

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 7th October, 2020

Time: 5.00 pm

Place: Virtual Meeting via MS Teams

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

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- 2 Declarations of Interest
- 3 Minutes of the Meeting held on Wednesday, 29th July 2020
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(Thorpe Ward)** (Pages 221 - 238)

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

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 29th July, 2020
Place: Virtual Meeting via MS Teams

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

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: P Geraghty, C Galforg, P Keyes, C White, J Rowley, M Warren,
T Row, C Woodcraft, A Smyth and T Hartley

Start/End Time: 5.00 - 6.30 pm

223 Apologies for Absence

Apologies were received from Councillors Mulroney (Substitute: Cllr Wexham) and Walker (Substitute: Cllr Flewitt)

224 Declarations of Interest

(a) Cllr Beck – Agenda item No.10 (20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea) – Non-Pecuniary Interest: Has received emails from the applicant

(b) Cllr Dear – Agenda item No. 10 (20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea) - Non-Pecuniary Interest: Has received emails from the applicant

(c) Cllr Evans – Agenda item No.10 (20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea) – Non-Pecuniary Interest: has been lobbied in the past on application on this site, but not this application specifically

(d) Cllr Flewitt – Agenda item No. 13 (20/00953/TPO - 59 The Bentleys, Eastwood, Leigh-on-Sea) – Disqualifying Non-Pecuniary: Has had email correspondence with the objector to the application

(e) Cllr Garston – Agenda item No.10 (20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea) Non-Pecuniary Interest: The applicant has phoned him twice regarding this application

(f) Cllr Thompson – Agenda item No. 10 (20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea) Non-Pecuniary Interest: The applicant has contacted him

(g) Cllr Ward – Agenda item No. 10 (20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea) Non-Pecuniary Interest: The applicant has phoned him

(h) Cllr Ward – Agenda item No. 10 (20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea) Non-Pecuniary Interest: Is an owner of a bed and breakfast

225 Minutes of the meeting held on Wednesday 4th March 2020

Resolved:-

That the Minutes of the Meeting held on 18th May 2020 be confirmed as a correct record and signed.

226 Minutes of the special meeting held on Monday, 18th May 2020

Resolved:-

That the Minutes of the Meeting held on 18th May 2020 be confirmed as a correct record and signed.

227 Minutes of the special meeting held on Wednesday, 27th May 2020

Resolved:-

That the Minutes of the Meeting held on 27th May 2020 be confirmed as a correct record and signed.

228 Minutes of the meeting held on Wednesday 3rd June 2020

Resolved:-

That the Minutes of the Meeting held on 3rd June 2020 be confirmed as a correct record and signed.

229 Minutes of the Meeting held on Wednesday, 1st July, 2020

Resolved:-

That the Minutes of the Meeting held on 1st July 2020 be confirmed as a correct record and signed.

230 20/00544/FUL - 48 Argyll Road, Westcliff-On-Sea (Milton Ward)

Proposal: Erect attached two storey building to rear to form nine-bedroom rehabilitation accommodation, layout associated amenity space.

Applicant: Dr B Bekas

Agent: Mr Colin Stone of Stone Me Ltd

Resolved:-

This application was WITHDRAWN.

Proposal: Erect single storey front extension, single storey rear extension, form roof extension and install terrace to rear, form raised patio to rear and alter elevations

Applicant: Mr Ali

Agent: Mr Mehran Gharleghi of Studio Integrate Ltd.

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: LP300, E.GA100, E.GA101, E.GA102, E.GA103, E.GA104, E.GA105, E.GA106, E.GA107, GA100, GA101, GA102, GA103, GA104, GA105, GA106, GA107, GA108.

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

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

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

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

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

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

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

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

Informative

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

232 20/00760/FULH - 115 Tattersall Gardens, Leigh-On-Sea (West Leigh Ward)

Proposal: Erect first floor rear extension and extend balcony to rear

Applicant: Mr J Moore

Agent: N/A

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: 1200 010 Revision C & 1200 012 Revision F, South Flank Elevation Plan & Tree Position Plan

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

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

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

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

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

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

Informative

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

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

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

233 20/00800/FUL - 2 Coptfold Close, Southend-on-Sea (Southchurch Ward)

Proposal: Convert dwellinghouse into two self-contained flats, erect part single/two storey side extension, erect part single/part two storey rear extension, alter elevations, layout parking to front

Applicant: Mr A Bysouth

Agent: Mr Paul Seager of APS Design Associates Ltd

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The development would result in the loss of a family-sized dwelling, a type of unit for which there is a particular identified need, to the detriment of the Borough's housing supply. No benefits which outweigh this harm have been advanced. This application is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), and Policy DM3 of the Southend-on-Sea Development Management Document (2015).

02 The proposed development, by reason of its failure to include adequate private amenity space would provide substandard living conditions for the future occupiers of the proposed first floor flat, to the detriment of their amenity. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 (as amended by the Technical Housing Standards Policy Transition Statement (2015)) of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

234 20/00875/FULH - 29 The Drive, Westcliff-On-Sea (Chalkwell Ward)

Proposal: Hip to gable roof extension with dormer to rear and alter elevations (Part Retrospective) (Amended Proposal)

Applicant: Mr & Mrs Diver

Agent: Mrs Lindsey Wislocki

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: P1010; P1011; P1012; P1013; P1014; P1015; P1016

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

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

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

Informative

01 The existing roof extensions are unauthorised and failure to promptly remedy their identified harm through implementation of this planning permission leaves the owner open to the implications of the planning enforcement notice which has been served by the Council.

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

03 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.

235 20/00953/TPO - 59 The Bentleys, Eastwood, Leigh-on-Sea (St Laurence Ward)

Proposal: Crown reduce Robinia to side of dwelling by 2-2.5 metre all round with varying quantities of reduction to best pruning points to leave balanced tree following the form of the crown (Application for works to a tree covered by a Tree Preservation Order)

Applicant: Miss Jade Hardy

Agent: N/A

Resolved:-

That CONSENT TO CARRY OUT WORK ON TREES be GRANTED subject to the following conditions:

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

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

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

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

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

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

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

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

Chair: _____

DEVELOPMENT CONTROL COMMITTEE

AGENDA: 07th October 2020

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Kursaal	20/01045/AMDT	67 Branksome Road Southend-On-Sea
Victoria	20/01095/AMDT	Beaumont Court and Richmond House 61 - 71 Victoria Avenue
West Shoebury	20/01146/FUL	15 Aylesbeare Shoeburyness
West Leigh	20/01018/FULH	115 Tattersall Gardens Leigh-On-Sea
Blenheim Park	20/01048/FULH	1 Highwood Close Leigh-On-Sea
Thorpe	20/01221/FULH	159 Burges Road Thorpe Bay

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

Background Papers

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

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally, in force from 1st September 2020)

Class B1	Business
Class B2	General industrial
Class B8	Storage or distribution
Class C1	Hotels
Class C2	Residential institutions
Class C2A	Secure residential institutions
Class C3	Dwellinghouses
Class C4	Houses in multiple occupation
Class E	Commercial, Business and Service
Class F.1	Learning and non-residential institutions
Class F.2	Local community
Sui Generis	A use on its own, for which any change of use will require planning permission.

Deleted Use Classes

(limited effect on applications for prior approval and other permitted development rights until 31st July 2021)

Class A1	Shops
Class A2	Financial and professional services
Class A3	Restaurants and cafes
Class A4	Drinking establishments
Class A5	Hot food takeaways
Class D1	Non-residential institutions
Class D2	Assembly and leisure

Reference:	20/01045/AMDT	<h1>5</h1>
Application Type:	Minor Material Amendment	
Ward:	Kursaal	
Proposal:	Application to vary condition 01 (Approved Plans) amend from pitched roof to flat roof with Velux windows with roof lantern (Minor Material amendment of planning permission 19/00598/FULH - Erect single storey rear extension dated 5th June 2019)	
Address:	67 Branksome Road Southend-On-Sea Essex SS2 4HG	
Applicant:	Mrs D Curson	
Agent:	N/A	
Consultation Expiry:	10 th August 2020	
Expiry Date:	10 th September 2020	
Case Officer:	Julie Ramsey	
Plan Nos:	Drwg 1, Drwg 2b, Drwg 3a	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the northern side of Branksome Road, west of the junction with Lyme Road. The site contains a mid-terrace two storey dwelling with a front gable projection with bay windows.
- 1.2 The area is characterised by two storey terraced dwellings of generally similar designs and forms. There are other examples of single storey rear extensions in the surrounding area.
- 1.3 The site is not located within a Conservation Area or subject to any site specific planning policies. The site is located in Flood Zone 1 which is of a low risk of flooding.

2 Proposal

- 2.1 Permission is sought to vary Condition 01 of planning permission 19/00598/FULH which was granted on 5th June 2019 '*Erect single storey rear extension*'

Condition 01 states:

- 2.2 *The development shall be undertaken solely in accordance with the approved plans Drwg 1, Drwg 2 and Drwg 3.*

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

- 2.3 The minor material amendment therefore being sought relates to the replacement of the previously approved mono-pitch roof with a flat roof and central roof lantern. Therefore the approved plans are required to be replaced and the revised scheme is subject to neighbour consultation and a subsequent appraisal.
- 2.4 Other than the alteration to the roof, all other elements of the works associated with the initially approved application (19/00598/FULH) remain unchanged and are not the subject of further consideration.
- 2.5 This application is referred to the Development Control Committee for determination as the applicant is related to an employee of the Council.

3 Relevant Planning History

- 3.1 19/00598/FULH - Erect single storey rear extension – Planning permission granted
- 3.2 19/00322/CLP – Erect dormer to rear with Juliette balcony and rooflights to front to form habitable accommodation in the roofspace (Lawful Development Certificate - Proposed) – Certificate Granted

4 Representation Summary

Public consultation

4.1 Six neighbouring properties were notified and one letter of representation has been received.

Summary of matters raised:

- 17.5m dimension shown on DRWG 3a must not include any part of the public access alleyway.

4.2 All relevant planning considerations are assessed within the Appraisal Section 7 of the report. These concerns are noted and they have been taken into account in the assessment of the application but have not been found to represent reasons for refusal in the circumstances of this case.

5 Planning Policy Summary

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

5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).

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

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity and any highways implications.

7 Appraisal

7.1 The principle of the development was accepted under the previously approved planning application. There are no material changes in relevant planning policies or variations to the development or its circumstances which alter this view. The determining material planning considerations are discussed below.

7.2 The proposed changes are considered to fall within the remit of a minor material amendment to the consented scheme in principle.

Design and Impact on the Character of the Area

- 7.3 Paragraph 124 of the National Planning Policy Framework states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*
- 7.4 Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document advocate the need for development to secure good relationships with the existing development and respect the existing scale. The Design and Townscape Guide states that alterations to existing buildings with particular reference to extensions should appear subservient and must be respectful of the scale of the present building.
- 7.5 Paragraph 348 of The Design and Townscape Guide states that *“Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form”*.
- 7.6 The application relates solely to the alteration of the previously approved mono-pitch roof to a flat roof with central roof lantern. The approved scheme had an eaves height of some 2.75m and a maximum height of 4.1m. This revised scheme would see the eaves height raised very slightly to 2.8m and the maximum height to the top of the roof lantern is some 3.4m.
- 7.7 The revised proposal would not introduce any further material impacts with regards to the scale, layout, position and proximity of the development to the shared boundaries and is considered to be of an acceptable design. The proposed flat roof extension would maintain the character and appearance of the host dwelling and the rear garden scene.
- 7.8 Therefore the proposal is considered to be acceptable and policy compliant in these regards.

Impact on Residential Amenity

- 7.10 Paragraph 343 of the Design and Townscape Guide under the heading of ‘Alterations and Additions to Existing Residential Buildings’ states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”*
- 7.11 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.”*
- 7.12 The impact on residential amenity was considered to be acceptable in the previously approved application. The slight rise in eaves height, along with the reduction in height overall is not considered to result in any material change in the impact of the proposed extension on the residential amenity of the neighbouring occupiers.

- 7.13 The proposal would therefore maintain neighbour amenity to a suitable degree and is therefore considered to be acceptable and policy compliant in the above regards.

Community Infrastructure Levy

- 7.14 As the proposed development 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 regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable as a minor material amendment to the development granted permission under reference (19/00958/FULH), as it would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance. The proposed development is not considered to result in demonstrable harm upon the amenities of neighbouring occupiers or the character and appearance of the application site or wider area.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development shall be undertaken solely in accordance with the approved plans Drwg 1, Drwg 2b and Drwg 3a.**

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

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

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

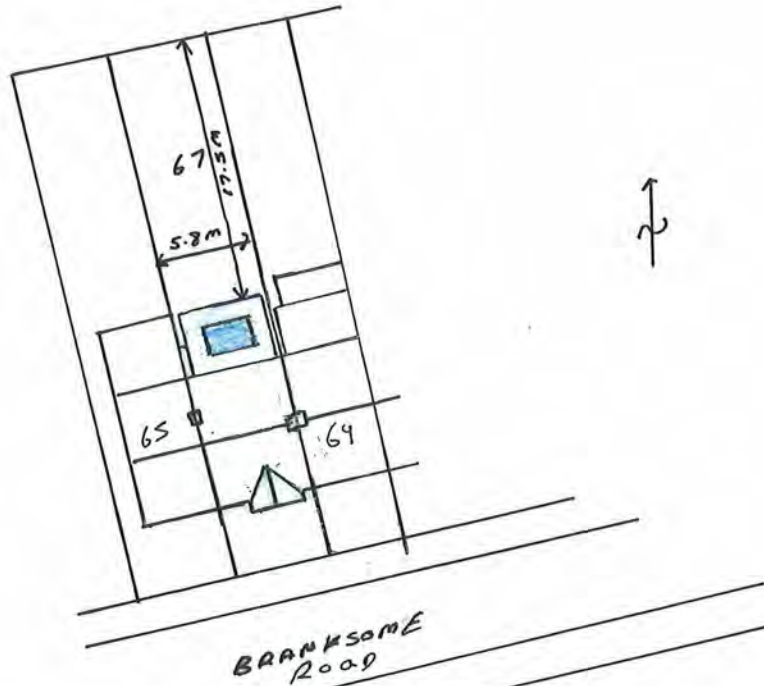
- 04** The roof of the rear extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

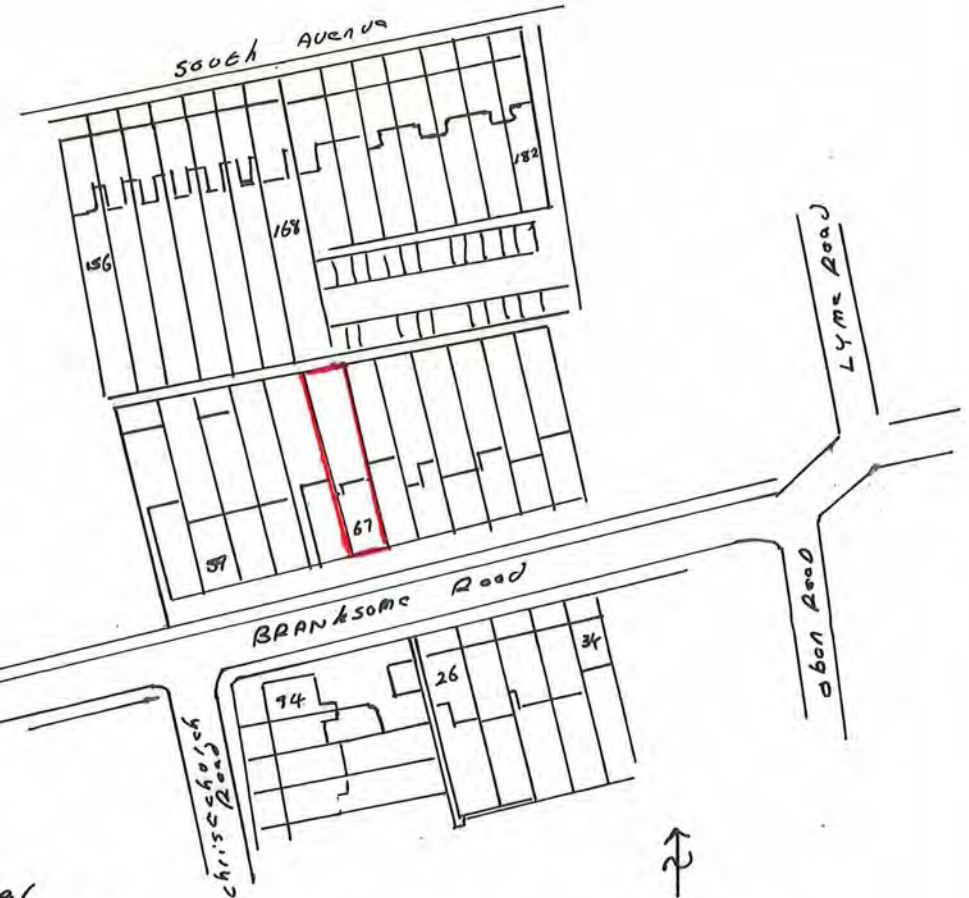
Informatives

- 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 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.



BRANKSOME ROAD

location / roof plan
Scale 1:500

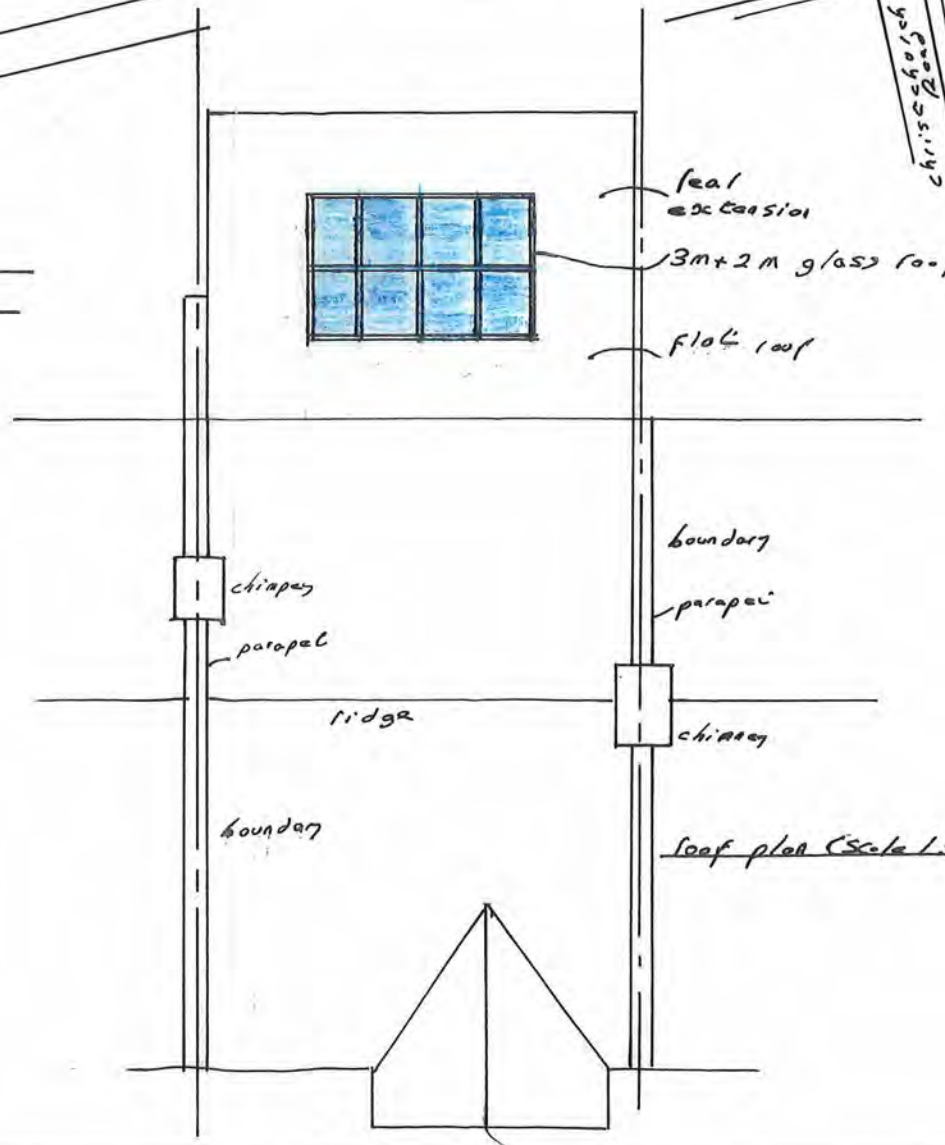


SOUTH AVENUE

BRANKSOME ROAD

LYME ROAD

location plan
Scale 1:1250



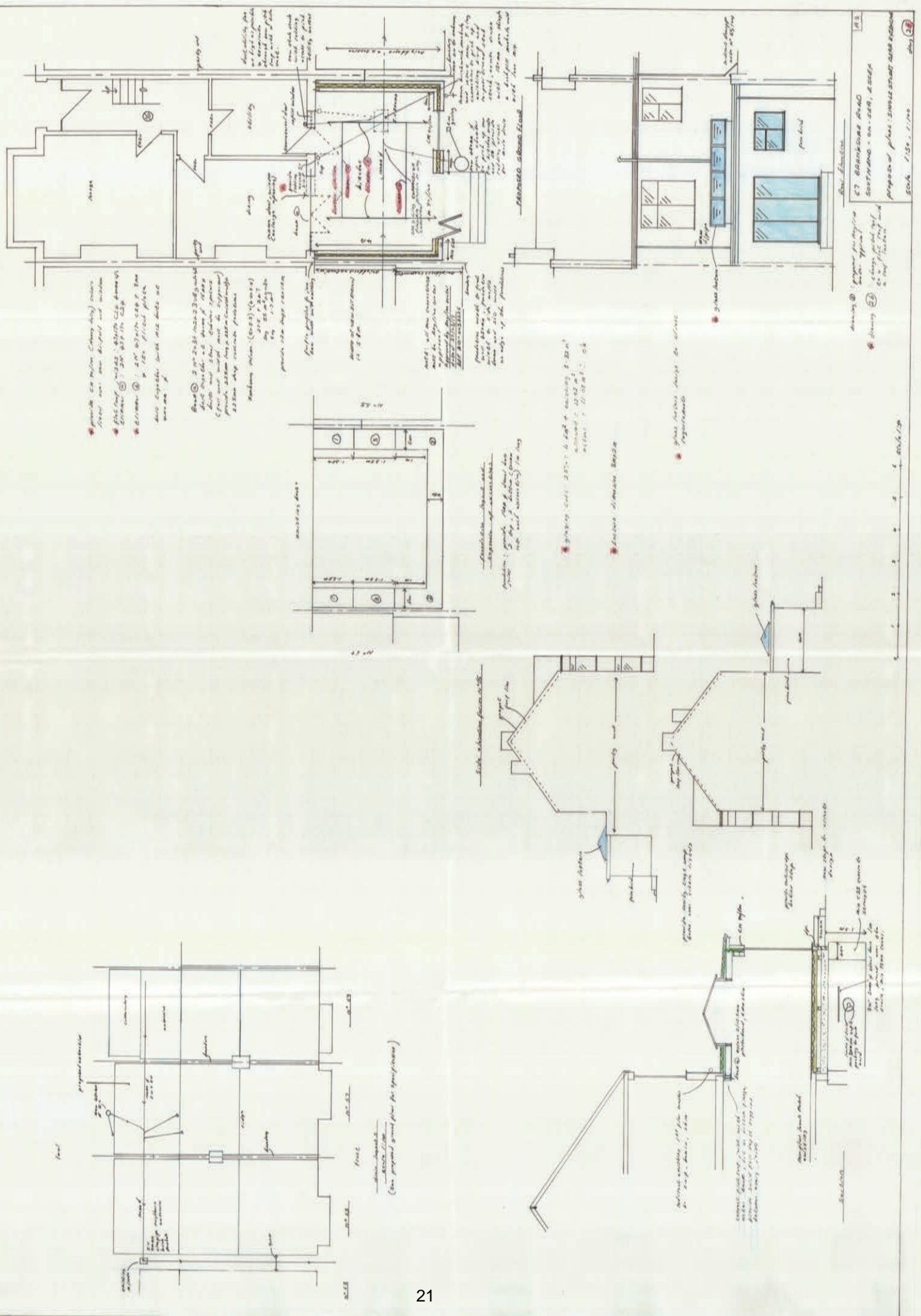
Roof plan (Scale 1:100)

REV 3a: changed to a flat roof with a roof lantern

67 BRANKSOME ROAD
SOUTHEND-ON-SEA, ESSEX
"proposed roof extension"
site, location, roof plan
drawing (30)

A3

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Committee Site Photographs

67 Branksome Road

Front 69 and 67



Rear Boundary



Existing Rear Extension at 67



Neighbouring rear extensions No. 65 onwards



Separation with No 65



Area to be infilled No. 65



Area to be infilled No 69



No 69

31



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Reference:	20/01095/AMDT	<h1>6</h1>
Application Type:	Minor Material Amendment	
Ward:	Victoria	
Proposal:	Application to vary conditions 02 (materials), 03 (hard and soft landscaping), 04 (landscape maintenance), 05 (telecoms equipment), 06 (extraction, filtration, air con, ventilation/refrigeration equipment) and 07 (car parking and cycle storage)-various site changes comprising of increases to car parking and cycle spaces, revisions to landscaping areas, new residents entrance, waiting area, concierge service, residents community/meeting room and gym – Minor Amendment of planning permission 06/00598/FUL allowed on Appeal dated 03.10.2007	
Address:	Beaumont Court and Richmond House, 61 - 71 Victoria Avenue, Southend-On-Sea	
Applicant:	Randall Watts	
Agent:	Steven Kearney of SKArchitects	
Consultation Expiry:	10th September 2020	
Expiry Date:	9th November 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	<p>06/00598/FUL Drawings to be replaced (submitted)</p> <p>CH/01/03 Sheet 1, CH/01/04 Sheet 2, , CH/01/04, CH/01/05 Sheet 3, CH/01/06 Sheet 4, CH01/06(materials), CH/01/08 Sheet 1, CH/01/11 Sheet 4, CH01/012, 22855-L-PL-90-00A, 22855-L-PL-90-01A, 22855-A-PL-SK-01, 22855-A-PL-SK-02, 22855-A-PL-SK-03, 22855-A-PL-SK-04, 22855-A-PL-SK-05, 22855-A-PL-05E-01A, 22855-A-PL-05E-02A, 22855-A-PL-05E-03A, 22855-A-PL-SK-06, 22855-A-PL-SK-07, 22855-A-PL-03P-003A, 22855-A-PL-05E-04, 279-03-15-214-00, 22855-A-PL-03P-000-Rev E1, 22855-A-PL-05E-01-Rev B, 22855-A-PL-70P-002 Rev A</p> <p>As built drawing (submitted but evolving)</p> <p>279-03-15-6201A</p> <p>Proposed final drawings (submitted)</p> <p>279-03-15-6084B, 279-03-15-6085E, 279-03-15-6103A, 279-03-15-6202A, 279-03-15-6203A, 279-03-15-6204A, 279-03-15-6205A, 279-03-15-6206A, 279-03-15-6207, 279-03-15-6088H</p>	

	<p>06/00598/FUL Drawings to remain unchanged (not submitted)</p> <p>22855-A-02-PL-001 Rev A, 22855-A-PL-03P-001-000 Rev A, 22855-A-PL-03P-002 Rev A, 22855-A-PL-03P-003 Rev A, 22855-A-PL-03P-004 Rev A, 22855-A-PL-03P-005 Rev A, 22855-A-PL-03P-006 Rev A, 22855-A-PL-03P-007 Rev A, 22855-A-PL-03P-008 Rev A, 22855-A-PL-03P-009 Rev A, 22855-A-PL-03P-010 Rev A</p> <p>Supporting Documents Proposed (submitted)</p> <ul style="list-style-type: none"> • Beaumont and Richmond Planning History • Management Strategy for Beaumont Court and Richmond House by IV Property Management Ltd • Travel Plan 2020 by N.R.W. Associates dated Jan 2020 • Beaumont and Richmond Waste Management Plan by B&R Property Management Ltd • Beaumont and Richmond Gardening Specification by IV Property Management Ltd
<p>Recommendation:</p>	<p>Delegate to the Interim Director for Planning and the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).</p>



1 Site and Surroundings

- 1.1 The site constitutes a corner plot which is located to the west of Victoria Avenue and south of Harcourt Avenue. It is irregular in shape and also has a frontage to Baxter Avenue to the rear. The site is currently being developed to convert the former office buildings to provide a mixed development. 280 self-contained flats were approved initially within the existing buildings and a further 15 flats have subsequently been approved through extensions and alterations on top of the buildings and through the conversion of the ground floor area of Richmond House which was initially proposed to have a retail use. This development is nearing completion.
- 1.2 The surrounding area is mixed with residential and commercial premises, with the Civic Centre located to the east of the site. However, a number of the previous, tall office buildings to the south of the site have also recently been converted into residential flats. There are smaller scaled residential houses and flats to the north and west of the site in Harcourt Avenue and Baxter Avenue.
- 1.3 The site has no specific allocation within the Development Management Proposals Map, however the site is located within an area fronting Victoria Avenue; one of the main approaches to the main town centre and is located close to the mainline Southend Victoria Railway Station. Within the Southend Central Area Action Plan (SCAAP), the site is allocated as an "opportunity site" (PA8.1) and includes the aspiration to transform the area into "a new a sustainable mixed use community with high quality developments".

2 The Proposal

- 2.1 Planning permission was granted at appeal on 3rd October 2007 (Application No: 06/00598/FUL) to *'Redevelop site with part 4/part 8/part10/part11/part12 storey buildings comprising 280 flats with commercial uses at ground floor, provide 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and form access onto Harcourt Avenue and Baxter Avenue.'*
- 2.2 The current application is seeking to vary conditions 02 (materials), 03 (hard and soft landscaping), 04 (landscape maintenance), 05 (telecoms equipment), 06 (extraction, filtration, air con, ventilation/refrigeration equipment) and 07 (car parking and cycle storage)-of that permission. The amendments include a change to the number of car parking and cycle spaces, revisions to the layout and detail of landscaping, and a change to the community and communal facilities for the residents.

Conditions 02, 03,04,05,06,and 07 form the appeal decision state:

02 No development shall take place until details of the materials to be used un the construction of the external surfaces of the buildings hereby permitted, including the location of and materials for any balconies but excluding shopfronts, have been submitted to and approved in writing by the local planning authority. Details of any shopfront shall be submitted to and approved in writing by the local planning authority before being installed in the building. Development shall be carried out in accordance with the approved details.

03 No development shall take place 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 shall include means of enclosure, car park layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc). All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with any programme agreed with the local planning authority.

04 No development shall take place until a schedule of landscape maintenance for a minimum of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved details.

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking and re-enacting that Order with or without modification), no telecommunications equipment shall be installed above the highest part of the roof of either building.

06 No dust or fume or filtration equipment or air conditioning, ventilation or refrigeration equipment shall be installed until details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved in writing by the local planning authority. The equipment shall be installed in accordance with the approved details and thereafter retained as such.

07 Before occupation of any parts of the building the related servicing manoeuvring, car parking spaces and cycle storage facilities shall have been completed in accordance with the approved drawings. These facilities shall thereafter be kept available at all times for their designated purpose.

It is noted that no reasons for these conditions were imposed by the Inspector.

2.3 Since 2015 there have been a number of subsequent planning applications at the site which have granted consent for additions and alterations to the originally approved proposal. The full history is set out in Section 3 below but the main changes include a new lobby to Beaumont Court (ref 15/01147/NON), the conversion of the ground floor retail unit in Richmond House to residential units (ref 19/01868/FUL) and penthouse additions to both buildings (refs 20/00686/AMDT and 20/00672/FUL). The current application is seeking to regularise changes to the development which have been built that differ from the original 2006 application (ref 06/00598/FUL) and are not covered by the subsequent approvals. The differences between the consented schemes and that which has been built and for which planning permission is now sought are as follows:

- Changes to the ground floor internal layout of both buildings including the configuration of cycle storage, refuse storage, commercial areas and resident's facilities.
- Changes to the landscaping scheme around the buildings and on the roof terraces.

- Changes to the parking layout and related servicing and manoeuvring arrangements including an increase in parking spaces from 166 to 180 for the flats and 7 additional public car parking spaces in the public square, 2 of which are disabled spaces.
- Minor elevational changes comprising a number of additional/amended doors at ground floor.

2.4 These changes are discussed in more detail below.

2.5 The proposal is also seeking to vary the Section 106 agreement which accompanied the 2006 application. The original heads of terms were as follows:

1. Public Accessible Area – relating to the provision and detail of public square to the front of the site including maintaining access for the public, future maintenance responsibility
2. Victoria Avenue Works - including changes to the carriageway arrangement and a maintenance payment of £5,455 (index-linked) per year for 3 years, a contribution to bus stop improvements (£20,000 index-linked), a contribution to the Victoria Avenue underpass (£2,182 index-linked) and costs of the amendment of the traffic regulation order (£2,182 index-linked).
3. Public Art - lighting scheme to be provided
4. CCTV contribution
5. Residents Community Facilities - residents meeting room to be provided
6. Management Strategy for the site including car park management, refuse and outside areas
7. A Travel Plan for the site including a contribution to a Controlled Parking Zone (CPZ)
8. Affordable Housing – 84 units.

2.6 These were varied in 2015 under application reference 15/02019/S106BA and 15/02020/DOV to remove the requirement for a CCTV contribution, to remove the CPZ contribution and to revise the provision of affordable housing to 52 units (floors 1-7 Richmond House) and a monetary contribution of £474,776. An index linked sum of £520,610.00 was paid on 21.01.2020 in relation to affordable housing and 52 shared ownership units have been provided in Richmond House.

2.7 The current proposed Heads of terms are set out below:

1. Public Accessible Area – amended design as shown on drawings reference 279-03-15- 6202A and 279-03-15-6088H to be provided and permanently maintained.
2. Victoria Avenue Works - amended design as shown on drawings references 8715-04-CRH-XX-00-DR-C-4103-P1, 8715-04-CRH-XX-00-DR-C-4002 – P1 and 8715-04-CRH-XX-00-DR-C-4003 – P1 - noted as completed.
3. Public Art lighting scheme - amended design as shown on drawing reference 279-03-15-6088H to be permanently retained and maintained.
4. Residents Community Facility – amended facilities including communal lobby, meeting room and residents gym as shown on drawing reference 279-03-15-6202A to be permanently retained and maintained.
5. Management Strategy for the site including buildings, car park, refuse and outside areas including public access area to be agreed.
6. Travel Plan for the site to be agreed.

7. Affordable Housing – 52 shared ownership units on floors 1-7 of Richmond House as shown on drawings reference 279-03-15-4(15) F01 and 279-03-15-4(16) F01 to be provided and permanently maintained. The affordable housing contribution is to be noted as paid in full.

It is noted that a number of items in the original S106 have been amended or deleted to reflect the current circumstances of the site. These changes are discussed in detail in the Planning Obligations Section below.

3 Relevant Planning History

- 3.1 This site has an extensive planning history. This includes:
- 3.2 06/00598/FUL – Redevelop site with part 4/part 8/part10/part11/part12 storey buildings comprising 280 flats with commercial uses at ground floor, provide 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and form access onto Harcourt Avenue and Baxter Avenue – planning permission refused, but allowed at appeal. This development is currently being undertaken.
- 3.3 10/01615/AD - Application for Approval of Details pursuant to condition 02 (details of external building materials excluding shopfronts), condition 03 (hard and soft landscaping details), condition 04 (schedule of landscape maintenance) of Planning Permission 06/00598/FUL approved on appeal dated 03/10/2007 – details approved
- 3.4 15/01147/NON - Replace plan numbers 22855-A-PL-03P-000 Rev D1, 22855--A-PL-03P-05E-01 Rev A, 22855-A-PL-05E-02 Rev A with new plan numbers 22855-A-PL-03P-000 Rev E1, 22855-A-PL-03P-05E-01 Rev B, 22855-A-PL-05E-02 Rev B and create no.2 new entrance canopies, add condition to specify approved plan numbers (Non-Material Amendments to planning permission 06/00598/FUL approved on appeal dated 3rd October 2007) – non-material amendment granted
- 3.5 15/02020/DOV - Modification of planning obligation (Section 106 agreement) dated 24th September 2007 pursuant to application 06/00598/FUL allowed on appeal to vary relevant clauses and definitions pertaining to the delivery of affordable housing on the site and the proposed Victoria Avenue Improvement Works– modification agreed.
- 3.6 15/02019/S106BA - Modification of planning obligation (Section 106 agreement) dated 24th September 2007 pursuant to application 06/00598/FUL allowed on appeal to vary the requirement to provide affordable housing on the site – modification agreed.
- 3.7 18/00245/FUL - Erect tenth floor extensions to create eight self-contained flats with roof terrace to front, side and rear, install terrace to front at eleventh floor level and form additional parking – planning permission granted
- 3.8 18/00482/FUL - Install communal boiler flue to west elevation and roof - planning permission granted
- 3.9 18/01241/FUL - Layout public space with six car parking spaces, public art, associated landscaping, benches and vehicular access on to Victoria Avenue – planning permission granted

- 3.10 19/01868/FUL - Change of use to ground floor commercial Units (Use Classes A1, A3, D1) to form six self-contained flats (Class C3), alterations to elevations and relocate exiting bike store'. – planning permission granted
- 3.11 19/00380/FUL - Change of use of roof storage (Class B8) to Office (Class B1(a)) and erect extension at roof level to form additional office space, alter elevations – planning permission granted
- 3.12 20/00686/AMDT - Application to vary condition 02 and remove condition 05, replace plan 491-01-18 P07A with 279-03-15-6102A, Alter landscaping (Minor Material Amendment of planning permission 18/00245/FUL dated 09.05.18) – planning permission granted
- 3.13 20/00672/FUL - Convert disused rooftop ancillary plantroom into self-contained flat, erect glass extension to north elevation with terrace and alter elevations – planning permission granted
- 3.14 20/00686/AMDT - Application to vary condition 02 and remove condition 05, replace plan 491-01-18 P07A with 297-03-15-6013A, Alter landscaping (Minor Material Amendment of planning permission 18/00245/FUL dated 09.05.18) – planning permission granted
- 3.15 20/01264/AMDT - Application to vary condition 02 (Approved Plans) and condition 03 (Parking spaces) replace drawing nos. 279-03-15-6088 F and 279-03-15-6089 D with 279-03-15-6088 G and 279-03-15-6102 D, alter car parking spaces (Minor Material Amendment of planning permission 18/01241/FUL dated 14/11/2018) - Pending consideration
- 3.16 20/01217/AMDT Application to vary condition 02 (Approved Plans), 04 (Car parking) and 07 (Cycle parking), replace plan no. 491-02-18 P06 Rev A with drawing no. 279-03-15-6102D., Alter parking and cycle store (Minor Material Amendment of planning permission 18/00245/FUL dated 09.05.18) - Pending consideration

4 Representation Summary

Public Consultation

- 4.1 514 neighbouring properties were consulted, 4 site notices posted and a press notice published. No letters of representation have been received.

Highways

- 4.2 The highways works set out on the plans submitted for the updated legal agreement were completed by the developer, however, since this time the Council has carried out further works to the highway in this location as part of the cycle improvement works in this area.

The bus stop adjacent to the site has been upgraded by the Council including the provision of real time information.

The subway lighting was converted to LED technology by the Council in 2013 which included replacing any damaged Perspex covers.

The Travel Plan is generally well considered, however, the document could be improved by including a range of graphics and the action plan could be 'smarter'. The Travel Information Pack must be made available to residents on occupation.

Officer Comments: The Travel Plan is currently being updated. This will be secured by the new legal agreement.

Environmental Health

4.3 No comments.

Parks

4.4 No comments.

Fire Service

4.5 No objections.

5 Planning Policy Summary

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

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM4 (Tall and Large Buildings), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles)

5.5 Design & Townscape Guide (2009)

5.6 National Design Guide (2019)

5.7 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 This application is seeking the variation of conditions relating to landscaping, parking arrangement and management and approval of a revised ground floor internal layout including changes to cycle parking, refuse storage, commercial and residents facilities and associated changes to the elevations on the ground floor of Beaumont Court; and associated alterations to the highway layout. In all other respects the proposal remains unchanged from that previously approved under reference 06/00598/FUL.

The considerations in relation to this application are therefore: the principle of the mix of non-residential uses in the development and impact on the character of the site and surrounding area, traffic and transportation issues and standard of accommodation for existing occupiers in terms of the communal residents facilities provided specifically. It is considered that the amendments would have no material impact on neighbours or sustainable development which were previously considered and found to be acceptable in the original application.

7 Appraisal

Principle of Development

- 7.1 Planning approval was allowed at appeal on 3rd October 2007 (Application No: 06/00598/FUL) to *'Redevelop site with part 4/part 8/part10/part11/part12 storey buildings comprising 280 flats with commercial uses at ground floor, provide 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and form access onto Harcourt Avenue and Baxter Avenue.'* It is noted that both the national and local planning framework has been amended since this time.
- 7.2 The Core Strategy confirms that the primary focus of regeneration and growth within Southend is in Southend Town Centre and the Central Area. The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre to guide future development decisions.
- 7.3 Policy KP1 of the Core Strategy seeks the provision of additional homes within the Town Centre. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located. It is also noted that the provision of new high quality housing is a key Government objective.
- 7.4 Policy CP2 seeks to support the Town Centre as a regional centre including promoting mixed-use development. A stated aim of Policy CP3 is to reduce reliance on the car in new development. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and seeks that 80% or more of residential development be provided on previously developed land.
- 7.5 Policy PA8 of the SCAAP sets out the principles for development in the Victoria Gateway Neighbourhood Policy Area. This policy confirms that the Council will look favourably on high quality large scale developments provided they are well designed, can demonstrate that they will contribute to the transformation of this area into a vibrant community, are well integrated with the surrounding neighbourhood and are of a quality that befits this key gateway to the Town Centre.
- 7.6 Policy DM1 of the Development Management Document seeks to promote successful places. Policy DM1 also requires new development to be of a design that positively contributes to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that looks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.

Mix of Uses

- 7.7 In addition to the 280 flats within the upper floors of the redundant office buildings, a nursery/medical surgery/community facility was approved under application 06/00598/FUL on the ground floor of Beaumont Court on the western side of the square. Two further retail units were approved at ground floor within the eastern projection of Beaumont Court and the ground floor of Richmond House. This mix of uses was considered to be a positive aspect of the initial proposal.
- 7.8 The ground floor area within Beaumont Court on the west side of the square, initially approved for a nursery/medical surgery/community facility, has been converted into two small retail units. The reason given for this change is the lack of interest in providing community facilities in this location. Whilst this amendment does not have the same community benefits as the initially proposed uses, it is noted that as retail units these areas maintain an attractive and active frontage to the public space and will serve the wider community. It is noted that there is no planning policy requirement for a nursery or medical facility in this specific location. This change has also been offset by improved communal facilities for residents which are discussed below.
- 7.9 The large retail unit within the projection of Beaumont Court has been subdivided into two retail units, one A1 and one A3. There is no objection to this subdivision or the proposed uses.
- 7.10 The large retail unit to the ground floor of Richmond House is currently undergoing conversion to 6 additional flats. This proposal has been previously approved under reference 19/01868/FUL and therefore does not fall within the remit of this application.
- 7.11 The changes to the proposed mix of uses are considered to be acceptable. The proposal is consistent with the aims and objectives of the updated policies noted above and remain acceptable in principle subject to the detailed considerations below.

Design, Landscaping and Impact on the Character of the Area

- 7.12 The changes to the exterior of the buildings are minor and include small changes to the shopfront entrances, some new exterior doors to ancillary areas and a slight re-alignment of the rear refuse store door on Beaumont Court. The other changes to the buildings are internal at ground floor and do not have a material impact on the streetscene.
- 7.13 Changes have also occurred to the external landscaping scheme including along the site boundaries fronting Victoria Avenue, Harcourt Avenue and Baxter Avenue, within the parking areas and to the public square. The application states that these changes have been made to accommodate additional residents and visitors parking spaces on site to meet demand and because of underground services.
- 7.14 An amended design has been submitted for the public space to the south east corner of the site. In application reference 06/00598/FUL this area was proposed as a fully landscaped pedestrian area. The design was subsequently amended under application reference 18/01241/FUL to include 7 visitor parking spaces on the southern side accessed from the Victoria Avenue slip road. Alternative landscaping including block paving, 5 new trees, 7 raised planters and a public art lighting scheme comprising a radiating arrangement of uplighters was also approved as part of this application.

The current proposal seeks planning permission for a slightly amended landscaping arrangement. Two of the parking spaces have been converted to disabled spaces displacing small sections of planting and the location of the raised planters has been slightly adjusted. The public art lighting scheme remains unchanged and will be secured via an amended legal agreement. Overall it is considered that the changes to the landscaping scheme in this location are considered to be acceptable.

- 7.15 An alternative landscaping scheme is also proposed for the remainder of the Victoria Avenue frontage to the south of Richmond House, however, these changes have been previously agreed under application reference 20/00686/AMDT (previously 18/00245/FUL) which granted planning consent for an additional 8 flats on the roof of Beaumont Court. This application introduced 8 new car parking spaces in this parking area and an alternative landscaping scheme along the boundary. This amended landscaping arrangement therefore remains acceptable.
- 7.16 The other changes to the landscaping scheme include the replacement of 5 new trees proposed in the western section of car park fronting to Baxter Avenue with laurel hedging along the street frontage. It is also proposed to replace 4 trees along the internal boundary with Harcourt House and at the car park entrance on Harcourt Avenue with 5 free standing planters adjacent to the entrance area. It is considered that sufficient soft landscaping has been maintained to the street frontages to enhance the public views into the site. The areas where planting has been lost are internal to the site and screened behind the existing buildings. It is considered that, on balance, the changes to the site landscaping scheme can be considered acceptable.
- 7.17 The amended design and landscaping is acceptable and the proposal is policy compliant in respect of design and character matters subject to conditions.

Standard of Accommodation for Existing and Future Occupiers

- 7.18 The main changes to the approved plans which will impact on the standard of accommodation for occupiers are the amended communal facilities for residents at ground floor within Beaumont Court and the amended landscaping arrangements for the communal roof terraces of Beaumont Court. The changes to the parking/cycling and refuse arrangements have also impacted on residents and these are discussed below in the transportation section.
- 7.19 Application 06/00598/FUL included the provision of a residents meeting room adjacent to the entrance on the ground floor of Beaumont Court. This was secured by the legal agreement. The layout of this area was subsequently amended in application ref 15/01147/NON to include a new residents lobby in front of the proposed meeting room. The ground floor layout has been further amended in the built scheme. The current arrangement includes an alternative location for the meeting room slightly further into the building, however, it remains of a comparable size and in a convenient location. A small resident's gym has also been provided nearby within the ground floor of Beaumont Court. The lobby approved under reference 15/01146/NON remains and includes a concierge service which also contributes to the residents facilities for the development. Overall, it is considered that the revised communal facilities for the residents are an improvement over that proposed in the 2006 scheme and these changes are therefore considered to be acceptable. The updated S106 legal agreement will ensure that these facilities remain for the use of residents for the life of the development.

- 7.20 The changes to the landscaping design of the communal amenity terraces on Beaumont Court are similar to that originally approved and have maintained them as attractive and useable facilities for the residents. These are also considered to be acceptable.
- 7.21 No changes are proposed to the flat layouts. The amended proposal is therefore considered to be acceptable and policy compliant in terms of standard of accommodation for existing and future occupiers.

Traffic and Transportation Issues

Car Parking

- 7.22 The layout of the site has been amended to enable a small increase in parking spaces for the 280 units from 166 spaces to 180 spaces. 10 additional parking spaces have also been accommodated on site to serve the additional residential units covered by other applications noted above. The location of these has been separately approved under the relevant applications. 7 additional public car parking spaces, 2 of which are disabled spaces, have also be accommodated within the public square. The principle of 7 parking spaces in this location has been accepted under application reference 18/01241/FUL.
- 7.23 With 280 flats in this proposal this means that the parking ratio on site has changed from 0.59 per unit to 0.64 per unit for the main scheme (not including public spaces). There is no objection to this in policy terms. The proposal is therefore acceptable in this regard. The inclusion of 2 disabled spaces is also seen to be positive for the scheme.

Cycle Parking

- 7.24 288 cycle spaces were approved in the 2006 scheme. These were located on the ground floor of the two buildings. 294 cycle parking spaces are now proposed across the site which includes 14 to serve the additional residential units covered by other applications noted above. This is a reduction of 8 cycles spaces for the main scheme which is 3% of the overall provision. Some of these cycle stores are located within the existing buildings at ground floor and some are open shelters located outside or within the undercroft parking area.
- 7.25 It is usually recommended that cycle shelters are entirely enclosed to improve their usability; however, the limitations of space on the site are noted. Given the large numbers of cycle spaces available to residents on the site as a whole, this level and arrangement of cycle spaces can, on balance, be considered acceptable in this instance.

Changes to the Highways Layout

- 7.26 There has also been a change to the overall highways layout for the site in relation to the Victoria Avenue frontage which were secured by the original S106 agreement. Application 06/00598/FUL initially proposed to enhance the frontage of the site by replacing some of the service road with a landscaped pedestrian area, however this arrangement has been amended to enable a vehicular access to the new visitor parking in the square. A simplified landscaping scheme comprising two raised planters set within a new tarmac finish has also been installed.

The application states that these changes are due to the constraints of underground services on the perimeter of the site and to enable some visitor parking, including disabled spaces, to be included in the public square.

- 7.27 In terms of the pedestrian environment and impact on the streetscene this change is considered to be a dilution of the original proposal and this is regrettable, however, it is noted that overall the development has transformed the buildings, helped to regenerate Victoria Avenue and has been a catalyst for the renewal of this area. The Council's Highways Officer has overseen these amended highways works which are now complete. He also notes that since these highways works were installed, the Council has undertaken further changes in this area as part of a cycle enhancement scheme. It is considered that the amended highway arrangement in this area is acceptable and the proposal is policy compliant in this regard.

Refuse and Recycling

- 7.28 The layout of the refuse and recycling stores has been amended in relation to the 2006 scheme. The two refuse stores previously approved in the ground floor of Beaumont Court have been consolidated into one larger store to the rear. The arrangements for Richmond House are unchanged. An updated Waste Management Plan for the site has also been submitted with this application which confirms that there are 3 collections a week for waste and recycling. These arrangements meet the needs of the site and are considered acceptable. The proposal is policy compliant in this regard.

Travel Plan

- 7.29 A Travel Plan for the site has been submitted. This is broadly acceptable but is currently being refined and will be secured as part of the new S106 legal agreement.

Planning Obligations

- 7.30 The original application under reference 06/00598/FUL was approved subject to a S106 legal agreement – details of the obligations are set out in paragraph 2.5 above.
- 7.31 As noted above, this agreement was subsequently amended in 2015 under 15/02019/S106BA and 15/02020/DOV to remove the requirement for a CCTV contribution, to remove the CPZ contribution and to revise the provision of affordable housing to 52 units in Richmond House and a monetary contribution of £474,776 (which has since been paid).
- 7.32 In determining this application is necessary to review the heads of terms of the legal agreement to ensure that they are still appropriate and relevant. In particular it is noted that the 'Victoria Avenue Works' proposed in the initial agreement require updating to reflect the current circumstances. The alterations of the Victoria Avenue Service Road are now complete. Plans have been submitted as part of the draft Deed of Variation to the S106 showing the works which were undertaken by the developer. The Council's Highways Officer confirms that this scheme was built in accordance with the submitted plans but that the Council has subsequently changed the layout of this area as part of the wider cycle strategy. It is also noted that the bus stop adjacent to the site has been upgraded by the Council and new LED lighting has been installed in the underpass as part of the Council's LED lighting Strategy.

In light of these changes it is proposed that the following commitments be removed from the new deed:

- Victoria Avenue Bus Shelter Improvement Works contribution £20,000.00 (index linked)
- Victoria Avenue Improvement Works – *revised layout approved under the previous Deed of Variation*
- Victoria Avenue Commuted Maintenance Sum £5,455 (index linked) per year for 3 years
- Victoria Avenue Underpass Contribution £2,182 (index linked)
- Victoria Avenue Traffic Regulation Order Contribution £2,182 (index linked)

7.33 The justification for removing these obligations is that the Council has been able to deliver the necessary bus infrastructure improvements and highway improvement works that support this development using alternative funding sources.

7.34 The proposed Heads of Terms are as follows:

1. Public Accessible Area – amended design as shown on drawings reference 279-03-15- 6202A and 279-03-15-6088H to be provided and permanently maintained.
2. Victoria Avenue Works - amended design as shown on drawings references 8715-04-CRH-XX-00-DR-C-4103-P1, 8715-04-CRH-XX-00-DR-C-4002 – P1 and 8715-04-CRH-XX-00-DR-C-4003 – P1 - noted as completed.
3. Public Art lighting scheme - amended design as shown on drawing reference 279-03-15-6088H to be permanently retained and maintained.
4. Residents Community Facility – amended facilities including communal lobby, meeting room and residents gym as shown on drawing reference 279-03-15-6202A to be permanently retained and maintained.
5. Management Strategy for the site including buildings, car park, refuse and outside areas including public access area and public art to be submitted, agreed and implemented in accordance with the approved document.
6. Travel Plan for the site to be submitted, agreed and implemented in accordance with the approved document.
7. Affordable Housing – 52 shared ownership units on floors 1-7 of Richmond House as shown on drawings reference 279-03-15-4(15) F01 and 279-03-15-4(16) F01 to be provided and permanently maintained. The affordable housing contribution is to be noted as paid in full.

7.35 The amended S106 legal agreement is currently being drafted, however, it is recommended that the revised proposed Head of Terms be agreed by Development Control Committee and the application delegated for approval subject to completion of a S106 agreement on this basis.

Community Infrastructure Levy (CIL)

7.36 As the proposed alteration 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.

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 amended development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development, including the change of uses at ground floor, is acceptable and the proposal would have an acceptable impact on the amenities of neighbouring, existing and future occupiers and the character and appearance of the application site, the streetscene and the locality more widely. The highways impacts, sustainability and living conditions within the flats are also acceptable. The proposed changes are of a scale and nature which constitute a minor material amendment in principle. In addition, the proposed modifications to the S106 agreement are acceptable for the reasons set out above. This application is therefore recommended for approval subject to conditions and completion of a S106 agreement.

9 Recommendation

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

1. **Public Accessible Area – Design as shown on drawings reference 279-03-15- 6202A and 279-03-15-6088H to be provided and permanently maintained.**
2. **Victoria Avenue Works - Design as shown on drawings reference 8715-04-CRH-XX-00-DR-C-4103-P1, 8715-04-CRH-XX-00-DR-C-4002 – P1 and 8715-04-CRH-XX-00-DR-C-4003 – P1 - noted as completed.**
3. **Public Art lighting scheme - Design as shown on drawing reference 279-03-15-6088H to be permanently retained and maintained.**
4. **Residents Community Facility – Facilities including communal lobby, meeting room and residents gym as shown on drawing reference 279-03-15- 6202A to be permanently retained and maintained.**
5. **Management Strategy for the site including buildings, car park, refuse and outside areas including public access area and public art to be submitted, agreed and implemented in accordance with the approved document.**
6. **Travel Plan for the site to be submitted, agreed and implemented in accordance with the approved document**
7. **Affordable Housing – 52 shared ownership units on floors 1-7 of Richmond House as shown on drawings reference 279-03-15-4(15) F01 and 279-03-15-4(16) F01 to be provided and permanently maintained. The affordable housing contribution is to be noted as paid in full.**

(b) That the Interim Director for Planning or Group Manager of Planning and Building Control be delegated authority to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to in part (a) above and subject to the conditions set out below.

01 The development shall be carried solely out in accordance with the approved plans: 279-03-15-6084B, 279-03-15-6085E, 279-03-15-6103A, 279-03-15-6202A, 279-03-15-6203A, 279-03-15-6204A, 279-03-15-6205A, 279-03-15-6206A, 279-03-15-6207, 22855-A-02-PL-001 Rev A, 22855-A-PL-03P-001-000 Rev A, 22855-A-PL-03P-002 Rev A, 22855-A-PL-03P-003 Rev A, 22855-A-PL-03P-004 Rev A, 22855-A-PL-03P-005 Rev A, 22855-A-PL-03P-006 Rev A, 22855-A-PL-03P-007 Rev A, 22855-A-PL-03P-008 Rev A, 22855-A-PL-03P-009 Rev A, 22855-A-PL-03P-010 Rev A, 279-03-15-6088H

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

02 The materials used for the external surfaces of the building shall be as detailed on plan reference 279-03-15-6203, 279-03-15-6204 and 279-03-15-6205

Reason: To safeguard the visual amenities of the area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, and DM3 and advice contained within the Southend Design and Townscape Guide (2009

03 Within 4 months of the date of this decision the landscaping for the development hereby approved shall be carried out in full accordance with the approved landscaping plans reference 297-03-15-6103 Rev A, 279-03-15-6084 Rev B, 279-03-15-6085 Rev E, 279-03-15-6088H and the associated landscape management plan entitled Garden Specification Beaumont and Richmond House by iv Property Management. If any tree, shrub or plants are removed or found to be dying, severely damaged or diseased within 5 years of planting them they must be replaced with trees, shrubs or plants of a similar size and species.

Reason: In the interests of visual amenity and to ensure the development makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1and DM3 and The Design and Townscape Guide (2009).

04 The 180 residents car parking spaces, including 1 disabled parking space and 7 visitor parking spaces, including 2 disabled visitor car parking spaces, shall be permanently retained at the site and made available for use solely for occupiers of the residential units hereby approved and visitors to the site in full accordance with the details shown on drawing 279-03-15-6202A.

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).

05 The 280 cycle parking spaces shall be permanently retained at the site and made available for use solely for occupiers of the residential units hereby approved and visitors to the site in full accordance with drawing 279-03-15-6202A.

Reason: To ensure that satisfactory cycle parking facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP3, Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

06 The refuse and recycling stores as shown on plan reference 279-03-15-6202A shall be retained in perpetuity for use solely for the storage of refuse and recycling for the occupiers of the site . Refuse Management at the site shall be carried out in full accordance with the Beaumont and Richmond Waste Management Plan by B&R Property Management Ltd in perpetuity.

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

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 16 (or any other revoking and re-enacting that Order with or without modification), no telecommunications equipment shall be installed above the highest part of the roof of either building.

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

08 No dust or fume or filtration equipment or air conditioning, ventilation or refrigeration equipment shall be installed at the site until details of its design, siting, discharge points and predicted acoustic performance and any odour and noise mitigation to be installed as part of this equipment have been submitted to and approved in writing by the local planning authority. The equipment shall be installed in full accordance with the approved details and thereafter be retained as such.

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

09 The ground floor areas marked as 'shop use class A1' (2 units), 'professional services office use class A2' and 'café use class A3' hereby approved, as identified on plan reference 279-03-15-6202A, shall only be occupied for purposes falling within Use Classes A1, A2 and A3 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. These units 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.

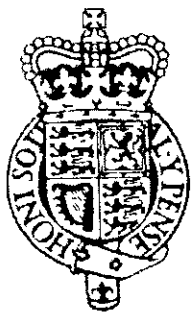
Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the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

01 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.

02 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to affordable housing, public access areas, public art, highway works, residents community facility, management strategy and a Travel Plan.



Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

by **B J Juniper** BSc, DipTP, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 30 July 2007

TOWN AND COUNTRY PLANNING ACT 1990
SOUTHEND-ON-SEA BOROUGH COUNCIL
APPEAL BY SOUTHEND PROPERTIES (GUERNSEY) LTD

Inquiry opened on 19 April 2007

Heath House and Carby House, Victoria Avenue, Southend-on-Sea, SS2 6AR

File Ref APP/D1590/A/06/2027683

File Ref: APP/D1590/A/06/2027683

Heath House and Carby House, Victoria Avenue, Southend-on-Sea, SS2 6AR

- 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 Southend Properties (Guernsey) Ltd against the decision of Southend-on-Sea Borough Council
- The application Ref SOS/06/00598/FUL, dated 16 May 2006, was refused by notice dated 2 August 2006
- The development proposed is the redevelopment of the site with part 4, 8, 10, 11 and 12 storey buildings comprising 280 flats with commercial uses at ground floor level, the provision of 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and accesses onto Harcourt Avenue and Baxter Avenue

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matters

- 1 The Inquiry sat for 3 days It opened on 19 April 2007 but, because there had been a delay in providing the Council with the appellants' proofs, was adjourned It resumed on 26 April and closed on 15 June The site visit took place on 19 April
- 2 The principal parties reached agreement before the opening of the inquiry on the drawings which were relevant These include some which were not listed on the Council's decision notice together with further drawings including minor amendments or providing additional illustrative detail These drawings are listed at Annex B and I have taken them into account in reaching my recommendation I am satisfied that no party to the inquiry has been prejudiced by my having done so
- 3 At the inquiry an application for costs was made by Southend Properties (Guernsey) Ltd against Southend-on-Sea Borough Council. This application is the subject of a separate Report
- 4 By letter of 17 November 2006, the Secretary of State directed that she should determine the appeal instead of an appointed person The reason for this direction was that the appeal raises policy issues relating to a residential development of more than 150 dwellings which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities
- 5 The Council refused the application for the following reasons
 - 1) The proposed development would lead to a permanent loss of the employment generating potential of this prime town centre employment site within the Borough which has only a limited supply of such land to meet the employment requirements of the workforce in a sustainable manner and where there is a surfeit of supply of housing land This would be contrary to Borough Local Plan Policy E4, Policies CS1, CS3, CS4, BIW2 and BIW4 of the Essex and Southend Replacement Structure Plan, and RSS14 and related panel report
 - 2) The proposed development fails to meet the requirements of the Planning Brief in that it does not include provision of adequate numbers of key worker dwellings and this

together with design and detail of the proposals means that it would fail to act as a suitable catalyst for the economic regeneration of Victoria Avenue and the town centre and would therefore be contrary to the underlying thrust of planning policy for the area.

- 3) The applicant has failed to demonstrate that the development would be properly and adequately serviced and that servicing would not take place from the highway. The lack of adequate servicing would result in vehicles parking and manoeuvring on the highway, to the detriment of the free flow of traffic, highway safety and the amenities of adjacent residents and would be contrary to Policies T8, T12 and H5 of the Borough Local Plan and T3 and BE1 of the Essex and Southend Replacement Structure Plan

The Site and Surroundings

6. Heath House and Carby House are office blocks constructed in the 1960s and are of 11 and 8 floors respectively, each with service structures visible above the topmost floors. The main part of Heath House is parallel with but set well back from Victoria Avenue and has a rear wing projecting towards Baxter Avenue from which it has a secondary vehicular access. Carby House is on the corner of Victoria Avenue and Harcourt Avenue and projects further forward, close to the apex of the junction. The remainder of the site is largely hard surfaced parking area although there is modest amount of landscaping between the parking area and the narrow service road which runs parallel with Victoria Avenue along the site's principal frontage. Both buildings are vacant and have been stripped of their interior fixtures and fittings, including most of the partition walls. The exterior cladding remained in place at the time of the inquiry.
7. The site is at the northern end of a group of 1960s and 1970s office buildings of similar scale which line the west side of Victoria Avenue, facing a group of public buildings along the east side ranging from the Council offices opposite the appeal site to Southend Victoria station at the southern end. On the west side of the site are a number of smaller office buildings facing Baxter Avenue, on the opposite side of which is an area of largely two-storey housing. There is similar development to the north of the site beyond Harcourt Avenue.

Planning Policy

8. RPG9 sets out the regional planning guidance for the South East Region including requirements for economy in the use of land and Policy Q1 states that 60% of all new development should be on previously developed land. The replacement regional guidance will be in RSS14 – the Regional Spatial Strategy for the East of England. This is approaching completion and can be accorded significant weight. Policy TC/SE2 which deals with employment generating development in the Thames Gateway area seeks to provide 13,000 jobs in the Borough in the period 2001 to 2021.
9. The development plan includes the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (SP), adopted in 2001, and the Southend-on-Sea Borough Local Plan, adopted in 1994 (LP).
10. SP Policy CS1 states that development and economic growth will be accommodated in a sustainable manner which counters trends towards more dispersed patterns of residence by a number of means. A balance between housing and employment provision within local areas will be sought. Economic success will be encouraged by Policy CS3 and sustainable new development is promoted by Policy CS4, including the achievement of a sustainable balance between local jobs and workers. Policy BIW1 sets a target of 30ha as a net increase

in employment land for the Borough over the period 1996 to 2011 and Policy BE2 provides for mixed use developments in appropriate locations, particularly within town centres. An adequate range of sites and premises is to be provided to meet the needs of business, industry and warehousing under Policy BIW2. Existing employment sites currently in use or identified for future business, industry or warehousing use will be safeguarded by Policy BIW4 from redevelopment or change of use, particularly in designated 'Priority Areas for Economic Regeneration'. Policy T3 promotes accessibility through appropriate design of access arrangements for all forms of transport.

11. LP Policy H2 seeks to provide low cost accommodation suitable for small households and an element of affordable housing in new residential proposals. The loss of existing major office floorspace is precluded by Policy E2 unless alternative development is proposed which would bring clear benefits to the town in terms of facilities provided and jobs created. Policy E4, referred to in the Council's decision notice, makes similar stipulations in respect of the loss of land identified for industrial, warehousing or other business use on the proposals map, but the site is not so identified. The Policy adds that elsewhere permission for such proposals will only be granted where specified criteria can be met, including sites where it can clearly be demonstrated that the premises are no longer suitable for industrial or warehouse use. Policies T8 and T12 deal with vehicular access and servicing respectively. Additional land for industrial development at Fossetts Farm was added in the Second Alteration to the LP, adopted in 1999.
12. The Council is proceeding with the preparation of a Local Development Framework (LDF) and my attention has been drawn to a number of documents published in this connection, including a Core Strategy Document as submitted to the Secretary of State in August 2006 and on which an examination in public (EiP) commenced in early 2007. It includes objectives SO5 and SO6 to provide for not less than 13,000 net additional jobs and 6,000 net additional dwellings respectively in the period 2001 to 2021. Policy CP1 seeks to provide 3,000 net additional jobs in the town centre and central area between 2001 and 2011, 1,500 jobs between 2011 and 2016 and 2,000 in the period 2016 to 2021. It also resists the loss of existing employment land unless the proposals would contribute to job-led regeneration in other ways. Net additional dwelling totals of 650, 750 and 250 are sought for the same three periods by Policy CP3. The results of the examination in public of the Core Strategy are not yet available, limiting the weight that can be attached to the emerging policies.
13. In addition, Hearing Papers on Housing and Employment have been submitted to the EiP. I have also had regard to an Issues and Options report prepared in connection with the Town Centre Area Action Plan, and to the Southend Annual Monitoring Reports for 2005 and 2006 (SAMRs). The weight that can be accorded to these documents at this stage is, however, limited.
14. In January 2004 the Council published the 'Redevelopment of Heath House and Carby House Project Management Brief' which identified the site as having potential for a development of 60% office space, 20% associated commercial space and 20% residential as a contribution to the regeneration of the area. There was no formal public consultation on this document, however, and it can therefore be accorded little weight.

Planning History

15. In 2004 an application was submitted for a development of 446 flats on the appeal site in a building of 9, 11 and 12 storeys achieved through partial demolition of the existing

buildings, together with 252 parking spaces. The Council resolved to grant permission subject to a S106 agreement with a range of requirements including the provision of 240 shared ownership dwellings for key workers, a provision for which central government funding was potentially available at the time. The funding arrangements subsequently changed and no S106 agreement has been completed.

16. Permission was granted in 2004 for the removal of cladding, fixtures and fitting, the retention of the building's frame and floors and works to make good at Heath House in association with the concurrent demolition of Carby House.

The Proposals

17. The ground floors of the two blocks would be adapted to commercial uses with provision being made for a small convenience store, a restaurant/bar, local medical facilities and a day nursery. There would be 166 car parking spaces and 288 secure cycle storage places. The remainder of the buildings would be adapted and remodelled to accommodate 280 flats, 84 of which would be affordable housing units. The principal additions would be a three floor wing coming forward from the central part of Heath House up to the frontage with Victoria Avenue and a range of projections from the existing facades to provide balconies. The adapted buildings would be completely re-clad. The area between the new three storey wing and Carby House would be screened from Victoria Avenue and would provide part of the parking area. To the south of the new wing, however, a public square would be created.

The Case for Southend Properties (Guernsey) Ltd

18. The Council has agreed that the servicing issue, reason for refusal 3, is resolved. It has also formally withdrawn reason for refusal 2¹. As part of that concession, the Council expressly accepted that the design of the proposals would be acceptable and would assist the regeneration of the area, and that the 'Planning Brief' was a matter to which no weight should be applied.
19. The only outstanding issue relates to the amount of employment generating floorspace within the proposal. The Council argues that the site should be redeveloped for a mixed use with an unspecified amount of employment generating floorspace whereas the appellant argues that it is unnecessary in policy or any other terms to require more employment generating uses on the site than are present in the proposals.
20. The way the Council put its case at the inquiry is not the same as reason for refusal 1. It has understandably changed its ground, because it recognises that it is untenable to seek to prevent housing on the site. Its case appears to be that the site would be better used with more employment generating development on it, because otherwise harm would arise first because there would be a 'lost opportunity' and secondly because there is no need for housing, and a jobs target needs to be met.

The housing credentials of the site

21. The site is agreed to be in a highly sustainable location, and to comprise previously-developed land. Its reuse for housing would comply with PPS3, particularly as it would bring significant regeneration benefits to Victoria Avenue and is agreed to be an example of good design. No objection is taken to the mix or type of units proposed. The regeneration benefits are not confined to the huge improvement the building will make to the physical

¹ Document 20

environment of Victoria Avenue. The housing units will provide regenerative economic benefits in terms of money spent in the town centre. The affordable housing units (which might be key worker housing, which the Council accepts would be regenerative) would themselves aid regeneration because those with lower paid jobs are necessary to the economy of the area too.

- 22 Mr Pilkington from Renaissance Southend Ltd appeared at the inquiry, although he did not do so with authority from the constituent members of that organisation (most of which do not object to the scheme). His point of view is completely at odds with, and undermined by, the formal letter of consultation submitted by the organisation's Chief Executive on 16 June 2006² which stated that "my instinct is to go with a residential scheme with a more standard affordable mix and to use the policy issue to secure the best possible design. ". Very diminished weight should be given to Mr Pilkington's evidence as a result.
- 23 The Council does not allege that the number of housing units proposed would in itself cause harm. That does not form part of reason for refusal 1. The appellants similarly do not rely on housing figures to justify their proposals. The position is that the provision of 280 flats in a well designed, mixed use scheme would accord with policy. The housing figures in the adopted Local Plan of 1994 are well out of date. The figures in the emerging RSS are likely to be exceeded in Southend, but the Secretary of State has made it plain that the housing targets are not ceilings but minimum targets. This explains why there is no moratorium on housing permissions in Southend and why the Council has continued to grant residential planning permissions on windfall sites.
- 24 Affordable housing policy in Southend would be met. The proposals would provide 84 affordable units, 30% of the total. That would accord with the emerging policy. The need for affordable housing in Southend is large and pressing, and substantial weight should be attached to the provision of such an amount of deliverable affordable housing units in this sustainable location.
- 25 The Council previously considered that the appeal site would contribute to the economic regeneration of Southend by providing key worker housing. It now says that 84 affordable units and the market units would have no benefits to the economy of Southend. That is inconsistent with policy and emerging policy at all levels. The Council's draft Core Strategy does not suggest that regeneration is uniquely linked to key worker housing, indeed the draft policy CS8 is aimed at providing a mix of housing comprising market, affordable housing and key worker housing in order to meet housing need and secure economic regeneration. That accords with the Thames Gateway Regional Planning Bodies' guidance, '*Growth and Regeneration in the Thames Gateway*', which expressly states that affordable housing (not just key worker housing) will be important to ensure a workforce with a range of skills can be accommodated in the area. That also accords with PPS3 and '*Delivering Affordable Housing*', neither of which state that it is only key worker housing that has a beneficial regenerative effect.
- 26 The site is accepted by the Council to be suitable as a mixed use site. Their case is not that it should provide 100% job-creating uses, but that it should be a mix with a greater proportion of employment. As for the housing element, however, there would be no harm from the provision of the 280 units, and there would be obvious benefits from the housing, both affordable and market housing, in terms of meeting needs and assisting economic regeneration. The flats would be in one of the most sustainable locations in the Borough.

² Document 22

The relationship between housing and employment

27. Reason for refusal 1 does not allege that the proposals would cause harm because they would lead to an unsustainable imbalance between homes and jobs. That argument has no force if there is no harm in policy terms in exceeding the RSS minimum target figures in sustainable urban locations and there is adequate job creation and/or employment land to meet the targets set in adopted and emerging policy
28. The employment objectives, be they land or jobs, have been arrived at on the basis of an assessment of overall development needs and sustainability. That is why if adequate jobs/land exist then no argument can be supported that further housing will cause harm in sustainability terms. In this connection, weight should be attached to the Government Office for the East of England's view that calculations of the alignment of jobs and housing are very difficult at the sub-regional level, and even more so at the local level³
29. It follows that the issue of 'balance' or alignment is only capable of being looked at roughly, and the best way to do that here is to note that there is no RSS cap on housing deliveries, and that the jobs targets should be met. It is also central to the question of sustainability that the site is in a highly sustainable location. There is no reason why residential units here should exacerbate out-commuting by car. Out-commuting by public transport is not a sin in policy terms.

Employment

30. First, this is not a case where the land is treated as safeguarded for pure employment use by the Council applying adopted policy. The Council accepts that a mixed use is appropriate. In that context, the main part of Local Plan Policy E4 (referred to in the reason for refusal) does not apply because the site is not identified for B uses in the Local Plan Proposals Map. The policy is also permissive of loss of business use where the premises are no longer suitable for industrial or warehouse use and there is no dispute that is the case here. E4 is a restraint policy which would be breached on its face by a mixed use development. Since the Council accepts a mixed use, reliance on E4 is illogical.
31. Policy E2 of the LP, which the Council regard as the 'relevant policy', is well out of date. Paragraphs 4.12 to 4.14 illustrate the market context in which it was written. The site is no longer 'existing major office floorspace' nor does the Council suggest that it should be kept for that purpose. It says that some small office users could be housed in a mixed use scheme. It follows that there is no breach of E2. In addition, there is no harm from the 'loss' in E2 terms. There would be physical benefits since affordable housing would be a benefit for the town, as would the 15,000 sq ft of commercial floorspace which forms part of the scheme.
32. In the 2001 Structure Plan, Policy BIW4 obviously does not apply here. The site is not 'in use or identified in adopted local plans for future business, industry or warehousing use'. Of course, the lawful use is for B class use, but it can be clearly shown how obsolete the buildings themselves are and how unrealistic it is to imagine a future business use for the site⁴.
33. Second, there is no breach of emerging RSS Policy E3 because there is evidence before the inquiry of sufficient land being available to ensure that the Region's economic strategy

³ Document 10, para 6.20

⁴ Document 7, Sections 5 and 7

objectives are met. The Council accepts that the RSS, which very shortly will replace the SP, focuses on the provision of jobs rather than the finding of new net employment land. The RSS does not seek the provision only of B class jobs, but makes no distinction between any type of job. In terms of jobs the RSS seeks 13,000 new jobs to 2021, at an average of 650 a year. The Southend Annual Monitoring Report (SAMR) 2006⁵, which represents the latest figures, indicates that the job creation in the Borough is running at 880 on average a year. 4400 have been created between 2001 and 2006 and the Council acknowledges that progress is good.

- 34 The Council rather inexplicably submitted at the inquiry that for essentially methodological reasons (lag in recording deletions over additions) the Inter Departmental Business Register (IDBR) may be suspect. This point is addressed squarely by the Council in its Hearing Paper 5 on Employment⁶, submitted to the EiP in March 2007. On the third page of the document, a number of factors are set out. One is the simple observation that "the IDBR count was lower than the 2001 Census, suggesting that more jobs have been created in the Borough over this time period". Indeed, the Council's own overall conclusion is that "all these indicators suggest that the economy of Southend, whilst still behind the national and regional averages, has shown greater improvements since 2001 which is consistent with an increase in jobs provision as illustrated by the IDBR data." The Council's position is inconsistent with this and the conclusion that one cannot assume growth in jobs in line with the IDBR work.
- 35 The document produced by the Council's Policy Section says that "the IDBR increase (2001/2006) may be slightly over-estimated". That hardly shows that the Council's Policy Section thinks that there is a major problem with the IDBR data. The document also then goes on to show that 8 firms (including 3 supermarket firms) have between them alone created 3000 jobs in the period. The Policy Section's note for Mr Collins⁷ does not suggest that there is a problem with the IDBR data as an indication of trends. Although it was speculated that the latest figures might be unrepresentative, it is necessary to proceed on the basis of the figures we have which are the best available. Furthermore, there is no actual evidence that the figures are suspect because of 'one offs' or 'blips'. Evidence such as that produced on Marine Plaza demonstrates how and why job creation in Southend is and will remain healthy. There have been and will continue to be redevelopments, projects and changes which will bring the jobs into the town.
- 36 The residual argument about land for employment is consequently of only secondary importance. SP Policy BIW1 requires 30 ha net additional of B class land to be provided between 1996 and 2011. It is very difficult securely to equate land and jobs, which is why the RSS uses the new method of focusing on jobs. The Council argued that there is a shortfall against that B class land requirement of some 18.7 ha, although it concedes that at least 4.6ha further land is available at Shoebury. The evidence in fact indicates that there is considerably greater potential for land (including land already with the benefit of planning permission) to come forward with 12.3 ha of consented land at Fossets Farm available and 4.75 ha at Shoebury. If the Priory site is included, the additional 9.8 ha brings the total to 26.85 ha. There is a Joint Area Action Plan in existence between the Council and Rochford Borough Council, evidently with the potential for further B class land to come forward in that area within the SP period.

⁵ Document 14, tab 4

⁶ Document 19

⁷ Document 25

- 37 These figures disclose that, even if one looks at land requirements under SP Policy BIW1, there is little evidence that the appeal site is needed to take up the slack. It is accepted that in terms of allocating sites, the Council would be applying a test of certainty. That has little to do with the present exercise, which is to see what in the real world would be available by 2011 and deliverable for employment generating purposes. There is a significant amount. In any event, the appeal site is not 'net new employment land' and would not count (or indeed have counted) as a potential contributor to Policy BIW1's 30 ha.
- 38 There are formidable practical problems with the appeal site and the premises for employment re-use. There is no market for the buildings either as large space buildings or even if one divided them up, partly because the only identified demand in the evidence before the inquiry is for small space users to buy freehold⁸. There is little prospect of such purchases because office owners do not want their building sitting under floors of housing. That is why the viability testing was undertaken on a two storey office development without accommodation above. It has been shown that such a development would be unviable.
- 39 Nor is there any practical prospect of the refurbishment or redevelopment working, as has been shown, for the same reasons. The prospect of a hypothetical mixed use scheme on the site was considered but the question is in the end the same one: why should the developer look at that option? It is not required in order to keep housing numbers down, nor is it required in order to ensure job creation or employment land availability. There is no policy 'hook' or justification for such a scheme to be required on the site.
- 40 Turning then to the suggestion that permission should be withheld because an 'opportunity' would be 'lost', that is true in a sense of every development that is permitted. The question is whether any harm in planning terms would flow from the implementation of permission. The Council has not refused permission on the basis of a prematurity argument. It cannot allege that many similar opportunities would not still be available, even in Victoria Avenue. There would still be a treasure trove of sites and vacant buildings to bring forward whatever schemes may be acceptable at that particular time.
- 41 It can therefore be concluded that
- (1) the site is sustainable urban previously developed land which is available and deliverable and would bring forward a significant amount of affordable housing where there is severe need for that type of housing,
 - (2) the scheme would not cause harm to housing policy because, as the RSS makes clear, the housing figures are not ceilings,
 - (3) the scheme would not cause harm to the achievement of a net jobs increase in Southend, that is going well, and there is little indication that it will change in the future. There is plenty of employment land available within the SP's BIW1 category,
 - (4) there is therefore no tenable argument that the proposal would overheat housing, or lead to harmful travel patterns, or a harmful imbalance between housing and employment
 - (5) Instead, the scheme will be highly beneficial in physical terms, will regenerate the area in addition through the introduction of a variety of different types of occupier, make significant contributions through the S106 undertaking, and have a beneficial

⁸ Document 7, Section 8

effect to some degree on the blockage in the market caused by the huge oversupply of vacant office space. Instead of sclerosis, there will be enhancement and regeneration.

The Case for Southend-on-Sea Borough Council

- 42 The key policies to be considered are LP Policies E2 and E4. The site clearly benefits from protection under those policies which state that the loss of employment land will only be acceptable where other clear benefits can be shown. Policy BIW1 of the SP sets out the 30ha target and BIW4 points to the vital and continuing need to retain prime employment sites. This policy base is built upon and developed in the Core Strategy document which seeks to provide 13,000 jobs and 6,500 homes in the Borough in the period to 2021, of which 6,500 jobs and 2,000 homes are to be in the town centre.
- 43 The appellants allege that there would be three clear benefits. First there would be the provision of 'much needed housing', but the figures produced by the Council, and not challenged at the inquiry, show that, in the first quarter of the 6,500 target period, there had been 2,137 completions which is the equivalent of 426 units per year, against a requirement that equates to 325 units annually. Completions have since continued to exceed the target rate - there were 610 completions in 2005/6 - and the Council is confident that progress will be maintained. It is accepted that the figures are not intended to be maxima, but the monitoring figures indicate that there will be no difficulty in achieving the targets. The provision of 280 flats cannot therefore be regarded as contributing to 'much needed' housing.
44. The second benefit claimed is the provision of 84 affordable housing units and it is accepted that this would be a positive factor, but not one of such significance or substance as to justify granting permission for the proposal. The number of units would be relatively small and only 40% of these would be social rented housing. Such provision could feature in alternative, mixed-use schemes on the site. The appellants were unable to say what the demand for affordable housing would be so they cannot establish whether it would be significant and in any event it would only be part of an overall package.
- 45 The third area of benefit claimed is the regeneration effect on the north end of the town centre, but what is proposed is not in line with the aims and aspirations of either Council or Renaissance Southend Ltd (RSL) for the area. The evidence given at the inquiry by a director of RSL must be taken as the company's view. Overall, then, these benefits are simply not enough. They are mis-founded or unfounded and do not justify a departure from protectionist employment policies. It is not for the Council to demonstrate the harm but in any event that harm is not the loss of employment land as such, but the loss of employment land when housing land is not required and the position in respect of employment is less certain.
- 46 The appellants' assessment of the available employment land is flawed for several reasons. Land is becoming less important in itself than jobs, which is how policy is evolving. No maximum provision is implied but the focus has to be on the town centre and none of the sites identified by the appellants are there. The difference between the parties' assessment of the provision is that the Council has dealt in certainties, basing their evidence on the monitoring of allocations and permissions, whereas the appellants' figures are speculative. In neither case, however, has the target been shown to have been reached and the appellants' assessment that the target would be reached is over-optimistic. RSL's standpoint that the Council should 'be wise with what it has got' is the correct one.

- 47 It is accepted that in recent years the number of additional jobs created has been satisfactory but there are concerns about whether that trajectory would continue. There are also doubts about the IDBR data used for assessing progress since there is a tendency for it to include an element of double counting because deletions do not appear to be taken into account as speedily as additions. Wiping out a key employment site for housing purposes is a risk that does not need to be taken in the current housing climate and would significantly reduce the options open to the Council.
- 48 The appellants argue that one way of reducing the present overcapacity in the office market is by reducing the supply, but it could also be argued that the present stock could be improved. Increasing housing provision out of synch with jobs is likely to lead to increased out-commuting, act as a disincentive to companies considering relocating to Southend and would be contrary to the policy of securing jobs-led regeneration. Whilst the appellants argue that the office market is not good at present, positive changes may arise from the Area Action Plans, the expansion of university facilities and the activities of RSL. It is too negative a stance to accept the loss of this site to residential development.
- 49 The alternative scheme investigated by the appellants would have provided two storey office development for freehold disposals and no residential development and the Council notes that this would not be realistic. No other possible mixed use schemes have been investigated or costed so it cannot be argued that the appeal scheme is the only viable form of development. The potential out-of-town office sites to which the appellants referred would clearly tend to siphon off such development to peripheral locations, contrary to the general thrust of national policy. The ground floor commercial floorspace in the appeal scheme would be of limited benefit, serving principally the occupiers of the flats.
- 50 If permitted, the scheme would also make it more difficult to formulate financially realistic refurbishment schemes for the other older office blocks in Victoria Avenue since the appeal scheme would have absorbed the whole of the acceptable residential development potential for the area. It is not disputed that an element of residential development would be acceptable on the appeal site but a mixed use scheme would be more appropriate. In the end the judgement to be made is whether what is proposed is sufficiently mixed.
- 51 It is difficult to balance housing and employment but the Council is entitled to proceed on a 'plan, monitor and manage' basis. The housing data has not been challenged and the Council's views on the matter of future job provision have been clearly set out. In essence the Council argues that it is appropriate to exercise caution in the use of the IDBR data which is likely to exaggerate provision because of the time lag in including deletions. A significant proportion of the extra jobs created between 2001 and 2006, 3,000 out of 4,400, can be tracked back to one-off schemes or relocations. In essence, housing provision is satisfactory in the area, but employment prospects are more questionable and on that basis the loss of employment land to housing cannot be justified.

The Case for Renaissance Southend Ltd

- 52 Renaissance Southend Ltd (RSL) is producing a regeneration framework including a Central Area Masterplan based on evidence gathered by consultants Roger Tym and Partners. It is recognised that the town centre's principal office offer, along Victoria Avenue, incorporates a number of outdated buildings.
- 53 RSL proposes to identify, through the Masterplan, a range of alternative locations where employment uses would be appropriate and aligned with investor and occupier

requirements. The Masterplan will advocate a site by site approach to employment policy, incorporating where appropriate a mix of uses. It is intended that these alternative locations should supplement the existing employment land supply, and establish new and improved parameters to encourage office redevelopment in existing locations. Given the employment challenges facing the sector, judicious use of the existing employment land supply in the central area is a crucial driver in delivering sustained economic regeneration. Pending completion of the Masterplan and the adoption of the Area Action Plans (AAPs), RSL advocates that the existing supply of employment land in the central area should not be overwhelmed by other uses.

- 54 In the interim, RSL advocates that the investment obstacles to new office redevelopment in Victoria Avenue could be overcome by contemplating redevelopment proposals containing a proportion of mixed uses, to the extent that this could improve economic viability to encourage new scheme implementation, and that the overriding test would be the extent to which such proposals are deemed to address and contribute towards the realization of sustainable economic regeneration objectives. The appeal scheme does not present an appropriate mix with inadequate employment/regeneration floorspace included. In the interim, RSL proposes that all planning applications on existing employment land in the central area should be considered in the context of a more comprehensive brief having regard to the emerging Masterplan and AAPs.
- 55 The appeal proposal is premature pending completion of the Masterplan and formal adoption of the AAPs. Furthermore, the granting of a consent at an important gateway to the town, in the absence of an up to date and comprehensive plan for the west side of Victoria Avenue, would be likely to prejudice the ability of RSL or the Council to meet the objectives for the regeneration of the town centre that secures an appropriate balance between housing, employment and an enhancement to the quality of the built environment and public realm.
- 56 Previous discussions between RSL and the appellants have considered the possibility of replacing the affordable housing element of the scheme with residential accommodation for 300 students (for the University of Essex) and converting the east wing of Heath House (circa 1,000m² on 3 floors) for student ancillary use. Further discussions between RSL and its partners have included the possibility of using the north wing of Heath House for employment use to promote and facilitate innovation/research and development/enterprise initiatives in conjunction with Southend's private corporate sector. This is one of a number of options that could deliver jobs and regeneration. Such a mixed use solution would contribute directly towards the regeneration agenda, and represent a preferred option for future development in anticipation of emerging proposals through the Masterplan and AAPs.

The Case for Mr & Mrs Murrell

- 57 The additional traffic volumes need to be considered. There would be fewer parking spaces than flats in the scheme which would have an adverse impact on the availability of on-street parking in the area. One parking space per flat should be the absolute minimum provision. Also, the scheme would result in a substantial increase in traffic on the residential roads around the site which will adversely affect the quality of life for local residents because of additional noise and fumes. The proposal would negate the Council's previous attempts to regulate traffic in the area and improve the local environment.

The Case for Cllr Norman

- 58 There is a clear conflict between the interests of the developer and the Council, and the Council is entitled to take a long term view. There is high unemployment in the area and the relevant ward, together with the adjacent ward, are amongst the 10% most deprived in England. The key worker housing in the previous scheme would have served a specific social purpose and aided regeneration but the present proposals seek to backtrack on this.
- 59 There is a young workforce and the present buildings could be adapted to form a call centre or a similar enterprise. There is also the possibility of expansion of the Essex University which has already acquired separate sites. Carby House was previously used for teacher training, demonstrating its suitability. Although it is accepted that there are other under-used buildings nearby, Victoria Avenue provides a different type of site to those available at Shoebury or around the airport.
60. In addition, the proposed large, high density scheme would lead to a loss of employment land as well as being in danger of becoming a gated community. Without a car reduction scheme there would be an increase in traffic locally.

Written Representations

- 61 The written representations made on the appeal reflected the cases made by Mr & Mrs Murrell and by Cllr Norman. In addition, some concern was expressed about the potential for residents of the proposed flats to overlook adjoining and nearby property.

Conditions and Obligations

- 62 The Statement of Common Ground⁹ (SCG) included a schedule of draft conditions to be imposed in the event of permission being granted. I deal with the suggested conditions below, taking account of advice in Circular 11/95 - *The Use of Conditions in Planning Permissions*. A list of conditions, incorporating my amendments, is set out as Annex 1 to this Report and I suggest that these be imposed if the Secretary of State decides to allow the appeal.

Matters affecting the appearance of the buildings

- 63 To secure an appropriate appearance for the buildings it is necessary to require further details of external materials, including those balconies which the submitted drawings indicate are subject to revision, and of the ground floor retail and community accommodation. For similar reasons the means of enclosure require prior approval, together with landscaping and external lighting and I agree that, given the prominence of the buildings, restrictions on permitted development rights for telecommunications equipment is also justified. The potential for visual impact of installed plant above roof level would be safeguarded against by the condition suggested at paragraph 65 below.

Parking and Servicing

- 64 Appropriate parking and servicing arrangements are needed in the interests of highway safety and to that end conditions controlling the provision of car and cycle parking and the dimensions of the servicing access are required.

⁹ Document 26

Noise from Installed Plant

65. In the absence of information on mechanical plant and its potential effect on the living conditions of occupiers of the flats, a condition requiring prior approval of any equipment to be installed is necessary

Archaeology and Notice of Works

- 66 No evidence was provided to justify the Council's suggested condition requiring archaeological supervision of works and, given that the site would have been heavily disturbed by the building of the existing structures, such a condition is not necessary. None of the matters requiring prior approval seem to me to be sufficiently time critical as to justify a condition requiring 48 hours notice of the commencement of works

Unilateral Undertaking

- 67 Under the terms of a unilateral undertaking dated 22 June 2007¹⁰ the appellants would
- (a) provide, lay out and maintain a publicly accessible area which would effectively be a small square alongside Victoria Avenue,
 - (b) make a financial contribution to the refurbishment of the Victoria Avenue underpass and to other works of improvement to the Victoria Avenue frontage of the site;
 - (c) install a lighting scheme as a public art project;
 - (d) provide and maintain a CCTV system on site and contribute to the Council's costs for its own CCTV system,
 - (e) provide and retain a community room for the use of residents of the development,
 - (f) institute and revise from time to time a travel plan including restrictions of the ability of residents of the development to obtain on-street parking permits,
 - (g) provide 84 of the units as affordable housing in such a way as to enable an affordable housing provider acting reasonably to provide 40% of these units for social rented housing and 60% as intermediate housing
- 68 These obligations appear to me to be fairly related to the scale and nature of the development and to accord with the Council's policies. The terms of the undertakings concur with the advice in Circular 05/2005 – *Planning Obligations*. Although some of the matters covered by the undertakings were included as matters suggested to be covered by conditions in the SCG, I consider that they would be more appropriately secured through the undertaking because they involve financial contributions

¹⁰ Document 28

Inspector's Conclusions

[Numbers in square brackets refer to paragraphs elsewhere in this Report]

Main Considerations

- 69 The issue of highway safety arising from the possible inadequacy of the parking and servicing arrangements was dealt with to the Council's satisfaction in discussions before the opening of the inquiry [18], subject to the imposition of an appropriate condition. On the resumption of the inquiry on 26 April the parties agreed that, with additional information provided by the appellants, the design of the scheme was no longer a matter of dispute and that the Planning Brief to which the Council had referred in the second reason for refusal was not a document to which significant weight could be accorded. I agree that this effectively deals with reasons for refusal 2 and 3, so that the main considerations are
- (a) whether the proposal would unacceptably reduce the potential supply of employment creating development in the Borough to a harmful extent, and
 - (b) whether the benefits of the proposal would be sufficient to clearly outweigh any harm identified

The Supply of Employment Creating Development

70. Heath House and Carby House were constructed as office blocks and served that function until about 2002, although in recent years the amount of floorspace occupied has been limited. Evidence produced by the appellants showed that the contribution the site could make to the supply of useable office space is now limited, even if the buildings were to be refurbished, given their dated configuration and, in particular, the limited headroom between floors [38]
- 71 Elsewhere in Victoria Avenue there are office buildings that are currently vacant and being marketed and it is clear that much of this floorspace has been available for some time. One former office building, Skyline Plaza, has now largely been converted to flats. The appellants produced convincing evidence to show that the type of office floorspace which refurbishment of Heath House and Carby House could result in would not satisfy the present demand in the Borough which is principally for freehold, low rise office buildings. There is also evidence to suggest that office development sites closer to the town centre, such as at Marine Plaza, are more likely to make such provision [35]
- 72 Redevelopment of the appeal site for office purposes with a retail element in a low rise form was investigated by the appellants and an outline, costed scheme produced. This showed that such a scheme would not be likely to be viable. The Council did not dispute this conclusion. It suggested that an alternative, mixed-use scheme would be more appropriate on the site but did not produce a costed scheme. I judge that the prospects for a successful redevelopment of the site for employment purposes are limited. I do not consider that it makes a significant contribution to the range of sites and premises which Structure Plan Policy BIW2 requires to be provided [10]
- 73 The parties differed on the matter of the availability of land for employment purposes elsewhere in the area. I accept the Council's standpoint that at present it cannot firmly identify land to meet the 30ha target for employment land provision in the Policy BIW1 of the Structure Plan but there is clear evidence that a significant proportion of that land has come forward in the earlier parts of the Structure Plan period. The appellants noted that

there were a number of locations in the Borough where the prospects for employment generating development were good. There is also a joint initiative by the Council and Rochford Borough Council to provide further land for such development around Southend Airport [36]

- 74 The focus of emerging planning policy is now on the number of jobs to be provided rather than the area of land to be allocated and monitoring of this factor in recent years has indicated that progress towards meeting these aspirations is good [33]. Whilst I acknowledge the Council's reservations about the principal source of data [47] I am conscious that all such information is subject to a considerable margin of error, especially in respect of relatively small areas, such as an individual council area. I do not consider that the information available to date indicates that a material shortfall of employment creating development is likely and in my opinion the harm arising from the use of the appeal site for a development largely comprising residential units would be limited.
- 75 I conclude that the proposal would not unacceptably reduce the potential supply of employment creating development in the Borough to a harmful extent and I find no conflict with the relevant development plan policies.

Benefits of the Proposal

76. Local Plan Policy E2 precludes the loss of existing major office floorspace unless alternative development is proposed which would bring clear benefits to the town in terms of facilities and provided and jobs created. I agree with the Council's analysis that the appellants argued, in essence, for three positive factors to be taken into consideration.
- 77 The first of these was the provision of 280 flats which would make a contribution to meeting overall housing requirements in the town centre, in the Borough as a whole and in the wider area. The Council was able to demonstrate that progress towards meeting the housing targets in the Structure Plan was good and I accept its argument that there is no need in quantitative or qualitative terms for additional housing in the short to medium term [43]. However, as the Council itself acknowledges, these targets are not intended to be maxima and it is clear that the site, on the periphery of the town centre and close to well serviced rail and bus routes, would be a sustainable location for residential development on previously developed land.
78. Of the 280 flats, 84 would be provided as affordable housing with 40% of these being for social rented housing and the remainder as intermediate affordable housing. I am satisfied that the appellants' unilateral undertaking [67] would secure this provision. Whilst the statistical information before the inquiry on the need for affordable housing was limited, the Council did not dispute the appellants' assertion that there is an unmet demand which considerably outstrips the present supply. To the extent that there is encouragement in national and development plan policies for widening housing choice for the less well off, the proposal must be considered beneficial.
- 79 The third positive factor advanced by the appellants was the contribution the scheme would make to the regeneration of this area of Southend. That the implementation of the scheme would enable the redevelopment of what is at present a vacant and to some extent derelict site is not in doubt and that would achieve a visual improvement. The employment generating potential of the proposal itself is, however, limited, since only the ground floor would include any commercial development and that would be limited to retail uses. Whilst additional housing for those wishing to work in the town centre would be provided, I judge that the impact of this availability on the regeneration of the area would be modest. The

evidence of Renaissance Southend Ltd on this matter was not wholly conclusive [22; 45] However, I do not consider that the redevelopment of the appeal site, even given its size and prominent position, would unduly prejudice the emerging Masterplan [55] In addition, I judge that neither the evidence produced by RSL nor by Cllr Norman with regard to potential occupants for the existing buildings on the site if they were to be refurbished, was sufficiently clear cut to be given significant weight

- 80 I conclude that the benefits of the proposal would be sufficient to clearly outweigh any harm identified and that there is therefore no conflict with Local Plan Policy E2 I also conclude that the housing element of the proposal would contribute towards the Government's objectives of creating high quality, sustainable, mixed and inclusive communities

Other Matters

81. I have no doubt that the proposal would result in a significant increase in the number of traffic movements around the site, both for servicing purposes and by residents accessing the parking spaces. This has to be set against the potential traffic arising from the authorised use of the buildings, although I acknowledge that local residents have experienced quite a long period when the buildings have generated few vehicle visits. Given the satisfactorily amended servicing arrangements, the restriction in the unilateral undertaking on occupiers' qualification for residents' parking permits and the overall restriction in the number of on-site parking spaces, I consider that the proposal would not be harmful either in terms of highway safety or additional fumes, noise or disturbance.
82. I accept that many of the proposed flats would have a view over nearby gardens and towards existing houses. The distances from which those views would be obtained, however, taken together with the context of the densely developed urban area in which the site is located where there is already an element of mutual overlooking, leads me to the conclusion that no material harm would arise to the living conditions of existing residents.

Recommendation

File Ref: APP/D1590/A/06/2027683

- 83 I recommend that the appeal be allowed and planning permission be granted subject to the conditions set out in Annex 1

B J Juniper

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY.

Katy Skerrett of Counsel

She called

John Collins BA, MBA, MRTPI Planning Director DHA Planning

FOR THE APPELLANT

Rupert Warren of Counsel

He called.

Paul Knight FRICS Director Dedman Professional Ltd

Steve Wilson BA(Hons), BTP, Director CgMs Ltd

MRTPI

INTERESTED PERSONS.

David Pilkington MRICS

Mr C and Mrs A Murrell

Paul Drinkwater

Cllr David A Norman

Director of Development. Renaissance Southend Ltd.

107 Boston Ave, Southend-on-Sea, SS2 6JF

99A Baxter Ave, Southend-on-Sea, SS2 6HX

Council member Victoria Ward

DOCUMENTS

- 1 [not used]
- 2 Council's letter of notification and list of addresses to which it was sent
- 3 Folder of Supporting Documents submitted with the application
Council Proofs and associated documents
- 4 Proof of Evidence of John Collins
- 5 Folder of Appendices to Document 4
- 6 Proof of Evidence of Anthony Handfield [not called]
Appellants' Proofs and Associated Documents
- 7 Proof of Evidence of Paul Knight
- 8 Supplementary Appendices to Document 6
- 9 Proof of Evidence of David Parker [not called]
- 10 Proof of Evidence of Steve Wilson
- 11 Summary of Proof of Evidence of Steve Wilson
- 12 Appendices 1 to 8 to Proof of Evidence of Steve Wilson
- 13 Folder of Development Plan Policies appended to Proof of Evidence of Steve Wilson
- 14 Folder of additional policy documents appended to Proof of Evidence of Steve Wilson
- 15 Bundle 3 'History of Negotiations' appended to Proof of Evidence of Steve Wilson
Third Party Proof
- 16 Proof of evidence of David Pilkington

Documents submitted at the Inquiry

- 17 Joint statement by the parties on highway matters
- 18 Core Strategy Hearing Paper 4 - Housing
- 19 Core Strategy Hearing Paper 5 – Employment
- 20 Council’s letter of 25 April 2007 withdrawing reason for refusal No 2
- 21 Economic Scrutiny Committee Report on Economic Growth Aspirations for Southend – January 2006
- 22 Letter from Renaissance Southend Ltd dated 16 June 2006
- 23 Extract from the Southend-on-Sea Core Strategy Development Plan Document 1 – Delivering Regeneration and Growth
- 24 Extract from Southend-on-Sea Borough Local Plan Second Alteration – March 1999
- 25 Council’s Policy Section note on employment data sources
- 26 Statement of Common Ground – final version
- 27 Outline closing submissions on behalf of the appellants [amended as delivered]
- 28 Unilateral Undertaking dated 22 June 2007 [submitted in draft – with text finalised but without signatures or date - at the inquiry and subsequently provided in completed form]

PLANS

- A Indexed folder of submitted and amended plans

ANNEX 1

Conditions Schedule

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision
- 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including the location of and materials for any balconies but excluding shopfronts, have been submitted to and approved in writing by the local planning authority. Details of any shopfronts shall be submitted to and approved in writing by the local planning authority before being installed in the building. Development shall be carried out in accordance with the approved details
- 3) No development shall take place 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 shall include means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (eg Street furniture, refuse or other storage units, signs, lighting etc). All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with any programme agreed with the local planning authority.
- 4) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no telecommunications equipment shall be installed above the highest part of the roof of either of the buildings
- 6) No dust or fume extraction or filtration equipment or air conditioning, ventilation or refrigeration equipment shall be installed until details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved in writing by the local planning authority. The equipment shall be installed in accordance with the approved details and thereafter retained as such
- 7) Before occupation of any parts of the buildings the related servicing manoeuvring, car parking spaces and cycle storage facilities shall have been completed in accordance with the approved drawings. These facilities shall thereafter be kept available at all times for their designed purpose

ANNEX 2

Drawings

The following drawings comprise the scheme as considered at the inquiry

A-02-PL-001 REV A	Location Plan
A-02-PL-002 REV A	Site Plan
A-PL-03P-000 REV C	Ground Floor Plan
A-PL-03P-001 REV A	1 st Floor Plan
A-PL-03P-002 REV A to -010 REV A (inclusive)	2 nd Floor Plan to 10 th Floor Plan (inclusive)
A-PL-70P-002 REV A	Typical Floor Plan
A-PL-05E-02 REV 02	Elevations 1 & 3
A-PL-05E-01 REV A	Elevations 2 & 4
A-PL-05E-03 REV A	Elevations 5 & 6
A-SK-05E-04	Link Fence Detail Study
A-PL-SK-01	Supporting Illustrations – Colour – Elevations 1 & 3
A-PL-SK-02	Supporting Illustrations – Colour – Elevations 2 & 4
A-SK-05E-03	Inset balconies
A-PL-SK-05	Supporting Illustrations – Perspective 3
A-PL-SK-06	Supporting Illustrations – Perspective 4
A-PL-SK-07	Supporting Illustrations – Perspective 5
L-PL-90-00 REV A	Landscape Strategy – Ground Floor and Public Realm
L-PL-90-01 REV A	Landscape Strategy – Roof Gardens
A-SK-05E-01	Active Frontage
A-SK-05E-02	Materials and Signage
A-UU-003	Public Accessible Square

3 October 2007

Mr Steve Wilson
White Young Green
Academy House
36 Poland Street
London W1F 7LU

Our Ref APP/D1590/A/06/2027683
Your Ref

Dear Sir

**TOWN AND COUNTRY PLANNING ACT: SECTION 78
APPEAL BY SOUTHEND PROPERTIES (GUERNSEY) LTD - HEATH HOUSE
AND CARBY HOUSE, VICTORIA AVENUE, SOUTHEND, SS2 6AR
APPLICATION REF: SOS/06/00598/FUL**

- 1 I am directed by the Secretary of State for Communities and Local Government to say that consideration has been given to the report of the Inspector, B J Juniper, BSc DipTP MRTPI, who held an inquiry between 19 April and 15 June 2007 into your client's appeal against the decision of Southend-on-Sea Borough Council ('the Council') to refuse an application for redevelopment with part 4, 8, 10, 11 and 12 storey buildings, comprising 280 flats, with commercial uses at ground floor level, the provision of 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage, and accesses onto Harcourt Avenue and Baxter Avenue, on land at Heath House and Carby House, Victoria Avenue, Southend-on-Sea, SS2 6AR (Application Ref: SOS/06/00598/FUL, dated 16 May 2006)
- 2 On 17 November 2006, the appeal was recovered for the Secretary of State's own determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990

Inspector's conclusion and recommendations

- 3 The Inspector, whose report is attached to this letter, recommended that the appeal be allowed. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation and has decided to allow the appeal and to grant planning permission. All references to paragraph numbers in this letter, unless otherwise stated, are to the Inspector's report (IR)

Procedural matters

- 4 The Secretary of State, like the Inspector, has determined this appeal on the basis of the drawings listed at Annex 2 to the Inspector's report. She agrees with the Inspector that no party to the inquiry was prejudiced by the consideration of the drawings and additional illustrative material referred to in IR2

- 5 Following the Inquiry, the Secretary of State sought minor clarifications from the appellant on the affordable housing provisions of the Section 106 Unilateral Undertaking. She does not consider that the subsequent changes to the Undertaking by the appellant are so material so as to constitute a need to refer back to parties before she proceeds to a decision.
- 6 At the inquiry, an application for costs was made by Southend Properties (Guernsey) Ltd against the Council. This application is the subject of a separate decision letter.

Policy Considerations

- 7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Spatial Strategy for the South East (RRS9), published in March 2001, the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (SP), adopted in 2001, and the Southend-on-Sea Borough Local Plan, adopted in 1994 (LP). The Secretary of State considers that the relevant development plan policies in this particular case are set out in IR10-11.
- 8 The Secretary of State has had regard to emerging policy, which includes the replacement regional guidance which will be in the Regional Spatial Strategy for the East of England (RSS14). As this is at an advanced stage in its process towards adoption, the Secretary of State considers that it can be accorded significant weight. She considers that a key policy relevant to this particular case is Policy TG/SE2 (IR8).
- 9 The Council is also proceeding with the preparation of a Local Development Framework, and has published a number of documents in this connection (IR12). The Secretary of State has had particular regard to the Core Strategy Document, on which the examination in public closed on 7 September 2007. The Secretary of State understands that the Inspector's report is not yet published, although she is aware that the Inspector considers the Core Strategy Document to be sound, subject to certain identified changes. The Secretary of State is therefore not in a position to take into account the detailed considerations of the Inspector. Whilst the close of the examination in public would, in normal circumstances, result in the Core Strategy document being given significant weight, as the Inspector's report is not yet available and details of the issues which remain outstanding are not known to her, the Secretary of State can only afford it limited weight in this particular case.
- 10 The Secretary of State agrees with the Inspector that the additional documents submitted to the examination in public, i.e. the Issues and Options report prepared in connection with the Town Centre Area Action Plan, and the Southend Annual Monitoring Reports for 2005 and 2006, should all be accorded limited weight (IR13). She also agrees that little weight can be accorded to the "Redevelopment of Heath House and Carby House Project Management Brief", published in January 2004 (IR14), as it was not subject to formal consultation.
- 11 Material considerations taken into account by the Secretary of State include Planning Policy Statement 1 *Creating Sustainable Communities* (PPS1),

Planning Policy Statement 3 *Housing* (PPS3), Planning Policy Guidance note 4 *Industrial, commercial development and small firms* (PPG4), Planning Policy Statement 6 *Planning for Town Centres* (PPS6), and Planning Policy Guidance note 13 *Transport* (PPG13)

Main Issues

- 12 The Secretary of State agrees with the Inspector that, for the reasons set out in IR69, the main considerations in this case are
- (a) whether the proposal would unacceptably reduce the potential supply of employment creating development in the Borough to a harmful extent, and
 - (b) whether the benefits of the proposal would be sufficient to clearly outweigh any harm identified

Supply of employment creating development

- 13 For the reasons in IR70-74, the Secretary of State agrees with the Inspector's conclusion that the proposal would not unacceptably reduce the potential supply of employment creating development in the Borough to a harmful extent (IR75) Like the Inspector, she also finds no conflict with the relevant development plan policies (IR75)

Benefits of the proposal

- 14 The Secretary of State agrees with the Inspector that, for the reasons in IR76-79, the benefits of the proposal would be sufficient to clearly outweigh any harm identified, and that there is therefore no conflict with Local Plan Policy E2 (IR80) She also agrees with the Inspector that the housing element of the proposal would contribute towards the Government's objectives of creating high quality, sustainable, mixed and inclusive communities (IR80)

Other matters

- 15 For the reasons set out in IR81, the Secretary of State agrees with the Inspector that the proposal would not be harmful, either in terms of highway safety, or from additional fumes, noise or disturbance (IR81) She also agrees with the Inspector that, for the reasons in IR82, no material harm would arise to the living conditions of existing residents (IR82)

Conditions and Unilateral Undertaking

- 16 The Secretary of State considers that the list of conditions in Annex 1 to the Inspector's report are both necessary and reasonable, and that they take account of the advice in Circular 11/95 *Use of Conditions in Planning Permissions* (IR62-66)
- 17 The Secretary of State agrees with the Inspector that, with the minor changes made by the appellant as referred to in paragraph 5 above, the terms of the unilateral undertaking are fairly related to the scale and nature of the development proposed, and concur with the advice in Circular 5/2005 – *Planning Obligations* (IR67-68)

Conclusion

18 For the reasons set out above, the Secretary of State concludes that the proposal would comply with the development plan. She considers that the proposal would not reduce the potential supply of employment creating development in the Borough to a harmful extent, and that the housing element would contribute towards the Government's objectives of creating high quality, sustainable, mixed and inclusive communities. She concludes that the benefits of the proposal would be sufficient to clearly outweigh any harm identified. The Secretary of State concludes that there are no material considerations of sufficient weight to suggest that she should determine the appeal other than in accordance with the development plan.

Formal decision

19 Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows your client's appeal, and grants planning permission for the redevelopment of the site with part 4, 8, 10, 11 and 12 storey buildings, comprising 280 flats, with commercial uses at ground floor level, the provision of 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and accesses onto Harcourt Avenue and Baxter Avenue, at Heath House and Carby House, Victoria Avenue, Southend-on-Sea, SS2 6AR, in accordance with Application Ref. SOS/06/00598/FUL dated 16 May 2006, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including the location of and materials for any balconies but excluding shopfronts, have been submitted to and approved in writing by the local planning authority. Details of any shopfronts shall be submitted to and approved in writing by the local planning authority before being installed in the building. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place 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 shall include means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (eg. Street furniture, refuse or other storage units, signs, lighting etc). All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with any programme agreed with the local planning authority.
- 4) No development shall take place until a schedule or landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or

without modification), no telecommunications equipment shall be installed above the highest part of the roof of either of the buildings

- 6) No dust or fume extraction or filtration equipment or air conditioning, ventilation or refrigeration equipment shall be installed until details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved in writing by the local planning authority. The equipment shall be installed in accordance with the approved details and thereafter retained as such
 - 7) Before occupation of any parts of the buildings the related servicing, manoeuvring, car parking spaces and cycle storage facilities shall have been completed in accordance with the approved drawings. These facilities shall thereafter be kept available at all times for their designed purpose
- 20 An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period
- 21 This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990

Right to challenge the decision

- 22 A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decisions may be challenged by making an application to the High Court within six weeks from the date of this letter
- 23 Copies of this letter are being sent to Southend-on-Sea Borough Council and those other Parties who appeared at the Inquiry

Yours faithfully,



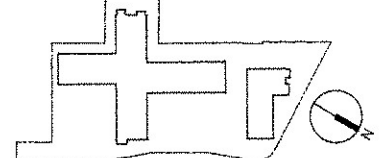
Mark Plummer
Authorised by the Secretary of State
to sign in that behalf

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CG 100528/PL
A 5.00

Contractors are not to scale dimensions from this drawing

Rev Date Drwn Chkd Desc
A 09.05.06 JT Issued for planning



LEGEND:

- Public Art Element
"Radial" programmable ground lighting channel in boulevard and public square.
- Existing Tree Retained.
- Existing Tree Removed.
- Proposed Tree Planting.
- Grass.
- EcoBlock[®] reinforced grass area.
- Proposed Shrub / Ground Cover Planting.
- Boulevard paving:**
Mid Grey Concrete block paving in stretcher bond, mix of 300x200mm and 200x100mm units.
- Boulevard and Public Square bands:**
Banded pattern formed by contrasting 300x200mm 'Charcoal' and 200x100mm 'Silver Grey' pavers.
- Timber and metal sculptural railing.
- 400x400 and 600x600 Buff slab paving at key entrance locations.
- Red Coloured asphalt surfacing to cycle routes.
- Concealed linear 'Clearway Stof' drain 400x324 Charcoal units.
- Tactile Paving at road crossing points in 400x400 slabs to blend with new hardwearing.
- Reinforced cast-stone benches.
- Post Box:
Royal Mail full-size pillar box.
- 1.8m high Featherboard timber fence with lattice structure to top to provide frame for climbing plant species.
- 'Green Wall' structure to boundary of public square and the Baxter Avenue entrance. Steel mesh cage structure built over concrete planter provides a frame for climbing plants and forms a solid, sculptural green element along the site boundary.

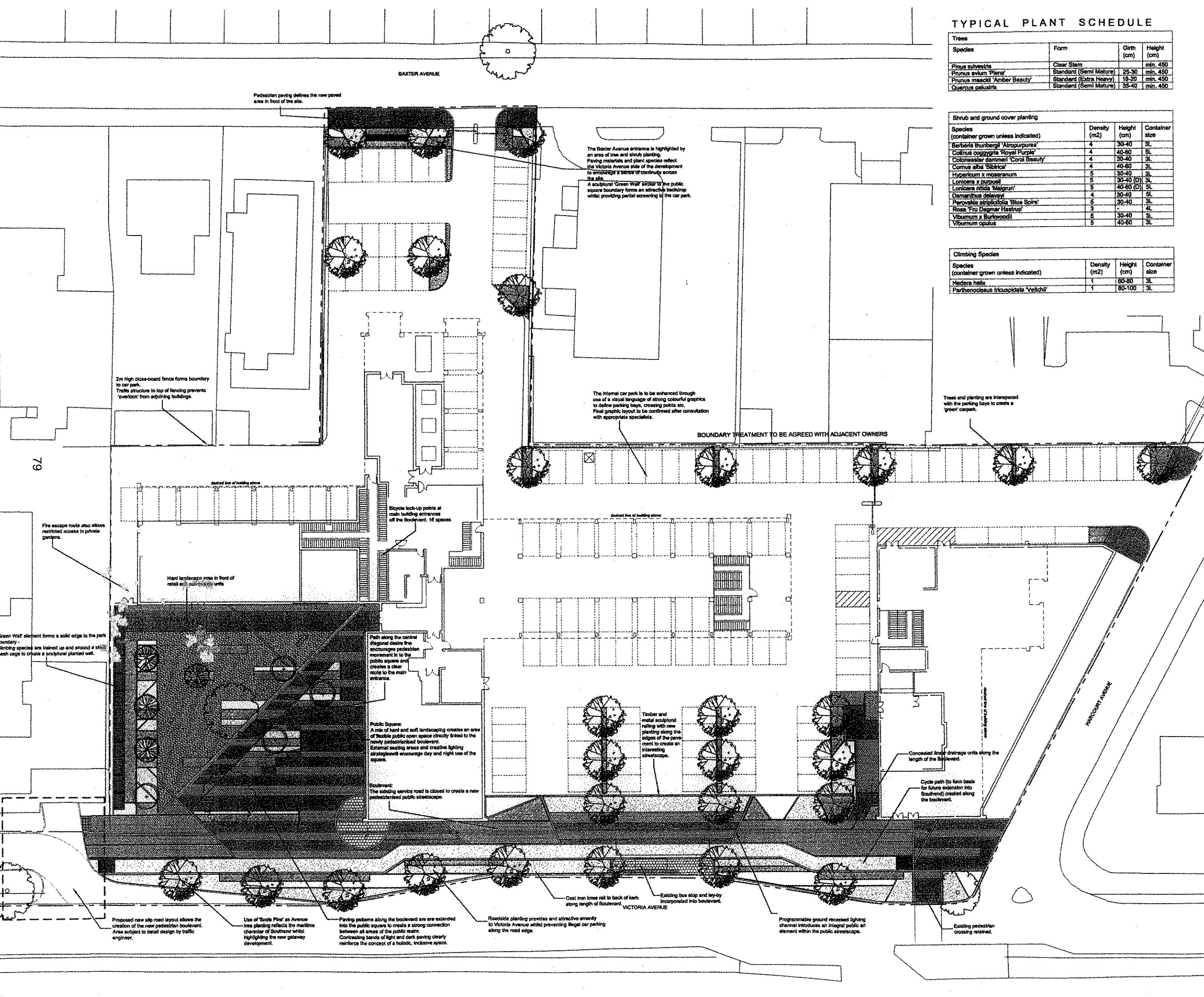
Notes:
- Existing tree locations may be revised subject to a detailed tree survey.
- Layout of highway works subject to detailed design.

TYPICAL PLANT SCHEDULE

Species	Form	Girth (cm)	Height (cm)
<i>Pinus sylvestris</i>	Clear Stem		min. 490
<i>Prunus avium</i> 'Flora'	Standard (Semi Mature)	25-30	min. 450
<i>Prunus msackii</i> 'Amber Beauty'	Standard (Extra Heavy)	18-20	min. 490
<i>Quercus petalavif</i>	Standard (Semi Mature)	35-40	min. 490

Species (container grown unless indicated)	Density (m2)	Height (cm)	Container size
<i>Berberis thunbergii</i> 'Atropurpurea'	4	30-40	3L
<i>Coffea canariensis</i> 'Royal Purple'	4	40-60	6L
<i>Cobaea salicifolia</i> 'Coral Beauty'	4	35-40	3L
<i>Cornus alba</i> 'Sibirica'	4	40-60	3L
<i>Hypericum x moserianum</i>	5	30-40	3L
<i>Lonicera x pupurea</i>	5	30-40 (O)	3L
<i>Lonicera nitida</i> 'Maigrun'	5	40-60 (O)	5L
<i>Osmorhiza delavayi</i>	4	30-40	6L
<i>Perovskia atriplicifolia</i> 'Blue Spire'	5	30-40	3L
<i>Rosa</i> 'Fru Dagmar Hastrup'	3	30-40	4L
<i>Viburnum x Burkwoodii</i>	5	30-40	3L
<i>Viburnum opulus</i>	5	40-60	3L

Species (container grown unless indicated)	Density (m2)	Height (cm)	Container size
<i>Hedera helix</i>	1	80-80	3L
<i>Parthenocissus tricuspidata</i> 'Veitchii'	1	80-100	3L



Pedestrian paving defines the new paved area in front of the site.

The Baxter Avenue entrance is highlighted by an area of tree and shrub planting. Paving materials and plant species reflect the Victoria Avenue side of the development to encourage a sense of continuity across the site.
A sculptural 'Green Wall' similar to the public square boundary forms an attractive backdrop whilst providing partial screening to the car park.

The internal car park is to be enhanced through use of a visual language of strong colourful graphics to define parking bays, crossing points etc. Final graphic layout to be confirmed after consultation with appropriate specialists.

Trees and planting are interspersed with the parking bays to create a 'green' carpark.

BOUNDARY TREATMENT TO BE AGREED WITH ADJACENT OWNERS

2m high close-board fence forms boundary to car park. Trellis structure to top of fencing prevents 'overlook' from adjoining buildings.

7.9

Fire escape route also allows restricted access to private gardens.

Hard landscaping area in front of retail units.

Bicycle lock-up points at main building entrances off the Boulevard, 16 spaces.

'Green Wall' element forms a solid edge to the park boundary. Climbing species are trained up and around a steel mesh cage to create a sculptural planted wall.

Path along the central diagonal creates the encourages pedestrian movement in to the public square and creates a clear route to the main entrance.

Public Square:
A mix of hard and soft landscaping creates an area of flexible public open space directly linked to the newly pedestrianised boulevard. External seating areas and creative lighting strategies will encourage day and night use of the square.

Boulevard:
The existing service road is closed to create a new pedestrianised public streetscape.

Timber and metal sculptural railing with tree planting along the edges of the pavement to create an interesting streetscape.

Concealed linear drainage units along the length of the Boulevard.

Cycle path (to form basis for future extension into Southend) created along the boulevard.

Proposed new slip road layout allows the creation of the new pedestrian boulevard. Area subject to detail design by traffic engineer.

Use of 'Scotts Pine' as Avenue tree planting reflects the maritime character of Southend whilst highlighting the new gateway development.

Paving patterns along the boulevard are extended into the public square to create a strong connection between all areas of the public realm. Contrasting bands of light and dark paving clearly reinforce the concept of a holistic, inclusive space.

Roadside planting provides an attractive amenity to Victoria Avenue whilst preventing illegal car parking along the road edge.

Cast iron knee rail to back of kerb incorporated into Boulevard.

Existing bus stop and lay-by incorporated into boulevard.

Programmable ground recessed lighting channel introduces an integral public art element within the public streetscape.

Existing pedestrian crossing retained.

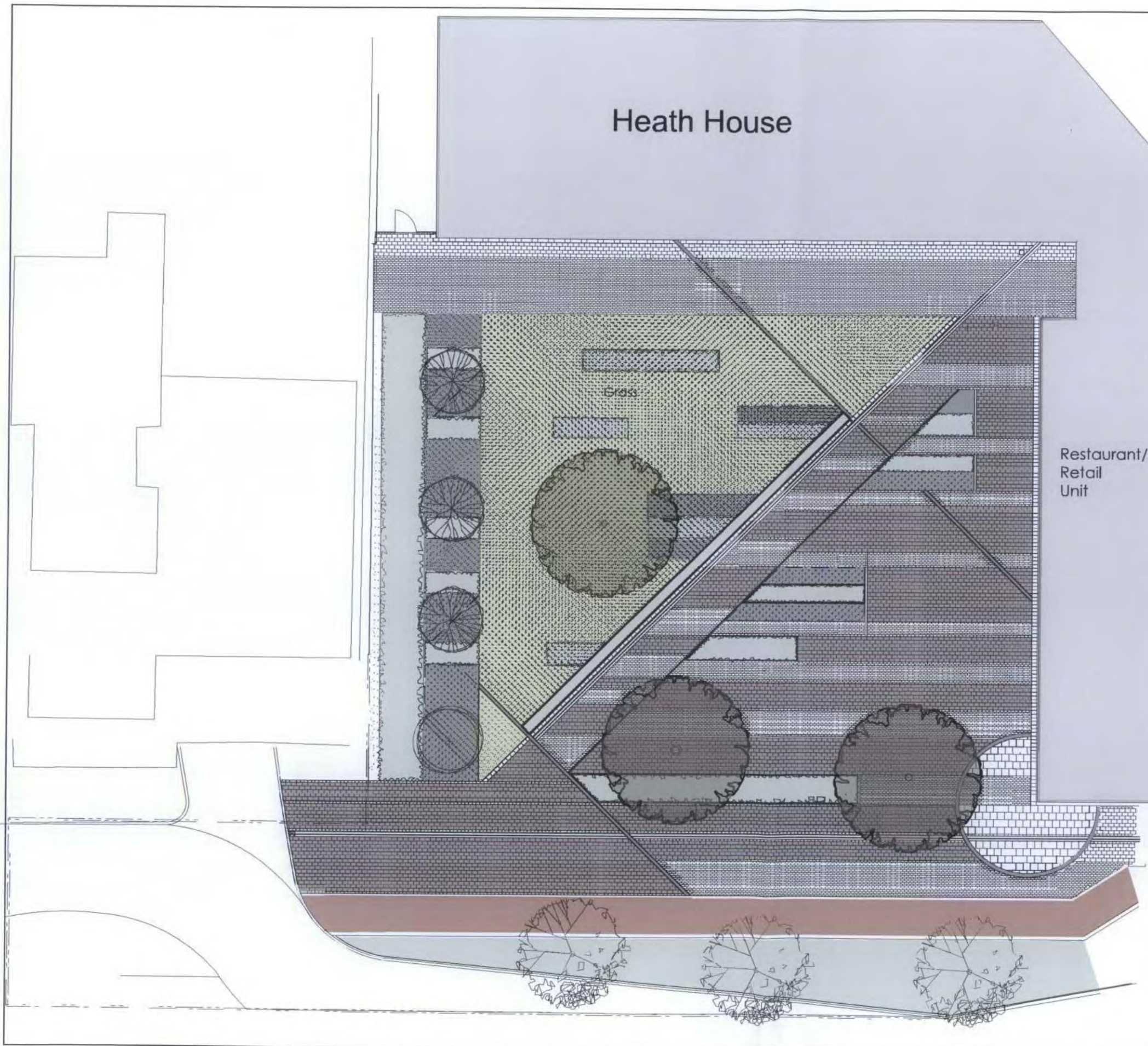
BroadwayMalayan

3 Weybridge Business Park
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Weybridge, Surrey KT15 2BW
T: +44 (0)1932 845999
F: +44 (0)1932 855205
E: Wey@BroadwayMalayan.com

Client
Southend Properties (Guernsey) Ltd
Project
Heath House and Carby House
Description
**Landscape Strategy
Ground Floor & Public Realm**

Status
For Planning
Scale 1:250@A1
Job number 22855
Date Drawn JT
Date April 06
Revision
Drawing number L-PL-90-00
Revision A

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Key to symbols

1. Red coloured asphalt cycleway to match SBC standard
2. Charcoal grey PCC block paviour stretcher bond 300 x 200 mm units eg La Linea
3. PCC Silver grey exposed aggregate paving slab stretcher bond 450x450mm 'Conservation'
4. PCC block paving silver grey 200x100mm stretcher bond La Linea
5. Concealed linear slot drain eg 'Clearway' 400x324 units colour charcoal
6. Blue engineering brick trim incorporating LED lights @ 1.5M centres
7. Low 'Seating' wall comprising Engineering brick wall as Citiscape detail 2605/5121 with 300x 300 mm Conservation slab capping and lighting bricks
8. 400 x 400 mm tactile paving

Soft Landscape treatments
Refer to drawing CH/01/09 for details

9. Existing tree to be retained
10. New standard tree.
11. New specimen shrub
12. Soft landscape area
13. Grass

North



0 1 2 3 4 5 6 7 8 9 10

**Project: Carby and Heath House
Redevelopment Victoria Avenue Southend
Client: SPGL**

Drawing: Hard landscape proposals : sheet 2

Scale: 1:200 : at A3	Drawing no CH/01/04	Drawn: Checked DH DH
Date : 15 th August 2010		

David Hares Landscape Architecture
55 West Street Chichester West Sussex PO19 1RU
Telephone 01243 850031
email david@harelandscape.co.uk
Web www.harelandscape.co.uk

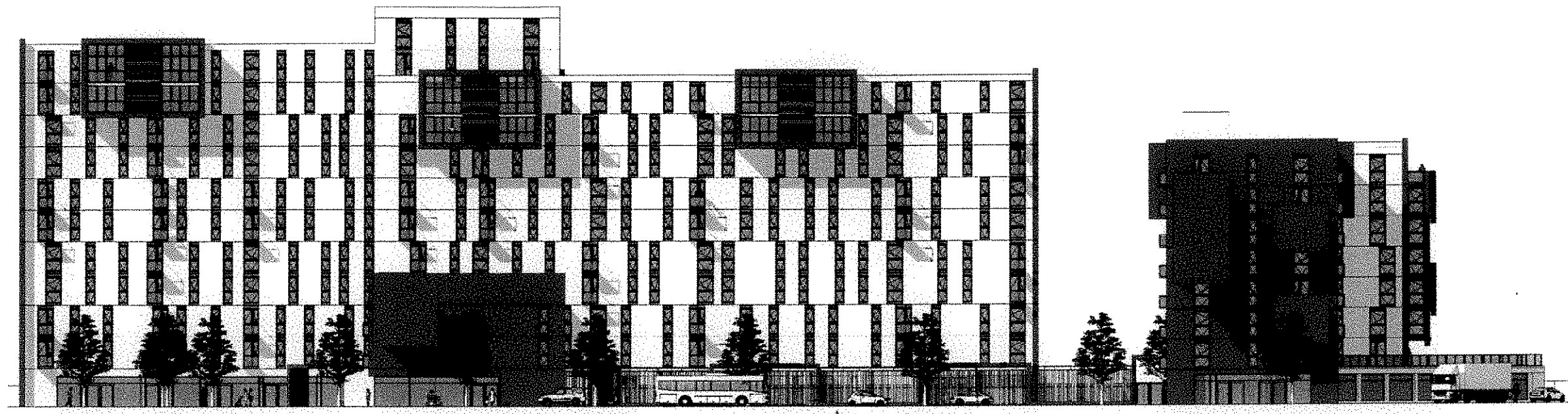


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06/05/06 LW
19.5.06

Contractors are not to scale dimensions from this drawing

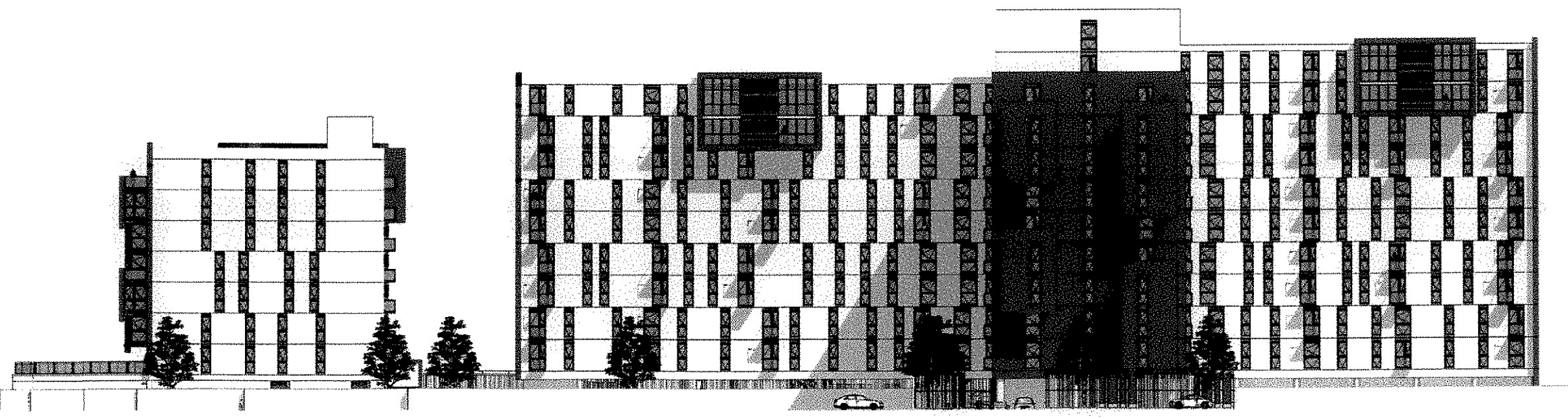
Rev Date Dwn Chkd Desc



Please Note:
Location of bolt on balconies are shown
indicatively only and are subject to further
detailed elevational study

Elevation 2

83



Elevation 4

BroadwayMalyan

Architects & Designers

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Client

Southend Properties (Guernsey) Ltd

Project

Victoria Avenue, Southend

Description

**Supporting Illustrations
Colour Elevations 2 & 4**

Status

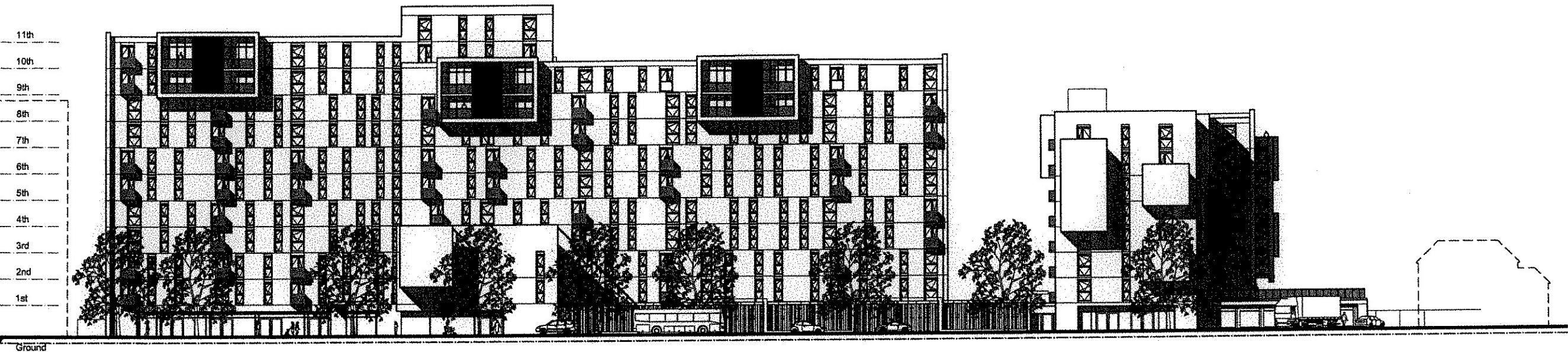
Planning

Scale	Drawn	Date
nts	TM	April 06
Job number	Drawing number	Revision
22855	A-PL-SK-02	

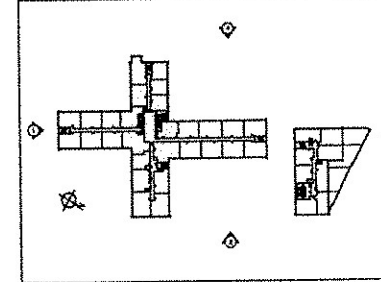
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CONTROLLERS ARE NOT TO SIGN UNLESS WITHIN THIS DATE: 5.06

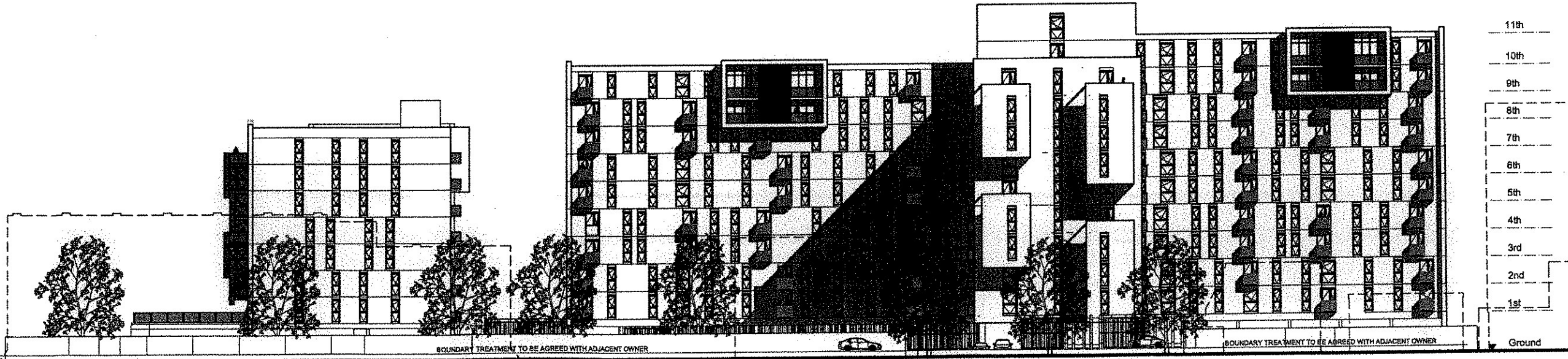
Rev Date Dwn Chkd Desc
A 09.05.06 TM PP Issued for Planning



Please Note:
Location of balcony are shown indicatively only and are subject to further detailed elevational study



85 Elevation 2



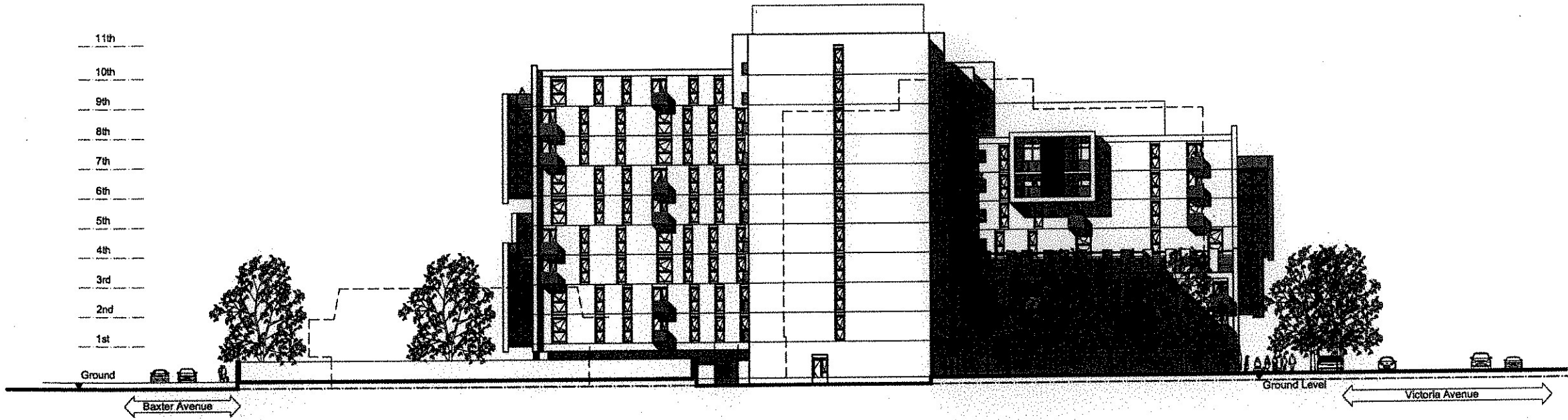
BroadwayMalyan
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Weybridge, Surrey KT15 2BW
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F: +44 (0)1932 856206
E: Wey@broadwaymalyan.com

Client
Southend Properties (Guernsey) Ltd
Project
Victoria Avenue, Southend
Description
**Heath House & Carby House
Elevation 2 & 4**

Status
Planning
Scale 1:5000 A3 1:2500 A1 TM
Job number 22855
Drawing number A-PL-05E-01
Date April 06
Revision A
Original size 100mm Copyright Broadway Malyan Limited

Elevation 4

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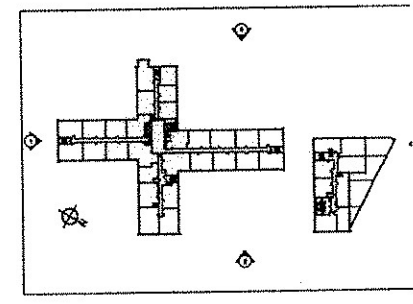


Please Note:
 Location of bolt on balconies are shown
 indicatively only and are subject to further
 detailed elevational study

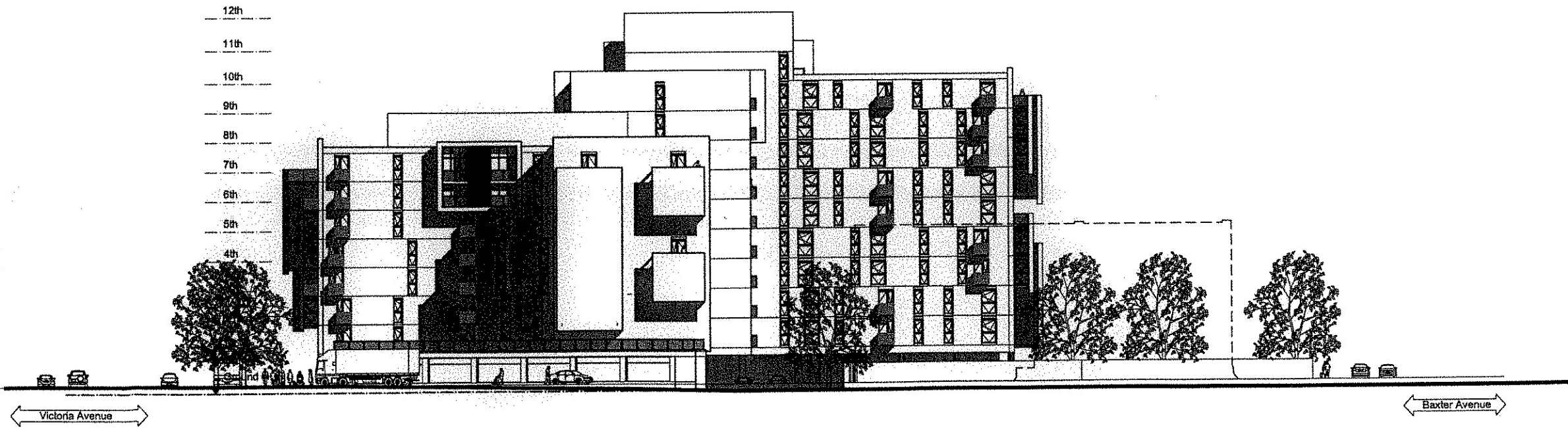
87

20M ABOVE ORDINANCE DATUM

Elevation 1



15th
 14th
 13th
 12th
 11th
 10th
 9th
 8th
 7th
 6th
 5th
 4th



20M ABOVE ORDINANCE DATUM

Elevation 3

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 Architects & Designers

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 E: Wey@broadwaymalyan.com

Client
Southend Properties (Guernsey) Ltd
 Project
Victoria Avenue, Southend
 Description
**Heath House & Carby House
 Elevation 1 & 3**

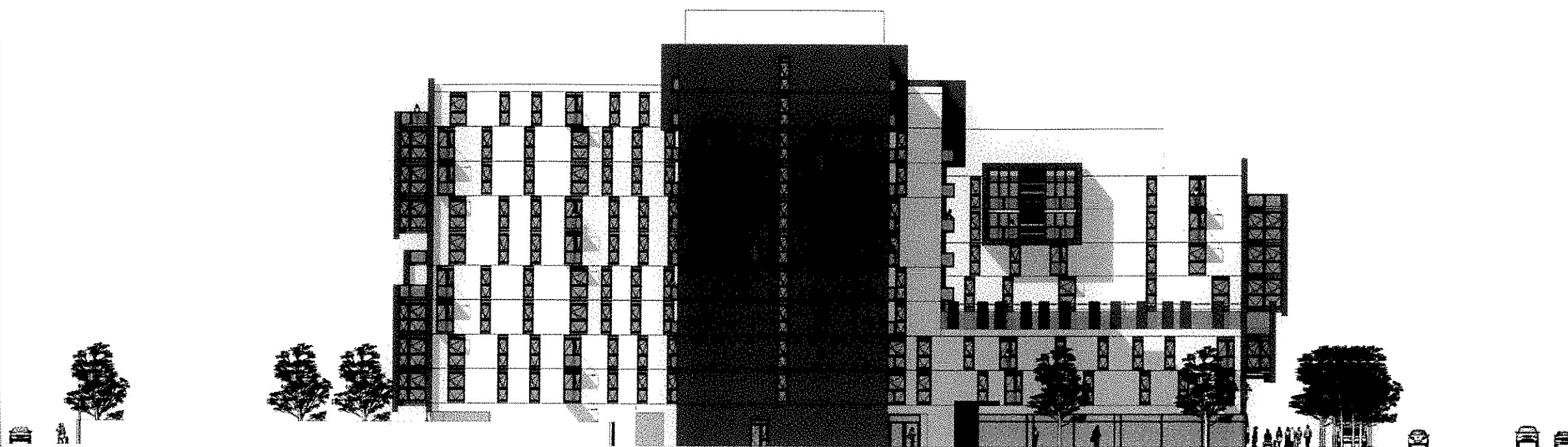
Status
Planning
 Scale Drawn Date
 1:500@A3 1:250@A1 TM April 06
 Job number Drawing number Revision
 22855 A-PL-05E-02 A
 Original size 100mm Copyright Broadway Malyan Limited

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02/00598/14/1
19.5.06

Contractors are not to scale dimensions from
this drawing

Rev Date Drwn Chkd Desc



168
Elevation 1

Please Note:
Location of bolt on balconies are shown
indicatively only and are subject to further
detailed elevational study



Elevation 3

BroadwayMalyan

Architects & Designers

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F: +44 (0)1932 856206
E: Wey@BroadwayMalyan.com

Client

Southend Properties (Guernsey) Ltd

Project

Victoria Avenue, Southend

Description

Supporting Illustrations

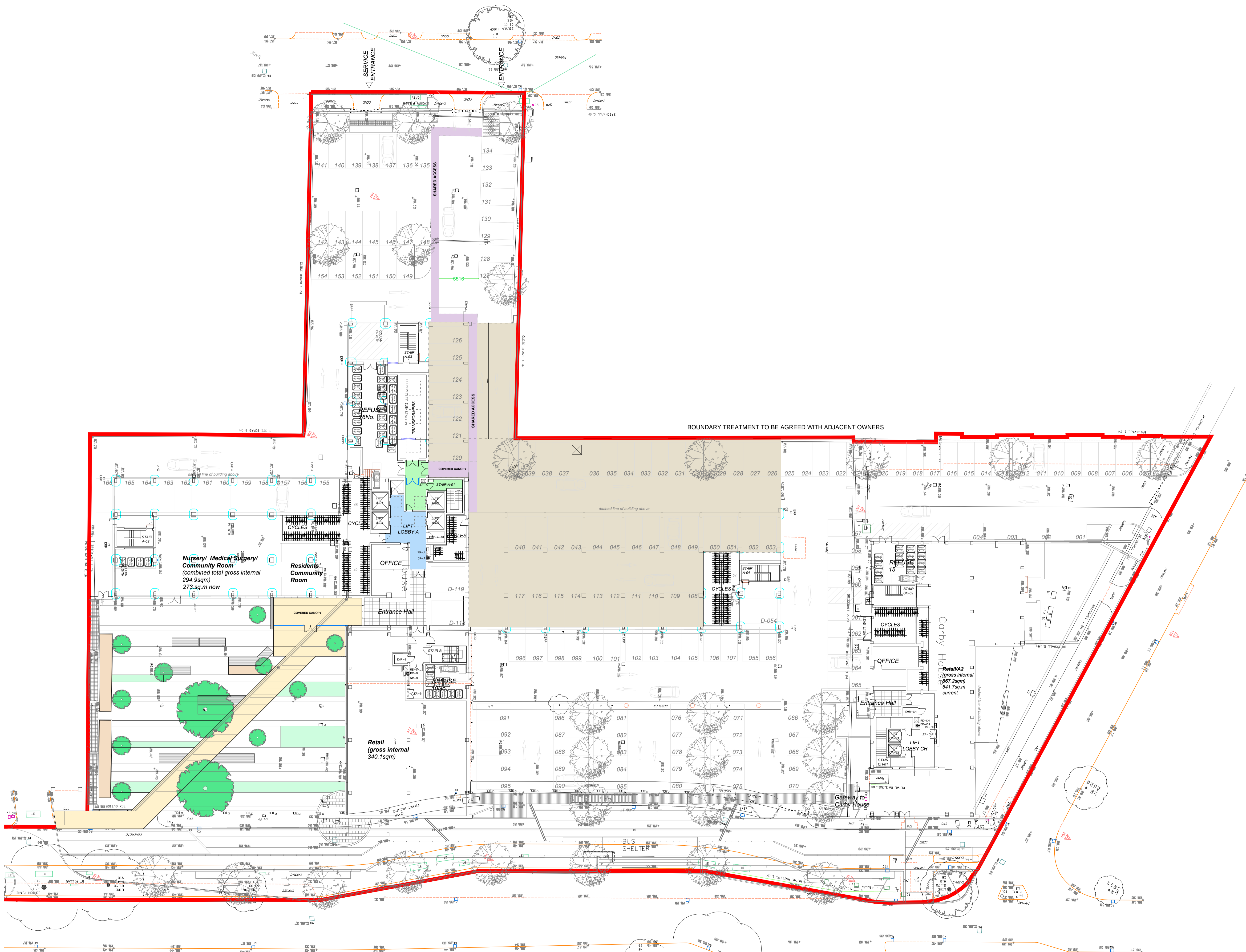
Colour Elevations 1 & 3

Status

Planning

Scale	Drawn	Date
1:100	TM	April 06
Job number	Drawing number	Revision
22855	A-PL-SK-01	

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Prior building works must be instructed by the client.

It is essential that all client/builders notes are instructed by the client as per the Architects/Engineers request.

Failure to complete these instructions could have a cost implication on the tender stage or even the feasibility to deliver the project as proposed.

It is solely the responsibility of the client to instruct these works so that the information is available prior to build.

Client and Builder Notes 1 (CBN1)

Trial pits to be carried out to expose all interface areas between the existing and new building. To be checked by contractor prior to building works commencing and information to be relayed back to the Architect.

Client and Builder Notes 2 (CBN2)

Drainage search to be carried out. Client to instruct prior to formal planning submission. To be checked by contractor prior to building works commencing and information to be relayed back to the Architect.

Client and Builder Notes 3 (CBN3)

Client budget awaiting confirmation so that a cost plan can be commissioned.

STATUS: AWAITING APPROVAL

PROJECT STAGE: S4 - Technical Design	DRAWN BY: RB	CHKD BY: SK
CLIENT: Randall Watts		
PROJECT: Heath and Carby House, S05	Postcode: xxx	
PROJECT NO: 278-03-15	PAGE NO: 22855-A-PL-03P-000 Rev E1 00	REVISION: 00
DRAWING: Proposed Grd Floor Plan - Layouts	PACK: E	
SCALE: 1:250 on A1		

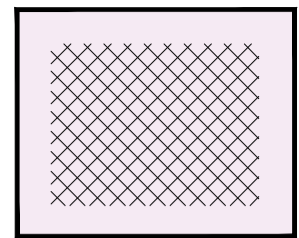
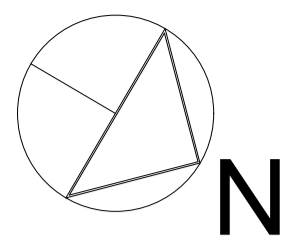
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Ground Floor Plan

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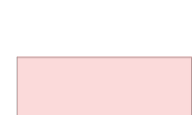
Community Facilities
Residents' entrance
waiting area & Concierge
service, meeting room
and gym



main scheme
car parking



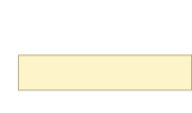
18/00245/FUL
car parking



19/01868/FUL
car parking



main scheme
bicycle parking



18/00245/FUL
bicycle parking



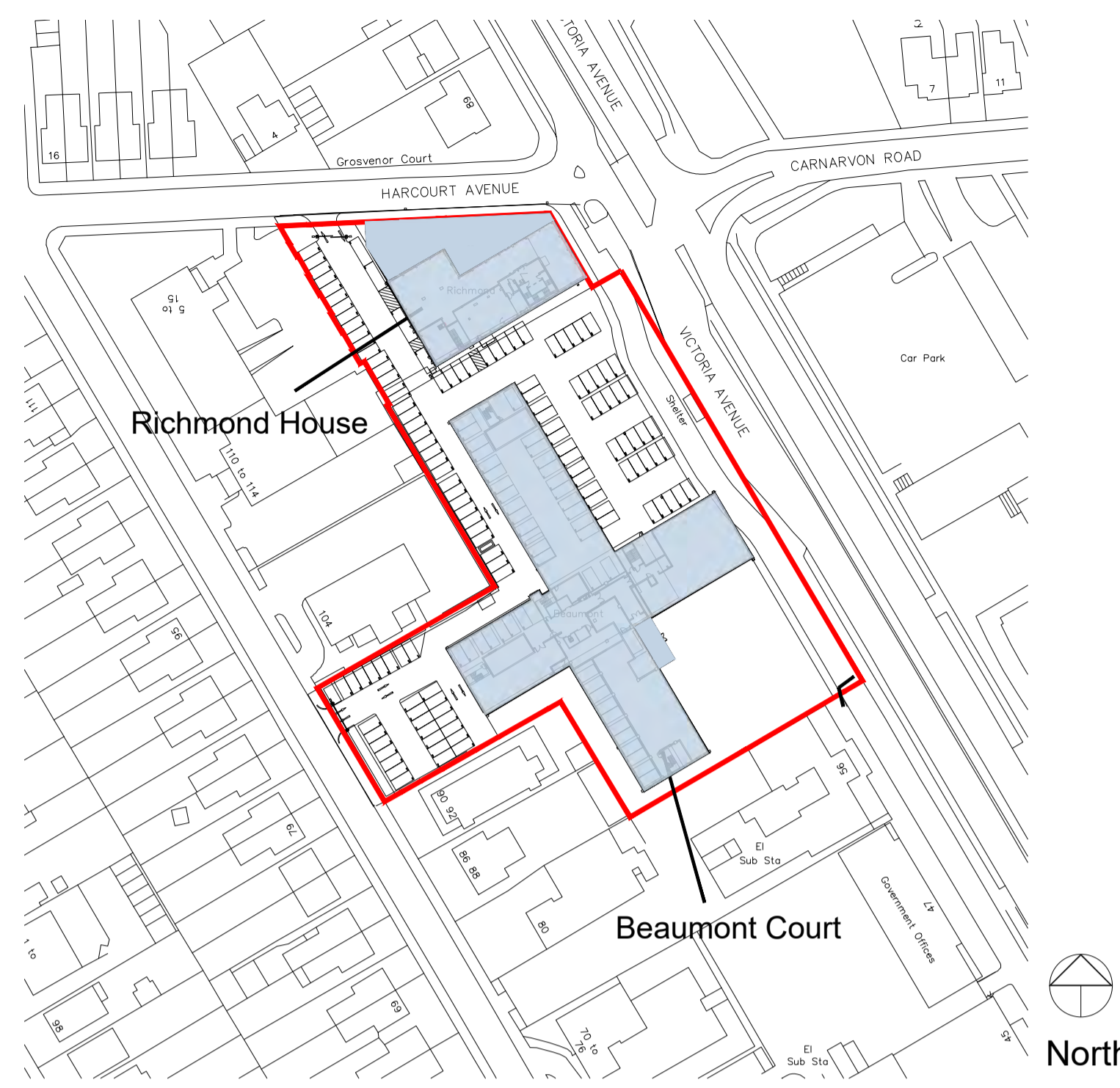
19/01868/FUL
bicycle parking

Laurel planting

WEST

(A) (B) (C) Air conditioning compressor
equipment
Total car parking spaces 180 plus
7 public spaces within the square

Total cycle parking (bike
racks) 294



LOCATION PLAN 1:1250



See drawing
279-03-15-6103A for
landscaping details

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Client and Builder Notes 3 (CBN3)

Client budget awaiting confirmation so that a cost plan can be commissioned.

STATUS: PROPOSED

PROJECT STAGE: RIBA STAGE 5	DRAWN BY: RB	CHECKED BY: SK
CLIENT: Randall Watts	PROJECT NO: 279-03-15	REVISION: A
PROJECT: Beaumont Court and Richmond House, S05	DATE: 6202	SCALE: 1:230 on A1
DATE: 279-03-15	DATE: 6202	DATE: July 2020

BUILDER INFORMATION:
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38

SOUTH

NORTH

EAST



Public accessible space
"The Square" edged by
green line -see drg.
279-03-15-6088E

See drawing
279-03-15-6103A for
landscaping details

Red boundary line
showing site ownership

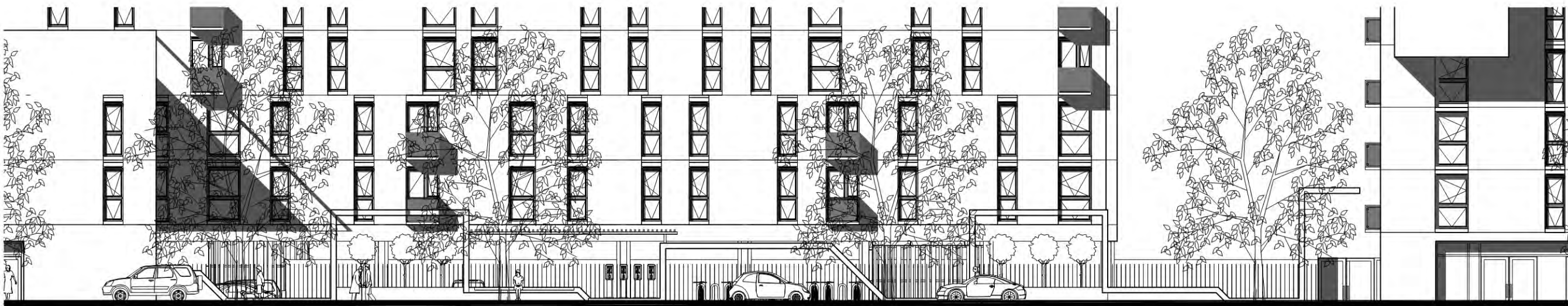
SITE PLAN 1:230

SCALE
0 1 2 3 4 5

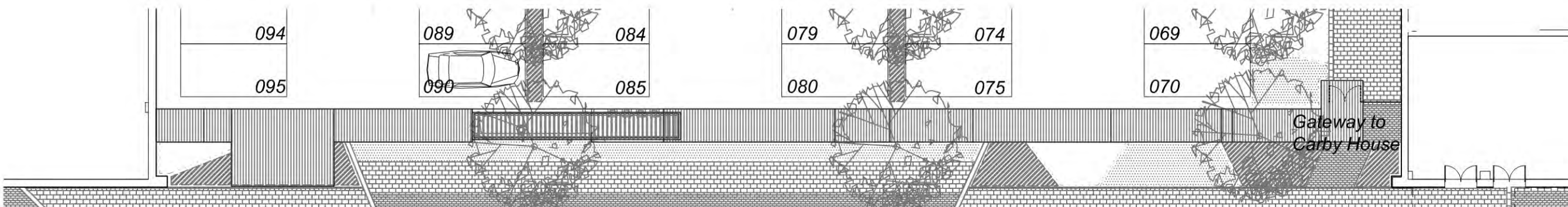
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Contractors are not to scale dimensions from this drawing

Rev Date Drwn Chkd Desc



Victoria Avenue Fence Elevation



Plan
095



Victoria Avenue Fence Perspective

BroadwayMalyan
Architects & Designers

3 Weybridge Business Park
Aldelstone Road
Weybridge, Surrey KT15 2BW
T: +44 (0)1932 845599
F: +44 (0)1932 856206
E: Wey@broadwaymalyan.com

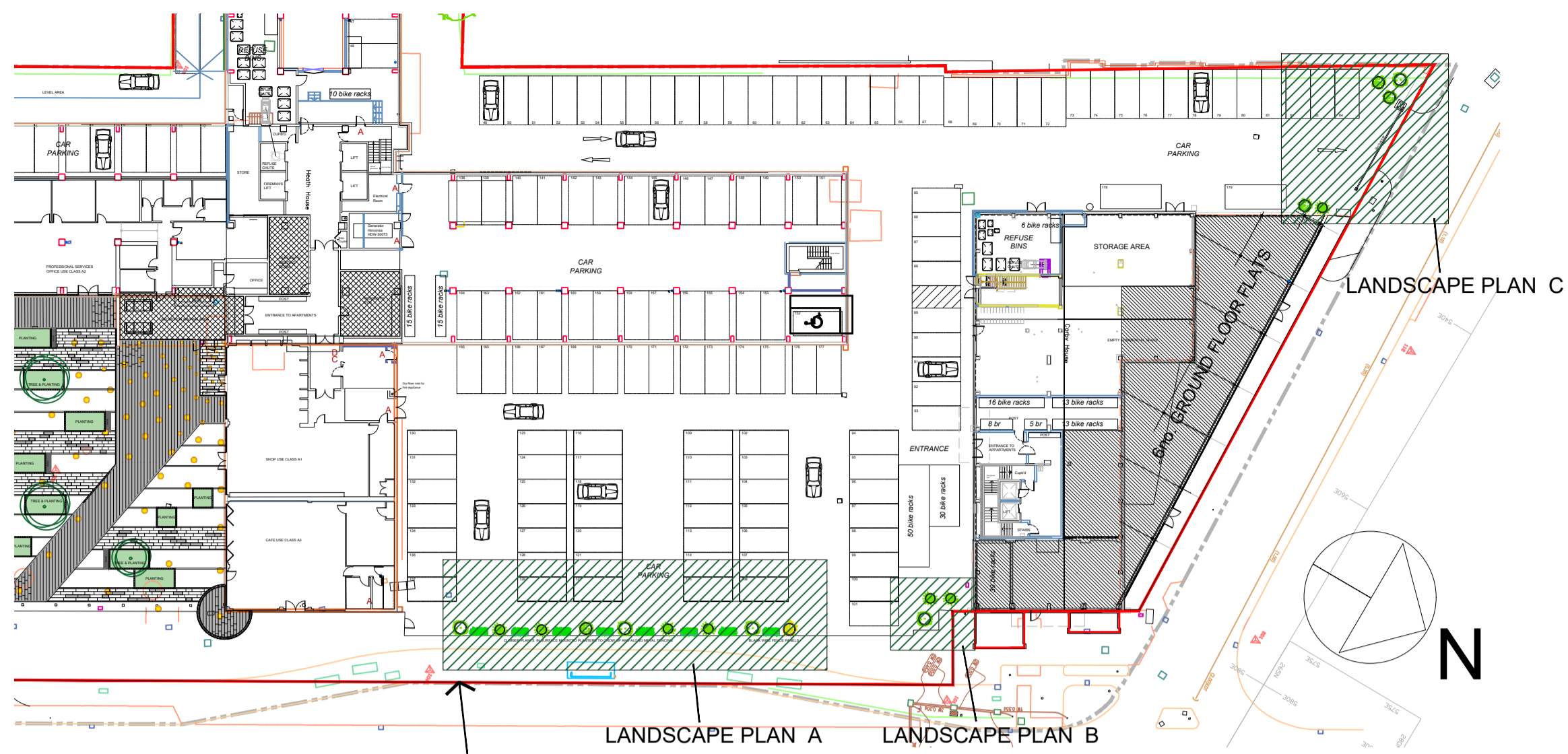
Client
Heath Developments Ltd

Project
Victoria Avenue, Southend

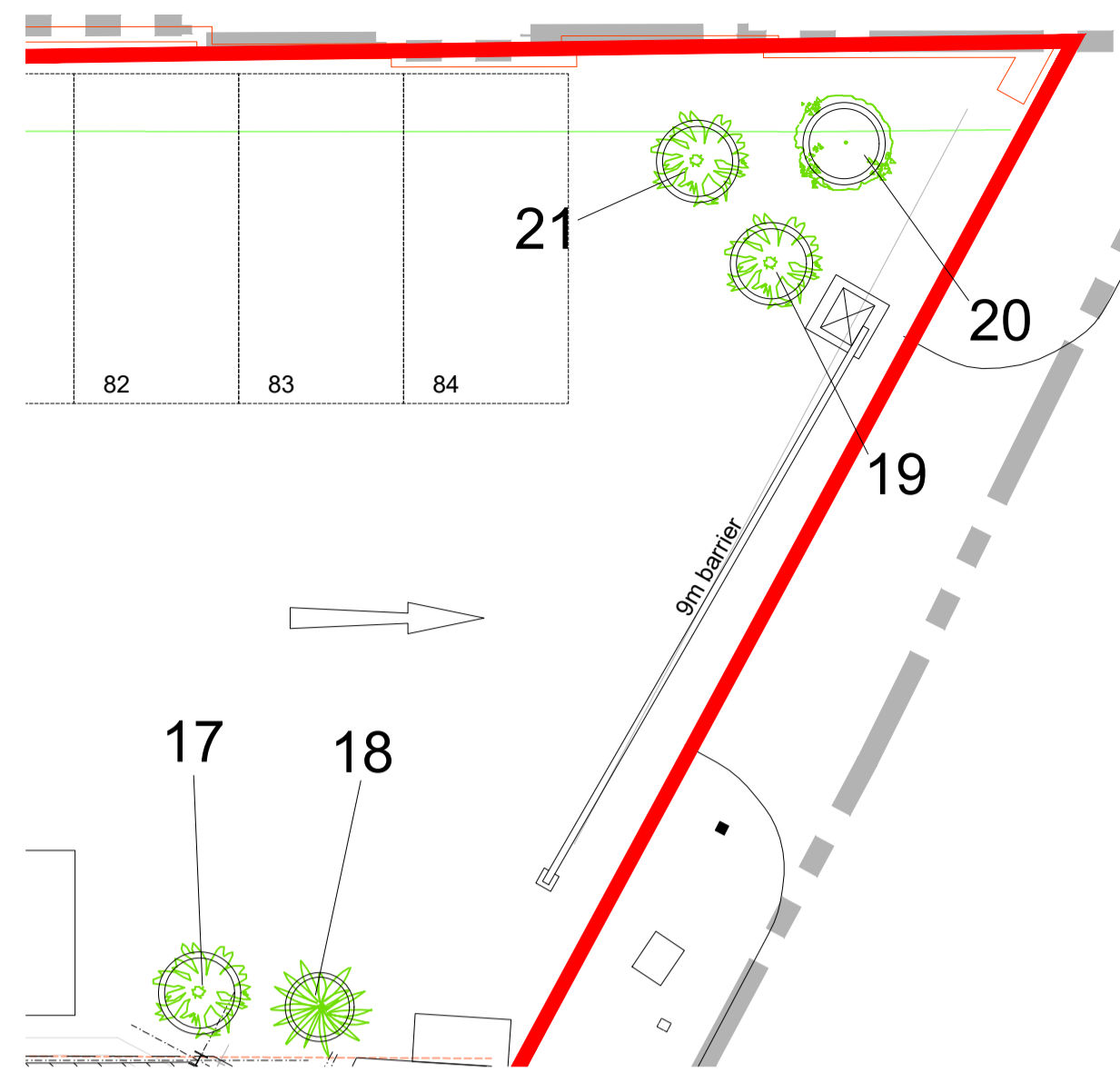
Description
**Heath House & Carby House
Link Fence Detail Study**

Status		
Planning	Drawn	Date
1:1000A1	TM	July 06
Job number	Drawing number	Revision
22855	A-PL-05E-04	

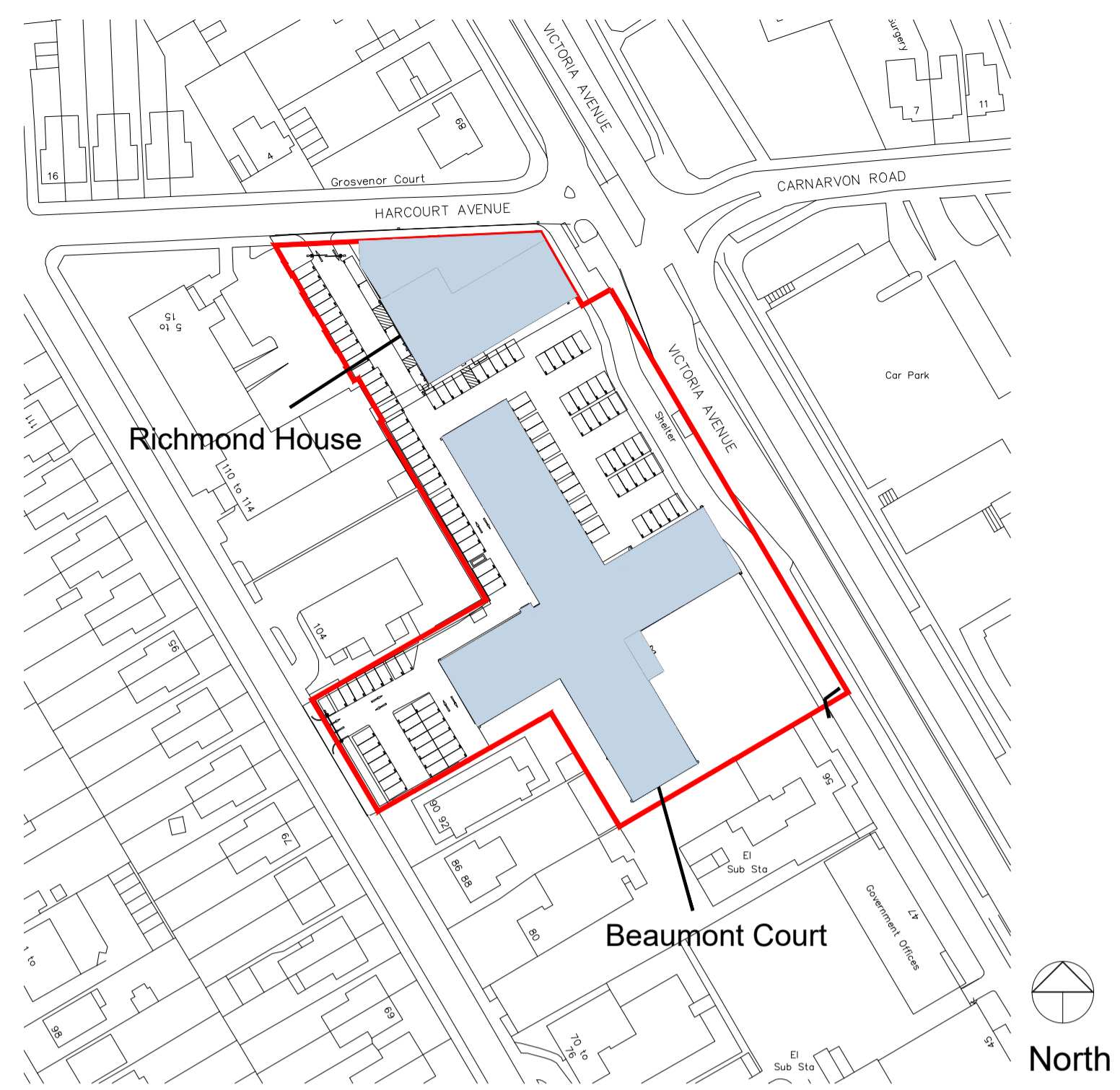
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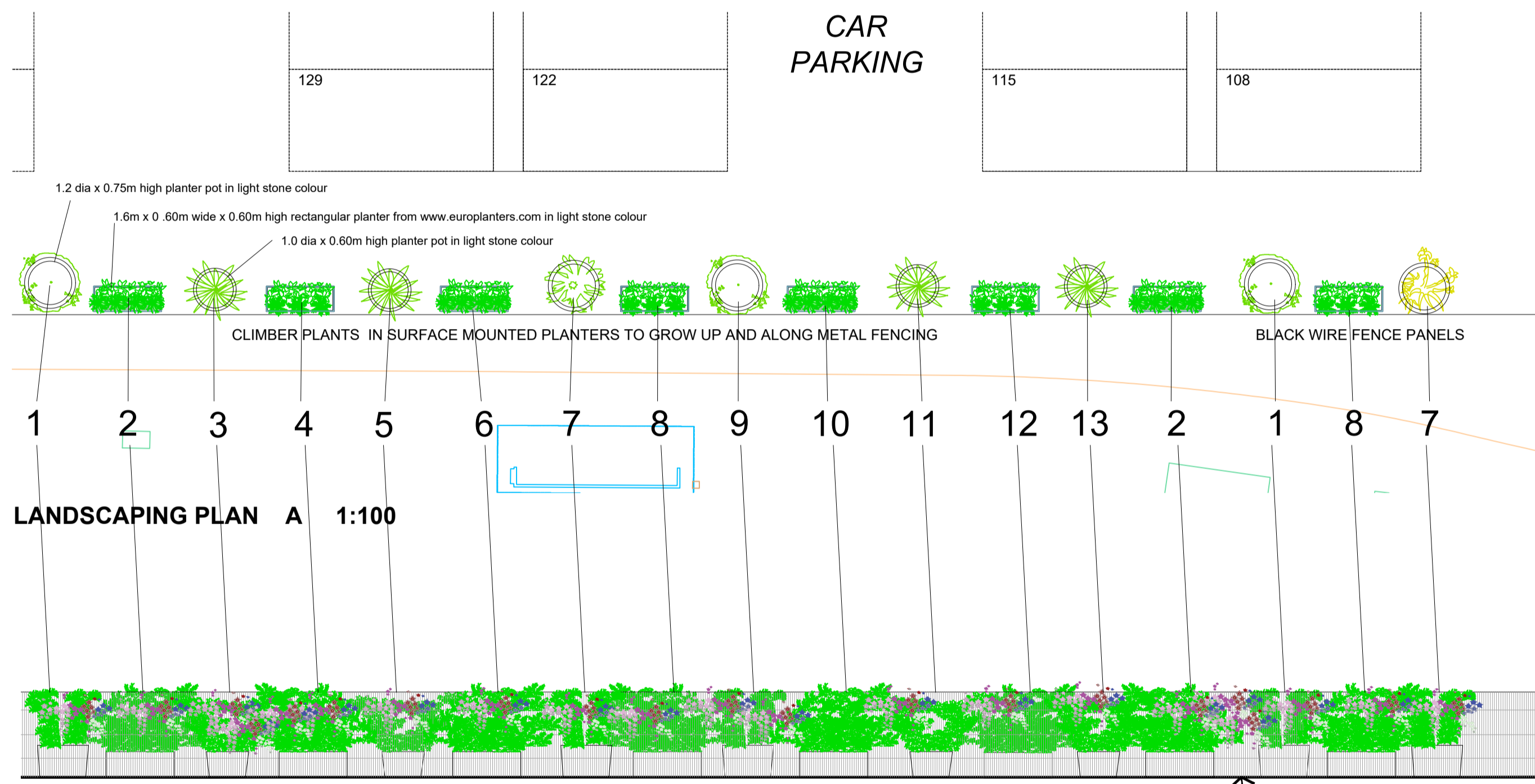
SITE PLAN 1:500 Red boundary line showing site ownership



LANDSCAPING PLAN C 1:100

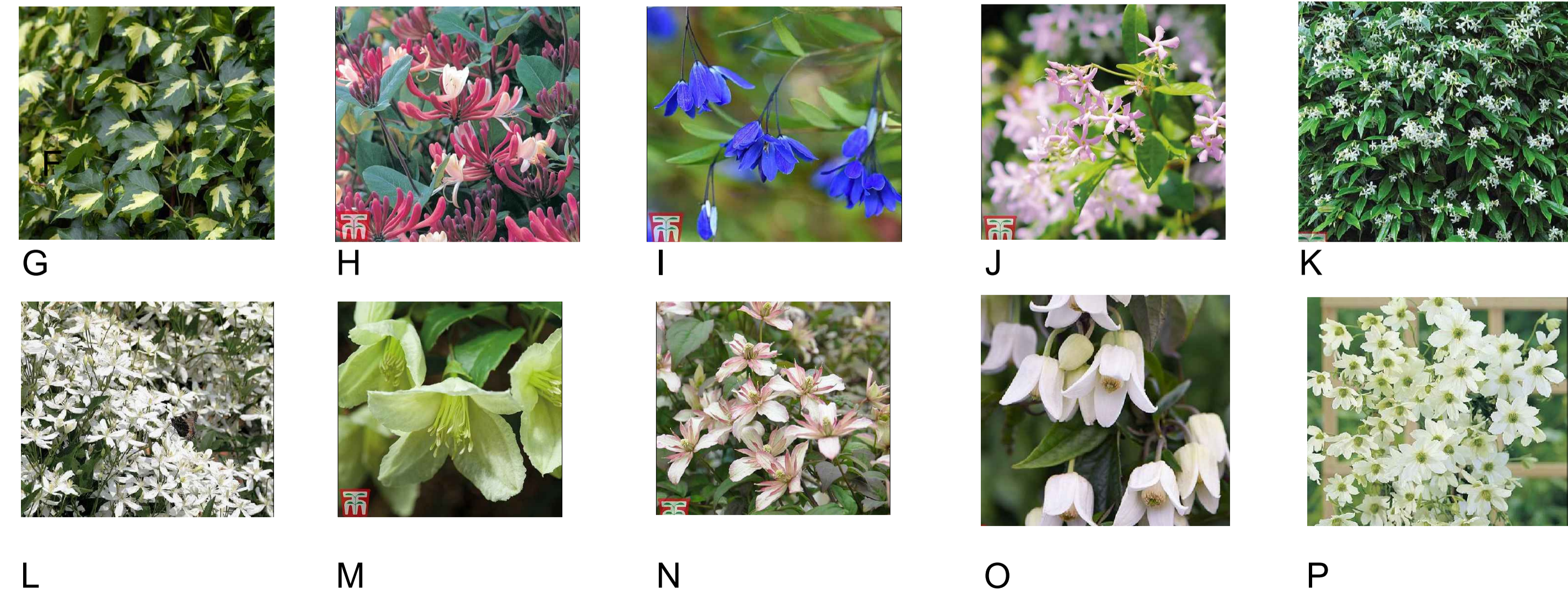


LOCATION PLAN 1:1250

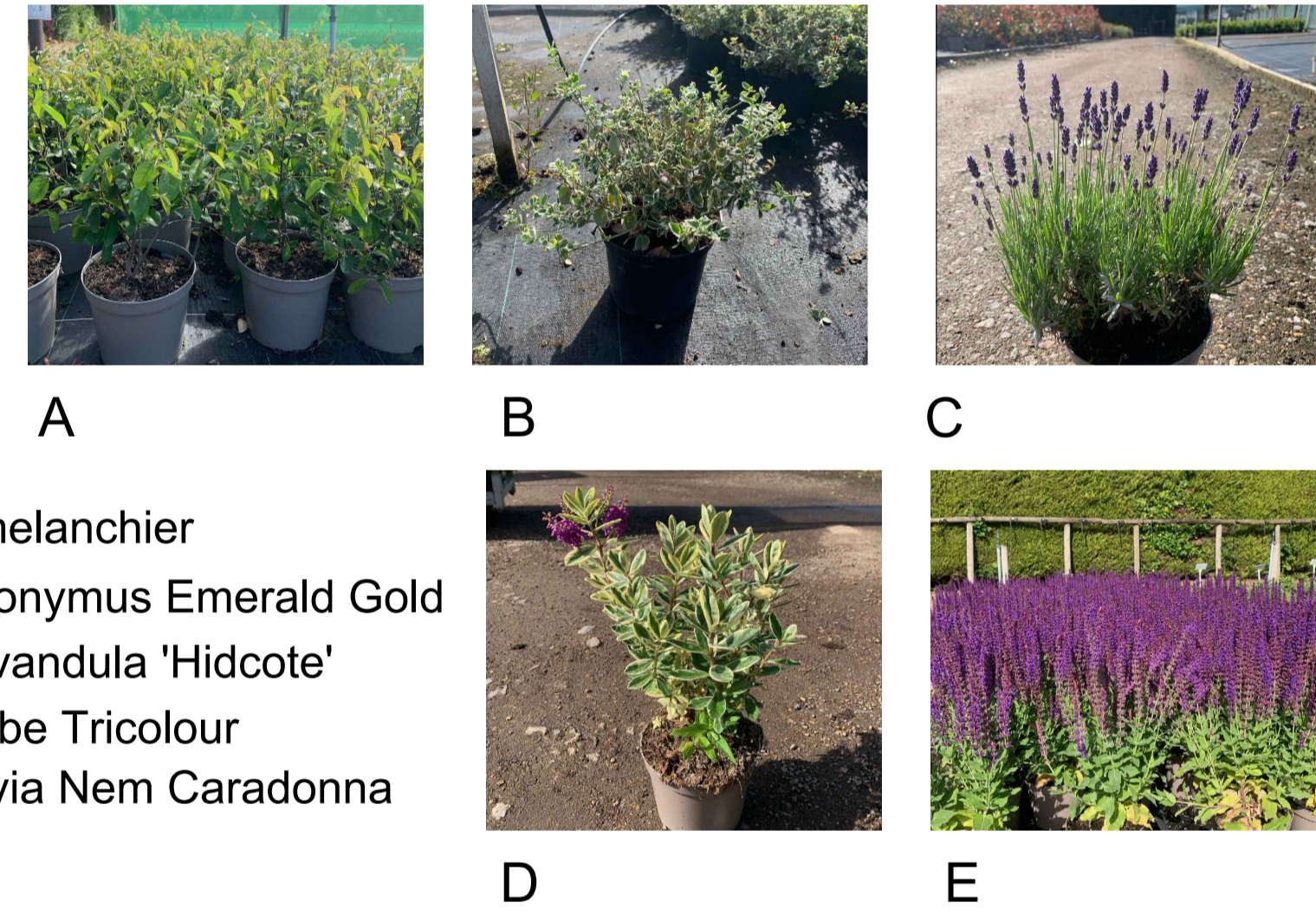


LANDSCAPING PLAN A 1:100

LANDSCAPING P-LAN A ELEVATION 1:100



- G - Hedera helix 'Goldheart'
- H - Honeysuckle 'Dartsworld'
- I - Sollya heterophylla 'Ultra Blue'
- J - Trachelospermum asiaticum
- K - Trachelospermum Jasminoides
- L - Clematis armandii
- M - Clematis cirrhosa 'Jingle Bells'
- N - Clematis montana 'Marjorie'
- O - Clematis urophylla 'Winter Beauty'
- P - Clematis 'Early Sensation'



- A - Amelanchier
- B - Euonymus Emerald Gold
- C - Lavandula 'Hidcote'
- D - Hebe Tricolour
- E - Salvia Nem Caradonna

PLANTING SCHEDULE

No	Planter type	Plant Species	Quantity
1	Round 1.2m	A,C,D,E,L	1 of each
2	1.6 x 0.6m	G,I,K,M,P	2 of each
3	Round 1.0m	A,C,D,H	1 of each
4	1.6 x 0.6m	G,H,M,O,P	2 of each
5	Round 1.0m	A,B,C,D,N	1 of each
6	1.6 x 0.6m	G,I,L,N,O,P	2 of each
7	Round 1.2m	A,C,D,E,I,P	1 of each
8	1.6 x 0.6m	G,J,M,O,P	2 of each
9	Round 1.2m	A,B,C,D,E,K	1 of each
10	1.6 x 0.6m	G,H,L,N,O	2 of each
11	Round 1.0m	B,C,D,E,J	1 of each
12	1.6 x 0.6m	G,J,K,M,P	2 of each
13	Round 1.0m	A,C,D,E,O	1 of each
14	Round 1.2m	A,B,C,D,E	1 of each
15	Round 1.0m	B,C,D,E	1 of each
16	Round 1.0m	B,C,D,E	1 of each
17	Round 1.2m	A,B,C,D,E	1 of each
18	Round 1.0m	B,C,D,E	1 of each
19	Round 1.2m	A,B,C,D,E	1 of each
20	Round 1.2m	A,B,C,D,E	1 of each
21	Round 1.2m	A,B,C,D,E	1 of each

Amendments	By	Date
A Landscaping revised along Victoria and Harcourt Avenues.	RB	25.06.20

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STATUS: PROPOSED

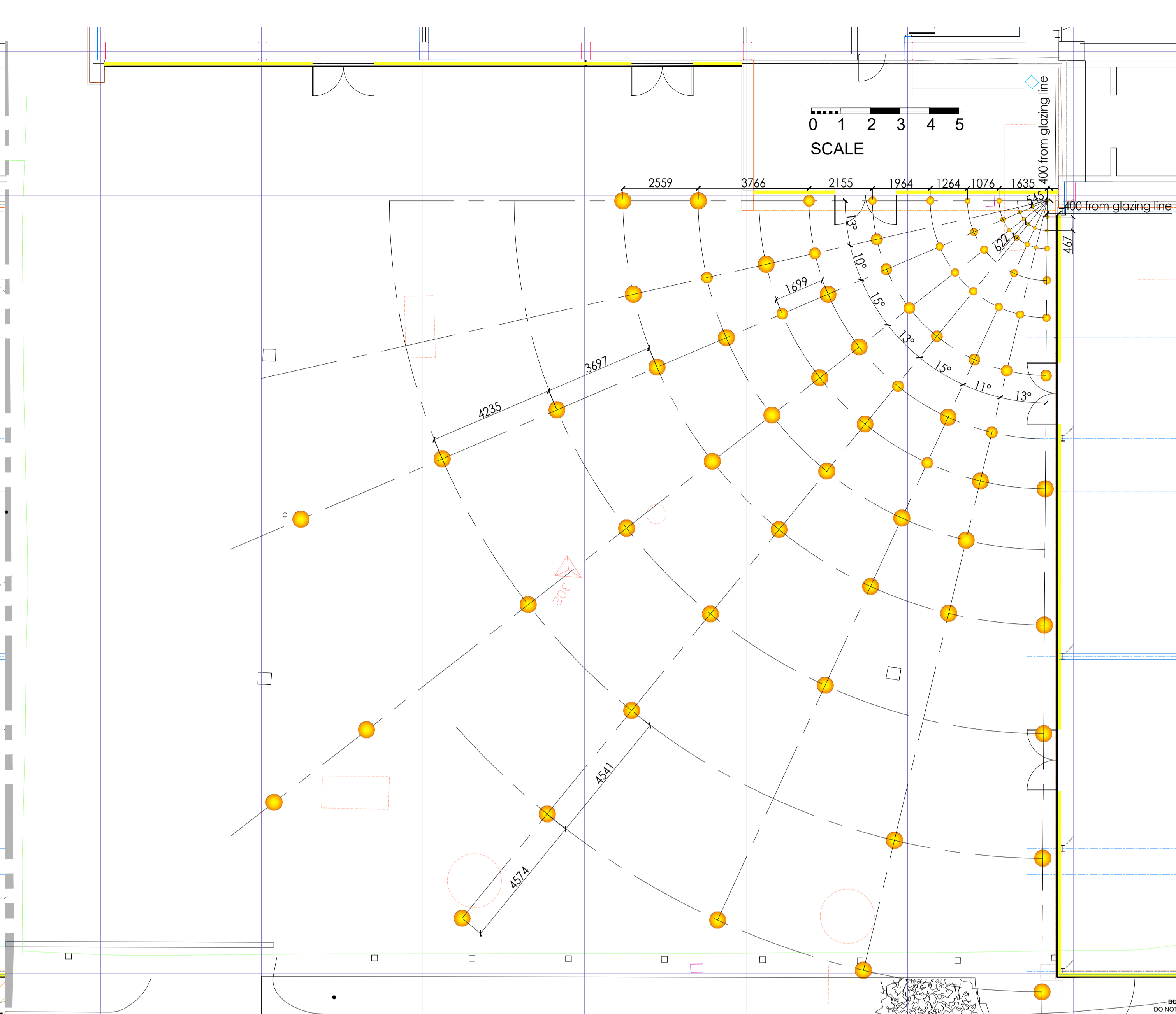
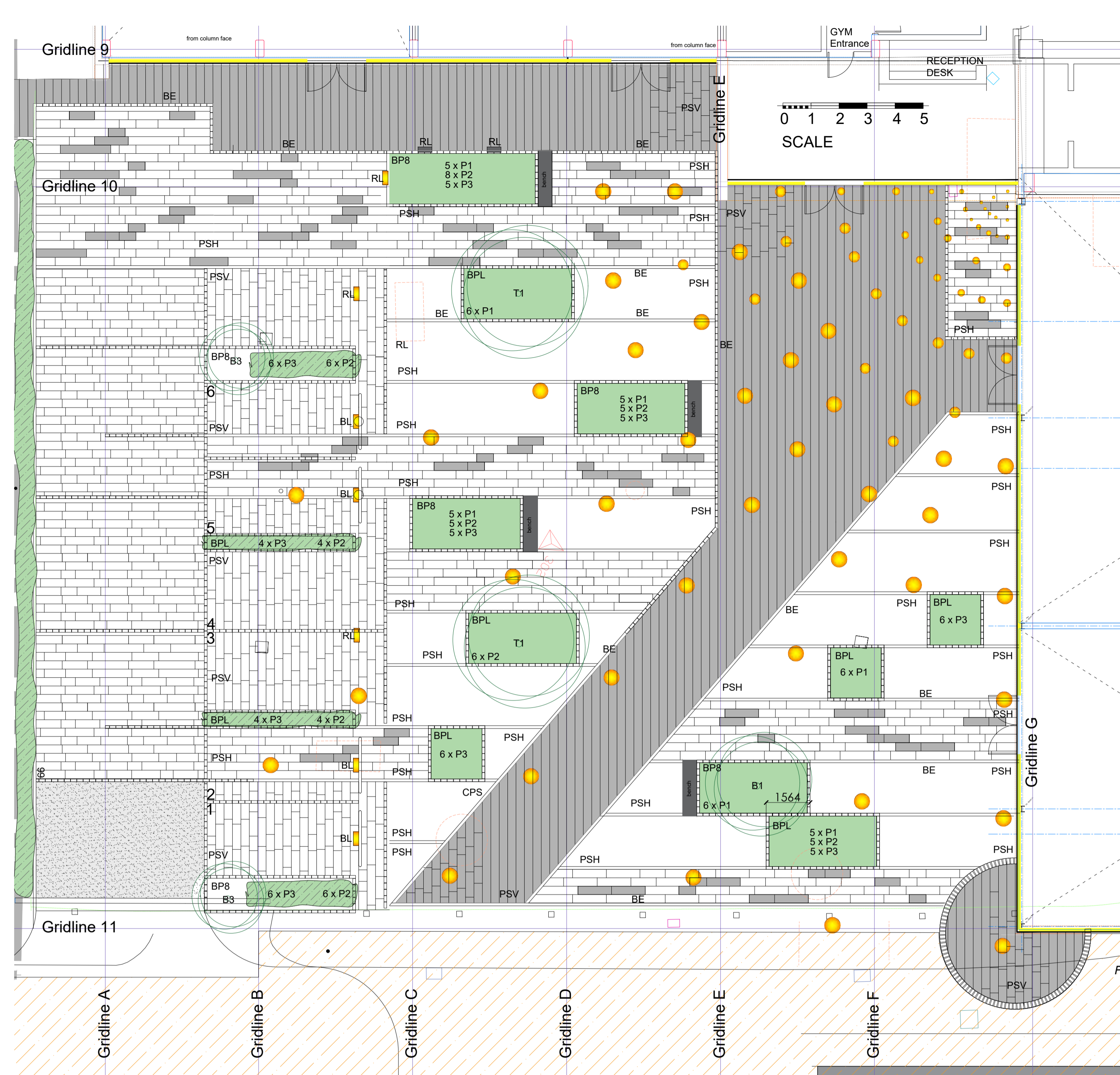
PROJECT STAGE: RIBA STAGE 5	DRAWN BY: RB	CHECKED BY: SK
CLIENT: Randall Watts	PROJECT: Beaumont Court and Richmond House, SOS	PERIOD: xxx
PROJECT NO: 279-03-15	RIBA NO: 6103	REVISION: A
DRAWING: Proposed Landscaping	PACK: REV: -	SCALE: 1:230 on A1
		MAY 2020

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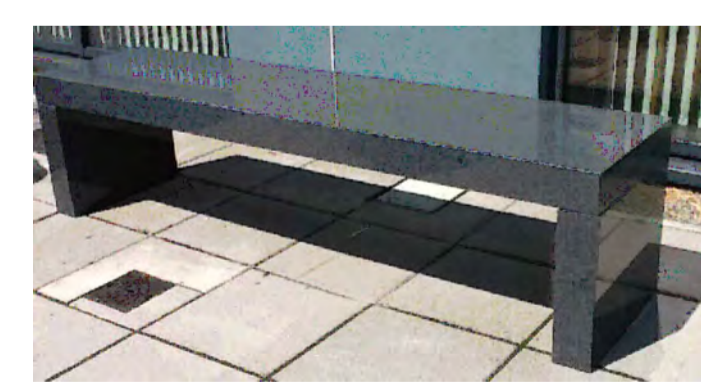
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GA PLAN 1:100

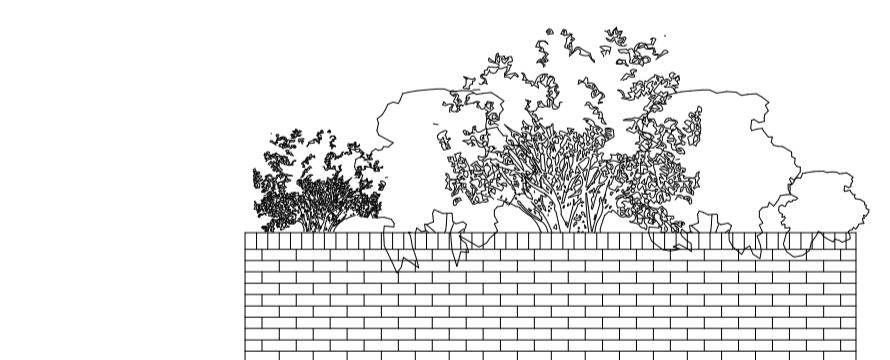
- KEY**
- TM = Tarmacadam
 - PSH = Brett flamed granite paving in Silver Grey and Graphite Grey set out in horizontal staggered pattern (size 1200,900,600x300x22). Colour mix 80% Silver Grey and 20% Graphite Grey randomly placed as indicated.
 - PSV = Brett flamed granite paving in Graphite Grey in vertical staggered pattern as indicated (sizes 1200, 900, 600x300x20).
 - BP8 = Brick planter in Staffordshire or similar blue engineering brick with wire cut finish and no holes. To be 11 B courses high making total height 825mm.
 - BPL = Brick planter in Stafordshire, or similar, blue engineering brick with wire cut finish and no holes. To be level with top of paving.
 - BE = Divisions between paving to be in same brickwork as planters, and level with paving.
 - RL = Recessed light type Lutec Victoria Grille LED Outdoor brick light IP65 rated or similar
 - BL = Recessed light in barrier rail or bollard
 - FL = Recessed floor light type Forum Pan Ground Light IP67 rated or similar.
 - = 2000x490x500mm U shaped bench seat. Colour & type TBA



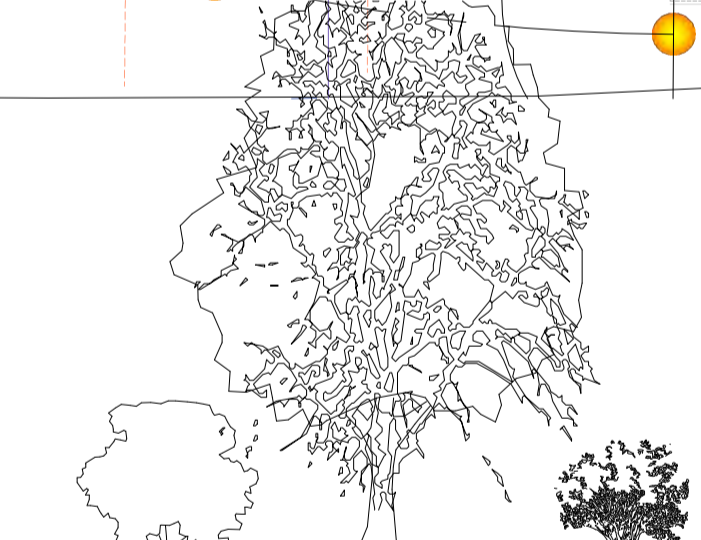
U shaped Bench seat

Planting Schedule

Plant Type	Quantity	Size	Form
T1 Sorbus x Thuringiaca (Hybrid Service Tree)	2	200cm	Root Ball
B1 Viburnum Opulus (Guelder Rose)	1	120-150cm	Root Ball
B2 Cornus Sanguinea (Dogwood)	1	45-60cm	Root
B3 Amelanchier x grandiflora "Robin Hill"	3	45-60cm	Root
P1 Cranesbill Geranium x (Johnson Blus)	35	30-45cm	container 0.6L
P2 Rosa Pimpinellifolia (Burnet Rose)	49	45-60cm	Bare root
P3 Lavanadula Spica Hidcote (Lavender)	41	45-60cm	container 0.6L



Planter type BP8



Planter type BPL



Amendments	By	Date
A Paving type changed and lighting type specified.	RB	12/06/18
B Paving type and pattern amended.	RB	22/06/18
C Planting Information added.	RB	25/06/18
D Bench image, planters & scale bars added.	RB	10/07/18
E Car parking area remodelled.	RB	23/10/18
F Car parking area paving added	IB	06/11/18

STATUS: PLANNING

PROJECT STAGE: RIBA STAGE 5
 DRAWN BY: RB
 CHECKED BY: SK

CLIENT: Randall Watts

PROJECT: Beaumont Court and Richmond House, SOS

PROJECT NO: 279-03-15
 RIBA NO: 6088

PROPOSED Public Square Plan & Public Art Lighting Setting Out

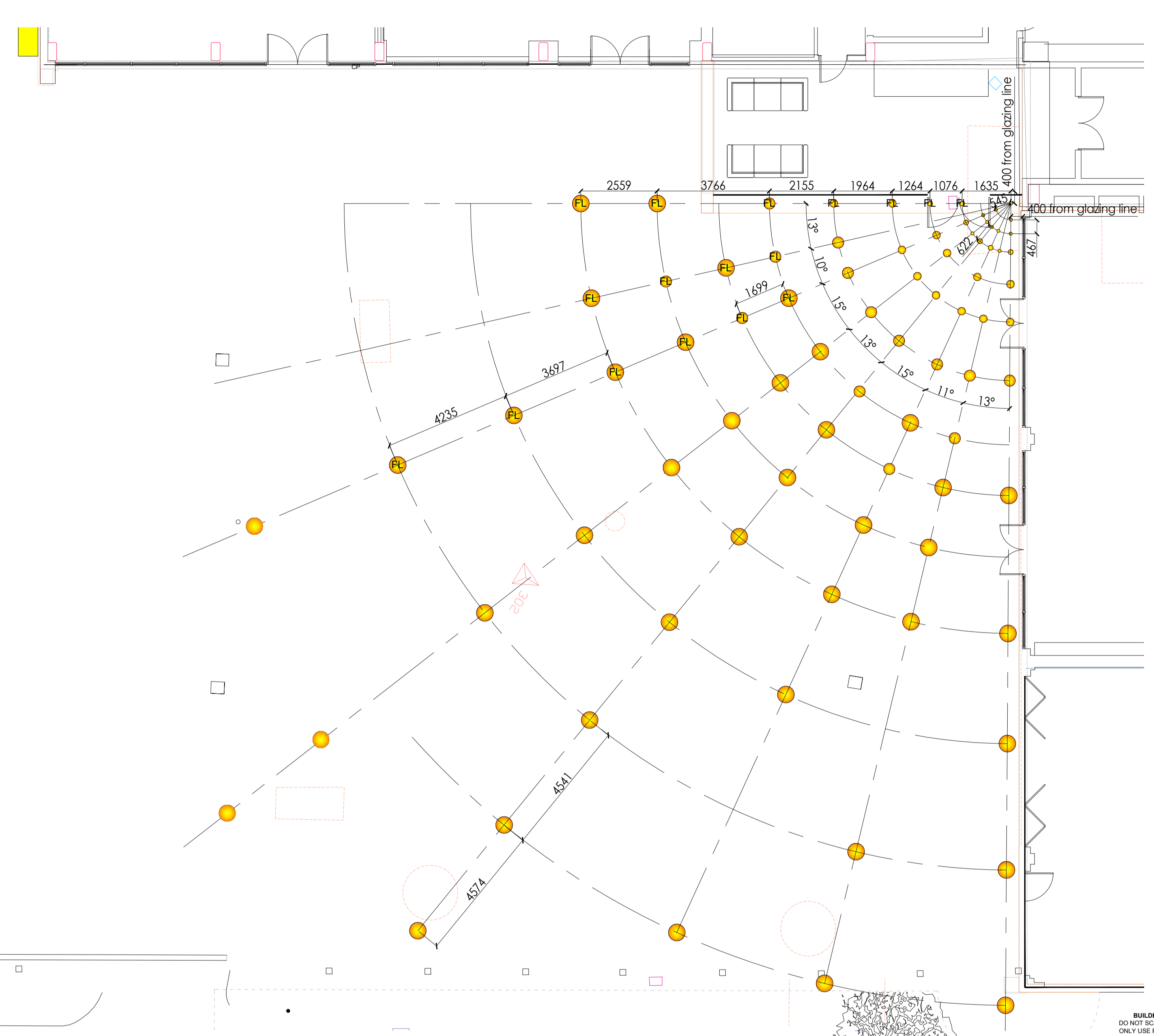
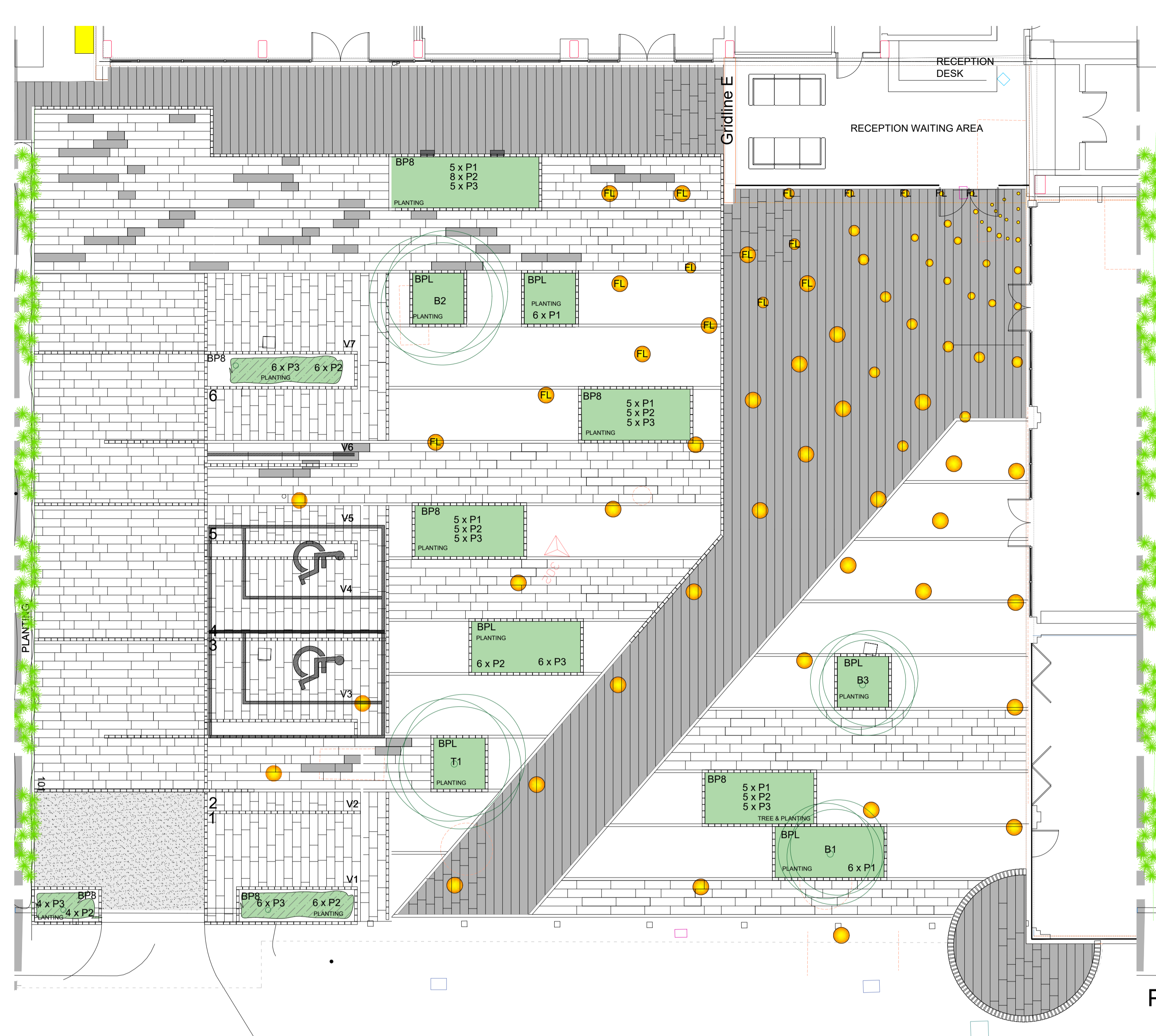
SCALE: 1:230 on A1

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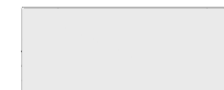


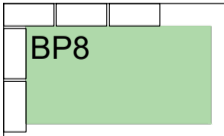
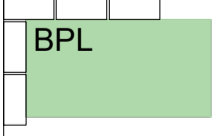
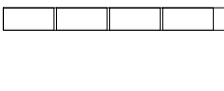
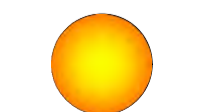
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GA PLAN 1:100

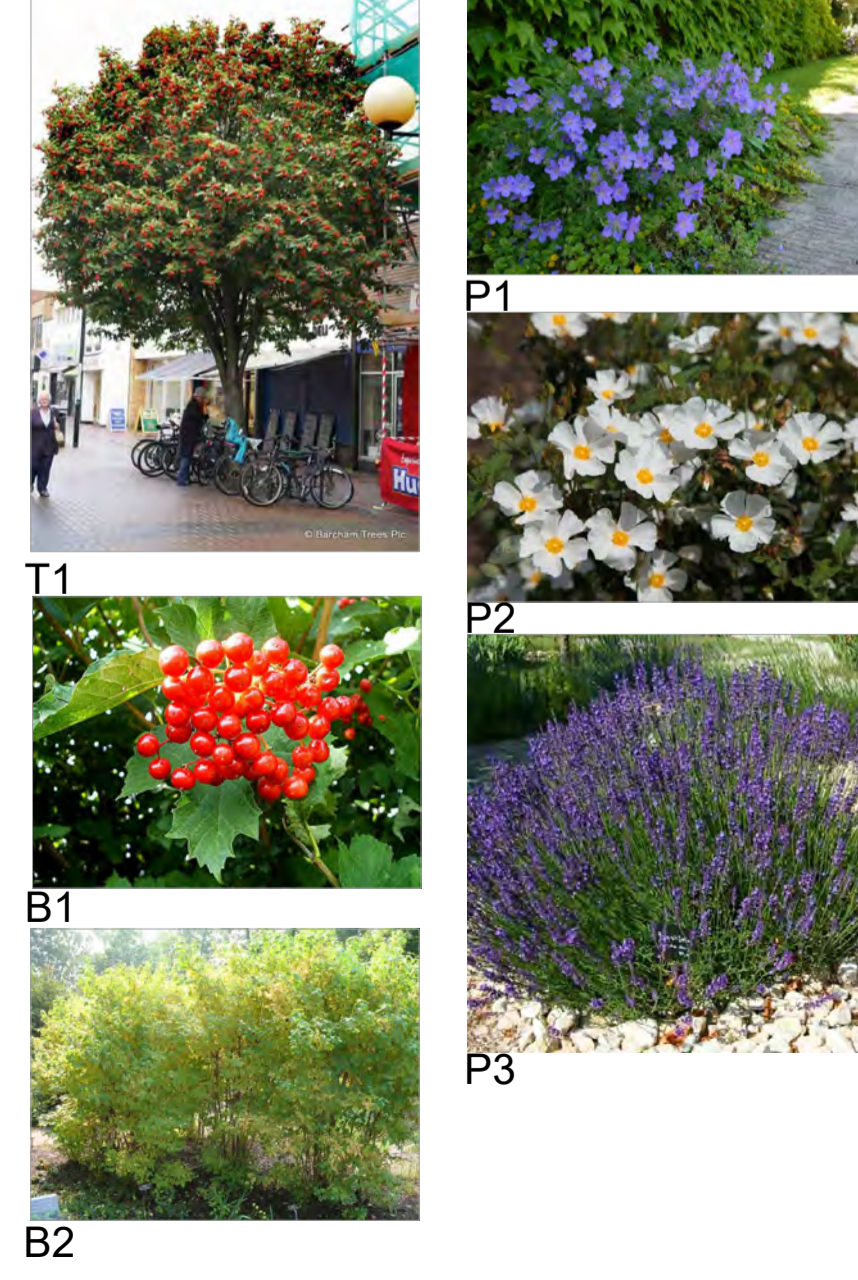
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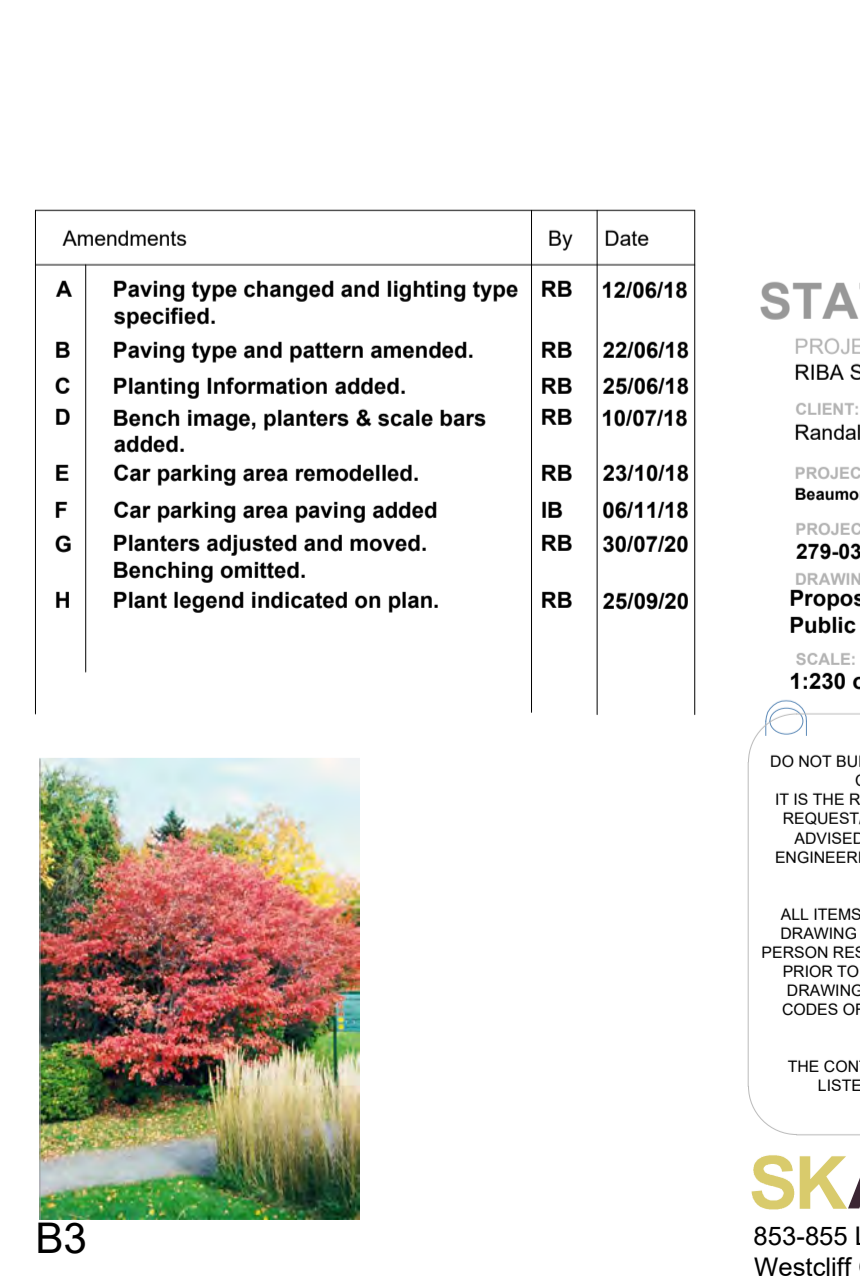
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P3 Lavanadula Spica Hidcote (Lavender)	52	45-60cm	container 0.6L

Planter type BP8



Planter type BPL



Amendments	By	Date
A Paving type changed and lighting type specified.	RB	12/06/18
B Paving type and pattern amended.	RB	22/06/18
C Planting Information added.	RB	25/06/18
D Bench image, planters & scale bars added.	RB	10/07/18
E Car parking area remodelled.	IB	23/10/18
F Car parking area paving added	RB	06/11/18
G Planters adjusted and moved. Benching omitted.	RB	30/07/20
H Plant legend indicated on plan.	RB	25/09/20

STATUS: PROPOSED

PROJECT STAGE: RIBA STAGE 5
 DRAWN BY: RB
 CHECKED BY: SK
 CLIENT: Randall Watts
 PROJECT: Beaumont Court and Richmond House, SOS
 PROJECT NO: 279-03-15
 RIBA NO: 6088
 DRAWING: Proposed Public Square Plan & Public Art Lighting Setting Out
 SCALE: 1:230 on A1

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 Client and Builder Notes 2 (CBN2)
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 Client and Builder Notes 3 (CBN3)
 Client budget awaiting confirmation so that a cost plan can be commissioned.

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PLANNING APPROVAL REF 20/00686/AMDT



KEY
CLADDING TYPE

MARLEY ETERNIT EQUITONE TEXTURA TE00 CALICO (LIGHT COLOUR)	
ROCK PANEL - FS XTRA MINERAL RUST	
ROCKPANEL FS XTRA RAL 7016 GREY COLOUR TO MATCH WINDOW FRAMES	

CLADDING TYPE
FS XTRA

Rockpanel Woods colour Rhinestone Oak	
Rockpanel Woods colour Rhinestone Oak	
Rockpanel Woods colour Rhinestone Oak	

Rev	Comment	By	Date
A	Planning approval references indicated.	RB	21.09.20

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Client budget awaiting confirmation so that a cost plan can be commissioned.

STATUS: CONSTRUCTION

PROJECT STAGE: RIBA STAGE 5	DRAWN BY: RB	CHECKED BY: <input type="checkbox"/> SK
CLIENT: Randall Watts	PROJECT: Beaumont Court and Richmond House, 505	Postcode: xxxx
PROJECT NO: 279-03-15	DWG NO: 6203	REVISION A
DRAWING: Beaumont - East and North Elevations - Cladding Colour Types	PACK: REV:	
SCALE: 1:200 on A1		

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EAST ELEVATION

PLANNING APPROVAL REF 20/00686/AMDT



NORTH ELEVATION

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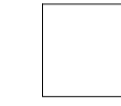
PLANNING APPROVAL REF 20/00686/AMDT



SOUTH ELEVATION

KEY
CLADDING TYPE

MARLEY ETERNIT
EQUITONE TEXTURA TE00
CALICO (LIGHT COLOUR)



ROCK PANEL - FS XTRA
MINERAL RUST

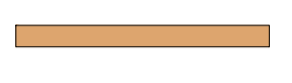


ROCKPANEL FS XTRA
RAL 7016 GREY COLOUR
TO MATCH WINDOW
FRAMES

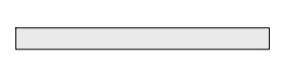


CLADDING TYPE
FS XTRA

Rockpanel Woods
colour Rhinestone Oak



Rockpanel Woods
colour Rhinestone Oak



Rockpanel Woods
colour Rhinestone Oak



Rev	Comment	By	Date
A	Planning approval references indicated.	RB	21.09.20

Prior building works must be instructed by the client.

It is essential that all client/builders notes are instructed by the client as per the Architects/Engineers request.

Failure to complete these instructions could have a cost implication on the tender stage or even the feasibility to deliver the project as proposed.

It is solely the responsibility of the client to instruct these works so that the information is available prior to build.

Client and Builder Notes 1 (CBN1)

Trial pits to be carried out to expose all interface areas between the existing and new building. To be checked by contractor prior to building works commencing and information to be relayed back to the Architect.

Client and Builder Notes 2 (CBN2)

Drainage search to be carried out. Client to instruct prior to formal planning submission. To be checked by contractor prior to building works commencing and information to be relayed back to the Architect.

Client and Builder Notes 3 (CBN3)

Client budget awaiting confirmation so that a cost plan can be commissioned.

PLANNING APPROVAL REF 20/00686/AMDT



WEST ELEVATION

Louvre colour Oyster White RAL 1013

Louvre colour Oyster White RAL 1013

STATUS: CONSTRUCTION

PROJECT STAGE: RIBA STAGE 5
DRAWN BY: RB
CHECKED BY: SK

CLIENT: Randall Watts

PROJECT: Beaumont Court and Richmond House, S05
Postcode: xxxx

PROJECT NO: 279-03-15
DRG NO: 6204
REVISION: A

DRAWING: Beaumont - South and West Elevations - Cladding Colour Types
SCALE: 1:200 on A1

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PLANNING APPROVAL REF 20/00672/FUL

PLANNING APPROVAL REF 20/00672/FUL



KEY
CLADDING TYPE

MARLEY ETERNIT
EQUITONE TEXTURA TEOO
CALICO (LIGHT COLOUR)

ROCK PANEL - FS XTRA
MINERAL RUST

ROCKPANEL FS XTRA
RAL 7016 GREY COLOUR
TO MATCH WINDOW
FRAMES

CLADDING TYPE
FS XTRA

Rockpanel Woods
colour Rhinestone Oak

Rockpanel Woods
colour Rhinestone Oak

Rockpanel Woods
colour Rhinestone Oak

107

East Elevation 1:200

PLANNING APPROVAL REF
19/01868/FUL

PLANNING APPROVAL REF
19/01868/FUL

PLANNING APPROVAL REF
19/01868/FUL

PLANNING APPROVAL REF 20/00672/FUL

South Elevation 1:200

PLANNING APPROVAL REF 20/00672/FUL

Notes:			
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Planning approval references indicated.			
Rev	Comment	By	Date
A		RB	21.09.20

Stage:

Client:
Randall Watts

Project:
Beaumont & Richmond
Richmond House
73 Victoria Avenue
Southend on Sea
SS2 6EB

Drawing Title:
PROPOSED ELEVATIONS

Drawing no: 279-03-15-6205 Revision: A

Project no: 279-03-15 Drawn by: RB

Scale: 1:200 @ A2 Chkd by:

SKARCHITECTS

853-855 London Road
Westcliff-on-Sea
SS0 9SZ

Tel: 01702 509250
Email: info@skarchitects.co.uk

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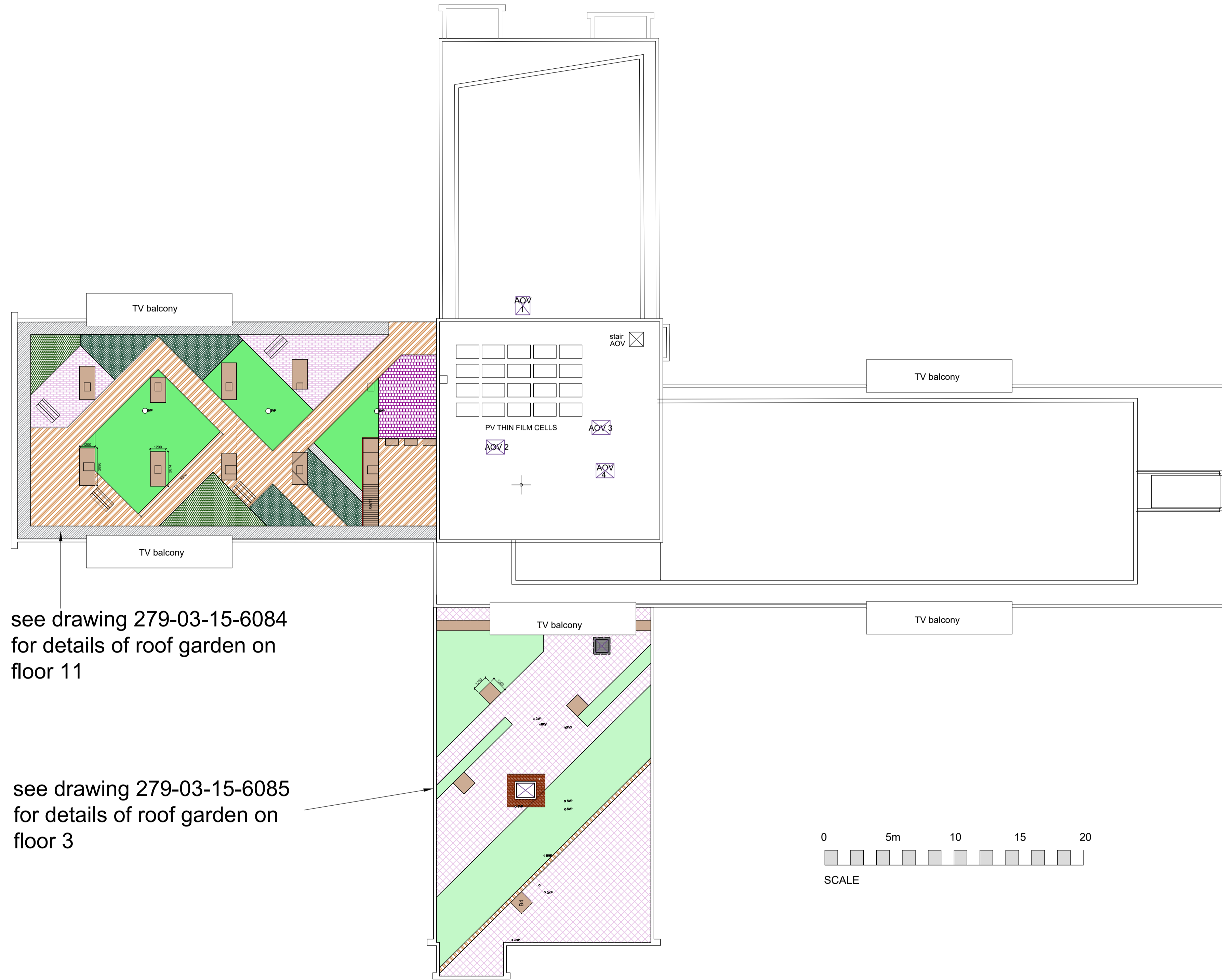
North Elevation 1:200

PLANNING APPROVAL REF
19/01868/FUL

West Elevation 1:200

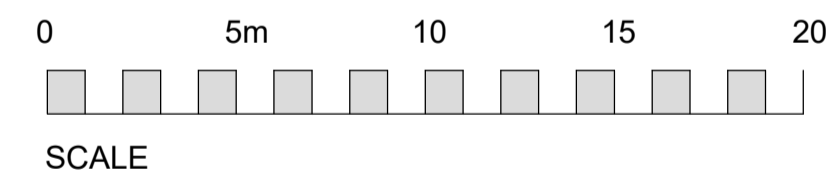
PLANNING APPROVAL REF
19/01868/FUL

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see drawing 279-03-15-6084
for details of roof garden on
floor 11

see drawing 279-03-15-6085
for details of roof garden on
floor 3



ROOF PLAN (as seen above floor 11) 1:200

Notes:			
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Rev	Comment	By	Date
A	PV arrangement adjusted	RB	28/07/2020

Stage:

Client:
Randal Watts

Project:
Beaumont & Richmond
Beaumont Court
61 - 71 Victoria Avenue
Southend-on-Sea
SS2 6EB

Drawing Title:
ROOF GARDEN PLANS (as seen from floor 11)

Drawing no:
279-03-15-6206

Revision: A Drawn by: RB

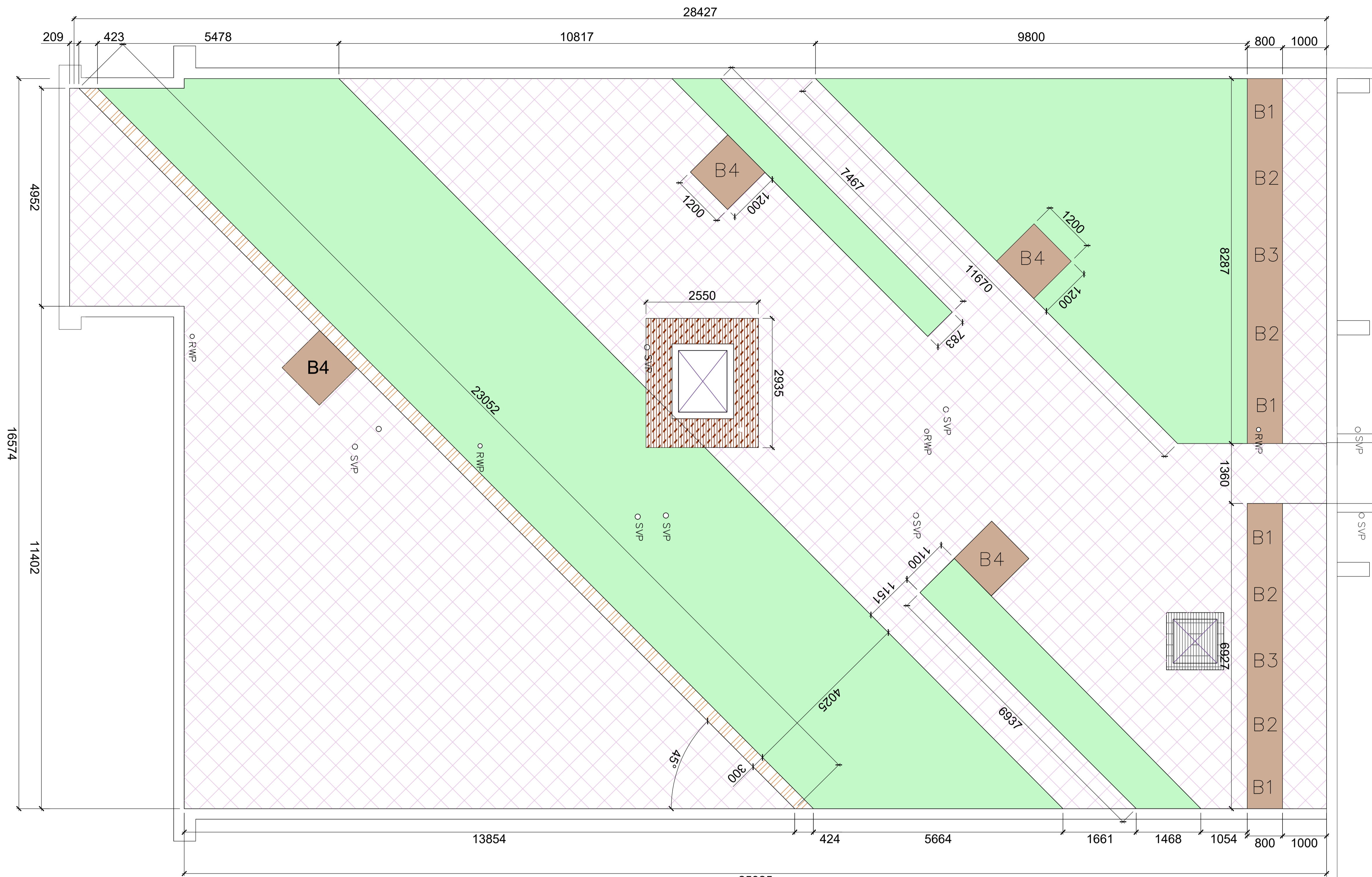
Project no: 279-03-15 Chkd by: ---

Scale: 1:200

SKARCHITECTS
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Email: info@skarchitects.co.uk

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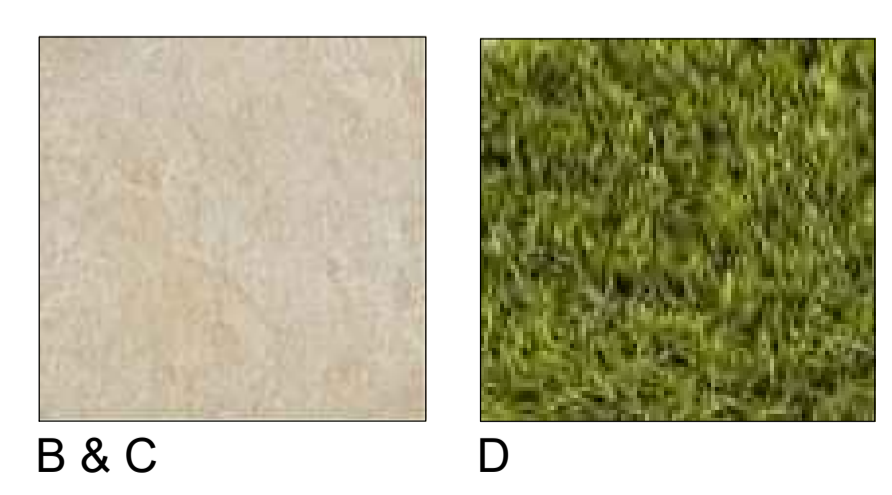
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PLAN 1:50

KEY

- A Raised planters 1.2m x 1.2m - 1000 kg per planter (incl soil)
- B 300 x 300mm paving (7sq.m)
- C 600 x 600mm paving (buff) 257sq.m
- D Artificial sanded grass adhesive and stapled down through 25mm Marine Ply (157m2)
- E Seating Area - Built around AOV - TBA
- F Metal mesh box around AOV - TBA



- PLANTING SCHEDULE
- B1 Taxus Baccata Pyramid 180cm
 - B2 Taxus Baccata hedging
 - B3 Taxus Baccata Ball 60cm
 - B4 Taxus Baccata Pyramid 180cm + Buxus Sempervirens

Amendments	By	Date
A Materials and pattern amended following discussion with Tim Fenn.	RB	17.10.17
B Materials and pattern amended following	IB	18.10.17
C Material pattern amended to TF comments	IB	19.10.17
D Material pattern amended to TF comments	IB	19.10.17
E Planting schedule added following meeting with Tim Fenn on 18/12/17.	RB	20.12.17

STATUS: CONSTRUCTION

PROJECT STAGE: RIBA STAGE 5
 CLIENT: Randall Watts
 PROJECT: Beaumont Court and Richmond House, SOS
 PROJECT NO: 279-03-15
 DRAWING: Floor 3 Roof Garden
 SCALE: 1:50 @ A1

DRAWN BY: RB
 CHKD BY: SK

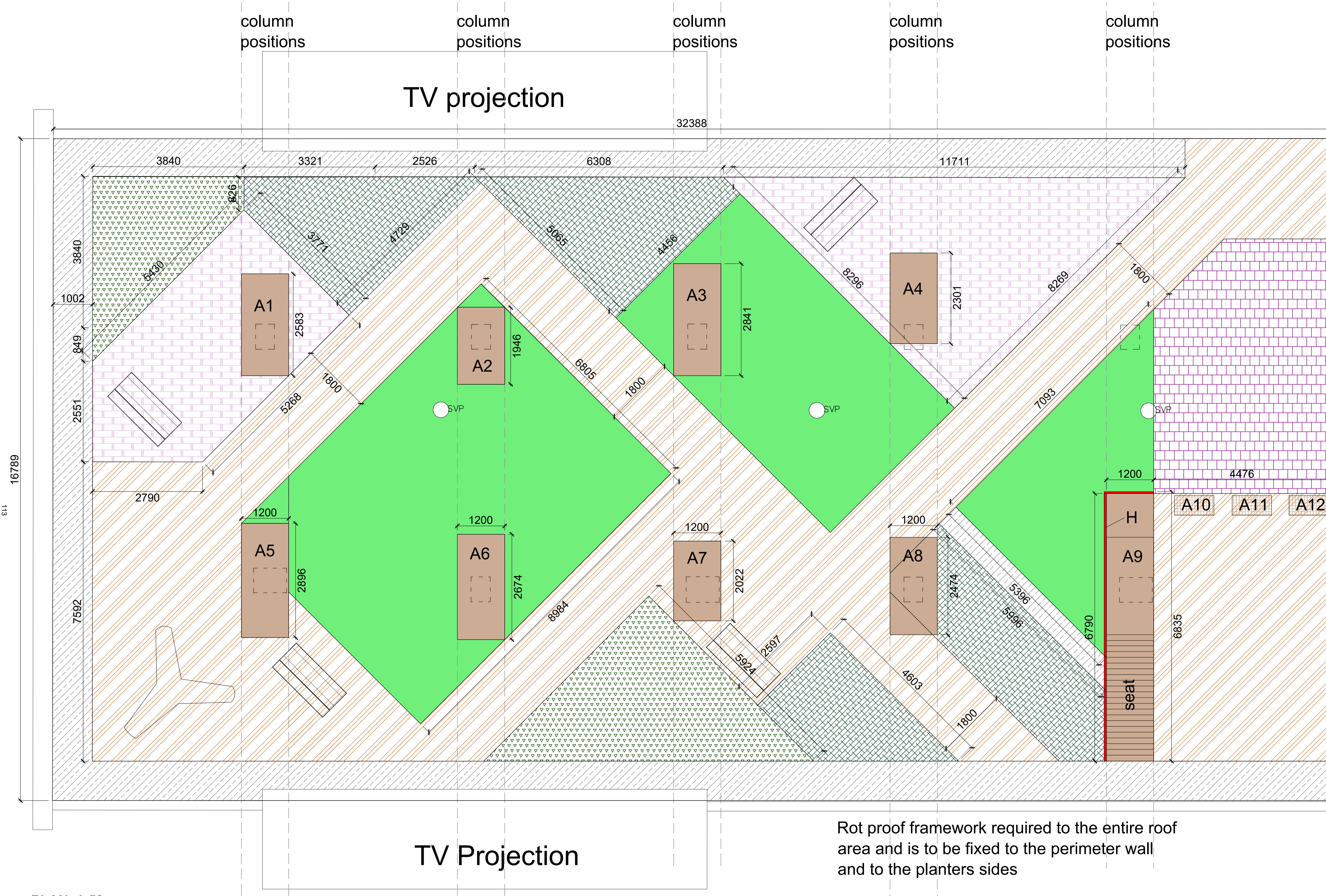
Postcode: xxxx
 REVISION: E

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Amendments	By	Date
A Materials and pattern amended following discussion with Tim Fenn.	RB	17.10.17
B Planting schedule added following meeting with Tim Fenn on 18/12/17.	RB	20.12.17

- PLANTING SCHEDULE**
- A1 1 nr. 2m high Quercus ilex + 12 nr. Agapanthus
 - A2 1 nr. 1.5m high Thuja occidentalis 'columna' + 12 nr. Kniphofia
 - A3 1 Nr. 2m high Gleditsia 'sunburst' + 12 nr. Kniphofia
 - A4 1 nr. 2m high Quercus ilex + 12 nr. Agapanthus
 - A5 1 Nr. 2m high Gleditsia 'sunburst' + 12 nr. Kniphofia
 - A6 1 nr. 2m high Quercus ilex + 12 nr. Juniperus Horizontalis
 - A7 1 nr. 1.5m high Thuja occidentalis 'columna' + 12 nr. Agapanthus
 - A8 1 Nr. 2m high Gleditsia 'sunburst' + 12 nr. Juniperus Horizontalis
 - A9 1 nr. 2m high Quercus ilex + 12 nr. Juniperus Horizontalis
 - A10 1 nr. Taxus baccarat pyramid 180cm
 - A11 1 nr. Taxus baccarat sphere 60cm
 - A12 1 nr. Taxus baccarat pyramid 180cm

STATUS: CONSTRUCTION

PROJECT STAGE: RIBA STAGE 5
 DRAWN BY: RB
 CHKD BY: SK
 CLIENT: Randall Watts
 PROJECT: Beaumont Court and Richmond House, SOS
 PROJECT NO: 279-03-15
 DRG NO: 6084
 DRAWING: Floor 11 Roof Garden Beaumont
 SCALE: 1:50 @ A1
 Postcode: xxxx
 REVISION: B

Rot proof framework required to the entire roof area and is to be fixed to the perimeter wall and to the planters sides

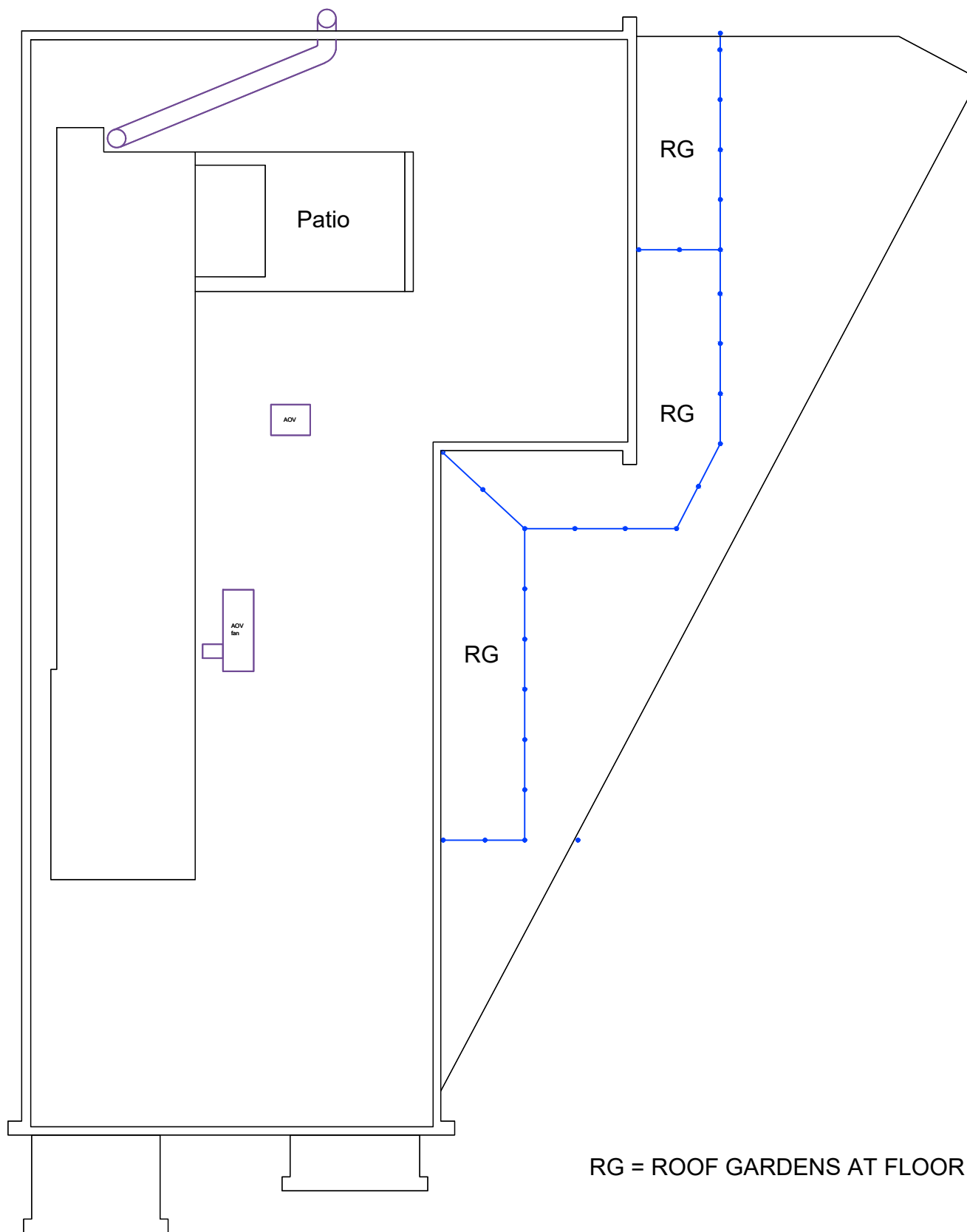
PLAN 1:50

- A Raised planters - 1000 kg per planter (incl soil)
- A1 Raised planters - 200 kg per planter (incl soil)
- B Millboard uPVC Lasta Grip Plank Decking - Golden Oak (161sq.m)
- C Artificial sanded grass adhesive and stapled down through a suitable underlay bonded to Millboard uPVC Plank Decking or 25mm Marine Ply that has been fixed to the Millboard sub framework (113m2)
- D Paving slabs 500 sq x 38mm thick (79m2)
- E Millboard Porcelain Esterno Elements - Golden Quartz ENT66GQ (58m2)
- F Millboard Porcelain Esterno Earthstone - Pumice ENT66PM (27m2)
- G Bench 4no.
- H 1.5m high fence fixed to sides of planter (8 linear metres)
- J Meadow grass mix in trays 65kg/m2 (28m2)
- K Sedum mix in trays 65 kg/m2 (47m2)



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ROOF PLAN 1:200

-	---	-	-	Client: Randall Watts	Stage:	Drawing no: 279-03-15-6207	SKARCHITECTS 853-855 London Road Westcliff-on-Sea SS0 9SZ Tel: 01702 509250 Email: info@skarchitects.co.uk
Revision	Comment	By	Date	Project: Beaumont & Richmond Richmond House 73 Victoria Avenue Southend on Sea SS2 6EB	Project no: 279-03-15	Drawing Title: Roof Garden Plan	
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				15	15	15	

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Beaumont Court and Richmond House

2020

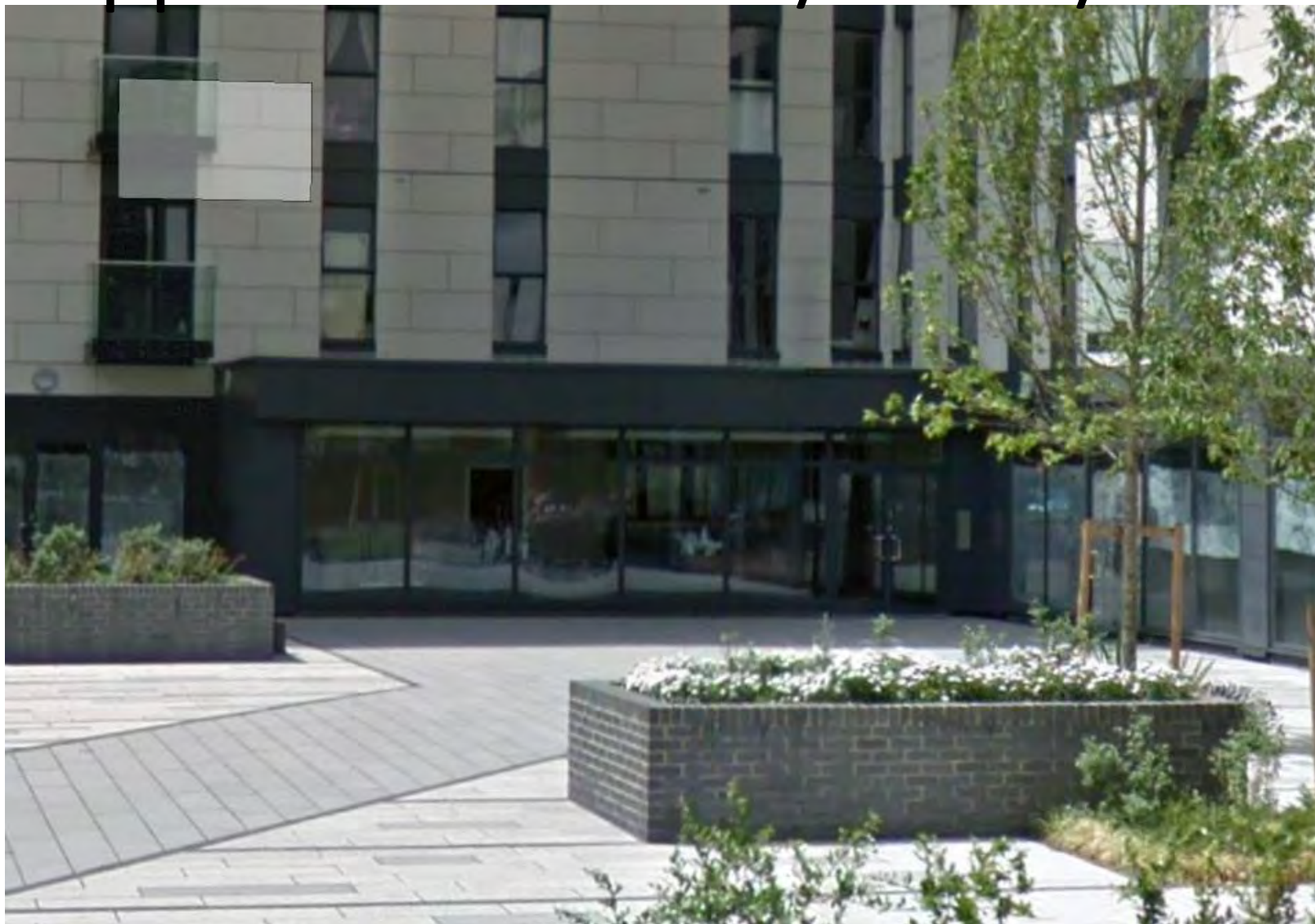


118

Public square



Entrance to Beaumont Court approved under 15/01147/NON



Amended Highways Layout



Front boundary – to be landscaped

New bus stop



Front boundary to be landscaped



Richmond House including cycle parking



Rear of buildings



Rear internal boundary screened by buildings



Baxter Avenue boundary



External and Undercroft cycle storage

Further cycle parking within building



Reference:	20/01146/FUL	7
Ward:	Shoeburyness	
Proposal:	Erect dwellinghouse adjacent to existing dwellinghouse; install two vehicular accesses onto Aylesbeare, associated layout parking to front and rear (Amended Proposal).	
Address:	15 Aylesbeare, Shoeburyness, Essex SS3 8AE	
Applicant:	Mr Thompson	
Agent:	BGA Architects	
Consultation Expiry:	24.08..2020	
Expiry Date:	09.10.2020	
Case Officer:	Scott Davison	
Plan Nos:	Location Plan 0-001, Site Plan 0-002; Site Plan 0-100; Existing Plans and Elevations 1-001; Proposed Plans and Elevations 1-100; Proposed Plans and Elevations 1-105; 3D Views 2-002; 3D Views A4 Landscape Mono - 2-102 & Design & Access Statement	
Recommendation:	REFUSE PLANNING PERMISSION	

1 Site and Surroundings

- 1.1 The site contains a two storey detached dwellinghouse located on the eastern side of the road. The application site is located at the junction of Aylesbeare and a cul-de-sac limb. The detached dwelling has an integral projecting garage to the front of the dwelling. To the rear of the detached dwelling are a part width single storey conservatory and a rear garden area. The detached dwelling has a pitched roof and with a brick external appearance. A 1.8m close boarded timber fence has been erected to the side of the dwelling.
- 1.2 The surrounding area is residential in character, comprising detached and semi-detached dwellings, of similar age, style, size and design and with a characteristic degree of spacing and separation between properties. A number of properties in the vicinity of the site have front extensions which integrate with original integral projecting garages.
- 1.3 The site is not located within flood zones 2 or 3 and is not subject to any site specific planning policies.

2 The Proposal

- 2.1 The application seeks planning permission for the erection of a two storey dwelling to the side of the donor dwelling. The proposed dwelling would be attached to the donor dwelling.
- 2.2 The dwelling would be a two storey pitched roof house, some 6.6m high to ridge height, 5m to eaves, 5.7m wide and 9.9m deep. The front building line would be set some 1m behind the main front elevation of the donor dwelling and project 4m beyond the rear building line including the 3.2m deep single storey rear projection.
- 2.3 The proposed dwelling would have an internal floor area of some 81.3 square metres (sqm) with a lounge, kitchen/dining room and WC at ground floor and two first floor bedrooms measuring some 13 sqm and 8.1sqm. Two off street parking spaces are proposed, one to the front of the dwelling and one to the rear with access from Aylesbeare. Each would be accessed by a new vehicle crossover. The new accesses would require re-siting of a lamp column. A refuse store is proposed to the rear of the dwelling and cycle store to the side. The dwelling would have a rectangular shaped rear garden area of some 45 sqm.
- 2.4 The external finishing materials proposed include facing brickwork, roof tiles and UPVC windows and doors. The plans show solar panels on the rear roof slope.
- 2.5 This application follows the refusal of application 20/00332/FUL; Erect dwelling on land adjacent to 15 Aylesbeare and extend existing Vehicular Access on to Aylesbeare. The application was refused for the following reasons:

01 The proposed development by reason of its size, design and siting would conflict with the grain of the local area, and would be out of keeping with and detract from the character and appearance of the site and wider locale. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; 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).

02 The proposed development would, by reason of the excessive width of the proposed vehicular crossover, be detrimental to highway and pedestrian safety. The proposed development is therefore unacceptable and contrary to policy CP3 of the Core Strategy (2007), policies DM3 and DM15 of the Development Management Document (2015) and the Vehicle Crossing Policy and Application Guidance (2014).

2.6 The main differences between the proposal and the refused scheme are

- The proposed dwelling would have a single storey rear projection and would be deeper than the refused scheme
- The proposed dwelling would have a greater floorspace (some 10 sqm)
- The position of the both vehicular crossovers has been moved from the main road to the limb of the cul de sac
- Relocation of bin store to the rear of the dwelling

3 Relevant Planning History

3.1 20/00332/FUL. Erect dwelling on land adjacent to 15 Aylesbeare and extend existing Vehicular Access on to Aylesbeare. Refused

4 Representation Summary

Public Consultation

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

4.2 A site notice was displayed and 14 neighbours were notified of the application. Ten letters of objection have been received and they are summarised as follows:

- The proposed 2 bedroom dwelling would be out of character
- Proposed dwelling would block vision of drivers within cul-de-sac
- Proposal would result in loss of space to side of dwelling which is characteristic of area and provides amenity space to the donor dwelling
- Proposal is overdevelopment of the site
- The proposed dwelling would impact on neighbouring amenity through loss of light, outlook and privacy
- The proposal would not appear in keeping with surrounding area
- The proposal would result in a loss of on street parking exacerbating existing on street parking problems and would be located close to a road junction in an area where there is already parking problems.
- Building works would block access to properties in Aylesbeare
- No need for the development

4.4 [Officer Comment: Issues relating to design, character and appearance and amenity issues have been addressed within the report. The above issues have been taken into account in the assessment of the proposal.]

Environmental Health

- 4.5 No objections subject to a construction hours condition.

Highways

- 4.6 Objection. It is not considered appropriate to relocate the existing lamp column. The height of the boundary treatment could lead to visibility issues when the vehicle crossovers are in use.

Parks

- 4.7 No objection subject to conditions requiring details of trees to be retained and removed and landscaping

Essex Fire

- 4.8 No objections

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF), (2019).
- 5.2 Core Strategy (2007) KP1 (Spatial Strategy) and KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009).
- 5.5 Community Infrastructure Levy Charging Schedule
- 5.6 Nationally Described Space Standards (2015)
- 5.7 National Design Guide (2019)
- 5.8 Vehicle Crossing Policy and Application Guidance (2014)

6 Planning Considerations

- 6.1 The main considerations in the determination of this application are the principle of the development, design and impact on the character of the area, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues, Community Infrastructure Levy implications and whether the proposal overcomes the previous reasons for refusal

7 Appraisal

Principle of Development

- 7.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are NPPF sections 124, 127 & 130 and Core Strategy

Policies KP2, CP4 and CP8.

- 7.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 7.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 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.”*
- 7.5 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Policy DM8 says that the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. The Design and Townscape Guide seeks to promote a high quality of design in new developments.
- 7.6 The existing site is occupied by a detached dwelling located on the eastern side of the road. The surrounding area is characterised by residential development where the fronts of dwellings line the street with private gardens located at the rear of the dwellings and a residential use could be considered acceptable in this location. It is not considered that a two storey building would appear at odds with the established character of the area in principle and the broad principle of residential development on the site is considered to be acceptable. However, the suitability of the site to accommodate the dwelling as proposed should be assessed; in this regard, other material planning considerations, including character, living conditions, residential amenity, design and parking availability.

Design and Impact on the Character of the Area

- 7.7 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 7.8 Paragraph 124 of the NPPF stipulates one of the twelve core planning principles is that planning should *“Good design is a key aspect of sustainable development,*

creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and create places with a high standard of amenity for existing and future users. Paragraph 130 states; “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

- 7.9 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.
- 7.10 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*”.
- 7.11 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 The Design and Townscape Guide confirms the commitment of the Council to good design and that it “will seek to create attractive, high-quality living environments” and that “proposed development [should] make a positive contribution to the local area”. At para.64 the above guide states that development should reflect the positive characteristics of its surroundings. Para.79 confirms the expectation that appropriate architectural language should be used reflecting the use of the building. Para.85 of the Guide establishes that appropriate scale, height and massing are essential to the successful integration of new development. Para.115 of the Guide seeks cohesive design which responds positively to local context.
- 7.13 Paragraph 199 of the Design and Townscape Guidance: Development of Existing Rear and Side Gardens says: *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*. Paragraph 200 states: *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*.
- 7.14 The application site is located within a residential estate and this section of Aylesbeare is wholly residential in character. The position and character of

dwellings within the area is reasonably uniform and made up mainly of detached and semi-detached houses of various designs. The eastern side of Aylesbeare is defined by detached dwellings with a regular and spacious pattern of development. They are of a similar scale with pitched roofs and a degree of cohesion is provided by the scale of frontages, the materials including brick render and tiled roofs. To the side of the dwelling, the open space is a characteristic feature of the Aylesbeare street scene.

- 7.15 The proposed development would be a corner property set slightly behind the front building line of the dwellings. In terms of its appearance in the street scene, the proposed dwelling would have a pitched roof and its height, (ridge and eaves), together with the use of traditional materials and entrance to the street (providing an active frontage) would not be out of character in this respect however the width of the proposed dwelling at 5.7m, although slightly wider than the refused scheme (5.3m) would be at odds with detached dwellings in Aylesbeare that are typically some 8.5m wide. The dwelling would have a prominent appearance in the street scene at this road junction as it would significantly reduce the open and spacious character of this junction with the flank elevation being some 1.1m from the back edge of the highway pavement. The layout and arrangement of dwellings does vary, however, in layout terms, given the strong character of this section of Aylesbeare and that the dwelling would remove the characteristic space to the side of the host dwelling, the provision of a two storey dwelling, as proposed, in this location would be out of keeping with the character and at odds with the urban grain and overall cohesion of the area. The proposal would fail to overcome the previous reason for refusal in this regard.
- 7.16 The matter of materials could be dealt with as a condition of any planning permission.
- 7.17 The application site is already partially hard surfaced to the front. Given that a number of properties in the street scene are also hard surfaced to their front this would not be out of character.
- 7.18 Taking into account the above, the proposal is unacceptable and contrary to policy in those regards.

Impact on Residential Amenity.

- 7.19 Policy DM1 of the Development Management Document states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*
- 7.20 The proposed dwellinghouse would be attached to the flank elevation with No.15 Aylesbeare and would sit some 1m back from the front elevation of No.15 and project a maximum of 4m beyond its main rear elevation, including the 3.2m deep single storey rear projection, which would contain no windows in its flank elevation. It is considered that this element of the proposal would not give rise to a loss of outlook, light, privacy or would adversely impact upon the amenities of the host property in terms of undue sense of enclosure and an overbearing impact.
- 7.21 To the rear (east) of the site are dwelling houses in Aylesbeare. No.17 is the nearest

dwelling to the site at range of some 15m but it sits behind No.11 Aylesbeare and is not set directly behind the proposed development. Given this distance, the dwelling and its rear facing windows and doors are not considered to give rise to any materially different impacts than those which presently exist nor result in any detrimental overbearing, perceived or actual dominant impacts upon this neighbouring property.

- 7.22 Directly to the rear of the dwelling, there would be a separation distance of some 30m between the proposed dwelling and dwellings to the east of the site, No's 33 & 35 Aylesbeare. First floor rear windows are proposed for the new dwelling that would face towards No's 33 & 35. It is not considered that this relationship would give rise to any detrimental overlooking or loss of privacy which would be materially worse than the present relationship between host property and No's 33 & 35 nor would it have any overbearing, perceived or actual dominant impacts upon these dwellings or result in any of loss of light.
- 7.23 In regard to the properties to the south of the site there would be a separation distance of some 16m between the flank elevation of the proposed dwelling and the front of properties in 53 & 55 Aylesbeare. The flank elevation would be blank and it is not considered that this relationship would not give rise to any detrimental overlooking or loss of privacy nor would it have any overbearing, perceived or actual dominant impacts upon the dwellings to the south of the site or result in any of loss of light.
- 7.24 To the west of application site, the nearest dwelling is No.22 Aylesbeare with a separation distance of some 25m between the front of the proposed dwelling and the front of No.22. Windows are proposed at first floor of the dwelling that would face west however it is not considered that this relationship would give rise to any detrimental overlooking or loss of privacy materially different than that the present relationship with host property nor would it have any overbearing, perceived or actual dominant impacts upon the dwellings to the south of the site or result in any of loss of light. No other properties would be materially affected by the proposed development to an extent that would justify the refusal of the application on those grounds.
- 7.25 The proposal would be acceptable and policy compliant in the above regards.

Standard of Accommodation:

- 7.26 Paragraph 127 of the NPPF states that "*Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*". It is considered that most weight should be given to the Technical Housing Standards that have been published by the government including those set out below :
- Minimum property size for a 2 storey 2 bedroom (3 person bed space) dwelling shall be 70 square metres.
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of

a second double/twin bedroom.

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

Weight should also be given to the content of policy DM8 which sets out standards in addition to the national standards including.

- Provision of internal storage
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

7.27 The gross internal floorspace for the dwelling and bedroom sizes would exceed the minimum size required by the technical housing standards. All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook.

7.28 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. A 45 sq.m amenity area for the proposed dwelling is located to the rear of the new building. The proposed amenity space would be acceptable and policy compliant.

7.29 Facilities for refuse storage are shown to the rear of the dwelling which would be acceptable and refuse waste could be transported to the Highway on the day of collection. Details the refuse storage could be secured via condition.

7.30 Policy DM8 of the Development Management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st October 2015 have been substituted by Building Regulation M4(2). The Design and Access statement states that the proposal would comply with M4 (2) and would have step free access to and from the parking space at the front of the house, to the entrance of the house and that the W/C and private outdoor space will also be step free. Subject to a condition requiring the development to be built in accordance with Building Regulations M4 (2) standard no objection is therefore raised on this basis.

7.31 Subject to conditions, the proposal is therefore acceptable and policy compliant in the above regards.

Highways and Transport Issues:

7.32 Policy DM15 states that a 2+ Bedroom Dwelling (house) should provide a minimum of two spaces per dwelling. Policy DM15 states that "Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context."

- 7.33 The existing dwelling has an integral garage and hard surfaced area to the front of the house accessed from an existing vehicle crossover. The arrangement to the existing dwelling would remain unchanged. The refused scheme would have extended the existing crossover and the width of the new crossover was contrary to policy and unacceptable in highway safety terms. The current plans show that the new dwelling would have a hard surfaced area to the front of the property that would be capable of accommodating at one vehicle and second parking space would be provided to the rear of the application plot. The proposed crossover to the front of the dwelling would be some 4.6m wide and the crossover to the rear would be 3.9m which would be policy compliant. The provision of the new crossover would require relocation of an existing lamp column to the side of the dwelling and there is a highway objection to this proposal as it is not considered appropriate to relocate the existing lamp column. The Vehicle Crossing Policy and Application Guidance states a proposed vehicle crossing must not result in the need to remove or relocate that is considered unsafe or substandard. The movement of the column may have a detrimental impact on the surrounding area in the hours of darkness. Furthermore the 1.8m height of the proposed boundary treatment would result in visibility issues for drivers using the vehicle crossovers and for pedestrians. The proposal would therefore be detrimental to highway and pedestrian safety and is unacceptable and contrary to policy in the above regards.
- 7.34 The location of the proposed vehicle crossovers would remove two on street parking spaces within this limb of Aylesbeare. Representations received indicate that this would exacerbate on street parking problems within Aylesbeare and that there is a high demand for parking spaces. Dwellings on the southern side of this limb of Aylesbeare appear to have each have two off street parking spaces in the form of integral garage and single or double spaces to the front of the properties. Two other dwellings within this section of Aylesbeare have a garage and a parking space in front of the garage and it is understood that the two remaining dwellings with no off street parking to the front have access to a parking space in a separate parking court off Aylesbeare. On balance, given that most of the dwellings in Aylesbeare have off street parking within the curtilage of individual properties, it is considered that the loss of off street parking would not give rise to an unacceptable increased demand for spaces
- 7.35 The submitted plans show a cycle storage facility to the side of the proposed dwelling however limited details have been provided. The site has sufficient space to accommodate a secure cycle parking store and the location of this could be achieved via a condition should the proposal otherwise be deemed acceptable.
- 7.36 The highways and parking implications are considered unacceptable and would fail to comply with policy in the above regards.

Sustainability

- 7.37 Core Strategy Policy KP2 and the Design and Townscape Guide require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promote the minimisation of consumption of resources. No details have been submitted to demonstrate this proposal would provide 10% of the energy needs however there is space to provide this, e.g. PV cells on the roof slopes which are shown on the submitted plans and it is considered this could be required by condition should the proposal otherwise be deemed acceptable.

- 7.38 Policy DM2(iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting.’ No detailed information has been submitted but this could be achieved by condition if the application were otherwise deemed acceptable.

Community Infrastructure Levy

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The proposal would conflict with the grain of the local area and would be out of keeping with and detract from the character and appearance of the site and wider locale. The location of the proposed vehicle crossovers and relationship to the boundary treatment would result in limited visibility for vehicles exiting the site and this would be detrimental to highway and pedestrian safety. The removal of a lamp column has not been justified and its relocation is not considered to be acceptable. The identified harm is not outweighed by public benefits including the proposal’s limited provision of additional housing. For the above reasons, the proposed development is unacceptable and fails to comply with planning policy. The application is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons

- 01 **The proposed development by reason of its size, design and siting would conflict with the grain of the local area and would be out of keeping with and detract from the character and appearance of the site and wider locale. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; 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).**
- 02 **The proposed development would, by reason of the height of the proposed boundary treatments and relationship to the proposed vehicular crossovers create conditions detrimental to highway and pedestrian safety. The proposal would also require the relocation of a light column which has not been justified. The proposed development is therefore unacceptable and contrary to policy CP3 of the Core Strategy (2007), policies DM3 and DM15 of the Development Management Document (2015) and the advice contained in the Vehicle Crossing Policy and Application Guidance (2014).**

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

Informatives

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



General Notes

Please only scale from this drawing using the scale bar where provided, however drawings should not be scaled to obtain critical setting out dimensions. If no scale is provided, refer to stated dimensions only.

Contractors are to check dimensions of all issued drawings and to notify the Architect immediately of any discrepancy.

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All parties must ensure that cross referenced drawings and specifications are checked on a regular basis to ensure that the latest revisions are used.

 - Site Area = 447sqm



Rev	By/Chk	Date	Description
A	PH	46/07/20	Cycle Store Added

bga architects RIBA Chartered Practice

The Gallery, The Old Gasworks, 43 Progress Road, Leigh on Sea, Essex, SS9 5PR

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BGA Architects is the trading name of Bernard Gooding Associates LLP

Client:
Propitious Day Ltd

Project Description:
Land Adjacent to 15 Aylesbeare Shoeburyness, SS3 8AE

Drawing Title:
Site Plan - Proposed

Project No.: 20-017	Dwg No.: 0-100
Date: 26-02-2020	Drawn By: JS
Scale: 1:200 @ A3	Chk By: PH
	Revision: A

AWAITING TOWN PLANNING APPROVAL



1 Site Plan - Proposed
1:200

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15 Aylesbeare

20/01146/FUL

Application site No.15



Application site No.15

155



Looking south along Aylesbeare



No.15 - Application site

157



Flank Elevation No.15 & Application site

158



55 Aylesbeare

– opposite application site



Application site from rear



Rear elevation – application site

161



17 Aylesbeare – neighbour to east of site



Southern side of Aylesbeare 47 - 55

163



22, 20, 18 Aylesbeare

Opposite application site - west



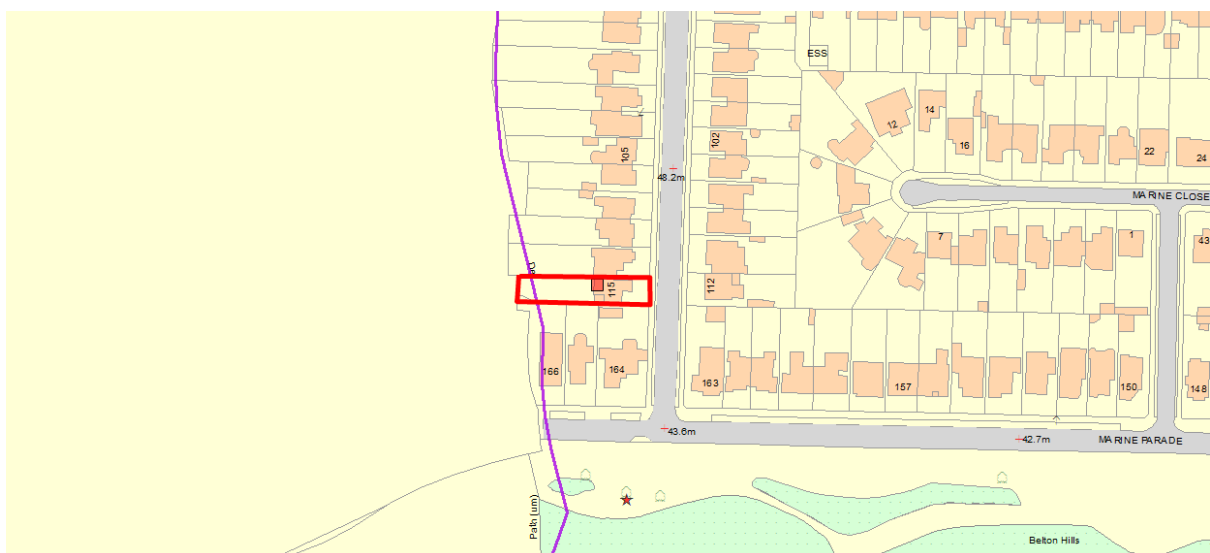
11 Aylesbeare



Eastern side of Aylesbeare 9 - 1



Reference:	20/01018/FULH	<h1>8</h1>
Ward:	West Leigh	
Proposal:	Raise roof height and erect roof extension, erect front and rear extension at first floor level, convert loft into habitable accommodation with dormer windows to front and side, install balconies to rear at first floor level and second floor level with bi-fold doors, rooflights to side elevation, alterations to front and rear elevations and alter bay window to first floor at rear (Amended Proposal) (Part Retrospective).	
Address:	115 Tattersall Gardens, Leigh-On-Sea, Essex, SS9 2QZ	
Applicant:	Mr J Moore	
Agent:	N/A	
Consultation Expiry:	24.08.2020	
Expiry Date:	09.10.2020	
Case Officer:	Scott Davison	
Plan Nos:	1200 010 Revision E & 1200 012 Revision J	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

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

2 The Proposal

- 2.1 The application seeks planning permission for material alterations and extensions to the application property. There is a current enforcement investigation concerning the application property and this scheme has been submitted retrospectively to address deviations from the approved scheme 18/01234/FULH which was allowed on appeal by the Planning Inspectorate and has been built out but not fully in accordance with the approved plans. A copy of that appeal decision is attached as Appendix 1. There are also two new rooflights proposed.
- 2.2 The different elements of the application are set out below.
- Change to the rooflights in the south facing and north facing roof slopes (retrospective). One larger roof light has been installed in the south facing roof slope instead of the two roof lights shown on the approved scheme. The roof light on the north facing slope has been installed in a different position to that shown on the approved scheme.
 - New square rooflight on south facing roof slope (Proposed).
 - New rooflight window on rear gabled projection south facing roof slope. (Retrospective)
 - Change to the rear facing bi-fold doors in the 2nd Floor rear elevation to a two door arrangement from a three door arrangement (Retrospective)
 - Change in design and size of the glazing in the bay window in the first floor rear elevation from panelled bay window to a larger single large glazed panel window and increase in vertical height of windows by some 0.8m (Retrospective)
 - Reduction in the size of the window in first floor front elevation above the garage and change to a 2 panel window from a 3 panel window (Retrospective).
 - Change in the materials to the front elevation above the garage to hanging tile cladding from herringbone facing brick design (Retrospective)

- Alteration to the roof on the south facing roof slope with a catslide section above the two bay windows (Retrospective)
- Installation of black band feature on the south facing elevation above two bay windows and below catslide section (Retrospective)
- Replace existing rooflight with new larger rectangular rooflight window on front gabled projection south facing roof slope. (Proposed).

3 Relevant Planning History

- 3.1 20/00760/FULH Erect first floor rear extension and extend balcony to rear- Permission granted.
- 3.2 19/01443/AD Application for approval of details pursuant to condition 4 (details of Obscure Glazing) and 5 (Details of Privacy Screens) of planning permission 18/01234/FULH allowed on appeal 11/01/19. Details Agreed.
- 3.3 18/01234/FULH. Raise roof height and erect roof extension, erect two storey front extensions, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations (Amended Proposal). Refused – Allowed on appeal Ref: APP/D1590/D/18/3217734.
- 3.4 17/02071/FULH: Raise roof height, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations – Application Refused
- 3.5 16/01868/FULH: Erect decking to rear and Bamboo fences to both side boundaries (Retrospective) - Permission granted

Enforcement History

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

4 Representation Summary

Public Consultation

- 4.1 7 neighbouring properties were notified of the application. 6 letters of representation have been received from 3 parties, which object on the following grounds:
- A previous enforcement notice was upheld and an appeal dismissed in relation to a single storey rear extension and first floor balcony in 2012.

- The dwelling is used as an AirBNB property.
- The proposed development does not reflect the scheme approved under permission 18/01234/FULH.
- The proposed development would result in material harm to neighbouring residential amenity including from overlooking, loss of privacy and noise disturbance.
- The larger roof light in the south facing elevation opens and, allows views over neighbouring properties resulting in overlooking, loss of privacy and noise disturbance.
- The larger bay window allows views over neighbouring properties resulting in overlooking, loss of privacy and noise disturbance
- The band above the windows in the south facing elevation has not been built in matching materials.
- The hanging tiles above the garage on the front facing elevation have not been built in matching materials.
- The rooflight in the north facing elevation has not been finished in obscure glazing.
- The roof shape different to the approved scheme.
- The proposed development is not in accordance with previously approved application and applicant has breached planning conditions
- The proposed development would hinder the ability of neighbouring residents in Tattersall Gardens and Marine Parade in enjoying their rear gardens.
- The application potentially invokes the Human Rights Act in regard to Article 6 (the right to a fair trial or hearing), Article 8 (Right to respect for private and family life, home and correspondence,) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

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

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

Highways

4.4 No objections

5 Planning Policy Summary

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

6 Planning Considerations

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

7 Appraisal

Principle of Development

- 7.1 This proposal is considered in the context of the NPPF and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management Document policy DM1 which relates to design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, and consistent with the basis of previous application decisions for the site, extensions to the property are considered to be acceptable in principle.

Design and Impact on the Character of the Area:

- 7.2 The importance of good design is reflected in policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 7.3 In Paragraph 124 of the NPPF, it is stated that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Policy DM1 of the Development Management Document states that all development should; *“add to the detailed design features.”*

- 7.4 Policy DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.5 The application is part retrospective and includes number of alterations to the extended dwelling. These include changes to the size and position of rooflights in the south facing and north facing roof slopes and the introduction of new roof lights. Other changes include an extension to the south facing roof slope, changes to the external south facing side elevations and detailing of the front extension and changes to the fenestration to the front and rear elevations. In this case, the 2018 permission granted on appeal was found acceptable by the Inspector at that time, based on its individual merits. The Local Planning Authority should similarly assess the current proposal on its individual merits, taking into account any factors of material weight to the appeal decision or other previous planning decisions made for this site.
- 7.6 The roof light on the north facing slope has been installed in a different position to that shown on the approved scheme. It is a smaller window and set at a materially lower level and closer to the approved dormer. It is not considered to be materially out of character with the approved features on the dwelling found acceptable by the Inspector and the impact of the development on design and character is considered acceptable.
- 7.7 On the front roof elevation, the first floor window above the garage has been reduced in width the arrangement of windows in the opening changed from three panels to two and the window is a casement. The header above the garage has been changed from brick to render. It is proposed to install a larger roof light on the south facing slope of the front projecting gable feature. Hanging tile cladding has been installed to the front elevation of the extension. The gable end of the front projection has been extended down to meet the top of the first floor bay window. Whilst the changes to hanging tile from the approved herringbone pattern is regrettable given that it would have replicated the detailing to the front bay, hanging tile cladding is evident on dwellings in the street scene and on balance, it would not appear out of character within the dwelling and street scene. It is not considered that the proposed roof light and changes to the fenestration or gable are materially out of character with the approved features on the dwelling found acceptable by the Inspector and the impact of the development on design and character is considered acceptable.

- 7.8 On the south facing side elevation, on the main roof slope a single roof light has been installed and a further smaller rooflight is proposed. The approved scheme contained two matching roof lights and whilst the single roof light is larger and in a different position on the roof slope, on balance, it would not appear out of character within the dwelling and street scene and nor would the proposed rooflight. The roof form has been changed with a catslide roof section and a “black band” section directly below the eaves. These elements are located above a pair of side facing bay windows. It is considered that these features are contained within the built general parameters of the dwelling and from wider views to the south and east of the site these elements of the development are contained within the backdrop of the approved extended building. A roof light has installed on the south facing slope of the rear roof extension at second floor level and it would not appear materially out of character with the approved features. The impact of the extended roof and bay are not materially out of character with the approved features on the dwelling found acceptable by the Inspector and the impact of the development on design and character is considered acceptable.
- 7.9 To the rear elevation, the changes to the first floor rear bay window would result in an increase in the height of the window and is modestly scaled. The window would have a contemporary appearance and would not project any further rearwards than the former bay window, but would be higher overall, finishing at the same level of the second floor balcony. The approved scheme ref; 18/01234/FULH included rear facing doors and window openings at second floor level and the development as constructed has resulted in a reduction from three doors to two doors. From wider views across farmland to the west these elements of the development are contained within the backdrop of the approved extended building. Attaching significant weight to the basis of the appeal decision it is considered that the changes to rear elevation would not add materially to the built form of the dwelling nor be materially out of character with the approved features on the dwelling found acceptable by the Inspector. The impact of the development on design and character is therefore considered to be acceptable and policy compliant on balance.
- 7.10 The development is considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity:

- 7.11 Paragraph 127 of the National Planning Policy Framework states that Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.12 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design and states new development should; “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy seeks to maintain and enhance the amenities, appeal and character of residential areas. It requires that development proposals should; *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*

- 7.13 Policies DM1 and DM3 of the Development Management Document seeks to support sustainable development *“which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 7.14 Paragraph 343 (Alterations and Additions to Existing Residential Buildings) of The Design and Townscape Guide states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.
- 7.15 Because of the topography of the area, the application property is set at a materially higher level than the dwellings in Marine Parade. The existing two storey southern flank elevation is set 0.7m off the shared boundary and is a visible feature in the street scene of Tattersall Gardens & Marine Parade and the rear garden environment of 164 and 165 Marine Parade. The proposed alterations would not increase the size and form of the dwelling closer to the shared boundary.
- 7.16 The southern facing flank elevation includes an additional catslide section to the roof changing the shape of the roof. A black coloured band has been installed directly above two existing bay windows. A larger rooflight window has been installed in the roof slope and a new smaller roof light is proposed. Attaching significant weight to the Inspector’s findings it is considered, on balance, that the changes to the roof form, the rooflights and black band above the side facing bay windows would not cause any material harm to neighbour amenity through any loss of light, outlook, overshadowing or sense of enclosure. It is not considered that the rooflights would result in any materially harmful overlooking of rear elevations and garden areas of neighbouring occupiers to the south of the site in Marine Parade than that which already exists nor would it result in additional noise and disturbance to neighbouring dwellings.
- 7.17 In the rear elevation, the vertical height of the first floor bay window has been increased by some 0.8m and the rear facing glazed panels have been replaced by a single large window. The top of the bay is at the same level of the second floor balcony which gives rise to potential concerns about increasing the size of the balcony. Subject to a condition preventing the use of the roof of the bay as an extension to the second floor balcony, it is not considered that this element of the scheme would give rise to materially harmful impacts on neighbouring occupiers. The approved scheme ref; 18/01234/FULH included a rear balcony and a rear facing door openings at second floor level. The arrangement of bi-folding doors in the second floor has been reduced from three doors to two. A rectangular shaped rooflight window has been installed in the south facing slope of the rear gabled feature. It is not considered that the changes to the first floor bay window and the arrangement of doors at second floor level would result in materially different relationships with neighbouring dwellings than those that already exist. It is not considered that this element of the scheme would result in any materially harmful overlooking of rear elevations and garden areas of neighbouring occupiers to the north or to the south of the site in Marine Parade bearing in mind the basis of decision for 18/01234/FULH.

- 7.19 In the front elevation, the approved scheme ref; 18/01234/FULH included a new first floor window in the front extension above the garage. The arrangement of windows has been reduced from three glazed panelled window to two panels and a fanlight. A larger rectangular shaped rooflight window is proposed to replace an existing square shaped roof light in the south facing slope of the front gabled feature. It is not considered that the changes to the first floor window and the proposed larger rooflight window would result in materially different relationships with neighbouring dwellings than those that already exist. It is not considered that this element of the scheme would result in any materially harmful overlooking of dwellings on the eastern side of Tattersall Gardens or the rear elevations and garden areas of neighbouring occupiers to the to the south of the site in Marine Parade bearing in mind the basis of decision for 18/01234/FULH.
- 7.20 On the north facing roof slope, a roof light window at second floor level formed part of the approved scheme as well as dormer window. A roof light has been installed in a different position to that approved and is located lower on the roof slope next to the dormer and is not obscured glazed unlike the dormer. The roof light also opens. The Inspector considered that a subject to a condition to require obscured glazing to prevent any overlooking of No 113, the relationship between the dormer and No.113 would be acceptable. Given the distance between the repositioned rooflight element of the scheme and neighbouring dwelling to the north and subject to a similar planning condition to secure the obscure glazed window for rooflight in perpetuity, it is not considered that it would result in any impacts on the amenity of the immediate neighbours to the north of the site materially worse than the relationship approved by the Inspector under ref: 18/01234/FULH in regard to loss of privacy or overlooking.
- 7.21 The proposal is therefore on balance acceptable and policy compliant in the above regards.

Traffic and Transport Issues

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

Community Infrastructure Levy

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

8 **Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance; consistent with the basis of decision made on the previous application and subsequent appeal, to which significant weight is attached. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the character and appearance of the application site, and the streetscene more widely. On balance the proposal would not have detrimental impact on the amenities of neighbouring occupiers subject to the planning conditions requiring the installation of an obscure glazed window to the second floor north facing rooflight window and preventing the new window being openable and the use of the first floor bay window as a balcony, roof garden or similar amenity area. There are no adverse highways implications. This application is therefore recommended for approval subject to conditions.

9 **Recommendation**

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

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

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

- 02 **The development hereby permitted shall be carried out in accordance with the following approved plans: 1200 010 Revision E & 1200 012 Revision J.**

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

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

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

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

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

- 05** Notwithstanding the details shown on the drawings submitted and otherwise hereby approved within 4 months of the date of his decision details of a scheme requiring the new second floor north-facing rooflight window to be fitted with obscured glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and that no part of that window which is less than 1.7 metres above the finished floor level in the room in which it is installed shall be capable of being opened, shall be submitted to in writing to the local planning authority for approval. The approved scheme shall be implemented within 3 months of the local planning authority's approval, shall be retained thereafter in accordance with the approved details in perpetuity.

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

- 06** The extensions hereby permitted shall not be occupied until the new second floor north-facing dormer window has been fitted with obscured glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy), and no part that window which is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter in accordance with the approved details in perpetuity.

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

- 07** The roof of the first floor bay window hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies

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

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

10 Informative

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

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



Appeal Decision

Site visit made on 2 January 2019

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

an Inspector appointed by the Secretary of State

Decision date: 11 January 2019

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Moore against the decision of Southend on Sea Borough Council.
 - The application Ref 18/01234/FULH, dated 26 June 2018, was refused by notice dated 17 September 2018.
 - The development proposed is described as 'Two storey front extension with accommodation within new raised roof.'
-

Decision

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

Preliminary Matter

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

Main Issue

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

Reasons

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

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

Other Matters

10. Concern has been expressed locally that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring dwellings to the north and south of the appeal site. Reference has been made to two dismissed enforcement appeals for a rear extension and balcony at the appeal property¹ and a subsequent enforcement notice. Neighbouring occupiers feel distrustful of the appellant as a result of these matters and the behaviour of builders undertaking work at the property. However, my decision is based on the planning merits of the current proposal.

11. The balcony in the enforcement appeal case was in essentially the same position as the first floor Juliet balcony in the current appeal proposal. However, unlike the current appeal scheme, that balcony gave external access to a flat roof area. That area is close to the common boundary with the rear gardens of the adjoining Marine Parade properties. Notwithstanding the then proposed 1.55m high obscured glazed screens, the external area allowed direct views into the neighbouring gardens. Whilst the proposed doors would be larger than the window they would replace, they would not allow external access to the flat roof. The view from the room they serve would be more confined and directed rearwards in much the same way as the existing window, rather than in the direction of the Marine Parade gardens to the side of the appeal property. Consequently, I consider that the proposed Juliet balcony would not materially reduce the privacy of neighbouring occupiers compared with the existing window in that position.

12. The proposed second floor balcony would be enclosed by 1.7m high obscured glazed screens. These would be sufficiently high to prevent direct views to neighbouring properties. A condition could be used to secure further details of the screens. This would ensure that they would not have gaps which users of the balcony could look through and that their appearance would be appropriate. Whilst the balcony would be reasonably large, it would be accessed from a second floor bedroom and, therefore, is unlikely to be used by a large number of people. Consequently, it would be unlikely to lead to undue noise and disturbance to neighbouring occupiers.

13. The proposal would increase the length of the southern flank wall of the appeal property at first floor level and would increase the overall height and bulk of the roof. However, the detached garage located adjacent to the southern boundary of

¹ Appeal references APP/D1590/C/12/2173815 and APP/D1590/C/12/2173816

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

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

Conditions

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

Conclusion

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

Simon Warder

INSPECTOR

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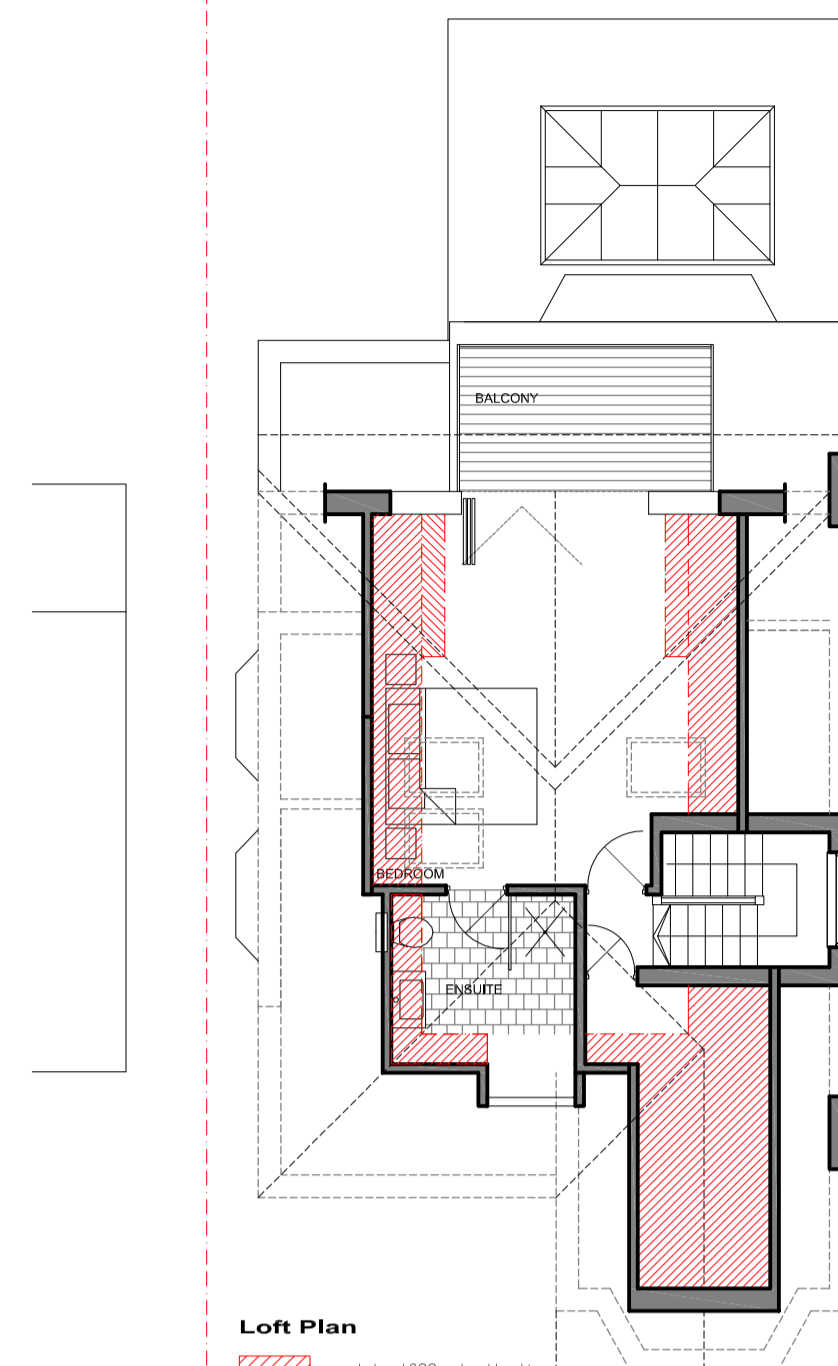
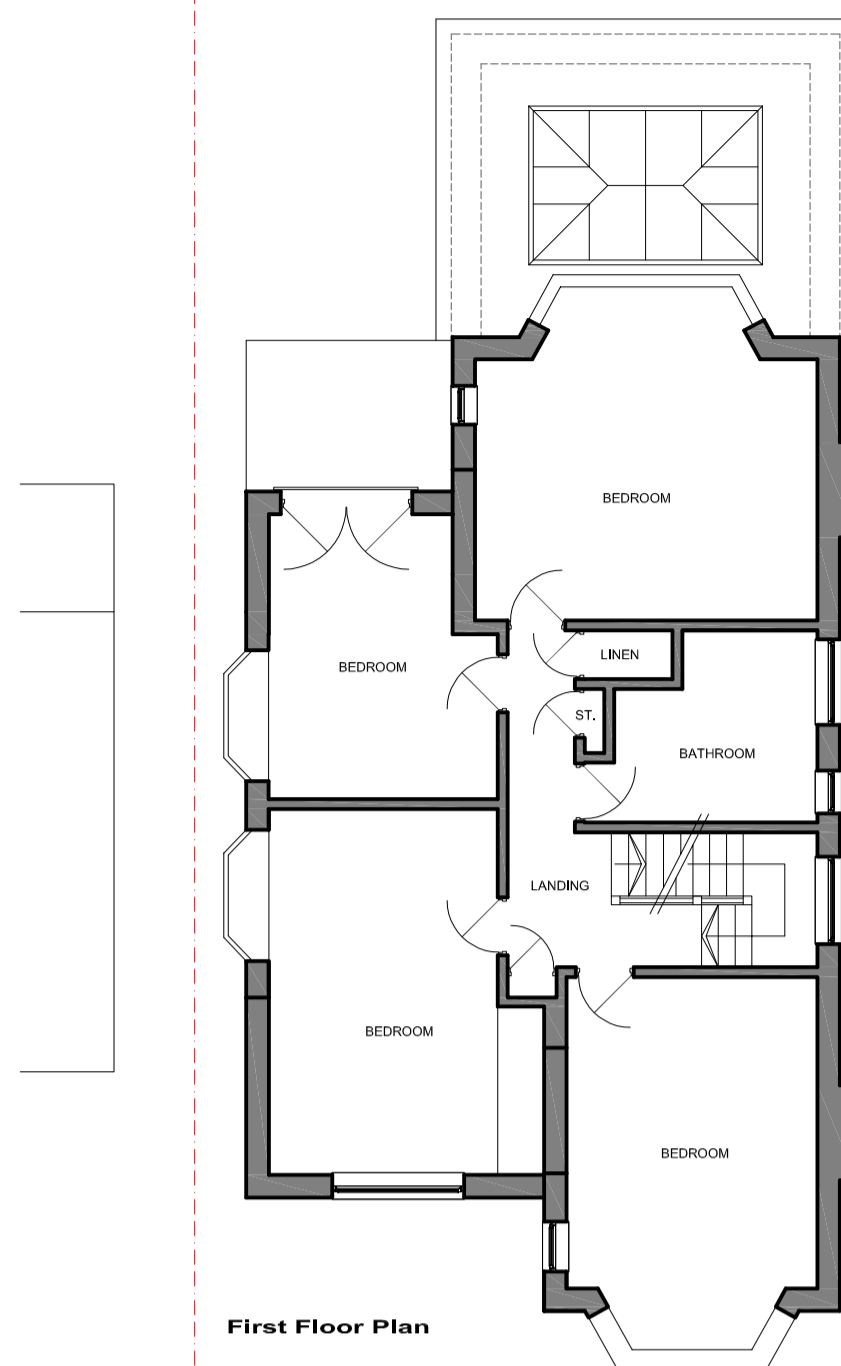
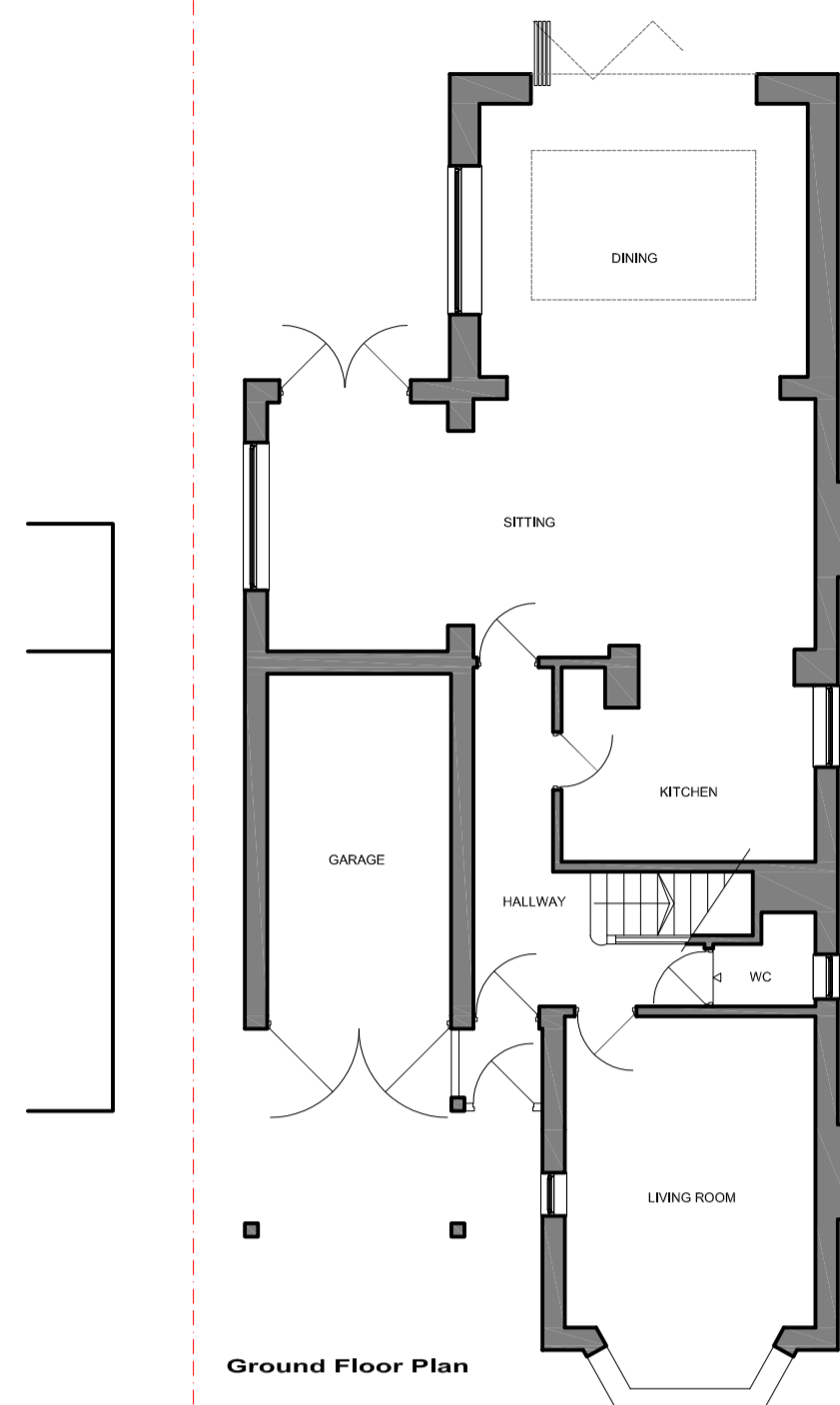
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Revision	Date
A Site Plans added	21.11.17
B Revised planning	25.06.18
C Revised planning	27.05.20
D Revised planning	24.06.20
E Revised planning	14.07.20



EXISTING PLANS



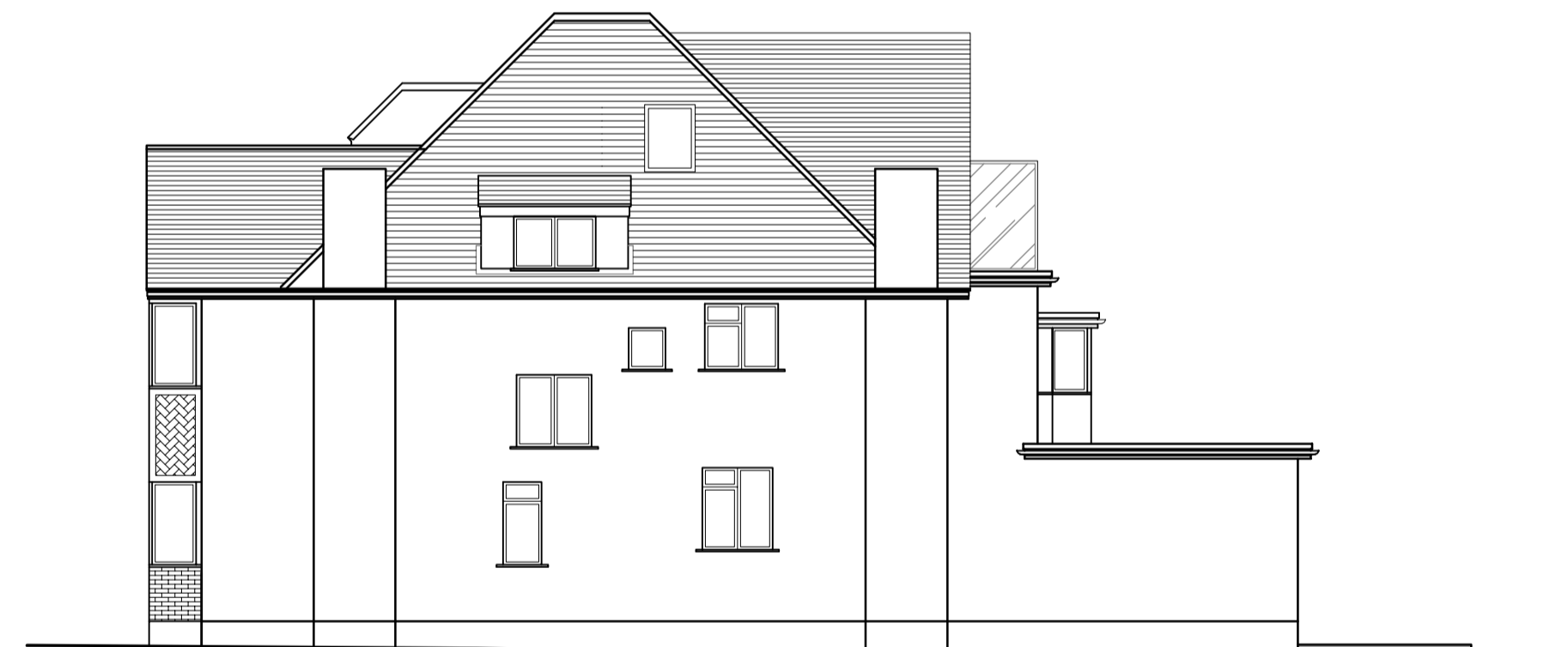
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Side Elevation



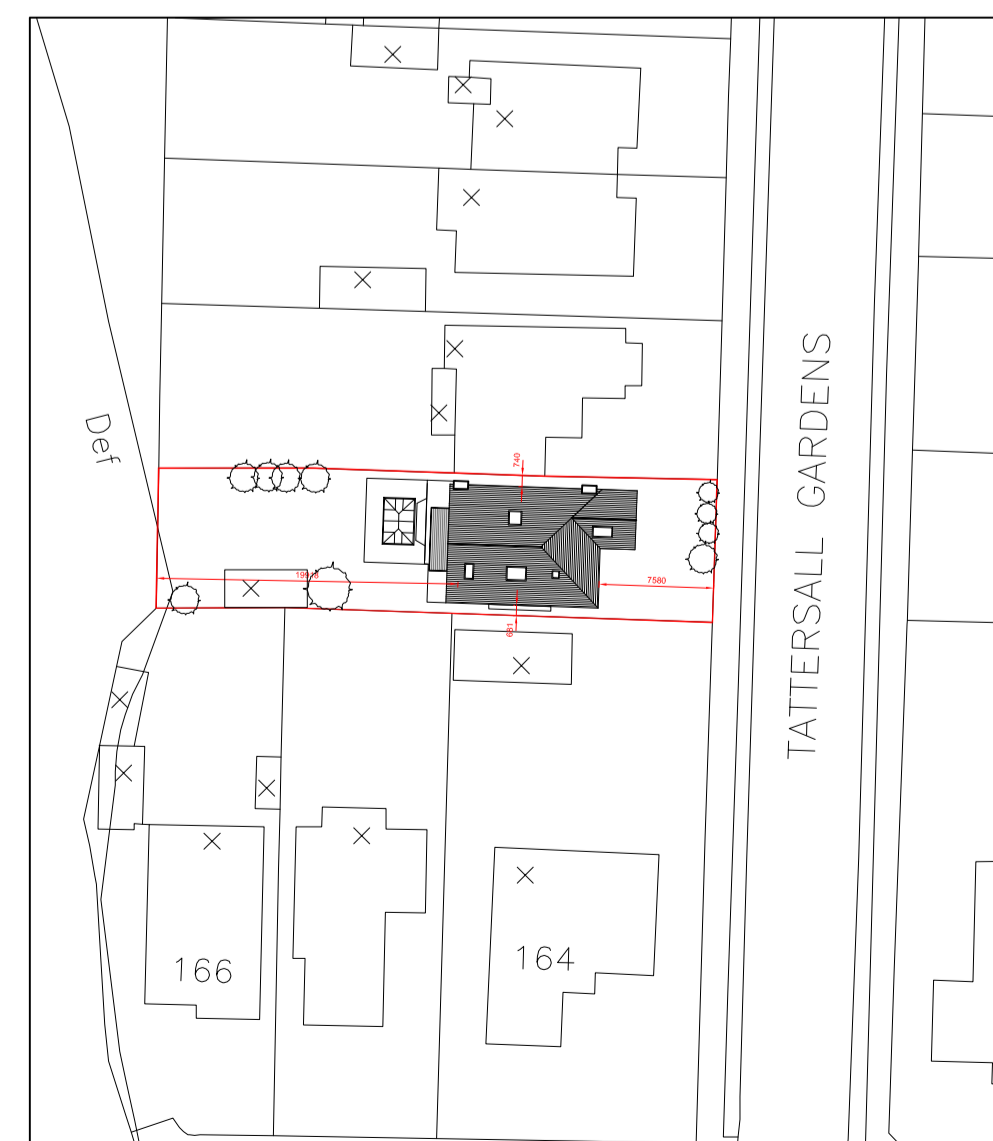
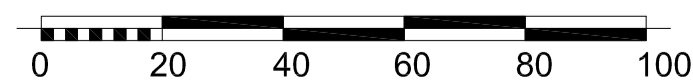
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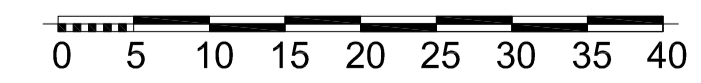
Side Elevation



Existing Location Plan 1:1250



Proposed Block Plan 1:500



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Client
Mr J Moore

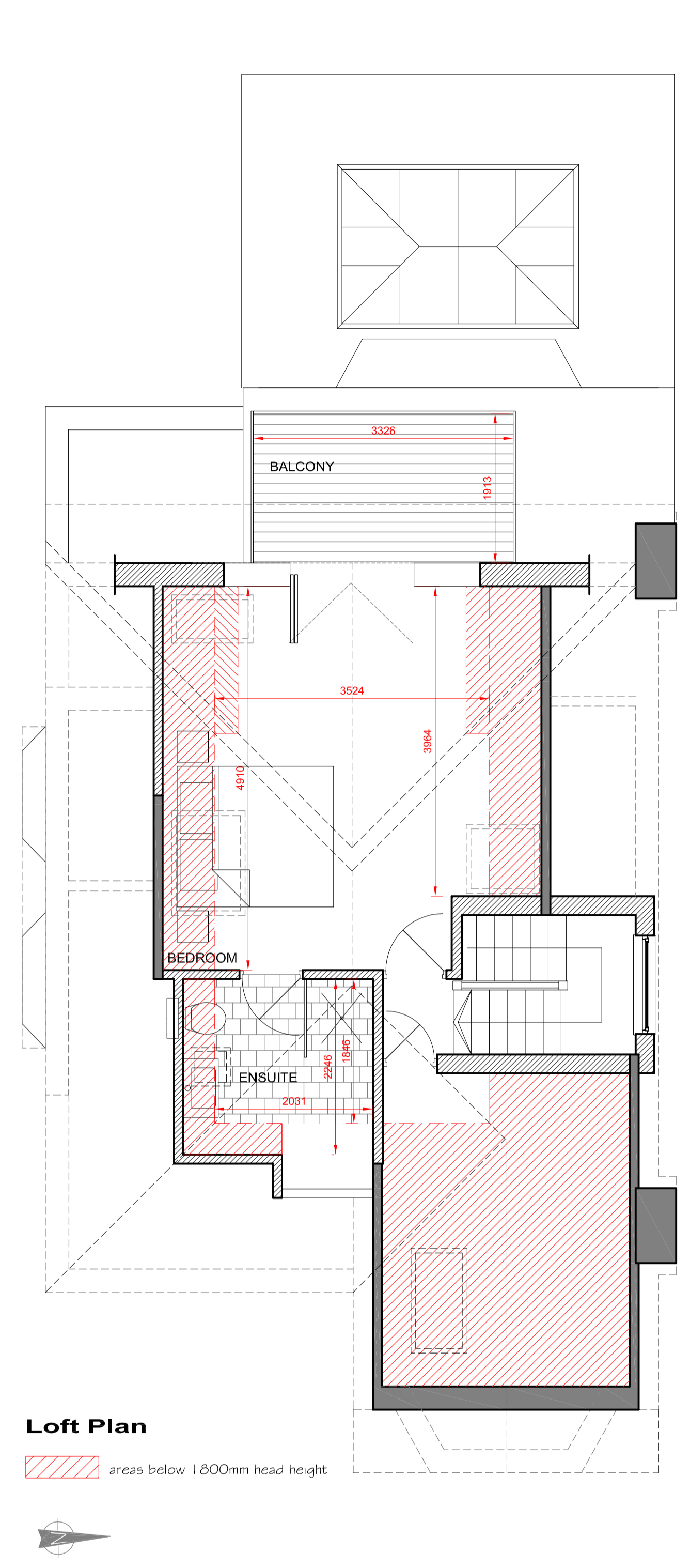
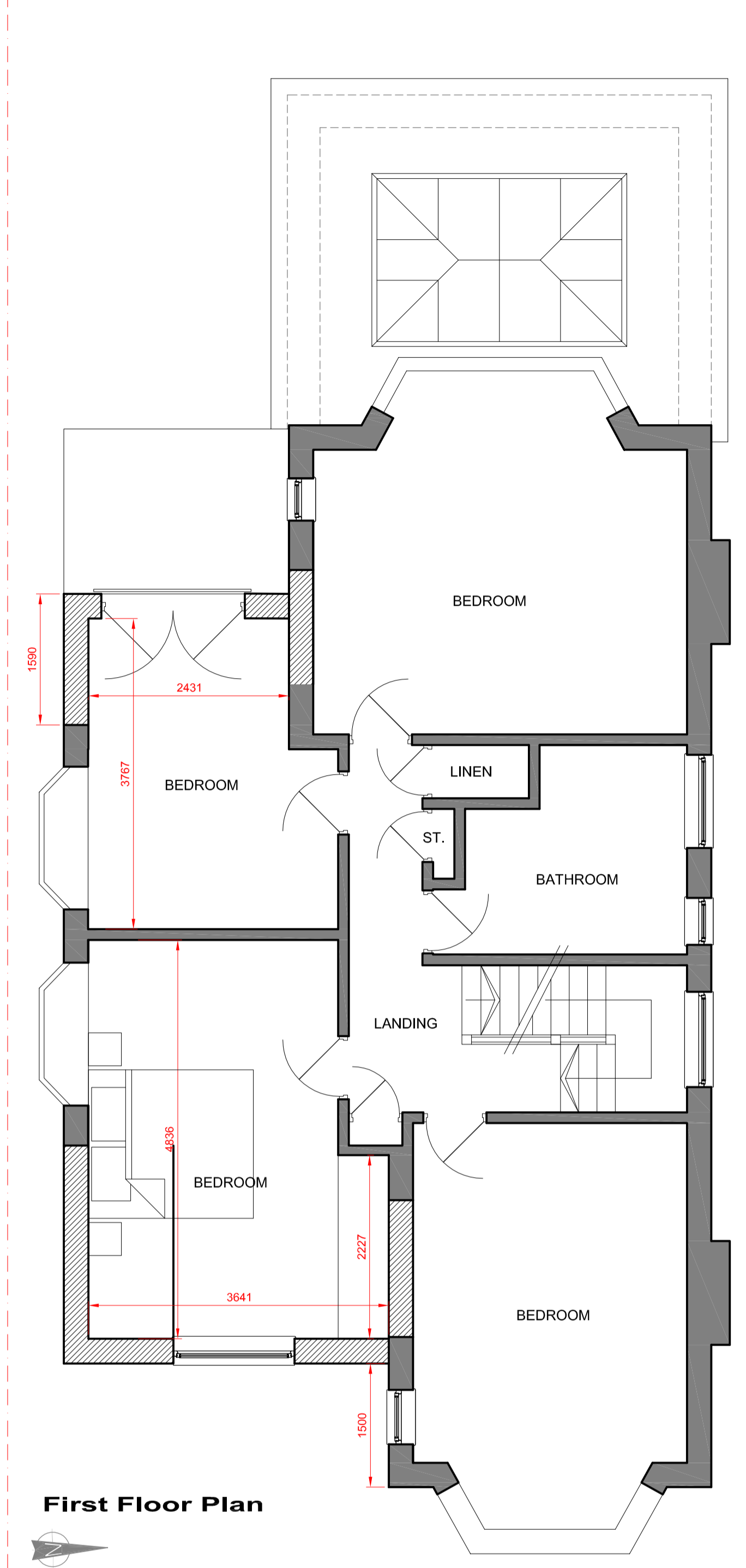
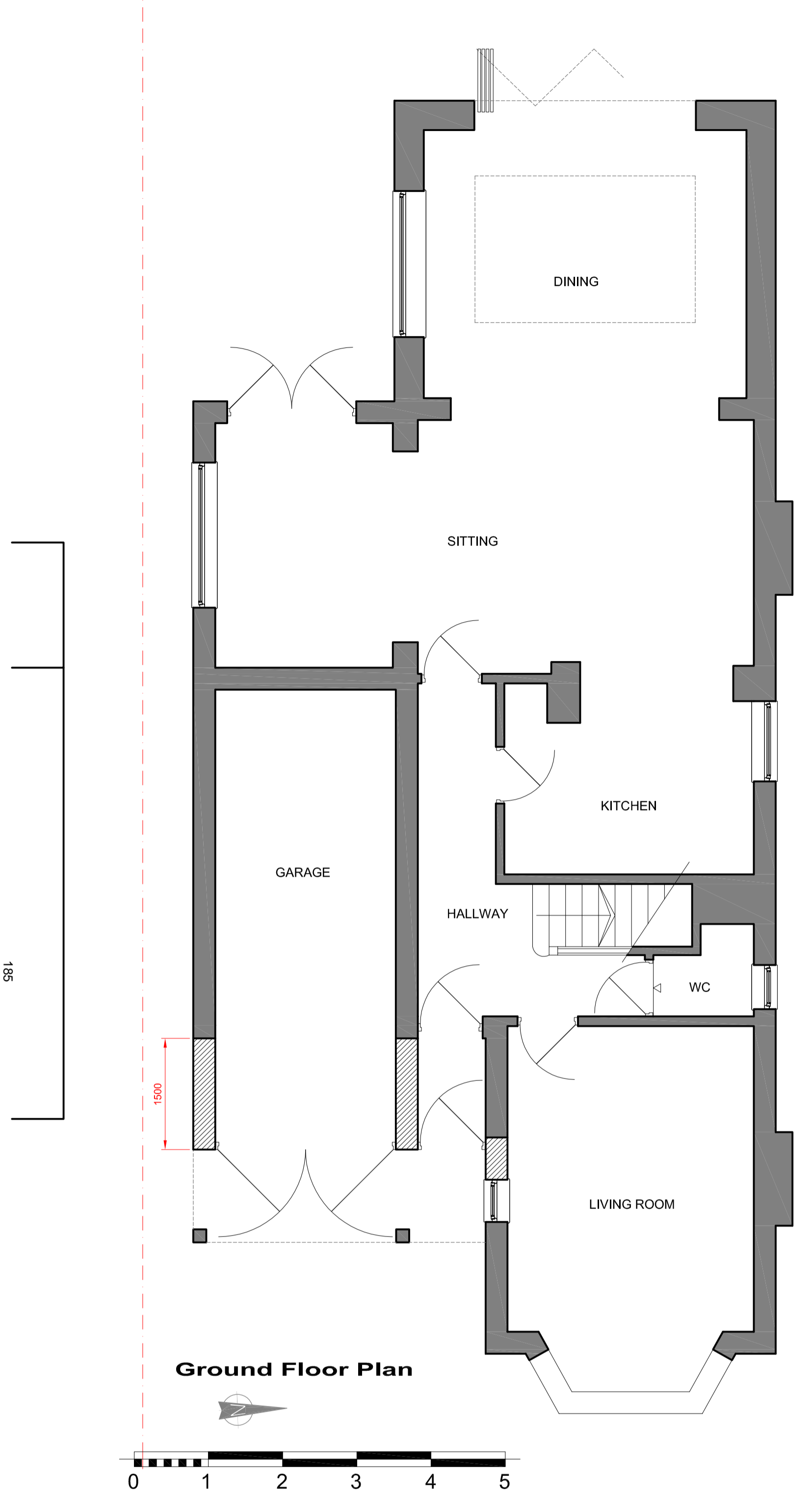
Project
115 Tattersail Gardens

Description

**Proposed Alterations
 Existing Plans & Site Plans**

Scale	Drawn	Date
1:50/100	nr/ mt	24.10.17
Job number	Drawing no.	Revision
1200	010	E

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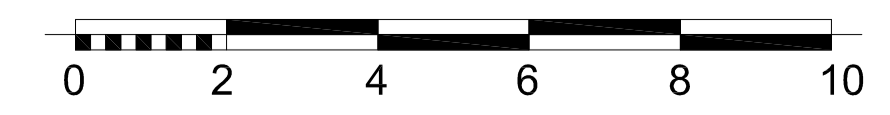
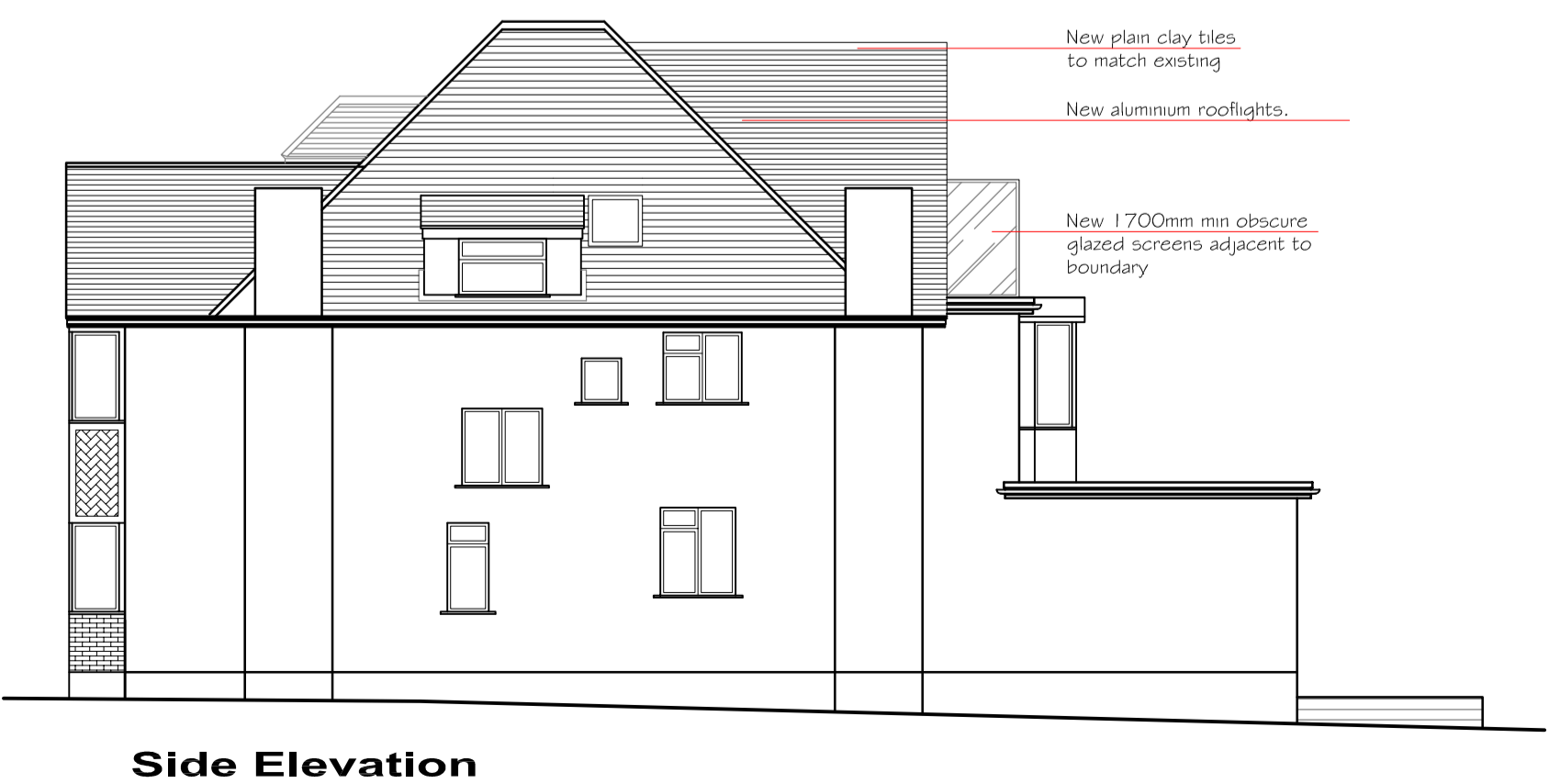
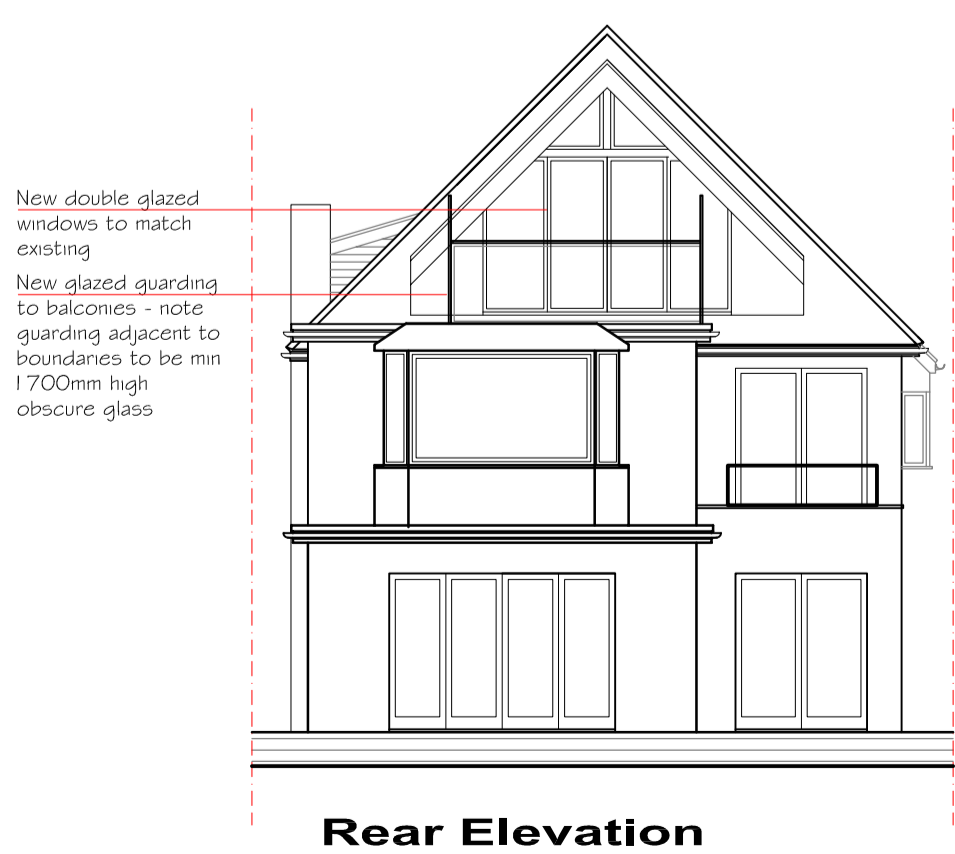
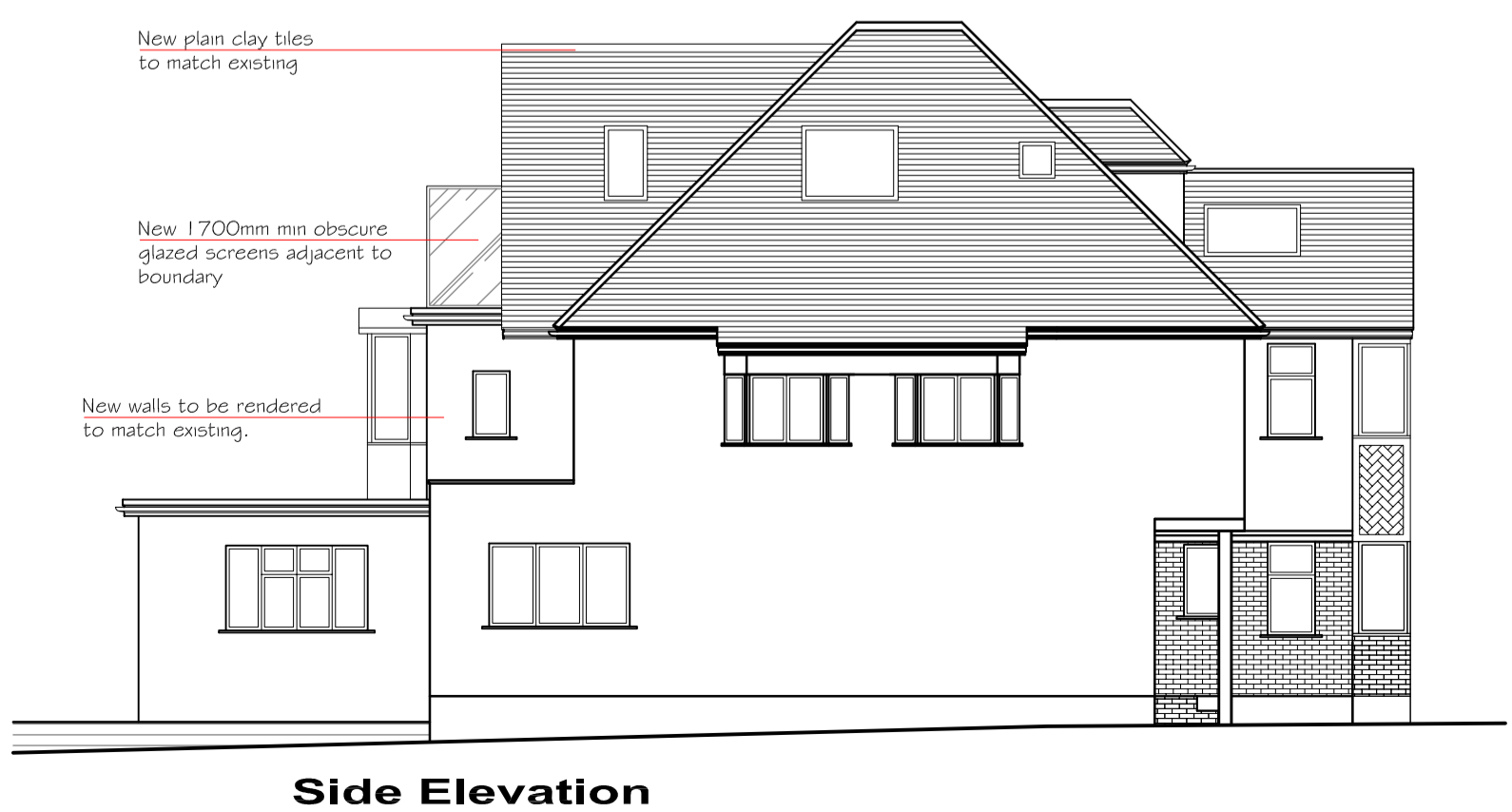
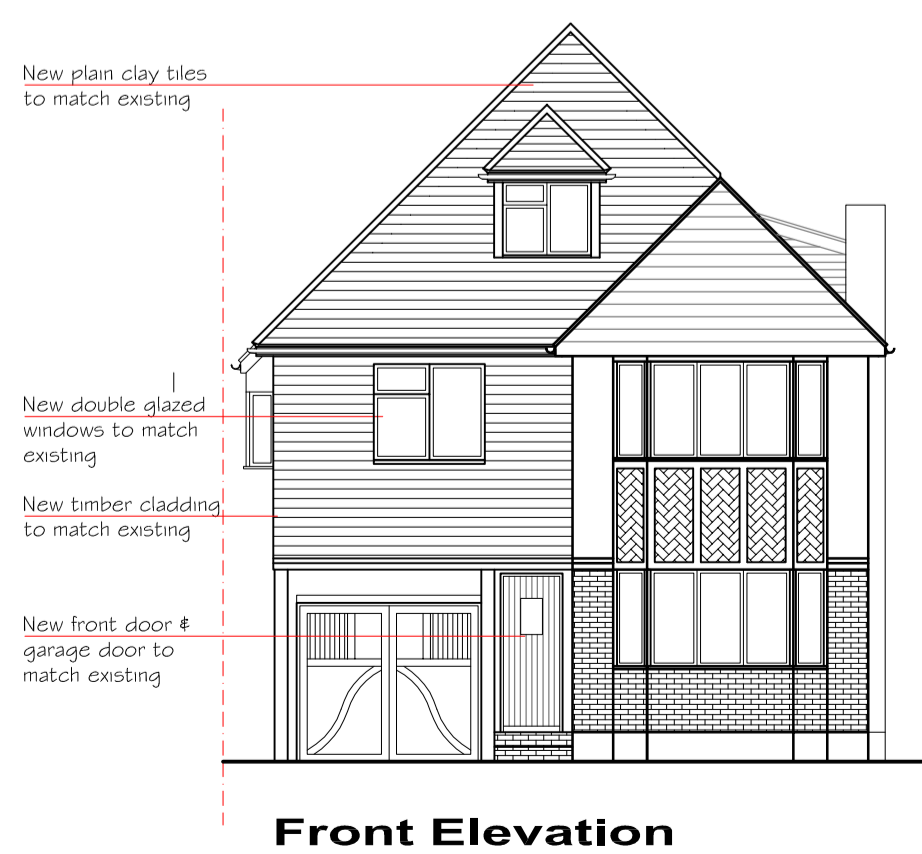
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Revision	Date
A	Amended following client meeting 09.11.17
B	Amended to suit client comments 09.11.17
C	Amended 6ft heights to main roof 09.11.17
D	Planning information added 21.11.17
E	Revised planning 25.06.18
F	Revised planning 27.05.20
G	Revised planning 24.06.20
H	Amended to suit planners comments 26.08.20
J	Amended to suit planners comments 11.09.20

PROPOSED PLANS



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Client
Mr J Moore
Project
115 Tattersail Gardens
Description

**Proposed Alterations
Proposed Plans**

Status		
Planning		
Scale	Drawn	Date
1:50/100	nr	June 18
Job number	Drawing no.	Revision
1200	012	J

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115 Tattersall Gardens

20/01018/FULH

Front Elevation



Front Elevation – hanging tile cladding and reconfigured window



North facing flank elevation



Northern Flank Elevation



Dormer and rooflight in north facing elevation



Rear Elevation – first floor bay window



Side elevation- catslide roof section & black band above bay window



Rear elevation including first floor bay window and bi-folding doors



South facing elevations – roof lights



Flank elevation



Flank Elevation



Rear of 164/165 Marine Parade



Opposite site – Eastern side of Tattersall Gardens



View of site between 164 & 165 Marine Parade

201



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Reference:	20/01048/FULH	<h1>9</h1>
Ward:	Blenheim Park	
Proposal:	Erect dormers to front	
Address:	1 Highwood Close, Leigh-On-Sea, Essex, SS9 4AS	
Applicant:	Mr K Buck	
Agent:	Mr Paul Seager	
Consultation Expiry:	30 th September 2020	
Expiry Date:	8 th October 2020	
Case Officer:	Hayley Thompson	
Plan Nos:	Drawing number 01 Revision D, Drawing number 02, Drawing number 03 Revision D	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site contains a detached chalet on the western side of Highwood Close. The application side has been previously extended with a hip to gable roof extension and rear dormer and a rear extension.
- 1.2 The streetscene in Highwood Close is characterised predominantly by bungalows and chalets of varying styles and design but similar characters. There are individual flat roof dormer windows of modest size located to the front elevation of some of the dwellings in the immediate streetscene of Highwood Close.
- 1.3 The site is not located within a designated conservation area and is not a listed building.

2 Proposal

- 2.1 Planning permission is sought to erect two connected dormer windows to the front elevation to form additional habitable accommodation within the extended roofspace.
- 2.2 The proposed development constitutes two individual dormers which would be connected by a shared flat roof element. The individual dormers would measure 1.4 metres high, 1.25 metres wide, would measure 1.65 metres deep with the roof connecting the dormers set back a further 0.5cm at 1.65 metres deep. The proposed materials are render and hanging tiles to match the existing building.

3 Relevant Planning History

- 3.1 20/00811/CLP - Single storey rear extension - Application lawful.

4 Representation Summary

Public

- 4.1 9 neighbouring properties were notified and no letters of representation have been received at the time of writing the report.
- 4.2 This application is presented to the Development Control Committee, as the applicant is a Councillor.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2019) (NPPF).
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles and CP4 (Environment and Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) 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 key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, any traffic or transport issues and CIL (Community Infrastructure Levy) contributions.

7 Appraisal

Principle of Development

7.1 The dwelling is situated within a residential area and an extension or an alteration to the property is considered acceptable in principle, subject to the detailed considerations discussed below.

Design and Impact on the Character of the Area

7.2 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”.

7.3 Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document advocate the need for development to secure good relationships with existing development and to respect the existing scale. The Design and Townscape Guide states that alterations to existing buildings with particular reference to extensions should appear subservient and must be respectful of the scale of the present building.

7.4 Policy DM1 of the Development Management Document states that all development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.

7.5 Paragraph 366 of the Design and Townscape Guide states *‘Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves)...Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*

- 7.6 The application site is set within a residential area which is host to a mix of semi-detached and detached bungalows and chalets, some of which include examples of individual dormer windows located to the front elevations. The proposed extension is not identical to the other dormers in the area as it comprises two main sections with a setback 'connecting' roof element. However, the extension proposed, is small in scale and is reasonably consistent with other front dormers within the immediate locality and would not therefore appear materially out of keeping with the surrounding area.
- 7.7 In relation to the existing dwelling the proposed extension would be modest and proportionate in size and scale and would appear incidental in the roof slope. Details of external materials have been specified, including hanging tiles and white render. Although the proposed render would not match the adjacent roof slope it would correspond to the walls of the host dwelling and would not be materially harmful.
- 7.8 The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.9 The Design and Townscape Guide Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings states that amongst other criteria, that 'extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties'. In addition to this Policy DM1 of the Development Management Document also states that development should "Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."
- 7.10 The proposed extension is situated within the front roof slope and does not extend beyond the roof plane of the existing dwelling. The dormers face towards the public domain and as such, the proposal is not considered to result in material harm to residential amenity in any regard.
- 7.11 The development's impact on residential amenity is therefore acceptable and policy compliant.

Traffic and Transport:

- 7.12 Policy DM15 of the Development Management Document states that new development will only be permitted if it makes provision for off-street parking in accordance with the adopted vehicle parking standards. For a dwelling of 2+ bedrooms, a minimum of 2 off-street parking spaces should be available.
- 7.13 The development does not affect the availability of car parking spaces and does not increase the parking requirements over and above the existing requirements. The front driveway of the site is hardsurfaced providing at least two parking spaces. The impact on traffic, transport and parking is therefore acceptable and policy compliant.

Community Infrastructure Levy

CIL Charging Schedule 2015

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions the development is acceptable and compliant with the objectives of the relevant development plan policies and guidance.
- 8.2 The development has an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. There are no adverse highway implications. This application is therefore recommended for approval subject to conditions.

9 Recommendation

MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION
subject to the following conditions:

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

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

- 02 The development shall be undertaken solely in accordance with the approved plans: Drawing number 01 Revision D, Drawing number 02, Drawing number 03 Revision D.**

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

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

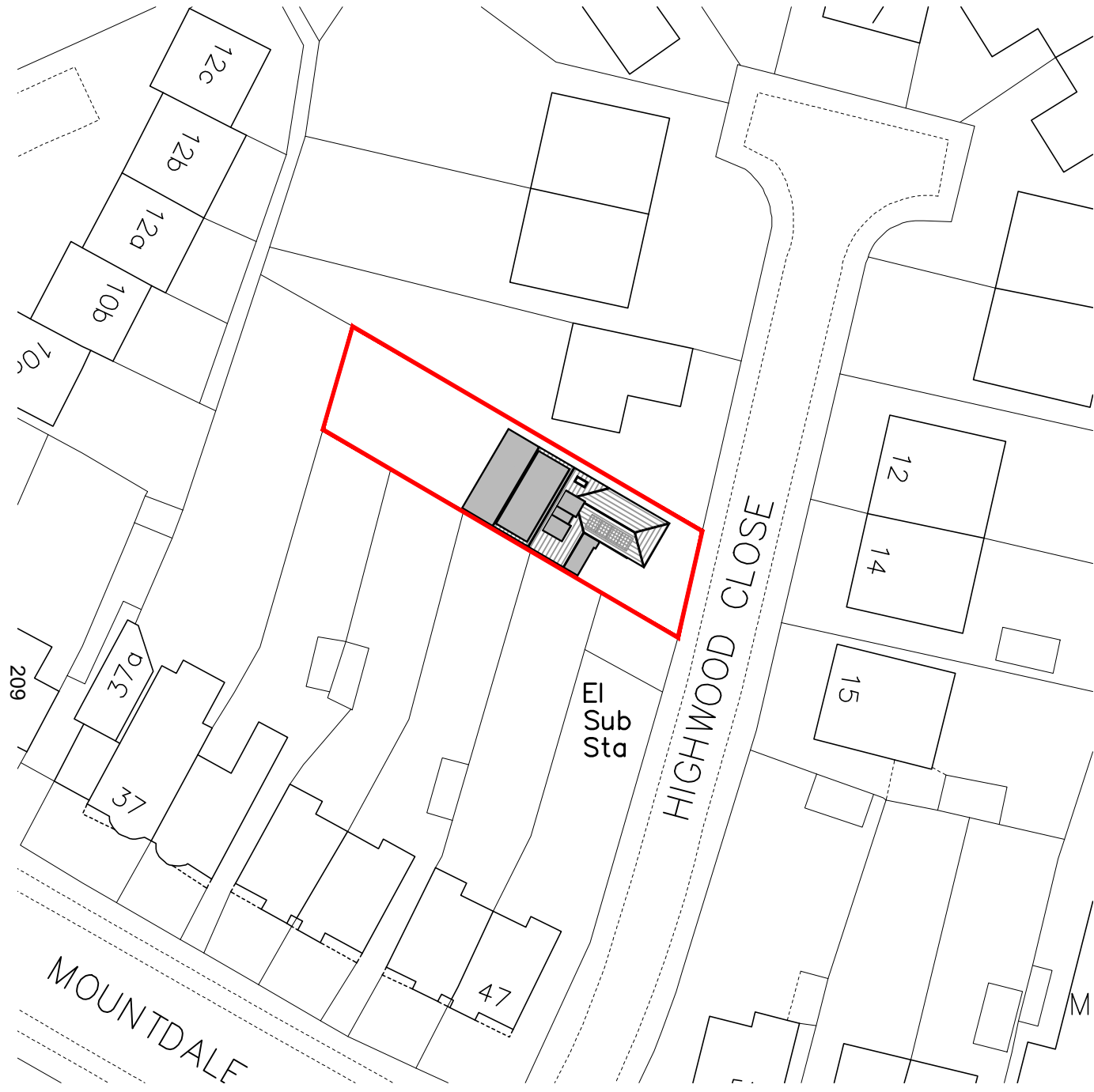
Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

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

Informatives

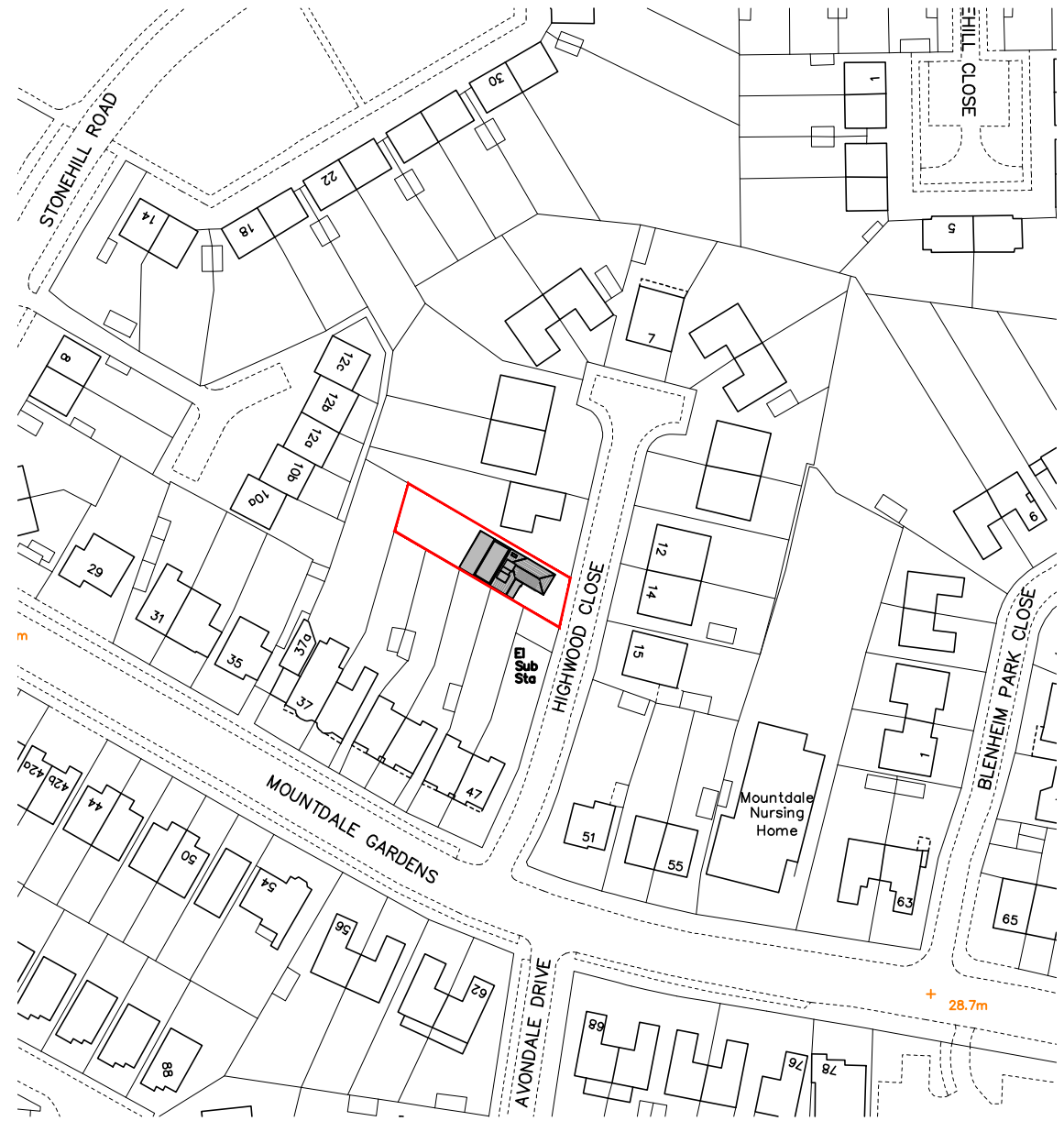
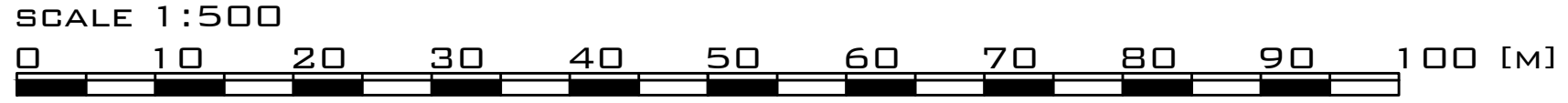
- 01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations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

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



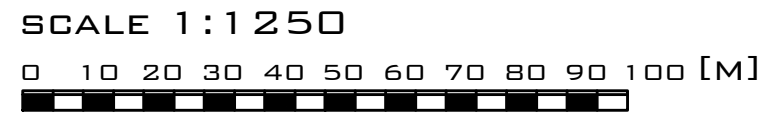
① Site Plan

Scale: 1:500



② Location Plan

Scale: 1:1250



Rev D	15/09/2020	Car port removed
Rev C	14/09/2020	Car port reduced and dormer amended
Rev B	17/08/2020	Car port and dormer amended

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

PROJECT STAGE: TOWN PLANNING
 DRAWN BY: A.D.
 DATE: September 2020

CLIENT:
 PROJECT: 1 Highwood Close
 JOB NO: 3032
 DRAWING NO: 01
 REVISION: D
 SCALE: 1:1250 & 1:500 @ A3

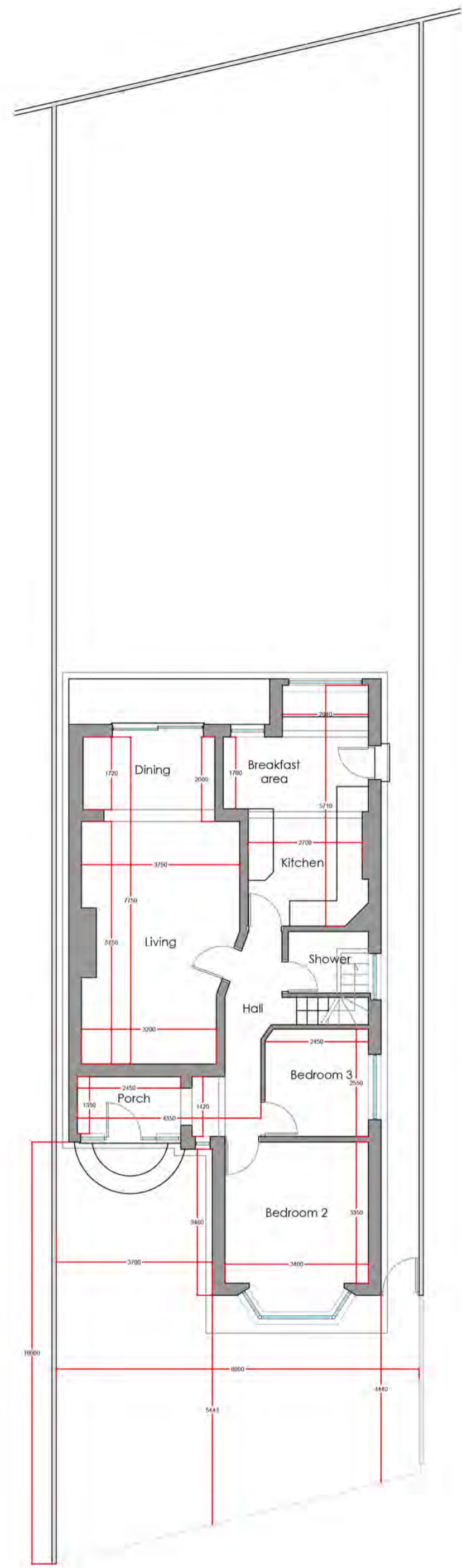
DRAWING TITLE:
 Site and Location Plans
 The Design Studio
 1 Cambridge Road (Rear)
 Nelson Street
 Southend-On-Sea
 Essex
 SS1 1ET

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

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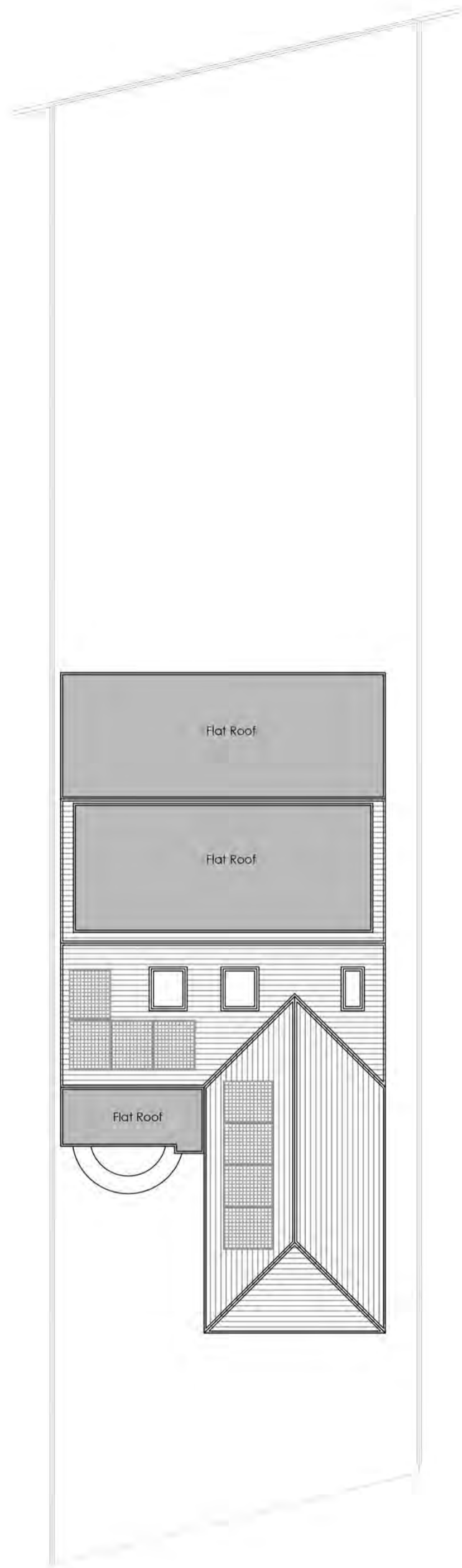
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1 Existing Ground Floor Plan
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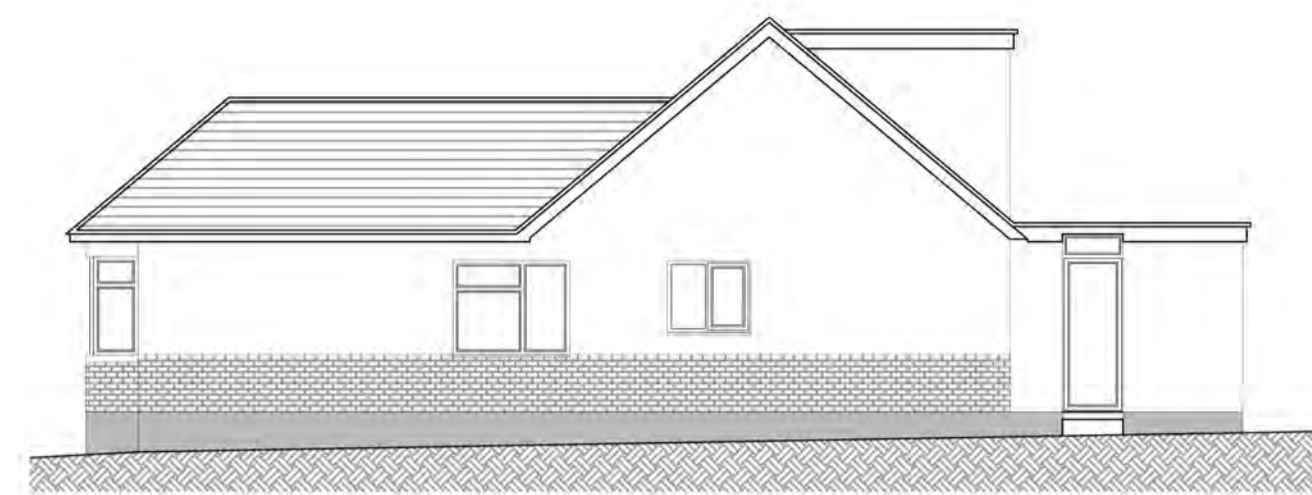
2 Existing First Floor Plan
Scale: 1:100



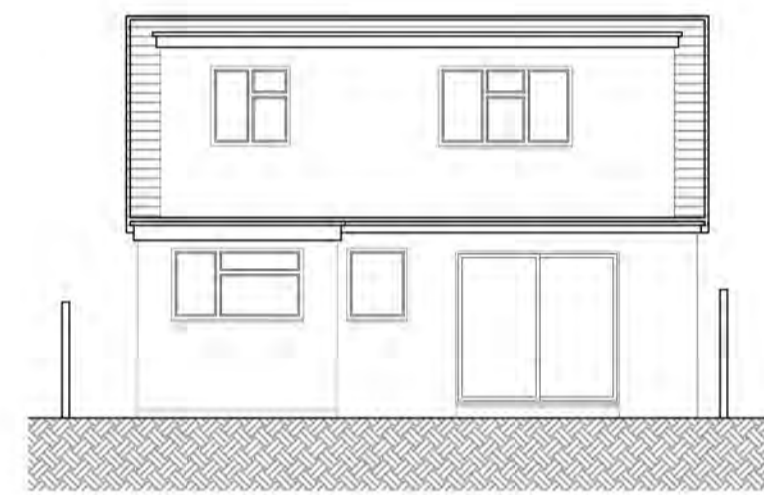
3 Existing Roof Plan
Scale: 1:100



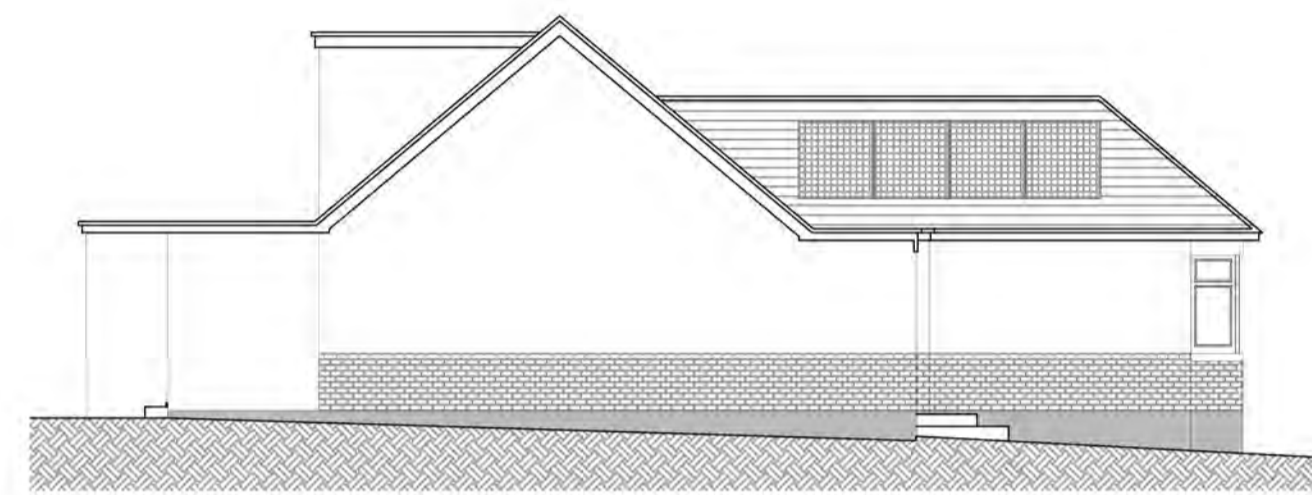
4 Existing Front Elevation
Scale: 1:100



5 Existing Right Elevation
Scale: 1:100



6 Existing Rear Elevation
Scale: 1:100

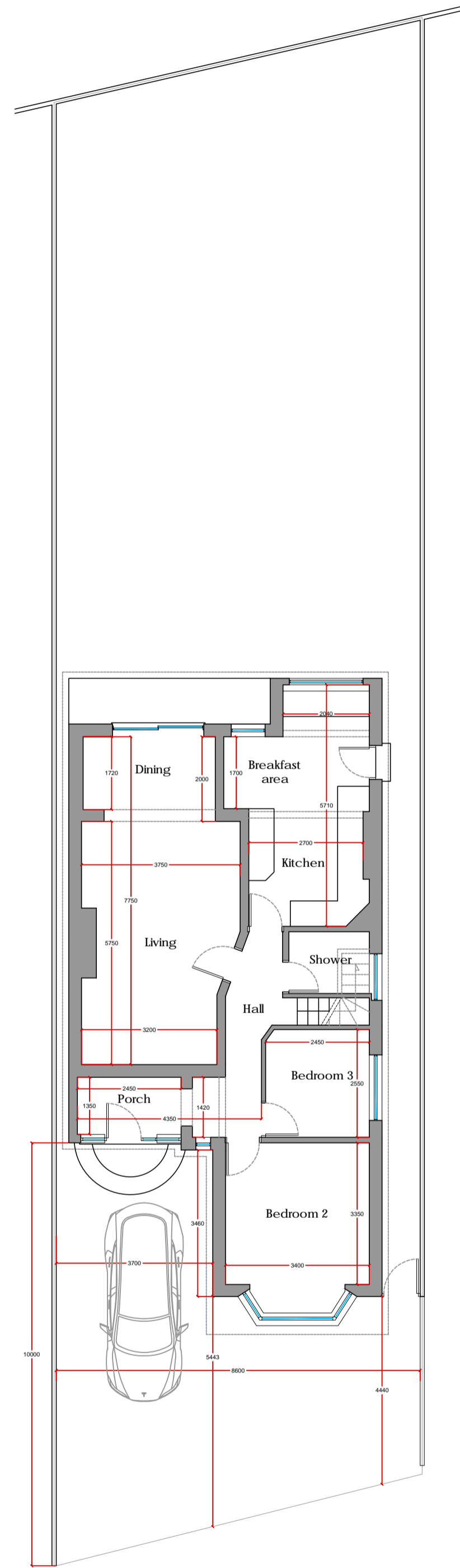


7 Existing Left Elevation
Scale: 1:100

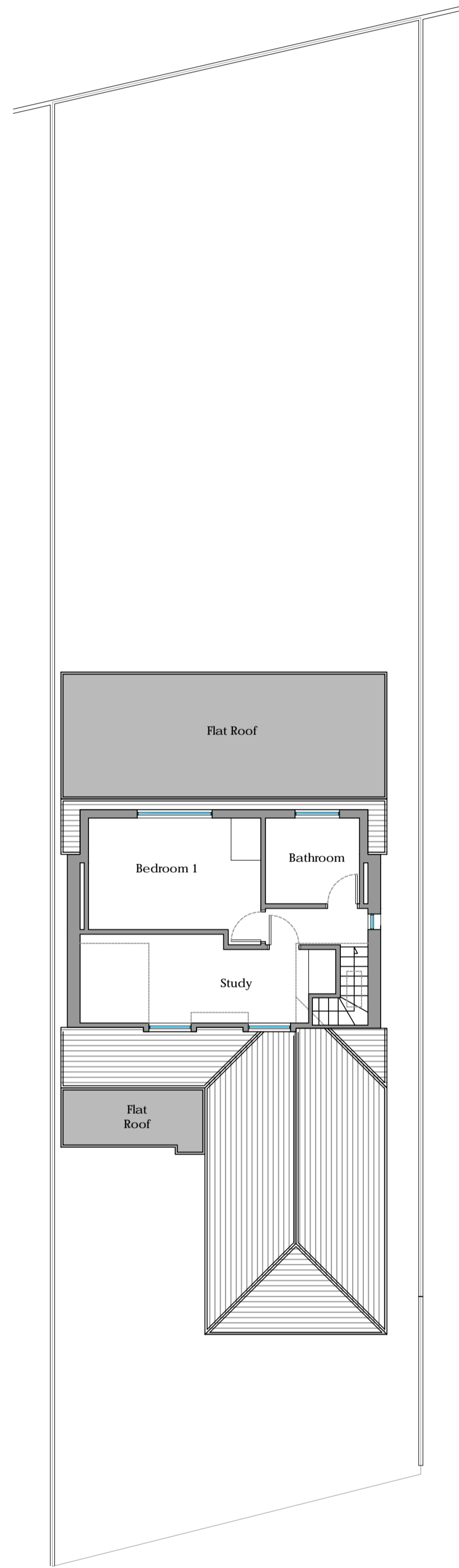
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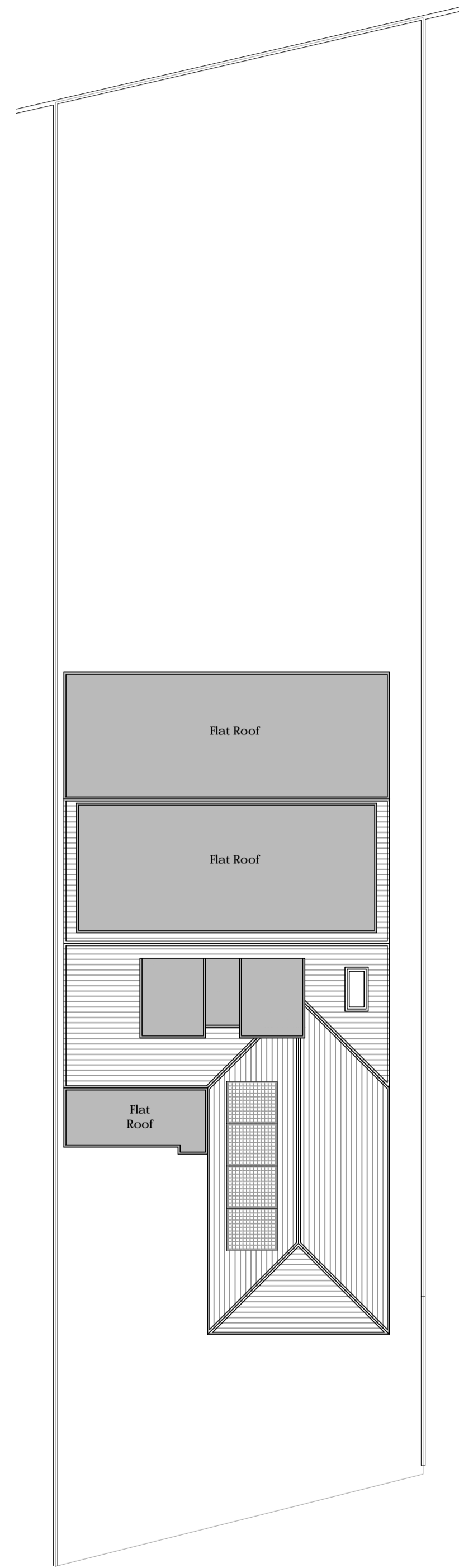
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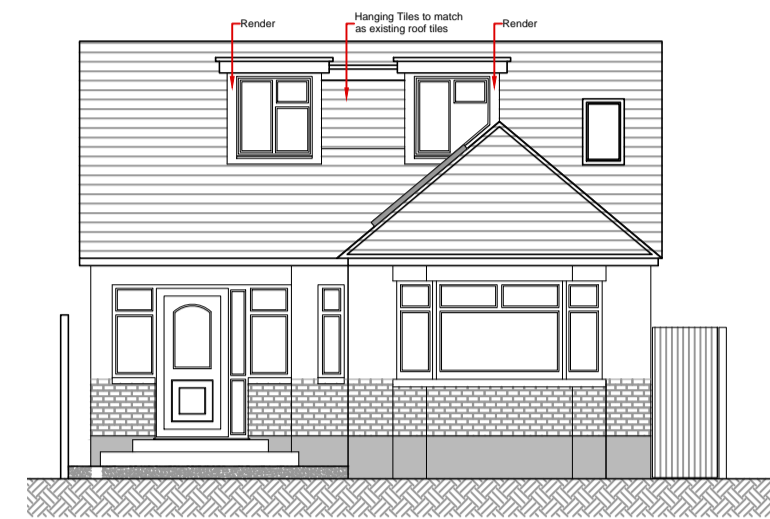
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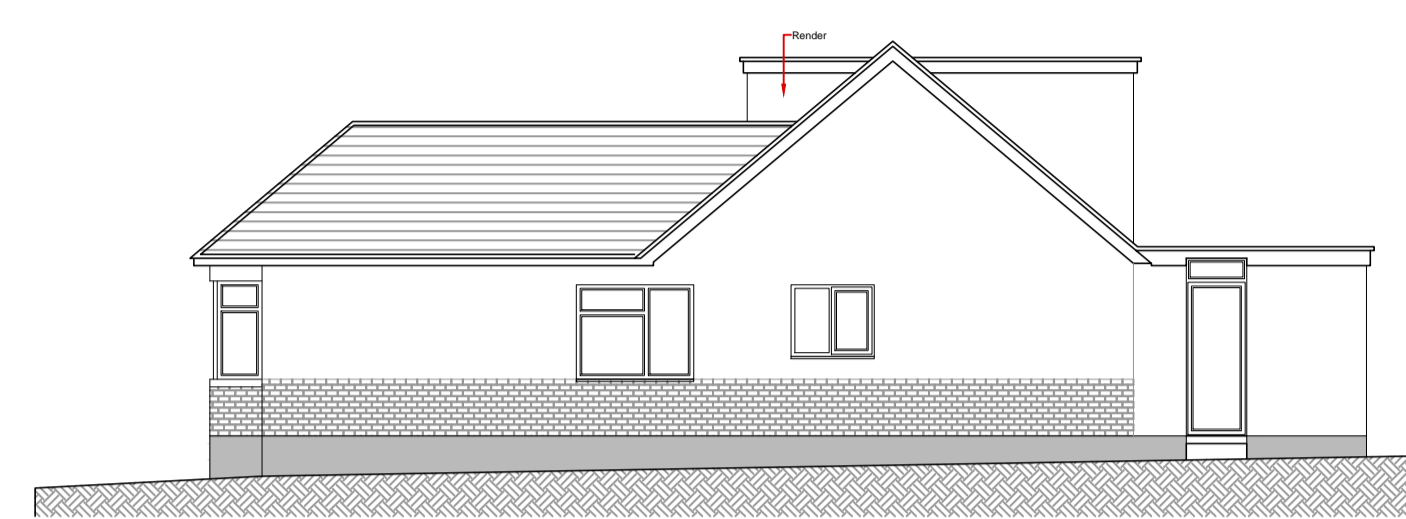
2 Proposed First Floor Plan Scale: 1:100



3 Proposed Roof Plan Scale: 1:100



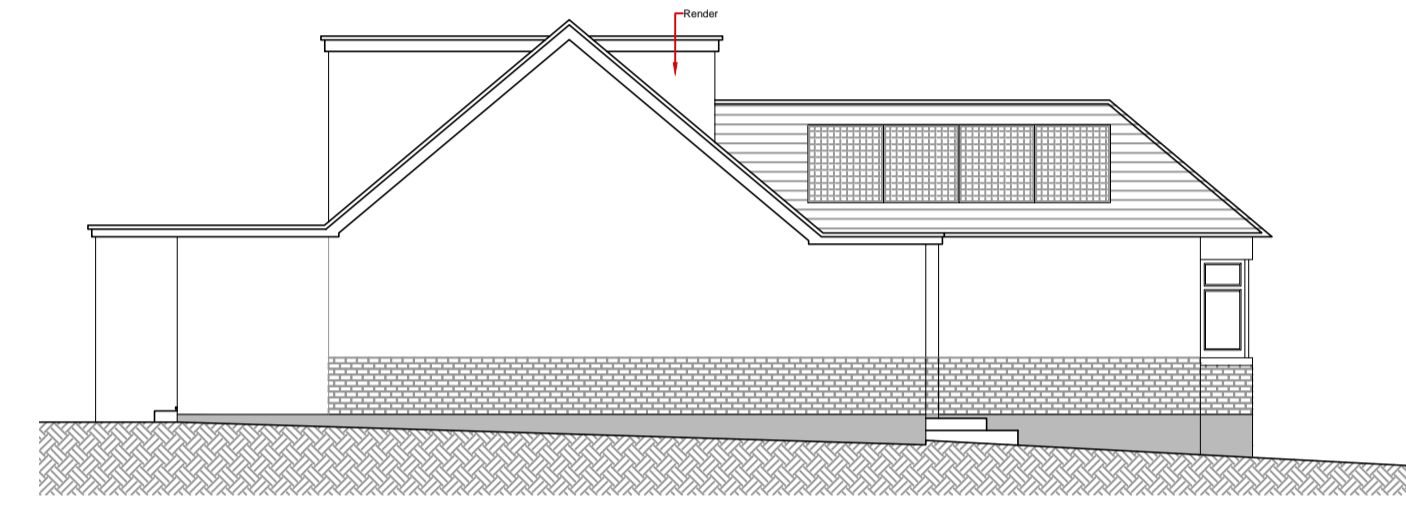
4 Proposed Front Elevation Scale: 1:100



5 Proposed Right Elevation Scale: 1:100



6 Proposed Rear Elevation Scale: 1:100



7 Proposed Left Elevation Scale: 1:100



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Rev D	15/09/2020	Car port removed
Rev C	14/09/2020	Car port reduced and dormer amended
Rev B	17/08/2020	Car port and dormer amended
Rev A	07/07/2020	Length of the car port amended

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

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

PROJECT: 1 Highwood Close
 JOB NO: 3032 DRAWING NO: 03 REVISION: D
 DRAWING TITLE: Proposed SCALE: 1:100 @ A1
 The Design Studio
 1 Cambridge Road (Rear)
 Nelson Street
 Southend-On-Sea
 Essex
 SS1 1ET
 Tel: 01702 469 769 - 01702 337328
 Email: admin@apsdesignsuk.com
 design@apsdesignsuk.com
 planning@apsdesignsuk.com
 Website: www.apsdesignsuk.com

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1 Highwood Close

Application site





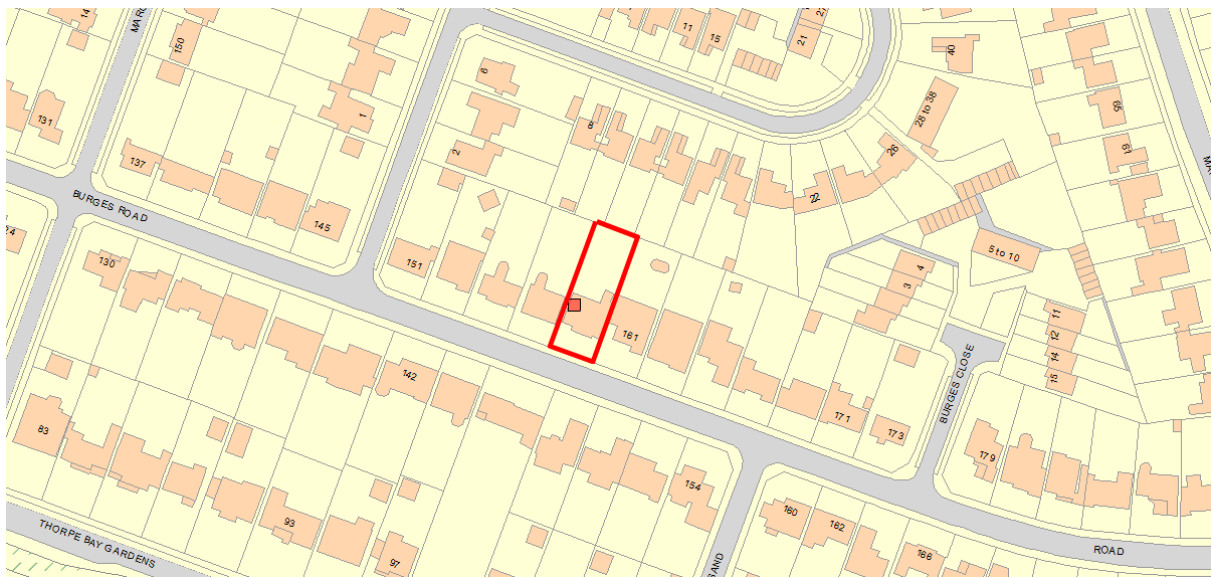
217







Reference:	20/01221/FULH	<h1>10</h1>
Application Type:	Full Application - Householder	
Ward:	Thorpe	
Proposal:	Erect single storey front extension, install balcony to front	
Address:	159 Burges Road, Thorpe Bay, Essex	
Applicant:	Mr Roger Humphrey	
Agent:	-	
Consultation Expiry:	31st August 2020	
Expiry Date:	9 th October 2020	
Case Officer:	Kara Elliott	
Plan Nos:	Location plan, Site Plan, 01	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is occupied by a detached two storey dwelling on the north side of Burges Road, Thorpe Bay. The application site is set within a residential location which is characterised by traditional, large, detached dwellings of a varying appearance.
- 1.2 The site has no specific allocation within the Development Management Document's Proposal Map.

2 The Proposal

- 2.1 The application seeks planning permission for a single storey front extension providing an entrance porch to the dwelling. The extension would have a width of 3.3 metres and would have a depth of 2.35 metres, projecting a metre deeper than the existing front building line, with its roof reaching a height of 2.8 metres to its flat roof, with balcony above, enclosed by 1m high glazed panels.
- 2.2 The extension would be finished with a brickwork dwarf wall, upvc windows and doors and with glazed panels enclosing the balcony at first floor. A single door is proposed at first floor from the existing dwelling to access the balcony.

3 Relevant Planning History

- 3.1 95/0466 – Single storey rear extension – Granted 28.06.1995;
- 3.2 99/0019- Erect Single Storey Rear Extension and Erect First Floor Side Extension – Granted 10.03.1999.

4 Representation Summary

Public Consultation

- 4.1 Eight neighbouring properties were notified by letter. No letters of representation were received.
- 4.2 The application is presented to the Development Control Committee for determination as the applicant is a Southend Borough Council member of staff.

5 Planning Policy Summary

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

6 Planning Considerations

- 6.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impacts on residential amenity, parking and highways and CIL contributions.

7 Appraisal

Principle of Development

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

Design and Impact on the Character of the Area

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. The Design and Townscape Guide also states that; *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 7.3 Paragraph 124 of the NPPF states that; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 7.4 Policy DM1 of the Development Management Document states that all development should; *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.*
- 7.5 Policy DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.6 Paragraph 360 of the Design and Townscape Guide under the heading of ‘Front Extensions’ states that; *“Extensions to the front of existing properties are generally discouraged as they alter the relationship of property within the street and may be detrimental to the wider townscape.”*

- 7.7 The proposed front extension would be in a similar position as an existing smaller porch. The proposed addition would be a subservient and modest extension to the dwelling which would be finished in materials to match the existing and would only protrude one metre further forward than the existing front building line. The building line of the existing dwelling is staggered and therefore the proposed development would not appear as a stark protrusion from the front façade of the dwelling.
- 7.8 It is also observed that within the vicinity of the site and in the area, there are other examples of front balconies to dwellings and therefore the proposed addition would not appear out of keeping or incongruent in its setting.
- 7.9 It is therefore considered that the proposed development would not harm the character and appearance of the dwelling, the streetscene or the wider surrounding area. It is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.10 Paragraph 343 of the Design and Townscape Guide under the heading of; *'Alterations and Additions to Existing Residential Buildings'* states that; *"extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties."*
- 7.11 The application property is neighboured by no.157 to the west. The extension would retain a gap of approximately 3.5 metres to the boundary shared with this property, Due to this distance, effective screening, siting of the balcony at the front elevation and due to its modest nature, the proposal would not result in undue dominant effects, a material loss of light, overlooking, loss of privacy or outlook to the occupiers of no.157 Burges Road.
- 7.12 The proposed addition would project 1 metre forward of the existing building line and would therefore be shielded for its most part by the existing dwelling when viewed from no.161 to the east. The boundary shared with no.161 is located at a distance of 7 metres from the proposed development. The proposal would therefore not result in any material harm to the residential amenity of No.161 in any regard.
- 7.13 Due to the nature of the proposal and its siting at the front, the proposed development would not lead to any material loss of amenity to any other neighbouring or nearby occupiers from undue dominant effects, a material loss of light, overlooking, loss of privacy or outlook.
- 7.14 The proposed development is therefore acceptable in regard to neighbour amenity and policy compliant in this regard.

Highways and Parking

- 7.15 Policy DM15 of the Development Management Document states that new development will only be permitted if it makes provision for off-street parking in accordance with the adopted vehicle parking standards. For a dwelling of 2+ bedrooms, a minimum of 2 off-street parking spaces should be available.

- 7.16 The existing dwelling benefits from off-street parking to the front driveway for two vehicles. The proposed front addition would not result in a loss of off-street parking space at the application site.
- 7.17 Therefore, no objection is raised in relation to highway or parking and the proposal is acceptable and policy compliant in this regard.

Community Infrastructure Levy

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

8 Conclusion

- 8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely with no adverse highways impacts. This application is therefore recommended for approval, subject to conditions.

9.1 MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, Site Plan, 01.**

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

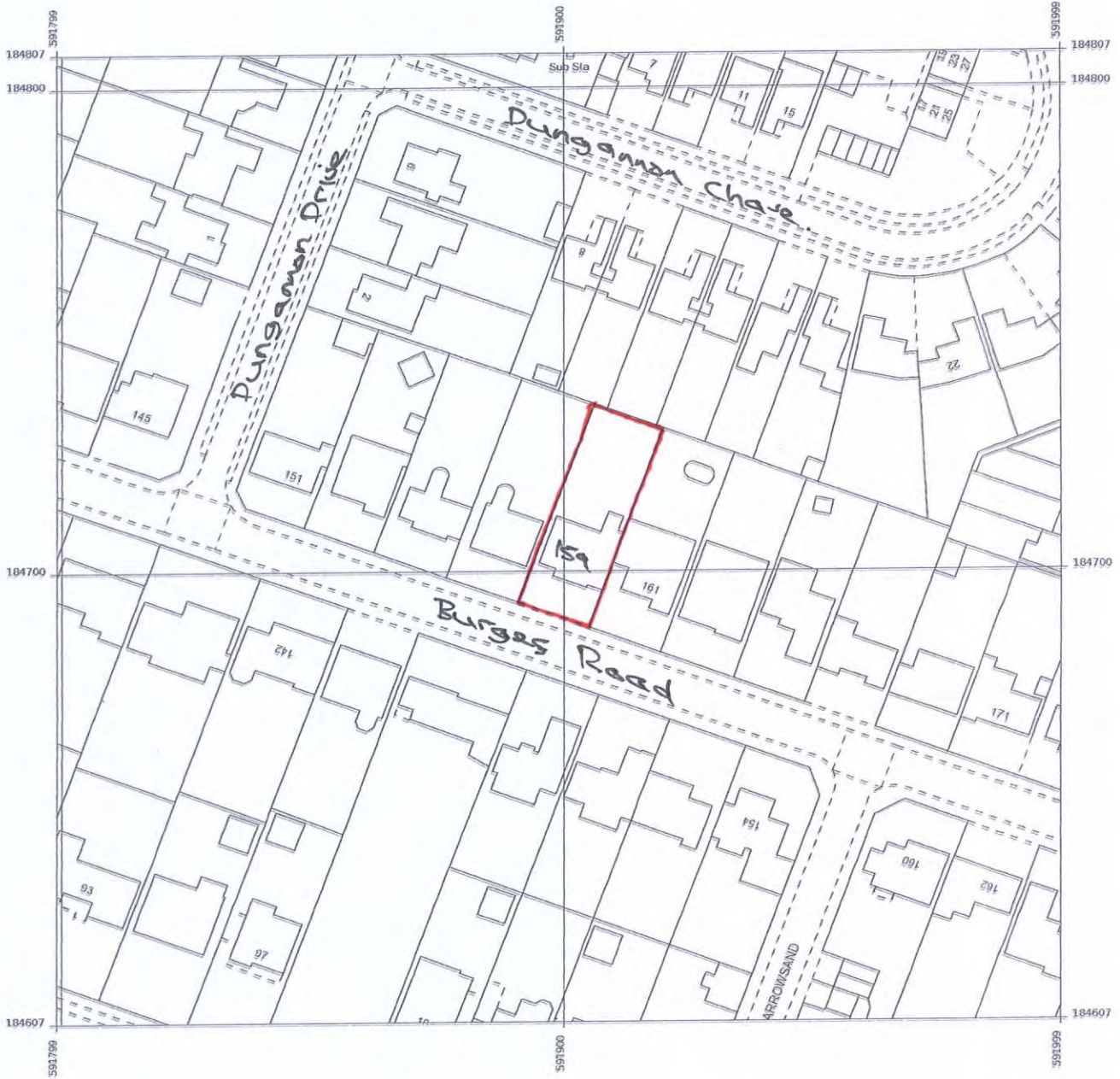
- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

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

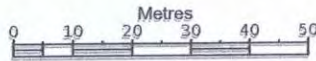
Informatives

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



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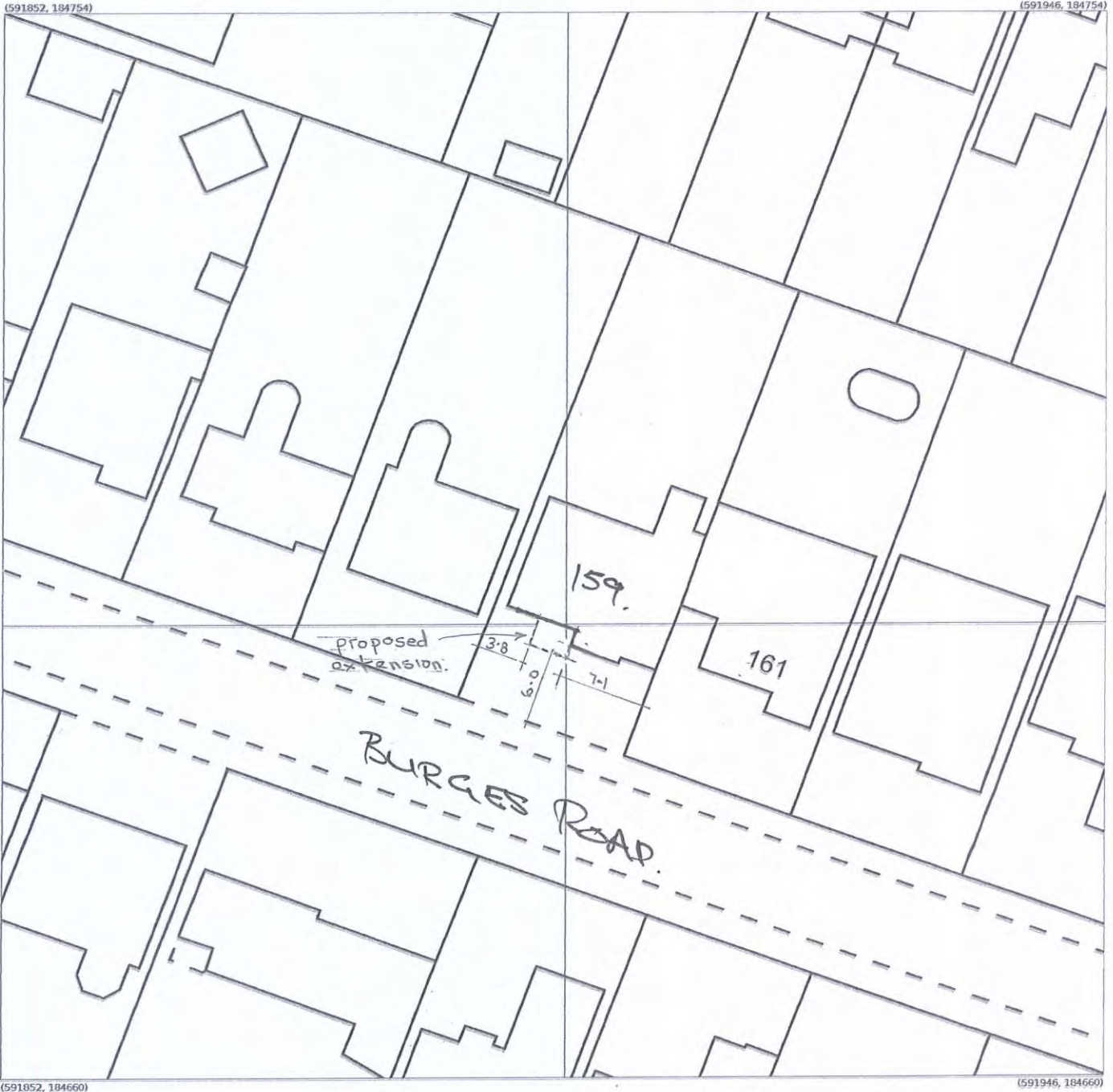


159, Burges Rd, Southend On Sea
SS1 3JN

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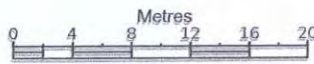
Location Plan

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The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



1:500

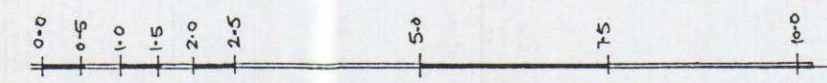


159, Burges Rd, Southend On Sea
SS1 3JN

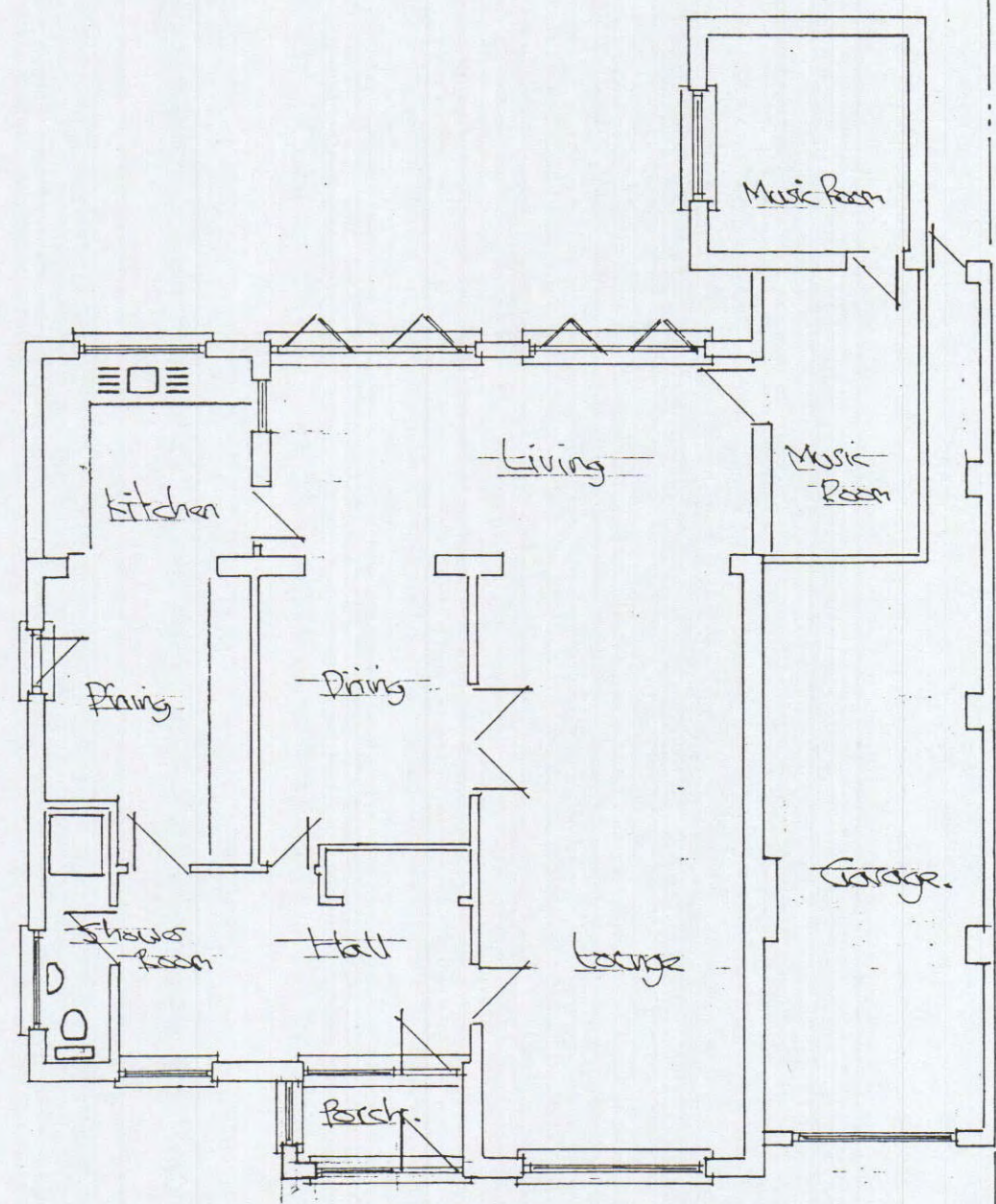
Supplied by: Latitude Mapping Ltd
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database rights 2020 OS 100038864
Reference: O1408289
Centre coordinates: 591899 184707

Site Plan

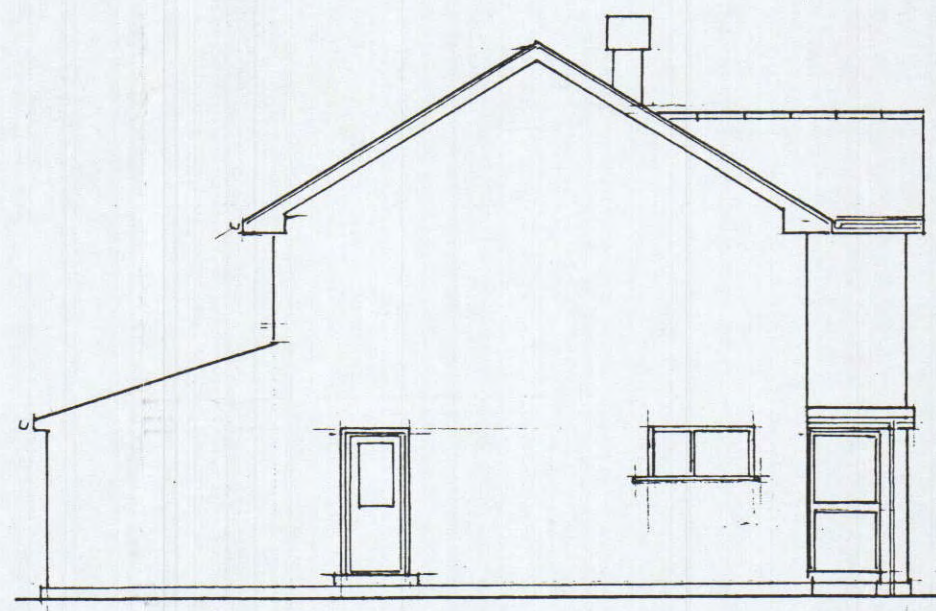
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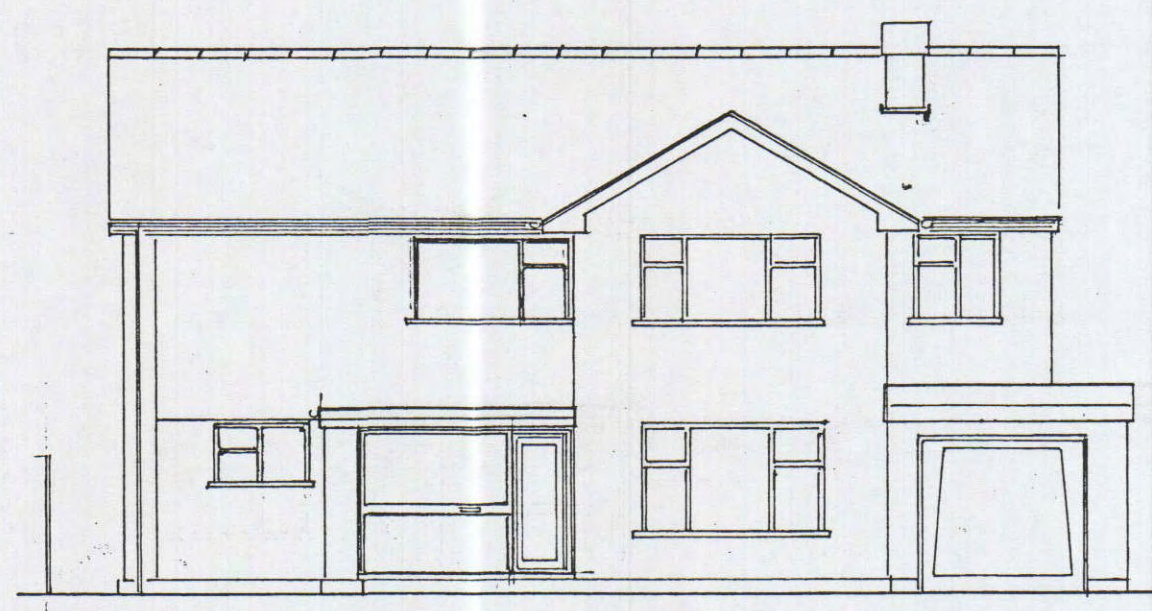
Scale Bar



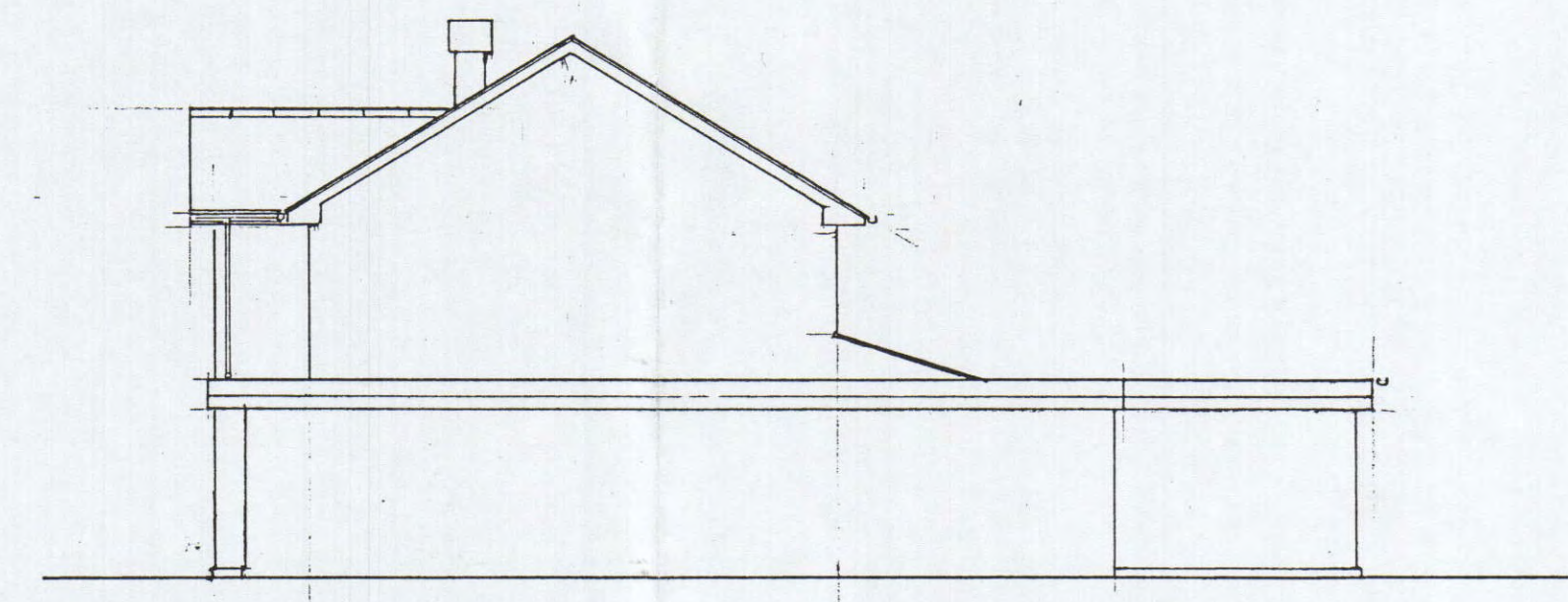
Existing Ground Floor Layout



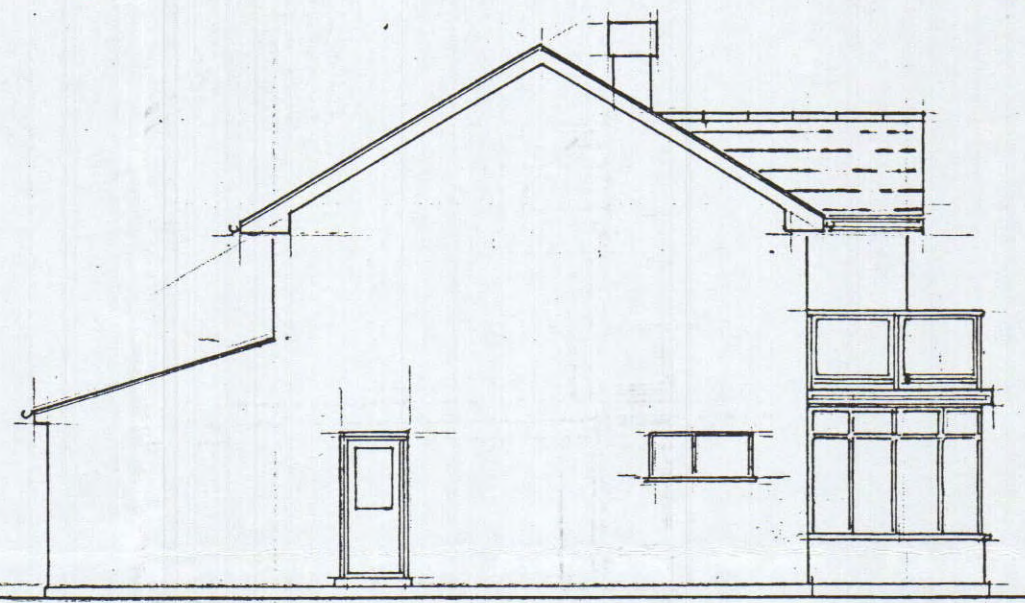
Existing Side Elevation



Existing Front Elevation



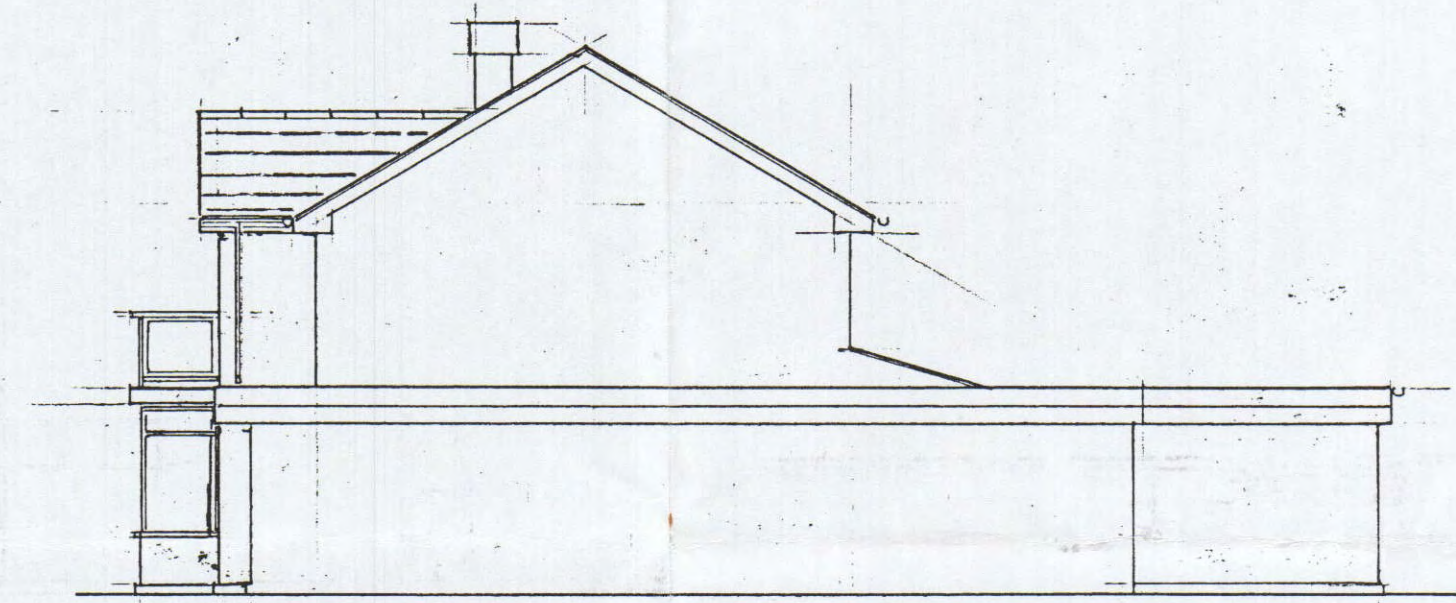
Existing Side Elevation



Proposed Side Elevation



Proposed Front Elevation

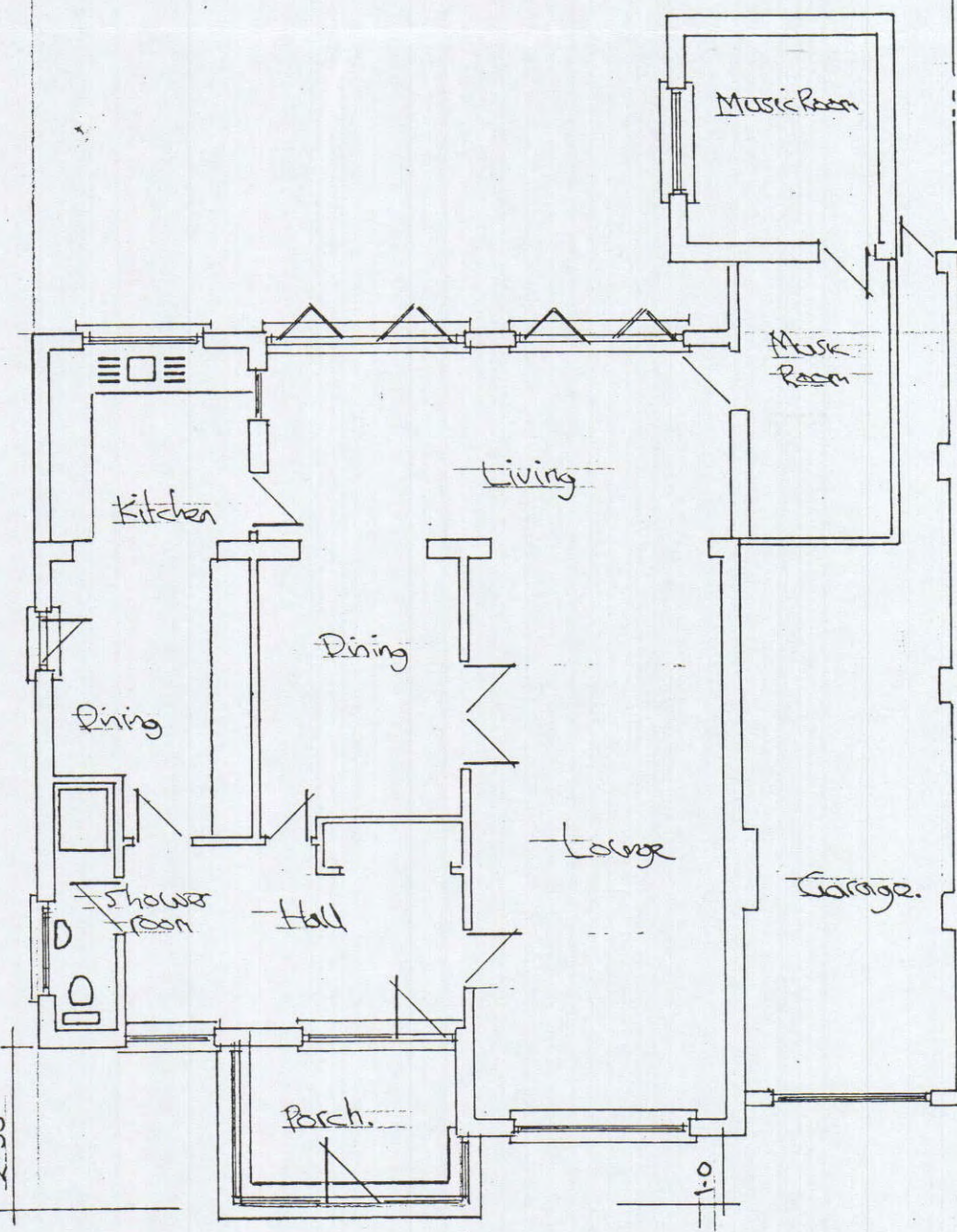


Proposed Side Elevation

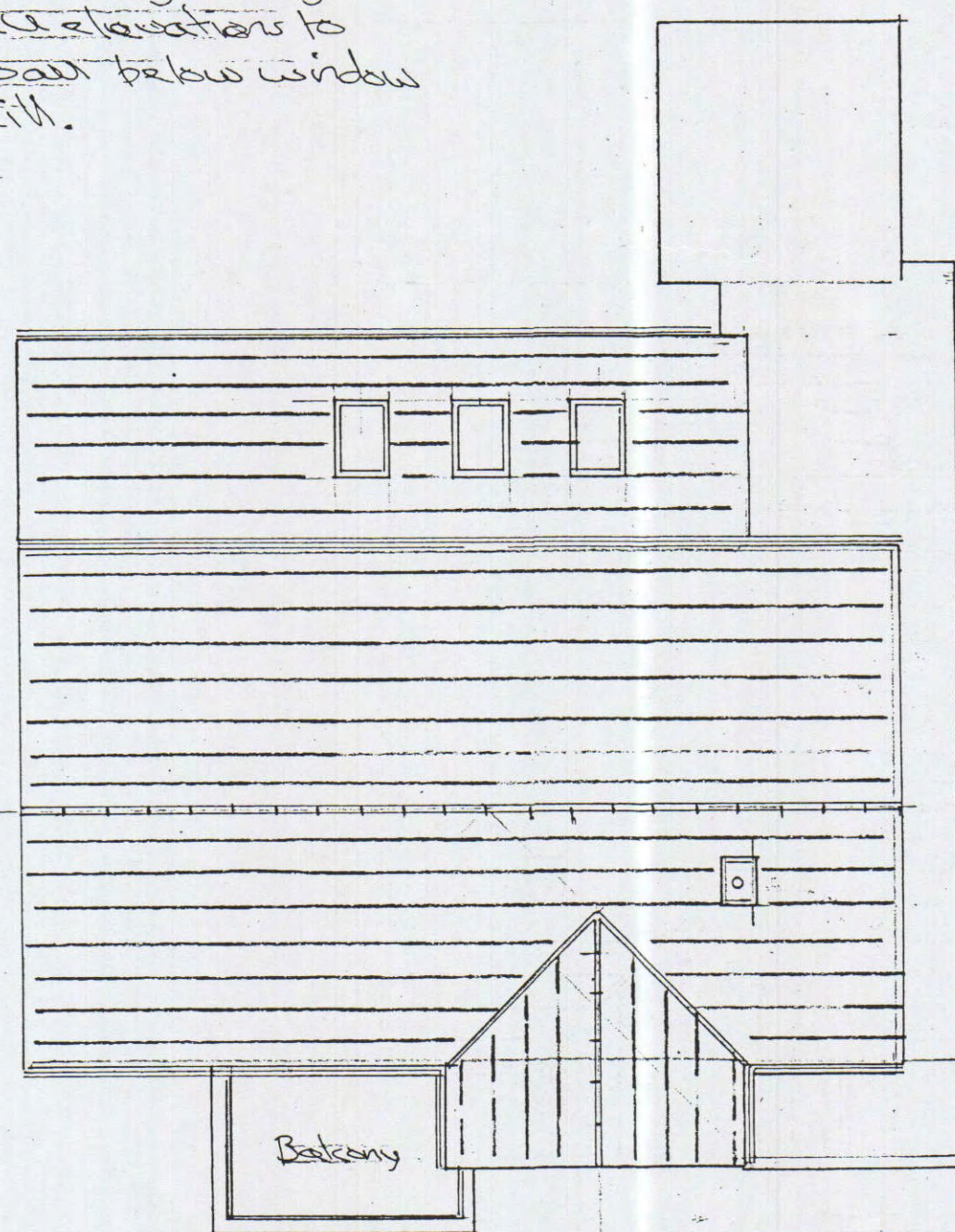
observing glazed panels to be made with stainless steel framing.

face brickwork matching existing to all elevations to read below window cill.

UPVC double glazed windows and door matching existing.



Proposed Ground Floor Layout



Roof Layout

PROPOSED SINGLE STOREY FRONT EXTENSION WITH BALCONY OVER.

owner - MR & MRS HUMPHREY

site - 159 BURGESS ROAD SOUTHEND ON SEA.

date - JULY 2020

scale - 1:100

revision

drawing - .01

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20/01221/FULH

159 Burges Road Thorpe Bay
Essex SS1 3JN

Erect single storey front
extension, install balcony to
front











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