

Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL

**Development Control Committee**

**Date: Wednesday, 29th July, 2020**

**Time: 5.00 pm**

**Place: Virtual Meeting via MS Teams**

**Contact: Tim Row - Principal Democratic Services Officer**

**Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)**

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**TO: The Chair & Members of the Development Control Committee:**

Councillor N Ward (Chair)

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

**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Development Control Committee**

**Date: Wednesday, 4th March, 2020**

**Place: Committee Room 1 - Civic Suite**

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Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, J Beck, D Cowan, F Evans, D Garston, S Habermel, D Jarvis, H McDonald, C Mulroney, A Thompson, S Wakefield, C Walker and N Folkard\*.

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: P Geraghty, C Galforg, P Keyes, M Warren, T Row, T Hartley and G Gilbert

Start/End Time: 2.00 - 2.45 pm

**882 Apologies for Absence**

Apologies for absence were received from Councillors Chalk(No Substitute), Dear (Substitutue: Cllr Folkard) and Jones (No Substitute).

**883 Declarations of Interest**

The following declaration of interests were made at the meeting:

1. Cllr Borton – Agenda Item No. 6 (19/01732/AMDT - Unit At 411- 415 Sutton Road, Southend-on-Sea) – Non-Pecuniary Interest: Has been in contact with local residents concerning the application.
2. Cllr Mulroney – Agenda Item Nos. 7 (20/00046/FULH - 41 Western Road, Leigh-on-Sea) and 10 (19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: Non-Planning member of Leigh Town Council.
3. Cllr Walker – Agenda Item No. 10 (19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: Friend lives close to the application site.
4. Cllr Ward – Agenda Item No. 9 (19/00328/UNAU\_B - The Peter Boat Inn, Leigh-on-Sea) – Non-Pecuniary Interest: Owner is known to him.
5. Cllr Ward – Agenda Item No. 10 (19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: The company he works for has done work at this address.

**884 Minutes of the Meeting held on Wednesday 8th January 2020**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 8<sup>th</sup> January 2020 be confirmed as a correct record and signed.

**885 Minutes of the Meeting held on Wednesday, 15th January 2020**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 15<sup>th</sup> January be confirmed as a correct record and signed.

**886 Minutes of the Meeting held on Wednesday 5th February 2020**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 5<sup>th</sup> February 2020 be confirmed as a correct record and signed.

**887 19/01732/AMDT - Unit At 411- 415 Sutton Road, Southend-on-Sea (Victoria Ward)**

Proposal: Application to vary condition 12 (deliveries and refuse collection hours) to vary delivery hours to allow newspaper deliveries (Minor Material Amendment to planning permission 18/00679/AMDT dated 05.11.2018).

Applicant: One stop Stores Limited

Agent: Calfordseaden LLP

Resolved:-

(a) That the Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to expiration of the press notice and completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 2x1 bed and 7x2 bed units.
- Provision of Travel Packs for residents.
- Retail Travel Plan.

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

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

Location plan 001

16.563 200 P6 Proposed site plan and street scene

2244-17 rev 8 Soft landscaping - planting

FRNT\_16.563\_201\_P4 Block A floor plans

FRNT\_16.563\_202\_P4 Block B floor plans

FRNT\_16.563\_203\_P4 Block C Floor Plans  
FRNT\_16.563\_204\_P4 Block A elevations  
FRNT\_16.563\_205\_P4 Block B elevations  
FRNT\_16.563\_206\_P4 Block C elevations  
FRNT\_16.563\_208\_P4 Proposed overview floor plans

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

02 Soft landscaping shall be retained at the site in accordance with the approved plan No.2244-17 Rev 8. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

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

03 The development shall only be occupied in accordance with the agreed car park management plan approved under the application with planning reference 19/00447/AD. The parking spaces and car parking layout shall be permanently retained for the parking of occupiers, staff and visitors to the development.

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

04 The waste management and servicing of the development shall be carried out only in accordance with the details approved under the applications with planning references 18/02258/AD and 18/00290/AD.

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).

05 Secure, covered cycle parking shall be provided and thereafter retained to serve the residential development and the retail/commercial unit, in accordance with the details approved under application reference 18/00053/AD.

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

06 Construction shall be carried out in accordance with the Construction Method Statement approved under application reference 17/00883/AD. The approved Statement shall be adhered to throughout the construction period.

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

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

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

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

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

09 No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00 hours Mondays to Fridays and 08:00-13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays, with the exception of newspapers and magazines deliveries only, which shall be limited to one delivery per day by means of a vehicle no larger than a Category N1 as defined by the Vehicle Certification Agency (or equivalent category in the event of a future change of categorization or certification body) between the hours of 05:30-19:00 hours and prior to 07:00 shall not be delivered with means of trolleys or cages and from the roadside only.

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

10 The development shall be retained in accordance with the details of the implementation, maintenance and management of the scheme for surface water drainage works that have been approved in application reference 18/00053/AD.

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

11 External lighting shall be provided at the site in accordance with the details approved under application reference 19/00214/AD. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

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

12 The development shall be retained in accordance with the scheme for protecting the dwellings from noise from road traffic approved in application reference 18/00053/AD.

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

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

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

14 Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application reference 17/00884/AD.

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

15 The development shall be retained in accordance with the scheme of photovoltaic cells approved in application reference 18/00053/AD.

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

16 Any shopfront shall be installed in accordance with the approved details in application reference 19/00826/AD. The approved shopfront shall be installed prior to first occupation of the retail unit.

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

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

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

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

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

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

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

#### Informatives

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

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

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

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

05 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.



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

07 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.

(c) In the event that the planning obligation referred to in Part 9(a) above has not been completed by 5th March 2020 or a later date that has been agreed in writing by the local planning authority, the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for affordable housing and necessary transport mitigation measures contrary to the objectives of the National Planning Policy Framework, Policies KP1, KP2, KP3, CP3, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM7 and DM15 of the Southend-on-Sea Development Management Document (2015). In the absence of these planning obligations the application is found to be unacceptable.

**888 20/00046/FULH - 41 Western Road, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Erect first floor to convert bungalow into a two storey dwellinghouse and alter elevations (Amended proposal) (part retrospective).**

**Applicant: Mrs Sarah Phillips**

**Agent: Mr Andrew Feasey of CPS Architecture + Design**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in accordance with the following approved plans: 18\_1089-100, 18\_1089-101, 18\_1089-102-B, 18\_1089-103-A, 18\_1089-104-D, 18\_1089-105, 18\_1089-107, 18\_1089-106.

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

02 The first floor north facing (rear) windows shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

03 The development hereby permitted shall be completed in the following materials;

- Walls; white smooth render (ground floor), dark grey horizontal weatherboarding (first floor);

- Roof; red roof tiles;
- Windows & doors; dark grey/black upvc.

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

Informative

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](http://www.southend.gov.uk/cil) for further details about CIL.

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

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern 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. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.**

**889 19/00187/UNAU\_B - 155-161 Westborough Road, Westcliff-on-Sea (Westborough Ward)**

**Breaches of Control: Without planning permission, the construction of a two storey rear extension.**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) secure the removal of the 4.2m deep unauthorised two storey rear extension to comply with the plans approved under application ref 14/00379/FUL.
- b) remove from site all materials resulting from compliance with a) above

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the removal of the unauthorised extension and enlarged hard surface area.

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.

**890 19/00328/UNAU\_B - The Peter Boat Inn, Leigh-on-Sea (Leigh Ward)**

**Breaches of Control: Without planning permission, the construction of a smoking shelter in the forecourt of the public house car park**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) secure the removal of the unauthorised wooden structure (smoking shelter)
- b) remove from site all materials resulting from compliance with a) above

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 1 month is considered reasonable for the removal of the unauthorised shelter.

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.

**891 19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Erect 4no two storey semi-detached dwelling houses with associated landscaping and amenities, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal)**

**Applicant: Mr G Newton**

**Agent: Steven Kearney of SKArchitects**

Mr Burry spoke as an objector to the application. There was no respondent.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 385-P700, 385-P701, 385-P702, 385-P703A, 385-P704, GBU 2113

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

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

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

04 The first floor windows in the north and south elevations of the approved dwellings shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

05 The hard and soft landscaping and boundary treatments at the site shall be carried out in full accordance with the proposed landscaping scheme including street tree planting as shown on plans ref 385-P703A and GBU 2113 prior to occupation of the dwellings hereby approved. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of

planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

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

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08 The eight car parking spaces and the associated vehicular accesses for the spaces to access the public highway, shown on approved plan 385-P703A shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The tree and tree root protection measures as set out in Section 4 of the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 and associated tree protection plan reference 1874-02-P1 in relation to the trees identified as T1-T10 in this statement shall be implemented in full prior to commencement of the development and be retained throughout the construction phase of the development. The mitigation measures in relation to construction within the root protection areas of the trees denoted as T8, T9 and T10 in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 shall also be implemented in full during the construction works, including supervision of works by a qualified arboriculturalist. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

Reason: A condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

10 Prior to the commencement of the development the following information shall be submitted to and approved in writing by the local planning authority:

- i. Full details of the proposed tree works to trees T8 and T9 as identified in the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019.
- ii. Full design and construction details of the cellular confinement installation for the forecourt parking area including information on levels and the crossover referred to in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019

The development shall then only be carried out in accordance with the approved details and shall be completed in accordance with the approved details before the development is first occupied. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

11 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water

consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

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

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

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

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

14 Prior to the commencement of development, a full Phase 1 Habitat Survey of this site including a more in depth survey of badger activity and camera traps surveys, a scheme of any relevant biodiversity or wildlife mitigation measures to be implemented in association with the development and a timescale for their implementation shall be submitted to and approved in writing by the local planning authority. Any mitigation measures set out in the agreed report shall be implemented and completed in full in accordance with the agreed timetable.

Reason: A pre commencement condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

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

i) the parking of vehicles of site operatives and visitors

- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) measures to control the emission of dust and dirt during construction
- v) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
- vi) a detailed timetable for the supervision of works by a qualified arboriculturalist.
- vii) noise mitigation measures to be used during construction.

Reason: A pre commencement condition is justified in the interests of visual amenity and the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

16 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

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

17 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until full details of the existing and proposed levels to include the proposed dwellings, forecourts and landscaped areas relative to the adjoining land and any other changes proposed in the existing levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented and completed only in accordance with the approved details.

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).



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

03 The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

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

**Chairman:** \_\_\_\_\_



**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**  
**Meeting of Development Control Committee**

**Date: Monday, 18th May, 2020**

**Place: Virtual Meeting via MS Teams**

**4**

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

\*Substitute in accordance with Council Procedure Rule 31.

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

Start/End Time: 5.00 - 6.00 pm

**1 Apologies for Absence**

Apologies were received from Councillor Jarvis (Substitute: Councillor Folkard).

**2 Declarations of Interest**

The following declaration of interest was made at the meeting:

- (a) Councillor Jones – Agenda Item No. 4 (20/00261/BC4 - Southchurch High School, Southchurch Boulevard) – Disqualifying Non-Pecuniary Interest: Cabinet Member for Children and Learning, this is an education matter.

**3 Supplementary Report**

There was no supplementary report.

**4 20/00261/BC4 - Southchurch High School, Southchurch Boulevard, Southend-on-Sea (Southchurch Ward)**

Proposal: Erect three temporary porta cabins for use ancillary to Main School Building.

Applicant: Southchurch High School

Agent: Mr David Lillico of Portakabin Ltd

Councillor Jones withdrew from the meeting.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

2. The permission hereby approved is for a temporary period of only 2 years from the date of the permission. After 2 years from the date of the granting of this permission, the use hereby approved shall cease, all structures associated with this consent shall be removed from the site and the land shall be returned to its previous use as a car park.

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework (2019) and Policies KP1 and KP2 of the Core Strategy (2007).

3. The development hereby permitted shall be carried out solely in accordance with the following approved plans: DLSCHCLBP, DLSCHSSL 102, DLSCHSSL 072.

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

4. The construction works associated with the development hereby approved shall only be undertaken between 08:00 and 18:00pm Monday to Friday and 08:00 and 13:00 Saturdays and at no other time whatsoever.

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

Informatives:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

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

**5 20/00070/FULH - 80 Thorpe Hall Avenue, Thorpe Bay (Thorpe Ward)**

Proposal: Alter existing dormer windows to front and form Juliette balconies, alter elevations (Amended proposal)

Applicant: Mr & Mrs Harding

Agent: Mr Nick Kenney

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 871 THA/NAK/01 Rev D 16/01/2020, 871 THA/NAK/02 Rev D 16/01/2020.

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

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

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

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

Informatives

1. 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](http://www.southend.gov.uk/cil) for further details about CIL.

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

**6 20/00525/FULH - 29 The Drive, Westcliff-on-Sea (Chalkwell Ward)**

Proposal: Hip to gable roof extensions, extend existing dormer to rear and alter elevations (Partially Retrospective) (Amended Proposal)

Applicant: Mr & Mrs Diver

Agent: Mrs Lindsey Wislocki

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The proposed roof extensions would, by reason of their overall size, scale, design and siting, represent a discordant, incongruous and overly dominant feature which would be detrimental to the character and appearance of the host dwelling, the rear garden scene and the area more widely. This is contrary to the National Planning Policy Framework (2019); Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3; Design & Townscape Guide (2009).

**Chairman:** \_\_\_\_\_



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**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**  
**Meeting of Development Control Committee**

**Date: Monday, 18th May, 2020**

**Place: Virtual Meeting via MS Teams**

**5**

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

\*Substitute in accordance with Council Procedure Rule 31.

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

Start/End Time: 5.00 - 6.00 pm

**1 Apologies for Absence**

Apologies were received from Councillor Jarvis (Substitute: Councillor Folkard).

**2 Declarations of Interest**

The following declaration of interest was made at the meeting:

- (a) Councillor Jones – Agenda Item No. 4 (20/00261/BC4 - Southchurch High School, Southchurch Boulevard) – Disqualifying Non-Pecuniary Interest: Cabinet Member for Children and Learning, this is an education matter.

**3 Supplementary Report**

There was no supplementary report.

**4 20/00261/BC4 - Southchurch High School, Southchurch Boulevard, Southend-on-Sea (Southchurch Ward)**

Proposal: Erect three temporary porta cabins for use ancillary to Main School Building.

Applicant: Southchurch High School

Agent: Mr David Lillico of Portakabin Ltd

Councillor Jones withdrew from the meeting.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

2. The permission hereby approved is for a temporary period of only 2 years from the date of the permission. After 2 years from the date of the granting of this permission, the use hereby approved shall cease, all structures associated with this consent shall be removed from the site and the land shall be returned to its previous use as a car park.

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework (2019) and Policies KP1 and KP2 of the Core Strategy (2007).

3. The development hereby permitted shall be carried out solely in accordance with the following approved plans: DLSCHCLBP, DLSCHSSL 102, DLSCHSSL 072.

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

4. The construction works associated with the development hereby approved shall only be undertaken between 08:00 and 18:00pm Monday to Friday and 08:00 and 13:00 Saturdays and at no other time whatsoever.

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

Informatives:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

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

5 **20/00070/FULH - 80 Thorpe Hall Avenue, Thorpe Bay (Thorpe Ward)**

Proposal: Alter existing dormer windows to front and form Juliette balconies, alter elevations (Amended proposal)

Applicant: Mr & Mrs Harding

Agent: Mr Nick Kenney

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 871 THA/NAK/01 Rev D 16/01/2020, 871 THA/NAK/02 Rev D 16/01/2020.

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

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

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

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

Informatives

1. 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](http://www.southend.gov.uk/cil) for further details about CIL.

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

**6 20/00525/FULH - 29 The Drive, Westcliff-on-Sea (Chalkwell Ward)**

Proposal: Hip to gable roof extensions, extend existing dormer to rear and alter elevations (Partially Retrospective) (Amended Proposal)

Applicant: Mr & Mrs Diver

Agent: Mrs Lindsey Wislocki

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The proposed roof extensions would, by reason of their overall size, scale, design and siting, represent a discordant, incongruous and overly dominant feature which would be detrimental to the character and appearance of the host dwelling, the rear garden scene and the area more widely. This is contrary to the National Planning Policy Framework (2019); Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3; Design & Townscape Guide (2009).

**Chairman:** \_\_\_\_\_



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**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**  
**Meeting of Development Control Committee**

**Date: Wednesday, 27th May, 2020**

**Place: Virtual Meeting via MS Teams**

**6**

Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, J Beck, K Buck\*,  
L Burton\*, A Chalk, D Cowan, A Dear, M Dent\*, F Evans, D Garston,  
S Habermel, B Hooper\*, D Jarvis, A Thompson and S Wakefield

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors Cox and Woodley  
J K Williams, P Geraghty, K Waters, P Keyes, C White, T Hartley, T  
Row, R Harris, N Hoskins, C Woodcraft and A Smyth.

Start/End Time: 5.00 - 6.45 pm

**7 Apologies for Absence**

Apologies were received from Councillors Jones (Substitute: Cllr Burton),  
McDonald (Substitute: Councillor Dent), Mulroney (Substitute: Cllr Hooper) and  
Walker (Substitute: Cllr Buck).

**8 Declarations of Interest**

The following declarations of interest were made at the meeting:

- (a) Councillor Ayling - Agenda Item No. 4 (18/02302/BC4M - Seaway Car Park,  
Seaway, Southend-on-Sea) – Non-Pecuniary Interest: Has discussed the  
issue with seafront traders;
- (b) Councillor Hooper - Agenda Item No. 4 (18/02302/BC4M - Seaway Car Park,  
Seaway, Southend-on-Sea) – Non-Pecuniary Interest: An objector to the  
application is known to her; and
- (c) Councillor Wakefield - Agenda Item No. 4 (18/02302/BC4M - Seaway Car  
Park, Seaway, Southend-on-Sea) – Non-Pecuniary Interest: Is a  
subcontractor to Southend-on-Sea Borough Council, providing locks to car  
parks.

**9 Supplementary Report**

The Committee received a supplementary report by the Deputy Chief Executive  
and Executive Director (Growth and Housing) that provided additional information  
on the item.

10 **18/02302/BC4M - Seaway Car Park, Seaway, Southend-on-Sea (Milton Ward)**

**Proposal: Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block; the erection of 3 no. new buildings comprising a mixed-use leisure building with a cinema (3,590sqm of Use Class D2 floorspace), 3,256sqm of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sqm of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,612sqm of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park; an 2,961sqm 80 bedroom hotel (Use Class C1) with cafe; and, a 580 sqm building (Use Class A3, A5 or D2). Proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity substation.**

**Applicant: Turnstone Southend Ltd**

**Agent: Mr Matthew Hare of Carter Jonas**

A written submission by Mr Miller, a local resident objecting to the application was read out at the meeting. A written submission by Mr Deacon on behalf of the applicants was also read out in response.

Resolved:-

That the Planning Inspectorate be informed that, had an appeal for non-determination not been submitted and the Committee had the power to determine the application, the Committee would have GRANTED PLANNING PERMISSION subject to the following conditions:

**General**

01 No development is allowed to commence nor any condition to be discharged prior to the owner and the Council executing a Section 106 obligation in substantially the same form as the obligation annexed to the planning permission granted in respect of the application bearing ref. no. 18/02302/BC4M.

Reason: To ensure the development is not progressed until the necessary planning obligation is executed.

02 The development hereby permitted shall be begun no 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.

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

- S019/P3000.pl2 - Location Plan – submitted September 2019
- S019/P3001.pl2 - Existing Site Plan (Topographical Survey) – submitted September 2019
- S019/P3002.pl1 - Existing Building Elevations – Submitted January 2019
- S019/P3003 - Existing Building Elevations – Submitted January 2019
- S019/P3004 - Existing Building Plans - Submitted January 2019



- S019/P3005.pl3 - Demolition Plan – Submitted September 2019
- S019/P3006.pl2 - Proposed Site Plan – Submitted September 2019
- S019/P3007.pl2 - Proposed Lower Ground Level Plan – Submitted September 2019
- S019/P3008.pl2 - Proposed Ground Level Plan – Submitted September 2019
- S019/P3009.pl2 - Proposed Cinema Level Plan – Submitted September 2019
- S019/P3010.pl2 - Proposed Auditorium Level Plan – Submitted September 2019
- S019/P3011.pl1 - Proposed Roof Level Plan – Submitted September 2019
- S019/P3012.pl1 - Proposed Car Park Plans – Submitted September 2019
- S019/P3013.pl1 - Proposed Sections A and B – Submitted September 2019
- S019/P3014.pl1 - Proposed Sections C and D – Submitted September 2019
- S019/P3015.pl1 - Proposed Section E and F – Submitted September 2019
- S019/P3016.pl1 - Proposed Section G – Submitted September 2019
- S019/P3017.pl1 - Proposed Site Sections 1 – Submitted September 2019
- S019/P3018.pl1 - Proposed Site Sections 2 – Submitted September 2019
- S019/P3019.pl1 - Proposed Site Sections 3 – Submitted September 2019
- S019/P3020.pl2 - Proposed North Elevations – Submitted September 2019
- S019/P3021.pl2 - Proposed East Elevation – Submitted September 2019
- S019/P3022.pl2 - Proposed South Elevation – Submitted September 2019
- S019/P3023.pl2 - Proposed West Elevations – Submitted September 2019
- S019/P3024.pl2 - Unit R1 Proposed Ground Floor Plan – Submitted September 2019
- S019/P3025.pl1 - Unit R1 Proposed First Floor and Roof – Submitted September 2019
- S019/P3026.pl5 – Unit R1 - Proposed North and West Elevations –Submitted September 2019
- S019/P3027.pl5 – Unit R1 Proposed East and South Elevations – Submitted September 2019
- S019/P3028.pl1 - Unit R1 Proposed Section – Submitted September 2019
- S019/P3029.pl2 - Hotel Proposed Ground Floor Site Plan – Submitted September 2019
- S019/P3030.pl1 - Hotel Proposed Floor Plans – Submitted September 2019
- S019/P3031.pl2 - Hotel Proposed North Elevation – Submitted September 2019
- S019/P3032.pl2 - Hotel Proposed East Elevation –Submitted September 2019
- S019/P3033.pl2 - Hotel Proposed South Elevation – Submitted September 2019
- S019/P3034.pl3 - Hotel Proposed West Elevation – Submitted September 2019
- S019/P3035.pl1 - Hotel - Proposed Section A-A and B-B – Submitted September 2019
- S019/P3037.pl2 – Elevation/Section Detail 1 – Submitted September 2019
- S019/P3038.pl2 – Elevation/Section Detail 2 – Submitted September 2019
- S019/P3039.pl2 – Elevation/Section Detail 3 – Submitted September 2019
- 207
- S019/P3040.pl2 – Elevation/Section Detail 4 – Submitted September 2019
- S019/P3041.pl2 – Elevation/Section Detail 5 – Submitted September 2019
- S019/P3042.pl2 – Elevation/Section Detail 6 – Submitted September 2019
- S019/P3043.pl2 – Elevation/Section Detail 7 – Submitted September 2019
- S019/P3044.pl2 – Elevation/Section Detail 8 – Submitted September 2019
- S019/P3045.pl1 – Elevation/Section Detail 9 – Submitted September 2019
- S019/P3047.pl2 - Proposed Substation – Submitted September 2019
- S019/P3048 pl1 - Proposed Public Toilet Plan – Submitted September 2019
- S019/P3050 - Proposed South Elevation - Marine Parade – Submitted September 2019

- S019/P3051 - Proposed South Elevation - Lucy Road – Submitted September 2019
- S019/P3052.pl1 - Proposed Cycle Shelters (plans) – Submitted September 2019
- S019/P3053 - Proposed Cycle Shelters (Elevations) – Submitted September 2019
- S019/P3054.pl1 - Proposed Site Plan (Adopted Highway Boundary) – Submitted September 2019
- S019/P3056.pl2 Proposed Site Plan (with proposed area for stopping-up and adoption) – Submitted September 2019
- S019/P3057 - Proposed Site Sections 1 (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3058 - Proposed Site Section 2 (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3059 - Proposed Site Sections 3 (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3060 - Proposed North Elevations (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3061 - Proposed East Elevation (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3062 - Proposed South Elevation (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3063 - Proposed West Elevations (Existing Ground Line Overlay) - Submitted September 2019
- S019/P3066 - Servicing Strategy Diagram – Proposed Site Plan – Submitted September 2019
- S019/P3067 - Servicing Strategy Diagram - Proposed Lower Ground Floor Plan – Submitted September 2019
- S019/P3068 - Servicing Strategy Diagram - Proposed Ground Level Plan – Submitted September 2019
- S019/P3069 - Servicing Strategy Diagram Service Corridor Plan – Submitted September 2019
- S019/P3070 - Servicing Strategy Diagram Service Corridor Section – Submitted September 2019
- 739\_SC\_300\_P02 Landscape Sections 1 of 2 - Submitted September 2019
- 739\_SC\_301\_P02 Landscape Sections 2 of 2 – Submitted September 2019
- 739\_PL\_001\_P07 General Arrangement Plan - Submitted September 2019
- 739\_PL\_002\_P05 Rendered Landscape Masterplan – Submitted September 2019
- 6113-D-AIA\_E – Prelim AIA – Submitted September 2019

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

### **Construction**

04 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to, and approved in writing by the local planning authority. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials

- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: This pre-commencement condition is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of Southend Central Area Action Plan (2018).

05 No development shall take place, including any works of demolition, unless and until a Construction Noise and Vibration Management Plan and Strategy has been submitted to, and agreed in writing by the local planning authority, for the control, mitigation and monitoring of noise and vibration from the construction phase. The approved Construction Noise and Vibration Management Plan and Strategy shall be adhered to in full throughout the construction period.

Reason: This pre-commencement condition is required the interests of visual amenity and the amenities of occupiers and in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of Southend Central Area Action Plan (2018).

06 Demolition and construction works associated with this permission shall not take place outside 7.30am to 6pm Monday to Friday, 8.00am to 1.00pm Saturdays and at no time on Sunday or public holidays.

Reason: In order to protect the character and visual amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of Southend Central Area Action Plan (2018).

07 No development shall take place, including any works for demolition unless and until a Car Park Construction Mitigation Strategy, including a communication strategy along with a temporary signage strategy that includes providing supplementary temporary VMS signage linked to the Council's VMS, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of available on-site public car parking during the construction period, which shall be made available where reasonably practicable. The approved Car Park Construction Mitigation Strategy shall be fully adhered to during the period of construction.

Reason: This pre-commencement condition is required to ensure that adequate car parking is provided and retained in accordance with Policies KP2, KP3 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and Policies DS5, CS1 and CS1.2 of Southend Central Area Action Plan (2018).

## Noise

08 Prior to the first occupation of any buildings hereby approved by this permission or the bringing into use any area of car parking, a Noise Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details of how customer noise and behaviour is managed on and off the premises; staff behaviour including but not limited to opening/closing premises; deliveries; waste disposal and storage; external space management; site maintenance; signage, staff training and, dealing with customer complaints. The Noise Management Plan shall be implemented as approved prior to the first use of the development and thereafter retained in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP and Policies KP2 and CP4 of the Core Strategy (2007).

09 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, noise as a result of this development, from all noise sources including plant and equipment together with extract ventilation from any A3, A5 and D2 units shall not exceed 10 dB(A) (including tonal elements) below the background noise level as measured and expressed as a LA90, over a 15 minute period, from the boundary of the neighbouring residential properties, in perpetuity. Before the development is brought into use background noise levels shall be established for the following periods:

Daytime: 0700 to 1900

Evening: 1900 to 2300

Night: 2300 to 0700

In order to establish background noise level a representative baseline noise survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person and shall be submitted for approval prior to the installation of any plant or equipment across the site or the site being brought into use. The background noise level survey shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

10 No development shall be undertaken other than demolition unless and until details of an acoustic barrier along the eastern boundary of the site adjacent to the rear of the residential properties along Hartington

Road, and around the hotel has been submitted to and approved in writing by the local planning authority. The approved acoustic barrier shall be completed in accordance with the approved details prior to any demolition or construction works and shall thereafter be retained in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core

Strategy (2007).

11 There shall be no external speakers installed at any part of the site. There shall be no amplified music played or use of public address systems in any external areas of the site. This shall include any amplified music from speakers in the doorways of all premises of any use hereby approved.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with Policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

12 Notwithstanding the information submitted and otherwise hereby approved, the proposed substation shall not be constructed unless and until full details of the acoustic insulation of this building have been submitted to and approved in writing by the local planning authority. The substation shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

13 Notwithstanding the information submitted and otherwise hereby approved, the proposed leisure building incorporating the cinema shall not be constructed unless and until the full details of the acoustic insulation of the cinema have been submitted to and approved in writing by the local planning authority. The leisure building shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

## **Landscaping**

14 No development, excluding works of demolition, shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details must include the following as a minimum:

- i. Proposed finished levels or contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- vii. Details of the number, size, e.g. semi-mature trees species and location of the trees and shrubs to be planted together with a planting specification and details of

the management of the site e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site;

viii. Maintenance Programme;

ix. Timetable for completion of the soft landscaping and planting.

x. Evidence of compatibility of landscaping scheme with the proposed drainage and other site services.

xi. Details of any trees to be retained at the site.

The hard landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the

Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to policy KP2 and CP4 of the Core Strategy (2007), DM1 of the Development Management Document (2015) and CS1 and CS1.2 of the SCAAP (2018).

15 No development shall take place, including any works for demolition unless and until, a detailed Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the local planning authority. Details must include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

Reason: This pre-commencement condition is required to minimise the environmental impact of the development and to minimise the risk to retained trees in accordance with KP2, CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and Policy CS1.2 of SCAAP (2018).

Land Contamination

16 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing

by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

i) A survey of extent, scale and nature of contamination;

ii) An assessment of the potential risks to:

- human health;
- properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
- An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land

Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the local planning authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: This pre-commencement condition is required to ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with Policy KS2, KP3 and CP4 of the Core Strategy (2007), DM14 of the Development Management Plan (2015) and CS1.2 of the SCAAP (2018).

### **Odour**

17 Notwithstanding the details submitted and otherwise hereby approved, prior to the occupation of each building a scheme for the ventilation of that building and the treatment of all smells and fumes including the details of the acoustic attenuation of all equipment for that building shall be submitted to and approved in writing by the local planning authority. The schemes shall include details of equipment for the suppression of fumes, odours and/or dust including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment. The approved scheme for each building shall be implemented and completed prior to the first occupation of that building and managed in accordance with the approved maintenance regime in perpetuity.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and visual amenities of the area in accordance with Policy PK2 and CP4 of the Core Strategy (2007).

### **Flooding**

18 No drainage infrastructure shall be installed unless and until the detailed design of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing with the local planning authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented and completed prior to the first occupation of the development and maintained in accordance with the approved details for the lifetime of the development. The scheme shall address the following matters:

a. Provide evidence of infiltration tests in accordance with BRE365 and if infiltration is found to be viable provide information in relation to the potential for ground instability or deterioration in groundwater quality because of infiltration.



- b. Provide an updated drainage layout plan indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Updated engineering plans shall be provided for each of the Sustainable Urban Drainage Systems (SuDS) and critical drainage elements, including the flow control features.
- c. Provide information on the management of health and safety risks in relation to feature design.
- d. Provide a system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long-term economic viability
- e. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
- f. Provide a method statement for the management of surface water runoff arising during the construction
- g. Provide evidence of consent from Anglian Water to discharge at the proposed discharge rate and location.

Reason: To ensure adequate drainage is provided by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 of the Core Strategy (2007) and DS4 SCAAP (2018). Hours of Operation/Serviceing

19 No service vehicles associated with the development hereby approved shall be permitted along Herbert Grove between the hours 1900 hours - 0700 hours Monday - Friday, 1300 hours - 0800 hours Saturday and at no time on Sundays and Bank or Public Holidays. No deliveries shall be taken at or dispatched from the approved service bays on Lucy Road, the service area that serves the standalone building on Lucy Road or the service area to the rear of the hotel between the hours of 1900 hours 0700 hours Monday - Friday, 1300 hours - 0800 hours Saturday and at no time on Sundays and Bank or Public Holidays. During these restricted service hours, all servicing at the site must take place on the service lay by on the main site access, as approved and shown on drawing S019 P3054.pl.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework (2019), Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

20 Notwithstanding the details submitted with this application no take-away collection or pick-up delivery activities other than by non-motorised vehicles shall be undertaken from the public highway in Herbert Grove associated with the A3, D2 and A5 uses hereby approved at any time.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the

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

21 The A3, A5 and D2 uses (other than the permitted cinema facility) hereby approved shall not be open to customers outside the hours of 0700 hours - 0000 hours.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework (2019), Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

22 The cinema facility hereby approved shall not be open to customers outside the hours 0700 hours – 0000 hours, with the exception of a maximum of three screens and the associated circulation space that shall be allowed to operate 0700 - 0300 hours.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework, Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

23 The use of all external seating areas associated with and served by the buildings hereby approved shall be restricted to 1200 - 2000 hours Monday to Thursday, 1200-2100 hrs Friday to Saturday and 1200 – 2000 hours Sunday, Public holidays and Bank Holidays. The use of the external balcony of the unit on Lucy Road shall be restricted to 1200-2300 hours at all times. No customers shall be seated or served outside, during the excluded hours.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the NPPF, Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

## **Lighting**

24 Notwithstanding the details submitted and otherwise hereby approved, all details of the external lighting to be installed in the development hereby approved shall be submitted to and approved by the local planning authority before any part of the development is commenced, other than demolition. The development shall be carried out in accordance with those approved details before the development is first occupied or brought into use and retained as such thereafter.

Reason: In interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan. (2015).

25 Notwithstanding the details submitted and otherwise hereby approved, a detailed Lighting Management Plan, including measures to reduce unnecessary light pollution and energy uses shall be submitted to and approved by the local planning authority prior to the first occupation of the development hereby approved.

The lighting at the site shall be managed in accordance with the approved details of the approved plan and retained as such thereafter.

Reason: In interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2007) and Policies DM1 and DM3 of the Development Management Plan (2015). Waste Management

26 Notwithstanding the details submitted and otherwise hereby approved, prior to the first occupation of any part of any building hereby approved a Waste Management Plan and Service Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include full details of the refuse and recycling facilities. Waste Management and Servicing of the development hereby approved shall be implemented prior to occupation in strict accordance with the approved details and carried out in perpetuity thereafter.

Reason: To ensure that the development is satisfactorily serviced, and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), and Policies DM1 and DM3 of the Development Management Plan (2015).

## **Design**

27 A design code for the ground and lower ground floor units in the leisure building and the café unit in the hotel building, hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development (excluding works of demolition). The Design Code shall include details of shopfront treatments and signage strategy for these units. All treatments of the external facades of the units including applications to discharge Condition No. 31 shall be required to be implemented in accordance with the approved Design Code.

Reason: To safeguard character and appearance of surrounding area, the adjacent listed and locally listed buildings and the Clifftown Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3 and DM5 of the Development Management Plan (2015) and Policy CS1.2 of the SCAAP (2018).

28 Prior to commencement of development (excluding works of demolition), the details of any external seating areas associated with and served by the development hereby approved, shall be submitted to and approved by the local planning authority. Details are to include layout, details of any temporary or permanent structures and visual containment proposals to protect prevailing residential amenity. The seating areas shall be operated and laid out in accordance with the approved details and shall remain as such in perpetuity.

Reason: In order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

29 No development above ground level shall be undertaken unless and until full details and plans of the cladding on the main leisure building (to include sections of individual panels and larger sections) have been submitted to and approved in

writing by the Local Planning Authority. The details shall include design specifications for the cladding and include details of all fixings, profiles, offsets, angles and edge details. The development shall be carried out in accordance with the approved details before it is occupied and be permanently retained as such thereafter.

Reason: In order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

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

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework (2019), Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015)

31 Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until samples, full specifications and details of the materials to be used on all external elevations of all buildings hereby approved, including all cladding, roofs, balconies, balustrades, fenestration and all screen/boundary walls and fences, have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, no structure such as canopies, fences, loggias, trellises, telecommunication apparatus or satellite or radio antennae shall be installed within the development or on the buildings without the receipt of express planning permission from the local planning authority.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

33 Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the proposed plant enclosures have been submitted to and approved in writing by the local planning authority. The details shall include specification of materials, colours and any lighting proposed. The plant enclosures shall then be implemented and completed in complete accordance with the approved details prior to the first use of the development and thereafter retained permanently.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

34 Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the glazing to the south-western corner of the leisure building have been submitted to and approved in writing by the local planning authority. The glazing shall be implemented and completed in accordance with the approved details prior to the first use of the development hereby approved.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

### **Transport/Car Parking**

35 No part of any building hereby approved shall be occupied and the car park shall not be first opened to the public until a Car Parking Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the layout and number of car parking spaces, timings for the delivery of on-site car parking spaces, the proposed car park charging scheme, and the management of availability of car parking spaces during low and high peak periods. The parking spaces shall be made available in full accordance with this approved Plan from its approval. All parking spaces in the development shall be available for members of the public and shall not be reserved for the use of any particular building or users.

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), Policy CP3 of the Core Strategy (2007) and Policies CS1.2 and DS5 of the SCAAP (2018).

36 Prior to first occupation of any part of any building hereby approved or the car park being open to the public, details of the number and location of electric car charging points to be installed in the car park shall be submitted to approved in writing by the local planning authority. At least 20% of all the car parking spaces

shall have an electric charging point provided capable of charging vehicles from the outset and every car parking space shall be future proofed so that electric charging points can be installed when demand requires, e.g. four-way duct and drawpits to all service bays. The development shall be implemented in accordance with the approved details before it is brought into use.

Reason: In the interests of providing sustainable transport choices in accordance with Policy KP2 and CP3 of the Core Strategy (2007) and DM2 and DM15 of the Development Management Plan (2015).

37 No part of any building hereby approved shall be first occupied unless and until full details of the covered and secure cycle parking have been submitted to and approved in writing by the local planning authority.

This shall include provision for not less than 102 cycle spaces, of which 30 must be made available for staff cycle parking. The development shall be carried out in accordance with those approved details before the development is first occupied or brought into first use and shall be retained as such in perpetuity.

Reason: To ensure that adequate cycle parking is provided and retained to serve the commercial development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).

38 Notwithstanding the details submitted with this application, no part of any building hereby approved shall be first occupied unless and until full details of the proposed disabled car parking across the site's car parks have been submitted to and approved in writing by the local planning authority. Details shall include the number of spaces, locations and specification of layout. The spaces shall be implemented in full compliance with the approved details prior to the first occupation of the development, or the bringing into use of the surface car park and shall be retained in perpetuity thereafter.

Reason: To ensure that adequate disabled car parking is provided and retained to serve the commercial development in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Plan (2015) and DS5 and CS1.2 of SCAAP (2018).

## **Energy and Sustainability**

39 No development (excluding demolition) shall take place above ground floor slab level until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve Very Good BREEAM level.

Reason: This pre-commencement condition is required in the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

40 No building hereby approved shall be first occupied unless and until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Very Good" has been achieved for that building.

Reason: In the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015). 41 Prior to the first occupation of any building within the development hereby approved a scheme detailing how at least 10% of the total energy needs of that building is to be supplied using on site renewable sources must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the building in question. This provision shall be made available for use for the lifetime of the development.

Reason: To ensure that the development maximises the use of renewable and recycles energy, water and other resources, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Plan (2015).

## **Ecology**

42 No development above ground level (excluding works of demolition) shall be undertaken unless and until details of the number, location, and specifications of bat and bird boxes have been submitted to and agreed in writing by the local planning authority. The installation of the approved bird and bat boxes shall be carried before the development hereby approved is first occupied or brought into first use and shall thereafter be retained in perpetuity.

Reason: To minimise the environmental impact of the development and to minimise the risk to protected species in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

43 All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive, unless it is necessary for works to commence in the nesting season, then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out by a suitably qualified ecologist. Only if there are no active nests present shall work be allowed to commence within the bird nesting season.

Reason: To minimise the environmental impact of the development and to minimise the risk to protected species in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

44 Notwithstanding the details submitted and otherwise hereby approved, no demolition hereby approved shall take place unless and until all buildings to be demolished have been first checked by a suitably qualified ecologist and it has been demonstrated that there are still no signs of any bat roosting activity in the buildings to be demolished. In the event that evidence of bat roosting activity is found no further works that might otherwise affect roosting bats shall take place until a suitable scheme of mitigation for impacts on bats has been submitted to the local planning authority and approved in writing. The scheme shall only be progressed in full accordance with the scheme of mitigation as approved under this condition.

Reason: To minimise the environmental impact of the development and to minimise the risk to protected species in accordance with Policies KP2 and CP4 of the Core Strategy (2007). CCTV

45 Prior to the first occupation of the development hereby approved, details of a CCTV scheme to serve the internal and external areas of the development shall be submitted to and agreed in writing with the local planning authority. The details shall include the location of CCTV equipment (including CCTV to cover the multi-level car park in the leisure building hereby approved), its management, monitoring of activity, policing and maintenance. The installation of the CCTV shall be carried out in accordance with the approved details before the development hereby approved is first occupied or brought into first use. The CCTV shall thereafter be operated in accordance with the approved details and shall be retained permanently thereafter.

Reason: To protect the residential amenities of nearby occupiers, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy CS1.2 of SCAAP (2018).

### **Public Art**

46 Notwithstanding the details shown on the plans submitted, and otherwise hereby approved, the development shall not be first occupied unless and until full details of the public art to be provided to the north of St John's Square has been submitted to and approved in writing by the local planning authority. The approved public art shall be provided in full prior to the first use of the development hereby approved

Reason: To comply with policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and Policy CS1.2 of SCAAP (2018).

### **Highways**

47 No development above ground floor slab level shall be undertaken unless and until, the Local Planning Authority has approved in writing a full scheme of highway works (including detailed designs and contract details) associated with the development which has previously been submitted to the local planning authority. The development and the associated highway works shall thereafter be undertaken in accordance with the approved details before the development is brought into use.

Reason: In the interests of Policies KP2, KP3 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Plan (2015) and Policy DS5 of SCAAP (2018).

### **Toilets**

48 The toilet facilities accessed via Lucy Road hereby approved shall be open to the public at all times and shall be retained in public use in perpetuity.

Reason: In the interest of amenities in the area, to protect the level of provision of amenities for the community in accordance with Policy CP6 of the Core Strategy 2007.



## **Positive and Proactive Statement**

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

## **Informatives**

1 In relation to Condition 47 you are advised to contact our Highways Service to discuss the requisite Highways Agreements under the Highways Act 1980, Town and Country Planning Act 1990 and Road Traffic Regulation Act 1984. You are advised that we are likely to accept the completion of a legal agreement under section 278 and section 38 of the Highway Act in order to satisfactorily discharge this condition. The relevant legal agreements must be in place before any works are carried out to the public highway. A separate Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 will be required for that part of the site within the public highway.

2 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](http://www.southend.gov.uk/cil).

### **3 Highways Informative**

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

### **4 Additional comments from Essex & Suffolk Water include:**

Essex and Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food and Rural Affairs. We understand that a planning

application has been made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulation 1999.

5 For clarity notwithstanding the information submitted and otherwise hereby approved this permission does not permit the installation of any shared space.

6 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), the Licensing Act 2003 and the noise provisions within the Control of Pollution Act 1974.

Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

7 Demolition Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials. It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under the Building Act 1984.

8 The applicant must consult with Anglian Water regarding the provision of sewerage for foul and surface water. As a major application the applicant shall also need to consult with the Lead Local Flood Authority for the provision of SUDs.

9 It is recommended that applicants consult any premises licensing conditions attached to premises and also note the general obligations under the Licensing Act 2003 for the prevention of public nuisance. Notwithstanding this it is advisable to take all necessary precautions to prevent a nuisance occurring from entertainment on the premises and to this effect monitor noise around the perimeter of the premises during events.

10 The Council shall expect that the applicant or main contractor for construction and demolitions applies for a Prior Consent under section 61 of the Control of Pollution Act 1974.

11 Please note that if a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with London Southend Airport. Any crane applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com).

12 The applicant is reminded of their responsibilities under the provisions of the Wildlife and Countryside Act.

**Chairman:** \_\_\_\_\_

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

Date: Wednesday, 1st July, 2020

Place: Virtual Meeting via MS Teams

# 7

Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear, M Dent, F Evans, N Folkard\*, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney, A Thompson and S Wakefield

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor McGlone  
P Geraghty, K Waters, C Galforg, P Keyes, C White, M Warren, T Row, T Hartley, C Woodcraft, T Smyth and G Gilbert

Start/End Time: 5.00 - 7.35 pm

#### 107 Apologies for Absence

Apologies were received from Councillor Walker (Substitute: Cllr Folkard).

#### 108 Declarations of Interest

The following declarations of interest were made at the meeting:

1. All Committee Members – Agenda Item No. 7 (20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) – Non-Pecuniary Interest: Fellow Councillor and Committee Member lives on St Bennets Road.
2. All Councillors – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: All Councillors received emails from objectors to the application
3. Cllr Ayling – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary Interest: Is a member of the Shoebury Watermans Association
4. Cllr Ayling – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: Has responded to an email regarding a resident's concerns
5. Cllr Beck – Agenda Item No. 4 (20/00315/FUL - Baryta House, Victoria Avenue, Southend-on-Sea) – Non-Pecuniary Interest: Has received correspondence from residents regarding the application
6. Cllr Beck – Agenda Item No.7 ((20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) – Non-Pecuniary Interest: Lives in close proximity to the application site.
7. Cllr Chalk – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary Interest: Has been involved in the development of East Beach.
8. Cllr Cowan – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: Has given advice on how the planning system works to residents
9. Cllr Cowan – Agenda Item No. 8 (18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea) – Non-Pecuniary Interest: Has received messages from concerned residents.

10. Cllr Garston: Agenda Item No. 7 (20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) Non-Pecuniary Interest: Has advised neighbours on the application.
11. Cllr Garston – Agenda Item No. 8 (18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea) – Non-Pecuniary Interest: The objector is known to him.
12. Cllr Jarvis – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary interest: Is a resident of the Garrison and is a member of the Shoebury Coastal Community Team.
13. Cllr Mulronev – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Disqualifying Non-Pecuniary Interest: Portfolio holder for parks.
14. Cllr Wakefield – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road) – Non-Pecuniary Interest: has been involved in the development of East Beach
15. Cllr Wakefield – Agenda Item No. 8 (18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea) – Disqualifying Non-Pecuniary Interest: The applicant is known to him

## **109 Supplementary Report**

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

## **110 20/00315/FUL - Baryta House, Victoria Avenue, Southend-on-Sea (Victoria Ward)**

Proposal: Erect four storey building comprising 9no. flats with undercroft car park and reconfigure car park to rear of Baryta House

Applicant: Shaviram Southend Ltd

Agent: Mr Daniel Rose of D. Rose Planning LLP

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

1. The proposed development, by reason of the inadequate and poor quality external amenity spaces provided would result in substandard living conditions for the future occupiers of the site, providing a poor quality residential environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
2. The proposed development would provide insufficient parking for the proposed self-contained flats and the existing flats at the site to the material detriment of highway safety and free flow of the local highway network. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

## **111 20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: 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

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)

**Applicant: Ms Bailey**

**Agent: Ms Raichel Warren of SKArchitects**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 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 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

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 must make every effort to ensure that visitors to the development are encouraged to park within the existing public car parks and not to park in the surrounding residential roads.

04 The applicant must make every effort to ensure that workers and equipment used in association with this development do not negatively impact the environment, including by trampling vegetation, leaving waste on site and disturbing/damaging/destroying protected species.

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.

**112 20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea (Thorpe Ward)**

Proposal: Erect new spectator stand to sports pitch  
Applicant: Mr Jerry Omango  
Agent: Mr Darren Munsey

Cllr Mulroney withdrew from the meeting for this agenda item

Ms Lynam spoke as an objector to the application  
Mr Munsey Responded

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 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, and not at all on Saturdays, 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.

#### 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](http://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.

**113 20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea (Prittlewell Ward)**

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).

Applicant: Mr Paul miller

Agent: BDA Architecture

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: 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 18.150/10/rev D, 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.

#### 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](http://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.

#### **114 18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea (St Laurence Ward)**

Breaches of Control: Without planning permission, the conversion of a single dwelling to 3 self-contained flats

Cllr Wakefield withdrew from the meeting for this agenda item

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED 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

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of

proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the cessation of use as 3 self-contained flats.

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.

**115 18/00142/UNAU\_B - 1595 London Road, Leigh-on-Sea (West Leigh Ward)**

Breaches of Control: External staircase and access to flats without planning permission

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) require the unauthorised external staircase to be removed
- b) remove from site all materials resulting from compliance with (a) above.

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

**Chairman:** \_\_\_\_\_

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**DEVELOPMENT CONTROL COMMITTEE**

**AGENDA: 29<sup>th</sup> July 2020**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
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<b>Main Plans Report</b>		
<b>Milton</b>	20/00544/FUL	48 Argyll Road Westcliff-On-Sea
<b>Belfairs</b>	20/00739/FULH	100 Eastwood Road Leigh-On-Sea
<b>West Leigh</b>	20/00760/FULH	115 Tattersall Gardens Leigh-On-Sea
<b>Southchurch</b>	20/00800/FUL	2 Coptfold Close Southend-on-Sea
<b>Chalkwell</b>	20/00875/FULH	29 The Drive Westcliff-On-Sea
<b>St Laurence</b>	20/00953/TPO	59 The Bentleys Eastwood

# DEVELOPMENT CONTROL COMMITTEE

## INTRODUCTION

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

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

### **Background Papers**

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

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



## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away
  
- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution
  
- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation
  
- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

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<b>Reference:</b>	20/00544/FUL	<h1>8</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Erect attached two storey building to rear to form nine-bedroom rehabilitation accommodation, layout associated amenity space.	
<b>Address:</b>	48 Argyll Road, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	Dr B Bekas	
<b>Agent:</b>	Mr Colin Stone of Stone Me Ltd	
<b>Consultation Expiry:</b>	21st May 2020	
<b>Expiry Date:</b>	31st July 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>1825 05A, 1825 08a, 1825 09</b>	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located on the south-western side of London Road and is currently occupied by a single-storey, flat-roofed, rear extension to 48 Argyll Road with the rest of the hardsurfaced site being used as a car parking area. The property at 48 Argyll Road, which is used as a GP surgery, is under the same ownership but the main building is not included within the application site. There is on site provision of five parking spaces and an access ramp to the GP surgery. The ground on site slopes upwards towards the south-east.
- 1.2 London Road in this area has a mixture of uses with a town centre character, offering a vibrant street scene with active frontages. Argyll Road is predominantly a residential street with two-storey buildings with traditional gabled roofs and bays. No planning-related designations affect the application site or the area.

## **2 The Proposal**

- 2.1 Planning permission is sought for the partial demolition of the existing single storey rear extension to 48 Argyll Road and the erection of a two-storey, semi-detached building to be used as a specialist nine-bed, in-house detox and rehabilitation facility. The building is proposed to be two-storey in nature with two front projecting gabled features measuring up to 8.9m in height, 11.6m in depth and 13.3m in width with the main part of the building measuring 11.3m wide by 6.1m deep. The surface finishes proposed are face brickwork and smooth render on the walls, plain tiles to the roof and uPVC windows and doors. A pedestrian access is proposed to be located to the front of the building. To the rear it is proposed to form a yard to be used as amenity space. No parking would be provided on site. The application is supported by a Design and Access Statement.

## **3 Relevant Planning History**

- 3.1 The proposal was informed by detailed pre-application advice. Other than that, there is no relevant planning history.

## **4 Representation Summary**

- 4.1 The application has been called in for consideration by the Development Control Committee by Councillors George and Nevin.

### **Public Consultation**

- 4.2 Twenty-five (25) neighbouring properties were consulted and a site notice was displayed. Eighty-five (85) representations, including a petition with forty-nine (49) signatories, objecting to the application have been received and are summarised as follows:

- The proposal would be out of character in the area and overcrowding of the site.
- Impact in neighbours' residential amenity in relation to noise and disturbance, overlooking and creation of an overbearing environment.
- Inadequate parking provision on site and poor parking conditions in the area.
- The location is not appropriate for this development.
- Loss of existing GP surgery.
- Crime rates and anti-social behaviour, including drug dealing, will increase as a result of the proposal and the area will decline further.

- Residents will be fearful to leave their homes.
- The application was publicised during the lockdown and consultation was inadequate.
- Impact on workers within the health and care sectors who live in the area and would need to face the patients they work with near their homes.
- The proposal will not contribute to the economic growth of the area.
- There is already a detox centre in the area.
- Trespassing on neighbouring property.
- Inadequate waste management.

4.3 The comments have been taken into consideration and those relevant to planning matters are discussed in the relevant sections of the report. Other than the reasons stated in section 9 of this report the objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

4.4 One (1) representation supporting the application has been received and is summarised as follows:

- The proposal will help and look after people and the applicant deserves support.

#### **Children's Services and Public Health**

4.5 Object - There is no need for this provision in Southend. Children's facilities would not be mixed with adults. Normally, detoxification and rehabilitation would be carried out outside the community. The location of the site is close to areas of known substance use. The main service offered is an ambulatory detox programme.

#### **Parks**

4.6 No comments.

#### **Fire Brigade**

4.7 No objections.

### **5 Planning Policy Summary**

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

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

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM9 (Specialist Residential Accommodation), DM11 (Employment Areas), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 Waste Storage, Collection and Management Guide for New Developments (2019)

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

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application include the principle of the development, design and impact on the street scene and wider area, residential amenity for neighbouring occupiers, the amenities of future occupiers, traffic and parking implications, energy and water sustainability and whether the development would be liable for CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.

### Erection of building

- 7.2 Policy DM3 of the Development Management Document states that: "All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
  - (ii) Conflict with the character and grain of the local area; or
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."
- 7.3 Criteria (i) and (iii) are discussed in detail in the relevant section of the report. In summary it is considered that the impact of the proposal on the residential amenity of neighbouring occupiers, including the impact on their garden space, would be detrimental to such a degree as to justify the refusal of the application for this reason. The proposed building would not conflict with the character and grain of the local area in line with criterion (ii). As the site is already hardsurfaced, there would be no loss of ecological assets in accordance with the stipulations of criterion (iv). While a level of built form would be acceptable in this location the principle of the erection of the building sought in this location is considered unacceptable.

### Provision of care facilities and specialist accommodation

- 7.4 Policy CP6 of the Core Strategy seeks to ensure the needs of all residents, including disabled and other vulnerable groups are met providing for health and social care facilities. Policy DM9 of the Development Management Document states that development proposals for specialist residential accommodation will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that:

- i. there is a clearly identified need in Southend; and
- ii. there is no existing capacity for such facilities within Southend; and
- iii. it will not lead to an over concentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services e.g. health and social care; and
- iv. it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and
- v. it is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.

7.5 The proposal would represent a new specialist in-house detoxification and rehabilitation facility in the Borough. It is intended to use the facility for children and adults in need. The submitted Design and Access Statement includes some evidence regarding the need for such facilities. However, the submitted evidence does not relate directly to the Borough. The Council's Children and Public Health Services advise that there is no identified need in the Borough for this facility and that there is an existing facility in Shoeburyness which is not used by the Council given that most cases are dealt with by the available ambulatory service. This ambulatory service allows for people in need for detoxification and rehabilitation to receive treatment at their homes. When a need of in-house facilities is identified, the cases normally are directed away from town centres and the community as these arrangements require more commitment from patients as per standard practice. On the basis of the submitted evidence it has not been demonstrated that there is an identified need in Southend for the proposal or that there is no existing capacity within other facilities in Southend. The proposal would fail to meet criteria (i.) and (ii.) stated above.

7.6 Third parties advised that there is a similar facility in the vicinity of the site. This could not be established from available evidence and it is considered that the proposed development would not lead to overconcentration of facilities in the area. Furthermore, the proposal would not result in the loss of an existing important use. The partial demolition and change of use of the rear extension to the existing GP surgery would not be detrimental to the operation of the facility. It is noted that the location of the site is in an area with an acceptable level of services and facilities, including public transport and shops. The identified harm and conflict with the above mentioned criteria are not outweighed by the absence of conflict with criteria (iii.) to (v.). Given that the provision of the proposed facility in terms of its use is not adequately justified, the principle of the proposal is unacceptable and contrary to policy requirements. Other material planning considerations are discussed in the following sections of the report.

### **Design and Impact on the Character of the Area**

7.7 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."

- 7.8 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.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.9 Regarding the layout of development, as already discussed in previous sections of the report, the provision of an infill development would not be unacceptable in principle on this site. The grain of local development would not prohibit an infill development. The proposed building would respond positively to the constraints of the site and would follow the established notional building lines resulting in an acceptable layout. The scale of the proposed building would respect the scale of other development within the streetscene and would not appear out of place.
- 7.10 The form of the building would not be incongruous in the area. The use of front projecting gabled features to create interest is a traditional style of building. The proposed scheme has borrowed some visual cues and design features, including materials, from nearby buildings. The frontage of the proposed building would appear suitably defined and balanced. The proposed openings are well proportioned and would provide a satisfactory internal environment for users in terms of daylight, sunlight and outlook. The proposal would be of acceptable form and appearance. The choice of materials would also be a traditional combination and would be acceptable.
- 7.11 The indicative landscaping to the front would soften the appearance of the proposal. Details of species and maintenance, as well as details of the hard landscaping, including the boundary treatment of the site, could be secured by conditions were the application otherwise found to be acceptable. Overall, subject to conditions, the proposal would have an acceptable impact on the character and appearance of the area and would be policy compliant in the above regards.

### **Living Conditions for Future Occupiers**

- 7.12 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 7.13 As already discussed in paragraph 7.10 of this report, all habitable rooms would have acceptable outlook and benefit from acceptable levels of daylight and sunlight. The building is shown to have step-free access and the internal dimensions of the ground floor appear to be suitable for wheelchair users in compliance with building regulation M4 (2). Were the application to be found otherwise acceptable, a condition could be imposed to secure compliance with building regulation M4 (2). The amenity provision to the rear of the building of some 37.5m<sup>2</sup> would be satisfactory for the type of accommodation proposed. Given that the proposed building would front London Road, sound insulation measures would need to be incorporated in the fabric of the building and its openings in order to avoid any materially harmful impact to future users.



A condition could secure details and implementation of such measures were the application otherwise acceptable. In the round, the proposal would, subject to condition, result in acceptable living conditions for future occupiers and would be in line with policy stipulations in these regards.

### **Impact on Residential Amenity**

- 7.14 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.15 The proposed building would be up to 8.9m high, with the eaves being up to 6.3m above the lower part of the ground level on site, and would be located between 2m and 3.6m to the north of the amenity space of 46 Argyll Road and 3.3m to the east of the private amenity space of the flats at 402 London Road. The scale and bulk of the development coupled with its distance from the neighbouring properties would create an undue overbearing impact to neighbouring occupiers that would materially harm their residential amenity. Occupiers of these two properties would experience the creation of a detrimental sense of enclosure while the ground floor east-facing flat at 402 London Road would also experience a materially harmful loss of outlook. Whilst it is noted that a comparable relationship exists between the building at 2 Ceylon Road and its neighbours, this does not justify the identified harm when assessed on its individual merits.
- 7.16 Given the location of windows and distance from neighbouring properties, on balance, it is not considered that the proposal would cause any materially harmful overlooking or loss of privacy to any neighbouring property. Given the orientation of development, no materially harmful loss of daylight or sunlight has been identified. Concerns have been raised by third parties about noise and disturbance. Given the nature of use proposed it is not considered that the proposal would result in any detrimental increase in noise level in the area. It is noted that London Road is an area with high ambient noise levels. A condition to control the hours and method of construction could be imposed. In the round, the proposed development is unacceptable and contrary to policy in the above regards.

### **Traffic and Transportation Issues**

- 7.17 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.18 The proposal does not include any provision for parking and would result in the loss of five existing spaces. Although not a formal arrangement, it is understood that the existing spaces were used by patients of the existing GP surgery. The parking standards require a maximum of one space for the proposed use and four spaces for the GP surgery. The surgery benefits from two spaces accessible on Argyll Road.

The applicant claims that the site benefits from being in a sustainable location and that patients who would use the facility are not anticipated to drive due to their circumstances. However, there is limited justification regarding the parking needs for employees in the facility and the lost spaces for the GP surgery. Whilst it is accepted that London Road is indeed sustainable, with access to bus routes and within reasonable walking distance from Westcliff train station, it is not considered that sufficient justification has been provided to ensure that the proposal would not have a detrimental impact on the highway safety or free flow of the highway network of the area. No cycle parking provision is shown on site. This could be secured by condition. The proposal is unacceptable and contrary to policy in the above regards.

### **Energy and Water Sustainability**

- 7.19 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.20 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage could be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area if the proposal were otherwise found to be acceptable. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

### **Community Infrastructure Levy (CIL)**

- 7.21 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 the proposed development is unacceptable and contrary to local and national planning policies. The proposal has failed to demonstrate that there is local need for the proposed use, it would result in material and detrimental harm to the residential amenity of neighbouring occupiers in terms of loss of outlook, creation of sense of enclosure and overbearing relationship and it has not been demonstrated that there would be adequate parking provision on site to avoid a potential materially harmful impact on highway safety and free flow of traffic on the adjacent highway network. The benefits of the proposal, including the provision of the specialist in-house detoxification and rehabilitation facility, a community based facility to support vulnerable members of the society, would not outweigh the significant and material harm and conflict with policy identified. The application is, therefore, recommended for refusal.

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

- 01** A local Southend need for the proposed use has not been clearly identified in the submission and it has not been demonstrated that there is no capacity within similar existing facilities in the Borough. No benefits which outweigh this harm have been advanced. This application is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2, CP4 and CP6 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM9 of the Southend-on-Sea Development Management Document (2015).
- 02** The proposed development, by reason of its size, scale and location, would result in material harm to the residential amenity of neighbouring occupiers in terms of an overbearing effect and sense of enclosure at 46 Argyll Road and properties at 402 London Road and a loss of outlook for the ground floor occupiers at 402 London Road. This is an unacceptable form of development which is contrary to the National Planning Policy Framework (2019); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).
- 03** The submission fails to demonstrate that the proposed development would not result in a potentially materially harmful additional on-street parking and traffic in an area of existing parking stress where there are limited opportunities for on-street parking, to the detriment of highway safety and free flow of traffic. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

#### **Informatives:**

- 1** 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.

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The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

This drawing must be read with and checked against any structural or other specialist drawings provided.

Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.

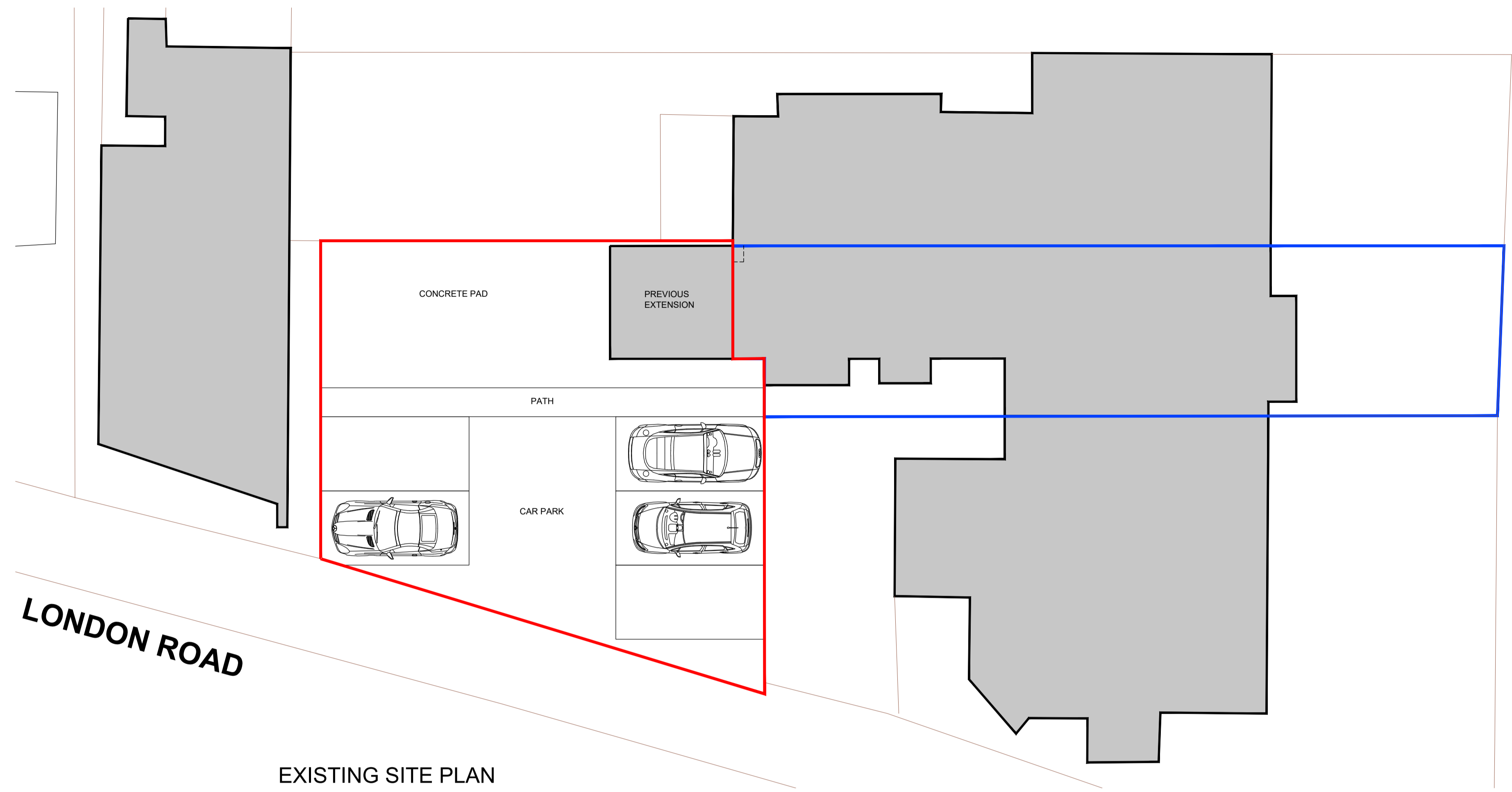
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.

This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.

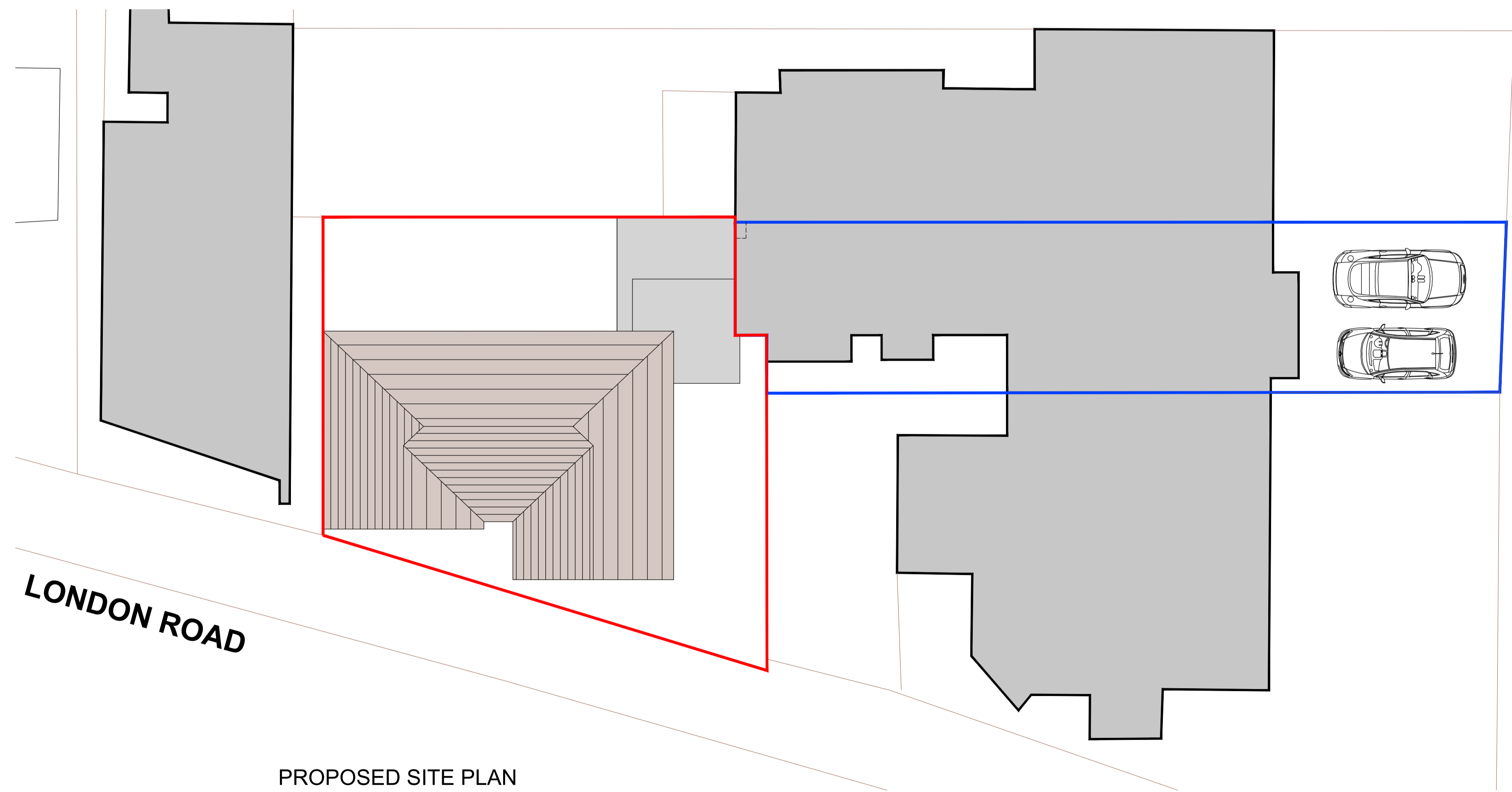
This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation.

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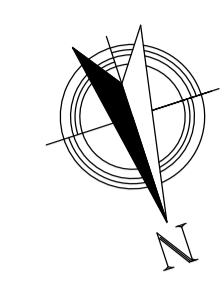
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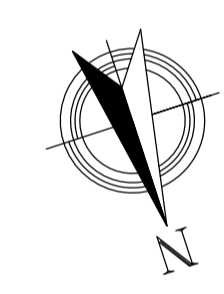
EXISTING SITE PLAN  
Scale 1:100



PROPOSED SITE PLAN  
Scale 1:100



ARGYLL ROAD

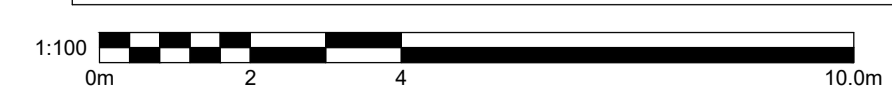


ARGYLL ROAD



LOCATION PLAN Scale 1:1250

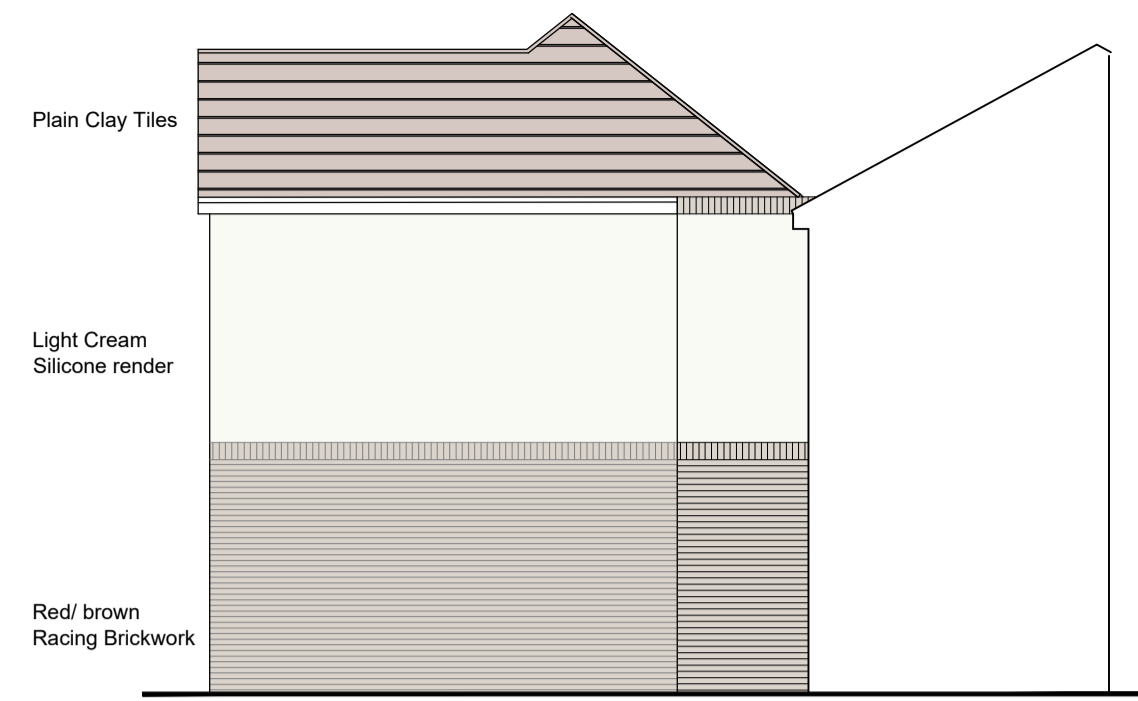
REV:	DATE:	AMENDMENT:
<b>STONE Me!</b> ARCHITECTURE & INTERIOR DESIGN		
5 FOUNTAIN LANE, HOCKLEY, ESSEX, SSS 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	DR B BEKAS	
Project:	48 Argyll Road WESTCLIFF-ON-SEA SS0 7HN	
Drawing:	EXISTING AND PROPOSED SITE PLANS WITH LOCATION PLAN	
Issue:	Client	Pre-App Planning B.Cont As Built Other
Date:	19.12.2019	Scale: 1:100 / 1:1250 @ A1
Project No.:	1825	Drawing No.: 05A



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**PROPOSED FRONT ELEVATION**  
Scale 1:100



**PROPOSED SIDE ELEVATION**  
Scale 1:100

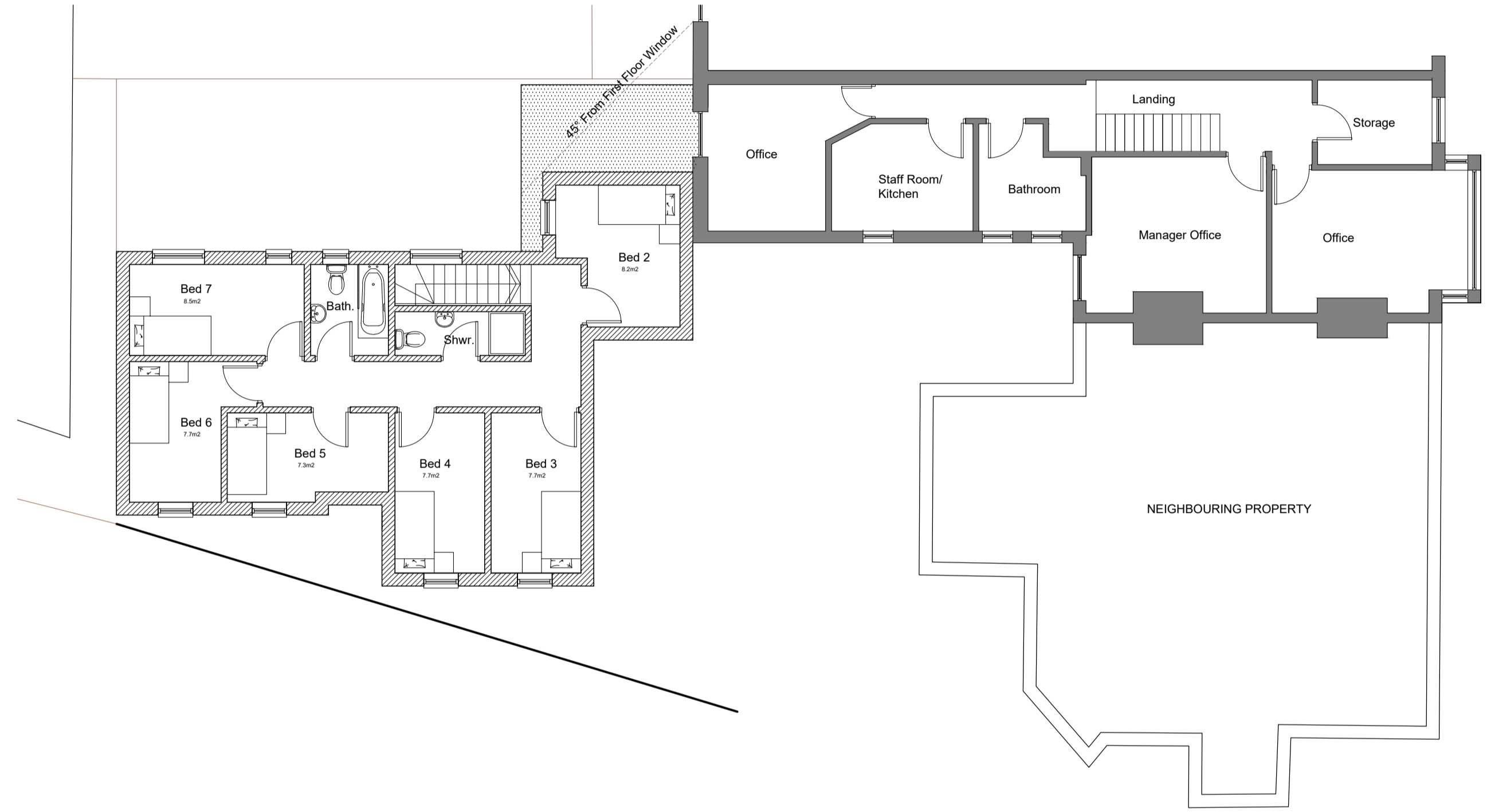


**PROPOSED REAR ELEVATION**  
Scale 1:100

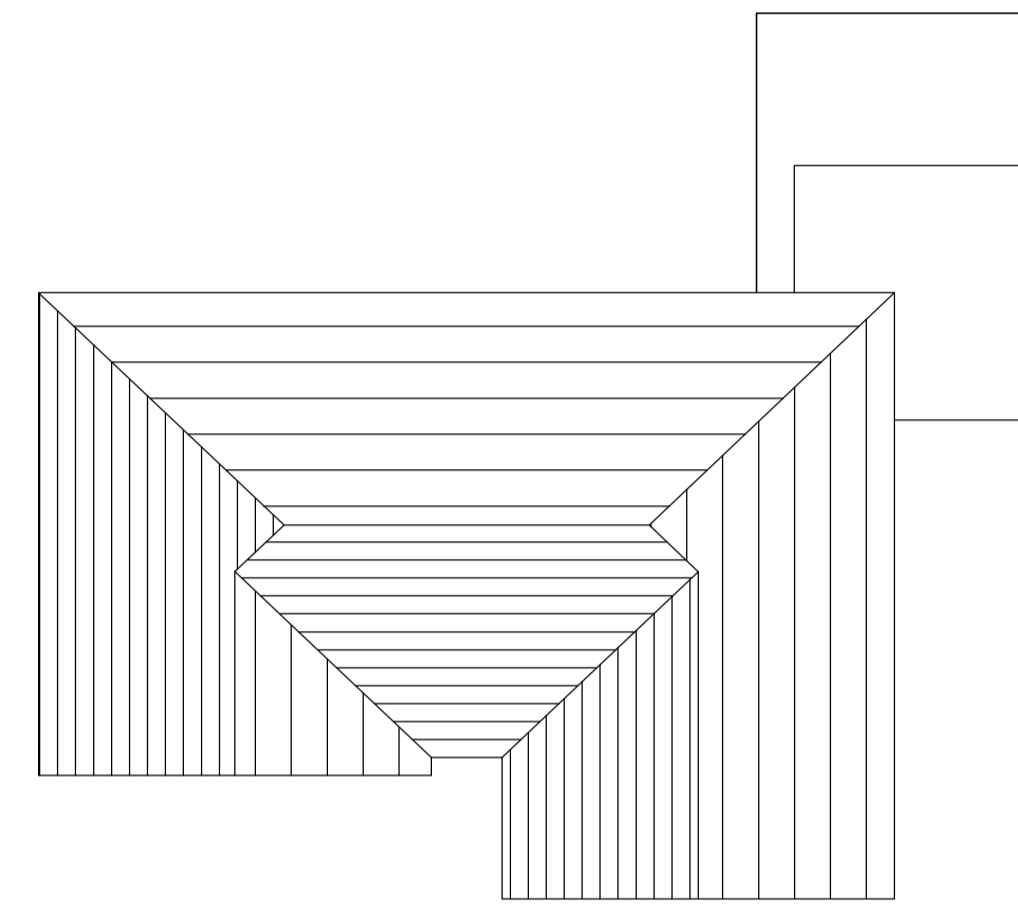


**PROPOSED SIDE ELEVATION**  
Scale 1:100

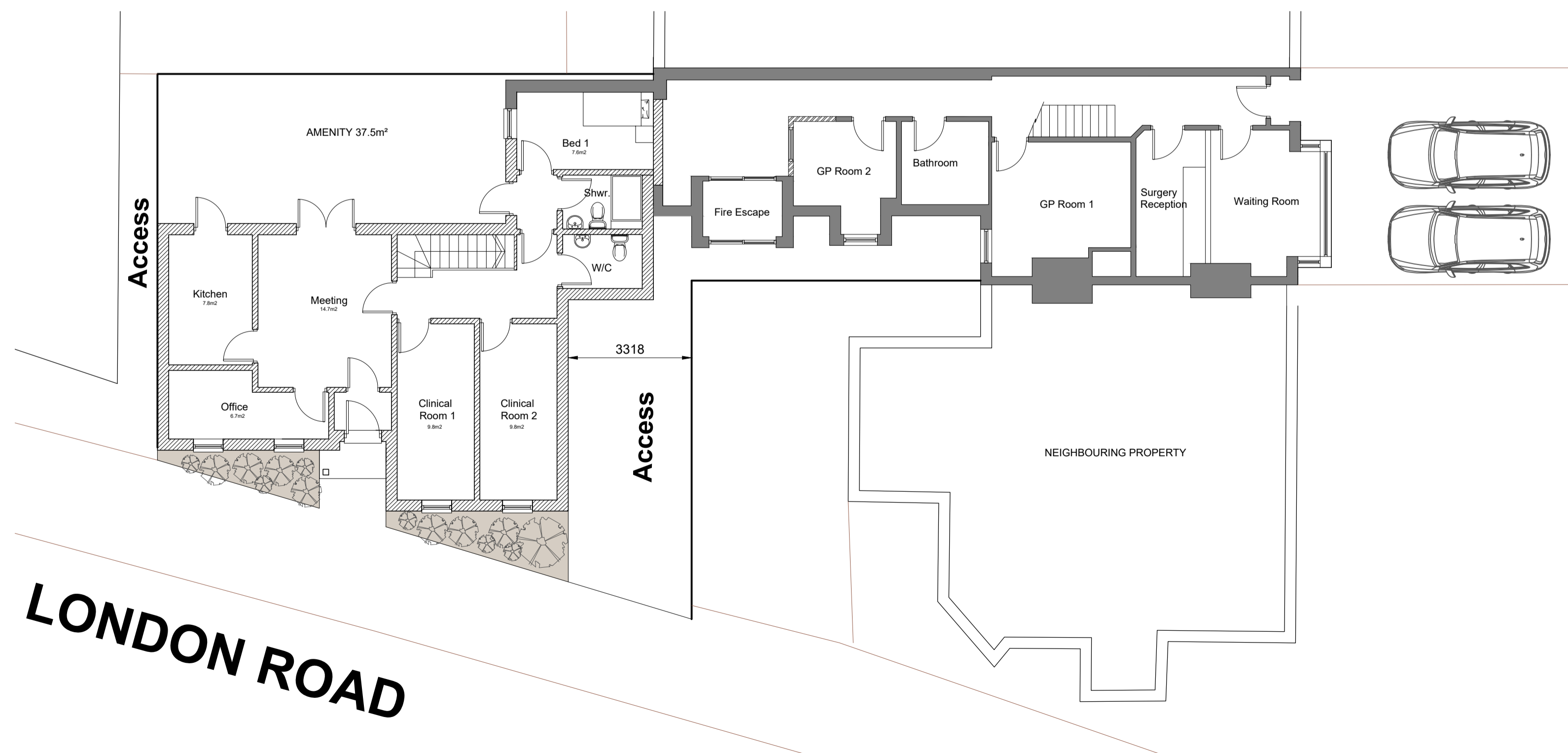
The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.  
This drawing must be read with and checked against any structural or other specialist drawings provided.  
Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.  
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.  
This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.  
This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation.  
STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD.  
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**FIRST FLOOR LAYOUT**  
Scale 1:100



**ROOF LAYOUT**  
Scale 1:100



**GROUND FLOOR LAYOUT**  
Scale 1:100

**LONDON ROAD**

REV:	DATE:	AMENDMENT:
<b>STONE Me!</b> ARCHITECTURE & INTERIOR DESIGN 5 FOUNTAIN LANE, HOCKLEY, ESSEX, SSS 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	DR B BEKAS	
Project:	48 Argyll Road WESTCLIFF-ON-SEA SS0 7HN	
Drawing:	PROPOSED PLANS	
Issue:	Client	Pre-App Planning B.Cont As Built Other
Date:	31.01.2020	Scale: 1:100 @ A1
Project No.:	1825	Drawing No.: 08a

1:100 0m 2 4 10.0m

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The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

This drawing must be read with and checked against any structural or other specialist drawings provided.

Any discrepancies found on this drawing are to be notified to STONE MEI DESIGN LTD prior to commencement of work.

The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.

This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.

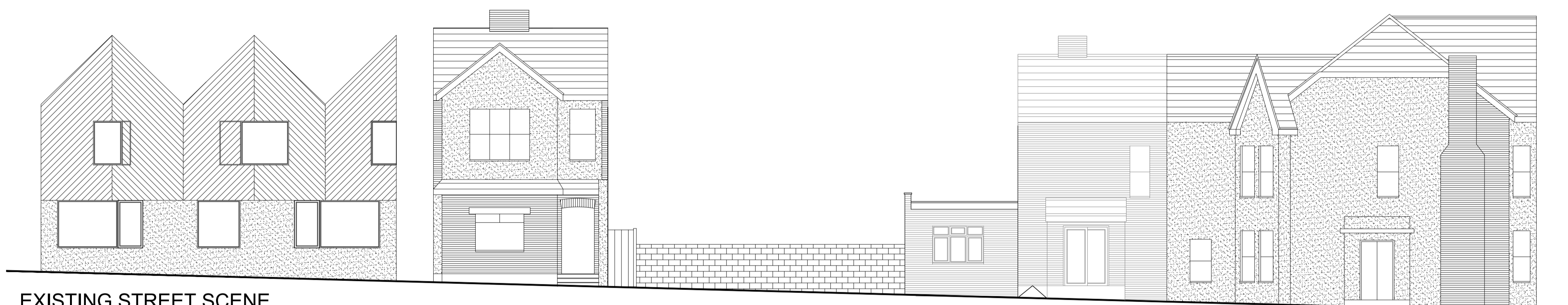
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**PROPOSED STREET SCENE**  
Scale 1:100



**EXISTING STREET SCENE**  
Scale 1:100

79



EXISTING STREET SCENE



EXISTING STREET SCENE

REV:    DATE:    AMENDMENT:

**STONE Me!**  
ARCHITECTURE & INTERIOR DESIGN  
5 FOUNTAIN LANE, HOCKLEY, ESSEX, SSS 4ST  
Tel: 01702 203333  
E: info@stoneme.com    W: www.stoneme.com

Client: DR B BEKAS

Project: 48 Argyll Road  
WESTCLIFF-ON-SEA  
SS0 7HN

Drawing: EXISTING AND PROPOSED STREET SCENE

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
		●				

Date: 31.01.2020    Scale: 1:100 @ A1

Project No.: 1825    Drawing No.: 09



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20-00544-FUL – 48 Argyll  
Road, Westcliff

Photos from agent













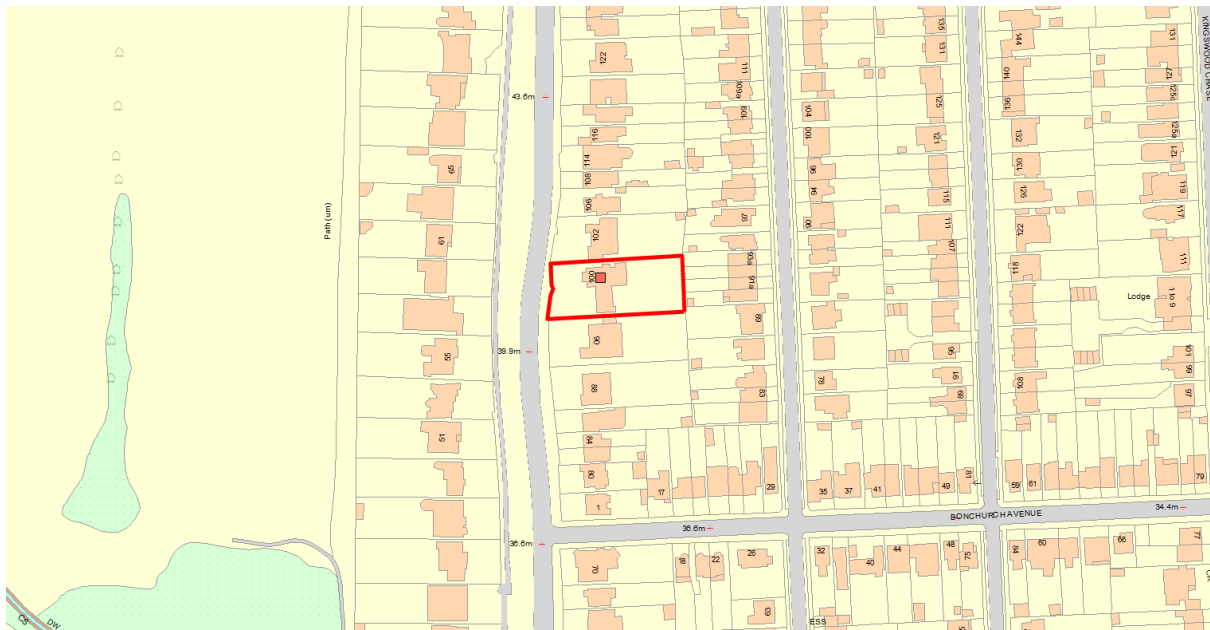




Yellow sign with illegible text.

NO PARKING  
KEEP CLEARWAY CLEAR

<b>Reference:</b>	20/00739/FULH	<h1>9</h1>
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Erect single storey front extension, single storey rear extension, form roof extension and install terrace to rear, form raised patio to rear and alter elevations	
<b>Address:</b>	100 Eastwood Road, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mr Ali	
<b>Agent:</b>	Mr Mehran Gharleghi of Studio Integrate Ltd.	
<b>Consultation Expiry:</b>	12th June 2020	
<b>Expiry Date:</b>	3rd August 2020	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	LP300, E.GA100, E.GA101, E.GA102, E.GA103, E.GA104, E.GA105, E.GA106, E.GA107, GA100, GA101, GA102, GA103, GA104, GA105, GA106, GA107, GA108	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> subject to conditions	



## **1 Site and Surroundings**

- 1.1 The application site contains a large, detached two storey dwelling located on the east side of Eastwood Road. The area is residential in character consisting of mainly detached large dwellings varying in detailed design and architectural style. The application site has a large garden and the dwelling is set centrally within the plot some 13 metres back from the highway. Local ground levels fall in a southerly direction. 2no. TPO trees are located to the application sites front boundary.
- 1.2 The site is not located within a designated Conservation area and does not contain a listed building.

## **2 The Proposal**

- 2.1 The application seeks planning permission to erect a single storey front extension, a single storey rear extension, extensions to the main roof and installation of a first floor terrace and raised patio to the rear. Other alterations include changes to the existing fenestration and a new front access.
- 2.2 The dwelling would facilitate roof accommodation by altering the existing roof form. The front facing and south side facing existing hip ends would be extended to form gable ends, with the front elevation of the resultant front gable containing large glazed windows. An existing rear facing hip end to the main roof would also be extended to form a new gable end, incorporating large glazed windows and thus facilitating the formation of accommodation in the available loft space.
- 2.3 Large glazed openings with zinc surrounds would replace traditional pitched roof dormers to the front and rear at first floor. Garage doors and small windows to the ground floor would be replaced with larger rectangular windows. A number of other new and re-shaped openings are proposed, including a rooflight to the front elevation. To the northern flank elevation the number of openings would not change. The proposed modern fenestration design and materials including grey and white render, zinc and metal windows results in a bolder contemporary appearance for the dwelling.
- 2.4 An existing porch is proposed to be replaced by a flat roofed single storey front extension that would project some 2m forward of the front building line. It would facilitate the formation of a porch / entrance and extended internal accommodation.
- 2.5 It is also proposed to replace an existing single storey rear extension with a new flat roofed extension of equivalent depth (5.8m) with bi-folds to rear. An existing first floor rear roof terrace would be enlarged on account of the extended area of flat roof that would be available at ground level. A new patio area would be formed to the south and east sides of the single storey rear extension. This would measure some 2m in depth and 0.9m high, with steps south and east some 0.9m deep leading out into the rear garden.

## **3 Relevant Planning History**

- 3.1 89/1679 - Demolish Existing Chalet Bungalow And Erect Two Storey Detached House With Roof Dormers And Integral Garages – Granted 20.12.1989;

3.2 89/0863 - Erect Single Storey Side And Rear Extensions Raise Existing Roof Height To Form First Floor Living Accommodation Erect Two Storey Side Extension And Erect Balcony At Rear – Granted 06.09.1989;

3.3 07/01697/TPO - Prune two oak trees (works to trees covered by a tree preservation order) – Granted 10.01.2008.

## **4 Representation Summary**

### **Public Consultation**

4.1 The application has been called-in for consideration by the Development Control Committee at the request of Councillor S Aylen.

4.2 11 neighbours were notified. 2 letters of representation have been received which makes the following objections;

- Loss of neighbour amenity from overlooking and invasion privacy due to new terrace and windows.

4.2 The objections have been taken into consideration and weighed in the determination of the application but are not found to justify refusal of planning permission in the circumstances of this case.

## **5 Planning Policy Summary**

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

5.2 Core Strategy (2007) Policies CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)

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

5.4 The Design & Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

## **6 Planning Considerations**

6.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impacts on residential amenity and CIL contributions. Due to the nature of the development, which does not affect the requirements for on-site provision of parking, the fact that the site would continue to provide policy compliant levels of off street parking following the development and as the existing integral garage does not currently meet the minimum space standards, no material highway or parking issues are raised by the scheme.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The principle of extending the dwelling to provide facilities in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

### **Design and Impact on the Character of the Area**

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that; *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 7.3 Paragraph 56 of the NPPF states that; *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 7.4 Policy DM1 of the Development Management Document states that all development should; *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.*
- 7.5 Policy DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
  - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
  - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.6 According to Policy KP2 of Core Strategy new development should; *“respect the character and scale of the existing neighbourhood where appropriate”.* Policy CP4 of the Core Strategy requires that development proposals should; *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*
- 7.7 The immediate streetscene is host to a range of medium to large sized dwellings, generally set in spacious plots which do not follow a regular pattern or style with traditional and modern approaches in evidence. This includes dwellings with varied instances of roof extensions and roof additions, including hip and gabled roof forms. In this context the proposed front, side and rear hip to gable roof extensions, which are proportionately scaled and contained within the existing roofscape, would not result in material harm to the character and appearance of the dwelling, the

streetscene or wider surrounding area.

- 7.8 New glazing to the front and rear roof gables, and generally introduced within the dwelling's existing elevations, is extensive and will alter the appearance of the house. Nevertheless it is proportionate in form, scale and appearance to the proposed overall design and character of the main dwelling. The overall design is satisfactorily resolved and would have an acceptable impact on the character and appearance of the streetscene and wider surrounding area.
- 7.9 The use of external render is not objected to considering the varied materials palette existing in the streetscene such that the development would integrate satisfactorily with the main dwelling and be visually acceptable. The raised patio is also not objected to in design and character terms being well contained within the spacious rear garden.
- 7.10 As previously noted, 2no. TPO oak trees are located to the front boundary of the site. Whilst there is significant separation to the proposed development works (in excess of 12m), it is considered necessary to attach a condition requiring details of tree protection measures to be submitted to the Local Planning Authority to ensure that no detrimental impacts to the trees will arise during construction.
- 7.11 On this basis, it is considered that the proposed development would not result in harm to the character and appearance of the dwelling, the streetscene or wider surrounding area and is therefore acceptable and policy compliant in the above regards.

#### **Impact on Residential Amenity**

- 7.12 Paragraph 343 of the Design and Townscape Guide under the heading of 'Alterations and Additions to Existing Residential Buildings' states that "*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*"
- 7.13 The application property is neighboured by 102 Eastwood Road to the north and 90 Eastwood Road to the south.
- 7.14 The northern flank elevation of the dwelling sits over 4 metres from the nearest flank elevation which is on the boundary at no.102. The proposed development would not result in development extending closer to the site's side boundaries including the new single storey front and rear extensions. The nearest part of No 102 contains a garage and the openings to the north side of the application dwelling would not increase as a result of the proposed development. It is not considered that the front and rear hip to gable roof extensions, due to their modest nature and siting and position, would result in material harm to the amenities of the occupiers of No 102. The proposed first floor roof terrace replaces an existing, albeit smaller terrace in broadly the same position. Subject to the inclusion of a privacy screen along its northern flank to prevent direct sideways overlooking, this larger terrace would not result in material harm to the amenities of No 102 due to its form, position and the separation retained from the boundary. It is therefore found that, subject to the recommended planning condition, the proposal would not harmfully impact on the amenities of the neighbouring occupiers at no.102 from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy.

- 7.15 The southern flank elevation of the dwelling is over 4 metres from the nearest flank elevation of no.90. The proposal would not result in development extending closer to this boundary. In the south side elevation of the altered single storey rear projection the proposal would replace a set of doors and a window with a larger patio door. This would be set some 12 metres from the southern boundary with no materially harmful impact. It is not considered that the hip to gable roof extensions due to their nature and siting and distance to no.90 would result in material harm to the amenities of this neighbouring property. The proposed roof terrace is set away from No 90's boundary. It is considered that the proposed development would not harmfully impact on the amenities of the neighbouring occupiers at no.90 from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy.
- 7.16 Large window openings are proposed to the front and rear of the dwelling, including large areas of glazing in the new gables to the front and rear. There is a distance of over 26 metres from the rear gable windows to the rear property's rear boundary and approximately 15 metres between the front gabled glazing and the highway boundary. These distances mean that these aspects of the proposal would not result in any material harm to the amenities of any neighbouring occupiers.
- 7:17 It is therefore considered that the proposed development would not harm the amenities of any immediately neighbouring occupiers from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy.
- 7.18 The proposal would also be located such as to have no harmful impact on the amenity of any other nearby occupiers. The proposed development is therefore acceptable and policy compliant in the above regards.

### **CIL Charging Schedule**

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

## **8 Conclusion**

- 8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and on the character and appearance of the application dwelling and the locality more widely. The proposal would not result in any adverse impact on parking provision or highway safety. This application is therefore recommended for approval, subject to conditions.



**9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: LP300, E.GA100, E.GA101, E.GA102, E.GA103, E.GA104, E.GA105, E.GA106, E.GA107, GA100, GA101, GA102, GA103, GA104, GA105, GA106, GA107, GA108.**

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

- 3. The proposed development shall be finished in materials as specified on approved drawing no.GA104, GA105, GA106, GA107. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

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

- 4. Notwithstanding the details shown on the plans submitted and otherwise approved, prior to first use of the first floor rear roof terrace hereby approved, privacy screening to the north flank elevation shall be installed (a minimum 1.7m high in relation to the terrace floor and to at least Level 4 on the Pilkington Levels of obscurity), the details of which shall have previously been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use and retained as such thereafter in perpetuity.**

**Reason: In the interests of visual amenity and the amenities of neighbouring occupiers and to ensure a satisfactory standard of screening in accordance with Policy DM1 of the Development Management Document (2015) and policies KP2 and CP4 of the Core Strategy (2007).**

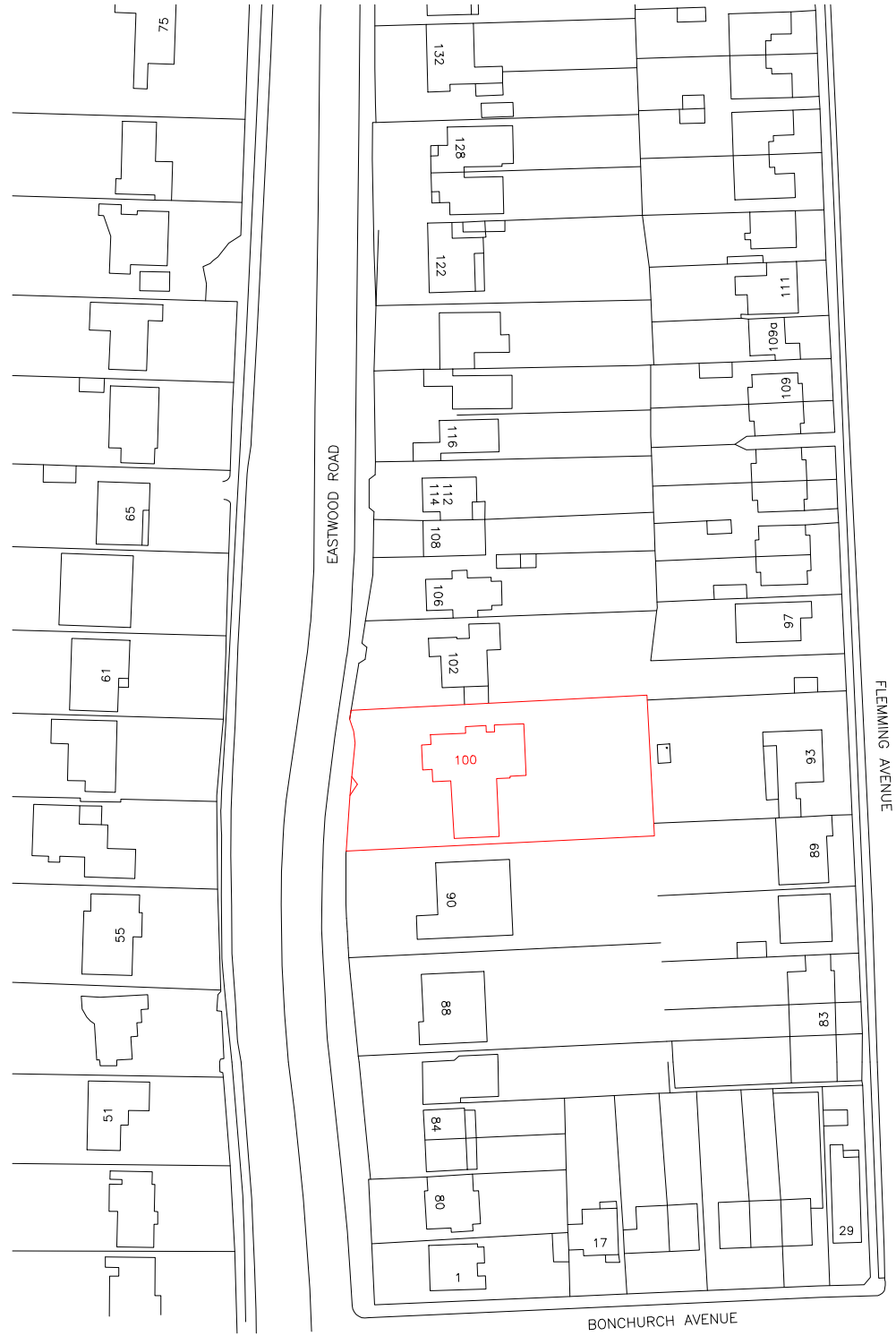
- 5. Prior to the commencement of the development hereby approved, details of tree protection measures to protect the 2no. TPO Oak trees to the front of the site shall be submitted to and approved in writing by the local planning authority. The approved tree protection measures shall be implemented in full prior to the commencement of the development and be retained throughout construction.**

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

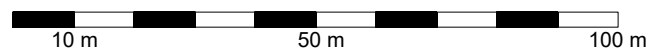
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

### **Informative**

- 1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.**



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Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On sea

Sheet Name

Location Plan

Sheet Number

LP300

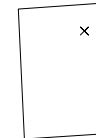
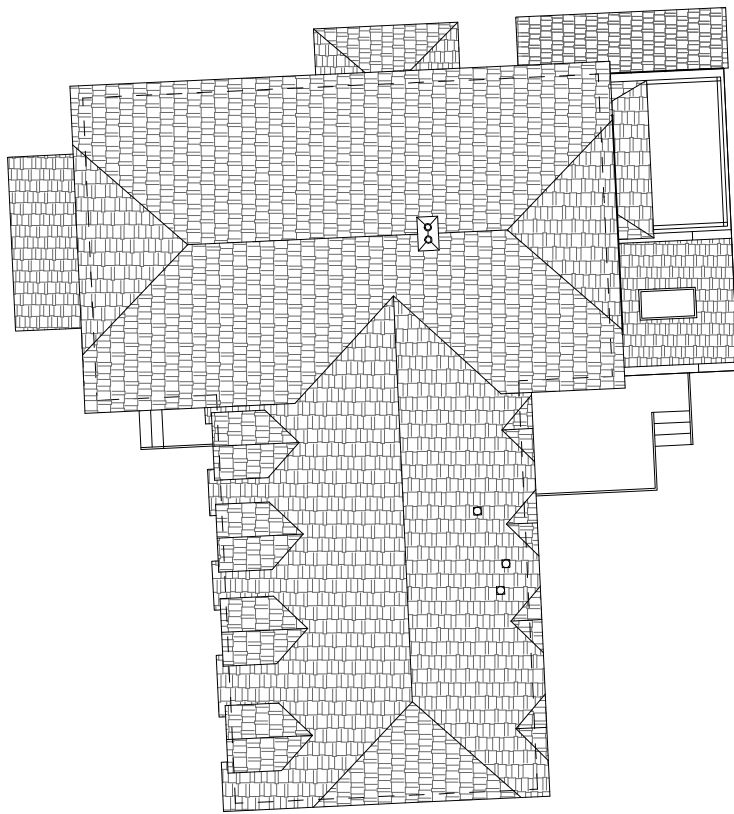
Date

06/05/2020

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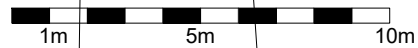
66



102

90

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studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

Site Plan  
Existing

Sheet Number

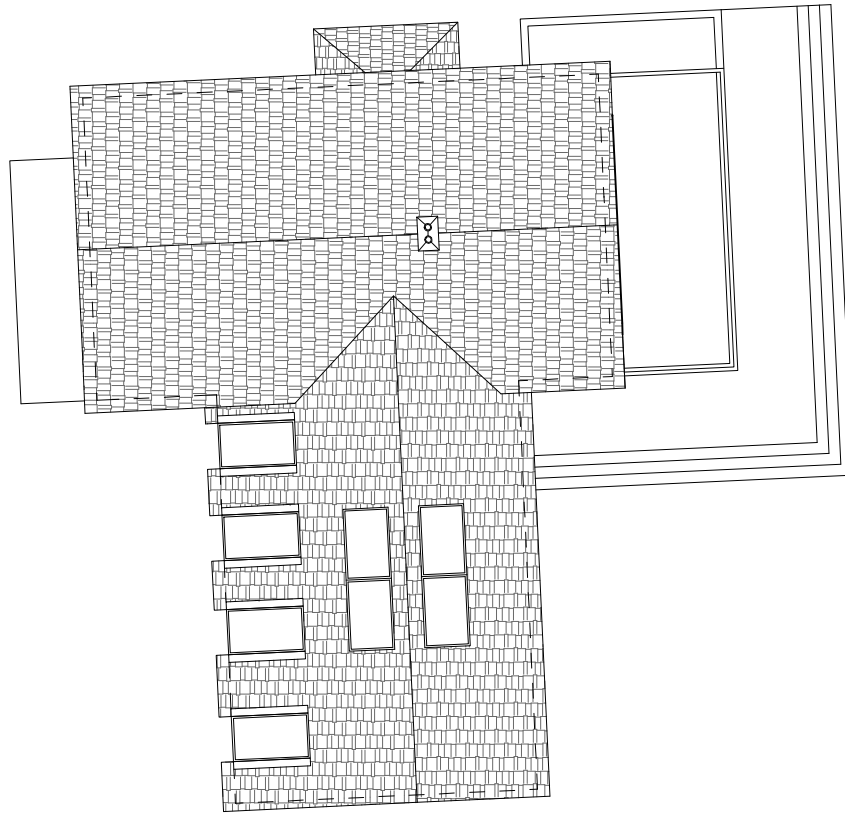
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Date

06/05/2020



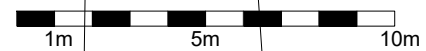
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102

90

Scale: 1:200 @A3



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studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

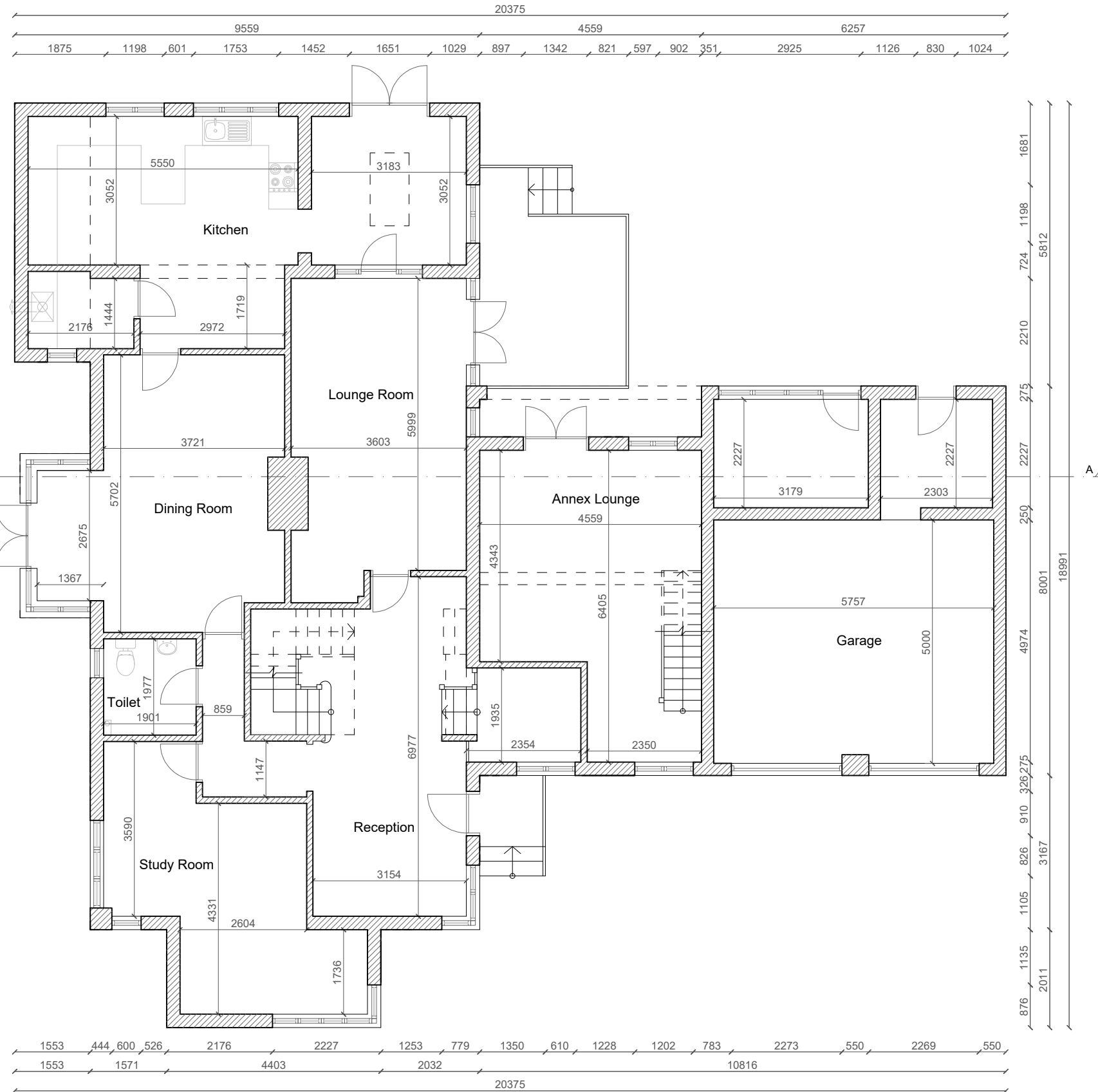
Site Plan  
Proposed

Sheet Number

SP200

Date

06/05/2020



101

Scale: 1:100 @A3



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studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

Ground Floor  
Plan Existing

Sheet Number

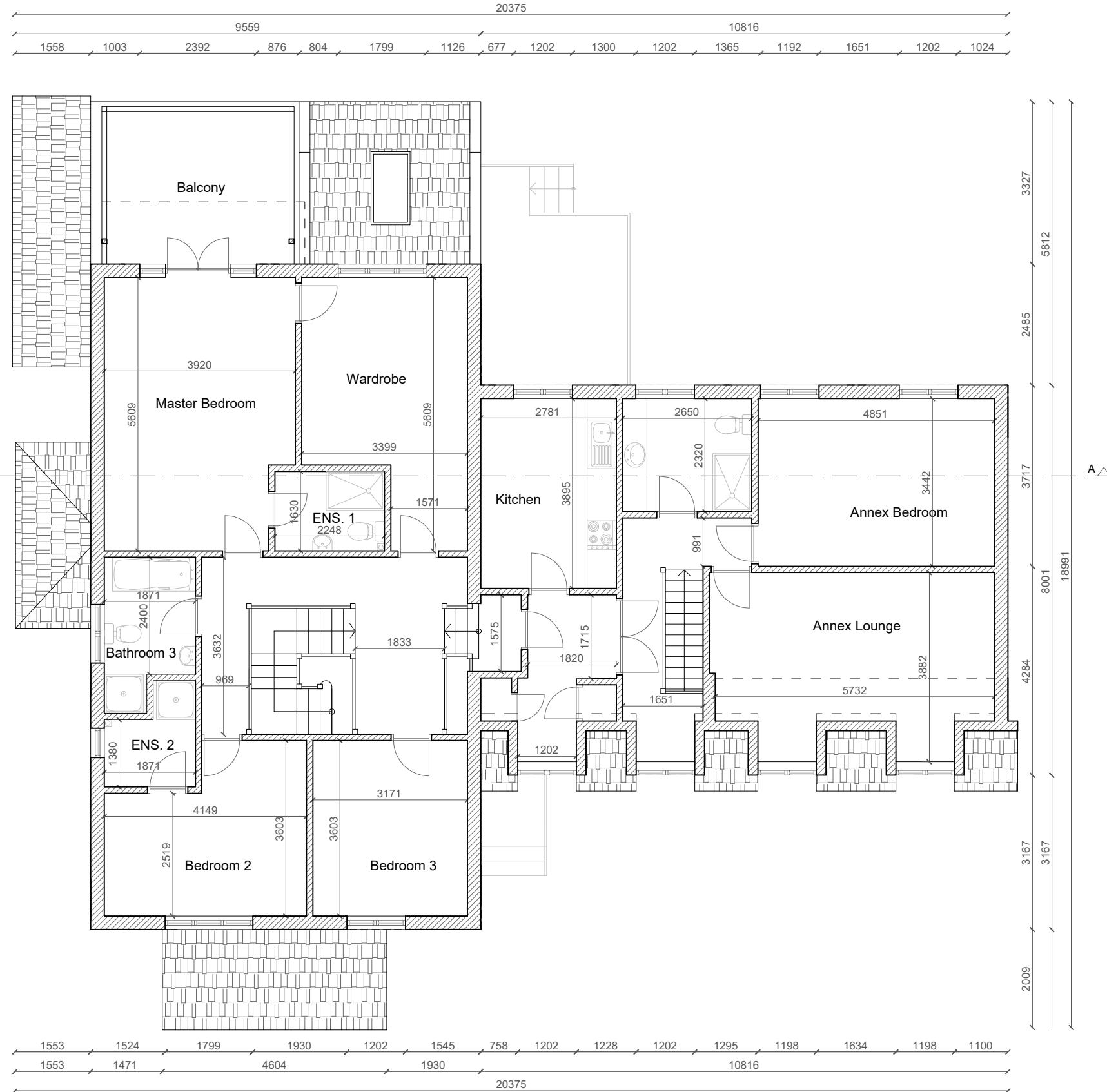
E.GA100

Date

06/05/2020

Floor Area

216.81 sqm.



102

Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

First Floor  
Plan Existing

Sheet Number

E.GA101

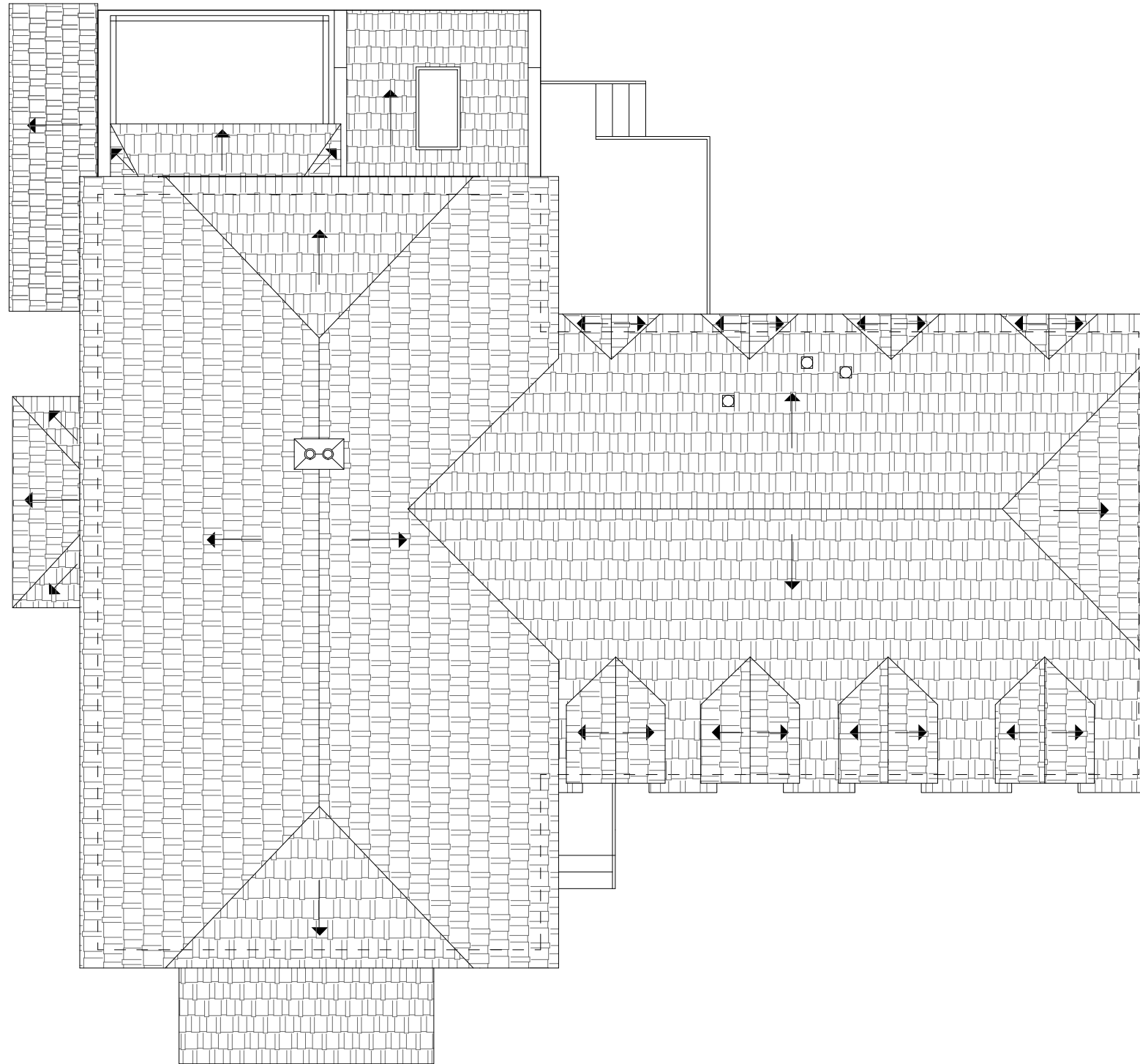
Date

06/05/2020

Floor Area

174.01 sqm.





103

Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

Roof Plan  
Existing

Sheet Number

E.GA102

Date

06/05/2020



Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

West Elevation  
Existing

Sheet Number

E.GA103

Date

06/05/2020



Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

East Elevation  
Existing

Sheet Number

E.GA104

Date

06/05/2020



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

South Elevation  
Existing

Sheet Number

E.GA105

Date

06/05/2020



Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

North Elevation  
Existing

Sheet Number

E.GA106

Date

06/05/2020



Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

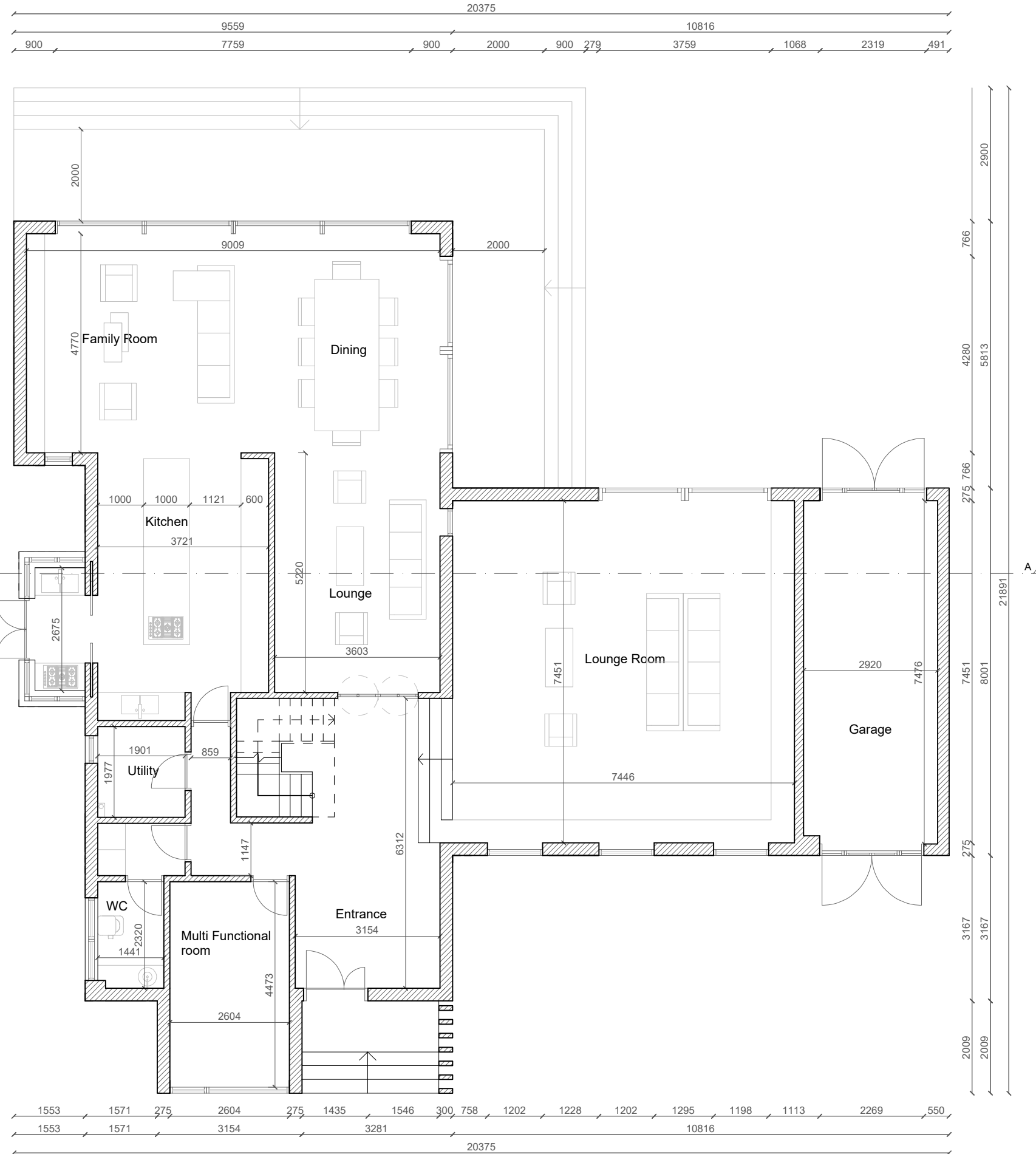
Section A-A  
Existing

Sheet Number

E.GA107

Date

06/05/2020



109

Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

Ground Floor  
Plan Proposed

Sheet Number

GA100

Date

06/05/2020

Floor Area

221.06 sqm.



110

Scale: 1:100 @A3



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INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

First Floor  
Plan Proposed

Sheet Number

GA101

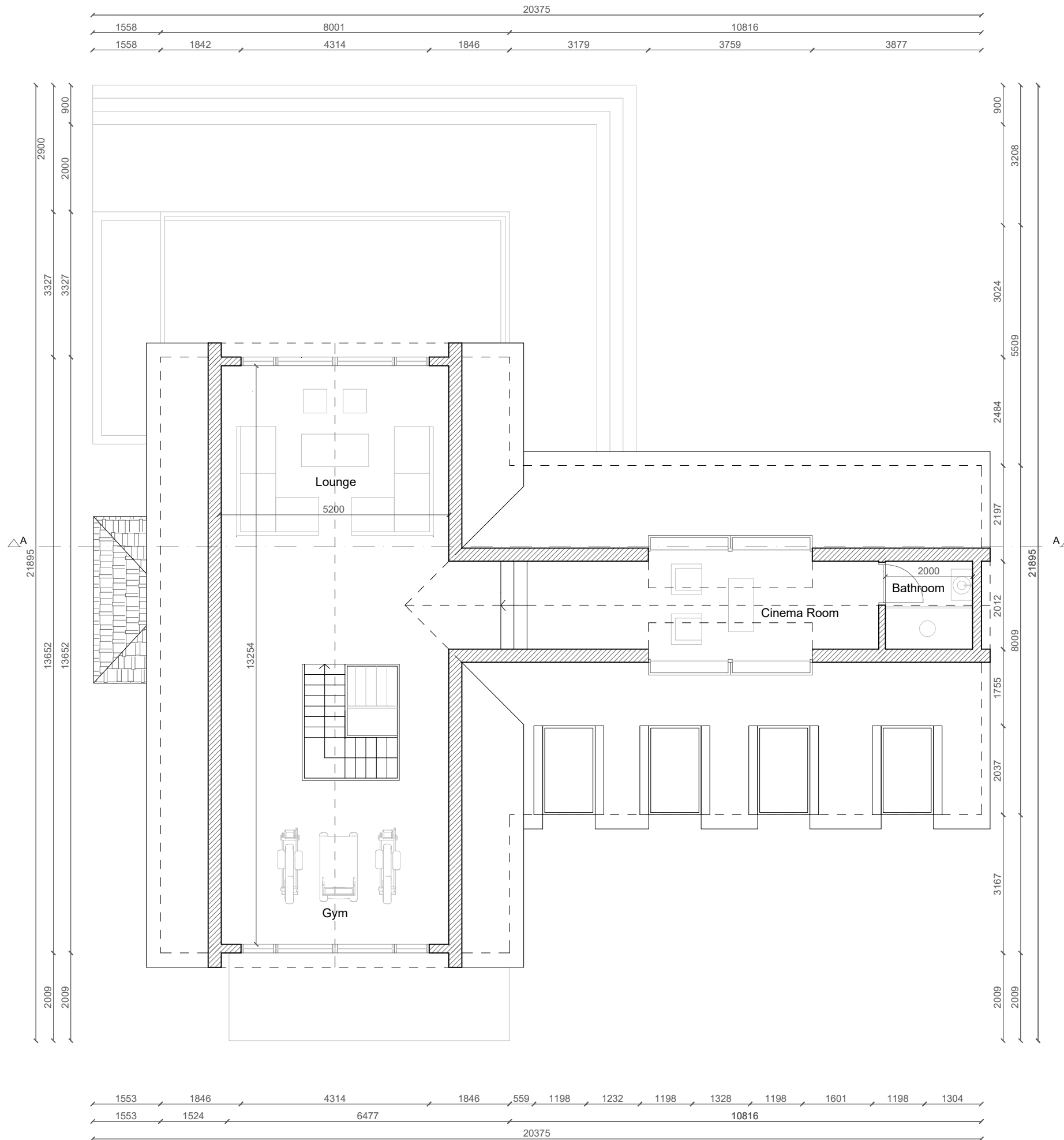
Date

06/05/2020

Floor Area

177.33 sqm.





111

Scale: 1:100 @A3



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INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

Loft Plan  
Proposed

Sheet Number

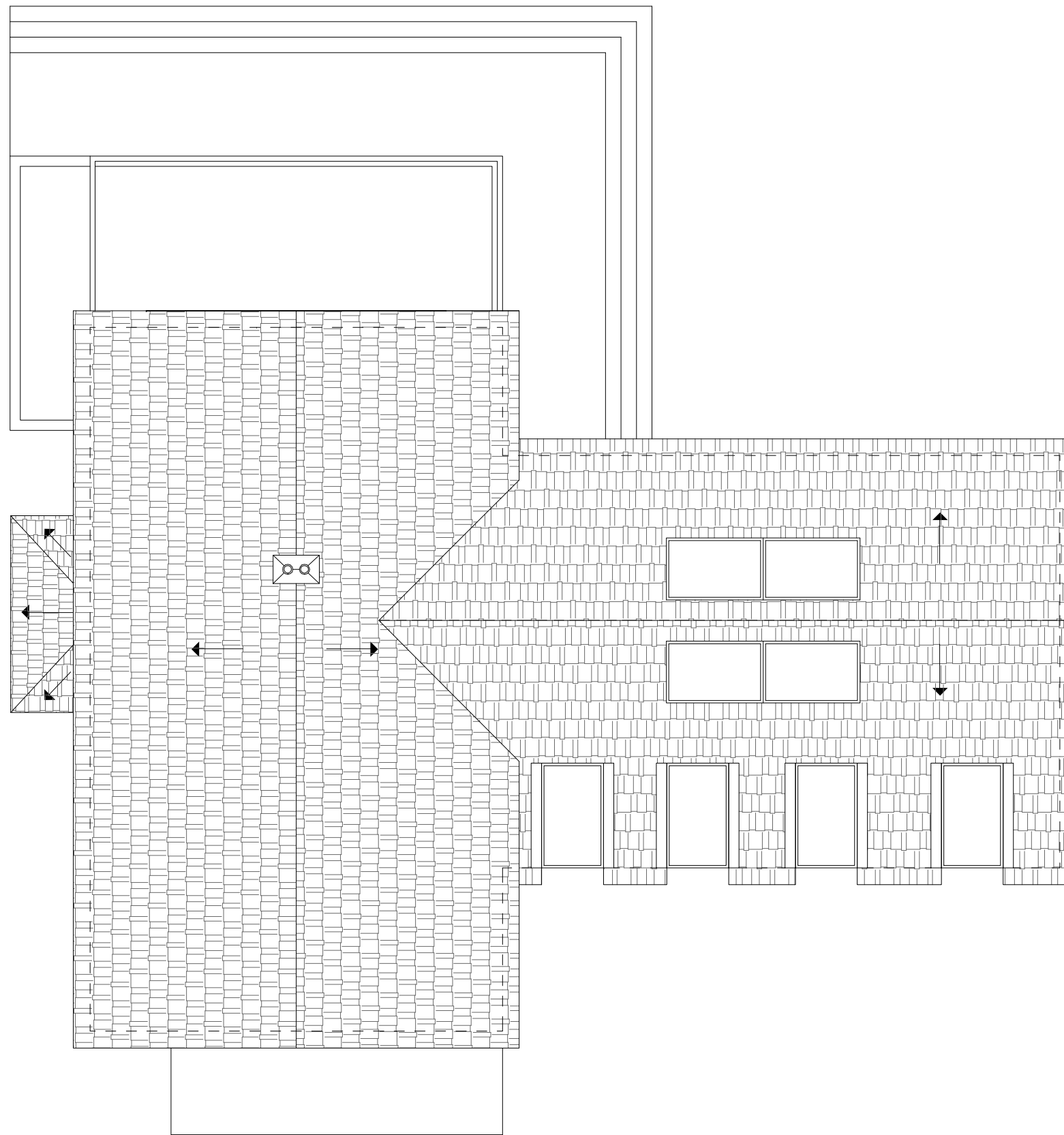
GA102

Date

06/05/2020

Floor Area

159.31 sqm.



112

Scale: 1:100 @A3



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INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

Roof Plan  
Proposed

Sheet Number

GA103

Date

06/05/2020



Scale: 1:100 @A3



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INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

West Elevation  
Proposed

Sheet Number

GA104

Date

06/05/2020

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INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

East Elevation  
Proposed

Sheet Number

GA105

Date

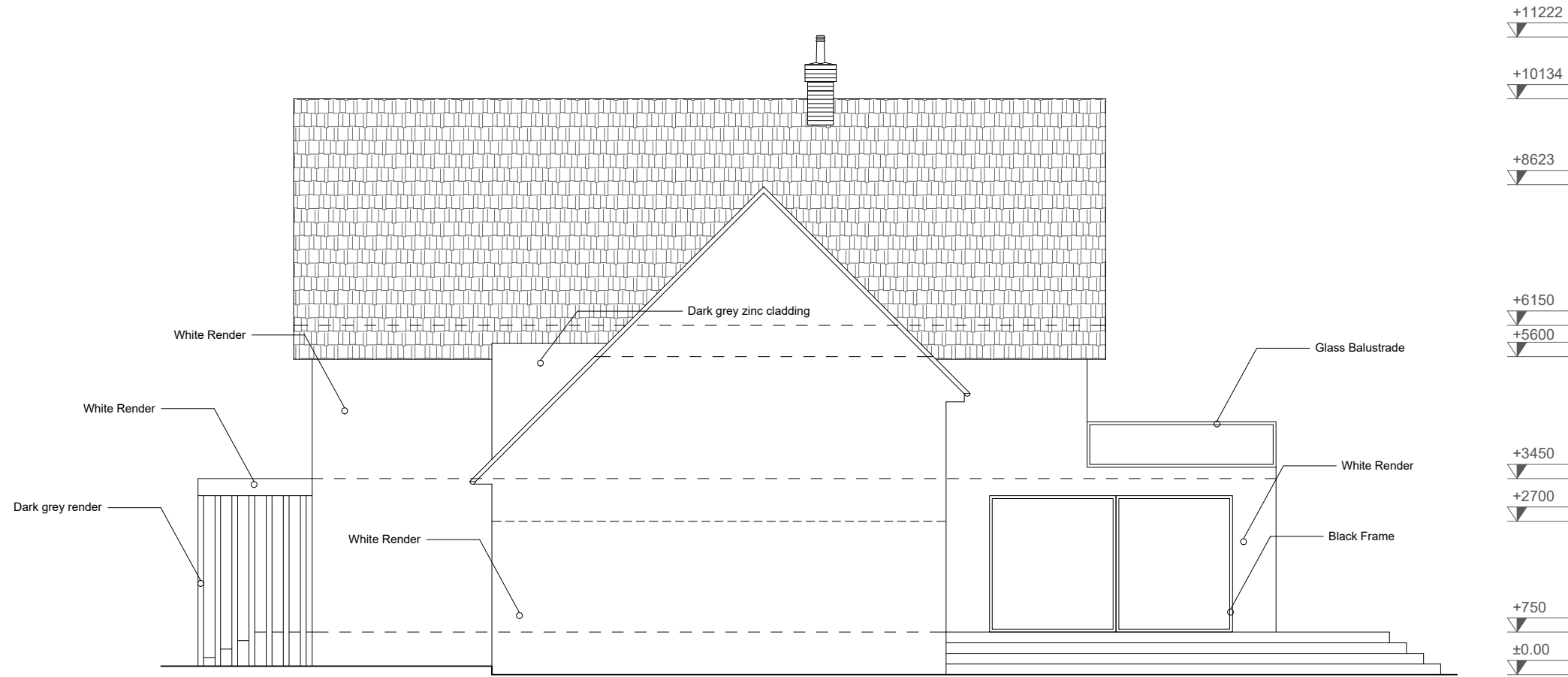
06/05/2020



114

Scale: 1:100 @A3





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Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

South Elevation  
Proposed

Sheet Number

GA106

Date

06/05/2020



Designed by

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INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

North Elevation  
Proposed

Sheet Number

GA107

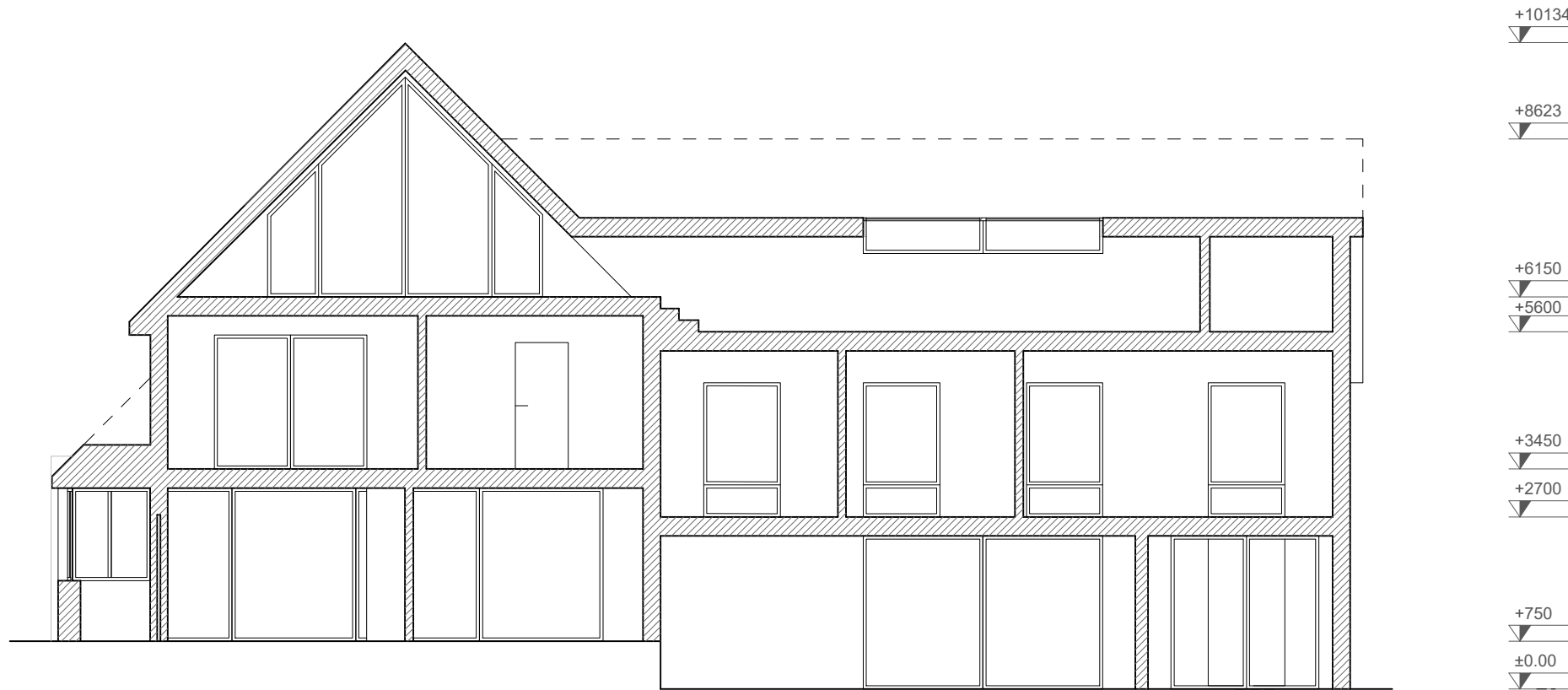
Date

06/05/2020

Scale: 1:100 @A3



117



Scale: 1:100 @A3



Designed by

studio  
INTEGRATE

Clients

Mr. Mush Ali

Location

Leigh On Sea

Sheet Name

Section A-A  
Proposed

Sheet Number

GA108

Date

06/05/2020

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# **SITE PHOTOS**

## **FRONT VIEW**

100 Eastwood Road, Leigh-on-Sea, Southend-on-Sea





122





123



# **SITE PHOTOS**

## **REAR VIEW**

100 Eastwood Road, Leigh-on-Sea, Southend-on-Sea







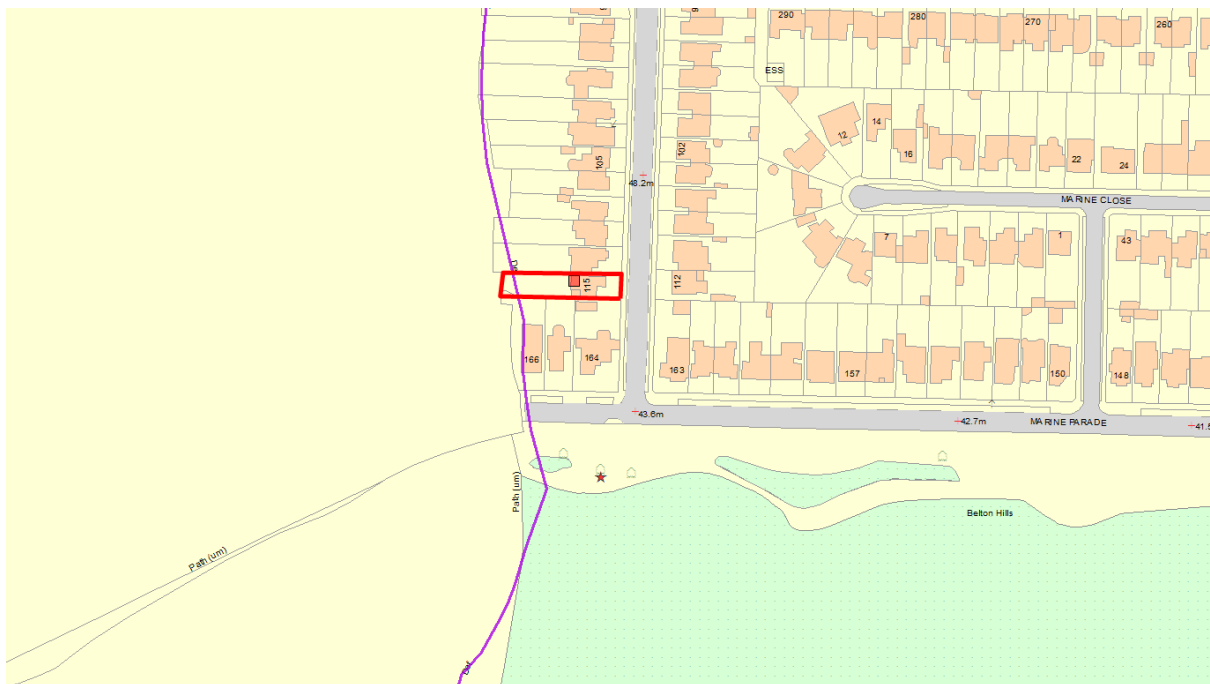
127





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<b>Reference:</b>	20/00760/FULH	<h1>10</h1>
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Erect first floor rear extension and extend balcony to rear	
<b>Address:</b>	115 Tattersall Gardens, Leigh-On-Sea, Essex, SS9 2QZ	
<b>Applicant:</b>	Mr J Moore	
<b>Agent:</b>	N/A	
<b>Consultation Expiry:</b>	07.07.2020	
<b>Expiry Date:</b>	30.07.2020	
<b>Case Officer:</b>	Scott Davison	
<b>Plan Nos:</b>	1200 010 Revision C & 1200 012 Revision F South Flank Elevation Plan & Tree Position Plan	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site is the most southerly house on the western side of Tattersall Gardens and is located some 50 metres north of its junction with Marine Parade. It is a detached house with a large rear garden with several outbuildings, decking and patio areas. The rear garden is bordered on each side by neighbouring gardens, 113 Tattersall Gardens to the north and 164, 165 & 166 Marine Parade, to the south. Tattersall Gardens is located within a residential area and slopes down from north to south. To the rear (west) there are views towards Hadleigh Country Park and Hadleigh Castle and the ground level also drops away at the rear of the dwelling.
- 1.2 The site is not the subject of any site specific planning policies.

## **2 The Proposal**

- 2.1 The application seeks planning permission to erect a first floor rear extension and to extend a second floor rear balcony. The submitted plan titled *Existing plan Revision C* is incorrect as it does not show the dwelling in its existing form. It shows the dwelling as existing prior to the approved scheme 18/01234/FULH which was allowed on appeal by the Planning Inspectorate and has been built out but not fully in accordance with the approved plans. A copy of that appeal decision is attached as Appendix 1. A tree position plan has been submitted and the application form states that there is heavy vegetation on the south side of the site.
- 2.2 A rear extension to an existing bedroom at first floor level is proposed. It would be 2.7m wide and would project rearwards by 2m. The rear facing elevation would contain a set of double doors and a Juliette balcony. The flank elevation would be set in some 0.7m from the site's southern shared boundary.
- 2.3 It is also proposed to widen the second floor balcony approved under planning permission 18/01234/FULH. The extended balcony would project 1.9m rearwards and would extend to the south by 0.8m increasing the overall width of the balcony from 3.3m to 4.1m and measuring some 8 sqm. The balcony would be screened by 1.7m glazed screens to both flanks and by a 1.1m screen across its rear.
- 2.4 The materials proposed to be used include painted render to match the existing finish, grey fibre glass flat roof and obscure glazed screening to the balcony.
- 2.5 There is a current enforcement investigation concerning the application property in response to which a separate planning application ref: 20/01018/FULH has been submitted to seek to address deviations from the approved scheme 18/01234/FULH. This is pending consideration.

## **3 Relevant Planning History**

- 3.1 20/01018/FULH Raise roof height and erect roof extension, erect front and rear extension at first floor level, convert loft into habitable accommodation with dormer windows to front and side, install balconies to rear at first floor level and second floor level with bi-fold doors, rooflights to side elevation, alterations to front and rear elevations and alter bay window to first floor at rear (Amended Proposal) (Part Retrospective). This application is pending consideration.

- 3.2 19/01443/AD Application for approval of details pursuant to condition 4 (details of Obscure Glazing) and 5 (Details of Privacy Screens) of planning permission 18/01234/FULH allowed on appeal 11/01/19. Details Agreed.
- 3.3 18/01234/FULH. Raise roof height and erect roof extension, erect two storey front extensions, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations (Amended Proposal). Refused – Allowed on appeal Ref: APP/D1590/D/18/3217734.
- 3.4 17/02071/FULH: Raise roof height, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations – Application Refused
- 3.5 16/01868/FULH: Erect decking to rear and Bamboo fences to both side boundaries (Retrospective) - Permission granted

### **Enforcement History**

- 3.6 On 7th March 2012, the Council served an Enforcement Notice. The breach of planning control alleged in the notice was the erection of a single storey rear extension including a balcony at first floor level. On 17th August 2012, two appeals against the enforcement notice (Ref: APP/D1590/C/12/2173815/6) were dismissed and the notice was upheld. The requirements of the notice were subsequently complied with.

## **4 Representation Summary**

### **Public Consultation**

- 4.1 7 neighbouring properties were notified of the application. 5 letters of representation have been received which object on the following grounds:
- A previous enforcement notice was upheld and an appeal dismissed in relation to a single storey rear extension and first floor balcony in 2012.
  - The proposed development does not reflect the scheme approved under permission 18/01234/FULH
  - The proposed development would result in material harm to neighbouring residential amenity from overlooking and loss of privacy
  - The dwelling is used as an Air BNB letting and there are restrictive covenants in place to prevent this
  - The proposed development would result in on-going building works to the property resulting in noise and disturbance. Building works have resulted in debris being left on neighbouring properties
  - The proposed development is not in accordance with previously approved application and applicant has breached planning conditions

- The proposed development would hinder the ability of neighbouring residents in Tattersall Gardens and Marine Parade in enjoying their rear gardens

[Officer Comment: The concerns raised are noted and have been taken into account in the assessment of the proposal but have not been found to justify refusal of planning permission in the circumstances of this case].

#### 4.2 **Leigh Town Council**

Objection. The proposed development would be harmful to residential amenity of neighbouring properties including harm from overlooking, to outlook and resulting in visual enclosure.

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

### 5 **Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP2 (Spatial Strategy) CP3 (Transport and Accessibility) and CP4 (Development Principles)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land) & DM15 (Sustainable Transport Management).
- 5.4 Design and Townscape Guide (2009)
- 5.5 Community Infrastructure Levy Charging Schedule (2015)

### 6 **Planning Considerations**

- 6.1 The key considerations in relation to this application are the principle of the development, the design and impact on the character of the area, traffic and parking implications, the impact on residential amenity and CIL implications. The basis of previous decisions, irrespective of the eventual outcome of the applications in question, carry significant weight in the determination of this application as the site circumstances and relevant planning policy context have not changed significantly in the interim.

### 7 **Appraisal**

#### **Principle of Development**

- 7.1 This proposal is considered in the context of the NPPF and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management Document policy DM1 which relates to design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building.



Subject to detailed considerations, and consistent with the basis of previous application decisions for the site, extensions to the property are considered to be acceptable in principle.

### **Design and Impact on the Character of the Area:**

- 7.2 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. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 7.3 In Paragraph 124 of the NPPF, it is stated 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”. Policy DM1 of the Development Management Document states that all development should; *“add to the detailed design features.”*
- 7.4 Policy DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
  - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
  - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.5 The Design and Townscape Guide states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.” Paragraph 348 of The Design and Townscape Guide under the heading of Rear Extensions, it is stated that *“whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form.”*
- 7.6 Paragraph 364 of The Design and Townscape Guide advises that: *Balconies, particularly on front elevations are a traditional feature of seaside towns such as Southend. As an integral element of local character existing balconies should not be infilled. Where new balconies are proposed on existing buildings, care needs to be taken to ensure that the design is of a high quality, of an appropriate style for the period of property and that the privacy of neighbours is not compromised. Obscure screens may be used to prevent overlooking but these should not be at the expense of good design. Balconies created by cutting into the roofslope are a low impact alternative to the traditional projecting balcony and are more appropriate in some areas.*

- 7.7 The dimensions of the proposed first floor rear extension are set out in paragraph 2.2 of this report. The extension would have a rectangular shaped footprint infilling the space above an existing ground floor rear extension.
- 7.8 Flat roofed first floor extensions are not generally supported, usually because their size, scale and form can create a feature which is incongruous next to the pitched roof form of the main dwelling. In other cases, however, modest first floor flat roofed extensions can achieve an acceptably subservient and complementary relationship to the main dwelling.
- 7.9 In this case, the 2018 permission granted on appeal included a flat roofed first floor rear extension, the same depth as that now proposed cut away to its southern side which the current proposal now seeks to infill. That appeal scheme was found acceptable by the Inspector at that time, based on its individual merits. The Local Planning Authority should similarly assess the current proposal on its individual merits, taking into account any factors of material weight to the appeal decision or other previous planning decisions made for this site. In this respect the Inspector found (at paras 6 and 7 of their decision) that the extensions were suitably articulated, would achieve the necessary degree of subservience to ensure no material harm to design and character and would have negligible effects on long range public views and shorter distance private views in the rear garden scene. There was no indication within the appeal decision that the first floor inset was a crucial determining factor in the Inspector finding the scheme's design and character impacts to be acceptable.
- 7.10 The currently proposed first floor rear extension would increase the size of the built form on the southern side of the extended dwelling. However, it would sit down rearward of the new, previously approved, rear-facing gable ended roof projection and is modestly scaled. It would not project any further rearward than the rear most extent of the approved, and built, first floor rear projection. When viewed from the north the proposed extension would sit to the far southern part of the site, substantially shielded by the first floor extension now in situ. When viewed from the south the proposed first floor extension would similarly project no further rearward than the existing first floor rear projection and would be partly contained under the pitched roof of the approved, and built, rear gable. From wider views across farmland to the west the proposed extension would be contained within the backdrop of the approved extended building. Attaching significant weight to the basis of the appeal decision it is considered that the further extension of the first floor rear would not add materially to the built form of the dwelling nor be materially out of character with the approved features on the dwelling including a first floor flat roofed extension found acceptable by the Inspector. The impact of the proposed first floor rear extension on design and character is therefore considered to be acceptable and policy compliant on balance.

- 7.11 Similarly, when attaching significant weight to the basis of the appeal decision, it is considered that the sideways extension southwards of the approved rear facing second floor balcony would be acceptable on balance. The enlarged balcony would be contained within the general parameters of the main gabled rear roof extension with which it would form a direct visual relationship and the privacy screening, to prevent material harm to the amenity of neighbours to the south would at the distances available within the rear garden setting, be seen in reasonable association with the position of the previously approved southern flank privacy screen. The impact of the extended balcony and privacy screens on design and character are considered to be acceptable and policy compliant. In summary the are considered acceptable
- 7.12 The development is therefore considered to be acceptable and policy complaint in the above regards.

**Impact on Residential Amenity:**

- 7.3 Paragraph 127 of the National Planning Policy Framework 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.
- 7.14 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design and states new development should; “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy seeks to maintain and enhance the amenities, appeal and character of residential areas. It requires that development proposals should; *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*
- 7.15 Policies DM1 and DM3 of the Development Management Document seeks to support sustainable development *“which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 7.16 Paragraph 343 (Alterations and Additions to Existing Residential Buildings) of The Design and Townscape Guide states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.
- 7.17 Because of the topography of the area, the application property is set at a materially higher level than the dwellings in Marine Parade. The existing two storey southern flank elevation is set 0.7m off the shared boundary and is a visible feature in the street scene of Tattersall Gardens & Marine Parade and the rear garden environment of 164 and 165 Marine Parade. The proposed first floor rear extension would increase the size and form of the dwelling close to the shared boundary. However the eaves of the proposed extension would not be any higher than the eaves height of the previously approved first floor extension now in situ.

- 7.18 When considering the impact of the appeal scheme on neighbour amenity the Inspector noted (paragraph 13) that that proposal would increase the length of southern wall at first floor level. Noting the separating effect of a garage alongside the boundary and that the main gabled rear roof extension sloped away from both flank boundaries he found that the development would not have an oppressive effect on the outlook from neighbouring properties to the north or south. The rear first floor extension now proposed would not contain any new window openings in the side elevation facing towards Marine Parade to the south. Attaching significant weight to the Inspector's findings it is considered, on balance, that the 2m rearward extension of built form, viewed against the backdrop of the approved rear extension beyond which it would not project, would not cause any material harm to neighbour amenity through any loss of light, outlook, overshadowing or sense of enclosure.
- 7.19 A Juliette balcony would be formed to a rear facing door opening in the proposed rear first floor extension. The approved scheme included a Juliette balcony and a rear facing door opening. It is not considered that the proposal would result in any materially harmful overlooking of rear elevations and garden areas of neighbouring occupiers to the north to the south of the site in Marine Parade bearing in mind the basis of decision for 18/01234/FULH.
- 7.20 The approved scheme ref; 18/01234/FULH included a rear balcony and a rear facing door opening at second floor level projecting rearwards from the gabled roof enlargement. It is proposed to extend the balcony sideways to the south above the roof of the proposed first floor rear extension bringing it some 0.8m closer to the southern boundary. The balcony would not be any deeper than the approved scheme and would be bounded on both sides by an obscure glazed screen to a height of 1.7m and a screen to a height 1.1m would enclose the rear of the balcony. The balcony would be centrally located within the rear elevation of the dwelling and contained within the gabled roof. It would be set away from the shared boundaries to the north and south of the site. It is considered that the increased width of the balcony would not result in any impacts on the amenity of the immediate neighbours to the south or north of the site materially worse than the relationship approved by the Inspector under ref: 18/01234/FULH in regard to loss of privacy or overlooking. Given the distance between this element of the scheme and neighbouring dwellings to the south and subject to a planning condition to secure the proposed obscure glazed privacy screen in perpetuity, it is not considered that this element of the proposal would give rise to any detrimental overbearing, perceived or actual dominant impacts or overlooking to the neighbouring properties.
- 7.21 The proposal is therefore on balance acceptable and policy compliant in the above regards.

### **Traffic and Transport Issues**

- 7.22 Policy DM15 of the Development Management Document states that new development will only be permitted if it makes provision for off-street parking in accordance with the adopted vehicle parking standards. For a dwelling of 2+ bedrooms, a minimum of 2 off-street parking spaces should be available. No parking details are provided with the application. The proposal would not result in a net loss of parking spaces nor does it result in additional demand for parking.

No objection is raised with regard to parking space provision and the proposal is acceptable and policy compliant in this regard.

### **Community Infrastructure Levy**

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

### **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance; consistent with the basis of decision made on the previous application and subsequent appeal, to which significant weight is attached. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the character and appearance of the application site, and the streetscene more widely. On balance the proposal would not have detrimental impact on the amenities of neighbouring occupiers subject to the planning conditions requiring the installation of an obscure glazed privacy to the balcony and a condition preventing the new windows being inserted in the south facing flank elevation of the first floor extension. There are no adverse highways implications. 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: 1200 010 Revision C & 1200 012 Revision F, South Flank Elevation Plan & Tree Position Plan**

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

- 03 Prior to first use of the balcony hereby approved, obscure glazed privacy screens shall be installed to the north and south sides of the balcony at a height of 1.7 metres above the balcony finished floor level in accordance with details that have previously been submitted to the local planning authority and approved in writing and these screens shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy). The screens shall be permanently retained thereafter.**

**Reason: To protect the privacy and environment of people in neighbouring residential properties, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice contained in the Design and Townscape Guide (2009).**

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

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

- 10 Informative**

**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](http://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 the Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**



## Appeal Decision

Site visit made on 2 January 2019

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 January 2019**

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**Appeal Ref: APP/D1590/D/18/3217734**  
**115 Tattersall Gardens, Leigh on Sea SS9 2QZ**

- 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 J Moore against the decision of Southend on Sea Borough Council.
  - The application Ref 18/01234/FULH, dated 26 June 2018, was refused by notice dated 17 September 2018.
  - The development proposed is described as 'Two storey front extension with accommodation within new raised roof.'
- 

### Decision

1. The appeal is allowed and planning permission is granted to raise the roof height and erect roof extension, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations at 115 Tattersall Gardens, Leigh on Sea SS9 2QZ in accordance with the terms of the application, ref 18/01234/FULH, dated 26 June 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1200/010 Rev B and 1200/012 Rev E
  - 4) The extensions hereby permitted shall not be occupied until the new second floor north-facing window has been fitted with obscured glazing, and no part of that window which is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
  - 5) The development hereby permitted shall not commence until details of the glazed screens around the new second floor balcony have been submitted to and approved in writing by the local planning authority. The glazed screens shall be installed in accordance with the approved details prior to the occupation of the extensions hereby permitted and retained in place thereafter.

## **Preliminary Matter**

2. The description of development used in the application form was changed in the Council's decision notice and adopted in the appeal form. Since the revised description more fully describes the proposal, I have used it in paragraph 1 above.

## **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area.

## **Reasons**

4. The appeal property is a substantial detached two storey dwelling. Its general form is, therefore, typical of the area, although there are also semi-detached pairs and some variation in the scale and appearance of the properties locally. Tattershall Gardens slopes down towards Marine Parade and the heights of the buildings generally fall with the road.
5. The appeal property has a gabled front projection, behind which the short ridgeline of the main roof runs parallel with the road frontage. The proposal would raise the height of the main roof by some 1.9m, bring its front slope further forward, push its rear slope further back, and turn its ridgeline through 90°. An existing first floor dormer would be removed and a new second floor level dormer created in the front slope of the main roof. A new gabled projection would take up most of the rear slope of the main roof.
6. The proposal would, therefore, add considerably to the height and bulk of the roof. The front and side of the main roof would be visible in public views from Tattersall Gardens. Nevertheless, the building would retain a reasonable degree of articulation which would help to break up its bulk. The gabled front projection would also remain the most prominent element in views from the road. As such, I consider that the proposed roof form would not dominate the building. The scale and orientation of the extended main roof would also be broadly comparable with that of No 113. Moreover, given that No 113 is at a higher level and has a larger roof and that there is significant gap to Nos 164 and 165 Marine Parade, I consider that that the height of the proposed roof would not look out of place in the street scene.
7. The rear projection would have a glazed gable wall with doors giving access to a balcony surrounded by 1.7m high glazed screens. Although these elements are not characteristic of the original design of properties in the area, the appellant has drawn my attention to a number of examples of more recent similar features, including a rear gable projection to 85 Tattersall Gardens and the large front gable features on three properties in Marine Parade. Notwithstanding the size of the proposed rear gable projection, its ridgeline and roof slopes would be set down from the main roof. This would give it a degree of subservience to the main roof.
8. Moreover, with the exception a glimpsed view between Nos 164 and 165 Marine Parade, the rear of the property is not visible in short or medium range public views. The proposal would have a negligible effect on long range public views from areas to the west of the farmland which borders the rear of the property. There is nothing to suggest that the farmland itself is publicly accessible. Nor would the alterations to rear of the property be unduly prominent in private views from the rear of the small number of neighbouring properties.



9. Overall therefore, I find that the proposal would not have a harmful effect on the character and appearance of the existing dwelling or the surrounding area. As such, it would not conflict with Policies KP2 or CP4 of the Council's Core Strategy 2007 or Policies DM1 or DM3 of its Development Management Document 2015. Amongst other things, these policies require development to achieve a high quality of design which maintains the character of residential areas and have a good relationship with existing development in its architectural approach, height, size, scale and form. Policy DM3 also requires alterations and additions to buildings to respect and be subservient to the scale of the original building and surrounding area. Nor would the proposal conflict with the design advice in the National Planning Policy Framework. It would also comply with the advice on balconies, rear and roof extensions in the Council's Design and Townscape Guide 2009 Supplementary Planning Document.

#### *Other Matters*

10. Concern has been expressed locally that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring dwellings to the north and south of the appeal site. Reference has been made to two dismissed enforcement appeals for a rear extension and balcony at the appeal property<sup>1</sup> and a subsequent enforcement notice. Neighbouring occupiers feel distrustful of the appellant as a result of these matters and the behaviour of builders undertaking work at the property. However, my decision is based on the planning merits of the current proposal.
11. The balcony in the enforcement appeal case was in essentially the same position as the first floor Juliet balcony in the current appeal proposal. However, unlike the current appeal scheme, that balcony gave external access to a flat roof area. That area is close to the common boundary with the rear gardens of the adjoining Marine Parade properties. Notwithstanding the then proposed 1.55m high obscured glazed screens, the external area allowed direct views into the neighbouring gardens. Whilst the proposed doors would be larger than the window they would replace, they would not allow external access to the flat roof. The view from the room they serve would be more confined and directed rearwards in much the same way as the existing window, rather than in the direction of the Marine Parade gardens to the side of the appeal property. Consequently, I consider that the proposed Juliet balcony would not materially reduce the privacy of neighbouring occupiers compared with the existing window in that position.
12. The proposed second floor balcony would be enclosed by 1.7m high obscured glazed screens. These would be sufficiently high to prevent direct views to neighbouring properties. A condition could be used to secure further details of the screens. This would ensure that they would not have gaps which users of the balcony could look through and that their appearance would be appropriate. Whilst the balcony would be reasonably large, it would be accessed from a second floor bedroom and, therefore, is unlikely to be used by a large number of people. Consequently, it would be unlikely to lead to undue noise and disturbance to neighbouring occupiers.
13. The proposal would increase the length of the southern flank wall of the appeal property at first floor level and would increase the overall height and bulk of the roof. However, the detached garage located adjacent to the southern boundary of

---

<sup>1</sup> Appeal references APP/D1590/C/12/2173815 and APP/D1590/C/12/2173816

the appeal site would provide occupiers to the south with a reasonable degree of separation from the visual effect of increasing the length of the flank wall. The increase in the bulk and height of the roof would slope away from the neighbouring dwellings to the south and north. Consequently, I consider that the proposal would not have an oppressive effect on the outlook from those properties.

14. It has also been argued that the increase in the height of the roof would reduce the sunlight reaching the solar panels installed on the roof of No 113. However, I have already noted the slope of Tattersall Gardens. No 113 is at a higher level than the appeal property. As such, the proposed increase in the roof height of the appeal property would not be sufficient to significantly reduce the amount of light reaching the solar panels. The increase in the height of the roof would adjoin the flank wall of No 113 and, therefore, would not materially affect the amount of light reaching the rear garden of that property.
15. It has also been suggested that the proposal would give rise to more windows which could affect the privacy of the occupiers of No 113. However, the only additional window on the north side of the appeal property would be at second floor level and serve a landing. A condition could be used to require obscured glazing to prevent any overlooking of No 113.
16. Taking all these matters into consideration, I conclude that the proposal would not have a detrimental effect of the living conditions of neighbouring occupiers.
17. Concern has also been expressed that the appellant works from home and uses the property for Air B and B lettings and that these activities put pressure on on-street parking. However, the appeal proposal is to extend a single dwellinghouse and there is no substantive evidence to indicate that it would lead to insufficient parking for that purpose. Any material change of use of the property occurring as a result of the appellant's activities would need to be considered as a separate matter.

#### *Conditions*

18. The Council has suggested a list of three conditions. In addition to the time limit for commencement of development, a condition requiring the external materials used in the development to match the existing building is necessary to safeguard the character and appearance of the area. A condition specifying the approved plans is necessary in the interests of certainty.
19. In addition, I consider that conditions to control the details of the glazed screens around the second floor balcony and to ensure that the north-facing dormer window is obscured glazed are necessary to protect the privacy of neighbouring occupiers. Control of the screens around the second floor balcony is also necessary to safeguard the character and appearance of the existing building. The appellant and the Council were given the opportunity to comment on these conditions.

#### **Conclusion**

20. For the reasons set out above, the appeal should be allowed.

*Simon Warder*

INSPECTOR

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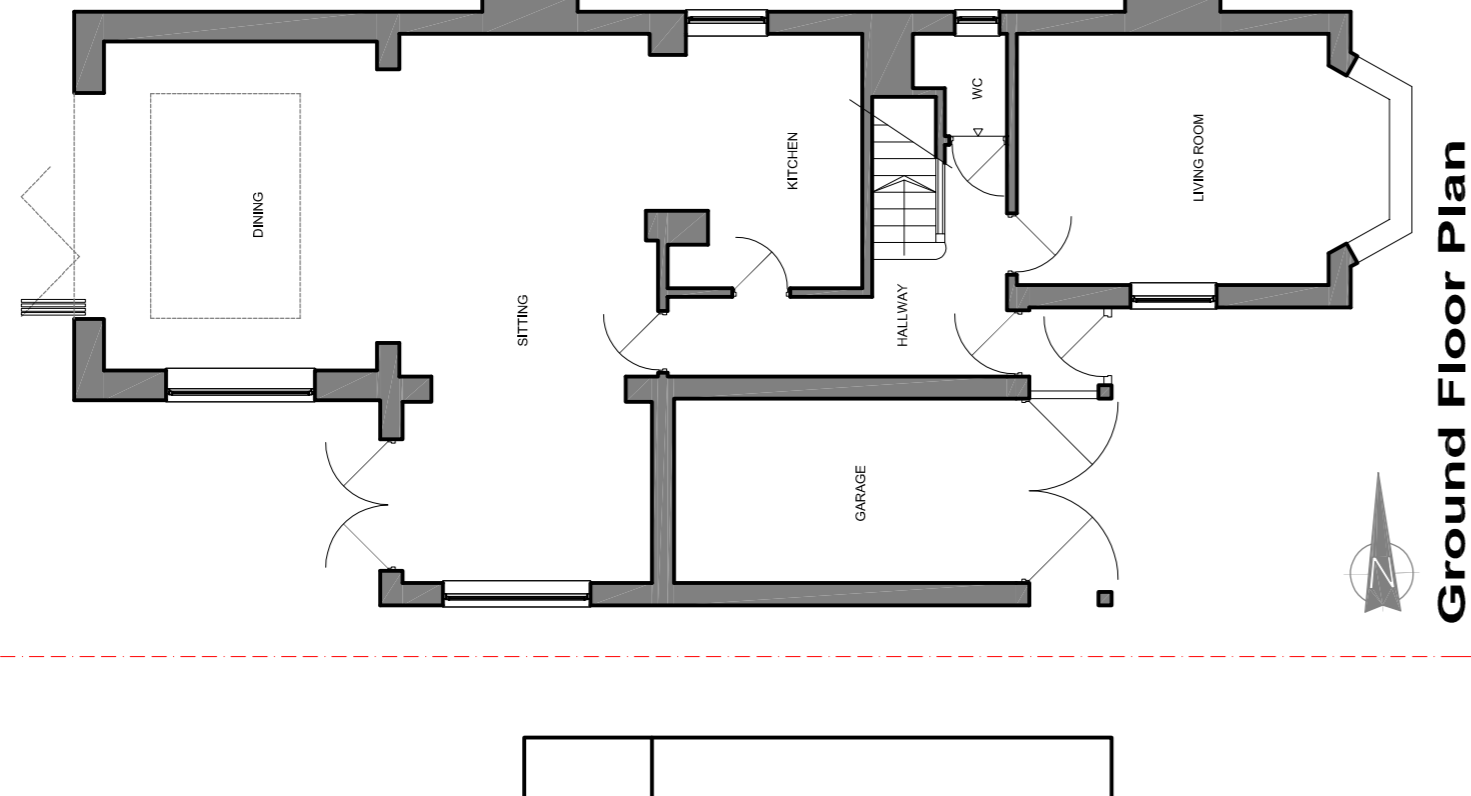
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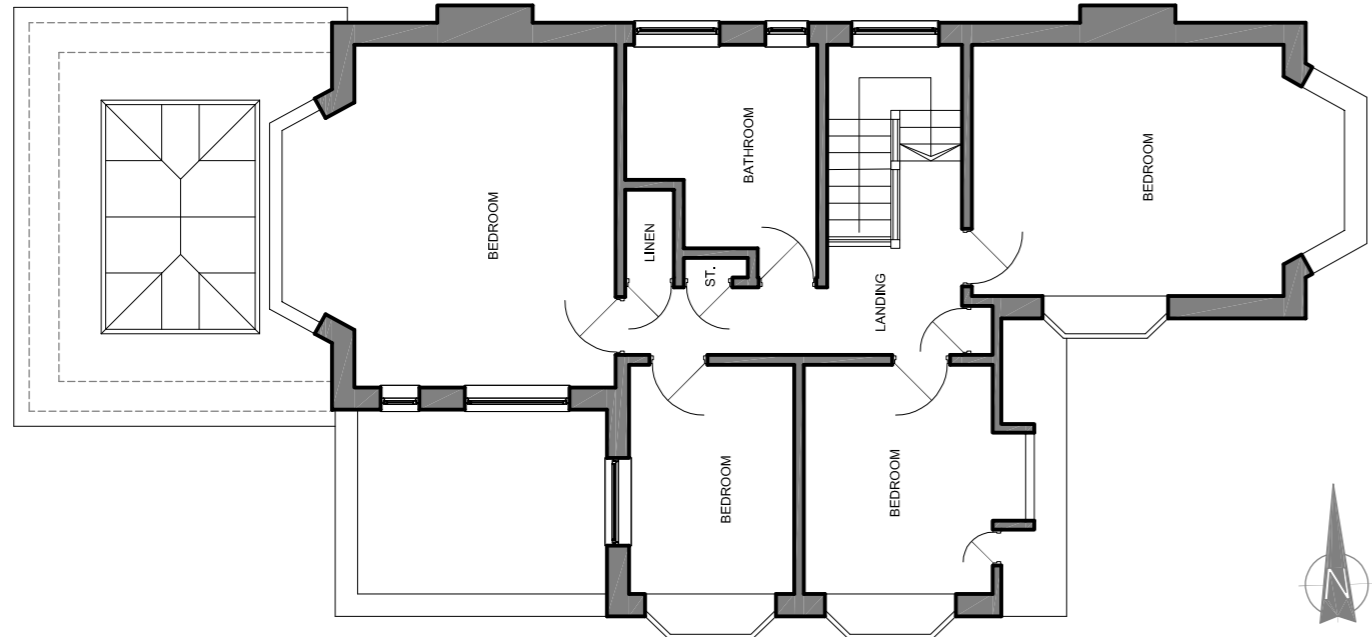
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Revision	Date
A	Site Plans added
B	Revised planning
C	Revised planning

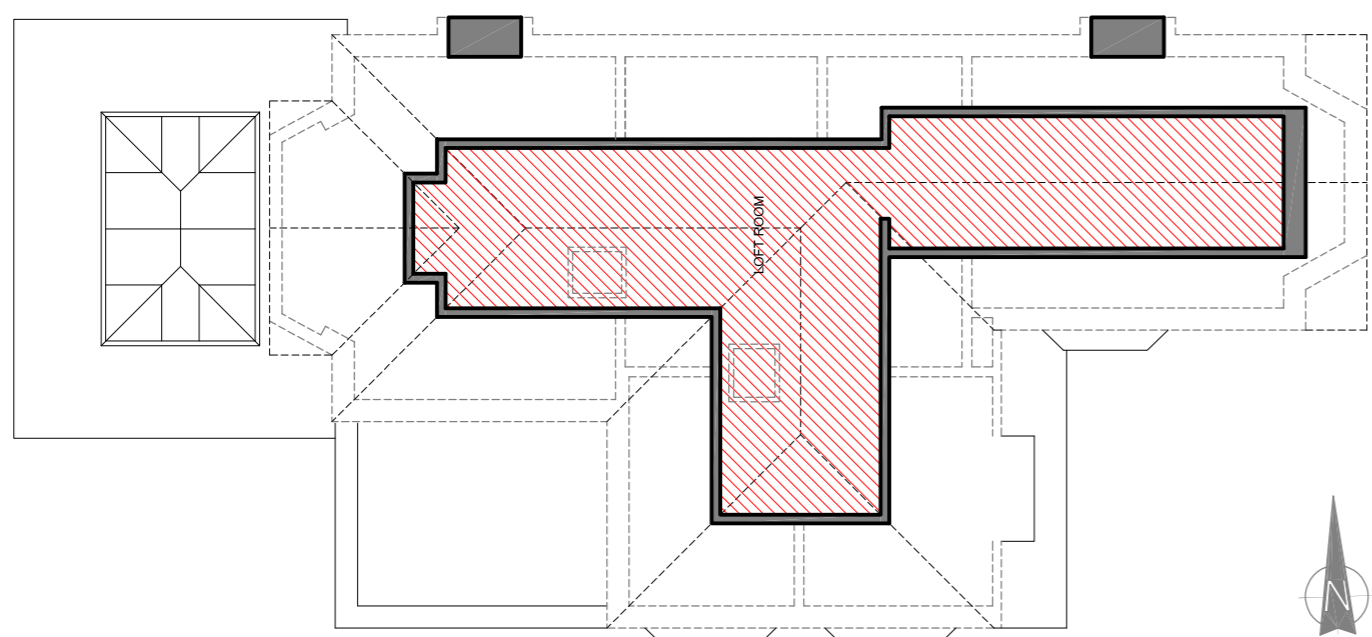
21.11.17  
27.05.20  
27.05.20



Ground Floor Plan

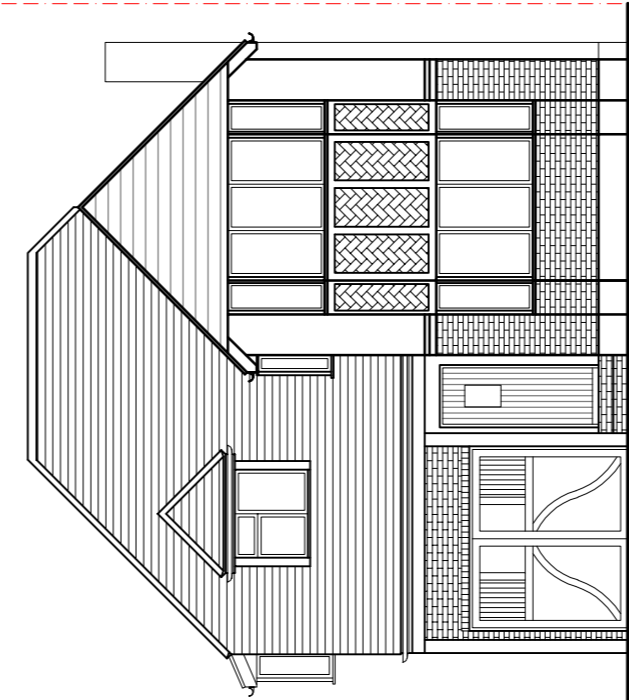
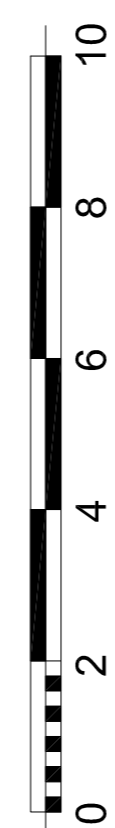


First Floor Plan

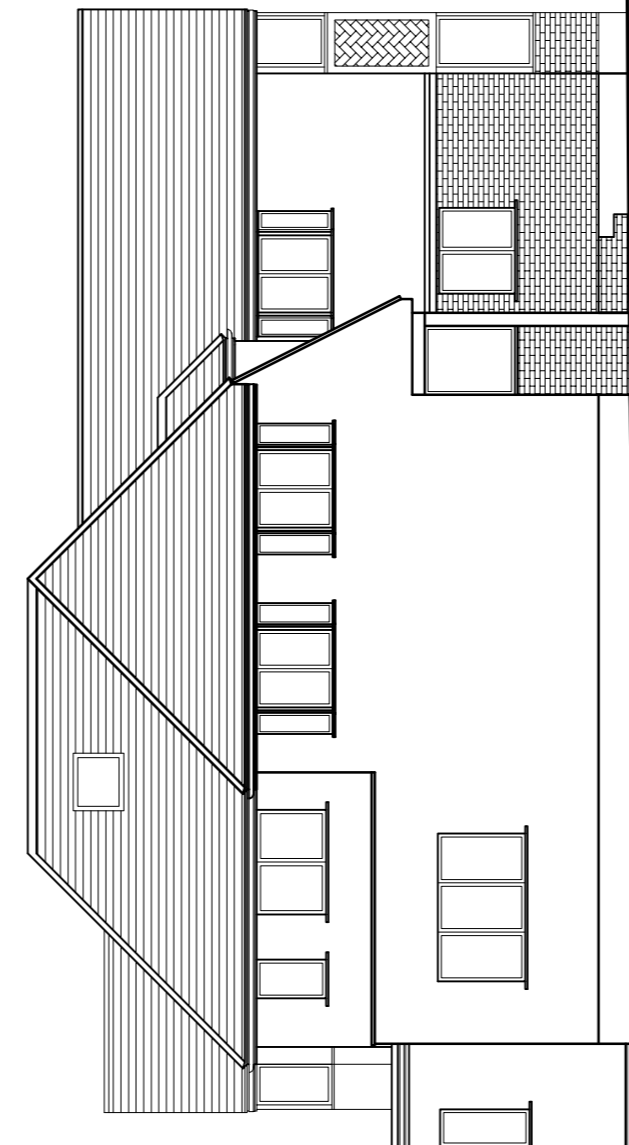


Loft Plan  
1:600mm head height

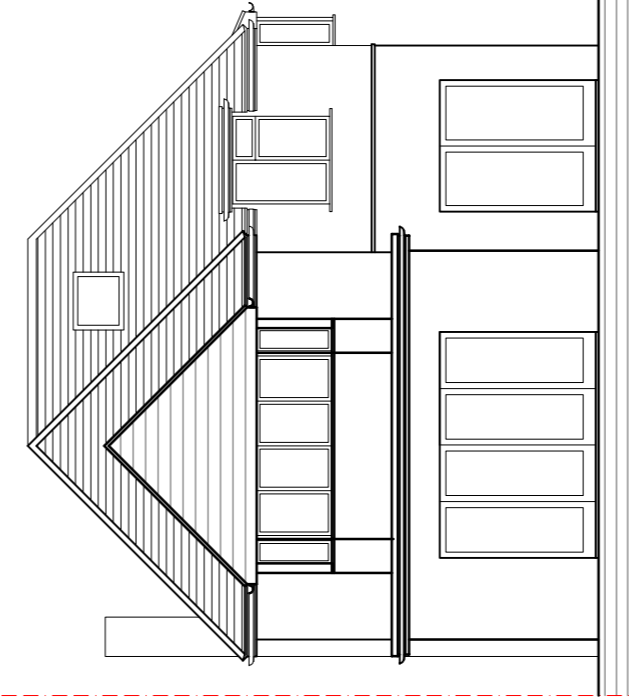
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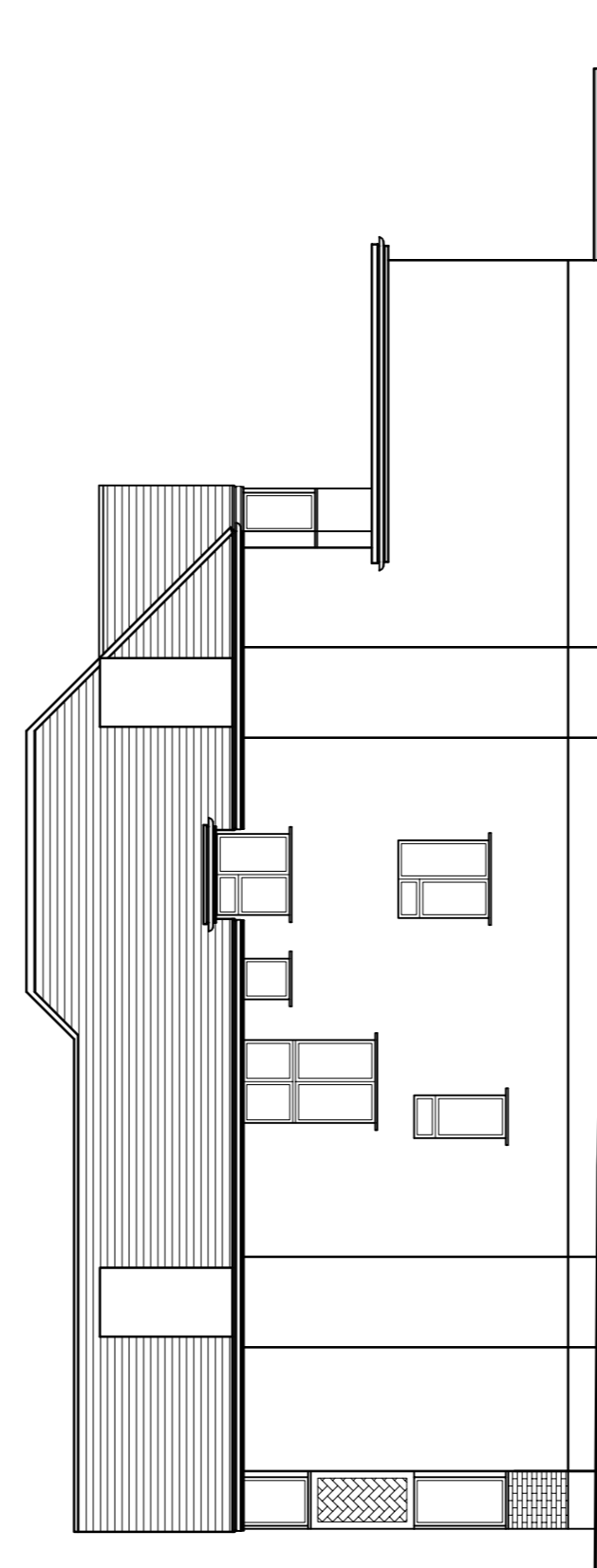
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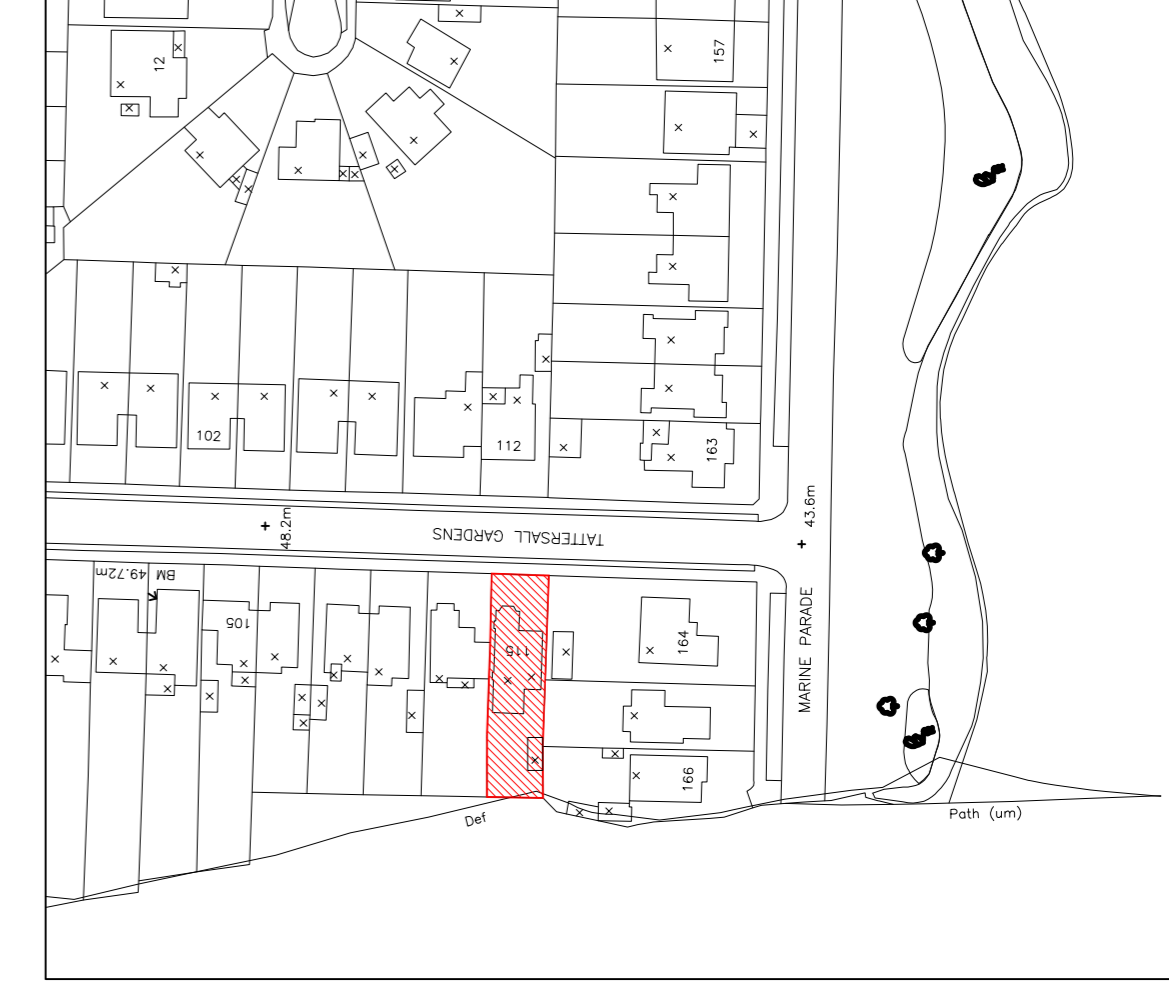
Side Elevation



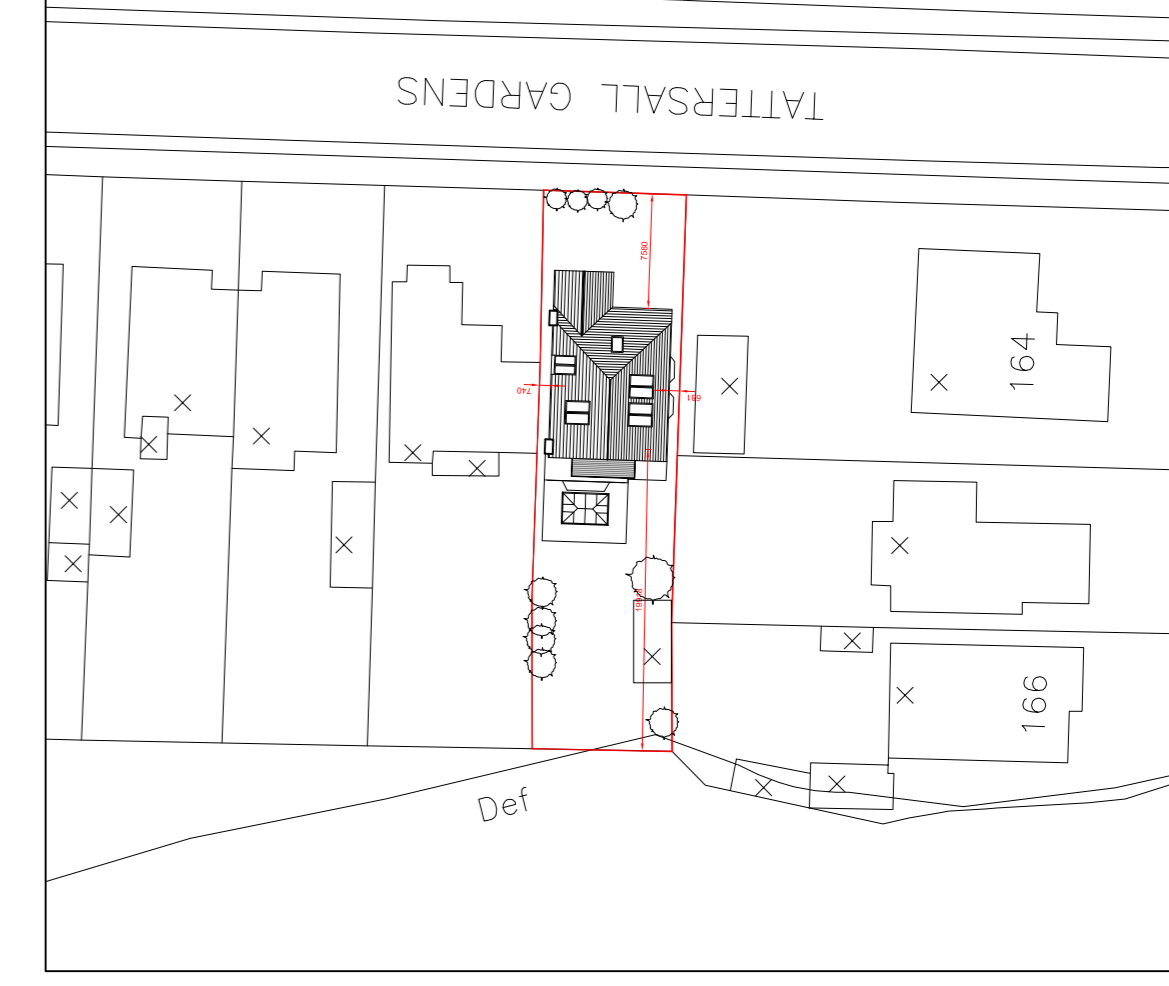
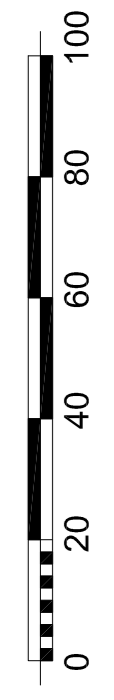
Rear Elevation



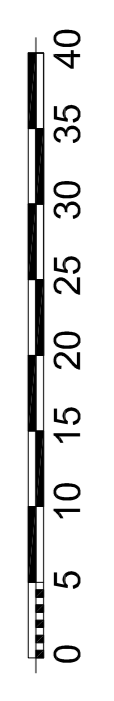
Side Elevation



Existing Location Plan 1:1250



Proposed Block Plan 1:500



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**Client**  
Mr J Moore  
**Project**  
115 Tattersall Gardens  
**Description**  
Proposed Alterations  
Existing Plans & Site Plans

Status	Drawn	Check
Planning	nr	24.10.17
Scale	1:50/100	nr
Job number	1200	010
Revision		C

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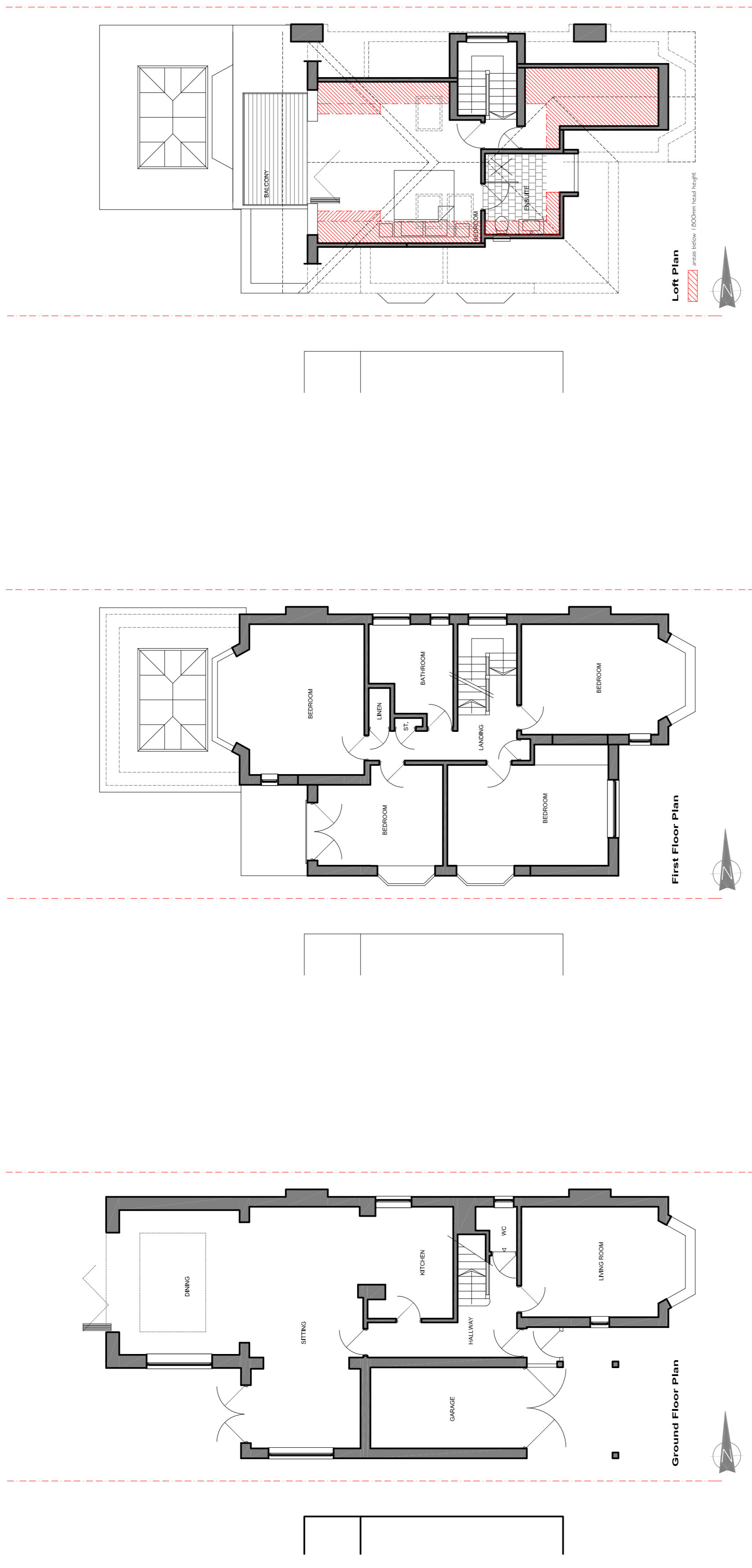
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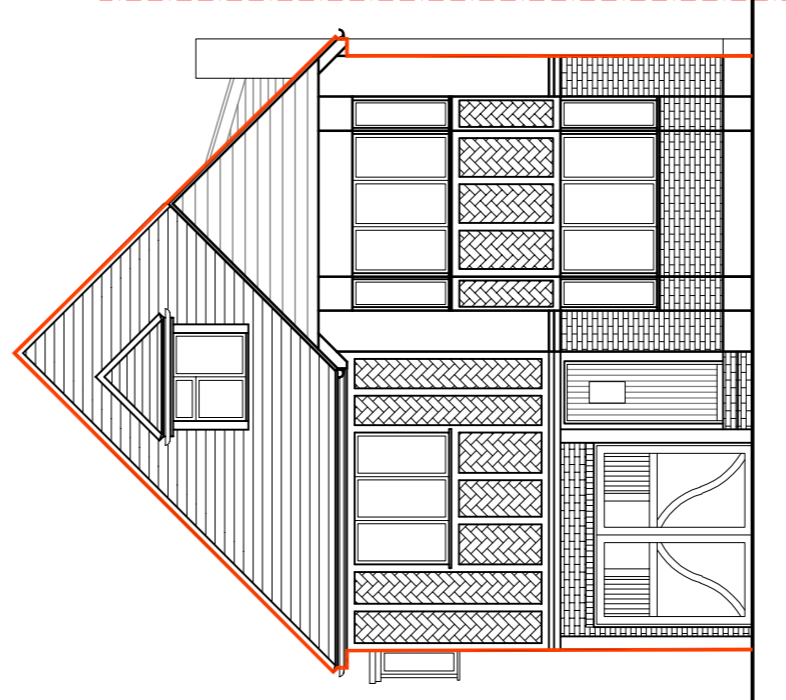
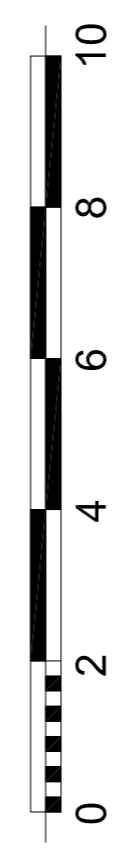
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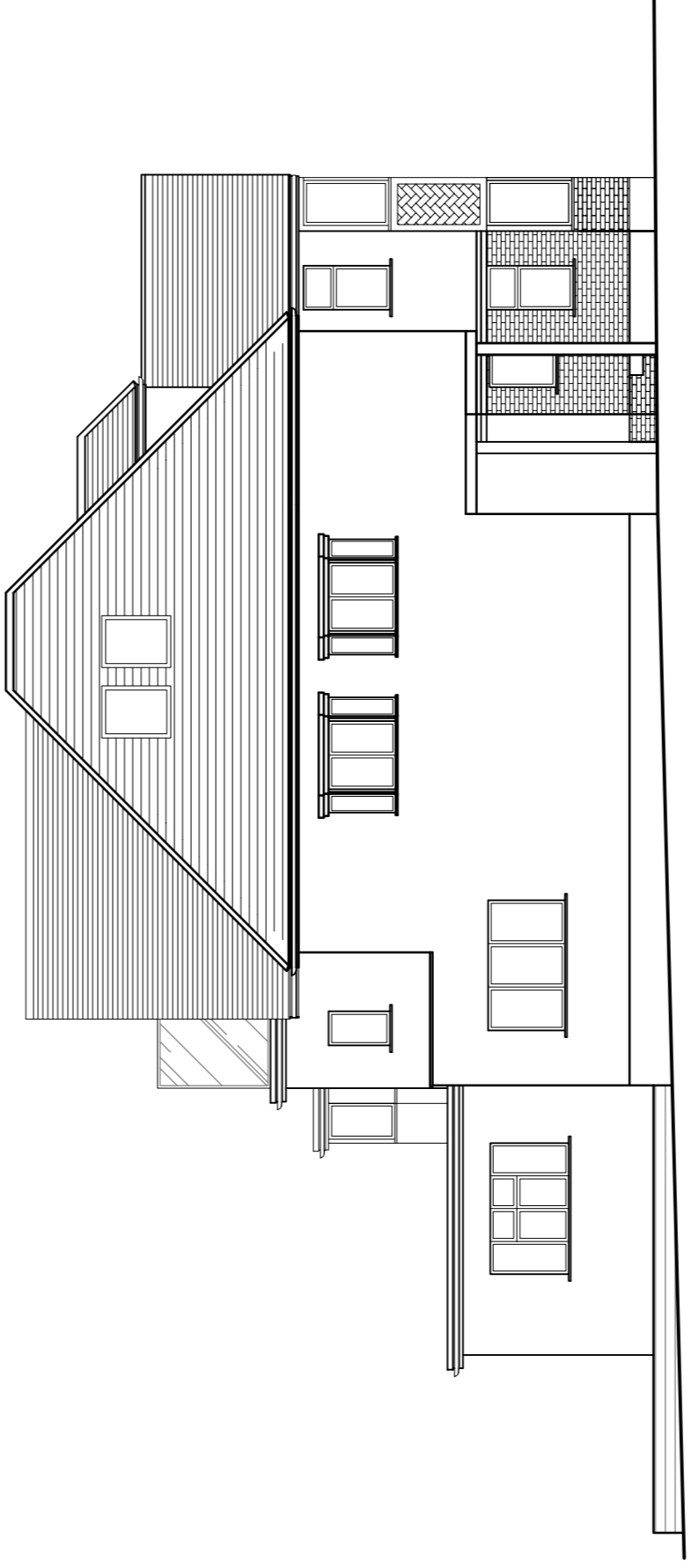
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B	Revised planning
C	Revised planning
D	Revised planning
E	Revised planning



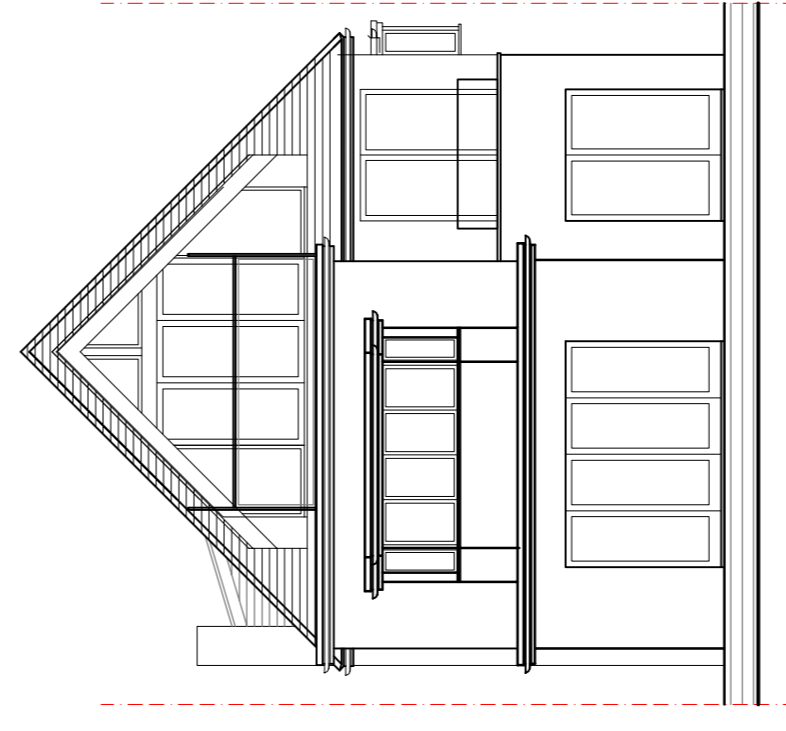
**EXISTING PLANS**



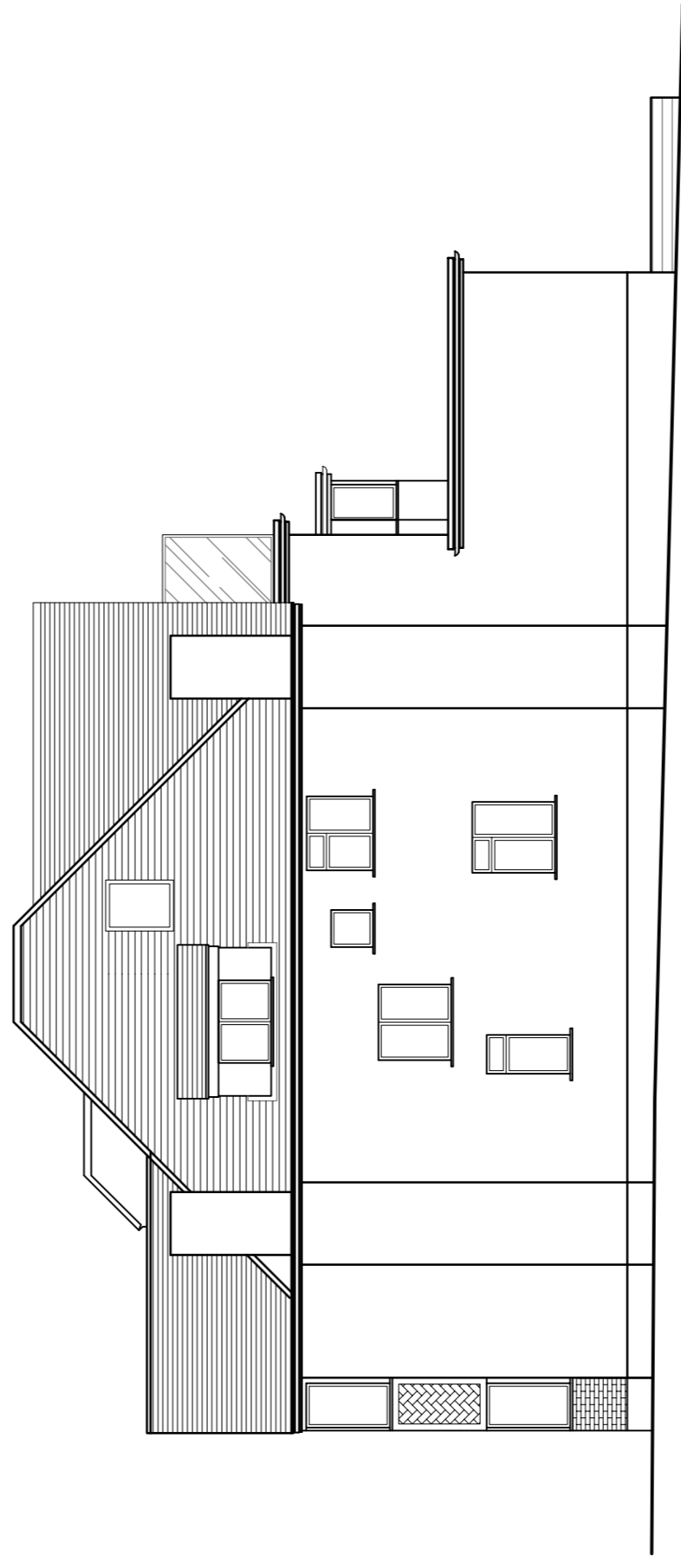
**Front Elevation**



**Side Elevation**



**Rear Elevation**



**Side Elevation**



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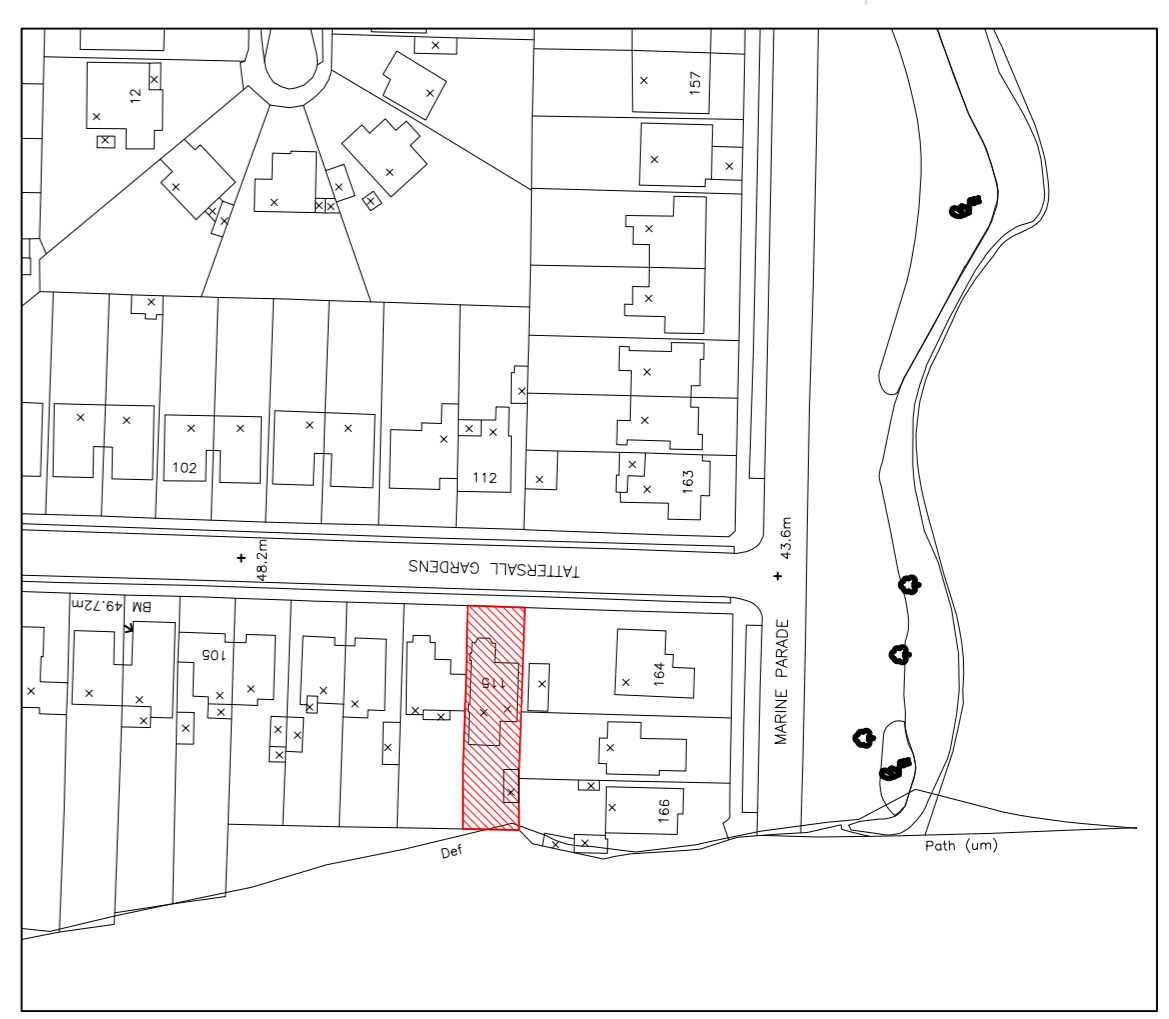
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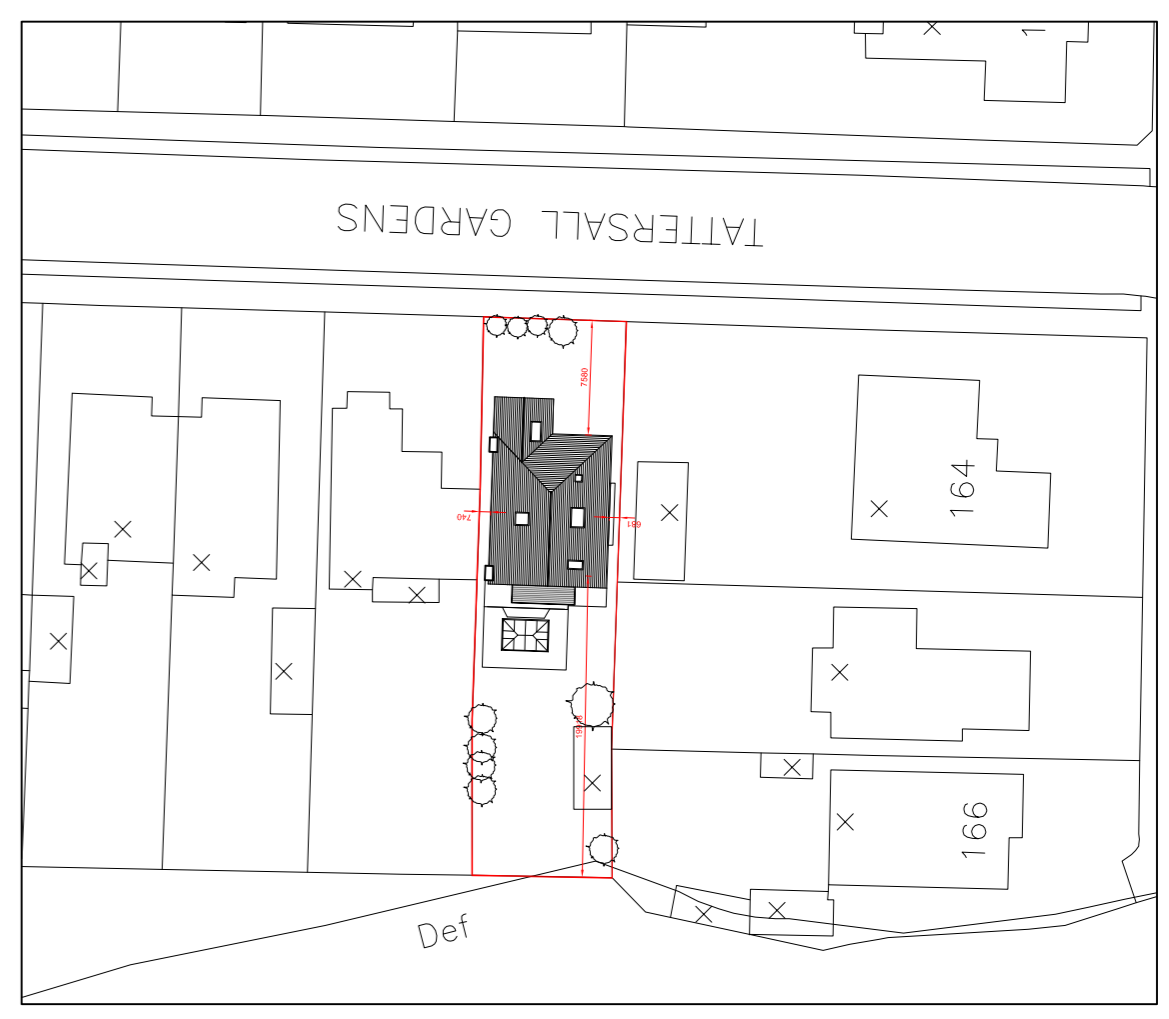
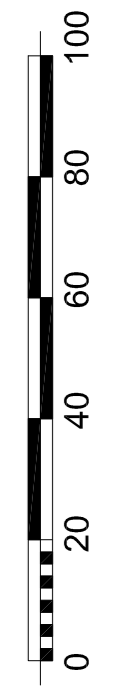
**Client**  
Mr J Moore  
**Project**  
115 Tattersall Gardens  
**Description**

**Proposed Alterations**  
**Existing Plans & Site Plans**

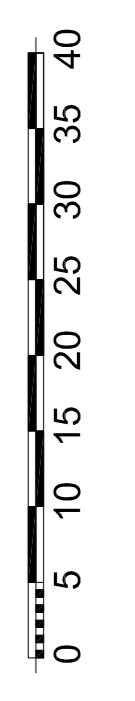
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Planning	1:50/100	nr/mt	24.10.17
Job number	1200	010	E



**Existing Location Plan 1:1250**



**Proposed Block Plan 1:500**



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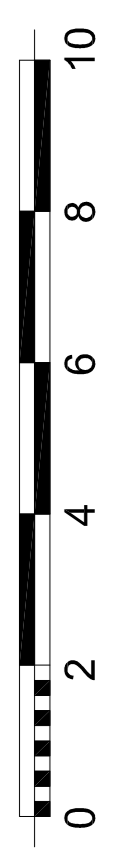
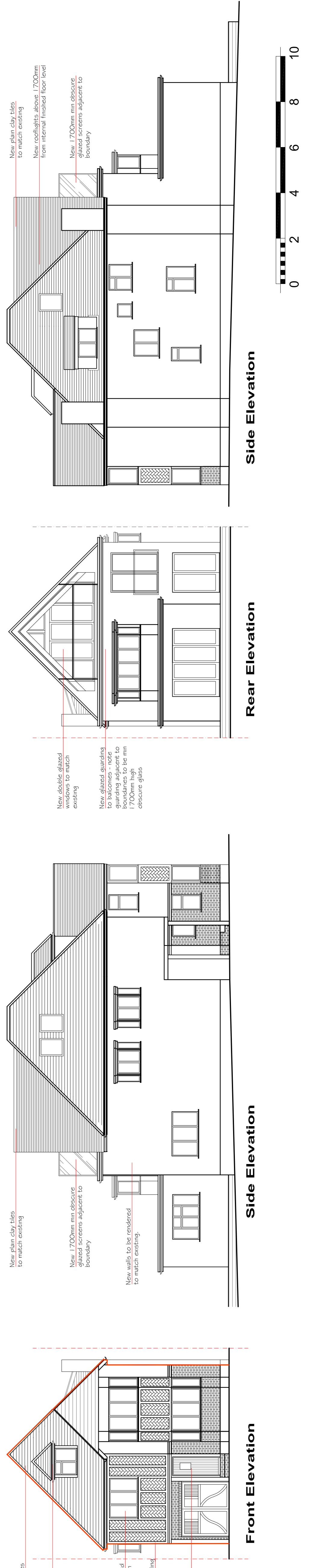
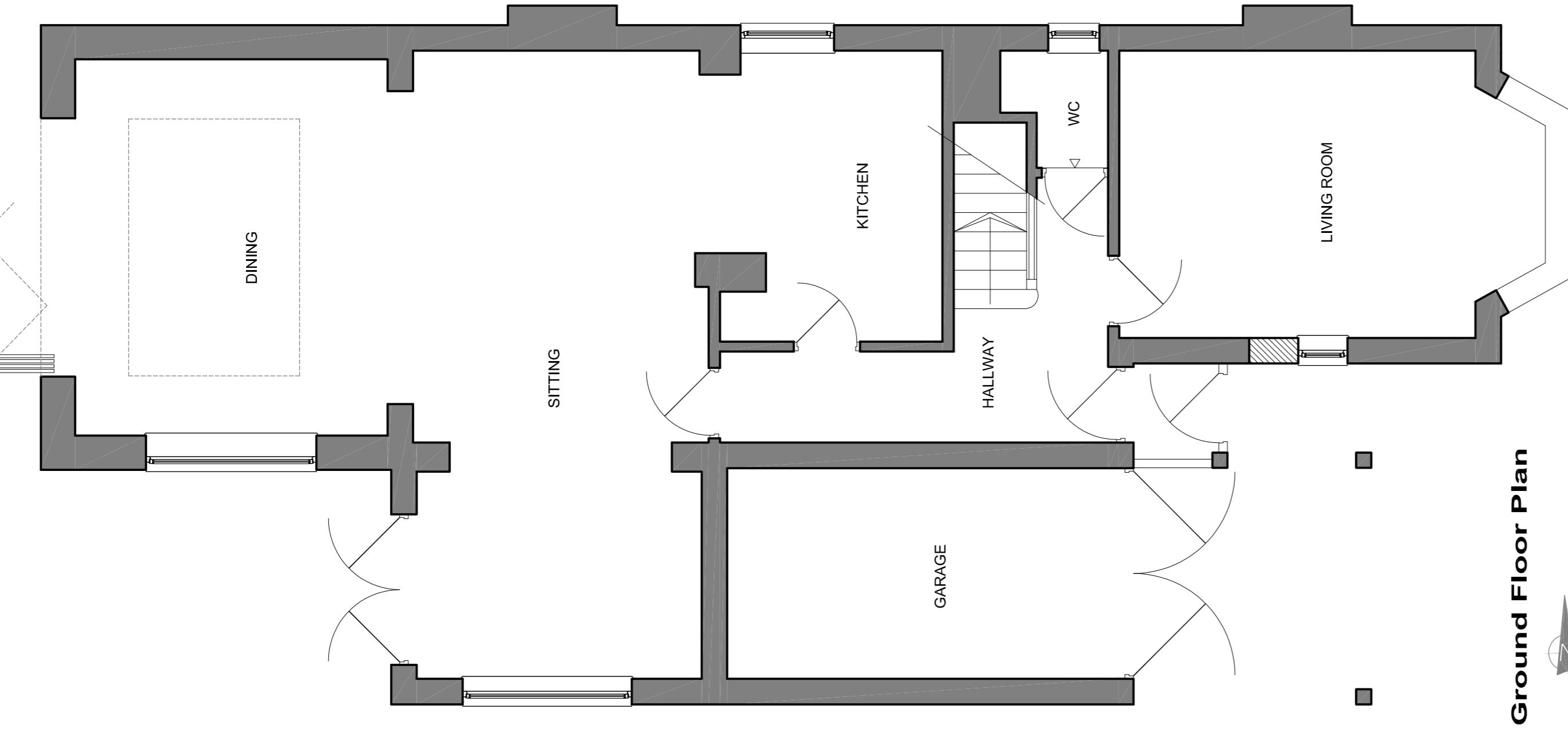
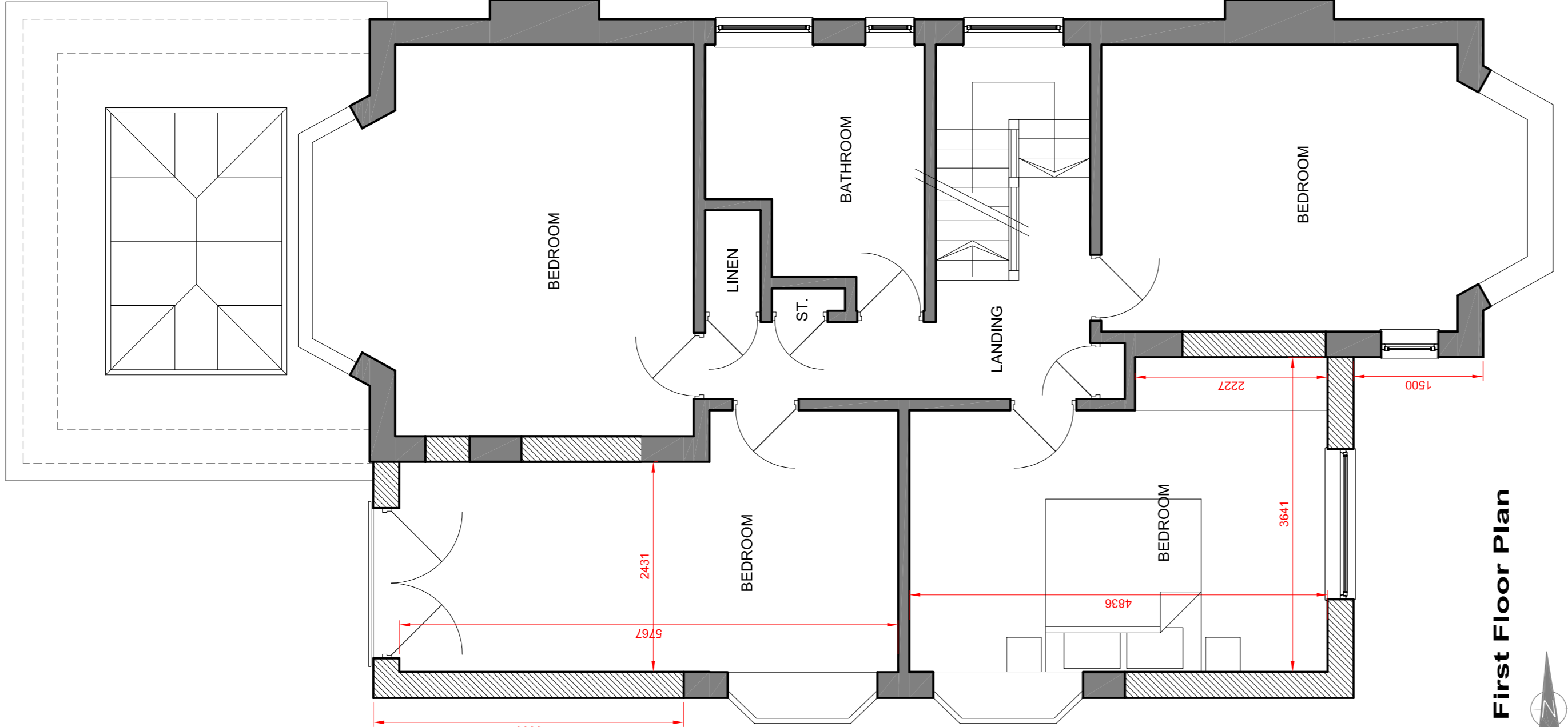
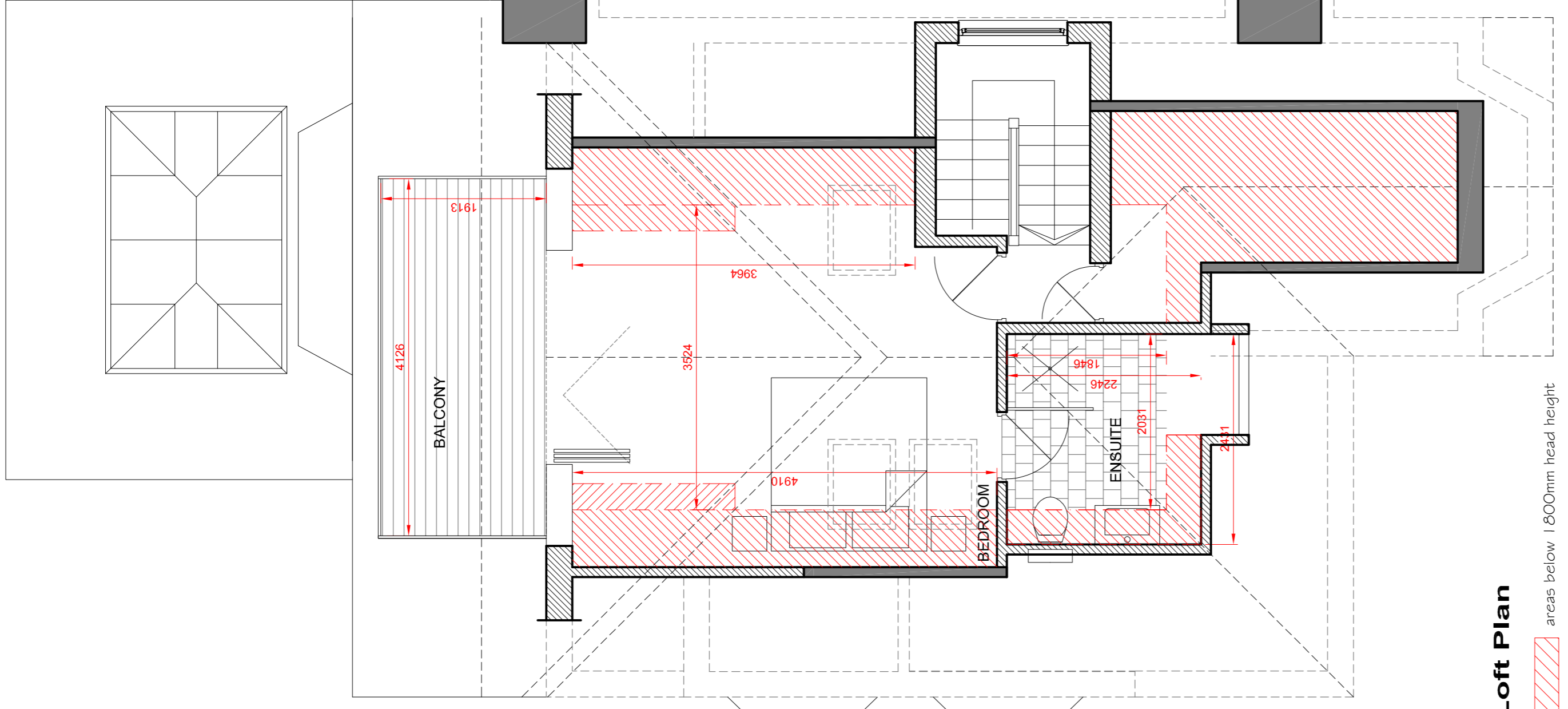
Revision	Date
A	Amended following client meeting 09.11.17
B	Amended to suit client comments 09.11.17
C	Amended fit heights to main roof 09.11.17
D	Planning information added 21.11.17
E	Revised planning 25.06.18
F	Revised planning 27.05.20



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**Mr J Moore**  
Project  
115 Tattersall Gardens  
Description  
**Proposed Alterations**  
Proposed Plans

Status	Date
Planning	June 18
Scale	nr
Job number	1200
Drawing no.	012
Revision	F



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# 115 Tattersall Gardens

20/00760/FULH

# Front Elevation



# North facing flank elevation



# Rear elevation



# Rear elevation – location of proposed First Floor extension



# Flank elevation



# Flank Elevation



# Rear of 164/165 Marine Parade





# Opposite site – Eastern side of Tattersall Gardens



# View of site between 164 & 165 Marine Parade

160

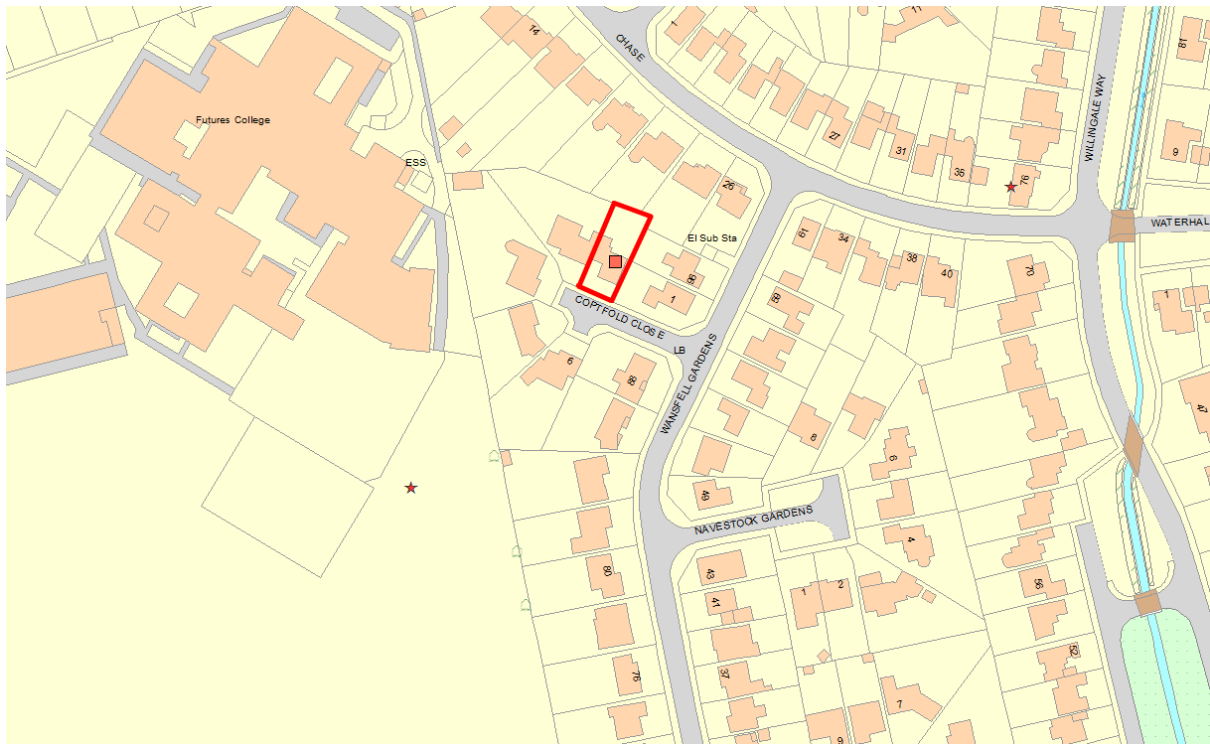




# Application site



<b>Reference:</b>	20/00800/FUL	<h1>11</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Southchurch	
<b>Proposal:</b>	Convert dwellinghouse into two self-contained flats, erect part single/two storey side extension, erect part single/part two storey rear extension, alter elevations, layout parking to front	
<b>Address:</b>	2 Coptfold Close, Southend-On-Sea, Essex	
<b>Applicant:</b>	Mr A Bysouth	
<b>Agent:</b>	Mr Paul Seager of APS Design Associates Ltd	
<b>Consultation Expiry:</b>	1st July 2020	
<b>Expiry Date:</b>	28th July 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>3012 01, 3012 01 REV A, 3012 02, 3012 03, 3012 04, 3012 05</b>	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located on the north side of Coptfold Close, a cul-de-sac off Wansfell Gardens within the Wick Leas estate. The site is currently occupied by a semi-detached, two-storey dwellinghouse with a flat-roofed garage. As the dwellinghouse on site is attached to the neighbouring property only by way of its single-storey garage, the property has an appearance of a detached dwellinghouse. The surrounding area is residential in character, predominantly of detached, two-storey dwellings. No planning-related designations affect the application site or the area.

## **2 The Proposal**

- 2.1 Planning permission is sought for the conversion of the dwellinghouse into two (2no.) self-contained flats and the erection of a part two-storey, part single-storey side extension and a two-storey rear extension. The proposed ground floor flat would have two bedrooms and four bed spaces while the first floor flat would have three bedrooms and six bed spaces.
- 2.2 The single storey element of the side extension would have a depth of some 15m along the west of the main building, projecting about 2m to the rear of the existing rear elevation, and a width of some 4.5m. It would have a flat roof over its rear part and a pitched roof at the front. A new front entrance to the building along with a window to serve one of the proposed bedrooms would be incorporated to its front elevation. Sliding doors would be at the rear elevation and a single window would be located at the rear part of the side elevation facing the main part of the building, both serving a proposed bedroom.
- 2.3 The two-storey element of the side extension would have a hipped roof over its front part which would be connected to the main part of the existing roof and with a matching ridge height, approximately 7m. At its rear part it would have a type of mansard roof with a flat top of some 6.1m in height. The eaves height would be the same as the main building, some 5.2m. The two-storey element of the side extension would extend approximately 3.3m from the west elevation of the existing building and would have a depth of approximately 9.2m. It is proposed to create two first floor windows to the front and a window to the rear.
- 2.4 The pitched-roof, two-storey, rear extension would have the same eaves height, approximately 5.2m, ridge height, approximately 7m, and width, some 6.8m, as the existing building and would project some 3.2m rearwards. Two windows would be located at first floor and bi-fold doors at ground floor level facing to the rear.
- 2.5 An existing first floor eastern flank window which currently serves a stairwell, would be replaced with two windows, one at ground and one at first floor level. The proposed extensions would be finished in brickwork at ground floor level to match the existing. At first floor level the front part would be clad in hanging tiles and the side and rear would be rendered and painted white as per the finishing of the existing building. The hipped and pitched roofs would be finished with tiles to match the existing roof.

- 2.6 Within the submitted application form it is stated that two parking spaces would be retained and one would be lost. No details have been given about any arrangements for the separation of the existing private amenity space and as such it is considered that only the ground floor flat could have access to it on the basis of the information supplied.
- 2.7 It should be noted that planning permission under 20/00191/FULH (the “2020 Permission”) was granted for the extension of the existing dwellinghouse in a similar manner as the proposal. The officer’s report for the 2020 Permission is appended to this report as Appendix 1 and details of the decision are given in section 3 of this report. The differences between the current proposal and the scheme permitted with the 2020 Permission are listed below:

Change of use

- Proposed change of use to two flats.

Physical alterations

- Deeper side extension at first floor level by 2m.
- Mansard-style roof over the additional depth of first floor side extension.
- Replacement of existing window on the eastern elevation with two windows.
- Altered design of pitched roof over the front part of single-storey element of side extension.
- Loss of garage.
- Omission of garage door from the front elevation and creation of a window instead.
- Folding doors instead of window at ground floor rear elevation.
- Smaller window at rear elevation, first floor level.

**3 Relevant Planning History**

- 3.1 The relevant planning history of the site is shown on Table 1 below:

**Table 1: Relevant Planning History**

Reference	Description	Outcome
02/00388/FUL	Demolish garage and erect part single/part two storey side and rear extension with integral garage	Refused [10.07.2002]
20/00191/FULH	Erect part single/two storey side extension, two storey rear extension alter elevations.	Permission Granted [23.04.2020]

**4 Representation Summary**

- 4.1 The application has been called in for consideration by the Development Control Committee by Councillor Bright.

**Public Consultation**

- 4.2 Nine (9) neighbouring properties were consulted and a site notice was displayed. Forty (40) representations objecting to the application have been received and are summarised as follows:

- The proposal would be out of character in the area and is an overdevelopment of the site.
- There are no other flats in the area.
- If allowed the proposal would set a precedent.
- The covenants of the property prohibit the proposed change of use.
- Inadequate parking provision on site.
- Impact in neighbours' residential amenity in relation to overlooking, overshadowing and creation of an overbearing environment.

4.3 The comments have been taken into consideration and those relevant to planning matters are discussed in the relevant sections of the report. Other than the reasons stated in section 9 of this report the objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

#### **Environmental Health**

4.4 No objections subject to conditions regarding construction hours and waste management.

#### **Parks**

4.5 No objections.

#### **Fire Brigade**

4.6 No objections.

### **5 Planning Policy Summary**

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

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

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), , CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 National Housing Standards (2015)

5.7 Technical Housing Standards Policy Transition Statement (2015)

5.8 Waste Storage, Collection and Management Guide for New Developments (2019)

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



## 6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, design and impact on the street scene and wider area, residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water sustainability, refuse and recycling storage and CIL. The planning history of the site is a material consideration which carries significant weight in the determination of this application due to the circumstances on site and the planning policy context not having changed in any material regard since the grant of the 2020 Permission.

## 7 Appraisal

### Principle of Development

#### Physical alterations

- 7.1 The principle of acceptability of the physical alterations on the building was established with the grant of the 2020 Permission and was discussed in paragraph 7.1 of Appendix 1 which remains relevant.

#### Change of use to two flats

- 7.2 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes.
- 7.3 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The HDT and 5YHLS carry some weight in favour of the principle of the development given the proposed creation of one additional unit.
- 7.4 Policy CP8 of the Core Strategy states that the 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".
- 7.5 The proposal would result in the loss of a dwellinghouse suitable for families. This type of housing is considered to be a valuable resource for the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of 1-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. Whilst one of the proposed flats would accommodate three bedrooms, given the limited amenity space, that flat is found to be unacceptable and unlikely to be suitable for a family. The proposed provision of additional housing on site has been weighed in the balance and found not substantial enough to outweigh the loss of an acceptable family sized unit. The principle of the proposed development is therefore unacceptable. Other material planning considerations are discussed in the following sections of the report.

## **Design and Impact on the Character of the Area**

- 7.6 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.7 Paragraph 124 of the 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.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.8 When the 2020 Permission was granted by the LPA it was found that the proposed alterations to the property would be acceptable as per the discussion in paragraphs 7.2 to 7.7 of the appended report. Given the similarities between the previously approved and the currently proposed scheme, these findings are relevant to this permission. The external changes between the two schemes as listed in paragraph 2.7 of this report, would not render the external appearance of the proposed scheme unacceptable. The replacement of the garage door at ground floor level and the amendment of the roof shape over the single storey aspect of the front part of the side extension would not materially harm the streetscene or wider surrounding area. The proposed changes to the eastern and rear elevation would have an acceptable visual impact. The additional width to the two-storey aspect of the side extension would not be visible from public vistas and would not be materially harmful to the rear gardenscape of the locality. Conditions controlling the use of materials could be secured by condition if the proposal were otherwise acceptable. Overall, the proposal would have an acceptable impact on the character and appearance of the area and would be policy compliant in the above regards.

## **Standard of Accommodation and Living Conditions for Future Occupiers**

- 7.9 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

### **Space Standards**

- 7.10 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes.

- 7.11 The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

	Area (m <sup>2</sup> )	Bedroom 1	Bedroom 2 (and 3)	Storage area (m <sup>2</sup> )	Amenity space (m <sup>2</sup> )
Standard for 3 bed 6 person (one storey)	95	11.5m <sup>2</sup> Wmin=2.75m	N/A	2.5	
Standard for 2 bed 4 person (one storeys)	70	11.5m <sup>2</sup> Wmin=2.75m	11.5m <sup>2</sup> Wmin=2.55m	2	
Proposed GF flat 2 bed 4 person	133.2	26.9m <sup>2</sup> W = 3.9m	18.2m <sup>2</sup> W=2.85m	<b>0</b>	133.2
Proposed FF flat 3 bed 6 person	103.7	21.7m <sup>2</sup> W = 2.9m	12.1m <sup>2</sup> (12.2m <sup>2</sup> ) W=2.9m (3.1m)	<b>0</b>	0

- 7.12 The table shows that the proposed flats would meet the overall space, the bedroom area and dimensions requirement but would fail to provide the minimum internal storage space required by the NDSS. It is considered that the size of the proposed units could accommodate additional internal storage space and this could be secured by condition were the application otherwise acceptable.

#### Daylight, Sunlight and Outlook from Habitable Rooms

- 7.13 All habitable rooms would have acceptable outlook and benefit from acceptable levels of daylight and sunlight. These arrangements are considered acceptable and policy compliant in this regard.

#### M4 (2) – Accessibility

- 7.14 Given that the proposal is for a conversion of an existing building, the policy requirement is that the proposal is no less compliant with Building Regulation M4(1) when compared to the existing property. The proposal would be in line with policy in this regard.

#### Amenity Provision

- 7.15 The amenity provision for the ground floor flat is considered acceptable. The upper floor flat would have no access to private amenity areas. Given the size and type of the dwelling it is not considered that no access to private amenity is acceptable. Furthermore, as already discussed, the level of amenity space would result in the upper floor flat being materially less likely to be suitable for a family. It is considered that the proposed arrangements would be detrimental to the living conditions of future occupiers, contrary to planning policy.

#### Noise and disturbance

- 7.16 The submitted illustrations show the retention of two parking spaces to the front of the window of a ground floor bedroom.

- 7.17 Whilst no details have been provided, given policy requirements, it is assumed that the proposed parking provision would be one space for each flat. The location of the parking is not considered a positive of the scheme given the potential noise and disturbance implications. However, it is not considered that any harm to the living conditions of the ground floor flat would be so detrimental that would justify the refusal of the application on this ground. Furthermore, the Council's Environmental Health team has raised no concerns about noise issues. Details of noise attenuation measures for the bedroom window could be requested with a condition if the proposal were otherwise to be found acceptable.
- 7.18 Overall, it is considered that the proposal, by reason of its failure to provide suitable amenity space for the first floor flat, would result in substandard accommodation for future occupiers and as such it would be detrimental to their living conditions. The proposal is therefore unacceptable and contrary to relevant policies in these regards.

### **Impact on Residential Amenity**

- 7.19 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.20 Paragraphs 7.8 to 7.12 of Appendix 1 discuss the impact of the majority of the proposed alterations to the residential amenity of neighbouring occupiers. The findings for the 2020 Permission are relevant to this application due to the similarities in built form. The proposed changes to the front and rear elevation would not have a materially different impact to neighbouring occupiers than that already identified when the 2020 permission was granted. The proposed replacement of the window on the eastern elevation with two windows is acceptable given that these windows serve non-habitable rooms and could be required to be obscure glazed. Regarding the additional depth of the upper floor element of the side extension given its separation distance from neighbouring properties and the fact that it would sit well behind a notional 45 degree guideline taken from the nearest first floor window at no.3 Coptfold Close, it is not considered it would have any materially overbearing impact, loss of light, creation of sense of enclosure or loss of outlook to any neighbouring property. A condition to control the hours of construction could be imposed were the application found otherwise to be acceptable. The proposed development is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.21 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.22 For any type of flats, a minimum of one off-street parking space should be available. The proposal is policy compliant in this regard. The access arrangements would not be altered. The provision of one cycle storage space is required. No details have been provided about this.

- 7.23 While the upper floor flat would not have access to the rear garden, the required cycle storage spaces could be provided within the communal areas and details could be secured by condition. The proposal is acceptable and policy compliant in these regards.

### **Refuse and Recycling Storage**

- 7.24 For schemes smaller than five units, the policy expects that the Council's kerb collection service would be used. The location of the development is convenient for the use of the service. The current proposal is acceptable and policy compliant in this regard.

### **Energy and Water Sustainability**

- 7.25 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.26 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage could be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area if the proposal were otherwise found to be acceptable. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

### **Flooding and surface water drainage**

- 7.27 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed extensions would be built within undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems could be secured by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

### **Community Infrastructure Levy (CIL)**

- 7.28 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.

### **Other matters**

- 7.29 Most of the objections received by third parties mentioned that the residential estate is covered by restrictive covenants which prohibit the conversion of a single dwellinghouse to flats.

This is a private, legal matter for the owners and occupiers of the estate, not a planning related matter. If permission were to be granted, it would have no effect on restrictive covenants registered against the legal ownership title of the property. The existence of such covenants has no bearing in the consideration of the planning application.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, including the previous permission granted under 20/00191/FUL which carries significant weight, it is found that the proposed development is unacceptable and contrary to local and national planning policies. The proposed development would result in the loss of a family dwellinghouse, a type of housing which is a valuable resource for the borough and would result, by reason of absence of any provision of private amenity space, in poor living conditions for the future occupiers of the proposed first floor flat. The benefits of the proposal, including the minor provision of one additional dwelling, do not outweigh the significant and material harm identified. The application is, therefore, recommended for refusal.

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

- 01 The development would result in the loss of a family-sized dwelling, a type of unit for which there is a particular identified need, to the detriment of the Borough's housing supply. No benefits which outweigh this harm have been advanced. This application is therefore is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), and Policy DM3 of the Southend-on-Sea Development Management Document (2015).**
- 02 The proposed development, by reason of its failure to include adequate private amenity space would provide substandard living conditions for the future occupiers of the proposed first floor flat, to the detriment of their amenity. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 (as amended by the Technical Housing Standards Policy Transition Statement (2015)) of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**

**APPENDIX 1**

<b>Reference:</b>	20/00191/FULH
<b>Application Type:</b>	Full Application - Householder
<b>Ward:</b>	Southchurch
<b>Proposal:</b>	Erect part single/two storey side extension, two storey rear extension alter elevations
<b>Address:</b>	2 Coptfold Close, Southend-On-Sea, Essex
<b>Applicant:</b>	Mr A Bysouth
<b>Agent:</b>	Mr Paul Seager of APS Design Associates Ltd
<b>Consultation Expiry:</b>	27th February 2020
<b>Expiry Date:</b>	27th April 2020
<b>Case Officer:</b>	Kara Elliott
<b>Plan Nos:</b>	<b>2970/02, 2970/03/A, 2970/04/A</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>

**1 Site and Surroundings**

- 1.1 The application site relates to a detached two storey dwelling located on the north side of Coptfold Close, a small cul-de-sac from Wansfell Gardens. The street is residential in character and contains two storey dwellings of various appearances. The dwelling is attached by its single storey garage to no.3 to the west but due to the main part of dwelling being attached, is considered to be a detached dwelling.
- 1.2 The application site does not relate to a listed building or conservation area.

**2 The Proposal**

- 2.1 The application seeks planning permission for a part two storey, part single storey side extension and a two storey rear extension. The two storey side extension would have a hipped roof from the main dwelling, with a ridge height matching the main dwelling (approximately 7 metres) and would extend approximately 3.25 metres from the west flank of the dwelling. The two storey side extension would have a depth of approximately 7.5 metres and an eaves height of approximately 5.3 metres, matching that of the existing dwelling. There would be two first floor front windows and a window to the rear. No windows are proposed to the west flank elevation. From the front, it would be clad in hanging tiles, as would the first floor of the existing front elevation of the main dwelling. The remainder of the two storey side extension would be rendered and painted white.
- 2.2 The single storey element of the side extension would have a depth of approximately

15 metres along the west of the dwelling and would have a flat roof for its main part, with a pitched roof at the front providing a front entrance to the dwelling including a timber garage door and front door. The single storey extension would have an overall width of approximately 4.5 metres and would contain a glazed lantern towards the rear. A single window would be located at the rear, serving a utility room. The single storey element of the side extension would be finished in facing brickwork to match the existing.

- 2.3 The pitched roof two storey rear extension would continue from the heights and size of the existing rear of the dwelling, projecting 3 metres rearwards. The first floor would at the rear would be finished in render with the ground floor and eastern flank in brickwork to match existing, to continue with the rest of the dwelling. Two windows would be located at first floor and bi-fold doors to the ground floor to the rear. An existing first floor eastern flank window is to remain as existing and serves a stairwell.

### **3 Relevant Planning History**

- 3.1 02/00388/FUL - Demolish garage and erect part single/part two storey side and rear extension with integral garage – Refused.

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 9 neighbouring properties were consulted. One letter of representation was received which raises the following objections;

- Loss of neighbour amenity from;
  - loss of sunlight;
  - overlooking;
  - loss of privacy

- 4.2 Officer comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in this instance.

### **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019).
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment and Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land).
- 5.4 The Design & Townscape Guide (2009).
- 5.5 CIL Charging Schedule (2015).

### **6 Planning Considerations**

- 6.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impacts on residential amenity, CIL contributions. Due to the nature of the development which does not



materially affect the need for, or on-site provision of, parking there are no adverse highway safety or parking impacts.

## 7 Appraisal

### Principle of Development

- 7.1 The principle of extending the dwelling and providing facilities in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

### Design and Impact on the Character of the Area

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. The Design and Townscape Guide also states that; *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 7.3 Paragraph 124 of the NPPF states that; *“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.”*
- 7.4 Policy DM1 of the Development Management Document states that all development should; *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.*
- 7.5 Policy DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through;*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
  - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
  - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.6 The proposed extension is considered to be visually acceptable and would not result in demonstrable harm to the character and appearance of the dwelling or the wider area. This is due to the subservient scale, size, bulk, position and height of the extension and its use of materials to match the existing dwelling, as well as its absence from public view.
- 7.7 The proposed development is considered to acceptable and policy compliant in these

regards.

### **Impact on Residential Amenity**

- 7.8 Paragraph 343 of the Design and Townscape Guide under the heading of 'Alterations and Additions to Existing Residential Buildings' states that; *"extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties."*
- 7.9 The application property is neighboured by 81 and 92 Fairfield Gardens. The proposed two storey element of the development extends 2.335 metres and would be located approximately one metre from the boundary shared with no.92 which contains no habitable room windows in its nearest flank wall. The single storey element would extend 4.35 metres along this boundary at a height of 2.8 metres and set approximately one metre in from the boundary itself. The proposed two storey extension would not surpass a notional 45 degree guideline taken from the edge of the extension to the nearest first floor window at no.92. Noting this and its modest projection, pitched roof design for the two storey element, the lack of side openings and the single storey element, it is not considered that the proposed development would result in material harm to the amenities of the occupiers of no.92 from a loss of outlook, loss of light, loss of privacy or an overbearing, dominant impact.
- 7.10 The existing dwelling is already set behind no.81. The proposed two storey element of the extension would not have any material impact upon these neighbours due to a separation distance of approximately 4 metres. The single storey element of the extension would have a modest height at 2.8 metres and would extend 3.5 metres deep closest to the boundary with this neighbour. The rear single storey extension would not be located adjacent to the existing built form of no.81. It is not considered that the proposed development would result in material harm to the amenities of the occupiers of no.81 from a material loss of outlook, loss of light, loss of privacy or an overbearing, dominant impact.
- 7.11 The extension is sufficiently removed from any other neighbouring properties such that it would not harm their amenity in any regards.
- 7.12 It is therefore considered that the proposed development would not have an adverse impact on residential amenity. The proposed development is therefore acceptable and policy compliant in this regard.

### **Community Infrastructure Levy**

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

## **8 Conclusion**

- 8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposed development would have an acceptable impact on the

amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. The proposal would not result in any adverse impact on parking provision or highway safety. This application is therefore recommended for approval, subject to conditions.

## **9 Recommendation**

**GRANT PLANNING PERMISSION** subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of 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: R03/B, R2134/C01/A, 134/C00.**

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

- 03 The external finishes used for the external walls and roof of the development hereby permitted shall be match those of the host dwelling.**

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

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

### **Informative**

- 1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please**

**take care when carrying out works on or near the public highways and footpaths in the Borough.**



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1 Site Plan

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REVISION	DATE	AMENDMENT
A	02.06.2020	Dimensions Added

**APS DESIGN ASSOCIATES LTD**  
 ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: **Town Planning**      DRAWN BY: **GD**      DATE: **June 2020**  
 CLIENT:

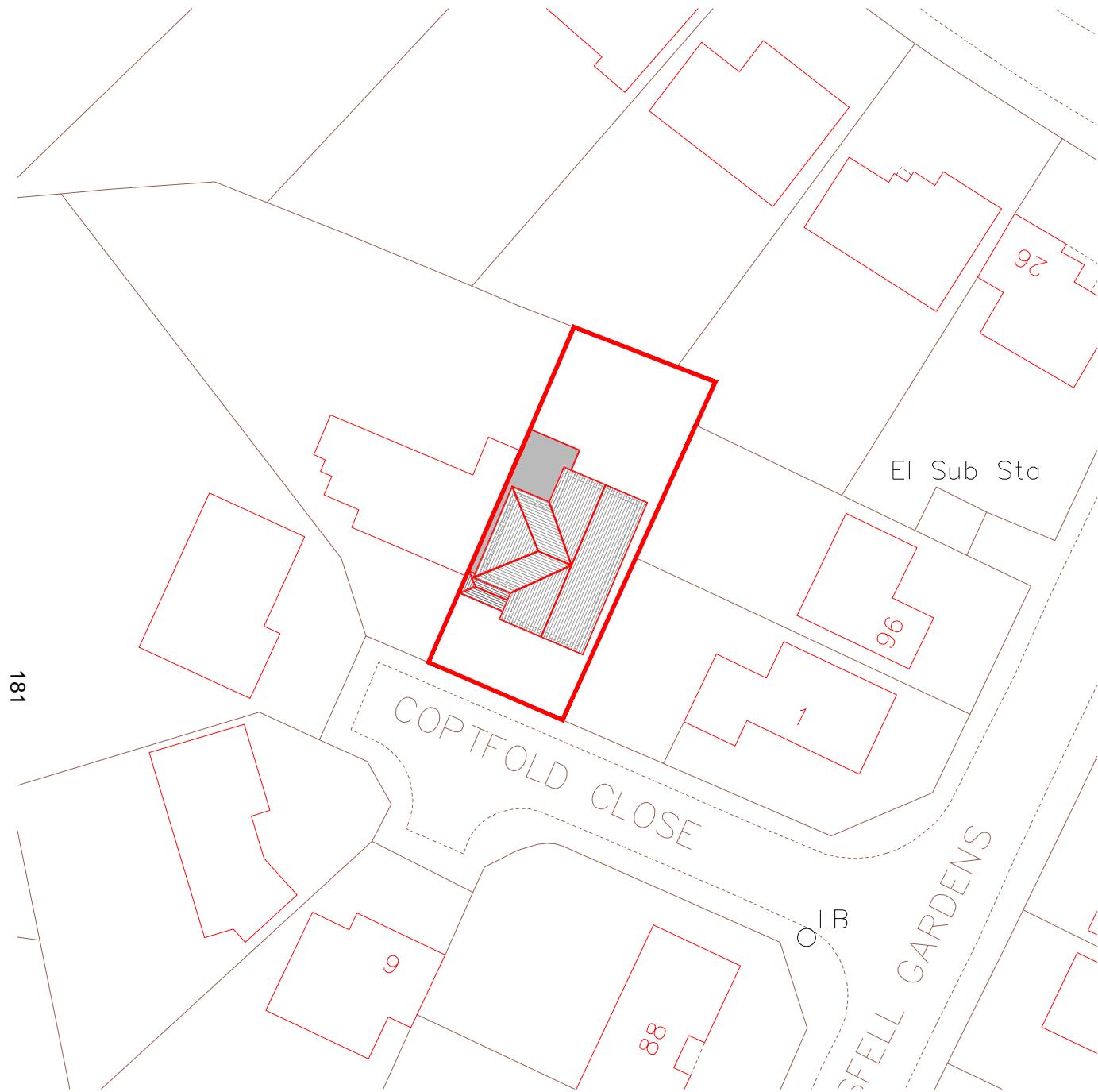
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 JOB NO: **3012**      SCALE: **1:100 @ A2**

DRAWING TITLE: **Site and Location Plans**

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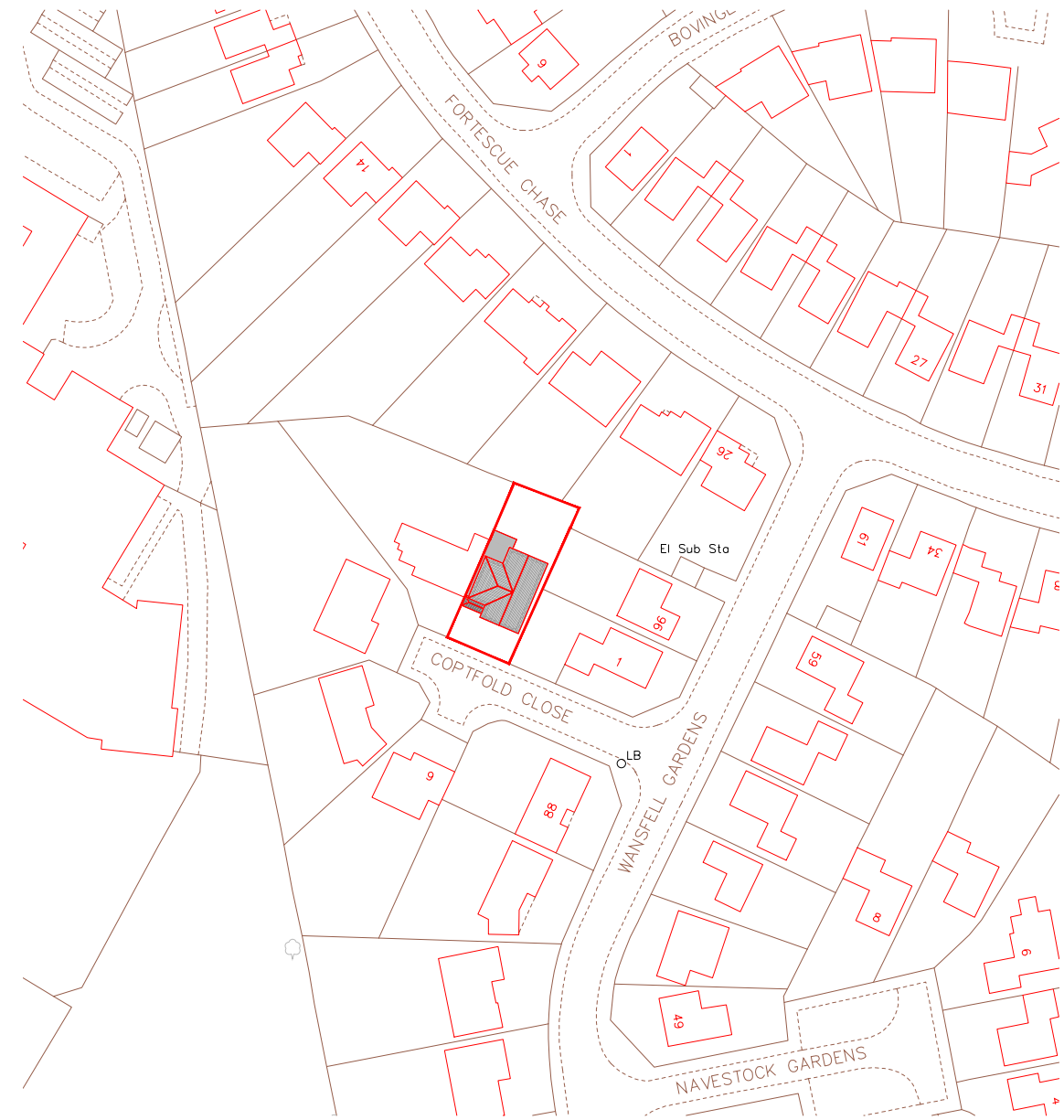
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1 Site Plan

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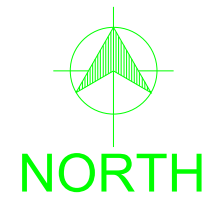
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ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		

PROJECT STAGE: Town Planning	DRAWN BY: A.D.	DATE: May 2020
CLIENT:		

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JOB NO: 3012		

DRAWING TITLE:  
Site and Location Plans

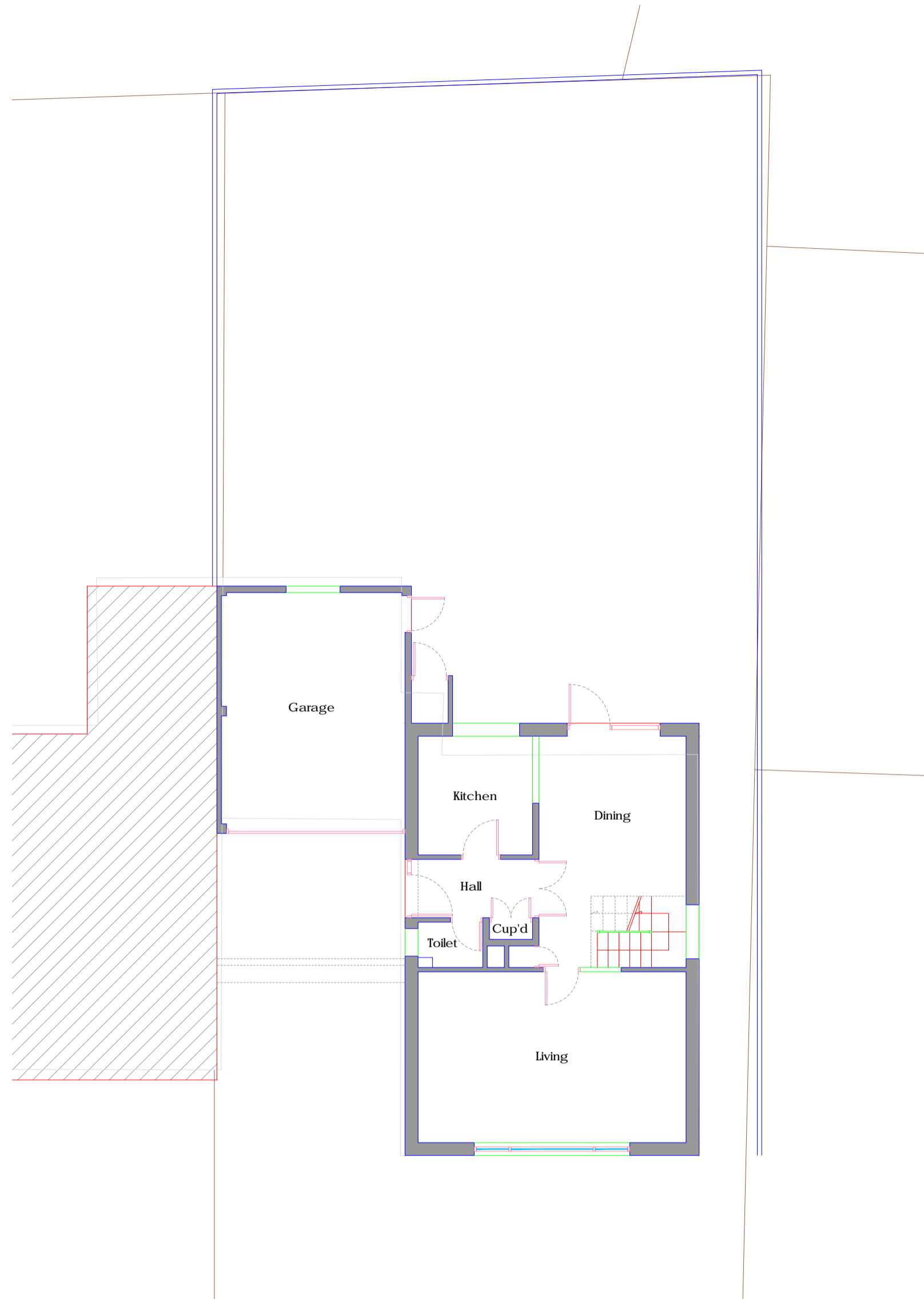
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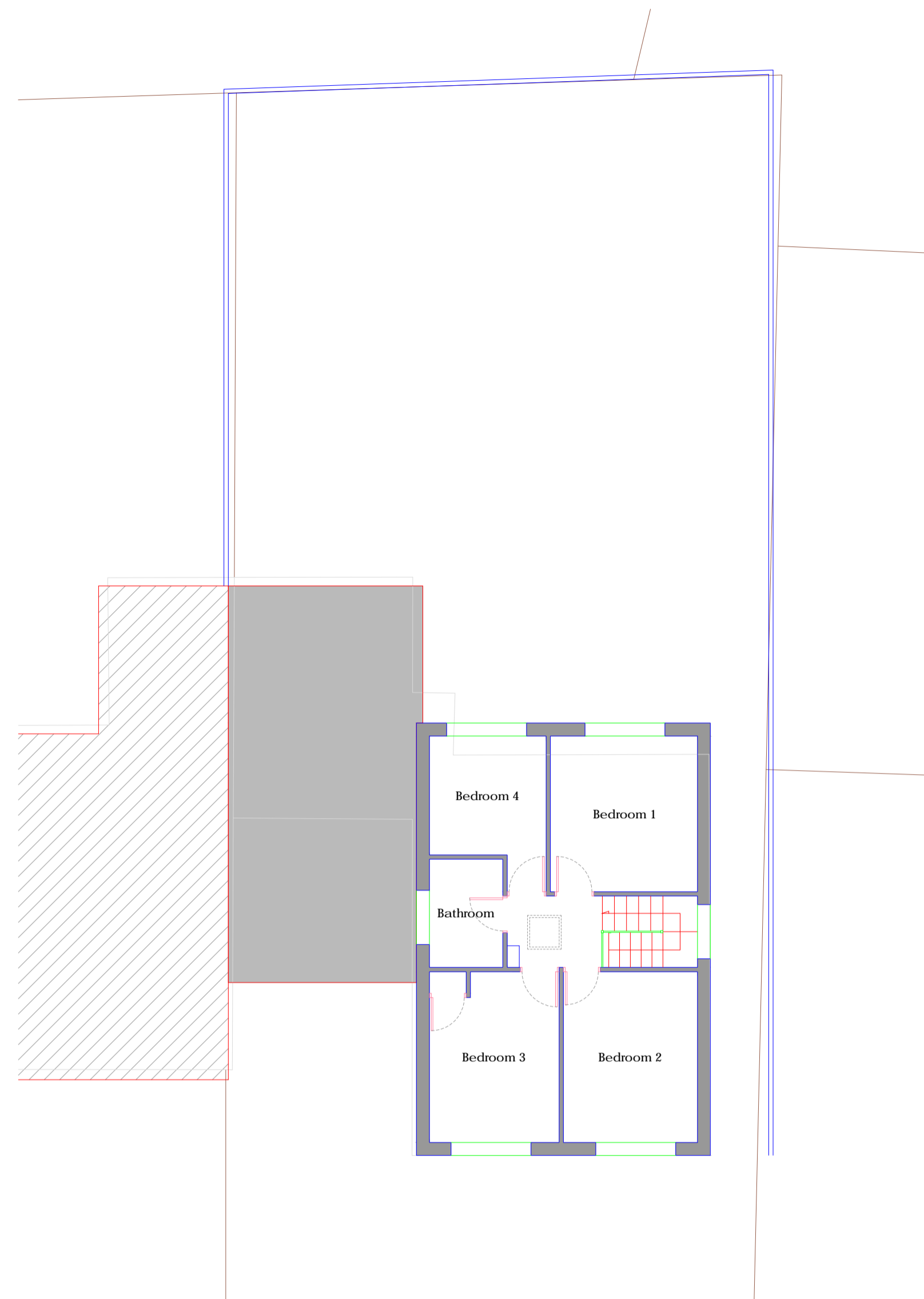
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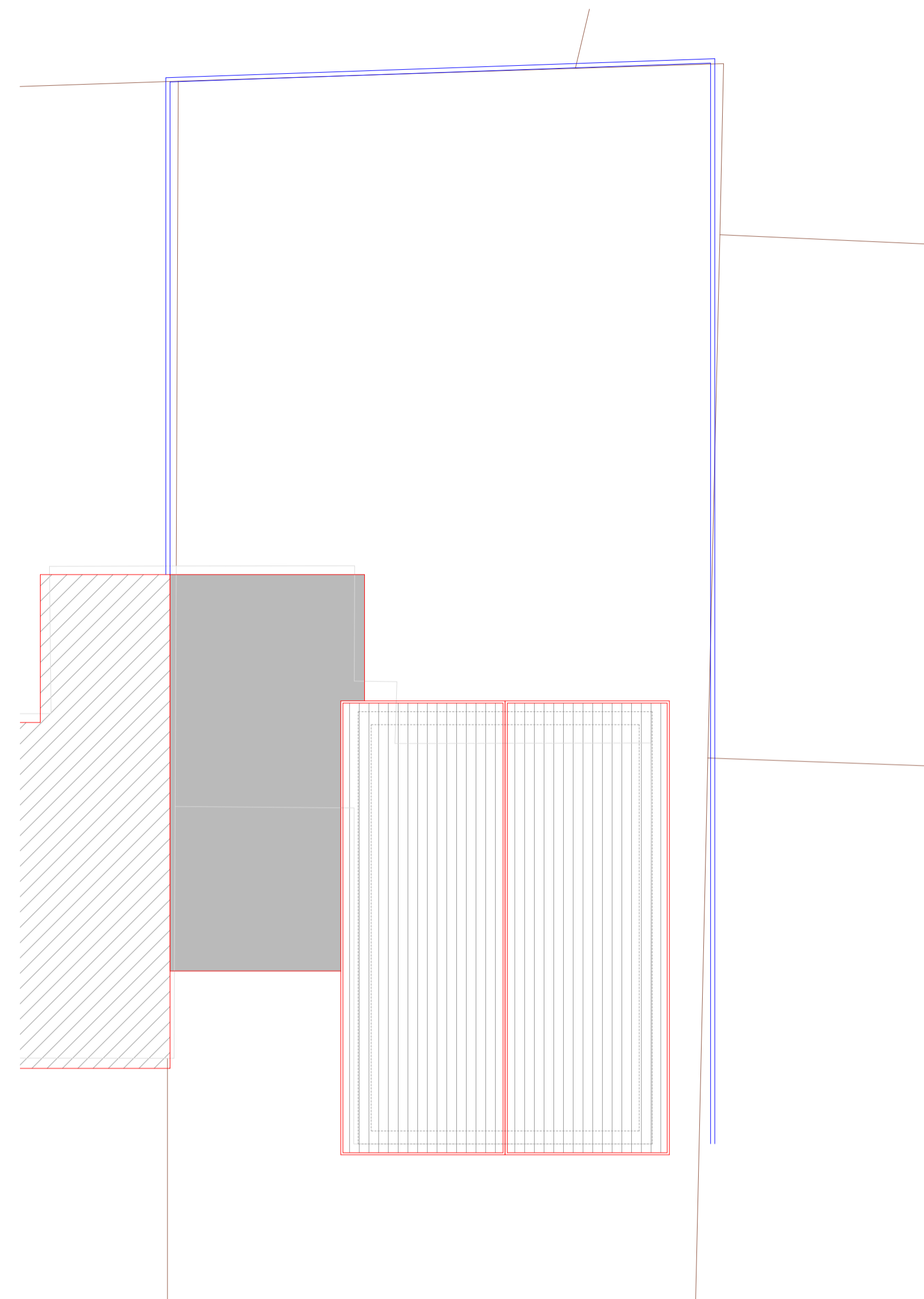
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2 Existing First Floor Plan

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3 Existing Roof Plan

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4 Existing Front Elevation

Scale: 1:100



5 Existing Left Elevation

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6 Existing Rear Elevation

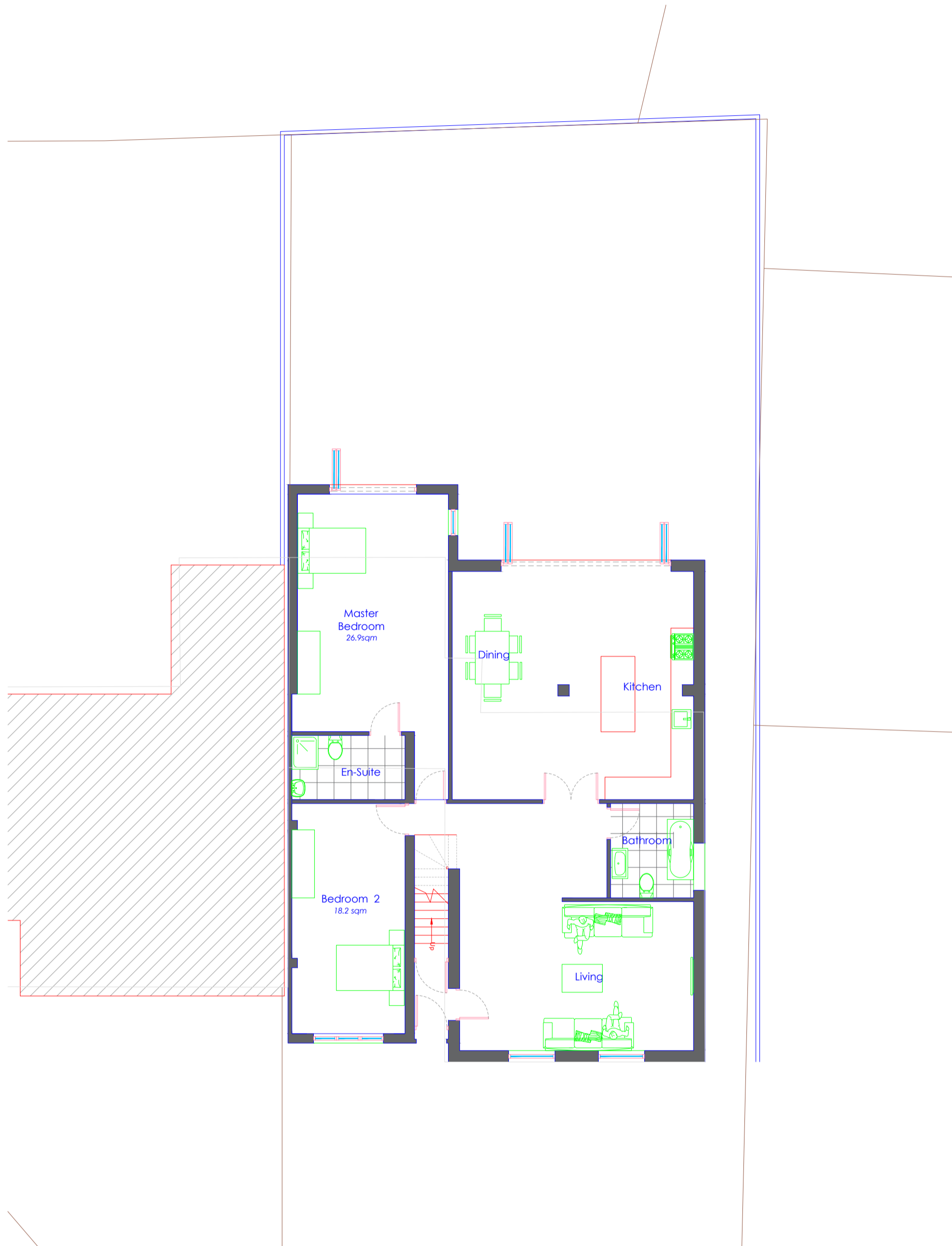
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7 Existing Right Elevation

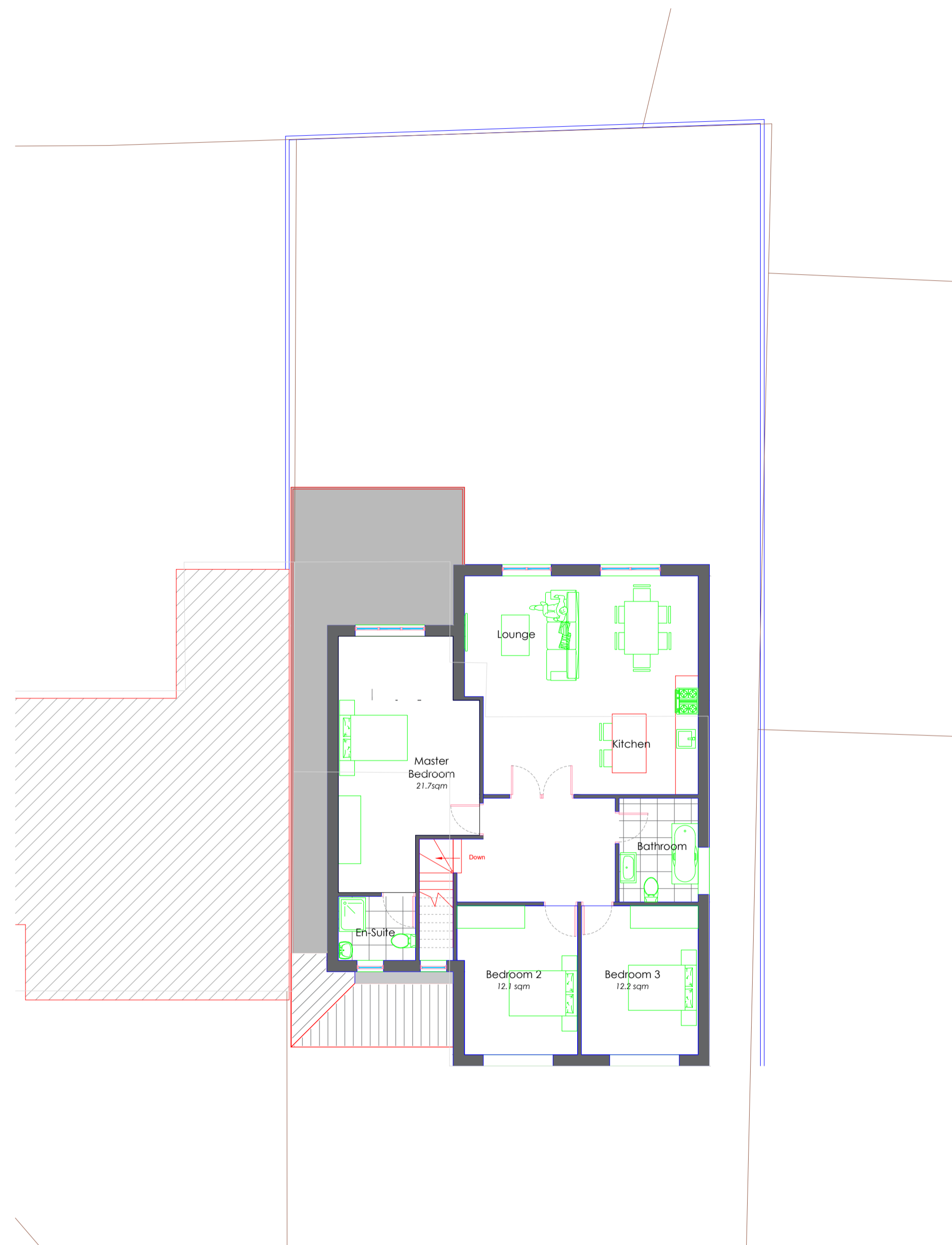
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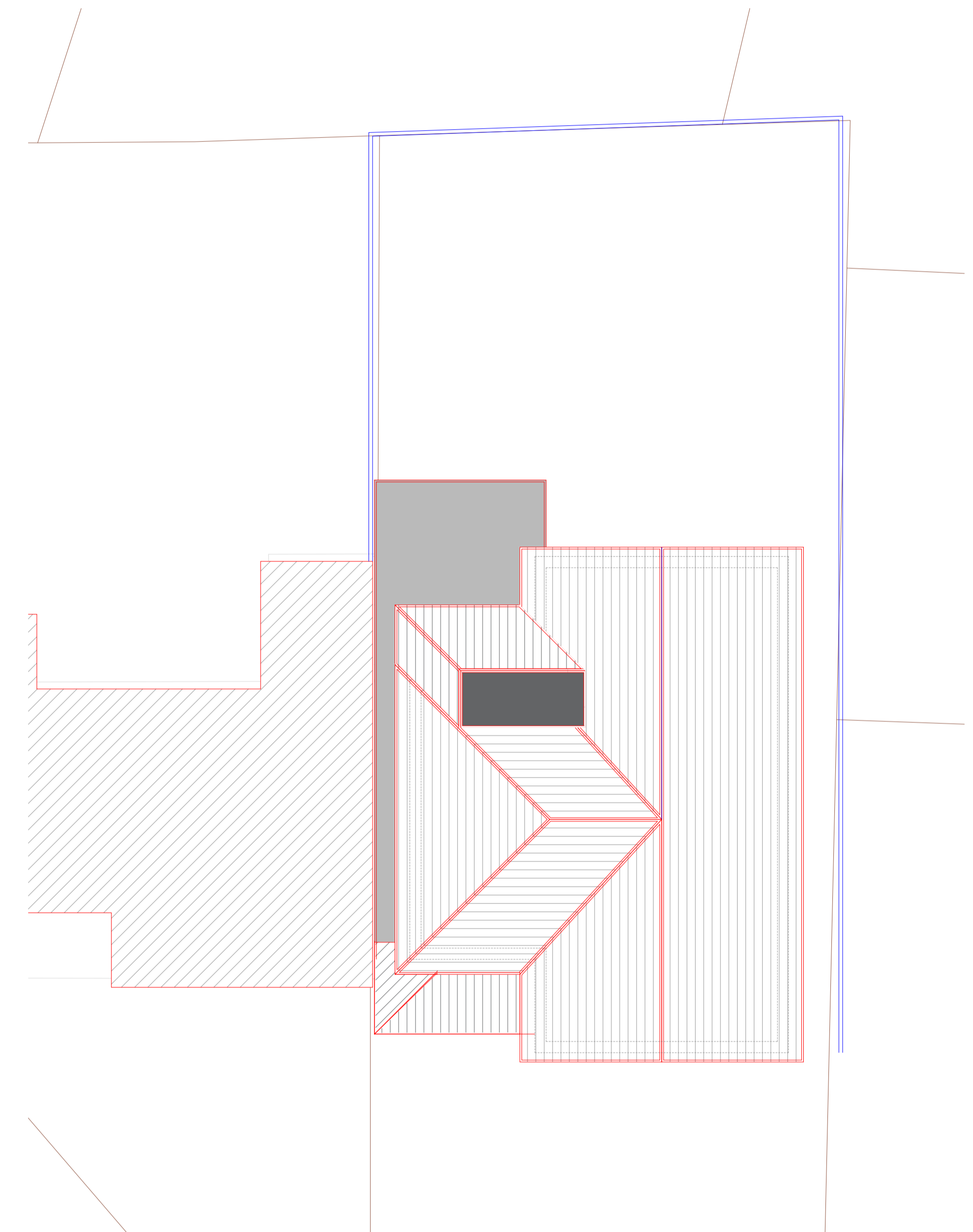
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2 Proposed First Floor Plan

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3 Proposed Roof Plan

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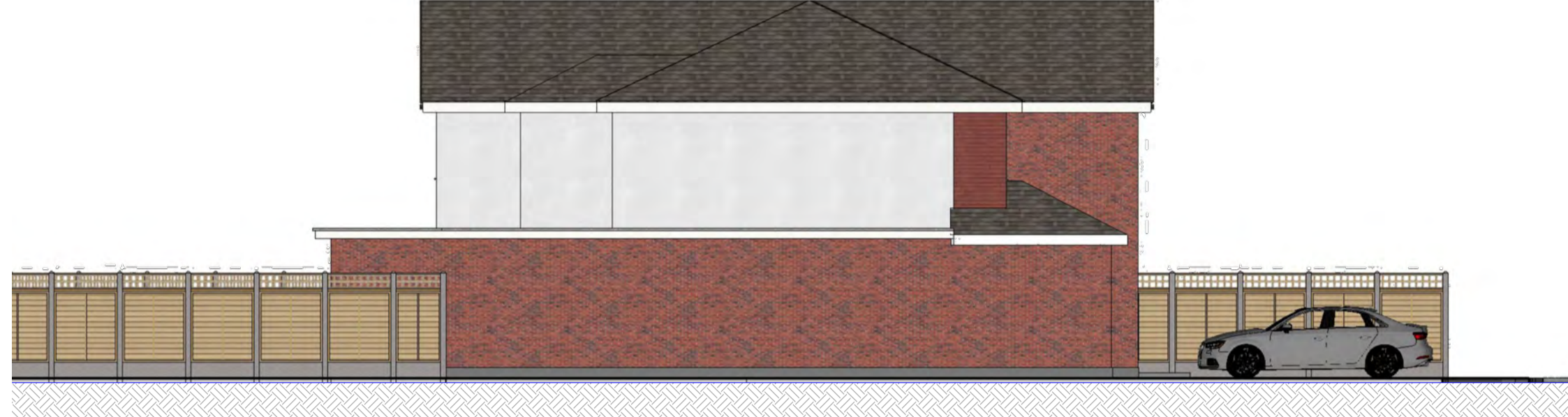


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1 Proposed Front Elevation

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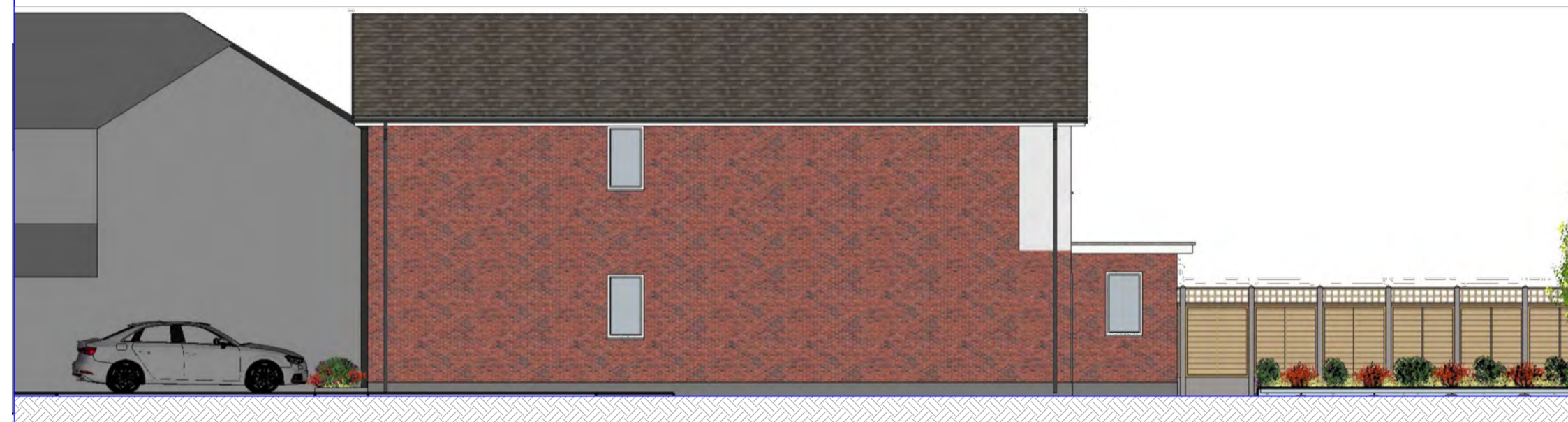
2 Proposed Left Elevation

Scale: 1:100



3 Proposed Rear Elevation

Scale: 1:100



4 Proposed Right Elevation

Scale: 1:100

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ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE:	DRAWN BY:	DATE:
Town Planning	A.D.-G.D	May 2020
CLIENT:		
PROJECT:	DRAWING NO.:	REVISION:
2 Copfold Close	04	
JOB NO:	SCALE:	
3012	1:100 @ A1	
DRAWING TITLE:		
Proposed - Elevations		
The Design Studio		
1 Cambridge Road (Rear)		
Nelson Street		
Southend-On-Sea		
Essex		
SS1 1ET		
Tel: 01702 469 769 - 01702 337328		
Email: admin@apsdesignsuk.com		
designteam@apsdesignsuk.com		
planning@apsdesignsuk.com		
Website: www.apsdesignsuk.com		

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1 Proposed Front View



2 Proposed Rear View



3 Proposed View



4 Proposed Rear View

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2 Coptfold Close	05	
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3012	N/A @ A1	
DRAWING TITLE:	SCALE:	
Proposed - Views	1:1	
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1 Cambridge Road (Rear)		
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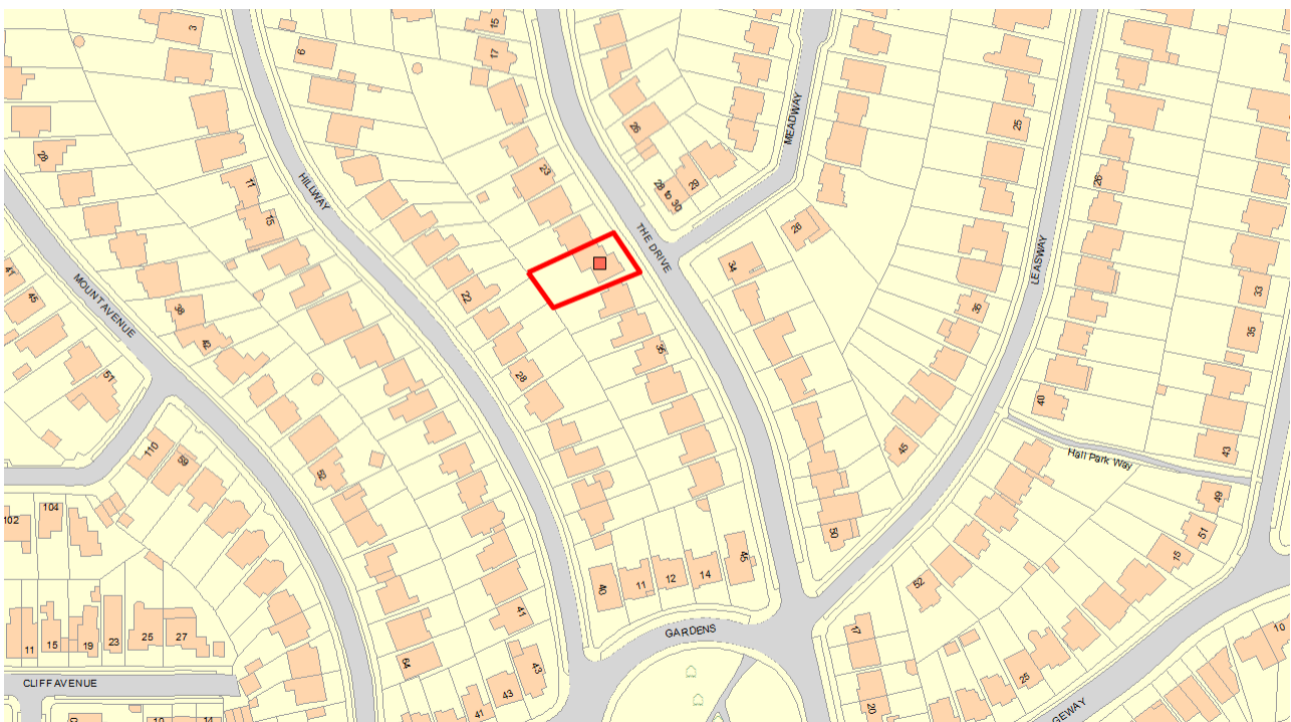




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<b>Reference:</b>	20/00875/FULH	<h1>12</h1>
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Hip to gable roof extension with dormer to rear and alter elevations (Part Retrospective) (Amended Proposal)	
<b>Address:</b>	29 The Drive Westcliff-on-Sea Essex	
<b>Applicant:</b>	Mr & Mrs Diver	
<b>Agent:</b>	Mrs Lindsey Wislocki	
<b>Consultation Expiry:</b>	07.07.2020	
<b>Expiry Date:</b>	07.08.2020	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	P1000; P1001; P1002; P1003; P1004; P1005; P1006; P1007; P1008; P1009; P1010; P1011; P1012; P1013; P1014; P1015; P1016	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The application site is occupied by a large detached two storey dwellinghouse on the west side of The Drive. The application dwelling has been extended in the past, including two storey front and rear extensions, including a flat roofed two storey rear addition, and a two storey side extension completed in the 1980's.
- 1.2 The application site is situated within a residential setting, consisting mainly of large two storey dwellings of traditional appearance with hipped roofs the principal roof form along The Drive however, various forms of roof alterations and additions are evidenced in the streetscene.
- 1.3 The Drive is a long sweeping road which slopes downwards from north-south, with gabled roof dwellings found to the north of the application site and side dormers sporadically located along The Drive.
- 1.4 No.29 occupies a prominent position, sited forward of neighbouring dwellings to the north with its northern flank elevation visible in the streetscene when travelling north-south down The Drive.
- 1.5 The site does not contain a listed building and is not located within a conservation area or a flood zone.

## 2 Proposal and background

- 2.1 Without planning permission, a hip to gable roof extension has been erected together with the installation of a 'box' style rear dormer some 10.4m wide, 2.45m high and 2.7m deep to provide habitable accommodation in the roof.



Figure 1: Dormer in situ constructed without permission

- 2.2 It has been found through determination of a previous planning application (19/00551/FULH) and dismissal of a subsequent appeal (APP/D1590/D/19/3233213 29) that the rear roof extension, by reason of its size, scale, design and siting represents a discordant, incongruous and overly dominant feature which is detrimental to the character and appearance of the host dwelling, the rear garden scene and the area more widely.

A copy of the appeal decision is attached as Appendix 1. In itself, the hip to gable element of that roof extension has been found to be acceptable.

- 2.3 In accordance with this Committee's resolution at its meeting on 11 December 2019, a planning enforcement notice has been served requiring removal of the unauthorised roof extension. A copy of the Committee report is attached as Appendix 2. The applicant has exercised their right to appeal against that notice and that is pending.
- 2.4 Following engagement with the pre-application service, the owner sought to overcome the existing planning breach through submission of an amended proposal which sought to retain the gabling of the main roof but materially reduce the width, depth and height of the rear dormer, from 10.4m wide to 9m (-1.4m), 2.45m high to 2.1m (-350mm) and 2.7m deep to 2.3m (-400mm), altering its design and fenestration (from 6no. full length windows to 3no. smaller windows and a Juliette balcony), altering its external materials (from white render to hanging roof tile) and proposing to erect a gabled roof over the existing two storey flat roofed rear projection.
- 2.5 At its meeting on 18 May 2020 this Committee resolved to refuse planning permission on the following grounds :

*'The proposed roof extensions would, by reason of their overall size, scale, design and siting, represent a discordant, incongruous and overly dominant feature which would be detrimental to the character and appearance of the host dwelling, the rear garden scene and the area more widely. This is contrary to the National Planning Policy Framework (2019); Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3; Design & Townscape Guide (2009).'*



Figure 2: Amended proposal refused by Development Control Committee 18 May 2020

- 2.6 This part retrospective application proposes to overcome the identified harm by retaining the gabling of the main roof, retaining the dormer (9m wide x 2.3m deep 2.1m in maximum height (dropping down to 1.8m) albeit with a different fenestration arrangement) and omitting the previously proposed gabled roof extension over the existing two storey flat roofed rear projection.



Figure 3: Current proposal for consideration

- 2.7 The roof enlargement would facilitate 2 bedrooms, 1 with an en-suite. Finishing materials are shown as hanging tile to the dormer cheeks and fenestration to match the existing.
- 2.8 The application has been called into the Development Control Committee by Councillor Folkard.

### 3 Relevant Planning History

- 3.1 18/00386/UNAU\_B - Enlargement of roof without planning permission- DCC resolved to Authorise Enforcement Action December 2019
- 3.2 20/00525/FULH- Hip to gable roof extensions, extend existing dormer to rear and alter elevations (Partially Retrospective) (Amended Proposal)- Application refused 18<sup>th</sup> May 2020
- 3.3 19/00551/FULH - Hip to gable roof extensions, extend existing dormer to rear and alter elevations – Application refused and appeal dismissed 30<sup>th</sup> October 2019
- 3.4 19/00047/CLP - Hip to gable roof extensions, extend existing dormer to rear, rooflights to front – Application refused.
- 3.5 87/0789: Extend roof with windows at rear. Application Approved.
- 3.6 84/1304: First floor and two storey extension at rear and two storey front extension. Approved.

3.7 1016/82: Two storey side and single storey rear extension. Approved.

#### **4 Representation Summary**

4.1 9no. neighbouring properties were notified and no letters of representation have been received.

#### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles and CP4 (Environment and Urban Renaissance),

5.3 Development Management Document (2015): Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

#### **6 Planning Considerations**

6.1 The proposal would not increase the need for parking nor reduce the current off-site parking at the front. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the area, the impact on residential amenity, CIL (Community Infrastructure Levy) and whether the proposal has overcome the reason for refusal of 20/00525/FULH which in summary related to the impact of the combined impact of the rear roof extensions on the character and appearance of the host dwelling and the visual amenity of the wider rear garden scene. The site circumstances and policy context have not changed materially in the interim. The initial planning decision and appeal form material considerations of significant weight in the assessment of the proposal.

#### **7 Appraisal**

##### **Principle of Development**

7.1 This proposal is considered in the context of the above policies. These policies and guidance support alterations and extensions to properties where they respect the character of the locality and the amenities of neighbours. The principle of roof extensions in this location, which did not form a reason for refusal of the previous application or dismissal of the appeal, is therefore acceptable.

##### **Design and Impact on the Character of the Area**

7.2 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments.

Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 7.3 According to Policy KP2 of the Core Strategy (2007), new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.4 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 7.5 Southend’s Design and Townscape Guide states that *“in some cases, it may be possible to increase the roofspace and remove the need for a side dormer by changing a hipped roof to a gable end. This type of development can be more acceptable than a side dormer provided it is not out of character with the streetscene or leads to an unbalanced street block or pair of semis i.e. It is more appropriate for a detached or end of terrace property than only one of a matching pair of semis which would be considered unacceptable”*.
- 7.6 Gabling of the application dwelling’s main roof did not form a reason for refusal of the previous application and such a view was also upheld in the earlier 2019 decision and subsequent appeal decision. Given the absence of any material change in policy in the interim, this element of the proposal remains acceptable.
- 7.7 Paragraph 366 of the Design and Townscape Guide (2009) states that *“Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors.*
- 7.8 It is highlighted that the existing unauthorised dormer on site is not the subject of consideration in this instance as the decision for planning application (App Ref. 19/00551/FULH) and dismissal of a subsequent appeal (APP/D1590/D/19/3233213 29) found that the dormer as built, by reason of its size, scale, design and siting, represents a discordant, incongruous and overly dominant feature. As such and noting that the structure as existing is ultimately unacceptable and that an enforcement seeking its removal is currently at appeal, the focus of this report is on whether this latest proposal has overcome the previous reason for refusal (App. Ref.20/00525/FULH) which related to the installation of a materially reduced rear dormer (than that built) as well as the then proposed formation of a gabled roof extension over the existing two storey flat roofed rear projection.

The external materials to the dormer as then proposed were hanging tile. That application was refused because the combined impact of the proposed rear roof extensions was found to be detrimental to the character and appearance of the host dwelling and the visual amenity of the wider rear garden scene.

- 7.9 This latest application seeks to overcome the previous reason for refusal by removing the previously proposed gabled roof extension over the existing two storey flat roofed rear projection. The design and dimensions of the rear dormer would remain unchanged i.e. sloped roof flat roof finished externally in tile hanging, 9m wide x 2.3m deep 2.1m in maximum height however, the fenestration has been altered from 4no. to 5no. windows including a Juliette balcony and would match the existing.
- 7.10 In comparing the proposals, the removal of the gabled roof extension over the existing two storey flat roofed rear projection would see the scale and bulk of built form in the rear garden scene materially reduced. As such, this is on balance considered a positive alteration of the scheme. The application dwelling and available rear roof slope is of a significant width and as such, is reasonably able to accommodate a significantly scaled rear dormer. The dormer as proposed is set down suitably from the ridge (400mm), up from the eaves (600mm) and in from either flank elevation (approx. 1m from each flank roof slope) such that the resultant built form of the dormer would, on balance, be within acceptable limits and, on its individual merits, is considered to appear suitably well contained and subservient within the rear roof slope.
- 7.11 The incorporation of tile hanging to the external elevations and the further re-arrangement in proposed rear window openings (such that they align with those at first and ground floors) are such that the proposal is also considered to appear suitably integrated with the host dwelling.
- 7.12 On this basis, the proposal is considered on balance to be acceptable and policy compliant in the above regards and has therefore overcome the previous reason for refusal and the sole aspect of harm identified within the previous decisions.

### **Impact on Residential Amenity**

- 7.13 Paragraph 343 of the Design and Townscape Guide under the heading of 'Alterations and Additions to Existing Residential Buildings' states that "*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*" Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities "*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*"
- 7.14 The impact of the existing (as built) development on neighbour amenity was not a reason for refusal of the previous applications or in dismissal of the appeal. Neither is it a basis for service of the enforcement notice served against the structure presently on site. The hip to gable roof extension remains unchanged from the previous application and the proposed rear dormer is materially unchanged in form or scale.

As such, the hip to gable roof extension and rear dormer are considered to remain acceptable with respect to amenity impacts on the neighbouring property to the north (No. 27) and to the south (No.31).

- 7.15 With respect to the potential for overlooking resulting from window openings to the rear elevation of the proposed rear dormer the presence of large first floor rear windows is such that there is a degree of intra-looking of neighbouring rear gardens that exists at present and this is considered to inform the existing characteristics of rear garden amenity. Together with the separations involved to the rear boundary with neighbouring dwellings along Hillway (some 18m), it is not considered that the proposed rear dormer would result in harm to the amenities of these neighbouring dwellings materially above and beyond the existing (authorised) situation. On this basis, and consistent with the basis of the previous decisions, the proposal is considered to be acceptable and policy compliant in the above regards.
- 7.16 On this basis the proposal is considered to be acceptable and policy compliant in the above regards.

### **Community Infrastructure Levy**

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

## **8 Conclusion**

- 8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and, assessed on its individual merits and attaching significant weight to the basis of the previous decisions, would on balance, be acceptable in relation to the character and appearance of the application dwelling and the locality more widely. The application has therefore overcome the previous reason for refusal. This application is therefore recommended for approval subject to conditions.
- 8.2 The enforcement notice with respect to the existing structure remains in train and the appeal against it will be determined by the Planning Inspectorate. Irrespective of whether the current application is approved the enforcement notice process will remain in place thereby encouraging the owner to continue to seek to regularise the planning breach.

## **9 Recommendation**

### **GRANT PLANNING PERMISSION**

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



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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: P1010; P1011; P1012; P1013; P1014; P1015; P1016**

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

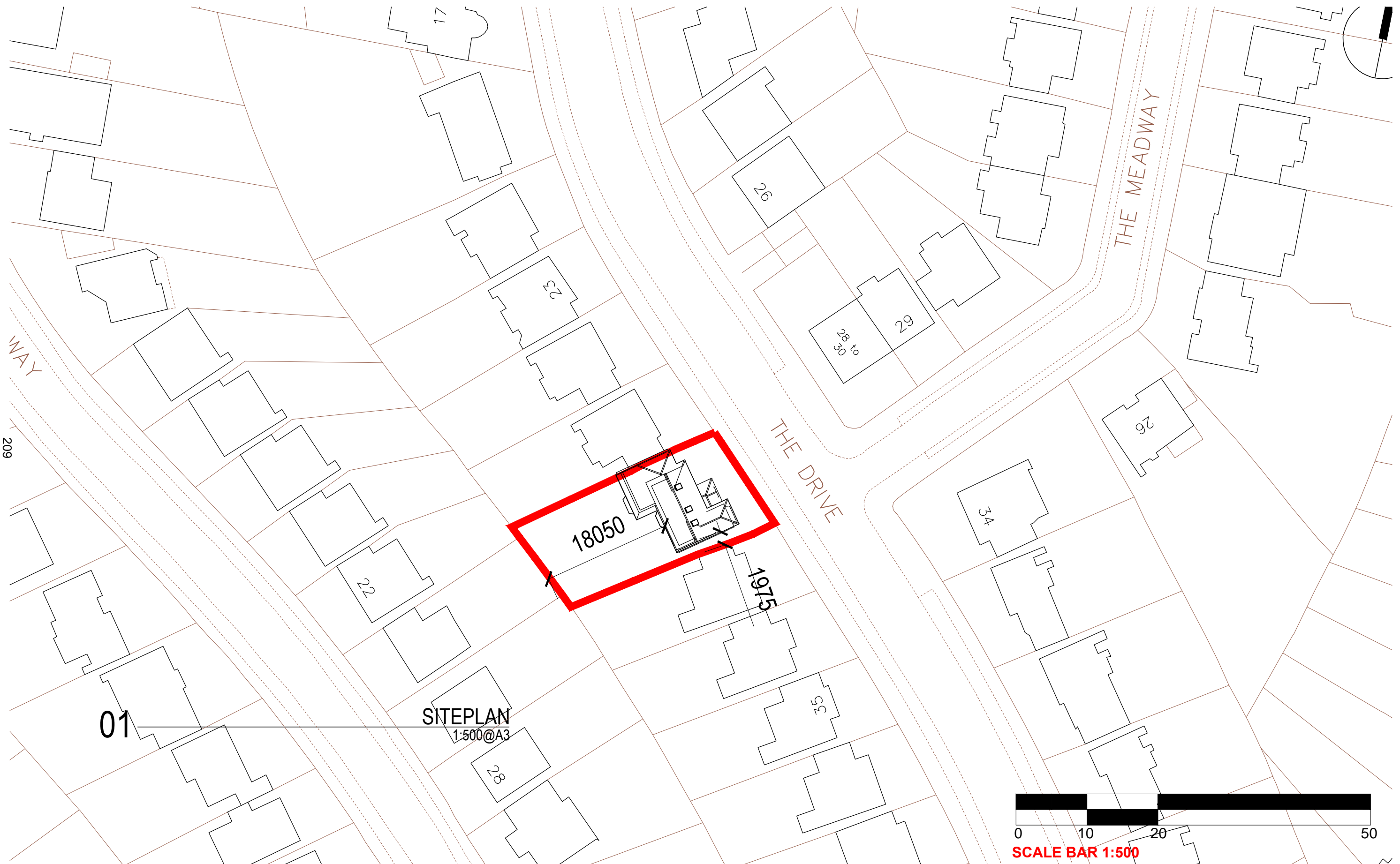
- 3 Finishing materials shall be tile hanging to the dormer's exterior walls with black Upvc windows and fascia to match existing original work, as demonstrated in approved plan: P1012.**

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

## **10 Informative**

- 1 The existing roof extensions are unauthorised and failure to promptly remedy their identified harm through implementation of this planning permission leaves the owner open to the implications of the planning enforcement notice which has been served by the Council.**
- 2 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**
- 3 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.**

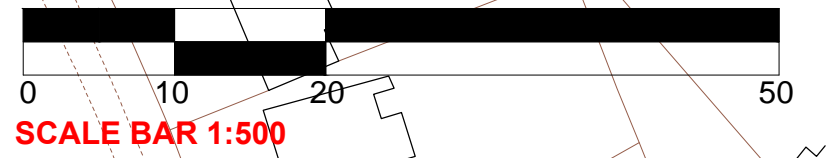
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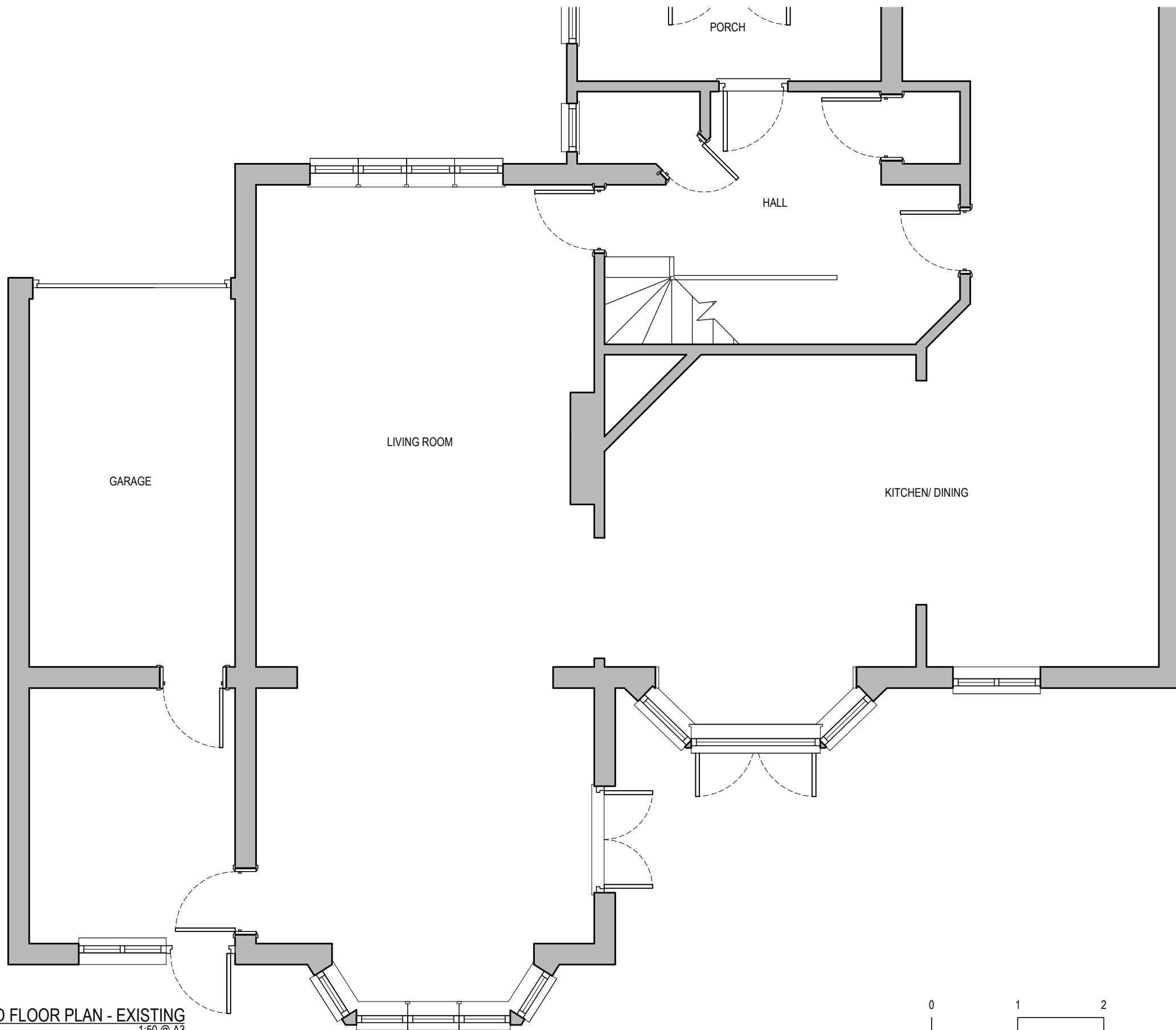
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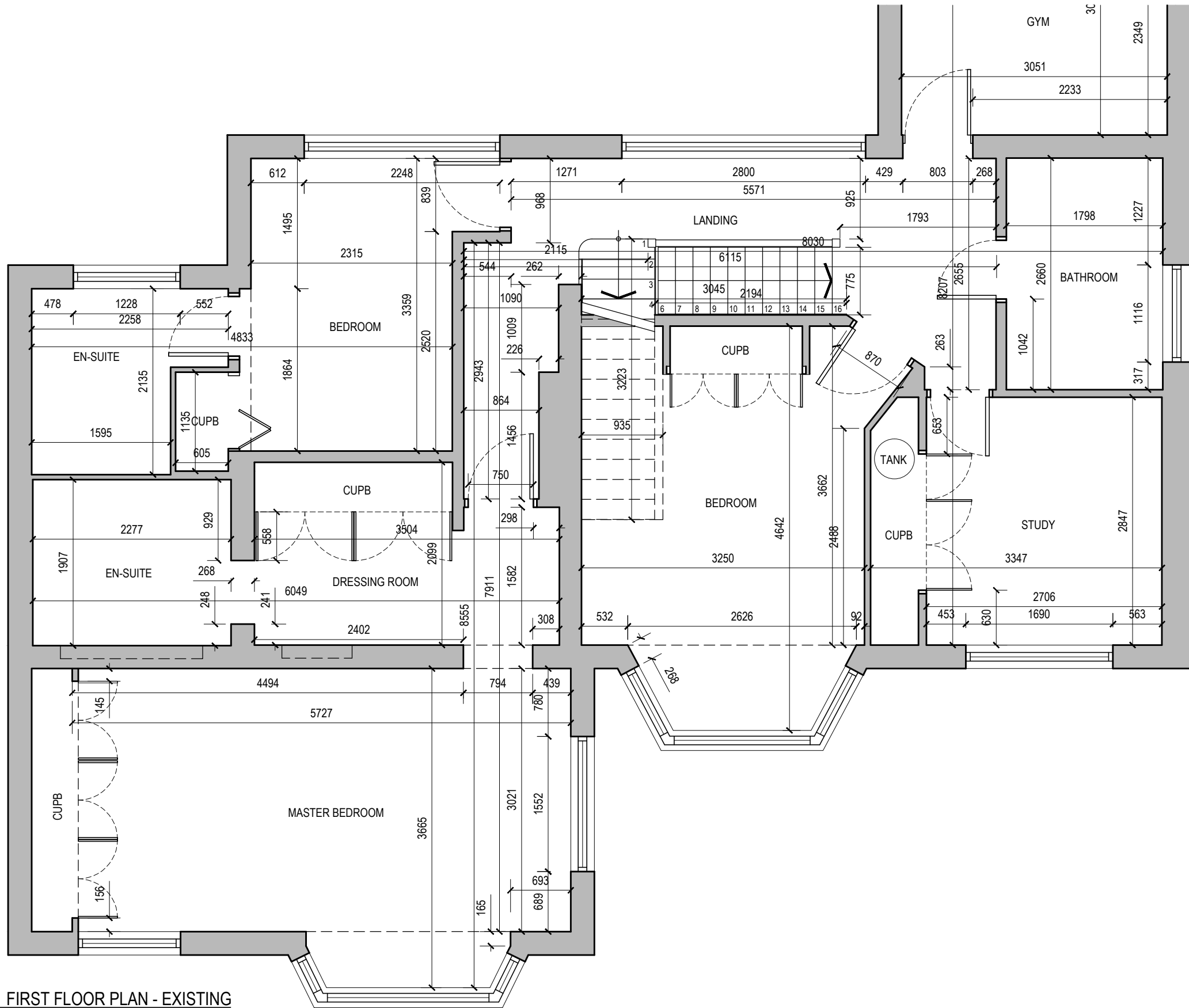
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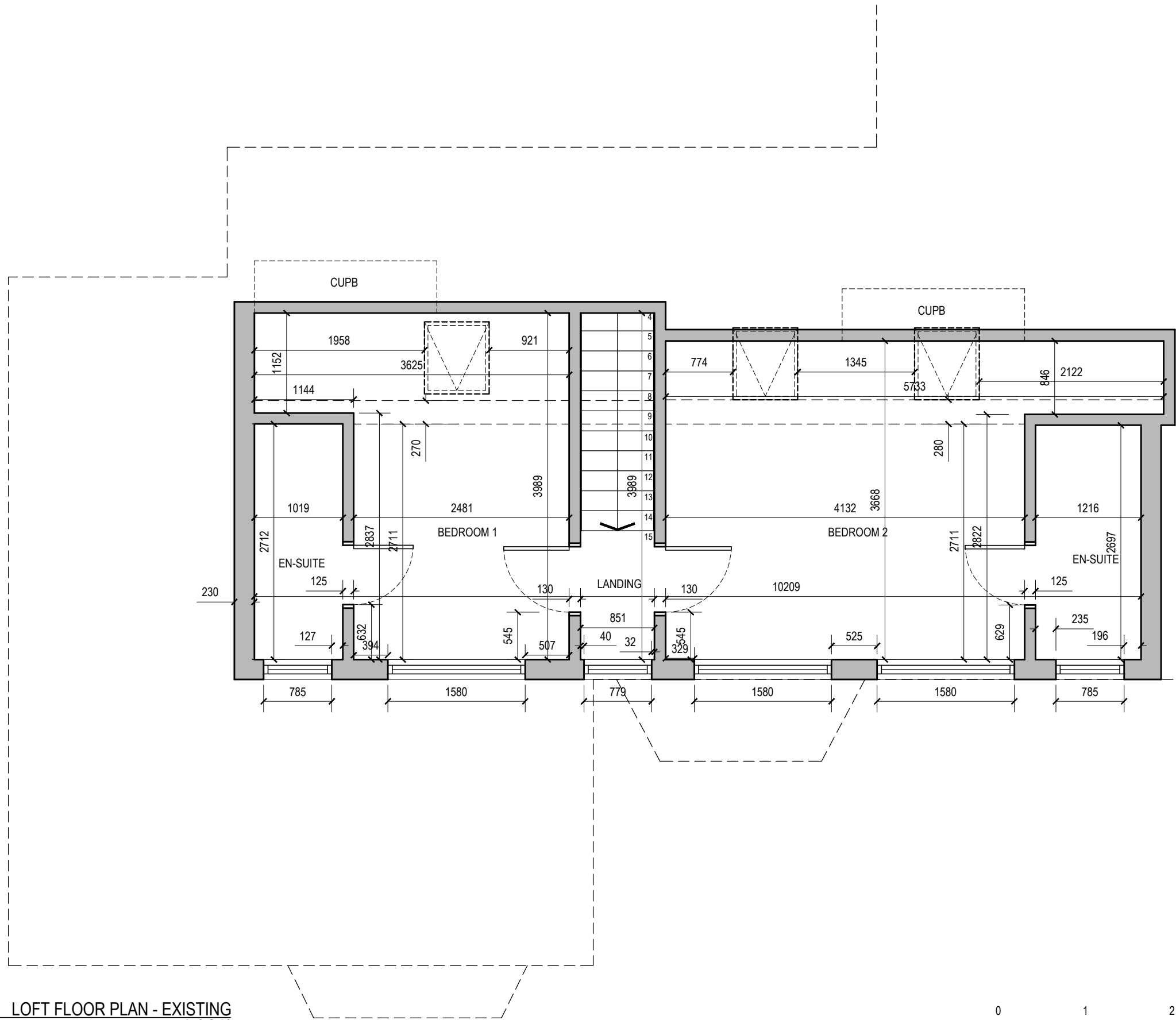
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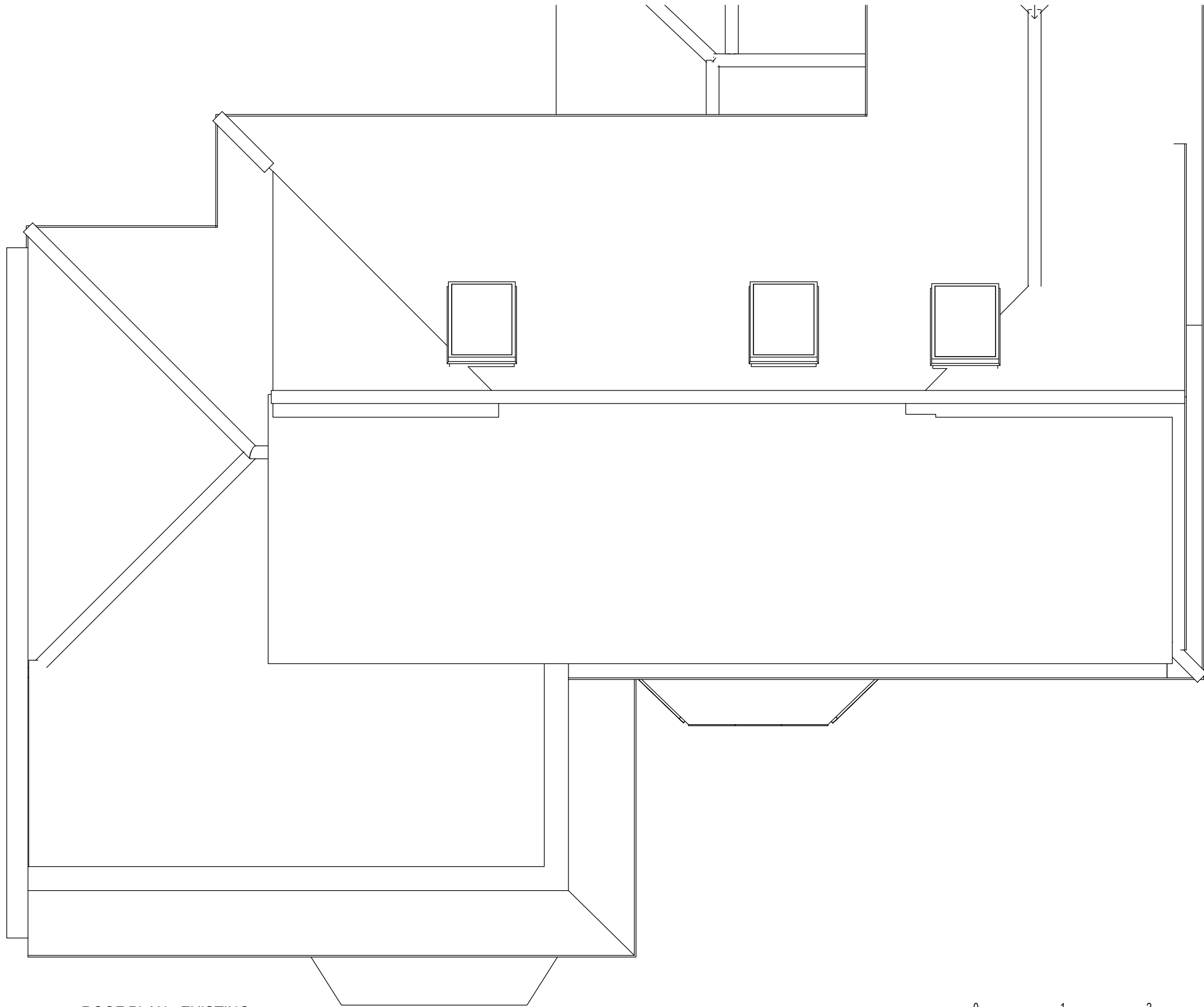
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01 REAR ELEVATION - EXISTING  
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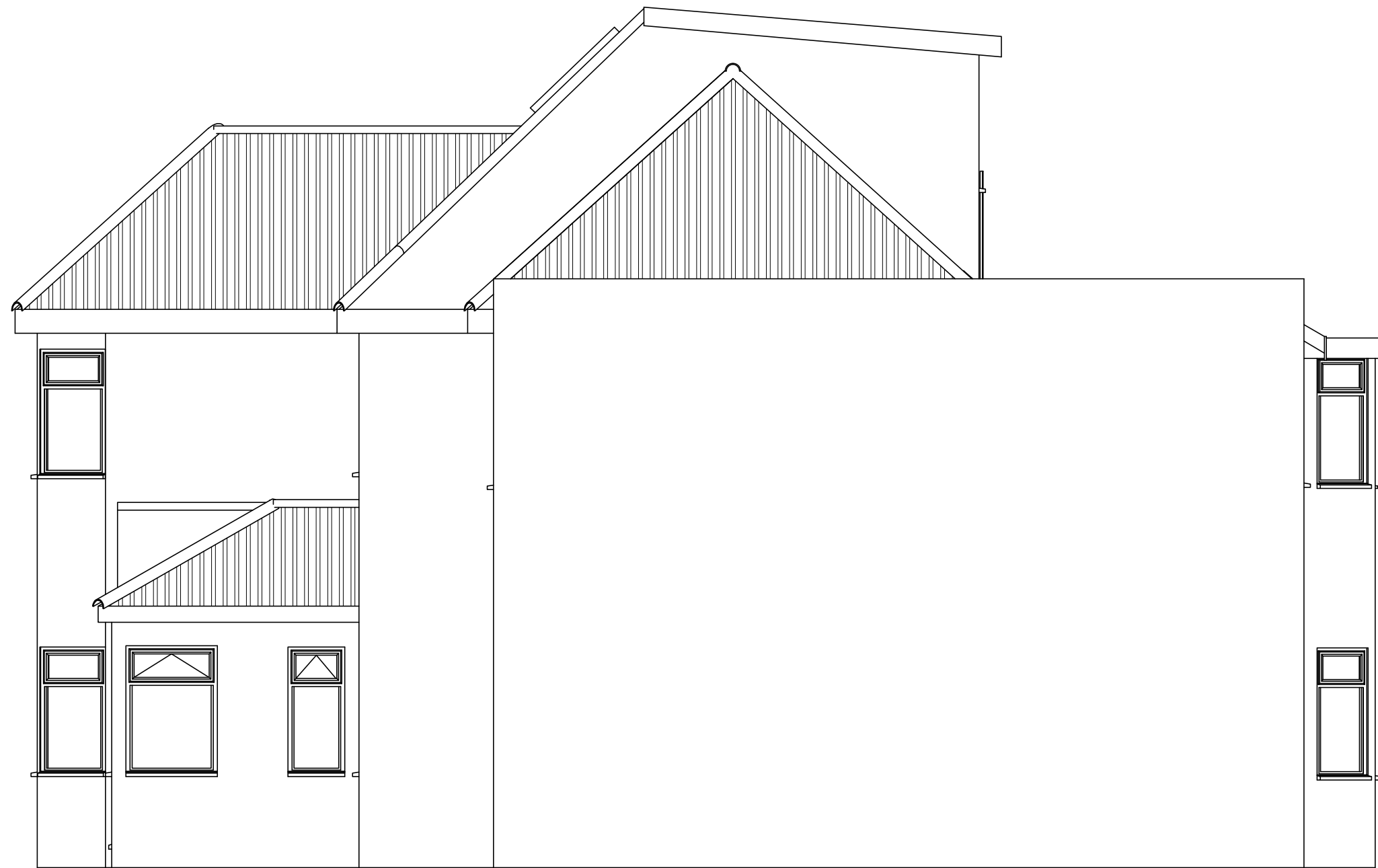
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02 SIDE ELEVATION - EXISTING  
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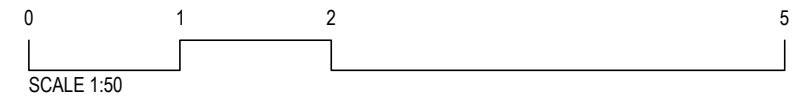
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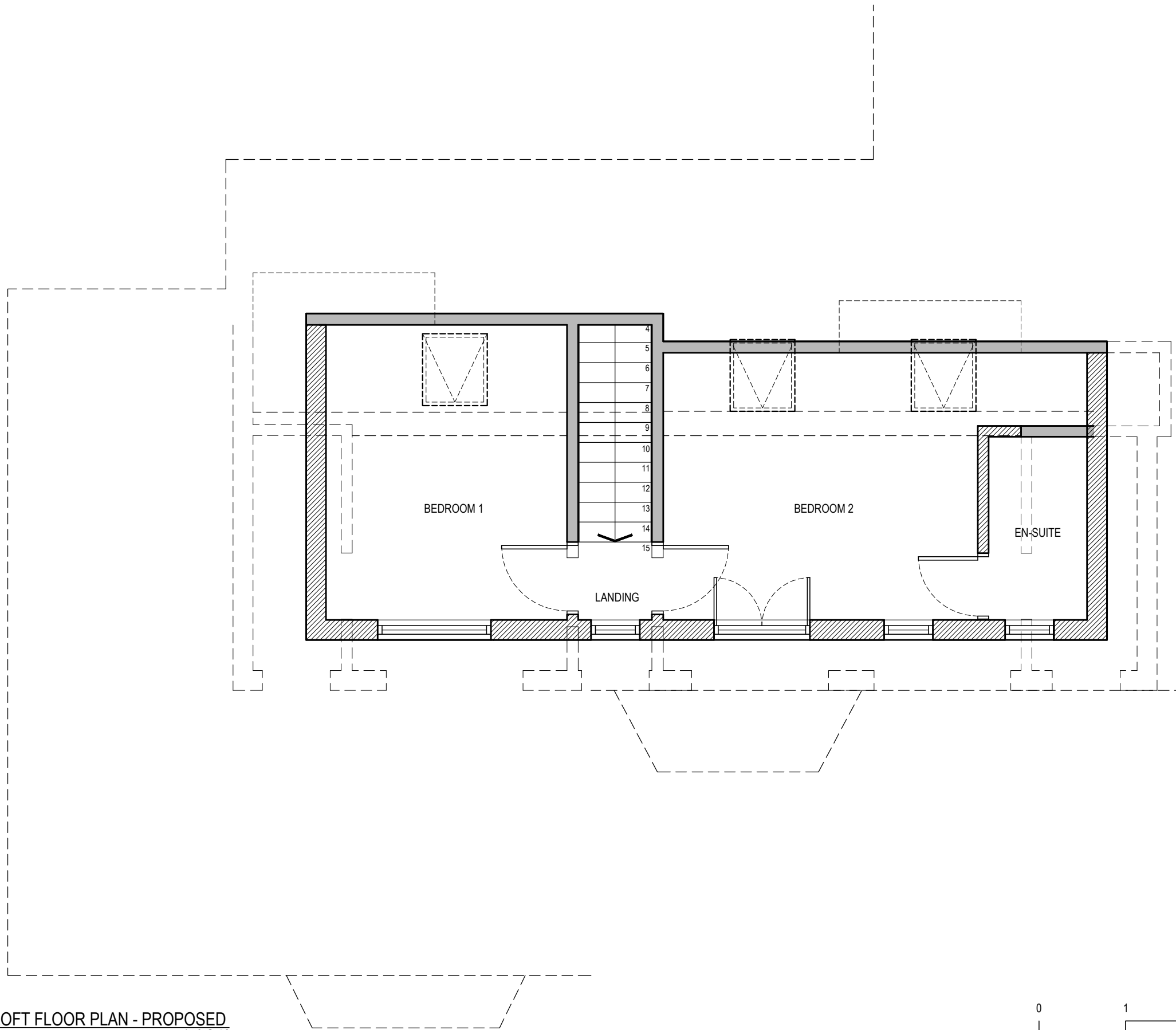
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04 — SIDE ELEVATION - EXISTING  
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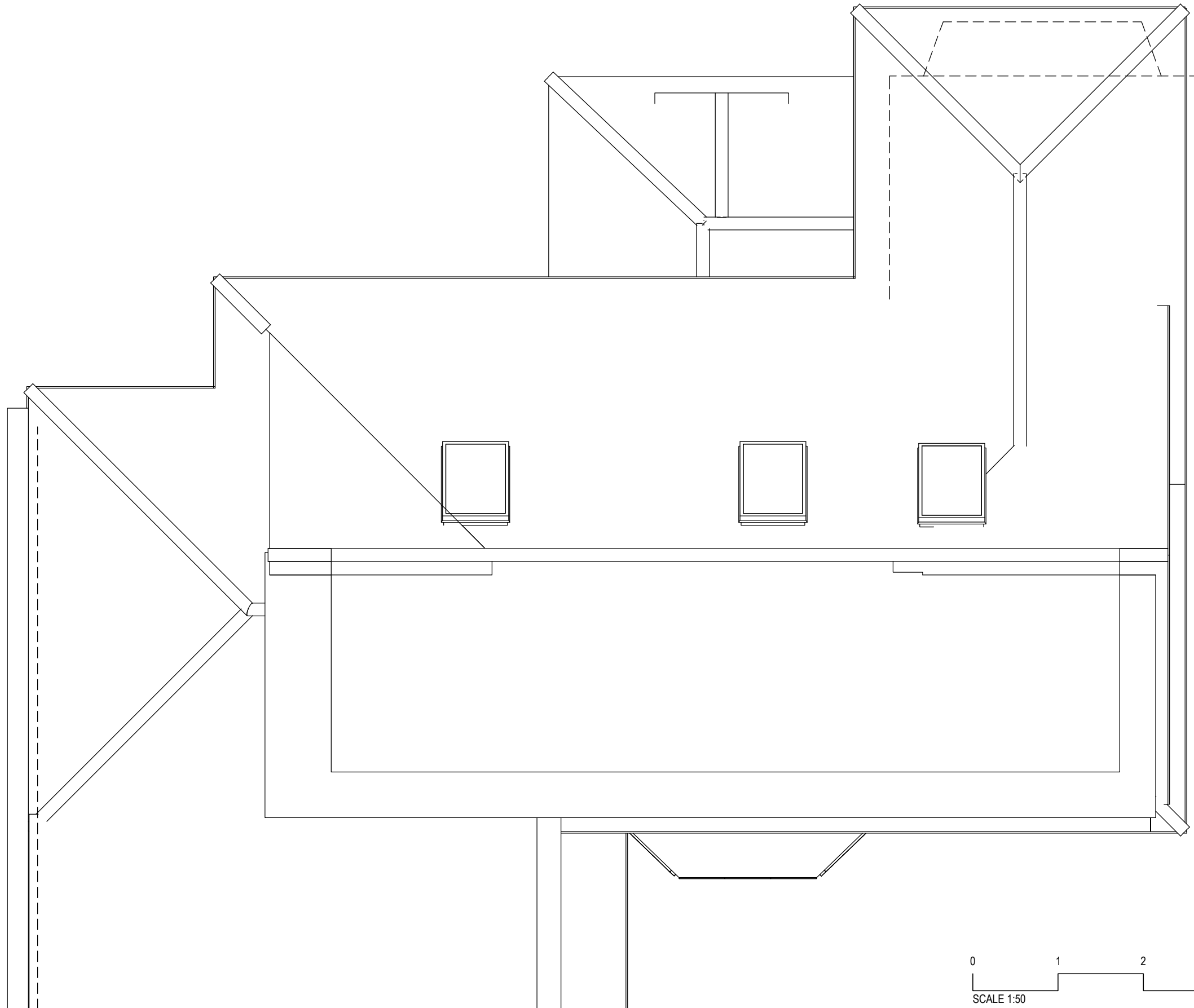
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		PROJECT: 29 THE DRIVE, WESTCLIFF-ON-SEA	DATE: MARCH 2020		
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**02** LOFT FLOOR PLAN - PROPOSED  
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01 REAR ELEVATION - PROPOSED  
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PROJECT: 29 THE DRIVE, WESTCLIFF-ON-SEA

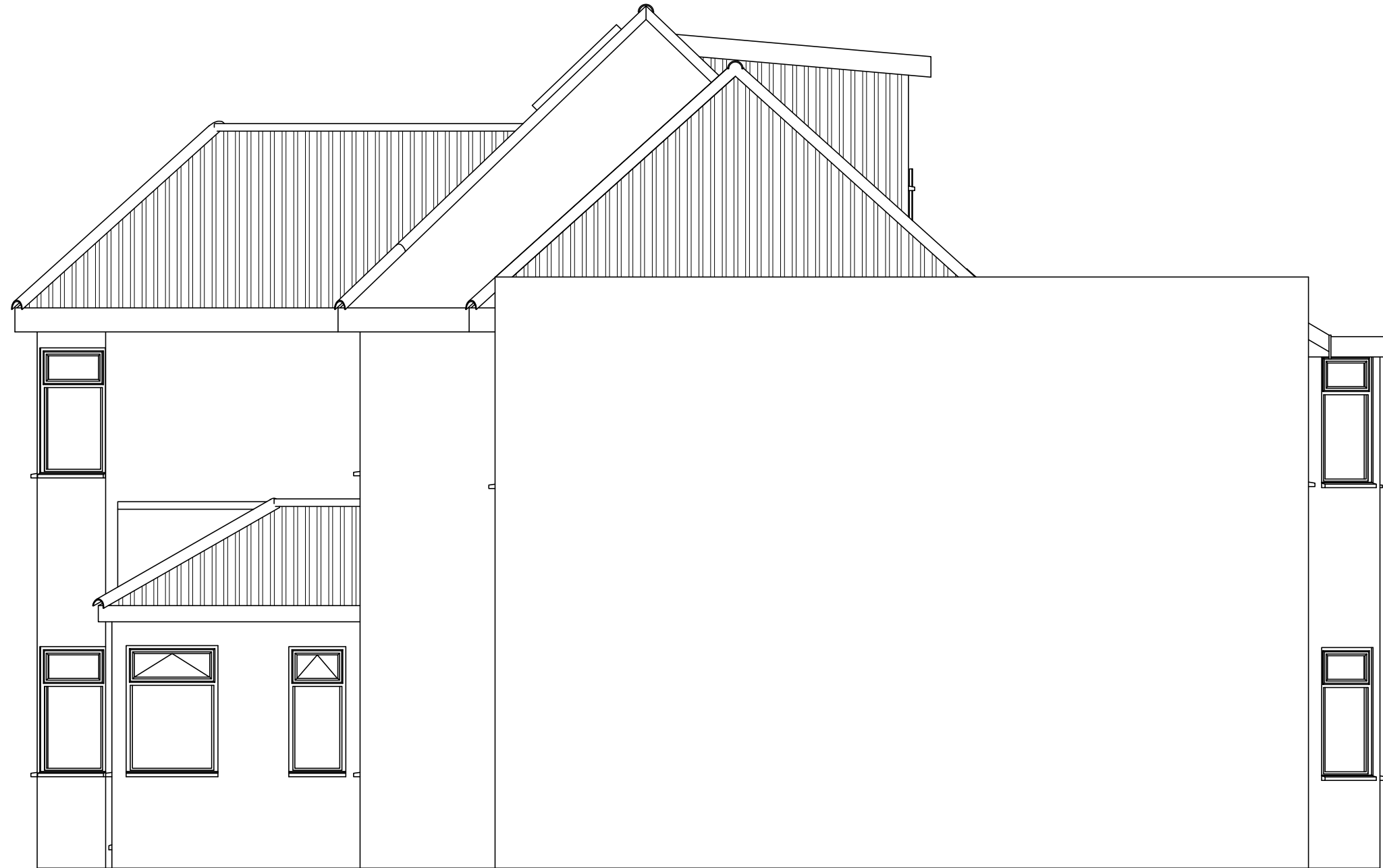
TITLE: REAR ELEVATION - PROPOSED

DATE: MARCH 2020

SCALE: 1:50 @ A3

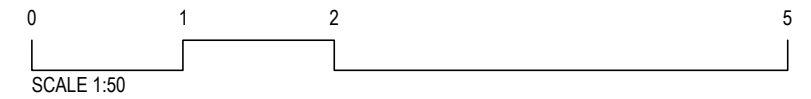
P1012

REV: A
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221

02 SIDE ELEVATION - PROPOSED  
1:50 @ A3

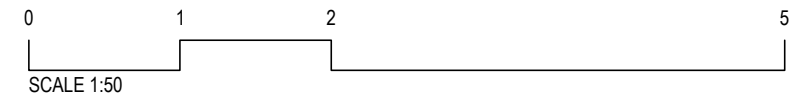


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		PROJECT: 29 THE DRIVE, WESTCLIFF-ON-SEA	DATE: MARCH 2020		

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03 FRONT ELEVATION - PROPOSED  
1:50 @ A3



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		PROJECT: 29 THE DRIVE, WESTCLIFF-ON-SEA	TITLE: FRONT ELEVATION - PROPOSED			





04 SIDE ELEVATION - PROPOSED  
1:50 @ A3



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		PROJECT: 29 THE DRIVE, WESTCLIFF-ON-SEA	DATE: MARCH 2020		

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# 29 The Drive


# Front elevation



Decorating &  
Refurbishment  
Division

m 07759 963197  
e jon@newcolour.uk  
w newcolour.uk

 **new colour** ltd  
tradesman dedicated to quality

 newcolourltd



227

29

RANGE ROVER

OS52 CAR

VOGUE SE

LAND ROVER

View south



View to gable end southern flank elevation



229

GEN

EY8 0TA

29

EX18 VPP

View north

Application site





Rear elevation



# Separation to No.31 (south)



232

Separation to No.27 (north)



233

View from dormer



234



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<b>Reference:</b>	20/00953/TPO	<h1>13</h1>
<b>Application Type:</b>	Tree(s) subject to TPO	
<b>Ward:</b>	St Laurence	
<b>Proposal:</b>	Crown reduce Robinia to side of dwelling by 2-2.5 metre all round with varying quantities of reduction to best pruning points to leave balanced tree following the form of the crown (Application for works to a tree covered by a Tree Preservation Order)	
<b>Address:</b>	59 The Bentleys, Eastwood, Essex	
<b>Applicant:</b>	Miss Jade Hardy	
<b>Agent:</b>		
<b>Consultation Expiry:</b>	20th July 2020	
<b>Expiry Date:</b>	4th August 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>Application Form dated 1.6.20, Tree Location Map, Photo of Tree</b>	
<b>Recommendation:</b>	<b>GRANT CONSENT TO CARRY OUT WORK TO TREES</b>	



## **1 Site and Surroundings**

- 1.1 The tree is a mature robinia of around 12 metres in height with a crown spread averaging 10 -11 metres diameter. It is located within a raised planting bed to the east side of 59 The Bentleys adjacent to the parking area.
- 1.2 The tree is highly visible in the streetscene and makes a positive contribution to the character of the area.
- 1.3 The tree is covered by TPO 3/2000 T1.

## **2 The Proposal**

- 2.1 The application initially proposed to reduce the height of the tree to 3 metres and the spread by 3 metres all round but, the applicant has agreed to amend the application following discussions with the Councils Arboricultural Officer. The amended scope of works are as follows:
  - 2-2.5 metres would be adequate on this species of tree with varying quantities of reduction on each cardinal point pruning to best pruning points to leave the tree balanced and following the form of the crown.
- 2.2 The reason given for the works is general maintenance including sap dropping onto cars below.

## **3 Relevant Planning History**

- 3.1 00/00752/TPO - Prune robinia to side of dwelling – refused

## **4 Representation Summary**

### **Public Consultation**

- 4.1 11 neighbouring properties were consulted and a site notice was displayed. No letters of representation have been received.
- 4.2 The application was called to committee by Councillor Flewitt.

### **Parks**

- 4.2 The tree is twin stemmed. There is an area of damage/canker at the base of the stem. The very top of the crown has some minor die back and there is dead wood present within the crown, the dead wood is not a sign of ill health in this case as the overall physiological health of the tree appears to be good. The tree growth is likely to be restricted due to its position within a small raised planting bed.

The application is to reduce the height of the tree by 3 metres and the spread by 3 metres all round. The spread on the northern side of the tree is approx. 4 m. To remove 3 m would have a significant impact on its amenity which is unacceptable. It is therefore recommended that the scope of works be amended to:



- crown reduction of 2-2.5 metres with varying quantities of reduction on each cardinal point pruning to best pruning points to leave the tree balanced and following the form of the crown.

## **5 Planning Policy Summary**

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

## **6 Planning Considerations**

- 6.1 When determining a TPO application the authority should consider the following:
  - The likely impact of the proposal on the amenity of the tree and whether the proposal is justified having regard for the reasons for the application and any supporting information supplied with the application
  - whether any loss or damage is likely to arise if consent is refused or granted subject to conditions
  - whether any requirements apply in regard to protected species
  - whether there are any other material considerations, including development plan policies

## **7 Appraisal**

- 7.1 The Council seeks to protect preserved trees which make a positive contribution to local character. Applications for pruning and felling of preserved trees therefore need to be justified.
- 7.2 The tree is a mature specimen in a prominent location which provides significant public amenity and makes a positive contribution to the character of the area. There is no objection to general maintenance works provided that they are appropriate for the current condition of the tree.
- 7.3 The initial proposal to reduce the height of the tree to 3 metres and the spread by 3 metres all round was considered to be excessive however the applicant has agreed to amend the scope of works to that recommended by the Council's Arboricultural Officer which is as follows:
  - crown reduction of 2-2.5 metres with varying quantities of reduction on each cardinal point pruning to best pruning points to leave the tree balanced and following the form of the crown.
- 7.4 The amended proposal is considered to have an acceptable impact on the health and amenity of the tree and the proposal is acceptable and policy compliant in this regard.

- 7.5 In relation to other issues, there are no known subsidence concerns related to this application. The reason given for the works is general maintenance and to reduce sap dropping onto cars.
- 7.6 There is also no known evidence of protected species or nesting birds, however, as a precaution, a condition has been imposed to ensure that the works are carried out in accordance with British Standard BS3998 which covers the protection of wildlife and its habitat.
- 7.7 There are no other relevant planning policy considerations in this instance. It is therefore considered that the amended scope of pruning works is acceptable and the application is recommended for approval on this basis.

## **9 Recommendation**

### **9.1 Members are recommended to GRANT CONSENT TO CARRY OUT WORK TO TREES subject to the following conditions:**

**01 The works covered by this consent must be begun not later than the expiration of two years beginning with the date of this consent.**

**Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the Southend Design and Townscape Guide (2009).**

**02 The works to the robinia tree covered by TPO 3/2000 T1 shall be restricted to crown reduction of 2-2.5 metres with varying quantities of reduction on each cardinal point pruning to best pruning points to leave the tree balanced and following the form of the crown.**

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

**03 The works shall be carried out in accordance with British Standard BS 3998 (2010) by a suitably qualified person.**

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

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns.**

**As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

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