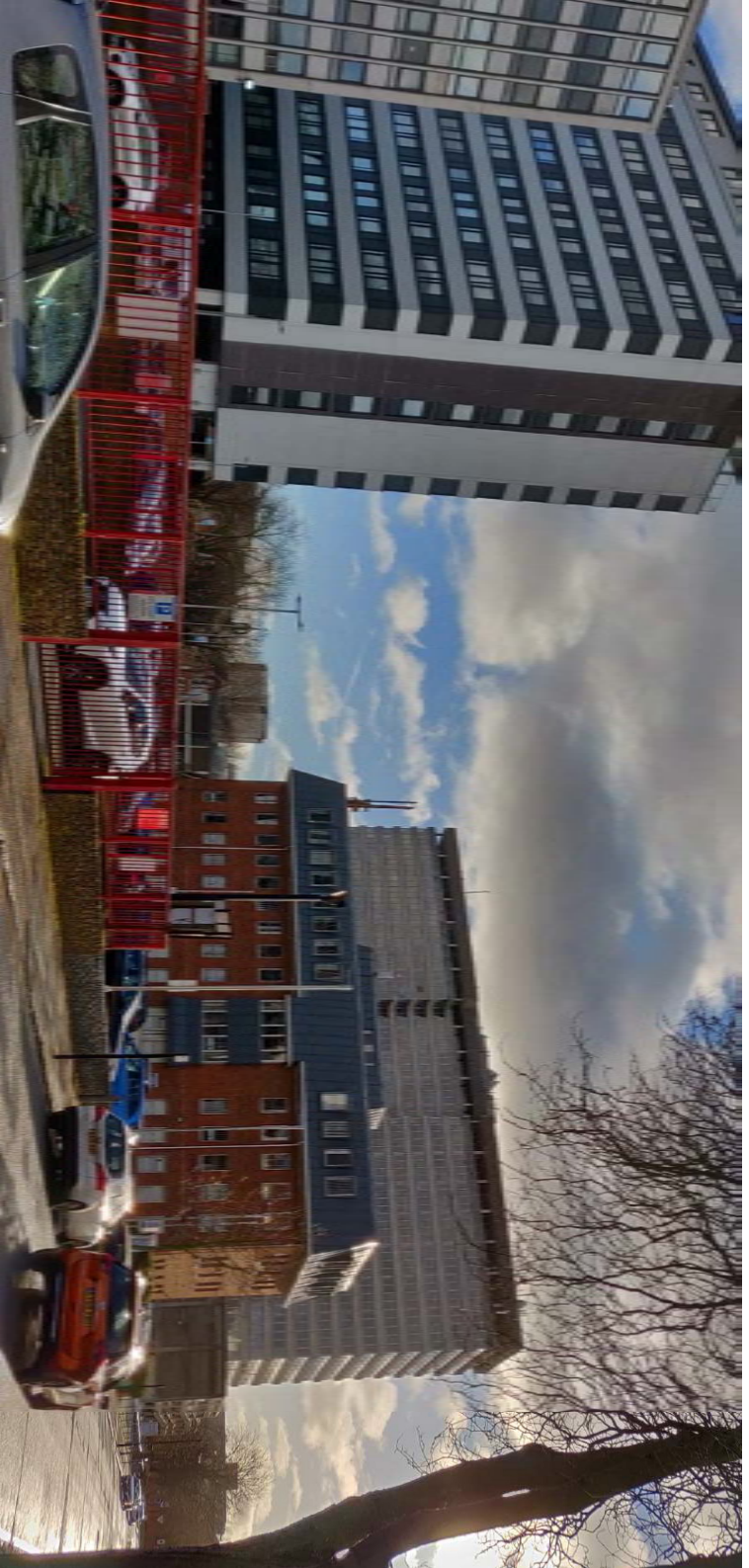




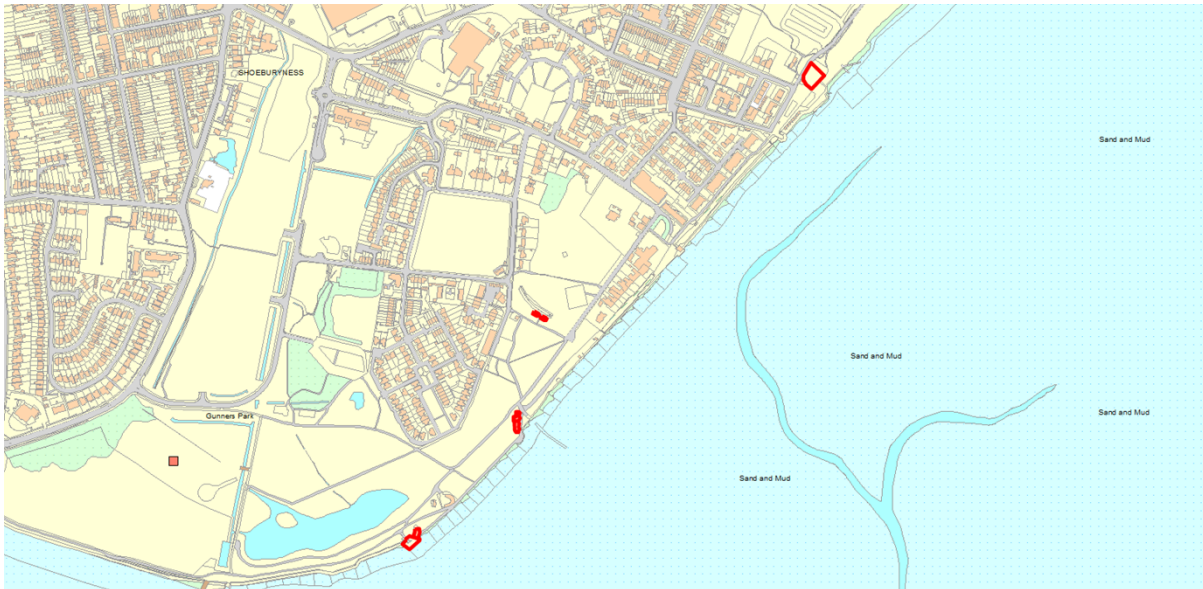








Reference:	1. 20/00468/BC4 2. 20/00469/LBC	5
Application Type:	Borough Council Regulation 4	
Ward:	Shoeburyness	
Proposal:	<p>1. Various works to former MOD Buildings at Gunners Park comprising of, replacement doors/windows/shutters, install graded earth access to Quick Fire Battery, replace doors/windows to Experimental Casemate Building, install temporary external landing on Experimental Casemate, replace doors, install graded earth access to Old Powder Magazines, install temporary art installations at East Beach and on jetty by Experimental Casemate and carry out emergency weatherproofing where required, install power supplies where needed and removal of Graffiti</p> <p>2. Various works to former MOD Buildings at Gunners Park comprising of, replacement doors/windows/shutters, re-secure shaft and install graded earth access to Quick Fire Battery, replace doors/windows and install temporary platform floor to Experimental Casemate Building, install temporary external landing on Experimental Casemate, replace doors, install graded earth access and temporary platform floor to Old Powder Magazines, install temporary art installations at East Beach and on jetty by Experimental Casemate and carry out emergency weatherproofing where required, install power supplies where needed and removal of Graffiti (Listed Building Consent)</p>	
Address:	Gunners Park, Ness Road, Shoeburyness	
Applicant:	Ms Bailey	
Agent:	Ms Raichel Warren of SKArchitects	
Consultation Expiry:	22 nd May 2020	
Expiry Date:	10 th July 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	596-P01, 596-P04, 596-P05, 596-P06, 596-P07B, 596-P08B, 596-P09B, 596-P10A, 596-P11, Heritage Statement by AHP dated March 2020, Design and Access Statement by SKArchitects Rev B, Estuary 2020 Programme	
Recommendation:	<p>1. GRANT PLANNING PERMISSION</p> <p>2. GRANT LISTED BUILDING CONSENT</p>	



1 Site and Surroundings

1.1 The proposal relates to 3 military structures in Gunners Park which were formerly part of the Shoebury Garrison MOD site. These are:

- The powder magazine c.1852-3 - 2 small simple brick built stores with vaulted brick ceilings which were built to provide secure storage for gunpowder,
- The Heavy Quick Firing Battery c.1898-1900 - a substantial concrete structure which was built for training in methods of firing from an elevated position with quick fire guns placed on top. Inside this structure has 3 small rooms one of which includes a hoist to the roof.
- The Experimental Casements (or light quick firing battery) c. 1862 (remodelled in 1890-1900) - a smaller brick built building with shallow iron clad brick vaulting which formerly had a gantry (now demolished) which was also used for weapons testing.

1.2 All 3 of the structures are grade II listed. They are currently empty and unused, and have been subject to vandalism and pigeon infestation. The list descriptions are noted below.

1.3 The Power Magazines (2 buildings each with the same description) (PM)

Powder magazine. 1852-3. Stock brick, stone dressings and bitumen roof. Square plan with lean-to porch to east containing C20 iron door facing north. EXTERIOR: position of three cast iron ventilator grills, some with wooden shutters, on two sides, indicates cavity wall and solid vault. Blocked opening in west wall. Low pitched hipped roof. INTERIOR: not inspected. HISTORY: one of only two surviving magazines at the Establishment and one of the first brick buildings built there. Included as an important functional element within the former British School of Gunnery.

1.4 The Heavy Quick Firing Battery (HQFB)

Heavy Quick Firing Battery, now disused. 1898, incorporating part of earlier battery, extended during construction and completed 1900. Mass concrete outer walls in 1:3

Portland cement with broken stone and sand; core of brick burrs. Four semi circular bastions with projecting parapet. Neatly shuttered in horizontal courses. Twin towers of ammunition hoist and single storey structures attached to rear. An early concrete building used for training in methods of firing from an elevated position; the hoist towers also used for training in fire-fighting. The hoist room retains part of the curved ceiling from an earlier battery, possible c1850.

1.5 The Experimental Casements (EC)

Light Quick Firing Battery, now disused, former casemates, 1870s, remodelled early 1890s as Light Quick Firing Battery. Stock brick with iron frame, C20 rendering to upper part. Two chambers set askew. Right part: massive piers with black brick quoins flanking iron frame of three bays. Wooden door frame (door missing) between two upright girders supporting wall plate. Iron clad barrel vaulted roof with mantle rail above blocked casemate. Part of plank floor survives. Left part: Truncated and re-fronted in yellow brick with four-course relieving arches, now demolished. Three bay barrel vaulted roof with brick infill; C20 brick partition. Interesting late example of a casemate and unique because referred to as an 'experimental casemate' in contemporary documents. A photograph (PIB/202) of c1896-8 shows the arrangement of rifle muzzle loading guns on the pier.

- 1.6 These buildings form part of a group of military structures on the headland. They are the remnants of the weapons testing facilities at the garrison. They all have high evidential, historical, aesthetic and communal group value but are suffering from neglect and lack of use.
- 1.7 The Garrison was decommissioned by the MOD and sold to a developer in 1999/2000. As part of this redevelopment, the former military buildings were converted mainly to residential use, hundreds of new homes were built and Gunners Park was realigned to the south around the mouth of the estuary.
- 1.8 Most of the other original military buildings within the garrison are also grade II listed and the site includes the Shoebury Garrison Conservation Area. The Power Magazines and HQFB fall within the conservation area boundary. The wider site, however, has a long history of occupation and also includes a scheduled monument known as the Danish Camp. This lies directly to the north of the powder magazines.
- 1.9 In addition to the heritage designations the whole of Gunners Park is designated in the Development management Document as protected green space. The park also has a number of nature designations at its western end including a local wildlife site and SSSI however it is noted that the application structures do not fall within either of these nature areas. The foreshore to the south also has a number of nature designations including RAMSAR, SPA, SSSI and Local Nature Reserve. In terms of flood risk the HQFB is partly within flood zone 3 and partly within flood zone 2 and the Experimental Casements is within floodzone 3.
- 1.10 The park is bounded by the residential development of the Garrison to the north including both historic and new buildings. To the east and south is the estuary itself and to the west is Shoebury Common.

2 The Proposal

2.1 The proposal seeks planning permission and listed building consent for various works to the former MOD structures at Gunners Park so that they can be used as part of the Estuary 2020 Arts Festival which is scheduled for September and October 2020. This is a temporary programme of artworks and events across the Thames Estuary (south Essex and north Kent), which is seeking to explore and celebrate the unique character of the Estuary. The former military structures in Gunners Park, which are subject to this application, will be used to house various temporary art works and will be open to view by the public during the festival. In order to facilitate this various works are required to the structures to make them fit for purpose, safe and accessible. The proposed works are as follows:

Location	Description	Proposal	Reason
Powder Magazines Listed Grade II			
Powder Magazines	Doors D06 & D07	Retain remains of original door frame, install new solid metal door with rivet detailing to face of brickwork. Fixings into mortar joints.	In order to secure the Powder Magazine and improve the appearance of the entrance. The proposal should not deface brickwork.
Powder Magazines	Both Power Supply	Power supply will be a temporary and portable battery and PV pack, cables will run through conduit fixed into the wall through the mortar joints and enter the building as shown on drawing	To facilitate the exhibition
Powder Magazine - East Building	Main Room	Remove old nails from walls.	Health and safety issue for future use of building.
Powder Magazines	Both	Install timber decked floors supported on pediments to create a level floor	Health and safety issue for future use of buildings.
Powder Magazines	Both	Carefully brush down internal walls and re-limewash	To improve the appearance of the building
Powder Magazines	West	After the festival, removal of recently installed timber ceiling	To remove non original feature
Powder Magazines	Both	Carry out any emergency works needed to prevent rainwater ingress and improve rainwater disposal	General maintenance
Powder	Both	Form external ramp by	To enable level access

Magazines	Ramp	re grading to allow level access in to the building. To include a reinforcement mesh and finished with grass.	to the buildings
Powder Magazine	West	Remove graffiti in accordance with Historic England guidelines	To improve the appearance of the building
Heavy Quick Firing Battery Listed Grade II			
Quick Fire Battery - North Building	Door D01	Alter existing door to bring the bottom of the door up to FFL	To prevent the door impeding the landing in front of the doors, in line with creating a level entrance.
Quick Fire Battery - North Building and south building	Ramp	Land to be graded to a gradient to allow level access into the building, to have a reinforcement mesh and be finished with grass.	To enable level access to the buildings
Quick Fire Battery - Middle Building	Doors and windows 02 & W02-04	Repaint black.	Improve the appearance and maintain these elements.
Quick Fire Battery - Middle Building	Ramp	Install mesh guarding and metal handrail.	In order to make this ramp safe for use. Evidence of previous guarding.
Quick Fire Battery - South Building	Middle Window W06	Remove unoriginal brickwork.	To reinstate lost feature and balance the elevation.
Quick Fire Battery - South Building	Middle Window W06	Reinstate metal bars.	To balance the front elevation and add extra security.
Quick Fire Battery - South Building	Left Window W05	Retain existing sash window and set new metal shutters behind this.	Notions of the buildings history retained, new security added.
Quick Fire Battery	Internal	Carefully brush down internal walls and re-limewash	To improve the appearance of the building
Quick Fire Battery - Middle & South Building	Roof	Close off openings at the top of the shafts over the middle room and the top of the ammunition hoists in the room C with transparent material.	To prevent pigeon ingress and allow these elements to be experienced from the inside, with the inclusion of glass.
Quick Fire	Roof	Carry out any	General maintenance

Battery		emergency works needed to prevent rainwater ingress and improve rainwater disposal	
Quick Firing Battery	All rooms Power Supply	Power supply will be a temporary and portable battery and PV pack, cables will run through conduit fixed into the wall through the mortar joints and enter the building adjacent to the doors	To facilitate the exhibition
Experimental Casemate Listed Grade II			
Experimental Casemate	Door/windows D04	Remove existing grilles and install 4 no. shutters; solid metal frames and folding shutters, fixed into existing cill and lintel. Side hung door (fixings into brick recess as per existing fixings), solid metal door and metal frame. Low level hook to keep doors open.	
Experimental Casemate	Side door D05	Remove metal plate covering door opening. Install side hung door, solid metal door, set behind existing timber frame. Low level hook to keep doors open.	Improve appearance of side elevation and open up the level access to make this building accessible for all.
Experimental Casemate	South window	Retain original metal window frame and mullions. Fix new metal shutters, opening inwards. Fix into mortar joints and / or unoriginal timber frame.	
Experimental Casemate	North West Elevation	Repaint unoriginal metal shuttering black.	To improve the appearance of the building
Experimental Casemate	Internal	Carefully brush down internal walls and re-limewash	To improve the appearance of the building
Experimental Casemate	Graffiti removal	Where possible, remove graffiti in accordance with the English Heritage (now HE)	To improve the appearance of the building

		guidance	
Experimental Casemate	Power Supply	Power supply, wiring in conduit taken through rear 'access'. Power supply will be a temporary and portable battery and PV pack, cables will run through conduit fixed into the wall through the mortar joints.	To facilitate the exhibition
Experimental Casemate	Internal	Timber decked floor supported on adjustable pedestal throughout the two rooms, to create a level floor	Health and safety issue for future use of buildings.
Works to non-listed structures			
East Beach Jetty	Not Listed	Install concrete Sound Mirror, poured in situ. Fixing, as confirmed by structural engineer, Uses 4700mm GRP plug Depth of dish 345mm Diameter of dish 2353mm	Exhibition piece
Jetty South of Experimental Casements	Not Listed	Install 3 x photographic installations 3000mm x 1340mm fixed into concrete bases, resin anchored into the existing slab	Exhibition piece

3 Relevant Planning History

- 3.1 There is extensive planning history at the Garrison. The applications relevant to this proposal are:
- 3.2 14/00153/DOV - Modification of planning obligation dated 6 February 2004 pursuant to application 00/00777/OUT, in particular clauses relating to New Gunners Park (including multi-use games and wheeled sports areas, tennis courts, children's and toddler play areas, car parks, footpaths/cycleways), sea wall works, Heritage Centre and timescales for delivery. Granted
- 3.3 06/00543/RES - Form wetland area/ balancing pond, new ditches and associated headwall structures, secondary flood defence bund with footway/ cycleway and associated works (approval of reserved matters following grant of outline planning permission SOS 00/00777/OUT dated – granted

- 3.4 00/00777/OUT - Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works (Outline) - granted

4 Representation Summary

Public Consultation

- 4.1 17 neighbouring properties were consulted, a press notice published and a site notice posted. 1 letter of representation has been received raising the following issues:

- The historic structures may merit repair but public funds should not be used for this purpose, they would be better spent improving roads and tidying up the park, Arts is a temporary luxury and not a necessity.

Officer Comment These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission or listed building consent in the circumstances of this case.

Archaeology Curator

- 4.2 No objection.

Highways Team

- 4.3 There are no highway objections to this proposal.

Environmental Health

- 4.4 No objections.

Parks

- 4.5 For the works that are only occurring on/in the buildings it is important any workers and equipment needed don't impact the environment whilst on site (e.g. trampling vegetation, leaving waste on site, disturbing/damaging/destroying protected species etc.).

Using the existing earth is recommended to prevent accidental introduction of any invasive species or unsuitable soil types for the area. In terms of the nature designations being affected, it would be useful to get a consultation from Natural England.

Officer Comment: Natural England was consulted but did not respond.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP7 (Sport, recreation and Green Space),
- 5.3 Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Shoebury Garrison Conservation Area Appraisal (2005)
- 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 including impact on the protected green space and flood risk, design and impact on the listed buildings and character of the wider Shoebury Garrison Conservation Area, impact on ecology, traffic and transportation issues, impact on residential amenity and CIL

7 Appraisal

Principle of Development

Public Open Space

- 7.1 Policy CP7 states that *'The Borough Council will bring forward proposals that contribute to sports, recreation and green space facilities within the Borough for the benefit of local residents and visitors.'*
- 7.2 The buildings subject of this application are situated within Gunners Park which is designated as protected open space, however, the proposed works are minor in nature and relate to the fixtures and fittings of the existing former military buildings and the formation of low key ramps to their entrances only. The works will not result in the loss of protected open space. The principle of the proposal in terms of the impact on the protected open space is therefore considered to be acceptable and the proposal is policy compliant in this regard.

Flood Risk

- 7.3 In relation to development within flood risk areas policy KP1 of the Core strategy states: *'Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage*

measures.'

- 7.4 The proposal sites are partly within flood zones 2 and 3 however the works proposed are minor in nature and relate to the fixtures and fittings of the building and the formation of low key ramps to the entrances only and will not materially change the function of the park structures or use of the park itself. The principle of the proposal in relation to flood risk is therefore acceptable and the proposal is policy compliant in this regard.
- 7.5 The principle of the development is therefore considered to be acceptable subject to the other detailed considerations set out below.

Design and Impact on the listed buildings, impact on the setting of the scheduled monument and impact on the character of the Conservation Area

- 7.6 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.7 The NPPF at paragraph 193 directs that '*great weight should be given to the asset's conservation*'. In relation to the impact of development on heritage assets paragraph 195 of the NPPF states where a proposed development will lead to '*substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...*' and paragraph 196 of the NPPF states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'
- 7.8 Policy DM5 seeks to protect the character and significance of the Borough's heritage assets including listed buildings, scheduled monuments and conservation areas.
- 7.9 The proposed works to the listed buildings are noted in section 2 above. These works are required for reasons of general maintenance, security and to improve access into the building to facilitate a park arts festival. The works include the replacement of some doors and some new metal internal shutters however where these are proposed the existing doors are modern and of no historic value and the proposed replacements have been designed with a robust military aesthetic and are compatible with the character of the historic buildings and generally considered to be an enhancement.
- 7.10 The proposal also includes some reinstatement works including the opening of existing blocked windows and doors as well as the removal of graffiti, repainting of the remaining doors and shutters and renewal of lime washed surfaces. Internally the application also includes a proposal for suspended floors within 3 of the buildings but these will sit on the existing floor structures and will not therefore result in the loss of historic fabric.

The most significant interventions is the supply of power from external temporary

- 7.11 portable batteries into the buildings via a small hole in the facades adjacent to the entrances but it is considered that the impact of this element on the historic structures will be minimal.
- 7.12 It is also proposed to install 4 access ramps to improve access to the buildings however these will be formed by re-grading the existing earth over a mesh reinforcement to slightly raise the land around the building entrances to provide a level threshold. These ramps will be finished with grass to blend in with the park surroundings.
- 7.13 Overall it is considered that the proposed works will not cause harm to the character and significance of the listed buildings. In fact in many instances the proposal will enhance the listed building through the repair of existing features and the replacement of modern interventions with more sympathetic and more robust designs. This will help to protect the historic buildings and facilitate their future use.
- 7.14 It is also considered that the repair and improve the security and aesthetics of the buildings will have a will have a positive impact on the setting of the adjacent scheduled monument and conservation area. The proposal is therefore also acceptable and policy compliant in this regard.
- 7.15 In terms of the additional works to facilitate the two additional temporary art works on the sea wall it is considered that these will improve visitor experiences of these places also make a positive contribution to the surrounding areas. These elements of the proposal are therefore also considered to be compatible with the character of the area.
- 7.16 The design, scale and form of the proposal is therefore acceptable and the proposal is policy compliant in respect of design, character and heritage matters.

Impact on Residential Amenity

- 7.17 Policy DM1 of the Development Management Document requires all development to respect neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”
- 7.18 No extensions are proposed to the listed buildings. The works identified in section 2 above are required for reasons of general maintenance, security and to improve access into the buildings to facilitate a park arts festival over a temporary period as part of the ongoing activities at the park.
- 7.19 The closest homes to the listed buildings are approximately 95m from the HQFB, 55m from the Powder Magazine and 155m from the experimental casements.
- 7.20 Given the separation distances to the neighbours and the nature of the proposed works it is considered that the proposal will not have a material impact on the amenities of residents in any regard. The proposal is therefore, acceptable and policy compliant in its impact on neighbour amenity.

Traffic and Transportation Issues

- 7.21 As noted above the proposed works are required for reasons of general maintenance, security and to improve access into the buildings as part of the ongoing activities at the park. It is envisaged that the buildings will be used in conjunction with the existing park facilities and that visitors will make linked trips.
- 7.22 The park has 2 dedicated car parks for visitors and there is another public car park within walking distance of the site. The park also has cycle parking and is located on the seafront cycle route and within walking distance of many homes. It is considered that the existing park car and cycle parking will be sufficient to serve visitors to the site. The Council's Highways Officer has not raised any objections to this proposal. It is therefore acceptable and policy compliant in its impact on traffic and transportation.

Ecology and Biodiversity

- 7.23 Policies KP2, CP4 and DM1 seek to protect the natural environment including designated nature sites. The western side of the park and the foreshore to the south have a number of nature designations, however, given the scale and location of the proposal, it is considered that the proposal will not have a material impact on the ecology of the park or the foreshore subject to a condition requiring that the earth used for the ramps is not imported but local to the park so as to prevent the accidental importation of invasive species. The impact of the proposal on ecology and biodiversity is therefore considered to be acceptable subject to this condition.

Community Infrastructure Levy (CIL)

- 7.24 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 subsequently allowed, the CIL liability will be applied. Any revised application may also be CIL liable.

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 principle of the proposal, including impact on the protected green space and flood risk are considered to be acceptable and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the setting of the scheduled monument and the park and conservation area more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

9 Recommendation

Members are recommended to 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 596-P01, 596-P04, 596-P05, 596-P06, 596-P07B, 596-P08B, 596-P09B, 596-P10A and 596-P11.

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

03 The design details and materials to be used for the alterations to the listed structures shall be as set out on plan references 596-P07B, 596-P08B and 596-P09B.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation 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, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The earth used to form the ramps to the powder magazines and heavy quick firing battery hereby approved shall be from the existing park and not imported from elsewhere.

Reason: To protect the ecology of the area and prevent invasive species being introduced to the site in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

Members are recommended to GRANT LISTED BUILDING CONSENT subject to the following conditions

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 596-P01, 596-P04, 596-P05, 596-P06, 596-P07B, 596-P08B and 596-P09B.

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

03 The design details and materials to be used for the alterations to the listed structures shall be as set out on plan references 596-P07B, 596-P08B and 596-P09B.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation 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, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The removal of graffiti from the listed buildings shall be carried out in accordance with the advice contained within the publication 'Graffiti on historic buildings and monuments – methods of removal and prevention' by Historic England 1999.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation 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, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

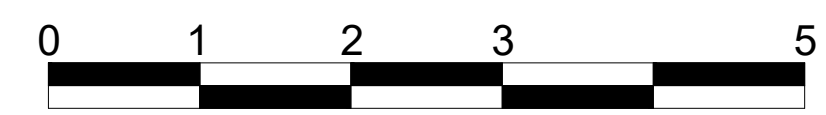
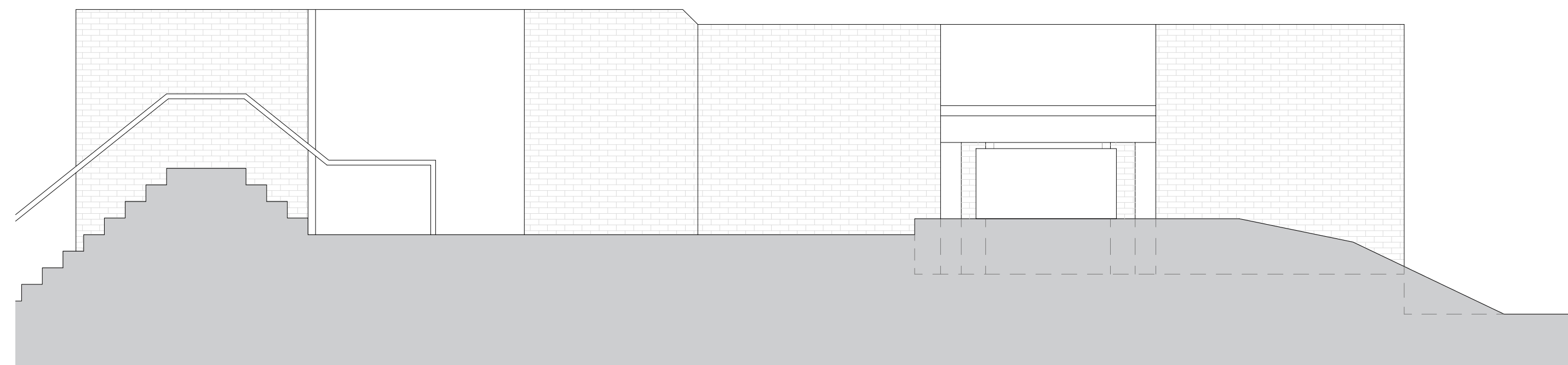
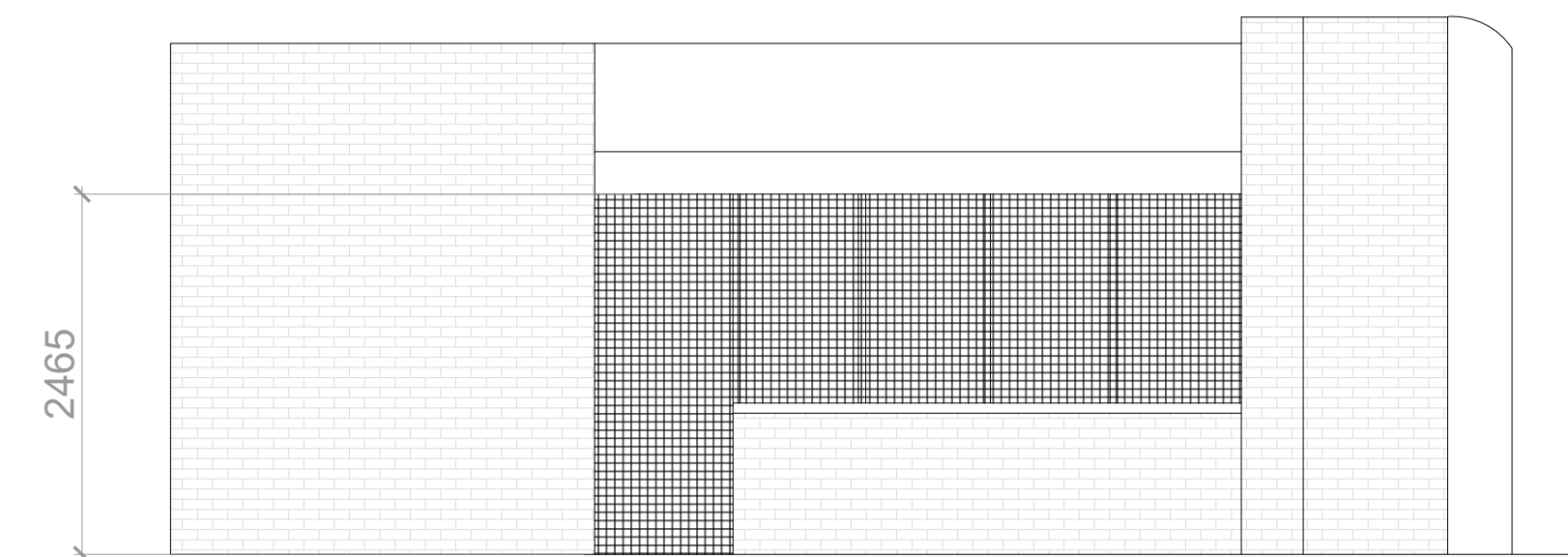
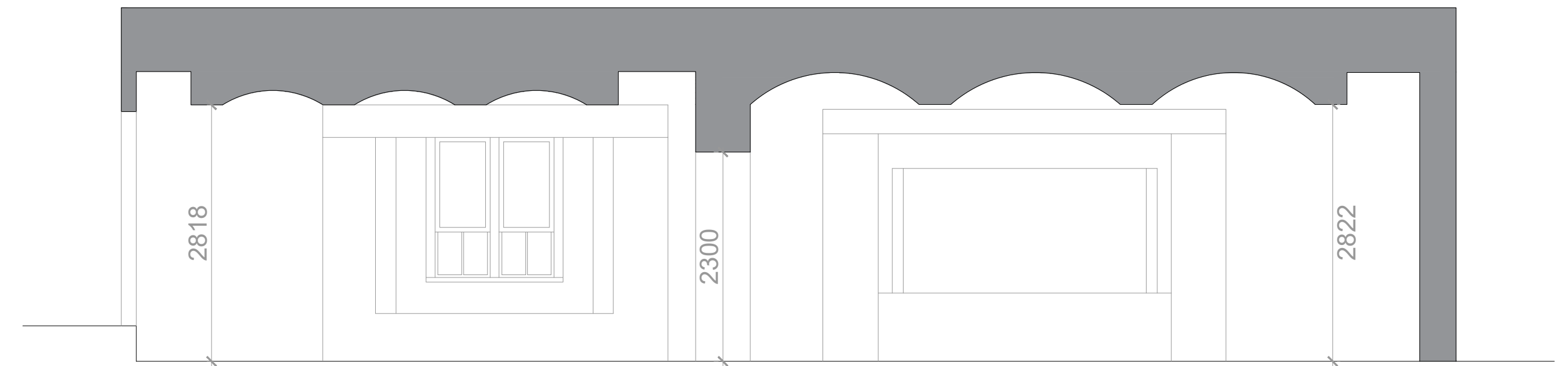
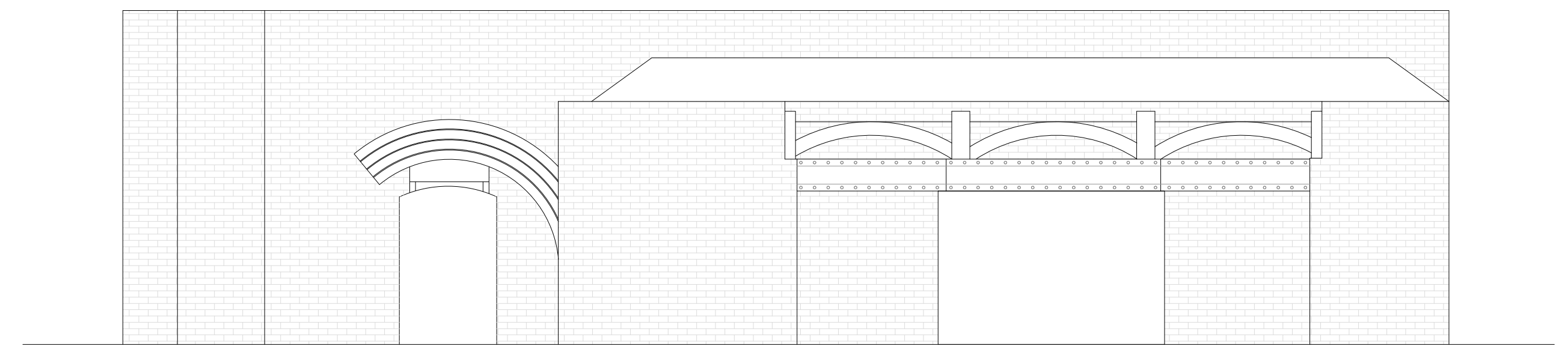
Informatives:

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

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

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.

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Rev	Comment	By	Date
A	Sound Mirror removed	RW	16/01/2020

Stage:
Planning

Client:
Metal

Project:
Gunner's Park
New Barge Road
Shoebury
Southend-on-Sea
SS3 9FW

Drawing Title:
Experimental Casemate
Existing Plan, Section & Elevation

Drawing no:
596-P05

Revision: - Drawn by: RW

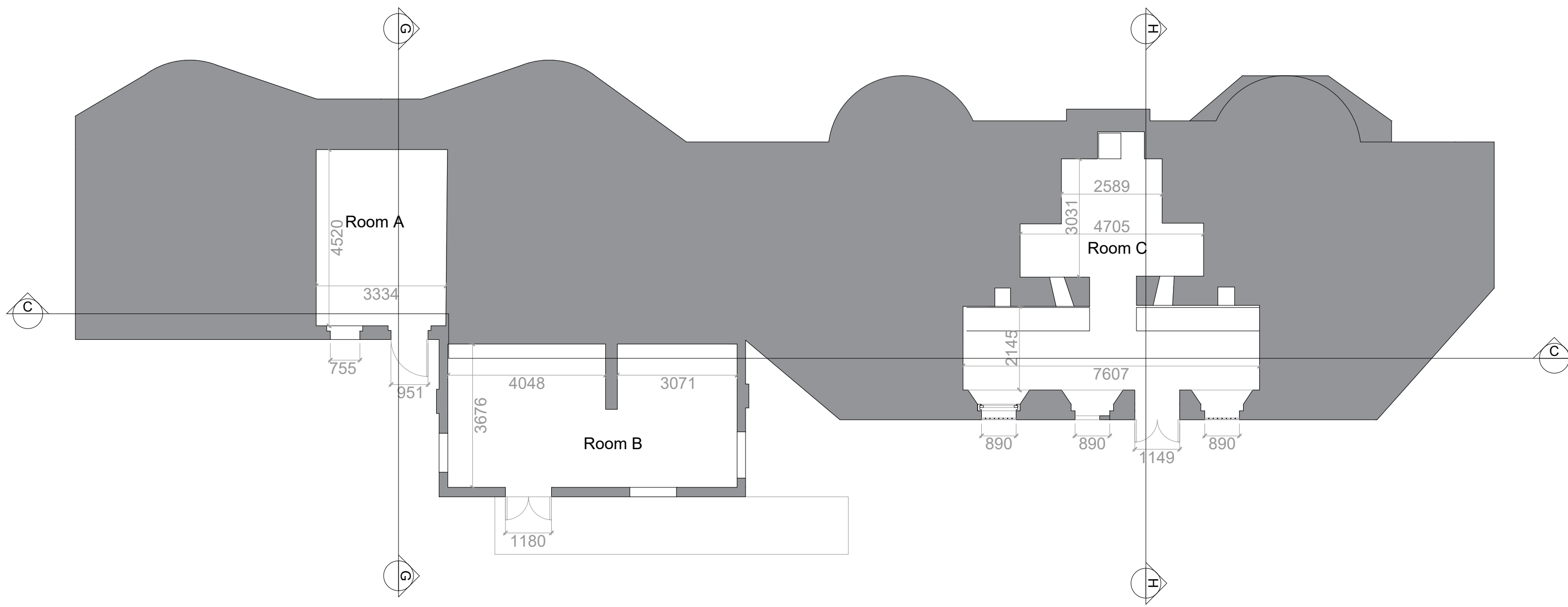
Project no: 596 Chkd by: SK

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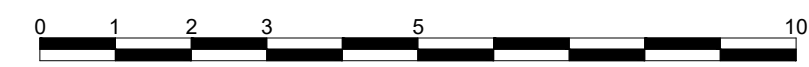
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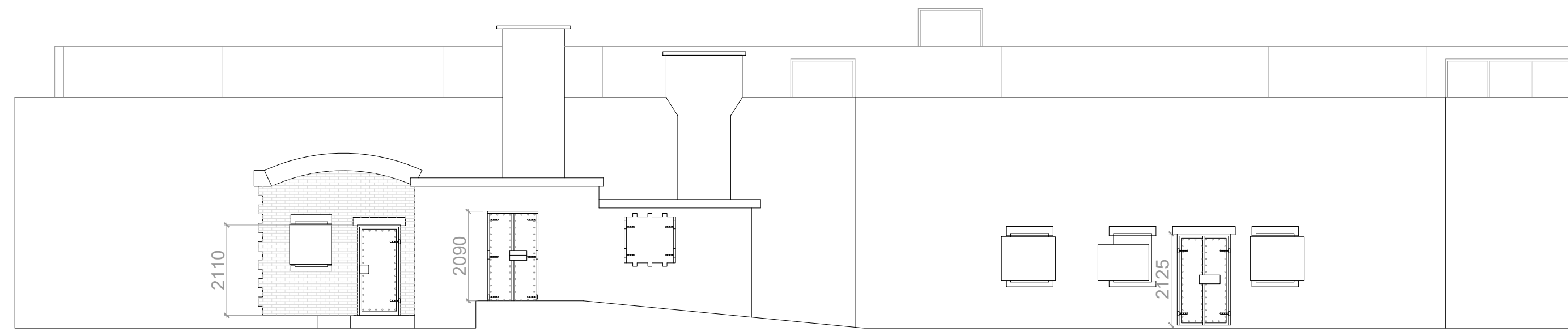
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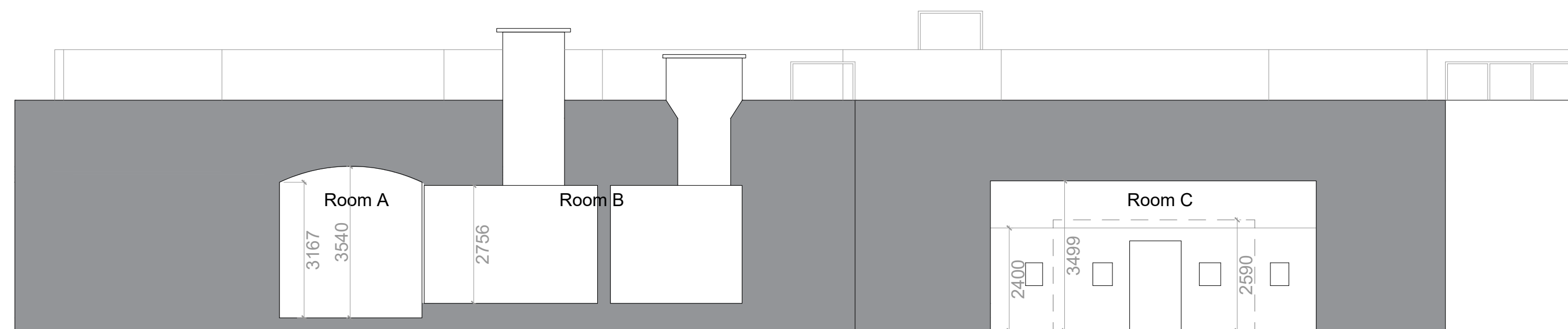
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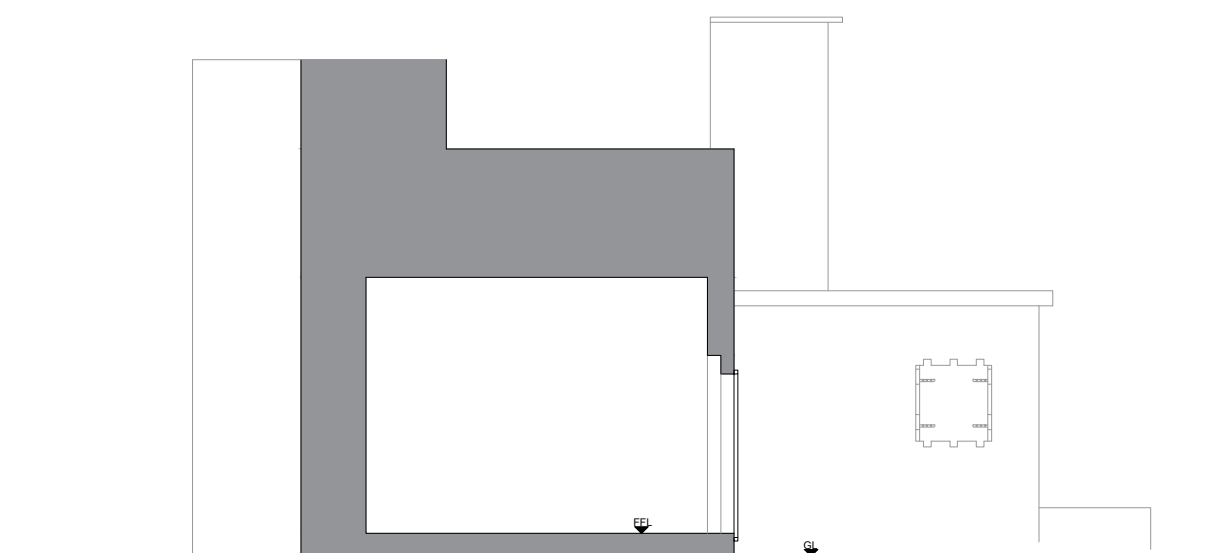
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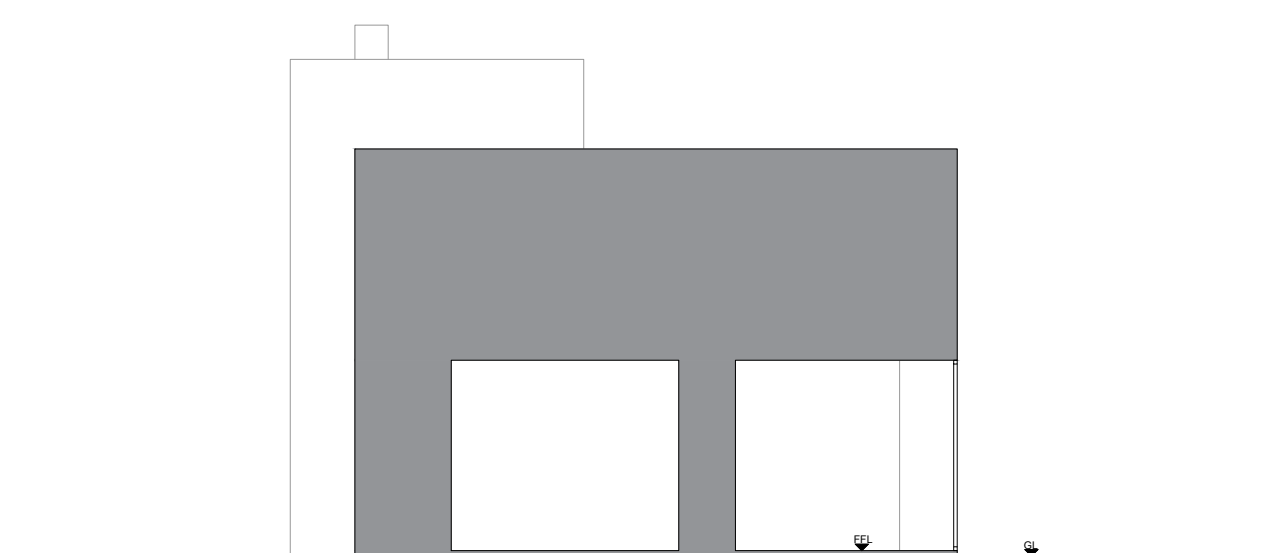
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Existing Section C 1:100 @ A1



Existing Section G 1:100 @ A1



Existing Section H 1:100 @ A1

Rev	Comment	By	Date
-	-	-	-

Stage:
Planning

Client:
Metal

Project:
Gunner's Park
New Barge Road
Shoebury
Southend-on-Sea
SS3 5FW

Drawing Title:
Quick Fire Battery
Existing Plan, Sections & Elevation

Drawing no:
596-P06

Revision: - Drawn by: RW

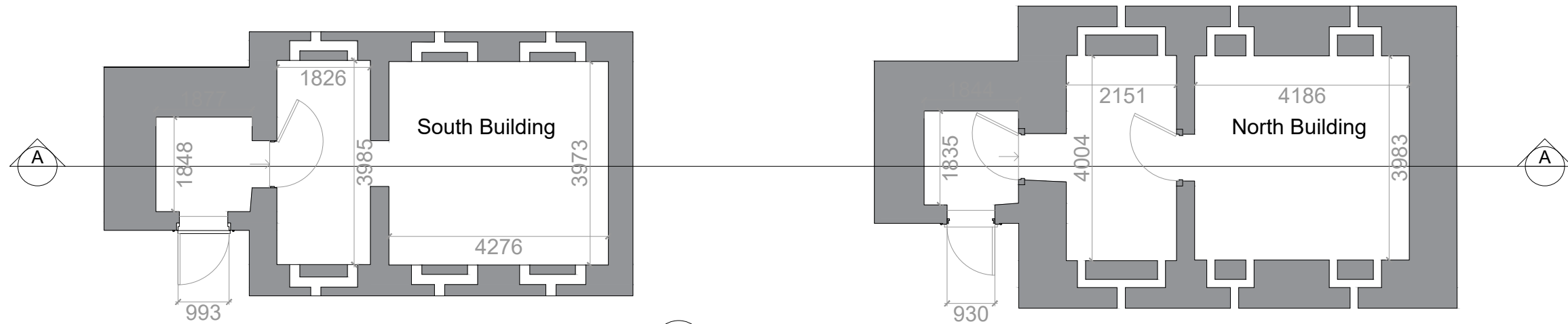
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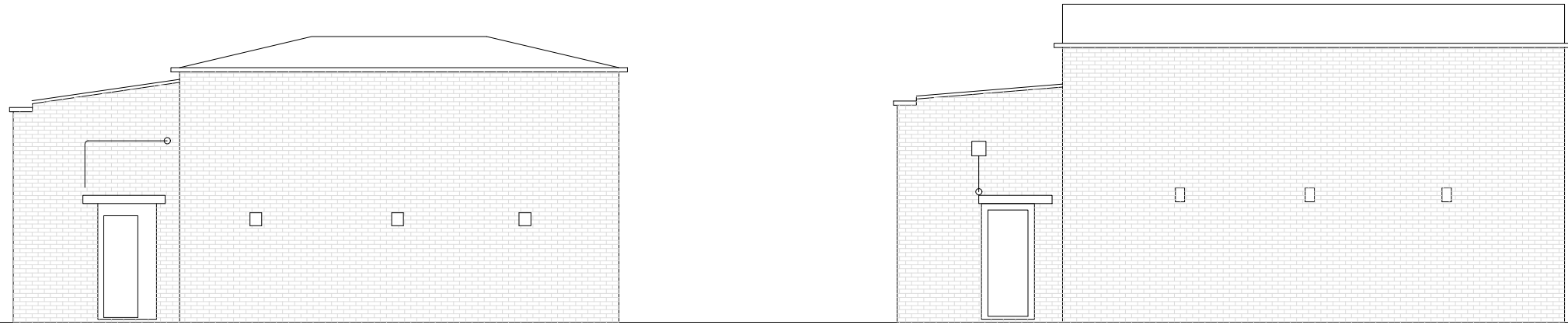
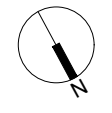
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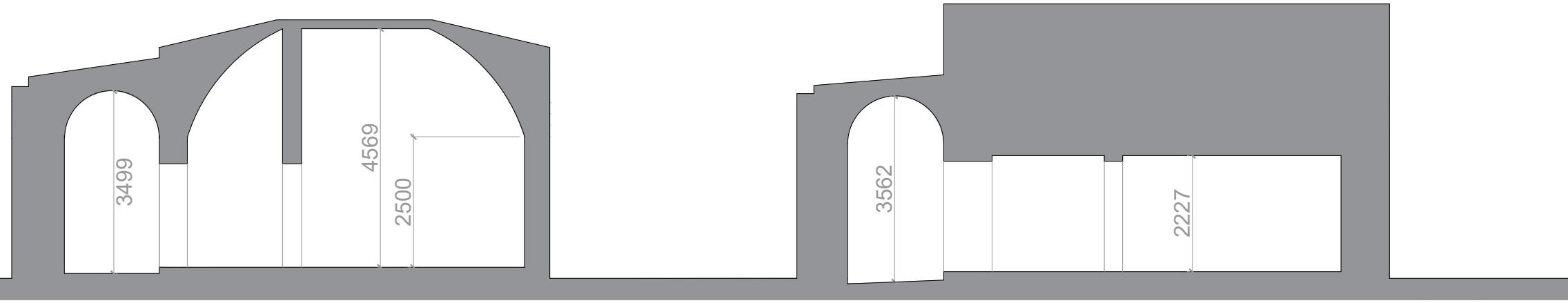
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Existing Plans 1:100 @ A3



Existing North East Facing Elevation 1:100 @ A3



Existing Section A 1:100 @ A3

Rev	Comment	By	Date
-	-	-	-

Stage:
Planning

Client:
Metal

Project:
Gunners Park
New Barge Road
Shoebury
Southend-on-Sea
SS3 9FW

Drawing Title:
Powder Magazine
Existing Plan, Section & Elevation

Drawing no:
596-P04

Revision: - Drawn by: RW

Project no: **596** Chkd by: SK

Scale: 1:100 @ A3

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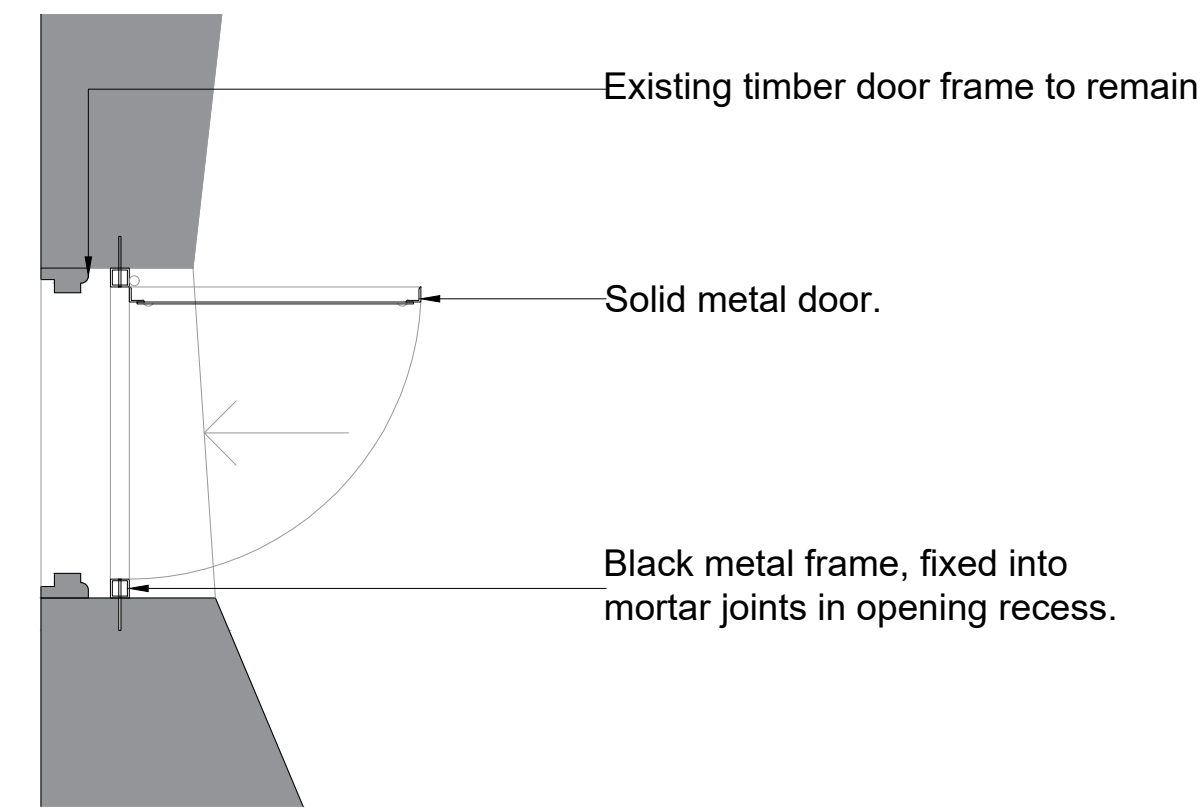
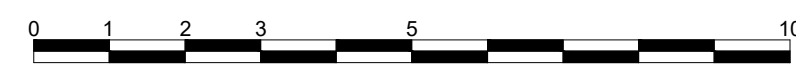
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Remove metal plate covering door opening. Install side hung door, solid metal door, set behind existing timber frame. Low level hook to keep doors open.

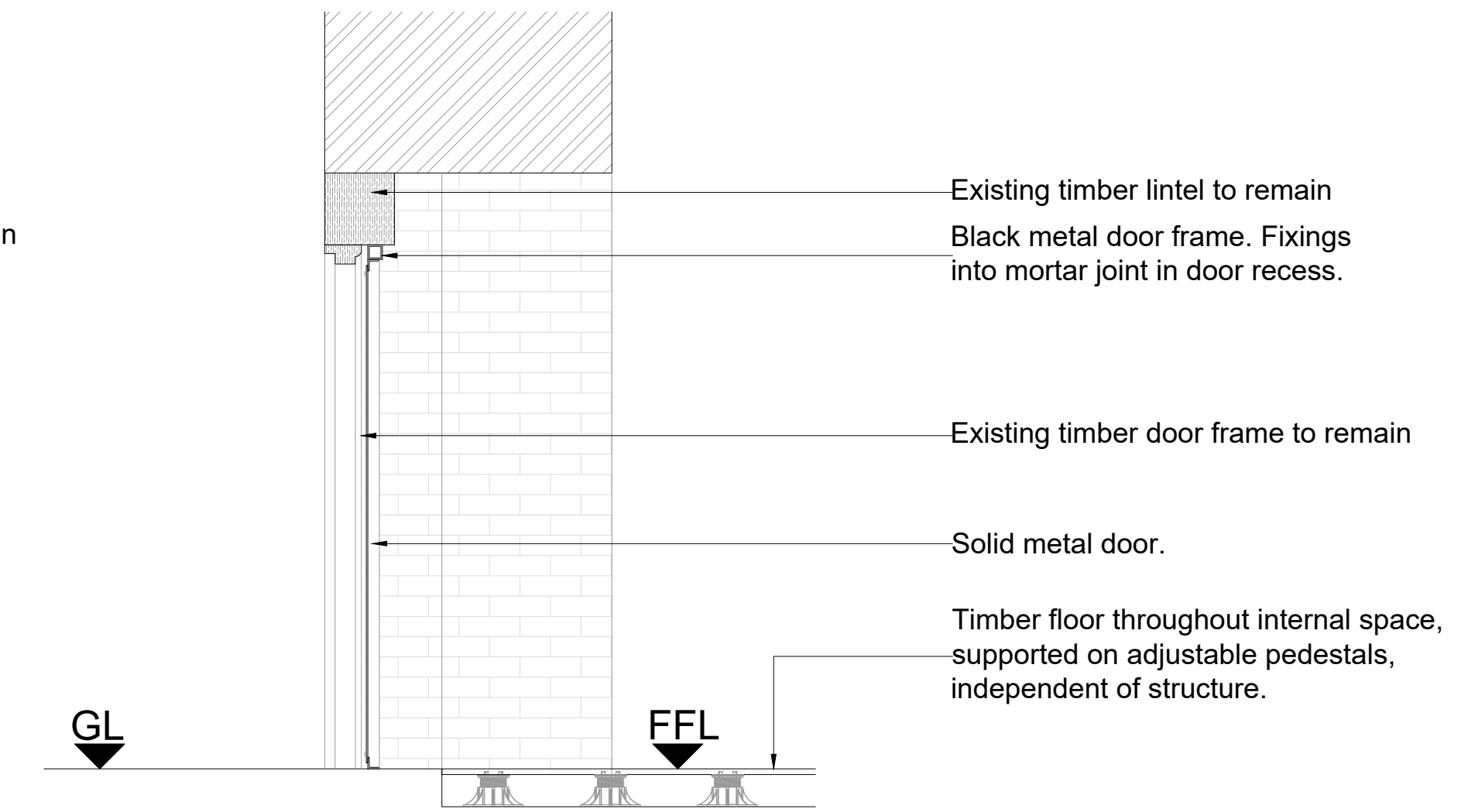
Remove metal plate covering window. Solid metal shutters installed behind existing metal window frame. Hook to keep shutters open.



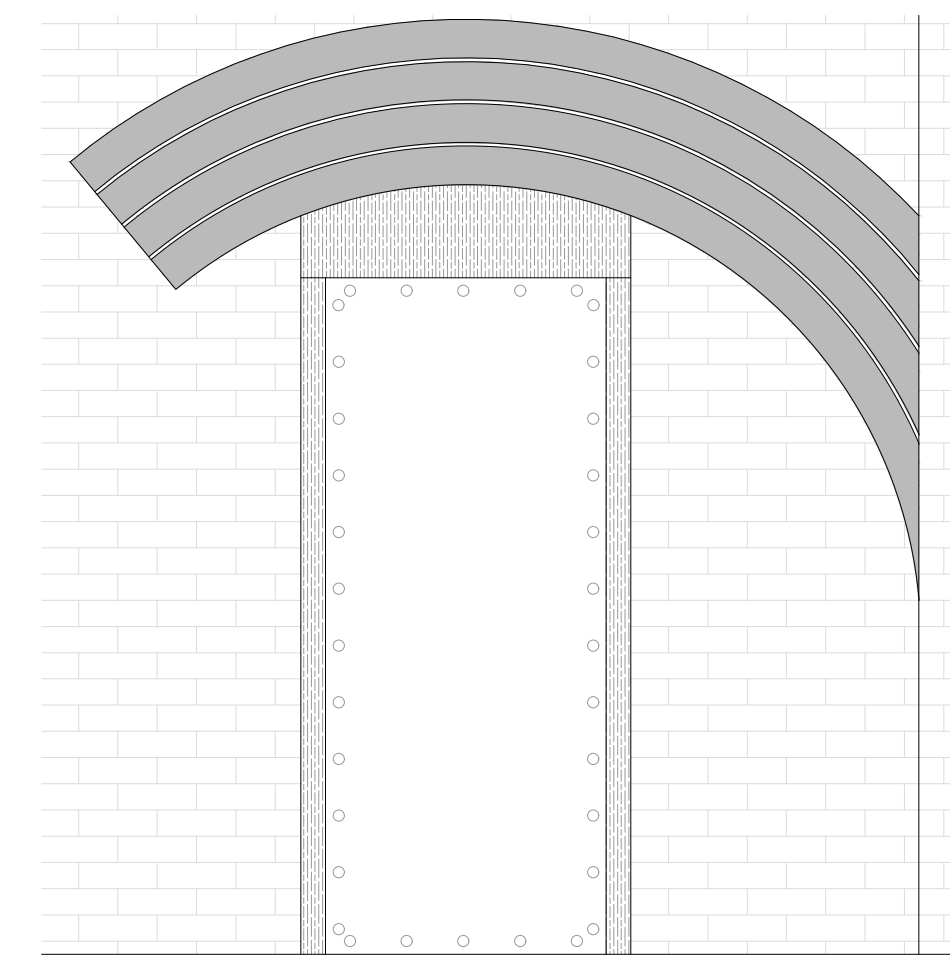
Proposed Plan 1:100 @ A1



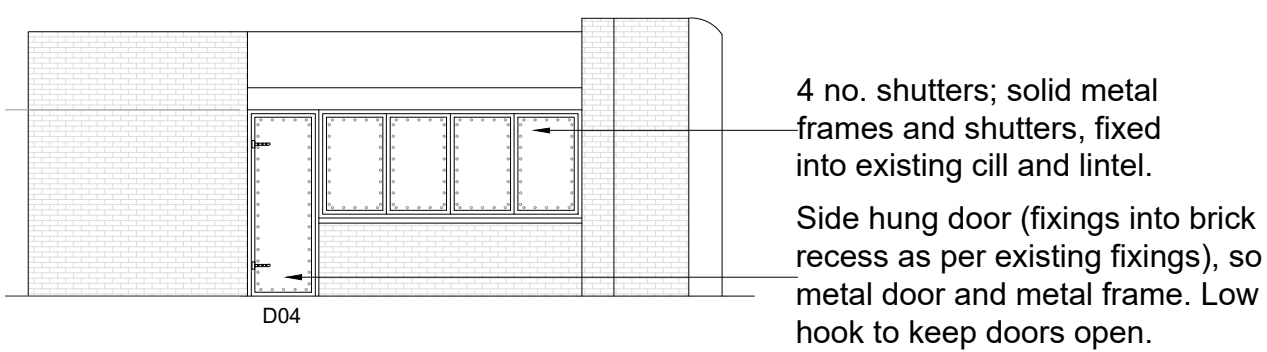
D05 - Detail Plan 1:20 @ A1



D05 - Section through Opening 1:20 @ A1

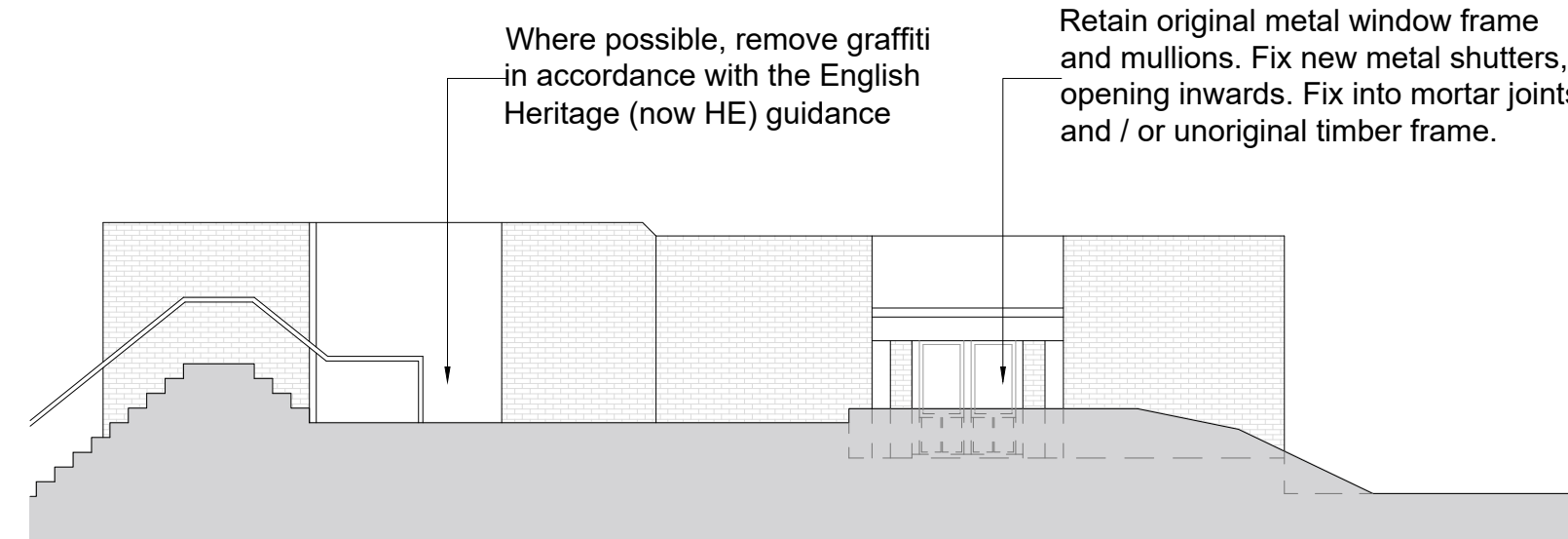


D05 - Elevation 1:20 @ A1



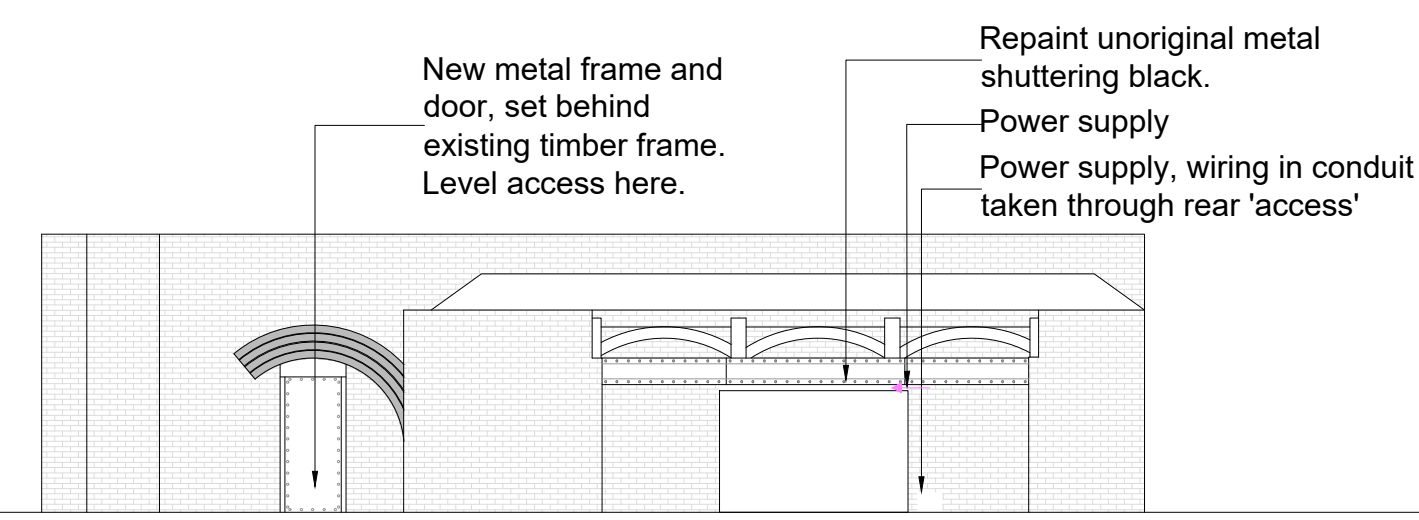
Proposed North Elevation 1:100 @ A1

4 no. shutters; solid metal frames and shutters, fixed into existing cill and lintel. Side hung door (fixings into brick recess as per existing fixings), so metal door and metal frame. Low hook to keep doors open.



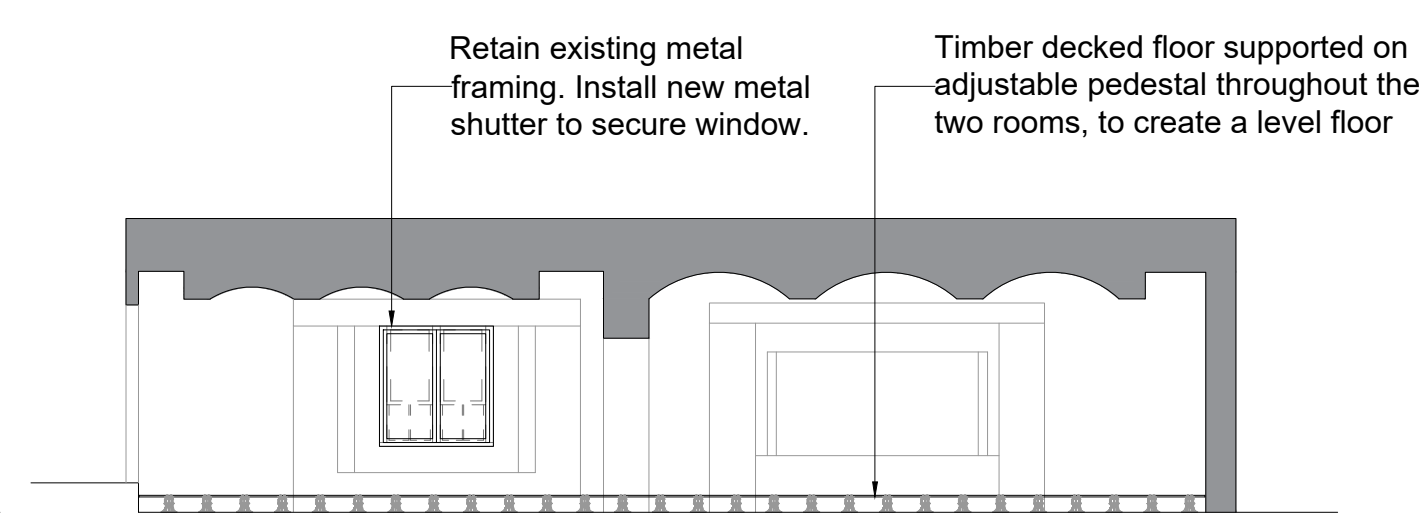
Proposed South East Elevation 1:100 @ A1

Where possible, remove graffiti in accordance with the English Heritage (now HE) guidance. Retain original metal window frame and mullions. Fix new metal shutters, opening inwards. Fix into mortar joints and / or unoriginal timber frame.



Proposed North West Elevation 1:100 @ A1

New metal frame and door, set behind existing timber frame. Level access here. Repaint unoriginal metal shuttering black. Power supply wiring in conduit taken through rear 'access'



Proposed Section E 1:50 @ A1

Retain existing metal framing. Install new metal shutter to secure window. Timber decked floor supported on adjustable pedestal throughout the two rooms, to create a level floor

Fixings into concrete to be core drilled. Fixings into brick, where possible, to be fitted into mortar joint.

Power supply will be a temporary and portable battery and PV pack, cables will run through conduit fixed into the wall though the mortar joints and enter the building as shown.

B	Installation on jetty removed	RW	24/03/2020
A	Details added	RW	09/03/2020
Rev	Comment	By	Date

Stage: Planning

Client: Metal

Project: Guinners Park
New Barge Road
Shoebury
Southend-on-Sea
SS3 9FW

Drawing Title: Experimental Casemate
Proposed Plan, Section & Elevation

Drawing no: 596-P08

Revision: B Drawn by: RW

Project no: 596 Chkd by: SK

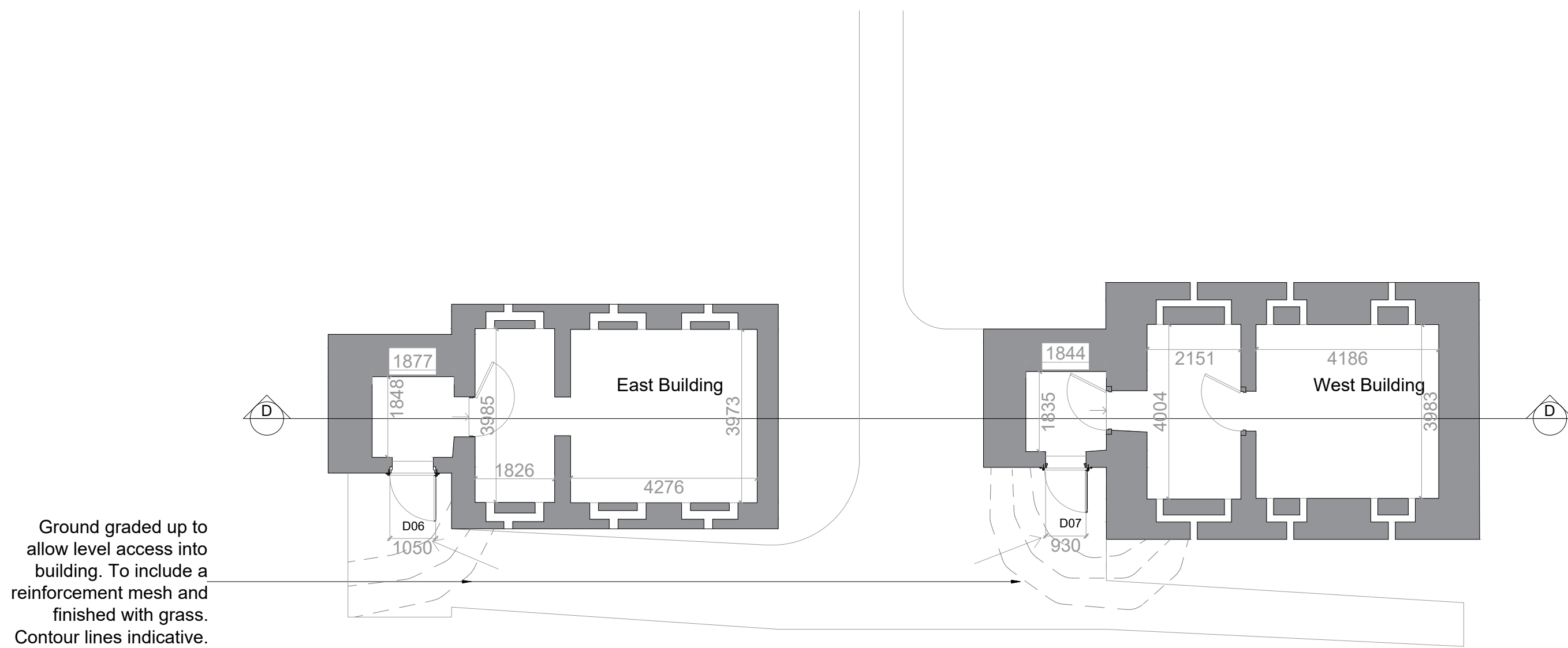
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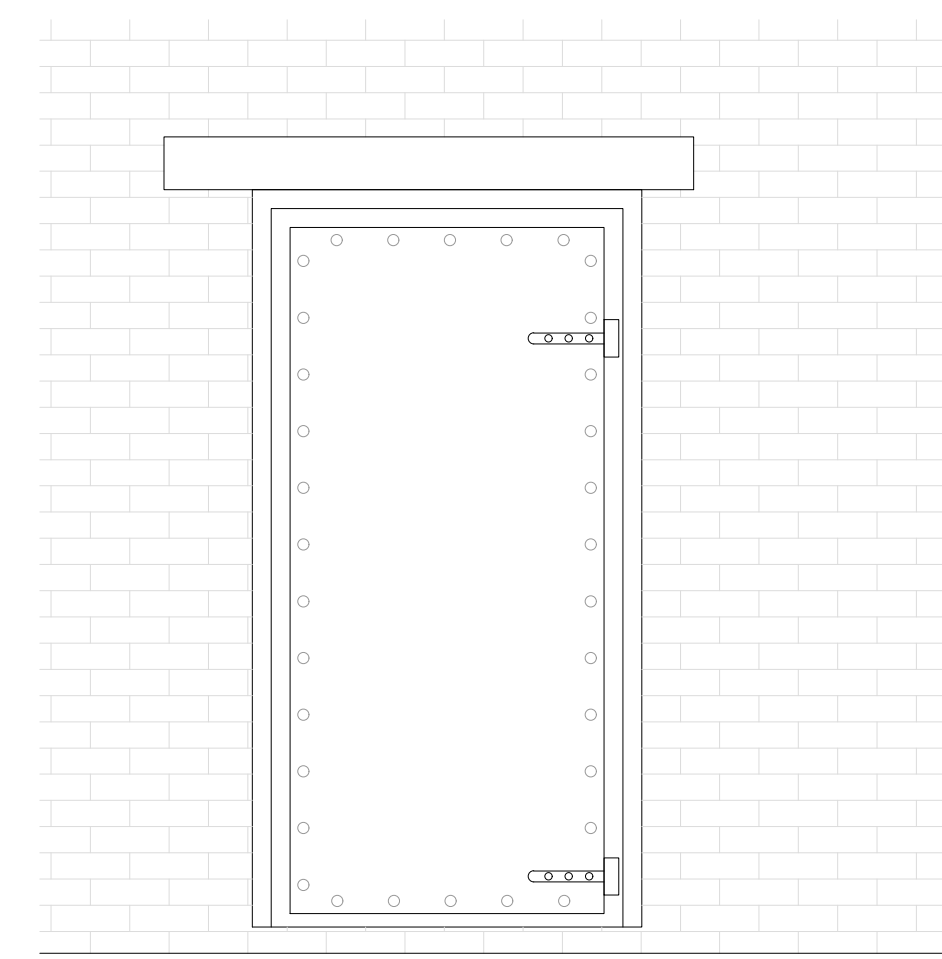
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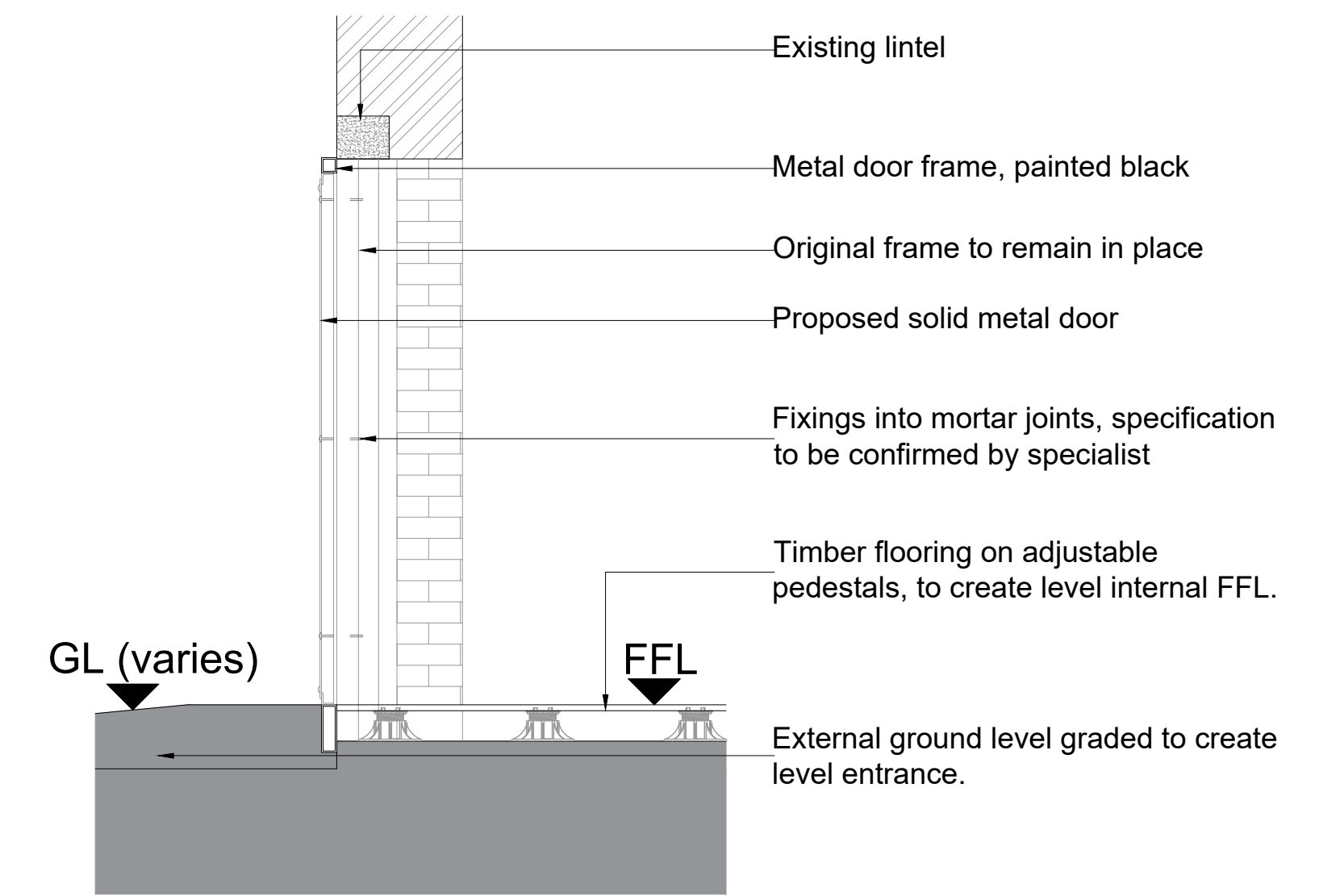
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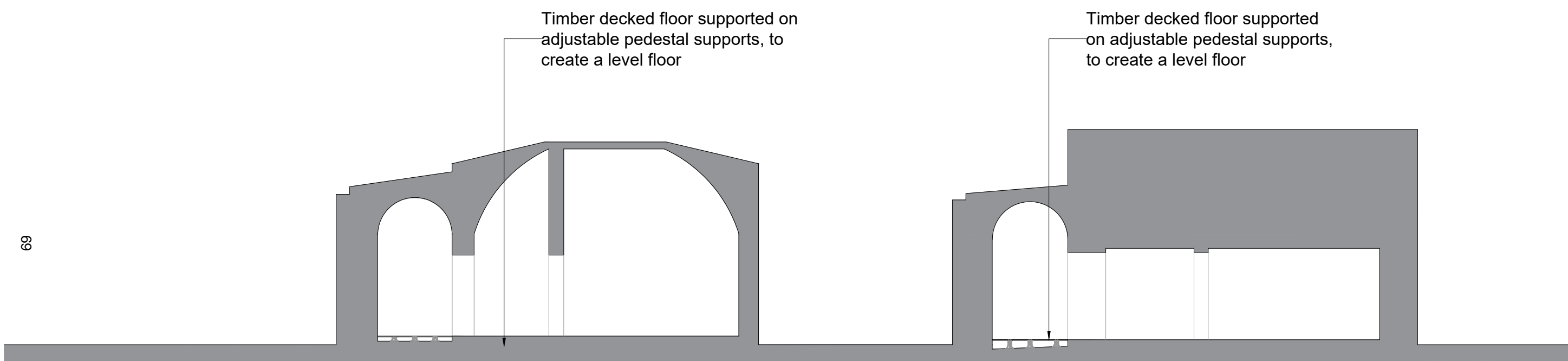
Proposed Plans 1:100 @ A1



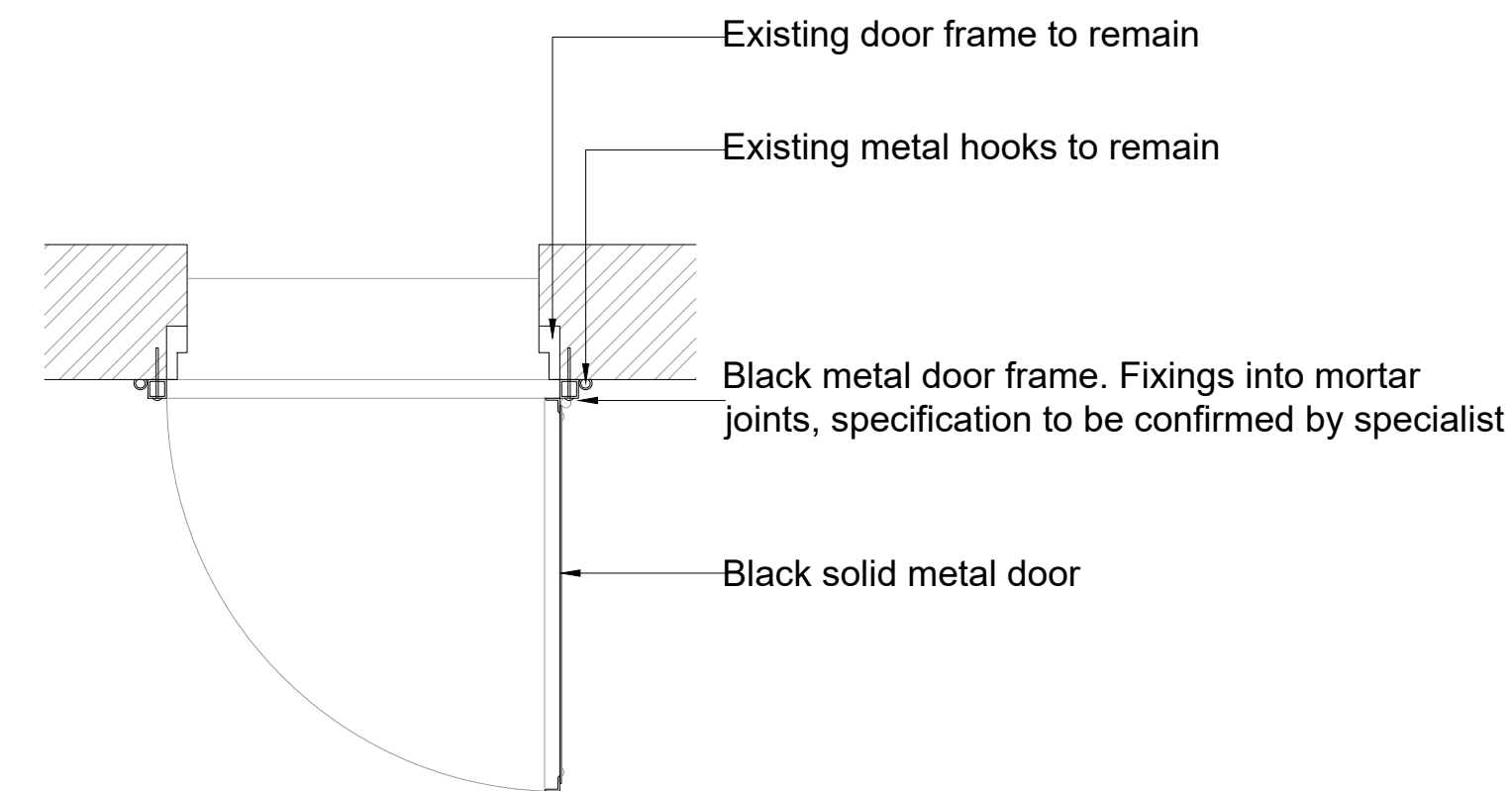
D06 - Elevation 1:20 @ A1



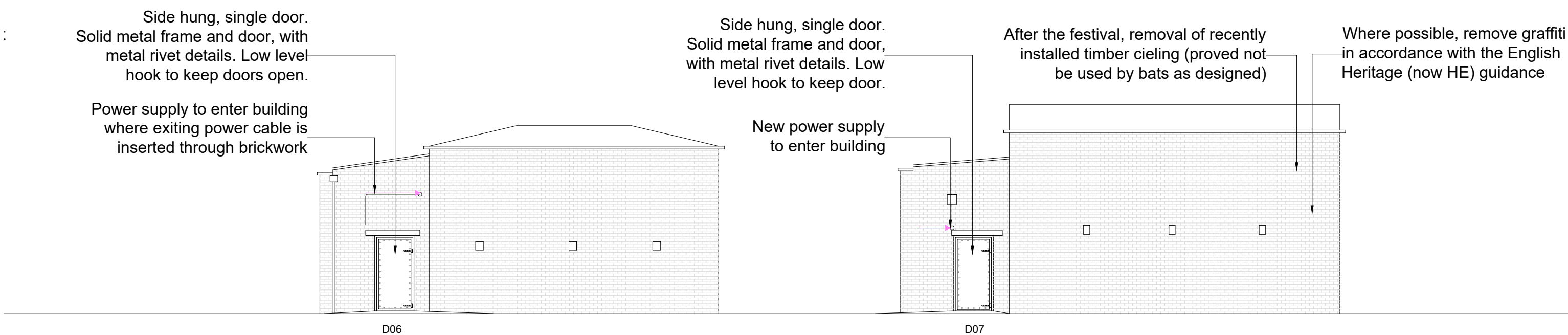
D06 - Section through Opening 1:20 @ A1



Existing Section A 1:100 @ A1



D06 - Detail Plan 1:20 @ A1



Proposed North East Elevation 1:100 @ A1

A1

Rev	Comment	By	Date
B	Ramp information added	RW	26.03.20
A	Details added	RW	09.03.20

Stage:
Planning

Client:
Metal

Project:
Gunner's Park
New Barge Road
Shoebury
Southend-on-Sea
SS3 9FW

Drawing Title:
Powder Magazine
Proposed Plan, Section & Elevation

Drawing no:
596-P07

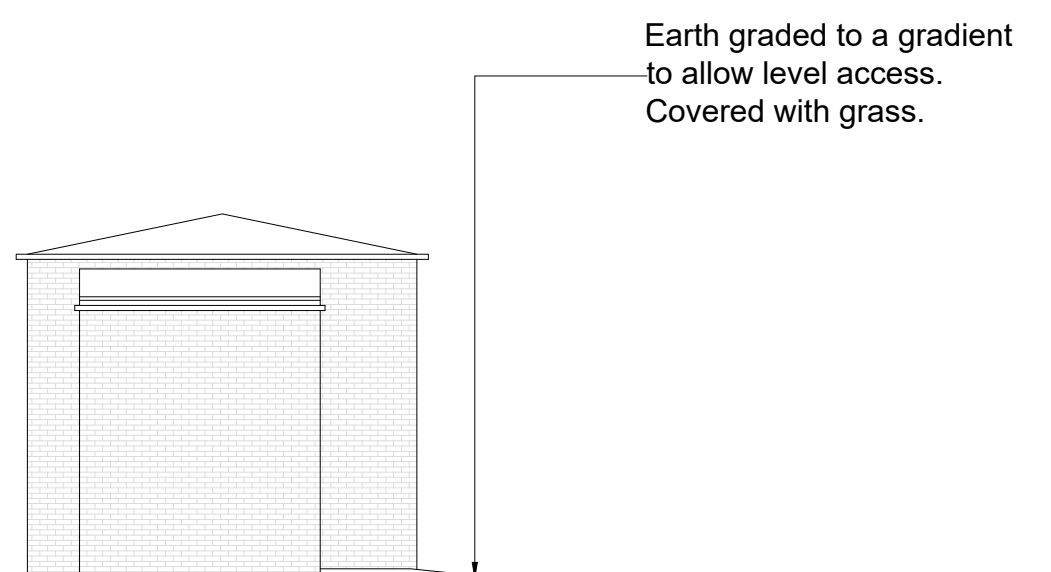
Revision: B Drawn by: RW

Project no: 596 Chkd by: SK

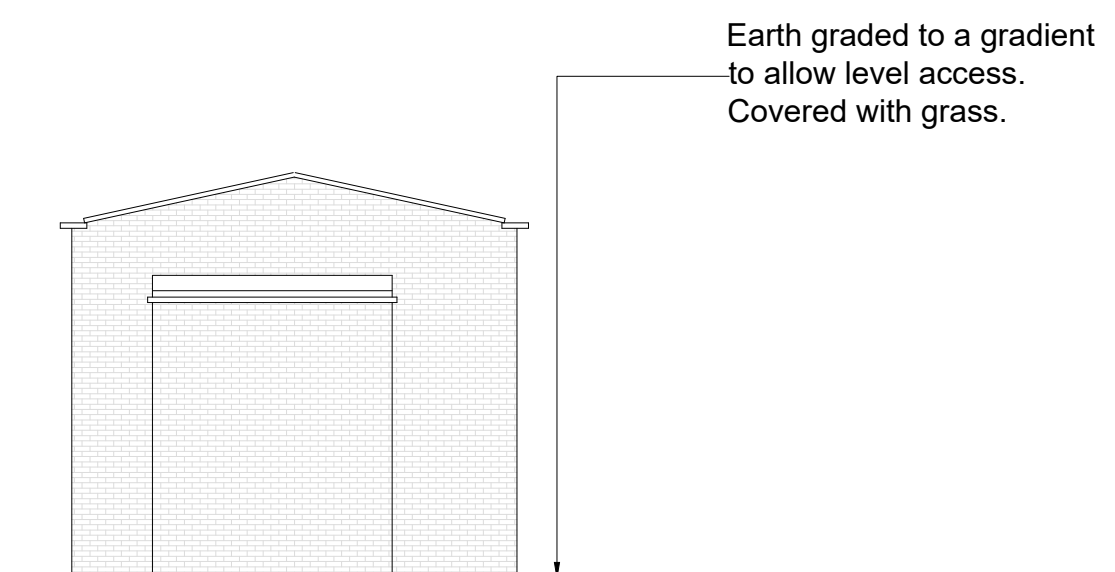
Scale: 1:20 & 1:100 @ A1

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Proposed South East Elevation 1:100 @ A1 (East Building)

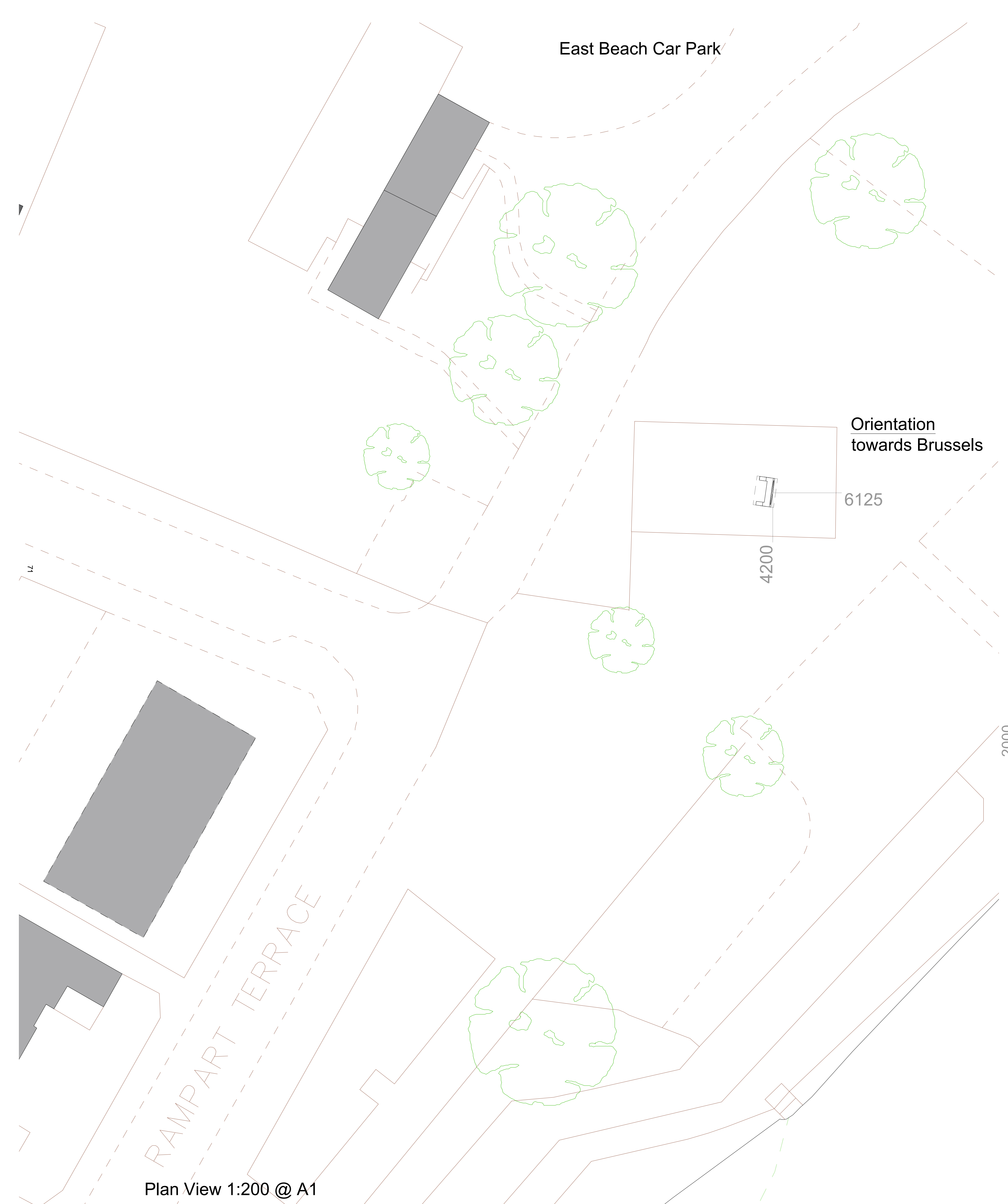


Proposed South East Elevation 1:100 @ A1 (West Building)

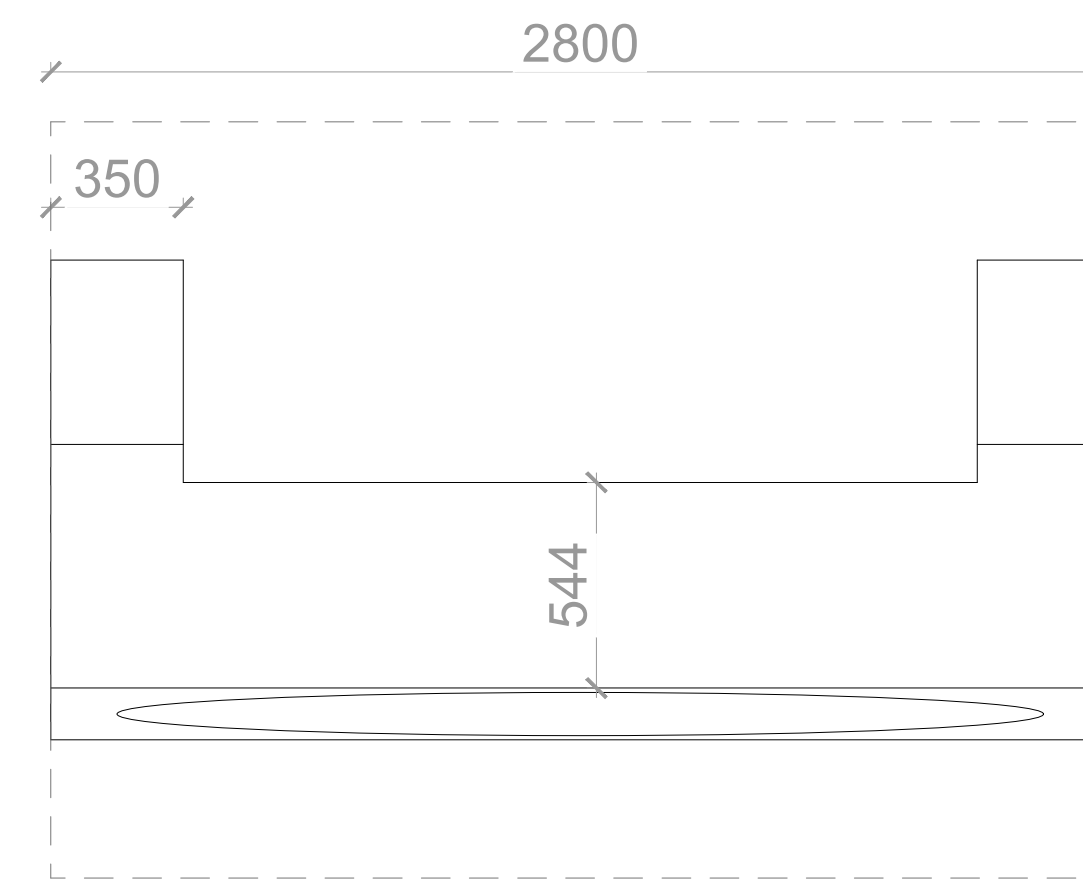
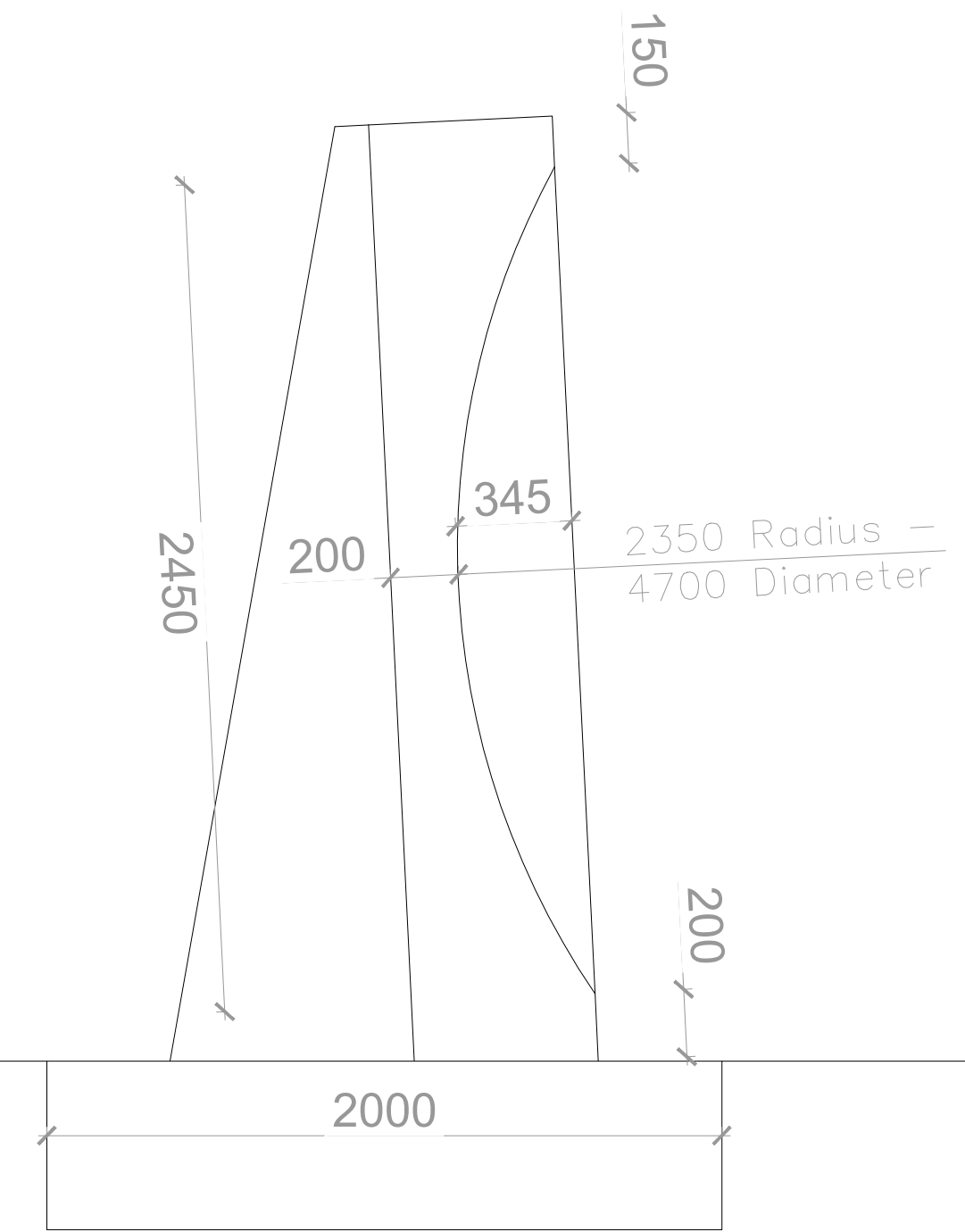
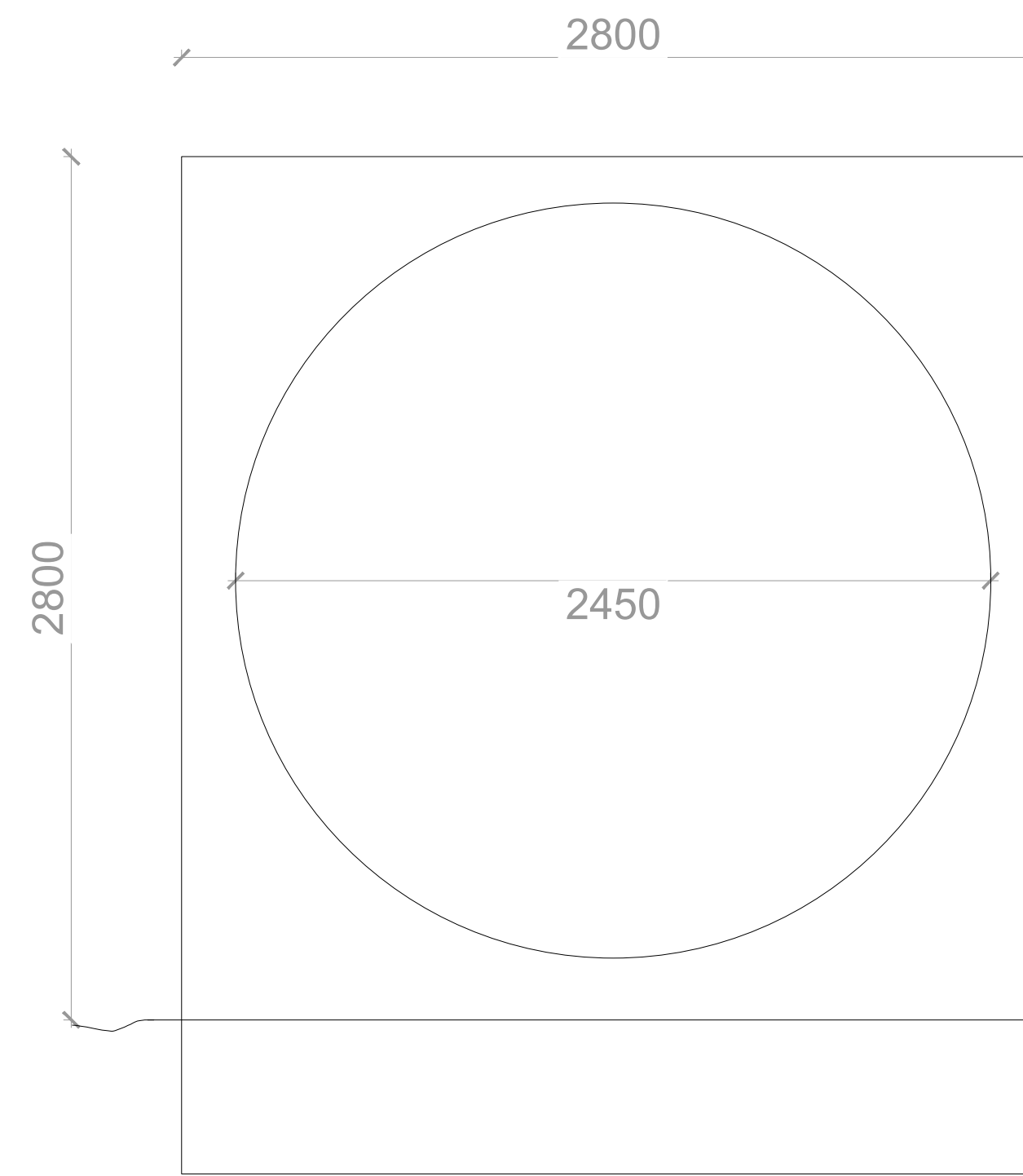
Fixings into concrete to be core drilled.
 Fixings into brick to be fitted into mortar joint.

Power supply will be a temporary and portable battery and PV pack, cables will run through conduit fixed into the wall though the mortar joints and enter the building as shown.

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Sound Mirror Form



Concrete Sound Mirror, poured in situ.
 Fixing, as confirmed by structural engineer,
 Uses 4700mm GRP plug
 Depth of dish 345mm
 Diameter of dish 2353mm

Rev	Comment	By	Date
A	Details added	RW	09.03.20

Stage:
Planning

Client:
Metal

Project:
Gunner's Park
New Barge Road
Shoebury
Southend-on-Sea
SS3 9FW

Drawing Title:
Sound Mirror Proposed Plan, Section & Elevation

Drawing no:
596-P10

Revision: **A** Drawn by: **RW**

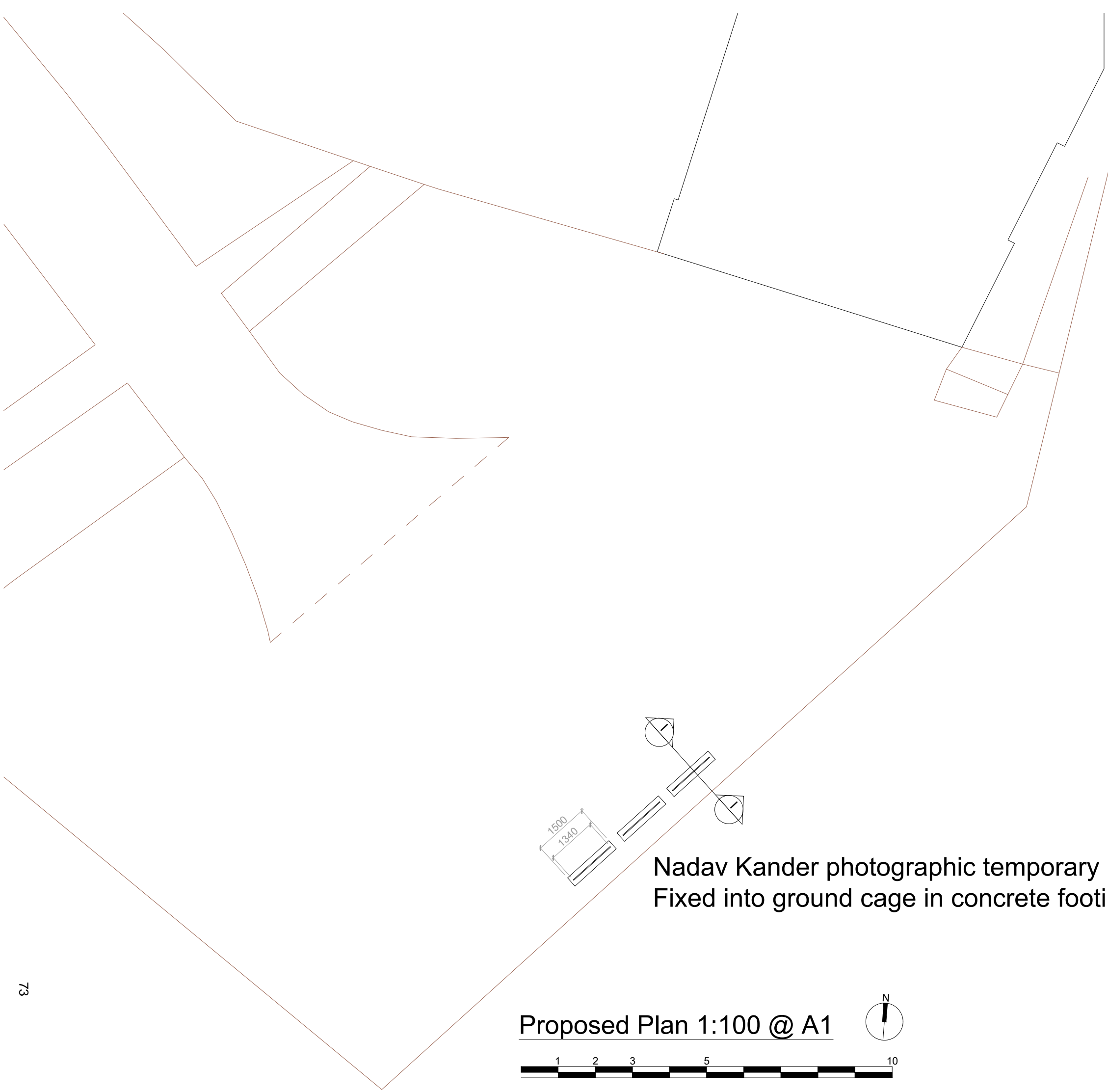
Project no: **596** Child by: **MM**

Scale: 1:20 & 1:200 @ A1

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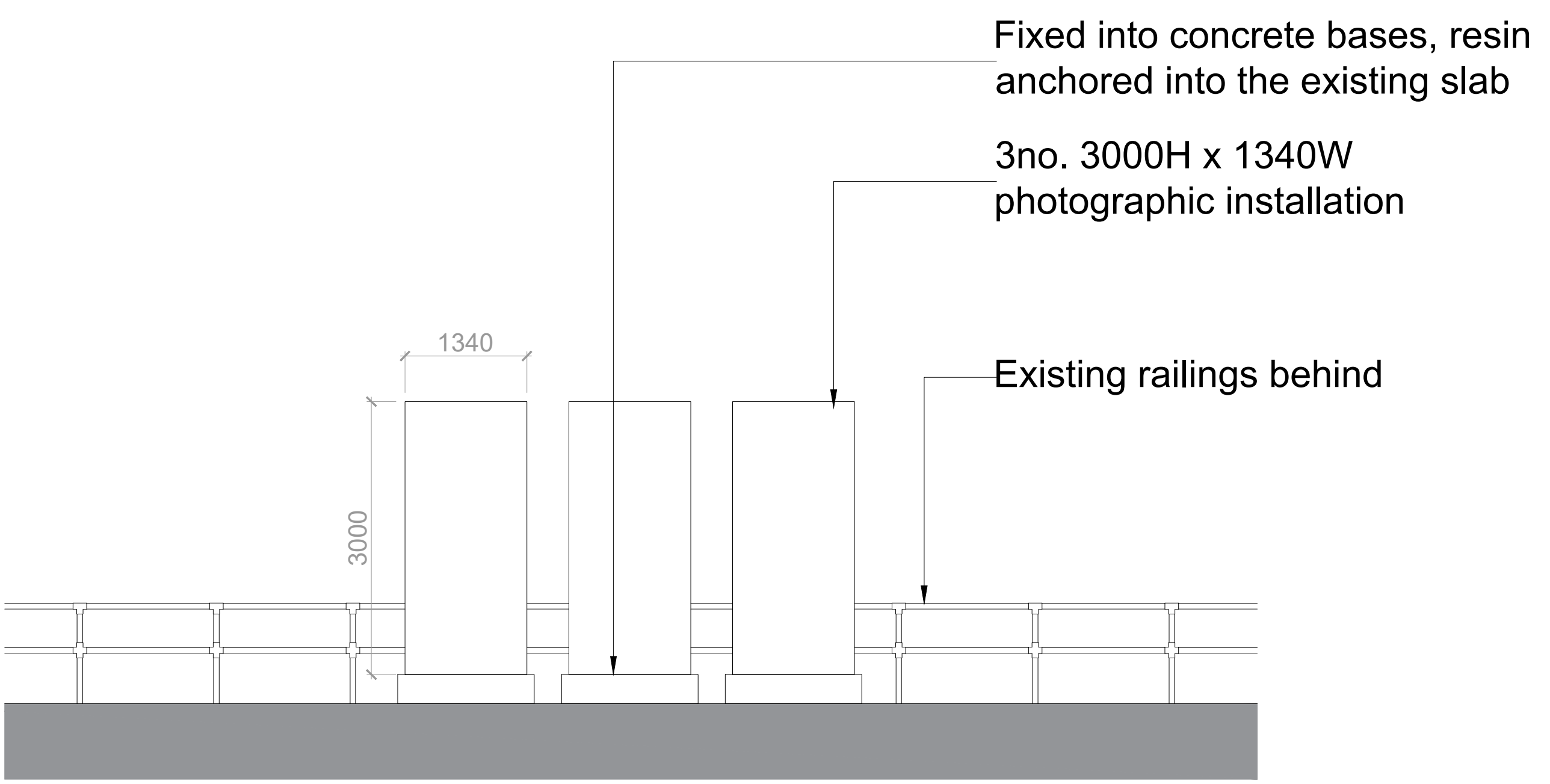
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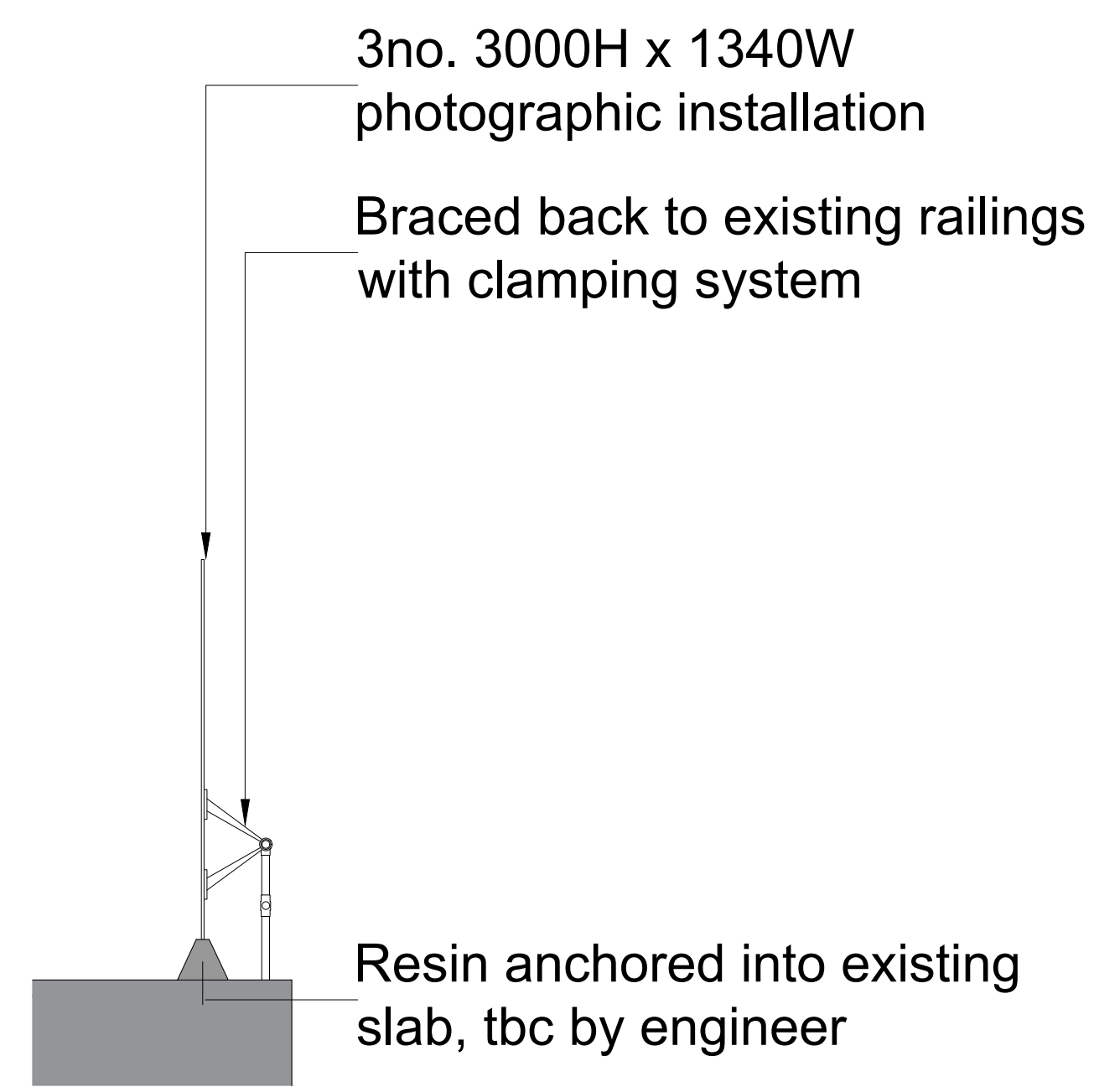


Proposed Plan 1:100 @ A1

Nadav Kander photographic temporary installation.
Fixed into ground cage in concrete footing.



Proposed Elevation 1:50 @ A1



Proposed Section I 1:50 @ A1

Rev	Comment	By	Date
-	-	-	-

Stage:
Planning

Client:
Metal

Project:
Guinness Park
New Barge Road
Shoebury
Southend-on-Sea
SS3 9FW

Drawing Title:
Experimental Casemate Jetty
Temporary installation

Drawing no:
596-P11

Revision: - Drawn by: RW

Project no: 596 Chkd by: SK

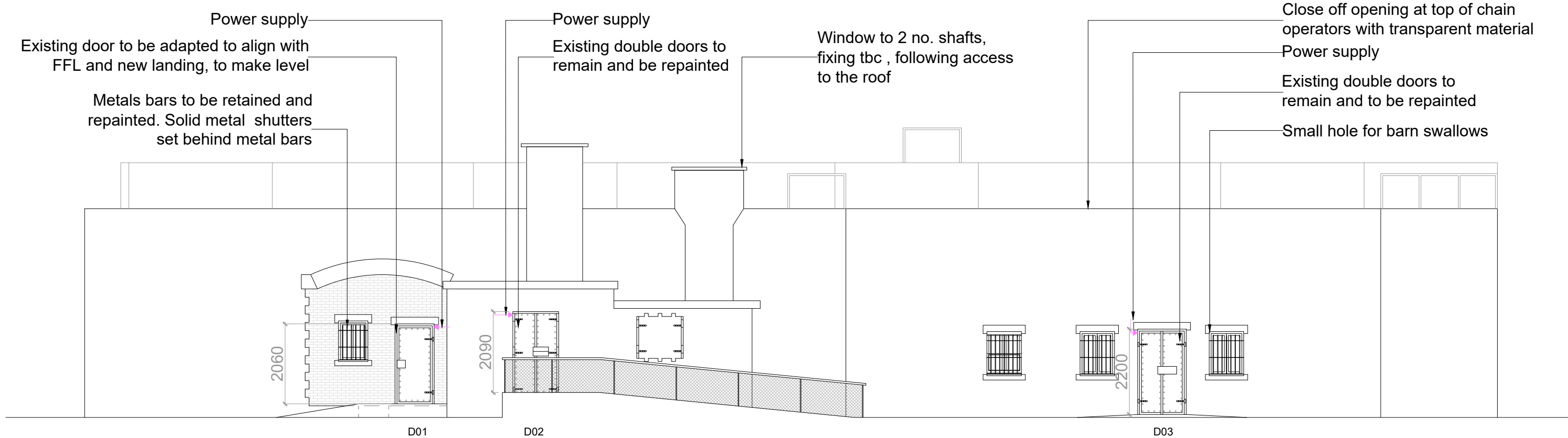
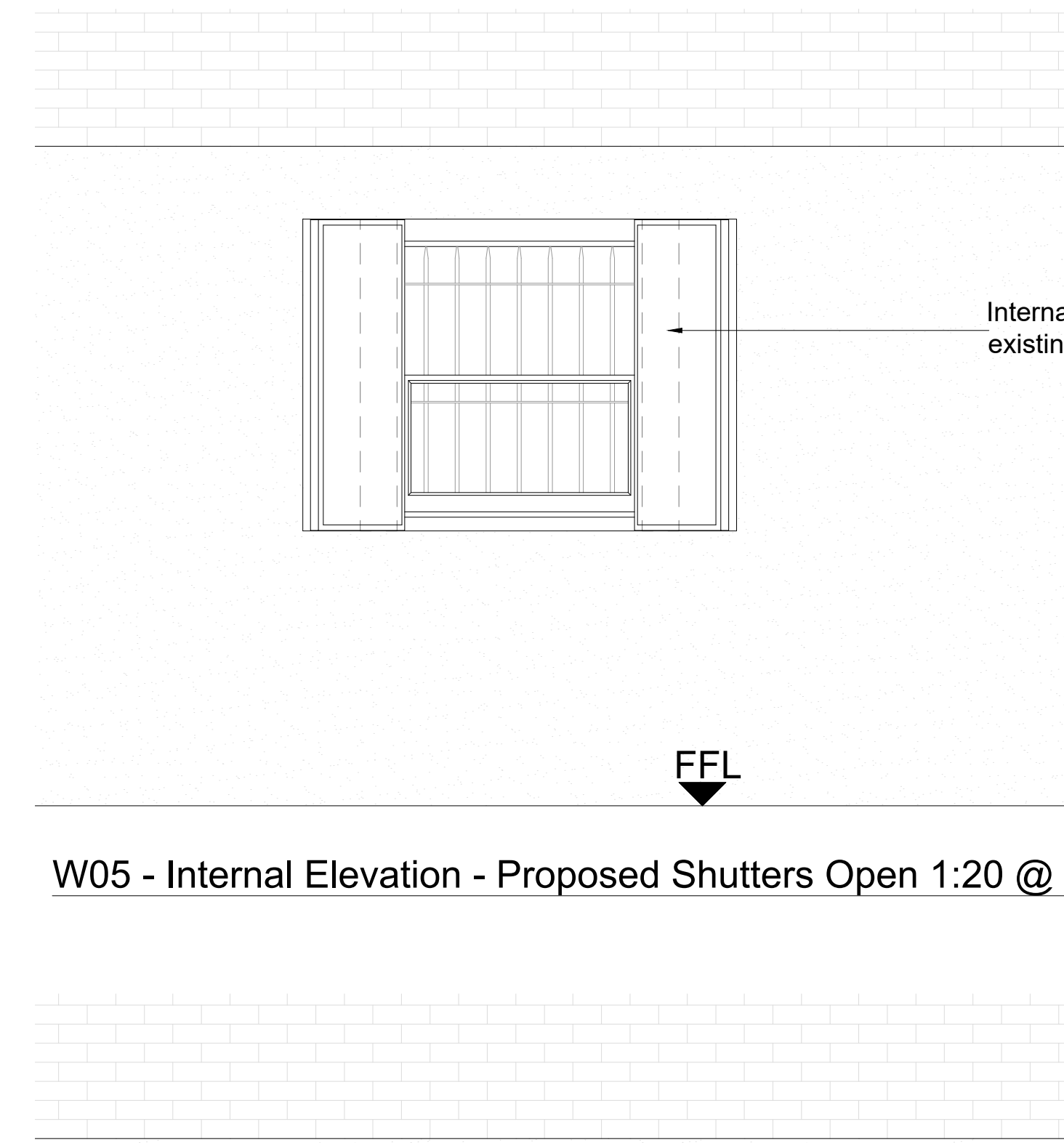
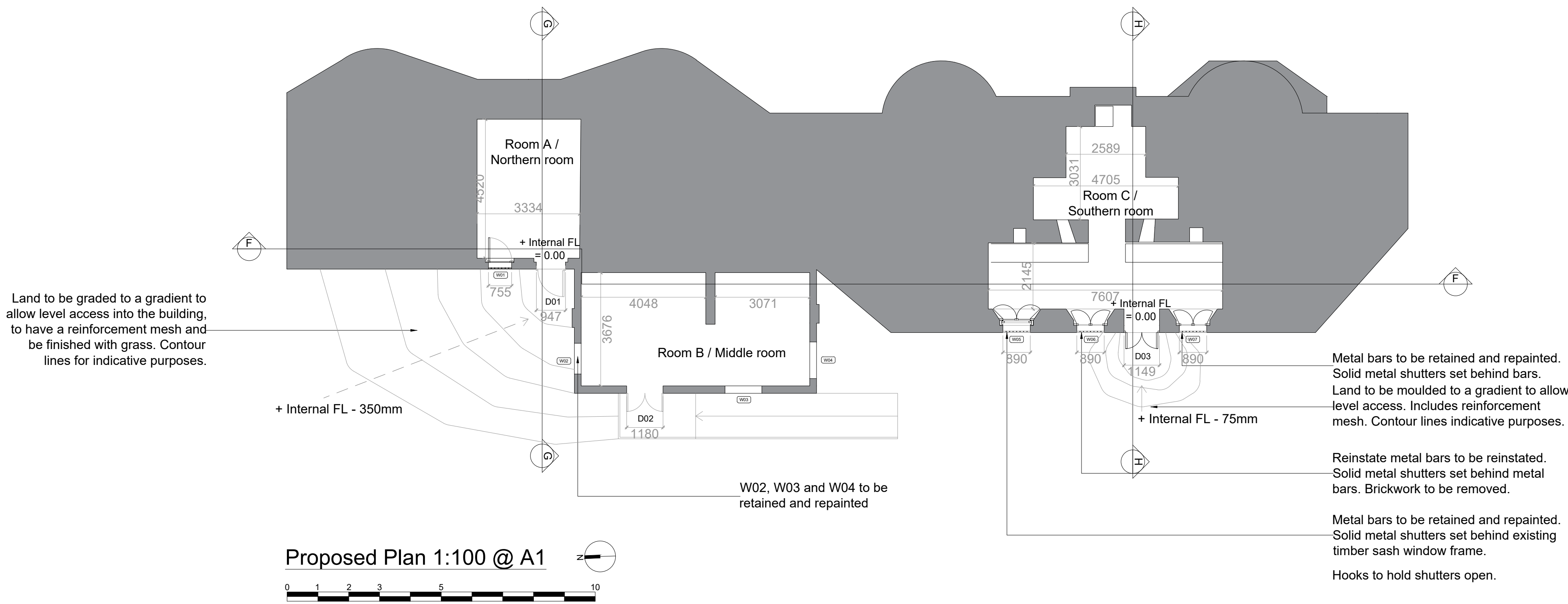
Scale: 1:50 & 1:100 @ A1

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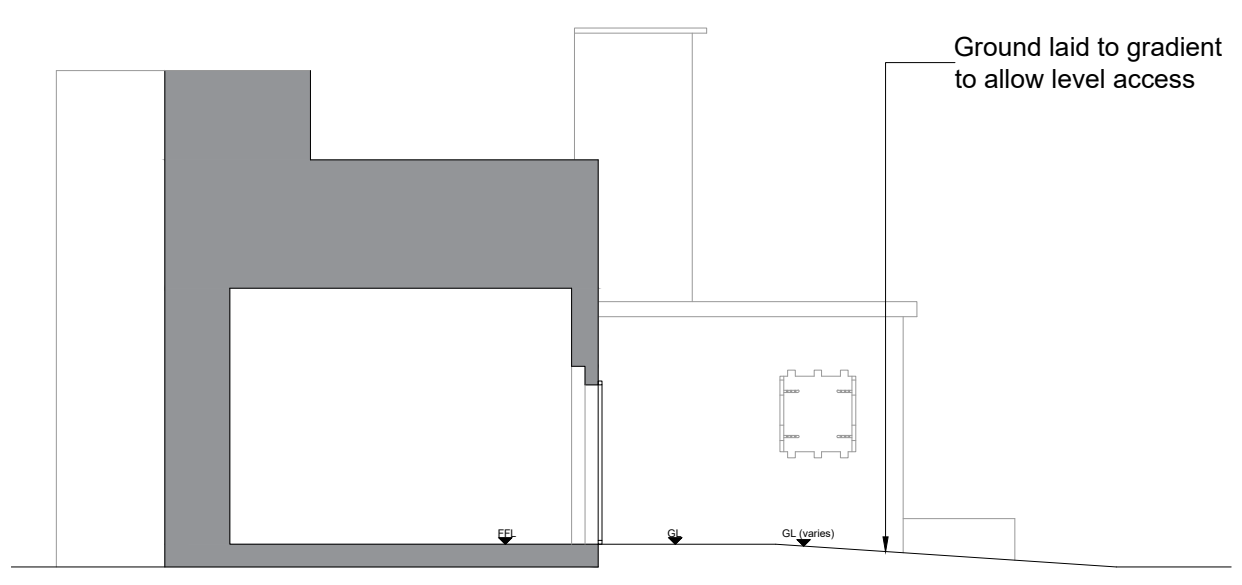
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To be confirmed by structural engineer.

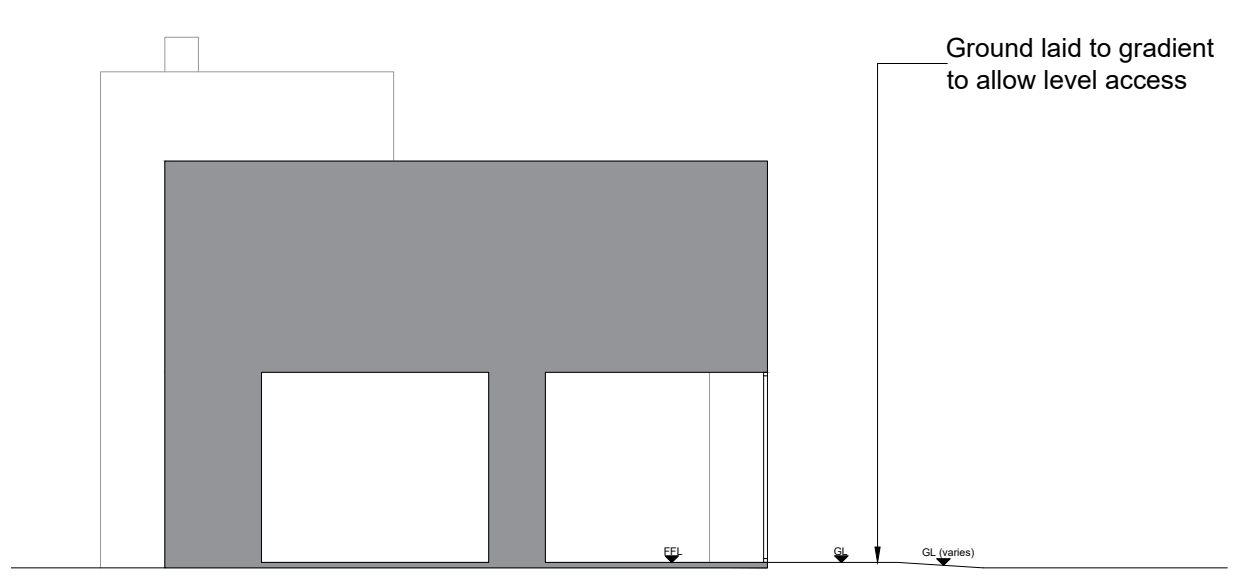
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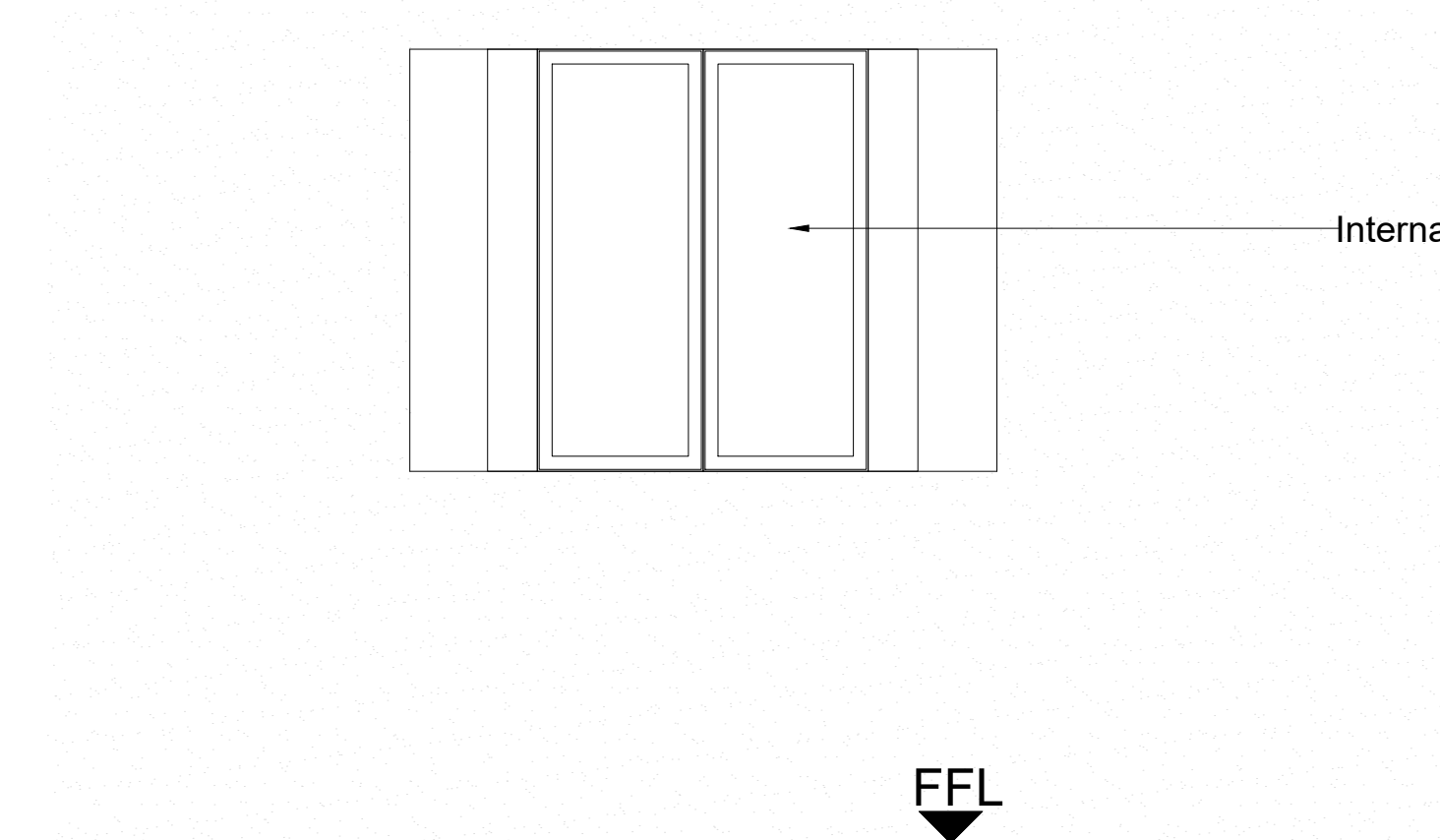
Proposed North West Elevation 1:100 @ A1



Proposed Section G 1:100 @ A1



Proposed Section H 1:100 @ A1



Fixings into concrete to be core drilled.
Fixings into brick, where possible, to be fitted into mortar joint.

Power supply will be a temporary and portable battery and PV pack, cables will run through conduit fixed into the wall through the mortar joints and enter the building as shown.

B	Ramp & barn swallow information added	RW	26.03.20
A	Details added	RW	09.03.20
Rev	Comment	By	Date

Stage: Planning

Client: Metal

Project: Gunners Park
New Barge Road
Shobury
Southend-on-Sea
SS3 9FW

Drawing Title: Quick Fire Battery Proposed Plans, Sections and Elevations

Drawing no: 596-P09

Revision: B Drawn by: RW

Project no: 596 Check by: SK

Scale: 1:20 & 1:100 @ A1

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Gunners Park Structures

May 2020

Experimental Casement West



Experimental Casement north



Experimental Casements Interior



Heavy Quick Firing Battery (south west elevation)



Heavy Quick Firing Battery (north east elevation)



HQFB - South Room C



HQFB - Centre – Room B



HQFB - Rooms B and C



HQFB - Room A

86



Powder Magazines (south)



West Powder Magazine (north side)



East Powder Magazine (north side)

89



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Application Ref:	20/00513/FULM	<h1>6</h1>
Application Type:	Full Application Major	
Ward:	Thorpe	
Proposal:	Erect new spectator stand to sports pitch	
Address:	All Weather Pitch, Southchurch Park, Shaftesbury Avenue	
Applicant:	Mr Jerry Omango	
Agent:	Mr Darren Munsey	
Consultation Expiry:	22nd May 2020	
Expiry Date:	9th July 2020	
Case Officer:	Robert Lilburn	
Plan Nos:	Site Location Plan, 960 SM/NAK/01A, 960 SM/NAK/02A, 960 SM/NAK/03A, 960 SM/NAK/04A	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application relates to a recreation ground which has been laid out at the east end of Southchurch Park adjacent to Lifstan Way. The recreation area is surrounded by a white-painted metal post and rail fence and flood lighting columns, with spectator stands and ancillary facilities including a single storey building to its western edge.
- 1.2 It is situated within the wider setting of Southchurch Park which is bordered to the north by Northumberland Crescent and to the south by Shaftesbury Avenue. To the south of the recreation ground within the park are a children's' play area and a bowling green; to the west are tennis courts and a boating lake, beyond which is a wider recreational space. The park around the recreation ground to which the application relates is bordered by metal railings of some 1.5m height and hedging.
- 1.3 Elsewhere the park is subdivided by stretches of taller hedges, trees and shrubs, the effect of which at the application site is to create a discrete area at the east end of the park incorporating the childrens' play area and bowling green.
- 1.4 While the pitch is marked out, it is situated with public open space. A license agreement with the Southchurch Manor Football Club allows exclusive use for fixtures. However, the area is otherwise accessible to the public at all other times.
- 1.5 The site identified on the policies map of the Development Management Document (2015) as Protected Green Space. It is located within Flood Zone 3.

2 The Proposal

- 2.1 The application proposes the erection of a spectator stand adjacent the playing field within the recreation area. It would be situated at the eastern edge of the field. The submitted plans and application forms state that the stand would be 9.7m in width (10.1m including the base), 2.5m in depth (3m including the base) and 3.1m rising to 3.75m in height. It would be finished externally in green rib profile powder-coated metal panels and open to the front and sides with a cantilever monopitch roof.
- 2.2 The applicant states that the stand is required in order that the Southend Manor Football Club can provide covered spectator viewing from both sides of the pitch. The applicant states that this is a new Football Association requirement and that failure to comply would impact on the league status, earnings and viability of the club in the future.
- 2.3 The applicant confirms that the stand can technically hold up to 120 people, however notes that last season the average crowd at a game was 35 and as the club is not changing leagues it is expected that the number of spectators would stay the same.
- 2.4 An application has been submitted in tandem for the erection of a 2m high perimeter fence to the playing field (20/00526/FULM), however this has now been withdrawn
- 2.5 The application is supported with a Flood Risk Assessment, and a Design and Access Statement. In addition, the agent has supplied information regarding Football Association approval of the proposal, ground grading information and evidence, and a letter from Sport England indicating support for the proposal.

- 2.6 The application is referred to the Development Control Committee as it is defined as a 'major' development by virtue of the site area.

3 Relevant Planning History

20/00526/FULM: Erect 2m high border fence to sports pitch. Withdrawn.

05/01089/FUL: Demolish existing spectator stand and erect 2 new spectator stands to west elevation. Approved.

05/00682/FUL: Erect single storey extension to north elevation to enclose 2 turnstiles, erect single storey extension along south elevation and replace roof of spectator stand. Approved.

04/01035/FUL: Replace storage shed with 2.43m high steel container. Approved.

04/00729/FUL: Allow floodlights to be illuminated until 22.00 hours no more than once per week Monday to Friday (Relaxation of Condition 02 on planning permission SOS/04/00020/FUL granted 05.03.04 which states that the floodlights shall not be illuminated beyond 21:00 hours Monday to Friday). Approved.

04/00020/FUL: Site 6 x 15m high replacement lighting columns to perimeter of football pitch. Approved.

4 Representation Summary

4.1 Public Consultation

45 neighbouring properties were notified and a site notice was posted. Letters of representation have been received from eight parties. Three of the letters state objections to the proposal as follows:

- Visual impacts within park;
- Unsightliness of structure proposed;
- Noise impacts from spectators;
- Additional supporters will park on streets, harming neighbour amenities;
- Air pollution from associated additional vehicles;
- Effects of additional spectators in traffic, parking and highways;
- Littering and disorder;
- Impacts on availability of green space in the area to general public;
- Impacts on wildlife and biodiversity including protected species;
- Effect on views across the park;
- 240 signatures at a 'change.org' petition; **[officer comment: petition not received]**
- No community consultation has taken place;
- Conflict of interest as the Council would gain parking income;
- Use of club house for functions;
- The proposal is for a 'stadium' and the site is not suitable;
- Proposals caters for a minority interest;
- Precedent for further encroachment by private interests;
- Southend Borough Council should consult fully with public;
- No need for the stand as existing stands are not full.
-

- 4.2 Five letters of support have been received in relation to the application. The comments raised can be summarised as follows:
- Benefits to community;
 - Health and fitness benefits;
 - Supports future of club;
 - Limited visual impacts;
 - Supports a safe environment for football.
- 4.3 Councillor Stafford has also written in support of the application.
- 4.4 Letters of support have also been supplied by the agent from Ipswich Town FC, Project Southchurch and Essex Senior Football League.
- 4.5 The concerns raised are noted and where they comprise material planning considerations they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.
- 4.6 **Sport England**
No objection. The proposal meets the following Sport England Policy exception: “2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use”.
- 4.7 **Highways Team**
No objections.
- 4.8 **Environment Agency**
The design of the proposal will allow tidal flood water to pass through and therefore not increase flooding elsewhere. The application includes a flood evacuation plan, which the emergency planners should comment on. This application will not require an Environmental Permit. [**officer comment**: this matter can reasonably be dealt with by condition].
- 4.9 **Environmental Health**
Condition relating to lighting recommended [**officer comment**: the site is already flood lit and no further lighting is proposed however a condition has been attached to ensure any future lighting is controlled and appropriate].
- 4.10 **Parks**
The proposed football stand does little to enhance the visual amenity of the park but offers some practical utility for football. Therefore, there is no objection to the proposal.
- 4.11 **Fire Service**
More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. No objections raised.
- 5 Planning Policy Summary**
- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance and National Design Guide (2019)

- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.5 Design & Townscape Guide (2009)
- 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 including impacts on protected open space and provision of community facilities, design and impact on the appearance of the area, impact on residential amenity, traffic and transport considerations, sustainability and CIL.

7 Appraisal

Principle of Development

- 7.1 The NPPF seeks to support the achievement of sustainable development and at paragraph 8 states that in this respect the planning system has three overarching objectives, which are interdependent. These are an economic objective, a social objective and environmental objectives.
- 7.2 Policies KP1 and KP2 of the Core Strategy seek to promote sustainable development. Policies DM1 and DM3 of the Development Management Document seek to promote successful places through high standards of design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.3 Policy CP6 of the Core Strategy advocates the need to safeguard existing, and to provide for new, leisure, recreation and community facilities. These should ensure the needs of all residents and visitors, including the disabled and other vulnerable groups, are met.
- 7.4 Policy CP7 seeks to safeguard the loss or displacement of existing sport, recreation and green space facilities. All existing and proposed sport, recreation and green space facilities will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.
- 7.5 The NPPF notes at paragraphs 91 and 92 the need for planning decisions to support healthy lifestyles and the well-being of all sections of the community. Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless in specified circumstances including the loss resulting from the proposed development would be replaced by

equivalent or better provision in terms of quantity and quality in a suitable location.

- 7.6 The proposed development would accord with the objectives of the Borough Council in providing for leisure facilities and in this respect would be consistent with Policy CP6, and would improve the standard of spectating facilities by providing some covered space at the opposite side of the pitch to existing provision.
- 7.7 While the proposal would lead to the loss of grassed space, this would be a small proportion and would remain in use for sport and leisure purposes, improving the standard of spectating facilities while retaining in large part existing open-air spectating around the edges of the pitch. This would not conflict with the objectives of Policy CP7.
- 7.8 The application site is situated within Flood Zone 3 (highest risk). It is not located within 20m of a main river. The applicant has provided a Flood Risk Assessment which notes that the proposal is water-compatible development, and which would not materially affect flood storage. The design is described as flood resilient; the proposed stand would have a concrete base and is open-fronted. A Flood Response Management Plan is proposed; this can be secured by a condition of any planning permission.
- 7.9 The proposal is considered acceptable and policy-compliant in principle.

Design and Impact on the Character of the Area

- 7.10 Paragraph 124 of the NPPF states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
- 7.11 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies support new buildings subject to maintaining the character and quality of the townscape.
- 7.12 The proposed stand would be functional in appearance. It would be situated within some 13m of the park boundary, which is populated with hedging alongside a 1.5m high railing, and modestly sized street trees on the outside.
- 7.13 At a maximum of 3.75m in height, at the front facing into the park, the stand would be relatively tall and readily visible within the street scene. The applicant states that it would be finished in dark green coloured metal panels.
- 7.14 The functional appearance and relative prominence of the stand is a negative aspect of the proposal. However, it is considered that given the dark green colouring, and at some 10m wide its small scale in the wider context of the park, that it would not be materially harmful to visual amenity.
- 7.15 It is considered that the development is acceptable in light of the development plan policies in regard to visual amenities and its impacts on the character and appearance of the site and wider area.

Impact on Residential Amenity

- 7.16 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.17 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.18 Policies DM1 and DM3 of the Development Management Document seek to support *“sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 7.19 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”*.
- 7.20 The stand would have no direct material impact on the amenities of nearby occupiers. While it would be visible from surrounding dwellings, it would be sufficiently distant to preclude any materially harmful visual impact or impacts in terms of loss of light, outlook, and privacy, sense of enclosure and the creation of an overbearing relationship
- 7.21 The stand would potentially allow for additional spectators, however the purpose of the proposal is stated as to achieve compliance with Football Association requirements. In the longer term, an avoidance of relegation may improve the profile of the football club.
- 7.22 However, it is considered that the provision of the stand would not be likely to directly foster a material increase in visitors. Given the small scale of the development and the siting of the stand across the public realm from the nearest dwellings, it is considered that there would be no materially harmful impact on surrounding occupiers as a result of the development, in respect of additional comings and goings, noise from spectating or from general associated activity of people and vehicles.
- 7.23 The proposed stand would affect users of the park other than the football club and spectators. Given its relatively small scale, and its use in conjunction with the existing pitch, it would not materially harm the recreational use of the park by the general public.
- 7.24 It is considered that the development is acceptable in light of the development plan policies in regard to neighbour amenities.

Traffic and Transportation Issues

- 7.25 Policies CP3 and DM15 seek to maintain highway safety and accessibility. Policy KP2 requires that new development does not compromise delivery of the identified Strategic Objectives which include securing the health and well-being of the wider community.
- 7.26 It is considered that the provision of the stand would not directly lead to an uplift in the numbers of visitors to the park to a material degree. There is a tariff-free public car park at the opposite side of Lifstan Way to the pitch. There would be no materially harmful

impact on surrounding streets in terms of parking, traffic and highway safety as a result of the development.

- 7.27 It is considered that the development is acceptable in light of the development plan policies in regard to traffic and transport.

Sustainability

- 7.28 The proposed stand would not have a direct impact upon biodiversity, species or habitats. It would be sited on amenity grassland some 13m from the nearest bush and the street trees beyond. It would not have a materially harmful impact with regard to sustainability in any relevant regard. The proposal is acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.29 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 236sqm, which may equate to a CIL charge of approximately £3031 (subject to confirmation).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and users of the park 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. The proposal would improve sport and recreation facilities and provide for health and leisure outcomes, which would outweigh the modest impact on protected open space. 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 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: Site Location Plan, 960 SM/NAK/01A, 960 SM/NAK/02A, 960 SM/NAK/03A, 960 SM/NAK/04A and the specifications provided within the submitted document titled 'Stadium Solutions'.**

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

the provisions of the Development Plan.

- 03. The stand shall provide a capacity of, and be occupied by no more than, 120 spectators at any one time.**

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

- 04. The stand hereby approved shall not be brought into use until an Emergency Flood and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved plan shall be implemented in full prior to the first use of the stand.**

Reason: To ensure that the development will be safe for its lifetime, further to the National Planning Policy Framework (2019), and Policies KP1, KP2 and CP4 of the Core Strategy (2007).

- 05. Prior to first use of the stand, a scheme of external lighting shall have been submitted to and agreed in writing by the Local Planning Authority. External lighting for the development shall be provided only in accordance with the agreed details.**

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

- 06. Prior to first use of the stand, details of refuse and recycling facilities to be provided at the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the stand and retained thereafter for the lifetime of the development in accordance with the approved details.**

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste storage is provided in the interests of visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework, Policy KP2 of the Core Strategy (2007) and Policy DM3 of the Development Management Document (2015).

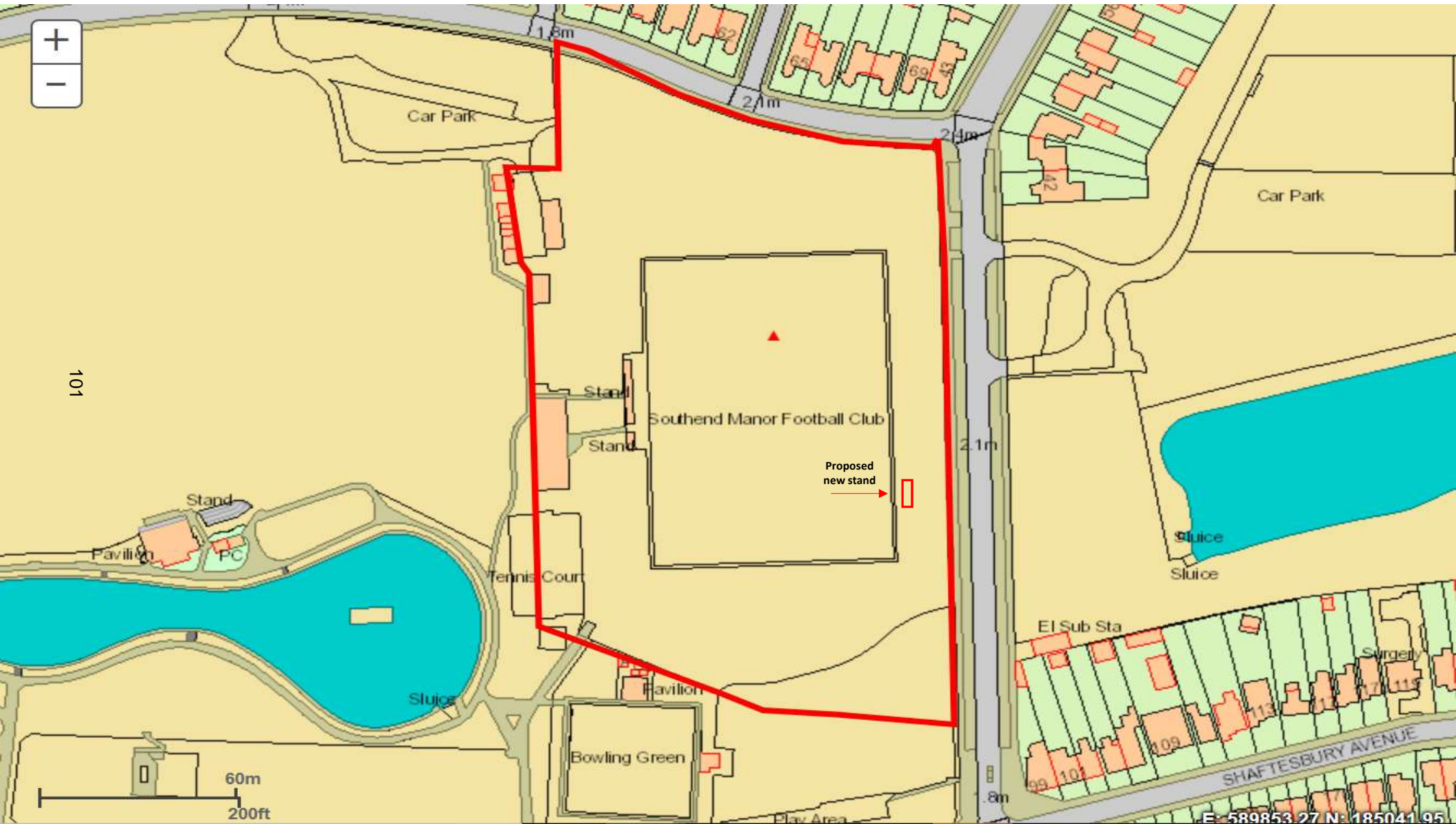
- 07. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.**

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

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.

10 Informatives

- 01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**
- 03. The applicant is reminded that 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 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.**

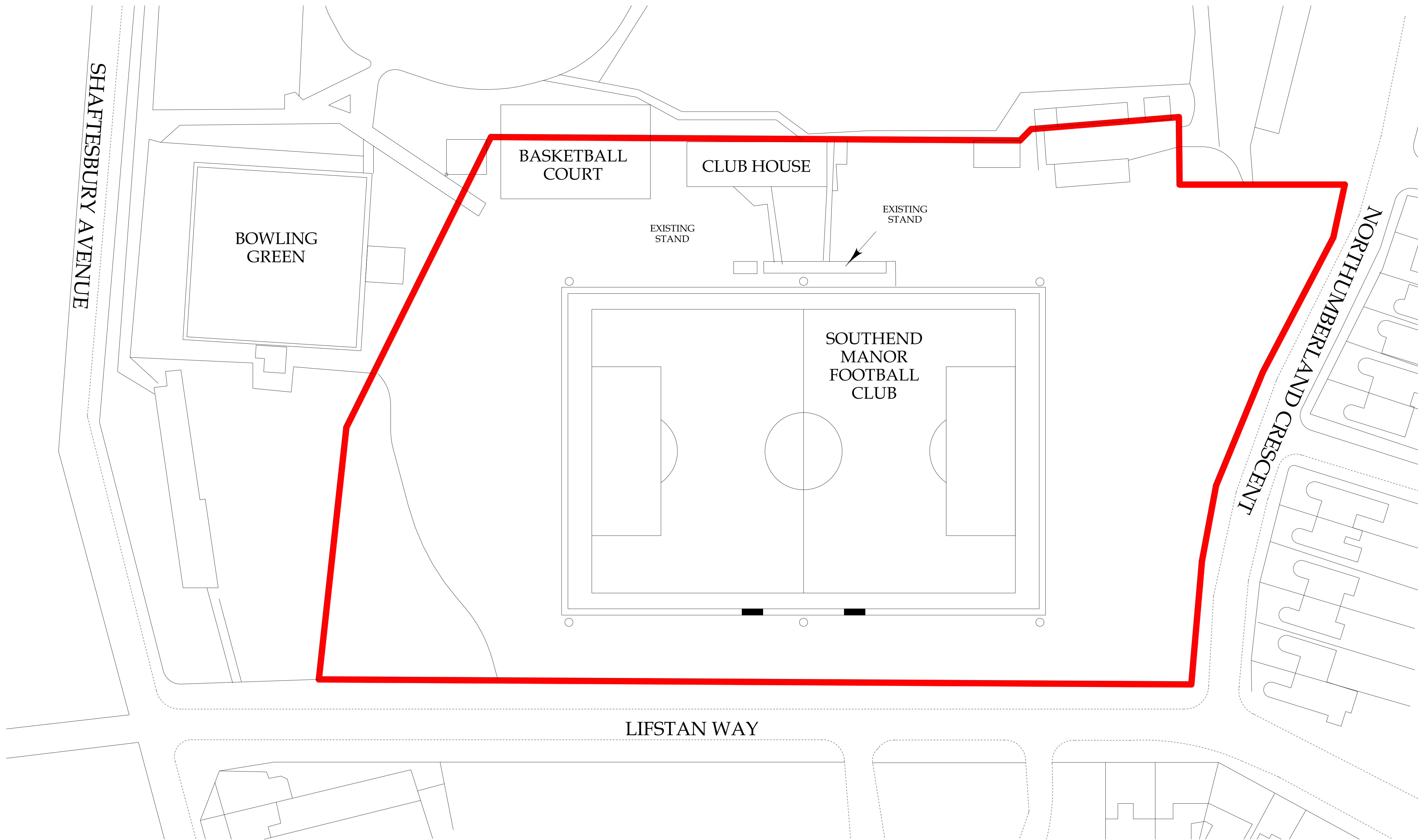


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EXISTING PLANS

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CLIENT
SOUTHEND MANOR F.C.

SITE ADDRESS
ALL WEATHER PITCH
SOUTHCHURCH PARK
SHFTESBURY AVE
SOUTHEND-ON-SEA

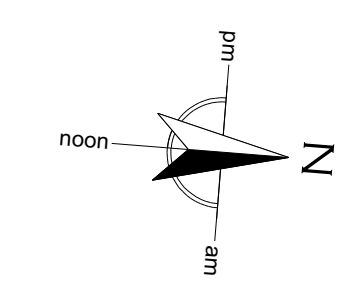
DEVELOPMENT
PROPOSED NEW SPECTATOR STAND

DRAWING TITLE
EXISTING LAYOUT

SCALE SHEET A1
1:500, 1:50 & 1:100

DATE
18/06/2020

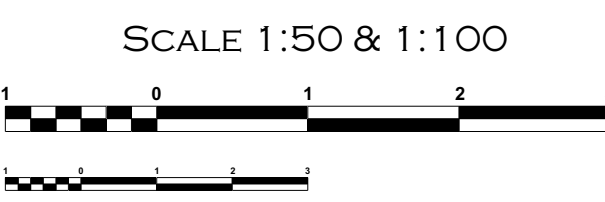
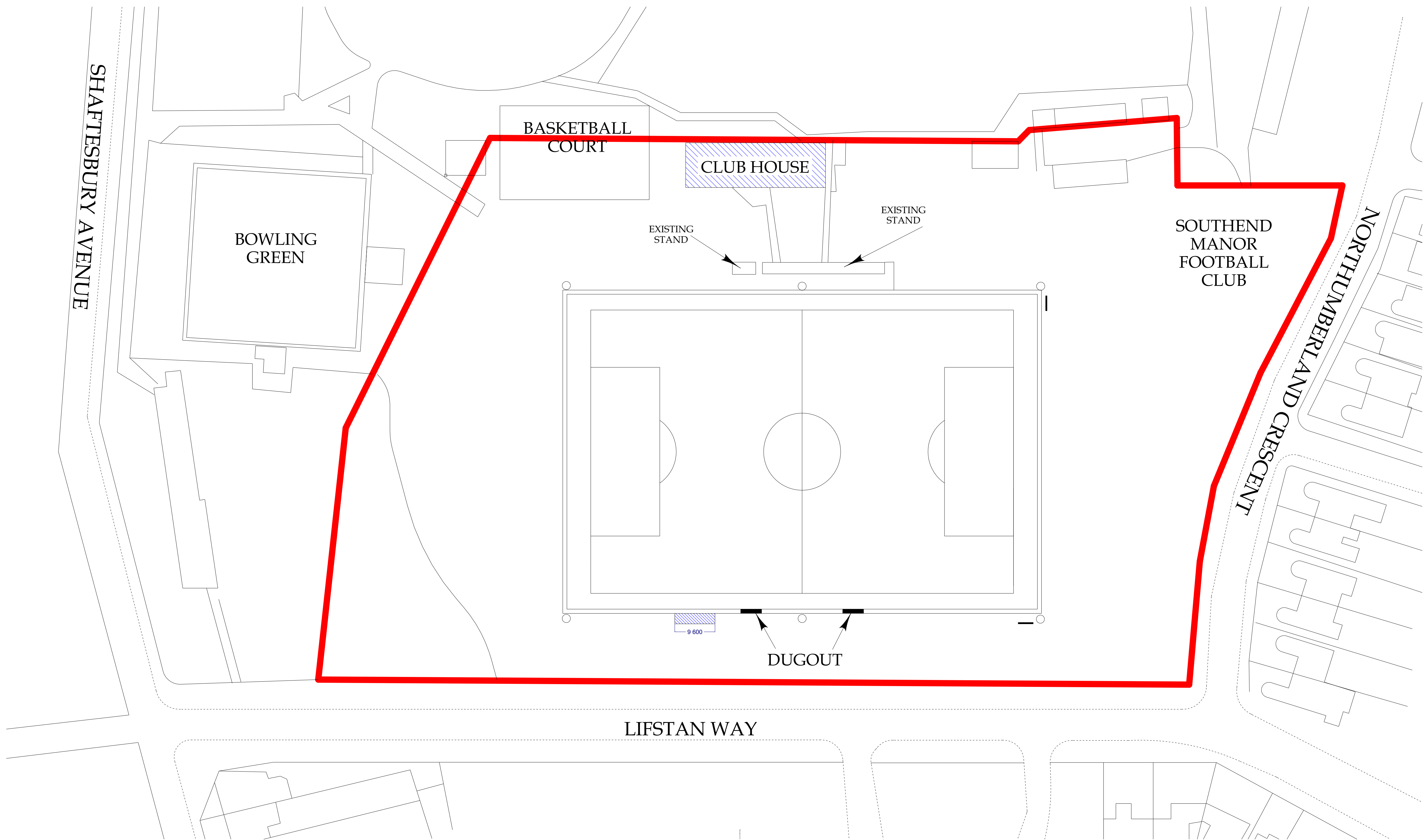
DWNG No	REV	
SMINAKI01	A	
JOB No	960	LABC



EXISTING SITE PLAN 1:500

PROPOSED PLANS

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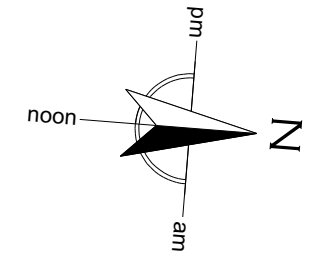
SITE ADDRESS
 ALL WEATHER PITCH
 SOUTHCHURCH PARK
 SHFTESBURY AVE
 SOUTHEND-ON-SEA

DEVELOPMENT
 PROPOSED NEW
 SPECTATOR STAND

DRAWING TITLE
 PROPOSED
 LAYOUT &
 ELEVATIONS

SCALE SHEET A1 1:50 & 1:100	DATE 18/06/2020
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DWNG No SM/NAK102	REV A	
JOB No 960		



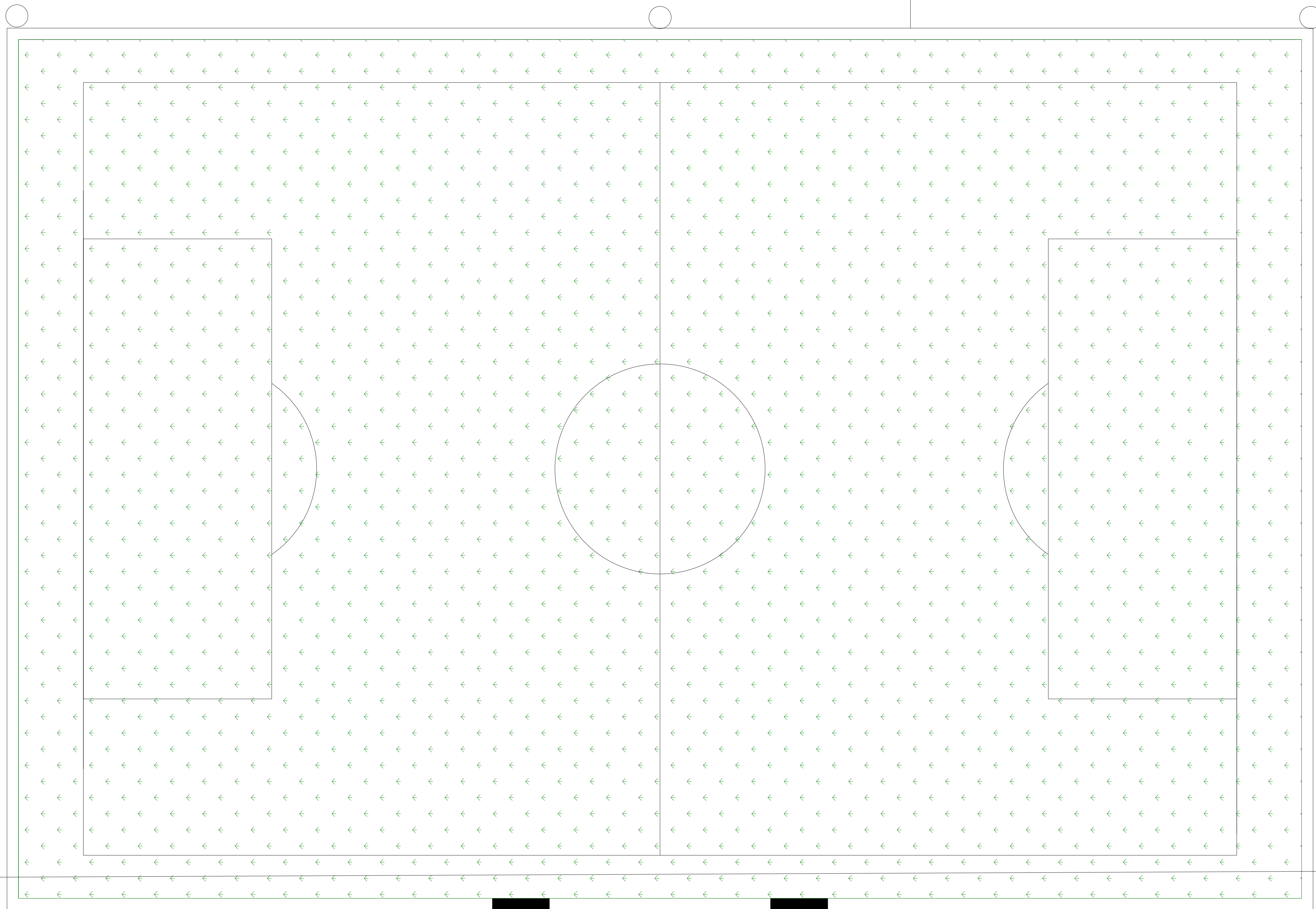
PROPOSED SITE PLAN 1:500

PROPOSED PLANS

EXISTING STAND

GATE

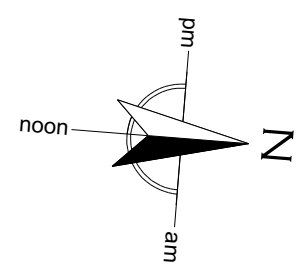
EXISTING STAND



9 600

PROPOSED STAND ON CONCRETE
BASE 10100 X 3000MM

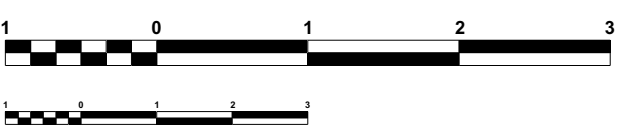
PROPOSED GROUND FLOOR LAYOUT
1:200



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SCALE 1:50 & 1:100



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SITE ADDRESS

ALL WEATHER PITCH
SOUTHCHURCH PARK
SHFTESBURY AVE
SOUTHEND-ON-SEA

DEVELOPMENT

PROPOSED NEW
SPECTATOR STAND

DRAWING TITLE

GENERAL
LAYOUT

SCALE SHEET A1

1:500

DATE

18/06/2020

DWNG No

SM/NAK/03

REV

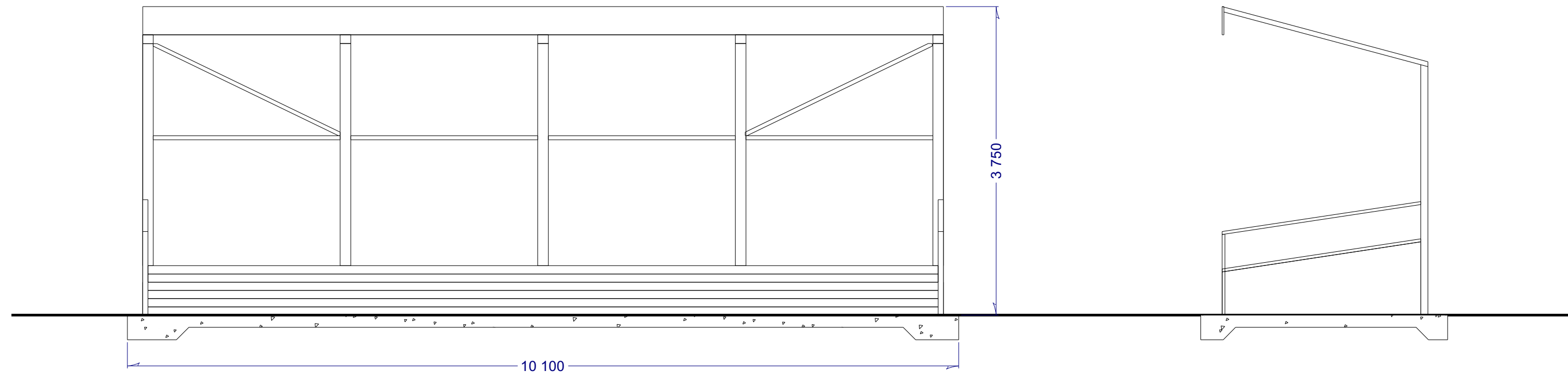
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JOB
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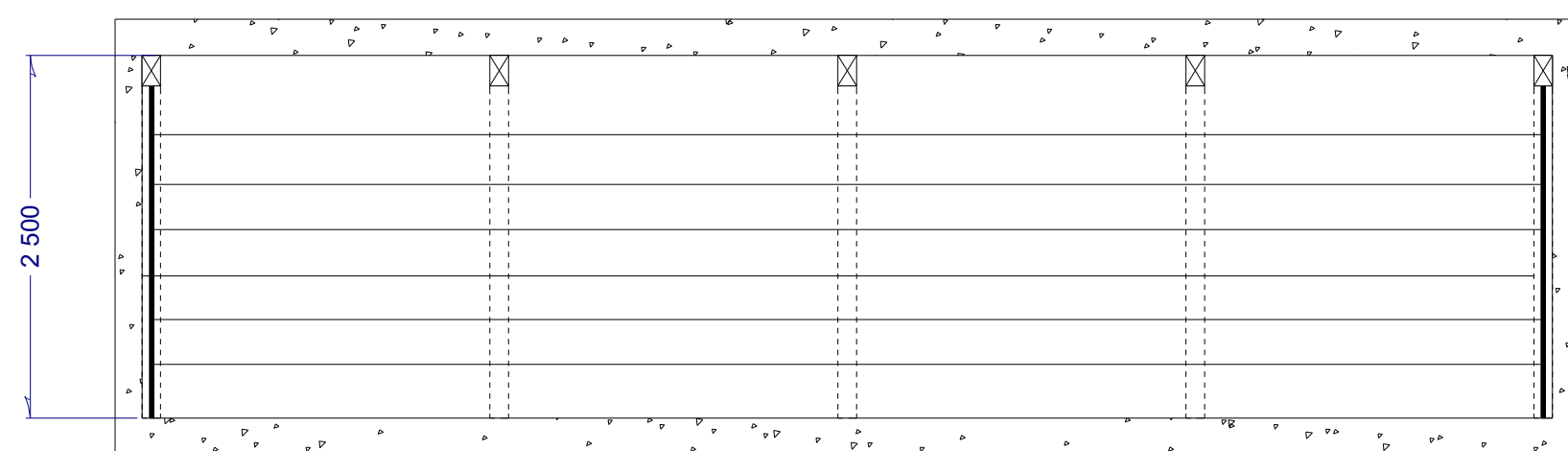


PROPOSED PLANS



PROPOSED FRONT ELEVATION 1:50

PROPOSED SIDE ELEVATION 1:50



PROPOSED FLOOR PLAN 1:50



PROPOSED IMAGE

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SCALE 1:50 & 1:100



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CLIENT

SOUTHEND
MANOR F.C.

SITE ADDRESS

ALL WEATHER PITCH
SOUTHCHURCH PARK
SHFTESBURY AVE
SOUTHEND-ON-SEA

DEVELOPMENT

PROPOSED NEW
SPECTATOR STAND

DRAWING TITLE

PROPOSED
STANDING
TERRACE

SCALE SHEET A1

1:50 &
1:100

DATE

18/06/2020

DWNG No

SMINAK104

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A

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960



LABC

View north along Lifstan Way
Location of proposed stand



View of site from car park at east side of Lifstan Way



View of site from car park at east side of Lifstan Way

109



View of site from car park at east side of Lifstan Way



Reference:	20/00423/FUL	7
Ward:	Prittlewell	
Proposal:	Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal).	
Address:	22 - 24 St Benet's Road, Southend-On-Sea, Essex, SS2 6LF	
Applicant:	Mr Paul Miller	
Agent:	BDA Architecture	
Consultation Expiry:	01.04.2020	
Expiry Date:	03.07.2020	
Case Officer:	Scott Davison	
Plan Nos:	18.150/01 Rev B; 18.150/02 Rev B; 18.150/03 Rev B; 18.150/04 Rev D; 18.150/05 Rev D; 18.150/06 Rev D; 18.150/07 Rev C; 18.150/08 Rev C; 18.150/09 Rev C; 18.150/10 Rev D; 18.150/11 Rev C.	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The subject building is a pair of two-storey semi-detached dwellings within a residential area. The application form states the existing use is as three vacant C3 units. Whilst it was not subject of an express planning permission, or otherwise formally legally tested, it has become apparent that No.24 has been converted into two self-contained flats and this appears from Valuation Office Records to be a long-standing arrangement of over four years' duration.
- 1.2 The existing building is finished externally in white painted render and roof tiles with two-storey bays and gable features above to the front elevation. There is a historic two storey flat roof rear extension projection to the rear of No.22 for which no planning records exists. There is an existing garage to the rear of the site and an access to the garage side of No.24 that runs parallel to the shared boundary with No.28. Boundary treatments include low fences to the front and higher fencing to the rear gardens. There are several single storey outbuildings located to the rear of the buildings and the amenity space to the rear of the site is overgrown.
- 1.3 The immediate surroundings in St Benet's Road, St Marys Road and Priory Avenue are characterised predominantly by modestly scaled two storey semi-detached and terraced dwelling houses. Immediately to the south of the site is a pair of bungalows. To the rear (eastern) boundary of the site, is a mix of single and two storey detached and semi-detached dwellings. To the north of the site are two storey semi-detached dwellings. To the southern end of St Benet's Road is a small parade of shops and the site is approximately 150m north west of Prittlewell railway station.
- 1.4 The host building is not listed and is not located within a conservation area although the northern boundary is the Prittlewell Conservation Area is some 80m south of the site on the northern side of East Street. The site is not subject to any specific policy designation.

2 The Proposal

- 2.1 Planning permission is sought to raise the ridge height of the building and to erect part one, part two and part three storey rear extensions with a dormer and balconies to the rear, to install roof lights to the front and to convert the extended building into 6 self-contained flats and to layout parking and cycle storage facilities. An existing garage would be demolished.
- 2.2 The external finishes proposed would include render, brickwork and vertical architectural cladding to the walls, tiles and single ply membrane to flat roofs, upvc and PPC aluminium doors and windows.
- 2.3 One of the existing dwellings has a flat roof two storey rear projection. Part of this 7.5m deep 6.5m high projection would be demolished. The single storey extensions would project to a maximum depth of 6.4m. The first and second floor gabled extensions would project to a maximum depth of some 3.7m. The pitched roof would be increased in height by 0.6m in order to accommodate the extensions. A flat roof dormer is also proposed in the rear slope which would integrate with the gabled roof. It would measure some 7m wide, 2.6m high and would project some 3.2m

2.4 The submitted details indicate that the proposed accommodation would comprise the following:

Flat A 52 sq.m 1b 2p at ground floor
Flat B 50 sq.m 1b 2p at ground floor
Flat C 61.4sq.m 2b 3p at ground floor
Flat D 54sq.m 1b 2p at first floor
Flat E 77 sq.m 3b 4p at first floor
Flat F 50 sq.m 1b 2p at second floor

2.5 A single communal amenity space measuring some 19sqm would be provided to the rear of the building. The submitted floor plans show two first floor flats and the second floor flat would have individual rear facing balconies and two of the ground floor flats would have rear facing windows with Juliette balconies.

2.6 Six parking spaces would be provided within the curtilage of the site; five to the rear and one to the front of the building parallel to the highway. The front space would be parallel to the highway. External bicycle and refuse stores would be provided to the rear and flank of the building respectively.

2.7 This application follows the refusal of planning application Ref: 19/00075/FUL described as *Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal)*. The application was refused for the following reasons:

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

02. The proposed rear extensions, as a result of their height, design, size, rear extent and proximity to site boundaries, would appear as excessively dominant and visually overbearing features resulting in an unacceptable sense of enclosure to the neighbouring properties to the south of the site at 16 St Benet's Road to the detriment of their amenity. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

2.8 An appeal against the decision to refuse the previous application was dismissed. The appeal decision is attached as Appendix 1. The main differences between the previously refused scheme and the proposed development are:

- An increase in the number of parking spaces from 5 to 6
- A reduction in the size of the rear dormer.

- A reduction in the depth of the ground, first and second floor rear projections
- A reduction in the size of the communal amenity area
- Change in the form of the extensions from a contemporary box shaped additions to a centrally located gabled extension.

3 Relevant Planning History

- 3.1 18/01846/FUL Erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 7 self-contained flats, layout parking and cycle store – Application Refused
- 3.2 19/00075/FUL Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal). Refused, Appeal dismissed Ref: APP/D1590/W/19/3232695
- 3.3 A large two storey flat roof extension has been erected to the rear of No.22. Valuation Office Records indicate that No.24 has been subdivided into two flats, No.24 & 24a.

4 Representation Summary

Public Consultation

- 4.1 Councillor David Garston has called the application in for consideration by the Development Control Committee.

17 neighbours have been notified and a site notice displayed. 5 letters of objection have been received and are summarised as follows:

- The proposal would overlook neighbouring properties to rear
- Overlooking results in an invasion of privacy
- Removal of existing garage and position of parking spaces will result in loss of enjoyment of neighbouring garden.
- Proposal would result in loss of outlook
- Proposal would still have a large number of windows resulting in a loss of privacy
- Proposal would be higher than neighbouring properties in St Benets Road and Priory Avenue
- Proposal would devalue neighbouring properties
- Harm to residential amenity

[Officer Comments The devaluation of property is not a material planning consideration. The other concerns are noted and those that relate to material planning considerations have been taken into account in the assessment of the application but are not found to represent a reason for refusal in the circumstances of this case]

Highways

- 4.2 No objections

Environmental Health

- 4.3 No objections

Parks

- 4.4 No objections, subject to conditions requiring details of landscaping, tree protection measures and that removal of vegetation should occur outside of bird nesting season (March to August inclusive)

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF) (2019)
- 5.2 National Design Guide (2019)
- 5.3 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)
- 5.4 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (The Efficient and Effective Use of Land) DM7 (Dwelling Mix) DM8 (Residential Standards) DM15 (Sustainable Transport Management)
- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule 2015
- 5.7 National Housing Standards 2015

6 Planning Considerations

- 6.1 The main considerations are the principle of the development, design and impact on the character of the area, impact on neighbouring properties, living conditions for future occupiers, any traffic and transport issues and CIL and whether the proposal overcomes the previous reasons for refusal. The basis of decision made on the previously refused application and the subsequently dismissed appeal carry significant weight in the determination of this proposal as the relevant policy context and site circumstances have not altered materially in the interim.

7 Appraisal

Principle of Development

- 7.1 The NPPF states at paragraph 11 that it presumes in favour of sustainable development. Sustainable development is defined at paragraph 8 of the NPPF in economic, social and environmental terms.
- 7.2 Policy KP1 of the Core Strategy seeks sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.
- 7.3 Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 7.4 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context.
- 7.5 Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification
- 7.6 DM3 states that “The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:
- (i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and
 - (ii) Will not harm the character and appearance of the existing building or wider area; and
 - (iii) Will not lead to a detrimental change of a street’s function; and
 - (iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15”.
- 7.7 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Policy DM8 says that the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. The Design and Townscape Guide seeks to promote a high quality of design in new developments.
- 7.8 The proposal would result in the conversion of a three bedroom dwellinghouse and two flats into six self-contained flats.

- 7.9 Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021. It states *“Residential development proposals will be expected to contribute to local housing needs; including affordable and special needs provision, and the sustainable use of land and resources. To achieve this, the Borough Council will: (2) resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas”*.
- 7.10 Paragraph 2.42 of Policy DM3 states: *“The conversion of existing dwellings can, where appropriately justified, be an effective way of meeting local housing demand and offer opportunities for enhanced sustainability through retrofitting, as set out within Policy DM2. Nonetheless, conversions of single dwellings to more than one self-contained unit can also give rise to a number of problems within an area. These include contributing to pressure on on-street parking capacity, changes in the social and physical character and function of an area. It is also important that conversions do not result in a poor quality internal environment that detrimentally impacts upon the intended occupiers’ quality of life”*.
- 7.11 Consistent with the basis of decision made on the previous application and subsequent appeal, albeit respectively for refusal/ dismissal, the principle of adding extensions to the existing dwellinghouses is acceptable and the site is sustainably located in a reasonably accessible location. The proposed conversion to six self-contained flats would involve the loss of a three bedroom dwellinghouse in an area with viable demand for single family dwellinghouses and this loss will need to be balanced against the provision of additional homes within the borough. The detailed design considerations will be discussed in detail below.

Design and Impact on the Character of the area

- 7.12 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.
- 7.13 Further to the NPPF, planning decisions should aim to ensure that new development establishes a strong sense of place, respond to local character and are visually attractive, while not preventing or discouraging appropriate innovation. The NPPF states that permission should be refused for development of poor design (paragraph 130). The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice,

- 7.14 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.15 The Design and Townscape Guide also confirms the commitment of the Council to good design and that it *“will seek to create attractive, high-quality living environments” and that “proposed development [should] make a positive contribution to the local area”*. At para.64 the above guide states that development should reflect the positive characteristics of its surroundings and extensions should integrate to their surroundings. Para.79 confirms the expectation that appropriate architectural language should be used reflecting the use of the building. Para.85 of the Guide establishes that appropriate scale, height and massing are essential to the successful integration of new development. Para.115 of the Guide seeks cohesive design which responds positively to local context.
- 7.16 The existing modest semi-detached buildings have the appearance and form of a short terrace and their appearance is characteristic of family dwellings in the local area. Consistent with the basis of the assessment leading to the previous decision the principles underpinning development plan policies and supplementary guidance relating to domestic extensions are considered relevant to this proposal.
- 7.17 There is an existing modest two storey flat roof extension to the rear of the application property which is functional in appearance and a long standing feature of the rear garden scene. A significant section of this existing rear extension would be demolished.
- 7.18 The proposal is comprised of part one, part two and part three storey flat and pitched roof rear extensions. There would be flat roof additions to the rear and single storey elements would project to a depth of 6.4m and the first and second floor levels to a maximum depth of 3.7m. The pitched roof of the existing building would be increased in height by 0.6m to accommodate the extensions. In contrast to the refused scheme which comprised a contemporary box type extension including a third storey extension some 10m wide at roof level, the scale and bulk of the part one, part two and part three extensions would be significantly reduced and better resolved.
- 7.19 Whilst the proposal would result in an increase in ridge height, given the reduction in the scale and bulk of the proposed extensions and the change in form of the extensions from a contemporary box type design to a mix of flat roof extensions with a more traditional gabled pitched roof extension, it is considered that the proposed extensions would integrate acceptably both as a group and with the existing building. There would be a reduction in the fenestration in the rear elevation notably at roof level in comparison with the refused scheme and whilst this is still an increase over and above the current situation, on balance this is considered acceptable on its merits.

- 7.20 It is considered that the proposed extensions would integrate satisfactorily with the character of the host building. It is not considered that the proposal would add excessive bulk to the building nor would it appear over dominant, or visually obtrusive. Nor would it disrupt the overall balance of the property, rear garden scene or the wider streetscene.
- 7.21 The proposal would introduce a single parking space to part of the frontage. A number of dwellings in the street are already paved over on their frontage. Whilst not a positive element of the scheme, an element of soft landscaping would be retained to the front of the site and on balance this hard surfaced area would not be significantly harmful to the street scene. Three of the car parking spaces to the rear of the site would be located on the site of the existing garage and an extensive section of the existing rear garden area would be given over to hardsurfacing. Paragraph 138 of the Design and Townscape Guide states that development should incorporate appropriate outdoor space as an amenity for occupiers and provide an attractive garden area. In comparison with the refused scheme there is a reduction in communal amenity space and a more extensive area of hard-surfacing to the rear of the building. This is considered to be a negative aspect of the scheme but taken in the round and balanced together with other considerations related to the proposal is considered to be acceptable in the circumstances of the proposal.
- 7.22 The proposed development would be finished in a mix of render, slate tiles and aluminium fenestration. The three storey pitched roof element projecting from the rear roof slope would be finished in slate. The materials proposed are not considered to be detrimental to the appearance of the building as a whole or the wider surrounding area. The matter of materials can be dealt with as a condition of any planning permission.
- 7.23 Taking into account the above, it is considered, on balance, that the proposal has overcome the previous reason for refusal and is acceptable and policy compliant in the above regards.

Impact on Neighbouring Properties

- 7.24 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.25 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.26 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.

- 7.27 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments” and that “extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”.
- 7.28 In regard to the nearest properties to the east (rear) of the site, the single and two storey rear extensions would project to a maximum depth of 6.4m rearward from the main rear elevation of the building. This would not be any deeper than the existing two storey rear projection however this does not contain any rear facing windows. The separation distance of the development from the rear boundary to no’s 15, 17 and 19 Priory Avenue would be some 11m. The three storey element of the rear extension would project rearwards to a depth of 3.7m.
- 7.29 Given the separation distance to the rear boundary on balance it is not considered that the proposal would give rise to detrimental overbearing, dominant impacts resulting in a sense of enclosure or a material loss of daylight, overlooking or loss of privacy for the occupiers neighbouring properties to the north-east.
- 7.30 With regard to the relationship with the nearest property to the south-east of the site at No.16 St Benet’s Road, the section of the existing two storey extension, closest to the boundary would be demolished reducing the depth of the ground floor projection from 7.5m to a maximum depth of 6.4m. The ground floor extension nearest to the southern boundary with No.16 would be set some 1m in from the shared boundary and would be set some 2.5m from the flank elevation of No.16. The appeal inspector found that the impact of the ground floor extension on No.16 would not be acceptable given that it projected to a depth of 7.5m beyond its rear and would be set some 1m from the boundary. In comparison, this element of the current proposal would project rearwards beyond No.16’s rear elevation by some 4m. As a revision made to the proposal during its processing the currently proposed ground floor extension would then step in some 2.5m from the shared boundary and then rearwards by a further 2.4m. The flank elevation of the first floor extension nearest to No.16 would project rearwards to a depth of 3.7m at first floor level and would be set some 2.5m in from the shared boundary. The extension at second floor level would sit some 6m from the boundary with No.16. These relationships are considered not to be materially harmful to the amenity of occupiers of the neighbouring dwelling. A rear dormer is proposed which would be set in from the side of the roof by some 2m. The flank elevation of the proposed extensions would contain a number of opening windows some of which appear to be high level. There is a window serving a first floor bedroom which would face southwards. This room is dual aspect and subject to a condition requiring obscure glazing for this flank window, it is not considered that new windows in the flank and rear elevation would result in a loss of privacy or overlooking to the properties to the south-east which would be any worse than the relationships that already exist.

- 7.31 On balance it is considered that the impact of the extended built form would be within acceptable limits and would overcome the previously identified harm in terms of a sense of enclosure. The proposal would remove the existing two storey projection and the total depth of the proposed first and second floor extensions would be reduced from 7.5m by some 3.8m. Given the separation distance from the southern boundary and the pitched roof form of the first and second floor extensions it is considered that the proposal would overcome the previous reason which stated that the cumulative impacts of the increased ridge roof height and rear extensions would be overbearing and dominant, resulting in an unacceptable sense of enclosure for the neighbouring property to the south-east. It is not considered that the impact on light at this property is such that a refusal on that basis would be justified. It is therefore considered that the proposed development has overcome the previous reason for refusal concerning the impact on the amenities of that neighbouring property.
- 7.32 The proposal would introduce extensions projecting to a maximum depth of 6.4m and a maximum height of 9m. With regard to the relationship with the nearest property to the north of the site, No.28 St Benet's Road, the nearest part single storey extension would be some 3.5m from the shared and the nearest part two storey extensions would be some 4.3m off the shared boundary with No.28 and the roof slope would be pitched away from the boundary. The flank elevation of the extensions would contain a single high level window opening at ground floor level. It is not considered that new windows in the flank and rear elevation would result in a material loss of privacy or overlooking to the properties to the north. Given the distance between the proposed extensions and that neighbouring dwelling, it is considered on balance that the development would not have materially harmful overbearing impacts to the neighbouring properties to the north or result in unacceptable loss of light or outlook.
- 7.33 It is not considered that the increase in ridge height, which is proportionally small, would be materially harmful to the amenities of properties to the west of the site in any regard.
- 7.34 There is an existing three car garage in the rear garden adjacent to the rear boundary. This would be removed and replaced with three open parking spaces. It is not considered that the introduction of an open car parking area would have significantly and materially harmful impacts on neighbouring occupiers using their private amenity space. The proposed development would have a total of five rear parking spaces, opposed to four in the previously refused scheme. These would be accessed by an existing access and the comings and goings of vehicles using the access road and the rear area was not considered to be materially harmful to the character and appearance of the application site. Introduction of one additional rear space in this current proposal would not result in significantly different impacts than those previously found acceptable in the previous application and appeal decision. The site would have a small amount of amenity space that potentially could be used by the occupiers of the six flats and resulting in levels of activity over and above what might be expected at a single dwelling. Given the provision of balconies to three of the flats, on balance, it is considered the amenity space is unlikely to be intensively used by the occupants of the flats and would not therefore impact harmfully on the ability of neighbouring occupiers to enjoy their rear gardens.

7.35 It is considered that the proposed development has overcome the second reason for refusal on the previous application and the concerns of the Inspector in the appeal decision. The proposal is therefore acceptable and policy compliant in the above regards.

Living Conditions for Future Occupiers

7.36 The National Planning Policy Framework (Paragraph 127) states that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. Policy DM1 of the Development Management Document requires that development should provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. It is considered that most weight should be given to the National Technical Housing Standards that have been published by the government which are set out as per the below table:

Minimum property size for residential units shall be as follows:

- Two-bed, three-person flat – 61sqm; 1 storey
- One-bed, two-person flat – 50sqm; 1 storey
- Three bed, four person flat – 74 sqm; 1 storey

- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5 sqm for a single bedroom, with a minimum width of 2.15m and 11.5 sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

- A minimum ceiling height of 2.3m shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25 sqm should be provided for 1-2 person dwellings. A minimum of 0.5 sqm storage area should be provided for each additional bedspace.

- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.

- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- 7.37 The proposed floor areas would exceed the dimensions required under the National Housing Standards. Room sizes would meet the relevant standards and adequate lighting and ventilation would be achieved in the layout shown.
- 7.38 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations. As the proposed development is comprised of extensions and the conversion there is no requirement for the development meet part M4 (2) of the building regulations.
- 7.39 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 7.40 The proposal would have a 19sqm single outdoor amenity space which would be smaller than the 24 sqm shown in the previously refused proposal. The proposed amenity space would provide an average of 3sqm per flat. This space would be located in a similar location to that of the refused scheme to the rear of the site flanked by car parking spaces and overlooked by the windows in the rear elevations of the building. In the appeal decision, the Inspector did not specifically comment on the acceptability or otherwise of the communal amenity space. The amenity space is not ideally positioned as it is separated beyond the car parking layout. The plans also show an outdoor amenity space to the front of the building but this would not be sufficiently screened or private to be considered as usable amenity space. A characteristic of the site surroundings is one of family dwellings with reasonably sized garden spaces and the proposal would not make such a provision in a manner consistent with the local character. However having regard to the generally spacious nature of the flats' internal floorspaces and the provision of external balconies for three of the flats, the amenity space provision viewed in the round is not considered on its own to be a sufficient reason to refuse the application on that basis.

Refuse storage has been shown on the submitted plans to the flank of the dwelling. Details of this could be secured through a condition on any grant of planning permission.

- 7.41 It is considered that the development is acceptable and policy compliant and in the above regards.

Traffic and Transport Issues

- 7.42 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards and as such, one parking space would be required for each proposed flat. Policy DM15 also states that "Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context."

- 7.43 The proposal includes six off-street parking spaces for the proposed 6 flats which would accord with the minimum standards as set out above. Five of these spaces would be to the rear of the site and one to the front. The site is in a reasonably accessible location with regard to public transport with good links in close proximity and secure cycle parking has also been provided. The site is located in close proximity to Prittlewell Station. The Council's Highway team have not objected to the proposal. The provision of 6 off street parking spaces for 6 dwellings is therefore considered acceptable. It is not considered that the proposal will have a detrimental impact upon the public highway.
- 7.44 A cycle storage area has been shown on the submitted plan. Further details of secure cycle storage would be required and can be secured as a condition of any planning permission.
- 7.45 It is considered that the current proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.46 Policy KP2 of the Core Strategy states that "All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide".
- 7.47 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this could be secured as a condition of any planning permission.
- 7.48 A condition can be attached to any planning permission, requiring energy efficient design measures, water efficient design measures and permeable surfacing, for example. The proposals are considered acceptable with reference to these matters.

Community Infrastructure Levy CIL Charging Schedule 2015

- 7.49 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The application site is located within Zone 1 therefore a CIL rate of £25.69per sq.m is required for the proposed development.

The proposed development equates to 121sqm of new residential floorspace which may equate to a CIL charge of approximately £3108 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building ” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide satisfactory internal living conditions for future occupiers. The limited provision of external amenity space is not a positive aspect of the scheme but given the conclusions in the previous application and the appeal decision it is not considered harmful so as to justify a reason for refusal on this basis. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking and the character and appearance of the application site, the street scene and the locality more widely. The provision of additional housing is considered to be a public benefit of the scheme which has been weighed in the balance of material factors. It is considered that the proposal overcomes the previous reasons for refusal and the application is recommended for approval subject to conditions on balance.

9 Recommendation

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

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

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

- 02 **The development shall be carried out in accordance with the approved plans: 18.150/01 Rev B; 18.150/02 Rev B; 18.150/03 Rev B; 18.150/04 Rev D; 18.150/05 Rev D; 18.150 06 Rev D; 18.150 07 Rev C; 18.150/08 Rev C; 18.150/09 Rev C; 18.150/10 Rev D & 18.150/11 Rev C.**

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

- 03 **Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works until samples of the materials to be used in the construction of the external elevations of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out and completed in full accordance with the approved details before it is occupied.**

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

- 04** The development shall not be occupied until 6 car parking spaces have been provided at the site and made available for use in accordance with drawing, together with properly constructed vehicular access to the adjoining highway, all in accordance with the details shown on approved plan 18.150/10/rev D Proposed Site Layout Plan. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

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

- 05** Prior to the first occupation of the dwellings hereby approved full details of refuse, recycling and secure, covered bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwellings hereby approved, refuse, recycling and bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

- 06** Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out and completed in accordance with the approved details 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.** means of enclosure, of the site including any gates or boundary fencing;
- ii.** car parking layouts;
- iii.** other vehicle and pedestrian access and circulation areas;
- iv.** hard surfacing materials;
- v.** details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- vi.** details of measures to enhance biodiversity within the site;

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

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

- 07 A scheme detailing how at least 10% of the total energy needs of the dwellings hereby approved 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 their first occupation. This provision shall be made for the lifetime of the development.**

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

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

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

- 09 Construction and demolition works (including the unloading and loading of associated materials) associated with this permission shall only take place between the hours of 0800 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.**

Reason: In the interests of the character and amenity of the area in accordance with Policy DM1 of the Development Management Document.

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

- i. the parking of vehicles of site operatives and visitors**
- ii. loading and unloading of plant and materials**
- iii. storage of plant and materials used in constructing the development**
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
- v. wheel washing facilities**

- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3.

- 11** The new first floor windows in the southern flank elevation facing No.16 St Benets Road shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

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

Informative

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.

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Appeal Decision

Site visit made on 10 September 2019

by **C Osgathorp BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/D1590/W/19/3232695

22-24 St. Benets Road, Southend-on-Sea SS2 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Miller against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/00075/FUL, dated 14 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown on the appellant's appeal form and the Council's decision notice is more precise than the description shown on the planning application form. I have therefore used the description of development shown on the appeal form and the decision notice in the banner heading and determined the appeal on this basis.
3. The planning application form states that the site address is '22 St. Benets Road', however the appeal site comprises 22-24 St. Benets Road, as shown on the appeal form and the decision notice. I have therefore used the address shown on the appeal form and the decision notice in the banner heading.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the host building and the surrounding area; and (ii) the living conditions of the occupiers of No 16 St. Benets Road with respect to outlook.

Reasons

Character and appearance

5. The appeal site is located in an established residential area, which predominantly consists of 2 storey semi-detached and terraced dwellings. Whilst there is some variation to the design and appearance of the properties,

they are generally similar in scale and designed with pitched roofs. The appeal building is currently unoccupied. The rear elevation features an existing two storey extension which is designed with a part pitched, part flat roof. It projects approximately 7.5m to the rear, however the dominance of the extension is limited by its modest width and the setting down of its roof from the ridgeline of the main roof.

6. The proposed dormer would effectively create a 3 storey rear extension as it would extend beyond the rear of the main roof. The extension would cover most of the rear roof slope and therefore its width would not appear proportionate to the main roof. Taken together with its significant projection from the main roof and the small set down from the ridgeline, it would appear bulky and dominant in relation to the host building. Furthermore, whilst the two storey element of the extension would extend to the same depth as the existing rear extension, the overall width of the resulting enlargement would be sizeable and it would create a bulky appearance. The proposed extensions would appear boxy and would not integrate well with the form of the existing building.
7. The proposed increase in ridge height of the main roof would not be particularly noticeable in the street scene, however the bulky 3 storey rear extension would be visible above the neighbouring bungalow at No 16 when viewed from the street. The extensions would collectively fail to respect the scale, form and proportions of the host building and would appear visually intrusive in the surrounding area.
8. The proposed materials, including vertical cladding, grey facing brickwork and grey aluminium windows would provide an acceptable appearance. However, this would not address the harm that I have identified above.
9. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host building and the surrounding area. The proposal would therefore be contrary to 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), the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and Chapter 12 of the National Planning Policy Framework (the Framework), which, amongst other things, seek development proposals that contribute to the creation of a high quality built environment.

Living conditions

10. The existing two storey rear extension is set in from the side wall of the original building and the proposed single storey rear extension would infill this space. The proposed extension would therefore add to the bulk of the existing extension when viewed from the garden of No 16 St. Benets Road. Whilst the proposed single storey extension would project a similar distance to the existing two storey rear extension, its proximity to the boundary, a distance of approximately 1 metre, would result in the proposal appearing overbearing. This would cause significant harm to the outlook from the rear garden for the occupiers of No 16.
11. Furthermore, whilst the 3 storey element of the extension would be set in from the side wall of the building, it would appear as a dominant and imposing feature when viewed from the rear garden of No 16 due to the combined effect

of its height and the extent that it would project beyond the rear elevation of the neighbouring property. As such, the above elements of the proposed development would individually and cumulatively appear overbearing when viewed from the neighbouring property.

12. For the above reasons, I conclude that the proposed development would cause a significant loss of outlook to the rear garden of No 16, which would be harmful to the living conditions of the occupiers of the neighbouring property. The proposal would therefore be contrary to Policy CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and paragraph 127 of the Framework, which, amongst other things, seek to protect the amenity of immediate neighbours.
13. The Council has cited Policy KP2 of the Southend-on-Sea Core Strategy (2007) in the reason for refusal, however this policy does not refer to the living conditions of neighbouring properties and so it is not relevant to the second main issue.

Other Matters

14. The Council does not dispute the appellant's contention that it is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing, in particular Core Strategy Policy CP8, should not be considered up-to-date in accordance with footnote 7 of the Framework. In these circumstances, paragraph 11(d) of the Framework should therefore be applied.
15. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the net increase of 4 additional units would make a limited contribution. There would be a small social benefit in providing a limited number of additional housing units in an urban area close to passenger transport facilities. Modest economic advantages would also arise from the construction and occupation of the proposed dwellings. However, the harm to the character and appearance of the host building and the surrounding area and the adverse impact on the living conditions of the occupiers of No 16 would be significant. As a result, the environmental role of sustainable development would not be achieved. The proposal would not safeguard and improve the environment and so it would not accord with paragraph 117 of the Framework in respect of promoting an effective use of land.
16. As such, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other material considerations including the Framework.
17. I have had regard to the concerns raised by interested parties, which, in addition to the above matters, relate to overlooking, parking, fumes and loss of a family residence. However, as I find the proposed development unacceptable for other reasons, these considerations would not alter my decision.

Conclusion

18. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

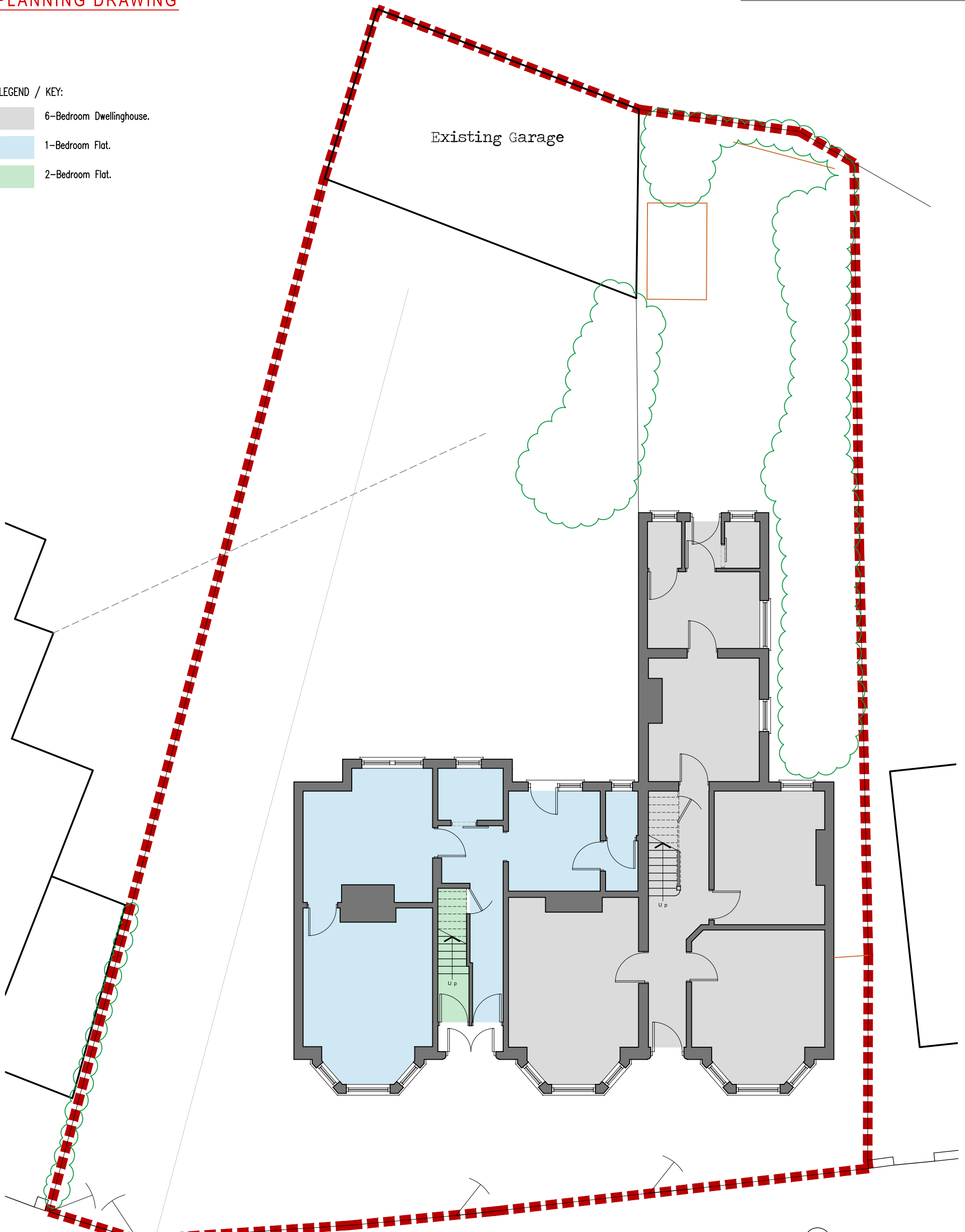
INSPECTOR

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LEGEND / KEY:

- 6-Bedroom Dwellinghouse.
- 1-Bedroom Flat.
- 2-Bedroom Flat.



EXISTING GROUND FLOOR PLAN 1:100 135

Client:
Peter Hills + Paul Miller

Location:
22 - 24 St Bennets Road,
Prittlewell,
Essex, SS2 6LF.

Project:
Remodel exg building (2 dwellinghouses) to provide
6 x flats with associated parking, refuse + amenity.

(EXISTING PLANS)

Drawn: CP Checked: SRF
Scale: 1:100 Date: August 2018
Drawing No: Rev: B
18.150/01

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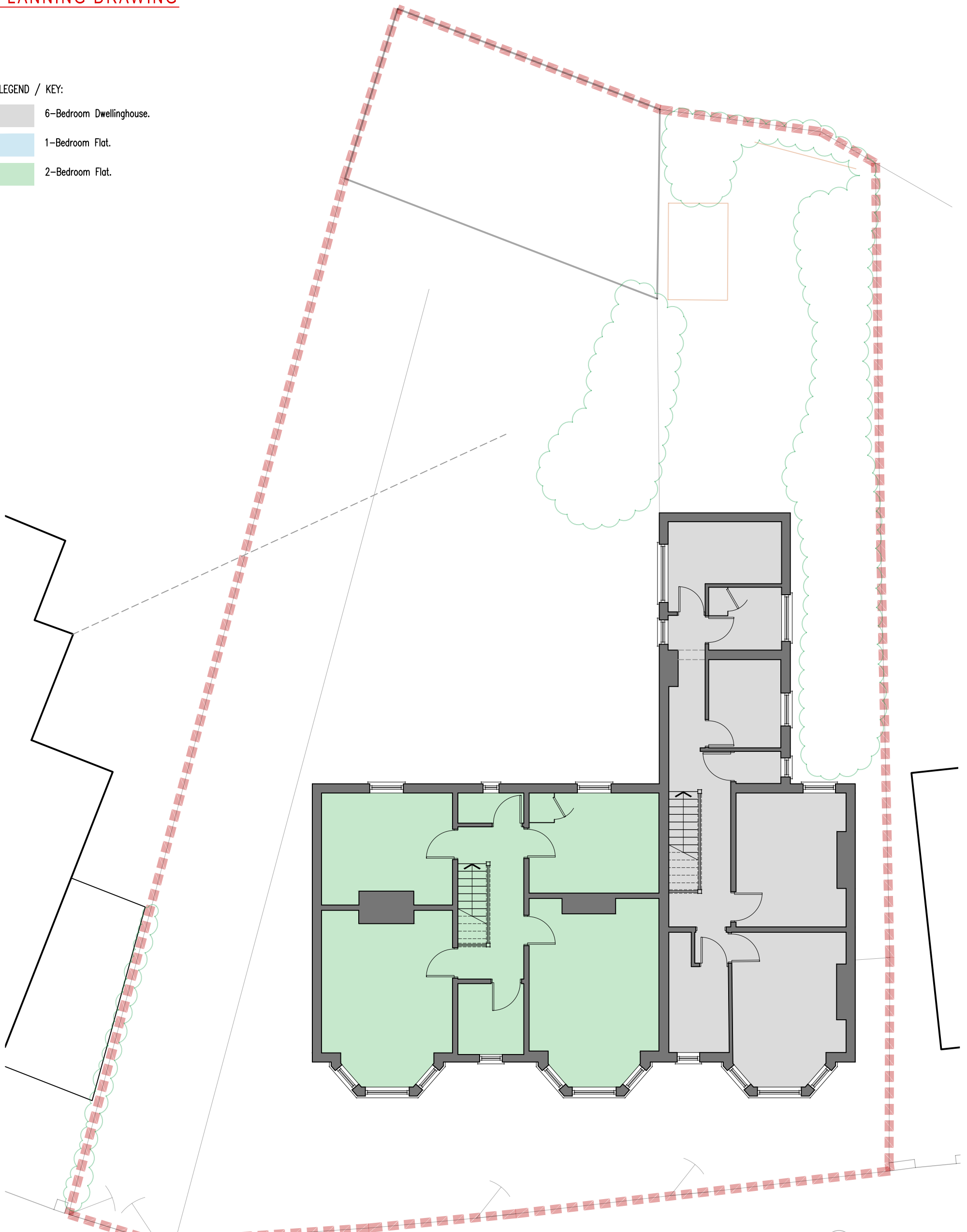
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LEGEND / KEY:

- 6-Bedroom Dwellinghouse.
- 1-Bedroom Flat.
- 2-Bedroom Flat.



Client:
Peter Hills + Paul Miller

Location:
 22 - 24 St Bennets Road,
 Prittlewell,
 Essex, SS2 6LF.

Project:
 Remodel exg building (2 dwellinghouses) to provide
 6 x flats with associated parking, refuse + amenity.

(EXISTING PLANS)

Drawn: CP Checked: SRF
 Scale: 1:100 Date: August 2018
 Drawing No: Rev: B
 18.150/02

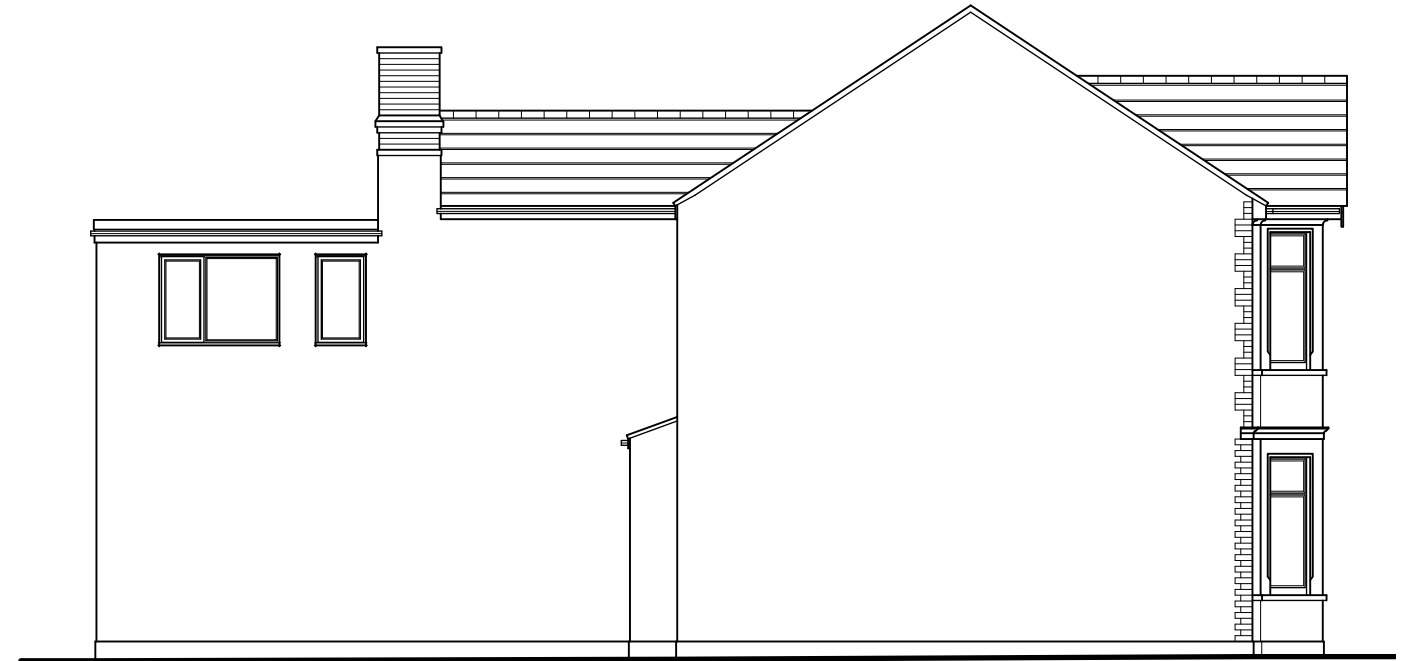
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EXISTING FRONT ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100

139



EXISTING REAR ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100

Client:
Peter Hills + Paul Miller
Location:
22-24 St Bennets Road
Prittlewell,
Essex, SS2 6LF.
Project:
Remodel exg building (2 dwellinghouses) to provide
6 x flats with associated parking, refuse + amenity.
(EXISTING ELEVATIONS)
Drawn: CP Checked: SRF
Scale: 1:100 Date: August 2018
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18.150/03



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LEGEND / KEY:

- A = 52sqm 1-bed(2-person) Apartment
- B = 50sqm 1-bed(2-person) Apartment
- C = 62sqm 2-bed(3-person) Apartment
- D = 54sqm 1-bed(2-person) Apartment
- E = 77sqm 3-bed(4-person) Apartment
- F = 50sqm 1-bed(2-person) Apartment

M(4) Features, include:

Parking layout to allow for entry and egress of the site in a forward propelling gear as shown.

Refuse bin store to be used by all residents. Level and suitable ground surface.

Communal approach route to be comprise of shallow ramped access leading to level threshold (step free entrance) in accordance with Part M4(2).

Private entrances to provide a minimum of 850mm clear opening width and all hallways to exceed 1000mm (which is over to required 900mm) in accordance with Part M(2).



Client:
Peter Hills + Paul Miller

Location:
22 - 24 St Bennetts Road,
Prittlewell,
Essex, SS2 6LF.

Project:
Remodel exg building (2 dwellings) to provide
6 x flats with associated parking, refuse + amenity.

(PROPOSED GROUND FLOOR PLAN)

Drawn: CP Checked: SRF
Scale: 1:100 Date: February 2020
Drawing No: 18.150/04 Rev: D

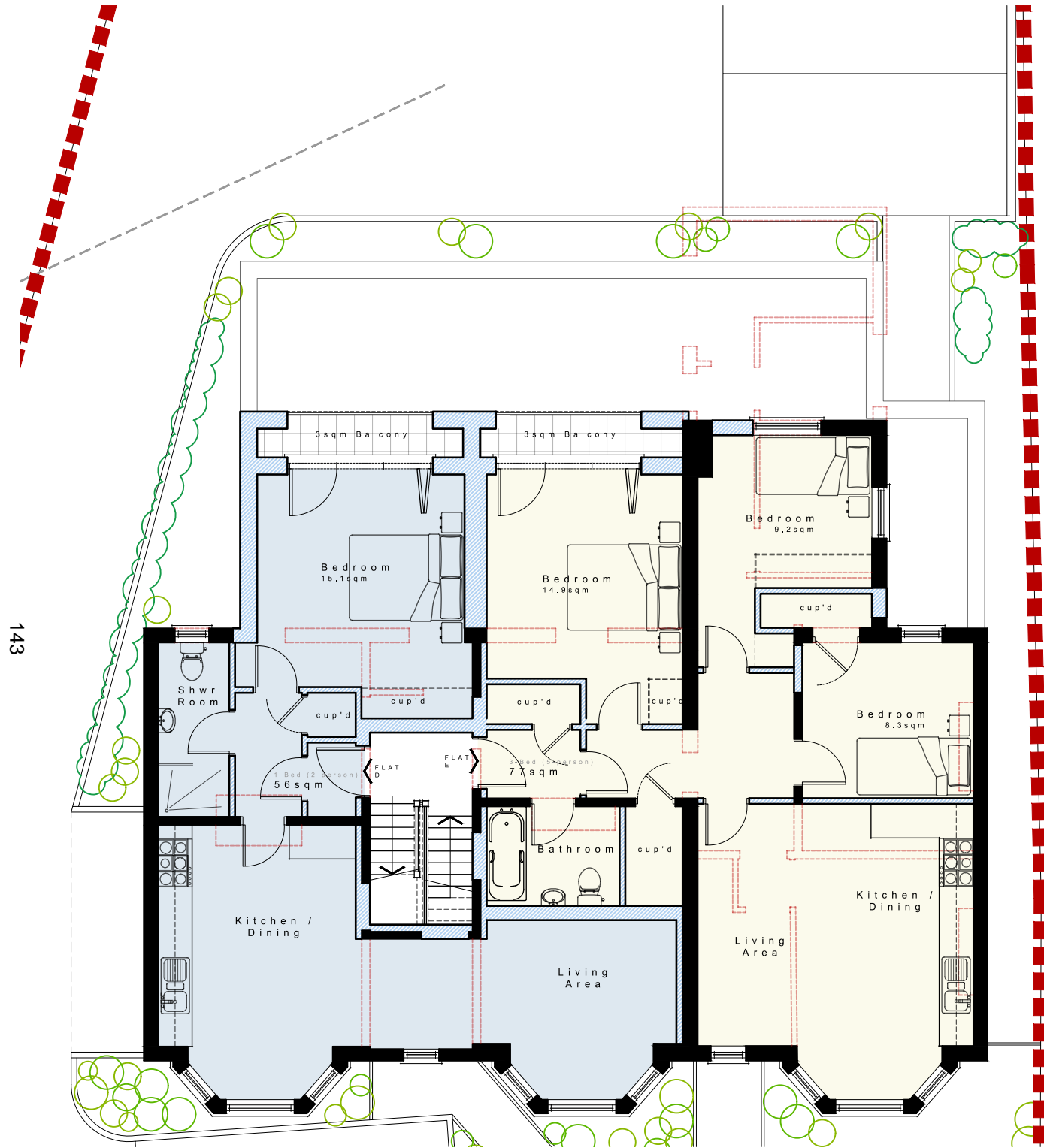
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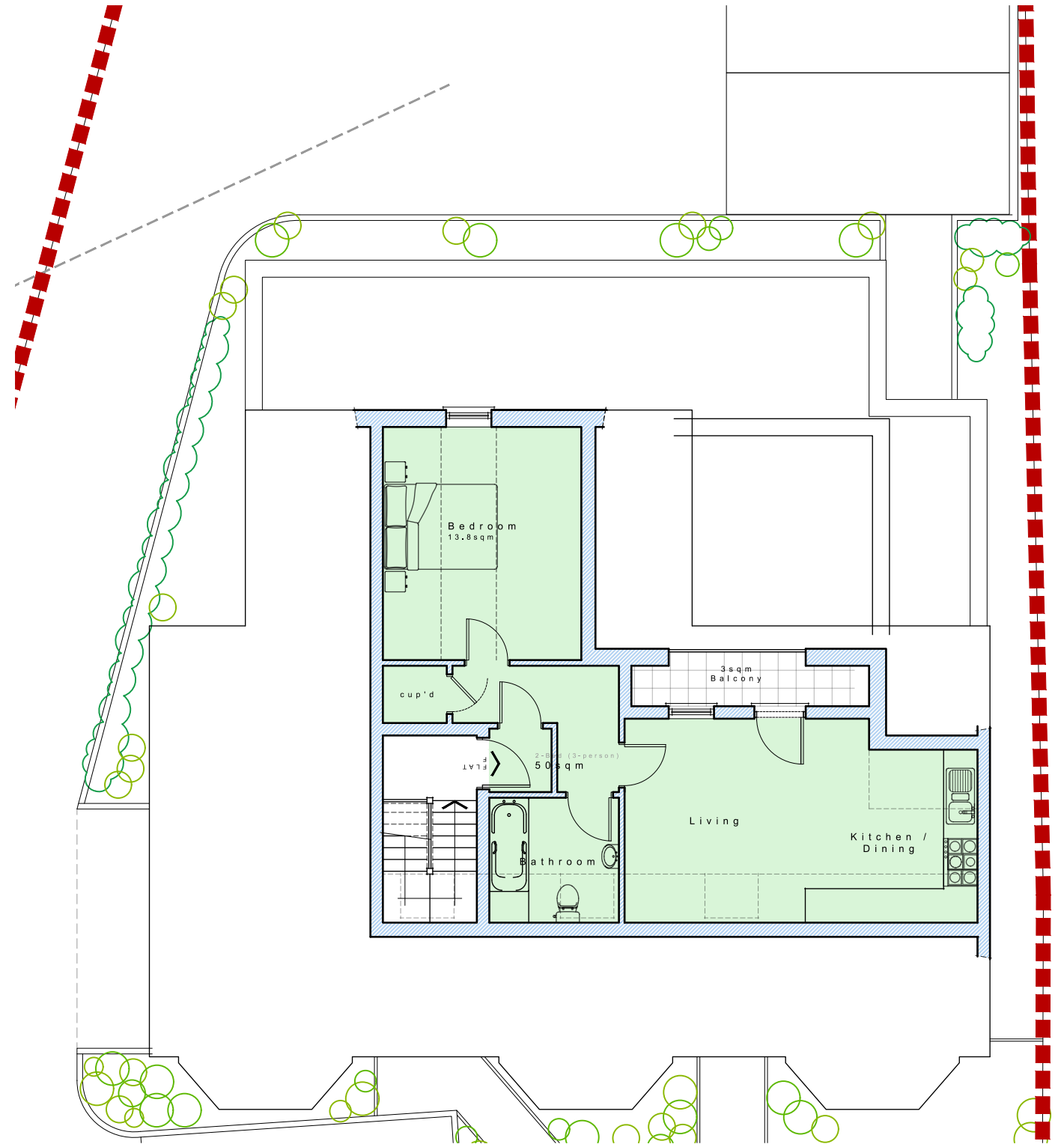
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PROPOSED **FIRST FLOOR** PLAN 1:100

LEGEND / KEY:

- A = 52sqm 1-bed(2-person) Apartment
- B = 50sqm 1-bed(2-person) Apartment
- C = 62sqm 2-bed(3-person) Apartment
- D = 54sqm 1-bed(2-person) Apartment
- E = 77sqm 3-bed(4-person) Apartment
- F = 50sqm 1-bed(2-person) Apartment



PROPOSED **SECOND FLOOR** PLAN 1:100

Client: Peter Hills + Paul Miller
 Location: 22-24 St Bennets Road, Prittlewell, Essex, SS2 6LF.

Project: Remodel exg building (2 dwellinghouses) to provide 6 x flats with associated parking, refuse + amenity.
 (PROPOSED FIRST + SECOND FLOOR PLANS)

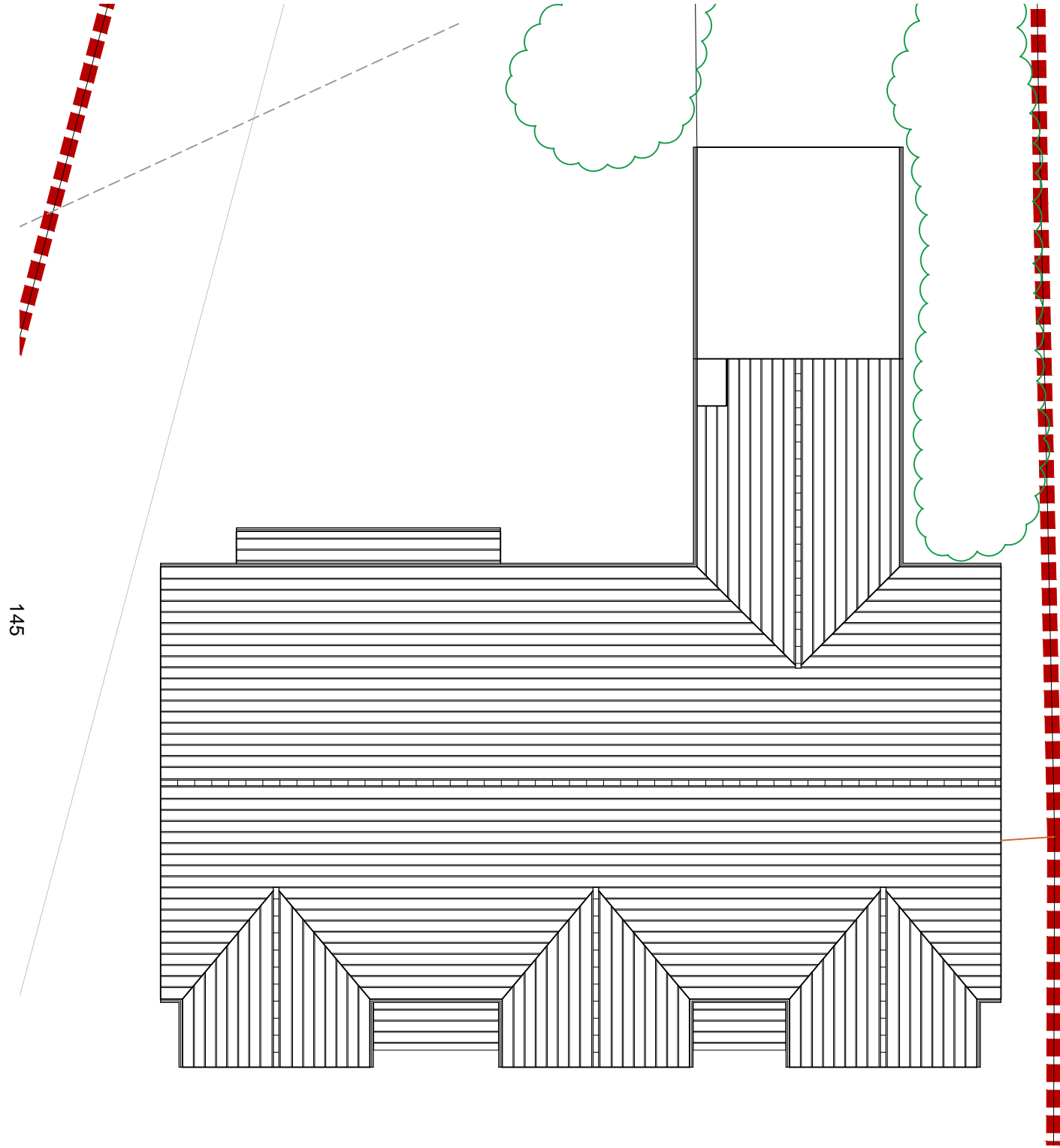
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 Drawing No: 18.150/05 Rev: D

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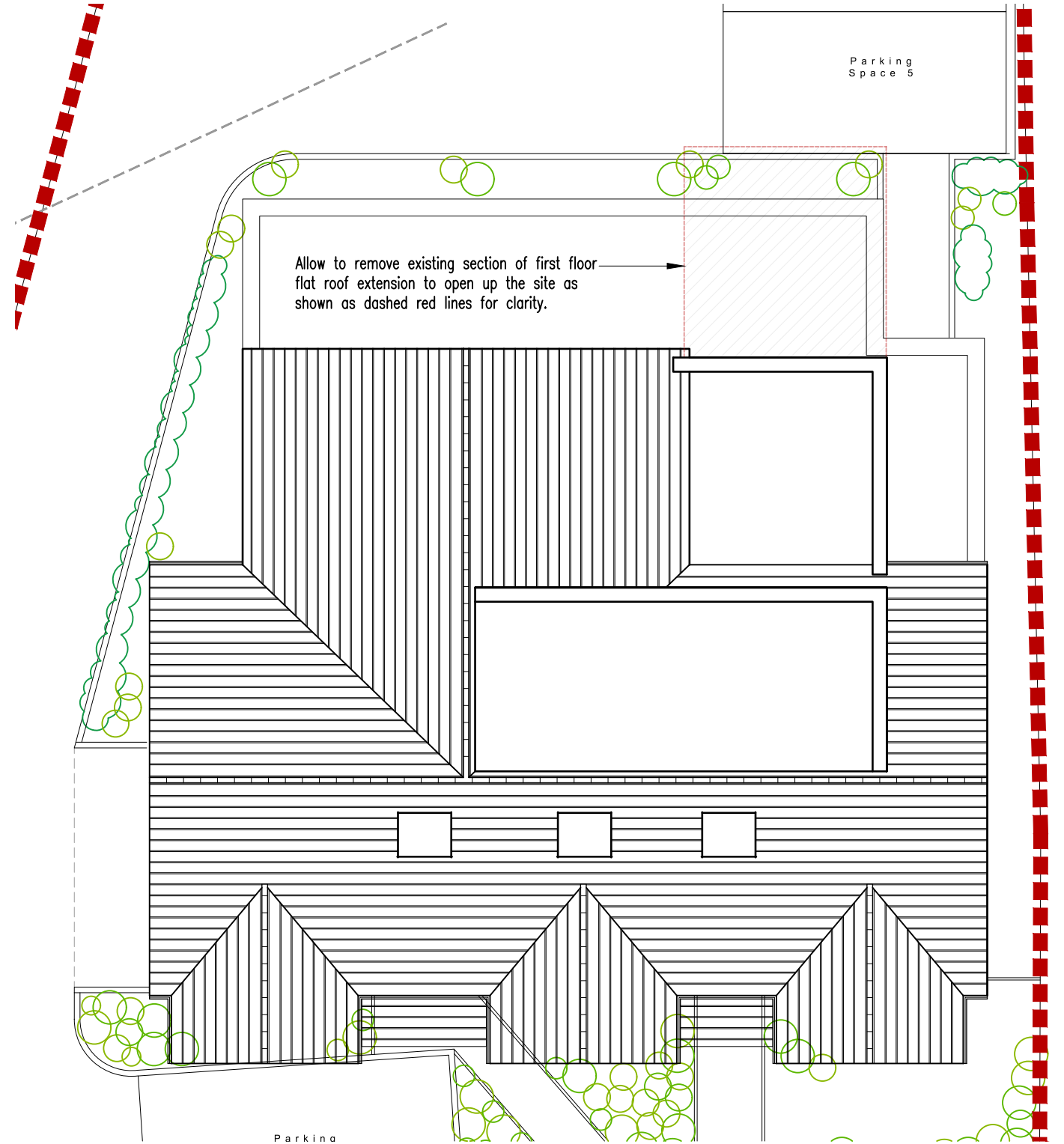
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EXISTING ROOF PLAN 1:100



PROPOSED ROOF PLAN 1:100

Client:
 Peter Hills + Paul Miller
 Location:
 22-24 St Bennets Road
 Prittlevell,
 Essex, SS2 6LF.
 Project:
 Remodel exg building (2 dwellinghouses) to provide
 6 x flats with associated parking, refuse + amenity.
 (EXISTING + PROPOSED ROOF PLANS)
 Drawn: CP
 Scale: 1:100
 Drawing No:
 18.150/06
 Checked: SRF
 Date: February 2020
 Rev: D

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147

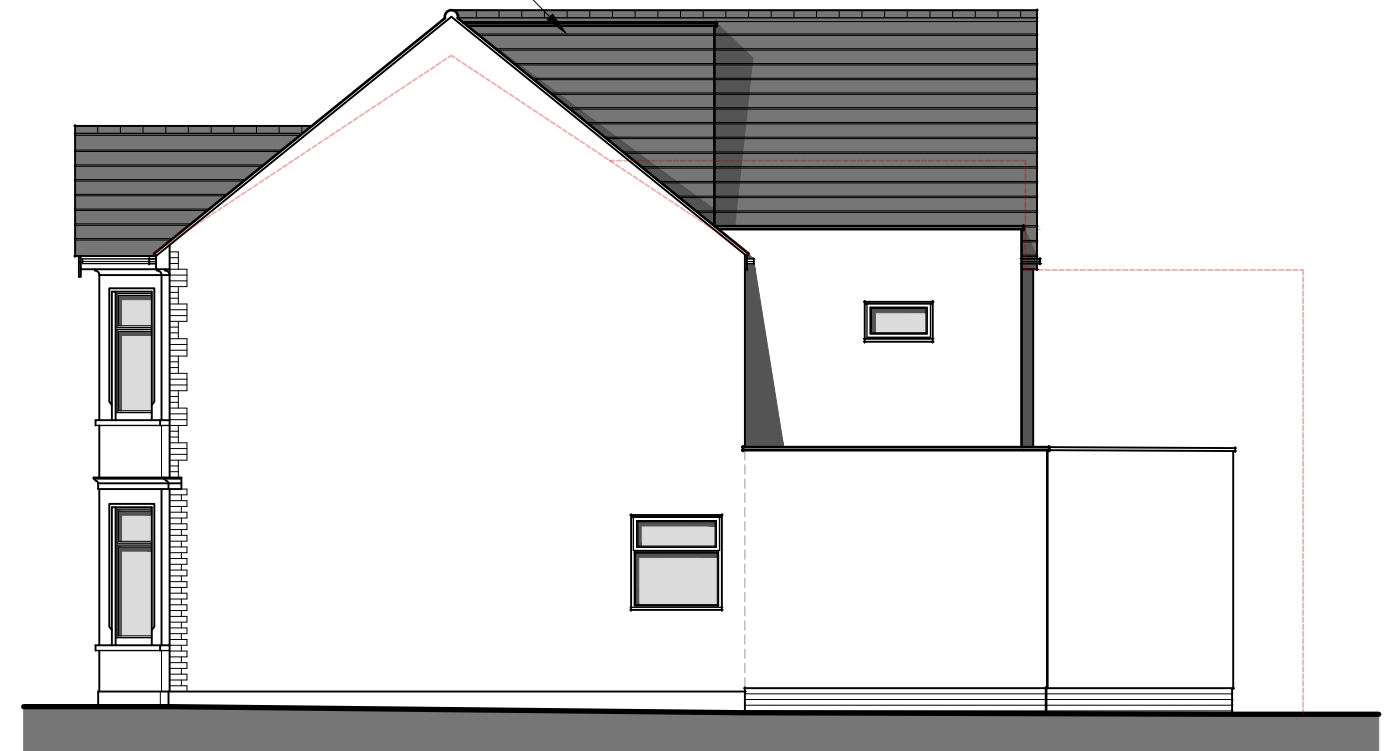
To be finished with traditional slate style tiles to suit existing Victorian style facade.

New Velux style window to be installed in locations as shown.

New dormer to be finished with traditional slate style hanging tiles to match new roof as shown.



PROPOSED FRONT ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100

Allow to re-finish with render (white) + install new glazed units to client selection.

Client:
Peter Hills + Paul Miller
Location:
22-24 St Bennets Road
Prittlewell,
Essex, SS2 6LF.
Project:
Remodel exg building (2 dwellinghouses) to provide
6 x flats with associated parking, refuse + amenity.
(PROPOSED ELEVATIONS)
Drawn: CP Checked: SRF
Scale: 1:100 Date: February 2020
Drawing No: Rev: C
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New dormer to be finished with traditional slate style hanging tiles to match new roof as shown.

New doors/windows to be slim profile (Grey: RAL7016), to client selection.

To be finished with render (colour: white) to client selection.

To be finished with traditional slate tiles.

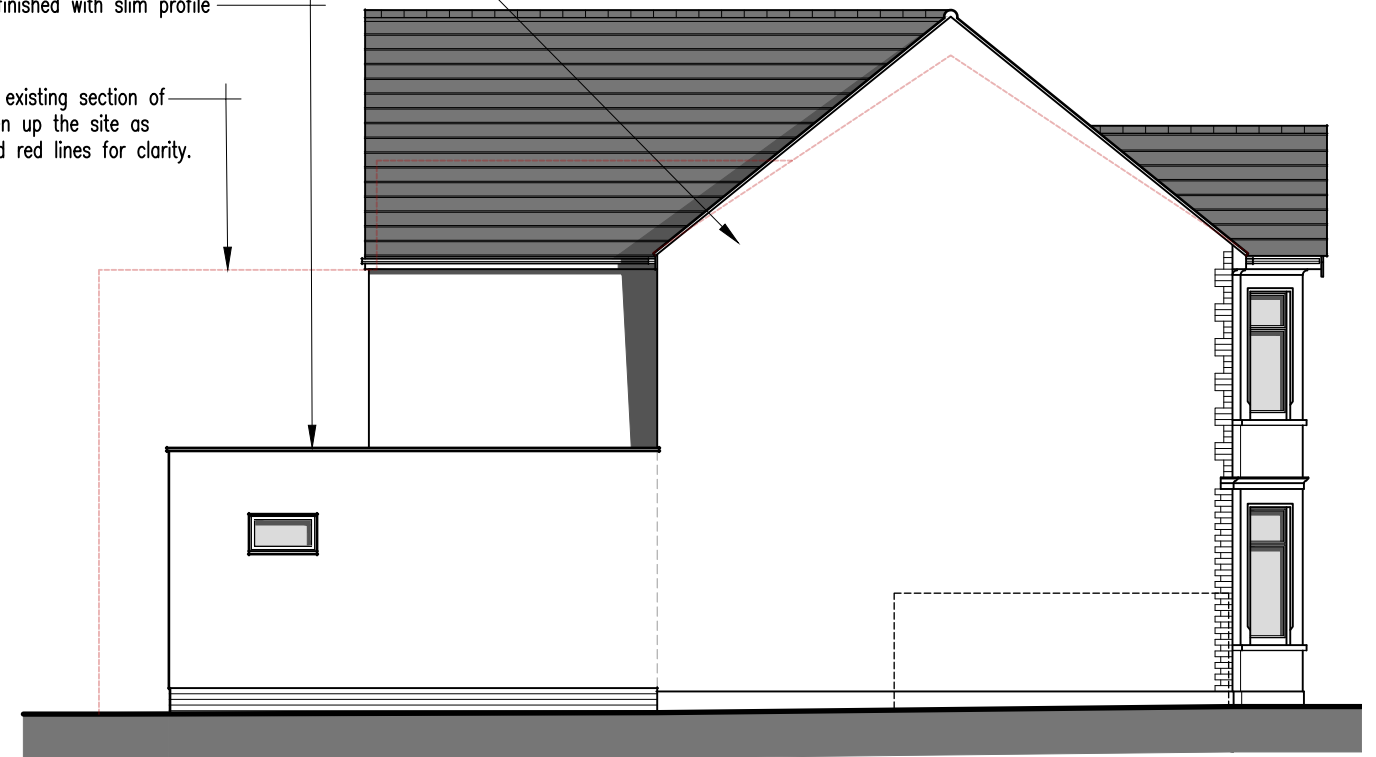
Parapets to be finished with slim profile coping.

Allow to remove existing section of extension to open up the site as shown as dashed red lines for clarity.

149



PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100

Client:
 Peter Hills + Paul Miller
 Location:
 22-24 St Bennets Road
 Prittlevell,
 Essex, SS2 6LF.

Project:
 Remodel exg building (2 dwellinghouses) to provide
 6 x flats with associated parking, refuse + amenity.

(PROPOSED ELEVATIONS)

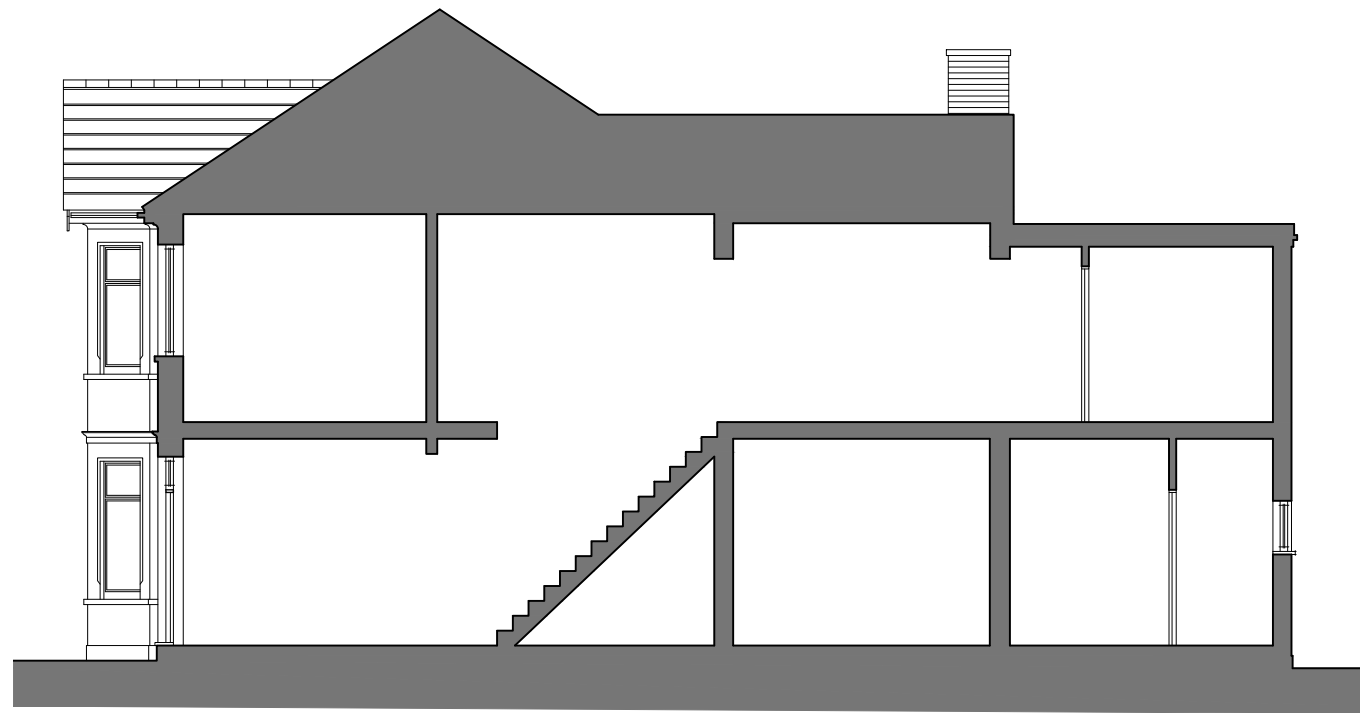
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 Drawing No: 18.150/08
 Checked: SRF
 Date: February 2020
 Rev: C



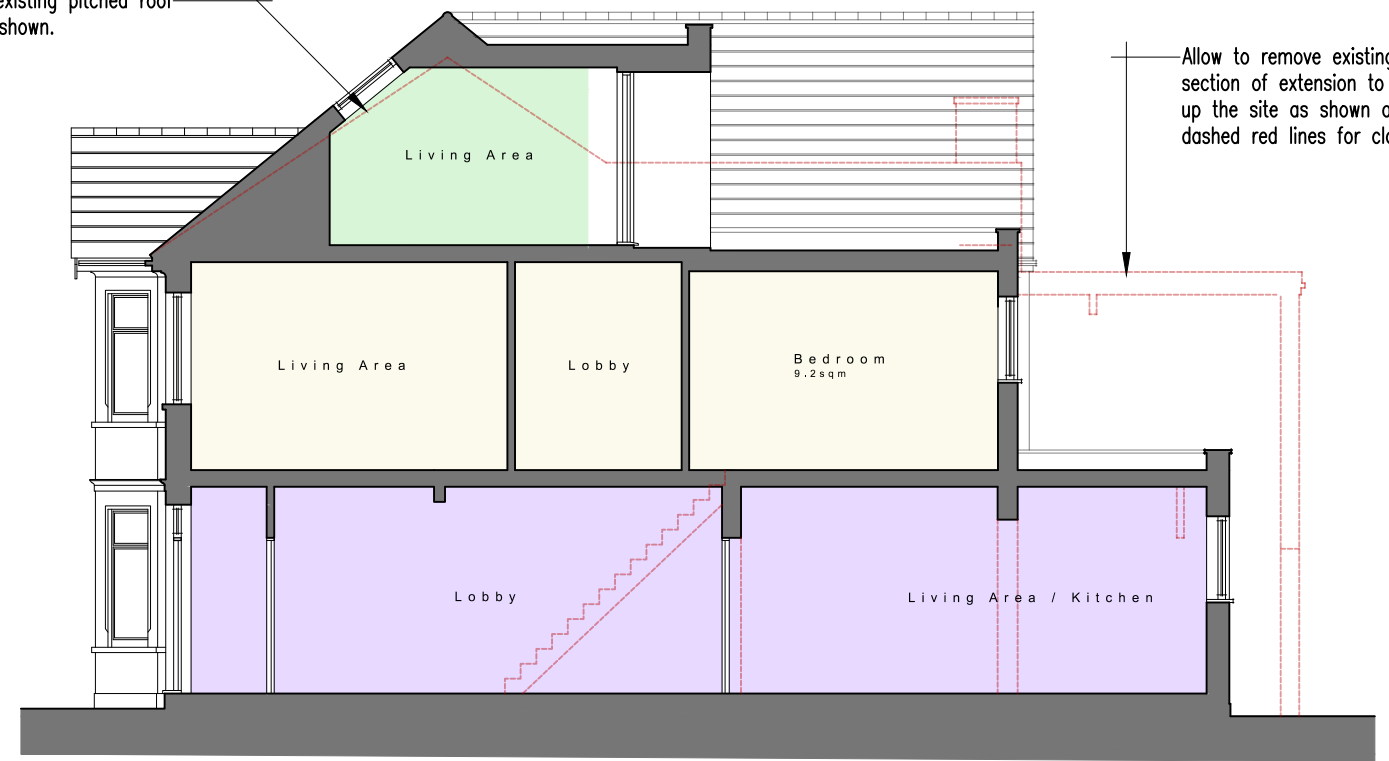
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Allow to raise existing pitched roof by 600mm as shown.



Allow to remove existing section of extension to open up the site as shown as dashed red lines for clarity.

EXISTING INDICATIVE SECTION 1:100

PROPOSED INDICATIVE SECTION 1:100

151



LOCATION PLAN 1:1250



Remove existing dilapidating garage / outbuilding.

Diagonal blue hatching denotes 2-storey elements of the proposed scheme.

Allow to remove existing section of 2-storey extension to open up the site as shown as dashed red lines for clarity.

Pink diagonal hatching indicates extent of single storey ground floor extensions.

SITE PLAN 1:500

Client:
Peter Hills + Paul Miller
Location:
22-24 St Bennets Road
Prittlewell,
Essex, SS2 6LF.
Project:
Remodel exg building (2 dwellinghouses) to provide
6 x flats with associated parking, refuse + amenity.
(INDICATIVE SECTIONS + LOCATION / SITE PLAN)
Drawn: CP Checked: SRP
Scale: 1:100, 1:500 + 1:1250 Date: February 2020
Drawing No: Rev: C
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Low level planting/hedging to be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the project. To be between 60cm - 90cm. See notes for specific species + size.

Proposed scheme to provide 6 vehicular parking spaces. The proposal site is within a highly sustainable location and close proximity to train and bus services.

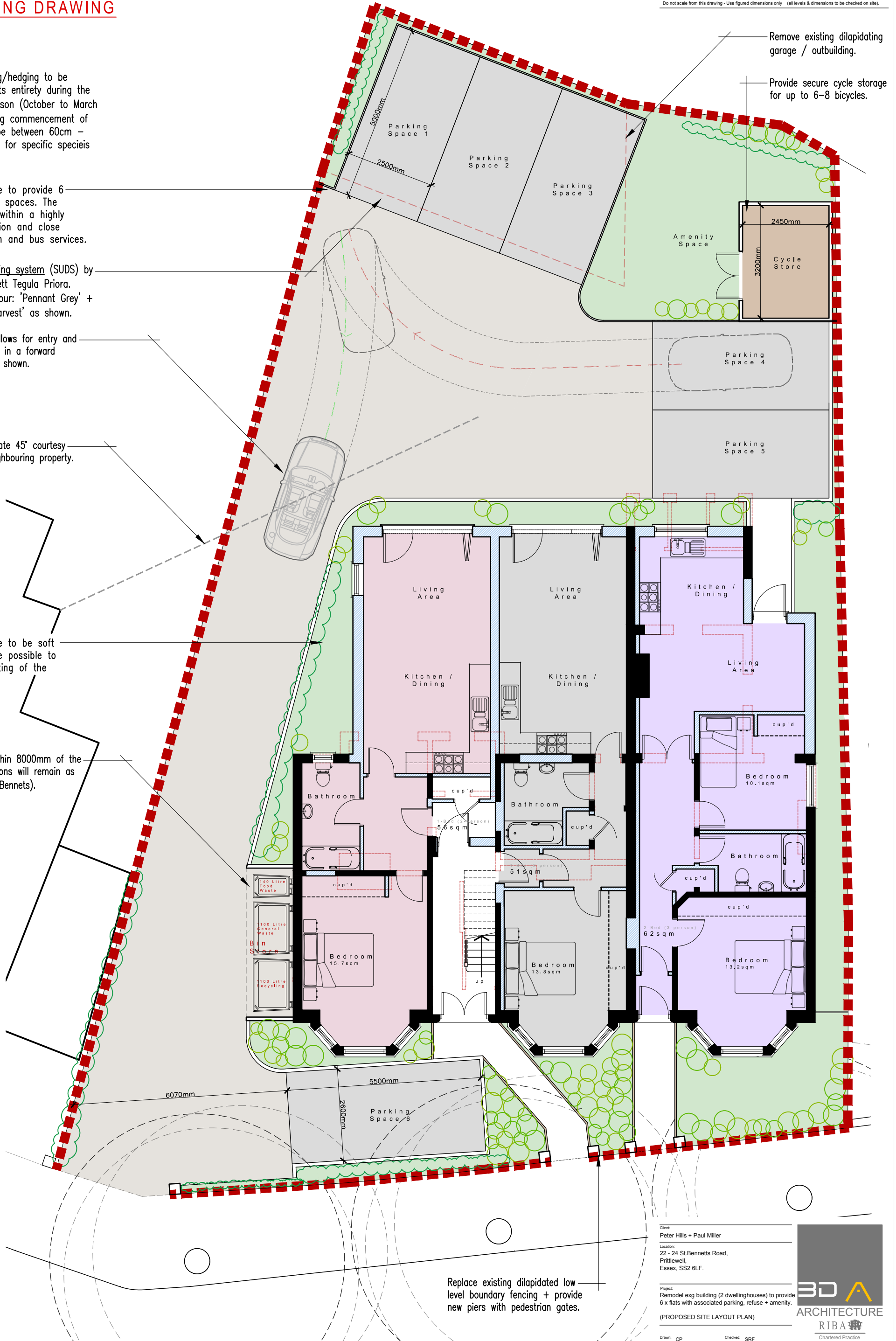
Porous block paving system (SUDS) by 'Marshalls' Drivesett Tegula Piora. To be mostly colour: 'Pennant Grey' + parking bays 'Harvest' as shown.

Proposed layout allows for entry and egress of the site in a forward propelling gear as shown.

Dashed lines indicate 45° courtesy splay lines to neighbouring property.

Proposed scheme to be soft landscaped where possible to enhance the setting of the development.

Refuse area is within 8000mm of the highway + collections will remain as existing (along St.Bennets).



Remove existing dilapidating garage / outbuilding.
Provide secure cycle storage for up to 6-8 bicycles.

Replace existing dilapidated low level boundary fencing + provide new piers with pedestrian gates.

PROPOSED SITE LAYOUT / REFUSE PLAN 1:100

Client:
Peter Hills + Paul Miller

Location:
22 - 24 St Bennets Road,
Prittlewell,
Essex, SS2 6LF.

Project:
Remodel exg building (2 dwellings) to provide
6 x flats with associated parking, refuse + amenity.

(PROPOSED SITE LAYOUT PLAN)

Drawn: CP
Scale: 1:100
Drawing No: 18.150/10

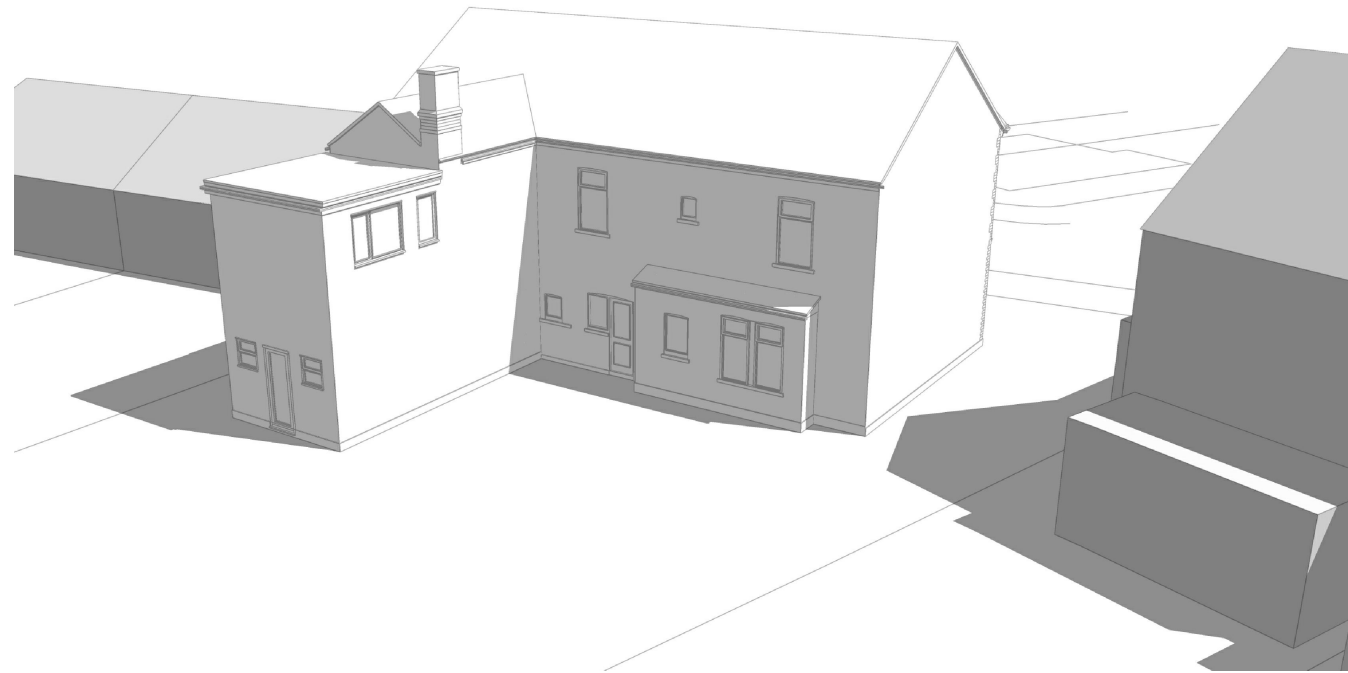
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Date: February 2020
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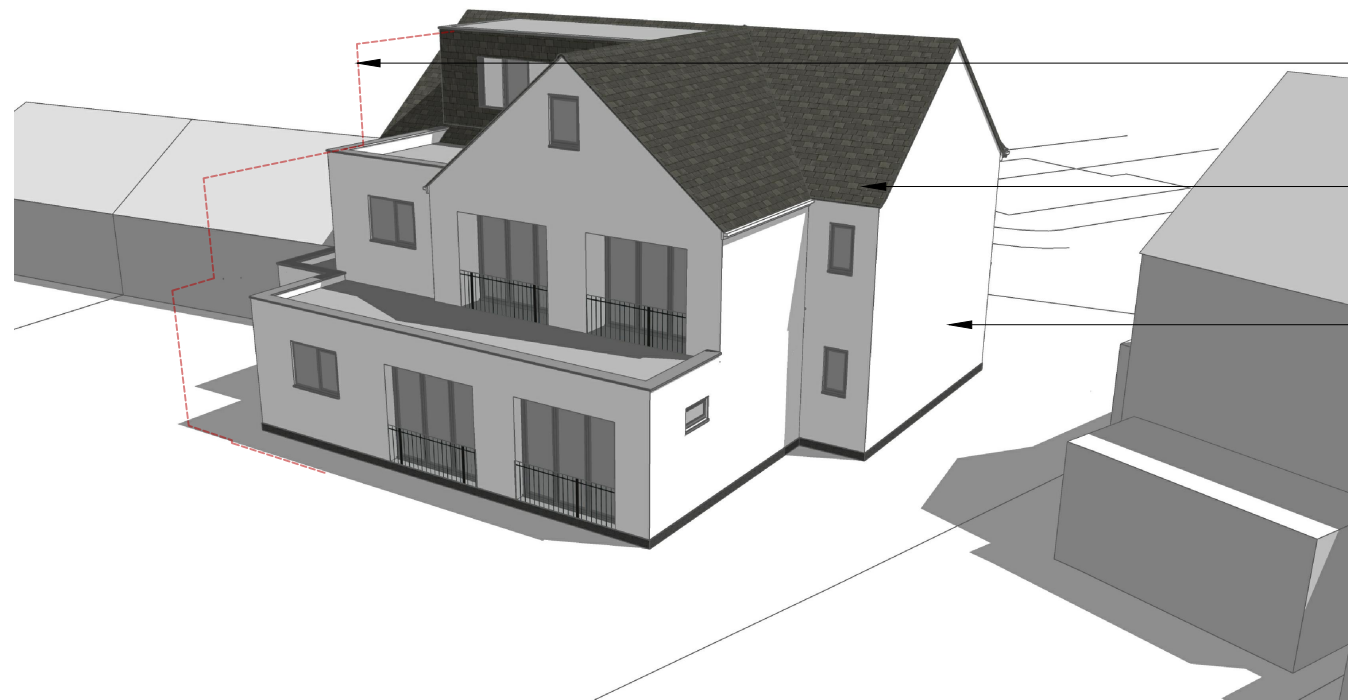
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155 **EXISTING IMAGE (1)**



AS PREVIOUSLY REFUSED IMAGE (1)



Dashed line denotes the extent of reduction in volume and bulk to provide a scheme that resides within the setting.

To be finished with traditional slate style tiles to suit existing Victorian style facade.

Allow to re-finish with render (colour: white) to client selection.

PROPOSED IMAGE (1)

Client:
 Peter Hills + Paul Miller
 Location:
 22-24 St Bennets Road
 Prittlewell,
 Essex, SS2 6LF.
 Project:
 Remodel exg building (2 dwellinghouses) to provide
 6 x flats with associated parking, refuse + amenity.
 (3D IMAGERY 1)
 Drawn: CP Checked: SRF
 Scale: Date: February 2020
 Drawing No: Rev: C
 18.150/11

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22 -24 St Benets Road

Photographs taken in March 2019 for
application 19/00075/FUL

Application site



View south towards East Street

159



08/03/2019

St Marys Road street scene

160



Access into side & 28 St Benet's Rd

161



08/03/2019

Application Site



No22 & No.16 St Benets Road

163



No's 16 & 14 St Benet's Rd



Access to rear of site



Existing rear garage



View back to St Benet's Rd



Rear of existing building



Existing 2 storey rear projection



View to Priory Road east of site

170



View from site to rear of Priory Road



Dwellings in Priory Road east of site



Existing projection and No.16 St Benet's Rd



No's 16 & 14 St Benet's Rd



Reference:	18/00241/UNAU_B	8
Ward:	St Lawrence	
Breaches of Control	Without planning permission, the conversion of a single dwelling to 3 self-contained flats	
Address:	47 Prince Avenue, Westcliff on Sea, Essex. SS2 6RL	
Case Opened:	30 th July 2018	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The site contains a semi-detached dwelling on the north-east side of Prince Avenue. It is a two-storey building with rear-dormer roofspace accommodation. Originally built as a single dwelling it has undergone an unauthorised conversion to 3 self-contained flats. A side garage has been incorporated into the living accommodation. The building is finished externally in painted render and red roof tiles, with upvc windows.
- 1.2 There is a dropped kerb and single-width vehicular crossing from Prince Avenue. The front boundary wall has been removed. The frontage is largely block-paved. The site has a relatively large rear garden.
- 1.3 The site is situated within a residential area of similarly-scaled dwellings. It is not specifically identified on the policies map of the Development Management Document. The site is within Flood Zone 1.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a single family dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended)

3 Relevant Planning History

- 3.1 20/00212/FUL: Convert dwelling into two self-contained flats (Amended Proposal). Refused
- 3.2 19/01096/FUL: Convert dwelling into two self-contained flats. Refused.
- 3.3 18/01862/FUL: Convert dwellinghouse into 3 self-contained flats and alter front elevation (Retrospective). Refused.
- 3.4 04/00254/FUL: Alter hipped roof to form half hip and erect roof extension to rear. Approved.

4. Background

- 4.1 In July 2018 a complaint was received that unauthorised building works were taking place at this site.
- 4.2 On 8th August 2018 Enforcement Staff attended the site where the owner was also present. The owner explained to Enforcement Staff that the house had been converted into 3 self-contained flats. As the flats were all rented and secured it was not possible at that time for staff to gain access to them.
- 4.3 The same day a formal letter was sent to the owner advising the unauthorised conversion amounted to a breach of planning control and that the owner should convert the property back to a single dwelling or submit a retrospective planning application seeking to retain the 3 flats.

- 4.4 On 8th October 2018 a retrospective planning application (Ref 18/01862/FUL) was received to 'Convert dwellinghouse into 3 self-contained flats and alter front elevation'. This application was subsequently refused. A copy of the Officers Report is at Appendix 'A'
- 4.5 In June 2019, following further contact with the property owner and their architects a second planning application was received (Ref 19/01096/FUL) to 'Convert dwelling into two self-contained flats'. This application was subsequently refused. A copy of the Officers Report is at Appendix 'B'
- 4.6 In September 2019 Enforcement Staff were advised that the property owner was considering an appeal against the last refusal of planning permission.
- 4.7 In November 2019 Enforcement Staff were informed by the architect that an appeal had been lodged. This subsequently transpired not to be the case.
- 4.8 In February 2020 following further contact with the property owner and their architects a third planning application was received (Ref 20/00212/FUL) to 'Convert dwelling into two self-contained flats (Amended Proposal)'. This application was subsequently refused. A copy of the Officers Report is at Appendix 'C'

5 Appraisal and Policy Considerations:

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) and CP8 (Dwelling provision)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type) DM8 (Residential standards) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Vehicle Crossing Policy & Application Guidance (2014)
- 5.6 The key issues relating to this enforcement case are the principle of the development, design and impact on the character of the area, amenities of neighbouring occupiers, living conditions of future occupiers, car parking arrangements/transport considerations.

6 Harm caused by the identified breaches:

- 6.1 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.

- 6.2 While the unauthorised conversion to 3 flats provides additional smaller dwellings, the conversion also involves the loss of a larger single family dwelling, a residential resource the type of which is identified by Policy CP8 of the Core Strategy and Policy DM7 of the Development Management Document as being of value to the borough. For this reason and consistent with the basis of the refused retrospective 2018 application for planning permission (18/01862/FUL), the unauthorised development as three flats is unacceptable in principle.
- 6.3 As found in the decision made on the refused retrospective application for three flats, two of the 3 flats currently in the building fall short of the adopted internal space standards and in one of those flats access to the amenity space, shower room and kitchen is only available through the bedroom. The third flat does have sufficient floor space but no access to external amenity space.
- 6.4 There is no secure cycle or bin storage provided contrary to Policy DM8. According to the Southend-on-Sea Design and Townscape Guide refuse storage and recycling should not be visible from the street scene and as such, it should be located either internally or to the rear of the property, to minimise the adverse visual impact. Due to the narrow sideway and lack of access to the rear garden by the top floor flat there is no obvious scope for provision within the front curtilage.
- 6.5 It has been found through the refusal of the 2018 retrospective planning application that the accommodation offers a poor standard of amenity for current and future occupiers. Any positive aspects of the layout, such as good outlook and daylight, are outweighed to a considerable degree by the negative elements described above. The current flat layouts are unacceptable and contrary to the objectives of the above-noted policies in this regard.
- 6.6 Policy DM15 of the Development Management Document states that developments of flats should have at least one off-street car parking space per flat. Three parking spaces can be provided within the front garden area. This quantity meets the Council's minimum residential parking standards under Policy DM15.
- 6.7 Policies CP3 and DM15 seek to improve road safety, quality of life and equality of access for all. The Council's Vehicle Crossing Policy and Application Guidance is a material consideration. The proposals show access directly from the classified road with no opportunity for vehicles to enter, turn, and leave in a forward gear. This conflicts with the Crossing Policy and is harmful to road safety.
- 6.8 In summary the unauthorised development has caused the loss of a valuable residential resource in the form of a larger family dwelling. The flats created through conversion provide an unsatisfactory standard of accommodation for future occupiers. The unauthorised development is also harmful to highway safety. These areas of harm are not outweighed by the provision of additional dwellings which would represent a very limited and in any event deficient contribution to the Borough's housing stock.
- 6.9 The external alteration to the front elevation facilitating the change of use has been found, on its own merits, not to materially harm the character and appearance of the building or the visual amenities of the site and surroundings. That aspect of the breach is on balance acceptable and policy compliant.

6.10 Given the nature and harmful impacts of the breaches of planning control described in the paragraphs above and the owner's failure to secure planning permission to retain the existing 3 unauthorised flats or any other scheme creating flats, or to otherwise regularise the unauthorised development, it is considered to be necessary and proportionate for an enforcement notice to be served.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to;
- a) Cease the unauthorised use of the building as 3 self-contained flats.
 - b) Remove from site all materials resulting from compliance with a) above
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the cessation of use as 3 self-contained flats.
- 7.4 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

Appendix A – Officers Report 18/01862/FUL

Reference:	18/01862/FUL
Ward:	St Laurence
Proposal:	Convert dwellinghouse into 3 self-contained flats and alter front elevation (Retrospective)
Address:	47 Prince Avenue Southend-On-Sea
Applicant:	Mr Hon Shu Pang
Agent:	A9 Architecture
Consultation Expiry:	06.12.2018
Expiry Date:	07.01.2019
Case Officer:	Robert Lilburn
Plan Nos:	1196 00 Location Plan, 1196 01 Block Plan, 1196 03 Existing Floor Plan, 1196 04 Existing Plans, 1196 05 Existing Elevations, 1196 06 Proposed Ground and First Floor Plans, 1196 07 Proposed Second Floor and Roof Plans, 1196 08 Proposed Elevations
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought retrospectively for the subdivision of the dwelling to 3no. flats. A frontage car parking area for three cars is proposed to be laid out. Part of the front boundary wall has been demolished in likely anticipation of this work.
- 1.2 The proposed living accommodation is for three, one-bedroom, self-contained flats with their own shower or bath rooms. A separate bathroom and storage area is retained at the second floor.
- 1.3 The schedule of accommodation is shown as follows:
 Flat 1: 36.7sqm total flat floor area, 10.7sqm bedroom floor area (single person flat).
 Flat 2: 23sqm total flat floor area, 12.6sqm living room floor area (this room would potentially be a bedroom of sufficient size for two persons; no bedroom is indicated and it would appear therefore this is intended as a bedsit type of arrangement).
 Flat 3: 50sqm total flat floor area at first floor, 12.6sqm bedroom floor area (two person flat).

- 1.4 The two ground floor flats are shown to have independent external access to the rear garden.
- 1.5 A bathroom and storage room is retained above Flat 3 and does not appear to be distinct from Flat 3 which also has its own large bathroom.
- 1.6 Three off-street car parking spaces are shown on the submitted proposed layout plan, providing one parking space per dwelling.
- 1.7 The application has been submitted following a planning enforcement investigation.

2 Site and Surroundings

- 2.1 The submitted plans show the former 'existing' layout as a one-bedroom dwelling with two living rooms, a sitting room, a dining room, a study and two bathrooms. It is not clear whether the plans have been mis-labelled, however, it follows that the building is capable of use as a family dwelling.
- 2.2 The application site is a gable-fronted semi-detached dwelling on Prince Avenue. It is finished externally in painted render and red roof tiles, with upvc windows.
- 2.3 A side garage has been converted to living accommodation.
- 2.4 There is a dropped kerb and single-width vehicular crossing from Prince Avenue. The site has a relatively large rear garden.
- 2.5 The site is situated within a residential area. The site is not situated within a conservation area nor does it affect the setting of heritage assets.

3 Planning Considerations

- 3.1 The main planning considerations in this case are: the principle of development, design and impact on the character of the area, amenities of neighbouring occupiers, living conditions of future occupiers, car parking arrangements/transport considerations and CIL.

4 Appraisal

Principle of Development

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

- 4.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land (para.8) in particular previously developed land (para.117).

- 4.2 Policy KP1 of the Core Strategy seeks sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.
- 4.3 Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs. It identifies housing targets for the Southend borough, and seeks to protect the supply of valuable residential resources including the stock of large single family dwellings.
- 4.4 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification. The Design and Townscape Guide seeks to promote a high quality of design in new developments.
- 4.5 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents.
- 4.6 Policy CP3 of the Core Strategy seeks to maintain highway safety for all users. Policy DM15 states that development will be allowed where there is, or it can be demonstrated, that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 4.7 As part of its Strategic Housing Land Availability Assessment (SHLAA) 2017 update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has an 8 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 4.8 The site is located within the built-up area and in reasonable proximity to services and transport links. This is a relatively sustainable location for development which conforms reasonably to the prevailing land use around it.
- 4.9 While it provides additional smaller dwellings, the proposal also involves the loss of a larger single family dwelling, a residential resource the type of which is identified by Policy CP8 of the Core Strategy and Policy DM7 of the Development Management Document as being of value to the borough. For this reason the development is unacceptable in principle.

Design and Impact on the Character of the Area

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

- 4.10 The National Planning Policy Framework requires new development to respond positively to its surroundings.
- 4.11 Paragraph 127 of the NPPF states that local planning authorities should aim to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 4.12 Paragraph 130 of the NPPF states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 4.13 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 4.14 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and that *“proposed development [should] make a positive contribution to the local area”*.
- 4.15 No external alterations are proposed, with the exception of the installation of a narrow door at each end of the single storey side projection, and the laying out of car parking on the front garden. The car parking would be facilitated by the removal of a low boundary wall, and of a small number of shrubs. These works have already been carried out with the exception of additional hardstanding and dropped kerb. The front garden is already predominantly hard standing.
- 4.16 It is considered that the proposed parking arrangements would be a negative aspect of the scheme from a design and appearance point of view. The frontage would be dominated by hard standing and car parking with no relief from soft landscaping. However many of the dwellings nearby have carried out similar alterations and subject to some additional soft landscaping which could be secured though a condition, it is considered that this aspect of the scheme would not justify refusal from a design and appearance point of view.
- 4.17 The side doors at the west end of the building are a small domestic feature and have no material impact on the character and appearance of the building.
- 4.18 The development does not materially harm the character and appearance of the building or the visual amenities of the site and surroundings, and is on balance acceptable and policy-compliant in this regard.

Impact on Residential Amenity

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.19 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.20 Policy CP4 of the Core Strategy seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.21 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 4.22 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.
- 4.23 The proposal has potentially led to more comings and goings in proximity to the living accommodation at the neighbouring houses on either side. The gardens are relatively wide, and the road outside at Prince Avenue is subject to heavy traffic. In light of the modest increase in car parking entailed in the proposal, it is considered that the impact of additional parking and associated comings and goings will not be readily discernible to neighbouring occupiers.
- 4.24 The intensification of the use of the site results in more people being at the property and this might cause some limited additional noise disturbance in general, in particular to occupiers of the adjoining dwellings. The manner of subdivision separates Flat 1 from the party wall. The density of accommodation proposed is not likely to cause a material disamenity to neighbouring occupiers as a result of the number of people present.
- 4.25 Sound transmission is a matter for building regulations and environmental health legislation and in this instance it is considered that the potential for any increased disturbance is unlikely to cause sufficient harm to the amenities of nearby occupiers to an extent that would justify the refusal of the application on those grounds.
- 4.26 It is considered that the development as shown on the submitted plans is consistent with Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy by maintaining the amenities of the neighbouring occupiers to a reasonable degree, and is therefore acceptable in this regard.

Living Conditions for Future Occupiers

National Planning Policy Framework (2018), Development Management Document (2015) Policies DM3 and DM8, the National Technical Housing Standards 2015 and the Design and Townscape Guide (2009)

- 4.27 Paragraph 127 of the National Planning Policy Framework states that planning policies and decisions should *“create place that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:
- Minimum property sizes for a 1 bedroom 1 person unit of 37sqm (where shower unit incorporated) and 39sqm (where bath unit incorporated).
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- 4.28 Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
 - Storage: Suitable, safe cycle storage with convenient access to the street frontage. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells.
- 4.29 The floor area of Flat 1 falls slightly short of the adopted space standard by some 0.3sqm. It appears to benefit from good outlook and daylight levels, and the bedroom is well sized for a single person. Access to the amenity space, shower room and kitchen however, is only available through the bedroom. This is a negative aspect of the layout of Flat 1.
- 4.30 The floor area of Flat 2 as shown falls far short of the adopted space standard. A living room is demarcated but no bedroom. This indicates a bedsit type of layout. Access to external amenity space is available. However this benefit does not outweigh the disamenity of inadequate internal space in this case.
- 4.31 The floor area of Flat 3 as shown meets the adopted space standard of 50sqm. It benefits from good outlook and daylight levels. There is no access to the external amenity space, however.

- 4.32 It is not clear what the purposes of the second floor bathroom and store are, given the large bathroom already available within Flat 3 at first floor. This is a negative aspect of the scheme as it would appear likely to be converted to a second bedroom, a result of which the development would fall short of the adopted space standard by a considerable margin, which would be 70sqm for 2 bed, 3 person, two-floor unit.
- 4.33 The proposals do not include provision for external refuse storage or secure cycle storage. A narrow door has been formed in the front elevation of the building, which the submitted plans indicate leads along a long passageway to the rear garden. The passageway is some 0.5m in width. The threshold is raised some 0.1m above ground level. This arrangement is considered not satisfactory from the point of view of facilitating external bin storage or secure cycle storage in the rear garden. This is a further negative aspect of the submitted proposals.
- 4.34 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide adaptable and accessible dwellings. No details have been supplied to demonstrate that the flats are accessible and adaptable for all. However, given the fact that the parameters of the conversion are fixed to a degree, it is considered that, in this particular instance, the proposal should not be required to accord with those standards.
- 4.35 It is considered that the accommodation offers a poor standard of amenity for future occupiers. Any positive aspects of the layout, such as good outlook and daylight, are outweighed to a considerable degree by the negative elements described above. The proposals are unacceptable and contrary to the objectives of the above-noted policies in this regard.

Traffic and Transport Issues

National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.36 Policy DM15 of the Development Management Document states that developments of flats should have at least one off-street car parking space per flat. Three parking spaces are shown to be provided within the front garden area. This quantity meets the Council's residential parking standards under Policy DM15.
- 4.37 Policies CP3 and DM15 seek to improve road safety, quality of life and equality of access for all. The Council's Vehicle Crossing Policy and Application Guidance is a material consideration. The proposals show access directly from the classified road with no opportunity for vehicles to enter, turn, and leave in a forward gear. This would conflict with the Crossing Policy and is considered harmful to road safety.
- 4.38 The proposals are unacceptable and contrary to the objectives of the above-noted policies in this regard.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.39 This application is CIL liable. If planning permission is granted, a CIL charge may be payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the development would lead to the loss of a valuable residential resource in the form of a larger family dwelling. The proposal also provides an unsatisfactory standard of accommodation for future occupiers. The development would be harmful to highway safety. Any positive aspects of the proposal, for example by maintaining the visual amenities of the area, do not outweigh the materially harmful aspects of the development.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy 2007: KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) and CP8 (Dwelling provision).
- 6.3 Development Management Document 2015: DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type) DM8 (Residential standards) and DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide (2009)
- 6.5 Vehicle Crossing Policy & Application Guidance (2014)
- 6.6 CIL Charging Schedule 2015

7 Representation Summary

Highways

- 7.1 Prince Avenue is a classified road therefore to meet the vehicle crossover guidance vehicle are required to enter and leave in a forward gear. An internal area of 8m x 8m is needed for this manoeuvre. The parking layout shown in the application does not meet this criterion. Therefore a highway objection is raised.

Public Consultation

- 7.2 8 neighbours were notified of the proposal and a site notice was posted. No letters of representation have been received. However it is noted that the application was submitted following a planning enforcement investigation resulting from a complaint.

8 Relevant Planning History

- 8.1 04/00254/FUL: Alter hipped roof to form half hip and erect roof extension to rear. Approved.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01. The development involves the loss of a larger single family dwelling, reducing the stock of this valuable and limited residential resource for which there is a demonstrable need within the borough. This is unacceptable and contrary to the National Planning Policy Framework (2018), and Policies KP2 and CP8 of the Southend-on-Sea Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).**
- 02. The development, by reason of the poor design, and the cramped and contrived layout of the flats, would provide an inadequate standard of accommodation and level of amenity for their future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**
- 03. The development is accessed from a classified road and does not provide adequate space for vehicles to enter and leave the site in a forward gear. This is contrary to the Council's Vehicle Crossing Policy and Application Guidance, and is found harmful to highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policy DM15 of the Southend-on-Sea Development Management Document (2015).**

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

10 Informatives

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

Reference:	19/01096/FUL
Application Type:	Full Application
Ward:	St Laurence
Proposal:	Convert dwelling into two self-contained flats
Address:	47 Prince Avenue, Southend-On-Sea, Essex
Applicant:	Mr Hon Shu Pang
Agent:	A9 Architecture
Consultation Expiry:	18th July 2019
Expiry Date:	7th August 2019
Case Officer:	Robert Lilburn
Plan Nos:	1196 00, 1196 01, 1196 03, 1196 04 rev D, 1196 05 rev D, 1196 06 rev D, 1196 07 rev D, 1196 08 rev D, 1196 09 rev D
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site contains a gable-fronted semi-detached dwelling on Prince Avenue. It is a two-storey building with rear-dormer roofspace accommodation. A side garage has been converted to living accommodation. The building is finished externally in painted render and red roof tiles, with upvc windows.
- 1.2 There is a dropped kerb and single-width vehicular crossing from Prince Avenue. The front boundary wall has been removed. The frontage is largely block-paved. The site has a relatively large rear garden.
- 1.3 The site is situated within a residential area of similarly-scaled dwellings. It is not specifically identified on the policies map of the Development Management Document. The site is within Flood Zone 1.
- 1.4 The submitted plans show the 'existing' layout as three flats. This arrangement appears to be unauthorised.

2 The Proposal

- 2.1 Planning permission is sought to convert the dwelling house into two self-contained flats. The submitted details show that the proposed accommodation would comprise at ground floor a one-bedroom, two-person flat measuring some 66sqm gross internal

area (GIA) with a bedroom of some 17sqm floor area. However there are other rooms which may be used as bedrooms. At the upper floors it would provide a three-bedroom first and second floor maisonette which would notionally accommodate four persons. It would measure some 76.5sqm GIA, with a first floor bedroom of some 12.6sqm floor area, and two second-floor bedrooms of some 6.5sqm floor area each.

- 2.2 Outdoor amenity space would be accessible directly to occupiers of the ground floor flat in the rear garden. It is not clear whether the upper flat would have access to the rear garden. The submitted plans show that a doorway at the front of building leads through a narrow passageway of some 0.6m width to the rear garden, independently of the internal accommodation.
- 2.3 Three off-street car parking spaces are shown on the submitted proposed layout plan occupying the paved frontage and accessed across both the established vehicular access and the footpath.
- 2.4 No details of cycle or bin storage have been shown. No external alterations are shown as part of the development.
- 2.5 The application has been submitted following a planning enforcement investigation. It follows an earlier refusal of planning permission. Application 18/01862/FUL was refused for the following reasons:
 04. The development involves the loss of a larger single family dwelling, reducing the stock of this valuable and limited residential resource for which there is a demonstrable need within the borough. This is unacceptable and contrary to the National Planning Policy Framework (2018), and Policies KP2 and CP8 of the Southend-on-Sea Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).
 05. The development, by reason of the poor design, and the cramped and contrived layout of the flats, would provide an inadequate standard of accommodation and level of amenity for their future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
 06. The development is accessed from a classified road and does not provide adequate space for vehicles to enter and leave the site in a forward gear. This is contrary to the Council's Vehicle Crossing Policy and Application Guidance, and is found harmful to highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policy DM15 of the Southend-on-Sea Development Management Document (2015).
- 2.6 The principal differences between the current application and the refused application 18/01862/FUL are as follows:
 - Two smaller proposed ground floor flats would be amalgamated to form one larger flat;

- The upper floors maisonette would be altered from a proposed one-bedroom, two-person flat with two bathrooms and a large store to a notional three-bedroom, four person flat.

2.7 Since the application 18/01862/FUL was determined, the revised National Planning Policy Framework (2019) came into force, replacing a previous version of the NPPF. It is considered that the contents of the revised NPPF do not materially alter the assessment of the impacts of the proposal.

3 Relevant Planning History

18/01862/FUL: Convert dwellinghouse into 3 self-contained flats and alter front elevation (Retrospective). Refused.

04/00254/FUL: Alter hipped roof to form half hip and erect roof extension to rear. Approved.

4 Representation Summary

4.1 Public Consultation

8 neighbouring properties were notified and a site notice was posted. No letters of representation have been received.

4.2 Environmental Health

No objection.

5 Planning Policy Summary

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

5.2 Core Strategy 2007: KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) and CP8 (Dwelling provision)

5.3 Development Management Document 2015: DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type) DM8 (Residential standards) and DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 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 development, design and impact on the character of the area, amenities of neighbouring occupiers, living conditions of future occupiers, car parking arrangements/transport considerations CIL and whether the application has overcome the earlier reasons for refusal.

7 Appraisal

Principle of Development

- 7.1 The NPPF states at paragraph 11 that it presumes in favour of sustainable development. Sustainable development is defined at paragraph 8 of the NPPF in economic, social and environmental terms.
- 7.2 Policy KP1 of the Core Strategy seeks sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.
- 7.3 Policy CP4 requires that new development maintains and enhances the amenities, appeal and character of residential areas, securing and has a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs, and identifies housing targets for the Southend borough, and seeks to protect the supply of valuable residential resources including the stock of large single family dwellings.
- 7.4 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that optimises the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.5 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents.
- 7.6 Policy CP3 seeks to maintain highway safety and accessibility. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.7 The site is sustainably located in a reasonably accessible location. The proposal would add to the supply of housing within the urban area, re-using previously developed land. The proposal would lead to the loss of larger, family-sized accommodation. However it would provide additional smaller dwellings.
- 7.8 Para.80 of the Guide states that proposed accommodation mixes should reflect the local character. Larger, single family dwellings are a characteristic at this location and a feature of the street. Although there are flats in the area, they are not a prevailing feature.
- 7.9 The acceptability of the proposal is dependent on the detailed impacts which are considered below.

Design and Impact on the Character of the Area

- 7.10 Paragraph 127 of the NPPF states that local planning authorities should aim to ensure that developments are sympathetic to local character and history, including the

surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

- 7.11 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 7.12 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.13 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments” and that “proposed development [should] make a positive contribution to the local area”.
- 7.14 No external alterations are proposed, with the exception of the installation of a narrow door at each end of the single storey side projection, which has already been carried out. Car parking for three cars would be laid out on the front garden, facilitated by the recent removal of a low boundary wall, and of a small number of shrubs. The front garden is already predominantly hard standing.
- 7.15 It is considered that the proposed parking arrangements would be a negative aspect of the scheme from a design and appearance point of view. The frontage would be dominated by hard standing and car parking with no relief from soft landscaping. However many of the dwellings nearby have carried out similar alterations and subject to some additional soft landscaping which could be secured though a condition, it is considered that this aspect of the scheme would not justify refusal from a design and appearance point of view.
- 7.16 The side doors at the west end of the building are a small domestic feature and have no material impact on the character and appearance of the building.
- 7.17 The development does not materially harm the character and appearance of the building or the visual amenities of the site and surroundings, and is on balance acceptable and policy-compliant in this regard.

Impact on Residential Amenity

- 7.18 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.19 Policy CP4 of the Core Strategy seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.20 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.

- 7.21 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments” and that “extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”.
- 7.22 The proposal would lead to more comings and goings in proximity to the living accommodation at the neighbouring houses on either side, compared to the established situation as a single dwelling. The gardens are relatively wide, and the road outside at Prince Avenue is subject to heavy traffic. In light of the modest increase in car parking entailed in the proposal, it is considered that the impact of additional parking and associated comings and goings would not be materially harmful to neighbouring occupiers.
- 7.23 The intensification of the use of the site would result in more people being at the property and this might cause some limited additional noise disturbance in general, in particular to occupiers of the adjoining dwellings. The density of accommodation proposed is not likely to cause a material disamenity to neighbouring occupiers as a result of the number of people present.
- 7.24 Sound transmission is a matter for building regulations and environmental health legislation and in this instance it is considered that the potential for any increased disturbance is unlikely to cause sufficient harm to the amenities of nearby occupiers to an extent that would justify the refusal of the application on those grounds.
- 7.25 It is considered that the development as shown on the submitted plans is consistent with Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy by maintaining the amenities of the neighbouring occupiers to a reasonable degree, and is therefore acceptable in this regard.

Living Conditions for Future Occupiers

- 7.26 At para.127 the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Due regard may be had for Housing Technical Standards.
- 7.27 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 7.28 Further to this, from the 1st October 2015 the National Housing Standards have been adopted and state that the following internal floor space is required to ensure the development is in line with planning requirements:
- One bed, two person dwelling (one storey): 50sqm;
 - Two bed, three person dwelling (one storey): 61sqm;
 - Two bed, four person dwelling (one storey): 70sqm;
 - Three bed, four person dwelling (2 storeys): 84sqm;
 - Three bed, five person dwelling (2 storeys): 93sqm.
- 7.29 The proposed floor area and bedroom size at ground floor would exceed the minimum

standard considerably, for a one-bed two-person dwelling. However the layout would be contrived and inappropriate, whereby access to the bedroom would be made via a kitchen, study and dressing room. The dressing room would measure some 10.5sqm in floor area and could potentially be used as a second bedroom. This may also be the case for the study. Should they be used in this way the floor space would be inadequate.

- 7.30 The upper floor maisonette would fall considerably short in GIA of the standard required by the Technical Housing Standards. These set out that a single bedroom must measure at least 7.5sqm in floor area and 2.5m in width. The two second floor bedrooms would fall significantly short of the minimum room sizes; measuring 5.2sqm and 6.4sqm respectively. The former bedroom would measure 1.8m in width and benefit only from roof lights; the latter would measure 2.4m in width although would benefit from a rear dormer window. Taken in the round this is unacceptable.
- 7.31 Policy DM8 of the Development Management Document states that all new dwellings must make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The Council's Design and Townscape Guide states that "Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development". The quantity and quality of outdoor amenity space would be satisfactory in meeting the domestic and recreational needs of occupiers.
- 7.32 Policy DM8 of the Development Management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st of October 2015 have been substituted by Building Regulation M4(2).
- 7.33 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide adaptable and accessible dwellings. No details have been supplied to demonstrate that the dwellings would be accessible and adaptable for all. As noted above the proposal is a contrived arrangement, and this would be a negative feature from an accessibility viewpoint. However, given the fact that the parameters of a conversion are fixed to a degree, it is considered that the proposal should not be required to accord with those standards.
- 7.34 Policy DM8 specifies amenity standards including cycle storage and refuse storage. According to the Southend-on-Sea Design and Townscape Guide refuse storage and recycling should not be visible from the street scene and as such, it should be located either internally to the development or to the rear of the property, to minimise the adverse visual impact.
- 7.35 No details have been submitted in relation to refuse storage and collection. Given the site constraints this is a matter of concern as there is no obvious scope for provision within the front curtilage as shown on the site layout plan. Access through the external side door is some 0.6m in width. The lack of suitable provision would be a disamenity to occupiers and potentially the surrounding area.
- 7.36 Cycle storage has not been shown on the submitted plans. Given the site constraints this is also a matter of concern as there is no obvious scope for provision within the front curtilage as shown and the side access would appear to be too narrow.
- 7.37 The proposal would provide a cramped and inappropriate living environment with a poor

standard of amenity for future occupiers, given the configuration and size of the dwellings and the lack of opportunity for appropriate secure cycle and refuse storage, which could otherwise be secured through a condition. The harm arising would not be outweighed by the benefit of providing an additional dwelling. The revised scheme has not overcome the earlier reason for refusal in this respect, is unacceptable and contrary to policy.

Traffic and Transportation Issues

- 7.38 Policy DM15 of the Development Management Document states that developments of flats should have at least one off-street car parking space per flat. Three parking spaces are shown to be provided within the front garden area. This quantity would exceed the Council's residential parking standards under Policy DM15.
- 7.39 Policies CP3 and DM15 seek to improve road safety, quality of life and equality of access for all. The Council's Vehicle Crossing Policy and Application Guidance is a material consideration. The proposals show access directly from the classified road with no opportunity for vehicles to enter, turn, and leave in a forward gear. This would conflict with the Crossing Policy and is considered harmful to road safety.
- 7.40 It is noted also that the proposed off-street car parking would require access across the footpath, separately to the existing standard crossing in situ at the west end of the site.
- 7.41 The proposals have failed to address the earlier reason for refusal in this respect and are unacceptable and contrary to the objectives of the above-noted policies in this regard.

Community Infrastructure Levy (CIL)

- 7.42 This application is CIL liable. If planning permission is granted, a CIL charge may be payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the development would lead to the loss of a valuable residential resource in the form of a larger family dwelling. It would however provide smaller dwellings. The proposal provides an unsatisfactory standard of accommodation for future occupiers, however. The development would be harmful to highway safety. The provision of an additional dwelling would not outweigh the materially harmful aspects of the development. The revised scheme has not overcome the earlier reasons for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason(s):

- 01. The development, by reason of the poor design, and the cramped and contrived layout of the flats, together with a lack of secure cycle storage and refuse storage, would provide an inadequate standard of accommodation and level of amenity for their future occupiers. The proposal is therefore unacceptable and contrary to the National Planning**

Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 02. The development is accessed from a classified road and does not provide adequate space for vehicles to enter and leave the site in a forward gear. This is contrary to the Council's Vehicle Crossing Policy and Application Guidance, and is found harmful to highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policy DM15 of the Southend-on-Sea Development Management Document (2015).**

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

10 Informative

- 01. Please note that this application would have been 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 may also be CIL liable.**

Delegated Report

Reference:	20/00212/FUL
Application Type:	Full Application
Ward:	St Laurence
Proposal:	Convert dwelling into two self-contained flats (Amended Proposal)
Address:	47 Prince Avenue, Southend-On-Sea, Essex
Applicant:	Hon Shu Pang
Agent:	A9 Architecture
Consultation Expiry:	13th March 2020
Expiry Date:	6th May 2020
Case Officer:	Robert Lilburn
Plan Nos:	1196 00, 1196 01, 1196 03E, 1196 04E, 1196 05E, 1196 06F, 1196 07E, 1196 08E, 1196 09E
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site contains a gable-fronted semi-detached dwelling on Prince Avenue. It is a two-storey building with rear-dormer roofspace accommodation. A side garage has been converted to living accommodation. The building is finished externally in painted render and red roof tiles, with upvc windows.
- 1.2 There is a dropped kerb and single-width vehicular crossing from Prince Avenue. The front boundary wall has been removed. The frontage is largely block-paved. The site has a relatively large rear garden.
- 1.3 The site is situated within a residential area of similarly-scaled dwellings. It is not specifically identified on the policies map of the Development Management Document. The site is within Flood Zone 1.
- 1.4 The submitted plans show the 'existing' layout as three flats. This arrangement is considered to be unauthorised.

2 The Proposal

- 2.1 Planning permission is sought to convert the dwelling house into two self-contained

flats. The submitted details show that the proposed accommodation would comprise at ground floor a one-bedroom, two-person flat measuring some 66sqm gross internal area (GIA) with a bedroom of some 17sqm floor area. The submitted plans show that there would be a living room of some 13.5sqm, a 5.5sqm dressing room and two unidentified rooms of some 5sqm each.

- 2.2 At the upper floor the development would provide a three-bedroom first and second floor maisonette which would notionally accommodate four persons. It would measure some 76.5sqm GIA, with a first floor bedroom of some 12.6sqm floor area, and two second-floor bedrooms of below 6.5sqm floor area each.
- 2.3 Outdoor amenity space would be accessible directly to occupiers of the ground floor flat in the rear garden. It is not clear whether the upper flat would have access to the rear garden; but it would not be directly accessible. The submitted plans show that a doorway at the front of building leads through a narrow passageway of some 0.6m width to the rear garden, independently of the internal accommodation.
- 2.4 Three off-street car parking spaces are shown on the submitted proposed layout plan occupying the paved frontage and accessed across both the established vehicular access and the footpath.
- 2.5 No details of cycle storage have been shown. A bin storage area is shown adjacent to the front door of the building. No external alterations are shown as part of the development, with the exception of the installation of a narrow door at each end of the single storey side projection, which has already been carried out.
- 2.6 The application has been submitted following a planning enforcement investigation. It follows two earlier refusals of planning permission. The most recent application 19/01096/FUL refused for the following reasons:

03. The development, by reason of the poor design, and the cramped and contrived layout of the flats, together with a lack of secure cycle storage and refuse storage, would provide an inadequate standard of accommodation and level of amenity for their future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. The development is accessed from a classified road and does not provide adequate space for vehicles to enter and leave the site in a forward gear. This is contrary to the Council's Vehicle Crossing Policy and Application Guidance, and is found harmful to highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

- 2.7 An earlier application, 18/01862/FUL, to 'Convert dwellinghouse into 3 self-contained flats and alter front elevation (Retrospective)' was refused for the following reasons:

07. The development involves the loss of a larger single family dwelling, reducing the stock of this valuable and limited residential resource for which there is a demonstrable need within the borough. This is unacceptable and contrary to the National Planning Policy Framework (2018), and Policies KP2 and CP8 of the Southend-on-Sea Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

08. The development, by reason of the poor design, and the cramped and contrived layout of the flats, would provide an inadequate standard of accommodation and level of amenity for their future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

09. The development is accessed from a classified road and does not provide adequate space for vehicles to enter and leave the site in a forward gear. This is contrary to the Council's Vehicle Crossing Policy and Application Guidance, and is found harmful to highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

2.8

The principal differences between the current application and the refused application 19/01096/FUL are as follows:

- The ground floor Flat 1 would have a through-door removed, resulting in access through the flat taking place outside;
 - The room labelled dressing room would be partitioned to create two smaller rooms, labelled dressing room, and not labelled.
- 2.9

The principal differences between the current application and the refused application 18/01862/FUL are as follows:

- Two smaller proposed ground floor flats would be amalgamated to form one larger flat;
 - The upper floors maisonette would be altered from a proposed one-bedroom, two-person flat with two bathrooms and a large store to a notional three-bedroom, four person flat.
- 2.10

2.11 Since the application 18/01862/FUL was determined, the revised National Planning Policy Framework (2019) came into force, replacing a previous version of the NPPF. It is considered that the contents of the revised NPPF do not materially alter the assessment of the impacts of the proposal.

It is noted that the submitted application form describes the existing use one residential unit. This appears to reflect the established use of the building. The submitted plans show the existing use an arrangement of three flats which appears to be unauthorised.

3 Relevant Planning History

- 3.1 19/01096/FUL: Convert dwelling into two self-contained flats. Refused.
- 3.2 18/01862/FUL: Convert dwellinghouse into 3 self-contained flats and alter front elevation (Retrospective). Refused.
- 3.3 04/00254/FUL: Alter hipped roof to form half hip and erect roof extension to rear. Approved.

4 Representation Summary

4.1 Public Consultation

7 neighbouring properties were notified and a site notice was posted. No letters of representation have been received.

4.2 Environmental Health

No objection.

4.3 Highways Team

There is a highway objection to this proposal. The applicant has not shown an extension to the existing crossover to allow vehicles to access the site. It is not considered that policy-compliant off street car parking can be provided. The dropped kerb vehicular access for 3 vehicles as shown would not be acceptable under the Council's Vehicle Crossing Policy & Application Guidance (2014). Vehicles will not be able to enter manoeuvre and leave in a forward gear which is also a requirement as Prince Avenue is a classified road.

4.4 Parks

Tree protection measures recommended. [**officer comment:** the proposal would not materially alter the existing arrangement of hardstanding and tree and shrub growth at the site].

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) and CP8 (Dwelling provision)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type) DM8 (Residential standards) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 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 development, design and impact on the character of the area, amenities of neighbouring occupiers, living conditions of future occupiers, car parking arrangements/transport considerations CIL and whether the application has overcome the earlier reasons for refusal.

7 Appraisal

Principle of Development

- 7.1 Policy KP1 of the Core Strategy seeks sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.
- 7.2 Policy CP4 requires that new development maintains and enhances the amenities, appeal and character of residential areas, securing and has a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs, and identifies housing targets for the Southend borough, and seeks to protect the supply of valuable residential resources including the stock of large single family dwellings.
- 7.3 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that optimises the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.4 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents.
- 7.5 Policy CP3 seeks to maintain highway safety and accessibility. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.6 The site is sustainably located in a reasonably accessible location. The proposal would add to the supply of housing within the urban area, re-using previously developed land. The proposal would lead to the loss of larger, family-sized accommodation. However it would provide additional smaller dwellings.
- 7.7 Para.80 of the Guide states that proposed accommodation mixes should reflect the local character. Larger, single family dwellings are a characteristic at this location and a feature of the street. Although there are flats in the area, they are not a prevailing feature.
- 7.8 The acceptability of the proposal is dependent on the detailed impacts which are considered below.

Design and Impact on the Character of the Area

- 7.9 Paragraph 127 of the NPPF states that local planning authorities should aim to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.10 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 7.11 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.12 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments” and that “proposed development [should] make a positive contribution to the local area”.
- 7.13 No external alterations are proposed, with the exception of the installation of a narrow door at each end of the single storey side projection, which has already been carried out. Car parking for three cars would be laid out on the front garden, facilitated by the recent removal of a low boundary wall, and of a small number of shrubs. The front garden is already predominantly hard standing.
- 7.14 It is considered that the proposed parking arrangements would be a negative aspect of the scheme from a design and appearance point of view. The frontage would be dominated by hard standing and car parking with no relief from soft landscaping. However many of the dwellings nearby have carried out similar alterations and subject to some additional soft landscaping which could be secured though a condition, it is considered that this aspect of the scheme would not justify refusal from a design and appearance point of view.
- 7.15 The side doors at the west end of the building are a small domestic feature and have no material impact on the character and appearance of the building.
- 7.16 The development does not materially harm the character and appearance of the building or the visual amenities of the site and surroundings, and is on balance acceptable and policy-compliant in this regard.

Impact on Residential Amenity

- 7.17 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
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- 7.19 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the

amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.

- 7.20 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*”.
- 7.21 The proposal would lead to more comings and goings in proximity to the living accommodation at the neighbouring houses on either side, compared to the established situation as a single dwelling. The gardens are relatively wide, and the road outside at Prince Avenue is subject to heavy traffic. In light of the modest increase in car parking entailed in the proposal, it is considered that the impact of additional parking and associated comings and goings would not be materially harmful to neighbouring occupiers.
- 7.22 The intensification of the use of the site would result in more people being at the property and this might cause some limited additional noise disturbance in general, in particular to occupiers of the adjoining dwellings. The density of accommodation proposed is not likely to cause material harm to neighbouring occupiers as a result of the number of people present.
- 7.23 Sound transmission is a matter for building regulations and environmental health legislation and in this instance it is considered that the potential for any increased disturbance is unlikely to cause sufficient harm to the amenities of nearby occupiers to an extent that would justify the refusal of the application on those grounds.
- 7.24 It is considered that the development as shown on the submitted plans is consistent with Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy by maintaining the amenities of the neighbouring occupiers to a reasonable degree, and is therefore acceptable in this regard.

Living Conditions for Future Occupiers

- 7.25 At para.127 the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Due regard may be had for Housing Technical Standards.
- 7.26 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 7.27 Further to this, from the 1st October 2015 the National Housing Standards have been adopted and state that the following internal floor space is required to ensure the development is in line with planning requirements:
- | | |
|---------------------------------|-----------------------|
| - dwelling (one storey): 50sqm; | One bed, two person |
| - dwelling (one storey): 61sqm; | Two bed, three person |
| - | Two bed, four person |

- 7.28 dwelling (one storey): 70sqm; Three bed, four person
 - dwelling (2 storeys): 84sqm;
 - dwelling (2 storeys): 93sqm. Three bed, five person

7.29 The proposed floor area and bedroom size at ground floor would exceed the minimum standard considerably, for a one-bed two-person dwelling. However the layout would be contrived and inappropriate, whereby for example access to the bedroom would be made via a kitchen and a shower room and toilet is accessed directly from the kitchen. The layout and provision of a sequence of small rooms is a strong negative aspect of the proposal.

7.30 The upper floor maisonette would fall considerably short in GIA of the standard required by the Technical Housing Standards. These set out that a single bedroom must measure at least 7.5sqm in floor area and 2.5m in width. The two second floor bedrooms would fall significantly short of the minimum room sizes; measuring 6.2sqm and 6.4sqm respectively. The former bedroom would measure 1.8m in width and benefit only from roof lights; the latter would measure 2.4m in width although would benefit from a rear dormer window. Taken in the round this is unacceptable.

7.31 Policy DM8 of the Development Management Document states that all new dwellings must make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The Council's Design and Townscape Guide states that "*Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development*". The quantity and quality of outdoor amenity space would be satisfactory in meeting the domestic and recreational needs of occupiers, although the relative inaccessibility of the rear garden to occupiers of the upper floor flat is strong negative feature.

7.32 Policy DM8 of the Development Management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st of October 2015 have been substituted by Building Regulation M4(2).

7.33 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide adaptable and accessible dwellings. No details have been supplied to demonstrate that the dwellings would be accessible and adaptable for all. As noted above the proposal is a contrived arrangement, and this would be a negative feature from an accessibility viewpoint. However, given the fact that the parameters of a conversion are fixed to a degree, it is considered that the proposal should not be required to accord with those standards.

7.34 Policy DM8 specifies amenity standards including cycle storage and refuse storage. According to the Southend-on-Sea Design and Townscape Guide refuse storage and recycling should not be visible from the street scene and as such, it should be located either internally to the development or to the rear of the property, to minimise the adverse visual impact.

7.35 The submitted plans show bin storage adjacent to the front door of the building, underneath the canopy. The limited space would affect the practicality of providing an enclosed, covered bin store (or siting wheeled bins as indicated), and of entering and leaving the building. Its siting next to the front door of the adjoining dwelling where it

could cause a disamenity to occupiers is a strong negative feature, as its siting potentially evident within the street scene.

- 7.36 Cycle storage has not been shown on the submitted plans. Given the site constraints this is also a matter of concern as there is no obvious scope for provision within the front curtilage as shown and the side access would appear to be too narrow to access the rear of the building with a bicycle.

The proposal would provide a cramped and inappropriate living environment with a poor standard of amenity for future occupiers, given the configuration and size of the flats and the lack of opportunity for appropriate secure cycle and refuse storage, which could otherwise be secured through a condition. The harm arising would not be outweighed by the benefit of providing an additional dwelling. The revised scheme has not overcome the earlier reason for refusal in this respect, is unacceptable and contrary to policy.

Traffic and Transportation Issues

- 7.37 Policy DM15 of the Development Management Document states that developments of flats should have at least one off-street car parking space per flat. Three parking spaces are shown to be provided within the front garden area. This quantity would exceed the Council's residential parking standards under Policy DM15.
- 7.38 Policies CP3 and DM15 seek to improve road safety, quality of life and equality of access for all. The Council's Vehicle Crossing Policy and Application Guidance is a material consideration. The proposals show access directly from the classified road with no opportunity for vehicles to enter, turn, and leave in a forward gear. This would conflict with the Crossing Policy and is considered harmful to road safety.
- 7.39 It is noted also that the proposed off-street car parking would require access across the footpath, separately to the existing standard crossing in situ at the west end of the site.
- 7.40 The proposals have failed to address the earlier reason for refusal in this respect and are unacceptable and contrary to the objectives of the above-noted policies in this regard.

Community Infrastructure Levy (CIL)

- 7.41 CIL Regulation 6 states that a change of use of any building that is currently used as a single dwelling (Class C3) to use as two or more separate dwellings (Class C3), should not be treated as development.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the development would lead to the loss of a valuable residential resource in the form of a larger family dwelling. It would however provide smaller dwellings. The proposal provides an unsatisfactory standard of accommodation for future occupiers. The development would be harmful to highway safety. The provision of an additional dwelling would not outweigh the materially harmful aspects of the development. The revised scheme has not overcome the earlier reasons for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason(s):

01.

The development, by reason of the poor design and the cramped and contrived layout of the flats, together with a lack of secure cycle storage and an appropriate solution for refuse storage, would provide an inadequate standard of accommodation and level of amenity for their future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02.

The development is accessed from a classified road and does not provide adequate space for vehicles to enter and leave the site in a forward gear. This is contrary to the Council's Vehicle Crossing Policy and Application Guidance, and is found harmful to highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

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

10 Informatives:

The development is not CIL liable and no charge would be payable.



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Reference:	18/00142/UNAU_B	<h1>9</h1>
Ward:	West Leigh	
Breach of Control:	External staircase and access to flats without planning permission	
Address:	1595 London Road, Leigh-On-Sea, Essex, SS9 2SG	
Case opened :	5 th May 2018	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

1595 London Road, Leigh-On-Sea, Essex, SS9 2SG



1 Site location and description

- 1.1 This report relates to a two storey building located within a terrace on the south side of London Road which contains a bar at ground floor and residential use at first floor. An external staircase, erected without planning permission, is located at the rear of the site and is visible from Barnard Road.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a bar within Class A4 use at ground floor and a flat at first floor level within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

3 Relevant Planning History

- 3.1 18/01690/FUL - Erect metal staircase to rear - Application refused and appeal dismissed.
- 3.2 19/00771/FUL - Erect metal staircase to rear, decking, glazed screen and railings to roof – Application refused.

4 The alleged planning breach and the harm caused

- 4.1 Without planning permission an external staircase has been erected to the rear of the site. From the top of the staircase users walk along the roof of the single storey element of the building to a first floor door in the rear of the building.
- 4.2 It has been found through determination of two planning applications and dismissal of a subsequent appeal against the first refusal that the external staircase is unacceptable as the sole, primary access to the flat due to its impracticality, unsafe nature and tortuous nature of the access path to the residential unit. It results in demonstrable harm to the living conditions of the current and future occupiers, does not provide an acceptable standard of accommodation and represents poor design.

5 Background and efforts to resolve breach to date

- 5.1 In May 2018 an enforcement case was raised regarding an alleged unauthorised external staircase which required planning permission but had not been obtained.
- 5.2 In September 2018 a planning application was submitted seeking to retain the unauthorised staircase, reference 18/01690/FUL and is attached as Appendix 1, and in November 2019 was refused permission on the following ground:

The proposed external staircase is unacceptable as the sole, primary access to the flat due to its impracticality, unsafe nature and the tortuous nature of the access path to the residential unit. For this reason it is considered that the proposed development results in demonstrable harm to the living conditions of the current and future occupiers, does not provide an acceptable standard of accommodation and represents poor design. This is unacceptable and is in conflict with the provisions of the National Planning Policy Framework 2018, Policy 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).

- 5.3 In December 2018 an appeal was submitted to the Planning Inspectorate, reference 18/00098/REFN, and was dismissed in March 2019. The full decision is attached as Appendix 2. The inspectorate found that the proposal was not compliant with local or national policies and concluded that:

The staircase would be fairly steep and it would be difficult to use while carrying shopping or other items. There would be only one handrail and there would be wide gaps between the vertical rails which would hamper access with young children and for the mobility impaired. In addition, these shortcomings would be amplified during inclement weather or in the hours of darkness. In combination the staircase and flat roof would not provide a satisfactory access for residents. I conclude that the development would not provide acceptable living conditions for existing and future occupants of the appeal site with particular regard to access.

- 5.4 In April 2019 an amended proposal, reference 19/00771/FUL was applied for and refused planning permission on the same grounds as application 18/01690/FUL in June 2019.
- 5.5 Correspondence has been exchanged between the Local Planning Authority and the owner of the site who has confirmed their intention to remove the staircase. However to date, no further planning application has been submitted in order to seek to overcome the reason for refusal of the retrospective planning applications and dismissed appeal and the external staircase is still in situation.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

- 6.1 The appended officer for planning application 18/01690/FUL sets out fully the basis for refusal of planning permission due to the identified harm.
- 6.2 The appended appeal decision concurs with those findings of harm.
- 6.3 While it is understood that the external staircase forms the sole primary access to the first floor flat, staff consider that it is proportionate and justified in the circumstances of the case that an enforcement notice should be served as this will bring further focus to the need for this harmful breach to be regularised. Service of an enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for an alternative means for access.
- 6.4 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to
- a) require the unauthorised external staircase to be removed
 - b) remove from site all materials resulting from compliance with (a) above.

- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

Appendix 1 – Officer's report 18/01690/FUL

Reference:	18/01690/FUL
Ward:	West Leigh
Proposal:	Erect metal staircase to rear (Retrospective)
Address:	Montys Bar, 1595 London Road, Leigh-On-Sea
Applicant:	Mr Steven Abbott
Agent:	A9 Architecture
Consultation Expiry:	10.10.2018
Expiry Date:	13.11.2018
Case Officer:	Kara Elliott
Plan Nos:	1186/01/A, 1186/02/A, 1186/03, 1186/04, 1186/05, 1186/06
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Retrospective planning permission is sought for an external staircase with landing to the rear of the existing building.
- 1.2 The metal staircase and landing has an overall width of approximately 6 metres, projects approximately 1.2 metres from the rear of the existing building and has a height of 4.2 metres, measured to the top of the balustrading from ground level. The landing has an overall floorspace of approximately 2.2 metres.

2 Site and Surroundings

- 2.1 The application site relates to the two storey building located within a terrace along London Road. A bar is located at the ground floor with residential above
- 2.2 The staircase is located at the rear of the application site and is viewed within Barnard Road. The applicant has confirmed that the staircase provides the primary, sole access to the first floor flat. From the top of the staircase, users walk along the roof of the single storey element of the building to a door at the rear of the building. The agent for the application has stated that, prior to the installation of the staircase the only way to access the flat was via a neighbour's external staircase which then required the occupier to walk over the neighbour's roof to be able to gain access to the property.
- 2.3 The site is not located within a conservation area or subject to any site specific planning policies.

3 Relevant Planning History

- 3.1 Extensive history mainly in relation to the bar at ground floor. None relevant to current application. It is noted that this application is made following planning enforcement investigations.

4 Planning Considerations

- 4.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, standard of living conditions for occupiers and CIL contributions.

5 Appraisal

Principle of Development

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

- 5.1 The application site is located within a residential area whereby extensions, alterations and ancillary additions to dwellings are considered acceptable in principle. The determining material planning considerations are discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (NPPF): Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and guidance contained within the Design and Townscape Guide (2009)

- 5.2 Paragraph 124 of the NPPF (2018) states that; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 5.3 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 5.4 Policy DM3 of the Development Management Document states that alterations and additions to a building will be expected to make a positive contribution to the character of the original building.
- 5.5 Policy KP2 of 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”*
- 5.6 The proposed development consists of a metal staircase located to the rear of the building. The stairs and landing are only partially visible from the streetscene as they are concealed behind a gate located within Barnard Road.
- 5.7 It is considered that as they are largely unavailable from the public view and as the scale and character of the staircase and platform satisfactorily respects the established characteristics of the site and surroundings, the proposal is therefore acceptable and consistent with the objectives of the policies and guidance outlined above in that regard.
- 5.8 It is considered that the proposed development would not result in a detrimental impact on the character and visual amenity of the dwelling or the wider area in compliance with The National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and The Design & Townscape Guide (2009).

Impact on Residential Amenity

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

- 5.9 Paragraph 17 of the National Planning Policy Framework seeks to secure high

quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 5.10 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”* Policy DM3 of the Development Management Documents seeks to avoid over-intensification and to resist a detrimental impact on the living conditions of existing, future and neighbouring residents
- 5.11 The Design and Townscape Guide also 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”*.
- 5.12 The development is not considered to result in demonstrable harm to the amenities of neighbouring occupiers from perceived or actual levels of loss of privacy or overlooking due to its use as a staircase i.e. not an area where one would spend time.
- 5.13 There is a window to the flank elevation of 8 Barnard Road which overlooks the staircase. However, for the reasons set out above and due to this window not serving a habitable room (obscure glass window serving staircase), it is not considered that the development results in a material loss of amenity to the occupiers of the neighbouring property.
- 5.14 The development is therefore considered acceptable and policy compliant on neighbour amenity grounds.

Standard of Accommodation

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

- 5.15 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.”*
- 5.16 Paragraph 217 of the Design and Townscape Guide states that entry to any building should be equally accessible to all users including pedestrians, cyclists, pushchairs, as well as those with specific needs.
- 5.17 Policy DM1 of the Development Management Document states that development must ensure safe and accessible entrances and routes.
- 5.18 The proposed external staircase provides the sole, primary pedestrian access to the first floor flat. This requires users to ascend the staircase and walk approximately 14 metres along the roof of the single storey part of the building to the entrance door to the flat. The roof is not enclosed by any form of guarding or

balustrading. The access arrangement is considered unacceptable due to its tortuous, impractical and unsafe nature.

- 5.19 It is noted that the previous access arrangement, as confirmed by the applicant, meant that occupiers had to use a neighbouring staircase accessed from Barnard Road and then walk over a neighbour's roof. This has been taken into account in the assessment of the application. However, this is not considered to outweigh the material harm identified within the current proposal when considered on its individual merits.
- 5.20 The development results in a substandard form of accommodation of demonstrable harm to the living conditions of the current and future occupiers and in failing to provide a decent form of access does not provide a good standard of accommodation, in conflict with the provisions of the National Planning Policy Framework (2018), Policy KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the adopted Design and Townscape Guide (2009).

CIL Charging Schedule 2015

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

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): Policies DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 The Design & Townscape Guide (2009)

7 Representation Summary

Leigh Town Council

- 7.1 No objection

Public Consultation

- 7.2 13 neighbours were notified and one letter of objection has been received which makes the following points;
- No right of way for freeholder or leaseholder to alleyway at the rear of the site or land in front of the bar;
 - Noise complaints in regard to ground floor bar;

- Should be noted the name of the bar is Belfair's not Monty's.

Officer Comment: The application does not relate to the ground floor bar use and noise complaints are controllable under separate legislation. The name of the bar is noted. It should be noted that ownership of land and right of way matters do not form material considerations in planning terms. The concerns are noted and they have been taken into account in the assessment of the application.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The proposed external staircase provides the sole, primary pedestrian access to the first floor flat. This requires users to ascend the staircase and walk approximately 14 metres along the roof of the single storey part of the building to the entrance door to the flat. The roof is not enclosed by any form of guarding or balustrading. The access arrangement is considered unacceptable due to its impracticality, unsafe nature and the tortuous nature of the access path to the residential unit. The previous access arrangement has been considered. However, this is not considered to outweigh the harm identified within this report.
- 8.2 The development results in a substandard form of accommodation of demonstrable harm to the living conditions of the current and future occupiers and does not provide a good standard of accommodation nor good design and is in conflict with the provisions of the National Planning Policy Framework (2018), Policy KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the adopted Design and Townscape Guide (2009).

9 Recommendation

REFUSE PLANNING PERMISSION

- 1 The proposed external staircase is unacceptable as the sole, primary access to the flat due to its impracticality, unsafe nature and the tortuous nature of the access path to the residential unit. For this reason it is considered that the proposed development results in demonstrable harm to the living conditions of the current and future occupiers, does not provide an acceptable standard of accommodation and represents poor design. This is unacceptable and is in conflict with the provisions of the National Planning Policy Framework 2018, Policy 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 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. The Local Planning Authority is willing to discuss the best course of action.

Case Officer Signature.....	Date.....
Senior Officer Signature.....	Date.....
Delegated Authority Signature.....	Date.....



Appeal Decision

Site visit made on 12 February 2019 by **Sarah Dyer BA BTP MRTPI MCMi**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2019

Appeal Ref:

APP/D1590/W/18/3217960 1595

London Road, Leigh-on-Sea SS9 2SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Abbott against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/01690/FUL, dated 6 September 2018, was refused by notice dated 20 November 2018.
 - The development is a rear staircase
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During my site visit I observed that a metal staircase was present on the site. The design of the staircase is not as shown on the submitted plans. For that reason, I have made my decision on the basis of the 'proposed' development as shown on the plans, rather than what has actually been constructed.
3. Revisions have been made to the National Planning Policy Framework during the course of my consideration of the appeal. Whilst the revised version was published in February 2019 (the revised Framework), no changes have been made to the content directly relevant to the subject matter of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal.

Main Issue

4. The main issue is whether or not the development would provide acceptable living conditions for existing and future occupants of the appeal site with particular regard to access.

Reasons

5. 1595 London Road (No. 1595) fronts the road and in common with other buildings in the terrace is in commercial use on the ground floor with residential accommodation above. To the rear of No. 1595 and the adjacent buildings are single storey flat roof structures which infill most of the space between the street facing parts of the terrace and the boundary.

6. The proposed staircase would provide access to the upper floors from the rear of the building. The top platform of the staircase would be at a similar level to the top of the parapet wall of the ground floor element of the building and the route from this point to the entrance to the living accommodation would be via the flat roof. Accordingly, the staircase would form an integral part of the access to their accommodation for residents.
7. The appeal scheme does not include any works to the flat roof. I have very limited details of the works to this area which the appellants refers to in his statement, thus I can only give these comments very limited weight in my determination of the appeal.
8. The staircase would be fairly steep and it would be difficult to use while carrying shopping or other items. There would be only one handrail and there would be wide gaps between the vertical rails which would hamper access with young children and for the mobility impaired. In addition, these shortcomings would be amplified during inclement weather or in the hours of darkness. In combination the staircase and flat roof would not provide a satisfactory access for residents.
9. I conclude that the development would not provide acceptable living conditions for existing and future occupants of the appeal site with particular regard to access. The development is therefore contrary to Policies KP2 and CP4 of the Southend on Sea Borough Council Core Strategy (2007) and Policy DM1 of the Southend on Sea Borough Council Development Management Document (2015) (the DM document). These policies jointly, amongst other things, require development to secure good relationships with existing development and to provide an external layout that takes account of all potential users.
10. The development would also not comply with the Southend on Sea Borough Council Supplementary Planning Document 1 Design and Townscape Guide (2009). This document, amongst other things, recommends that entry to any building should be equally accessible to all users. Similarly, the development would not provide a high standard of amenity for existing and future uses as set out in the National Planning Policy Framework.
11. I do not find Policy DM3 of the DM document, which deals with the efficient and effective use of land, to be relevant to the appeal. The effect of the development on the design and character of the appeal site or the surrounding area is not an issue upon which the Council based its reason for refusal and it is not, therefore, a matter before me.

Conclusion

12. For the reasons set out above the appeal is dismissed.

Sarah Dyer

Inspector

Appendix 3 – Site photograph





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