

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 3rd March, 2021

Time: 5.00 pm

Place: Virtual Meeting via MS Teams

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Supplementary Report**
To follow
- **** **Contents List & Introduction**
- 4 **21/00019/FUL - 17 - 19 Manor Road, Westcliff-on-Sea (Milton Ward)**
(Pages 7 - 52)
- 5 **20/02207/FUL - 315 Station Road, Westcliff-on-Sea (Chalkwell Ward)**
(Pages 53 - 138)
- 6 **21/00053/FULH - 140 Thorpe Hall Avenue, Thorpe Bay, Southend-on-Sea (Thorpe Ward)** (Pages 139 - 162)
- 7 **20/02096/FULH - 117 North Crescent, Southend-on-Sea (St Laurence Ward)** (Pages 163 - 204)
- 8 **20/02147/FULH - 9 Appledore, Shoeburyness (West Shoebury Ward)**
(Pages 205 - 230)

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

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 03rd March 2021

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Milton	21/00019/FUL	17 - 19 Manor Road, Westcliff-On-Sea
Chalkwell	20/02207/FUL	315 Station Road, Westcliff-On-Sea
Thorpe	21/00053/FULH	140 Thorpe Hall Avenue, Thorpe Bay
St Laurence	20/02096/FULH	117 North Crescent, Southend-On-Sea
West Shoebury	20/02147/FULH	9 Appledore Shoeburyness

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INTRODUCTION

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

CIL	-	Community Infrastructure Levy
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
JAAP	-	Southend Airport and Environs Joint Area Action Plan
MHCLG	-	Ministry of Housing, Communities and Local Government
NDG	-	National Design Guide
NDSS	-	Nationally Described Space Standards
NPPF	-	National Planning Policy Framework
PPG	-	National Planning Practice Guidance
RAMS	-	Recreation Disturbance Avoidance and Mitigation Strategy
SCAAP	-	Southend Central Area Action Plan
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 PPG including the NDG
- (vi) NDSS
- (vii) Core Strategy SPD
- (viii) Development Management DPD
- (ix) JAAP

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- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule

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.

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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

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Reference:	21/00019/FUL	4
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Change of use from two (2) dwellinghouses to an eighteen (18) Room Larger HMO (Sui Generis), associated provision of cycle storage, amenity space to rear, bin storage and landscaping and extension of existing vehicular access on to Manor Road.	
Address:	17 - 19 Manor Road, Westcliff-on-Sea, Essex	
Applicant:	Mr Freylich	
Agent:	Mr Maz Rahman of RD architecture Ltd.	
Consultation Expiry:	18th February 2021	
Expiry Date:	10th March 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	105 P3, 120 P5, 250 P5	
Supporting Documents:	Design and Access Statement Issue 2, Planning Statement Issue 2, Letter from Carpenters Rose Solicitors and Notary Public, Officer's report for SOS/87/2195, Auction Listing, Site Photographs, Supporting letters from CAST and Henderson Property (NHS South Essex Trust)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the western side of Manor Road and comprises both buildings at 17 and 19 Manor Road, a pair of traditional, three-storey, semi-detached properties. There is an accessway to the south of the site which leads to the rear part of 17 Manor Road. The site benefits from a vehicular access off Manor Road to the front of 19 Manor Road. There are four car parking spaces on site, two to the front of 19 Manor Road and two to the rear of 17 Manor Road. The front part of 19 Manor Road is hardsurfaced while that of 17 Manor Road is occupied by small garden enclosed by a low wall. There are two substantial and mature street trees to the front of the site.
- 1.2 Initially the proposal described the existing use as a bed and breakfast hotel/ HMO, but there is no evidence to support that this use is the lawful use of the site. Both properties are registered as individual dwellinghouses for Council Tax purposes and have been for many years. Evidence has been provided by the agent in the form of a planning application report from 1987 which states that 19 Manor Road was used as a House in Multiple Occupation (HMO) in the 1970s. That application was for the conversion of the building into three flats. There is no evidence that the HMO use (if that was the lawful use at the time) continued or that the conversion to three flats took place. On the balance of probability, the lawful use of the site is considered to be two dwellinghouses (Use Class C3) and the description of the development has been amended to reflect this.

- 1.3 The surrounding area is occupied by small hotels and residential uses, with a mix of flats, terraces and semi-detached properties. The site is not currently affected by any specific policy designations but the emerging document for the Leas Conservation Area would expand the conservation area and would include the application site and surrounding properties on Manor Road. The adjoining properties to the west are already within the Leas Conservation Area, as is the area further west and south of the site. The area designated as the seafront is some 60m to the south.

2 The Proposal

- 2.1 Planning permission is sought for the change of use of the buildings from two dwellinghouses, falling within the definition of Use Class C3, to an eighteen-room HMO which is a Sui Generis use. No external alterations are proposed to the main buildings. It is proposed to erect two outbuildings to the rear to accommodate up to twenty (20) cycle parking spaces, to provide bin storage facilities to the side of 17 Manor Road and to make some minor alterations to the landscaping of the frontage of the site. It is also proposed to extend the width of the existing vehicle crossover on Manor Road from 2.5m to 4.8m.
- 2.2 All proposed rooms would have private bathrooms. From the proposed rooms, five (5no.) would contain kitchen area facilities and the rest would rely on communal kitchen facilities. The bedroom mix would include nine (9no.) double rooms and nine (9no.) single rooms.

3 Relevant Planning History

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

Table 1: Relevant Planning History

Reference	Description	Outcome
87/2195 [19 Manor Road]	Erect two storey rear extension and convert former dwellinghouse into three flats with parking on forecourt	Permission Granted [13.04.1988]
20/02098/PREAPF	Pre-application enquiry for the conversion of the site to an HMO	Advice Given [12.02.2021]

4 Representation Summary

Call-in

- 4.1 The application has been called-in by Councillor George for consideration at the Development Control Committee due to its controversial nature.

Public Consultation

- 4.2 Twenty-one (21) neighbouring properties were consulted and a site notice was displayed. Objecting comments from twenty-eight (28) interested parties have been received and are summarised as follows:

Impact on residential amenity

- Noise and disturbance from over-intensive use.
- Nearby residents would not be able to enjoy their outdoors space.

Impact on highway safety

- Additional traffic in a heavily congested area.
- No sufficient parking provision.
- The area already suffers from congestion and parking problems associated with the train station.
- Increased waste collections on the road.

Living conditions of future occupiers

- Poor living conditions for future occupants.
- Individual bedrooms are not sufficient.
- These types of properties are not suitable for self-isolation due to the pandemic.
- Insufficient amenity space.

Other matters

- The area has an excessive number of HMOs.
- The area has an issue with anti-social behaviour and crime which this proposal will exacerbate.
- Communal bin storage areas tend to be unsuccessful and unsightly, insufficient bin storage provision.
- Overdevelopment of the properties.
- Unsympathetic development to the conservation area.
- Lack of environmental enhancements.
- This is not family housing.
- The proposal would materially impact the sewage system.
- There is no permit to use the property as an HMO.

4.3 The comments have been taken into consideration and the relevant to planning matters raised 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.

Highways

4.4 No objections - Consideration has been given to the previous use of the site. There are no parking standards for HMOs. Four car parking spaces and secure cycle parking are part of the application. The site is located close to public transport facilities with rail and bus services within walking distance. Future occupiers will not be eligible for a residential or public car parking permit.

Environmental Health

4.5 No objections subject to conditions regarding construction, waste management and layout to meet the Council's HMO policy.

Parks

4.6 No comments.

Fire Safety Officer

4.7 No objections.

5 Planning Policy Summary

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

- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 National Housing Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.6 Design & Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.11 The Leas Conservation Area Appraisal (2009)
- 5.12 Emerging The Leas Conservation Area Appraisal (2020)
- 5.13 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 impact on the character and appearance of the area, including the impact on the significance of the conservation area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, ecology and compliance with Essex Coast RAMS SPD 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 uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.

- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The HDT and 5YHLS carry weight in favour of the principle of the development given the proposed creation of additional housing.
- 7.3 Policy CP8 of the Core Strategy states that the Council will: "[...] 2. resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas". The Council's planning policies also recognise that there is a particular need for family sized dwellings in the borough.
- 7.4 While the applicant has not provided any evidence to show this would come forward it is noted that there is a fall-back position in relation to the proposed use as each of the existing dwellings could be converted to a six-person HMO within Use Class C4 under the provisions of the General Permitted Development Order, without the need for express planning permission or prior approval by the Local Planning Authority. Whilst the proposal would not result in any units suitable for family accommodation and would result in the loss of two existing family dwellings, the need for additional housing and the fall-back position outweigh the conflict identified with policy CP8 of the Core Strategy.
- 7.5 Policy DM8 states that non-self-contained accommodation should be directed toward the central area of Southend or where such type of accommodation is needed by certain institutions, such as Southend Hospital or University of Essex. Southend-on-Sea Borough Council's development framework does not currently contain any policies that specifically relate to HMOs.
- 7.6 The submitted information states that the HMO would be given to be used to an organisation and supporting letters from two of them have been submitted with the application. It is stated that the proposal would be providing accommodation for NHS staff or asylum seekers and refugees. It is also stated that a Unilateral Undertaking will be submitted to secure the type of future occupiers, but no such legal document has been submitted. As such no weight has been placed on this element of the submission. While the loss of family sized accommodation is a negative aspect of the scheme, on balance, there is no objection to the principle of the creation of an HMO in this location, subject to other material considerations being suitably addressed. Other material planning considerations are discussed in the following sections of the report.

Heritage, Design and Impact on the Character of the Area

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

- 7.8 The site adjoins the current boundary of the Leas Conservation Area and with the proposed expansion of its boundary it would be within it. The emerging conservation area appraisal has been subject to a public consultation process. 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. The emerging The Leas Conservation Area Appraisal identifies both dwellings on site as making positive contribution within the Conservation Area, but recognises sympathetic improvements are required.
- 7.9 The proposal does not include any external changes to the main buildings. The proposed cycle parking outbuildings to the rear would have a typical appearance for residential outbuildings. They would measure 2.6m deep, up to 2.4m high and 4.8m and 1.8m in width. They would be finished with shiplap timber cladding. Their proposed location and design are considered acceptable.
- 7.10 The proposed location of the bin storage facilities would not significantly impact the character and appearance of the site due to limited public views to the side of the site. Appropriate screening can be secured by condition.
- 7.11 In terms of landscaping, the retention of the front garden at 17 Manor Road is a positive aspect of the scheme. Details of the additional soft landscaping can be required by condition. Overall, the proposal, subject to conditions, would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area. The proposal would also preserve the historic and architectural significance of the Leas Conservation Area. The proposal is considered to be acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.12 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 7.13 In relation to residential standards for non-self-contained accommodation, policy DM8 of the Development Management Document, states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m² for single and 10.2m² for double bedrooms and that the accommodation shall have some communal areas, such as a living room, kitchen, diner.
- 7.14 The Council has adopted the Essex Approved Code of Practice with respect to HMOs and this document represents a material planning consideration when read along with the above policy table, although it is noted that the Code of Practice is not a planning policy document. This document sets out the following standards for HMOs:

Table 1: Minimum room size requirements

Room size requirements are given in sq.m. For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

Table 2: Minimum requirements for kitchen facilities

Occupants	Kitchen area (sqm)	Work surface (m) (600mm standard depth)	Power sockets above worktop	Hob rings	Ovens	Grills	Sinks/ drainers with hot and cold water	Dry food storage cupboard	Fresh and Frozen food storage	Fire Blanket
All Shared Kitchens										
Up to and including 5	7	2	3 double	4	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal
6	8.5	2.4	4 double	4	2*	2*	2#			
7	10	2.8	4 double	6	2*	2*	2#			
8	14 (7 x 2)	4	5 double	8	2	2	2			
9	14 (7 x 2)	4	5 double	8	2	2	2			
10	14 (7 x 2)	4	5 double	8	2	2	2			
Kitchens in individual lettings (Bedsits and Studios)										
1 or 2	4.5	1	2 double	2	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with BS 6575
					or a safely located combination microwave/oven/grill					

Table 3: Minimum requirements for bathrooms/shower rooms and WC compartments

Occupants sharing	Bathrooms Comprising 1 Bath/Shower Unit (With Hot and Cold Water) and may contain a WC (but see * below)	Separate WC compartment with wash hand basin with H & C	Ventilation (suitable and adequate)	Adequate size and layout: Minimum floor area for safe use of bathroom
Less than 5	1	0	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. <i>It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.</i>	Bath only 2.3sqm Bath & WHB 2.5sqm Bath,WC&WHB 2.8sqm Shower only 1.7sqm Shower&WHB 2.0sqm Shower,WC&WHB 2.2sqm WC & WHB 1.2sqm
	1	1		
6	2*	1		
7	2*	1		
8	2*	1		
9	2*	1		
10	2	2		
Ensuite for 1 or 2	1	0	Comments as above	

7.15 As already discussed, half of the proposed bedrooms would meet the standard to accommodate two bed spaces and half would meet the standards to accommodate one bed space. The proposed internal layout would result in the premises providing some 29m² of shared floorspace for kitchen and some 42m² for living/dining facilities. All bedrooms would benefit from private bathrooms. It is proposed to provide one shared WC at ground floor level.

- 7.16 On the basis of communal facilities that would be offered, it is considered that all bedrooms should be limited to be used as single bedrooms and the maximum number of occupants should be limited to eighteen (18). In line with the approach taken by the Inspector when determining an appeal at 73 Salisbury Avenue¹, the number of bedrooms and occupants can be limited with a planning condition.
- 7.17 All rooms would benefit from acceptable outlook and natural light. The use of the balcony of F.1 on 19 Manor Road could create an overlooking issue at F.2 on the same building and F.1 on 17 Manor Road. However, it is proposed the windows of the bay looking at the balcony to be obscured glazed and a condition can be imposed to require this prior to the first occupation of these bedrooms to suitably address this issue. The proposed communal amenity space would be adequate for the number of occupants. Subject to limiting the number of occupants and dealing with the inter-overlooking issue through obscured glazing, the proposal would not result in substandard quality of accommodation or be materially harmful to the living conditions of future occupiers. In the round, subject to conditions, the development is acceptable and in line with policy in the above regards.

Impact on Residential Amenity

- 7.18 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.”
- 7.19 The nearest use class C3 dwellings to the application site are the residential units at 20 to 24 Palmerston Road, to the rear of the property. Other neighbours on either side of Manor Road include a care home and a guest house. The property on the opposite side of the road is also a care home. Given that no physical alterations are proposed, the development would not materially alter the relationship of the buildings on site with their neighbours in terms of privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight.
- 7.20 The level of occupancy, limited by condition at eighteen (18) persons, would result in an increased level of activity on site compared to an average use of a large family dwelling. However, on balance it is not considered that any substantially harmful noise and disturbance or pollution to the extent that it would cause material detriment to the amenity of neighbouring occupiers would arise from the proposed use. HMOs are generally compatible with a residential setting. The Council’s Environmental Health team raised no objections to the scheme. On balance the development is acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 7.21 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.

¹ APP/D1590/W/19/3236129

- 7.22 The parking standards do not include any specific requirements for HMOs. The proposal would not provide any additional vehicle parking beyond the existing four car parking spaces. The lawful use of the site as two dwellings attracts a minimum standard of two spaces per unit. Bearing in mind that the two dwellings on site could be converted to two six-person HMOs without the need for planning permission, the additional six occupants would not exacerbate the parking situation to a degree that the absence of additional parking would cause material harm to the highway safety and parking conditions of the area. Furthermore, the site is in a sustainable location, in close proximity to the Westcliff Station and within reasonable walking distance from bus routes and local services and amenities. It should be noted that Inspectors at appeals have accepted that HMOs in the Borough do not generate significant traffic movements or parking need. Highway officers have confirmed that they have no objection to the scheme on parking or highways grounds.
- 7.23 The application site contains a cycle storage area to the rear and it is proposed to provide additional cycle parking spaces. A condition can be imposed to secure a total of eighteen spaces, one cycle parking space per room, be provided. The proposed changes to the access arrangements of the site, namely the extension of the existing vehicular crossover on Manor Road by 2.3m in width, would not cause a materially harmful impact on the highway safety or the free flow of traffic. The development is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.24 The submitted plans show an area of waste storage to the side of the 17 Manor Road. The design implications of the proposed location have already been discussed in the relevant section of the report and a condition is recommended to deal with these.
- 7.25 The proposed provision of eighteen bedrooms attracts a policy requirement for a designated area for waste and recyclable storage. This area should include two recycling (1100 litre) containers, two waste (1100 litre) containers, a paper and card container and one food waste (140 litre) container. The location of the bin area should not be more than 25m from the edge of the highway.
- 7.26 The provision shown on the submitted plans would meet the quantum of the required standard. The proposed location, while not particularly convenient for the occupiers of 19 Manor Road, would be accessible by residents and collection facilities. Subject to the recommended condition requiring the provision of the proposed bin storage area, the proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 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”. The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting”.

- 7.28 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirements for renewable energy and restrictions on water usage could be controlled with conditions. Care would be needed to ensure that any renewable technologies submitted for approval under such a condition would not harm the character and appearance of the area. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Ecology and Essex Coast RAMS

- 7.29 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast 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.
- 7.30 In this instance, the proposal would result in a reduction of residential units as from two dwellinghouses there would be one HMO unit. The development does not need to offer mitigation as it would not have significant effect on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.31 As the development does 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, on balance, be acceptable and in line with the objectives of the relevant local and national policies and guidance. The proposal makes a contribution to the housing needs of the Borough through provision of a good standard of new HMO which must be weighed in the overall planning balance against the loss of family dwelling houses. The proposal would, subject to conditions, result in acceptable impact on the character and appearance of the area and the living conditions of future occupiers. Moreover, the proposal would, subject to conditions, have an acceptable impact on the highway safety and parking conditions of the area and can offer acceptable bin storage facilities. The proposed development would, on balance, also result in an acceptable impact to neighbouring residential amenity. This application is, therefore, recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 105 P3, 120 P5, 250 P5.**

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

- 03 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of these conditions. The soft landscaping scheme be implemented, completed and maintained thereafter in full accordance with the approved details.**

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 04 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building hereby approved shall not at any time be adapted to enable formation of more than eighteen (18) bedrooms and the property shall not be occupied by more than eighteen (18) people at any one time.**

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

- 05** The north facing (side) window of bedroom F.1 on 17 Manor Road and the south facing (side) window of bedroom F.2 on 19 Manor Road shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the internal area which it serves before the property is brought into use for the purposes hereby approved. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in line with these details for the lifetime of the development.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

- 06** The four existing car parking spaces in the areas shown on the approved plan 250 P5 shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved use on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 07** The development hereby approved shall not be brought into first use unless and until the cycle parking facilities as shown on the approved plan 250 P5 have been provided on site in complete accordance with the approved details. The provision of at least eighteen (18) secured and covered cycle parking spaces shall be provided on site and be made available for use for the benefit of the current and future occupiers of the approved development and shall be retained in perpetuity for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 08** Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until details, including full elevations and materials, of the bin storage facility shown on approved plan 250 P5 have been submitted to and approved in writing by the Local Planning Authority. The bin storage facility shall be constructed in complete accordance with the approved details. The development hereby approved shall not be brought into first use unless and until the bins have been provided on site and made available for use in line with the approved details. The bin storage facility and its bins shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

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

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

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

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

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

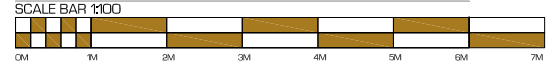
Informatives:

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

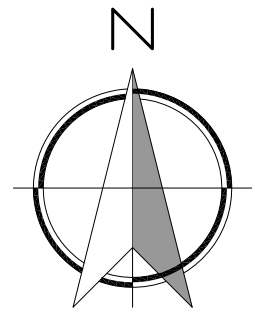
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17 - 19 MANOR ROAD, SS0 7SR

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ORIENTATION



LEGEND

- APPLICATION SITE
- PROPOSED DEVELOPMENT / FOOTPRINT OUTLINE.

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FOR ACCURATE MEASUREMENTS REFER TO BLOCK / ROOF PLANS PROVIDED.

P3	2021.02.16	project title corrected.	MR
P2	2021.01.05	updated following pre-app meeting.	MR
P1	2020.12.08	first issued	MR

REV. DATE DESCRIPTION DRWN

STATUS
FOR PLANNING APPROVAL

SITE ADDRESS

**17 - 19 MANOR ROAD,
 WESTCLIFF ON SEA, ESSEX, SS0 7SR**

PROJECT COU FROM 2NO. DWELLING INTO 18 ROOM HMO

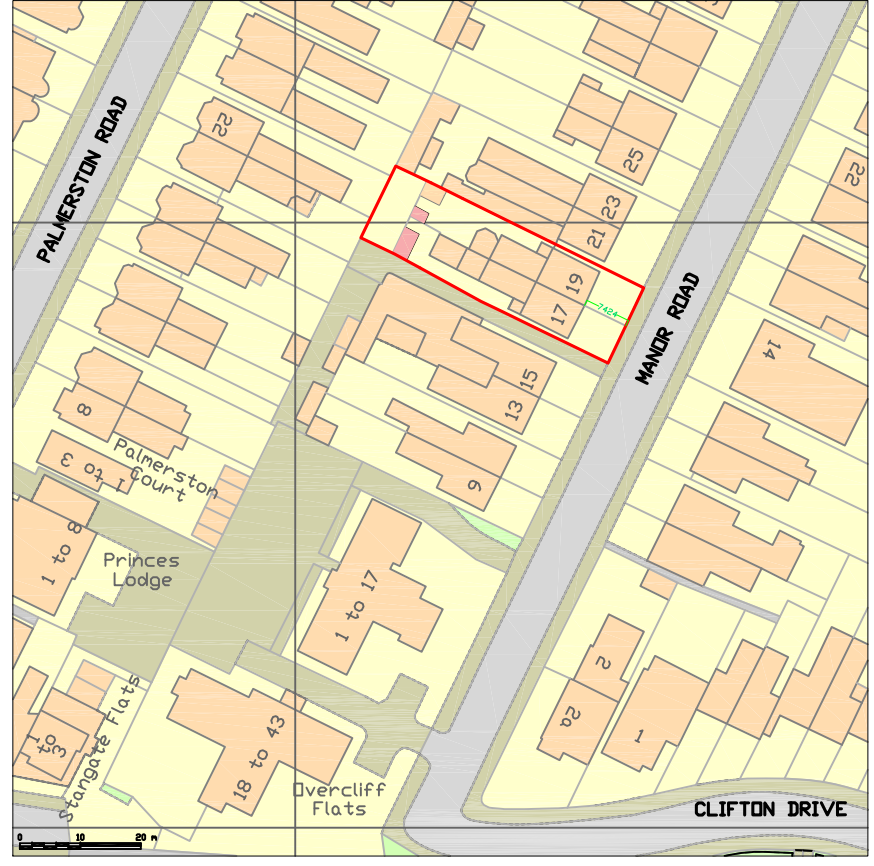
DRAWING TITLE EXISTING & PROPOSED SITE PLAN, SITE LOCATION PLAN + BLOCK PLAN

SCALE AS SHOWN ON A3 PAGE

PROJECT NO. 2001 - DRG NO. **105** - REV. **P3**



BLOCK PLAN
 Scale: 1:500



SITE LOCATION PLAN
 Scale: 1:1250



SITE PLAN
 Scale: 1:2500

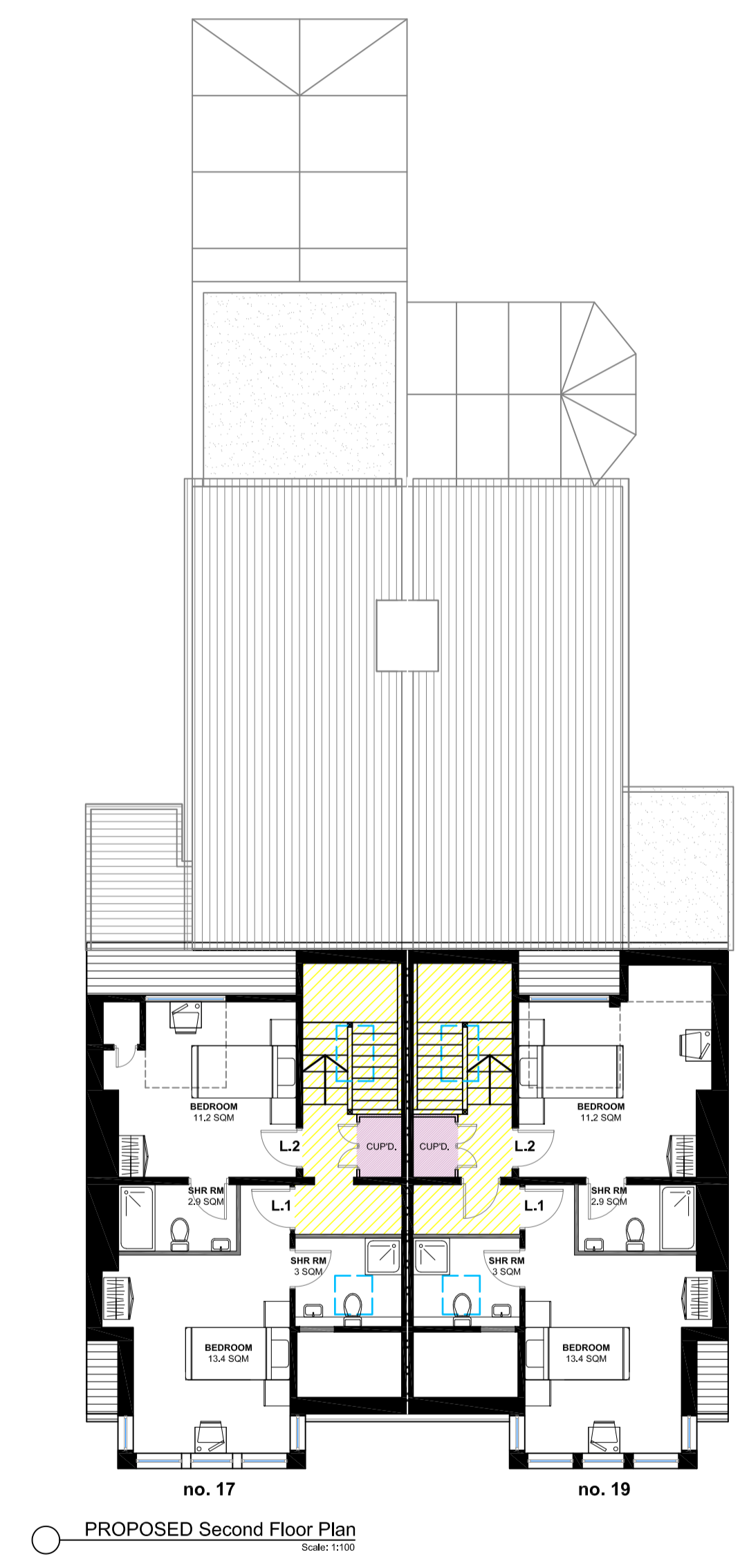
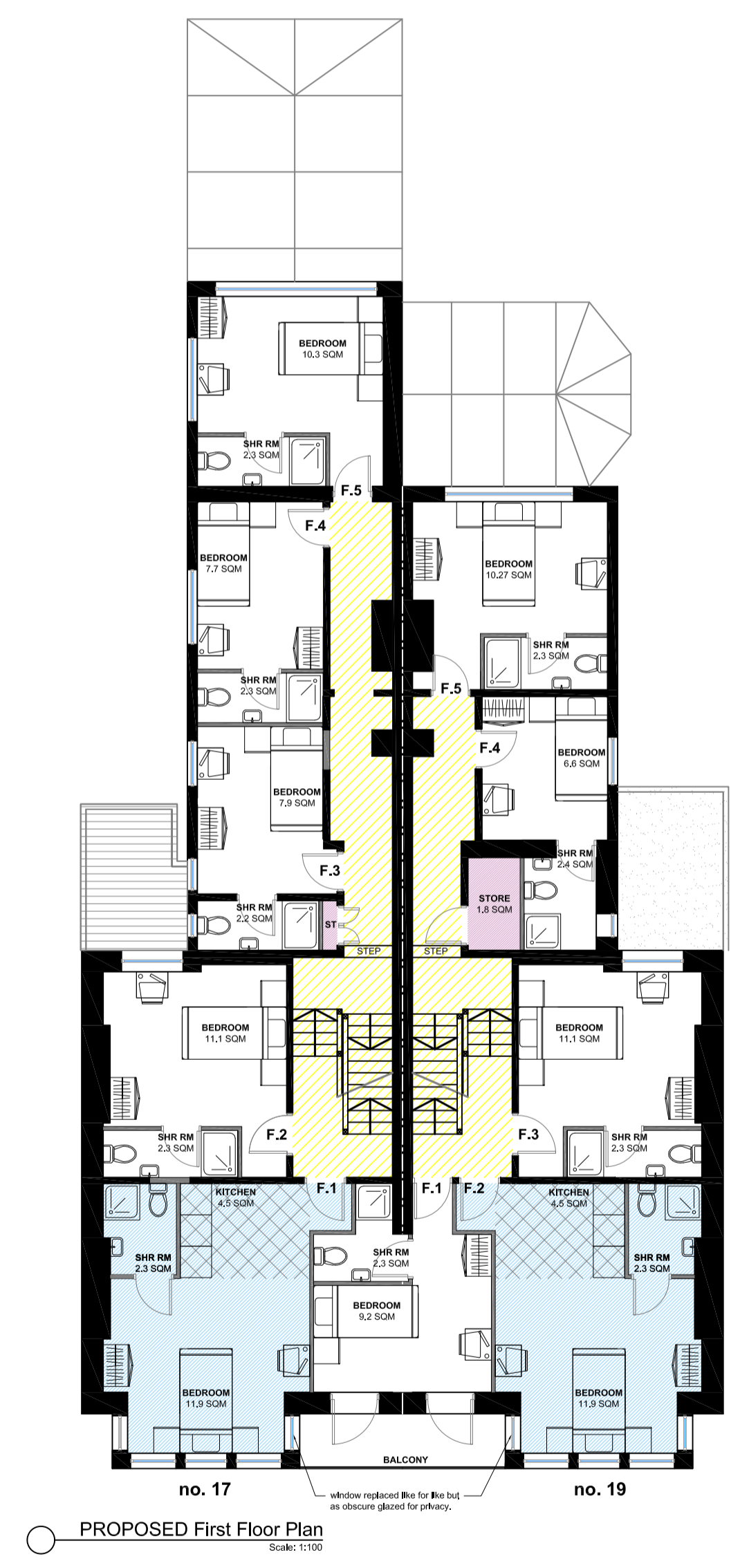
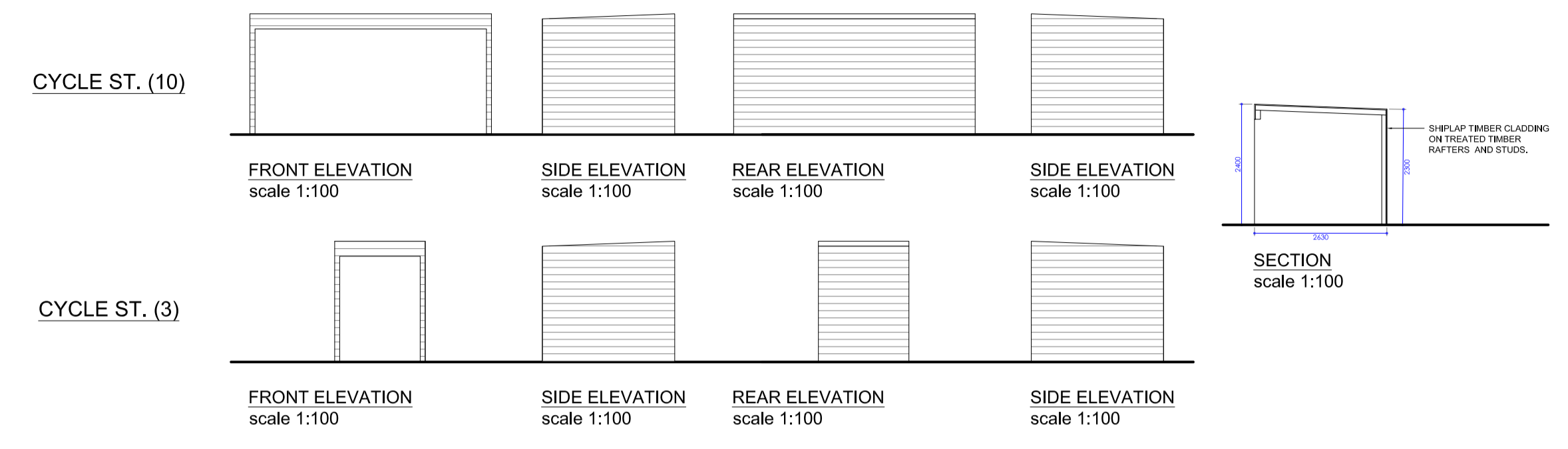
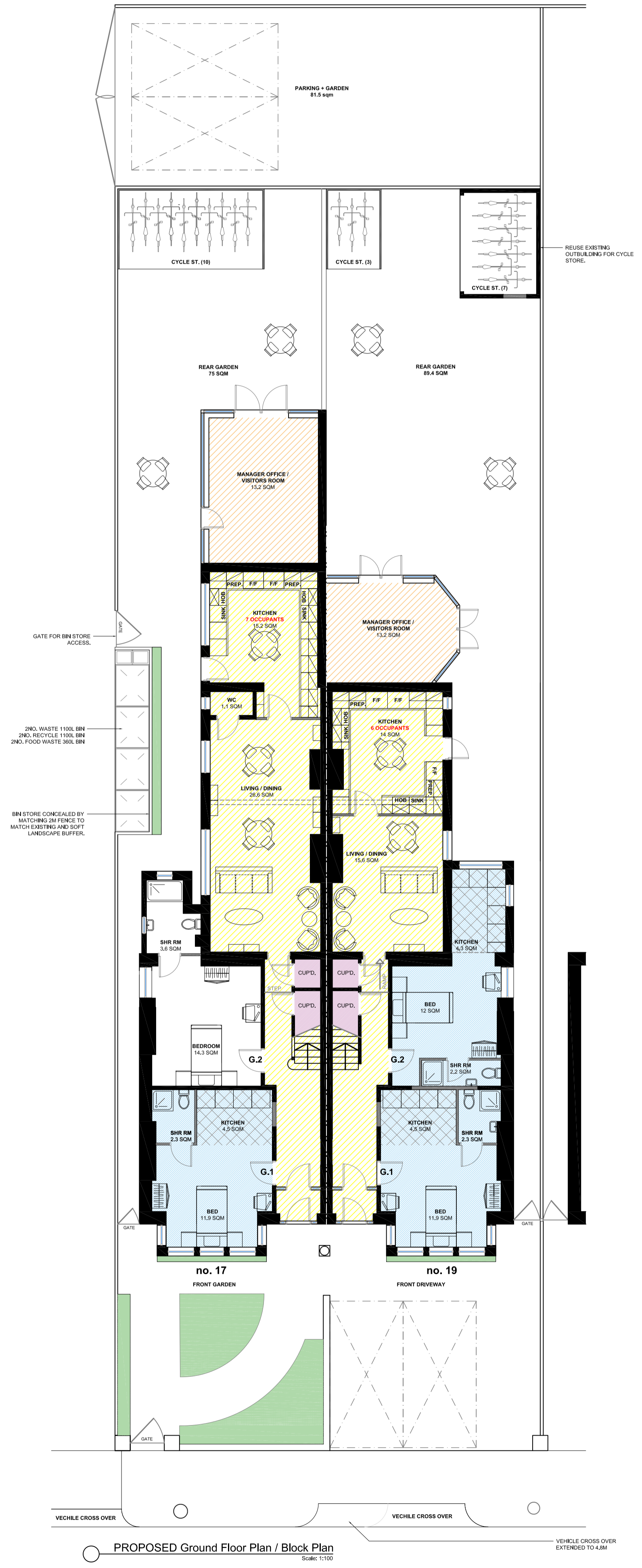
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17 - 19 MANOR ROAD, SS0 7SR

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27



SCHEDULE

	BEDROOM / LETTING	
	NO. 17	NO. 19
GROUND	2	2
FIRST	5	5
SECOND	2	2
TOTAL	9	9

ALL BEDS ARE SINGLES, THEREFORE MAXIMUM OCCUPANTS IS 18.

ROOM WITH SHARED FACILITIES	NO. 17		NO. 19	
		7	6	13
BEDSIT	2	3	5	

HATCH LEGEND

- COMMUNAL AREA
- MANAGER / VISITORS ROOMS
- SERVICES / CLEANERS STORE
- BEDSIT

PS 2021.02.16 updated to pre-app response, cycle store elevations MR added, furniture added to HMD rooms, bin store relocated, no. 17 front garden retained, first floor bay window side windows note added, mirror set and color update
 P4 2021.01.05 updated following pre-app meeting, MR
 P3 2020.12.08 project description updated, MR
 P2 2020.12.04 table updated, MR
 P1 2020.12.04 first issued, MR

FOR PLANNING APPROVAL

17 - 19 MANOR ROAD, WESTCLIFF ON SEA, ESSEX, SS0 7SR

PROJECT: COU FROM 2ND DWELLING INTO 18 ROOM HMO

DRAWING TITLE: PROPOSED FLOOR PLANS

SCALE: 1:100 ON A1 PAGE, 1:200 ON A3 PAGE

PROJECT NO. 2001 - 250 - REV. P5

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APPENDIX A

Photos

PROJECT

17 - 19 MANOR ROAD,
WESTCLIFF ON SEA, ESSEX, SS0 7SR

REV. NO.	DATE	DESCRIPTION
01	2021.01.04	Issued



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Essex, SS0 9HW

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e info@rdarchitecture.co.uk







































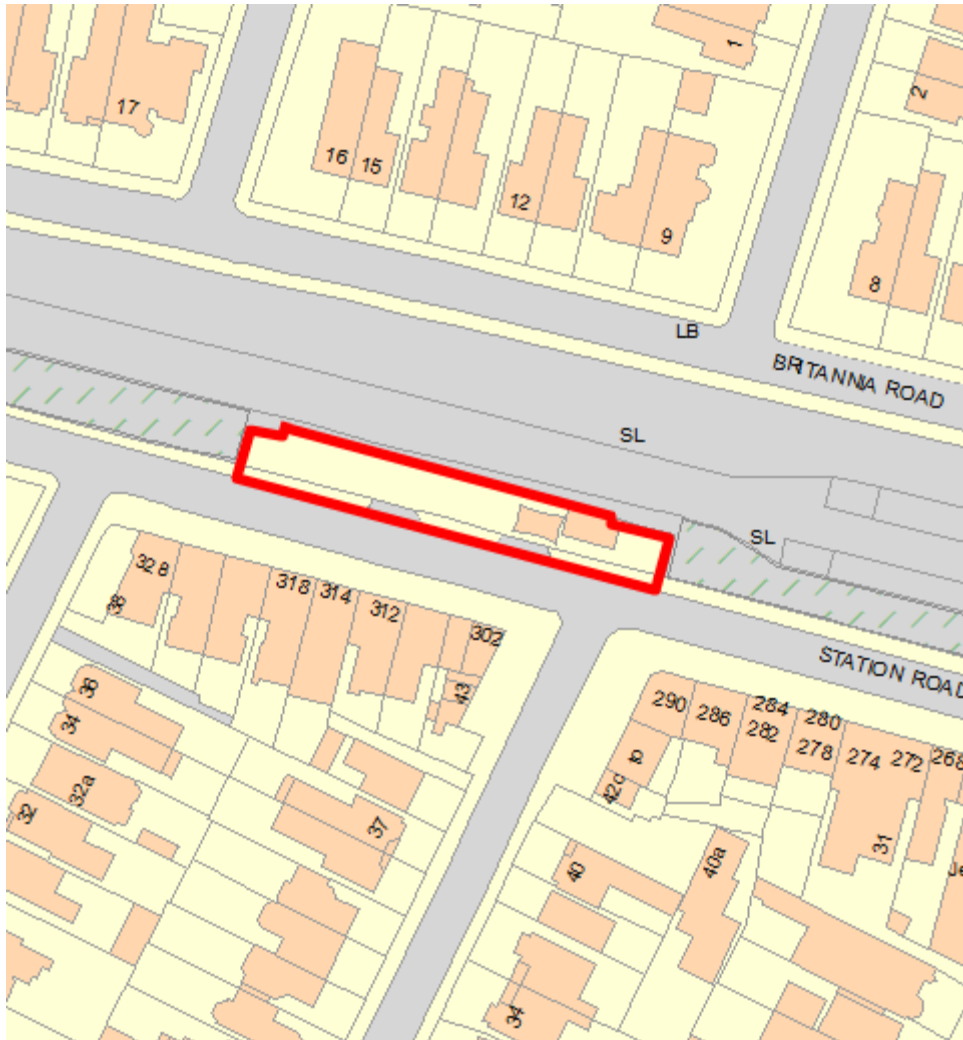






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Reference:	20/02207/FUL	5
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Demolish existing buildings at former hand car wash site and erect no. 4 three storey dwellings and no.2 two storey dwellings with integral garages and associated amenity space , layout landscaping and form vehicular accesses onto Station Road (Amended Proposal)	
Address:	315 Station Road, Westcliff-On-Sea, Essex	
Applicant:	Mr Ari Feferkom	
Agent:	Mr Pantazis of Redwoods Projects Ltd	
Consultation Expiry:	11th February 2021	
Expiry Date:	12th March 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	E 00, E 01, P01 REV A, P02 REV A, P03, P04 REV A, P05, P06 REV A, P07, P08 REV A, P09, P10 REV A, P11, P12 REV A, P13, P14 REV A, P15, P16 REV A, P17, P18 REV B, P19 REV B, P20 REV A, P21 REV B, P22 REV A, MGS40163-3DM-01 REV A	
Supporting Documents:	Design Access and Planning Statement	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



Site and Surroundings

- 1.1 The application site is a narrow strip of land on the north side of Station Road. Originally a petrol station and formerly a garage, until recently, it was used for a hand car washing business. The site is occupied by a single storey building. The site backs onto the railway line running along the north side of Station Road. The south side of the road facing the site is characterised by three storey mansion blocks of traditional design incorporating shops at ground floor level. A four-storey building is located at the corner of Station Road with Pembury Road. Pembury Road allows views towards the Thames Estuary. Station Road is a classified road. Other than the Leas Conservation Area the nearest boundary of which lies some 50m to the south of the site on Pembury Road, there are no specific policy or other designations affecting the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission is sought for the erection of six (6no.) dwellings, grouped in two terraces. The western terrace would accommodate three (3no.) x three-storey dwellings and the eastern terrace would accommodate one (1no.) x three-storey and two (2no.) x two-storey dwellings. The existing building on site would be demolished as part of the proposal. The proposed dwellings would each measure some 11.6m in width by 6.6m in depth and would be located abutting the boundary of the site with the public footpath. The dwellings would have roof gardens on top which would be surrounded by a glazed balustrade 1m in height.

On the rooftop there would be structures some 1.2m wide by 4.2m deep to accommodate the access from the lower floors resulting in an overall maximum height of approximately 10.3m for the three-storey properties and 7.6m for the two-storey properties. The eaves height would be 8.2m and 5.5m for the three-storey and two-storey parts of the development, respectively. The proposed dwellings would be finished with white brick over decorative timber and metal cladding, timber doors and polyester powder coated aluminium windows with iron railings or glazed balustrades.

- 2.2 Two of the proposed dwellings would accommodate three bedrooms with five bed spaces and the rest would accommodate four bedrooms with six bed spaces. Each dwelling would have a single, integral garage at ground floor, where it is also proposed to accommodate cycle parking and bin storage. All dwellings would be provided with at least 44m² of private amenity space in the form of a roof terrace. The four larger dwellings would also benefit from a second floor balcony.
- 2.3 The proposal is an alternative scheme to the extant planning permission 16/01134/OUT (the “2016 Permission”) granted on appeal¹. The main difference between the two schemes is the height, size, scale, form and appearance of the development. The 2016 Permission allowed for two-storey dwellings measuring up to 7.1m in height. These dwellings were of a more rectangular form and of a more rudimentary appearance when compared to the current proposal. Details of the 2016 Permission are included in the following section.
- 2.4 Moreover, this proposal is an amended scheme following the refusal of planning application 20/01608/FUL (the “Second 2020 Application”). The difference between this proposal and the previously refused scheme is reduction in size of the two easternmost dwellings (units 315a and 315b). These two dwellings have been reduced by a storey and from a maximum height of 9.2m (without the staircase structure) they are proposed now to be a maximum of 7.6m.

3 Relevant Planning History

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

Table 1: Relevant Planning History of Application Site

Reference	Description	Outcome
14/01211/OUT	Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road	Refused [16.04.2015] Appeal Dismissed [18.09.2015]
15/00219/OUT	Demolish existing single storey office building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Refused [16.04.2015] Appeal Dismissed [15.03.2016]
15/00669/OUT	Demolish existing single storey office building, erect four three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Permission Granted [15.06.2015]

¹ APP/D1590/W/17/3170982

16/01134/OUT (the "2016 Permission")	Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal)	Refused [07.09.2016] Appeal Allowed [18.07.2017]
16/02006/OUT	Demolish existing single storey office building, erect five two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline) (Amended Proposal)	Refused [30.12.2016] Appeal Dismissed [18.07.2017]
20/00993/RES	Approval of Reserved Matters (details of Landscaping) pursuant to outline Planning Permission ref: 16/01134/OUT - Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal) allowed on Appeal 18 July 2017	Reserved Matters Approved [27.08.2020]
20/01185/AD	Application for approval of details pursuant to conditions 14 (Construction Method Statement) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [25.09.2020]
20/01355/AD	Application for approval of details pursuant to condition 5 (details of materials) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [03.11.2020]
20/01197/FUL (the "First 2020 Application")	Demolish existing buildings, erect two buildings to form 6 self-contained three storey dwellings, with associated amenity space, landscaping and form vehicular accesses onto Station Road	Refused [22.09.2020]
20/01608/FUL (the "Second 2020 Application")	Demolish existing buildings, erect no.6 three storey dwellinghouses with associated amenity space, landscaping and form vehicular accesses onto Station Road (Amended Proposal)	Refused [26.11.2020]

3.2 While there are other planning history items associated with the application site, they are not considered to be relevant to this application. The officers' reports for the First and Second 2020 Applications are appended to this report as Appendix 1 and Appendix 2, respectively. In summary, both the First and Second 2020 Applications were refused because:

"The proposed development, by reason of its height and scale, would result in the overdevelopment of the site, appearing cramped within the narrow application site, and would obscure public vistas towards the seafront and Thames Estuary and The Leas Conservation Area from Britannia Road and Meteor Road to the material detriment of the character and appearance of the site and the wider area. The proposal would also result in material albeit less than substantial harm to the character and appearance of the conservation area with no public benefits outweighing the identified harm."

- 3.3 The appeal decision² allowing the extant 2016 Permission is appended to this report as Appendix 3. The extant permission is a material planning consideration of significant weight in the determination of this application. The other historic applications mentioned in Table 1 are either expired or have been refused hence they carry only limited weight for the consideration of this application in so far the matters considered are comparable with the current scheme.

4 Representation Summary

Call in

- 4.1 Councillor Walker called in this application for consideration by the Development Control Committee due to concerns regarding the living conditions of future occupiers by reason of proximity to the rail line.

Public Consultation

- 4.2 Sixty (60) neighbouring properties were consulted and a site notice was displayed. Representations from eleven (11) interested parties have been received. The comments in support of the application are summarised as follows:

Impact on character and appearance of the area

- Great new addition to the area.

- 4.3 The objecting comments are summarised as follows:

Impact on character and appearance of the area

- Negative impact on character and appearance of the area.
- The proposed dwellings are too deep for the depth of the site.
- The development would be isolated on the northern side of the road.
- Gross overdevelopment of a small site.
- Impact on conservation area.
- The proposed materials are inappropriate.

Living conditions of future occupiers

- Concerns about living conditions of future occupiers.
- Cramped accommodation.
- Little or no outside space.
- Limited or no sunlight.
- The proposed dwellings would be close to the rail line and a pub.
- Noise from traffic on Station Road.

Impact on residential amenity

- Negative impact on residential amenity of neighbouring residents.
- The roof top terraces would affect the privacy and overlook neighbouring occupiers.
- Loss of light to neighbouring properties to the south.

Impact on highway safety

- Negative impact on highway safety.
- Parking concerns.

² APP/D1590/W/17/3170982

- More people on site would require additional parking.
- Public footpath would be blocked.
- Cars would exit from the garage straight on the footpath and the busy road.
- Construction traffic would cause congestion and disruption.
- Deliveries and collections, including waste collection would cause congestion.

Other matters

- Pressure on waste collection services.
- Unclear where the bin storage is proposed.
- Impact on community safety and stability due to transient profile of residents.
- Loss of private view.
- Loss of property value.
- The proposed properties would not be saleable.
- The applicant tries to circumvent the system by increasing the occupancy on site when compared to the approved scheme.
- Discrepancies in the submission

4.4 The comments have been taken into consideration and those 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.

Environmental Health

4.5 No objections subject to conditions regarding noise and vibration mitigation measures. Although not part of the application, the construction of the development would require some overnight works due to the proximity of the site to rail line cables and the health and safety complications. The applicant has applied for prior consent to the regulatory services for demolition works.

Parks and Greenspace Officer

4.6 No objections subject to additional information regarding tree planting on Station Road and on the proposed roof terraces.

Highways

4.7 No objections. There is an extant permission and it is not considered that the revised proposal will have a detrimental impact upon the public highway. The applicant will be required to apply to highways to carry out any vehicle crossover works.

Fire Safety Officer

4.8 No objections.

Network Rail

4.9 No objections subject to informatives.

5 Planning Policy Summary

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

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

- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 National Housing Standards (2015)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 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 on public views towards the seafront and the impact on the significance of the Leas Conservation Area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, ecology and compliance with the Essex Coast RAMS SPD and whether the development would be liable for CIL. The planning history is a material consideration in the determination of this application, as set out in previous sections.

7 Appraisal

Principle of Development

- 7.1 Paragraphs 7.1 to 7.4 of the Officer's report in Appendix 1 discuss the principle of the development applied for with the First 2020 Application which was found to be acceptable. The principle for this development is equally acceptable. Other material planning considerations are discussed in the following sections of the 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 Policy DM6 of the development management document also states that any development near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches
- 7.4 The site is located a short distance away from The Leas Conservation Area. 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 or appearance of conservation areas. This is reinforced by Development Management Policy DM5.
- 7.5 Paragraphs 7.5 to 7.13 of the officer’s report for the First 2020 Application at Appendix 1 and paragraphs 7.2 to 7.11 of the officer’s report for the Second 2020 Application at Appendix 2 discuss the design implications of the previous proposals. The layout, landscaping and choice of materials of the proposed development are identical to those proposed under the First and Second 2020 Applications and remain acceptable.
- 7.6 The scale of the proposal has not been altered for four of the dwellings. The current proposal directly addresses the previous reasons by reducing the scale of the two easternmost dwellings by a storey. This reduction would result in a scheme which would allow more public views towards the Thames Estuary and the Leas Conservation Area from Britannia Road and Meteor Road when compared to the committed scheme allowed with the 2016 Permission. Similarly to previous schemes the proposal would, generally, respect the scale of neighbouring buildings to the south side of Station Road. The proposed dwellings would abut the boundary of the site with the public highway. The three-storey dwellings would have a maximum height some 2m above the extant permission on site. On balance, the scale of the proposal is acceptable.
- 7.7 In terms of form and appearance, the current scheme would introduce a step between three and two storey properties which was not previously proposed. Such a step is not uncommon in the streetscene. Generally, the simple rectangular form and modern appearance which were previously found to be acceptable are also proposed with this scheme. Overall, the current proposal would, on balance, have an acceptable impact on the character and appearance of the area, it would not significantly harm public views towards the Thames Estuary and would preserve the significance of the Leas Conservation Area. Conditions are recommended in relation to materials, hard and soft landscaping. The Council’s Parks and Greenspace Officer in consultation with the Tree Officers have requested more details for the soft landscaping of the site and the proposed street trees in particular. The proposal is, on balance and subject to conditions, acceptable and in line with policy in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.8 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.

7.9 Internally, the four western dwellings of the current proposal are identical to those which were proposed under the refused First and Second 2020 Applications. Paragraphs 7.14 to 7.23 of the Officer's report in Appendix 1 and 7.12 to 7.15 in Appendix 2 discuss the matters relevant to the living conditions of future occupiers. The previous proposal was found to be acceptable in these regards. These findings are relevant in relation to compliance with the Nationally Described Space Standards (NDSS), the quality of accommodation in terms of outlook, daylight and sunlight, the quantum of amenity space provision and compliance with accessibility requirements in line with building regulation M4 (2) for the four dwellings.

7.10 In relation to the two easternmost dwellings, the relevant required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below.

Table 2: Housing Standards

Type	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m ²)	Amenity (m ²)
Standard for 3 bed 5 person (two storeys)	93	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	2.5	N/A
Proposed dwellings A & B 3 bed 5 person (two storeys)	105	15.5m ² W = 3.8m	11.9 m ² W = 3.3m	9.7m ² W=2.2m	1	At least 50

7.11 The table shows that the two proposed easternmost dwellings would exceed the minimum overall space standard and all bedrooms would exceed the minimum space required but would fail to provide internal storage space in line with the minimum standard required. Given that both units exceed the minimum overall space standards, this shortcoming would not be materially detrimental to living conditions of future occupiers subject to a condition to secure the provision of internal storage space in line with the NDSS.

7.12 All habitable rooms would benefit from adequate outlook and light. The proposed amenity provision would be satisfactory for the level of accommodation proposed for these two dwellings. Moreover, similarly to the other four dwellings, these two units appear capable of complying with the requirements of building regulation M4 (2) in terms of step-free access and adaptability. A condition is recommended in this regard.

7.13 For all proposed dwellings, the situation in relation to noise and disturbance is comparable to the situation considered when the 2016 Permission was granted by the Inspector. A condition to provide mitigation measures against noise and vibration that would be caused by the use of the adjoining rail line is recommended, Subject to such a condition, the Council's Environmental Health service raised no objection.

7.14 As commented in the previous refusal, the report for the Second 2020 Application, the proposed glass balustrade around the proposed rooftop amenity areas would leave them exposed to views from the buildings on the opposite side of Station Road. A condition is recommended to secure details of screens to protect the quality of the amenity spaces.

- 7.15 Overall and particularly bearing in mind the planning history of the site, to which significant weight is attached, it is considered that the proposal, subject to conditions, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwellings would generally comply with the NDSS, save for a minor width deficiency in one of the smaller bedrooms of dwelling F and the deficiency in internal storage space in dwellings A and B which can be rectified with the recommended condition. The proposed units would also have appropriate amenity space, subject to appropriate screening, and all habitable areas would have adequate outlook, daylight and sunlight. Adequate noise and vibration mitigation is recommended to be secured by condition as is the compliance with building regulation M4 (2). The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.16 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."
- 7.17 Paragraphs of 7.24 to 7.26 of the Officer's report in Appendix 1 and paragraphs 7.16 to 7.17 in Appendix 2 discuss these matters. The First and Second 2020 Applications were found to be acceptable in relation to the impact of the development on the residential amenity of neighbouring occupiers. Given that the current proposal is similar in many regards, and two dwellings have lower maximum height and smaller mass, the current proposal remains equally acceptable. Conditions are recommended in relation to control of construction hours and construction method to minimise pollution, noise and disturbance during construction. The proposed development is considered acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.18 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.
- 7.19 Paragraphs 7.27 to 7.28 of Appendix 1 and 7.18 to 7.19 of Appendix 2 discuss the reasons why the First and Second 2020 Applications was found to be acceptable in these regards. The current scheme would not give rise to any different considerations in relation to these matters. Conditions are recommended to ensure the car and cycle parking is provided as shown on the plans and that construction would take place without material harm to the rail traffic on the adjoining rail line. The proposal would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.20 According to the policy requirements it is expected that individual dwellings would use the Council's scheme for sack collection from the kerbside. The proposed dwellings would be adjacent to the highway and it would be convenient to collect and leave sacks there. The proposal shows bin storage areas for all dwellings within the ground floor area which is acceptable but not required by policy or guidance. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.21 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". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".
- 7.22 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirements for renewable energy and restrictions on water usage can be controlled with conditions which are recommended. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 7.23 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere, including any undue discharge of surface water on the highway or the railway. A condition is recommended to require details of drainage arrangements incorporating principles of Sustainable Drainage Systems. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Ecology - Essex Coast RAMS

- 7.24 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast 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 Essex Coast RAMS SPD, which was adopted by Full Council on 29 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.

- 7.25 The applicant has paid the relevant tariff for the Second 2020 Application and requested the fee is transferred to this application. The development offers suitable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.26 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 1068.12m², which may equate to a CIL charge of approximately £ 27,442.47 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the relevant planning history of the site, it is found that the proposed development is, on balance, acceptable and in line with local and national planning policies and guidance. The current proposal is considered to have, on balance, overcome the previous reasons for refusal in relation to character and appearance, public vistas towards the seafront and the significance of The Leas Conservation Area. Furthermore, the proposal is considered, to have an acceptable impact on the living conditions of future occupiers. The proposal is considered acceptable in all other relevant regards. The proposal makes a contribution to the housing needs of the borough through provision of a good standard of new family housing which must be weighed in the overall planning balance, albeit the weight to be attached to this would be limited in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: E 00, E 01, P01 REV A, P02 REV A, P03, P04 REV A, P05, P06 REV A, P07, P08 REV A, P09, P10 REV A, P11, P12 REV A, P13, P14 REV A, P15, P16 REV A, P17, P18 REV B, P19 REV B, P20 REV A, P21 REV B, P22 REV A, MGS40163-3DM-01 REV A.**

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

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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

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

advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 06 Notwithstanding the details submitted and otherwise hereby approved, the dwellings hereby approved shall not be brought into first use unless internal storage space in line with the nationally described space standards, at least 2.5m² for all three-bed units and 3m² for all four-bed units , excluding kitchen cupboards and wardrobes less than 0.72m² in a double bedroom and 0.36m² in a single bedroom, have first been provided and made available on site in line with details that have previously been submitted to and agreed in writing by the Local Planning Authority.**

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

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

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 08 Notwithstanding the details submitted and otherwise hereby approved, no development above ground floor slab level shall take place until a detailed noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include noise and vibration mitigation measures where needed along with a mechanism for verification of their effectiveness on site after they have been carried out. The assessment shall also contain the details for a review mechanism. The mitigation proposed shall ensure that the rating level of noise within the internal areas determined by the procedures in British Standards BS:4142:2014, shall not exceed the safety levels advised by the World Health Organisation. The assessment shall be carried out by a suitably qualified and experienced consultant. The mitigation measures as recommended by the assessment shall be implemented in full prior to the first occupation of the dwellings and maintained on site as approved for the lifetime of the development.**

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

- 09 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 which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings are submitted to and approved in writing by the Local Planning Authority. Before each dwelling hereby approved is occupied the privacy screens as applicable to that dwelling 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 living conditions of future occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009).

- 10 Demolition or construction works for the approved development on site, loading or unloading of goods or materials during demolition or construction works shall only be taken at or dispatched from the site 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).

- 11 No development shall take place, including any works of demolition, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site vii) details of drainage/surface water, including foul drainage, to ensure the proposal does not discharge onto Network Rail land viii) scaffolding ix) piling x) lighting xi) future maintenance of the site.**

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

- 12 The dwellings hereby approved shall not be occupied unless and until the parking provision shown on the approved plans P01 REV A, P02 REV A, P03, P10 REV A and P11 has been provided and made available for use on site. The parking spaces shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.**

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

- 13 No drainage related works shall take place or installed on site unless and until surface water drainage works have been submitted to and approved in writing by the local planning authority. The drainage works shall be carried out solely in full accordance with the approved details prior to the first occupation of the development hereby approved. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:**
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;**
 - ii) include a timetable for its implementation; and,**
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.**

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

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

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

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

Reason: To minimise the environmental impact of the development through

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

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

Informatives:

- 1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk 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) or the Council's website (www.southend.gov.uk/cil).**
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**
- 3 You attention is drawn to the advice given by Network Rail and you are advised to contact the Network Rail's Asset Protection (ASPRO) team via AssetProtectionAnglia@networkrail.co.uk to discuss the scheme in detail, and to ascertain the impact the proposed development will have on Network Rail infrastructure.**

APPENDIX 1**Delegated Report**

Reference:	20/01197/FUL
Application Type:	Full Application
Ward:	Chalkwell
Proposal:	Demolish existing buildings, erect two buildings to form 6 self-contained three storey dwellings, with associated amenity space, landscaping and form vehicular accesses onto Station Road
Address:	315 Station Road, Westcliff-On-Sea, Essex
Applicant:	Mr Ari Feferkorn
Agent:	Mr Greenhalgh of Redwoods Projects Ltd
Consultation Expiry:	2nd September 2020
Expiry Date:	22nd September 2020
Case Officer:	Spyros Mouratidis
Plan Nos:	E 00, E 01, P01, P02, P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13, P14, P15, P16, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, R 01, R 02, R 03, R 04, R 05, R 06, R 07, R 08, R 09, R 10, R 11, R 12
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is a narrow strip of land on the north side of Station Road. Originally a petrol station and formerly a garage, until recently, it was used for a hand car washing business. The site is occupied by a single storey building. The site backs onto the railway line running along the north side of Station Road. The south side of the road facing the site is characterised by three storey mansion blocks of traditional design incorporating shops at ground floor level. A four-storey building is located at the corner of Station Road with Pembury Road. Pembury Road allows views towards the Thames Estuary. Station Road is a classified road. Other than the Leas Conservation Area which lies some 50m to the south of the site on Pembury Road, there are no specific policy or other designations affecting the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission is sought for the erection of six (6no.) three-storey dwellinghouses, grouped in two terraces. The existing building on site would be demolished as part of

the proposal. The proposed dwellings would each measure some 11.6m in width by 6.6m in depth and would be located abutting the boundary of the site with the public footpath. The dwellings would have roof gardens on top which would be surrounded by a parapet wall of up to 2.5m in height resulting in an overall maximum height of approximately 10.6m. The proposed dwellings would be finished with brick over decorative timber and metal cladding, timber doors and polyester powder coated aluminium windows with iron railings or glazed balustrades.

- 2.2 The proposed dwellings would accommodate four bedrooms. Five of the dwellings would have seven bed spaces and one dwelling would have six bedspaces. Each dwelling would have a single, integral garage at ground floor, where it is also proposed to accommodate cycle parking and bin storage. All dwellings would be provided with at least 51m² of private amenity spaces in the form of a second floor balcony and a roof terrace. The application is supported by a Design and Access Statement.
- 2.3 The proposal is an alternative scheme to the extant planning permission 16/01134/OUT (the "2016 Permission") granted on appeal³. The main difference between the two schemes is the height, size, scale, form and appearance of the development. The 2016 Permission allowed for two-storey dwellings measuring up to 7.1m in height. These dwellings were of a more rectangular form and of a more rudimentary appearance when compared to the current proposal. Details of the 2016 Permission are included in the following section.

3 Relevant Planning History

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

Table 3: Relevant Planning History of Application Site

Reference	Description	Outcome
14/01211/OUT	Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road	Refused [16.04.2015] Appeal Dismissed [18.09.2015]
15/00219/OUT	Demolish existing single storey office building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Refused [16.04.2015] Appeal Dismissed [15.03.2016]
15/00669/OUT	Demolish existing single storey office building, erect four three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Permission Granted [15.06.2015]
16/01134/OUT	Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal)	Refused [07.09.2016] Appeal Allowed [18.07.2017]
16/02006/OUT	Demolish existing single storey office	Refused

³ APP/D1590/W/17/3170982

	building, erect five two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline) (Amended Proposal)	[30.12.2016] Appeal Dismissed [18.07.2017]
20/00993/RES	Approval of Reserved Matters (details of Landscaping) pursuant to outline Planning Permission ref: 16/01134/OUT - Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal) allowed on Appeal 18 July 2017	Reserved Matters Approved [27.08.2020]
20/01185/AD	Application for approval of details pursuant to conditions 14 (Construction Method Statement) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Pending Consideration
20/01355/AD	Application for approval of details pursuant to condition 5 (details of materials) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Pending Consideration

3.2 While there are other planning history items associated with the application site, they are not considered to be relevant to this application. The appeal decision⁴ allowing the extant 2016 Permission is appended to this report as Appendix 1. The extant permission is a material planning consideration of significant weight in the determination of this application. The other historic applications mentioned on Table 1 are either expired or have been refused hence they carry only limited weight for the consideration of this application. It is noted that the refused scheme under application 14/01211/OUT (the “2014 Application”) is the one that is most comparable to the current proposal. The appeal decision⁵ for the 2014 Application is appended to this report as Appendix 2.

4 Representation Summary

Public Consultation

4.1 Fifty-five (55) neighbouring properties were consulted and a site notice was displayed. Representations from five (5) interested parties have been received objecting to the proposal. The objecting comments are summarised as follows:

- Impact on character and appearance of the area.
- The proposed dwellings are too deep for the depth of the site.
- Concerns about living conditions of future occupiers.
- The proposed dwellings would be close to the rail line and a pub.
- Parking concerns.
- More people on site would require additional parking.
- Impact on highway safety.
- Public footpath would be blocked.
- Cars would exit from the garage straight on the footpath and the busy road.

⁴ APP/D1590/W/17/3170982

⁵ APP/D1590/W/15/3016802

- Loss of view.
- Loss of property value.
- The proposed properties would not be sold.

4.2 Representations from eight (8) interested parties have been received supporting the proposal. The supporting comments are summarised as follows:

- The Borough needs spacious new houses suitable for families.
- The project would invigorate the local community.
- Homes occupied by families would result in less crime and anti-social behaviour.
- The proposal would improve the character and appearance of the area.
- The development would regenerate the area and would bring more affluent occupiers.
- The site is in a sustainable location.

4.3 The comments have been taken into consideration and the relevant to planning matters raised 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.

Environmental Health

4.4 Object – a detailed noise and vibration assessment is required to establish whether the proposal would have a detrimental impact on the amenity of future occupiers.

Parks

4.5 No objections subject to additional information regarding tree planting on Station Road and on the proposed roof terraces.

Fire Brigade

4.6 No objections.

5 Planning Policy Summary

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

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

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 National Housing Standards (2015)

5.7 Technical Housing Standards Policy Transition Statement (2015)

- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage and whether the development would be liable for CIL. The planning history is a material consideration in the determination of this application, as set out above.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.3 For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development. The proposed dwellinghouses would be four-bed, six and seven-person units which are suitable for families. There is a greater need for this type of housing as identified by the SESHMA.
- 7.4 The application site is considered to be previously developed land. Brownfield sites like this are where development should be directed according to local and national policies. It is noted that the site already benefits from the extant and implementable 2016 Permission. The principle of the proposed development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.5 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.”

- 7.6 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.”
- 7.7 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”.
- 7.8 Policy DM6 of the development management document also states that any development near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches
- 7.9 The Design and Townscape Guide states that: “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”
- 7.10 The site is located a short distance away from The Leas Conservation Area. 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 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.
- 7.11 In terms of layout, the proposed development would result in a similar layout as that already approved with the 2016 Permission and would be, similarly, acceptable. With regard to the proposed scale, the proposal would be of similar width and depth as that approved with the 2016 Permission but would result in up to 3.4m of additional height.

While the proposal would, generally, respect the scale of neighbouring buildings to the south side of Station Road, it would result in the site appearing overdeveloped. The proposed dwellings would abut the boundary of the site with the public highway and given the narrowness of the site and the public footpath in this side of Station Road, the additional height of the proposal would be oppressive and would loom over passing pedestrians and would appear squeezed in the site and cramped. A similar harm was identified when the 2014 Application was considered by the Planning Inspector as seen in paragraph 10 of Appendix 2. Furthermore, the additional height of this proposal when compared to the 2016 Permission, would result in the material obstruction of public vistas of the Thames Estuary and the conservation area as experienced from Meteor Road and Britannia Road, to the north of the rail line. This would result in less than substantial but nevertheless material harm to the historic asset and a significant conflict with local policy stipulations which seek to protect views towards the seafront.

- 7.12 Considering the form of the proposed development, the variation in shape and use of recessed balconies would result in an acceptable contemporary form. In terms of appearance, the proposal contains well resolved elevations which would feature proportionate level of openings. Coupled with the proposed use of materials in a contemporary way on the proposed elevations, the proposal would be of an acceptable appearance. The proposed materials would not directly reference the palette of traditional materials present in the area. Given the isolated location of the site within the northern side in this part of Station Road, as well as the contemporary form proposed, a variation of materials would not materially harm the character and appearance of the area, subject to details of those materials. An indicative landscaping scheme has been submitted and would be acceptable subject to additional details.
- 7.13 Overall, given that the site can already be developed for a scheme offering a comparable level housing, the additional benefits of this proposal would not outweigh the material harm identified in the previous paragraphs as a result of the additional scale and height. The proposal is unacceptable and contrary to policy in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

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

Space Standards

- 7.15 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below.

Table 4: Housing Standards

Type	Area (m ²)	Bedroom 1(2)	Bedroom 2 (3)	Bedroom 3 & 4 (1 & 4)	Storage area (m ²)	Amenity (m ²)
Standard for 4 bed 7 person (three storeys)	121	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	3	N/A

Standard for 4 bed 6 person (three storeys)	112	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	3	N/A
Proposed dwelling A 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	51.3
Proposed dwelling B 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	56.5
Proposed dwelling C 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	54.1
Proposed dwelling D 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	52
Proposed dwelling E 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	57.8
Proposed dwelling F 4 bed 6 person (three storeys)	156.2	12.9m ² W = 3.3m	13.8m ² W = 3.1m	10.2m ² & 10.1m ² W=2.8m & 2m	In excess	52

7.16 The proposed development would meet the minimum NDSS in all regards save for the minimum width required for a single bedroom at proposed dwelling F. Although there is a small deficit in that regard, this is only marginal. The proposed dwellings would provide adequate space and acceptable living conditions for future occupiers.

Daylight, Sunlight and Outlook from Habitable Rooms

7.17 All habitable rooms are required to have good outlook and receive enough daylight or sunlight. In this instance, all habitable rooms would receive adequate daylight and sunlight and would have an acceptable outlook.

Amenity Provision

7.18 In relation to the provision of amenity space Policy DM8 states that all 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 reasons for which will need to be fully justified and clearly demonstrated."

7.19 The proposed dwellings would be provided with private amenity spaces in the form of a roof terrace and a second floor balcony. At least 51m² would be provided for each dwelling. The amenity provision would be acceptable for the proposed size of accommodation in the proposed dwellings.

Noise and disturbance

- 7.20 Given the location of the site adjacent to the rail line, increased noise and vibration levels are expected. The application has not been supported by any noise or vibration impact assessment. However, given the extant 2016 Permission, it is accepted that a scheme on site can be developed with mitigation measures so that the future occupiers of the development would not be detrimentally impacted by the noise and vibration emitted from the rail line. The Council's Environmental Health (EH) Officer has raised an objection to the application on the basis that there is no supporting information in this regard and no mitigation is offered against expected noise and vibration. It is also noted that the World Health Organisation guidelines for the acoustic environment would not be able to be achieved when the windows of the proposed property would be open. It is noted that similar issues were raised when assessing the application 20/00817/BC3 for two dwellings on the opposite side of the rail line at Saxon Gardens. The approach taken there was to impose conditions to clarify further the mitigation measures. There the installation of an acoustic fence was required. An up to date Noise and Vibration Impact Assessment would need to be submitted to clarify which mitigation measures would be required. These measures could be secured by condition. On balance and subject to such conditions, it is not considered that the identified shortcoming of the proposal would have such an impact on the living conditions of its future occupiers as to justify the refusal of the application on this ground.

M4 (2) – Accessibility

- 7.21 Development Management Policy DM8, as amended, 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.
- 7.22 The proposed dwellings appear capable of complying with the requirements of building regulation M4 (2) in terms of step-free access and adaptability. A condition could secure compliance if the application is otherwise acceptable.
- 7.23 Overall, it is considered that the proposal, on balance, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwelling would exceed the overall space standards, save for a minor width deficit in one of the smaller bedrooms of dwelling F, would have appropriate amenity space and all habitable areas would have adequate outlook, daylight and sunlight. Adequate noise and vibration mitigation could be secured by conditions. The proposal is, therefore, on balance and subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.24 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."
- 7.25 The proposed dwellings would be located at least 15.3m to the north of properties facing

Station Road and at least 40m to the south of properties facing Britannia Road. Although the proposal would have many openings to the north and south, the impact on the residential amenity of neighbours in terms of overlooking and loss of privacy would not be materially worse than that of the 2016 Permission which was found to be acceptable. In terms of outlook, sense of enclosure/overbearing relationship, daylight and sunlight, the separation distance between the site and neighbouring properties would be sufficient to result in an acceptable relationship.

- 7.26 The proposed construction could potentially cause some pollution, noise and disturbance but if the proposal were otherwise acceptable a condition could be imposed to control those issues. The proposed use as dwellinghouses would not give rise to any undue pollution, noise or disturbance. The proposed development is considered acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.27 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.
- 7.28 Assessed against parking standards, outside of the central area the minimum parking requirements for dwellings with two or more bedrooms is two spaces per unit. The proposed development would accommodate one space per unit which is not dissimilar to the extant 2016 Permission. Given the sustainable location of the proposal, this shortage of parking is not considered materially harmful to the parking conditions and highway safety of the area. Two cycle spaces would be provided for each dwelling in excess of policy requirements. The proposal would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.29 According to the policy requirements it is expected that individual dwellings would be using the Council's scheme for sack collection from the kerbside. The proposed dwellings would be adjacent to the highway and it would be convenient to collect and leave sacks there. The proposal shows bin storage areas for all dwellings within the ground floor area which is acceptable but not required. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.30 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". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".

- 7.31 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirements for renewable energy and restrictions on water usage could be controlled with conditions. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 7.32 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere, including any undue discharge of surface water on the highway or the railway. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems could be secured by condition had the proposal been otherwise acceptable. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and contrary to local and national planning policies. The proposed development would result in material, albeit less than substantial harm to The Leas Conservation Area and would materially harm the character and appearance of the area as it would materially obscure public views towards the seafront and would result in the overdevelopment of the site. Whilst the proposal is acceptable in other regards and would result in some provision of housing, the benefits of the proposal do not outweigh the identified harm, particularly given that an acceptable scheme for the same amount of housing already benefits from planning permission. The application is, therefore, recommended for refusal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposed development, by reason of its height and scale, would result in the overdevelopment of the site, appearing cramped within the narrow application site, and would obscure public vistas towards the seafront and Thames Estuary and The Leas Conservation Area from Britannia Road and Meteor Road to the material detriment of the character and appearance of the site and the wider area. The proposal would also result in material albeit less than substantial harm to the character and appearance of the conservation area with no public benefits outweighing the identified harm. 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, DM5 and DM6 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

Informatives:

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

APPENDIX 2**Delegated Report**

Reference:	20/01608/FUL
Application Type:	Full Application
Ward:	Chalkwell
Proposal:	Demolish existing buildings, erect no.6 three storey dwellinghouses with associated amenity space, landscaping and form vehicular accesses onto Station Road (Amended Proposal)
Address:	315 Station Road, Westcliff-On-Sea, Essex
Applicant:	Mr Ari Feferkorn
Agent:	Mr Greenhalgh of Redwoods Projects Ltd
Consultation Expiry:	4th November 2020
Expiry Date:	26th November 2020
Case Officer:	Spyros Mouratidis
Plan Nos:	E 00, E 01, P01, P02, P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13, P14, P15, P16, P17, P18, P19, P20, P21, P22, P23
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is a narrow strip of land on the north side of Station Road. Originally a petrol station and formerly a garage, until recently, it was used for a hand car washing business. The site is occupied by a single storey building. The site backs onto the railway line running along the north side of Station Road. The south side of the road facing the site is characterised by three storey mansion blocks of traditional design incorporating shops at ground floor level. A four-storey building is located at the corner of Station Road with Pembury Road. Pembury Road allows views towards the Thames Estuary. Station Road is a classified road. Other than the Leas Conservation Area which lies some 50m to the south of the site on Pembury Road, there are no specific policy or other designations affecting the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission is sought for the erection of six (6no.) three-storey dwellinghouses, grouped in two terraces. The existing building on site would be demolished as part of the proposal. The proposed dwellings would each measure some 11.6m in width by

6.6m in depth and would be located abutting the boundary of the site with the public footpath. The dwellings would have roof gardens on top which would be surrounded by a glazed balustrade 1m in height resulting in an overall maximum height of approximately 9.2m. The proposed dwellings would be finished with brick over decorative timber and metal cladding, timber doors and polyester powder coated aluminium windows with iron railings or glazed balustrades.

- 2.2 The proposed dwellings would accommodate four bedrooms. Five of the dwellings would have seven bed spaces and one dwelling would have six bedspaces. Each dwelling would have a single, integral garage at ground floor, where it is also proposed to accommodate cycle parking and bin storage. All dwellings would be provided with at least 51m² of private amenity spaces in the form of a second floor balcony and a roof terrace. The application is supported by a Design and Access Statement.
- 2.3 The proposal is an alternative scheme to the extant planning permission 16/01134/OUT (the “2016 Permission”) granted on appeal⁶. The main difference between the two schemes is the height, size, scale, form and appearance of the development. The 2016 Permission allowed for two-storey dwellings measuring up to 7.1m in height. These dwellings were of a more rectangular form and of a more rudimentary appearance when compared to the current proposal. Details of the 2016 Permission are included in the following section.
- 2.4 This proposal is also an amended scheme following the refusal of planning application 20/01197/FUL (the “2020 Application”). The difference between this proposal and the previously refused scheme is the overall height which has been reduced from 10.6m to 9.2m with the removal of the parapet wall. It is noted that the proposed plans are inaccurate as they do not show the structure on top of the proposed building which would accommodate the staircase to the rooftop. Furthermore, the submitted elevation plans show two lines which correspond with the maximum height of two previously approved schemes. The line for the higher scheme is slightly misleading as the layout of that scheme is not the same as the layout of the 2016 Permission and the current proposal. The lower line shows the height of the 2016 Permission rather than of the 2020 Application. Those discrepancies do not affect the ability to consider the impacts of the proposed development.

3 Relevant Planning History

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

Table 5: Relevant Planning History of Application Site

Reference	Description	Outcome
14/01211/OUT	Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road	Refused [16.04.2015] Appeal Dismissed [18.09.2015]
15/00219/OUT	Demolish existing single storey office building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road	Refused [16.04.2015] Appeal Dismissed [15.03.2016]

⁶ APP/D1590/W/17/3170982

	(Outline - Amended Proposal)	
15/00669/OUT	Demolish existing single storey office building, erect four three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Permission Granted [15.06.2015]
16/01134/OUT	Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal)	Refused [07.09.2016] Appeal Allowed [18.07.2017]
16/02006/OUT	Demolish existing single storey office building, erect five two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline) (Amended Proposal)	Refused [30.12.2016] Appeal Dismissed [18.07.2017]
20/00993/RES	Approval of Reserved Matters (details of Landscaping) pursuant to outline Planning Permission ref: 16/01134/OUT - Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal) allowed on Appeal 18 July 2017	Reserved Matters Approved [27.08.2020]
20/01185/AD	Application for approval of details pursuant to conditions 14 (Construction Method Statement) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [25.09.2020]
20/01355/AD	Application for approval of details pursuant to condition 5 (details of materials) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [03.11.2020]
20/01197/FUL	Demolish existing buildings, erect two buildings to form 6 self-contained three storey dwellings, with associated amenity space, landscaping and form vehicular accesses onto Station Road	Refused [22.09.2020]

3.2 While there are other planning history items associated with the application site, they are not considered to be relevant to this application. The officer's report for the 2020 Application is appended to this report as Appendix 1. In summary, the 2020 Application was refused because:

"The proposed development, by reason of its height and scale, would result in the overdevelopment of the site, appearing cramped within the narrow application site, and would obscure public vistas towards the seafront and Thames Estuary and The Leas Conservation Area from Britannia Road and Meteor Road to the material detriment of the character and appearance of the site and the wider area. The proposal would also result in material albeit less than substantial harm to the character and appearance of the conservation area with no public benefits outweighing the identified harm."

- 3.3 The appeal decision⁷ allowing the extant 2016 Permission is appended to this report as Appendix 2. The extant permission is a material planning consideration of significant weight in the determination of this application. The other historic applications mentioned in Table 1 are either expired or have been refused hence they carry only limited weight for the consideration of this application. It is noted that the refused scheme under application 14/01211/OUT (the “2014 Application”) is the one that is most comparable to the current proposal. The appeal decision⁸ for the 2014 Application is appended to this report as Appendix 3. It should be noted that application 15/00669/OUT (the “2015 Permission”) was for a scheme of four dwellings, arranged as two pairs of semi-detached properties, located differently within the site when compared to the current proposal.

4 Representation Summary

Public Consultation

- 4.1 Fifty-five (55) neighbouring properties were consulted and a site notice was displayed. Representations from six (6) interested parties have been received objecting to the proposal. The objecting comments are summarised as follows:

- Impact on character and appearance of the area.
- Impact on the Leas Conservation Area.
- The proposed dwellings are too deep for the depth of the site.
- Concerns about living conditions of future occupiers.
- The roof top terraces would affect the privacy and overlook neighbouring occupiers.
- The proposed dwellings would be close to the rail line and a pub.
- Parking concerns.
- More people on site would require additional parking.
- Impact on highway safety.
- Public footpath would be blocked.
- Cars would exit from the garage straight on the footpath and the busy road.
- No clear details regarding waste and refuse storage.
- Loss of view.
- Loss of property value.
- The proposed properties would not be sold.
- The applicant tries to circumvent the system by increasing the occupancy on site when compared to the approved scheme.

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

Parks

- 4.3 No objections subject to additional information regarding tree planting on Station Road and on the proposed roof terraces.

⁷ APP/D1590/W/17/3170982

⁸ APP/D1590/W/15/3016802

Fire Safety Officer

4.4 No objections.

Network Rail

4.5 No objections subject to informatives.

5 Planning Policy Summary

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

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

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 National Housing Standards (2015)

5.7 Technical Housing Standards Policy Transition Statement (2015)

5.8 Vehicle Crossing Policy & Application Guidance (2014)

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

5.10 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

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

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, ecology and compliance with the Essex Coast RAMS SPD and whether the development would be liable for CIL. The planning history is a material consideration in the determination of this application, as set out above.

7 Appraisal

Principle of Development

- 7.1 Paragraphs 7.1 to 7.4 of the Officer's report in Appendix 1 discuss the principle of the development applied for within the 2020 Application which was found to be acceptable. The principle for this development is equally acceptable. Other material planning considerations are discussed in the following sections of the 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 Policy DM6 of the development management document also states that any development near the Seafront Area must not detrimentally impact upon the Thames Estuary's openness or views across and backdrops to the River Thames and Southend's beaches
- 7.6 The Design and Townscape Guide states that: "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings."
- 7.7 The site is located a short distance away from The Leas Conservation Area. 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 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.

- 7.8 Paragraphs 7.5 to 7.13 of the officer's report for the 2020 Application at Appendix 1 explain the reasons why the previously refused scheme's design and impact on the character and appearance of the area were found to be unacceptable. The findings of that report are relevant to the extent that the difference between the current proposal and the refused scheme is only minor and relates to replacement of the formerly proposed parapet wall from the top part of the proposed building by a glass balustrade. The layout, landscaping and choice of materials of the proposed development are identical and remain acceptable. The proposed form is comparable to that of the previous scheme and is also acceptable.
- 7.9 The scale has not been altered to a significant degree. It is noted that whilst the top of the building would be more lightweight when compared to the previously refused scheme, it would result in 2m additional height when compared to the extant 2016 Permission, notwithstanding the additional height from the structure which would accommodate the staircase. Similarly, to the previously refused scheme, while the proposal would, generally, respect the scale of neighbouring buildings to the south side of Station Road, it would result in the site appearing overdeveloped. The proposed dwellings would abut the boundary of the site with the public highway and given the narrowness of the site and the public footpath on this side of Station Road, the additional height of the proposal would be oppressive, and would loom over passing pedestrians and the development would appear squeezed and cramped on the site. Furthermore, the additional height of this proposal when compared to the 2016 Permission, would result in material obstruction of public vistas of the Thames Estuary and the conservation area as experienced from Meteor Road and Britannia Road, to the north of the rail line. This would result in less than substantial harm to the historic asset and a significant conflict with local policy stipulations which seek to protect views towards the seafront.
- 7.10 The applicant has shown a line on the submitted elevation drawings marking the maximum height of the scheme approved under the 2015 Permission. It should be noted that the 2015 Permission was granted in June 2015, before the adoption of the Development Management Document in July 2015. Furthermore, although the maximum height of that scheme was as shown by the line on the elevation drawings, the drawings fail to show the outline of that proposal which was a significantly narrower development. As a result of its width, it interfered less with the public views towards the estuary and the Conservation Area.
- 7.11 Overall, given that the site can already be developed for a scheme offering a comparable level of housing, the additional benefits of this proposal would not outweigh the material harm identified in the previous paragraphs as a result of the additional scale and height. The current proposal would fail to address the previous reason for refusal. The proposal is unacceptable and contrary to policy in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.12 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where

they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

- 7.13 Internally, the current proposal is identical as the refused one under the 2020 Application. Paragraphs 7.14 to 7.23 of the Officer's report in Appendix 1 discuss the matters relevant to the living conditions of future occupiers. The previous proposal was found to be acceptable in these regards. These findings are relevant in relation to compliance with the Nationally Described Space Standards (NDSS), the quality of accommodation in terms of outlook, daylight and sunlight, the quantum of amenity space provision, noise and disturbance and compliance with accessibility requirements in line with building regulation M4 (2).
- 7.14 The current proposal has replaced the proposed parapet wall on top of the proposed buildings with glass balustrade. It is considered that these arrangements would leave the amenity spaces on top of the buildings exposed to views from the buildings on the opposite side of Station Road. As a minimum the balustrade should be of obscured glazing and a potentially higher balustrade to ensure the quality of those areas is of an acceptable quality for the future occupiers of the proposal. This matter could be addressed with a condition if the application were otherwise acceptable.
- 7.15 Overall, it is considered that the proposal, on balance, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwellings would exceed the overall space standards, save for a minor width deficiency in one of the smaller bedrooms of dwelling F, would have appropriate amenity space, subject to condition, and all habitable areas would have adequate outlook, daylight and sunlight. Adequate noise and vibration mitigation could be secured by conditions. The proposal is, therefore, on balance and subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.16 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."
- 7.17 Paragraphs of 7.24 to 7.26 of the Officer's report in Appendix 1 discuss these matters. The 2020 Application was found to be acceptable in relation to the impact of the development on the residential amenity of neighbouring occupiers. Given that the current proposal is very similar, save for the lower maximum height, the current proposal remains equally acceptable. The proposed development is considered acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.18 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.

- 7.19 Paragraphs 7.27 to 7.28 of Appendix 1 discuss the reasons why the 2020 Application was found to be acceptable in these regards. Given that the current scheme would not give rise to any different considerations in relation to these matters, the proposal would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.20 According to the policy requirements it is expected that individual dwellings would be using the Council's scheme for sack collection from the kerbside. The proposed dwellings would be adjacent to the highway and it would be convenient to collect and leave sacks there. The proposal shows bin storage areas for all dwellings within the ground floor area which is acceptable but not required. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.21 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". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".
- 7.22 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirements for renewable energy and restrictions on water usage could be controlled with conditions. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 7.23 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere, including any undue discharge of surface water on the highway or the railway. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems could be secured by condition had the proposal been otherwise acceptable. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Ecology - Essex Coast RAMS

- 7.24 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast 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 Essex Coast RAMS SPD, which was adopted by Full Council on 29 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.

- 7.25 The applicant has paid the relevant tariff. The development offers suitable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the relevant planning history of the site, it is found that the proposed development is unacceptable and contrary to local and national planning policies. The proposed development would result in material, albeit less than substantial harm to The Leas Conservation Area and would materially harm the character and appearance of the area as it would materially obscure public views towards the seafront and would result in the overdevelopment of the site. Whilst the proposal is acceptable in other regards and would result in some provision of housing, the benefits of the proposal do not outweigh the identified harm, particularly given that an acceptable scheme for the same amount of housing already benefits from planning permission. The application is, therefore, recommended for refusal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposed development, by reason of its height and scale, would result in overdevelopment of the site, appearing cramped within the narrow application site, and would obscure public vistas towards the seafront and Thames Estuary and The Leas Conservation Area from Britannia Road and Meteor Road to the material detriment of the character and appearance of the site and the wider area. The proposal would also result in material albeit less than substantial harm to the character and appearance of the conservation area with no public benefits outweighing the identified harm. 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, DM5 and DM6 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

Informatives:

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

APPENDIX 3



Appeal Decisions

Site visit made on 20 June, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 18th July, 2017

Appeal A Ref: APP/D1590/W/17/3170982
315 Station Road, Westcliffe-on-Sea, SS0 8SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alain Brandajs – Belgly Property Services against the decision of Southend-on-sea Borough Council.
 - The application Ref: 16/01134/OUT dated 20 June, 2016 was refused by notice dated 7 September, 2016.
 - The development proposed is redevelopment of commercial premises currently operating as an open car wash to form 6 No. residential town houses.
-

Appeal B Ref: APP/D1590/W/17/3170992
315 Station Road, Westcliffe-on-Sea, SS0 8SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alain Brandajs – Belgly Property Services against the decision of Southend-on-sea Borough Council.
 - The application Ref: 16/02006/OUT dated 3 November, 2016 was refused by notice dated 30 December, 2016.
 - The development proposed is redevelopment of commercial premises currently operating as an open air car wash to form 5 No. residential townhouses.
-

Decisions

1. Appeal A is allowed and planning permission is granted for redevelopment of commercial premises currently operating as an open car wash to form 6 No. residential town houses at 315 Station Road, Westcliffe-on-Sea, SS0 8SP in accordance with the terms of the application Ref: 16/01134/OUT dated 20 June, 2016 and the plans submitted with it, subject to the conditions set out in the schedule to this decision.
2. Appeal B is dismissed.

Procedural matters

3. As set out above there are two appeals on this site. I have considered each proposal on its own merits, but to avoid duplication I have dealt with the schemes together, unless otherwise indicated.
 4. Both proposals are in outline, with access, appearance, layout and scale before me now, and landscaping reserved for future consideration.
-

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5. The appellant has submitted a revised plan in relation to Appeal A. I have considered whether any party would be prejudiced by my taking it into account, and I have concluded that they would not. I have therefore considered it in reaching my decision on that appeal.

Main Issues

6. The main issues are:-
- the effect on the character and appearance of the area;
 - the effect on the living conditions of future occupiers in respect of outdoor amenity space and accessibility and adaptability;
 - whether the development would make adequate provision for parking (Appeal A only); and
 - whether the development makes adequate provision for the use of renewable energy.

Reasons

Character and Appearance

7. The appeal site is a narrow strip of land on the north side of Station Road, formerly a garage, now used for a hand car washing business. It backs onto the railway line running along the north side of Station Road. The south side of the road facing the site is characterised by three storey mansion blocks of traditional design incorporating shops at ground floor level.
8. The proposal relating to Appeal A is for six houses set in two terraces of three, with integral garages, and terraces at roof level. They would occupy the full width of the site, with a narrow strip of space to the rear and sides, and would sit on the back edge of the pavement. They would be over two storeys in height due to the rooftop terraces, and the Council does not raise any objection to their scale and massing. It appears to me that this scale and massing would provide enclosure to the street and a balance to the mansion blocks opposite. As the mansion blocks have a limited hinterland around them, the high proportion of site coverage of the proposed dwellings, would also echo their built form and relationship to the street without appearing excessively cramped.
9. I have had regard to the findings of the Inspector in a previous appeal relating to the site¹, where he found that the proposal, which covered less of the site than the current proposed dwellings, would appear squeezed in. However, the previous proposal was for eight houses of three storeys, giving a much more cramped-in appearance to the development of the site than the currently proposed six houses, and the circumstances of the cases are therefore rather different. This previous decision does not therefore cause me to alter my conclusion that the proposed form of development in Appeal A would not be harmful to the character and appearance of the area.
10. The design of the buildings, through the regular rhythm of doors and windows does lend some articulation to the street frontage, which I conclude would adequately break up the mass of the buildings, and which could be reinforced by the materials and detailing of those elements. There is, similarly, some rhythm to the rear elevation, where smaller windows would reduce the effects

¹ APP/D1590/W/15/30168028

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of noise from the railway. Although the flank elevations lack features, the two blank elevations will be facing each other across the central access and not particularly visible, while effect of the outward facing elevations would be limited due to their relatively small depth. I conclude therefore that the design of the proposed dwellings would not be particularly harmful to the character and appearance of the area.

11. The five houses proposed in relation to Appeal B would be spaced out along the width of the site, and, roughly square in footprint, would have some outdoor space to the rear and flank, including a parking space. Although comparisons have been made by the appellant with an approved scheme for four semi-detached houses, I have assessed this case on its own merits.
12. While the detached houses would be of three storeys, and collectively present some mass to the street frontage, the gaps between them would mean that they would present a weak counterpoint to the solidity of the mansion blocks on the other side of the street. The front boundary walls and gates, with relatively long runs between front doors and adjoining small windows, would combine to present a relatively inactive frontage which would not reflect the shops and residential entrances of the buildings opposite.
13. Although existing gables are visible on the semi-detached houses on Britannia Road, and buildings on the side roads joining Station Road, these are of traditional form. The proposed distinctive, cruciform and steeply pitched roof form would present sharp gables on every frontage of the houses, and would as a result appear atypical and obtrusive in the street scene. Overall, therefore, the proposed houses would stand out as harmfully odd and conspicuous in the context of the character and appearance of the area around them.
14. I conclude therefore that the proposals relating to Appeal A would comply with the provisions of policies KP2 of the Council's Local Development Plan Core Strategy 2007 (the CS), which seeks development which respects the character and scale of the existing neighbourhood; policy CP4 of the CS, which, similarly, seeks development which respects the scale and nature of existing development; and with policy DM1 of the Development Management Document 2015 (the DMD), which seeks development which adds to the overall quality of the area and respects the character of the site and its local context. They would also comply with the advice contained within the adopted Design and Townscape Guide (SPD1) which recognises that the best use should be made of land, and advises that developments should have a positive relationship to context, reinforce local distinctiveness and seek to enhance the character of an area.
15. For the reasons given above however, Appeal B would fail to comply with these policies and advice.

Outdoor Amenity Space and Adaptability and Accessibility

16. The development plan does not offer guidance on the amount of outdoor amenity space which would be adequate in particular circumstances. However, policy DM8 of the DMD requires developments to make provision for usable private outdoor amenity space for intended occupiers, while policy DM3 seeks to resist development on infill sites where it would create a detrimental impact on the living conditions of future residents. Although the appellant has

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indicated that the intended market for the proposed dwellings in either scheme would be for first time buyers, retired couples or single person households rather than families, the fact that they contain two bedrooms means that family use cannot be ruled out, thereby adding weight to the need for adequate outdoor amenity space.

17. Although there is some dispute between the parties as to the exact size, the dwellings provided by the proposal relating to Appeal A would each have a amenity space in the form of roof terrace at second floor level with a sitting out area and some additional space. It appears to me that, at around the same size as the footprint of the dwelling, this would be reasonably sized. The terraces would be separate from, but relatively close to the main living areas at first floor level, and I conclude that these would provide a reasonably convenient and appropriate outdoor amenity space of a kind which is seen to work successfully elsewhere in urban settings, including for family housing.
18. The Council has drawn my attention to a previous appeal relating to the site², in which the Inspector agreed with the advice of the Council's SPD1 that balconies and terraces could provide additional private amenity space, but that this should normally be in addition to a larger area of amenity space usually provided at ground level. As, however, in that case the proposal was for enclosed balcony spaces to supplement very small ground floor amenity space, the circumstances of the case are different. It does not therefore cause me to alter my conclusions on the issue.
19. The dwellings provided by the Appeal B proposal would have a relatively small amount of amenity space at ground floor level, including a narrow strip of land to the rear of the buildings. Even were this strip to be included in the assessment of the amount of amenity space, as it would be narrow, used for bin storage, and confined between the rear boundary of the site and back of the dwellings, it would not be particularly usable or of an appropriate standard. As the main area of space to be provided would be adjoining a car parking space, and set between the high boundary treatments used to screen the development from the road and the railway line, it would be likely to be of an enclosed and shaded nature, and therefore not of appropriate quality. I do not consider that public amenity spaces in the area would adequately meet the need for private use for activities such as sitting out, drying or play.
20. Appeal B would therefore fail to comply with policies DM3 and DM8 of the DMP, and also with the provisions of policies DM1 of the DMP and policies KP2 and CP4 of the CS in their aspirations to secure a high standard of design. However, for the reasons given above, I conclude that Appeal A would comply with these policies.
21. The Council is concerned that neither appeal proposal contains information demonstrating that the proposed dwellings are capable of meeting the National Technical Housing Standards in relation to building regulation M4(2) – "accessible and adaptable dwellings". As, however, this is an optional requirement of the building regulations, which is capable of being secured by condition, I conclude that the absence of information at this stage would not weigh against the proposals.

² Ref APP/D1590/W/15/3136624

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Parking Provision

22. In respect of the dwellings to be provided by the Appeal A scheme, the Council has indicated its concern that the dimensions of the garages to be provided will fall short of adopted policy and will not provide satisfactory off-street parking spaces. As however, they would meet the width requirement of 3 m, and as a length of 5 or 5.5 m would be sufficient for parking provided that there was no additional use for domestic storage, it appears to me that they would be capable of satisfactorily accommodating parking if restricted to that use by way of condition. This would be supported by the removal of the rear walls of the garage, as indicated on the revised ground floor plan submitted by the appellant.
23. While therefore the garage provision in the Appeal A scheme would technically fail to meet the requirements of policy DM15 of the DMD, adequate parking provision would be capable of being secured by condition, and this would therefore not weigh significantly against the scheme overall.

Renewable Energy

24. The Council has expressed concern that both proposed developments fail to provide adequate information regarding the use of renewable energy resources, which would have a significant impact on the design and appearance of the scheme and its effect on the surrounding area. However the appellant has indicated a range of possible approaches to meet the development plan policy requirements in relation to renewable energy, which are set out in policy DM2 of the DMP, which seeks development which contributes towards minimising energy demand, and policy KP2 of the CS, which seeks development which achieves a reduction in the use of resources. As a result, therefore, I concur that this is a matter which is capable of being resolved by condition to secure compliance with these policies, where I am minded to allow the appeal.

Other Matters

25. Neighbouring parties have raised a number of concerns in relation to the proposals, some of which have been dealt with in the consideration of the main issues. It has been suggested that the proximity of the site to the railway and the overhead power cables, pressure waves, noise etc. of the operation of the railway would have a harmful effect on the living conditions of future occupiers. However this has not been raised as a concern by the Council, and no technical evidence has been put before me to suggest that such harm would be likely.
26. Concerns have been raised about additional pressure on the sewerage, telephone and internet systems, but no technical evidence has been put forward to support this argument. Alternative uses for the site have been suggested by one resident, but these are not matters for my consideration. Although wildlife may make use of the railway land, the appeal site is mainly hard surfaced, and its loss is likely to have little effect in that respect. The proposed dwellings in both schemes would be set at a sufficient distance from dwellings facing them across Station Road not to have a harmful effect on light levels reaching those dwellings or on the privacy of their occupiers.
27. Part of Pembury Road, which runs from Station Road down to the Western Esplanade, is in The Leas Conservation Area. The development of houses in

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both schemes would be visible looking up Pembury Road. I have had regard to the effect of the developments on the designated heritage asset, and conclude that any development on the appeal site would be viewed only looking out of the conservation area, in a limited way between the substantial buildings on Station Road, and that the view would diminish with distance from Station Road. The current low level and utilitarian buildings on the appeal site do nothing to enhance the setting of the Conservation Area.

28. The terraced and parapetted dwellings proposed in relation to Appeal A would not be likely to draw attention to themselves, and would be likely to appear as a layer in the backdrop to the view, with the houses of Britannia Road visible above them. The proposal would therefore have a minimal effect on the character of the area, which would not amount to harm. The Appeal B buildings would be likely to be more conspicuous in this view, and to have more harm, although I conclude that that harm would be less than substantial. As, however, I am not minded to approve Appeal B, it is not necessary to carry out a balancing exercise in relation to this harm.

Conclusion

29. For the reasons given above, therefore, and taking into account all other matters raised, I conclude that the Appeal A should be allowed, and Appeal B dismissed.

Conditions in relation to Appeal A

30. The Council has suggested a list of conditions on which the appellant has had an opportunity to comment and to which I have had regard. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act. In the interests of clarity, I have added a condition requiring implementation of the scheme in accordance with the approved plans.
31. I have added a condition requiring approval of facing materials to be used in the interests of protecting the character and appearance of the area. I have added a condition requiring that the dwellings comply with the optional requirements of the building regulations for accessibly and adaptable dwellings, in the interests of the living conditions of future occupiers.
32. I have added a condition relating to parking, to ensure that adequate provision is made, in the interests of preventing parking provision and protecting highway safety. A condition for the implementation of the approved landscaping scheme is added in the interests of protecting the character and appearance of the area. The Council has suggested that permeable materials shall be used for hard standings, but it appears to me that this is a requirement which would be swept up in the approval of landscaping details, and accordingly I have not covered it in a separate condition.
33. I have added a condition requiring the submission of a scheme for the use of renewable energy in the scheme to minimise the environmental impact of the development through efficient use of resources. A condition is also added in relation to surface water drainage, in the interests of securing satisfactory sustainable drainage for the development. Details of and implementation of an acoustic fence are required in the interests of protecting the living conditions of future occupiers of the approved dwellings. In the interests of protecting the

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living conditions of neighbouring occupiers, conditions are added relating to the hours of work, hours of loading or unloading and to secure a Construction Method Statement.

34. The National Planning Policy Framework is clear at Paragraph 200 that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification for doing so. No such justification has been put before me, and I have not, therefore, attached such conditions.

S J Buckingham

INSPECTOR

SCHEDULE OF CONDITIONS RELATING TO APPEAL A

- 1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: P01B; P02B; P03B; P04B.
- 5) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 6) No dwelling shall be occupied until the Building Regulations Optional requirement M4(2) (accessible and adaptable dwellings) has been complied with.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. P01 Revision B for 6 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 8) All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) No development shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter retained in operation.

- 10) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) Occupation of the approved dwellings shall not take place until details of an acoustic fence to the north, west and east boundaries of the site shall have been submitted to and approved in writing by the local planning authority. The fence shall be installed in accordance with the approved details before the dwellings are occupied and retained thereafter.
- 12) Demolition or construction works shall take place only between 07.30 and 18.00 on Monday to Friday, 08.00 and 13.00 Saturday, and shall not take place at any time on Sunday or on Bank or Public Holidays.
- 13) Loading or unloading of goods or materials during demolition or construction works shall be taken at or despatched from the site only between 07.30 and 18.00 on Monday to Friday, 08.00 and 13.00 Saturday, and shall not take place at any time on Sunday or on Bank or Public Holidays.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) details of drainage/surface water, including foul drainage, to ensure the proposal does not discharge onto Network Rail land.
- i) measures to control the emission of dust and dirt during construction;
 - ii) scaffolding;
 - iii) piling;
 - iv) lighting;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi) future maintenance of the site.

MapServe



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BLOCK PLAN
1:500 @ A3

MapServe



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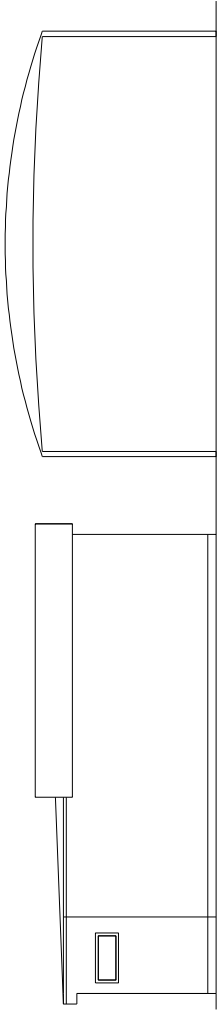
LOCATION PLAN
1:1250 @ A3

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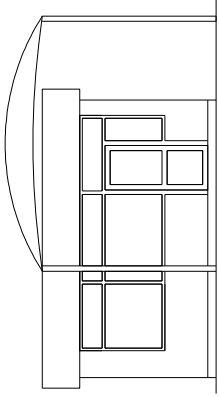
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REFERENCE: 315 STATION ROAD
WESTCLIFF ON SEA - SS0 8SP
 TITLE: LOCATION & BLOCK PLANS
 PROJECT No: 340 | DATE: 23-07-2020
 NAME: **E 00**

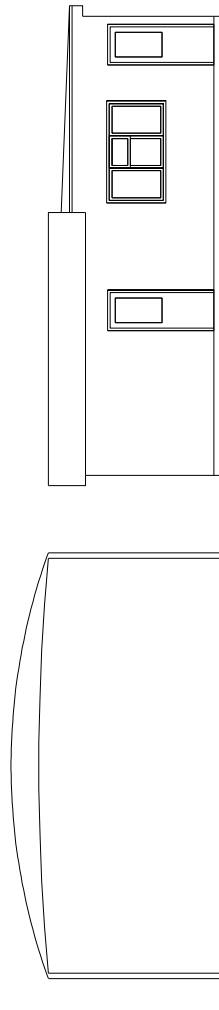
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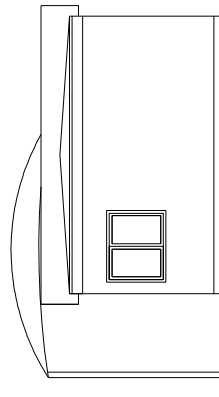
ExistingNorthFacingElevation1:100



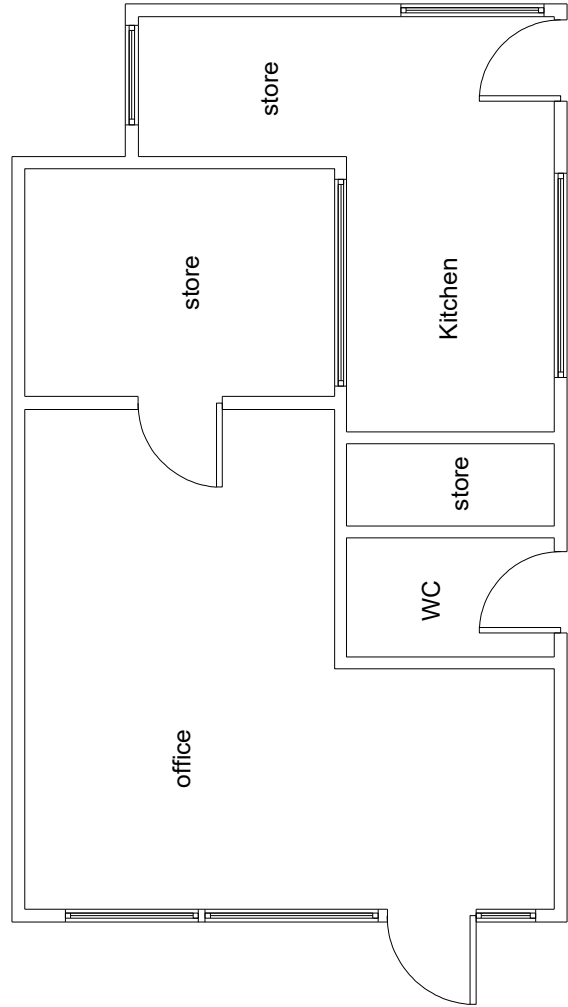
ExistingWestFacingElevation1:100



ExistingSouthFacingElevation1:100



ExistingEastFacingElevation1:100



ExistingGroundFloorPlan1:50



North



Scale
5m 1:100 @A3

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REFERENCE: 315 STATION ROAD
 WESTCLIFF ON SEA - SS0 8SP
 TITLE: EXISTING DRAWINGS
 Floor Plans
 PROJECT No 340 | DATE: 23-07-2020
E 01

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RAILWAYS

105

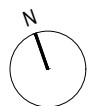
BUILDING 02

STATION ROAD

BUILDING 01

MASTERPLAN

0 2 4 10m scale 1:200 @A3



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REFERENCE: 315 STATION ROAD
WESTCLIFF ON SEA - SS0 8SP

TITLE: PROPOSED DRAWINGS
Masterplan - Ground Floor

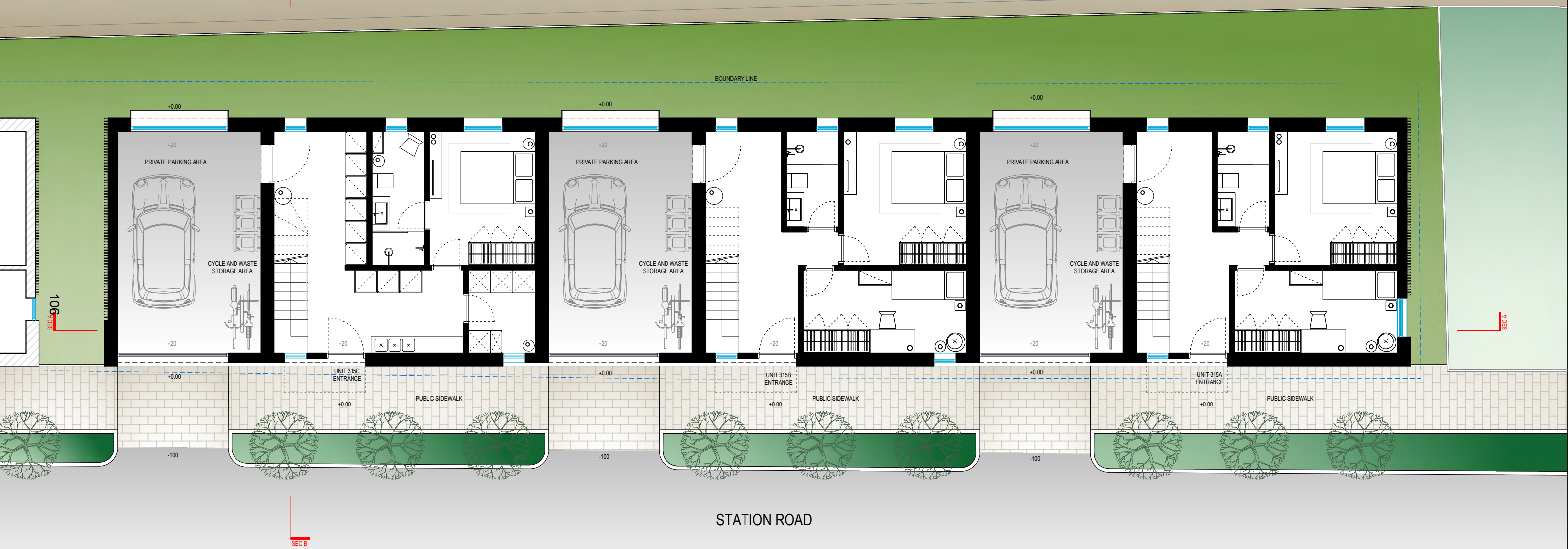
PROJECT No 340 | DATE: 07-12-2020

NAME: **P 01 - REV A**

SEC B

RAILWAYS

BOUNDARY LINE

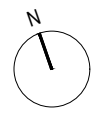


SEC A

SEC B

STATION ROAD

BUILDING 01 GROUND FLOOR



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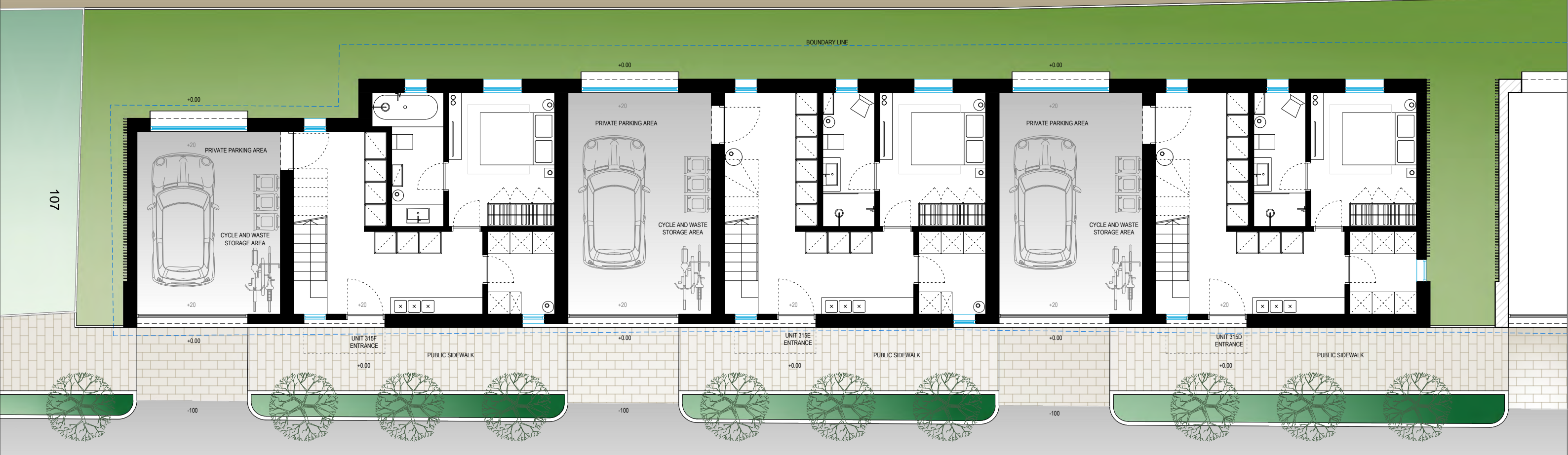
REFERENCE: 315 STATION ROAD
 WESTCLIFF ON SEA - SS0 8SP
 TITLE: PROPOSED DRAWINGS
 Floor Plans
 PROJECT No 340 | DATE: 07-12-2020
 NAME: **P 02 - REV A**

SEC C

RAILWAYS

BOUNDARY LINE

107

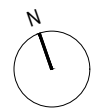


STATION ROAD

SEC C

BUILDING 02 GROUND FLOOR

0 1 2 5m scale
1:100 @A3



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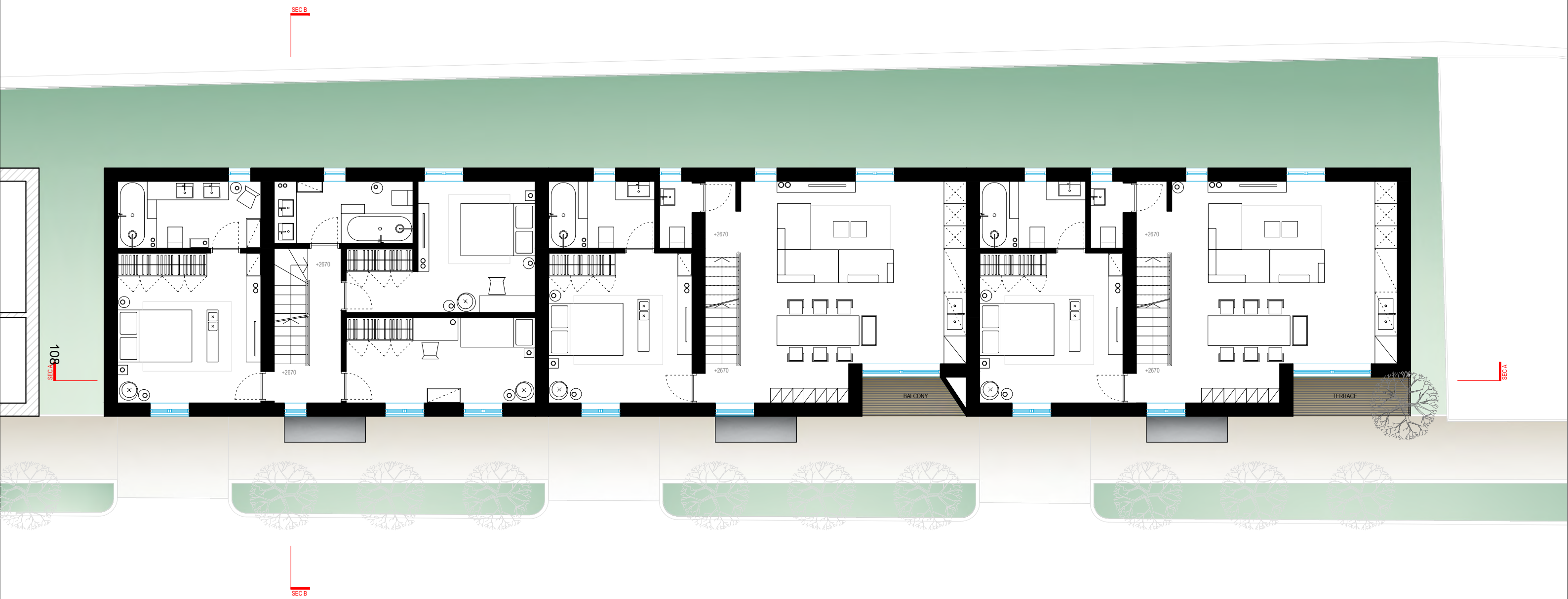
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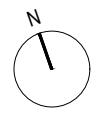
TITLE: PROPOSED DRAWINGS
Floor Plans

PROJECT No 340 | DATE: 07-12-2020

NAME: **P 03**



BUILDING 01
FIRST FLOOR



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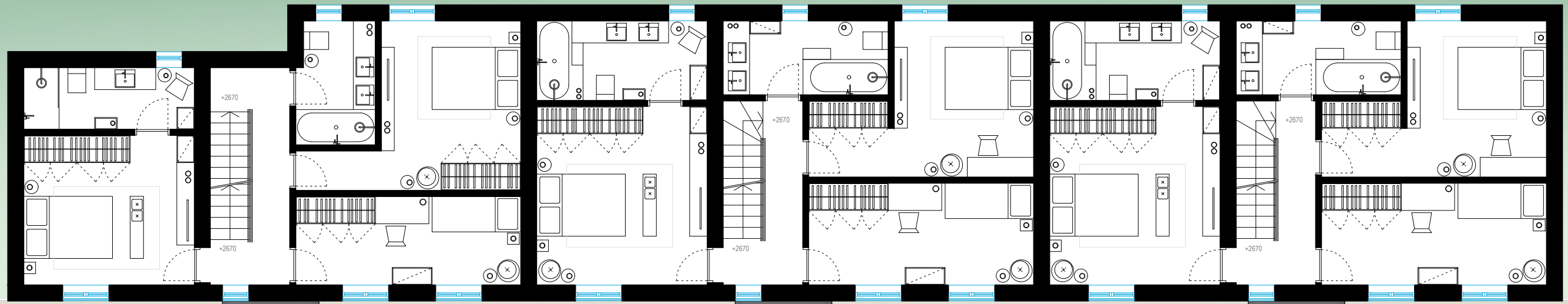
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WESTCLIFF ON SEA - SS0 8SP
TITLE: PROPOSED DRAWINGS
Floor Plans
PROJECT No 340 | DATE: 07-12-2020
NAME: **P 04 - REV A**

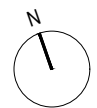
109

SEC C

SEC C



BUILDING 02
FIRST FLOOR



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TITLE: PROPOSED DRAWINGS
 Floor Plans

PROJECT No 340 | DATE: 07-12-2020

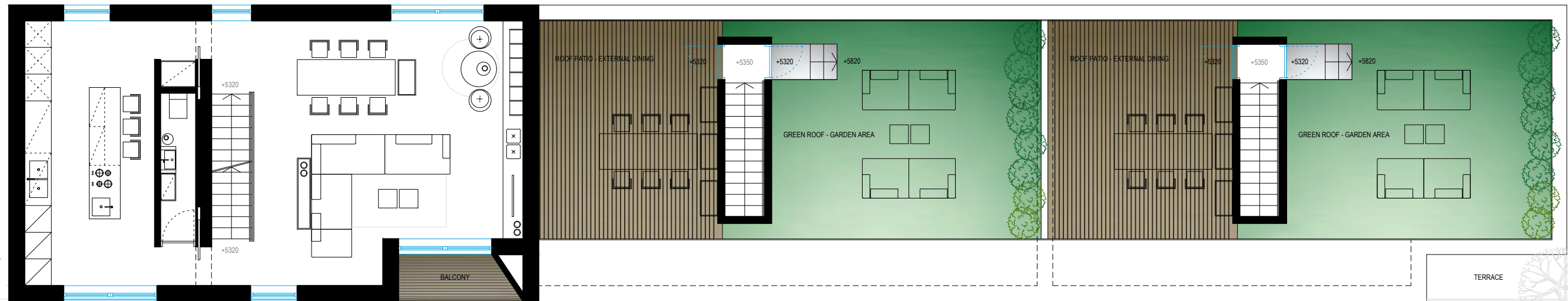
NAME: **P 05**

SEC B

110

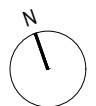
SEC B

SEC A



BUILDING 01
SECOND FLOOR

0 1 2 5m scale
1:100 @A3



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TITLE: PROPOSED DRAWINGS
Floor Plans

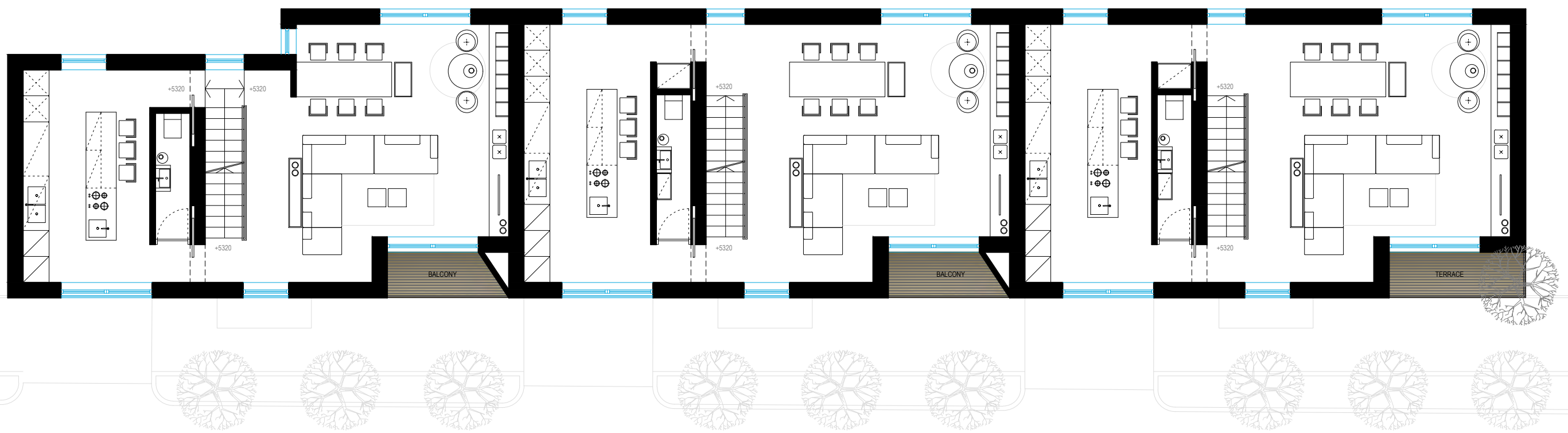
PROJECT No 340 | DATE: 07-12-2020

NAME: **P 06 - REV A**

111

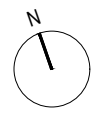
SEC C

SEC C



BUILDING 02
SECOND FLOOR

0 1 2 5m scale
1:100 @A3



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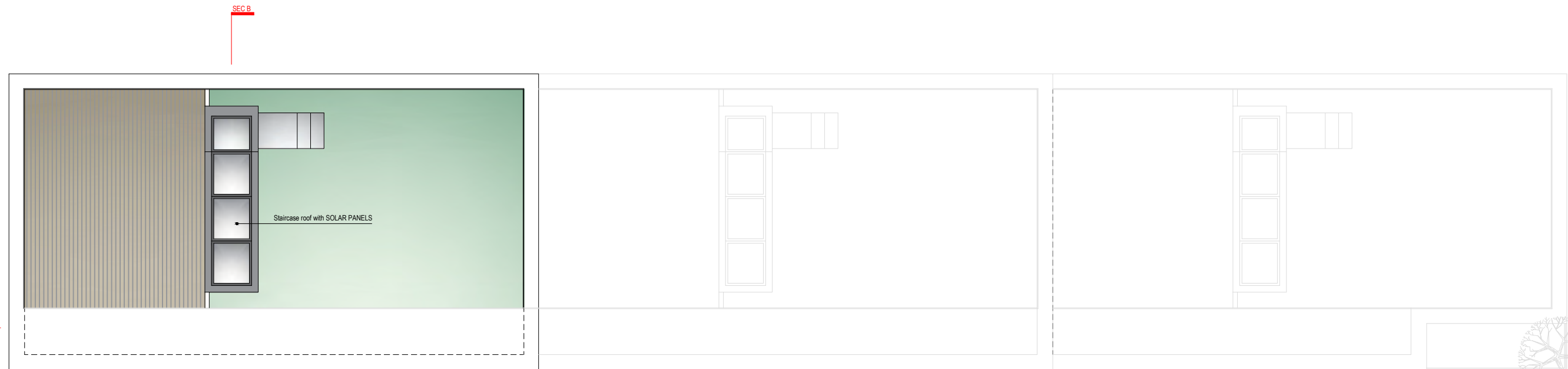
REFERENCE: 315 STATION ROAD
 WESTCLIFF ON SEA - SS0 8SP

TITLE: PROPOSED DRAWINGS
 Floor Plans

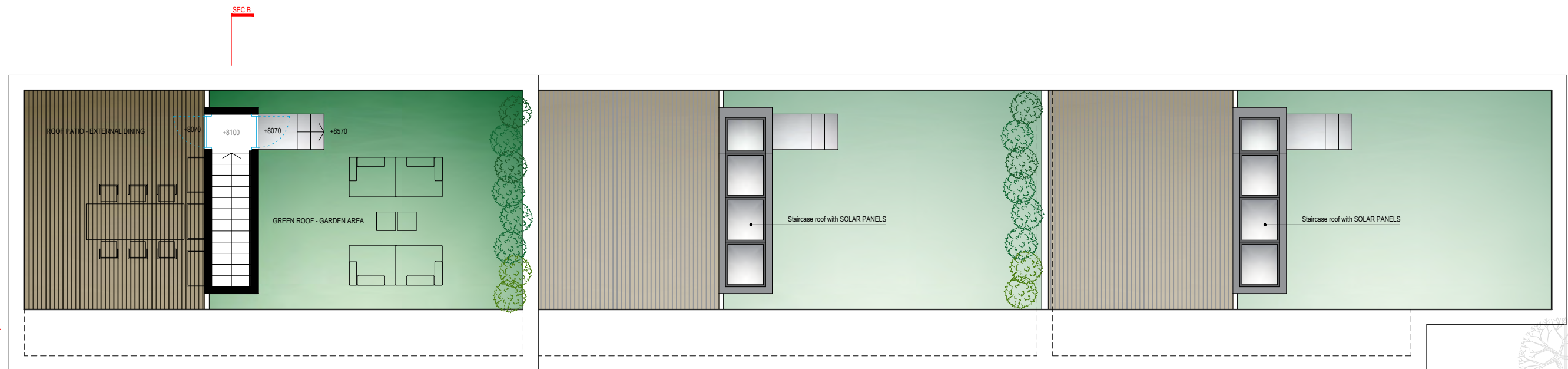
PROJECT No 340 | DATE: 07-12-2020

NAME: **P 07**

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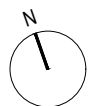


BUILDING 01
ROOF FLOOR



BUILDING 01
GARDEN ROOF FLOOR

0 1 2 5m scale
1:100 @A3



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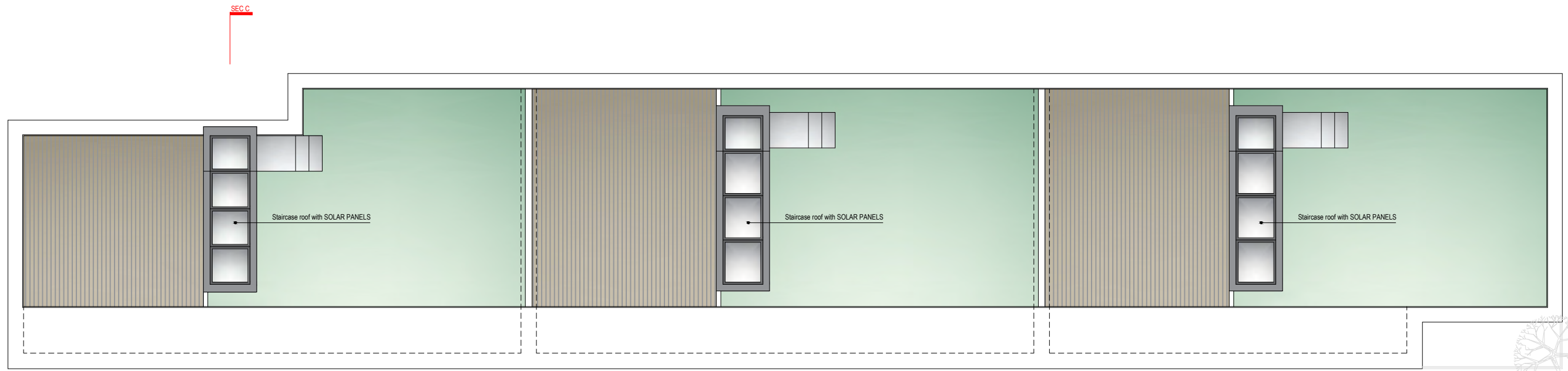
REFERENCE: 315 STATION ROAD
WESTCLIFF ON SEA - SS0 8SP

TITLE: PROPOSED DRAWINGS
Floor Plans

PROJECT No 340 | DATE: 07-12-2020

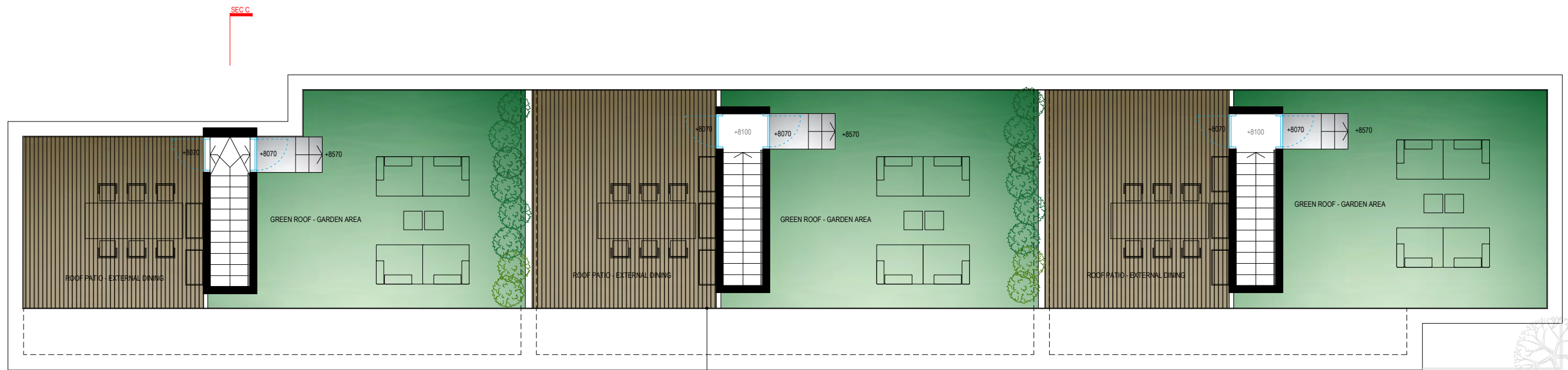
NAME: **P 08 - REV A**

112



BUILDING 02
ROOF FLOOR

113



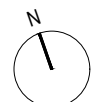
BUILDING 02
GARDEN ROOF FLOOR

0 1 2 5m scale 1:100 @A3

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REFERENCE: 315 STATION ROAD
WESTCLIFF ON SEA - SS0 8SP
TITLE: PROPOSED DRAWINGS
Floor Plans
PROJECT No 340 | DATE: 07-12-2020
NAME: **P 09**



UNIT 315 C
41.65 m²

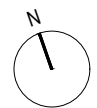
UNIT 315 B
41.65 m²

UNIT 315 A
41.65 m²

RAILWAYS

STATION ROAD

BUILDING 01 GROUND FLOOR



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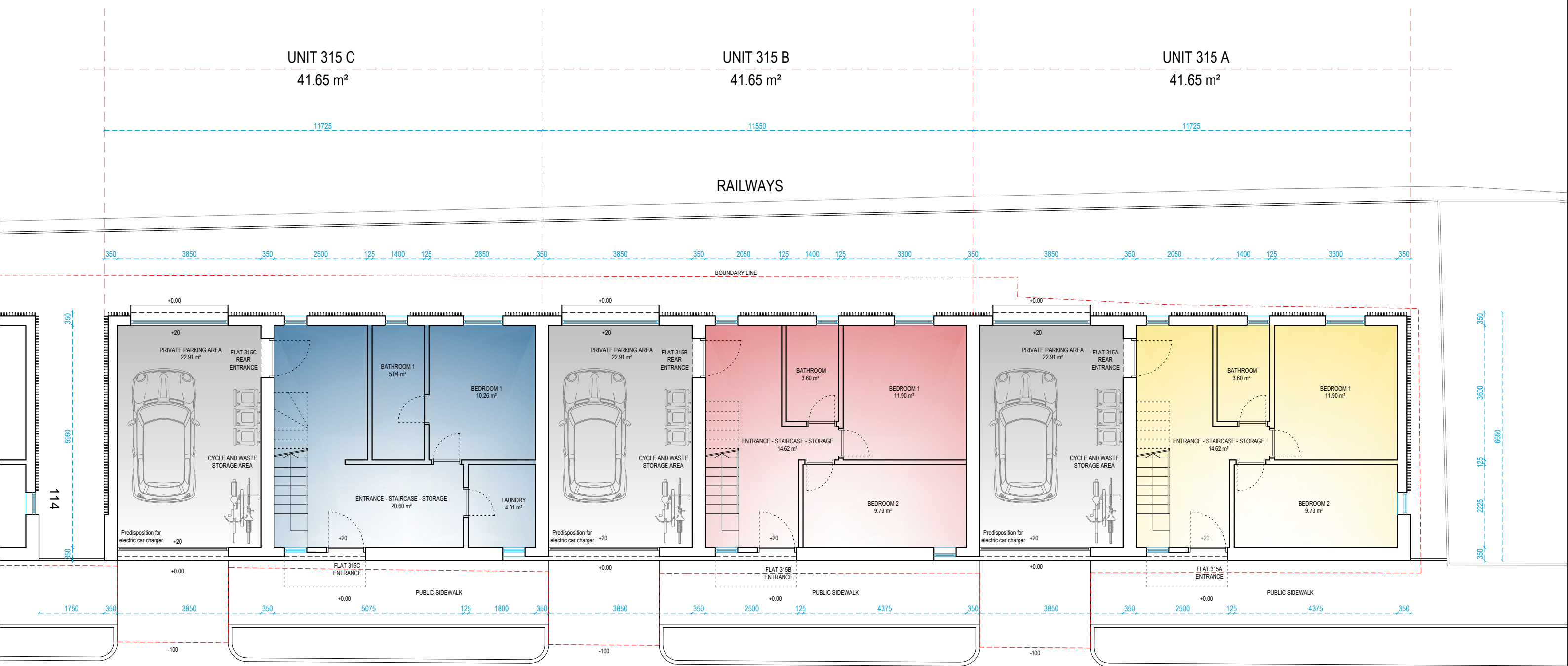
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 WESTCLIFF ON SEA - SS0 8SP

TITLE: PROPOSED DRAWINGS
 Floor Plans

PROJECT No 340 | DATE: 07-12-2020

NAME: **P 10 - REV A**



UNIT 315 F
39.45 m²

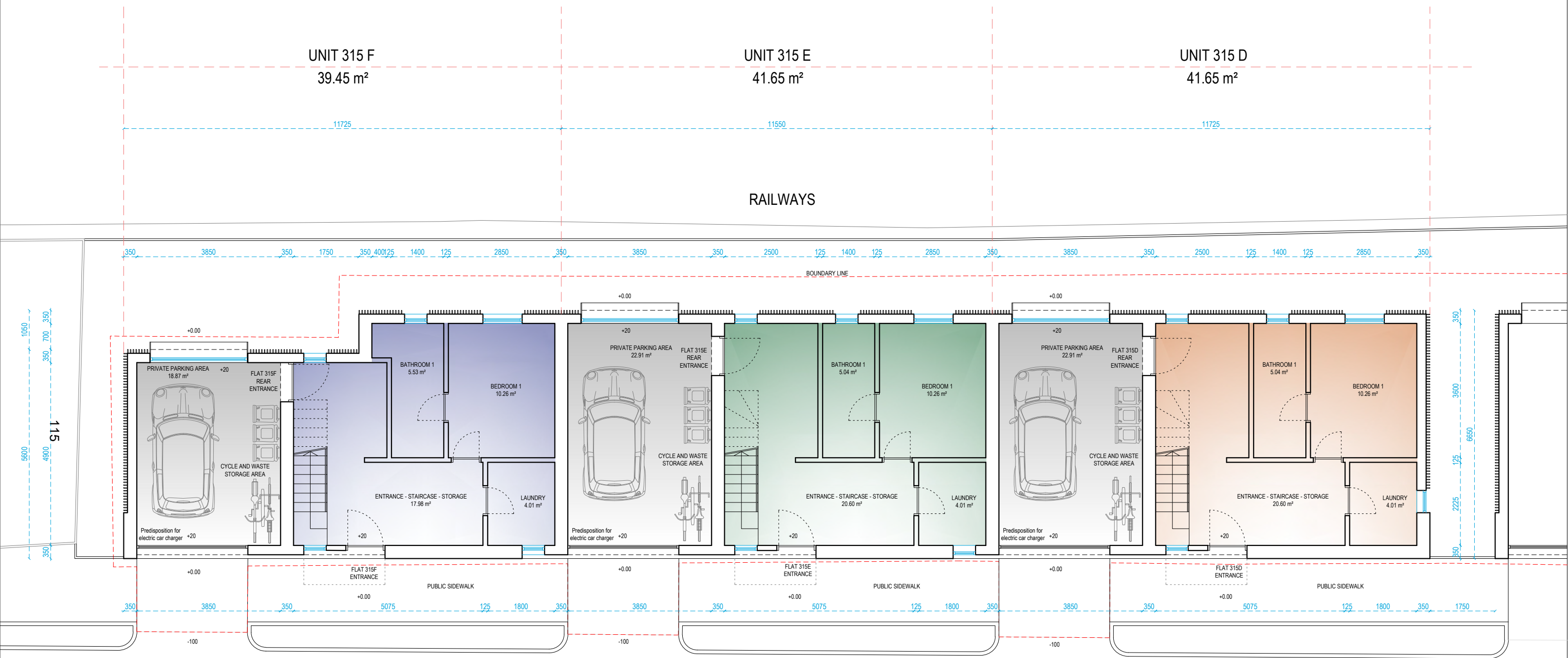
UNIT 315 E
41.65 m²

UNIT 315 D
41.65 m²

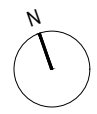
RAILWAYS

STATION ROAD

BUILDING 02 GROUND FLOOR



0 1 2 5m scale
1:100 @A3



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TITLE: PROPOSED DRAWINGS
Floor Plans
PROJECT No 340 | DATE: 07-12-2020
NAME: P 11

UNIT 315 C
66.64 m²

UNIT 315 B
63.33m²

UNIT 315 A
63.33 m²



BUILDING 01 FIRST FLOOR



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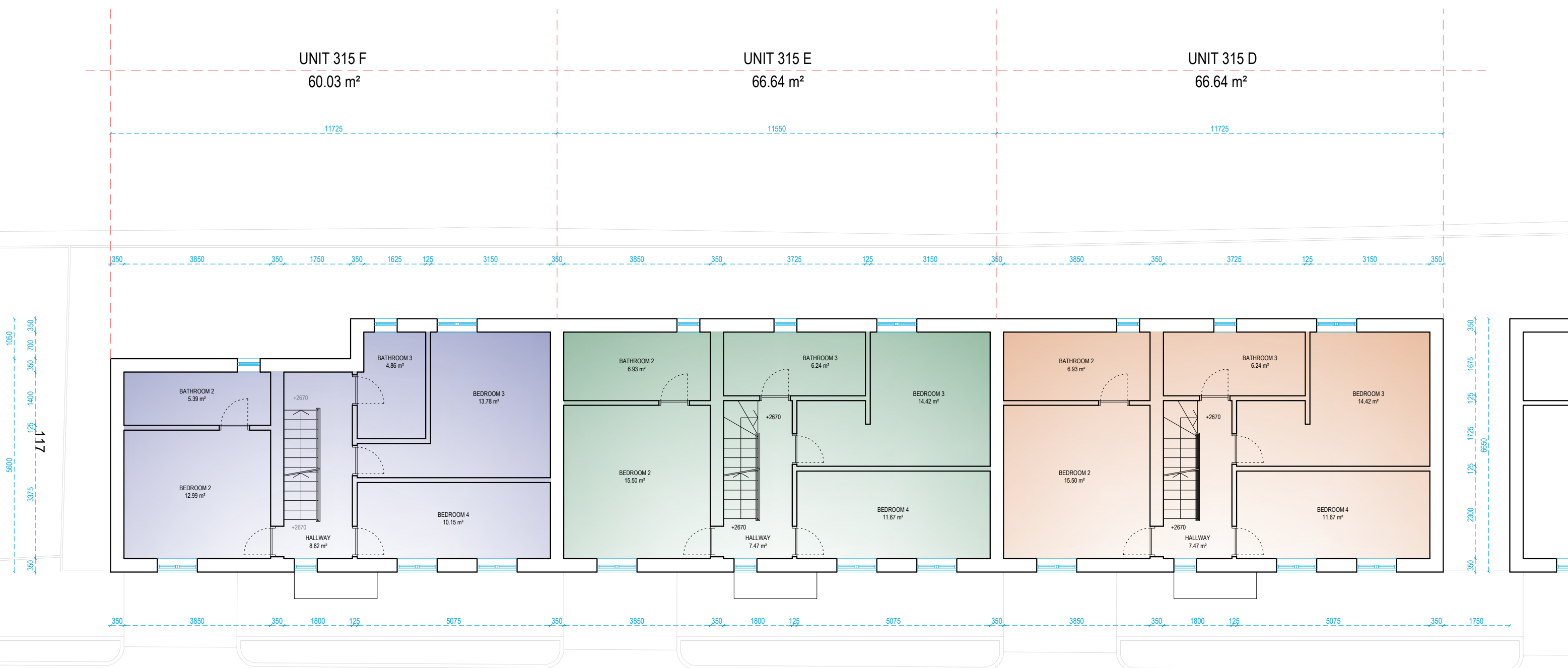
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WESTCLIFF ON SEA - SS0 8SP
TITLE: PROPOSED DRAWINGS
Floor Plans
PROJECT No 340 | DATE: 07-12-2020
NAME: **P 12 - REV A**

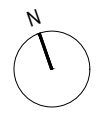
UNIT 315 F
60.03 m²

UNIT 315 E
66.64 m²

UNIT 315 D
66.64 m²



BUILDING 02 FIRST FLOOR



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 TITLE: PROPOSED DRAWINGS
 Floor Plans
 PROJECT No 340 | DATE: 07-12-2020
 NAME: **P 13**

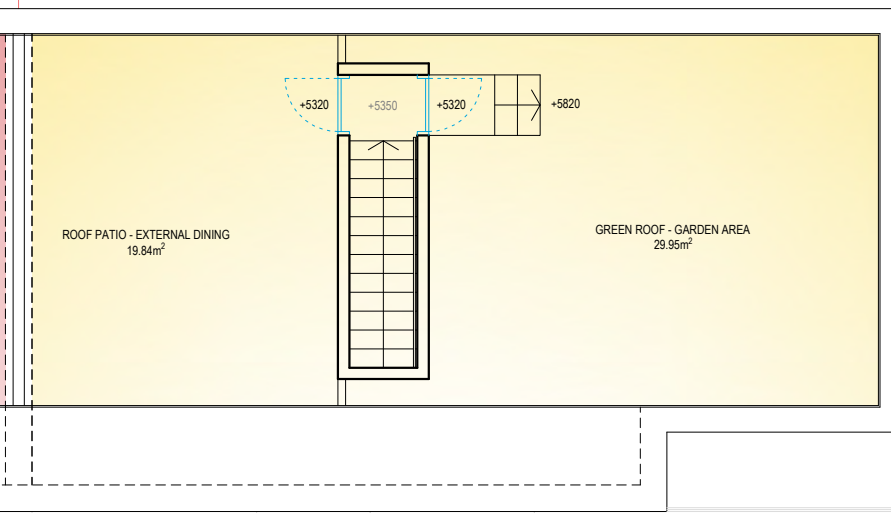
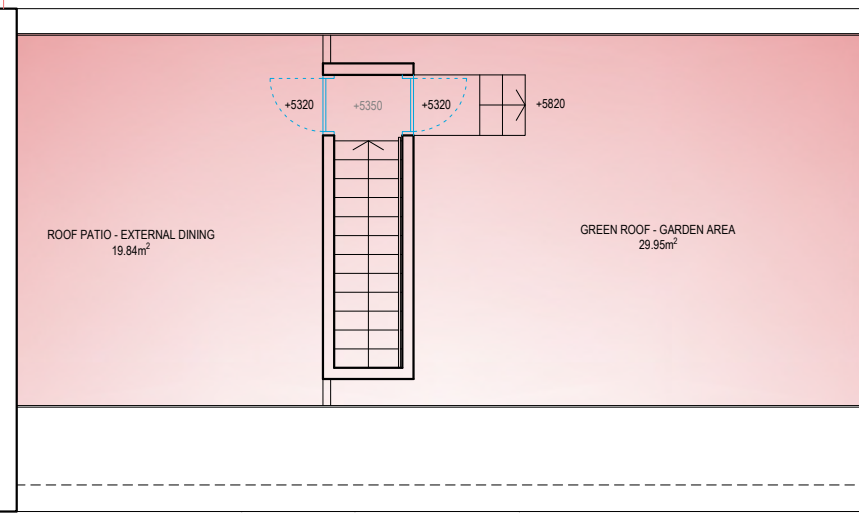
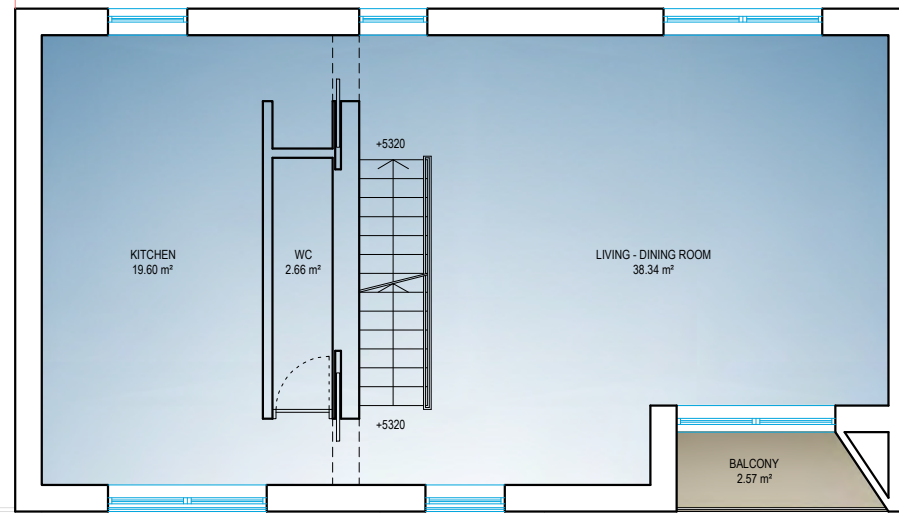
UNIT 315 C
63.33 m²

UNIT 315 B

UNIT 315 A

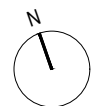
AMENITY AREA
50.00 m²

AMENITY AREA
50.00 m²



BUILDING 01 SECOND FLOOR

0 1 2 5m scale
1:100 @A3



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TITLE: PROPOSED DRAWINGS
Floor Plans

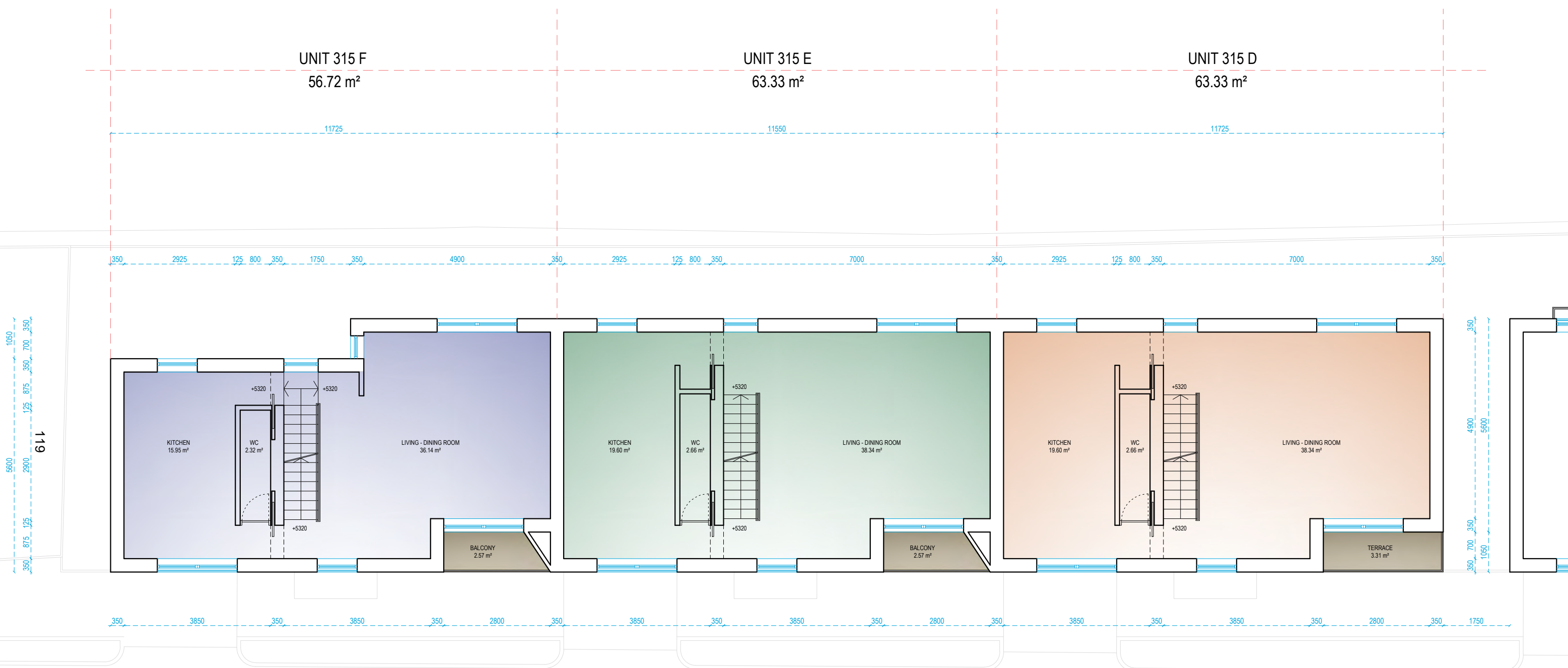
PROJECT No 340 | DATE: 07-12-2020

NAME: **P 14 - REV A**

UNIT 315 F
56.72 m²

UNIT 315 E
63.33 m²

UNIT 315 D
63.33 m²



BUILDING 02 SECOND FLOOR



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REFERENCE: 315 STATION ROAD
WESTCLIFF ON SEA - SS0 8SP
TITLE: PROPOSED DRAWINGS
Floor Plans
PROJECT No 340 | DATE: 07-12-2020
NAME: **P 15**

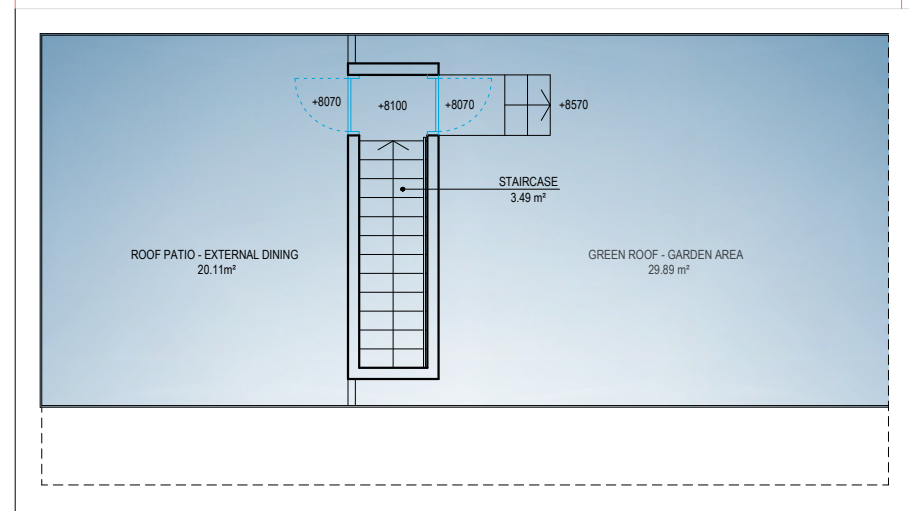
UNIT 315 C
55.92 m²

UNIT 315 B

UNIT 315 A

AMENITY AREA
50.00 m²

350 4050 150 900 150 6050 150

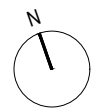


350
440
120
051 056 0501 056

350
5950
6650
350

1750 350 4050 1200 6050 350

BUILDING 01 GARDEN ROOF FLOOR



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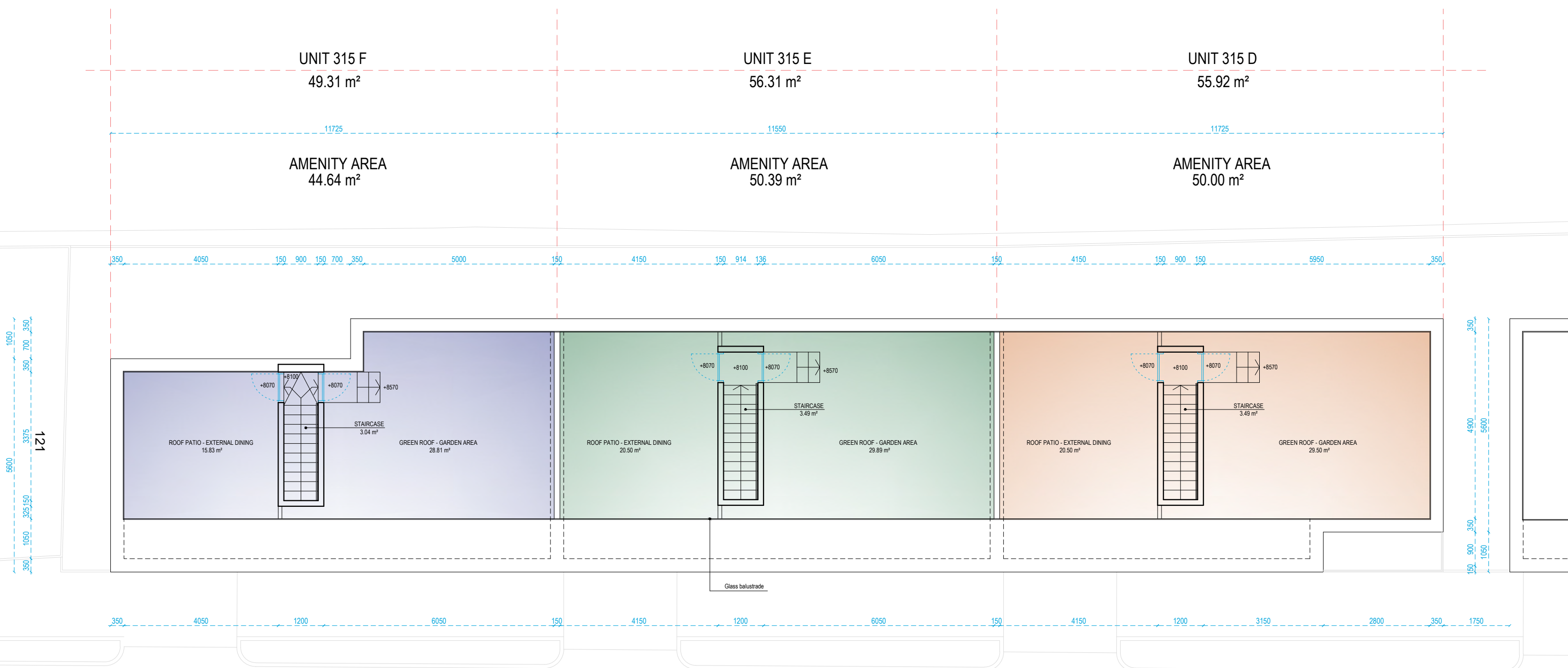
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REFERENCE: 315 STATION ROAD
WESTCLIFF ON SEA - SS0 8SP

TITLE: PROPOSED DRAWINGS
Floor Plans

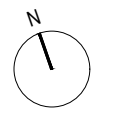
PROJECT No 340 | DATE: 07-12-2020

NAME: **P 16 - REV A**



BUILDING 02
GARDEN ROOF FLOOR

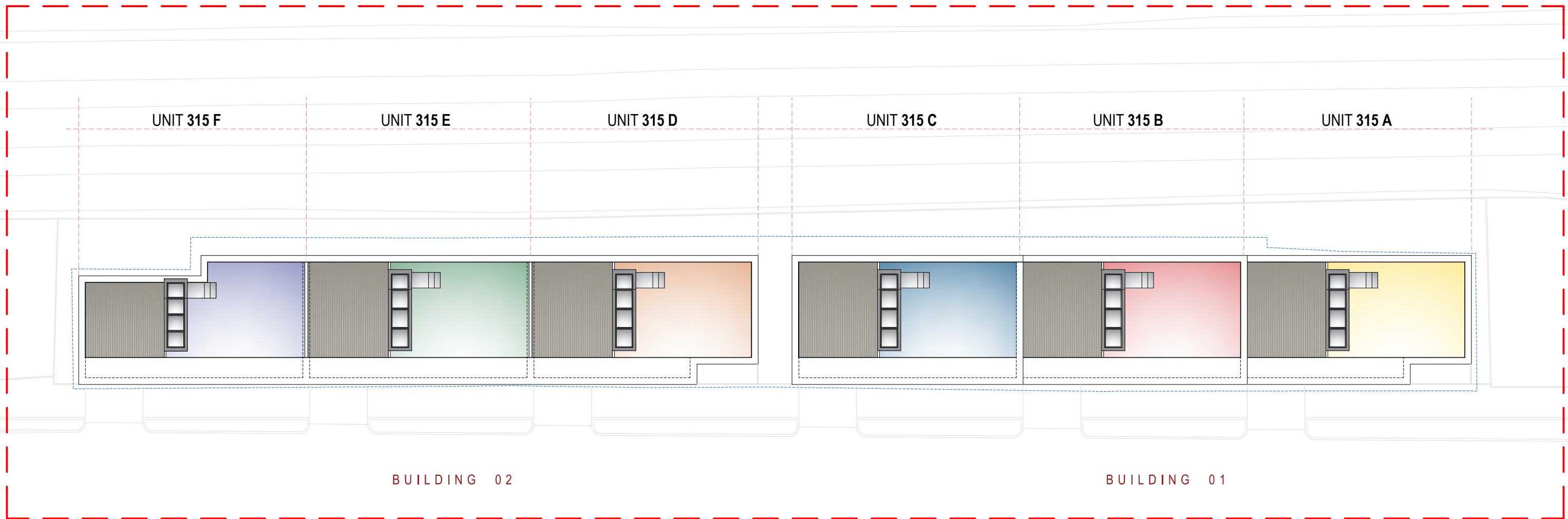
0 1 2 5m scale
1:100 @A3



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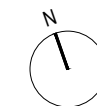
REFERENCE: 315 STATION ROAD
WESTCLIFF ON SEA - SS0 8SP
TITLE: PROPOSED DRAWINGS
Floor Plans
PROJECT No 340 | DATE: 07-12-2020
NAME: **P 17**



122

	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR	TOTAL	AMENITY SPACE
UNIT 315 A	41.65 m ²	63.33 m ²	/	104.98 m ²	50.00 m ²
UNIT 315 B	41.65 m ²	63.33 m ²	/	104.98 m ²	50.39 m ²
UNIT 315 C	41.65 m ²	66.64 m ²	63.33 m ²	171.62 m ²	50.00 m ²
UNIT 315 D	41.65 m ²	66.64 m ²	63.33 m ²	171.62 m ²	50.00 m ²
UNIT 315 E	41.65 m ²	66.64 m ²	63.33 m ²	171.62 m ²	50.39 m ²
UNIT 315 F	39.45 m ²	60.03 m ²	56.72 m ²	156.20 m ²	44.64 m ²

PROPERTY n.315 AREA: 546.96 m²
 BUILT AREA: BUILDING 01 232.72 m² - BUILDING 02 226.14 m²
 COMMON GREEN AREA: 88.10 m²



Redwoods
 address. 4 Grosvenor Way - E5 9ND - London
 tel. 020 3781 8008
 mail. office@redwoodsprojects.co.uk
 web. www.redwoodsprojects.co.uk

Any errors on Dimensions to be reported to the Architect prior to commencement of Works.
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REFERENCE: 315 STATION ROAD
 WESTCLIFF ON SEA - SS0 8SP
 TITLE: PROPOSED DRAWINGS
 Masterplan - Floorspaces
 PROJECT No 340 | DATE: 07-12-2020
 NAME: **P 18 - REV B**



APPROVED HIGH +7120
 PLANNING APPLICATION
 No. 16/01134/OUT.

BUILDING 01
SOUTH ELEVATION
FRONT ELEVATION

0 1 2 5m scale
 1:100 @A3



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 tel. 020 3781 8008
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REFERENCE: 315 STATION ROAD
 WESTCLIFF ON SEA - SS0 8SP

TITLE: PROPOSED DRAWINGS
 Elevations

PROJECT No 340 | DATE: 07-12-2020

NAME: **P 19 - REV B**



APPROVED HIGH +7120
 PLANNING APPLICATION
 No. 16/01134/OUT.

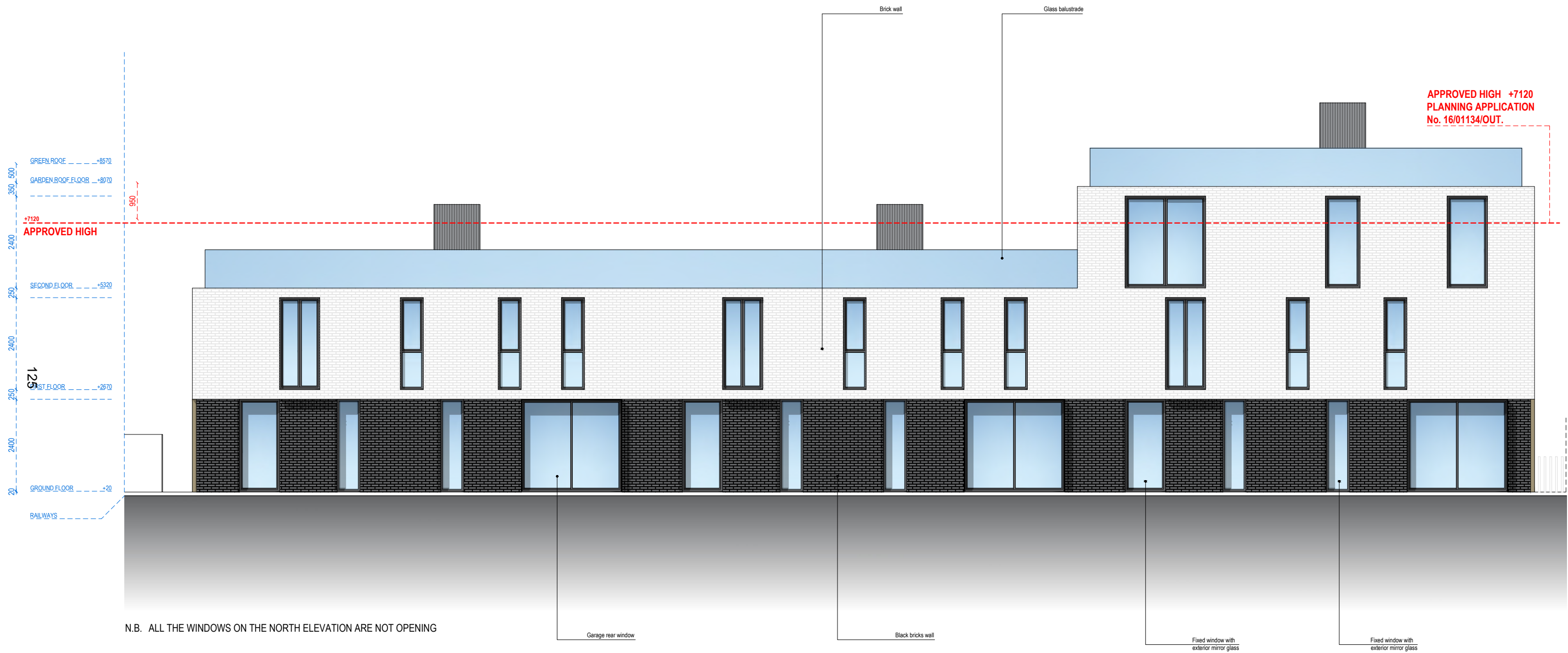
BUILDING 02
SOUTH ELEVATION
FRONT ELEVATION

0 1 2 5m scale
 1:100 @A3

address. 4 Grosvenor Way - E5 9ND - London
 tel. 020 3781 8008
 mail. office@redwoodsprojects.co.uk
 web. www.redwoodsprojects.co.uk

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REFERENCE: 315 STATION ROAD
 WESTCLIFF ON SEA - SS0 8SP
 TITLE: PROPOSED DRAWINGS
 Elevations
 PROJECT No 340 | DATE: 07-12-2020
 NAME: **P 20 - REV A**



BUILDING 01
NORTH ELEVATION
REAR ELEVATION

0 1 2 5m scale
 1:100 @A3

Redwoods

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REFERENCE: 315 STATION ROAD
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TITLE: PROPOSED DRAWINGS
 Elevations

PROJECT No 340 | DATE: 07-12-2020

NAME: **P 21 - REV B**



BUILDING 02
NORTH ELEVATION
REAR ELEVATION

0 1 2 5m scale
 1:100 @A3



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 tel. 020 3781 8008
 mail. office@redwoodsprojects.co.uk
 web. www.redwoodsprojects.co.uk

Any errors on Dimensions to be reported to the Architect prior to commencement of Works.
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REFERENCE: 315 STATION ROAD
 WESTCLIFF ON SEA - SS0 8SP
 TITLE: PROPOSED DRAWINGS
 Elevations
 PROJECT No 340 | DATE: 07-12-2020
 NAME: **P 22 - REV A**

315 Station Road Westcliff- On-Sea Essex SS0 8DZ



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20200917_095856



20200917_095858



20200917_095908



20200917_095909



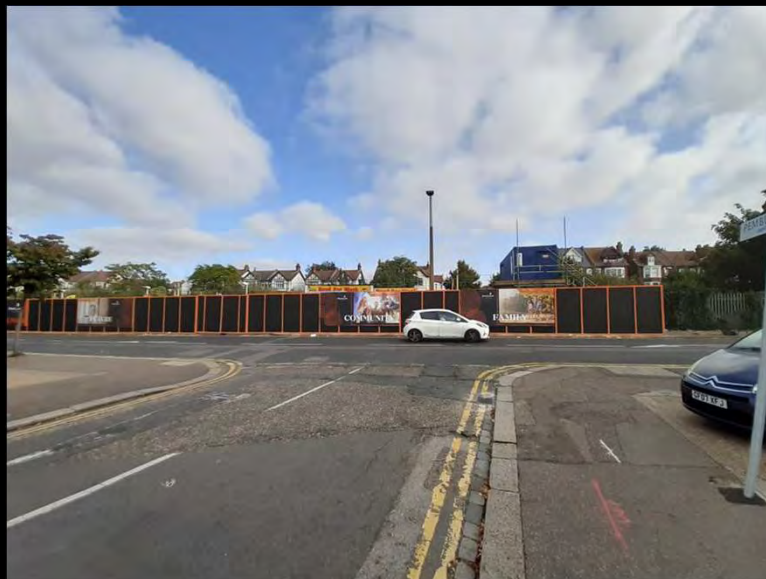
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20200917_100300



20200917_100313



20200917_100317



20200917_100407



20200917_100432



20200917_100506



20200917_100510

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Reference:	21/00053/FULH	<h1>6</h1>
Application Type:	Full Application - Householder	
Ward:	Thorpe	
Proposal:	Install chimney flue for log burner to outbuilding at rear (Part-Retrospective) (Amended Proposal)	
Address:	140 Thorpe Hall Avenue, Thorpe Bay, Essex	
Applicant:	Mr Barry Brook	
Agent:	Mr Alan Green of A9 Architecture	
Consultation Expiry:	9th February 2021	
Expiry Date:	10th March 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	1337 01, 1337 02, 1337 03 Rev B, 1337 04 Rev B, 1337 05 Rev B, 1337 06 Rev B	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is on the eastern side of Thorpe Hall Avenue and is occupied by a semi-detached dwellinghouse and associated outbuildings. The area is residential in nature with sizeable dwellings sitting within spacious gardens. On the opposite side of Thorpe Hall Avenue is the Thorpe Hall Golf Club. The site lies within a Flood Risk Zone 3 (the higher probability zone).

2 The Proposal

- 2.1 Planning permission is sought for the installation of a chimney flue above one of the outbuildings to the rear part of the application site. A development of similar nature has already taken place on site but was refused planning permission under application 19/01603/FULH (the “First 2019 Application”). This application is for an amended proposal following a second refused application under 19/02121/FULH (the “Second 2019 Application”).
- 2.2 The proposed chimney would project approximately 1.5m above the highest point of the outbuilding and its height from the ground would be some 3.9m. The chimney flue would have a diameter of approximately 0.2m and would be made of stainless steel painted black, similarly to the existing, unauthorised flue.
- 2.3 The proposed chimney would be 0.8m lower than that applied for with the First 2019 Application and 0.5m higher than that proposed with the Second 2019 Application. The diameter is unchanged.

3 Relevant Planning History

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

Table 1: Relevant Planning History

Reference	Description	Outcome
19/01603/FULH	Install chimney flue for log burner to outbuilding at rear (Retrospective)	Refused [8.11.2019]
19/02121/FULH	Install chimney flue for log burner to outbuilding at rear (Part-Retrospective) (Amended Proposal)	Refused [15.1.2020]

- 3.2 The reason for refusal for the First 2019 Application was in summary that the development, due to its rudimentary design, height and industrial appearance, represented an obtrusive form of development which was not in keeping with the residential character of the surrounding area and had harmed the visual amenity of the locality. The reason for refusal for the Second 2019 Application related to the height and position of the proposed flue which was considered it would result in material harm to the residential amenity of neighbouring occupiers in terms of pollution as there would not be sufficient dispersal of smoke and fumes. The basis of the decisions made on those applications carry significant weight in the consideration of the current application.

4 Representation Summary

Call-in

- 4.1 The application has been called in for consideration by the Development Control

Committee by Councillor Woodley.

Public Consultation

- 4.2 Three (3) neighbouring properties were consulted. No representations have been received.

Environmental Health

- 4.3 No objection – The flue height will provide adequate dispersal of fumes.

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), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land).
- 5.5 Design & Townscape Guide (2009)
- 5.6 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 area, the impact on residential amenity, whether the development would be liable for CIL and whether the amended proposal overcomes the reason of refusal of the two previous applications.

7 Appraisal

Principle of Development

- 7.1 The principle of altering an existing outbuilding to provide facilities in association with its existing use is considered acceptable and did not form a reason for refusal of the two previous applications. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.2 Good design is a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide 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 proposed development is of limited architectural value. The proposed chimney flue is of a rudimentary and utilitarian design. Nevertheless, it is not uncommon for the installation of log burners to be accompanied by the installation of a chimney of such a design. The top of the chimney would be 3.9m above ground level and of a slender form which would not be bulky or over-dominant and while it would be visible, especially from within the rear gardens of adjacent properties, it is not considered that it would be overly conspicuous or intrusive, on balance. The development would be seen from adjacent public areas within the context of the rear gardens where modest sized trees and other features comprise the vernacular. Even if trees which comprise the backdrop of the development when viewed from certain vistas or obscure the development, were to be removed (as they are not permanent features), it is not considered that the chimney would be so prominent as to cause material harm to the visual amenity of the area. The colour scheme for the development is adequate and would limit any sunlight glaring. It is considered that the proposed 0.8m reduction of the height of the flue compared with that previously proposed to be retained with the First 2019 Permission would be sufficient to overcome the relevant reason for refusal. The Second application was not refused for reasons related to height, but to pollution concerns which are addressed in the section below. Overall, the development, as proposed, would, on balance, not be materially harmful to the character and appearance of the area. The development is acceptable and policy compliant in the above regards and has overcome the reason for refusal of the First refused application.

Impact on Residential Amenity

- 7.6 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.”
- 7.7 By its nature, the chimney flue would not cause any overlooking, any significant overshadowing or any detrimental overpowering impacts on any of the neighbouring properties. Neighbouring gardens are generously sized such that, although visible, the flue is set away from neighbouring dwellings and as such there is no adverse harm in terms of outlook. Concerns have been raised by neighbouring properties in relation to air pollution. The height of the chimney, increased by 0.5m compared with the Second refused application, is considered sufficient to allow adequate dispersal of smoke and other combustion gases and by-products in order to avoid material harm to the living

conditions within neighbouring properties. It is not considered that the development would materially affect the amenity of neighbouring occupiers in relation to noise and disturbance. The Council's Environmental Health team has been consulted and raised no objection. Overall, the development is acceptable and in line with policy in the above regards. It has also overcome the reason for refusal of the Second application.

Community Infrastructure Levy (CIL)

- 7.8 The proposed development equates to less than 100m² of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant national and local policies and guidance. The proposal is reduced in height compared with the first previous scheme refused on character grounds but sufficiently increased in height compared with the second previously refused application to overcome concerns about pollution. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and, on balance, on the character and appearance of the application site and the locality more widely. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following condition:

- 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.

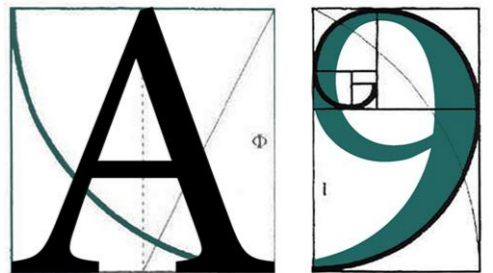
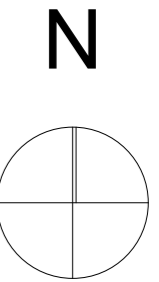
- 02 The development hereby approved shall be carried out in accordance with the approved plans: 1337 01, 1337 02, 1337 03 Rev B, 1337 04 Rev B, 1337 05 Rev B, 1337 06 Rev B.**

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

Informatives:

- 1 Failure to remove the existing unauthorised chimney is likely to result in the Council considering it expedient to take enforcement action to seek to remedy the identified harm.**

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ARCHITECTURE

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 Info@A9Architecture.co.uk
 Tel: 01702558888

Project:
**140 Thorpe Hall Avenue,
 Southend-on-Sea, Essex,
 SS1 3AR**

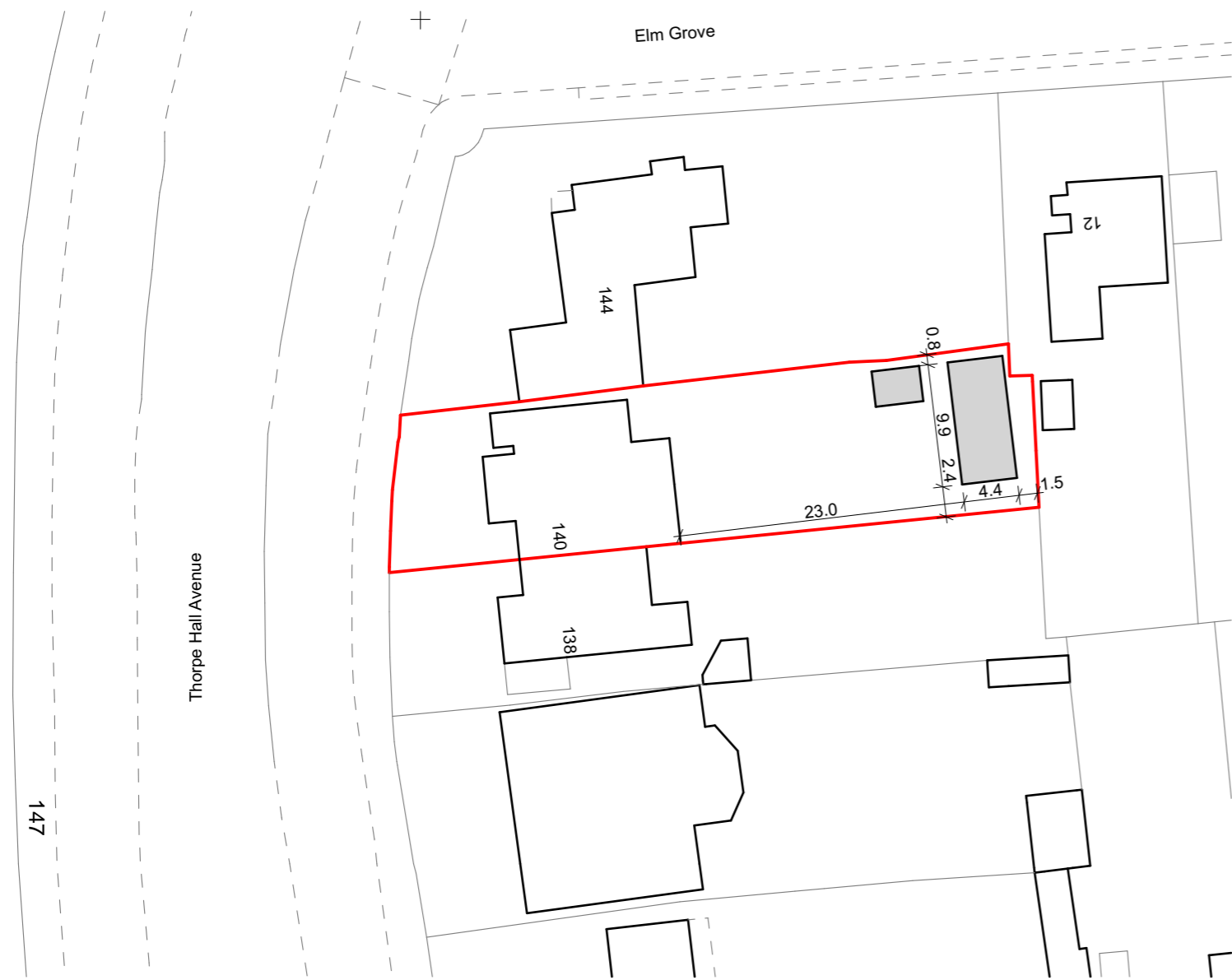
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Location Plan

Client:
Barry Brook

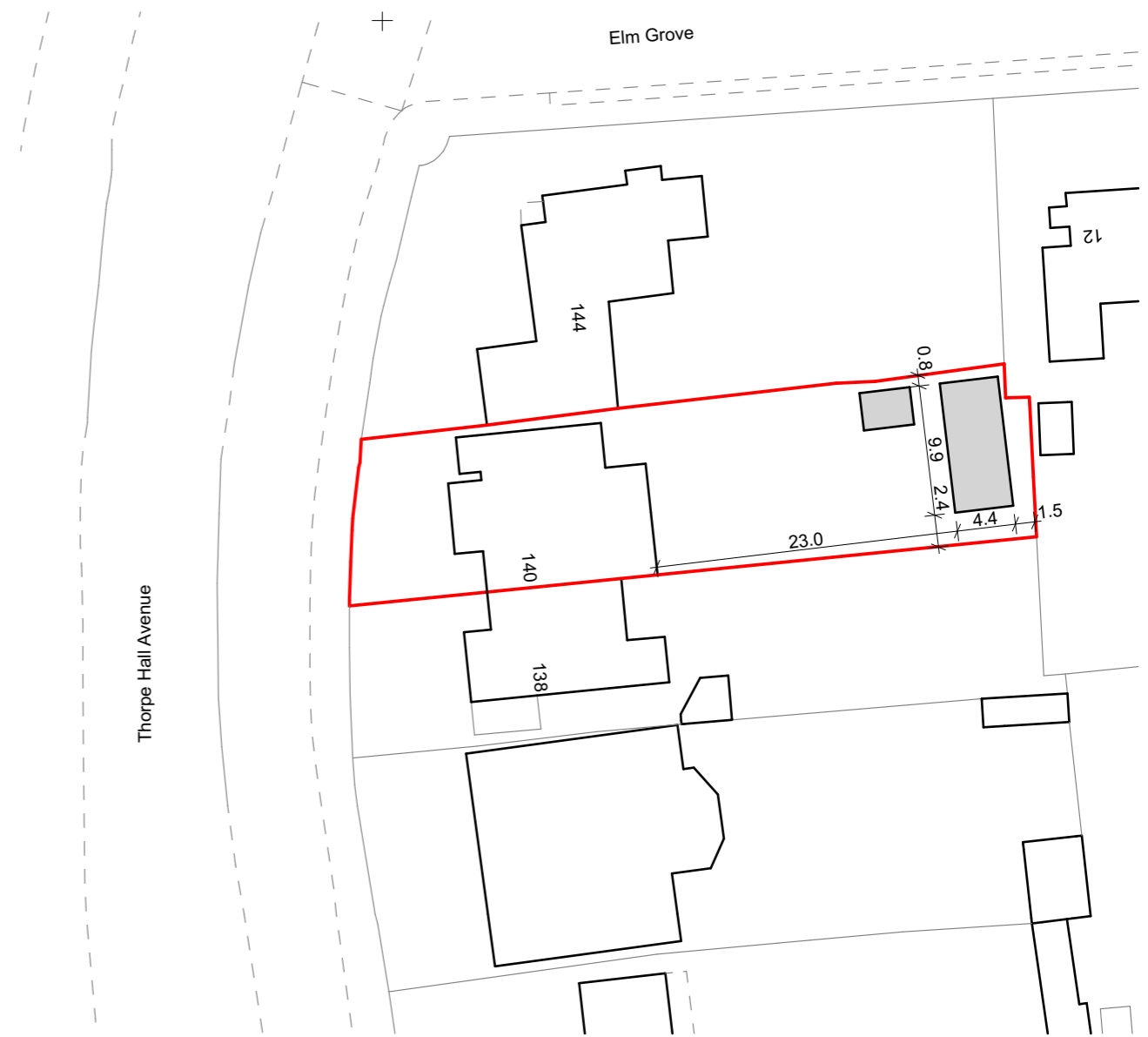
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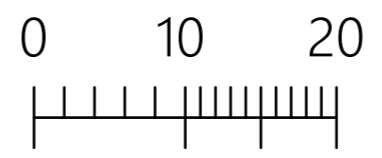
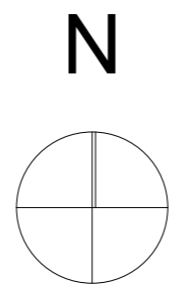
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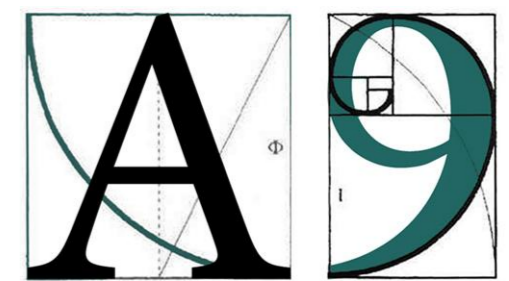
EXISTING SITE PLAN



PROPOSED SITE PLAN



Metres



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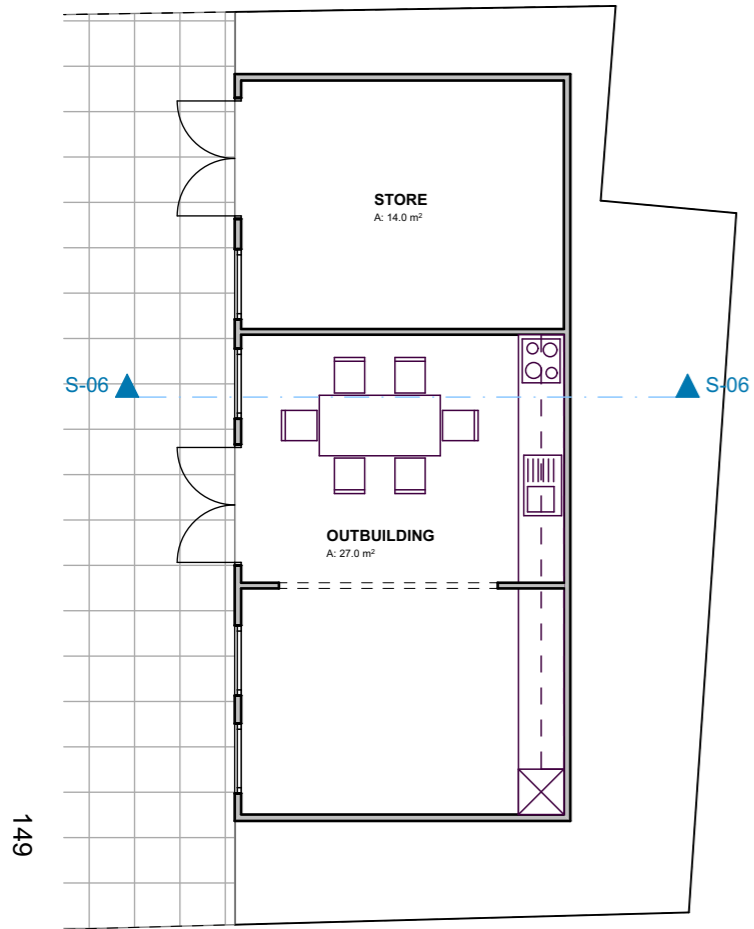
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Client:
 Barry Brook

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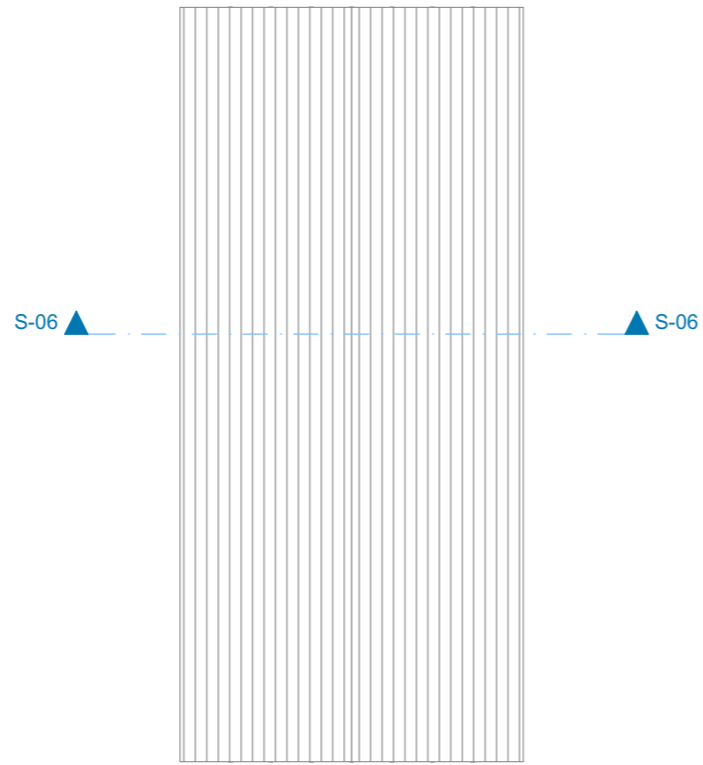
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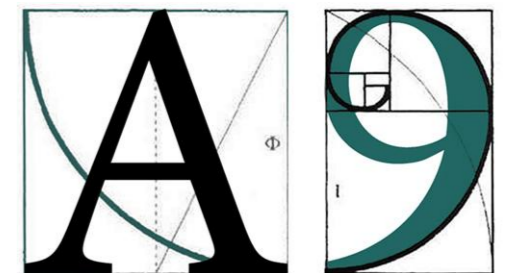
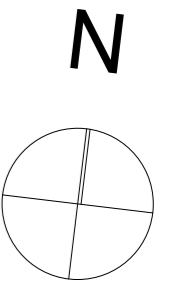


Ground Floor

149



Roof Plan



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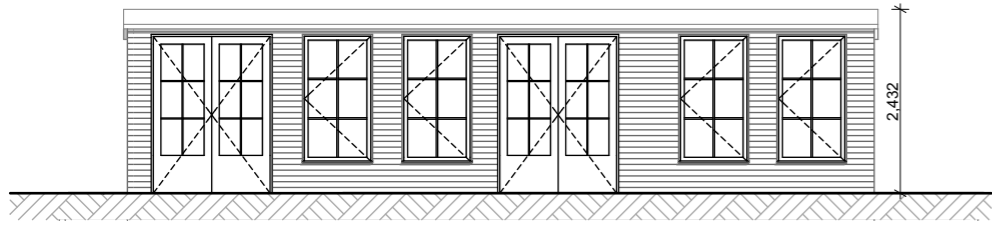
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 SS1 3AR**

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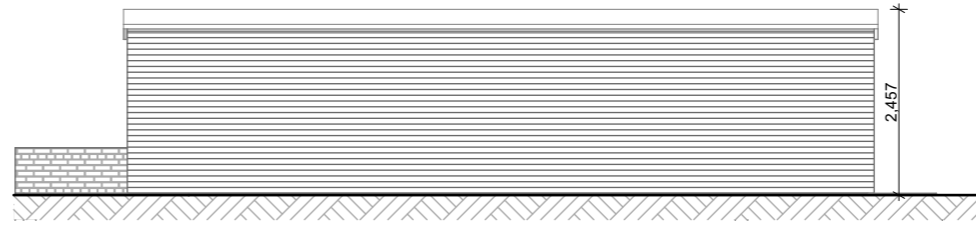
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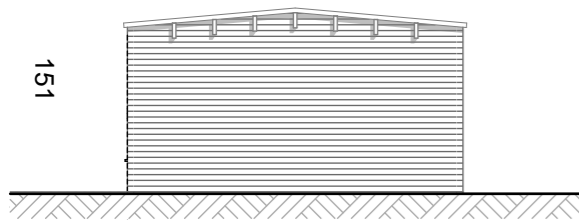
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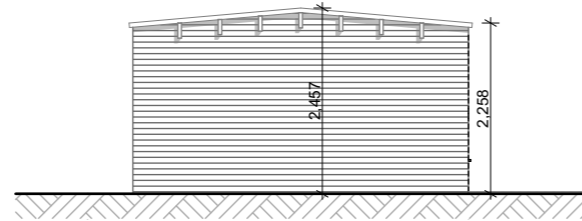
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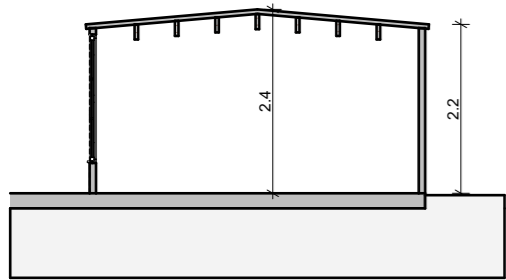
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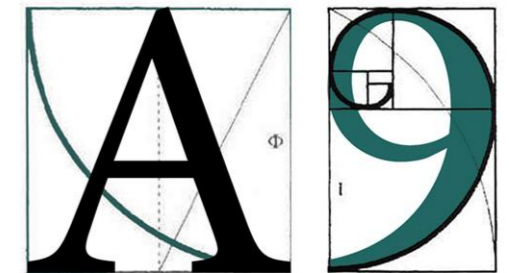
Flank Elevation



Flank Elevation



Section



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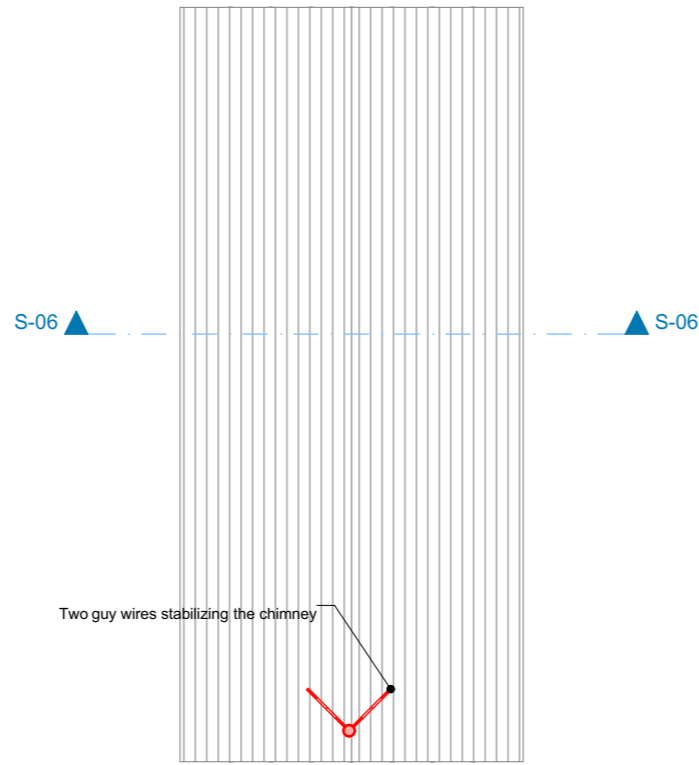
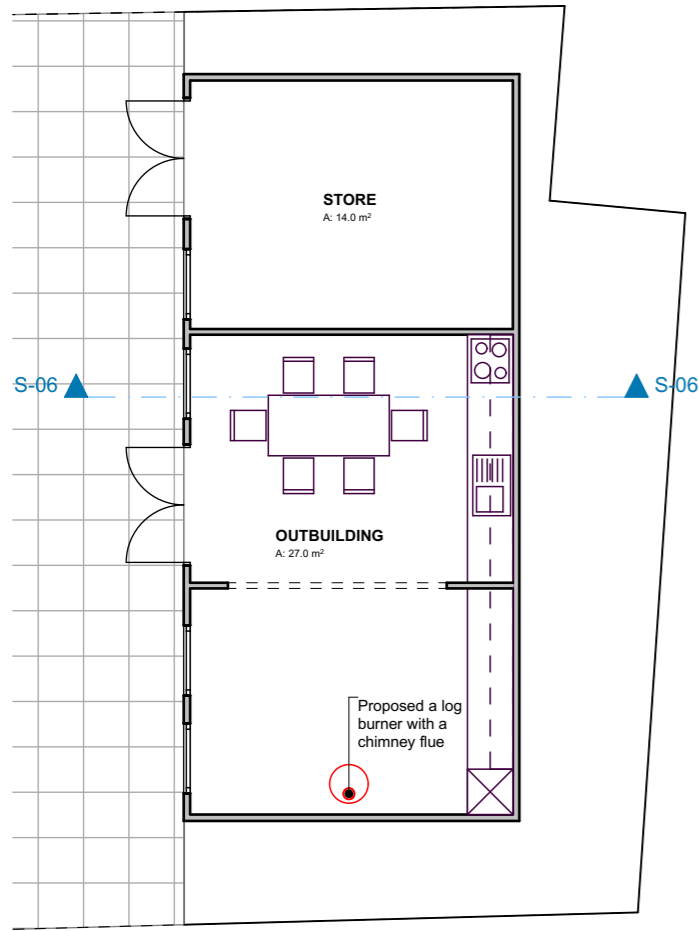
Project:
**140 Thorpe Hall Avenue,
 Southend-on-Sea, Essex,
 SS1 3AR**

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Existing Elevations and Section

Client:
Barry Brook

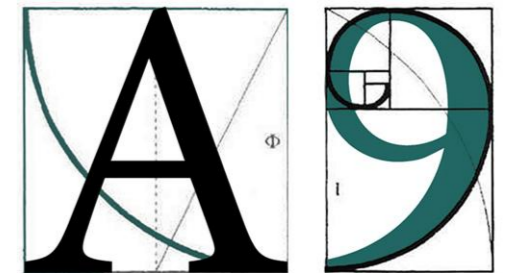
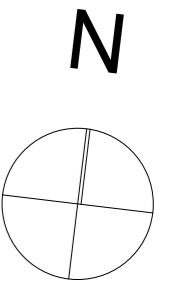
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Ground Floor

Roof Plan



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**140 Thorpe Hall Avenue,
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 SS1 3AR**

Drawing Title:
Proposed Floor Plans

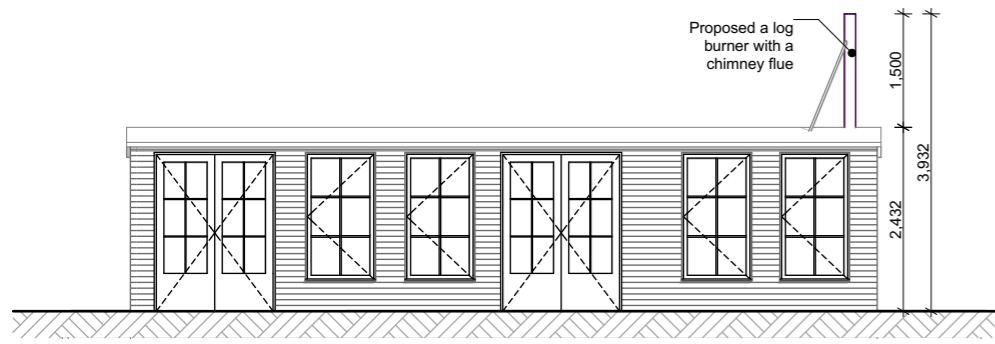
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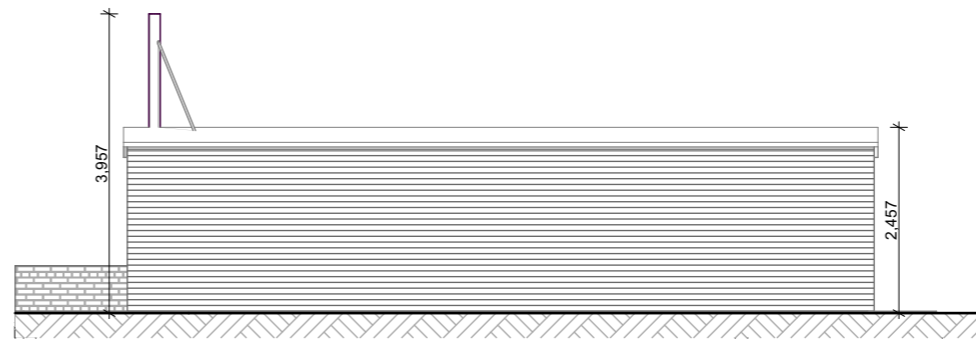
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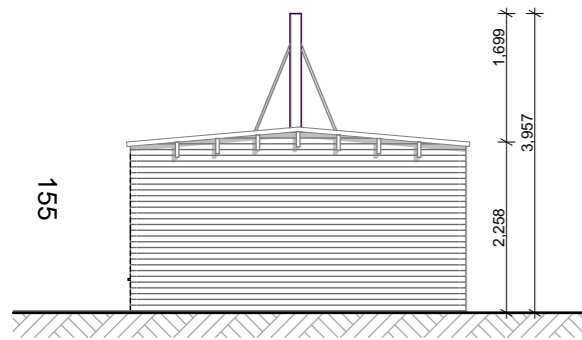
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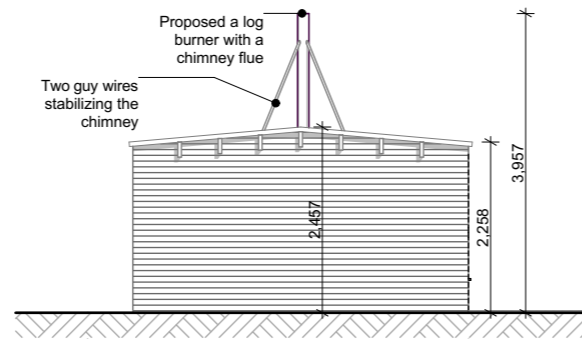
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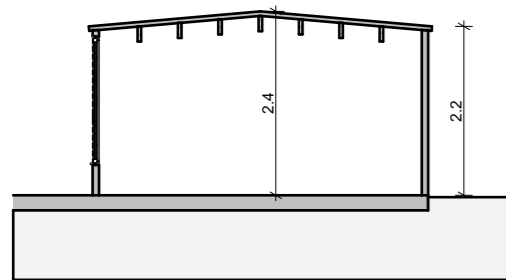
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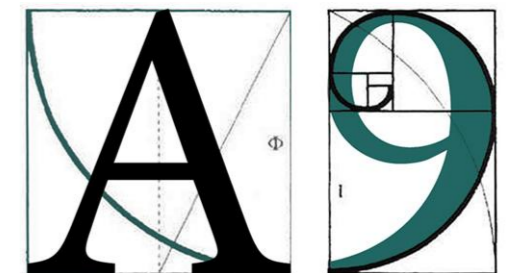
Flank Elevation



Flank Elevation



Section



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Info@A9Architecture.co.uk

Tel: 01702558888

Project:

**140 Thorpe Hall Avenue,
Southend-on-Sea, Essex,
SS1 3AR**

Drawing Title:

**Proposed Elevations and
Sections**

Client:

Barry Brook

Drawn:	Checked:	Date:	Scale:	Paper Size
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140 Thorpe Hall Avenue



View of development from neighbouring site



View of development from neighbouring site



View of development from neighbouring site



View of the development from Fermoy Road



View of the development from the rear elevation of the main dwelling



View of the development from the rear elevation of the main dwelling



View of the development



The site (right) and the neighbouring properties to the south.

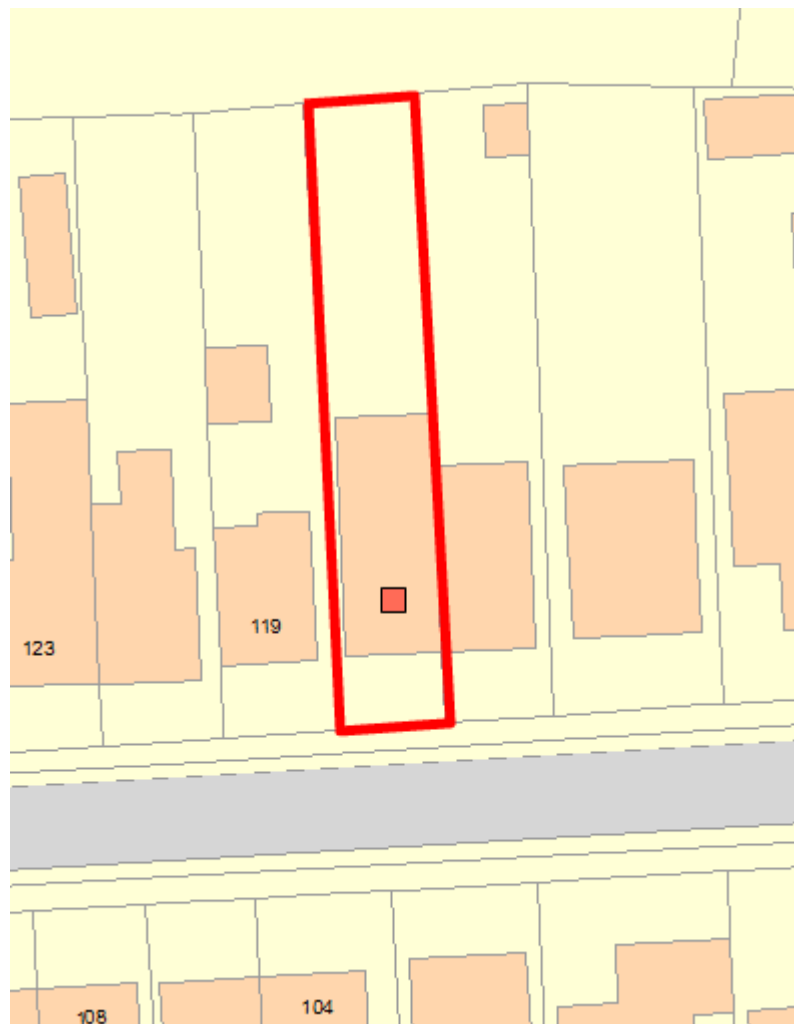


The neighbouring garden to the south



View from the location of the development towards the north

Reference:	20/02096/FULH	<h1>7</h1>
Application Type:	Full Application - Householder	
Ward:	St Laurence	
Proposal:	Erect single storey rear extension (Retrospective)	
Address:	117 North Crescent, Southend-On-Sea, Essex	
Applicant:	Mrs Leah Stoneman	
Agent:		
Consultation Expiry:	6th January 2021	
Expiry Date:	8th March 2021	
Case Officer:	Robert Lilburn	
Plan Nos:	East side elevation (proposed), West side elevation (proposed), Rear elevation (proposed)	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application relates to a semi-detached chalet bungalow situated within the residential area. It is part of a row of similar dwellings situated along the north side of North Crescent, with rear gardens adjoining open fields beyond. Most dwellings within the row have been subject to modest single-storey rear extensions.
- 1.2 The subject building is finished externally in painted render with plain roof tiles and incorporates a rear box roof dormer. At the time of an earlier site visit in 2017 it was found that the subject building incorporated a single-storey flat-roofed rear projection of some 2.4m depth and occupying most of the width of the building.
- 1.3 The site is not specifically identified on the policies map of the development management document. It is located within flood zone 1.

2 The Proposal

- 2.1 Retrospective planning permission is sought for the erection of a single-storey rear extension. The submitted plans show that the extension that has been constructed is some 6m in depth measured from the former rear wall of the earlier 2.4m rear projection identified above. As a result, the total rear projection measures some 8.4m from the original main rear wall of the original dwelling building. In common with the earlier projection, it occupies most of the width of the host building. The submitted plans show it is 2.85m in height and is situated some 1.8m from the side elevation of no.119 North Crescent.

- 2.2 The extension is flat-roofed and has been finished externally in blue-coloured render. It incorporates a glazed door and a window on the west-facing elevation and a set of glazed doors on the rear elevation. It provides additional living accommodation in association with the established dwelling.
- 2.3 The applicant has submitted a petition in support of the application. The covering statement of the petition states that prior approval was applied for in 2017, in application 17/01285/PA3COU, for a rear extension of 6m in depth from the existing rear wall of the building. This would correspond to the depth of the extension for which planning permission is now sought. It states that the neighbours were contacted, and the council received no objections.
- 2.4 The statement alleges that a decision for the prior approval application was not issued within the time specified, as identified in the conditions of permitted development, and that therefore deemed planning permission exists for the extension as applied for at that time. However, records show that the decision was issued well within the specified period, and therefore no weight is given to this claimed 'fall-back position' that deemed planning permission already exists for the development.
- 2.5 The application 17/01285/PA3COU, seeking prior approval to '*Erect single storey rear extension, projecting 6m beyond the existing rear wall of the dwelling, 2.85m high to eaves and with a maximum height of 2.85m*' was received as valid on 11.07.2017. The file shows that the decision was emailed to the agent on 15.08.2017. It was refused for the following reason:
The proposed extension, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990 (as amended), constitutes development requiring planning permission. Prior Approval is hereby refused for the proposal under condition A.4 (3) of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), because the proposed development does not comply with the requirements of Sections A.1 (g) and A.1 (ja) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This is due to the proposed development extending beyond an existing rear extension which is not part of the original dwellinghouse and thereby exceeding 6m in extent beyond the original rear wall.
- 2.6 An application for full planning permission was subsequently received on 24.11.2017 to erect a single-storey rear extension (application 17/02086/FULH). However, this application was not valid on receipt, and was not received as valid until 13.03.2018. This proposed a flat-roofed single-storey rear extension, to be adjoined to the existing flat-roofed single-storey rear projection of 2.4m depth. The submitted plans showed that it would measure a maximum of 5.9m depth, in addition to the existing projection. The applicant stated on the application form that work to build the extension commenced on 17.07.2017.
- 2.7 The application was subsequently refused on 04.05.2018 for the following reasons:
01. The proposed rear extension would, by reason of its length and proximity result in an overbearing feature which would be detrimental to the outlook and rear garden scene of neighbouring properties, in particular nos.115 and 119 North Crescent. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009).

02. The proposed rear extension would, by reason of its length be insufficiently subservient to the main building, and would result in an unduly dominant feature which would be detrimental to the rear garden scene, harming the visual amenities of the area. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009).

- 2.8 A planning statement has been submitted by the applicant in support of the application.
- 2.9 The application has been submitted following a planning enforcement inquiry arising from a complaint received by the Local Planning Authority. The current application has been called in to the Development Control Committee by Councillor Cowan.

3 Relevant Planning History

- 3.1 17/02086/FULH: Erect single storey rear extension. Refused.
- 3.2 17/01285/GPDE: Erect single storey rear extension, projecting 6m beyond the existing rear wall of the dwelling, 2.85m high to eaves and with a maximum height of 2.85m. Refused.
- 3.3 12/00870/CLP: Erect single storey rear extension (Lawful Development Certificate - Proposed). Granted.

4 Representation Summary

Public Consultation

- 4.1 4 neighbouring properties were notified. No letters of representation have been received directly as a result of this consultation.

The applicant has provided copies of 34 letters of support for the application and a petition. The petition details are summarised above. The petition has 14 signatures attached.

- 4.2 The letters of support provided by the applicant in connection with the application can be summarised as follows:
- The development does not affect the appearance of the street;
 - The extension is not too large for the plot;
 - The development does not harm the privacy, daylight or outlook of neighbouring occupiers, one of whom also wishes to extend rearwards;
 - A rear extension means that an upward extension is not required;
 - The extension supports a young and growing family;
 - The extension provides a good family home and supports the ability of the family to stay in the area;
 - Young families should be encouraged to stay locally given the housing crisis and the benefits to community;
 - The impacts on occupiers of a refusal are unfair.
- 4.3 These comments are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application.

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) CP4 (Environment & Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land)
- 5.5 Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

- 7.1 The dwelling is situated within a residential built-up area and extensions or alterations to the property are 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 that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”.
- 7.3 Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document advocate the need for development to secure good relationships with existing development and to respect the existing scale.
- 7.4 The National Design Guide seeks new development that is appropriately integrated into its surroundings.
- 7.5 The Design and Townscape Guide states that extensions to buildings should appear subservient and must be respectful of the scale of the present building.
- 7.6 The submitted plans show that the rear extension for which planning permission is sought combined with the established lawful rear projection create a flat-roofed rear projection from the original building of some 8.4m. This compares with the depth of the original host building which is some 7.35m.

- 7.7 The resulting scale of the total rear projection is such that the extension is not suitably subservient and does not integrate appropriately with the host building. It is harmfully dominant to the character and appearance of the host building.
- 7.8 The extension is not readily visible from the public realm. A reasonable amount of garden ground remains as at this location as the rear gardens are relatively long. Single-storey flat-roofed extensions are also a prevailing feature along the associated row of dwellings. However, these mitigating factors do not overcome the impact of the unusually deep rear projection, the scale and design of which is unacceptable in relation to the host building, the site and the wider area. The development is unacceptable and contrary to the above policies with regard to the quality of design and the protection of the character of the borough.

Impact on Residential Amenity

- 7.9 Paragraph 127 of the National Planning Policy Framework seeks to secure 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 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that *“protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 7.12 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 7.13 The adjacent property no.115 North Crescent has a rear extension measuring some 4.6m in depth.
- 7.14 The extension for which planning permission is now sought projects some 3.8m from the extended rear face of no.115 North Crescent. The relative extent of the projection to the rear of no.115 North Crescent is such that the effect is visually overbearing and obtrusive, and creates an unacceptable sense of enclosure and loss of outlook to the detriment of the amenities of the occupiers of no.115.
- 7.15 The extension for which planning permission is now sought projects some 6m from the rear face of no.119 North Crescent. Taking account of the scale and proximity to the rear of no.119 North Crescent, including its private amenity space, together with the relative narrowness of the gardens, the extension for which planning permission is now sought is visually obtrusive, overbearing and creates an unacceptable sense of enclosure and loss of outlook to the detriment of the amenities of the occupiers of this property.
- 7.16 As the extension is single-storey and is aligned with its two neighbours in an east-west axis, its impact on daylight and shadowing to those properties and their private amenity spaces are not significantly harmful. The screening provided by the existing boundary fans is considered sufficient to mitigate any potential loss of privacy arising to the rear of

no.119 North Crescent from the west-facing glazed door and window.

- 7.17 The extension fails to maintain the amenities of neighbouring occupiers and is therefore unacceptable and contrary to the above-mentioned policies in this regard.

Community Infrastructure Levy (CIL)

- 7.18 The new floor space created by the proposal is less than 100sqm. Therefore, the development is not CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the principle of an extension is acceptable. However, the design, size and scale of the proposal is inconsistent with the aims of maintaining and enhancing the quality of the area. The extension harms the character and appearance of the host property and the location more widely. The proposal is also found to be overbearing, visually obtrusive and creates an unacceptable sense of enclosure at the neighbouring properties to the significant detriment of the amenities of occupiers.
- 8.2 The desirability of creating stable communities and the need for the provision of suitably-sized family housing is recognised. However, the concerns identified are not outweighed by these considerations, the personal circumstances identified by the applicant or the positive representations provided by the applicant. The development is considered to be unacceptable and fails to comply with adopted planning policies.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason(s):

- 01. The rear extension, by reason of its design, size, scale and overall length, is insufficiently subservient to the host building, and results in an unduly dominant feature which is detrimental to the character and appearance of the original dwelling, the rear garden scene and the area more widely. 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 Design and Townscape Guide (2009).**
- 02. The rear extension, by reason of its design, size and siting results in an overbearing visually obtrusive feature which creates an unacceptable sense of enclosure and loss of outlook at 115 and 119 North Crescent to the detriment of the amenities of the occupiers of these properties. 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 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

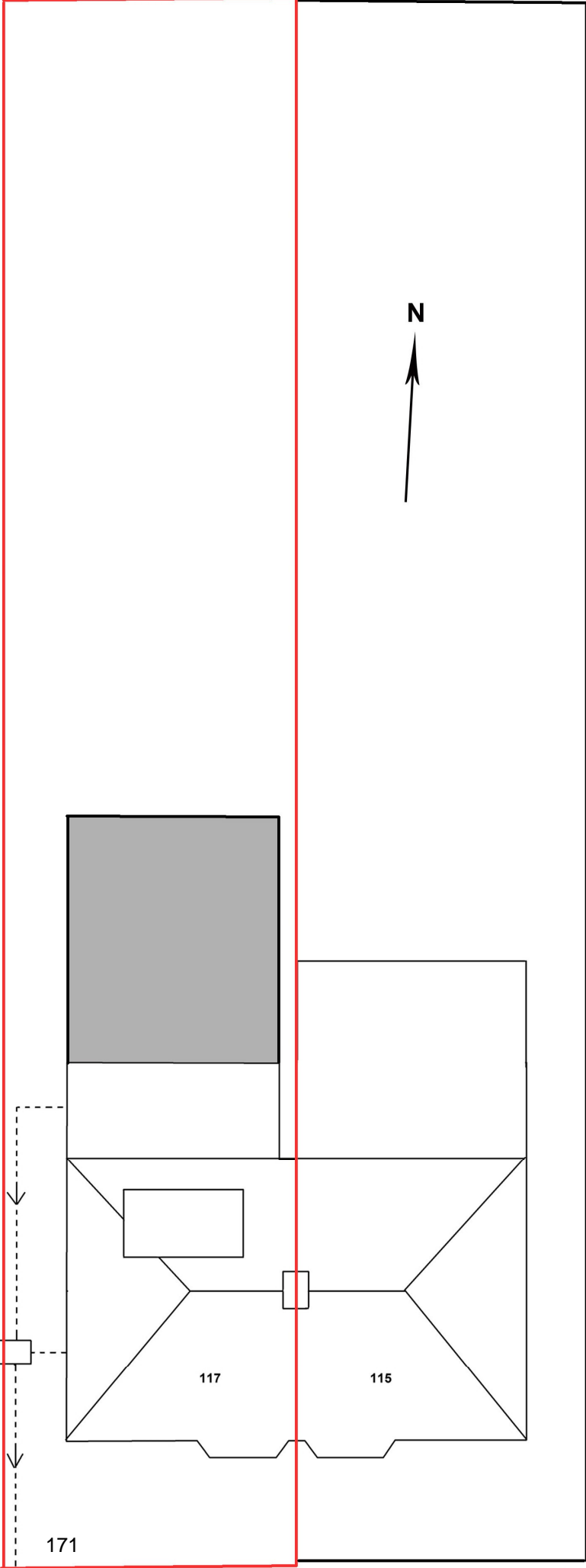
caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

10 Informatives

The extension(s) equates to less than 100sqm of new floorspace and the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable.

St Lawrence Park

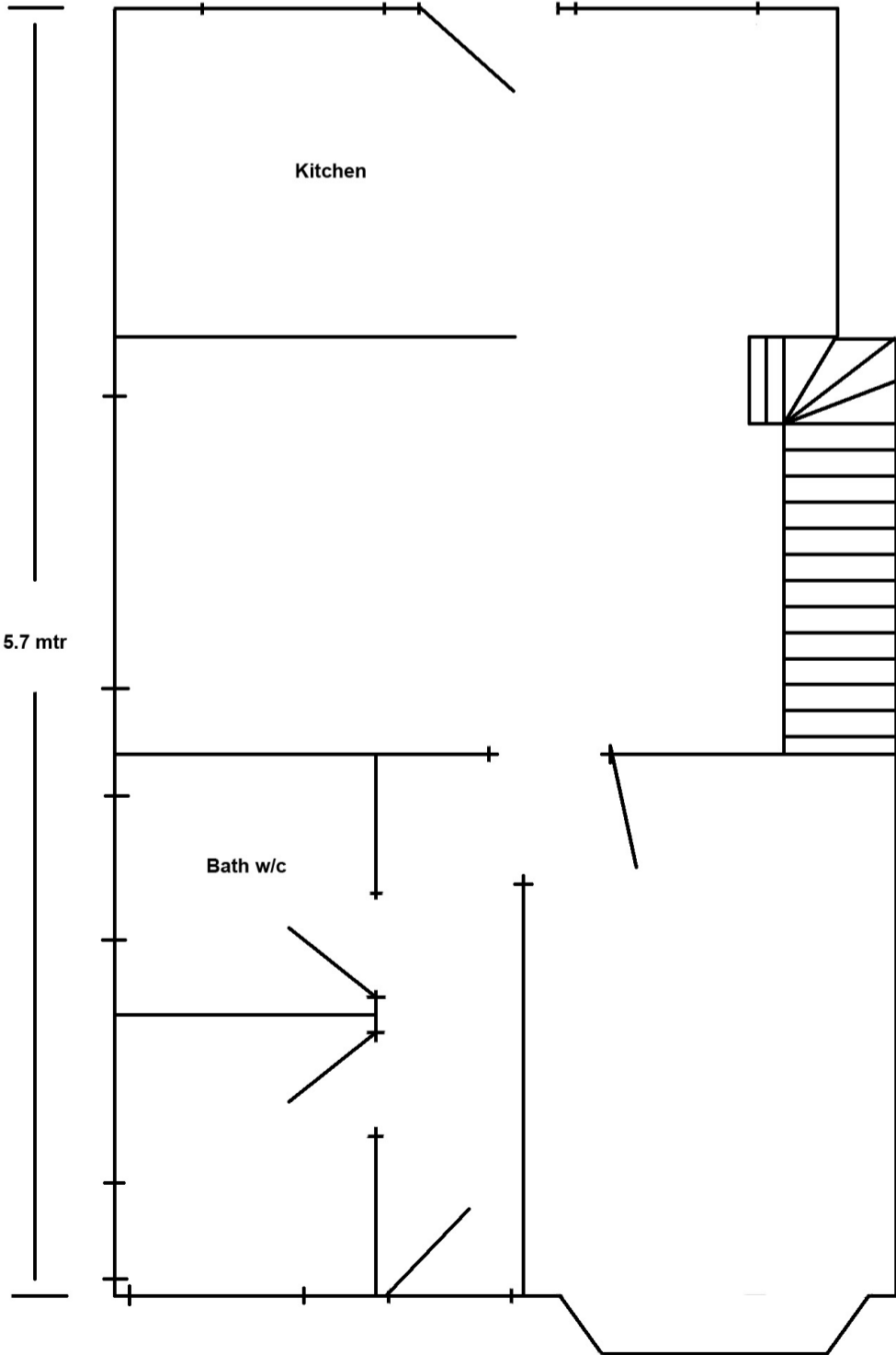
117 north crescent
location



north crescent

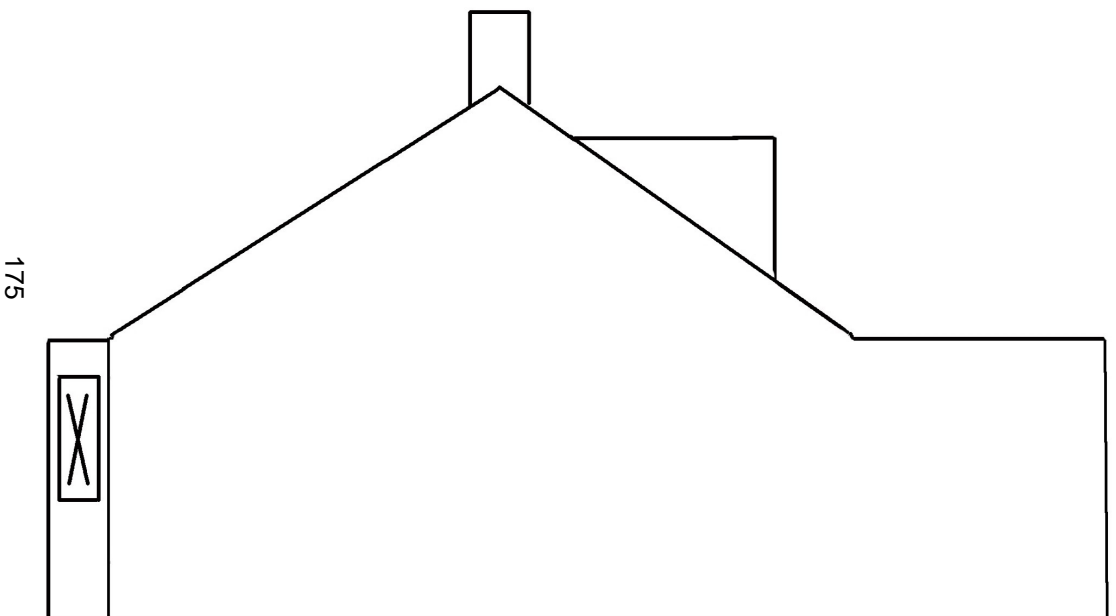
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117 north crescent
floor plan (existing)



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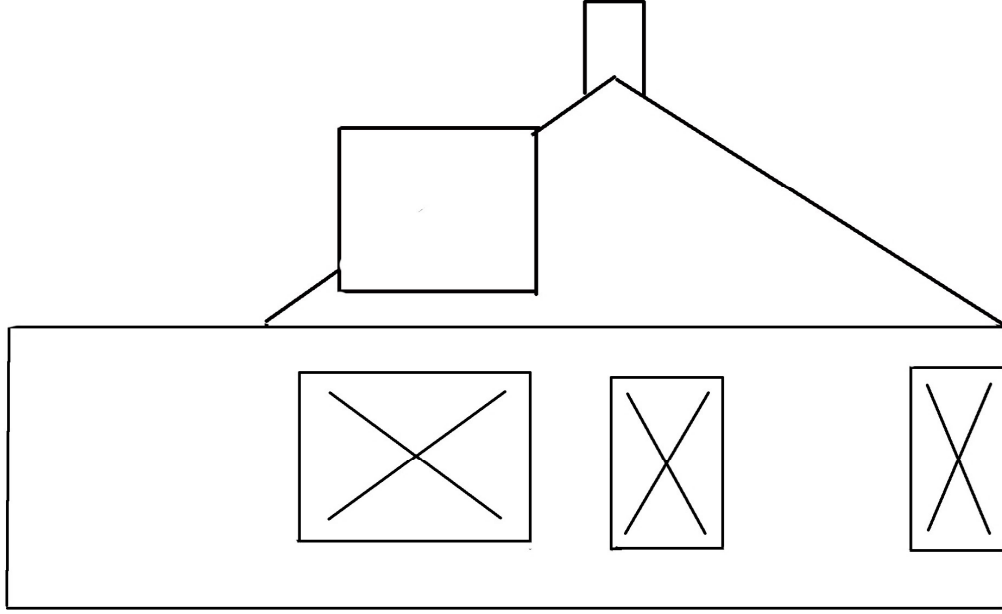
**117 north crescent
east side elevation (existing)**



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**117 north crescent
west side elevation (existing)**

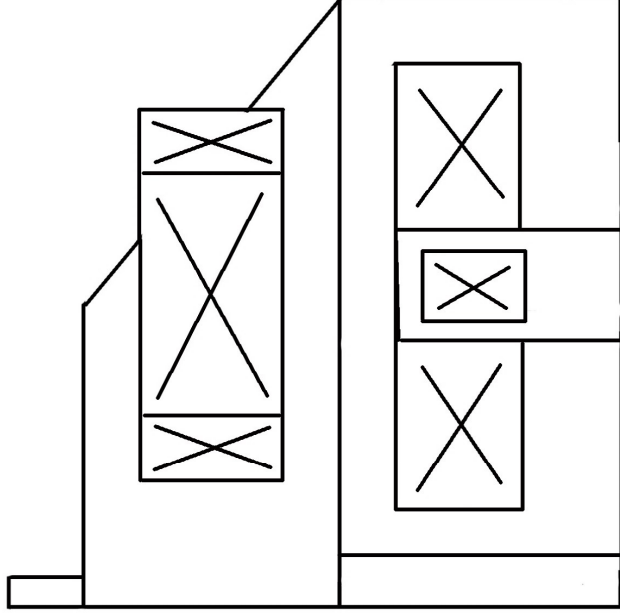
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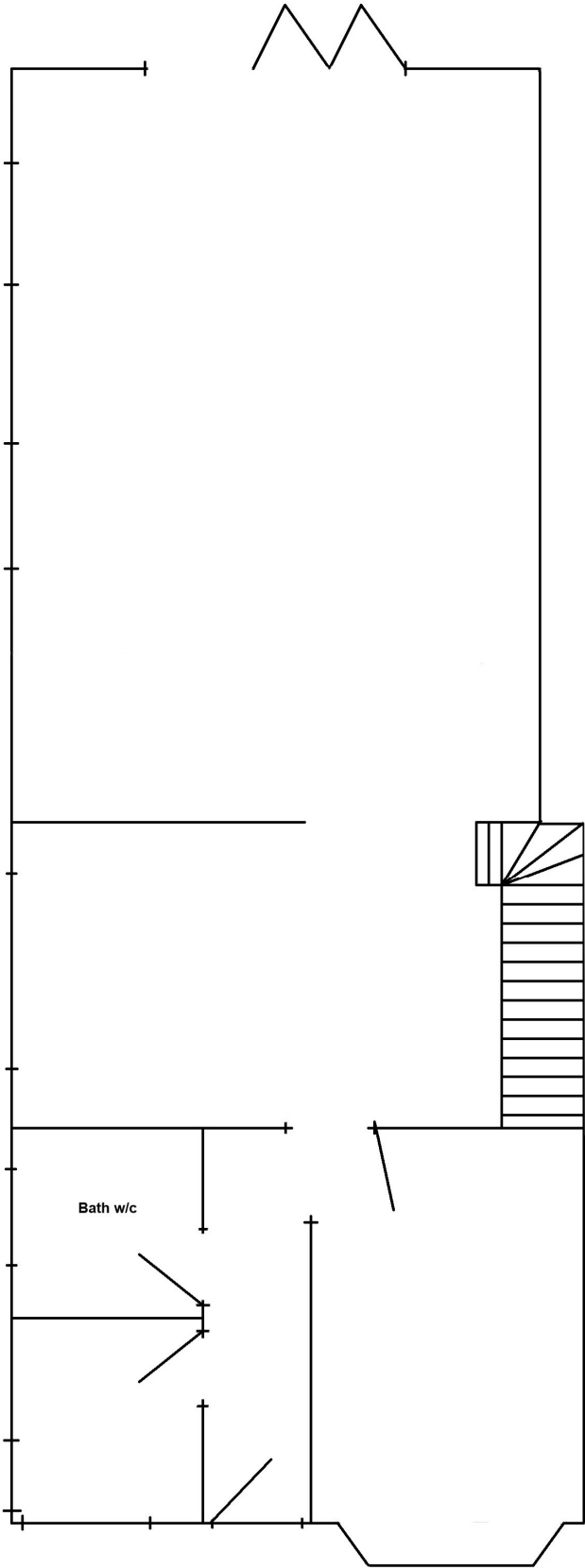
117 north crescent
rear elevation (existing)

179



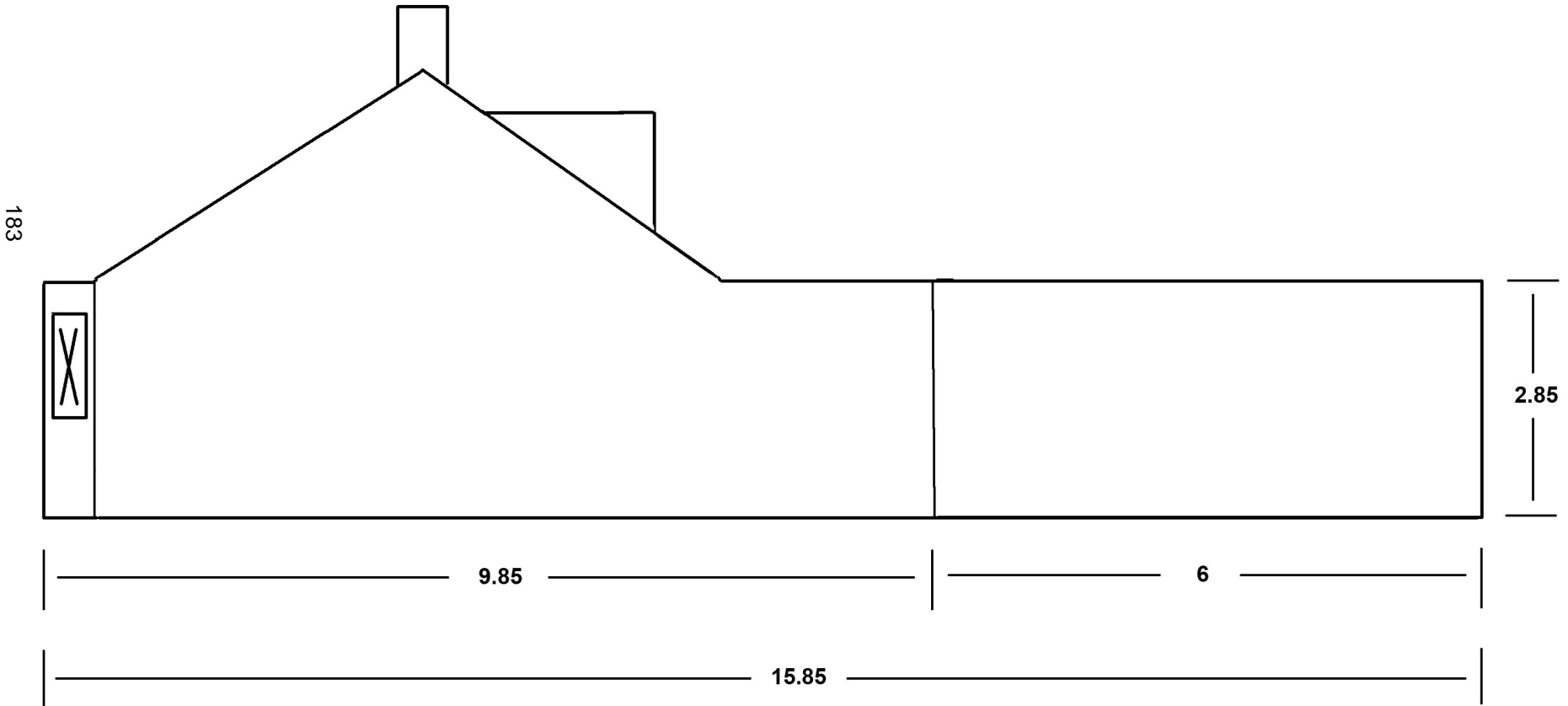
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117 north crescent
floor plan (proposed)



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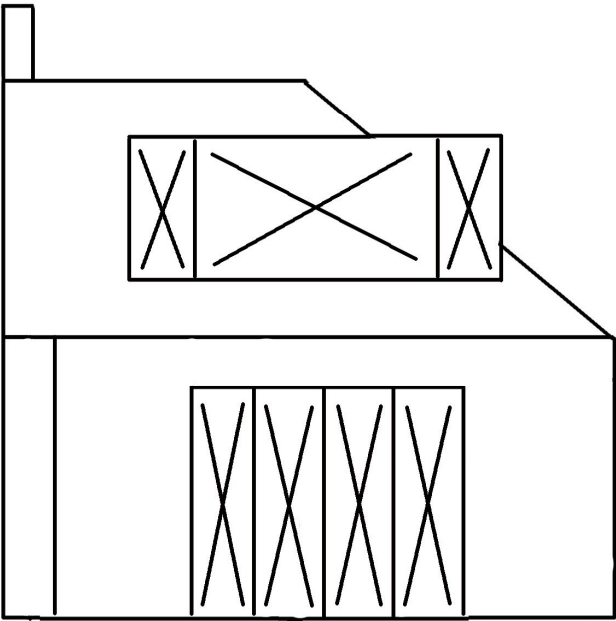
117 north crescent
east side elevation (proposed)



Measurements in metres

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**117 north crescent
rear elevation (proposed)**



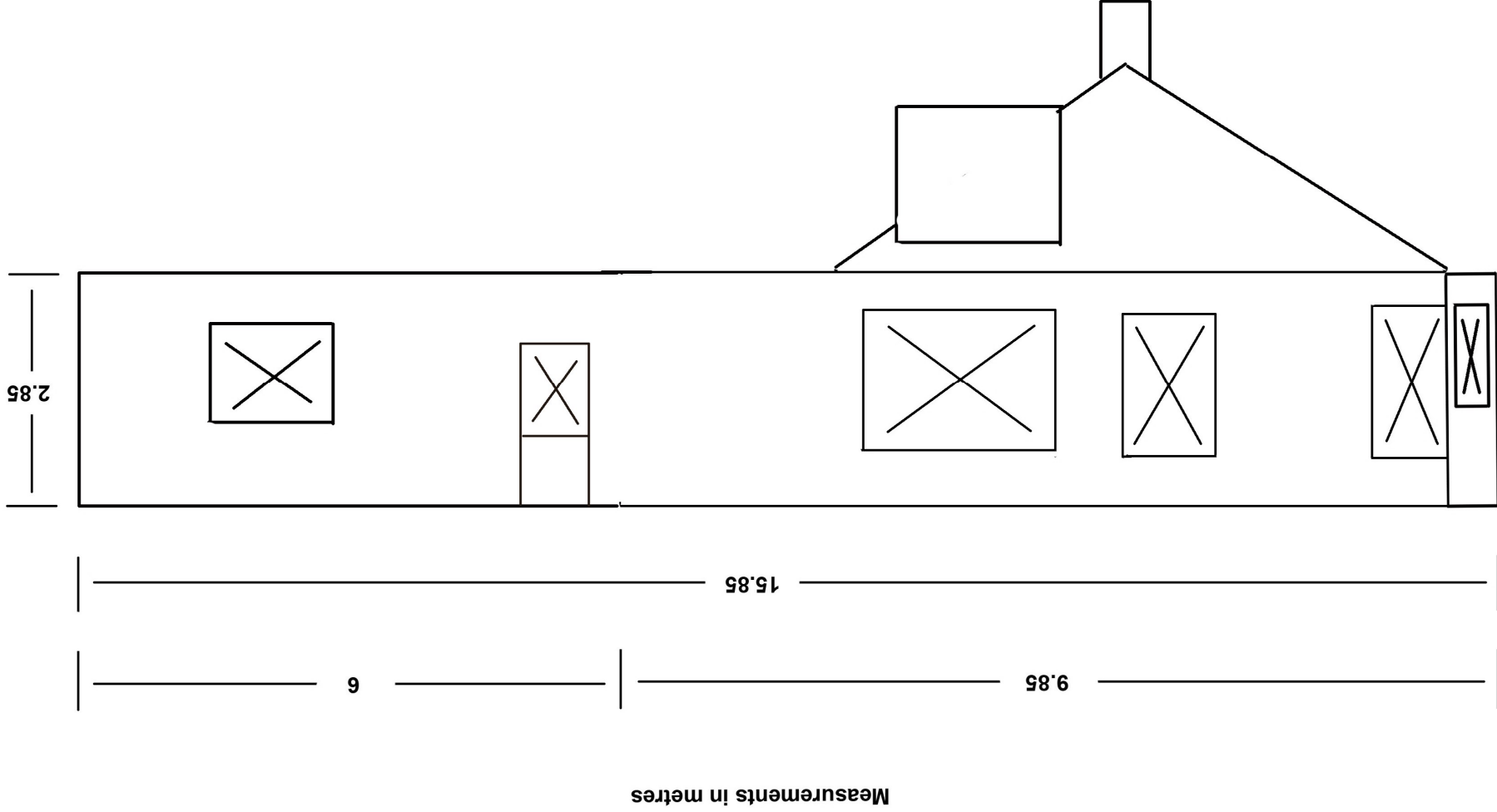
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117 north crescent
west side elevation (proposed)

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No.117, No.119 to west (kitchen)



No.115 to east, No.117



No.119



Scene to east



View from r/o no.119



With no.115



No.119



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EX03 UUT

119

117

115





199





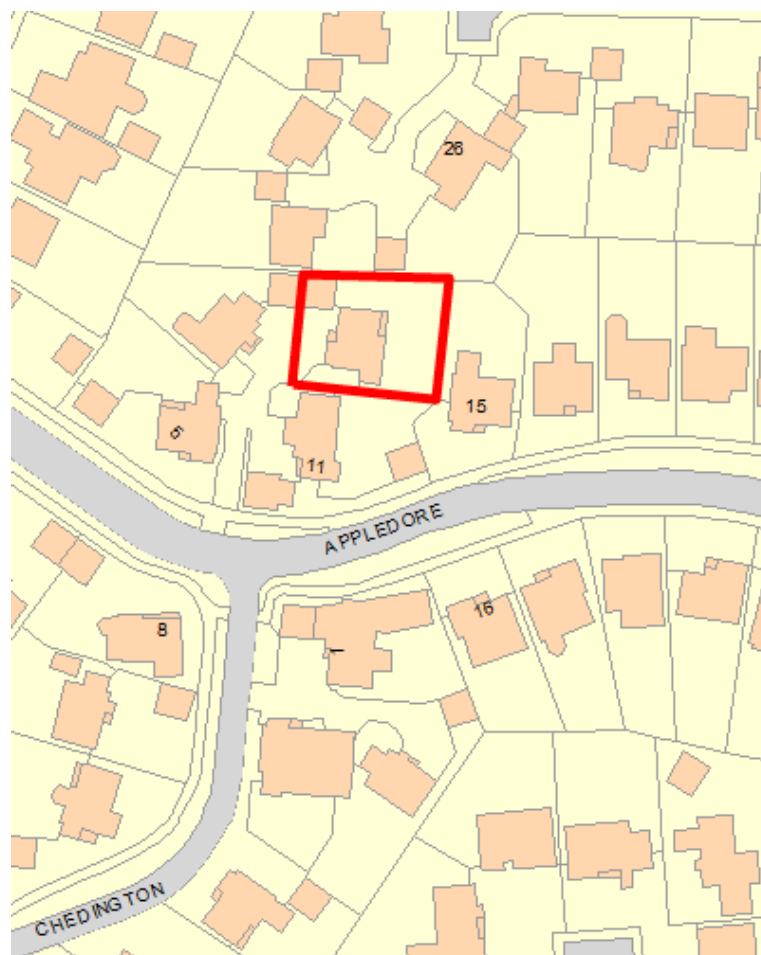
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Reference:	20/02147/FULH	8
Ward:	West Shoebury	
Proposal:	Erect single storey side extension	
Address:	9 Appledore Shoeburyness Essex SS3 8UW	
Applicant:	Ms F Mitha	
Agent:	SKArchitects	
Consultation Expiry:	13 th January 2021	
Expiry Date:	4 th March 2021	
Case Officer:	Julie Ramsey	
Plan Nos:	P01, P03	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is located to the eastern side of a small spur road accessed from Appledore, between Nos 5 and 11 Appledore. The site contains a two storey detached dwelling with a detached double garage located within the northern corner of the site. There is hardstanding to the frontage for parking.
- 1.2 The surrounding area is residential in nature and comprising of detached dwellings of similar sizes, scale and designs, laid out in a manner typical of a residential housing estate.
- 1.3 The site is not located within a conservation area or subject to any site specific planning policies and 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 single storey side extension, on the southern side of the dwelling, enlarging the existing side extension to the full depth of the main dwelling. The proposed extension has a dual pitched roof and two rooflights but no further fenestration and is located to the southern side of the dwelling.
- 2.2 The extension measures 2.1m wide, 8.4m deep, with an eaves height of 2.5m and a maximum height of 4m.
- 2.3 The proposed materials are yellow brick and render and pantiles to match the existing dwelling. The proposal would enlarge the existing dining room and kitchen.

3 Relevant Planning History

- 3.1 20/02148/CLP - Install dormer to rear to form habitable accommodation in the loftspace, erect single storey rear extension and install rooflights to front (Certificate of Lawful Development - proposed) – Certificate Granted

4 Representation Summary

Public Consultation

- 4.1 Six neighbouring properties were notified of the application and a number of representations have been received from two addresses.

Summary of matters raised:

- Side extension and roof extension result in a large development
- Not consulted on 20/02148/CLP
- Parking concerns due to limited turning area in cul de sac
- Concerns over possibility of a business being run from the property
- Reduction in value of neighbouring properties
- Noise, dust and general disruption from building works
- Harm to neighbour amenity
- Design of proposal unacceptable
- Loft development out of keeping with original Appledore style of house

- Overbearing impact
- Overlook neighbouring properties and gardens
- Concerns raised over size, height and location of rear extension
- Increase in noise and disturbance
- Reduce natural light to neighbouring property
- Loss of privacy
- Dormer window could be moved to the front
- Original condition of sale/covenants of properties stated no rooms to be built in the roof
- Overdevelopment of site

[**Officer Note** - With regard to matters raised in relation to the rear dormer and rear extension, this is development which does not form part of this application and is the subject of application 20/02148/CLP which has been granted.]

- 4.2 All relevant material planning considerations raised in relation to the proposal under consideration in this application 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.

Committee Call In

- 4.3 The application was called to Committee by Councillor Cox

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), Policy DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 Design & 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 streetscene, impact on residential amenity and CIL (Community Infrastructure Levy) contributions. There is no change in the need for, or provision of, on-site parking and there are no harmful highway impacts resulting from the proposed development.

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 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 National Planning Policy Framework states at paragraph 124 *‘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 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”*.
- 7.5 Paragraph 351 of the Design and Townscape Guide states that *‘Many properties in the Borough have the capacity to extend to the side. However, side extensions can easily become over-bearing and dominate the original property. In order to avoid this, side extensions should be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property.’*
- 7.6 The proposed side extension would project some 2.1m from the side wall of the dwelling and is of a modest size and scale. The proposal seeks to enlarge the existing side extension along the flank wall of the main dwelling. The dual pitched roof reflects the existing roof pitch of the side extension. The side elevation is screened by the neighbouring dwelling at No. 11 and would have very little visibility within the streetscene.
- 7.7 The side extension has a limited set back of some 0.15m from the front wall of the dwelling, however the main dwelling has a pitched roof porch to the front of some 1.5m in depth and therefore given the limited width of the proposed side extension, it is considered to be appropriately subservient to the main dwelling. The lack of fenestration detailing to the front of the extension is not considered to be a positive aspect of the scheme, but given the size, scale and character of the dwelling in terms of external materials and fenestration detailing and the location of the extension to the southern side of the dwelling, this is not considered to be out of keeping with the character and appearance of the main dwelling, the streetscene or the wider area.

- 7.8 Therefore, in terms of its size, scale and height, the proposed side extension is considered to be visually acceptable and would not result in demonstrable harm to the character and appearance of the dwelling or the wider area. The use of render, brick and tile would harmonise with the existing dwelling and the proposed extension would integrate satisfactorily with the character and appearance of the main dwelling and wider area.
- 7.9 It is therefore considered that the proposed development would not be harmful to the character and appearance of the main dwelling, the rear garden scene or the visual amenities of the wider area. In this respect the proposal is considered to be acceptable and policy compliant.

Impact on Residential Amenity

- 7.10 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.”*
- 7.11 The application property is neighboured by No. 11 Appledore (to the south) and Nos. 24 and 26 Challacombe (to the north). All neighbouring properties are detached.
- 7.12 The side extension is located on the southern side of the application property and does not extend past the front and rear walls of the dwelling. Therefore the properties to the north in Challacombe are screened from the extension by the existing dwelling and the proposal would not have a detrimental impact on the residential amenities of these properties, in terms of overlooking, loss of privacy or outlook, or an undue sense of enclosure.
- 7.13 No. 11 Appledore is a detached dwelling sited close to the shared boundary with No. 9. The side extension is located approximately 1.5m from the shared boundary. Part of the proposed extension would be screened by the flank wall of No. 11 and given the existing side extension and the single storey nature of the proposal, it is not considered that the extension would result in material harm to the amenity of this neighbour by way of unacceptable loss of light, outlook, overlooking or an undue increased sense of enclosure or dominant impact.
- 7.14 Due to the orientation of the application site, the rear (east) boundary borders the flank elevation of No. 15. However the extension is no closer to this rear boundary than the existing extension and would not impact on the amenities of this neighbour in any significant regard.
- 7.15 Therefore, the proposal is considered to be acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.16 The development for the existing property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), 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 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. There are no adverse highway implications. This application is therefore recommended for approval subject to conditions.

9 Recommendation

Members are recommended to grant planning permission subject to the following conditions:

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

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

- 02 The development shall be undertaken solely in accordance with the following approved plan(s): P03**

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.**

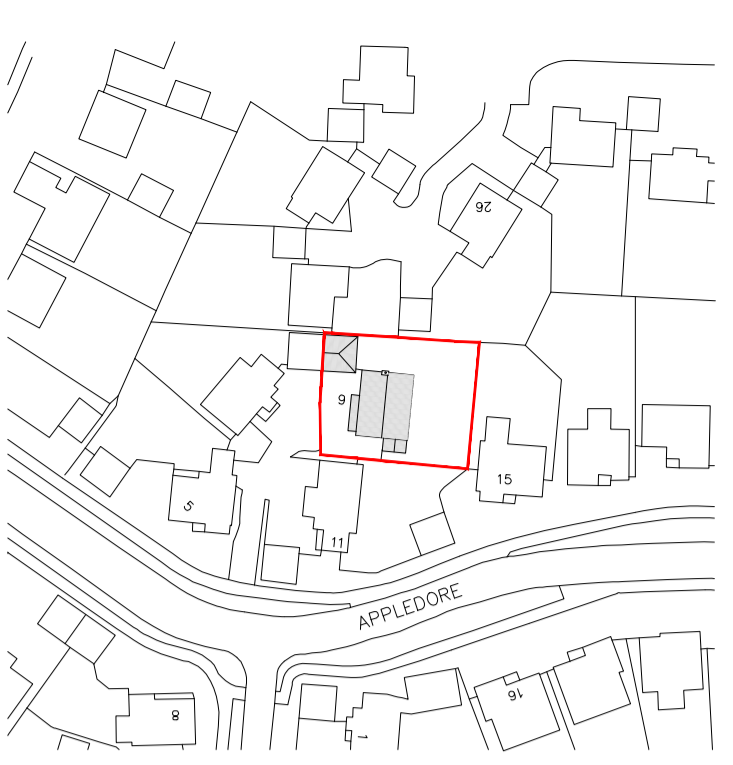
Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and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

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.

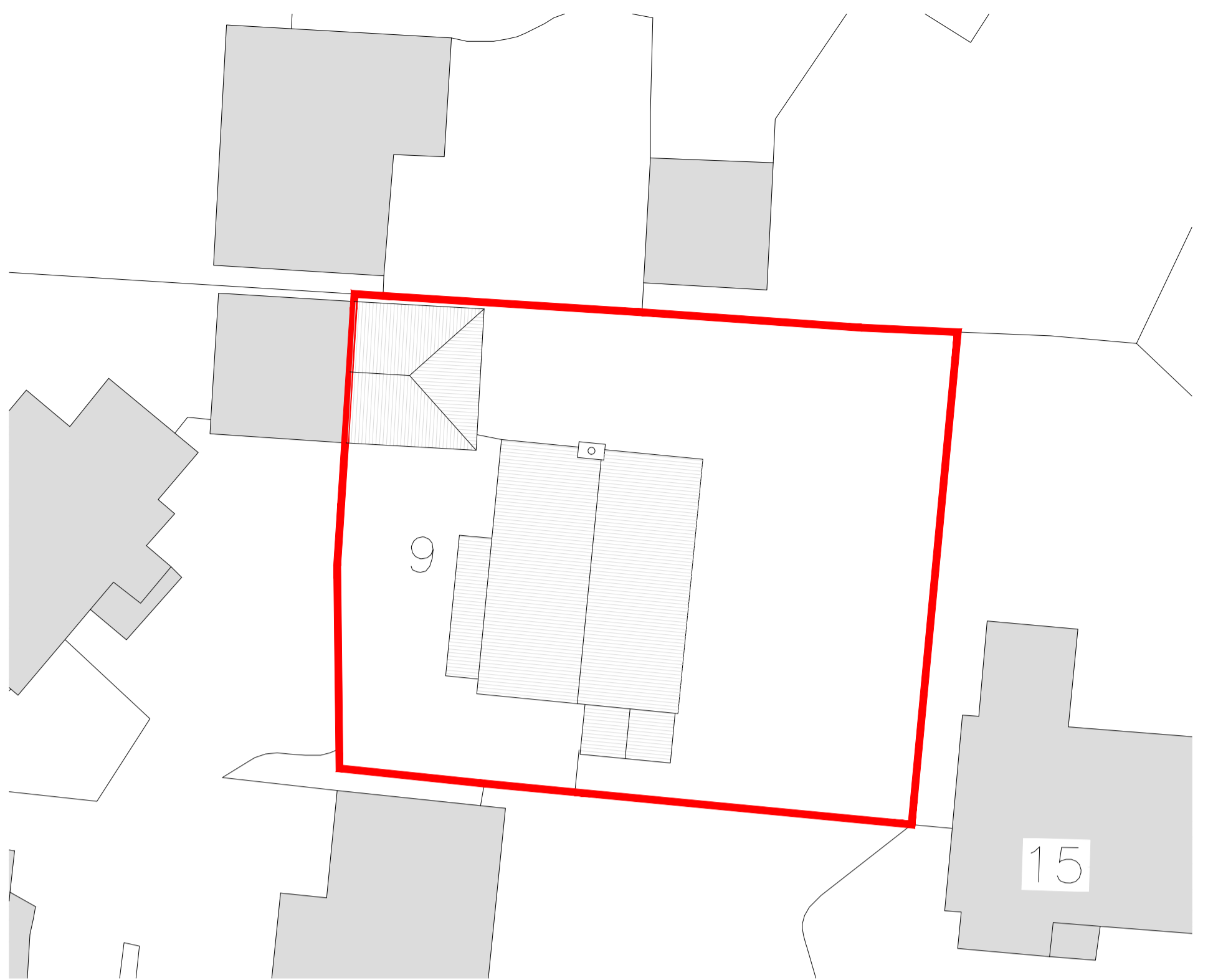
10 Informatives

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

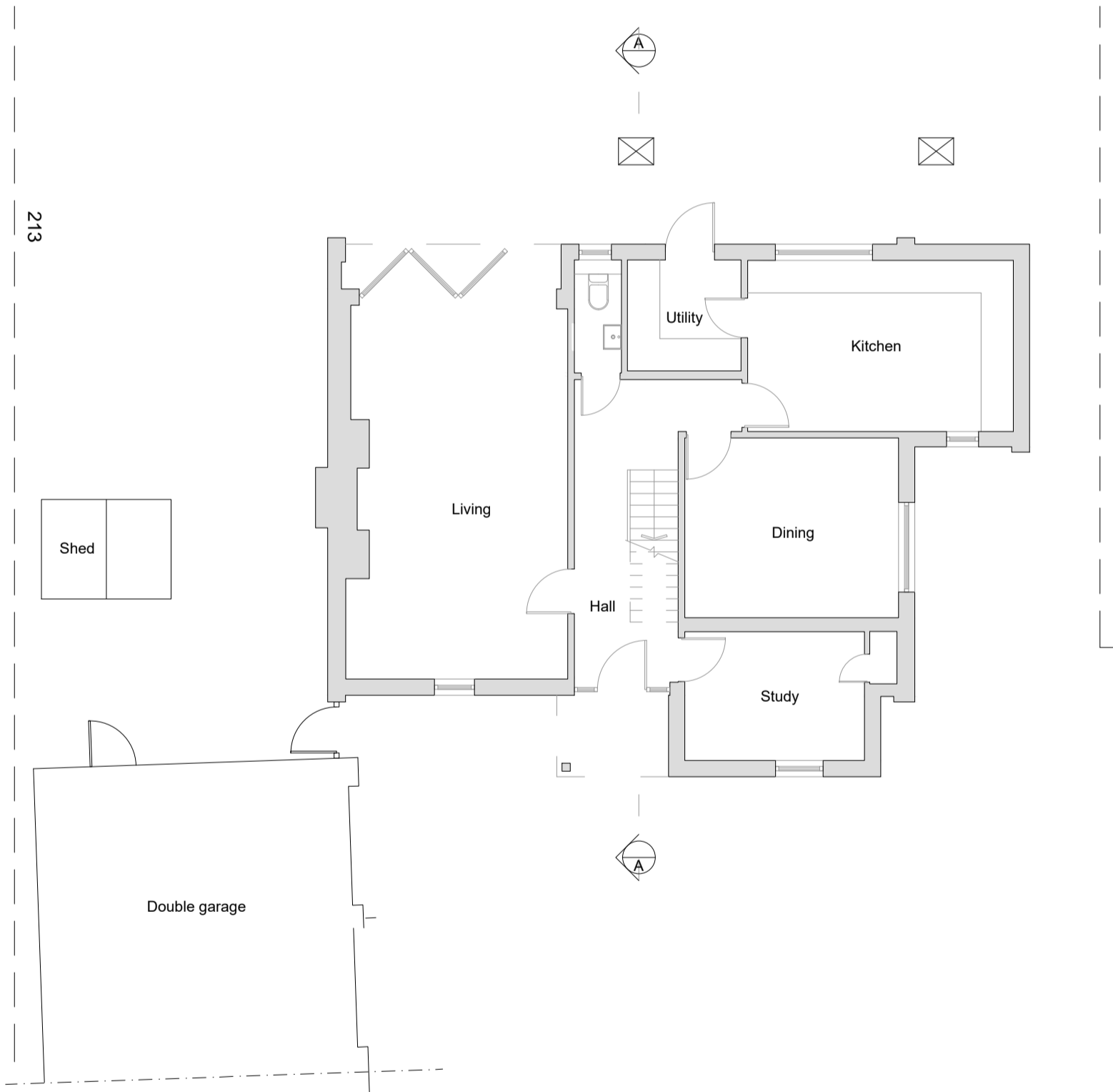
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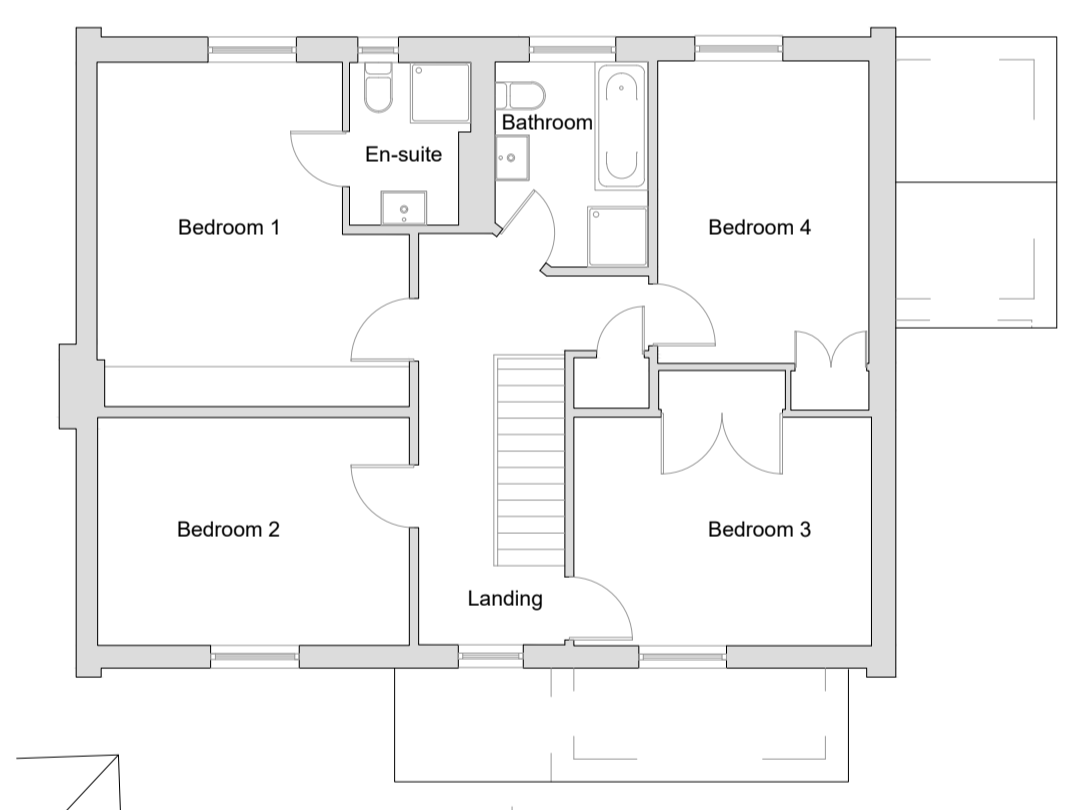
Existing Location Plan 1:1250 @ A1



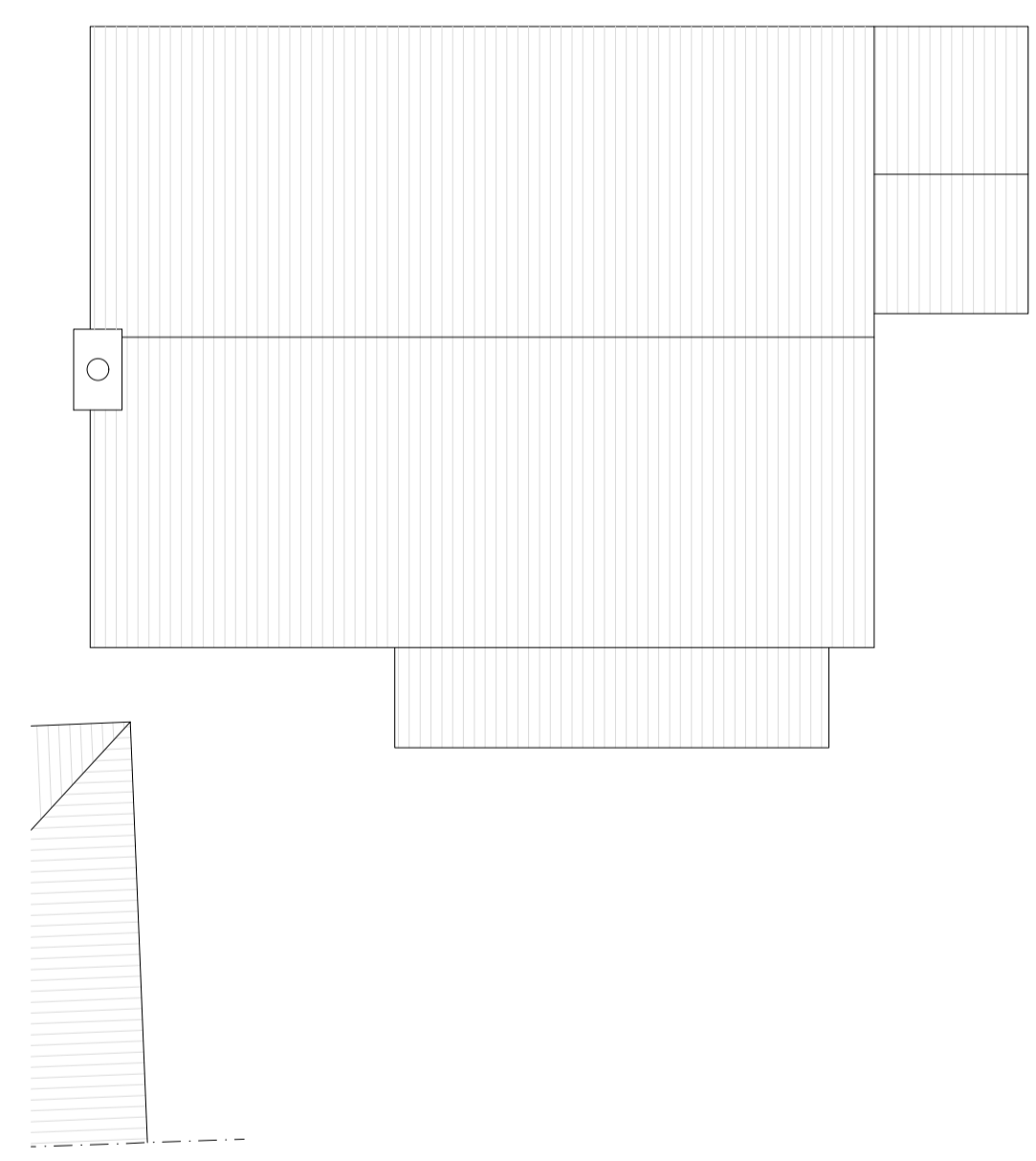
Existing Block Plan 1:200 @ A1



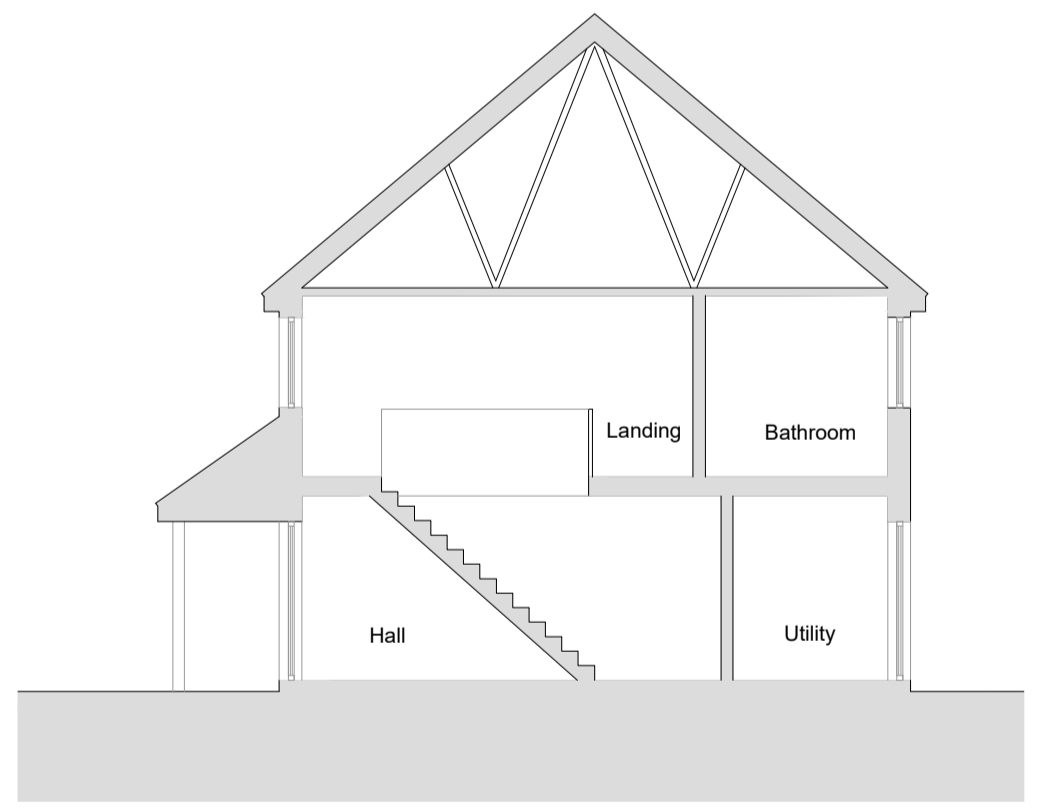
Existing Ground Floor Plan 1:100 @ A1



Existing First Floor Plan 1:100 @ A1



Existing Roof Plan 1:100 @ A1



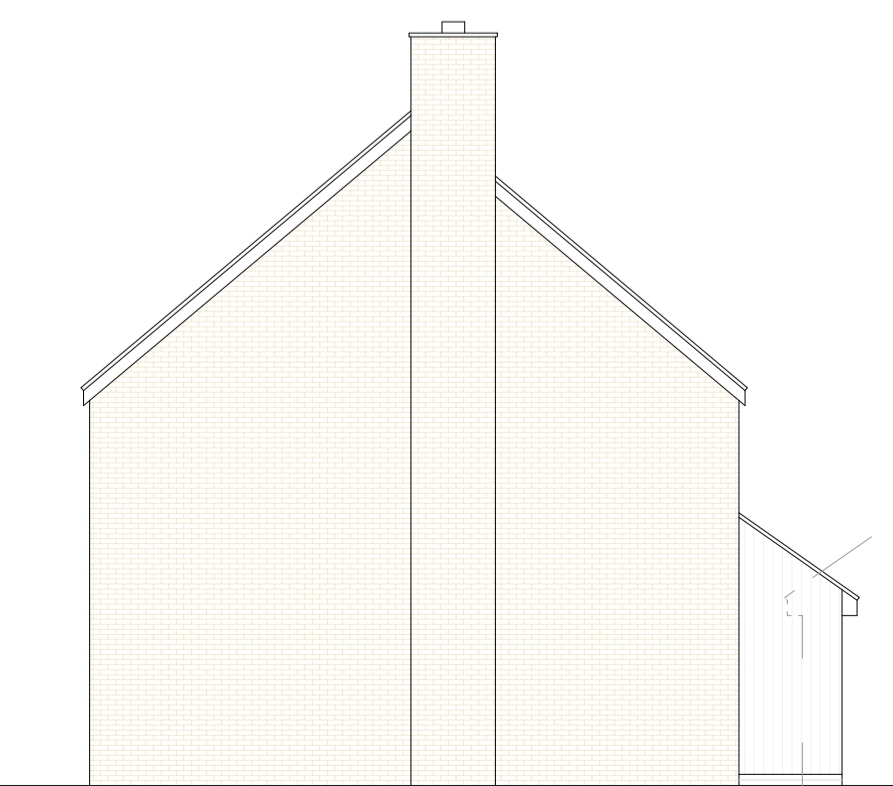
Existing Section A 1:100 @ A1



Existing West (front) Elevation 1:100 @ A1



Existing East (rear) Elevation 1:100 @ A1



Existing North Elevation 1:100 @ A1



Existing South Elevation 1:100 @ A1

Rev	Comment	By	Date

Stage:
Planning

Client:
Farah Mina

Project:
9 Appledore
Southend-on-Sea
SS3 8JW

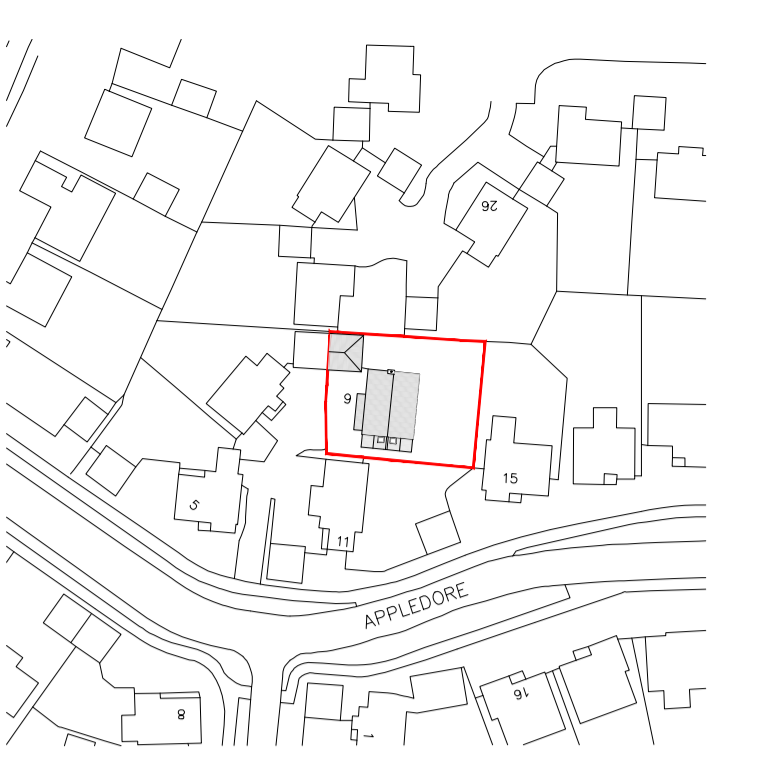
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Existing Location, Block & Floor Plans and Elevations

Drawing no: P01	Revision: .
Project no: 658	Drawn by: RW
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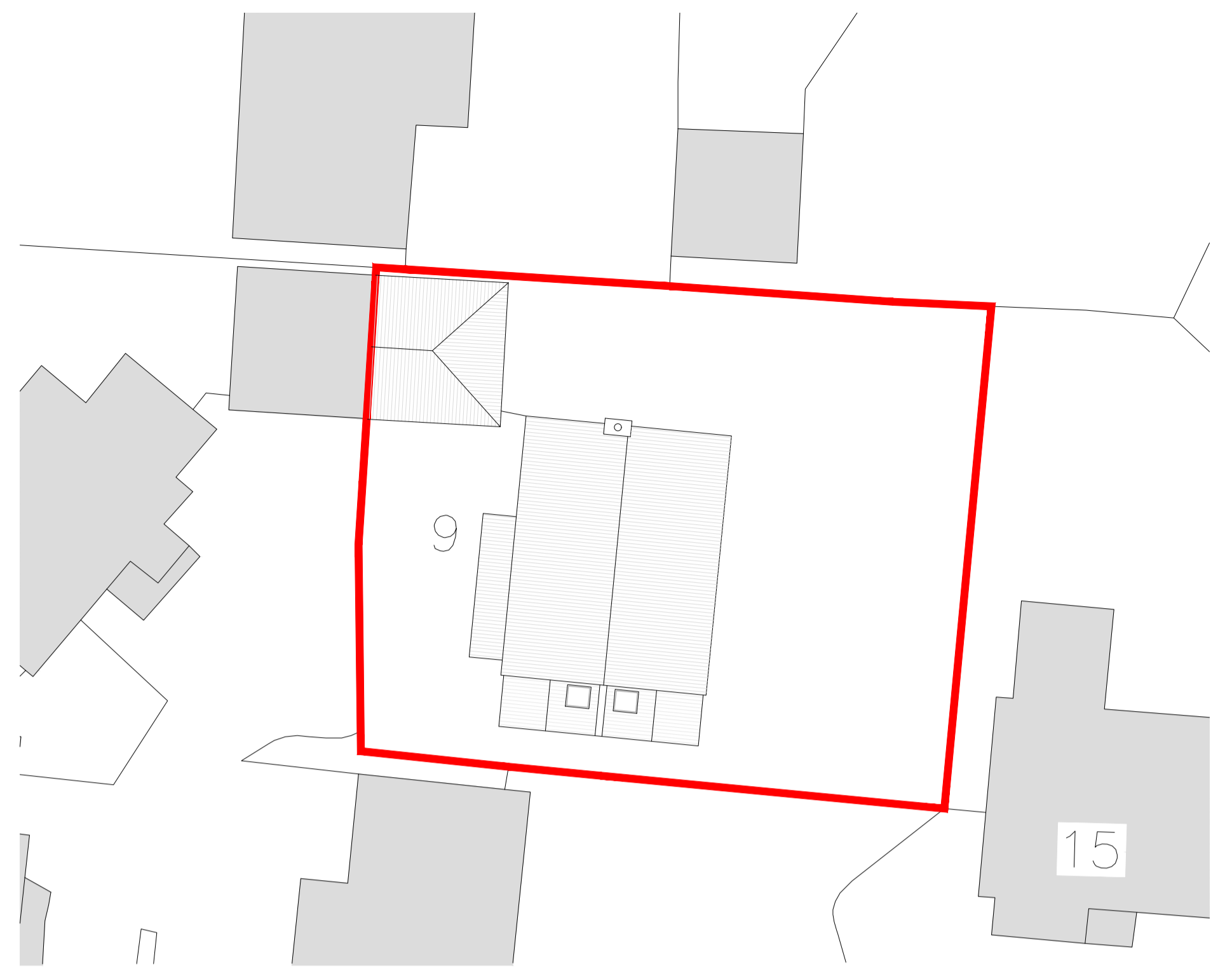
SKARCHITECTS
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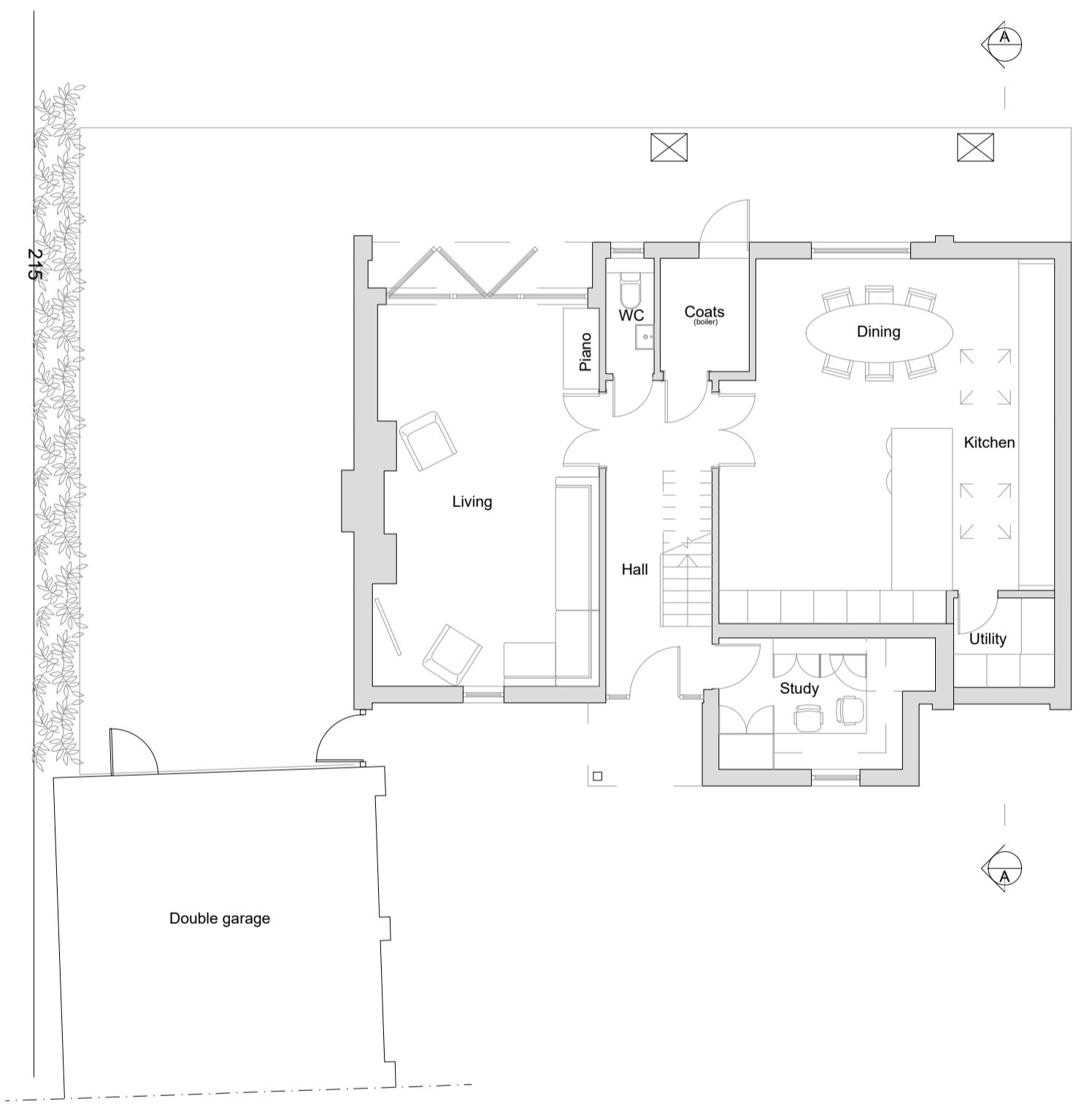
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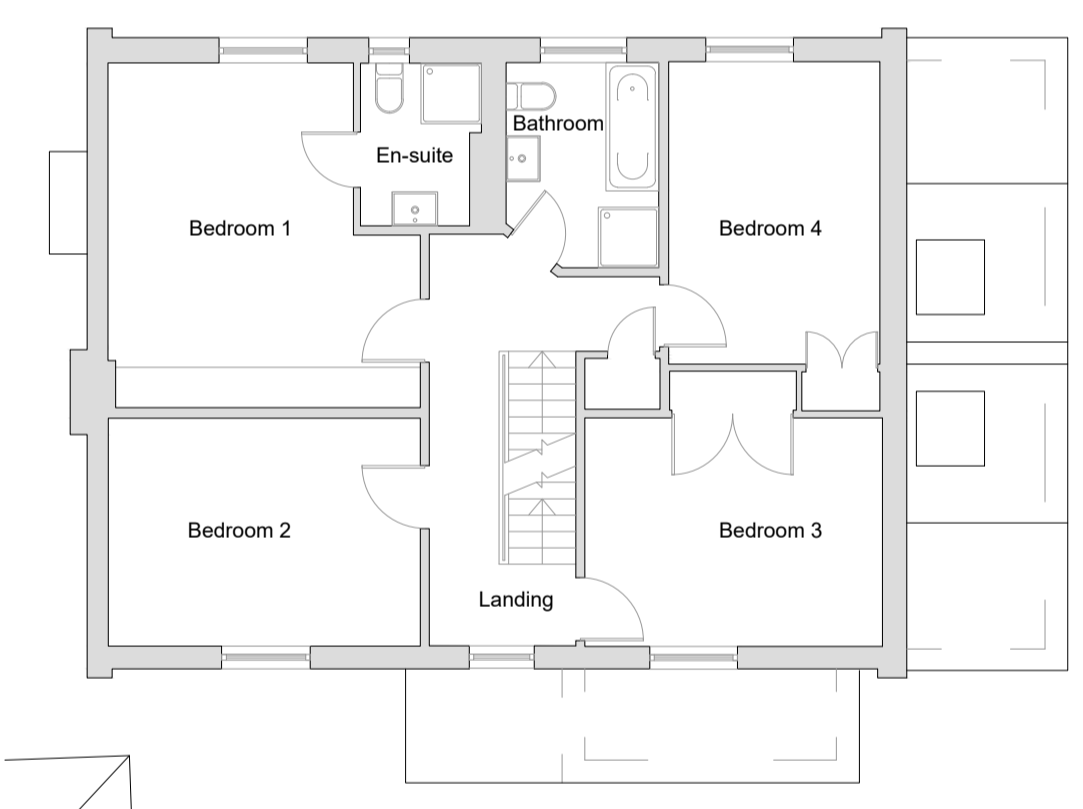
Proposed Location Plan 1:1250 @ A1



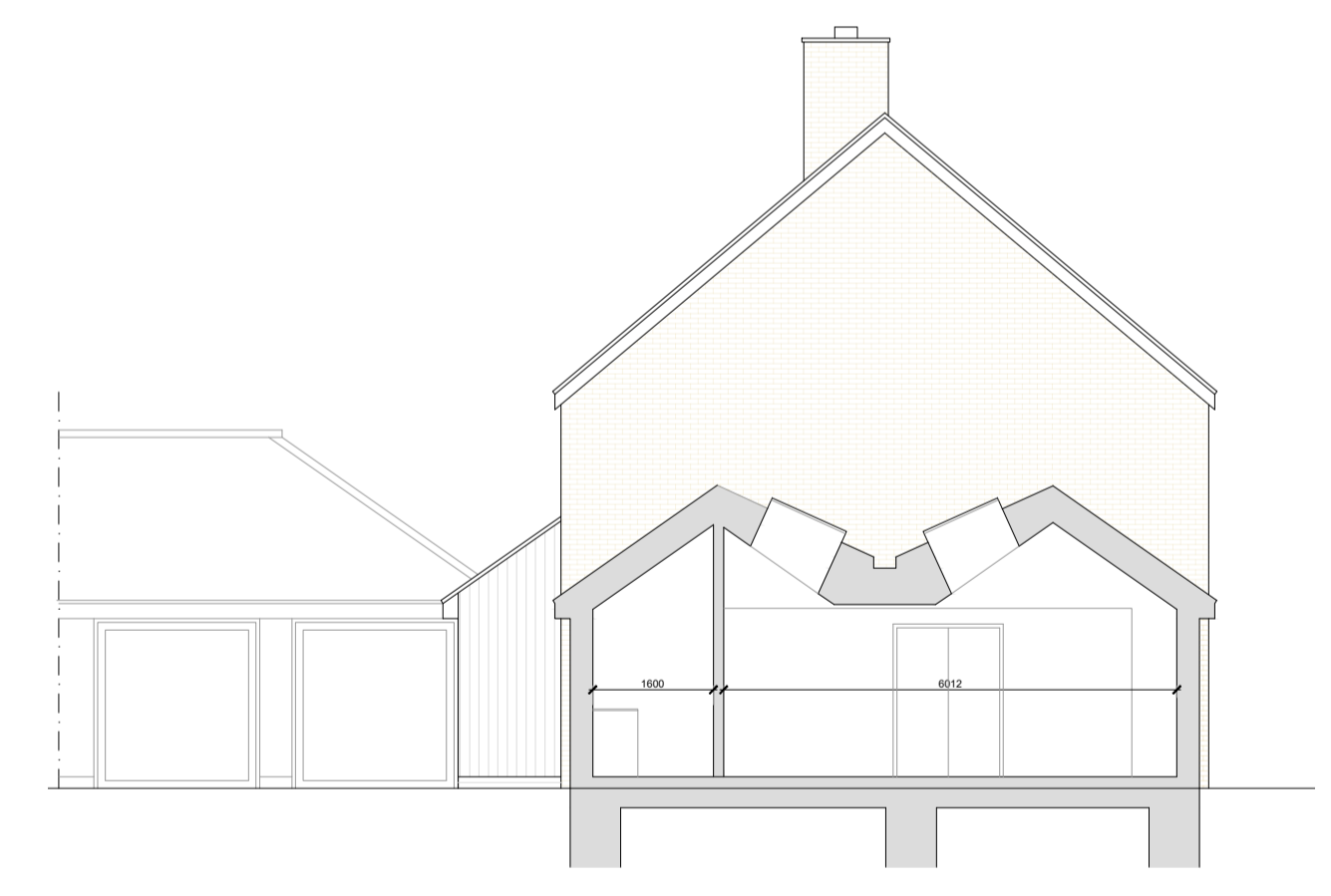
Proposed Block Plan 1:100 @ A1



Proposed Ground Floor Plan 1:100 @ A1



Proposed 1st Floor Plan 1:100 @ A1



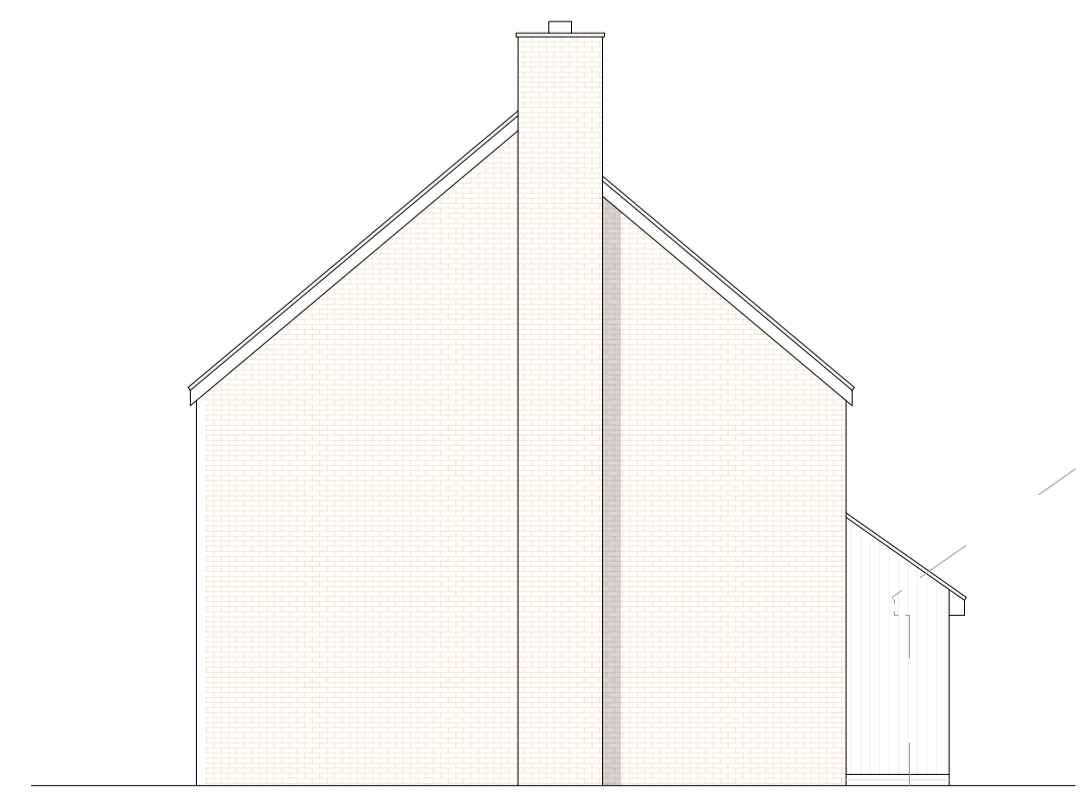
Proposed Section A 1:200 @ A3



Proposed West (Front) Elevation 1:100 @ A1



Proposed East (Rear) Elevation 1:100 @ A1



Proposed North Elevation 1:100 @ A1



Proposed South Elevation 1:100 @ A1

Rev	Comment	By	Date

Stage:
 Planning

Client:
 Farah Mina

Project:
 9 Appledore
 Southend-on-Sea
 SS3 8JW

Drawing Title:
 Proposed Location, Block & Floor Plans and Elevations

Drawing no: P03	Revision: .
Project no: 658	Drawn by: RW
Scale: 1:100, 1:200 & 1:1250 @ A1	Chkd by: SK

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Site Visit Photos

9 Appledore

rear



rear

219



No 11

220



No 11

221



Front garages

222



Front

223



Side from front

224



Opposite

225



Side 11



Side 11

227



15 to rear



15

229



15 and 11

230

