

Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL

**Development Control Committee**

Date: Wednesday, 9th December, 2020

Time: 2.00 pm

Place: Virtual Meeting via MS Teams

Contact: Tim Row - Principal Democratic Services Officer

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

**A G E N D A**

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Supplementary Report
- \*\*\*\* **Contents List and Introduction**
- 4 **20/01227/OUTM - Land Between Barge Pier Road and Ness Road (Shoeburyness Ward) (Pages 5 - 120)**
- 5 **19/02255/FULM - 245 Sutton Road, Southend-on-Sea (Victoria Ward) (Pages 121 - 184)**
- 6 **20/01180/FUL - St Stephens Church, Alton Gardens (St Laurence Ward) (Pages 185 - 232)**
- 7 **20/01314/AMDT & 20/01316/LBC - Carriage and Wagon Shed Warrior Square Road, Shoeburyness (Shoeburyness Ward) (Pages 233 - 254)**
- 8 **20/01332/FUL - Flat 1, 1 Leigh Park Road, Leigh-on-Sea (Leigh Ward) (Pages 255 - 278)**
- 9 **20/01450/FUL - 91 - 93 Prince Avenue, Southend-on-Sea (St Laurence Ward) (Pages 279 - 308)**
- 10 **20/01641/BC3 - Garages Rear Of 40, 42, 44 and 46 Anson Chase, Shoeburyness (Shoeburyness Ward) (Pages 309 - 338)**
- 11 **20/01698/FUL - 39 Chalkwell Esplanade, Westcliff-on-Sea (Chalkwell Ward) (Pages 339 - 406)**
- 12 **20/01654/FUL - Penthouse, 33 - 34 The Leas, Westcliff-on-Sea (Chalkwell Ward) (Pages 407 - 442)**
- 13 **20/01362/FULH - 13 Fairleigh Drive, Leigh-on-Sea (Leigh Ward) (Pages 443 - 454)**

**14      20/01650/FULH - 24 The Crossways, Westcliff-on-Sea (Chalkwell Ward)**  
**(Pages 455 - 478)**

**TO: The Chair & Members of 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

**DEVELOPMENT CONTROL COMMITTEE**

**AGENDA: 09th December 2020**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
-------------	--------------------	----------------

<b>Main Plans Report</b>		
<b>Shoeburyness</b>	20/01227/OUTM	Land Between Barge Pier Road and Ness Road
<b>Victoria</b>	19/02255/FULM	245 Sutton Road Southend-On-Sea
<b>St Laurence</b>	20/01180/FUL	St Stephens Church Alton Gardens
<b>Shoeburyness</b>	20/01314/AMDT & 20/01316/LBC	Carriage and Wagon Shed Warrior Square Road
<b>Leigh</b>	20/01332/FUL	Flat 1, 1 Leigh Park Road Leigh-On-Sea
<b>St Laurence</b>	20/01450/FUL	91 - 93 Prince Avenue Southend-On-Sea
<b>Shoeburyness</b>	20/01641/BC3	Garages Rear Of 40, 42, 44 And 46 Anson Chase
<b>Chalkwell</b>	20/01698/FUL	39 Chalkwell Esplanade Westcliff-On-Sea
<b>Chalkwell</b>	20/01654/FUL	Penthouse 33 - 34 The Leas
<b>Leigh</b>	20/01362/FULH	13 Fairleigh Drive Leigh-On-Sea
<b>Chalkwell</b>	20/01650/FULH	24 The Crossways Westcliff-On-Sea

# 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 for Housing & Growth, are not the decision of the Committee and are subject to Councillor consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

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

### **Background Papers**

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

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

# DEVELOPMENT CONTROL COMMITTEE

## Use Classes

(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)

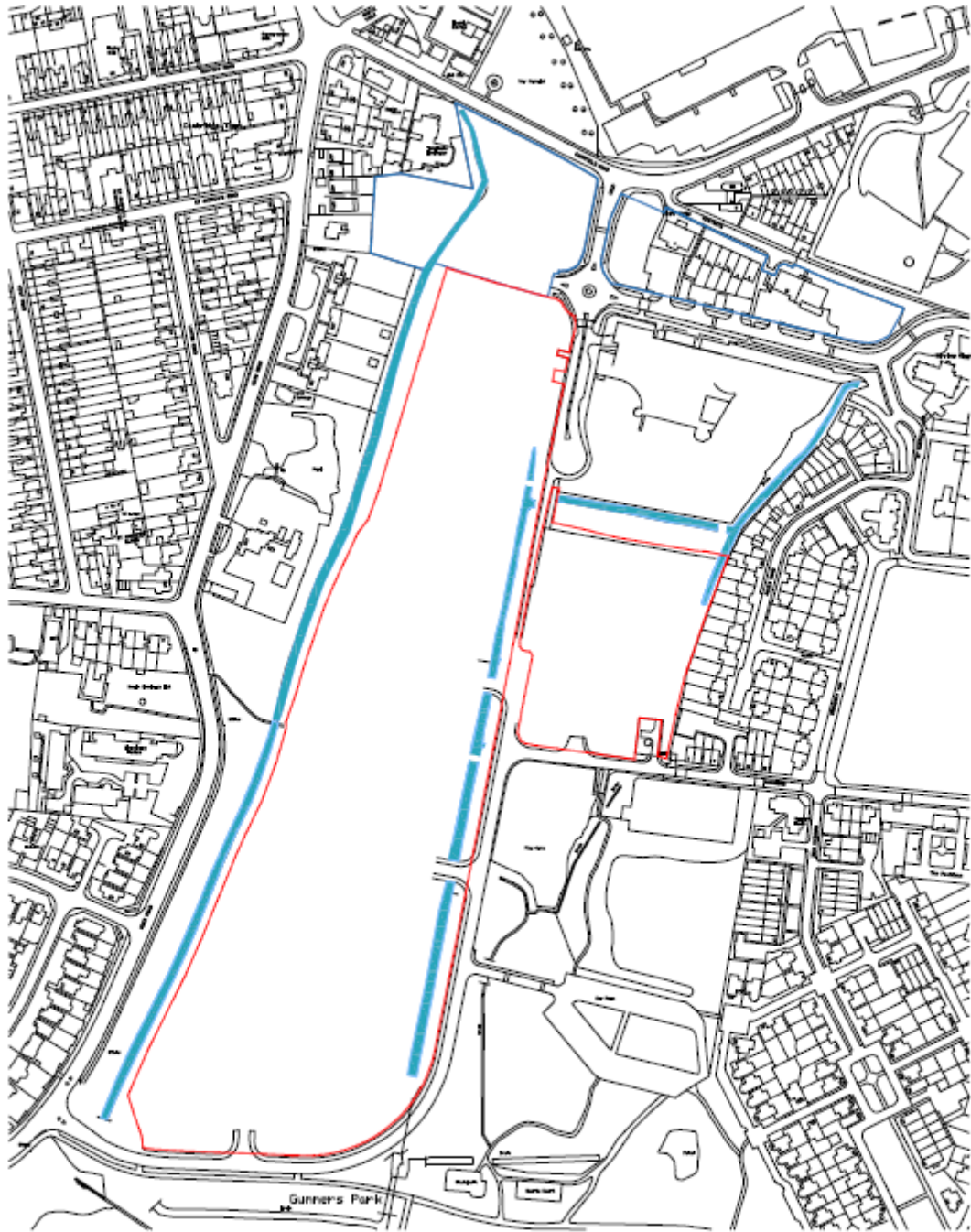
Class A1	Shops
Class A2	Financial and professional services
Class A3	Restaurants and cafes
Class A4	Drinking establishments
Class A5	Hot food takeaways
Class D1	Non-residential institutions
Class D2	Assembly and leisure

<b>Reference:</b>	20/01227/OUTM	<h1>4</h1>
<b>Application Type:</b>	Outline Application Major	
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Erect up to 214 residential units (Use Class C3), provision of a new health centre up to 1000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure, install vehicular access off Barge Pier Road, New Garrison Road and Magazine Road (Outline Application)	
<b>Address:</b>	Land Between Barge Pier Road and Ness Road, Shoeburyness	
<b>Applicant:</b>	Mr Paul Denney Wilkinson	
<b>Agent:</b>	Mrs Claire Wilkinson of Lanpro Services	
<b>Consultation Expiry:</b>	10th September 2020	
<b>Expiry Date:</b>	16th December 2020	
<b>Case Officer:</b>	Charlotte White	
<b>Plan Nos:</b>	<p><i>Plans</i></p> <p><b>032-S2-P502-B, 032-S2-P503-B, 032-S2-P504-B, 032-S2-P505-B, 032-S2-P506-B, 032-S2-P201-H, 032-S2-P403-E, 032-S2-P402-E, 032-S2-P401-D, 032-S2-P202-H, 032-S2-P501-B, 032-S2-P202-H, 032-S2-P200-H, 032-S2-P002-G, 032-S2-P001-C, 032-S2-P001-J, 032-S2-P003-H, 032-S2-P201-H, 032-S2-P203-H, 032-S2-P204-H, 2166-00-20-B</b></p> <p><i>Supporting Information</i></p> <p><b>Cover Letter Ref. 2166, Environmental Statement by Lanpro dated July 2020, Ardent, Hydraulic Modelling Note dated 10 October 2019 ref 195320-04, Hydraulic Modelling Note by Ardent dated September 2019 ref. 185320-02 Flood Risk Assessment by Ardent dated July 2020 ref. 185320-01B, Sitewide Landscape Strategy Dated July 2020 ref. 2166-30-02, Habitats Regulation Assessment by the Landscape Partnership dated July 2020 ref. E20841, Heritage Statement by Lanpro dated May 2020 ref. 2166, Landscape Visual Impact Assessment by Proworks dated July 2020 ref. 2166-60-01-B, Hydraulic Modelling Note by Ardent dated 09 March 2020 ref. 185320-06, Detailed Unexploded Ordnance Risk Assessment by MACC dated 11/05/2020 ref. 6503 v.1.0, Transport Statement by Intermodal Transport dated July</b></p>	

	<p><b>2020 ref. IT1971_TS_22.07.20_Issued, Statement of Community Involvement by Lanpro dated July 2020, Assessment of Potential Impacts on Sites of Special Scientific Interest by D F Clark Bionomique Ltd dated 16 June 2020 ref. DFCEP 3398, Sequential and Exceptions Tests by Lanpro dated June 2020, Health Impact Assessment by Lanpro dated June 2020, Preliminary Appraisal of Invertebrate Habitats by Colin Plant Associates dated 5 May 2020 ref. CPA-20133, Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment by Sue Slaven dated July 2020 ref. P0120/R01 Issue 3, Noise Assessment by Sharps Gayler LLP dated 23 July 2020, Preliminary Ecological Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCEP 2298-12, Arboricultural Impact Assessment by D F Clark Bionomique Ltd dated 27<sup>th</sup> July 2020 ref. DFCEP 3398, Breeding Bird Survey by D F Clark Bionomique Ltd dated 23 July 2020 ref DFCEP 3398, Botany Survey by D F Clark Bionomique Ltd ref. DFCEP 3398 dated 8 June 2020, Archaeological Desk-based Assessment by Lanpro dated June 2020, Air Quality Screening Assessment by WYG dated July 2020 ref. A117624, Daylight, Sunlight and Overshadowing Assessment by WYG dated July 2020 ref. A117624, Design and Access Statement by Stolon Studio dated 22 July 2020 rev. D, Proposed Foul, Surface water &amp; SuDS Drainage Strategy (2020) by Ardent dated July 2020 ref. 185320-07A, Hydraulic Modelling Note by Ardent dated 28 November 2019 ref, 185320-05, Flood Response Plan by Ardent dated July 2020, ref. 185320-08B, Botanical Survey Landscape Partnership dated 28<sup>th</sup> July 2020 ref. E20841, Bat Activity Survey Report by D F Clark Bionomique Ltd dated 16 July 2020 ref. DFCEP 3398, Great Crested Newt and Mammal Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCEP 3398, Planning Statement by Lanpro dated July 2020, Sustainability Statement by WYG dated July 2020 ref. A1182249, Travel Plan dated July 2020 ref. IT1971TPF_22.07.20_Issued, Bat Activity Survey Report dated 21<sup>st</sup> October 2020 ref. DFCEP 3398, Viability Report by Strutt and Parker dated 14<sup>th</sup> October 2020</b></p>
<p><b>Recommendation:</b></p>	<p><b>Members are recommended to <i>DELEGATE</i> to the Interim Director of Planning or Group Manager of Planning &amp; Building Control to <i>GRANT PLANNING PERMISSION</i> subject to <i>CONDITIONS</i> and the completion of a <i>PLANNING AGREEMENT</i> under section 106 of the Town and Country Planning Act 1990 (as amended)</b></p>



0. All access to be in accordance with relevant British standards and manufacturer's recommendations and specifications.  
 1. This drawing is the property of Stolen Studio Ltd, copyright reserved, and is not to be copied, reproduced, released or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolen Studio Ltd.  
 This drawing is produced based upon Survey information by others and Stolen Studio Ltd take no responsibility for the accuracy of the information.



Rev C, 22/07/2020 - Boundary amended	
Rev B, 06/07/2020 - Boundary & west path amendments	
Rev A, 27/05/2020 - Planning issue	
Stolen Studio Ltd   Kaelin Court   London SE23 1AA 020 3355 4932   mail@stolen.uk	
Drawing	Scale 1:2500 @ A2
Site & Location Plan	Date 27th April 2020
Project	Ref No 032-S2-P001
032 Shoeburyness	Rev C

## 1 Site and Surroundings

- 1.1 The application site consists of 2 parcels of land totalling some 8.51ha; the larger of the two is some 7.1 hectares and is located to the west of New Barge Pier Road and the smaller site is located to the east New Barge Pier Road and is some 1.4 hectares. The site is undeveloped, but there are existing access points into the site. The site is relatively flat lying at 1-3m AOD (Above Ordinance Datum). The larger part of the site is roughly rectangular in shape and is located to the south of a site that has recently been granted planning permission for the construction of a new food store (ref. 19/00834/FULM) which is currently under construction and to the east of dwellings in Ness Road. The land to the south of the site is undeveloped and known as Gunners Park. To the east of the site, is the smaller application site, as well as parks and Hinguar School, and there are residential dwellings beyond. The smaller part of the application site is located to the south of Hinguar School, to the north of the play area and adjacent to the rear gardens of dwellings in Ashes Road.
- 1.2 The wider surrounding area is mixed. To the west and east of the site it is predominately residential. The housing to the east of the site is relatively new and was developed as part of the Garrison redevelopment (ref. 00/00777/OUT). To the north of the site there are commercial uses whilst the land to the south is undeveloped and is subject to a number of European protection designations.
- 1.3 The Shoebury Garrison Conservation Area is located a minimum of some 120m to the east of the site; with the boundary running along Boundary Way, Magazine Road and St George's Lane. There are a number of listed buildings within the Conservation Area. The nearest listed buildings to the east of the application site include the Grade II listed buildings which comprise Blocks A to G at The Terraces and the Garrison Church of St Peter and St Paul. To the west, the closest listed buildings include the Grade II listed South Shoebury Hall Farmhouse and Garden House, with the Grade II\* Church of St Andrew beyond. There are also locally listed buildings to the west, including 135 Ness Road, 121 Ness Road and 109 Ness Road. To the north of the site is the Grade II listed Shoeburyness War Memorial. There is a Scheduled Monument to the east of the site: the 'Danish Camp' prehistoric settlement. There are no Tree Preservation Orders (TPOs) on the site.
- 1.4 The land to the south of both parts of the application site is allocated as 'Protected Green Space' with the land to the immediate south of the main part of the site also designated as a Local Wildlife Site (LWS), Site of Special Scientific Interest (SSSI) and Local Nature Reserve. Further south, this part of the Estuary constitutes a SSSI, Special Protection Area (SPA), RAMSAR and Local Nature Reserve.
- 1.5 The larger, western part of the site is bound by Barge Pier Ditch to the east and New Barge Pier Road to the south and by the River Shoe/flood alleviation ditch (C-X Ditch) to the west. There are no public rights of way on the site, however, there are two footpaths running through the site. The first runs north-south from New Barge Pier Road to Campfield Road along the western site boundary, which largely falls outside the site. The other runs east-west between Ness Road and Magazine Road.
- 1.6 The application site has no specific allocation within the Development Management Document Proposals Map. Within the Core Strategy Key Diagram, the general location of the application site is allocated as an Industrial/Employment Area. The Key Diagram also allocates the site to provide a primary care centre. According to the Environment Agency Flood Maps, the entire site is located within Flood Zone 3.

## 2 The Proposal

- 2.1 Outline planning permission is sought for a mixed development of up to 214 residential units (Use Class C3), the provision of a new health centre up to 1,000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure and to install vehicular accesses off Barge Pier Road, New Garrison Road and Magazine Road. The application also seeks approval of matters relating to access and landscaping with matters relating to appearance, layout and scale reserved for later consideration.
- 2.2 Whilst this proposal seeks to provide A1-A3 commercial uses and D1 health centre, it should be noted that from 1<sup>st</sup> September 2020, changes to the Use Class Order result in Classes A1/A2/A3 and D1 now falling within a new combined Class E. However, for any planning application submitted before 1 September 2020 (this application was submitted 29<sup>th</sup> July 2020), the Use Classes in effect when the application was submitted should be used to determine the application.
- 2.3 Whilst layout, scale and appearance are reserved matters for later consideration, both indicative and parameter plans have been submitted with the application. No weight is afforded to the indicative plans given the outline nature of the application. The parameter plans carry more weight as they indicate the parameters and limits of the development hereby sought and can be conditioned, should the application be recommended for approval.
- 2.4 The applicant states that the concept of the proposal is to create 4 distinct areas (called 'home zones') to provide 115 flats and 99 houses; a total of up to 214 residential units. The applicant states that it is also proposed to provide a 1,000sqm health centre (D1) and commercial spaces envisioned as a pharmacy and café (A1-A3). The applicant indicates that the development is intended to be set within a garden landscape, with the new dwellings developed to be environmentally friendly, sustainable, low-energy and resilient to flooding and climate change.
- 2.5 Details of the 4 'Home Zones'

#### *Home Zone 1*

- Located to the south of the site on western parcel of land.
- Largest home zone proposed in terms of area and has most dwellings proposed.
- Apartments facing the sea.
- 2x accesses: one from the south and one from the east (both from New Barge Pier Road).
- Scale: 2-5 storeys.
- 45 houses and 57 flats proposed.
- 204 parking spaces proposed.

#### *Home Zone 2:*

- Centre of the development on the western parcel of the site.
- Accessed from New Barge Pier Road.
- Mainly houses with 1x block of flats.
- Scale 2-4 storeys
- 34 houses and 12 flats proposed.
- 84 parking spaces proposed.

#### *Home Zone 3*

- Eastern part of the site.
- Accessed from new access off New Barge Pier Road.
- Mainly houses with 2x blocks of flats.
- Scale 2-4 storeys
- 20 houses and 20 flats proposed.
- 73 parking spaces proposed.

#### Home Zone 4

- Northern part of the site.
- Accessed from New Garrison Road.
- Mix uses – Health Centre Class (D1) and commercial (Class A1-A3) uses as well as residential flats.
- Includes a raised deck for safe refuge.
- Scale 3-4 storeys.
- 26 flats proposed.
- 44 residential parking spaces proposed and 94 non-residential parking spaces proposed.

#### Residential part of the proposal

2.6

The residential part of the proposal is for the provision of up to 214 dwellings, including 30% affordable units. Whilst layout, scale and appearance are reserved matters for later consideration, the indicative plans submitted and the information provided with the application states that the layout would comprise four residential ‘home zone’ areas. It is stated that each ‘home zone’ will define a different section of the site, with each zone having its own character and with each ‘home zone’ set atop a graded sloped landscape at +3.00m AOD up to +6.10m AOD. The information submitted states *‘Home Zone 1 is the largest of the four home zones covering approximately 1.8 ha and proposes some 102 residential units, resulting in a housing density of 57 dwellings per hectare (dph). Home Zone 2 covers 0.9 ha and will provide 46 residential units, resulting in a housing density of 51 dph. Home Zone 3 extends to 0.84 ha and consists of 40 residential units having a density of 50 dph; and Home Zone 4 covers a site area of 0.44 ha and proposes 26 residential units, resulting in a housing density of 59 dph. Overall, the average density is 53 dph.’* The Design and Access Statement confirms that the houses proposed will be a mixture of detached, semi-detached and terraced houses.

2.7

Whilst scale is a reserved matter, the heights and levels parameters plan provided indicates that each ‘home zone’ area will have buildings of varied heights, with the scale ranging from 2 storeys with a ridge height of some 14.9m Above Ordinance Datum (AOD) to up to 5 storeys with a ridge height of up to some 23.9m AOD. In this respect the information provided indicates that the majority of the houses proposed will be 2-3 storeys. The applicant states *‘Because the garage levels are located at 3.0m AOD the majority of the 3 storey houses are similar in height to those in the surrounding area, ridge heights of approx. 14m AOD compared to between 10m and 15.5m in the surrounding houses. Where the development meets the properties along Ashes Road...we have proposed cottage style homes which have lower eaves and ridge heights...The apartment blocks vary in height with ridge heights of between 14.0m and 23.9m. The tallest minority of the development are seen as an architectural celebration of the meeting with Gunners Park. However, the majority (70%) have a ridge height of less than 16.5m, which is comparable with the maximum ridge heights on Ness Road and blocks on Magazine Road.’* The Design and Access Statement indicates that ‘home zones’ 1 and 2 will have a higher number of town houses set over 3 storeys with garages and main entrances located at +3m AOD and the reception rooms at +6.5m AOD to provide direct access to the rear gardens. It is stated that most of the houses within the upper level would be 2 storeys and of a similar overall height to the town houses.

2.8 The following dwelling mix is proposed:

Unit Type	Home Zone 1	Home Zone 2	Home Zone 3	Home Zone 4	Total
<b>HOUSES</b>					
5-bed/6person	6	4	0	0	10
4-bed/5 person	6	6	8	0	20
3bed/4 person	30	21	9	0	60
2 bed/3 person	3	3	3	0	9
<b>TOTAL</b>	<b>45</b>	<b>34</b>	<b>20</b>	<b>0</b>	<b>99</b>

Unit Type	Home Zone 1	Home Zone 2	Home Zone 3	Home Zone 4	Total
<b>FLATS</b>					
4-bed/5 person	0	0	0	0	0
3-bed/5 person	25	0	6	10	41
2-bed/3 person	32	4	7	8	51
1 bed/2 person	0	8	7	8	23
<b>TOTAL</b>	<b>57</b>	<b>12</b>	<b>20</b>	<b>26</b>	<b>115</b>

### The Health Centre and Commercial Proposals

2.9 The submission indicates that up to 400sqm of commercial space (A1-A3 uses) will be provided to 'create a micro-hub...This will provide access to retail services for new residents...as well as enhancing accessibility to services for existing residents in the nearby areas.' It is also proposed to provide a NHS health centre (Class D1) of up to 1,000sqm within the northern 'home zone'. The indicative plans suggest that these parts of the proposal will be up to 4 storeys in scale.

### Access

2.10 Access is not a reserved matter and details have been submitted for full consideration as part of this outline application. The applicant states 'Access to the proposed development is to be taken at multiple points directly from Barge Pier Road, New Garrison Road, and Magazine Road. Access points are already established on Barge Pier Road with stubs lending themselves for the use of access into the site. A stub access from the roundabout on New Garrison Road is to be utilised to access the northern sections of the site, whilst the eastern detached part of the site will be accessed via an upgraded access on Magazine Road and stub end on Barge Pier Road.'

2.11 Pedestrian access to the site will utilise existing access points and pathways including the connection to Ness Road to the east of site. A formalised layout of paths across the site is proposed in the interest of encouraging pedestrian movement and site permeability...Encouragement will also be made to encourage cycle use through connection to the National Cycle Route 16 to the south of the site.'

### Parking

2.12 In terms of parking, the information submitted indicates *'The proposed development will provide parking spaces for cars and cycles in accordance with the Council's parking standards contained within Policy DM15 of the Development Management Documents (July 2015).'*

2.13 A total of 502 parking spaces are proposed across the site comprising of 210 spaces for flats, 198 spaces for houses, 16 spaces for the A1-A3 commercial uses and 78 spaces for the health centre.

Landscaping

2.14 Landscaping is not a reserved matter and details have been submitted for full consideration as part of this outline application.

2.15 In terms of public open space, the below is proposed:

Use	Provision within the development (hectares)
<b>Public open space</b>	
Parks and gardens	0.88
Amenity green space	1.80
Natural and semi-natural	1.57
<b>Play Space</b>	
Equipped play areas	0.04
Other outdoor provision	0.01
<b>Total open and play space</b>	4.3

2.16 The submission documents indicate that the *'overall landscape vision is to create a development within a parkland setting that feels 'green' and natureful and that creates a unique sense of place in addition to improving site-wide biodiversity. The landscaped setting to the development is fully publicly accessible and provides a network of walking and cycling paths play and picnic areas...The use of large scale trees tolerant of coastal conditions helps to integrate the development into its setting and provides a soft edge to the development...Extensive areas of meadow and ornamental planting help to present an attractive, biodiverse environment with a structured, well-defined and legible sequence of spaces.'*

2.17 The landscaping scheme includes green corridors between the the 'home zones' and includes Sustainable Urban Drainage (SuDS) features that are integrated into the landscaping. The scheme includes tree planting, areas for informal recreation as well as local play areas for children.

Environmental Impact Assessment (EIA)

2.18 Under reference 20/00310/RSE, the Council determined that the development constitutes Schedule 2 development as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The development includes more than 150 dwellings and the overall area of the development exceeds 5 hectares. The site is not located within a sensitive area but is located close to a number of European protection sites.

The Council therefore concluded that, taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors, the development would be likely to have significant effects on the environment pursuant to the Regulations. Therefore, it was concluded that an

EIA is necessary and an Environmental Statement, in line with the Regulations was required to be submitted with an application for the development.

- 2.19 In accordance with these conclusions, this application has been submitted with an Environmental Statement. The Council's scoping opinion issued under reference 20/00740/RSO considered that the Environmental Statement's three key topics should be water resources and flooding, ecology and nature conservation and cumulative impacts. The Council considered, further, concise and proportionate chapters should also be included in relation to heritage and archaeology, landscape character, ground conditions and contamination, and depending on the outcome and findings of the Transport Assessment, a separate chapter for Transport and Access could be required. In response to the scoping, the Council also determined that the following topics should be considered in a limited and proportionate way; health, air quality, noise and vibration, daylight, sunlight and overshadowing, lighting, climate change, impacts on public rights of way and socio-economic effects. It is considered that the Environmental Statement submitted adequately addresses the topics scoped in by the Council under reference 20/00740/RSO.

### 3 Relevant Planning History

- 3.1 The site has an extensive planning history. The most relevant planning history includes:
- 3.2 20/00740/RSO - Residential development of up to 250 dwellings and a health centre (class D1) vehicular access off Barge Pier Road and areas of open space and recreational areas and associated infrastructure. (Request for Scoping Opinion) – Scoping opinion issued.
- 3.3 20/00310/RSE – Residential development of up to 250 dwellings and a health centre, vehicular access off Barge Pier Road and associated new and enhanced open space comprising informal/natural greenspace. (Request for Screening Opinion) - Is EIA development and Environmental Statement required.
- 3.4 18/01975/FULM - Re-grading and retention of existing on-site spoil heap, erect 9 Commercial Units (Use Class B1/B8) with ancillary Trade Counter, 1 Retail Unit (unit 8) (Use Class A1) and 1 Unit (Use Class Sui Generis) for use as Vets (unit 1), layout Car Parking Spaces and Cycle Parking, construction of vehicular and pedestrian accesses from existing roundabout and layout soft landscaping – planning permission granted.
- 3.5 20/00823/BC3M - Temporary storage of soil at New Barge Pier Road – planning permission granted.
- 3.6 14/01495/BC3M - Temporary storage of soil and install wheel cleaning apparatus at New Barge Pier Road - planning permission granted.
- 3.7 12/01198/BC3M - Temporary storage of soil and install wheel cleaning apparatus at New Barge Pier Road - planning permission granted.
- 3.8 15/02053/OUTM - Erect 172 dwellinghouses and 14,130sqm of Offices (Class B1(a) and Health Centre (Class D1) (outline application) (Amended Proposal) – planning permission granted. *Reserved matters yet to be submitted. Reserved matters need to be submitted within 5 years of this permission (granted 27<sup>th</sup> April 2016).*
- 3.9 14/00566/OUTM - Erect 172 dwellinghouses and 15000sqm of Offices (Class B1) (outline application) – Withdrawn
- 3.10 10/01829/FULM - Erect three storey building for use as Primary Care Centre (Class D1)

incorporating entrance ramp with steps and balustrade to north boundary, lay out associated parking for 171 cars, 78 cycle spaces, ambulance bay and service yard, hard and soft landscaping, erect sub-station to east elevation and erect 1.1m high mesh fencing to boundary on land adjacent to Barge Pier Road – planning permission granted. *This permission is no longer extant.*

- 3.11 07/00366/FUL - Form access road from south of roundabout on Barge Pier Road; form flood alleviation ditch to east of Ness Road between Campfield Road and New Ness Road access – planning permission refused.
- 3.12 13/01743/RESM - Details of New Gunners Park infrastructure/facilities including children's play area, toddlers play area, wheeled sports and multi-use games area, tennis courts, car parks, footpaths/cycleways and historic military structures.(Approval of reserved matters following outline permission 00/00777/OUT granted on 06/02/2004) – Reserved matters approved.
- 3.13 06/00543/RES - Form wetland area/ balancing pond, new ditches and associated headwall structures, secondary flood defence bund with footway/ cycleway and associated works (approval of reserved matters following grant of outline planning permission SOS 00/00777/OUT dated 06/02/04 ) (retrospective) - Reserved matters approved.
- 3.14 00/00777/OUT - Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1);up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works (Outline) – planning permission granted on 6<sup>th</sup> February 2004. *The approved master plan, which covered a wider area than the current application site sought to use the current application site as a business park and for leisure purposes.*

#### Adjoining site to the north

- 3.15 19/00834/FULM - Remove existing spoil heap, erect retail food store and part culverting of existing drainage ditch, layout parking, hard and soft landscaping and associated access – planning permission granted.

## **4 Representation Summary**

### **4.1 Public Consultation**

339 neighbouring properties were consulted, 6 site notices were displayed and the application was advertised in the press. 11 letters of representation have been received which make the following summarised comments:

- Concerned that the development involves building on a flood plain and flooding concerns, including concerns relating to the levels of saturation at the site and the impact of climate change.
- Concerns health centre will not be built out. Suggest NHS doesn't want a health centre on a flood plain.
- Will result in additional cars on the roads which are already too busy and congested.
- No recent traffic survey has been undertaken. Concerns that the Transport Statement submitted is not correct, inaccurate and misleading.



- Safety concerns, including due to increase in numbers of road users close to a school and fear of accidents.
- Reliance on cars results in air pollution.
- Lack of employment in the area.
- Concerns local schools, the local doctor’s surgery, roads and the local infrastructure is insufficient and does not have sufficient capacity.
- Too many houses proposed. Overdevelopment.
- Concerns that the development will link New Barge Pier Road to New Garrison Road, creating a rat run *[Officer comment: This does not form part of the proposal.]*
- Concerns relating to the scale of the development – should be reduced to not exceed 2 storeys.
- Out of keeping and concerns relating to impact on Conservation Area.
- Concerns relating to the land raising and heights of the development creating an eye sore.
- Residential amenity concerns including overlooking of gardens, loss of privacy and loss of light.
- Loss of green space and loss and continued erosion of park. Should be left as a park.
- Increase in pollution.
- Impact on wildlife.
- Negatively impact wellbeing of current Shoeburyness residents.
- Litter.
- Residents objections not listened to.

These concerns are noted and they have been taken into account in the assessment of the application, but are not found to constitute reasons for refusal in the specific circumstances of this case.

**Committee Call In**

4.2 This application has been referred to committee by Cllr Ward.

**Housing**

4.3 There is a requirement for a minimum of 65 affordable units on site (30% of the units). The following dwelling mix is required for the affordable units:

	Flats				Houses					Grand Total
	1 Bed	2 Bed	3 Bed	Total	2 Bed	3 Bed	4 Bed	5 Bed	Total	
Scheme	23	51	41	115	9	60	20	10	99	214
Proposed AH										
<b>Required AH</b>	<b>12</b>	<b>14</b>	<b>9</b>	<b>35</b>	<b>17</b>	<b>11</b>	<b>2</b>	<b>0</b>	<b>30</b>	<b>65</b>

As indicated in the Development Management Document Policy DM7 we would request tenure mix of: - 60/40% (60% rented, 40% intermediate housing). The required tenure split is as follows:

Tenure	Count
Affordable Rent	39
Shared Ownership	26

**Highways Team**

4.4 *Highways Impact*

The applicant has supplied a robust transport statement which has incorporated the highway authority’s request to assess the extant and proposed development impact on the local highway network. TRICS data has been used to justify the trips rates used. The highway authority has

approved the trips rates used and agrees with the transport statement conclusions.

The applicant has demonstrated that the traffic impact is negligible when compared to the extant permission with an additional 8 trips in the AM peak with a reduction of 8 trips in the PM peak. This will not have a detrimental impact upon the local highway network.

There are no highway objections to the highways impact of the development.

#### *Highway Access*

Access to the development will be taken from existing junctions that are already formed. The design of the junctions are acceptable to accommodate the development traffic in terms of capacity and highway safety with no highway objections raised.

#### *Parking*

Parking for the entire development is policy compliant. The layout of all spaces ensures that vehicles can access and egress effectively. No highway objections raised.

#### *Site Location*

The site is located in a sustainable location with regard to public transport with good links in close proximity. National Cycle Route 16 is located on Ness Road providing links to Thorpe Bay, Southend, Westcliff and Leigh. The provision of secure cycle parking will provide residents and visitors to the development an alternative method of transport to and from the site.

#### *Travel Plan*

The Travel Plan is comprehensive. The applicant will be required to provide Travel Information Packs for future residents which should include incentives to encourage sustainable travel such as a free travel ticket for local services.

#### *S106*

Highways are requesting £30,000 contribution towards improving the junction of Ness Road and Campfield Road. This contribution will form part of a wider scheme to improve traffic flow within the area.

#### *Conclusion*

Given the above information and the comprehensive transport statement it is not considered the proposed development will have a detrimental impact on the local highway network therefore no highway objections are raised.

#### **Historic England**

- 4.5 Refer the Local Planning Authority (LPA) to published advice: *'The Setting of Heritage Assets 2<sup>nd</sup> Edition'* and suggest the LPA seeks advice from its specialist conservation and archaeological advisers.

#### **Parks (Landscaping)**

- 4.6 Initial queries regarding who will be responsible for the maintenance of the public open spaces and parks proposed. If the Parks team are not to adopt the open space and parks, details of the ongoing maintenance for all landscape elements will need to be provided. The Parks teams do not recommend that the public open space and play areas are adopted by the Council, however, the Council will need confirmation that they will be able to gain access across the site to maintain its land and infrastructure. Recommend a condition requiring the open spaces to

be retained and maintained in perpetuity.

## **Parks (Ecology)**

### 4.7 *Botanical Report*

Surveying was carried out in July which is considered an optimal time for grassland surveys.

- 10 notable species have been identified on site, 5 of which are Essex Red Listed and 2 of which are classed as 'nationally scarce'. This has led to the ecologists conclusion of the site being of importance at the district scale for its botanical interest, and the impact of unmitigated development on the habitat is 'Severe and Negative and considered to be Major Adverse'.
- The site is a diverse coastal grassland which cannot be satisfactorily mitigated.
- These results highlight the importance of the site for biodiversity, and that the development should seek to mitigate these impacts throughout the development site.
- Request the suggested mitigation measures be adhered to, as avoidance and botanical enhancement is not possible.

### *Breeding Bird Survey*

- The report highlights the importance of having qualified ecologists involved throughout development, as they will be required to carry out the recommendations.
- The Key Recommendations are necessary to prevent violation of the Wildlife and Countryside Act 1981.
- The Key Recommendations and Proposed Mitigation should be adhered to. These can be implemented across the development site.

### *Biodiversity Enhancement Measures*

- Recommended enhancements mentioned throughout all ecological reports should be included as part of the development. This will allow for an opportunity for the development to result in a biodiversity net gain, or at least no net loss.

### *Assessment of Potential Impacts on SSSIs*

- There should be no negative impact to any surrounding sites.
- It is important the mitigation measures recommended by D F Clark Bionomique Ltd in their report be followed.

### *Landscaping*

- We request a condition be made there be maintenance for 5 years after planting to ensure establishment of soft landscaping and there be replacement of any dead trees and plants.

### *Summary*

- We request condition/s be made to ensure adherence to recommendations and mitigation mentioned throughout ecological reports.

## **Essex Badger Group**

- 4.8 The development is of a size and nature that demands full environmental surveys, particularly as it lies adjacent to a body of water and Gunners Park where there is known to be much wildlife in an area suitable for a variety of creatures which has increasingly diminished as the development of the local area has proceeded in the past few years. A full badger habitat survey will need to be conducted by a professional ecologist to locate and explore any badger setts or activity in the proposed development area. The Essex Badger Group have badger surveys showing setts in the area up to a decade ago.

### Natural England

4.9

The development site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites through increased recreational pressure, either when considered 'alone' or in combination with other plans and projects.

No objection – subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within the scope of the Essex Coast RAMS. We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice. The mitigation should rule out an 'adverse effect on the integrity' of the European designated sites that are included within the Essex Coast RAMS for increased recreational disturbance. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate legally binding agreement, in order to ensure no adverse effect on integrity. Due to indexation the tariff has now increased to £125.58.

### Environmental Health Team

4.10

Observations:

- 1) The Air Quality Screening Assessment Report by WYG dated July 2020 has been reviewed and is acceptable with negligible impact.
- 2) The Noise Impact Assessment Report by Sharps Gayler Acoustic Consultant dated 23 /07/2020 has been reviewed and is acceptable and meets BS 8233; 2014 internal levels.
- 3) The Phase 1 Geo- Environmental Desk Study and Preliminary Risk Assessment by Enviro Check Report dated July 2020 has been reviewed. The report does not provide all the information as the southern sector of the site may be contaminated in relation to the intended use of the land after remediation, so that the site will not qualify as Contaminated under Part 2A Environmental Protection Act 1990. A Phase 2 Assessment will be required.
- 4) No Light Impact Assessment has been provided.
- 5) The Waste Management Strategy by Stolon Architects has been reviewed and is acceptable.
- 6) Construction Methodology: Adequate methods will be required.

Conditions are recommended relating to air quality, noise/odour impact, land contamination, light pollution, waste, refuse and recycling, construction method statement, control of dust nuisance during construction works, no waste burnt on site, dust management plan, lighting and hours of work.

### London Southend Airport

4.11

Max development height in this area is 161.46m AOD. All aspects of the development must comply with CAP168 and EASA regulations including lighting, landscaping and renewable energy sources.

*Officer comment: The agent has confirmed that the maximum height is circa 23.9m AOD (Above Ordinance Datum) in accordance with the Airport's requirements.*

### Anglian Water

- 4.12 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Informatives are recommended in this respect.

The development site is within 15m of a sewage pumping station which requires access for maintenance and will have sewage infrastructure leading to it and cannot be easily relocated. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station of the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

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

Used water network – the sewer system at present has available capacity for these flows. A number of informatives are recommended in this respect.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted.

#### **Design and Conservation Officer**

- 4.13 The proposal constitutes a significant development for this location which has a relatively low density. It is noted that the appearance of the development is a reserved matter however the indicative designs provided are crucial in demonstrating how a development of this density could be achieved on site.

Parameter Plans:

*Heights and Levels:*

- It is noted that the area denoted as being suitable for the highest 5 storey blocks is significantly larger than the two small 5 storey blocks shown on the masterplan. It is important that the development does not dominate the domestic scale of the surrounding area. The masterplan images show how this can be achieved but with only a very limited element of 5 storey development. This parameter plan would seem to suggest that a much larger element of 5 storeys would be acceptable. This has not been demonstrated in the masterplan. It would be beneficial for the parameter plan to be more representative of the heights on the masterplan.

*[Officer comment: This has since been amended.]*

*Access:*

- It is pleasing to see a range of interconnecting routes for pedestrians and cyclists which connect to the surrounding area. It is also noted that these correspond to the indicative landscape strategy and its intentions to provide an attractive 'parklike character' around the perimeter of the site.
- The intention for shared surface home zones within the smaller development parcels in the centre of the site should also provide a positive environment for pedestrians in these lower density areas.

- The proposed land use plan which locates the commercial development at the northern end close to the existing school and other retail uses in the area and residential areas to the south is considered to be a positive response to local context.
- The inclusion of play areas throughout the site is positive.

#### Masterplan and Indicative Design:

##### *Layout:*

- The layout, as depicted in the parameter and masterplan, splits the site into 4 development areas linked by landscaped open space which provides an opportunity for a series of character zones across the site adding interest and legibility to the development.
- The scale of the zones appears reasonable in relation to the grain of the wider area.
- The landscape context will provide a positive setting for the development and link into the wider parkland areas surrounding the site.

##### *Scale and Form:*

- The repeating shapes and forms unify the development across the accommodation types and varying scales and provide a strong sense of place.
- The contrasting roof pitches break up the form of the larger blocks into a finer grain and resulting in a more domestic character across the site.
- The site is located on a flood plain and this requires the habitable accommodation to be raised to a safe level which presents a design challenge. This has been dealt with by introducing a colonnade feature at ground level which provides space for non-habitable uses under the main living spaces. The detailing of this with regularly spaced wide brick columns gives the impression that the buildings are on stilts and seems to work well in this context which includes water features around the edge of the development.
- This arrangement has also had the effect of splitting the buildings horizontally into 3 distinct proportions - the stilted base, solid middle and varied roof planes. This adds variety and interest to the development and helps to offset the raised height of the buildings in the streetscene.
- The significant landscaping/ parkland around the development offset the lack of active frontage at ground level.
- Wrapping the raised central areas of each zone with the stilted buildings masks the change in ground levels providing a seamless transition of spaces. The level changes including access for vehicles and pedestrians, will need to be fully integrated into the design.
- The form of the development including regular stepping within the building footprints and pitched roofs creates a more domestic scale and helps the proposal, which includes a number of flatted bocks, to sit comfortably alongside the housing developments in the Garrison development and the residential area to the east.
  
- The repeated common elements between the character zones and different building typologies ensures that the development has a strong sense of place and appears cohesive which is positive.
- Overall, it is considered that this arrangement demonstrates that the scale and density proposed can be successfully achieved on this site provided the form and arrangement of the buildings are well considered.

##### *Materials and Detailing:*

- The materials and detailing are yet to be finalised, however the visual CGIs generally depict a high-quality scheme.
- The architecture repeats key elements, materials and is well-proportioned and

- positioned across a variety of footprints and heights to create attractive streetscenes.
- The proposal to provide an alternative but complementary design for the central home zone areas and commercial zone add interest and provide legibility to the development.
- The feature corner of the proposed health centre at the north east corner of the site works well as a focal point to the north of the site and will create a positive gateway with the Hinguar School Building.
- The colonnade design for the shopfronts provides a positive reference to the 'stilts' and reinforces the sense of place.
- Overall, the materials and detailing within the indicative design demonstrates a high-quality scheme.

#### *Landscaping and SUDS:*

- The scheme has a landscape setting which successfully incorporates the SuDS features, attractive pedestrian routes and space for play. This will help to embed the new development into the established character of the area including the Garrison itself which has a strong landscape component.
- It is noted that the historic Garrison buildings have a more formal arrangement of buildings and spaces than that proposed. It is noted however that Barge Pier Road forms a distinct separation between the site and the Garrison development and this provides some justification for a more fluid arrangement of development and spaces in this location. The introduction of some more formal spaces at key points within the development would however provide a positive link between the two sites. This could be achieved in the landscaping at key points and in the commercial area to the north where the buildings have a more regular arrangement.
- The use of avenues of large trees lining key routes will also be a positive link between these two areas.

#### *Landscape Visual Impact Assessment (LVIA) and Heritage Impact:*

- The LVIA demonstrates that, whilst the development will result in a significant change to viewpoints close to the site, its impact from the wider area, including from the conservation area will be very limited as the development would not break the skyline and would not be visible at all from most of the conservation area.
- It has therefore demonstrated that the proposal will not cause harm to the setting of the listed buildings in the Garrison.
- The LVIA also highlights that the proposed landscaping will have a significant softening impact on the buildings particularly once they become established including screening them almost completely in longer views.
- Outside the boundary of the conservation area the grade II listed experimental casements on the sea wall will have a clearer view of the development although this building is over 400m from the site. The landscaping proposals include the retention of existing trees and new large-scale tree planting around the south eastern corner of the site will be important to mitigate this impact of the development from this location.
- It is inevitable that any development on this site will have a significant impact on close views of the site. In this case the LVIA recognises that *'the variety of visual interest is created by the contrast achieved in various massing heights and angles of the roof line and set back of facades bringing a definite style, character and structure to the site'* and as such the impact of the development has been judged as having a beneficial impact in closer views. This seems reasonable provided the quality of the scheme is maintained. A scheme of a lower design quality would not be judged so favourably.

- It is noted that in addition to the designated heritage assets at the Garrison the proposal there are a number of heritage buildings to the east of the site including the grade II\* St Andrews Church, South Shoebury Hall which is grade II and closest to the site 135 Ness Road which is locally listed.
- The LVIA demonstrates that the proposal will be seen from Church Road outside St Andrews Church but only in the distance and will be screened by landscaping in due course.
- South Shoebury Hall, nearby to the south, is surrounded by existing buildings and is consequently very inward looking with no real views out to the surrounding area. Its setting is defined by the walled garden which would be unaffected by the development. The Council has previously granted permission for 6 new houses on the site of the locally listed building at 135 Ness Road which will provide a buffer to the site. These are currently under construction.
- There are also several locally listed building further north in Ness Road but these are more remote from the site and any views of the development will be significantly reduced by existing development.
- The submitted Heritage Statement concludes that *'Due to distance, as well as intervening modern development and landscape features, as well as the nature, arrangement and relative height of the proposed development within the study site the proposed development has a limited potential to unduly influence either the character and appearance of the Garrison Conservation Area or the contribution of setting to identified heritage assets. It is concluded that the introduction of carefully considered built form and landscaping to the study site can be introduced without significant harm to any identified designated or non-designated heritage assets. The level of harm has been assessed, and subject to detailed design, is likely to result in no harm to negligible (less than substantial) harm to the significance of these assets.'* This conclusion seems to be a reasonable assessment of the impact.

*Officer comment: The heights and levels parameter plan was amended during the course of the application to reduce the extent of the 5 storey element. The Design and Conservation Officer has confirmed that this is now acceptable.*

### **Environment Agency**

4.14

We have no objection to this planning application because the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line. The SMP policies are compatible with the policy proposed by the Thames Estuary 2100 (TE2100) strategy. This includes an aspiration to maintain the standard of protection, including taking into account the impacts of climate change.

You must assess whether you consider the development to be safe. Information from your SFRA regarding the SoP at Shoebury show that the site would be expected to flood in the present day tidal design flood event. Additionally, if the SMP and TE2100 policies are not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility.

### **Flood Risk:**

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be



supported by a site-specific Flood Risk Assessment (FRA).

#### Sequential and Exception Tests:

The requirement to apply the Sequential Test is set out in Paragraph 158 of the National Planning Policy Framework. The Exception Test is set out in paragraph 160. These tests are your responsibility and should be completed before the application is determined.

#### Flood Risk Assessment:

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 185320-01B and dated July 2020, are:

The FRA includes site specific 2D hydraulic modelling which we have reviewed previously and confirmed is fit for purpose

#### Actual Risk:

- The site is currently protected by flood defences with an effective crest level of 5.04m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.61m AOD. Therefore, the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event.
- If the TE2100 and SMP policies are not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.79m AOD, would overtop the existing defences

#### Residual Risk:

- Section 4.28 of the FRA explores the residual risk of a breach using their own site specific 2D modelling. The site could experience breach flood depths of up to 3.09 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 3.49 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2115).
- Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- All development on the ground floor is 'Less Vulnerable'. Finished ground floor levels have been proposed at a minimum of 3m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 6.09m AOD and therefore at risk of flooding by 3.09m depth in this event.
- Flood resilience/resistance measures have been proposed
- All 'More Vulnerable development is proposed above 6.50m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change.
- A Flood Evacuation Plan has been proposed

#### TE2100 Policy:

The TE2100 Plan was published in November 2012, setting out our recommendations for flood risk management for London and the Thames Estuary. This site is located within the Policy unit – Leigh Old Town & Southend-on-Sea unit, which has a policy of "P4". Policy P4 is "To take further action to keep up with climate and land use change so that flood risk does not increase."

The TE2100 Plan is an aspirational document, rather than a definitive policy, so whether the defences are raised in the future will be dependent on a cost benefit analysis and the required funding becoming available. If the defences are able to be raised, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change.

When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable.

#### Shoreline Management Plan:

The current defences protect this area against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response.

The Essex and South Suffolk Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105 for Shoebury Ness location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations.

When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at an unacceptable flood risk of internal flooding in the design event.

#### Guidance for Local Council:

##### Safety of Building – Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings.' Additional guidance can be found in our publication 'Prepare your property for flooding'.

##### Safety of inhabitants - Safety of Building:

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall-back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water.

##### Safety of Inhabitants – Emergency Flood Plan:

Our involvement with this development during an emergency will be limited to delivering flood

warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Partnership funding for new/upgraded defences:

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore, as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application.

Other Sources of Flooding:

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. You should ensure these risks are all considered fully before determining the application.

We have been contacted by a local group regarding this development, voicing their concerns about the possibility of flooding at this site. We received a letter related to the issue, which was accompanied by a number of photographs, these appeared to show surface water flooding at the site. Whilst we have explained that surface water flooding is not part of our remit, we take this opportunity to draw your attention to the concerns that were raised. We believe you should discuss this matter further with the Lead Local Flood Authority, to ensure that all sources of flooding at the site are considered.

### **Council's SuDS, Drainage and Flood Engineers**

4.15

Southend Borough Council as Coastal Protection Authority recommends that the application is approved subject to planning conditions requiring the construction to be in line with the recommendations of the Flood Risk Assessment submitted including that all ground levels are to be set to 3.0m AOD and 6.0m AOD, that all construction should conform to the Resistance and Resilience measures as identified in paragraphs 5.30, 5.31, 5.32 and 5.33 of the Flood Risk Assessment and that all domestic dwellings will have provision for refuge greater than the 0.1% Annual Exceedance Probability (AEP) plus climate change level of 6.5m AOD.

It is also requested that the applicant provides details of the wave conditions which have been used to calculate the overtopping events, the methodology used for calculating the overtopping volumes and the outputs of the overtopping volume calculations.

In terms of drainage proposals, the information provided for the SuDS/Drainage Strategy is deemed sufficient for this stage. There are several omissions, inconsistencies and additional information that will need to be addressed and submitted as part of conditions or reserved matters.

### **Strategic Planning Policy**

4.16

The Core Strategy sets out broad locations for employment growth and identifies Shoebury Garrison (phases 1 and 2) as a priority urban area, recognising that the area has potential to contribute to local employment objectives. Policy KP1: Spatial Strategy, outlines that Shoeburyness should be promoted as a place to live and work. The site is not however allocated. Nonetheless, its potential to accommodate a mixed-use development to provide

attractive places for people to live, and local jobs, is recognised.

The site has been promoted in the past for a mix of uses, including in Use Class B1. While the current scheme does not include B class uses, it does seek to provide a mix of uses to complement the proposed residential development which would generate some local jobs, namely a health centre and retail floorspace. The supporting Planning Statement draws reference to a number of relevant documents in regard to employment provision on the site, which form part of the Council's evidence base. In regard to this evidence, and the mix of uses being put forward as part of this proposed scheme, on balance there are no objections to the principle of these uses in this location, subject to satisfactory measures being implemented in terms of flood risk mitigation.

The provision of 214 residential units is welcomed, with a policy compliant provision of affordable housing being proposed. The scheme is proposed to comprise a mix of houses and flats, designated in home zones. The accommodation includes a strong provision for family sized accommodation, primarily focused on 3-bed/4 person units (a more diversified offer in terms of providing a mix of unit sizes may be beneficial). The site has been considered suitable for a mix of uses and the uses proposed as part of this application are likely to be complementary to one another as well as potentially providing facilities / services for existing residents.

### **Archaeology**

- 4.17 No objections raised subject to a condition requiring a watching brief to be undertaken. This is recommended as the site has low to moderate archaeological potential but there is not enough to warrant in-depth archaeological intervention. The watching brief should be carried out by a qualified archaeologist who will be on site to monitor all invasive groundwork until it is complete. If the watching brief identifies unexpected remains they may be important enough to require further archaeological intervention, which can be agreed if this arises.

### **Education**

- 4.18 The application falls within the primary catchment area of Hinguar (currently a small school) and secondary catchment area of Shoeburyness High School. As a mixed development all units would be counted for S106. The local primary and secondary schools have no capacity to accommodate this development at present. The secondary school may have potential for additional places. As this development would add to the numbers being planned for it, a S106 of £493,000.40 towards secondary education is required.

### **Shoebury Residents Association (summarised)**

- 4.19 Have received many comments relating to this application, mainly to do with flooding or the infrastructure including doctors, traffic, schools, etc.

Flood concerns:

- Most important consideration.
- Grade 3a flood zone.
- Concerns relating to impact on neighbours with regard to causing flooding elsewhere.
- Concerns regarding impact on water table.
- Concerns will impact chance of obtaining flood insurance.
- Concerns relating to protection offered by flood defences, breaches of flood defences and impact of global warming.
- Concerns relating to adequacy of Flood Risk Assessment (FRA) submitted, including that it doesn't include all flood events. Concerns that not all flood events have been recorded due to resource issues.

- Accountability concerns and queries.
- Storm drains are overloaded.
- Flood defences need to be built before any build.

Other issues:

- Infrastructure concerns including lack of doctors, school places and employment before proposed houses.
- Concerns that no public meeting will take place and concerns relating to submission during pandemic and impact it has on residents viewing and commenting on the application.
- Concerns relating to affordability of affordable housing.
- Residential amenity concerns.
- Concerns relating to outlook as a result of raised buildings.
- Overpowering.
- No evidence that health centre will actually be built.
- Lack of jobs for new residents in Shoebury, resulting in residents commuting out for jobs, causing more traffic problems.
- Highway safety concerns.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 National Housing Standards (2015)
- 5.4 Technical Housing Standards Policy Transition Statement (2015)
- 5.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision).
- 5.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.7 Design & Townscape Guide (2009)
- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.10 Waste Storage, Collection and Management Guide for New Developments (2019)

5.11 Shoebury Garrison Conservation Area Appraisal (2004)

**6 Planning Considerations**

6.1 The main considerations in relation to this application include the principle of the development, dwelling mix, flood risk and drainage, biodiversity considerations, design and impact on the character and appearance of the area and the nearby heritage assets, residential amenity implications, whether the development would provide suitable living conditions for future occupiers, highway, parking and traffic and transportation considerations, suitability, CIL and developer contributions. The planning history is a material consideration in the determination of this application.

**7 Appraisal**

**Principle of Development**

Principle of residential development and loss of employment land

7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

7.2 Paragraph 119 of the NPPF states *'Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.'*

7.3 Policy KP2 of the Core Strategy states that all new developments should *'...make the best use of previously developed land, ensuring that sites and buildings are put to best use...respect, conserve and enhance and where necessary adequately mitigate effects on the nature and historic environment...do not place a damaging burden on existing infrastructure...promote improved and sustainable modes of travel...secure improvements to the urban environment through quality design...respect the character and scale of the existing neighbourhood where appropriate...'*

7.4 Policy CP8 of the Core Strategy states *'Provision is made for 3,350 net additional dwellings between 2001 and 2011 and for 3,150 net additional dwellings between 2011 and 2021.'* Policy KP1 of the Core Strategy identified Shoeburyness as an area for appropriate regeneration and growth, identifying Shoeburyness as an area to secure an additional 1,500 jobs, and providing for 1,400 additional dwellings.

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

7.6 Within the original application for the mixed-use redevelopment of the wider Garrison area (reference 00/00777/OUTM) which was granted in 2004, the master plan sought to utilise the current application site as a business park and for leisure purposes. A subsequent application (reference 15/02053/OUTM) granted outline planning permission to develop the site (and the site immediately to the north of this application) site which has planning permission granted for

a food store) to provide 172 dwellings, 14,130sqm of office space and a health centre. The residential dwellings were proposed to the south and middle part of the site and included the smaller parcel of land to the east, with the employment uses further north and the health centre within the food store site.

- 7.7 As such, the principle of a residential led, mixed use scheme has previously been found acceptable on this site. The current proposal whilst maintaining the proposal for a health centre, no longer seeks to provide any employment uses, with only a relatively small (up to 400sqm) of retail (A1-A3 uses) now proposed. No B1 uses are proposed in the current scheme. It is noted that more recently planning permission was granted to use part of the site (the middle section of the larger, western part of site) for commercial uses comprising 9 B1/B8 uses, 1 A1 retail unit and 1 Sui Generis Use (vets) under reference 18/01975/FULM.
- 7.8 Whilst the site is identified as a part of a broad and general area for industrial/employment uses within the Core Strategy Key Diagram of 2007, the site was not specifically allocated for employment purposes in the Proposals Map of the Development Management Document of 2015. The Strategic Policy team has raised no objections in this respect and welcome the introduction of housing at this site. Planning permission has previously been granted for the provision of 172 dwelling units on this site (as discussed above), and the Core Strategy identifies Shoeburyness as an area for housing growth. It is also noted that the Council is unable to provide a 5-year housing supply. Furthermore, the NPPF (paragraphs 120 and 121) state *'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in the plan...prior to updating the plan, applications for alternative uses of the land should be supported, where the proposed use would contribute to meeting an unmet need or development in the area.'* Given all of these factors, the principle of developing the site for a residential led scheme is considered acceptable.
- 7.9 In terms of loss of employment, key policies include:
- 7.10 Policy CP1 of the Core Strategy states *'Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities.*
- Employment generating development should be located using a sequential approach in accordance with the spatial priorities and roles set out in Policies KP1 and CP2. Offices, retailing, leisure and other uses generating large numbers of people should be focussed in the town centre. Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.'*
- 7.11 Policy DM10 of the Development Management Document states *'Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace and jobs will be encouraged.'*
- 7.12 Policy DM11 of the Development Management Document states *'Major redevelopment proposals within the Employment Areas (Policy Table 8) should seek to make provision for a range of flexible unit sizes including accommodation that supports small and medium sized enterprises, where this is feasible, to ensure the needs of businesses are met in accordance with market signals. This should take account of the location and type of business proposed to ensure land is used efficiently. Where appropriate, incubator/seedbed centres and/or affordable workspaces will be sought. The Borough Council will support the retention,*

*enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8.* Table 8 identifies the Shoebury Garrison as an employment growth area, but the site is not specifically allocated for employment purposes within the Development Management Proposal's Map.

- 7.13 The Employment Land Review (2010) states at paragraph 3.50 'The Garrison Phase 1 currently has several new units available for rent, which are of good quality and should be retained for employment uses. Part of the remaining Garrison Phase 2 area has been promoted to the SHLAA (CON 111) for residential use. The Core Strategy suggests an indicative job number of 1,500 for Shoebury, which would require approximately 4.3 ha of the allocation...for the Garrison Phase 2 area (11.27ha). The Garrison Phase 2 is one of the few employment land opportunities within the urban area and its future use is dependent on demand assessments...Overall the Garrison Phase 2 should be protected for employment use...' This is reiterated within the preamble to Policy DM11 of the Development Management Document.
- 7.14 The site is identified in the Southend-on-Sea Housing and Employment Land Availability Assessment (HELAA) (2018) as an employment opportunity site. The HELAA states at paragraph 5.67 that *'The site is considered suitable for a mixed-use scheme and there is no further information to suggest this site will not come forward within the next five years.'* The HELAA goes on to state, *'...the Combined Forecast for Southend would still result in a negative land requirement overall, but largely as a result of opportunities to contract industrial land supply and deliver additional office accommodation. Given the restructuring of some of the Research and Development (R&D) section it may be that there is still a requirement for more 'hybrid' space which combines B1 uses as well as some B8 space...this type of development would potentially require a more office type environment than a traditional industrial estate...despite the projected over-supply of manufacturing floorspaces and land in quantitative terms, there may still be a deficiency in terms of the qualitative need for floorspace and land at a particular scale or format which is currently not well provisioned in Southend or the South Essex area. Whilst the forecasts identify a reduction in the requirement for B2 employment land in the projection period, this does not necessarily mean there is not a continued requirement for the full portfolio of existing employment sites or the development of certain potential employment sites, if they meet Southend's qualitative employment need.'*
- 7.15 In this respect, the Strategic planning policy team have noted that the mix of uses proposed would provide some employment opportunities, although not 'Class B' uses and conclude, having considered the evidence available that *'In regard to this evidence, and the mix of uses being put forward as part of this proposed scheme, on balance there are no objections to the principle of these uses in this location...'*
- 7.16 It is also noted that there has been a lack of demand for the existing B1 uses provided on the existing Garrison development. For example, planning permission was granted under reference 16/00889/FUL to change the use of the offices at Unit 6 New Garrison Road to 6x dwellinghouses. That application was submitted with supporting information which outlined that the site had been marketed for approximately 5 years with no commercial occupier secured. The eastern building, Unit 4 is also now occupied by a retail unit (Sainsbury's Local). It is also noted that land to west of Unit 4, which was originally promoted as a location for increased employment floorspace, has since been granted planning permission for residential development (5 terraced houses) under reference 17/01473/FUL. Land to the east of Unit 10 has also had planning permission for housing (4x dwellings) under reference 18/01355/FUL. In this respect, the information submitted with the application states *'The fact that this site has not been built out / occupied by employment uses suggests that the site is not located in an area desirable for such employment uses, or that the proposed unit types are not meeting demand.'*



- 7.17 It should also be noted that whilst not providing Class B employment uses, the site does also include the provision of commercial uses (Classes A1-A3) and a health centre which would provide some employment opportunities. In this respect, the information submitted with the application indicates that *'...the provision of a new health centre on the site would itself provide a level of skilled employment and will lead to the creation of 22 full time equivalent (FTE) jobs as well as the jobs created by the proposed retail uses, thereby making a contribution towards the delivery of new jobs in Shoeburyness.'*
- 7.18 The supporting information submitted with the application states *'...since 2004, when outline planning permission was granted on this site for a mix of uses, including employment, there has been very little demand for employment uses on the site despite marketing commercial uses for circa 10 years since the applicant has owned the site and nothing has been forthcoming other than Lidl.'*
- 7.19 On balance, taken in the round, given that the NPPF advocates flexibility in cases of this nature, given that the employment use allocation was chosen to be omitted from the Development Management Document, given the planning history of the site, which has already permitted a residential led, mixed use scheme including 172 units on the site and given the supporting information provided and the evidence of surrounding commercial units lacking demand, it is considered that the loss of the employment land is acceptable in this instance. It is also noted that there is an increased requirement for housing provision within the Borough and the Council's Strategic Planning Policy team has raised no objection to the principle of residential units on this site, nor the loss of the site for Class B employment purposes. The development is therefore acceptable on this basis.

#### Principle of Health Care Facility

- 7.20 In terms of the proposal for a new NHS health centre of up to 1,000sqm, the information included within the Health Impact Assessment submitted states *'The existing provision of GP and dental surgeries, opticians and pharmacies in an accessible range of the proposed development is good. However, the number of registered patients per GP has recently risen to almost 2,100 in England according to new official figures and this is demonstrated by all of the 8 GP surgeries within a 2 mile radius of the site. GP's have warned that for each extra patient over 2,000 patients per GP, quality of care declines. There is therefore an identified need for more GP's in the area and one of the key benefits of the proposal in terms of accessibility to services for the local community will be the provision of a new NHS Health Centre (subject to a provider coming forward), which will also provide a new facility for future occupiers of the site...'* The report also recognises that all of the GP surgeries within a 2 mile radius are currently accepting new patients.
- 7.21 The Core Strategy Key Diagram identifies the site as a location for a primary care centre, although it is noted that this allocation was not carried forward in the Development Management Document Proposals Map. In this respect, Policy CP6 of the Core Strategy states development proposals must contribute *'...providing for health and social care facilities in particular supporting the strategic services development plan of the Primary Care Trust...This is will include the establishment of Primary Care Centres at Leigh, Eastwood, Westcliff, Central Southend, Southchurch and Shoeburyness.'*
- 7.22 It is also noted that no objection was previously raised to the principle of a health centre within the wider Garrison Phase II development site under reference 15/02053/OUTM. Prior to that planning permission was also granted to erect a three-storey primary care centre under reference 10/01829/FULM. This permission is no longer extant.

7.23 As such, the proposal to provide a health centre on the site is acceptable and policy compliant.

Principle of Retail

7.24 The up to 400sqm of retail (Classes A1-A3) uses proposed does not require the submission of a retail impact assessment under national and local policy. The information submitted with the application indicates that the proposed A1, A2 or A3 uses *‘...will be provided to create a retail micro-hub along with the approved supermarket located to the immediate north of the site. This will provide access to retail services for new residents in the proposed site as well as enhancing accessibility to services for existing residents in the nearby areas.’*

7.25 Paragraph 86 of the NPPF states *‘Local Planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.’*

7.26 Whilst the applicant has not specifically demonstrated that there are no alternative sites suitable for the main town centre uses proposed within the town centre or an edge of centre location, however, given the relatively limited scale of the A1-A3 uses proposed, the limited current retail offer in the immediate locality and the additional footfall which arises both from recent and the currently proposed residential development in the locality, it is considered that the retail element would not materially harm the vitality of the main Town Centres in the Borough. Previously, under reference 18/01975/FULM, a small element of retail (A1 sandwich shop and a sui generis veterinary practice) was also found acceptable. The 400sqm of A1-A3 uses will also provide an important element of employment at the site.

7.27 As such, the development is considered acceptable and policy compliant in this respect.

**Dwelling Mix**

7.28 Policy DM7 of the Development Management Document states *‘All major residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, where feasible, to reflect the Borough’s housing need and housing demand.’* Policy DM7 sets out the preferred dwelling mix for developments within the Borough, as follows:

Market Housing

Dwelling size: No. of Bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	9%	22%	49%	20%

Affordable Housing

Dwelling size: No. of Bedrooms	1-bed	2-bed	3-bed	4-bed
-----------------------------------	-------	-------	-------	-------

Proportion of dwellings	16%	43%	37%	4%
-------------------------	-----	-----	-----	----

- 7.29 The proposal seeks to provide the following dwelling mix, as shown within the accommodation schedule submitted:

Dwelling size: No. of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (market)	9%	20%	51%	20%
Proportion of dwellings (affordable)	15%	45%	38%	2%

- 7.30 As such, the dwelling mix proposed is considered to reflect the requirements as set out in Policy DM7 including a significant proportion of family sized units, for which there is a particular, identified need for within the Borough. The dwelling mix proposed is therefore considered acceptable and policy compliant.

### Flood Risk and Drainage

- 7.31 Paragraph 155 of the NPPF states that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

- 7.32 Paragraph 157 of the NPPF states *'All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.'*

*They should do this, and manage any residual risk, by applying the sequential test and then, if necessary, the exception test...'*

- 7.33 Policy KP1 of Core Strategy states that all development proposals within flood risk zones *"shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk"*. It is also noted that *"development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options."*

- 7.34 The information submitted with the application identifies that the southernmost part of the site is located some 400m from the River Thames Estuary. Barge Pier Ditch runs along the eastern side of the larger part of the site adjacent to New Barge Pier Road which discharges into the Thames Estuary. Barge Pier Ditch, in conjunction with the balancing ponds within the wetland area to the north of the secondary flood defence bund, temporarily stores surface water runoff from the whole Garrison site when the outfall is tide locked. As tidal levels drop, surface water runoff from the site is discharged through the outfalls at Gogs Berth.

- 7.35 The River Shoe/Flood Alleviation Ditch/Ditch C-X runs close to the western boundary of the site, parallel to Ness Road. The ditch conveys runoff from the urban catchment to the north of the site in a southerly direction before discharging into Barge Pier Ditch to the south of the flood defence bund.

7.36 Flood defences are present in the vicinity of the site, which are owned and operated by Southend Borough Council. The levels of the defences range from 6.00m AOD south of the site to a low of 5.04m AOD to the west. The information submitted with the application indicates that at its nearest point, the extreme sea levels would be 4.64m AOD for the 1 in 200 year extreme sea level event and 5.05m AOD for the 1 in 1000 year extreme sea level. As such, the application site is currently protected by tidal flood defences.

7.37 The application has been submitted with a site-specific Flood Risk Assessment (FRA) which confirms that the site is located in flood zone 3; high probability of flooding (less than 1.0% AEP (Annual Exceedance Probability) from fluvial flooding and less than 0.5% AEP from tidal flooding). The FRA, notes however, that it does not take account of the existing flood defences.

7.38 As the development is located within Flood Zone 3 and as the proposed residential development constitutes a 'more vulnerable' development, the proposal is required to satisfy the sequential and exception tests.

#### Sequential Test

7.39 Paragraph 158 of the NPPF states *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'*

7.40 The application has been submitted with a sequential test report which considers whether there are any alternative, available sites, or combination of sites in the Shoeburyness area with a lower probability of flooding which could accommodate the proposed development within the same timeframes. The sequential test has considered a number of alternative sites within Shoeburyness, including those identified by the HEELA (2018) but concludes *'that there are no reasonably available sites in the Shoeburyness area with a lower probability of flooding, which would support this site of development within the timeframe proposed.'*

7.41 Given the information submitted, it is therefore considered that the development passes the sequential test. Whilst the sequential test has only considered alternative sites within the Shoeburyness area, this was the stance taken within the 2015 extant permission and it is also noted that Policy KP1 of the Core Strategy states that *'appropriate regeneration and growth will be focused in the following locations...Shoeburyness – to promote the role of Shoeburyness as a place to live and work, led by the successful redevelopment of Shoebury Garrison, regeneration of local shopping centres and existing industrial estates to secure an addition 1,500 jobs and providing for 1,400 additional dwellings...'* The Core Strategy is clear therefore, that whilst Southend Town Centre and the Central Area is the primary focus for regeneration and growth there is an expectation that additional regeneration and growth will be concentrated in Shoeburyness. As such, it is considered appropriate, in this instance that the Sequential Test has considered Shoeburyness in isolation. It is considered that the development passes the Sequential Test in this respect.

#### Exceptions Test

7.42 Paragraphs 159 and 160 of the NPPF states *'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied...The application of the exceptions test should be informed by a...site-specific flood risk assessment...For the exception test to be passed it should be demonstrated that:*

- A) *The development would provide wider sustainability benefits to the community that outweigh flood risk; and*
- B) *The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

7.43 In terms of part (a) of the Exceptions Test, the application has been submitted with a Sustainability Assessment which indicates that the development has been designed to include the principles of sustainable design, incorporates the principles of energy efficiency, aims to optimise the use of the land without over-intensification, provides outside spaces and landscaping and encourages sustainable transport options.

7.44 The Exceptions Test Report submitted with this application identifies a number of social (e.g. site close to GP surgery, primary school and open spaces, public realm and open space provisions and provision of affordable housing), environmental (e.g. SuDS, open space and renewable energy) and economic benefits (e.g. provision of a health centre, commercial uses that generate employment and dwellings which allow for home working) which result from the development.

7.45 Given the benefits of the proposal which would provide wider sustainability benefits to the community, it is considered that the proposal satisfies the requirements of part (a) of the Exceptions test.

7.46 In terms of part (b) of the exceptions test, the application has been submitted with a FRA, Drainage Strategy, Flood Modelling Report and Flood Response Plan.

7.47 The site-specific FRA submitted states *'It is proposed that as a minimum finished floor levels for the blocks of flats will be as follows: the undercroft car park will be set at a level of 3.0m AOD. First floor level will comprise living and sleeping accommodation and be set at a minimum level of 6.50m AOD.*

*This is above the 1000 year climate change flood level of 6.49m AOD. This ensures that refuge is provided above the extreme flood event whilst allowing the undercroft car park to flood and therefore minimise the loss of floodplain. The townhouses are proposed to be constructed in a similar way with access, garages and utility room at ground floor set at 3.0m AOD. However, living and sleeping accommodation will be on first floor and finished floor levels set at a minimum level of 6.50m AOD to address the residual flood risk associated with the 1 in 1000 year plus climate change threshold.'*

7.48 The FRA states that due to the depth of flood water during the 1 in 200 year climate change breach and overtopping event, flood resilient and resistant measures have been proposed to minimise flood impact and facilitate a quicker recovery time for the commercial spaces within home zone 4 and the undercroft parking areas. The FRA also states that during the 1 in 200 year climate change breach scenario, safe access and egress can be afforded to the site along New Garrison Road, New Barge Pier Road and Magazine Road to the north and east with safe refuge also afforded by the proposed development.

7.49 The FRA therefore concludes that *'the proposed development will not increase flood risk offsite whilst remaining safe for the lifetime of the development. '*

7.50 In terms of the breach analysis, the modelling indicates that the worst case scenario occurs with a breach to the south west of the site, whereby flood waters would convey along Ness Road to the west of the site, with flood waters entering the site just north of the junction between Barge Pier Road and Ness Road. Water then travels along the flood alleviation ditch in a northerly direction to the west of the site, before inundating the site. The mechanism of flooding

is the same for both pre and post development scenarios. The time to inundation on site would take 1.25 hours to reach the site and a further 1 hour 30 minutes to reach maximum depths of 6.09m AOD and 6.49m AOD for the 1 in 200 year and 1 in 1000 year plus climate change events respectively. The raised development platforms mean that the houses are elevated above the residual flood risk with the undercroft car park and uninhabitable ground floor levels able to flood ensuring flood plain storage is maintained.

7.51 The Flood Response plan submitted similarly concludes that although the site is protected from the 0.1% plus climate change event, an assessment of the residual risk (based on a theoretical failure of the flood defences) indicates that the site would be at risk of flooding as a result of a breach for a 1 in 200 year and 1 in 1000 year modelled scenarios (including climate change).

The recommendations included within the Flood Response Plan include:

- 7.52
- Households and commercial premises register with Environment Agency's Floodline service
  - In the event of a breach the Flood Response Plan is to be implemented which shows safe access and egress routes from the site. Residential units have safe refuge above predicted flood levels with occupants and residential accommodation able to stay safe and dry.
  - Flood emergency kits should be stored at all residential and commercial units.
  - Structures constructed to withstand the force of predicted flood levels and velocities.
  - Occupants to be made aware when flood warnings are in place.
  - Residents and site managers to liaise with Southend-on-Sea's Emergency Planners, the EA and emergency services.
  - Flood Response Plan regularly reviewed.

7.53 The Environment Agency (EA) has raised no objection to the proposed development because the site is currently defended and the Shoreline Management Plan (SMP) policy and the Thames Estuary (TE2100) strategy have aspirations to maintain this standard of protection, including taking into account the impacts of climate change. The Environment Agency does comment however, that Southend Borough Council must be satisfied that the development is safe. In terms of actual risk, the EA confirm that the site is currently protected by flood defences with an effective crest level of 5.04m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.61m AOD. Therefore, the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The EA also points out however, that if the TE2100 and SMP policies are not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.79m AOD would overtop the existing defences.

7.54 In terms of residual risk, the EA comments that all ground floor development is 'less vulnerable' and would be at risk of flooding by 3.09m during the 0.5% (1 in 200) annual probability including climate change flood event. However, all 'more vulnerable' development is proposed above the 6.50m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change.

7.55 The application has also been submitted with hydraulic modelling which concludes '*The hydraulic model and results...demonstrate that there is a de minimis impact on overall flood risk between the pre and post development scenarios across the study area for all modelled flood events. The proposed mitigation measures...are appropriate in making the development site safe for the duration of its lifetime.*' In this respect, the EA has confirmed that the site-

specific hydraulic modelling undertaken is fit for purpose.

7.56 The Council's SuDS, Flooding and Drainage Engineers have also reviewed the application and the documents submitted and recommend that the application is approved, subject to conditions. Subject to the imposition of those conditions and given the advice of the EA and the Council's Engineers, it is considered that the development would be safe for its lifetime and would not increase flood risk elsewhere. It is therefore considered that the development passes part (b) of the Exceptions Test.

7.57 Subject to conditions, the development is acceptable and policy compliant in the above regards.

#### Surface water flooding

7.58 The information submitted with the application confirms that the EA Flood Risk Maps show that the site is at low risk (between 0.1% and 1% annual probability) of surface water flooding. The proposal includes Sustainable Urban Drainage Systems (SuDS) and the information submitted with the application indicates that *'The peak discharge rate from the site will be reduced to the equivalent Greenfield rates...'* SuDS features include permeable paving, detention basins and swales to mimic the baseline scenario.

7.59 The application has been submitted with a foul, surface water and SuDS Drainage Strategy which states that *'the proposed surface water drainage strategy will discharge surface water from the proposed residential development into Barge Pier Ditch, at the most appropriate location to the respective 'Home Zone' at Greenfield rates...The proposed drainage strategy will utilise a combination of traditional pipework in coordination with the permeable paving, swales and detention basins to provide sufficient storage to accommodate the 1 in 100 year including 40% climate change rainfall event. The MicroDrainage modelling shows that there is no flooding on the site for the 1 in 100 year including 40% climate change rainfall event.'*

The submitted report concludes *'Therefore, implementing variable greenfield runoff rates within the proposed development in addition to the significant reduction in impermeable area over what was originally proposed, the existing on-site surface water system has sufficient capacity to cater for the proposed development.'*

7.60 In respect to surface water drainage proposals, the Council's SuDS, Drainage and Flooding Engineers have concluded that the SuDS and Drainage Strategy is sufficient for this stage of the development and accords with the drainage design checklist for outline applications. Subject to the imposition of appropriate conditions requiring further details to be submitted at a later date, the Engineers raise no objection to the proposal. Subject to such conditions, the development is considered acceptable and policy compliant in this respect.

7.61 In terms of foul water drainage, the information submitted indicates that there is sufficient capacity within the existing network. This has been confirmed by Anglian Water.

7.62 The information submitted demonstrates that the development would not increase flood risk elsewhere and that the development would be safe for its lifetime. The EA and the Council's Engineers have raised no objections to the proposal, subject to conditions. Subject to conditions, the development is therefore acceptable and policy compliant in the above regards.

#### **Ecology**

7.63 Paragraph 170 of the NPPF states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic*

*character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...'*

7.64 Paragraph 175 of the NPPF states *'When determining planning applications, local planning authorities should apply the following principles...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

7.65 The site consists of semi-improved natural grasslands, a system of drainage ditches, marginal vegetation around standing water, bare ground and soil bunds.

7.66 The site is not subject to any statutory designations, but is located close to the Benfleet and Southend Marshes SSSI, SPA, RAMSAR, Foulness SPA, Foulness RAMSAR and SSSI, Essex Estuaries SAC, Southend-on-Sea Foreshore Local Nature Reserve and is located to the north of the Shoeburyness Old Ranges Local Nature Reserve. The Foulness SSSI and Shoeburyness Old Ranges Local Nature Reserve is located approximately 130m south of the application site at its closest point and the Benfleet and Southend Marshes SSSI is located approximately 320m south at its closest point. The SPAs are designated for their wintering birds and the RAMSAR/SAC sites are also designed for vegetation types.

7.67 The Environmental Statement submitted concludes that the development would have a neutral impact on the SSSIs, a neutral impact on the Local Nature Reserves, a neutral impact on the Local Wildlife sites and by virtue of resulting in an increase in public use of the Shoebury Lake and Grassland Local Wildlife Site the development would meet the Local Wildlife Site (LWS) rationale of allowing the public to experience the habitats here without causing damage to the more fragile areas such as the Old Shoebury Ranges local nature reserve and SSSI. The ES therefore concludes that the impact to the Shoebury Lake and Grasslands LWS would be 'minor beneficial'.

7.68 A Preliminary Ecological Appraisal Report has been submitted which states *'The site supports an exceptional population of common lizards. A translocation effort, which began in 2018 is underway to remove the population to an off-site receptor site. Two off-site ponds have the potential for great-crested newts and three off-site trees feature bat roosting potential. The drainage ditch system has the potential for otters and water voles. The site has limited potential for ground nesting birds, but it provides some foraging opportunities. The habitat off-site has potential to support birds for which the European sites of importance are designated for. The soil bunds have the potential for badgers to make their setts; a large mammal burrow was observed during the walkover. The site does not have the potential to support hazel dormice or white-clawed crayfish.'*

7.69 The report recommends that 3 seasonal bat activity surveys are undertaken; one in spring, one in summer and one in Autumn. The report states that the reptile translocation effort is ongoing in the south of the site. The grassland in the remaining areas are undergoing a strimming regime to keep sward level at ground level. This should continue and the existing reptile exclusion fencing should be maintained. The report recommends that breeding bird surveys and otter and water vole surveys are undertaken and that a badger survey is undertaken. The



report also recommends that a construction environmental method statement is developed prior to the construction phase to minimise the risk of adverse effects on protected species, retained habitats and designated sites which should include details of noise, changes to water table, changes to air quality and dust emissions. In terms of soft landscaping the report recommends that mature trees are retained where possible and protected during construction, that climbers are planted on trellis/fences to increase space for wildlife, and that where non-native species are to be included within the soft landscaping scheme, these are chosen for their wildlife benefits.

### Bats

7.70 The application has been submitted with a bat activity report which is described as an interim report as to date only 2 of the 3 bat activity surveys required have been undertaken; one in Spring on 27<sup>th</sup> May 2020, and one in summer on 6<sup>th</sup> July 2020 with the autumn survey pending. The spring survey recorded a low level of bat activity over the site with the majority of the calls recorded from common pipistrelles with foraging activity observed in the south and south-eastern corners of the site. One soprano pipistrelle was also detected. The summer survey primarily recorded common pipistrelle foraging activity, with bats observed to the south of the site. Some Leisler's bat activity was also recorded to the north of the site toward the end of the survey. Given the findings of the surveys, the report does not recommend any mitigation. The report does, however, recommend a number of enhancements including bat tubes installed in the brickwork, bat boxes, use of bitumen felt roof lining, lighting should be directed downwards to where it is needed and climbers should be attached to trellis and external walls. These requirements could be secured via standard planning conditions.

7.71 During the course of the application, the third bat activity survey (autumn survey) was conducted (22<sup>nd</sup> September 2020) and a new bat survey report submitted. This report concludes *'Overall, there was a low level of bat activity largely localised to the south of the site around the drainage ditch. The drainage ditch provides the most significant on-site ecological feature for foraging bats and is to be retained as part of the current proposals. Therefore, the works are not expected to significantly impact on bat foraging opportunities...The conclusions drawn from the activity surveys are in keeping with the conclusions given in the Environmental Statement...The minor loss of any foraging opportunities are mitigated for and enhanced by measures detailed in the Environmental Statement.'* The ES concludes that the proposed new SuDS ponds and proposed greenspace will create additional high-quality foraging habitat to replace that lost to the development. A condition is needed to ensure the ditch corridors are not illuminated via light spill or external lighting.

7.72 Subject to conditions the development is acceptable and policy compliant and no objection is raised on this basis.

### Breeding Birds

7.73 The application has been submitted with a breeding bird survey. Surveys were carried out on 14<sup>th</sup>, 22<sup>nd</sup> and 29<sup>th</sup> May 2020. A total of 27 species of birds were identified on site, but none were confirmed to be breeding. 8 were found to be probable breeders and 6 were found to be possible breeders. Species found to be possible breeders included the Cetti's warbler, which were heard calling in the woodland off site, adjacent to the western drainage ditch. This species is listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The report makes a number of recommendations to minimise the impact on these species, including that any work within 15m of the drainage ditches between March and September (inclusive) must not be undertaken without prior consultation with a suitable ecologist and that the cutting of

grass in the southern sections of the site is undertaken outside of March to September (inclusive) to avoid ground nesting birds. Other recommendations include green roof designs, artificial nest boxes to be provided and soft planting to provide a variety of the grassland areas, shrubs and trees to provide shelter, nesting and foraging opportunities. It is apparent from the Site Wide Landscape Strategy submitted that the landscaping proposed has been selected to provide biodiversity benefits. It is also noted, that as outlined in the Environmental Statement submitted, there is no evidence to suggest that wildfowl and waders use the site itself. Overall, the reduction in nesting opportunities as a consequence of the removal of a small amount of bushes and one small tree are mitigated by the large number of trees and shrubs that are proposed to be planted on site which will provide significantly more nesting opportunities than exist at present. Subject to conditions, it is therefore considered that the development is acceptable and policy compliant in this respect. It is also noted that the Council's Parks team have raised no objection to the proposal, subject to the development being undertaken in accordance with the recommendations and mitigation outlined in the submitted reports.

#### Great Crested Newts (GCN) and Mammals, including badgers

- 7.74 The application has been submitted with a Great Crested Newt (GCN) and Mammal Report which confirms that a GCN survey, otter survey, two water vole surveys and a badger survey have been carried out. During a walkover in April 2020, habitats found in the drainage ditches running along the borders of the site were found to be suitable for water voles and otters. Soil bunds were found to be suitable for badgers, three ponds were noted within 250m of the site, and the GCN survey found the ponds to be 'good', 'below average' and of 'poor' suitability. However, the GCN survey returned negative results for the 2 ponds with GCN suitability, indicating that GCNs were unlikely to be present within these waterbodies. No signs of otters or water voles were observed during the survey.
- No signs of badger activity were seen during the badger survey. A total of 5 large mammal burrows, likely to be fox, were recorded in a soil bund. The report recommends that the site incorporates planting which would benefit these species. It is apparent from the Site Wide Landscape Strategy submitted that the landscaping proposed has been selected to provide biodiversity benefits. The development is therefore considered acceptable and policy compliant in this respect.

- 7.75 A number of mitigation measures are proposed within the Environmental Statement submitted, including trenches to be filled in prior to the end of each working day or a plank left between the base of the trench and the surface so that animals falling in can escape, pipework closed at the end of the day to prevent badgers and other animals becoming trapped and internal site fencing, including garden fencing to include gaps at the base of fences to provide hedgehog access post-development, alternatively hedgehog friendly gravel boards could be installed. Hedgehog signs to be installed at each gap to inform residents of their requirement. These measures can be secured via planning conditions.

#### Invertebrates

- 7.76 The application has been submitted with a Preliminary Appraisal of Invertebrates Habitats which concludes *'that the invertebrates ecology of this site is unlikely to attain a level of importance that exceeds that of the regional background level. As such any losses to invertebrates ecology arising from the proposed development are likely to be minimal. We are not of the opinion that additional survey work would alter this conclusion and no such further work is recommended.'* Given these findings and given the recommendations of the consultees, it is considered that the development is acceptable in this respect.

#### Reptiles and amphibians

7.77 The information submitted refers to a 2015 reptile survey undertaken which found common lizards at the site, with a peak count of 28 adult common lizards and 69 juveniles during one visit, indicating a breeding population. No other reptile species were encountered, although the reptile survey technique employed techniques also suitable for recording foraging amphibians and common toad and smooth newt were both encountered during the survey. In 2018 and 2019, a reptile translocation was carried out and 783 common lizards were moved off the site and into a receptor site at Stable Field, Chelmsford. It is stated that the reptile translocation is expected to be completed by Autumn 2020.

7.78 The Environmental Statement recommends mitigation for amphibians including roadways and drainage measures designed to be amphibian friendly, such as wildlife kerbs at drains. This can be secured via conditions.

### Botany

7.79 The application has been submitted with a botany survey by DF Clark dated 8<sup>th</sup> June 2020 which states that the site '*...supports species poor, semi-improved grassland of botanical interest at a local level...No protected plant species listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) were identified on site. Two plant species classified as nationally scarce, yellow vetchling Lathyrus aphaca and divided sedge divisa were identified on site. No invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were identified on site.*' The report makes the following recommendations:

- Vulnerable plant species identified on site should be translocated to a suitable area of the site where the current habitats are to be retained. These retained areas should be protected with exclusion fencing during the construction phase.
- Yellow vetchling is to be managed by late grass cutting (September) to allow the species to flower and set seed.
- The divided sedge should be left uncut with grass cut annually around individual specimens. All grass cuttings should be removed.
- Inclusion of nectar rich, fruiting and seed producing native plants within the redesigned amenity open space will provide foraging opportunities for wildlife.
- Cutting of grassland areas on a bi-annual rotation is recommended to enhance the soft landscaping and provide a degree of cover for wildlife.
- Injurious weeds such as thistle and ragwort should not be allowed to spread to other adjacent sites.

7.80 It is considered that a condition can be imposed on any grant of consent requiring the development to be undertaken in accordance with the above recommendations.

7.81 An additional botanical survey has been submitted by The Landscape Partnership dated 28<sup>th</sup> July 2020. This report comments that '*...approximately one-third of the southern part of the site comprised semi-improved grassland; the southernmost section however supported mainly marshy grassland, which supports the majority of the botanical interest of the site...Marshy grassland...A number of uncommon plant species, locally notable species with a strongly coastal distribution were encountered...yellow vetchling Lathyrus aphaca...distant sedge Carex divisa...strawberry clover Trifolium fragiferum...corky-fruited water-dropwort Oenanthe pimpinelloides and Lathyrus nissolia...wild celery Apium graveolens...*' The report therefore evaluates the site as being of importance at the district scale for its botanical interest. The report concludes that the unmitigated impact upon the site's semi-natural grassland habitats and flora is severe and negative and considered to be 'major adverse'. It also states that failure to address the invasive, non-native species floating pennywort would result in a spread of this species in the ditch, leading to a loss of biodiversity value which would result in a major negative impact on the ditch itself resulting in a minor adverse significance for the site as a whole.

7.82 However, the report recommends a number of mitigation measures to safeguard the species at the site which are uncommon or declining. The mitigation proposed includes restricting the times of the year that mowing is undertaken, collection of seeds and their subsequent redistribution at different times of the year and to remove the floating pennywort to prevent its harmful rapid expansion. Taking account of these measures, the report concludes that the mitigation impact of the proposed development is re-described to be 'moderate adverse'.

7.83 The ES submitted similarly outlines the mitigation proposed as part of this proposal, which includes the provision of large areas of publicly accessible open space, including areas of wildlife value such as wildflower meadows, a rain garden and butterfly bank and a small woodland in a parkland setting. To mitigate for loss of vegetation, semi-natural planting will include berry-bearing native trees and shrubs to enhance food availability for wildlife. Mitigation also includes new grassland habitats being created to be slightly undulating, to enable colonisation by a range of coastal plant species, new grassland seeded using locally provenanced native meadow mix and supplemented with seed species present on site. Prior to commencement of the development, seeds will also be collected from the uncommon plant species on the site for later broadcast into the new grassland habitats being created on the site, with the least common species grown in plots to form a reserve of local genetic material should the seed fail to establish in the grassland.

7.84 The council Parks Team has concluded that avoidance and botanical enhancement is not possible, but that the development can be mitigated as a result of the measures outlined within the submitted reports. Subject to a condition requiring the mitigation measures described, the development is therefore considered acceptable in this respect.

#### Biodiversity Enhancements

7.85 Paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement provide a number of recommendations for habitat enhancements from the use of native planting to the provision of bird and bat boxes. Subject to a condition requiring these habitat enhancements, it is considered that the development would be acceptable and policy compliant in the above regards. It is also noted that the council Parks Team has raised no objection to the proposal subject to adherence to the recommendations and mitigation included within the submitted reports.

#### Habitats Regulations Assessment (HRA)

7.86 The application has been submitted with an Assessment of Potential Impacts on Sites of Special Scientific Interest (SSSI) report which considers the impact of the development on the Foulness SSSI Gunners Park unit which falls within the Gunners Park Nature Reserve, with the other SSSIs considered within the HRA Impact assessment. The report concludes *'In the absence of appropriate mitigation, the proposed development has some potential to negatively impact upon the Foulness SSSI unit...which comprises unimproved grassland developed over relict sand dunes...and the features for which it was designated. The key potential impact upon the sensitive habitats and floral assemblages present within the SSSI unit is increased recreational pressure as a consequence of unauthorised public intrusion within the SSSI unit boundary. The Gunners Park and Shoebury Ranges Nature Reserve already experiences high footfall of recreational visitors, therefore the primary form of mitigation regarding the SSSI will be the continued management of visitor pressure...maintained robust and effective visitor infrastructure features will ensure conservation of the SSSI interest feature.'* The report makes a number of recommendations in this respect including; the repair and maintenance of the existing SSSI unit fence with regular Warden checks of the fence line, upgrading of educational signage, a native hedge planted around the outside of the development and the translocation

of any nationally scarce plant species to other suitable areas of the site and their continued maintenance. These requirements would largely be covered by the S106 RAMS contribution. The requirement for the native hedge and translocation of plants could also be secured via planning conditions. The report concludes that if the recommendations of the report are adopted then the development is not likely to result in any ecologically significant detrimental effect upon the Foulness SSSI unit or the features for which it was designated. Subject to the imposition of appropriate planning conditions and a S106 Legal agreement, the development is therefore acceptable and policy compliant in the above regards.

7.87 The information submitted with the application makes a commitment to provide suitable mitigation measures to protect the European sites. The development has been designed with relatively large areas of open space and play areas which will provide residents a choice of recreation uses within the development with the aim of reducing possible impacts on the designated sites. The applicant is also committed, to provide contributions to off-site mitigation measures in the form of a RAMS (Essex Coast Recreational Disturbance Avoidance and Mitigation) payment to be secured via a S106 agreement.

7.88 The HRA submitted with the application concludes that *'It is likely that there would be a significant effect from increased recreational pressure, with the additional residents of the development visiting European sites and potentially disturbing birds.'* As such, an Appropriate Assessment is required. Open space and play areas have been included within the design of the development to reduce the recreational pressure as a result of the development.

The HRA also recognises that Gunners Park would also meet some recreational needs of residents of the development. The submission concludes *'Despite the size of the proposed development, it is considered to represent only a small part of the overall housing in the area and the increase in residents is likely to have a negligible impact upon European sites. It is ascertained that there would be no adverse effect of the development acting alone on any European sites.'* However, in terms of the impact of the development, in combination with other developments, the submitted report concludes *'It is possible that the development, in combination with other developments in Southend-on-Sea and elsewhere will result in an increase in visitor pressure on European sites...It is not possible in the absence of mitigation to ascertain that there would be no adverse effect on the integrity of European sites.'* However, taking into account that the applicant is committed to pay the necessary RAMS payment required by the RAMS supplementary planning document (SPD), the submitted HRA report concludes that subject to this payment and proposed on-site greenspace and recreational provision being delivered, the development would not give rise to an adverse impact on the European site from the development either alone or in combination with other developments. Subject to such mitigation being secured through the S106 legal agreement, officers similarly conclude that the development is acceptable and policy compliant in this respect.

7.89 Subject to conditions and a S106 agreement, the development is acceptable and policy compliant in the above respects.

### **Design and Impact on the Character of the Area and impact on nearby Heritage Assets**

7.90 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."*

- 7.91 Paragraph 124 of the National Planning Policy Framework states that *‘The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.92 In the Council’s Development Management Document Policy DM1 states that development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*
- 7.93 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and Section 66(1) of the same Act states for development which affects a Listed Building or its setting that special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.
- 7.94 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 development, and respecting the scale and nature of that development”*.
- 7.95 Paragraph 193 of the NPPF states *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*
- 7.96 Paragraph 194 of the NPPF states *‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.’*
- 7.97 Policy DM5 of the Development Management Document states *‘Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.’*
- 7.98 Policy DM5 of the Development Management Document also states *‘Developments that are close to or in the vicinity of a Scheduled Ancient Monument will be expected to ensure that the Monument and its setting are preserved and enhanced.’*
- 7.99 Paragraph 5.1 of the Garrison Conservation Area Appraisal states *‘Architecture...is predominantly military with a mix of residential and functional buildings. The majority of the buildings date from the early years of the Station’s development. As a result, they established consistent architectural themes which set the pattern for later development are characteristic of the area:*

- *Consistent materials – stock brick for elevations and boundaries, gauged brick flat arches for wall openings, slate for roofs*
- *Usually, tall storey heights and consequently tall windows and external doors*
- *Pitched roofs and prominent chimney stacks.*
- *A general simplicity of elevational detailing and external joinery but with increased detailing the higher the status of the use or occupants*
- *Large sliding sash windows subdivided with glazing bars and small panels*
- *Other windows (fanlights and door lights) subdivided into small panes.*

7.100 The Conservation Area Appraisal goes on to recognise that *‘The layout and design of new residential development in the Garrison mostly reflect aspects of the Garrison’s historic townscape, architecture and materials.’* (Paragraph 5.4).

7.101 Paragraph 7.5 of the Garrison Conservation Area Appraisal states *‘The townscape character of the Garrison area is dominated by openness. Whilst there is a substantial amount of building in part of the area, and some enclosed spaces, the Garrison has the dominant appearance of its buildings being set in open space. Factors which produce this character include:*

- *the Garrison’s setting on the coast with expansive sea views*
- *the openness of the old ranges which wrap round Garrison’s south and west sides*
- *the detached nature of many of the Garrison’s buildings separated or surrounded by substantial open spaces*
- *Buildings often well set back from road frontages*
- *Varied building alignments*
- *Large mature trees providing screens and backdrops to buildings and reinforce the appearance of open spaces*
- *Long views along the Garrison’s roads.’*

7.102 This application is an outline application with appearance, layout and scale reserved for later consideration. However, indicative and parameter plans have been submitted with the application.

### Scale

7.103 Whilst scale is a reserved matter, the parameter plans and masterplan submitted indicate that the scale of the development will be up to 5 storeys. The plans indicate that only a small part of the development would be 5 storeys in height; an area of residential flats to the south-eastern corner of the western part of the site. The heights and levels parameter plan submitted indicates that this 5 storey element would have a height of circa 23.9m AOD. All of the 4 home zones would include elements of development with a 4 storey scale. The northern home zone would be 3-4 storeys in scale with all other areas including 2, 3 and 4 storey buildings. Most of the existing buildings in the immediate vicinity are 2-3 storeys in scale. It is apparent that the majority of the 3 storey houses are similar in overall height to those in the surrounding area with ridge heights of 14m AOD which compares to between 10m and 15.5m AOD in the surrounding houses. Similarly, it is apparent that the majority of the development (some 70%) would have a ridge height of less than 16.5m, which is comparable with the maximum ridge heights on Ness Road and blocks on Magazine Road.

7.104 Whilst in parts, the scale of the development would be greater than that of the surrounding development in the Garrison, the indicative plans submitted indicate that overall, the design has been carefully considered in this respect. It is also evident that the scale of the development would be reduced close to the existing dwellings that are of a lower scale. For example, the majority of the dwellings in Ashes Road to the east of the site are 2 storeys in scale and the parameter plans indicate that in this location the proposed development would similarly be 2

storeys in scale, increasing in height as the distance from Ashes Road increases. Whilst appearance is also a reserved matter, it is also evident that the indicative design which includes pitched roofs and stepped building footprints creates a more a domestic scale to the development. The siting and landscaped setting for the development also softens the development. In general terms, it is therefore considered that the scale of the development, as indicated on the submitted plans is acceptable.

### Layout and siting

- 7.105 The indicative layout of the scheme involves the development being provided within 4 different areas or 'home zones'. The layout includes a landscaped setting for each home zone and includes cycle and pedestrian footpaths between the 4 home zones which is positive. The illustrative layout demonstrates that the scheme has a high level of permeability, with pedestrian and cycle routes through the development which is a positive feature. Whilst a reserved matter, the overall site layout and siting of the development as shown in the indicative plans is considered acceptable.

### Appearance

- 7.106 Appearance is a reserved matter for later consideration. However, the indicative plans indicate that the development will include repeating shapes and forms across the 4 home zones. This will help provide cohesion and a strong sense of place which is again, a positive feature. The home zone that includes commercial development is different to the residential proposals, but is considered to complement them, creating legibility and an overall cohesive design. The contrasting roof pitches and stepped building lines also help break up the form of the larger blocks which is a further positive feature. The roof form adds variety and interest and offsets the height and scale of the development. The ground floor colonnade features give the impression of the buildings being on stilts and is an attractive design solution to address the flood risk. This is referenced in the shopfronts, providing further cohesion. The health centre includes a feature corner providing a focal point from the north. The landscaped setting of the development is also positive and helps to offset the lack of an active frontage at ground floor level as a result of the facing 'stilt' colonnades which are needed to serve a practical purpose in terms of flood risk. Overall, the indicative appearance of the development is therefore acceptable.

### Materials

- 7.107 Limited details have been submitted at this stage given the outline nature of the application. However, the CGIs submitted suggest a high-quality scheme, which includes yellow brick (which is a consistent material used within the Garrison) which is positive. The indicative materials proposed within the Design and Access Statement include yellow stock bricks and slate or zinc roofs. The Design and Access Statement also confirms that *'Buff brick, sandstone, timber weatherboarding and slate roofs are likely to predominate.'* The Design and Access Statement further states *'The apartments have been conceived in the same language and material pallet as the houses towards the outer edge of each home zone so there is a visual continuity...Towards the centre of each home zone the architectural language is proposed to remain the same but with a darker material pallet creating more intimate courtyards...'* Subject to conditions requiring full details of the materials in due course, the types of materials being suggested are considered acceptable.

### Landscaping

- 7.108 Landscaping is not a reserved matter and landscaping details have been provided for consideration within the outline application. As noted above, the development is to be set within



a landscaped setting which is a very positive feature of the development. The landscaping proposed incorporates SuDS features and also includes pedestrian and cycle routes through the development and play areas, creating an attractive development.

7.109 The application has been submitted with a Sitewide Landscape Strategy which confirms that 4.5 hectares of the site will be landscaped, publicly accessible open space. The landscape vision for the site, as submitted is: *‘to create a development within a parkland setting that feels ‘green’, natureful and that creates a unique sense of place in addition to improving site wide biodiversity. The landscaped setting to the development is fully publicly accessible and provides a network of walking, cycling paths, play and picnic areas for the benefit of both residents and the local community...The sustainable treatment of water is integral to the landscape design and biodiversity enhancements of the site. Extensive areas of meadow and ornamental planting help to present an attractive, biodiverse environment with a structured, well defined and legible sequence of spaces.’*

The landscaped areas include:

- 7.110
- Southern part of the site: ‘Southern Landscape Buffer’ – Development is set back 80m from New Barge Pier Road. This landscape buffer consists of a bank that slopes downwards into the development towards the ‘gateway ponds’ to form a soft edge, a transition between the development and the open landscape to the south and intermittent screening. This area will benefit from large scale tree planting. The ground flora includes meadow planting and amenity lawn.
  - South of ‘Home Zone 1’ - ‘Gateway SUDs ponds’ – Will contribute to the sustainable management of water across the development and is an opportunity to create a rich aquatic habitat, linked to ditches within the site. To the west is an area of picnic benches and bench seating is proposed around the periphery of the ponds. A two-person zip wire and climbing stones provide play opportunities and mark the start of the greenway path play trail that forms the main pedestrian and cycle route through the site (see below).
  - Western part of the site: ‘Play along the way’ western greenway – This is the area adjacent to the western ditch and will have a wide self-binding gravel cycle and pedestrian path on the eastern bank edge forming a greenway through the site leading to the school and local shops. Children will have opportunities to ‘play along the way’ with a trail of natural, sensory and interpretive play features along the route, such as play boulders and logs, a dry riverbed with stepping stones, a butterfly bank and timber trim trail equipment. Large scale avenue trees will be planted to the east of the path to create a green corridor with intermittent views towards the housing. There will also be meadow grassland and clipped grass.
  - Area between ‘home zone 1’ and ‘home zone 2’ – ‘Southern Park’ – provides an open space and includes a footpath running east-west through a wildflower meadow with mown paths which features a SuDS pond. Designed to be an open and tranquil area.
  - Area between ‘home zone 2’ and ‘home zone 4’ – ‘Northern Park’ – includes an equipped play area. To the east a copse with woodland with understorey planting. The play area is 20m from adjacent residential units and includes timber play equipment, large scale tree planting, will be enclosed by planting and features a mini ‘woodland’ trail. The area includes bench seating, hedge, shrub and ornamental planting, as well as areas of species rich meadows and a feature SuDS pond.
  - Northern part of ‘Home Zone 4’ – ‘Northern Site Entrance’ – Tree planting into a hard landscape.
  - East of ‘Home Zone 2’ – ‘North-south roadside drainage ditches’ – existing verge trees will be retained and verges retained as clipped grass. To the south-western corner an avenue of trees in proposed.
  - ‘Home Zone 3’ – Home Zone 3 Frontage’ – Landscaped frontage wraps around site boundaries and includes areas of formal mown lawn and species rich wildflower

## meadow planting enclosed by low hedging and large-scale forest trees

7.111 In terms of trees, the application has been submitted with an Arboricultural Impact Assessment (AIA) which confirms that the majority of tree cover is located offsite, planted along the roadside verge, to the west and south of the site. The AIA also notes that there are some younger, self-set trees within the site and along the eastern boundary. To facilitate the proposal only 2 individual trees and one group of trees will be removed which are all of low or poor quality (category C or U trees), the AIA concluding that their removal will have little impact on the visual amenity of the area. All retained trees will require suitable tree protection and specialist methods of design and construction will need to be employed to minimise any impact on trees to be retained. Subject to a condition requiring the development to be undertaken in accordance with the recommendations of the AIA, the development is considered to have an acceptable impact on the trees within and adjacent to the site and would not materially harm the character and appearance of the site or surrounding area in this regard, especially noting the extensive tree planting proposed as part of this proposal.

7.112 The Garrison is characterised by formal arrangements of open space. Within the proposed development, the landscaping and open spaces proposed are less formal. However, given the location of the site to the west of the Garrison and the sense of place which this large development will create, the more informal landscaping arrangements proposed are considered acceptable and would not materially detract from the distinctive character of the Garrison or the wider surrounding area. Indeed, it adds a level of interest and variety. The Conservation Area appraisal identifies large mature trees that provide screens and backdrops to the buildings as being part of the character of the area. The development proposed includes significant new tree planting adheres to the existing character and is acceptable in this regard. Moreover, the delivery of the new development within a comprehensive landscape setting is a strong and positive design feature of the proposal. The council Parks Team has also requested a condition requiring the landscaping to be maintained for 5 years after planting to ensure its establishment and the replacement of any dead tree and plants within this time. This can be secured with the imposition of a standard planning condition. The open spaces provided as part of the development are to be retained and managed by the developer and as such there is no requirement for a S106 contribution, or similar in this instance. A condition can be imposed requiring the open spaces to be retained and maintained for members of the public in perpetuity. Subject to conditions the proposed development is acceptable in this respect.

#### Landscape Visual Impact

7.113 The application has been submitted with a Landscape Visual Impact Assessment (LVIA) and there is a proportionate chapter within the Environmental Statement that considered the landscape impacts of the development.

7.114 Key terms within the report are set out in the table below:

Effects	Landscape Character	Visual Amenity
Major Adverse	The proposed development is at considerable variance with the scale, landform and pattern of the landscape, and/or is considerably detrimental to high quality or characteristic features of the landscape.	The proposed development would be visually intrusive and cause significant deterioration in the existing view.
Moderate Adverse	The proposed development is out of proportion with the scale, landform and pattern of the landscape, and/or damages quality or characteristic features of the landscape.	The proposed development causes noticeable deterioration in the existing view.
Minor Adverse	The proposed development does not fit the scale, landform and pattern of the landscape, and/or detracts from quality or characteristic features of the landscape.	The proposed development causes minor deterioration in the existing view.
Negligible	The development would cause very limited changes to the landscape.	The proposed development causes a barely perceptible deterioration in the existing view.
No effect	There would be no effect as a result of the development on landscape character.	No change to views
Minor Beneficial	The Development would complement the scale, landform and pattern of the landscape, whilst maintaining the existing character.	The development would result in minor improvements to the view
Moderate Beneficial	The Development would fit in well with the scale, landform and pattern of the landscape and maintain and/or enhance the existing character.	The development would result in noticeable improvement to the view
Major Beneficial	The Development would fit in very well with the scale, landform and pattern of the landscape and considerably enhance the existing character.	The development would result in highly visible improvement to the view

7.115

7.116

The findings of the reports include:

*Landscape Impacts: Construction phase:*

- Garrison Area – significance of effects is considered to be *moderate adverse* – due to hoardings and security fencing, increased dust, noise and pedestrian and vehicle movements at the site and uncharacteristic cranes. However, these impacts will be short term and temporary in nature.
- Garrison Conservation Area – the significance of the effects is considered to be *negligible* – Glimpsed views of construction equipment, cranes and workers may be possible over the roof lines of existing houses. In summer months there will be some screening by intervening vegetation. These impacts will be short term and temporary in nature.
- Shoeburyness Area – the significance of the effects is considered to be *negligible* – Works will generate an increase in noise and dust, with construction equipment. cranes and workers visible, but in summer months activity will be screened by intervening vegetation. There could be an increase in traffic. However, these impacts will be short term and temporary in nature.
- Thames Estuary – the significance of the effects is considered to be *negligible* – Works will generate an increase in noise and dust, with construction equipment. cranes and workers visible. However, these impacts will be short term and temporary in nature.

7.117

*Landscape Impacts: Completed Development:*

- Garrison Area - significance of effects are considered to be *major beneficial* – It is stated that the development would activate a less active area to create a new neighbourhood and provide local services. It is stated that whilst the development would increase vehicular and pedestrian traffic and noise and night-time light emissions, the site is located within a densely populated urban area and will provide the missing link to prevent the Garrison being set apart from surrounding areas. The judgement is that this is a positive effect arising from the development. The development would result in some loss of openness, however, the landscape character of the site is weak with no tree canopy, lack of accessibility and soil heaps and fencing. The proposal includes 4ha of open space, play areas, upgraded footpaths with channelled views along the key routes retaining long distance intervisibility with the surrounding area and coastline. The development will also increase tree canopy cover. This is judged to be an improvement on existing conditions.
- Garrison Conservation Area - significance of effects are considered to be *minor* – It is stated that the proposed development is similar in scale to other built form. The scheme is set back from the road and set within open spaces featuring tree lined avenues providing some continuity of character with the Garrison Conservation Area. There will

be no direct impacts, indirect impacts will be limited to possible increased in pedestrian footfall as a result of an increased number of pedestrians.

- Shoeburyness Area – significance of effects is considered to be *minor* – The built form proposed will be visible as a background feature on the skyline in views channelled eastwards along Church Road. These will be intercepted by intervening vegetation in summer months. Some changes to the skyline will be visible from Campfield Road and some surrounding streets but will not change the character of the area. The main indirect impact will arise from increased vehicular and pedestrian traffic.
- 7.118 • Thames Estuary - significance of effects are considered to be *negligible* – There will be no direct impacts. Indirect impacts will be limited to increased noise and light emissions experienced close to the coastline, and open views towards the development along an already developed and urbanised coastline. Any potential increase in background noise is not judged to be of concern as the Thames Estuary is not a tranquil seascape. The indirect impacts are low level and will be most perceptible close to the shoreline, diminishing in perceptibility with increasing distance from the shoreline.

7.119 The Landscape Visual Impact Assessment (LVIA) states that the area of, and surrounding, the application site has a medium sensitivity to change. The report concludes *‘It is judged that the development is similar in scale to adjacent development and will have a moderate beneficial effect on the townscape character of The Garrison Character area on account that the development of the site will complete the missing link to ensure the Garrison is not somehow ‘set apart’ from the rest of Shoeburyness and development of the site will strengthen the character of the area through a landscaping scheme that reinforces the positive landscape features of the area through the development of the site and provides over 4.5ha of publicly accessible open space and landscaping.*

7.120 In terms of viewpoints, the LVIA submitted considers 12 viewpoints which were chosen to represent the worst-case scenario impacts within the character area that they represent (i.e. where the development would be most prominent). Considering these viewpoints, at year 15, after completion with landscape mitigation, the LVIA concludes that 5 of the 12 viewpoints would have a moderate adverse impact, 1 negligible impact, 1 no effect and 5 would have major beneficial impacts. In addition to this, the 4 areas (as discussed above) would either have negligible or minor (3 of the 4 areas) or a major beneficial impact (1 of the 4 areas). In this respect, the LVIA comments that the ‘moderate adverse’ impacts pertain to visual receptors with long to medium range views towards the development from Gunners Park. The beneficial effects on visual amenity pertain to close and medium range views towards the development and concludes *‘On balance, it is judged that the beneficial effects on visual amenity, which are greater in both number and impact than the adverse effects outweigh any adverse effects.’*

7.121 In terms of landscape visual impacts, the Council’s Design and Conservation Officer recognises the benefits of the significant landscaping proposed in softening the development, that the quality of the scheme with its variety of visual interest, contrast achieved in various massing heights and roof angles and set backs are beneficial in closer views. In these terms, it is considered that the development would be acceptable.

7.122

#### Impact on Heritage Assets

The application has been submitted with a Heritage Statement which concludes that *‘The proposed scheme will...result in no direct physical harm to any designated or non-designated heritage asset.’*

The submitted report states *‘Due to the distance, as well as intervening modern development and landscape features, as well as the nature, arrangement and relative height of the proposed development within the study site the proposed development has a limited potential to unduly*

7.123 *influence either the character and appearance of the Garrison Conservation Area or the contribution of setting to identified heritage assets...It is concluded that the introduction of carefully considered built form and landscaping to the study site can be introduced without significant harm to any identified designated or non-designated heritage assets. The level of harm has been assessed, and subject to detailed design, is likely to result in no harm to negligible (less than substantial) harm to the significance of these assets.'*

Further information is within the Environmental Statement (ES) submitted. The ES states '*...the bulk of the development...will sit behind intervening modern built form and at distance from the historic core of the Conservation Area. This will ensure that the overriding character and appearance of the Conservation Area will largely be retained unaltered. However, the height and massing of additional built form...does have a potential to influence a number of views into and out of the Conservation Area...The relative height and arrangement of proposed built form within the study site therefore has a potential to creep into distinct views from parts of the Conservation Area – most notably the cricket ground. Due to the spaces between extant modern built form, their height and arrangement development within the study site is likely to be partially visible, albeit filtered, at distance and masked in part by modern development. Views directly across the cricket ground will therefore experience a degree of change in the potential intervisibility of built form and a corresponding change on filtered aspects of 'openness.'* There is also the potential that built form may rise above existing intervening modern built form. These changes will, however, largely fall within the backdrop to the Conservation Area and should be limited to a small percentage of potential views and vistas.'

7.124

In this regard, the ES goes on to conclude '*...the proposed scheme will result in no harm to the character or appearance of the Garrison Conservation Area or the contribution of setting to the ability to understand and appreciate the significance of designated and non-designated assets within the Conservation Area.'*

The Council's Design and Conservation Officer has provided the following summarised comments in respect of the impact on the nearby heritage assets:

- *The LVIA demonstrates that, whilst the development will result in a significant change to viewpoints close to the site, its impact from the wider area, including from the conservation area will be very limited as the development would not break the skyline and would not be visible at all from most of the conservation area.*
- *It has therefore demonstrated that the proposal will not cause harm to the setting of the listed buildings in the Garrison.*
- *The LVIA also highlights that the proposed landscaping will have a significant softening impact on the buildings particularly once they become established including screening them almost completely in longer views.*
- *Outside the boundary of the conservation area the grade II listed experimental casements on the sea wall will have a clearer view of the development although this building is over 400m from the site. The landscaping proposals include the retention of existing trees and new large-scale tree planting around the south eastern corner of the site will be important to mitigate this impact of the development from this location.*
- *It is inevitable that any development on this site will have a significant impact on close views of the site. In this case the LVIA recognises that 'the variety of visual interest is created by the contrast achieved in various massing heights and angles of the roof line and set back of facades bringing a definite style, character and structure to the site' and as such the impact of the development has been judged as having a beneficial impact in closer views. This seems reasonable provided the quality of the scheme is maintained. A scheme of a lower design quality would not be judged so favourably.*

- *It is noted that in addition to the designated heritage assets at the Garrison there are a number of heritage buildings to the east of the site including the grade II\* St Andrews Church, South Shoebury Hall which is grade II and closest to the site 135 Ness Road which is locally listed.*
- *The LVIA demonstrates that the proposal will be seen from Church Road outside St Andrews Church but only in the distance and will be screened by landscaping in due course.*
- *South Shoebury Hall, nearby to the south, is surrounded by existing buildings and is consequently very inward looking with no real views out to the surrounding area. Its setting is defined by the walled garden which would be unaffected by the development. The Council has previously granted permission for 6 new houses on the site of the locally listed building at 135 Ness Road which will provide a buffer to the site. These are currently under construction.*
- *There are also several locally listed building further north in Ness Road but these are more remote from the site and any views of the development will be significantly reduced by existing development.*
- *The submitted Heritage Statement concludes that ‘Due to distance, as well as intervening modern development and landscape features, as well as the nature, arrangement and relative height of the proposed development within the study site the proposed development has a limited potential to unduly influence either the character and appearance of the Garrison Conservation Area or the contribution of setting to identified heritage assets.*

7.125 *It is concluded that the introduction of carefully considered built form and landscaping to the study site can be introduced without significant harm to any identified designated or non-designated heritage assets. The level of harm has been assessed, and subject to detailed design, is likely to result in no harm to negligible (less than substantial) harm to the significance of these assets.’ This conclusion seems to be a reasonable assessment of the impact.*

7.126 Given the findings of the submitted reports, including the heritage assessment, ES and LVIA and the comments of the Council’s Design and Conservation Officer, it is considered that the development is acceptable. Some harm to the designated heritage assets has been identified, however, it is considered that this harm would be ‘less than substantial’ as defined by the NPPF. The public benefits of the proposal, including the provision of 214 dwellings with policy compliant affordable housing and the open space provisions proposed would clearly outweigh the less than substantial harm identified. The development is therefore acceptable and policy compliant in this respect.

7.127 In terms of archaeology, the application has been submitted with an Archaeological Desk Based Assessment which states *‘The available archaeological evidence, both within and adjacent to the study site, suggest that it has a low to moderate potential for below ground archaeological remains relating to the Prehistoric period, a very low potential for significant remains dating to the Romano-British, Medieval and Post-Medieval periods and a moderate to high potential for Modern remains of limited archaeological interest.’* The report recommends that a planning condition requiring a field investigation in order to confirm the presence, and if present, the extent, survival, nature, age and significance of remains within the study site and their preservation by record in advance of development is attached to any planning permission granted. In this context, the Council’s archaeology team has raised no objection to the proposal, subject to a condition requiring a watching brief be undertaken by a qualified archaeologist. Subject to such a condition, the development is acceptable and policy compliant in this respect.

Subject to imposition of appropriate conditions in these respects, the development is considered acceptable and policy compliant. 52

## Impact on Residential Amenity

- 7.128 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High-quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.129 The application seeks to obtain outline planning permission with the details of appearance, scale and layout reserved for later consideration. However, an indicative masterplan has been provided to help assessment at this stage.
- 7.130 Home zone 3 is located to the east of Barge Pier Road and is adjacent to dwellings in Ashes Road. The indicative plans illustrate that the dwellings nearest Ashes Road will be 2 storeys in scale and there is a landscaped buffer between the rear boundaries of the proposed dwellings in home zone 3 and the rear boundaries of the dwellings in Ashes Road of between some 5m and some 12m. The proposed rear elevations are shown to be some 13m to 22m from the rear boundaries of the dwellings in Ashes Road and a minimum of some 30m from the rear elevations of the dwellings in Ashes Road.

As such, it is considered that the indicative design and layout of the development illustrate that the proposal can be developed without any material dominance, overbearing impact, loss of light and outlook, overshadowing or material overlooking or loss of privacy to the existing residents in Ashes Road. Home zone 3 adjoins a school to the north, Barge Pier Road to the west and undeveloped land to the south and as such need not result in any harm to residential amenity in any regard in this respect.

- 7.131 Home zone 4 is located adjacent to an undeveloped site that has planning permission (ref. 19/00834/FULM) for a food store to the north which is currently being implemented, a school to the east and the remaining site to the south so would not result in any material harm to residential amenity in this respect. To the west of home zone 4 are dwellings fronting Ness Road. However, the site is located some 20m from the rear boundaries of the dwellings in Ness Road and the buildings proposed within home zone 4 would be located some 38m from the rear boundaries of the dwellings in Ness Road. Given this degree of separation, it is considered that the development need not result in any material harm to the dwellings in Ness Road in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking or loss of privacy. There is a car park proposed within home zone 4, however, this would be located some 25m from the rear boundaries of the dwellings in Ness Road.
- 7.132 The proposed buildings within Home Zone 2 would be located some 45m from the rear boundary of the dwellings in Ness Road, and Home Zone 1 has no immediate neighbours. As such it is considered that the development need not result in any material dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking or loss of privacy.
- 7.133 In terms of noise and disturbance, the residential development proposed, given its siting and the separation distances provided is not considered to result in any material harm to the residential amenity of adjoining or nearby residents.
- 7.134 In terms of the commercial uses proposed, whilst no details of the opening hours, delivery times, ventilation and extraction details have been submitted at this outline stage, it is

considered that these details can be secured via planning conditions. Subject to conditions in this respect, it is considered that the proposal would not result in any material harm to the residential amenity of the nearby and adjoining residents.

- 7.135 The application has been submitted with a Daylight, Sunlight and Overshadowing report which includes the following findings:

Daylight – *‘In terms of properties surrounding the development (along Ness Road and Ashes Road), all properties have passed the BRE 25-degree test. Therefore, in accordance with BRE guidance no further analysis is required as the proposed development is not likely to impact on the surrounding daylight.’* However, for completeness the report then further considers the vertical sky component (VSC) for properties in Ashes Road. In this respect, the report concludes *‘Of the 44 windows assessed for VSC along Ashes Road, all 44 passed the VSC criterion (100.00%) and therefore...no further assessment is required and it can be concluded that the development will not adversely impact the surrounding residential access to daylight.’*

Sunlight – *‘In terms of properties surrounding the development (along Ness Road and Ashes Road), all properties pass the BRE 25-degree test. Therefore, in accordance with BRE guidance no further analysis is required as the proposed development is not likely to impact on the surrounding access to sunlight.’*

Overshadowing - *‘The assessment has considered the impact of the development on residential gardens and amenity areas surrounding the proposed development in regard to overshadowing...The results show that the overshadowing effects to these amenity spaces with the development in place is not considered significant and adequate levels of sunlight will be maintained. Results show that amenity spaces within the proposed development and in surrounding areas will receive at least 2 hours of sunlight with the proposed development in place.’*

- 7.136 Given the findings of the submitted Daylight, Sunlight and Overshadowing report it is considered that the development need not result in any material harm to the occupiers of the adjoining and nearby properties in terms of light, outlook and overshadowing. Overall, the development is therefore considered to provide acceptable living conditions for all existing nearby and adjoining dwellings in all regards.

### **Living Conditions**

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

- Minimum property size for residential units shall be as follow:
  - 1 bedroom (2 person units) – 50sqm to 58sqm (depending on the storeys)
  - 2 bedroom (3 person units) - 61sqm to 70sqm (depending on the storeys)
  - 3 bedroom (4 person units) – 74sqm to 84sqm (depending on the storeys)
  - 3 bedroom (5 person units) – 86sqm to 99sqm (depending on the storeys)
  - 4 bedroom (5 person units) – 90sqm to 103sqm (depending on the storeys)
  - 5 bedroom (6 person units) - 103sqm to 116sqm (depending on the storeys)
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a



single bedroom with a minimum width of 2.15m and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

7.138

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

#### Light and outlook

- 7.139 Limited details have been submitted at this stage as the layout, scale and appearance are reserved for later consideration, however, in terms of light, outlook and ventilation, it is considered that a scheme of up to 214 dwellings could be provided on the site that provides adequate and acceptable levels of light, outlook and ventilation for any future occupiers. It is also considered that a scheme of up to 214 units could be designed on the site which need not result in unacceptable levels of intervisibility between the units.

#### Technical Housing Standards

- 7.140 Limited details have been submitted at this stage as the layout, scale and appearance are reserved for later consideration, however, it is considered that a scheme of up to 214 units could be designed on the site, which could satisfy all of the minimum requirements of the technical space standards.

#### Amenity Areas

- 7.141 Policy DM8 of the Development Management Document states new dwellings should 'Make

*provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reason for which will need to be fully justified and clearly demonstrated.'*

- 7.142 Limited details have been submitted in this respect, given the outline nature of the proposal. However, the Design and Access Statement does state *'Each house is to be provided with a private garden space located above 6.15m AOD and accessible from the main reception room. Gardens are typically in excess of 50sqm...each apartment is to be provided with a private balcony, accessible from the main reception room. In addition, the apartments are located to allow easy access to the surrounding garden spaces, as well as communal garden spaces, where provided.'*
- 7.143 It is a positive feature of the development that all dwellings will be provided with a private garden area and all flats with private balconies. The information submitted indicates that not all flats will have access to a communal amenity area in addition to the private balcony. However, given that the indicative plans submitted demonstrate that the development is landscape-led and set within a landscaped setting with a good standard of amenity space and play areas, this is considered acceptable. Based on the application submissions, it is considered that a development of up to 214 dwellings could be provided on the site that would provide acceptable amenity areas for its future residents. No objection is therefore raised on this basis.

#### *Accessibility*

- 7.144 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 7.145 The information submitted within the Health Impact Assessment submitted confirms *'The proposed dwellings will comply with the standards set out in the Lifetime Homes Design Guide. In addition, at least 10% of the new dwellings will be built to be wheelchair accessible or easily adaptable for residents to full wheelchair accessibility standards...'* The Design and Access Statement also confirms that all houses would have level access. The applicant's agent has also confirmed in writing that 10% of the dwellings will meet building regulations M4(3) standards with the remainder all complying with building regulations M4(2) which require dwellings to be wheelchair user dwellings or accessible and adaptable respectively. Subject to a condition in this respect, the development is therefore acceptable and policy compliant in this respect.

#### Refuse and recycling facilities

- 7.146 The Design and Access Statement submitted states that *'All blocks of flats will be provided with a secure enclosed bin store at ground floor level (+3m AOD)...which will be easily accessible at a maximum distance of 10m by waste vehicles from the road.'* In terms of the houses, it is stated that each house will be provided with an enclosed bin store at the front. Concern is raised that refuse stores located to the front of the dwellings could be unsightly and detract from the character and appearance of the development. However, given that this is an outline application, it is considered that conditions could be imposed to limit front aspect bin storage. It is concluded that a scheme of up to 214 dwellings on the site could be designed to provide

suitable refuse and recycling facilities. Subject to conditions in this respect no objection is raised on this basis.

- 7.147 Suitable refuse and recycling stores will also be required for the commercial uses and the health centre proposed. Given the outline nature of the proposal, it is considered that conditions requiring full details of the refuse and recycling stores and a waste management plan should be secured via planning conditions. Environmental Health recommends a condition in this respect.
- 7.148 Subject to conditions, the development is acceptable and policy compliant in the above regards.

#### Daylight and overshadowing

- 7.149 Whilst layout, scale and appearance are reserved for later consideration, the submitted Daylight, Sunlight and Overshadowing report has considered the daylight levels that would be provided to the dwellings within the proposed scheme. In this respect, the submitted report states *'Of the 1,615 windows assessed for the proposed development, 1,260 passed (78.02%) the VSC [Vertical Sky Component] criteria of 27%; 355 windows failed (21.98%) to meet the VSC of 27%.*

*This shows a good level of compliance for this type of development...These results show that that residents of the proposed development will receive adequate levels of daylight throughout the site.'* The submitted Daylight, Sunlight and Overshadowing report also concludes that *'...Results show that amenity spaces within the proposed development and in surrounding areas will receive at least 2 hours of sunlight with the proposed development in place.'* Given the findings of this report, it is considered that a scheme for 214 units on the site could be provided ensuring adequate levels of daylight and sunlight and for future occupiers, without material overshadowing of garden areas.

#### Noise

- 7.150 Paragraph 180 of the NPPF states *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on healthy, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'*
- 7.151 The application has been submitted with an initial risk assessment for noise which concludes that the noise survey measured levels at the site are negligible to low. Internal and external noise level criteria have been proposed in line with British Standards BS 8233:2014. External noise levels are such that no mitigation measures would be necessary to achieve an acceptable internal and external noise environment for future residents. Environmental Health has commented that the submitted documents have been reviewed and are acceptable confirming also that the requirements of British Standards BS 8233:2014 are met for the internal levels. As such, it is considered that the proposal would provide adequate living conditions for future occupiers in terms of noise and disturbance.
- 7.152 In terms of the proposal to include A3 uses, the Environmental Health Team has recommended a condition requiring a detailed noise assessment to meet British Standards BS 4142:2014, to ensure that Home Zones 1, 2, 3 and 4 meet L90 -10dB(A). Conditions are also recommended requiring details of the extraction systems to mitigate odour nuisance. Given that this is an outline application with matters relating to layout, scale and appearance reserved for later consideration, it is considered that conditions can be imposed in this respect to suitably mitigate

any noise or odour and whilst maintaining acceptable living conditions for the future occupiers.

### Contamination

- 7.153 Paragraph 170 of the NPPF states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by...remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.’*
- 7.154 Policy DM14 of the Development Management Document states *‘Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where:*
- (i) An appropriate Contaminated Land Assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality; and*
- (ii) Where contamination is found which would pose an unacceptable risk to people’s health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure the applicant undertake appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.*
- (iii) Remediation works will be carried out before the commencement of any new development.*
- 7.155 The application has been submitted with a Phase 1 Geo-environmental Desk Study and Preliminary Risk Assessment which concludes *‘the identified potential sources of contamination are infilled ground and the rifle ranges. However, ground levels across the site are to be raised, thus limiting exposure to the underlying ground and breaking any pathway between sources and receptors. A hazard assessment was carried out and a risk ranking of low to very low risk was established. Any potential risk to construction workers can be mitigated provided that appropriate precautions are taken in accordance with guidance from the Health & Safety Executive.’* The report recommends a watching brief for signs of contamination during any groundworks involving soils existing on-site and it is recommended that the contractor provides evidence to demonstrate that if material is to be imported to be used in proposed garden or landscaping areas, that it is not contaminated and suitable for purpose.
- 7.156 The Environmental Health Team has reviewed the information submitted and conclude that the submitted documents lack some information, particularly in respect of the southern part of the site. As such, Environmental Health conclude that a Phase 2 assessment is required. The Phase 2 assessment is required due to possible ground gas/CH<sub>4</sub> (Methane) and other contaminants present, to ascertain the remediation/verification that is necessary. Environmental Health recommends conditions in this respect. Subject to such conditions, the development is considered acceptable and policy compliant.

### Air Quality

- 7.157 Paragraph 170 of the NPPF states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability.’*
- 7.158 The application has been submitted with an Air Quality Assessment (AQA) which concludes that, with no mitigation the potential impact significance of dust emissions associated with the construction phase of the development has potential as ‘medium’ at worst affected receptors. The AQA has therefore recommended site-specific mitigation. With such mitigation, the report concludes that the risk of adverse effects due to emissions from the construction phase will not be significant. Given the findings of the AQA, subject to a condition requiring the development to be constructed in accordance with the mitigation as outlined in tables 6.1 and 6.2 of the

report, no objection is raised on this basis.

- 7.159 The AQA report also concludes that following modelling, there is not predicted to be an exceedance of the air quality objectives for NO<sub>2</sub> (nitrogen dioxide) or PM<sub>10</sub> (Particulate Matter) at the proposed or existing modelled receptors. The report therefore concludes that the site is suitable for the proposed development and no further AQA is required. The development is therefore considered acceptable on this basis.
- 7.160 It is also noted that the Environmental Health Team has confirmed that the contents of the AQA are acceptable, that the development would have negligible impact on air quality, and that subject to a condition requiring the development to be undertaken in accordance with the mitigation and dust control methods as set out in table 6.2 of the report, the development is considered acceptable and policy compliant.

### Light Pollution

- 7.161 Paragraph 180 of the NPPF states planning policies and decisions should '*...limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*'
- 7.162 The information included within the Environmental Statement recognises that to protect bats, the ditch corridors should not be illuminated via light spill from the proposed buildings, with external lighting in the vicinity of the ditches reduced to a minimum and designed in accordance with Bat Conservation Trust guidelines. The applicant requests, within the submission, given that the application is outline in nature, that the requirement for a Light Impact Assessment be dealt with by a condition.
- 7.163 Environmental Health has noted that no light impact assessment has been submitted with the application and therefore recommend a condition that prior to the first use and occupation of the development details of the external lighting are submitted in order to meet the Institute of Lighting Professional Guidance and to ensure there are no light nuisance impacts within 'home zones' 1, 2, 3 and 4. Given that this is an outline application with matters relating to scale, appearance and layout reserved for later consideration a condition requiring these details to be provided at a later date is necessary and reasonable. Subject to such a condition no objection is raised on this basis.

### Unexploded Ordnance Risk

- 7.164 The application has been submitted with a Detailed Unexploded Ordnance Risk Assessment. The site falls within the former Shoebury Garrison and has a military history. The information submitted with this report indicates that the site forms part of the 'Old Ranges' and was occupied by sports pitches at the north and a rifle range at the south during WWII with the site having undergone little post-war development. The report identifies the risk in this respect to be low, increasing to medium for some activities. As such, section 10 of the report recommends a number of mitigation measures including communication and safety planning, safety training, a magnetometer survey to identify any unexploded ordnance buried in the ground, with drilling and sampling below survey depth checked by a specialist engineer and specialist testing. Subject to a condition requiring the development to be undertaken in accordance with the mitigation recommended within section 10 of this report no objection is raised on this basis.

## **Highways, Parking and Traffic and Transportation Issues**

7.165 Paragraph 108 of the NPPF states *'In assessing...specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

7.166 Paragraph 109 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

7.167 Policy DM15 of the Development Management Document states *'Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.'*

#### Sustainable Transport

7.168 The Transport Statement indicates that there are bus stops on Ness Road/Church Road which are some 420m from the southern site access or 240m from the midpoint of the development. Bus service 9 frequents these stops and connects Shoeburyness, Thorpe Bay, Southend and Rayleigh. The bus runs a half hour service on Monday to Friday and operates from 06:20 to 00:10, a 20 minute service on Saturdays and operates from 06:20 – 00:00 and an hourly service on Sundays operating from 09:15 – 21:48. The numbers 7 and 8 buses are also accessible via Caulfield Road which is some 800m (10 minute walk) from the site which provides access to Rayleigh. The site is located approximately 950m, or a 12-18 minute walk from the Shoeburyness train station which connects to London Fenchurch Street.

7.169 The site is considered to be sustainability located. It is located close to shops and services and is accessible by local bus services and the Shoeburyness railway station. National Cycle Route 16 is located on Ness Road providing links to Thorpe Bay, Southend, Westcliff and Leigh. The development therefore provided opportunities for alternative transport other than the private car. The application has also been submitted with a Travel Plan which seeks to support more sustainable forms of travel and reduce the overall need to travel. It includes measures such as providing cycle parking, promoting and encouraging alternative transport modes, promoting car sharing, encouraging walking, cycling and public transport and assigning a Travel Plan co-ordinator. The Travel Plan can be secured via a planning condition. The development is acceptable and policy compliant in this regard.

#### Access

7.170 Access is not a reserved matter and details of access have been submitted with this outline application. Vehicular access to the larger western part of the site would be via New Barge Pier Road and New Garrison Road at four locations which already benefit from existing access points: Home Zone 1 benefits from two access points from New Barge Pier Road, Home Zone 2 has one access point from New Barge Pier Road and Home Zone 4 has a single access point from New Garrison Road (which would be shared with the extant food store access to the immediate north of the site). Vehicular access to the eastern part of the site (Home Zone 3) would be via a proposed extension to the northern end of New Barge Pier Road. The Highways Team confirms that the design of the junctions are acceptable to accommodate the

development traffic in terms of capacity and highway safety and have raised no objection to the access proposed. The development is therefore acceptable and policy compliant in this regard.

### Highway Network

- 7.171 The Transport Statement (TS) submitted with the application uses the TRICS database to determine likely levels of traffic generated by the development and compares the traffic generated to the previous approved 2016 scheme (15/02053/OUTM) concluding: *'The comparison confirmed that the current development proposal would only lead to a very modest increase in traffic levels during the typical weekday AM peak hour and a decrease during the typical weekday PM peak hour when compared to the aspect of the previously approved proposal that would occupy the application site area. As such, it is concluded that the development proposal should be regarded as acceptable from a traffic generation/ attraction perspective.'*

The Highways Team agrees with the conclusions of the Transport Statement and confirms it is satisfied the applicant has demonstrated that the traffic impact is negligible compared to the extant permission and conclude that the development will not have a detrimental impact on the local highway network. The previous application (ref. 15/02053/OUTM) required a contribution of £30,000 towards the future upgrade of the highway junction of Campfield Road and Ness Road. The Highways Team has requested the same contribution for this application. Subject to a legal agreement requiring such a contribution, the development is acceptable and policy compliant in this regard.

### Parking

- 7.172 Policy DM15 states *'All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.'*
- 7.173 The adopted parking standards require a minimum of 1 parking space per dwelling for flats and a minimum of 2 parking spaces for 2+ bedroom dwellings. The parking standards require a maximum of 1 space per 14sqm for A1 food shops, 1 space per 20sqm for A1 non-food shops and A2 financial and professional services and 1 space per 5sqm for A3 cafes and restaurants. D1 medical centres require a maximum of 1 space per full time equivalent staff + 3 spaces per consulting room.
- 7.174 The proposed parking plan submitted indicates that in total 502 parking spaces will be provided at the site, with 78 spaces for the health centre, 16 spaces for the commercial uses, 198 spaces for the houses and 210 spaces for the flats. This is based on 214 dwellings being provided at the site: 99 houses and 115 flats. It is stated that there will be 2 parking spaces per dwelling, 1 space per 1 bed flat and 2 spaces per 2+ bedroom flat. The levels of parking proposed are considered acceptable and appropriate for the various elements of the scheme and are confirmed by the Highways Team to provide policy compliance. It is also noted that the Highways Team conclude that the parking layout ensures that all spaces can be accessed and egressed effectively. It is also noted that the information submitted with the application confirms that the 78 parking spaces proposed for the health centre *'...is in accordance with the NHS parking requirements.'*

### Cycle Parking

- 7.175 The information included within the Health Impact Assessment submitted confirms *'Cycle*

*parking is provided within the scheme to encourage the frequent use of cycling as a mode of transport. Secure, covered cycle parking will be provided for the residential, health and commercial elements of the proposal.* Further information included within the Planning Statement also confirms that the *'development will...provide fully compliant cycle parking provisions...'* Given that this is an outline application with details of layout, scale and appearance reserved for later consideration, it is considered a condition requiring full details of the secure, covered cycle parking for the residential, commercial and health centre can be secured by planning conditions. Subject to such conditions, no objection is raised on this basis.

### Construction Method Statement

- 7.176 Environmental Health have recommended a condition is imposed on any grant of consent requiring the submission of a construction method statement which includes details of the control of dust, a dust management plan and hours of work. Given the nature and scale of the proposal, a construction method statement is considered necessary and can be secured with a planning condition.
- 7.177 Subject to conditions and a S106 legal agreement to secure the £30,000 required for the Ness Road/Campfield Road junction improvements, the highways and parking considerations are acceptable and policy compliant.

### **Sustainability**

- 7.178 Policy KP2 of the Core Strategy states; *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources"* and that *"at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)"*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design. The Sustainability Statement submitted with the application recognises that the development needs to comply with this policy. No details have been submitted at this time, however, given that this an outline application, this is reasonable and it is considered the details of the sustainability requirement can be secured by the imposition of a planning condition. Subject to such a condition, the development is acceptable in this respect.
- 7.179 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. The Sustainability Assessment submitted considers this requirement and states *'The required domestic water consumption target will be achieved through low water fittings, which will also be specified within the non-domestic areas. This may include such items as low flow dual flush toilet cisterns and low flow taps and showers.'* Subject to a condition requiring the development to comply with this requirement, no objection is therefore raised on this basis.
- 7.180 The Sustainability Statement submitted states that the non-domestic buildings proposed (healthcare facilities and retail units) will be assessed against the current BREEAM criteria and will seek to achieve a 'Very Good' rating in accordance with Policy DM2. Given that this is an outline application with details of the scale, layout and appearance reserved for later consideration, it is considered that this requirement can be secured with the imposition of a planning condition. Subject to such a condition no objection is raised on this basis.

### **Environmental Statement**

- 7.181 The application has been submitted with an Environmental Statement (ES) which presents the



findings of an Environmental Impact Assessment (EIA) setting out any significant environmental effects of the proposal, and where appropriate identifies any mitigation measures needed. The ES submitted concludes:

*‘The construction phase of the Proposed Development will result in minimal impacts associated with construction traffic and associated noise levels, changes to local landscape character and residential visual amenity. These impacts will be minimised through the use of best practice construction techniques and will be temporary in nature.*

7.182 *Most of the impacts arising from the operational phase of the Proposed Development are considered to be Negligible or to deliver betterment with the adoption of mitigation measures, many of which are inherent within the Proposed Development including the socio-economic benefits of providing a new residential population and significant new areas of public open space, together with new community facilities and improvements to local drainage infrastructure and road junctions.*

7.183 *Overall, any significant adverse environmental effects associated with the proposed development can be minimised to an acceptable level through the application of appropriate mitigation measures (which can be controlled through appropriate planning conditions).’* The findings of the ES are noted and officers concur that the development is acceptable in this respect, subject to conditions and a S106 Legal Agreement to secure the necessary mitigation.

### **S106 and Development Contributions**

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

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

7.185 The Core Strategy Policy KP3 requires that:

*“In order to help the delivery of the Plan’s provisions the Borough Council will: Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.”*

### Affordable Housing

7.186 In terms of affordable housing, Policy CP8 of the Core Strategy states *‘Residential development proposals will be expected to contribute to local housing needs, including affordable...provision...To achieve this, the Borough Council will...enter into negotiations with developers to ensure that...all residential proposals of 50 dwellings or 2 hectares or more make an affordable housing or key worker provision of not less than 30% of the total number of units on site.’* Policy DM7 of the Development Management Document requires a tenure mix of 60:40 between social and/or affordable rented accommodation and intermediate housing.

7.187 Paragraph 64 of the NPPF states *‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.’*

- 7.188 The LPA needs to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development which is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations”
- 7.189 The scheme is for 214 units, therefore a policy compliant scheme would require the provision of 65 units and to comply with the tenure split of these 65 units, 39 of which should be for social/affordable rent and 26 for intermediate housing.
- 7.190 The application has been submitted with a viability review. A policy compliant affordable housing provision; 30% affordable units on site with a 60/40 tenure split in favour of rented tenure is being proposed by the applicant.
- 7.191 The Council has had the viability assessment submitted independently reviewed. The independent review concludes that the scheme is able to viably deliver the required affordable housing. As such, the development is acceptable and policy compliant, subject to the completion of a S106 agreement in this respect.

#### Education

- 7.192 For information, primary education is covered by the Community Infrastructure Levy, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests). This development would be required to provide a financial contribution of £493,000.40 for secondary education. The council Education Team has confirmed that the secondary catchment area for the development is Shoeburyness High School which has no capacity currently but has the potential to add to the numbers planned. As such, this contribution is deemed reasonable and necessary to make the development acceptable to address the increased demand for secondary school places as a result of this development.

#### Highways

- 7.193 The council Highways Team have requested a contribution of £30,000 towards junction improvements at the Ness Road/Campfield Road junction. The submitted Transport Statement considers the proposal on the basis of the extant planning permission under reference (15/02053/OUTM) and considers the increase in vehicle movements over and above that permission. That permission (15/02053/OUTM) was deemed acceptable in traffic and transport terms, subject to a S106 legal agreement, similarly requiring a contribution of £30,000 towards improvements to this junction. Given that there have been no material changes to Policy, or the junction since the determination of this application, such a contribution remains necessary and reasonable.

#### Public Open space

- 7.194 The development includes significant areas of public open space and play equipment. It is not proposed for these areas to be transferred to, or be maintained by the Council. As such there is no need for a legal agreement in this respect. However, a condition can be imposed in this regard to ensure that the open spaces are maintained and retained in perpetuity for use by the community.

#### RAMS

7.195 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The adopted RAMS Supplementary Planning Document (SPD) requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. As such a contribution of £26,874.12 is required in this respect. Such a contribution is considered necessary and relevant to the proposal given the above.

### S106 Summary

7.196 The following S106 contributions are proposed, which have been agreed with the applicant's agent and a S106 in this respect is therefore recommended:

- 30% units of affordable housing on site (65 units) – with a 60/40 tenure split (39 social/affordable rent and 26 intermediate units).
- £493,000.40 contribution towards secondary education towards Shoeburyness High School.
- Essex RAMS payment of £26,874.12 to mitigate the potential disturbance to European designated sites.
- £30,000 highways contribution towards improvements to Campfield Road/Ness Road junction improvements.
- Monitoring fee £10,000.

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

7.197 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. As this is an outline application, the CIL amount payable will be calculated on submission of a reserved matters application when the floorspace figures will be confirmed.

## **8 Conclusion**

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development is acceptable in principle and provides an appropriate dwelling mix, is acceptable in terms of flooding, ecology, design and impact on the character and appearance of the site, wider surrounding area and nearby designated heritage assets. The development would not result in any material harm to the residential amenity of nearby residents and provides acceptable living conditions for future occupiers. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development.

8.2 The development constitutes sustainable development, providing economic, social and environmental benefits. Any limited harm identified as a result of the proposal is clearly outweighed by the benefits of the proposal, including the provision of 214 additional dwellings and provision of policy compliant affordable housing. Subject to conditions and the completion of a S106 legal agreement, the application is therefore recommended for approval.

## 9 Recommendation

### 9.1 Members are recommended to:

(a) **DELEGATE** to the Interim Director of Planning or Group Manager of Planning & Building Control to **GRANT PLANNING PERMISSION** subject to the following conditions and following the completion of a **PLANNING AGREEMENT UNDER SECTION 106** of the Town and Country Planning Act 1990 (as amended) to secure the provision of:

- 30% units of affordable housing on site (65 units) – with a 60/40 tenure split (39 social/affordable rent and 26 intermediate units).
- £493,000.40 contribution towards secondary education.
- Essex RAMS payment of £26,874.12 to mitigate the potential disturbance to European designated sites.
- £30,000 highways contribution towards Campfield Road/Ness Road junction improvements.
- Monitoring fee £10,000

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

#### *General Conditions*

**01** Details of the appearance, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

**Reason:** Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

**02** No development, other than site preparation works and any works required to comply with requirements of other conditions on this permission, shall take place on site until a phasing plan has been submitted to and approved in writing by the local planning authority. Following approval of the plan, each phase shall be completed in accordance with the plan before the next phase commences.

**Reason:** To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan.

**03** The development shall be carried out in accordance with the approved parameter plans which set out the parameters for the heights and levels of the development, the locations

**of the different uses across the site, the landscaping and the access and movement arrangements for the site: 032-S2-P403-E, 032-S2-P402-E, 032-S2-P401-D, 032-S2-P001-C, 2166-00-20-B.**

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

- 04 The development hereby approved shall include no more than 214 dwellings, no more than 1,000sqm health centre (Use Class D1) and no more than 400sqm of commercial floorspace (Use Classes A1, A2 or A3).**

**Reason: To define the scope of the permission and to ensure that the development meets the requirements of the Development Plan.**

*Design and Heritage related conditions*

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until full details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwellings or non-residential parts of the development hereby approved are first occupied or brought into use.**

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

- 06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings. Before a building hereby approved is occupied the building shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

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

- 07 Notwithstanding the information submitted with the application, no development shall be undertaken, unless and until a field investigation including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting**

**below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before the development is brought into first use.**

**Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).**

- 08 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.**

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

*Construction related conditions*

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

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

**Reason: This is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).**

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

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

*Landscaping and ecology conditions*

11

**Notwithstanding the details shown on the plans hereby approved no development shall take place, other than ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping for the site and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping.**

**This shall include full details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces, including any earthworks to be carried, all means of enclosing the site and full details of the play equipment, benches and associated facilities proposed.**

**All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

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

12

**All of the landscaped areas and open space including play equipment, benches and associated facilities hereby approved shall be provided prior to the first occupation of any part of the phase of the development hereby approved they fall within and shall be retained and maintained in perpetuity for the occupants of the development and the wider community.**

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

13

**The development hereby approved shall be implemented and operated thereafter in strict accordance with the biodiversity mitigation measures outlined at paragraph 8.7.2 of the Environmental Statement which includes mitigation in relation to habitats, rare plants, amphibians, reptiles, breeding birds, badgers, mammals and bats. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.**

**Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

14

**The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the Breeding Bird Survey by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCEP 3398 including the mitigation measures outlined at paragraph 6.5 of the report.**

**Reason: In the interest of biodiversity in accordance with National Planning Policy**

**Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 15 The development hereby approved shall be implemented and operated thereafter in accordance with the findings, recommendations and mitigation measures of the Great Crested Newt and Mammal Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 3398 including the mitigation measures outlined at Chapter 6 of the report.

**Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 16 The development hereby approved shall be implemented in strict accordance with the ecological enhancement measures outlined at paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

**Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 17 The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures contained within the Botany reports submitted, including the mitigation at paragraph 5.2 of the Botany Survey by D F Clark Bionomique Ltd dated 8 June 2020 ref. DFCP 3398 and the mitigation and avoidance measures outlined in chapter 5 of the Botanical Survey by The Landscape Partnership dated 28 July 2020 ref. E20841.

**Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

*Trees*

- 18 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations and conclusions of the Arboricultural Impact Assessment by D F Clark Bionomique Ltd dated 27 May 2020 ref DFCP 3398 including the mitigation outlined within Chapter 5 and the Tree Protection Plans included in Appendix 5 of the report ref. DFCP 3398 TPP (1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5).

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

*Parking and highway conditions*

- 19 The development shall not be first occupied unless and until 502 on site car parking spaces comprising 210 spaces for the flats, 198 spaces for houses, 16 spaces for the



**commercial (Class A1, A2 and A3) uses and 78 spaces for the Health Centre (Class D1) use have been provided and made available for use in full accordance with drawing 032-S2-P003 Rev. H, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans.**

**The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.**

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

- 20 The development shall not be first occupied or brought into first use unless and until full details of the covered and secure cycle parking to serve the health centre, commercial and residential parts of the development hereby approved have been submitted to and approved in writing by the local planning authority. Each building in the development shall be carried out in accordance with those approved details before the building is first occupied or brought into first use and the development shall be retained as such in perpetuity.**

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

- 21 The approved Travel Plan (ref. Travel Plan dated July 2020 ref. IT1971TPF\_22.07.20\_Issued) shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.**

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

- 22 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the dwellings hereby approved are first occupied or the commercial (Classes A1-A3) or Health Centre (Class D1) uses are brought into first use and shall be maintained as such in perpetuity.**

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

- 23 Prior to the first occupation of any dwelling, details for the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of occupation.**

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

*Waste Management*

- 24 No part of the commercial (Classes A1-A3) or Health Centre (Class D1) uses hereby approved, shall be brought into first use unless and until a waste management plan which includes full details of refuse and recycling storage and servicing arrangements has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall be carried out solely in accordance with the approved details from the first use of the development.**

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

- 25 The residential dwellings hereby approved shall not be first occupied unless and until full details of the refuse and recycling stores have been submitted to and approved in writing by the local planning authority. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling to which they relate and shall be retained as such in perpetuity.**

**Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).**

*Flood and Drainage conditions*

- 26 The development hereby approved shall be implemented and undertaken in strict accordance with the findings, recommendations and mitigation measures, including within Chapter 5, and including the minimum floor levels as set out within Chapter 5 (no habitable accommodation below 6.50m Above Ordinance Datum (AOD)) and the resilience measures as outlined within parts 5.30, 5.31, 5.32 and 5.33 of the submitted Flood Risk Assessment by Ardent ref.185320-01B dated July 2020. All ground levels are to be set with development platforms to 3.0m AOD for residential apartments and 6.0m AOD for residential houses and all domestic dwellings must have provision for refuge greater than the 0.1% Annual Exceedance Probability (AEP) plus climate change level of 6.5m AOD.**

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

- 27 The development hereby approved shall be undertaken and operated in accordance with the Flood Response Plan submitted by Ardent ref. 185320-08B dated July 2020 including its recommendations at Chapter 4.**

**Reason: To ensure the approved development is safe in flood risk terms in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.**

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

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

- 29 Notwithstanding the provisions of the Town and Country Planning Act 1990 (As amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revising or re-enacting that legislation with or without modification, no garages or undercroft parking areas nor any non-habitable accommodation in the scheme below a level of 6.50m AOD shall be converted into habitable accommodation at any time.**

**Reason: To ensure the approved development is safe in flood risk terms in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.**

*Nosie and odour related conditions*

- 30 No extraction and ventilation equipment for the proposed non-residential uses hereby approved (Classes A1-A3 and D1) shall be installed until and unless full details of their location, design, appearance and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into first use. With reference to British Standard BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

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

- 31 None of the commercial (Classes A1-A3) or health centre (Class D1) uses hereby approved shall be first occupied or brought into first use unless and until full details of the operating and opening times of that unit have been submitted to and approved in writing by the local planning authority. Each unit shall subsequently be operated only in full accordance with the details approved under this condition.**

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

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

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

*Use class conditions*

- 33** The commercial (Classes A1-A3) and Health Centre (Class D1) uses hereby approved, as identified on plan number 032-S2-P401 rev. F shall only be used for purposes falling within use classes A1, A2 or A3 or D1 as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted and 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).

*Accessibility*

- 34** No development other than site preparation works shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

**Reason:** To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

### *Lighting*

- 35** No external lighting shall be installed in the development hereby approved unless it is in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The ditch corridors shall not be illuminated directly or as a result of light spillage.

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

- 36** No development above ground floor level shall be undertaken unless and until a Light Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details in perpetuity.

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

### *Sustainability*

- 37** Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition. This provision shall be made for the lifetime of the development.

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

- 38** Prior to construction of the development hereby approved above ground floor slab level details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be included within the development and shall be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition and shall be retained as such in perpetuity.

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

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

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

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

*Reason:* In the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

*Contamination and associated conditions*

**41 A. Site Characterisation**

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

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

**B. Submission of Remediation Scheme**

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

**C. Implementation of Approved Remediation Scheme**

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

**D. Reporting of Unexpected Contamination**<sub>76</sub>

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.**

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

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

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

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

- 42 The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Section 10 of the Unexploded Ordnance Assessment by MACC ref. 6503 V.1.0 dated 11/05/2020.**

**Reason: In the interests of the residential amenity of the area in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).**

#### *CCTV*

- 43 NO CCTV shall be installed in the development hereby approved unless in accordance with details that have previously been submitted to and approved in writing by the local planning authority.**

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

#### *Air Quality*

- 44** The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Tables 6.1 and 6.2 of the Air Quality Assessment by WYG ref. A117624. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures and mitigation shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

**Reason:** In the interests of the residential amenity of the area in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

- (c)** In the event that the planning obligation or other means of securing the financial contribution referred to in part (a) above has not been completed by 16th December 2020 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, would not provide adequate levels of affordable housing, would not provide any secondary education contributions to mitigate the development, or the necessary highways contribution contrary to National and Local planning policy.

**Informatives:**

- 01** Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.
- 03** Should the applicant require roads within the development adopted the Council's highways tea should be contacted.
- 04** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 05** The development site is within 15m of a sewage pumping station which requires access for maintenance and will have sewage infrastructure leading to it and cannot be easily relocated. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no



development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

**06**

If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advise them of the most suitable point of connection. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

**07**

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

**08**

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

**09**

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

**10**

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

**11**

Given the scale of the development, a Prior Consent under Section 61 COPA (1974) shall be required with Regulatory Services at Southend Borough Council. Construction and Demolition shall also be undertaken in accordance with London Good Practice Guide.

**12**

The additional SuDS and drainage information that will need to be submitted as part of condition 25 includes

- i i. Adoptable SuDS and drainage by Anglian Water need to be in line with the 'Design and Construction Guidance'. Evidence of the agreement in principle with Anglian Water is required to ensure that the SuDS/drainage systems will be maintained in perpetuity.
- ii ii. A plan showing the SuDS/drainage elements managed by the different parties (SBC, Anglian Water, Management Company) to be provided.
- iii iii. Catchment plan showing impervious and pervious areas (positively and non-positively drained) to be provided.
- iv iv. Greenfield runoff rates are calculated for all the site area. Greenfield runoff rates should be calculated for areas positively drained (pervious or impervious). It is unclear if all areas are positively drained (pervious and pervious) into the system, but calculations and modelling suggest that only impervious areas are positively drained. Greenfield runoff will need to be re-calculated. Also, the greenfield runoff rate for the 100 year should be reduced to take into account the extra discharge of Long Term Storage. This could have an impact on the storage requirements.

- v v. Long Term Storage is estimated, but it is not clear how this is going to be provided in the site (i.e. part of main attenuation feature or separate storage area).
- vi vi. The SuDS/drainage strategy should consider the effects of submerged outfalls in the Barge Pier Ditch.
- vii vii. Consideration should be given to un-lining system in areas of less risk of high groundwater table and pollution (incl. consideration of land contamination).
- viii viii. Exceedance routes to be shown on plan.
- ix ix. Phasing Plan to be provided as part of the Drainage Strategy.
- x x. Management of Health and Safety Risks to be provided as part of the Drainage Strategy.
- xi xi. Construction details (including flow controls) to be provided.
- xii xii. Management of groundwater and land drainage (from external areas and from pervious areas within the development) to be provided
- xiii xiii. Additional information in line with Detailed Drainage Design Checklist (Essex County Council).

- 13 Max development height in this area is 161.46m AOD. All aspects of the development must comply with CAP168 and EASA regulations including lighting, landscaping and renewable energy sources.
- 14 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.
- 15 The applicant is advised that refuse stores should not be prominently located within the development. As such it is recommended that the refuse stores are not located to the front of the dwellings.
- 16 The Council will need to retain access across the site to maintain its land and infrastructure in perpetuity.
- 17 No waste as part of the development shall be burnt on site.

**NOTES**

Do not scale from this drawing electronically or manually, use written dimensions only.

All dimensions are in millimeters unless stated otherwise.

This drawing is produced for use in this project only and may not be used for another purpose. Proworks accept no liability for the use of this drawing other than the purpose for which it was intended and is recorded on the title fields. Purpose for Issue and Drawing Status Code.

This drawing may not be reproduced in any form without prior written agreement of Proworks.

© Crown copyright and database rights 2020.  
Ordnance Survey Licence Number 0100031673

CDM 2015

The Construction (Design and Management) Regulations 2015 (CDM 2015) makes a distinction between domestic and commercial clients and outlines the duties you, as client, have under Health and Safety Law (HSE).

These duties can be found at:  
<http://www.hse.gov.uk/construction/2015/responsibilities.htm>

It is your responsibility as client to make yourself aware of your role within CDM 2015 and act accordingly.

- KEY**
- HARD LANDSCAPE**
- Road  
Asphalt
  - Shared surfaces  
Concrete block paving
  - Multi-use path  
Self binding gravel
  - Raised Deck / Terrace
  - Playground
  - Trim trail
  - Dry riverbed play feature
  - Stone climbing stack
  - Zipwire
  - Benches
  - Picnic table

- SOFT LANDSCAPE**
- EXISTING**
- Existing waterbody /water course
  - 5m watercourse maintenance strip
  - Existing tree retained
- PROPOSED**
- Avenue Tree
  - Deciduous tree
  - Evergreen tree
  - Small garden scale tree
  - Hedge
  - Shrubs
  - Ornamental planting
  - Meadow seeding
  - Lawn
  - Butterfly bank sensory play feature
  - Waterbody
  - Marginal planting
  - Rain garden



Check no further action			
CD	PREPARED BY	DATE	CHECKED BY
C	AO	05.06.20	DO
B	AO	05.06.20	DO
A	AO	05.06.20	DO

PURPOSE OF ISSUE: PL - For Planning Submission | RIBA STAGE: 3

DRAWING STATUS: IN - For Information

PROJECT TITLE: The Garrison, Shoeburyness

CLIENT: Garrison Developments LLP

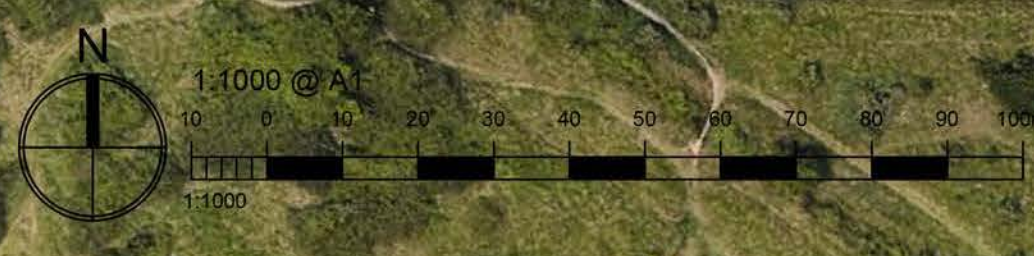
DRAWING TITLE: Landscape Plan | SCALE: 1:1000@A1

DATE	DRAWN BY	CHECKED BY	APPROVED BY
05.06.2020	AO	DO	CW

DRAWING NUMBER: 2166 - 00 - 20 - B

**Proworks**

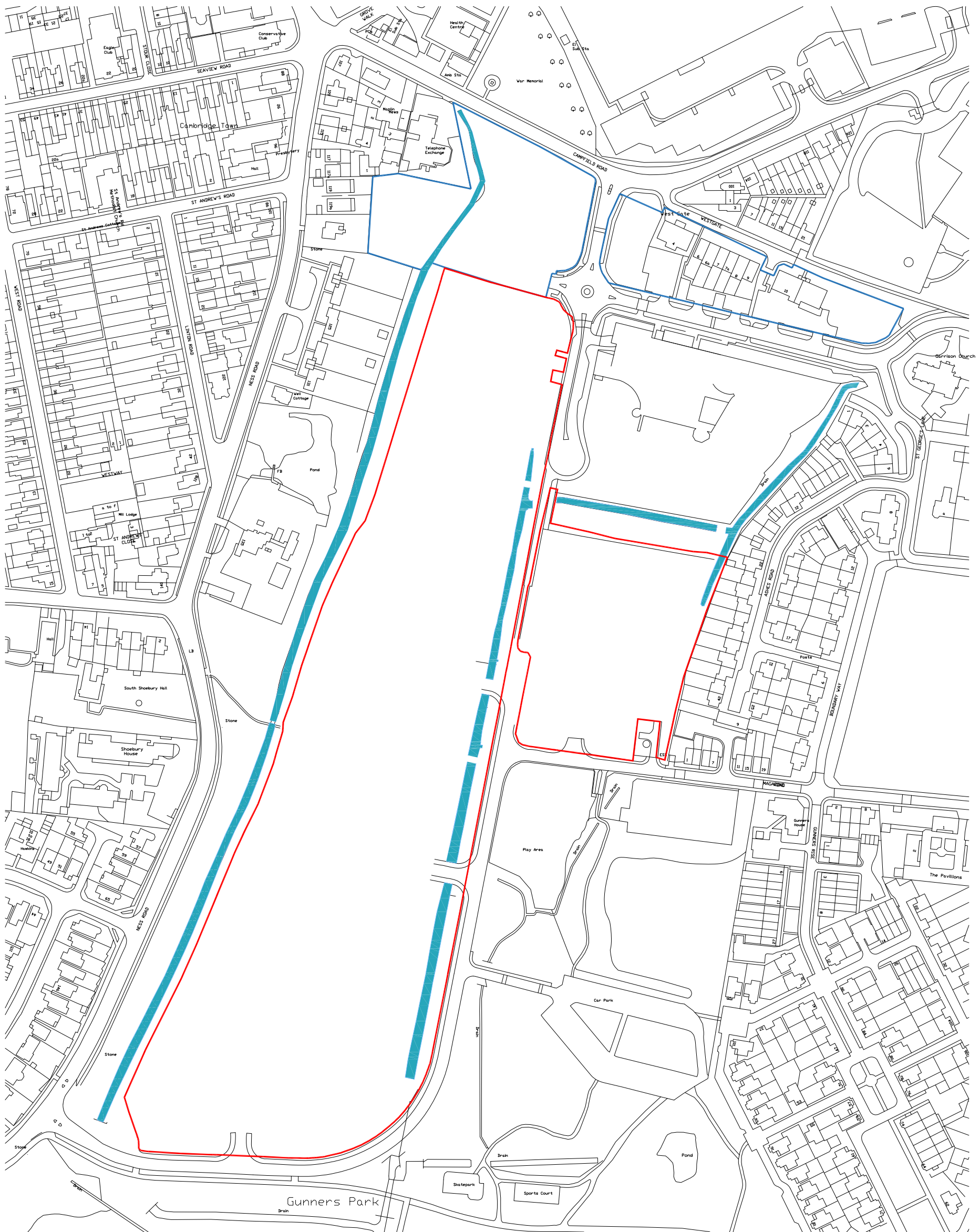
Norwich Office: Breffogan House, 98 Pottersgate, Norwich, NR2 1EQ  
Tel: 01603 631319 www.proworks.com



This page is intentionally left blank

1. All dimensions are in mm unless stated otherwise
2. No dimensions to be scaled
3. All dimensions to be verified by the contractor before work is commenced
4. Architect to be notified immediately if any discrepancies are found
5. All shop drawings to be approved by Architect before work commences.
6. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
7. This drawing is the property of Stolon Studio Ltd, copyright reserved, and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

This drawing is produced based upon Survey information by others and Stolon Studio Ltd take no responsibility for the accuracy of this information.



Rev C, 22/07/2020 - Boundary amended  
 Rev B, 08/07/2020 - Boundary & west path amendments  
 Rev A, 27/05/2020 - Planning Issue

Stolon Studio Ltd | Kaolin Court | London SE23 1AA  
 020 3355 9533 | mail@stolon.uk

Drawing	Site & Location Plan	Scale	1:2500 at A3
Date	27th April 2020	Dwg No.	032-S2-P001
Project	032 Shoeburyness	Rev	C



This page is intentionally left blank



Key of views on site map



1 - Playground South of Magazine Road



2 - Looking East across field north of Magazine Road



3 - Looking North towards Hinguar Primary School



4 - Looking North from Magazine Road



5 - Looking East across Southern field of site



6 - Looking West towards site along Magazine Road



7 - Looking South across site from roundabout



8 - Looking East across North field of site



9 - Garrison Skate-park & Tennis Courts South of site

Photographs courtesy of Lanpro

This page is intentionally left blank



1. All dimensions are in mm unless stated otherwise  
 2. No dimensions to be scaled  
 3. All dimensions to be verified by the contractor before work is commenced  
 4. Architect to be notified immediately if any discrepancies are found  
 5. All shop drawings to be approved by Architect before work commences.  
 6. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification  
 7. This drawing is the property of Stolon Studio Ltd, copyright reserved, and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

This drawing is produced based upon Survey information by others and Stolon Studio Ltd take no responsibility for the accuracy of this information.

**KEY**

- Up to 2 Storey - ridge height c.14.9m from Above Ordinance Datum (AOD)
- Up to 3 Storey - ridge height c.14.9m from Above Ordinance Datum (AOD)
- Up to 3 Storey on +6.15 Land Raise - ridge height c.17.9m from Above Ordinance Datum (AOD)
- Up to 4 Storey - ridge height c. 20.9m from Above Ordinance Datum (AOD)
- Up to 5 Storey - ridge height c. 23.9m from Above Ordinance Datum (AOD); Note: 5 storey's to be no more than 50% of area shown
- +3m AOD Ground Level
- min +6.1m AOD Ground Level

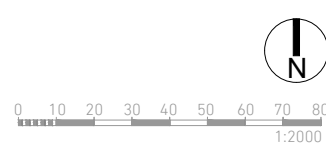
\*Building heights in metres to ridge from Above Ordinance Datum (AOD) Level  
 \*\*FFL may vary by + 1m from proposed fill level



Rev F, 22/10/2020 - HZ1 Heights amended  
 Rev E, 09/10/2020 - HZ1 Heights amended  
 Rev D, 22/07/2020 - Boundary Amended  
 Rev C, 21/07/2020 - Key Amended  
 Rev B, 07/07/2020 - Boundary & paths amended  
 Rev A, 25/06/2020 - Planning Issue

Stolon Studio Ltd | Kaolin Court | London SE23 1AA  
 020 3355 9533 | mail@stolon.uk

Drawing	PROPOSED PARAMETER PLAN - heights and levels	Scale	1:2000 at A3 1:1000 at A1
Date	27th April 2020	Project	032 Shoeburyness
Dwg No.	032-S2-P402	Rev	E



This page is intentionally left blank

1. All dimensions are in mm unless stated otherwise  
 2. No dimensions to be scaled  
 3. All dimensions to be verified by the contractor before work is commenced  
 4. Architect to be notified immediately if any discrepancies are found  
 5. All shop drawings to be approved by Architect before work commences.  
 6. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification  
 7. This drawing is the property of Stolon Studio Ltd, copyright reserved, and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

This drawing is produced based upon Survey information by others and Stolon Studio Ltd take no responsibility for the accuracy of this information.

**KEY**

- 2 Storey
- 3 Storey
- 4 Storey
- 5 Storey
- Waterway
- 5m wide access zone required for maintenance by Southend-On-Sea Borough Council
- Site Boundary



Rev G, 22/07/2020 - Boundary amended  
 Rev F, 21/07/2020 - Access road to HZ3 amended  
 Rev E, 08/07/2020 - Boundary & west path amendments  
 Rev D, 30/06/2020 - Landscape Amendments  
 Rev C, 17/06/2020 - Turning circle & Landscape Amendments  
 Rev B, 08/06/2020 - Layout amendments to HZ2, 3 & 4  
 Rev A, 27/05/2020 - Minor Landscaping Amendments

Stolon Studio Ltd | Kaolin Court | London SE23 1AA  
 020 3355 9533 | mail@stolon.uk

Drawing	PROPOSED Indicative Building Heights	Scale	1:2000 at A3 1:1000 at A1
Date	27th April 2020	Dwg No.	032-S2-P002
Project	032 Shoeburyness	Rev	G

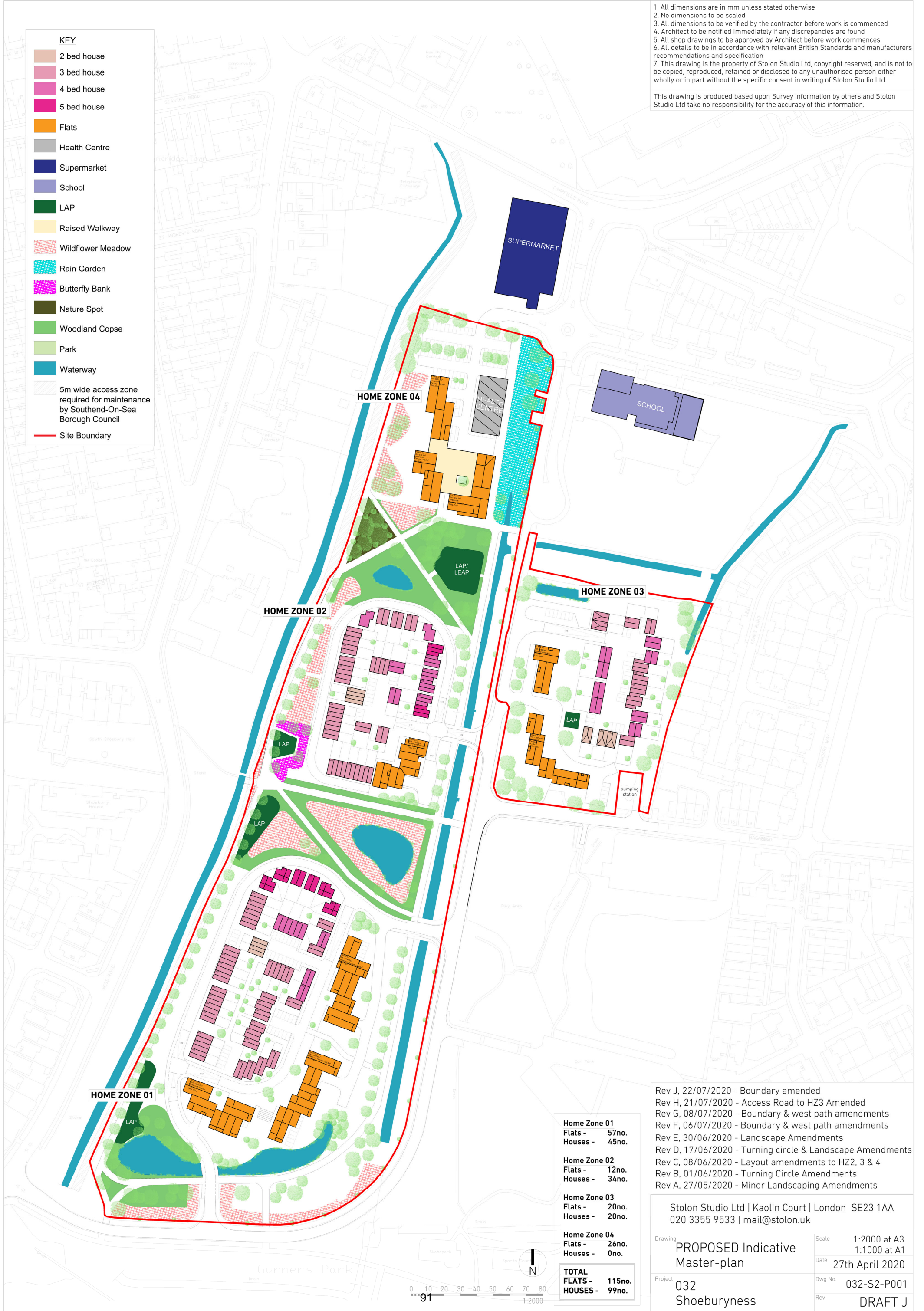


This page is intentionally left blank

1. All dimensions are in mm unless stated otherwise  
 2. No dimensions to be scaled  
 3. All dimensions to be verified by the contractor before work is commenced  
 4. Architect to be notified immediately if any discrepancies are found  
 5. All shop drawings to be approved by Architect before work commences.  
 6. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification  
 7. This drawing is the property of Stolon Studio Ltd, copyright reserved, and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

This drawing is produced based upon Survey information by others and Stolon Studio Ltd take no responsibility for the accuracy of this information.

KEY	
	2 bed house
	3 bed house
	4 bed house
	5 bed house
	Flats
	Health Centre
	Supermarket
	School
	LAP
	Raised Walkway
	Wildflower Meadow
	Rain Garden
	Butterfly Bank
	Nature Spot
	Woodland Copse
	Park
	Waterway
	5m wide access zone required for maintenance by Southend-On-Sea Borough Council
	Site Boundary



HOME ZONE 01

HOME ZONE 02

HOME ZONE 04

HOME ZONE 03

SUPERMARKET

SCHOOL

HEALTH CENTRE

LAP/LEAP

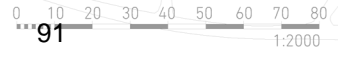
LAP

LAP

LAP

pumping station

<b>Home Zone 01</b>	
Flats -	57no.
Houses -	45no.
<b>Home Zone 02</b>	
Flats -	12no.
Houses -	34no.
<b>Home Zone 03</b>	
Flats -	20no.
Houses -	20no.
<b>Home Zone 04</b>	
Flats -	26no.
Houses -	0no.
<b>TOTAL</b>	
<b>FLATS -</b>	<b>115no.</b>
<b>HOUSES -</b>	<b>99no.</b>



Rev J, 22/07/2020 - Boundary amended  
 Rev H, 21/07/2020 - Access Road to HZ3 Amended  
 Rev G, 08/07/2020 - Boundary & west path amendments  
 Rev F, 06/07/2020 - Boundary & west path amendments  
 Rev E, 30/06/2020 - Landscape Amendments  
 Rev D, 17/06/2020 - Turning circle & Landscape Amendments  
 Rev C, 08/06/2020 - Layout amendments to HZ2, 3 & 4  
 Rev B, 01/06/2020 - Turning Circle Amendments  
 Rev A, 27/05/2020 - Minor Landscaping Amendments

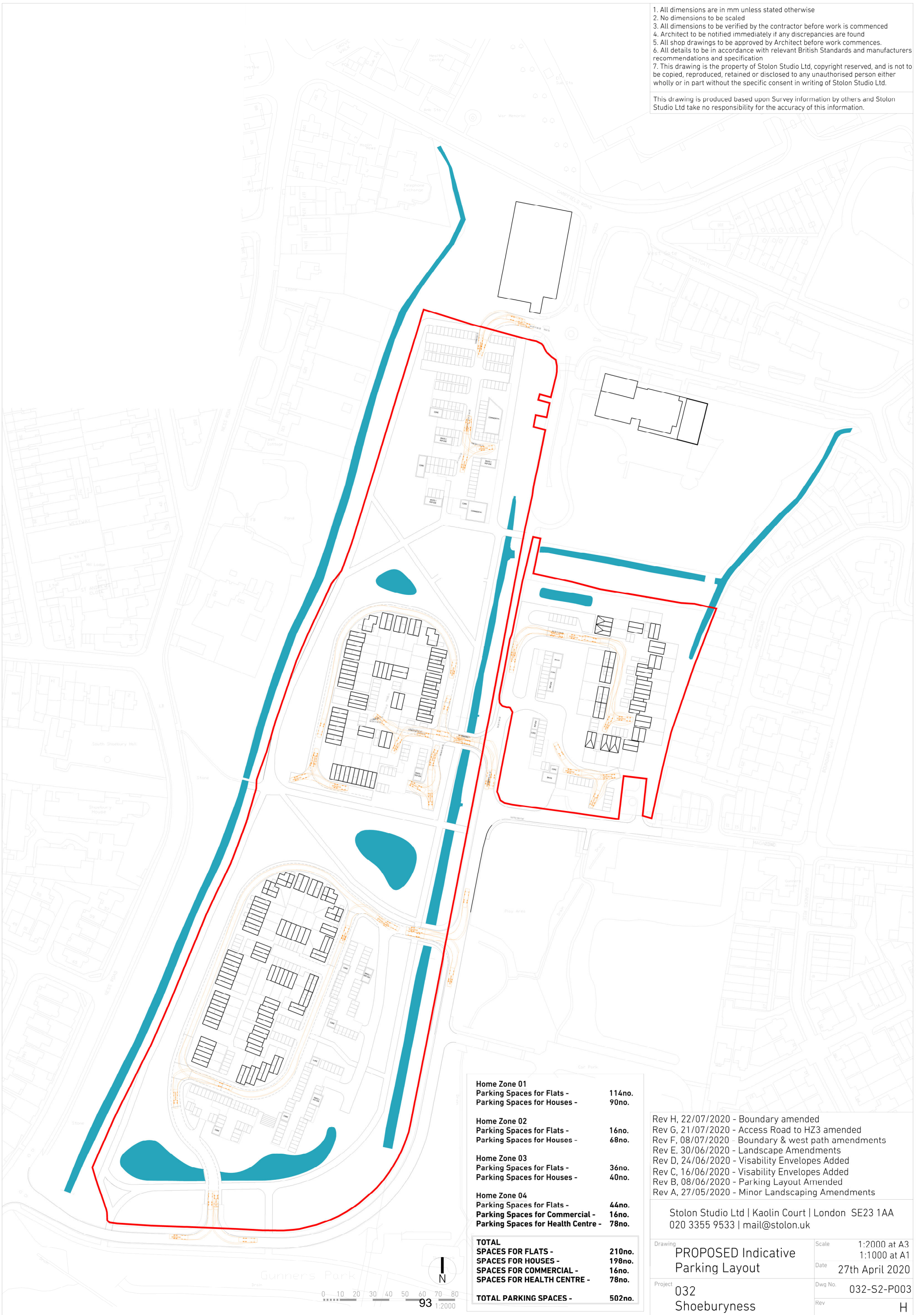
Stolon Studio Ltd | Kaolin Court | London SE23 1AA  
 020 3355 9533 | mail@stolon.uk

Drawing	PROPOSED Indicative Master-plan	Scale	1:2000 at A3 1:1000 at A1
Project	032 Shoeburyness	Date	27th April 2020
		Dwg No.	032-S2-P001
		Rev	DRAFT J

This page is intentionally left blank

1. All dimensions are in mm unless stated otherwise
2. No dimensions to be scaled
3. All dimensions to be verified by the contractor before work is commenced
4. Architect to be notified immediately if any discrepancies are found
5. All shop drawings to be approved by Architect before work commences.
6. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
7. This drawing is the property of Stolon Studio Ltd, copyright reserved, and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

This drawing is produced based upon Survey information by others and Stolon Studio Ltd take no responsibility for the accuracy of this information.

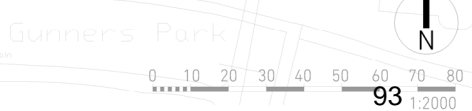


<b>Home Zone 01</b>	
Parking Spaces for Flats -	114no.
Parking Spaces for Houses -	90no.
<b>Home Zone 02</b>	
Parking Spaces for Flats -	16no.
Parking Spaces for Houses -	68no.
<b>Home Zone 03</b>	
Parking Spaces for Flats -	36no.
Parking Spaces for Houses -	40no.
<b>Home Zone 04</b>	
Parking Spaces for Flats -	44no.
Parking Spaces for Commercial -	16no.
Parking Spaces for Health Centre -	78no.
<b>TOTAL</b>	
<b>SPACES FOR FLATS -</b>	<b>210no.</b>
<b>SPACES FOR HOUSES -</b>	<b>198no.</b>
<b>SPACES FOR COMMERCIAL -</b>	<b>16no.</b>
<b>SPACES FOR HEALTH CENTRE -</b>	<b>78no.</b>
<b>TOTAL PARKING SPACES -</b>	<b>502no.</b>

- Rev H, 22/07/2020 - Boundary amended
- Rev G, 21/07/2020 - Access Road to HZ3 amended
- Rev F, 08/07/2020 - Boundary & west path amendments
- Rev E, 30/06/2020 - Landscape Amendments
- Rev D, 24/06/2020 - Visibility Envelopes Added
- Rev C, 16/06/2020 - Visibility Envelopes Added
- Rev B, 08/06/2020 - Parking Layout Amended
- Rev A, 27/05/2020 - Minor Landscaping Amendments

Stolon Studio Ltd | Kaolin Court | London SE23 1AA  
020 3355 9533 | mail@stolon.uk

Drawing	PROPOSED Indicative Parking Layout	Scale	1:2000 at A3 1:1000 at A1
Date	27th April 2020	Dwg No.	032-S2-P003
Project	032 Shoeburyness	Rev	H



This page is intentionally left blank

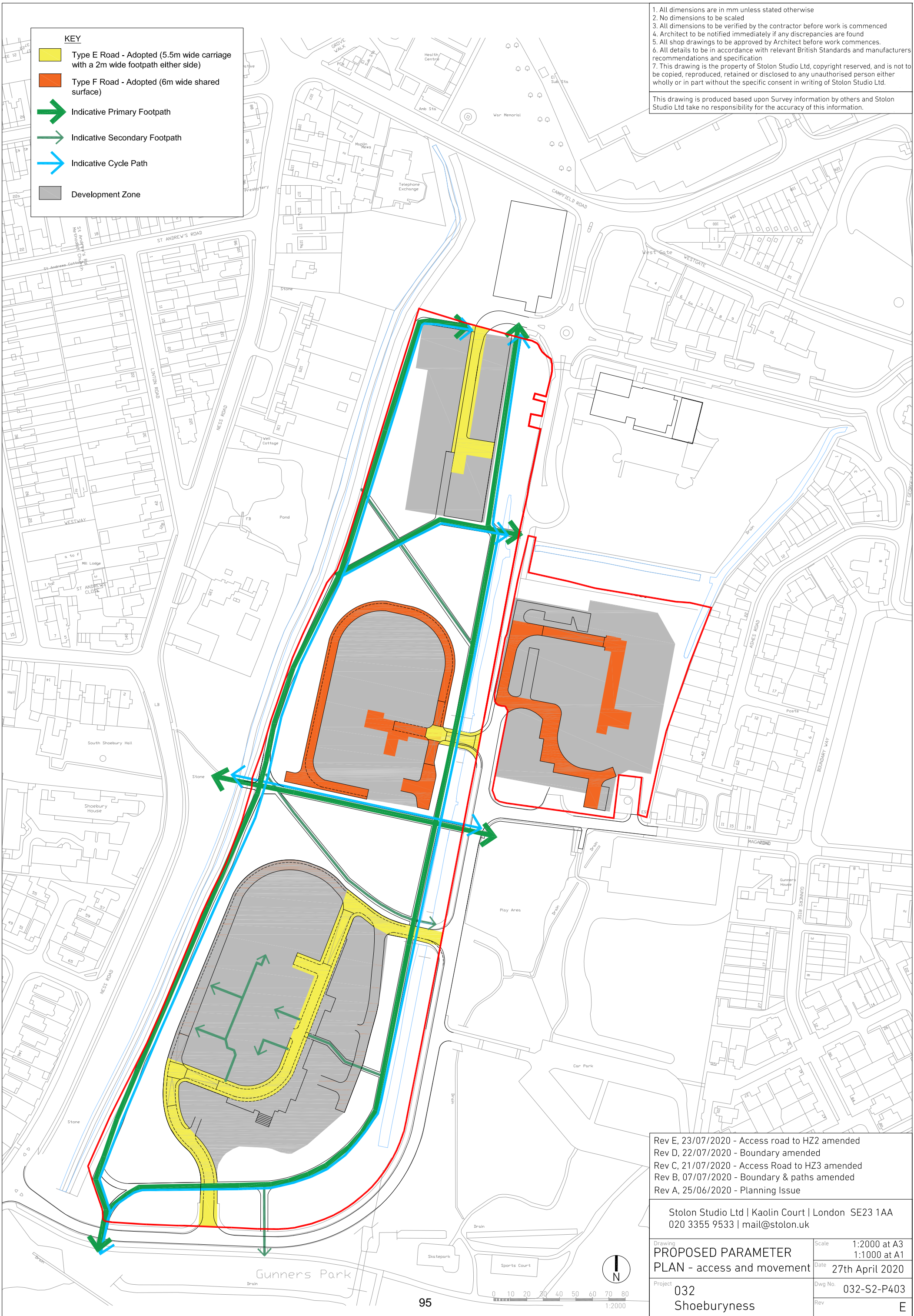


1. All dimensions are in mm unless stated otherwise
2. No dimensions to be scaled
3. All dimensions to be verified by the contractor before work is commenced
4. Architect to be notified immediately if any discrepancies are found
5. All shop drawings to be approved by Architect before work commences.
6. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
7. This drawing is the property of Stolon Studio Ltd, copyright reserved, and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

This drawing is produced based upon Survey information by others and Stolon Studio Ltd take no responsibility for the accuracy of this information.

**KEY**

- Type E Road - Adopted (5.5m wide carriage with a 2m wide footpath either side)
- Type F Road - Adopted (6m wide shared surface)
- Indicative Primary Footpath
- Indicative Secondary Footpath
- Indicative Cycle Path
- Development Zone



- Rev E, 23/07/2020 - Access road to HZ2 amended
- Rev D, 22/07/2020 - Boundary amended
- Rev C, 21/07/2020 - Access Road to HZ3 amended
- Rev B, 07/07/2020 - Boundary & paths amended
- Rev A, 25/06/2020 - Planning Issue

Stolon Studio Ltd | Kaolin Court | London SE23 1AA  
020 3355 9533 | mail@stolon.uk

Drawing <b>PROPOSED PARAMETER</b> <b>PLAN - access and movement</b>	Scale 1:2000 at A3 1:1000 at A1
Project <b>032</b> <b>Shoeburyness</b>	Date 27th April 2020
	Dwg No. <b>032-S2-P403</b>
	Rev <b>E</b>



This page is intentionally left blank

1. All dimensions are in mm unless stated otherwise
2. No dimensions to be scaled
3. All dimensions to be verified by the contractor before work is commenced
4. Architect to be notified immediately if any discrepancies are found
5. All shop drawings to be approved by Architect before work commences.
6. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
7. This drawing is the property of Stolon Studio Ltd, copyright reserved, and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

This drawing is produced based upon Survey information by others and Stolon Studio Ltd take no responsibility for the accuracy of this information.

**KEY**

- C3 (a-c) Dwelling Houses  
Gross area (including movement routes, parking, planting, and public spaces) - 3.79 ha.
- A1-A3 with D1 Non-residential Institution  
above Gross area (including movement routes, parking, planting, and public spaces) - 0.31 ha.
- A1-A3 with C3 Dwelling Houses above Gross area (including movement routes, parking, planting, and public spaces) - 0.05 ha.
- Open Space / Recreational Amenity Space  
Gross area - 4.15ha.
- Local Area of Play / Local Equipped Area of Play  
Gross area - 0.21 ha
- Site Boundary



- Rev D, 22/07/2020 - Boundary amended
- Rev C, 21/07/2020 - Amendment to D1 & C3 area
- Rev B, 07/07/2020 - Boundary & paths amended
- Rev A, 25/06/2020 - Planning Issue

Stolon Studio Ltd | Kaolin Court | London SE23 1AA  
020 3355 9533 | mail@stolon.uk

Drawing	PROPOSED PARAMETER PLAN - use	Scale	1:2000 at A3 1:1000 at A1
		Date	27th April 2020
Project	032 Shoeburyness	Dwg No.	032-S2-P401
		Rev	D

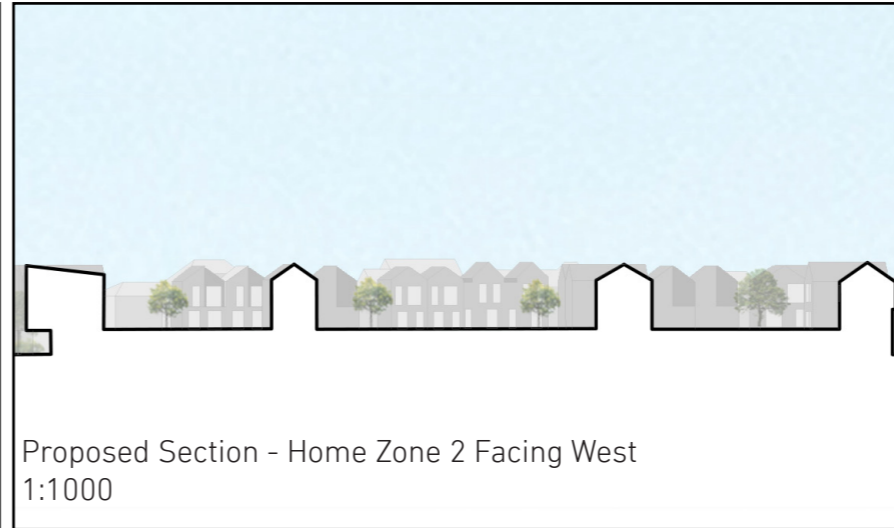


This page is intentionally left blank

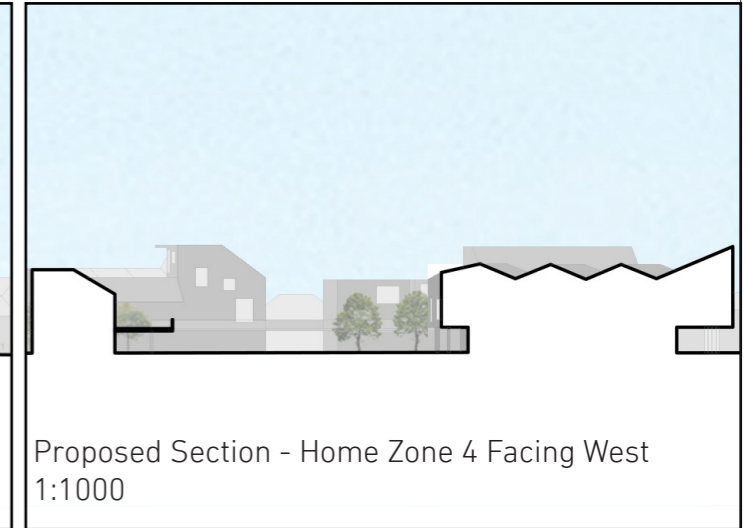
1. No dimensions to be scaled
2. All dimensions to be verified by the contractor before work is commenced
3. Architect to be notified immediately if any discrepancies are found
4. All shop drawings to be approved by Architect before work commences.
5. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
6. This drawing is the property of Stolon Studio Ltd, copyright reserved. This drawing is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.



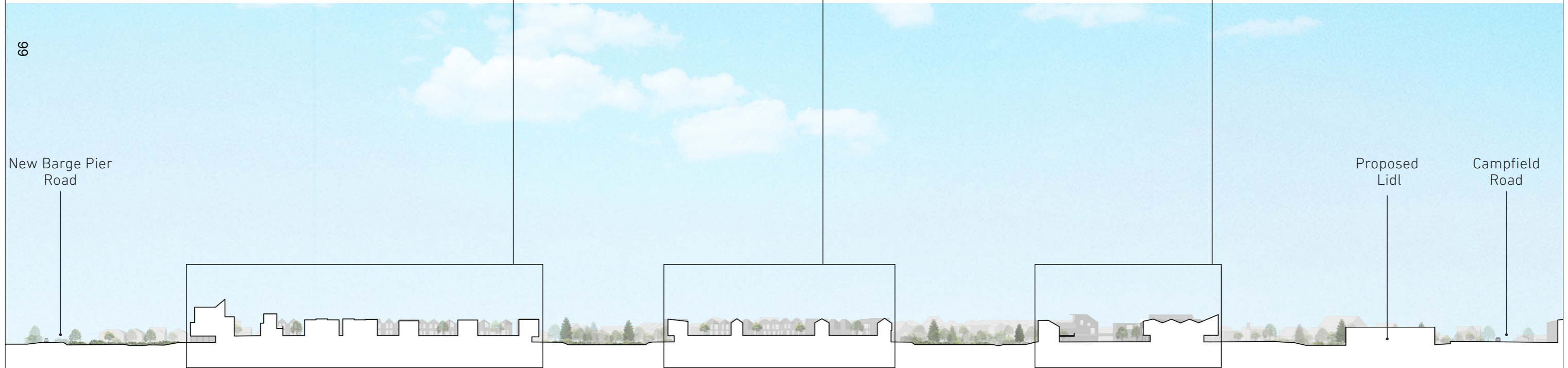
Proposed Section - Home Zone 1 Facing West  
1:1000



Proposed Section - Home Zone 2 Facing West  
1:1000



Proposed Section - Home Zone 4 Facing West  
1:1000



Proposed Section - Facing West  
1:2000



- Rev A, 02/04/20 - Update Home Zones
- Rev B, 28/08/2019 - HZ1 Amend
- Rev C, 06/05/20 - Massing & Height Amend
- Rev D&E, 08/05/20 - Corrections
- Rev F, 11/06/20 - Updated Proposal
- Rev G, 10/07/20 - Draft to Proposed
- Rev H, 22/07/20 - Site Boundary Altered

Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
London SE23 1AA | 020 3355 9533 | mail@stolon.uk

Drawing	Proposed Section Facing West	Scale	1:1000/1:2000
	Project		032-Shoeburyness
Date	10/07/20	Dwg No	032-S2-P200-H

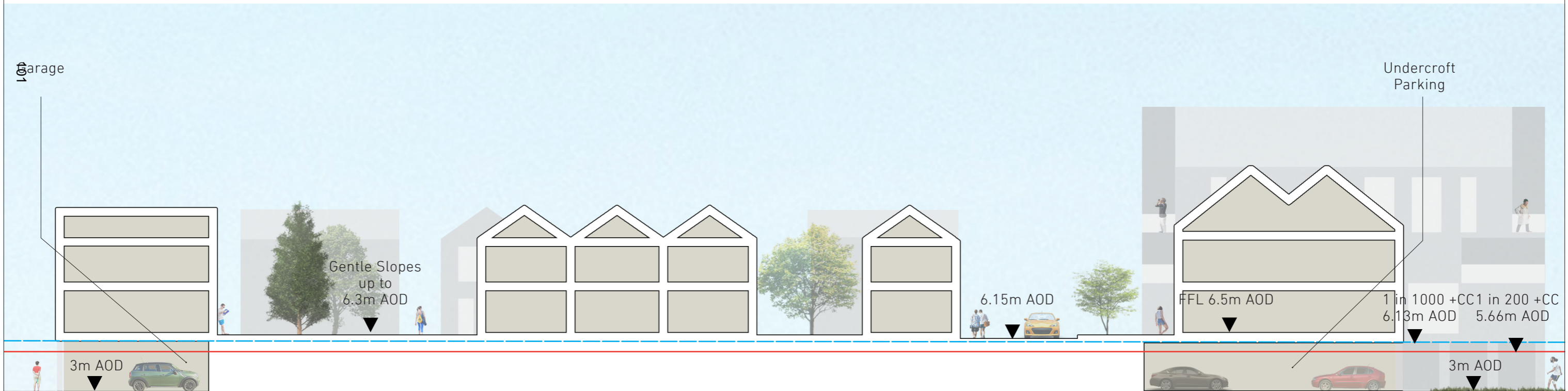
STOLONSTUDIO

This page is intentionally left blank

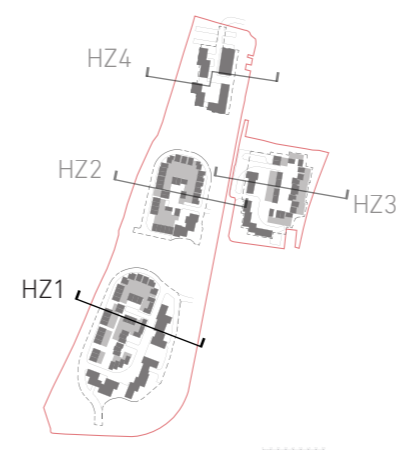
1. No dimensions to be scaled
2. All dimensions to be verified by the contractor before work is commenced
3. Architect to be notified immediately if any discrepancies are found
4. All shop drawings to be approved by Architect before work commences.
5. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
6. This drawing is the property of Stolon Studio Ltd, copyright reserved. This drawing is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.



Proposed Section - Home Zone 1  
1:500



Proposed Section - Home Zone 1  
1:250



- Rev A, 02/04/20 - Update Home Zones
- Rev B, 28/08/2019 - HZ1 Amend
- Rev C, 06/05/20 - Massing & Height Amend
- Rev D&E, 08/05/20 - Corrections
- Rev F, 11/06/20 - Updated Proposal
- Rev G, 10/07/20 - Draft to Proposed
- Rev H, 22/07/20 - Site Boundary Altered

Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
London SE23 1AA | 020 3355 9533 | mail@stolon.uk

Drawing	Proposed Section Home Zone 1	Scale	1:500/1:250
			1:250/ 1:500
Project	032-Shoeburyness	Date	10/07/20
		Dwg No	032-S2-P201-H

STOLONSTUDIO

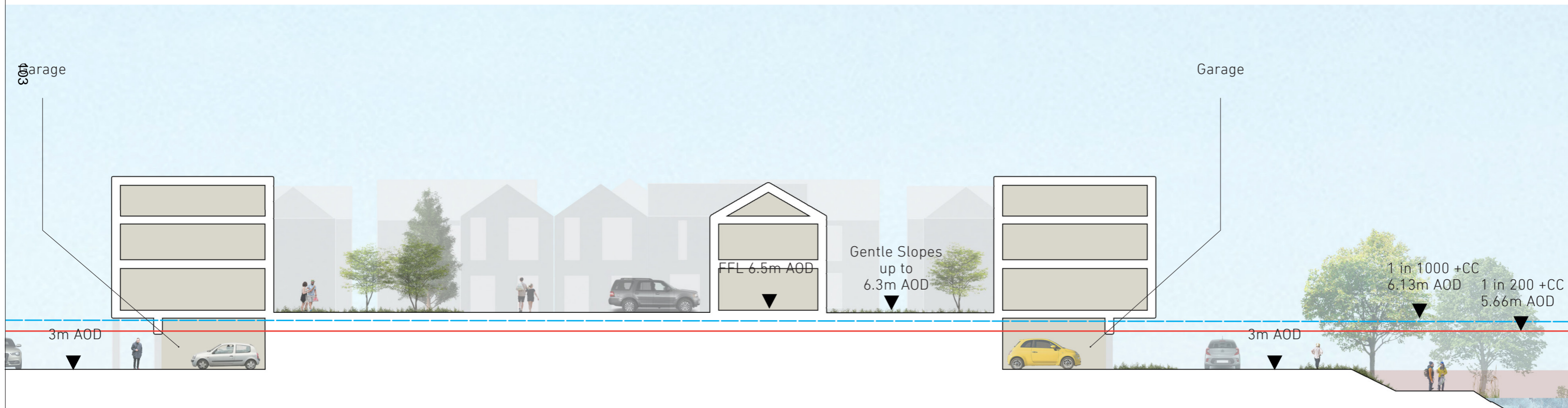
This page is intentionally left blank



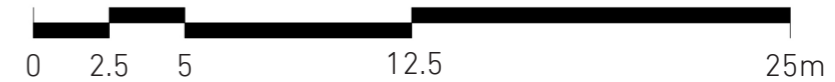
1. No dimensions to be scaled
2. All dimensions to be verified by the contractor before work is commenced
3. Architect to be notified immediately if any discrepancies are found
4. All shop drawings to be approved by Architect before work commences.
5. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
6. This drawing is the property of Stolon Studio Ltd, copyright reserved. This drawing is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.



Proposed Section - Home Zone 2  
1:500



Proposed Section - Home Zone 2  
1:250

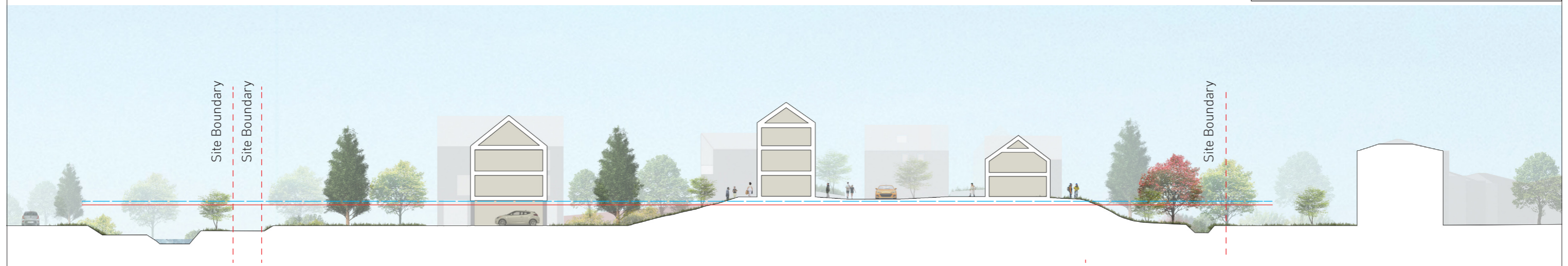


- Rev A, 02/04/20 - Update Home Zones
- Rev B, 28/08/2019 - HZ1 Amend
- Rev C, 06/05/20 - Massing & Height Amend
- Rev D&E, 08/05/20 - Corrections
- Rev F, 11/06/20 - Updated Proposal
- Rev G, 10/07/20 - Draft to Proposed

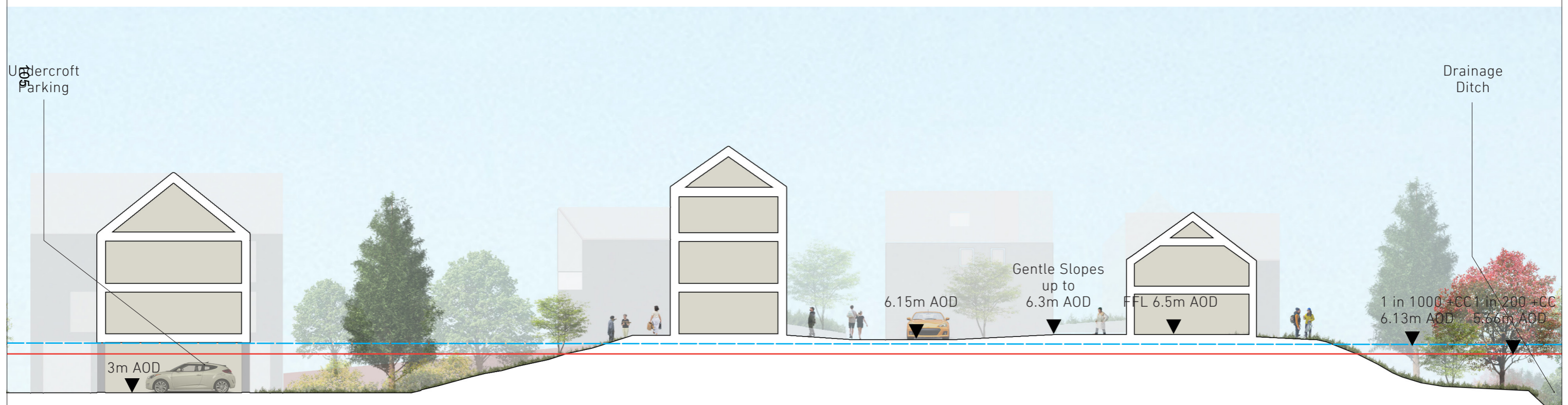
<b>STOLONSTUDIO</b>	Stolon Studio Ltd   Kaolin Court, 33-39 Beadnell Road London SE23 1AA   020 3355 9533   mail@stolon.uk	
	Drawing Proposed Section Home Zone 2	Scale 1:500/1:250
	Project 032-Shoeburyness	Date 10/07/20
	Dwg No 032-S2-P202-H	

This page is intentionally left blank

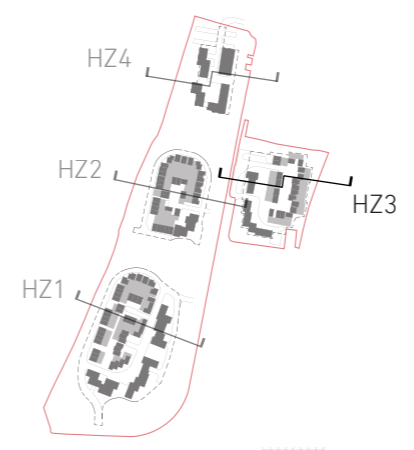
1. No dimensions to be scaled
2. All dimensions to be verified by the contractor before work is commenced
3. Architect to be notified immediately if any discrepancies are found
4. All shop drawings to be approved by Architect before work commences.
5. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
6. This drawing is the property of Stolon Studio Ltd, copyright reserved. This drawing is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.



Proposed Section - Home Zone 3  
1:500



Proposed Section - Home Zone 3  
1:250

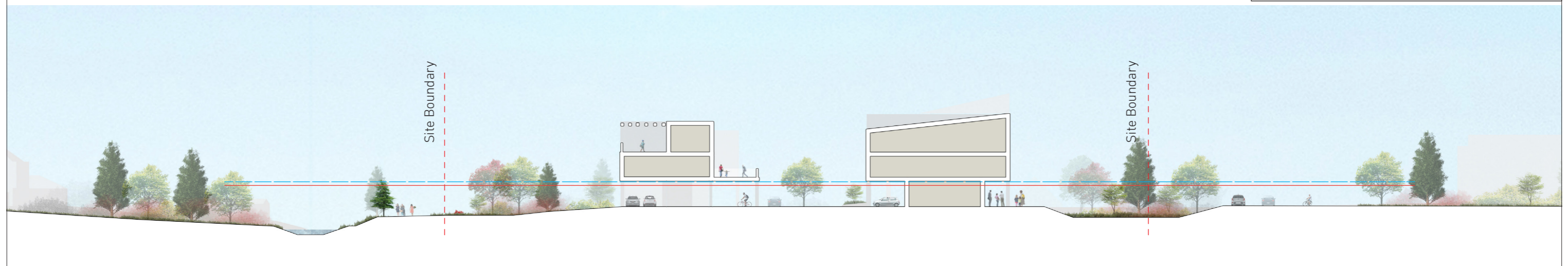


- Rev A, 02/04/20 - Update Home Zones
- Rev B, 28/08/2019 - HZ1 Amend
- Rev C, 06/05/20 - Massing & Height Amend
- Rev D&E, 08/05/20 - Corrections
- Rev F, 11/06/20 - Updated Proposal
- Rev G, 10/07/20 - Draft to Proposed
- Rev H, 22/07/20 - Site Boundary Altered

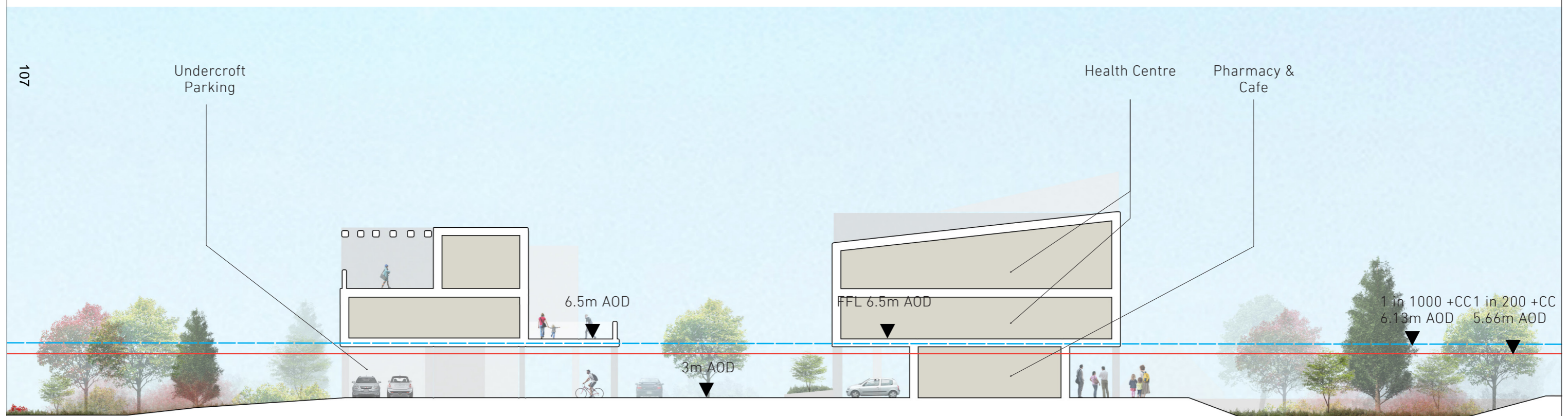
Stolon Studio Ltd   Kaolin Court, 33-39 Beadnell Road London SE23 1AA   020 3355 9533   mail@stolon.uk												
<table border="1"> <tr> <td>Drawing</td> <td>Proposed Section Home Zone 3</td> <td>Scale</td> <td>1:500/1:250</td> </tr> <tr> <td>Project</td> <td>032-Shoeburyness</td> <td>Date</td> <td>10/07/20</td> </tr> <tr> <td>Dwg No</td> <td colspan="3">032-S2-P203-H</td> </tr> </table>	Drawing	Proposed Section Home Zone 3	Scale	1:500/1:250	Project	032-Shoeburyness	Date	10/07/20	Dwg No	032-S2-P203-H		
Drawing	Proposed Section Home Zone 3	Scale	1:500/1:250									
Project	032-Shoeburyness	Date	10/07/20									
Dwg No	032-S2-P203-H											

This page is intentionally left blank

1. No dimensions to be scaled
2. All dimensions to be verified by the contractor before work is commenced
3. Architect to be notified immediately if any discrepancies are found
4. All shop drawings to be approved by Architect before work commences.
5. All details to be in accordance with relevant British Standards and manufacturers recommendations and specification
6. This drawing is the property of Stolon Studio Ltd, copyright reserved. This drawing is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of Stolon Studio Ltd.

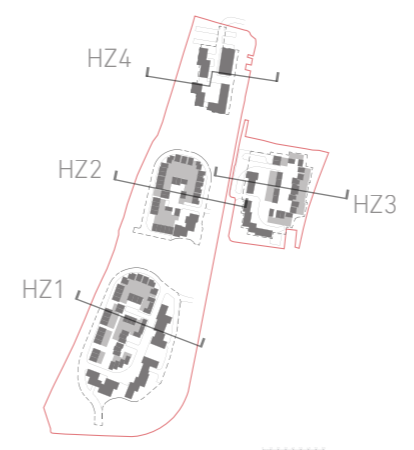


Proposed Section - Home Zone 4  
1:500



107

Proposed Section - Home Zone 4  
1:250

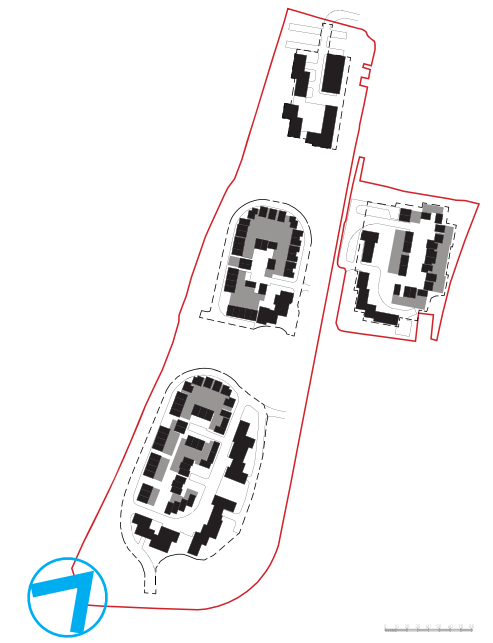


Rev A, 02/04/20 - Update Home Zones Rev B, 28/08/2019 - HZ1 Amendments  
 Rev C, 06/05/20 - Massing & Height Amendments Rev D&E, 08/05/20 - Corrections  
 Rev F, 11/06/20 - Updated Proposal Rev G, 25/06/20 - Draft to Proposed

Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
 London SE23 1AA | 020 3355 9533 | mail@stolon.uk

STOLONSTUDIO	Drawing <b>Proposed Section Home Zone 4</b>	Scale <b>1:500/1:250</b>
	Project <b>032-Shoeburyness</b>	Date <b>10/07/20</b>
Dwg No <b>032-S2-P204-H</b>		

This page is intentionally left blank



Rev B, 22/07/20 - Figure ground updated  
 Rev A, 25/06/20 - Planning Issue

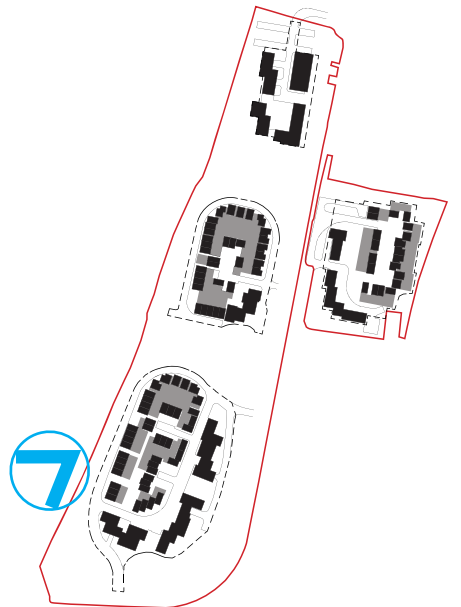
Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
 London SE23 1AA | 020 3355 9533 | mail@stolon.uk

Drawing	VISUAL 01- Home Zone 1 from south west corner along New Barge Pier Road	Scale	NTS
	Project	032-Shoeburyness	Date 25/06/2020
		Dwg No	032-S2-P501-B

STOLONSTUDIO

This page is intentionally left blank





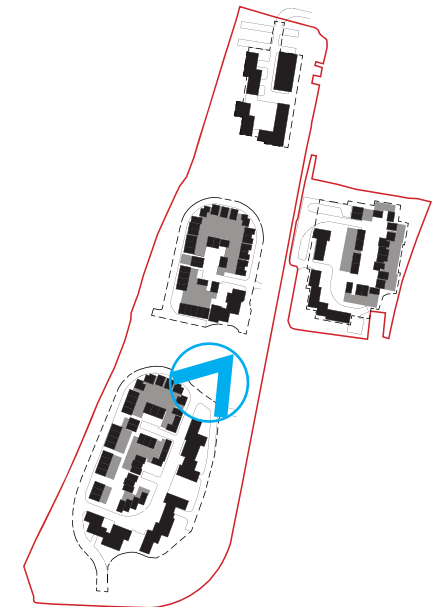
Rev B, 22/07/20 - Figure ground updated  
 Rev A, 25/06/20 - Planning Issue

Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
 London SE23 1AA | 020 3355 9533 | mail@stolon.uk

Drawing VISUAL 02- West side of Home Zone 1 from footpath	Scale NTS
Project 032-Shoeburyness	Date 25/06/2020
Dwg No 032-S2-P502-B	

STOLONSTUDIO

This page is intentionally left blank



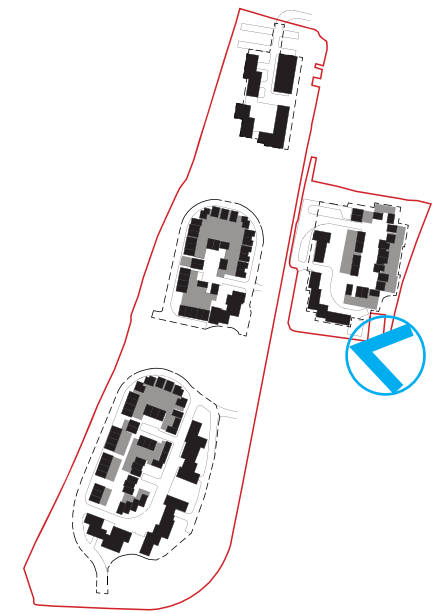
Rev B, 22/07/20 - Figure ground updated  
 Rev A, 25/06/20 - Planning Issue

Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
 London SE23 1AA | 020 3355 9533 | mail@stolon.uk

STOLONSTUDIO

Drawing	VISUAL 03- View between Home Zone 2 & 3 across the park	Scale	NTS
Project	032-Shoeburyness	Date	25/06/2020
		Dwg No	032-S2-P503-B

This page is intentionally left blank



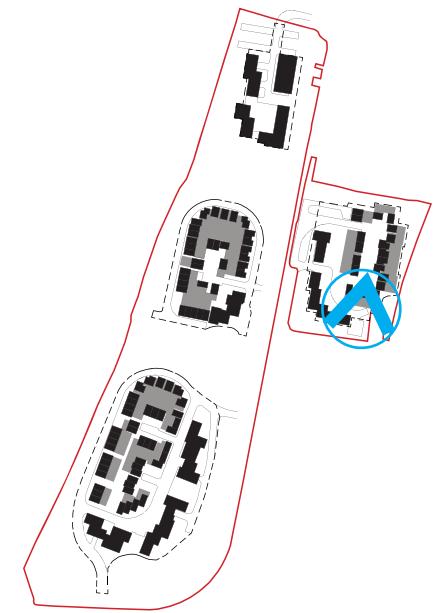
Rev B, 22/07/20 - Figure ground updated  
 Rev A, 25/06/20 - Planning Issue

Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
 London SE23 1AA | 020 3355 9533 | mail@stolon.uk

STOLONSTUDIO

Drawing	VISUAL 04- Intersection of New Barge Pier Road / Magazine Road	Scale	NTS
Project	032-Shoeburyness	Date	25/06/2020
		Dwg No	032-S2-P504-B

This page is intentionally left blank



Rev B, 22/07/20 - Figure ground updated  
 Rev A, 25/06/20 - Planning Issue

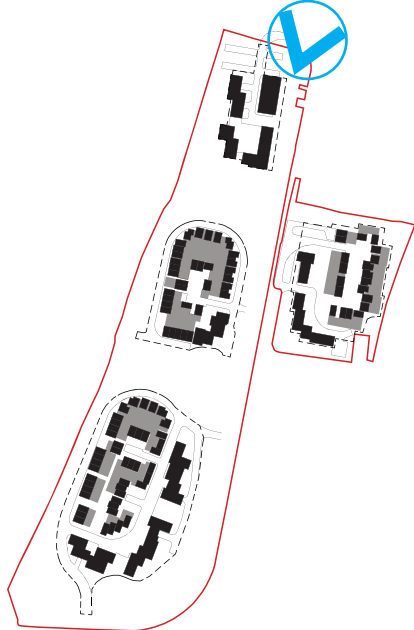
Stolon Studio Ltd | Kaolin Court, 33-39 Beadnell Road  
 London SE23 1AA | 020 3355 9533 | mail@stolon.uk

STOLONSTUDIO

Drawing	VISUAL 05- Shared surface at the centre of Home Zone 3	Scale	NTS
Project	032-Shoeburyness	Date	25/06/2020
		Dwg No	032-S2-P505-B

This page is intentionally left blank





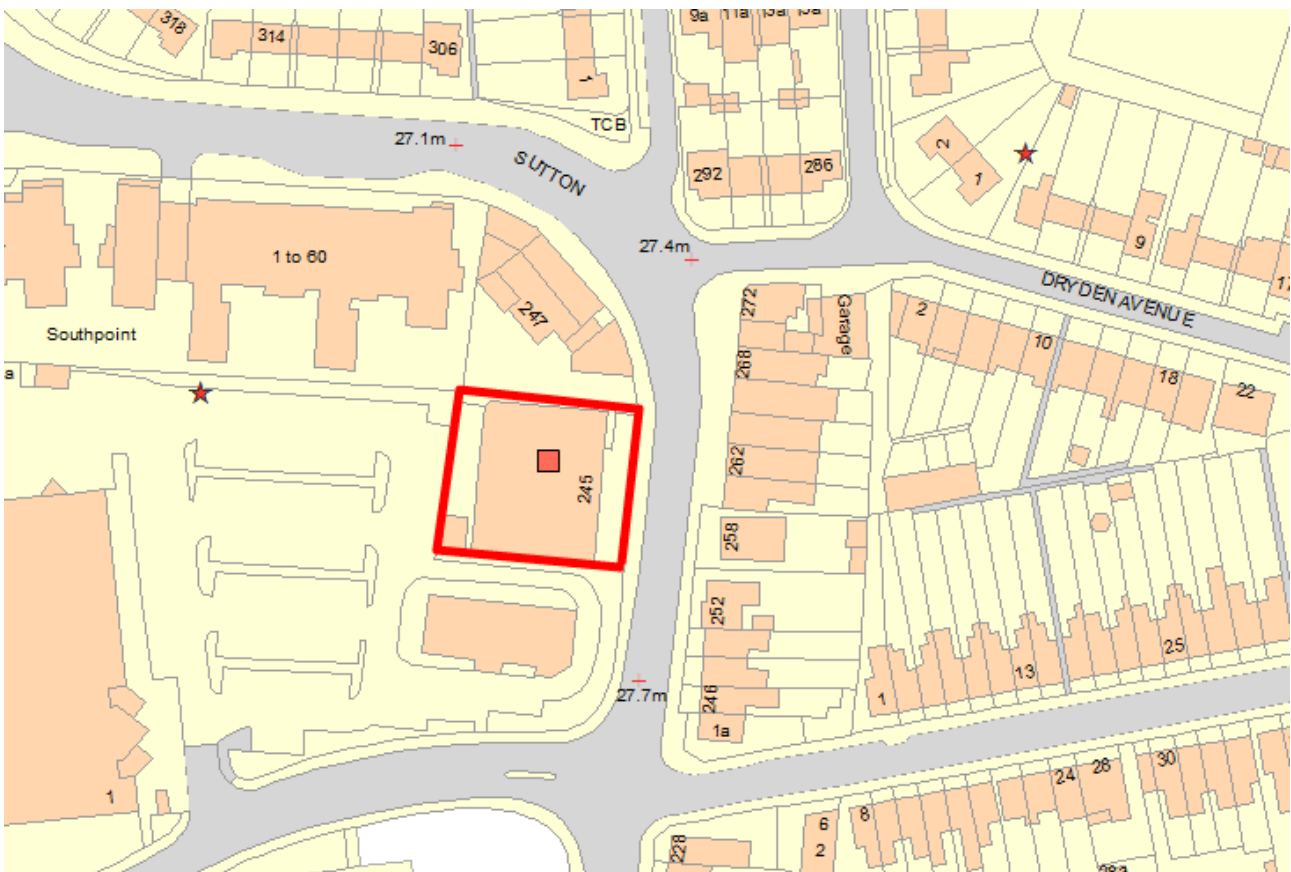
Rev B, 22/07/20 - Figure ground updated			
Rev A, 25/06/20 - Planning Issue			
Stolon Studio Ltd   Kaolin Court, 33-39 Beadnell Road London SE23 1AA   020 3355 9533   mail@stolon.uk			
Drawing	VISUAL 06- Looking into the site from the Health Centre	Scale	NTS
Project	032-Shoeburyness	Date	25/06/2020
		Dwg No	032-S2-P506-B

STOLONSTUDIO

This page is intentionally left blank

<b>Reference:</b>	19/02255/FULM	<h1>5</h1>
<b>Application Type:</b>	Full Application Major	
<b>Ward:</b>	Victoria	
<b>Proposal:</b>	Demolish existing building, erect five storey building comprising 22 self-contained flats with balconies to all elevations, terrace to rear at ground floor level and layout parking at lower ground floor level	
<b>Address:</b>	245 Sutton Road, Southend-On-Sea, Essex	
<b>Applicant:</b>	Argent Developers	
<b>Agent:</b>	Mr Lewis Cullerton of DAP Architecture	
<b>Consultation Expiry:</b>	12th November 2020	
<b>Expiry Date:</b>	10th December 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<p>Existing Plans</p> <p><b>2547-MS-001, 2547-MS-002, 2547-MS-003, 2547-MS-004</b></p> <p>Proposed Plans</p> <p><b>200.03, 201.03, 202.03, 203.04, 204.03, 205.03, 206.02, 001.02</b></p> <p>Supporting Documents</p> <p><b>Planning Statement by Phase 2 reference C19194 dated December 2019</b></p> <p><b>Design and Access Statement by DAP Architecture</b></p> <p><b>Transport Statement by Ardent Consulting Engineers reference 172880-01 dated December 2019</b></p> <p><b>Draft Recycling and Waste Management Strategy – by TPA reference 2001-052/TN/01</b></p> <p><b>Residential Travel Plan by Ardent Consulting Engineers reference 172880-03A dated Oct 2020</b></p> <p><b>Daylight, Sunlight and Overshadowing Result by Syntegra Consulting reference 20-6719 dated May 2020</b></p> <p><b>Financial Viability Appraisal and Schedule 1 by S106 Management dated 3<sup>rd</sup> April 2020</b></p> <p><b>Flood Risk and Surface Water Strategy by Ardent Consulting Engineers reference 172880-02 dated December 2019</b></p> <p><b>Sustainability and Energy Report by DAP Architecture</b></p>	

	<p><b>reference dapa_783_602.00</b></p> <p><b>Topographic Survey - DW2018-219</b></p> <p><b>Phase 1 Contamination Assessment, by MLM Consulting Engineers reference 775649-REP-ENV-001 dated 13 Oct 2017.</b></p> <p><b>Micro Drainage Calculation Sheet (Ardent Consulting Engineers, dated 17 June 2020)</b></p>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 Site and Surroundings**

- 1.1 The site is located on the western side of Sutton Road close to the junction with Greyhound Retail Park just before the road bends westwards. It is currently occupied by an industrial building which is used to manufacture kitchens. This building appears as a single storey building to the street but has a lower ground floor to the rear where the land levels significantly drop. The building and the neighbour to the north are the remainder of the industrial uses in this area. There is a shared vehicular access between the two buildings which leads to parking areas at the rear. This route slopes down to the lower ground level. There is also customer parking on the forecourt facing Sutton Road.
- 1.2 The remainder of the industrial sites in this area have gradually been converted to residential flats. The closest of these is Southpoint just around the bend to the north west which spans a significant distance along Sutton Road and ranges from 3 to 5 storeys in height. There are similar flatted schemes further along Sutton Road to the north. These developments are transforming the character of Sutton Road from a former employment area to a new residential-led community.
- 1.3 To the south and rear the site is bounded by the Greyhound Retail Park. KFC is adjacent to the site but is accessed from the west side at a lower ground level. This building therefore has limited visibility from Sutton Road. To the rear is the retail car park and Matalan retail store. This area has a landscape buffer along its north and east edges which provides some softening to the parking area. The landscape buffer to the east side of the car park is adjacent to the site but sits outside the site. This provides a positive boundary between the site and the retail park.
- 1.4 The wider area is mainly residential in character and of a more domestic scale. A short distance to the south is the Sutton Road local retail centre which has the character of a traditional local shopping street.
- 1.5 The site is within walking distance of Southend Town Centre and has good access to public transport including bus and rail routes.
- 1.6 The site falls within the Sutton Gateway Neighbourhood Area as designated in the Southend Central Area Action Plan (SCAPP) and forms part of opportunity site PA9.1 which seeks the redevelopment of the former industrial buildings to high quality housing and community facilities.

## **2 The Proposal**

- 2.1 The proposal seeks to demolish the existing industrial building and erect a five storey building (4 storeys and a lower ground floor level) comprising 22 self-contained flats with a terrace to the rear at ground floor level and parking at lower ground floor level.
- 2.2 The building measures 30.1m wide, reducing to 27.8m at the top level and 20.7m deep (including projecting elements) reducing to 15.3m at the top level. It appears as 4 storeys to Sutton Road to the east side with a maximum height of 12.3m and 5 storeys to the rear retail park on the west side with a height of 14.6m. The proposed building is residential comprising 3 x 1 bed 2 person units, 8 x 2 bed 3 person units, 9 x 2 bed 4 person units and 2 x 3 bed 5 person units.

Two of the one bed units are wheelchair accessible. 22 parking spaces are proposed to the lower ground floor including 2 disabled parking spaces.

- 2.3 All units have a private balcony or terrace of at least 6sqm. The scheme also has a communal amenity deck above the parking area to the rear which measures approximately 195 sqm.

### **3 Relevant Planning History**

- 3.1 01/00716/FUL - Erect detached garage at rear – granted
- 3.2 94/0151 - Raise ground level to form forecourt lay out parking spaces and vehicular accesses and install new roller shutter door to front elevation. – granted
- 3.3 94/0273 - Use warehouse (class b8) for the manufacture of kitchen furniture (class B2) – granted

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 87 neighbouring properties were consulted a site notice displayed and a press notice published. 3 letters of representation have been received raising the following summarised issues:

- Impact on neighbour amenity
- Loss of light and sunlight to neighbouring properties
- Impact on privacy
- Lack of parking
- Lack of consultation
- 5 storeys is too tall
- Impact on busy junction

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

#### **Strategic Planning Policy**

- 4.2 The proposal falls within SCAAP opportunity site PA9.1 which supports the redevelopment of the site for residential uses. There is therefore no requirement to justify the loss of employment land in this location.

#### **Highways Team**

- 4.3 22 car parking spaces have been provided which is policy compliant. Access to the parking spaces is made via an existing vehicle crossover and access way. The internal layout of the parking area ensures that vehicles can manoeuvre effectively. The applicant should ensure that the private access way is kept should the application be approved as this could restrict the entrance and exit to the site and subsequently have an impact on the free flow of traffic on Sutton Road.

The applicant has provided a robust transport statement and residential travel plan to support the application.

Consideration has been given to the previous use of the site which generated a considerable number of vehicle movements as a commercial premises open to the public.

It is not considered that the proposal will have a detrimental impact upon the public highway in the local area, the site is also in a sustainable location with regard to public transport with good links in close proximity. The application has also provided compliant secure cycle parking.

Given the information provided within the application there are no highway objections to this proposal.

The applicant will be required to reinstate the existing vehicle crossovers at the front of the site back to a footway. These works will have to be carried out under the appropriate highway license or via the Council's contractor.

### **Education**

- 4.4 This address falls under the catchment area for Bournemouth Park Primary School and Cecil Jones Academy and we have a surplus of places at these schools. We therefore do not require places in this area and would not be requesting a S106 contribution.

### **Housing**

- 4.5 In order to comply with Core Strategy Policy CP8 five affordable housing units should be provided (2 x 1 bed, 2 x 2 bed and 1 x 3 bed). Three of these units should be affordable rent and two should be shared ownership.

### **Environmental Health**

- 4.6 No objections in terms of waste management, daylight and sunlight impact on neighbouring properties or contamination subject to the following conditions.
- Construction hours
  - Waste management plan to be agreed
  - Contamination - Phase II Assessment and Remediation Strategy required.

### **Parks Team**

- 4.7 Full landscaping details, including measures to support biodiversity should be conditioned.

### **Sustainable Travel Officer**

- 4.8 No objections to the proposed draft Travel Plan.

## **Drainage Engineer**

- 4.9 No objections subject to a condition requiring full details of the proposed drainage layout, final drainage calculations and flow rates, management plan for surface water drainage and suds maintenance plan.

## **Anglian Water**

- 4.10 No objections subject to the following conditions:
- The agreement of a scheme of on-site foul water drainage works
  - The agreement of a surface water management strategy

## **Essex Fire Service**

- 4.11 The plans supplied provide insufficient detail to comment on access for Fire Service Appliances, other than for general access to the site, and it is therefore not possible to fully confirm compliance at this time. However, more detailed observations on access and facilities for the Fire Service will be considered on submission of suitable plans at Building Regulation consultation stage, this will require that access is in accordance with A. D. "B" Section 16.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007) Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy KP3 (Implementation and Resources), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP6 (Community Infrastructure), Policy CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015) Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.6 Southend and Central Area Action Plan (SCAAP) (2018) Policy PA9 (Sutton Gateway Neighbourhood Policy Area Development Principles)
- 5.7 Design & Townscape Guide (2009)
- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.10 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)



## 6 Planning Considerations

- 6.1 The main considerations in relation to this proposal are the principle of the development including housing mix and the provision of affordable housing; design and impact on the character of the area; standard of accommodation for future occupiers; impact on the amenity of neighbouring buildings; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources; CIL (Community Infrastructure Levy), RAMS and developer contributions.

## 7 Appraisal

### Principle of Development

#### *Residential Use*

- 7.1 The provision of new high quality housing is a key Government objective.
- 7.2 The Core Strategy Policy KP1 confirms that the primary focus of regeneration and growth within Southend is in Southend Town Centre and the Central Area. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located.
- 7.3 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. The application site is brownfield land within the Sutton Road Gateway Neighbourhood and is located within opportunity site PA9.1. Policy PA9 of the SCAAP sets out the principles for development in the Victoria Gateway Neighbourhood Policy Area. In relation to this opportunity site PA9.1 it states:

*'the Council will support the redevelopment of this area for high quality housing and community facilities. The Council will require the building design, form and massing to:*

- a. have regard to residential buildings bordering the Opportunity Site and contribute positively to repairing the street scene and urban grain in this area;*
- b. include enhancements to the public realm to create a coordinated, sustainable palette of materials and furniture in accordance with the Streetscape Manual.'*

- 7.4 The site is currently in employment use. Applications that involve the loss of employment land across the Borough are usually required to provide evidence that the employment use is no longer viable, however, in this case SCAAP policy PA9 confirms that the Council will look favourably on high quality residential developments that will help to transform the Sutton Road area in to a new residential-led community. The Strategic Planning Policy Team has confirmed that the intention of the development plan is to allow redevelopment of this site for residential purposes there is no requirement to justify the loss of employment in this instance. The principle of a residential scheme is therefore considered to be acceptable.

#### *Accommodation Mix*

- 7.5 Policy DM7 states that the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes. The Policy sets out the desired mix of dwellings types and sizes in all new major residential development proposals.

This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

#### Preferred Private Market Dwelling Mix

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	9%	22%	49%	20%

- 7.6 Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council. The policy also states that *'the Council will look favourably upon the provision of family size housing on smaller sites, particularly where the surrounding building types provide an appropriate context for this type of development to be included within a scheme.'*
- 7.7 The proposal would provide 22 units in total comprising 3 x 1 bed 2 person units (14% 1 beds), 8 x 2 bed 3 person units and 9 x 2 bed 4 person units (78% 2 beds) and 2 x 3 bed 5 person units (9% 3 beds). Whilst this does not fully comply with the policy mix noted above it is acknowledged that the proposal provides a good mix of units including a large proportion of 4 and 5 person flats (50%). Given the form of the development and its location on the edge of the town centre, this mix is considered to be acceptable.

#### Affordable Housing Provision

- 7.8 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10-49 dwellings.
- 7.9 A viability statement has been submitted with the application which concludes that the scheme cannot viably provide any on or off-site contributions towards affordable housing. The Council has had this document independently reviewed which similarly concludes that the scheme cannot support any affordable housing contribution. The independent review of the viability assessment states that having reviewed the benchmark land value, the build costs, the projected sales values and a developer profit of 17.5% the scheme would have a projected deficit of £17,880. The independent appraisal therefore concludes that the scheme cannot support the provision of affordable housing.
- 7.10 In some instances, where it has been clearly identified that a site cannot support any affordable housing contributions, officers will recommend a review mechanism. However, in this case, as the Council does not have a specific planning policy requiring a review mechanism be imposed, taking into account the findings of recent appeal decisions, including at 10 Fairfax Drive (reference 17/01115/FULM) and given the scale of the development which would not require phased development or a protracted length of time to complete the development, such a review mechanism is not considered reasonable or appropriate in this instance.
- 7.11 The absence of affordable housing can therefore be considered to be justified and the proposal is acceptable and policy compliant in this regard.

- 7.12 Overall, therefore, it is considered that the principle of this type and mix of development in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

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

- 7.13 *Paragraph 124 of the NPPF states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.14 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.*”
- 7.15 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.
- 7.16 The site is located at the entrance to Greyhound Retail Park on the west side of Sutton Road. It is at the southern end of SCAAP opportunity site PA9.1 which seeks to promote the residential-led regeneration of the outdated industrial buildings to create additional high quality housing for the Borough. The new development in this area is gradually transforming the streetscene of Sutton Road into a more vibrant edge of town centre community.
- 7.17 The application site is exposed on all sides due to the change in land levels of the retail park and the bend in the road. As such it will be prominent in the streetscene and serve as a marker for the new housing area. It is therefore important that a high quality development is achieved.
- 7.18 The proposal seeks to construct a 4 storey apartment block on the site. The scale and form of the proposal broadly follows the approach which has been taken on other sites within this opportunity site to the north and is considered to be an acceptable for the site.
- 7.19 The new building is a flat roofed design which spans the width of the site. The design has utilised the change in ground levels to the rear to accommodate a hidden undercroft parking area at lower ground floor. The top floor has been recessed from all sides and the materials changed from brick to grey cladding to help to break the mass of the building in the streetscene into two distinct horizontal elements. The massing is also broken in to vertical planes by a series of projecting bays to the front and rear elevations.
- 7.20 The detailed design has been refined during the course of the application to enliven the frontages and ensure that the building makes a positive contribution to the streetscene. The window and balconies have been enlarged to provide better amination to the frontages and the elevations further articulated by introducing areas of recessed brickwork. This detail has helped to break up the areas of blank brickwork within the elevations, particularly at the corners and on the exposed flank elevations, and to regularise the proportions of the fenestration without the design appearing too uniform.

- 7.21 The detailing of the top floor has also been refined including additional fenestration to the flanks and an improved roof design. Overall, it is considered that these elements combined will ensure that the proposal does not appear too bulky in relation to the wider context and that it makes a positive contribution to the streetscene and wider regeneration of this area.
- 7.22 The building will be complimented by the planted frontage, which will soften the building and introduce additional greenery to the street. It is also proposed to respect the landscape buffer just outside the west boundary which will ensure that the building appropriately integrates into the rear car park scene.
- 7.23 Overall, therefore, subject to the agreement of external materials and landscaping, the design of the proposal is considered to be acceptable and the proposal is policy compliant in respect of design and character matters including the objectives of SCAAP Policy PA9.

### **Standard of Accommodation**

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

#### *Space Standards and Quality of Habitable Rooms.*

- 7.26 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes. The standards are as follows:
- Minimum property size for residential units shall be as follow:
    - 1-bedroom (2 bed spaces) 50sqm
    - 2-bedroom (3 bed spaces) 61sqm
    - 2-bedroom (4 bed spaces) 70sqm
    - 3-bedroom (4 bed spaces) 74sqm
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- 7.27 The following is also prescribed:
- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
  - Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

7.28 All of the proposed flats exceed the minimum sizes required by the technical space standards. All of the bedrooms accord with the minimum sizes required with the exception of 1 single bedroom in plot 20, a 3-bed unit, which is around 5cm too narrow. This is considered to be within acceptable tolerances for the development as a whole. The proposal is acceptable and policy compliant in this regard.

#### *Daylight and Sunlight for Future Occupiers*

7.29 All the habitable rooms would have good light and outlook. The proposal is acceptable and policy compliant in this regard.

#### *Accessibility - M4(2) and M4(3)*

7.30 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards with 10% of dwellings in major developments being suitable for wheelchairs and meeting M4(3) standards.

7.31 The agent has confirmed that all units will meet M4(2) standards and that units 19 and 22 are wheelchair accessible units and will meet M4(3). All flats have access to a lift and there is an accessible ramp on the forecourt which provides access to the front entrance which is slightly raised above street level. There are 2 disabled parking bays at lower ground floor adjacent to the lower ground floor entrance. The internal circulation areas and entrance doors are at least 1200mm wide and the entrance is well illuminated and protected. The proposal therefore meets the accessibility requirements and is policy compliant in this regard. These requirements can be secured by condition.

#### *Amenity Provision*

7.32 All units have access to a private terrace of at least 6sqm and there is also a shared communal deck to the rear of approximately 195sqm. Subject to appropriate landscaping this will provide adequate amenity space for residents and the proposal is accessible and policy compliant in this regard.

7.33 Overall, it is considered that, subject to conditions, the proposal would provide an acceptable standard of accommodation for future occupiers and is policy compliant in this regard.

## **Impact on Residential Amenity**

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

### *Daylight and Sunlight*

- 7.35 A daylight and sunlight study has been submitted with the application. This concludes that the proposal will have a negligible impact on the daylight to neighbouring residential properties. The proposal will have a moderately adverse impact on daylight to one side window and a minor adverse impact to 3 further side windows at number 247 Sutton Road adjacent to the north, however, this is a commercial unit so this impact is considered to be acceptable. The proposal would also have a minor adverse impact on one window on the side elevation of KFC to the south which is set at a lower land level. As a restaurant/take away unit this impact is also considered to be reasonable. The study also confirms that the proposal will have a negligible impact on sunlight to all surrounding properties and a negligible impact on overshadowing of all neighbouring development.
- 7.36 The Council’s Environmental Health Officer has not raised any objections to the results of this study. It is therefore considered that the proposal would have an acceptable impact on daylight and sunlight and in terms of overshadowing of the surrounding neighbours and the proposal is policy compliant in this regard.

### *Privacy*

- 7.37 The proposed development has habitable room windows on all sides. The proposal faces the street to the east, the retail park to the south and west and a vehicular access and flank wall of a commercial building to the north. It is also noted that the side windows are generally small scale and serve either non habitable rooms, are not the primary outlook or serve the single bedrooms. Overall, it is considered that the proposal will have an acceptable impact on the privacy of surrounding occupiers.

### *Impact on Outlook*

- 7.38 The proposal seeks to erect a flatted development which will be 4 storeys to the street frontage. This is a similar scale to other developments which have relatively recently been erected along Sutton Road and is a reasonable scale for this location. It is considered that the development would have an acceptable impact on the outlook of neighbouring properties including the more domestically scaled residential units opposite the site.
- 7.39 Overall, the proposal is considered to have an acceptable impact on the amenities of neighbouring occupiers and the proposal is policy compliant in this regard.

## Traffic and Transportation Issues

### *Traffic*

- 7.40 Policy DM15 states that development will be supported where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.41 The site is in an accessible location, close to local amenities and within walking distance of Southend Town Centre and various forms of public transport.
- 7.42 A Transport Statement and Draft Travel Plan have been submitted with the application. The Transport Statement predicts that *'there will be an increase of just 1 two – way vehicle movements in the AM and PM peak hours resulting from the 22 dwellings. This is well below the +30 movements 'starting point for discussions' set out in the DfT/DCLG Transport Assessment Guidance therefore the development traffic impact is immaterial.'*
- 7.43 The draft Travel Plan sets out proposals to encourage new residents to use public transport including travel initiatives, targets and monitoring and review mechanisms.
- 7.44 The Council's Highways Officer has reviewed the submitted documentation and considered them to be robust. He also comments that the proposal is likely to generate less vehicle movements than the existing commercial use on the site. The Council's Sustainable Travel Officer has confirmed that the draft Travel Plan is acceptable.
- 7.45 It is therefore considered that the proposal would have an acceptable impact on traffic generation in the area and is policy compliant in this regard.

### *Parking including Cycle Parking*

- 7.46 Development Management Document Policy DM15 requires a minimum of 1 off street parking space and 1 secure cycle space for each flat. 22 parking spaces, including 2 disabled spaces, are proposed in the lower ground parking area to serve the 22 flats including 2 wheelchair accessible units. The spaces will be accessed from an existing vehicular access leading from Sutton Road to the north side of the building which ramps down to the lower ground level. A secure cycle store for 22 bikes is also proposed in this area.
- 7.47 The Council's Highways Officer has not raised any concerns to the layout of the parking area. The proposal is therefore acceptable and policy compliant subject to conditions securing the provision of car parking and cycle parking for the lifetime of the development.

### *Waste and Recycling*

- 7.48 A waste and recycle store for the units is proposed within the building adjacent to the front pedestrian entrance. The store has direct access to the ramp in this location. It is a good size and should be sufficient to meet the requirements of the Council's Waste Management Guidelines.

- 7.49 A Waste Management Plan has been submitted with the application but this has not been updated following revisions to the location of the waste store which was initially proposed a lower ground level accessed via a bin lift. It is considered, however, that an updated waste management plan can be secured by condition. Subject to this condition, the proposal is considered to be acceptable and policy compliant in this regard.
- 7.50 Overall, subject to the above conditions, it is considered that the proposal would have an acceptable impact on traffic and transportation and the proposal is policy compliant in this regard.

### **Sustainable Development**

- 7.51 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.52 A sustainability and energy report has been submitted with the application. This confirms that it is the intention to provide the 10% renewable energy from PV panels on the roof. This is acceptable in principle and full details can be secured via condition. The document also proposes the use of water efficient fitting and appliances to limit the water consumption to no more than 105 litres / person / day and this can also be conditioned. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in this regard.

### *Drainage*

- 7.53 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.54 The site is located within flood zone 1, low risk, so is suitable for residential development. A flood risk assessment and drainage strategy has been submitted with the application. This proposes an attenuation tank is installed under the lower ground parking area in order slow the rate of flow of surface water into the existing sewer system. The Council's Drainage Engineer and Anglian Water have raised no objections to the proposed drainage in principle but have requested further details be conditioned and agreed prior to the installation of any drainage works. Subject to this condition the proposal is considered to be acceptable and policy compliant in this respect.

### *Contamination*

- 7.55 As the site has been in industrial use a Phase I Contamination Assessment has been submitted with the application. This states that the site was originally part of a brickworks, then allotments and most recently used as a joiner's workshop constructing kitchens. The adjacent site has been used as an MOT testing station. The geology of the area also reveals that the site is directly underlain by river terrace deposits.



The desk study considers that the potential sources of contamination are:

- Made ground associated with previous construction (on site)
- Warehouse/joinery (on site)
- Former brickworks (on site)
- Worked ground and potentially infilled ground (on site)
- Infilled pond (north-west)
- MOT garage (north)

7.56 The report recommends that a further intrusive investigation is undertaken to assess ground conditions, potential contamination risks and the presence of soil/or gas/organic vapour contamination. It also states that an asbestos survey will be required for any buildings that are to be demolished although it is noted that this is covered by separate legislation to planning. The Council's Environmental Health Officer agrees that a more detailed assessment of potential contamination at the site is warranted to establish whether any remediation is required prior to the construction of the new building. This can be secured by condition. Subject to this condition the proposal is considered to be acceptable and policy compliant in the above regards.

### **Impact on Trees**

7.57 There are no trees on site however the trees and hedge to the rear of the site which surrounds the Retail Park play an important function in softening the car park in this location and screening the rear of the buildings where there is a significant change in levels. The proposed development has a parking area and amenity deck to the rear. The design has been amended during the course of the application to pull back the built form from this boundary so that this landscape feature can be retained and can continue to provide softening and amenity screening for the new development. The trees in this location will be visible and contribute to the greening of the amenity deck and this is a positive element of the scheme.

7.58 The site plan also shows new tree planting on the front of the site, but no details have been provided. These will enhance the streetscene and setting of the building to Sutton Road which has limited street planting. Details can be agreed as part of the landscaping condition. The proposal is therefore considered to have an acceptable impact on trees and is policy compliant in this regard.

### **Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)**

7.59 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit.

This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via a S106 legal agreement or by other suitable means, the proposal is considered to be acceptable and policy compliant in this regard.

- 7.60 Overall, the ecological implications of the site can be considered acceptable and policy compliant subject to the RAMS contribution which can be secured with a S106 legal agreement or by other suitable means.

### **Community Infrastructure Levy (CIL) and Development Contributions**

#### *CIL*

- 7.61 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 2420.2sqm (including undercroft parking area), which may equate to a CIL charge of approximately £59,201.82 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

#### *Planning Obligations*

- 7.62 As noted above the independent review of the submitted viability appraisal confirmed that the proposal is unable to support the provision of affordable housing. The Councils Education Team has also confirmed that there is no requirement for a contribution to secondary education because the catchment school, Cecil Jones Academy, has a surplus of places. There are no changes proposed to the existing highways network so no highways contributions are required. A draft Travel Plan has been submitted and will need to be finalised, however, this can be done in either a S106 or by condition. The only other item which could be included in a legal agreement is the RAMS payment. As noted above the developer has the option of a direct payment prior to the decision being issued or they can choose to complete the standard RAMS S106 template. There is therefore no requirement for a wider S106 to be undertaken in this instance. Subject to the RAMS payment, the proposal is considered to be acceptable and policy compliant in terms of Planning Obligations.

## **8 Conclusion**

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

## **9 Recommendation**

### **9.1 MEMBERS ARE RECOMMENDED TO:**

- (a) **DELEGATE** to the Interim Director of Planning or Group Manager of Planning & Building Control to **GRANT PLANNING PERMISSION** subject to the following conditions following the completion of a **PLANNING AGREEMENT UNDER SECTION 106** of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation to secure the provision of
- a financial contribution of £2,762.76 (index linked) to mitigate the potential for disturbance to European designated sites in accordance with the Essex Coast Recreational disturbance Avoidance Mitigation Strategy or the securing of this same payment by other suitable means
- (b) The Interim Director of Planning or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

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

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans 200.03, 201.03, 202.03, 203.04, 204.03, 205.03, 206.02, 001.02**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full product details of the materials to be used on all the external elevations, including walls, roof, windows and doors, balconies and terraces, ramp, brise soleil, rainwater goods and boundaries have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details before it is brought into use.**

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

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

- i) Proposed finished site levels or contours;**
- ii) Means of enclosure, of the site including any gates or boundary fencing;**
- iii) hard surfacing materials;**
- iv) Full details of the amenity deck including associated structures (e.g. benches, planters, lighting etc.);**
- v) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.**
- vi) Full details of tree protection fencing to protect the existing trees to be retained adjacent to the rear boundary of the site.**
- vii) Details of measures to enhance biodiversity within the site.**

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

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

**05 The 22 car parking spaces (including 2 disabled spaces) shown on approved plan 202.03 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.**

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

**06 The development shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number 201.03. The refuse and recycling facilities shall be permanently retained as such thereafter.**

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

**07** Prior to the first occupation of the dwellings hereby approved an updated waste management plan shall be submitted to and approved by the local planning authority. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

**Reason:** To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding conservation area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).

**08** The development shall not be occupied or brought into use until the cycle storage facilities are provided in full and made available for use by the occupiers in accordance with the details shown on drawing number 202.03. The cycle storage facilities shall be permanently retained as such thereafter.

**Reason:** To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).

**09** Prior to the first occupation of any dwelling, details of the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of occupation.

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

**10** The development hereby approved shall be carried out in a manner to ensure that a minimum of two of the dwellings comply with building regulations M4(3) 'wheelchair user dwellings' and the remaining 20 dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

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

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

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

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

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

**13 With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless the following details have been submitted to and approved in writing by the local Planning Authority.**

- i) An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Contamination Assessment, by MLM Consulting Engineers reference 775649-REP-ENV-001 dated 13 Oct 2017. The Phase II report must be submitted to the Local planning authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA ‘Model Procedures for the Management of Land Contamination.**
- ii) Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the local planning authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the local planning authority.**
- iii) The site shall be remediated in accordance with the approved Site**

**Remediation Strategy before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to and agreed in writing by the local planning authority before completion of the development or occupation of the premises (whichever comes first).**

- iv) If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority**

**The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full before the building is occupied.**

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

**14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, and in accordance with the Flood Risk and Surface Water Strategy by Ardent Consulting Engineers reference 172880-02 dated December 2019, the development hereby permitted shall not be commenced other than for demolition works unless and until a detailed design of a surface water drainage scheme and surface water management strategy has been submitted to and approved in writing by the local planning authority. The details submitted shall include, but not limited to: -**

- i) An updated drainage layout plan confirming the manholes, downstream defender and hydro-brake flow control device cover and invert levels if a rising main is required to achieve the proposed connection point to the Anglian Water surface water sewer. Engineering plans should be updated accordingly along with supporting surface water calculations provided for each of the SuDS and critical drainage elements, including the flow control features, connection and discharge rates.**
- ii) Calculations to demonstrate the hydraulic performance of the entire pipe network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change.**
- iii) An indication of exceedance overland flow routes, including provision for failure of a pump, should it be required.**
- iv) Provide a method statement regarding the management of surface water runoff during the construction phase of the project.**
- v) Evidence of consent from Anglian Water for the proposed discharge rate and connection location to the public sewer.**
- vi) surface water management strategy including evidence to demonstrate that the surface water hierarchy has been followed as stipulated in Building Regulations Part H.**
- vii) A maintenance plan for the SuDS and corresponding drainage infrastructure with details on the accessibility of the SuDS for future maintenance, and for a pump, should it be required.**

**The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.**

**Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14.**

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

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

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

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

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

- (c) In the event that the planning obligation or other means of securing the financial contribution referred to in part (a) above has not been completed by 10<sup>th</sup> December 2020 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, contrary to the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.**

**Informatives:**



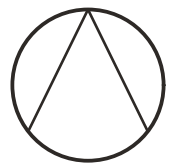
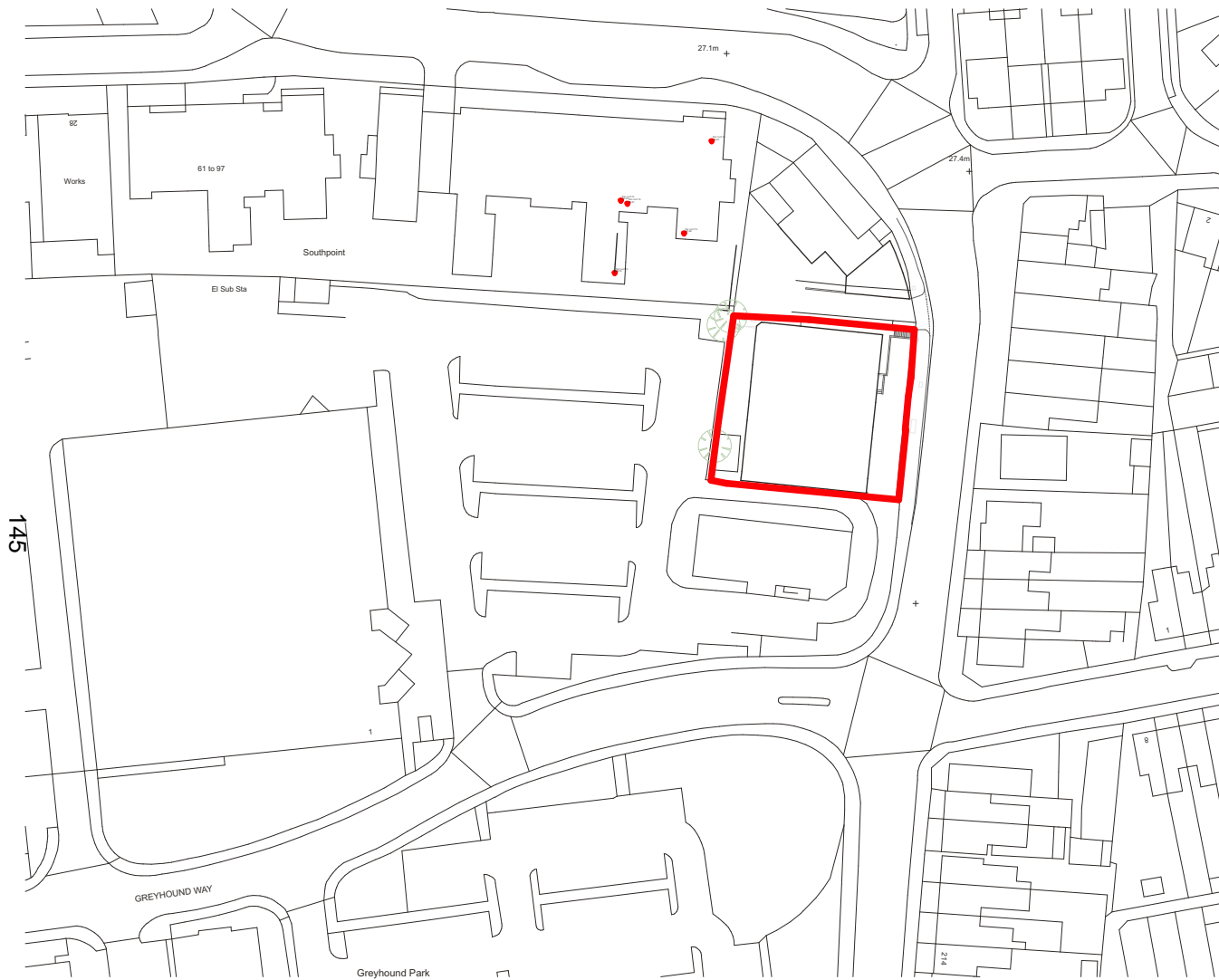
**01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure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

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

**03 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development.**

**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.**

This page is intentionally left blank



**SUTTON ROAD**  
SITE LOCATION PLAN

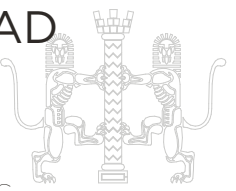
245 SUTTON ROAD  
SOUTHEND-ON-SEA  
SS2 5PE

ARGENT DEVELOPERS

19/06/2020

1:1250@A2

783



**001 . 02**

www.daparchitecture.co.uk

This page is intentionally left blank



SUTTON ROAD

27.1m

27.4m

147

292

1a

246

252

258

262

268

272

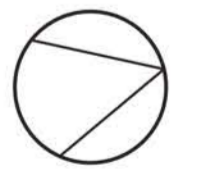
Garage

22

2 of 6



**SUTTON ROAD**  
BLOCK PLAN  
245 SUTTON ROAD  
SOUTHEND-ON-SEA  
SS2 5PE  
ARGENT DEVELOPERS  
21/10/2020 1250@A2 783



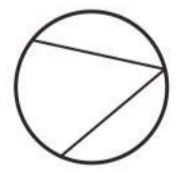
**200.02**  
www.daparchitecture.co.uk

This page is intentionally left blank



**SUTTON ROAD**  
 GROUND FLOOR PLAN  
 245 SUTTON ROAD  
 SOUTHEND-ON-SEA  
 SS2 5PE  
 ARGENT DEVELOPERS  
 21/10/2020 1100@A2 783

**201.02**  
 www.daparchitecture.co.uk



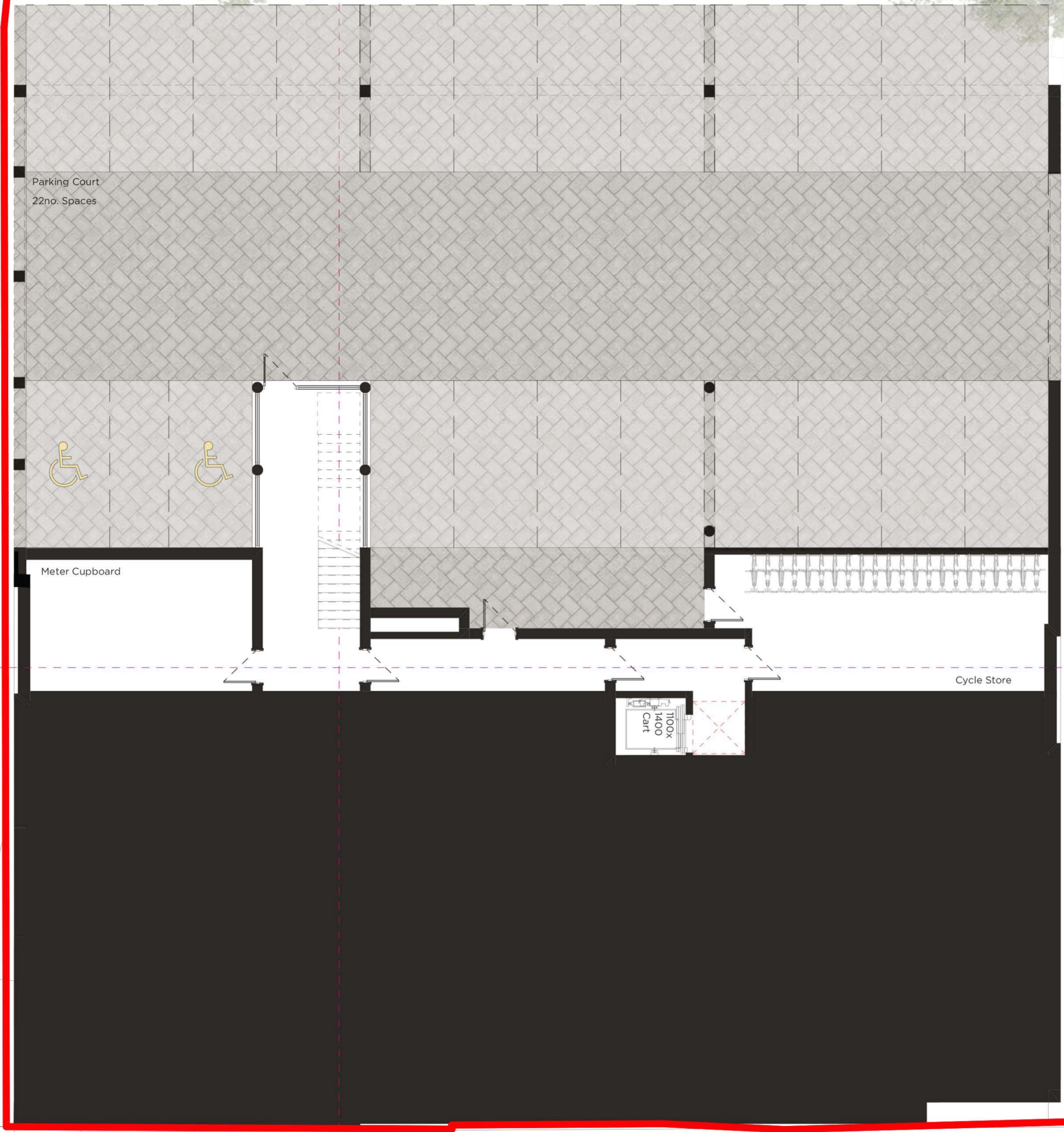
This page is intentionally left blank



151

Existing trees outside of boundary ownership to be retained

WEST ELEVATION



NORTH ELEVATION

S-02

EAST ELEVATION

1100 2500 5000 7500



**SUTTON ROAD**  
 LOWER GROUND FLOOR PLAN  
 245 SUTTON ROAD  
 SOUTHEND-ON-SEA  
 SS2 5PE  
 ARGENT DEVELOPERS  
 20/10/2020 1100@A2 783

**202.02**

www.daparchitecture.co.uk

This page is intentionally left blank

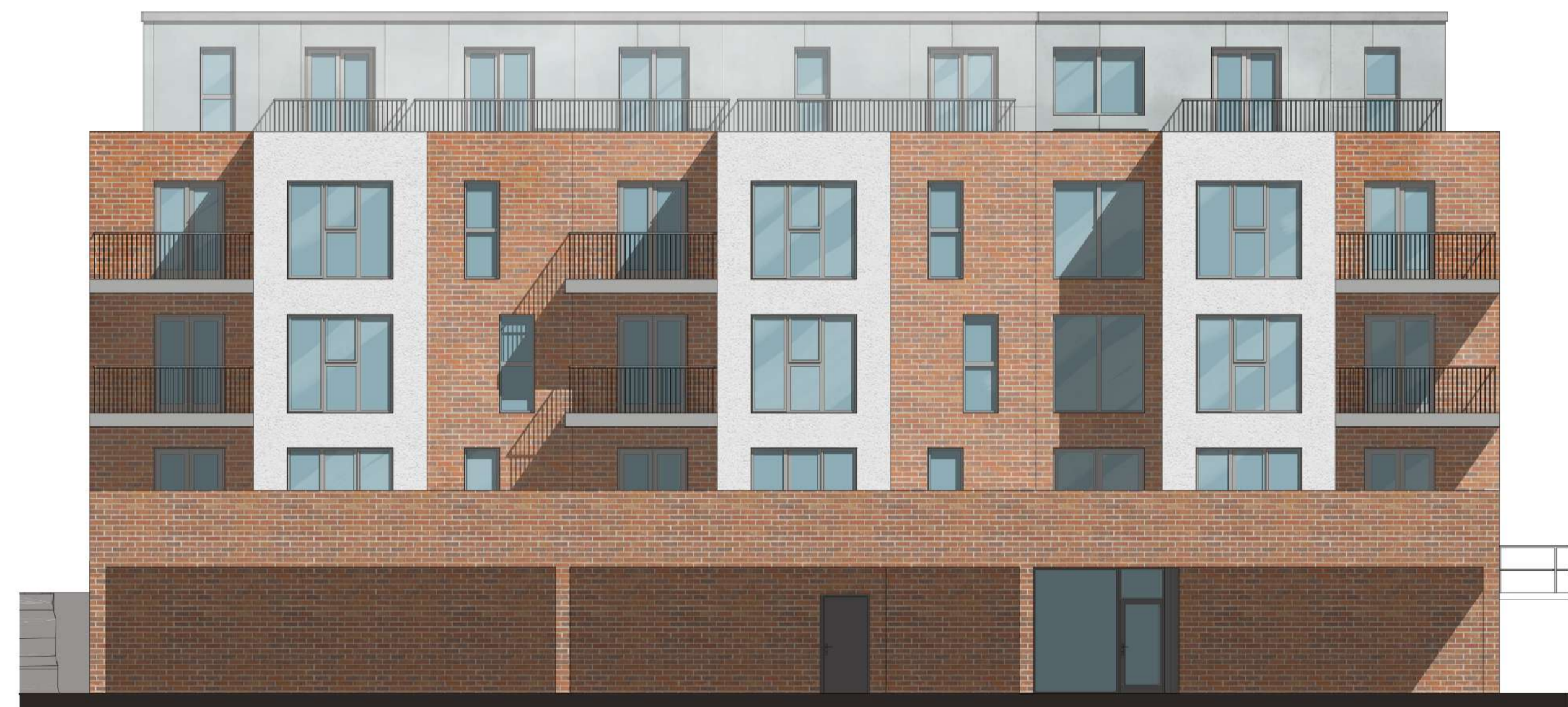


EAST ELEVATION

- EQUITONE PANEL OR SIMILAR APPROVED
- WHITE RENDER
- RECESSED BRICKWORK
- RED BRICKWORK
- REFER TO DWG 206



SOUTH ELEVATION



WEST ELEVATION



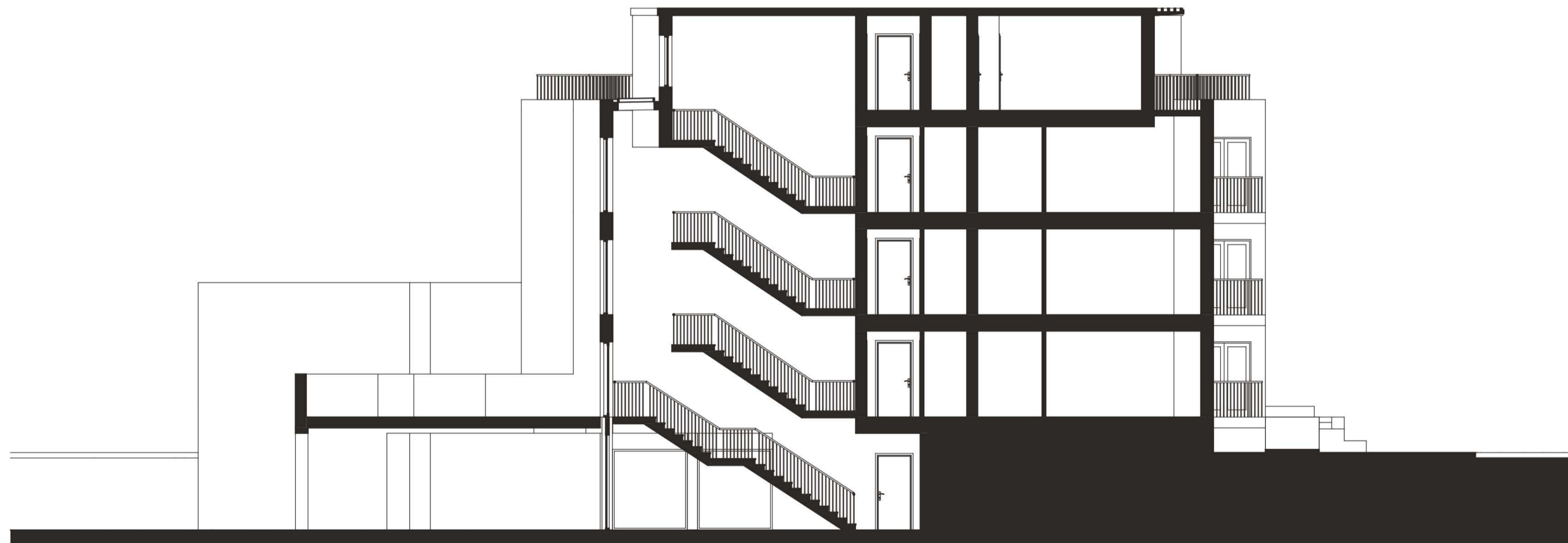
NORTH ELEVATION

This page is intentionally left blank

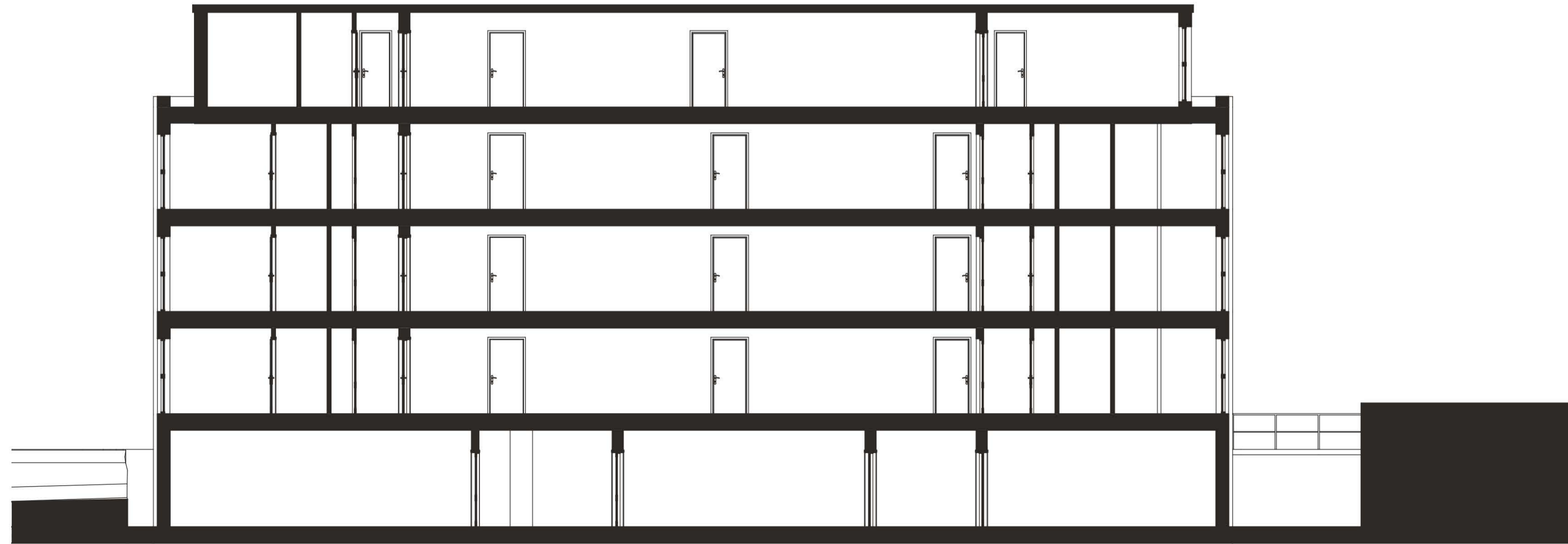


STREET SCENE ALONG SUTTON ROAD

155



SITE SECTION S-01



SITE SECTION S-02

This page is intentionally left blank



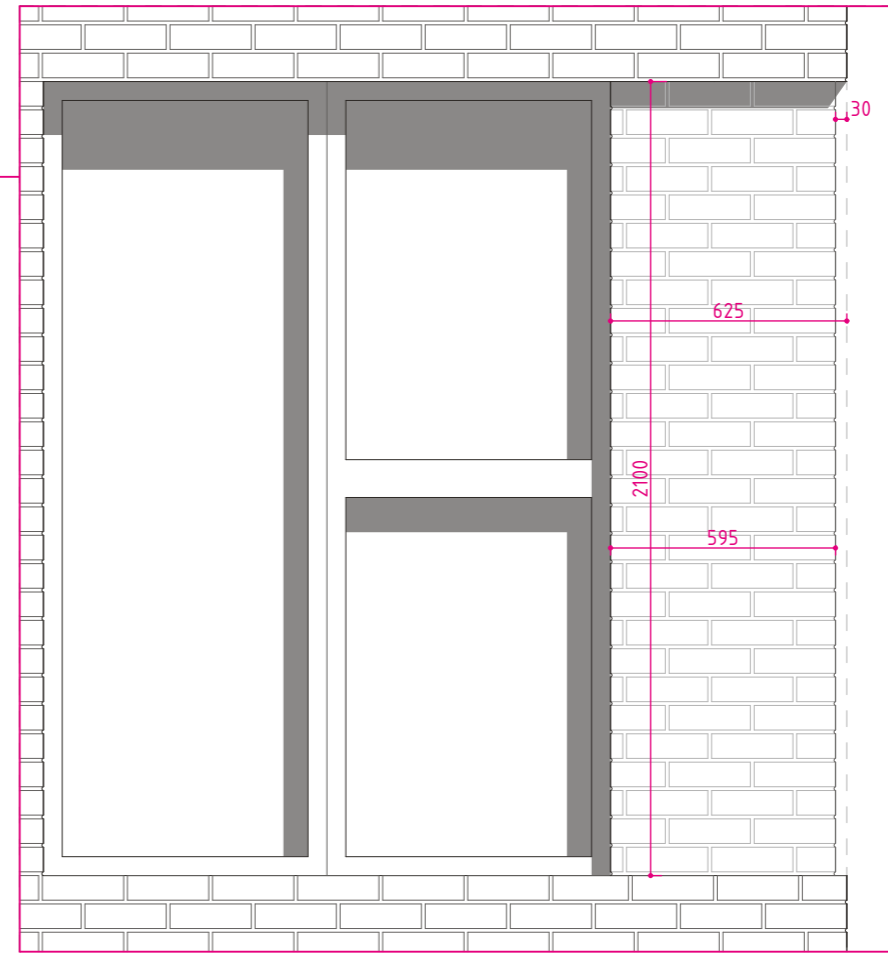
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



1:20 DETAIL



**SUTTON ROAD**

BRICK DETAIL

245 SUTTON ROAD  
SOUTHEND-ON-SEA  
SS2 5PE

ARGENT DEVELOPERS

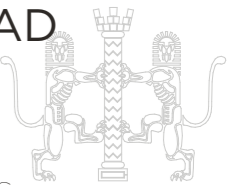
21/10/2020

1:200, 1:20@A3

783

**206 . 02**

www.daparchitecture.co.uk

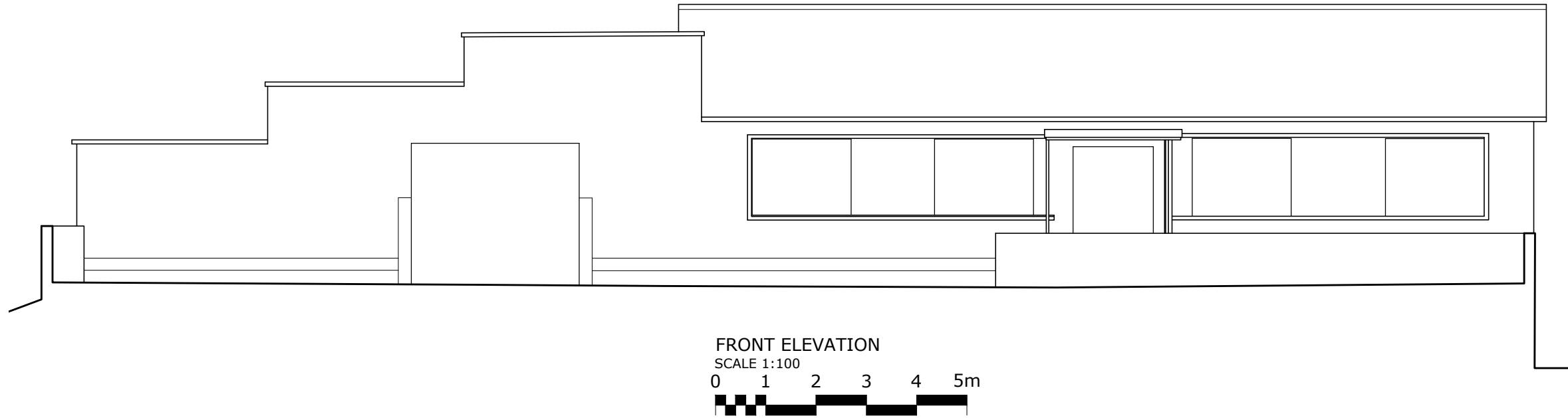


This page is intentionally left blank



**General Notes:**

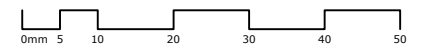
Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of THS Concepts and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to THS Concepts prior to commencement.



159

**Revisions**

No.	Date	By	Comment
-	28.02.2020	JB	First Issue



**Drawing Title**  
Front & Rear Elevations

**Property**  
245 Sutton Road  
Southend-On-Sea  
Essex, SS0 9QG

**Client**  
DAP Architecture

Job Reference	Drawing No	Revision
2547	MS-003	-

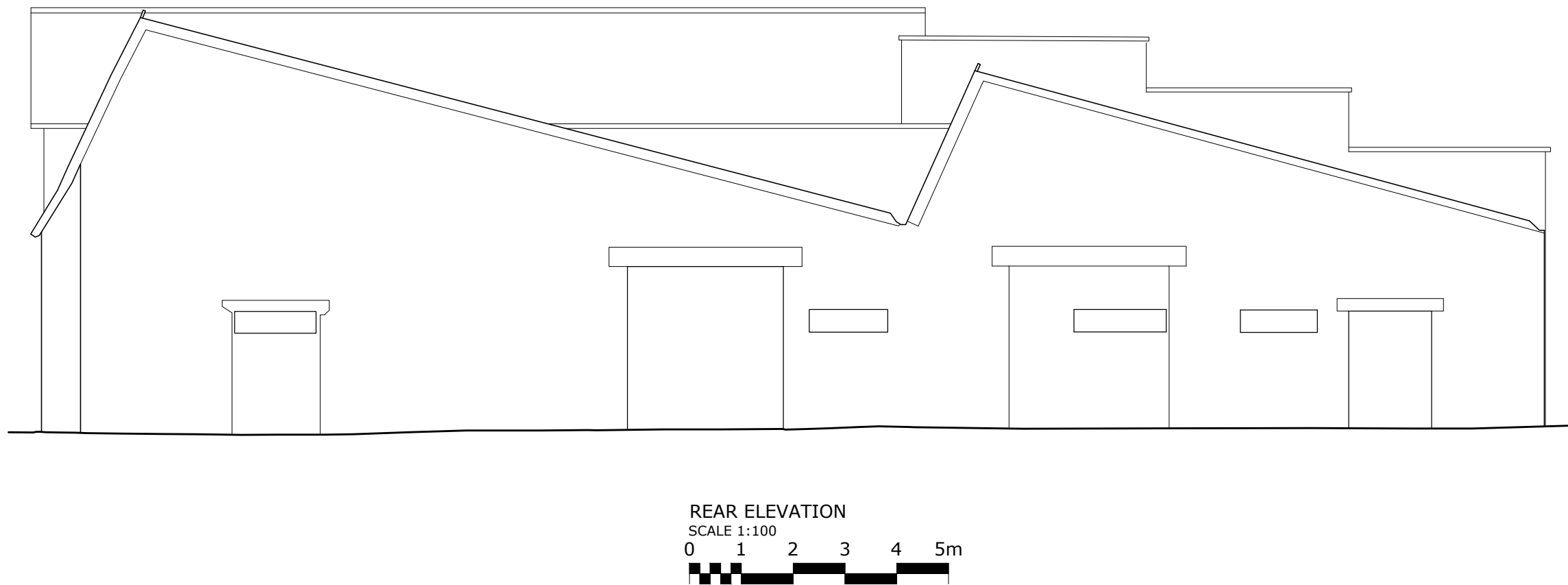
**Status**  
Information Only

Survey By	Drawn By	Checked By
JB	JB	CH

Scale	Original Size
As Shown	A3



A: THS Concepts LTD / 92 Bellhouse Lane  
Leigh-on-Sea / Essex / SS9 4PQ  
T: 0208 935 5160 E: info@ths-concepts.co.uk  
W: www.ths-concepts.co.uk



This page is intentionally left blank

**General Notes:**

Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of THS Concepts and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to THS Concepts prior to commencement.

**Key:**

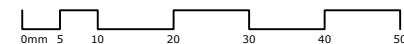
- DH = Door - Height
- FFL = Floor Level - Finished
- SFL = Floor Level - Structural
- IC = Inspection Chamber
- MH = Manhole Chamber
- WLH = Wall - Height
- CH = Window - Cill Height
- WH = Window - Opening Height

(x.xxx) = Distance from floor to ceiling/opening.

x 0.000 = Spot height

**Revisions**

No.	Date	By	Comment
-	28.02.2020	JB	First Issue



**Drawing Title**  
Ground Floor Plan

**Property**  
245 Sutton Road  
Southend-On-Sea  
Essex, SS0 9QG

**Client**  
DAP Architecture

Job Reference	Drawing No	Revision
2547	MS-002	-

**Status**  
Information Only

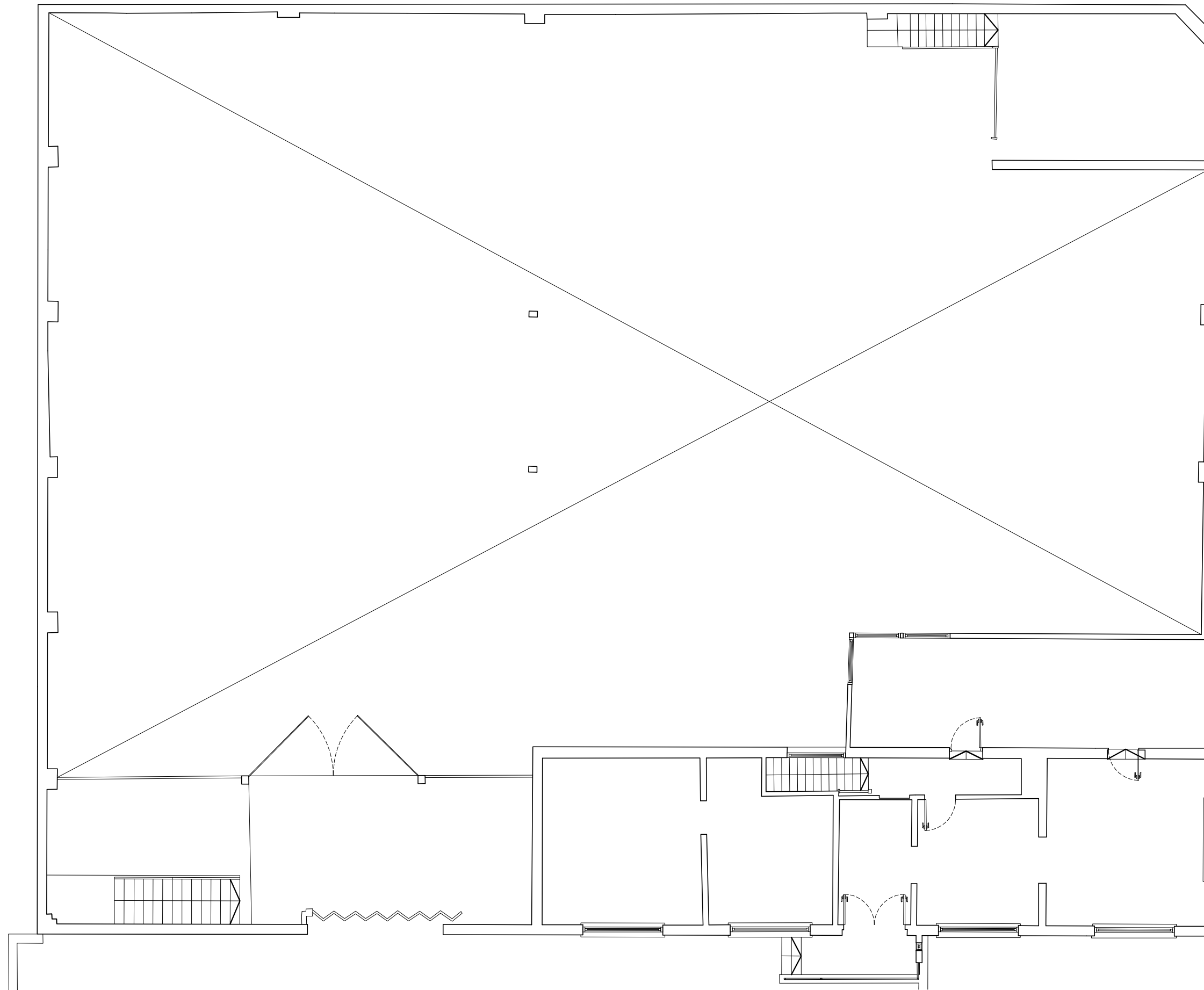
Survey By	Drawn By	Checked By
JB	JB	CH

Scale	Original Size
As Shown	A3

**THS CONCEPTS**  
LAND + ARCHITECTURAL SURVEYING

A: THS Concepts LTD / 92 Bellhouse Lane  
Leigh-on-Sea / Essex / SS9 4PQ

T: 0208 935 5160 E: info@ths-concepts.co.uk  
W: www.ths-concepts.co.uk



161

**GROUND FLOOR PLAN**

SCALE 1:100



This page is intentionally left blank

**General Notes:**

Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of THS Concepts and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to THS Concepts prior to commencement.

**Key:**

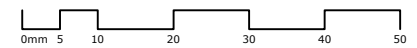
- DH = Door - Height
- FFL = Floor Level - Finished
- SFL = Floor Level - Structural
- IC = Inspection Chamber
- MH = Manhole Chamber
- WLH = Wall - Height
- CH = Window - Cill Height
- WH = Window - Opening Height

(x.xxx) = Distance from floor to ceiling/opening.

x 0.000 = Spot height

**Revisions**

No.	Date	By	Comment
-	28.02.2020	JB	First Issue



**Drawing Title**  
Lower Ground Floor Plan

**Property**  
245 Sutton Road  
Southend-On-Sea  
Essex, SS0 9QG

**Client**  
DAP Architecture

Job Reference	Drawing No	Revision
2547	MS-001	-

**Status**  
Information Only

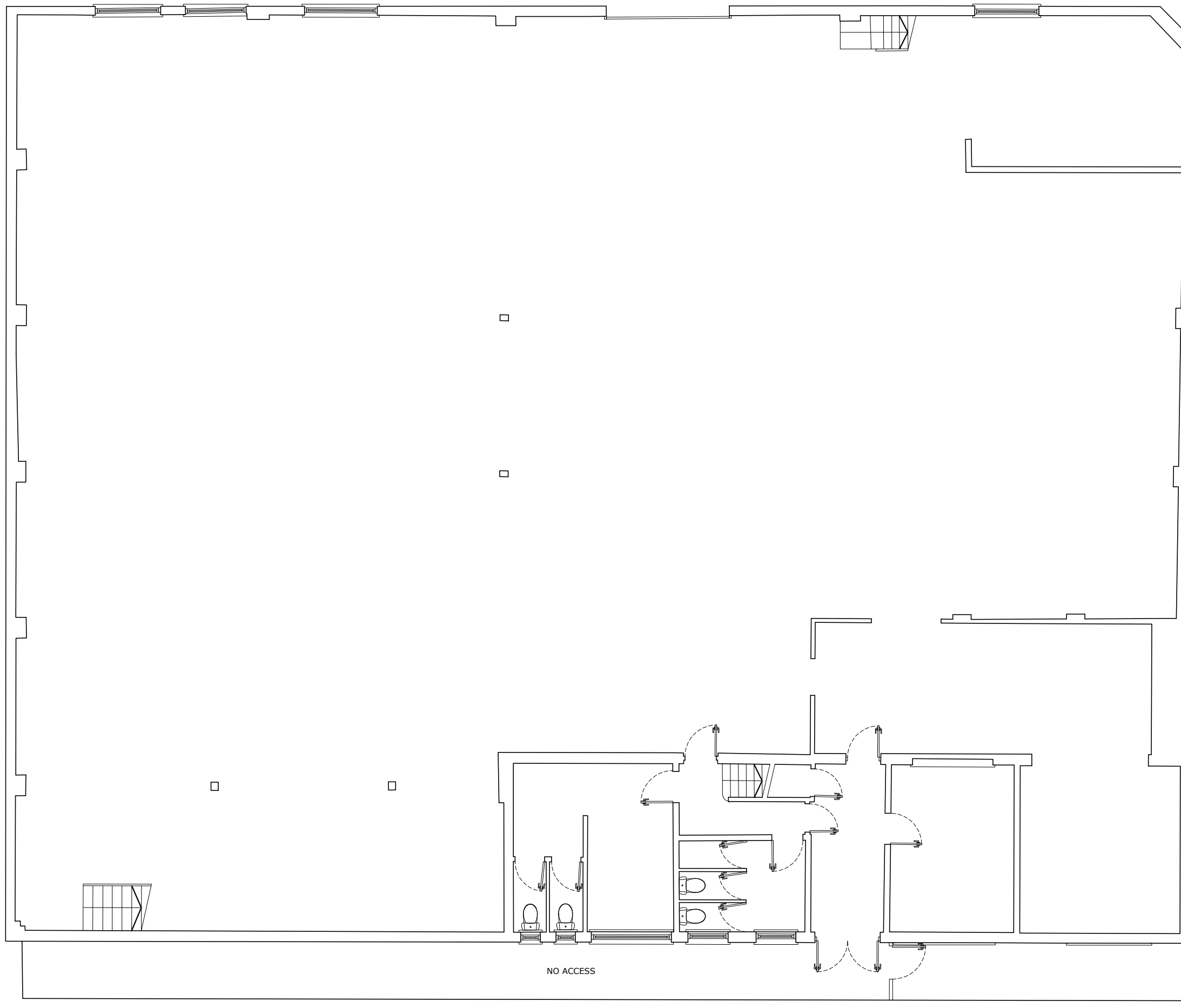
Survey By	Drawn By	Checked By
JB	JB	CH

Scale	Original Size
As Shown	A3

**THS CONCEPTS**  
LAND + ARCHITECTURAL SURVEYING

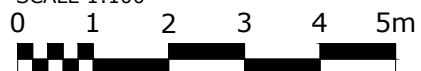
A: THS Concepts LTD / 92 Bellhouse Lane  
Leigh-on-Sea / Essex / SS9 4PQ

T: 0208 935 5160 E: info@ths-concepts.co.uk  
W: www.ths-concepts.co.uk



**LOWER GROUND FLOOR PLAN**

SCALE 1:100

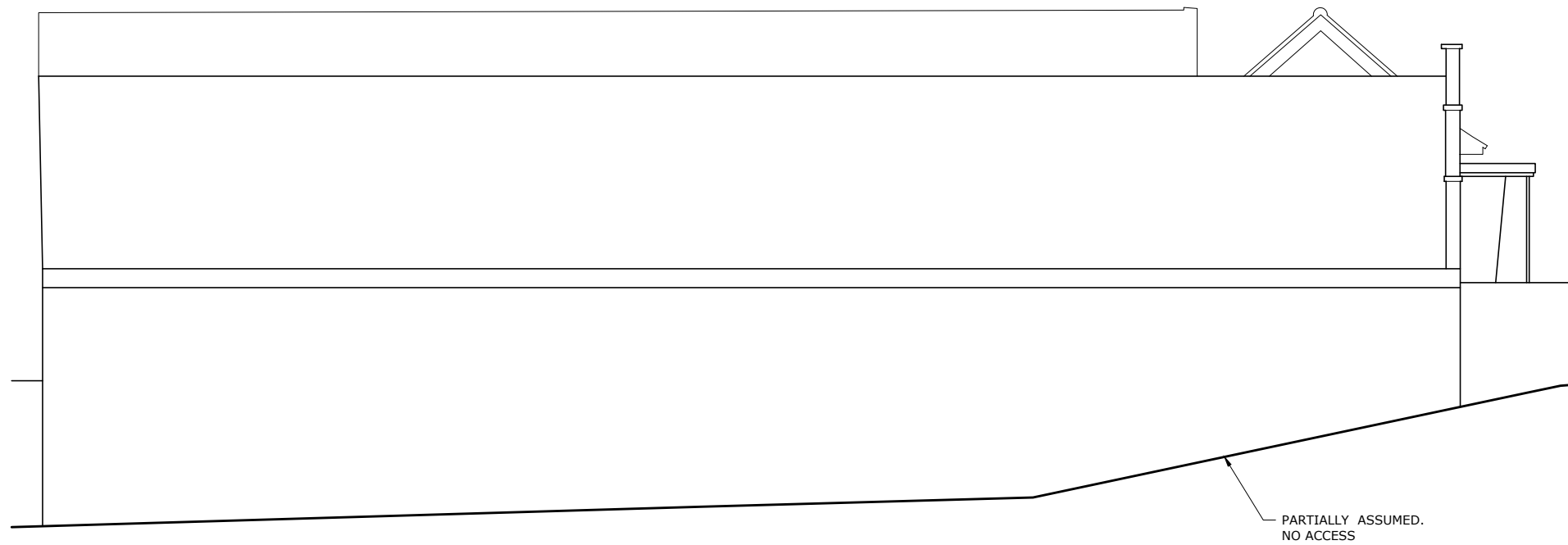


163

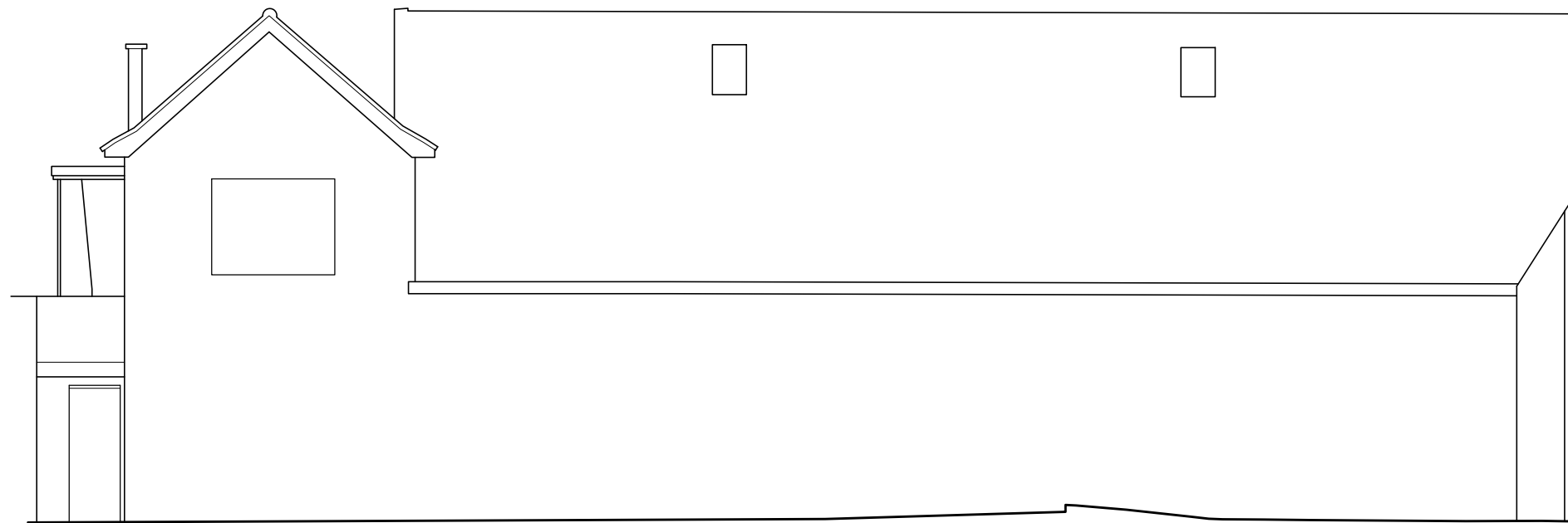
This page is intentionally left blank

**General Notes:**

Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of THS Concepts and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to THS Concepts prior to commencement.



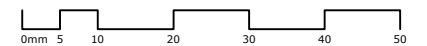
LEFT SIDE ELEVATION  
SCALE 1:100  
0 1 2 3 4 5m



RIGHT SIDE ELEVATION  
SCALE 1:100  
0 1 2 3 4 5m

**Revisions**

No.	Date	By	Comment
-	28.02.2020	JB	First Issue



**Drawing Title**  
Left & Right Side Elevations

**Property**  
245 Sutton Road  
Southend-On-Sea  
Essex, SS0 9QG

**Client**  
DAP Architecture

Job Reference	Drawing No	Revision
2547	MS-004	-

**Status**  
Information Only

Survey By	Drawn By	Checked By
JB	JB	CH

Scale	Original Size
As Shown	A3



A: THS Concepts LTD / 92 Bellhouse Lane  
Leigh-on-Sea / Essex / SS9 4PQ

T: 0208 935 5160 E: info@ths-concepts.co.uk  
W: www.ths-concepts.co.uk

This page is intentionally left blank



245 sutton road

03.07.20

# Front



# Site and access (blue van)



# North side vehicular access sloping down to rear



# Neighbour to north

171



# Approach from south



# View from opposite – relationship to crossing

173



# Neighbours opposite

174





# Site from north Sutton Rd



# Site From Sutton Road and relationship with KFC



# View of site from south across KFC

177



# Tree buffer to rear

178



# Rear relationship with KFC





# Car park and retail unit to rear

181



# Southpoint rear facing car park

182





# Tree buffer to car park

183



# Southpoint fronting Sutton Road

184



<b>Reference:</b>	20/01180/FUL	<b>6</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	St Laurence	
<b>Proposal:</b>	Demolish existing Church and Church Hall building and erect replacement Church and community building with associated cycle parking, car parking spaces, landscaping and children's playground.	
<b>Address:</b>	St Stephens Church, Alton Gardens, Southend-On-Sea	
<b>Applicant:</b>	Mr Colin Baldwin	
<b>Agent:</b>	Mr Paul Taylor of Cottrell & Vermeulen Architecture	
<b>Consultation Expiry:</b>	6th November 2020	
<b>Expiry Date:</b>	10th December 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>0422-PL01-P1, 0422-PL02-P1, 0422-PL07-01, 0422-PL03-P2, 0442-PL05-P2, 0422-PL06-02, 0422-PL08-02, 0422-PL09-P1, 0422-PL10-04, 0422-PL12-02</b> Supporting Documents <b>Design and Access Statement Addendum by Cottrell &amp; Vermeulen Architecture dated November 2020</b> <b>Design and Access Statement by Cottrell &amp; Vermeulen Architecture dated July 2020</b> <b>Arboricultural Impact Assessment by A.T. Coombes Associated Ltd dated 22.06.20</b> <b>Flood Risk Assessment and Drainage Strategy by MLM Group reference 6101458-MLM-ZZ-XX-RP-C-0001 dated 17.7.20</b> <b>Remediation Strategy and Verification Plan by MLM Environmental dated 26.09.13</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



---

## **1 Site and Surroundings**

- 1.1 The site is located on the junction of Manners Way and Alton Gardens. It currently contains St Stephens Church to the west side accessed from Alton Gardens and a public playground at the junction with Manners Way. The church rectory is located directly to the south of the playground but does not form part of the site.
- 1.2 The existing church building dates from the 1930s. It is a single storey flat roof building linked to the adjacent church hall by offices. The buildings are of their time and have little active frontage. The building is now in poor state of repair. The area to the front is hard surfaced but is not used as off-street parking.
- 1.3 The public playground to the east is grassed and contains several pieces of play equipment including swings, rockers and a climbing frame, with soft surfacing below. Seating is also provided. The playground is enclosed by a high railing and mesh boundary fence with public access from Alton Gardens. The playground is leased to and maintained by the Council.
- 1.4 There are a number of trees on the site arranged in two linear groups. One along the western boundary between the church building and the neighbours in Derek Gardens and one in the centre of the site between the church and the playground. Within these two groups are approximately 15 trees of varying sizes and quality. The trees form landscape buffers between the different uses.
- 1.5 The local neighbourhood is residential and characterised by mainly mid to late twentieth century houses and flats of varying designs. A short distance to the north is Southend Airport and retail park. The area suffers from some parking stress. Manners Way is a main route between the Airport and Rochford to Southend Town Centre and is a classified road. Opposite the site on Manners Way are allotments.
- 1.6 Although the site is not identified as having any site specific policy designations on the Development Management Document Policies Map the community playground falls within the remit of Policy CP7 of the Core Strategy which relates to the protection of sports and recreation facilities and other areas of green space.

## **2 The Proposal**

- 2.1 The proposal seeks to demolish the existing church and church hall and erect a replacement community church building on the site. The building includes a new multifunctional worship space, a community café, a chapel and consultation rooms.
- 2.2 The development includes a new layout for the wider site. The building will be re-orientated towards Manners Way. The community playground will be re-provided with an alternative configuration and new play equipment. The size of the playground will be reduced from 1310sqm to approximately 500sqm. The proposal also involves the creation of a parking area of 17 spaces, including 2 disabled spaces, for the new church to the west side of the site.
- 2.3 The new church building comprises a feature steel framed roof structure over an arrangement of repurposed shipping containers which will be joined together in a modular arrangement to form the new rooms.

The central circulation area will be a covered street (unheated space) secured by gates at each end. The design includes a steel framed tower at the entrance facing onto Manners Way, a feature rooflight and lantern and a bespoke timber clad chapel to the front.

- 2.4 The building measures 31.4m by 24.8m (not including chapel), has an eaves height of 4m, a ridge height of 7m rising to 9.25m including the roof lantern. The maximum height including the tower is 13.5m. The frame will be constructed of steel and covered with zinc, the shipping containers will be finished in a mixture of coloured metal and fibre cement cladding and the feature chapel will be timber. The building has a footprint of approximately 737 sqm including the internal street and courtyard.
- 2.5 In addition to the revised community playground (500 sqm) the proposal also includes a church play area (172 sqm), chapel garden (125 sqm), internal courtyard (23sqm), covered internal street (125 sqm) and allotments garden (97sqm).
- 2.6 A schedule of activities for the building has been provided with the application. This states that, in addition to Sunday worship, the multi-use hall will be used for toddler groups, scouting activities and other community groups, such as fitness classes, between 9am to 10pm each day. The community café will operate Monday to Saturday only during the daytime but not the evenings.
- 2.7 The current proposal is a revised scheme which follows discussions with the applicant during the course of the application to address a number of concerns. The key changes include a reduced building size, an enlarged public playground area and an increased parking area. Re-consultation was undertaken following the submission of the current plans.

### **3 Relevant Planning History**

- 3.1 17/00270/FUL (213 Manners Way - Vicarage) – Change of use of dwelling (Use class C3) to a mixed use building comprising worship and community meeting accommodation at ground floor (use class D1) and a two bedroom self-contained flat at first floor (Use Class C3), erect single storey infill extensions and access ramps and alter external elevations and form parking - granted
- 3.2 14/02030/FULM - Demolish existing Church and adjacent vicarage, erect two storey 800 sqm community church building, part 2/part3 storey building comprising 38 sheltered housing units, form 10 car parking spaces, cycle and bin store, and form hard and soft landscaping – withdrawn

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 56 neighbouring properties were consulted and a site notice displayed. Following the initial consultation 3 letters of representation were received from 5 households raising the following summarised issues:
- Scale of building is too big and is more than is required for local needs.
  - Over development of site.
  - Lack of parking for the scale of development and range of activities proposed will

result in more pressure for parking in the local area and congestion.

- The disabled parking bay on Manners Way is dangerous for pedestrians and cause dangerous manoeuvring on a classified road.
- Loss of grass verge to Manners Way.
- Lack of space for deliveries and refuse collections.
- Noise and concerns over sound proofing.
- Proposed living accommodation site is inappropriate.
- Future maintenance of the building and landscaping - the current building and grounds are suffering from lack of maintenance.
- Concern over maintenance of the shared boundary and vegetation between the church and neighbours.
- The design and green roof materials are out of character.
- Errors on the application form and submission documents.
- The site may be better suited to affordable housing.
- A smaller building with more parking would be more acceptable.
- Anti-social behaviour.
- Concerned hall could be used for parties again.

Following re-consultation on the amended scheme the following updated comments were received from 3 of the households:

- We have no further objections to the proposal in terms of scale, layout, parking, proposed uses, replacement playground but the green roof materials are still out of character.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, following assessment, none are judged to represent a reasonable basis to refuse planning permission in the circumstances of this case.

### **Strategic Planning Policy**

- 4.2 The revised layout for the site which has expanded and reconfigured the proposed new playground is considered to be acceptable from a policy perspective, providing it requires at least like for like replacement of the existing play equipment and remains accessible to the public.

### **Highways**

- 4.3 The area suffers from parking stress but the additional spaces proposed in the amended scheme are a significant improvement over the original proposal. There are no highway objections to the amended scheme.

### **Parks**

- 4.4
- The amended size and layout of the proposed playground is acceptable. The provision of replacement equipment will need to be conditioned. The current playground offers rocking x 2, swinging, rotate x 2, balance, slide and climb. The replacement play equipment would need to offer equivalent values. All equipment would be expected to meet EN1176 safety standards.
  - The playground needs to be able to be secured if required.

- The replacement tree planting is acceptable subject to the agreement of details including species and management to ensure that they become established.
- General landscaping will also need to be conditioned - The landscaping scheme should ensure no net loss of biodiversity at the site.

### **Environmental Health**

- 4.5 No objections subject to conditions relating to plant and construction hours.

### **Council's Assets Team**

- 4.6 The playground is currently leased by the landowner to the Council on an annual basis and has been for many years, at least since 1971. The lease will need to be re-negotiated following the development to take account of the revised layout.

### **Archaeology**

- 4.7 No comments.

### **Airport**

- 4.8 No objections to the proposed development.

If a crane or piling rig is required to construct the development a safeguarding assessment will need to be undertaken by the airport.

### **Essex Fire Service**

- 4.9 Fire access is satisfactory.

### **Committee Call In**

- 4.10 The application was called to committee by Cllr Flewitt.

## **5 Planning Policy Summary**

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

- 5.2 National Planning Policy Guidance

- 5.3 National Design Guide (2019)

- 5.4 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy KP3 (Implementation and Resources), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP6 (Community Infrastructure), Policy CP7 (Sport, Recreation and Green Space)

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

- 5.6 Design & Townscape Guide (2009)



- 5.7 Southend Parks and Open Spaces Strategy (2015-2020)
- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations of this application are the principle of the development including the amended public playground provision, design and the impact on the street-scene, highways implications, any impact on neighbouring properties, sustainable development considerations and CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Policy KP2 of the Core Strategy states development must be achieved in ways which *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*.
- 7.2 Policy CP4 requires that new development *“maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments”* and that this should be achieved by *“maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.3 Policy CP6 of the Core Strategy (Community Infrastructure) supports the provision of new and improved community facilities.
- 7.4 Policy CP7 of the Core Strategy (Sport, recreation and green space) requires that all existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community and there would be no loss of amenity or environmental quality to that community.
- 7.5 The existing church building is reaching the end of its useful life and now has limited value as a community facility. The new church building will provide upgraded and additional facilities for the local community including replacement flexible worship/community spaces, community café and consultation rooms. These uses are supported by Policy CP6 and are considered to be a benefit to the local area. There are no objections in principle to the uses proposed within the new building.
- 7.6 The existing playground is not specifically designated as protected green space on the Development Management Document Policies Map but is identified within the Council’s Parks and Open Spaces Strategy as a Local Equipped Area of Play (LEAP) of 1310 sqm in area. It is leased and maintained by the Council.

- 7.7 The Council has mapped local access to children's play space within a 10 minute walk time (approximately 800 metres) as part of the evidence base for the new Local Plan. This analysis shows that the neighbourhood is not currently within an area of deficiency. It is also apparent that the existing Manners Way playground makes an important contribution to the provision of facilities in this area. The nearest alternative playgrounds are at Sidmouth Avenue on the other side of Rochford Road, or at the southern edge of Priory Park, which is a 10 minute walk away and requires a walk along busy roads. It is therefore important that a good quality public playground is maintained in this location.
- 7.8 The existing playground is owned by the church but leased to the Council for use by the wider community. The proposal seeks to redevelop the site to provide new church and community facilities. The public playground will be re-provided as part of these proposals in a similar location at the junction with Manners Way but in an alternative shape and a reduced size. As noted above Policy CP7 requires replacement playground facilities to be of equivalent value to the community. Any loss of existing play areas are required to be justified and balanced by qualitative improvements to the alternative facility.
- 7.9 The amended playground arrangement would be smaller than the existing facility (reduced from 1310 sqm to around 500 sqm), however, the existing playground equipment is relatively spaced out and a little tired. To compensate for the loss of area, the proposal includes a commitment to install brand new play equipment of equivalent value, the details of which would be agreed with the Park Team and secured by condition.
- 7.10 The Councils Planning Policy Team and Parks Team have been involved in negotiations with the applicant regarding the re-provision of the playground facilities as part of the overall redevelopment of the site. During this process the size of the playground has been increased and its arrangement made more useable. Subject to the agreement of appropriate replacement play equipment and landscaping, the initial objections from the Planning Policy Team and the Parks Team have been removed and they now consider the amended arrangement acceptable.
- 7.11 Overall therefore, taking into consideration the wider community benefits of the new church building and subject to the conditions noted above in relation to provision of play equipment and landscaping and an additional condition requiring the public playground to remain accessible to the public in perpetuity, the principle of the development, which makes more efficient use of the site, is considered to be acceptable. In this instance it is considered reasonable to impose a condition to restrict the use of the building to class F.1 which includes places of worship and community halls to ensure that the facility remains for the benefit of the wider public. This use also covers the other uses proposed within the development including consultation rooms and community café as these are ancillary to the main use.
- 7.12 The Design and Access Statement comments that the building will be constructed in phases 'to allow the church to grow into the site and take its place in the community' and to enable earlier phases to be operational as funds allow before the whole building is completed. There is no objection to this in principle but any permission must ensure that the playground and appropriate levels of car parking are provided in the first phase and that the site is useable and appropriately finished after each phase so that it does not appear incongruous in the streetscene or harm the character and appearance of the area.

This can be secured by a condition requiring full details of the phasing to be submitted and agreed prior to commencement of the development. The principle of a prior to commencement condition for phasing has been agreed with the architect.

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

- 7.13 *Paragraph 124 of the NPPF states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.14 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.*”
- 7.15 The proposal seeks to demolish the existing church and rebuild a new and improved facility for the community. The replacement church will be constructed from re-purposed shipping containers below a feature steel framed roof providing a covered internal street between the different facilities. The shipping containers are combined into two modular sizes to form the required spaces and they will be clad in different materials and colours and fenestration inserted as appropriate. The roof will be an independent structure which will appear to float over the containers. It will have an exposed frame internally and be covered in zinc. The building will be articulated with a feature belltower at the main entrance, a large triangular rooflight to the western end to provide additional light to the main worship space, a glazed lantern over the internal street and a circular aperture will be cut into the roof over the café courtyard area. To the east side, adjacent to the main entrance on Manners Way, is the chapel, which is proposed as a timber clad curved projection.

#### *Building Design*

- 7.16 The proposal is a unique and innovative design. The triangular belltower, which incorporates a crucifix element, will be a focal point for the building and wider streetscene and will identify the development as a local landmark and as a civic building of importance. This feature will cut through the roof at the front and reveal views of the exposed frame within the building. The triangular shape of the tower is also reflected in the rooflight feature to the western end of the building and in the shape of the lantern to the internal street. These secondary elements enliven the roof structure and provide a counterbalance to the tower. At the lower level the circular shapes of the windows, the circular courtyard ‘cut out’ in the roof and the feature cladding provide a positive contrast to the triangular forms above. The curved timber chapel will provide a softer feature to the front highlighting it as a ‘special place’ within the development and helping to mark the entrance to the building.
- 7.17 Internally the covered street arrangement will provide an additional useable flexible sheltered space and attractive setting for the modular units. The community café will animate the streetscene and provide natural surveillance to the public playground. The architect has confirmed that any plant required for the café or wider building can be installed within the roof void so will not be visible to the public realm.

- 7.18 The proposal will contrast with the surrounding development but this is considered to be an appropriate approach for this type of community use. The design is well balanced and sits comfortably on the site and in the wider context. The building will provide a new local landmark building for the area and contribute to local identity. Subject to the agreement of materials and design details in relation to the key features of the building, including external lighting, the design of the building is considered to be acceptable and the proposal is policy compliant in this regard.

*Wider Site Layout*

- 7.19 The redevelopment of the site includes a reorientation of the building from the secondary frontage on Alton Gardens to have its main entrance facing Manners Way, a key route into the town. This is a more logical placement for the building and will ensure that it has an increased presence in the streetscene. The site layout and building footprint have been amended during the course of the application to ensure an appropriate balance of built form, public playground and parking area on the site as well as an appropriate response to the neighbours and context in terms of building frontages, setbacks from the highway and space for landscaping. It is noted that a number of trees are proposed to be felled, particularly in the centre of the site, however, it is acknowledged that these bisect the site and are a significant constraint to any redevelopment. The proposed layout includes the planting of 24 new trees around the perimeter of the site where they will have significant public impact, provide softening to the new building and protection from the traffic. An arboricultural assessment has been submitted with the application which includes details of tree protection measures for the trees to be retained on the western boundary of the site.
- 7.20 Overall, it is considered that, subject to the agreement of tree protection for the trees to the western boundary, and full details of new tree planting and other landscaping and boundaries, the proposed layout is acceptable.
- 7.21 The design, scale, form and layout of the proposal is considered acceptable and policy compliant in respect of design and character matters.

**Impact on Residential Amenity**

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

*Light, Outlook and Privacy*

- 7.23 The proposal seeks to demolish the existing building and erect a replacement church / community building on the site which includes a car parking area for 17 cars to the west of the site adjacent to the boundary with properties in Derek Gardens. The replacement building is single storey only but is larger than the existing building.
- 7.24 The new building is however, proposed to be located significantly further away from the neighbours to the west in Derek Gardens than the existing church buildings. The site plan shows that a gap of between 16m and 21m would be provided to the boundaries with these residential properties and that there would be a distance of between 27m and 31m to the rear elevations of these properties.

The development also proposes to retain 4 of the largest existing trees on this boundary which will continue to provide a visual screen between the new building and the proposed car parking area and the existing residential properties. Overall, it is considered that the proposed design and layout, will have no unacceptable impacts on the amenities of the closest neighbours in Derek Gardens in terms of dominance, an overbearing impact, overshadowing, means of enclosure light, outlook and privacy.

- 7.25 To the south the site adjoins St Stephens Vicarage which is under the same ownership as the church. The reorientation of the site means that the proposed building is much closer to the flank of the vicarage than the existing church, but it is orientated away from this neighbour. The gap between the proposal and the vicarage would be between 4m and 9.5m. The Vicarage has a mixed-use including community and worship at ground floor and a self-contained flat above. There are some small windows on the flank elevation facing the site but these are either to non-habitable rooms or secondary windows. Overall, it is considered that the proposal will have no unacceptable impacts on the amenities of this neighbour in terms of dominance, an overbearing impact, overshadowing, means of enclosure light, outlook and privacy.
- 7.26 The only other neighbours are the properties across the road on the northern side of Alton Gardens. Although the new building is larger than the existing church and extends further forward, given the separation, it is considered that the proposal would not have a detrimental impact in terms of dominance, an overbearing impact, overshadowing, means of enclosure light, outlook for these neighbours.

#### *Noise and Disturbance*

- 7.27 An indicative program of activities for the building has been provided with the application. This confirms the operational hours to be 9am – 10pm and that it will be used for a range of activities including worship, toddler groups, scouting activities and other community uses such as fitness classes. The projected timetable shows the building would be used more in the daytime than the evenings. This range of uses is similar to the current uses at the existing church and the associated vicarage.
- 7.28 The new building may lead to an increase in the level of activities at the site as compared to the existing facility, however, it will also be built to modern standards and is therefore better able to mitigate noise from such activities than the existing building. The proposed uses and operating hours are considered to be compatible with the use of the building and surrounding residential area and the hours of use can be controlled by condition. It is considered reasonable to allow the building to be used from 8am to enable setting up time for activities.
- 7.29 A car park for 17 vehicles is proposed to the western side of the building. As noted above the 4 largest trees on this boundary are proposed to be retained and this will maintain a strong physical barrier and sound buffer between the proposed car park and the neighbours to the west, mitigating the impact of vehicles in this location to an acceptable degree.
- 7.30 Subject to a condition restricting the hours of use of the building to between 8am and 10pm, it is considered that the proposal in terms of noise and disturbance from users of the building and the proposed car park will have no unacceptable impacts on neighbour amenity.

*Plant*

- 7.31 A community café use is proposed at the front of the site. The agent has confirmed that any plant required for the kitchen will be located within the roof void. No details of plant have been submitted with the application.
- 7.32 Given the relatively modest scale of the café kitchen it is considered that a condition could be imposed to ensure that full details of any plant at the site, including associated noise reports, be submitted to and approved by the Council prior to its installation.
- 7.33 Subject to conditions relating to hours of use and the installation of plant, the proposal is considered to be acceptable and policy compliant in its impact on neighbour amenity.

**Traffic and Transportation Issues**

- 7.34 Policy DM15 requires new places of worship to provide a maximum of 1 car parking space per 10 sqm and 1 cycle space per 4 staff plus an element of visitor cycle parking. The proposal now includes 17 car parking spaces to the rear of the building including 2 disabled spaces. This is 9 additional spaces compared to the initial submission. 6 Sheffield style cycle stands are also proposed on the forecourt facing Manners Way.
- 7.35 There are currently no off-street car parking spaces at the site, so the new car parking spaces proposed will help to reduce parking stress in the area. In addition, the site is close to the bus route which runs along Rochford Road nearby to the north and also in walking distance of the Airport railway station. Manners Way is a classified road.
- 7.36 The Design and Access Statement includes some information about how the existing users travel to the site. This confirms that most users live within the parish boundary which is up to 1 mile from the site and either walk or are dropped off by minibus or car. The highest use of the building is the Sunday service which has a congregation of 65. Other activities at the site typically have up to 20 users.
- 7.37 The surrounding area is considered to suffer from parking stress. The initial scheme proposed only 8 car parking spaces including one space on Manners Way which was considered to be unsafe. Following concerns raised by the council Highways Officer the scheme was amended and the number of on-site parking spaces increased to 17, including 2 disabled spaces, all of which are accessed from Alton Gardens. Taking into consideration the lack of parking for the existing church, the council Highways Officer considers the revised level and arrangement of parking to be satisfactory. The proposal is therefore acceptable and policy compliant in this regard.
- 7.38 As noted previously, it is the intention to phase the construction of the development. It will therefore be necessary to ensure that parking provision at the site for each phase meets the demands of the uses enabled at that phase of work. It is expected that parking would be provided in the early phases. The agent has therefore agreed that full details of phasing, including car park provision, will be submitted and agreed prior to the commencement of the development. Subject to this condition, the proposal is acceptable and policy compliant in this regard.

### *Cycle Parking*

- 7.39 As noted above, 6 Sheffield cycle stands would provide 12 cycle spaces at the front of the building. This is considered to be sufficient for visitors. No information has been provided for staff cycle spaces, however it is considered that there would be scope for these to be provided to the rear of the site within the car park area and this can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

### *Refuse and Recycling*

- 7.40 The site plan shows a refuse store and a recycling store adjacent to the car park access on Alton Gardens but no details have been provided. The level of waste storage shown here is considered to be sufficient for the site and the location is accessible for waste and recycle collection vehicles. Full details of the store will need to be agreed by condition to ensure that they are compatible with the streetscene. As noted above the construction of the building is proposed to be phased and it will be important to ensure that sufficient refuse and recycling storage is provided for each phase of the development. This can also be covered in the condition. Subject to the agreement of these details, the proposal is acceptable and policy compliant in this regard.

### *Deliveries*

- 7.41 The car parking area is of sufficient size to accommodate deliveries to the site, including for the café. The opening hours of the building will sufficiently restrict the times that deliveries can be made. The proposal is acceptable and policy compliant in this regard.
- 7.42 Overall, therefore, subject to conditions noted above, the proposal is acceptable and policy compliant in terms of traffic and transportation.

### **Sustainability**

- 7.43 Sustainable development is a key objective of the NPPF.
- 7.44 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.45 The proposed building will be constructed of re-purposed shipping containers which are considered to be recycled materials. This is a positive aspect of the scheme.
- 7.46 No information has been submitted in relation to renewables; however, given the size of the development and its large south facing roof, it is considered that full details of the required renewables can be agreed by condition.

### *Drainage*

- 7.47 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.48 The site is located within flood zone 1 low risk. A flood risk assessment and drainage strategy has been submitted with the application. This proposes permeable paving and cellular attenuation crates be installed to provide sustainable drainage but the proposed drainage attenuation plan has not been updated following amendments to the scheme. Given the scale of the development it is considered that full details of sustainable drainage can be required by condition. Subject to this condition, the proposal is acceptable and policy compliant in this regard.

### *Contamination*

- 7.49 A remediation strategy has been submitted with the application. This concludes that there is no need for decontamination at the site. No concerns have been raised by the Councils Environmental Health Officer in relation to this issue. The proposal is therefore acceptable and policy compliant in this regard.

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

- 7.50 Although this application is CIL liable, in this instance the chargeable amount has been calculated on the basis of a zero rate as applicable to a not for profit community use. However, it is recommended that a condition be applied to this permission restricting the nature of the use within Use Class F.1 to prevent future changes in the use of the building to a use that would not be zero rated and would have a greater impact in terms of infrastructure requirements. The reason for this condition should be to determine the scope of this permission in terms of its impact on community infrastructure in accordance with Core Strategy 2007 Policy CP6.

## **8 Conclusion**

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

## **9 Recommendation**

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

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



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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans 0422-PL01-P1, 0422-PL02-P1, 0422-PL07-01, 0422-PL03-P2, 0442-PL05-P2, 0422-PL06-02, 0422-PL08-02, 0422-PL09-P1, 0422-PL10-04, 0422-PL12-02**

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

**03 The development hereby approved shall be used for purposes falling within use class F.1 as defined under the Town and Country Planning (Use Classes) Order Regulations 2020 or 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 is retained for the benefit of the wider community in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full product details of the materials to be used on all the external elevations, including exposed frame, roof, rooflights and lantern, tower, walls, windows and doors, rainwater goods, entrance gates and boundaries have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details before it is brought into use.**

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

**05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until detailed design drawings of the tower, rooflight and lantern, external windows and doors, gates, and eaves (including rainwater solution) at scales of 1:20, 1:10 or 1:1 as appropriate have 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.**

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

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

- i proposed finished site levels or contours;**
- ii. means of enclosure, of the site including any gates or boundary fencing;**
- iii. car parking layouts;**
- iv. other vehicle and pedestrian access and circulation areas;**
- v. hard surfacing materials;**
- vi. full details of the replacement play equipment and other associated structures (e.g. benches, litter bins, security fencing, bollards, protective surfacing). The play equipment must provide an equivalent level of equipment to the existing playground which includes rocking x 2, swinging, rotate x 2, balance, slide and climb. All equipment and structures must meet British and European Standard for playground equipment BS EN1176;**
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.**
- ix. details of measures to enhance biodiversity within the site;**

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

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

**07 The area denoted as 'public playground' on plan reference 0422-PL05-02 hereby approved, shall be provided in full, including play equipment, protective surfaces, benches, bins and boundaries, prior to the first occupation of any part of the proposed development and shall be retained and maintained in perpetuity for the wider community.**

**Reason: In the interests of amenity in accordance with the National Planning Policy Framework (2019) and Policies KP2, CP4 and CP7 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

**08 The tree protection measures as set out in Appendix 4 of the Arboricultural Impact Assessment by A.T. Coombes Associates dated 22<sup>nd</sup> June 2020 shall be implemented in full prior to commencement of the development and be retained throughout each construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.**

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

**09 No development shall take place, including any works of demolition, until a Phasing and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to in full throughout each phase of the construction of the development. The details submitted statement shall include, but not limited to:-**

- i) Full details of the extent of each phase of the development including how it will be left at the end of each phase.**
- ii) Full details of how the wider site will be maintained between phases including safety and access.**
- iii) Full details of the extent of parking provision, cycle parking provision and refuse and recycling storage to be provided at each phase.**
- iv) Full details of construction management for each phase of the build including:
  - a. Location for the parking of vehicles of site operatives and visitors.**
  - b. Location for loading and unloading of plant and materials.**
  - c. Location of storage of plant and materials used in constructing the development.**
  - d. Details of measures to control the emission of dust and dirt during construction.**
  - e. A scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.****

**Reason: A pre commencement condition is justified to ensure that each phase of the development is properly considered in terms of provision of parking and refuse facilities and the impact on neighbours and the wider streetscene. This is in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and KP4, Development Management Document (2015) policies DM1 and DM15 and the Southend Design and Townscape Guide (2009).**

**10 The 17 car parking spaces (including 2 disabled spaces) and the associated vehicular access for the spaces to access the public highway, shown on approved plan 0422-PL05-P2 shall be provided and made available for use at the site prior to the first occupation of the main worship space hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the**

**dwelling hereby approved and their visitors.**

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

**11 Prior to the first occupation of any part of the building hereby approved, full details including materials, for the refuse and recycling store and cycle storage for staff and visitors at the site and details of the level of provision of refuse storage and cycle storage at each phase of the development shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details before each phase of the development is first occupied for the approved use.**

**Reason: To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).**

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

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

**13 No extraction and ventilation equipment shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

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

**14 The development hereby permitted shall not be operational outside the following times: 08:00 hours until 22:00 hours on Monday to Sundays including Bank Holidays. There shall be no deliveries to the site outside of these hours.**

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

**15 No external lighting shall be installed on the building other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. No additional external lighting shall be installed on the building or within the site without the prior written consent of the Local Planning Authority.**

**Reason: In the interest of the visual amenities and character of the conservation area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).**

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

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

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

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

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

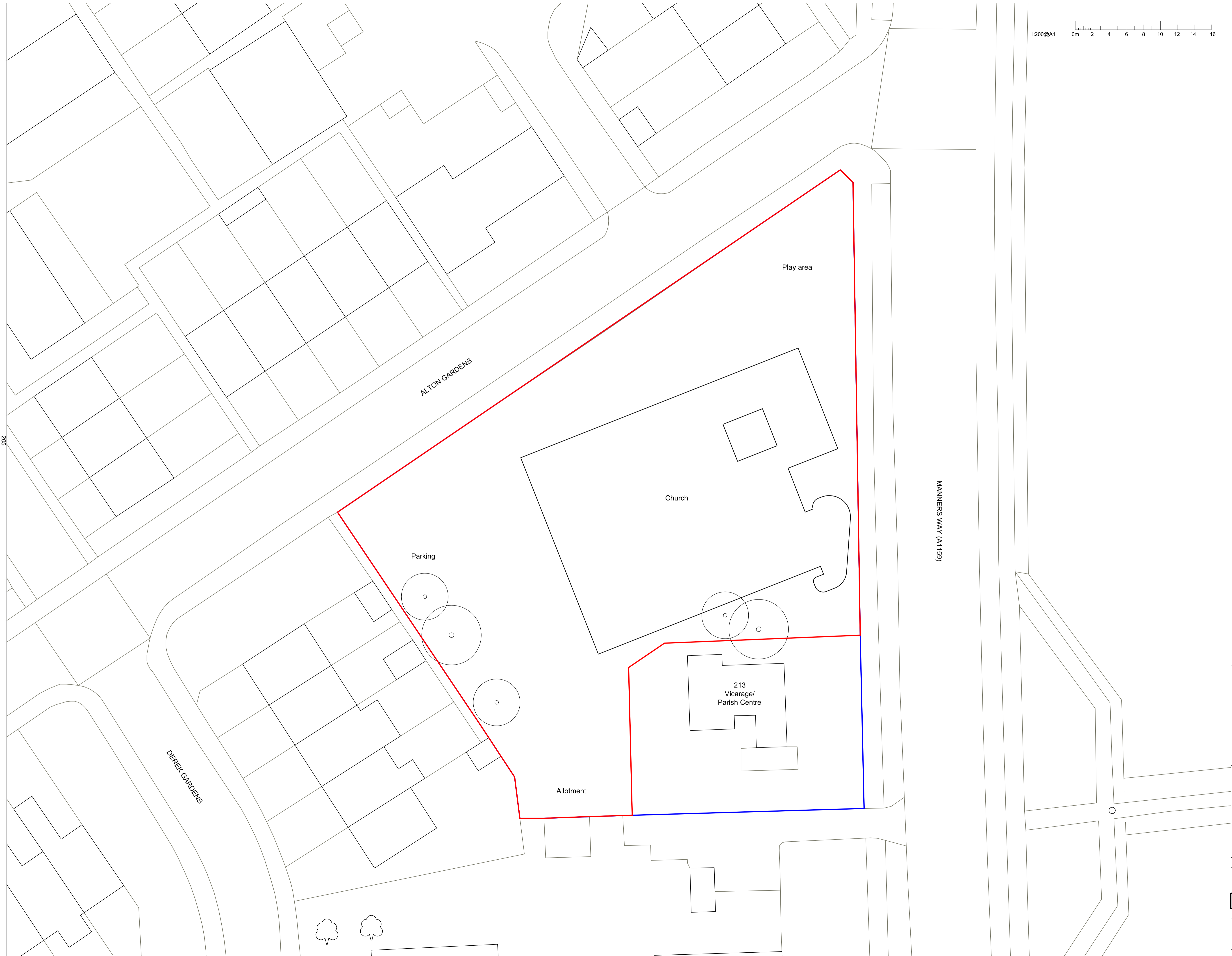
**Informatives:**

**01 Community Infrastructure Levy Liability Notice:** You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

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

**03** The applicant is advised that following the commencement of the development the playground lease will be out of date and will need to be re-negotiated with the Councils Assets and Parks Teams.

**04** The applicant is advised that if a crane or piling rig is required to construct the development a safeguarding assessment will need to be undertaken by the Airport. Applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) / 01702 538521.



205

1:200@A1 0m 2 4 6 8 10 12 14 16

NOTES  
 — Land owned by applicant  
 — Area of proposal

Revisions

P2 21/10/20 Issued for planning approval  
 P1 21/07/20 Issued for planning approval

FOR PLANNING  
 Do not scale from this drawing  
 Confirm all dimensions on site  
**Cottrell and Vermeulen Architecture**  
 10 Brite Street, London SE11 3LJ, 020 7788 2987

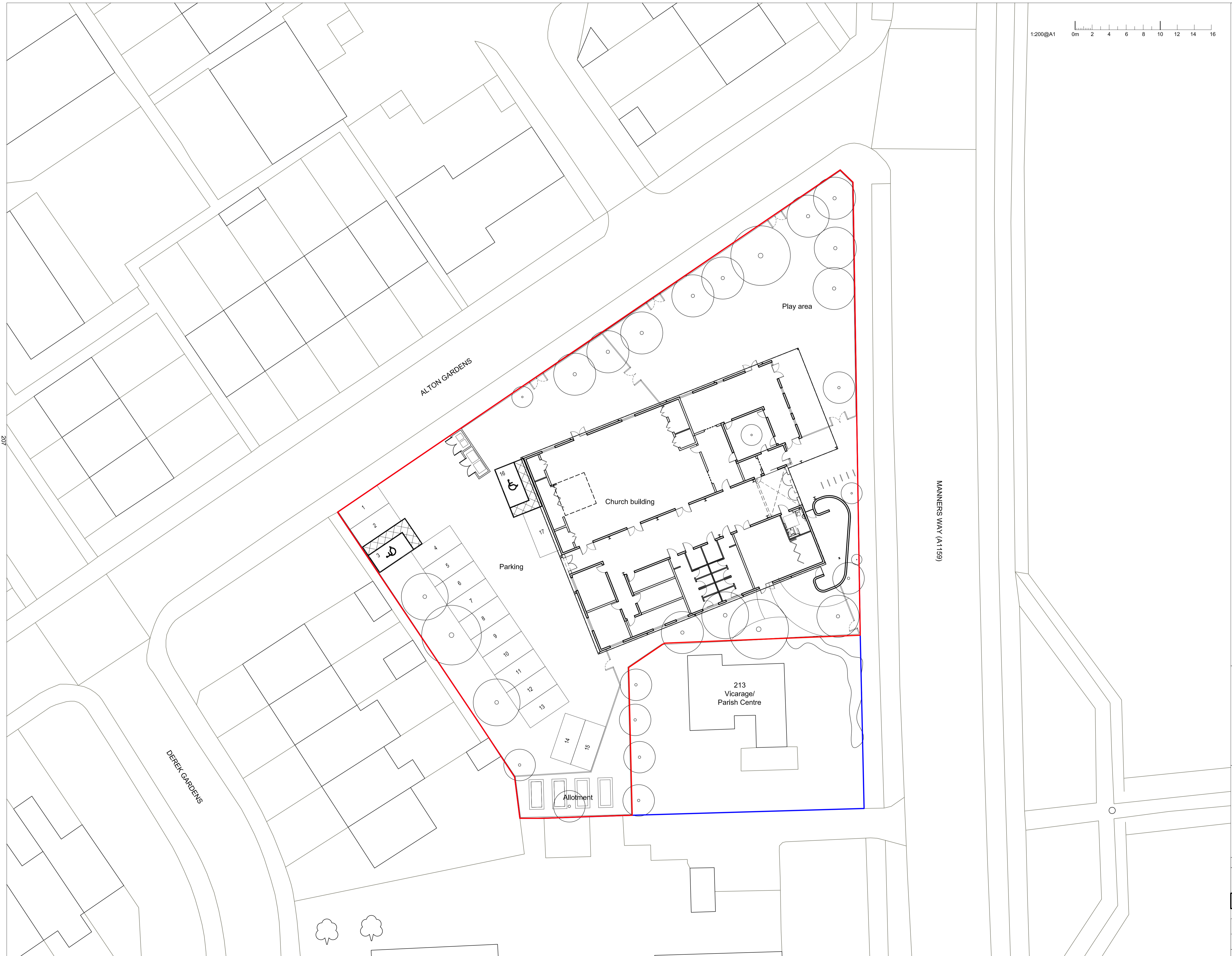
DWG 0422	PL 03	P2
----------	-------	----

Filename: 0422-PL-SITE PLN.dwg  
 Saint Stephen's Church, Westcliff on Sea

Proposed Site Block Plan Scale 1:200 @ A1 Drawn by LA	Date: 19 Feb 2020 Revision: P1 Checked by PT
-------------------------------------------------------------	----------------------------------------------------

This page is intentionally left blank





1:200@A1 0m 2 4 6 8 10 12 14 16

NOTES  
 — Land owned by applicant  
 — Area of proposal

Revisions

P2 21/10/20 Issued for planning approval  
 P1 21/07/20 Issued for planning approval

**FOR PLANNING**  
 Do not scale from this drawing  
 Confirm all dimensions on site  
**Cottrell and Vermeulen Architecture**  
 10 Brite Street, London SE11 3LJ, 020 7788 2987

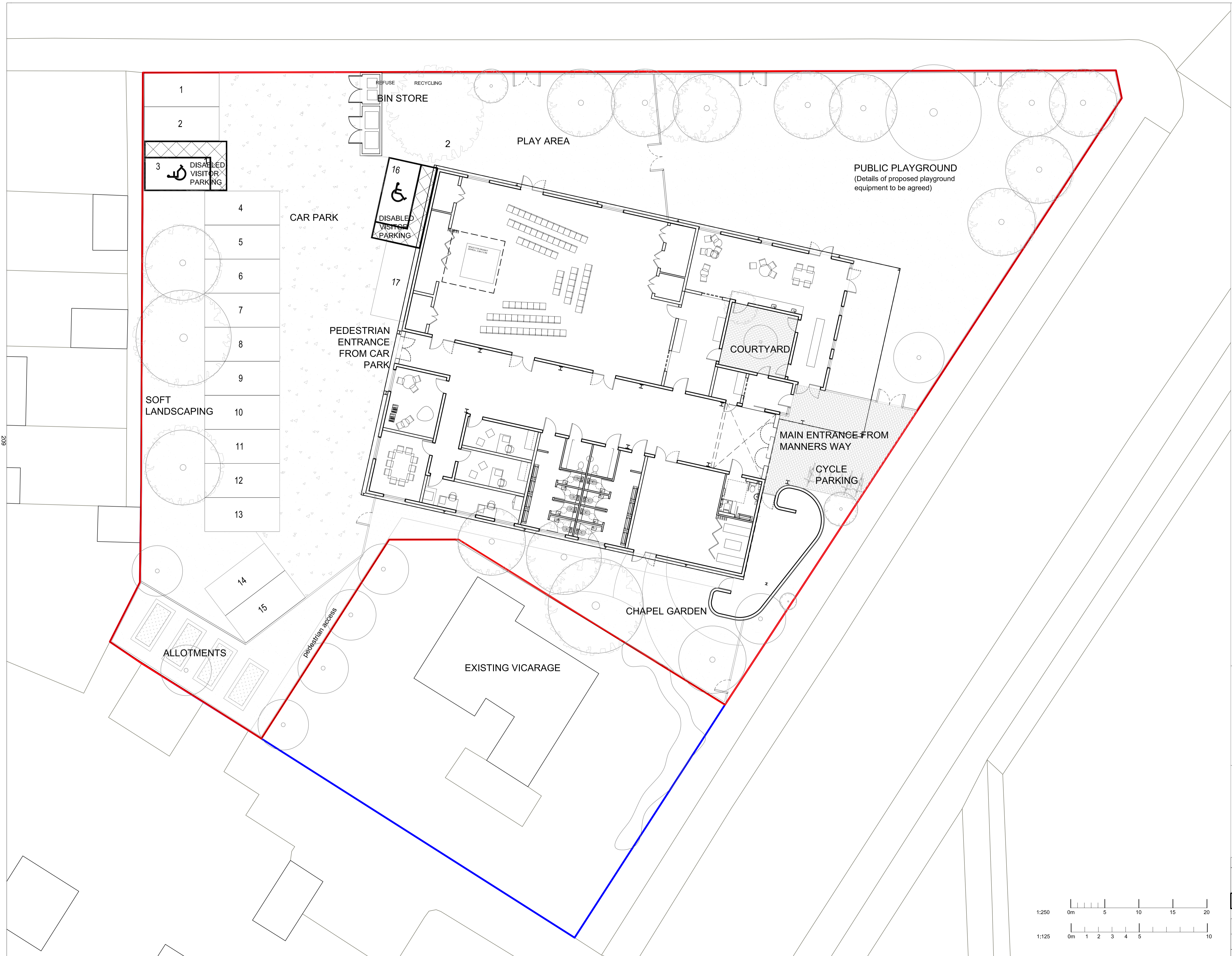
DWG 0422	PL 05	P2
----------	-------	----




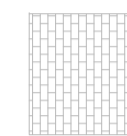
Filename: 0422-PL-SITE PLN.dwg  
 Saint Stephen's Church, Westcliff on Sea

Proposed Site Plan Scale 1:200 @ A1 Drawn by LA	Date: 19 Feb 2020 Revision: P1 Checked by PT
-------------------------------------------------------	----------------------------------------------------

207

This page is intentionally left blank



-  Soft Landscaping
-  Pedestrian Tarmac
-  Vehicular Tarmac
-  Brick Pavers

NOTES

Revisions

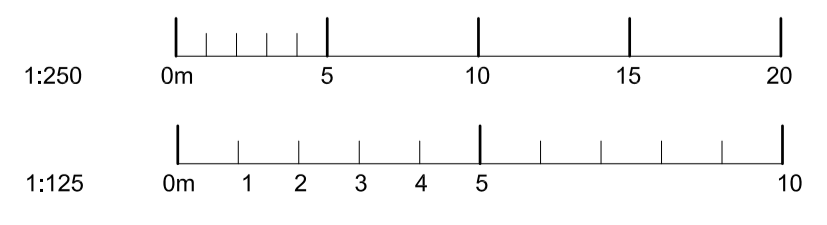
P2	21/10/20	Issued for planning approval
P1	21/07/20	Issued for planning approval

**FOR PLANNING**  
 Do not scale from this drawing  
 Confirm all dimensions on site  
**Cottrell and Vermeulen Architecture**  
 18 Birnie Street, London SE11 3LU, 020 7788 2587

DWG 0422	PL 06	02
----------	-------	----

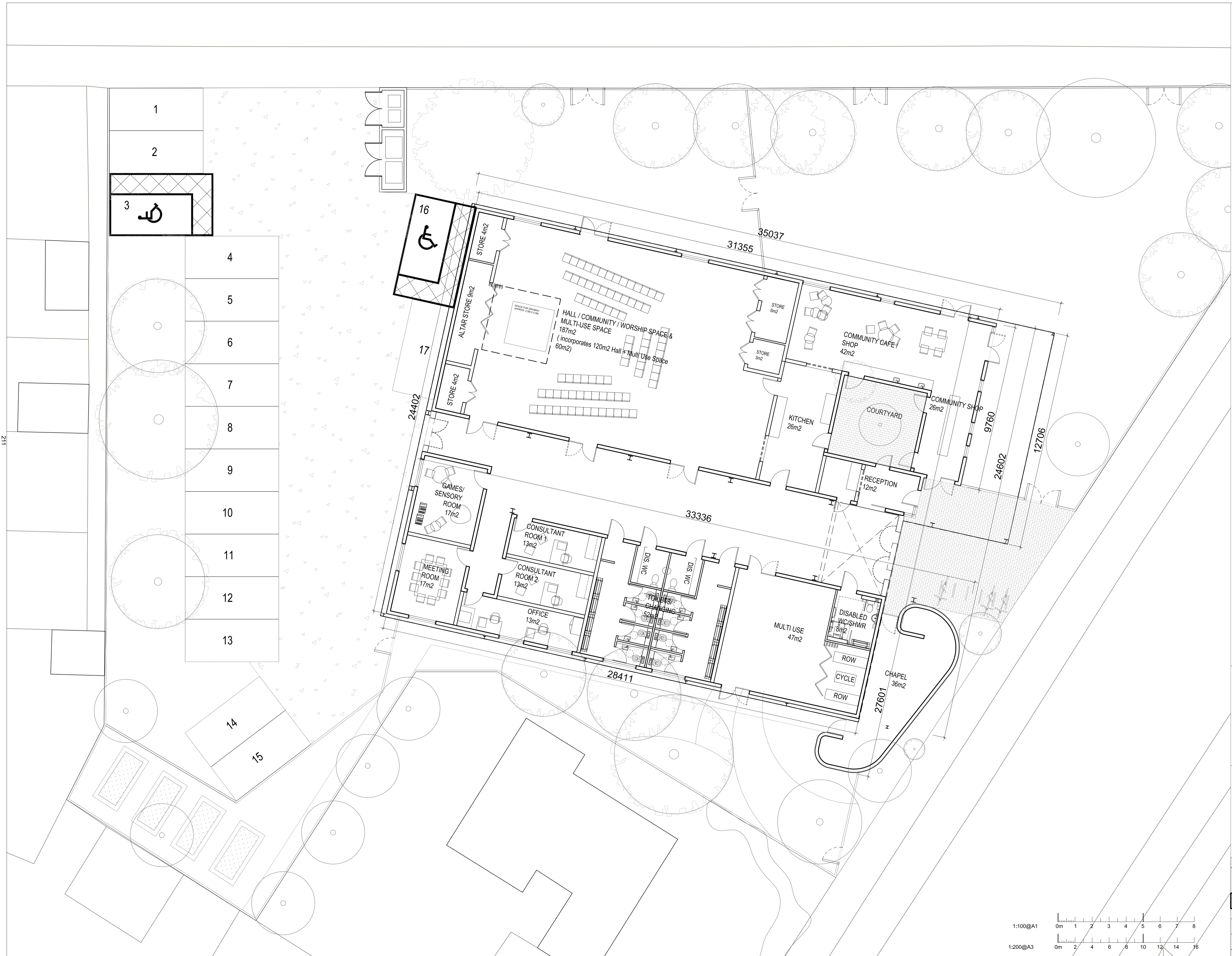
Filename: 0422-PL-PLN.dwg  
 Saint Stephen's Church, Westcliff on Sea

Landscape Plan  
 Scale 1:125@A1, 1:250@A3  
 Date: 19 Feb 2020  
 Revision: P1  
 Drawn by PT  
 Checked by RC



209

This page is intentionally left blank



211

NOTES

Revisions

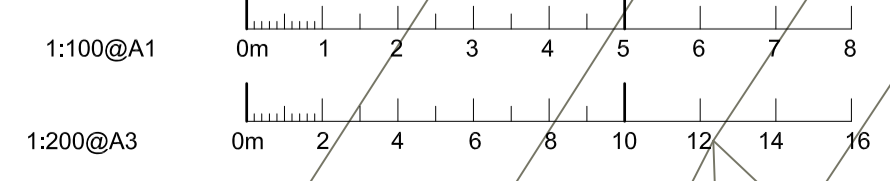
P2 21/10/20 Issued for planning approval  
 P1 21/07/20 Issued for planning approval

**FOR PLANNING**  
 Do not scale from this drawing  
 Confirm all dimensions on site  
**Cottrell and Vermeulen Architecture**  
 10 Bire Street, London SE11 3LL, 020 7788 2587

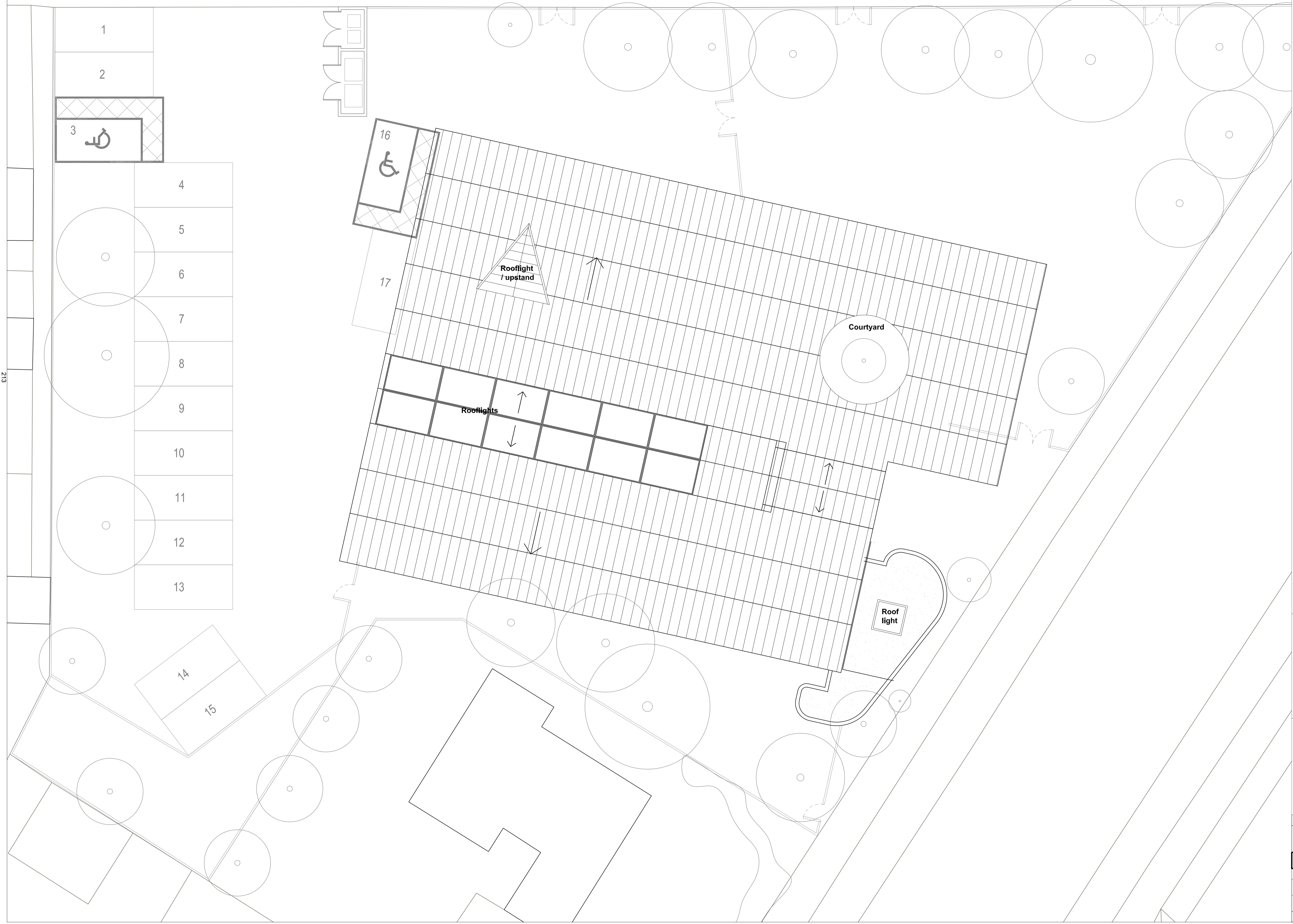
DWG 0422	PL 08	02
----------	-------	----



Filename: 0422-PL-PLN.dwg  
 Saint Stephen's Church, Westcliff on Sea

Ground Floor Plan Scale 1:100 @ A1, 1:200@A3 Drawn by LA	Date: 19 Feb 2020 Revision: P2 Checked by PT
----------------------------------------------------------------	----------------------------------------------------



This page is intentionally left blank



 Zinc roof covering  
 Single play membrane / bitumen roof to chapel behind parapet

2/13

NOTES

Revisions

P1 21/07/20 Issued for planning approval

**FOR PLANNING**  
 Do not scale from this drawing  
 Confirm all dimensions on site  
**Cottrell and Vermeulen Architecture**  
 18 Birnie Street, London SE11 3LL, 020 7788 2987

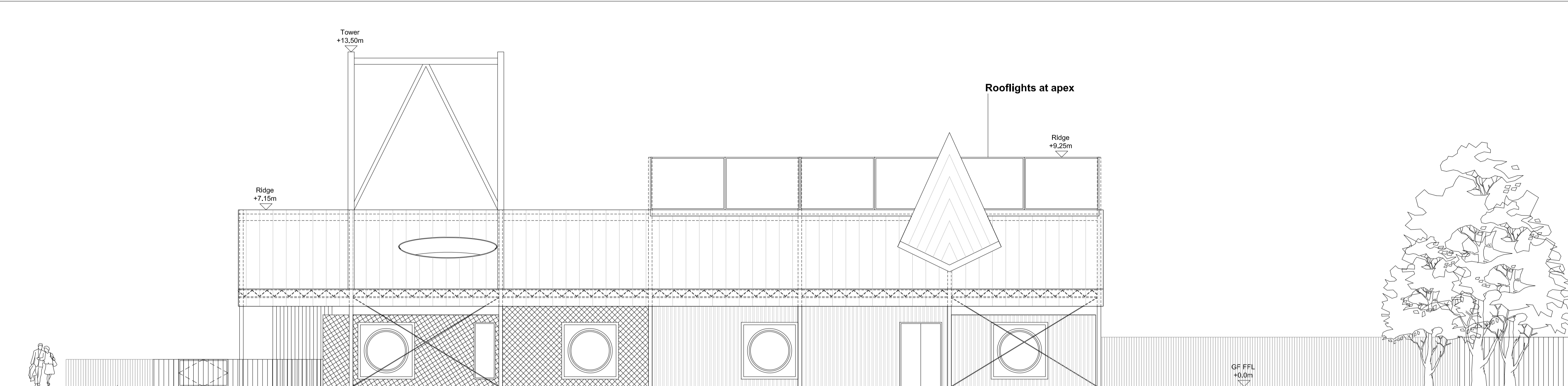
DWG 0422	PL 09	P1
----------	-------	----

Filename: 0422-PL-PLN.dwg  
 Saint Stephen's Church, Westcliff on Sea

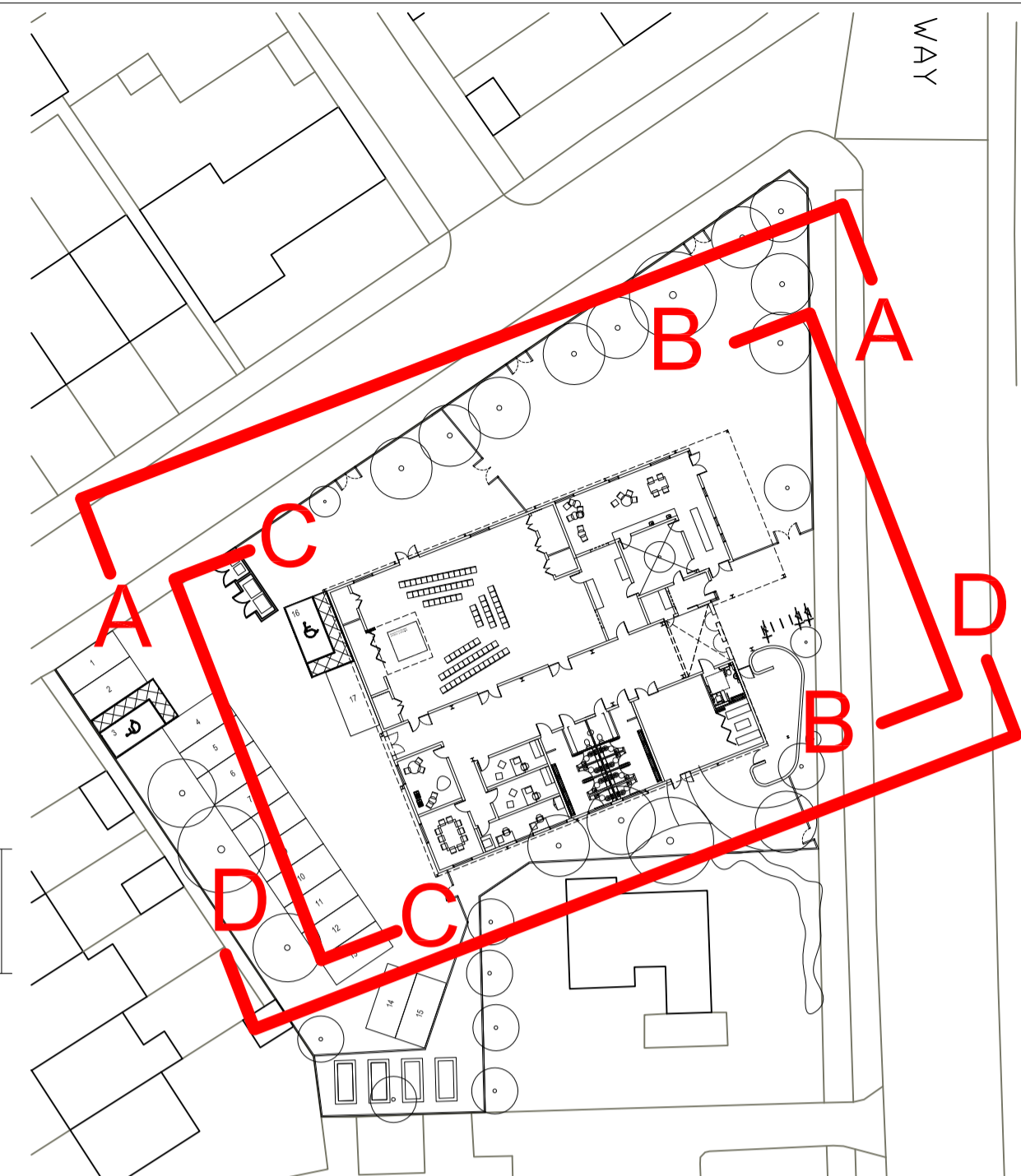
Roof Level Plan Scale 1:100@A1, 1:200@A3 Drawn by LA	Date: 19 Feb 2020 Revision: P1 Checked by PT
------------------------------------------------------------	----------------------------------------------------

This page is intentionally left blank

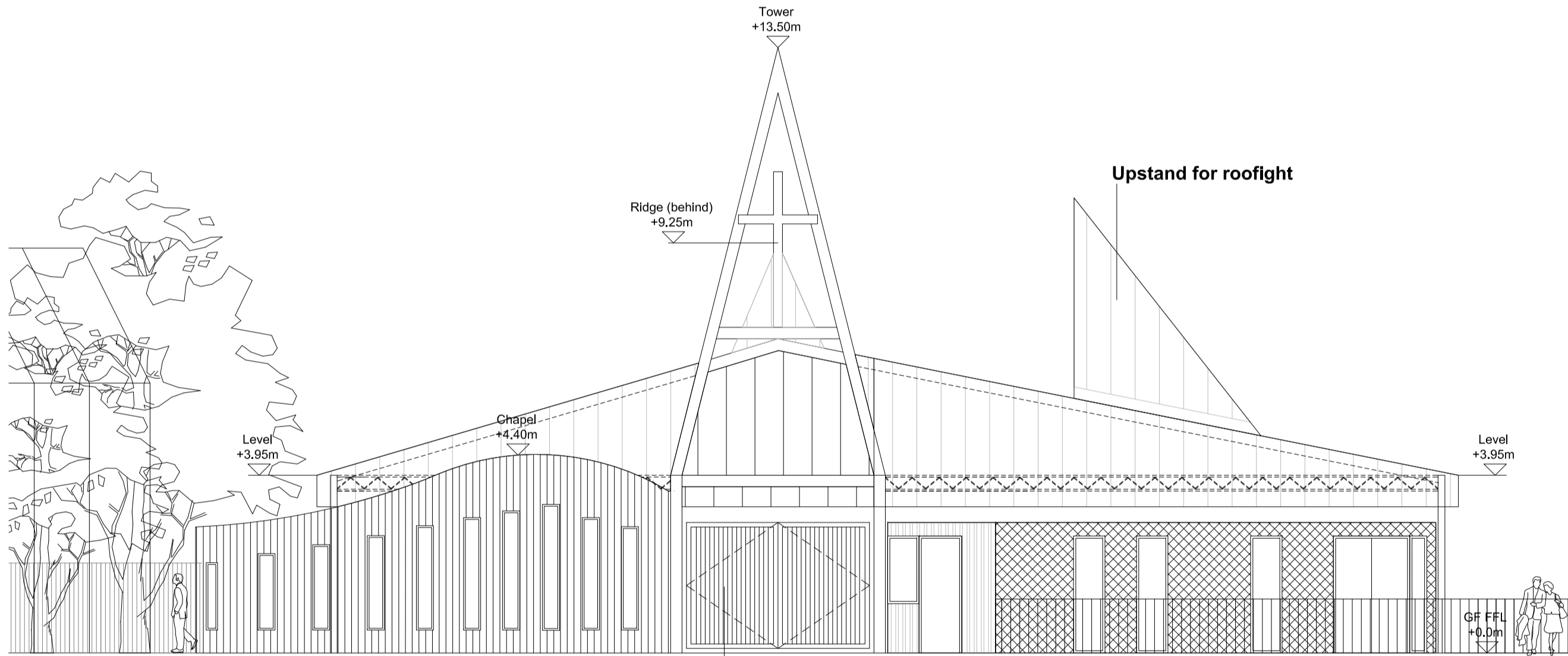




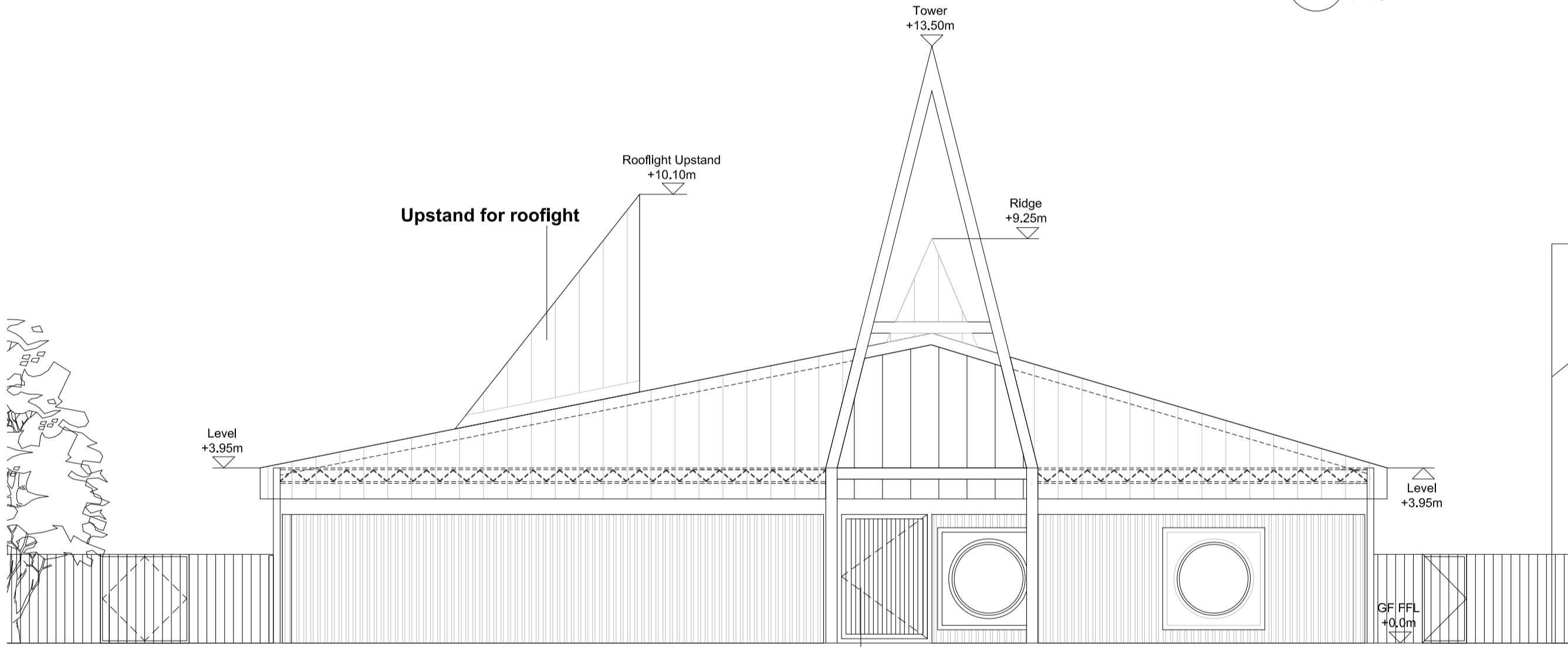
**E 01 North Elevation AA**  
Scale 1:100 @ A1, 1:200 @A3



**P 01 Key Plan**  
NTS

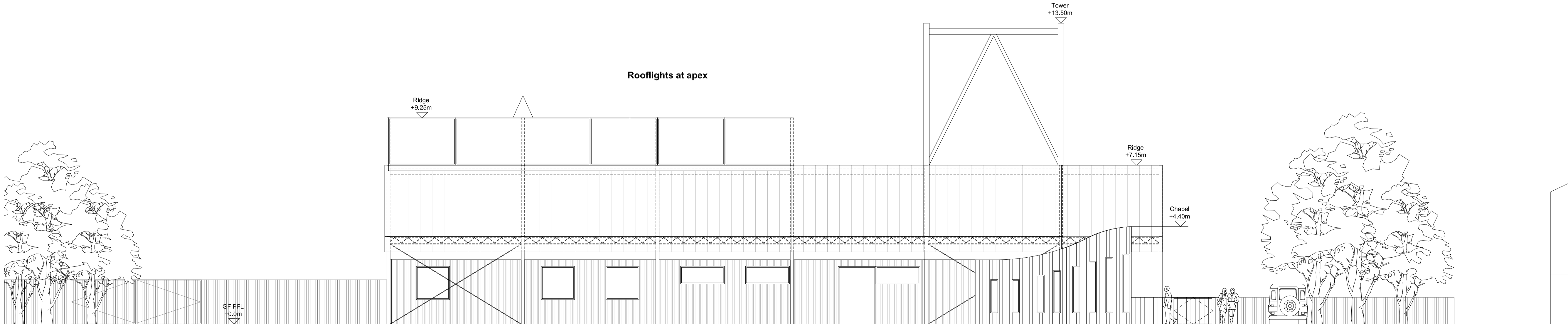
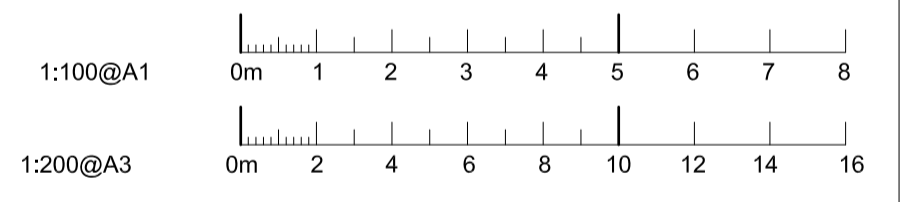


**E 02 East Elevation BB**  
Scale 1:100 @ A1, 1:200 @A3



**E 03 West Elevation BB**  
Scale 1:100 @ A1, 1:200 @A3

- Timber cladding to chapel
- Painted profiled metal shipping container
- Diamond pattern fibre cement cladding
- Clear polycarbonate cladding
- Zinc roof covering



**E 04 South Elevation DD**  
Scale 1:100 @ A1, 1:200 @A3

NOTES

Revisions

P4	16/11/20	Issued for planning approval
P3	21/10/20	Issued for planning approval
P2	17/09/20	Issued for planning approval
P1	21/07/20	Issued for planning approval

FOR PLANNING

Do not scale from this drawing  
Confirm all dimensions on site

**Cottrell and Vermeulen Architecture**  
18 Birnie Street, London SE11 3LJ, 020 7788 2987

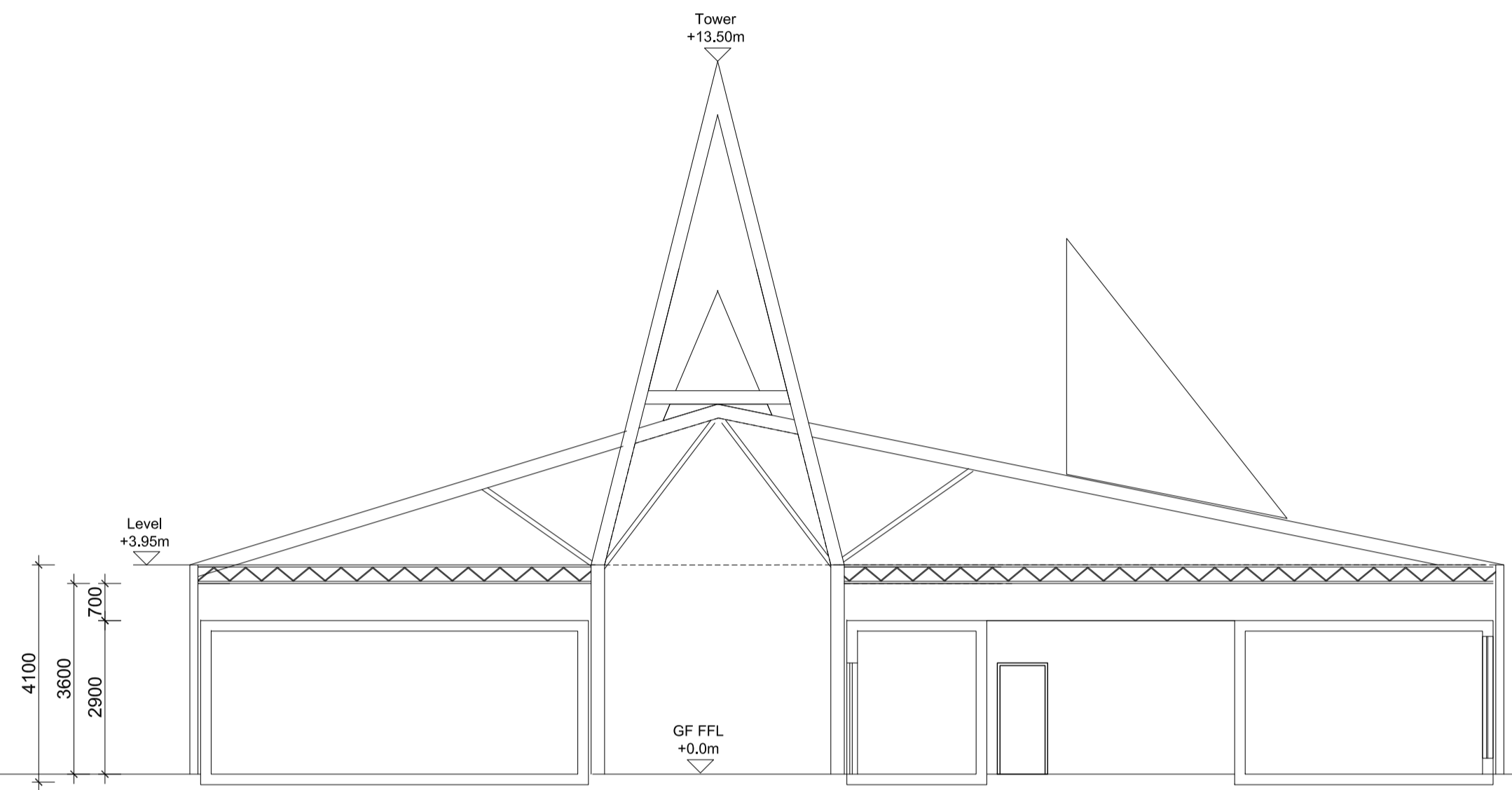
DWG 0422	PL 10	04
----------	-------	----

Filename: 0422-PL-ELE.dwg

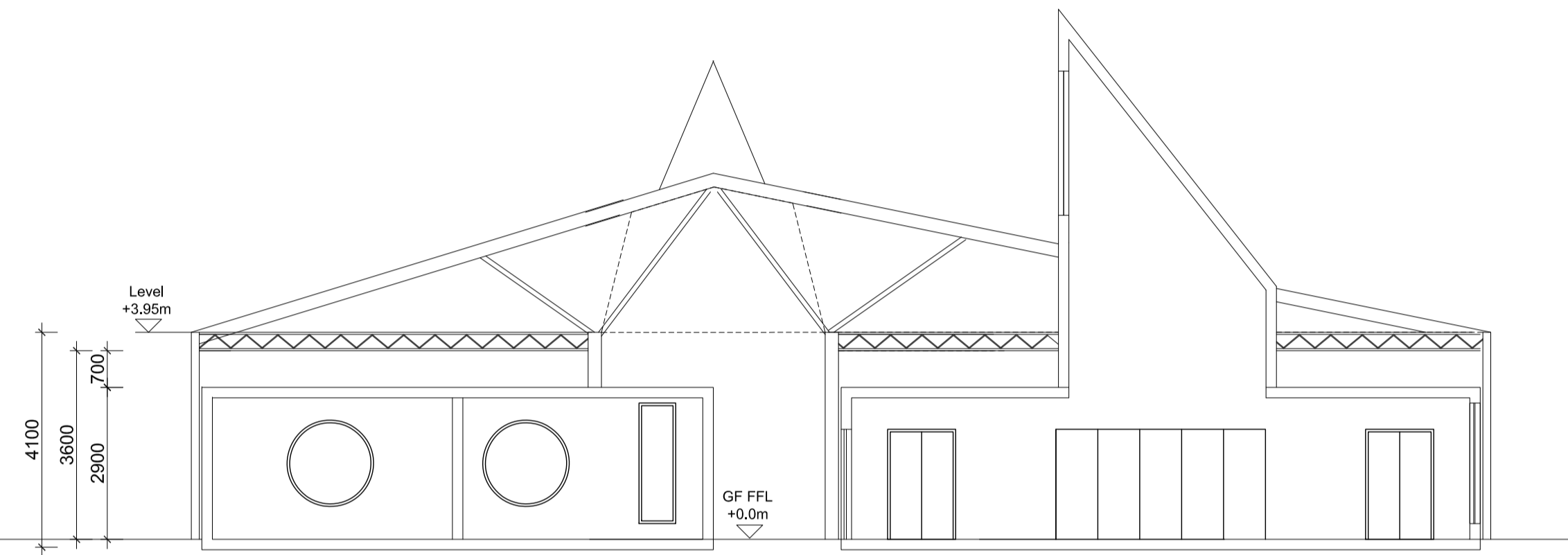
Saint Stephen's Church, Westcliff on Sea

Proposed Elevations Scale 1:100 @ A1, 1:200@A3 Drawn by LA	Date: 19 Feb 2020 Revision: P1 Checked by PT
------------------------------------------------------------------	----------------------------------------------------

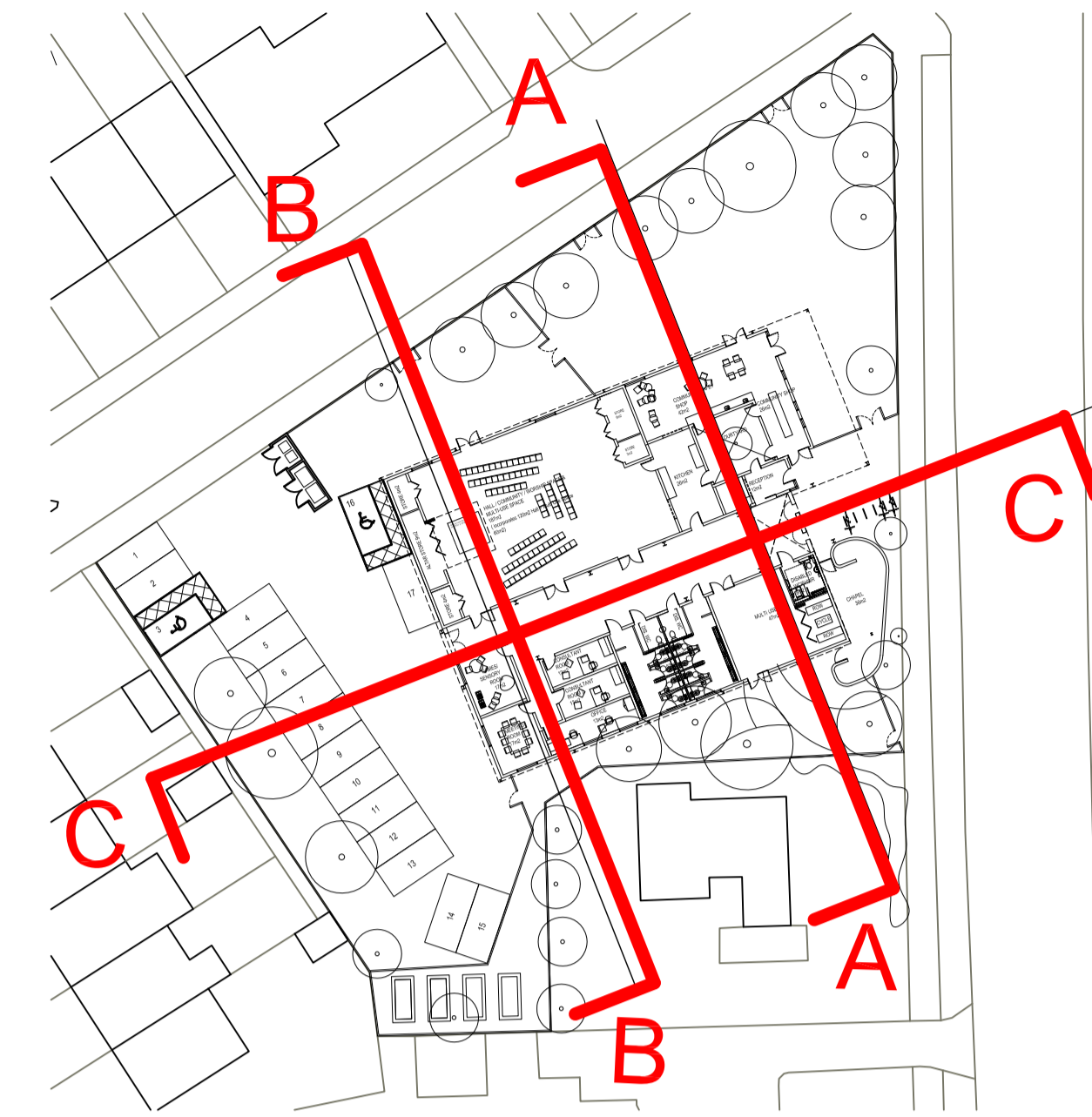
This page is intentionally left blank



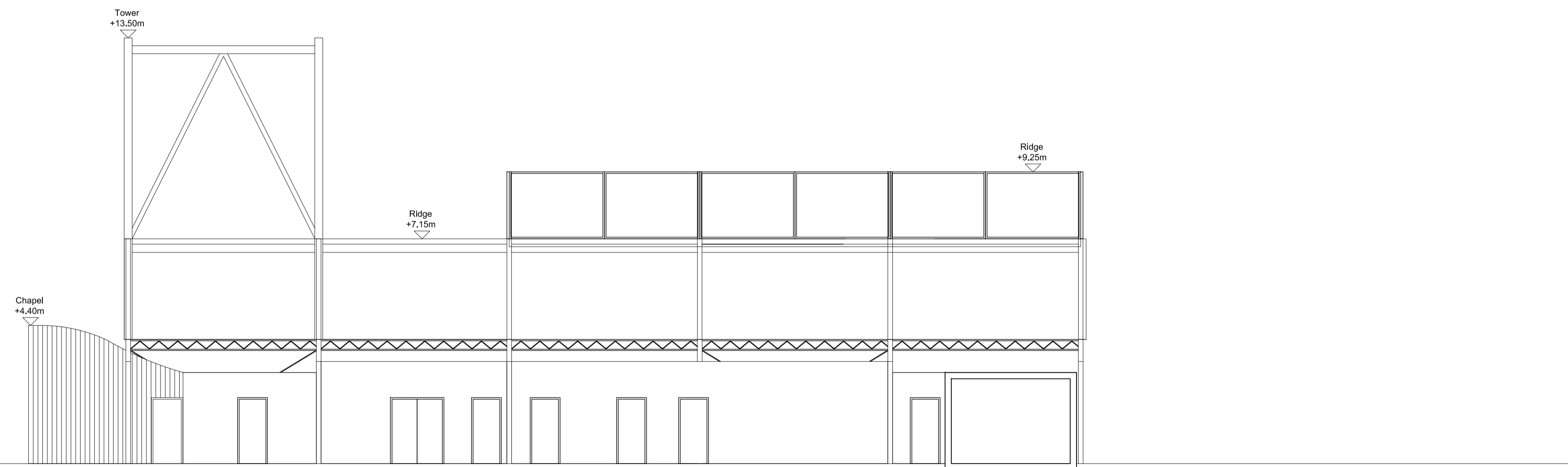
S.01 Proposed Section AA  
Scale 1:100 @ A1



S.02 Proposed Section BB  
Scale 1:100 @ A1



P.01 Key Plan  
NTS



S.03 Proposed Section CC  
Scale 1:100 @ A1

NOTES

Revisions

P2	21/10/20	Issued for planning approval
P1	21/07/20	Issued for planning approval

FOR PLANNING

Do not scale from this drawing  
Confirm all dimensions on site

**Cottrell and Vermeulen Architecture**  
18 Birnie Street, London SE11 3LL, 020 7788 2987

DWG 0422 PL 12 02

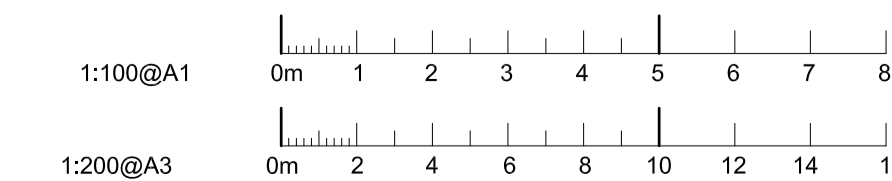
Filename: 0422-PL-SEC.dwg

Saint Stephen's Church, Westcliff on Sea

Proposed Sections Scale 1:100 @ A1, 1:200@A3

Date: 19 Feb 2020 Revision: P1

Drawn by LA Checked by PT



This page is intentionally left blank

# St Stephens Church

Site photos

St. Stephens Church

Manners Way  
Children's Play Area

2220





221  
Manners Way  
Children's Play Area

St. Stephens Church

# Existing church hall and church





# Existing church relationship with neighbour

223



# Neighbours to east Derek Gardens



# Existing frontage of church



# Landscape boundary between church and playground



# Existing playground from Manners Way



# Existing Vicarage, Manner Way



# Boundary with Vicarage



# Site from Manners Way



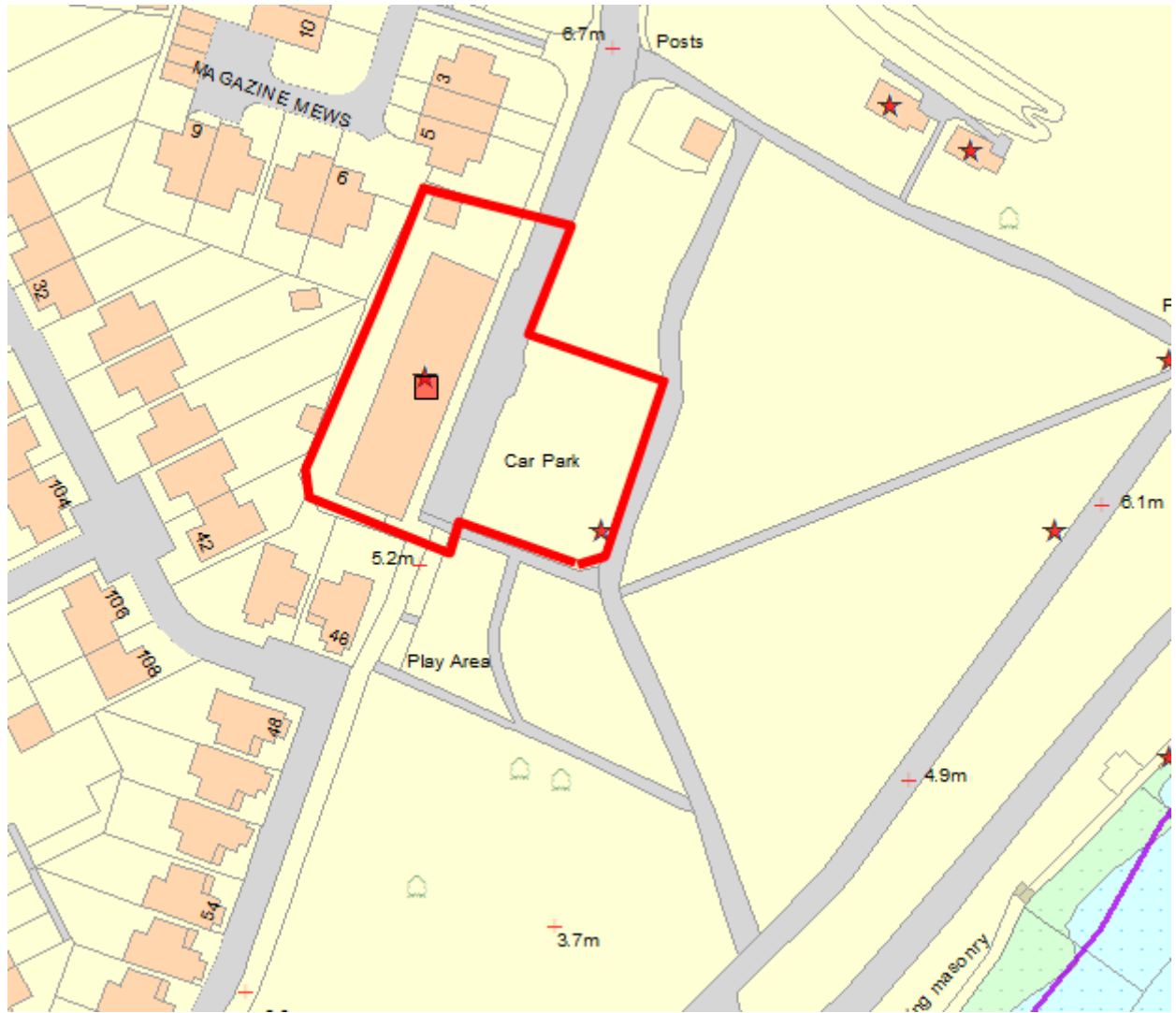


# Site from Manners Way



This page is intentionally left blank

<b>Reference:</b>	1. 20/01314/AMDT 2. 20/01316/LBC	<b>7</b>
<b>Application Type:</b>	1. Minor Amendment 2. Listed Building Consent	
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	<p>1. Application to vary conditions 02 (approved plans) and 03 (details of materials) - replace existing timber entrance double doors with glazed aluminium sliding doors with colour and profile to match existing and install square weather louvres to extract outlets - (Minor Material Amendment to planning permission 16/01264/FUL dated 08/06/2018)</p> <p>2. Replace existing timber entrance double doors with glazed aluminium sliding doors with colour and profile to match existing and install square weather louvres to extract outlets (Listed Building Consent)</p>	
<b>Address:</b>	Carriage and Wagon Shed, Warrior Square Road, Shoeburyness	
<b>Applicant:</b>	Mark Hayman	
<b>Agent:</b>	KLH Architects Ltd	
<b>Consultation Expiry:</b>	16th September 2020	
<b>Expiry Date:</b>	10th December 2020	
<b>Case Officer:</b>	Robert Lilburn	
<b>Plan Nos:</b>	<p>1. <b>4894 – 0100 P02 Location plan</b>  <b>4894 P02 Minor Alterations to Approved Fenestration</b>  <b>4894 - 0401 P02 Elevations as Proposed</b>  <b>4894 - 0402 P02 End Elevations - Louvre Positions</b></p> <p>2. <b>4894 - 0100 P02 Location plan</b>  <b>4894 P02 Minor Alterations to Approved Fenestration</b>  <b>4894 - 0401 P02 Elevations as Proposed</b>  <b>4894 - 0402 P02 End Elevations - Louvre Positions</b></p>	
<b>Recommendation:</b>	<p>1. <b>GRANT PLANNING PERMISSION</b></p> <p>2. <b>GRANT LISTED BUILDING CONSENT</b></p>	



## **1 Site and Surroundings**

- 1.1 The subject building is located within the former Shoebury Garrison near to the junction of Magazine Road and Warrior Square Road. It is a Grade II listed building in the Shoebury Garrison conservation area. It is undergoing renovation works further to planning permission and listed building consent granted in applications 12/01225/FUL and 12/01204/LBC, and subsequently modified through applications 14/00153/DOV, 16/00235/AMDT, 16/00234/LBC, 16/01264/FUL and 16/01076/LBC.
- 1.2 The original cast-iron frame with wrought-iron trusses is described as having been in a poor condition at the time of the above applications in 2012. The subsequent renovation works have sought to restore the frame and sympathetically refurbish the building so that it can be used as a public resource within Gunners Park. The history of the building, together with its iron frame and trusses, has been identified as giving the building its historic significance.
- 1.3 The building is located within a principally residential area of houses and flats, and adjacent to protected green space at the opposite side of Warrior Square Road. Opposite the site is the historic Heavy Quick Firing Battery and other historic structures.
- 1.4 The Shoebury Garrison area is bounded by a Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) to the east and south.

## **2 The Proposal**

- 2.1 The application seeks to modify the approved plans in the following key respects:
  - Reconfiguration of wall-set ventilation grilles at west (rear) elevation;
  - Introduction of ventilation (heat recovery) extract and intake grilles to the south (side) elevation;
  - Relocation of ventilation grilles from the masonry walls on the north (side) elevation to the roof gable on the north elevation, and reconfiguration of the grilles;
  - Replace the existing timber entrance swing doors with fully-glazed aluminium sliding doors, to improve accessibility.
- 2.2 The 'new window' shown to the rear elevation is the same as previously approved.
- 2.3 The ventilation grilles to the south and north (side) elevations would be square and designed to match the colour and profile of the gable-wall cladding on the side elevations. At the north side elevation, the five grilles would each be 600mm x 600mm, and at the south the two grilles would be 400mm x 400mm.
- 2.4 The applicant states that the proposed amendments to the grilles are necessary because the constraints of the original design (ceiling height, window heights and existing steel frame) cannot accommodate the positions of the approved duct and grille. The proposed arrangement is designed to deliver the overall scheme concept and meet Building Regulation requirements.

- 2.5 With regard to accessibility, the applicant states that the existing doors are not to accessible standards and will not allow a wheelchair to easily enter the building. In addition, the width and configuration of the doors limit the number of occupants to the building to a maximum of sixty. It is proposed to replace them with automatic sliding doors. The doors would be slim-line aluminium, powder coated to match the existing window colour. The doors would comply with current accessibility standards and allow a greater number of occupants to the building.
- 2.6 The application is supported by a Design and Access Statement, a Heritage Statement and a noise assessment report from KP Acoustics (15176.PCR.02 Rev B).
- 2.7 The application falls for consideration by the Development Control Committee further to the adopted Scheme of Delegation as the site is owned by Southend Borough Council.

### **3 Relevant Planning History**

- 3.1 16/01264/FUL: Install window to West elevation and door to North elevation, internal and external ventilation and extraction equipment, install ramp to rear alter elevations and layout associated landscaping. Approved 15.06.2018.
- 3.2 16/01076/LBC: Removal of new steel work, install window to West elevation and door to North elevation, internal and external ventilation and extraction equipment, install ramp to rear alter elevations and layout associated landscaping (Listed Building Consent). Approved.
- 3.3 16/00235/AMDT: Application to vary approved plans Condition 02 (Minor Material Amendment to planning permission 12/01225/FUL dated 14/11/2012 to Demolish single storey annexe at rear, redevelop existing carriage/wagon shed into a new heritage centre with associated car parking and landscaping) (Retrospective). Approved.
- 3.4 16/00234/LBC: Minor amendments to consented scheme to demolish single storey annexe at rear, redevelop existing carriage/wagon shed into a new heritage centre with associated car parking and landscaping of planning permission 14/00911/LBC dated 09/07/2014 (Retrospective) (listed building consent). Approved.
- 3.5 15/01271/NON: Replace plan numbers 1166 P101D with 1166 P101G to amend parking arrangements, landscaping and external materials (Non-material Amendment to Planning Permission 12/01225/FUL dated 14.11.2012). Approved.
- 3.6 14/00153/DOV: Modification of planning obligation dated 6 February 2004 pursuant to application 00/00777/out, in particular clauses relating to new gunners park (including multi-use games and wheeled sports areas, tennis courts, children's and toddler play areas, car parks, footpaths/cycleways), sea wall works, heritage centre and timescales for delivery. Approved.
- 3.7 12/01204/LBC and 12/01225/FUL: Demolish single storey annex at rear and redevelop existing carriage/wagon shed to form new heritage centre and associated car parking and landscaping. Approved.

- 3.8 00/00777/OUT: Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works (Outline). Approved.

## **4 Representation Summary**

### **4.1 Public Consultation**

14 neighbouring properties were notified, a press advertisement was published and a site notice was posted. No letters of representation have been received.

### **4.2 Environmental Health**

No objections.

### **4.3 Historic England**

No objections.

## **5 Planning Policy Summary**

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

5.2 Planning Practice Guidance and National Design Guide (2019)

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land) DM5 (Southend on Sea Historic Environment) and DM15 (Sustainable Transport Management)

5.5 Design & Townscape Guide (2009)

5.6 Shoebury Garrison Conservation Area Character Appraisal (2004)

5.7 CIL Charging Schedule (2015)

## **6 Planning Considerations**

6.1 The proposal is considered to fall within the ambit of a minor material amendment to the original permission. The amendments sought would not materially affect the parking and traffic implications of the extant development.

6.2 Since the applications 16/01264/FUL and 16/01076/LBC were determined the revised National Planning Policy Framework (2019) came into force, replacing a previous version of the NPPF. It is considered that the contents of the revised NPPF do not materially alter the assessment of the impacts of the proposal.

- 6.3 The main considerations in relation to this application are the principle of the development, design and impact on the listed building and the Shoebury Garrison conservation area and impacts on residential amenities and CIL.

## 7 Appraisal

### Principle of Development

- 7.1 The principle of redeveloping the site for a heritage centre has been established following the approval of outline planning permission, of the Shoebury Garrison masterplan under planning reference 00/00777/OUT and by the subsequent approvals for this building noted above, which granted planning permission and listed building consent respectively. Operational development has been carried out and the planning permission is extant. This application solely relates to external and internal alterations to the building. The principle of carrying out alterations to the building is not objected to subject to the other material planning considerations discussed below.

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

- 7.2 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.3 Paragraph 195 of the NPPF states where a proposed development will lead to *'substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...'*
- 7.4 Paragraph 196 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 7.5 Policy DM5 seeks to protect the character and significance of the Borough's heritage assets including listed buildings and conservation areas.
- 7.6 The Carriage and Wagon Shed is identified in the Shoebury Garrison Conservation Area Character Appraisal (CCA) as making a positive contribution to the significance of the conservation area. Its cast-iron frame, wrought iron trusses and corrugated iron roof are identified as key features.
- 7.7 The proposed reconfiguration of wall-set ventilation grilles at the west (rear) elevation would involve the removal of the formerly proposed 3no. long grilles and the installation of 2no. 400mm square grilles. These would remain in the wall setting and there would be no materially harmful visual impact or effect on the character and significance of the heritage asset.



- 7.8 With regard to the proposed installation of ventilation (heat recovery) extract and intake grilles to the south (side) elevation, the applicant states the outer edge would be profiled and coloured to correspond with the corrugated finish. The profile of the grilles would contrast due to their horizontal layout and coupled with their prominence this is a negative aspect of the proposal. However, the openings would be relatively small at 400mm square and positioned more discreetly towards the rear of the gable away from the road.
- 7.9 The relocated and reconfigured ventilation grilles on the north (side) elevation would be more prominent than the approved scheme. However, the outer edges would be profiled and coloured to correspond with the corrugated finish. The profile of the grilles would contrast with the corrugated profile due to their horizontal layout. Coupled with their number, prominence and 600mm square size this is a negative aspect of the proposal.
- 7.10 The applicant has stated that the reconfiguration of ventilation extracts and intakes is necessary due to the constraints of the host building including its historic fabric. It is stated that the size, number and position of louvres on the approved scheme was not subject to a full mechanical design and therefore only an anticipation of what duct sizes would be required. The proposal would not impact upon the historic fabric. It is considered that the changes would cause less than substantial harm to the significance of the heritage asset through the prominence of the north and south extract grilles.
- 7.11 The ventilation system is part of the approved use of the building and assists in securing the optimum viable use of the heritage asset. On this basis it is considered that the public benefits of the proposal for the grilles would outweigh the modest degree of harm identified.
- 7.12 In respect to the proposed replacement of the existing timber entrance swing doors with fully-glazed aluminium sliding doors, the applicant states that the existing doors are not to accessible standards and the development will improve accessibility. The proposed doors would be slim-line aluminium, powder coated to match the existing window colour RAL7031 dark grey. The applicant states that the profile of the aluminium frames would match that of the existing timber doors.
- 7.13 The proposed door frames would not be in a historically consistent material and sliding doors are not historically authentic in this context. This is a negative aspect. However, the enhancement to accessibility is a significant public benefit and this aspect of the proposal also assists in securing the optimum viable use of the heritage asset. On this basis it is considered that the public benefits of the proposal for the entrance doors would outweigh the modest degree of harm identified.
- 7.14 Historic England has not raised any objections to the proposal. It is considered that on balance, the proposed development is compatible with the character and significance of the heritage assets and the proposal is acceptable and policy compliant in this regard.

### **Impact on Residential Amenity**

- 7.15 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

- 7.16 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “*protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including...noise and disturbance...and pollution*”.
- 7.17 The principal impact of the proposal on nearby occupiers of the amended proposal would be from the introduction of ventilation (heat recovery) extract and intake grilles to the south (side) elevation, closer to the rear of nos.44 and 46 Gunners Rise. The amended proposal would not introduce new material impacts in any other relevant regard.
- 7.18 The applicant has provided a revised noise impact assessment with respect to noise impacts of the reconfigured scheme. It confirms that the rating level of noise was compared with the representative background noise level to assess the likelihood of impact considering the environmental noise context of the area as per the requirements of BS 4142:2014.
- 7.19 It has been concluded that noise emissions from the proposed plant units would not have an adverse impact on the nearest residential receivers provided that the noise control strategy presented in the assessment is followed (with respect to installation of silencers and anti-vibration mounts). The applicant has also confirmed these mitigation measures would not affect the external appearance of the building or materially affect the historic fabric.
- 7.20 Environmental Health has not objected to the proposal. Subject to compliance with the submitted assessment which can be secured by condition, the proposal would not result in any material harm to the amenity of surrounding properties and the application is found acceptable and policy compliant in the above regards.

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

- 7.21 No new floor space is created. Therefore, the proposed development is not CIL liable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the character and significance of the listed building and conservation area, as it would provide public benefits outweighing the ‘less than significant’ degree of harm identified. Neighbour amenities would not be materially harmed. The proposal is policy compliant and considered to be acceptable. It is therefore recommended to grant both planning permission and listed building consent.

## 9 Recommendation

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

**01. The development hereby permitted shall be carried out in accordance with the approved plans: GHC/840/Ex000; GHC/840/Ex110; GHC/840/Ex310; GHC/840/P000; GHC/840/P100; GHC/840/P101; GHC/840/P110 Revision J; GHC/840/P111; GHC/840/P112; GHC/840/P113 Revision C; GHC/840/P114; GHC/840/P115; GHC/840/P210 Revision A; 840GHC/840/P211; GHC/840/P212\_01; GHC/840/P212\_02; GHC/840/P213; GHC/840/P214; GHC/840/P215; GHC/840/P310 Revision A; GHC/840/P311 Revision A; GHC/840/P312 Revision A; GHC/840/P313; GHC/840/P523; GHC/840/P524 Revision A; M.2046.101 Revision T5 and as updated and revised by 4894 - 0100 P02 Location plan, 4894 P02 Minor Alterations to Approved Fenestration, 4894 - 0401 P02 Elevations as Proposed, 4894 - 0402 P02 End Elevations - Louvre Positions.**

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

**02. The development shall only be carried out in accordance with the details of materials as detailed on drawings GHC/840/P111; GHC/840/P210 Revision A; GHC/840/P212\_01; GHC/840/P212\_02; GHC/840/P213; GHC/840/P310 Revision A; GHC/840/P311 Revision A; GHC/840/P312 Revision A; GHC/840/P313; GHC/840/P523; GHC/840/P524 Revision A, and supporting document NBS Specification dated April 2016 and as updated and revised by 4894 P02 Minor Alterations to Approved Fenestration, 4894 - 0401 P02 Elevations as Proposed, 4894 - 0402 P02 End Elevations - Louvre Positions.**

**Reason: To maintain the character and significance of the Grade II listed building and Shoebury Garrison Conservation Area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

**03. The landscaping shall be carried out in accordance with the approved drawing GHC/840/P115 and shall be carried out within the first planting season following first occupation of the development.**

**Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

**04. Development shall be implemented in full accordance with the mitigation measures and recommendations as set out in the Planning Compliance Report by KP Acoustics (15176.PCR.02 Rev B). The attenuation measures shall then be installed in full accordance with the approved details before the development is brought into use and permanently maintained thereafter.**

**Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM5.**

- 05. No plant or equipment shall be installed on the external elevations or roof of the approved development unless and until details of its location, design and specifications have first been agreed in writing with the Local Planning Authority.**

**Reason: To control the visual and noise impact and the consequent effect on local amenity in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and Design and Townscape Guide (2009).**

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

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

- 07. Construction and demolition shall only take place between 0800 and 1800 Mondays to Fridays, 0800 and 1300 Saturdays and not at all on Sundays or Bank Holidays.**

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

### **Informative**

- 1. As this application is for external and internal alterations to the existing building. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in internal floor space.**

**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.**

**GRANT LISTED BUILDING CONSENT subject to the following conditions:**

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

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

- 02. The development hereby permitted shall be carried out in accordance with the approved plans: GHC/840/Ex000; GHC/840/Ex110; GHC/840/Ex310; GHC/840/P000; GHC/840/P100; GHC/840/P101; GHC/840/P110 Revision J; GHC/840/P111; GHC/840/P112; GHC/840/P113 Revision C; GHC/840/P114; GHC/840/P115; GHC/840/P210 Revision A; 840GHC/840/P211; GHC/840/P212\_01; GHC/840/P212\_02; GHC/840/P213; GHC/840/P214; GHC/840/P215; GHC/840/P310 Revision A; GHC/840/P311 Revision A; GHC/840/P312 Revision A; GHC/840/P313; GHC/840/P523; GHC/840/P524 Revision A; M.2046.101 Revision T5 and as updated and revised by 4894 - 0100 P02 Location plan, 4894 P02 Minor Alterations to Approved Fenestration, 4894 - 0401 P02 Elevations as Proposed, 4894 - 0402 P02 End Elevations - Louvre Positions.**

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

- 03. The development shall only be carried out in accordance with the details of materials as detailed on drawings GHC/840/P111; GHC/840/P210 Revision A; GHC/840/P212\_01; GHC/840/P212\_02; GHC/840/P213; GHC/840/P310 Revision A; GHC/840/P311 Revision A; GHC/840/P312 Revision A; GHC/840/P313; GHC/840/P523; GHC/840/P524 Revision A, and supporting document NBS Specification dated April 2016 and as updated and revised by 4894 P02 Minor Alterations to Approved Fenestration, 4894 - 0401 P02 Elevations as Proposed, 4894 - 0402 P02 End Elevations - Louvre Positions.**

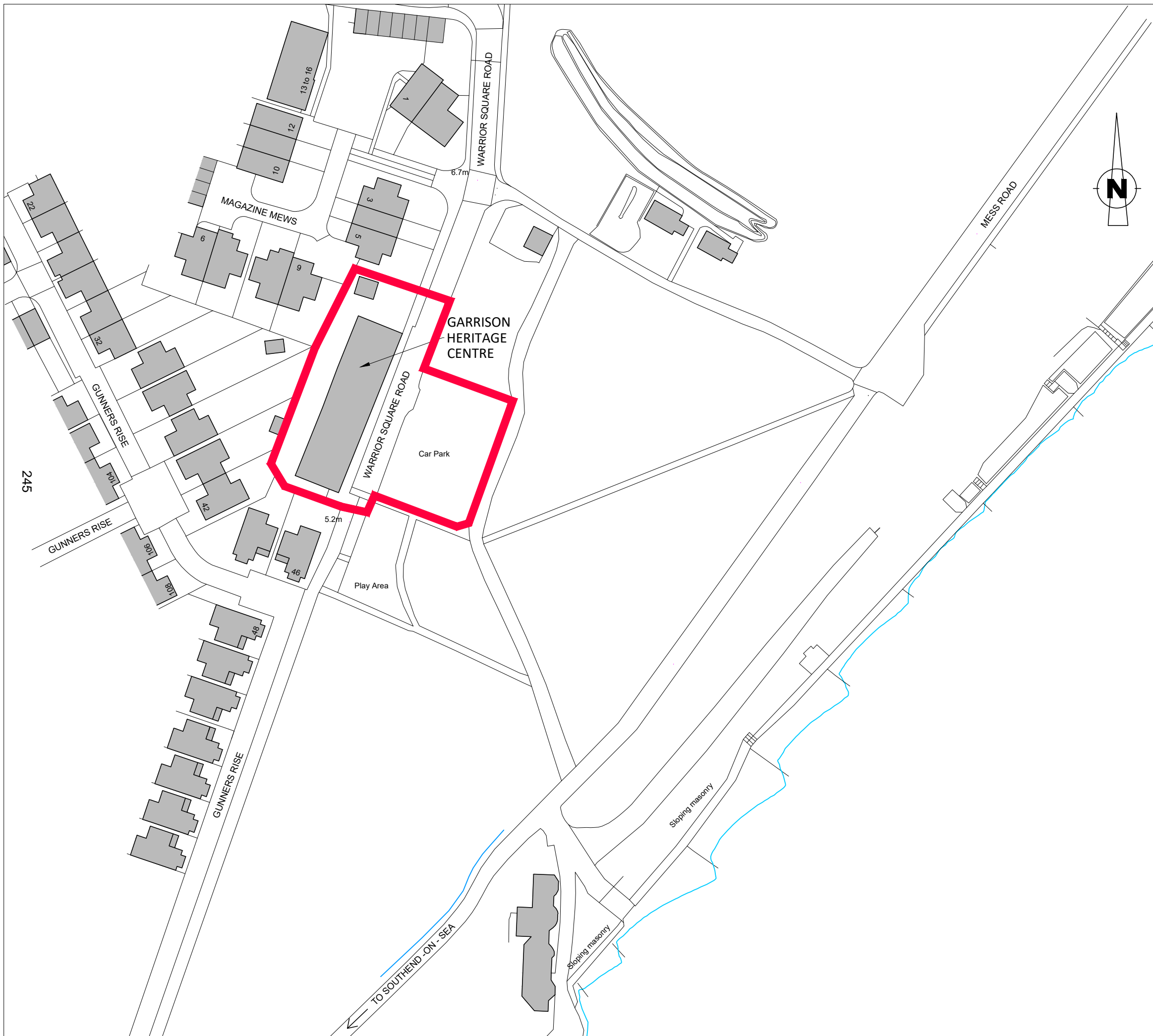
**Reason: To maintain the character and significance of the Grade II listed building and Shoebury Garrison Conservation Area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

**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.**

This page is intentionally left blank

NO DIMENSIONS TO BE SCALED FROM THIS DRAWING

Rev	Date	Reference	Drawn / Chk'd
P01	04/05/20	P01 FIRST ISSUE	SM
P02	07/05/20	P02 Site Boundary Line amended	SM



Client

A.W Hardy & Co. Ltd

Project

Garrison Heritage Centre  
Garrison Carriage and Wagon Shed  
Shoeburyness

Title

Site Location Plan

Drawing Ref. Revision

4894 - 0100 P02

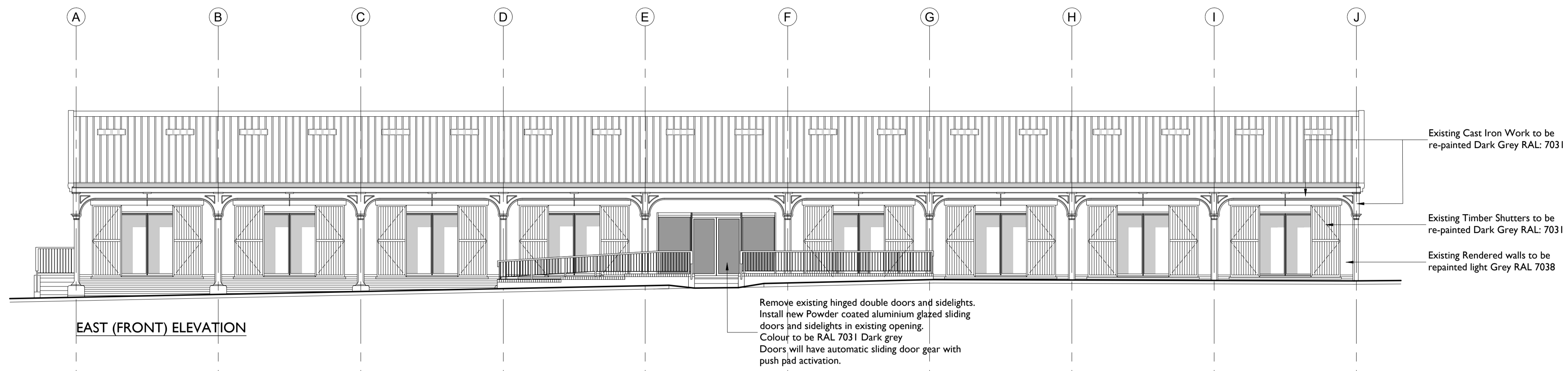
Scale - unless otherwise stated Status Issued For  
1:1000 @ A3 S0 Preliminary

**KLH** architects  
 The Old Steelyard, Poplar Lane  
 Sproughton, Ipswich, IP8 3HL  
 t.01473 689532  
 klh@klharchitects.com  
 www.klharchitects.com

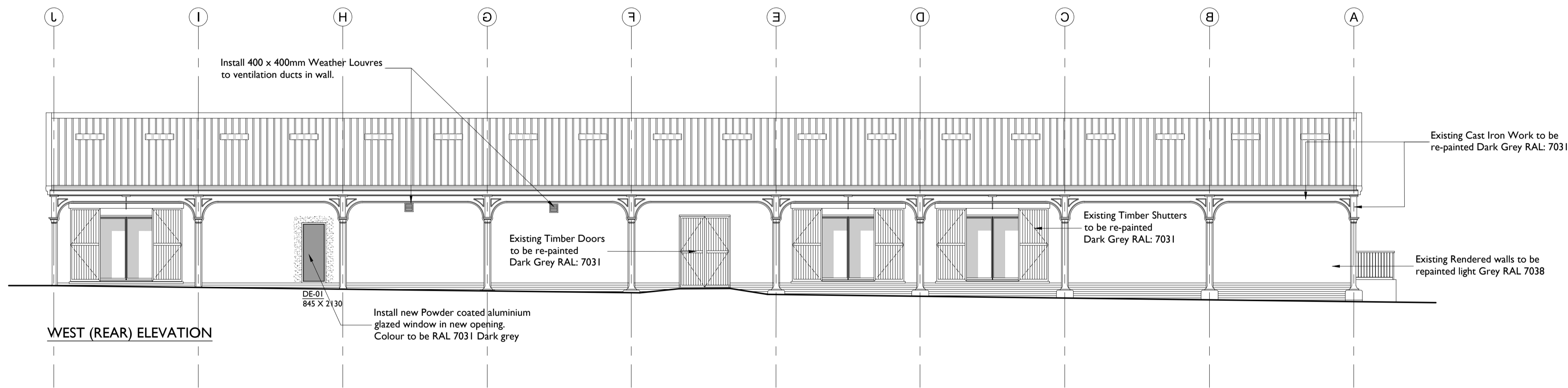
This page is intentionally left blank



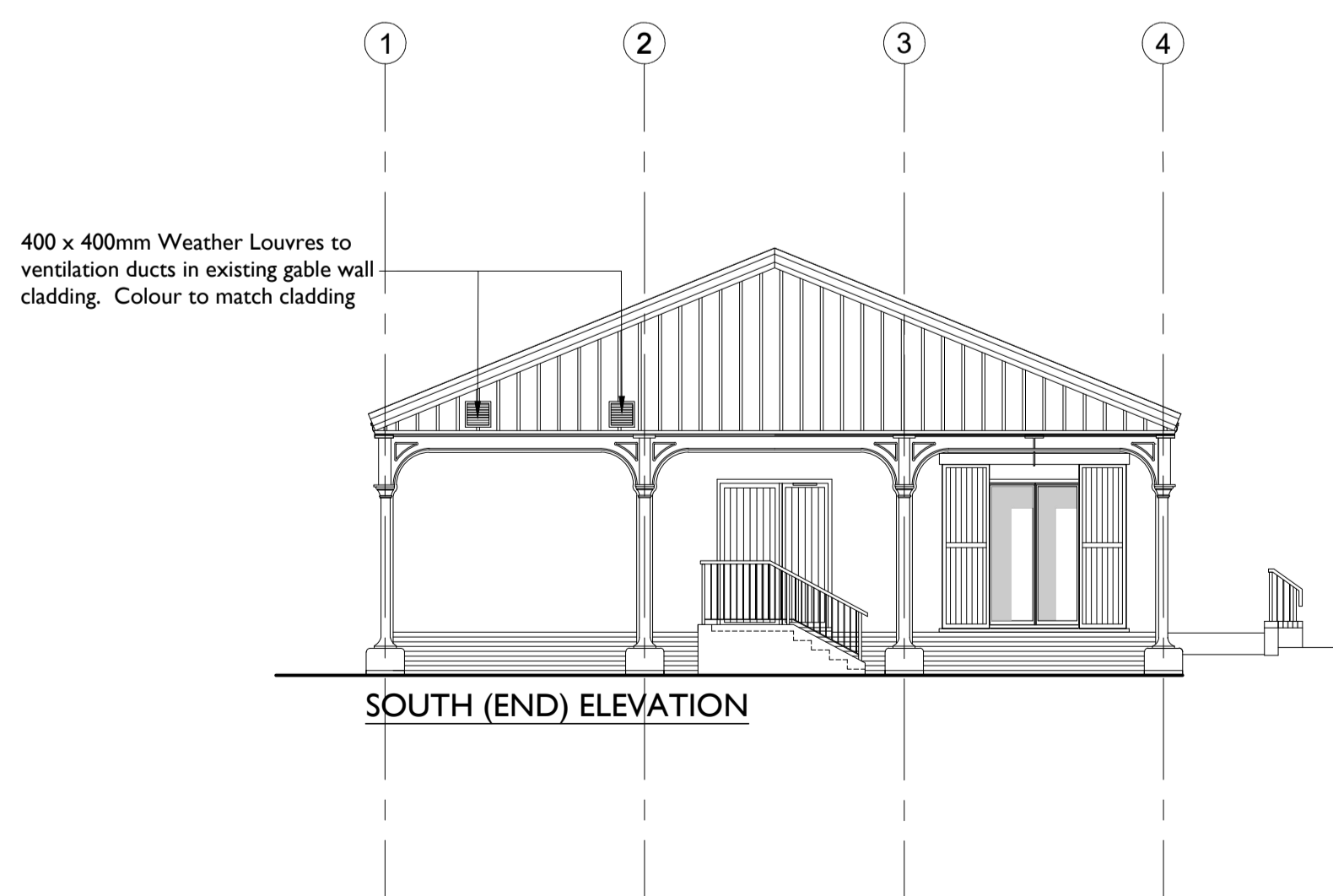
Rev	Date	Reference	Drawn / Chk'd
P01	2020/07/21	P01 FIRST ISSUE	SM
P02	2020/08/11	P02 Gable cladding amended	SM



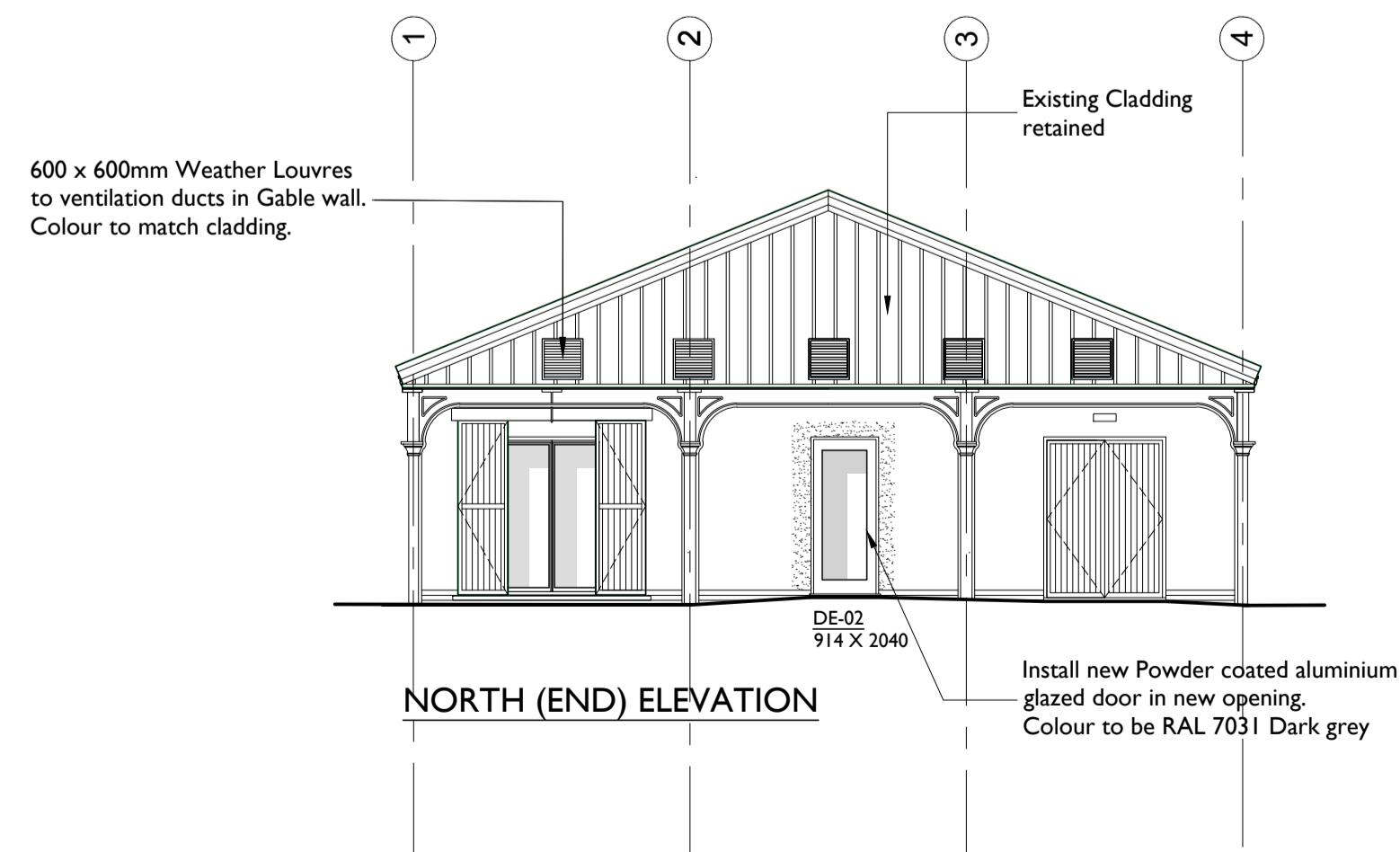
EAST (FRONT) ELEVATION



WEST (REAR) ELEVATION



SOUTH (END) ELEVATION



NORTH (END) ELEVATION

Client  
A.W Hardy & Co.Ltd

Project  
Garrison Heritage Centre  
Garrison Carriage and Wagon Shed  
Shoeburyness  
Title  
Elevations as Proposed

Drawing Ref. 4894 - 0401 Revision P02  
Scale - unless otherwise stated 1:100 @ A1 Status SO Issued For Preliminary

This page is intentionally left blank

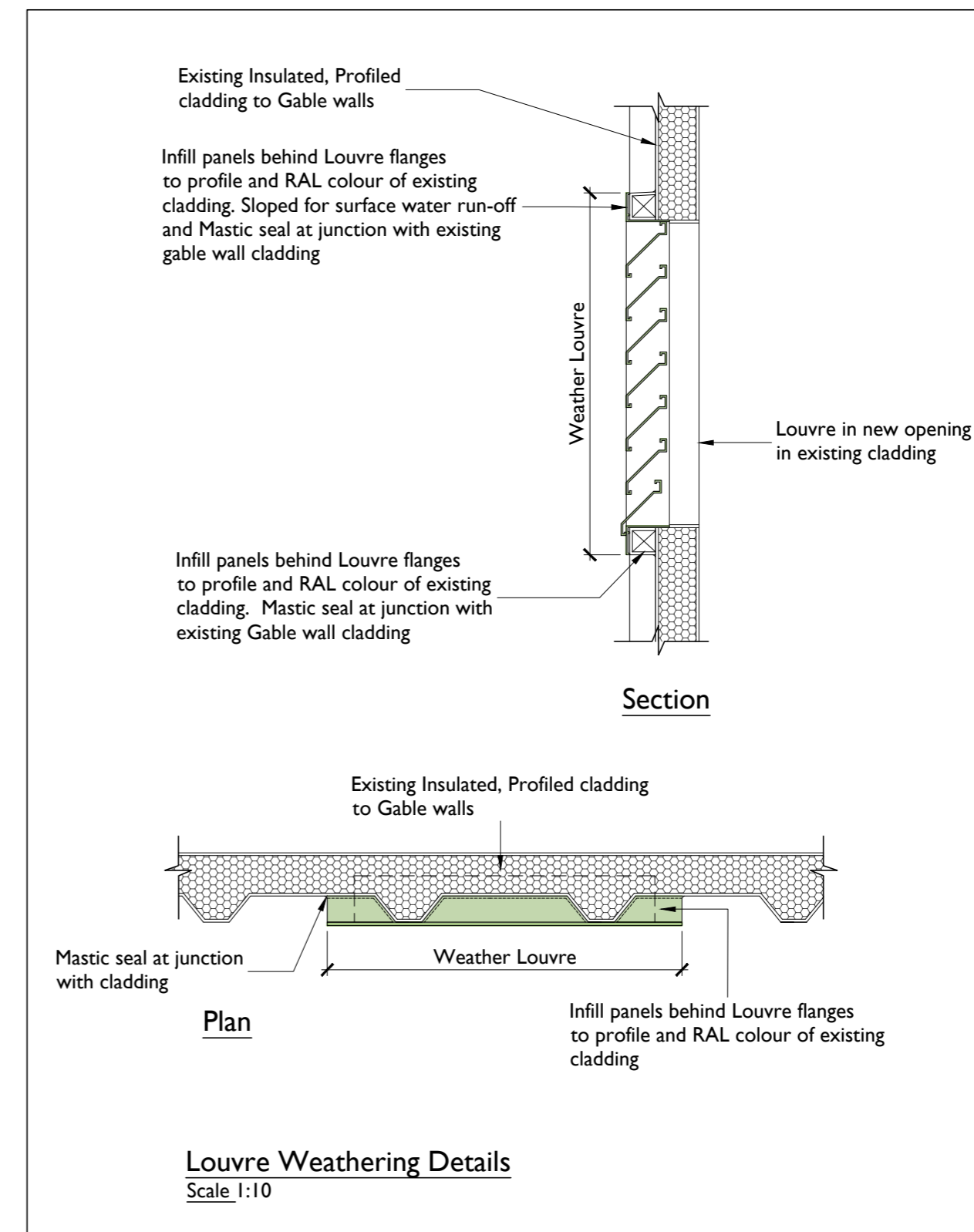
Rev	Date	Reference	Drawn / Chk'd
P01	2020/08/06	P01 FIRST ISSUE	SM
P02	2020/08/11	P02 Details added	SM

600 x 600mm Weather Louvres to ventilation ducts in Gable wall. Colour to match cladding. Profiled Packing pieces to follow the cladding profile to be added to avoid weathering issues behind the Louvres (See details)

Existing Cladding retained



**NORTH (END) ELEVATION**



249

400 x 400mm Weather Louvres to ventilation ducts in Gable wall. Colour to match cladding. Profiled Packing pieces to follow the cladding profile to be added to avoid weathering issues behind the Louvres



**SOUTH (END) ELEVATION**

Client

A.W Hardy & Co.Ltd

Project

Garrison Heritage Centre  
Garrison Carriage and Wagon Shed  
Shoeburyness

Title

End Elevations - Louvre Positions

Drawing Ref.

4894 - 0402

Revision

P02

Scale - unless otherwise stated  
1:50 @ A2

Status

S0

Issued For

Preliminary

This page is intentionally left blank



251



252

 **A.W. HARDY & CO**  
Building Contractors  
T: 01702 462721

**SITE SAFETY & COVID-19**  
All workers must wear a face mask at all times.  
All workers must maintain a 2m distance from others.  
All workers must wash their hands regularly.  
All workers must avoid handshakes and hugs.  
All workers must avoid public transport.  
All workers must avoid social gatherings.  
All workers must avoid travel to high risk areas.  
All workers must avoid contact with people from high risk areas.

  
**Danger**  
Site entrance

  
No entry  
No unauthorized persons



253



safesite



<b>Reference:</b>	20/01332/FUL	<h1>8</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Erect ground floor side extension and alter elevations	
<b>Address:</b>	Flat 1, 1 Leigh Park Road, Leigh-On-Sea	
<b>Applicant:</b>	M Metson	
<b>Agent:</b>	Metson Architects Ltd	
<b>Consultation Expiry:</b>	7th October 2020	
<b>Expiry Date:</b>	10th December 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>101/RENEW-2020, 102/RENEW-2020, 103/RENEW-2020</b> <b>Planning, Design and Access Statement</b> <b>Heritage Statement</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 Whilst the site address is Leigh Park Road the site is actually located on the eastern side of Hillside Road. The site is occupied by a two storey building that has been converted to flats.
- 1.2 The site is within the boundary of Leigh Conservation Area. The Leigh Conservation Area relates to that part of the settlement north of the railway rising up Leigh Hill to the parish church. It was designated a Conservation Area because it has special architectural and historic interest and a unique character. The changing ground levels of the site and the surrounding area are significant to the character of the site and have a material impact on the relationship between properties.

## **2 The Proposal**

- 2.1 The proposal seeks planning permission for the following works:
  - Erect ground floor side extension and alter elevations.
- 2.2 This it is same proposal as approved under application reference 14/01871/FUL, which has since expired, except that two rooflights are now proposed to the rear roofslope. The officer's report from this application is appended to this report.
- 2.3 As with the 2014 scheme the proposed development is a single storey extension to the north of the existing building. The proposed extension would measure between 4 and 4.3 metres wide, 5.6 metres deep (not including bay window) and features a hipped pitched roof with a maximum height of 6.2 metres. The proposed development would provide additional living accommodation for the existing flat.
- 2.4 As part of the proposal the existing chimney to the north elevation of the building will be removed to facilitate the extension. This is the same as previously approved.

## **3 Relevant Planning History**

- 3.1 17/01400/FUL - Replace windows to front and side at second floor level with timber windows- granted
- 3.2 14/01871/FUL - Erect ground floor side extension, lay out bin storage and cycle store to rear (amended proposal) (part retrospective) – granted
- 3.3 14/00045/FUL - Erect ground floor side extension, insert roof light to front elevation, lay out bin storage and cycle store to rear. – refused

## **4 Representation Summary**

### **Public Consultation**

- 4.1 15 neighbouring properties were consulted, a press notice published and a site notice displayed. No letters of representation have been received.

## **Parks**

4.2

No objection provided the proposal does not have a detrimental impact on nearby trees.

*[Officer Note: There are no trees close to the site of the proposed extension therefore there will be no impact on trees in the vicinity arising from this proposal.]*

## **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 (The Efficient and effective use of land), DM5 (Southend on Sea's Historic Environment) and DM15 (Sustainable Transport Management).

5.4 Design & Townscape Guide (2009)

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

5.6 Leigh Conservation Area Appraisal (2010)

## **6 Planning Considerations**

6.1 The main considerations for this application are the principle of the development, and the design including the impact of the development on the character and appearance of the existing building and the wider Leigh Conservation Area, any impact on neighbours, living conditions and highways implications.

6.2 The previous planning permission granted at the site reference 14/01871/FUL, which was for the same proposal except for the addition of rear rooflights, is a material planning consideration. As noted above the officer's report for this application is attached at Appendix A.

## **7 Appraisal**

### **Principle of Development**

7.1 The principle of the development has been previously accepted under application reference 14/01871/FUL. It is noted that the NPPF and local planning policy have been revised since the 2014 decision, however, policy considerations relevant to the current proposal have not changed in any significant regards. The principle of the development remains acceptable.

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

7.2 The design of the proposal and its impact on the conservation area were considered in detail in relation to application reference 14/01871/FUL. The proposal was found to have an acceptable impact on the character and appearance of the existing building and the wider conservation area.

An assessment of this impact can be found in the officer's report for that application which is appended to this report. The current proposal is the same design except that two rooflights have been added to the rear roof slope. These are of a reasonable size and will not be particularly visible from the public realm. There is therefore no objection to this amendment.

- 7.3 Although the NPPF has been updated and the Development Management Document adopted since the initial decision in 2014, there have been no material changes to policy, the character of the existing building or the character of the conservation area since this time. It therefore follows that the design and heritage impact of the proposal remain acceptable in the above regards subject to conditions relating to materials and details.

### **Impact on Residential Amenity**

- 7.4 The impact of the proposal in relation to neighbours was considered in detail in relation to application reference 14/01871/FUL and was found to be acceptable. An assessment of this can be found in the officer's report for that application which is appended to this report. The proposal has not materially changed in its design and form from this proposal except for the addition of two rooflights to the rear which will have no material bearing on the amenity of neighbours.
- 7.5 Although the NPPF has been updated and the Development Management Document adopted since this time, there have been no material changes to policy since this time. It therefore follows that the proposal remains acceptable in relation to the impact on neighbour amenity.

### **Traffic and Transportation**

- 7.6 The site of the proposed extension is a decked area to the north of the building which appears to have a temporary crossover leading from Hillside Road, however, the applicant has confirmed that this area has not been previously used for parking a car although a motorbike has been stored here on occasion. This is confirmed by site photos from the 2014 application and the recent site visit which show there to be a step up to this area so it would not be possible for it to be accessed by vehicles. It is also noted that the current treatment with decking would not support the weight of a car. It is therefore considered that the proposal would not result in any loss of parking at the site and the additional accommodation would not require additional parking to be provided. This is consistent with the conclusions of the 2014 consent.
- 7.7 The existing flat currently has no cycle storage and none is proposed. Given that the proposal is for an extension only there is no requirement to provide additional cycle storage. This is consistent with the conclusions of the 2014 consent.
- 7.8 The decked area currently has a small storage shed and no boundary to the street. It appears to be currently used to store building materials. The applicant has confirmed that this area is not used for refuse storage. The refuse is currently kept inside the flat until collection day and this is a long standing arrangement. The proposal will therefore not impact on refuse arrangements for this unit. This is consistent with the conclusions of the 2014 consent.

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

- 7.9 The proposal will provide additional living space for the flat increasing the overall floor area from around 47sqm, which is below the national housing standards, to 70 sqm which is above those standards. As an existing unit there is no requirement to meet these standards, however it is apparent that this extension will make the unit more liveable.

### *Amenity Space*

- 7.10 Whilst the site of the proposed extension could be used as an amenity space for the flat this is not the case at present – the area is currently being used to store building materials. It is noted that an alternative amenity space is located to the front of the building which has direct access from the living area, includes space for sitting out which has a more sunny aspect. This area fronts the street but its lower land level and location on a private drive affords it a degree of privacy from passers-by. This is also a long standing arrangement. The proposed extension includes a small extension to this outside area.
- 7.11 The proposal is a 1 bed unit not family accommodation. The amenity space to the front provides a useable semi-private amenity space and is a longstanding arrangement. It is therefore considered that the proposal would have an acceptable impact on the amenity provision of the existing unit. Overall the impact of the proposal on the standard of accommodation for existing and future occupiers is considered to be acceptable and the proposal is policy compliant in this regard. This is consistent with the conclusions of the 2014 consent.

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

- 7.12 The development for the existing property equates to less than 100sqm of new floor space, as such the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable

## **8 Conclusion**

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

## **9 Recommendation**

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

- 01 The development hereby permitted shall begin not later than three years 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: 101/RENEW-2020, 102/RENEW-2020, 103/RENEW-2020**

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

**03 All new work to the outside of the building (including the windows, the bay surrounds and the columns) must match existing original work in terms of the choice of materials, method of construction, detailed design and finished appearance.**

**Reason: To ensure the development preserves and enhances the character and appearance of the existing building and the wider Leigh Conservation Area in accordance with the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015).**

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

**Informatives:**

**01 You are advised that as the proposed 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. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

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

## Appendix A

<b>Reference:</b>	14/01871/FUL
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Erect ground floor side extension, lay out bin storage and cycle store to rear (amended proposal) (part retrospective)
<b>Address:</b>	Flat 1, 1 Leigh Park Road, Leigh-on-Sea, Essex, SS9 2DU
<b>Applicant:</b>	Mr M.C. Metson
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	18/12/14
<b>Expiry Date:</b>	09/01/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	TP-01-A and TP-02-A
<b>Recommendation:</b>	<b>GRANT Planning Permission</b>

## 1 The Proposal

- 1.1 The proposed development is a single storey extension to the north of the existing building. The proposed extension would measure between 4 and 4.3 metres wide, 5.6 metres deep and feature a hipped pitched roof with a maximum height of 6.2 metres. A single storey projection would be included to the West of the extension that would provide a bay window. The proposed development would provide accommodation in the form of a living room to an existing flat.
- 1.2 The application also proposes the provision of a bin store and a cycle store on the land to the East of the extension which would serve the flats at the wider site. This part of the application is retrospective as the single storey timber structures are already in place.
- 1.3 The application has been submitted following the refusal of application 14/00045/FUL on the grounds that:

*“The proposed development, by way of the inappropriate design, would result in a form of development out of character with and detrimental to the character and appearance of the existing building and conservation area contrary to Policies C4, C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1) and Government guidance contained within the NPPF.”*

This application is different to the proposal from earlier in 2014 by featuring a gable-ended pitched roof above the bay window and the removal of a rooflight. In all other respects the application is identical.

## **2 Site and Surroundings**

- 2.1 Whilst the site address is Leigh Park Road the site is located on the eastern side of Hillside Road. The site is occupied by a two storey building that comprises flats.
- 2.2 The site is allocated within the Leigh Conservation Area designated within the Borough Local Plan. The Leigh Conservation Area relates to that part of the settlement north of the railway rising up Leigh Hill to the parish church. It was designated a Conservation because it has special architectural and historic interest and a unique character. The changing ground levels of the site and the surrounding area are significant to the character of the site and have a material impact on the relationship between properties.

## **3 Planning Considerations**

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity.

## **4 Appraisal**

### **Principle of Development**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, and SPD1**

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance are Borough Local Plan Policies relating to design. 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, the proposed extension to the dwelling is considered to be acceptable in principle.

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

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C4, C11 and H5, and SPD1**

- 4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies C4, C11 and H5 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in national guidance in the NPPF. Policy C4 only allows new development in conservation areas where it would not be detrimental to the local scene and the character of the area. Policy C11 requires new development to create a satisfactory relationship with its surroundings.
- 4.4 The site is located in the Leigh Conservation Area and therefore special attention



shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The NPPF states that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.*

- 4.5 The proposed extension is located to the side of the property and due to its siting would be visible from Leigh Park Road and Hillside Road. The design of the extension has referenced the existing building by providing a bay and referencing the existing hip. This aspect of the design was previously considered acceptable by the Local Planning Authority and this remains the case.
- 4.6 However, it was previously considered that the development had a number of unresolved design issues including the lack of columns on the proposed bay, the detailing of the corner of the extension, the relationship between the eaves of the proposed and existing building, the size of the window above the door and the provision of a rooflight. A concern was also raised with respect to the internal layout on the grounds that the kitchen units would be visible from outside and this might appear unresolved. As such, noting that it is essential that the detailing of the development replicates the existing property and enhances or preserves the character of the conservation area, it was concluded that the proposed development would be detrimental of the character of the area and was therefore refused.
- 4.7 The design of the proposed extension has been substantially modified to address the majority of the concerns that were raised previously. It is considered that the amended proposal would satisfactorily replicate the character of the existing building and as such the proposal would maintain the character of the conservation area, in accordance with the abovementioned policies.
- 4.8 The suitable positioning and appropriate scale of the bin and cycles stores is considered to be acceptable and has no harmful impacts on the character or appearance of the site or the Conservation Area.

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

#### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policy C1; SPD 1 (Design & Townscape Guide (2009))**

- 4.9 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy H5 of the Borough Local Plan requires that development respect existing residential amenities, and Policy C11 requires that new extensions create a satisfactory relationship with surroundings.
- 4.10 Although the proposed development would be sited forward of the dwelling to the north, due to the separation distance, the design of the roof and height of the proposal, on balance, it is not considered that this will result in an undue impact

upon the amenity of the adjoining neighbours in relation to overshadowing or domination.

- 4.11 The suitable positioning and appropriate scale of the bin and cycles stores is considered to be acceptable and has no harmful impacts on the amenities of neighbouring residents.
- 4.12 Whilst it is accepted that the existing concrete area has the potential to be used as an amenity area it currently appears to be used for ad hoc storage. Furthermore, the area is open and does not provide a private amenity space at this time. The provision of a 1.8m fence to provide suitable enclosure of the space would require planning permission, due to it being adjacent to a highway, and would be unlikely to be granted due to the impact on the character and appearance of the conservation area. Therefore, it is not considered that the proposed development would have a detrimental impact upon the amenity of the future occupiers due a reduction in amenity space.

## **5 Conclusion**

- 5.1 The principle of extending the existing dwelling can be supported and it has previously been established that a development of the scale proposed would not cause material harm to the amenities of neighbouring residents or cause an unacceptable loss of amenity space. Previous design concerns have been satisfactorily addressed and it is now considered that the extension would suitably maintain the character of the existing building and the Conservation Area in which it sits. The proposal is therefore considered to be sustainable development in accordance with the content of the development plan.

## **6 Planning Policy Summary**

- 6.1 BLP Policies: C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations)

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Design and Townscape Guide SPD (adopted December 2009)

## **7 Representation Summary**

### **Public Consultation**

- 7.1 13 neighbouring properties were notified of the application and a site notice was posted at the site. No letters of objection have been received.
- 7.2 The Leigh Society have stated that they have no objection to the proposal provided that the neighbouring property to the North is not harmed.
- 7.3 Leigh Town Council have objected to the application on the grounds that the development would be an over development of an already densely populated site which provides no car-parking facilities in an area of residential parking stress and cause the loss of private amenity space. The proposal to remove one of a set of

attractive chimneys in the Leigh Conservation Area is also considered contrary to policy.

## **Design and Regeneration**

- 7.4 It is considered that the previous objections have been overcome and it is therefore advised that planning permission should be granted subject to conditions relating to the detailing of the proposed works.

## **8 Relevant Planning History**

- 8.1 Application 14/00045/FUL proposed a similar development. That application was refused on the grounds that are set out and discussed above.

## **9 Recommendation**

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

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: TP-01-A and TP-02-A.**

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

- 03 Condition: All new work to the outside of the building (including the windows, the bay surrounds and the columns) must match existing original work in terms of the choice of materials, method of construction and finished appearance.**

**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 Conservation Area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policies C4 and C11, and SPD1 (Design and Townscape Guide).**

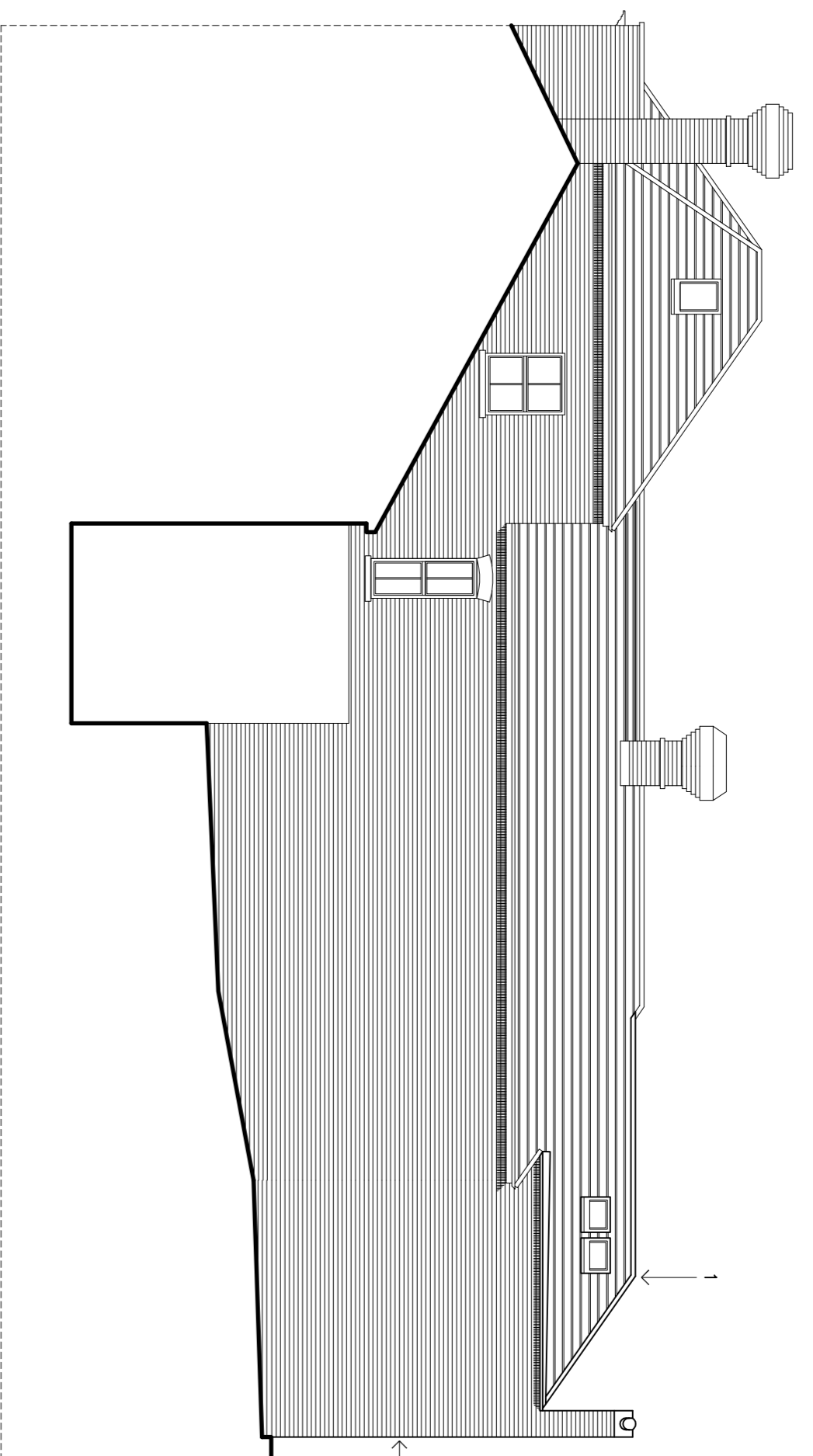
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

This page is intentionally left blank

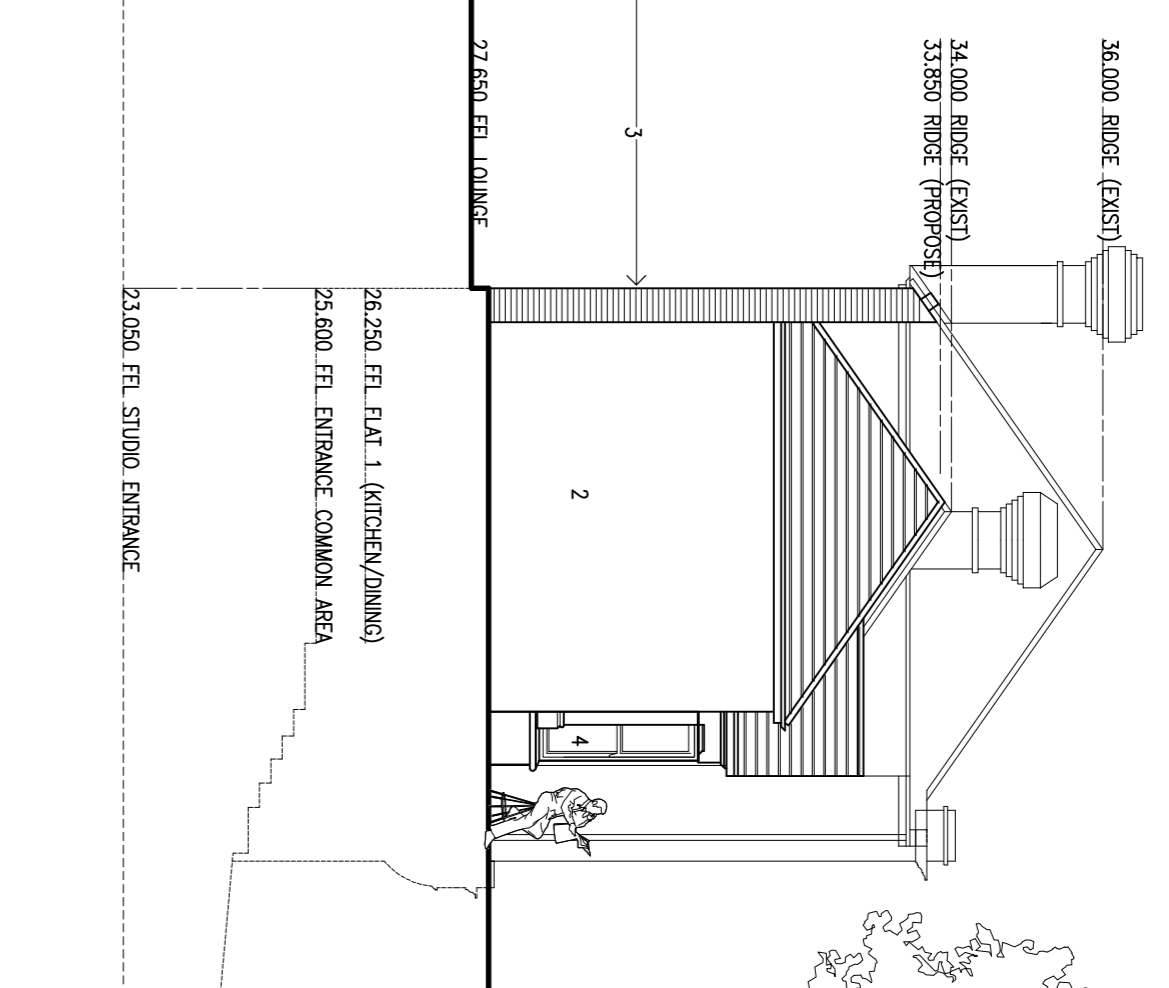


This page is intentionally left blank

PROPOSED EXTENSION TO GROUND FLOOR FLAT AT 1 LEIGH PARK ROAD, LEIGH-ON-SEA



PROPOSED EAST ELEVATION

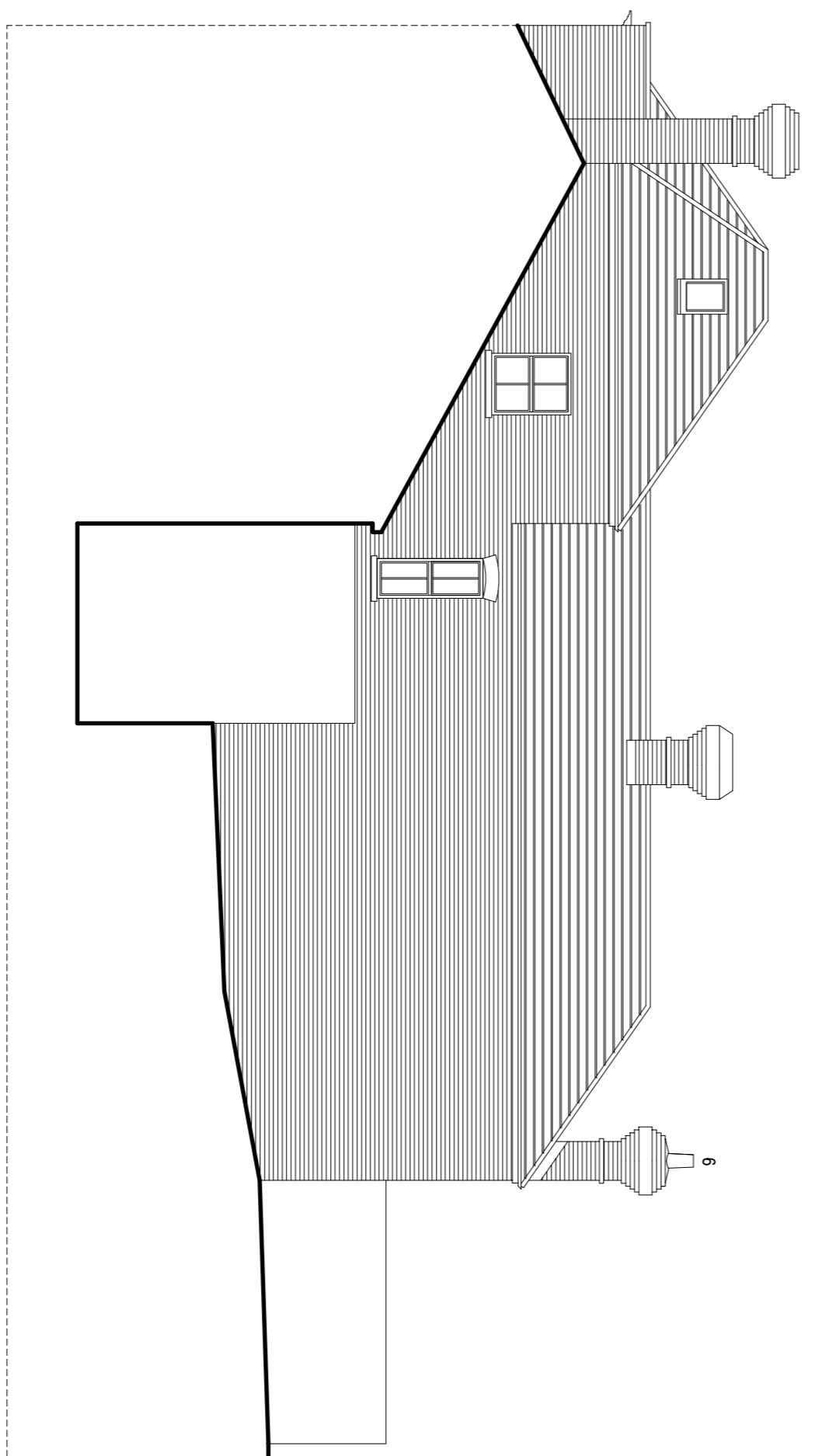


PROPOSED NORTH ELEVATION

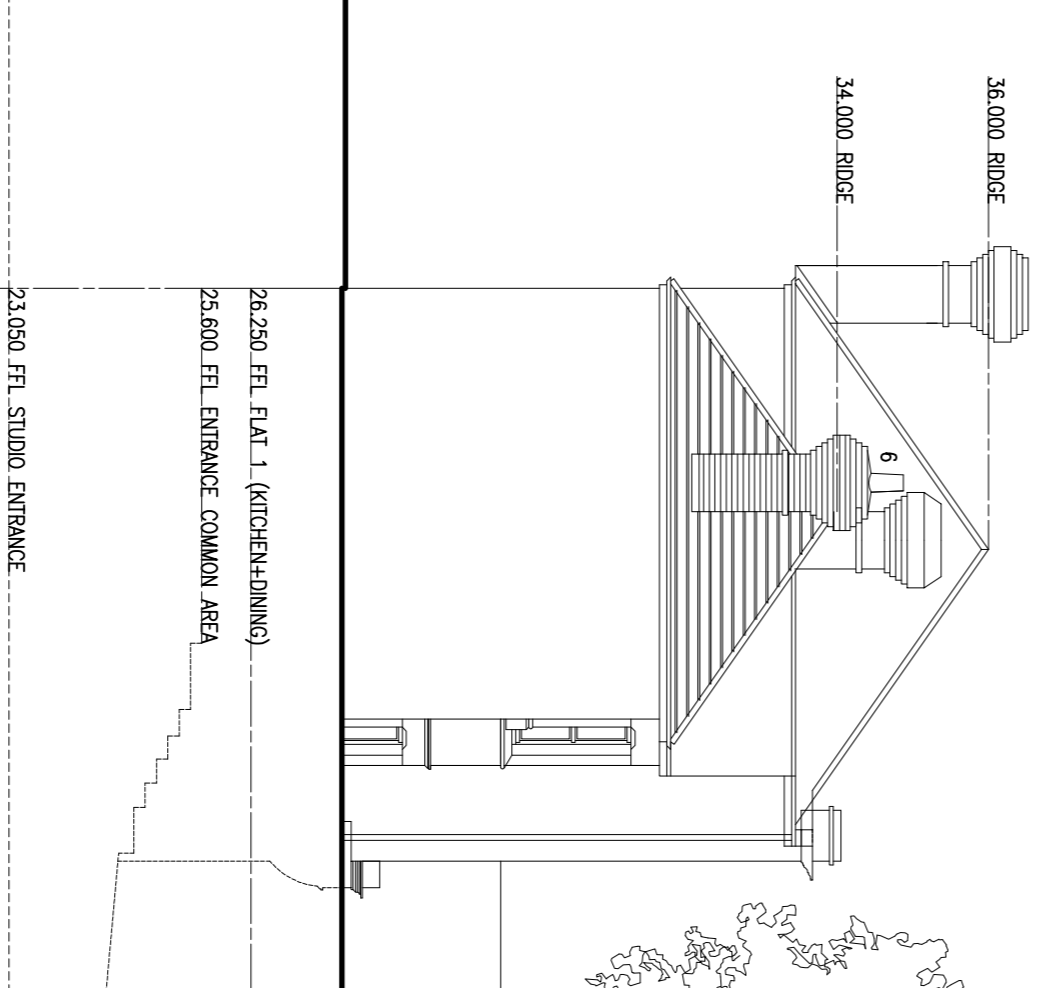


PROPOSED WEST ELEVATION

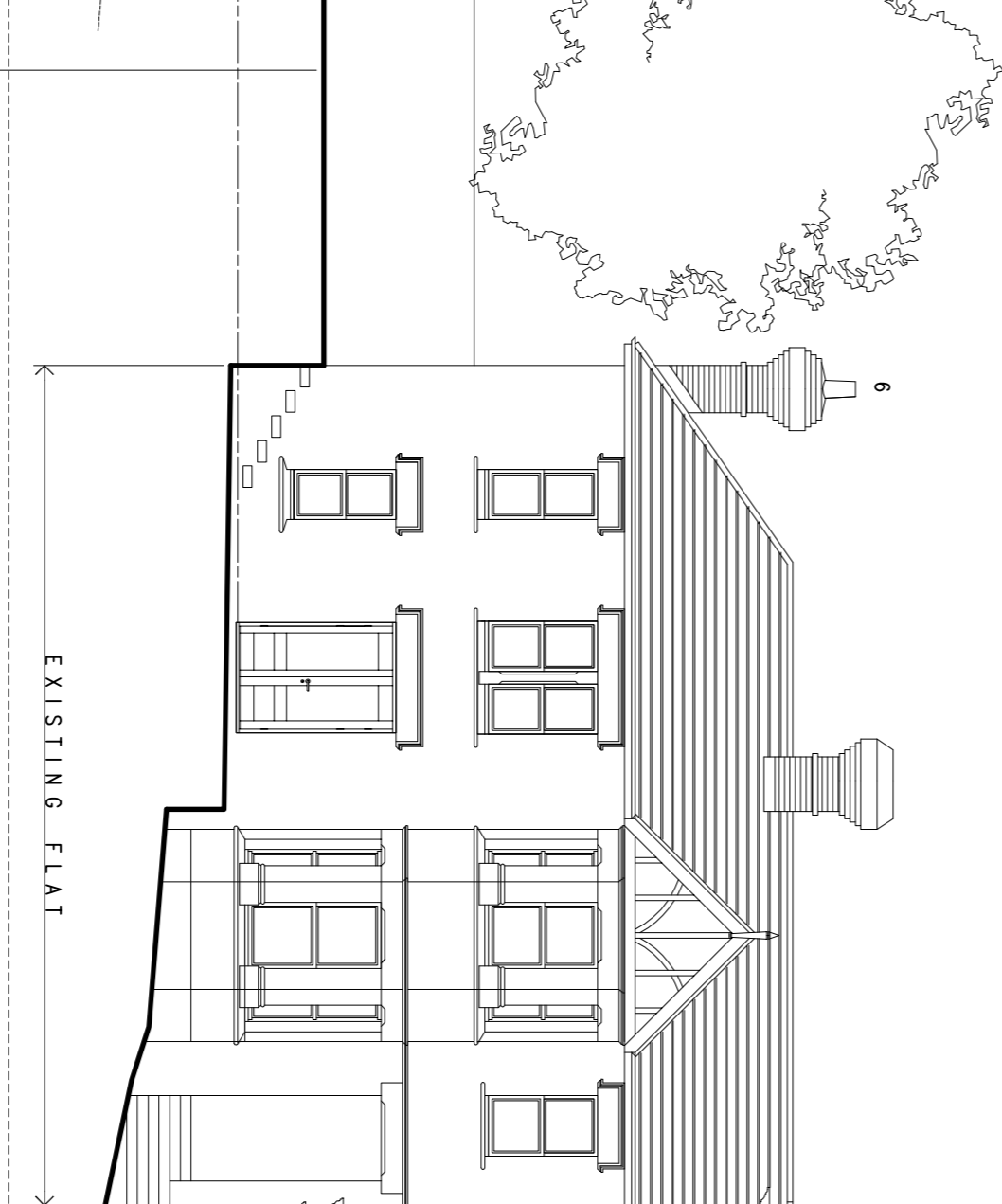
- KEY
- 1 SLATE ROOF MATCH EXISTING
  - 2 RENDER AND PAINT AS EXISTING
  - 3 BUFF STOCK BRICKS AS EXISTING
  - 4 NEW WINDOW MATCH EXISTING STONE SURROUNDING, SILL/VENTIL
  - 5 HARDWOOD FRONT DOORSET
  - 6 DENGLISH REINMENT STACK



EXISTING EAST ELEVATION



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION

REV. **TOWN PLANNING**



STUDIO 1  
 © COPYRIGHT PROTECTED

www.westonarchitects.co.uk  
 LEIGH PARK ROAD LEIGH ON SEA ESSEX SS9 2DU  
 01702 472714 admin@westonarchitects.co.uk

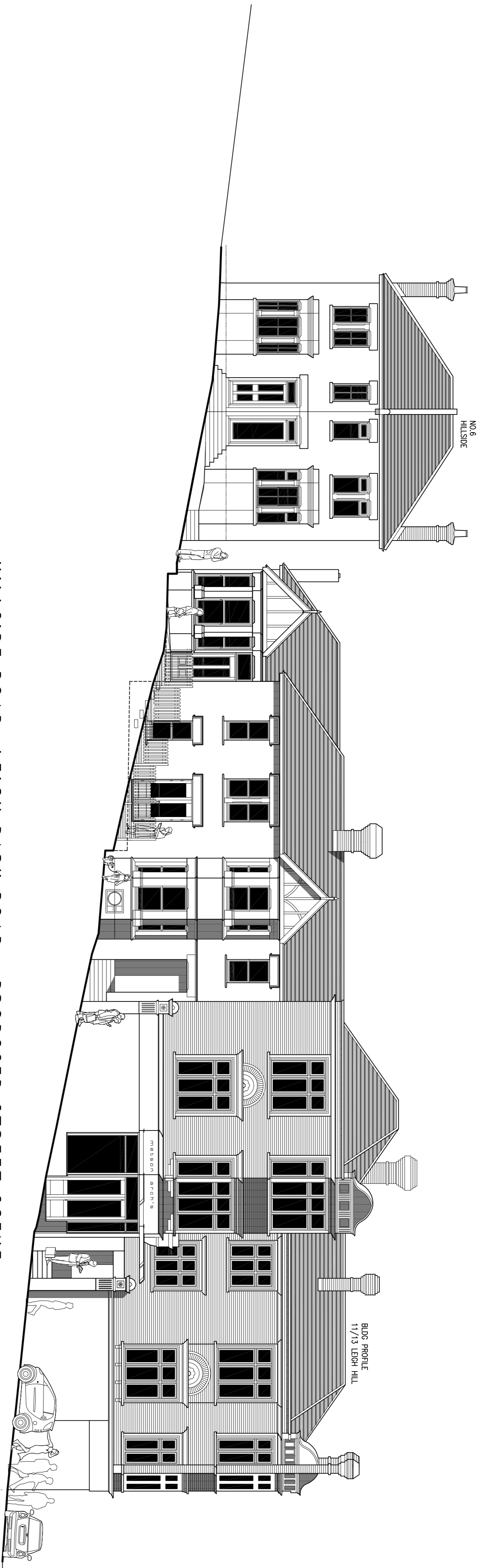
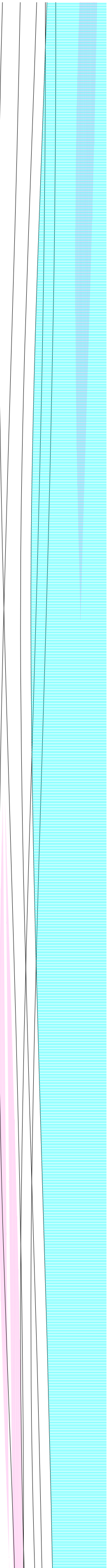
SCALE: 0/1 1:100 scale METRES  
 DATE: AUGUST 2020  
 CLIENT: SELF  
 JOB: FLAT 1, 1 LEIGH PARK ROAD SS9 2DU

DWG NO. 102/RENEW-2020

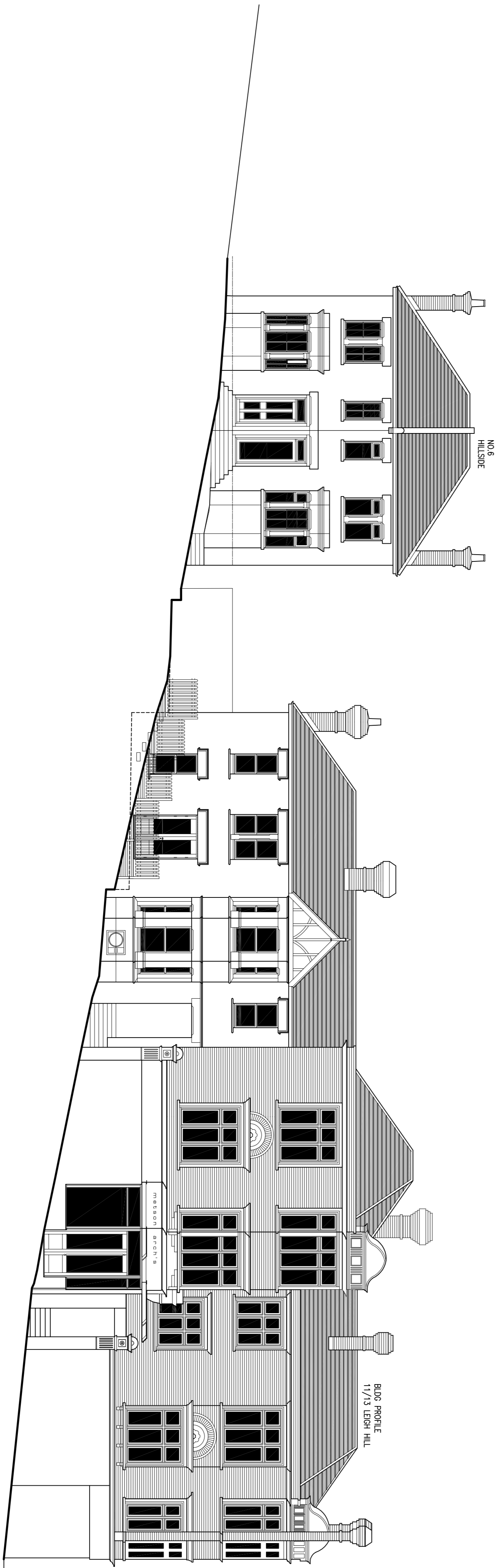
This page is intentionally left blank



PROPOSED EXTENSION TO GROUND FLOOR FLAT AT 1 LEIGH PARK ROAD, LEIGH-ON-SEA



HILLSIDE ROAD - LEIGH PARK ROAD : PROPOSED STREET SCENE



HILLSIDE ROAD - LEIGH PARK ROAD : EXISTING STREET SCENE

REV.

TOWN PLANNING



ARCHITECTS

STUDIO 1

LEIGH PARK ROAD LEIGH ON SEA ESSEX SS9 2DU  
01702 472714  
www.mestonarchitects.co.uk  
admin@mestonarchitects.co.uk

SCALE: 0A1 1:100 scale METRES  
DATE: AUGUST 2020  
CLIENT: SELF  
JOB: FLAT 1, 1 LEIGH PARK ROAD SS9 2DU

DWG NO. 103/RENEW-2020

This page is intentionally left blank

1 leigh park road

Sept 2020

# Site and Streetscene to South



# Site of proposed extension



# Neighbour to north



# Looking south



# Existing amenity space





<b>Reference:</b>	20/01450/FUL
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Change of use from retail shop (Class A1) to mixed use restaurant/takeaway (Class A3/A5) at ground floor and self-contained flat (Class C3) to first floor, erect bin store to rear and alter front elevation to provide access to first floor flat.
<b>Address:</b>	91 - 93 Prince Avenue, Southend-On-Sea, Essex, SS2 6RL
<b>Applicant:</b>	Mr Newland - Eclipse Homes Limited
<b>Agent:</b>	Knight Gratrix Architects
<b>Consultation Expiry:</b>	07.10.2020
<b>Expiry Date:</b>	11.12. 2020
<b>Case Officer:</b>	Scott Davison
<b>Plan Nos:</b>	010A & 011A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION, subject to conditions</b>



## **Site and Surroundings**

- 1.1 The application site is located on the northern side of Prince Avenue and is a mid-terrace building (at one time 2 separate units) with a flat roof within a small parade of ground floor commercial units with a mix of various uses at first floor level including residential flats at 95A, 93 and 89A Prince Avenue. The ground floor of the application building is vacant and was formerly used as motor scooter and accessories showroom, with associated commercial/storage space above No 91. The neighbouring uses in the parade include an off licence / corner shop to the west and a sandwich shop and hot food takeaway to the east. To the west of the parade is the Bell Toby Carvery and to the east of the site is a laundrette, a block of flats and car sales lot. On the southern side of the road is a Petrol Station. The wider surrounding area is mixed but is mainly residential in character. Immediately to the front of the site is a slip road off Prince Avenue A127 which provides parking for the units within the terrace.
- 1.2 The site is located within a secondary shopping frontage but does not have any other specific allocation within the Development Management Document Proposals Map.

## **2 The Proposal**

- 2.1 The application seeks planning permission for a change of use of the ground floor commercial units to a mixed use restaurant/takeaway and one self-contained residential flat above 91.
- 2.2 The ground floor unit would have a frontage of some 12.6m. The only change to the frontage of the building would be a new entrance door for the first floor flat. There would be some changes to the internal layout of the building including the formation of a new separate corridor access leading to an existing staircase to the first floor. The ground floor would be a mixed, restaurant/hot food takeaway use with a gross internal floor area of some 164 sqm, including a restaurant seating area of some 48 sqm. The proposed hours of operation would be 11:00 – 23:00hrs (Monday - Sunday). The ground floor would also include a reception area, takeaway counter, kitchen, customer toilets and store areas. To the rear of the building would be refuse storage facilities for the ground floor unit. At first floor the windows in the rear elevation would be replaced with new units including an obscured glazed window to the bathroom. No parking spaces are proposed.
- 2.3 The proposal would form one new flat at first floor accessed with its own entrance onto Prince Avenue. The flat would have a gross internal floor area of 54 sqm, with 1 bedroom measuring some 13.4sqm. The flat would not have any amenity space and would not have any off-street parking.
- 2.4 The application is described as a change of use to class A3/A5 however changes to the use classes order came into force on 1 September 2020. This included a number of existing uses including use A3 (Café & Restaurant) which was replaced by a new 'Class E' (Commercial Business and Service). The A5 (Hot Food Takeaways) was not one of the existing uses incorporated into the new class E and is now classed as a "Sui Generis" use. The proposed use would therefore be a sui generis mixed use of restaurant & hot food takeaway.

### **3 Relevant Planning History**

#### **3.1 93 Prince Avenue**

- 01/00023/FUL Use ground floor retail shop (class A1) as motor scooter and accessories showroom (sui generis) – planning permission refused.
- 02/00253/FUL Use ground floor retail shop (Class A1) as motor scooter and accessories showroom (Sui Generis) and install new shopfront (Revised application-retrospective)-planning permission granted.

### **4 Representation Summary**

#### **Public Consultation**

#### **4.1 Councillor Flewitt has called the application in for consideration by the Development Control Committee.**

10 neighbours were notified and a site notice was displayed. No representations were received.

#### **Environmental Protection**

#### **4.2 No objection subject to pre-commencement condition(s) that require submission of a detailed extract design statement and plan showing layout of plant and equipment together with odour mitigation methods and noise assessment.**

#### **Essex Fire**

#### **4.3 No objections, subject to informatives relating to sprinkler systems**

#### **Parks & Green Spaces**

#### **4.4 No objections**

### **5 Planning Policy Summary**

#### **5.1 The National Planning Policy Framework (NPPF) (2019).**

#### **5.2 Planning Practice Guidance and National Design Guide (2019).**

#### **5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) KP3 (Implementation and Resources) Policy CP1 (Employment Generating Development) CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility) CP4 (Environment and Urban Renaissance) and CP8 (Dwelling Provision)**

#### **5.4 Development Management Document (2015) 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), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management).**

#### **5.5 Design & Townscape Guide (2009).**

#### **5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015).**

- 5.7 RAMS (Essex Coast Recreational disturbance Avoidance Mitigation Strategy) SPD 2020

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability, CIL (Community Infrastructure Levy) and RAMS considerations.

## **7 Appraisal**

### **Principle of the development**

- 7.1 This proposal is considered in the context of the relevant Council policies relating to new development and design. Also, of relevance are the National Planning Policy Framework including section 12 (Achieving well-designed places) and Core Strategy Policies KP2, CP4 and CP8.
- 7.2 Policy KP2 of the Core Strategy requires that all 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 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and 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.
- 7.3 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.”
- 7.4 Policy DM13 of the Development Management Document states; “*Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.*”
- 7.5 The site is located within a Secondary Shopping Frontage. Appendix 5 of the Development Management Document sets out potentially acceptable uses according to centre hierarchy. For existing local centres elsewhere (i.e. not town or district centres) at street frontage level a Sui Generis use (see paragraph 2.4) is potentially acceptable. Given there is no restriction on the uses within this area of Prince Avenue, it is considered that the proposed restaurant / takeaway use of the ground floor would be acceptable in principle and integrate acceptably with the existing commercial parade, subject to compliance with other relevant planning policies and guidance and planning considerations.

- 7.6 The first floor of the building would contain a new self-contained flat. The application site is located within a parade with some residential uses on the first floor of other units in the street. It is considered that the proposed flat (use class C3) would provide benefits in the provision of additional housing and the broad principle of residential use of the upper floors is considered acceptable, subject to compliance with other relevant planning policies and guidance and planning considerations.
- 7.7 On this basis and subject to the following detailed considerations, it is considered that no objection should be raised to the principle of new residential and broad principle of commercial development.

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

- 7.8 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (section 12) and 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.”
- 7.9 Policy KP2 of the Core Strategy advocates the need for all new development to “*respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design*”.
- 7.10 Policy DM1 of the Development Management Document states that all development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.
- 7.11 Policy DM3 (1.) advises that: The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.
- 7.12 The character of the area is mixed, but predominately retail uses exist within the vicinity of the site at ground floor. The proposed change of use of the building would require alterations to the ground floor front elevation including the installation of a new entrance door within the existing shop frontage as well as an internal reconfiguration of the ground floor restaurant to create a corridor leading to a staircase to the first floor. A new bin store is proposed within the rear forecourt area. At first floor the windows in the rear elevation would be replaced with new units including an obscured glazed window to the bathroom. It is considered that the new entrance door opening and other alterations are acceptable and integrate satisfactorily within the existing shopfront and wider streetscene and the proposed change of use will have the capacity to maintain an active frontage. The proposal includes no other alterations to the shop front and any advertisements in connection with the proposed use may require separate advertisement consent.

- 7.13 The external alterations proposed to enable the change of use of the premises would require the provision of extract ventilation equipment which would be located to the rear of the building. Whilst the existing rear elevation is visible from Hampton Gardens it is separated by commercial premises and access way. No details of the extract ventilation equipment have been submitted with this application. However, in the event the application was deemed acceptable, full details of the position of any extract and ventilation equipment and refuse store design and external materials will need to be agreed. Given the commercial location of the premises, and separation from the residential properties to the rear it is considered that extract equipment could, in principle, be accommodated without material harm to visual amenity.
- 7.14 Subject to conditions it is therefore considered that the proposed development would be acceptable and would comply with policy in the above regards.

### **Traffic and Transport Issues**

- 7.15 Policy DM15 states that each flat should be served by one parking space. Policy DM15 also states that "*Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.*"
- 7.16 Development Management Policy DM15 recommends a maximum of 1 space per 18 sqm for retail (former A1) uses and a maximum of 1 space per 5 sqm for restaurant (former A3 uses) and for hot food takeaways (former A5 use), 1 space per 20 sqm. (DM15 has not been updated to reflect the changes to the use classes order). It is considered that the site is located within a sustainable location in relation to public transportation frequency and links. On street parking is located along the slip road off Prince Avenue and as such, no objection is raised in relation to parking provision and availability.
- 7.17 No parking spaces would be provided for the residential element of the proposed development. The site is located just off Prince Avenue close to a number of bus routes. Noting the sustainable location of the site with shops and services and public transport within walking distance, no objection is raised on this basis.
- 7.18 Residential cycle storage facilities are not shown on the plans, but it is considered that they could be secured by a planning condition.
- 7.19 The proposal is acceptable and policy compliant in the above respects.

### **Impact on Neighbouring Properties**

- 7.20 Paragraph 343 of The Design and Townscape Guide (2009), under the heading of Alterations and Additions to Existing Residential Buildings states, amongst other criteria, that extensions and alterations must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.

Policy DM1 of the Development Management Document 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.”*

- 7.21 It is not considered that the proposed development would result in a material loss of privacy or overlooking of neighbouring occupiers to the south of the site nor would it give rise to any detrimental overbearing, perceived or actual dominant impacts or loss of light to these neighbouring occupiers to the south of the site. Given the 30m separation distance from the proposed development to the front elevation of the dwellings on the southern side of Prince Avenue, the first floor windows of the proposed flat are not considered to result in a loss of privacy or overlooking of these neighbouring building or amenity areas.
- 7.22 To the rear (north) of the site are residential dwellings. There are two existing first floor windows in the rear elevation and two windows would be provided for the proposed development. Given the 43m separation distance from the proposed development to the rear elevation of the dwellings to the rear, the windows of the proposed flat are not considered to result in a material loss of privacy or overlooking of these neighbouring building or amenity areas. Similarly, it is not considered that the proposed development would give rise to any detrimental overbearing, perceived or actual dominant impacts or loss of light on these neighbouring dwellings to the north of the site.
- 7.23 The site is located on Prince Avenue within an area of mixed commercial uses, with residential flats above these units. A new residential flat is proposed above the proposed ground floor restaurant and takeaway. The plans do not include any external seating areas. There are residential properties at first floor level to the east and west of the application site within the parade and to the rear of the application site. The site is located close to a main road. The proposed restaurant and takeaway use would increase the potential level of visitors but would not be materially different from the existing uses in the neighbouring premises within the parade which generate a degree of noise and activity. It is considered that this area has an existing active evening economy with similar premises representing an existing noise sources on this section of Prince Avenue. In terms of levels of activity, the application form indicates opening times of the premises from 11:00 to 23:00, Monday to Sunday are proposed. In this respect, the site is located within a commercial parade where ambient noise levels are higher than in surrounding areas. It is considered that the proposed change of use would not significantly exacerbate the noise levels within the vicinity and Environmental Health have not objected subject to a condition restricting the opening times as proposed. The proposed hours of operation would be generally in accordance with surrounding opening times for similar uses, no objection is raised on this basis.
- 7.24 The proposed restaurant and takeaway would be dependent on the creation of a commercial kitchen with associated plant and equipment being required. This would include the installation of noise and odour mitigation measures including a kitchen extraction flue to deal with the emission of smells and odours from the proposed development and noise from associated plant and equipment. No details of noise and odour mitigation measures have been submitted with the application.

The Environmental Health department have not objected to the proposal but have expressed concerns that it has the potential to cause noise nuisance/disturbance to the rest and sleep of nearby residents. It is considered that these issues could be dealt with by conditions requiring a noise assessment and details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish.

- 7.25 In light of the above it is reasonable to conclude that the impacts of noise from the proposed commercial premises would not be materially harmful to future occupiers of the proposed flat and the occupiers of the adjacent flats in the parade subject to conditions. The proposed development 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 which are set out as per the below table:

-Minimum property size for a 1 bedroom, 2 person flat (one storey) is 50 sqm.

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

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

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

Weight should also be given to the content of policy DM8. These include standards requiring suitable space 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 and refuse facilities.

- 7.27 The gross internal floorspace for the dwelling and bedroom size 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 The Council has no adopted standards for amenity space provision and policy DM8 states, “*Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances*”. The submitted plans show no external amenity space for the proposed dwelling.



Having regard to existing flatted accommodation along Prince Avenue wherein no amenity space is provided for other residential flats, and given that the flat is a 1-bedroom unit and therefore unlikely to be occupied by families, on balance, whilst the lack of amenity space provision is a negative aspect of the proposed development, it is not considered to be sufficient justification to refuse the application.

- 7.29 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations. Given that Part M applies to new build dwellings and not for conversions, the proposal would not be required to adhere to these Building Regulation standards.
- 7.30 The proposed residential flat would be directly above the proposed restaurant / take away with opening hours until 23:00 hours. The application site is located next to No.87 – 89 Prince Avenue, a unit which presently contains a hot food take away use at ground floor level. Other retail units in the parade appear to operate into the evening period including No.85, a sandwich shop which opens until 21:00 and an off licence at 95 Prince Avenue which is understood to be open into the late evening. The site is also located on a main traffic route. Whilst Building Regulations can address the noise between units, Environmental Health considers that the proposal has the potential to cause noise nuisance and disturbance to the rest and sleep of nearby residents. In this instance subject to a noise assessment and details of plant and equipment such as the means of ventilation for the extraction and dispersal of cooking smells/fumes, odour control measures and noise mitigation measures and anti-vibration measures and air conditioning units it is considered that an acceptable standard of accommodation could be provided for future occupiers of the development.
- 7.31 The development is therefore considered acceptable and policy compliant.

### **Sustainability**

- 7.32 Policy KP2 of the Core Strategy requires that “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste is also a consideration.” Policy DM2 of the Development Management Document also states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”
- 7.33 No information has been submitted in relation to the provision of renewables on site. However, given that the proposal relates to the conversion of an existing building, it is not considered reasonable to require the proposal to accord with these standards in this instance.
- 7.34 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 (lpp) (110 lpp when including external

water consumption).

Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.” No information has been submitted but this could be achieved by condition.

- 7.35 As such, subject to conditions it is considered that the development is acceptable and policy compliant and in the above regards.

### **Waste Storage**

- 7.36 Policy DM8 states that refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- 7.37 The submitted plans contain details of the location of refuse storage for the proposed commercial use but no details of facilities for the residential unit. There is scope within the application site for the provision of facilities for refuse storage for the development and details of the location of refuse and recycling facilities for the commercial and residential elements can be secured by condition.
- 7.38 Subject to conditions, the proposal is therefore acceptable and policy compliant in the above regards

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

- 7.39 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of 54 sqm, which may equate to a CIL charge of approximately £1,387.26 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the ‘in-use building’ test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

### **Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)**

- 7.40 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.41 Confirmation has been received that the applicant has made this RAMS payment and therefore the ecological implications of the site can be considered acceptable and policy compliant in the above regards.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions including detailed submission of noise and odour mitigation measures, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the commercial and residential development is found to be acceptable and the proposal would provide satisfactory internal living conditions for future occupiers of the proposed flat. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking and the character and appearance of the application site, the street scene and the locality more widely. The provision of additional housing is considered to be a public benefit of the scheme. This scheme 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 3 (three) years from the date of this decision.**

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

- 02 The development hereby permitted shall be carried out in accordance with the approved plans: 010A & 011A.**

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

- 03 Prior to the first occupation of the building for mixed use restaurant / take away purposes details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including full specification of any installation of odour control measures, noise levels, noise mitigation measures and anti-vibration measures, air conditioning units and other plant and equipment, its appearance and finish shall have been submitted to and shall have been approved in writing by the Local Planning Authority. The approved scheme shall be installed in full accordance with the approved details before the use hereby approved is occupied or brought into first use and thereafter shall be permanently retained in perpetuity.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and**

**DM3 and Design and Townscape Guide (2009).**

- 04** Prior to the first occupation of the building for mixed use restaurant / take away purposes, details of the design and materials of the proposed commercial waste storage and an associated waste management plan shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and shall be maintained and managed as such in perpetuity.

**Reason:** To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

- 05** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the flat hereby permitted shall not be occupied until and unless a noise assessment report has first been submitted to and agreed in writing by the local planning authority to demonstrate that the internal noise levels for all habitable rooms within the flat hereby approved will meet the standards set out in British Standard BS 8233:2014 (Internal Noise Levels). The development shall be undertaken and completed in accordance with the agreed details within that report before the flat is occupied and shall be retained as such in perpetuity.

**Reason:** In order to protect the amenities of the occupiers of the dwelling hereby approved from noise arising from the adjacent uses and plant and equipment in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

**Reason:** In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

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

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

- 08** The ground floor unit of the development hereby approved shall solely be used as a sui generis mixed restaurant and takeaway use and shall be used for no other purposes including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of that order.

**Reason:** To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to control the impact of the use of the premises within the Use Class specified 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 Southend-on-Sea Design and Townscape Guide (2009).

- 09** The ground floor premises hereby approved shall not be open for customers outside the following hours: 11:00 hours to 23:00 hours Monday to Sunday and at no other times.

**Reason:** To protect residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

#### **Informatives**

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

If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 03 This permission does not convey any form of consent for external advertisement signs, consent for which will separately be required under the provisions of the Town and Country Planning Advertisement Regulations.
- 04 Essex County Fire and Rescue Service (ECFRS) advise that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. ECFRS therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

This drawing is copyright and shall not be reproduced nor used for any other purpose without written permission of the author.

Do not scale from this drawing, use figured dimensions only.

The drawing must be read in conjunction with all other project related drawings and documentation issued by the Architect and Appointed Consultants.

It is the contractor's responsibility to ensure compliance with the Building Regulations.

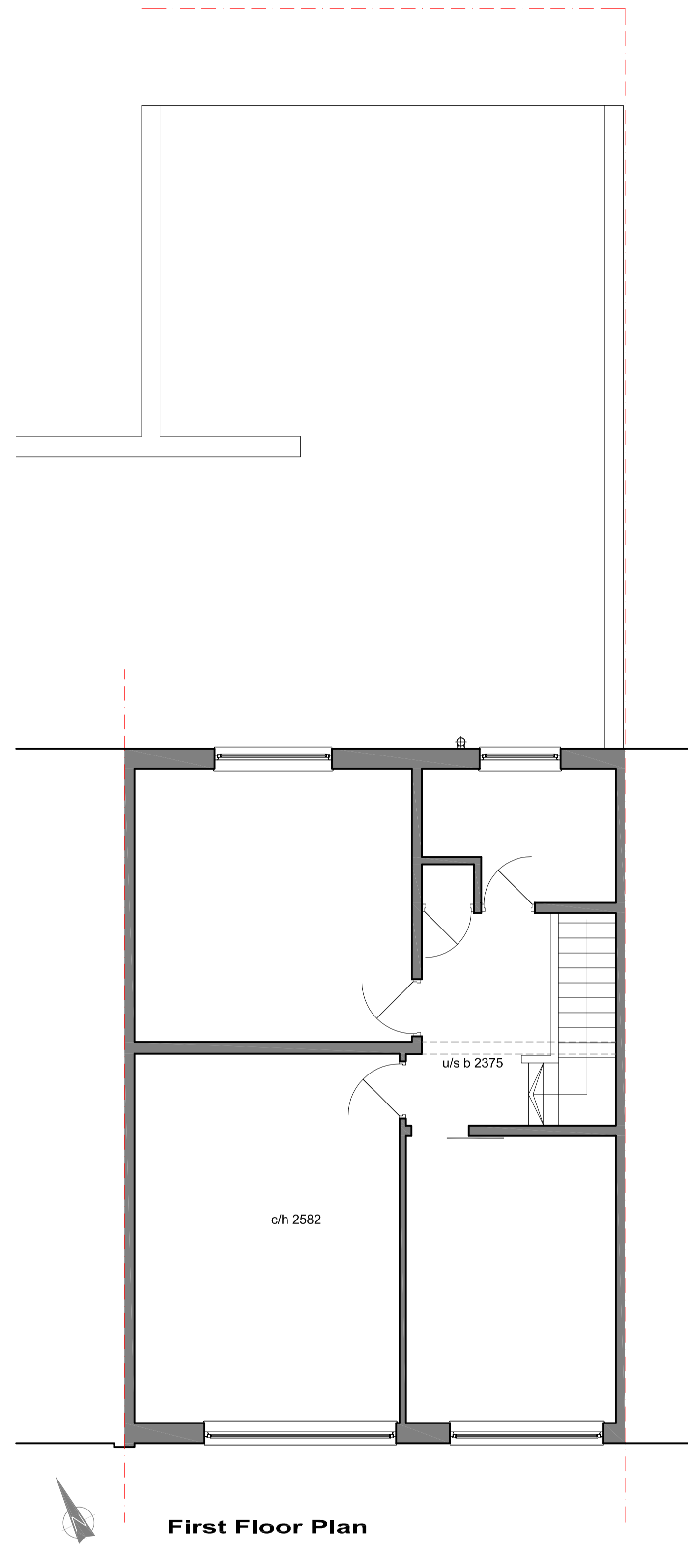
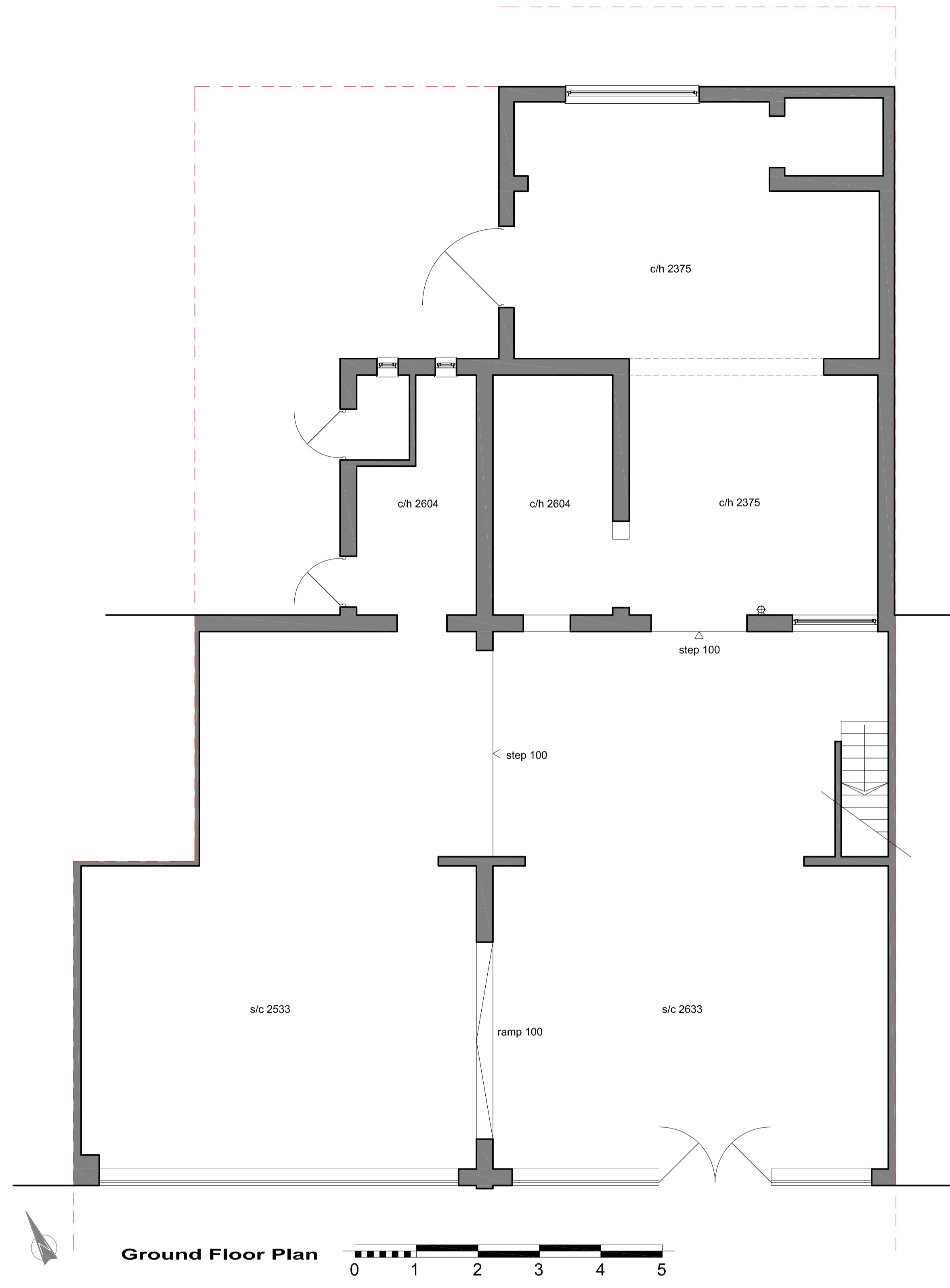
It is the contractor's responsibility to check all dimensions on site, any discrepancy to be reported immediately.

Details and sizes shown are indicative only and are subject to confirmation by the relevant Specialist contractor & sub-contractors.

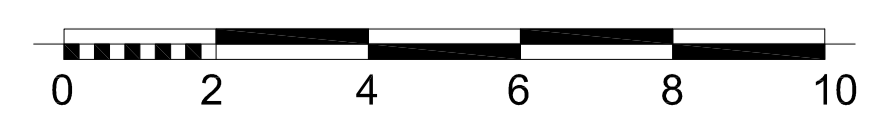
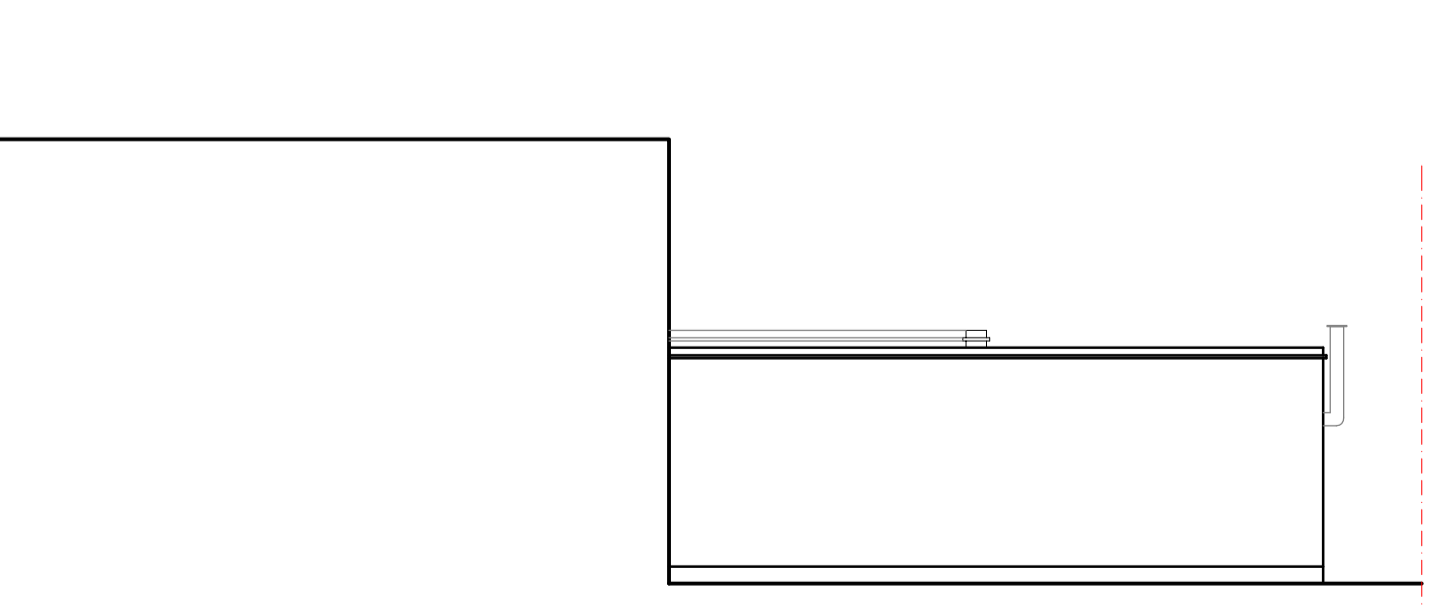
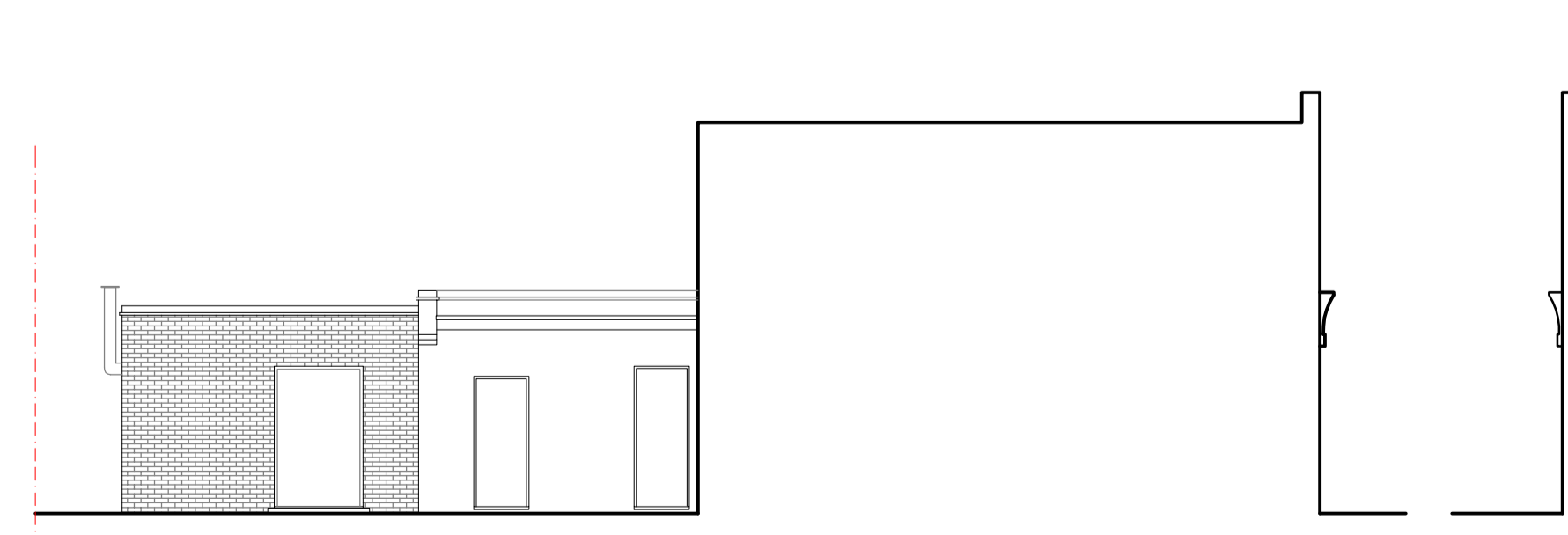
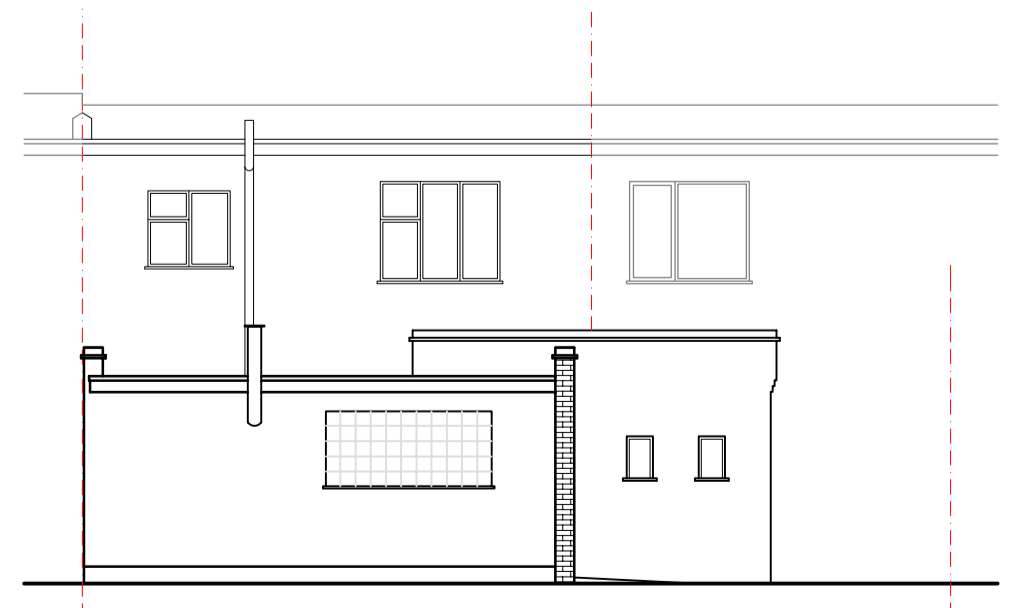
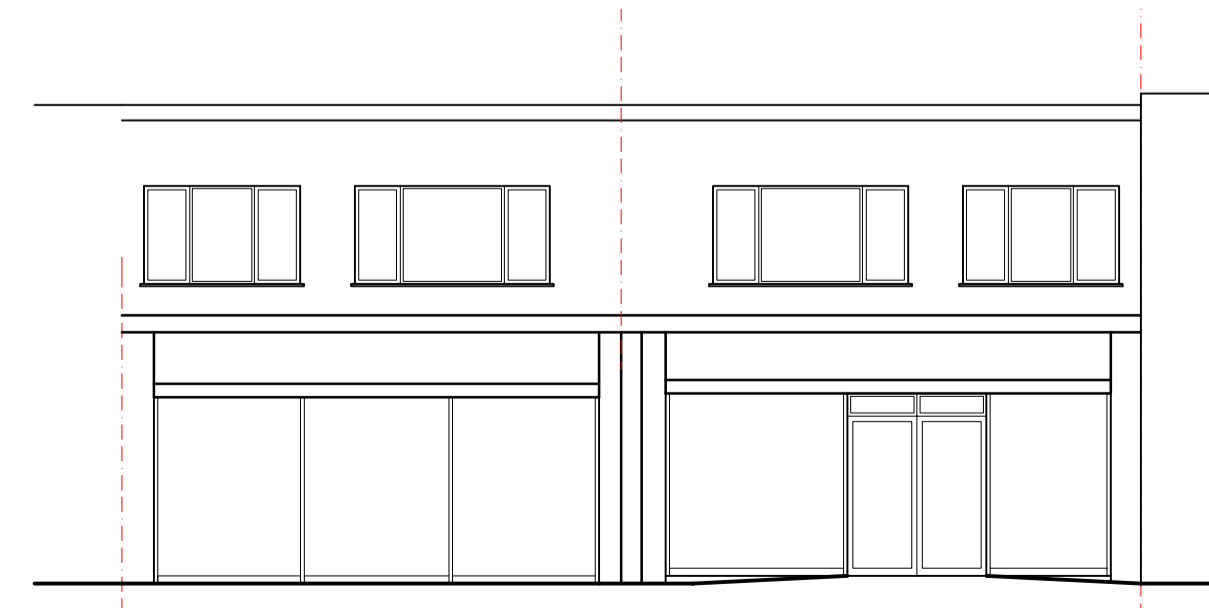
This drawing is not to be used for Land Registry or sales purposes.

The Author is not responsible for any changes to the drawings as implemented on site without prior approval in writing.

Revision A Amended following client meeting Date 24.08.20



**EXISTING PLANS & ELEVATIONS**



knight gratrix architects

suite 1  
royce house  
630-634 london road  
westcliff on sea  
essex  
ss0 9hw

t 01702 715517

e mail@knightgratrix.com  
w www.knightgratrix.com

Client  
**Eclipse Homes Ltd.**

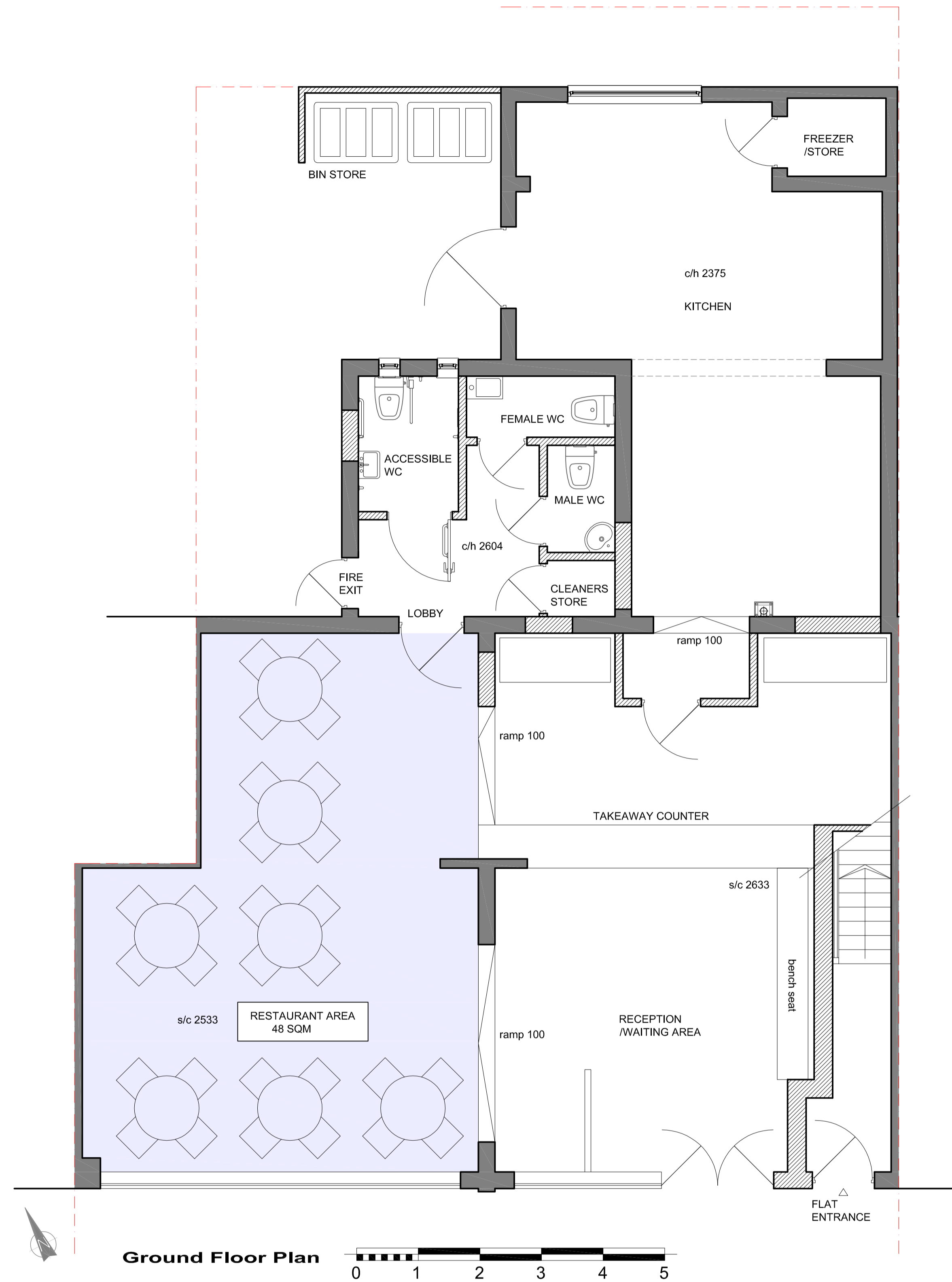
Project  
**91-93 Prince Avenue**

Description  
**Proposed Change Of Use Existing Plans**

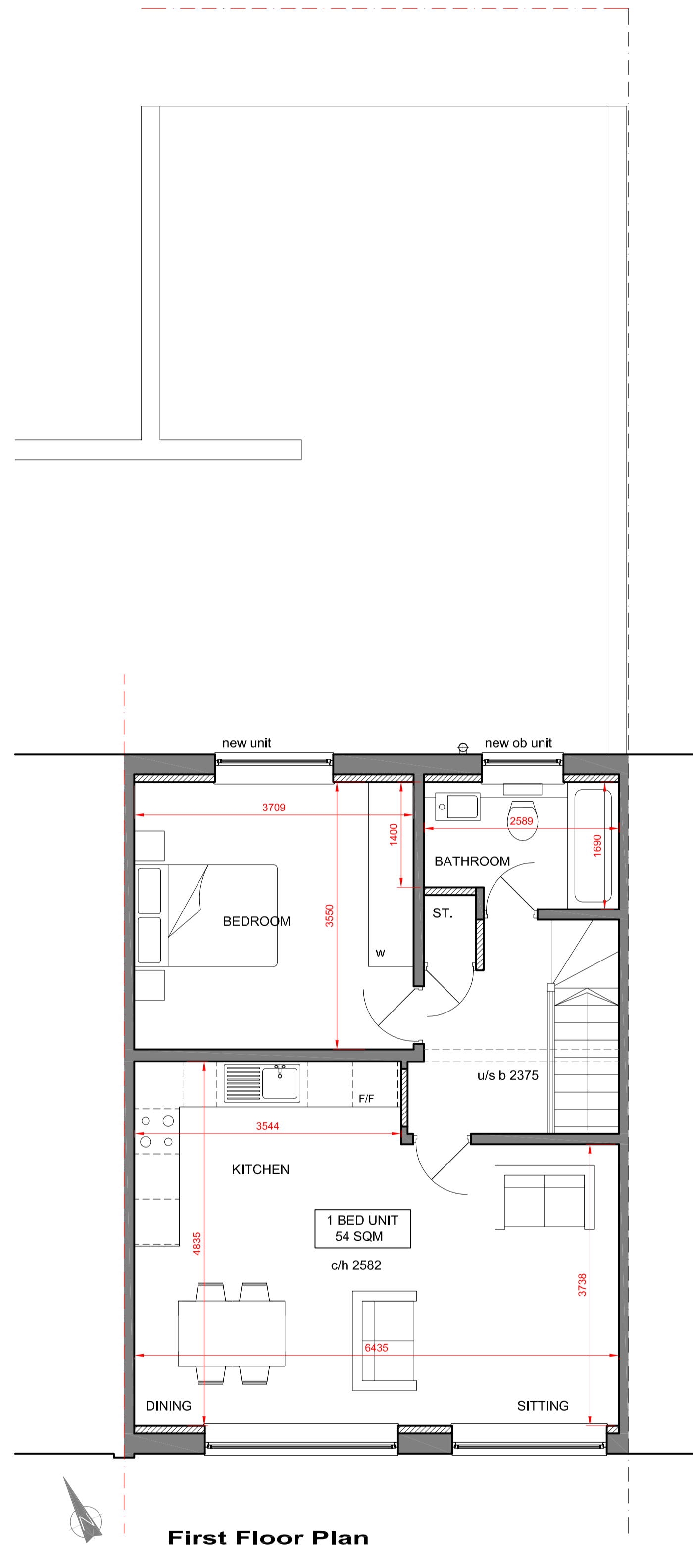
Status	Scale	Drawn	Date
Planning	1:50/100	nr	31.07.20
	Job number	Drawing no.	Revision
	1478	010	A

This page is intentionally left blank





Ground Floor Plan

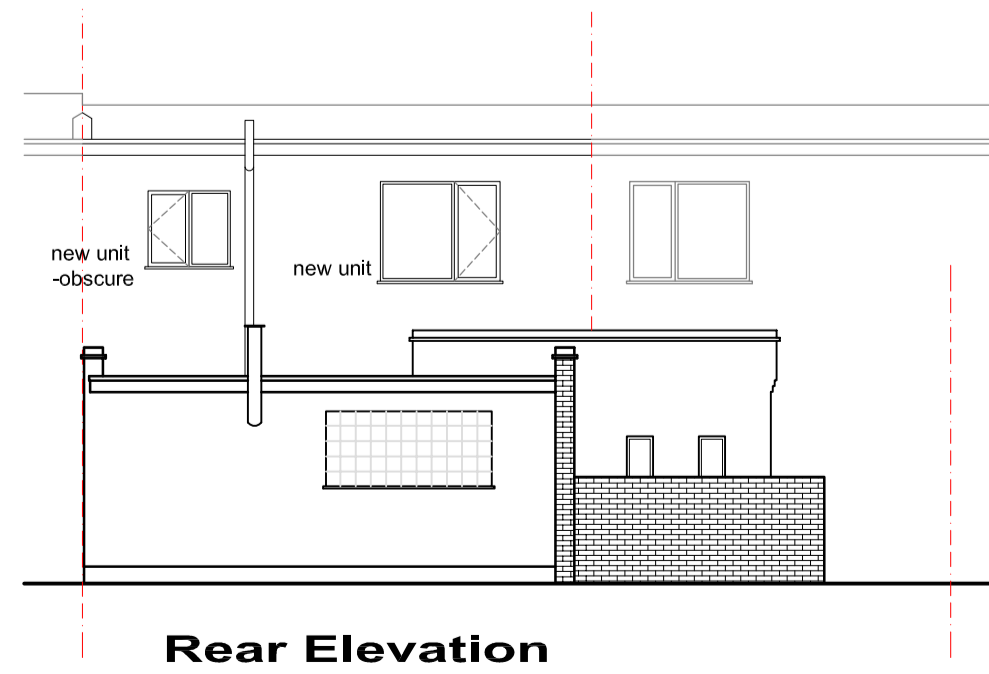


First Floor Plan

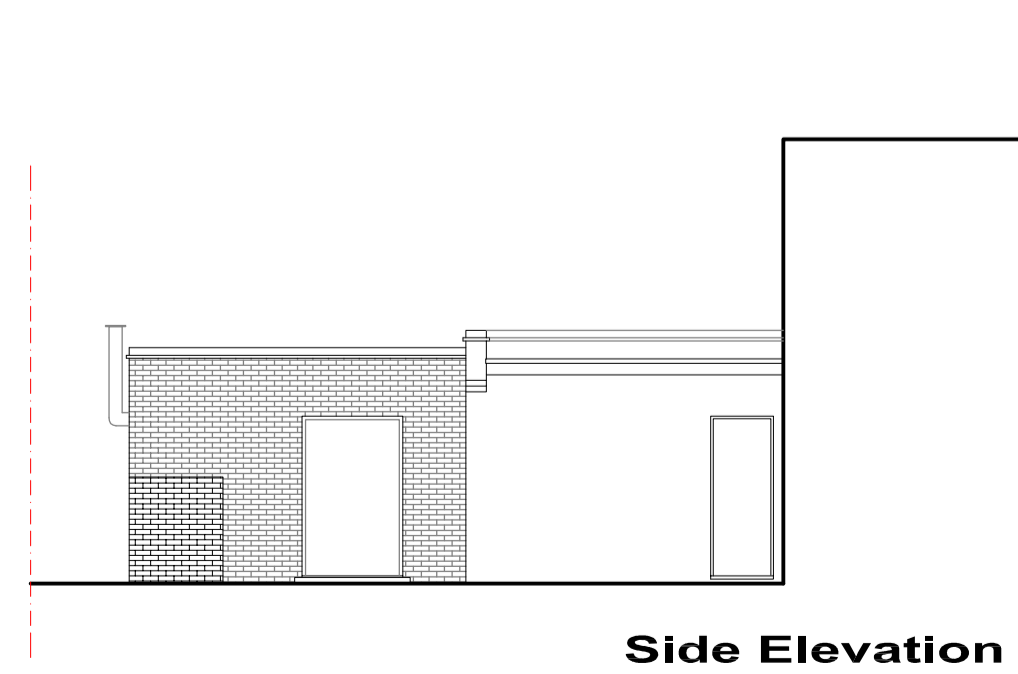
PROPOSED PLANS & ELEVATIONS



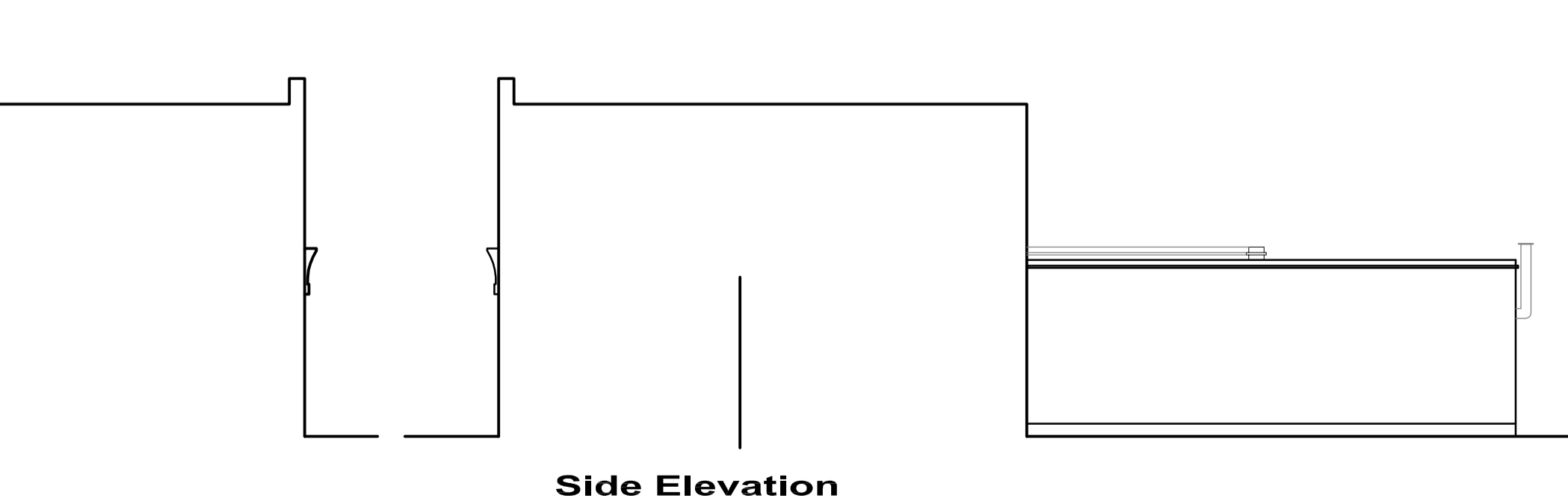
Front Elevation



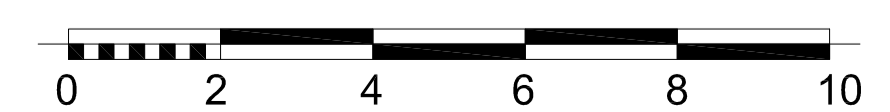
Rear Elevation



Side Elevation



Side Elevation



This drawing is copyright and shall not be reproduced nor used for any other purpose without written permission of the author.

Do not scale from this drawing, use figured dimensions only.

The drawing must be read in conjunction with all other project related drawings and documentation issued by the Architect and Appointed Consultants.

It is the contractor's responsibility to ensure compliance with the Building Regulations.

It is the contractor's responsibility to check all dimensions on site, any discrepancy to be reported immediately.

Details and sizes shown are indicative only and are subject to confirmation by the relevant Specialist contractor & sub-contractors.

This drawing is not to be used for Land Registry or sales purposes.

The Author is not responsible for any changes to the drawings as implemented on site without prior approval in writing.

Revision	Date
A	Amended following client meeting 24.08.20



suite 1  
royce house  
630-634 london road  
westcliff on sea  
essex  
ss0 9hw  
t 01702 715517  
e mail@knightgratrix.com  
w www.knightgratrix.com

Client  
**Eclipse Homes Ltd.**  
Project  
**91-93 Prince Avenue**  
Description  
**Proposed Change Of Use  
Proposed Plans**

Status	Drawn	Date
Planning	nr	31.07.20
Scale	1:50/100	
Job number	1478	
Drawing no.	011	
Revision	A	

This page is intentionally left blank

# 91-93 Prince Avenue

20/01450/FUL

# Street scene



# Street scene

299



# Application site

300



# Application site

301



# End of parade

302





# Rear elevation of parade

303



# Yard to the rear of the site



# The Bell PH / Toby Carvery to west of site

305



# Opposite site – south side of Prince Avenue



# Application site & slip road of Prince Avenue

307



This page is intentionally left blank

<b>Reference:</b>	20/01641/BC3	<b>10</b>
<b>Application Type:</b>	Borough Council Regulation 3	
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Demolish existing garages, erect two bed bungalow with associated amenity space and parking	
<b>Address:</b>	Garages Rear Of 40, 42, 44 And 46, Anson Chase, Shoeburyness	
<b>Applicant:</b>	Mr Martin Berry of Southend Borough Council	
<b>Agent:</b>	Mr David Lloyd of AK Design Partnership LLP	
<b>Consultation Expiry:</b>	4th November 2020	
<b>Expiry Date:</b>	11 <sup>th</sup> December 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>1217/04 (Topographic Survey)</b> <b>4760.102 –PL5</b> Supporting Statements <b>Design and Access Statement by AKDP dated Sept 2020</b> <b>Impact Statement by AKDP dated Sept 2020</b> <b>Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20.12.18</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## 1 Site and Surroundings

- 1.1 The proposed development is sited on a former garage block in Anson Chase. The garages on this site were undersized for modern cars and therefore redundant. The garages have now been demolished and only the garage bases remain. These are being used as temporary parking by local residents. The former garage blocks were utilitarian in appearance and not considered to make a positive contribution to the streetscene.
- 1.2 Anson Chase is made up of a number of small cul de sacs off a main spine road. The site is located in the middle one of the 3 dead end routes on the west side of the street. This arm provides rear access to the surrounding properties which either face the main section of the road to the east, the two other cul de sacs to the north and south or Shoebury Park to the west. The surrounding dwellings therefore all have their backs and boundary fences facing onto this area so there are no active frontages at ground level and as such the area is the least attractive space within Anson Chase.
- 1.3 The site is part of the Eagle Way estate which is a large 1970s Council housing estate comprising a mixture of houses and flats laid out in a landscape setting with segregated pedestrian and vehicular routes. The houses and flats are of their time – simple, flat fronted with modern glazing and low pitch gabled or asymmetrical roofs.
- 1.4 The wider area is residential in character. Behind the flats to the west is Shoebury Park. There are no site specific designations in this location.

## 2 The Proposal

- 2.1 The proposal seeks to erect a two bed wheelchair accessible bungalow on the site. The proposed bungalow is 6.1m deep by 13.5m wide and has a gabled roof that is 2.7m to the eaves and has a ridge height of 4.3m. It has a garden and dedicated parking area to the east side of the dwelling one of which is a disabled space with a car port over. Two additional general parking spaces are proposed to the south of the dwelling. The proposal will be constructed of brick and render with a tiled roof.



2.2 The proposal will form part of the council's accessible affordable housing stock.

### **3 Relevant Planning History**

3.1 No planning history.

### **4 Representation Summary**

#### **Public Consultation**

4.1 28 neighbouring properties were consulted and a site notice displayed. 1 letter of representation has been received raising the following issues:

- The area and the adjacent access area provide 25 parking spaces for the surrounding 25 dwellings. The plan to build on approximately 12 of these will leave the remaining residents with around half of the spaces and this is unacceptable.

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

#### **4.2 Environmental Health**

No objections subject to a condition requiring the site is remediated as there may be gas migration in the site.

#### **4.3 Highways Team**

There are no highway objections to this proposal.

#### **4.4 Parks**

No objections subject to a landscaping condition.

#### **4.5 Essex Fire Service**

No objections.

#### **4.6 National Grid**

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### **5 Planning Policy Summary**

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

- 5.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)
- 5.3 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), Policy DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

## **6 Planning Considerations**

- 6.1 The main issues for consideration include the principle of the development, the design and its impact on the character of the area, the standard of accommodation for future occupiers, the impact on neighbours, traffic and parking implications, sustainability, potential contamination, ecology impact including RAMs and CIL.

## **7 Appraisal**

### **Principle of Development**

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

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

*a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*  
*b) local market conditions and viability;*

*c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

*d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*

*e) the importance of securing well-designed, attractive and healthy places.*

- 7.2 Policy KP2 of the Core Strategy states development must be achieved in ways which *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*.
- 7.3 Policy CP4 requires that new development *“maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments”* and that this should be achieved by *“maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.4 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.
- 7.5 Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*.
- 7.6 Policy DM7 of the Development Management Document requires new housing development to meet the needs of the Borough in terms of the type and size of development proposed.
- 7.7 The site is in a residential area which comprises mainly family housing. There is therefore no objection in principle to new residential development in this location. The proposal seeks to provide an affordable wheelchair unit for which there is an identified need in the Borough. The principle of the development is therefore considered to be acceptable.

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

- 7.8 *Paragraph 124 of the NPPF states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.9 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.”*
- 7.10 Policy DM3 part 2 of the Development Management Document states that *“all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*

- (ii) Conflict with the character and grain of the local area; or*
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

- 7.11 The proposal seeks to erect a wheelchair accessible affordable bungalow on the site of a former garage block in the middle cul de sac of Anson Chase. This area has no active frontages at street level. It is mainly used for parking and access to the rear gardens of the surrounding properties.
- 7.12 The former garages were of a utilitarian design and did not make a positive contribution to local character. The proposed bungalow will introduce some active frontage to this area, improving local character and providing some natural surveillance to the rear of adjacent properties, which is to be welcomed.
- 7.13 The proposed bungalow has been located in the north west corner of the site with parking and amenity to the east side. The development will effectively close off pedestrian access between the middle cul de sac of Anson Chase and the northern cul de sac, however, it is noted that the surrounding properties all face onto other parts of the street and that there are alternative pedestrian routes through the estate. It is therefore considered that the proposal will not have a significant impact on the permeability of the area.
- 7.14 The proposed bungalow has a gabled form to reflect the character of the surrounding development. The elevations which face on to the close have large windows and a gabled roof projection and rendered window surrounds which add articulation to the design without appearing out of place in the wider context. Landscaped buffers are proposed to the south and west sides of the development to provide additional softening for the development and to enhance the streetscene.
- 7.15 Full details of materials have been provided which include red brick and brown roof tiles to match the surround houses, cream render, upvc windows, fascia and guttering and a timber carport with polycarbonate roof and the parking area will be block paved. These materials are considered to be acceptable.
- 7.16 Subject to the agreement of landscaping and boundaries it is considered that the design of the proposal will have an acceptable impact on the character of the area and the scheme is policy compliant in this regard.

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

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

### *Nationally Described Space Standards (NDSS)*

- 7.19 All new dwellings are required to meet the Nationally Described Space Standards in terms of overall property area and bedroom sizes. The required size for a 2 bed 3 person single storey dwelling is 61 sqm and the required bedroom sizes are 11.5 sqm and minimum width of 2.75m for the master and 7.5sqm and a minimum of 2.15m width for single rooms. The proposal comfortably meets all these standards and is therefore acceptable and policy compliant in this regard.

### *M4(2)*

- 7.20 All new dwellings are required to meet Building Regulations M4(2) to ensure that they are accessible and adaptable for all. The proposal is a dedicated wheelchair unit and will therefore meet M4(3) which is a higher standard than M4(2). The proposal is therefore acceptable and policy compliant in this regard.

### *Light and outlook*

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

### *Amenity Space*

- 7.22 A private garden of approximately 100 sqm is proposed to the east side of the proposed dwelling. This is considered sufficient to serve the needs of future occupants.
- 7.23 Overall, it is considered that the standard of accommodation is satisfactory and the proposal is acceptable and policy compliant in this regard.

### **Impact on Residential Amenity**

- 7.24 Policy DM1 of the Development Management Document states that development should, *“protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*
- 7.25 The proposal is single storey only. It is located between the rear gardens of the flats to the west (50-60) and the rear gardens of properties to the north (32) and east (40-44). The separation distance to the flats would be around 8.7m, however it is noted that the development only overlaps the rear boundary of the flats by some 4m and is single storey only. Given the existing arrangement of the garages and the limited scale of the development this relationship is considered satisfactory. The proposed dwelling would be set some 11m from the garden of the neighbour to the east and 6.5m to the closest corner of the garden to the north. This will be an improvement over the existing garages and is also considered to be acceptable.
- 7.26 No other properties are materially affected by this proposal. The proposal is therefore acceptable and policy compliant in its impact on neighbour amenity.

## **Traffic and Transportation Issues**

- 7.27 Policy DM15 states that dwellings of this size should be served by at least two off street parking spaces. Two off street parking spaces are proposed on the forecourt, including one disabled space and an additional two public spaces are proposed to the south of the dwelling. The proposal therefore meets the requirement for off street parking.
- 7.28 Concerns have been raised by neighbours in regard to the loss of on street parking for surrounding residents however, it is noted that the site was until recently occupied by 12 garages which each measured approximately 5.2m x 2.6m. This is significantly less than current garage standards in the Development Management Document and therefore the garages were unsuitable for parking modern cars. This led to the site being considered as redundant. The recent demolition of the garages has provided temporary parking space for local residents, however, this was only a temporary solution pending the redevelopment of the site. The rest of the close, which is not affected by the development, enables approximately 17 cars to be parked and there is further off street parking available in the remainder of Anson Chase. The proposed development includes 2 public spaces in addition to the off street parking for the new dwelling. It should also be noted that, unlike some parts of the Borough, this location is not considered to be an area of parking stress.
- 7.29 The council Highways Officer has not raised any objections to the proposal. On balance, it is considered that the provision of an affordable wheelchair dwelling is of significant benefit to the community and offsets the loss of the temporary on street parking in this location. The proposed parking layout is considered to be acceptable and the proposal is policy compliant in this regard.

### *Cycle and Refuse Storage*

- 7.30 No specific details have been provided in relation to cycle and refuse storage however it is considered that there is scope for these to be provided in the private amenity area.
- 7.31 The parking, traffic and highways implications of the development are therefore found to be acceptable and policy compliant.

## **Contamination**

- 7.32 The site was previously used as a garage court for many years and is at risk of contamination. A Phase 1 and Phase II Site Investigation Report has been submitted with the application. This concludes that:
- Testing indicated that the concentrations of pollutants within the suite of analysis were not elevated.
  - Based on the conceptual site model and risk assessment, low risk has been identified.
  - Remediation is therefore considered unnecessary.
  - The conceptual site model and risk assessment found a low risk to controlled waters.
  - The ground gassing regime has been classified as CIRIA C665 Characteristic Situation 1. Therefore special ground gas protection measures are not considered necessary.

- For potential soil excavation and disposal the soil samples assessed classify as Non-Hazardous, categorised as 17 05 04 in the List of Waste from WM3.

7.33 However, the Council's Environmental Health Officer notes that the site is within 250m of a gas works and there is therefore potential for gas migration to have occurred. He recommends that further investigations are carried and if necessary, a remediation strategy be submitted, agreed and implemented to ensure that the site is suitable for residential development. This can be secured by condition. Subject to this condition, the proposal is considered to be acceptable and policy compliant in this regard.

### **Sustainable Development**

7.34 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*. Policy DM2 of the Development Management Document states that *"to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions"*. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

7.35 The Design and Access Statement comments that roof mounted photo-voltaic panels are proposed but no calculations have been provided to demonstrate that this meets the 10% requirement. In addition, no information has been given regarding water usage. However, it is considered that, for a scheme of this size, the requirement for renewable energy and restrictions on water usage could be controlled with conditions. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to conditions.

### *Drainage*

7.36 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and where relevant, how they will avoid or mitigate tidal or fluvial flood risk

7.37 The site is located in flood risk zone 1 (low risk). No specific information has been provided regarding drainage. A condition can be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to that condition.

### **Permitted Development**

7.38 The proposal is located in close proximity of some boundaries, however, there is very limited scope for extension because of the shallow pitch of the roof and the arrangement of the amenity and parking areas. It is therefore not necessary to restrict permitted development rights in this instance.

### **Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)**

- 7.39 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29<sup>th</sup> October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via a S106 legal agreement or other suitable means, the proposal is considered to be acceptable and policy compliant in this regard.

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

- 7.40 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions.

The proposed development includes a gross internal area of 68.4 sqm, which may equate to a CIL charge of approximately £1,757.35 (subject to confirmation) however since the development would be for affordable housing the applicant can apply for an exemption.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide an acceptable standard of accommodation for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. On balance, there would be no materially adverse traffic, parking or highways impacts caused by the proposed development. It is also noted that the proposal would provide a new affordable wheelchair accessible dwelling for which there is an identified need in the Borough. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**



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

**(a) DELEGATE to the Interim Director of Planning or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to the following conditions and following the completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation to secure the provision of a financial contribution of £125.58 (index linked) to mitigate the potential disturbance to European designated sites in accordance with the Essex Coast Recreational disturbance Avoidance Mitigation Strategy or the securing of this same payment by other suitable means.**

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

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

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans 4760.102 –PL5**

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

**03 Prior to its occupation the materials for the external surfaces of the dwellings hereby approved shall be as set out on plan reference 4760.102-PL5 or any other details that have previously been submitted to and approved in writing by the local planning authority.**

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

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a lower ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:**

- i) proposed finished levels or contours;**
- ii) Details for the means of enclosure of the amenity area,**
- iii) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a**

**planting specification and the initial tree planting and tree staking details.**

**The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**05 The four car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 4760.102-PL5 shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces noted on the approved plan as 1 and 2 and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors. The remaining two parking spaces to the south of the proposed dwelling shall be permanently retained for public use.**

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

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

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

**07 Prior to occupation of the dwelling hereby approved, appropriate water**

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

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

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

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

**09 The development hereby approved shall be carried out in a manner to ensure the dwellinghouse complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.**

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

**10 With the exception of below ground investigation work and removal of the previous structures on site including the hardstanding, no development shall take place until and unless the following details have been submitted to and approved in writing by the local Planning Authority:**

- i) Notwithstanding the conclusions of the Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20 December 2018, due to the potential for gas migration and made ground at the site as noted in Table 6.18 and Table 12.1 of this report, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the local planning authority.**
- ii) The site shall be remediated as necessary in accordance with the approved Site Remediation Strategy before the construction of the development**

hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the local planning authority before completion of the development or occupation of the dwelling hereby approved (whichever comes first).

- iii) If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full before the building is occupied.

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

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

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

- (c) In the event that the planning obligation or other means of securing the financial contribution referred to in part (a) above has not been completed by 2<sup>nd</sup> December 2020 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, contrary to National and Local planning policy.

**Informatives:**

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

If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact

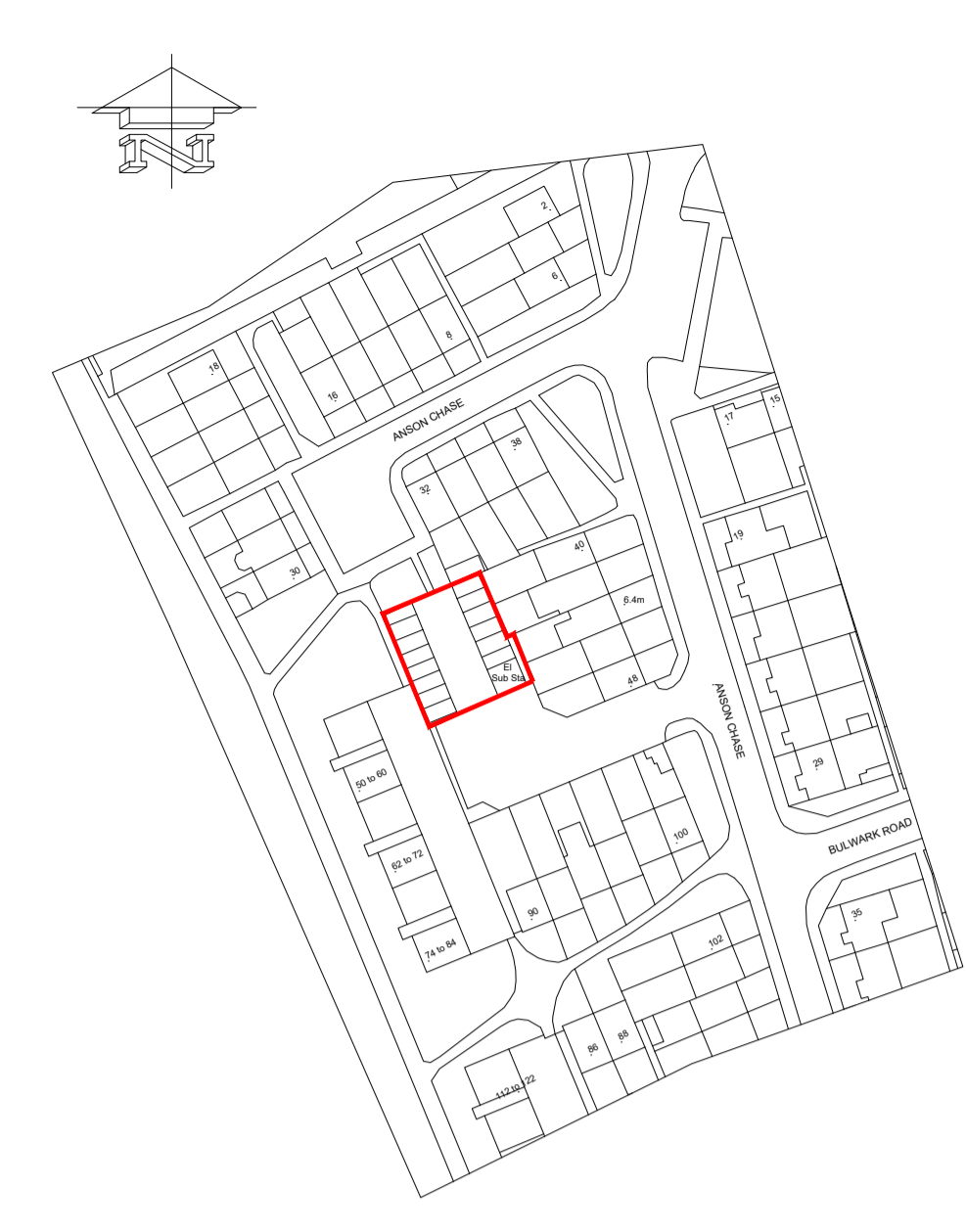
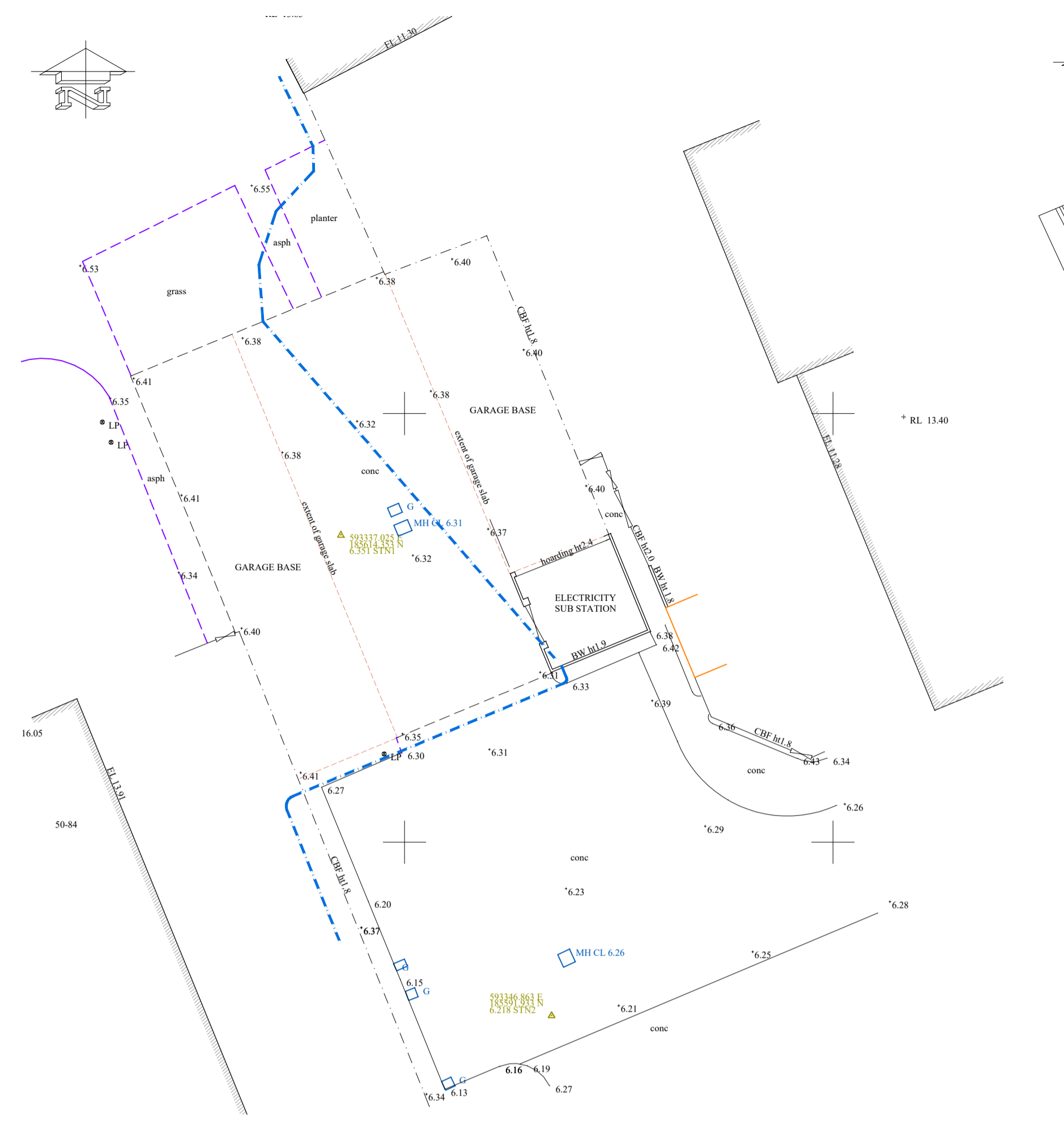
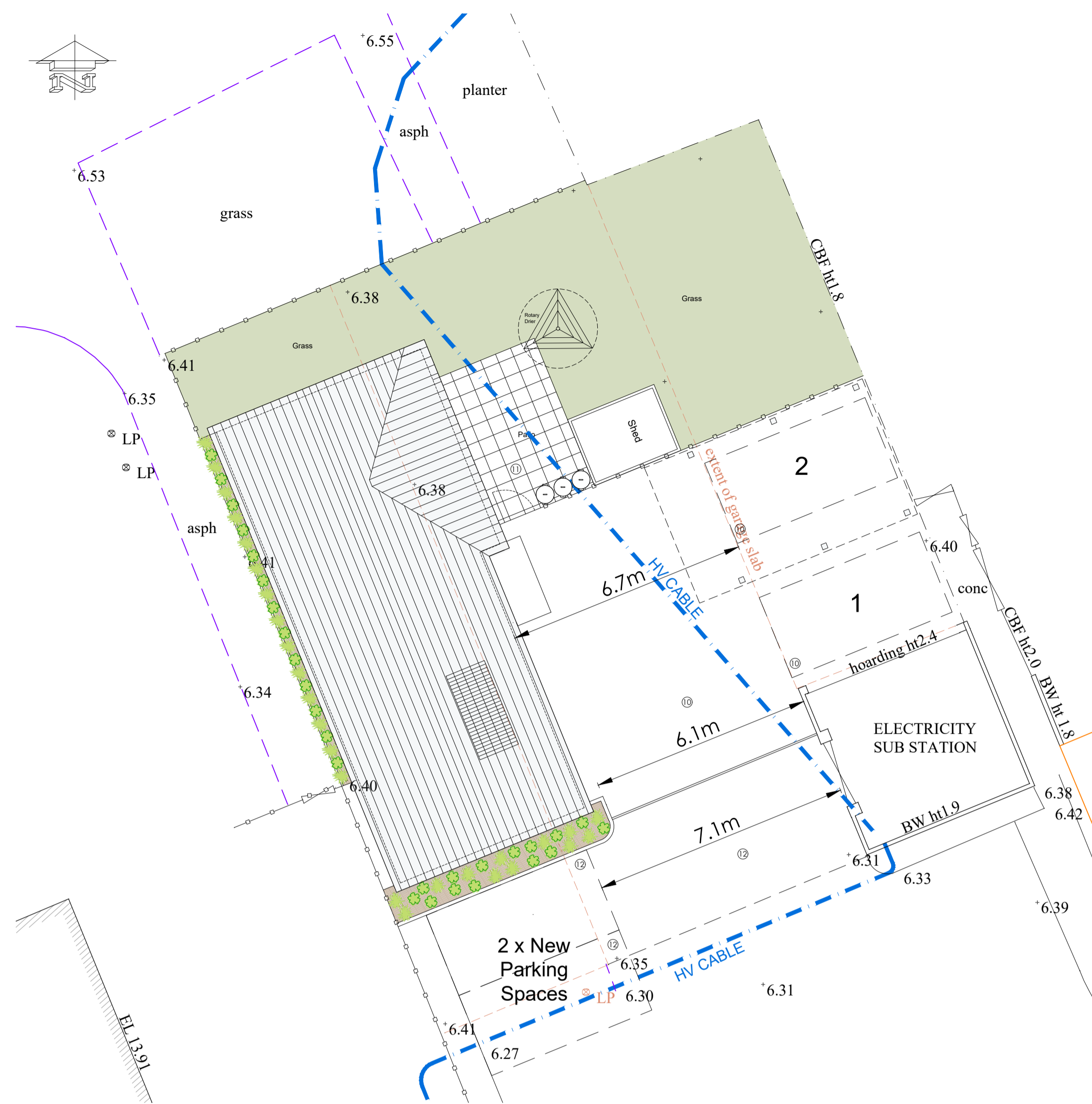
**[S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal**

**([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).**

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

**The Local Planning Authority has acted positively and proactively in determining this application by 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.**

This page is intentionally left blank

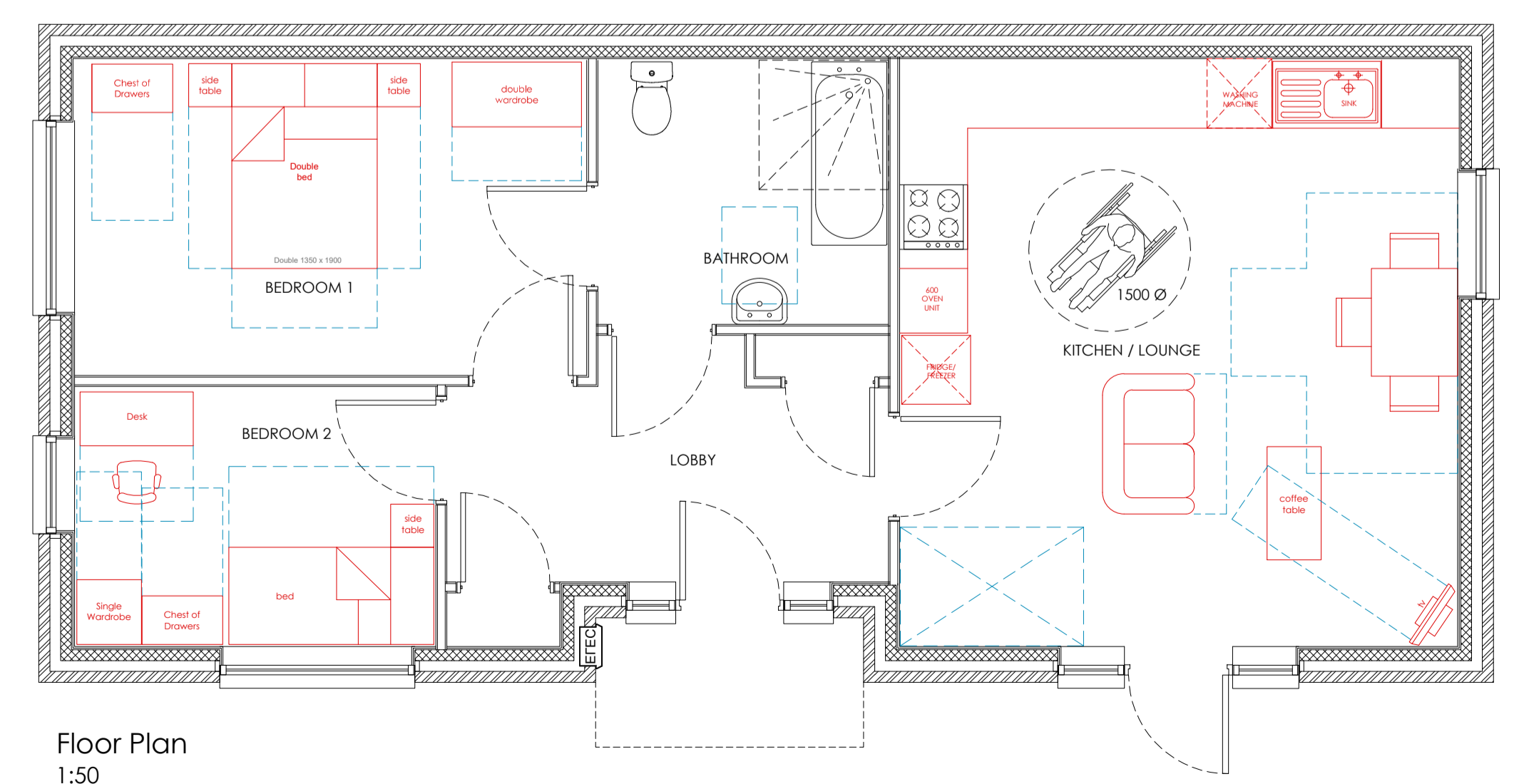
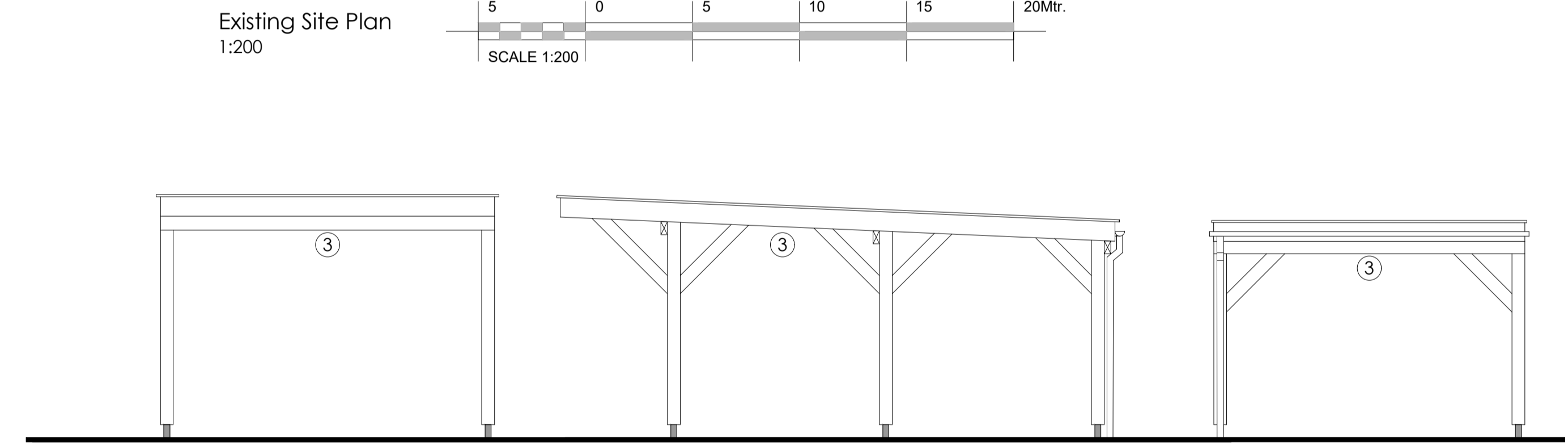
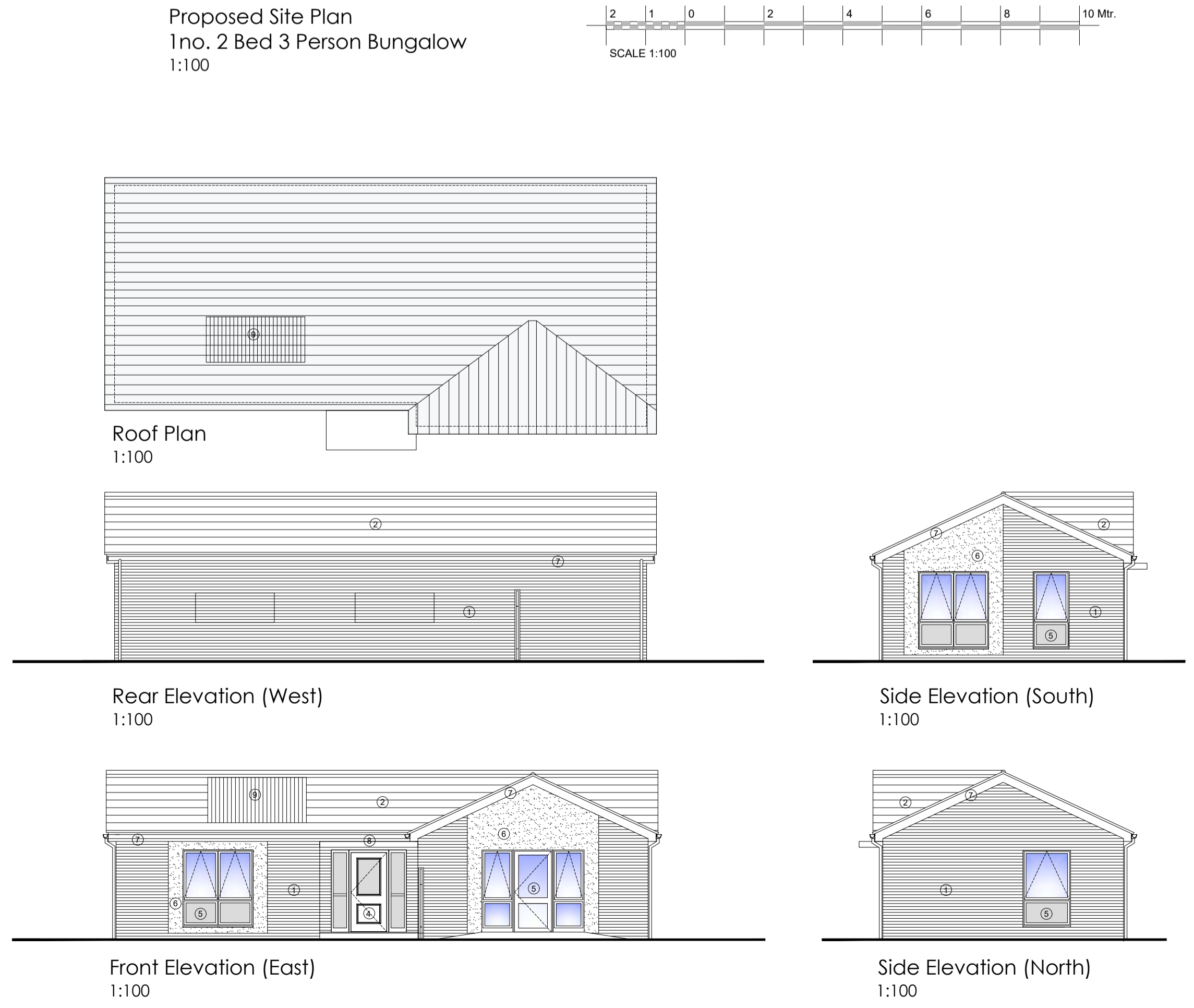


**LEGEND**  
Materials and Finishes indicated where applicable

- All About Bricks 'Red Multi Handmade' facing brickwork.
- Marley Eternit 'Modern' Concrete interlocking Tiles in 'Smooth Brown'.
- Carpport structural frame in timber with steel supporting shoes to raise timber posts off ground. Clad with UPVC. Colour to be 'White'. With Colour 'Clear/Opaque' Polycarbonate Roof.
- Birtley Lindsfame 'Front door to 'Secure by Design' standards. Colour to be 'Dark Blue/Black'.
- UPVC windows and rear doors to 'Secure by Design' standards. External Colour to be 'Slate Grey RAL 7015'. Internal Colour to be 'Pure White RAL 9010'.
- Render Finish. Colour to be 'Off White/Cream'.
- UPVC Soffits and Fascias. Colour to be 'White'. UPVC Guttering and Rainwater downpipes. Colour to be 'Black'.
- Felt roof on a canopy with UPVC Soffit & Fascia. Colour to be 'White'.
- Solar / PV panels. Panels shown indicative of general size and location, final position to be agreed with specialist consultant.
- Black pavilions up to pin kerb edging to demark boundary line. Colour to be 'Birch'.
- Textured Paving Slabs. Colour 'Buff'.
- Tarmacadam finish to match existing road surface. Colour 'Black'.

**Standards and Compliance**  
Dwellings designed to the requirements and guidance as laid out in the following technical manuals for general layout, quality of structure, energy efficiency and mobility access.

- National Housing Federation - Standards & Quality in Development.
- Joseph Rowntree Foundation/ Habinteg - Designing Lifetime Homes.
- NHBC Technical Standards.
- Building Regulations - Approved Documents.
- Secure By Design - New Homes Security.



**PLANNING ISSUE**

PL5	30.09.20	PLANNING ISSUE: Carpport, roof plan and materials list added.	DBL	DBL
PL4	17.09.20	Gable end over Bedroom 2 removed and roof design simplified.	DBL	DBL
PL3	13.08.20	Roof pitch changed. All hipped roofs changed to gable ends. Render feature panels added. Landscaping added.	DBL	DBL
PL2	20.05.20	INITIAL PLANNING ISSUE	BF	DBL
PL1	04.05.20	MINOR LAYOUT CHANGES	BF	DBL
P2	28.04.20	AMENDMENTS TO LAYOUT & ELEVATIONS	BF	DBL
P1	23.04.20	INITIAL PRELIMINARY ISSUE	DBL	DBL
REV	DATE	DESCRIPTION	BY	APP'D



**PROJECT**  
ANSON CHASE  
SHOEBURNESS

**DRAWING TITLE**  
PROPOSED FLOOR PLANS, ELEVATIONS  
AND SITE PLAN  
1 No. 2 BED 3 PERSON WHEELCHAIR  
BUNGALOW @68.9M<sup>2</sup>

DATE	APRIL 2020	DWG. No.	4760.102	REV.	PL5
SCALE	1:50, 1:100@A1	DRAWN BY:	DBL	DATED	-
CHECKED BY:	DBL	DATED	-		

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

CEME INNOVATION CENTRE  
CEME CAMPUS  
MARSH WAY  
RAINHAM  
RM13 8EU

TEL: 020 8596 7070  
E-MAIL: office@akdesign.co.uk  
WEB SITE: www.akdesign.co.uk

This page is intentionally left blank



# Anson Chase Garage Site

November 2020

# Anson Chase Site – prior to demolition of garages showing existing on street parking



# Site

329



# Flats to west and site

330



# Existing on street parking in close

331



# Boundary to flats



# Site and Houses to north



# Houses to east and sub station





# Houses to east

335



# Looking NE

336



# Open space to west

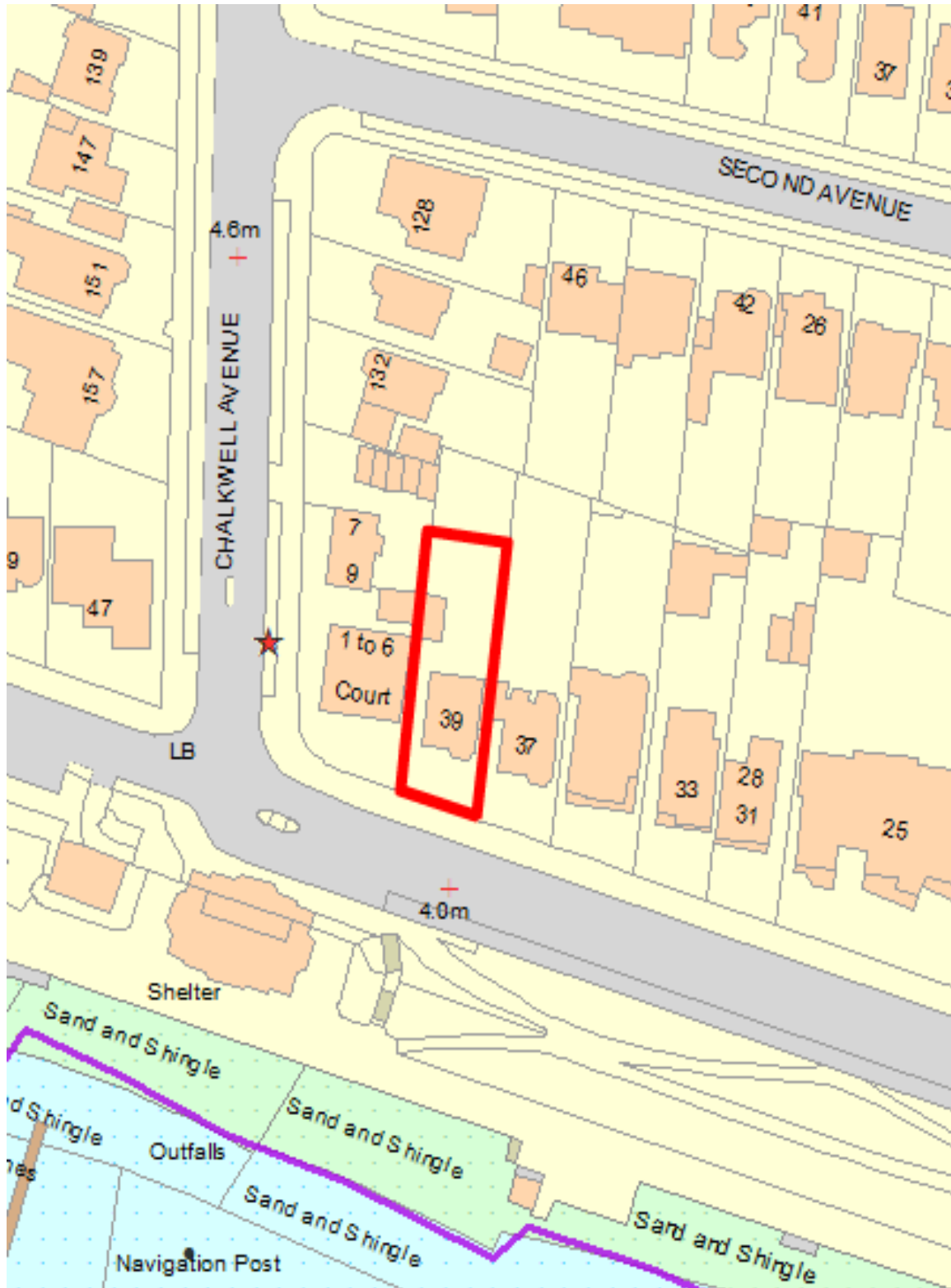


# Site looking SE

338



<b>Reference:</b>	20/01698/FUL	<b>11</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Demolish dwellinghouse, erect detached three storey building to form two self-contained flats and layout parking to rear, amenity areas and landscaping (Amended Proposal)	
<b>Address:</b>	39 Chalkwell Esplanade, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	Barron Homes South East Ltd	
<b>Agent:</b>	Metson of Metson Architects Limited	
<b>Consultation Expiry:</b>	13th November 2020	
<b>Expiry Date:</b>	10th December 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>1830-X-00, 1830-X-01-B, 1830-X-02, 1830-X-03, 1830-TP301-A, 1830-TP302-A</b> Supporting Documents <b>Planning, Design and Access Statement reference 1830-DAS-3 dated October 2020</b> <b>Daylight and Sunlight Study by Rights of Light Consulting date 16<sup>th</sup> December 2019</b> <b>Flood Risk Assessment by Evans Rivers and Coastal reference 2237/RE/02-19/01 REVISION A dated December 2019</b> <b>Sequential and Exceptions Test by Swell reference S19-522 Rev 2 dated December 2019</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## 1 Site and Surroundings

- 1.1 The site is located on the north side of Chalkwell Esplanade and has an outlook onto the estuary. It currently contains a two storey detached dwelling with forecourt parking for 3 cars to the front and a garden to the rear. The building has a half hipped roof and large balcony to the front and feature hanging bay to the side. The building is currently vacant.
- 1.2 The property is the western most property in a group of similar detached houses on this part of Chalkwell Esplanade. Although each of the houses is a different design they have a number of common features including distinctive forward facing hipped or half hipped roofs, wide front balconies and a consistency of building width, spacing and scale (2-3 storeys). As such they form a cohesive group within the wider frontage. The houses are set on an angled but fairly consistent building line which follows the line of the street. Most have parking to the front or side and gardens to the rear.
- 1.3 To the west of the application site is a small block of 1970s style flats which have a box like form and flat roof with roof terrace. These are an anomaly in the streetscene but their relatively modest scale and corner position provides some justification for the change in form. To the east of this group of 5 houses is Chapmans Sands flats. This is a larger flatted block of part 3.5, part 4.5 storeys formed by an amalgamation of sites and as such appears much wider and bulkier than the prevailing streetscene and rather out of place in this more domestic context. The finer grain of detached houses with hipped fronts continues on the other side of this block.
- 1.4 The surrounding area is generally characterised by residential development comprising mainly large houses. The site is located in Flood Zone 3a and within Development Management Seafront Character Zone 4.

## 2 The Proposal

- 2.1 The proposal seeks to demolish the existing building and erect a three storey detached flatted block on the site with parking to the rear. The proposed development has a hipped roof form with an eaves height of 7.8m and a ridge height of 11.2m reducing to 9.9m at the rear. The proposal is 8.8m wide and has a depth of 17.1m at ground level, reducing to between 15.8m and 11.5m at first floor and between 14.6m and 10.4m at second floor.
- 2.2 Two three bed duplex flats are proposed. The flats sizes are as follows:

Flat	Size	Bed 1	Bed 2	Bed 3	Terrace
Flat 1 G + 01 3b6p	171.9 sqm	44.6sqm w=5.65m	20 sqm w=4.1m	16.8 sqm w=3.2m	16.7 sqm + 35 sqm at ground
Flat 2 01 + 02 3b5p	161 sqm	13.7sqm w=3.35m	11.2 sqm w=2.75m	10.7 sqm w=2.85m	18.3 sqm

- 2.3 Each unit has 2 parking spaces to the rear accessed by a drive to the east side of the building. A cycle and refuse store is also shown in this area. The entrance to the flats is located to the east elevation.

2.4 The proposed materials are Titanium grey brick and zinc cladding, a slate and glass roof with integrated sun shading and grey metal windows, timber doors and glazed balustrades with privacy screens to the west side.

2.5 This application is an amended proposal following the refusal of application reference 19/02312/FUL which sought to demolish the dwellinghouse and erect a detached three storey building to form two self-contained flats and layout parking to rear. That application was refused for the following reason:

*01 The proposal, by reason of its scale, form, design and siting would create an overbearing relationship resulting in a material sense of enclosure and material reduction of outlook for residents of 37 Chalkwell Esplanade and 1-6 Viceroy Court to the detriment of the amenities of these occupiers. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).*

2.6 The application was also dismissed at appeal (reference APP/D1590/W/20/3249868). In determination of this appeal the inspector concluded that:

*'7.....the proposal would harm the living conditions of the occupants of No 37 in terms of outlook from the rear garden.'*

2.7 The appeal inspector considered all other aspects of the scheme, including the impact on Viceroy Court to the west, to be acceptable and policy compliant. These issues are discussed in more detail below. The Appeal Decision is attached to this report as Appendix 1 and previous committee report as Appendix 2. It is noted that the officer recommendation for application reference 19/012312/FUL was for approval but this was overturned at committee.

2.8 In order to address the inspectors concerns the following amendments have been made to the proposal:

- At ground floor the building has been reduced in width by 400mm on the west side to increase the separation to Viceroy Court.
- At first floor the building has been reduced in width by 300mm on the west side to increase the separation to Viceroy Court and the scale of the building at the north east corner has been reduced by 4.2m in depth and between 2m and 1.75m in width to reduce the impact on number 37 Chalkwell Esplanade.
- At second floor the building has been reduced in width by 300mm on the west side to increase the separation to Viceroy Court and the scale of the building at the north east corner has been reduced by 4.2m in depth and between 2.6m and 2.4m in width to reduce the impact on number 37 Chalkwell Esplanade.
- The overall height of the main ridge has been reduced by 100mm but the height of the rear projection has been increased by 0.5m
- The internal layout has been amended to take account of these changes.

### **3 Relevant Planning History**

3.1 19/02312/FUL - Demolish dwellinghouse, erect detached three storey building to form two self-contained flats and layout parking to rear, amenity areas and landscaping (Amended Proposal) refused and dismissed on appeal.



- 3.2 19/00933/FUL - demolish the dwellinghouse and erect a detached four storey building to form four self-contained flats and layout parking to rear – refused.

## **4 Representation Summary**

### **Public Consultation**

- 4.1 16 neighbouring properties were consulted and a site notice displayed. 5 representations have been received raising the following summarised issues:

- Impact on the amenities of neighbouring properties.
- The footprint should be the same as the existing building including maintaining the driveway to the west side.
- Impact on the streetscene symmetry and balance.
- The development appears squashed and out of scale.
- Loss of light and outlook to bathrooms and kitchens of Viceroy Court.
- Loss of privacy to balconies of Viceroy Court.
- Impact of rear fence on outlook from Viceroy Court.
- Impact on maintenance access for Viceroy Court.
- Impact on views from Viceroy Court.
- Impact on local character.
- The amendments are cosmetic and do not address the inspector's concerns.
- Noise impact from parking area.
- Impact on peaceful enjoyment of neighbouring gardens.
- Environmentally unsound.
- Loss of garden.
- Concerns relating to maintenance of adjoining dwellings.
- Ownership and covenant concerns.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, following assessment, none are judged to represent a reasonable basis to refuse planning permission in the circumstances of this case.

### **Environment Agency**

- 4.2 No objections.

### **London Southend Airport**

- 4.3 There are no objections to this proposal.

### **Highways**

- 4.4 There are no highways objections to this proposal. 2 off street parking spaces have been provided for each dwelling which is policy compliant.

The applicant will be required to apply to highways to amend the vehicle crossover. The maximum width of the vehicle crossover is 4.88m.

## **Environmental Health**

- 4.5 The Daylight and Sunlight report shows that the proposal will have a low impact on neighbouring properties in terms of daylight/sunlight and overshadowing to gardens.

No objections subject to conditions relating to waste management, construction hours and flood mitigation measures.

## **Parks**

- 4.6 The proposal should not have a detrimental impact on the nature designations on the foreshore.

A landscaping scheme should be conditioned and this should include measures to increase biodiversity at the site.

## **Essex Fire Service**

- 4.7 No objections.

## **Committee Call In**

- 4.8 The proposal was called to committee by Councillor Folkard.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development), DM3 (The Efficient and effective use of land), DM6 (Southend Seafront), DM7(Dwelling Provision), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.6 Design & Townscape Guide (2009)
- 5.7 Vehicle Crossing Policy & Application Guidance (2014)
- 5.8 National Technical Housing Standards (2015)
- 5.9 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## 6 Planning Considerations

- 6.1 The main considerations for this application are the principle of the development including flood risk, the design including the impact of the proposed works on the character and appearance of the area, the standard of accommodation for future occupiers, any impact on neighbours, the traffic and transportation implications, sustainability, ecology impact including RAMs, CIL and whether the proposal has addressed the concerns raised by the inspector in the recent appeal. This appeal decision carries significant weight in the determination of this amended proposal as it was assessed against materially the same policy context and site circumstances.

## 7 Appraisal

### Principle of Development

- 7.1 The principle of the development, including flood risk, was fully assessed in the previous application reference 19/02312/FUL and found to be acceptable subject to a condition requiring the recommendation of the flood risk strategy to be implemented. The planning inspector raised no objections to these issues in the recent planning appeal. Both the previous committee report and the appeal decision are appended to this report. There have been no material changes in circumstances since the determination of the appeal. The principle of the proposal remains acceptable and the proposal policy compliant in this regard.

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

- 7.2 *Paragraph 124 of the NPPF states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.3 Policy KP2 of the Core Strategy advocates the need for all new development to “respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”. Policy CP4 of the Core Strategy states “development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”
- 7.4 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.5 Policy DM6 makes specific reference to the changing character of the seafront and has sought to ensure that the special character of this area, which has been eroded in places, is better respected.
- 7.6 The planning inspector raised no concerns to the previously refused proposal in terms of its design, scale or impact on local character including the visual relationship with Viceroy Court.

- 7.7 The proposal is a similar design to that refused and dismissed at appeal under reference 19/02312/FUL, particularly in terms of its general scale, siting on the site and design approach and the proposal remain acceptable in this regard. A full appraisal of these aspects of the design can be found on the previous committee report which is appended to this report at Appendix 2.
- 7.8 As noted above the building has been marginally reduced in width to the west side and a section of the building at the north east corner has been removed at first and second floor levels to reduce the impact of the proposal on the neighbouring amenity space to the east. These changes have not had a material impact on the design of the development as seen from the front or its impact on the wider streetscene. These aspects of the design remain acceptable.
- 7.9 The amendments have impacted on the design of the rear elevation. Overall, the proposal is not as balanced as the previous design however the changes are generally well resolved and considered to be acceptable.
- 7.10 Overall, it is considered that the design of the revised proposal is acceptable and the proposal is policy compliant in terms of all design and character matters.

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

#### *Floor space standards*

- 7.11 All new homes are required to meet the National Technical Housing Standards in terms of floorspace. The required size for a two storey, 3 bed 6 person household is 102sqm and a two storey 3 bed 5 person household is 93sqm. The minimum standards for double bedrooms are:
- Master - min area 11.5 sqm, min width 2.75m
  - Other doubles – min area 11.5 sqm, min width 2.55m
  - Singles - min area 7.5 sqm, min width 2.15m
- 7.12 The changes to the overall form of the building at the rear has resulted in a change to the internal layouts and overall floor areas of the proposed flats, however, as noted in section 2 above, both flats are still well in excess of the minimum standards in terms of overall floorspace and bedroom sizes and widths. This aspect of the proposal remains acceptable.

#### *Quality of Living Space*

- 7.13 All habitable rooms have good outlook and daylight and the amended proposal is acceptable and policy compliant in this regard.

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

- 7.14 Development Management Policy DM8 requires all new homes to be accessible and meet the standards set out in Building Regulations M4(2) Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough meet the needs of all generations.

- 7.15 No information regarding M4(2) has been provided. However, as with the previous application, the flats are generous in size and served by a lift and it is considered that this requirement could be secured by condition requiring full compliance with M4(2). The proposal is acceptable and policy compliant in this regard subject to this condition.

#### *Amenity Provision*

- 7.16 Both flats have a large terrace to the front and flat 1 also has a ground floor terrace area. This arrangement is unchanged from the previous application which was considered to be acceptable. The proposal therefore remains acceptable in terms of amenity provision.
- 7.17 Overall, it is considered that the amended proposal would provide an acceptable standard of accommodation for future occupiers.

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

- 7.18 Paragraph 343 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.*” 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.*”
- 7.19 The previous application was refused because it was considered that the scale, form, design and siting of the development would create an overbearing relationship resulting in a material sense of enclosure and material reduction of outlook for residents of 37 Chalkwell Esplanade and 1-6 Viceroy Court. These issues were considered in the subsequent appeal and the following comments were made by the inspector:

*‘4. The proposal has been reduced in terms of height and depth compared to the previously refused development and would not extend beyond the principal elevation of No 37. Nonetheless, although stepped down in height towards the rear, it would still extend at three storey level a considerable distance (over 10 metres from the evidence before me) beyond the rear elevation of No 37. This depth would be excessive and, whilst set away from the shared neighbouring boundary compared to the existing property, the proposal’s overall size and positioning would appear visually dominant and oppressive from the primary garden area close to the rear elevation of this neighbouring property. This would make this rear garden a significantly less pleasant space in which to spend time, to the detriment of the living conditions of the occupants of No 37.*

*5. Notwithstanding the above, from the evidence, the proposal would not cause a significant loss of outlook to windows within the side elevation of No 37 that face the appeal site. However, this does not justify permitting a scheme that would so harmfully impact upon the external living space at this property in the manner identified.*

*6. Turning to Nos 1-6 [Viceroy Court], there are only obscure glazed, secondary light sources within the side elevation of this block of flats that faces the appeal site. In addition, the proposal would not extend significantly beyond the rear elevation of these flats and only its glass balconies would project beyond their principal elevation. Taking this into account, although the proposal would be positioned closer to Nos 1-6*

*compared to the existing property, it would not appear visually oppressive from within these flats or their associated external amenity space.*

*7. Nevertheless, for the reasons given, I conclude that the proposal would harm the living conditions of the occupants of No 37 in terms of outlook from the rear garden. It would therefore conflict with Policies DM1 and DM3 of the Development Management Document.'*

- 7.20 The inspector upheld the council's reason for refusal but only in terms of the impact of the depth of the proposal on the rear garden outlook of number 37 Chalkwell Esplanade. In all other respects, including the impact on the amenities of the occupiers of 1-6 Viceroy Court and the impacts on the internal environment of 37 Chalkwell Esplanade, the inspector considered the proposal to be acceptable. The full appeal decision is appended to this report at Appendix 1.
- 7.21 In order to address the inspector's concerns the scale of the building has been significantly reduced in its north east corner at first and second floor. The projection past the rear building line of number 37 has been reduced from 10.2m to 5.75m at first floor and from 9.5m to 5.1m at second floor. The proposal projects out a further 4.2m on its west at the rear but this element of the proposal is set back around 7m from the side wall of number 37. The differences between the appeal scheme and the current application are clearly set out on plan reference 1830-TP302-A.
- 7.22 The reduction in scale of the north east corner of the building will materially reduce the impact of the proposal on the garden outlook from number 37 Chalkwell Esplanade. It is considered that the amended proposal has successfully addressed the concerns raised by the inspector in this regard and the amended proposal will have no unacceptable impact on the amenities of this neighbour in terms of their amenities including garden outlook.
- 7.23 In relation to the other changes to the scheme it is noted that the separation to Viceroy Court to the west, which was considered by the inspector to be acceptable, has increased by 400mm at ground floor and 300mm at first and second floors. This will slightly improve the relationship with this neighbour. It is also noted that the ridge of the rear projection has been increased by 0.5m. The eaves height remains unchanged. This amendment is in a non-sensitive location in relation to neighbouring occupiers and as such it is considered that it will not have an unacceptable impact on the amenities of neighbouring occupiers in terms of dominance, an overbearing impact, overshadowing, means of enclosure or light.
- 7.24 Overall, these changes are considered to have addressed the concerns raised by the inspector and the proposal is acceptable and policy compliant in its impact on neighbour amenity.

### **Traffic and Transportation Issues**

- 7.25 Development Management Policy DM15 requires that all new flats outside the central area provide 1 off street car parking space per dwelling. 2 parking spaces per property as well as cycle and refuse stores are proposed to the rear of the site.

- 7.26 The proposed parking, refuse and cycle storage arrangement are unchanged from application reference 19/02312/FUL which was found to be satisfactory (the officers report for this application is included in Appendix 2). No concerns were raised by the inspector in terms of the parking provision or layout. These elements of the proposal remain acceptable and the proposal is policy compliant in these regards subject to a condition relating to the provision and retention of two parking spaces and a condition requiring refuse and recycling storage and cycle storage to be provided.

### **Sustainability and Drainage**

- 7.27 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.28 The sustainability of the development was previously considered acceptable subject to conditions relating to the provision of onsite renewables, water efficiency and the agreement of a sustainable drainage scheme. No concerns were raised by the inspector in relation to the sustainability of the development. This remains acceptable subject to these conditions.

### **Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)**

- 7.29 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29<sup>th</sup> October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This tariff has been paid.

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

- 7.30 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of 348 sqm, which may equate to a CIL charge of approximately £ 26,822.77 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the ‘in-use building’ test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, and attaching significant weight to the basis of the previous planning application and planning appeal decisions relevant to the site, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This amended application has overcome the Inspector's concerns in relation the impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

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

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

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans 1830-X-00, 1830-X-01-B, 1830-X-02, 1830-X-03, 1830-TP301-A, 1830-TP302-A**

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

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

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



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

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

**05 Prior to the occupation of the approved development, details of the privacy screens to be installed to the balconies hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.**

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

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

- i. details of any means of enclosure for all boundaries of the site including any gates, walls or boundary fencing;**
- ii. hard surfacing materials;**
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- iv. details of measures to enhance biodiversity within the site;**

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

**Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to**

**Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)**

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

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

**08 The four car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 1830-TP-301-A shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwellings hereby approved. The site shall not be occupied until the redundant crossover has been reinstated as footway.**

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

**09 The development shall not be occupied until full details of the refuse and recycling store and secure, covered cycle parking to serve the residential development have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development and made available for use and shall be permanently retained thereafter.**

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

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

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

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

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

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

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

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

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

**14 The development hereby approved shall be carried out in full accordance with the mitigation and resilience measures identified in Section 6 of the Flood Risk Assessment by Evans reference 2237/RE/02-19/01 Revision A before the dwellings are occupied.**

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

**Informatives:**

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

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

**03 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.**

**04 The applicant will be required to apply to highways to amend the vehicle crossover. The maximum width of the vehicle crossover is 4.88m.**

**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.**

## Appendix 1 Appeal Decision



The Planning Inspectorate

---

# Appeal Decision

Site visit made on 18 August 2020

by **M Heron BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> September 2020

---

**Appeal Ref: APP/D1590/W/20/3249868**

**39 Chalkwell Esplanade, Westcliff-On-Sea SS0 8JQ**

- 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 Cheek (Barron Homes South East Ltd) against the decision of Southend-on-Sea Borough Council.
  - The application Ref 19/02312/FUL, dated 17 December 2019, was refused by notice dated 10 February 2020.
  - The development proposed is described as 'demolish dwellinghouse and construct detached apartment block, comprising two flats and four off-street car parking spaces. Layout amenity areas and landscaping'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 37 Chalkwell Esplanade and 1-6 Viceroy Court, with particular regard to outlook.

### Reasons

3. The appeal site is located on the northern side of Chalkwell Esplanade and accommodates a detached, two-storey, dwelling. This is positioned in-between a three-storey block of flats to the west (Nos 1-6) and a detached two-storey dwelling to the east (No 37). This proposal seeks permission to demolish the existing dwelling at the appeal site and construct a detached, three-storey, block of two flats. It follows the refusal of a scheme for four flats at the site under application Ref 19/00933/FUL.
4. The proposal has been reduced in terms of height and depth compared to the previously refused development and would not extend beyond the principal elevation of No 37. Nonetheless, although stepped down in height towards the rear, it would still extend at three storey level a considerable distance (over 10 metres from the evidence before me) beyond the rear elevation of No 37. This depth would be excessive and, whilst set away from the shared neighbouring boundary compared to the existing property, the proposal's overall size and positioning would appear visually dominant and oppressive from the primary garden area close to the rear elevation of this neighbouring property. This would make this rear garden a significantly less pleasant space in which to spend time, to the detriment of the living conditions of the occupants of No 37.
5. Notwithstanding the above, from the evidence, the proposal would not cause a significant loss of outlook to windows within the side elevation of No 37 that face

the appeal site. However, this does not justify permitting a scheme that would so harmfully impact upon the external living space at this property in the manner identified.

6. Turning to Nos 1-6, there are only obscure glazed, secondary light sources within the side elevation of this block of flats that faces the appeal site. In addition, the proposal would not extend significantly beyond the rear elevation of these flats and only its glass balconies would project beyond their principal elevation. Taking this into account, although the proposal would be positioned closer to Nos 1-6 compared to the existing property, it would not appear visually oppressive from within these flats or their associated external amenity space.
7. Nevertheless, for the reasons given, I conclude that the proposal would harm the living conditions of the occupants of No 37 in terms of outlook from the rear garden. It would therefore conflict with Policies DM1 and DM3 of the Development Management Document. Amongst other things, these seek to ensure that proposals do not have a detrimental impact upon the living conditions of the occupants of neighbouring properties in terms of outlook. It would also conflict with the Council's supplementary planning document 1 design and townscape Guide which has a similar objective. I have been referred to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy. However, these deal with matters such as character and appearance and infrastructure and are not relevant to this main issue.

### **Planning Balance**

8. The Government is seeking to significantly boost the supply of housing. However, whilst in an accessible location, the development for a single additional dwelling at the site would make only a minimal contribution to the Council's housing stock. In addition, the economic benefits associated with the construction and occupation of the scheme would be relatively small. In this context, I give modest weight to these social and economic benefits.
9. The proposal would be acceptable in some respects. For example, in terms of flooding and highway safety. In addition, it would not result in harm to the character and appearance of the area or harm the living conditions of the occupants of surrounding properties in terms of privacy and access to daylight. However, these are requirements of the development plan and are therefore neutral factors in the overall balance.
10. On the other hand, the proposal would harm the living conditions of the occupants of No 37 in terms of outlook from the rear garden. It would therefore fail to accord with the National Planning Policy Framework (the Framework) insofar as it seeks to secure a high standard of amenity for existing users. This carries significant weight against the scheme.
11. Overall, the adverse effects would outweigh the benefits associated with the provision of one additional dwelling at the site. The proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

### **Conclusion**

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

*M Heron*

INSPECTOR

**Appendix 2 Committee Report for 19/2312/FUL**

<b>Reference:</b>	19/02312/FUL
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Demolish dwellinghouse, erect detached three storey building to form two self-contained flats and layout parking to rear, amenity areas and landscaping (Amended Proposal)
<b>Address:</b>	39 Chalkwell Esplanade, Westcliff-on-Sea, Essex SS0 8JQ
<b>Applicant:</b>	Barron Homes South East Ltd
<b>Agent:</b>	Metson Architect Ltd
<b>Consultation Expiry:</b>	24 <sup>th</sup> January 2020
<b>Expiry Date:</b>	12 <sup>th</sup> February 2020
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	1830-X-00, 1830-X-01-A, 1830-X-02, 1830-X-03, 1830-X-04, 1830-TP-201-A, 1830-TP-202, 1830-TP-210, 1830-TP-211, 1830-TP-212, Flood Risk Assessment by Evans reference 2237/RE/02-19/01 Revision A, Sequential Test and Exceptions Test by Southwest Environmental Ltd reference S19-522-Revision 2 , Daylight and Sunlight Study by Right of Light Consulting dated 16.12.19, Planning, Design and Access Statement
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>

## 1 Site and Surroundings

- 1.1 The site is located on the north side of Chalkwell Esplanade and has an outlook onto the estuary. It currently contains a two storey detached dwelling with forecourt parking for 3 cars to the front and a garden to the rear. The building has a half hipped roof and large balcony to the front and feature hanging bay to the side. The building is currently vacant.
- 1.2 The property is the western most property in a group of similar detached houses on this part of the esplanade. Although each of the houses is a different design they have a number of common features including distinctive forward facing hipped or half hipped roofs, wide front balconies and a consistency of building width, spacing and scale (2-3 storeys). As such they form a cohesive group within the wider frontage. The houses are set on an angled but fairly consistent building line which follows the line of the street. Most have parking to the front or side and gardens to the rear.
- 1.3 To the west of the application site is a small block of 1970s style flats which have a box like form and flat roof with roof terrace. These are an anomaly in the streetscene but their relatively modest scale and corner position provides some justification for the change in form. To the west of this group of 5 houses is Chapmans Sands flats. This is a larger flatted block of part 3.5 part 4.5 storeys formed by an amalgamation of sites and as such appears much wider and bulkier than the prevailing streetscene and rather out of place in this more domestic context. The finer grain of detached houses with hipped fronts continues on the other side of this block.
- 1.4 The surrounding area is generally characterised by residential development comprising mainly large houses. The site is located in Flood Zone 3a and within Development Management Seafront Character Zone 4.

## 2 The Proposal

- 2.1 The proposal seeks to demolish the existing building and erect a three storey detached flatted block on the site with parking to the rear. The proposed development has a hipped roof form with an eaves height of 7.8m and a ridge height of 11.3m reducing to 9.4m at the rear. The proposal is 9.35m wide and has a depth of 15.8m at ground level, 15.8m at first floor and 14.6m at second floor.
- 2.2 Two three bed duplex flats are proposed. The flats sizes are as follows:

Flat	Size	Bed 1	Bed 2	Bed 3	Terrace
<i>Flat 1</i> G + 01 3b6p	179.0 sqm	46.6sqm w=5.65m	20.4 sqm w=4.1m	15.9 sqm w=3m	17.5 sqm + 35 sqm at ground
<i>Flat 2</i> 01 + 02 3b5p	183 sqm	20.4sqm w=4.1m	12.4 sqm w=3m	8.7 sqm w=2.15m	18.5 sqm

- 2.3 Each unit has 2 parking spaces to the rear accessed by a drive to the east side of the



building. A cycle and refuse store is also shown to the rear. The entrance to the flats is located to the east elevation.

- 2.4 The proposed materials are Titanium Grey Brick and zinc cladding, a slate and glass roof with integrated sun shading and grey metal windows, timber doors and glazed balustrades with privacy screens to the west side.
- 2.5 This application is an amended proposal following the refusal of application reference 19/00933/FUL which sought to demolish the dwellinghouse and erect a detached four storey building to form four self-contained flats and layout parking to rear. That application was refused for the following reasons:

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

*02 The proposed development, by reason of its scale, siting, massing, form and design, is considered to conflict with the grain of the area and would be incongruous and overly dominant in the streetscene and harmful to the character and appearance of the site and wider location. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).*

*03 The proposal has failed to demonstrate that it would not lead to a material loss of light to the first floor west elevation habitable room windows at 37 Chalkwell Esplanade. The development, by reason of its scale and siting, is also considered to have an overbearing relationship resulting a material sense of enclosure for residents of 37 Chalkwell Esplanade and 1-6 Viceroy Court to the detriment of the amenities of these occupiers. The proposal would also result in material loss of privacy for the south eastern flats within 1-6 Viceroy Court in relation to the habitable room windows, balcony and roof terrace at its south east corner. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).*

- 2.6 In order to address these reasons for refusal the following amendments have been made:

- The number of units has been reduced from 4 x 2 bed units to 2 x 3 bed duplex units
- The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m)
- The proposal has been reduced in depth from 20.1m to 15.8m at ground floor level and from 17.9 to 15.8 at first floor level and from 17m to 14.6m at second

floor level.

- The internal layout has been revised to provide a duplex unit to the ground floor
- The floorspace reduced by 29% from 595 sqm to 422 sqm
- The form of the roof has changed from gabled to hipped
- The number of parking spaces per unit has been increased from 1 parking space per flat to 2 parking spaces per flat
- Further information to demonstrate the impact on neighbouring properties has been provided.

### **3 Relevant Planning History**

- 3.1 19/00933/FUL - demolish the dwellinghouse and erect a detached four storey building to form four self-contained flats and layout parking to rear – refused.

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 16 neighbouring properties were consulted and a site notice displayed. 3 representations have been received raising the following issues:
- The boundary is incorrectly shown on 1 plan – part of the land is not owned by the applicant.
  - Impact on structural integrity of Viceroy Court
  - Footprint and height are too large
  - The proposal is too close to Viceroy Court
  - Impact on privacy of Viceroy Court from proposed balconies
  - The driveway should be positioned on the west side to provide a gap to Viceroy Court
  - Impact on light to kitchens and bathrooms in Viceroy Court
  - Restricted space makes construction and maintenance difficult
  - The building line is forward of Viceroy Court
  - Impact on local character
  - Impact on residential amenity
  - Design unacceptable.

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

#### **London Southend Airport**

- 4.2 No objections.

## **Environment Agency**

- 4.3 No objections.

## **Highways**

- 4.4 No objections subject to conditions.

## **Environmental Health**

- 4.5 No objections subject to conditions.
- 4.6 The proposal was called to committee by Councillor Folkard.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development), DM3 (The Efficient and effective use of land), DM6 (Southend Seafront), DM7(Dwelling Provision), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 The Design and Townscape Guide (2009)
- 5.5 CIL Charging Schedule (2015)
- 5.6 National Technical Housing Standards (2015)

## **6 Planning Considerations**

- 6.1 The main considerations for this application are the principle of the development including flood risk, the design including the impact of the proposed works on the character and appearance of the area, the standard of accommodation for future occupiers, any impact on neighbours, the traffic and transportation implications, sustainability, CIL and whether the proposal has overcome the previous reasons for refusal. The basis of the previous decision carries significant weight in the determination of this amended proposal as it was assessed against materially the same policy context and site circumstances.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes.

## Flood Risk

- 7.2 The proposal is situated in floodzone 3a. The proposed housing use is classed as being a 'more vulnerable' use by the Environment Agency. The previous application was refused because *'insufficient information has been submitted in terms of the sequential and exceptions test to demonstrate that there are not more suitable sites for this level of residential development elsewhere in the area and that the development will be safe for future occupiers over its lifetime.'*
- 7.3 In relation to sites within flood risk areas policy KP1 of the Core strategy states: *'Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.'*
- 7.4 Policy KP2 states that new development should be sustainably located including applying the sequential test approach to *'avoid or appropriately mitigate flood risk.'*
- 7.5 Policy DM6 of the Development Management Document states *'2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:*
- *Appropriate flood defence and engineering solutions; and/or*
  - *Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.*
  - *Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council's ability to manage coastal change'.*
- 7.6 An updated Flood Risk Assessment (FRA) has been submitted with the application. This concludes that:
- During an extreme event the external depth of floodwater against the walls of the building would be between 2.5m and 2.8m.
  - It is not practical to raise the ground floor level up so that it is above the design flood level as this would have design implications and impact on neighbouring properties.
  - The proposal will instead adopt a water entry system across the site which will include the following flood resilience measures at ground floor - concrete floor and walls with damp proof membrane, high level circuit box and boiler. This will enable relatively easy refurbishment following a flooding event.
  - The ground floor flat has been changed to a duplex unit so that all units have access to a safe refuge at first floor in the event of a flood. The first floor is set at

6.775m AOD and will therefore be above the flood level at all times.

- The occupants of the building will be advised to sign up to the Environment Agency Floodline. It is recommended that occupants evacuate at an early stage during a flood event due to the risk of rapid inundation. It is noted however, that evacuation routes may be affected by flooding.
- Signs would be placed in the car park to remind residents to move cars to higher ground in the event of a flood.
- The site has a low to high risk of surface water flooding. The flood depth would be between 0.3m and 0.9m during the worst case scenario. This can be mitigated by the flood resilience measures noted above.

7.7 The Environment Agency (EA) have reviewed the Flood Risk Assessment and conclude:

- The site is confirmed within floodzone 3a which is defined as having a high probability of flooding.
- The ground floor could flood by up to 2m if the flood defences were not raised in line with climate change projections.
- A safe refuge is provided for both dwellings at first floor above the 0.1% (1 in 1000) breach flood level for both dwellings, however, it is noted that the lower flat has all its sleeping accommodation at ground level. It would be preferable for the sleeping accommodation to be at the upper level.
- Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water.
- The site is currently protected by flood defences which, according to the Council's SFRA (Strategic Flood Risk Assessment) (2018), offer a 1 in 1000 year standard of protection. The site is not, therefore, considered to be at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event, and the defences will continue to offer protection over the lifetime of the development, provided that the TE2100 policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- According to the 2018 SFRA, the site could experience breach flood depths of up to 2.5 - 3 metres during the 0.5% (1 in 200) and 0.1% (1 in 1000) annual probability breach flood events, including climate change (up to the year 2116). Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 4m AOD. This is below the

0.5% annual probability breach flood level including climate change and therefore at risk of flooding in this event.

- Finished first floor levels have been proposed at 6.775m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change.
- Flood resilience/resistance measures have been proposed.
- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access / with internal flooding in the event of a breach flood.
- If the defences are able to be raised in line with the TE2100 Plan, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change. This project will be subject to funding.

7.8 In order to mitigate the impact of the flood risk the FRA states that the development has been designed to be resilient to flooding. This includes the use of the first floor living area as a safe refuge if residents are caught in a flood. The Environment Agency have pointed out that the sleeping accommodation, which can be particularly vulnerable remains at ground floor level which is not ideal however, they have confirmed that they do not raise an objection to the proposal overall. This proposed arrangement is therefore considered to be reasonable in this location.

7.9 As the site falls within Flood Zone 3a and is for residential development which is classed as 'more vulnerable' the requirement for the sequential and exceptions test is triggered. This requires the proposal to demonstrate that it could not be reasonably sited elsewhere outside of a flood zone (Sequential Test) and that the sustainability benefits of the site outweigh the flood risks and that the development would be safe (Exceptions Test).

#### *The Sequential Test*

7.10 The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. A Sequential Test has been carried out for the site by consulting local agents and planning studies to see if there are any comparable sites in the area which are of a similar size, location, value and have a waterfront setting. The report confirms that no reasonable alternatives were suggested by local agents and that the local planning documents did not highlight any comparable development sites. The only sites available did not have a similar seafront setting or were unavailable. The Sequential Test is therefore passed.

#### *The Exceptions Test*

7.11 For the Exception Test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 7.12 Both elements of the Exception Test should be satisfied for development to be allocated or permitted. The Exceptions Test highlights that the proposal would be an investment on a brownfield site, it would provide construction jobs, it would be a much more environmentally friendly building than the existing building and it would be a more efficient use of land. These benefits are considered to be very general however they are not disputed in this case and the Exceptions Test is passed.
- 7.13 Overall, it is noted that no objection has been raised by the Environment Agency to the flood risk assessment carried out by Evans reference 2237/RE/02-19/01 Revision A and the Sequential Test and Exceptions Test by Southwest Environmental Ltd reference S19-522-Revision 2. This demonstrates the development will provide an acceptable level of safety for occupants for the lifetime of the development and it is considered that the proposal has demonstrated through the Sequential and Exceptions Tests and by mitigating for flood risk in the design, that the proposal is suitable for residential development. The previous reason for refusal in relation to flood risk has therefore been overcome and the development is considered to be acceptable and policy compliant in this regard.
- 7.14 In relation to other issues, and consistent with the basis of the previously determined application, there is no objection in principle to residential development of the proposed nature in this area generally subject to the detailed considerations set out below.

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

- 7.15 Paragraph 124 of the NPPF states *‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.’*
- 7.16 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”*
- 7.17 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.18 The Development Management Document makes specific reference to the changing character of the seafront and has sought to ensure that the special character of this

area, which has been eroded in places, is better respected. In relation to new development on the seafront it states:

*'3.5 Along Southend's stretch of seafront there are several distinctive 'character zones' and each has a different built form and function. Each character zone has unique pressures and opportunities that need to be managed appropriately to promote new development as well as maintain, protect and enhance the form and function which made them originally distinctive. As a consequence, it will not be appropriate to apply a single policy approach to the whole Seafront area. Policy Table 1 sets out the development principles that will guide development in each distinctive character zone and ensure that the unique characteristics of each is maintained and enhanced.'*

*3.9 Southend benefits greatly from a south facing aspect over the Thames Estuary at the point where it widens to meet the English Channel. However, this also creates significant pressure on land in the premium positions along the seafront. Increasingly the desire for more flats and retirement properties in this location has led to taller and bulkier developments which have impacted on the distinctive character.'*

*3.11 The main concern for the character of the Seafront is the gradual degradation of that which makes it unique. The unsympathetic increase in scale in some locations and loss of historic grain has had a detrimental effect on the integrity and character of the Seafront. As a consequence, there is a need to adopt design principles that influence form, appearance and massing so that they are appropriate to the differing characters along the Seafront. Where appropriate, design codes will also be developed for the Seafront Character Zones referred to in Table 1 below.'*

7.19 This is reflected in Policy DM6 which states:

*'3. Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.'*

*6. All development within the Seafront Area must accord with the development principles set out in Policy Table 1.'*

7.20 The application site falls within Zone 4 of Policy Table 1. The Development Principles for this zone include:

*'(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.'*

*(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.'*

*(vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area.'*

7.21 The previous proposal was to demolish the existing property and erect a 4 storey block of 4 flats with a gabled roof. That proposal was refused because the scale, siting, massing, form and design were considered to conflict with the grain of the area such that the proposal would be incongruous and overly dominant in the streetscene and



harmful to the character and appearance of the site and wider location. In order to address this the following amendments have been made:

- The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m)
- The proposal has been reduced in depth from 20.1m to 15.8m at ground floor level and from 17.9 to 15.8 at first floor level and from 17m to 14.6m at second floor level.
- The floorspace reduced by 29% from 595 sqm to 422 sqm
- The number of units has been reduced from 4 x 2 bed units to 2 x 3 bed duplex units
- The form of the roof has changed from a gabled to hipped roof

7.22 The existing building is a well detailed hipped roof dwelling which forms part of a wider group of properties all of which are a similar scale, spacing, alignment and form and which have a pitched roof with a distinctive forward facing roof slope (hipped or half hipped). These buildings have little heritage value but nevertheless form a pleasant and cohesive frontage which positively contributes to the townscape in this section of the seafront. There are 2 notable exceptions to this group within the street block; the 1970s style block at the junction with Chalkwell Avenue to the west and Chapman Sands a short distance to the east. Both these have had a negative impact on the cohesiveness of the streetscene – the 1970s style block in terms of its boxy design and form and the modern block in terms of its scale, grain and mass. This type of erosion has also occurred in other parts of the seafront to the detriment of local character. The Seafront Policy in the Development Management Document, DM6, is seeking to protect the remaining unique character of the seafront and prevent further erosion of its finer grain.

7.23 The previous appraisal raised no objection to the loss of the existing building in this location but it was considered that the height and depth of the proposal flats were excessive in relation to the neighbouring development and the gabled form of the building was materially out of character with the prevailing streetscene. The change from 4 storeys to 3 storeys and the reduced depth are therefore welcomed and overall the proposal is considered to be much more representative of the scale and grain of the area. The change from a gabled to a hipped roof form mitigates the scale of the amended proposal and it fits acceptably with the streetscene in this regard. The front elevation otherwise is relatively unchanged with full width glazing and balconies to all floors but this is similar to other more recent properties in the street block such as number 33 so would sit comfortably in this context.

7.24 In terms of the other elevations the amended proposal has re-sited the main entrance from the rear to the side elevation so it can be seen from the street and has introduced a feature clad projecting element above the entrance doors. This will add interest to this elevation and also help to highlight and provide cover to the entrance.

7.25 To the rear the scale of the roof has been reduced to a double hipped arrangement to lessen its impact on neighbours. This is less successful in design terms than a full hip however this elevation does not have public impact and can be considered acceptable

in this instance.

- 7.26 In relation to the layout of the site it is noted that the amended proposal has significantly increased the setback from the pavement over the previously refused scheme. This will also help to reduce its prominence in the streetscene and has improved the visual and physical relationship with Viceroy Court to the west. The proposal is still sited forward of Viceroy Court but it is set back from number 37 and as such provides a reasonable transition between the different building lines of these properties. The amended siting is therefore considered acceptable in this context.
- 7.27 As with the previously refused scheme, the vehicular access has been switched from the west side to the east side. This has been done to reduce the impact of the proposal on habitable rooms on the side elevation of number 37. (This issue is considered in detail in a subsequent section). Whilst this will cause a more uneven spacing in the streetscene it is noted that the streetscene is not uniform in this regard. The siting of the building is therefore considered to be acceptable.
- 7.28 To the rear the reduction in depth of the building has enabled a landscape buffer to be provided to the rear of the building to improve the outlook of the rear rooms. This is an improvement over the previously refused proposal.
- 7.29 The proposed materials are grey bricks, grey cladding, grey roof and grey windows. The choice of materials for a new development is an important consideration and can help it to integrate more successfully into an existing streetscene. In this location Chalkwell Avenue has a mix of materials. There are some grey finishes in the more modern schemes in particular but where these occur they are tempered with other materials such as render and red brick and this helps them to integrate better with the neighbouring development and provides for a more cohesive streetscene. There is a concern that the proposed all grey palette will be rather heavy in this context and this will extenuate the mass of the building in the streetscene. The introduction of another colour to the material palette would therefore be preferable. This can be achieved with a condition requiring the materials to be agreed.
- 7.30 Overall therefore it is considered that the amended proposal has satisfactorily addressed the previous reason for refusal in relation to design and is now acceptable and policy compliant in this regard.

### **Standard of accommodation for future occupiers**

#### **7.31 *Floor space standards***

All new homes are required to meet the National Technical Housing Standards in terms of floorspace. The required size for a two storey, 3 bed 6 person household is 102sqm and a two storey 3 bed 5 person household is 93 sqm. The minimum standards for double bedrooms are:

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

- 7.32 The internal floorspace of the proposed flats are noted above. Both flats are well in excess of the minimum standards in terms of overall floorspace. The proposal also meets the bedroom sizes and widths. This aspect of the proposal is therefore considered to be acceptable.

#### *Quality of Living Space*

- 7.33 All habitable rooms are required to have good outlook and daylight. The proposal is acceptable and policy compliant in this regard.

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

- 7.34 Development Management Policy DM8 requires all new homes to be accessible and meet the standards set out in Building Regulations M4(2) Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough meet the needs of all generations.
- 7.35 No information regarding M4(2) has been provided. It is noted however that the flats are generous in size and served by a lift. It is considered that this requirement could be achieved by way of a condition. The proposal is therefore acceptable and policy compliant in this regard subject to condition requiring full compliance with M4(2).

#### *Amenity Provision*

- 7.36 Both flats are 3 bedroom units. There is no communal garden area but both units have access to a good sized balcony or terrace and the ground floor flat also has a useable outside area to the front. This is overlooked by the street but any loss of privacy will be mitigated by the generous landscaping buffer proposed here. It is also noted that the site is directly opposite the beach where a range of amenities is present. The amenity provision is therefore considered to be adequate for the type of accommodation in this location. The proposal is therefore acceptable and policy compliant in this regard.
- 7.37 Overall therefore, it is considered that the amended proposal would provide an acceptable standard of accommodation for future occupiers.

#### **Traffic and Transportation**

- 7.38 Development Management Policy DM15 requires that all new flats outside the central area provide 1 off street car parking space per dwelling.
- 7.39 2 parking spaces for each unit are proposed to the rear of the site. These are accessed by a single width driveway to the east of the proposal which links to an existing crossover. A cycle store for is also proposed to the rear of the building.
- 7.40 The site is located within convenient walking distance of Chalkwell Station and opposite the seafront cycle route. There is also a bus stop nearby on the Esplanade although services are not as frequent as other locations within the Borough.
- 7.41 The proposal for 2 spaces per property is considered to be acceptable in this location. It exceeds the minimum parking standard of one space per unit but is not excessive to a degree which would materially harm the Borough's sustainable transport objectives. The

frequency of vehicles using the existing crossover is likely to be greater than for the existing property; however, the increase in movements is likely to be minimal. The Council's Highways Officer has not raised any objections to the scheme. The proposal is acceptable and policy compliant in the above regards.

### *Refuse and Cycle Storage*

- 7.42 A cycle store and a bin store are proposed to the rear of the site although no details have been provided. Given the scale of development this is considered to be a reasonable location and details can be controlled by condition.

### **Impact on Residential Amenity**

- 7.43 Paragraph 343 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.*" 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.*"

### Light, Outlook and Privacy

#### *Impact on neighbour to the east 37 Chalkwell Esplanade*

- 7.44 The previous proposal was refused because it failed to demonstrate that it would not lead to a material loss of light to the first floor west elevation habitable room windows at 37 Chalkwell Esplanade. The scale and siting of the proposal was also considered to have an overbearing relationship resulting a material and unacceptable sense of enclosure for residents of 37 Chalkwell Esplanade.

- 7.45 In order to address this reason for refusal the following amendments have been made to the design:

- The front building line has been set back by around 2m.
- The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m)
- The proposal has been reduced in depth from 20.1m to 15.8m at ground floor level and from 17.9 to 15.8 at first floor level and from 17m to 14.6m at second floor level.
- The roof form has changed from a gable form to a hip.
- Scaled diagrams have been provided to demonstrate a reduced impact on neighbouring properties.
- A daylight and sunlight study has also been provided.

- 7.46 The property to the east, 37 Chalkwell Esplanade is a detached house with a garage to

the west side providing separation between the house and the site boundary. Number 37 has its main entrance and two first floor bay windows to the west side facing the site. It has only a bathroom window to the rear at first floor so it is considered that the windows at first floor level in the flank facing the application site provide sole light and outlook to bedrooms.

- 7.47 The height of the previously refused scheme combined with its significant depth was considered to result in an overbearing outlook for this neighbour and a material loss of light. The amended scheme has reduced both the height and depth of the proposal to improve this relationship. Diagrams submitted with the application show that a notional 45 degree guideline taken from the base of the neighbouring bay would no longer be breached by the proposal and that the amended proposal will significantly improve the outlook and sky component for this neighbour. The Council's Environmental Health Officer has reviewed the Daylight and Sunlight Assessment and agrees with the conclusion that there would be minimal impact on the light to habitable rooms of neighbouring properties. It is therefore considered that the amended proposal has overcome these concerns in relation to light and outlook.
- 7.48 In relation to privacy the proposal has 1 secondary window to the living space at first floor and a high level window to the living space at second floor. As these do not provide the main outlook for the living spaces it would be possible to control overlooking by a condition requiring obscure glazing to be used on the windows in this elevation to ensure that the neighbour was not overlooked.
- 7.49 Overall, it is considered that the amended proposal has satisfactorily addressed the concerns relating to the impact on the amenities of the occupiers of 37 Chalkwell Esplanade and the proposal is now acceptable and policy compliant in this regard.

*Impact on neighbour to the west Viceroy Court*

- 7.50 The previous proposal was refused because the scale and forward siting of the building was also considered to have an overbearing relationship resulting a material sense of enclosure for residents of 1-6 Viceroy Court to the detriment of the amenities of these occupiers. It was also considered that the proposal would result in material loss of privacy for the south eastern flats within 1-6 Viceroy Court in relation to the habitable room windows, balcony and roof terrace at its south east corner overlooking this neighbour.
- 7.51 In order to address this reason for refusal the following amendments have been made to the design:
- The projection in front of Viceroy Court has been reduced by 2m from 3.8m to 1.8m at ground floor, and reduced by 2m at first floor to reduce the projection to only 500mm (with a balcony projection of 2.3m) and the amended proposal is level with Viceroy Court at 2<sup>nd</sup> floor (with a balcony projection of 2.5m)
  - The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m) and the terrace which ran around the south and west side of the proposed building has been removed
  - The proposal overall has been reduced in depth from 20.1m to 15.8m at ground

floor level and from 17.9m to 15.8m at first floor level and from 17m to 14.6m at second floor level.

- The roof form has changed from a gable form to a hip.
- Glazed privacy screens have been added to the west side of the front balconies. The side balcony has been removed.
- Further information to demonstrate impact on neighbouring properties has been provided.

7.52 Viceroy Court is comprised of two blocks; 1-6 to the front of the site facing the Esplanade and 7-9 to the rear. The front block is situated 900mm from the western boundary of the site. This block has 6 obscured glazed secondary windows to its flank elevation which relate to kitchens and bathrooms and wide living room windows at ground and first floor and a corner balcony at second floor adjacent to the site. It also has an amenity terrace on the roof. The rear block is set 8m diagonally from the north west corner of the proposal. This block has its second bedrooms and kitchens facing the site.

7.53 The amended proposal would still project past Viceroy Court to the front but this projection would be reduced to 1.8m at ground floor, 500mm at first floor and no projection at second floor. The balconies of the amended proposal would project an additional 2.3m and 2.5m at first and second floor respectively. Overall, this is a significant improvement over the previously refused scheme which projected a further 2m at all levels. It is noted that the remaining projection and in particular the balconies, would be apparent from the front windows of Viceroy Court however the units here have very wide windows facing south and on balance and bearing in mind that balconies are a characteristic which generally informs the type and levels of amenity enjoyment by residents along the Esplanade, it is considered that the amended proposal would not have a materially harmful impact on outlook or light to these south facing rooms of Viceroy Court. It is noted that the view to the south east from the south east 2<sup>nd</sup> floor balcony will be affected by the development but this balcony will maintain an unobstructed southern outlook and there is an additional amenity space at roof level which will be relatively unaffected in this regard. On balance therefore it is considered that the proposal has overcome the previous reason for refusal in relation to outlook for the residents of Viceroy Court and the proposal is now acceptable and policy compliant in this regard.

7.54 In respect of privacy the removal of the formerly proposed west side balcony and the inclusion of privacy screens has addressed the previous concerns related to overlook from the proposed balconies. In relation to windows it is noted that the proposal has 8 windows to the west side. These are all secondary or bathroom windows. They are positioned to face onto the flank elevation of Viceroy Court which itself only has obscure glazed windows facing the site. On balance it is considered that, provided the proposed windows on the west elevation are all obscured, and the details of the privacy screens agreed, the proposal would not give rise to overlooking of the neighbouring property or site. This can be achieved by condition.

7.55 In relation to the rear block assessment of the previous application noted a marginal impact on 1 room in this block but on balance this was considered to be acceptable.

Slightly greater separation is achieved to this rear block and the scale of the amended proposal has significantly reduced. It is therefore considered that the impact on this block would be reduced. This relationship therefore remains acceptable.

*Impact on neighbour to the north 132 Chalkwell Avenue*

- 7.56 The rear elevation of the proposal is 12.35m from the rear amenity area of 132 Chalkwell Avenue. The neighbouring building itself is set off to the north west of the proposal site. The proposal has all its bedroom windows facing north onto the end of the neighbours garden, however, 132 Chalkwell Avenue has an 'L' shaped garden. The closest part of this space to the application site is the shorter section of the 'L' which is located further south than the main house. The proposed rear elevation is in fact 29m from the rear elevation of this property and the most private part of the garden against the house. On balance it is considered that this arrangement will not cause harm to the amenities of this neighbour.

*Noise and Disturbance*

- 7.57 The proposal will increase the potential number of people living on the site and 4 car parking spaces are proposed to the rear of the building adjacent to neighbouring gardens.
- 7.58 Consistent with the basis of the previous decision, involving a greater number of flats than now proposed, it is considered that potential noise and disturbance from this modest increase in residents and small number of cars will be within acceptable limits and will not cause material harm on the amenities of neighbouring properties. The proposal is therefore policy compliant in this regard.
- 7.59 Overall, therefore it is considered that the proposal has overcome the previous reason for refusal in relation to impact on the amenities of neighbouring properties. The proposal has an acceptable impact on the amenities of residents of 37 Chalkwell Esplanade and on balance, it also has an acceptable impact on the amenities of residents of Viceroy Court. The impact on the amenities of all other neighbours is also acceptable, the proposal is therefore acceptable and policy compliant in its impact on neighbour amenity.

**Sustainable Development**

- 7.60 Policy KP2 of the Core Strategy requires that "*at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).*" Policy DM2 of the Development Management Document states that "*to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions*". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.61 No details have been provided on the provision of on-site renewables except for a commitment to PVs in the Design Statement. It is considered that, for this scale of development, the requirement for renewable energy technology and limits on water usage can be controlled with conditions. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to these conditions.

## **Landscaping**

- 7.62 Little information has been provided in relation to landscaping however, adequate space for soft landscaping is shown on the site plan and details of this and the surfacing and boundaries can be satisfactorily controlled by condition. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to this condition.

## **Drainage**

- 7.63 Greater amount of building footprint and hardstanding is proposed. No information on sustainable drainage has been submitted, however, for a scheme of this size, this issue can be controlled by condition. The proposal is therefore considered to be acceptable and policy compliant in this regard.

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

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

- 7.64 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 376.6 sqm, which may equate to a CIL charge of approximately £ 29027.17 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance on balance. The proposal would, on balance, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking, highways or ecology impacts caused by the proposed development. This amended application has overcome the 3 reasons for refusal in relation to the previous application reference 19/00933/FUL. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

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

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

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



## **Planning Act 1990**

**02 The development hereby permitted shall be carried out in accordance with the following approved plans 1830-X-00, 1830-X-01-A, 1830-X-02, 1830-X-03, 1830-X-04, 1830-TP-201-A, 1830-TP-202, 1830-TP-210, 1830-TP-211, 1830-TP-212**

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

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

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

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

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

**05 Prior to the occupation of the approved development, details of the privacy screens to be installed to the balconies hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.**

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

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

- i. details of any means of enclosure for all boundaries of the site including any gates, walls or boundary fencing;**
- ii. hard surfacing materials;**
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- iv. details of measures to enhance biodiversity within the site;**

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

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

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

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

**08 The four car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 1830-TP-201-A shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be**

**permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwellings hereby approved. The site shall not be occupied until the redundant crossover has been reinstated as footway.**

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

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

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

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

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

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

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

**12 Construction Hours for the development hereby approved shall be restricted to**

**8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.**

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

**13 The development hereby approved shall be carried out in full accordance with the mitigation and resilience measures identified in Section 6 of the Flood Risk Assessment by Evans reference 2237/RE/02-19/01 Revision A before the dwellings are occupied.**

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

#### **Informatives**

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

**If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal**

**([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy))**

**or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).**

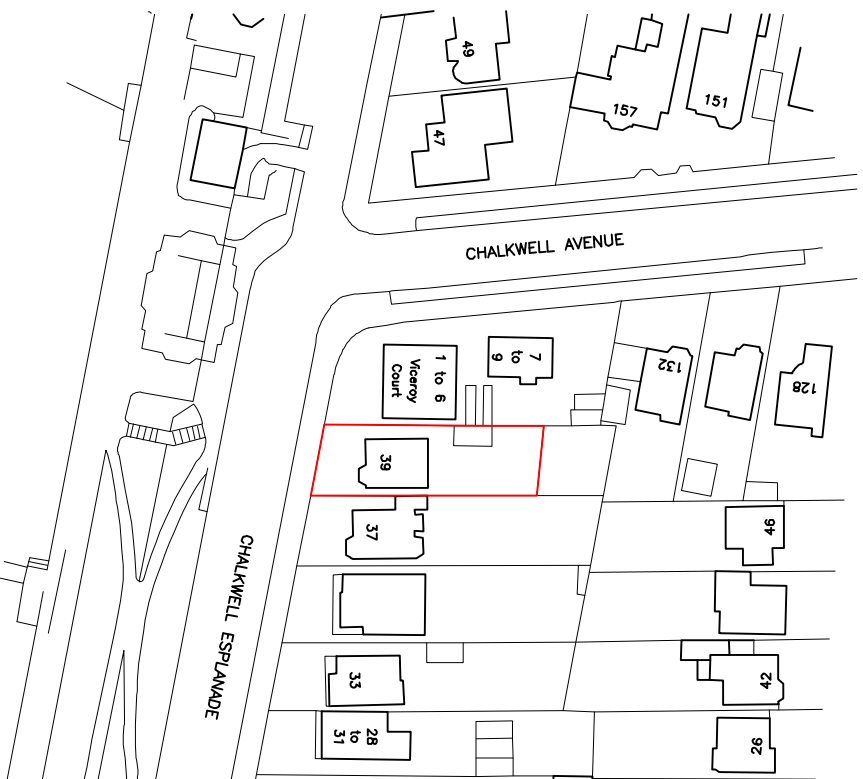
**02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when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

**in the Borough.**

**03 The applicant is advised that the reinstatement of the redundant crossover is required to be carried out by the Council's term contractor. Please contact [martinwarren@southend.gov.uk](mailto:martinwarren@southend.gov.uk) to arrange this.**

**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.**

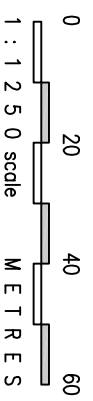
This page is intentionally left blank



STUDIO 1  
LEIGH PARK ROAD LEIGH-ON-SEA  
ESSEX SS9 2DU 01702 472714  
www.metsonarchitects.co.uk  
admin@metsonarchitects.co.uk

SCALE.  
DATE.  
CLIENT.  
JOB.

@A3  
APRIL 2019  
BARRON HOMES SE. LTD  
39 CHALKWELL ESPLANADE



LOCATION PLAN

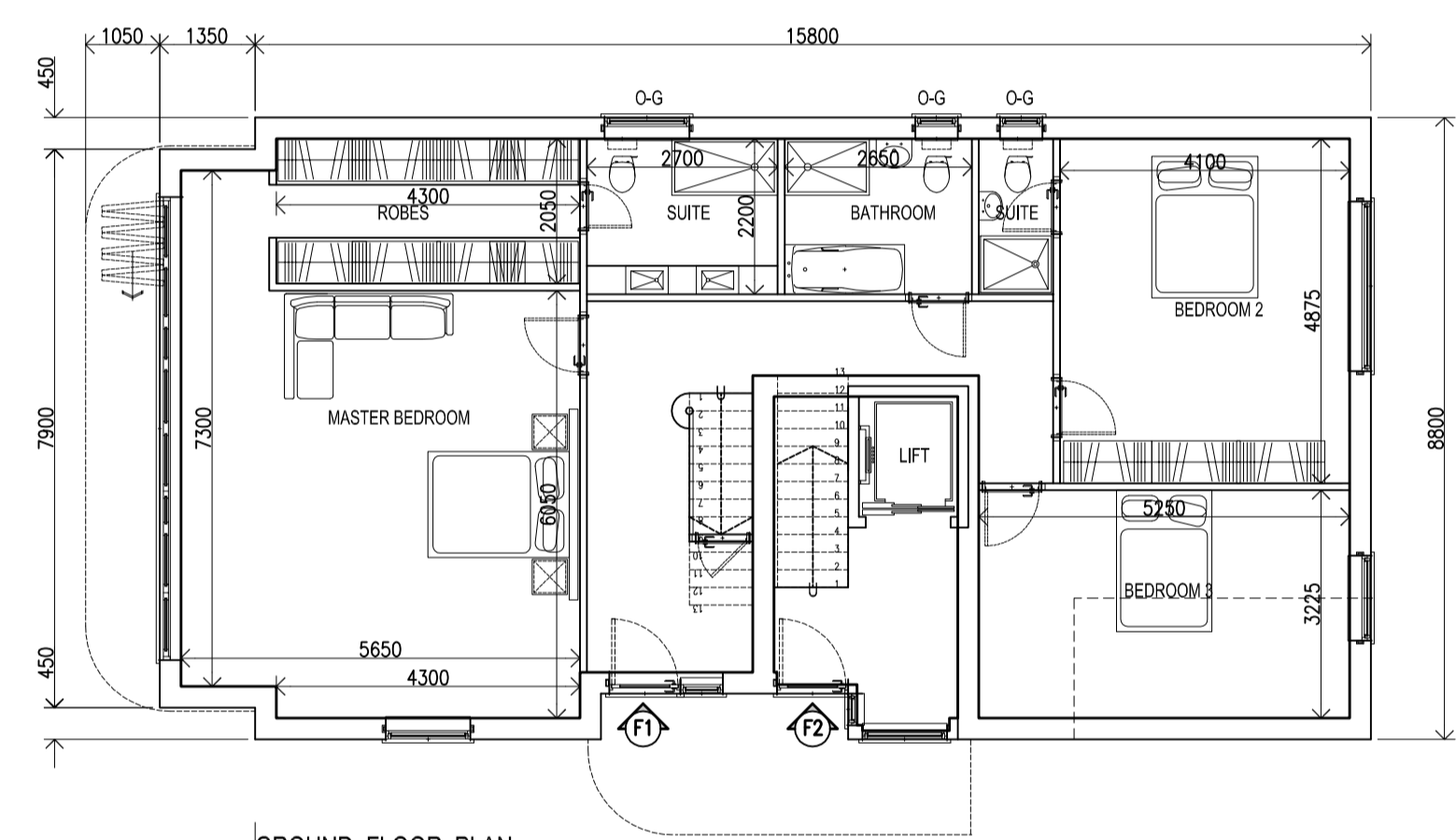
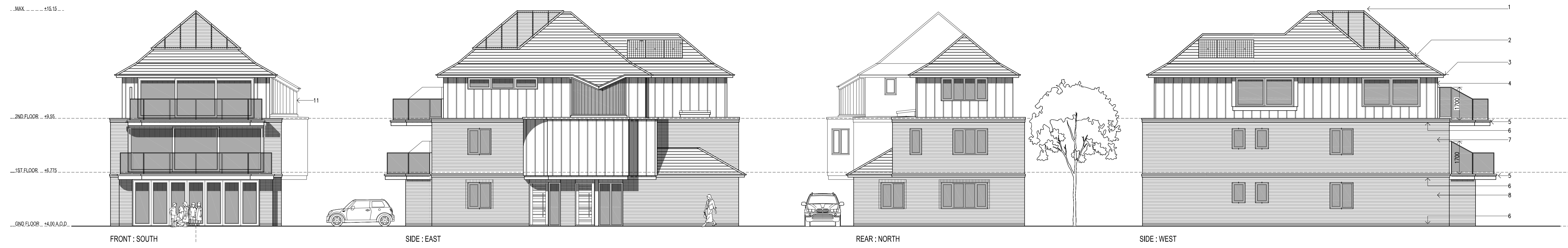
REV.  
DWG NO.

**1830-X-00**

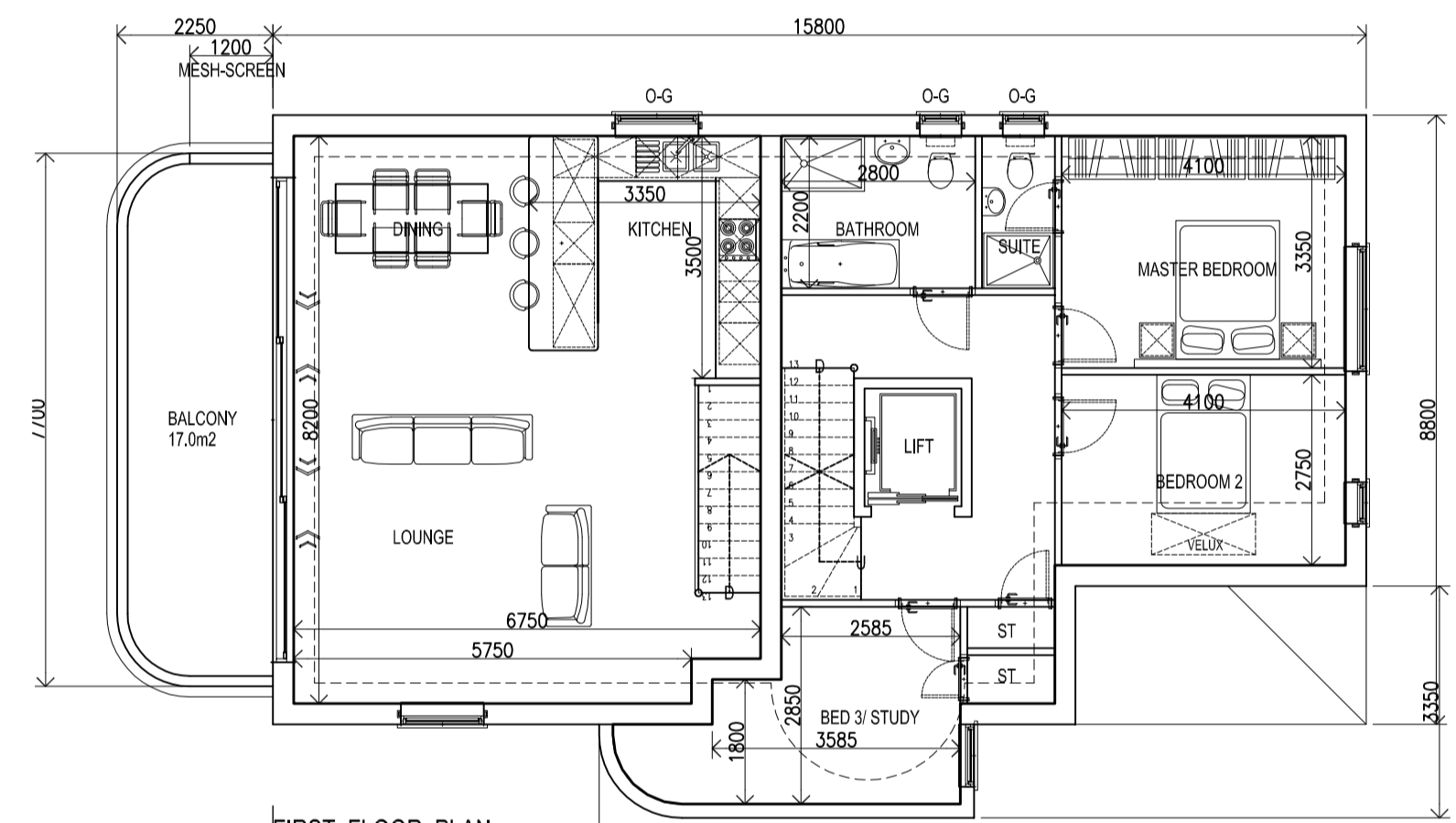


This page is intentionally left blank

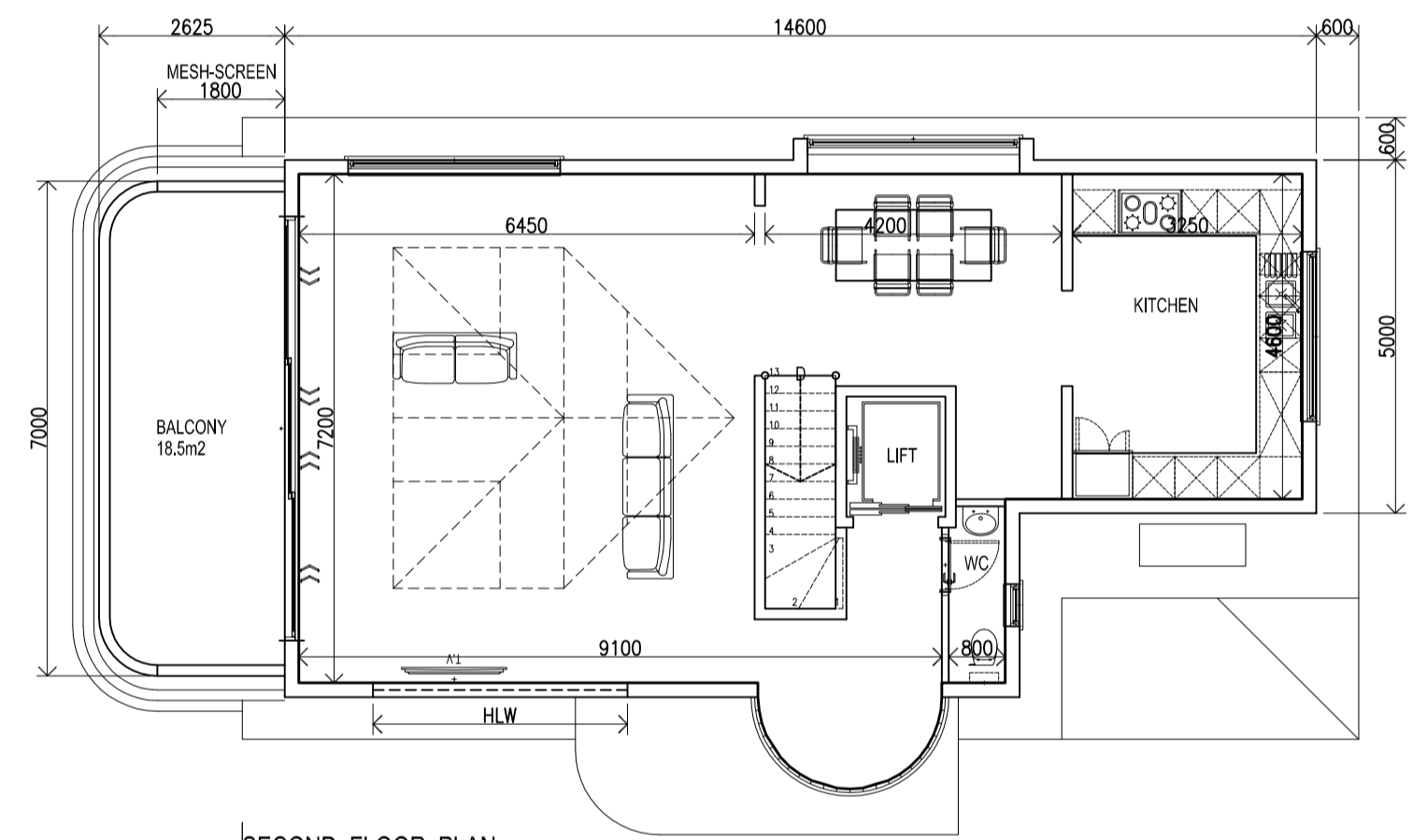




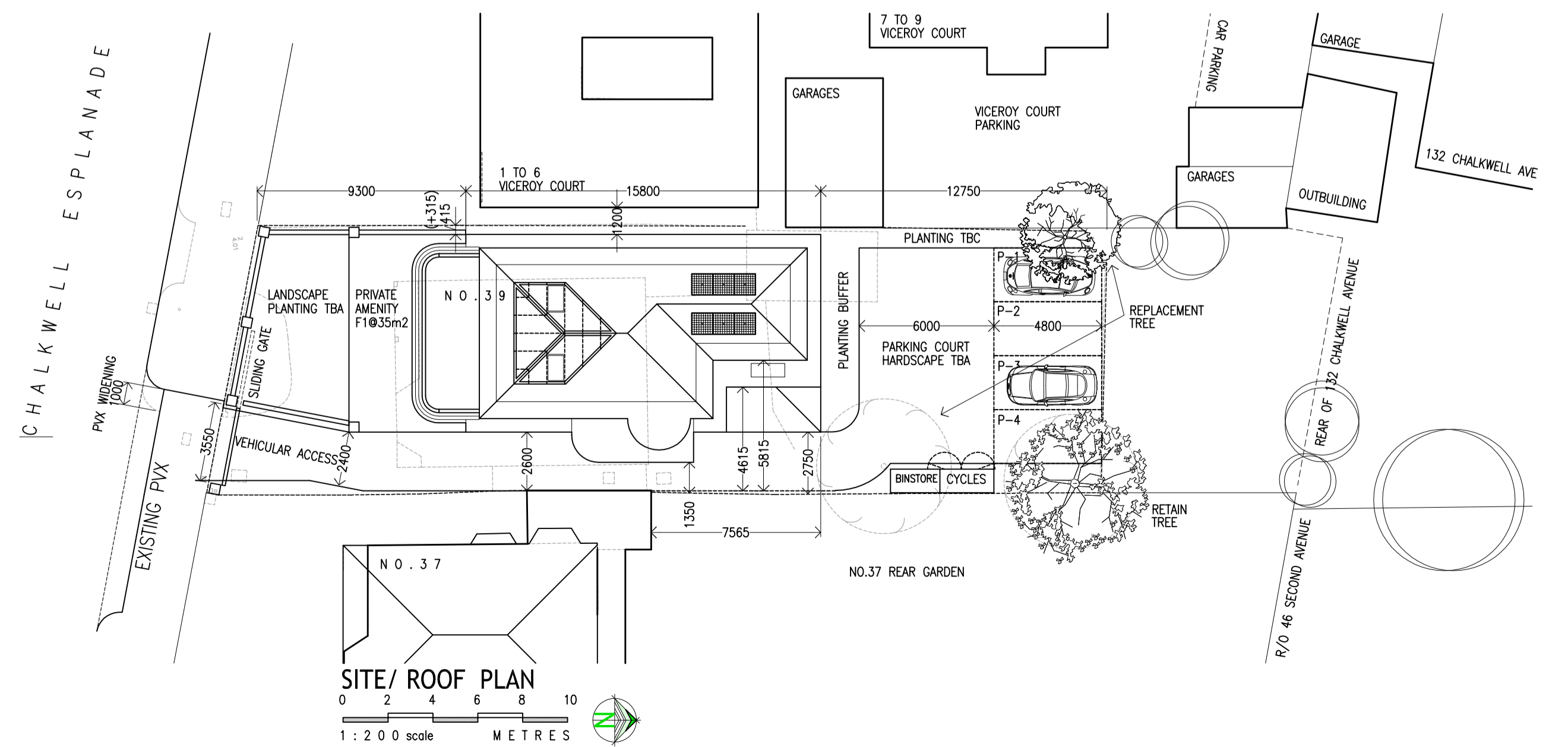
**GROUND FLOOR PLAN**  
GROSS INTERNALS : F1=117.3m<sup>2</sup> ; F2=11.5m<sup>2</sup>  
GROSS EXTERNAL : 147.4m<sup>2</sup>



**FIRST FLOOR PLAN**  
GROSS INTERNALS : F1=54.7m<sup>2</sup> ; F2=65.4m<sup>2</sup>  
GROSS EXTERNAL : 137.6m<sup>2</sup>



**SECOND FLOOR PLAN**  
GROSS INTERNALS : F2=94.5m<sup>2</sup>  
GROSS EXTERNAL : 104.0m<sup>2</sup>



**SITE/ ROOF PLAN**  
1 : 200 scale METRES



**LOCATION PLAN**  
1 : 1 250 scale METRES

GROSS EXTERNAL FLOOR AREA  
389.0 m<sup>2</sup>  
GROSS INTERNAL FLAT AREA  
FLAT 1= 172.0 m<sup>2</sup>  
FLAT 2= 171.4 m<sup>2</sup>

- EXTERNAL MATERIALS**
- 316.GRADE STAINLESS MESH OVER ROOF LIGHT + SCREENING FROM MESSRS. HAVER & BOKER EXACT MESH PROFILING TO BE AGREED VIA CONDITION
  - NATURAL SLATE ROOD WITH MITRED HIPPS
  - ALUMINIUM GUTTER&FASCIA RAL.7016 ANTHRACITE
  - SHEET ZINC CLADDING. PRE-PATINA FINISH BLUE-GREY
  - METAL BALCONY EDGE TRIMS RAL.7016 ANTHRACITE
  - STAFFORDSHIRE BLUE TWO COURSE BRICK BAND 25mm PROJECT
  - TITANIUM GREY BRICKWORK - HALF LAP BOND FIRST FLOOR
  - TITANIUM GREY BRICKWORK - ENGLISH BOND BOND GROUND FLOOR
  - ALUMINIUM WINDOWS+DOORS RAL.7016 ANTHRACITE
  - BALCONY SOFFITS AND FRONT DOOR JOINERY IN IROKO HARDWOOD
  - FILKINGTONS SEMI-OPAQUE REGUT CURVE PROFILE GLAZING

REV. A 02-10-20 SITE PLAN DIMS ADDED

**TOWN PLANNING**

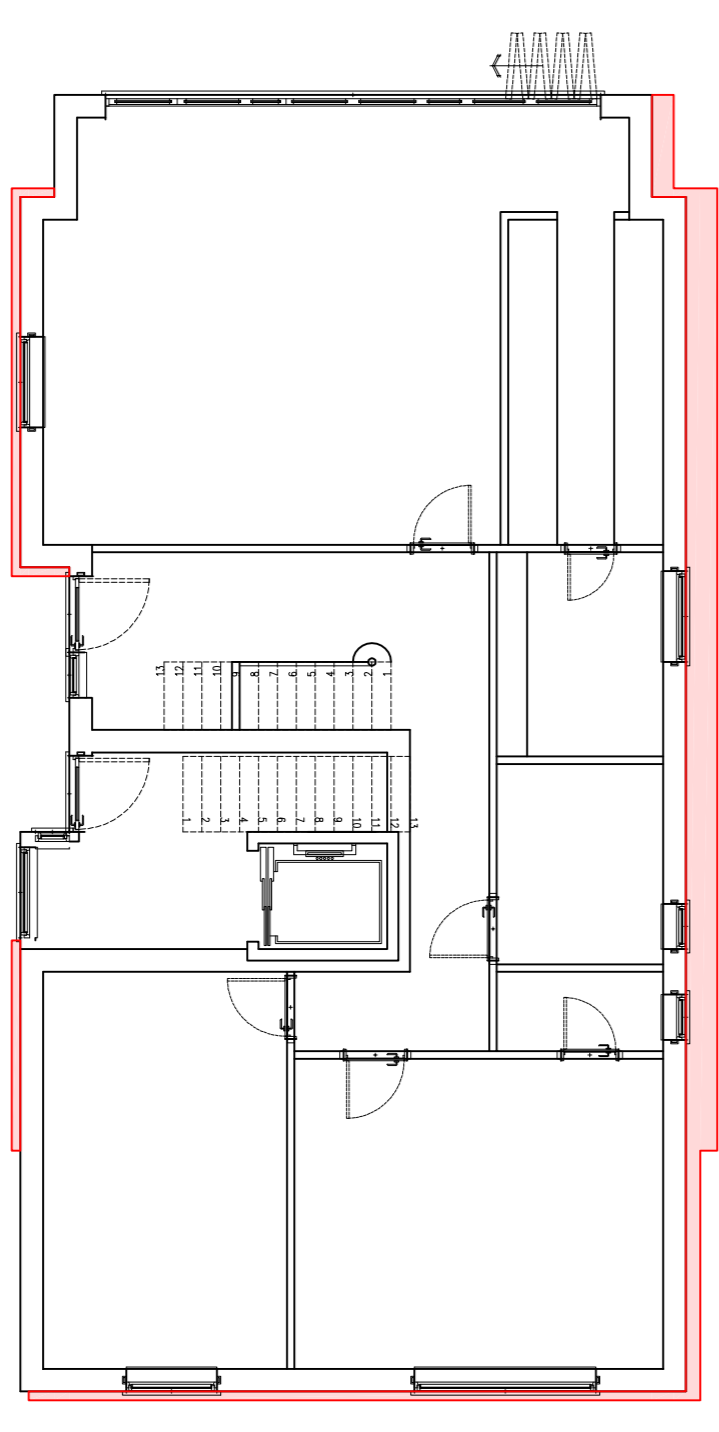
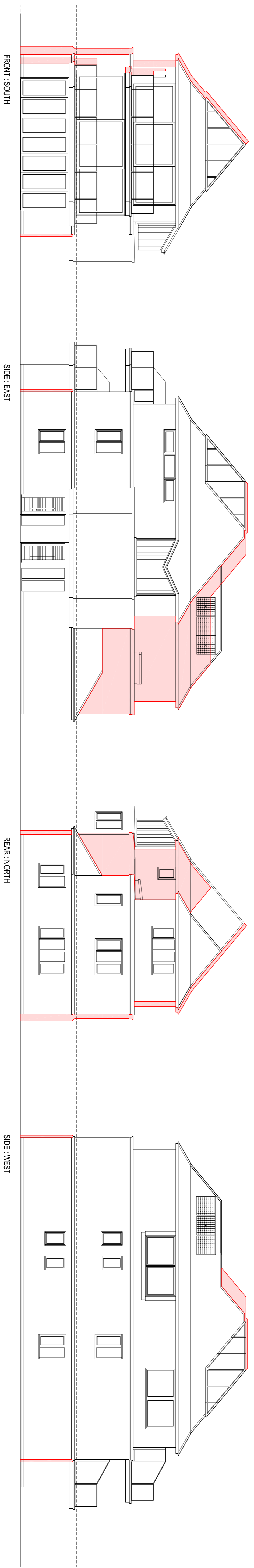
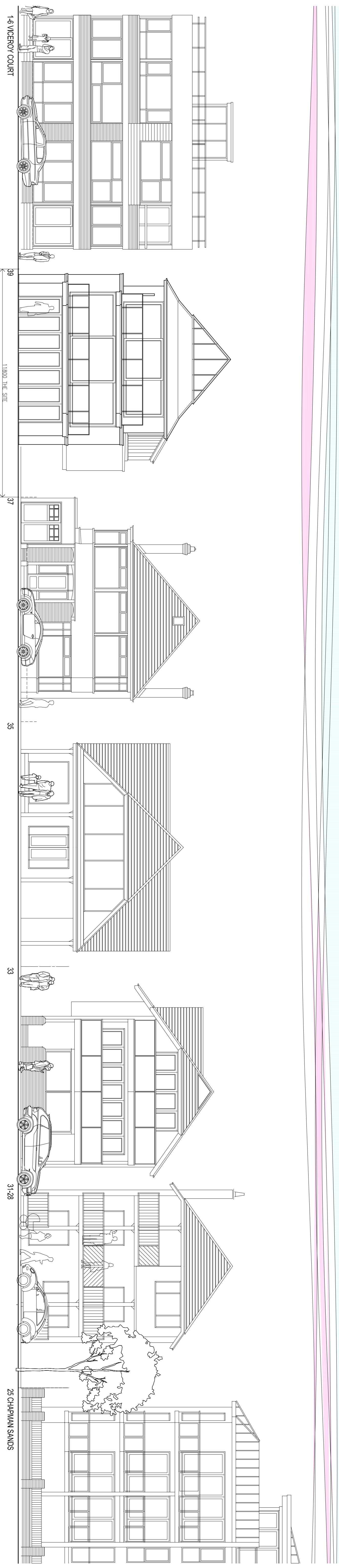


STUDIO 1  
LEIGH PARK ROAD LEIGH ON SEA ESSEX SS9 2DU  
01702 472714  
www.metsonarchitects.co.uk  
admin@metsonarchitects.co.uk

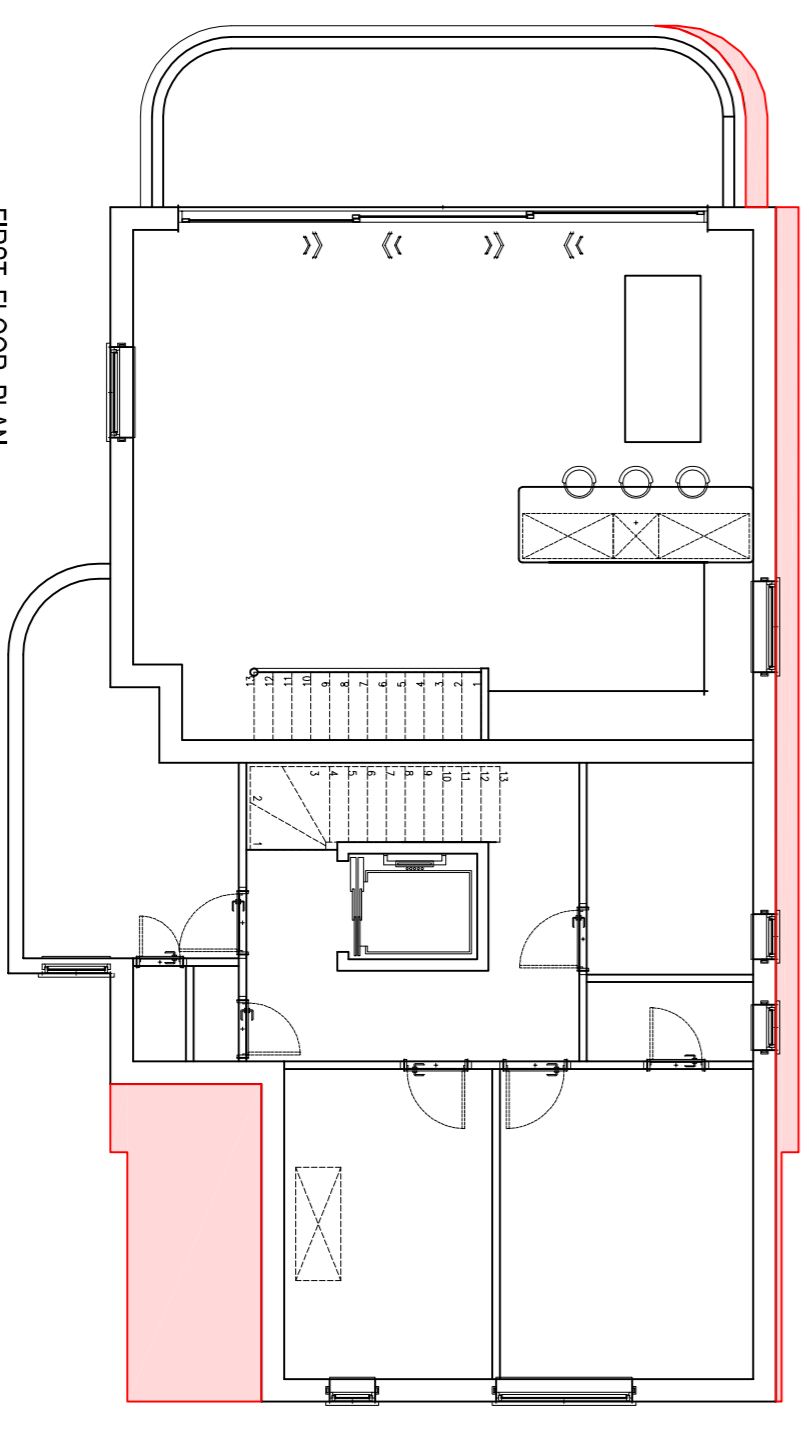
SCALE: @A1  
DATE: SEPT.2020  
CLIENT: BARRON HOMES LTD  
JOB: 39 CHALKWELL ESPLANADE, WESTCLIFF SSO 8JU

DWG NO. **1830-TP301-A**

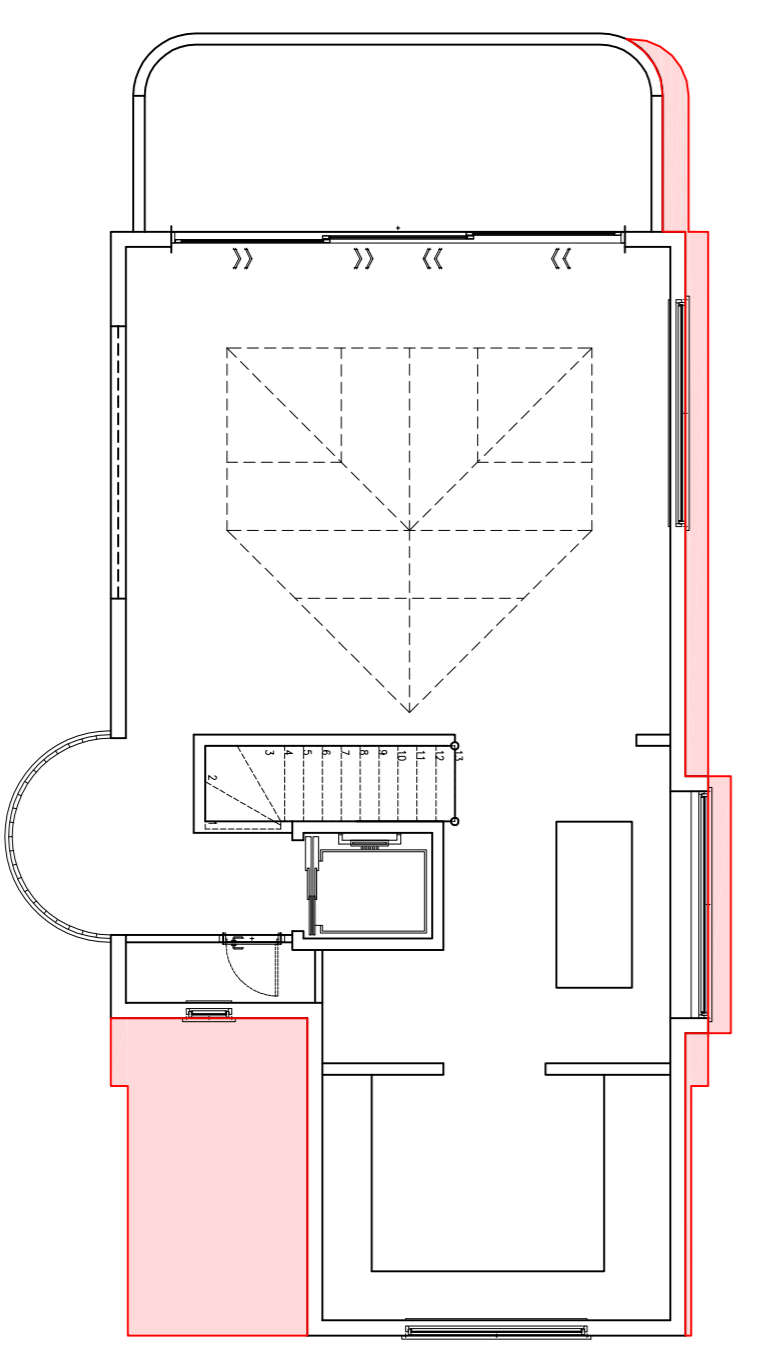
This page is intentionally left blank



GROUND FLOOR PLAN



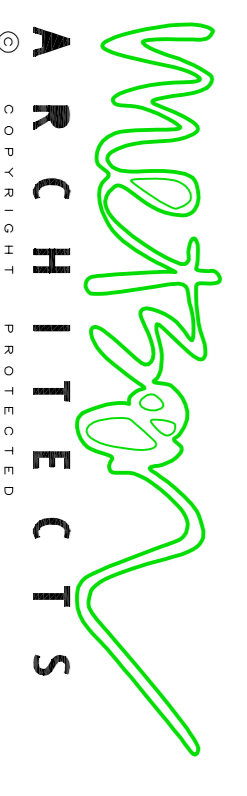
FIRST FLOOR PLAN



SECOND FLOOR PLAN

**TOWN PLANNING**

REV. A 20-11-23 EAST PAVING SHARED REGION CORRECTION



STUDIO 1  
© COPYRIGHT PROTECTED

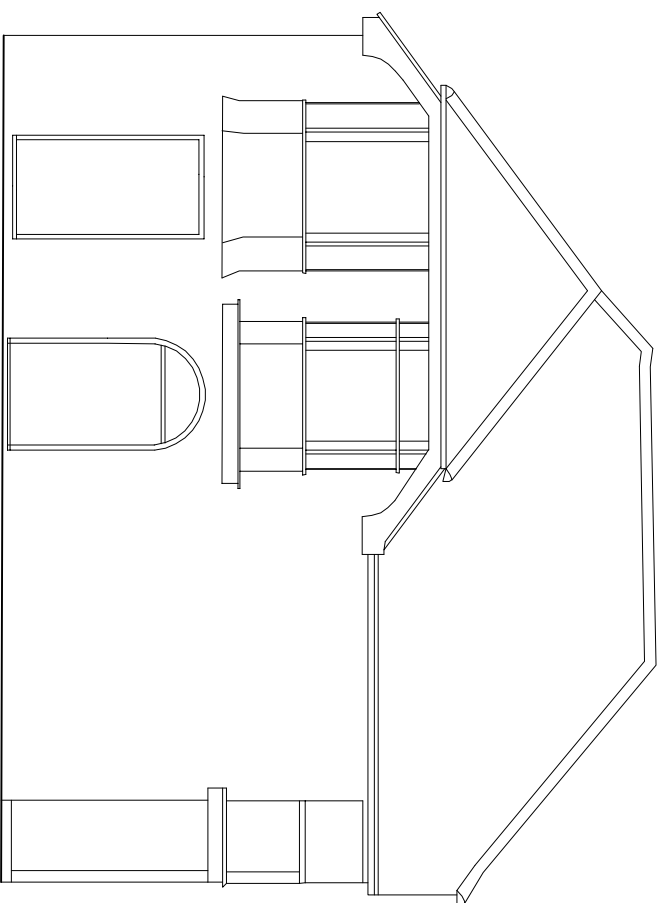
www.westonarchitects.co.uk  
LEIGH PARK ROAD LEIGH ON SEA ESSX SS9 2DU  
admin@westonarchitects.co.uk  
01702 472714

SCALE: 1:100 SCALE METRES

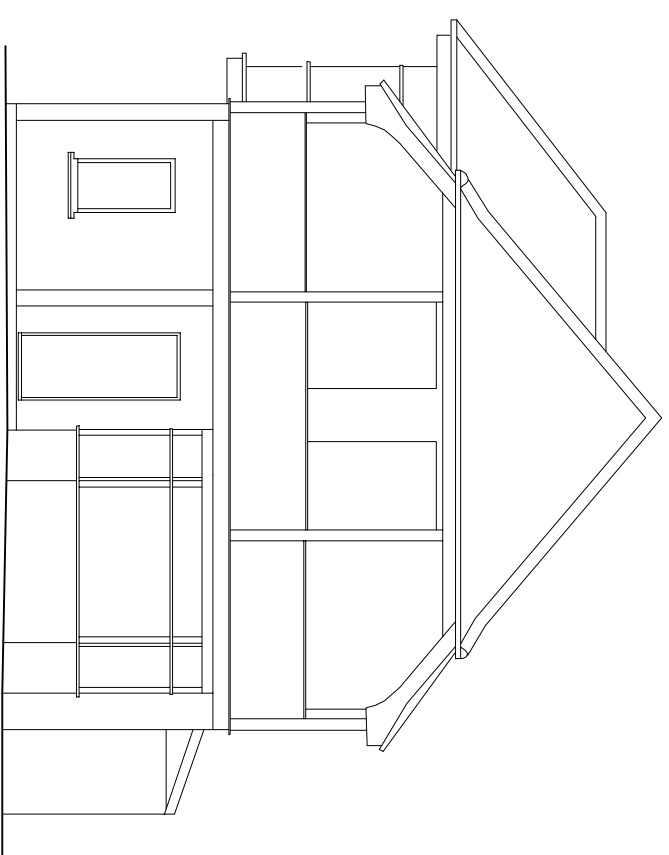
DATE: SEPT 2020  
CLIENT: BARROW HOMES LTD  
JOB: 39 CHALKWELL ESPYLADE, WESTCLIFF SS9 8JQ

DWG NO. 1830-TP302-A

This page is intentionally left blank

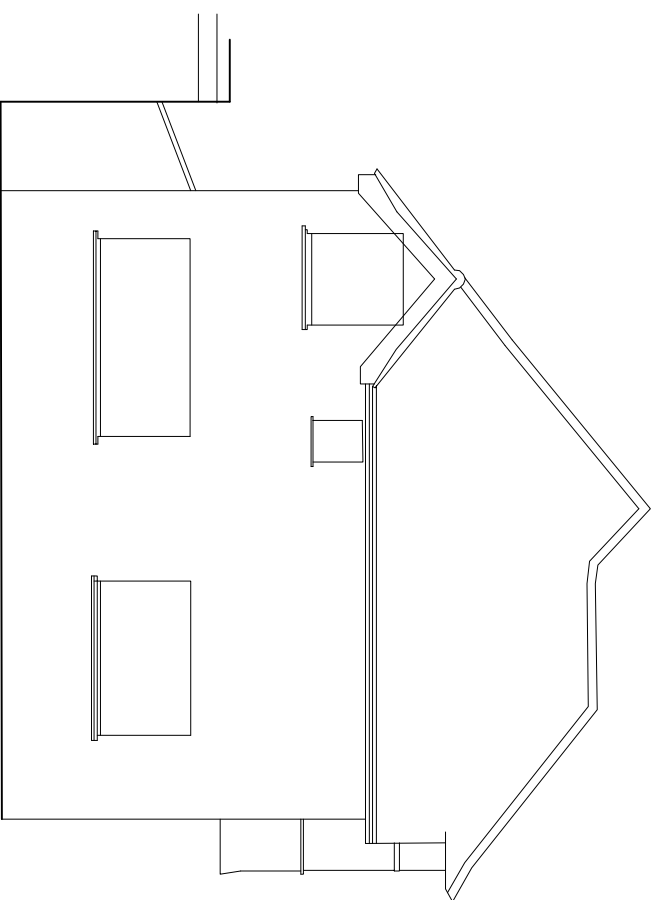


WEST ELEVATION

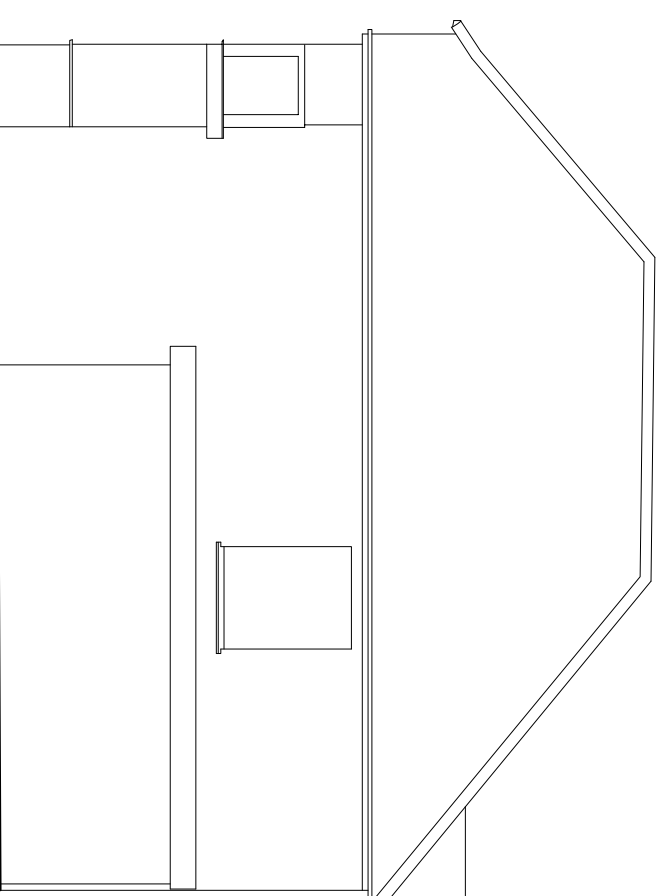


SOUTH ELEVATION

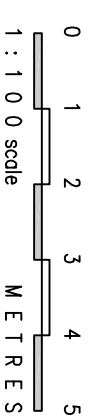
-----  
 DATUM = 0.00  
 -----



NORTH ELEVATION

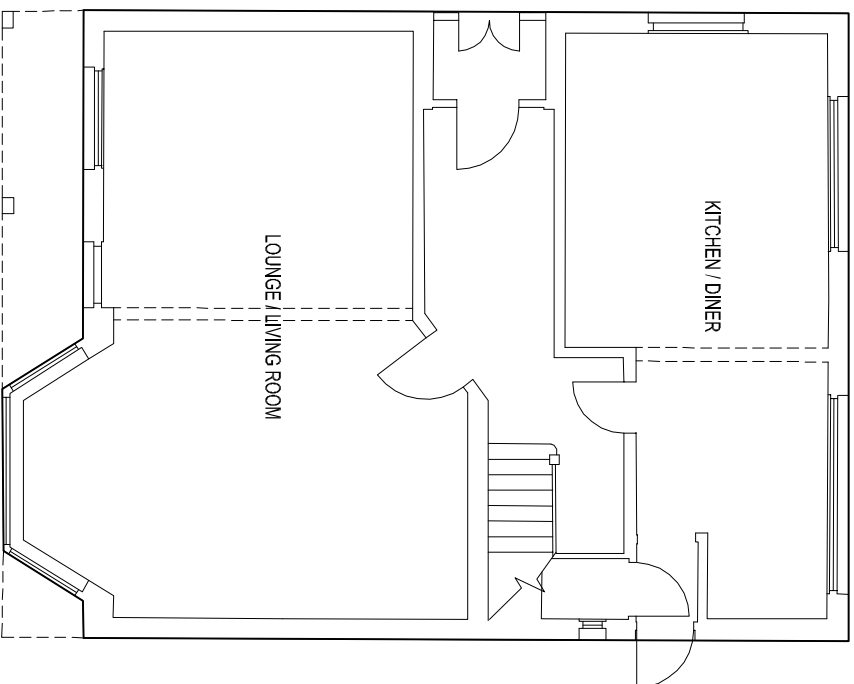


EAST ELEVATION

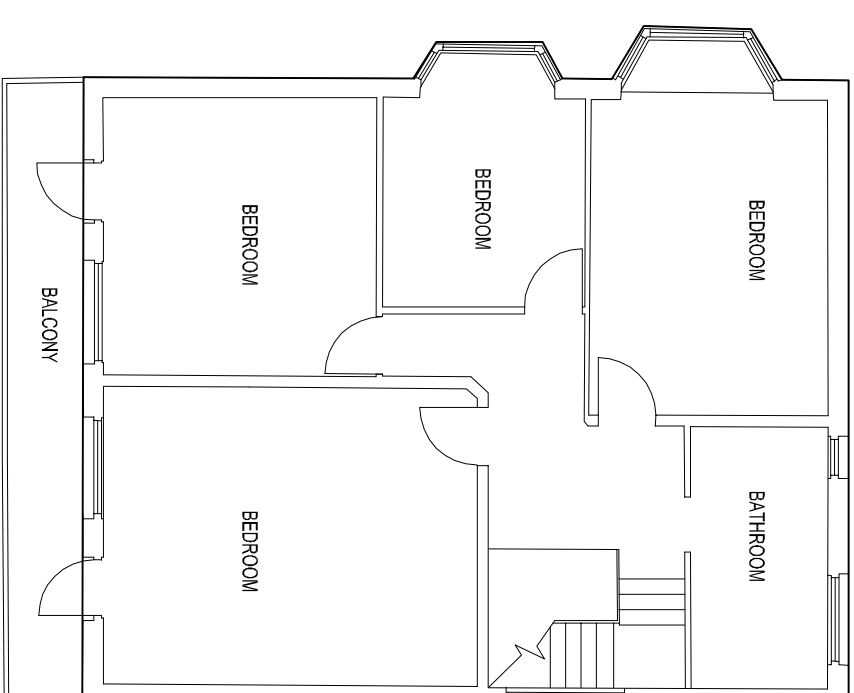


EXISTING ELEVATIONS

This page is intentionally left blank



GROUND FLOOR PLAN  
GEA: 87.0m<sup>2</sup>



GROUND FLOOR PLAN  
GEA: 86.0m<sup>2</sup>

STUDIO 1  
LEIGH PARK ROAD LEIGH-ON-SEA  
ESSEX SS9 2DU 01702 472714  
www.metsonarchitects.co.uk  
admin@metsonarchitects.co.uk

SCALE.  
DATE.  
CLIENT.  
JOB.

@A3 1 : 1 0 0 scale METRES  
APRIL 2019  
BARRON HOMES SE. LTD  
39 CHALKWELL ESPLANADE

EXISTING FLOOR PLANS

REV. DWG NO. **1830-X-02**

This page is intentionally left blank





This page is intentionally left blank

# 39 Chalkwell Esplande

site



# Streetscene and building line

395



# Streetscene



# Streetscene to east



# Similar proposal nearby to east

398





# View from west



400



# Rear of site and E neighbour



# Rear garden of site



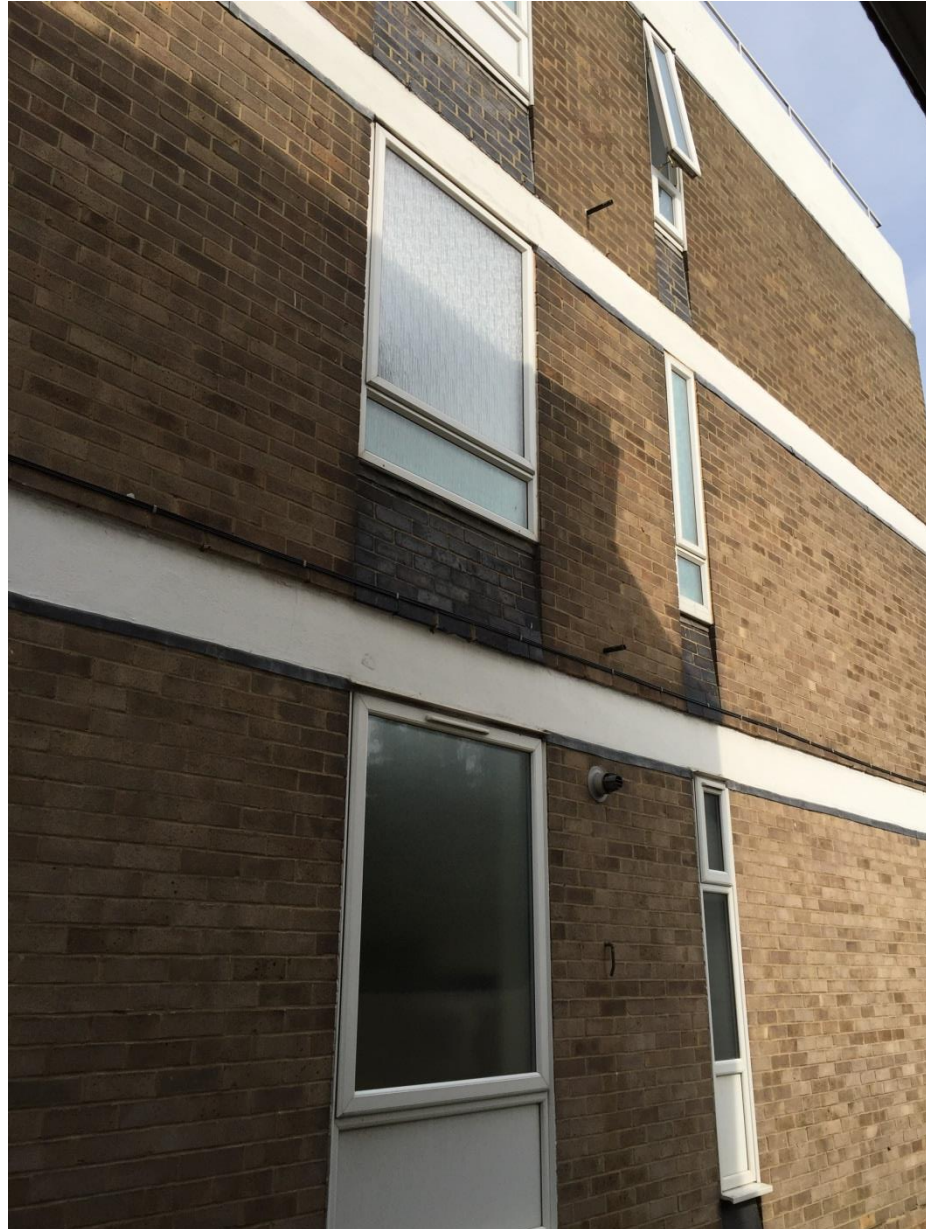
# Existing relationship with Viceroy Court

403



Side  
windows to  
Viceroy  
Court all  
obscure

404



# Existing relationship with 37 Chalkwell Esplanade

405



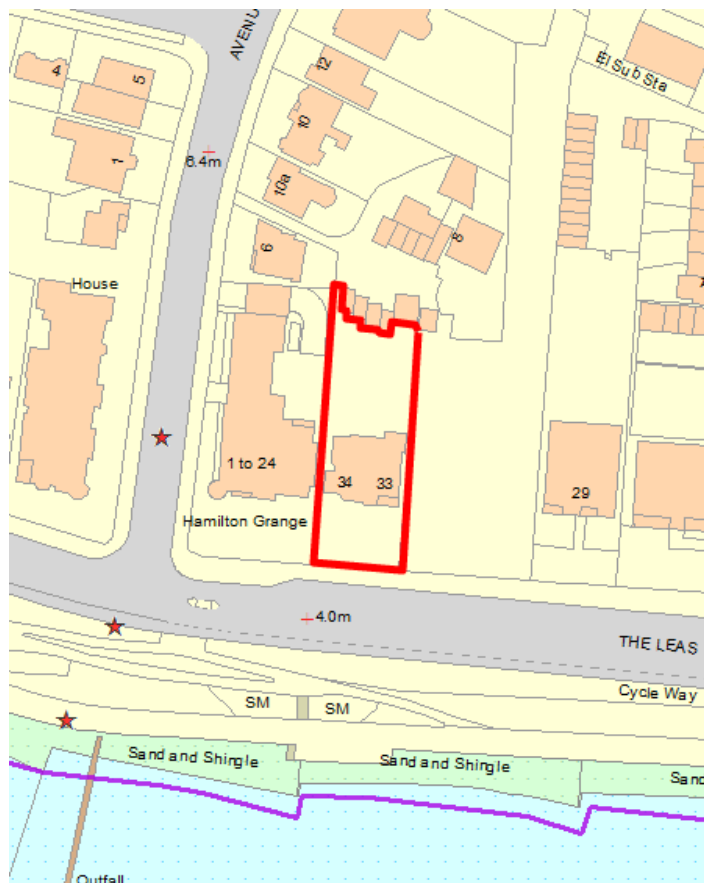
# Side elevation 37 Chalkwell Esplanade

406





<b>Reference:</b>	20/01654/FUL	<h1>12</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Install glazed lift shaft to side of existing building for access to Dwelling (Amended Proposal)	
<b>Address:</b>	Penthouse, 33 - 34 The Leas, Westcliff-On-Sea	
<b>Applicant:</b>	Mr M Bilkus	
<b>Agent:</b>	Mr Paul Seager of APS Design Associates Ltd	
<b>Consultation Expiry:</b>	4th November 2020	
<b>Expiry Date:</b>	11th December 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>3067 01, 3067 02, 3067 03, 3067 04 REV A, 3067 05 REV A, 3067 06 REV A</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of the Leas and contains a former pair of Edwardian semi-detached houses which have been converted into flats. The building has undergone a number of alterations and over time has lost a number of key features as part of this conversion particularly at the upper levels. There is parking for eight cars on the frontage and a raised amenity terrace against the building.
- 1.2 The site is located on the seafront at Chalkwell and sits within the Crowstone Conservation Area. The area is residential in character. The forecourt area is within Flood Zone 2. The site falls within Seafront Character Area 4 as designated by policy DM6 of the Development Management Document.

## 2 The Proposal

- 2.1 Planning permission is sought for the installation of an external lift and the associated enclosure. The proposed lift enclosure, also referred to here as a lift shaft, would be located to the western side of the building, behind a two-storey projection and would measure 1.3m wide by 1.6m deep by 10.2m high and it is proposed to have a flat roof. Above the ground floor level of the lift shaft there would be a canopy projecting 0.7m to the rear from the proposed structure. It is proposed to construct the lift shaft with white powder coated aluminium glazed sections.
- 2.2 The application is supported by a Design and Access Statement, an example of a lift shaft enclosure that has been constructed elsewhere, lift manufacturer specifications and medical records of the applicant from the applicant's GP. It is stated that the lift is needed for medical reasons and evidence about the applicant's medical condition has been supplied in support of the application. This proposal is an amended scheme following refusal of planning application 20/00928/FUL (the "2020 Application"). The main difference between the two schemes is the omission of a front extension at second floor level and the increase in height of the proposed lift shaft from 9.9m to the currently proposed height of 10.2m. During the course of this application the proposal was amended to reduce the height of the lift shaft enclosure from 12.8m to the currently proposed height.

## 3 Relevant Planning History

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

**Table 1: Relevant Planning History of Application Site**

Reference	Description	Outcome
18/01642/FUL	Remove existing tarmac and layout new block paving and drainage to parking area, amend layout of front terrace including new raised planter and new paving, render existing front boundary wall and install new flower beds to all sides of parking area, associated landscaping and erect bin store (part retrospective)	Permission Granted [11.12.2018]
19/01079/AD	Application for approval of details pursuant to condition 03 (materials) and	Details Agreed [04.07.2019]

	condition 04 (details of soft landscaping) of Planning Permission 18/01642/FUL dated 11.12.2018	
19/01896/FUL	Alter mansard roof and elevation to form balcony with glazed balustrade and install windows/doors to the front and side elevations (Retrospective).	Permission Granted [30.12.2019]
20/00928/FUL (the 2020 Application)	Erect third floor front/side extension and extend balcony to front and install glazed lift shaft to side for access to existing dwelling	Refused [11.09.2020]

- 3.2 The officer's report for the 2020 Application is appended to this report as Appendix 1. The basis of the previous refusal is a material consideration of significant weight in the determination of the current proposal.

#### 4 Representation Summary

##### Call-in

- 4.1 The application has been called-in to the Development Control Committee by Councillor Folkard.

##### Public Consultation

- 4.2 Forty-one (41) neighbouring properties have been consulted, a site notice was displayed and a public notice was published in the local press. Objecting representations from six (6) individuals have been received and are summarised as follows:

- Negative impact on character and appearance of the area.
- Negative impact on conservation area.
- Residential amenity concerns.
- Loss of privacy, light and views.
- Increase of noise and disturbance from the lift.
- Vibration from the lift.
- Noise and disturbance during construction.
- Health and safety issues.
- The reason for the lift is to separate the flat into two smaller flats or create a new flat in the loft without additional parking.
- A different lift shaft is required.
- The management company for the building does not agree with its installation.
- The installation of the lift will impact the access of residents to the rear garden.
- There is no confidence as to the quality of the works; previous works by the applicant resulted in roof leaks.

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

##### Conservation Officer

- 4.4 No objections to amended proposal .

## **Fire Brigade**

- 4.5 No objections.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 Crowstone Conservation Area Appraisal (2009)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, including the Crowstone Conservation Area, the impact on residential amenity, traffic and transportation issues, the special personal circumstances put forward by the applicant in light of the equality act and whether the development would be liable for CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 When the 2020 Application was considered, the principle of the development was found to be acceptable. This has not changed for this application which remains equally acceptable in principle. Other material planning considerations are discussed in the following sections of this report.

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

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.3 The site is located within the Crowstone Conservation Area. Section 72 (1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or

appearance of conservation areas. This is reinforced by Development Management Policy DM5 which states:

1. All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.
2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.

7.4 Policy DM6 which relates to development within the seafront area states that: “Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”

7.5 Policy Table 1 ‘Seafront Character Zones’ states that within character zone the development principles include:

(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.

(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.

7.6 When the 2020 Application was considered it was found that the form and appearance of that proposal would be materially harmful. In this instance, the proposed development would be set back from the highway and would not be conspicuous within the streetscene. While it remains a form of development that would appear clearly as a later addition to the building, the resulting harm is significantly less than that previously identified. It is considered that, subject to a condition requiring samples and details of materials to be used on the external surfaces of the proposal, any resulting harm could be materially outweighed by the identified benefit to the applicant and the creation of an accessible dwelling.

7.7 The harm to the significance of the historic asset is less than substantial and moderate in degree but the circumstances of the case would not warrant the refusal of the application in this instance. On balance and subject to conditions, the development is acceptable and in line with policy in these regards.

### **Impact on Residential Amenity**

7.8 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and

disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”

- 7.9 The property subject of the application is located above existing residential units and some 1.5m from the neighbouring block of flats to the west. Concerns have been raised by neighbouring residents that the proposed development would result in loss of light to the side of their properties. The proposed development would result in some loss of light to either secondary windows of habitable rooms or primary windows of non-habitable rooms. Hence, it would not be materially detrimental to the residential amenity of neighbours in this regard. Given the position of the proposal, some additional sense of enclosure, loss of outlook and overbearing effect would be experienced from those same side areas of the neighbouring properties but the situation would not be materially worse than it currently is within the confined space between two tall buildings. Concerns about privacy arising from the proposed lift shaft can be addressed with conditions to secure the lift does not cause overlooking. Similarly, conditions can reasonably address the concerns regarding noise, vibration and disturbance arising from the use of the lift and during the construction of the development. In the round, the proposal would be acceptable and in line with policy in these regards, subject to conditions.

### **Traffic and Transportation Issues**

- 7.10 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.11 The development would not alter the access and parking arrangements to the site and would not increase the demand for parking. The development has no material impact on the highway safety, parking provision or free flow of traffic in the area. The development is acceptable and policy compliant in the above regards.

### **Equality Act**

- 7.12 The Equality Act 2010 (the Act) sets a general duty on public bodies in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and foster good relations between different groups when discharging its functions. Equality duties require public authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.
- 7.13 Based on the information submitted the proposal is intended to result in potential benefits to the applicant. The proposal would be demonstrably harmful to the character and quality of the built environment including the Conservation Area to a moderate degree. Personal circumstances generally referred to would not warrant a grant of planning permission but their combination with the public benefit of providing one accessible residential unit would, on balance, justify the grant of planning permission in this instance having regard to the extent of conflict with relevant development plan

policies.

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

- 7.14 As the proposed development would not create more than 100m<sup>2</sup> new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be acceptable and in line with local and national planning policies. Although the proposal would result in less than substantial harm to the Conservation Area, on balance, the benefit to the Applicant, attributing due weight to their medical condition, and the public benefit of making a residential unit accessible would outweigh the moderate identified harm and justify the grant of planning permission in the circumstances of this case. The proposal would be acceptable subject to conditions in terms of its impact on the neighbouring residential amenity and no harmful impact has been identified in terms of highway safety. The application is, therefore, recommended for approval subject to conditions.

## **9 Recommendation**

### **9.1 GRANT PLANNING PERMISSION subject to conditions:**

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

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

- 02 **The development hereby approved shall be carried out in accordance with the approved plans: 3067 01, 3067 02, 3067 03, 3067 04 REV A, 3067 05 REV A, 3067 06 REV A.**

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

- 03 **No development above ground level shall take place on site until details of noise and vibration mitigation measures to ensure that the development hereby approved would be inaudible from and would not cause any harmful vibration to any nearby habitable room, have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first use of the development hereby approved.**

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

- 04 No construction above ground floor level shall take place on site until samples and details of the materials to be used on the external surfaces of the development, including roof, walls and fenestration have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details before it is brought into first use and shall be retained as such for the lifetime of the development.**

**Reason: In the interest of visual amenity and to avoid any detrimental overlooking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

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

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

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

**Informatives:**

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.**
- 2 As part of Condition 4, details should be submitted to demonstrate that the approved development would not cause materially harmful overlooking towards neighbouring windows and gardens.**



<b>Delegated Report</b>
-------------------------

<b>Reference:</b>	20/00928/FUL
<b>Application Type:</b>	Full Application
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Erect third floor front/side extension and extend balcony to front and install glazed lift shaft to side for access to existing dwelling
<b>Address:</b>	Penthouse, 33 - 34 The Leas, Westcliff-On-Sea
<b>Applicant:</b>	Mr M Bilkus
<b>Agent:</b>	Mr Paul Seager of APS Design Associates Ltd
<b>Consultation Expiry:</b>	2nd September 2020
<b>Expiry Date:</b>	11th September 2020
<b>Case Officer:</b>	Spyros Mouratidis
<b>Plan Nos:</b>	<b>3016 01, 3016 02, 3016 03, , 3016 04 REV B, 3016 05 REV B, 3016 06 REV B</b>
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of the Leas and contains a former pair of Edwardian semi-detached houses which have been converted into flats. The building has undergone a number of alterations and has lost a number of key features as part of this conversion particularly at the upper levels. There is parking for 8 cars on the frontage and a raised amenity terrace against the building.
- 1.2 The site is located on the seafront at Chalkwell and sits within the Crowstone Conservation Area. The area is residential in character. The forecourt area is within Flood Zone 2. The site falls within Seafront Character Area 4 as designated by policy DM6 of the Development Management Document.

## 2 The Proposal

- 2.1 Planning permission is sought for the erection of a front and side, second floor extension and the installation of a lift. The proposed extension would be to the south-western part of the second floor and would measure a maximum of 5.1m deep by 3.5m wide. It would have a flat roof with a lantern reaching a maximum height of 11.6m above ground level and increasing the height of this part of the building by a maximum of 4m. The proposed extension would be finished in materials to match the existing building. Juliet balconies

would be installed to the south-western part of the extension.

- 2.2 The proposed lift would be located to the rear of the proposed extension. The lift would require the erection of a lift shaft measuring 1.3m wide by 1.6m deep by 9.9m high and it is proposed to have a flat roof. Above the ground floor level of the lift shaft there would be a canopy projecting 0.7m to the rear from the proposed shaft. It is proposed to construct the lift shaft with white powder coated aluminium glazed sections.
- 2.3 The application is supported by a Design and Access Statement, an example of a lift shaft that has been constructed elsewhere, lift manufacturer specifications and medical records of the applicant. It is claimed that the lift is needed for medical reasons. During the consideration of the application the originally submitted proposal was amended at the applicant's discretion to reduce the height of the lift shaft and remove a proposed balcony in front of the extension following their awareness of points of third party objection and also to submit further supporting information.

### 3 Relevant Planning History

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

**Table 2: Relevant Planning History of Application Site**

Reference	Description	Outcome
18/01642/FUL	Remove existing tarmac and layout new block paving and drainage to parking area, amend layout of front terrace including new raised planter and new paving, render existing front boundary wall and install new flower beds to all sides of parking area, associated landscaping and erect bin store (part retrospective)	Permission Granted [11.12.2018]
19/01079/AD	Application for approval of details pursuant to condition 03 (materials) and condition 04 (details of soft landscaping) of Planning Permission 18/01642/FUL dated 11.12.2018	Details Agreed [04.07.2019]
19/01896/FUL	Alter mansard roof and elevation to form balcony with glazed balustrade and install windows/doors to the front and side elevations (Retrospective).	Permission Granted [30.12.2019]

### 4 Representation Summary

#### Public Consultation

- 4.1 Forty-one (41) neighbouring properties were consulted, site notices were displayed and public notices were published in the local press both for the original and the amended proposals. Objecting representations from seven (7) individuals have been received and are summarised as follows:

- Negative impact on character and appearance of the area.
- Negative impact on conservation area.

- Residential amenity concerns.
- Loss of privacy, light and views.
- Increase of noise and disturbance from the lift and balcony.
- Vibration from the lift.
- Noise and disturbance during construction.
- Health and safety issues.
- The reason for the lift is to separate the flat into two smaller flats or create a new flat in the loft.
- A different lift shaft is required.

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

#### **Conservation Officer**

4.3 Object – the proposal would be detrimental to the character of the existing building and wider conservation area and streetscene.

#### **Fire Brigade**

4.4 No objections.

### **5 Planning Policy Summary**

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

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

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 Crowstone Conservation Area Appraisal (2009)

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

### **6 Planning Considerations**

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, including the Crowstone Conservation Area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and transportation issues and whether the development would be liable for CIL.

### **7 Appraisal**

## **Principle of Development**

- 7.1 Paragraph 117 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Considering that the application is for alterations to an existing building to improve facilities for the existing use of the application site, the proposed development is acceptable in principle. Other material planning considerations are discussed in the following sections of this report.

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

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.3 Paragraph 124 of the NPPF states that: “The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.4 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”.
- 7.5 The site is located within the Crowstone Conservation Area. Section 72 (1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reinforced by Development Management Policy DM5 which states:
3. All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.
  4. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public

benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.

- 7.6 Policy DM6 which relates to development within the seafront area states that: “Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”
- 7.7 Policy Table 1 ‘Seafront Character Zones’ states that within character zone the development principles include:
- (iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.
- (vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.
- 7.8 In terms of layout the proposed development would have a limited impact on the footprint of the existing building. The scale of the proposed additions would respect the scale of the existing development on the application site and neighbouring sites. The proposed form would be out of place given the poor integration of the proposed roof arrangements with the main roof and the use of incongruous features such as the roof lantern and the canopy. The poor choice of form results in an equally harmful and contrived appearance. Although the choice of materials would not exacerbate the identified harm, the proposal would be materially harmful to the character and appearance of the site and the area as well as to the significance of the Conservation Area. The harm to the significance of the historic asset is less than substantial, albeit significant enough to warrant the refusal of the application in this instance. The development is unacceptable and contrary to policy in these regards.

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

- 7.9 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 7.10 The proposal is for the enlargement of the existing residential property hence an improvement towards compliance or excess compared to the minimum Nationally Described Space Standards. There would be no reduction in terms of amenity space. The rooms of the property would continue to receive similarly acceptable levels of light and to have similarly acceptable outlook. The proposed provision of the lift is a positive element of the proposal to which due weight is attached in the consideration of the proposal . Overall, it is considered that the proposed development would improve the standard of accommodation for current and future occupiers and would not detrimental to their living conditions. The application is therefore acceptable and in line with policy in the above regards.

### **Impact on Residential Amenity**

- 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 and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.12 The property subject of the application is located above existing residential units and some 1.5m from the neighbouring block of flats to the west. Concerns have been raised by neighbouring residents that the proposed development would result in loss of light to the side of their properties. The proposed development would result in some loss of light to either secondary windows of habitable rooms or primary windows of non-habitable rooms. Hence, it would not be materially detrimental to the residential amenity of neighbours in this regard. Given the position of the proposal, some additional sense of enclosure, loss of outlook and overbearing effect would be experienced from those same side areas of the neighbouring properties but the situation would not be materially worse than it currently is. Concerns about privacy arising from the proposed lift shaft could be address with conditions had the application been recommended for approval. Similarly, conditions could reasonably address the concerns regarding noise, vibration and disturbance arising from the use of the lift and during the construction of the development. In the round, the proposal would be acceptable and in line with policy in these regards, subject to conditions.

### **Traffic and Transportation Issues**

- 7.13 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.14 The development has not altered the access and parking arrangements to the site and has not increased the demand for parking. The development has no material impact on the highway safety, parking provision or free flow of traffic in the area. The development is acceptable and policy compliant in the above regards.

### **Equality Act**

- 7.15 The Equality Act 2010 (the Act) sets a general duty on public bodies in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and foster good relations between different groups when discharging its functions. Equality duties require public authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.
- 7.16 Based on the information submitted the proposal is intended to result in potential benefits to the applicant. The proposal would be demonstrably harmful to the character and quality of the built environment including the Conservation Area. Personal circumstances generally referred to would not warrant a grant of planning permission

having regard to the extent of conflict with relevant development plan policies and the absence of any mitigating factors to outweigh this.

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

- 7.17 As the proposed development would not create any new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to local and national planning policies. The proposal, by reason of its incongruous, poorly integrated and contrived form and appearance, would result in material harm to the character and appearance of the site, the streetscene and the wider area as well as less than substantial, albeit significant, harm to the character and appearance of the Crowstone Conservation Area. Although the development is acceptable in other regards and there is some identified benefit from the provision of the lift, particularly considering the medical needs of the applicant to which due weight has been applied, the benefits of the development do not outweigh the significant and material harm identified. The application is, therefore, recommended for refusal.

## **9 Recommendation**

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

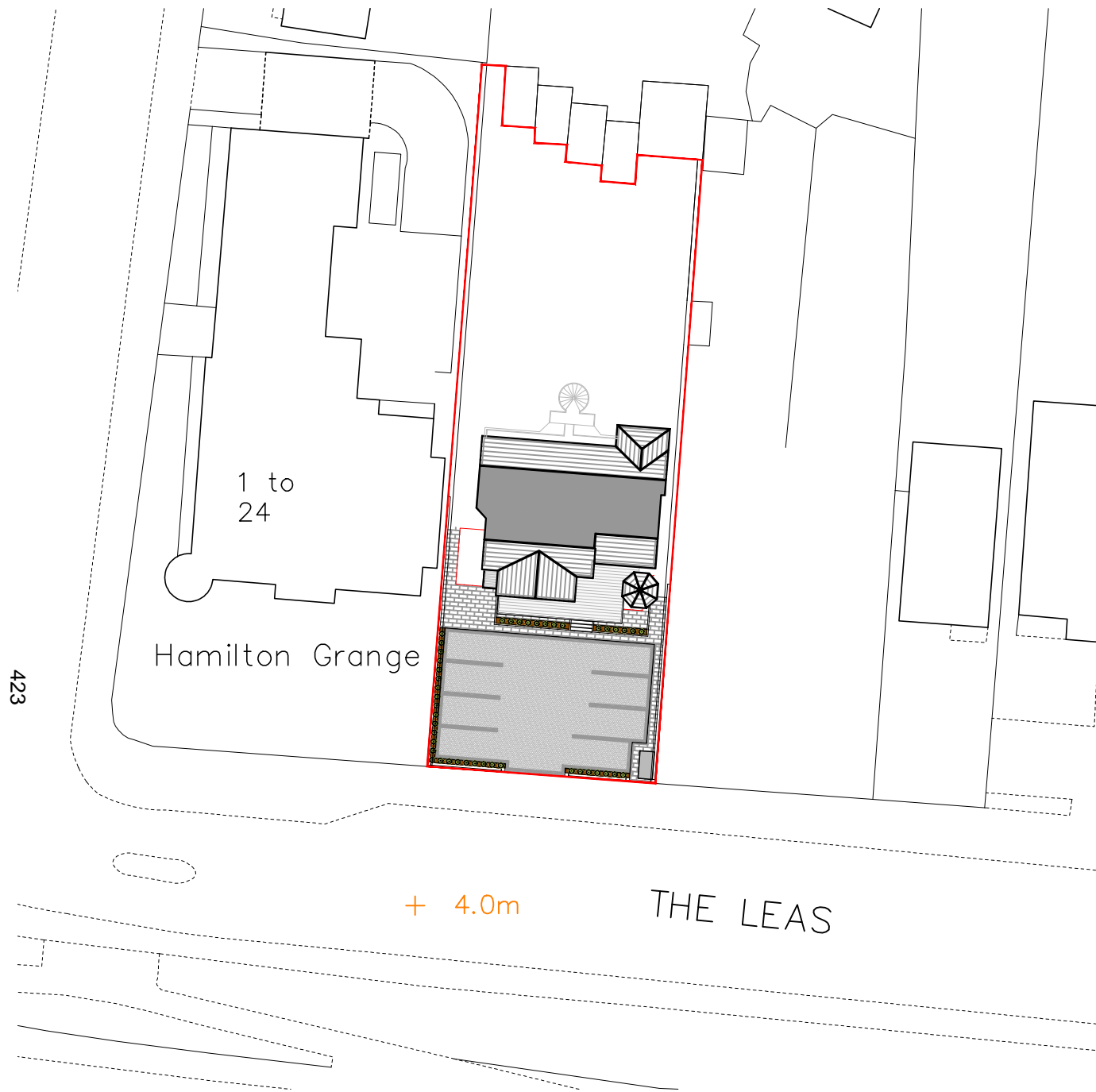
- 01 The proposal, by reason of its incongruous, poorly integrated and contrived form and appearance, would result in material harm to the character and appearance of the site, the streetscene and the wider area as well as less than substantial, albeit significant, harm to the importance of the Crowstone Conservation Area. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2019) and the Southend Design and Townscape Guide (2009).**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2)**

**Informatives:**

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



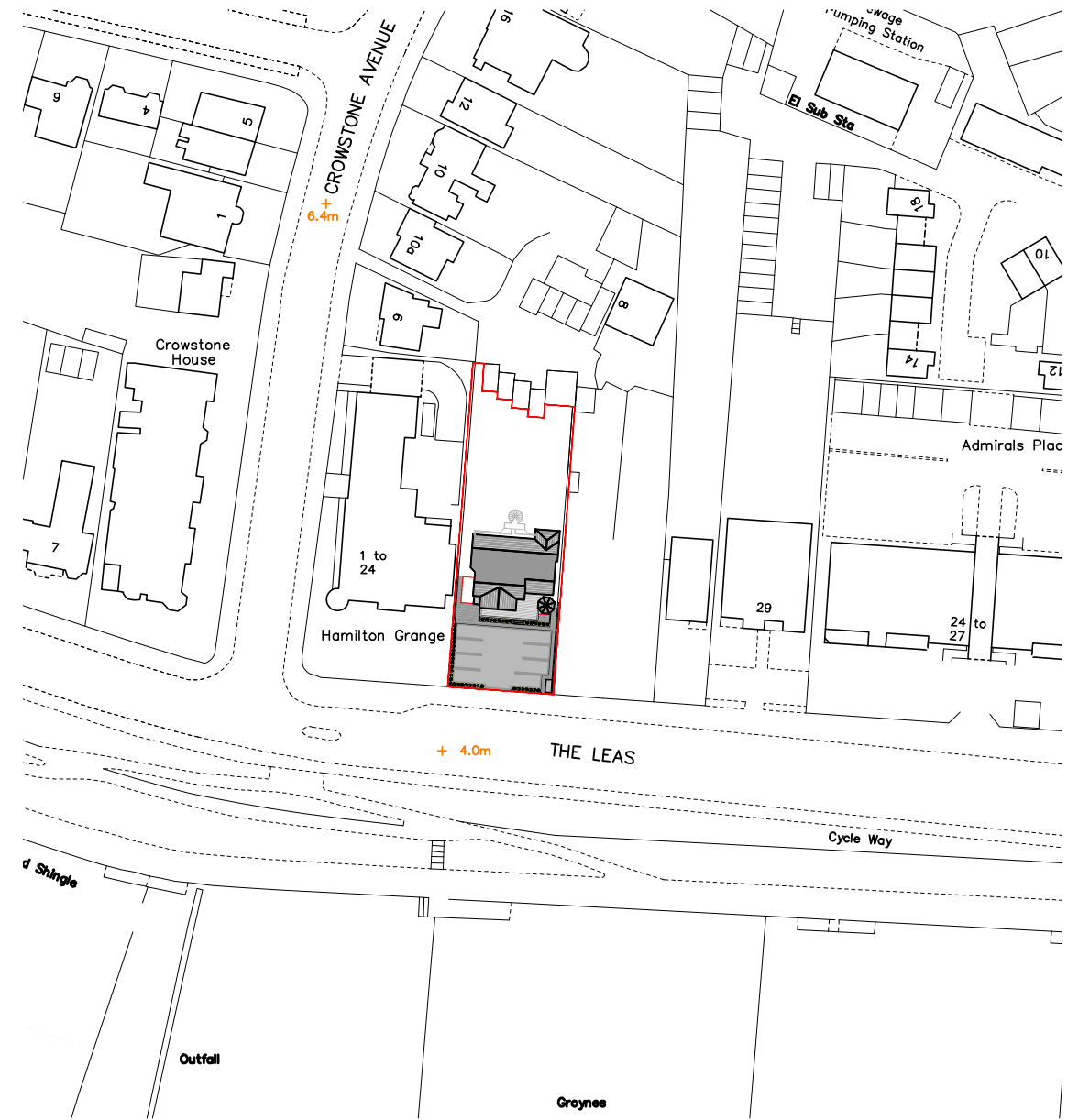


① Site Plan

SCALE 1:500



Scale: 1:500

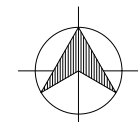


② Location Plan

Scale: 1:1250

SCALE 1:1250

0 10 20 30 40 50 60 70 80 90 100 [M]



NORTH

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

REVISION	DATE	AMENDMENT
<b>APS DESIGN ASSOCIATES LTD</b>		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		

PROJECT STAGE: Town Planning	DRAWN BY: L./J.D.M	DATE: October 2020
---------------------------------	-----------------------	-----------------------

CLIENT:

PROJECT:  
33-34 The Leas

JOB NO:  
3067

DRAWING TITLE:  
Site and Location Plans

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

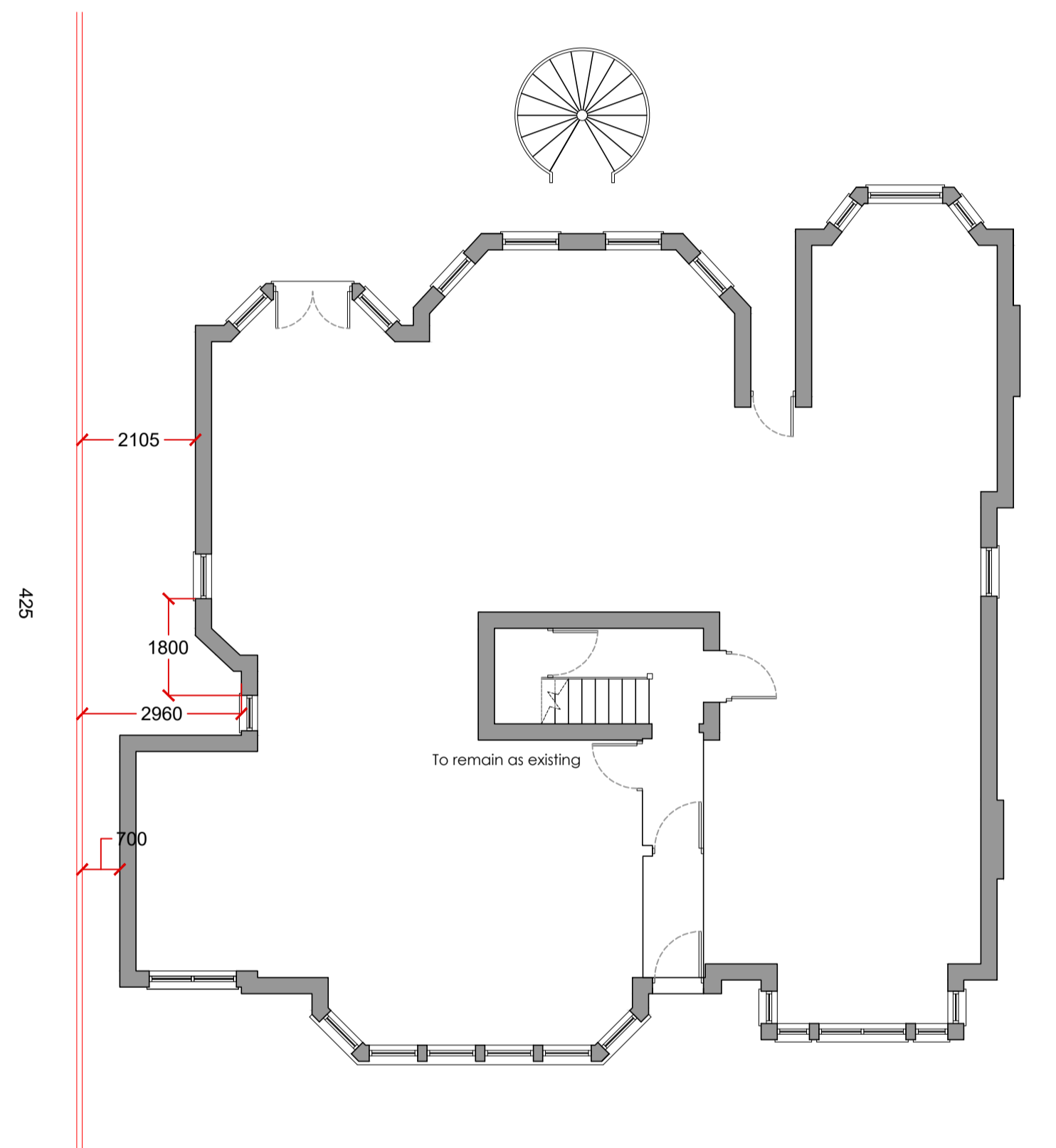
DRAWING NO:  
01

REVISION:

SCALE:  
1:1250 & 1:500 @ A3

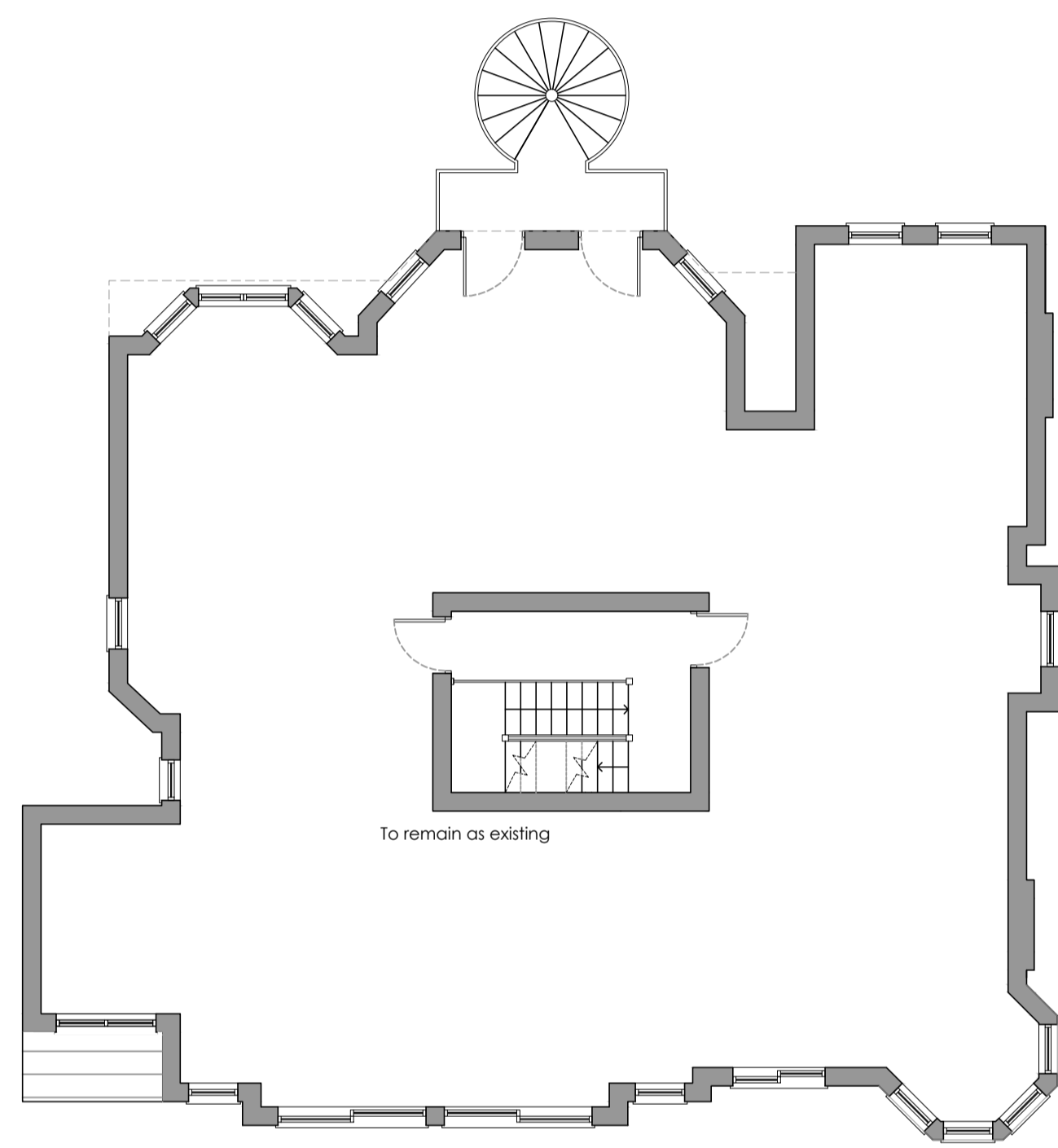
Tel: 01702 469 769 - 01702 337328  
Email: [admin@apsdesignsuk.com](mailto:admin@apsdesignsuk.com)  
[designteam@apsdesignsuk.com](mailto:designteam@apsdesignsuk.com)  
[planning@apsdesignsuk.com](mailto:planning@apsdesignsuk.com)  
Website: [www.apsdesignsuk.com](http://www.apsdesignsuk.com)

This page is intentionally left blank



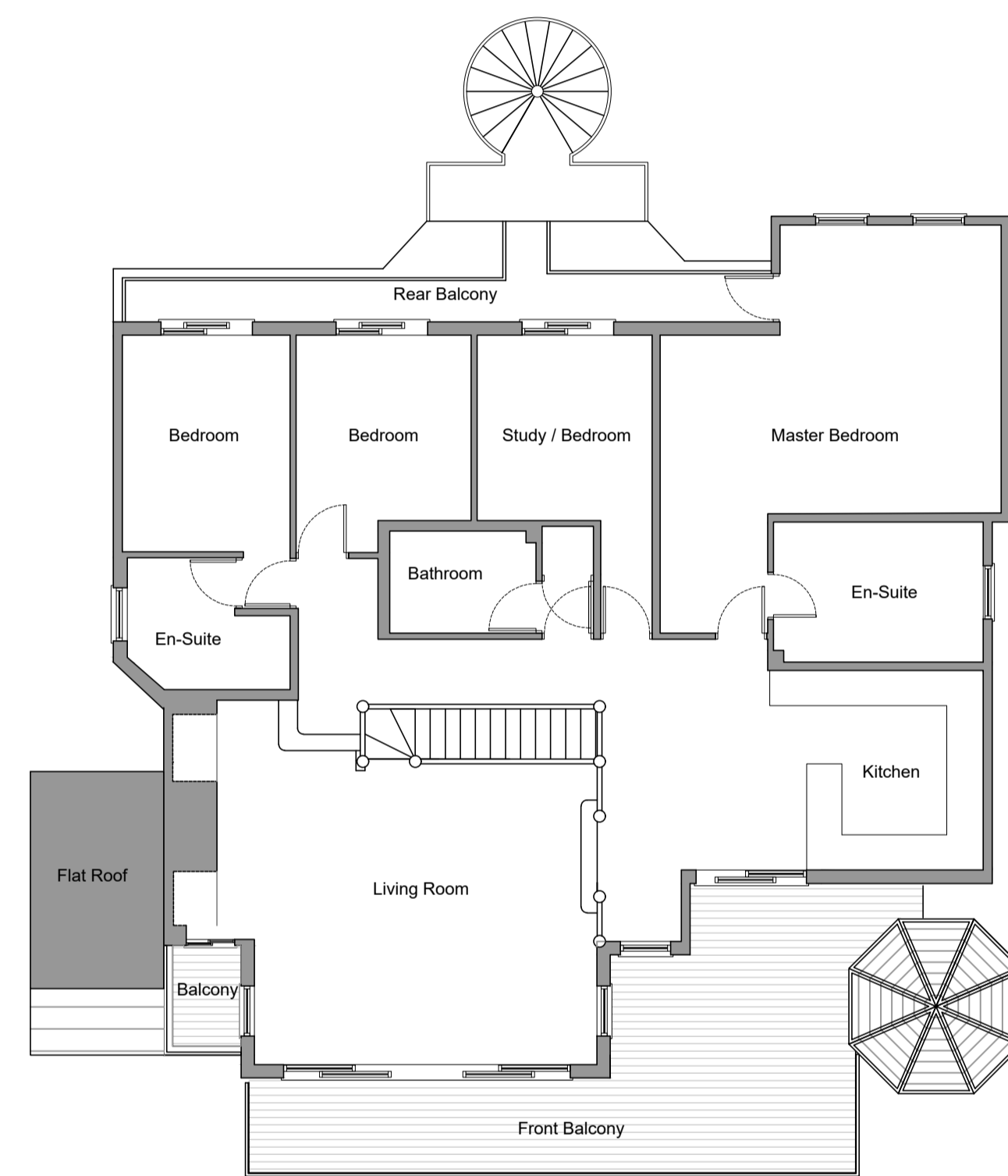
① Existing Ground Floor Plan

Scale: 1:100



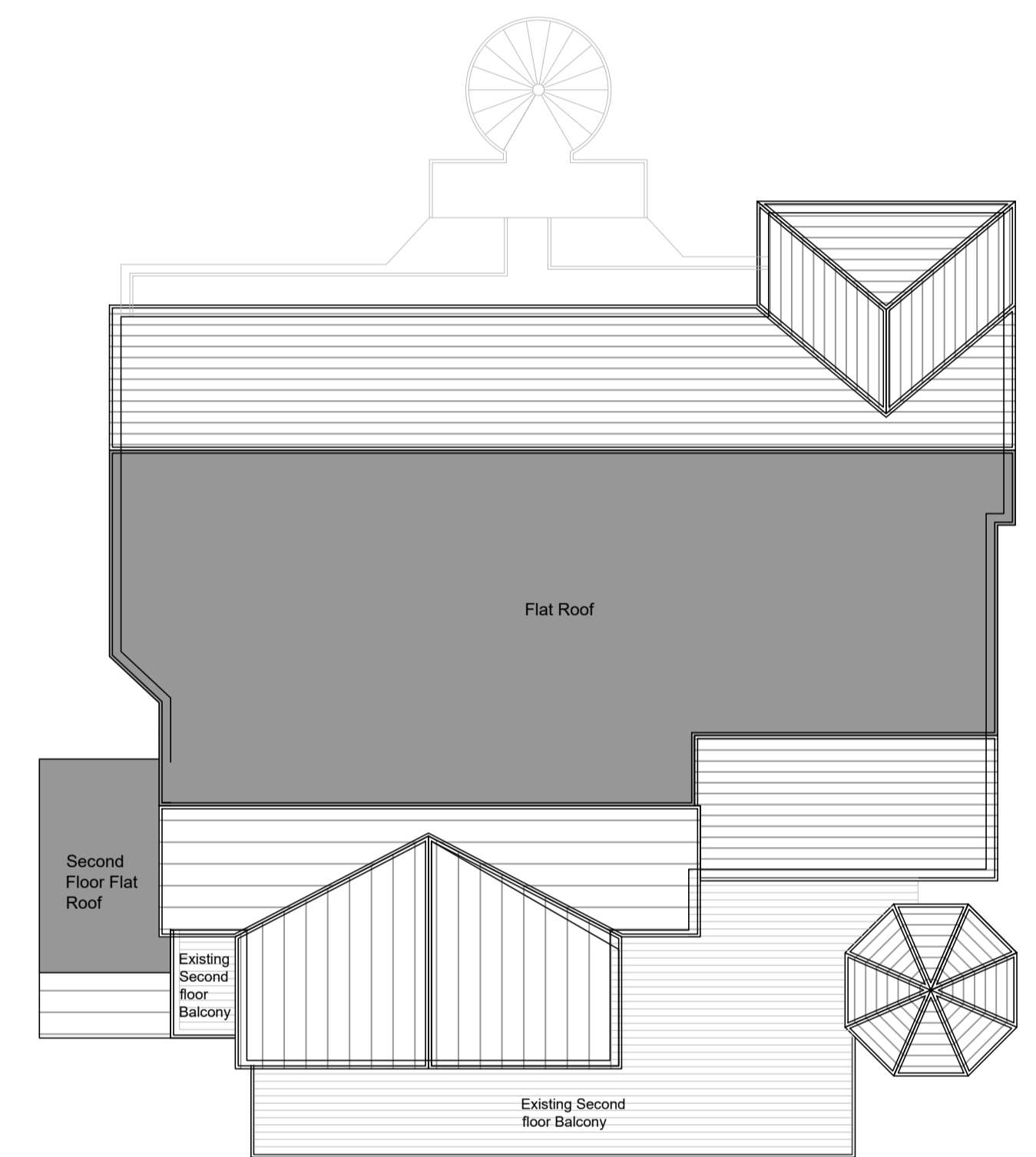
② Existing First Floor Plan

Scale: 1:100



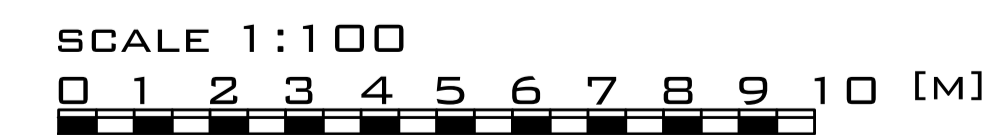
③ Existing Second Floor Plan

Scale: 1:100



④ Existing Roof Plan

Scale: 1:100



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

REVISION	DATE	AMENDMENT
<b>APS DESIGN ASSOCIATES LTD</b>		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE:	DRAWN BY:	DATE:
Town Planning	LJ/D.M	October 2020
CLIENT:		
Leas Management		
PROJECT:		
33-34 The Leas		
JOB NO:	DRAWING NO:	REVISION:
3067	02	
DRAWING TITLE:		SCALE:
Existing Plans		1:100 @ A1
The Design Studio		
1 Cambridge Road (Rear)		
Nelson Street		
Southend-On-Sea		
Essex		
SS1 1ET		
		Tel: 01702 469 760 - 01702 337328
		Email: <a href="mailto:admin@apsdesignsuk.com">admin@apsdesignsuk.com</a>
		<a href="mailto:designteam@apsdesignsuk.com">designteam@apsdesignsuk.com</a>
		<a href="mailto:planning@apsdesignsuk.com">planning@apsdesignsuk.com</a>
		Website: <a href="http://www.apsdesignsuk.com">www.apsdesignsuk.com</a>

This page is intentionally left blank



① Existing Front Elevation

Scale: 1:100



② Existing Left Elevation

Scale: 1:100



③ Existing Rear Elevation

Scale: 1:100



④ Existing Right Elevation

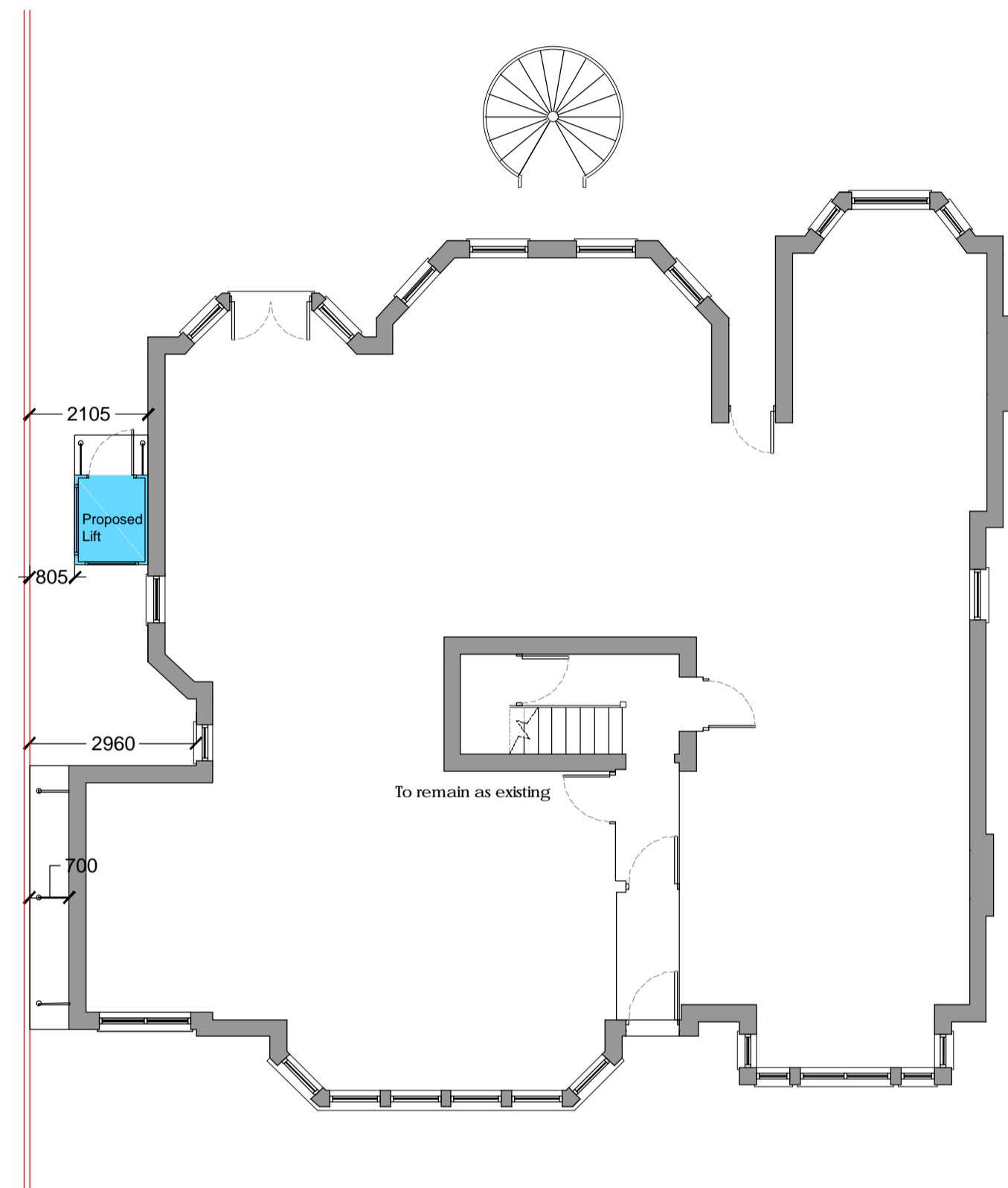
Scale: 1:100

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

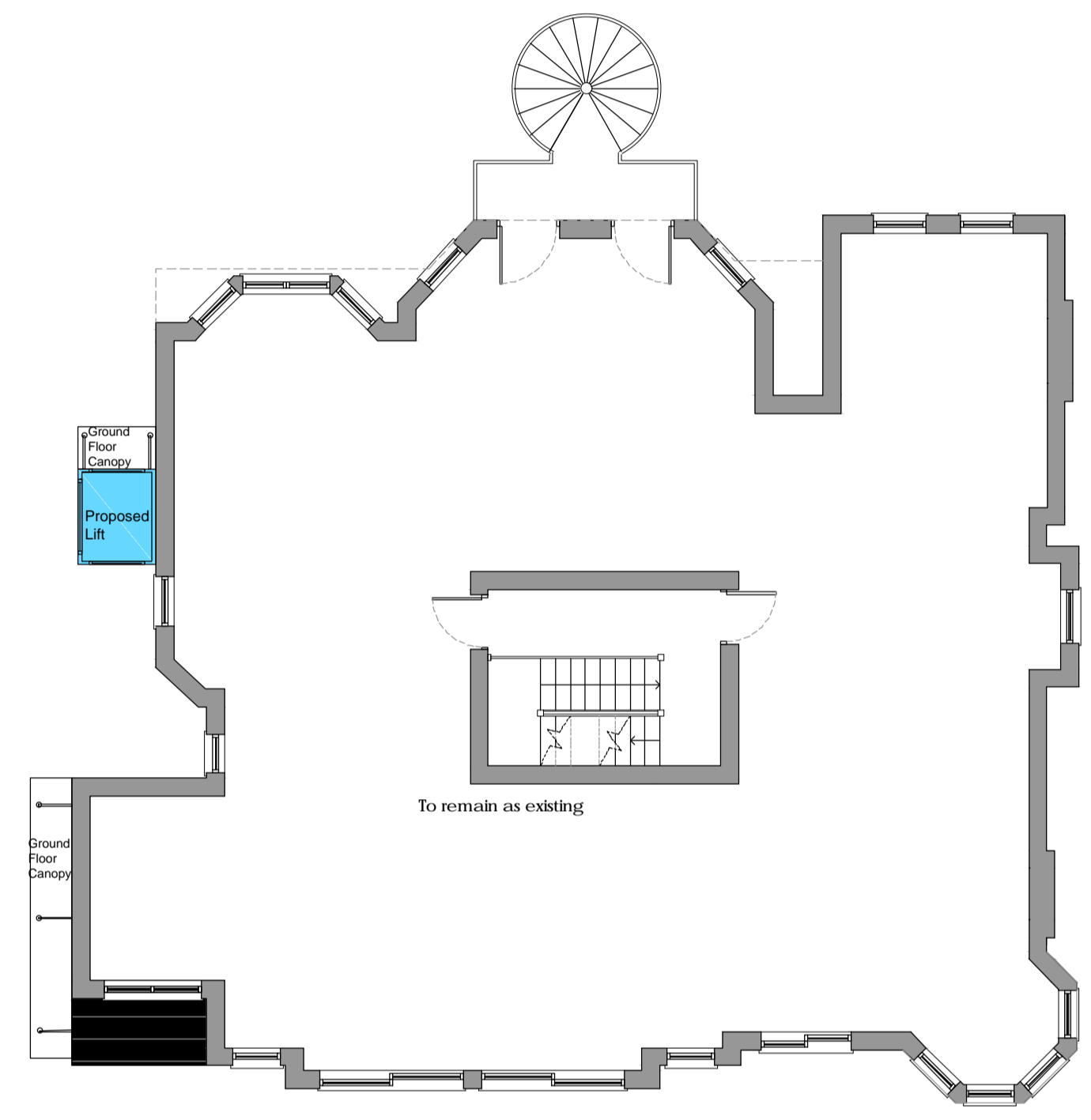
DO NOT SCALE THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. THIS DRAWING IS COPYRIGHT OF APS DESIGNS AND SHOULD ONLY BE REPRODUCED WITH THEIR EXPRESS PERMISSION. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES SHOULD BE REPORTED TO APS DESIGNS PRIOR TO COMMENCEMENT.

REVISION	DATE	AMENDMENT
<b>APS DESIGN ASSOCIATES LTD</b>		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE:	DRAWN BY:	DATE:
Town Planning	L.J.D.M	October 2020
CLIENT:	DRAWING NO:	
Leas Management	03	
PROJECT:	REVISION:	
33-34 The Leas	03	
JOB NO:	SCALE:	
3067	1:100 @ A1	
DRAWING TITLE:	Tel: 01702 469 769 - 01702 337328	
Existing Elevations	Email: admin@apsdesignsuk.com	
The Design Studio	designteam@apsdesignsuk.com	
1 Cambridge Road (Rear)	planning@apsdesignsuk.com	
Nelson Street	Website: www.apsdesignsuk.com	
Southend-On-Sea		
Essex		
SS1 1ET		

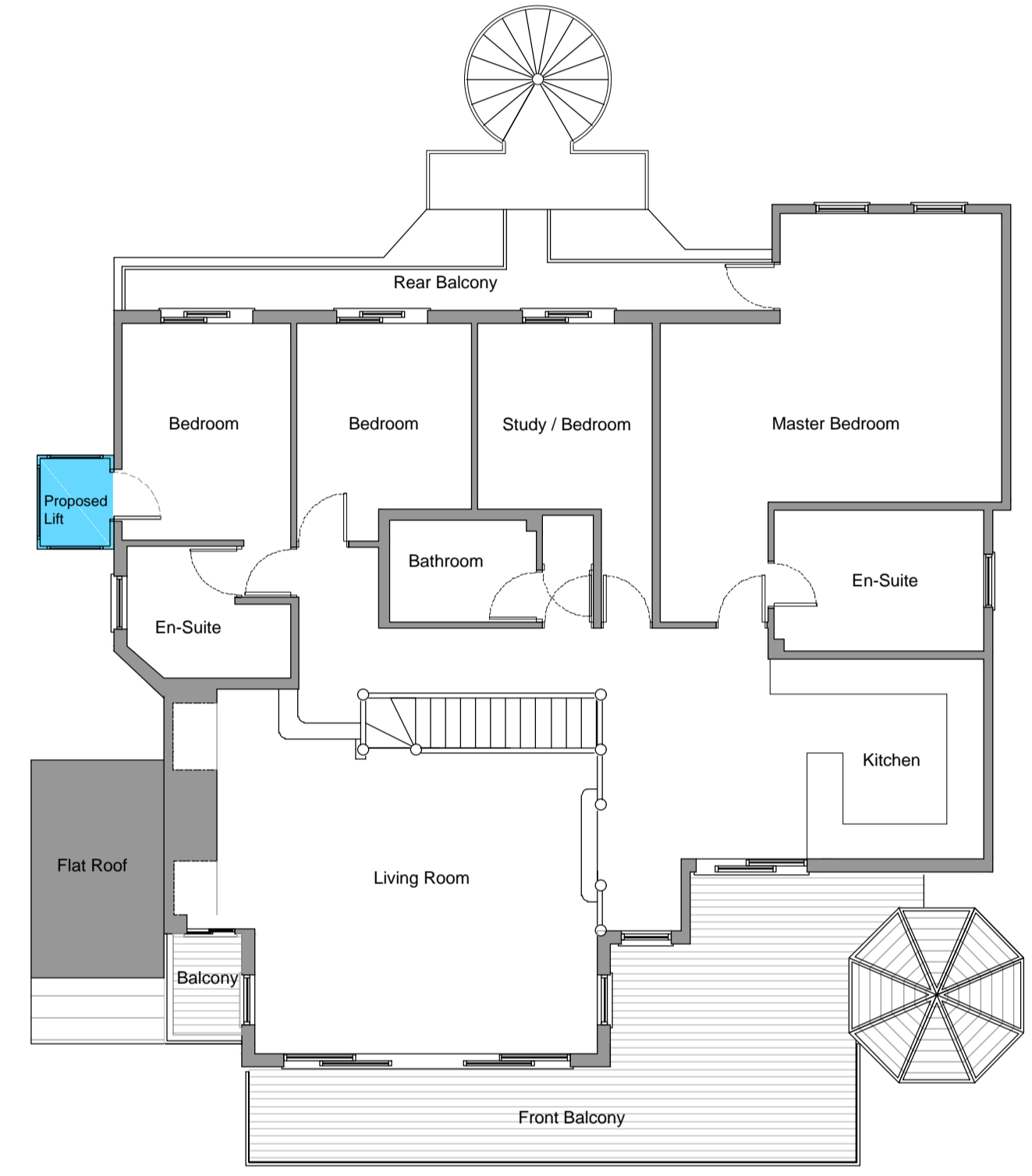
This page is intentionally left blank



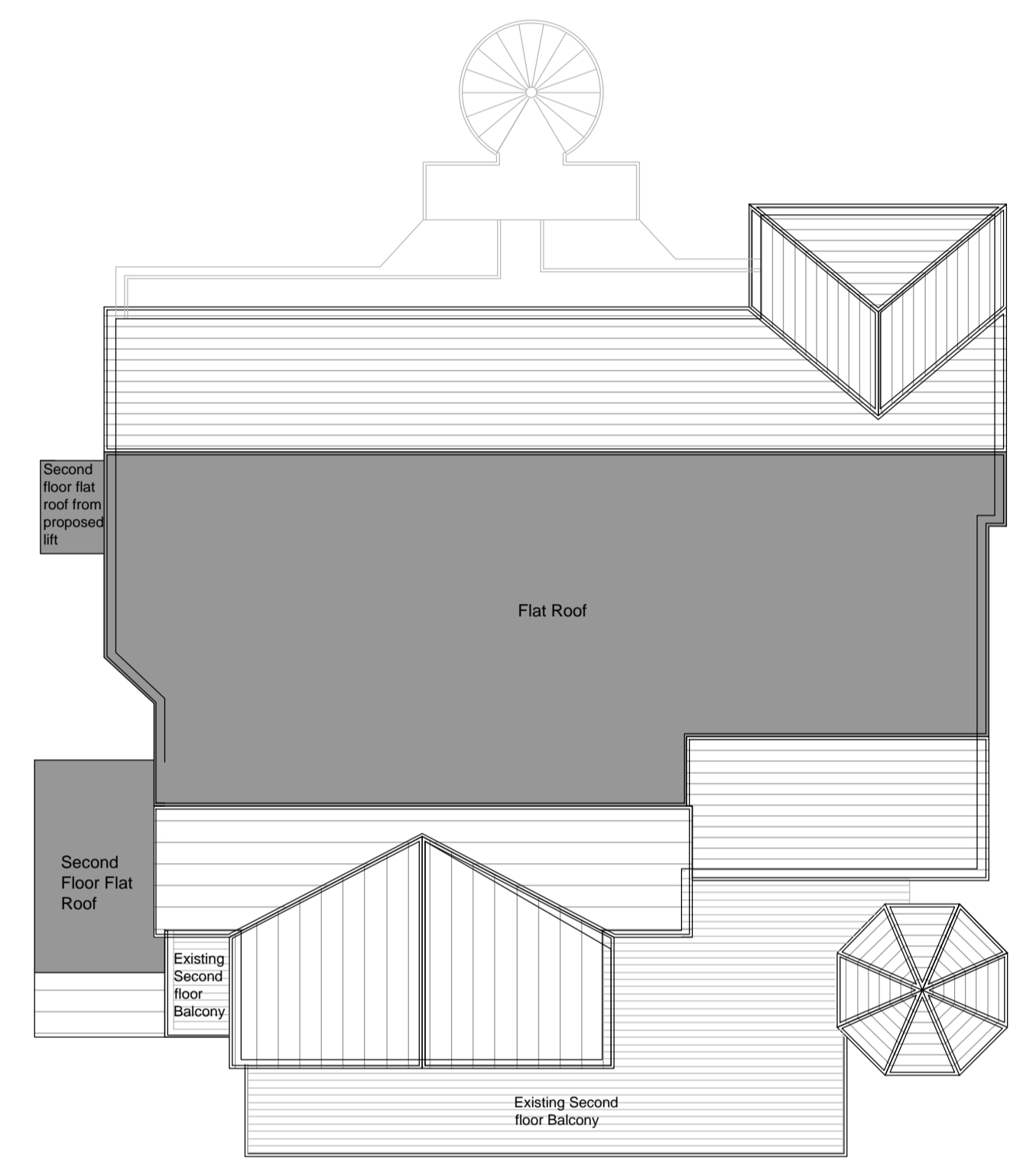
1 Proposed Ground Floor Plan Scale: 1:100



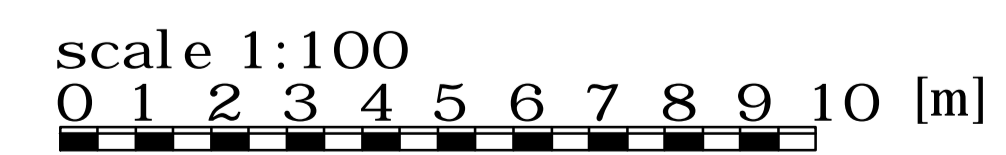
2 Proposed First Floor Plan Scale: 1:100



3 Proposed Second Floor Plan Scale: 1:100



4 Proposed Roof Plan Scale: 1:100



Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of APS Designs and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to APS Designs prior to commencement.

REVISION: A	DATE: 28.10.2020	AMENDMENT: Lift roof text changed
<b>APS DESIGN ASSOCIATES LTD</b>		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE: Town Planning	DRAWN BY: L.J./D.M	DATE: October 2020
CLIENT: Lees Management		
PROJECT: 33-34 The Leas		
JOB NO: 3067	DRAWING NO: 04	REVISION: A
DRAWING TITLE: Proposed Plans		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

This page is intentionally left blank





1 Proposed Front Elevation

Scale: 1:100



2 Proposed Left Elevation

Scale: 1:100



3 Proposed Rear Elevation

Scale: 1:100



4 Proposed Right Elevation

Scale: 1:100

431

scale 1:100  
 0 1 2 3 4 5 6 7 8 9 10 [m]

Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of APS Designs and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to APS Designs prior to commencement.

REVISION: A	DATE: 28.10.2020	AMENDMENT: Lift shaft reduced
<b>APS DESIGN ASSOCIATES LTD</b>		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE: Town Planning	DRAWN BY: L.J.D.M	DATE: October 2020
CLIENT: Leas Management	PROJECT: 33-34 The Leas	
JOB NO: 3067	DRAWING NO: 05	REVISION: A
DRAWING TITLE: Proposed Elevations	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		

This page is intentionally left blank



1



2



3



4



5

REVISION: A	DATE: 28.10.2020	AMENDMENT: Lift shaft reduced
<b>APS DESIGN ASSOCIATES LTD</b>		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE: Town Planning	DRAWN BY: L.J.D.M	DATE: October 2020
CLIENT: Leas Management		
PROJECT: 33-34 The Leas		
JOB NO: 3067	DRAWING NO: 06	REVISION: A
DRAWING TITLE: Proposed Visuals		
SCALE: NA @ 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		

Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of APS Designs and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to APS Designs prior to commencement.

This page is intentionally left blank

# 20-00928-FUL - Penthouse 33 - 34 The Leas Westcliff

Site visit by Spyridon Mouratidis



Front elevation



Front elevation and relationship with neighbour



Neighbour to the west





15 Jul 2020 15:05:12  
Side elevation of neighbouring building  
100 Cowling Avenue  
Westcliff-on-Sea  
County of Essex



View towards the rear part of the site

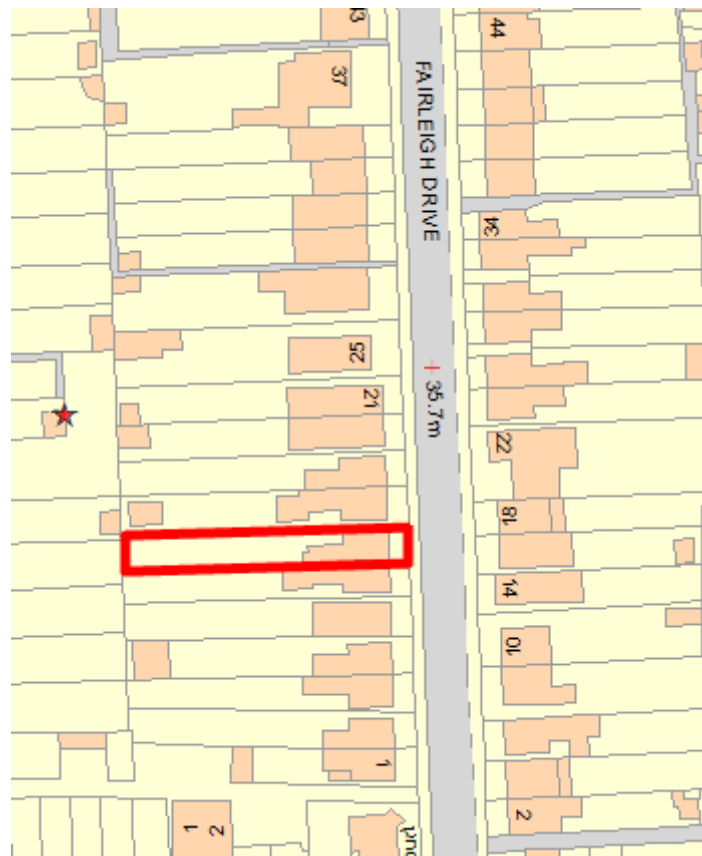


Side elevation



View towards the front part of the site

<b>Reference:</b>	20/01362/FULH	13
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Erect single storey side and rear extension	
<b>Address:</b>	13 Fairleigh Drive, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mrs Gemma Hemmings	
<b>Agent:</b>	Mr Luis Mulry of Edith Garland Architecture	
<b>Consultation Expiry:</b>	25th September 2020	
<b>Expiry Date:</b>	6 <sup>th</sup> December 2020	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	<b>R02, R03, R04/C</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The application site contains a semi-detached two storey dwelling with rooms in the roof located on the west side of Fairleigh Drive, a residential street which contains dwellings which are traditional in style and commonly large. Many dwellings in this location have been subject to extensions and alterations.
- 1.2 The site is not located within a designated Conservation area and does not contain a listed building.

## **2 The Proposal**

- 2.1 Planning permission is sought to erect a single storey rear and side addition which would have a 3m depth from the rear building line and would extend the width of the dwelling (5m). The addition would have an overall depth of 10 metres. The extension would have a flat roof with a parapet wall and would have an overall height of 3 metres with a glazed lantern roof in the rear section and two rooflights in the side section.
- 2.2 Bifold doors would be located at the rear with two new side openings proposed to the flank of the extension and a door. The proposed addition would be finished in painted render to match existing.

## **3 Relevant Planning History**

- 3.1 None

## **4 Representation Summary**

### **Public Consultation**

- 4.1 7 neighbouring properties were consulted and no responses were received.
- 4.2 The application falls to be decided by the Development Control Committee as the applicant is a member of staff of Southend Borough Council.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 CIL Charging Schedule (2015)

## **6 Planning Considerations**

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

## **7 Appraisal**

### **Principle of Development**

- 7.1 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 Paragraph 124 of the National Planning Policy Framework states; *“The Government attaches great importance to the design of the build environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*
- 7.3 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 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.
- 7.4 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”*.
- 7.5 The proposed rear and side extension extends the entire width of the dwelling and is single storey in nature. It is considered that this design approach is reasonably typical of residential rear/side extensions, and its form and scale is comparable to the type of built form which typically results from current government aims to enable larger home extensions. The extension would project 3m deeper than the rear building line of the dwelling and would have a flat roof design. In further justification of the development there are no public views of the addition and the rear boundary of the site is some 27m from the proposed development. Therefore, on balance, it is considered that the rear/side extension is acceptable in the context of the size and scale of the original dwelling and the particular circumstances of the site outlined above.
- 7.6 The proposed addition would be finished in materials to match the existing dwelling.
- 7.7 It is therefore considered that the proposal 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**

- 7.8 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of the Design and Townscape Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 7.9 The application property is neighboured by No 15 Fairleigh Drive to the north and No 11 to the south. The rear of properties to the west in Marine Avenue are some 27m away and considering this distance and the single storey nature of the proposed extension, it would not result in material harm to the amenities of these occupiers in any regard.
- 7.10 The rear/side extension would result in additional built form adjacent to no.15 to the north at ground floor at a depth of 10 metres; approximately 0.8 metres shallower than the existing rear building line of no.15 which is some 2.4 metres from the proposed extension. The flank of no.15 which is adjacent to the proposed addition contains openings for kitchen and dining areas. None of the openings to the flank of no.15 adjacent to the development are sole primary windows serving habitable rooms and there are a number of openings serving these rooms in the flank and rear elevations. Considering these factors, the single storey flat roof nature of the extension, the distance from the proposed addition to the neighbour's flank and that the extension would not project further rearward than no.15, the proposal is not considered to materially harm the amenities of the neighbouring occupiers at no.15 from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy.
- 7.11 The rear/side extension would result in additional built form adjacent to no.11 at ground floor at a depth of 3 metres; in line with the existing rear building line of no.11. The flank of no.11 which is adjacent to the proposed addition does not contain any primary windows and is a blank brick wall. Considering these factors and the single storey flat roof nature of the extension, it is not considered to materially harm the amenities of the neighbouring occupiers at no.11 from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy.
- 7.12 All other dwellings are sufficiently removed from the proposal to prevent any material harm in the above regards.
- 7.13 The proposal's impact on residential amenity is therefore acceptable and policy compliant.

## **Traffic and Transportation**

- 7.14 Policy DM15 of the Development Management Document requires dwellings with 2+ bedrooms to provide a minimum of two parking spaces. The dwelling currently does not benefit from off-street parking, which is common in this area. However, the proposal would not impact parking provision and the proposal does not increase the parking requirements over and above the existing requirements.



7.15 The impact on traffic, transport and parking is therefore acceptable and policy compliant.

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

7.16 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 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.

8.2 The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. There are no adverse highway implications. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

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

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

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

**02 The development shall be undertaken solely in accordance with the approved plan: R02, R03, R04/C.**

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

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

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

**04 The roof of the single storey 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 the advice contained within the Design and Townscape Guide (2009).

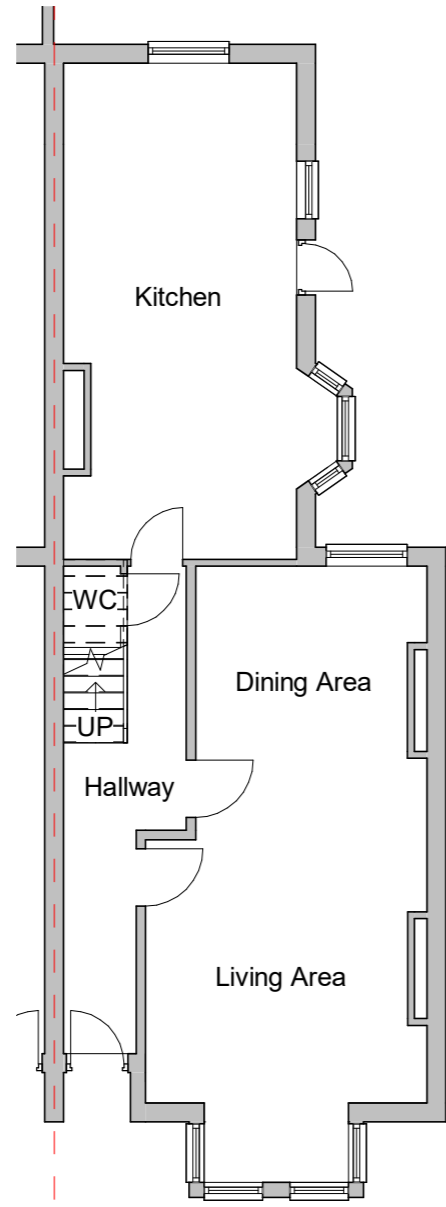
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

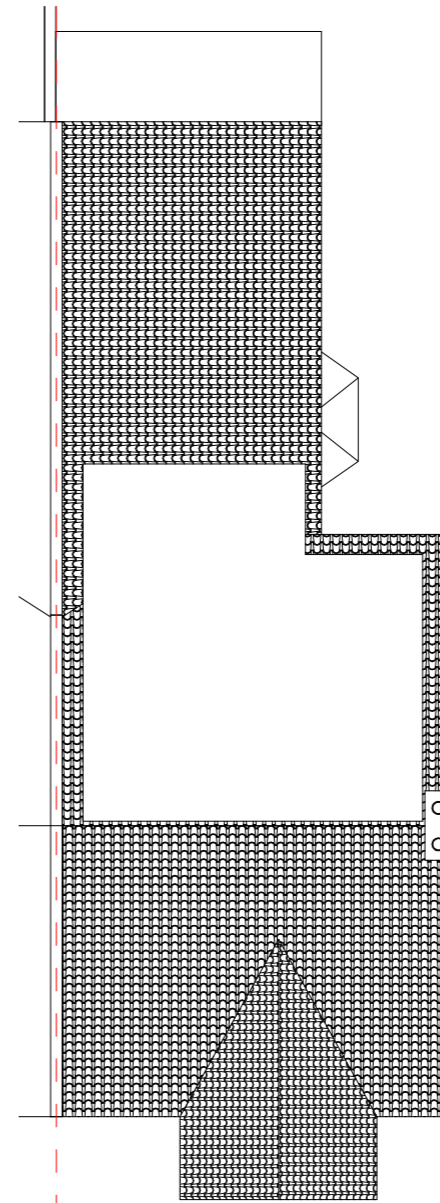
- 01** You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.



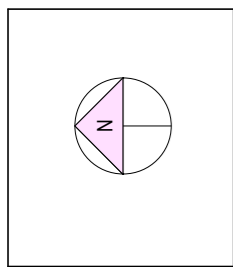
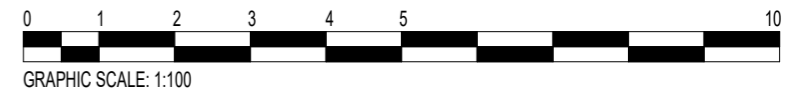
This page is intentionally left blank



**01 - Ground Floor**  
1 : 100



**02 - Roof Plan**  
1 : 100



No.	Description	Date



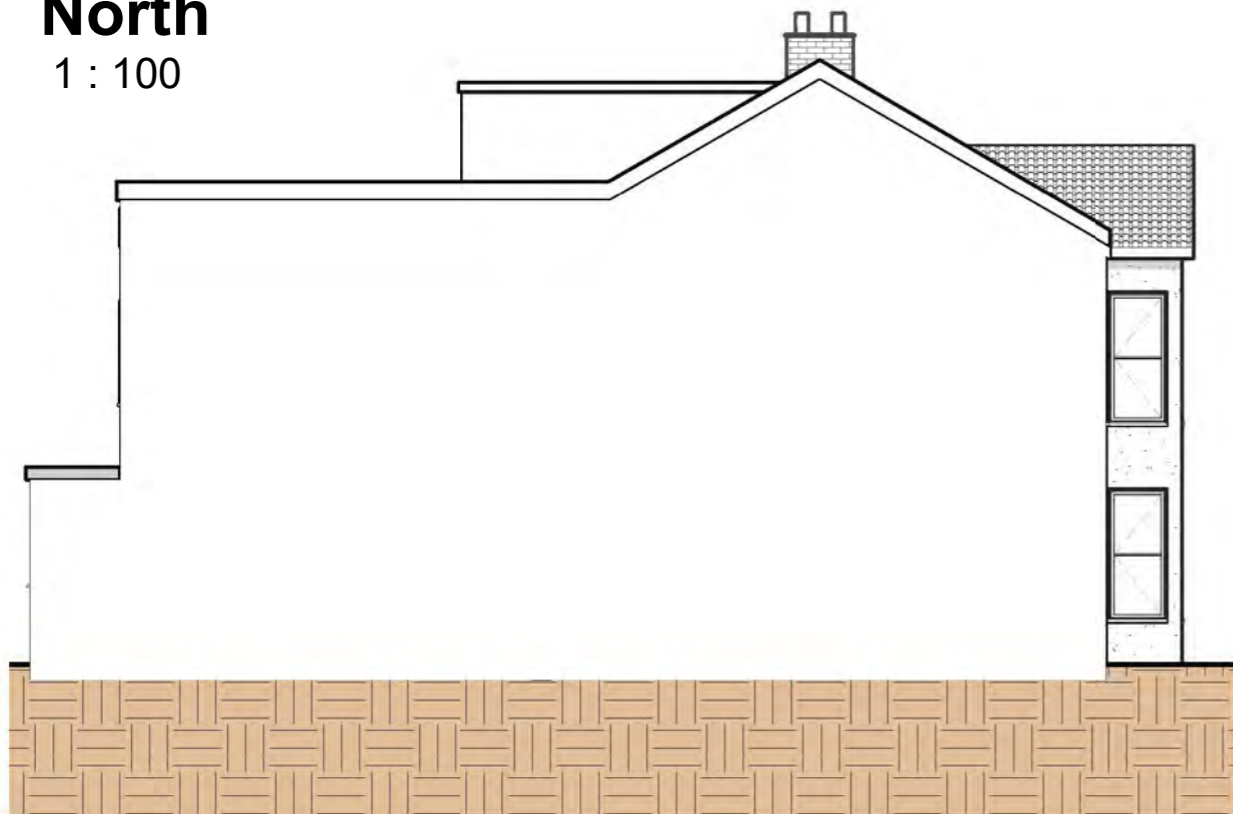
PROJECT	13 Fairleigh Drive, Leigh-on-Sea, SS9 5PH		
SHEET	Existing Floorplans <i>Proposed Rear Extension</i>		

CLIENT			Mrs Hemmings	
Date	Project number	Scale (@ A3)		
21/07/2020	169	1 : 100		
Drawn by	DRAWING NUMBER		REV	
DC	R02			
Checked by				
LM				

This page is intentionally left blank



**North**  
1 : 100

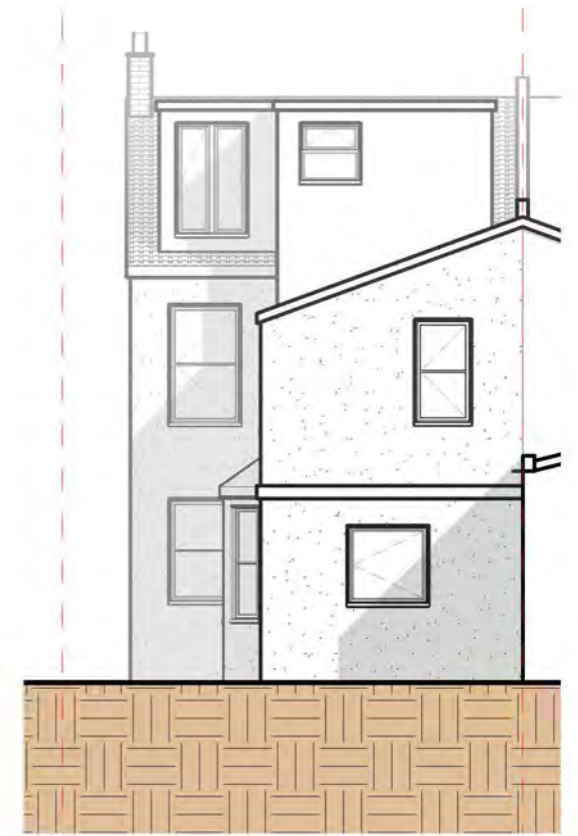


**South**  
1 : 100

453



**East**  
1 : 100



**West**  
1 : 100



No.	Description	Date



PROJECT 13 Fairleigh Drive, Leigh-on-Sea, SS9 5PH	CLIENT Mrs Hemmings		
SHEET Existing Elevations <i>Proposed Rear Extension</i>	Date 21/07/2020	Project number 169	Scale (@ A3) 1 : 100
	Drawn by DC	DRAWING NUMBER R03	
	Checked by LM	REV	

21/07/2020 16:10:45

This page is intentionally left blank



<b>Reference:</b>	20/01650/FULH	<h1>14</h1>
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect single storey rear extension (amended proposal)	
<b>Address:</b>	24 The Crossways Westcliff-On-Sea Essex SS0 8PU	
<b>Applicant:</b>	Mr N Mullin	
<b>Agent:</b>	RJB Architect	
<b>Consultation Expiry:</b>	3 <sup>rd</sup> November 2020	
<b>Expiry Date:</b>	3 <sup>rd</sup> December 2020	
<b>Extension of Time:</b>	10 <sup>th</sup> December 2020	
<b>Case Officer:</b>	Julie Ramsey	
<b>Plan Nos:</b>	01, 02, 03, 04, 05	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The site is located on the southern side of The Crossways, west of the junction with Ridgeway Gardens. The site contains a detached, hipped roofed two storey dwelling, with front bay window projection. The property has an existing single storey rear extension and rear conservatory. The frontage is bordered by a low brick wall and there is off street parking to the front of the dwelling. The dwelling sits prominently forward of the established building line along this small stretch of The Crossways.
- 1.2 The ground levels slope downwards from north to south and downwards from west to east, towards the seafront. The surrounding area is residential in nature, comprising of a mix of two storey detached and semi-detached dwellings of a traditional style and design. Rear dormers are present within the rear garden scene.
- 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 has a low risk of flooding.

## **2 The Proposal**

- 2.1 The application seeks planning permission to construct a pitched roof single storey rear extension. Due to the changes in ground levels within the site the proposed extension is stepped down in height.
- 2.2 The existing rear extension and conservatory are to be demolished and a single storey pitched roof rear extension constructed, measuring 6.7m deep, 6.8m wide, with an eaves height of some 3m and a maximum height of 4m. There are bi-fold doors and a high level glazed window proposed to the rear elevation.
- 2.3 The extension would provide an open plan kitchen/dining and study area. Internal reconfigurations would provide a snug, shower room and utility room.
- 2.4 The proposed materials are indicated to be render, tiles, with hanging tiles to the dormer walls and black windows and doors to match the existing dwelling.
- 2.5 This application is amended scheme following a recent refusal (20/01078/FULH). The hip to gable roof extension and side dormers have been removed from this application and are now the subject of a Lawful Development Certificate application (20/01562/CLP) and the rear extension has been stepped down to enable a more uniform height overall, in line with the change in ground levels.

## **3 Relevant Planning History**

- 3.1 20/01562/CLP - Hip to gable roof extension to rear, dormers to side to form habitable accommodation in roofspace (Lawful development certificate-proposed) – Granted.
- 3.2 20/01078/FULH - Form hip to gable roof extension to rear with two side dormers to form habitable accommodation in the loft space, erect single storey rear extension – Planning permission refused.

## **Reasons for refusal:**

*01 The proposed side dormers would, by reason of their excessive size, scale, siting and poor detailed design appear unduly dominant and incongruous in the street and rear garden scenes to the material detriment of the character and appearance thereof. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019); Policy 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).*

*02 The single storey rear extension would, by reason of its excessive height and poor detailed design and modern glazed appearance, fail to appear suitably subservient and integrated to the main dwelling and would appear incongruous in the rear garden scene to the material detriment thereof. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019); Policy 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).*

## **4 Representation Summary**

### **Public Consultation**

- 4.1 Twelve neighbouring properties were notified of the application. Three representations have been received from two addresses.

### **Summary of Matters raised:**

- Excessive in size and scale in context with surrounding properties
  - Not in keeping with the surrounding area
  - Overlooking
  - Loss of privacy
  - Overdevelopment in terms of form and density
  - Overshadowing/sense of enclosure, due to close proximity to neighbouring properties
  - Loss of outlook and daylight
  - Incongruous development
- 4.2 These concerns are noted and they have been taken into account in the assessment of the application at Section 7. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

### **Committee Call In**

- 4.3 The application was called to Committee by Councillor Folkard.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles and CP4 (Environment and Urban Renaissance),

- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 The Design and Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (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, the impact on residential amenity, highways implications and CIL Contributions. As there is no change in the need for, or provision of on-site parking there are no harmful highway impacts resulting from the proposed development. It is also necessary to consider whether this revised application has overcome the previous reason for refusal in relation to the proposed single storey extension.

## **7 Appraisal**

### **Principle of Development**

- 7.1 This proposal is considered in the context of the National Planning Policy Framework and Core Strategy Policies KP1, KP2 and CP4. Also of relevance is Policy DM1 of the Development Management Document which addresses design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and an extension or an alteration to the property is considered acceptable in principle, subject to 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 the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 7.3 According to Policy KP2 of the Core Strategy (2007), new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.4 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.

- 7.5 Paragraph 348 of The Design and Townscape Guide stipulates 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 proposed extension is some 6.7m deep and extends the full width of the dwelling with a pitched roof, however unlike the previously refused scheme, the extension is divided into two parts, visually reducing in height towards the rear. The proposed extension is sited to the rear of the dwelling and would have limited visibility within the public realm, however due to the orientation of the site at a right angle with the rear gardens of the dwellings in Ridgeway Gardens, the extension would be visible from these rear gardens. The extension remains a sizeable addition to the main dwelling, however the height and overall bulk of the extension is reduced by the stepped design and this helps to reduce its impact within the rear garden scene.
- 7.7 In the context of the size and scale of the main dwelling, it is considered the resultant built form would, on balance, have an appropriate degree of subservience and form an acceptable addition to the dwelling. The proposal is not considered to result in a materially harmful impact on the character, appearance and setting of the dwelling and or form a dominant and overbearing addition within the rear garden scene
- 7.8 The proposal on balance, is considered to be acceptable and policy compliant in these regards.

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

- 7.9 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.10 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.11 The Design and Townscape Guide Paragraph 343: (under the heading of Alterations and Additions to Existing Residential Buildings) states that amongst other criteria, that *'extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties'*. In addition to this Policy DM1 of the Development Management Document also states that development should *"Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."*
- 7.12 The application dwelling is neighboured by No. 22 (to the west) and the rear gardens of Nos 3-8 Ridgeway Gardens (to the east). The extension site is sited lower than No.22 to the west due to the change in ground levels within the site.
- 7.13 The single storey rear extension is sited around 2m from the shared boundaries with the properties in Ridgeway Gardens and approximately 10-12m from these neighbouring dwellings. There are a number of outbuildings along this shared

boundary, which would suitably mitigate against any potentially harmful impacts of the extension resulting from its position or height. The absence of flank windows in the extension is such that there are no overlooking or loss of privacy concerns to these adjoining neighbours.

- 7.14 The adjoining neighbour No. 22 is a semi-detached house, which is sited further back in its plot than the application dwelling. This neighbouring property has been extended into the roof, with a rear dormer present and a single storey rear extension, with a small balcony at first floor. The proposed rear extension would not extend past the rear wall of the existing rear extension of this neighbouring property. The height of the proposed extension is exacerbated by the changing ground levels within the site, however the application dwelling is set lower than No. 22. On balance, it is not considered that the proposed rear extension would result in a materially harmful impact on the residential amenities of this neighbour, in terms of undue overshadowing and dominance, an increased sense of enclosure or a material loss of light, privacy and outlook to an extent that would warrant refusal of the application on this basis.
- 7.15 Due to the separations involved, it is not considered that the proposal would harm the light, outlook, privacy or rear garden scene of any other neighbouring properties. On this basis the proposal is therefore acceptable and policy compliant in the above regards.

### **Community Infrastructure Levy**

- 7.16 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely and has overcome the previous reason for refusal with regard to the single storey element of the previous refused application. There are no adverse highways impacts. 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 following approved plans: 02, 03, 04, 05**

**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.**

**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, 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).

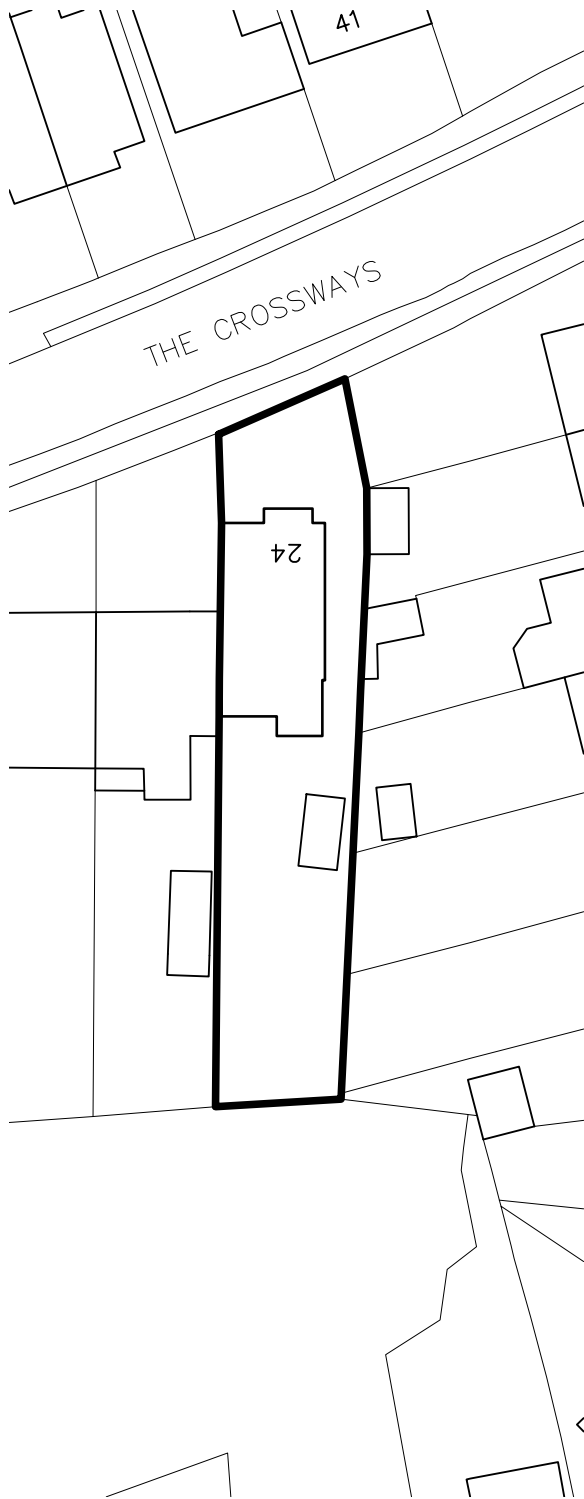
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

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

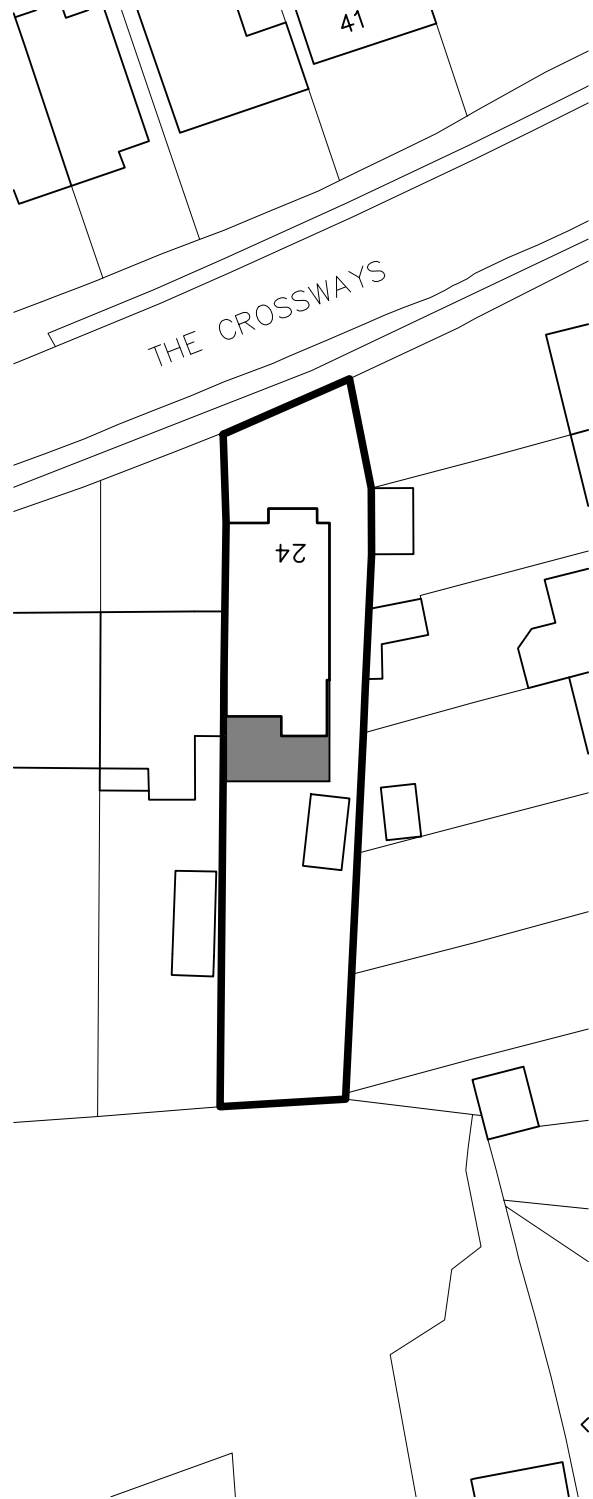
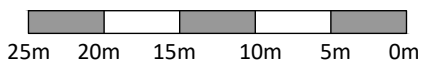
This page is intentionally left blank





**EXISTING**

Scale @ 1:500



**PROPOSED**

This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. All feasibility studies are subject to full site survey.

**R J B**  
Architect

RJB Architect  
146 Main Road  
Danbury  
Essex  
CM3 4DT

T 07979 570036 W www.RJBarchitect.com E richard@RJBarchitect.com

Client  
Mr & Mrs Mullin

Project  
24 The Crossways  
Westcliff-on-Sea  
Essex  
**463**

**PLANNING**



Drawing Title  
Block Plans

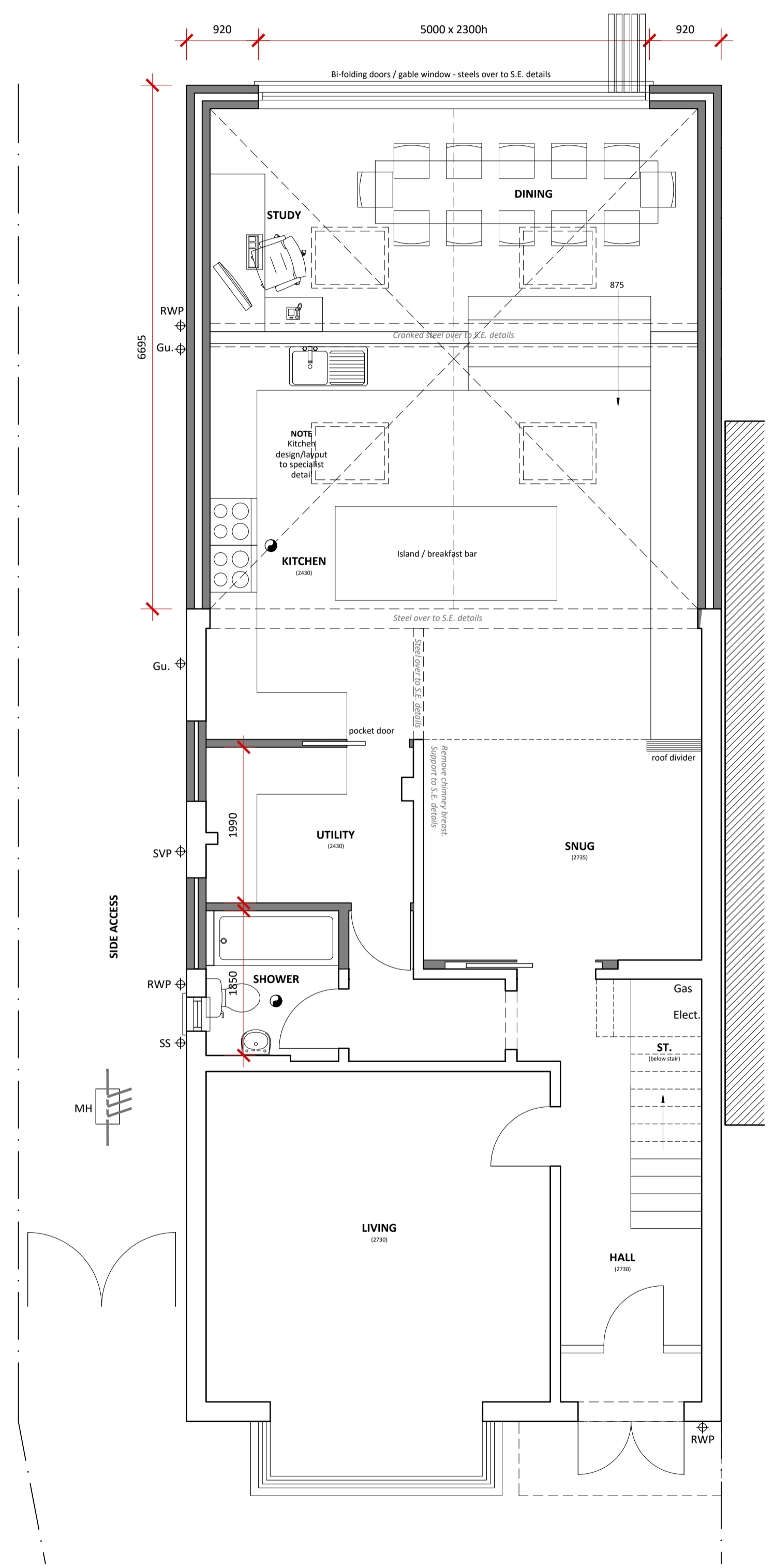
Drawn	Date	Checked	Scale @ A4
RJB	May 2020		As noted
Job No	Drawing No	Revision	Note
2020-24	04		

This page is intentionally left blank

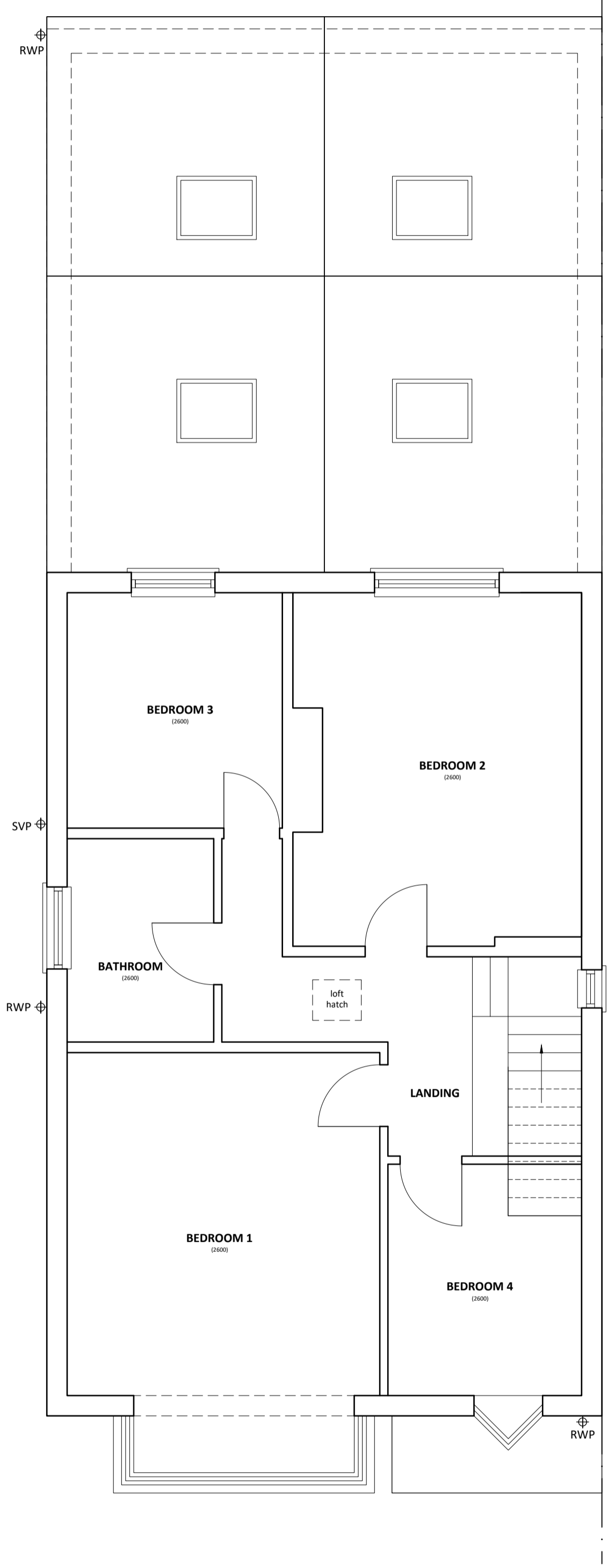
This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. All feasibility studies are subject to full site survey. This drawing is to be read in conjunction with all relevant consultants and/or specialists drawing/documents and any discrepancies or variations are to be notified to the architects in writing before the affected work commences. All queries relating to design of structural elements are to be referred to the structural engineering consultant for resolution. The workmanship and materials of all trades and building operations shall comply with the recommendations of British Standard (BS)8000 parts 1-16 inclusive and with Approved Document to support Regulation 7 1999 edition (incorporating 2000 amendments) of the Building Regulations 2010. All design and construction is to be in accordance with the Construction (Design and Management) Regulations 2007.

Rev	Date	Description
-----	------	-------------

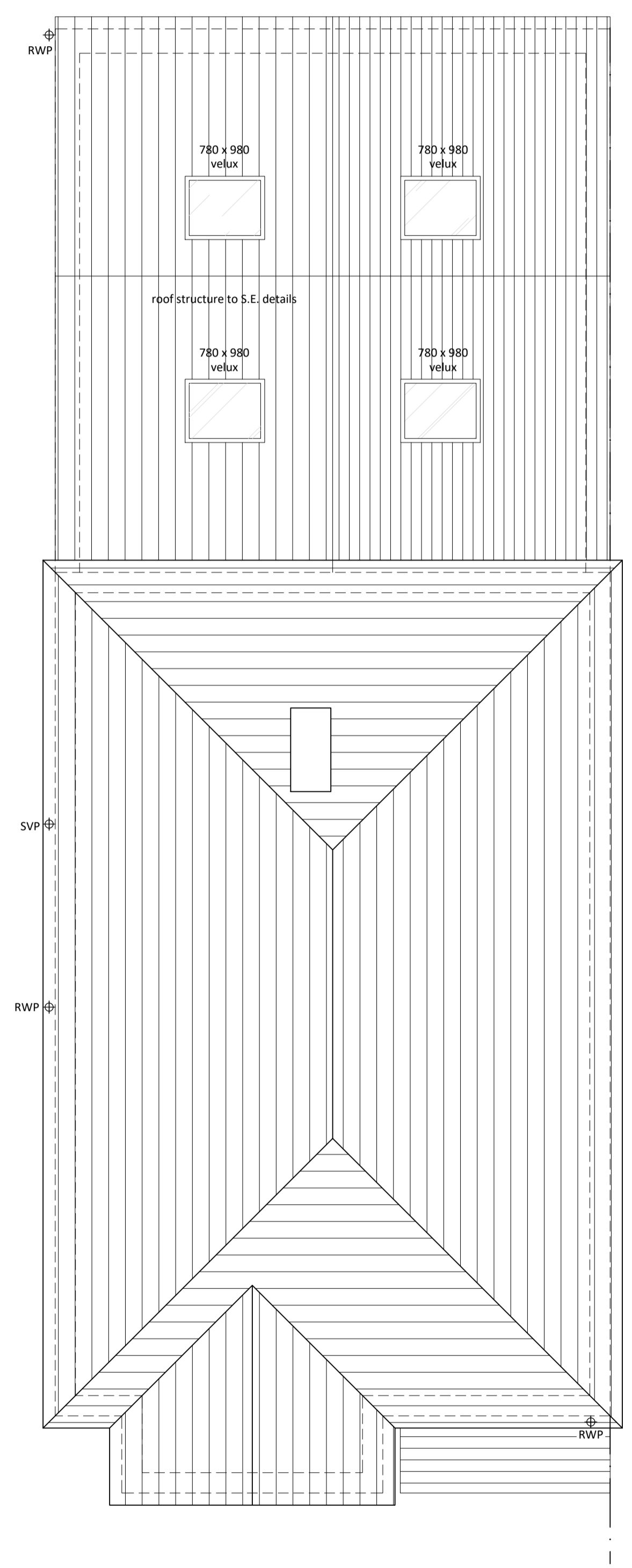
465



**GROUND FLOOR PLAN**  
Scale @ 1:50



**FIRST FLOOR PLAN**  
Scale @ 1:50



**ROOF**  
Scale @ 1:50



T 07979 570036 W www.RJBarchitect.com E richard@RJBarchitect.com

**PLANNING** arb

Client  
Mr & Mrs Mullin

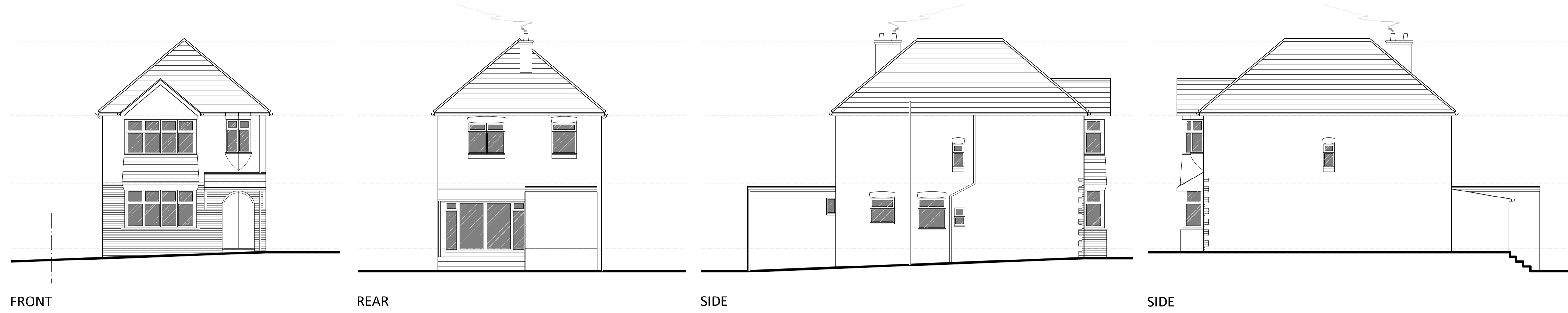
Project  
24 The Crossways  
Westcliff-on-Sea  
Essex

Drawing Title  
Proposed Plans

Drawn	Date	Checked	Scale @ A1
RJB	May 2020		As noted
Job No	Drawing No	Revision	Note
2020-24	02		

This page is intentionally left blank

**EXISTING**



**GENERAL NOTES** © RJB

This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. All feasibility studies are subject to full site survey. This drawing is to be read in conjunction with all relevant consultants and/or specialists drawing/documents and any discrepancies or variations are to be notified to the architects in writing before the affected work commences. All queries relating to design of structural elements are to be referred to the structural engineering consultant for resolution. The workmanship and materials of all trades and building operations shall comply with the recommendations of British Standard (BS)800 parts 1-16 inclusive and with Approved Document to support Regulation 7 1999 edition (incorporating 2000 amendments) of the Building Regulations 2010. All design and construction is to be in accordance with the Construction (Design and Management) Regulations 2007.

Rev	Date	Description
-----	------	-------------

**PROPOSED**



**REAR**  
Scale @ 1:100  
5m 4m 3m 2m 1m 0m

467

**RJB** Architect  
146 Main Road  
Danbury  
Essex  
CM3 4DT

T 07979 570036 W www.RJBarchitect.com E richard@RJBarchitect.com

**PLANNING** arb

Client  
Mr & Mrs Mullin

Project  
24 The Crossways  
Westcliff-on-Sea  
Essex

Drawing Title  
Existing and Proposed Elevations

Drawn	Date	Checked	Scale @ A1
RJB	May 2020		As noted
Job No	Drawing No	Revision	Note
2020-24	03		

This page is intentionally left blank

# Site Visit Photos

## 24 The Crossways

# Side to 22

470





# Rear

471



Looking to rear, side boundary with 22



# Rear of 22

473



# Rear boundary



# Front and 22

475



# Front



# Opposite

477



# Side window at 22

