

Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL

**Development Control Committee**

Date: Wednesday, 9th September, 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)

**A G E N D A**

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Minutes of the meeting held on Monday 18th May 2020 (Pages 1 - 6)
- 4 Minutes of the meeting held on Wednesday 27th May 2020 (Pages 7 - 26)
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- 7 Supplementary Report  
To follow

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Report to follow

**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



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

**Meeting of Development Control Committee**

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

**Place: Virtual Meeting via MS Teams**

**3**

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: Wednesday, 27th May, 2020**

**Place: Virtual Meeting via MS Teams**

**4**

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

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

Date: Wednesday, 3rd June, 2020

Place: Virtual Meeting via MS Teams

# 5

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

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: J Williams, K Waters, C Galforg, P Keyes, C White, M Warren, T Row, T Hartley, P Geraghty, C Woodcraft and S Harrington

Start/End Time: 5.00 - 7.00 pm

#### 11 Apologies for Absence

Apologies for absence were received from Councillors Ayling (Substitute: Councillor Stafford) and Jones (Substitute: Councillor Burton).

#### 12 Declarations of Interest

The following declarations of interest were made at the meeting:

- (a) Councillor Flewitt – Agenda Item No. 7 (20/00580/FUL - Morrison's, Western Approaches) – Non-Pecuniary Interest: Lives in the vicinity of the application, uses the store and knows an objector and some of the members of staff.
- (b) Councillor Wakefield – Agenda Item No. 4 (20/00311/BC3M - Car Park at Former Gas Works Site, Eastern Esplanade) – Non-Pecuniary Interest: Is a subcontractor to Southend-on-Sea Borough Council and provides locks for gates of car parks.

#### 13 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.

#### 14 20/00311/BC3M - Car Park at Former Gas Works Site, Eastern Esplanade (Kursaal Ward)

**Proposal: Resurface existing car park and layout additional coach and car parking**

**Applicant: Southend-on-Sea Borough Council**

**Agent: Sharon Harrington of Southend Borough Council**

Mrs Soper spoke as an objector to the application.

Resolved:-

That PLANNING PERMISSION be GRANTED, 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 permission hereby approved is for a temporary period of 5 years from the date of the permission only. After 5 years from the date of the granting of this permission, the use hereby approved shall cease.

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework (2019) , Policies KP1 and KP2 of the Core Strategy (2007) and Policies CS1 and DS5 of the Southend Central Area Action Plan (2018)

03 The development hereby permitted shall be carried out in accordance with the following approved plans: MW192020 (Location Plan), MW,1920202 (Block Plan), MW,192020 Resurfacing Plan.

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

04 Before any vehicle parking permitted within the scope of this approval takes place, a strategy for implementation of the hardsurfacing works including timescales, phasing, any mitigation necessary and implementation of the recommendations set out in the strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to the following matters:

- Hard and soft landscaping
- Drainage infrastructure
- Contamination/remediation
- Car park management arrangements

The development shall be undertaken in accordance with the approved strategy in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of neighbouring occupiers, to ensure satisfactory drainage of the site, in accordance with National Planning Policy Framework (2019), Policies DM1, DM3, DM5 and DM14 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 The development hereby permitted shall not be carried out except in complete accordance with the approved Flood Risk Assessment undertaken by BdR, reference 18-0073 dated 28th February 2018, including the flood risk management recommendations on page 12 unless otherwise previously agreed in writing by the local planning authority.

Reason: To ensure the development is safe and to ensure compliance with the National Planning Policy Framework (2019) and Core Strategy (2007) Policies KP1 and KP2.

06 The development hereby permitted shall not be carried out except in complete accordance with the approved Geo-environmental Investigations undertaken by Ground and Environmental Services Limited, reference 11691-1 dated January 2018, including the recommendations outlined on pages 39-41 which includes a watching brief to be implemented on the site during enabling works unless otherwise previously agreed in writing by the local planning authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14 and the advice contained within the Design and Townscape Guide (2009).

07 Prior to the installation of any geotextile membrane on the site, details of the material to be used, including full manufacturer's specifications shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details only and thereafter permanently retained as such in perpetuity.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14 and the advice contained within the Design and Townscape Guide (2009).

08 Any external lighting installed shall be directed, sited and screened away from the adjoining and nearby residential properties and retained as such in perpetuity.

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).

09 The development hereby approved shall only be undertaken between 8am and 6pm Monday to Friday and 8am to 1pm 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).

10 No closed circuit television (CCTV) shall be installed until full details of the CCTV have been submitted to and approved in writing by the local planning authority. The CCTV shall be implemented in accordance with the approved details.

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

11 Rear access to Burnaby Road shall only be use in an emergency and at no other times 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, within the Design and Townscape Guide (2009).

12 No coaches shall be parked within the application site with their engines left running.

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, within the Design and Townscape Guide (2009).

#### Informatives

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

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 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.

04 If it is predicted that the construction works are likely to cause a nuisance the applicant should apply for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will

have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

**15 20/00328/BC3M - Southchurch Park East, Lifstan Way (Thorpe Ward)**

**Proposal: Resurface existing car park and layout additional coach and car parking**

**Applicant: Southend-on-Sea Borough Council**

**Agent: Sharon Harrington of Southend Borough Council**

Councillor Walker withdrew from the rest of the meeting.

Mr Locker spoke as an objector to the application.

Resolved:-

That PLANNING PERMISSION be GRANTED, 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: MW4328 (Block Plan dated 01/03/2020), MW4328 (Site Location Plan dated 01/03/2020), Lifstan Way Current Layout Plan

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

03 Prior to first occupation of the development hereby approved, full details of the hard and soft landscape works to be carried out at the site shall have been submitted to and approved in writing by the local planning authority. All planting in the approved landscaping scheme shall be carried out in the first available planting season following the first use of the development hereby approved. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved. The details submitted shall include:

- i. proposed finished levels or contours;
- ii. hard surfacing materials and means of enclosing the site (including elevations of any boundary treatments);
- iii. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and details of the management of the landscaping site.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of neighbouring occupiers in accordance with Policies DM1, DM3 and DM5 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

04 Prior to the first use of the development hereby approved, full details of the drainage infrastructure and a drainage strategy shall be submitted to and approved in writing by the local planning authority. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first use of the development hereby approved and be retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

05 Prior to the first use of the development hereby approved, the applicant shall sign up to the Environment Agency's Floodline Warning Direct Service and shall be retained as such in perpetuity.

Reason: To ensure the development is safe and to ensure compliance with the National Planning Policy Framework (2019) and Core Strategy (2007) Policies KP1 and KP2.

06 No external lighting shall be installed unless and until details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings has been submitted to and approved in writing by the local planning authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: 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).

07 Construction works associated with the development hereby approved shall only be undertaken between 8am and 6pm Monday to Friday and 8am to 1pm 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).



08 No closed circuit television (CCTV) shall be installed until full details of the CCTV have been submitted to and approved in writing by the local planning authority. The CCTV shall be implemented in accordance with the approved details.

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

09 Notwithstanding the information submitted and otherwise approved, the development hereby approved shall not be first used unless and until a strategy setting out in full the management arrangements for the car park hereby approved, including the hours of operation and measures to ensure coach engines are switched off whilst parked, has been submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented within prior to the first use of the development hereby approved.

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 within the Design and Townscape Guide (2009).

10 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until tree protection measures in accordance with British Standard BS 5837 have been implemented to protect the trees surrounding the development site and these shall be retained throughout the development.

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

11 Surface water draining from the areas of hardstanding hereby approved shall be passed through an oil separator or a series of oil separators prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle wash downs and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed systems.

Reason: To reduce the risk of pollution and to ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

#### Informatives

01 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations

2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](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.

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 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.

04 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

05 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

**16 20/00655/FUL - 85 Western Road, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Erect two storey side extension and part two storey first floor and single storey rear and side extension, to form two additional self-contained flats, lay out parking to front, communal amenity space, cycle and refuse stores to rear, alter elevations and form additional vehicular access onto Western Road (Amended Proposal)**

**Applicant: Mr Lake**

**Agent: DAP Architecture**

Rev Wilks spoke as an objector to the application. Mr Barton spoke as a respondent.

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The proposed side and rear extension would, by reason of its scale, size, design and width, including the limited set-back from the front elevation of the main building, result in an overly dominant, disproportionate and unsympathetic addition,

to the significant detriment of the character and appearance of the existing building and the wider street scene. This would be unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009).

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

**17 20/00580/FUL - Morrison's, Western Approaches (St Laurence Ward)**

**Proposal: Install external refrigeration plant to North elevation**

**Applicant: WM Morrisons**

**Agent: Darton B3**

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 solely in accordance with the following approved plans: 20016, 20017, 90001B, 90002, 90003 & 90004 and the Plant Specification set out in the email from Darton B3 dated 1st May 2020

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

03 Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90, at the boundary of the nearest residential property. 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 survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. To demonstrate compliance prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.

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

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

#### Informatives

01 You are advised that as the proposed works to your property creates no 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.

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.

04 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

05 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

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

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

Date: Wednesday, 1st July, 2020

Place: Virtual Meeting via MS Teams

# 6

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 Mulrone y – 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: 9th September 2020**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
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<b>Main Plans Report</b>		
<b>Shoeburyness</b>	18/01975/FULM	Land at Barge Pier Road Shoeburyness
<b>West Shoebury</b>	20/00817/BC3	Garages Rear of 187 Saxon Gardens Shoeburyness
<b>St Laurence</b>	20/00320/FUL & 20/00321/LBC	Cockethurst Eastwoodbury Lane
<b>Eastwood Park</b>	20/00696/TPO	56 Fairfield Road Eastwood
<b>Chalkwell</b>	20/00737/FUL	30 - 32 The Leas Westcliff-On-Sea
<b>St Laurence</b>	20/00801/AMDT	200 Priory Crescent Southend-On-Sea
<b>West Leigh</b>	20/00889/FUL	20 Berkeley Gardens Leigh-On-Sea
<b>West Leigh</b>	20/00923/FUL	Land Rear of 26 - 30 Lime Avenue Leigh-On-Sea
<b>Belfairs</b>	20/01049/AMDT	88 Woodside Leigh-On-Sea
<b>Victoria</b>	20/01086/FUL	8 Richmond Avenue Westcliff-On-Sea
<b>St Laurence</b>	19/02066/BC4M	Airport Parking, Southend Airport Eastwoodbury Crescent
<b>St Laurence</b>	Airport Surface Access Strategy	Southend Airport Eastwoodbury Crescent

## DEVELOPMENT CONTROL COMMITTEE

## DEVELOPMENT CONTROL COMMITTEE

### INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Executive Director (Neighbourhoods & Environment), 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

<b>Reference:</b>	18/01975/FULM	<b>8</b>
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Re-grading and retention of existing on-site spoil heap, erect 9 Commercial Units (Use Class B1/B8) with ancillary Trade Counter, 1 Retail Unit (unit 8) (Use Class A1) and 1 Unit (Use Class Sui Generis) for use as Vets (unit 1), layout Car Parking Spaces and Cycle Parking, construction of vehicular and pedestrian accesses from existing roundabout and layout soft landscaping.	
<b>Address:</b>	Land at Barge Pier Road, Shoeburyness, Southend-on-Sea, Essex	
<b>Applicant:</b>	Garrison Developments LLP	
<b>Agent:</b>	Pomery Planning Consultants	
<b>Consultation Expiry:</b>	17.07.2020	
<b>Expiry Date:</b>	30.09.2020	
<b>Case Officer:</b>	Charlotte White	
<b>Plan Nos:</b>	NGR LOC d, NGR 08, NGR 09, NGR 06a, NGR 07, NGR 57c, NGR 51c, NGR52a, NGR 53b, NGR 61, NGR 58a, NGR 59a, NGR 60a	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	

## **1 Site and Surroundings**

- 1.1 The application site is currently undeveloped, but includes a spoil heap (stockpiles of clean cohesive and non-cohesive soils from the Western Esplanade cliff stabilisation project). There is an existing spur from the roundabout to the north-east of the site providing access into the site. To the east of the site is Hinguar Primary School. The land to the immediate north and south of the site is undeveloped although planning permission has recently been granted for a food store to the site to the immediate north (reference 19/00834/FULM). To the west of the site are properties fronting Ness Road.
- 1.2 The site has no specific allocation within the Development Management Proposals Map, but the broad area of the application site is identified within the Core Strategy 'Key Diagram' as an industrial/employment area labelled 'Old Ranges'. The site is located within flood zone 3. The Garrison Conservation Area is located to the east of the site, starting on Chapel Road, in excess of 150m from the application site.

## **2 The Proposal**

- 2.1 Planning permission is sought to retain the existing spoil heap on site and to re-grade the site, erect 9 commercial units (Class B1/B8) with an ancillary trade counter to Unit 6, erect 1 retail unit (unit 8) (Class A1), and 1 veterinary unit (unit 1) (Sui generis). B1 uses typically include business uses which can be carried out in a residential area without detriment to amenity such as offices, research and development and some industrial processes. B8 uses compromise storage and distribution uses. Unit 6 is proposed to include a trade counter which typically is a counter location attached to a commercial unit/warehouse, etc. where you can sell goods, usually to registered tradesman and businesses. The information submitted in this respect has stated that the trade counter would be ancillary, with 75% of the use B8 storage and distribution with the trade counter a subsidiary element. Vehicle and cycle parking will be provided, with vehicular and pedestrian access from the existing roundabout to the north-east of the site with associated landscaping.
- 2.2 The proposed units comprise:
- Unit 1 (to be used as a veterinarian clinic - sui generis) some 140sqm of floorspace. The building has a mono-pitched roof design with a maximum height of some 5m. The building measures some 10.6m x 15.9m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey cladding with the piers clad in RAL 7047 Mid Grey. No details of the roof material have been provided.
  - Unit 2, 3, 4 and 5 (to be used for B1/B8 purposes) form a single building with parapets creating a flat roof design. The overall building measures some 61.5m x 13.7m. The central units (units 3 and 4) are larger and taller than the end units (units 2 and 5). Units 2 and 5 have a height of some 6.4m and units 3 and 4 a height of some 8.7m. Units 2 and 5 have floorspaces of some 141sqm and units 3 and 5 have floor areas of some 186sqm. All 4 units will have pedestrian and vehicular accesses into the building. Materials proposed includes a red brick base course, RAL 7016 Anthracite grey cladding with a red (RAL 3020) canopy above each pedestrian access. Metal sheet roofing is proposed which will be screened by the parapet proposed.
  - Unit 6 is to be used for B1/B8 purposes but also includes a trade counter reception area and has an overall floor area of some 241sqm. The building measures 19.8m x 13.7m with a height of 7.5m. Materials proposed include cladding (RAL 7016 Anthracite and RAL 7047 mid grey) with a red brick base course and red canopy.

Vehicular access into the unit is provided. Materials proposed includes a red brick base course, RAL 7016 Anthracite grey cladding with a red (RAL 3020) canopy above each pedestrian access. Metal sheet roofing is proposed which will be screened by the parapet proposed.

- Unit 7 (to be used for B1/B8 purposes) has a floor area of 328sqm, although the plans indicate that unit has the potential to provide an optional mezzanine level which would increase the floor space at the unit. The unit measures 26m x 14m with an overall height of 9.2m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey and RAL 7047 Mid Grey cladding. Metal sheet roofing is proposed which will be screened by the parapet proposed.
- Unit 8 (to be used for Class A1 retail purposes) measures some 140sqm of floorspace. The building has a mono-pitched roof design with a maximum height of some 5m. The building measures some 10.6m x 15.9m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey cladding with the piers clad in RAL 7047 Mid Grey. No details of the roof material have been provided.
- Unit 9 (to be used for B1/B8 purposes) measures some 933sqm and has 2 vehicular accesses and a separate pedestrian access into the unit. The unit measures 41.2m x 24.2m with a height of some 9.6m. Materials include cladding (RAL 7047 Mid Grey and 7016 Anthracite Grey), red canopy and red brick base course. Metal sheet roofing is proposed which will be screened by the parapet proposed.
- Unit 10 (to be used for B1/B8 purposes) is shown to have a floor area of some 330sqm, however, the plans suggest the unit could also benefit from an optional mezzanine level which would increase the floor area at the unit. The unit measures some 26.1m x 14m with a height of some 9.3m. There is vehicle and separate pedestrian access into the unit. Materials include cladding (RAL 7047 Mid Grey and 7016 Anthracite Grey), red canopy and red brick base course. Metal sheet roofing is proposed which will be screened by the parapet proposed.
- Unit 11(to be used for B1/B8 purposes) has a floor areas of 464sqm, although the plans indicate a mezzanine may be installed. The building has separate vehicular and pedestrian access. The building measures 26.1m x 19.5m with a height of 9.5m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey and RAL 7047 Mid Grey cladding. Metal sheet roofing is proposed which will be screened by the parapet proposed.

2.3 In total, 111 parking spaces are provided across the site, including 15 accessible spaces for disabled users. A new access road will be provided from the existing roundabout to the north-east of the site and the layout includes the provision of an HGV sized turning head towards the south of the site. The parking spaces proposed are located in banks of around 8 spaces, situated close to the proposed buildings. Cycle parking areas are provided throughout the development, close to the proposed buildings with a total of some 36 spaces provided. Areas of landscaping are provided throughout the site.

2.4 The proposed spoil heap will be regraded across the entire site, raising the levels of the site evenly by some 0.5m.

2.5 The application has been submitted with a Design and Access Statement, Ecology Statement, Sequential Test Report, Geotechnical and Geo-Environmental Desk Study and Preliminary Site Work Findings Report, Hydraulic Modelling Statement, Flood Risk Assessment and Drainage Strategy, Planning Statement, Detailed Unexploded Ordnance Risk Assessment, Transport Statement, Waste Management Strategy and Noise

Assessment.

- 2.6 The plans indicate that there will be signage areas on each of the buildings and signage within the site. Such signage would be subject to separate advertisement consent requirements and does not form part of this assessment.

### **3 Relevant Planning History**

- 3.1 15/02053/OUTM - Erect 172 dwellinghouses and 14,130sqm of Offices (Class B1(a) and Health Centre (Class D1) (outline application) (Amended Proposal) – outline planning permission granted 27<sup>th</sup> April 2016. *Reserved matters need to be submitted within 5 years of this permission. This proposal was for a larger site than the current proposal, but within the larger site, the employment area proposed was in a similar location to the commercial development hereby proposed.*
- 3.2 10/01829/FULM - Erect three storey building for use as Primary Care Centre (Class D1) incorporating entrance ramp with steps and balustrade to north boundary, lay out associated parking for 171 cars, 78 cycle spaces, ambulance bay and service yard, hard and soft landscaping, erect sub-station to east elevation and erect 1.1m high mesh fencing to boundary on land adjacent to Barge Pier Road – planning permission granted 26 April 2011. *This permission is no longer extant.*
- 3.3 07/00366/FUL - Form access road from south of roundabout on Barge Pier Road; form flood alleviation ditch to east of Ness Road– planning permission granted
- 3.4 06/00543/RES - Form wetland area/ balancing pond, new ditches and associated headwall structures, secondary flood defence bund with footway/ cycleway and associated works (approval of reserved matters following grant of outline planning permission SOS 00/00777/OUT dated 06/02/04 ) (retrospective) – reserved matters approved.
- 3.5 00/00777/OUT - Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works (Outline) – planning permission granted.
- 3.6 19/00834/FULM - Remove existing spoil heap, erect retail food store and part culverting of existing drainage ditch, layout parking, hard and soft landscaping and associated access – Planning permission granted (this application related to land to the north of the application site).

### **4 Representations Summary**

#### **4.1 Public Consultation**

The application was advertised in the press, a site notice was displayed and 97 neighbour



notification letters were sent out, with a second round of consultation undertaken recently due to the time that had lapsed since original submission. 143 letters of objection have been received which make the following summarised comments:

- Flooding concerns and concerns that the development would increase flooding to surrounding areas and dwellings and could impact insurance. The land was originally a soakaway/flood plain for the surrounding area and there is already flooding in the area/ on the site.
- Impact on environment.
- No need for commercial development – empty units in vicinity and Borough with nearby commercial units recently converted to residential due to lack of demand.
- Poor design. Eyesore and will impact visual amenity.
- Out of keeping with the Conservation Area and does not preserve or enhance the historic area and concerns relating to the impact on Grade II listed Buildings in the area.
- Concerns relating to size and scale, height, mass and density of the development.
- Out of keeping with the residential area.
- Highway safety concerns.
- Concerns that the 2015 permission allowed additional vehicle movements via New Barge Pier Road, not New Garrison Road.
- Lack of parking.
- Concerns relating to the access, an increase in congestion, traffic and road capacity and a lack of existing infrastructure and that the roads are too small and not suitable for HGVs. Impact existing junctions, including junction of Ness Road and Campfield Road. Increase on-street parking and damage to roads.
- Already insufficient school places and insufficient GP services.
- Concerns relating to the safety of the children at the nearby school, nursery and play area due to vehicles, HGVs and pollution. Safeguarding concerns.
- Evidence supplied is out of date and concerns relating to submission documents provided.
- The 2015 scheme was for lower offices and car parking which were less intrusive and concerns are raised relating to change from B1 uses in 2015 to A1 use.
- Residential amenity concerns including loss of light and overshadowing, poor outlook, noise, overbearing and out of scale.
- Overdevelopment.
- Incompatible with existing dwellings.
- Disruption.
- Object to any retail, restaurants, drive-throughs, fast food or and late-night establishments.
- Should use empty units in High Street instead.
- Pollution concerns.
- Concerns relating to deliveries.
- Impact resident's peace and quiet.
- Impact on local wildlife, protected species, SSSI and Nature Reserves.
- Loss of green natural beauty and loss of park area.
- Negative impact on health and well-being of local people.
- Concerns relating to the retention of the spoil heap which would raise the land levels.
- Insufficient landscaping proposed. Should be completely screened by trees.
- Negatively impact visitors to the area.

- Drainage concerns.
- Sewers already overloaded.
- Contrary to NPPF.
- Noise concerns.
- Air quality concerns.
- Concerns commercial units will be subsequently converted to residential.
- Concerns development will result in anti-social behaviour and increase crime and security concerns.
- Impact on views.
- Contamination concerns.
- Residential scheme would be better (with road improvements, school capacity, etc also).
- Community use would be better.
- Health care facility needed.
- Impact property values and concerns relating to developer's profits.

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

4.2 The application is presented to the Development Control Committee for determination given that the proposal constitutes a major development, in accordance with the scheme of delegation.

#### 4.3 **Highways Team**

##### Access

The proposal is accessed via New Garrison Road utilising the existing western arm of the roundabout which was previously constructed as part of the original planning approval. There is no objection to this access being used.

##### Highway Layout

The highway layout has ensured that vehicles can manoeuvre effectively within the site. Vehicle tracking for a 16.5m articulated lorry has been provided.

##### Parking

111 car parking spaces are to be provided which includes 15 disabled spaces. 36 cycle parking spaces are to be provided. The parking provisions for the site are considered to be acceptable and meet current parking policy standards. There are no objections to the parking provision for the site.

##### Highway Capacity

The applicant has provided a TRICS comparison for the previously approved scheme and the current proposal. This has demonstrated that the development would create a marginal increase of 6 vehicle trips in the am peak and 21 in the pm peak. This is considered to be acceptable and no highway objection is raised.

The site also benefits from being in a sustainable location with regard to public transport with bus, rail and cycle options in close proximity.

Given the above information and that contained within the comprehensive Transport Statement there are no highway objections to this proposal. It is not considered that the proposal will have a detrimental impact upon the public highway.

Should the applicant require to carry out any alterations to the public highway they will be required to enter into the appropriate highway agreement.

#### 4.4 **Southend Airport**

At the given position and height, there are no safeguarding objections to the scheme.

#### 4.5 **Anglian Water**

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

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

The sewerage system at present has available capacity for these flows via the wider site strategy as referenced in FRA 8.0 Sections whereby flows discharge via a private network and onto a downstream pumping station. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option

Anglian Water recommend conditions and Informatives are imposed on any grant of consent.

#### 4.6 **Natural England**

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

*European sites:- Benfleet and Southend Marshes Special Protection Area, Benfleet and Southend Marshes Ramsar, Essex Estuaries Special Area of Conservation, Foulness(Mid Essex Coast Phase 5) Ramsar and Special Protection Area:*

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above site(s) and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

*Benfleet and Southend Marshes Site of Special Scientific Interest, Foulness Site of Special Scientific Interest:*

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection.

#### 4.7 **Drainage and Flooding Engineers**

No objection to this planning application subject to conditions being attached to any consent if this application is approved by the LPA.

#### 4.8 **Environmental Health Team**

Environmental Health has no objection to the grant of planning permission subject to conditions relating to:

- Construction hours shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or bank holidays.
- During construction and demolition there shall be no burning of waste material on site
- Hours of use are to be during working hours.

Recommended Informative:

Due to the proximity of the site to local residents a COPA (1974) sec 61 agreement with SBC will be required in order to control/mitigate construction noise and lorry movements effectively.

#### 4.9 **Environment Agency (EA)**

No objections subject to conditions relating land contamination and flood risk. The Environment Agency also provide information in relation to waste management and the control of major accident hazards regulations.

#### 4.10 **Archaeology**

There is evidence of Mesolithic settlement in the development area, which will require trial trenching and possibly a full excavation which can be secured via planning conditions.

#### 4.11 **Fire Authority**

Raised no objection, but highlights that additional fire hydrants will need to be installed within the curtilage of the site.

#### 4.12 **Health and Safety Executive (HSE)**

The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore, at present HSE does not need to be consulted on any developments on this site.

### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (2019) and National Design Guide (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP6 (Community Infrastructure)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Historic Environment), DM10 (Employment Sectors), DM11 (Employment Areas) DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

## 6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, residential amenity, traffic and transportation, ecology and biodiversity, flood risk, sustainable development objectives and the schemes CIL (Community Infrastructure Levy) contributions.

## 7 Appraisal

### Principle of Development

- 7.1 Paragraph 80 of the NPPF states 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
- 7.2 Policy KP1 of the Core Strategy states appropriate regeneration and growth will be focused within certain areas, including Shoeburyness to *'to promote the role of Shoeburyness as a place to live and work, led by the successful redevelopment at Shoebury Garrison, regeneration of local shopping centres and existing industrial estates to secure an additional 1,500 jobs, and providing for 1,400 additional dwellings...'*
- 7.3 Policy CP1 of the Core Strategy states *'Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities. Employment generating development should be located using a sequential approach in accordance with the spatial priorities and roles set out in Policies KP1 and CP2. Offices, retailing, leisure and other uses generating large numbers of people should be focussed in the town centre. Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.'*
- 7.4 Policy DM3 of the Development Management Document states *'The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services and infrastructure, including transport capacity'*.
- 7.5 Policy DM10 of the Development Management Document states *'Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace and jobs will be encouraged.'*
- 7.6 Policy DM11 of the Development Management Document states *'Major redevelopment proposals within the Employment Areas (Policy Table 8) should seek to make provision for a range of flexible unit sizes including accommodation that supports small and medium sized enterprises, where this is feasible, to ensure the needs of businesses are met in accordance with market signals. This should take account of the location and type of business proposed to ensure land is used efficiently. Where appropriate, incubator/ seedbed centres and/or affordable workspaces will be sought. The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8.'* Table 8 identifies the Shoebury Garrison as an employment growth area, but the site

is not specifically allocated for employment purposes within the Development Management Proposal's Map.

- 7.7 The Employment Land Review (2010) states at paragraph 3.50 'The Garrison Phase 1 currently has several new units available for rent, which are of good quality and should be retained for employment uses. Part of the remaining Garrison Phase 2 area has been promoted to the SHLAA (CON 111) for residential use. The Core Strategy suggests an indicative job number of 1,500 for Shoebury, which would require approximately 4.3 ha of the allocation...for the Garrison Phase 2 area (11.27ha). The Garrison Phase 2 is one of the few employment land opportunities within the urban area and its future use is dependant on demand assessments...Overall the Garrison Phase 2 should be protected for employment use...' This is reiterated within the preamble to Policy DM11 of the Development Management Document.
- 7.8 The site is identified in the Southend-on-Sea Housing and Employment Land Availability Assessment (HELAA) (2018) as an employment opportunity site. The HELAA states at paragraph 5.67 that *'The site is considered suitable for a mixed-use scheme and there is no further information to suggest this site will not come forward within the next five years.'* The HEELA goes on to state, *'...the Combined Forecast for Southend would still result in a negative land requirement overall, but largely as a result of opportunities to contract industrial land supply and deliver additional office accommodation. Given the restructuring of some of the Research and Development (R&D) section it may be that there is still a requirement for more 'hybrid' space which combines B1 uses as well as some B8 space...this type of development would potentially require a more office type environment than a traditional industrial estate...despite the projected over-supply of manufacturing floorspaces and land in quantitative terms, there may still be a deficiency in terms of the qualitative need for floorspace and land at a particular scale or format which is currently not well provisioned in Southend or the South Essex area. Whilst the forecasts identify a reduction in the requirement for B2 employment land in the projection period, this does not necessarily mean there is not a continued requirement for the full portfolio of existing employment sites or the development of certain potential employment sites, if they meet Southend's qualitative employment need.'*
- 7.9 The information submitted with this application indicated that the proposal will provide some 3,206sqm of commercial floorspace across the 1.3 hectare site to provide B1 uses (offices, research and development and industrial processes) and B8 (storage and distribution) uses in addition to a single A1 retail unit and a single Sui Generis unit to be used as a veterinary practice.
- 7.10 Taking the above policy objectives and information contained within the HELAA (2018) into consideration, and taking account of the allocation of the site, the history of the site and the fact that no objection was previously raised to the provision of employment uses on this site, no objection is raised to the principle of the proposal to develop the site for commercial purposes included 9no B1/B8 units as well as a single A1 retail unit and a veterinary (sui generis) use. It is positive that the employment uses include a range of unit designs and sizes, catering for different needs of businesses. Planning conditions can be imposed on any grant of consent restricting the uses to those identified within the application without further express planning permission in the interests of amenity and to ensure the principle of the development remains acceptable.
- 7.11 Two of the units proposed would be used for non B use class purposes; a veterinarian practice and an A1 retail unit.

- 7.12 Paragraph 86 of the NPPF states *'Local Planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*
- 7.13 The information submitted with the application states *'The Veterinary clinic and A1 use involve only a minor element of the proposal; however, they will employ people and reduce the need to travel. The A1 unit (Unit 8) is the subject of a pre-let agreement with Subway, a sandwich shop operator. The A1 unit is just 140sqm which will not impact on the viability and vitality of the Town Centre. The sandwiches and snacks sold will largely be for consumption off the premises and will cater for staff employment on the site and visitors to it. The veterinary practice is also pre-let and is proposed for Unit 1 on the site, which is also 140sqm. The practice will provide a veterinary service to the local community.'*
- 7.14 Policy DM11 of the Development Management Document states *'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:*
- A. the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area...*
  - D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.*
- 7.15 The proposed veterinary clinic is a sui generis use, which will employ people and is considered to be compatible with and will not compromise the operating conditions of the employment area in accordance with part A of Policy DM11. It is also noted, that at 140sqm this unit would constitute only approximately 4.4% of the overall floorspace hereby proposed.
- 7.16 The proposed A1 unit (proposed to be occupied by Subway) is considered to be a complementary and supporting use which is subservient and ancillary to the main employment use and which would serve the day-time needs to the estate's workers. As such this part of the development is considered to comply with part D of Policy DM11. It is also noted, that at 140sqm this unit would constitute only approximately 4.4% of the overall floorspace hereby proposed.
- 7.17 Whilst the applicant has not specifically demonstrated that there are no alternative sites suitable for the main town centre uses proposed within the town centre or a edge of centre location, on balance, given that the development complies with Policy DM11 of the Development Management Document and given the limited size and scale of the ancillary A1 and sui generis uses proposed, it is considered that the development would not result in any material harm to the vitality of the main Town and District Centres in the Borough. The development is acceptable and policy compliant in this respect.

- 7.18 There is therefore no objection to the principle of the proposal, subject to the detailed considerations, including design and parking implications which are discussed below.

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

- 7.19 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 7.20 Policy KP2 of the Core Strategy advocates the need for all new development to *"respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design"*. Policy CP4 of the Core Strategy states *"development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."*
- 7.21 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.22 The proposed development includes a variety of sizes of units, to meet the differing needs of businesses, however, the units proposed have a cohesion across the site with similar designs and a similar material palette and detailing which is positive. The overall scale proposed is in commercial terms comparatively modest and acceptable, including because the site is removed from adjoining and nearby buildings.
- 7.23 The two northern units (units 1 and 8) which are most prominent have been designed to provide active frontages to all elevations which is positive. The units adjoining Barge Pier Road (including units 2, 3, 4, 5 6 and 7) provide no active frontage to this boundary. However, by reason of a no build zone, these buildings would be set back from the highway and can be significantly screened by vegetation. Subject to a condition requiring details of the landscaping to be provided no objection is therefore raised on this basis.
- 7.24 Within the site active frontages are provided to the new access road and the buildings are interspersed with parking and landscaped areas, resulting in a generally spacious character and preventing the development from being unduly dominated by hardstandings and parked vehicles.
- 7.25 The finishing materials proposed include grey cladding with red accent canopies. The Hinguar Primary School has similarly been finished in a contemporary cladding. The contemporary materials proposed for the development are considered acceptable in principle, and would not be out of keeping in the area, subject to a condition requiring samples to be submitted and approved by the local planning authority.
- 7.26 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special



architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

- 7.27 Given the distance; in excess of 150m of the site from the adjoining Shoebury Garrison Conservation Area, the scale and height of the proposed buildings and the intervening built form, it is considered that the proposal would not result in any material harm to the character, appearance or setting of this heritage asset. As such it would have a neutral impact in this regard. The site is significantly removed from any Listed Buildings and the development would not therefore materially harm the character or setting of any of the Listed buildings within the wider surrounding area.
- 7.28 Subject to conditions the development is considered acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.29 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.”*
- 7.30 The proposed buildings are located approximately 29m from the rear boundaries of the nearest residential dwellings which are located to the west of the site. Given this degree of separation, the nature of the uses proposed, the overall size and scale of the development and the design which includes limited openings to the rear elevations of the units facing the dwellings to the west, whilst the neighbour concerns are noted, it is considered that the development would not result in any material harm to the adjoining and nearby occupiers in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing, a material sense of enclosure, overlooking or loss of privacy.
- 7.31 The application has been submitted with a noise assessment which concludes that worst case noise levels from site activity, car parking and access road traffic have been assessed at the residential properties closest to the development site (houses off Ness Road) and it is concluded that the technically assessed level of impact would be negligible/none. This assessment was undertaken on the basis of operating hours of 07:00 to 19:00. The assessment states operating hours outside these hours may not result in adverse effects, depending on the activity type and location of the unit. Should extended opening hours be required these can be considered on a site by site basis.
- 7.32 In terms of noise and disturbance, the previous outline application (reference 15/02053/OUTM) was permitted subject to a condition requiring details of the proposed operating days and hours of each unit to be submitted to and approved in writing by the local planning authority. This would allow each use in each unit to be individually assessed in relation to the final use proposed and its proximity to the neighbours which accords with the findings of the noise assessment submitted. Subject to a similar condition it is considered that the development would not result in any material harm to the adjoining residents in terms of noise and disturbance. It is also noted that the principle of providing employment uses in this location has already been considered acceptable.

- 7.33 Given that the site is not located within an Air Quality Management Area (AQMA), given the previous permissions granted on the site and given that the Environmental Health Team have raised no objections on this basis, it is considered that the proposal would not result in any material harm in terms of pollution or air quality.
- 7.34 A condition can also be imposed requiring details of any external lighting to be agreed prior to its installation, in the interests of the amenity of the nearby residents.
- 7.35 The application has been submitted with a waste management strategy which indicates that waste will be collected by a private contractor and recycled off site. Indicative areas for wheelie bins have been provided which will be screened where possible and positioned as far away as possible from the sensitive habitats around the site perimeter. Limited information has been submitted in this respect and there is a concern that some of the proposed locations for wheelie bins would be prominent. As such a condition will need to be imposed on any grant of consent requiring full details in this respect. Subject to such a condition no objection is raised on this basis.
- 7.36 The development is acceptable and policy compliant in the above respects and no objection is raised on this basis.

### **Traffic and Transportation Issues**

- 7.37 Policy DM15 of the Development Management Document requires the provision of appropriate off-street parking for proposed developments. The adopted parking standards provide maximum standards for commercial proposals of this nature. B1 uses are required to provide a maximum of 1 parking space per 30sqm, B8 uses, 1 space per 150sqm and A1 food uses are required to provide a maximum of 1 space per 14sqm. There are no specific parking standards for sui generis veterinary practices.
- 7.38 The information provided with the application indicates that the A1 unit will have 140sqm floorspace and therefore requires a maximum of 10 spaces. It is stated that there will be 1463sqm of B1(c) light industry use, requiring a maximum of 49 spaces and 1463sqm of B8 (storage and distribution) use, creating a maximum requirement of 10 parking spaces. As such there is a requirement for a maximum of 69 spaces (plus an additional requirement for the veterinary practice). This proposal seeks to provide 111 parking spaces, including 15 accessible spaces. Whilst the parking spaces proposed exceed the maximum requirement, on balance, it is not considered that this would undermine the principles of sustainable transport and the strategic move towards reduced reliance on the private car. As such the parking provisions are considered adequate for the proposed development. The Highways Team have raised no objection to the parking provisions proposed. The development is acceptable and policy compliant in this respect.
- 7.39 The minimum cycle parking standards required for A1 food shops is 1 space per 400sqm for staff and 1 space per 400sqm for customers. The A1 element therefore requires a minimum of 2 cycle parking spaces. The standards require 1 space per 100sqm of B1 floorspace for staff and 1 space per 200sqm of B1 floorspace for visitors. As such, the B1 part of the proposal requires the provision of a minimum of 23 spaces in this respect. B8 uses require 1 cycle space per 500sqm for staff and 1 space per 1000sqm for visitors. The B8 part of the proposal therefore requires the provision of 5 cycle spaces. Excluding the veterinary practice which has no specific cycle parking standard the development therefore requires a minimum of some 30 spaces. This development seeks to provide 36 cycle spaces, which is considered adequate to also meet the needs to the proposed

veterinary practice. From the information submitted it is not clear that the cycle spaces will be secure and covered, however, this appears to be capable of being accommodated within the site layout and full details in this respect can be secured via a planning condition.

- 7.40 It is noted that a number of the units have been shown to have possible mezzanine levels which would increase the parking and cycle parking requirements. As such, to ensure that sufficient parking is maintained at the site a condition is recommended on any grant of consent, notwithstanding the information submitted, that no mezzanine levels should be created without the prior grant of express planning permission by the local planning authority.
- 7.41 The application has been submitted with a Transport Statement which states that swept path analysis demonstrates that articulated HGVs would be able to access, egress and turn in the site. The Transport Statement concludes that the development would result in a modest increase in traffic and is acceptable in respect of its impact on the capacity of the highway.
- 7.42 The Highways Team has raised no objection to the proposed access into the site, comments that the highway layout is acceptable, provides acceptable parking provisions and comments that the development would result in a marginal increase in vehicle trips which is acceptable from a highway capacity perspective. The site is sustainably located in terms of public transport and cycle options. The Highways Team therefore raise no objection to the proposal, concluding that the development would not be detrimental to the public highway.
- 7.43 It is noted that a number of neighbours have raised concerns that the development proposed would be accessed via New Garrison Road, rather than New Barge Pier Road and concerns are raised that this is different to the access arrangements agreed within the 2015 permission (reference 15/02053/OUTM). However, access for the offices and health centre in the 2015 scheme was from New Garrison Road, with the residential units accessed from New Barge Pier Road.
- 7.44 The development is acceptable and policy compliant in the above regards.

### **Sustainable Construction**

- 7.45 Policy KP2 of the Core Strategy states that *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”*.
- 7.46 No information has been submitted in this regard, however, a condition can be imposed on any grant of consent in this respect.

### **Flood Risk**

- 7.47 Policy KP1 of Core Strategy states that all development proposals within flood risk zone *“shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk”*. It is also noted that *“development will only*

*be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options.”*

- 7.48 The information submitted with this application states that the Shoeburyness area is at risk of residual flooding in the event of an overtopping event and breach in the flood defences. The Flood Risk Assessment submitted states that the application site benefits from flood defences ranging from 6.0m AOD to the south of the site to a low of 5.04m AOD to the west of the site.
- 7.49 The information submitted with the application states *‘Following completion of the Flood Alleviation Ditch (River Shoe, Ditch C-X), the northern reach of the Barge Pier Ditch within the site was in filled and its flows diverted into the Flood Alleviation Ditch. The flood alleviation ditch now conveys runoff from the 52ha urban catchment to the north of the site in a southerly direction, under the secondary flood defence bund/Barge Pier Road before discharging into Barge Pier Ditch to the south of the flood defence bund and eventually to the Thames Estuary. Barge Pier Ditch currently starts along the eastern boundary of the proposed site and is now used as a linear pond which attenuates a large proportion of the surface water runoff from the Shoebury Garrison site up to the 1 in 100 year plus climate change event before discharging into the Thames Estuary.’*
- 7.50 The Environment Agency (EA) confirm that the site is located within Flood Zone 3a with a high probability of flooding. The 11 commercial units proposed are classified as ‘less vulnerable’. As such the development is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment. The EA comment, in terms of actual risk, that the site is currently protected by third party (Southend Unitary Authority) flood defences with an effective crest level of 5.04m AOD so is not at risk of flooding in the present day 0.5% (1 in 200) annual probability flood event and the defences will continue to offer protection over the lifetime of the development, provided that the TE2100 policy is followed and the defences raised in line with climate changes, which is dependant on future funding.
- 7.51 In terms of residual risk, the EA comment that the site could experience breach flood depths of up to 4-5m during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 4-5m during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2110). The EA state that the flood hazard is a danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. Finished ground floor levels are proposed at 3m AOD. This is below the 1 in 200, 0.5% annual probability breach flood level including climate change and therefore the development would be at risk of flooding by 3.5m depth in this event. There is no refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 6.5m AOD. The EA state that a flood evacuation plan has been proposed and is necessary to ensure the safety of the development.
- 7.52 The sequential report submitted considers alternative locations for a similar development to that hereby sought within the Shoeburyness area. It considers allocated sites, considers the information within the annual monitoring report, other commercial sites and any windfall sites as well as sites with planning permission. The report concludes that this evidence base *‘supports the conclusion that there are no reasonably available sites or combination of sites in the Shoeburyness area, which complies with current policy and would support the size of development within the timeframe proposed.’*

- 7.53 The application site falls within the Seafront Boundary under Policy KP1 of the Core Strategy. This area is promoted as an area for regeneration and growth. The preamble to KP1 notes there are limited options to achieve regeneration and growth within the Borough and that development on flood plains would be considered. Policy KP1 directs development into the area in which the site falls. This policy was adopted following the Thames Gateway South Essex Partnership Strategic Flood Risk Assessment. It is considered further development in this area is acceptable in principle subject to a site specific investigation. Given this and given the findings of the Sequential report submitted, the proposal is considered to pass the requirements of the sequential test.
- 7.54 The commercial use proposed constitutes a less vulnerable use which is an appropriate use in flood zone 3a. As such the exceptions test does not need to be applied to this development. However, flood resistant and resilient measures are proposed, including the development platform being raised to 3.0m AOD which, whilst not fully protecting the development from a breach or overtopping event, would allow the development to recover and come back into operation more quickly whilst also not impacting on flooding elsewhere. Other flood resilience measures proposed include the buildings being designed with resilient materials, with all electrical, services and ventilation entry points located as high as practical, using materials with good drying qualities, designed for water to drain away after flooding and use internal cement based renders. The submission also identified that safe access and egress for the development can be provided via New Garrison Road, Chapel Road and St George's Lane.
- 7.55 Given the above information, given that planning permission has previously been granted to develop this site for commercial purposes, given that the proposed use constitutes a 'less vulnerable use' and given that the site has been sequentially tested via a Strategic Flood Risk Assessment and identified as suitable for employment purposes in Shoeburyness which is an area identified for regeneration and growth, it is considered that the development passes the sequential test.
- 7.56 In terms of drainage, the submitted FRA states due to the existing ground conditions drainage infiltration techniques are not suitable for the site. The FRA states that, to reduce flood risk and mitigate against any residual risk, the proposal will include *'The integration of SuDS to restrict the runoff from the site to that of the pre-development Greenfield rate and to provide attenuation for storm events up to 1 in 100 year (plus 40% climate change).'*
- 7.57 The submitted FRA states *'In line with the approved drainage strategy for the overall Shoebury Garrison site (which obtained approval in March 2003), the proposed surface water strategy will discharge surface water from the proposed trade park development into Barge Pier Ditch to the east of the site, at Greenfield rates.'* It is stated that attenuation could be provided within the parking areas in the form of sustainable drainage systems including attenuation tanks and permeable paving.
- 7.58 The Council's Drainage and Flooding Engineers have raised no objection to the proposal, subject to conditions. Subject to such conditions no objection is raised on this basis.
- 7.59 In summary, subject to conditions, whilst the neighbours concerns are noted, it is not considered that the development would result in any material harm in flood risk terms.

## **Ecology and biodiversity**

- 7.60 Chapter 15 of the NPPF states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.
- 7.61 The application has been submitted with an ecology statement which considers the previous applications on the site, and the previous ecology reports undertaken before considering this proposal and makes a number of recommendations including:
- The development must consider specific landscape design favourable to protected species such as the use of nectar rich and year round flowering species, the use of climbing plants, favour local native species, incorporate neutral grassland to mitigate the loss of grassland.
  - Opportunities for ecological enhancements, the creation of neutral, unimproved grassland, reptile log pile creation and bird and bat box installation.
  - The site has previously been identified as having an exceptional population of common lizard and has the potential to hold a low population of grass snakes. A 90 day trapping programme will be required for the exceptional population of common lizards with the reptiles translocated to the approved receptor site – Stable Field, Chelmsford, owned by Chelmsford City Council through the Chelmer Valley Nature Reserve. The Council has confirmed they are committed to its long term management. The receptor site will provide all the habitat requirements for common lizards and allow the population to grow.
- 7.62 Subject to conditions requiring the development to be undertaken in accordance with the recommendations and conclusions of the above ecology report and requiring landscaping details and bird and bat boxes, no objection is raised to the development on this basis. It is also noted that Natural England has raised no objection on this basis.
- 7.63 The proposal is acceptable and policy compliant in the above respects.

### **Contamination and Major Hazard Matters**

- 7.64 Policy DM14 states *'Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where:*
- (i) An appropriate Contaminated Land Assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality; and*
  - (ii) Where contamination is found which would pose an unacceptable risk to people's health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure the applicant undertake appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.*
  - (iii) Remediation works will be carried out before the commencement of any new development.*
- 7.65 The application has been submitted with a summary of Geotechnical and Geo-environmental desk study and preliminary site work findings report which states that ground investigation works undertaken to date include excavation of 20 machine dug trial pits to a maximum depth of 3.9m. No evidence of significant contamination was found during the site investigations. There is little evidence to suggest that the site may be

significantly contaminated from historic on-site land uses. Potential on-site sources of ground gas are deemed to exist. As such the report recommends that further phase 2 investigation works are undertaken. Subject to a condition in this respect, the development is acceptable and policy compliant in the above regards.

- 7.66 The application has been submitted with a detailed unexploded ordnance risk assessment which makes a number of recommendations in respect of unexploded ordnance on the site. Subject to a condition requiring the development to be undertaken with the recommendations of this report no objection is raised on this basis.
- 7.67 The Environment Agency (EA) have commented, in relation to the control of major accident hazards regulations (COMAH) that the proposed development is approximately 330m from a permitted facility regulated by the EA under an environmental permit for a Low Impact Installation (Towerfield Plating & Anodising, Towerfield Close, Towerfield Industrial Estate, Shoeburyness, Essex, SS3 9Q – activity includes use of inorganic chemicals; using mercury/cadmium and compounds). The EA state that the site is also approximately 1300m from a facility notified under COMAH (Control of Major Accident Hazards Regulations) as an Upper Tier COMAH establishment (The QuinetiQ Limited MOD Shoeburyness facility on Blackwater Road which activities include chemical installations – storage and warehousing and chemical manufacturer/production and or disposal). As such, the Health and Safety Executive (HSE) have been consulted on the application. The HSE have commented that the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline and therefore have no comments on the application. As such, the development is considered acceptable in this regard.

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

- 7.68 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of approximately 3,206sqm, which may equate to a CIL charge of approximately £41,184.77 (subject to confirmation).

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The development is acceptable in principle, is of an acceptable design, would not materially harm residential amenity or cause unacceptable levels of pollution, would not materially harm traffic, parking or highways conditions and is acceptable in flood risk, sustainability and ecology terms. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

**Members are recommended to GRANT PLANNING PERMISSION subject to conditions:**

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

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

**02 The development hereby permitted shall be carried out in accordance with the approved plans: NGR LOC d, NGR 08, NGR 09, NGR 06a, NGR 07, NGR 57c, NGR 51c, NGR52a, NGR 53b, NGR 61, NGR 58a, NGR 59a, NGR 60a**

**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 the development hereby permitted shall not commence above a ground floor slab level unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site, including facing materials, roof detail and windows and doors, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials, details and specifications before the development hereby approved is brought into first use.**

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

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

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

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

**05 The development shall not be first occupied unless and until vehicle manoeuvring**



areas and 111 on site car parking spaces have been provided and made available for use in full accordance with drawing NGR06a. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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

- 06** Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground floor slab level shall be undertaken unless and until full details of the secure, covered cycle parking for no less than 36 cycles have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided in full and made available for use for the development prior to the first use of the development hereby approved and be retained as such in perpetuity.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, DM3 and DM15 and the guidance contained in the Design and Townscape Guide (2009).

- 07** No part of the development hereby approved shall be first occupied or brought into first use unless and until a waste management plan which includes full details of refuse and recycling storage and servicing arrangements has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall be carried out solely in accordance with the approved details from the first use of the development.

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

- 08** None of the Individual unit hereby approved shall be first occupied or brought into first use unless and until full details of the operating and opening times of that unit have been submitted to and approved in writing by the local planning authority. Each unit shall subsequently be operated only in full accordance with the details approved under this condition.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 09** External lighting shall only be installed and operated in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the safety and amenities of the area, and to protect the

amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 10 CCTV shall only be installed and operated in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

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

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

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

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

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

- 13 Commercial refuse collection and delivery times for the development hereby approved shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

- 14 Notwithstanding the information submitted and otherwise hereby approved and notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990), as amended, or any provisions amending, revoking or re-enacting that section no mezzanine floorspace shall be constructed within any unit within the approved development unless express planning permission for such works has previously been granted.

Reason: To enable the Local Planning Authority to regulate and control the development in the interests of amenity of neighbour properties and to ensure that sufficient parking and cycle parking is provided 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).

- 15 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment and Drainage Strategy undertaken by Ardent dated August 2018 reference H523-01A, including the flood resistance and resilience measures at paragraphs 6.18-6.19 of the strategy, before the development is brought into first use. The development shall thereafter be managed in accordance with the approved measures. Finished ground floor levels in the development shall be set no lower than 3.00 metres above Ordnance Datum (AOD).

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

- 16 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Ecology Statement undertaken by D F Clark Bionomique Ltd dated 22 March 2018 reference DFCEP3398, including the mitigation measures set out on pages 16-18 of the statement.

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

- 17 No development above ground floor slab level shall be undertaken unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and be retained as such in perpetuity.

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

- 18 No development shall take place, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of noise, dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the

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

- 19** Prior to first occupation and first use of the development hereby approved, a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage shall be submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

**Reason:** In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

**20** Decontamination

**A. Site Characterisation**

No development other than demolition shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

**B. Submission of Remediation Scheme**

No development other than demolition shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**C. Implementation of Approved Remediation Scheme**

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the

effectiveness of the remediation carried out must be submitted to 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 and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. 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 in accordance with condition 3.

#### **E. Long Term Monitoring and Maintenance**

**E1)** No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.

**E2)** Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

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

- 21** No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the local planning authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained as such thereafter.

**Reason:** To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

No development or preliminary groundworks of any kind shall take place unless

**22** and until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work and reasonable notification to the local planning authority when the work will be undertaken. The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings shall be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme and recommendations within the report carried out. Copies of the written report of the investigation and findings must be sent to Southend Borough Council.

**Reason:** A pre commencement condition is needed to avoid damage to archaeological remains on site as set out in the National Planning Policy Framework (2019), Core Strategy (2007), Policies KP2 and CP4, Development Management Document (2015) Policies DM1, Dm2 Design and Townscape Guide (2009).

**23** Unit 1 hereby approved, as identified on plan number NGR 06a, shall only be used as a Sui Generis veterinary practice and shall not be used for any other purpose as defined on the date this application was submitted. Unit 1 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

**Reason:** To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with 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).

**24** Unit 8 hereby approved, as identified on plan number NGR 06a, shall only be used for purposes falling within use class A1 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. Unit 8 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

**Reason:** To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with 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).

25 Units 2, 3, 4, 5, 6, 7, 9, 10 and 11 hereby approved, as identified on plan number NGR 06a, shall only be occupied for purposes falling within Use Classes B1 or B8 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. Units 2, 3, 4, 5, 6, 7, 9, 10 and 11 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with 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).

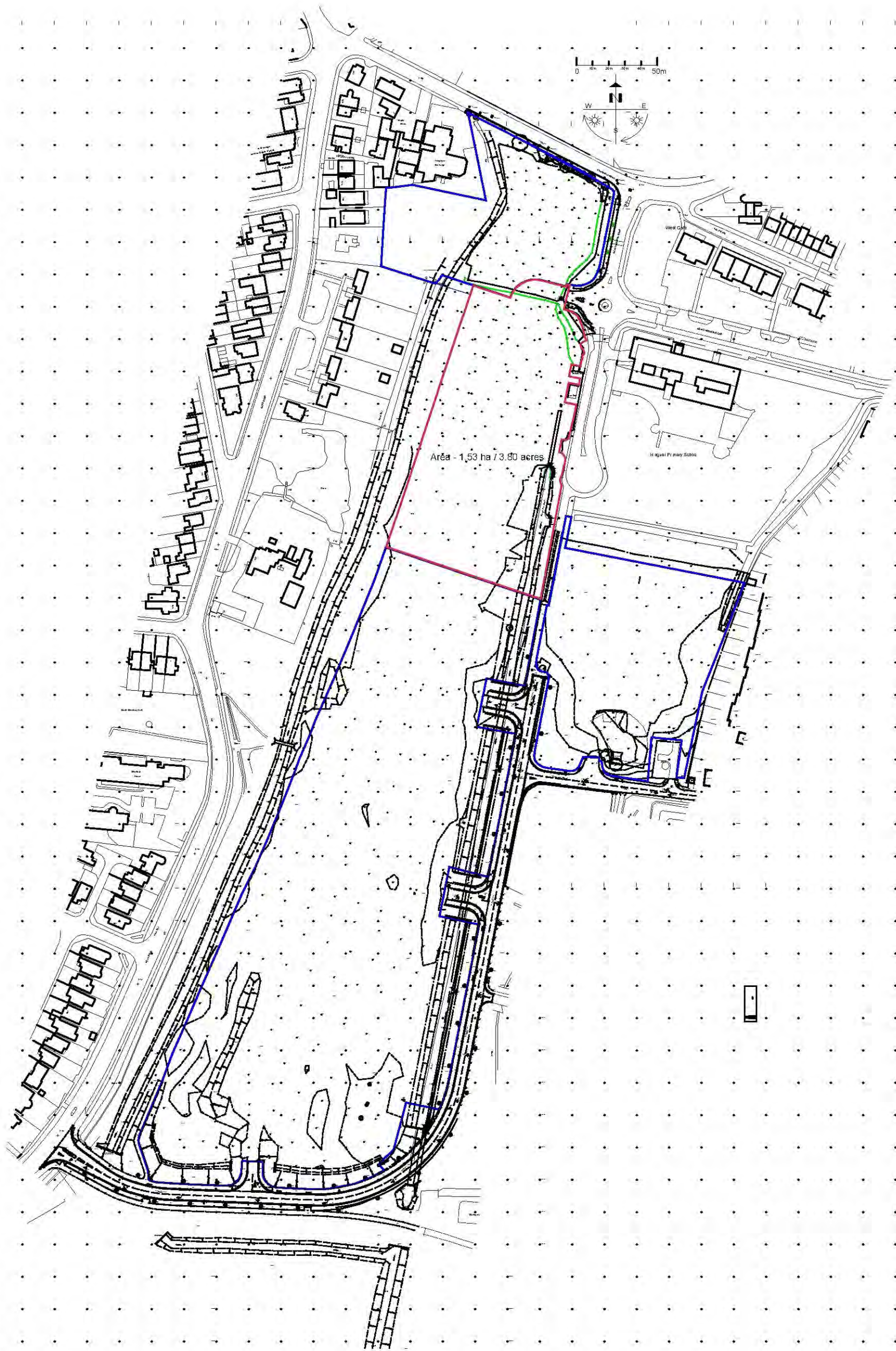
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

- 1 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.
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 3 Should the applicant require to carry out any alterations to the public highway they will be required to enter into the appropriate highway agreement
- 4 During construction and demolition there shall be no burning of waste material on site

- 5 Due to the proximity of the site to local residents a COPA (1974) sec 61 agreement with SBC will be required in order to control/mitigate construction noise and lorry movements effectively.**
- 6 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087**
- 7 The applicant is advised that any proposed advertisements could require separate advertisement consent.**
- 8 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.**





**Revisions**

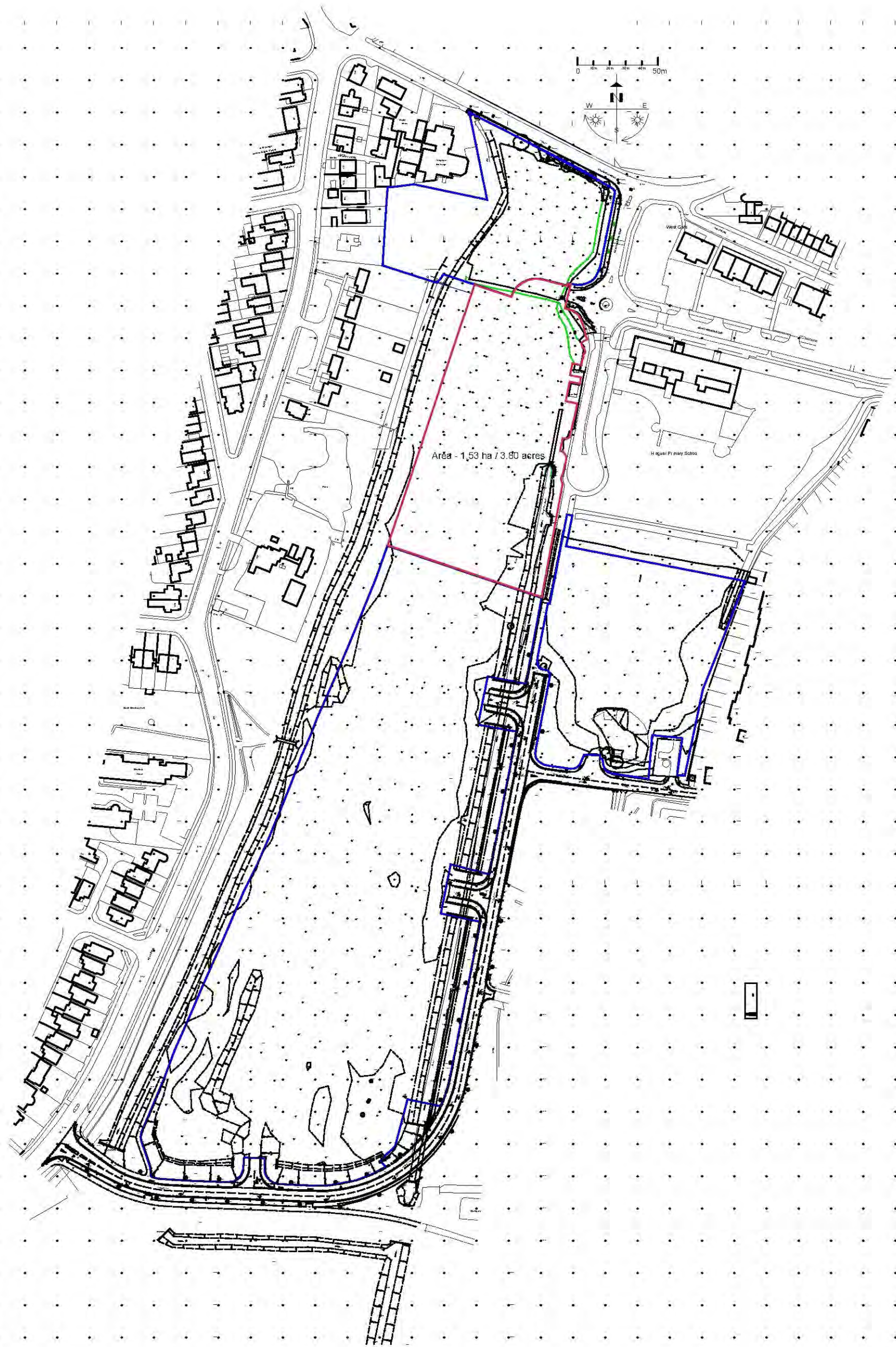
- a-
- b-
- c 22 05 2018 Site boundary updated.
- d 12 07 2018 Site boundary updated.

**LOCATION PLAN.**

**Proposed Trade Park  
New Garrison Road  
Shoeburyness SS3 9BT**

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**Revisions**

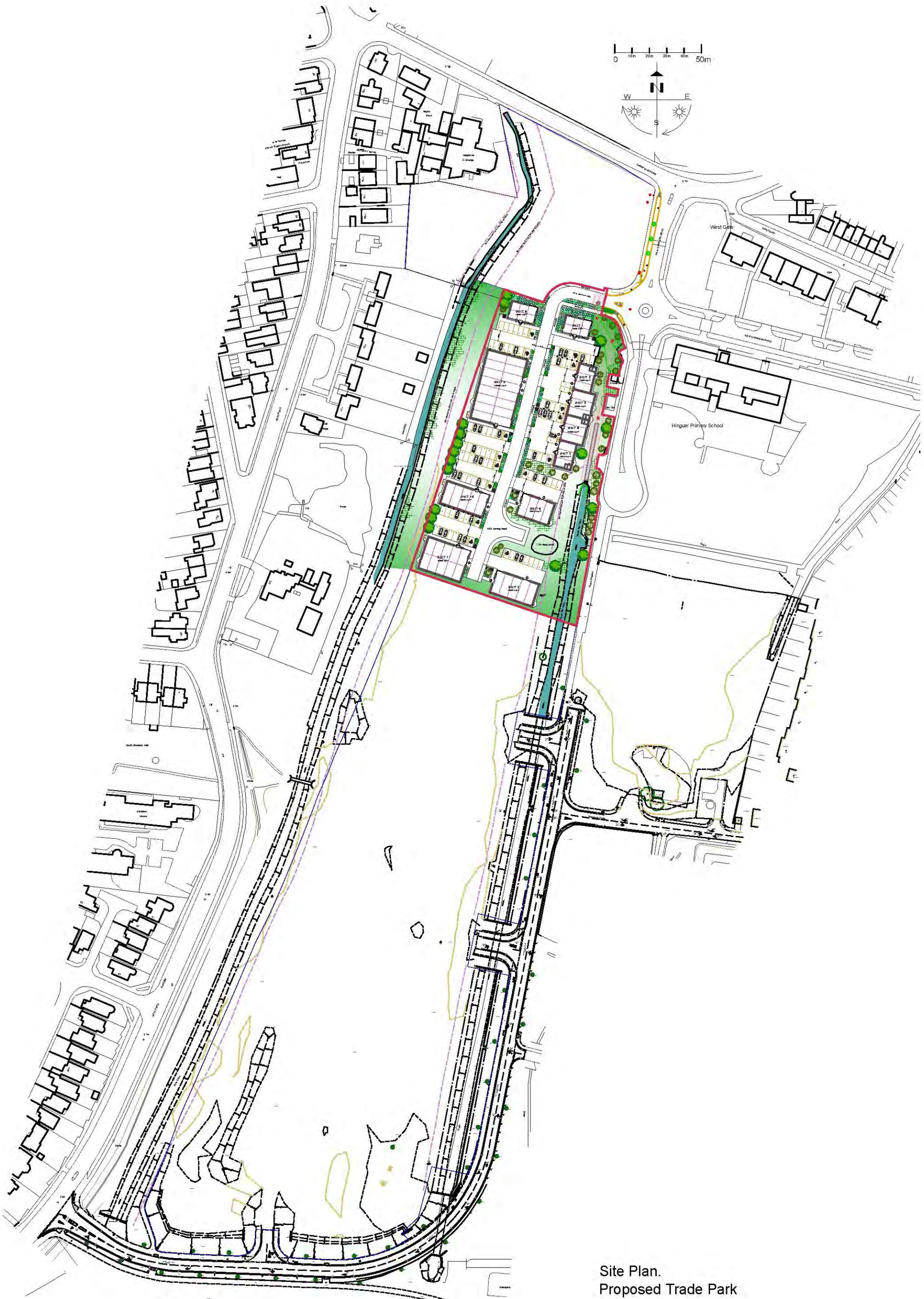
- a-
- b-
- c 22 05 2018 Site boundary updated.
- d 12 07 2018 Site boundary updated.

**LOCATION PLAN.**

**Proposed Trade Park  
New Garrison Road  
Shoeburyness SS3 9BT**

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Site Plan.  
 Proposed Trade Park  
 New Garrison Road  
 Shoeburyness SS3 9BT

P.J.Conway B.Sc.Hons., M.C.I.A.T., A.C.I.O.B.  
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Accommodation Schedule

1,500 sq ft	4no. =	6,000
2,000 sq ft	2no. =	4,000
2,500 sq ft	1no. =	2,500
3,500 sq ft	2no. =	7,000
5,000 sq ft	1no. =	5,000
10,000 sq ft	1no. =	10,000

- Key
- no build zone
  - site boundary

Total 34,500

Revision  
 a 11 06 18 Units renumbered  
**Site Plan.**  
**Proposed Trade Park**  
**New Garrison Road**  
**Shoeburyness SS3 9BT**

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Site Plan - showing existing and proposed levels.  
 Proposed Trade Park  
 New Garrison Road  
 Shoeburyness SS3 9BT

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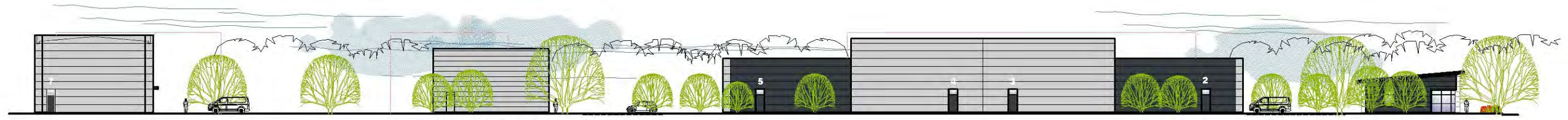


North Entrance Elevation

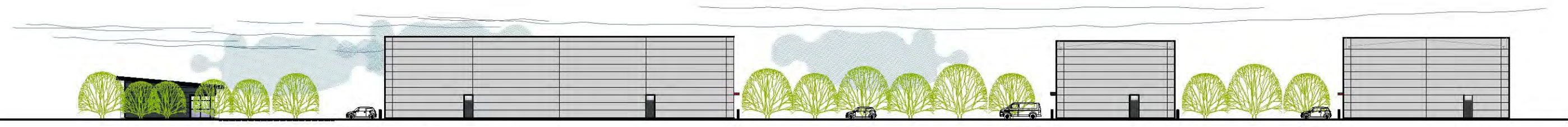
Site Entrance

0 5 10m

91



East Elevation Facing Hinguar Primary School



West Elevation Facing River Shoe

**Revisions**

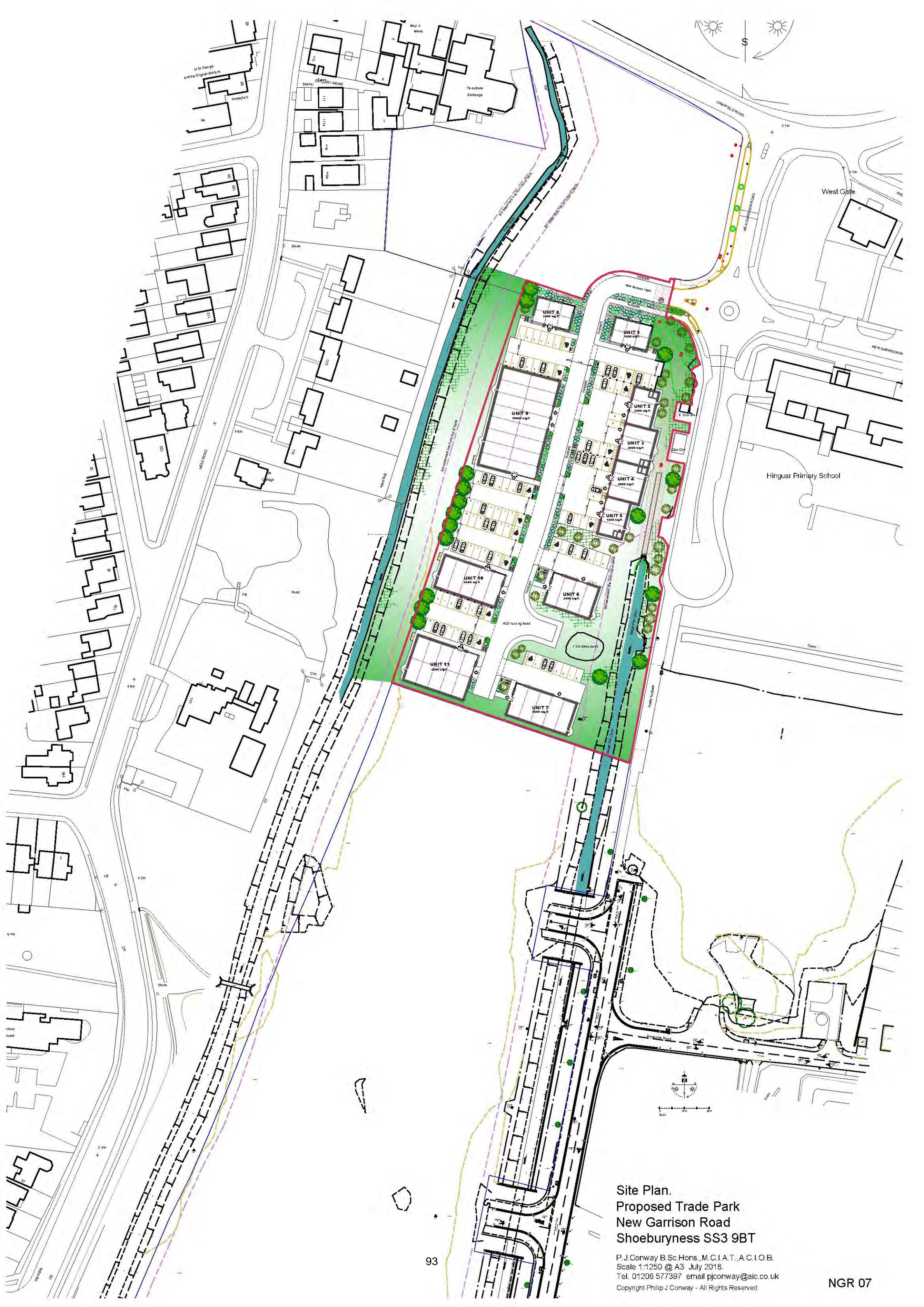
- a 22 05 2018 North entrance elevation updated.  
Unit numbers to West Elevation updated.
- b 12 06 2018 Unit 1 altered to accommodate visibility envelope.
- c 11 07 2018 Updated to reflect new buildings / site layout

**Street Elevations  
Proposed Trade Park  
New Garrison Road  
Shoeburyness SS3 9BT**

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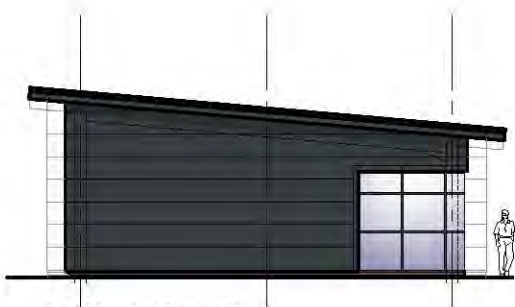
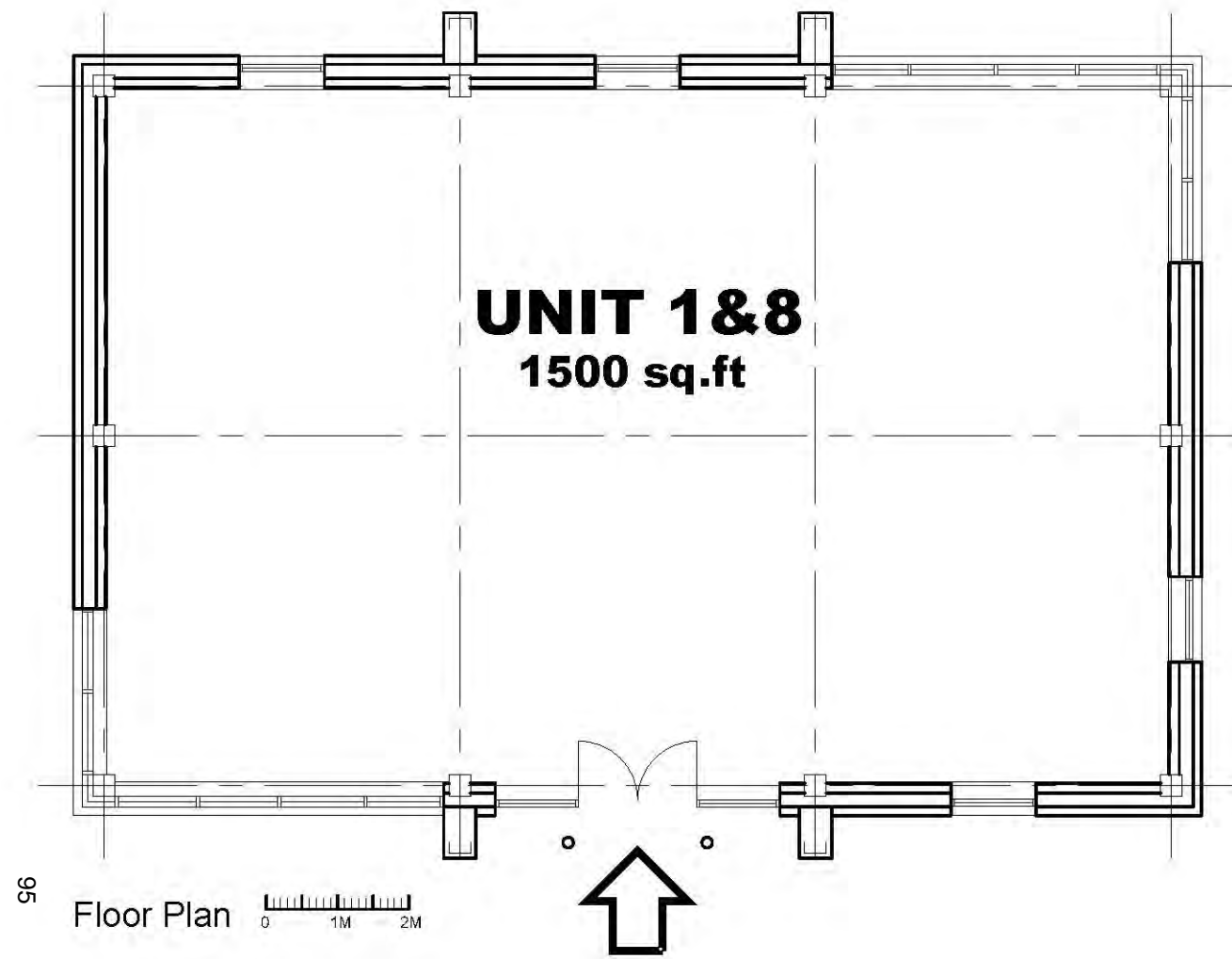


Site Plan.  
 Proposed Trade Park  
 New Garrison Road  
 Shoeburyness SS3 9BT

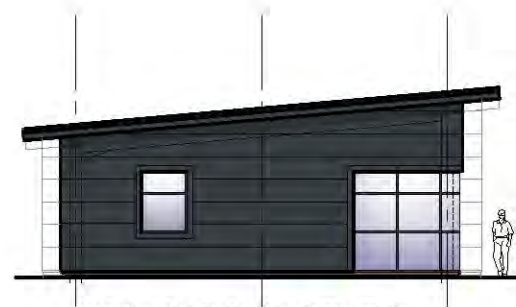
P.J.Conway B.Sc.Hons., M.C.I.A.T., A.C.I.O.B.  
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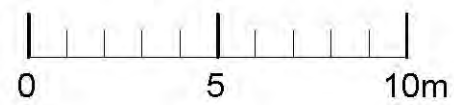
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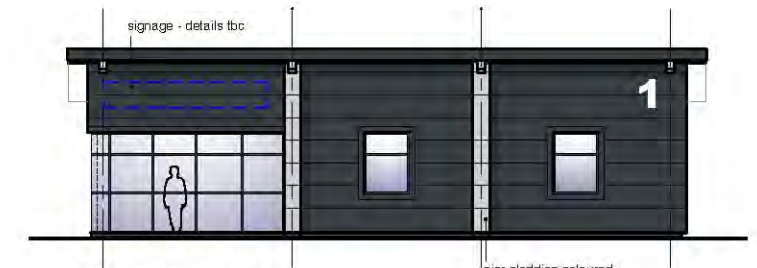
End Elevation Facing West



End Elevation Facing School Site (East)



Elevation Facing Trade Park (South)



Elevation Facing North

### Revisions

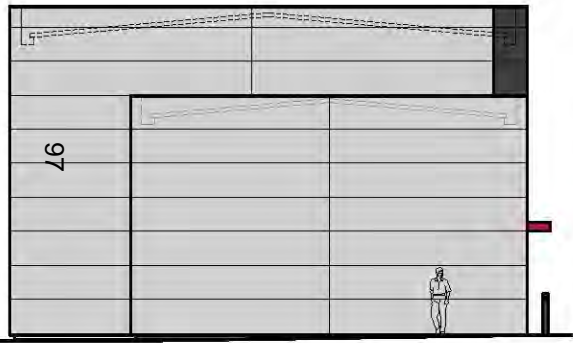
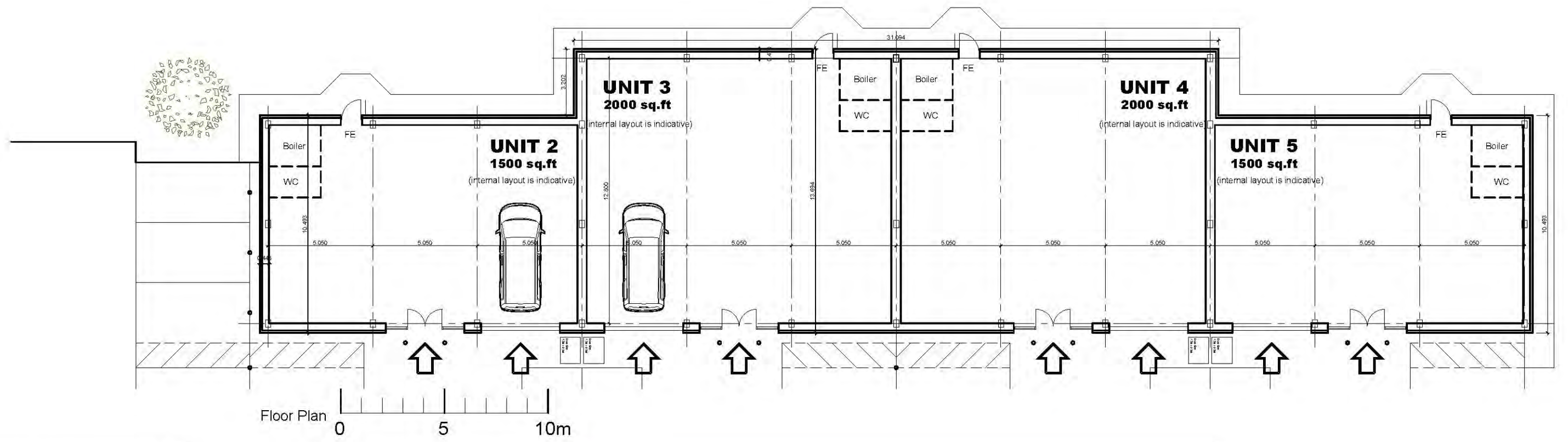
- a 28 03 2018 Unit 2 omitted
- b 22 05 2018 Unit 7 reference added
- c 11 07 2018 Unit 7 changed to unit 8

### UNITS 1 & 8 Plan and Elevations Proposed Trade Park New Garrison Road Shoeburyness SS3 9BT

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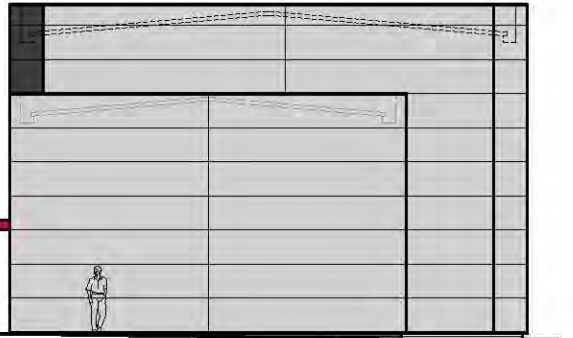




Side Elevation - Unit 2



Front Elevation - Units 3-6



Side Elevation - Unit 5



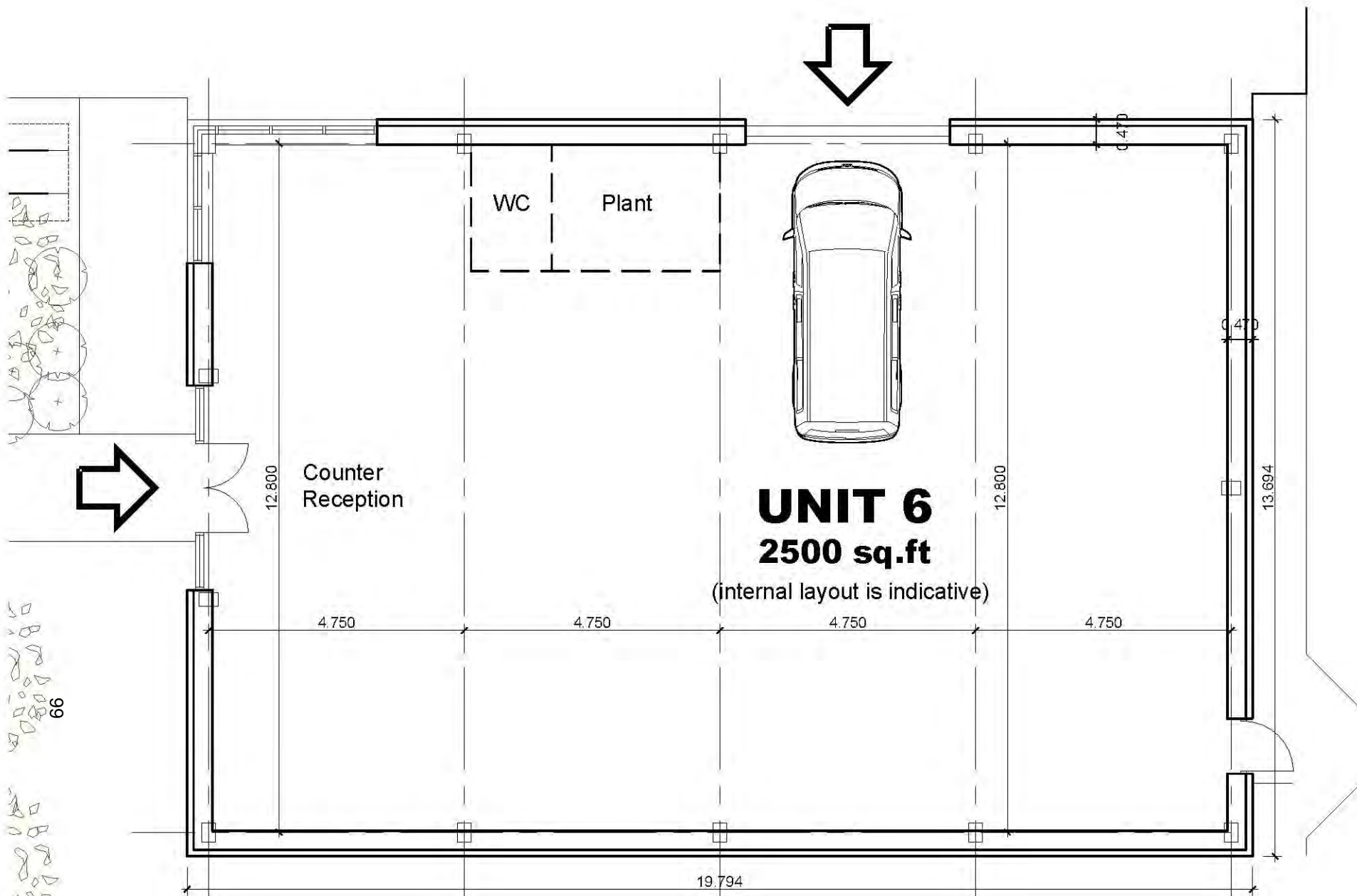
Rear Elevation - Units 3-6

**Revisions**  
a 28 03 2018 Panel sizes updated to match units 7-10.

**UNITS 2 - 5 Plans and Elevations**  
Proposed Trade Park  
New Garrison Road  
Shoeburyness SS3 9BT

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Floor Plan 0 1M 2M



Side Elevation 0 5 10m

**Revisions**

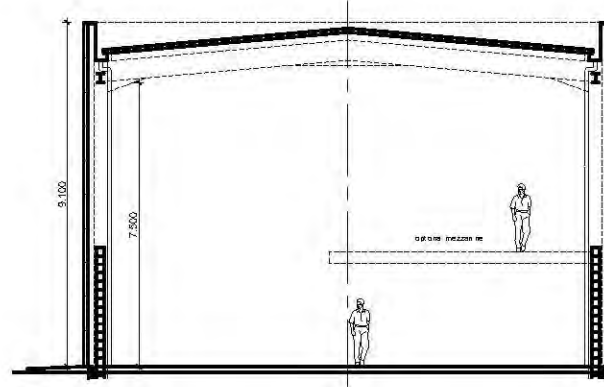
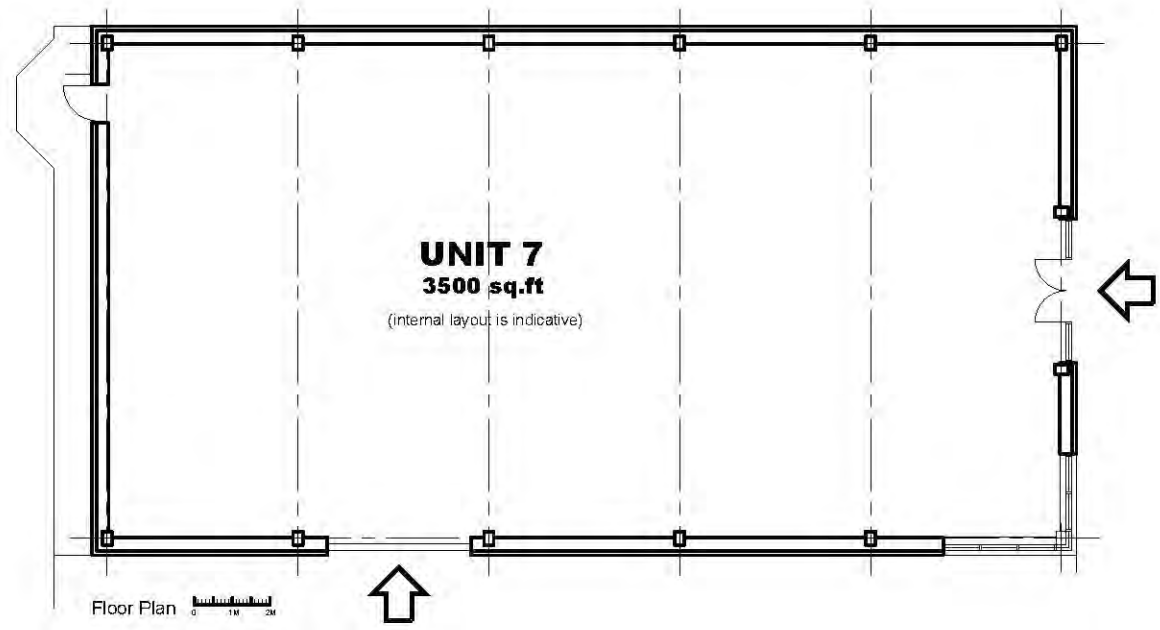
a 28 03 2018 Unit renumbered.  
 b 11 07 2018 Panels adjusted to match new larger unit 8

**UNITS 6 Plans and Elevations**  
 Proposed Trade Park  
 New Garrison Road  
 Shoeburyness SS3 9BT

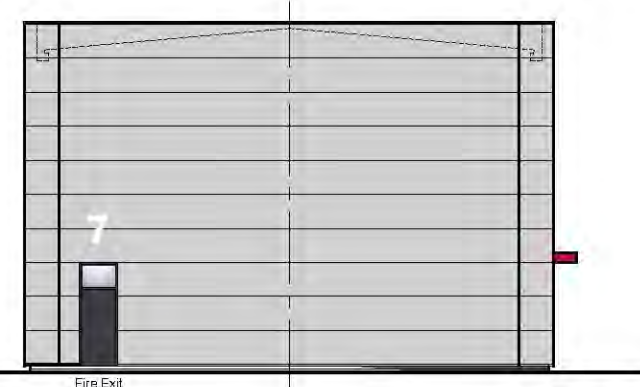
P.J.Conway B.Sc.Hons., M.C.I.A.T., A.C.I.O.B.  
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Cross Section



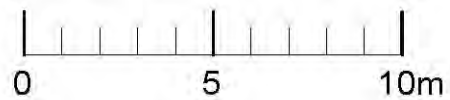
Rear Elevation



Side Elevation

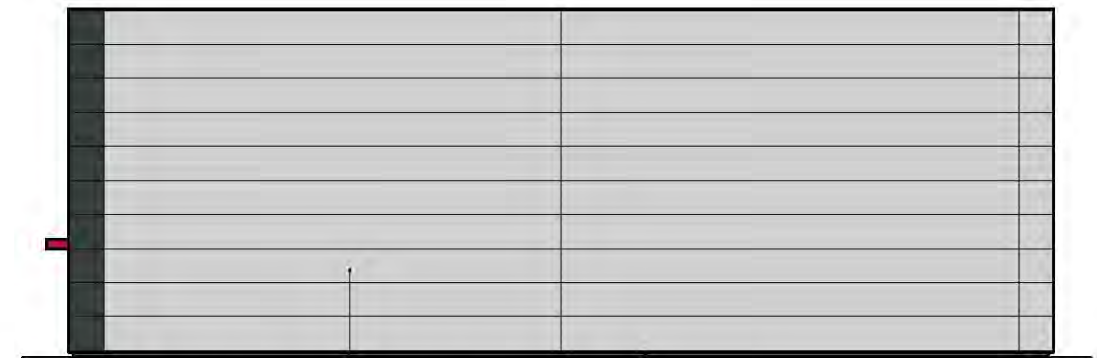
cladding coloured RAL 7047 Mid Grey

cladding coloured RAL 7016 Anthracite



Front Elevation

space for additional signage above entrance



Side Elevation

cladding coloured RAL 7047 Mid Grey

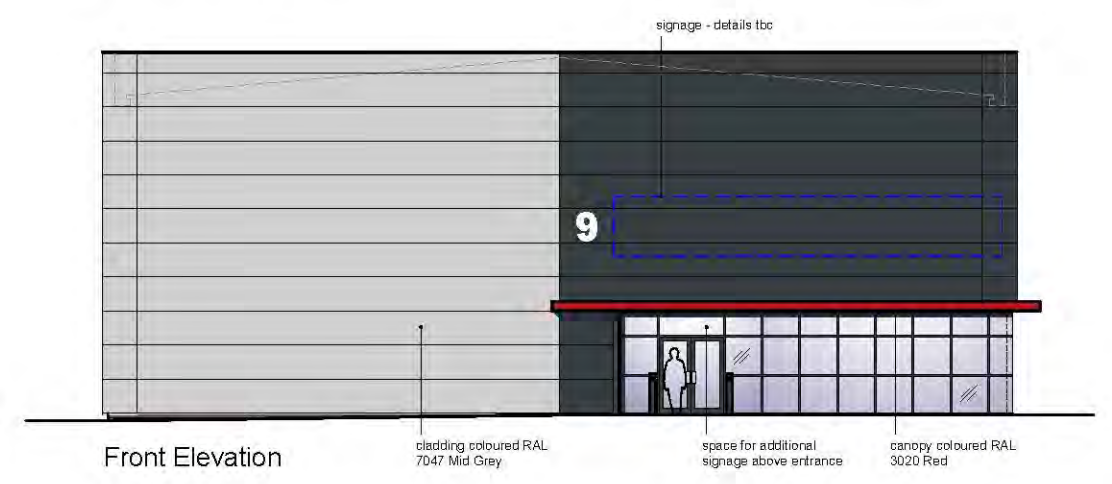
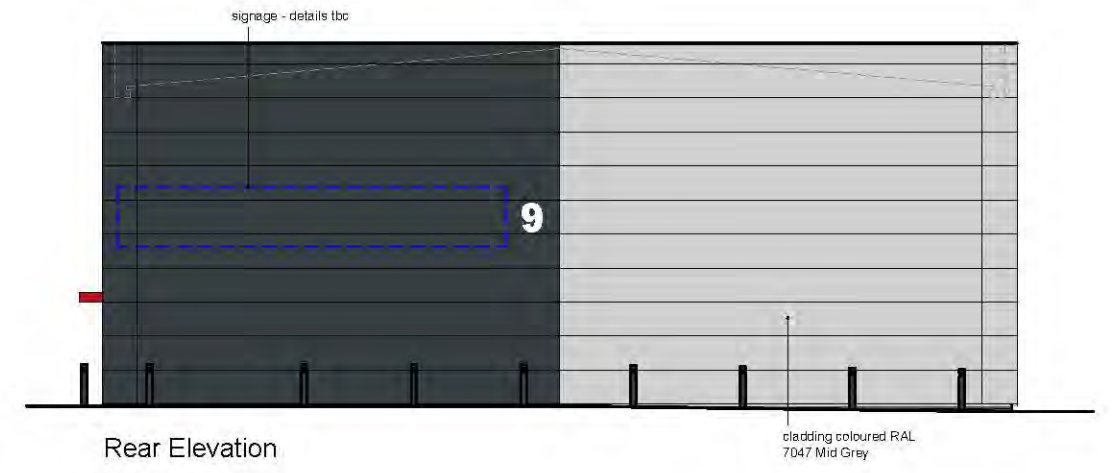
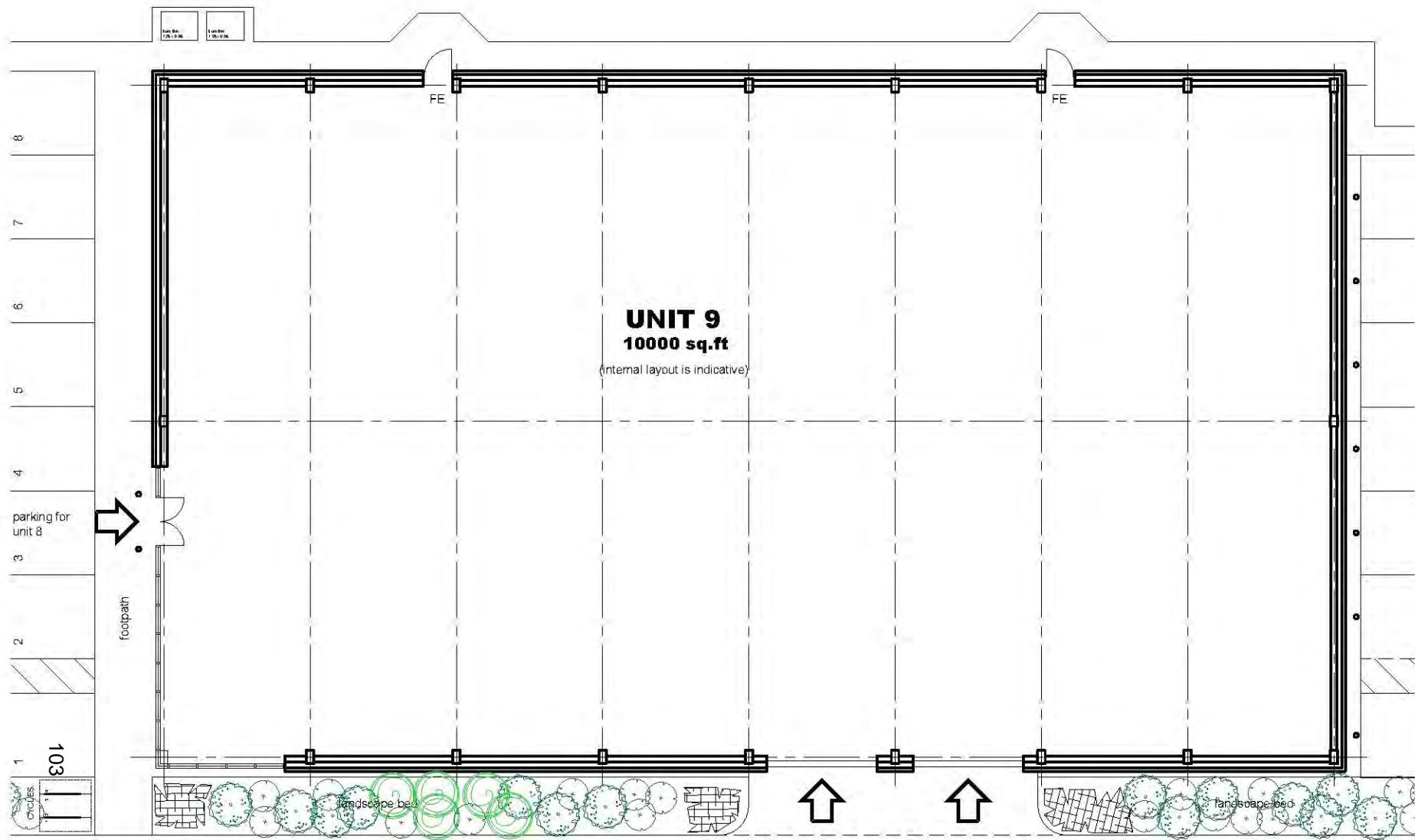
red brick basecourse

Revisions

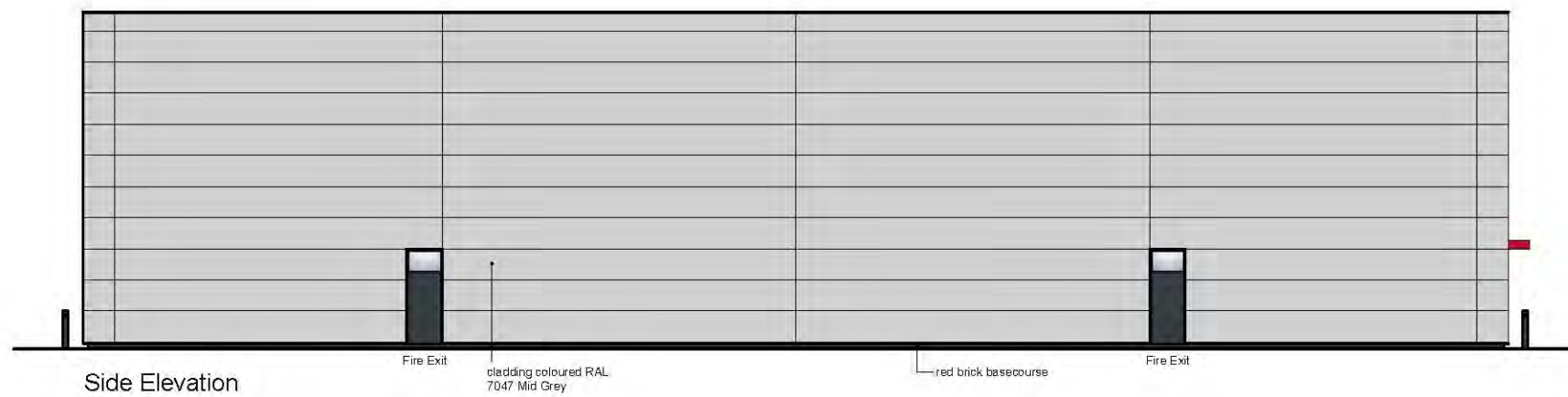
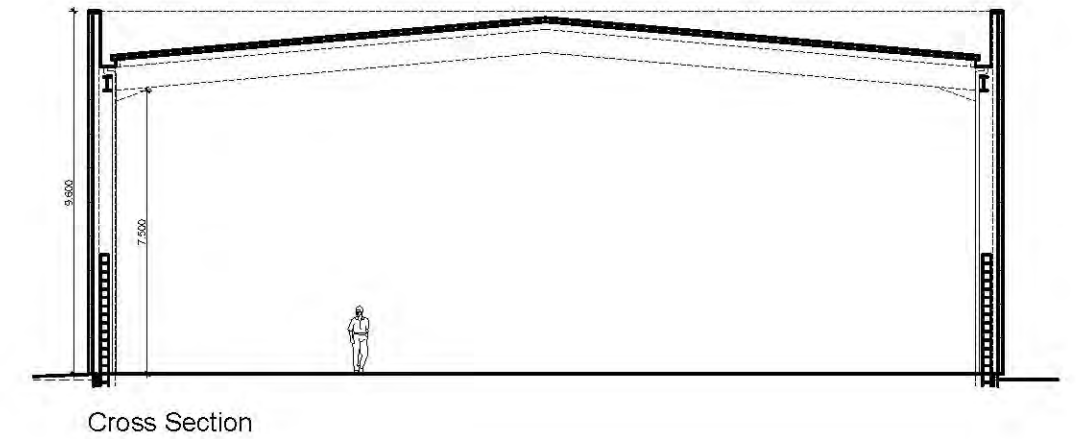
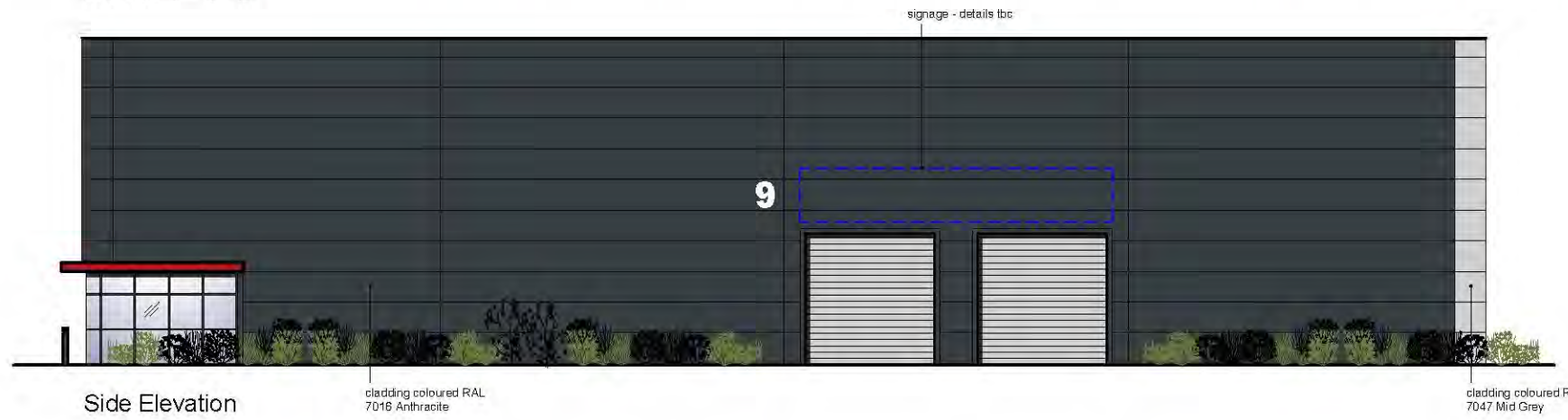
UNIT 7 Plans and Elevations  
Proposed Trade Park  
New Garrison Road  
Shoeburyness SS3 9BT

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Floor Plan



**Revisions**

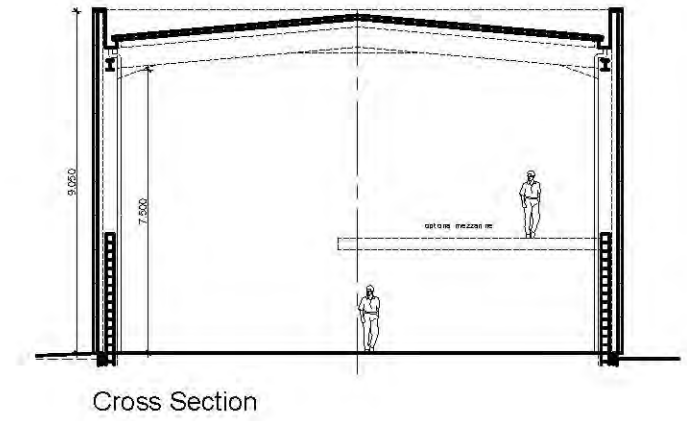
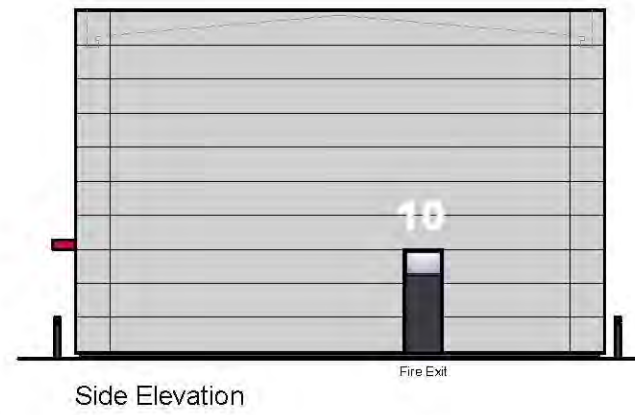
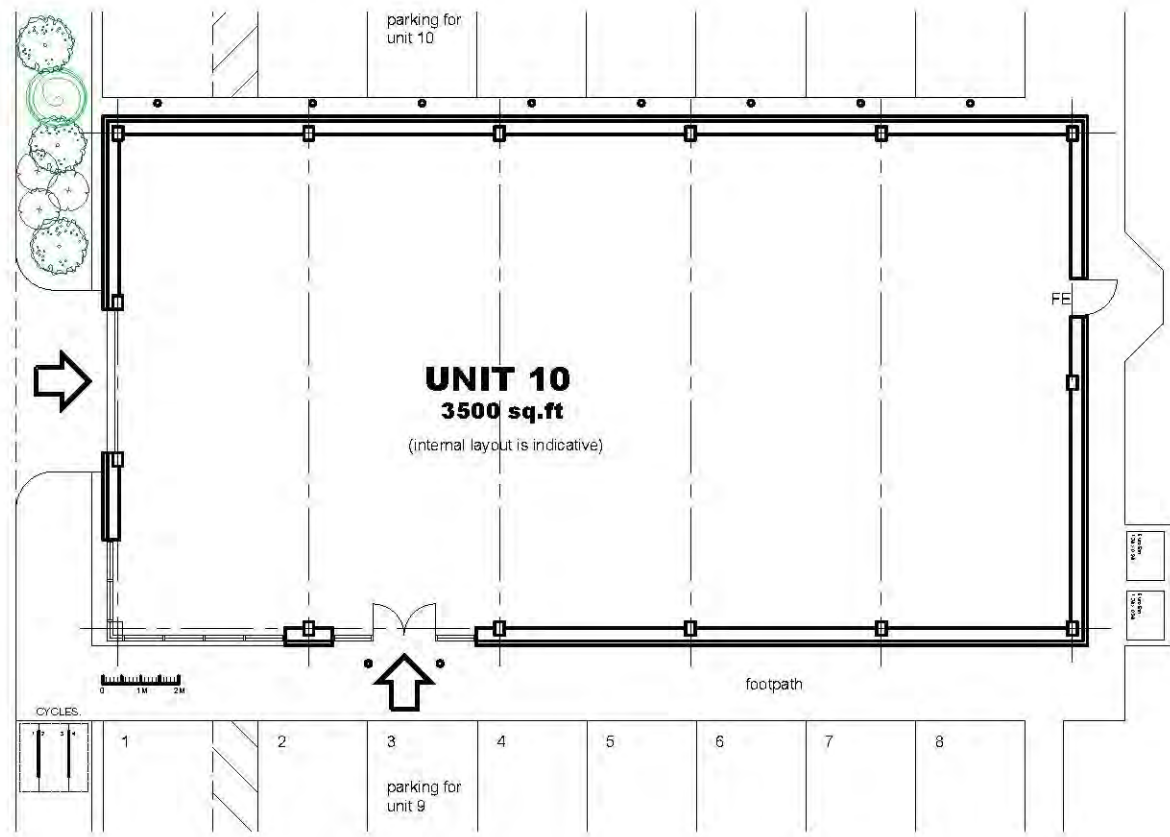
a 11.07 2008 Unit redesigned, renumbered

**UNIT 9 Plans and Elevations**  
Proposed Trade Park  
New Garrison Road  
Shoeburyness SS3 9BT

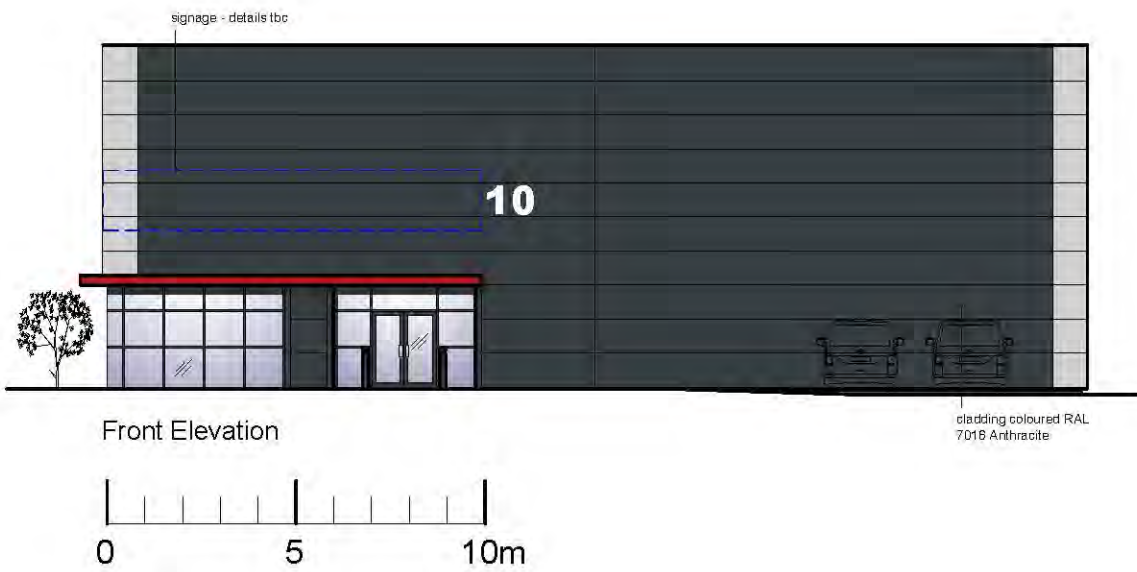
P.J.Conway B.Sc.Hons., M.C.I.A.T., A.C.I.O.B.  
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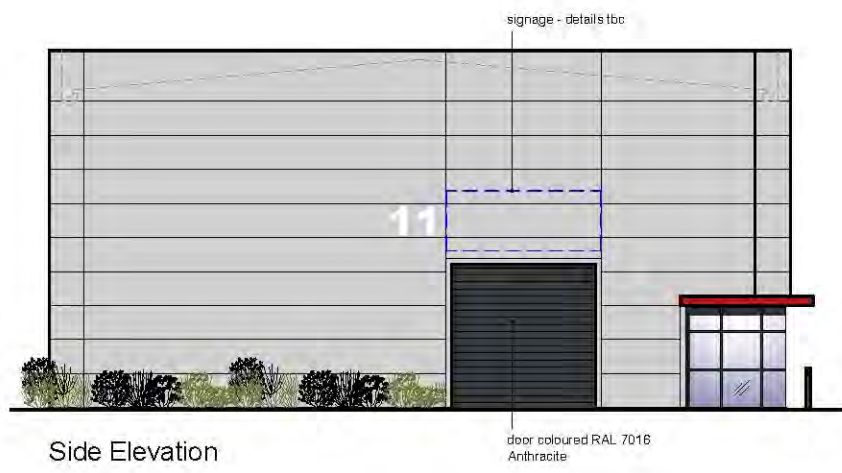
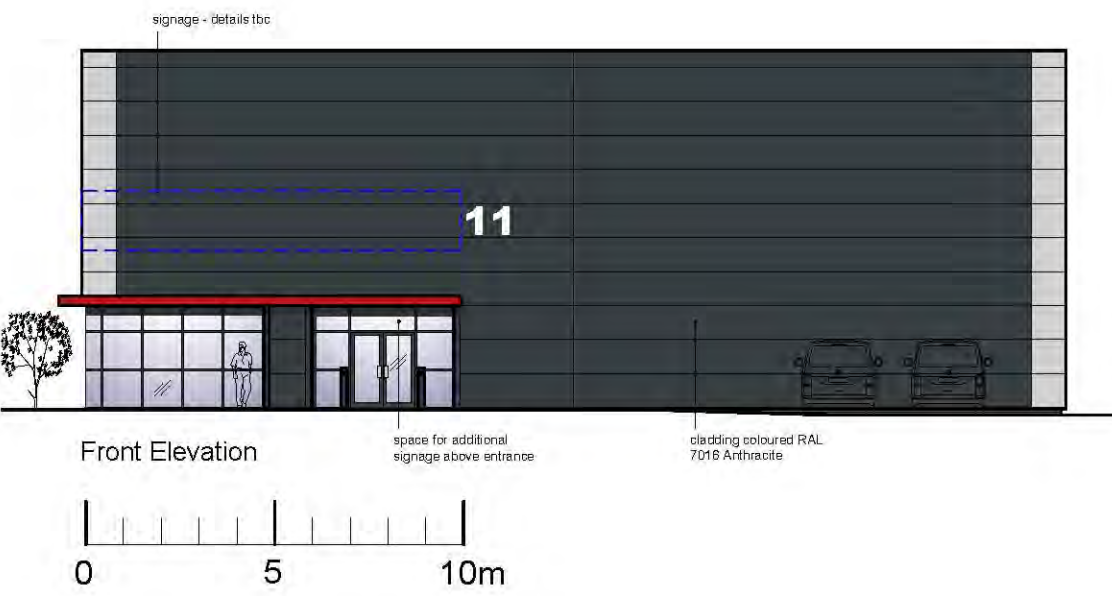
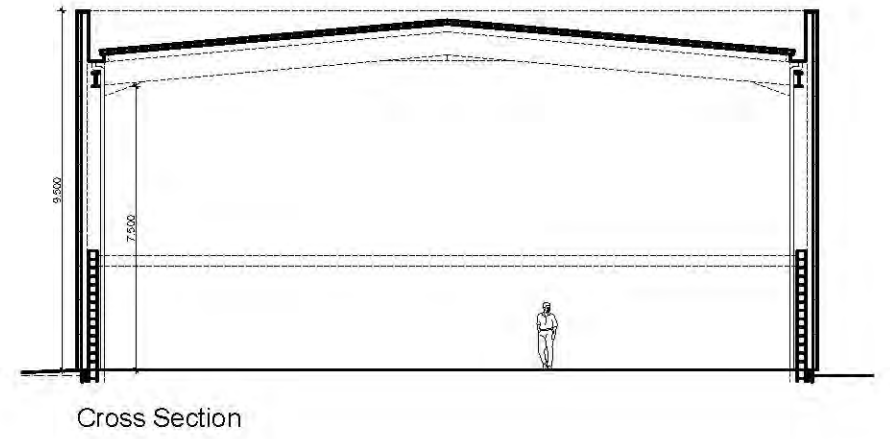
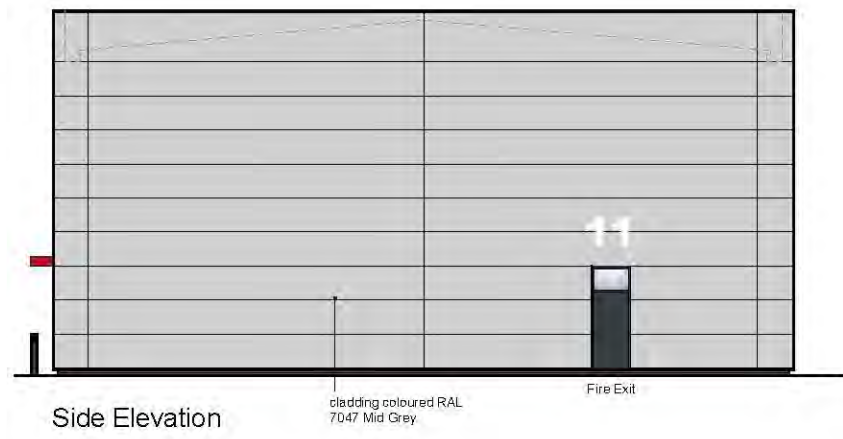
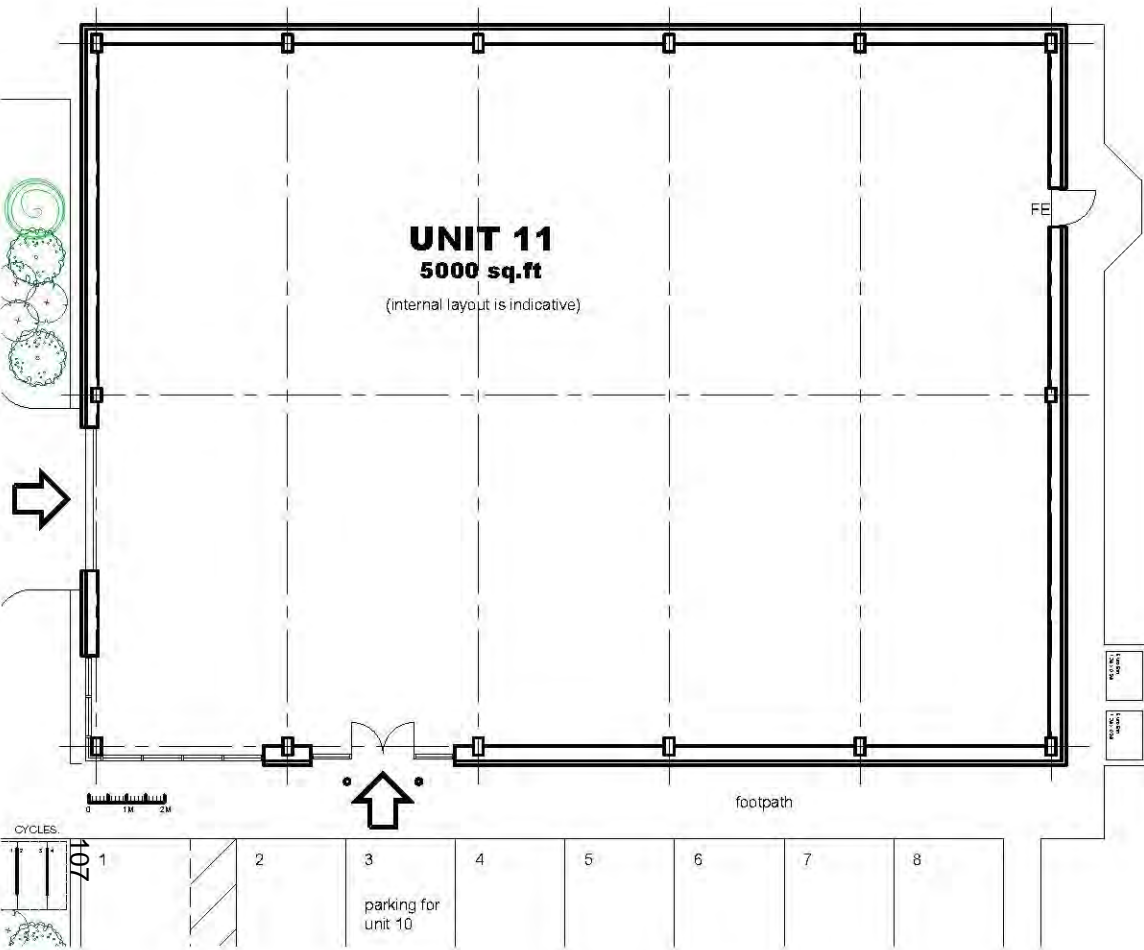
Revisions

a 11.07 2008 Unit redesigned, renumbered

UNIT 10 Plans and Elevations  
Proposed Trade Park  
New Garrison Road  
Shoeburyness SS3 9BT

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**Revisions**  
 a 11.07.18 Unit redesigned, renumbered

**UNIT 11 Plans and Elevations**  
 Proposed Trade Park  
 New Garrison Road  
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11/01/2019 15:09

110

11/01/2019 15:10

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11/01/2019 15:10





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11/01/2019 15:12



113

11/01/2019 15:14





114

11/01/2019 15:14

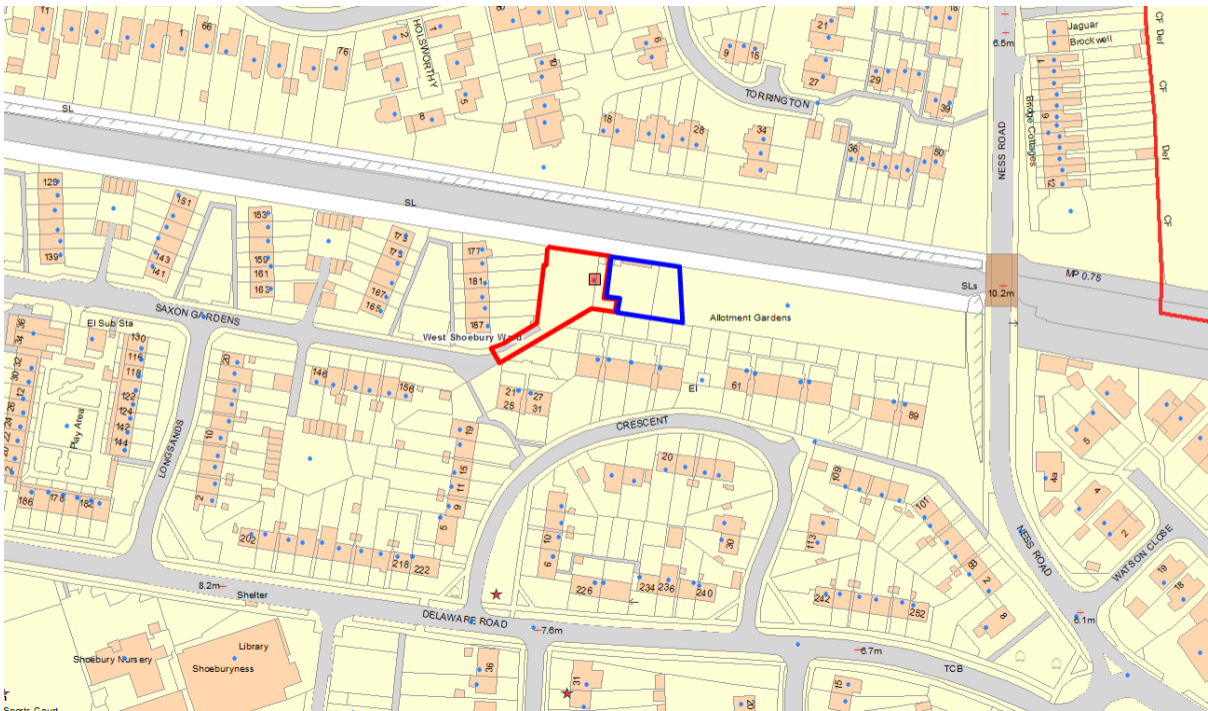


115

11/01/2019 15:16

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<b>Reference:</b>	20/00817/BC3	<h1>9</h1>
<b>Application Type:</b>	Borough Council Regulation 3	
<b>Ward:</b>	West Shoebury	
<b>Proposal:</b>	Erect 2 semi-detached dwellinghouses on former garage site to rear of 187 Saxon Gardens, layout parking to front, amenity space to rear and erect toilet block for the allotments	
<b>Address:</b>	Garages Rear Of, 187 Saxon Gardens, Shoeburyness	
<b>Applicant:</b>	Mr Martin Berry	
<b>Agent:</b>	Mr David Lloyd of AK Design Partnership LLP	
<b>Consultation Expiry:</b>	26th August 2020	
<b>Expiry Date:</b>	11th September 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>4634.105 REV PL8</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located to the rear of properties fronting Delaware Crescent and Saxon Gardens and adjacent to the Delaware Crescent allotments with which they share the access. The northern boundary of the site abuts the rail line connecting Shoeburyness with Southend Central. The site is accessed via an accessway at the east end of Saxon Gardens. The site is vacant and is in its entirety hardsurfaced. It is understood that in the past there were garages on this site but have long been demolished. The area is residential in nature, predominantly characterised by rows of two-storey terraces of simple form and design to the west and three-storey blocks of flats of similar design to the south. There are no planning related designations affecting the site or the area.

## **2 The Proposal**

- 2.1 Planning permission is sought for erection of two (2no.) two-storey, semi-detached dwellings. The pair of dwellings would have a frontage of some 11m and a depth of some 9.4m. The main roof would be pitched with gables to the west and east measuring 5.2m to the eaves and 8.3m to the ridge. Two gables would also be features to the front with a ridge height of 6.5m. The external surfaces of the building would be finished with red bricks below with render above on the walls, brown concrete tiles on the roof and uPVC windows and doors. Some soft and hard landscaping would be provided to the front of the dwellings. An acoustic fence is proposed to be erected along the northern and part of the eastern boundary of the application site.
- 2.2 The proposed dwellinghouses would accommodate a kitchen, a lounge/dining room and a WC at ground floor level and two bedrooms and a bathroom at first floor level. The bedrooms would accommodate four bed spaces. Private amenity space in the form of private gardens would be provided for each dwelling to the rear. The dwellings would benefit from two parking spaces each, two spaces to the front of Plot 1 and two spaces to the side of Plot 2 in tandem arrangements.
- 2.3 It is stated that the properties would be used as social housing within the Council's housing stock. The application has been supported by a Design and Access Statement, a Noise Assessment, an Impact Statement, a Site Assessment and a Combined Phase I and Phase II Site Investigation Report.
- 2.4 During the course of the application, the proposal was amended to include wider access to the rear of the neighbouring terrace, a wider gate for access to the neighbouring allotments and the site was extended to include an area for the proposed erection of a toilet block at the south-eastern corner of the application site. The toilet block will be used in association with the allotments. Other than the outline of the proposed block, no other details have been submitted with the application, including any elevations or details of materials.

## **3 Relevant Planning History**

- 3.1 Other than a recent pre-application advice, there is no other relevant planning history for the application site.

## 4 Representation Summary

4.1 In accordance with the Council's constitution, the application must be presented for determination by the Council's Development Control Committee as it is an application submitted by the Council and there has been at least one objection from interested parties. Moreover, Councillor Cox called in this application over concerns about the access to arrangements to the neighbouring allotments.

### Public Consultation

4.2 Thirty-three (33) neighbouring properties were consulted and a site notice was displayed for the initially submitted proposal and thirty-five (35) neighbouring properties were consulted and a site notice was displayed for the proposal as amended. One representation with comments has been received and is summarised as follows:

- A path with minimum width of 1.5m should be allowed to the rear of the terrace to the west to facilitate existing mobility scooter users.

4.3 Three representations, two from the same person, objecting to the application have been received and are summarised as follows:

- The accessway allowed for the neighbouring terrace to the west would not be wide enough to allow the use of mobility scooters.
- The proposed boundary and gate to the allotments would prohibit the delivering of manure and skips for the allotments. A wider gate located farther north should be provided.
- Overlooking to properties on Torrington, to the north of the rail line.

4.4 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representation have been taken into account in the assessment of the proposal and are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

### Highways Team

4.5 No objection.

### Parks

4.6 No objections subject to conditions regarding detailed landscaping and ecology enhancements.

### Lead Local Flood Authority

4.7 No objections subject to condition requiring additional information.

### Environmental Health

4.8 No objection subject to conditions regarding land contamination and noise mitigation measures.

### Fire Brigade

4.9 No objections.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019).
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019).
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The 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), DM14 (Environmental Protection), DM15 (Sustainable Transport Choices).
- 5.5 Design & Townscape Guide (2009).
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 National Technical Housing Standards (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 are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and transportation issues, the impact of the development on the flood risk in the area, the provision of waste storage facilities, the proposed energy and water use sustainability, land contamination 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, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 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 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 one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.

- 7.3 For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development. The proposed dwellinghouses would be two-bed units with four bed spaces which could be suitable for smaller families. There is greater need for this type of housing as identified by the SESHMA.
- 7.4 Policy DM3 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.”
- 7.5 Considering criterion (i) it is noted that the proposal would not have any windows on either side elevation. The distance of at least 20m from neighbouring properties to the front and at least 42m from properties to the rear would be sufficient for any detrimental overlooking or loss of privacy resulting from primary windows to be avoided. The scale and location of the building would be sufficient to ensure that there would be no materially detrimental overbearing relationship or sense of enclosure created to any neighbouring occupiers. The orientation of development in the locality and distance of the proposal of more than 20m away from properties to the south and more than 24m away from properties to the west would not result in any materially harmful loss of daylight or sunlight to any neighbouring property.
- 7.6 Regarding criterion (ii), the layout of the proposal would not be materially harmful to the urban grain of the area. Properties built in rows is the prevailing character of the urban grain. Many rows of dwellings are perpendicular to each other. Moreover, the proposed pair of semi-detached dwellings has been designed to reflect the character and appearance of other dwellings in the area.
- 7.7 In relation to criterion (iii), the proposed dwellings would not result in any materially harmful impact to the usability of any neighbouring garden. The gardens of the proposed dwellings would be usable.
- 7.8 Considering criterion (iv), it is noted that the site is fully covered by hardsurfaces and there are no protected trees within it. There would be no loss of ecological assets. On the basis of the above analysis, the principle of the development is acceptable. Other material planning considerations are discussed in the following sections of the report.

## Design and Impact on the Character of the Area

- 7.9 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.10 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” 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.”
- 7.11 Policy KP2 of the Core Strategy states that new development should: “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy requires that development proposals should: “maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 7.12 The Design and Townscape Guide states that: “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”
- 7.13 The layout of the proposed development has already been discussed in paragraph 7.7 of this report and is considered to be acceptable. The scale of the proposed dwellings respects and references the scale of the existing development in the locality. The proposed form is also similar to the form of development in the area and does not appear out of place. The proposed gable features would break the bulk of the building in an acceptable way. The proposed appearance is simple but well resolved with good proportions of openings and the gable features to the front to add interest. The design of the dwellings is a modern interpretation of the traditional design used for the neighbouring buildings. The proposed materials reference the palette of materials used in the vicinity of the application site and would not be incongruous. Details of the materials can be secured by condition. The proposed landscaping would compliment the proposed development and details can also be secured by conditions. This aspect of the proposal would be of an acceptable design and would not detrimentally impact the character and appearance of the area.
- 7.14 Regarding the proposed toilet block, limited information has been provided. That part of the site is used for purposes ancillary to the use of the allotments. It is expected that the toilet block would have a typical design and appearance for an ancillary and utilitarian building. Subject to conditions to require further design details, this aspect of the proposal is not considered to be harmful to the character and appearance of the area. In the round, the proposed development is acceptable and policy compliant in the above regards.

## Standard of Accommodation and Living Conditions for Future Occupiers

- 7.15 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

- 7.16 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The required size for a two-storey, four-bed unit 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	Storage area (m <sup>2</sup> )	Amenity Space (m <sup>2</sup> )
Standard for Two-storey 2 bed 4 person	79	11.5m <sup>2</sup> Wmin=2.75m	11.5m <sup>2</sup> Wmin=2.55m	2	n/a
Proposed Plot 1 & 2 Two-storey 2 bed 4 person	87.5	11.7m <sup>2</sup> W = 2.9m	13.3m <sup>2</sup> Wmin = 2.8m	2.6	96.8 & 67.8

- 7.17 The table shows that the proposed dwellings would meet the overall minimum size, internal storage space and the bedroom minimum size and dimensions required by the NDSS. The scheme would offer acceptable living conditions for its intended future occupiers.

### Daylight, Sunlight and Outlook from Habitable Rooms

- 7.18 All habitable rooms would receive adequate daylight and sunlight. All habitable rooms would also have acceptable outlook.

### M4 (2) – Accessibility

- 7.19 On the submitted plans, it is shown that the front entrances would have ramps to achieve step-free access to both dwellings. The ground floor areas also appear to be adaptable. The doors and hallways appear to be sufficiently sized for a wheelchair. The proposed dwellings appear to be adaptable in order to satisfy building regulation M4 (2). Confirmation of this can be required by a condition.

### Amenity Provision

- 7.20 The proposed new dwellings would each have a private amenity spaces which would measure 67m<sup>2</sup> in area or more. The proposed resulting garden areas would be sufficiently screened from public vistas and would be adequately distanced from adjacent buildings. These would be useable private amenity space of sufficient size for family dwellings.

## Noise and disturbance

- 7.21 The application has been accompanied by a Noise Assessment. Given that the site is adjacent to the rail line increased noise levels are expected. The submitted Noise Assessment identifies certain mitigation measures, including the erection of an acoustic barrier fence along the boundary of the site, the incorporation of acoustic insulation in the windows to the rear and the installation of ventilation within the dwellings. The Council's Environmental Health (EH) Officer has raised some concerns on this matter on the basis that the WHO guidelines for the acoustic environment would not be able to be achieved when the windows of the properties are open but in the round they have not raised an objection to the proposal subject to conditions. This issue affects the upper floor rooms of the proposed dwellings. The ground floor would be protected from unreasonable noise by the acoustic barrier fence which EH considers acceptable. The proposed mitigation measures, in particular the proposed installation of ventilation, would, on balance, allow the users of the dwelling to occupy the upper floor rooms without the need to open windows. On balance, it is not considered that the identified shortcoming of the proposal would have such an impact on the living conditions of its future occupiers as to justify the refusal of the application on this ground.
- 7.22 Overall, it is considered that the proposal would not, on balance, result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwellings would exceed the overall space standards, would have appropriate amenity space and all habitable areas would have adequate outlook, daylight and sunlight. On balance and subject to conditions, the proposed dwellings would not be detrimentally impacted by undue noise and disturbance. The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

## Impact on Residential Amenity

- 7.23 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."
- 7.24 As already discussed in paragraphs 7.5 and 7.7 of this report, the proposed development would not be harmful to the amenity of neighbouring occupiers. The proposal would not have any windows on either side elevation. The distance of at least 20m from neighbouring properties to the front and at least 42m from properties to the rear would be sufficient for any detrimental overlooking or loss of privacy resulting from primary windows to be avoided. The scale and location of the building would be sufficient to ensure that there would be no materially detrimental overbearing relationship or sense of enclosure created to any neighbouring occupiers. The orientation of development in the locality and distance of the proposal of more than 20m away from properties to the south and more than 24m away from properties to the west would not result in any materially harmful loss of daylight or sunlight to any neighbouring property. The proposed dwellings would not result in any materially harmful impact to the usability of any neighbouring garden.

- 7.25 In terms of pollution, noise and disturbance, it is not considered that the proposed use of the site would have any adverse effect to the neighbours' amenity. Subject to conditions any potential impacts from light pollution would not be adversely harmful to the neighbours' amenity. Some potential impacts may arise during the construction period but appropriate measures to ensure the impact would not be detrimental can be secured by conditions. Moreover, the Council's Environmental Health service raised no objections subject to such conditions in this regard. Subject to conditions, the proposal is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.26 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.
- 7.27 Outside of the central area, for dwellings with two or more bedrooms, the minimum requirement is two parking spaces per unit. It is proposed to provide four parking spaces on-site, two for each proposed dwelling. The spaces for Plot 1 would be to the front of the proposed dwelling and for Plot 2 would be to the side of the dwelling in tandem arrangements. The proposed parking provision is acceptable.
- 7.28 The existing vehicular access from Saxon Gardens is proposed to be used. Concerns have been raised regarding the accessway to the rear of the neighbouring terrace to the west and the proposed access to the allotments. In particular, as highlighted in paragraph 4.3 of this report, third parties have expressed concerns that the accessway to for the rear of the terrace would not be wide enough to allow for use by mobility scooter users. Concerns were received regarding the width and location of the gate to be used to access the neighbouring allotments. The objector suggested that a wider gate located further to the north would potentially resolve the concern. It is considered that there is sufficient space within the site to allow for the accessway to be wide enough to accommodate mobility scooters and the entrance to the allotments to facilitate access of larger vehicles when needed. Details can be secured by conditions.
- 7.29 The adopted parking standards also require the provision of one cycle storage space per unit. Whilst this is not shown on the submitted plans, there is provision for a shed for each dwelling which could be used for cycle storage. The Council's Highways team raised no objection. The proposed development would, subject to conditions, be acceptable and policy compliant in the above regards.

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

- 7.30 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwellings would be built within previously developed land, but 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 can be secured by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

## **Refuse and Recycling Storage**

- 7.31 The submitted plans do not show any areas to accommodate the storage of waste and recycling bins. The quantum of development does not attract a policy requirement for such facilities and it is expected that the dwellings would be using the Council's kerb collection service. The dwellings are located away from Saxon Gardens and would be inconvenient for future residents to take their waste and recycling for collection there. While this is not a positive aspect of the proposed scheme, there would not be such material harm as to justify the refusal of the application on this ground. On balance, the proposal is acceptable and policy compliant in this regard.

## **Energy and Water Sustainability**

- 7.32 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.
- 7.33 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 can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

## **Land contamination**

- 7.34 Paragraph 170 of the NPPF stipulates that planning decisions should contribute to and enhance the natural and local environment by, among others, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 178 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 7.35 Policy DM14 of the Development Management Document states that: "Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where:
- (i) An appropriate Contaminated Land Assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality; and

- (ii) Where contamination is found which would pose an unacceptable risk to people's health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure the applicant undertake appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.
- (iii) Remediation works will be carried out before the commencement of any new development.

7.36 The submitted Combined Phase 1 and Phase 2 Risk Assessment confirms that the land is contaminated and poses a moderate risk to future residents. Conditions to require further investigations are undertaken and the necessary remediation and mitigation measures to be agreed and implemented can be secured by conditions. The Council's Environmental Health service raised no objection in this regard subject to conditions. The proposal is acceptable and policy compliant in the above regards.

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

7.37 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. Since the development would be for affordable housing the applicant can apply for an exemption for those areas.

## **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 local and national policies and guidance. The proposal, subject to conditions, would have an acceptable impact on the character and appearance of the area and the amenities of neighbouring occupiers. It would also have an acceptable impact on the highway and parking conditions in the area subject to conditions. The proposed development would provide acceptable waste and recycling bin storage provision, drainage strategy on site and energy and water sustainability. Risk from contamination would be managed sufficiently, subject to conditions. The proposal makes a contribution to the housing needs of the borough which must be weighed in the planning balance albeit the weight to be attached to this would be limited in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

## **9 Recommendation**

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

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

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



- 02 The development hereby approved shall be carried out in accordance with the approved plans: 4634.105 REV PL8.**

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

- 03 The materials to be used on the external surfaces of the new dwellings hereby approved, including roof, walls and fenestration, shall be in accordance with the details submitted with the application form or shall be in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.**

**Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 05 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 06 Notwithstanding the information submitted and otherwise hereby approved, the proposed toilet block shall be constructed and provided on site solely in accordance with details, including details of materials and elevation drawings, which have previously been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In the interest of visual amenity 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, DM3 and DM4 of the Southend-on-sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2019), the Rochford Supplementary Document 7 (2007) and Southend-on-sea Design and Townscape Guide (2009).**

- 07 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.**

**Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with 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).**

- 08 No dwelling shall be occupied on site unless and until the internal and external areas of the dwelling are protected from external noise in accordance with mitigation measures, including any details of sound insulation, noise protection measures and any maintenance required, which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The agreed measures shall be maintained on site as implemented thereafter for the lifetime of the development.**

**Reason: In the interest of the living conditions of intended future occupiers of the approved development in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).**

- 09 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.**

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

- 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, 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 noise and the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

**Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).**

- 11 The use of the dwellings hereby approved shall not commence unless and until the four parking spaces, two for each dwelling on site, as shown on the approved plan 4634.105 REV PL7 have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.**

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

- 12 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works and works associated with this condition, shall take place unless and until useable accesses have been provided in full accordance with details that have previously been submitted to the Local Planning Authority and approved in writing for the rear of the neighbouring terrace to the west, including access for mobility scooters, and the allotments to the east, including access for HGVs. The accesses shall be retained thereafter for the lifetime of the development.**

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

- 13 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.**

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

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

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

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

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

- 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 Authority.**

**(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: 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 the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).**

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

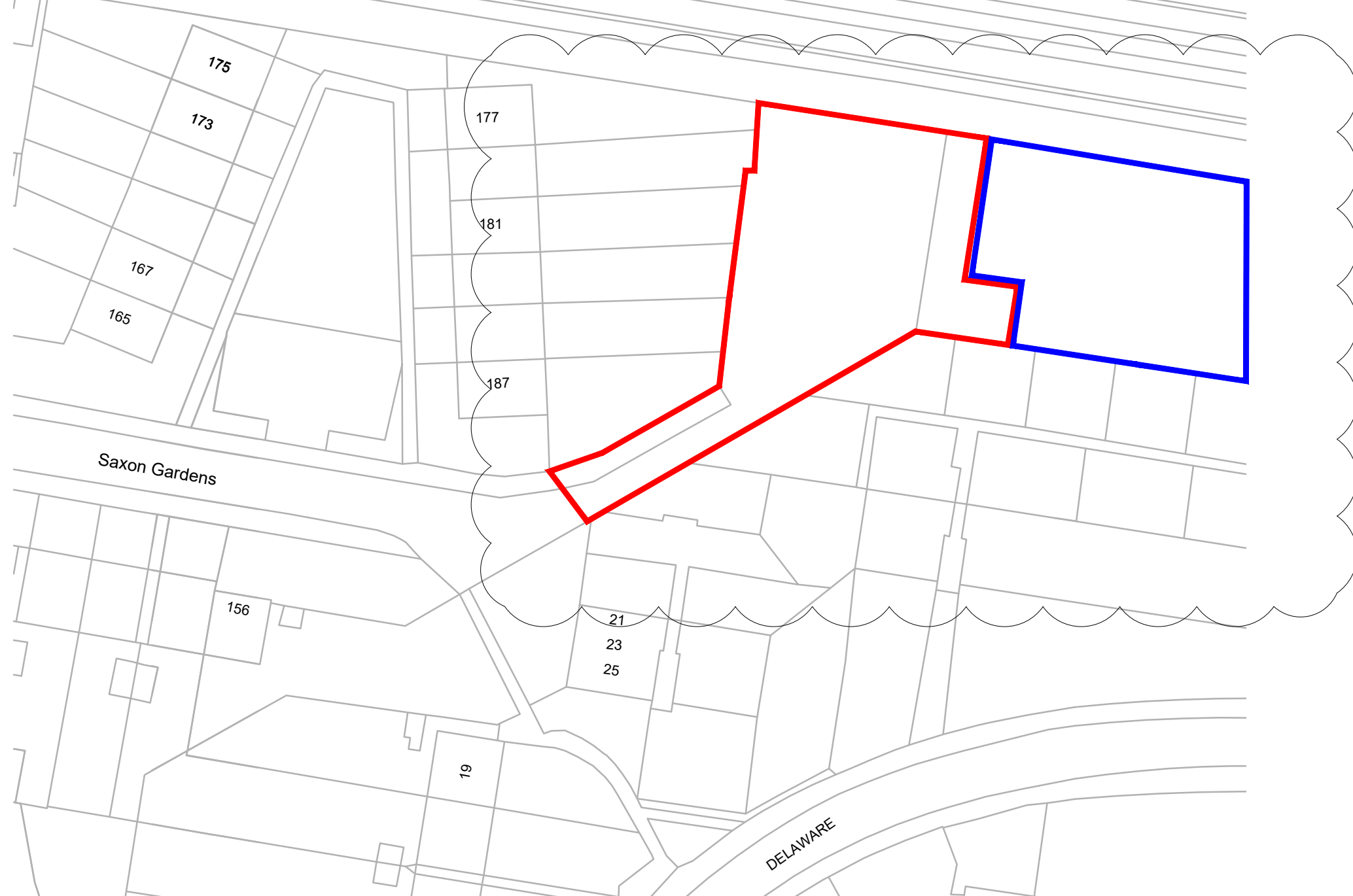
**Informatives:**

- 1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable.**



**If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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)).**

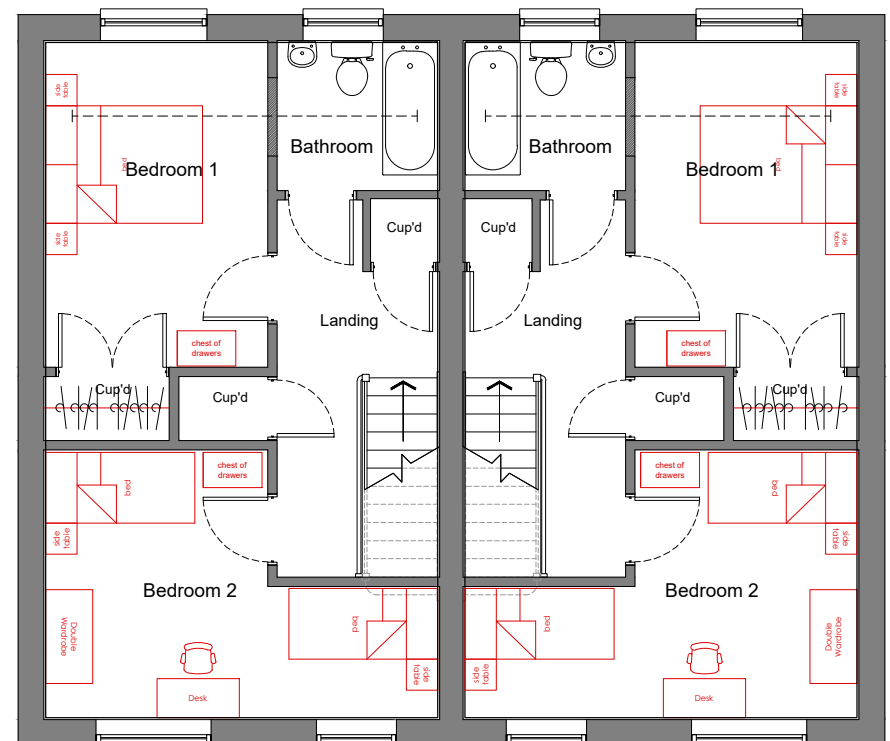
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing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



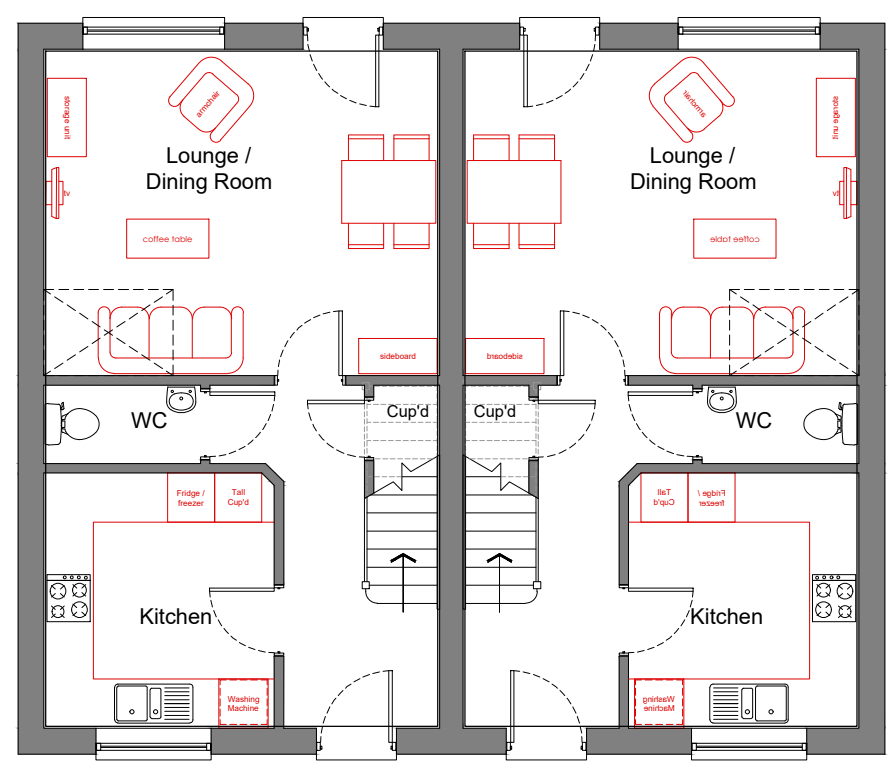
Site Location Plan  
1:1250



Roof Plan  
1:100

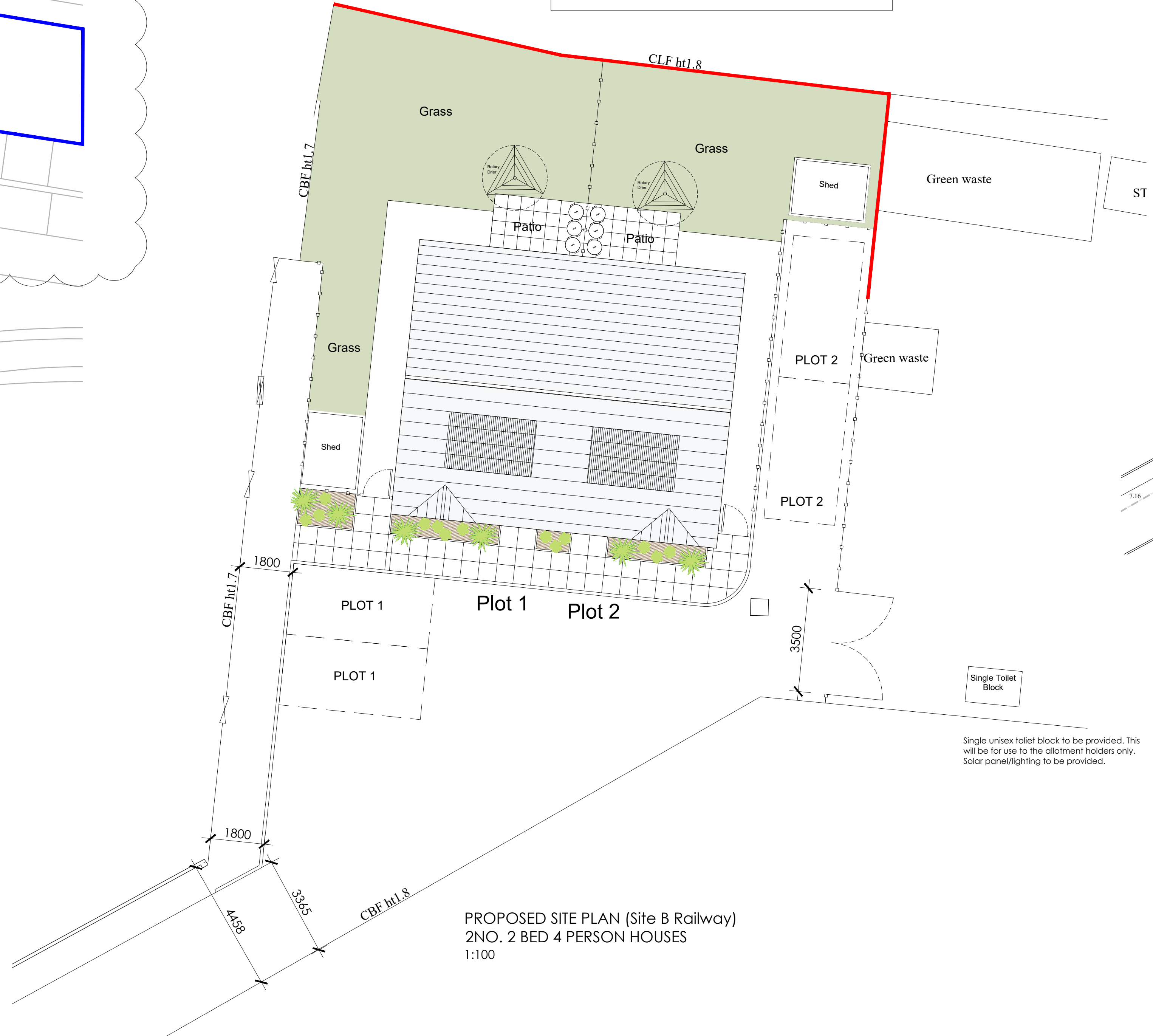


First Floor Plan  
1:100

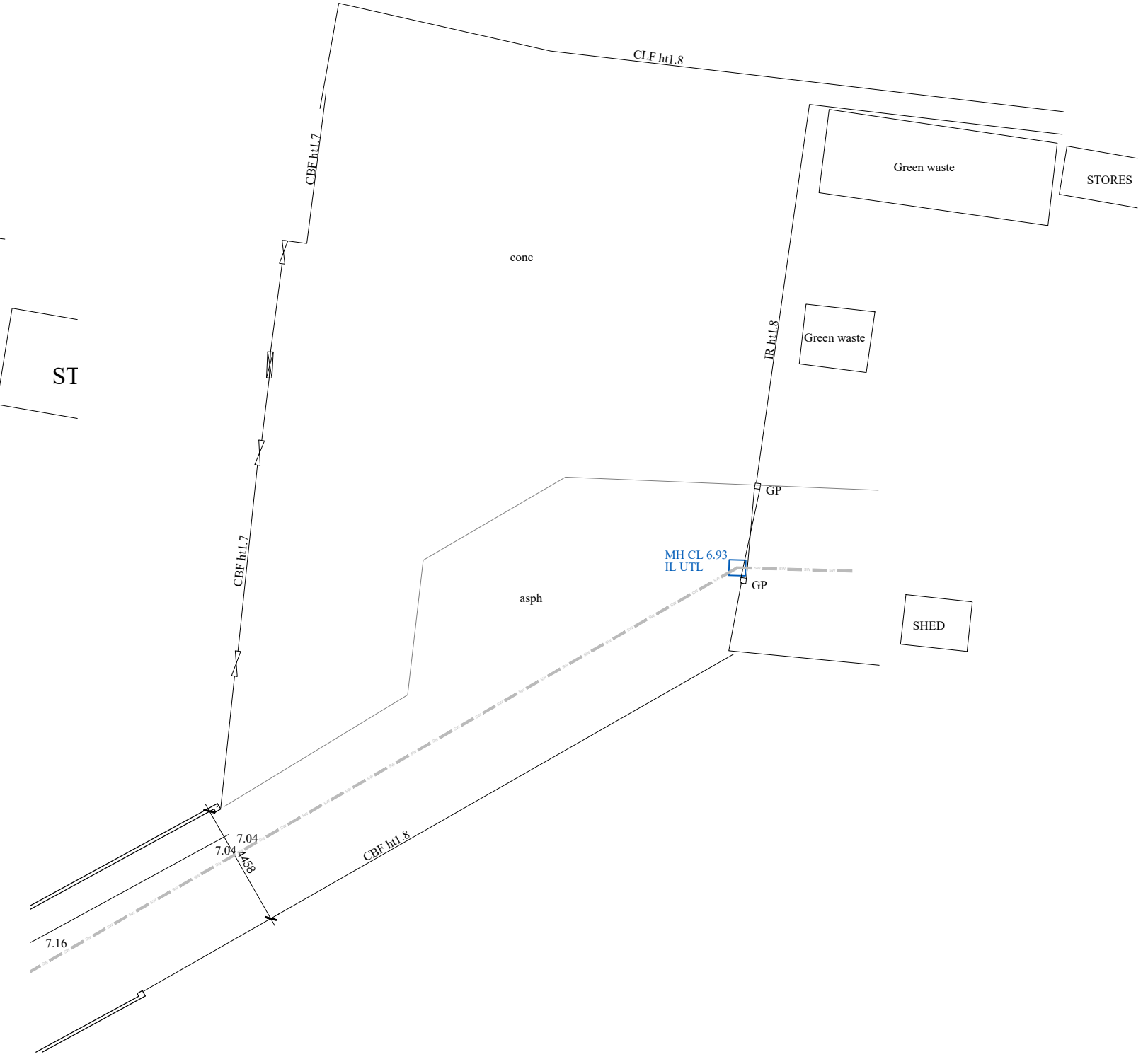


Ground Floor Plan  
1:100

Key:  
 — Denotes - Extent of 1.8m high acoustic fence (Height above local ground level).



PROPOSED SITE PLAN (Site B Railway)  
 2NO. 2 BED 4 PERSON HOUSES  
 1:100



EXISTING SITE PLAN (Site B Railway)  
1:200

Single unisex toilet block to be provided. This will be for use to the allotment holders only. Solar panel/lighting to be provided.

**PLANNING**

PL8	10.08.20	Red line boundary revised to include toilet block. Blue line boundary added to show Southend Council's ownership of adjacent allotments.	DBL	DBL
PL7	07.08.20	Gate width increased to match existing gate of 3.5m wide. Footpath width increased to 1.8m wide. Small toilet block to be provided for allotment site.	DBL	DBL
PL6	23.04.20	Location of Acoustic Fence shown.	DBL	DBL
PL5	27.02.20	Site detail added and floor plans and elevations added.	DBL	DBL
PL4	29.11.19	2No. tandem parking spaces shown to the side of the righthand 2 bedroom house.	DBL	DBL
PL3	18.10.19	Pre App Submission	DBL	DBL
PL2	23.08.19	Layout Updated	DBL	DBL
REV	DATE	DESCRIPTION	BY	APP'D



CLIENT  
 PROJECT  
 SAXON GARDENS,  
 SOUTHEND-ON-SEA,  
 SS3 9PX

DRAWING TITLE  
 PROPOSED SITE B (Railway)  
 FLOOR & ROOF PLANS, ELEVATIONS  
 AND SITE PLAN  
 2No. 2 BED 4 PERSON HOUSES  
 @ 86M<sup>2</sup> GIFA

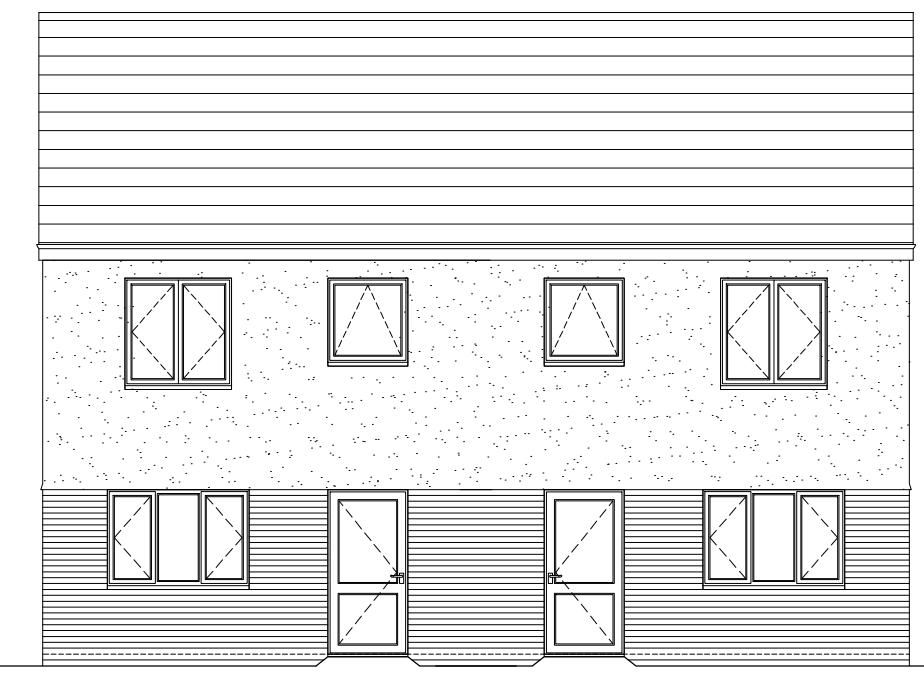
DATE	AUG 2019	DWG. No.	4634.105	REV.	PL8
SCALE	1:100 (A1)	DRAWN BY:	JOH	DATED	19:08:2019
CHECKED BY:	-	DATED	-		

AK DESIGN PARTNERSHIP LLP  
 CHARTERED BUILDING CONSULTANCY  
 BUILDING SURVEYORS  
 BUILDING DESIGNERS  
 PROJECT MANAGERS

CEME INNOVATION CENTRE  
 CEME CAMPUS  
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 RAINHAM  
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Front Elevation  
1:100



Rear Elevation  
1:100

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### Site B (Railway)



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6

<b>Reference:</b>	1. 20/00320/FUL 2. 20/00321/LBC	<h1>10</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	St Laurence	
<b>Proposal:</b>	1. Convert existing farm buildings into 2 dwelling houses 2. Convert existing farm buildings into 2 dwelling houses (Listed Building Consent)	
<b>Address:</b>	Cockethurst, Eastwoodbury Lane, Southend-On-Sea	
<b>Applicant:</b>	Mr David Dedman	
<b>Agent:</b>	Mr Steven Kearney of SKArchitects	
<b>Consultation Expiry:</b>	19th March 2020	
<b>Expiry Date:</b>	14 <sup>th</sup> September 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	504_P300F, 504_P301F, 504_P302F, 504_P303F, 504_P304F, 504_P305F, 504_P306F, 504_P307F, 504-P309F, 504_P308F, 504_P310F, 504_P311F, 10186-01, 10186-02, 10186-03, 10186-04, Planning, Design and Access Statement by SKArchitects, Gazetteer of Historic Features by SKArchitects reference 504A, Heritage Statement by Martin O'Rourke dated Feb 2020, Historic Building Survey by BJHC, Structural Survey by Crucis Designs reference 18028, Flood Risk Assessment by SLR reference 402.08714.00004, Cockethurst Drainage Technical Note by SLR reference 402.08714.00004, Arboricultural Impact Assessment by Owen Allpress reference 1921, Exceptions Test by SKArchitects reference 504-05-18, Email from agent dated 30.07.20 regarding doors, raised beams and hay racks	
<b>Recommendation:</b>	<p style="text-align: center;"><b>Members are recommended to</b></p> <ol style="list-style-type: none"> <li><b>1. GRANT PLANNING PERMISSION</b></li> <li><b>2. GRANT LISTED BUILDING CONSENT</b></li> </ol>	





## 1 Site and Surroundings

1.1 Cockethurst Farm is a grade II listed building situated at the junction of Snakes Lane and Whitehouse Road. It is a substantial and handsome farm house of red brick with old clay plain tiles roofs. The timber framed core dates to the sixteenth century and the prominent Flemish gables and brick elevations are of the seventeenth century. The property no longer operates as a farm but the outbuildings to the north west of the house, which include the former stables, cart shelter, cattle shed/dairy/poultry house, tack room and coach house serve as a reminder to its farming origins. The farmhouse and outbuildings are set in large grounds surrounded by mature trees and this has maintained a rural like setting for the buildings. The mature trees on the southern boundary are covered by TPO 5/87.

1.2 The Historic England Listing Description reads as follows

*'A C16-C17 red brick house with Dutch gables at the north and south ends. A wing extends to the west at the south end. Two storeys and attics. Four window range on the east front, double hung sashes with glazing bars, in plan reveals. A central brick porch has a Dutch gable. Roof tiled, mansard, with three gabled dormer windows and a chimney stack with grouped rectangular shafts. This house was the home of Samuel Vassal in the early C17 and remained in the family until the death of Asser Vassal the last of the line (1808).'*

1.3 The outbuildings are simple single storey farm buildings arranged in a U shape around a central courtyard which is enclosed on its southern side by the main farmhouse. There is a large willow tree in the centre of the courtyard which acts as a focal point for the space. The outbuildings are currently in use to provide car parking, workshop and storage areas for the main house.

1.4 The outbuildings date from between 1820 and 1922, evolving over time to suit the

changing needs of the farm. The buildings are timber framed with a mixture of weatherboarded and brick walls, pantile and corrugated metal roofs. Although various alterations and repairs have been made to the buildings over the years a significant amount of the original materials and features still remain including waney edged weatherboarding, original doors, internal timber framed partitions and farming fixtures and fittings including stalls, an iron hayrack, harness trees and rings and a fireplace. The condition of the buildings varies. Some areas are in need of structural repairs, some would benefit from general maintenance and some are in good condition.

- 1.5 The buildings are part of the immediate setting of the farmhouse and provide positive and historically significant companions for this listed building. The Heritage Statement submitted with the application describes them as '*vital to*' and a '*key component of the farmstead nature of the site*' and this is readily apparent on site.
- 1.6 The wider area around the listed buildings is now substantially built up and is predominantly medium density residential development. Adjacent to the site to the east and north are recreation grounds, the northern area of which is separated from the site by Eastwood Brook a tributary of the River Roach. These open areas also contribute to the open setting of the listed buildings.
- 1.7 The application site has no specific allocation on the Development Management Document's Proposals Map. The site is located directly to the south of Eastwood Brook. The Environment Agency Flood maps show it so be part within Flood Zone 3a and part within Flood zone 2.

## **2 The Proposal**

- 2.1 The proposal seeks to convert the outbuildings into two 2 bed 4 person dwellings, one within the former dairy with ancillary storage in the coach house and one within the former stables building including an infill extension within part of the cart bay. Each of the dwellings would have 1 dedicated car parking space within the site. Additional parking is also possible within the courtyard area. Each dwelling will also have its own amenity area to the west of the buildings.
- 2.2 The proposed infill extension within the cart bay measures 5.6m x 8.7m. This will be clad with black stained weatherboarding to match the existing buildings.
- 2.3 The proposal follows a previous refusal reference 18/02007/FUL and 18/02008/LBC which sought to convert existing farm buildings into 6 dwellinghouses and layout associated amenity space. The planning application was refused for the following reasons.

*01 The proposed development is located part within a high risk Flood Risk Zone (Flood Zone 3a) and insufficient information has been submitted in terms of the sequential and exceptions test to demonstrate that there are not more suitable sites for this level of residential development elsewhere in the area and that the development will be safe for future occupiers over its lifetime. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), and Policies KP1 and KP2 of the Core Strategy (2007).*

*02 The proposal has failed to demonstrate that the conversion of the outbuildings to 6*

*residential units and associated internal and external works to the site can be achieved without materially harming the special character and significance of the listed buildings and their unique setting. In particular the proposals will have a significant detrimental impact on the character of the outbuildings and Cockethurst Farmhouse itself due to the intensity of proposed use, scale and unsympathetic nature of the development and subdivision of the site. The lack of regard for the relationship between the outbuildings and the farmhouse would have a detrimental impact on the listed buildings and the harm identified is not outweighed by any public benefits. The proposed scheme is therefore contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

*03 The proposal has failed to demonstrate that the works proposed can be carried out without materially harming or totally transforming the outbuildings and it appears unlikely that the buildings can be converted to modern standards without serious damage to these designated heritage assets for this number of units without an unsympathetic domestic appearance being established. This harm is unacceptable and not outweighed by any public benefits. The proposed scheme is therefore contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

*04 The proposed conversion of the outbuildings, by reason of the inadequate size of the Coach House, Dairy 1 and Dairy 2, the limited outlook to the Coach House, and poor quality of the amenity space to Coach House, Dairy 1 and Dairy 2 would result in an inadequate quality living environment, to the detriment of the amenities of the future occupiers of the proposed dwellings. This is unacceptable and contrary to 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).*

2.4 And the listed building application was refused for the following reasons:

*01 The proposal has failed to demonstrate that the conversion of the outbuildings to 6 residential units and associated internal and external works to the site can be achieved without materially harming the special character and significance of the listed buildings and their unique setting. In particular the proposals will have a significant detrimental impact on the character of the outbuildings and Cockethurst Farmhouse itself due to the intensity of proposed use, scale and unsympathetic nature of the development and subdivision of the site. The lack of regard for the relationship between the outbuildings and the farmhouse would have a detrimental impact on the listed buildings and the harm identified is not outweighed by any public benefits. The proposed scheme is therefore contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

*02 The proposal has failed to demonstrate that the works proposed can be carried out*

*without materially harming or totally transforming the outbuildings and it appears unlikely that the buildings can be converted to modern standards without serious damage to these designated heritage assets for this number of units without an unsympathetic domestic appearance being established. This harm is unacceptable and not outweighed by any public benefits. The proposed scheme is therefore contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

- 2.5 In order to seek to address these reasons for refusal the proposal has been reduced from 6 to 2 units. The design changes are discussed in detail below.

### **3 Relevant Planning History**

- 3.1 18/02007/FUL and 18/02008/LBC - Convert existing farm buildings into 6 dwellinghouses and layout associated amenity space (Listed Building Consent) – refused
- 3.2 97/0166 - Convert outbuildings to nursery and revert house to private accommodation – granted but not implemented
- 3.3 92/0402 and 92/0403 – Convert outbuildings into 4 residential units – refused and dismissed on appeal
- 3.4 00/00809/FUL- Erect detached dwellinghouse and garage on site of former car park (south west corner of wider site)– refused and dismissed at appeal
- 3.5 88/0475 - Demolish parts of outbuildings re-roof outbuilding carry out internal alterations install rooflights and erect 1.8 metres high fence to snakes lane boundary all in connection with use of hotel as dwellinghouse – granted
- 3.6 87/1481 - Use part of curtilage of listed building as extension of adjoining cockethurst park – granted
- 3.7 87/1398 - Use hotel as offices (class b1(a)) with ancillary residential accommodation – granted
- 3.8 87/1397 - Use hotel as offices (class b1(a)) with ancillary residential accommodation – granted
- 3.9 86/0767 - Demolish outbuildings and lay out land as public open space – granted
- 3.10 85/0805 - Demolish outbuilding change of use of farmhouse from hotel to wardens accommodation and ancillary facilities erect 34 old persons flats in single and two storey blocks alter vehicular access to Whitehouse road and lay out 13 parking spaces – refused.

## **4 Representation Summary**

### **Public Consultation**

- 4.1 19 neighbouring properties were consulted, a press notice published and a site notice displayed. No letters of representation have been received.

### **Historic England**

- 4.2 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

### **Environment Agency**

- 4.3 The installation of safe refuges within the dwellings means that there is no longer an objection to this proposal providing it has taken into account the flood risk considerations including the need for a sequential and exceptions test and adequate flood proofing measures.

### **Highways Team**

- 4.4 No objections.

### **Environmental Health**

- 4.5 No objection subject to conditions relating to
- A noise impact assessment to assess potential noise from Southend Airport
  - Construction Management Plan
  - Refuse and recycling provision
  - Hours of construction
  - Land contamination - Site Remediation Scheme
  - Land Contamination - Remediation Implementation and Verification

### **Parks (Trees)**

- 4.6 The Arboricultural Impact Assessment and method statement address the relevant points. The ash tree recommended for removal is a moderate specimen and probably a self-set. It does have some visual amenity but it is a large growing species in close proximity to the building. There is no objection to its removal.

If the building footprints remain unaltered the impact on the retained trees should be minimal. The works should proceed, and the retained trees should be protected in line with the arboricultural method statement produced by Owen Allpress dated 16-02-20.

### **Parks (Ecology and Landscape)**

- 4.7 We require that a bat survey be included as part of the application due to the fact that bats are known to use crevices and roof-voids in barns and other farm buildings and are legally protected species. We request a condition requiring an ecological survey including bats provided and agreed before development commences.

## **Drainage Engineer**

- 4.8 No objections subject to conditions

## **Committee Call In**

- 4.9 The application was called to committee by Councillor Flewitt and Councillor Cowan.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land), DM5 (Southend's Historic Environment), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.5 CIL Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, flood risk, design and impact on the character and setting of the listed buildings, the historic barns and the wider area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability and CIL and whether the proposal has overcome the previous reasons for refusal.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The property is located within a residential area. Amongst other policies to support sustainable development, the NPPF requires LPAs to boost the supply of housing by delivering a wide choice of high quality homes. Policy CP8 identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 7.2 In relation to development within a flood risk area policy KP1 states: *'Where the Environment Agency's Flood Zone Maps or other considerations, including the South Essex Strategic Flood Risk Assessment, indicate that a risk of flooding may remain, all development proposals shall be accompanied by a detailed flood risk assessment appropriate to the scale and nature of the development and the risk. Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.'*



7.3 Policy KP2 requires that *'all new development contributes to economic, social, physical and environmental regeneration in a sustainable way'*.

7.4 In relation to the efficient and effective use of land Policy DM3 states: *'The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.'*

#### *Flood Risk*

7.5 The Environment Agency (EA) flood maps show that the site is part located within Flood Zone 3a, the high risk zone and part within Flood Zone 2.

7.6 The previous application was refused because insufficient information was submitted to demonstrate that the development would be safe for its lifetime. In order to address this an amended Flood Risk Assessment (FRA) and Technical Note have been submitted. The key aspects of the FRA are as follows:

- The site is mainly within the flood extent for a 1% (1 in 100) annual probability event, including an allowance for climate change.
- The site does not benefit from the presence of defences.
- Finished ground floor levels of the dwellings are proposed to be raised to 14.90m AOD. This is above the 1% (1 in 100) annual probability flood level including a 35% allowance for climate change of 14.64m AOD and therefore will be dry of flooding in this event.
- The site levels are a minimum of 14.38m AOD and therefore flood depths on site could be up to 0.26m in the 1% (1 in 100) annual probability flood event including a 35% allowance for climate change. Therefore, assuming a velocity of 0.5m/s, the flood hazard is a danger for most including the general public in the 1% (1 in 100) annual probability flood event including climate change.
- This proposal does have a safe means of access in the event of flooding from the buildings to an area wholly outside the floodplain up to a 1% (1 in 100) annual probability including climate change flood event. A Flood Evacuation Plan has been proposed.
- The Environment Agency has confirmed that the 1:1000 flood risk level for the site is 15.32m AOD. A safe refuge area has been provided in one bedroom of each dwelling which will be set at 15.50m AOD. This is above the 0.1% (1 in 1000) annual probability flood event including allowance for climate change. These rooms will be equipped with an emergency flood kit.
- Temporary floodgate barriers are also proposed which can be installed in all the doorways in the event of a flood.
- Flood resilience/resistance measures have been proposed including the use of limecrete for the floors and lime plaster for the walls and raised electrical circuits.
- Compensatory flood water storage is not required but has been provided to the south of the site as part of the surface water drainage strategy.

- 7.7 A Sequential Test and an Exceptions Test have also been submitted for the development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. In relation to the Sequential Test the FRA comments that *'as this is a redevelopment of outbuildings associated with the Cockethurst property, there is no scope to consider development elsewhere.'* This argument is noted however it does not consider that the building could be used for other purposes.
- 7.8 The purpose of the Exceptions Test is to ensure that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere. The submitted Exceptions Test comments that the proposal will secure the long term future of these vulnerable historic buildings for the benefit of the wider community and that they will be sensitively adapted using sustainable materials to ensure that they are flood resilient and the occupants have a safe refuge in the event of a flooding incident.
- 7.9 The Environment Agency has reviewed the FRA and amended plans and now considers the proposal to be acceptable in terms of flood risk. In particular the inclusion of a safe refuge which is raised above the 1 in 1000 plus climate change allowance is a material change over the previously refused scheme and this has addressed the concerns previously raised in regard to the safety of occupants during a flooding event.
- 7.10 Whilst the argument that these building could still be adapted for other uses which would be less vulnerable in terms of flooding, it is considered that, on balance, the amendments made to make the scheme safer and more resilient to flooding have overcome previous concerns in relation to the safety of occupants and flood risk and the Environment Agency has now removed their objection to the proposal in these grounds. It is therefore considered that the proposal has, on balance, satisfactorily overcome this previous reason for refusal. The principle of the proposal is acceptable and the proposal is policy compliant in this regard subject to the detailed considerations set out below.

### **Design and Impact on the character and significance of the listed buildings and wider area**

- 7.11 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.12 Paragraphs 194 and 196 of the NPPF states that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'* And *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.13 Paragraph 124 of the NPPF states *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.'*

- 7.14 Policy KP2 advocates the need for all new development to *'respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design'*. Policy CP4 states *'development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.'*
- 7.15 Policy DM1 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.16 In relation to development affecting a listed building Policy DM5 states: *'Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'*
- 7.17 Cockethurst Farm is a grade II listed farmhouse which dates from the late C16, early C17. It is an attractive and imposing red brick farmhouse with distinctive Dutch gables and tall decorative chimneys. This application concerns the farm outbuildings including the former dairy, stables, cart shed and coach house. These date mainly date from the C19 and are located directly adjacent to the listed farmhouse arranged around a central courtyard. The outbuildings are not specifically mentioned in the listing description, however they were constructed before 1 July 1948 when listing was introduced, are clearly within the curtilage of the main farmhouse, are intrinsically linked to its use and were in the same ownership as the farmhouse when it was listed in 1951. They are therefore considered to be curtilage listed and listed building consent is required for their alteration. This is the same conclusion as reached by the planning inspector in 1993 when determining an appeal was lodged against the refusal of planning permission and listed building consent to convert the same outbuildings to 4 dwellings (reference App/K1555/A/92/809436/P4). The impact of the proposal must therefore be assessed both in respect of the setting of the main farmhouse and also in respect of the historic character of the outbuildings themselves.
- 7.18 The significance of the outbuildings can be summarised as follows:
- Examples of early-late C19 farm outbuildings
  - Simple and unpretentious designs which complement and form an intimate relationship with the main farmhouse and are historically significant companions
  - Various surviving historic fabric showcasing development of farm over time
  - The grouping of the house and outbuildings and the large garden area represents a composite unit and are of an arrangement and scale which still enables the once rural character of the farm to be appreciated - this is considered to be rare in an urban location.

- 7.19 Therefore, whilst the outbuildings do have historic interest in their own right, a key component of their heritage significance resides in their interrelationship with the main farm house including providing a historically important setting for this key listed building.
- 7.20 The proposal seeks to subdivide the site into separate ownerships and convert the existing outbuildings into 2 dwellings.

*Background to the Proposal*

- 7.21 The previously refused applications in 2018 sought to convert the outbuildings into 6 dwellings. These applications were refused because:

- The proposal failed to demonstrate that the associated internal and external works could be achieved without materially harming the special character and significance of the listed buildings and their unique setting. In particular the proposals were considered to have a significant and detrimental impact on the character of the outbuildings and Cockethurst Farmhouse itself due to the intensity of proposed use, scale and unsympathetic nature of the development and subdivision of the site.
- The lack of regard for the relationship between the outbuildings and the farmhouse would have a detrimental impact on the listed buildings was also a significant issue.
- The proposal also failed to demonstrate that the works proposed can be carried out without materially harming or totally transforming the outbuildings and it appears unlikely that the buildings can be converted to modern standards without serious damage to these designated heritage assets for this number of units without an unsympathetic domestic appearance being established.

- 7.22 It is therefore necessary to determine whether these concerns have been overcome in the current proposal.

- 7.23 Also of relevance is a proposal from 1992 which sought to convert the dairy building and stables to 4 dwellings, maintaining the cart shed and coach house as existing storage buildings. The 1992 applications were refused for the following reasons:

*01 The proposals will have a severely detrimental impact on the character of the outbuildings and Cockethurst Farmhouse itself because the intensity of use, scale and unsympathetic nature of the development and the lack of regard for the relationship between the outbuildings and the farmhouse would have a detrimental impact on the listed buildings.*

*02 The drawings accompanying the application do not indicate that the works proposed can be carried out without destroying or totally transforming the outbuildings and it appears unlikely that the building can be converted to modern standards without serious damage and for this number of units without an unsympathetic domestic appearance being established.*

- 7.24 The 1992 proposals were also dismissed at appeal. The key comments by the appeal inspector can be summarised as:

*5. While the open cart store to the west would remain largely unaltered, the proposed conversion to provide 4 self-contained dwellings in the former stables building would require substantial alterations, not only to the internal fabric of the buildings but also, and in my view, more importantly to the external appearance.*

*The insertion of casement windows and French doors together with the incorporating of porches and other domestic paraphernalia would clearly alter the character and appearance of these traditional outbuildings*

*6. The buildings are capable of being restored for use in conjunction with the main house, and clearly, having regard to the historical associations, this would be the most appropriate use.*

*6. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be made to the desirability of preserving the listed building or its setting. The materials characteristics of the outbuildings are still intact and their traditional link with the farmhouse form a relatively rare example of a unified group in an urbanised location. This historic and architectural integrity would, in my opinion, be lost if this proposed change of use were to be allowed.*

*8. I am not satisfied that such a change could be undertaken without significant harm to the structure, fabric and appearance of these existing listed buildings.*

7.25 It is noted that planning policy has changed since 1992 and the NPPF was updated in 2019 but the Act and NPPF are still valid and the essence of national and local heritage policies, which are seeking to protect the character and significance of listed buildings remains. It is noted that under the current NPPF where less than substantial harm is caused the application is required to demonstrate overriding public benefits to outweigh this.

7.26 In relation to the current proposal there are two key areas of the design and character which need to be considered: firstly the impact on the exterior including the setting of the listed buildings and their historic and visual relationship to the main farmhouse; secondly the design and detailed impact on the fabric of the outbuildings themselves.

*Impact on exterior setting and relationship with main farmhouse*

7.27 The historic and physical relationship between the outbuildings and the main farmhouse and their setting in a wider open area / large garden is a rare occurrence and key aspect of their combined significance.

7.28 In the 1992 applications a new boundary (unspecified) was formed between the outbuildings and the farmhouse and a more domestic exterior was proposed for the outbuildings including garden areas and a parking court. Significant concern was raised in regard to the splitting off of the outbuildings from the main farmhouse and the impact this would have on the setting of the listed buildings and the overall rural character of the group. This was found to be unacceptable by the Council and the appeal inspector.

7.29 In the 2018 proposal the outbuildings were split from the main farmhouse along the same general alignment as the 1992 applications. The submitted plans showed a continuous hedge boundary between the farmhouse and the courtyard with the outbuildings which would run the full extent of the site from the road to the rear boundary. This subdivided the site into two smaller plots. The area surrounding the outbuildings was also proposed to be further subdivided to the rear of the buildings to form individual gardens to the houses, including the provision of structures for cycle and refuse storage. The front courtyard was shown to be landscaped with small front garden areas. 5 parking spaces were proposed to the rear of the stables within a dedicated parking area with one additional space adjacent to the vehicular entrance.

- 7.30 The assessment of the 2018 applications raised concerns in regard to the visual subdivision of the site resulting in the farmhouse and the 'farmyard' losing their interconnectivity. The impact on the general openness and more rural character of the site as a result of the proposed subdivision of the exterior space, the associated 'domestic paraphernalia' including bin and bike stores and formal front gardens, and the proposed additional parking area were considered to be unacceptable.
- 7.31 In relation to this issue a consultation response from English Heritage to the 1992 applications stated *'If it is considered that a residential conversion is acceptable, then the density of four units becomes questionable as much on general planning grounds as on historic building and conservation grounds. The pressure for defining individual territory would be high. It is off to a good start with the little front gardens which would immediately detract from the character of the farm group.'*
- 7.32 In order to address these concerns the following amendments have been made within the current proposal:
- The evergreen hedge boundary treatment previously proposed between the existing farmhouse and the outbuildings has been omitted from the scheme meaning the existing arrangement between the farmhouse and farm outbuildings (former farm yard) remains unaltered.
  - The number of units has been reduced from 6 to 2 thereby reducing the divisions of the external area significantly and the separate parking area has been omitted from the scheme.
  - The boundary between the main amenity areas for the two units to the west of the building has been amended from a boundary fence to a planted boundary which maintains the openness of the site.
  - The parking provision for the site is now proposed as 1 dedicated parking space to the side of the coach house (with additional storage within the coach house) and 1 dedicated parking space within the existing cart bay with space for visitor parking in the courtyard.
  - Sensitively designed refuse and cycle stores are now proposed within the coach house and cart bay out of sight from the courtyard area.
  - The infill extension has been reduced in size and designed with matching materials and minimal openings to maintain the agricultural character of the buildings.
  - Less internal subdivisions are proposed and the alterations to the exterior of the buildings have been reduced particularly on the elevations facing the courtyard, aside from the reduced extension, no new openings are proposed and the existing doors have been retained where possible to minimise the change in character of the building and impact on the setting of the main farmhouse.
- 7.33 The removal of the physical barrier between the main farmhouse and the outbuildings will maintain their visual and physical interconnectivity and this is an important and positive change over the previously refused scheme. The omission of the previously proposed divisions in the garden area to the rear has also helped to maintain the more rural open character of the site which is also important to the setting of the buildings.
- 7.34 The significant reduction in the numbers of dwellings has enabled the 'domestic paraphernalia' to be hidden away and the level of intervention of the exterior of the existing buildings to be significantly reduced and more of their existing agricultural character to be maintained and this is also a positive change compared to previous proposals.



The reduction in numbers will also reduce the need for parking at the site, enabling the previously proposed car parking area to be omitted and providing more suitable and discreet parking spaces for the proposed units.

- 7.35 Overall, whilst maintaining the outbuildings for their original purpose as ancillary uses and storage facilities for the farm would be optimal for the listed building and its setting and maintain the agricultural character of the site, the changes which have been made to the proposal over the previously refused scheme are all positive and as a whole the impact on to the setting of the main listed farmhouse is much reduced. The proposal has demonstrated that change of use to a minimal number of self-contained residential units will now have a more limited impact on the setting of the farmhouse in this respect.

*Detailed design and impact on the historic fabric of the out buildings*

- 7.36 The 2018 and 1992 applications were also judged to cause a significant and unacceptable impact to the character and fabric of the outbuildings including the internal and external historic fabric. In regard to the 2018 applications the level of subdivision of the internal spaces and the lack of information in regard to the impact on the historic features was a significant issue. In particular concerns were raised regarding

- The loss of all the existing characterful external doors.
- The number of new openings proposed particularly in the more public principal elevations facing the courtyard (16 new openings were proposed overall).
- Concern over loss of internal partitions which could have been retained in a less intensive conversion and the number of new partitions impacting on the historic layout.
- Loss of internal features relating to historical farming use such as harness trees and rings, hay rack and poem inscribed on wall which are an important part of the history of the buildings.
- Lack of information regarding proposed insulation.

- 7.37 In relation to the 1992 applications English Heritage commented that *'it is quite clear that this dense residential conversion would destroy or totally transform all but the cart shed.*

- 7.38 In order to address these concerns the following amendments have been made:

- The number of new openings in the exterior of the buildings has been reduced from 16 to 8 with only 2 facing the courtyard and which are located within the proposed extension only, thereby preserving the existing elevations of the dairy, stables and coach house facing the main space.
- The level of subdivision within the buildings is significantly reduced - the number of new rooms proposed to form the dwellings has been reduced from 21 to 10 which is only 3 more than the existing arrangement and enabling more of the historic fabric and layout to be retained.
- The existing doors are now proposed to be retained and adapted where required using traditional ironmongery to adapt them to sliding barn style doors.
- The windows are still proposed to be replaced with new timber windows
- The historic farm features, including harness tree, tethering ring, hay brackets inscribed poem and internal weatherboarding are now proposed to be retained albeit generally in new locations which better suit the proposed layout.

- 7.39 It is clear that the extent of change to the historic buildings is much reduced in the current proposal both internally and externally as compared with the previously refused scheme. The retention and repurposing of the existing doors will be important in maintaining the historic agricultural character and history of the buildings. The windows are still proposed to be replaced but the existing windows are generally modern and of a simple design so the impact of this will be minimal. The reduction in internal divisions is also positive. All these changes have come about because of the reduction in units. Overall, the amended design will better respect the historic character of the buildings and will enable the agricultural history of the buildings to be more legible. This is considered to be a significant improvement.
- 7.40 As with the previous application the proposal includes various internal changes to the buildings to make them suitable for habitation including fitting breathable insulation and lime plaster to the walls and roof, installing a replacement insulated floor, installing kitchens and bathrooms and services. New bathrooms will be treated as 'standalone pod' with integrated walls and ceiling to maintain visibility of the exposed roof beams. Externally the ground will be built up slightly around the entrances to ensure level thresholds. Full details of these aspects of the proposal have now been provided.
- 7.41 It is noted that to address the flood risk at the site the Environment Agency has required that a safe refuge is included in each dwelling which comprises raising the floor levels in 2 bedrooms by around 600mm accessed by a short internal flight of steps. This in turn has necessitated the raising of the roof beams in the dairy to allow for sufficient headroom to be achieved, however, these beams were recently installed by the owner so have no historic value. The agent has confirmed that a more sympathetic material and style can be reinstated. The change in floor level will also affect the relationship to the existing window positions which will now be relatively lower. To address this a new window at a higher level is proposed to the northern end of the dairy. This elevation cannot be seen from the courtyard so is less sensitive.
- 7.42 The raised floor levels for the bedrooms is not ideal for the everyday usability of the units however, as the dwellings are single storey only it is a necessary and proportionate requirement to address the flood risk implications and these changes will not be apparent from the exterior. On balance, therefore, these alterations can be considered acceptable.
- 7.43 Overall, therefore the level of harm caused to the setting of the main listed farmhouse, including the inter-relationship between the buildings, and to the historic outbuildings themselves, is considered to be less than substantial and much reduced in this respect over the previously refused scheme. As noted above, the NFFP states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*' The public benefits of the proposal, including assuring the future retention and viability of the historic outbuildings and preserving their sensitive relationship with the listed farmhouse, plus the provision of 2 new housing units, which is itself only of limited weight, can in combination and on balance be considered to outweigh this less than substantial level of harm. The proposal is therefore acceptable and policy compliant in the above regards and has overcome the previous reason for refusal in this respect.

## Quality of accommodation for future occupiers

### *Floor space standards*

7.44 All new homes are required to meet the National Technical Housing Standards in terms of floorspace. The required size for a single storey, 2 bed 4 person household is 70 Sqm The minimum standards for bedrooms are:

- Master min - area 11.5 sqm, min width 2.75m
- Other doubles – min area 11.5 sqm, min width 2.55m
- Singles - Min area 7.5 sqm, min width 2.15m

7.45 The previous 2018 application was refused because the proposal failed to meet the above standards in several areas and this was considered to be unacceptable. To address the number of units have been reduced from 6 to 2 and the floor plans amended. The internal measurements of the current proposal are as follows:

Unit	Net Internal Area	Bed 1	Bed 2
Dairy	121.6 sqm	Area 12.8 sqm Width 2.9m	Area 12.5sqm Width 3m
Stable	81.1 sqm	Area 14.4 sqm Width 3.6m	Area 12.2 sqm Width 3m

7.46 The amended proposal therefore meets the National Technical Housing Standards and the proposal is acceptable and policy compliant in this regard.

### *Building Regulations M4(2) – Accessible and Adaptable Dwellings*

7.47 As the proposal is for conversion of existing buildings there is no policy requirement to meet Building Regulations M4(2).

### *Quality of Living Space*

7.48 In the previous 2018 application concerns were raised in relation to the quality of outlook for the Coach house unit. This is no longer proposed as habitable accommodation. All habitable rooms are now considered to have good light and outlook. The Council's Environmental Health Officer has recommended that, given the proximity of the airport, a noise condition be included to ensure a suitable living environment. Subject to this condition the proposal is acceptable and policy compliant in this regard.

### *Amenity Provision*

7.49 In the previous 2018 application concerns were raised in relation to the quality of the outdoor amenity space for 3 of the 6 units proposed. The number of units has now been reduced from 6 to 2 units and the proposal has a large amenity area to the rear. In order to preserve the open character of the site no dividing fence is proposed here however a planted screen will be used to create private areas for each unit close to the buildings. This arrangement is considered to be acceptable. The concern over the quality of outdoor amenity space has now been resolved and the proposal is acceptable and policy compliant in this regard.

- 7.50 Overall therefore it is considered that the amended scheme has satisfactorily addressed the previous reason for refusal in relation to the quality of living standard for future occupiers and the scheme is now acceptable and policy compliant in this regard.

### **Impact on Residential Amenity**

- 7.51 Policy DM1 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.”*
- 7.52 The proposal seeks to convert the existing buildings only. No extensions are proposed except for the infilling of the cart shed although there will be additional windows in both units.
- 7.53 The outbuildings are isolated from the surrounding properties except for the main farm house which is around 2m from the site boundary and 10m to the nearest outbuilding. There are no issues with the proposal being materially overbearing or causing overlooking of this neighbour given the existing situation and separation distances. The most significant impact will be the increase in noise and disturbance arising from the change of use, potential number of residential using the site and associated car parking. This will be a change from the existing situation, however given the reduced number of units and the physical relationship, it is considered that this would not be materially harmful to the occupiers of the existing farm house.
- 7.54 No other properties are materially affected. The proposal is considered to be acceptable and policy compliant in this regard.

### **Traffic and Transportation Issues**

- 7.55 Policy DM15 requires that all new 2 bedroom dwellinghouses outside the central area provide a minimum of 2 off street car parking space per property. In regard to parking the Design and Access Statement comments that the units will have a dedicated parking spaces in the Cart Bay and adjacent to the Coach House and an additional flexible parking space will be available in the courtyard. The site layout also includes space for turning. The existing gated access will remain unchanged. The design statement also comments that the parking spaces can be equipped with electric charging points which can be located within the coach house and cart bay.
- 7.56 The Council’s Highways Officer has no objections to the proposal. The proposed parking arrangement is therefore considered to be acceptable and the scheme is policy compliant in this regard.
- 7.57 The Design and Access Statement and site history also confirms that planning permission has been obtained to erect a replacement garage in the south west corner of the site to provide replacement garaging for the main farmhouse (reference 19/00996/FULH). This provision will be in addition to the off street parking on the driveway of this property. In terms of parking provision this meets the requirements for a large house in this location.

### *Refuse and Cycle Storage*

- 7.58 The submitted plans show that dedicated refuse and cycle storage will be provided in the coach house and cart bay where is it convenient but out of sight. Full details of the stores have been provided and are considered acceptable. The proposal is therefore policy compliant in this regard.
- 7.59 Overall it is considered that the proposal is acceptable and policy compliant in the above regards.

### **Impact on Trees**

- 7.60 The Council seeks to protect trees which make a positive contribution to the amenity of the area from the impact of new development.
- 7.61 There are a number of large trees at the site which contribute to the setting of the listed buildings and the rural character of the site. 4 on the southern boundary of the farm house garden are preserved but these are not affected by the proposal. 8 are located on or close to the site. A tree survey has been submitted with the application. This proposes the removal of an ash tree which is growing directly adjacent to the Dairy and crown lifting works to two further trees which are also close to the buildings. The survey also provides details of proposed tree protection measures for the remaining trees. These works are the same as proposed in the previously refused application.
- 7.62 The self-seeded ash tree is very close to the building such that it will threaten its future. Other trees at the site will remain and this is positive for the setting and more rural character of the site. There is no objection to the removal of these trees. The Council's Arboricultural Officer has not raised any objections to the proposed works. This is the same conclusion as reached in respect of trees for the previous application. The proposal is therefore considered to be acceptable and policy compliant in this regard.

### **Bats**

- 7.63 The Council's Parks Team has commented that agricultural barns of this nature are often used by bats which are a protected species. Investigations should therefore be undertaken prior to the commencement to ascertain whether there are bats using the buildings and set out any mitigation measures which may be required. The agent has agreed to a pre commencement condition for this purpose. Subject to this condition the proposal is acceptable and policy compliant in this regard.

### **Sustainable Development**

- 7.64 Policy KP2 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.

- 7.65 The proposal relates to the conversion of historic buildings which is itself more sustainable than new build and the agent confirms the intention to use natural and breathable materials. The statement suggests that air source heat pumps or PVs could be installed as part of the proposal.
- 7.67 As a conversion scheme there is no policy requirement for renewables to be provided and in this case it is considered that they would be detrimental to the character of the existing building and setting of the historic farmhouse and would not be appropriate.
- 7.68 However, it is considered that as the proposal relates to a conversion to residential use including the installation of new bathrooms, a condition should be imposed to require the use of water efficient fittings. Subject to that the proposal is therefore acceptable and policy compliant in this regard.

### **Sustainable Drainage**

- 7.69 The Flood Risk Assessment and supplementary Technical Note includes an assessment of surface water flooding and proposals for sustainable drainage at the site. The document comments that green field run off rates are unachievable given the size of the site. Instead it is proposed to use a number of SuDS techniques to attenuate for surface water run off at the site including:

- Below ground attenuation crates below the proposed parking area which would store water and control discharge
- Catch pits
- French drains

- 7.70 The report concludes that:

- The development will not result in an increase in surface water flooding as compared to the existing situation and
- Exceedance events have been considered in the design of the facility with flows guided by suitable depressions on the site to areas of low risk.

- 7.71 The risk from surface water flooding will therefore be improved over the existing situation and this is considered reasonable in the context of the development. The Council's Drainage Engineer has reviewed the documents and confirms that the measures are acceptable subject to conditions. The proposal is therefore acceptable and policy compliant in this regard subject to conditions.

### **Contamination**

- 7.72 The Council's Environmental Health Officer has recommended that, given the previous agricultural and storage uses of the buildings, a contamination condition will be required to ensure that the site is safe for residential use. Two detailed conditions have been recommended which include the requirement for detailed remediation to be undertaken however, given the small scale nature of the development, it is considered that these would not meet the required 6 tests for conditions and it would be more reasonable to impose a simpler condition which requires preliminary site investigations to be carried out to determine whether any contamination is present and whether remediation measures are necessary. Subject to this condition the proposal is acceptable and policy compliant in this regard.



## **Construction Management**

- 7.73 The Council's Environmental Health Officer has also recommended that a construction management condition be imposed. Given the small scale nature of the development and site layout, which includes space for deliveries and storage of materials off the highway, this is considered unnecessary. A condition controlling construction hours is however considered reasonable. It is also noted that the Council's Highways Officer has not raised any concerns on this issue. Subject to this condition the proposal is acceptable and policy compliant in this regard.

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

- 7.74 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 202.7 sqm, which may equate to a CIL charge of approximately £5207.83 (subject to confirmation).

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The previous reasons for refusal in relation to the principle of the proposal including flood risk and on the impact on the listed building on its setting have, on balance, been overcome by the inclusion of a safe refuge in each dwelling, the reduction in the number of units at the site and a more sensitive response to the listed building and its context. There will be some harm but this is less than substantial in nature and is outweighed by the public benefits of the proposal. The previous reason for refusal in relation to the standard of accommodation for future occupiers has also been satisfactorily addressed by the reduction in density allowing more space for amenity and habitation. The impact on the amenity of neighbouring occupiers and the impact on traffic and transportation remain acceptable. These applications are therefore recommended for approval subject to conditions.

## **9 Recommendation**

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

**01 The development hereby permitted shall begin not later than three years 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 504\_P300F, 504\_P301F, 504\_P302F, 504\_P303F, 504\_P304F, 504\_P305F, 504\_P306F, 504\_P307F, 504-P309F, 504\_P308F, 504\_P310F, 504\_P311F, 10186-01, 10186-02, 10186-03, 10186-04.**

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

**03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 402.08714.00004 and plan reference 504\_3111F before the approved dwellings are occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.**

**Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and policy KP2 of Core Strategy.**

**04 The materials used for the development hereby approved shall be as specified on plans reference 504\_P303F, 504\_P304F , 504\_P306F , 504\_P308F and 504\_P309F.**

**Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with 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).**

**05 The retention and re siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features reference 504 revision A and plans reference 504\_309F and 504\_310F and the email from the agent dated 30.07.20 regarding doors, raised beams and hay racks before the development is occupied.**

**Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with 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).**

**06 The soft landscaping at the site shall be carried out in full accordance with the details and specifications shown in landscaping plan reference 504\_P302F before the dwellings hereby approved are occupied. The surfacing of the courtyard, parking spaces and driveway shall remain as the existing surfacing.**

**Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with 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).**

**07 Prior to the commencement of the development hereby approved tree protection measures, as set out in the Arboricultural Impact Assessment by Owen Allpress reference 1921 dated 16.02.20 shall be implemented in full prior to commencement of the development and shall be retained throughout construction of the development.**

**Reason: A pre commencement condition is required to ensure the trees to the west of 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).**

**08 Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), there shall be no formation of new marked or treated boundaries of any kind within the site including to separate the main farmhouse from the courtyard.**

**Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).**

**09 The development hereby approved shall not be occupied until and unless 2 car parking spaces have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with the details shown on drawing 504\_P310F. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.**

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

**10 The development hereby approved shall not be occupied until and unless the store containing at least 2 secure, covered cycle parking spaces and the refuse and recycling stores, as shown on drawing 504\_P303F, have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the dwellings hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter.**

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

**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 Prior to any drainage infrastructure being installed, in accordance with the latest submitted Technical Note (9<sup>th</sup> March 2020, SLR Ref: 402.08714.00004 Ref: TN01 00) detailed designs of a surface water drainage scheme incorporating the following details shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall address the following matters:**

- **Provide clarification of the location and type of outfall connection with pipe sizes and invert levels.**
- **Provide evidence of consent from the Environment Agency for the proposed works which require a permit.**

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

**13 Prior to the occupation of the approved dwellings a noise Impact assessment must be conducted by a competent person to assess the potential impact of noise from London Southend Airport and existing commercial, industrial and premises on the proposed dwelling. The assessment must be made using the appropriate standards for noise sources and recognised standards and best practice in order to make the dwelling fit for its proposed use. The noise impact assessment must include any necessary mitigation measures needed to achieve the required standards and shall be submitted to the local planning authority for approval in writing before the development is occupied. Any agreed mitigation must be installed before the development is occupied and be maintained thereafter.**

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

**14 (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 Authority.**

**(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: 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 the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).**

**15 No development shall commence until a survey of the barn has been undertaken to determine whether bats or barn owls are present and the results of this have been submitted to and approved in writing by the local planning authority. If bats or barn owls are found to be present, no conversion work shall take place until an acceptable mitigation scheme has been submitted to and approved in writing by the local planning authority. The development shall commence and proceed only in accordance with the approved mitigation scheme. No work including any clearance or demolition shall take place between 1 April and 1 October in any year.**

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

**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).**



**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 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.**

**GRANT LISTED BUILDING CONSENT**

**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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.**

**02 The development hereby permitted shall be carried out in accordance with the following approved plans 504\_P300F, 504\_P301F, 504\_P302F, 504\_P303F, 504\_P304F, 504\_P305F, 504\_P306F, 504\_P307F, 504-P309F, 504\_P308F, 504\_P310F, 504\_P311F, 10186-01, 10186-02, 10186-03, 10186-04.**

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

**03 The materials used for the development hereby approved shall be as specified on plans reference 504\_P303F, 504\_P304F , 504\_P306F , 504\_P308F and 504\_P309F.**

**Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with 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 retention and re siting of the existing historic features shall be carried out in full accordance with the details and specifications set out in the Gazetteer of Historic Features reference 504 revision A and plans reference 504\_309F and 504\_310F and the email from the agent dated 30.07.20 regarding doors, raised beams and hay racks.**

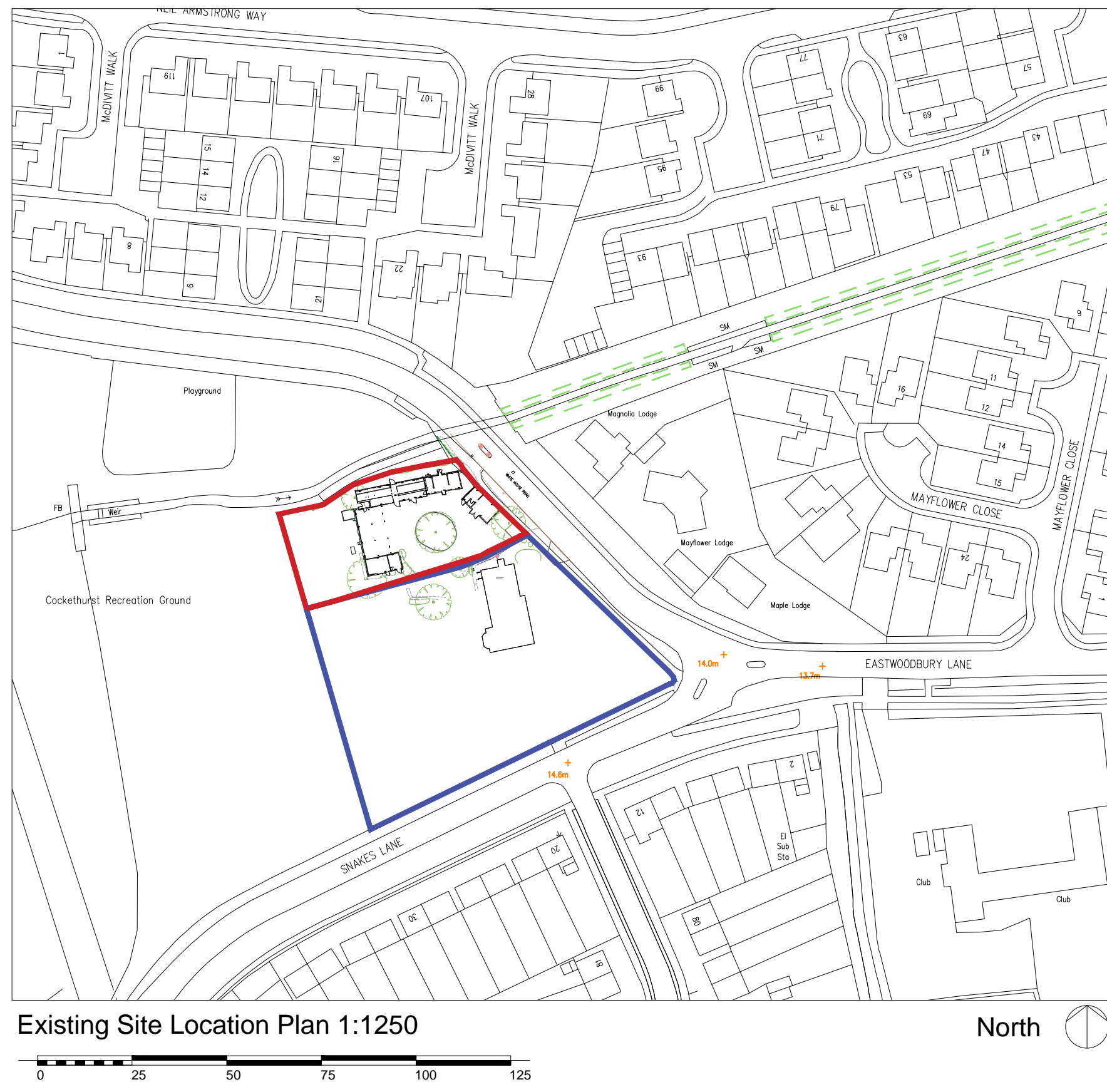
**Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).**

**05 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills, ducting or telecommunication equipment shall be fixed to the exterior of the building without prior written approval of the local planning authority.**

**Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).**

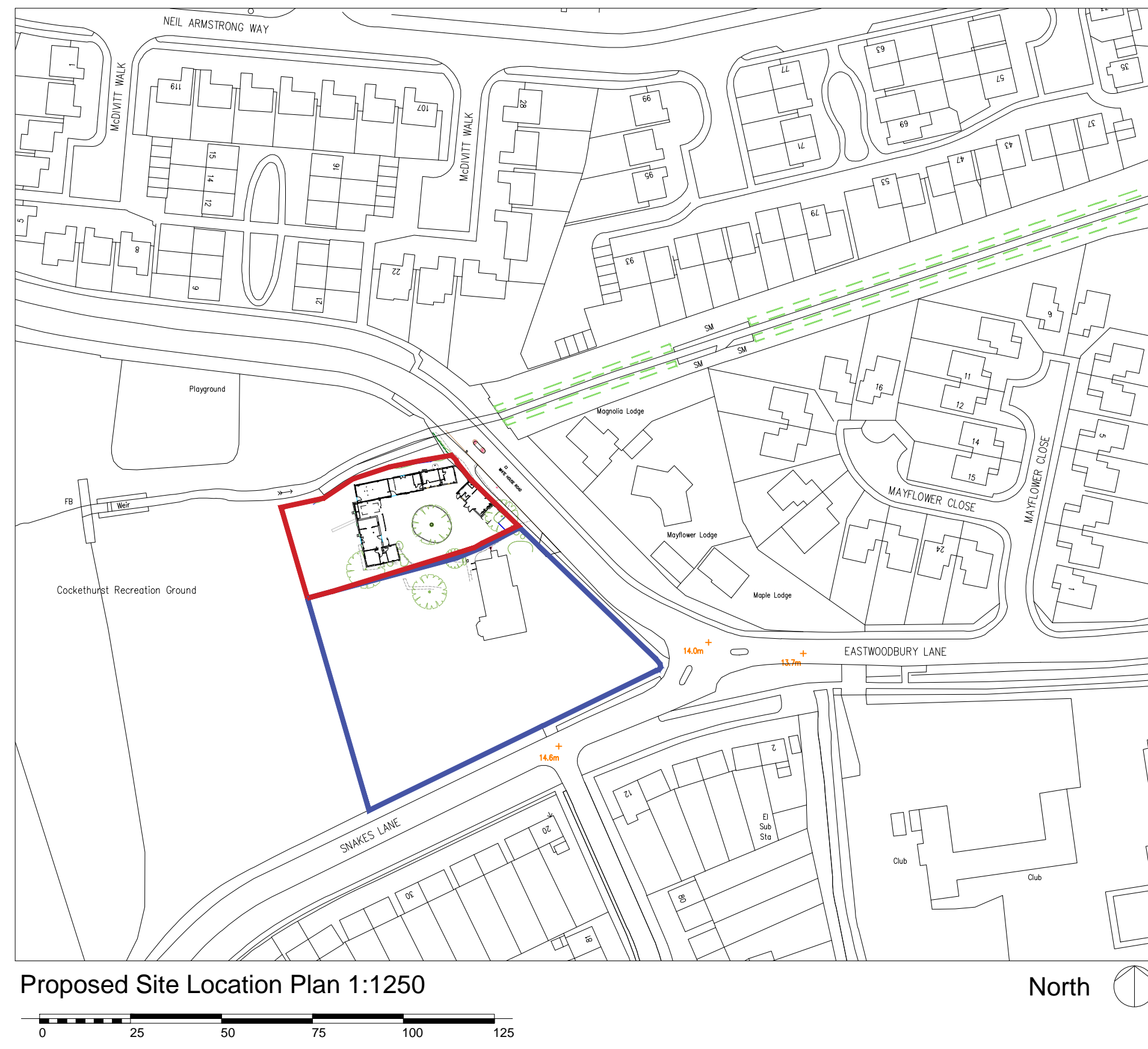
**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the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

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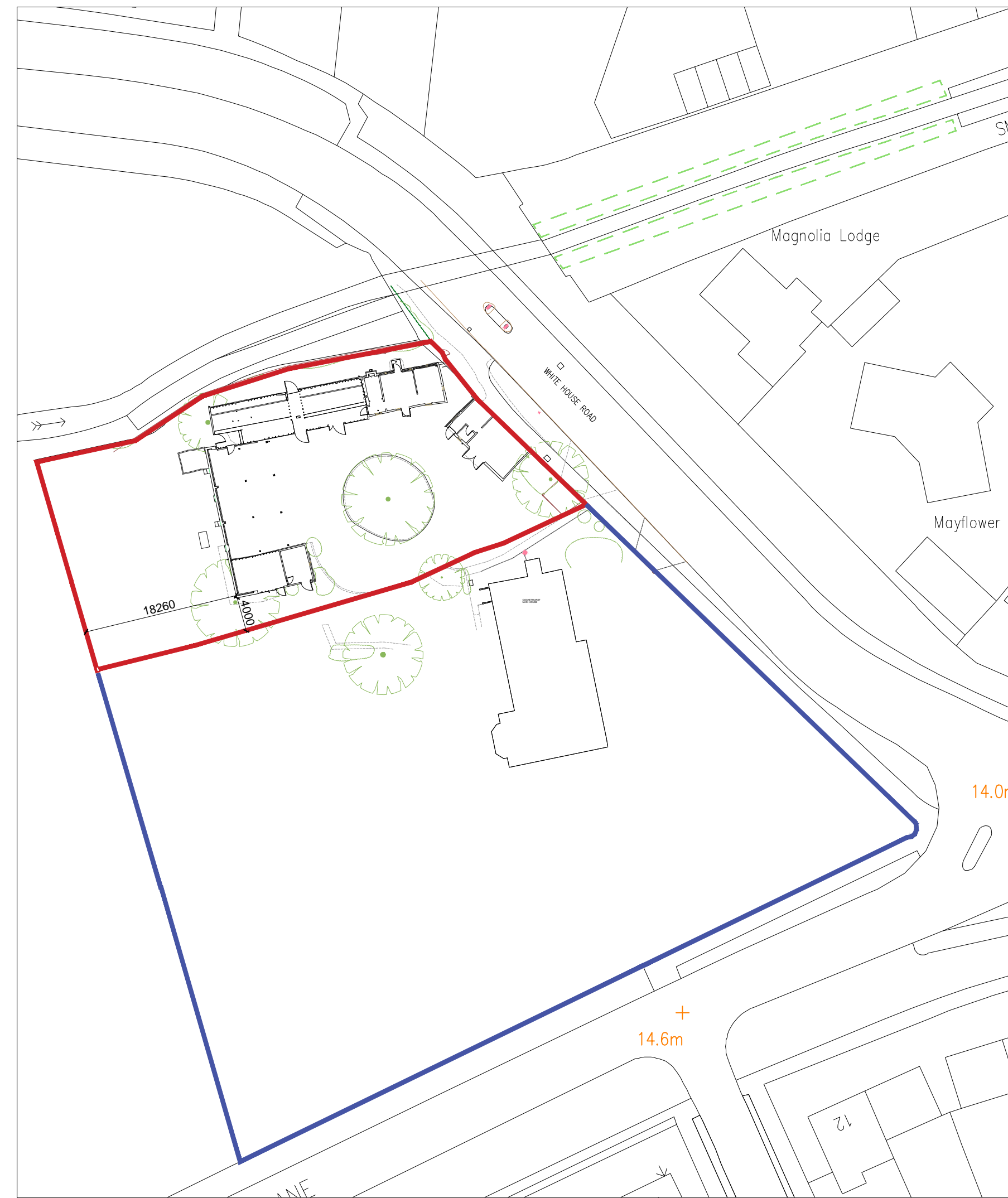
Existing Site Location Plan 1:1250

North



Proposed Site Location Plan 1:1250

North



Existing Block Plan 1:500

North



Proposed Block Plan 1:500

North

Notes:

Rev	Comment	By	Date
F	Scale Refuge Increase	DS	30/07/2020
E	Scale Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	Production of drawing	DS	25/11/2019

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKETHURST  
EASTWOODBURY LANE  
SOUTHWIND ON SEA SS2 6UE  
ESSEX

Drawing Title:  
SITE AND BLOCK PLANS

Drawing no:	504_P300	Revision:	F
Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:500, 1:250 @ A1	Chkd by:	MM/MSK

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**UNIT 1**

**UNIT 2**

Proposed Site and Floor Plan 1:100



North

Notes:

Rev	Comment	By	Date
F	Safe Refuge Increase	DS	30/07/2020
E	Safe Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	25/11/2019

Stage: 2 & 3 - Stage

Client: DAVID DEDMAN

Project: COCKETHURST EASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX

Drawing Title: PROPOSED FLOOR PLAN - FULL SITE







Drawing no: 504_P301	Revision: F
Project no: 504-05-18	Drawn by: MM/DS
Scale: 1:100 @ A1	Chkd by: MM/MSK

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SPECIES	QUANTITY	MIN. HEIGHT TO BE PLANTED (m)	MAINTENANCE	BIODIVERSITY
 Potted Plant Black	6	40	Prerequisite by decision in spring	
 Potted Plant Silver Queen (Potted Silver Queen)	4	40	Prerequisite by semi-hardwood cuttings in summer. No major pruning necessary. Remove diseased, damaged, congested or competing shrubs. After pruning, mulch and water.	Rich
 Potted Plant Japanese Yew	4	30	Prerequisite by semi-hardwood cuttings. Pruned and air layered. Sprung off dead shoots and the soil covered plants. After pruning, plants benefit from mulching and watering.	Rich
 Potted Plant Golden Crown (Potted Golden Crown)	4	30	Prerequisite by decision in spring. Dead or damaged areas may be removed in spring.	Rich
 Potted Plant Holly Black Beauty	5	20	Prerequisite by semi-hardwood cuttings in summer.	Rich
 Potted Plant Arctostaphylos Uva Ursi	7	40	Prerequisite by seed sown in spring or autumn or by division in spring.	Rich



Proposed Roof Plan and Landscape Schedule 1:100



171

Notes:			
Rev	Comment	By	Date
F	Safe Refuge Increase	DS	30/07/2020
E	Safe Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	Production of drawing	DS	25/11/2019

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKETHURST  
CASTLEWOOD LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

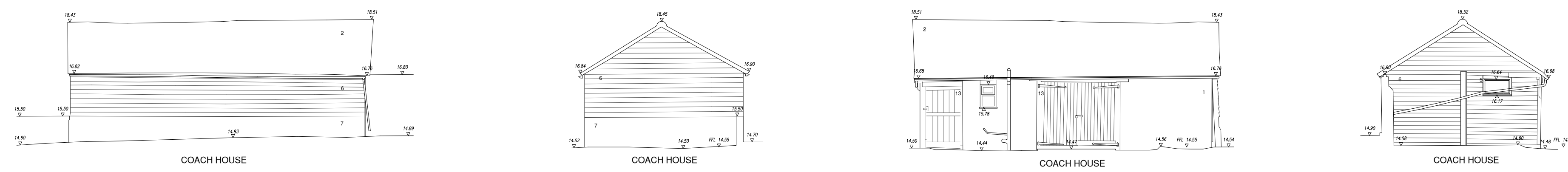
Drawing Title:  
PROPOSED ROOF PLAN - FULL SITE

Drawing no:	504_P302	Revision:	F
Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:100 @ A1	Chkd by:	MM/MSK

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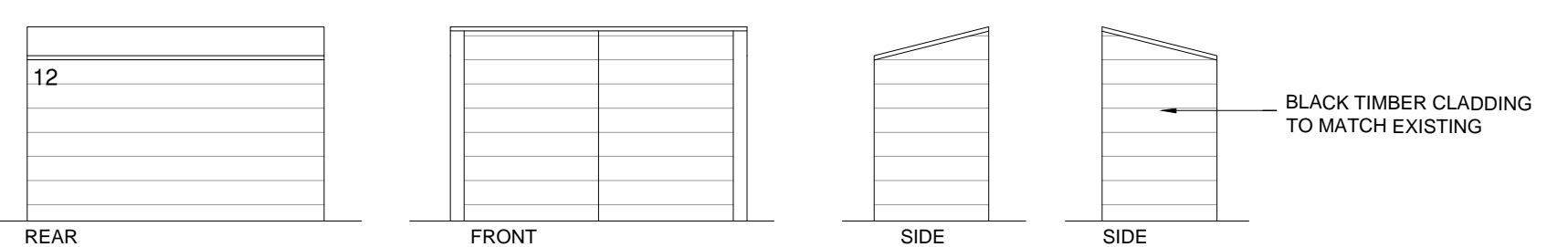
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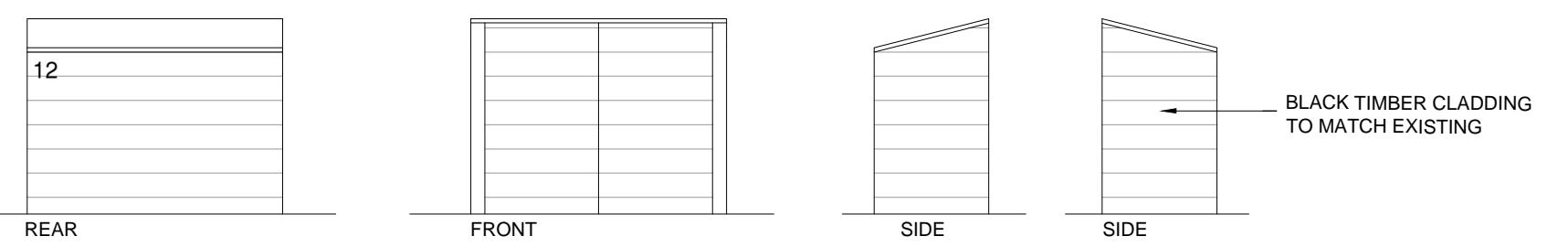


Proposed North/East Elevation (Elevation 1) Proposed East Elevation (Elevation 2) Proposed South Elevation (Elevation 3) Proposed West Elevation (Elevation 4)

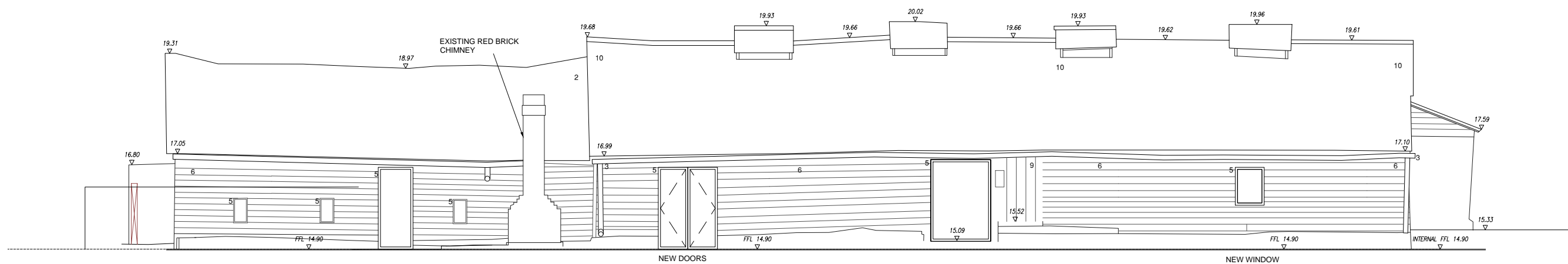
- MATERIAL KEY:**
- EXISTING RED BRICK
  - EXISTING RED TILES
  - BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
  - TIMBER LINTEL PAINTED BLACK
  - NEW TIMBER FRAMED WINDOWS AND DOORS: FRAME TO BE BLACK
  - EXISTING BLACK PAINTED TIMBER CLADDING
  - RENDERED PLINTH PAINTED BLACK
  - TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
  - EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
  - TERRACOTTA CORRUGATED SHEET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
  - EXISTING YELLOW STOCK BRICK
  - NEW BLACK TIMBER CLADDING TO MATCH EXISTING
  - EXISTING TIMBER SHUTTER TO BE RETAINED
  - NEW BOUNDARY MESH FENCE WITH PLANTING



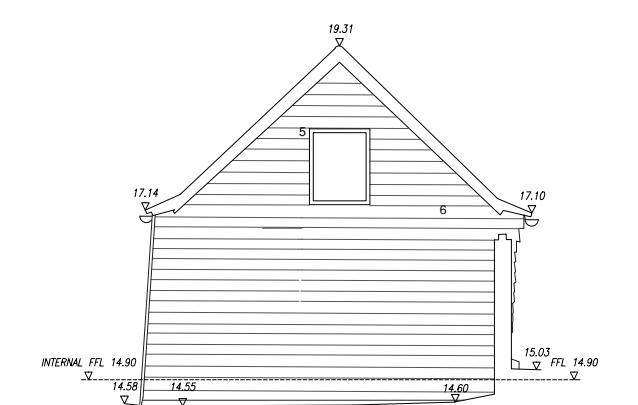
REAR  
TIMBER BIKE STORE 1:50  
BIKE STORE



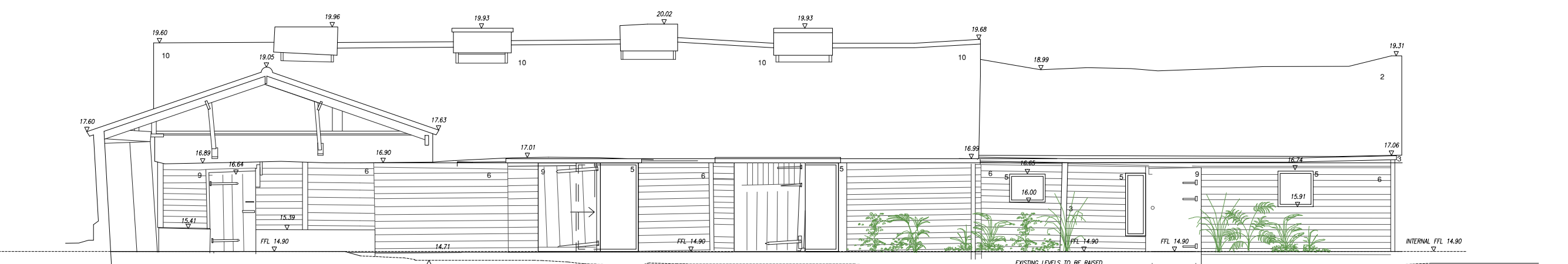
REAR  
TIMBER BIN STORE 1:50  
BIN STORE



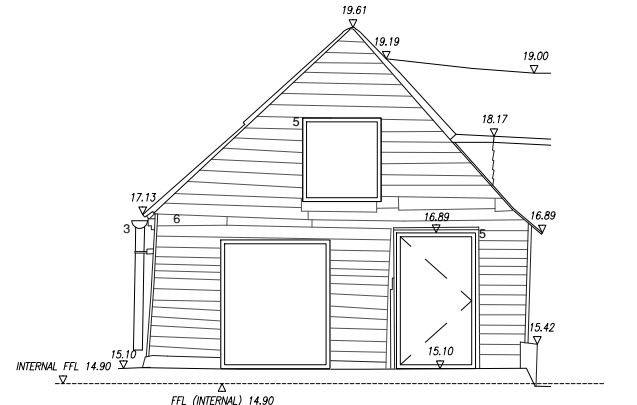
Proposed North Elevation (Elevation 5)



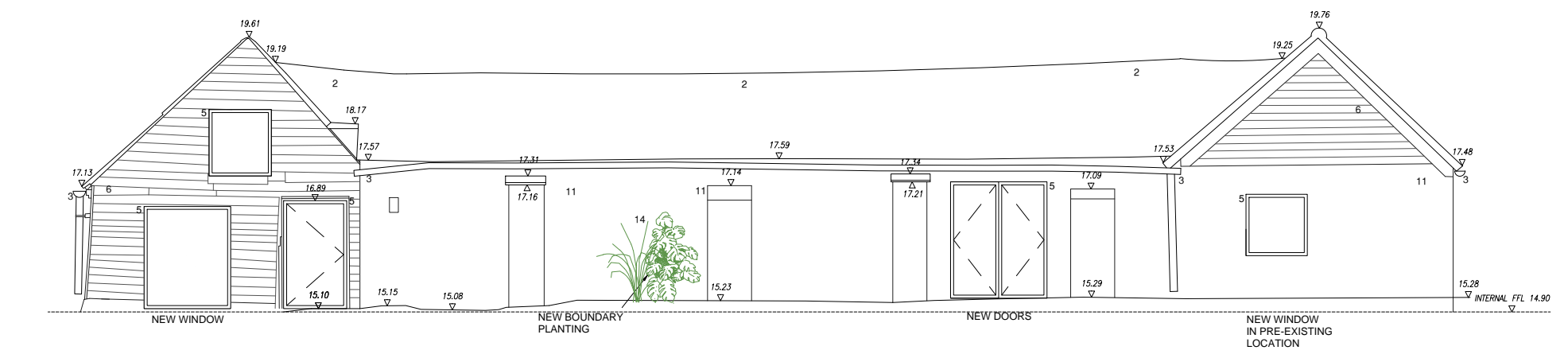
Proposed East Elevation (Elevation 6)



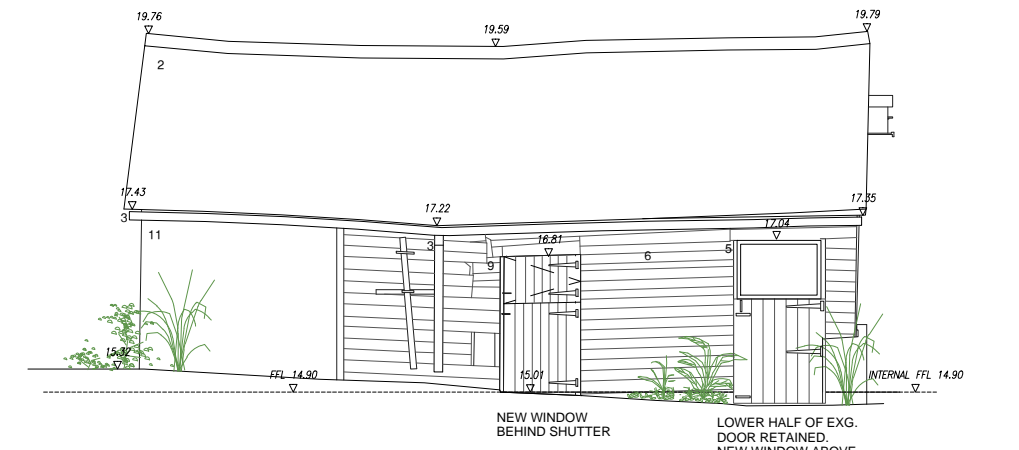
Proposed South Elevation (Elevation 7)



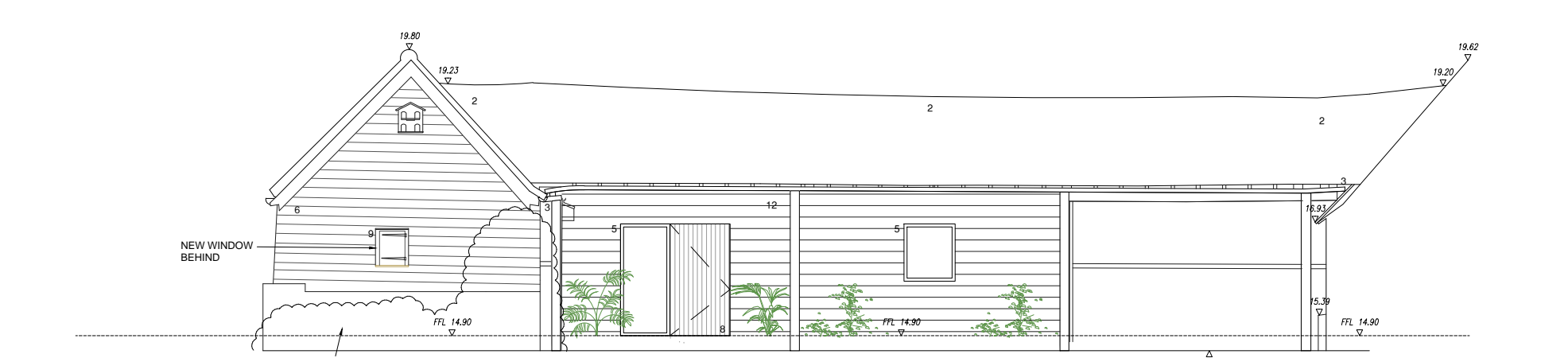
DAIRY - WEST ELEVATION OPTION 1  
Proposed West Elevation (Elevation 8)



Proposed West Elevation (Elevation 9)

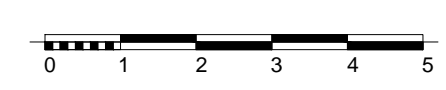


Proposed South Elevation (Elevation 10)



Proposed East Elevation (Elevation 11)

Proposed Elevations 1:100



Rev	Comment	By	Date
F	Safe Refuge Increase	DS	30/07/2020
E	Safe Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	25/11/2019

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKETHURST  
EASTWOODBURY LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

Drawing no:	504_P303	Revision:	F
Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:50, 1:100 @ A1	Chkd by:	MM/MSK

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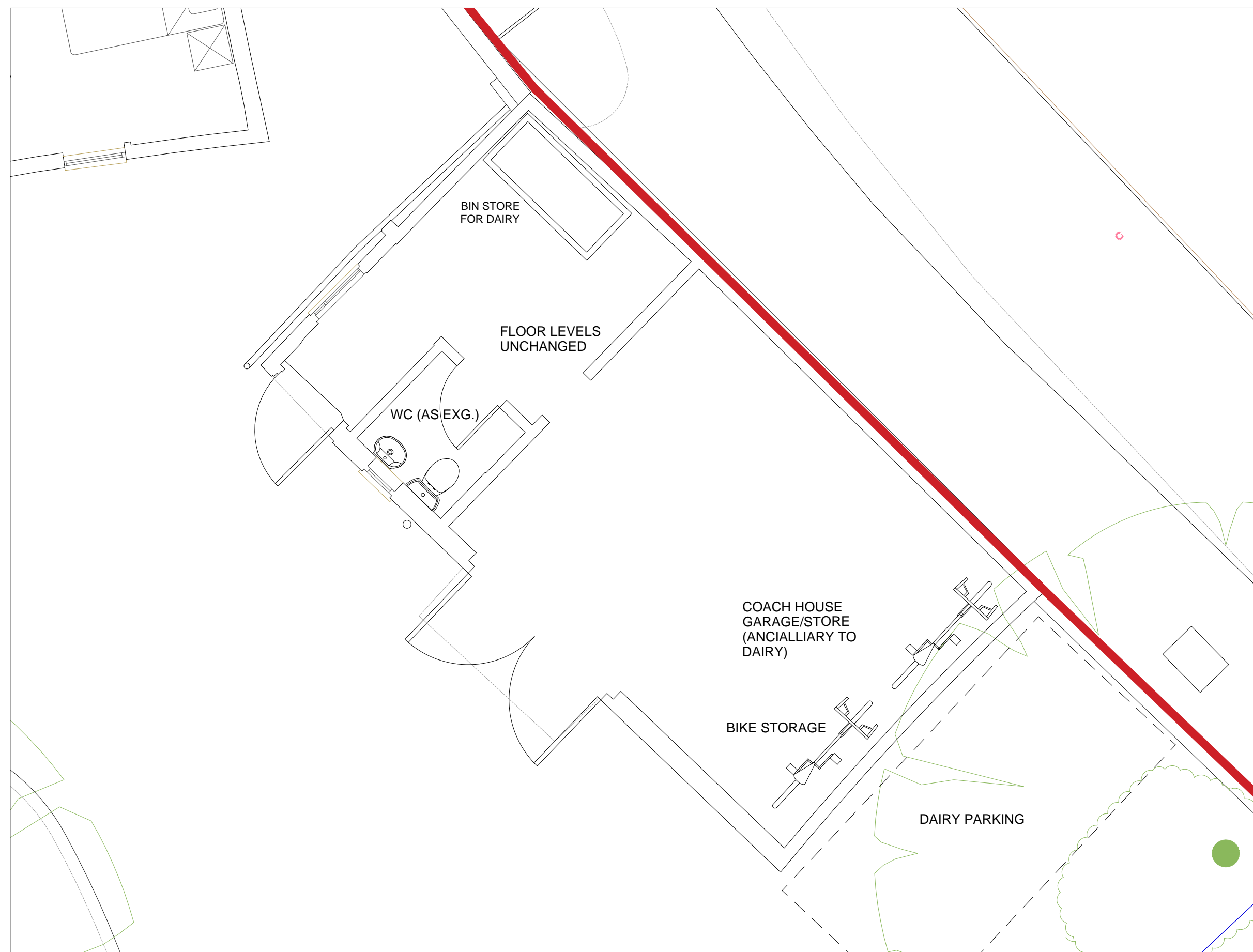
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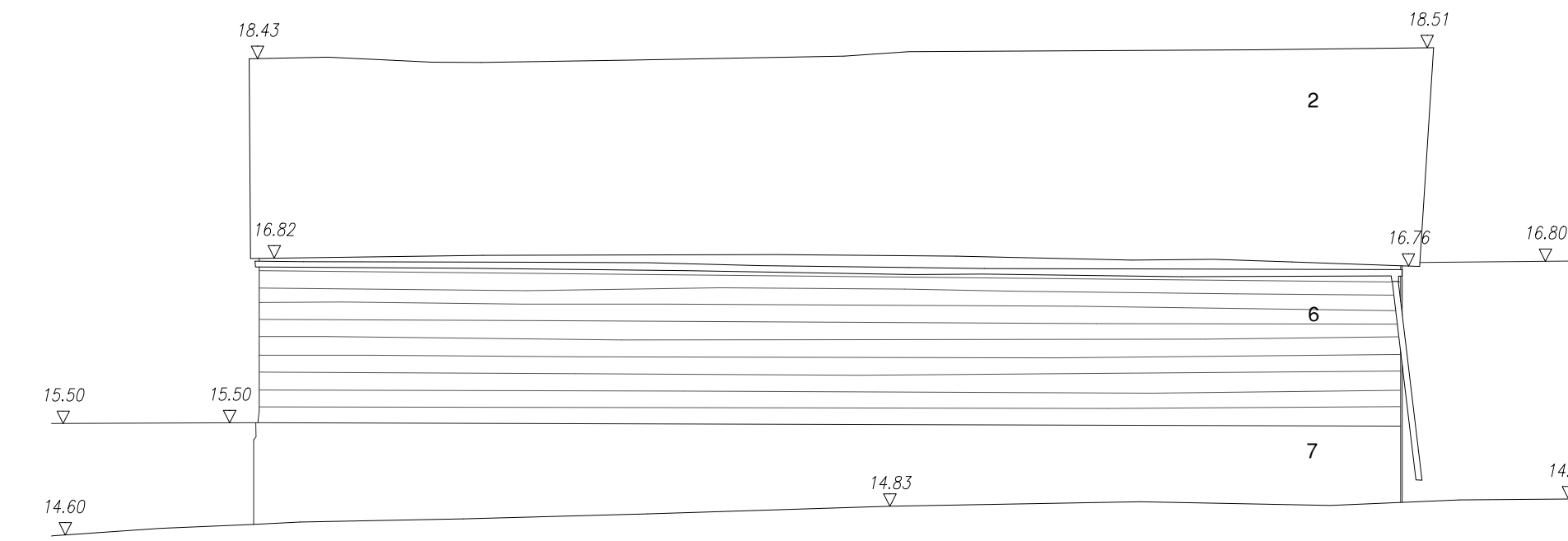
Existing Floor Plan - Coach House 1:50

North

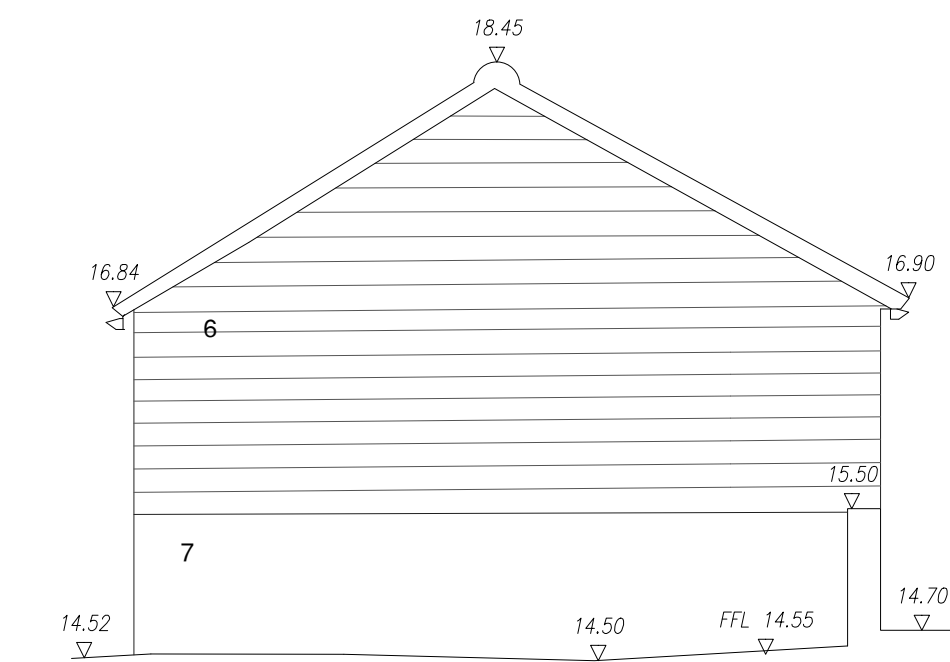


Proposed Floor Plan - Coach House 1:50

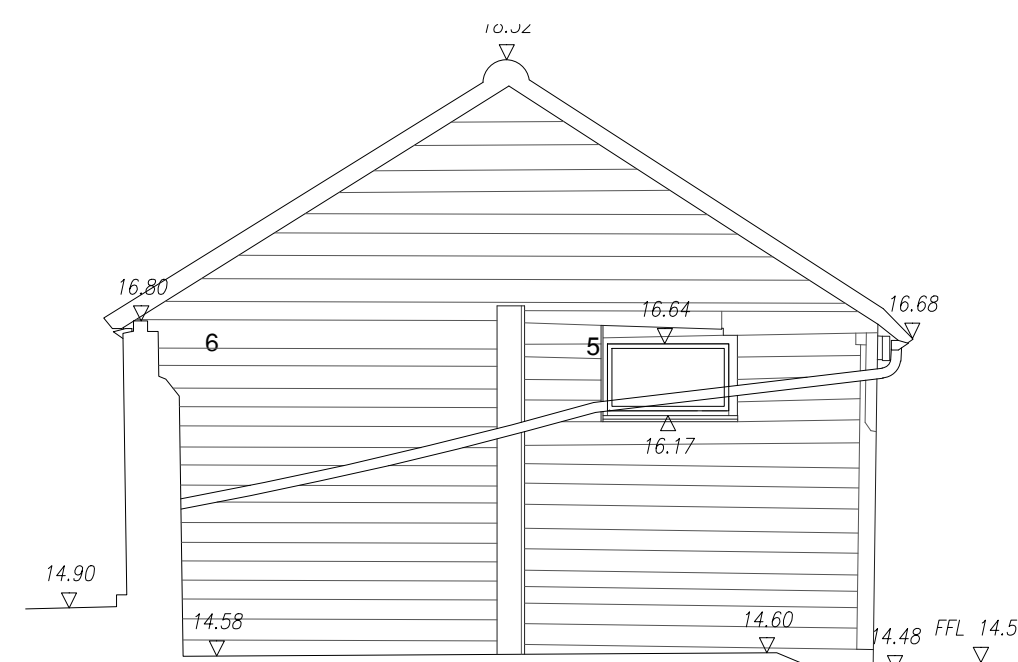
North



Proposed North Elevation (Elevation 1)

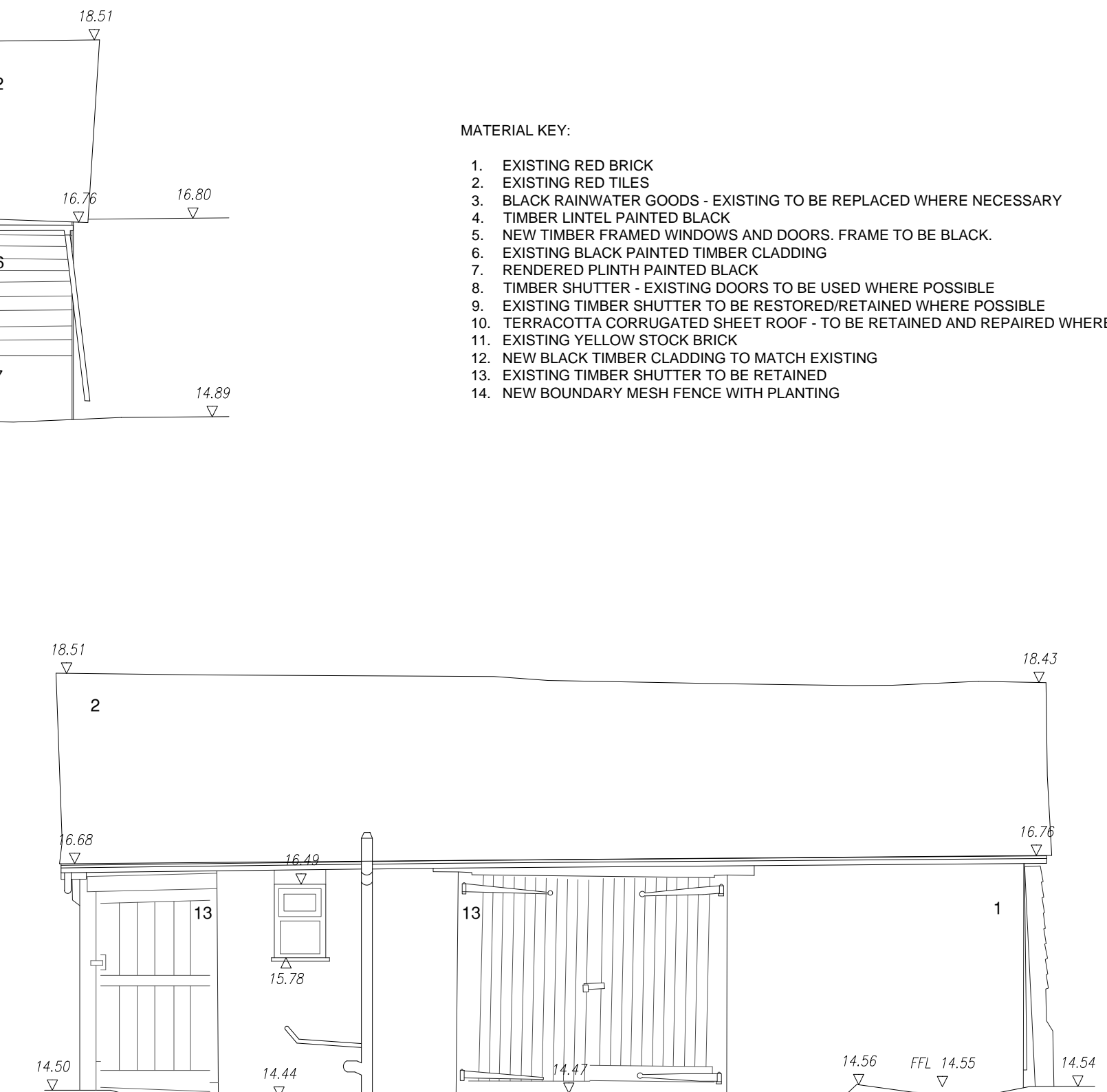


Proposed East Elevation (Elevation 2)



Proposed West Elevation (Elevation 4)

Proposed Elevations - Coach House 1:50



Proposed South Elevation (Elevation 3)

- MATERIAL KEY:**
1. EXISTING RED BRICK
  2. EXISTING RED TILES
  3. BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
  4. TIMBER LINTEL PAINTED BLACK
  5. NEW TIMBER FRAMED WINDOWS AND DOORS. FRAME TO BE BLACK.
  6. EXISTING BLACK PAINTED TIMBER CLADDING
  7. RENDERED PLINTH PAINTED BLACK
  8. TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
  9. EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
  10. TERRACOTTA CORRUGATED SHEET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
  11. EXISTING YELLOW STOCK BRICK
  12. NEW BLACK TIMBER CLADDING TO MATCH EXISTING
  13. EXISTING TIMBER SHUTTER TO BE RETAINED
  14. NEW BOUNDARY MESH FENCE WITH PLANTING

Notes:			

Rev	Comment	By	Date
F	Scale Refuge Increase	DS	30/07/2020
E	Scale Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	26/11/19

Stage:	2 & 3 - Stage
--------	---------------

Client:	DAVID DEDMAN
---------	--------------

Project:	COCKETHURST CASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX
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Drawing Title:	PROPOSED - COACH HOUSE
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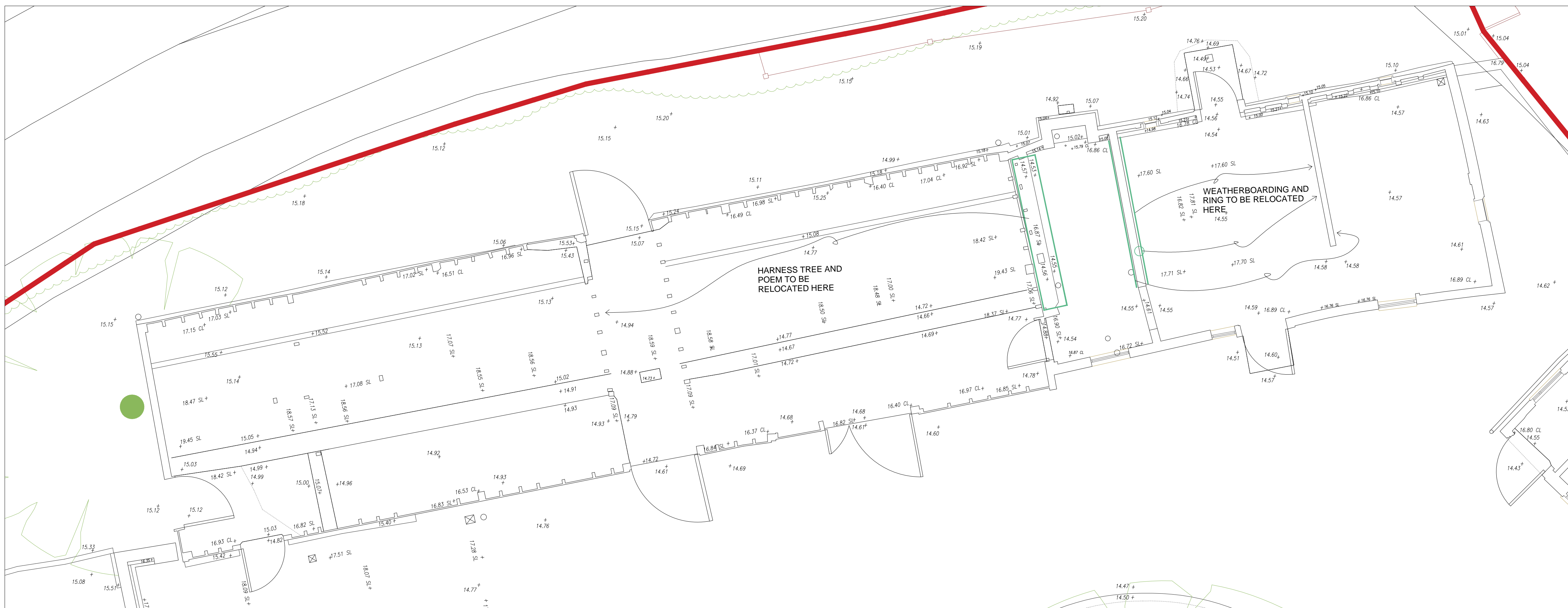
Drawing no:	504_P304	Revision:	F
Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:50 @ A1	Chkd by:	MM/MSK

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Existing Floor Plan - Dairy 1:50



Proposed Floor Plan - Dairy 1:50



Notes:

Rev	Comment	By	Date
F	Safe Refuge Increase	DS	30/07/2020
E	Safe Refuge	DS	25/02/2020
D	Planning Amendments	DS	01/08/2020
C	Planning Issue	DS	18/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	26/11/2019

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKETHURST  
EASTWOODBURY LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

Drawing Title:  
PROPOSED PLAN - DAIRY

Drawing no: S04\_P305      Revision: F

Project no: S04-05-18      Drawn by: MM/DS

Scale: 1:50 @ A1      Chkd by: MM/MSK

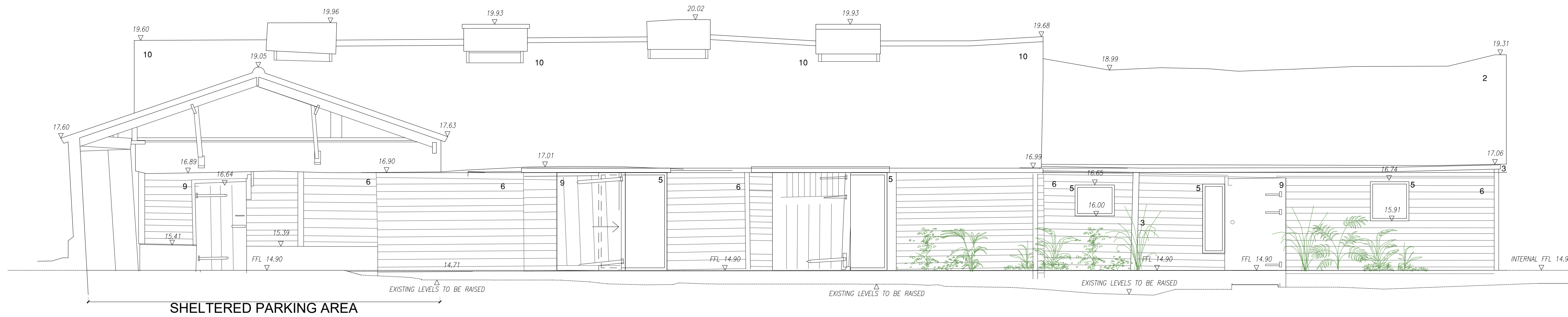
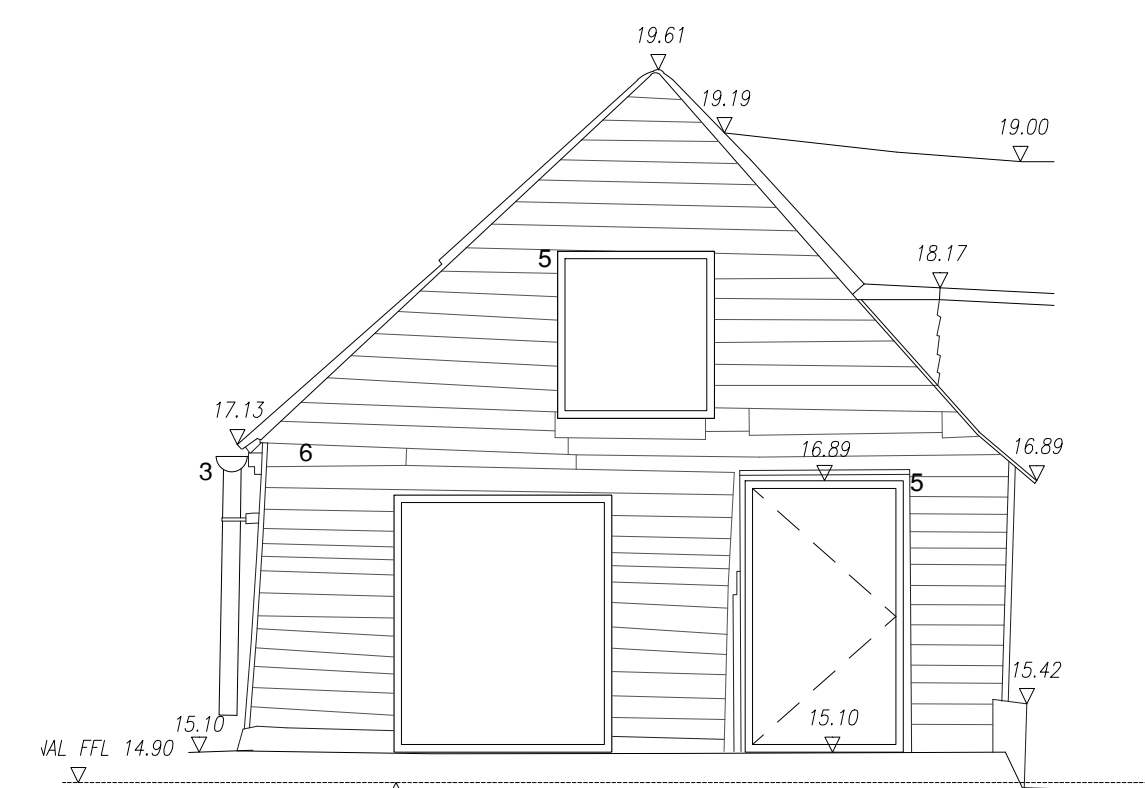
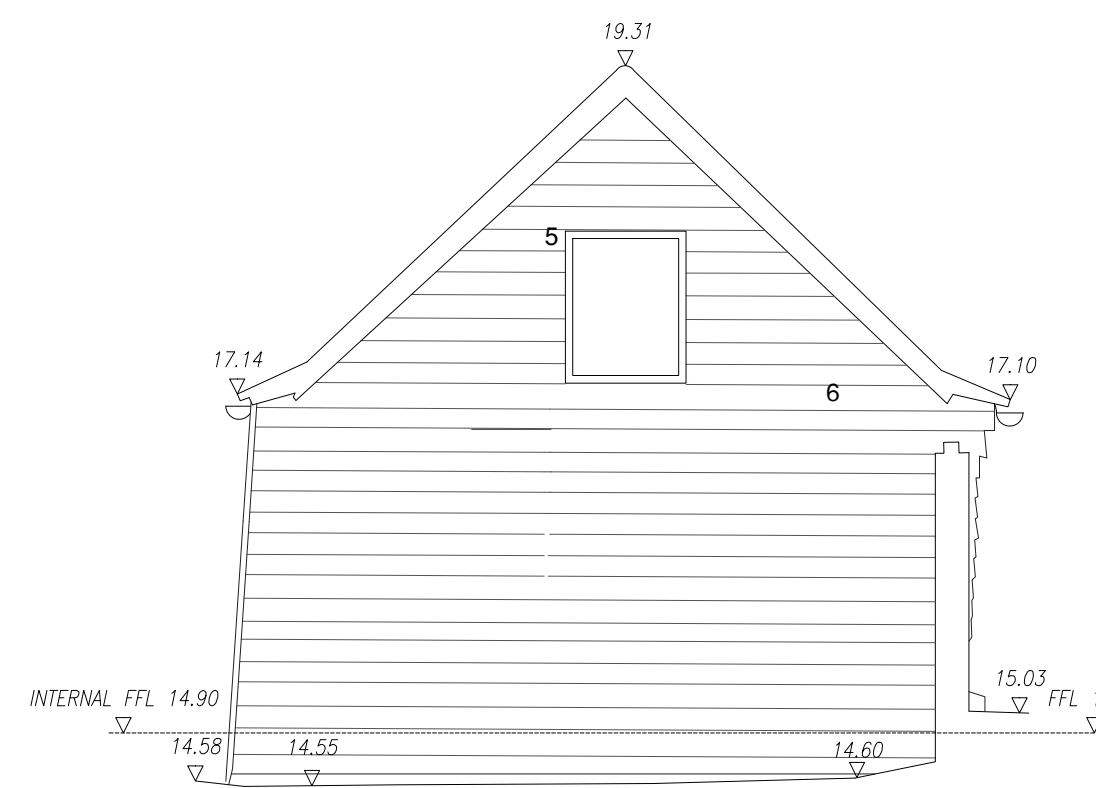
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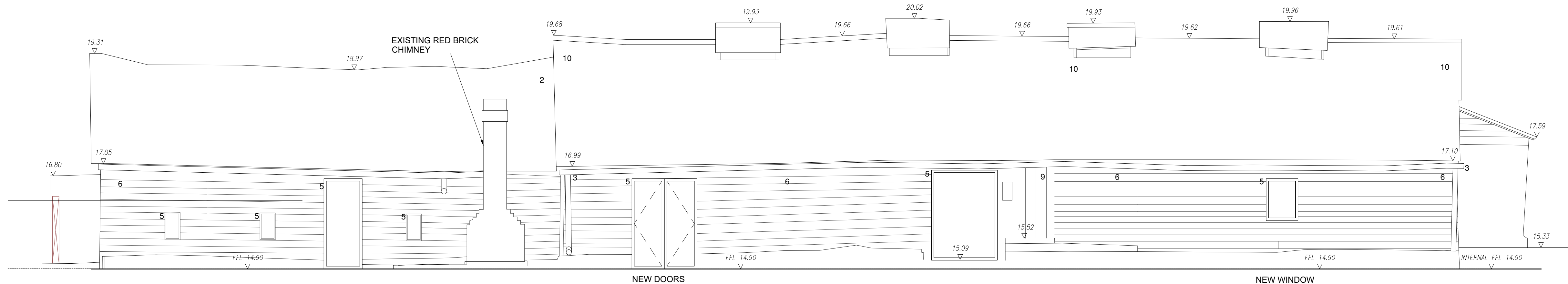
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MATERIAL KEY:

1. EXISTING RED BRICK
2. EXISTING RED TILES
3. BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
4. TIMBER LINTEL PAINTED BLACK
5. NEW TIMBER FRAMED WINDOWS AND DOORS. FRAME TO BE BLACK.
6. EXISTING BLACK PAINTED TIMBER CLADDING
7. RENDERED PLINTH PAINTED BLACK
8. TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
9. EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
10. TERRACOTTA CORRUGATED SHIET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
11. EXISTING YELLOW STOCK BRICK
12. NEW BLACK TIMBER CLADDING TO MATCH EXISTING
13. EXISTING TIMBER SHUTTER TO BE RETAINED
14. NEW BOUNDARY MESH FENCE WITH PLANTING



Proposed South Elevation (Elevation 7)



Proposed North Elevation (Elevation 5)

Proposed Elevations - Dairy 1:50



Notes:			

Rev	Comment	By	Date
F	Safe Refuge Increase	DS	30/07/2020
E	Safe Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	26/11/2019

Stage:	2 & 3 - Stage
--------	---------------

Client: DAVID DEDMAN

Project: COCKETHURST  
EASTWOODBURY LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

Drawing Title: PROPOSED ELEVATIONS - DAIRY

Drawing no: S04\_P306 Revision: F

Project no: 504-05-18 Drawn by: MM/DS

Scale: 1:50 @ A1 Chkd by: MM/MSK

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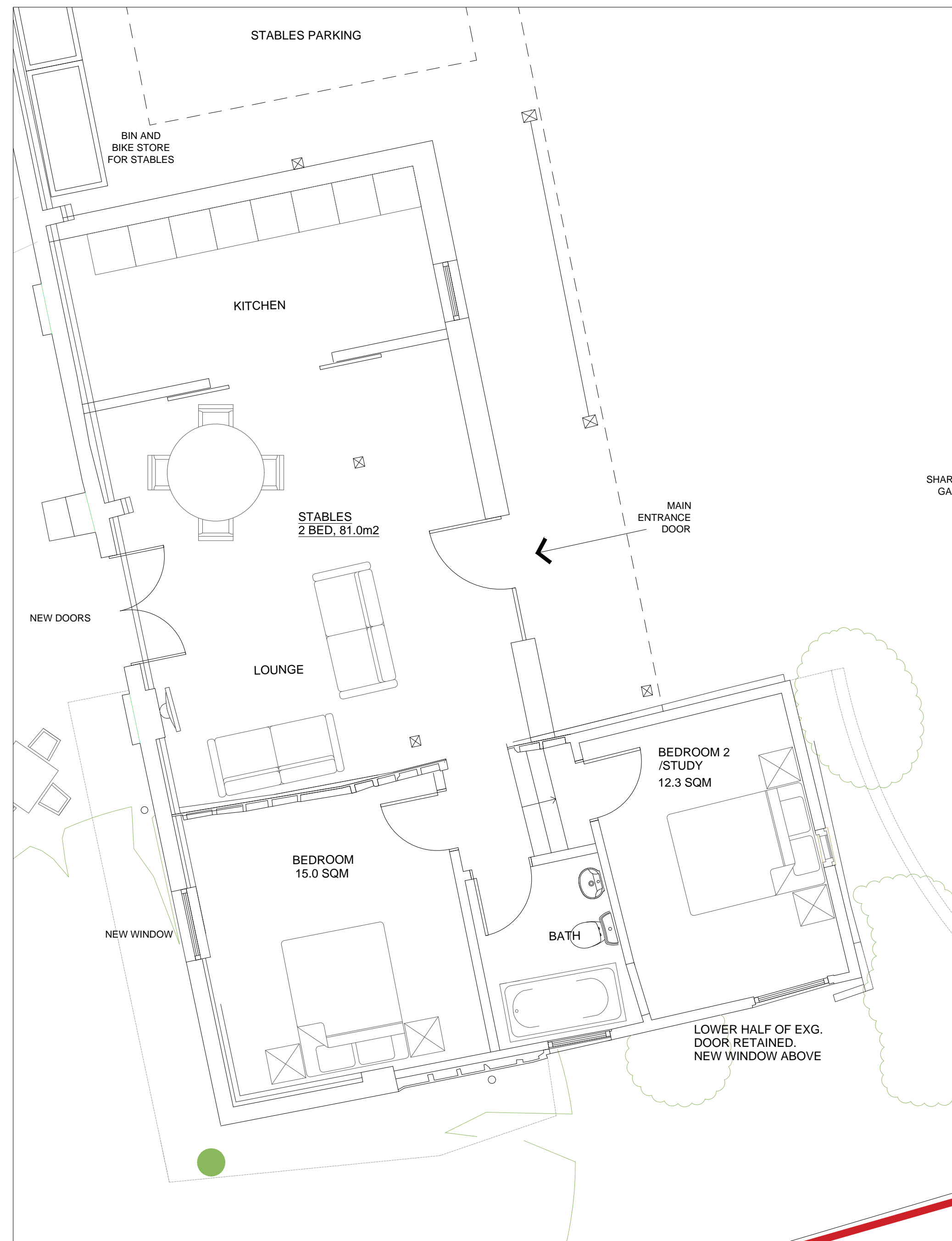




Existing Floor Plan - Stables 1:50



North



Proposed Floor Plan - Stables 1:50



North

Notes:

Rev	Comment	By	Date
F	Scale Refuge Increase	DS	30/07/2020
E	Scale Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	26/11/19

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKETHURST  
EASTWOODBURY LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

Drawing Title:  
PROPOSED PLAN - STABLES

Drawing no: 504\_P307      Revision: F

Project no: 504-05-18      Drawn by: MM/DS

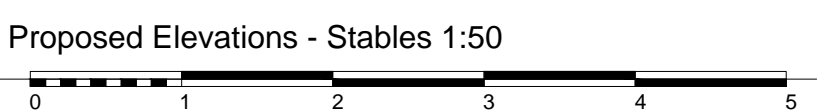
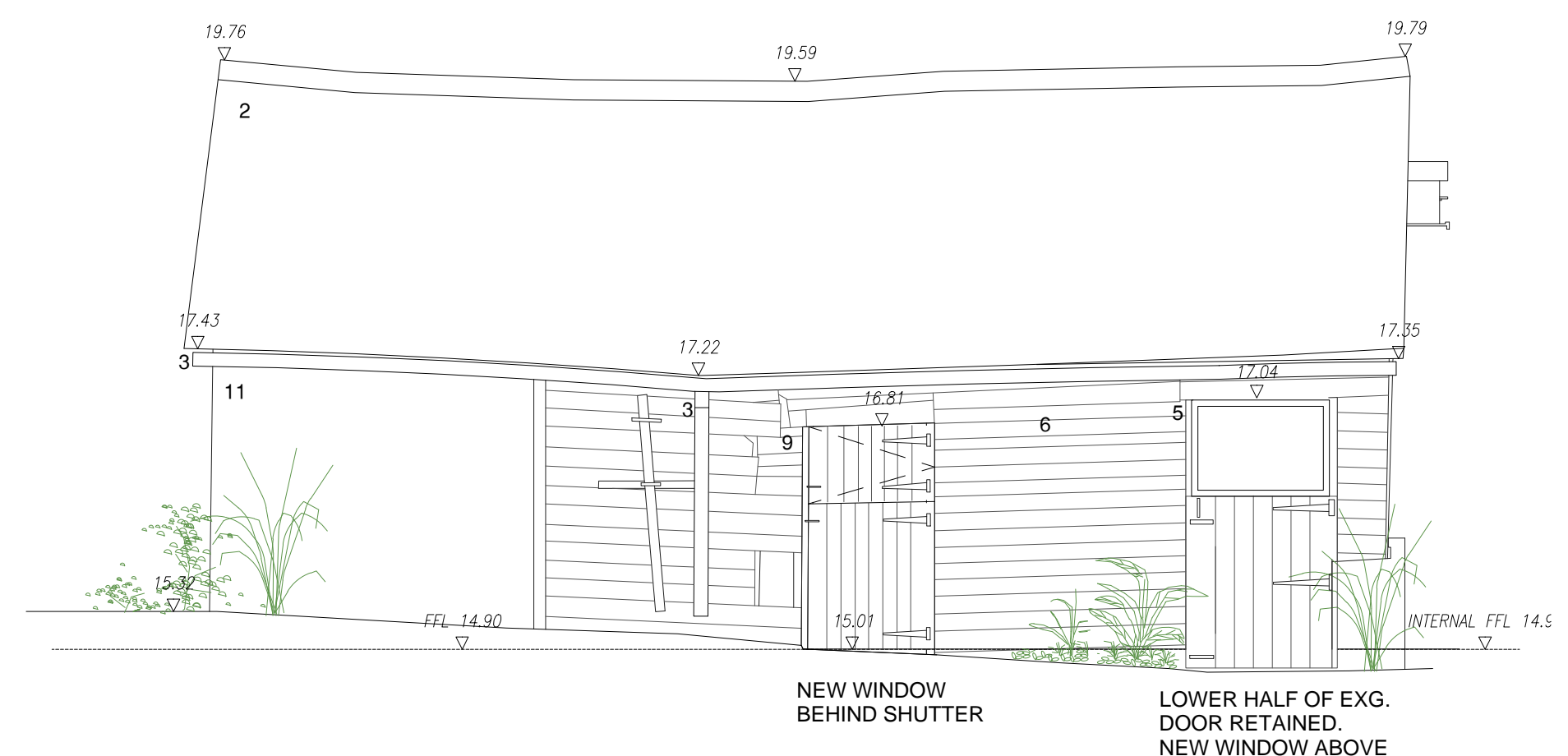
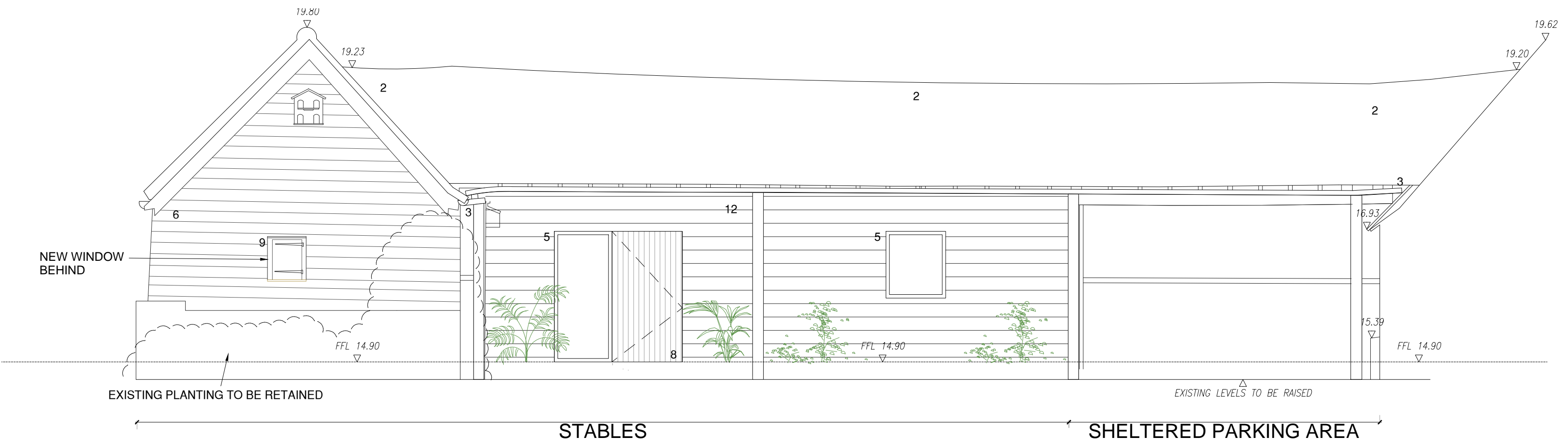
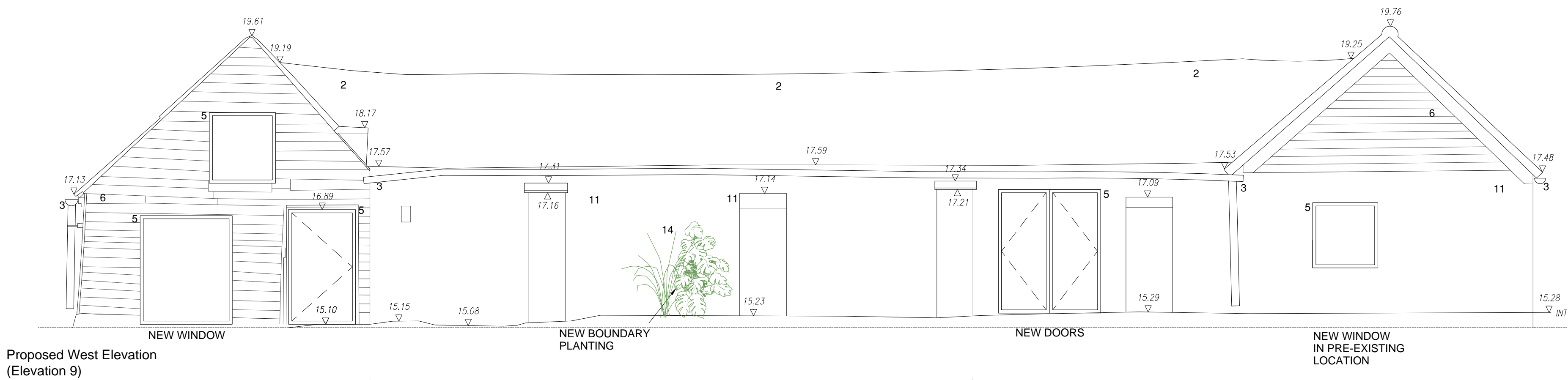
Scale: 1:50 @ A1      Chkd by: MM/MSK

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- MATERIAL KEY:
1. EXISTING RED BRICK
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  3. BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
  4. TIMBER LINTEL PAINTED BLACK
  5. NEW TIMBER FRAMED WINDOWS AND DOORS. FRAME TO BE BLACK.
  6. EXISTING BLACK PAINTED TIMBER CLADDING
  7. RENDERED PLINTH PAINTED BLACK
  8. TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
  9. EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
  10. TERRACOTTA CORRUGATED SHEET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
  11. EXISTING YELLOW STOCK BRICK
  12. NEW BLACK TIMBER CLADDING TO MATCH EXISTING
  13. EXISTING TIMBER SHUTTER TO BE MATCHED
  14. NEW BOUNDARY MESH FENCE WITH PLANTING

Notes:

Rev	Comment	By	Date
F	Scale Refuge Increase	DS	30/07/2020
E	Scale Refuge	DS	25/02/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	27/11/19

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKETHURST  
EASTWOODBURY LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

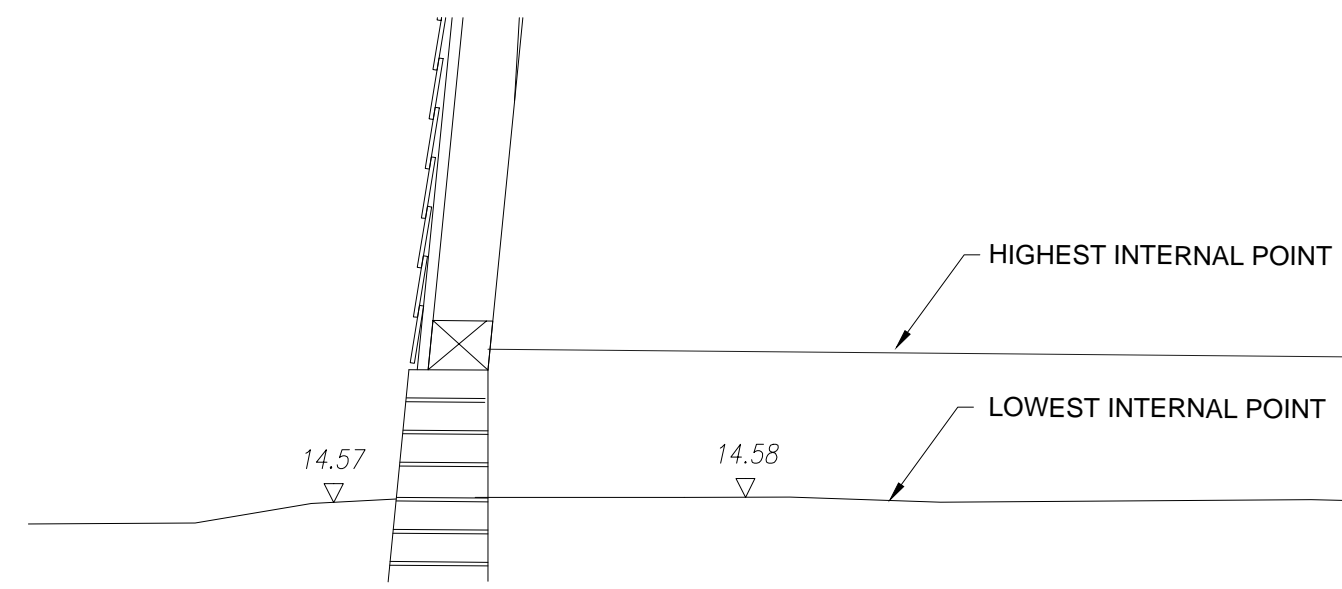
Drawing Title:  
PROPOSED ELEVATIONS - STABLES

Drawing no: 504_P308	Revision: F
Project no: 504-05-18	Drawn by: MM/DS
Scale: 1:5, 1:20, 1:50 @ A1	Chkd by: MM/MSK

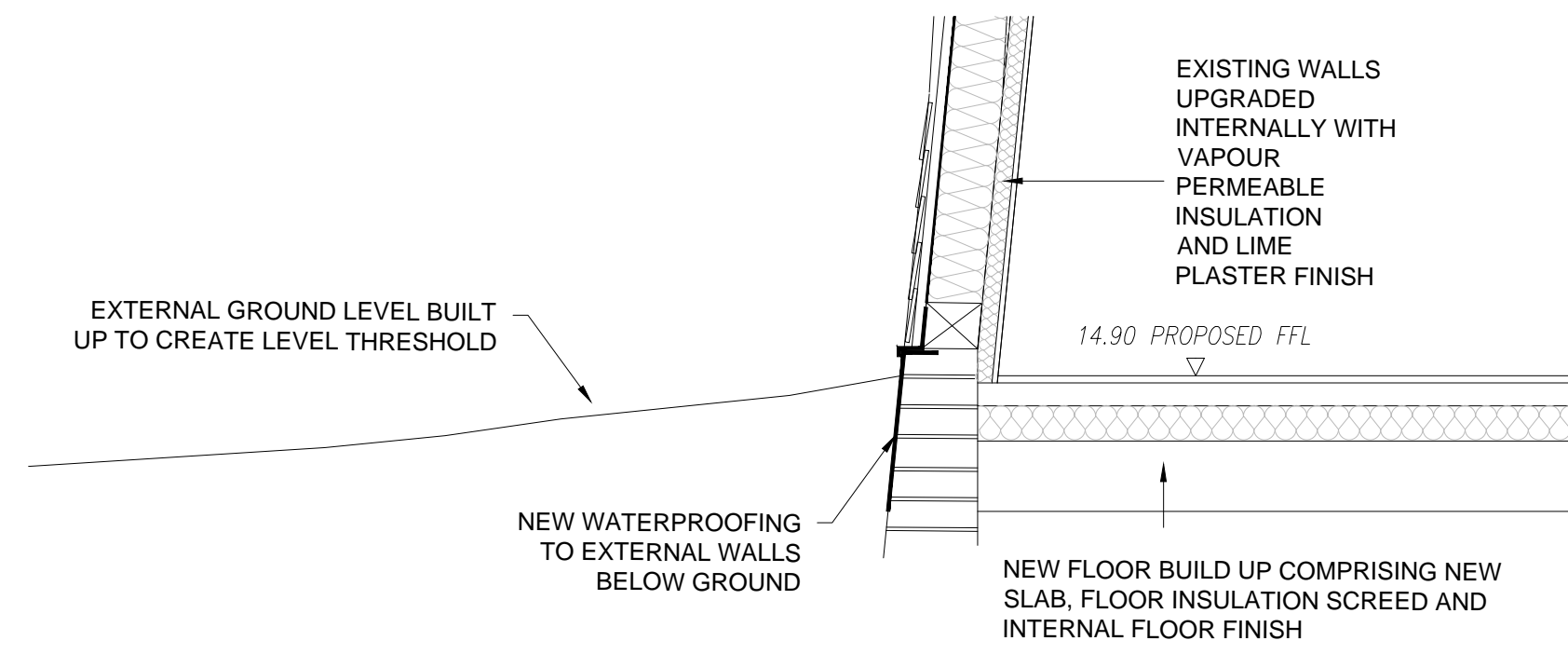
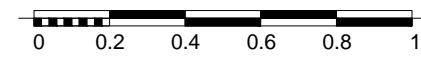
**SKARCHITECTS**  
853 855 London Road  
WardEnd-on-Sea  
SS0 9SZ  
Tel: 01702 509250  
Email: info@skarchitects.co.uk

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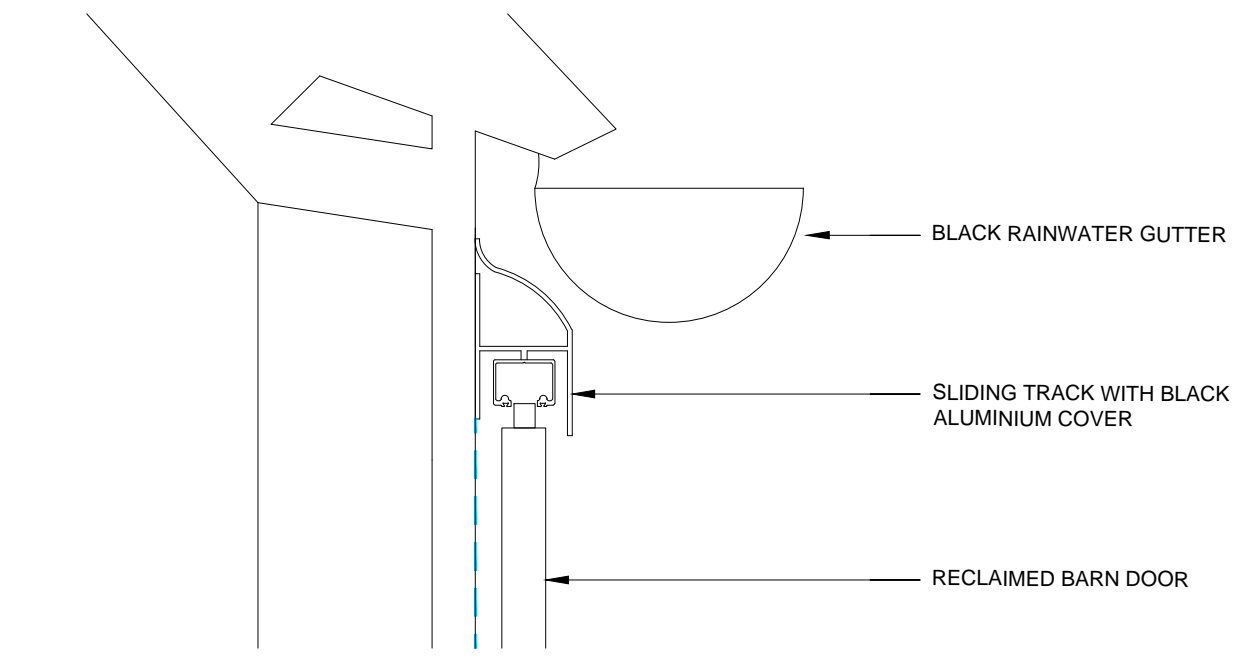
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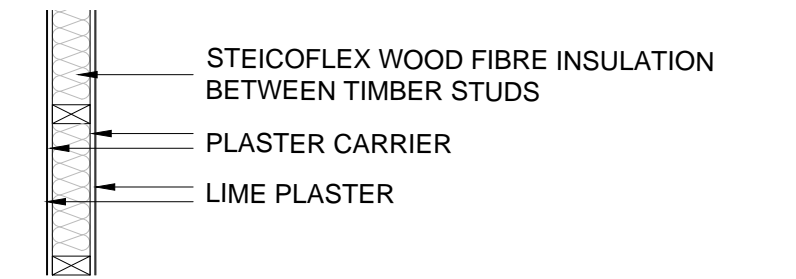
Existing Floor Detail 1:20



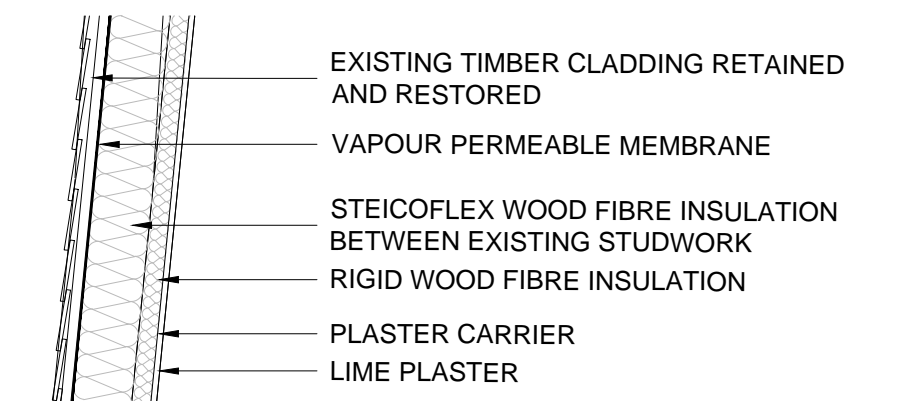
Proposed Floor Detail 1:20



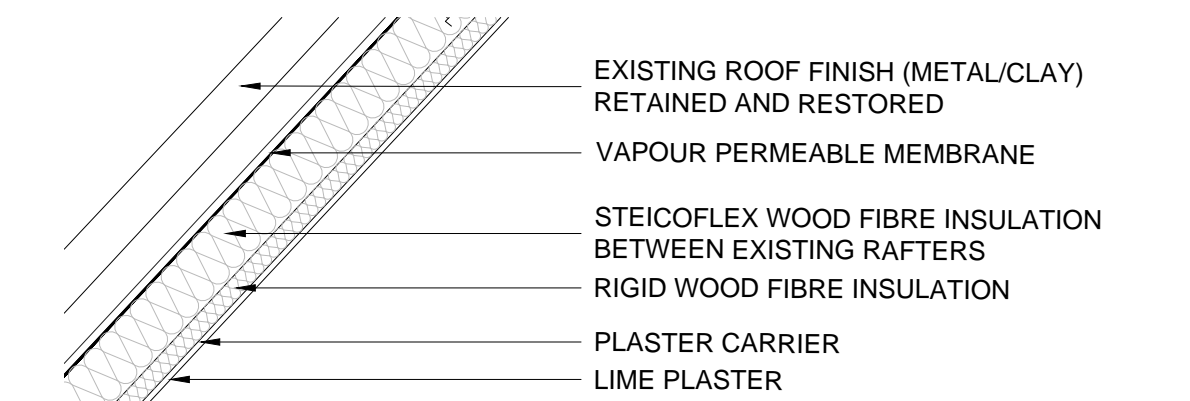
Proposed Sliding Shutter Detail 1:5



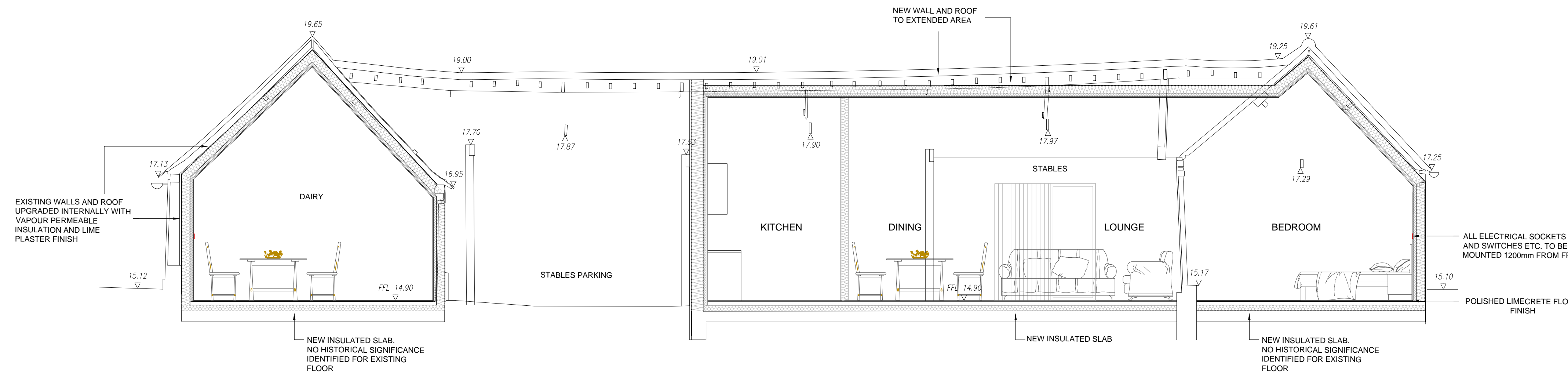
Standard Internal Wall Detail 1:20



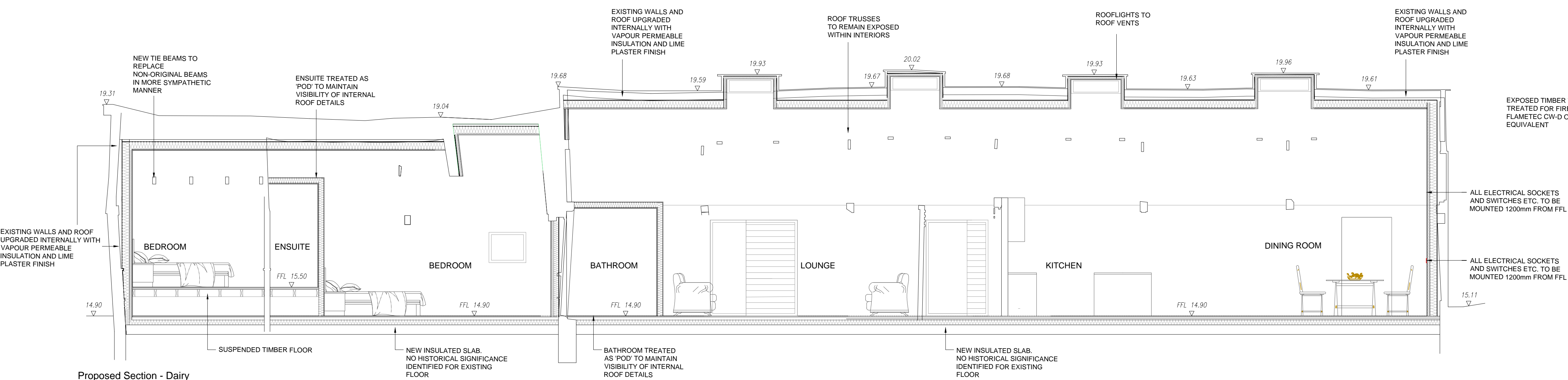
Standard External Wall Detail 1:20



Standard Roof Detail 1:20



Proposed Section - Dairy and Stables



Proposed Section - Dairy

Proposed Sections 1:50



Notes:			
---			

Rev	Comment	By	Date
F	Scale Refuge Increase	DS	30/07/2020
E	Scale Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020
-	PRODUCTION OF DRAWING	DS	27/11/19

Stage:	2 & 3 - Stage
--------	---------------

Client:	DAVID DEDMAN
---------	--------------

Project:	COCKETHURST EASTWOODBURY LANE SOUTH ON SEA SS2 6UE ESSEX
----------	---

Drawing Title:	PROPOSED SECTIONS
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Drawing no:	504_P309	Revision:	F
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Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:5, 1:20, 1:50 @ A1	Chkd by:	MM/MSK

**SKARCHITECTS**  
853-855 London Road  
WardOffon Sea  
SS0 9SZ  
Tel: 01702 509250  
Email: info@skarchitects.co.uk

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DEMOLITION  
ALTERATION



187

Proposed Alteration Plan 1:100



Notes:

Rev	Comment	By	Date
-	PRODUCTION OF DRAWING	DS	25/11/2019
A	Layout alterations	DS	21/01/2020
B	Layout alterations	DS	30/11/2020
C	Planning Amendments	DS	06/02/2020
D	Planning Amendments	DS	01/06/2020
E	Safe Refuge	DS	25/02/2020
F	Safe Refuge Increase	DS	30/07/2020

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKETHURST  
CASTWOODBURY LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

Drawing Title:  
PROPOSED ALTERATIONS PLAN

Drawing no:	504_P310	Revision:	F
Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:100 @ A1	Chkd by:	MM/MSK

**SKARCHITECTS**  
853 London Road  
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- AREAS CURRENTLY BELOW 14.90 AOD TO BE RAISED TO 14.90 AOD
- SAFE REFUGE AREAS TO BE RAISED TO 15.50 AOD AND BE EQUIPPED WITH AN EMERGENCY FLOOD KIT
- TEMPORARY FLOODGATE BARRIERS TO BE USED IN THE EVENT OF A FLOOD/FLOOD WARNING  
BARRIER IS FULLY TEMPORARY AND DOES NOT REQUIRE ANY PERMANENT FIXINGS



189

Proposed Plan - Flood Defenses and Safe Refuge Areas 1:100



Rev	Comment	By	Date
F	Safe Refuge Increase	DS	30/07/2020
E	Safe Refuge	DS	25/06/2020
D	Planning Amendments	DS	01/06/2020
C	Planning Issue	DS	19/02/2020
B	Layout alterations	DS	30/01/2020
A	Layout alterations	DS	21/01/2020

Stage:  
2 & 3 - Stage

Client:  
DAVID DEDMAN

Project:  
COCKTHURST  
EASTWOODBURY LANE  
SOUTHEND ON SEA SS2 6UE  
ESSEX

Drawing Title:  
PROPOSED FLOOD DEFENSES

Drawing no: 504_P311	Revision: F
Project no: 504-05-18	Drawn by: MM/DS
Scale: 1:100 @ A1	Chkd by: MM/MSK

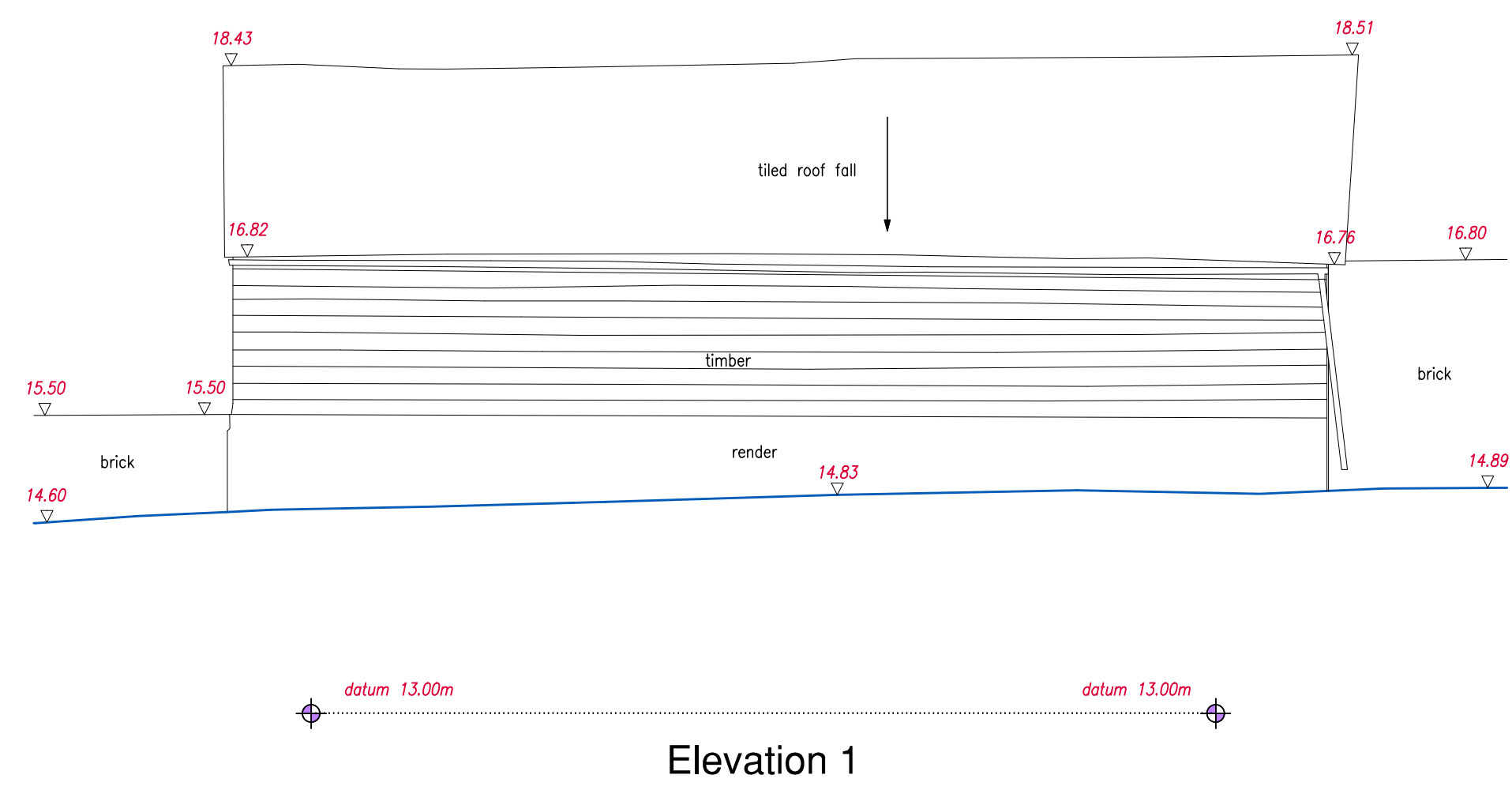
**SKARCHITECTS**  
85-85 London Road  
WardOff on Sea  
SS0 9SZ  
Tel: 01702 509250  
Email: info@skarchitects.co.uk

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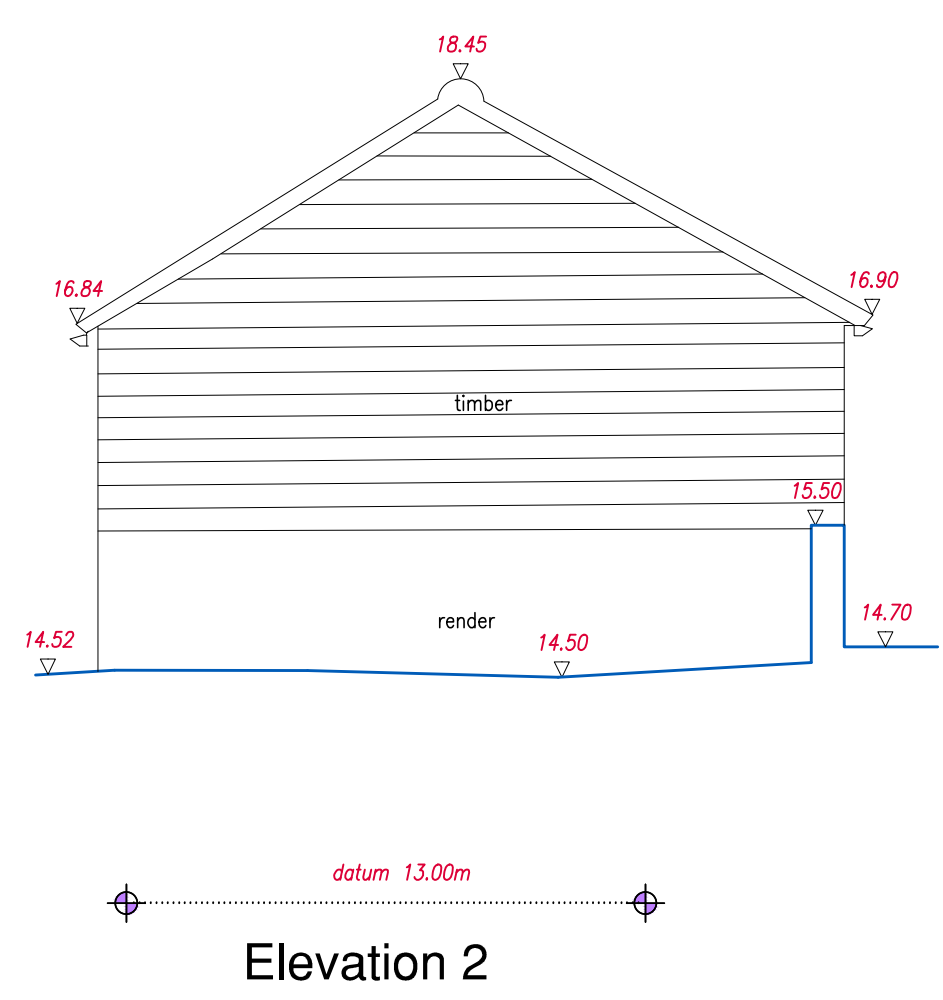
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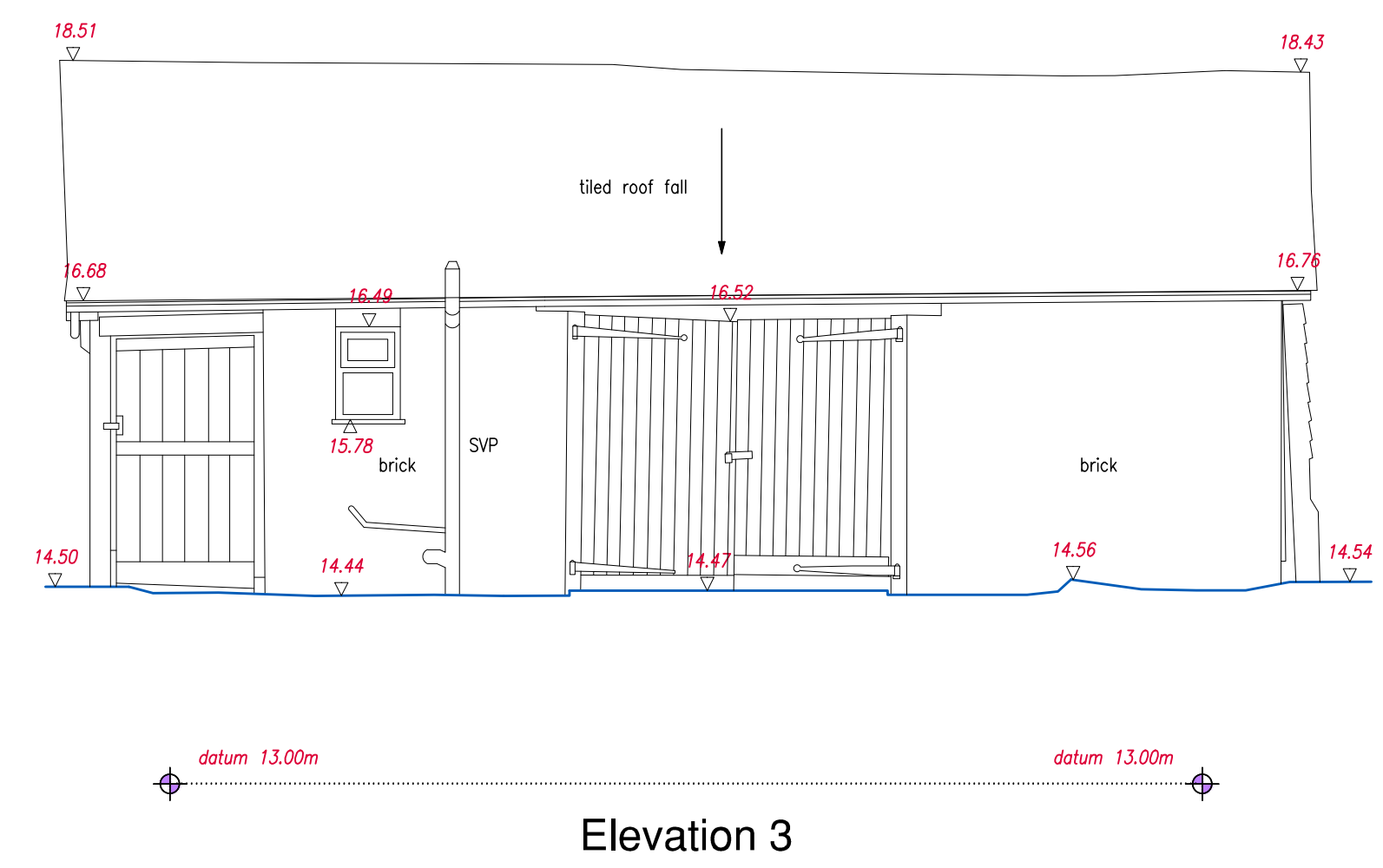
Abbreviations		Abbreviations	
AB	Air Brick	IR	Iron Railings
AV	Air Valve	JB	Junction Box
BB	Belted Beason	KD	Kitch Counter
BGP	Break Glass Point	LB	Liter Bin
BR	Brick	LP	Lamp Post
BD	Bed	LW	Light Well
BS	Bus Stop	MH	Manhole
BT	British Telecom cover	MK	Marker
C	Floor to Ceiling height	MT	Miter
CB	Close Board	MY	Masonry
CL	Cover Level	OH	Overhead
CL	Chain Link	PA	Parking Meter
CO	Column	PS	Post Box
CONC	Concrete	PR	Post & Rail
CP	Cash PL	PT	Post
CPL	Coping Level	RV	Post & Wire
CPS	Concrete Paving Slabs	RE	Retaining
CTV	Cable Television Cover	RET	Retaining
DK	Drop Keel	RIS	Road Sign
DH	Door Height	RSS	Roller Steel Stair
EP	Electric Pipe	RSS	Roller Steel Stair
ER	Earthing Rod	RSS	Roller Steel Stair
FB	Flower Bed	SC	Shed
FC	Fair Ceiling	SC	Shed
FE	Fire Escape	SC	Shed
FI	Fire Hydrant	SC	Shed
FH	Fire Hose Reel	SC	Shed
FL	Floor Level	TK	Telephone Call Box
FP	Fog Pole	TB	Temp. Bench Mark
GU	Gas Valve	TR	Telephone Pole
GV	Gas Valve	TL	Traffic Light
H	Cell to Head Height	U	Unable To Lift
HT	Height	V	Vent
IC	Insulation Cover	VP	Water Meter
IL	Invert Level	WP	Water Pipe
		WV	Water Stop Dock
		WV	Water Valve



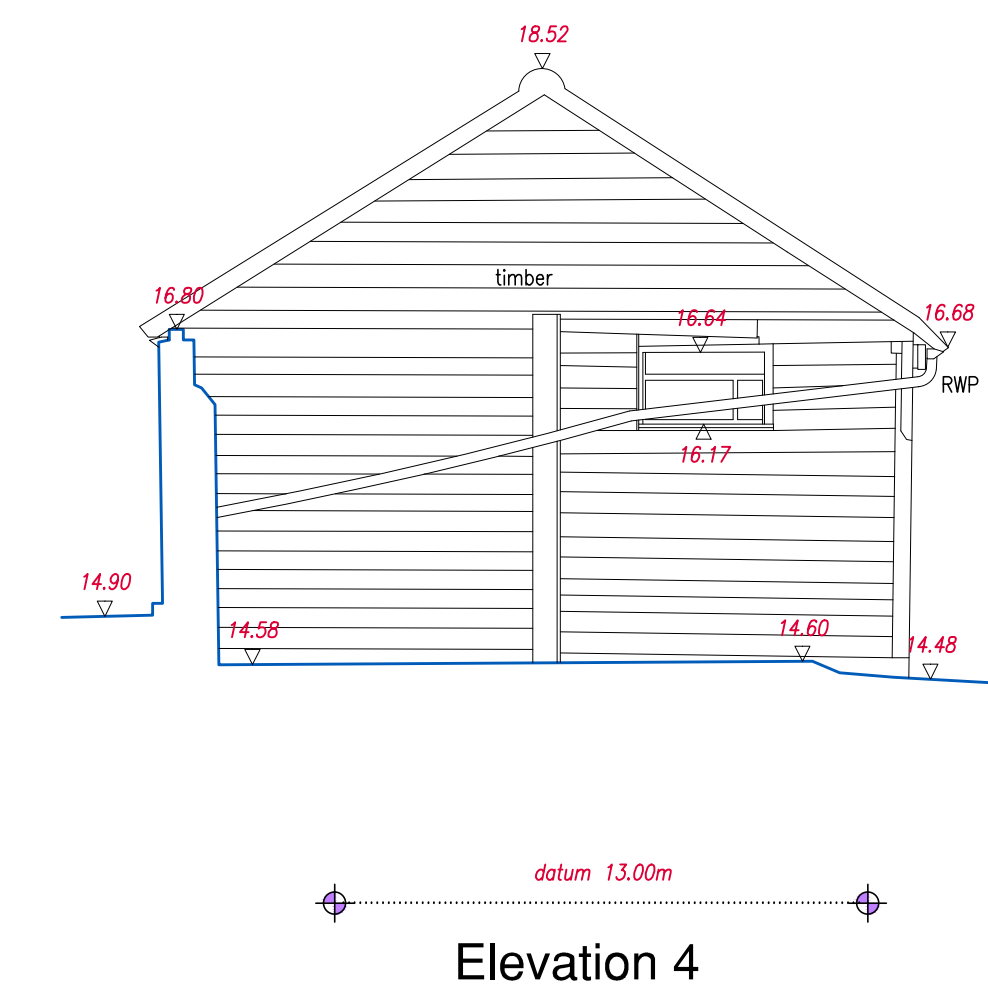
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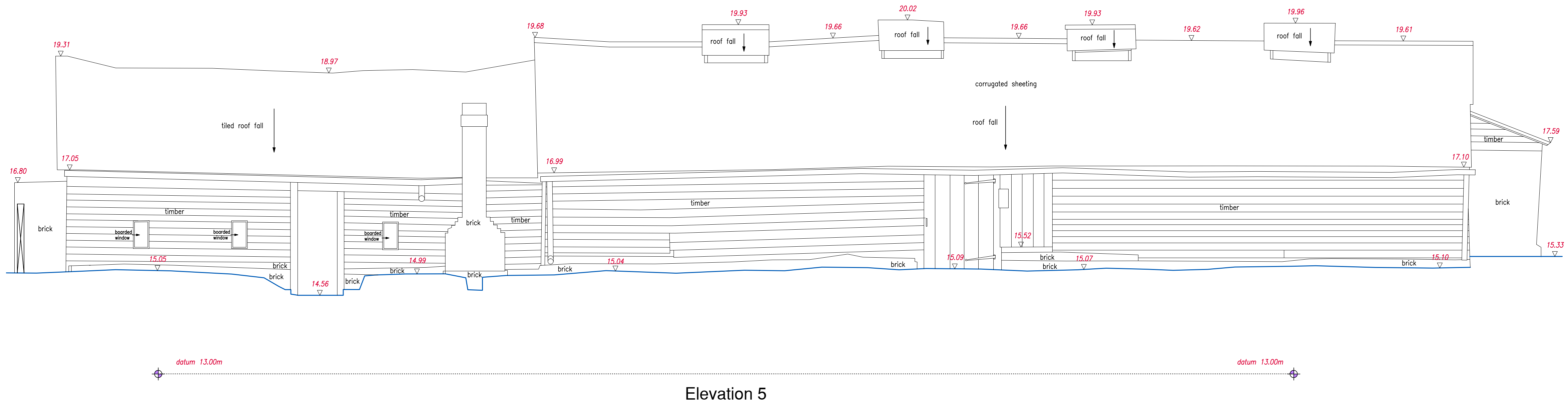
Elevation 2



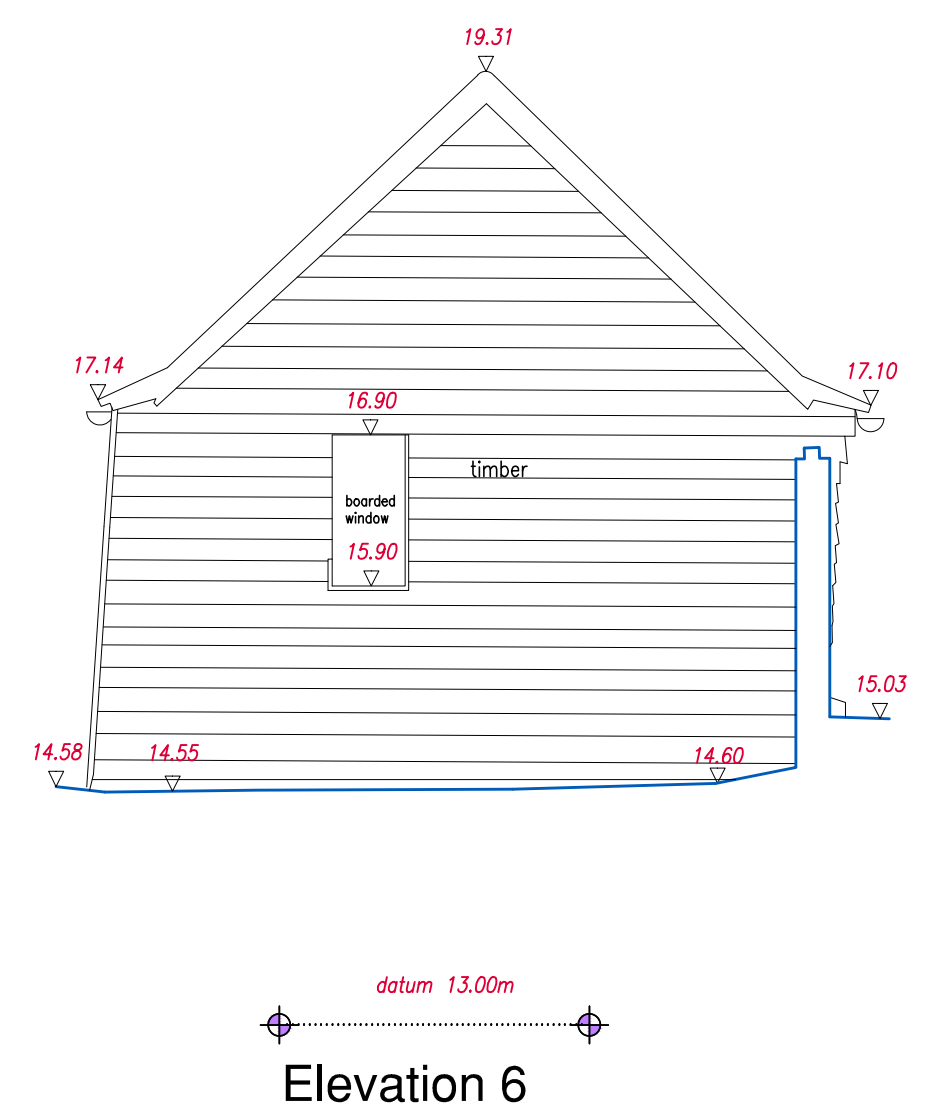
Elevation 3



Elevation 4



Elevation 5



Elevation 6

Notes	
Ceiling Height	Arch
Level	Radiator
Floor Level	Station
Ceiling Level	Hedge
Suffit Level	Sleep slope
False Ceiling Level	Fence
Floor to cill height	Foul pipe
Cill to head height	Water Meter
Door height	Water Stop Dock
	Water Valve

Survey Coordinates and Grid	
Arbitrary	Arbitrary but related to building line
Arbitrary	Arbitrary but approx. related to North
Best fit to an Ordnance Survey Digital Sheet	Related to the Ordnance Survey National Grid

Levels	
Please note that the levels shown on this drawing are as follows:	
Arbitrary and related to a temporary bench mark	Related to an Ordnance Survey Bench Mark
Related to the Ordnance Survey National GPS Network	Level positions are indicated by a cross or the decimal point
Bench Mark	
Type	Ordnance Survey
Position	N/A
Value	N/A

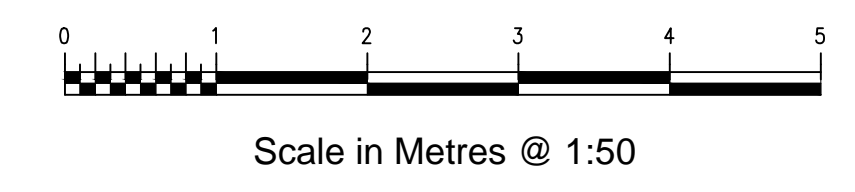
**Trees**  
All trees sizes are approximate and should be checked on site before using information. Where guaranteed tree species become important the services of a tree expert should be employed.

**Drainage**  
Where drainage covers have been fitted data has been recorded for each individual manhole from the surface and connections to other manholes, pipes or gullies are assumed. Where information is required by accessing the manholes or tracing to other manholes then a services trace will be needed.

Revision		Date	By

**CADPLAN**  
PRECISION MEASUREMENTS  
Land Surveys - Measured Building Surveys - 3D Laser Scanning  
Utility Surveys - Lease Plans - 3D Models - Rights of Light Surveys  
Cob Tree House Osbury Lane Ighiteam Kent TN15 9DA  
Tel: 01732 489100 Fax: 01732 489101 E: post@cadplan.co.uk

Client David Dedman			
Project Cockethurst Eastwoodbury Lane Southend on Sea SS2 6UE			
Drawing Title Elevations 1 to 6			
Sheet/Scale A0@1:50	Date 11/04/18	Drawn W.K.D.	Checked C.S.D.
Project No. 10186	Drawing No. 02	Preliminary	Revision



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Abbreviations		Abbreviations	
AB	As Brick	IR	Iron Railings
AV	Air Valve	JB	Junction Box
BS	Belted Beason	KD	Knob Closet
BGP	Break Glass Point	LB	Liter Bin
BR	Brick	LP	Lamp Post
BD	Board	LW	Light Well
BS	Bus Stop	MH	Manhole
BT	British Telecom cover	MK	Marker
C	Floor to ceiling height	MT	Miter
CB	Close Board	MY	Mercury
CL	Cover Level	OH	Overhead
CL	Chain Link	PM	Parking Meter
CO	Column	PS	Post Box
CONC	Concrete	PR	Post & Rail
CP	Cash PL	PT	Post
CPL	Coping Level	PW	Post & Wire
CPS	Concrete Paving Slabs	RE	Roadside Eye
CTV	Cable Television Cover	RET	Retaining
DK	Drop Keel	RIS	Road Sign
DH	Door Height	RSS	Roofed Steel Staircase
EP	Electric Pipe	RSD	Roofed Steel Stair
ER	Earthing Rod	RSP	Ran Water Pipe
FB	Flower Bed	SC	Step Cook
FC	Fine Ceiling	SP	Sol Vent Pipe
FE	Fine Escalator	TBB	Telephone Call Box
FI	Fire Hydrant	TBM	Temp. Bench Mark
FH	Fire Hose Reel	TP	Telephone Pole
FL	Floor Level	TL	Traffic Light
FP	Flag Pole	TK	Tank
GU	Guyl	UTL	Unable To Lift
GV	Gas Valve	V	Vent
H	Chl to Head Height	VP	Vert Pipe
HT	Height	WM	Water Meter
IC	Inspection Cover	WP	Water Pipe
IL	Invert Level	WVC	Water Stop Dock
		WV	Water Valve

Notes	
Roof Height	Asch
Level	+20.00 Radiator
Floor Level	+20.00 FL Station
Ceiling Level	+20.00 CL Hedge
Suile Level	+20.00 SL Sleep slope
False Ceiling Level	+20.00 FCL
Floor to cill height	c-1234 Fence
Cill to head height	h-1234 Foul pipe
Door height	DH: 2000 Storm pipe

Survey Coordinates and Grid	
<input type="checkbox"/>	Arbitrary
<input type="checkbox"/>	Arbitrary but related to building line
<input type="checkbox"/>	Arbitrary but approx. related to North
<input type="checkbox"/>	Best fit to an Ordnance Survey Digital Sheet
<input type="checkbox"/>	Related to the Ordnance Survey National Grid

Levels	
Please note that the levels shown on this drawing are as follows:	
<input type="checkbox"/>	Arbitrary and related to a temporary bench mark
<input type="checkbox"/>	Related to an Ordnance Survey Bench Mark
<input type="checkbox"/>	Related to the Ordnance Survey National GPS Network
Level positions are indicated by a cross or the decimal point	
Bench Mark	
Type	Ordnance Survey
Position	N/A
Value	N/A

Trees	
All trees sizes are approximate and should be checked on site before using information. Where guaranteed tree species become important the services of a tree expert should be employed	
Notation - diameter of trunk / Height / Spread	

Drainage	
Where drainage covers have been fitted data has been recorded for each individual manhole from the surface and connections to other manholes, pipes or gullies are assumed. Where information is required by accessing the manhole or tracing to other manholes then a services trace will be needed.	

Notes

Revision	Date	By

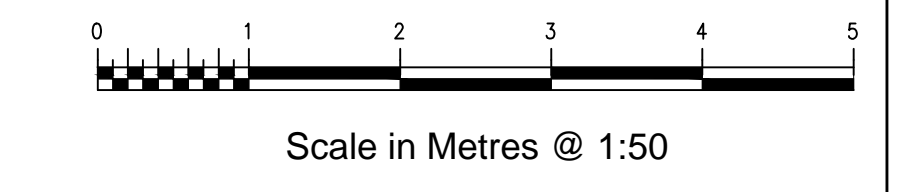
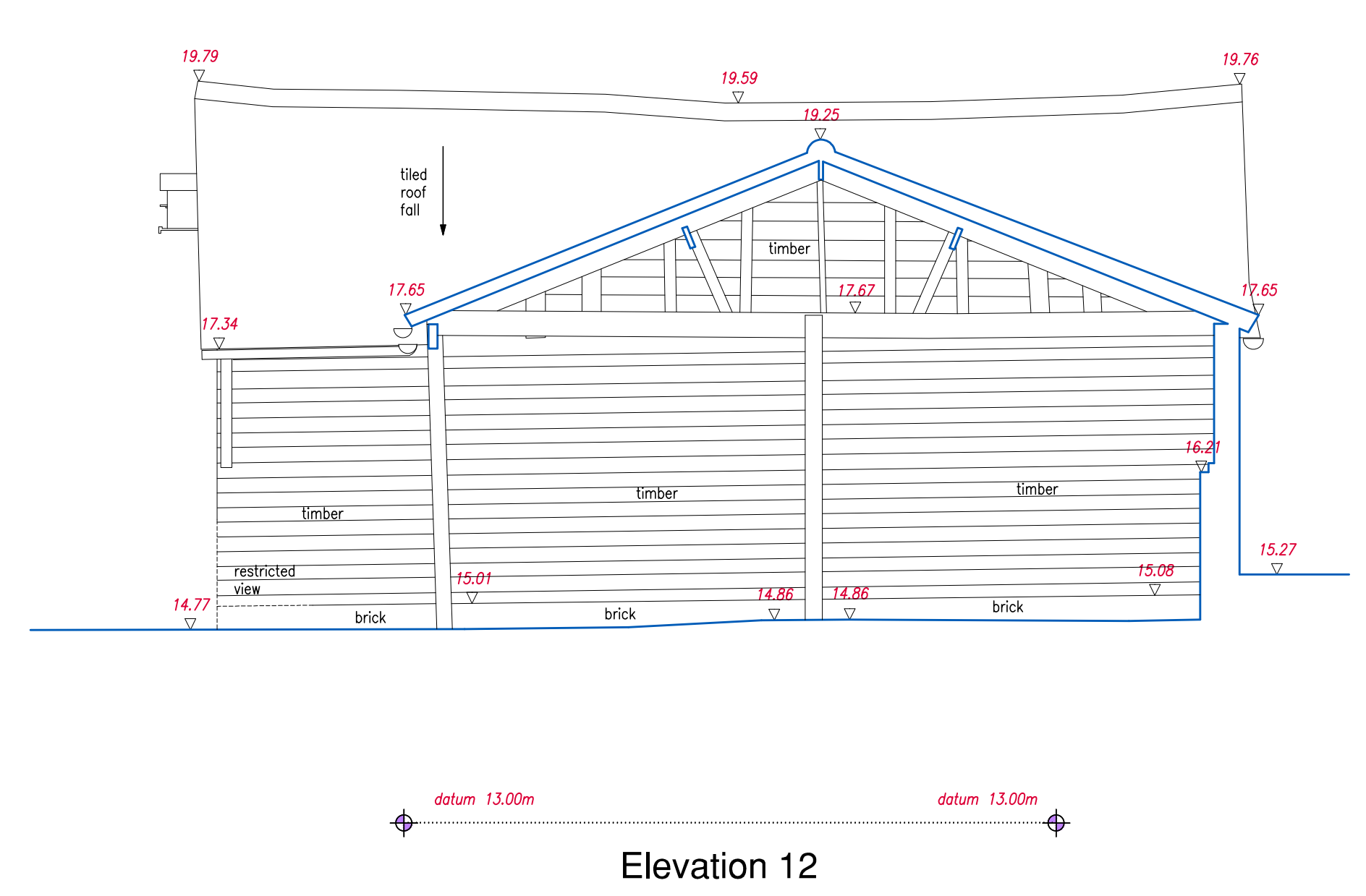
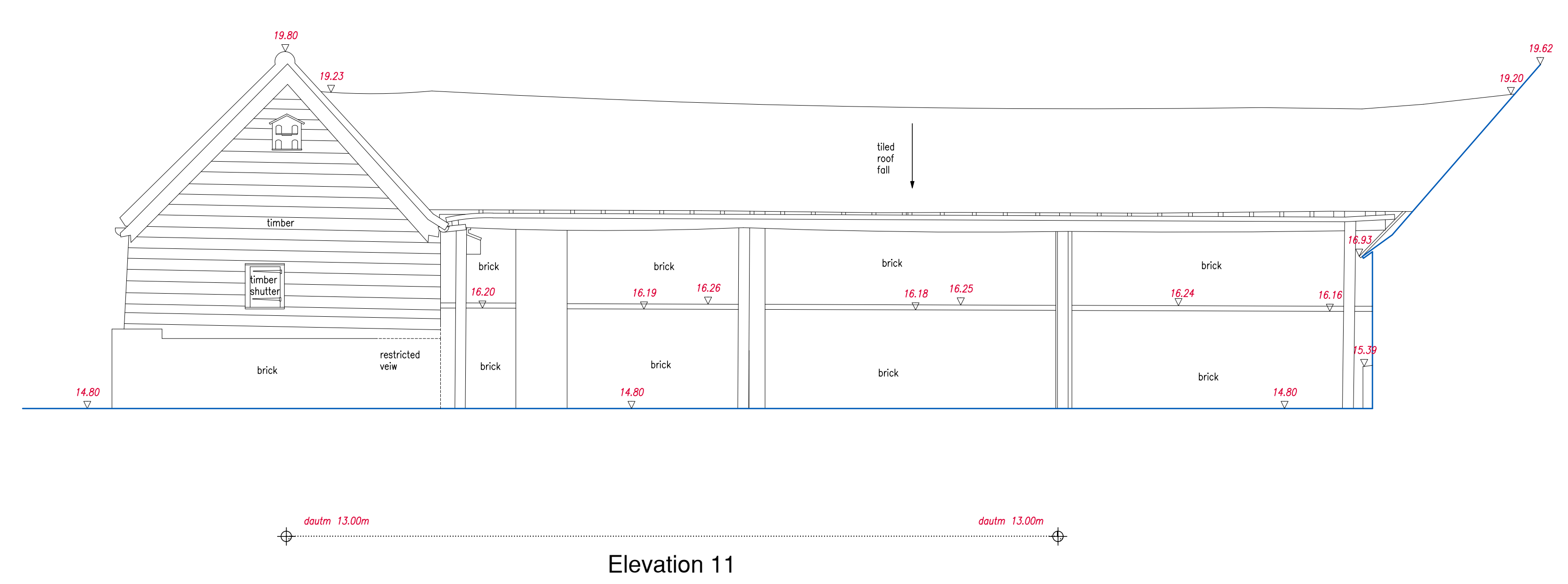
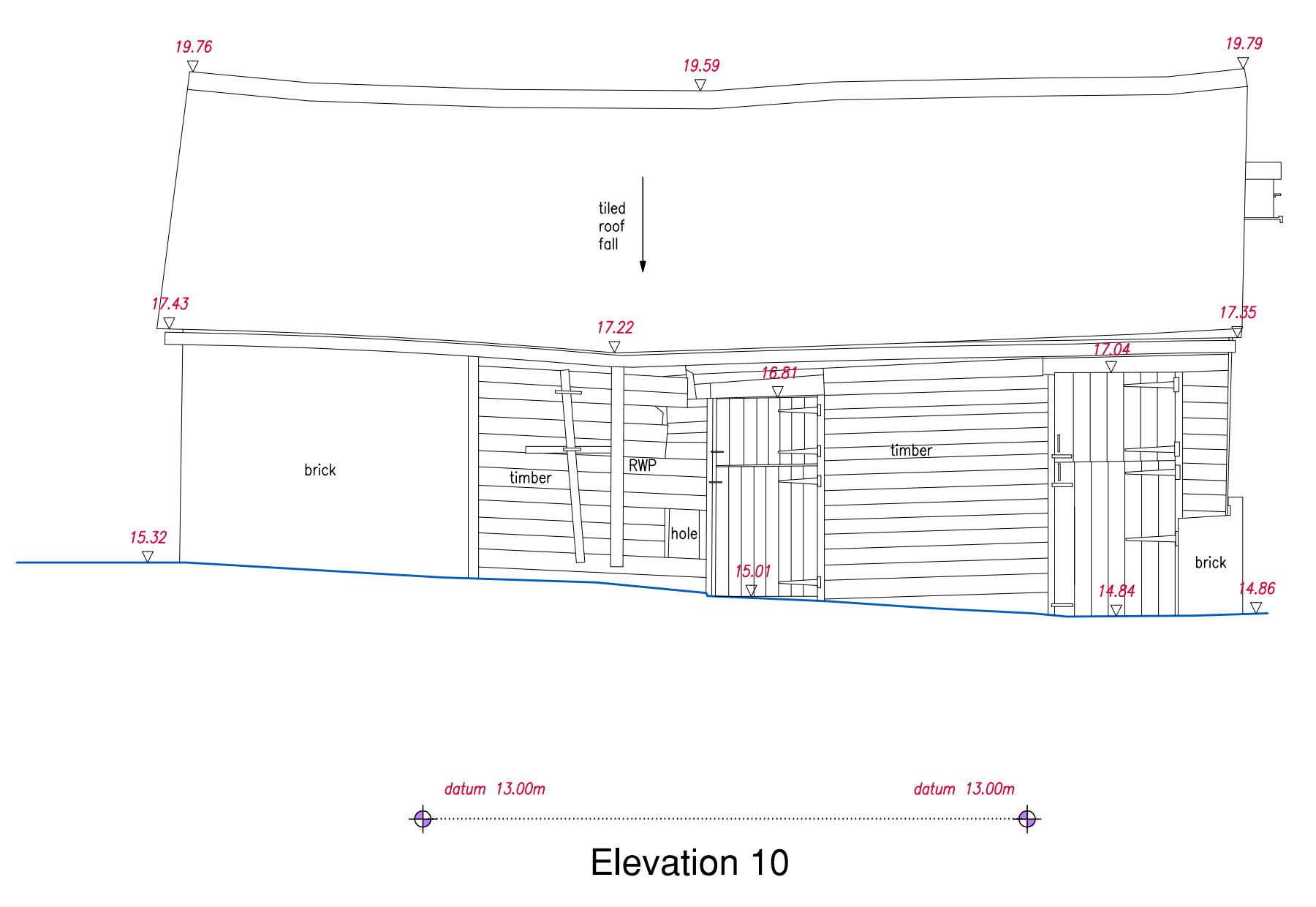
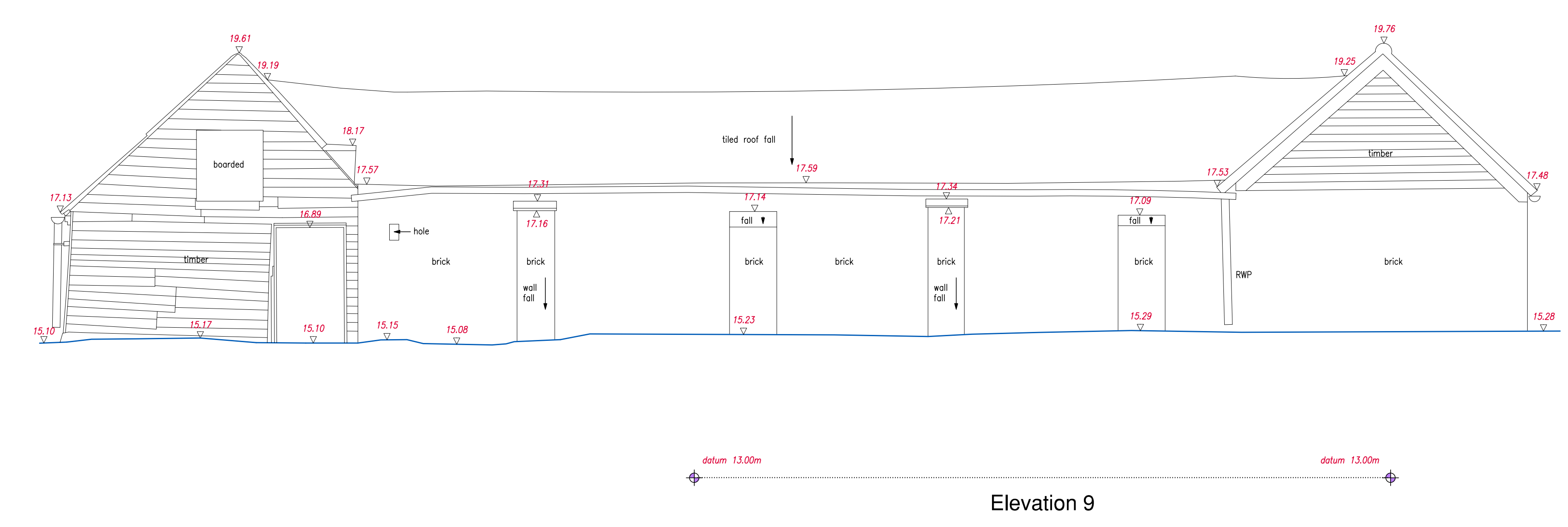
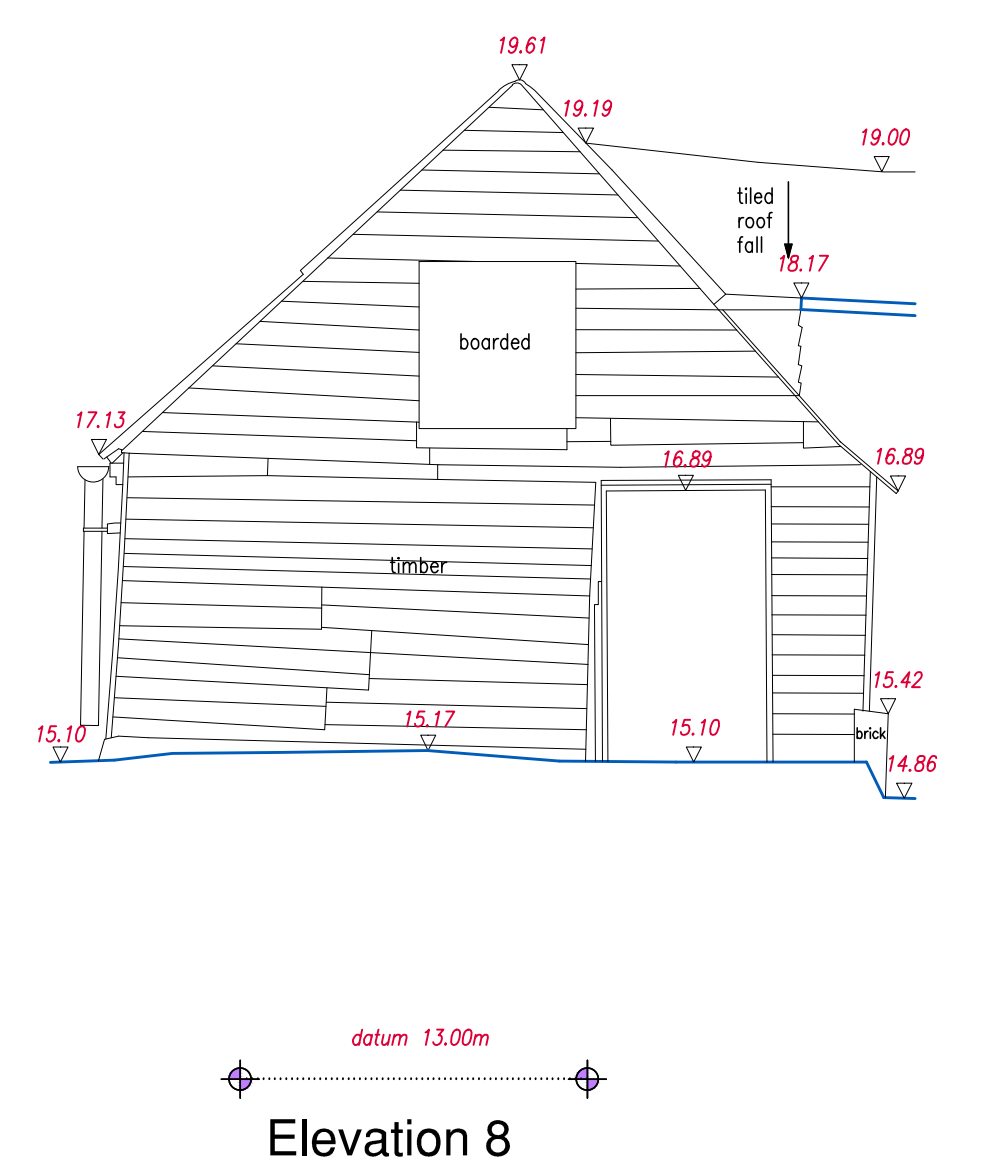
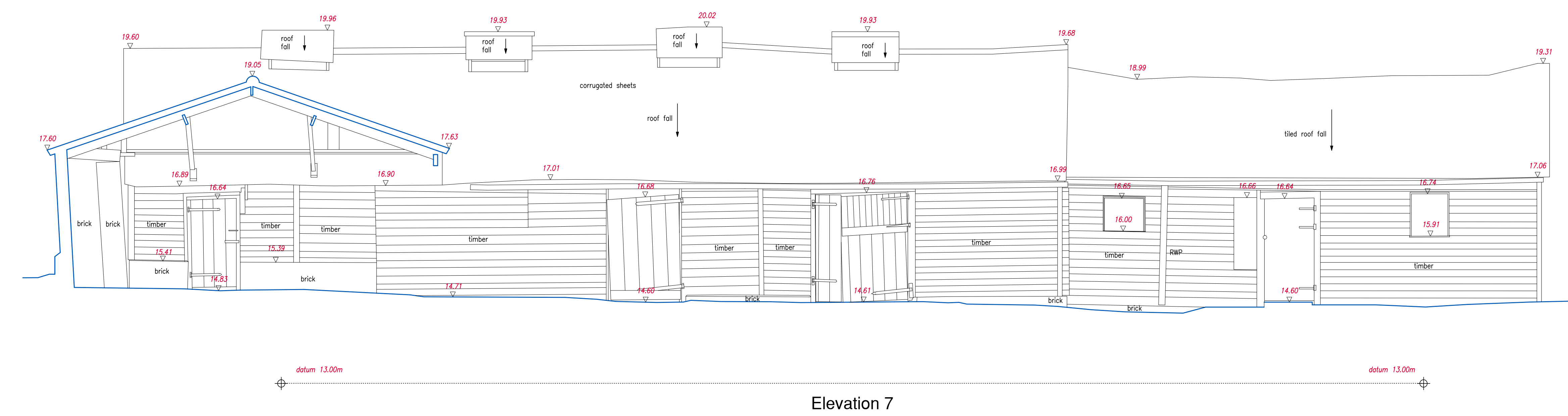
**CADPLAN**  
PRECISION MEASUREMENTS  
Land Surveys - Measured Building Surveys - 3D Laser Scanning  
Utility Surveys - Lease Plans - 3D Models - Rights of Light Surveys  
Cob Tree House Osbury Lane Ighiteam Kent TN15 9DA  
Tel: 01732 489100 Fax: 01732 489101 E: post@cadplan.co.uk

Client  
**David Dedman**

Project  
**Cockethurst  
Eastwoodbury Lane  
Southend on Sea  
SS2 6UE**

Drawing Title  
**Elevations 7 to 12**

Sheet/Scale	Date	Drawn	Checked
A0@1:50	11/04/18	W.K.D.	C.S.D.
Project No.	Drawing No.	Preliminary	Revision
10186	03		



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Abbreviations	
AB	As Built
AV	As Valve
BS	Belted Beacon
BGP	Break Glass Point
BK	Block
BD	Bolard
BS	Bus Stop
BT	British Telecom cover
C	Floor to ceiling height
CB	Close Board
CL	Cover Level
CL	Chain Link
CO	Column
CONC	Concrete
CPL	Coping Level
CPS	Concrete Paving Slabs
CTV	Cable Television Cover
DK	Drop Keel
DH	Door Height
EP	Electric Pipe
ER	Earthing Rod
FR	Flower Bed
FC	False Ceiling
FE	Fire Escape
FH	Fire Hydrant
FHR	Fire Hose Reel
FL	Floor Level
FP	Flag Pole
GU	Gate Post
GV	Gas Valve
H	Chl to head height
HT	Height
IC	Insulation Cover
IL	Invert Level
IR	Iron Railings
JB	Junction Box
KO	Knock Out
LB	Liter Bin
LP	Lamp Post
LW	Light Well
MH	Manhole
MK	Marker
MT	Mercury
OH	Overhead
PM	Parking Meter
PS	Post Box
PR	Post & Rail
PT	Post
PIW	Post & Wire
RE	Roadside Eye
RET	Retaining
RSE	Road Sign
RSS	Roled Steel Station
RSSJ	Roled Steel Joint
RWP	Rain Water Pipe
SC	Shop Cock
SV	Soil Vent Pipe
TDB	Telephone Call Box
TBM	Temp. Bench Mark
TP	Telephone Pole
TL	Traffic Light
TK	Tank
UTL	Unable To Lift
V	Vent
VP	Water Meter
WM	Water Meter
WP	Water Pipe
WDC	Water Stop Cock
WV	Water Valve

Notes	
Roof Height	Arch
Level	Radiator
Floor Level	Station
Ceiling Level	Hedge
Suiff Level	Sleep slope
False Ceiling Level	Fence
Floor to cill height	c-1234
Cill to head height	h-1234
Door height	DI: 2000
	Storm pipe

Survey Coordinates and Grid	
<input type="checkbox"/>	Arbitrary
<input type="checkbox"/>	Arbitrary but related to building line
<input type="checkbox"/>	Arbitrary but approx. related to North
<input type="checkbox"/>	Best fit to an Ordnance Survey Digital Sheet
<input type="checkbox"/>	Related to the Ordnance Survey National Grid

Levels	
<input type="checkbox"/>	Arbitrary and related to a temporary bench mark
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<input type="checkbox"/>	Related to the Ordnance Survey National GPS Network

Level positions are indicated by a cross or the decimal point

Bench Mark	
Type	Ordnance Survey
Position	N/A
Value	N/A

Trees	
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Notation - diameter of trunk / Height / Spread	

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Notes

Revision	Date	By

**CADPLAN**  
PRECISION MEASUREMENTS

Land Surveys - Measured Building Surveys - 3D Laser Scanning  
Utility Surveys - Lease Plans - 3D Models - Rights of Light Surveys

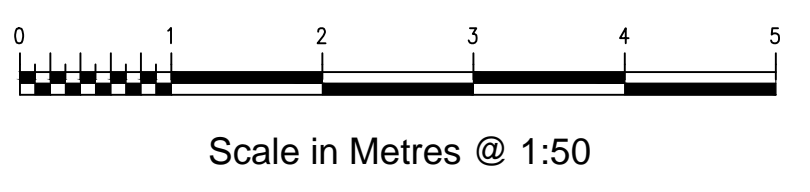
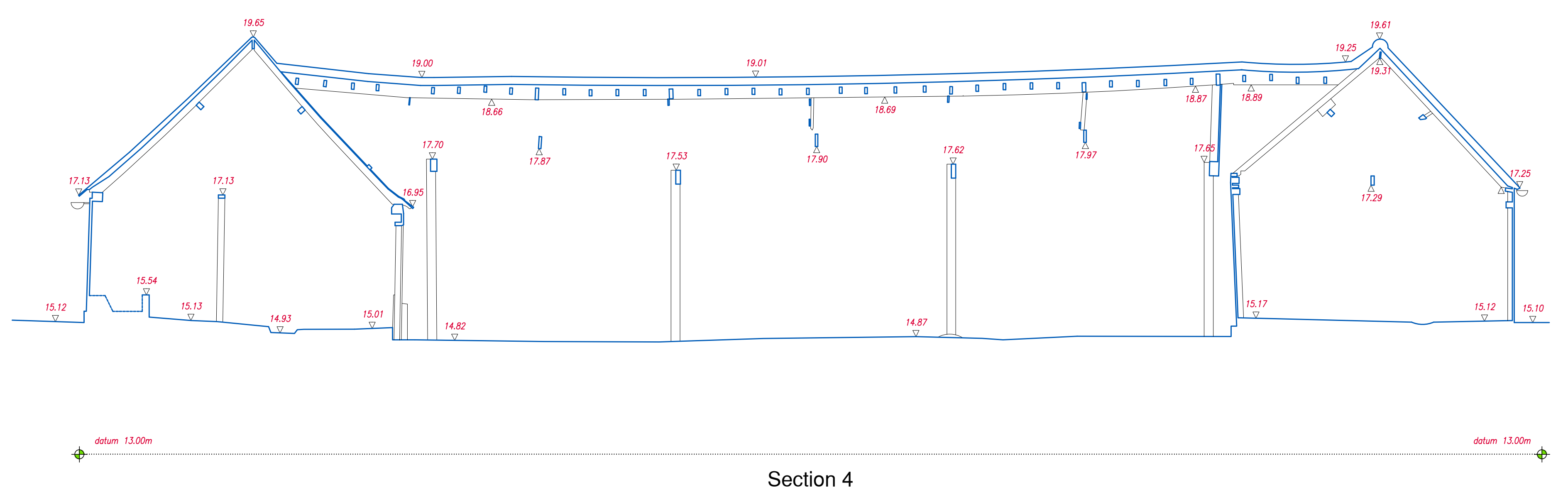
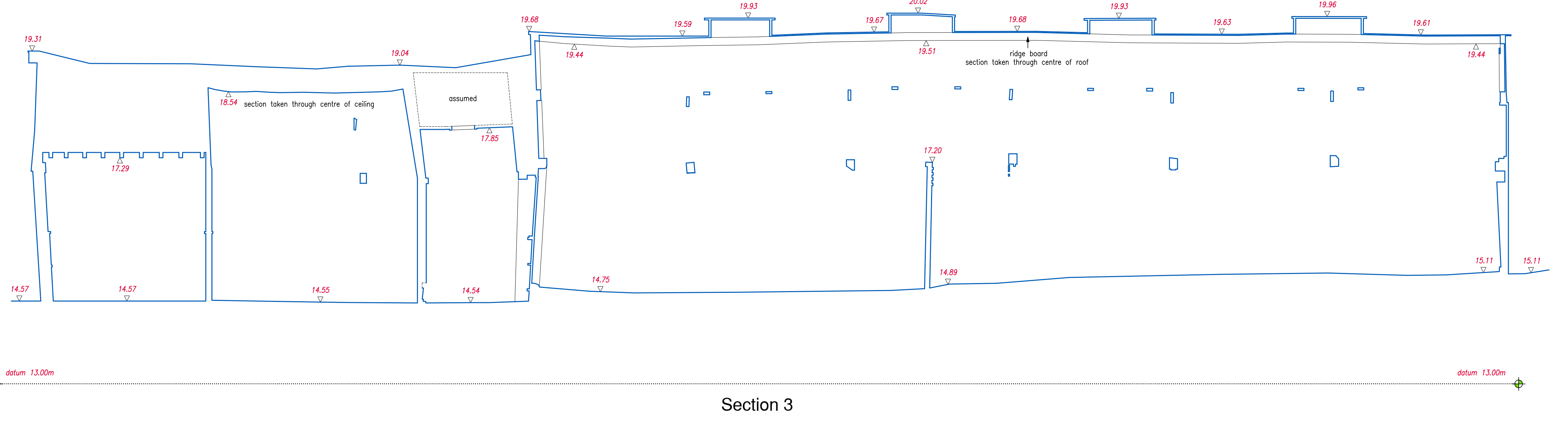
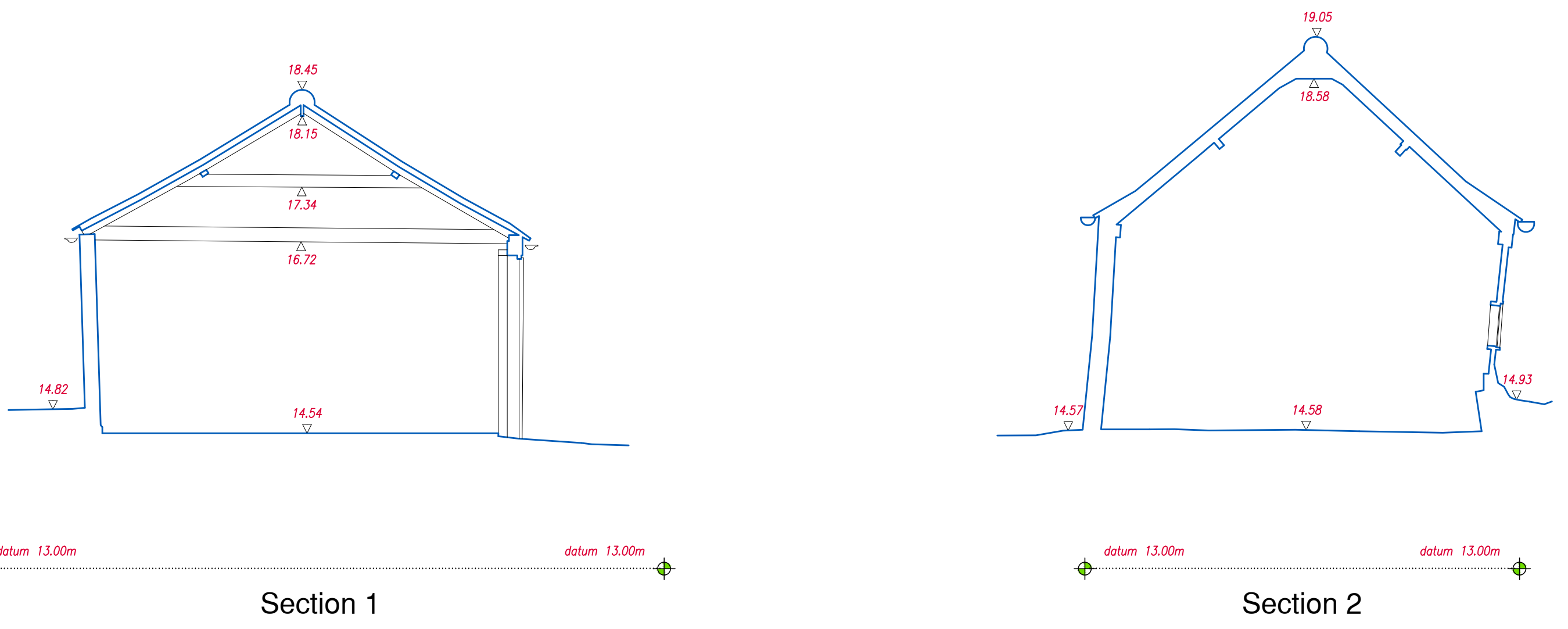
Club Tree House Osbury Lane Igham Kent TN15 9DA  
Tel: 01752 489100 Fax: 01752 489101 E: post@cadplan.co.uk

Client  
**David Dedman**

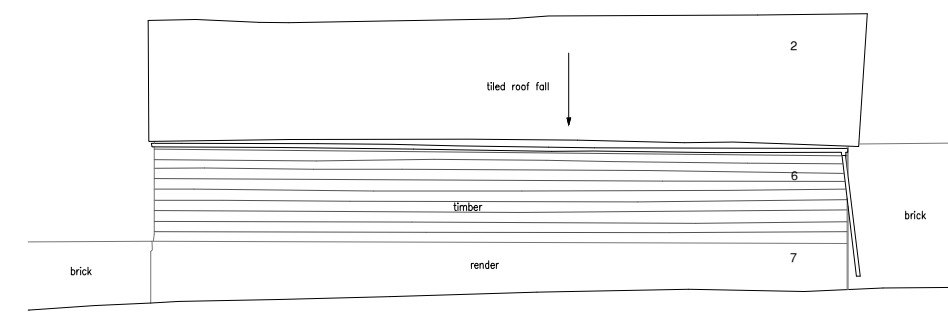
Project  
**Cockethurst  
Eastwoodbury Lane  
Southend on Sea  
SS2 6UE**

Drawing Title  
**Sections**

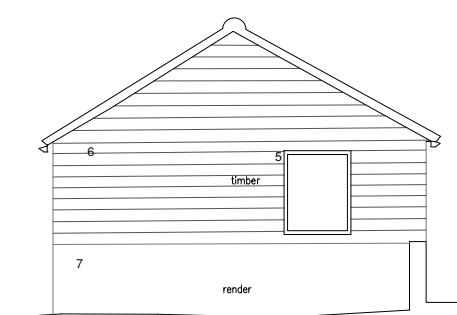
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Project No.	Drawing No.	Preliminary	Revision
10186	04		



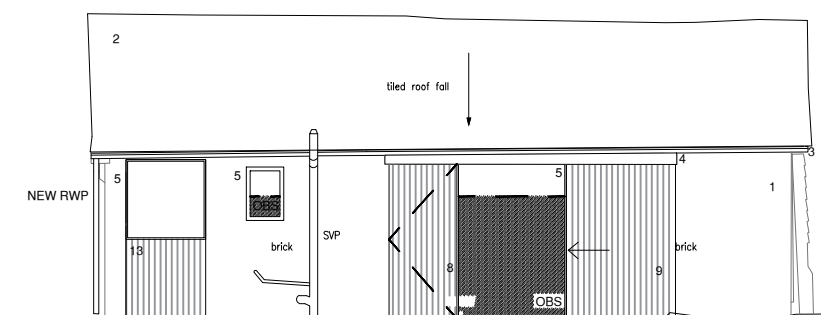
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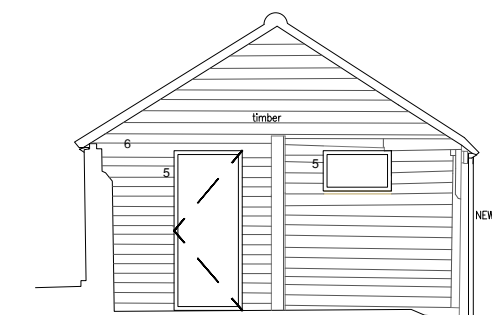
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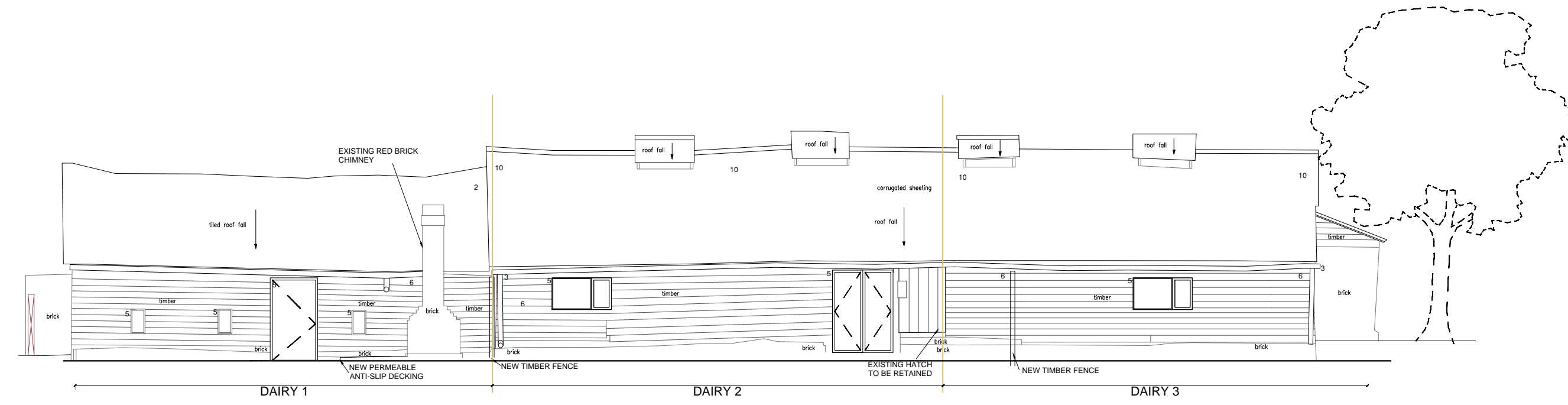
COACH HOUSE  
Proposed East Elevation (Elevation 2)



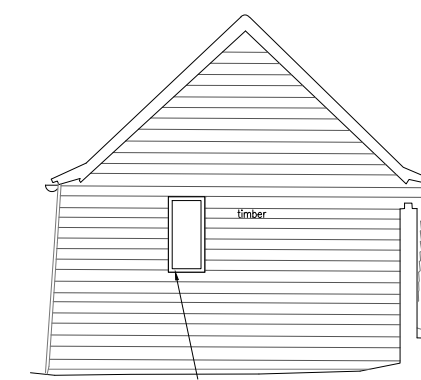
COACH HOUSE  
Proposed South Elevation (Elevation 3)



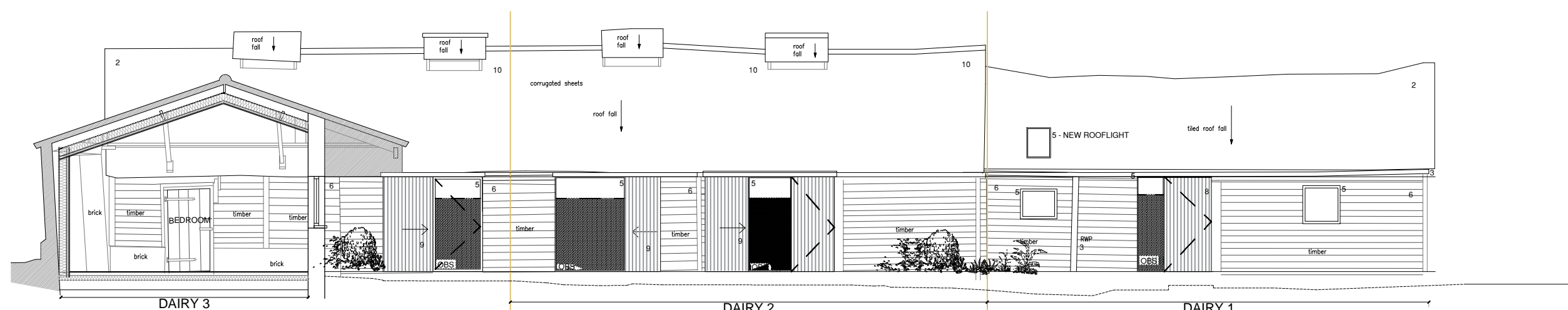
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Proposed West Elevation (Elevation 4)



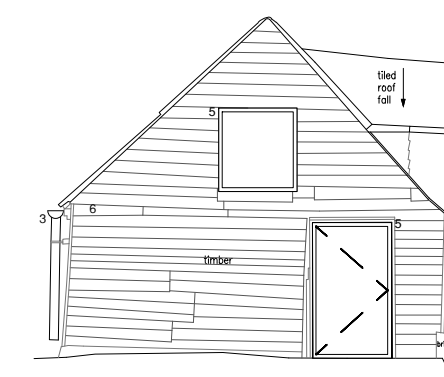
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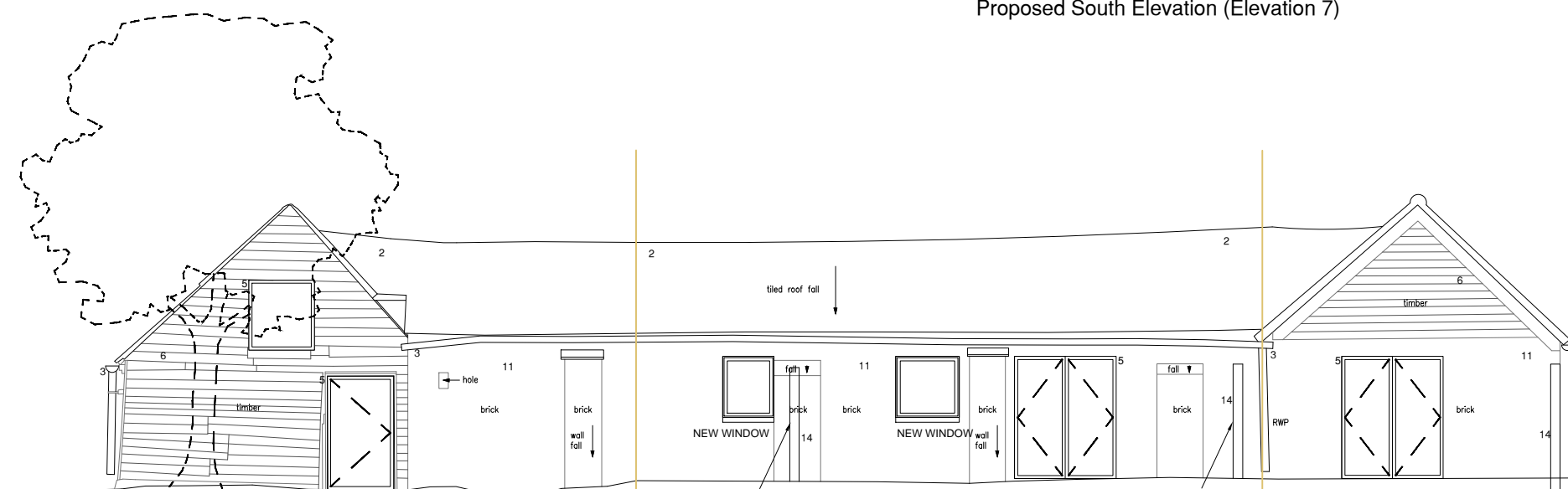
DAIRY 1  
Proposed East Elevation (Elevation 6)



Proposed South Elevation (Elevation 7)



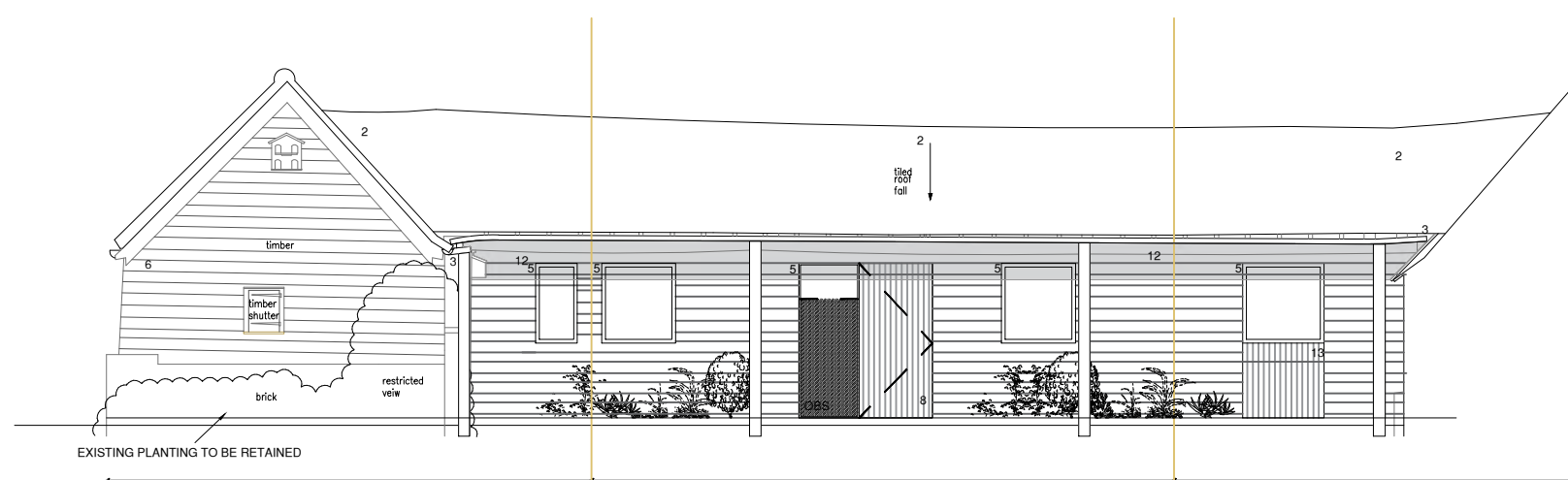
DAIRY 3  
Proposed West Elevation (Elevation 8)



Proposed West Elevation (Elevation 9)

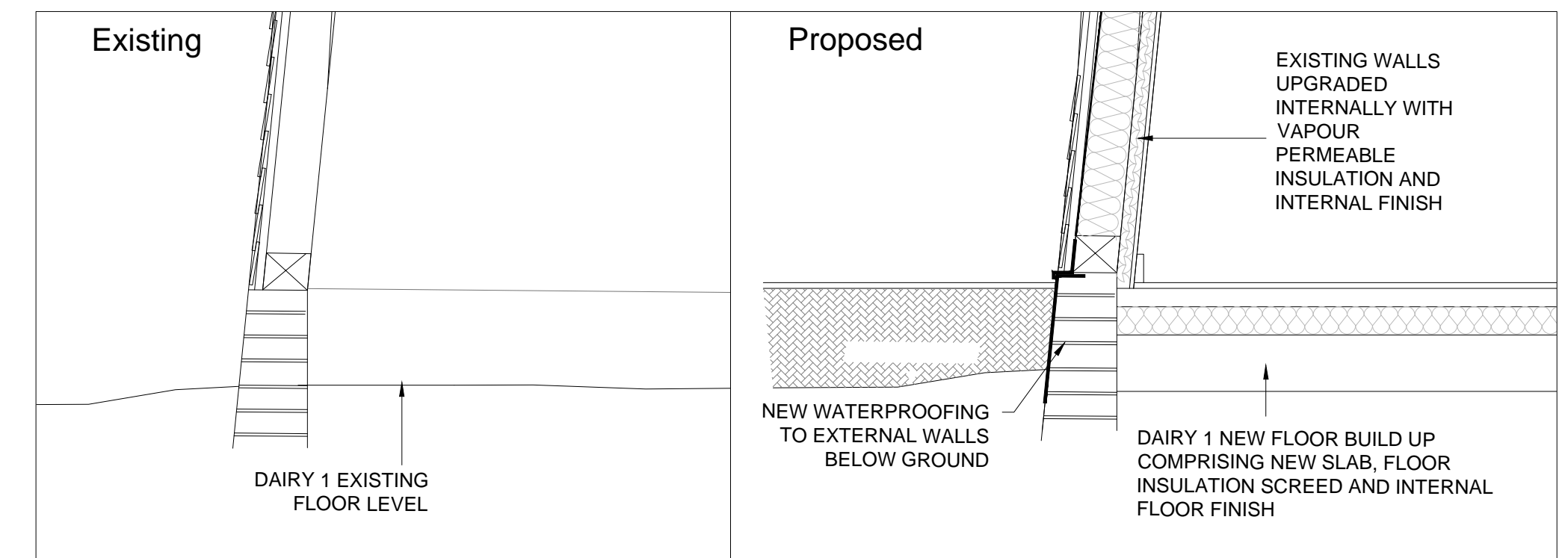


Proposed South Elevation (Elevation 10)



Proposed East Elevation (Elevation 11)

Typical upgrades to existing walls and floors 1:20

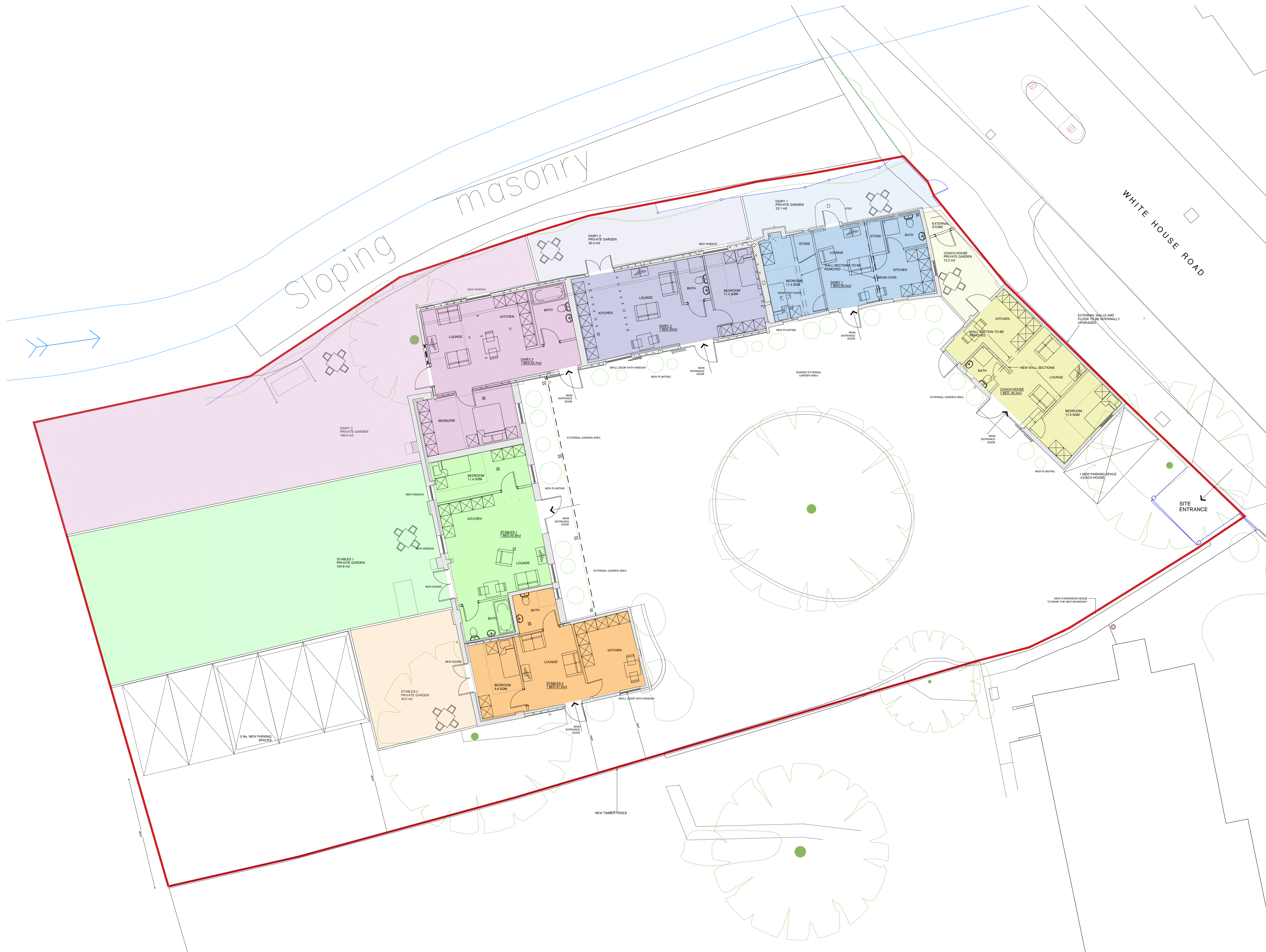


- MATERIAL KEY:
- EXISTING RED BRICK
  - EXISTING RED TILES
  - BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
  - TIMBER LINTEL PAINTED BLACK
  - NEW TIMBER FRAMED WINDOWS AND DOORS, FRAME TO BE BLACK.
  - OBS - INDICATES OBSCURE GLAZING
  - EXISTING BLACK PAINTED TIMBER CLADDING
  - RENDERED PLINTH PAINTED BLACK
  - TIMBER SOLID DOOR PAINTED BLACK
  - TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
  - NEW TERRACOTTA CORRUGATED SHEET ROOF - TO MATCH EXISTING
  - EXISTING YELLOW STOCK BRICK
  - NEW BLACK TIMBER CLADDING TO MATCH EXISTING
  - NEW BLACK VERTICAL TIMBER CLADDING (TO MATCH NO. 8)
  - NEW YELLOW STOCK BRICK BOUNDARY WALL TO MATCH EXISTING (H = 1800mm)

Notes:			
B	PLANNING REVISION	DS	02/01/2019
-	PLANNING ISSUE	DSM	28/06/18
Rev	Comment	By	Date
Stage: 2 & 3 - Stage			
Client: DAVID DEDMAN			
Project: COCKETHURST EASTWOODBURY LANE SOUTHEON ON SEA SS2 6UE ESSEX			
Drawing Title: PROPOSED ELEVATIONS			
Drawing no:	504_P102	Revision:	B
Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:100 @ A1	Chkd by:	MM/MSK
<b>SKARCHITECTS</b> 853-855 London Road Waltham-on-Avon SS9 9SZ Tel: 01702 509250 Email: info@skarchitects.co.uk			
<small>           We do not scale from this drawing.            Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information.            All information on this drawing is for guidance purposes only. All dimensions must be checked on site.            This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and external providers.            © SKARCHITECTS Ltd 2018         </small>			

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<span style="color: yellow;">■</span> COACH HOUSE 122.0 sqm	<span style="color: purple;">■</span> DAIRY 3 185.8 sqm
<span style="color: blue;">■</span> DAIRY 1 22.1 sqm	<span style="color: green;">■</span> STABLES 1 154.8 sqm
<span style="color: grey;">■</span> DAIRY 2 30.3 sqm	<span style="color: orange;">■</span> STABLES 2 9.9 sqm

Proposed Site and Floor Plan 1:100



Notes:			
C	PLANNING REVISION	DS	02/01/2019
Rev	Comment	By	Date
Stage: 2 & 3 - Stage			
Client: DAVID DEDMAN			
Project: COCKETHURST EASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX			
Drawing Title: PROPOSED FLOOR PLAN - FULL SITE			
Drawing no:	504_P101	Revision:	C
Project no:	504-05-18	Drawn by:	MM/DS
Scale:	1:100 @ A1	Chkd by:	MM/MSK
<b>SKARCHITECTS</b> 85-3 855 London Road Wardslip-on-Sea SS0 9SZ Tel: 01702 509250 Email: info@skarchitects.co.uk			
<small>           We do not scale from this drawing.            Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information.            All information on this drawing is for guidance purposes only. All dimensions must be checked on site.            This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.            © SKARCHITECTS Ltd 2018         </small>			

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# Cockethurst farm

Outbuildings and relationship with  
main farm house



# Streetscene





# View of outbuildings from entrance



205



# View of farmhouse from courtyard





# Stables, Cart shed and Dairy looking south





# Southern elevation and open garden

208





# Relationship of farmhouse to courtyard





# Dairy north



210



# Dairy south





# Cart Shed



212



# Stables





# Coach House





# Dairy interior





# Dairy interior





# Stables interior





# Stables interior





# Coach house interior



# Typical door





# Fireplace and hanging trees Dairy

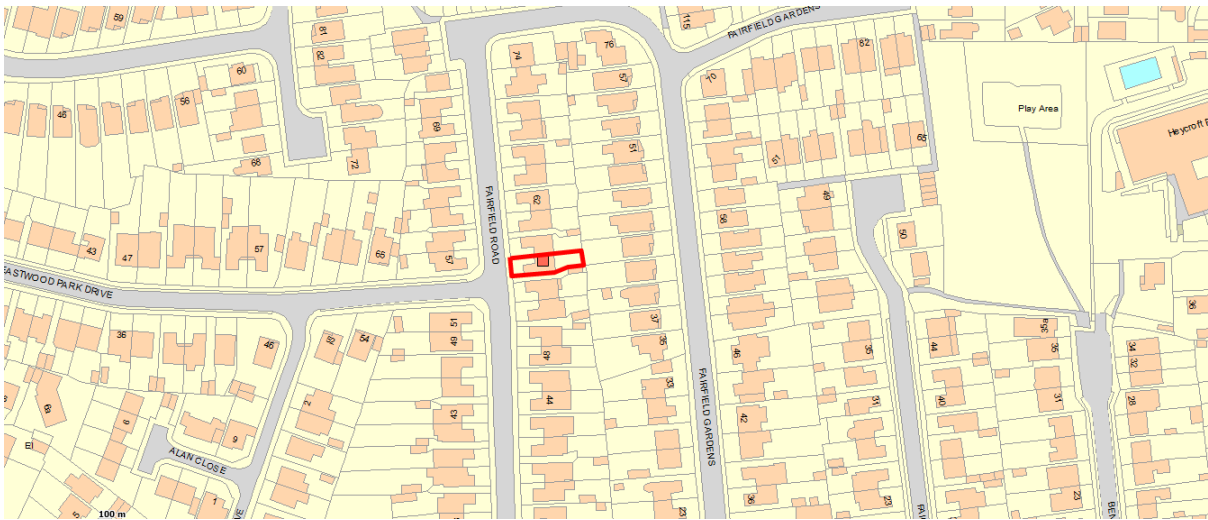




# Tethering ring and partition detail Dairy



<b>Reference:</b>	20/00696/TPO	<b>11</b>
<b>Application Type:</b>	Tree(s) subject to TPO	
<b>Ward:</b>	Eastwood Park	
<b>Proposal:</b>	Remove to ground level 1 Oak Tree (T1) at rear (Application for works to trees subject to a Tree Preservation Order)	
<b>Address:</b>	56 Fairfield Road, Eastwood, Essex	
<b>Applicant:</b>	Subsidence Management Services	
<b>Agent:</b>	IG Environmental Services of Innovation Group Environmental Services	
<b>Consultation Expiry:</b>	31 <sup>st</sup> July 2020	
<b>Expiry Date:</b>	10 <sup>th</sup> September 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>Tree Plan, Arboricultural Consultancy for Lloyds Bank (Engineers Report) reference SA-242046, Subsidence Survey Letter from Innovation Group reference IFS-LBG-SUB-18-0078729, 2 x Bore Hole Data Reports by Geotechnical reference C42563G22286 for BH1 and reference R30899 for BH2, Drainage Investigation Report by Subs Network reference IFS-LBG-SUB-18-0078729 and C42563 D14516, Soil Analysis reference C16325S42563, Engineer Addendum Report by Innovation Group dated 31.03.20 ref IFS-LBG-SUB-18-0078729, Root Identification Report reference R24818, Levels Monitoring Report reference M13687, Crack Monitoring Report reference M13687, Photos of damage</b>	
<b>Recommendation:</b>	<b>Members are recommended to GRANT CONSENT TO CARRY OUT WORK TO TREES</b>	



## 1 Site and Surroundings

- 1.1 The tree is a large mature oak tree situated on the rear boundary of 56 Fairfield Road. It is about 13m high and overhangs the surrounding rear gardens. It is approximately 15 from the applicant's property number 41 Fairfield Gardens which backs onto the rear garden of 56 Fairfield Road to the east.
- 1.2 The tree forms part of a wider group of large oak trees which run along the rear boundaries of the properties north and south of the application site. Large groups of oak trees are a defining characteristic of the local area and were in existence before most of the houses were built.
- 1.3 Although situated in the rear garden, the tree is visible above the bungalows in Fairfield Road and makes a contribution to local character both individually and as part of the wider group of mature trees. The bungalows are tightly spaced in the streetscene (approximately 1.25m to side boundaries or less).
- 1.4 The tree is covered by TPO 4/67 A4. The property was built circa 1968, the year after the preservation order including the oak tree at 46 Fairfield Road was confirmed.

## 2 The Proposal

- 2.1 Permission is sought on behalf of the owners of 41 Fairfield Gardens to fell this tree because it is causing structural damage to the property. The following supporting documents have been submitted in evidence of this damage:

- Tree Plan,
- Arboricultural Consultancy for Lloyds Bank (Engineers Report) reference SA-242046,
- Subsidence Survey Letter from Innovation Group reference IFS-LBG-SUB-18-0078729,
- 2 x Bore Hole Data Report by Geotechnical reference C42563G22286 for BH1 and reference R30899 for BH2,
- Drainage Investigation Report but Subs Network reference IFS-LBG-SUB-18-0078729 and C42563 D14516,
- Soil Analysis reference C16325S42563,

- Engineer Addendum Report by Innovation Group dated 31.03.20 20 ref IFS-LBG-SUB-18-0078729,
- Root Identification Report reference R24818,
- Levels Monitoring Report reference M13687,
- Crack Monitoring Report reference M13687,
- Photos of damage

2.2 The application form states that the tree works are proposed to stop the influence of the tree(s) on the soil below the building foundation level and to provide long term stability. It is stated that it is the expert opinion of both the applicant's case engineer and the applicant's Arboriculturist that on the balance of probabilities the supporting information demonstrates the influence of the trees(s).

2.3 In relation to other options the agent has confirmed that a root barrier was considered but this was discounted because it would not be feasible. This is because it would not be possible to get the necessary digging equipment into the rear of the property given the access constraints. (it would need to be dug to at least 3m and potentially across several properties to be effective)

### **3 Relevant Planning History**

3.1 No planning history.

### **4 Representation Summary**

#### **Public Consultation**

4.1 8 neighbouring properties were consulted and a site notice displayed. No letters of representation have been received.

#### **Park (Trees)**

4.2 The Council's Tree Officer consideration of the submitted reports has been incorporated into the appraisal in section 7 below but can be summarised as:

- The tree is a mature oak which is 15m from the property
- The applicant seeks to fell the oak due to subsidence, the application therefore needs to demonstrate that the oak is the cause and that there are no alternatives to felling
- The Engineers Report confirms that the rear of the building has cracks of up to 15mm (moderate) which have downwards and slightly rotational movement which suggests a drop in foundations most likely caused by subsidence
- The Arboricultural Report identifies that the oak tree T1 (in the garden of 56 Fairfield Road) as the principal cause of the subsidence damage. Due to the size and proximity of the oak tree the report states that it is consistent with the location of damage and the advised mechanism of movement and recommends removal.
- The CCTV survey confirms the drains are not implicated.



- The Geotechnical Reports and Bore Hole Analysis showed the foundations to be 1.1m and oak roots of less than 1mm found below some live and some dead. Although this would seem to be little in the way of evidence of active tree roots it is likely that where there is one live and three dead oak roots there will be others in the soil surrounding the locations of the trial pits/boreholes.
- The Soil Analysis confirmed the soil samples show the soil to be highly shrinkable clay and that desiccation is present especially at depths between 1.0 and 2.0m.
- The Crack Analysis confirmed a cyclical pattern of opening in the summer months and closing in the winter which is consistent with subsidence damage being caused where shrinkable clay soil beneath the building foundations is being affected by vegetation absorbing moisture from the soil
- The Level Monitoring readings again demonstrate a cyclical pattern of dropping in the summer months following by lifting in the winter. These readings also support the report conclusion that vegetation in the form of the oak tree is the cause of the subsidence damage
- The Engineers Report Addendum commented that the diagonal aspect of the cracks and their locations on the building, together with the fact that they increase in width with height is indicative of subsidence as a result of shrinkage of the clay subsoil due to the moisture extracting influence of nearby vegetation.
- Their engineers have stated that in order for an effective root trench and barrier to be installed it would have to span across the widths of neighbouring gardens as well as the property concerned and would need to be to a depth of 3.5m. They state that this would not be possible due to access restrictions for the equipment which would be required. So this rules out a root barrier as an alternative to removal of the tree.

Given this evidence we cannot object to the application for the removal of this tree on the basis of subsidence damage being caused to the private property.

4.3 This application was called to committee by Councillor Walker.

## **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 or not the proposal is justified having regard for the reasons for the application and any supporting information supplied with the application
- whether any loss or damage is likely to arise if consent is refused or granted subject to conditions

- whether any requirements apply in regard to protected species
- whether there are any other material considerations, including development plan policies

## 7 Appraisal

- 7.1 The Council seeks to protect 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 in question is in private ownership and is a mature oak located in the rear garden of property 56 Fairfield Road. This property shares a rear garden boundary with 41 Fairfield Gardens and the tree is around 15 metres away from the neighbouring property building at number 41.
- 7.3 The applicant has applied for the tree to be felled on the grounds that subsidence damage is occurring at property 41 Fairfield Gardens and the main cause of this damage are the roots from the preserved oak tree in the nearby garden of 56 Fairfield Road.
- 7.4 A number of investigations have been carried out at the property to demonstrate that the tree is the cause of the damage. The Councils Tree Officer has reviewed these documents and provided the following comments on their findings.

### *Engineers Opinion Report, October 2018*

- 7.5 This initial report describes the site and the damage to the property and suggests a cause based on initial findings. The report states that the damage was first noticed on 28th August 2018 which is consistent with vegetation related subsidence as summer is the time that water demand on the soil from plants is at its greatest. The report also suggests that the most likely cause of the damage is *'shrinkage of underlying soils due to seasonal variations in moisture content. This will have been exacerbated by the moisture extracted by the roots of the vegetation on the neighbouring property.'*
- 7.6 The report identifies an oak tree and one other broadleaf tree nearby as having potential influence on the damaged property. The damage is described as *'indicative of slight downward and rotational movement to the rear of the property, relative to the remainder of the building'* which suggests that the foundations to rear of the property have dropped. The damage is rated as Category 3 (crack widths are 5 to 15mm or several cracks of 3mm) under the 'Building Research Establishment (BRE) Digest 251 – Assessment of damage in low-rise buildings'. This means that the weathertightness of the walls may be compromised.
- 7.7 The report concludes that vegetation management in the form of removal or reduction will be required for the damaged property to regain stability.

*Arboricultural Report, December 2018*

- 7.8 The arboricultural report was carried out before any of the site inspections and subsequent soil testing reports or crack and level monitoring readings had commenced. As such the report was produced using the Engineers Opinion Report only as background information regarding the condition of the building and the potential causes of the observed damage. It outlines that: *'this report is based on the understanding the engineers are satisfied that damage is due to clay shrinkage subsidence exacerbated by vegetation.'*
- 7.9 The report identifies the oak tree T1 (in the garden of 56 Fairfield Road) as the principal cause of the subsidence damage. The oak tree is approximately 15m from the damaged building which is within the rooting area of the tree. The report states: *'it is our opinion on balance of probability that roots from the above vegetation (the oak tree T1) will be in proximity to the footings of the insured property'*. [This was later confirmed in both trial pit/boreholes at either rear corner of the building- see below]. The report dismisses pruning of the oak tree as effective management due to the size and proximity of the tree and recommends its removal. The report also identifies a number of other garden trees but does not implicate these in the current damage to the building.

*CCTV Drain Survey, March 2019*

- 7.10 The CCTV survey submitted did identify some defects within the drains but these were in an area remote from the damaged area of the building. As such they were considered not to have any effect on the subsidence problem.

*Geotechnical Reports (Trial pit/borehole results) dated 28 January and 15 July 2019*

- 7.11 These reports record results from the two trial pits/bore holes excavated at the rear of the property. They confirmed the soil to be shrinkable clay and the foundations to be around 1.1m. Occasional roots were found in both boreholes below foundation depths

*Root Identification Reports, January and July 2019*

- 7.12 Two small roots of less than 1.0mm in diameter were sampled from trial pit/borehole 1 at a depth of between 1.08-2.6m. The identification confirmed that the roots were from an oak tree. The starch indicated that they were not alive when sampled.
- 7.13 Three small roots of 1.0mm or less in diameter were sampled from trial pit/borehole 2 between depths of 1.1-2.6m again from an oak tree. The starch indicated that only 1 of 3 was alive when sampled.
- 7.14 In relation to these results the Councils Arboricultural Officer comments that although this would seem to be limited evidence of active tree roots in the vicinity of the foundations, it is likely that where there is one live and three dead oak roots there will be others in the soil surrounding the locations of the trial pits/boreholes.

*Soil Analysis, July 2019*

- 7.15 The soil samples from the bore hole were analysed to determine if the soil is desiccated. Desiccation or drying of the soil occurs naturally to an extent in the summer months but can be exacerbated by the influence of vegetation as the roots of trees and shrubs penetrate throughout the airspaces between soil particles and absorb water. The moisture content of the samples was found to be close to the 'Plastic Limit' of the soil which means it is dry and acting like a plastic. The other tests carried out confirm that the soil samples show desiccation is present especially at depths between 1.0m and 2.0m.

*Crack Monitoring, June 2019-March 2020*

- 7.16 Internal cracks appear in the bathroom, the kitchen and the landing and the external crack is in the gable wall below the bathroom window. The dimensions of the cracks were measured every 8 weeks. The report confirms that the cracks show a cyclical pattern of opening in the summer months and closing in the winter. This is typical for subsidence damage being caused where shrinkable clay soil beneath the building foundations is being affected by vegetation absorbing moisture from the soil during the dryer summer months.

*Level Monitoring, June 2019-March 2020*

- 7.17 Level monitoring is often a better indicator of subsidence damage as it provides an actual reading of how the building is dropping and lifting over time. The recording station placed at the rear of the property showed the greatest changes again confirming a cyclical pattern of dropping in the summer months following by lifting in the winter. These readings support the report conclusion that vegetation in the form of the oak tree is the cause of the subsidence damage.

*Engineers Report Addendum, March 2020*

- 7.18 This final report summarises the findings and test results carried out. It concludes that the above reports confirm that there are oak tree roots below the foundations and the diagonal aspect of the cracks together with the seasonal changes and the fact that they increase in width with height is indicative of subsidence damage resulting from a reduction of the moisture content in clay soil caused by vegetation. It recommends felling the tree as the only option in this case.
- 7.19 Overall it is considered that sufficient evidence has been provided to implicate the preserved oak tree with the subsidence damage occurring at property 41 Fairfield Gardens.
- 7.20 In deciding whether to allow the felling of this tree the Council has a duty to consider all options. The installation of a root barrier as an alternative to felling the tree was queried with the agent but they advised that this would require digging down over 3m deep across a number of gardens and that this option has been discounted due to access restrictions as it would not be possible to get a mechanical digger into the rear garden of the property.



7.21 Other options include undertaking more complex repairs to the property which will enable the tree impact to be mitigated in the future. In relation to this the agent has confirmed that:

- *'The application form states that the tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.*
- *Estimated costs of repair to the building are £10,000 for standard superstructure repairs, making good and decoration if the tree is felled. If the tree is retained the cost would include an additional £48,000 for underpinning with pile/beam to the rear and return flanks which will need to be added to the standard repairs making a total of £58,000*
- *Granting permission will therefore significantly limit these costs.*
- *In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).*

7.22 On balance the Council's Arboricultural Officer considers that the evidence presented satisfactorily demonstrates that the tree is implicated in the damage to the property and that there are no other reasonable options which would enable the tree to be retained. The felling of the tree is therefore accepted. In this instance, given that the tree is located to the rear of the dwellings, it would not be reasonable to require a replacement as this would have no public amenity value for many years.

7.23 In regard to the other issues noted above there is no known evidence of protected species or nesting birds, however, as a precaution, a condition can be imposed to ensure that the works are carried out in accordance with British Standard BS3998 which covers the protection of wildlife and its habitat.

## **8 Conclusion**

8.1 Having taken all material planning considerations into account it is considered that the evidence submitted has satisfactorily demonstrated that the tree is the cause of the damage and that there are no other viable or reasonable options to felling this tree. The proposal is therefore, on balance, considered to be acceptable and compliant with the objectives of the relevant development plan policies and guidance and the application is recommended for approval.

## **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).**

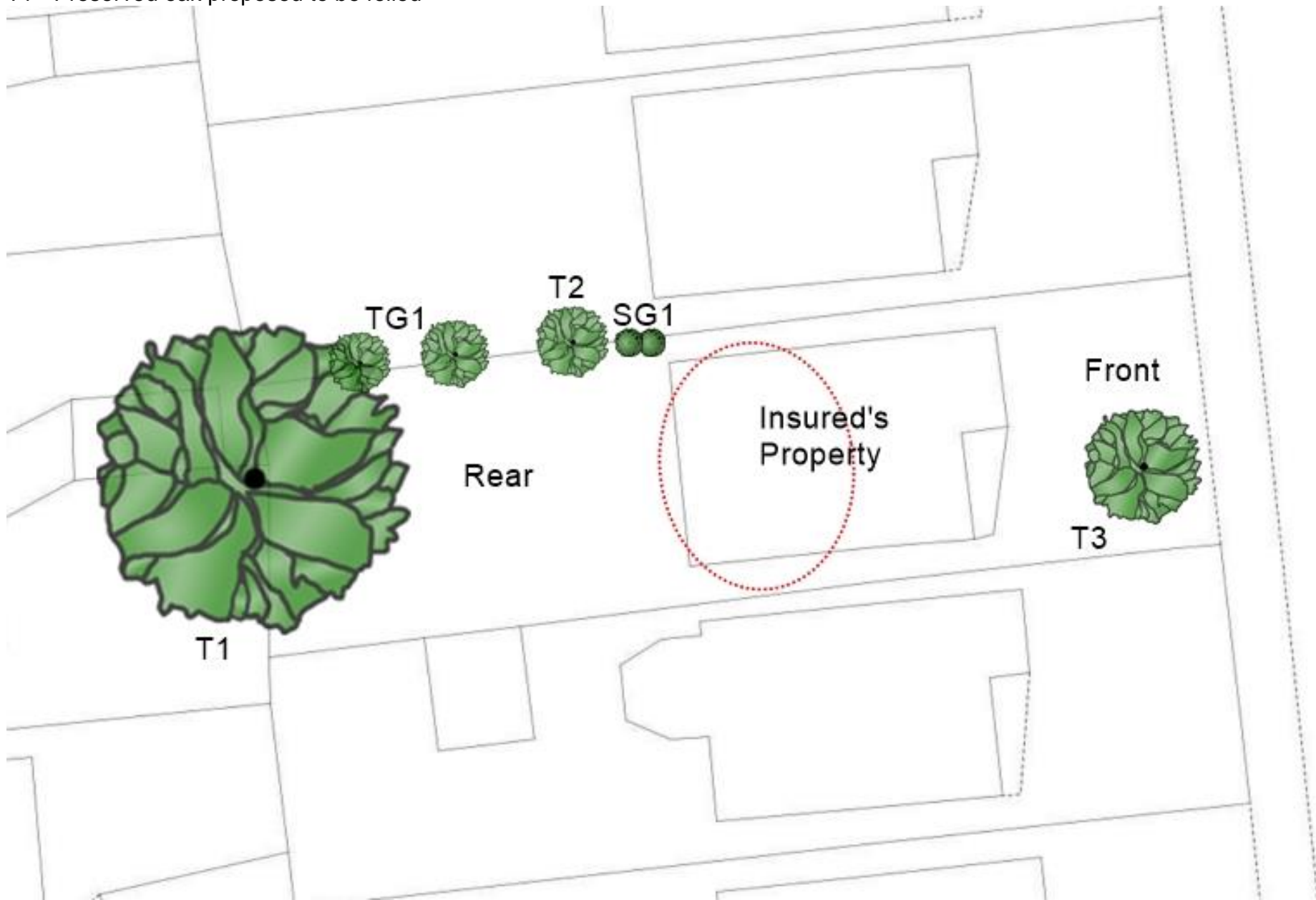
**02 The works shall be carried out in accordance with British Standard BS 3998 (2010) by a suitably qualified person.**

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

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T1 -Preserved oak proposed to be felled





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External (LH FLANK)



External (rear elevation)



Internal (kitchen)



Internal (kitchen)





Upstairs landing





Bathroom (upstairs)





# 56 Fairfield Road

Photos

# Tree from applicants garden

240



T1 - Oak (English)



Insured Garden - Back

# Tree from Fairfield Road





# Tree in streetscene Fairfield Road





# Tree from Fairfield Gardens



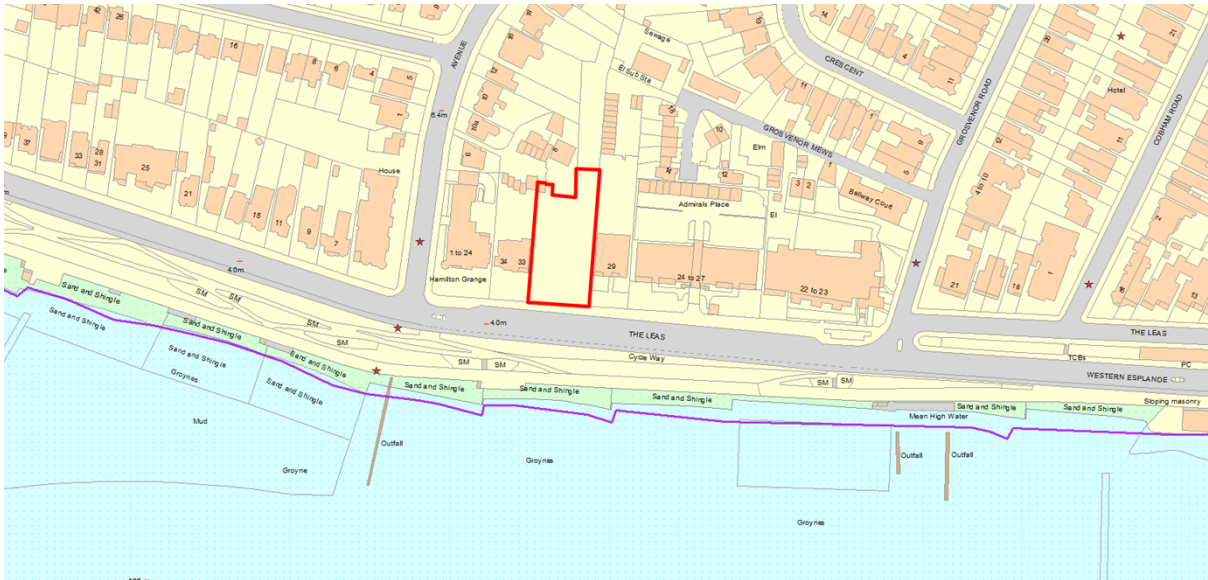


# Google Earth



<b>Reference:</b>	20/00737/FUL	<h1>12</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect part 3/part 4 storey building with basement level comprising of 9 self-contained flats (Class C3 ) layout secure cycle/refuse stores and parking at basement level with landscaping to front and rear	
<b>Address:</b>	30 - 32 The Leas, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	Elmore Homes Limited	
<b>Agent:</b>	R Warren of SKArchitects	
<b>Consultation Expiry:</b>	13 <sup>th</sup> August 2020	
<b>Expiry Date:</b>	11 <sup>th</sup> September 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>609-P01E, 609-P02F, 609-P03C, 609-P04A, 609-P05A, 609-P06B, 609-P07B, 609-P08E, 609-P09C, 609-P10B, 609-P11F, 609-P12B, 609-P13 (visual), 609-P14, 609-P15C, Materials List by SKArchitects ref 609 Rev A, Design and Access Statement by SKArchitect ref 609 Rev A, Platform Lift Information by SKArchitects Ref 609, Flood Risk Assessment by Ambiantal Environmental Assessment reference 5364, Tree Statement by SKArchitects reference 609, Waste Management Plan by SKArchitects, 30-32 The Leas SuDS Statement Rev A by HJ Structural Engineers ref MAS731</b>	
<b>Recommendation:</b>	<b>Members are recommended to GRANT PLANNING PERMISSION</b>	





## 1 Site and Surroundings

- 1.1 The application relates to a vacant site in the Crowstone Conservation Area. The site previously contained one pair of semi-detached Edwardian houses and a single detached 1920s property but these were demolished with consent in 2019 following two fires at the properties.
- 1.2 The Conservation Area is characterised by a mix of historic and modern buildings of 2-5 storeys including the locally listed historic landmark of Crowstone House. The site is considered to be in the setting of this important historic building and its potential redevelopment to be an essential contributor to the future character and appearance of the Conservation Area. Crowstone Conservation Area along with The Leas Conservation Area, a short distance to the east, showcase some of the best of Southend's Sea Architecture from its heyday as a resort.
- 1.3 To the east of the conservation area is a number of larger modern apartment blocks. These are considered to have harmed the character and fine grain of the conservation area and the wider seafront. This harm is specifically recognised in policy DM6.
- 1.4 The surrounding area is generally characterised by residential development comprising mainly large houses and flats. The site is situated partly within flood zone 1, partly within flood zone 2 and partly within flood zone 3 (low, medium and high risk respectively). The front of the site has the highest risk. The site is also within Development Management Seafront Character Zone 4. The foreshore area opposite the site has a number of nature designations including SSSI (Site of Special Scientific Interest), Ramsar and Local Nature Reserve.

## 2 The Proposal

- 2.1 The proposal is to erect a part 3/part 4 storey building with basement level comprising of 9 self-contained flats (Class C3), to layout secure cycle/refuse stores and parking at basement level with landscaping to front and rear.

- 2.2 The proposed building measures 25.2m wide, 16.5m wide (18.5m including covered balcony), has an eaves height of between 10.6m and 11.5m and a maximum height of 15.4m dropping to 17.7m at the eastern end.
- 2.3 The building is proposed to be constructed of white brick with feature copper cladding to the balconies and brown tiled roof. A full schedule of materials has been submitted.
- 2.4 The building will provide 8 x 3 bed 6 person flats and 1 x 2 bed 4 person flat. 11 car parking spaces are proposed at basement level together with a bike store and refuse store. To the rear of the building is a communal amenity area which is supplemented by front-facing private balconies for all units.
- 2.5 A previous application for 9 self-contained flats but of a different design was refused in 2015 reference (15/01492/FUL) for the following reason:

*01 The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea. Furthermore, the proposed replacement building by reason of its scale, bulk, mass, siting and design would fail to integrate with the streetscene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to the NPPF, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1 and DM5 of the Development Management Document and the Design and Townscape Guide (SPD1).*

- 2.6 That application was also dismissed at appeal (reference APP/D1590/W/16/3149155). The key comments from the Inspector include:

*'13. The proposed apartment block would be significantly taller and wider than the traditional buildings it would replace. I note that the proposed building would be set in from the boundaries on both sides and the front and side elevations would have variations in depth. However, although stepped the proposal would be significantly taller than the flat roof of No 29 The Leas. Furthermore, a significant part of the proposed building including the proposed turret detail would sit forward of the front elevations of the neighbouring buildings on either side.*

*14. I acknowledge that other modern buildings nearby are of a comparable or larger scale and are taller than the proposed apartment block. However, I find the proposed development would be highly prominent in the street scene particularly when approaching from the east where the proposed forward projection and turret would partly restrict views of Crowstone House and its corner turret. Furthermore, the proposed roof rising significantly above the roof line of No 29 The Leas would dominate the skyline of the CA, again particularly when approaching from the east.*

*13. Therefore, through its prominence, scale and positioning, the proposed building in place of the modest traditional buildings which complement Crowstone House, would be a dominant feature of the CA which would detract from the setting of Crowstone House and thus the overall significance of the CA.'*



### **3 Relevant Planning History**

- 3.1 18/01338/FUL - Demolish buildings at 30, 31 and 32 The Leas – granted. The following informative was attached to this decision:

*'The applicant is reminded that any redevelopment proposals on this site will need to have due regard for the constraints of the site including its status within a conservation area and the requirements of Policy DM6. This includes ensuring that any proposal is of an appropriate scale and compatible grain to the rest of the conservation area and that it is a high quality well detailed design that has a positive response to context.'*

- 3.2 18/00990/FUL - Demolish existing buildings, erect part three/part four storey building comprising of 9 self-contained flats with balconies and terraces to front, side and rear, layout lower ground parking and install vehicular access onto The Leas (Amended Proposal) – withdrawn due to design concerns
- 3.3 17/02047/FUL - Demolish existing buildings, erect part three/part four storey building comprising of 9 self-contained flats, layout lower ground parking and cycle store and form vehicular access onto The Leas – withdrawn due to design concerns
- 3.4 15/01492/FUL - Demolish existing buildings, erect part two/part three/part four and part five storey building comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and form new vehicular access onto The Leas – refused and dismissed at appeal
- 3.5 08/00712/FULM and 08/00714/CAC - Demolish dwellings, erect eight storey block of 21 self-contained flats with basement parking and swimming pool at rear, form cycle and refuse stores and layout amenity areas – refused

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 54 neighbouring properties were consulted, a press notice published and a site notice displayed. 12 letters of objection have been received raising the following summarised issues:

- Over scaled.
- Poor design.
- Should be 3 storeys.
- Design lacks imagination.
- Overshadowing adjacent building.
- Style inappropriate.
- The proposal should better reflect the previous buildings.
- Negative impact on conservation area.
- Too tall.
- Impact on neighbouring views.
- Over shadowing of neighbours.
- Inappropriate balcony design.
- Impact on light and sunlight to neighbours.
- The buildings are set forward of the previous building on site.

- Overbearing.
- DAS images inaccurate.
- Inappropriate materials.
- Balconies should not be enclosed - this is out of character.
- Out of character with urban grain and area.
- Out of character with the conservation area.
- Harm to neighbour amenity.
- Trees should be retained.
- Too far forward.
- The previous buildings should have been saved not neglected.
- Ugly and cheap.

1 letter of support has been received which makes the following summarised comments:

- The revised scheme will look good and is the right sort of development on the seafront.
- The proposal and mix will encourage people to free up larger family houses in the town.
- The development is welcomed.

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

4.2 The proposal was called to committee by Cllr Folkard.

#### **Highways Team**

4.3 There are no highway objections to this proposal. Policy compliant parking has been provided along with secure cycle parking.

#### **Trees**

4.4 No objections subject to a condition relating to tree protection.

#### **Parks (Landscape)**

4.5 No objections subject to a landscaping condition.

#### **Suds Engineer**

4.6 No objection subject to a SUDs condition.

#### **Environmental Health**

4.7 No objections subject to conditions

#### **Environment Agency**

4.8 The site is part in flood zone 3 but the development is not in flood zone 3. There is therefore no objection to the proposal in principle. Please see flood risk standing advice

## **Conservation Society Westcliff Seaboard**

### 4.9 Comments made in relation to:

- The lack of reference to other historic properties in the Crowstone Conservation Area both in terms of roof height and detailing.
- The curved detailing references a property further away – this feature is generally out of character in this location.
- The lack of response to Crowstone House which has a turret and stained glass detailing which is typical of many historic properties.
- The proposal appears as a mish-mash of ideas.

## **Milton Society**

### 4.10 Comments made in relation to:

- The design which comprises paired and asymmetrical gables appears to be a significant improvement from the most unattractive, earlier, mansard roofed designs.
- The balcony fronts are not successful and certainly not particularly referential to the lighter detailed, filigree, white painted Edwardian balconies elsewhere.
- Copper is not a feature of our seafront except where it was once used on some of the shelters and is therefore out of character in this location and in this context.
- There appears have been too much concession in the apparent detailing to Edwardian design - the decorative brackets and turned finials are misplaced and would be better replaced.
- The balconies as proposed could look heavy and incongruous against a light background unless the railings are fully integrated in the material selection and detail design.
- The interior planning with inverted maisonettes is bizarre.
- The overall form and scale is acceptable but a cleaner modernity, gently referencing the Edwardian past would be more successful.

## **Fire**

### 4.11 No objections

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019) and National Design Guide (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) DM5 (Southend-on-Sea's Historic Environment), DM6 (Seafront), DM8 (Residential Standards), DM15 (Sustainable Transport).

- 5.4 Design & Townscape Guide (2009)
- 5.5 Vehicle Crossing Policy & Application Guidance (2014)
- 5.6 Crowstone Conservation Area Appraisal (2009) and The Leas Conservation Area Appraisal (2010).
- 5.7 CIL Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main issues for consideration include the principle of the development, the design and its impact on the character of the area including the conservation area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and parking implications, sustainability, trees and CIL and whether the amended proposal overcomes the reason for refusal of the previous application and the dismissed appeal in 2015 both of which carry some weight in the determination of the current proposal.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 122 states:

*'122. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places'*

- 7.2 Policy KP2 of the Core Strategy states development must be achieved in ways which *"make the best use of previously developed land, ensuring that sites and buildings are put to best use"*.
- 7.3 Policy CP4 requires that new development *"maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments"* and that this should be achieved by *"maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development"*.



- 7.4 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.
- 7.5 Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*
- 7.6 The proposal represents an intensification of the existing land use. The principle of providing a more intensive use of the site needs to be considered against NPPF paragraph 122 above which requires Councils to make efficient use of land. Consistent with the basis of previous planning decisions for the site there is therefore no objection to this use continuing or to the provision of a greater number of dwellings subject to the detailed considerations set out below.

### **Flood Risk**

- 7.7 The site is situated partly within flood zone 1, partly within flood zone 2 and partly within flood zone 3 (low, medium and high risk respectively). The front of the site has the highest risk. The proposed housing use is classed as being a ‘more vulnerable’ use by the Environment Agency.
- 7.5 In relation to sites within flood risk areas policy KP1 of the Core strategy states: *‘Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.’*
- 7.6 Policy KP2 states that new development should be sustainably located including applying the sequential test approach to *‘avoid or appropriately mitigate flood risk.’*
- 7.7 Policy DM6 of the Development Management Document states *‘2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:*
- *Appropriate flood defence and engineering solutions; and/or*
  - *Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.*
  - *Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council’s ability to manage coastal change’.*
- 7.8 A flood risk assessment has been submitted with the application. This states that
- Comparison between the present day (2005) flood level and site topography indicates that the proposed structure itself would remain unaffected, although the front communal garden could experience a potential maximum flood depth of approximately 0.38m.
  - A comparison between the 2120 1:200 year flood level (5.95mAOD) and site

topography indicates that the majority of the proposed development site would be affected, with a potential maximum flood depth of approximately 1.6m at the south boundary of the site.

- The proposed structure will incorporate undercroft parking at the lower ground floor ensuring the residential dwellings are at the upper ground floor levels above
- Ground floor finished floor levels will be set no lower than 6.25mAOD which is 300mm above the 1:200 year (2120 epoch) flood level (5.95 AOD).
- Sleeping accommodation is to be set to 6.55mAOD which is 600mm above 1:200 flood level as a minimum and 6.60mAOD where possible. [It is noted that the sleeping accommodation has been located to the rear of the building at ground floor level which is topographically higher than the front.]
- Internal access is to be maintained from the lower and upper ground floors to the first floor above.
- It is recommended that self-activating flood barrier(s) are installed to minimise the residual risk to the proposed development from overtopping and defence breach
- The building will have solid concrete floors at basement and ground level and electrical services will be from the ceiling to be resilient to flooding.
- Non return valves will be fitted to sewers to prevent backflow.
- Occupants will be required to sign up to the EA's flood warning service.
- In terms of flood vulnerability significant betterment can be achieved through the implementation of flood warnings procedures and an evacuation plan.
- The development can be built in a sustainable manner and therefore it meets the requirements of the exceptions test.
- The risk of flooding from surface water sources is considered to be moderate.
- The design is therefore acceptable in relation to flood risk.

7.9 The Environment Agency (EA) have reviewed the Flood Risk Assessment and have confirmed that, although the front of the site is within flood zone 3, the actual building footprint is located in flood zone 1. The Environment Agency therefore have no objections to the proposal subject to the recommendations of EA Standing Advice Note 8 which recommends that the minimum floor level be 300mm above the design flood level with climate change and that residents are made aware of the flood response plan. These are covered in the recommendations of the FRA and can be covered by a condition. The principle of the proposal is therefore considered to be acceptable in terms of flood risk.

7.10 In relation to other issues, and consistent with the basis of the previously determined application, there is no objection in principle to residential development of the proposed nature in this area generally subject to the detailed considerations set out below.

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

7.11 In determining this application the Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

7.12 Paragraph 124 of the NPPF states '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'

- 7.13 Paragraph 195 of the NPPF states where a proposed development will lead to *'substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...'*
- 7.14 Paragraph 196 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.15 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."*
- 7.16 Policy DM5 seeks to protect the special historic character and significance of the Borough's heritage assets including locally listed buildings and conservation areas.
- 7.17 In relation to new development on the seafront Development Management Policy DM6 states:
- '3. Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.*
- 6. All development within the Seafront Area must accord with the development principles set out in Policy Table 1'*
- Policy Table 1 Zone 4 sets out the development principles for sites between Chalkwell Esplanade to San Remo Parade which includes the application site. The criteria relevant to the current proposal are:*
- (iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.*
- (vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.*
- (vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area.*
- 7.18 The last application to be determined on the site in 2015 (reference 15/01492/FUL) was for 9 flats arranged in a part 2/3/4/5 storey block across the site. This was refused because it was considered that the proposal resulted in the loss of historic buildings which were considered to make a positive contribution to the character of the conservation area and because the scale, bulk, mass, siting and design of the replacement building was considered to have a detrimental impact on the conservation area and the character of the wider area.

- 7.19 Since 2015 the historic buildings on this site suffered two separate fires which had a significant and detrimental impact on their structural integrity. Their demolition was finally accepted under application reference 18/01338/FUL and the buildings have now been demolished. The challenge for the site now is to achieve a development which is positive for the conservation area, including respecting views of Crowstone House, and the wider seafront.
- 7.20 As noted above the scale, bulk and massing of the previous 2015 proposal was considered to be unacceptable by both the Council and the appeal Inspector. That design was a single horizontal block across an amalgamated site which stepped from 4-5-4-2 storeys in layers across the frontage. That arrangement was considered to disregard the finer grain of the conservation area and dominate the surrounding buildings and was therefore deemed unacceptable.
- 7.21 In order to address this concern the proposed development has adopted a more traditional roof form with a vertical emphasis dividing the site into 3 gabled sections to better reference the historic grain of the area and the more vertical emphasis of the historic properties on the seafront. The gables are linked by glazed sections across the site in an asymmetric arrangement which picks up on the former layout of the site as a pair of semi-detached houses and a single unit. To emphasise this separation the eastern gable steps down from the other two gables, is visually separated at roof level and has alternative detailing. Officers consider that this works well and helps to break up the scale of the development in the streetscene.
- 7.22 The proposal is 3 full storeys plus a reduced level of accommodation within the roof. It is also raised approximately half a storey out of the ground to address flood risk concerns. As a result the building will be taller than its immediate neighbours, however, the change in height is not significant and given the varied streetscape of the seafront and the well resolved traditional roof form pitching away from the flank boundaries, this is considered to be acceptable. It is also pleasing to see that the extended plinth will be screened by raised landscaping so that it is not a dominant feature in the streetscene.
- 7.23 Overall it is considered that the scale, height and massing of the proposal is a much more successful response to the site's context and setting than the previously refused scheme and has succeeded to balance the desire for a single floorplate with the need to positively reference the fine grain of the conservation area and wider seafront.
- 7.24 The previous building was also found unacceptable because its forward projecting turret feature competed with and restricted views of the historic landmark of Crowstone House a short distance to the west. This was considered to be an unacceptable response to the historic context and incompatible with the overall design of the building. The current proposal has a much simpler but satisfactorily resolved arrangement of well-detailed balconies to provide interest to the elevation and the alignment of the building and the balconies closely reference nearby examples of historic balconies. As such the proposal is well articulated and does not compete with the locally listed landmark of Crowstone House or obstruct views of its feature historic turret.
- 7.25 The balcony features remain separate between the gables and have been detailed with strong vertical lines to ensure the vertical emphasis of the front elevation is retained and strengthened. This is an important distinction to the more modern buildings in this area which have failed to respect the grain of the area by adopting a single form across the amalgamated sites which has harmed the historic pattern of development on the seafront.



- 7.26 The balconies have simple vertical balustrades but have incorporated a curved arch detail to their top which repeats across the front and rear elevation. The Design and Access Statement explains that this references the balconies on some of the seafront's older properties in the vicinity which have curved timber or metalwork detailing within their balcony designs. They are proposed as standing seam copper which continues into the gables to add interest and a distinctive character to the development. Whilst this material is not common in the conservation area, it is a high quality natural material which should weather well in the marine environment. Given the variety of styles in this location, this variation of material is considered to be acceptable. It is also noted that the design of the frontage has been refined over the course of the application to simplify the detailing of the more decorative elements so that it does not appear over fussy or result in a conflict of styles.
- 7.27 To the rear the design is simpler and flatter but additional detailing has been added to enliven this elevation. The expanse of the flank elevations is also broken up with secondary windows and brick banding which add interest, although it is noted that views of the sides and rear will be mainly obscured by neighbouring buildings.
- 7.28 On the frontage the impact of the vehicular access is offset by significant areas of planting and a low brick wall to the front to provide enclosure to the street. This arrangement generally seems to work well and will provide added softening for the conservation area subject to the agreement of a detailed landscaping scheme. The proposal has been amended to include an external platform lift on the frontage. This is required to provide a level access for all. Set close to the proposed building, this has been designed to be concealed when not in use positioned such that it has minimal impact on the design of the building and in the streetscene. This arrangement is considered acceptable.
- 7.29 Internally there are some irregular shaped rooms and unconventional layouts however, all units are generous so the rooms are useable, the building has an active frontage which positively addresses the seafront and the entrance is legible.
- 7.30 Overall, it is considered that the proposal has overcome the previous reason for refusal in relation to the scale, form, mass, and design detail and would be acceptable in the conservation area and the wider streetscene on balance. Therefore, subject to conditions controlling detailing, materials and landscaping, the proposal is considered to be acceptable and policy compliant in the above regards.

### **Standard of Accommodation for Future Occupiers**

- 7.31 Delivering high quality homes is a key objective of the NPPF.
- 7.32 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they "*Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents*".

### *Space Standards*

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

- 7.34 Nationally Described Space Standards (NDSS) require the following areas in terms of floorspace and bedroom sizes.
- 2 bed 4 person duplex flat - minimum 79 sqm
  - 3 bed 6 person flat - minimum 95 sqm
  - Master bedroom - minimum area 11.5 sqm, minimum width 2.75m
  - Other double bedrooms – minimum area 11.5 sqm, minimum width 2.55m
  - Single bedrooms - minimum area 7.5 sqm and minimum width 2.15m

- 7.35 The proposed flats are generously sized and comfortably meet the nationally described space standards. It is noted that the plans show the 3<sup>rd</sup> bedroom of the larger flats as a study. For the purposes of this measurement, they have been assessed as double bedrooms, however, the flexibility of a work from home area for the units is welcomed.

#### *M4(2)– Accessible Dwellings*

- 7.36 All new residential development is required to meet M4(2) standards to ensure that new dwellings are accessible for all. The Design and Access Statement confirms that the new flats will meet these standards including the installation of an external platform lift to provide step free access to the front entrance. This can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

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

- 7.37 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight.

#### *Amenity Provision*

- 7.38 The proposal includes a shared amenity area of over 600 sqm to the rear as well as useable balconies for each flat. This is considered to be a generous and good quality amenity provision for the units.
- 7.39 Overall, it is considered that the development will provide a good standard of accommodation for future occupiers and the proposal is acceptable and policy compliant in this regard.

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

- 7.40 Policy DM1 of the Development Management Document states that development should “*Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.*”

#### *Impact on neighbours to the east 29 The Leas*

- 7.41 The proposal has an eaves height of 10.6m on the eastern side but is set behind the front and rear building line of the neighbour at number 29 The Leas. The front balcony would project 1.9m in front of the neighbour but there would be a separation distance of some 3.9m between the buildings at this point. Number 29 has 3 windows per floor to the west side facing the application site which are the kitchen window and two high level secondary windows to habitable rooms.

All the side windows in number 29 appear to be obscure glazed. There would be a separation of 2.9m between the flanks of the buildings. The proposal has two secondary habitable room windows and an ensuite window on each floor in its eastern flank facing this neighbour.

- 7.42 Subject to a condition requiring the side windows of the proposal to be obscure glazed, it is considered that, given the separation between the sites and the respective layouts, the proposal will have an acceptable impact on the amenities of the occupiers of this neighbour building in all relevant regards.

*Impact on neighbour to the west 33-34 The Leas*

- 7.43 The proposal has a comparable eaves height with the neighbour to the west 33-34 The Leas. The proposal is set 400mm in front of the building line to this neighbour to the front of the site. The proposed balcony would project 2.4m out from this but the plans show this to be only 400mm past the balcony of the neighbour at this point at a separation distance of some 3.1m.

- 7.44 The proposal would project some 2.4m past the rear building line of the neighbour. There would be a separation of some 2.5m between the buildings. No 33-34 has no habitable room windows on its flank elevation facing the site. The proposal has two small secondary habitable room windows per floor in the left flank. The proposal, including the projecting balcony, would not breach a notional 45 degree line taken from the closest windows of the neighbouring property facing either to the front or the rear.

- 7.45 Subject to a condition requiring the side windows of the proposal to be obscure glazed, it is considered that, given the separation between the sites and the respective layouts, the proposal will have an acceptable impact on the amenities of neighbours in all relevant regards.

*Impact on neighbour to the rear 8 Crowstone Avenue*

- 7.46 8 Crowstone Avenue is a backland bungalow to the rear of the site. The proposal is up to 4 floors to the rear but is set over 20m to its rear boundary and is 32.8m to this neighbouring building. There are also a number of mature trees on the boundary which are proposed to be retained.

- 7.47 Given the separation between the sites, it is considered that the proposal will have an acceptable impact on the amenities of neighbours in all relevant regards.

*Summary*

- 7.48 Due to their separation and position, no other properties' amenities are materially affected by this development. Overall, therefore it is considered that the proposal would be acceptable and policy compliant in its impact on neighbour amenity subject to conditions requiring obscure glazing to the side windows.

**Traffic and Transportation Issues**

- 7.49 Policy DM15 of the Development Management Document requires all development to meet the off-street parking standards which for residential development outside the central area is expressed as a minimum standard of 1 parking space for each flat. The policy requirement for the development is therefore 9 spaces.

- 7.50 11 car parking spaces are proposed within the basement area. This meets the required standard and the proposal is acceptable and policy compliant in this regard. The existing vehicular crossovers will be required to be amended to serve the development. No objections have been raised by the Councils Highways officer who notes that the traffic regulation order to the front of the site will need to be altered. This is acceptable in principle and it appears that the proposal will result in an increase in the availability of on street parking as a result. An informative can be added to inform the applicant of this requirement. The proposed parking arrangement is therefore considered to be acceptable and policy compliant.

#### *Cycle parking and Refuse Storage*

- 7.51 The basement parking area also includes provision for at least 9 cycles within a secure location and a refuse store. The waste store is located at the start of the ramp concealed within the landscaping. A Waste Management Strategy for the development has been submitted and this confirms that a management company will transport the waste to the kerbside on collection days. This is considered to be an acceptable arrangement. The proposal therefore complies with policy in these regards. These items can be controlled by condition.
- 7.52 Subject to these conditions, the parking, traffic and highways implications of the development are found to be acceptable and policy compliant.

### **Sustainability**

#### *Energy and Water*

- 7.53 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.
- 7.54 The submitted Design and Access Statement makes a commitment to 10% renewables on site and an area of flat roof, set back from the front elevation, has been set aside for this but no details have been provided. In this case it is considered that these details can be required by condition and could in principle be provided on site in such a way as to respect the setting and appearance of the Conversation Area. A condition can also be imposed in relation to water efficiency measures. Subject to such conditions the proposal is acceptable and policy compliant in the above regards.

#### *Sustainable Drainage (SUDS)*

- 7.55 A Drainage Statement has been submitted for the site. This confirms that the site is located on clay/silt so infiltration techniques will not be viable so it is proposed that the detailed SUDs strategy includes a water treatment process and water attenuation tank which will reduce the discharge rate from the site. Specific details of this have not been provided however the Councils Drainage Engineer has commented that these can be agreed via a pre commencement condition.

Subject to this condition, the proposal is considered to be acceptable and policy compliant in this regard.

#### *Impact on Nature Designations*

- 7.56 It is considered that the site is sufficiently separate from the foreshore such that it will not have a detrimental impact on the nature designations in this location.

#### **Trees**

- 7.57 The Council seeks to protect trees which make a positive contribution to the amenity of the area from the impact of new development.
- 7.58 The rear of the proposal site contains a number of existing trees which are protected by virtue of being within the boundary of the conservation area. A full arboricultural survey has not been provided with the application but the agent has confirmed that the largest Cupressus Macrocarpa tree on the site will be retained along with 4 trees on the eastern boundary and that these trees and those in the neighbouring gardens within the immediate vicinity of the development site will be protected. Only 1 fruit tree will be removed to facilitate the development.
- 7.59 The Council's Arboricultural Officer has not raised any objections to the proposed works but agrees that tree protection measures should be agreed prior to commencement of the development. This can be secured by condition. Subject to this condition the impact on trees is considered acceptable.

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

##### *Charging Schedule (2015).*

- 7.60 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 1820.5 sqm, which may equate to a CIL charge of approximately £140280 (subject to confirmation).

#### **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide an acceptable standard of accommodation for future occupiers, and on balance, would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the conservation area. There would be no materially adverse impacts on traffic, parking or highways, trees or nature designations caused by the proposed development. The proposal's contribution to the borough's housing stock carries some, limited weight in the planning balance. The development has overcome the previous reason for refusal and this application is recommended for approval subject to conditions.



## **9 Recommendation**

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

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

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans and details 609-P01E, 609-P02F, 609-P03C, 609-P04A, 609-P05A, 609-P06B, 609-P07B, 609-P08E, 609-P09C, 609-P10B, 609-P11F, 609-P12B, 609-P13 (visual), 609-P14, 609-P15C, Materials List by SKArchitects ref 609 Rev A and Platform Lift Information by SKArchitects Ref 609.**

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

**03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment carried out by by Ambiental Environmental Assessment reference 5364 before the approved dwellings are occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.**

**Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and policy KP2 of Core Strategy**

**04 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until full details of the existing and proposed site 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 in accordance with the approved details before it is occupied.**

**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).**

**05 The materials used for the external surfaces of the building shall be as detailed on plan reference 609-P15C and the Materials List prepared by SKArchitects reference 609 Rev A.**

**Reason: To safeguard the visual amenities of the conservation area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM5 and DM6 and advice contained within the Southend Design and Townscape Guide (2009).**

**06 The detailing for the front balconies and guttering of the development hereby approved shall be carried out in full accordance with plan references 609-P12B and 609-P15C before the development is occupied.**

**Reason: To safeguard the visual amenities of the conservation area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM5 and DM6 and advice contained within the Southend Design and Townscape Guide (2009).**

**07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to: -**

- i. means of enclosure, of the site including any gates or boundary fencing;**
- ii. other vehicle and pedestrian access and circulation areas;**
- iii. hard surfacing materials;**
- iv. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);**
- 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: To safeguard character and appearance of conservation area and wider streetscene in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

**08 Prior to the commencement of the development hereby approved details of tree protection measures, in relation to the trees on, or adjoining, 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 commencement of the development and shall be retained throughout construction of the development.**

**Reason: A pre commencement condition is justified to ensure the trees to the west of 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).**

**09 The development hereby approved shall not be occupied until and unless 11 car parking spaces have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with the details shown on drawing 609-P07B, together with properly constructed vehicular access to the adjoining highway, in full accordance with the approved plans. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.**

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

**10 The development hereby approved shall not be occupied until and unless the store containing at least 9 secure, covered cycle parking spaces and the refuse and recycling store to serve the flatted development as shown on drawing 609-P07B have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the flats hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter. The waste management and servicing of the development shall be carried out in accordance with the submitted Waste Management Plan by SKArchitects.**

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

**11 No drainage infrastructure shall be installed at the site unless and until detailed designs of a surface water drainage scheme incorporating the following measures has been submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in full before the development is first occupied. The scheme provided shall address the following matters:**

- i. Provide a detailed drainage plan identifying the sustainable urban drainage (SuDS) features to be used, including their size and location, the destination of runoff, any runoff rate restrictions, and the proposed method of flow control;**
- ii. Provide supporting calculations to demonstrate the hydraulic performance of the proposed SuDS for the 1 in 100 year plus 40% change event;**
- iii. Provide evidence of consent from Anglian Water for the proposed discharge rate and connection location to the public sewer; and**
- iv. Provide details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan).**

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

**12 A scheme detailing how at least 10% of the total energy needs of the development hereby approved 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 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).**

**14 The east and west facing windows in the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level of the rooms served by those windows and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

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

**15 The development hereby approved shall be carried out in a manner to ensure the flats comply with building regulation M4 (2) 'accessible and adaptable dwellings', including the installation of the platform lift as detailed in the approved plan reference 609-P11 Rev F and Platform Lift Information by SKArchitects Ref 609, 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).

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

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

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

**Informatives:**

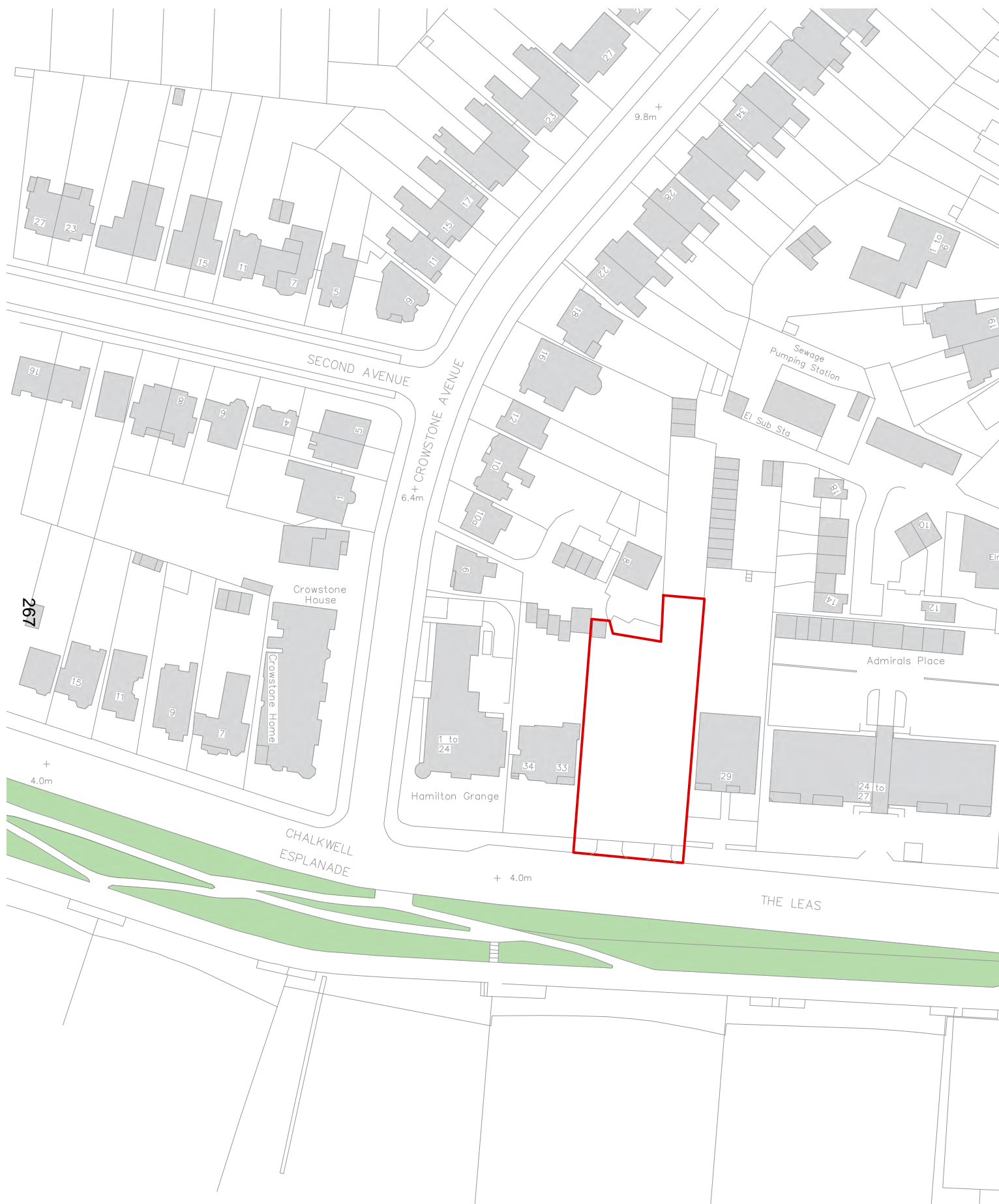
**01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains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

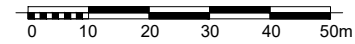
**03 The applicant advised that an amendment to the existing traffic regulation order to the front of the site will be required when constructing the vehicle access. Please contact the Councils Highways Section to arrange this.**



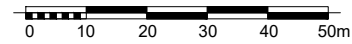




EXISTING LOCATION PLAN 1:1250 @ A2



PROPOSED LOCATION PLAN 1:1250 @ A2



Rev	Comment	By	Date
E	Planning adjustments	RW	27/07/2020
D	Planning adjustments	RW	09/07/2020
C	Red line adjustment	RW	07/07/2020
B	Client amendments	RW	28/04/2020
A	Client amendments	RW	20/04/2020

Stage:  
Feasibility

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Existing and Proposed Location Plan

Drawing no:  
609 - P01

Revision: E Drawn by: RW

Project no: 609 Chkd by: SK

Scale: 1:1250 @ A2

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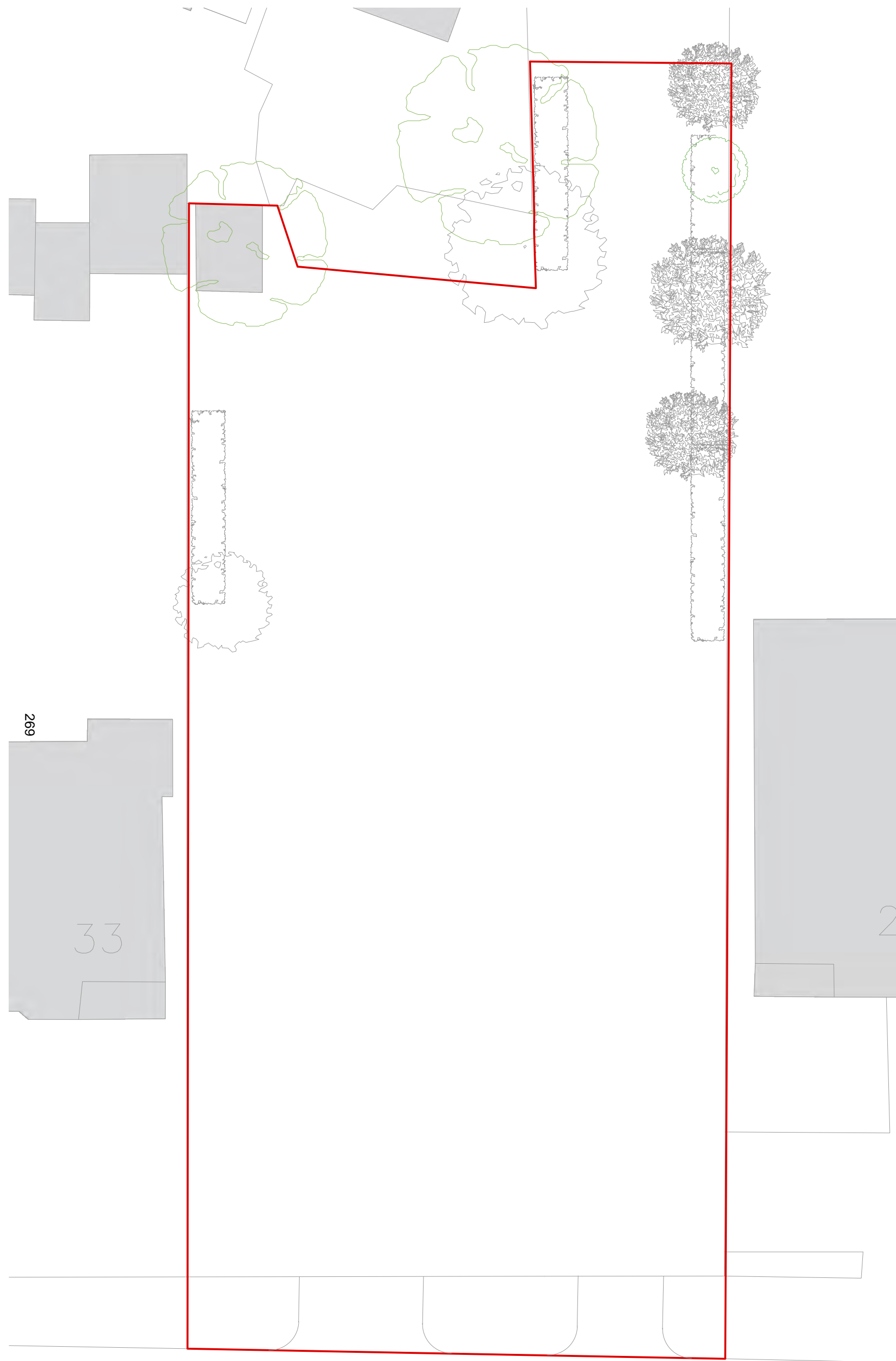
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SS0 9SZ

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Email: info@skarchitects.co.uk

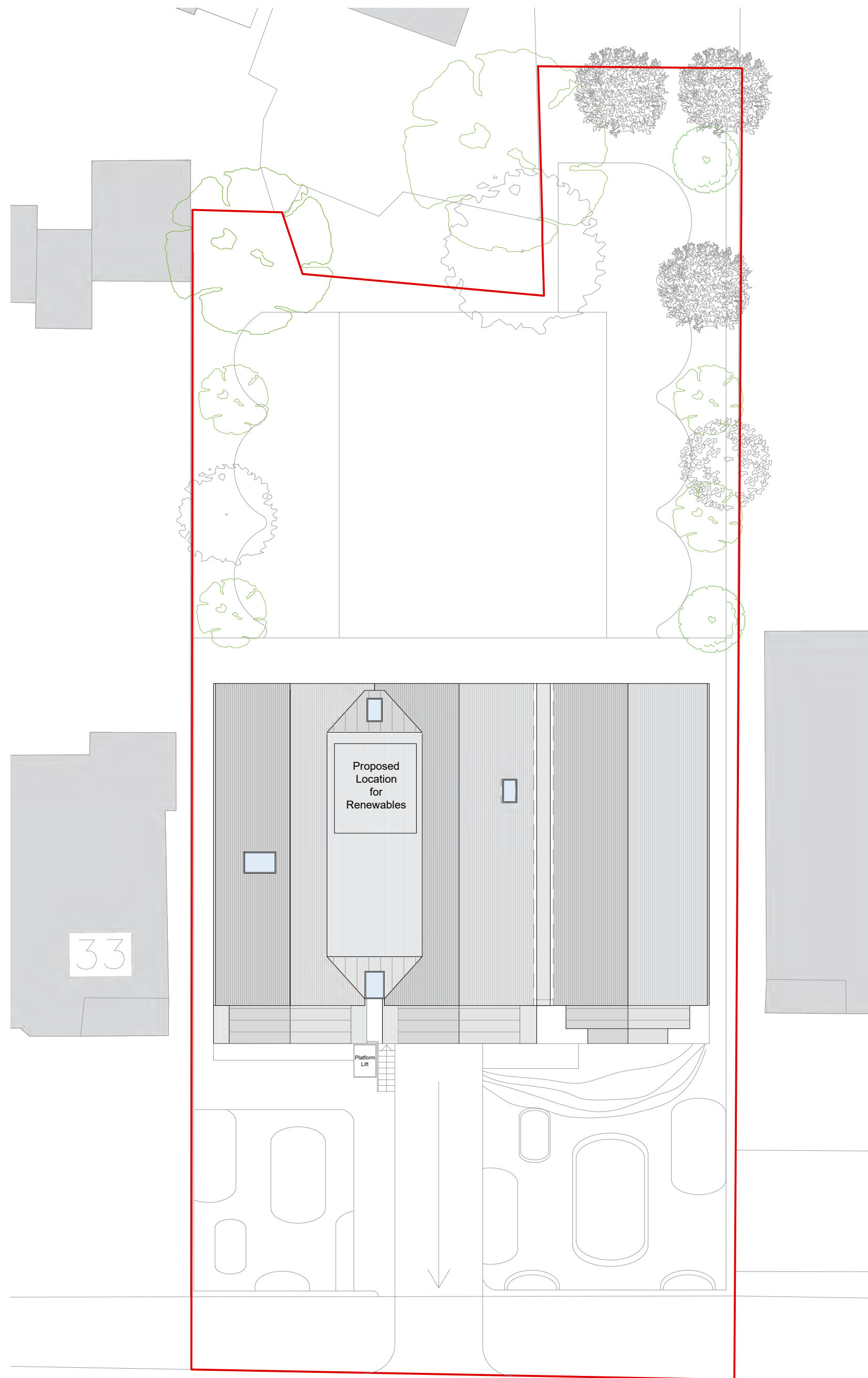
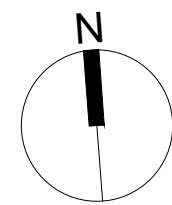
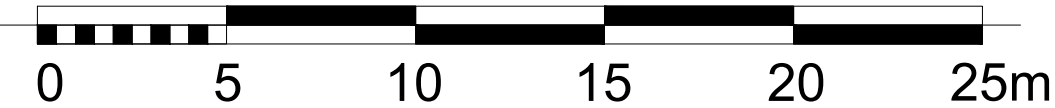
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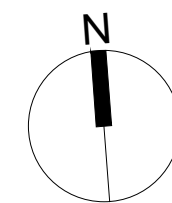
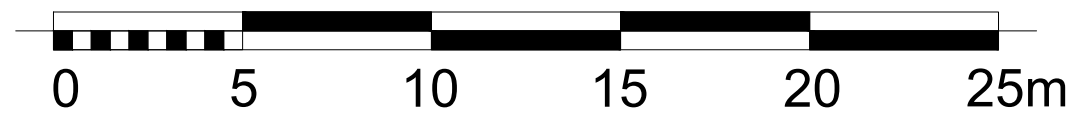
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EXISTING BLOCK PLAN 1:200 @ A2



PROPOSED BLOCK PLAN 1:200 @ A2



Rev	Comment	By	Date
F	Planning adjustments	RW	27/07/2020
E	Planning adjustments	RW	09/07/2020
D	Red line adjustment	RW	07/07/2020
C	Landscape information added	RW	12/06/2020
B	Client amendments	RW	28/04/2020
A	Client amendments	RW	20/04/2020

Stage:  
Feasibility

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Existing and Proposed Block Plan

Drawing no:  
609 - P02

Revision: **F** Drawn by: RW

Project no: 609 Chkd by: SK

Scale: 1:200 @ A2

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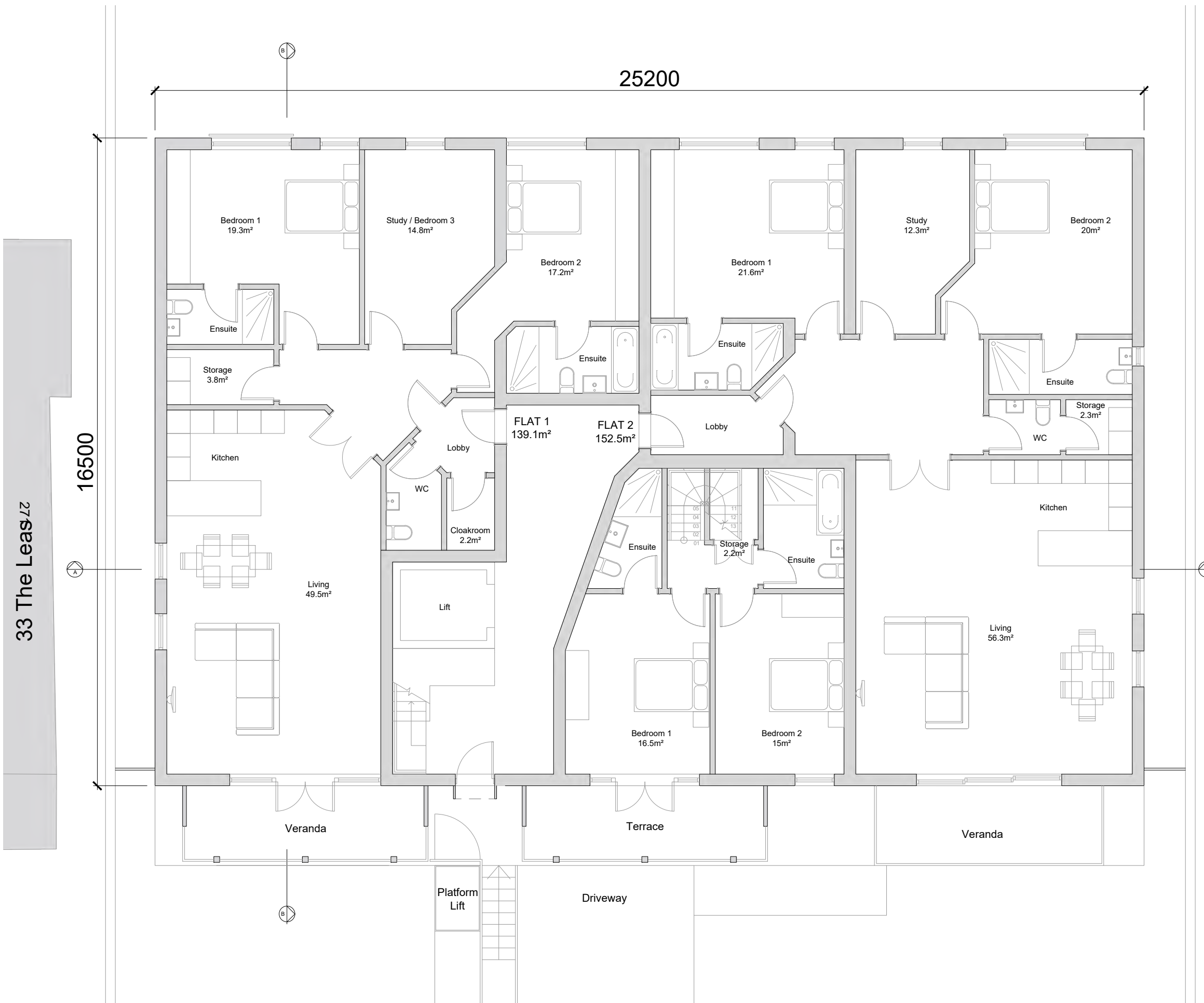
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33 The Leas<sub>22</sub>

Leastone - 29 The Leas

Rev	Comment	By	Date
C	Planning amendments	RW	27/07/2020
B	Client amendments	RW	18/04/2020
A	Client amendments	RW	14/04/2020

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed Ground Floor Plan

Drawing no:  
**609 - P03**

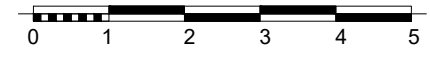
Revision: <b>C</b>	Drawn by: <b>RW</b>
Project no: <b>609</b>	Chkd by: <b>SK</b>

Scale: 1:100 @ A3

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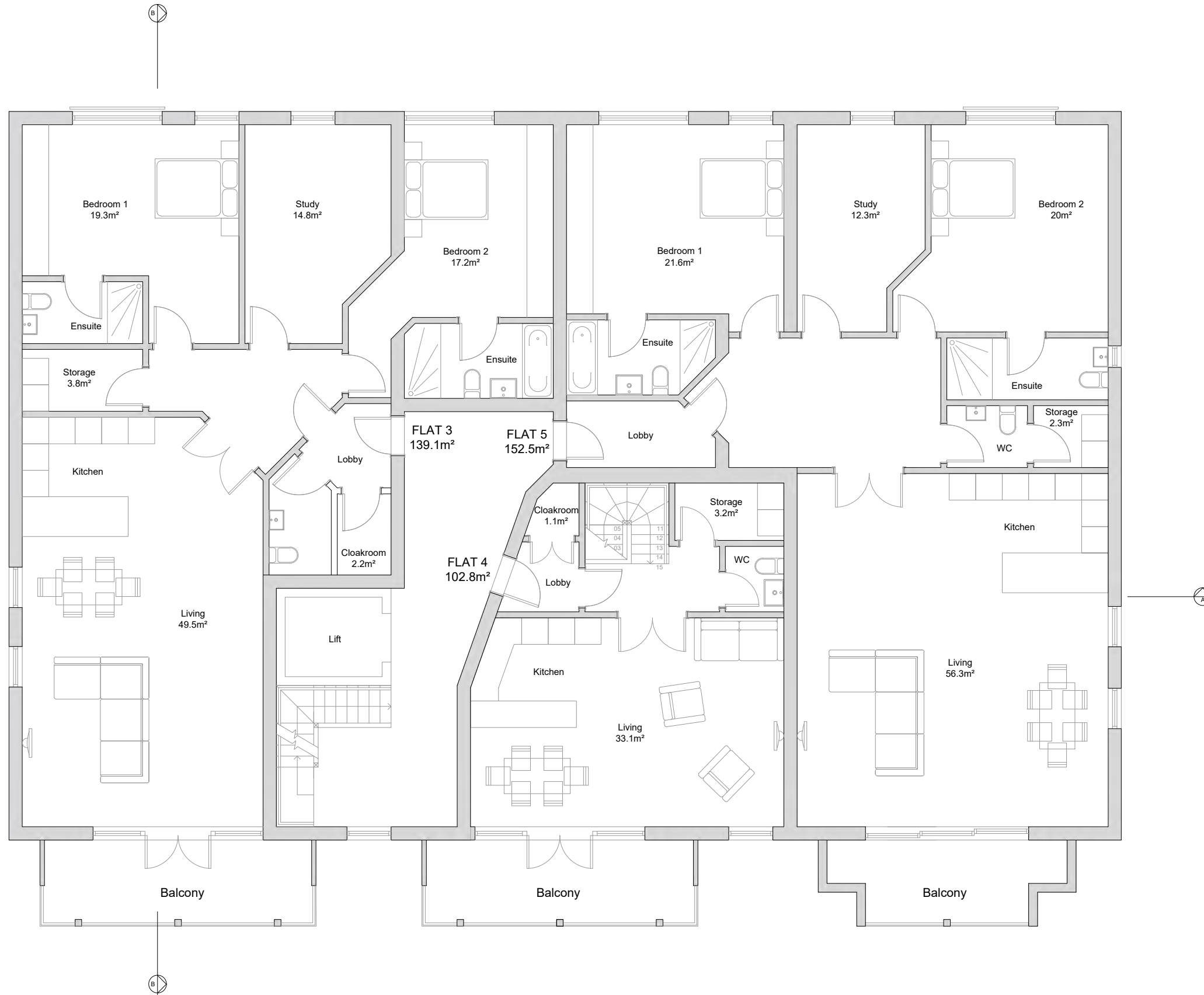
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PROPOSED GROUND LEVEL PLAN 1:100



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Notes:

Rev	Comment	By	Date
A	Client amendments	RW	14/04/2020

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed 1st Floor Plan

Drawing no:  
**609 - P04**

Revision: <b>A</b>	Drawn by: RW
Project no: <b>609</b>	Chkd by: SK

Scale: 1:100 @ A3

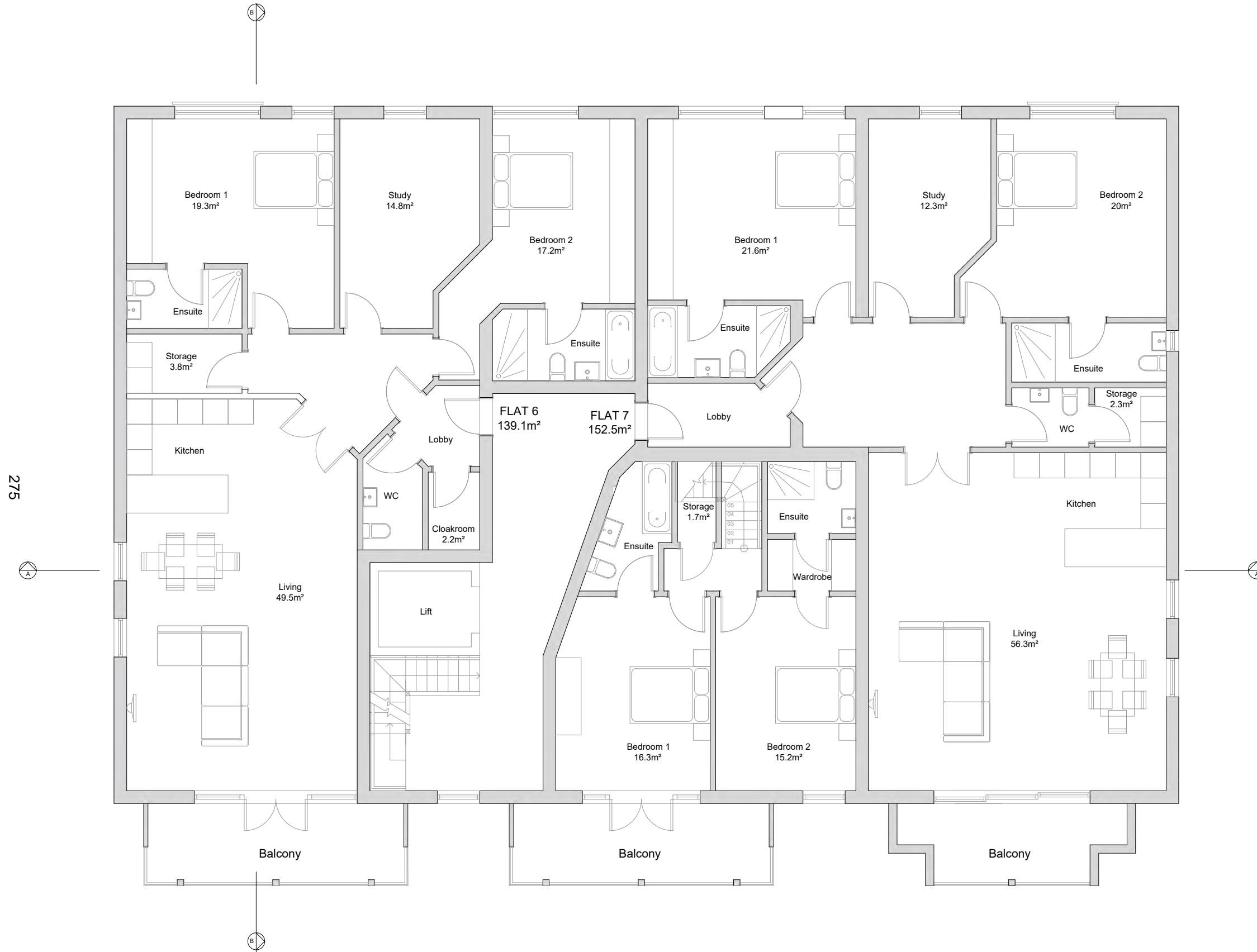
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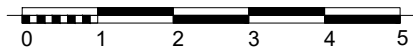
**PROPOSED 1ST LEVEL PLAN 1:100**



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PROPOSED 2ND LEVEL PLAN 1:100



Notes:

Rev	Comment	By	Date
A	Client amendments	RW	14/04/2020

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed 2nd Floor Plan

Drawing no:  
**609 - P05**

Revision: **A** Drawn by: RW

Project no: **609** Chkd by: SK

Scale: 1:100 @ A3

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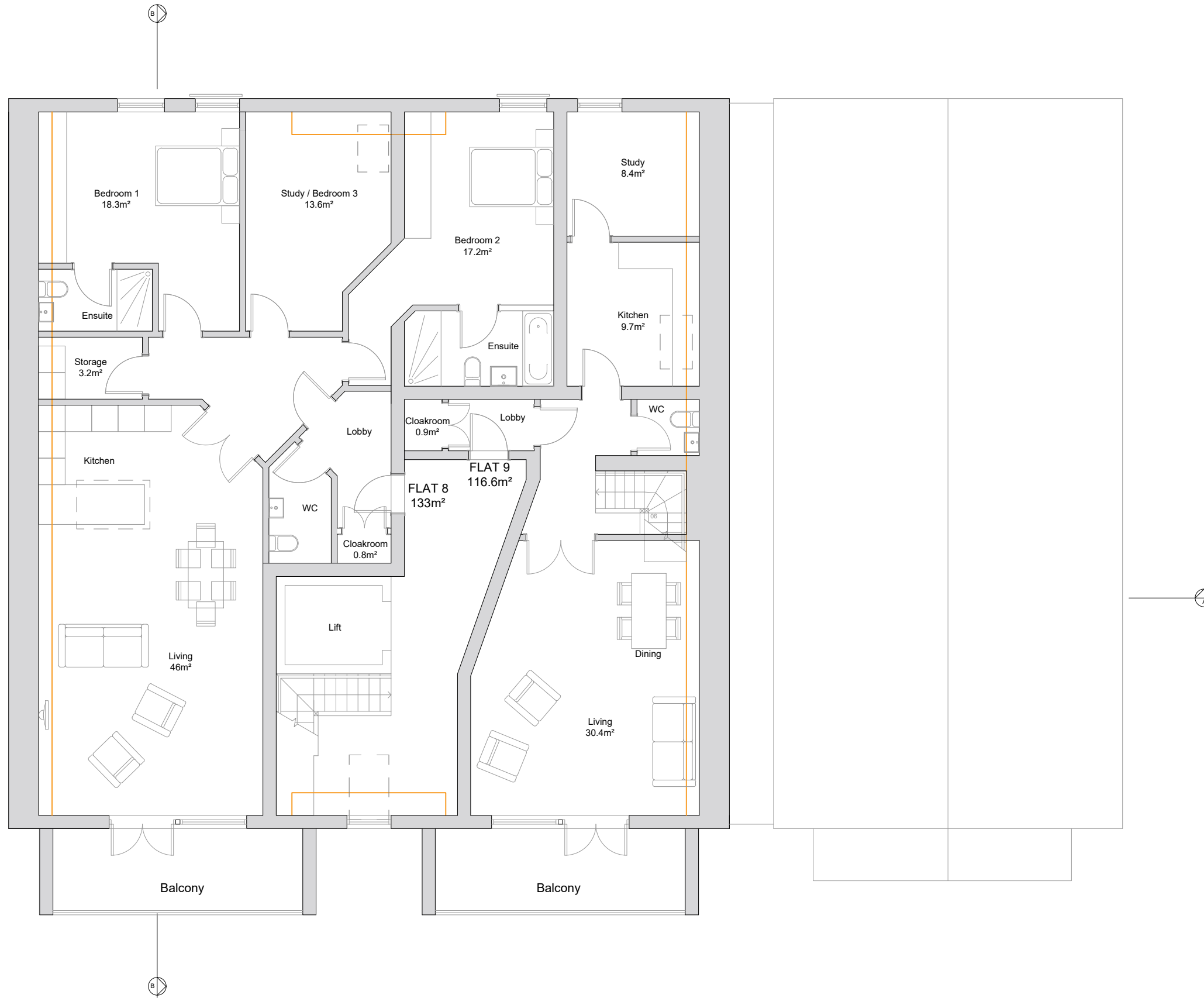
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Notes:			

Rev	Comment	By	Date
B	Client ammendments	RW	28/04/2020
A	Client ammendments	RW	14/04/2020

Stage:
Planning

Client:
Emore Group

Project:
30-32 The Leas Westcliff-on-Sea Essex SS0 8JB

Drawing Title:
Proposed 3rd Floor Plan

Drawing no:
<b>609 - P06</b>

Revision: <b>B</b>	Drawn by: RW
Project no: <b>609</b>	Chkd by: SK

Scale: 1:100 @ A3

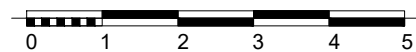
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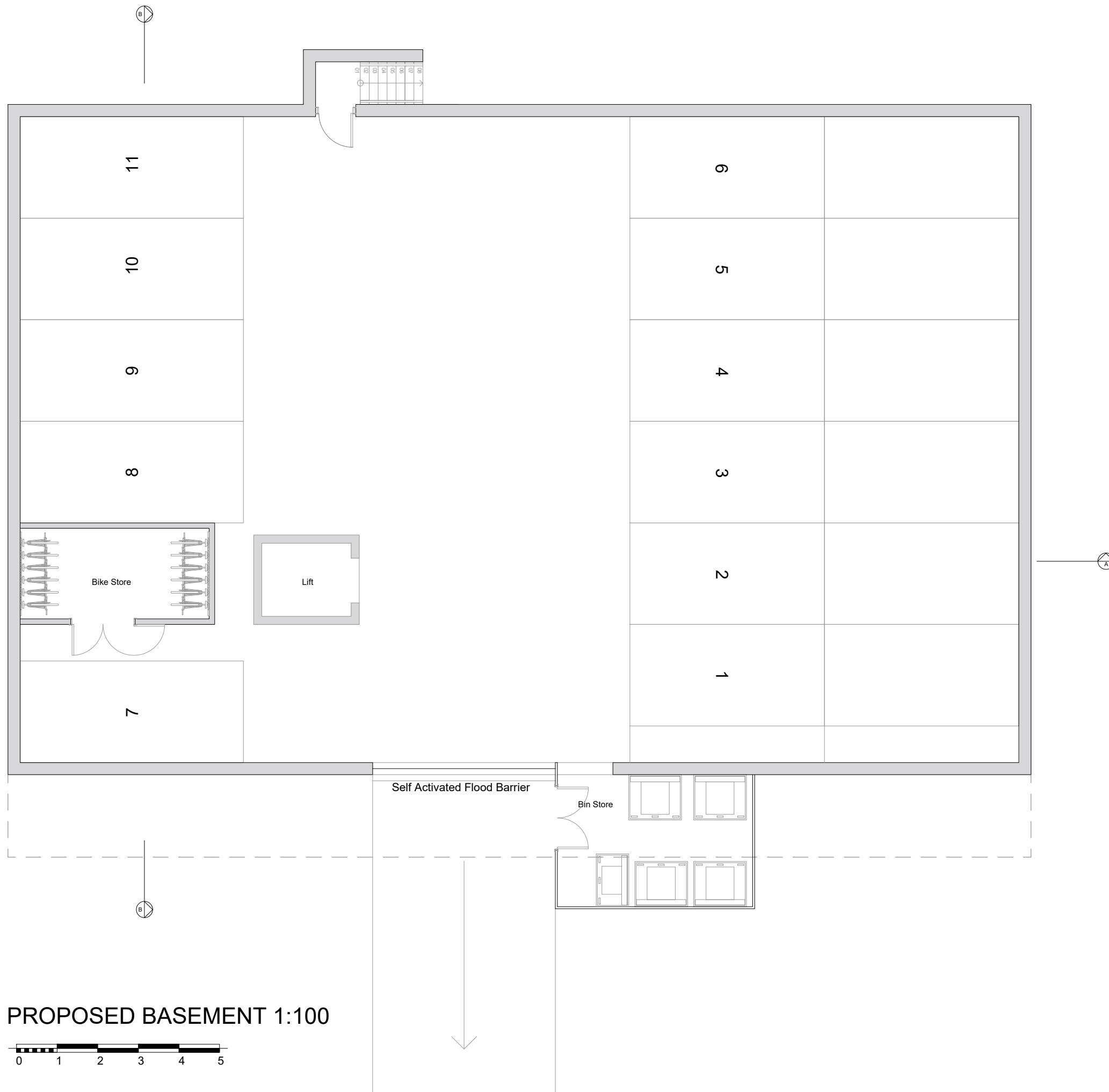
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PROPOSED 3RD LEVEL PLAN 1:100



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Notes:

Rev	Comment	By	Date
B	Flood barrier added	RW	08/07/2020
A	Client ammendments	RW	14/04/2020

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed Basement Plan

Drawing no:  
**609 - P07**

Revision: <b>B</b>	Drawn by: RW
Project no: <b>609</b>	Chkd by: SK

Scale: 1:100 @ A3

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**PROPOSED BASEMENT 1:100**



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PROPOSED FRONT ELEVATION 1:200 @ A3



PROPOSED STREET ELEVATION 1:500 @ A3

Notes:			
Rev	Comment	By	Date
E	Planning Amendments	RW	27/07/2020
D	Planning Amendments	RW	09/07/2020
C	Planning Amendments	RW	23/06/2020
B	Design adjustments	RW	28/04/2020
A	Design adjustments	RW	14/04/2020

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed Front Elevations

Drawing no:  
**609 - P08**

Revision: **E** Drawn by: RW

Project no: **609** Chkd by: SK

Scale: 1:200 & 1:500 @ A3

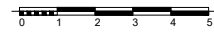
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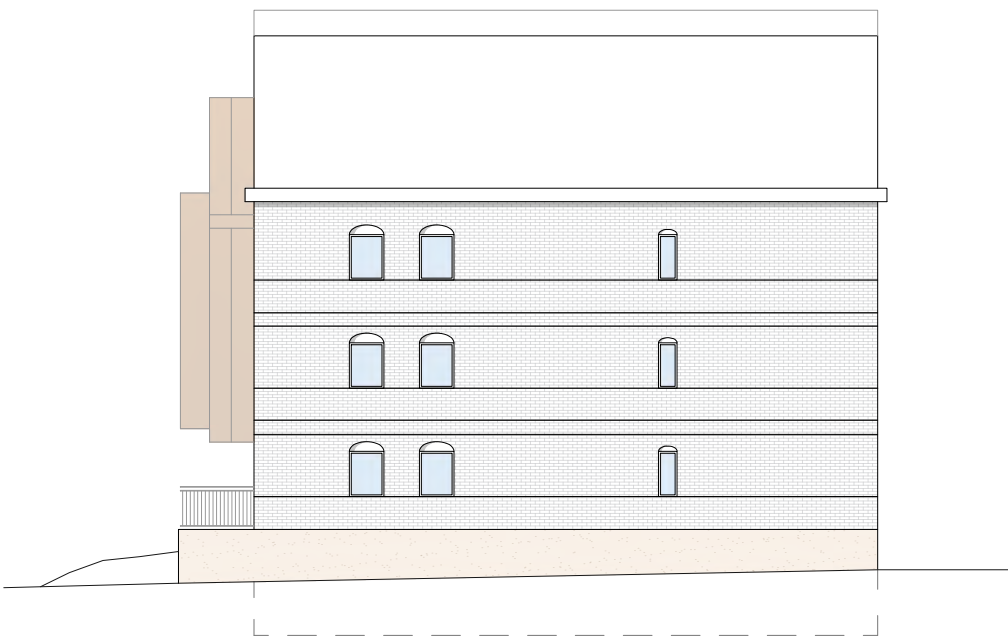
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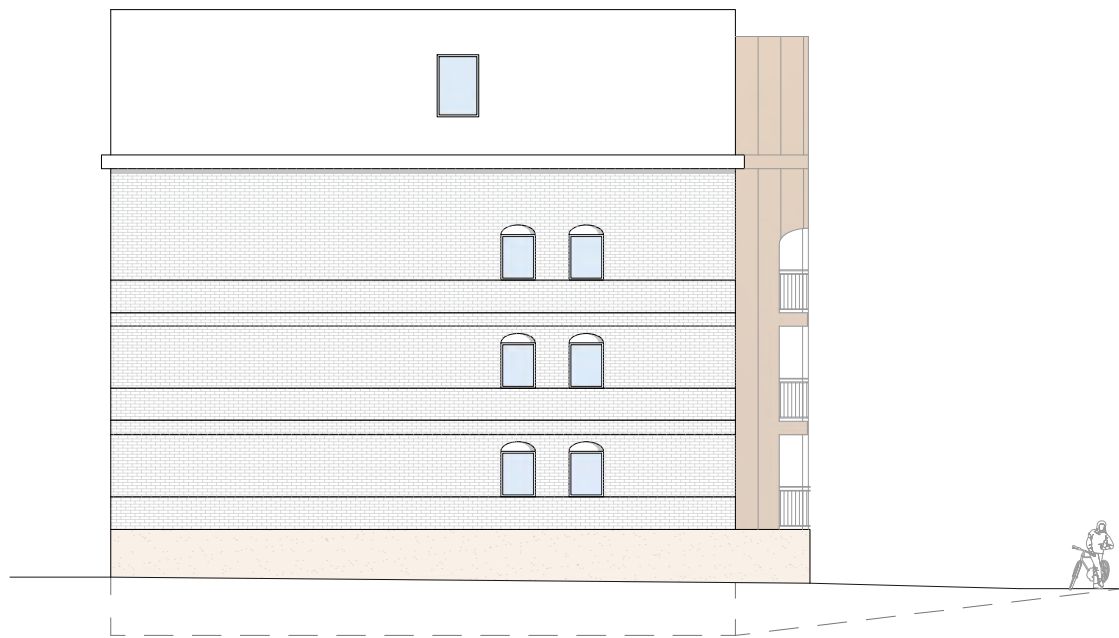
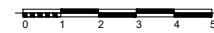
PROPOSED REAR ELEVATION 1:200



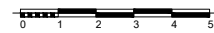
283



PROPOSED EAST FACING ELEVATION 1:200



PROPOSED WEST FACING ELEVATION 1:200



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Notes:

C	Planning amendments	RW	23/06/2020
B	Client amendments	RW	28/04/2020
A	Client amendments	RW	20/04/2020
Rev	Comment	By	Date

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Rear and Side Elevations

Drawing no:  
**609 - P09**

Revision: **C** Drawn by: RW

Project no: **609** Chkd by: SK

Scale: 1:200 @ A3

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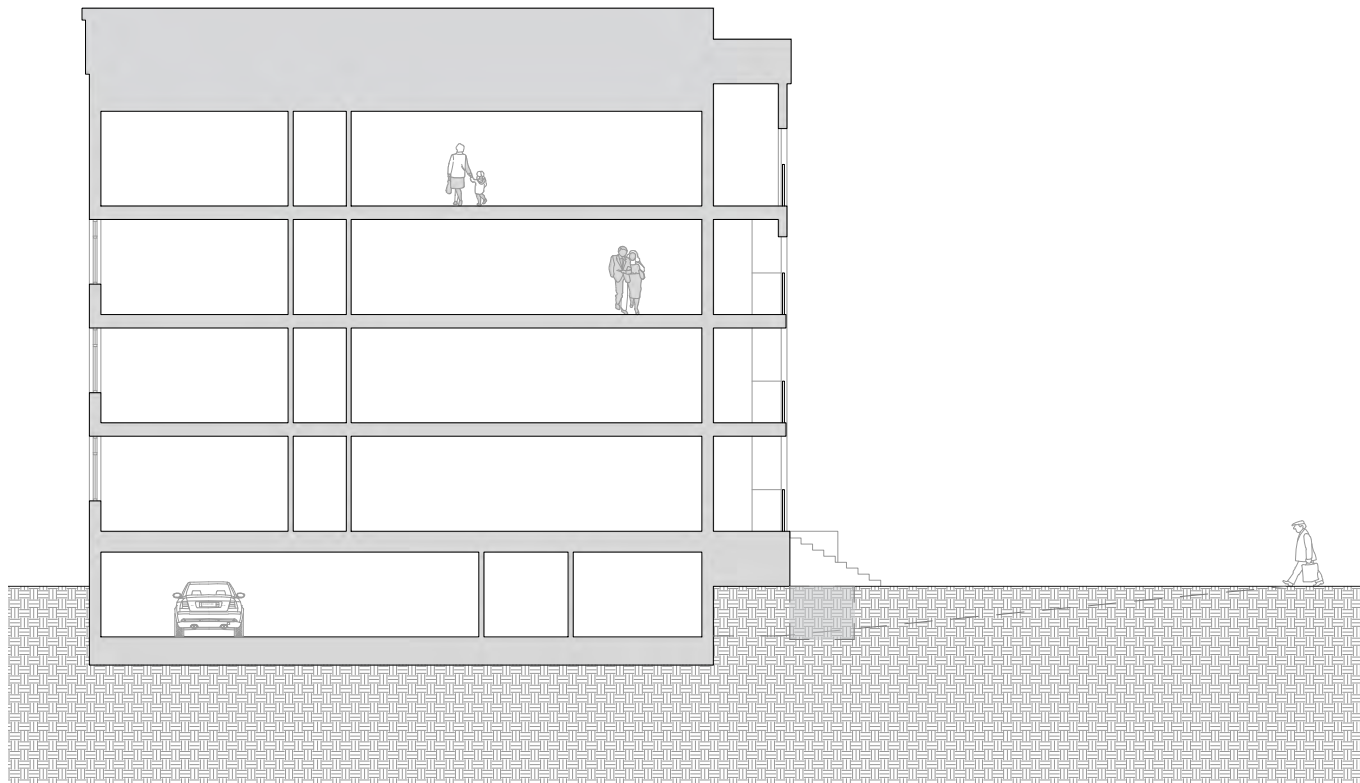
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PROPOSED SECTION B 1:200 @ A3



PROPOSED SECTION A 1:200 @ A3

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Notes:			
B	Planning amendments	RW	27/07/2020
A	Client amendments	RW	21/04/2020
Rev	Comment	By	Date

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed Sections

Drawing no:  
**609 - P10**

Revision: **B** Drawn by: RW

Project no: **609** Chkd by: SK

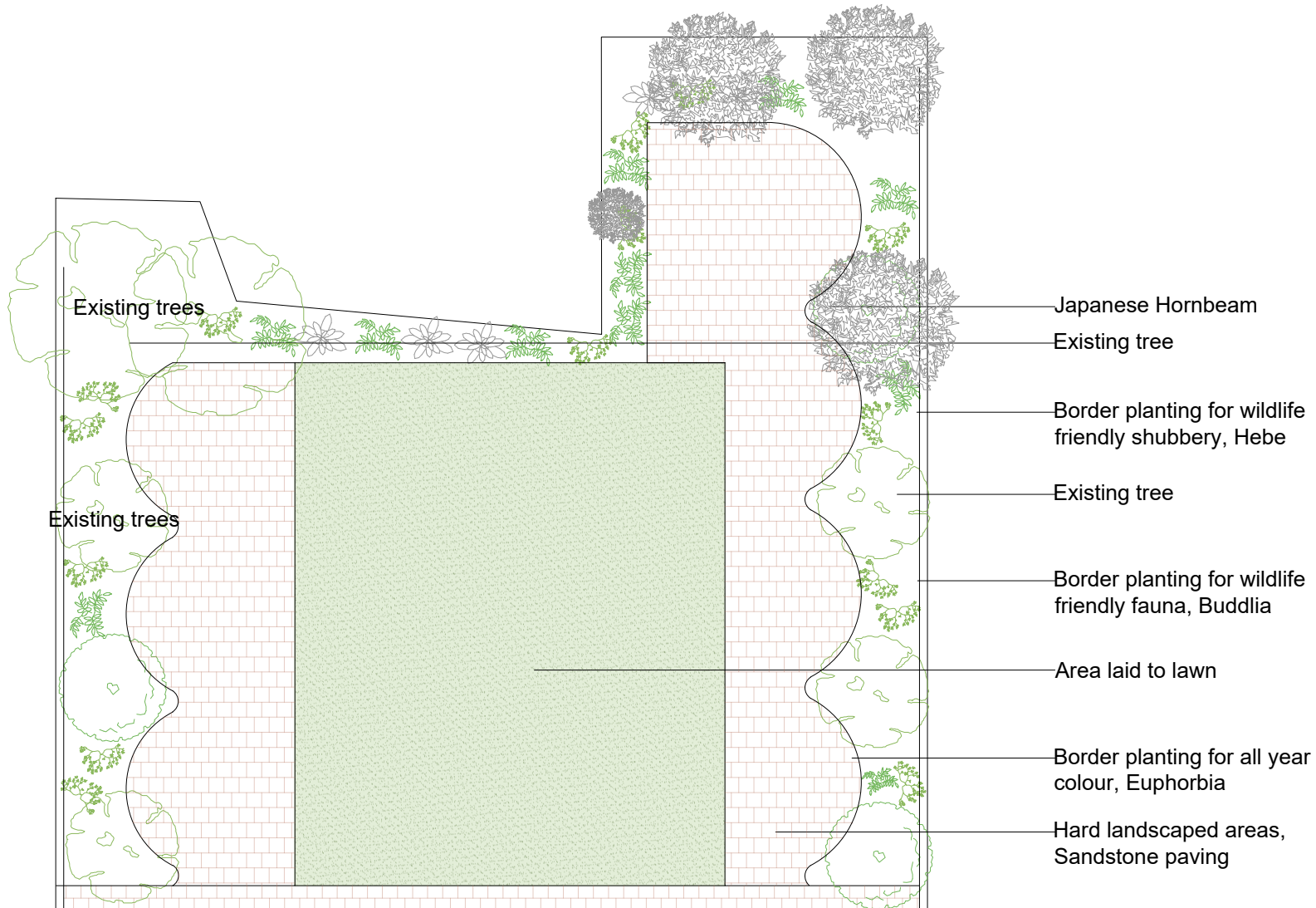
Scale: 1:200 @ A3

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Proposed site of 30-32 The Leas

- Platform lift. Finish of platform to match pavement
- Sedum bin store roof
- Edge planting, Cornus Sanguinea and Phormium Cookianum, including climbers, Jasmine
- Graded earth - gravel ground cover
- Paving along driveway & footpath
- Planters with wildlife friendly grass, Miscanthus
- Low brick planters, with wildlife friendly fauna, Verbana and Lavender
- Low level brick boundary wall

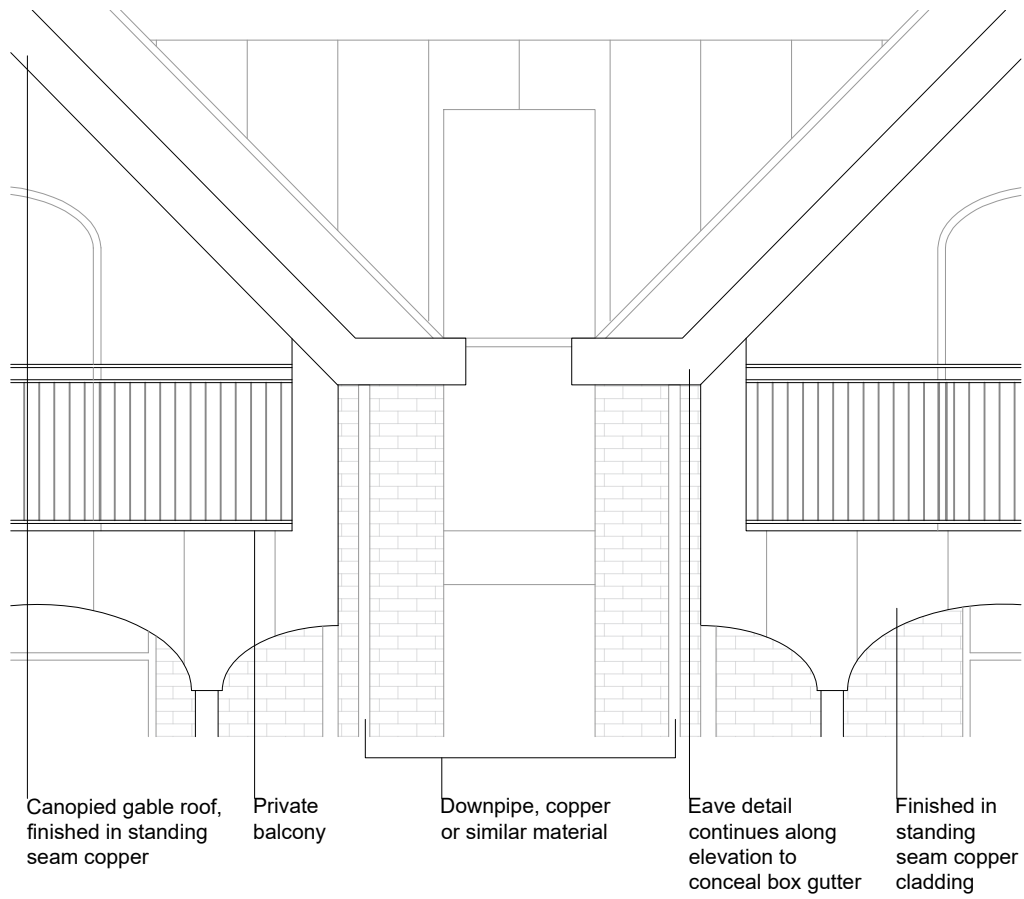
PROPOSED LANDSCAPE PLAN 1:200 @ A3



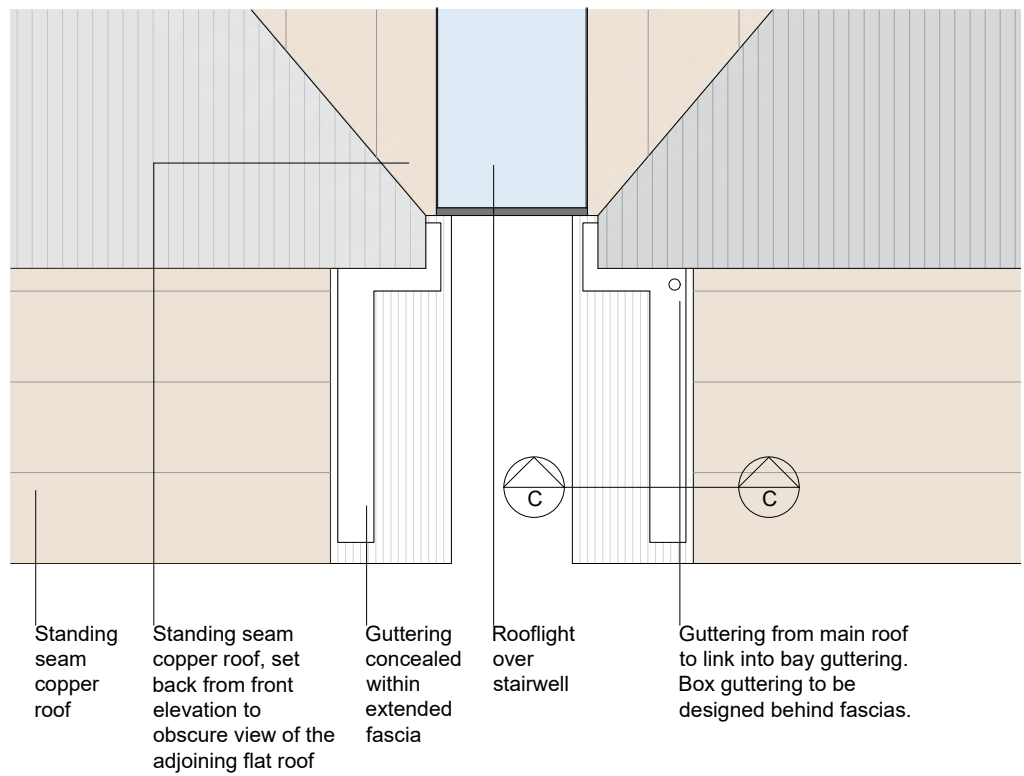
Rev	Comment	By	Date
F	Planning amendments	RW	27/07/2020
E	Planning amendments	RW	09/07/2020
D	Ground cover detail	RW	08/07/2020
C	Planning amendments	RW	23/06/2020
B	Existing tree added	RW	09/06/2020
A	Client amendments	RW	20/04/2020

Stage: Planning	
Client: Emore Group	
Project: 30-32 The Leas Westcliff-on-Sea Essex SS0 8JB	
Drawing Title: Proposed Landscape Plan	
Drawing no: <b>609 - P11</b>	
Revision: <b>F</b>	Drawn by: RW
Project no: <b>609</b>	Chkd by: SK
Scale: 1:200 @ A3	
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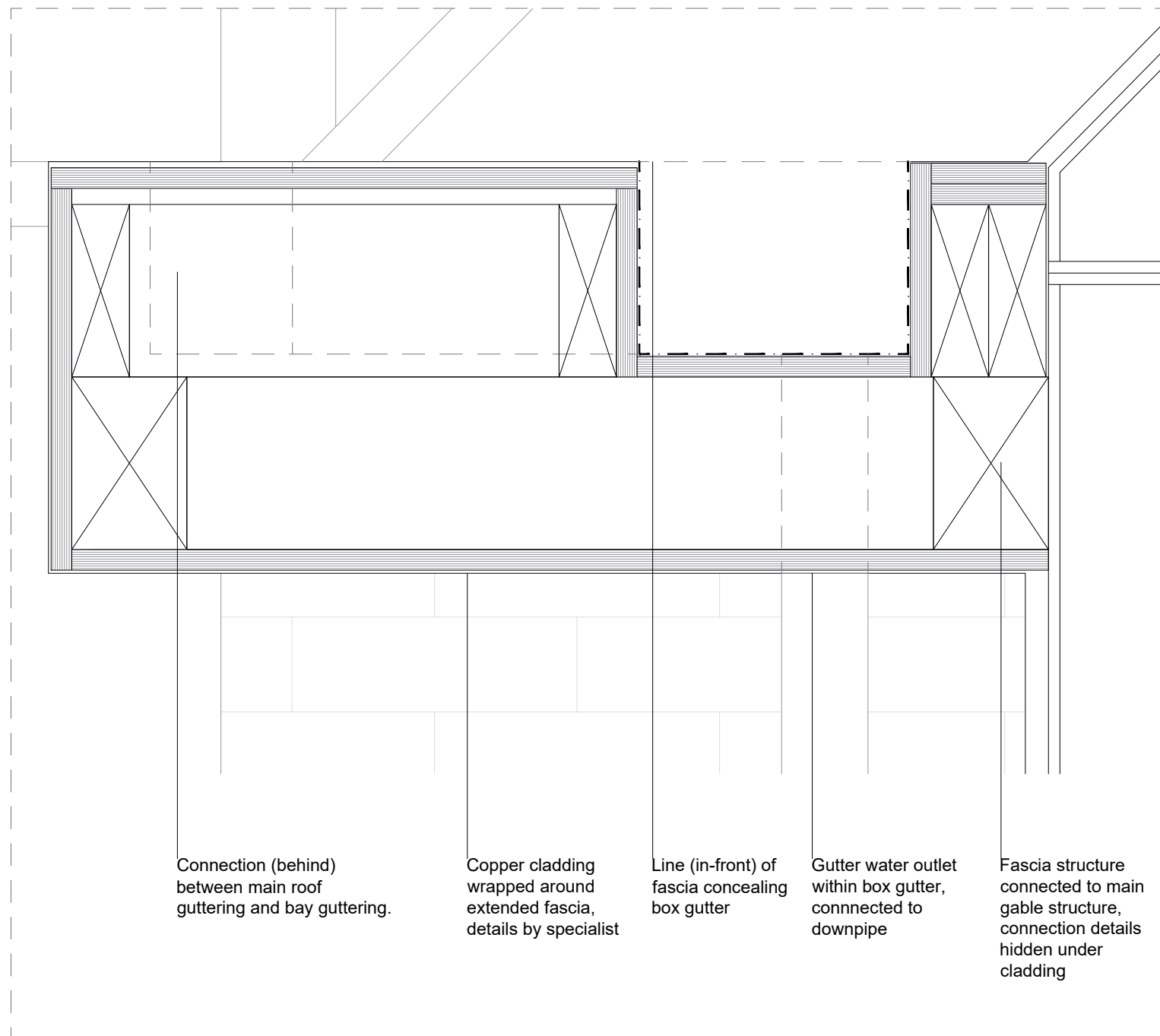
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DETAILED ELEVATION 1:50 @ A3



DETAILED ROOF PLAN 1:50 @ A3



DETAILED SECTION C 1:5 @ A3



Reference elevation

Rev	Comment	By	Date
B	Balcony details amended	RW	08/07/2020
A	Client amendments	RW	29/04/2020

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed Details

Drawing no:  
**609 - P12**

Revision: **B** Drawn by: RW

Project no: **609** Chkd by: SK

Scale: 1:50 & 1:5 @ A3

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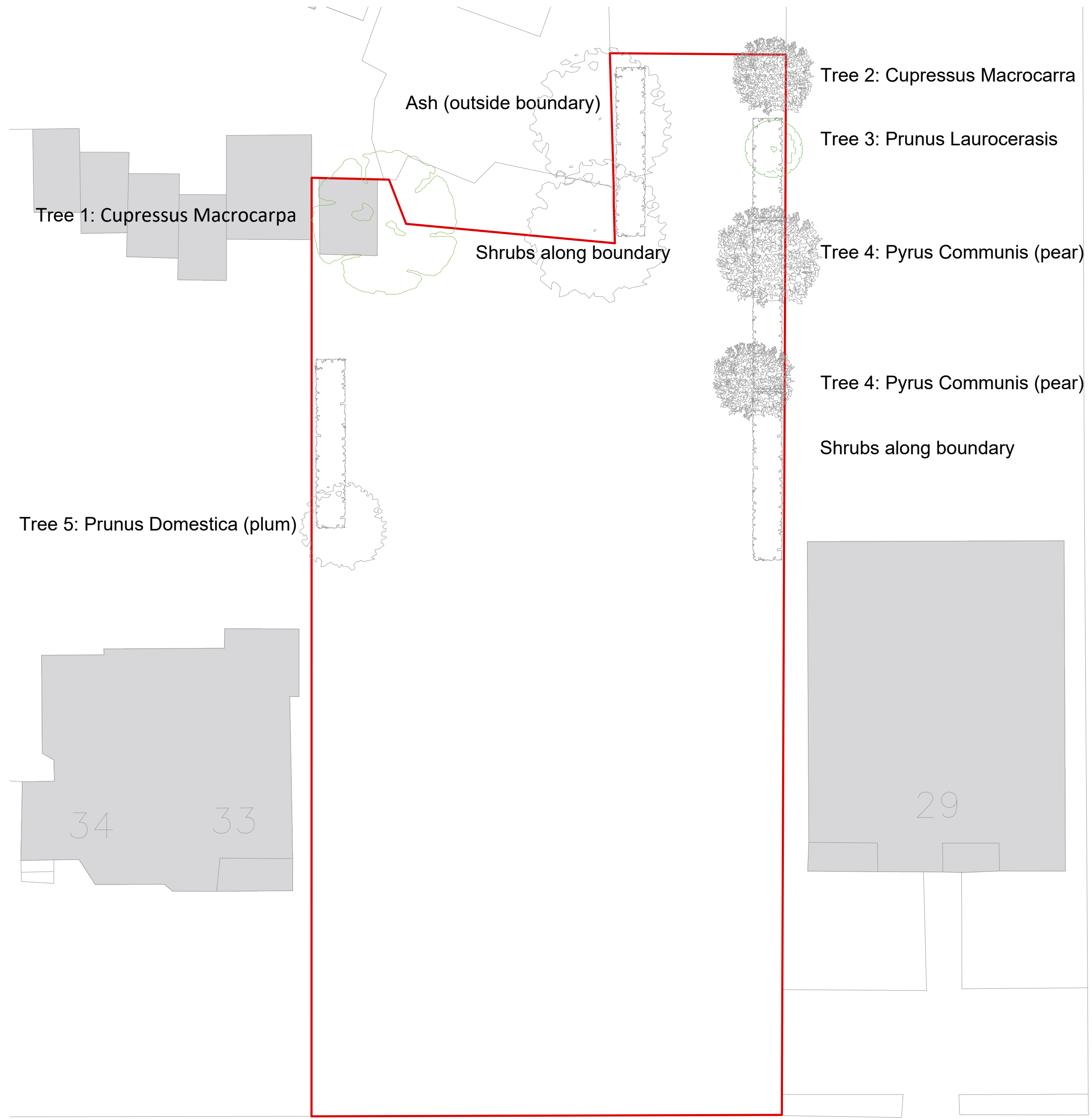
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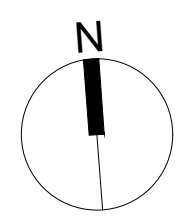
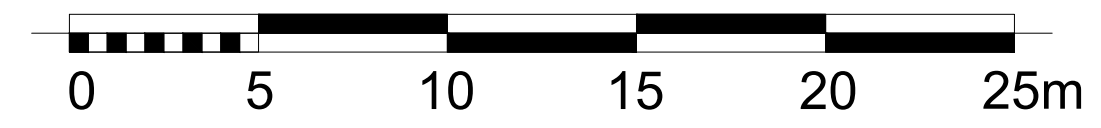
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EXISTING TREE PLAN 1:200 @ A2



Rev	Comment	By	Date
-	-	-	-

Stage:  
Feasibility

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Existing Tree Plan

Drawing no:  
**609 - P14**

Revision: - Drawn by: RW

Project no: 609 Chkd by: SK

Scale: 1:200 @ A2

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Please read alongside Tree Statement.  
Tree types based on 2016 Arbicultural Report and on-site observations.

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Wall of top balcony:  
Standing seam oxidised copper cladding

Eaves:  
Fascia - oxidised copper cladding  
Soffit - cedar cladding

Guttering:  
Concealed guttering on front elevation.  
Flushjointed aluminium downpipes.  
Aluminium box section gutters along  
side elevations. RAL 8024.

Balconies:  
Soffit is cedar cladding

Platform Lift Gate:  
To match balcony balustrades in RAL 8024



PROPOSED FRONT ELEVATION - MATERIALS 1:200 @ A3

Roof Tiles:  
Marley, Ashmore Plain Tile in  
smooth brown

Cladding:  
Standing seam oxidised  
copper cladding

Eaves:  
Powdercoated bargeboard  
in RAL 1015

Brick:  
Weinerberger Agora Super White  
with lime white mortar

Banding Detail:  
Oxidised copper cladding to match rest  
of building

Glazing:  
Double glazed aluminium windows  
in RAL 8024

Render:  
K-rend silicone coloured renders in  
Buttermilk

Rev	Comment	By	Date
C	Planning amendments	RW	27/07/2020
B	Planning amendments	RW	09/07/2020
A	Top balcony material changed & mortar info added	RW	08/07/2020

Stage:  
Planning

Client:  
Emore Group

Project:  
30-32 The Leas  
Westcliff-on-Sea  
Essex  
SS0 8JB

Drawing Title:  
Proposed Front Elevations - Materials

Drawing no:  
**609 - P15**

Revision: **C** Drawn by: RW

Project no: **609** Chkd by: SK

Scale: 1:200 & 1:50 @ A3

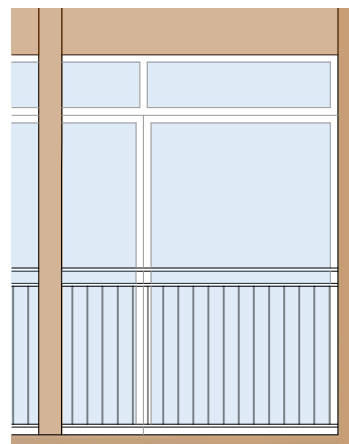
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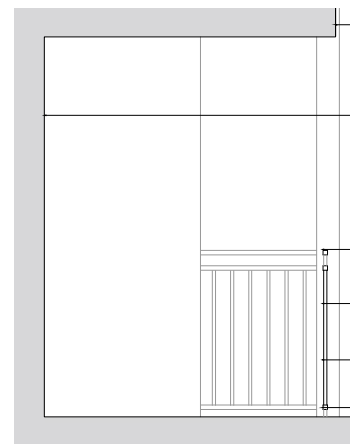
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FRONT ELEVATION BALUSTRADE @ 1:50



SECTION BALUSTRADE @ 1:50

Copper cladding along banding

Back wall partially glazed and partially  
Wienerberger Agora Super White brick.

Double metal square section handrail

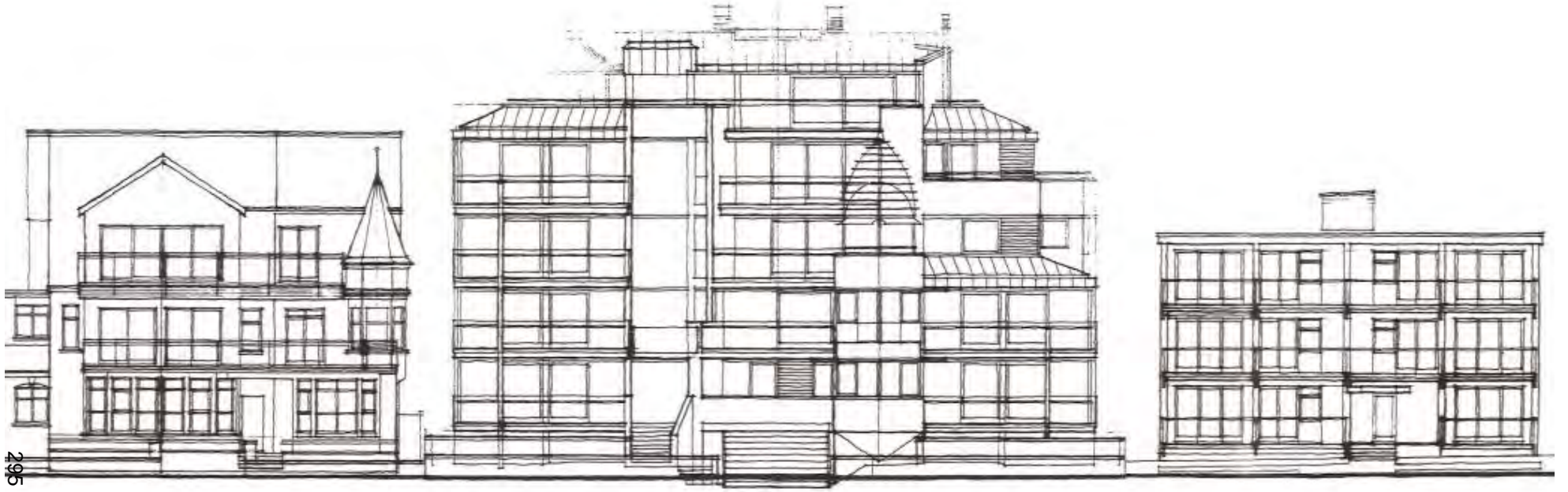
Square section railings

Powdercoated in RAL 8024

Square section bottom rail

Please read alongside Material List.

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## SLP model B

### Platform lift that blends neatly into its surroundings

The Stepless SLP B platform lift is a bespoke model, where both the platform itself and the tall safety barrier are built into a prefabricated pit in the ground, making it almost impossible to spot when not in use. It can be finished with almost any surface – cobblestones, tiles or paving stones, for example – to ensure it merges discreetly with its setting.

When the SLP B is activated, the safety barriers rise up automatically to prevent users rolling off the edge while the platform is in motion.

Designed for outdoor use, the Stepless SLP platform lift is typically installed outside old, public and/or heritage buildings.

The SLP B model is designed for operation by users themselves, without external assistance. The platform can, however, also be operated via an external panel.



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Influences with curved detailing in the vicinity



CGI showing streetscene and relationship with Crowstone House

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# 30-32 The Leas

Site Photos



# Site and neighbour to west





# Streetscene west



305



# Streetscene east





# Neighbour to west





# Neighbour to east





# Neighbour to east





# Neighbour to east





# Neighbour to east





# Rear looking north west





# Rear looking north





Rear looking north east





# Previous buildings (demolished)





# Previous streetscene





Google earth (previous buildings rear )



317

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<b>Reference:</b>	20/00801/AMDT	<h1>13</h1>
<b>Application Type:</b>	Minor Amendment	
<b>Ward:</b>	St Laurence	
<b>Proposal:</b>	Application to vary condition 11 (Refuse collection hours) to allow commercial refuse collection and the deliveries for the development; shall not take place outside 06:00 hours to 23:00 hours Mondays to Saturdays and 07:00 hours to 23:00 hours on Sundays (Minor Material Amendment of planning permission 18/01963/FULM dated 9.1.2019)	
<b>Address:</b>	200 Priory Crescent, Southend-On-Sea, Essex	
<b>Applicant:</b>	Aldi Foodstores Ltd	
<b>Agent:</b>	Mr William Rogers of Planning Potential	
<b>Consultation Expiry:</b>	22nd July 2020	
<b>Expiry Date:</b>	17th September 2020	
<b>Case Officer:</b>	Charlotte White	
<b>Plan Nos:</b>	<b>2238-CHE-006 Rev. C, 2238-CHE-100, Covering Letter ref 3592D, Environmental Noise Assessment Sharps Redmore dated 15<sup>th</sup> May 2020, ref: 1817955</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION, subject to conditions</b>	





## 1 Site and Surroundings

- 1.1 The application site is on the northern side of Priory Crescent. Planning permission was granted under reference 18/01963/FULM to erect a retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent. The development is currently under construction. To the west of the site a Hospice has recently been constructed. To the rear of the site is a new residential development. To the east of the site is Prittle Brook, the railway lines and the Saxon King Public House and its car park. Opposite the site is Priory Park. The site was previously used for industrial purposes.
- 1.2 The site is allocated for employment purposes in the Development Management Document's Proposals Map. There is an area of high-risk flood zone (flood zone 3) on the eastern side of the site. To the south of the site in Priory Park is the Grade I Listed and Ancient Scheduled Monument Prittlewell Priory.

## 2 The Proposal

- 2.1 Planning permission was granted under reference 18/01963/FULM to erect a retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent, subject to 24 planning conditions.

### 2.2 Condition 11

*Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 Monday to Friday and 07:00 hours to 23:00 hours on Saturdays, Sundays and Bank Holidays.*

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

- 2.3 The application seeks to vary Condition 11 to enable commercial refuse collections and deliveries to the development from 06:00 hours on Saturdays, whilst also deleting the reference to Bank Holidays

- 2.4 The application seeks to amend the wording of condition 11 to:

*'Commercial refuse collection and deliveries shall not take place outside 06:00 hours to 23:00 hours Monday to Saturday and 07:00 to 23:00 on Sundays'*

- 2.5 The background and justification for the proposal, as submitted includes; *'A key part of Aldi's offer is fresh goods, which are typically delivered to the store for same day sales. From Aldi's experience, deliveries are typically unloaded 2 hours before opening, which allows for stock to be fully unloaded and shelves stocked. This also provides a slight allowance for any delays experienced on route to the store. As part of Aldi's efficient operations, the lorry will also often take waste bundles at this time. This window is absolutely crucial, as if the delivery has not been fully unloaded, the store will not be fully stocked and will be losing trade.'*

*The current restriction would not allow for this to happen.’ The applicant also states ‘In additional enabling flexibility and minimising impact, the variation will also help secure more sustainable development patterns. By increasing the morning delivery window to 0600 on Saturdays and Bank Holidays, it would enable more than one store to be serviced by the same lorry, thus considerably reducing road miles and vehicular emissions. Furthermore, roads will typically have less traffic before 0700, meaning deliveries can be undertaken much more efficiently and reduces time when a lorry may otherwise sit idly in traffic.’*

### **3 Relevant Planning History**

- 3.1 18/01963/FULM - Erect retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent – Planning permission granted.
- 3.2 18/01732/RSE – Erect food store with associated car parking, servicing, landscaping and associated works (request for a screening opinion) – not EIA development.
- 3.3 20/00531/ADV - Install various signage comprising of 3 internally illuminated single faced Aldi logo signs, 1 x Aldi vinyl welcome sign and 1 x Aldi logo vinyl, 2 x Vinyl Graphic Signs fixed to external wall of Store, 3 x Vinyl Graphic Signs on outside surface of glazing and a double-faced Internally Illuminated Totem sign at Entrance/Exit to Store – Advertisement Consent Granted
- 3.4 19/01782/AD - Application for approval of details pursuant to conditions 03 (samples of materials for external surfaces), 12 (SUDS), 13 (Contamination Report), 14 (Archaeological Report), 16 (Construction Method Statement), 18 (Protected Species and Habitats Surveys), 22 (details of right hand turn lane and access arrangements) of planning permission 18/01963 FULM dated 09.01.2019 – Granted

### **4 Representation Summary**

#### **4.1 Public Consultation**

49 neighbouring properties were consulted, the application was advertised in the press and 2 site notices were displayed. 2 letters of representation have been received which make the following summarised comments:

- Residential amenity concerns.
- Concerns relating to noise impacts of deliveries on flats on the Ecko Estate and Havens Hospice.
- Objector suggests amended hours of 8am to 8pm Monday to Sunday.

*Officer comment: In response to one of the objector’s proposed hours, it should be noted that planning permission has already been granted, subject to a condition restricting commercial refuse collection and deliveries from 06:00 hours to 23:00 Monday to Friday and 07:00 hours to 23:00 hours on Saturdays, Sundays and Bank Holidays.*

*Officer comment: The concerns raised have been considered in the determination of the application but are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.*

## 4.2 Member Call in

The application has been referred to the Development Control Committee by Cllr Walker with the following comment provided:

*Bearing in mind that this Application site is immediately adjacent to the new Fair Havens site I do not think that allowing collection of refuse either very early or equally very late would be a good idea.*

## 4.3 Highways Team

No objections.

## 4.4 Environmental Health

Environmental Health require actual measurements to ascertain that noise disturbance/disturbance from deliveries at 6am does not impact on nearby residents in terms of sleep. This can be controlled with a planning condition requiring a validation survey to be carried out after one month of opening.

## 5 Planning Policy Summary

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

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

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 Vehicle Crossing Policy & Application Guidance (2014)

5.6 CIL Charging Schedule (2015)

## 6 Planning Considerations

6.1 Given the nature of the proposal, which seeks to alter the commercial refuse collection and delivery times only, the main considerations in relation to this application are residential amenity considerations and any highway implications. The principle of the development remains acceptable, there are no design changes and no subsequent impact on the character and appearance of the site or the wider surrounding area or the setting of nearby heritage assets. There are no material alterations in terms of flood risk, environmental protection, ecology, biodiversity or trees.

## 7 Appraisal

### Impact on Residential Amenity

- 7.1 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”*
- 7.2 Paragraph 80 of the NPPF states *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.’*
- 7.3 Paragraph 180 of the NPPF states *‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...’*
- 7.4 Given the nature of the proposal, which does not seek to alter the size or position of the store, it is considered that the proposal would not result in any material harm to the residential amenity of nearby and adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook, overlooking and loss of privacy or overshadowing over and above the extant permission. However, given the nature of the proposal, the development has the potential to result in noise and disturbance.
- 7.5 The covering letter states *‘Unlike other supermarkets, Aldi does not have a service yard, but instead use a level dock delivery process where vehicles reverse up to the loading bay located at the side of the store. Goods are then wheeled in cages directly off the lorry into the warehouse, without the use of a tailgate or any lifting equipment. This process allows any noise resulting from deliveries to be minimised.... In support of this application, a noise report has been submitted...This demonstrates that the potential impacts from these proposals are acceptable and would not result in adverse impact on amenity.’*
- 7.6 The submitted Environmental Noise Assessment states, in relation to the original application (reference 18/01963/FUL), that the Environmental Noise Assessment submitted previously for that application concluded *‘that noise from deliveries between 0600 and 2300 hours (Monday to Friday) and from 0600 – 2300 hours (Saturday, Sunday and Bank Holidays) would not be out of character or cause significant adverse harm to local residents...’* The report goes on to explain that noise measurements were undertaken in 2018 prior to the flats to the rear being completed. Now the residential development to the rear has been completed, further noise measurements have been undertaken in support of this current application to amend condition 11.



A further survey was undertaken on Saturday 21<sup>st</sup> March 2020 with measurements taken directly in front of the apartments at Princess House a minimum of some 40m to the rear which are the nearest noise sensitive properties to the loading bay.

- 7.7 The submitted Environmental Noise Assessment states *‘Existing ambient noise levels were similar to those measured in 2018 but background noise levels were approx. 5dB higher. This is partly due to new noise sources in the area including the fixed plant which serves the new care home close to the residential apartments.’*
- 7.8 The report goes on to states that *‘...goods will be received using a level docking system. In terms of noise the following measurements are relevant:*
- *All goods are delivered on pallets. There is no noise from empty cages being reloaded into the back yard.*
  - *Aldi vehicle trailers are rigid rather than curtained.*
  - *Goods are loaded directly into the warehouse, there is no movement of goods outside within the service bay.*
- 7.9 The submitted report goes on to state *‘Whilst the peak noise levels from vehicles arriving will exceed the night time maximum, L Amax, noise levels, this should be put into the following context:*
- *The WHO “Community Noise”, contains advice that the probability of being awakened increases with the number of noise events per night, with 10-15 events at that level being required for the sleep disturbance threshold to be exceeded. The number of deliveries that will be received during the period 0600 – 0700 hours on a Saturday would be very low, typically one.*
  - *The guideline values are to be applied as the Lowest Observable Adverse Effect Level, i.e. the lowest levels of noise that affect health (i.e. disturb sleep), they are not (as defined by the NPSE) the upper limits for significant adverse effects. Exceedance of that guideline value is not indicative that individual vehicles are likely to be noticeable and/or cause disturbance to any significant degree.*
  - *...maximum noise levels between 0600 – 0700 hours regularly exceed 60 dB. Maximum noise levels from deliveries would therefore not be out of character with the existing noise climate. This point was recognised in the Appeal decision to vary the delivery hours at the existing Aldi store in Westcliff-on-Sea.*
- 7.10 The submitted report goes on to state that it is also necessary to consider how the predicted noise levels compare to the existing noise climate, and notes that the Planning Inspector recognised this when considering the appeal at the Aldi store in Westcliff-on-Sea (appeal reference APP/D1590/W/14/3001589). It is stated *‘Predicted noise levels from delivery activity will be below the existing ambient noise levels, the resultant change in noise levels will be 1dB which will have a negligible impact on local residents. Maximum noise levels, L Amax, will also be below those measured during the survey.’* The report also recognises the mitigation that has been designed into the residential units to the rear, including acoustic trickle vents to enable cooling and ventilation when the windows are closed. The submitted report therefore concludes that *‘...deliveries could take place on a Saturday between 0600 and 0700 hours without causing significant adverse impacts to local residents in line with policy aims of the NPPF.’*

It is also stated that noise from delivery activity can be reduced further by means of a Delivery Management Plan (DMP) which can include measures such as not using vehicle reversing alarms when the store is closed, switching off refrigeration units when vehicles are stationary, not moving goods on pallets in open areas and delivery scheduling to ensure that no more than one delivery vehicle is present in the service yard. It is stated that the implementation of such a DMP would mean, in practice that the number of delivery vehicles that could be received during the additional hour sought would only be one.

- 7.11 The appeal referred to within the submitted Environmental Noise Assessment relates to the Aldi store at 666-686 London Road, Westcliff. The appeal was allowed and permitted delivery hours of 06:00 to 00:00 Mondays to Saturdays and 08:00 to 17:00 on Sundays and Bank Holidays. In that case residential properties backed directly onto the western and southern boundaries of that car park and the noise assessment submitted in that case found that the proposed extension of delivery hours would exceed the World Health Organisation guidelines but would be imperceptible. In that case, the nearest dwelling was some 46m from the service yard and an acoustic fence was provided. The Inspector concluded *'I am not persuaded that deliveries during the proposed hours would give rise to individual noise events whose character or infrequent nature would be significantly different from existing background noise levels. Consequently, I find that the proposal would not have a harmful effect on the living conditions of neighbouring residential occupiers by reason of noise and disturbance.'*
- 7.12 The Council's Environmental Health Team have raised no objection to the proposal, subject to a condition requiring a validation survey is carried out one month after the store has opened to ascertain actual noise measurements.
- 7.13 As such, given the findings and conclusions of the submitted report, given the comments received from Environmental Health, given the separation distances provided between the proposed loading bay and the Hospice to the west and the neighbours to the north (a minimum of some 40m), and attaching significant weight to the basis of the recent appeal decision at the Aldi in Westcliff, it is considered that, subject to conditions, including the requirement for adherence to the Delivery Management Plan, the proposal would not result in material harm to the amenity of nearby and adjoining residents in terms of undue noise and disturbance.
- 7.14 Subject to conditions, the development is acceptable and policy compliant in the above regards and it is recommended that Condition 11 is amended to:

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

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

## **Traffic and Transportation Issues**

- 7.15 Policy DM15 of the Development Management Document states *'Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.'*
- 7.16 The proposal seeks permission to allow deliveries and refuse collection an hour earlier on Saturdays and bank holidays; from 6am rather than 7am. Given that this would fall outside peak hours on these days and given that the Highways Team have raised no objection to the proposal, it is considered that the proposal would not result in any material harm to highway safety. The proposal does not seek to alter or impact upon the parking or access arrangement previously approved.
- 7.17 The development is acceptable and policy compliant in the above regards.

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

- 7.18 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The CIL rate for this development is £12.04 per sqm. The proposed development would therefore equate to a CIL charge of approximately £21,681.27 (subject to confirmation).

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, and attaching significant weight to the findings of the inspector when allowing a similar development at the Aldi Westcliff site 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 policies and guidance. The proposed amendment would, subject to conditions, have an acceptable impact on the amenities of neighbouring occupiers and would have no adverse highway implications. The application is therefore recommended for approval, subject to conditions.

## **9 Recommendation**

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

- 01 **The development hereby permitted shall begin no later than 9 January 2022, three years from the date planning permission 18/01963/FULM was granted.**

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

- 02** The development shall be carried out in accordance with the approved plans: 22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837.

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

- 03** The development hereby approved shall be constructed in accordance with the material details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD or any other materials which have previously been submitted to and approved in writing by the local planning authority.

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

- 04** The development shall be undertaken in accordance with the approved hard and soft landscaping scheme as shown on drawing number V2238 L01, or any other hard and soft landscaping scheme that has been previously submitted to and approved in writing by the local planning authority. All planting in the approved landscaping scheme shall be carried out within the first available planting season following first use of the development hereby approved. Any shrubs or trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

**Reason:** In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 05** The development shall not be first brought into use until 97 on site car parking spaces have been provided and made available for use in full accordance with drawing 2238-CHE-110 rev. B, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of customers and staff of the development.

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

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



**The approved facility shall be permanently maintained thereafter.**

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

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

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

- 08 No external plant or ventilation equipment shall be installed at the development unless and until full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standard 4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dbB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

**Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities and to ensure an appropriate design response in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).**

- 09 External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.**

**Reason: In the interest of biodiversity and the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

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

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

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

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

- 12 The development hereby approved shall be constructed in accordance with the surface water drainage works and Sustainable Urban Drainage (SuDS) details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other surface water drainage work details which have previously been submitted to and approved in writing by the local planning authority.**

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

- 13 The development hereby approved shall be constructed in accordance with the contamination details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**

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

- 14 The development hereby approved shall be constructed in accordance with the programme of archaeological recording and analysis previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**  
**Reason: to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction off any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).**

- 15 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 9 months of the development. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.**

**Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).**

- 16 The development hereby approved shall be constructed in accordance with the Construction Method Statement submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other Construction Management Plan which has previously been submitted to and approved in writing by the local planning authority.**

**Reason: This commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 17 Notwithstanding information submitted with this application the development shall not be brought into first use unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.**

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

- 18 The development hereby approved shall be undertaken in accordance with the findings and recommendations of the protected species and habitats surveys for bats, badgers and reptiles previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**

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

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

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

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

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

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

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

- 22 The development hereby approved shall be constructed in accordance with the details of the right hand turn lane and amended access details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**

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

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



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

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

**Reason:** To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 25** Notwithstanding the information submitted and otherwise hereby approved, within one month after the opening of the store to the public, a Noise Impact Assessment and Validation Survey, including any additional noise mitigation measures proposed shall be carried out which shall include an assessment of the noise levels from delivery/refuse collection vehicles between the hours of 06:00 – 07:00 on Saturdays and public holidays. The Noise Impact Assessment and Validation Survey shall be submitted to the Local Planning Authority and approved in writing within 4 months of the store first opening. The development shall subsequently be managed in full accordance with the approved Noise Impact Assessment and Validation Survey. In the event that the Noise Impact Assessment and Validation Survey are not approved by the Local Planning Authority within 4 months of the store opening commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 Monday to Friday and 07:00 hours to 23:00 hours on Saturdays, Sundays and Bank Holidays, overriding the provisions of condition 11 of this permission, until such times as the Local Planning Authority has approved a Noise Impact Assessment and Validation Survey submitted in accordance with the terms of this condition.

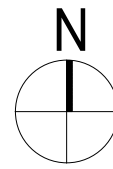
**Reason:** In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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:**

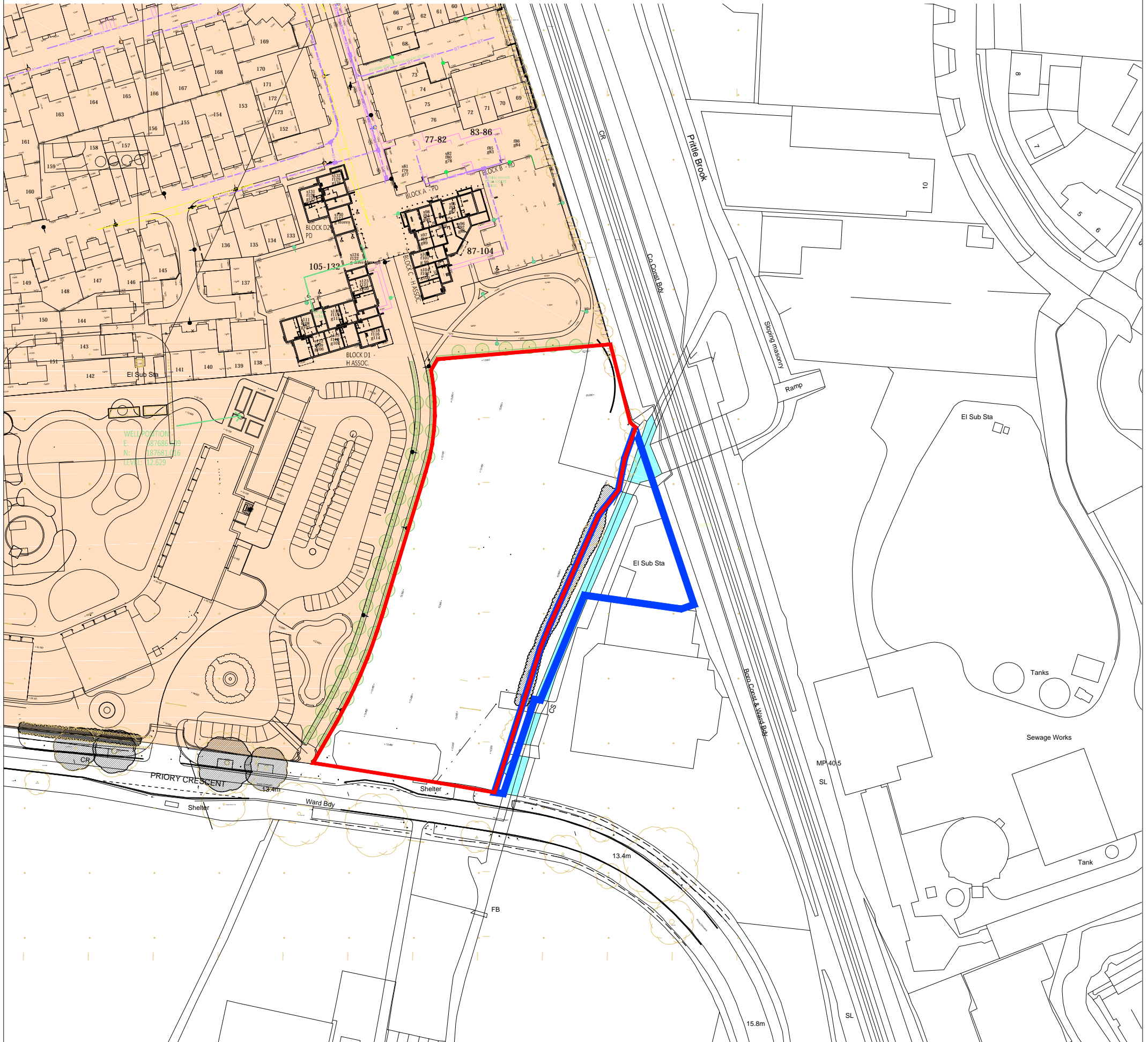
- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains 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** You are advised that separate advertisement consent will be required for the advertisements shown on the approved plans and the granting of planning permission in this case does not permit the advertisements shown on the plans for which separate advertisement consent is required.
- 04** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.




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SUBJECT TO SITE SURVEY, CONFIRMATION OF LEGAL BOUNDARIES, SITE CONSTRAINTS & HIGHWAYS

REDLINE AREA 7,430 SQM; 1.836 ACRES; 0.744 HECTARES



-  DENOTES EXTENT OF PLANNING APPLICATION BOUNDARY
-  DENOTES EXTENT OF LAND UNDER THE OWNERSHIP OF THE APPLICANT
-  DENOTES EXTENT OF LAND UNDER CONSTRUCTION BY OTHERS



Project Title	PROPOSED ALDI FOOD STORE		
	EKCO BUSINESS PARK PRIORY CRESCENT SOUTHEND-on-SEA SS2 6PP		
Client	ALDI STORES LIMITED - CHELMSFORD		
Status	PLANNING		
Scale	1:1250	Drawing Size	A3
Date	05.09.18	Drawn By	JPG
		Checked	-

Rev	Date	Description	Rev By	Chk'd By
-	-	-	-	-

Drawing Title: LOCATION PLAN

Job-Dwg No: **2238-CHE-100** Rev: -

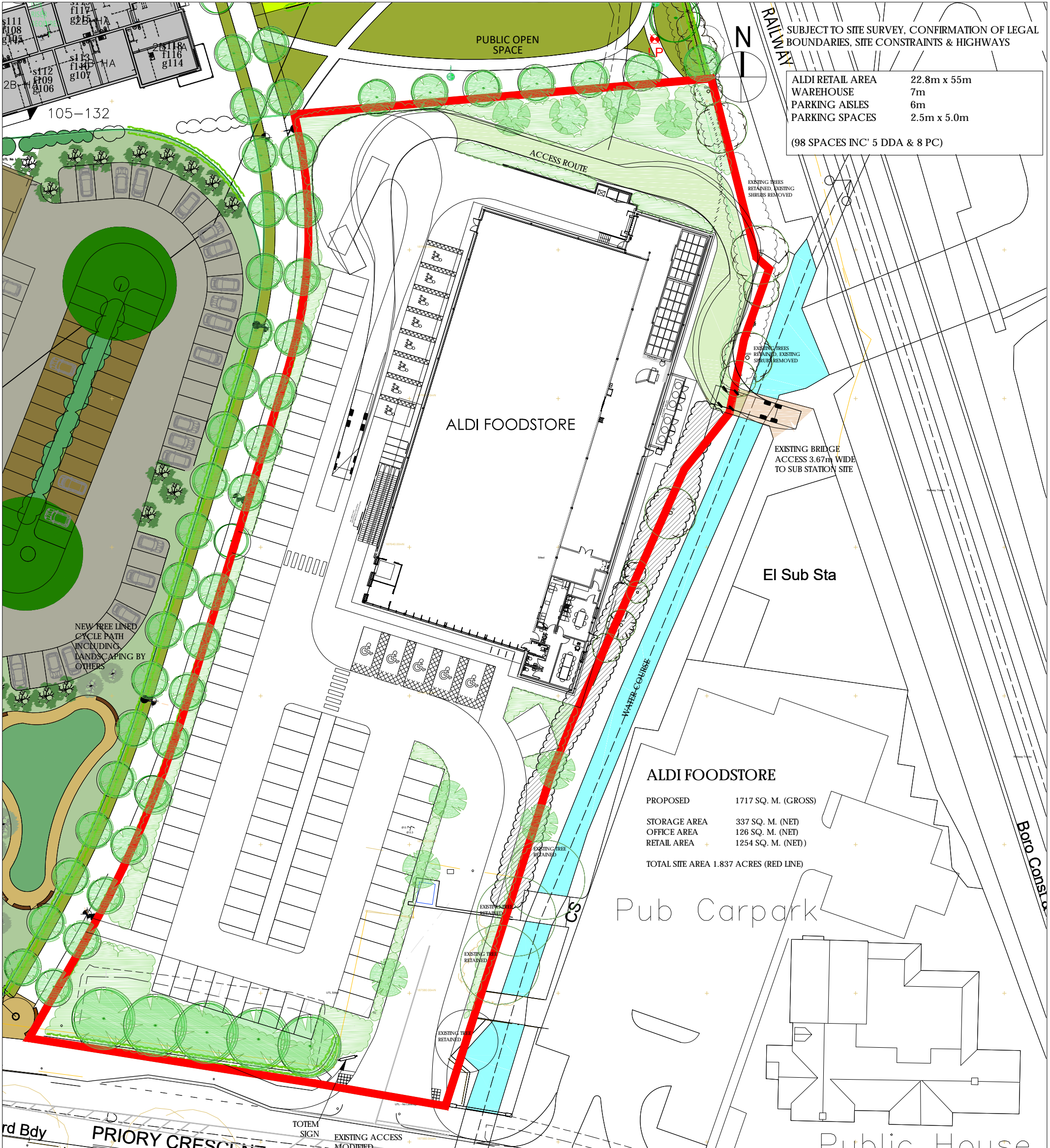
- 2 St. Johns North, Wakefield, WF1 3QA t. 01924 291800
- Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2388555
- The Old Rectory, 79 High Street, Newport Pagnell, MK16 8AB t. 01908 211577
- 101 London Road, Reading, RG1 5BY t. 0118 9507700
- 10 Gees Court, St Christophers Place, London, W1U 1JJ t. 0207 4091215

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SUBJECT TO SITE SURVEY, CONFIRMATION OF LEGAL BOUNDARIES, SITE CONSTRAINTS & HIGHWAYS

ALDI RETAIL AREA	22.8m x 55m
WAREHOUSE	7m
PARKING AISLES	6m
PARKING SPACES	2.5m x 5.0m
(98 SPACES INC' 5 DDA & 8 PC)	

EXISTING BRIDGE ACCESS 3.67m WIDE TO SUB STATION SITE

ALDI FOODSTORE

PROPOSED	1717 SQ. M. (GROSS)
STORAGE AREA	337 SQ. M. (NET)
OFFICE AREA	126 SQ. M. (NET)
RETAIL AREA	1254 SQ. M. (NET)
TOTAL SITE AREA 1.837 ACRES (RED LINE)	

Rev	Date	Description	Rev By	Chk'd By
C	18.12.17	SITE ENTRANCE REV'D, R'H TURN ADDED, SUB STATION ACCESS REV'D, ARCTIC CIRCLE BASE REV'D, STORE LOCATION REV'D	JPG	---
B	20.07.17	ACCESS ROAD TO SUB STATION ADDED, BUILDING POSITION AND PARKING LAYOUT REVISED ACCORDINGLY	JPG	---
A	25.05.17	PARKING LAYOUT REVISED	JPG	---



Project Title	PROPOSED ALDI FOOD STORE		
	EKCO BUSINESS PARK PRIORY CRESCENT SOUTHEND-on-SEA SS2 6PP		
Client	ALDI STORES LIMITED - CHELMSFORD		
Status	FEASIBILITY		
Scale	1:500	Drawing Size	A3
Date	10.04.17	Drawn By	JPG
		Checked	-

Drawing Title: INDICATIVE SITE PLAN

Job-Dwg No: **2238-CHE-006** Rev: C

- 2 St. Johns North, Wakefield, WF1 3QA t. 01924 291800
- Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2388555
- The Old Rectory, 79 High Street, Newport Pagnell, MK16 8AB t. 01908 211577
- 101 London Road, Reading, RG1 5BY t. 0118 9507700
- 10 Gees Court, St Christophers Place, London, W1U 1LJ t. 0207 4091215

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# 200 Priory Crescent



# Site's relationship with neighbouring dwellings

340





# Site's relationship with neighbouring dwellings and Hospice

341



# Site's relationship with Hospice

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# Site's relationship with Hospice

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# Service area

344





# Neighbours

345



# Store

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# View of store and neighbours

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<b>Reference:</b>	20/00889/FUL	<b>14</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Demolish existing building, erect two semi-detached dwellinghouses, layout amenity space and parking, form new vehicular access onto Berkeley Gardens	
<b>Address:</b>	20 Berkeley Gardens, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mr Ben Bradley	
<b>Agent:</b>	Danny Knott of DK Building Designs Ltd	
<b>Consultation Expiry:</b>	8th July 2020	
<b>Expiry Date:</b>	11th September 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>3639-06 Sheet 1 of 3 rev C, 3639-06 Sheet 2 of 3 rev C, 3639-06 Sheet 3 of 3 rev C</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	

## 1 Site and Surroundings

- 1.1 The application site is on the east side of Berkeley Gardens and is occupied by a detached bungalow. The bungalow appears to have been extended previously to the side and front. The area is residential in character. The streetscene comprises a mixture of detached and semi-detached houses, bungalows and chalets of diverse but traditional designs. There is a strong building line on the east side of the street to the front of the properties. To the rear many properties have been extended with single-storey and two-storey extensions. No planning related designations affect the site or the area.

## 2 The Proposal

- 2.1 Planning permission is sought for erection of two (2no.) semi-detached dwellings which are two-storey with habitable space in the roof. The pair of dwellings would have a frontage of some 13.4m, 6.7m each, and a depth of some 14.9m at ground floor level and 12.2m at upper floor level. The main roof would be hipped measuring 5.4m to the eaves and 9.1m to the ridge. Two projecting gables would be features to the front with a ridge height of 7.5m and width of 3.6m. To the rear the properties would each have a dormer. The dormers would project 3.1m from the rear roof slope and would measure 3.4m wide and 1.9m high. For the external surfaces of the building, the walls would be finished with grey bricks (Weinberger Clifton Grey Soft Mud Waterstruck Multi Brick) and off-white render, grey tiles (Smooth Grey Marley Concrete Tile) on the roof and uPVC anthracite windows and doors. Some soft and hard landscaping would be provided to the front of the dwellings. The rear boundaries would be treated with 1.8m high close boarded fencing.
- 2.2 The proposed dwellinghouses would accommodate a kitchen diner area, a WC and a lounge at ground floor level, three double bedrooms and a bathroom at first floor level, and a double bedroom with dressing area and en-suite bathroom within the loft space. The bedrooms would accommodate eight bed spaces over three storeys of accommodation. Private amenity space in the form of private gardens would be provided for each dwelling to the rear. Each dwelling would benefit from two parking spaces to the front. A new crossover is proposed to the front of the southern dwelling. The application is supported by a Design and Access Statement.
- 2.3 During the course of the application, the proposal was amended to propose the current shape of the roof from a half-gable and to reduce the depth of the dwellings. The current proposal is an alternative scheme to 19/02041/FULH amended with 20/00193/AMDT (the "2020 Permission"), a householder permission granted for the extension of the existing bungalow into a detached two-storey dwelling of comparable design to the current proposal.

## 3 Relevant Planning History

- 3.1 The relevant planning history of the application site is shown on the table below:

03/01559/FUL	Erect single storey side extension	Permission granted [08.01.2004]
19/02041/FULH	Erect first floor extension to convert bungalow into two storey dwellinghouse with habitable accommodation in roofspace, erect single storey front and side	Permission granted [16.01.2020]

	extensions, install balcony to rear, ramp access to front, alter elevations and form vehicular access onto Berkeley Gardens	
20/00193/AMDT	Application to vary condition 02 (approved plans) to alter design (Minor Material Amendment of planning permission 19/02041/FULH dated 16/01/2020)	Permission granted [31.03.2020]

3.2 The 2020 Permission as amended is extant and can be implemented as there are no pre-commencement conditions. This is a material planning consideration of significant weight in the consideration of the current proposal.

## 4 Representation Summary

4.1 The application has been called in by Councillor K. Evans.

### Public Consultation

4.2 Eight (8) neighbouring properties were consulted and a site notice was displayed. No representations have been received

### Leigh Town Council

4.3 Object for the reasons summarised as follows:

- Concerns about design and impact on the character and appearance of the area.
- The design, size, bulk and mass, represent a cramped form of development and an overdevelopment of the land.
- Out of keeping with the character and appearance of the application site and the area.
- Concerns about foul water drainage, the infrastructure may not cope.

### Highways Team

4.4 No objection.

### Parks

4.5 No objections subject to conditions regarding detailed landscaping and ecology enhancements.

### Environmental Health

4.6 No objection subject to conditions regarding waste management and hours of construction.

### 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), KP3 (Implementation and Resources), CP1 (Employment Generating Development),

CP3 (Transport and Accessibility), CP4 (The 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), DM14 (Environmental Protection), DM15 (Sustainable Transport Choices).
- 5.5 Design & Townscape Guide (2009).
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 National Technical Housing Standards (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 are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and transportation issues, the impact of the development on the flood risk in the area, the provision of waste storage facilities, the proposed energy and water use 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, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 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 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 one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.3 For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development. The proposed dwellinghouses would be four-bed units with eight bed spaces which would be suitable for families. There is greater need for this type of housing as identified by the SESHMA.
- 7.4 Policy DM3 of the Development Management Document (as amended by the Technical



Housing Standards Policy Transition Statement) states that:

4. The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:

- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and
- (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents having regard to Building Regulation M4 (2).

7.5 The acceptability of extending and converting this bungalow to a two-storey dwelling has been established with the 2020 Permission. The character and style of the dwellings in the area are varied and comprises bungalows, chalets and two-storey houses. As such the proposal would not result in an unacceptable juxtaposition within the streetscene. The plans submitted for the proposed development indicate compliance with building regulation M4 (2) providing step-free access and facilities at ground floor level. On this basis, the principle of the proposed development is acceptable. 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 Policy KP2 of the Core Strategy states that new development should: "respect the character and scale of the existing neighbourhood where appropriate". Policy CP4 of the Core Strategy requires that development proposals should: "maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development".

7.9 The Design and Townscape Guide states that: "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings."

7.10 The existing bungalow which is of traditional design, makes a moderate contribution the character and appearance of the area. This is not a conservation area and the loss of the bungalow would not be materially detrimental subject to an appropriate replacement. The layout of the proposed development would alter the urban grain in the area, as it would replace a detached dwelling with a pair of semi-detached properties. The resulting

plot width would be some 1m narrower than other plots of semi-detached properties. Separation distance between buildings and the width of each property would not be dissimilar from other properties in the vicinity. The footprint of proposed development would not be significantly larger when compared to the scheme permitted with the 2020 Permission. The area has a strong building line of frontages on the east side of the road. The layout of the development within the site would respect the urban grain both in terms of layout as well as siting.

- 7.11 In terms of scale and form, the current proposal would not exceed the maximum height of the previously approved scheme, it would respect the scale of the surrounding development, and would reference the form of the 2020 Permission which, in turn, referenced other development within the streetscene. The area has a mixture of dwellings. The properties on either side of the site are two-storey houses. Hence, the replacement of the bungalow would not be out of place in the streetscene in terms of scale and form. While the height of the proposal would be greater than neighbouring properties, it is not considered that the proposed development would be overly bulky. As already mentioned at paragraph 2.3 of this report, the proposed scheme was amended during the course of this application in order to reduce the volume of the roof and lower its profile, by replacing a half-gable roof form with a hipped roof form. The amendments to the scheme also significantly reduced the bulk of the building to the rear. The size of the proposed front dormers is reduced when compared to the previously approved scheme resulting in the main roof of the proposed development becoming more prominent within the streetscene than in the previous scheme. The two-storey houses on either side of the site are of traditional design with gabled projections and bay windows to the front. It appears that the design of the current proposal has reduced the size of the front gable projections to match better those on the neighbouring properties.
- 7.12 Considering the appearance of the proposal, its design has drawn references from the traditional style of properties in the area and it would respect the visual cues, such as height of eaves and fenestration, of the neighbouring properties. Bay windows to the front with gables above exist within the streetscene and would not be incongruous. The elevations are satisfactorily resolved with well-proportioned glazing. The proposed use of materials would be unique within the streetscene but given the varied designs in the area, it is not considered that this variation would be materially harmful to the character and appearance of the site or the area. The area between the first and ground floor bay windows traditionally would be treated with hanging tiles or exposed timber. In this instance it is indicated that it would be treated with exposed timber boards which would be acceptable and conditions can be imposed to secure acceptable details. The landscaping of the frontage is considered to be acceptable. While there would be increased level of hardsurfacing to facilitate the parking to the front, this would not be an uncommon arrangement in the area. Overall, the development is considered to be acceptable and policy compliant in these regards.

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

- 7.13 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

- 7.14 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The required size for a three-storey, four-bed unit 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	Bedrooms 2,3 &4	Storage area (m <sup>2</sup> )	Amenity Space (m <sup>2</sup> )
Standard for Three-storey 4 bed 8 person	130	11.5m <sup>2</sup> Wmin=2.75m	11.5m <sup>2</sup> Wmin=2.55m	3	n/a
Proposed Dwellings Three-storey 4 bed 8 person	186.3	18.5m <sup>2</sup> Wmin = 3.7m	More than 12.5m <sup>2</sup> Wmin = 3m	3.1	123.6

- 7.15 The table shows that the proposed dwellings would meet the overall minimum size, internal storage space and the bedroom minimum size and dimensions required by the NDSS. The scheme would offer acceptable living conditions for its intended future occupiers.

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

- 7.16 All habitable rooms would receive adequate daylight and sunlight. All habitable rooms would also have acceptable outlook.

#### M4 (2) – Accessibility

- 7.17 On the submitted plans, it is shown that the front entrances would have ramps to achieve step-free access to both dwellings. The ground floor areas also appear to be adaptable. The doors and hallways appear to be sufficiently sized for a wheelchair. The proposed dwellings appear to be adaptable in order to satisfy building regulation M4 (2). Confirmation of this can be required by a condition.

#### Amenity Provision

- 7.18 The proposed new dwellings would each have a private amenity spaces which would measure more than 123m<sup>2</sup> in area. The proposed resulting garden areas would be sufficiently screened from public vistas and would be adequately distanced from adjacent buildings. These would be useable private amenity space of sufficient size for family dwellings.
- 7.19 Overall, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwellings would exceed the overall space standards, would have appropriate amenity space and all habitable areas would have adequate outlook, daylight and sunlight. The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

## Impact on Residential Amenity

- 7.20 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.”
- 7.21 The nearest residential properties to the application site are the neighbouring properties on either side, 22 and 18 Berkeley Gardens. The existing bungalow already projects farther back than the rear elevations of these neighbouring properties, 1m beyond the rear elevation of 22 Berkeley Gardens and 3.5m beyond the rear elevation of 18 Berkeley Gardens. These neighbouring properties do not contain primary habitable room windows in their flank walls closest to the application site. The property at 18 Berkeley Gardens has an attached garage located between its main dwelling and the application site. The nearest rear facing window serving a habitable space on this property is located at least 3.5m away from the boundary of the site. The property at 22 Berkeley Gardens has been enlarged to the rear with a single-storey extension projecting some 2.9m from the rear elevation of the main dwelling. It is estimated that the nearest rear facing window serving habitable spaces are located some 1.6m from the boundary of the site.
- 7.22 The current proposal would project beyond the rear elevation of 18 Berkeley Gardens by 4.3m at ground floor level and 1.6m at first floor level and would be located about 1m from the shared boundary, some 1.8m to the north of the property, and approximately 5.1m from the main part of the neighbouring dwelling. The projecting part of the first floor and the roof would create some overbearing effect but considering the separation distance from the main part of the neighbouring dwelling, this effect would not be materially harmful to the residential amenity of these neighbouring occupiers. The proposed development would sit clear of the notional 45-degree guideline projected from the nearest rear facing window of this property, hence avoiding any material sense of enclosure or loss of outlook. The proposed development would also result in some overshadowing to this neighbouring property given its location to the north, but this would affect the garden and the garage parts of the neighbouring site. There would be no material loss of daylight or sunlight in the main dwelling or any habitable areas within the dwelling. It is considered necessary in this instance to limited the permitted development rights of the norther proposed dwelling in terms of extensions normally permitted under Class A of Part 1 of the General Permitted Development Order currently in force, as any further rearward extension of that property would potentially be materially harmful to the amenity of 18 Berkeley Gardens. On balance, the proposed dwellings are not considered to be materially harmful to the residential amenity of this neighbour in the above regards.
- 7.23 The proposal would project beyond the rear elevation of 22 Berkeley Gardens by 2.3m solely at ground floor level and the proposed first floor would project beyond the rear elevation of the neighbouring first floor by 2.4m. The proposed development would be located about 1m from the shared boundary with this neighbour and between 1.8m and 2.1m to the south of the property. The projecting part of the first floor and the roof would create some overbearing effect but considering the separation distance from the main part of the neighbouring dwelling, this effect would not be materially harmful to the residential amenity of these neighbouring occupiers. The proposed development would sit clear of the notional 45-degree guideline projected from the nearest rear facing



windows of this property both at first floor level and ground floor level. As a result, any material sense of enclosure or loss of outlook would be avoided. No loss of light or overshadowing would affect this neighbour as it is located to the south of the proposed dwellings.

- 7.24 Windows at ground floor are not a cause of concern in relation to overlooking. The upper floor windows to the flank elevations would be obscured glazed and this can be ensured with a condition if planning permission were to be granted. New windows at the upper floors to the front and rear do not give rise to concern considering the separation distances from the affected properties including gardens and dwellings in Cottessmore Gardens to the rear. It is noted that the proposed plans show platforms to the front of the rear facing Juliet balconies serving the dormers to the rear. These platforms could easily be converted to balconies. Similarly, the flat roof areas over the ground floor rear projections could potentially be used as balconies. Such balconies could potentially result in materially harmful overlooking to the side neighbours. A condition to control this can be imposed. The proposed development has the potential of creating materially harmful pollution, noise and disturbance only during its construction phase. Appropriate conditions can be imposed to secure the impact on the neighbouring occupiers would not be detrimental. Overall, the proposed development is, on balance and subject to conditions, acceptable and in line with policy in the above regards.

### **Traffic and Transportation Issues**

- 7.25 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.
- 7.26 Outside of the central area, for dwellings with two or more bedrooms, the minimum requirement is two parking spaces per unit. There is also a requirement for at least one cycle storage space per dwelling. It is proposed to provide four car parking spaces on-site, two for each proposed dwelling, located within their front gardens. Cycle storage space would be provided within the rear private amenity space. The proposed car and cycle parking provision is acceptable.
- 7.27 The existing vehicular crossover onto Berkeley Gardens is proposed to be used for the northern dwelling and a new crossover is proposed for the southern dwelling. The new crossover would comply with the Council’s Vehicular Crossover policy. An existing street tree would be sufficiently away from the new crossover. No loss of on-street parking would occur in this location. The proposed access arrangements are acceptable. The Council’s Highways team raised no objection. The proposed development would, subject to conditions, be acceptable and policy compliant in the above regards.

### **Flooding and water drainage**

- 7.28 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwellings would be built within previously developed land, but 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 can be secured by condition. Subject to such a condition, the development would be acceptable and

policy compliant in these regards.

- 7.29 No details of foul water drainage have been provided. In this area, it is expected that dwellings would connect to the main sewer for foul water to be taken to a sewer treatment plant. The water companies responsible for sewer water treatment are obliged by law to take on new connections and ensure there is sufficient capacity to their network. The proposal is acceptable and policy compliant in the above regards.

### **Refuse and Recycling Storage**

- 7.30 The submitted plans show bin storage areas to the side of each dwelling. The quantum of development does not attract a policy requirement for such facilities and it is expected that the dwellings would be using the Council's kerbside sack collection service. The dwellings would be located near the highway where it would be convenient both for future occupiers and collection services to manage the waste. The proposal is acceptable and policy compliant in this regard.

### **Energy and Water Sustainability**

- 7.31 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.
- 7.32 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 can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

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

- 7.33 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 372.6m<sup>2</sup>, which may equate to a CIL charge of approximately £ (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount. Since a self-build exemption has been applied for, the development may be exempt from CIL charges subject to confirmation by the relevant team.

## **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 local and national policies and guidance. The proposal, subject to conditions, would have an acceptable impact on the character and appearance of the area and the amenities of its future and neighbouring occupiers. It would also have an acceptable impact on the highway and parking conditions in the area subject to conditions. The proposed development would provide acceptable waste and recycling bin storage provision, drainage strategy on site and energy and water sustainability. The proposal makes a contribution to the housing needs of the borough which must be weighed in the planning balance albeit the weight to be attached to this would be limited in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

## **9 Recommendation**

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

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

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 3639-06 Sheet 1 of 3 rev C, 3639-06 Sheet 2 of 3 rev C, 3639-06 Sheet 3 of 3 rev C.**

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

- 03 The materials to be used on the external surfaces of the new dwellings hereby approved, including roof, walls and fenestration, shall be in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.**

**Within a period of five years from the completion of the development hereby**

approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

**Reason:** In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 05** The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

**Reason:** In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 06** Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) "accessible and adoptable dwellings" prior to their first occupation.

**Reason:** To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with 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).

- 07** Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

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

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



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 noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

**Reason:** In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 09 The north and south facing (side) 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 equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained in line with these details in perpetuity for the lifetime of the development.

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

- 10 The flat roof areas above the first floor level and the flat roofs over the single storey rear projections of the development hereby approved shall not be used as balconies, roof gardens or similar amenity area or for any other purpose unless planning permission has first been obtained by the local planning authority. These areas can however be used for the purposes of maintenance or to escape in an emergency.

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

- 11 Notwithstanding the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any equivalent statutory provisions revoking or amending the above referenced class of permitted development rights, the northern dwelling hereby approved shall not be extended rearwards without first obtaining planning permission from the Local Planning Authority.

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

- 12 The use of the dwellings hereby approved shall not commence unless and until the four parking spaces, two for each dwelling on site, as shown on the approved plan 3639-06 Sheet 3 of 3 rev B have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.**

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

- 13 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.**

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

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

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

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

**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) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

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

**Informatives:**

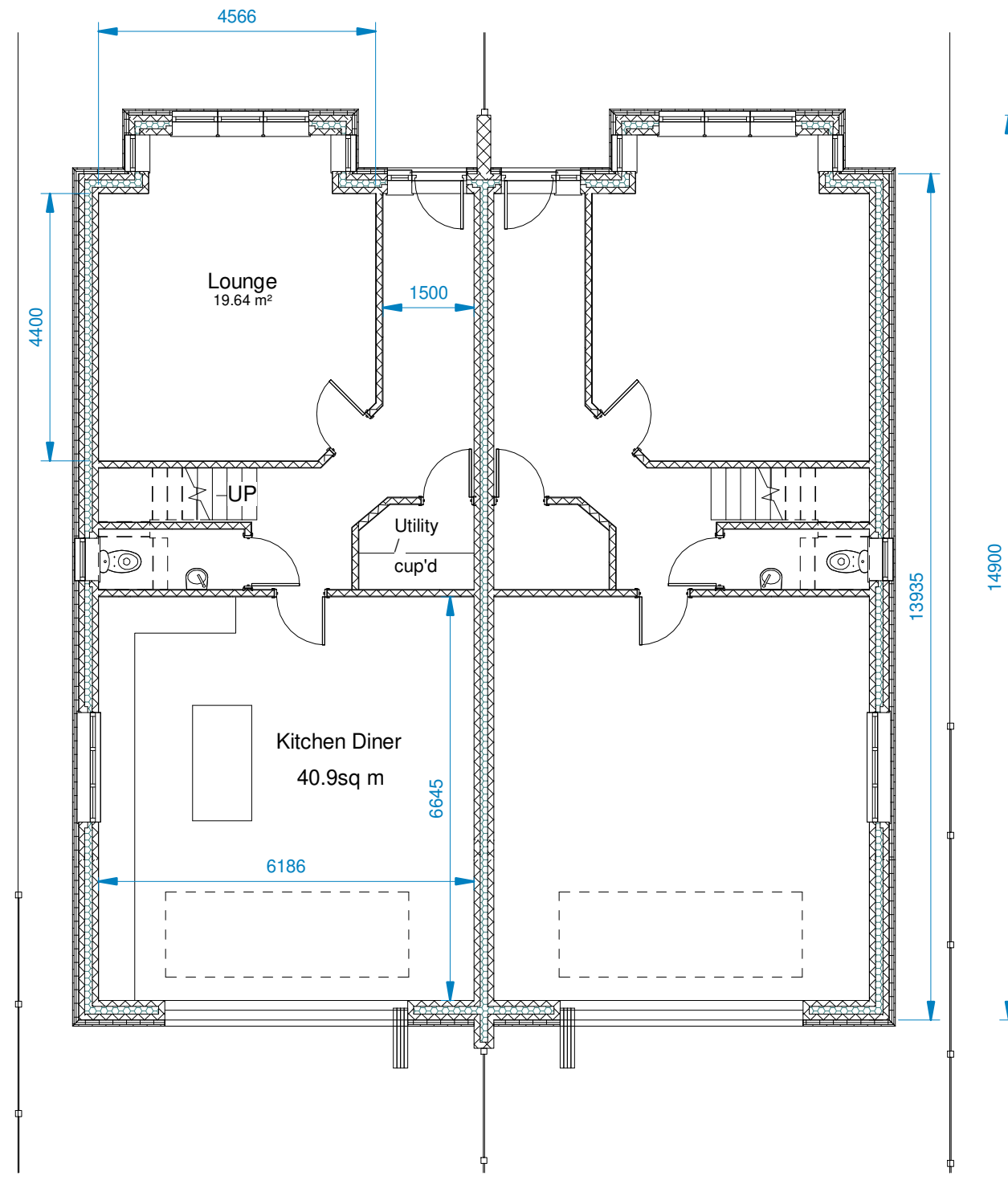
- 1** Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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)).
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 3** The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each.

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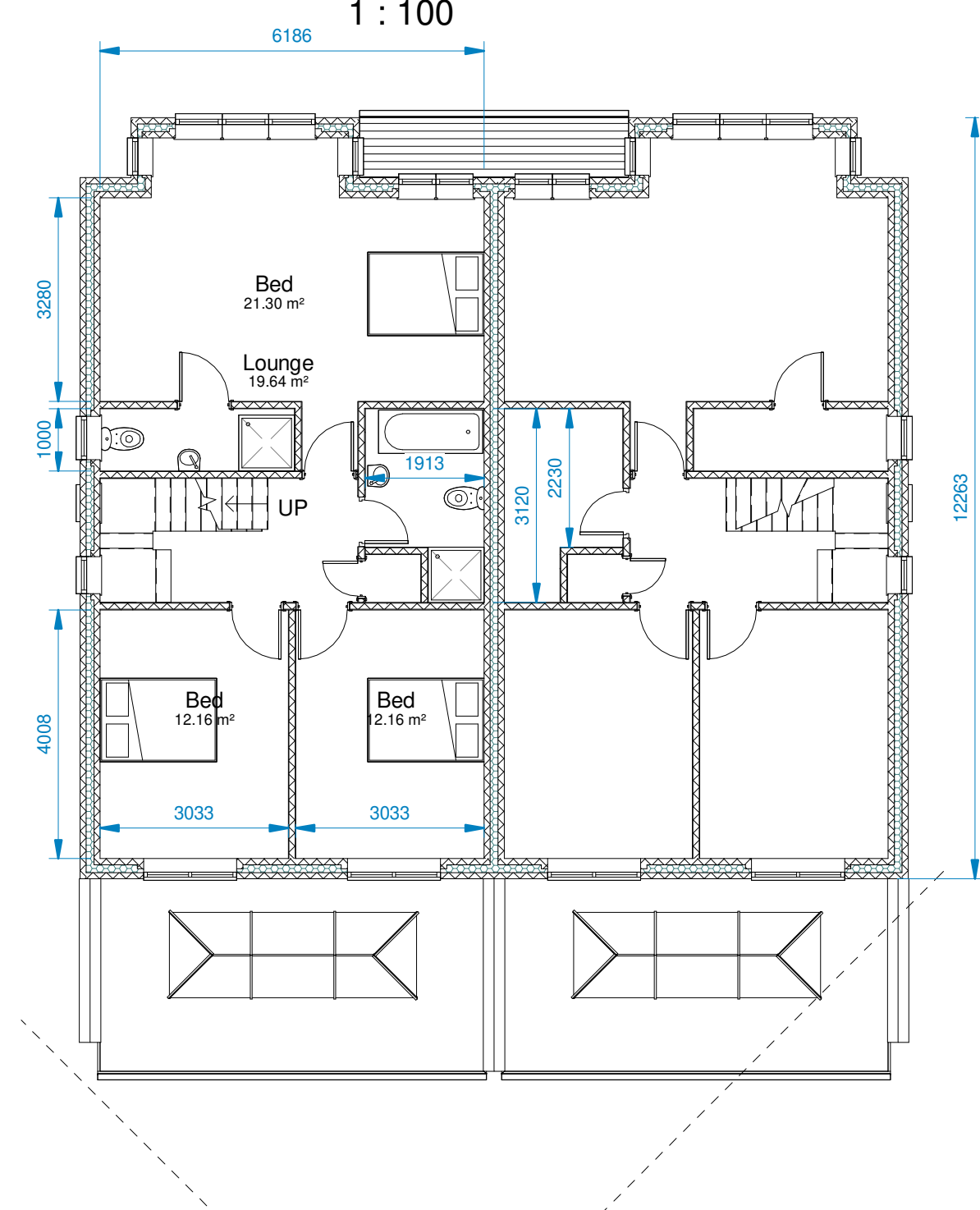
**Proposed Ground**

1 : 100



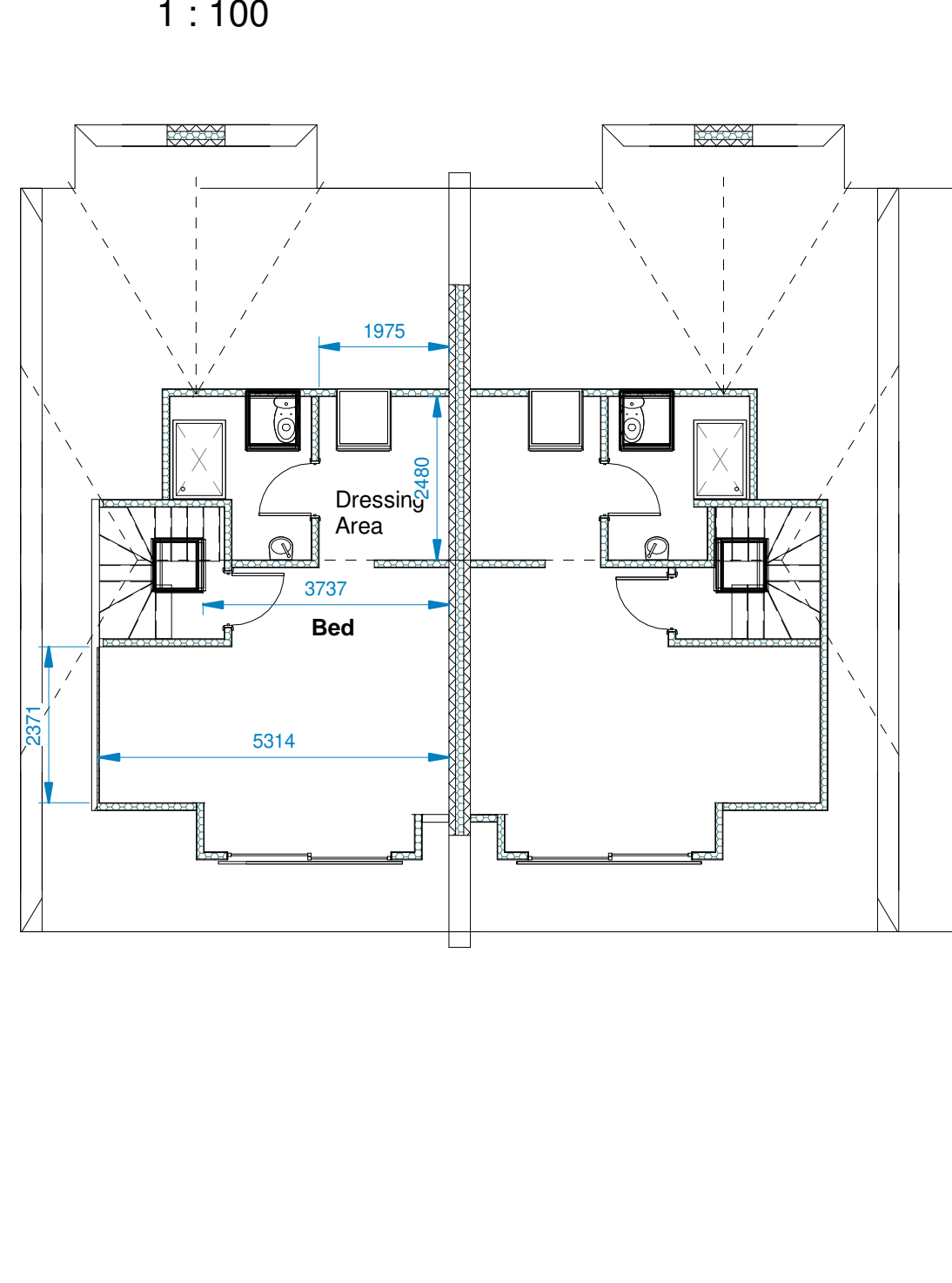
**Proposed First**

1 : 100



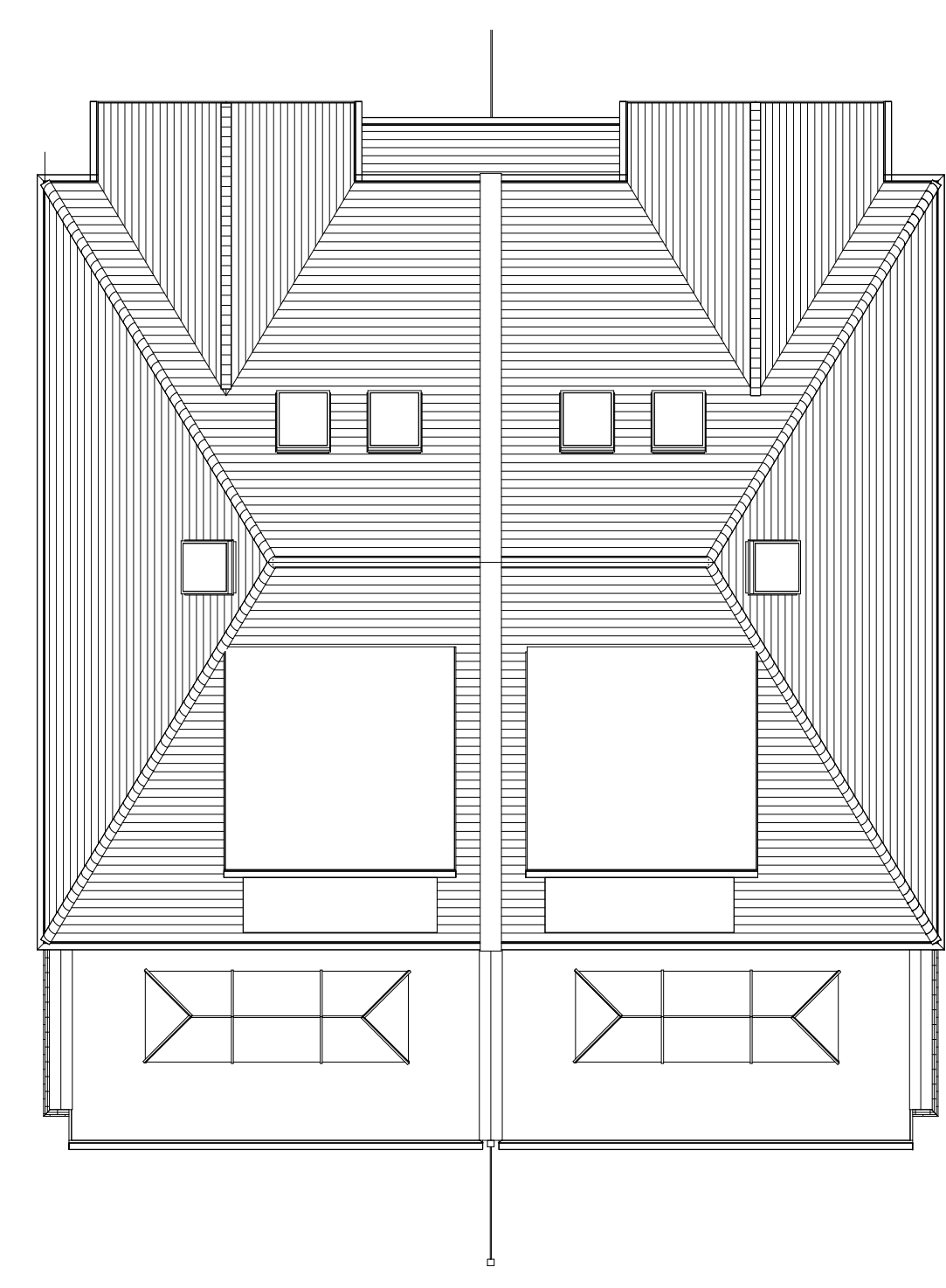
**Proposed Second Floor**

1 : 100



**Proposed Roof Plan**

1 : 100



**DK Building Designs Ltd**  
 Architectural Designers  
 Planning / Building Consultants  
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 www.dkbuildingdesigns.co.uk

DRG NO 3639-06 Sheet 1 of 3 rev C

Date May 2020 A1 size

Title Demolish Dwelling and construct pair of semi detached houses at 20 Berkeley Gardens Leigh on Sea

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

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

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

All beam calculations (if applicable) as per separate sheet. All stated spans of beams on calculation sheet are clear spans only between supports. Contractor to confirm all spans on site and if applicable to add end bearings prior to ordering. Beams to cover full length of padstones.

365



**3D View 1**



**3D View 2**



**Proposed Front**  
1 : 100



**Proposed Rear**  
1 : 100



**Proposed Side L**  
1 : 100



**Proposed Side R**  
1 : 100



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**Notes**  
 All dimensions and or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.  
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 If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc  
 All beam calculations (if applicable) as per separate sheet. All stated spans of beams on calculation sheet are clear spans only between supports. Contractor to confirm all spans on site and if applicable to add end bearings prior to ordering. Beams to cover full length of padstones.



**Existing Front Street Scene**  
1 : 100



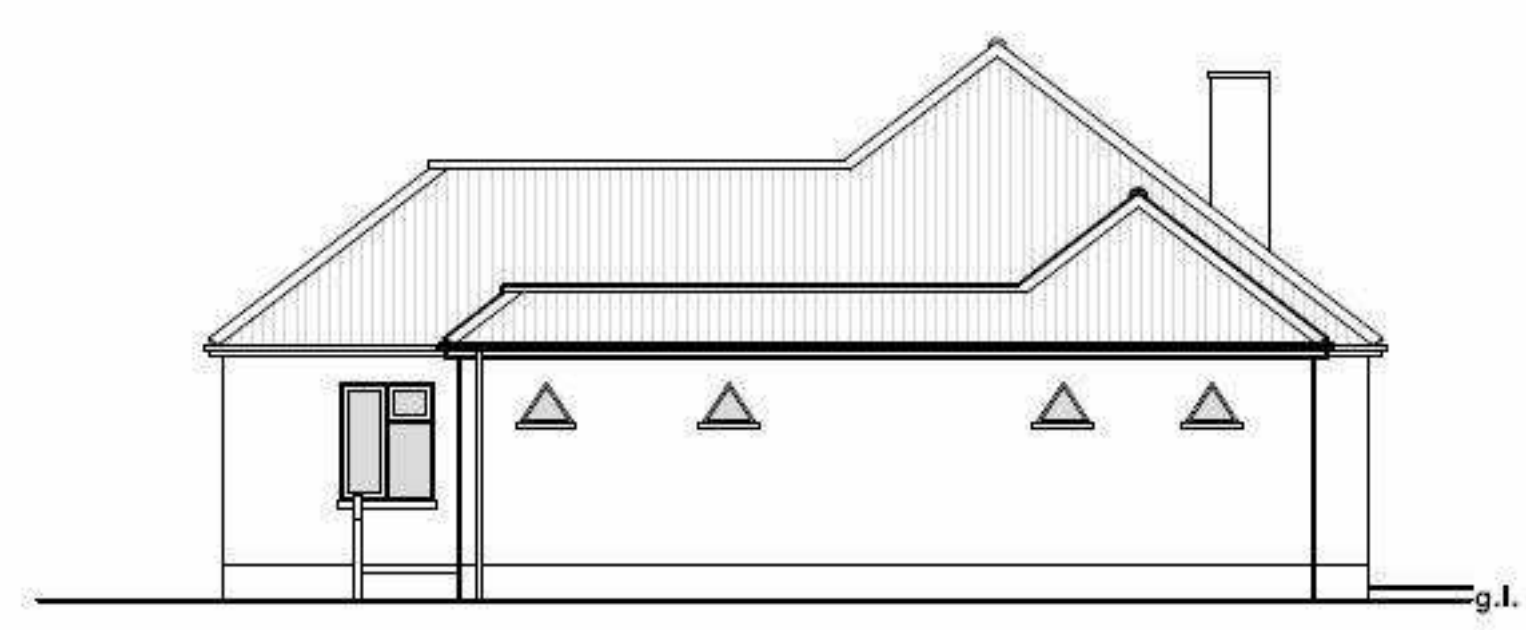
**Existing Floor Plan**  
1 : 100



EXISTING SIDE ELEVATION  
NORTH



EXISTING FRONT ELEVATION  
WEST



EXISTING SIDE ELEVATION  
SOUTH



EXISTING REAR ELEVATION  
EAST



**Proposed Front Street Scene**  
1 : 100

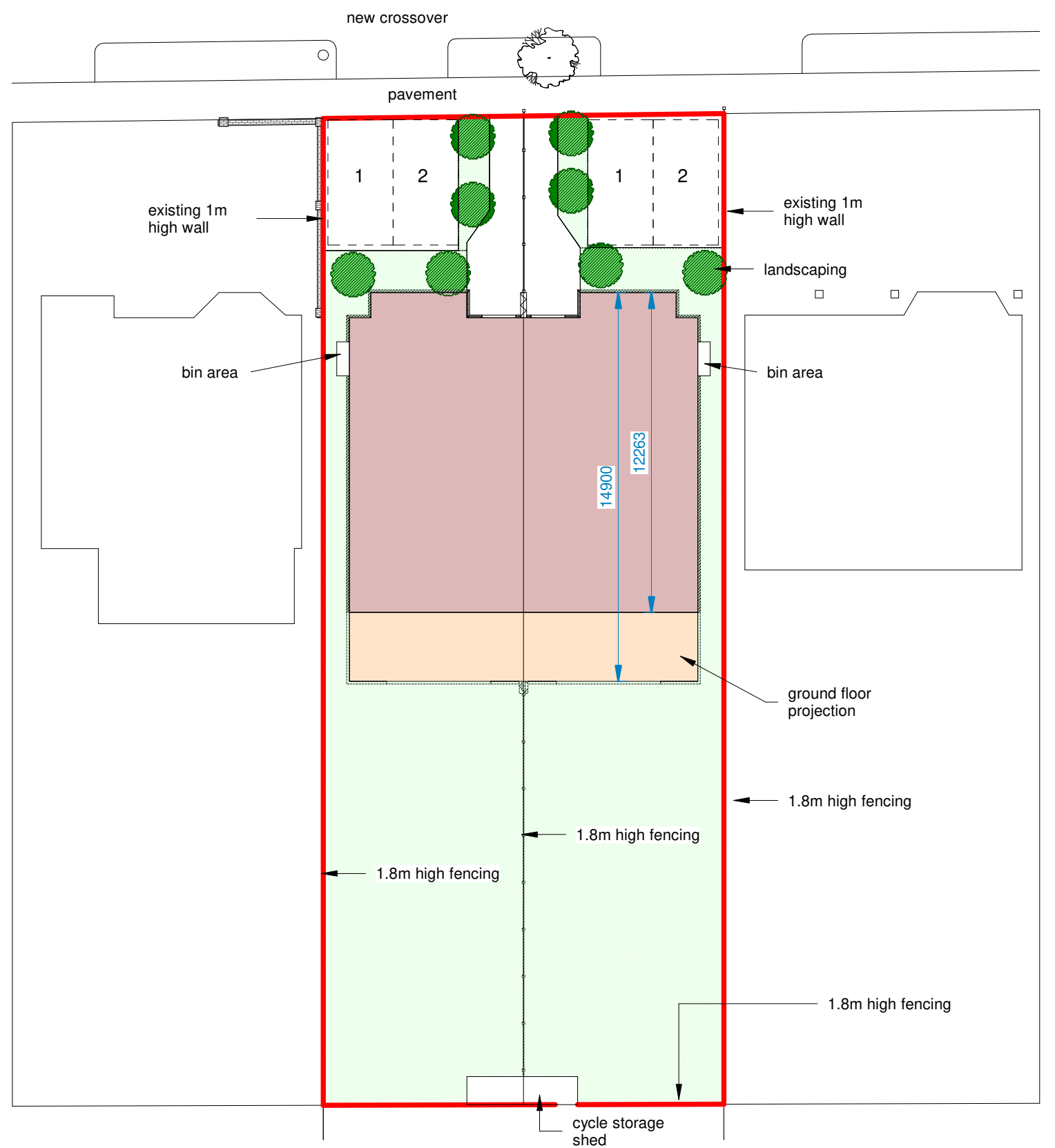
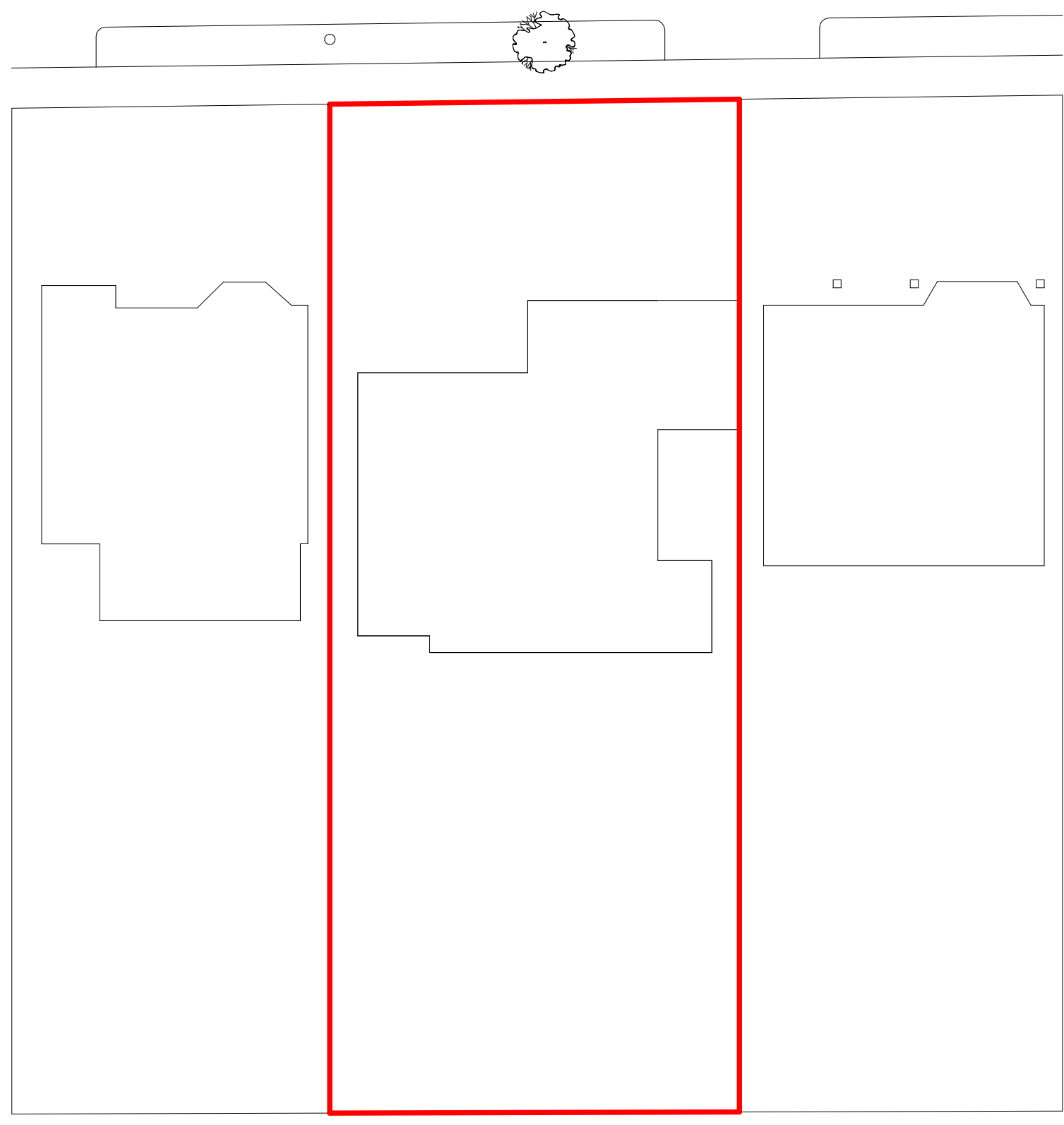


**Approved Front Elevation**  
1 : 100

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



Existing Site  
1 : 200

Proposed Site  
1 : 200



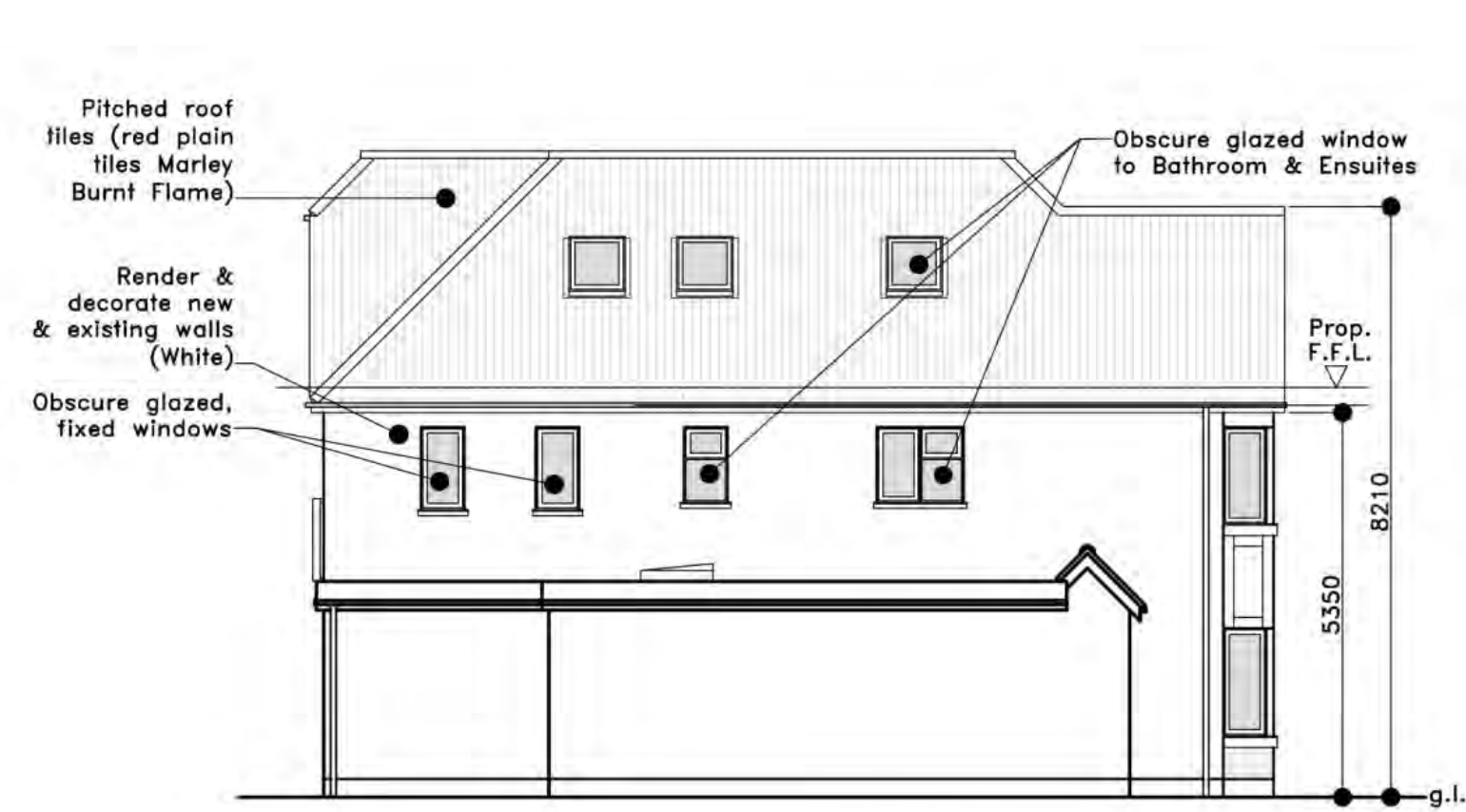
Location Plan  
1 : 1250

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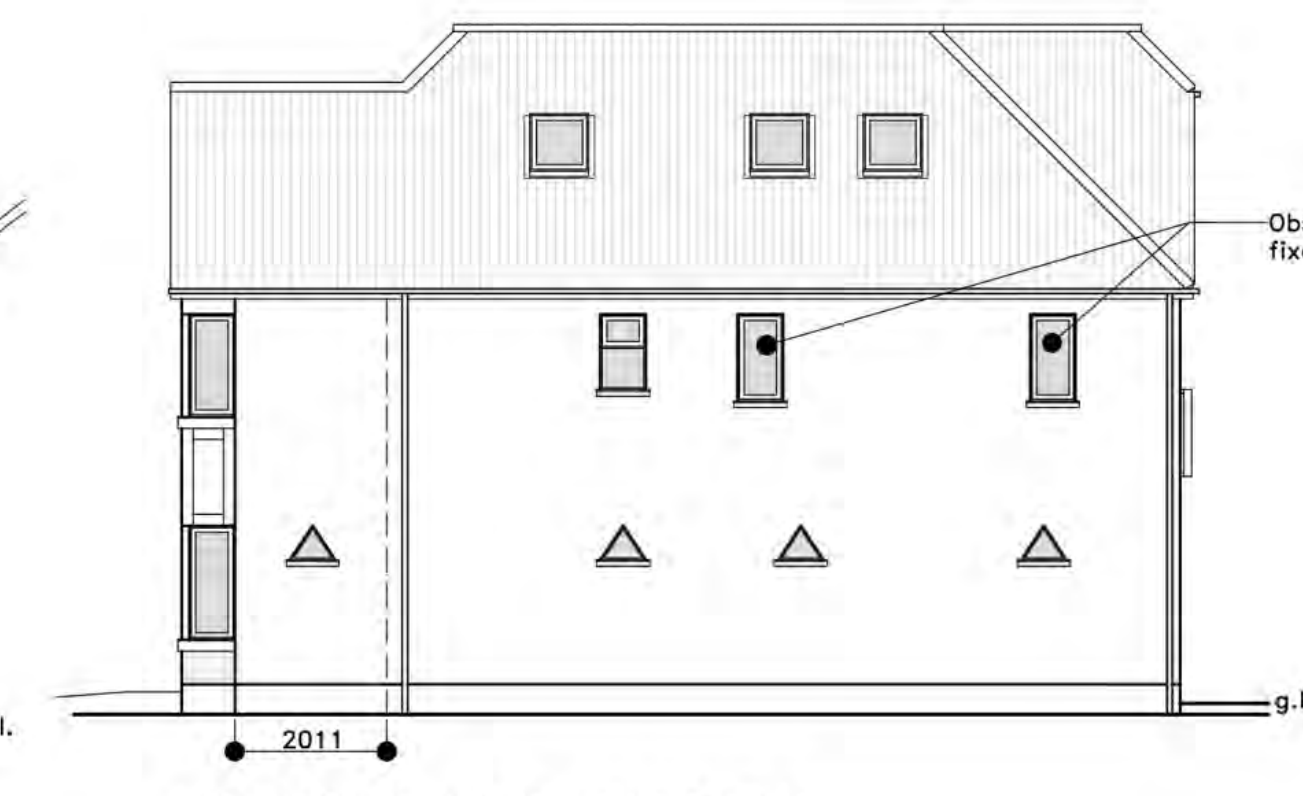




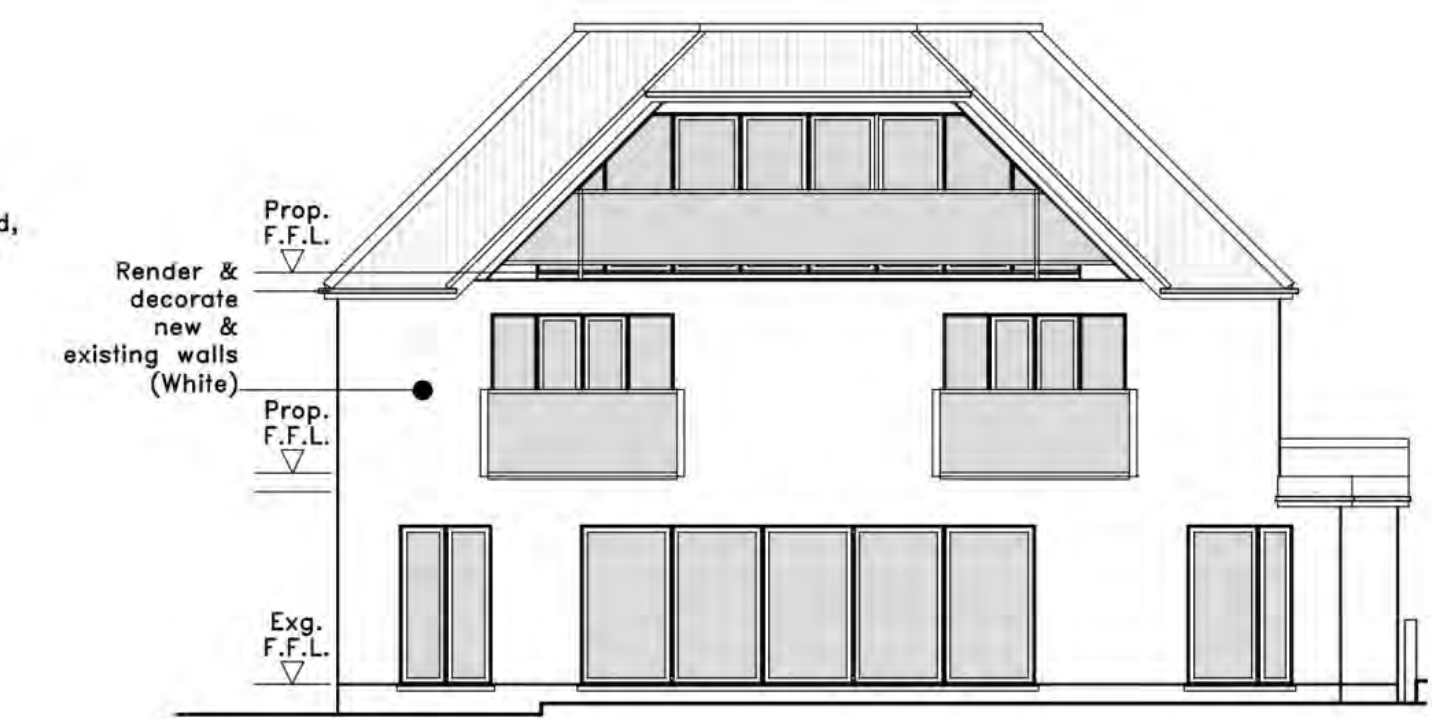
PROPOSED SIDE ELEVATION NORTH



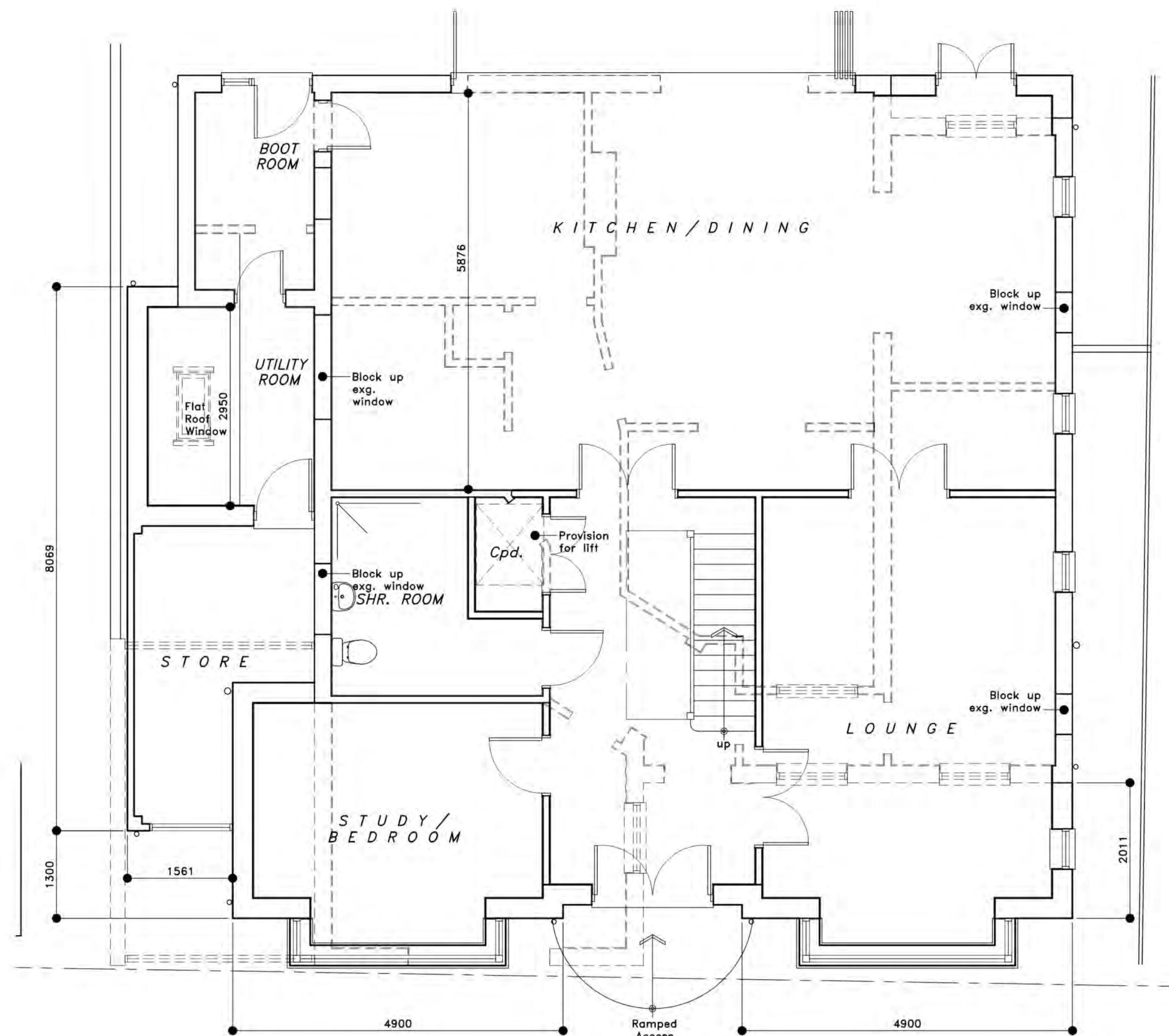
PROPOSED FRONT ELEVATION WEST



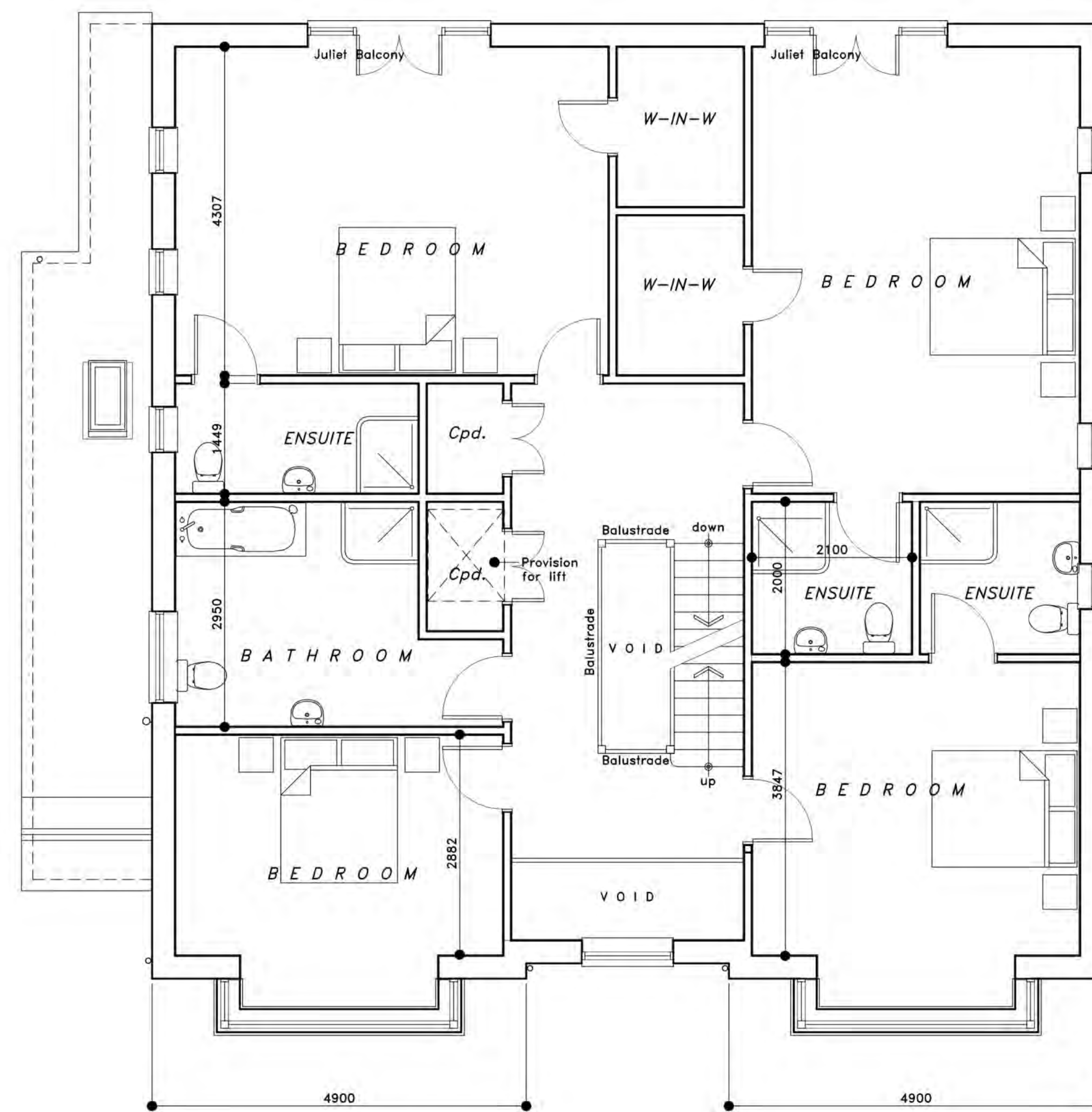
PROPOSED SIDE ELEVATION SOUTH



PROPOSED REAR ELEVATION EAST



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



**ROB PARISH**  
B.ENG (HONS.)

DESIGN & PLANNING SERVICES  
TEL. 07759 239490  
Email: rapdesignoffice@gmail.com

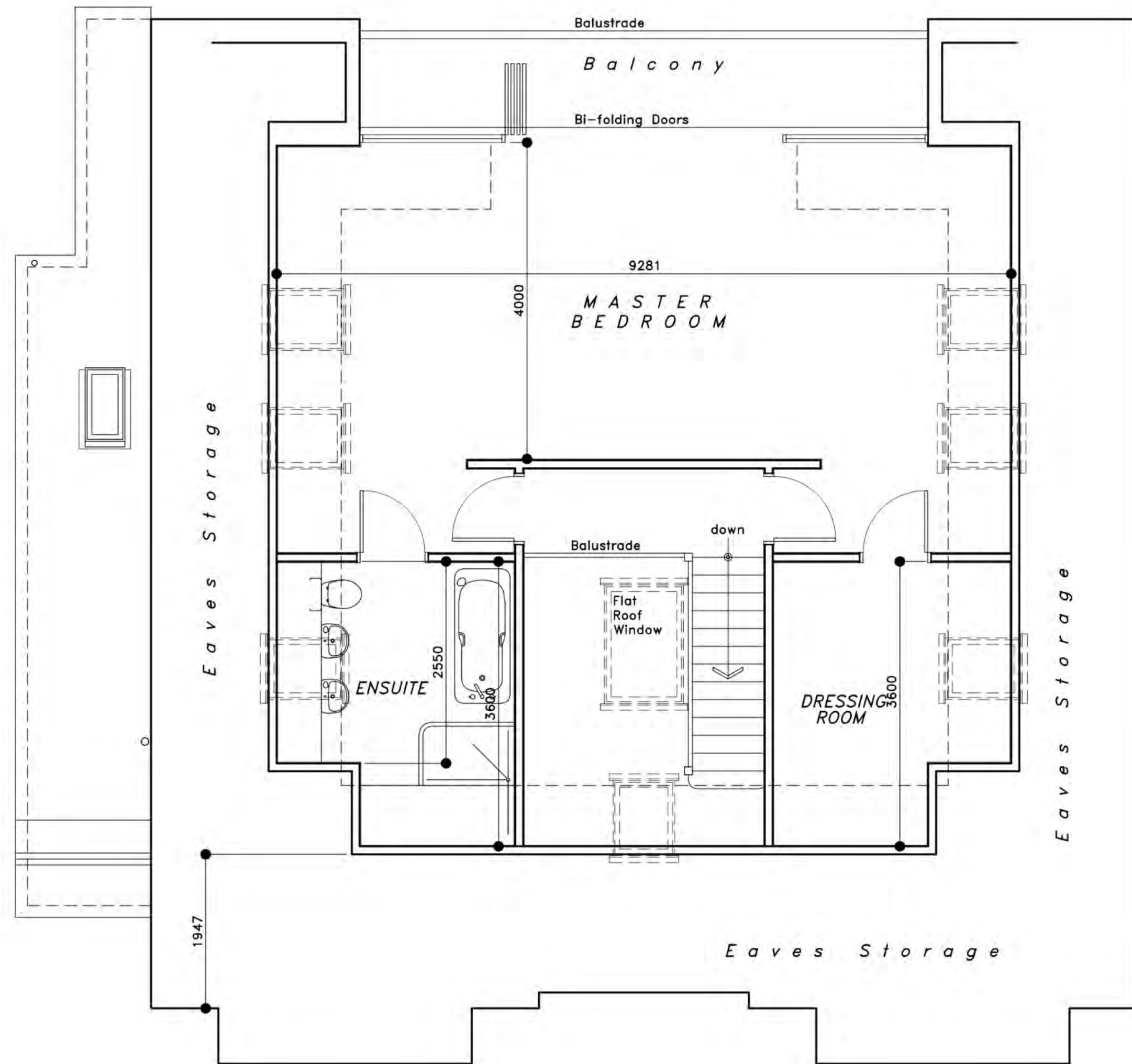


CLIENT;	MR B. BRADLEY 20 BERKELEY GARDENS LEIGH-ON-SEA ESSEX		
PROPOSAL;	EXTEND & ADD NEW FIRST/SECOND FLOOR ACCOMMODATION TO EXG. BUNGALOW		
TITLE;	PROPOSED FLOORPLANS & ELEVATIONS		
DRAWN; RSP	CHK;	DATE;	25 / 09 / 19 REF;
No.;	19-056-PP-02	SCALE;	1:50,100 @ A1 ISS; 10
REVISIONS:			
10	04/02/20	UPDATED FOR A.M.D.T. APPLICATION	
09	20/11/19	MATERIALS UPDATED	
08	07/11/19	ACCESS INDICATED ON GROUND FLOOR PLAN	
ISS.	DATE	DESCRIPTION	

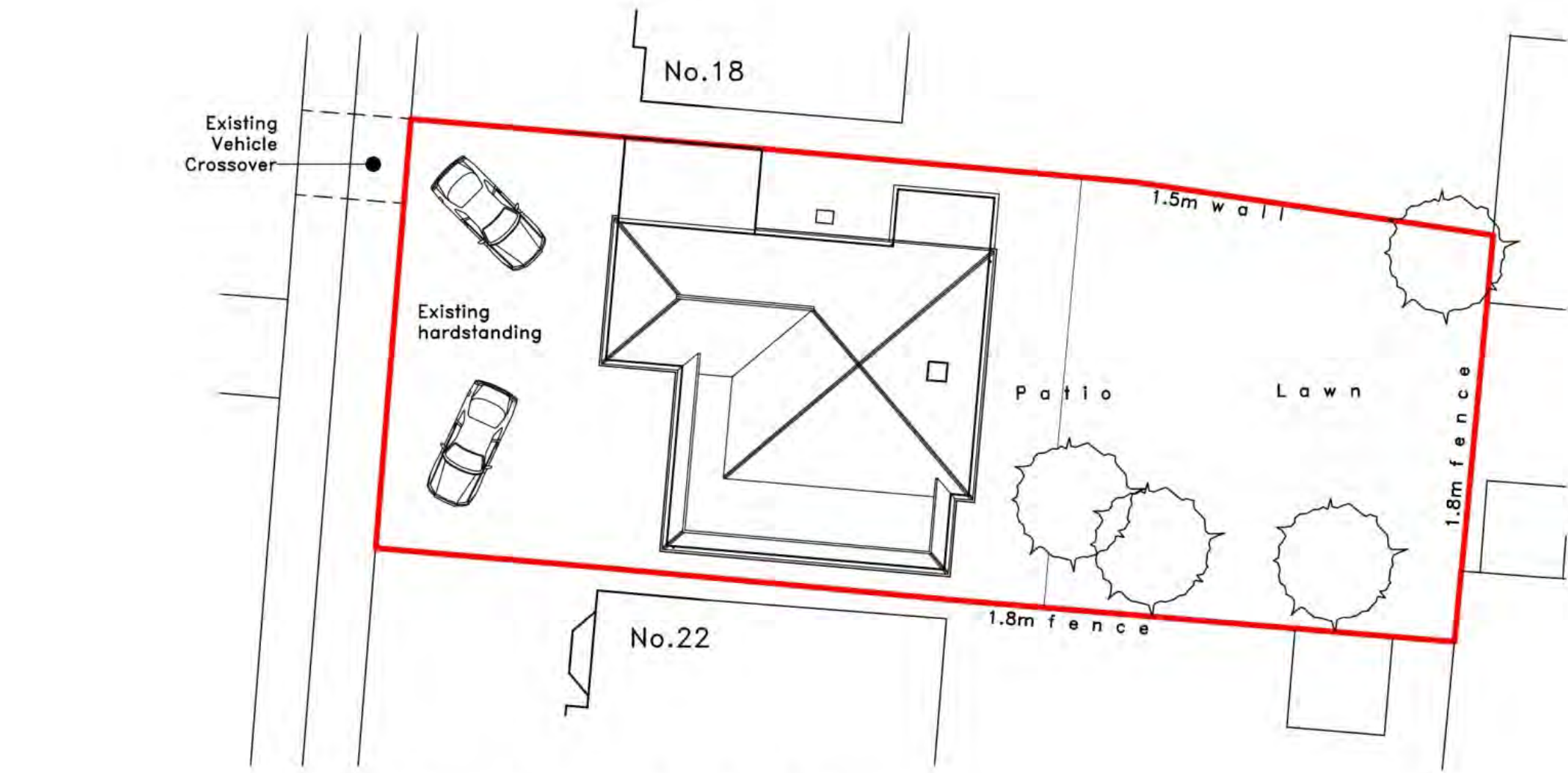


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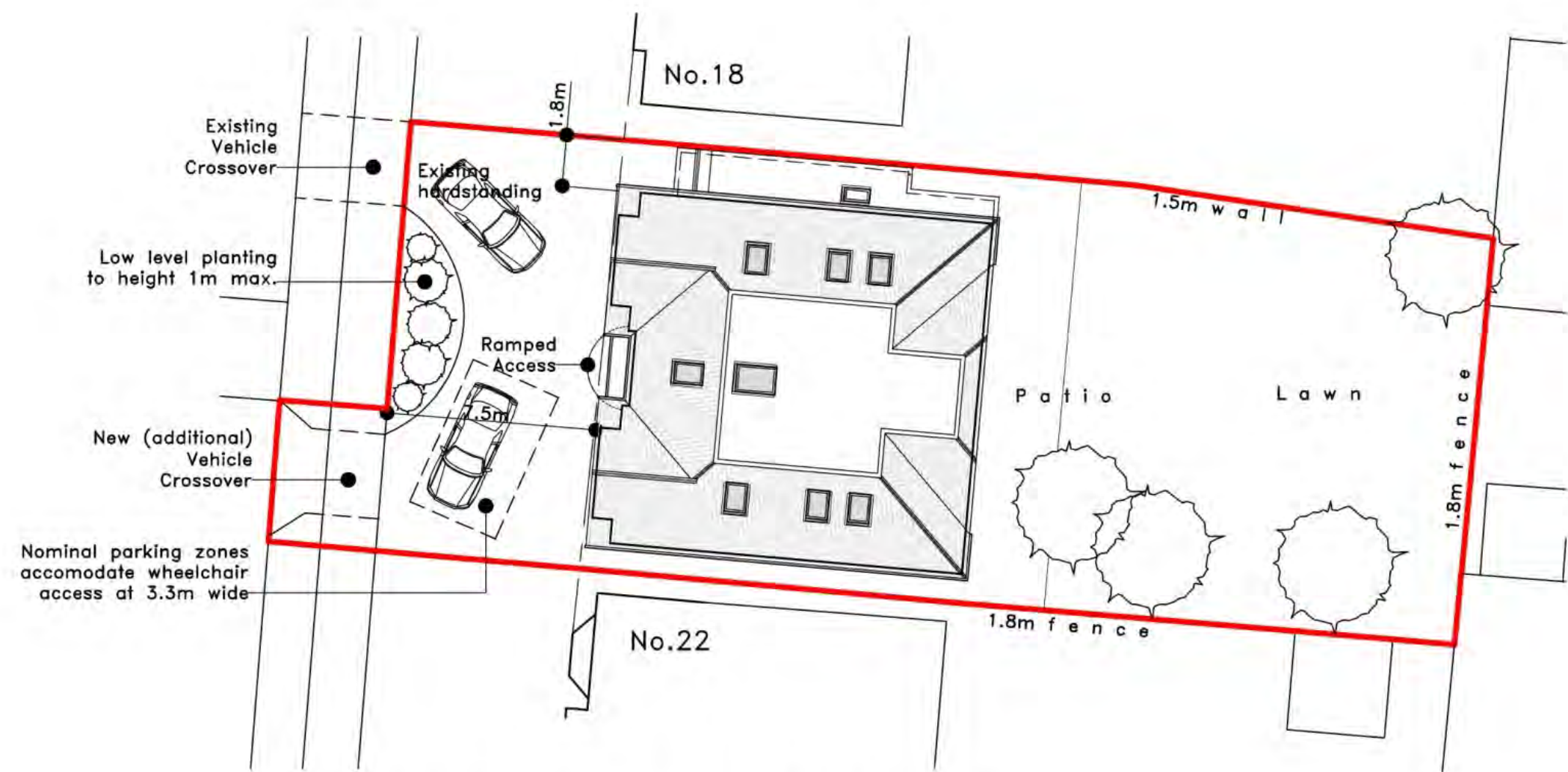




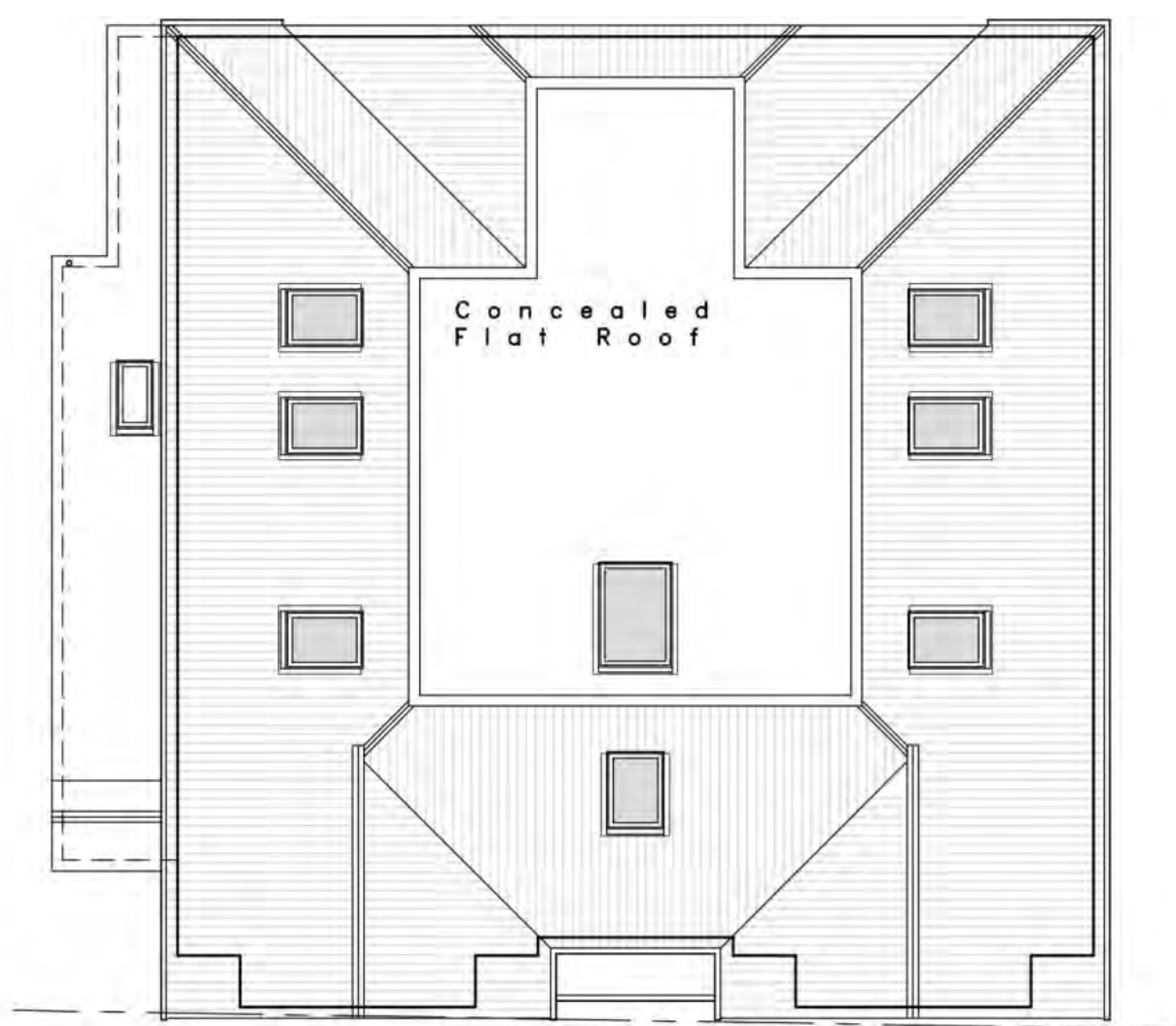
PROPOSED SECOND FLOOR PLAN



BLOCK/SITE PLAN AS EXISTING  
 SCALED 1:200  
 APPLICATION SITE OUTLINED IN RED  
 Approximate dimensions to boundaries as indicated



BLOCK/SITE PLAN AS PROPOSED  
 SCALED 1:200  
 APPLICATION SITE OUTLINED IN RED  
 Approximate dimensions to boundaries as indicated



PROPOSED ROOF PLAN

**ROB PARISH**  
 B.ENG (HONS.)

**partner**  
**LABC**

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 TEL. 07759 239490  
 Email: rapdesignoffice@gmail.com

CLIENT; MR B. BRADLEY  
 20 BERKELEY GARDENS  
 LEIGH-ON-SEA  
 ESSEX

PROPOSAL; EXTEND & ADD NEW FIRST/SECOND FLOOR  
 ACCOMMODATION TO EXG. BUNGALOW

TITLE; SECOND FLOOR PLAN & BLOCK PLAN

DRAWN; RSP CHK; DATE; 25 / 09 / 19 REF;  
 No.; 19-056-PP-03 SCALE; 1:50,100 @ A1 ISS; 07

REVISIONS;

ISS.	DATE	DESCRIPTION
07	04/02/20	UPDATED FOR A.M.D.T. APPLICATION
06	20/11/19	BLOCK PLAN UPDATED TO INCLUDE NEW KERB DROP
05	07/11/19	ACCESS & PARKING INDICATED ON BLOCK PLAN



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# 23-10-2019 – 19-01856-PREAPF – 20 Berkeley Gardens

by Spyros Mouratidis

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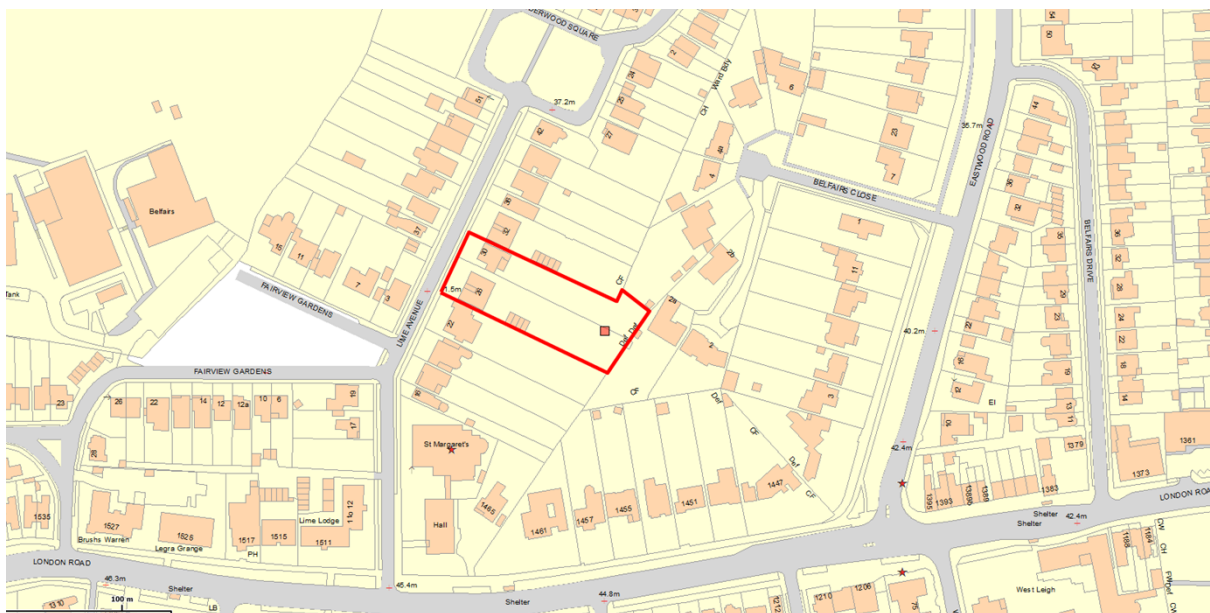


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<b>Reference:</b>	20/00923/FUL	<h1>15</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Erect two dwellinghouses incorporating garages to side to rear of 26 and 30 Lime Avenue with amenity space to rear and install additional vehicular access to front of 30 Lime Avenue	
<b>Address:</b>	Land Rear Of, 26 - 30 Lime Avenue, Leigh-On-Sea	
<b>Applicant:</b>	Mr Bishop and Mr Avery	
<b>Agent:</b>	Mrs Lindsey Wislocki of Hedgehog Development	
<b>Consultation Expiry:</b>	24th July 2020	
<b>Expiry Date:</b>	11th September 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>P001, P002, P003, P004, P005, P006, P007, P008, Tree Protection Plan</b>	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	





## **1 Site and Surroundings**

- 1.1 The application site incorporates the properties from 26 Lime Avenue to 30 Lime Avenue and the land to the rear of those properties. 26 Lime Avenue comprises a detached, two-storey block of four flats known as Stephen Court and a detached, single-storey block of garages. 30 Lime Avenue is a detached, chalet-style dwelling. The land to the rear was originally part of the properties fronting Lime Avenue, forming long rectangular rear gardens as is typical of development in this area. Currently there is no boundary separating the two properties to the rear. This part of the site was until recently overgrown. It has been cleared but remains verdant in nature with grass and trees still present. Two Oak trees (T2 and T3) located at the rear of the site are subject to a Tree Preservation Order (TPO) with reference 1/2010.
- 1.2 The surrounding area is residential in character. This part of Lime Avenue is characterised principally by dwellings, set back from the road behind front gardens and driveways and with substantial back gardens of similar depth to those at the application site. The back gardens of the properties on this part of Lime Avenue combine to form a leafy garden-scape, with many mature and semi-mature trees, which is a prominent and attractive characteristic of the local area. Other than the identified TPOs, no planning-related designations affect the application site or the area.

## **2 The Proposal**

- 2.1 Planning permission is sought for the erection of two (2no.) chalet-style dwellinghouses within the rear part of the gardens of 26 to 30 Lime Avenue, at least 37.2m away from the rear elevation of those properties. It is proposed to amalgamate the access to those properties to create a single larger access to the backland area. It is also proposed to create a new vehicular access to the front of 30 Lime Avenue.
- 2.2 The proposed dwellings would incorporate attached garages resulting in them being semi-detached. The dwellings would each have a maximum width of some 12.2m and a maximum depth of approximately 10.9m. The roof would have a main eaves height of some 2.5m and would be half-hipped measuring 7.2m to the ridge over the main dwelling. Over the proposed attached garages the front part of the roof would be pitched measuring up to 4.4m in height, with the rear part being flat measuring 2.5m in height. The proposed dwellings would feature a front projecting gable with eaves height of 3.4m and ridge height of 6m. One pitched dormer on the front roof slope and two to the rear would measure 2.3m wide by 2.8m high and would project by up to 3m from the roof slope. The proposed materials include render and cedar boarding for the walls, grey Marley Eternit tiles for the roof and aluminium windows.
- 2.3 The proposed dwellings would each accommodate three double bedrooms over two storeys. Both would be served by rear private gardens in excess of 220m<sup>2</sup>. To the front of the dwellings it is proposed to have a hardsurfaced area to accommodate at least two parking spaces for the pair of dwellings and turning space. Some landscaping is shown within the frontage of the proposed dwellings but no other details have been submitted. No details of waste storage or collection have been included with the application.
- 2.4 The new proposed crossover to serve 30 Lime Avenue would be 2.4m wide and would serve two proposed parking spaces. The application has been submitted with a Supporting Statement and an Arboricultural Report. Later in the application process, the Applicants submitted a supporting letter.

### 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
14/01237/FUL (30 Lime Avenue)	Erect 3 storey detached dwelling and block of 2 garages on land rear	Refused [08.10.2014] Appeal Dismissed [19.06.2015]
19/02136/PREAPF (30 Lime Avenue)	Erect two new dwellinghouses to rear of 30 Lime Avenue, layout parking and access to front and amenity space to rear	Pre-application response provided

3.2 The application 14/01237/FUL (the “2014 Application”) relates to a comparable scheme which proposed a new dwelling to the rear of 30 Lime Avenue. That refused dwelling was located in a similar location as the northern proposed dwelling of the current scheme; 1.8m from the northern boundary then instead of 2.3m now and 14.6m from the eastern boundary then instead of 16m now. Furthermore, the dwelling refused permission with the 2014 Application was three-storey in nature. That scheme was refused for four reasons, which in summary include the unacceptable principle of a backland development, the obtrusiveness and overly dominant form harming the character and appearance of the area, the unacceptable overlooking and the uncertainty as to the impact on the protected trees.

3.3 The planning history of the site is a material planning consideration of significant weight for the determination of the current proposal. The officer’s report and the subsequent appeal decision are appended to this report as Appendix 1 and 2, respectively.

### 4 Representation Summary

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

#### **Public Consultation**

4.2 Sixteen (16) neighbouring properties were consulted and a site notice was displayed. During the first week of the publication of the application it was noted that it contained an administrative error. The same publication was given for a second time with a corrected address. Thirty-six (36) representations from twenty-six contributors objecting to the application have been received and are summarised as follows:

#### *Unacceptable principle*

- Limited provision of housing which does not solve the housing crisis.
- The site is not previously developed land. Backland development.
- Overdevelopment of the area, in combination with other development on Lime Avenue and Underwood Square.
- Planning history, previous refusal and appeal dismissal, bind the authority.

#### *Concerns regarding design and impact on character and appearance of the area*

- Piecemeal form of development creating an undesirable precedent.

- Harm to the urban grain. Incongruous garden size.
- Development detracts considerably from the character and appearance of the local area.
- The small garden size in close proximity to TPO trees will lead to pressure for their removal.
- Loss of greenery and shrubs.

*Concerns regarding impact on residential amenity*

- Noise and disturbance from proposed access arrangements.
- Noise and disturbance during construction works.
- Overlooking, loss of privacy.
- Overbearing effect and loss of openness.
- Light pollution from proposed windows.
- A road adjacent the amenity space of the flats would compromise its usability.

*Concerns regarding access and parking*

- The access arrangements would turn the area behind the flats into a turning point.
- Insufficient parking in the area.
- Inadequate access for refuse collection and emergency services.
- Impact on pedestrian safety from proposed access.

*Concerns regarding ecology and biodiversity*

- Loss of ecology assets prior to submission of application.
- There are protected species within the site.

*Other matters*

- Questionable integrity of developers.
- No permission from leaseholders.

4.3 The comments have been taken into consideration and those relevant to planning matters are discussed in the relevant sections of the report. The absence of any notice by the Applicants to the leaseholders of the site has been highlighted to the Applicants and appropriate amendments to the submitted certificate of ownership have been requested. 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.

**Highways**

4.4 No objections subject to conditions regarding the root protection for the existing street tree near the frontage of 30 Lime Avenue.

**Environmental Health**

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

**Parks**

4.6 No objections subject to conditions regarding ecology surveys and biodiversity enhancement measures.

### **Leigh Town Council**

- 4.7 Object – Backland development will create a detrimental impact upon the living conditions and amenity of future occupants, impact on neighbours in relation to visual enclosure and outlook.

### **Fire brigade**

- 4.8 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 Vehicle Crossing Policy & Application Guidance (2014)
- 5.10 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 in relation to the issues identified since the refusal of the 2014 Application.



## 7 Appraisal

### Principle of Development

#### Vehicle crossover

- 7.1 The principle of providing additional facilities in association with an existing dwelling is acceptable in principle subject to detailed considerations regarding highway safety and impact on the character and appearance of the area.

#### Backland development

- 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. It should be noted that residential gardens are excluded from the definition given by the NPPF to the term ‘previously developed land’.
- 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 two additional units. Moreover, the proposal is for three-bed dwellings, a type of housing for which there is significant need as identified within the South Essex Strategic Housing Market Assessment.
- 7.4 The location of the proposed dwellings would render them as backland development. Policy DM3 is applicable which states: “All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
- i. Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
  - ii. Conflict with the character and grain of the local area; or
  - iii. Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
  - iv. Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”
- 7.5 With regard to criterion (i) and as set in detail in following sections of this report, it is considered that the impact of the proposed development upon the amenity of current and future neighbouring occupiers would be unacceptable. Due to its proximity to the dwelling at 2 Belfairs Close and the upper floor main windows, the proposed northern dwelling would result in materially harmful overlooking and loss of privacy to the detriment of this neighbour’s amenity. This was also an issue when the 2014 Application was determined and the subsequent appeal dismissed.

- 7.6 In relation to criterion (ii), the application site is within an area where long rear gardens of verdant nature are characteristic. Any non-street facing structures are ancillary or incidental buildings. The proposal is for dwellings within the rear gardenscape detracting from and materially harming the urban grain in the area. Similar harm was identified when the 2014 Application was determined and the subsequent appeal dismissed.
- 7.7 Considering criterion (iii), as already discussed in the previous paragraphs there are concerns about the overlooking that would be caused from the upper floor windows but on balance, given the size of the proposed private amenity areas and neighbouring gardens, the harm would not be materially detrimental to the usability of those areas. A similar conclusion was reached by the Inspector who considered the 2014 Application.
- 7.8 Concerning criterion (iv), the site was cleared prior to the submission of the application. The protected trees were retained and the submitted Arboricultural Report contains measures for their protection. The size of the proposed gardens and their orientation is not likely to give rise to any reasonable pressure for the removal of those protected trees. Third parties advised that before the clearing of the site they had seen protected species on site. Furthermore, the site is in the proximity of a known habitat. Whilst almost certainly some habitat value was lost with the clearing of the site, it is possible that if the site were managed as rear garden land or left undisturbed, rather than being developed, some of the original habitat value would be retained. The application was not supported by any ecology and biodiversity appraisals and as such has failed to demonstrate whether any loss of ecological assets as a result of the proposal would be avoided. The Applicant stated that any necessary surveys could be secured by planning conditions, but this would not be reasonable, given that the loss of ecological assets goes to the heart of the application and is a determinative factor as to whether permission should be granted or not.
- 7.9 On the basis of the above analysis it is considered that the principle of the proposal would be unacceptable. Other material planning considerations are discussed in the following sections of the report.

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

- 7.10 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.”
- 7.11 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.”

- 7.12 Paragraphs 199 and 200 of the Southend Design and Townscape Guide (2009) state in relation to development of existing rear gardens: “Gardens are by their nature open spaces that have not previously been developed. Preserving gardens is as important as preserving open space between and around dwellings, as they provide amenity space for the dwelling, rainwater soak up areas and areas for wildlife. There is a general presumption against the redevelopment of existing private gardens especially where they are a significant part of local character. Piecemeal development of gardens in areas of strong uniform character would disrupt the grain of development and will be considered unacceptable.”
- 7.13 When the 2014 proposal was considered, the Local Planning Authority (the “LPA”) and the Inspector found that the provision of a dwelling to the rear garden of 30 Lime Avenue would be harmful to the layout and urban grain of the area (see paragraphs 4.5 to 4.13 of Appendix 1 and 3 to 5 of Appendix 2). The current proposal is for two dwellings within the same rear garden location. The character and urban grain of the area remains materially the same as in 2014 when the previous application was refused and the subsequent appeal was dismissed. As discussed in the previous sections of this report, the area is characterised by long rear gardens and street facing development with only ancillary or incidental buildings to the rear. The proposal would be materially out of keeping and would detract from the prevailing pattern of development in the area causing material harm to its urban grain and setting an undesirable precedent for other rear garden dwellings.
- 7.14 In terms of scale and form the proposed development would respect the two-storey scale of surrounding development and would reference the chalet form also noted in other sites in the locality. In relation to the proposed appearance, there is a lack of cohesion in the design of the proposal. There is no symmetry or alignment and there are too many different types and angles on the pitches of the roofs. The configuration of the windows is varied with proposed use of different sizes of windows and lack of clear vertical alignment. The result is a development which would appear convoluted and contrived. Whilst this is a negative aspect of the scheme, given the limited public views, on balance, the appearance of the proposed dwellings would not be sufficient to justify the refusal of the application on this ground.
- 7.15 The proposed choice of materials references the palette of materials in the locality and would be acceptable. Similarly, the proposed landscaping appears acceptable but further details would be required. If the application were otherwise found to be acceptable conditions could be imposed to secure appropriate details for the materials and the landscaping of the proposal. The submitted Arboricultural Report and its recommendations would be sufficient to preserve the protected and other mature trees on site. The proposed vehicular crossover could potentially harm the root plate of the existing street tree but conditions could be imposed to ensure that a trial is first carried out and then appropriate methods of construction are implemented. The harm in terms of layout and appearance identified above is so significant that would justify the refusal of the application. The proposal would have an unacceptable impact on the character and appearance of the area and would be contrary to policy in the above regards.

## Standard of Accommodation and Living Conditions for Future Occupiers

- 7.16 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

- 7.17 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. 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 (two storey)	102	11.5m <sup>2</sup> Wmin=2.75m	11.5m <sup>2</sup> Wmin=2.55m	2.5	N/A
Proposed dwellings 3 bed 6 person (two storey)	173.1	15.7m <sup>2</sup> Wmin = 3m	13.7m <sup>2</sup> (14.4m <sup>2</sup> ) Wmin =2.85m (2.9m)	4.8	229 (south) 320 (north)

- 7.18 The table shows that the proposed flats would meet the overall space, the bedroom area and dimensions, and the minimum internal storage space required by the NDSS. These arrangements would result in acceptable living conditions for the intended future occupiers.

### Daylight, Sunlight and Outlook from Habitable Rooms

- 7.19 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.

### Amenity Provision

- 7.20 The amenity provision for the proposed dwellings, given their size and type, is considered acceptable. These arrangements would result in acceptable living conditions for the intended future occupiers.

### Interlooking

- 7.21 The submitted plans show a side window at the ground floor level of the proposed front gable. This arrangement would create two windows, one at each property, facing each other at a distance of 17m which potentially would create harmful interlooking between the two properties and loss of privacy. This issue can be addressed with a condition if the application is otherwise found to be acceptable.



7.22 As already discussed in previous sections of the report, when the 2014 proposal was considered by the LPA and the Inspector, it was found that the location of the then proposed dwelling, which was 2m to the south-east of the location of the currently proposed northern dwelling, would result in overlooking between the proposed property and 2 Belfairs Close. It is considered that the 2m separation would not be sufficient to overcome that previous reason for refusal and that the resulting overlooking would be detrimental to the living conditions of the intended future occupiers of the proposed northern dwelling.

#### M4 (2) – Accessibility

7.23 On the submitted plans, it is shown that the front entrances would have ramps to achieve step-free access to both dwellings. The ground floor areas also appear to be adaptable. The doors and hallways appear to be sufficiently sized for a wheelchair. The proposed dwellings appear to be adaptable in order to satisfy building regulation M4 (2). Confirmation of this could be required by a condition if the proposal were otherwise acceptable.

7.24 Overall, it is considered that the proposal, by reason of its location and relationship with 2 Belfairs Close would result in substandard living conditions for its future occupiers by reason of the resulting overlooking and loss of privacy. The proposal is therefore unacceptable and contrary to relevant policies in these regards.

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

7.25 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.”

7.26 The nearest residential property to the proposed dwelling is the neighbouring property to the rear, at 2 Belfairs Close, located some 21m from the rear elevation of the proposed northern dwelling. Other neighbouring properties are at 22 to 32 Lime Avenue, located between 37m and 41m from the front elevation of the proposed dwellings. The rear elevations of all these neighbouring properties contain primary habitable room windows facing the proposed dwellings directly or indirectly. The nearest rear facing window serving a habitable space in 2 Belfairs Close is located some 4.5m away from the boundary of the site. Stephens Court (26 Lime Avenue) and 32 Lime Avenue have single-storey garage blocks within their rear gardens.

7.27 The current proposal would have two storeys of accommodation with associated openings. The proposed siting, scale and orientation would not result in any material detrimental impact to the neighbours’ amenity in terms outlook, sense of enclosure/overbearing relationship, daylight and sunlight. Other than the windows to the side of the front projecting gable feature which were discussed in the previous section of this report, there are no other side facing windows. The proposed dwellings would have all their primary windows serving habitable spaces to the front and rear. This would result in direct and indirect overlooking to all nearby properties mentioned in the previous paragraph. Given the separation distance from the properties on Lime Avenue, it is not considered that the resulting loss of privacy and overlooking would be materially harmful to their amenity.

- 7.28 Regarding the impact on 2 Belfairs Close, this was previously considered to be materially harmful (see paragraphs 4.19 to 4.22 of Appendix 1 and paragraphs 6 to 7 of Appendix 2). It is noted that the harm was a result of the openings of the then proposed first and second floor and the distance from this neighbour which was proposed to be some 19m. Despite the fact that the proposed scheme is for one storey less and the proposed siting is 2m further away from this neighbour, it is considered that the resulting overlooking and loss of privacy would be, on balance, materially harmful to this neighbour's amenity.
- 7.29 The proposed development has the potential of creating materially harmful pollution, noise and disturbance only during its construction phase. Appropriate conditions could be imposed to secure the impact on the neighbouring occupiers would not be detrimental in these regards. Overall, the proposed development is, on balance, unacceptable and contrary to policy in the above regards.

### **Traffic and Transportation Issues**

- 7.30 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.
- 7.31 For dwellings with two or more bedrooms, a minimum of two on-site car parking spaces and one cycle storage space should be available. The proposal is policy compliant in this regard. Two car parking spaces, one for each proposed dwelling, would be provided within their frontage. Two garages, one for each dwelling, would also be provided. The garages would meet the 3m by 7m minimum dimensions required by policy and as such are each considered to be able to accommodate one car parking space and at least one cycle storage space. The access arrangements for the new dwellings would utilise the existing access for the existing properties on site. Despite the length of the proposed driveway, the access arrangements are considered acceptable. The new proposed vehicle crossover for 30 Lime Avenue would comply with the vehicle crossover policy, subject to retaining the adjacent street tree, and would not result in a material harm to the highway safety in the area. The Council's Highways team raised no objections to the proposal. The proposed development is acceptable and policy compliant in these regards.

### **Refuse and Recycling Storage**

- 7.32 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 not convenient for the use of the service at the existing kerbside neither for the intended future occupiers or for the collection services. There is enough space to allow for waste collection vehicles to reach the site but this would create an issue regarding noise and disturbance to the existing properties on site. If the application were otherwise acceptable it is likely that a condition to secure an appropriate waste management solution could be imposed. Subject to such a condition the current proposal is acceptable and policy compliant in this regard.

## **Energy and Water Sustainability**

- 7.33 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.
- 7.34 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**

- 7.35 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)**

- 7.36 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, including the 2014 Application which was refused by the LPA and dismissed on appeal, and 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 material harm to the local grain and character of the area, , it would, by reason of its proposed location and upper floor windows, cause materially harmful overlooking and loss of privacy to the detriment of the residential amenity of neighbouring occupiers at 2 Belfairs Close and the living conditions of its intended future occupier. Moreover, it has not been demonstrated that the proposal would not have a materially harmful impact on the ecology of the site and the potential presence of protected species. The benefits of the proposal, including the provision of additional but limited housing, 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 proposed development by reason of its siting and layout would materially conflict with the grain of the local area, would appear incongruous and be materially out of keeping with and detract from the character and appearance of the site and wider surrounding area. This is unacceptable and contrary to 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 National Design Guide (2019) and the Southend Design and Townscape Guide (2009).
- 02 The proposed development, in particular the northern dwelling, by reason of its position and upper floor window arrangements, would result in material harm to the residential amenity of neighbouring occupiers at 2 Belfairs Close, due to overlooking and material loss of privacy. 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 proposed development, in particular the northern dwelling, by reason of its siting and relationship with 2 Belfairs Close, would result in overlooking which would be detrimental to the living conditions of the intended future occupiers of the proposed dwelling. 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).
- 04 The proposal fails to demonstrate that the development would not result in the loss of local ecological assets including wildlife habitats. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1, DM3 and DM14 of the Southend-on-Sea Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2)



**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.**

**APPENDIX 1**

<b>Reference:</b>	<b>14/01237/FUL</b>
<b>Ward:</b>	<b>West Leigh</b>
<b>Proposal:</b>	<b>Erect 3-storey detached dwelling and block of 2 garages on land at rear</b>
<b>Address:</b>	<b>30 Lime Avenue, Leigh-on-Sea, Essex SS9 3PA</b>
<b>Applicant:</b>	<b>Mr B Bishop</b>
<b>Agent:</b>	<b>Hedgehog Development</b>
<b>Consultation Expiry:</b>	<b>11<sup>th</sup> September 2014</b>
<b>Expiry Date:</b>	<b>9<sup>th</sup> October 2014</b>
<b>Case Officer:</b>	<b>Patricia Coyle</b>
<b>Plan Nos:</b>	<b>P1001 Rev A; P1002 Rev A; P1003; P1004; P1005 Rev A; P1006 (Garages)</b>
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

**1 The Proposal**

- 1.1 This application proposes the erection of a 3-storey detached house in the rear garden of the existing chalet bungalow at 30 Lime Avenue, Leigh-on-Sea. The proposal would involve the demolition of the existing garage to the side of the frontage property and the provision of a shared access drive to the southern boundary.
- 1.2 The proposed house would be located approximately 56m back from the rear edge of the highway; approximately 38m from the rear elevation of the existing property. It would be located just over 1m from the existing shared flank boundaries. The house would be 8.7m wide (ground floor) 7m wide at first and second floor levels, 11.5m deep (roof maximum depth 12.8m) and with a pitched gabled roof with a ridge height 9m above ground level. The house would have a large living/dining/kitchen area to the ground floor with a separate study and WC. To the first floor would be two bedrooms (one with en suite and a rear balcony) together with a family bathroom and to the third floor there would be two bedrooms both with en-suite shower room arrangements. The rear bedroom at third floor level would have an inset, covered balcony.
- 1.3 It is proposed that the new property would have a rear garden of approximately 16m deep with the existing property retaining an amenity area 23.5m deep.
- 1.4 In order to facilitate the new house, the existing side entrance door to 30 Lime Avenue would be removed and a new entrance door would be provided to the front elevation of the property. It is indicated that this would be undertaken under permitted development allowances.

- 1.5 It is proposed to provide two garages to the front of the new property. The garages would provide one car parking space and space for two bicycles and 2 bins for each property.

## 2 Site and Surroundings

- 2.1 The application site comprises a chalet bungalow to the eastern side of Lime Avenue. It has an attached single garage and a relatively large rear garden. The site has an area of just over 1,000 sq.m.
- 2.2 There is an existing vehicular access to Lime Avenue to the southern boundary of the application site. The garden area is mature with a large number of trees to this and the adjoining flat garden areas.
- 2.3 The character of the area is residential, typified by one and two-storey houses to the north and opposite side of Lime Avenue. Nonetheless both No.s 26 and 32 Lime Avenue, which are located directly adjoining the application site, are small purpose-built flatted blocks with vehicle accesses to garages located to the rear. Further south is the St Margaret of Antioch Church which also has a frontage onto London Road.

## 3 Planning Considerations

- 3.1 The main issues to be considered are, the principle of residential redevelopment of the site, the design and impact of the development on the wider area, impact on the surrounding highways network, parking and servicing, impact on neighbouring development, impact on the natural environment and renewable energy.

## 4 Appraisal

### Principle of development

**Planning Policy: NPPF: Achieving Sustainable Development, Core Planning Principles, Section 1, DPD1 (Core Strategy) policies KP1, KP2 CP4, CP8 and BLP policies H5, H6, H10; Emerging Policies DM3 and DM7 of the Development Management DPD are also relevant.**

- 4.1 The NPPF states at paragraph 6 that *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”* At paragraph 17 – Core Planning Principles – the NPPF states that planning should *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. And, under 6. Delivering a wide choice of high quality homes at paragraph 48. states in respect of windfall sites this *“should not include residential gardens”*. At paragraph 53 this is reiterated *“Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”* The NPPF Glossary confirms that Previously Developed Land excludes (among others) private residential gardens.

- 4.2 The Council's Core Strategy predates the NPPF. Policy KP2 of the Core Strategy states that development should "*make the best use of previously developed land*" and "*respect, conserve and enhance the natural and historic environment*". This approach is reiterated in Policy CP4 which states: "*Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.*"
- 4.3 Policy CP8 of the Core Strategy identifies the number of dwellings the Council is required to deliver up to the year 2021. There is a particular need for family housing within the Borough which is reinforced by the Council's emerging Development Management Document which identifies a shortage for this form of residential development. The proposal would provide an additional dwelling of 4 bedrooms which would help to meet the identified shortage in family dwellings in the Borough. It should be noted however that the 5-year land supply for housing can be met without recourse to backland development.
- 4.4 Policy H10 of the Borough Local Plan specifically indicates that applications for residential development on backland sites will only be permitted where proposals respect the character of the area... 'tandem' development will normally be refused. In addition this policy also indicates that the pattern of development is also a significant factor in considering whether the proposal would be acceptable. Whilst Belfairs Close has previously been the subject of development which may be considered to be "backland", in this case the general pattern of development to Lime Avenue is frontage development with relatively long rear gardens. It is likely that if this tandem development were to be allowed, contrary to the general pattern, that it would set a precedent for similar future development of the adjoin/nearby rear gardens.
- 4.5 The applicant has cited the recently constructed development of 3 detached houses (one a replacement) at 2 Belfairs Close which backs onto the application site as a reason why backland development is acceptable in this location. Planning permission was granted for this 3-house development in 2009 which pre-dates the NPPF and also the change to the previous Government policy PPG3 which excluded back gardens from the "brownfield" category specifically to prevent the continuation of the loss of rear gardens to further residential development. The Belfairs Close development also involved the total redevelopment of the application site which is not the case here.
- 4.6 The proposal would be contrary to the NPPF in that it would involve the development of a private residential garden which is not within the definition of "previously developed land"; as such, the NPPF indicates that such development would not be considered to be "sustainable development" and it is therefore considered that the proposal which would also not be in character with the existing grain and pattern of development in the area, would be unacceptable in principle.

### **Visual impact and impact on character of the area**

**Planning Policies: NPPF Sections 7 and 12, DPD1 Core Strategy Policy CP4, BLP Policies C11, H5, H6, H10, SPD1 Design and Townscape Guide. DMDPD Policies DM1, DM3 and DM7**



4.7 Policy CP4 of the Core Strategy states:

*“Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend” and “promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”*

4.8 Policy C11 indicates that new buildings or extensions and alterations should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevations design and materials.

4.9 The proposed house would be located in the rear garden of the existing chalet bungalow. There are no other properties and no outbuildings of over one-storey height in the rear garden areas of properties to this side of Lime Avenue and it is therefore considered that it would introduce an uncharacteristic form of backland development into this area. It is recognised that there has been a recent development of three houses on a plot at 2, Belfairs Close, nonetheless this was considered on its own merits at a time when rear gardens were considered by default to be brownfield, or previously developed, land. Their presence does not of itself justify the provision of a 4-bedroomed house in a rear garden in a street where there is only frontage development (Belfairs Close itself being located to the rear of properties fronting onto Eastwood Road) and with their being no similar existing development in the rear garden areas.

4.10 The proposed materials and design are modern. The applicant states that as there are various properties of differing ages and designs in the vicinity this is the most appropriate response. The Council is not against the provision of modern design and materials, nonetheless the provision of an over-sailing roof to a three-storey property, large balconies, large/deep glazing panels and the overall size of the property relative to the existing frontage chalet bungalow and the two-storey flat blocks, results in a form of development which is overly conspicuous, dominating and uncharacteristic in this rear garden environment where no existing buildings are more than 1-storey in height.

4.11 The new driveway leading to the parking area to the rear would be hardsurfaced. From the streetscene this would appear little different to those currently at No.s 26 and 32 and the proposed house would be visible only from the rear gardens of the surrounding properties and directly along the new driveway when it would appear as an awkward afterthought. However, due to it being 56m back from the rear edge of the highway, it is not considered that the proposed house would result in any significant harm to visual amenity when viewed from Lime Avenue.

4.12 It is proposed to provide separate amenity spaces of a minimum depth of 16m for each property. In respect of the amount of amenity space this is considered acceptable in design/layout terms. Details of the landscaping will need to be submitted and a suitable condition could be attached to any grant of planning permission.

4.13 It is considered due to the backland location, scale and form of the proposed development, and as it would be out of kilter with the grain and pattern of existing development in the area that the proposal would not have a satisfactory relationship

with its immediate neighbours and is considered to be unacceptable in design/layout terms.

### **Parking and Highway Issues**

**Planning Policies: NPPF: Section 4, DPD1 (Core Strategy) policies: KP1, KP2, KP3; CP3: BLP Policies: T8, T11, T12, T13, SPD2.**

- 4.14 The proposal would provide one parking space for each dwelling. The site is situated in a relatively sustainable location just off the A13 (London Road), close to local amenities and it is well located to encourage alternative modes of travel, benefitting from good local bus services and excellent pedestrian and cycle links for both commuting and leisure journeys.
- 4.15 EPOA standards indicate that for main urban areas and locations where access to public transport is good, a maximum of 1 space per dwelling is appropriate. The proposal would provide 1 garaged car parking space for each dwelling which is considered to be acceptable in respect of the EPOA Standards. However, the Development Management DPD (DMDPD) has reached its Submission Stage and it indicates that 2+ bedroom dwellings should have a minimum of 2 spaces per dwelling. It is considered that as additional spaces could be provided to the front of the existing property and to the front/side of the proposed property, that the proposal could accord with this emerging policy.
- 4.16 Vehicle access to the driveway and the manoeuvring area for smaller vehicles, including private cars, is considered to be acceptable in highway terms. However, the driveway width at 2.4m is too narrow for refuse/servicing (see below) and emergency vehicles. Sprinklers can be provided in lieu of access by Fire Appliances which would need to be addressed through the Building Regulations should planning permission be granted.

#### *Cycle parking*

- 4.17 The EPOA Cycle parking standard indicates that no separate cycle parking is required if a garage is provided. The garages indicate that they would accommodate cycle parking for 2 cycles for each property. This is reiterated in the emerging DMDPD. This is considered to be acceptable.

#### *Servicing*

- 4.18 Adequate refuse storage is shown to be provided. The location of the bins at 56m along a relatively narrow access drive is too remote and separate collection arrangements would be needed. It is considered that suitable arrangements could be made to enable a bin store to be provided to the front or a suitable collection to be agreed for collection days – details could be required to be submitted via a suitably-worded condition attached to any grant of planning permission and would need to have an acceptable impact in the streetscene.

### **Impact on residential amenity**

**Planning Policies: NPPF: Core Planning Principles, Section 11, DPD1 (Core Strategy) policies, KP2, CP4; Borough Local Plan Policy H5, H10**

- 4.19 There are currently no internal floorspace standards for new dwellings. The emerging

Development Management DPD Policy DM8 provides indicative minimum floor space standards (Policy Table 4) for 4-bed houses to be at least 108sq.m to enable reasonable day to day accommodation for upto 7 people (bedspaces). The proposed 4-bedroom house would have an internal floor space of approximately 216sq.m and it is considered that the proposed house would be of a size which would be acceptable for day-to-day living. It is nonetheless considered that the omission of a window to the south facing flank elevation would be a missed opportunity.

- 4.20 The new house would have windows to each elevation. Those to the side elevation would be secondary or to non-habitable spaces such that they could be fitted (at first floor and above) with obscure glazing to prevent any loss of privacy to adjoining occupiers. However, the main windows are located to the front and rear elevations. Those to the front would face onto the rear elevation and rear garden areas of the existing frontage properties to Lime Avenue. While the bathrooms could be fitted with obscure glazing, the two bedrooms (one with Juliette balcony) would enable direct viewing at first and second floor levels into the rear of the frontage properties. The distance of at least 35m (which is significantly longer than the 25m usually acceptable) is considered to prevent any material harm arising.
- 4.21 The proposed windows and balconies to the rear elevation would face the new two rear properties at No.2 Belfairs Close. The nearest property is at a distance of 18m away and is orientated north/south such that there would be no direct interlooking. However, at this distance, the proposal would enable viewing of the area directly behind the property and it is considered that this would be likely to result in loss of privacy to this occupier. It is recognised that there are trees to this boundary and those within 2 Belfairs Close are protected trees, nonetheless the plans submitted do not indicate that any trees currently within the application site would be retained and the preserved Oak Trees are deciduous. Whilst not directly relevant to this application (as the trees lie outside the control of the applicant), an application for works to lop, top or remove the tree nearest the rear of No. 2b Belfairs Close has recently been refused, however the pressure to carry out works/remove this tree remains due to the close proximity of this tree to the detached house. In the absence of details indicating tree retention and, as the garden itself is of limited depth at 16m, it is likely that there would be at least some direct overlooking of the adjoining occupier's garden area immediately behind the property.
- 4.22 It is considered that the proposal would result in material harm to the adjoining occupiers' existing amenity.

**Preserved Trees and trees within the application site  
Planning Policies: Borough Local Plan Policy C14**

- 4.23 There are 4 TPO trees in the garden of the neighbouring property at 2b Belfairs Close. The proposal would not result in any loss of preserved trees, nonetheless, the close proximity of the dwelling to the preserved trees may lead to pressure for their removal. The applicant has not submitted a tree report and no protection measures are proposed in relation to protecting the root protection zone(s) during construction.
- 4.24 The submitted plans show the removal of all existing trees within the rear garden area of the application site. While the trees are not the subject of a preservation order, it is considered that trees are a characteristic of the area, in particular due to the length of the gardens to Lime Avenue properties. The loss of the trees would be

unacceptable and contrary to BLP Policy.

### **Other matters**

- 4.25 There was no specific evidence of a badger sett observed at the site visit. While foraging areas are also protected, the proposal to provide one house is not considered to be likely to result in any significant loss of foraging area which would harm any local badger population.

## **5.0 Conclusion**

- 5.1 The redevelopment of an existing rear garden for residential development of a three-storey house is considered to be unacceptable in principle, contrary to Government Guidance in the NPPF. Due to its set-back location, the impact on visual amenity in the streetscene is acceptable. However, the location, scale, design and appearance of the development and its siting in a backland location would run contrary to the urban grain and pattern of development in the area. It is also considered that, as there are other similar sized garden areas to Lime Avenue, that the proposal would set a precedent for other similar unacceptable development. The proposed parking and highway arrangements would also be somewhat contrived. In addition it is considered that the amenities of neighbouring properties would be adversely affected by the development. Therefore the development is considered to be contrary to Development Plan Policy.

## **6. Planning Policy Summary**

- 6.1 National Planning Policy Framework: Achieving sustainable development, Policies: 1. Building a strong, competitive economy; 4. Promoting sustainable transport; 7. Requiring good design; 8. Promoting healthy communities
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling provision)
- 6.3 BLP Policies; Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H10 (Backland Development), T1 (Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking).
- 6.4 SPD1 Design and Townscape Guide
- 6.5 EPOA Vehicle Parking Standards
- 6.6 Revised Proposed Submission Development Management DPD: DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), D8 (Residential Standards)

## **7.0 Representation Summary**

### **Design and Regeneration**



- 7.1 The proposal is to build a 2.5 storey house on the rear garden of 30 Lime Avenue. In terms of the principle of the development, although this is a long rear garden the proposed development would be out of character with the grain of the area and if allowed could set a precedent for other properties in the area to do the same. Although this proposal would not be prominent in the streetscene it would appear as an anomaly in the landscape, especially when seen from the surrounding houses.

In terms of design detail there is a concern that the front elevation is top heavy and unbalanced particularly in terms of the fenestration design and its inconsistency in proportion and poor interrelationship and this has not resulted in a well designed elevation. It is also considered that the single storey element does not integrate well to the overall design. To the sides the lack of articulation highlights the bulk of the proposal. To the rear the elevation is better resolved.

No information has been provided for the landscaping to the front and this would need to be conditioned in any approval. This area will be dominated to some extent by the proposed garages and would need to be mitigated with good landscaping. The garages themselves are rather traditional in their detailing and roof form and this seems to conflict with the modern style of the proposal.

The proposed amenity area seems reasonable although it should be noted that the oak tree on the other side of the rear boundary is protected by a TPO and therefore would require root protection measures if the application were approved.

#### Sustainability

If approved this proposal would be required to provide 10% renewables.

#### Mistake on the plan

3 windows are shown on the first floor plan, but only 1 on the elevation.

### **Environmental Health**

- 7.2 No comments received

### **Parks**

- 7.3 No comments received

### **Highways and Transport**

- 7.4 The site is access via a narrow access way which is approximately 2.4m wide. It is considered that the width is sufficient to serve one dwelling. The access way is approximately 55m in length which would be out of current refuse collection guidance therefore alternative arrangements would need to be made on the day of collection. Emergency services may well have an objection as the access way is not sufficient to allow an emergency vehicle to access.

Given the above there are no highway objections to this proposal.

### **Leigh-on-Sea Council**

- 7.5 The Town Council object on the following grounds:

- Erect dwelling and garages on land to rear of existing property
- This three storey structure would be back-land development and over development. It would overlook the adjacent properties and their private amenity space.
- Accessing and leaving the property would be problematic and also produce parking issues.

## Public Consultation

7.6 10 Neighbours were consulted, a site notice displayed and press notice published. 7 letters were received raising the following objections

- Surrounding properties are only two storey and new occupiers would be able to look down onto existing properties
- The plot size is too small/overdevelopment
- Trees, possibly preserved, could be lost
- Too large
- Out of place in the area
- Would set a dangerous precedent for other gardens
- The garden is generous in its length but not in width, providing a three-storey house and garages seems optimistic
- The house would be located in a rear garden/backland location
- The house would be out of keeping with the scale of the surrounding area
- The dwelling will be very visible to surrounding residents impeding privacy and restricting enjoyment of their rear gardens
- The proposed parking is insufficient for the size of property proposed which would result in further parking stress on Lime Avenue, caused in part by the many Church-based activities nearby
- The supporting statement suggests that the proposed house could be extended in future to provide additional space for disabled users and this could result in an annexe or conversion of the house into flats which would be unacceptable
- Lime Avenue is low density with uniform openness and the proposal would not fit in
- The proposed garages would open east onto the front elevation of the new property; this would result in the existing occupier driving/manoeuvring right in front of the new occupier's front door
- The proposed access drive would be a maximum 7 ft/2.4m wide which is too narrow for delivery vehicles
- The proposed property is not 3-storey but two-storey with a third floor in the roof space
- As a result of the development at Belfairs Close, several trees have been removed and there is little screening to this boundary
- The plot size is relatively small compared with others in the locality
- Possibility of a badger sett nearby
- The applicant may be submitting for a three-storey house in the hope that if refused, a two-storey one would then be acceptable

## 8 Relevant Planning History

8.1 None

**9 Recommendation:**

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

**01 The proposed development of an existing rear garden to No. 30 Lime Avenue resulting in “tandem” backland development would be unacceptable in principle contrary to the National Planning Policy Framework (NPPF) and Policies KP1, K2, CP4 and CP8 of the Core Strategy and BLP policies C11, H5 and H10 and guidance contained in the Design and Townscape Guide SPD1**

**02 The development would, by reason of its siting in a rear garden, scale, height, closeness to flank boundaries and form, result in an obtrusive and overly dominant building which is visually intrusive and out of character with the existing form of development in the locality contrary to Policies K2, CP4 of the Core Strategy and BLP policies C11, H5 and H10 and the Design and Townscape Guide SPD1**

**03 The development would, by reason of its siting, size and location of fenestration and balconies (including Juliette-style), result in overlooking and loss of privacy to adjoining occupiers contrary to Policy CP4 of the Core Strategy and BLP Policies C11 and H10**

**04 The applicant has failed to demonstrate that the development can be carried out without causing either damage to both preserved and other trees which contribute to the character of the locality or without leading to pressure for their future removal, contrary to Policy C14 of the Borough Local Plan**

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

## APPENDIX 2



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# Appeal Decision

Site visit made on 15 May 2015

by **J A B Gresty MA MRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 June 2015

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### Appeal Ref: APP/D1590/W/15/3003827

### 30 Lime Avenue, Leigh-on-Sea, Essex SS9 3PA

- 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 Brian Bishop against the decision of Southend-on-Sea Borough Council.
  - The application Ref 14/01237/FUL, dated 28 July 2014, was refused by notice dated 7 October 2014.
  - The development proposed is a single new dwelling to the rear of 30 Lime Avenue with two new garages.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. There are two main issues in this case. Firstly is the effect of the proposed development on the character and appearance of the local area and, secondly, is the effect of the proposed development on the living conditions of the occupiers of nearby dwellings with regard to loss of privacy.

### Reasons

#### *Character & Appearance*

3. The appeal property is chalet bungalow with a long and relatively narrow back garden. The surrounding area is predominantly residential and, whilst the neighbouring property at No 32 has a small block of garages behind it, this part of Lime Avenue is characterised by dwellings, set back from the road behind front gardens and driveways and with substantial back gardens of similar depth to that of the appeal property. The back gardens of the properties on this part of Lime Avenue combine to form a leafy gardenscape, with many mature and semi-mature trees, which is a prominent and attractive characteristic of the local area.
  4. The appeal proposal includes construction of a detached, three-storey house on land towards the end of the appeal property's back garden. It is inevitable that development would require removal of a significant amount of the greenery in the appeal property's garden, including well established trees and shrubs. Also, to create the proposed access drive it would appear that the boundary hedge between the appeal property and No 26 would require either removal or
-



Appeal Decision APP/D1590/W/15/3003827

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considerable reduction in width along all or part of the driveway. Following construction of the new house, it is likely that there would be a need to reduce the size of some of the trees in the neighbouring gardens to avoid encroachment onto the space of the new house. Whilst these trees and shrubs are not protected, their removal or extensive reduction in size would result in a significant reduction in the leafy character and appearance of the appeal site and potentially that of the adjoining properties, contrary to the general thrust of Policy C14 of the Southend-on-Sea Local Borough Plan (LP). Whilst some replacement landscaping could be secured by way of condition, overall the loss of greenery would be harmful to the distinctive character and appearance of the local gardenscape and it would open up the new house to wide view from other residential properties in the local area.

5. Because of its height, depth and bulk the new house would stand out very prominently in an area of garden land where there are no other substantial, two or three-storey buildings. Consequently, the house would appear as an isolated, unduly prominent and incongruous feature that would be harmful to the character and appearance of the local area. In these respects the development would fail to comply with Policy K2 of the Southend-on-Sea Local Development Framework Core Strategy (CS) which requires new development to respect the character and scale of the existing neighbourhood. Nor would the development comply with LP Policy C11 which requires new development to have a satisfactory relationship with its surroundings. Further, the development would fail to maintain the general amenity and appeal of the local residential area, contrary to the thrust of CS Policies CP4 and CP8 and LP Policies H5 and H10.

#### *Living Conditions*

6. There would be direct views from the first and second floors of the new house of the back garden and first floor windows of the house to the rear of the appeal plot at Belfairs Close. This would result in a significant loss of privacy for the occupiers of that house, especially in winter when the deciduous trees are bare, contrary to the requirements of CS Policy CP4.
7. There would be oblique views into the back gardens of the neighbouring properties at Nos 26 and 32 Lime Avenue and 3 Belfairs Close. Although the use of obscure glass in some windows and balustrading could reduce the amount of overlooking of these properties, it would not overcome it altogether. Whilst these properties have good sized gardens and the new house would be some distance from the most intensively used areas close to the respective dwellings, the resulting loss of privacy would not enhance the living conditions of the occupiers of those properties. This does not weigh in favour of the proposed development.

#### **Other Matters**

8. Concern has been expressed regarding the space available for construction of the proposed vehicular access. Access would be taken through the site of the existing single garage situated to the side of the chalet bungalow. The width available is about 2.4 metres at ground level. The space available at about ground floor ceiling height of the bungalow would appear to be less as the eaves of the bungalow project into this space. Consequently, the proposed access would be insufficiently wide for most emergency and refuse/servicing

Appeal Decision APP/D1590/W/15/3003827

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vehicles to access the site. Whilst the Council considers that the issue of fire could be controlled with sprinklers in the new house, it is unclear whether other emergency vehicles such as ambulances or even larger domestic vehicles could access the development. Although not in the Council's reasons for refusal, the restricted nature of the proposed access does not weigh in favour of the development.

9. The proposed development would result in loss of the bungalow's garage. The appellant has the use of one of the lock-up garages situated to the rear of No 32 and this would be made available to the occupiers of the bungalow. However, the garage is some distance away from the bungalow and would not provide particularly convenient vehicle storage and parking for the occupiers of the bungalow. Further, it would be difficult to ensure that the garage remains available for use by the occupiers of the bungalow, in which case the bungalow could be left without off road car parking. Again, the issue of garaging for the occupiers of the bungalow was not one of the Council's reasons for refusal but it does not weigh in favour of the proposed development.
10. The appellant refers to the construction of three new houses at Belfairs Close. However, these houses were built following planning permission granted in 2009 under former Government guidance and before the publication of the National Planning Policy Framework (the Framework). Whilst Belfairs Close contributes to the current character and appearance of the local area, each case must be considered on its own merits and the new houses add little weight in favour of the proposed development.

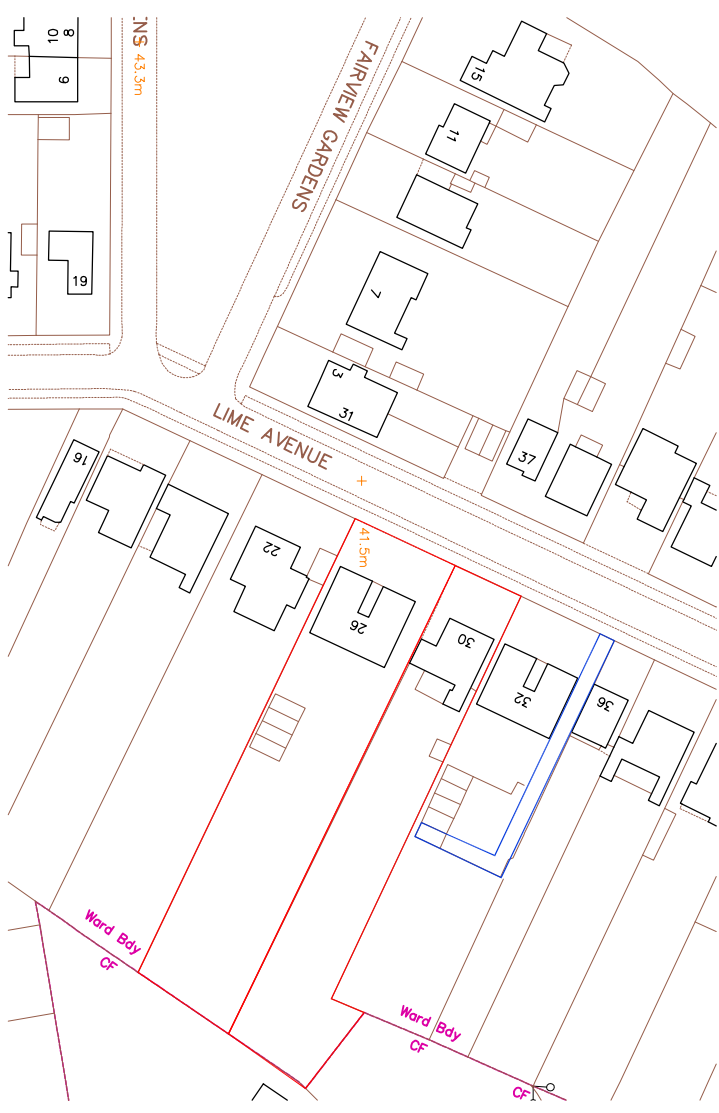
### **Conclusion**

11. At the heart of the Framework is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. In this case the proposed development would detract considerably from the character and appearance of the local area and would result in significant loss of privacy for the occupiers of some of the neighbouring properties. Further, the backland development would fail to respect the prevailing pattern of development on Lime Avenue contrary to the thrust of part 5.2 of the Southend-on-Sea Supplementary Planning Document 1 Design and Townscape Guide 2009. Therefore, whilst the development would contribute to relieving an identified shortfall in family housing in the area, the appeal scheme would not represent sustainable development as sought by the Framework. Consequently, for the above reasons, I conclude that the appeal should be dismissed.

*J A B Gresty*

INSPECTOR

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01 ————— SITE LOCATION MAP  
1:1250 @ A3

REVISIONS:

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development

53 Cambridge Road Southend-on-Sea Essex SS1 1ET  
www.hedghehog-developments.com t: +44 (0) 1702 354435 m: +44 (0) 7933 686822  
PROJECT: 26/30 Lime Avenue, Leigh on Sea, Essex, SS9 3PA  
TITLE: OS MAP

DATE: OCTOBER 2019  
SCALE: 1:1250 @ A3

P1001

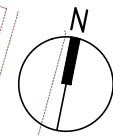
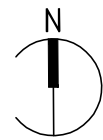
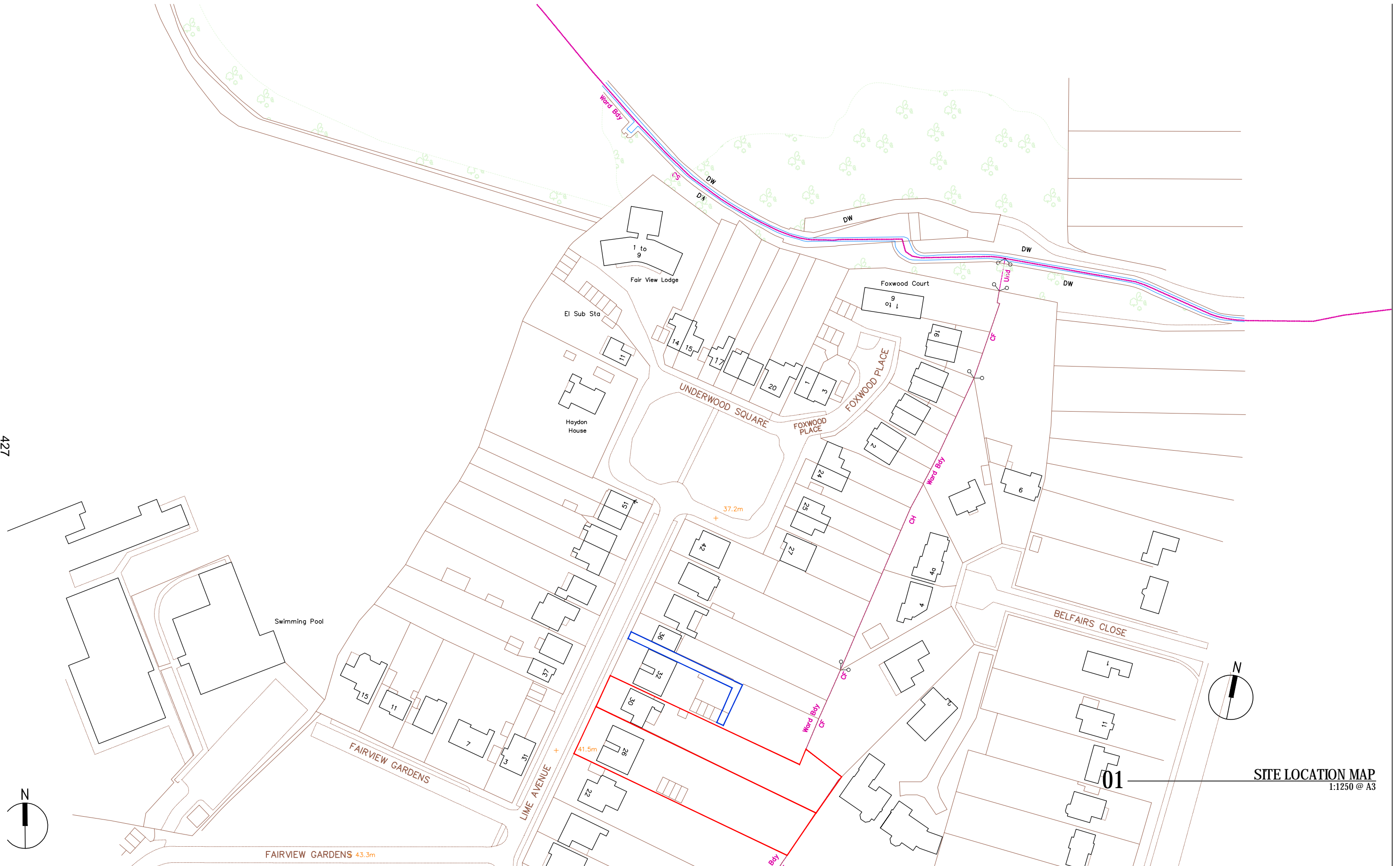
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427



**SITE LOCATION MAP**  
1:1250 @ A3

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PROJECT: 26/30 Lime Avenue, Leigh on Sea, Essex, SS9 3PA

TITLE: SITE PLAN SHOWING URBAN GRAIN

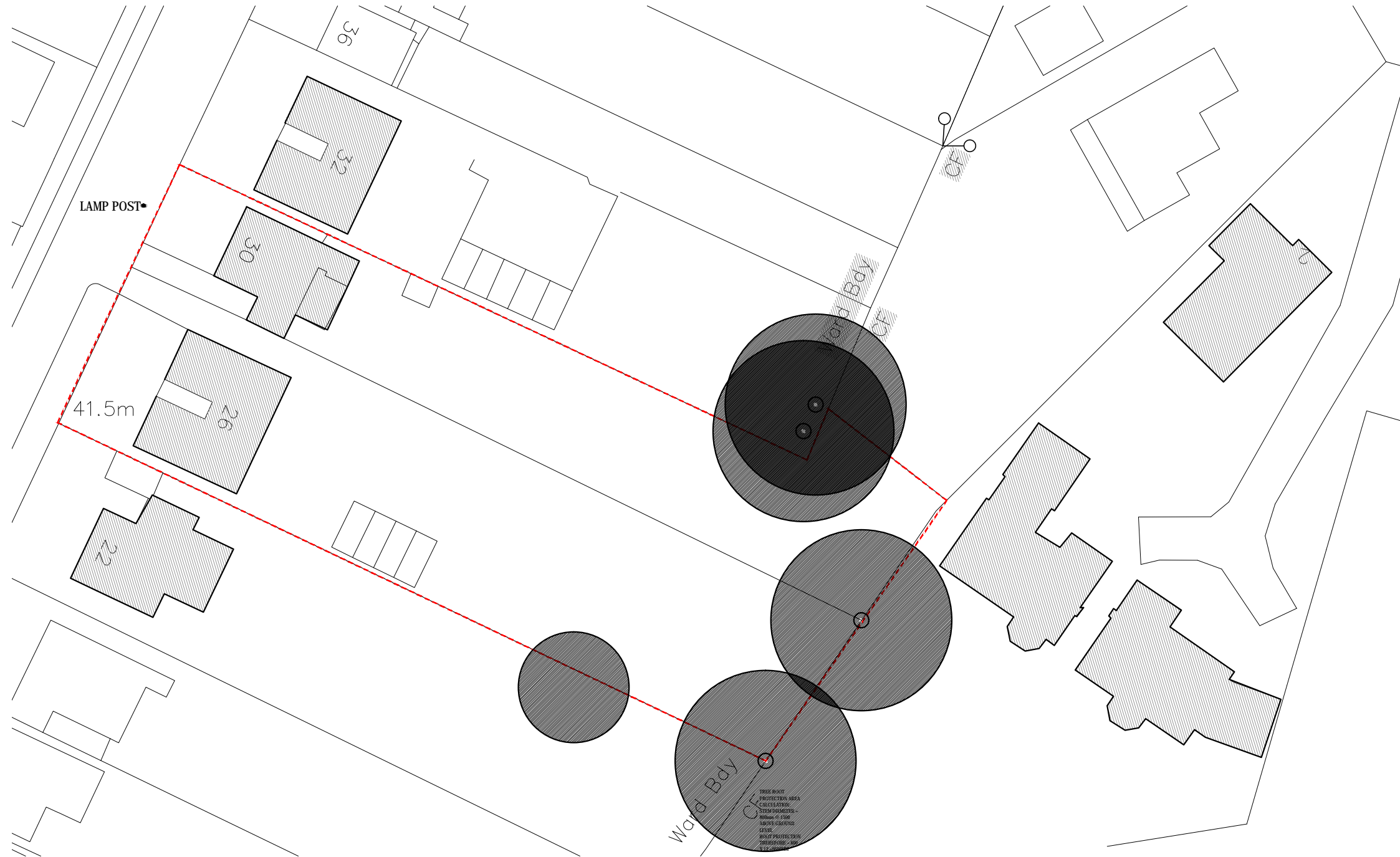
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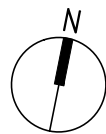
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01

EXISTING BLOCK PLAN  
1:500 @ A3



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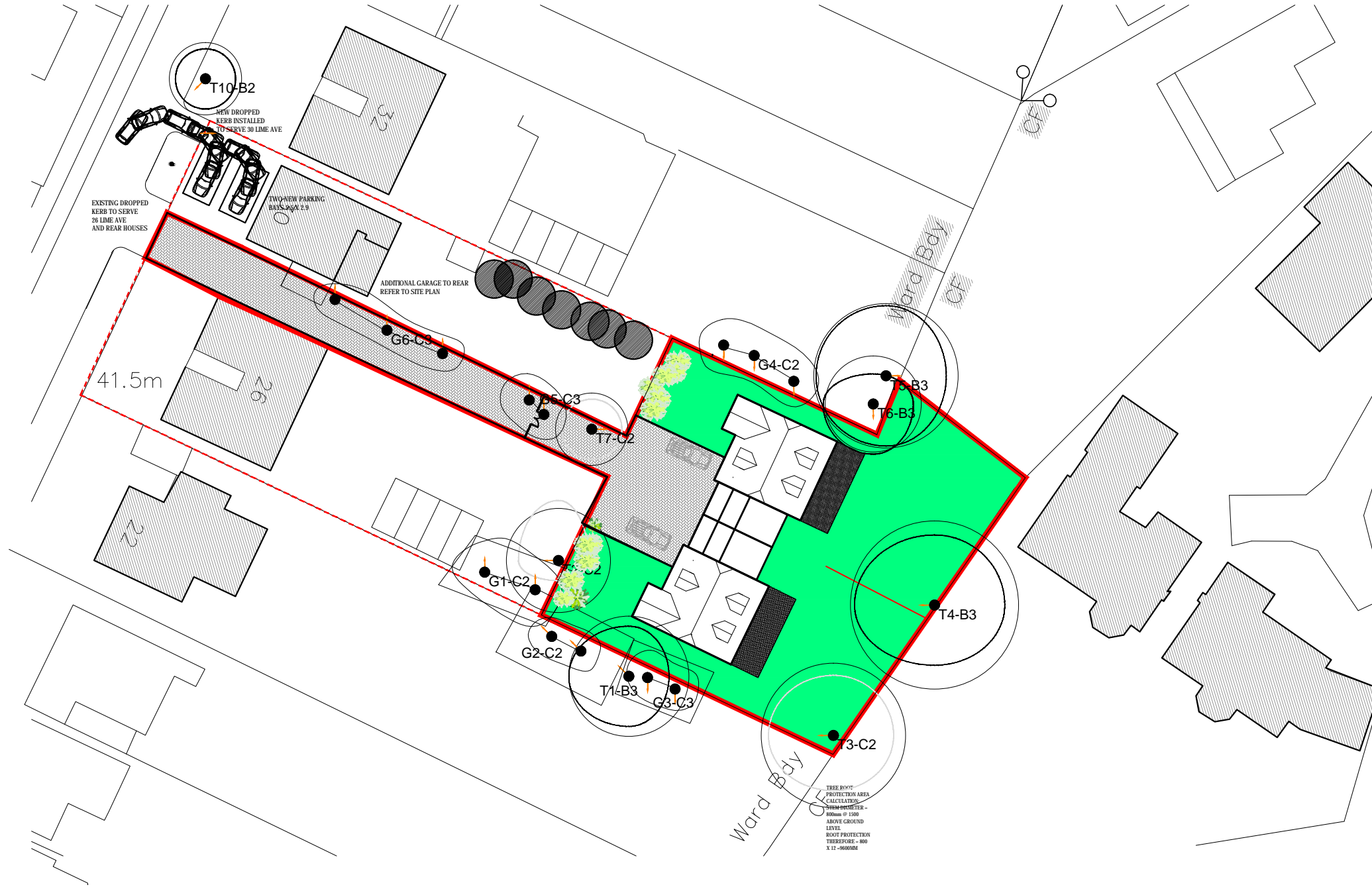
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DATE: OCTOBER 2019

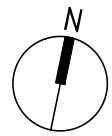
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P1003

REV:



01 PROPOSED BLOCK PLAN  
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PROJECT: 26/30 Lime Avenue, Leigh on Sea, Essex, SS9 3PA

TITLE: PROPOSED BLOCK PLAN

DATE: OCTOBER 2019

SCALE: 1:500 @ A3

P1004

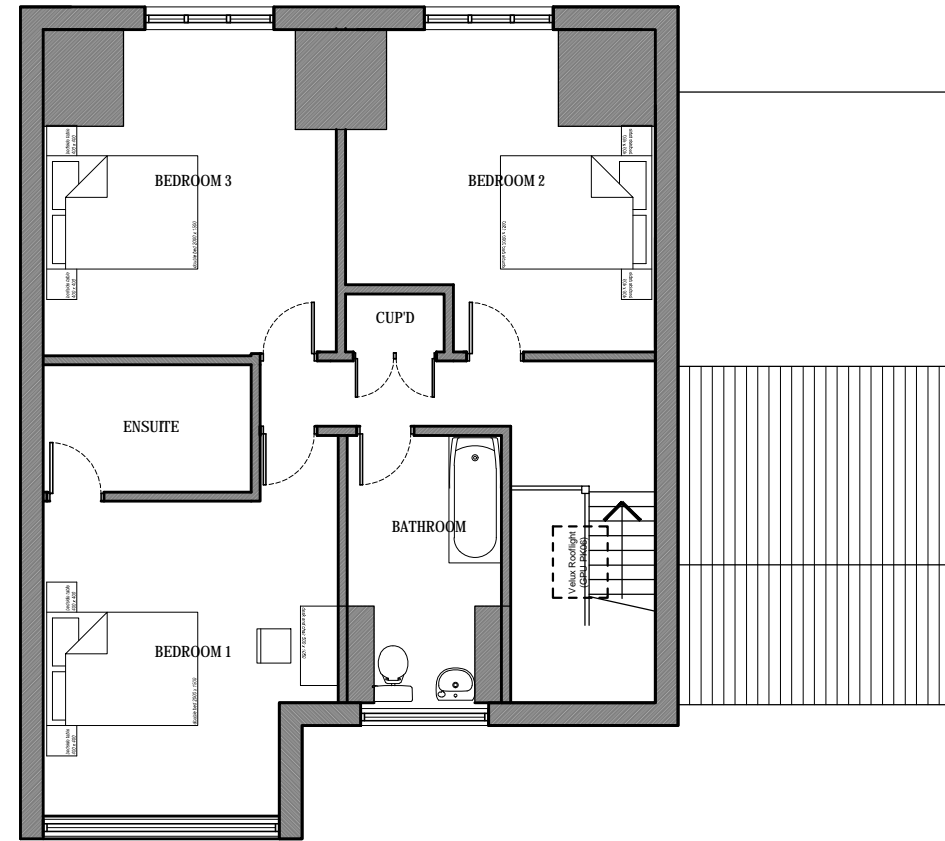
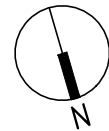
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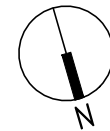
430



01 — PROPOSED GROUND FLOOR  
1:100 @ A3



02 — PROPOSED FIRST FLOOR  
1:100 @ A3



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PROJECT: 26/30 Lime Avenue, Leigh on Sea, Essex, SS9 3PA

TITLE: PROPOSED PLANS - REAR BUILDINGS

DATE: OCTOBER 2019

SCALE: 1100 @ A3

P1005

REV:

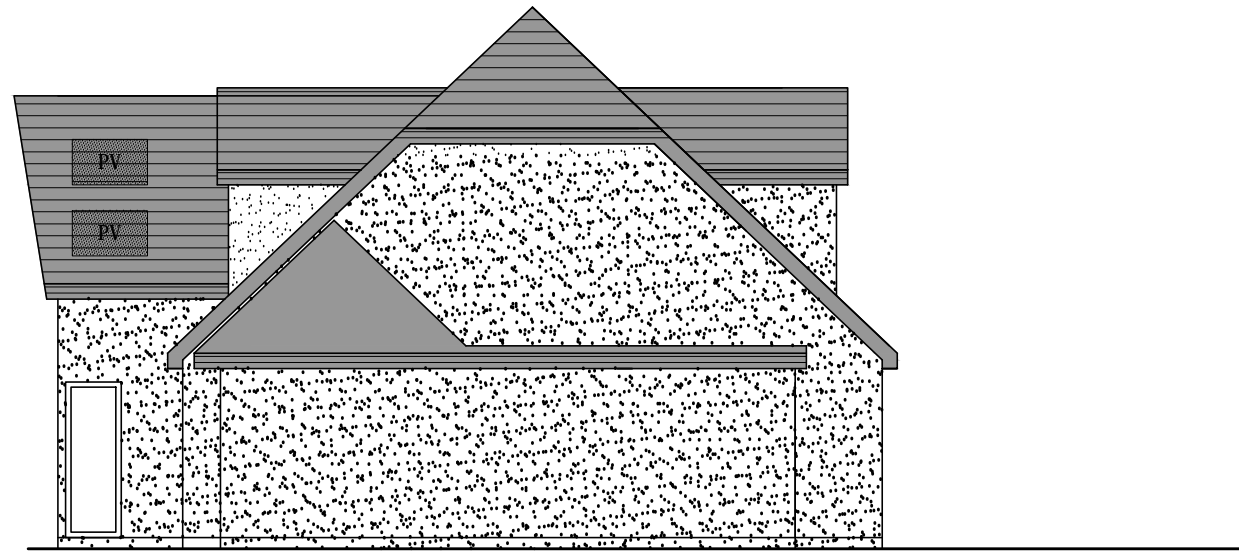
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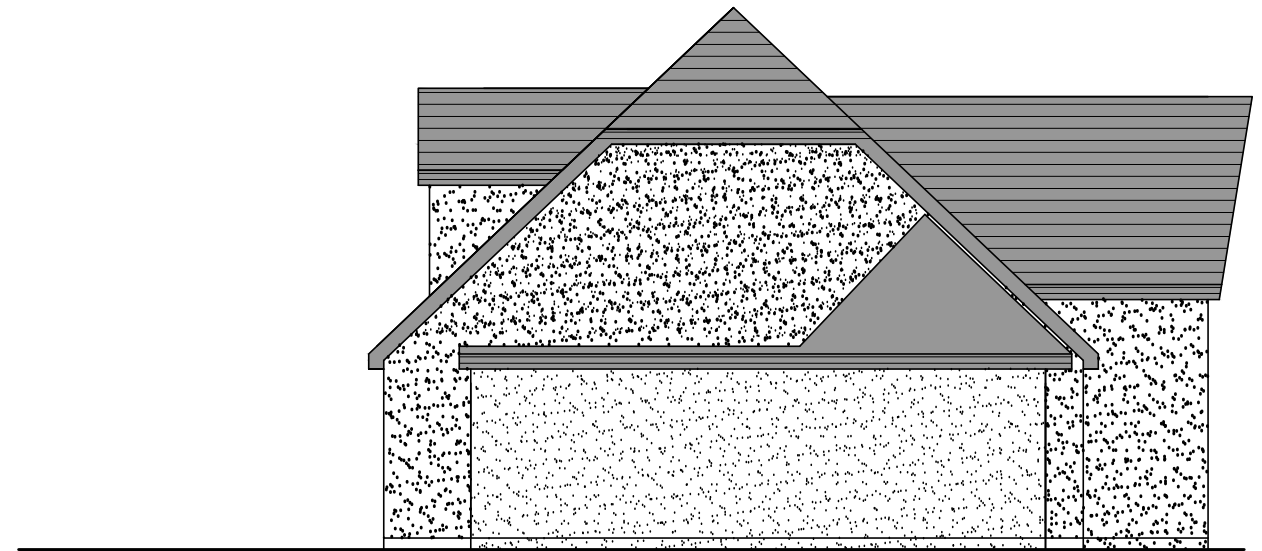
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02 — PROPOSED REAR ELEVATION  
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03 — PROPOSED SIDE ELEVATION  
1:100 @ A3



04 — PROPOSED SIDE ELEVATION  
1:100 @ A3

431

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PROJECT: 26/30 Lime Avenue, Leigh on Sea, Essex, SS9 3PA

TITLE: PROPOSED ELEVATIONS - REAR BUILDINGS

DATE: OCTOBER 2019

SCALE: 1:100 @ A3

P1006

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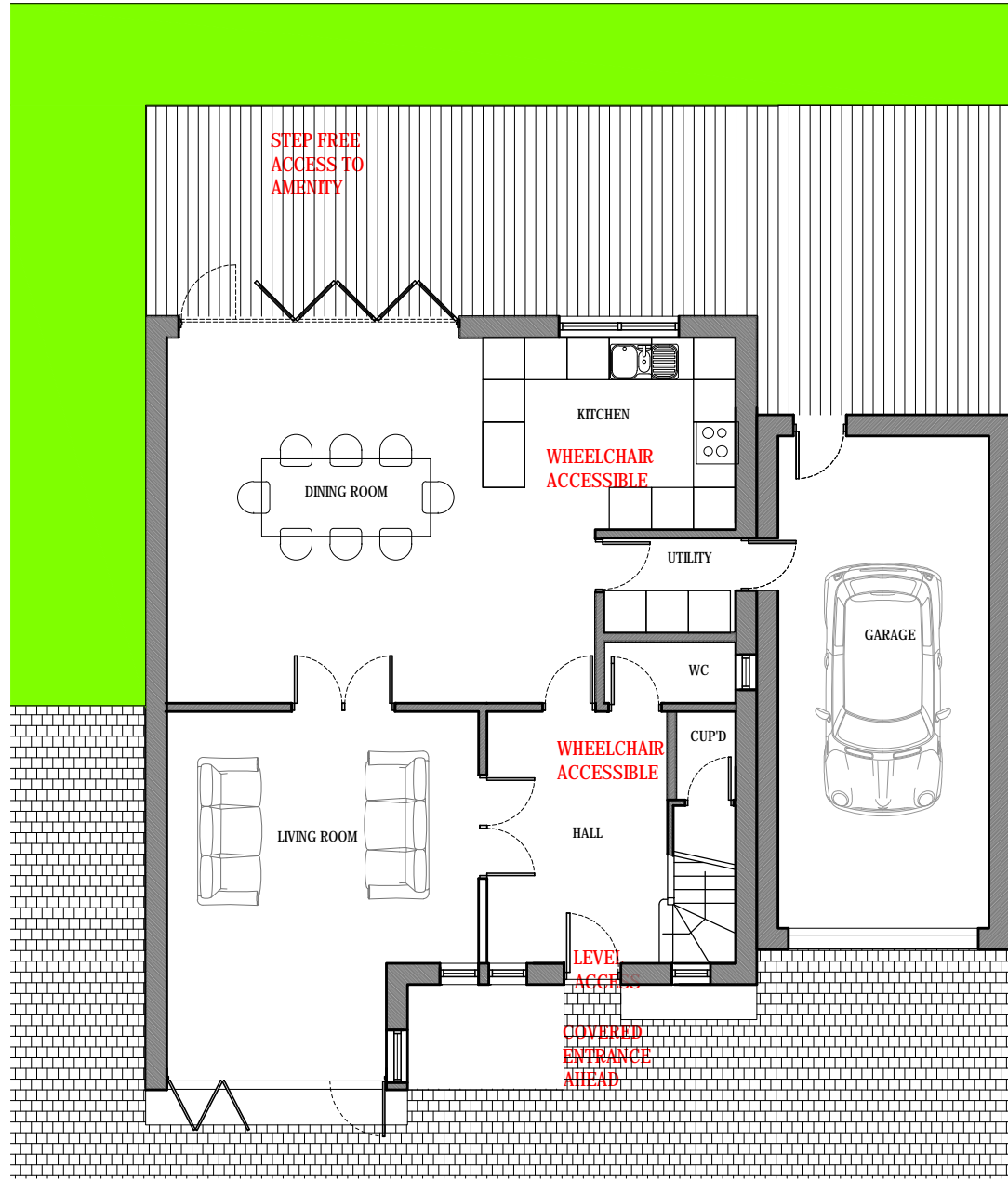


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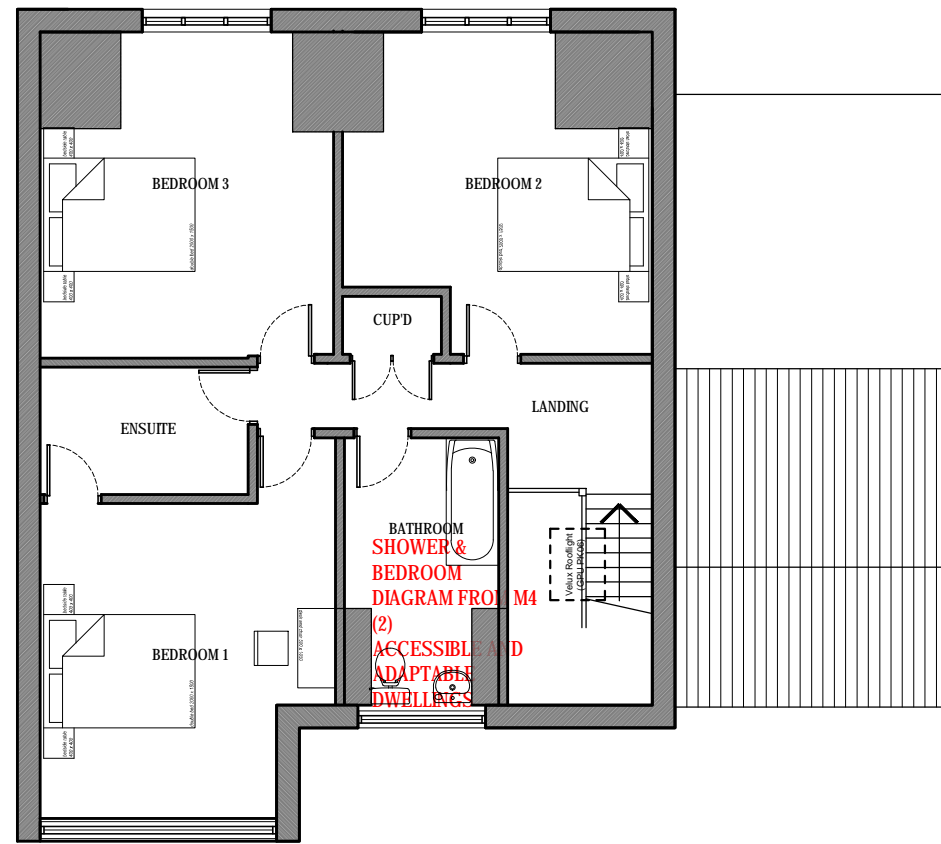
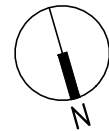
SIMILAR IMAGE FOR REAR HOUSES  
NTS

REVISIONS:		53 Cambridge Road Southend-on-Sea Essex SS1 1ET www.hedgehog-developments.com t: +44 (0) 1702 354435 m: +44 (0) 7933 686822		<div style="border: 1px solid black; padding: 2px;"> <b>P1007</b> </div>	<div style="border: 1px solid black; padding: 2px;">                 REV:             </div>
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		TITLE: ARTIST IMPRESSION	SCALE: NTS		

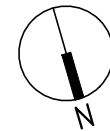
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01 — PROPOSED GROUND FLOOR  
1:100 @ A3



02 — PROPOSED FIRST FLOOR  
1:100 @ A3



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PROJECT: 26/30 Lime Avenue, Leigh on Sea, Essex, SS9 3PA

TITLE: PROPOSED DISABILITY ACCESS PLANS - REAR BUILDINGS

DATE: OCTOBER 2019

SCALE: 1100 @ A3

P1008

REV:



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Remove T7, G5 & G6 to implement construction. All low quality trees with no wider amenity value, which can be replicated with new planting.

Third Party tree not affected.

Ground protection in accordance with BS5837:2012, where access over soft ground is required during the build.








Canopy of T6 to be selectively reduced back by 1m, to give a clearance from the new building and facilitate scaffold erection.

Ground protection in accordance with BS5837:2012, where access over soft ground is required during the build.

Canopy of T1 to be selectively reduced back by 1m, to give a clearance from the new building and facilitate scaffold erection.

Soft ground to be retained made into garden space.

**KEY**

-  Tree Position with Canopy Spread plus BS5837 Category A1, A2 or A3
-  Tree Position with Canopy Spread plus BS5837 Category B1, B2 or B3
-  Tree Position with Canopy Spread plus BS5837 Category C1, C2 or C3
-  Tree Position with Canopy Spread plus BS5837 Category U
-  Root Protection Area (RPA) - Based on Simple Radius from Tree
-  - First significant Branch direction (FSB)
-  - Protective Fence Line

**TREE PROTECTION PLAN**

CLIENT: Hedgehog Architects

PROJECT: 26 - 30 Lime Avenue, Leigh on Sea, Essex

DATE: 9th June 2020

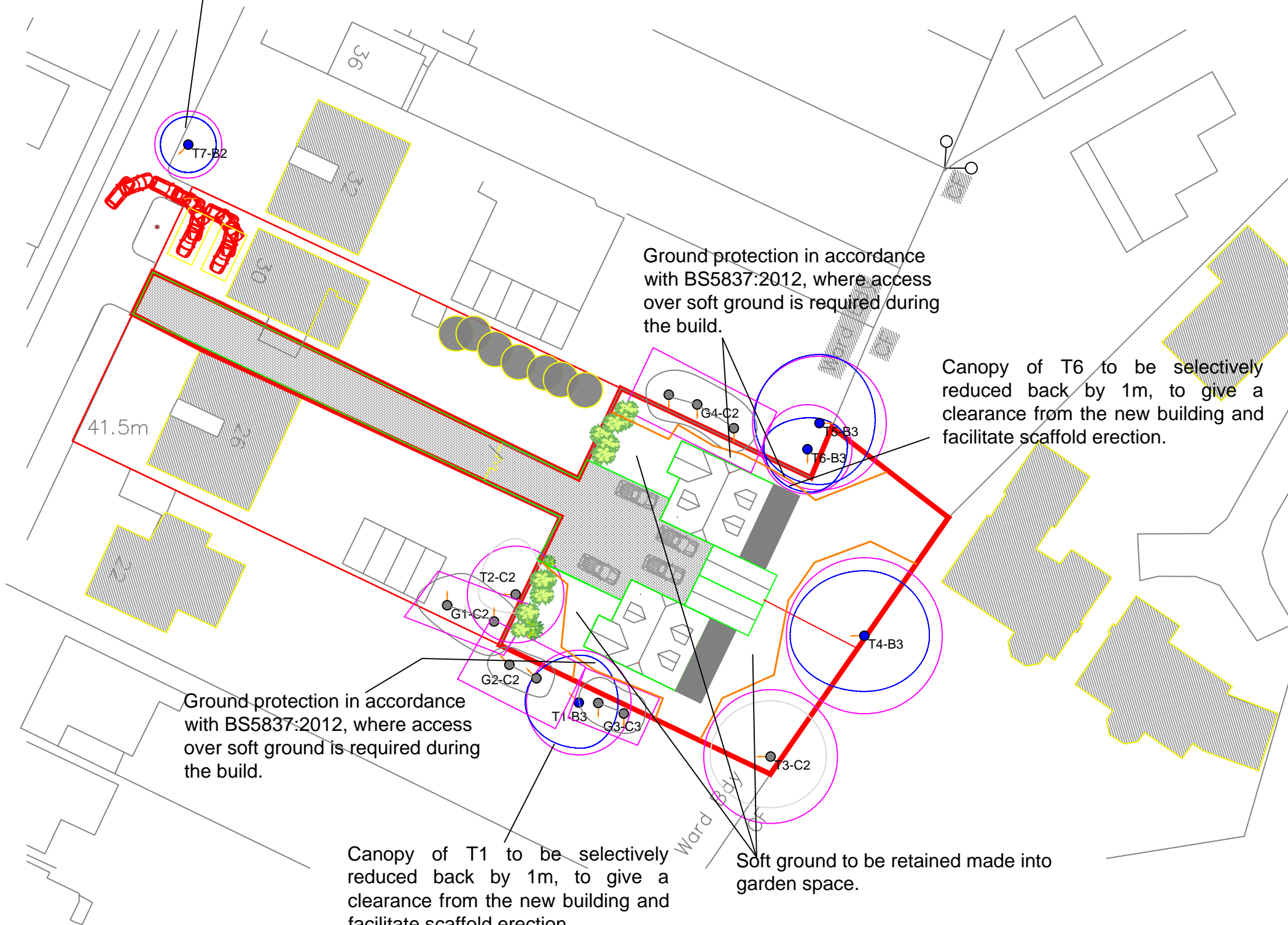
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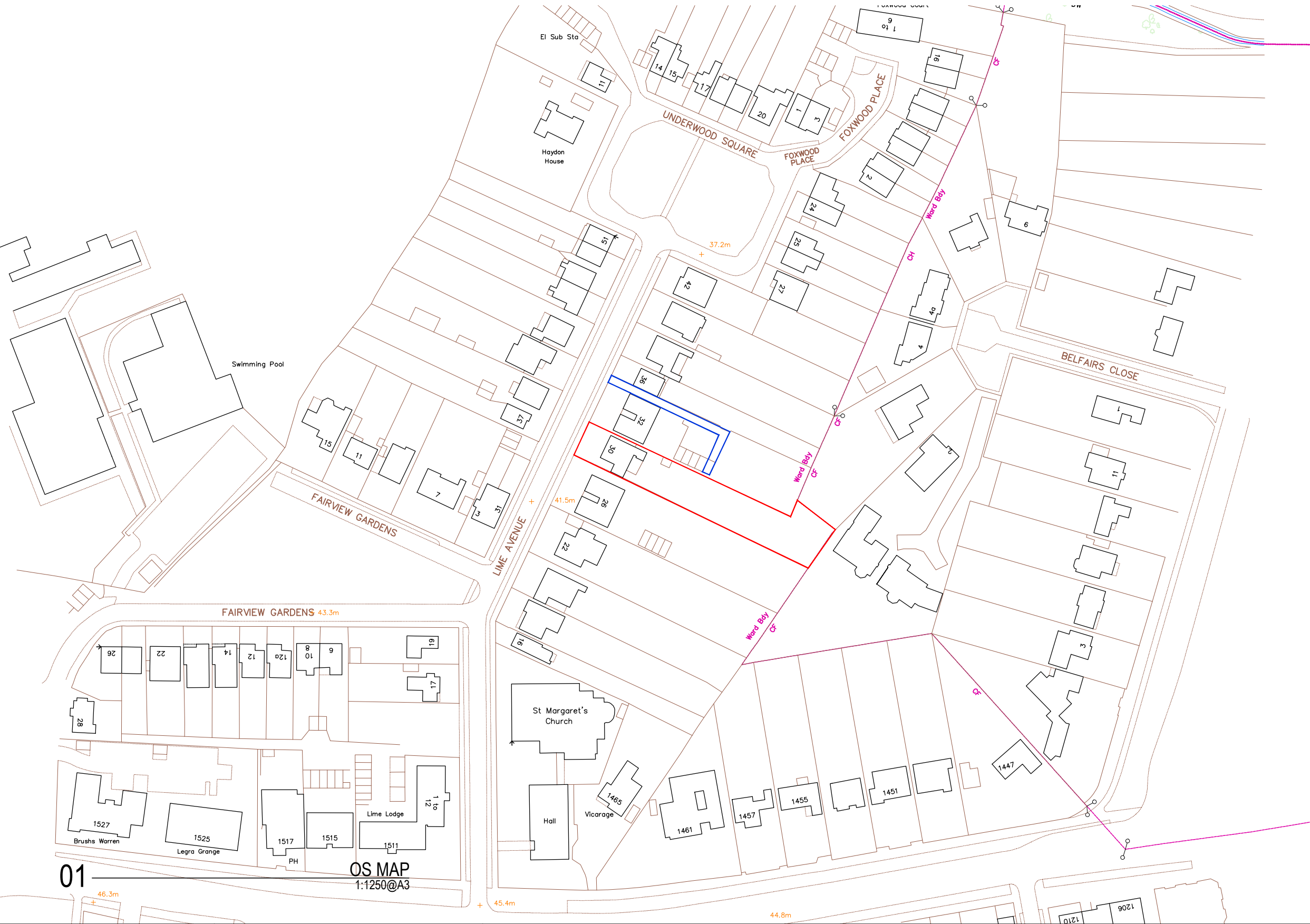
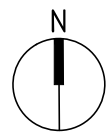
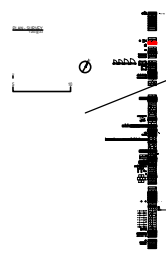
**ANDREW DAY**  
ARBORICULTURALCONSULTANCY LTD  
5 BROOK PLACE  
HALSTEAD  
ESSEX  
C09 IDG

TEL: 0333 242 7344 MOB: 0777 231 7770

EMAIL: andy@andrewdayconsultancy.com



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01

OS MAP  
1:1250@A3

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PROJECT: 30 LIME AVENUE

TITLE: OS MAP

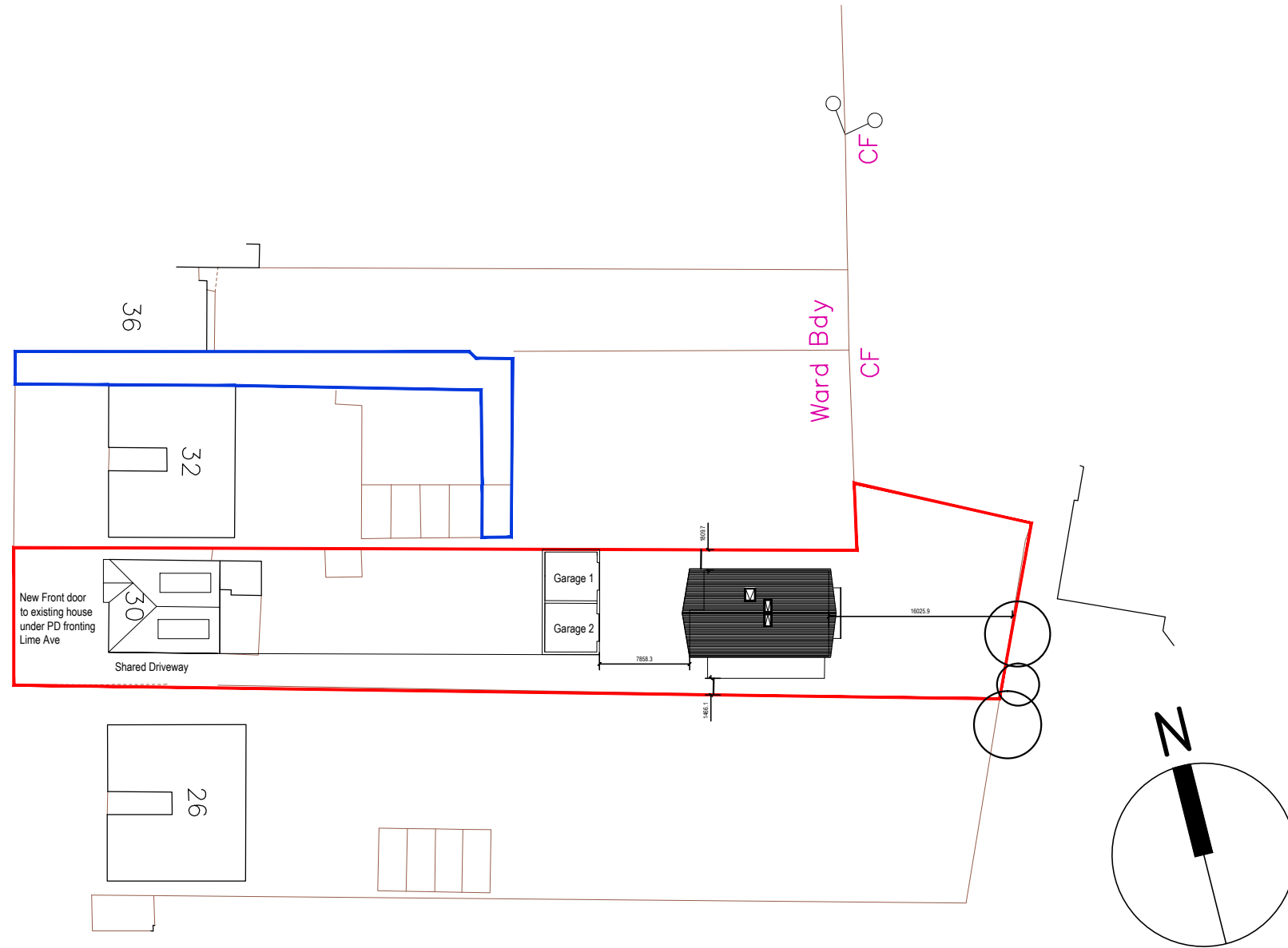
DATE: JULY 2014

SCALE: 1:1250@A3

P1001

REV:  
A





01 ——— 22 **BLOCK PLAN**  
1:500 @ A3

REVISIONS:

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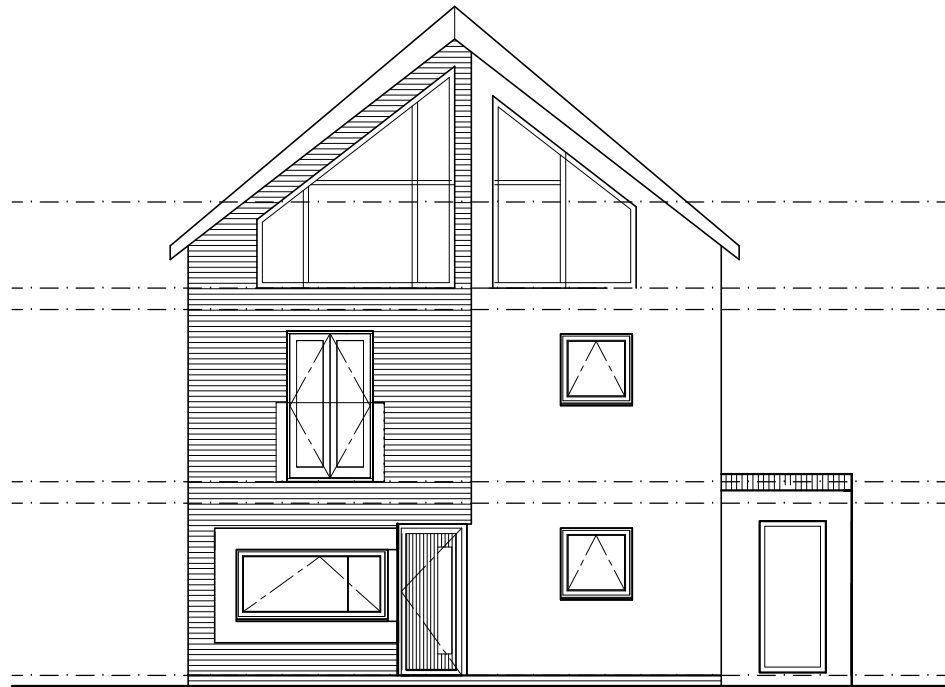
53 Cambridge Road Southend-on-Sea Essex SS11ET  
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PROJECT: 30 LIME AVENUE  
TITLE: SITE PLAN/BLOCK PLAN

DATE: JULY 2014  
SCALE: 1:500@ A3

P1002

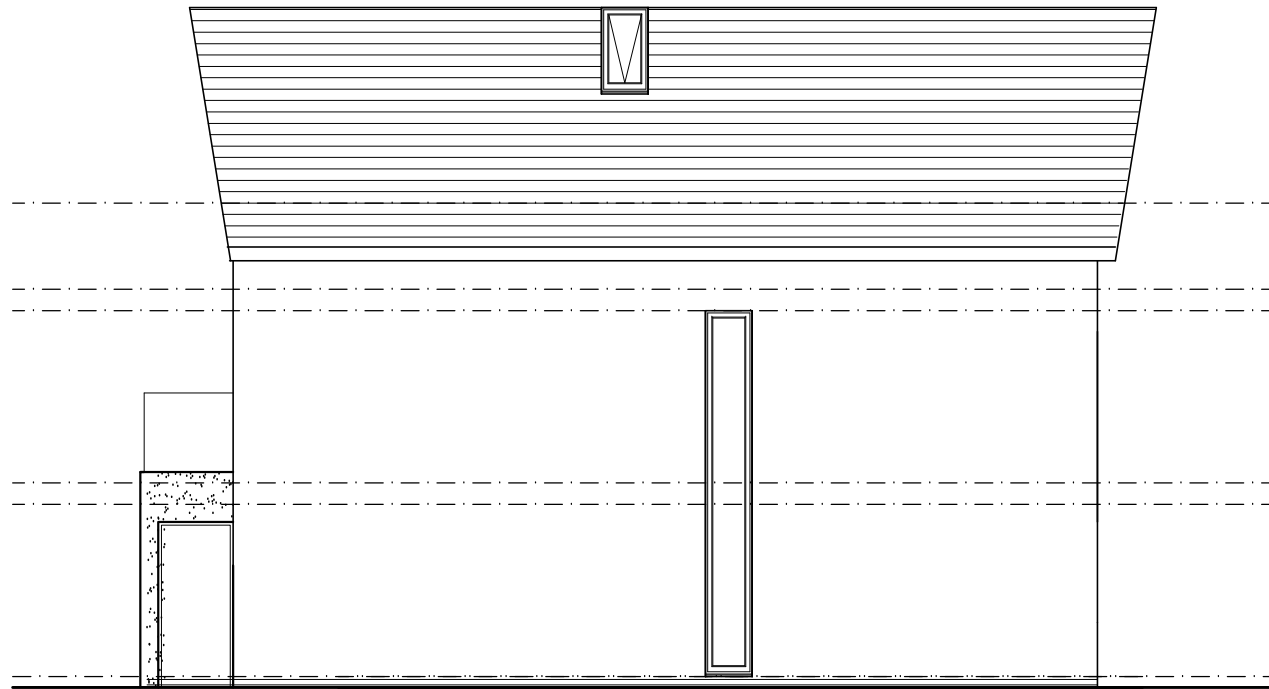
REV:  
A



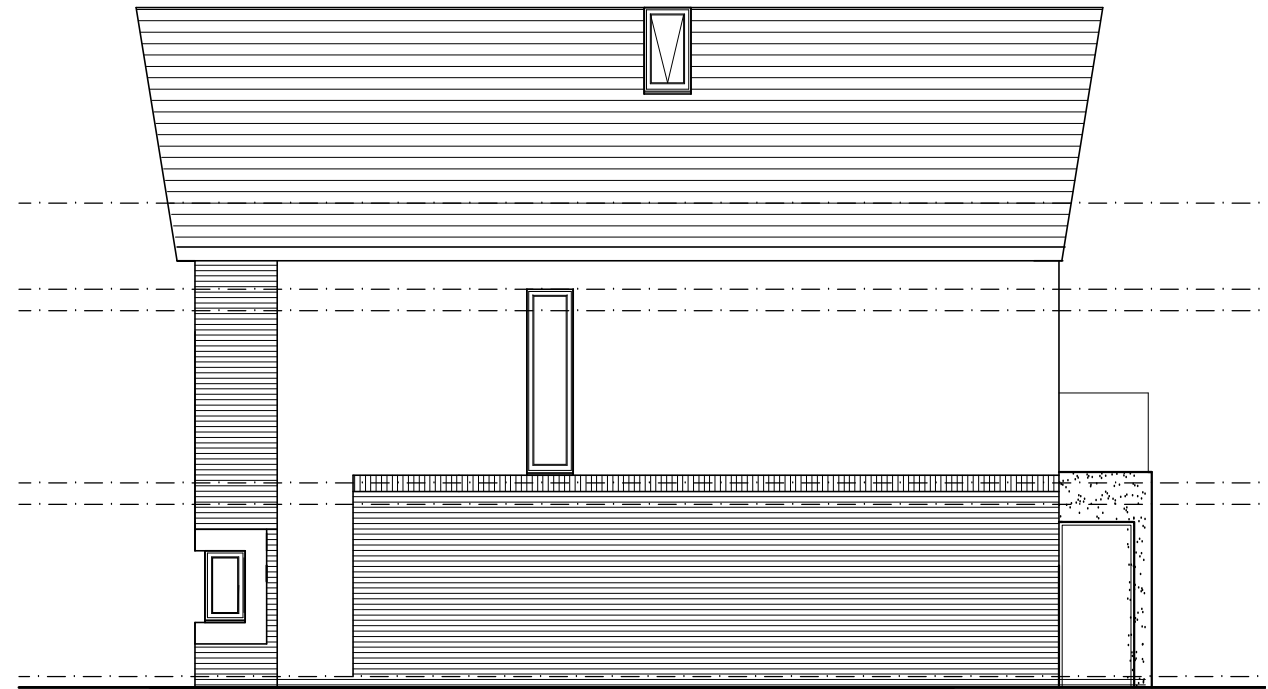
03 WEST ELEVATION - PROPOSED  
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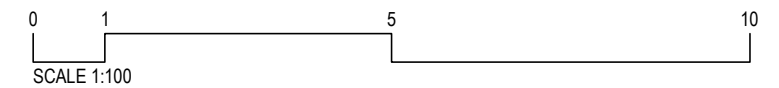
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1:100 @ A3




02 NORTH ELEVATION - PROPOSED  
1:100 @ A3



04 SOUTH ELEVATION - PROPOSED  
1:100 @ A3



REVISIONS:		53 Cambridge Road Southend-on-Sea Essex SS1 1ET www.hedgehog-developments.com t: +44 (0) 1702 354435 m: +44 (0) 7933 686822		P1005	REV: A
		PROJECT: 30 LIME AVE	DATE: JULY 2014		
		TITLE: ELEVATIONS - AS PROPOSED	SCALE: 1:100 @ A3		

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## **SITE PHOTOGRAPHS**

In support of a planning application for

**Rear of 26 and 30 Lime Avenue**

CLIENT: Mr A Bishop

PROJECT REFERENCE: 2191

hedgehog  
development





Looking East towards the rear of the site





Looking to the South East corner of the site



Looking towards the North East Corner of the site





Looking to the Southern boundary



Looking to the rear of Stephens court ( West)





Looking to the South Eastern corner of the site



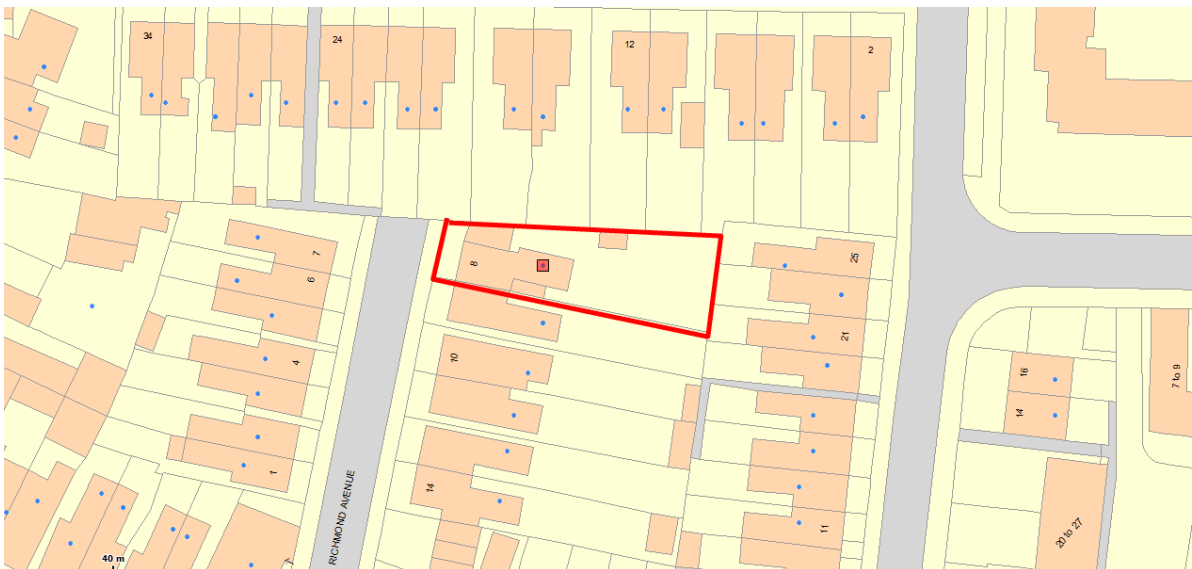


Looking from the South Eastern corner looking towards 30 Lime Avenue diagonally



Looking from the South Eastern corner looking North

<b>Reference:</b>	20/01086/FUL	<h1>16</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Victoria	
<b>Proposal:</b>	Change of use from 6-bedroom HMO (Class C4) to 9 bedroom HMO (Sui Generis), erect two storey side extension (Amended Proposal)	
<b>Address:</b>	8 Richmond Avenue, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	Mr Ben Page	
<b>Agent:</b>	Mr Luis Mulry of Edith Garland Architecture	
<b>Consultation Expiry:</b>	27th August 2020	
<b>Expiry Date:</b>	16th September 2020	
<b>Case Officer:</b>	Robert Lilburn	
<b>Plan Nos:</b>	141 C00 rev B, 141 R02, 141 R03 rev C	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The subject building is a semi-detached former dwelling house, licensed as a six-person House in Multiple Occupation (HMO) (use class C4) with a substantially sized rear garden. It is finished externally in white-painted render and brick with interlocking roof tiles.
- 1.2 At the time of officer site visit work was under way to convert the dwelling. The use of a dwelling house by 3-6 residents as a 'house in multiple occupation' (HMO) is 'permitted development'. The applicant states that the property is currently licensed as a 6-bed HMO with 2 bathrooms, 3 ensuite bathrooms, a separate kitchen and a storage room. The applicant states that the kitchen is a large kitchen/dining room and represents a shared living space within the property.
- 1.3 The building is located at the end of a short cul-de-sac within a residential area. The immediate surroundings are residential in character. However, the property is situated some 70m walking distance from London Road which is identified as a secondary shopping frontage. The property is situated some 100m walking distance from the Hamlet Court Road district centre.
- 1.4 The site is not specifically identified in the Development Management Document (2015) policies map. The site is in Flood zone 1.

## **2 The Proposal**

- 2.1 The application proposes the erection of a two-storey side extension in association with the proposed change of use from a 6-bedroom House in Multiple Occupation (HMO) to a 9-bedroom HMO. No alterations to existing elevations are proposed.
- 2.2 The submitted plans show that the extension would project from the north side elevation of the building and would be some 5.5m in depth, 2.3m in width and with a ridge height some 0.8m below the ridge height of the existing building. It would be set back from the existing front elevation by some 2.5m. A roof light would be provided on the rear of the extension together with a rear door.
- 2.3 The development would provide two bedrooms within the proposed extension; these are annotated on the submitted plans as bedroom 7 at ground floor and bedroom 9 at first floor. In association with the alterations an existing storage space at the first floor of the building would be converted into a further bedroom, marked on the submitted plans as bedroom 8. The proposed bedroom 8 would measure some 6.3sqm in gross internal area (GIA). The proposed bedroom 9 would measure some 9.4sqm GIA and the proposed bedroom 7 would measure some 9.3 sqm GIA. Following the development, the GIA of the building would increase from some 157.7sqm to some 177.3sqm.
- 2.4 Proposed external materials are described as white render to walls, to match existing, roof tiles to match existing and UPVC white window frames to match existing. No additional proposed car parking is proposed, however five additional cycle storage spaces are identified on the submitted application form.

2.5 The submitted plans show that the proposal would lead to the loss of an existing car port but would allow for the provision of a parking space at the front of the building, measuring some 2.4m wide by 4.8m in depth, and accessed via an existing vehicular access from Richmond Avenue. In addition, the submitted plans show that a bin store and cycle store would be provided to the rear of the building, accessible along the side of the proposed extension where there would be a 1m gap with the boundary to the north.

2.6 This application has been submitted following the refusal of application 20/00019/FUL, to “*Change of use from 6 bedroom, 6-person HMO (Class C4) to 10 bedroom, 10-person HMO (Sui Generis), erect two storey side extension, alter elevations*” that was refused planning permission for the following reasons:

1. *The proposed development by reason of its size and design would be a poorly designed and incongruous addition, materially harmful to the character and appearance of the host building and wider area. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*
2. *The proposed development by reason of its size, design and proximity to the site boundary would be an overly dominant and incongruous addition, creating an undue sense of enclosure, overbearing and visually obtrusive to the amenities of neighbouring occupiers in the flats and private amenity space at 14 Windsor Road. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

2.7 The main changes in the current proposal from the previously refused application are as follows:

- The proposed side extension has been reduced in size and scale;
- The proposed rear extension has been omitted;
- The proposal would reduce the number of proposed rooms from ten to nine.

2.8 The application has been called in to Development Control Committee by Councillor Borton.

### **3 Relevant Planning History**

3.1 20/00019/FUL: Change of use from 6 bedroom, 6-person HMO (Class C4) to 10 bedroom, 10-person HMO (Sui Generis), erect two storey side extension, alter elevations. Refused.



## **4 Representation Summary**

### **4.1 Public Consultation**

27 neighbouring properties were notified and a site notice was posted. 8 letters of representation have been received from 6 occupiers, and are summarised as follows:

- Proposal does not overcome earlier concerns in relation to previous application for 10-bedroom HMO, with respect to vehicle parking, infrastructure impacts, refuse and waste management, noise and disturbance, anti-social behaviour, maintenance of the building;
- The property has never been used as a 6-bed HMO and is a single occupation dwelling house;
- Noise and disturbance from occupiers at the address impacting on surrounding occupiers;
- Property occupied by ten or more persons;
- Impact on character and existing residents' enjoyment of street;
- Amenity impacts on occupiers and area;
- Proposal will add to parking problems, already identified;
- Impact on access for emergency vehicles;
- Lack of fire access at property.

4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

### **4.3 Environmental Health**

No objection.

### **4.4 Private Sector Housing**

The most occupiers these proposals would allow is for 5 persons. The WC facilities are only suitable for 5 persons. From the information provided the kitchen appears to be only suitable for 6 persons. On the basis that there are no shared living/ dining areas, Room 8 is undersized.

## **5 Planning Policy Summary**

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

5.2 Planning Practice Guidance and National Design Guide (2019)

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) DM15 (Sustainable Transport Management)

5.5 Design & Townscape Guide (2009)

5.6 Essex HMO Standards (2018)

5.7 CIL Charging Schedule (2015)

## **6 Planning Considerations**

6.1 The main considerations in relation to this application are the principle of the development, design, visual impact in the street scene and the surrounding area, potential impact on neighbouring occupiers, standard of accommodation for future occupiers, parking, traffic and transportation issues, CIL (Community Infrastructure Levy) and whether the proposals have successfully overcome the earlier reasons for refusal.

## **7 Appraisal**

### **Principle of Development**

7.1 Southend Borough Council's development plan does not currently contain policies that specifically relate to Houses in Multiple Occupation (HMO). Paragraph 11 of the National Planning Policy Framework states that *'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'*.

7.2 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 uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

7.3 Policy KP2 of the Core Strategy requires that *"all new development contributes to economic, social, physical and environmental regeneration in a sustainable way"* and seeks to *"make the best use of previously developed land, ensuring that sites and buildings are put to best use"*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021.

7.4 Policy DM3 of the Development Management Document promotes *"the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity"*. Policy DM8 of the Development Management Document provides for additional dwellings in the Borough but seeks to resist the loss of existing valuable residential resources.

7.5 The site is within the residential area. The use of the property, formerly established in use as a single family dwelling house, as a small HMO (use class C4) is permitted development. At the time of the planning officer's site visit (07.02.2019) work to convert the property to a six-bedroom six-person HMO was well underway.

7.6 National and local planning policy encourages the efficient use of land. Whilst no certificate of lawfulness has been granted, it is noted that the conversion of a dwelling to a 6 person HMO (Class C4) is permitted development.

- 7.7 It is therefore not considered reasonable to object to the general principle of the development, subject to other material considerations including design, impact on neighbours and living conditions. The principle of an HMO use is established at the site through the change under permitted development.

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

- 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*”.
- 7.9 The National Design Guide seeks well-designed places in which development integrates and relates well into its surroundings.
- 7.10 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.11 The Design and Townscape Guide (‘the Guide’) describes at para.351 that the design of side extensions should be fully integrated into the existing property, and that poorly designed side extensions will detrimentally affect the proportions and character of the existing property.
- 7.12 The proposed development would include a two-storey side extension which would adjoin the main part of the building. This would provide space for two of the three rooms which would be added to the six created under ‘permitted development’ rights.
- 7.13 The extension would integrate acceptably to the existing building, subservient, reflecting its form and clearly legible as an extension. The pattern and proportions of window openings would correspond reasonably to the existing building. The appearance would be acceptable subject to matching materials which can be secured by condition in the interests of visual amenity.
- 7.14 The provision of frontage car parking would be consistent with the existing arrangement and would not be materially harmful.
- 7.15 The proposal is considered acceptable and policy-compliant in regard to design and visual amenities.

### **Impact on Residential Amenity**

- 7.16 Paragraph 127 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.17 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.
- 7.18 The Guide also states that "*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments*" and that "*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties*".
- 7.19 The Guide (para.349) states that "*Rear extensions can sometimes adversely affect neighbouring properties through overlooking and blocking of light. The design should therefore ensure that these are kept within reasonable limits.... Extensions on the boundary can have a significant effect on the neighbouring property and may not be considered appropriate*".
- 7.20 The Guide states that side extensions should be designed to appear subservient to the parent building, and at Para.353 states that "*Side extensions will undoubtedly impact on neighbouring properties and care should be taken to ensure that they do not cause an unreasonable loss of light. This is particularly important when the adjacent property has side windows, to habitable rooms, which are the sole source of light. Each application will be assessed on a site by site basis*".
- 7.21 The rear gardens of the properties at Windsor Road measure some 14m in depth. The rear gardens of the properties at Balmoral Road are some 5m deep but separated from the host building by the 20m deep garden at the application site. The proposed extension would not materially affect surrounding or neighbouring occupiers through overshadowing or loss of daylight given this degree of separation. The layout and design would preclude a material increase in overlooking.
- 7.22 The scale and design of the extension would be such that it would not be visually imposing, overbearing or otherwise visually dominant for neighbouring occupiers. Its subservience to the host building would preclude any materially harmful impact on the nearest neighbours.
- 7.23 The submitted plans show that none of the proposed bedrooms would adjoin the attached dwelling at no.9 Richmond Avenue. The proposal would intensify the use of the building as an HMO. Considering the permitted change of use to a six-person HMO, the proposal would not alter this situation materially and would therefore not be likely to result in a material increase in noise disturbance transmitted through the building fabric.



- 7.24 The proposal would introduce additional occupiers, whose general activity and comings and goings in general may cause additional potential for a degree of noise disturbance. However, in light of the location within the built-up area, it is considered that this is unlikely to be materially harmful to neighbours' quiet enjoyment of their dwellings and gardens.
- 7.25 It is considered subject to conditions that the development would maintain neighbour amenities to a satisfactory degree and is policy-compliant in this regard.

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

- 7.26 Paragraph 127 of the NPPF states '*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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*'.
- 7.27 In relation to residential standards for non-self-contained accommodation Policy DM8 states that all proposals for non-self-contained accommodation (such as student and hospital staff accommodation) will be required to meet the internal space standards. This requires accommodation where there is a shared kitchen but no shared living room, to have a minimum bedroom size of 8.5sqm for single bedrooms and 12sqm for double bedrooms. Paragraph 4.46 of the Development Management Documents states, "*The licensing and management of Houses in Multiple Occupation, including space standards, is set out in relevant housing legislation*".
- 7.28 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation and this document represents a material planning consideration, although it is noted that this is not a planning policy document.
- 7.29 Policy DM8 identifies at Policy Table 6 Standards for Non Self-Contained Accommodation. The proposal would be reasonably capable of meeting these standards.
- 7.30 Taking account of the Essex Approved Code of Practice Standards, all of the rooms except Bedroom 08 would meet the minimum size requirements for single and double occupancy rooms. Bedroom 08 would measure some 6.3sqm while the Standards require 6.51sqm as minimum. The Standards are not a planning policy document, but they are a material planning consideration and this is illustrative of a poor standard of accommodation, particularly given the slightly irregular shape of the floor plan in this room.
- 7.31 The detailed design and layout of the accommodation would preclude the capability to provide the quantum of accommodation sought, i.e. that it is not capable of providing an acceptable standard of accommodation for 9 occupiers. For example, it has been identified in consultation that the WC facilities proposed would be suitable for a maximum of 5 persons and that the kitchen as shown would only facilitate occupation by 6 persons appropriately. Given the constraints of the proposal it would not be reasonable to seek to overcome these matters through condition.

- 7.32 The submitted plans indicate a cycle store and a bin store provided to the rear and side of the building respectively. Access would be available via the side of the building. Subject to a condition requiring full details of these facilities, a waste management plan and full details of the cycle store to ensure a covered and secure facility, no objection is raised.
- 7.33 A reasonable amount of amenity space would be available, although it would be reduced to a degree by requirements for cycle storage for example.
- 7.34 By reason of being a conversion it is considered that it would be unrealistic to require the development to accord with the M4(2) standards. On this basis it is considered that the application should not be refused on the grounds that it has not been demonstrated that the development would accord with Part M of the Building Regulations.
- 7.35 In summary, it is considered that the development would fail to provide adequate living conditions for future occupiers of the site. The development is unacceptable and contrary to policy in this respect.

### **Traffic and Transportation Issues**

- 7.36 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Further to Policy DM15, proposed development is expected to contribute to sustainable transport objectives and promote walking, cycling and public transport as the preferable form of transport.
- 7.37 The development would provide one off-street parking space within the front consistent with the existing frontage provision. There would be a reduction in availability of off-street car parking given the position of the former car-port would be occupied by the proposed extension.
- 7.38 The site is in a sustainable location, within walking distance of the Hamlet Court Road District Centre, close to the town centre, close to bus services, and cycle parking is proposed. The Council does not have any Vehicle Parking Standards in respect of HMOs (sui-generis use) and the parking implications therefore need to be assessed as a balanced judgement in the individual circumstances of the case.
- 7.39 The proposal is for an HMO with nine bedrooms. The applicant has not confirmed the intended level of occupancy.
- 7.40 Taking into account the relatively sustainable location and the limitations of on-street car parking locally, together with the availability of public car parking nearby, it is considered that subject to a condition requiring the provision of a minimum of ten secure and covered cycle parking spaces no objection should be raised on the basis of car parking.
- 7.41 As noted above, secure cycle storage could be achieved through a condition on planning permission. The proposal is considered to be acceptable and policy compliant in relation to parking and highway and pedestrian safety.

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

- 7.42 As the proposed extension(s) or change of use to the property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. Given the existing use of the property, the general principle of the development is found to be acceptable. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking, the character and appearance of the application site, and the street scene and locality more widely. However, by reason of its internal layout and configuration it would not be capable of providing satisfactory living conditions for its proposed 9 occupiers. For this reason, the proposed development is unacceptable and fails to comply with planning policy which requires that planning decisions should ensure a high standard of amenity for existing and future users. This would not be outweighed by the acceptable, neutral and positive aspects of the development, including the provision of additional living accommodation.

## **9 Recommendation**

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

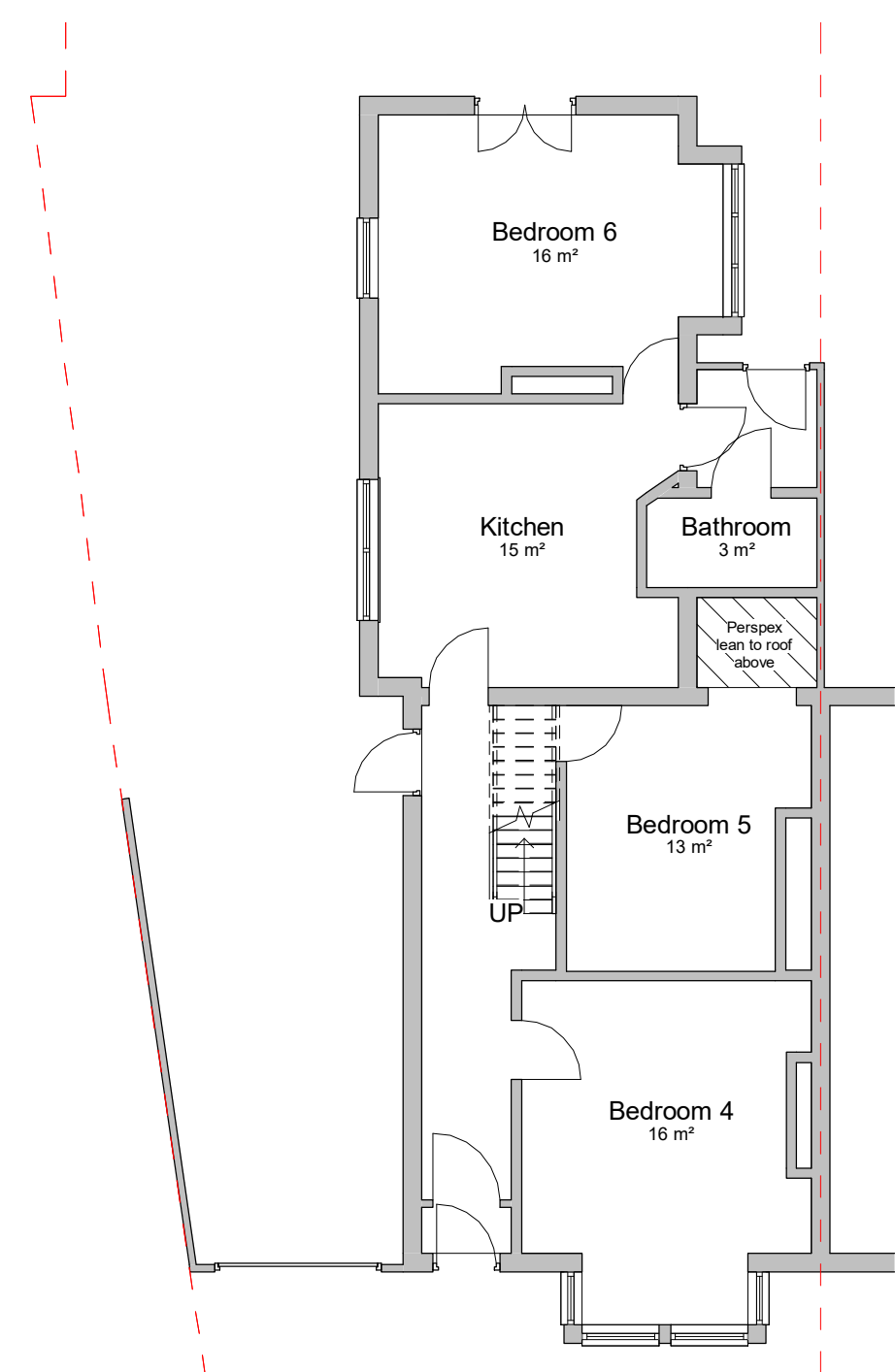
- 01. The development would, by reason of its internal layout, design and the level of facilities provided, fail to provide an adequate standard of living conditions for its future occupiers to the detriment of their amenity. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Essex HMO Amenity Standards (30 July 2018).**

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

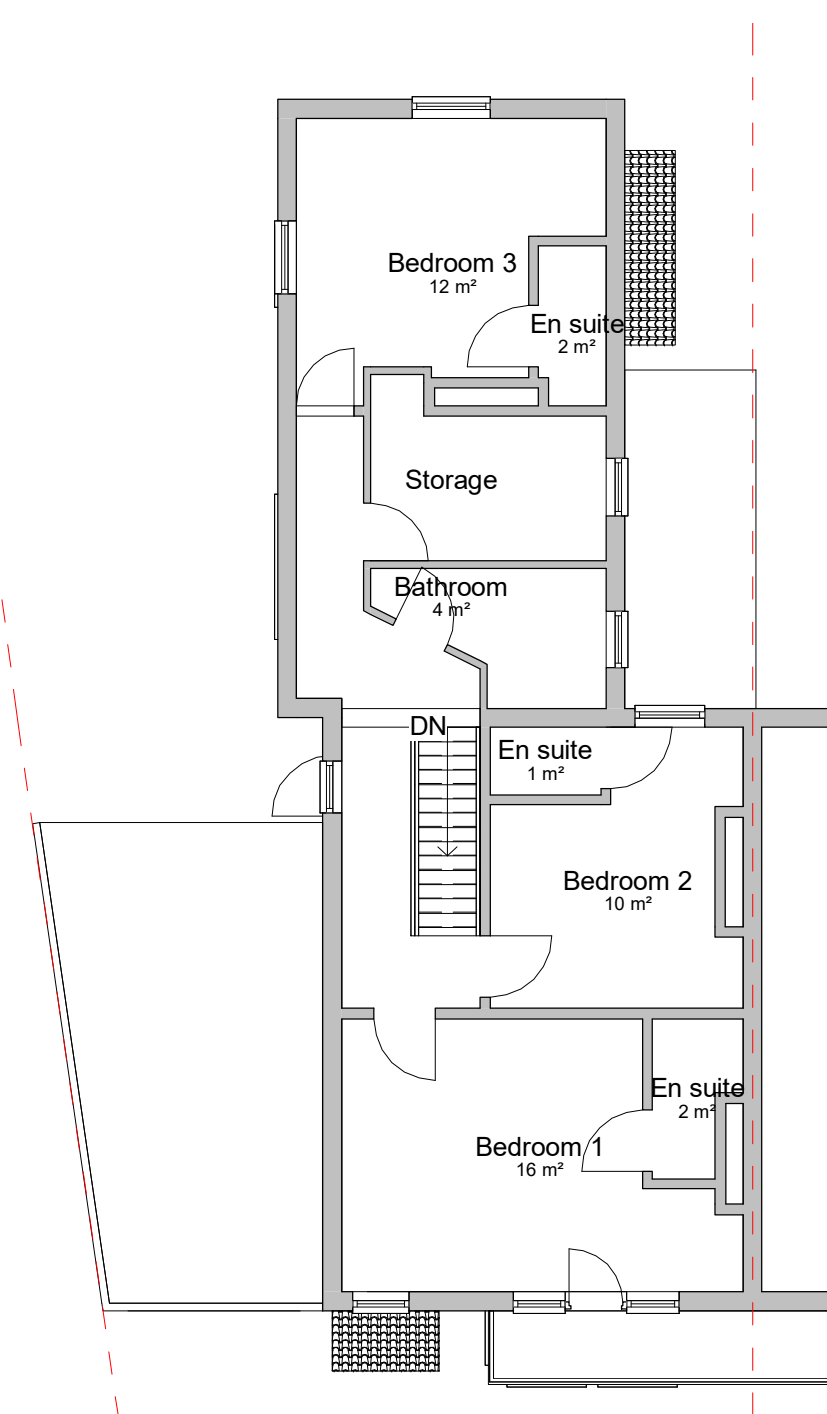
## **10 Informatives**

- 01. 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.**

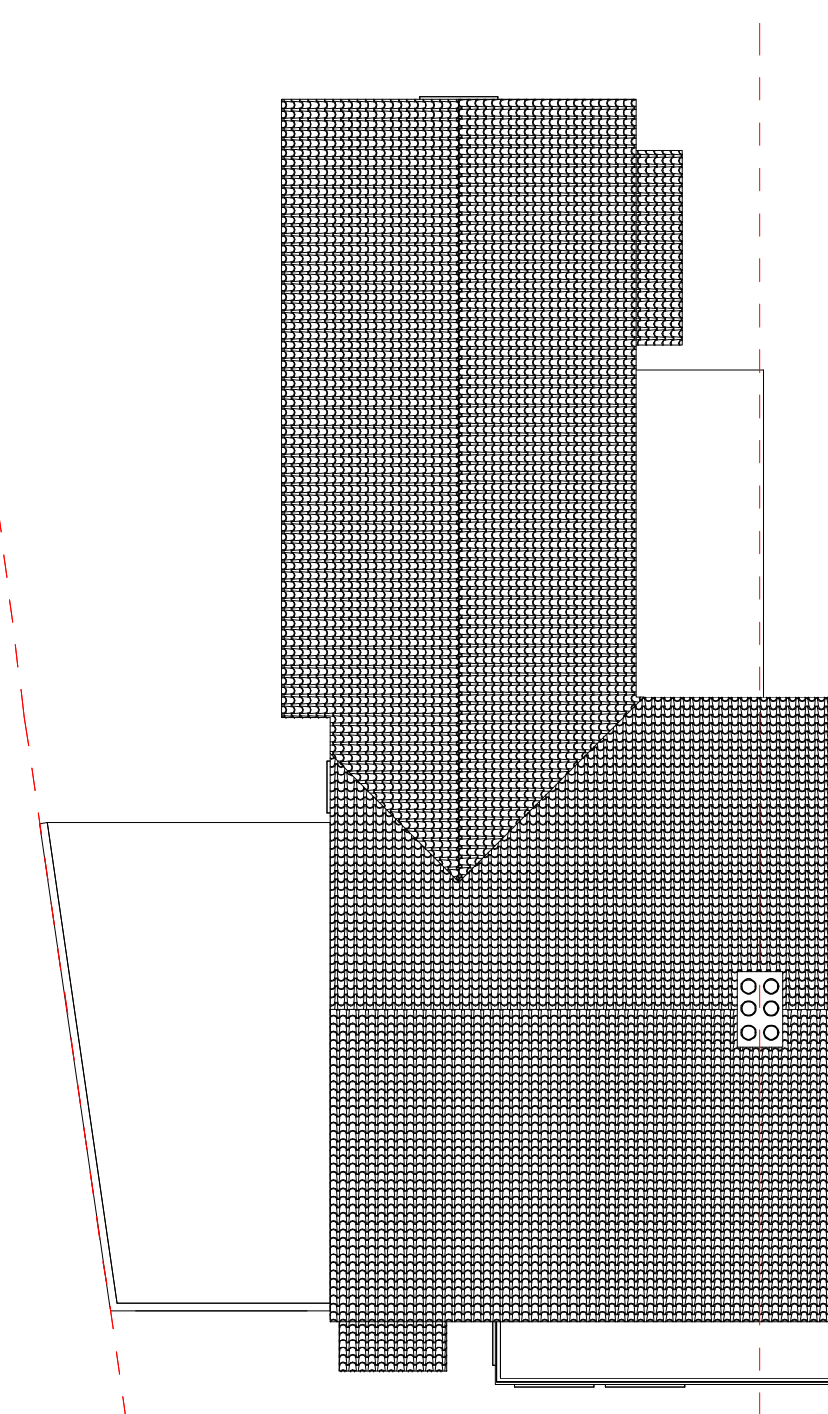




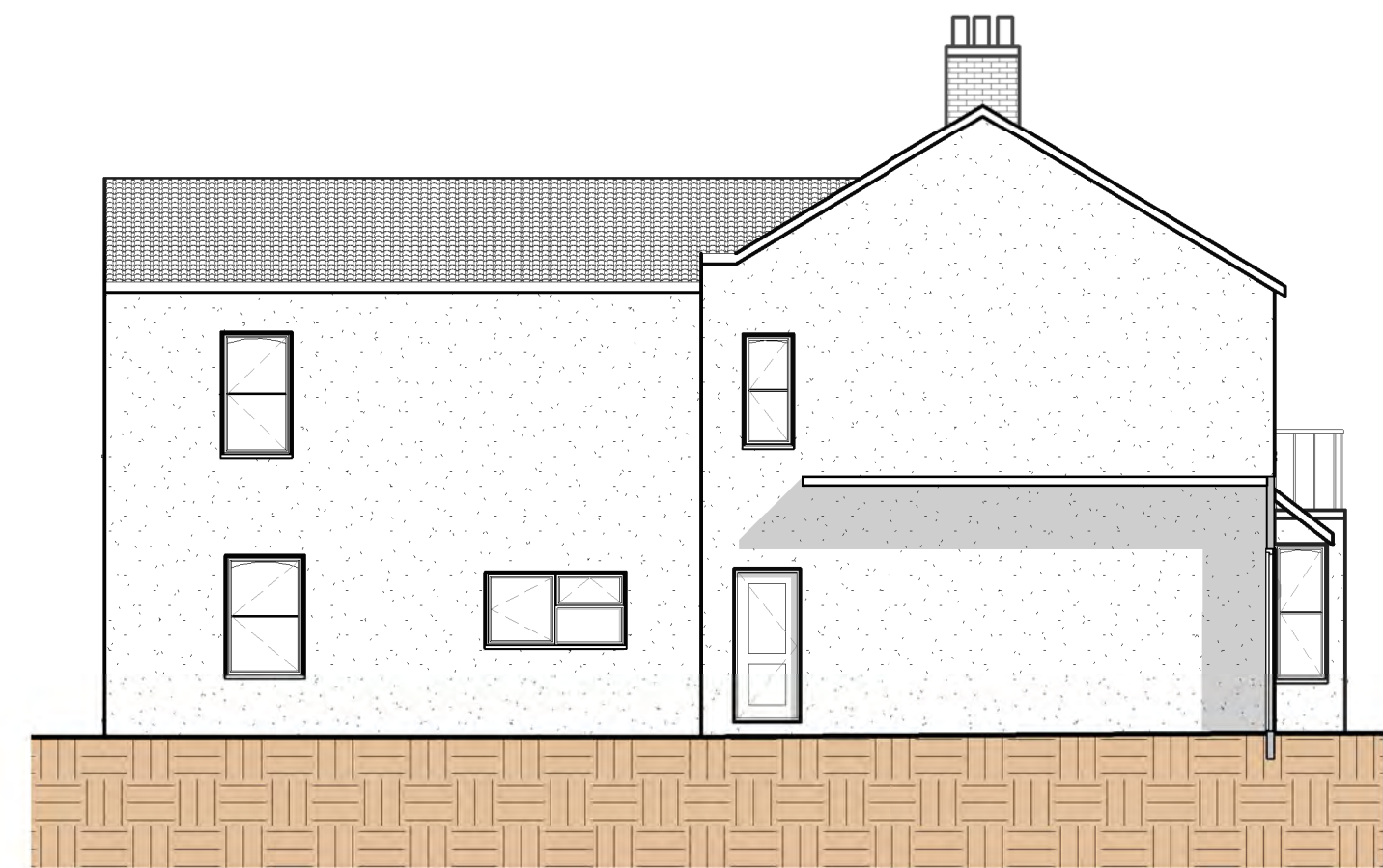
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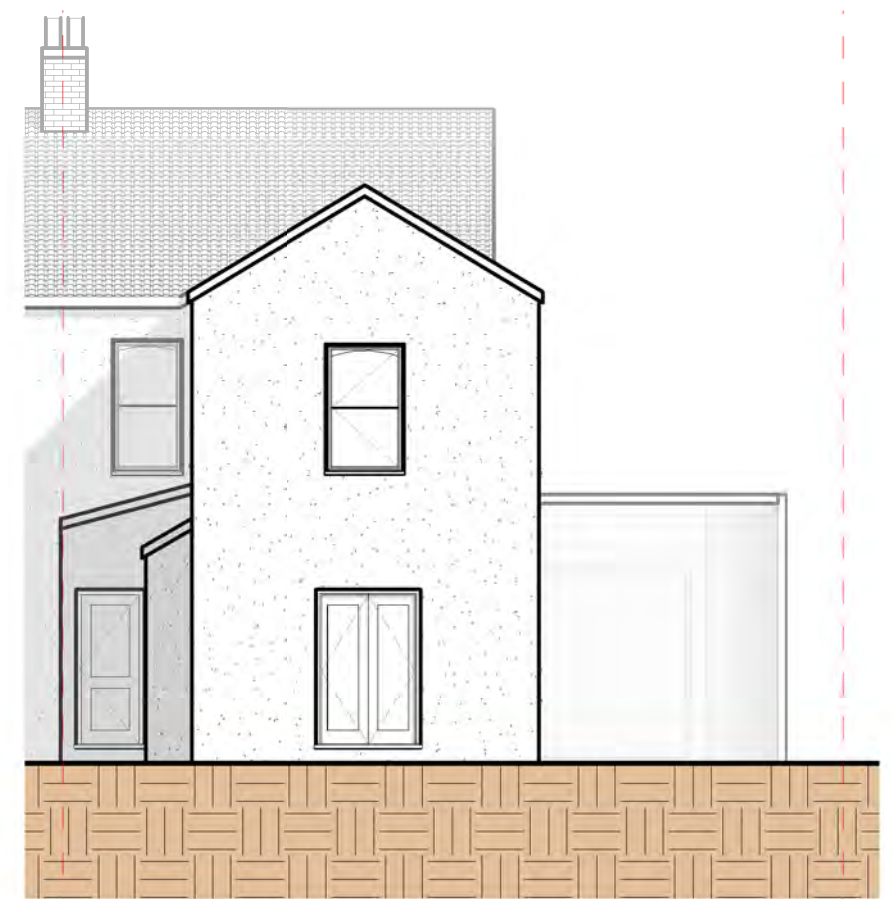
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**03 - Roof Plan**  
1 : 100



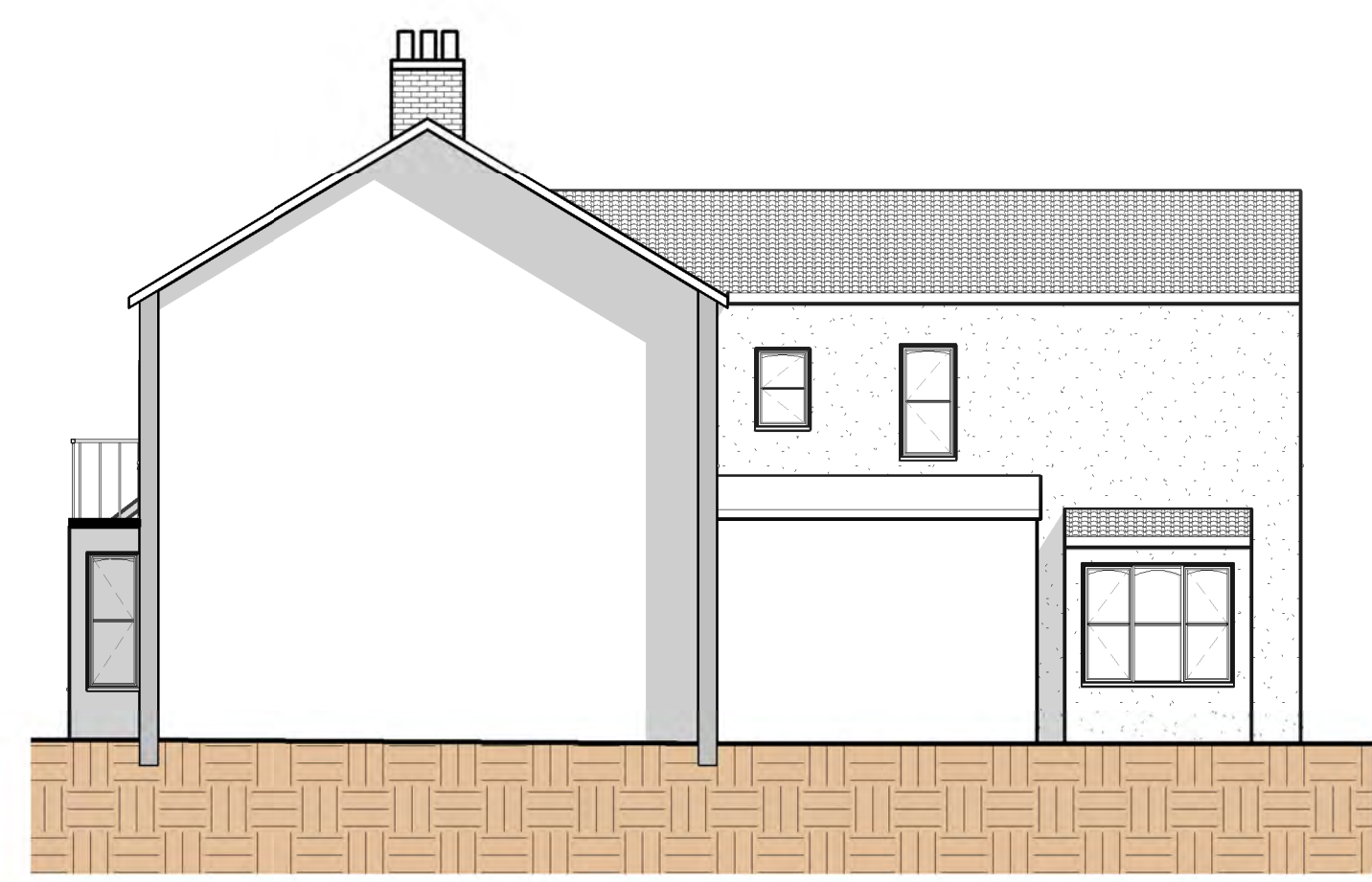
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1 : 100



**East**  
1 : 100



**3D View 1**



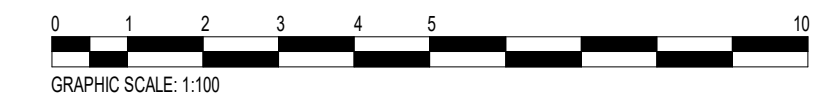
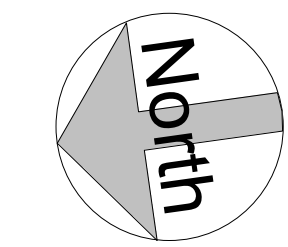
**South**  
1 : 100



**West**  
1 : 100



**3D View 2**



Rev	Description	Date

CODE	SUITABILITY DESCRIPTION
STATUS	PURPOSE OF ISSUE

PROJECT  
8 Richmond Avenue, Westcliff,  
Essex, SS0 7DA

TITLE  
**Existing Drawings**  
*Proposed Two Storey Extension*

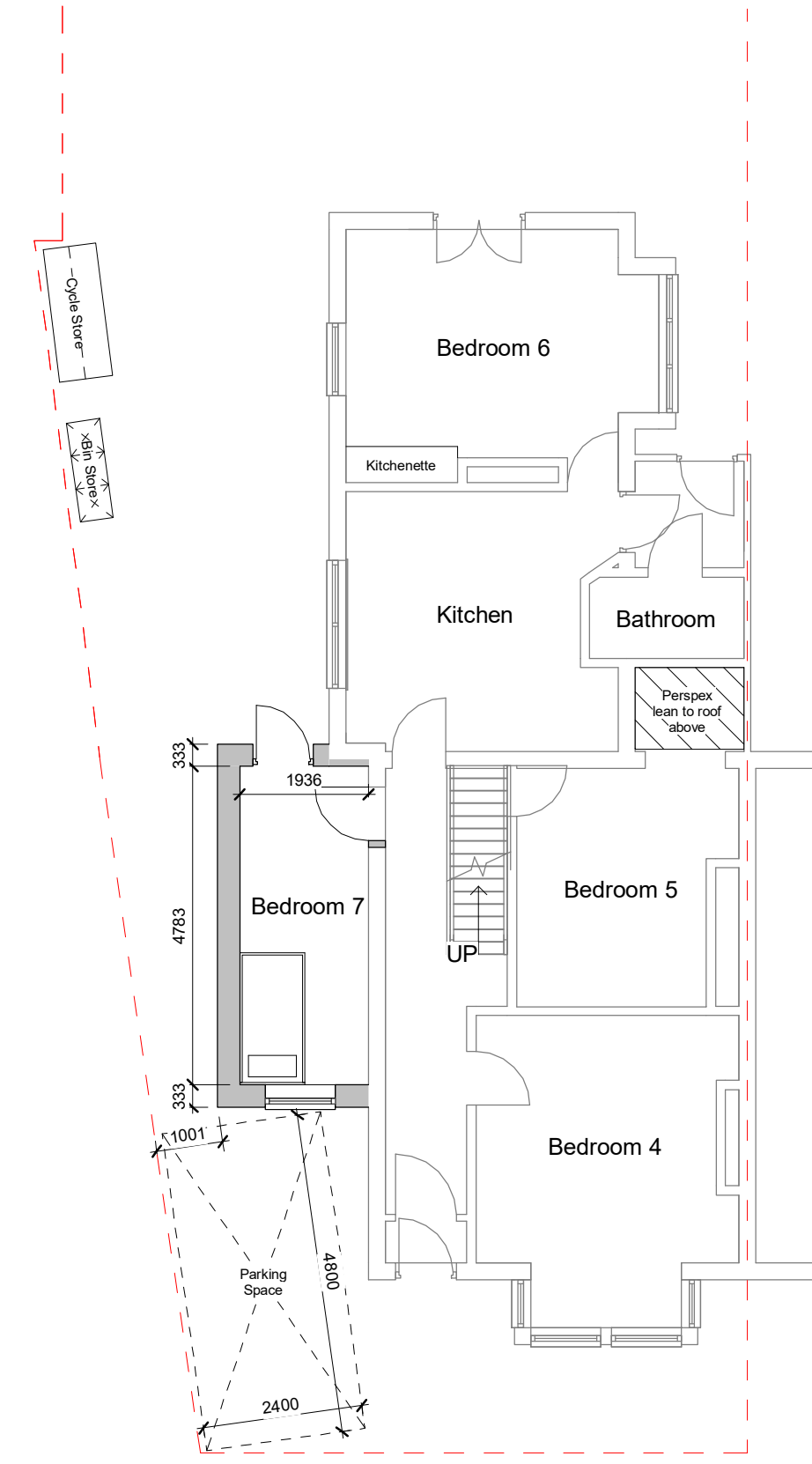
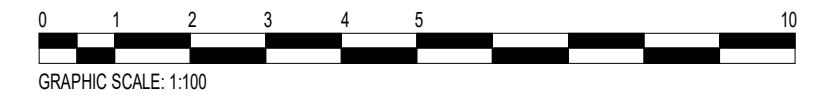
CLIENT  
**Mr Page**

DRAWN BY LM	CHECKED BY -	DATE 10/12/19
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DRAWING NUMBER <b>R02</b>		REV

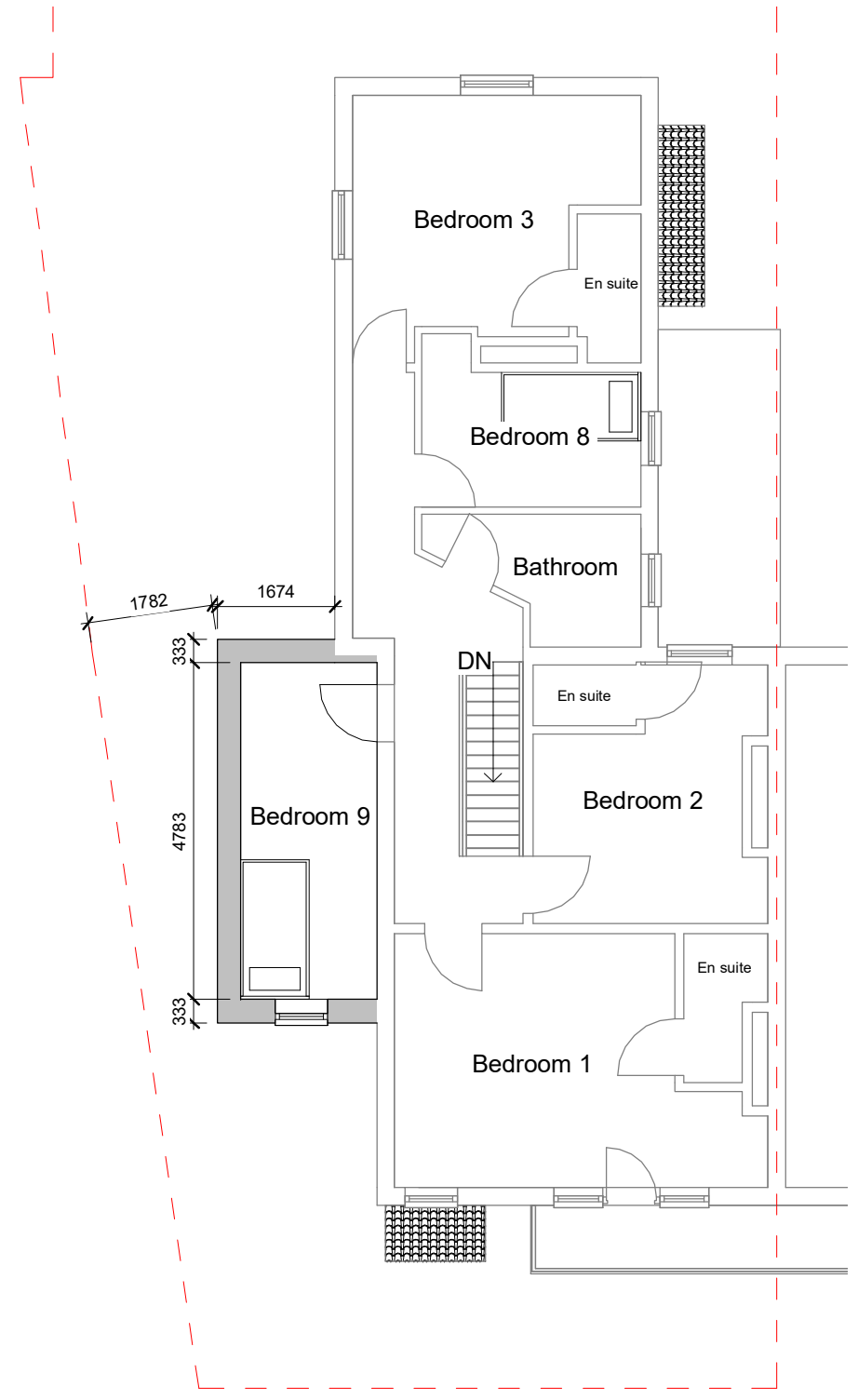


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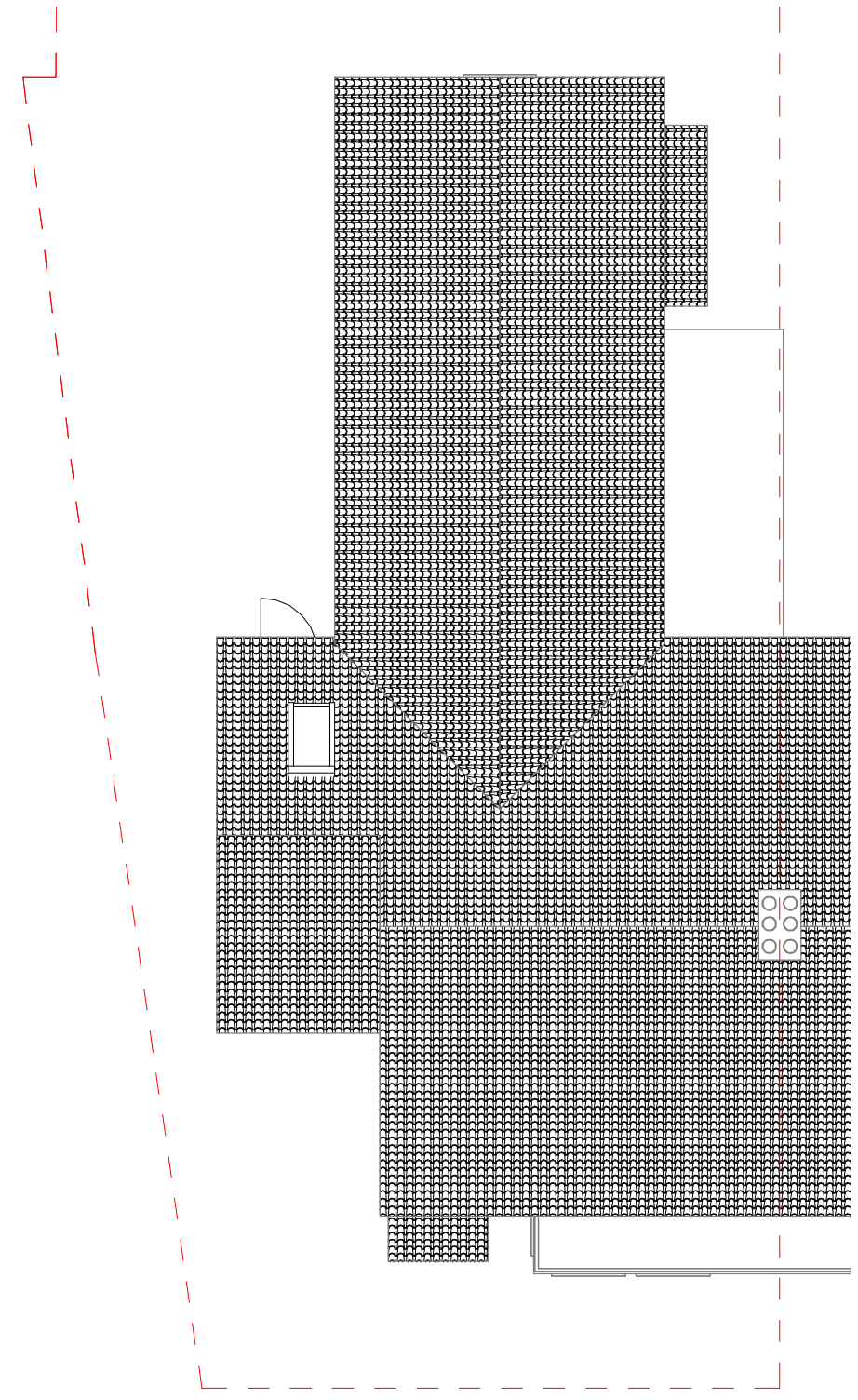




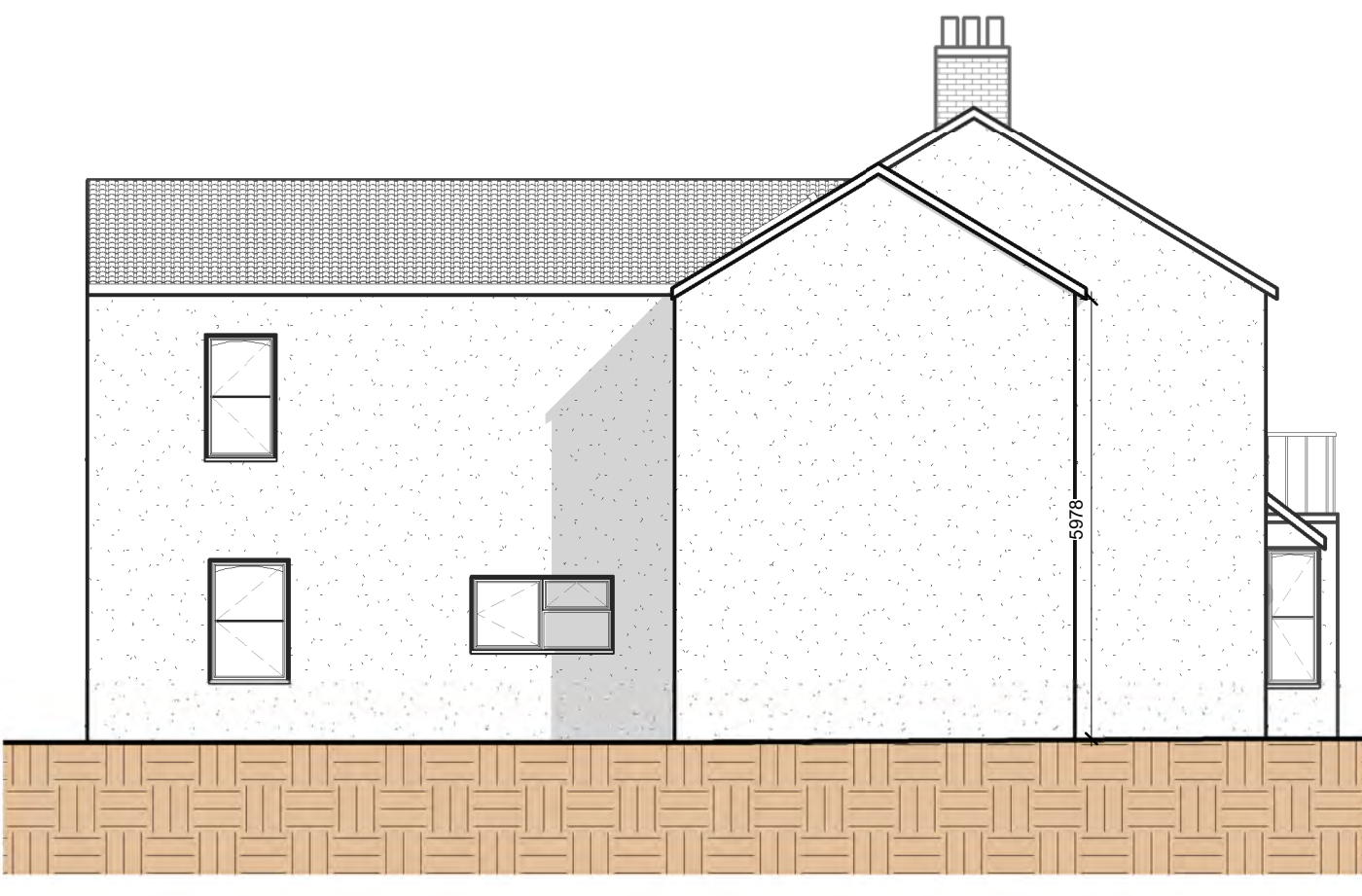
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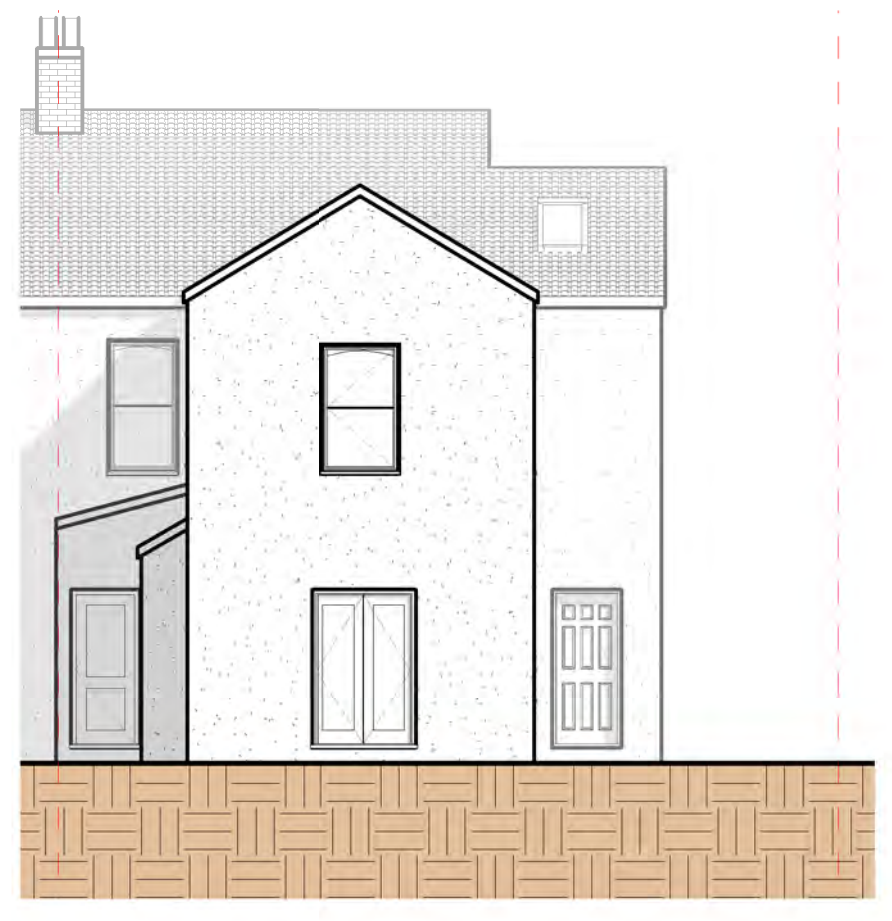
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**04 - Roof Plan**  
1 : 100



**North**  
1 : 100



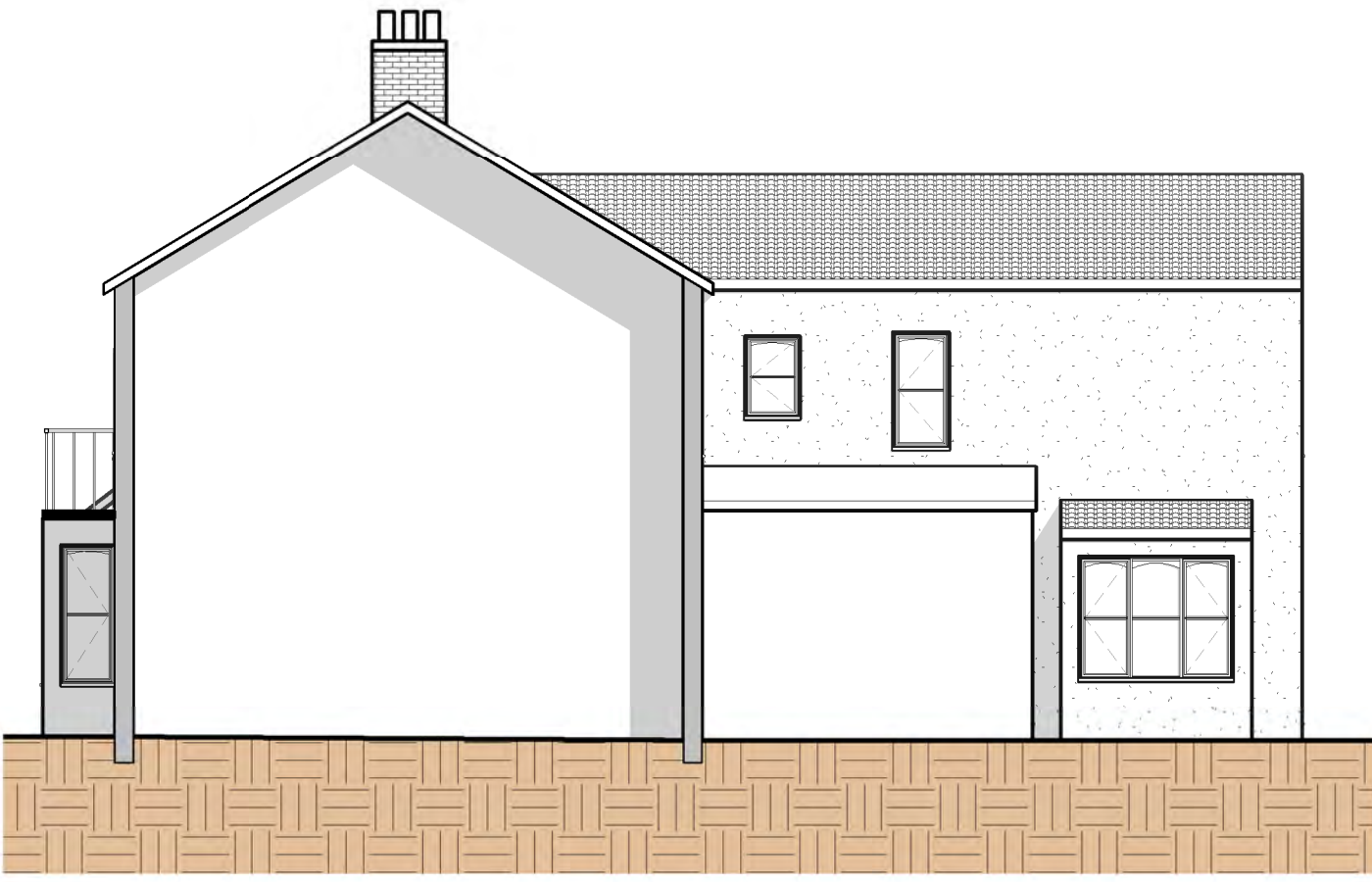
**East**  
1 : 100



**3D View 1**



**3D View 2**



**South**  
1 : 100



**West**  
1 : 100



**3D View 3**



**3D View 4**

Rev	Description	Date

CODE	SUITABILITY DESCRIPTION
STATUS	PURPOSE OF ISSUE

EDITHGARLAND  
ARCHITECTURE

PROJECT  
8 Richmond Avenue, Westcliff,  
Essex, SS0 7DA

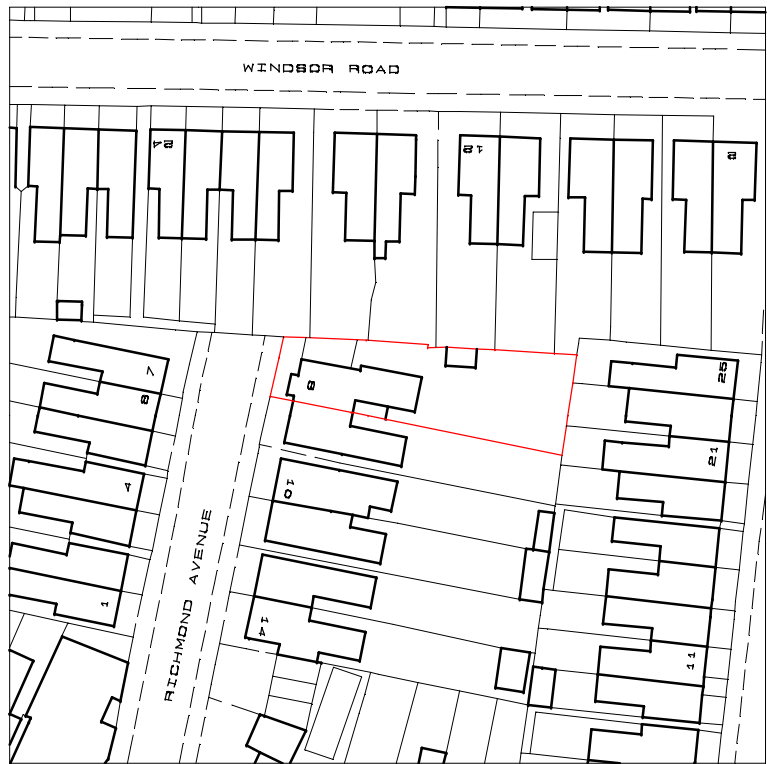
TITLE  
Proposed Drawings  
Proposed Two Storey Extension

CLIENT  
Mr Page

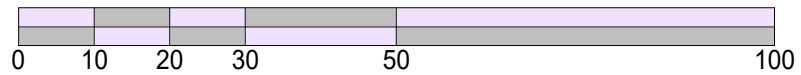
DRAWN BY LM	CHECKED BY -	DATE 27/03/20
SCALE (@ A1) 1 : 100	PROJECT NUMBER 141	
DRAWING NUMBER R03	REV C	



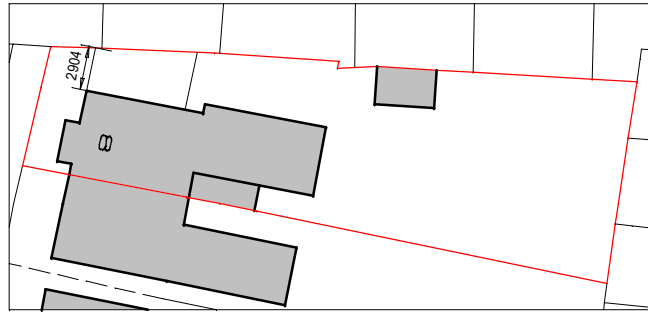
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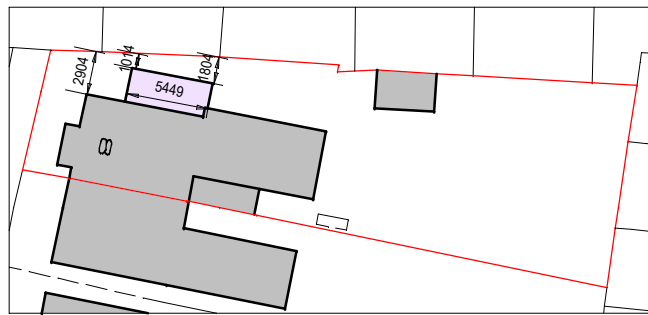
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LOCATION PLAN

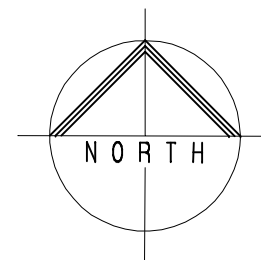
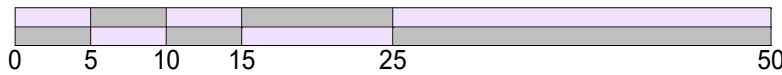


EXISTING SITE PLAN



PROPOSED SITE PLAN

Scale 1:500



Project:		8 Richmond Avenue, Westcliff, Essex, SS0 7DA		
		Proposed two storey extension		
Title:		Location & Site Plans		
Client:		Mr Page		
Drawn: LM	Checked: -	Date: 07/07/2020	Scale: 1:1000, 1:500	Paper size: A3
Job no. 141	Dwg no. C00	Revision B		



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From site to rear of Windsor Road to north (during refurbishment in 2019)





Rear of 16, 14 and 12 Windsor Road from existing side window





Rear of 25, 23, 21 and 19 Balmoral Road to rear (east)





During refurbishment works in 2019



467



Relationship with no.9/9a adjoining



468



Looking south from site down Richmond Avenue rear gardens  
(during refurbishment work in 2019)





Rear elevation of site during refurbishment in 2019





471



Rear of existing car port



Front elevation during refurbishment, 2019





## Relationship to Windsor Road rear gardens





Site

Rear of windsor road houses





Rear of site viewed from side of no.14 Windsor Road







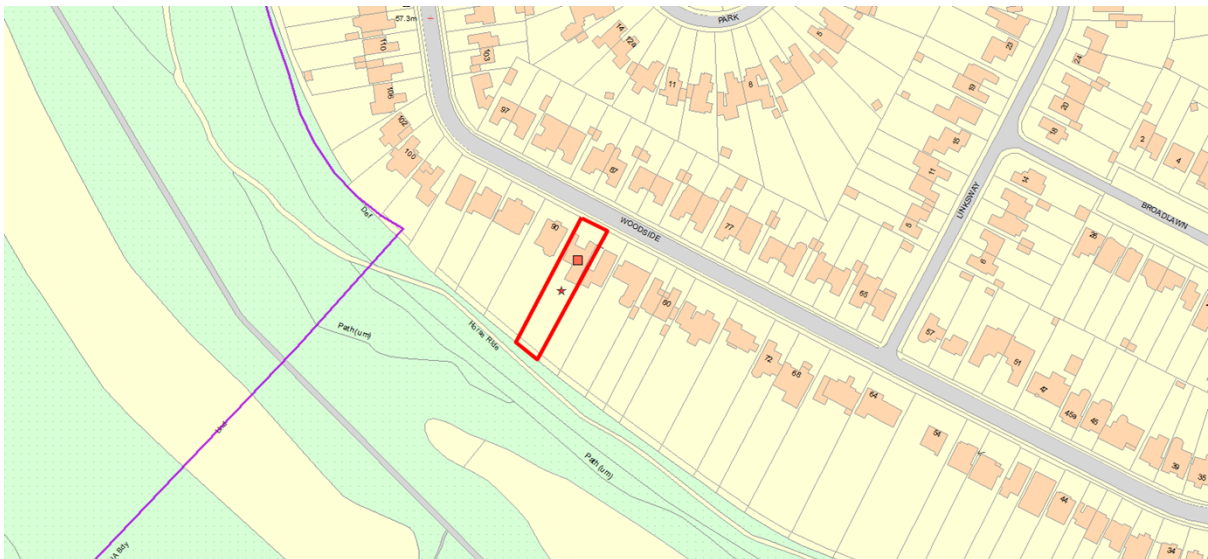




478

AD04 YVU

<b>Reference:</b>	20/01049/AMDT	<h1>17</h1>
<b>Application Type:</b>	Minor Amendment	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Vary Condition 02 (Approved Plans) to replace approved plans with 1519.100, 1519.101b, 1519.102b, 1519.103c and 1519.104b (Minor material amendment to Planning Permission 19/02062/FUL dated 22.01.2020)	
<b>Address:</b>	88 Woodside, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mr And Mrs N Stevens	
<b>Agent:</b>	Mr John Jackson of Architectural Design Associates	
<b>Consultation Expiry:</b>	13th August 2020	
<b>Expiry Date:</b>	11th September 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>1519.100, 1519.101b, 1519.102b, 1519.103c and 1519.104b</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The site is on the south-western side of Woodside and is occupied by a bungalow built in the '50s which is shaped like an "h" in plan. The materials used on the building are red brick and render, plain clay tiles, uPVC for windows and doors. The building appears to have been extended to the rear in the past. The site benefits from a garage and a vehicular access from Woodside. The front is partly soft-landscaped and partly covered by hard surface which allows for parking. To the rear, the site abuts the Belfairs Wood and Golf Course. There are no designations affecting the site.
- 1.2 The surrounding area within Woodside is residential in character. The properties in the vicinity of the site comprise an eclectic mix of bungalows, chalets and two-storey houses. Many properties in this area have been remodelled or undergone substantial extensions. The frontages are open, with low level enclosures. On the south-western side of Woodside, most rear gardens are verdant, hosting large trees, blending with the adjoining woodland. Belfairs wood is designated as Green Belt, ancient woodland, Local Wildlife Site and Protected Open Space.

## 2 The Proposal

- 2.1 Planning permission is sought for the variation of Condition 2 (approved plans) of planning permission 19/02062/FUL (the "2020 Permission") which was granted for the demolition of the existing bungalow and the erection of a replacement two-storey dwelling with basement. The application has been submitted under the provisions of Section 73 of the Town and County Planning Act 1990 as amended. Condition 2 of the 2020 Permission states:

"The development hereby approved shall be carried out in accordance with the approved plans: 1519.02, 1519.12B, 1519.13B, 1519.14B."

- 2.2 The proposal seeks to replace the plans approved and covered by Condition 2 of the 2020 Permission with the plans submitted with this application. The applicant suggests the changes in the design are proposed to meet 'Passivhaus' requirements. These changes include the enlargement of the basement area and the overall roof height, the alteration of the pitched roof construction, and reduction of the parapet details to the side elevations and part of the rear elevation. The submitted proposed section drawings and roof plan show that the roof form of the dwelling would be altered in shape, increased in extent and raised such that the ridge height would measure some 9m above ground level compared to the ridge height of some 7.7m in the approved scheme. Flat-roof elements and roof parapet walls would be reconfigured and reduced. The plans also show a 'basement mini garden' next to the stairs for the basement. The submitted plans show a reconfiguration of the openings on the flank elevations of the building and the omission of a glazed roof over the side elevation. The application is supported by a site investigation report and a supporting letter by John Sime & Associates Ltd.

### 3 Relevant Planning History

3.1 The relevant planning history of the application site is shown on the table below:

19/02062/FUL (2020 Permission)	Demolish existing bungalow, erect new two storey dwellinghouse with basement, balcony and Juliette balcony to first floor rear	Permission granted [20.01.2020]
20/00843/NON	Replace plan numbers 1519.12B, 1519. 13B and 1519.14B with 1519.100, 1519.101B, 1519.102B and 1519.104B ; to increase basement area, alter pitched roof, alter parapet to side and rear elevations, alter elevations (Non-Material Amendment to Planning Permission 19/02062/FUL dates 22.01.2020)	Refused (Amendments are material) [02.07.2020]
20/01230/AD	Application for approval of details pursuant to conditions 04 (hard and soft landscaping), 07 (drainage and surface water management strategy), 08 (10% renewables), 09 (water efficiency measures) and 11 (location of privacy screens) of planning permission 19/02062/FUL dated 22.01.2020	Pending Consideration

3.2 The 2020 Permission is extant and can be implemented as it did not contain any pre-commencement conditions. This is a material planning consideration of significant weight in the consideration of the current proposal. The officer's report for the 2020 Permission is appended to this report as Appendix 1.

### 4 Representation Summary

4.1 The application has been called in to Development Control Committee by Councillor Dear.

#### Public Consultation

4.2 Five (5) neighbouring properties were consulted and a site notice was displayed. One representation objecting to the application has been received and is summarised as follows:

- Impact of flood risk in the area as a result of the basement and the high water table of the area.
- Undue structural impact on neighbouring impact on neighbouring properties as a result of the basement and increased water tables in the area.
- The applicant should enter into a legal agreement to protect the neighbouring property from damages from flooding.

4.3 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

#### Highways Team

4.4 No objections.



### **Parks**

4.5 No comments.

### **Environmental Health**

4.6 No objections.

### **Archaeology**

4.7 No objections.

### **London Southend Airport**

4.8 No objections – initially an objection was raised due to the height of the proposal but a survey of nearby properties showed that there are other higher properties in the vicinity hence the objection was withdrawn.

### **Fire Brigade**

4.9 No objections.

## **5 Planning Policy Summary**

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

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

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The 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), DM14 (Environmental Protection), DM15 (Sustainable Transport Choices).

5.5 Design & Townscape Guide (2009).

5.6 Technical Housing Standards Policy Transition Statement (2015)

5.7 National Technical Housing Standards (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 are the principle of the development, the design and impact on the character of the streetscene and wider area, particularly in light of the proposed amendments, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and transportation issues, the impact of the development on the flood risk in the area, the provision of waste storage facilities, the proposed energy and water use sustainability and whether the development would be liable for CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The principle of the development was considered for the 2020 Permission in paragraphs 7.1 to 7.5 of Appendix 1 and was found to be acceptable. The principle of the development remains equally acceptable. The changes proposed are considered to fall within the ambit of a minor material amendment to the original planning permission.

### **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 The main design features of the proposed dwelling were found to be acceptable previously when the 2020 Permission was granted as discussed in paragraphs 7.6 to 7.12 of Appendix 1. The main alterations to the design of this current proposal are described at paragraph 2.2 of this report. There would be no alteration to the acceptable layout of the dwelling. The enlargement of the basement by 3.4m to the front and 2.8m rearward would not alter the layout of the development as it would be within the footprint of the ground floor. The additional excavation for the creation of the 'basement mini garden' measuring 3.2m by 1.5m would not be a material alteration to the layout of the site. In terms of scale, the current proposal would increase the overall roof height and would alter the bulk to the eastern side elevation, slightly reducing the width at ground floor and slightly increasing the width at first floor level. The proposed development would not exceed the height of other development in the wider area and would respect the scale of surrounding development. The proposed form would be simpler than that previously approved which here is better for the overall design of the property.
- 7.4 Considering the appearance of the proposal, the main front elevation would remain satisfactorily resolved. The alterations to the flank elevations, particularly the eastern elevation would not result in an unacceptable appearance. The rear elevation remains slightly contrived but not unacceptably so and is comparable in nature with what was previously found to be acceptable. Details of materials and landscaping were previously secured by conditions and a similar approach would be acceptable for this application. Overall, the proposed development is considered to remain acceptable and policy compliant in the above regards as the scheme approved with the 2020 Permission on balance.

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

- 7.5 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.
- 7.6 The findings of the officer's report for the 2020 Permission in relation to relevant matters are stated at paragraphs 7.13 to 7.18 of Appendix 1. The current proposal would not have a materially different effect to the standard of accommodation and living conditions of future occupiers. It would remain acceptable in terms of standard accommodation for future occupiers, the proposed dwelling would still exceed the overall space standards, would have appropriate amenity space and, on balance, all habitable areas would have adequate outlook, daylight and sunlight. The proposal subject to a condition would be reasonably adaptable and accessible to disabled occupiers. The proposal, therefore, remains acceptable and policy compliant in the above regards.

## **Impact on Residential Amenity**

- 7.7 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.8 The previously approved scheme permitted with the 2020 Permission was found to have an acceptable relationship with its neighbours subject to conditions as discussed at paragraphs 7.19 to 7.22 of the report at Appendix 1. The proposed material changes to the proposed scheme would not result in a materially harmful impact on the residential amenity of neighbouring occupiers. The overall higher roof would be pitched away from the neighbouring properties having a similar effect as the previously approved crown roof. The altered configuration of openings on the flank elevations of the current proposal would not materially harm neighbours' amenity as these openings would be conditioned to be obscured glazed. Conditions were previously imposed to limit the permitted development rights of the proposed dwelling and would be necessary for this proposal. Overall, the proposed development remains acceptable and in line with policy in the above regards.

## **Traffic and Transportation Issues**

- 7.9 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.
- 7.10 The findings of the 2020 Permission for these considerations are stated at paragraphs 7.23 to 7.24 of the report at Appendix 1. No material changes are proposed in relation to parking and access arrangements. The proposed development remains subject to conditions acceptable and policy compliant in the above regards.

## **Flooding and water drainage**

- 7.11 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwelling would replace an existing building on the land and with the creation of a basement would take up additional space (volume) in the ground where water would otherwise permeate. The current proposal would result in a larger basement and as such higher volume of not permeable space in the ground.
- 7.12 The proposal was previously found to be acceptable as discussed at paragraph 7.25 of Appendix 1. At the time, similarly to this application, comments from third parties raised the alleged issue of high water table in the area. The application, similarly to the 200 Permission, is supported by a site investigation report which does not support this claim and shows that the water table in the area is some 3.6m below ground. At the time of the 2020 Permission, a condition to secure detail of a Sustainable Drainage System (SuDS) was considered adequate to address the concerns regarding water drainage and increase of flood risk elsewhere. A similar approach would also be acceptable for this application and an appropriately worded condition is recommended. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

## **Refuse and Recycling Storage**

- 7.13 The submitted plans do not show any designated bin storage areas on site. The quantum of development does not attract a policy requirement for such facilities and it is expected that the dwelling would be using the Council's kerbside sack collection service. The dwelling would be located near the highway where it would be convenient both for future occupiers and collection services to manage the waste. As found previously, the proposal is acceptable and policy compliant in this regard.

## **Energy and Water Sustainability**

- 7.14 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.
- 7.15 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement other than the Applicant's aspiration to achieve 'Passivhaus' requirements. However, it is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.



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

- 7.16 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 504.2m<sup>2</sup>, which may equate to a CIL charge of approximately £12,954.06 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, including attaching significant weight to the 2020 Permission, 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 local and national policies and guidance on balance. The proposal, subject to conditions, would have an acceptable impact on the character and appearance of the area and the amenities of its future and neighbouring occupiers. It would also have an acceptable impact on the highway and parking conditions in the area subject to conditions. The proposed development would provide acceptable waste and recycling bin storage provision, drainage strategy on site and energy and water sustainability. This application is recommended for approval subject to conditions.

## **9 Recommendation**

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

- 01 The development hereby permitted shall begin no later than 22 January 2023, three years from the date planning permission 19/02062/FUL was granted.**

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 1519.100, 1519.101b, 1519.102b, 1519.103c and 1519.104b.**

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

- 03 The materials to be used on the external surfaces of the development hereby approved, including roof, walls and fenestration, shall be in line with the details shown on the approved plan 1519.103c or details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and**

**Townscape Guide (2009).**

- 04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.**

**Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 05 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 06 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwelling complies with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.**

**Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with 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).**

- 07 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.**

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

- 08 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to 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 noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

**Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).**

- 09 The side facing 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 equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained in line with these details in perpetuity for the lifetime of the development.**

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

- 10 The flat roof areas above the first floor level and the flat roofs over the single storey rear projections of the development hereby approved shall not be used as balconies, roof gardens or similar amenity area or for any other purpose unless planning permission has first been obtained by the local planning authority. These areas can however be used for the purposes of maintenance or to escape in an emergency.**

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

- 11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development shall not be first used unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of privacy screens, which shall be a minimum of 1.7m in height, to be installed at the rear balcony of the property hereby approved. Before the development hereby approved is first used the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

**Reason:** In the 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), Policies DM1 and DM3 of the Development Management Document (2015).

- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any Order amending, revoking or re-enacting that Order) no extensions, conservatories, dormers, roof extensions or other form of development normally permitted under Class A or Class B of Part 1 of Schedule 2 of the above Order shall be erected within the site without planning permission having been obtained from the local planning authority.**

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

- 13 The use of the development hereby approved shall not commence unless and until two parking spaces have been provided and made available for use on site in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be retained in perpetuity for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.**

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

- 14 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.**

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



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

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

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

**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) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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

**Informatives:**

- 1** Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable.

**If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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)).**

- 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.**

**APPENDIX 1**

Southend Borough Council Development Control Report Application Ref: 19/02062/FUL

**Delegated Report**

<b>Reference:</b>	19/02062/FUL
<b>Application Type:</b>	Full Application
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Demolish existing bungalow, erect new two storey dwellinghouse with basement, balcony and juliette balcony to first floor rear
<b>Address:</b>	88 Woodside, Leigh-On-Sea, Essex
<b>Applicant:</b>	Mr And Mrs N Stevens
<b>Agent:</b>	Mr John Jackson of Architectural Design Associates
<b>Consultation Expiry:</b>	19th December 2019
<b>Expiry Date:</b>	22nd January 2020
<b>Case Officer:</b>	Spyros Mouratidis
<b>Plan Nos:</b>	<b>1519.02, 1519.12B, 1519.13B, 1519.14B</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>

**1 Site and Surroundings**

- 1.1 The site is on the south-western side of Woodside and is occupied by a bungalow built in the '50s which is shaped like an "h" in plan. The materials used on the building are red brick and render, plain clay tiles, uPVC for windows and doors. The building appears to have been extended to the rear in the past. The site benefits from a garage and a vehicular access from Woodside. The front is partly soft-landscaped and partly covered by hard surface which allows for parking. To the rear, the site abuts the Belfairs Wood and Golf Course. There are no designations affecting the site.
- 1.2 The area within Woodside is residential in character. The properties in the vicinity of the site comprise an eclectic mix of bungalows, chalets and two-storey houses. Many properties in this area have been remodelled or undergone substantial extensions. The frontages are open, with low level enclosures. On the south-western side of Woodside, most rear gardens are verdant, hosting large trees, blending with the adjoining woodland. Belfairs wood is designated as Green Belt, ancient woodland, Local Wildlife Site and Protected Open Space.

**2 The Proposal**

- 2.1 Planning permission is sought for the demolition of the existing bungalow and the erection of a two storey, five-bed dwellinghouse. The proposed dwelling would have a rectangular footprint and would measure some 10.5m wide by 21m deep. The roof form would comprise a variety of styles and shapes, including gables, hipped, crown

and flat roof with parapet. The main eaves height would measure some 5m and the maximum height of roof would reach 7.6m from the ground. The proposed dwelling would sit 1m from the boundary to the site to the south-east and 1.2m from the north-western boundary of the site. The submission notes an aspiration that the new building would achieve passive house standards in terms of energy consumption. The application is supported with a Design and Access Statement and with a Site Investigation report.

### **3 Relevant Planning History**

3.1 None.

### **4 Representation Summary**

#### **Public Consultation**

4.1 Five (5) neighbouring properties were consulted and a site notice has been displayed. Six representations from three individuals objecting to the application have been received and are summarised as follows:

- Impact of flood risk in the area as a result of the basement and the high water table of the area.
- The proposed development is too large for the streetscene.
- The proposed development would cause noise and disturbance.
- Impact on residential amenity of neighbouring residents.
- The application should have been presented to the Development Control Committee to allow for verbal submissions.
- The design is unacceptable.

4.2 The comments have been taken into consideration and the relevant to planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application.

#### **London Southend Airport**

4.3 No objections subject to condition that no part of the development is higher than the neighbouring property at 90 Woodside.

#### **Environmental Health**

4.4 No objections subject to condition regarding hours of construction.

#### **Highways**

4.5 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), CP6 (Community Infrastructure) and 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), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity, any traffic and transportation issues, the impact of the development on the flood risk in the area, the provision of refuse and recycling storage 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, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes
- 7.2 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 are weighing in favour of the principle of the development. The South Essex Strategic Housing Market Assessment 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.
- 7.3 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". The proposal is for the replacement of a four bed bungalow with a five-bed house a type of housing which would be suitable for families.
- 7.4 Policy DM3 states that: "The conversion or redevelopment of single storey dwellings

(bungalows) will generally be resisted. Exceptions will be considered where the proposal: (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents having regard to building regulation M4 (2)".

- 7.5 The character of the area has been altered in the recent years with the addition of chalets and two storey houses. As such the proposal would not result in an unacceptable juxtaposition within the streetscene. Furthermore, the applicant confirms the development will comply with building regulation M4 (2). On this basis, the proposal is acceptable in principle. 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 Policy KP2 of the Core Strategy states that new development should: "respect the character and scale of the existing neighbourhood where appropriate". Policy CP4 of the Core Strategy requires that development proposals should: "maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development".
- 7.9 The Design and Townscape Guide states that: "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings."
- 7.10 The layout of the replacement dwelling would be a rectangular shape fully covering the existing footprint of development within the site. It would not project further forward from the front building line or further rearward from the rear of the adjacent property to the east. In terms of urban grain the proposed layout is acceptable. Considering that the proposal is for a two storey house, the large footprint would result in significant increase of built form within the site. Nevertheless, the scale and bulk is not incongruous in the surrounding area. It is noted that the proposed dwelling would not exceed in height the maximum height of the neighbouring dwelling at no. 90

Woodside.

- 7.11 In terms of form and appearance, the proposal seeks to deliver a modern dwellinghouse. However, some design features strongly reference design solutions from the 1960s and 1970s. There is a combination of different styles of roofs and asymmetrical volumes. Whilst this is not a positive aspect of the scheme, the form and elevations of the proposal, following pre-application advice, have been resolved to an acceptable degree and this area is not subject of any designation that would necessitate a particular approach to design issues. Therefore, it would not be warranted to refuse planning permission on these grounds. The choice of materials reflects the local area and is considered to be acceptable.
- 7.12 No details of landscaping have been submitted with the application. Some landscaping to the front of the site is necessary to soften the proposed development and the associated parking provision. This could be required with a condition. On the basis of the previous analysis, the proposal is, on balance, considered to be acceptable and policy compliant in the above regards.

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

- 7.13 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

- 7.14 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. There is no set minimum standard for a five-bed, ten-person dwelling. The minimum standard for a five-bed, eight-person dwelling laid out over three storeys is 134m<sup>2</sup> which is exceeded by the proposal. The proposed development exceeds the 3.5m<sup>2</sup> of minimum storage space required. All bedrooms exceed the minimum width and area for double bedrooms.

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

- 7.15 All habitable rooms would receive adequate daylight and sunlight. During pre-application discussions concerns had been raised about the outlook from bedroom 5. This concern is proposed to be overcome with a lower level roof light window. Whilst this arrangement is not ideal and not a positive aspect of the proposed scheme, it would be adequate on its merits to offer acceptable outlook from this bedroom. All other habitable rooms would have acceptable outlook.

#### M4 (2) – Accessibility

- 7.16 As already discussed in the section about the principle of the development, it has been confirmed by the applicant that the proposal will satisfy building regulation M4 (2). A condition to that effect can be imposed.

#### Amenity Provision



- 7.17 The existing garden exceeds 300m<sup>2</sup> in area. The garden is sufficiently screened from the highway and is adequately distanced from adjacent buildings. This is a useable private amenity space of sufficient size for a family dwelling.
- 7.18 Overall it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The dwelling would exceed the overall space standards, would have appropriate amenity space and all habitable areas would have adequate outlook, daylight and sunlight. The proposal is therefore acceptable and policy compliant in the above 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 The nearest residential properties to the application site are the residential units at no.86 and 90 Woodside. The proposed development would result in an increased bulk of building form on site. All proposed windows located on the side elevations of the building would be obscured glazed. The proposed rear balcony would not overlook the adjacent dwellings unacceptably as designed. A condition can be imposed to require details of side screens on the balcony to avoid any undue overlooking of the neighbouring amenity areas. Some overlooking of part of the rear gardens would not be materially harmful to the residential amenity of neighbouring occupiers. With this in mind, it is not considered that the proposed development would cause any materially harmful overlooking or loss of privacy.
- 7.21 Some overshadowing of the neighbouring properties would occur as a result of the proposal. The side windows at nos.90 and 86 Woodside are secondary sources of light or serve non-habitable rooms. The part of the building at no.86 which is nearest to the proposed development is a garage. At no.90 Woodside there is an extant planning permission (12/00168/FULH) for a side garage between the application site and the neighbouring main building. The proposal would not materially impact the residential amenity of these neighbours in terms of overshadowing or loss of light.
- 7.22 Given the separation distances between the proposed building and the neighbouring properties, the proposal would not, on balance, materially harm the residential amenity of any neighbouring occupiers in terms of dominance or by creating an overbearing relationship or sense of enclosure. The size of the adjacent properties' gardens also assists in avoiding an overbearing relationship. No material impact would be caused on the residential amenity of any other nearby neighbour in any of the above regards due to relationship and distances involved. On this basis, the proposal is, on balance, acceptable and policy compliant in these regards.

#### **Traffic and Transportation Issues**

- 7.23 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.

- 7.24 Outside of the central area, for dwellings with two or more bedrooms, the minimum requirement is two parking spaces per unit. There is on-site parking provision to the front part of the site for at least two cars. The adopted parking standards also require the provision of one cycle storage space per unit. Whilst this is not shown on the submitted plans, there is sufficient space to be accommodated within the site and a condition to require this can be imposed if planning permission were to be granted. The Highways team raised no objections. The proposed development would, subject to conditions, be acceptable and policy compliant in the above regards.

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

- 7.25 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwelling would replace an existing building on the land and with the creation of a basement would take up additional space (volume) in the ground where water would otherwise permeate. Third party comments raised the issue of a high water table in the area. The submitted Site Investigation Report states that this is not of concern in this instance as the water table appears to be at 3.6m below ground. In any event, 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 can be required by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

#### **Energy and Water Sustainability**

- 7.26 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.
- 7.27 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)**

- 7.28 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of

planning decisions. The proposed development includes a gross internal area of 446.7m<sup>2</sup>, which may equate to a CIL charge of approximately £7,720.54 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be, on balance, acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal, subject to conditions, would have an, on balance, acceptable impact on the character and appearance of the area, on the amenities of neighbouring occupiers and on the living conditions of future occupiers. The highways impacts of the proposal and its flooding implications are acceptable.

## **9 Recommendation**

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

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

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

- 02 **The development hereby approved shall be carried out in accordance with the approved plans: 1519.02, 1519.12B, 1519.13B, 1519.14B.**

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

- 03 **The external surfaces of the development hereby permitted shall be constructed only of the materials details of which are shown on plan number 1519.13B prior to the first occupation of the development hereby approved.**

**Reason: In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 04 **No construction above ground level for the development hereby approved shall take place until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing and elevations and details of materials for the boundary treatment of the site. The hard landscaping scheme shall be carried out in full accordance with the approved details prior to the first use of the development hereby approved. The soft landscaping scheme shall be carried out in full accordance with the approved details within the first available planting season (October to**



**March inclusive) following the first use of the development hereby approved.**

**Reason:** In the interest of visual amenity 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 the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 05** Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

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

- 06** The first floor side facing windows of the dwelling hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level. 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 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), Policies DM1 and DM3 of the Development Management Document (2015).

- 07** Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

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

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

- Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).
- 09 The dwelling hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

- Reason:** To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
- 10 The development hereby approved shall be constructed to ensure the dwelling complies with building regulation M4 (2) "accessible and adoptable dwellings" prior to its first occupation.

- Reason:** To ensure the dwellinghouse hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
- 11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development shall not be first used unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of privacy screens, which shall be a minimum of 1.7m in height, to be installed at the rear balcony of the property hereby approved. Before the development hereby approved is first used the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

- Reason:** In the 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), Policies DM1 and DM3 of the Development Management Document (2015).
- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any Order amending, revoking or re-enacting that Order) no extensions, conservatories, dormers, roof extensions or other form of development normally permitted under Class A or Class B of Part 1 of Schedule 2 of the above Order shall be erected within the site without planning permission having been obtained from the local planning authority.



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

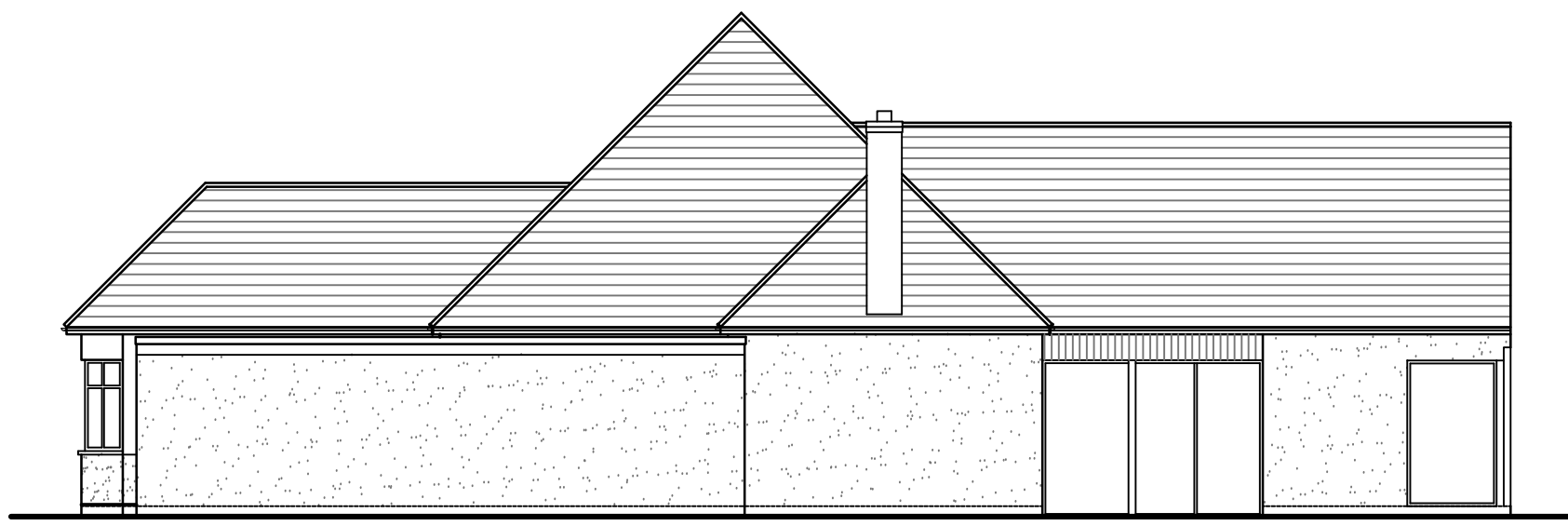
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local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

**Informatives:**

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



EXISTING FRONT ELEVATION  
SCALE 1:100  
0 1m 2m 5m



EXISTING SIDE ELEVATION  
SCALE 1:100  
0 1m 2m 5m



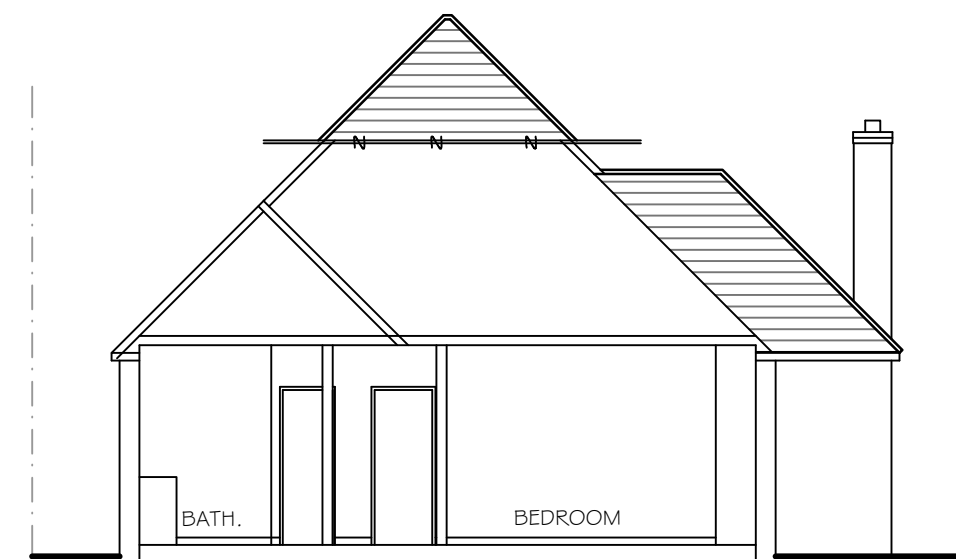
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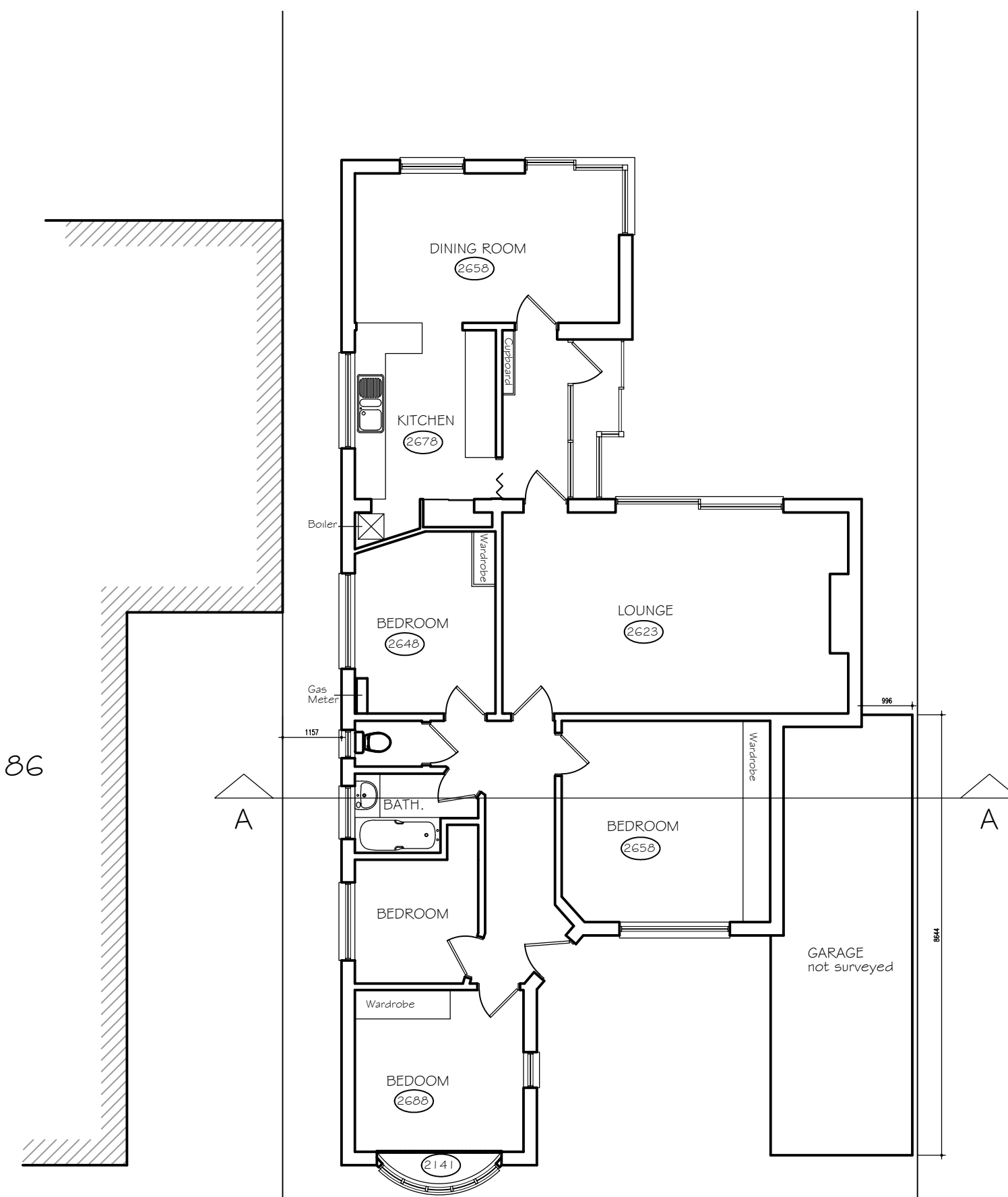
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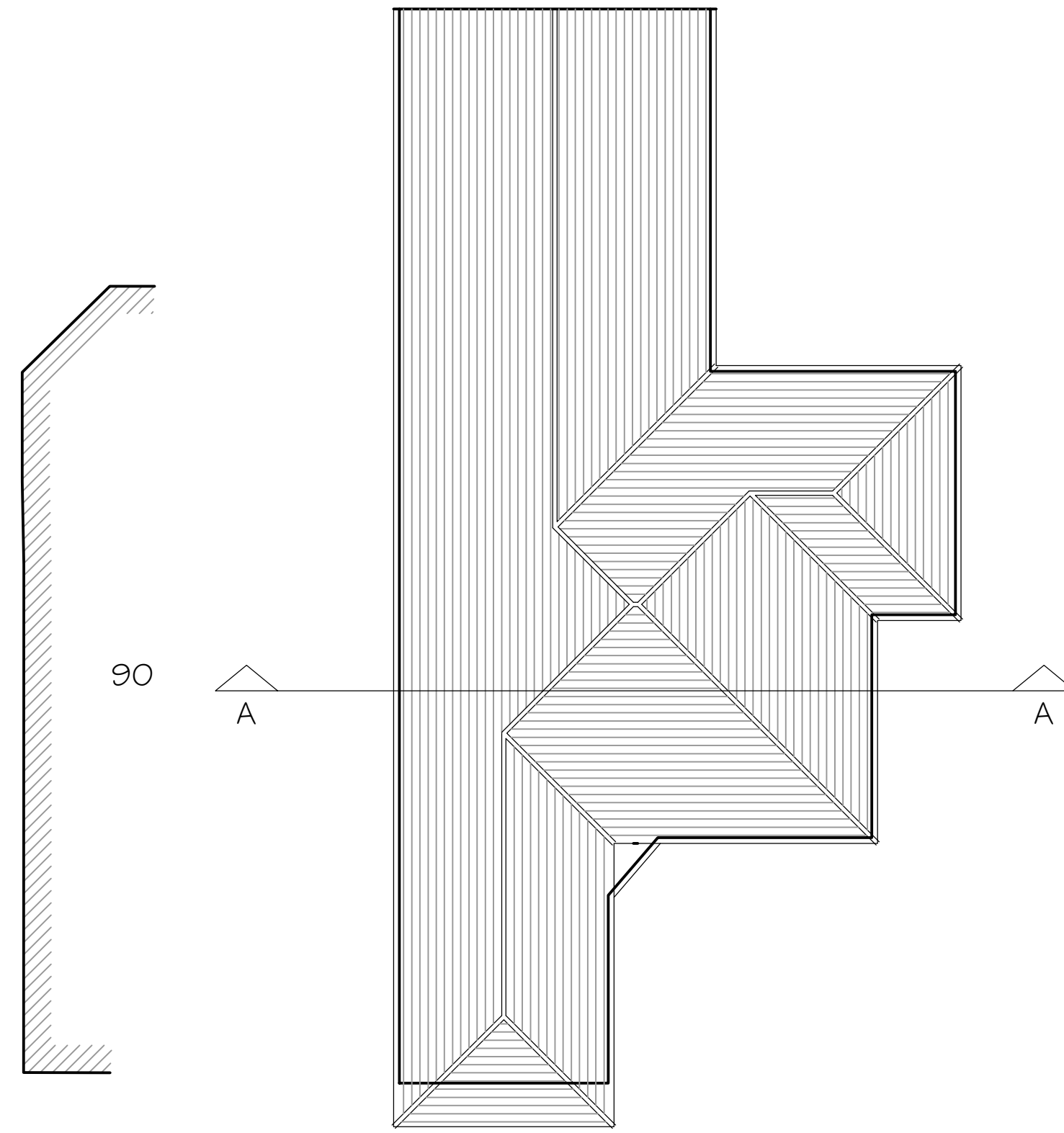
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EXISTING SECTION A - A  
SCALE 1:100  
0 1m 2m 5m



EXISTING GROUND FLOOR PLAN  
SCALE 1:100  
0 1m 2m 5m



EXISTING ROOF PLAN  
SCALE 1:100  
0 1m 2m 5m



EXISTING BLOCK PLAN  
SCALE 1:500  
0 5m 10m 25m

**NOTES**

This drawing must not be copied or reproduced without prior written consent of John R A Jackson.

The drawing shall be read in strict accordance with all relevant specialists and engineers drawings together with their specifications.

The contractor must check all dimensions on site and report any discrepancy to John R A Jackson.

The Contractor, before commencing work on site, must clarify with John R A Jackson that the drawing he is working to is the "approved working drawing".

The main contractor shall be responsible for the stability of existing structures and earthworks on the site and adjoining sites and shall take all necessary precautions to safeguard the structures.

All excavations to be approved by the engineer and local authority prior to placing of any concrete.

All trades and materials to comply with the latest B.S. and C.P. standards and local authority approvals as work is completed. All construction to conform with the latest Building Regulations and N.H.B.C requirements.

All electrical, water and gas installations to conform to appropriate regulations and standards of Boards.

The Client & Contractor, where necessary, shall complete any Party Wall Act Agreements with adjoining owners prior to works commencing on site.

**REVISIONS**

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Title  
**88 WOODSIDE  
LEIGH ON SEA  
ESSEX  
SS9 2RD**

Client  
**NICHOLAS STEVENS**

Scales <b>1:50, 1:100@A1</b>	Drawn <b>PW</b>	Date <b>Jan 2020</b>
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**John R Jackson LLP**  
Architectural Design Associates

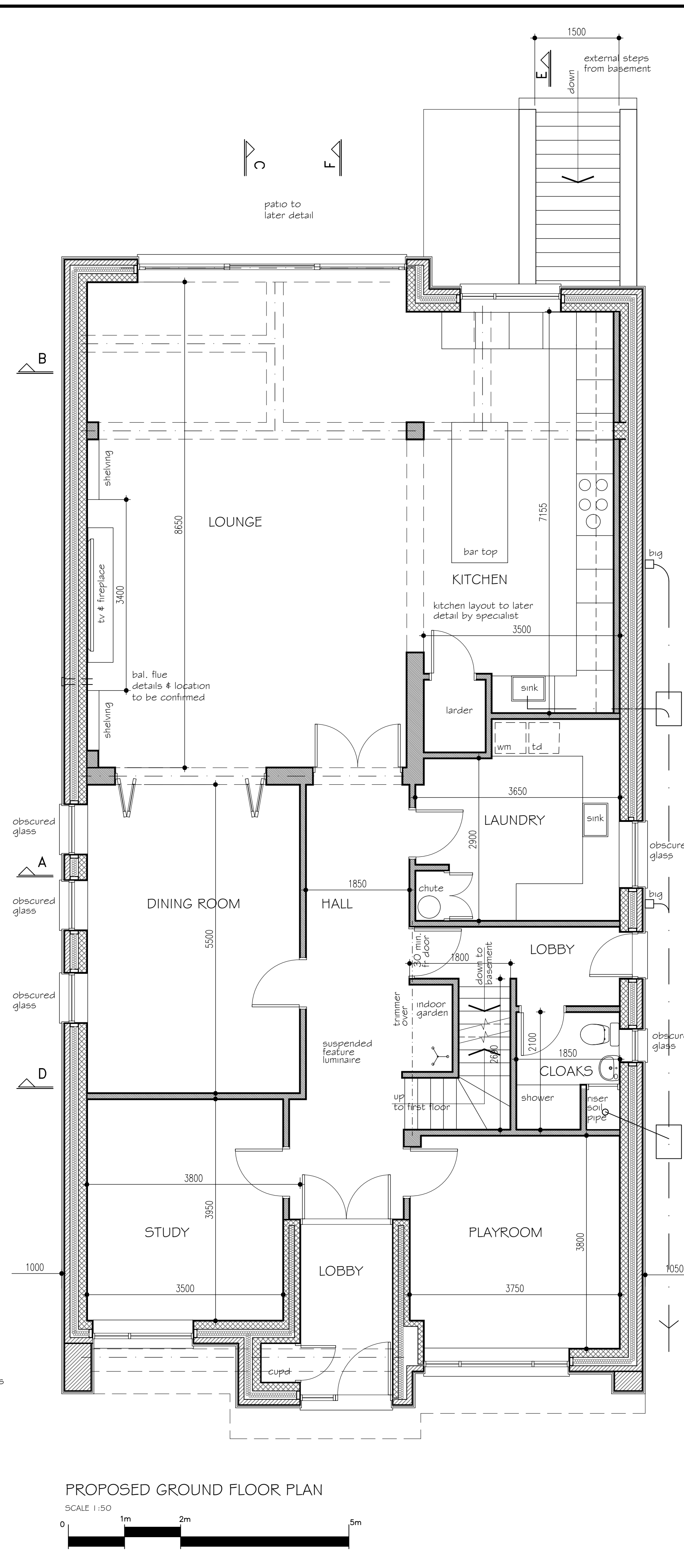
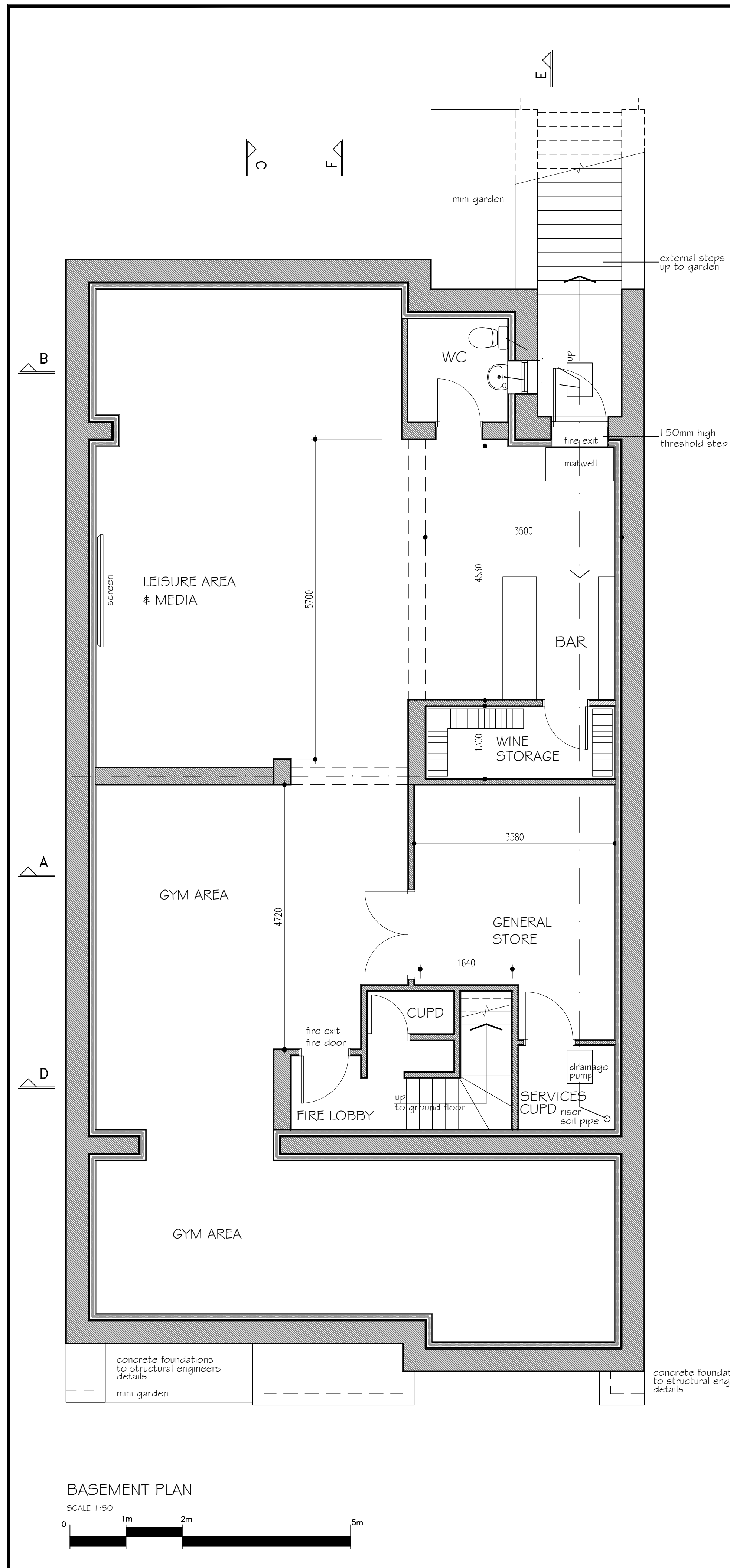
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**TOWN PLANNING  
EXISTING PLANS & ELEVATIONS**

Tel: Southend (01702) 556885 Mobile 07957 625111 E-mail johnjacksonada@aol.com	<b>1519.100</b>
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### GENERAL NOTES

**DRAWINGS TO BE READ IN CONJUNCTION WITH APPROVED PLANNING APPLICATION DRAWINGS AND PLANNING APPROVAL CONDITIONS**

**GENERAL**  
All beams and bearings to be in accordance with the structural engineer's specifications.  
All workmanship and materials to be in accordance with the current Building Regulations, relevant British Standards, Codes of Practice and Manufacturers recommendations.  
Contractor is to verify all dimensions, levels, positions of drains etc. and acquaint himself with site conditions prior to the commencement of works.  
All beams to Structural Engineers details.

**MEANS OF ESCAPE WINDOWS**  
Window to Bedrooms to have minimum width to each opening casement of 450mm and to have a free area in excess of 0.33sq.m.  
Openable area should not be more than 1100mm above floor level.

**GLAZING/VENTILATION**  
Fenestration throughout to be with UPVC frames to achieve 1.40W/m<sup>2</sup>K and to incorporate Low-E glass.  
Windows to be fitted with trickle vents as schedule to provide background ventilation.  
Any windows with cills lower than 800mm above finished floor level to receive 6mm safety glass internally and externally.  
Openable area of all windows to be min. 1/20th floor area of that room.  
Any opening window with cills lower than 800mm above finished floor level to have guarding in accordance with BS 6399 Pt 1:1996 BS 6180:1995 across width of window fixed at 800mm above finished floor level.  
Oil based mastic pointing to be provided around openings in external walls.  
All glazed doors to be fitted with 6mm safety glazing together with any side panel situated between finished floor level and 1500mm above that level.

**HEATING & MECHANICAL VENTILATION**  
Mechanical ventilation to be provided to bathrooms and en-suites where requires using fans by 'Vent-Axia' or similar to provide an extraction rate of 15 litres/sec. Mechanical ventilation to kitchen areas to provide a min. extraction rate of 60 litres/sec.  
Space heating system to be installed by a member of an 'approved competent persons scheme'.  
New boiler to be chosen by client all installed in accordance with gas safety regulations. Central heating to incorporate a minimum 15 point programmer and room thermostats installed in accordance with manufacturers instructions. Radiators to be water filled with thermostatic valves.  
Details of boiler and flue to be provided by specialist supplier to Local authority for approval prior to installation.  
Boiler flue to be minimum 600mm from boundary and minimum 300mm from any opening in accordance with Building Regulation part J diagram 34.  
**NOTE** Contractor to ensure that all fixed services (heating & hot water) are properly commissioned and their controls are left in the intended working order. CONTRACTOR TO SERVE NOTICE ON LOCAL AUTHORITY CONFIRMING THAT THIS HAS BEEN DONE NO LATER THAN 5 DAYS AFTER COMPLETION.

**OPERATING AND MAINTENANCE INSTRUCTIONS**  
Contractor to provide suitable set of instructions aimed at achieving economy of fuel and power described in a manner understandable to householder. Instructions are to be directly related to systems installed in the dwelling. Without prejudice to health and safety requirements the instructions are to explain to the occupier of the dwelling how to operate the system efficiently and should include information on making adjustments to timing and temperature control settings and what routine maintenance is required to enable operating efficiency at a reasonable level through the service life of the system.  
All consumer units to be mounted so that switches are 1350-1450mm above floor level.

**LIGHTING**  
External lighting fixed to building to be provided with sockets that only accept lamps with luminous efficacy greater than 45 lumens per circuit watt and a total output greater than 400 lamp lumens. Alternatively install a system that turns lights off during daylight or when not required at night operating with maximum capacity 150w fitting. Internally provide sockets that only accept lamps with luminous efficacy greater than 45 lumens per circuit watt and a total output greater than 400 lamp lumens to all fittings.

**ELECTRICAL**  
All electrical work to meet the requirements of Building Regulations Part P and must be designed, installed, inspected and tested by a person competent to do so.  
Prior to completion electrical installation certificate in accordance with BS 7671 to be issued to the Local Authority for the work by a person competent to do so.

**AIR PRESSURE TEST**  
Contractor to carry out air pressure test in accordance with procedure approved by Local Authority and notice to be served recording test results on the Local Authority not later than 7 days after last test.

**HOT WATER SUPPLY**  
Design flow hot water temperature to be 35 degrees centigrade or cooler. Wholesome cold water or softened wholesome cold water to be used to supply the hot water system and the hot water installation to comply with the Water Supply (Water Fittings) Regulations 1999 (SI 1999/1148 as amended). Gas heating installations to comply with Gas Safety (Installation & Use) Regulations 1994 (SI 1994/1886) and electrical heating installations to comply with BS 7671:2008. Details of hot water vessels and supports to be provided by specialist and details to be provided to Local authority for approval prior to installation.  
Where hot water storage vessel is to be used precautions to be incorporated to prevent stored water temperatures exceeding 100 degrees centigrade and to ensure that any discharge from safety devices is conveyed to a visible place but will not cause a danger to persons in or about the building.

**HOT WATER SUPPLY TO FIXED BATH**  
Hot water supply to a fixed bath not to exceed 48 degrees centigrade and supply temperature to be limited by use of in line mixing valve or other appropriate temperature control device with suitable temperature stop and pipework arrangement. Workmanship for domestic installations to be in accordance with the appropriate standards such as BS 6000-15:1999.

**COLD WATER SUPPLY**  
Wholesome water to be supplied to the building by a statutory water undertaker through an installation complying with the Water Supply (Water Fittings) Regulations 1999 (SI 1999/1148 as amended)

**WATER EFFICIENCY**  
The potential consumption of water must not exceed 125 litres per person per day calculated in accordance with the methodology set out in "The Water Efficiency Calculator of New Dwellings." Full details of the individual fixtures and fittings water usage as shown in their specification (washing machines, dishwashers etc) to be used to calculate water consumption and NOTICE TO BE GIVEN TO THE LOCAL AUTHORITY NOT LATER THAN 5 DAYS AFTER COMPLETION OF WORK.

**FINAL ENERGY RATINGS AND EPC'S**  
At least five days before occupation copies of the certificates showing final energy ratings calculated using SAP 2009 are to be provided to the local authority. Also copies of the Energy Performance Certificates will be required by the same date.

**DRAWINGS TO BE READ IN CONJUNCTION WITH APPROVED PLANNING APPLICATION DRAWINGS AND PLANNING APPROVAL CONDITIONS**  
**CONTRACTOR TO COMPLY WITH ALL HSE AND CDM REGULATIONS**  
**ALL WORKS TO LOCAL AND STATUTORY APPROVALS**

SECTION DRAWING INDICATIVE AT TOWN PLANNING STAGE  
FULL CONSTRUCTION INFORMATION TO BE DETAILED AS PART OF BUILDING REGULATIONS APPLICATION

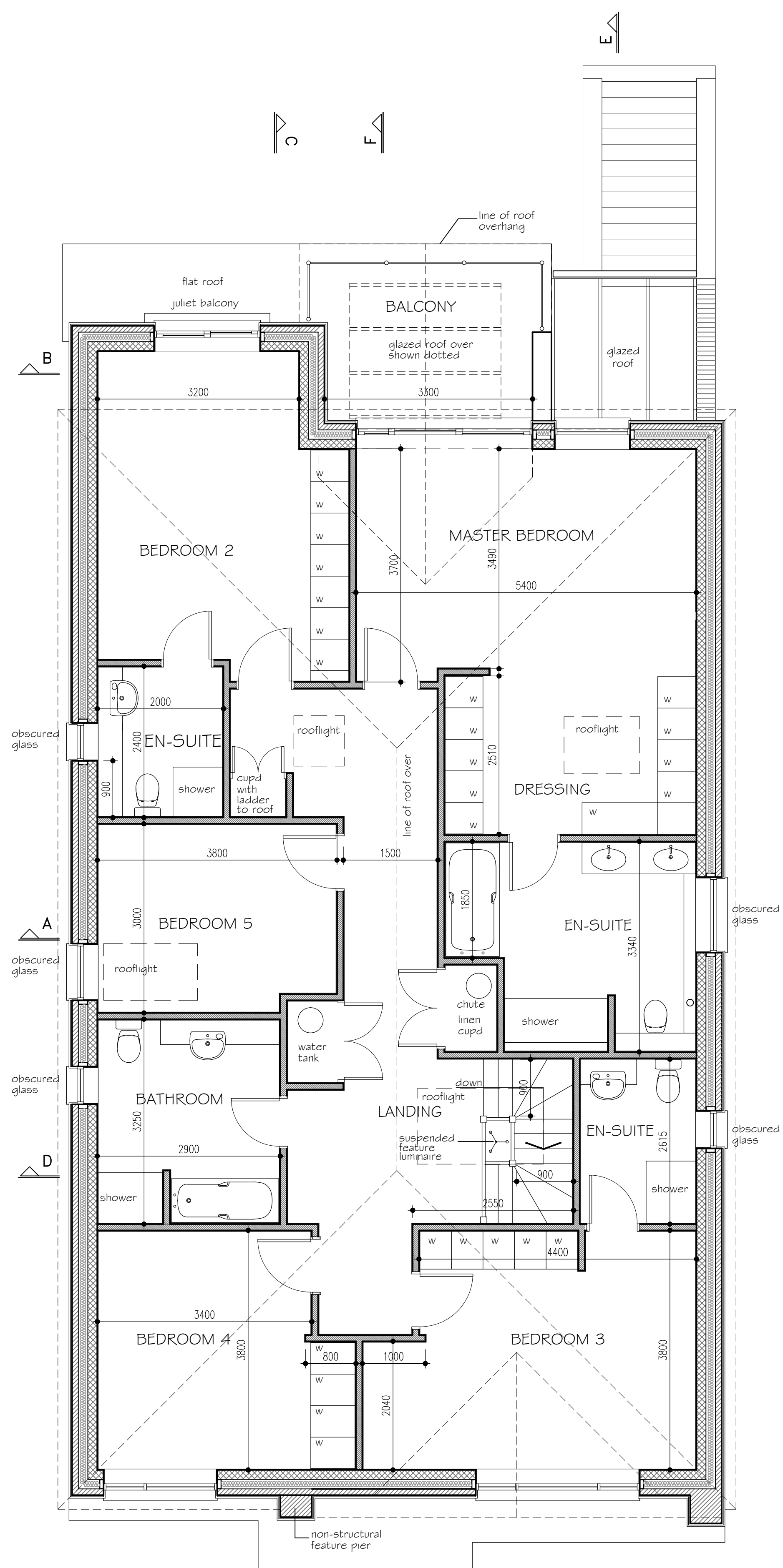
NOTES	
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The Client & Contractor, where necessary, shall complete any Party Wall Act Agreements with adjoining owners prior to works commencing on site.	
REVISIONS	
A	19.05.20 Plans amended to client requirements External wall thickness amended
B	25.05.20 Basement structural walls shown hatched Basement windows to front elevation omitted Window to basement wc relocated
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Title	
88 WOODSIDE LEIGH ON SEA ESSEX SS9 2RD	
Client	
NICHOLAS STEVENS	
Scale	1:50@A1
Drawn	PW
Date	Jan 2020
John R Jackson LLP Architectural Design Associates	
Holly House 41 Woodlands Park Leigh-on-sea Essex SS9 3TP	
TOWN PLANNING BASEMENT & GROUND FLOOR PLAN	
Tel: Southend (01702) 556885 Mobile 07957 625111 E-mail johnjacksonada@aol.com	
1519.101B	



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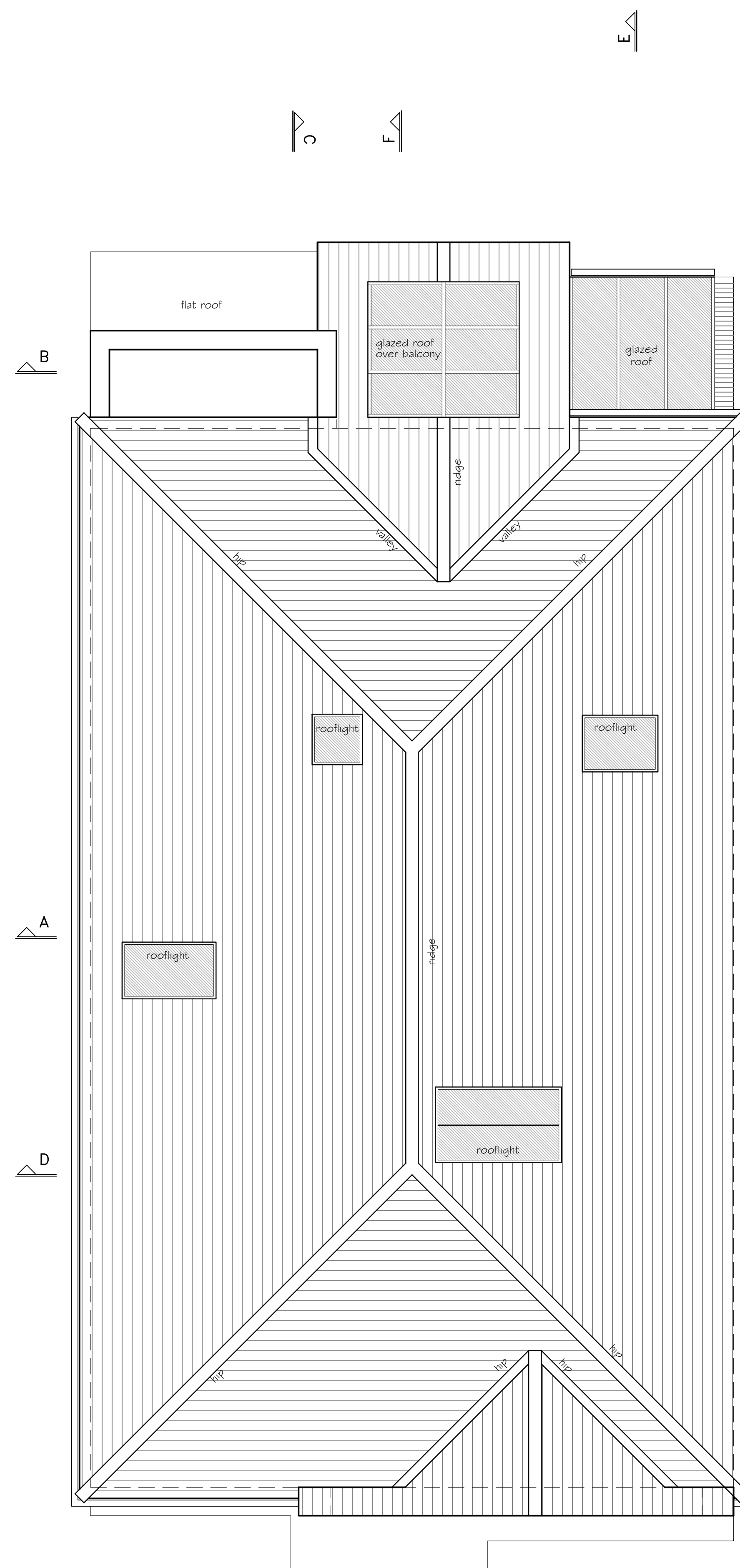
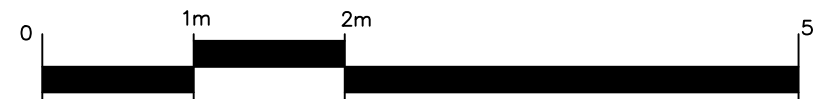
SECTION DRAWING INDICATIVE AT TOWN PLANNING STAGE  
 FULL CONSTRUCTION INFORMATION TO BE DETAILED AS PART OF BUILDING REGULATIONS APPLICATION

FULL DETAILS OF PASSIVE HOUSE CONSTRUCTION INFORMATION TO BE SHOWN ON BUILDING REGULATIONS DRAWINGS



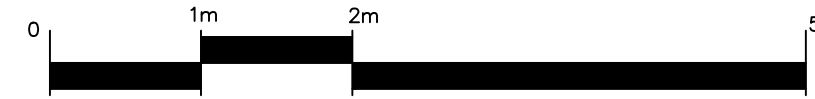
PROPOSED FIRST FLOOR PLAN

SCALE 1:50



PROPOSED ROOF PLAN

SCALE 1:50



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REVISIONS

- A 19.05.20 Plans amended to client requirements  
External wall thickness amended
- B 25.05.20 Roof plan amended to suit elevations  
Rooflights amended

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Title  
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 LEIGH ON SEA  
 ESSEX  
 SS9 2RD

Client  
 NICHOLAS STEVENS

Scales  
 1:50@A1

Drawn Date  
 PW Jan 2020

John R Jackson LLP  
 Architectural Design Associates

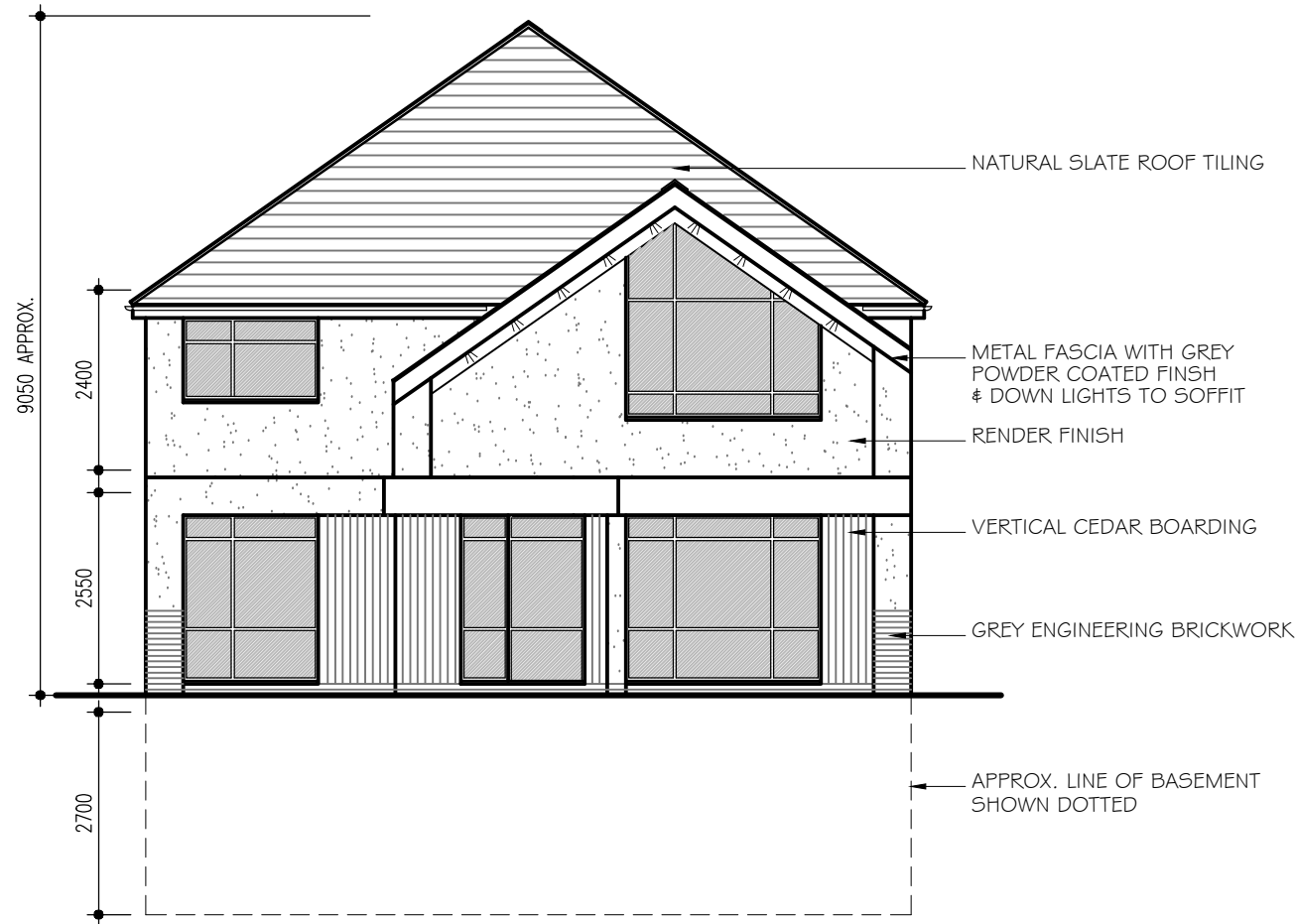
Holly House  
 41 Woodlands Park  
 Leigh-on-sea  
 Essex SS9 3TP

TOWN PLANNING  
 FIRST FLOOR PLAN & ROOF PLAN

Tel: Southend (01702) 556885  
 Mobile 07957 625111  
 E-mail johnjacksonada@aol.com

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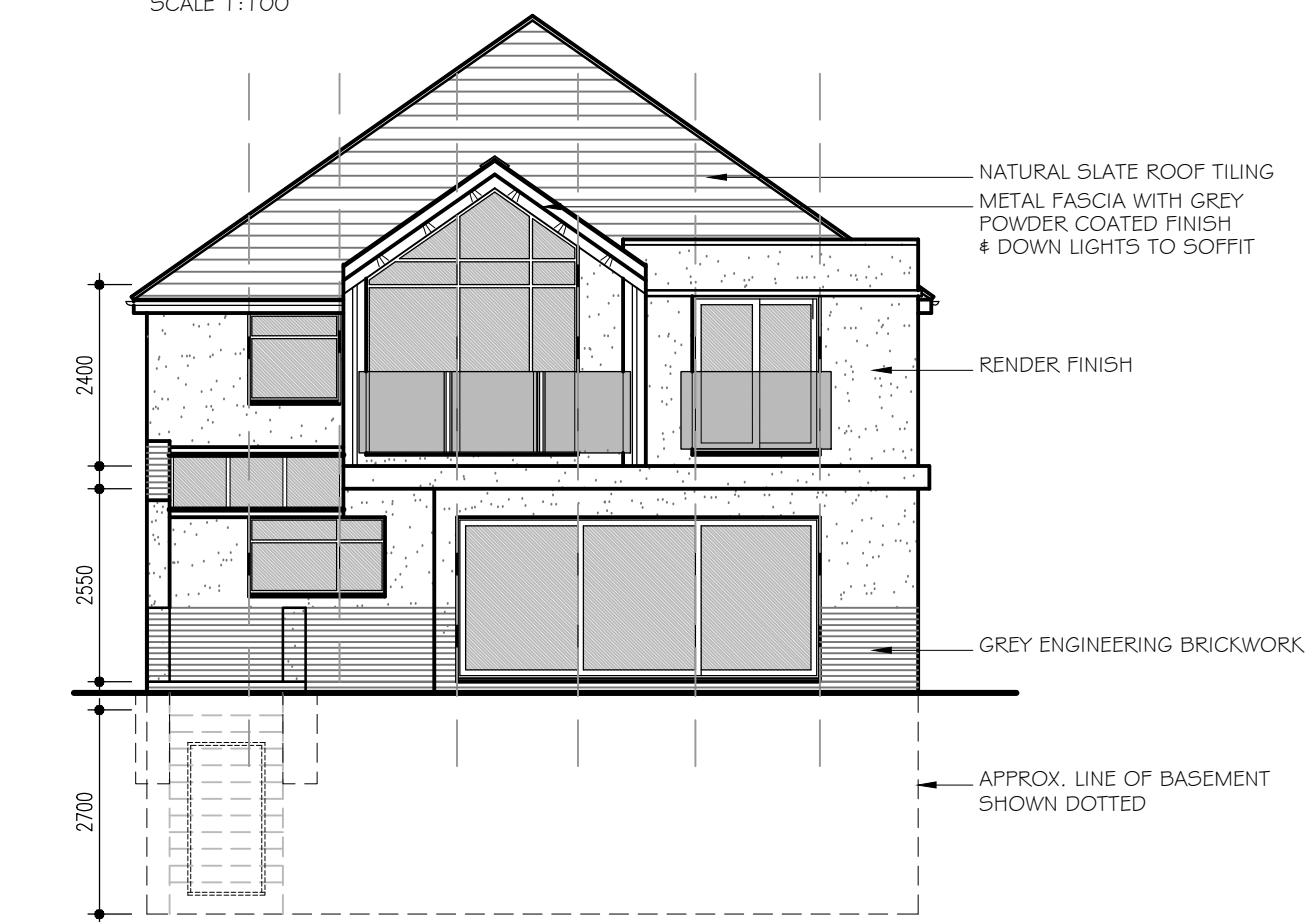
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PROPOSED FRONT ELEVATION  
SCALE 1:100



PROPOSED SIDE ELEVATION  
SCALE 1:100



PROPOSED REAR ELEVATION  
SCALE 1:100



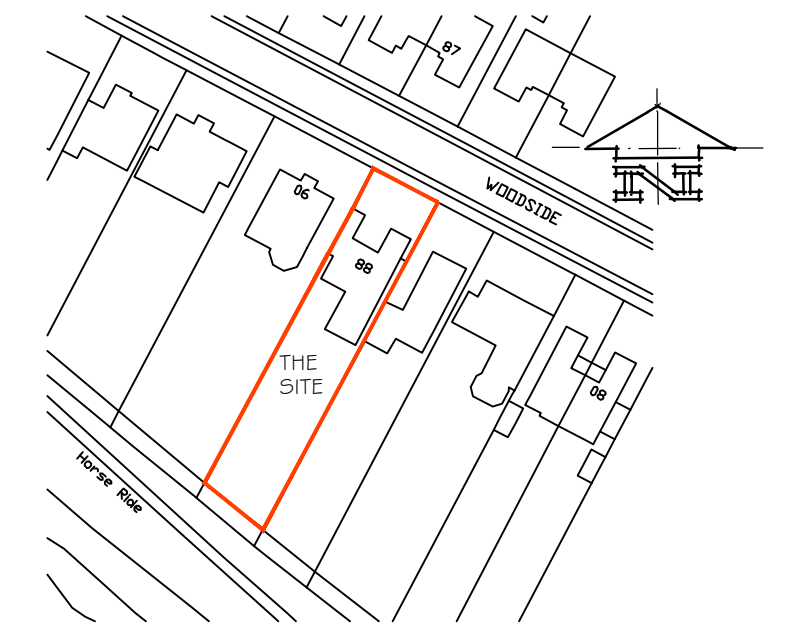
PROPOSED SIDE ELEVATION  
SCALE 1:100



PROPOSED WOODSIDE STREET ELEVATION  
SCALE 1:100

SECTION DRAWING INDICATIVE AT TOWN PLANNING STAGE  
FULL CONSTRUCTION INFORMATION TO BE DETAILED AS PART OF BUILDING REGULATIONS APPLICATION

FULL DETAILS OF PASSIVE HOUSE CONSTRUCTION INFORMATION TO BE SHOWN ON BUILDING REGULATIONS DRAWINGS



SITE LOCATION PLAN

SCALE 1:1250  
0 5m 10m 25m

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REVISIONS

- A 19.05.20 Elevations amended to client requirements
- B 25.05.20 Proposed elevations amended to suit revised roof plan (flat roof area omitted)
- C 13.06.20 Window to first floor side elevation omitted rooflights adjusted to accord with plan

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Title  
88 WOODSIDE  
LEIGH ON SEA  
ESSEX  
SS9 2RD

Client  
NICHOLAS STEVENS

Scales  
1:100@A1

Drawn Date  
PW Jan 2020

**John R Jackson LLP**  
Architectural Design Associates

Holly House  
41 Woodlands Park  
Leigh-on-sea  
Essex SS9 3TP

TOWN PLANNING  
ELEVATIONS & SITE PLAN

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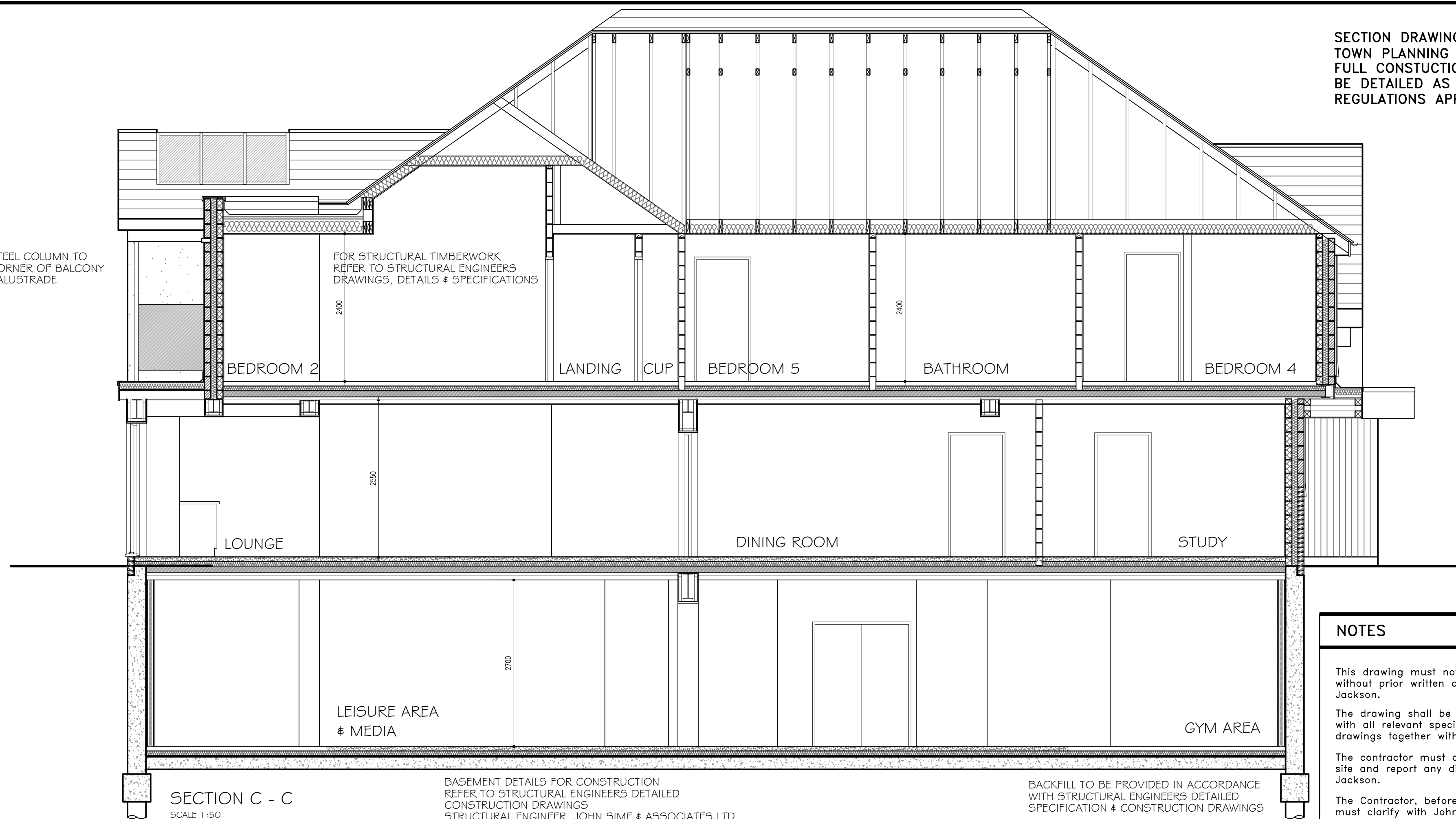
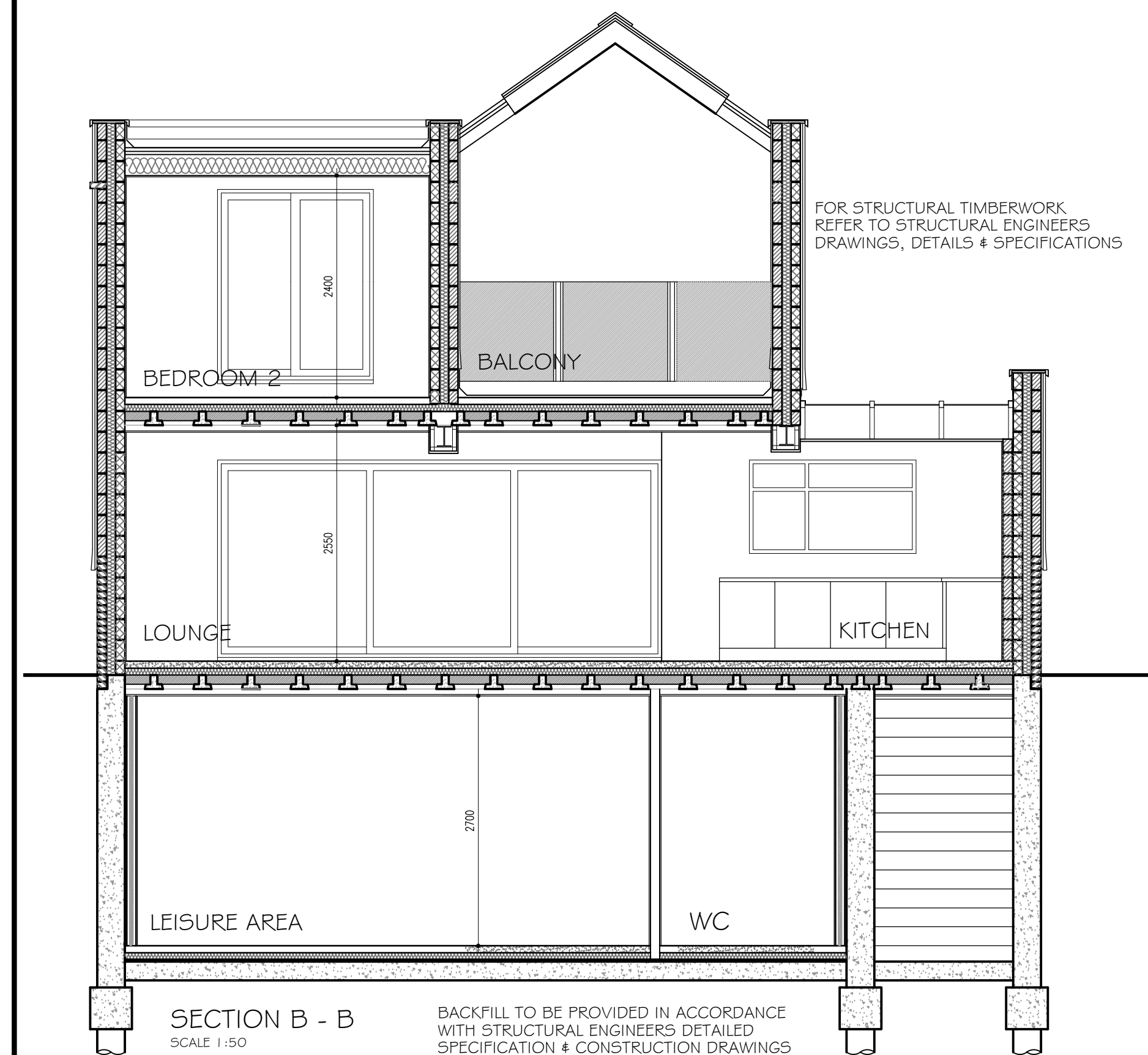
PROPOSED BLOCK PLAN  
SCALE 1:500

0 5m 10m 25m



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SECTION DRAWING INDICATIVE AT TOWN PLANNING STAGE  
FULL CONSTRUCTION INFORMATION TO BE DETAILED AS PART OF BUILDING REGULATIONS APPLICATION



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**REVISIONS**

- A 19.05.20 Sections adjusted to suit floor plans
- B 25.05.20 Sections adjusted to suit revised elevations Roof timbers amended

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Title  
**88 WOODSIDE  
LEIGH ON SEA  
ESSEX  
SS9 2RD**

Client  
**NICHOLAS STEVENS**

Scales  
**1:50@A1**

Drawn Date  
**PW Jan 2020**

**John R Jackson LLP**  
Architectural Design Associates

Holly House  
41 Woodlands Park  
Leigh-on-sea  
Essex SS9 3TP

TOWN PLANNING  
SECTIONS A-A, B-B & C-C

Tel: Southend (01702) 556885  
Mobile 07957 625111  
E-mail johnjacksonada@aol.com

1519.104B

**FOUNDATIONS**

FOUNDATIONS  
Foundations to be in accordance with Structural Engineers' details

**WALLS & PARTITIONS**

**BRICKWORK AND BLOCKWORK**  
Contractor to confirm compressive strength of blockwork with the structural engineer and to ensure that any buttresses, piers or padstones etc requiring brickwork or blockwork of greater strength are incorporated within the construction, as specified or shown on structural engineers calculations and details. Expanded metal lath to be fixed across junctions of differing materials. (ie blockwork/softwood wall plates).

**EXTERNAL WALL - RENDER**  
Cavity wall comprising 100mm Tarmac Hamelite blockwork outer leaf, 100mm cavity fully filled with 100mm Xtratherm insulation and 100mm Durox Supabloc blockwork inner leaf with plaster finish.  
External wall to achieve 'U' value of 0.18w/m<sup>2</sup>.  
External finish to be 20mm thick waterproof render to BS 5262 in 2 coats with bell drips formed over openings.  
Proprietary insulated steel lintels over openings with minimum 150mm end bearing both ends. Backs rendered to give min. half hours fire resistance. Weep holes @450mm crs, min. 2 per lintel. Provide proprietary insulated cavity closers to reveals.  
Hyload damp proof course to be at least 150mm above ground level.  
Cavity trays to be provided above all openings in cavity walls and over steel beams.

**BLOCKWORK INTERNAL WALLS**  
100mm lightweight blockwork internal partitions to be formed in 1:1:6 cement mortar with lightweight plaster finish.

**ROOFS**

**PITCHED ROOF**  
Roof tiles to be laid in accordance with BS5534 pt 1 & 2 & BS8000 pt6. Tiles over pre-treated softwood battens on lyeek or equal breather membrane.  
Roof to be in accordance with structural engineers details. All timbers to be pressure treated.  
Ceilings to be 13mm plasterboard with skim coat plaster finish.  
Lay 100mm Knauf Earthwall Loft wall 44 insulation between ceiling joists and one layer 270mm Knauf Earthwall Loft wall 44 insulation over placed transverse to the first layer. Roof to achieve 'U' value of 0.12w/m<sup>2</sup>.  
Roof construction to be in accordance with structural engineers and suppliers details and details to be submitted to Local Authority for approval prior to commencing work. 25mm thick softwood fascia board with open soffits.  
All timbers to be pressure treated.  
Code 4 lead to be used for flashings and abutments.  
Valleys to be formed with external quality ply valley board with tilting fillets minimum 75mm above valley bottom. Valley lining formed with Code 5 lead dressed up over tilting fillets on both sides of valley. Untearable felt to overlap lead valley and tilting fillet. Tiles forming valley to be cut and bedded in cement mortar on plain file slips. All leadwork to be carried out in accordance with British Lead Mills Ltd recommendations.  
Lateral restraint to roof to be provided in accordance with local authority building inspectors requirements, exact details to be agreed on site

**ROOFLIGHTS**

All rooflights are to be AA rated in accordance with part B of the building regulations. New roof lights installed in accordance with manufacturers printed instructions and details.

**SECURITY**

Entrance door to be minimum FD30 standard including overhead door closers and intumescent strips to meet the requirements of BS 476: Part 8: 1972  
Doorset to be a secure doorset in accordance with BS PAS 24:2012 or provide similar or better performance. Doorset should have a door chain or door limiter.  
Door to have a door viewer and letter plates. Letter plates should have a maximum aperture of 260mm x 40 mm and located/designed to hinder anyone attempting to remove keys with sticks and/or insert their hand in accordance with DHF TS 008:2012.

**STAIRCASE**

Timber staircase by specialist manufacturer. Maximum pitch 42 degrees, maximum rise 220mm, minimum going 220mm. Maximum space between vertical balusters 99mm. Clear vertical headroom 2000mm. Handrail height 900mm to flight and 900mm high on landing. Guardings must be able to resist a horizontal force of 0.36kN/m and designed so as to prevent climbing.

**PIPE BEDDING**

New underground drainage pipework to be bedding in accordance with Building Regulations Part H diagram 10 - b) Flexible pipes. Pipe to be sitting on 100mm of granular material to BS 882 and encased in granular material to BS 882 with 100mm selected fill or granular fill free from stones larger than 40mm above that and then 200mm selected fill free from stones larger than 40mm, lumps of clay over 100mm, timber frozen material above that.

**PLUMBING**

All waste plumbing to be in UPVC to BS 4514 and BS 5255.  
Cleaning eye to be provided at bends and wc branches.  
No connection to svp within 200mm of wc branch connection.  
WC connected to stack with 100mm diameter pipe.  
32mm diameter minimum waste pipe to be used for washbasin branches up to 1700mm long.  
40mm diameter minimum waste pipe to be used for washbasin branches up to 3000mm long. (maximum allowable length of branch)  
40mm diameter minimum waste pipe to be used for sink and bath branches up to 3000mm long.  
50mm diameter minimum waste pipe to be used for sink and bath branches up to 4000mm long. (maximum allowable length of branch)  
100mm diameter waste pipes to be used for wc. Maximum allowable length of branch is 6000mm.

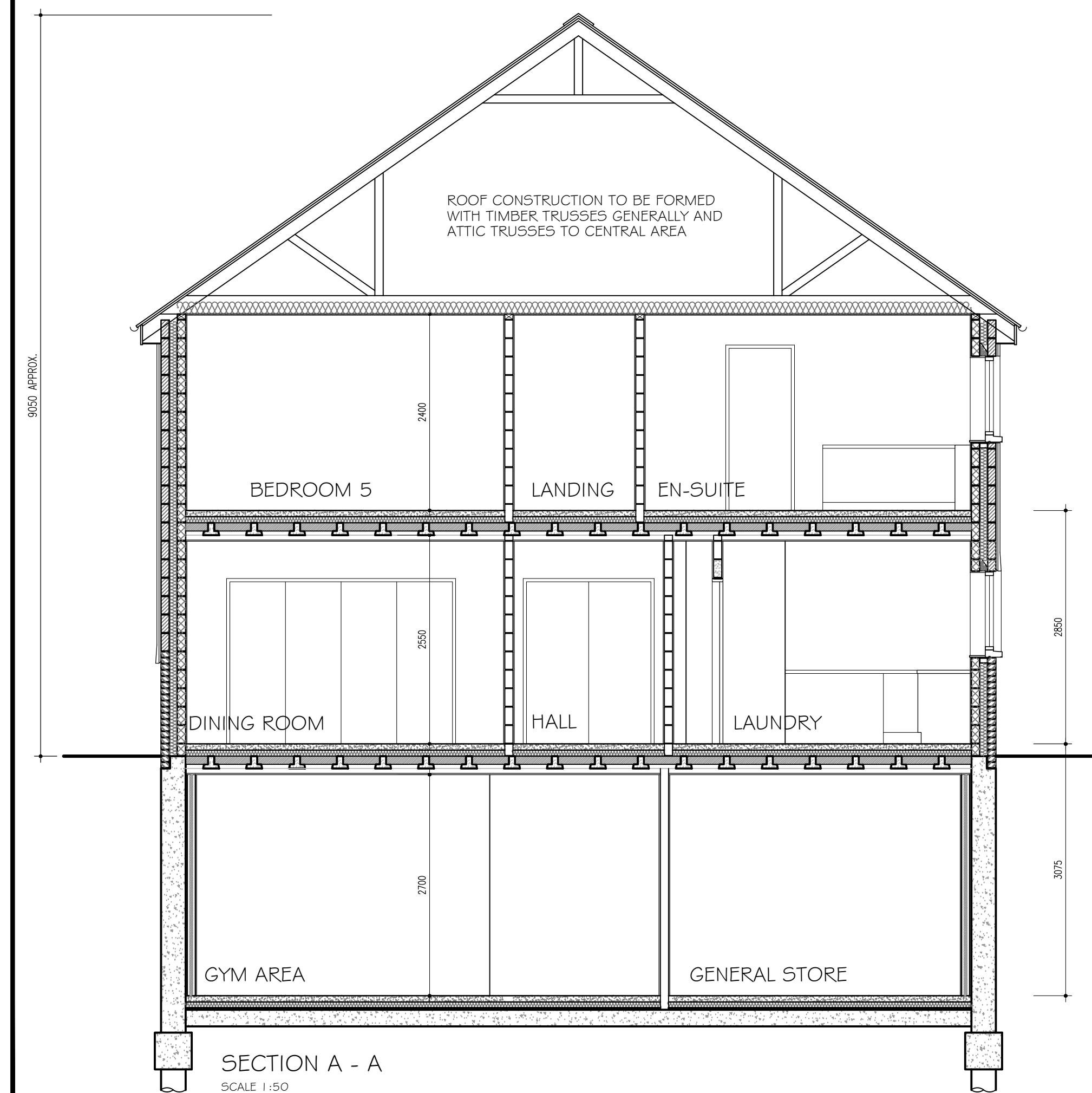
**DRAINAGE**

S.V.P.'s to be 100mm diameter with minimum 200mm radius bend at base. Stub stacks to be fitted with air admittance valves.  
S.V.P.'s to terminate with balloon grating min. 900mm above any opening into the building.  
Existing drainage to be located on site and all new drainage to be agreed with Local Authority prior to commencing works. Details of new works to be submitted to Anglian Water Authority for approval prior to commencement.  
Redundant existing drains to be capped off/ grubbed out as appropriate.  
New foul water drains to be 100mm diameter laid to 1:40 fall or as noted on drawings and surface water drains to be 100mm diameter and laid to 1:100 fall.  
Inspection chambers to be polypropylene type as manufactured by Hepworth Drainage or equal approved and to be installed in accordance with manufacturers instructions. New manholes to be constructed in 215mm semi engineering brickwork on 150mm concrete base with sand cement benching to channels.  
Foul water drain to discharge into existing drainage in road in accordance with the Local Authority.  
Gutters to be minimum 150mm diameter and rwp's to be minimum 89mm diameter with access shoes. All inverts, falls and layout to be agreed and approved by Local Authority on site.  
Surface water and foul water drainage installation to be in accordance with engineers details  
Full details of rainwater harvesting system & surface water drainage system to later detail

**FIRE PROTECTION**

Smoke detectors to be mains operated self contained permanently wired on a separately fused circuit with battery back up to BS 5446 pt 1. 1990. Detectors to be placed a minimum of 300mm from any light fitting.  
Ⓜ Denotes location of smoke detectors  
Ⓜ Denotes location of heat detectors  
Steel beams to be encased with 2 layers 12.5mm plasterboard with staggered joints to provide 30mins fire protection.  
All doors opening onto the staircase enclosure to be fire doors rated FD20. Doors to cupboards housing boilers to be fire doors rated FD20. 25 x 25 mm timbers or intumescent strips door stops to all fire rated doors.  
30 minute fire resistance to soffit of staircases including alcove areas.

511



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# Photo Album

by Spyros Mouratidis



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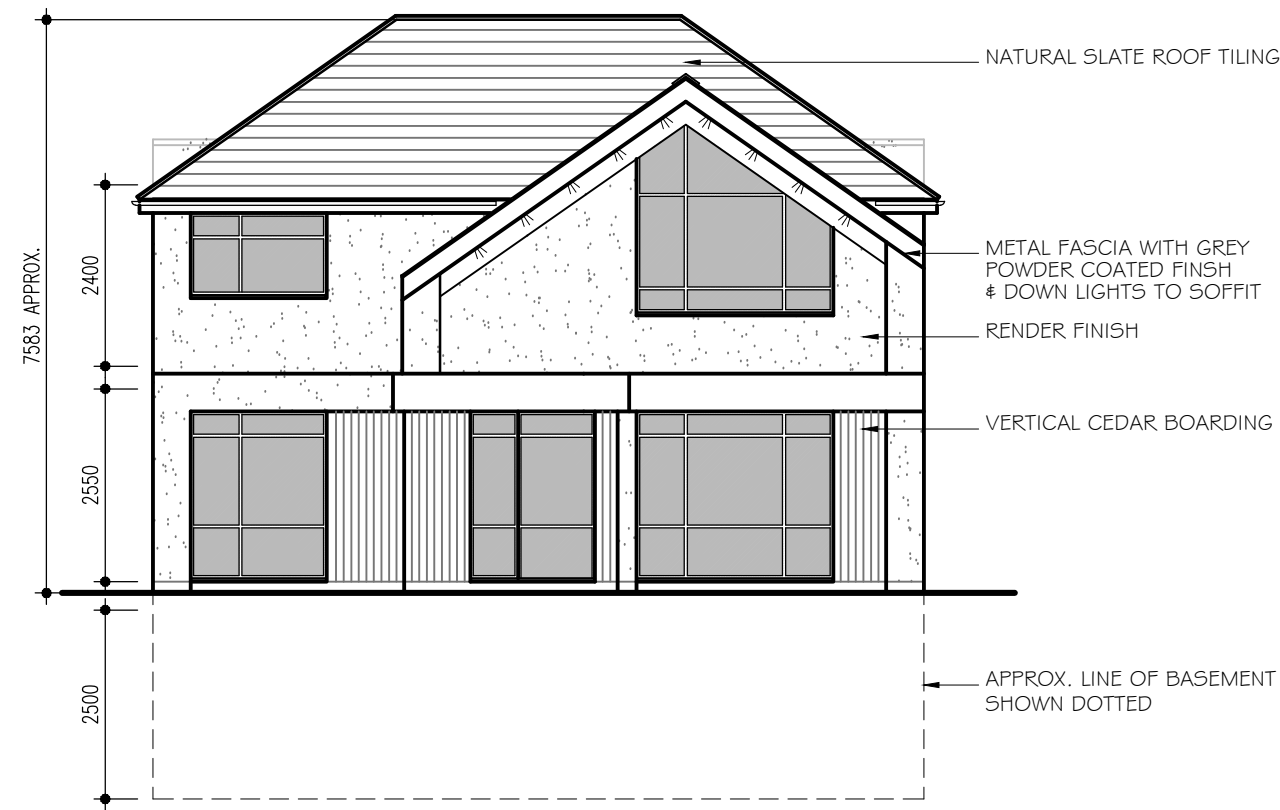
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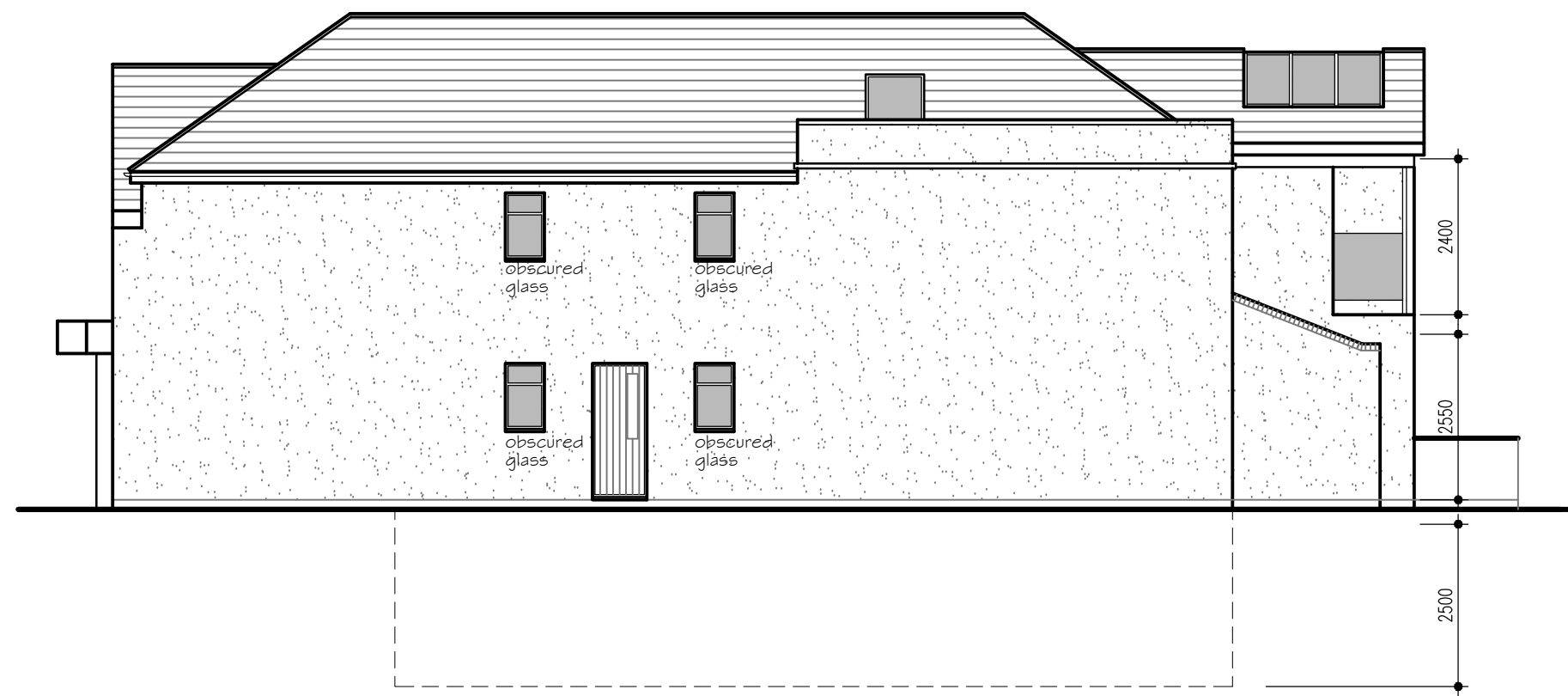
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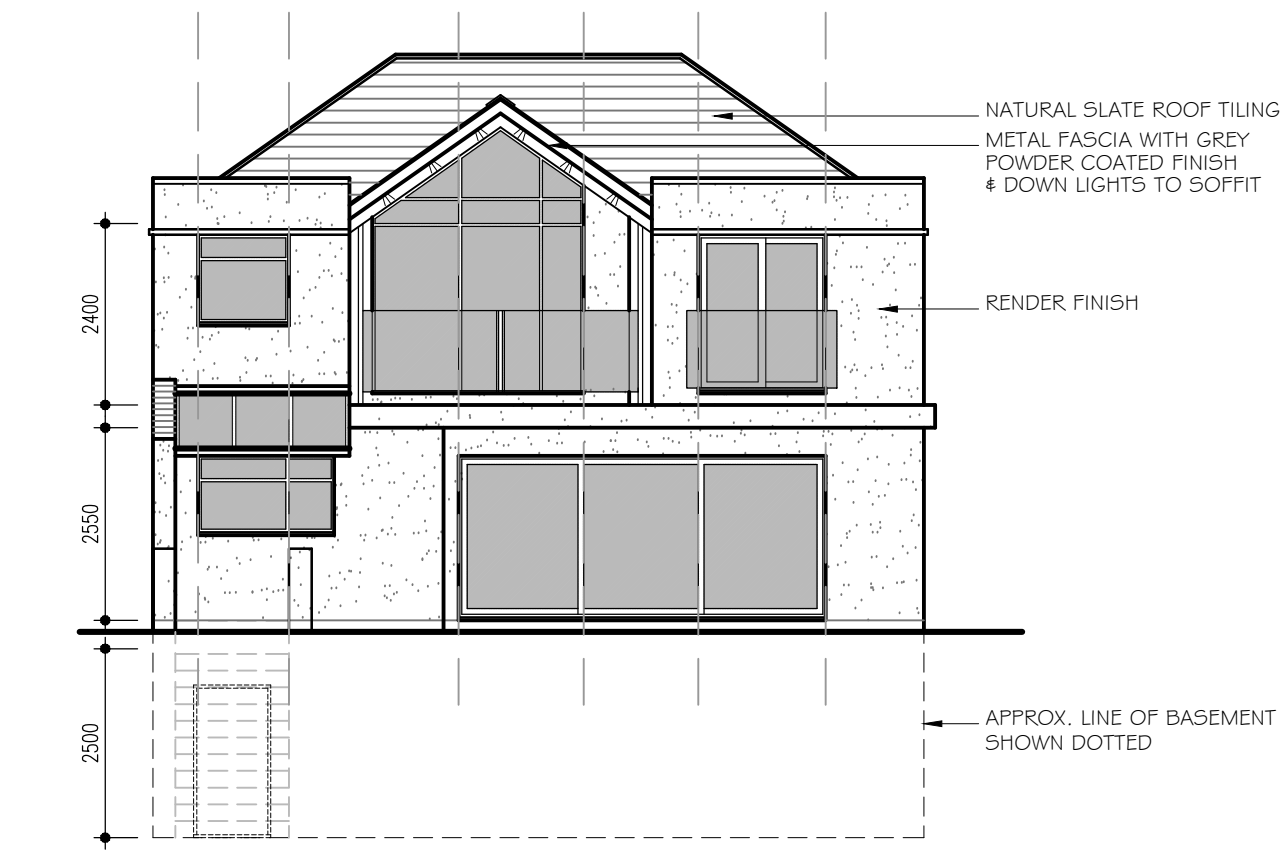
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SCALE 1:100  
0 1m 2m 5m



PROPOSED SIDE ELEVATION

SCALE 1:100  
0 1m 2m 5m



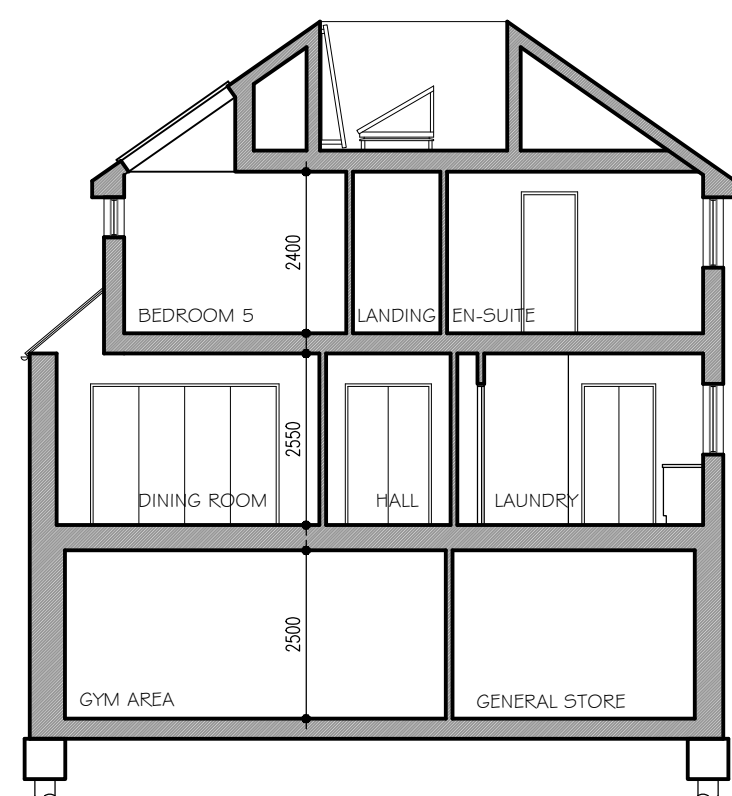
PROPOSED REAR ELEVATION

SCALE 1:100  
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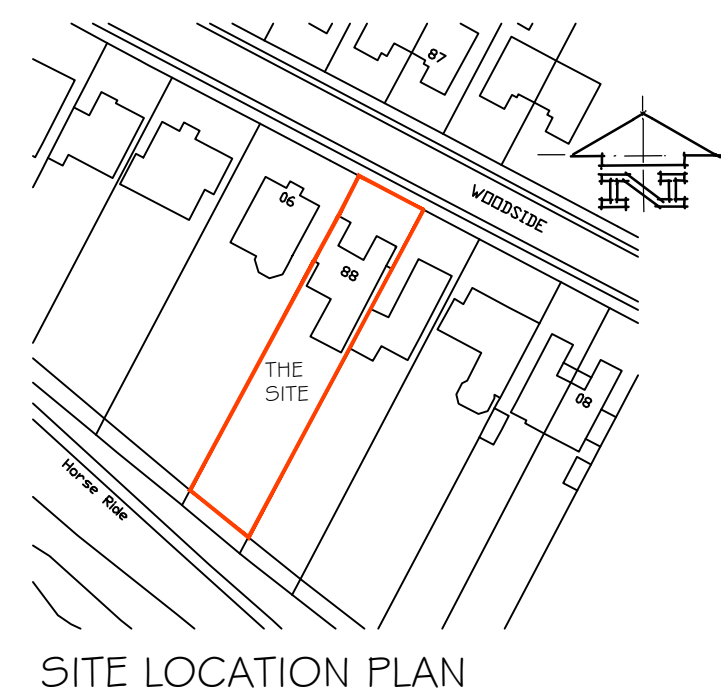
PROPOSED SIDE ELEVATION

SCALE 1:100  
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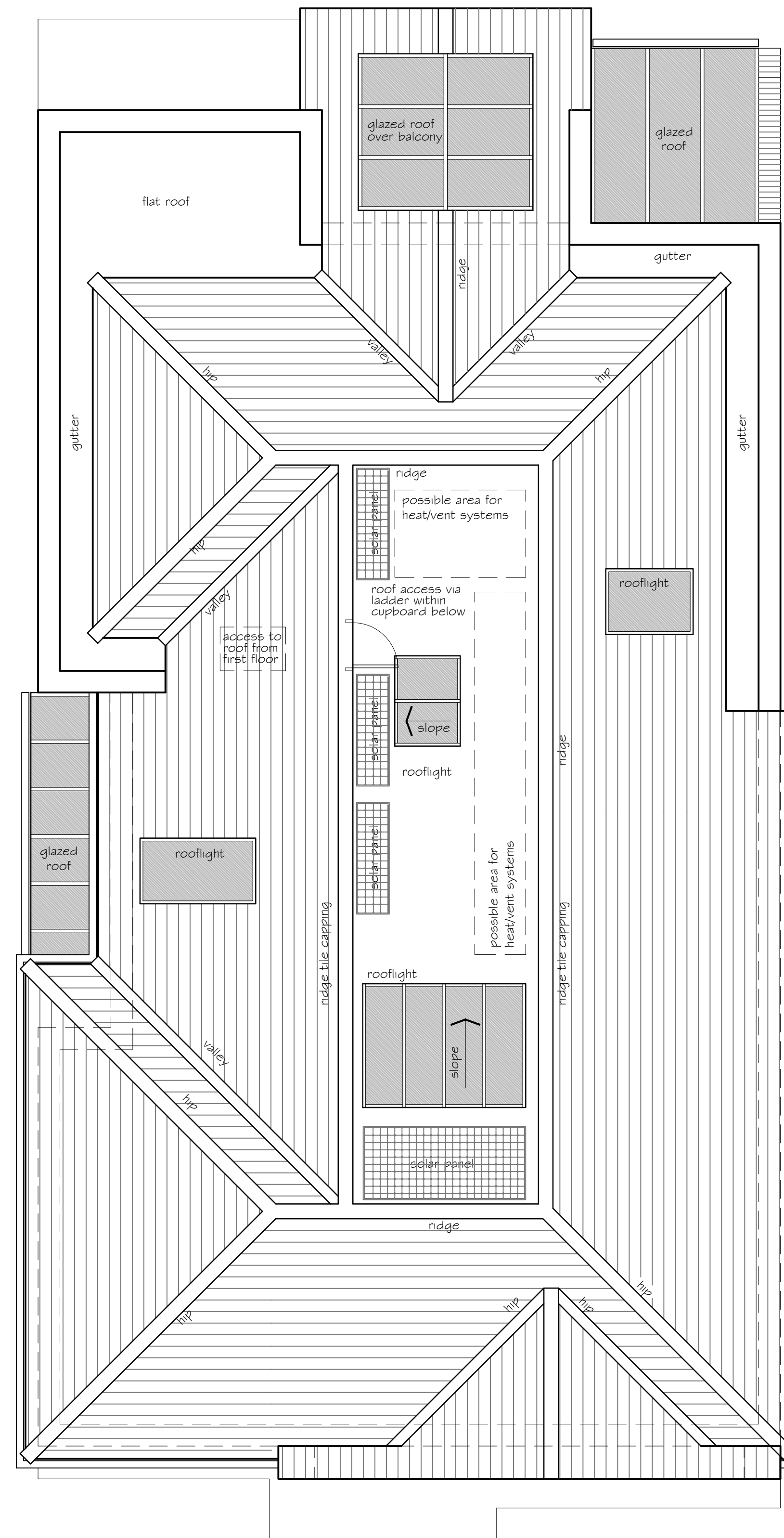
SECTION A - A

SCALE 1:100  
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SITE LOCATION PLAN

SCALE 1:1250  
0 5m 15m 25m



PROPOSED ROOF PLAN

SCALE 1:50  
0 1m 2m 5m

SECTION DRAWING INDICATIVE AT TOWN PLANNING STAGE  
FULL CONSTRUCTION INFORMATION TO BE DETAILED AS PART OF BUILDING REGULATIONS APPLICATION

FULL DETAILS OF PASSIVE HOUSE CONSTRUCTION INFORMATION TO BE SHOWN ON BUILDING REGULATIONS DRAWINGS

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REVISIONS

- A 06.01.20 Revised changes to the submitted details added following further discussion with the LPA 2nd Jan 2020 as discussed & agreed
- B 08.01.20 Revised to accoed with LPA comments

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Title  
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LEIGH ON SEA  
ESSEX  
SS9 2RD

Client  
NICHOLAS STEVENS

Scales	Drawn	Date
1:50, 1:100@A1	PW	Oct 2019

John R Jackson LLP  
Architectural Design Associates  
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41 Woodlands Park  
Leigh-on-sea  
Essex SS9 3TP

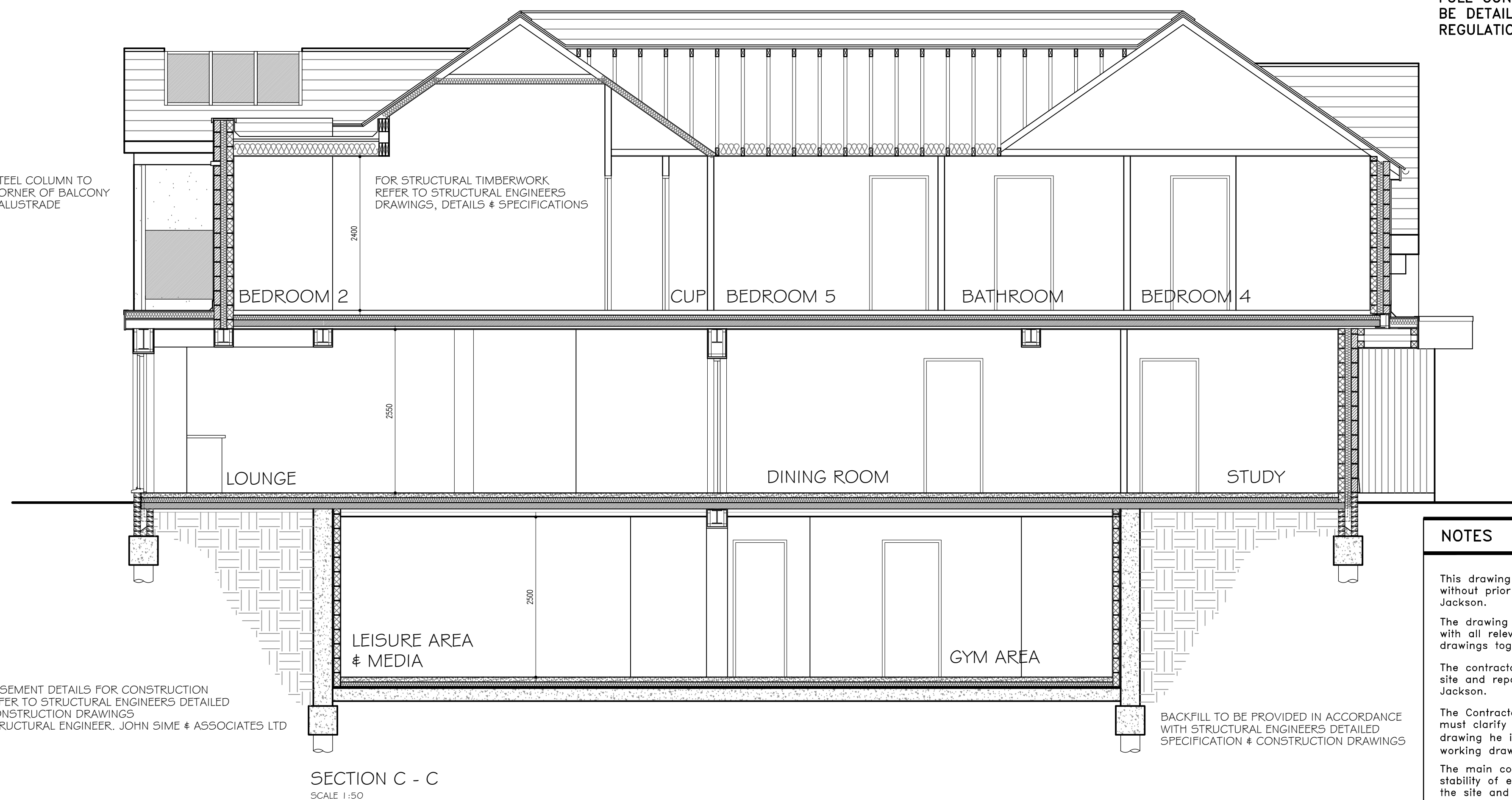
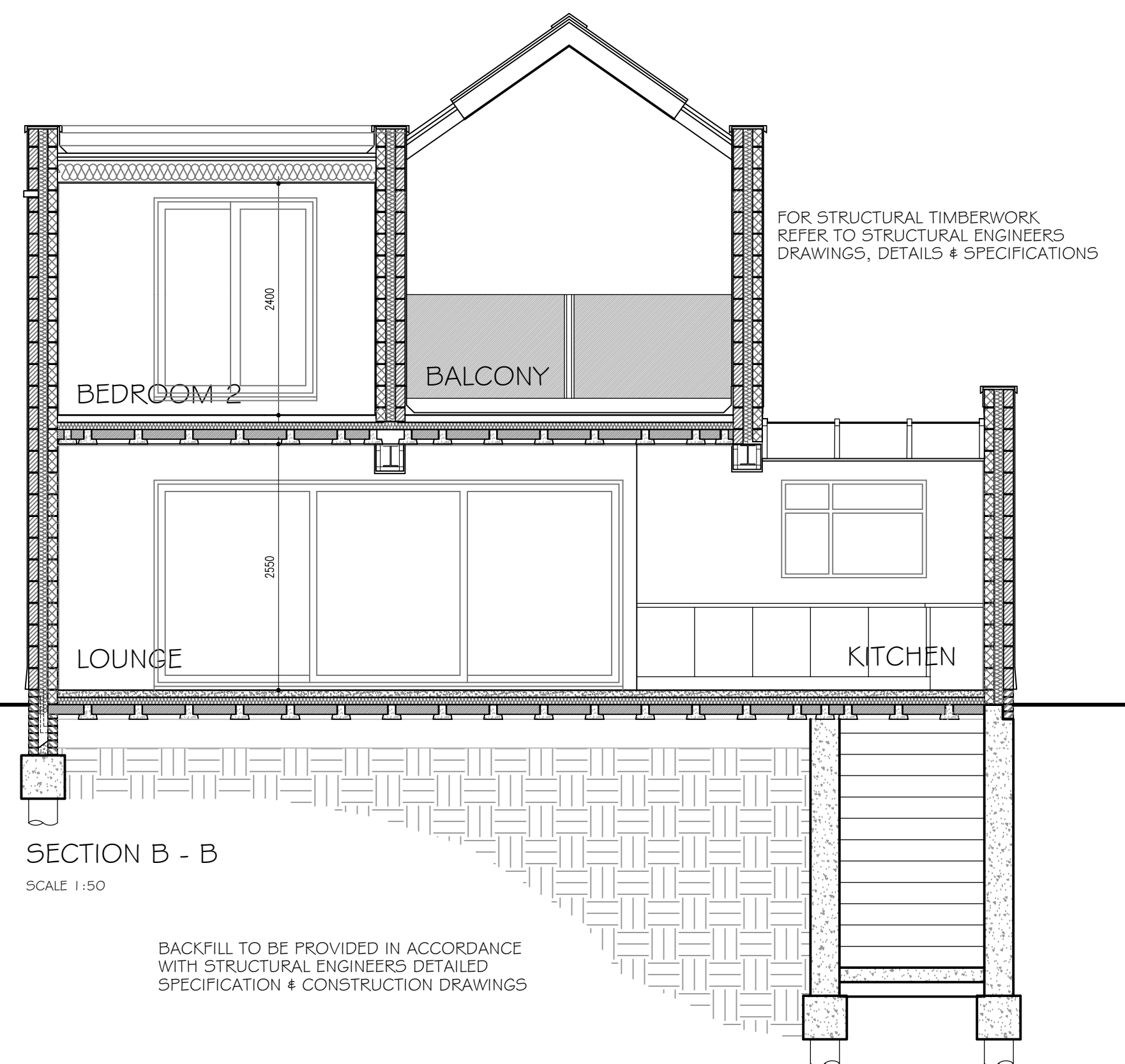
TOWN PLANNING  
ROOF PLAN & ELEVATIONS

Tel: Southend (01702) 556885 Mobile 07957 625111 E-mail johnjacksonada@aol.com	1519.13B
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SECTION DRAWING INDICATIVE AT TOWN PLANNING STAGE  
 FULL CONSTRUCTION INFORMATION TO BE DETAILED AS PART OF BUILDING REGULATIONS APPLICATION



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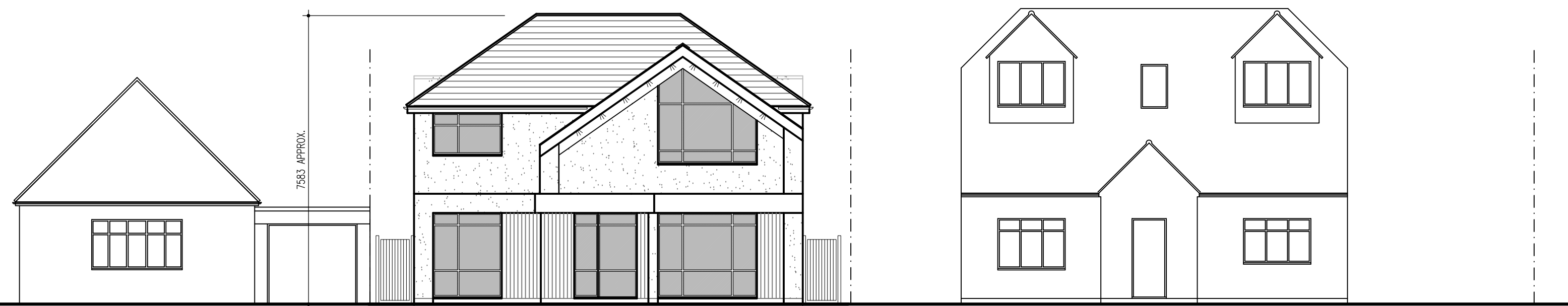
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1:50, 1:500@A1	PW	Oct 2019

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 Architectural Design Associates

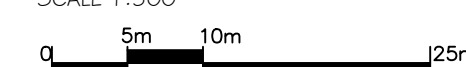
Holly House  
 41 Woodlands Park  
 Leigh-on-sea  
 Essex SS9 3TP

TOWN PLANNING – SECTIONS  
 BLOCK PLAN & STREET SCENE

Tel: Southend (01702) 556885 Mobile 07957 625111 E-mail johnjacksonada@aol.com	1519.14B
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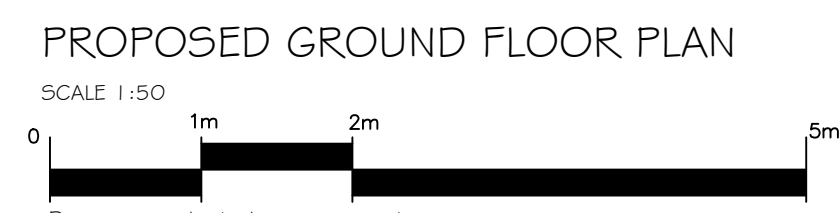
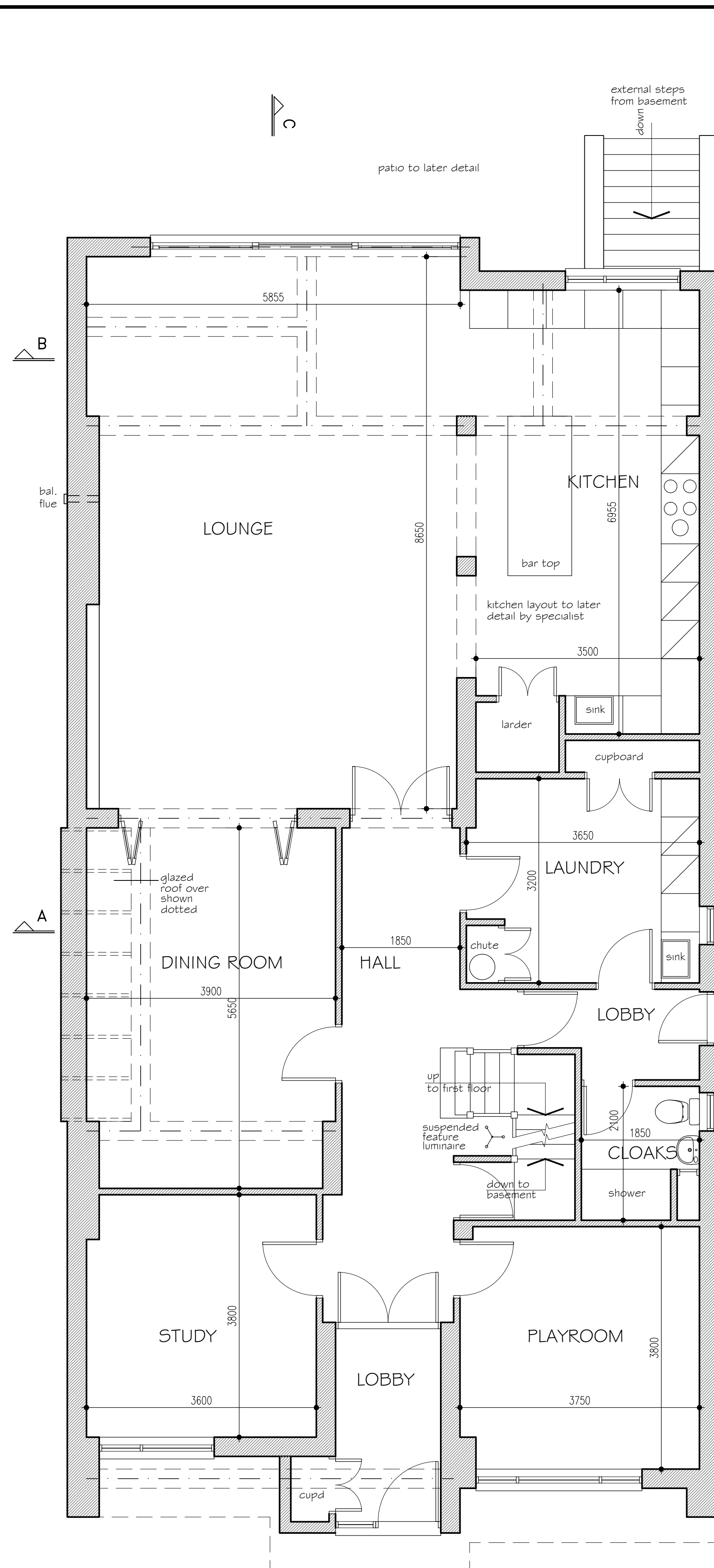
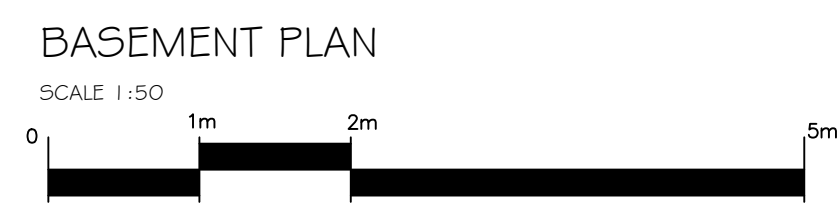
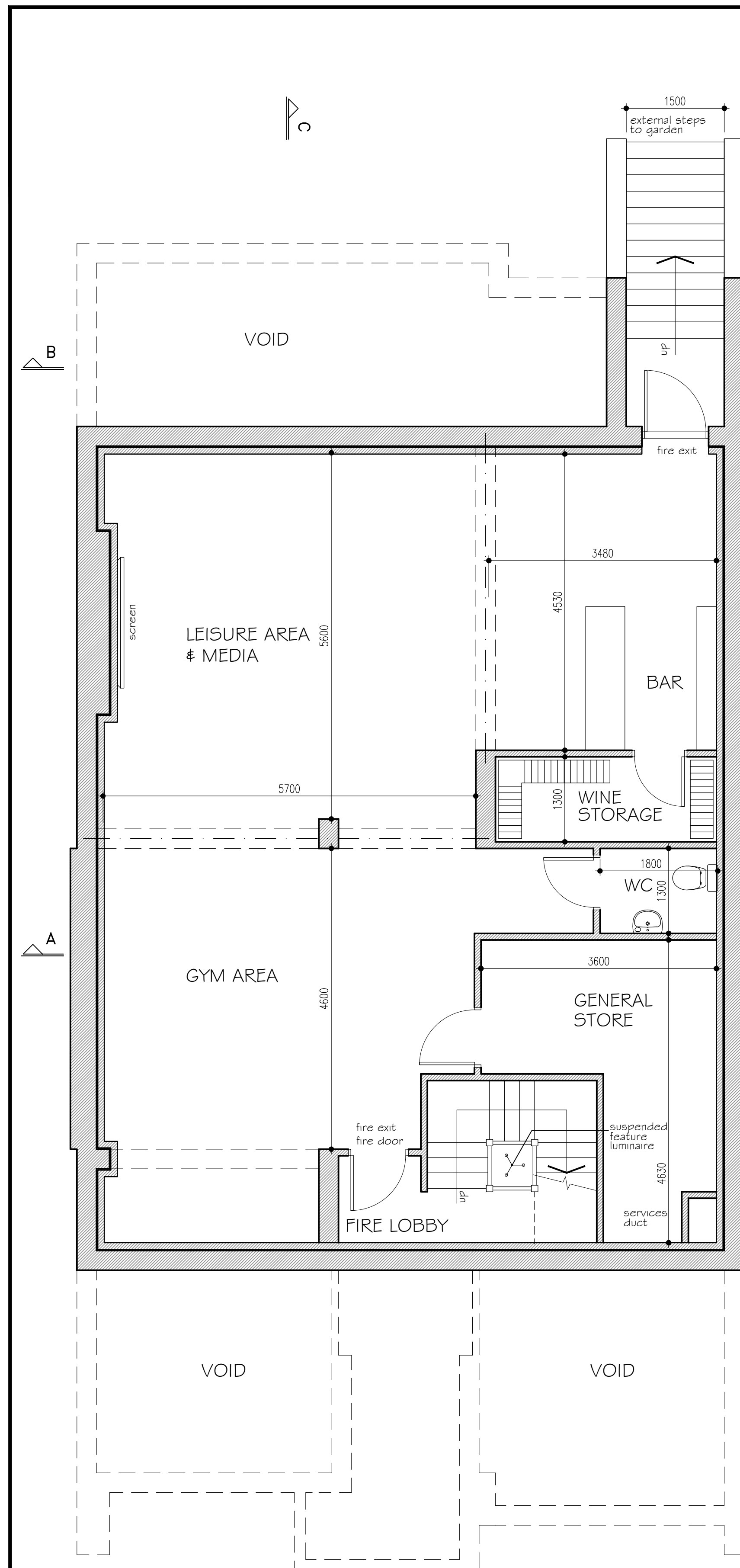


PROPOSED BLOCK PLAN  
 SCALE 1:500

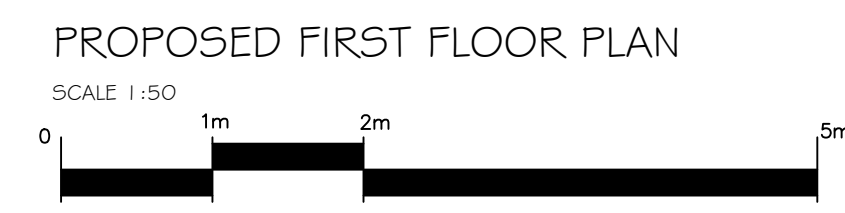
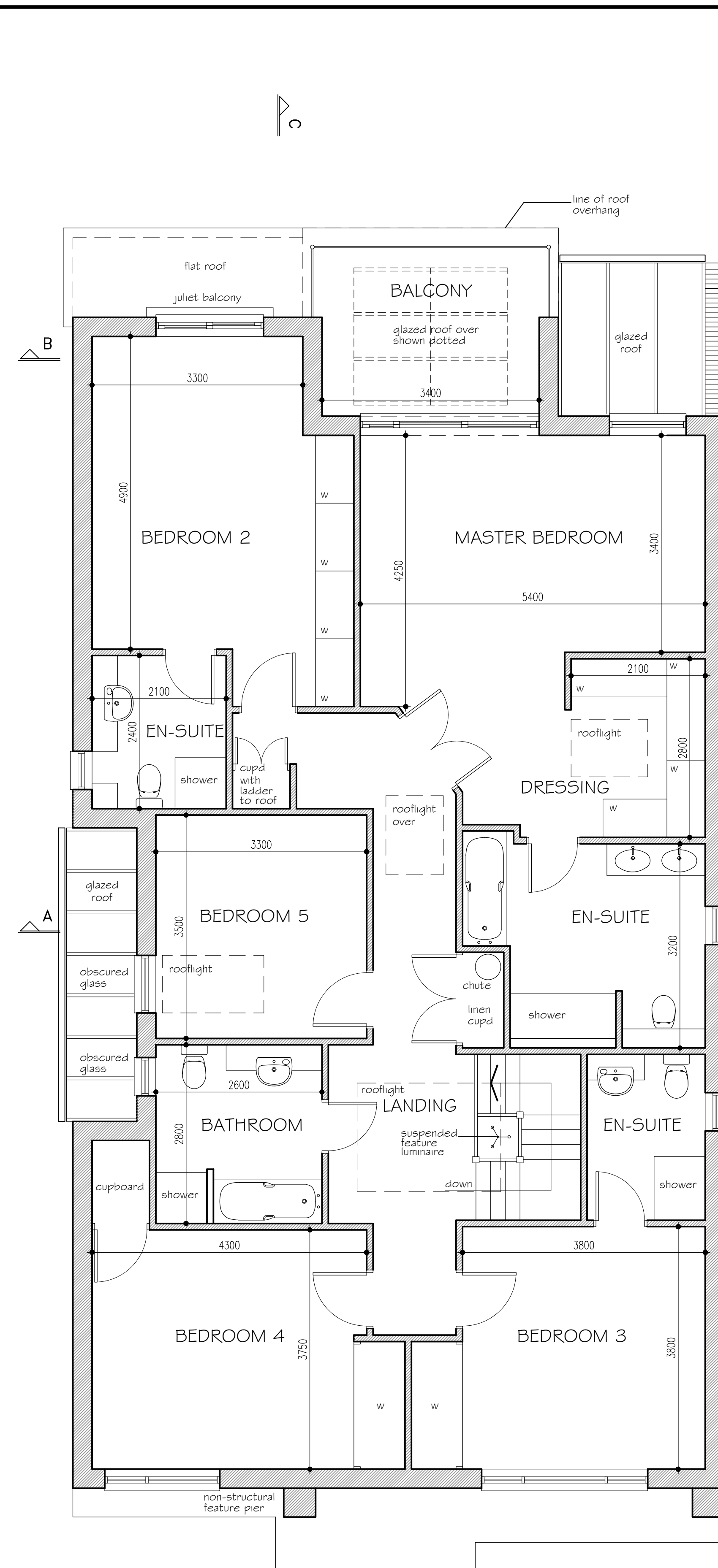


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SECTION DRAWING INDICATIVE AT TOWN PLANNING STAGE  
 FULL CONSTRUCTION INFORMATION TO BE DETAILED AS PART OF BUILDING REGULATIONS APPLICATION



Dimensions indicated are approximate exact dimensions to be ascertained on site Full details of construction to be shown on building drawings to be submitted to LPA following approval of Town Planning application



**NOTES**

This drawing must not be copied or reproduced without prior written consent of John R A Jackson.

The drawing shall be read in strict accordance with all relevant specialists and engineers drawings together with their specifications.

The contractor must check all dimensions on site and report any discrepancy to John R A Jackson.

The Contractor, before commencing work on site, must clarify with John R A Jackson that the drawing he is working to is the "approved working drawing".

The main contractor shall be responsible for the stability of existing structures and earthworks on the site and adjoining sites and shall take all necessary precautions to safeguard the structures.

All excavations to be approved by the engineer and local authority prior to placing of any concrete.

All trades and materials to comply with the latest B.S. and C.P. standards and local authority approvals as work is completed. All construction to conform with the latest Building Regulations and N.H.B.C requirements.

All electrical, water and gas installations to conform to appropriate regulations and standards of Boards.

The Client & Contractor, where necessary, shall complete any Party Wall Act Agreements with adjoining owners prior to works commencing on site.

**REVISIONS**

A 06.01.20 Revised changes to the submitted details added following further discussion with the LPA 2nd Jan 2020 as discussed & agreed

B 08.01.20 Revised to accoed with LPA comments

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Title  
 88 WOODSIDE  
 LEIGH ON SEA  
 ESSEX  
 SS9 2RD

Client  
 NICHOLAS STEVENS

Scales  
 1:50@A1

Drawn  
 PW

Date  
 Oct 2019

**John R Jackson LLP**  
 Architectural Design Associates

Holly House  
 41 Woodlands Park  
 Leigh-on-sea  
 Essex SS9 3TP

**TOWN PLANNING PROPOSED FLOOR PLANS**

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