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SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 2nd June, 2021
Time: 2.00 pm
Place: Council Chamber, Civic Centre

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 **Minutes of the Meeting held on Wednesday, 3rd March 2021**

4 **Supplementary Report**
To follow

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7 **21/00674/FUL - 59 First Avenue, Westcliff-on-Sea (Chalkwell Ward)** (Pages 125 - 142)

8 **21/00692/AMDT - Development Land Underwood Square, Leigh on Sea (West Leigh Ward)** (Pages 143 - 182)

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10 **21/00396/AMDT - 25 Mount Avenue, Westcliff-on-Sea (Chalkwell Ward)** (Pages 261 - 284)

11 **21/00721/FULH - 237 Prittlewell Chase, Westcliff-on-Sea (Prittlewell Ward)** (Pages 285 - 306)

TO: The Chair & Members of Development Control Committee:
Councillor N Ward (Chair),
Councillor A Dear (Vice-Chair), J Beck, K Buck, D Cowan, M Dent, F Evans, D Garne, D Garston, S Habermel, D Jarvis, A Jones, K Mitchell, C Mulroney, A Thompson, S Wakefield and C Walker

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 3rd March, 2021
Place: Virtual Meeting via MS Teams

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Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, 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

In Attendance: Councillor K Mitchell
G Gilbert, K Waters, C Galforg, P Keyes, S Mouratidis, M Warren, T Row, E Cook and A Smyth

Start/End Time: 5.00 pm - 7.35 pm

870 Apologies for Absence

Apologies for absence were received from Councillor Chalk (no substitute).

871 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillors Ayling, Dear, F Evans, D Garston, Habermel, Jarvis, Walker & Ward – Minute No. 877 (Application Ref No. 20/02147/FULH - 9 Appledore, Shoeburyness) – Non-pecuniary interest: Objector is known to them;

(b) Councillor Beck – Minute No. 877 (Application Ref No. 20/02147/FULH - 9 Appledore, Shoeburyness) – Non-pecuniary interest: Applicant is known to her;

(c) Councillor Cowan – Minute No. 876 (Application Ref. No. 20/02096/FULH - 117 North Crescent, Southend-on-Sea) – Non-pecuniary interest: Called the application into Committee for consideration and gave advice to the applicant on the planning application process;

(d) Councillor Garston – Minute No. 873 (21/00019/FUL - 17 - 19 Manor Road, Westcliff-on-Sea) – Disqualifying non-pecuniary interest: A number of the objectors are very well known to him (withdrew);

(e) Councillor Jones – Minute No. 877 (Application Ref No. 20/02147/FULH - 9 Appledore, Shoeburyness) – Non-pecuniary interest: Objector was the agent for a candidate in the Ward at the time she stood for election; and

(f) Councillor Mitchell – Minute No. 873 (21/00019/FUL - 17 - 19 Manor Road, Westcliff-on-Sea) – Non-pecuniary interest: Close friend moved from the street; and

(g) Councillor Thompson – Minute No. 873 (21/00019/FUL - 17 - 19 Manor Road, Westcliff-on-Sea) – Non-pecuniary interest: Applicant's Agent is known to him.

872 Supplementary Report

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

873 21/00019/FUL - 17 - 19 Manor Road, Westcliff-on-Sea (Milton Ward)
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.
Applicant: Mr Freylich
Agent: Mr Maz Rahman of RD architecture Ltd.

(Councillor Garston withdrew for this item)

Mrs R Roth, a local resident, spoke as an objector to the application. Mr K Leigh responded on behalf of the applicant.

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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

02 The development 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 (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

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

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.

874 20/02207/FUL - 315 Station Road, Westcliff-on-Sea (Chalkwell Ward)
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)
Applicant: Mr Ari Feferkom
Agent: Mr Pantazis of Redwoods Projects Ltd

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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

02 The development 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, obscurity, 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 (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

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

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. Your 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.

4. The applicant is encouraged to provide electric vehicle charging points within each of the garages of the development in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

5. Your attention is drawn to condition 4 and the requirement to submit details as to how the proposed planting of street trees would be achieved as part of the soft landscaping scheme of the site.

875 21/00053/FULH - 140 Thorpe Hall Avenue, Thorpe Bay, Southend-on-Sea (Thorpe Ward)
Proposal: Install chimney flue for log burner to outbuilding at rear (Part-Retrospective) (Amended Proposal)
Applicant: Mr Barry Brook
Agent: Mr Alan Green of A9 Architecture

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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

02 The development 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.

03. Notwithstanding the information submitted and otherwise approved, before the approved development is implemented details of the external finish of the flue to be of a colour sympathetic to the surroundings shall be submitted to and approved in writing by the local planning authority. The flue hereby approved shall be implemented in accordance with the details hereby approved before it is first brought into 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).

Informative:

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.

876 20/02096/FULH - 117 North Crescent, Southend-on-Sea (St Laurence Ward)
Proposal: Erect single storey rear extension (Retrospective)
Applicant: Mrs Leah Stoneman

Resolved:- That planning permission be GRANTED subject to the following conditions:

01 The development is hereby permitted in accordance with the following approved plans: 117 north crescent location, 117 north crescent floor plan (proposed), East side elevation (proposed), West side elevation (proposed), Rear elevation (proposed).

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

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.

877 20/02147/FULH - 9 Appledore, Shoeburyness (West Shoebury Ward)
Proposal: Erect single storey side extension
Applicant: Ms F Mitha
Agent: SKArchitects

Mr Ashley, a local resident, spoke as an objector to the application. A written submission from the applicant's agent was read out in response.

Resolved:- That planning permission be GRANTED subject to the following conditions:

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

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.

Chair: _____

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 2nd June 2021

WARD	APP/REF NO.	ADDRESS

Main Plans Report		
Shoeburyness	20/01726/BC3M	Garages at Eagle Way Shoeburyness
Chalkwell	20/02224/FUL	Former 51 Chalkwell Avenue Westcliff-On-Sea
Chalkwell	21/00674/FUL	59 First Avenue Westcliff-On-Sea
West Leigh	21/00692/AMDT	Development Land Underwood Square
Chalkwell	21/00316/AMDT	Westcliff Eruv, Westcliff-On-Sea
Chalkwell	21/00396/AMDT	25 Mount Avenue Westcliff-On-Sea
Prittlewell	21/00721/FULH	237 Prittlewell Chase Westcliff-On-Sea

DEVELOPMENT CONTROL COMMITTEE

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

(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.

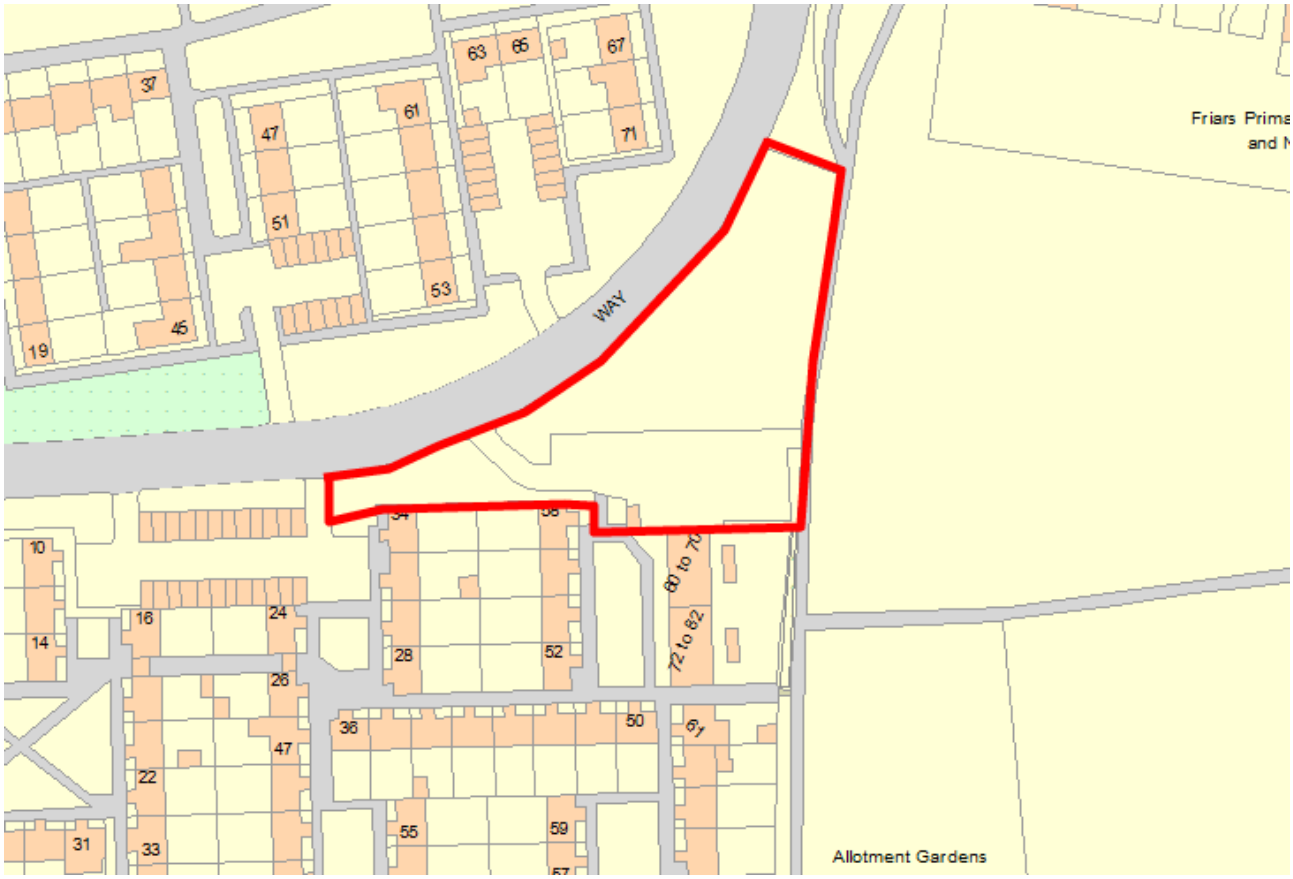
Use Classes
(Generally in force from 1st September 2020)

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

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

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

Reference:	20/01726/BC3M	5
Application Type:	BC3	
Ward:	Shoeburyness	
Proposal:	Demolish former disused garage sites to rear of 16 Eagle Way (Site 1A) and former compound site (Site 1B) and redevelop sites comprising of 5 terrace dwellinghouses with associated parking and amenity space (site 1A) and erect four storey block of 16 self-contained flats with communal garden and cycle store to rear, lay out associated parking and form additional vehicular access to north of site (1B) on to Eagle Way	
Address:	Garages at Eagle Way Shoeburyness Southend-On-Sea Essex	
Applicant:	Southend on Sea Borough Council	
Agent:	AK Design Partnership LLP	
Consultation Expiry:	23rd March 2021	
Expiry Date:	4th June 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	**4760.111 PL8, 4760.113 PL2, 4760.116 PL6, 4760.117 PL3, 4760.118 PL4, 1217/05A (Topographic Survey),** **TCTC-17595-PL-01(Tree Survey and constraints plan)** **Tree Schedule reference BS5837** **Design and Access Statement by AKDP dated Sept 2020** **Planning Statement dated Nov 2020** **Impact Statement by AKDP dated Sept 2020** **Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20.12.18** **Drainage Strategy Report reference 200372 dated Dec 2020, Drainage Plans references DBS200372-01A, DBS200372-02, DBS200372-03, DBS200372-04**	
Recommendation:	**GRANT PLANNING PERMSSION**	


Friars Prima
and N
WAY
Allotment Gardens
60 to 70
72 to 82
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1. Site and Surroundings

1.1 The proposed development relates to the site of a garage block and 3 open car parking areas located on the south side of Eagle Way close to numbers 10, 16, 24, 34 and 60 Eagle Way. The garage blocks are located in the centre of the site. These were part of the original design of the wider Eagle Way Estate but are undersized for modern cars and now redundant. They are utilitarian in design and are not considered to be a positive addition to the estate. Similar garage blocks were also sited on the eastern part of the site but these have already been demolished. The largest of the 3 open parking areas to the east end of the site also used to contain similar garage blocks but now only 1 single garage remains. There is also a storage container in this area which restricts parking at the eastern end of this area.

1.2 The Eagle Way estate is a large 1970s Council housing estate comprising a mixture of houses and flats laid out in a landscape setting with segregated pedestrian and vehicular routes. The estate is divided by Eagle Way a wide and busy vehicular route. The existing houses and flats are typical 1970s design - simple flat fronted gabled forms with modern glazing and low pitch or asymmetrical roofs. They are uniform in appearance and arranged as short terraces perpendicular to the main road and individual flatted blocks set within a landscape setting. The area is characterised by strong building lines. There are no detached or semi-detached houses in the estate.

1.3 The landscaping takes the form of wide swathes of grassed areas punctuated with groups of trees. These areas form an attractive buffer between the buildings and the main road and between the buildings. The openness and soft landscaping are key characteristics of the estate.

1.4 The wider area is residential in character. There are no specific policy designations for this site.

2 The Proposal

2.1 The proposal seeks to demolish the existing garage block and erect a terrace of five 3 bedroom 5 person dwellinghouses with associated amenity spaces and a block of 16 flats comprising 12 x 2 bed 3 person units and 4 x 1 bed 2 person units. It is also proposed to layout 44 parking spaces, including 6 disabled parking spaces, to serve the 5 new houses, 16 flats and the existing development in the vicinity of the site. These spaces will replace the 25 existing garages and existing open parking spaces which will be lost. Not including the undersized garages 28 parking spaces were counted on site. The 3 existing vehicular accesses from Eagle Way will also be adjusted to relate to the new parking layout. The houses and flats are all proposed as affordable rented units.

2.2 The houses each measure 5.5m wide by 9.2m deep with an eaves height of 5.1m and a ridge height of 8.7m. The flatted block measures 24.9m wide, 15.5m deep with an eaves height of 8.9m and a maximum height of 14.6m.

2.3 The buildings will be constructed of red brick with white/cream render window surrounds, upvc windows and smooth brown concrete roof tiles.

2.4 It is proposed to fell 6 trees to facilitate the development. The indicative landscaping scheme

shows that more than 12 replacement trees will be planted.

Relevant Planning History

3.1 No planning history.

4 Representation Summary

4.1 121 neighbouring properties were consulted, a press notice published and 2 site notices displayed. 5 letters of representation have been received raising the following summarised issues:

- Lack of parking and impact on existing parking spaces
- Lack of disabled parking
- Residential amenity concerns
- Loss of privacy
- Impact on existing house values
- Impact on safety of existing residents
- Noise and disturbance
- Design unacceptable

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

Highways Team

4.2 A total of 44 car parking spaces will be provided as part of the development. The car parking layout ensures that vehicles can manoeuvre effectively and leave in a forward gear. Secure cycle parking has been provided. It is not considered that the application will have a detrimental impact upon the public highway therefore no highway objections are raised.

Environmental Health

4.3 The Contaminated Land Report for Phases 1 & 2 by AGB Environmental dated 20/12/2018 has been reviewed and is considered acceptable subject to a condition requiring the recommendations of this report as set out in section 15 to be implemented.

Conditions are also recommended in relation to construction hours and waste management.

Parks

4.4
- No objections to loss of trees provided that replacements are agreed.
- The trees to be retained should be enclosed with protective fencing prior to the commencement of the works.
- The plant species chosen for the soft landscaping scheme are suitable for this location. Full details of the landscaping scheme will need to be agreed.

Education

4.5 Not for profit schemes developed entirely as affordable housing where all of the dwellings

will be 100% owned by the Council or a Registered Social Landlord are exempted from an Education contribution.

Housing

4.6 No objections.

Drainage Engineer

4.7 No objections subject to a condition requiring the detail of the proposed drainage scheme to be agreed prior to installation.

Essex Police

4.8 The commitment to seek police recognised security accreditation is welcomed.

National Grid

4.9 No objections, the HP pipeline in the vicinity should be unaffected by the development.

Anglian Water

4.10 The applicant is advised to contact Anglian Water in relation to assets close to the site. The existing foul drainage has sufficient capacity for this development subject to agreement with Anglian Water. The proposed sustainable drainage for the site is acceptable.

5 Planning Policy Summary

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

5.2 National Planning Policy Guidance

5.3 National Design Guide (2019)

5.4 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) Policy CP8 (Dwelling Provision)

5.5 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), (DM8 (Residential Standards), Policy DM14 (Environmental Protection), DM15 (Sustainable Transport Management)

5.6 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

5.7 Design & Townscape Guide (2009)

5.8 Technical Housing Standards – Nationally Described Space Standards (2015)

5.9 Vehicle Crossing Policy & Application Guidance (2014)

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

6 Planning Considerations

6.1 The main issues for consideration include the principle of the development, the design and its impact on the character of the area, the standard of accommodation for future occupiers, the impact on neighbours, traffic and parking implications, impact on existing trees, sustainability, potential contamination, ecology impact including RAMs and CIL.

7 Appraisal

Principle of Development

7.1 The provision of new high quality housing is a key Government objective.

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

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

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

7.3 Policy KP2 of the Core Strategy states development must be achieved in ways which "*make the best use of previously developed land, ensuring that sites and buildings are put to best use".*

7.4 Policy CP4 requires that new development *"maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments" and that this should be achieved by "maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development".*

7.5 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.

7.6 Policy DM3 of the Development Management Document states that "*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-*

intensification, which would result in undue stress on local services, and infrastructure, including transport capacity".

7.7 The site is in a residential area which comprises both family housing and flats. There is therefore no objection in principle to new houses and flats in this location.

Affordable Housing

7.8 Policy CP8 seeks an affordable housing provision of at least 20% for major residential proposals of 10-49 dwellings.

7.9 This application has been submitted on behalf of the Council's Housing Department. The accompanying Planning Statement confirms that all the new dwellings will all be affordable rented units which will be managed be South Essex Homes on behalf of the Council. This development forms part of a wider programme of works to redevelopment the redundant council owned garage blocks for new affordable homes to meet the current housing need. The proposal for 100% affordable housing is considered to be a public benefit and weighs in favour of the planning balance of this proposal. This provision can be secure by condition in this instance. This proposal therefore meets the policy requirements in terms of affordable housing and is acceptable and policy compliant in this regard.

Dwelling Mix

7.10 Policy DM7 states that the Council will encourage new development to provide a range of dwelling sizes and types. The desired mix of dwellings for new affordable housing is as follows:

Policy Table 3: Preferred Affordable Dwelling Mix

Dwelling size: No. Bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of affordable housing total	16%	43%	37%*	4%**

7.11 4 x 1 bed 2 person flats (19%), 12 x 2 bed 3 person flats (57%) and 5 x 3 bed 5 person houses (24%) are proposed at the site. This will achieve an acceptable mix of units on the site and is considered to be compatible with the objectives of policy DM7.

Planning Obligations

7.12 As a Council application for 100% affordable housing there is no requirement for developer contributions in relation to secondary education. Travel Packs and contributions to ecology can be secured by condition and are considered below. Affordable housing contributions are addressed elsewhere in this report.

7.13 The principle of the development is therefore considered to be acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

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

and helps make development acceptable to communities.'

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

7.16 Policy DM3 part 2 of the Development Management Document states that "*all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*

(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
(ii) Conflict with the character and grain of the local area; or
(iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
(iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."

7.17 The proposal seeks to erect a terrace of five houses and a block of 16 flats on the site of an existing garage block and an open area of parking/verge. New areas of parking will be incorporated into the layout.

7.18 The proposed new terrace of houses is two storeys with accommodation in the roof space. The proposed flats are 3 storeys also with accommodation in the roofspace. In both cases there will be an increase in height and scale compared to the existing development, however, the increases are not considered to be harmful and the development will not appear as a dominant addition to the streetscene.

7.19 The houses and flats have been designed with a gabled form and tall flat windows. This straightforward design sits comfortably with the surrounding simple 1970s architecture. The design is similar to those recently approved in place of the redundant garages on the other side of the road and together will form a cohesive group in the streetscene.

7.20 Open landscaping has been maintained around the development, particularly in relation to the flats where there is more space and this should help the proposal to positively integrate into the wider estate which is characterised by the wide grassed verges to the road and between the buildings.

7.21 The design, scale, form and layout of the proposal is considered acceptable and policy compliant.

Standard of Accommodation for Future Occupiers

7.22 Delivering high quality homes is a key objective of the NPPF.

7.23 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *"Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents".*

Space Standards and Quality of Habitable Rooms.

7.24 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes.

7.25 All of the proposed houses and flats meet the standards including the bedrooms sizes. The dwellings also include a home working space and storage. The proposal is acceptable and policy compliant in this regard.

Light, Privacy and Outlook

7.26 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Accessibility

7.27 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards and 10% of dwelling in major schemes to be M4(3) wheelchair compatible.

7.28 The submitted statement and drawings confirm that the 4 ground floor flats (19%) are M4(3) compatible and that the remaining flats and the houses are accessible and will meet M4(2) standards. This can be secured by condition. The proposal therefore meets the accessibility requirements and is policy compliant in this regard.

Amenity Provision

7.29 All the houses have access to a private garden of approximately 45 sqm. 12 of the 16 flats will have private balconies and a communal amenity area of approximately 195 sqm is proposed to the rear. Subject to appropriate landscaping, it is considered that this will provide satisfactory amenity space for the new residents.

7.30 Overall, it is considered that the proposal will provide a good standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

7.31 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

7.32 The new houses are proposed in an 'island' location fronting the road. They would achieve a separation distance of between 8.4m and 8.7m from the garden boundaries of 16 and 24 Eagle Way to the south, are set 21.8m from the front elevation of number 10 to the west and 15.5m from the front elevation of number 34 to the east. The design of plot 1 has its bedroom window to the side elevation facing west to reduce the outlook to the neighbours garden to the rear. The side window to plot 5 is proposed as obscure glazed to prevent outlook towards number 34.

7.33 This arrangement is considered to have an acceptable impact in terms of outlook, light and

sense of enclosure, overlooking and privacy to the habitable rooms of neighbouring properties. The separation to the rear boundary and reduced outlook at the western end is considered to be sufficient to ensure that the proposal would not give rise to unreasonable overlooking of neighbouring gardens to the south.

7.34 The proposed flatted block is set at least 13.6m from the nearest neighbour has its main outlook to the road and towards the allotment site to the south east. The block is set on an angle so the secondary windows to the south west flank do not directly face the neighbouring dwellings. There are no neighbours to the north east.

7.35 It is considered that this separation is sufficient to ensure that the design, size, siting and scale of the proposed flats would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard.

7.36 It is considered that the proposal for 5 new houses and 1 block of flats would not result in unacceptable levels of noise and disturbance for neighbouring occupiers.

7.37 The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

7.38 Development Management Document Policy DM15 requires 2 off street parking spaces for each new house and 1 parking space for each new flat but notes that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

7.39 The proposed development will replace the 25 sub-standard and redundant garages and 28 unallocated useable parking spaces currently on the site with 44 reconfigured parking spaces, including 6 disabled spaces. These will serve both the proposed development and the existing dwellings close to the site. This equates to a policy compliant 26 spaces for the proposed 16 flats and 5 houses plus an additional 18 spaces. Overall, this is a net loss of 10 spaces compared to the existing situation, however, spaces will be in unallocated parking courts to ensure greater efficiency and flexibility for all residents. It is noted that the existing garages cannot be counted as usable parking spaces due to their limited dimensions which fall significantly short of the requirement for useable garages as set out in the Development Management Document (7m x 3m internal dimensions). The layout of the site demonstrates that there is no reasonable option to increase the number of parking spaces without having a detrimental impact on character. The applicant will also be required to submit and agree a parking management plan and provide Travel Packs to all new residents with information on public transport links to the site which will encourage more sustainable transport choices which will limit the impact from car ownership in the new properties. It is also noted that there is on street parking on Eagle Way to the front and this is not considered to be an area of parking stress.

7.40 The Council's Highways Officer has not raised any objections to the proposal in terms of access or proposed parking provision or the loss of the existing garages.

7.41 Given the constraints of the site, the proposed parking layout is considered to be acceptable and the proposal is policy compliant in this regard subject to conditions requiring the parking

to be provided and maintained and travel packs to be provided to all new dwellings.

Cycle Parking and Refuse Storage

7.42 No specific information has been provided in relation to cycle and refuse storage in relation to the proposed houses however it is considered that there is scope for these to be provided in the private amenity area which include small sheds. Full details of refuse and cycle stores have been provided in relation to the flats to serve all units and these are considered to be acceptable. The proposal is therefore acceptable and policy compliant in this regard.

Construction Management Plan

7.43 A construction management plan will be required. The agent has agreed to a pre commencement condition in relation to this issue.

7.44 The parking, traffic and highways implications of the development are therefore found to be acceptable and policy compliant.

Sustainability

7.45 Sustainable development is a key objective of the NPPF.

7.46 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *"to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions".* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

7.47 The Design and Access Statement confirms that roof mounted photo-voltaic panels are proposed but no details or calculations have been provided to demonstrate that this meets the 10% requirement. However, it is considered that, for a scheme of this nature, the requirement for renewable energy and water efficiency could be controlled with conditions. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to these conditions.

Drainage

7.48 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.

7.49 The site is located in flood risk zone 1 (low risk). A drainage design has been provided. The Council's Sustainable Drainage Engineer has reviewed the documentation and considers the information provided sufficient at this stage. Full details can be required by condition. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to this condition.

Contamination

7.50 The site was previously used as a garage courts for many years and is at risk of contamination. A Phase I and Phase II Site Investigation Report has been submitted with the application. The report concludes that a low to moderate risk has been identified for the site of the houses and a moderate risk at the site of the flats and therefore remediation may be required. In both cases the report recommends that additional grounds investigations be completed to allow the extent of contamination to be confirmed. It recommends the replacement of the top soil with clean soil in the garden areas. A remediation statement will be required to be submitted.

7.51 The Council's Environmental Health Officer has reviewed the contamination report and agrees with the recommendations set out in Sections 15.1 and 15.4 including the proposed watching brief methodology set out in paragraphs 15.1.2 and 15.4.2. The implementation of these recommendations can be secured by condition. Subject to this condition the proposal is considered to be acceptable and policy compliant in the above regards.

Impact on Trees

7.52 The proposal encroaches a short distance onto the existing grass verges which provide a buffer between the estate and the main road. This area contains a number of small to medium trees which provide an attractive setting for the estate.

7.53 6 trees are propped to be removed to facilitate the development. None of these trees are protected. An indicative landscaping scheme has been provided which shows a larger number of replacement trees (more than 12) will be planted around the development. This is considered to be reasonable mitigation for the loss of 6 trees and full details can be agreed by condition. The Council's Arboricultural Officer has not raised any objection to the proposal subject to the planting of replacement trees.

7.54 The submitted plans show that protective fencing is proposed to be installed around the trees to be retained which are close to the development. Subject to conditions relating to landscaping and tree protection measures for the retained trees the proposal is acceptable and policy compliant in this regard.

Ecology

7.55 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity. The site itself has no ecological designation however or features but it falls within the zone of influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

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

(index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via a S106 legal agreement or by other suitable means, the proposal is considered to be acceptable and policy compliant in this regard. This sum has been paid.

7.57 Overall, therefore the ecological implications of the site can be considered acceptable and policy compliant subject to the appropriate conditions.

Permitted Development

7.58 Given the proximity of the development to neighbouring properties and finely balanced relationship with the grain and character of the area, it is considered appropriate in relation to the proposed houses that permitted development rights should be controlled by condition so that the implications of future extensions, including dormers, on the character of the area and neighbours can be fully assessed.

Community Infrastructure Levy (CIL)

7.59 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 1875 sqm, which may equate to a CIL charge of approximately £48173.08 (subject to confirmation) however since the development would be for affordable housing the applicant can apply for an exemption.

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide an acceptable standard of accommodation for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. It is also noted that the proposal would provide a significant quantum of new affordable housing for which there is an identified need in the Borough. 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 begin not later than three years of the date of this decision

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

02 The development hereby permitted shall be carried out in accordance with the

following approved plans 4760.111 PL8, 4760.113 PL2, 4760.116 PL6, 4760.117 PL3, 4760.118 PL4

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

03 No development can commence unless and until a scheme for securing the timing and delivery of all of the dwellings hereby approved (21 dwellings) as affordable dwellings, including their location, tenure and mix has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a suitable means to secure the continuing provision of the 21 units as affordable housing. No housing in the scheme can be occupied until it has been built and management handed over to South Essex Homes in accordance with the terms set out in the scheme approved under this condition.

Reason: A pre-commencement condition is necessary to ensure that the affordable housing is secured for the lifetime of the development in accordance with Core Strategy (2007) Policies CP6 and CP8.

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

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

05 The 44 car parking spaces, including 6 disabled car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plans 4760.111-PL8 and 4760.116-PL6 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces noted on the approved plan and the associated vehicular access to and from the public highway shall thereafter be permanently retained as such.

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

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing

by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition prior to first occupation of any part of the development hereby approved and shall be maintained as such in perpetuity.

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

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:

- **i) proposed finished levels or contours;**
- **ii) Details for the means of enclosure of the amenity areas,**
- **iii) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details.**
- **iv) Measures to enhance biodiversity.**

The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

08 Prior to the commencement of development the tree protective fences as shown on plan reference 4760-118-PL4 shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

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

09 The first floor windows on the side elevation of house plot 5 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

10 The flatted development hereby approved shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained as such thereafter.

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

11 The flatted development hereby approved shall not be occupied or brought into use until the cycle storage facilities are provided in full and made available for use by the occupiers in accordance with the details shown on drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be permanently retained as such thereafter.

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

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

- **a) The parking of vehicles of site operatives and visitors**
- **b) Loading and unloading of plant and materials**
- **c) Storage of plant and materials used in constructing the development**
- **d) The erection and maintenance of security hoarding including measures to ensure the protection of the existing grass verges to the north section of the site to be retained.**
- **e) Measures to control the emission of noise, dust and dirt during construction**
- **f) A scheme for recycling/disposing of waste resulting from construction works**

that does not allow for the burning of waste on site.

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

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

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

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, including the Drainage Strategy Report reference 200372 dated Dec 2020 and associated Drainage Plans references DBS200372-01A, DBS200372-02, DBS200372-03, DBS200372-04, the development hereby permitted shall not be commenced other than for demolition works unless and until the remaining information required in relation to sustainable drainage at the site has been submitted to and approved in writing by the local planning authority. The following additional information on the proposed sustainable drainage system shall be provided:

- **a) The proposed drainage strategy for the permeable pavement elements should be assessed based on the infiltration results. It should be noted that permeable pavement systems are compatible with low infiltration soils but different construction details may be required.**
- **b) The design and statement should incorporate further consideration to other applicable types of SuDS (e.g. permeable pavement in car park spaces, green roofs, raingardens, swales, etc). Where these are not implemented, a valid justification should be provided.**
- **c) A plan showing the areas positively drained into the system should be provided.**
- **d) The type and location of flow control device should be shown on the plan.**
- **e) Exceedance flow routes should be shown on the plan.**
- **f) Construction details of permeable pavement, underground storage and flow controls should be provided.**
- **g) Calculations or justification should be provided to confirm that the proposed discharge is below the pre-development discharge rates.**
- **h) Evidence of acceptance from Anglian Water is required for the discharge.**
- **i) Evidence of acceptance form Anglian water is required for the two sewer diversions.**
- **j) Confirmation is required that no additional catchment area is proposed to be discharged into the sewer in relation to the pre-development status.**
- **k) The method used to calculate the attenuation storage calculation (BRE Digest 365) is only applicable to infiltration systems. An acceptable calculation method for attenuation storage (see chapter 24 in CIRIA SuDS Manual C753) should be used and detailed calculations provided.**

l) The statement should incorporate a section on water quality.
m) Apart from the sewer diversions, the drainage strategy does not include the proposals for the foul drainage on the site. These proposals should be included in the report and drawing.
n) Details of management of health and safety risks in relation to the drainage design should be provided.
o) A method statement detailing the effect of surface water during the construction phase should be provided.
p) A SuDS Management Plan should be provided and should include details of the body who will be responsible for the drainage maintenance, the required maintenance activities, the maintenance schedules and any access points and easements.

The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity.

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

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

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

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

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

17 The development hereby approved shall be carried out in a manner to ensure that

at least 10% of the dwellings, a minimum of 3 units, comply with building regulation M4(3) 'wheelchair user dwellings' and the remaining dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

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

18 The development shall be carried out in full accordance with the recommendations set out in Sections 15.1 and 15.4 of the Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20 December 2018 before the development is occupied, including undertaking a watching brief by a competent person during any below ground works in accordance with the steps set out in paragraphs 15.1.2 and 15.4.2 If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme of mitigation for dealing with the additional contamination has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development is occupied.

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

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the dwellinghouses (plots 1-5) hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

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

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

Reason: In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (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).

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

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

04 The applicant is advised that the commitment to seek the nationally recognised security accreditation is welcomed by Essex Police and the applicant is invited to contact Essex Police who can provide support for this application at designingoutcrime@essex.police.uk

05 The applicant is advised that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. Please contact Anglian Water at planningliaison@anglianwater.co.uk Reference 167627/1/0110592.

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

Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

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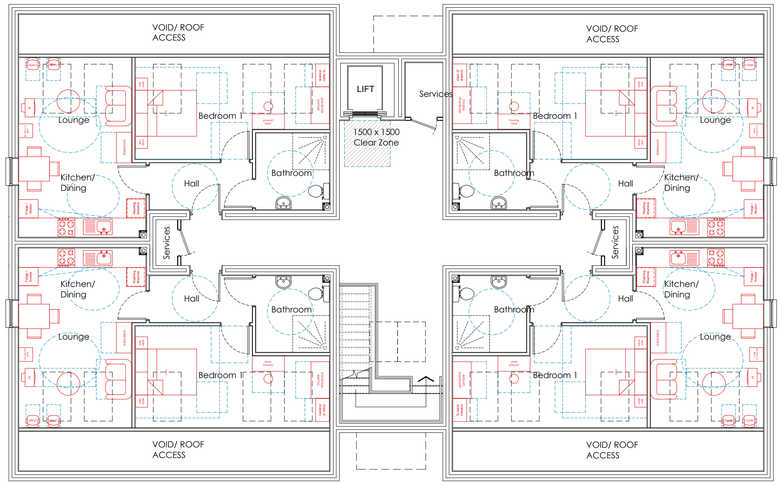
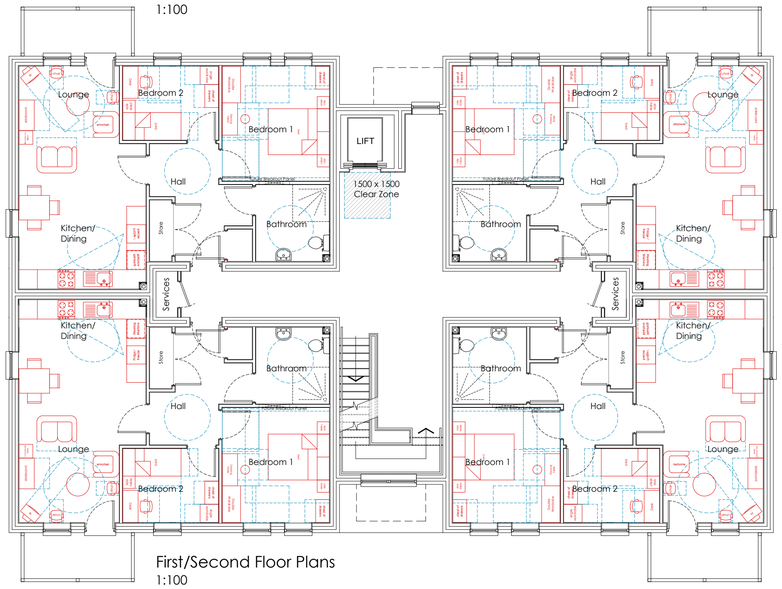
AKDP to be informed of any discrepancies.
Contractor to check all dimensions on site.

ISO 9001 REGISTERED FIRM

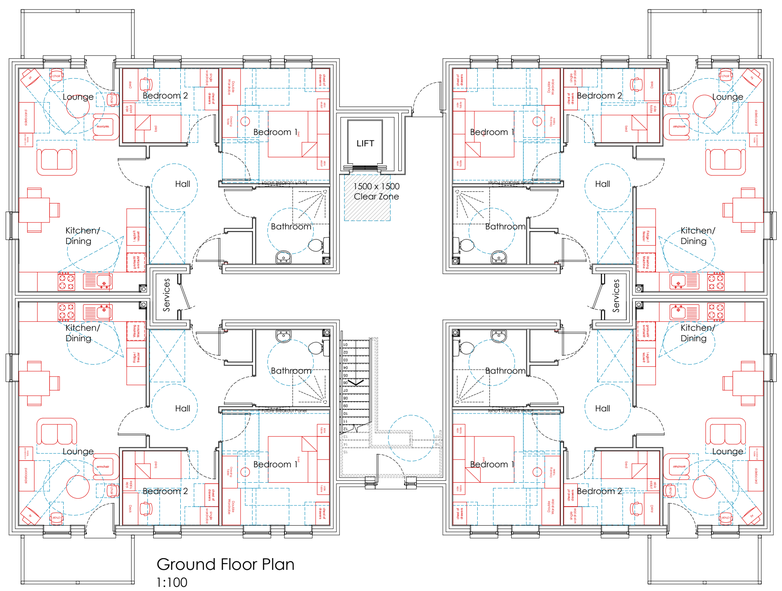
ISO 14001 REGISTERED FIRM



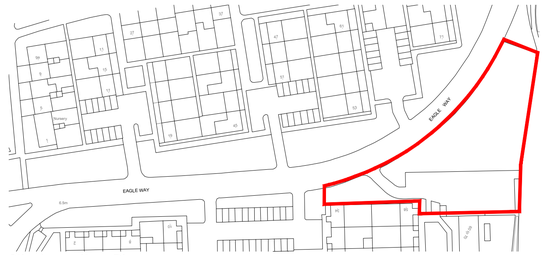
Third Floor Plan
1:100



First/Second Floor Plans
1:100

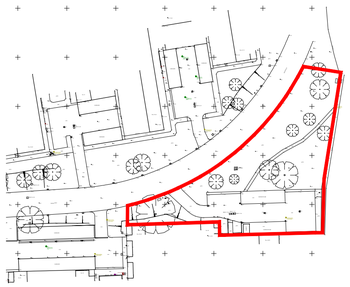


Ground Floor Plan
1:100



Site Location Plan
1:1250

10 0 10 20 30 40 50 Mtr.
SCALE 1:1250



Existing Site Plan - Eagle Way Site 1B
1:1250

10 0 10 20 30 40 50 Mtr.
SCALE 1:1250

Proposed Site Plan
1:200

5 0 5 10 15 20Mtr.
SCALE 1:200

Site Landscaping and Planting Scheme

After consultation with Southend on Sea Borough Council's Arboriculturalist the recommended trees to be included on this development.

Tree Planting

All trees to be a mixture of the following examples

Small species (Minimum of 10)
Amerlanchier arborea Robin Hill
Crateagus laevigata Paul's Scarlet
Sorbus aria Lutescens
Sorbus discolor

Medium species (Minimum of 5)
Betula pendula
Betula ermanii
Prunus avium Plena
Prunus Royal Burgundy
Sorbus aria Majestica
Sorbus intermedia Brouwers

Large species (Minimum of 5)
Acer rubrum
Liriodendron tulipifera
Tilia cordata Rancho
Pinus sylvestris

For any tree which is removed there will be two new tress put in to replace the existing.

All trees to have a minimum stem girth of 14cm-16cm.

Tree to be planted with support stakes to be removed once the tree is established. Tree to be planted, watered and maintained in accordance with Arboricultural Method Statement and/or Tree Protection Plan where applicable. Trees to be planted of native or wildlife attracting species.

2 1 0 2 4 6 8 10 Mtr.
SCALE 1:100

Shrub Planting
Shrubs to be planted of native or wildlife attracting species.

All planting to be in accordance with guidelines and instruction as given by supplier and/ or The Royal Horticultural Society and Arboricultural Association.
Planting beds to include a mix of low and medium level plants. The mixtures to each planting bed are numbered below and planting beds are shown on the plan above in the various locations.

Suitable species of Shrub planting all provided in 2-3L pots

1. Spindle Emerald Gold - Euonymus Forunei 'Emerald Gold'
2. Japanese Spindle - Euonymus Japonicus 'Latifolius Albomarginatus'
3. Spindle Emerald Gaiety - Euonymus Fortunei 'Emerald Gaiety'
4. Common Rosemary - Rosemarius Officinalis
5. Silver Spear - Astelia Chathamica
6. English Lavender - Lavandula Angustifolia 'Hidcote'
7. Choisya Mexican Orange Blossom - Choisya Ternat 'Mexican Orange'
8. Boxed Leafed Honeysuckle - Lonicer Pileata
9. White Hebe - Hebe Albicans 'White'
10. Red Hebe - Hebe Albicans 'Super Red'

Turf Specification and Laying Guide

Turf to be of good quality cultivated grade or similar approved Turf. On a depth of at least 150 mm of topsoil. Dig over, removing any weeds rubble or stones. Finish or rake to a rough level. Consolidate the whole area ensuring no soft spots are left. Apply a general fertiliser according to the manufacturer's instructions, and mix thoroughly into the top 50mm of soil. Rake over to obtain the final level and a fine tilth.

Lay the turf in rows against straight edge, butting the ends closely together. On subsequent rows, stagger the joints like brickwork, making sure that there are no gaps. Tamp or roll the turf lightly as you go along. Try not to leave any gaps between the turfs, but if they do occur they can be filled with topsoil and lightly firmed.

Start watering the turf once it has been laid. Never let the turf dry out in the first 2-3 weeks.

Flower Beds

Newly formed flower bed as indicated on the drawings to have minimum 150mm of top soil. Breathable landscaping fabric membrane to be laid over flower bed prior to putting in plants. Cut slits through membrane and put in the plants. Spread a 50mm thick layer of pine bark chippings around all of the plants. Water the area in well. Re-water the plants twice daily over the next 2 weeks to help the plants establish themselves. Never water in the direct sunlight. First thing in the morning and last thing at night is the best time to do so.

LEGEND

Materials and Finishes indicated where applicable

1. All About Bricks 'Red Multi Handmade' facing brickwork.
2. Marley Eternit 'Modern' Concrete interlocking Tiles in 'Smooth Brown'.
3. 'Birtley Lindisfarne' Front door to 'Secure by Design' standards. Colour to be 'Dark Blue/Black'.
4. UPVC windows and rear doors to 'Secure by Design' standards. External Colour to be 'Slate Grey RAL 7015'. Internal Colour to be 'Pure White RAL 9010'.
5. Render Finish. Colour to be 'Off White/Cream'.
6. UPVC Soffits and Fascias. Colour to be 'White'. UPVC Guttering and Rainwater downpipes. Colour to be 'Black'.
7. Flat Glass/Polycarbonate Entrance Canopy. Supported on Steel Poles with Satin Finish.
8. Solar / PV panels. Panels shown indicative of general size and location, final position to be agreed with specialist consultant.
9. Projecting balcony constructed from powder coat square bar steel. Colour "Black."
10. Textured Paving Slabs. Colour "Buff".
11. Tarmacadam finish to match existing road surface. Colour "Black".

Standards and Compliance

Dwellings designed to the requirements and guidance as laid out in the following technical manuals for general layout, quality of structure, energy efficiency and mobility access.

- National Housing Federation - Standards & Quality in Development.
- Joseph Rowntree Foundation/ Habinteg - Designing Lifetime Homes.
- NHBC Technical Standards.
- Building Regulations - Approved Documents.
- Secure By Design - New Homes Security.

PLANNING ISSUE

PL6	11.03.21	Cycle Store size updated to take up to 16 Cycle spaces.	DBL	DBL
PL5	09.03.21	Floor plans updated to show wider extra sidelight to main entrance. Upper stair core windows enlarged. Planting notes updated and more trees added to north elevation and additional shrub planting shown.	DBL	DBL
PL4	09.10.20	PLANNING ISSUE. Bin & Cycle Stores Shown.	DBL	DBL
PL3	17.09.20	Roof design changed on end elevation. Balconies added to Front Elevation, trees/landscaping added.	DBL	DBL
PL2	15.07.20	2 smaller parking areas created and main building set back. Additional footpath shown.	BF	DBL
PL1	20.05.20	INITIAL PLANNING ISSUE	DBL	DBL
P3	18.05.20	Updated layout with Lift added disabled parking shown.	DBL	DBL
P2	11.05.20	Updated Design	DBL	DBL
P1	30.04.20	INITIAL PRELIMINARY ISSUE	BF	DBL
REV	DATE	DESCRIPTION	BY	APP'D

CLIENT

southend on sea BOROUGH COUNCIL

PROJECT
EAGLE WAY (SITE 1B)
SHOEBURYNESS

DRAWING TITLE
PROPOSED FLOOR PLANS
12No. 2 BED 3 PERSON FLATS @68.3m2
& 4 No. 1 BED 2 PERSON FLATS @54.0m2

DATE	APRIL 2020	DWG. No.	REV.
SCALE	1:100,1:200@A1	4760.116	PL6
DRAWN BY:	DBL	DATED –	
CHECKED BY:	DBL	DATED –	

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

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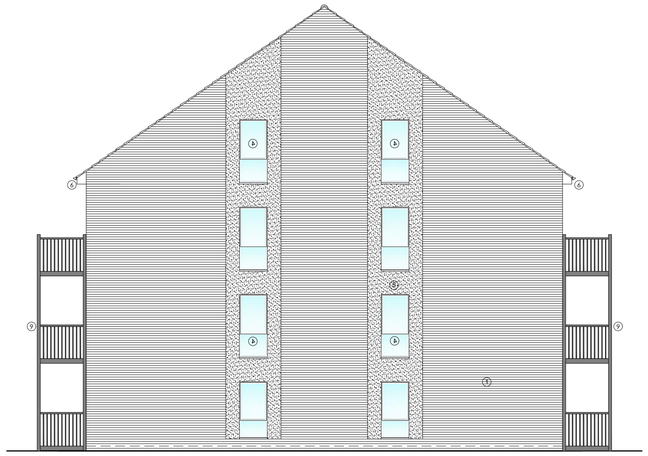
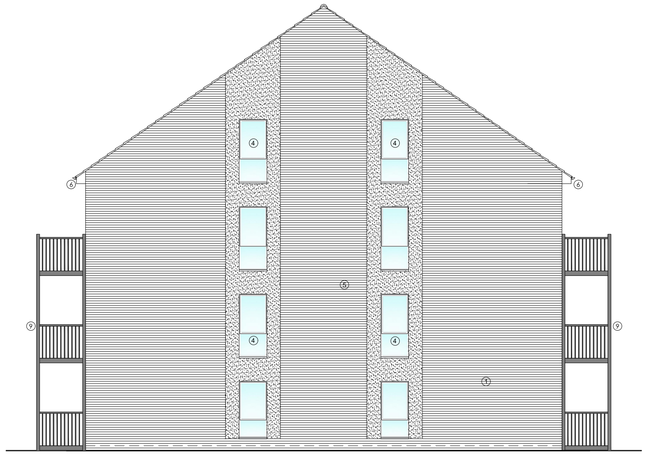
Contractor to check all dimensions on site.



Side Elevation
1:100

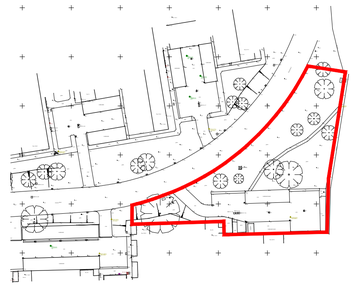
Rear Elevation
1:100

Front Elevation
1:100



Side Elevation
1:100

Proposed Roof Plan
1:100



Existing Site Plan - Eagle Way Site 1B
1:1250

10 0 10 20 30 40 50 Mtr.
SCALE 1:1250

2 1 0 2 4 6 8 10 Mtr.
SCALE 1:100

LEGEND

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- NHBC Technical Standards.
- Building Regulations - Approved Documents.
- Secure By Design - New Homes Security.

PLANNING ISSUE

REV	DATE	DESCRIPTION	BY	APP'D
PL3	09.03.21	Extra sidelight to main entrance shown. Upper stair core windows enlarged. Front entrance door style changed and balcony door styles changed. End elevations altered and render panels reintroduced in 2 slimmer panels rather than one. Gable ends adjusted and flat roof areas removed.	DBL	DBL
PL2	05.03.21	Roof plan added & render to side elevations extended and brickwork removed.	DBL	DBL
PL1	09.10.20	PLANNING ISSUE	DBL	DBL

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PROJECT
EAGLE WAY (SITE 1B)
SHOEBURYNESS

DRAWING TITLE
PROPOSED ELEVATIONS & ROOF PLAN
12No. 2 BED 3 PERSON FLATS @68.3m2
& 4 No. 1 BED 2 PERSON FLATS @54.0m2

DATE	SEPT 2020	DWG. No.	REV.
SCALE	1:100,1:1250@A1	4760.117	PL3
DRAWN BY:	DBL	DATED –	
CHECKED BY:	DBL	DATED –	

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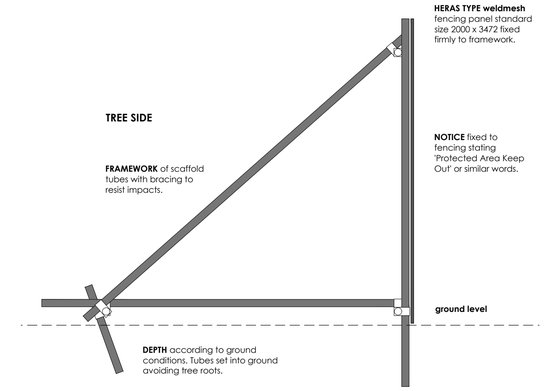
Tree schedule (BS5837)

Eagle Way

Tree ID	No.	Species	Tree's	Tree Protection
Tree T1	1	Fraxinus ornus (Manna Ash)	Retained.	
Tree T2	1	Acer sp. (Maple sp.)	Retained.	Protection Fencing
Tree T3	1	Ilex aquifolium (Holly)	To be removed.	
Tree T4	1	Ilex aquifolium (Holly)	To be removed.	
Tree T5	1	Sorbus aucuparia (Rowan/Mountain Ash)	To be removed.	
Tree T6	1	Aesculus hippocastanum (Horse Chestnut)	To be removed.	
Tree T7	1	Fraxinus excelsior (Ash)	To be removed.	
Tree T8	1	Acer sp. (Maple sp.)	Retained.	Protection Fencing
Tree T9	1	Fraxinus excelsior (Ash)	Retained.	
Tree T10	1	Acer sp. (Maple sp.)	Retained.	Protection Fencing
Tree T11	1	Acer sp. (Maple sp.)	To be removed.	
Tree T12	1	Acer sp. (Maple sp.)	Retained.	
Tree T13	1	Sorbus aucuparia (Rowan/Mountain Ash)	Retained.	
Tree T14	1	Aesculus hippocastanum (Horse Chestnut)	Retained.	
Tree T15	1	Sorbus aucuparia (Rowan/Mountain Ash)	Retained.	
Tree T16	1	Acer sp. (Maple sp.)	Retained.	
Tree T17	1	Tilia sp. (Lime sp.)	Retained.	
Tree T18	1	Tilia sp. (Lime sp.)	Retained.	
Tree T19	1	Tilia sp. (Lime sp.)	Retained.	
Tree T20	1	Tilia sp. (Lime sp.)	Retained.	
Tree T21	1	Acer sp. (Maple sp.)	Retained.	
Tree T22	1	Sorbus aria (Whitebeam)	Retained.	
Tree T23	1	Tilia sp. (Lime sp.)	Retained.	
Tree T24	1	Tilia sp. (Lime sp.)	Retained.	
Tree T25	1	Crataegus sp. (Hawthorn sp.)	Retained.	
Tree T26	1	Acer sp. (Maple sp.)	Retained.	
Tree T27	1	Tilia sp. (Lime sp.)	Retained.	
Tree T28	1	Tilia sp. (Lime sp.)	Retained.	

Proposed Tree Plan
1:200

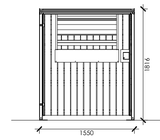
SCALE 1:200 — 5 0 5 10 15 20Mtr.



Tree Protection Fencing - Typical Detail
1:20

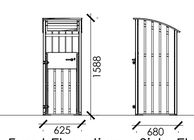
NOTES:
1. For location refer to drawing number ..
2. All fencing to be maintained in good condition for the period of the works.
3. Within the fenced area:
   a) NO spoil, vehicles, temporary buildings or ancillary equipment is to be stored.
   b) Ground levels shall not be raised or lowered.
   c) No services shall be laid out.
4. Use of materials likely to be injurious to trees, such as cement, bitumen, oils, or others shall not be permitted outside the fence where contaminated fluids could come into contact with tree roots.

MATERIALS:
Standard steel / aluminium scaffold tube 48.3mm diameter, various lengths.



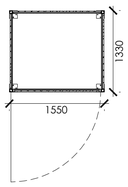
Front Elevation
Scale 1:50

Side Elevation
Scale 1:50



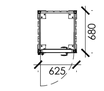
Front Elevation
Scale 1:50

Side Elevation
Scale 1:50

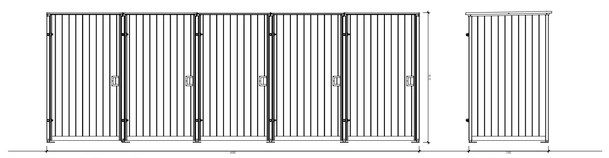


Proposed Bin Stores as shown to be provided by MetroSTOR. Refer to Manufacturers drawings for further details.

Proposed Plan - 1100L Bin Store
Scale 1:50

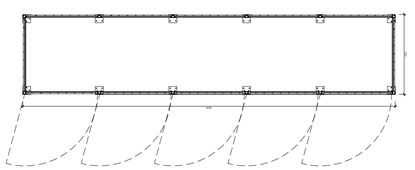


Proposed Plan - 140L Food Waste Store
Scale 1:50



Front Elevation
Scale 1:50

Side Elevation
Scale 1:50



Proposed Plan - Cycle Store
Scale 1:50

SCALE 1:50 — 1 0 1 2 3 4 5 Mtr.

PLANNING ISSUE

REV	DATE	DESCRIPTION	BY	APP'D
PL4	11.03.21	Protective fencing added to T10. Notes corrected for Trees Schedule as T9 is to be retained. Cycle store updated to allow for up to 16 cycle spaces.	DBL	DBL
PL3	09.03.21	Trees added to north elevation and additional shrub planting shown.	DBL	DBL
PL2	04.03.21	Bin and cycle store elevations added. Tree protection fence shown.	DBL	DBL
PL1	26.02.21	PLANNING ISSUE	TJM	DBL

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PROJECT
EAGLE WAY (SITE 1B)
SHOEBURYNESS

DRAWING TITLE
PROPOSED TREE PLAN
BIN & CYCLE STORE ELEVATIONS

DATE	SEPT 2020	DWG. No.	REV.
SCALE	1:100,1:1250@A1	4760.118	PL4
DRAWN BY:	DBL	DATED	–
CHECKED BY:	DBL	DATED	–

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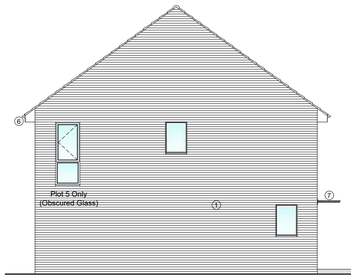
Rear Elevation
1:100

Side Elevation
1:100



Side Elevation
1:100

Front Elevation
1:100

LEGEND

Materials and Finishes indicated where applicable

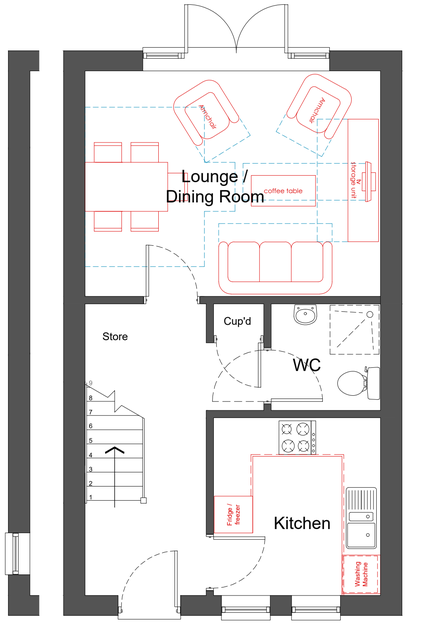
1. All About Bricks 'Red Multi Handmade' facing brickwork.
2. Marley Eternit 'Modern' Concrete interlocking Tiles in 'Smooth Brown'.
3. 'Birtley Lindisfarne' Front door to 'Secure by Design' standards. Colour to be 'Dark Blue/Black'.
4. UPVC windows and rear doors to 'Secure by Design' standards, External Colour to be 'Slate Grey RAL 7015'. Internal Colour to be 'Pure White RAL 9010'.
5. Render Finish. Colour to be 'Off White/Cream'.
6. UPVC Soffits and Fascias. Colour to be 'White'. UPVC Guttering and Rainwater downpipes. Colour to be 'Black'.
7. Flat Glass/Polycarbonate Entrance Canopy. Supported on Steel Poles with Satin Finish.
8. Solar / PV panels. Panels shown indicative of general size and location, final position to be agreed with specialist consultant.
9. Textured Paving Slabs. Colour 'Buff'.
10. Tarmacadam finish to match existing road surface. Colour 'Black'.

Standards and Compliance

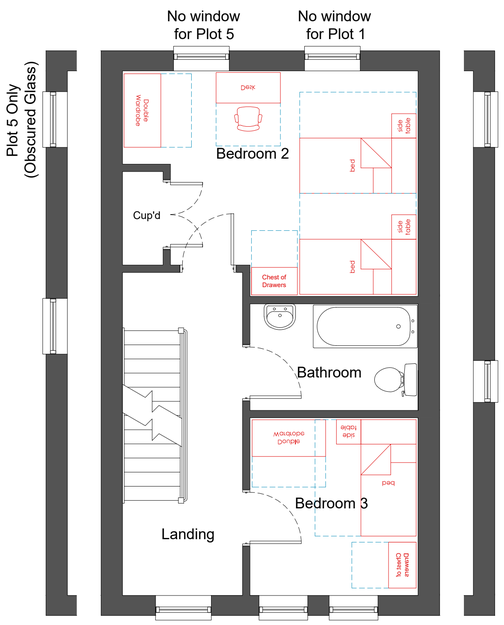
Dwellings designed to the requirements and guidance as laid out in the following technical manuals for general layout, quality of structure, energy efficiency and mobility access.

- National Housing Federation - Standards & Quality in Development.
- Joseph Rowntree Foundation/ Habinteg - Designing Lifetime Homes.
- NHBC Technical Standards.
- Building Regulations - Approved Documents.
- Secure By Design - New Homes Security.

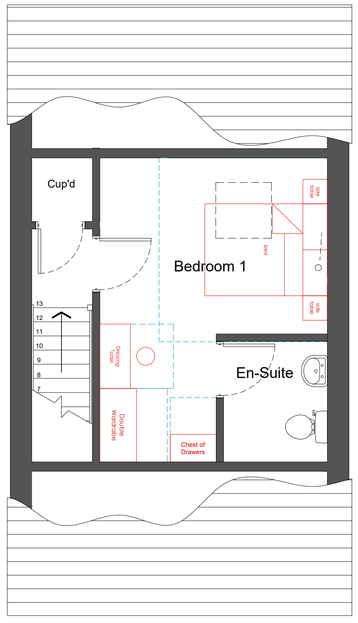
Proposed Site Plan
5No. 3 Bedroom Houses
1:200



Ground Floor Plan
1:50

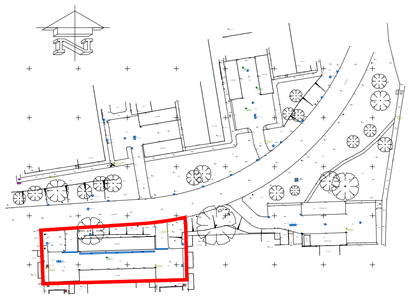


First Floor Plan
1:50



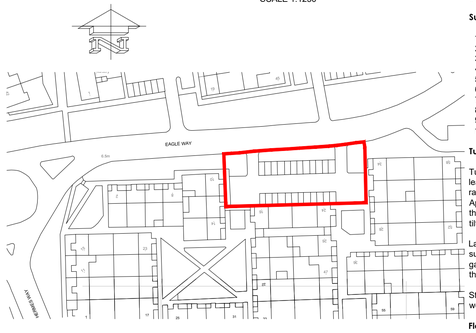
Second Floor Plan
1:50

1 0 1 2 3 4 5 Mtr.
SCALE 1:50



Existing Site Plan - Eagle Way Site 1A
1:1250

10 0 10 20 30 40 50 Mtr.
SCALE 1:1250



Site Location Plan
1:1250

10 0 10 20 30 40 50 Mtr.
SCALE 1:1250

Site Landscaping and Planting Scheme

To include the following.

Tree Planting

All trees to be a mixture of the following examples

Small species
Amerlanchier arborea Robin Hill
Crateagus laevigata Paul's Scarlet
Sorbus aria Lutescens
Sorbus discolor

Medium species
Betula pendula
Betula ermanii
Prunus avium Plena
Prunus Royal Burgundy
Sorbus aria Majestica
Sorbus intermedia Brouwers

Large species
Acer rubrum
Liriodendron tulipifera
Tilia cordata Rancho
Pinus sylvestris

All trees to have a minimum stem girth of 14cm-16cm.

Tree to be planted with support stakes to be removed once the tree is established.
Tree to be planted, watered and maintained in accordance with Arboricultural Method Statement and/or Tree Protection Plan where applicable.
Trees to be planted of native or wildlife attracting species.

Shrub Planting

Shrubs to be planted of native or wildlife attracting species.

All planting to be in accordance with guidelines and instruction as given by supplier and/ or The Royal Horticultural Society and Arboricultural Association. Planting beds to include a mix of low and medium level plants. The mixtures to each planting bed are numbered below and on each of the plants shown.

Suitable species of Shrub planting all provided in 2-3L pots

1. Spindle Emerald Gold - Euonymus Forunei 'Emerald Gold'
2. Japanese Spindle - Euonymus Japonicus 'Latifolius Albomarginatus'
3. Spindle Emerald Gaiety - Euonymus Fortunei 'Emerald Gaiety'
4. Common Rosemary - Rosemarius Officinalis
5. Silver Spear - Astelia Chathamica
6. English Lavender - Lavandula Angustifolia 'Hidcote'
7. Choisya Mexican Orange Blossom - Choisya Ternat 'Mexican Orange'
8. Boxed Leafed Honeysuckle - Lonicer Pileata
9. White Hebe - Hebe Albicans 'White'
10. Red Hebe - Hebe Albicans 'Super Red'

Turf Specification and Laying Guide

Turf to be of good quality cultivated grade or similar approved Turf. On a depth of at least 150 mm of topsoil. Dig over, removing any weeds rubble or stones. Finish or rake to a rough level. Consolidate the whole area ensuring no soft spots are left. Apply a general fertiliser according to the manufacturer's instructions, and mix thoroughly into the top 50mm of soil. Rake over to obtain the final level and a fine tilth.

Lay the turf in rows against straight edge, butting the ends closely together. On subsequent rows, stagger the joints like brickwork, making sure that there are no gaps. Tamp or roll the turf lightly as you go along. Try not to leave any gaps between the turfs, but if they do occur they can be filled with topsoil and lightly firmed.

Start watering the turf once it has been laid. Never let the turf dry out in the first 2-3 weeks.

Flower Beds

Newly formed flower bed as indicated on the drawings to have minimum 150mm of top soil. Breathable landscaping fabric membrane to be laid over flower bed prior to putting in plants. Cut slits through membrane and put in the plants. Spread a 50mm thick layer of pine bark chippings around all of the plants. Water the area in well. Re-water the plants twice daily over the next 2 weeks to help the plants establish themselves. Never water in the direct sunlight. First thing in the morning and last thing at night is the best time to do so.

PLANNING ISSUE

REV	DATE	DESCRIPTION	BY	APP'D
PL8	09.03.21	Plot 1 & 5 Bedroom window locations to Bedroom 2 moved to side elevation. Plot 5 Bedroom side window to be obscured.	DBL	DBL
PL7	05.03.21	Alternative end elevation windows shown on elevations and floor plans.	DBL	DBL
PL6	26.02.21	PLANNING ISSUE Front elevation windows amended.	TJM	DBL
PL5	09.10.20	PLANNING ISSUE 2 No. Disabled parking bays shown.	DBL	DBL
PL4	17.09.20	Elevation changes and new planting added	DBL	DBL
PL3	14.07.20	Elevation changes and footpath to front reduced.	DBL	DBL
PL2	22.05.20	INITIAL PLANNING ISSUE	BF	DBL
PL1	04.05.20	MINOR LAYOUT CHANGES	BF	DBL
P2	30.04.20	EXTRA PARKING ADDED	BF	DBL
P1	20.04.20	INITIAL PRELIMINARY ISSUE	BF	DBL

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PROJECT
EAGLE WAY (SITE 1A)
SHOEBURYNESS

DRAWING TITLE
PROPOSED FLOOR PLANS, ELEVATIONS AND SITE PLAN
5No. 3 BED 5 PERSON HOUSES @107.9M²

DATE	APRIL 2020	DWG. No.	REV.
SCALE	1:50,1:100@A1	4760.111	PL8
DRAWN BY:	BF	DATED	–
CHECKED BY:	DBL	DATED	–

AK DESIGN PARTNERSHIP LLP
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Tree schedule (BS5837)

Eagle Way

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Tree T7	1	Fraxinus excelsior (Ash)	To be removed.	
Tree T8	1	Acer sp. (Maple sp.)	Retained.	
Tree T9	1	Fraxinus excelsior (Ash)	To be removed.	
Tree T10	1	Acer sp. (Maple sp.)	Retained.	Protection Fencing
Tree T11	1	Acer sp. (Maple sp.)	To be removed.	
Tree T12	1	Acer sp. (Maple sp.)	Retained.	
Tree T13	1	Sorbus aucuparia (Rowan/Mountain Ash)	Retained.	
Tree T14	1	Aesculus hippocastanum (Horse Chestnut)	Retained.	
Tree T15	1	Sorbus aucuparia (Rowan/Mountain Ash)	Retained.	
Tree T16	1	Acer sp. (Maple sp.)	Retained.	
Tree T17	1	Tilia sp. (Lime sp.)	Retained.	
Tree T18	1	Tilia sp. (Lime sp.)	Retained.	
Tree T19	1	Tilia sp. (Lime sp.)	Retained.	
Tree T20	1	Tilia sp. (Lime sp.)	Retained.	
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Tree T22	1	Sorbus aria (Whitebeam)	Retained.	
Tree T23	1	Tilia sp. (Lime sp.)	Retained.	
Tree T24	1	Tilia sp. (Lime sp.)	Retained.	
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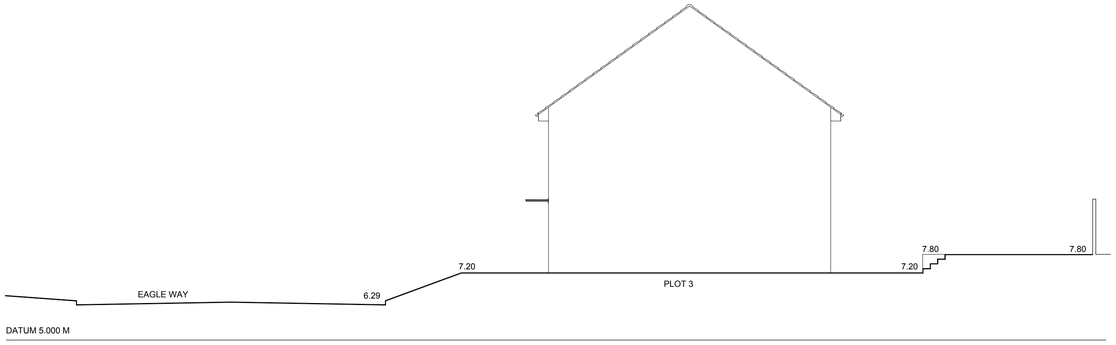
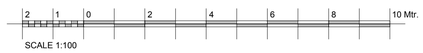
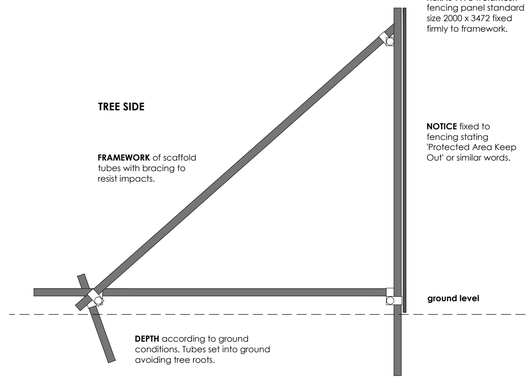
Tree T27	1	Tilia sp. (Lime sp.)	Retained.	
Tree T28	1	Tilia sp. (Lime sp.)	Retained.	

PLANNING ISSUE



Cross Section Through Plot 3
1:100





NOTES:
1. For location refer to drawing number ..
2. All fencing to be maintained in good condition for the period of the works.
3. Within the fenced area:
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   c) No services shall be laid out.
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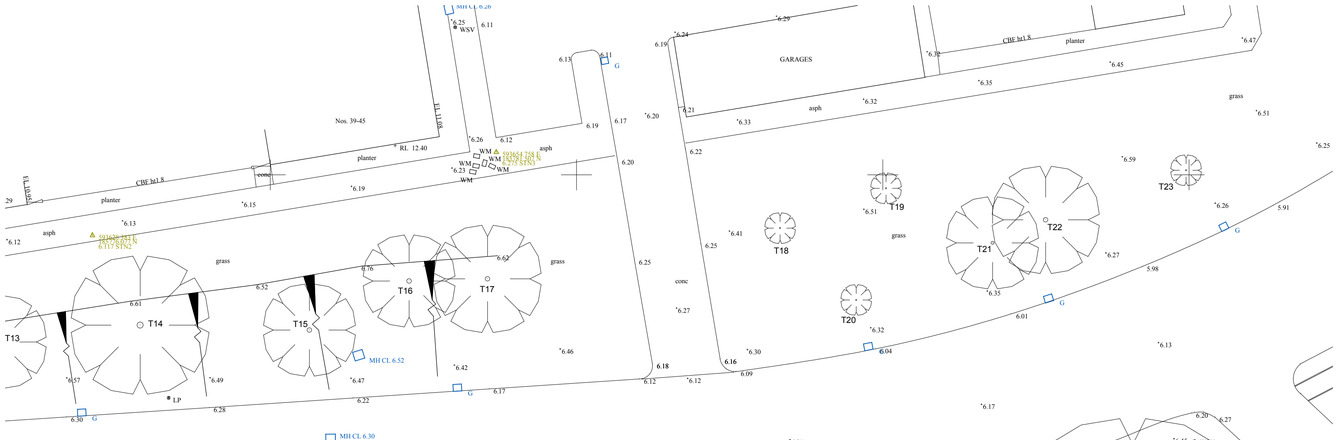
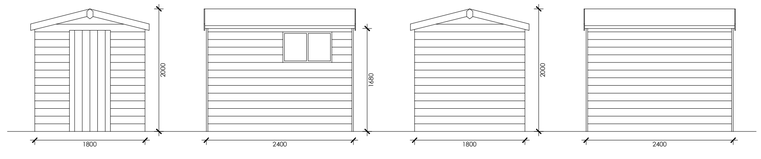
MATERIALS:
Standard steel / aluminium scaffold tube 48.3mm diameter, various lengths.

Tree Protection Fencing - Typical Detail
1:20



Proposed Tree Plan
1:200

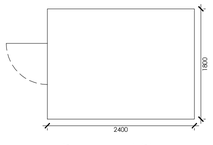


Front Elevation
Scale 1:50

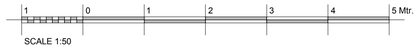
Side Elevation
Scale 1:50

Rear Elevation
Scale 1:50

Side Elevation
Scale 1:50



Proposed Plan
Scale 1:50



REV	DATE	DESCRIPTION	BY	APP'D
PL2	26.02.21	Typical shed styles added.	DBL	DBL
PL1	26.02.21	PLANNING ISSUE.	TJM	DBL

CLIENT
southend on sea BOROUGH COUNCIL

PROJECT
EAGLE WAY (SITE 1A)
SHOEBURYNESS

DRAWING TITLE
CROSS SECTION and TREE PLAN

DATE	FEB 2021	DWG. No.	REV.
SCALE	1:50,1:100@A1	4760.113	PL2
DRAWN BY:	TJM	DATED -	
CHECKED BY:	DBL	DATED -	

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Eagle Way

Site photos

Approach to flatted site from north

Flatted block site from west

Ex access to east parking area

East parking area

East parking area and site of flats

Existing access to flatted block parking and tree to be retained

Middle parking area, access and neighbour relationship

Existing garage blocks

Houses site relationship with neighbours

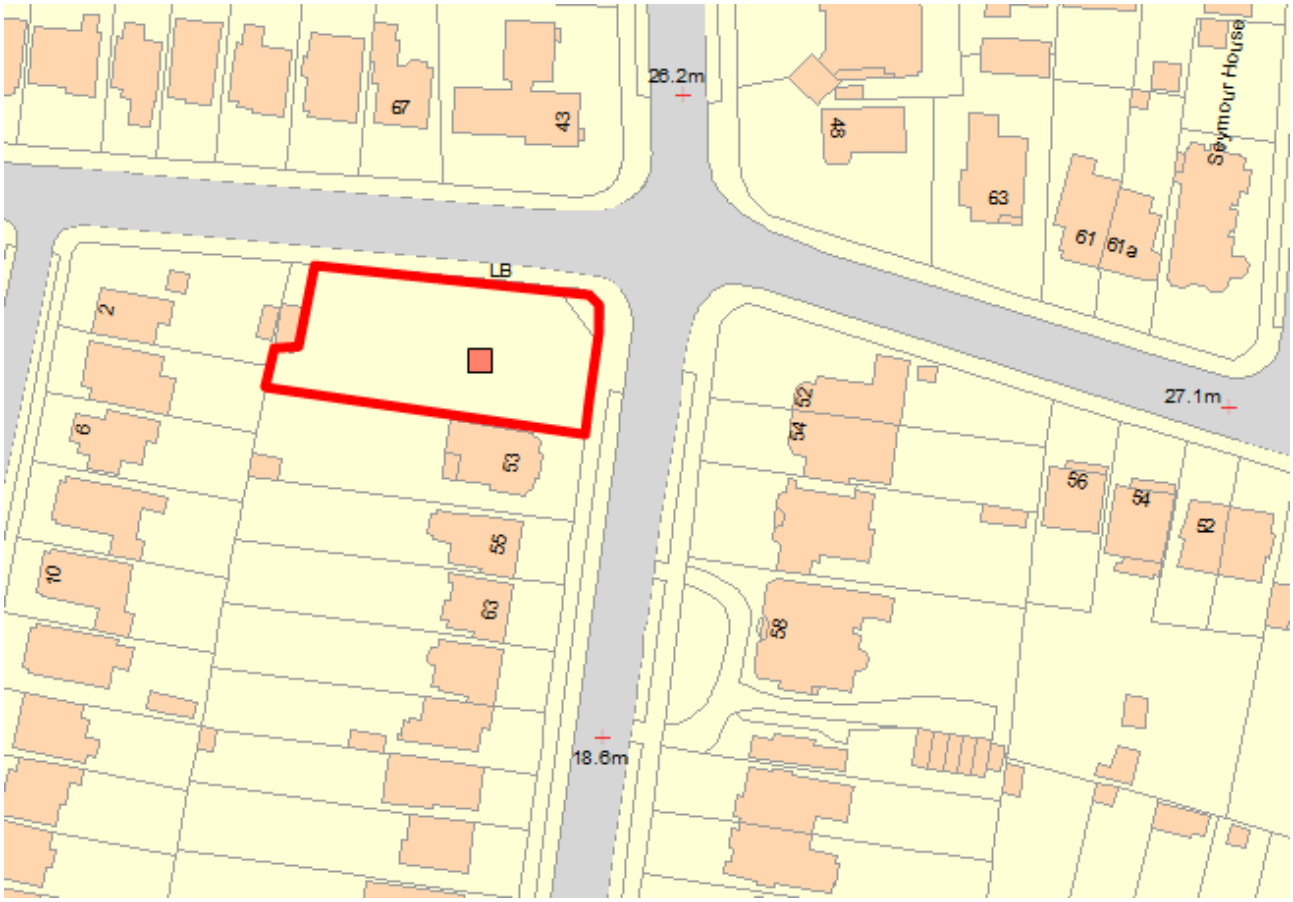
Relationship with no 16

West parking area, neighbours and tree to be felled and replaced

Trees to be retained

Trees to be felled and replaced

Reference:	20/02224/FUL	6
Application Type:	FULL	
Ward:	Chalkwell	
Proposal:	Erect one three storey block of no. 9 self-contained flats with associated off street parking to rear, balconies to north, east and west elevations, terrace areas to rear upper floor flats, private garden areas to rear ground floor flats, layout communal amenity space and landscaping, cycle and bin storage to rear and form vehicular access on to Kings Road	
Address:	Former 51 Chalkwell Avenue Westcliff-On-Sea Essex	
Applicant:	Herald Build Limited	
Agent:	iArch Consulting	
Consultation Expiry:	28th May 2021	
Expiry Date:	4th June 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	**Location Plan, 001 (11.05.21), 002 (11.05.21), 003 (11.05.21), 004 (11.05.01), 005 (11.05.21), 006 (11.05.21.21), 007 (11.05.21), 008 (11.05.21)** **CGI Views** **Design and Access Statement 23.04.21** **Tree Protection Plan Rev 1 dated 22.04.21** **Arboricultural Report by Andrew Day Arboricultural Consultancy Rev 1 dated 22.04.21**	
Recommendation:	**Members are recommended to GRANT PLANNING PERMISSION**	


26.2m
67
43
45
63
61
61a
Seymour House
LB
2
6
63
55
63
10
27.1m
52
54
56
54
52
58
18.6m

1 Site and Surroundings

1.1 The application site is located at the junction of Chalkwell Avenue and Kings Road. It formerly contained a large detached dwelling which was destroyed by fire and was demolished some three years ago. The site is prominent in views from Chalkwell Avenue travelling south towards the seafront and along Kings Road from the east and west.

1.2 Chalkwell Avenue and the wider Chalkwell Hall Estate is one of the Borough's most desirable housing areas. It is characterised by mainly large detached early C20 good quality houses most of which are two storeys with generously proportioned pitched roofs and accommodation in the roofspace. The dwellings are highly articulated and well detailed with a range of features including bays and gables, feature entrances and dormers. They are mostly red brick and/or render with red/brown tiled roofs and tall windows. Decorative timbering and tile hanging are commonplace and add further articulation and interest to the streetscene contributing to local distinctiveness. The designs of the individual properties are varied but there is a cohesiveness in style, level of articulation and materials which gives the area a strong and recognisable character.

1.3 The dwellings are situated on a consistent but generous building line facing Chalkwell Avenue with planted frontages and large gardens to the rear. This has resulted in a uniform pattern of development. Kings Road to the northern frontage of the site is unusual in that it only has properties fronting onto the street on its northern side in the proximity of the site. The south side of the street is open with the buildings orientated east and west towards roads leading north and south, including Chalkwell Avenue and Hall Park Avenue, leaving the centre of the street blocks very open in this location.

1.4 Some of the properties along Chalkwell Avenue have been converted into flats but overall they have not lost their original character. There are a few modern purpose-built flatted blocks within the wider streetscene including on the northern side of the junction, but these are 'of their time' and generally poor, anomalous designs which pre date existing planning policy.

1.5 Chalkwell Avenue is a Classified Road and main route to the seafront. The site is in Flood zone 1 (low risk). There are no specific policy designations in this location.

2 The Proposal

2.1 The proposal seeks to erect one three storey block of no. 9 self-contained flats with balconies and terraces to the north, east and west elevations and to layout private garden areas and communal amenity space, cycle and bin storage to the rear. The units comprise 2 x 2 bed 3 person flats, 3 x 2 bed 3 person flats, 3 x 3 bed 5 person flats and 1 x 3 bed 6 person flat. The development is a maximum of 20.3m wide fronting Chalkwell Avenue reducing to 7.2m to the rear, 29.2m to the north elevation fronting Kings Road reducing to 18.8m and has a pitched roof with an eaves height of 6.4m and a maximum height of 11.7m.

2.2 The proposal includes 9 off street parking spaces at the rear and the formation of a new vehicular access on to Kings Road. The existing vehicular access to the front onto Chalkwell Avenue will be reinstated and the verge planting extended. The existing burr

brick boundary wall is to be retained.

3 Relevant Planning History

3.1 18/01269/DEM - Demolish existing building (Application for Prior Approval for Demolition) - approved

3.2 03/01238/OUT - Erect detached dwelling with garage and form vehicular access onto Kings Road on land at rear – refused

3.3 86/1915 - erect detached bungalow with garage and form vehicular access onto Kings Road – refused

4 Representation Summary

4.1 37 neighbouring properties were consulted and two site notices displayed. A second round of consultation was undertaken following significant amendments to the design of the proposal. 20 letters of objection were received in relation to the initial consultation raising the following summarised issues:

- Design unacceptable and out of keeping with surrounding area.
- Concerns about increase in scale.
- Lack of parking including for deliveries and visitors and impact on road safety and increased on street parking.
- Harm to neighbour amenity
- Concerns about increase in traffic and congestion.
- A single family house or two houses would be more appropriate.
- Loss of privacy for neighbours.
- Flooding impact on houses downhill from increased hardsurfacing.
- Safety and impact on junction.
- Noise and disturbance from 9 units and from proposed parking area including fumes and noise.
- Light pollution.
- Overdevelopment of plot
- Cramped housing can result in health impacts.
- There is a need for family housing in the Borough not just smaller flats - this site is more suited to larger housing.
- The pandemic has demonstrated residents need more space.
- The proposal is obtrusive.
- The density and footprint are too great.
- Impact on existing trees.
- Impact on outlook for neighbouring properties e.g. of proposed parking area.
- Dangerous access, lack of visibility, steep driveway, cars often speed in Kings Road.
- Pedestrian safety.
- Loss of light and sunlight to neighbours.
- The design should be more in keeping with local character.
- Concern that this would set a precedent for more flats in the road.
- The raised land level and slope will make the development appear even taller.
- The submitted details are inaccurate (plan 11 – north and south elevations).
- There is a Lack of response to local character unlike other new developments including at 151 Kings Road and 8 Esplanade Gardens which are more in keeping.

- Poor design quality and detailing as compared to the existing elegantly designed houses.
- Incongruous design.
- Lack of amenity space for the new units which is out of character with area.
- Impact on schools and doctors/hospitals.
- Family housing is needed in this area.
- The area is characterised by mid to large detached family houses.
- Flat roof area [terrace] out of character with area.
- Prominent location which is an important gateway to the seafront requires a better high quality design which is more in keeping with area - this is an opportunity for a new landmark of the highest design quality.
- Vehicular access from Chalkwell Avenue would have less impact.
- The mass of the development, including the length of frontages, would be disproportionate in the streetscene.
- The building is stark and unattractive, pedestrian and institutional and lack architectural ambition. The fenestration is uncomplimentary and mis-matched.
- Impact on estuary views.

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

4.2 In addition, 3 letters of support have been received which make the following summarised comments on the proposal:

- Excellent design that utilises site well although may be better suited to 8 units.
- There is scope for 100 solar panels on the building and on a covered parking area.
- Electric charging points should be included.
- Passiv Haus should be considered.
- The proposal will modernise Chalkwell Avenue whilst being in keeping with the surrounding area and this will revitalise the area.
- The proposal is well presented.
- The 9 flats will not appear over scaled.
- The design should fit in with the local area.

4.3 No letters of representation have been received in relation to the second round of consultation.

Chalkwell Residents Association

4.4 Comments in relation to the first round of consultation are as follows:

- The proposal is out of scale and over development of the site.
- Flats are out of character in this location which is almost all family housing.
- Lack of parking.
- Traffic and safety concerns given proximity to junction.

Highways Team

4.5 There are no highway objections to this proposal 9 car parking spaces have been provided which is acceptable. The layout ensures that vehicles can enter, manoeuvre and leave in a forward gear. Secure cycle parking has also been provided. The applicant will be required to reinstate the redundant vehicle crossover back to footway/verge on Chalkwell Avenue.

The applicant will be required to apply to highways to extend the vehicle crossover on Kings Road. When the alterations are made the redundant vehicle crossover will also need to be reinstated at the same time.

It is not considered that the proposal will have a detrimental impact upon the public highway.

Environmental Health

4.6 No objections subject to conditions relating to construction hours and waste management.

Parks

4.7 Street trees (T4 Acer and T9 Lime) need to be protected during the construction phase to prevent damage to the trunks and the lower crown branches from any vehicles making deliveries or gaining access to the site. Using boarding to box in the trees would be one such method of protecting the trees. The amended tree protection measures in relation to these street trees are acceptable.

Additionally, the soft landscaping of the development should be conditioned to allow for comments and to ensure there is possibility for a biodiversity net gain on the site.

London Southend Airport

4.8 No objections.

Essex Police

4.9 Essex Police would welcome contact from the applicant to discuss the proposal and how it responds to Secure by Design principles.

Essex Fire Service

4.10 Access appears to be satisfactory and will be considered in more detail at the Building Regulations stage.

Essex and Suffolk Water

4.11 No objections.

4.12 The application was called to Committee by Councillor Folkard and Councillor Walker.

5 Planning Policy Summary

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

5.2 National Design Guide (2019)

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

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

5.5 Southend Design & Townscape Guide (2009)

5.6 Technical Housing Standards – Nationally Described Space Standards (2015)

5.7 Vehicle Crossing Policy & Application Guidance (2014)

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

5.9 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

6 Planning Considerations

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

Appraisal

7 Principle of Development

7.2 The provision of new high quality housing is a key Government objective.

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

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

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
b) local market conditions and viability;
c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
d) the desirability of maintaining an area's prevailing character and setting

(including residential gardens), or of promoting regeneration and change; and
e) the importance of securing well-designed, attractive and healthy places.

7.4 Policy KP2 of the Core Strategy states development must be achieved in ways which *"make the best use of previously developed land, ensuring that sites and buildings are put to best use".*

7.5 Policy CP4 requires that new development "maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments" and that this should be achieved by "*maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*".

7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land. Policy DM3 of the Development Management Document states that "*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity*".

7.7 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. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. Several of the flats proposed would be of a type which would be likely to be suitable for families. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. Although, it should also be noted that a scheme for this quantum of housing would have limited effect on the overall supply of housing.

7.8 This proposal is considered in the context of the above policies. These policies and guidance support new development where they respect the character of the locality and the amenities of neighbours. The principle of a more intensive residential development in this location is therefore acceptable subject to the detailed considerations set out below. It is noted that 4 of the 9 units are proposed as 3 bed family sized units. There is no policy requirement for a mix of flat sizes to be provided as this is not a major scheme, however, this range of flat sizes and the inclusion of family units is considered to be a positive aspect of the proposal.

Design and Impact on the Character of the Area

7.9 Paragraph 124 of the NPPF states '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good*

design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

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

7.11 The proposal seeks to construct a development of 9 flats on a prominent site at the junction of Chalkwell Avenue and Kings Road. The proposal has evolved during the course of the application to ensure that it better integrates with the distinctive character of the Chalkwell Hall Estate both in its scale, form and siting and in its detailed design.

7.12 The development is sited fronting Chalkwell Avenue with its amenity area and parking behind giving it an open aspect at the rear and maintain the openness of the Kings Road frontage in this stretch. The proposal has also maintained the adequate building lines and the character of the existing junction. This arrangement appropriately references the grain of the area.

7.13 While the new building is large, it is reasonably scaled in relation to the surrounding corner properties including a generous roof proportion and a well-resolved, forward-facing pitched roof to reference the prevailing character of the surrounding properties. The development extends approximately half the depth of the site to the rear but at a reduced width behind the front section facing Chalkwell Road. It has a variety of steps and projections to break the scale on the main frontages facing Chalkwell Avenue and Kings Road. Overall the scale, form and massing of the development is consistent with local character on balance.

7.14 The design has not sought to replicate the traditional styles in the street but includes a number of references to the character of the area including well-articulated feature bays and gables, over extended but elegant eaves, decorative tile hanging to accentuate the key corner facing the junction and a feature entrance onto Chalkwell Avenue. The windows are of a more modern design but are well detailed with a tall proportion which relates positively to the streetscene. The main facing materials including red brick, tile hanging, brown tiles and render, have been chosen to reference local character and the quality of the detailing and the level of articulation of the frontages will ensure that this proposal sits comfortably amongst the well-articulated more traditional housing in this area. In this way, the identity and appearance of development responds to modern building standards whilst complementing the local vernacular rather than adopt a potential unsuccessful, pastiche approach to design.

7.15 The proposal is set within landscaped grounds which will provide an adequate setting for the building and the wider streetscene. Full details of landscaping will be agreed by condition. The existing historic burr brick boundary wall to the northern elevation, which is a positive feature of the street, is proposed to be retained and will help the proposal to integrate into the streetscene.

7.16 Overall it is considered that, subject to conditions relating to materials, detailing of key elements and landscaping, the scale, form, siting and detailed design of the revised development will have an acceptable impact on the character of the site and area, on balance, and the proposal is policy compliant in this regard.

Standard of Accommodation for Future Occupiers

7.17 Delivering high quality homes is a key objective of the NPPF.

7.18 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *"Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents".*

Space Standards and Quality of Habitable Rooms.

7.19 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes.

7.20 The proposal provides 2 x 2 bed 3 person flats, 3 x 2 bed 3 person flats, 3 x 3 bed 5 person flats and 1 x 3 bed 6 person flat. All units are compliant with the National Technical Housing Standards. The proposal is acceptable and policy compliant in this regard.

Light, Privacy and Outlook

7.21 The submitted floorplans show that all the habitable rooms would have good light and outlook. The proposal is acceptable and policy compliant in this regard.

M4(2) – Accessibility

7.22 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards.

7.23 All upper floor flats have access to a lift and there are accessible and visible entrances to the front and rear. The agent has confirmed that all units will meet the M4(2) standard. Full compliance with M4(2) can be secured by condition. The proposal therefore meets the accessibility requirements and is policy compliant in this regard.

Amenity Provision

7.24 All units, except unit 5, have access to a useable private terrace or balconies. Unit 5 has 2 juliette balconies and a generous floor space for 3 people. In addition, a communal amenity area of over 600sqm is proposed to the rear and north side of the building behind the existing tall boundary wall. Subject to appropriate landscaping, this will provide adequate amenity space for residents and the proposal is accessible and policy compliant in this regard.

7.25 Overall it is considered that the proposal will provide a good standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

7.26 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

7.27 The front section of the building is set between 1.3m and 2m from the site's south boundary and between 2.7m and 3.4m from the neighbouring property number 53 Chalkwell Avenue. The rear projection is some 11.5m from the south boundary and over 25m from the west boundary with the neighbour in Hall Park Avenue. The current proposal must be considered on its individual merits but purely for information the proposal is a similar depth to 53 Chalkwell Avenue adjacent to the southern boundary and has a similar footprint and relationship to this neighbour as the former dwelling on the application site.. The only significant change in footprint compared to that of the former dwelling is the depth of the rear projection which is some 10m deeper on the northern section of the site. 53 Chalkwell Avenue has a number of windows in its flank elevation but these appear to be to non-habitable rooms including the staircase and bathrooms.

7.28 The only windows in the south elevation are at the front of the development which have a similar arrangement to the other bay windows in the streetscene, in the rear projection which is 11.5m from the south boundary or as rooflights. Due to their nature and position these are considered to have an acceptable impact on the privacy of number 53 Chalkwell Avenue. There is a small terrace at 2nd floor level which is 3.4m from this boundary and projects 850mm out from the eaves. It is considered that a privacy screen should be installed to the south side of this terrace to prevent overlooking of the garden of number 53 Chalkwell Avenue. Such a screen would not in itself create any harmful impacts for neighbours such as loss of light, outlook or sense of enclosure. The larger terrace to unit 8 is a sufficient distance to the boundary (11.5m) not to warrant a screen.

7.29 The overall form of the development adjacent to No 53 is similar to the previous building on the site and will have an acceptable impact on outlook, enclosure and light.

7.30 The separation distances to the rear are sufficient to safeguard the amenities of properties in Hall Park Avenue in all relevant regards. No other properties are materially affected by this proposal.

7.31 Therefore, subject to a condition requiring a screen to the south side of the terrace of unit 9, it is considered that the design, size, siting and scale of the development proposed and separation distances are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider surrounding area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues and Trees

7.32 Development Management Document Policy DM15 requires a minimum of 1 off street parking space for each flat. 9 parking spaces are proposed to the rear of the development to serve the 9 flats, accessed by a new vehicular access onto Kings Road. This is policy compliant. The Councils Highways Officer has raised no highways or to parking objection including to the new vehicular access in Kings Road, subject to the reinstatement of the redundant crossover in Chalkwell Avenue, which can be secured by condition.

7.33 A number of concerns have been raised about the proximity of the new Kings Road

crossover to the junction with Chalkwell Avenue however it is approximately 30m from that junction. This is significantly greater that the existing crossover to be removed which is only 13m from the junction. The Council's Highways Officer has raised no objection in relation to traffic generation or safety in relation to the junction.

7.34 The proposed new crossover is relatively close to the existing street tree in Kings Road. This impact in addressed in the Arboricultural Report and proposed tree protection measures. The Council's Arboricultural Officer has confirmed that a new crossover in this location is feasible and has raised no objections subject to the implementation of the proposed tree protection measures in relation to this tree and the street tree in Chalkwell Avenue. Tree protection measures are also proposed to 5 trees on the site close to the northern boundary which are to be retained. All the tree protection measures can be secured by condition. Two lower quality trees at the site will be removed and replaced with new trees.

7.35 Subject to conditions relating to parking, reinstatement of the crossover/verge planting and tree protection, the proposal is considered to be acceptable and policy compliant in terms of parking provision, access and trees.

Cycle Parking and Refuse Storage

7.36 Development Management Document Policy DM15 requires a minimum of 1 secure cycle space per flat. The site plan shows the provision of a cycle shelter to the rear of the building. This is an acceptable location and details can be secured by condition. The proposal is acceptable and policy compliant in this regard.

7.37 A refuse and recycling store is also proposed in this location. This is acceptable in terms of size and location. Details and provision of this store can be secured by condition. The proposal is acceptable and policy compliant in this regard.

7.38 Overall, subject to the above conditions, it is considered that the proposal would have an acceptable impact on traffic and transportation and trees and the proposal is policy compliant in this regard.

Sustainability including Sustainable Drainage

7.39 Sustainable development is a key objective of the NPPF.

7.40 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *"to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions".* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

7.41 The Design and Access Statement confirms that it is the intention to provide the 10% renewable energy through the provision of PV panels on the south facing roof slopes. This is acceptable in principle and full details can be secured via condition. A condition can also be imposed to require water efficient appliances.

7.42 Policy KP2 of the Core Strategy also states all development proposals should

demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. No information has been provided in relation to sustainable drainage but as a minor development, full details of this can be secured by condition.

7.43 Subject to these conditions the proposal is considered to be acceptable and policy compliant in regards to sustainable development and drainage.

Ecology

7.44 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

7.45 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment has been secured. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

7.46 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 937 sqm, which may equate to a CIL charge of approximately £ 72221.08 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

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

creates new housing. Therefore if any harm were identified it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the *National Planning Policy Framework* is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the *Framework* taken as a whole. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, 001 (11.05.21), 002 (11.05.21), 003 (11.05.21), 004 (11.05.01), 005 (11.05.21), 006 (11.05.21.21), 007 (11.05.21), 008 (11.05.21)

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls, bays and balconies, roof, eaves and roof terraces, windows and doors, entrance glazing and porch, fascia and soffits, balcony balustrades and privacy screen, bin and cycle stores, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the main entrance and porch, projecting bay and balconies including balustrade, projecting

eaves detail including soffits, windows and doors including reveals and framing, flat roof ridge edge detail, tile hanging and brick decoration, at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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

05 The proposed first floor window in the south elevation of unit 7 of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

06 Prior to the occupation of the development an obscure glazed privacy screen (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) of not less than 1.7m high above terrace level shall be fitted to the south side of the 2nd floor terrace to unit 9 in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.

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

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

i) Proposed finished site levels or contours;
ii) Means of enclosure, of the site including any gates or boundary walls and fencing;
iii) hard surfacing materials;
iv) full details of any structures (e.g. benches, planters, loggias, lighting etc.).;
v) full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
vi) details of measures to enhance biodiversity within the site.

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

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

08 The tree and tree root protection measures as set out in Tree Protection Plan Rev 1 dated 22.04.21 and Appendix 3 of the Arboricultural Report by Andrew Day Arboricultural Consultancy Rev 1 dated 22.04.21 in relation to the trees identified as T2, T3, T4, T6, T7, T8 and T9 in this statement including the mitigation measures in relation to construction within the root protection areas shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development hereby approved. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

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

09 The 9 car parking spaces and the associated new vehicular access for the spaces to access the public highway at the site, including the reinstatement of the redundant crossover on Chalkwell Avenue back to planted verge, as shown on approved plan 001 (11.05.21) shall be provided and made available for use prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy

KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

10 The development hereby approved shall not be occupied until and unless full details of the refuse and recycling store and the secure, covered cycle parking to serve the residential development have been previously submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

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

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

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

12 Prior to occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.

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

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

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

the advice contained in the Southend Design and Townscape Guide

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

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

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

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

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

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

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

- **i) the parking of vehicles of site operatives and visitors**
- **ii) loading and unloading of plant and materials**
- **iii) storage of plant and materials used in constructing the development**
- **iv) the erection and maintenance of security hoarding including measures to ensure the retention of trees to the rear of the site**
- **v) measures to control the emission of dust and dirt during construction**

vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
vii) Measures to mitigate the impact of noise during construction.

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

Informatives:

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

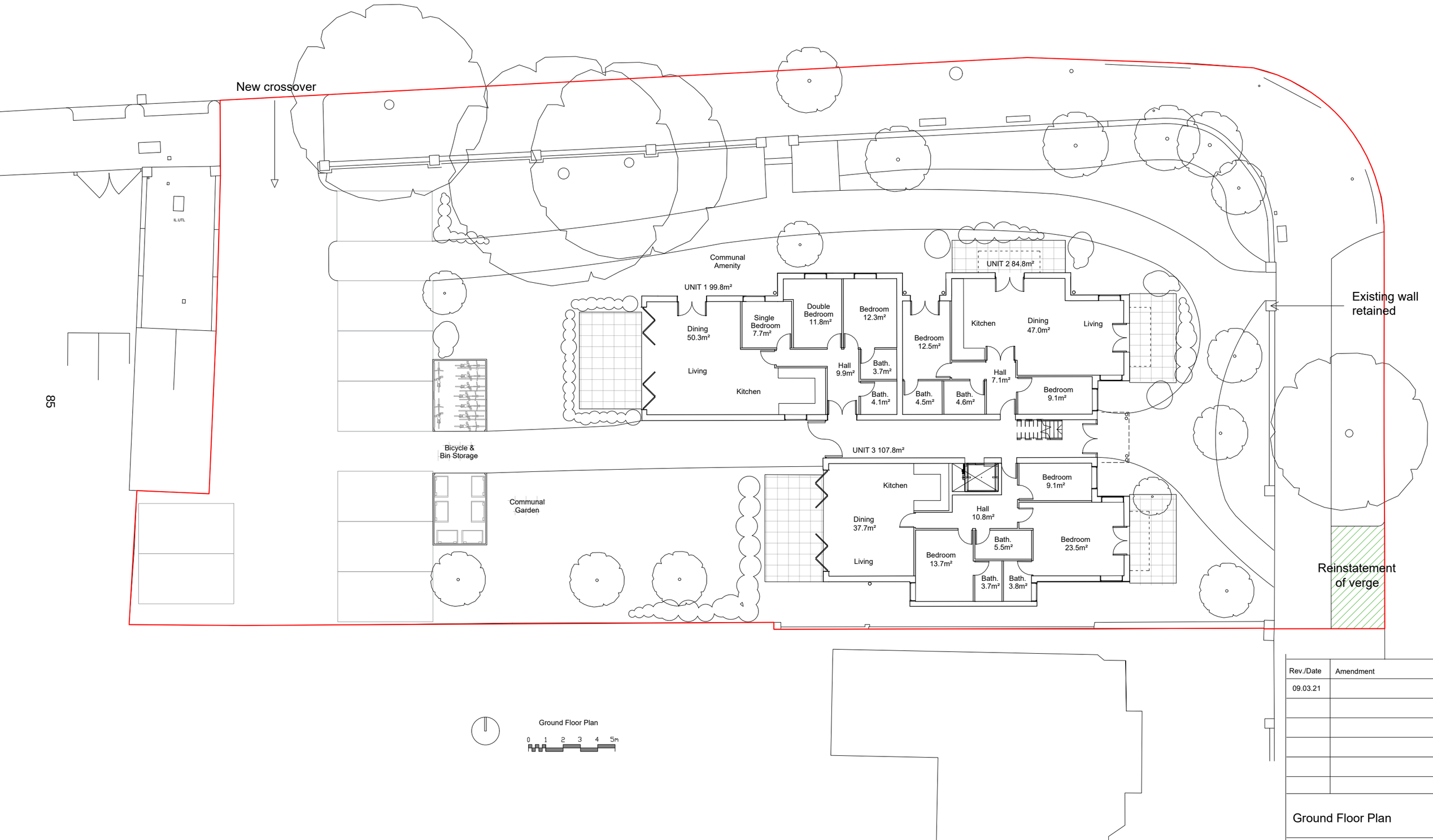
02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing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

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

04 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development. The applicant is advised to contact the Councils Highways Officer martinwarren@southend.gov.uk to arrange the reinstatement of the crossover and verge on the Chalkwell Avenue frontage which must be carried out by the Councils appointed contractor.

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.



Rev./Date	Amendment
09.03.21	

Ground Floor Plan

project:	51 Chalkwell Avenue
client:	...
drawn by:	DF
scale:	1:200 @A3
drawing no:	001
date:	11.05.21

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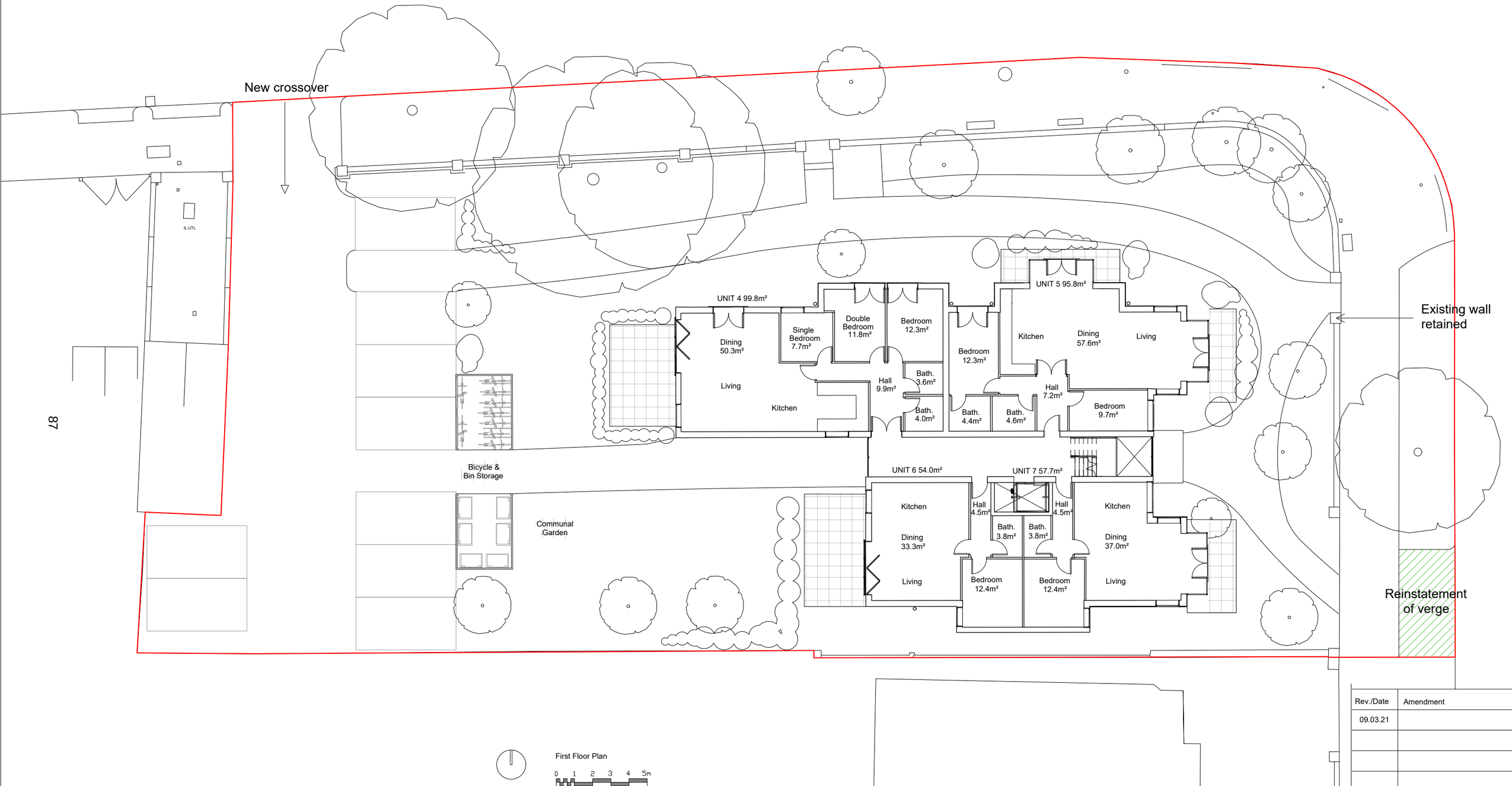

First Floor Plan

0 1 2 3 4 5m

Rev./Date	Amendment
09.03.21	

First Floor Plan

project: 51 Chalkwell Avenue
client: ...
drawn by: DF
scale: 1:200 @A3
drawing no: 002
date: 11.05.21

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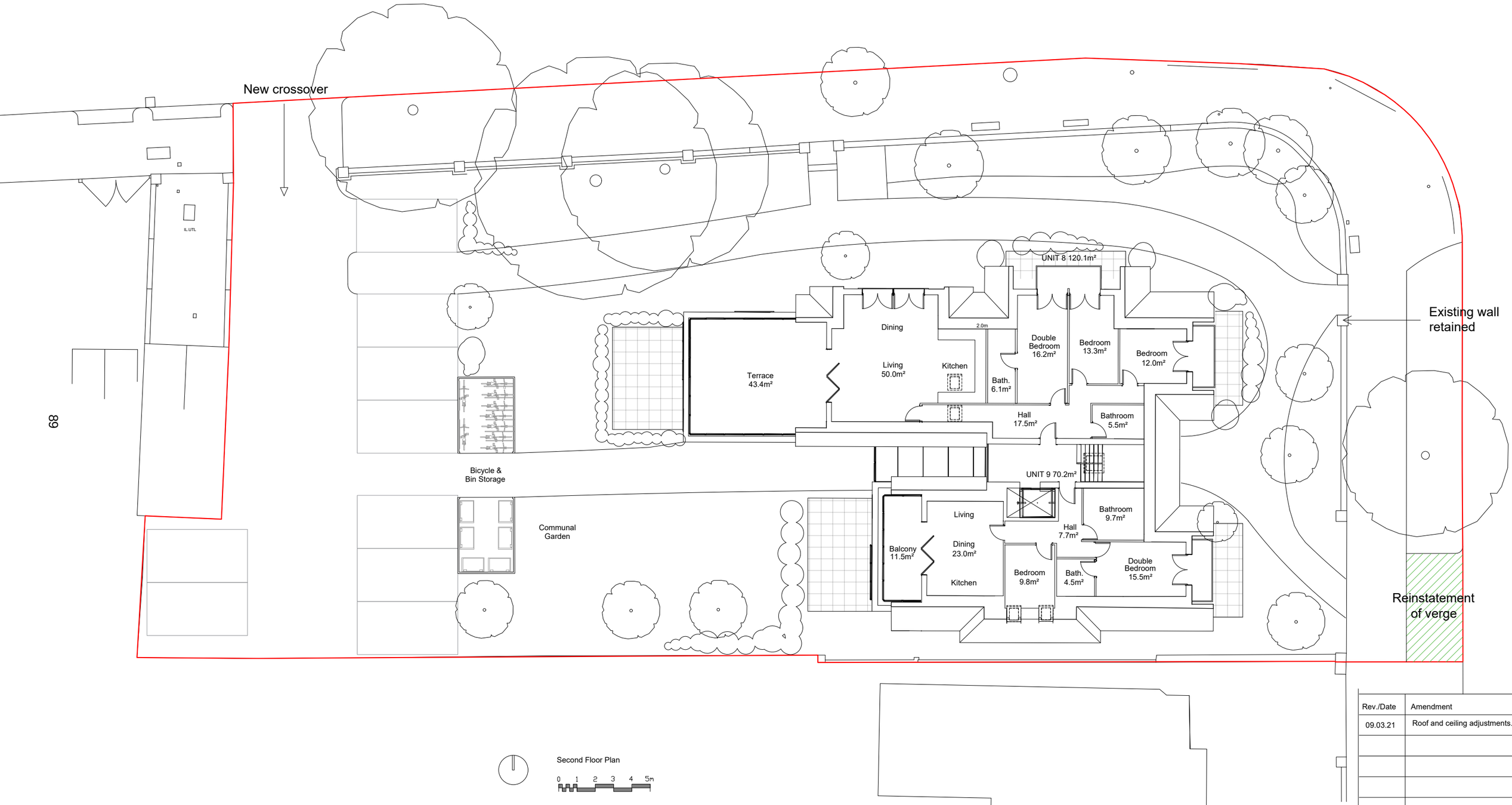

Second Floor Plan

0 1 2 3 4 5m

Rev./Date	Amendment
09.03.21	Roof and ceiling adjustments.

Second Floor Plan

project:	51 Chalkwell Avenue
client:	...
drawn by:	DF
scale:	1:200 @A3
drawing no:	003
date:	11.05.21

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West Elevation

0 1 2 3 4 5m

Rev./Date	Amendment
18.12.20	
09.03.21	Window details.

West Elevation

project: 51 Chalkwell Avenue
client: ...
drawn by: DF
scale: 1:100 @A3
drawing no: 004
date: 11.05.21

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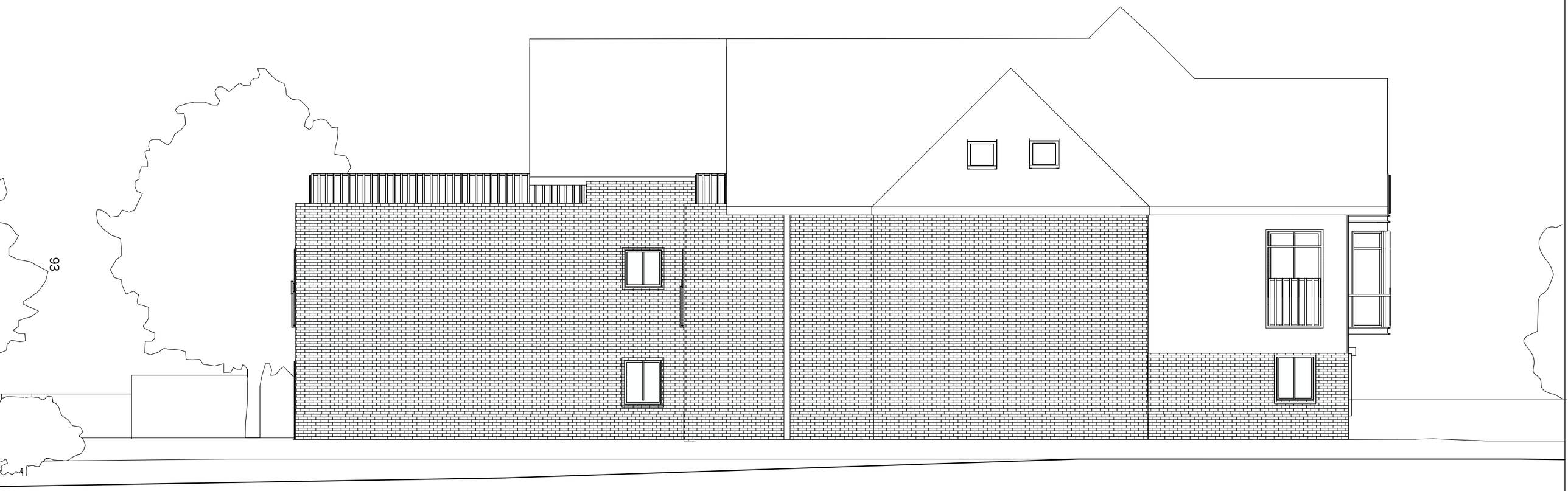

South Elevation

0 1 2 3 4 5m

Rev./Date	Amendment
18.12.20	
09.03.21	Window details

South Elevation

project: 51 Chalkwell Avenue
client: ...
drawn by: DF
scale: 1:100 @A3
drawing no: 005
date: 11.05.21

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North Elevation

0 1 2 3 4 5m

Rev./Date	Amendment
18.12.20	
09.03.21	Window details.

North Elevation

project: 51 Chalkwell Avenue
client: ...
drawn by: DF
scale: 1:100 @A3
drawing no: 006
date: 11.05.21

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East Elevation

0 1 2 3 4 5m

Rev./Date	Amendment
18.12.20	
09.03.21	Window details.

East Elevation

project: 51 Chalkwell Avenue
client: ...
drawn by: DF
scale: 1:100 @A3
drawing no: 007
date: 11.05.21

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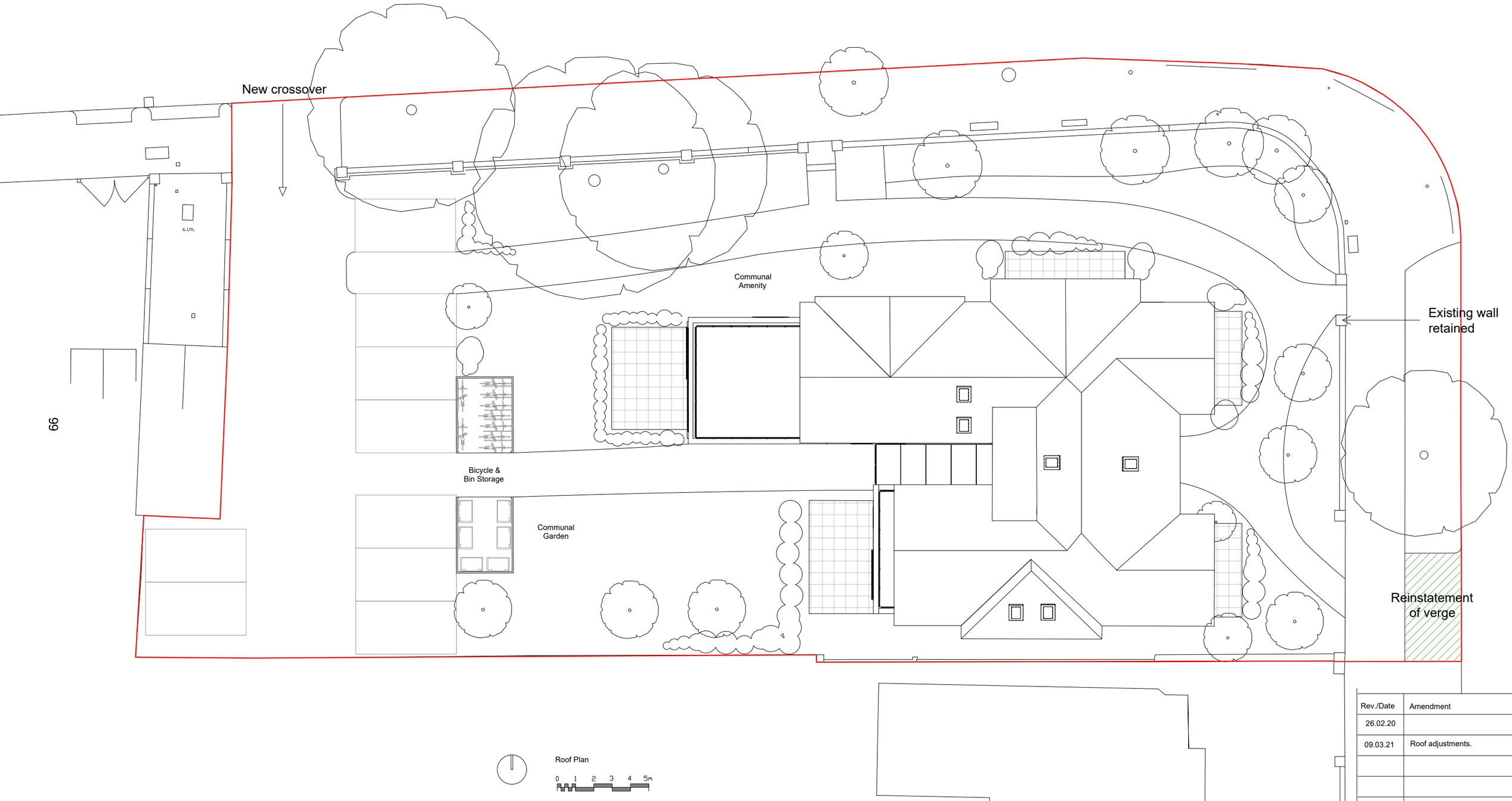

Roof Plan

0 1 2 3 4 5m

Rev./Date	Amendment
26.02.20	
09.03.21	Roof adjustments.

Roof Plan

project: 51 Chalkwell Avenue
client: ...
drawn by: DF
scale: 1:200 @A3
drawing no: 008
date: 11.05.21

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51 chalkwell avenue

Dec 2020

Site front Chalkwell Avenue

Street tree Chalkwell Avenue

Neighbour to south Chalkwell Avenue

North elevation of neighbour in Chalkwell Avenue

Streetscene Chalkwell Avenue

Chalkwell Avenue opposite site

Site Kings Road

Street tree Kings Road

Site facing Kings Road

Garages Kings Road

Opposite site on Kings Road

King Road

Site

Site

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Vehicular Access
Pedestrian Access
Building Line
Proposed Footprint
Demolished Building
117

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St Saviour's Church

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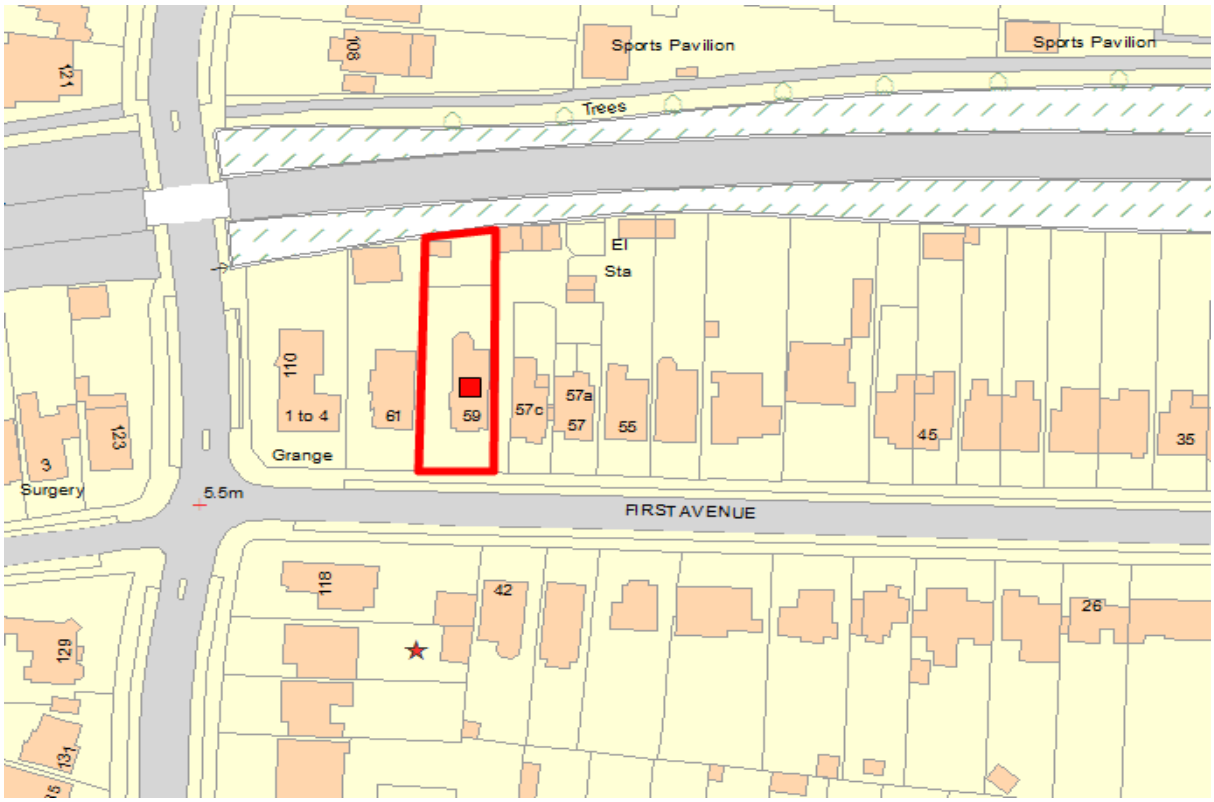
Reference:	21/00674/FUL	7
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Demolish existing garage and erect two storey building with garages on ground floor and storage on first floor	
Address:	59 First Avenue, Westcliff-On-Sea, Essex	
Applicant:	T E Perkins	
Agent:	metson architects ltd	
Consultation Expiry:	27th May 2021	
Expiry Date:	7th June 2021	
Case Officer:	Robert Lilburn	
Plan Nos:	**2100 TP-01, X-10**	
Recommendation:	**GRANT PLANNING PERMISSION**	



1 Site and Surroundings

1.1 The application site comprises the grounds of an apartment building, together with a former rear detached garage, situated within a residential area. The host building appears to be a converted former dwelling and contains four flats. The submitted plan shows that of the three former garages on the site, two have been partly demolished.

1.2 The prevailing urban grain is of main buildings facing First Avenue, with outbuildings at the rear. The rear of the site is situated alongside the railway line.

1.3 A shared service road provides access to the rear of the site, as well as to the rear of other properties along First Avenue, and to the lock-up garages found behind no.57 First Avenue.

1.4 First Avenue is subject to seasonal parking restrictions. It is not specifically identified on the policies map of the Development Management Document (2015). It is located within Flood Zone 1.

2 The Proposal

2.1 Planning permission is sought to erect a gable-roofed two-storey building at the rear, within a discrete garage and parking area, to be used as three garages with storage at first floor. The existing single storey garage would be demolished.

2.2 Materials to be used in the external elevations are described as slates to the roof, hardwood windows and doors and the external walls would be finished in yellow (buff) and red brick, and wooden posts.

2.3 The outbuilding would measure some 9.8m wide, 7.2m deep and 4.5m high to the eaves, with an apex height of some 5.7m.

2.4 The site would be accessed as existing via the shared route from First Avenue and includes access to and from no.59 First Avenue.

2.5 The application is supported by a design and access statement. The proposal is similar to the development approved in application 15/01485/FUL. The time limit for implementation of the approved development has expired, and therefore the earlier approval carries limited weight in the assessment of the application.

3 Relevant Planning History

3.1 19/01959/FUL: Demolish existing garage and erect two storey building with undercroft car parking on ground floor and one self-contained flat on ground and first floor (Amended Proposal). Refused for the following reason: *The proposed development, by reason of its siting, size and design, would be an incongruent form of backland development with an intrusive impact materially out of keeping with the urban grain, harmful to the character and appearance the site and wider area. This is unacceptable and contrary the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).*

3.2 19/00456/FUL: Demolish existing garage, erect two storey building to rear with garages

at ground floor and one self-contained flat to first floor. Refused.

3.3 15/01485/FUL - Demolish existing garage, erect two storey building to rear with garages at ground floor and storage to first floor. Approved.

4 Representation Summary

4.1 **Public Consultation**
9 neighbouring properties were notified and a site notice was posted. Two letters of representation have been received, and these are summarised as follows:

- Concern about publicity and consultation process relating to the application;
- Impacts on car parking and access arrangements;
- Impact on neighbour privacy;
- Impact on outlook;
- Impacts of noise, light and activity, and amenity impacts in general to neighbours and the surrounding area;
- Congestion of the parking area;
- Concern regarding the suitability for housing vehicles
- Effect of building works on neighbour amenities;
- Wear and tear on the access route;
- Ownership and access consents;
- Effect on property values.

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

4.3 **Parks**
Trees bordering the proposed development site that may be impacted, and may require protection measures.

4.4 **Fire Service**
The arrangements should be in accordance with the details contained in the Approved Document to Building Regulation B5.

The fire access path appears to not meet the standards recommended in the Approved Document.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

[**Officer comment**: this matter is governed by a separate regulatory framework and the concerns raised would not justify a refusal of planning permission].

4.5 **Network Rail**
No objections subject to informatives

4.6 **Highways**
No objections.

4.7 The application was called in to Committee by Cllr Folkard

5 Planning Policy Summary

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

5.2 Planning Practice Guidance and National Design Guide (2019)

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

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

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 and appearance of the area, impact on residential amenity, any traffic and parking implications and CIL.

6.2 Since the application 15/01485/FUL was determined the revised National Planning Policy Framework (2019) came into force, replacing a previous version of the NPPF. It is considered that the contents of the revised NPPF do not materially alter the assessment of the impacts of the proposal.

7 Appraisal

Principle of Development

7.1 Policies KP1 and KP2 of the Core Strategy seek to promote sustainable development. Policies DM1 and DM3 of the Development Management Document seek to promote successful places through high standards of design.

7.2 Policy CP4 of the Core Strategy states that 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.

7.3 The site is situated within a residential built-up area and associated with the adjacent flats at no.59. It is established in ancillary parking and garaging purposes. In the interests of neighbour amenities, a condition can be attached to any planning permission to ensure that the use remains incidental to the flats at no.59 First Avenue.

7.4 The proposal would utilise and renew the built fabric. The applicant has not specified the precise nature of the storage use; however the spaces proposed are of a domestic scale and the proposal is not creating a new planning unit.

7.5 The use of the site for parking and storage is acceptable in principle.

Design and Impact on the Character of the Area

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*".

7.7 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies support new buildings subject to maintaining the character and quality of the townscape.

7.8 The proposed building would be larger in scale than the adjacent outbuildings and garages. It would be larger than a typical domestic outbuilding, and this is a negative aspect of the proposal in this setting. In light of the earlier grant of planning permission it would not in isolation justify a refusal of planning permission in instance.

7.9 However it would not be a dominant form of development, out of keeping with the character of the area. It would not materially affect the street scene. Its larger scale would not be sufficiently harmful to justify a refusal of planning permission in this instance.

7.10 Its design and proposed materials would reasonably complement the design characteristics of its surroundings. It would replace the existing garage which is of poor appearance.

7.11 The proposal would likely require the loss of numerous trees and shrubs at the perimeter of the site. These appear to be self-seeded, and are not of high amenity value. The impact of the development in this regard would not be sufficiently harmful to justify refusal of planning permission. Given the proposed use for car parking and the site constraints it would not be appropriate to require replacement planting in this instance.

On balance it considered that the building would be acceptable and policy compliant from a design and character viewpoint.

7.12

Impact on Residential Amenity

7.13 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

7.14 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*".

7.15 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*".

7.16 The proposed building would be situated some 11m to the north of the rear of the associated apartments at no.59 First Avenue. It would otherwise be situated within the

context of the residential outbuilding to the west at the rear of no.61 First Avenue, and the railway line embankment.

7.17 The siting and scale of the proposed building relative to the neighbouring flats and dwellings, including the adjacent domestic outbuilding, would be such that it would not have a harmful impact on occupiers with regards to daylight and sunlight, overshadowing, outlook, or an increased sense of enclosure.

7.18 The scale and character of the proposed use, in the existing context of the parking and garaging area, and incidental to no.59, would be such that the associated comings and goings and activity associated with the building, would not have a significantly harmful impact on surrounding occupiers. The character and design of the proposed use would not lead to material loss of privacy to surrounding occupiers. The intensity of the use of the site for parking would not be materially greater than the existing situation.

7.19 As noise and disturbance from construction works are temporary, given the scale of the proposal these impacts would not be significantly harmful.

7.20 The site context has not materially changed since the determination of the earlier application 15/01485/FUL in which the impacts were found acceptable. Notwithstanding this the proposal is found acceptable and policy compliant with regard to its impacts on neighbour amenities.

Traffic and Transportation Issues

7.21 Policies CP3 and DM15 seeks to maintain highway safety and accessibility. Policy DM15 of the Development Management Document states: "*Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner*".

7.22 The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. In relation to the flats at the site, deducted parking standards require that at least one off-street parking space is required per flat.

7.23 Three parking spaces are currently available on-site; two of these are open-air spaces on hardstanding and one is a garage measuring some 2.7m wide by 4.9m deep. The proposed building would provide three garages of some 2.5m wide by 5m deep. The dimensions of the proposed garages are below the requirement set out in Policy DM15, which requires 3m wide and 7m deep.

7.24 The off-street parking provision would not meet the adopted requirements for garage sizes but would not result in a reduction in overall parking numbers. This approach was taken in consideration of application 15/01485/FUL Therefore this matter would not reasonably justify a refusal of planning permission and, no objection is raised in relation to the provision of off-street parking.

Community Infrastructure Levy (CIL)

7.25 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 111.5sqm, which may equate to a CIL charge of approximately £8568 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

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

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 2100 TP-01, X-10.

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

03. The outbuilding hereby permitted shall only be used for vehicular paring and storage purposes ancillary to the residential units at no.59 First Avenue. It shall not be used for any other purposes and shall not be sold or let separately or used for residential accommodation.

Reason: In the interests of neighbour amenities and the character and quality of the area, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

04. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

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

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

05. No development above ground floor slab level shall take place unless and until full details of external materials have been submitted to and approved in writing by the local planning authority. The development shall be he carried out in accordance with the approved details.

Reason: In the interests of visual amenity pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by 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.

10 Informatives:

1. **Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk 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. **There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.**

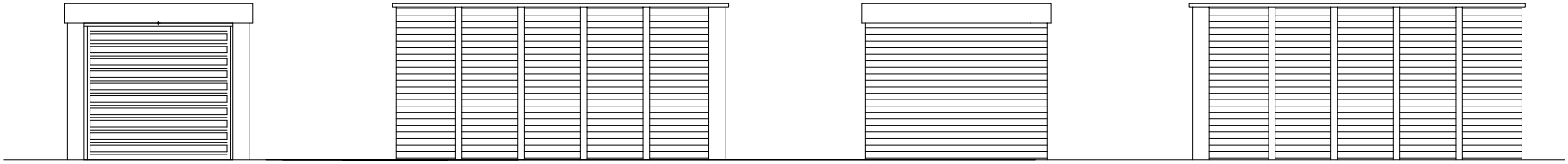
4. **It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).**

5. **Plant & Materials - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail**

6. **Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.**

7. **Future Maintenance - The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilize Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if**

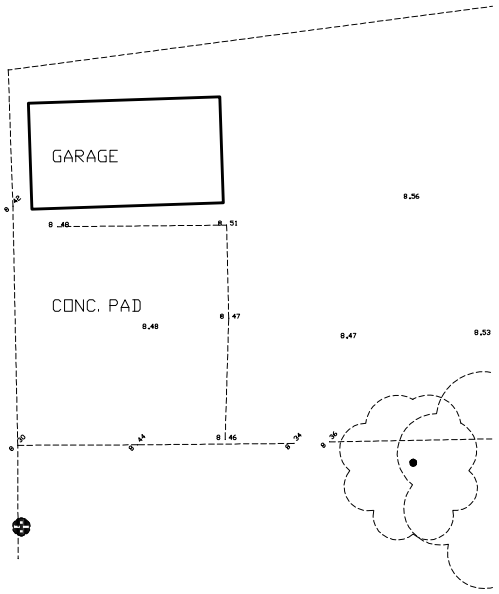
granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

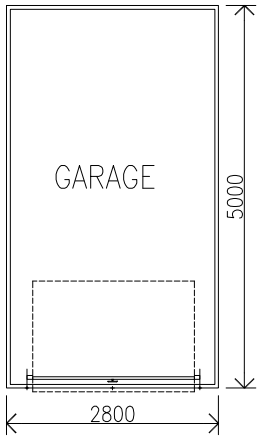


EXISITING ELEVATIONS

0 1 2 3 4 5

1 : 1 0 0 scale METERS





EXISITING SITE PLAN

0 2 4 6 8 10

1 : 2 0 0 scale METERS

EXISITING PLAN

0 1 2 3 4 5

1 : 1 0 0 scale METERS

135

REF. X-10

SMITH+METSON
CHARTERED ARCHITECTS

STUDIO 1 LEIGH PARK ROAD
LEIGH ON SEA ESSEX SS9 2DU
t: 01702 472714 f: 01702 715049
e: mark.metson@btconnect.com

Scale: @ A4

Date: 28/04/2015

Drawn: NB

Client: MR T. PERKINS

Drawing: EXISTING GARAGE

Job: 59 FIRST AVENUE
WESTCLIFF ON SEA SS0 8HP

REV.

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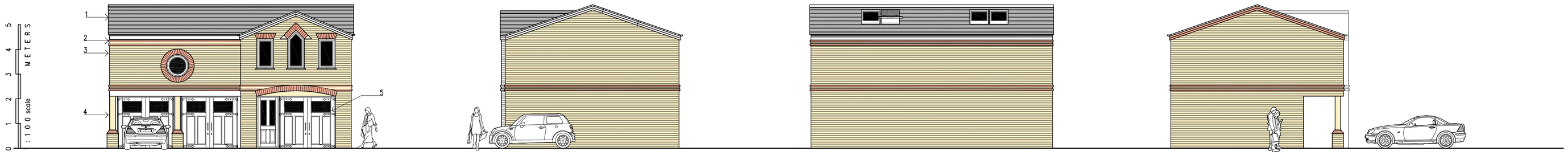


EAST ELEVATION

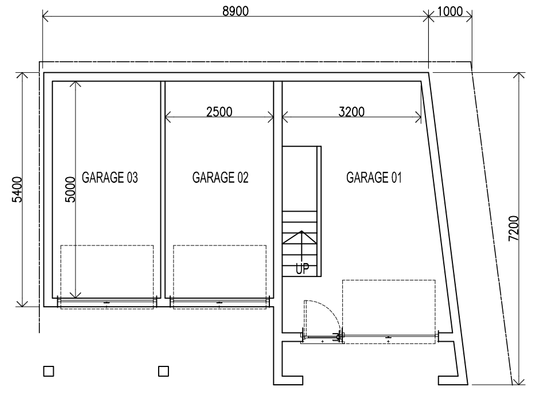
NORTH ELEVATION

WEST ELEVATION

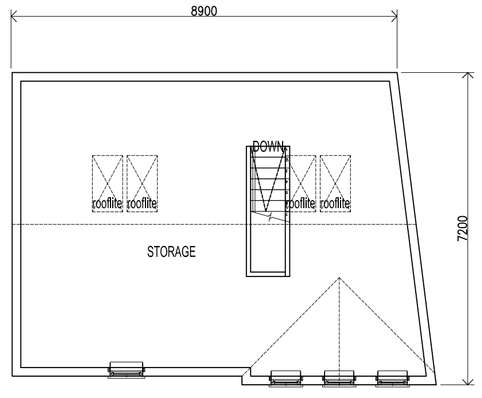
SOUTH ELEVATION

KEY TO MATERIALS

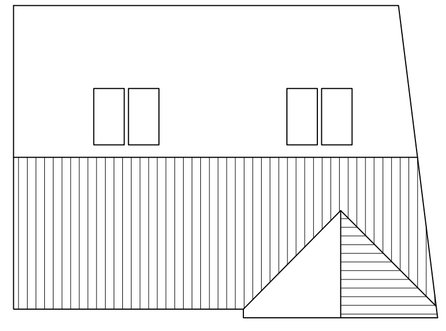
1 SLATE ROOF COVERING
2 CONTRAST RED BRICK DETAILING
3 TRADITIONAL BUFF 'OLD CHELSEA FUNTONS' BRICKWORK
4 OAK POSTS (NATURAL)
5 HARDWOOD DOOR + WINDOWS PAINT BLACK



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



LOCATION PLAN
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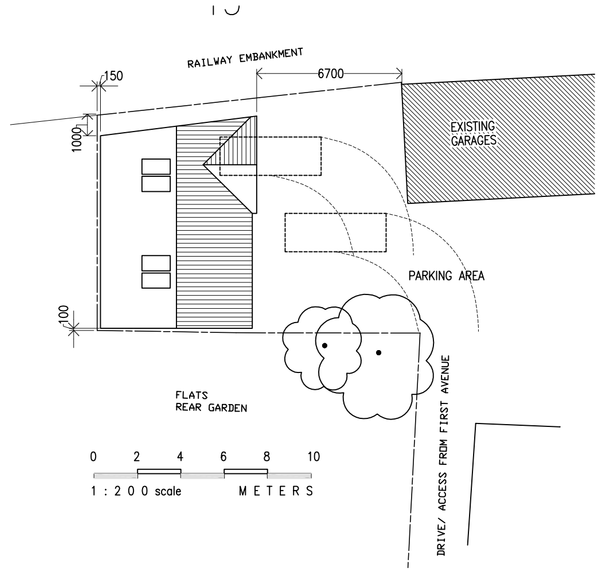
1:1250 scale METERS



SITE/ ROOF PLAN

metson
ARCHITECTS

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LEIGH PARK ROAD LEIGH ON SEA ESSEX SS9 2DU
01702 472714 admin@metson-architects.com

REV.

SCALE. @A2
DATE. MARCH 2021
CLIENT. MR T. PERKINS, FLAT 1, 59 FIRST AVE
JOB. NEW GARAGE/ STORAGE BUILDING, REAR OF 59 FIRST AVE

JOB NO. 2100 DRAWING NO. TP-01

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RAMEN
kosherie
GOGO

RAMEN CHILL
kosherie
01702 917 227
GRIFFIN

RAMEN + CHILL

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Reference:	21/00692/AMDT	8
Application Type:	Minor Amendment	
Ward:	West Leigh	
Proposal:	Development Land Underwood Square Leigh-On-Sea Essex SS9 3PB	
Address:	Vary conditions 02 to replace approved plan number drawings 385-P800A, 385-P801, 385-P802 and 385-P803, 385-P804 with 385-P8800, 385-P8801, 385-P8802 385-P8803- and 385-P8804 to move main entrance door to front, reduce front bay window, relocate stairs, install one dormer to north elevation instead of two, install rooflight to north elevation, alter openings to side and install flat roof to rear ground floor, alter wording of conditions 03, 05, 08, 13 and 15 to reflect this (Minor Material Amendment of planning permission 20/01309/FUL dated 04/11/2020)	
Applicant:	G Newton	
Agent:	SKArchitects	
Consultation Expiry:	26th May 2021	
Expiry Date:	3rd June 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	Previous approved plan to be replaced: **385-P800, 385-P801, 385-P802, 385-P803, 385-P04** Proposed amended plans: **385-P8800, 385-P8801, 385-P8802, 385-P8803, 385-P8804** **Variation of Condition Supporting Statement by SKArchitects**	
Recommendation:	**Members are recommended to GRANT PLANNING PERMISSION**	

DW
DN
1 to 9
Fair View Lodge
El Sub Sta
11
14
15
17
20
1
3
PLACE
UNDERWOOD SQUARE
37.2m
51
42
27
24
2
36
32
30
37
11

1 Site and Surroundings

1.1 Underwood Square is a purpose built urban square consisting of an informal green space surrounded and enclosed by detached and semi-detached houses. The houses are of different ages and designs and do not form a cohesive streetscene. The character of the square is derived primarily from the arrangement of the houses enclosing the open space and the presence of many mature trees, including a significant number of street trees and a number of mature oak trees on the rear (west) boundary of the application site and in neighbouring gardens.

1.2 The site was formerly occupied by a single detached house which was demolished in 2017. The plot is of a reasonable size taking up almost the entire west side of the square. For the purposes of this application the plot of the former Haydon House has been split into two sections. The current application for 1 detached house relates to the southern quarter of the site only which was granted planning permission for a single detached house under reference 20/01309/FUL. 2 pairs of semi-detached houses have been approved on the remainder of the site under application reference 20/01324/FUL. Both permissions have been implemented and construction is in progress. There is only one other property on the west side of the square to the north of the wider application site (number 11). This is a detached house of traditional design.

1.3 There are slight changes in levels north to south across the wider site as the land slopes down to Prittlebrook a short distance to the north. The surrounding area is residential in character mainly consisting of two storey houses, most of which are semi-detached. To the rear of the site is Belfairs School playing fields and Belfairs Woods beyond.

1.4 The central square is designated as protected green space. The large oak trees on the western boundary of the site are protected by Tree Preservation Order 4/72. The two oaks to the southern side of the site within the garden of 51 Lime Avenue and the liquidambar tree on the pavement close to the south east corner of the site are protected by Tree Preservation Order 1/20. There are no other policy or heritage designations in the vicinity of the site.

1.5 The wider area is residential in character. Aside from those noted above there are no other site specific designations.

2 The Proposal

2.1 Approval was granted on 4th November 2020 (Application No: 20/01309/FUL) to *'Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal)'*

2.2 The current application is seeking to vary condition 02 (approved plans):

2.3 Condition 02 states

02 The development hereby permitted shall be carried out in accordance with the following approved plans 385-P800A, 385-P801, 385-P802, 385-P803, 385-P804

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

2.4 The proposed amendments are as follows:

- Main entrance door relocated from the side to the front which has reduced the size of the bay window to the front. This change is more in-keeping with the neighbouring development.
- Relocated internal stairs and a straight stair layout.
- One triangular dormer to the north elevation in lieu of two to enable adequate head height for the new stair layout.
- New rooflight to the north elevation
- Modified openings to each side elevation including the significant reduction of the staircase window facing 51 Lime Avenue
- Flat roof to the rear of the ground floor with rooflight in lieu of fully glazed orangery style roof to improve maintenance of glass cleaning, energy efficiency and to be more in-keeping with neighbouring proposals.

2.5 The stated reason for the changes is to increase the prominence of the front entrance by moving it from the side to the front and relocation of the staircase to enable a more efficient internal layout.

3 Relevant Planning History

3.1 20/01309/FUL – Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal) – granted

3.2 20/01324/FUL - Erect 2No. two storey semi-detached dwellings and 2No. two and a half storey semi-detached dwellings, layout boundary planting and landscaping to front and layout parking spaces to front with associated vehicle accesses on to Underwood Square (Amended Proposal) – pending consideration

3.3 19/02143/FUL - Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal) – refused and dismissed at appeal

3.4 19/02289/FUL – Erect 4no two storey semi-detached dwelling houses with associated landscaping and amenities, layout parking to front and form vehicular accesses on to Underwood Square (amended proposal) – planning permission granted.

3.5 19/01446/FUL - Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square – refused

3.6 19/01749/FUL – Erect 4no two storey detached dwelling houses, layout parking to front and form vehicular accesses onto Underwood Square - refused.

3.7 18/02308/FUL – Erect chalet at northern end of the site, layout parking to front and form vehicular access onto Underwood Square – refused

3.8 18/01063/FUL- Erect three dwellinghouses, layout parking to front and form vehicular

accesses on to Underwood Square (Amended Proposal) – granted

3.9 17/00396/DEM – Demolish existing dwellinghouse (Application for Prior Approval for Demolition) – Prior Approval Granted

3.10 17/00234/FUL - Demolish existing dwelling house and erect 4no two storey dwelling houses, form vehicular accesses on to Underwood Square – refused and dismissed at appeal.

4 Representation Summary

Public Consultation

4.1 27 neighbouring properties were consulted and a site was displayed. 4 letters of representation have been received raising the following summarised comments:

- Unacceptable impact on neighbour amenity including overlooking.
- Creeping nature of multiple applications.
- Impact on preserved trees from proposed new window in south elevation. Tree work needs to be monitored.
- The application should not allow a balcony on the flat roof to the rear.
- No objections to the changes to the front or changes to south elevation.
- The staircase window should be obscured to prevent overlooking.
- The plans are confusing.

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

Environmental Health

4.2 No comments on the amendments.

Parks

4.3 No comments.

Natural England

4.4 Natural England currently has no comment to make on the variation of condition application.

Essex Fire Service

4.5 No Objections

Leigh Town Council

4.6 No objections. Works to the preserved tree should remain as previously agreed and should be monitored by the Council.

4.7 The application was called to committee by Cllr Hooper.

5 Planning Policy Summary

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

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

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 Community Infrastructure Levy (CIL) Charging Schedule

5.6 Technical Housing Standards – Nationally Described Space Standards (2015)

5.7 Vehicle Crossing Policy & Application Guidance (2014)

6 Planning Considerations

6.1 This application is for the variation of a planning condition relating to the approved plans only. The changes sought relate to the design of the proposal and its impact on local character and neighbours. In all other respects the proposal remains unchanged from that previously approved under reference 20/01309/FUL. It is for the same site edged red and description of development as the substantive approved scheme and it is considered that the changes sought fall within the scope of a minor material amendment in principle. The considerations in relation to this application are the principle, the impact on the character of the building and surrounding area and any impact on neighbours. It is considered that this amendment would have no significant impact on the traffic and transportation, sustainability or impact on preserved trees which remain unchanged and which were previously considered and found to be acceptable.

7 Appraisal

Principle of Development

7.1 The principle of this development was previously found to be acceptable under planning permission 20/01309/FUL. There have been no policy amendments since the determination of this application or material change in site circumstances. The proposal remains acceptable in principle subject to the detailed considerations below.

Design and Impact on the Street Scene

7.2 Paragraph 124 of the NPPF states 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.'

7.3 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*".

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

7.5 The proposed changes to the exterior of the building are the relocation of the main entrance door and associated reduction of the bay window to the front, the change from 2 smaller triangular dormers to a single larger triangular dormer on the north roof slope, a change from sloping to flat roof for the single storey rear projection and the alteration of fenestration arrangement to the side elevations.

7.6 It is considered that the proposed amendments would not result in any significant harm to the character and appearance of the proposed development, the site, the streetscene and the area more widely. The proposal is therefore acceptable and policy compliant in relation to design and character matters.

Impact on Neighbours

7.7 It is considered that, subject to a condition requiring that all side glazing above ground floor level is obscure glazed and fixed shut and that the single storey rear projection is not used as a balcony, the proposed amendments would have an acceptable impact on the amenities of neighbours. The amended design has reduced the amount of glazing on the side elevation facing the garden 51 Lime Avenue (previously conditioned to be obscured) so this will in fact reduce the perception of overlooking of this neighbour. The amended proposal is therefore acceptable and policy compliant in this regard subject to these conditions.

Community Infrastructure Levy (CIL)

7.8 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 232.'6 sqm, which may equate to a CIL charge of approximately £ *17874.42* (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be

deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that the amended elevations and internal layout is acceptable in terms of design, the impact on character and the impact on neighbours' amenity so condition 02 of application 20/01309/FUL can be varied to this effect.

8.2 In all other respects including the principle of the development, impact on traffic and transportation, preserved trees and sustainability, the proposal is the same as application reference 20/01309/FUL which was previously found be acceptable and compliant with the objectives of the relevant development plan policies and guidance subject to conditions. There have been no material changes in policy since this time. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISISON subject to the following conditions

01: The development hereby permitted shall begin not later than 04.11.2023.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 385-P8800, 385-P8801, 385-P8802, 385-P8803, 385-P8804

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

03 Prior to its occupation the materials for the external surfaces of the dwelling hereby approved shall be as set out on plan reference 385-P8801or any other details that have previously been submitted to and approved in writing by the local planning authority.

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

04 The first floor and second floor windows in the north and south elevations of the approved dwelling shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent that has been previously submitted to and agreed in writing by the local planning authority) and fixed shut up to a height of not less than 1.7m above first floor

level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

05 The hard and soft landscaping and boundary treatments at the site shall be carried out in full accordance with the proposed landscaping scheme including street tree planting as shown on plans ref 385-P8801 and 385-P8802 prior to occupation of the dwelling hereby approved, or any other details that have previously been submitted to and approved in writing by the local planning authority. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

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

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

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

Authority.

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

08 The two car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 385-P8801 shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.

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

09 The tree and tree root protection measures as set out in Sections 3 and 4 of the submitted Arboricultural Impact Assessment and Method Statement by Owen Allpress reference 1971 Rev-02 dated 20/09/20 and associated Tree Protection Plan reference 1974-02-P1 dated 20/09/20, Ground Protection Plan reference 1953-02-P1 dated 21/09/20, Cellular Confinement Plan reference 1953-02-P2 dated 25/05/20 and Tree Works Plan reference 1935-02-P3 dated 25/05/20 in relation to the trees identified as T1-T10 in this statement including the mitigation measures in relation to construction within the root protection areas of the trees denoted as T8, T9 and T10, shall be implemented in full prior to commencement of the development and be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist. The tree works to trees identified as T8 and T9 shall be restricted to that set out in Section 3.4 of the above report.

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

10 Prior to occupation of the dwelling hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105

litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

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

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

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

12 The development hereby approved shall be carried out in a manner to ensure the dwellinghouse complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

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

13 The development hereby approved shall be carried out in full accordance with the recommendation set out in table 4.1 and Section 5 of the submitted Ecological Appraisal by The Ecology Consultancy version 3.0 dated 21.09.20 and plan reference 385-P8803 showing proposed habitat measures.

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

14 The construction management of the site shall be carried out in full accordance with the submitted Construction Method Statement by SKArchitects reference 385-08-16 Rev A and plan reference 385-P805 showing the proposed

site layout plan during construction.

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

15 Before it is occupied the finished levels at the site shall be as set out on plan reference 385-P8804.

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

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

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

17 The roof of the single storey projection on the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

Informatives:

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

avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

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

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

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

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

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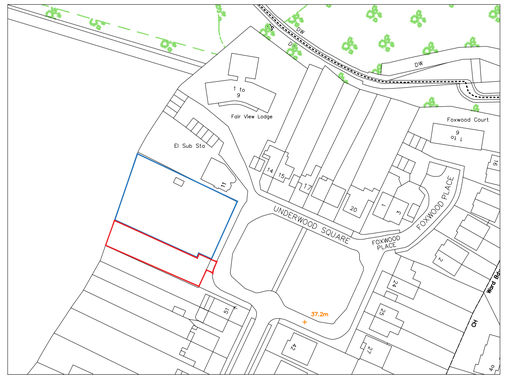
EXISTING BLOCK PLAN - 1:500

NORTH

0 10 20 30 40 50



EXISTING LOCATION PLAN - 1:1250

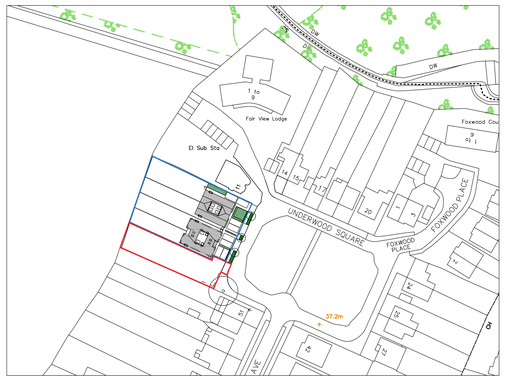
NORTH

0 25 50 75 100 125

2020 CONSENT - BLOCK PLAN - 1:500

NORTH

0 10 20 30 40 50



2020 CONSENT - LOCATION PLAN - 1:1250

NORTH

0 25 50 75 100 125

PROPOSED BLOCK PLAN - 1:500

NORTH

0 10 20 30 40 50

PROPOSED SITE PLAN - 1:1250

NORTH

0 25 50 75 100 125

PLANNING REFERENCE:
19/02289/FUL
DATED 4TH MARCH 2020

2020 CONSENT - INDICATIVE STREETSCENE - 1:100

0 1 2 3 4 5

157

Notes:

Rev	Comment	By	Date
A	Outline Red	DS	02/07/2020
-	-	DS	15/05/2020

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Site and Block Plans

Drawing no: 385-P800	Revision: A
Project no: 385	Drawn by: DS, WRS
Scale: 1:100, 1:500, 1:1250 @ A1	Chkd by: SK

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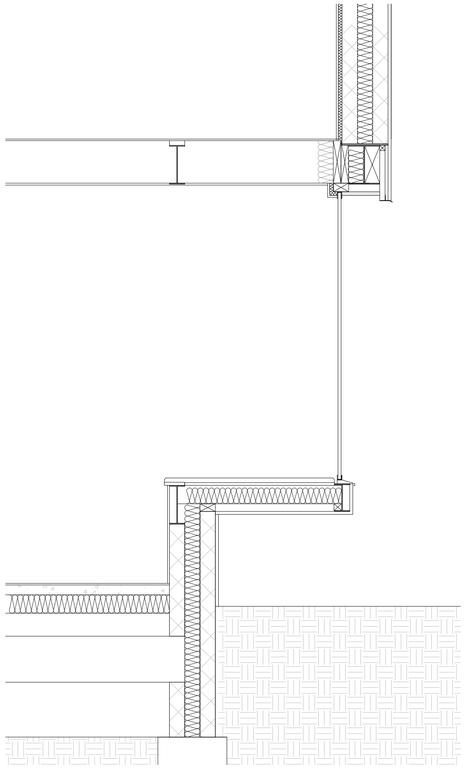
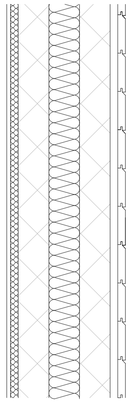
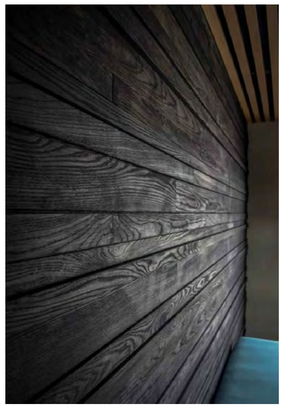


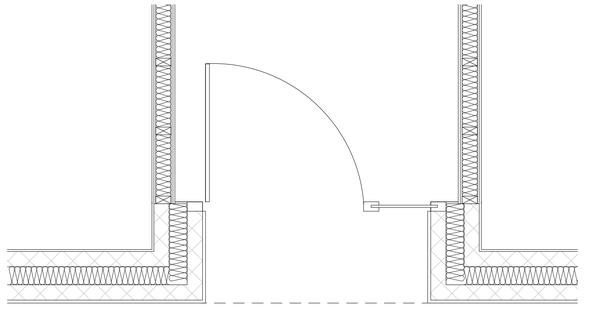
FRONT BAY SECTION 1:20



CLADDING 1:10

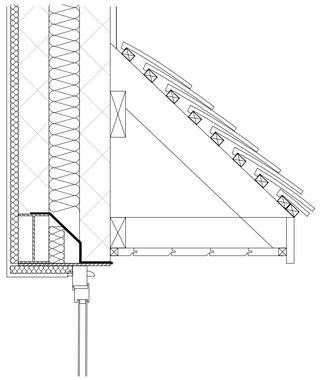


BURNT LARCH CLADDING

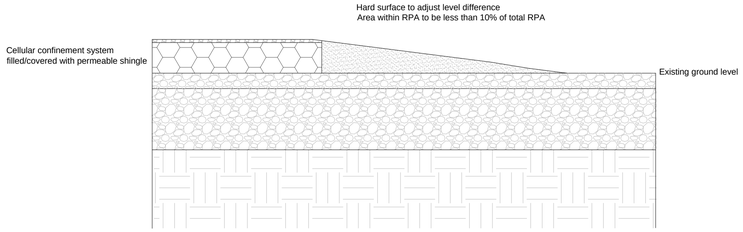


PORCH PLAN 1:20

FRONT BOUNDARY FENCE 1:20



FIRST FLOOR CANOPY 1:10



LANDSCAPING 1:10

No. 49 & 51 Lime Ave set 23 meters forward to proposal elevations

PROPOSED FULL INDICATIVE STREETSCENE 1:100

Notes:

Rev	Comment	By	Date
-	-	DS	15/05/2020

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Streetscene and Details

Drawing no: 385-P802	Revision: -
Project no: 385	Drawn by: DS
Scale: 1:10, 1:20, 1:100 @ A1	Chkd by: SK

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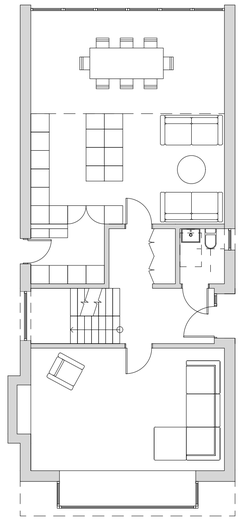
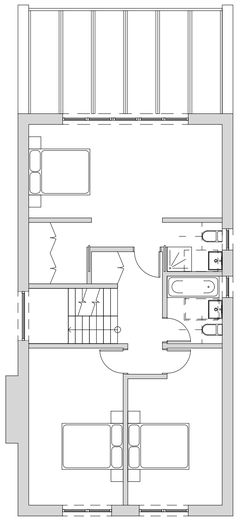
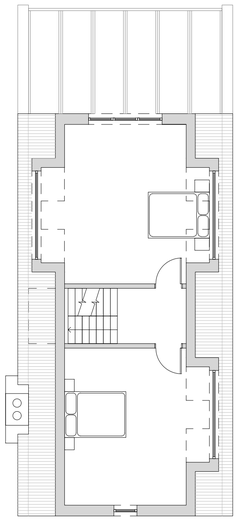


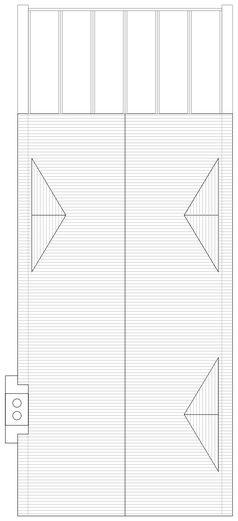
GROUND FLOOR PLAN



FIRST FLOOR PLAN



LOFT PLAN



ROOF PLAN

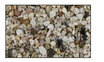
PROPOSED PLANS - 1:100

0 1 2 3 4 5

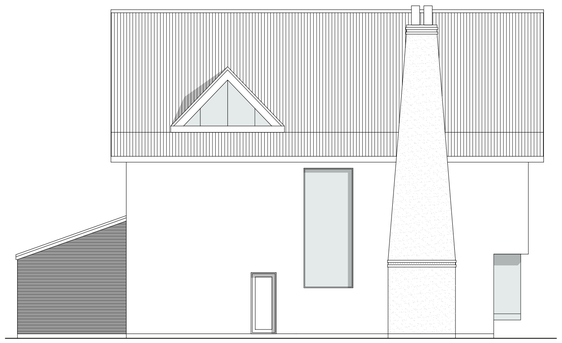
LANDSCAPE KEY

SPECIES		QUANTITY	MIN. HEIGHT TO BE PLANTED (cm)	MAINTENANCE	BIODIVERSITY
C Te	Choisya Ternata 'Mexican Orange Blossom'	1	30	Propagate by semi-hardwood cuttings. Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, plants benefit from mulching and feeding.	Bees Butterflies
Pi te	Pittosporum tenuifolium 'Silver Queen' (fv) tawhiwhi 'Silver queen'	1	40	Propagate by semi-hardwood cuttings in Summer. No routine pruning necessary. Remove diseased, damaged, congested or crossing shoots. After pruning, mulch and feed.	
Fa ja V	Fatsia japonica 'Variegata' Japanese aralia 'Variegata'	1	30	Propagate by semi-hardwood cuttings. Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, plants benefit from mulching and feeding.	
Ph	Phormium cookianum subsp. hookeri 'Cream delight' (v)	2	20	Propagate by division in spring. Dead or damaged leaves may be removed in the spring.	Bees Butterflies and other pollinating insects
Eu f	Euonymus fortunei 'Emerald Gaiety' (V) spindle 'Emerald Gaiety'	1	20	Propagate by semi-hardwood cuttings. Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, plants benefit from mulching and feeding.	Bees and other pollinating insects
LH	Laurel Hedge Prunus Lauroceraus	4	50	Propagate by semi-ripe cuttings from late summer to autumn.Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, mulch and feed.	Birds and other nesting wildlife
L N	Lonicera nitida	3	50	Propagate by semi-ripe cuttings from late spring to late summer. Clip any time from spring to autumn.	Birds Insects
Ph f	Photinia x fraseri 'Red Robin'	2	50	Propagate by semi-hardwood cuttings in Summer. No routine pruning necessary. Remove diseased, damaged, congested or crossing shoots. After pruning, mulch and feed.	Birds
C L	Compact Laurel 'Otto Luyken'	2	50	Propagate by semi-ripe cuttings from late summer to autumn.Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, mulch and feed.	Birds and other nesting wildlife

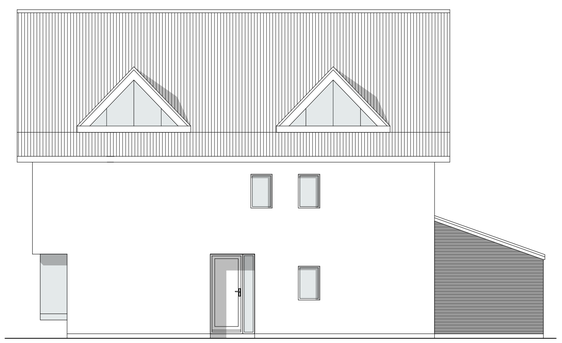
FINISHES

MATERIAL		LOCATION
	Dreadnought Brown Brindle Smoothfaced Roof tile	Roof tile to main roof and canopys
	Shou Sugi Ban Larch Charred Light Brushed Timber Cladding	Timber cladding to gables and sides of ground floor at the rear Fascias Pergolas and Soffits to be charred timber to match cladding
	K Rend Silicone Thin Coat Render Limestone White	Walls and front planters
	PPC Aluminium RAL 7006 Beige Grey	Windows and Doors and Dormer Windows
	Weinerberger Anglesey Weathered Buff Brick	Chimney
	Natural timber with concrete gravel board Badger gates in fences towards rear of garden	Boundary walls and fences
	Resin Mill Resin bonded paving (permeable) Oyster Pearl	Hard surfacing for parking area Area with cellular confinement system to be matching loose gravel

PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

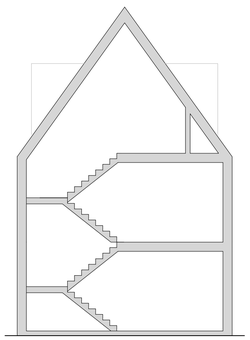


PROPOSED SIDE ELEVATION

PROPOSED REAR ELEVATION

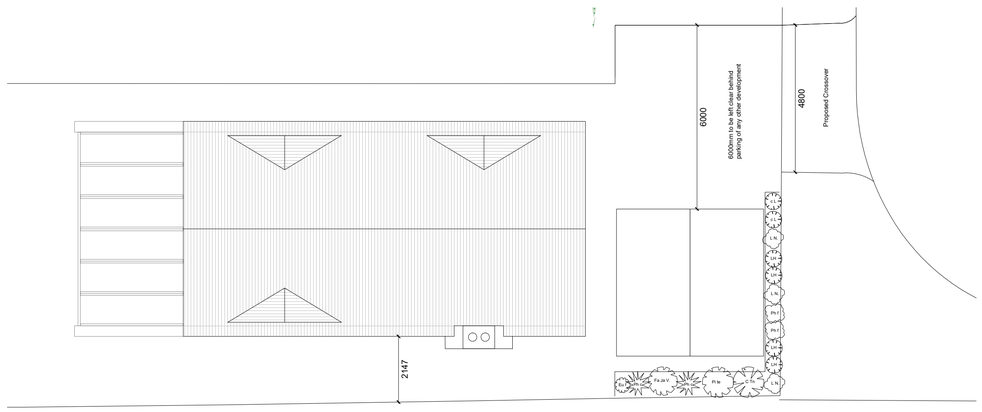
PROPOSED ELEVATIONS - 1:100

0 1 2 3 4 5



PROPOSED SECTION - 1:100

0 1 2 3 4 5



PROPOSED LANDSCAPING - 1:100

0 1 2 3 4 5

NORTH

CELLULAR CONFINMENT FOR PARKING IN RPA - 1:50

0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	-	DS	15/05/2020

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Proposed

Drawing no: 385-P801	Revision: -
Project no: 385	Drawn by: DS, MRS
Scale: 1:50, 1:100 @ A1	Chkd by: SK

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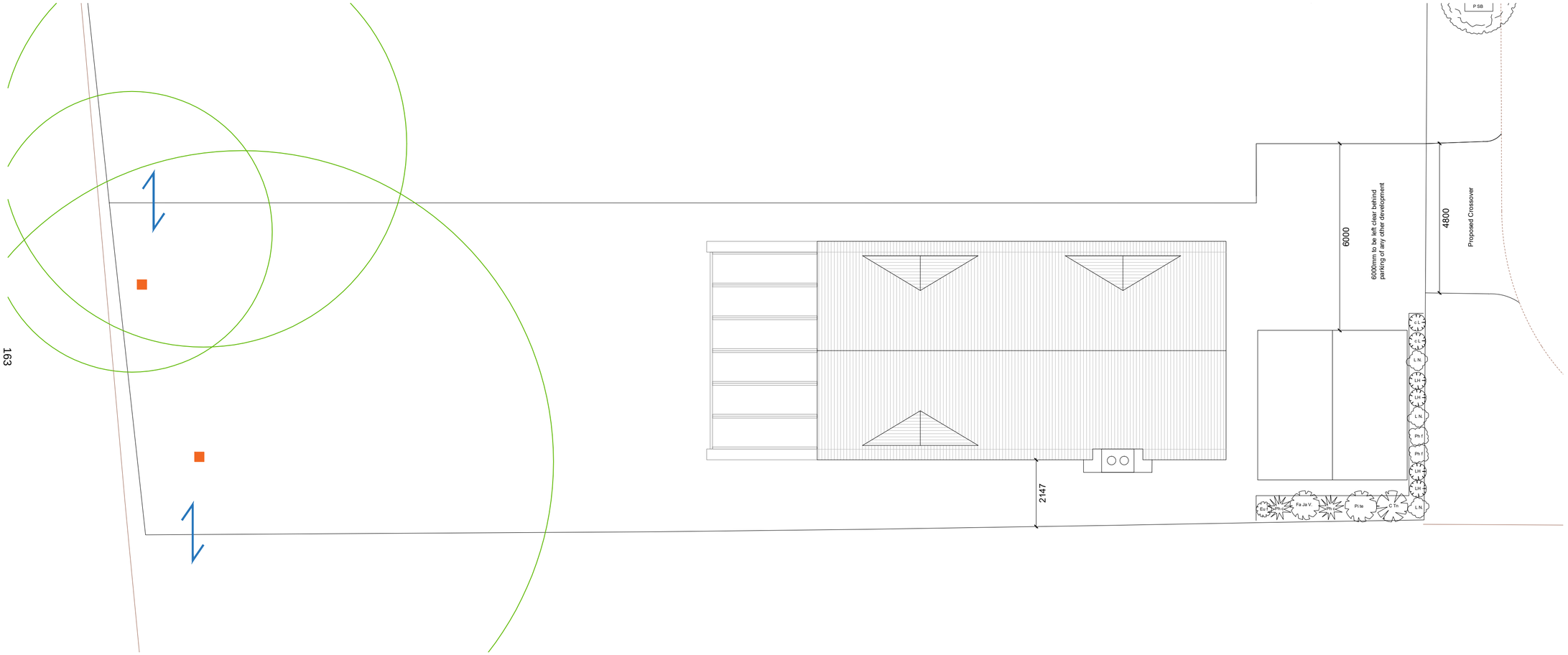

PROPOSED HABITAT MEASURES - 1:100

0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	-	DS	17/09/2020

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Proposed Habitat Measures

Drawing no: 385-P803	Revision: -
Project no: 385	Drawn by: DS, MRS
Scale: 1:100 @ A2	Chkd by: SK

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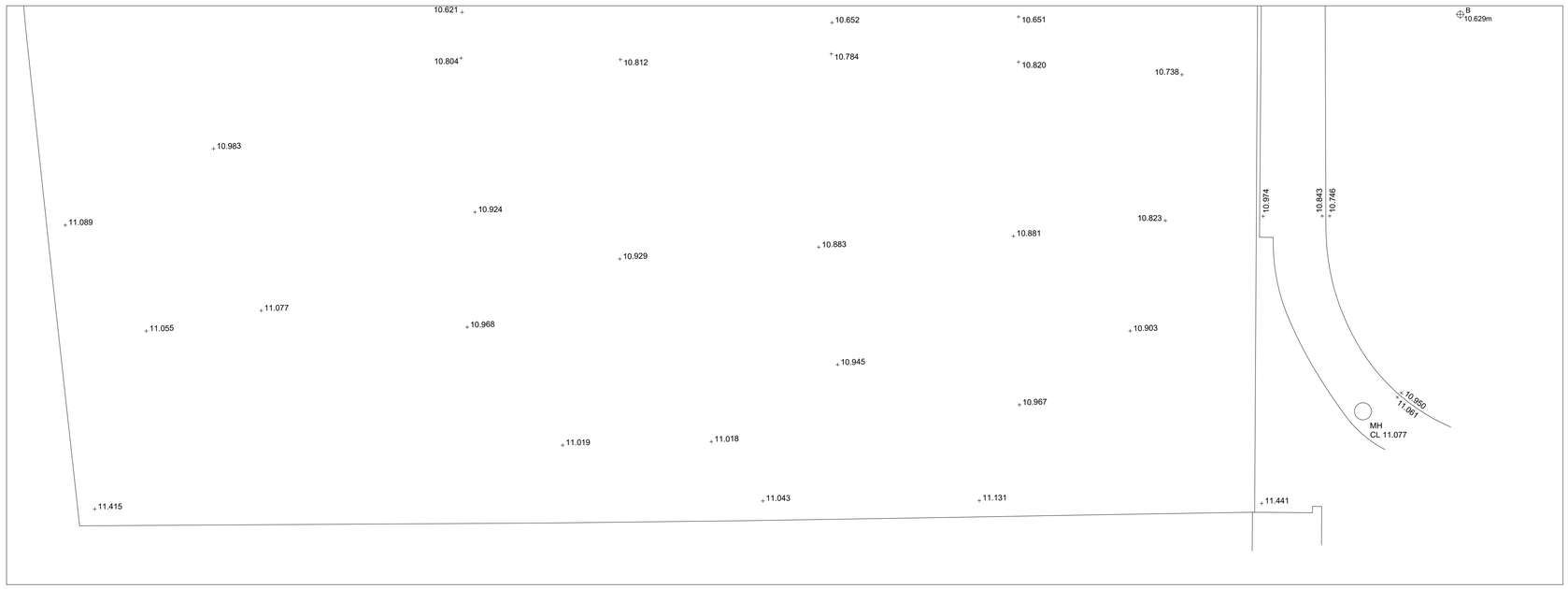
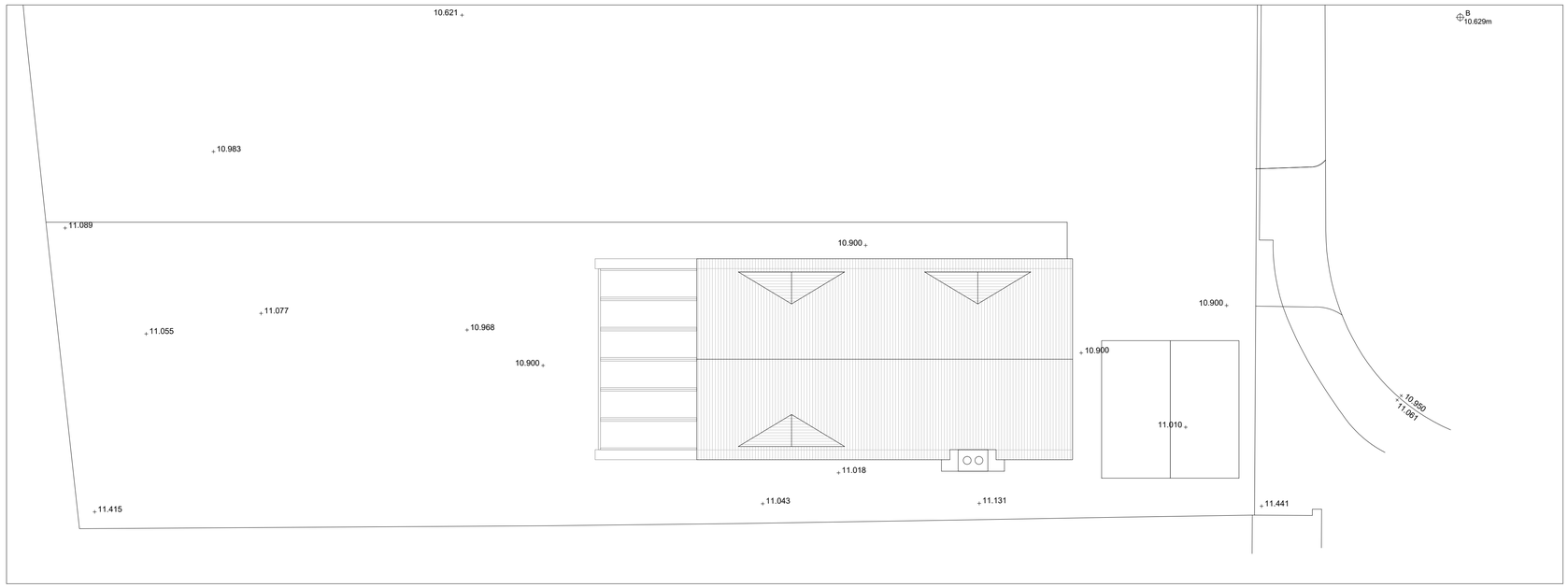


EXISTING SITE LEVELS 1:100

0 1 2 3 4 5



PROPOSED SITE LEVELS 1:100

0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	-	DS	05/10/2020

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Site Levels

Drawing no: 385-P804	Revision: -
Project no: 385	Drawn by: DS
Scale: 1:100 @ A1	Chkd by: SK

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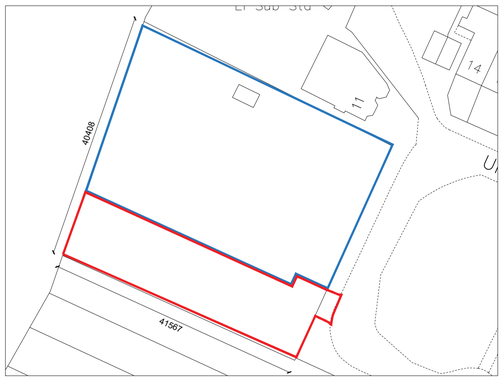
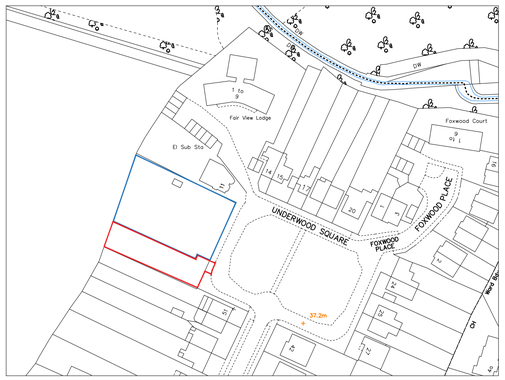


EXISTING BLOCK PLAN - 1:500

NORTH

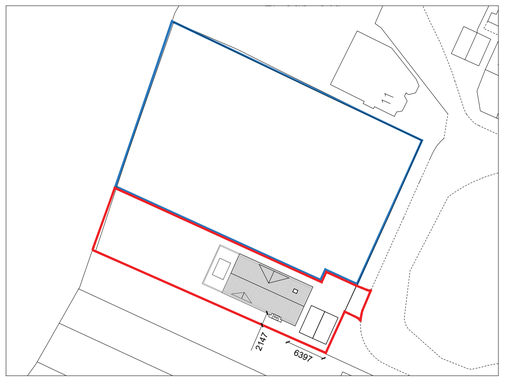
0 10 20 30 40 50



EXISTING LOCATION PLAN - 1:1250

NORTH

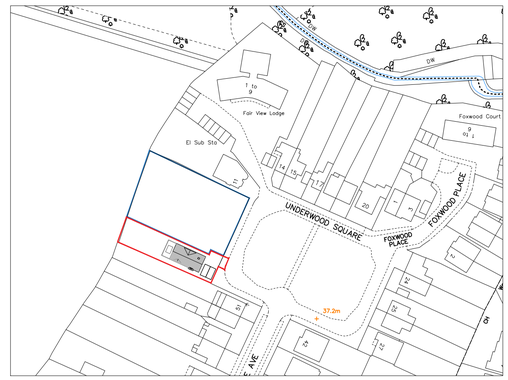
0 25 50 75 100 125



PROPOSED BLOCK PLAN - 1:500

NORTH

0 10 20 30 40 50



PROPOSED SITE PLAN - 1:1250

NORTH

0 25 50 75 100 125

NEIGHBOURING DEVELOPMENT - INDICATIVE STREETSCENE - 1:100

0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	-	DS	08/03/2021

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Site and Block Plans

Drawing no: 385-P8800	Revision: -
Project no: 385	Drawn by: DS, WRS
Scale: 1:100, 1:500, 1:1250 @ A1	Chkd by: SK

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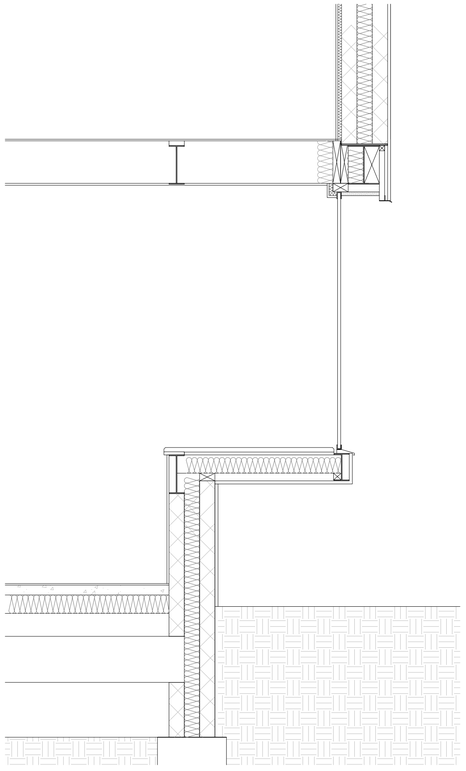
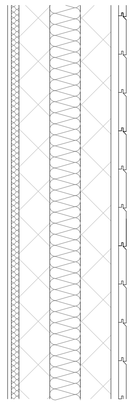
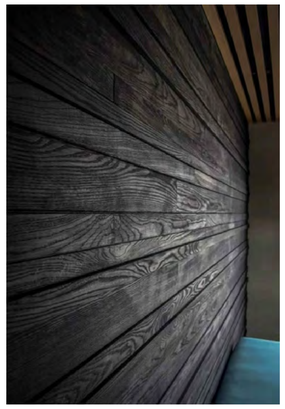


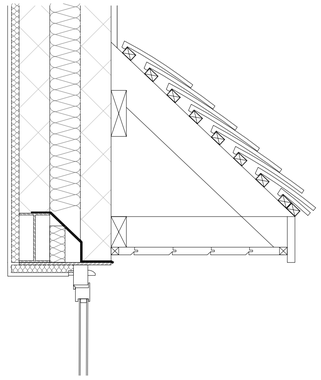
FRONT BAY SECTION 1:20



CLADDING 1:10

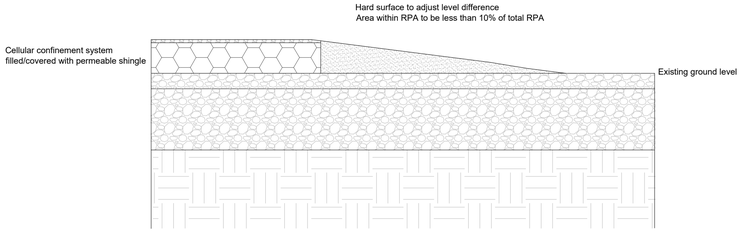


BURNT LARCH CLADDING



FIRST FLOOR CANOPY 1:10

FRONT BOUNDARY FENCE 1:20



LANDSCAPING 1:10

No. 49 & 51 Lime Ave set 23 meters forward to proposal elevations

PROPOSED FULL INDICATIVE STREETSCENE 1:100

0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	-	DS	08/03/2021

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Streetscene and Details

Drawing no: 385-P8802	Revision: -
Project no: 385	Drawn by: DS
Scale: 1:10, 1:20, 1:100 @ A1	Chkd by: SK

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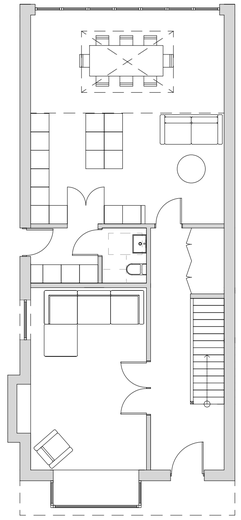
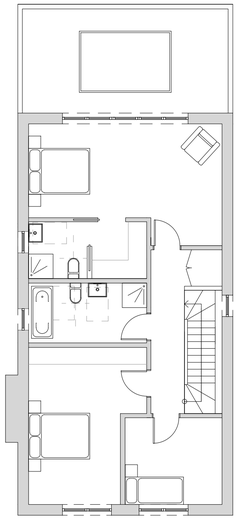
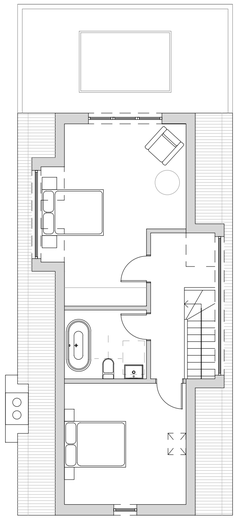


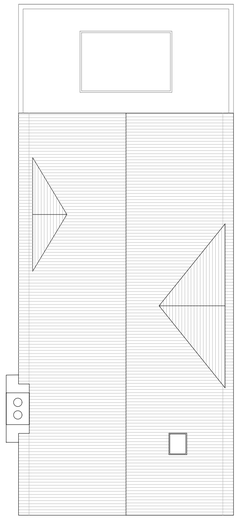
GROUND FLOOR PLAN



FIRST FLOOR PLAN



LOFT PLAN



ROOF PLAN

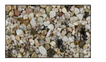
PROPOSED PLANS - 1:100

0 1 2 3 4 5

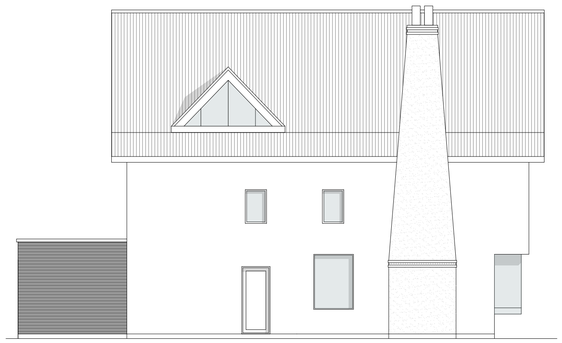
LANDSCAPE KEY

SPECIES		QUANTITY	MIN. HEIGHT TO BE PLANTED (cm)	MAINTENANCE	BIODIVERSITY
C Tn	Choisya Ternata 'Mexican Orange Blossom'	1	30	Propagate by semi-hardwood cuttings. Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, plants benefit from mulching and feeding.	Bees Butterflies
Pi te	Pittosporum tenuifolium 'Silver Queen' (f/v) tawhiwhi 'Silver queen'	1	40	Propagate by semi-hardwood cuttings in Summer. No routine pruning necessary. Remove diseased, damaged, congested or crossing shoots. After pruning, mulch and feed.	
Fa Ja V.	Fatsia japonica 'Variegata' Japanese aralia 'Variegata'	1	30	Propagate by semi-hardwood cuttings. Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, plants benefit from mulching and feeding.	
Ph	Phormium cookianum subsp. hookeri 'Cream delight' (v)	2	20	Propagate by division in spring. Dead or damaged leaves may be removed in the spring.	Bees Butterflies and other pollinating insects
Eu f	Euonymus fortunei 'Emerald Gaiety' (V) spindle 'Emerald Gaiety'	1	20	Propagate by semi-hardwood cuttings. Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, plants benefit from mulching and feeding.	Bees and other pollinating insects
LN	Laurel Hedge Prunus Launcerasus	4	50	Propagate by semi-ripe cuttings from late summer to autumn.Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, mulch and feed.	Birds and other nesting wildlife
L N	Lonicera nitida	3	50	Propagate by semi-ripe cuttings from late spring to late summer. Clip any time from spring to autumn.	Birds Insects
Ph f	Photinia x fraseri 'Red Robin'	2	50	Propagate by semi-hardwood cuttings in Summer. No routine pruning necessary. Remove diseased, damaged, congested or crossing shoots. After pruning, mulch and feed.	Birds
C L	Compact Laurel 'Otto Luyken'	2	50	Propagate by semi-ripe cuttings from late summer to autumn.Prune out any diseased, damaged or dead shoots and thin out crowded shoots. After pruning, mulch and feed.	Birds and other nesting wildlife

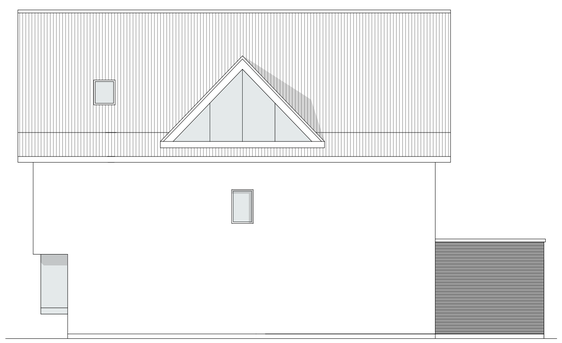
FINISHES

MATERIAL		LOCATION
	Dreadnought Brown Brindle Smoothfaced Roof tile	Roof tile to main roof and canopys
	Shou Sugi Ban Larch Charred Light Brushed Timber Cladding	Timber cladding to gables and sides of ground floor at the rear only Fascias and Soffits to be charred timber to match cladding
	K Rend Silicone Thin Coat Render Limestone White	Walls and front planters
	PPC Aluminium RAL 7006 Beige Grey	Windows and Doors and Dormer Windows
	Weinerberger Anglesey Weathered Buff Brick	Chimney
	Natural timber with concrete gravel board Badger gates in fences towards rear of garden	Boundary walls and fences
	Resin Mill Resin bonded paving (permeable) Oyster Pearl	Hard surfacing for parking area Area with cellular confinement system to be matching loose gravel

PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

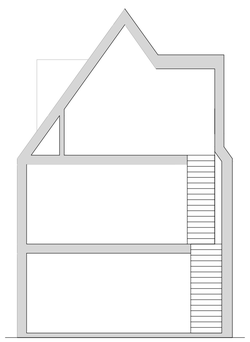


PROPOSED SIDE ELEVATION

PROPOSED REAR ELEVATION

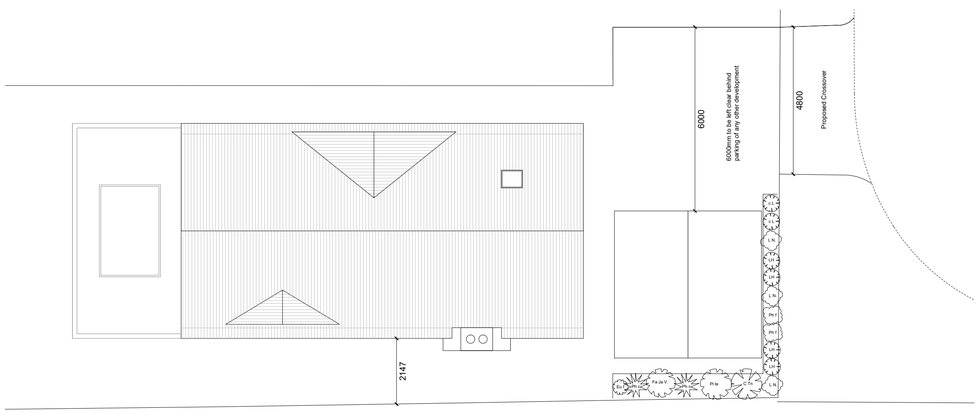
PROPOSED ELEVATIONS - 1:100

0 1 2 3 4 5



PROPOSED SECTION - 1:100

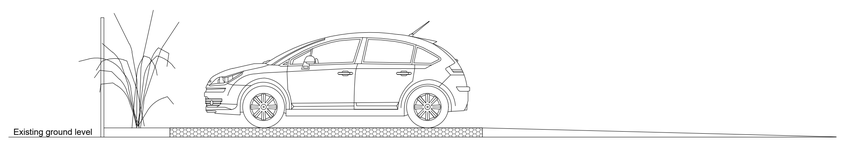
0 1 2 3 4 5



PROPOSED LANDSCAPING - 1:100

0 1 2 3 4 5

NORTH



CELLULAR CONFINMENT FOR PARKING IN RPA - 1:50

0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	-	DS	08/03/2021

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Proposed

Drawing no: 385-P8801	Revision: -
Project no: 385	Drawn by: DS, MRS
Scale: 1:50, 1:100 @ A1	Chkd by: SK

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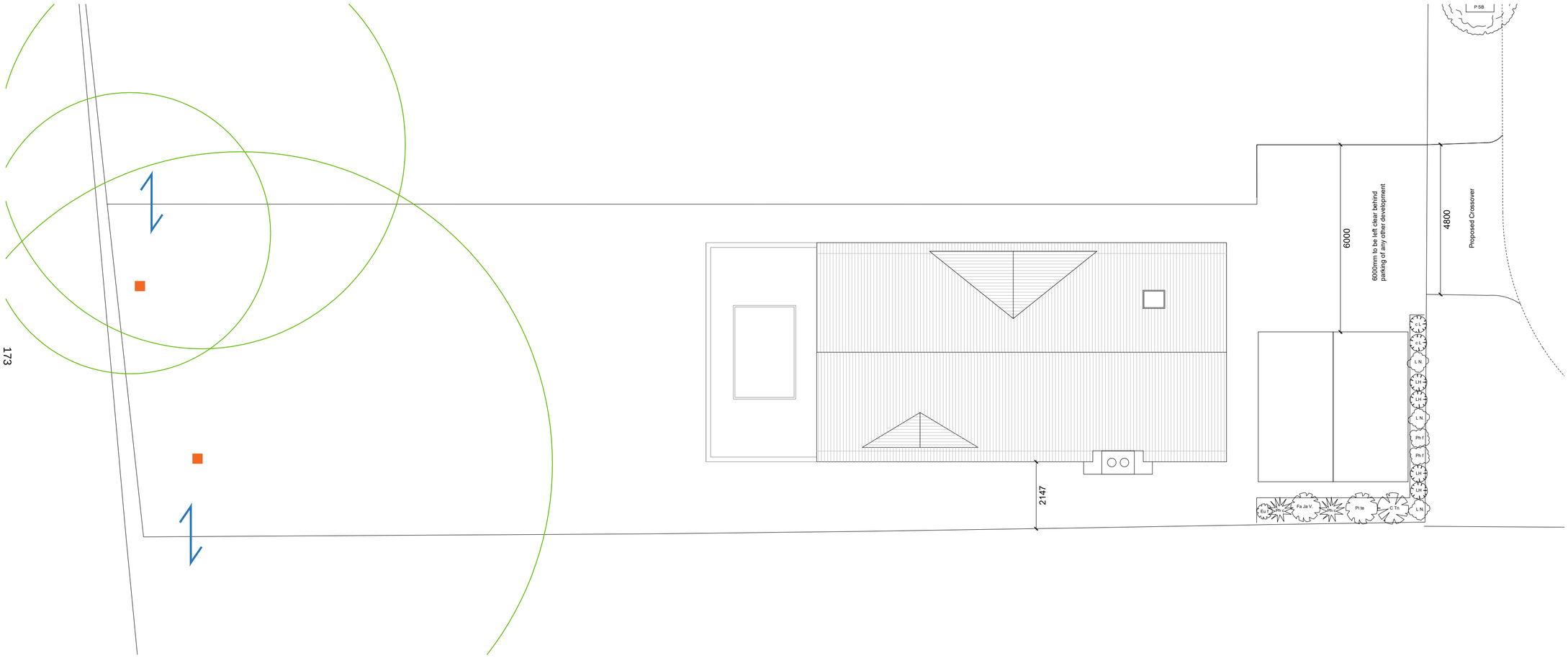

Badger Gate

Woodcrete Bird Boxes

PROPOSED HABITAT MEASURES - 1:100

0 1 2 3 4 5

NORTH

Notes:

Rev	Comment	By	Date
-	-	DS	08/03/2021

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Proposed Habitat Measures

Drawing no: 385-P8803	Revision: -
Project no: 385	Drawn by: DS, MRS
Scale: 1:100 @ A2	Chkd by: SK

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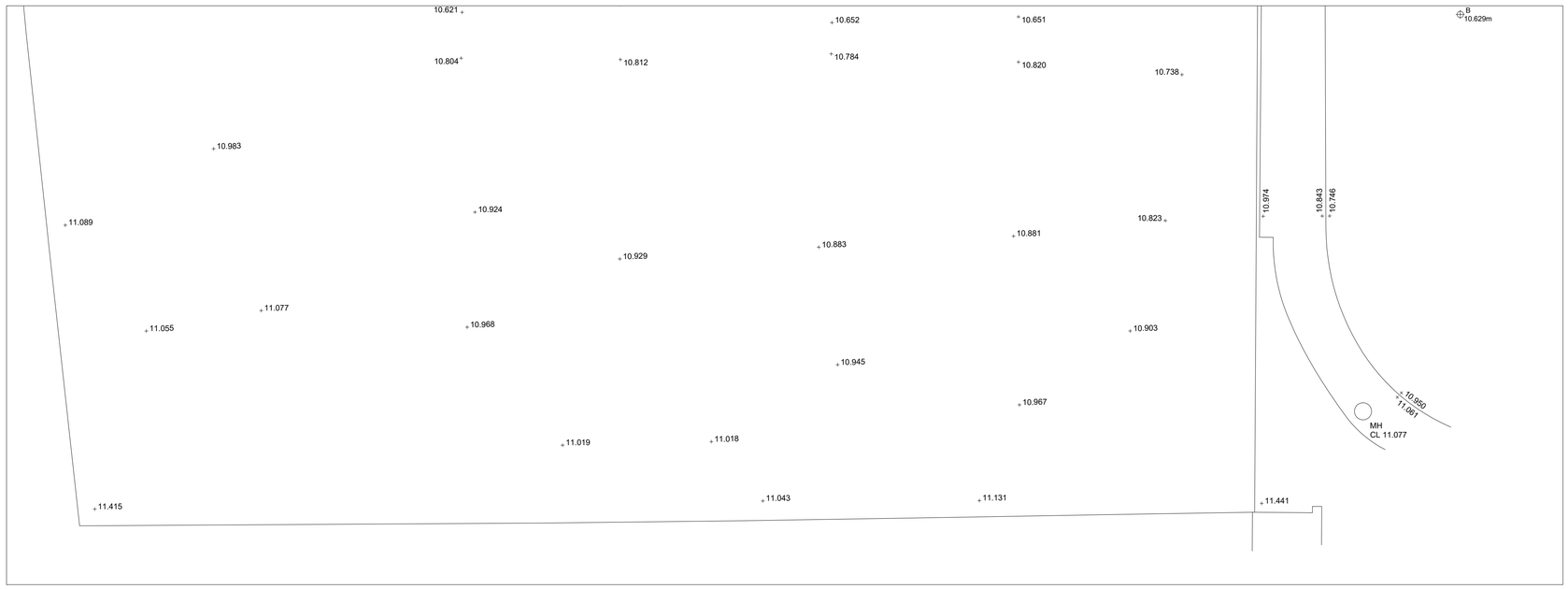
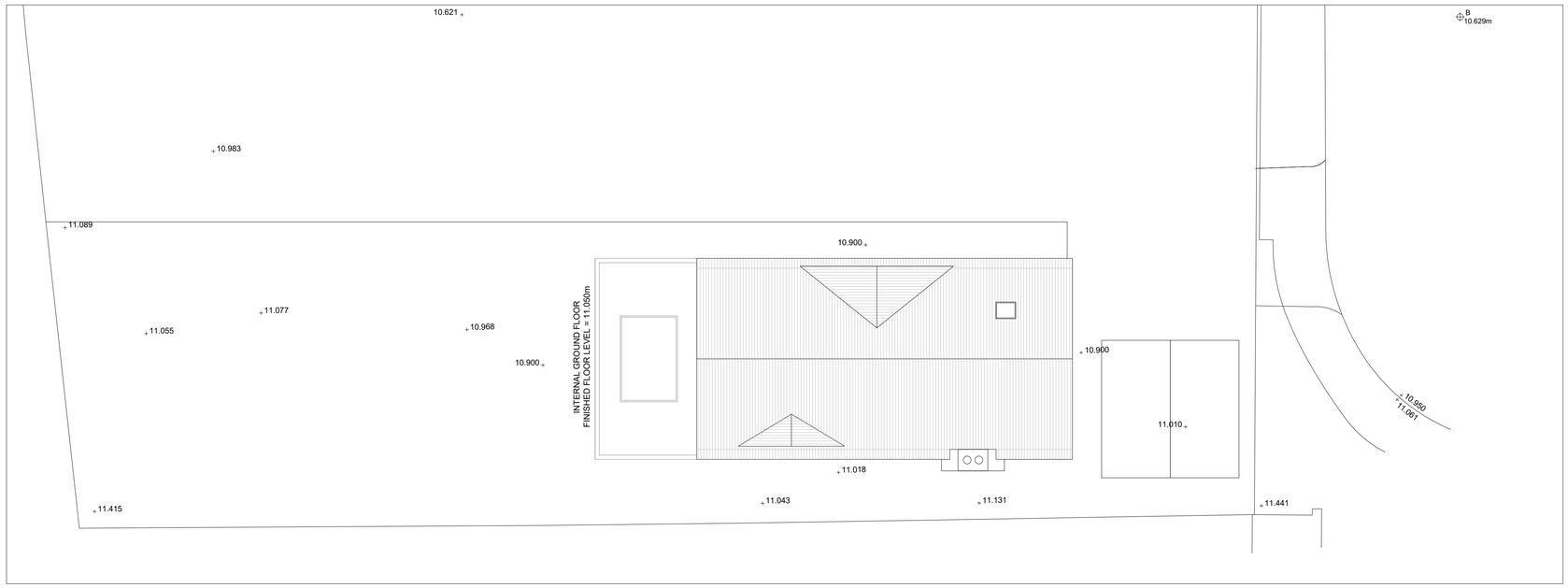


EXISTING SITE LEVELS 1:100

0 1 2 3 4 5



PROPOSED SITE LEVELS 1:100

0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	-	DS	10/05/2021

Stage:
3 - Developed Design

Client:
Mr G Newton

Project:
Hayden House
10 Underwood Square
Leigh - on - sea

SS9 3PB

Drawing Title:
Site Levels

Drawing no: 385-P8804	Revision: -
Project no: 385	Drawn by: DS
Scale: 1:100 @ A1	Chkd by: SK

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Development Site Underwood Square

Site Photos

Site of proposed dwelling

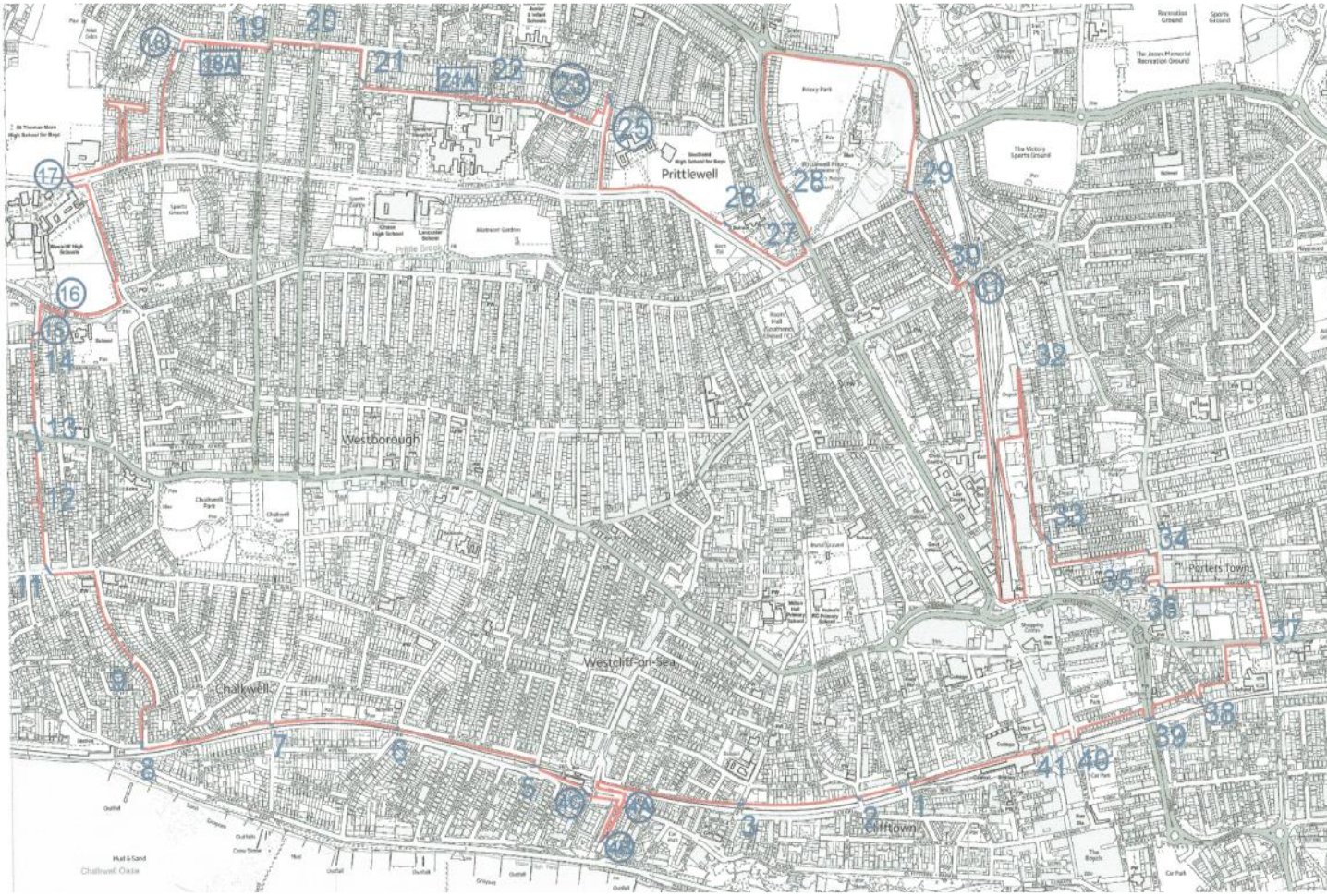
Wider Development Site 2020

Site relationship with 51 Lime Avenue

Neighbour to south of development site 51 Lime Avenue

Neighbour to north of development site
11 Underwood Square

Reference:	21/00316/AMDT	9
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Vary condition 02 of planning application 17/01263/FUL dated 03/10/2018 to replace approved plan numbers 911.23, 911.25, 911.33 and 911.002 with 911.23 RevA, 911.25 RevA, 911.33 RevA and 911.001 resiting and removal of poles at various locations (Minor Material Amendment of planning permission 17/01263/FUL dated 03/10/2018)	
Address:	Westcliff Eruv, Finchley Road, Westcliff-On-Sea	
Applicant:	Westcliff Jewish Association	
Agent:	Mr Daniel Rosenfelder of Rosenfelder Associates	
Consultation Expiry:	01.04.2021	
Expiry Date:	05.06.2021	
Case Officer:	Janine Rowley	
Plan Nos:	911.001C (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23A; 911.25A; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33A; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D and 911.41.	
Recommendation:	**GRANT PLANNING PERMISSION subject to conditions**	


Prittlewell
Westborough
Chalkwell
Westcliff-on-Sea
Cliftown
Porters Town

1 Site and Surroundings

1.1 The application relates to three of the 40 locations which form part of the succession of individual placements of street furniture granted planning permission in October 2018 under application 17/01263/FUL. That was to support the designation of an Eruv boundary which is predominantly focused on Westcliff but extends beyond into parts of Chalkwell, Leigh and Southend.

1.2 The 40 approved locations supporting the Eruv are listed for information in Appendix 1 to this report. It is only the physical street furniture that required planning permission (as opposed to, for example, the concept and purpose of the Eruv). Planning permission was only sought for structures where existing features such as walls and buildings did not provide the necessary enclosure for designating the Eruv. The installation was completed and commissioned in October 2020 following the approval of the substantive application 17/01263/FUL and subsequent amending applications 19/00729/FUL and 19/00978/FUL.

1.3 No markings or religious iconography are fixed to the street furniture in association with the Eruv. This planning application is prompted by the applicant's wish to accommodate changes in the detailed position of a minority of installed poles following third party feedback and relate solely to the locations described in paragraphs 2.2 to 2.4 below.

1.4 There are no heritage or other such designations on or in the vicinity of these three sites.

2 The Proposal

2.1 Planning permission is sought to alter the detailed position of street furniture approved at the three locations below. The applicant advises solely for information that poles on Chase Gardens (Location 24) approved under 17/01263/FUL are no longer intended to be erected.

2.2 Location 23 - the approved two 5.5m high 89mm diameter poles have been sited on the footpath next to 18a and 20 Carlingford Drive crossing to footpath with a 0.5mm wire next to 35 and 37 Carlingford Drive. The new location is to the rear of the footpath adjacent to the timber fence to 35/37 Carlingford Drive to a matching pole at the flank wall of no. 29 Carlingford Drive. Both sites are corner plots and the flank elevations next to which the poles will be re-located are along Lavender Grove.

2.3 Location 25 – As approved, the two approved 5.5m high 89mm diameter poles have been sited in the footpath outside 33 and 35 Hobleythick Lane crossing to footpath next to Southend High School for Boys. It is proposed to relocate them to the rear of the footpath next to no. 52 Hobleythick Lane with a 0.5mm wire crossing Hobleythick Lane to a matching pole at the rear of the footpath next to the flank fence wall of 2 Carlton Avenue in line with the junction with the north side boundary of 63 Hobleythick Lane.

2.4 Location 33- As approved, two 5.5m high 89mm diameter poles have been sited along the footpath next to 97 Milton Street crossing to footpath next to 88 Milton Street and St Ann's Road with 0.5mm connecting wire. It is proposed to relocate them 0.4m to the flank wall of no. 97 Milton Street with a wire at a diagonal crossing to the matching pole at no. 88 Milton Street set back 1m from the previously approved position.

3 Relevant Planning History

3.1 20/01290/NON- Replace plan number 911.51 with plan number 911.51A - reduce diameter size of poles from 89mm to 76mm (Non-Material Amendment to Planning Permission 19/00729/FUL dated 06.11.2019)- Allowed.

3.2 19/00729/FUL- Erect street furniture comprising of groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) minor re-routing and re-positioning to the following previous locations 4A, 4B, 4C, 4D, 15-18 and 31 approved under planning permission 17/01263/FUL dated 03.10.2018– Planning permission granted.

3.3 19/00978/FUL- Erect street furniture comprising of an ornamental metal arch to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at location 18A -Footpath between 38/46 Bridgwater Drive and location 21A - Footpath between 157/159 Carlingford Drive- Planning permission granted.

3.4 17/01263/FUL- Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the borough- Planning Permission Granted (03.10.2018)

4 Representation Summary

Public Consultation

4.1 Site notices were posted at the three locations subject of this application and a press notice was published.

One letter of representation has been received from a resident stating there are concerns if the changes are near to Holland Road and Station Road on the Hamlet Court Bridge side.

Officer comment: The concerns raised are noted and have been taken into account in the assessment of the proposal. The locations proposed to be changed are not near to the locations referred to in the representation and this is not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 **Highways Team**
There are no highway objections to this proposal.

4.3 **Parks**
No objections.

4.4 **National Rail**
No objections.

4.5 **Natural England**

No objections.

5 Planning Policy Summary

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

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Greenspace)

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

5.4 Design & Townscape Guide (2009)

5.5 The Community Infrastructure Levy Charging Schedule (2015)

6 Planning Considerations

6.1 The principle of supporting the installation of a succession of street furniture for the associated purpose of designating an Eruv perimeter and the equalities and diversity considerations related to this were agreed under planning permission 17/01263/FUL. The National Planning Policy Framework has been revised since determination of the 2017 application, but the relevant policy considerations have not changed in any material regard.

6.2 The main considerations in the determination of this application are design and impact on the character of the area, access, traffic and highways, impact on residential amenity and the relevant equalities and diversity considerations.

7 Appraisal

Design and Impact on the Character of the Area

7.1 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

7.2 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *"having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."*

7.3 Policy DM3 of the Development Management Document states:

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

7.4 Location 23 - re-siting of the existing pole to no. 35/37 Carlingford Road and a wire crossing to a matching pole at the rear of the footpath of no. 29 Carlingford Road. The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character and appearance of the area.

7.5 Location 25- the existing pole will be relocated to the rear of the footpath adjacent to no. 52 Hobleythick Lane with a wire crossing Hobleythick Lane to a matching pole at the rear of the footpath adjacent to the flank fence wall of 2 Carlton Avenue in line with the junction with the north side boundary of 63 Hobleythick Lane. The poles and wire would not impact adversely on the character and appearance of the area.

7.6 Location 33- relocation of the existing pole 0.4m to the flank wall of no. 97 Milton Street with wire at a diagonal crossing to the matching pole at no. 88 Milton Street 1m set back from the previously installed position. The poles and wire would not impact adversely on the character and appearance of the area.

7.7 The proposal is therefore acceptable and policy compliant in the above regards.

Amenity

7.8 It is not considered that the re-siting of the approved poles would have any harmful impact on the amenity of nearby residential occupiers. The re-positioning of the poles along Lavender Grove from nos. 35/37 Carlingford Road to 29 Carlingford Road are located to the flank elevations of the respective properties. In relation to location 23 along Hobleythick Lane, the resiting will be next to the front boundary walls of no. 52 and 63 Hobleythick Lane and rear of no. 2 Carlton Avenue. Location 33 will include re-siting the pole to the flank elevation of no. 88 and the new pole to 97 Milton Street.

7.9 The design and siting of the proposed poles and wire would not harm residential amenity.

7.10 The development is therefore acceptable and policy compliant in the above regard.

Highways

7.11 The siting of the poles and wire would not result in any harmful impact on the highway and no objections have been raised by the Councils Highway Officer.

7.12 The proposal is therefore acceptable and policy compliant in the above regard.

Equalities and Diversity

7.13 The report to this Committee for the installation of Eruv related street furniture, approved in October 2018, contained a full analysis of the proposals in the context of the Equality Act 2010 which sets out a general duty on public bodies. This duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and to foster good relations between different groups when discharging its functions.

7.14 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to those provisions of the Equality Act 2010. The Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

7.15 Like the main street furniture proposals approved in October 2018 this proposal has the potential to generate some negative and positive impacts on groups with the protected characteristics of age, disability, sex, religion or belief. The potential impacts, both positive and negative, of the street furniture proposals on the different groups were identified in the appended report and weighed against each other.

7.16 The street furniture proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others.

7.17 There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups.

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. The proposal would result in no harm to highway safety and supports equalities and diversity objectives. This application is therefore recommended for approval.

9 Recommendation

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

01 The development hereby permitted shall begin not later than 3rd October 2021.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans:

911.001C (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23A; 911.25A; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33A; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B;

911.40 C & D and 911.41.

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

03 In respect of all sites hereby approved, details of the design and colour of the external surfaces of the posts and poles and associated structures plus, in respect of sites 17, 27, 30, 31 and 39 the detailed locations, sizes and design details of the polycarbonate and steel sheet fixings, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be implemented in full accordance with the details approved under this condition within 6 months of the erection of that particular pole, post or structure. Notwithstanding the details shown on the plans submitted and otherwise hereby approved the pole erected outside the boundary of 70 and 72 Eastbourne Grove (Site 21) shall be chamfered above a height no less than 1m above ground level to a diameter of 76mm in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

04 A Construction, Management and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, including details of the management arrangements for implementation of the works hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Local Highway Authority, prior to the commencement of the development. The Construction and Maintenance Strategy submitted shall include details on how the Eruv structure (poles, posts, associated structures and wire) would be constructed and maintained in a manner that would not compromise highway and pedestrian safety or unacceptably impact on movements on the public highway. The development shall be implemented and in full accordance with the approved Construction, Management and Maintenance Strategy and maintained in accordance with this Strategy in perpetuity.

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the road network arising from the development would be kept to a minimum in accordance with the National Planning Policy Framework Policies KP2, CP3 and CP4 of the Core Strategy 2007 and Policies DM1, DM3 and DM15 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

05 No site works or other works associated with this development shall be commenced before an Arboricultural Method Statement and Tree Works Plan, detailing the precautions to be taken to minimise damage to trees within and adjacent the sites and any works to be carried out to trees as part of the implementation of the proposal (where relevant), in accordance with British Standards BS5837:2012 and BS3998:2010, has been submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Arboricultural Method Statement and Tree Works Plan approved under this condition. The approved tree protection measures shall be fully installed before the commencement of works and maintained during construction.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

06 No site works or other works associated with this development shall be commenced unless and until an assessment of the impact of the wires on the flight paths of birds, for those approved structures within the reasonable proximity of Priory Park, have been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and propose measures such as, but not limited to, bird deflectors necessary to mitigate any identified harmful impacts and those agreed measures shall be fully installed prior to completion and first use of the respective developments and shall be permanently maintained for the lifetime of the developments hereby approved.

Reason: To ensure that the development protects local ecology in accordance with the National Planning Policy Framework, Policy KP2 and CP4 of the Council's Core Strategy (2007).

Informatives:

1 The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

2 Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.

3 The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.

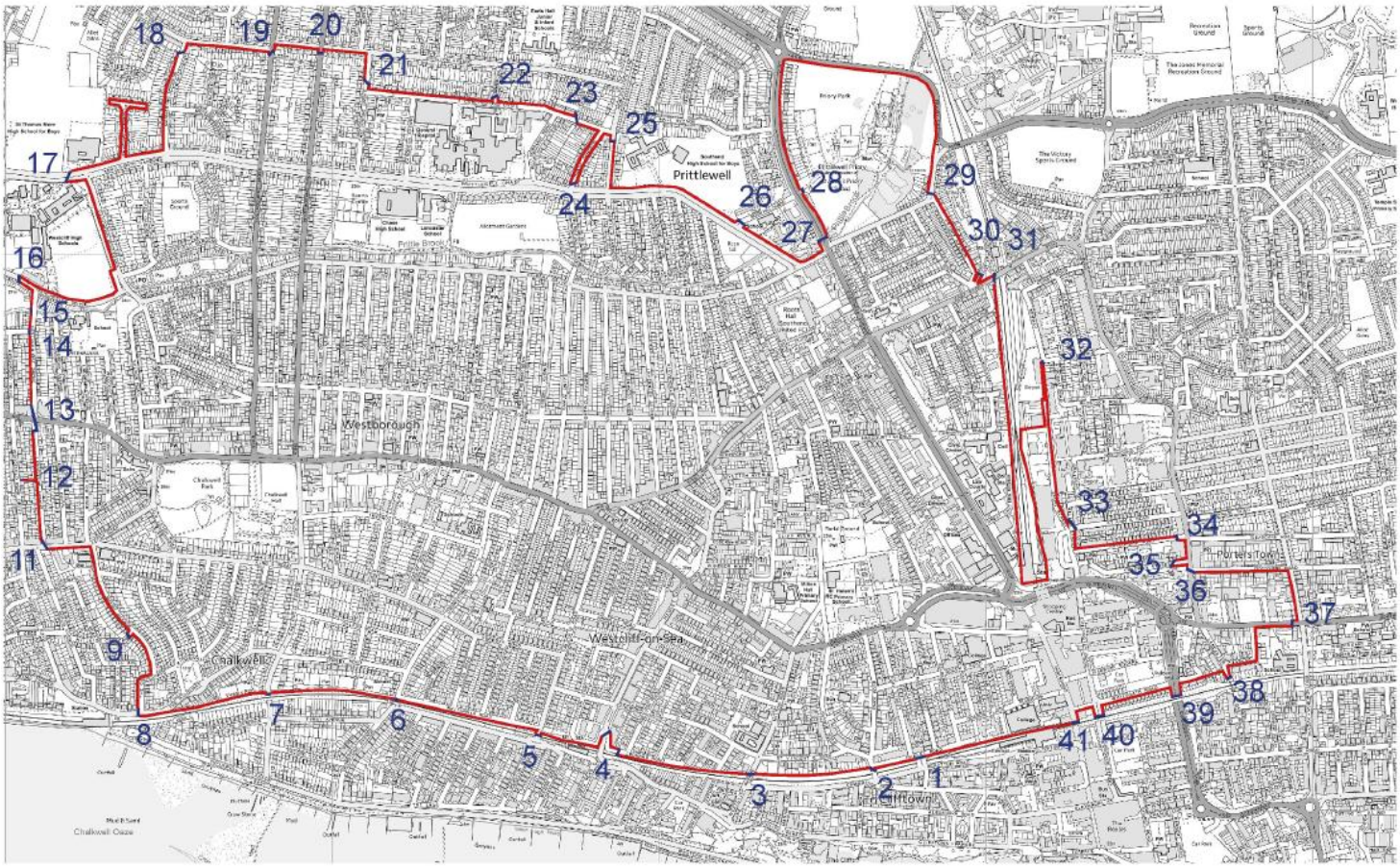
4 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

5 Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

6 The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.

7 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.

Reference:	17/01263/FUL	
Ward:	Chalkwell	
Proposal:	Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the borough	
Address:	Westcliff Eruv, Finchley Road, Westcliff-On-Sea, Essex	
Applicant:	Westcliff Jewish Association	
Agent:	Rosenfelder Associates	
Consultation Expiry:	31.10.2017	
Expiry Date:	10.11.2017	
Case Officer:	Patrick Keyes	
Plan numbers:	911.001 (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23; 911.24; 911.25; 911.26; 911.27;911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D; 911.41	
Recommendation:	**GRANT PLANNING PERMISSION**	



1 The Proposal

1.1 Planning permission is sought to erect street furniture at various locations in the Borough comprising groups of poles (usually two) between which is suspended, at high level, a nylon monofilament wire to designate the perimeter of a nominated Eruv. An Eruv is a continuous boundary designated in accordance with Jewish Law.

1.2 The proposed Eruv would include such street furniture at 40 location points (the applicant has confirmed whilst the location plan shows 41 there are only 40 locations as no. 10 has been omitted). It is only this physical street furniture that requires planning permission (as opposed to for example the concept and purpose of the Eruv). The location points for proposed street furniture are listed below. In each case, unless otherwise stated, the poles are 89mm in diameter. The wire itself is very thin (0.5mm) and translucent such that it is designed not to be materially visible to the eye but set at a height to permit safe passage of vehicles beneath. No markings or religious iconography are proposed to be fixed to the street furniture in association with the Eruv.

The applicant has been formally amended to Westcliff Jewish Association.

The proposed development comprises structures at the following locations:

1) Footpath crossing Bridge at Hamlet Road (2 no. 5.5 m high poles with connecting wire)

2) Footpath next to the railway embankment crossing to the footpath to the south end of 1 Avenue Road (2 no. 5.5m high poles with connecting wire)

3) Footpath next to Milton Road Gardens crossing to footpath next to Sea Cadet Headquarters (2 no. 5.5m high poles with connecting wire)

4) Footpath next to railway cutting next to Leonard Road crossing to footpath next to 2 Hamlet Court Road and footpath next to 20 and 22 Hamlet Court Road crossing to ramped approach to Hamlet Court Rd railway bridge (3 no. 5.5m poles with connecting wire) plus use of the existing lamp post on corner of Hamlet Court Road and Ditton Court Road

5) Valkyrie Road crossing at the railway bridge (2no. 5.5 m high poles with connecting wire)

6) Footpath in Britannia Road (2no. 3.5m high poles with connecting wire) and a 2.6m high segmental arch next to the access to bridge over railway and footpath adjacent to 131-137 Crowstone Road

7) Chalkwell Avenue next to abutment walls under Railway Bridge (2no. 1.05m high poles)

8) Footpath next to railway cutting along The Ridgeway crossing to the footpath next to 1 The Crossways (2no. 5.5m high poles with connecting wire)

9) Footpath next to 110 Hillside Crescent crossing to footpath next to 51 Mount Avenue (2 no. 5.5m high with connecting wire)

[Note : Site 10 omitted]

11) Relocate parking sign post next to Hadleigh Garage Leigh Road crossing to 89 Leigh Road next to Lansdowne Avenue (2no.5.5m high poles with connecting wire)

12) In alleyway between 56 and 60 Woodfield Park Road (2.4m high 50mm diameter ornamental arch)

13) Footpath next to 101 Lansdowne Avenue crossing to footpath next to 794 London Road and then crossing to footpath next to 959 London Road at Darlinghurst Grove (3no. 5.5 poles with connecting wire)

14) Footpath next to 4 Glenbervie Drive in Darlinghurst Grove crossing to footpath next to 61 Darlinghurst Grove (2no. 5.5m high poles with connecting wire)

15) Footpath next to 69 Darlinghurst Grove crossing to footpath next to 73 Darlinghurst Grove (2 no. 3.5m high poles with connecting wire)

16) Footpath outside 34 and 36 Manchester Drive crossing to footpath opposite at Admiral Court Manchester Drive (2 no. 5.5m high poles with connecting wire)

17) Footpath next to Westcliff High School for Boys crossing to footpath opposite St Thomas More High School (2no. 5.5m high poles with connecting wire)

18) Footpath next to 61 Mannering Gardens crossing to footpath next to 56 Mannering Gardens and rear of 60 Bridgwater Drive (2no. 3.5m high poles with connecting wire)

19) Footpath next to Southbourne Grove Surgery, Bridgwater Drive crossing to footpath next to 313 Southbourne Grove (2no.5.5m high poles with connecting wire)

20) Footpath next to 361 Westbourne Grove crossing to footpath next to 350 Westbourne Grove (2 no. 5.5m high poles with connecting wire)

21) Footpath next to 204 Carlton Avenue crossing to footpath outside 70 and 72 Eastbourne Grove (2no. 5.5m high poles with connecting wire)

22) Footpath next to 151 Carlingford Drive crossing to the footpath to the rear of 149 Carlingford Drive (2no. 5.5m high poles with connecting wire)

23) Footpath next to 18a and 20 Carlingford Drive crossing to footpath next to 35 and 37 Carlingford Drive (2no 5.5m high poles with connecting wire)

24) Footpath next to 159 Prittlewell Chase crossing to footpath next to 157 Prittlewell Chase (2no. 5.5m poles with connecting wire)

25) Footpath outside 33 and 35 Hobleythick Lane crossing to footpath next to Southend High School for Boys (2no 5.5m high poles with connecting wire)

26) Footpath next to 26 to 36 Hardwick Court crossing to footpath next to Priory School (2no 5.5m high poles with connecting wire)

27) Footpath outside 15-17 Stephen McAdden House crossing to footpath on opposite side of Victoria Avenue – (2no 5.5m high poles with connecting wire)

28) Footpath next to Priory Lodge crossing to land alongside access road of Priory Park Entrance (2no 5.5m high poles with connecting wire)

29) Footpath outside 25 and 27 Priory Crescent crossing to footpath next to 92 Priory Crescent (2no 5.5m high poles with connecting wire)

30) Footpath on west side of Station Approach crossing to footpath on opposite side of Station Approach (2no 5.5m high poles with connecting wire)

31) Footpath next to East Street Railway Bridge crossing opposite to the footpath on north of East Street (2no 5.5m high poles with connecting wire)

32) A 2.6m segmental arch proposed at the Vale Avenue/Kenway end across the footpath between the rear of Arriva Bus depot and rear of 18 Bircham Road

33) Footpath next to 97 Milton Street crossing to footpath next to 88 Milton Street and St Ann's Road (2no 5.5m high poles with connecting wire)

34) Footpath next to rear of 95-97 Sutton Road and Guildford Road crossing to footpath next to 53-55 Sutton Road and Guildford Road (2no 5.5m high poles with connecting wire)

35) Footpath next to 43 Sutton Road crossing to the footpath next to Malvern Flats in Coleman Street (2no 5.5m high poles with connecting wire)

36) Footpath to front of Malvern Sutton Road to the footpath adjacent 44 Sutton Road and Boscombe Road - 2no 5.5m high poles with connecting wire

37) Footpath outside 339 and 341 and 343 Southchurch Road crossing to the footpath next to 7 – 12 Glenhurst Mansions (2no 5.5m high poles with connecting wire)

38) Crossing between each side of the footpath to Lancaster Crescent under the Railway Bridge (2 no. 1.05m high poles)

39) Footpath next to the east and west sides of Queensway Bridge (2no. 1.05m high poles)

40) To the east, west and north side of Chichester Road Bridge (4 no. 1.05m high poles)

41) To the east and west of under the High Street Railway Bridge (4 no. 1.05m high poles)

2 Background to and definition of an 'Eruv'

2.1 An Eruv is a continuous boundary designated in accordance with Jewish Law. Jewish Law prohibits Orthodox Jews from carrying items on the Sabbath but carrying is permitted within the defined boundary of an Eruv, as is the use of other items such as pushchairs and wheelchairs.

2.2 The Eruv boundary is formed by using continuous local features, such as fences or walls alongside roads, railways or buildings. However, where this continuity is not possible due to breaks in the boundary, for example roads, then this breach must be integrated within the Eruv by the erection of a notional 'gateway'. Such a gateway consists of posts or poles linked on top by a wire or cross bar crossing the highway. Where the boundary is broken by a route crossing under it, the boundary is continued by the installation of *leci*. These are vertical batons, 1m high, usually sited inside features such as bridge arches.

2.3 The Design and Access Statement accompanying this application provides further background to the definition and purpose of an 'Eruv':

"The applicant community subscribes to traditional Orthodox Jewish practice, the laws of which are derived from those set out in the first five books of the Bible, known as the Pentateuch. These laws were subsequently interpreted in detail by subsequent generations of rabbis and codified in the Talmud, completed in the 6th century. Further interpretation and derivation has continued throughout the intervening period including in modern times, to confront differing circumstances in living conditions and including those of the modern technological era.

One of the fundamentals of Judaism is the observance of the Sabbath from sunset on Friday until nightfall on Saturday.

Among the basic rules defining this observance is prohibition of the use of any form of transport and, in addition, the carrying or moving of any object from a private into any other domain is prohibited other than in a nominally 'enclosed area'.

This is a basic 'relevant protected characteristic' (as defined in S149 of the Equality Act 2010) of Jewish religious law, which also permits it to be addressed – and it is that which is the impetus for the provision of an 'Eruv'-- which is the Hebrew term for this relaxation.

It assists the creation of an 'eruv' that the qualifying definition of an 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre high, a 'structure' comprising two poles connected with a thin filament to provide the necessary continuity where the boundary crosses a road or public footpath. The generally agreed height of the poles is 5.5 metres so as to be safely above any high vehicles. Further, the integrity and safety of the 'eruv' is required under Jewish law to be checked at least once a week.

Thus it is possible to achieve a notional 'enclosure' as defined in Jewish law encompassing a large area throughout which carrying of objects and movement of non-ambulant persons is permitted.

This is of great benefit to Sabbath observant people who are thus able to carry not only personal effects (handkerchiefs, keys, spectacles, etc) but, most importantly, it enables non-ambulant persons, i.e. all wheelchair users and babies to be pushed in the street thus overcoming a very limiting restriction on them and also on their carers who are otherwise unable to leave their home on the Sabbath

The qualifying definition of a nominal 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre in height, a structure comprising no more than a thin wire spanning between the tops of two poles.

It is the street furniture comprising these pairs of poles and the filament between them to complete the notional 'enclosure', which form the subject of this application".

2.4 The applicant cites a number of examples where Eruvs have been approved such as Edgware, Stanmore, Mill Hill, Belmont, Borehamwood, Bushey, Woodside Park, Barnet, Chigwell and North Manchester/Salford, Westminster, Brondesbury and Pinner.

3 Sites and Surroundings

3.1 The area bounded by the proposed succession of individual placements of street furniture is predominantly focused on Westcliff but extends beyond into parts of Chalkwell, Leigh and Southend. The individual street furniture locations are discussed in further detail in subsequent sections of this report. The locations are predominately within or bordering residential areas but take in sections of, for example, commercial areas such as London Rd and Leigh Rd and Location 41 is in High Street Southend. Some of the locations concern conservation areas: location 1 is near, but not within, Clifftown Conservation Area; locations 2 and 3 are within Milton Conservation Area, and locations 30 and 31 are close to, but not within, Prittlewell Conservation Area.

Highways Licence

3.2 The erection of the 'gateways' on the highway requires a licence under the Highways Act 1980. This would be subject to a number of conditions such as, use of an approved council contractor, indemnity insurance/bond and a section 278 agreement which also will cover future maintenance carried out by the council approved contractor. Failure to comply with any of these matters the licence would result in the license not being granted..

3.3 The Highway Licence covers the proposal in terms of the positions of each structure and will evaluate potential concerns including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire) matters.

The terms of the Licence would require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions to be taken by the approved council contractor to resolve these. An annual fee is also charged via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

4 Planning Considerations

4.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, access, traffic and highways and impact on residential amenity, highways licence and equalities and diversity matters.

5 Appraisal

Principle of Development
National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2, KP3, CP3, CP4, CP6 and CP7; Development Management Document (2015) Policies DM1, DM3, DM5, and DM15 and the Design and Townscape Guide (2009), Southend Central Area Action Plan (SCAAP) (2018)

5.1 The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.

5.2 One of the Core Planning Principles in paragraph 17 of the NPPF requires that Planning should "*take account of and support local strategies to improve ….cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs."*

5.3 Core Strategy strategic objective SO13 is to *"Secure the social and physical infrastructure related to improving the health, education, lifelong learning and well-being of all sectors of the community".*

5.4 Policy CP6 of the Core Strategy states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected not jeopardising the Borough's ability to improve the education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by ensuring the needs of all residents and visitors, including disabled and other vulnerable groups, are met and ensuring access and safety concerns are resolved within all new development.

5.5 Accordingly there is policy support for the principle of the development associated with the formation of an Eruv. The proposal's impact in terms of policies covering character (including Conservation Areas), design, amenity access and highway matters are considered below on a site by site basis.

Design and Impact on the Streetscene and Conservation Areas, Access, Traffic and Highways and Impact on Residential Amenity

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, CP3, CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and the Design and Townscape Guide (2009), Southend Central Area Action Plan (2018)

5.6 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

5.7 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *"having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."*

5.8 Policy DM3 of the Development Management Document states:

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

5.9 Policy DM5 of the Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value. In relation to development within Conservation Areas in particular, policy DM5 (Historic Buildings) states that:

"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."

5.10 In relation to development with conservation areas paragraph 302 of the Design and Townscape Guide states that:

'New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area.'

5.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council pays 'special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering planning applications.' Impacts on the settings of such heritage assets must also be carefully considered under this legislation.

Amenity, Access and Highways Considerations related to location points of street furniture for the Eruv

Site 1 - Footpath crossing Bridge at Hamlet Road/Scratton Road (2 no. 5.5 m high poles with connecting wire)

5.12 The proposed poles and wire would be situated on the existing pavement to the north of the railway bridge close to an existing lamppost to the east and against the mesh fence to the railway embankment with a wire crossing the bridge to the Scratton Road site at the rear of the footpath. The boundary of Clifftown Conservation Area starts on the other side of this road bridge over the railway cutting.

5.13 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Clifftown Conservation Area.

Site 2 - Footpath crossing to 1 Avenue Road (2 no. 5.5m high poles with connecting wire)

5.14 The proposed poles are to be located on the boundary next to no. 1 Avenue Road to the west and to the south east at the start of the railway bridge next to the mesh fencing to the railway embankment.

5.15 The poles are to be located within the Milton Conservation Area. It is not considered that the siting of the poles would affect the character and townscape value or the setting of the conservation area taking into account similar equipment in the form of prevailing lampposts and telegraph poles within the street scene and the simple and discrete design and scale of the proposal. The poles will not materially impact on the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 3 - Milton Road Gardens to Sea Cadet Headquarters (2 no. 5.5m high poles with connecting wire)

5.16 The poles are to be located to the south of the play area on the eastern side in Milton Road Gardens and south of the Sea Cadet Headquarters to the west.

5.17 The poles are to be located within the Milton Conservation Area. It is not considered that the siting of the poles would affect the character and townscape value or the setting of the conservation area taking into account similar equipment in the form of prevailing lampposts and telegraph poles within the street scene and the simple and discrete design and scale of the proposal. The poles will not materially impact on the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Further details can be dealt with by condition to ensure location 'A' to the south of the play area would not interfere with the bridge deck.

Site 4 - Leonard Road crossing to 2 Hamlet Court Road to 20 and 22 Hamlet Court Road (3 no. 5.5m poles with connecting wire and polycarbonate strip) including the existing Lamp post corner of Hamlet Court Road and Ditton Court Road

5.18 A 5.5m high pole is proposed next to the 2m high wire mesh fence on the north side of the railway with a wire crossing Leonard Road to a matching pole adjacent to the south flank of 2 Hamlet Court Road. A 5.5m high pole is to be erected at the rear of the footpath next to the site boundary line between 20 and 22 Hamlet Court Road with a wire fixed to the top of the existing lamppost located at the north end of the balustrade wall to the west side of the ramp. A clear polycarbonate strip will be fixed with clear adhesive to the face of the brick pier beneath the coping, under the line of the wire over.

5.19 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Details of the polycarbonate strip can be controlled by condition. Connecting the wire to an existing lamp post to the north of the bridge on the west side of Hamlet Court Road, will reduce street clutter and can be dealt with under a Section 278 Highways agreement.

Site 5 - Valkyrie Road crossing Bridge (2no. 5.5 m high poles with connecting wire)

5.20 The proposed poles and wire would be situated on the existing pavement to the north of the crossing bridge close on the east side and close to an existing lamppost to the west. The pole would be set 250mm to the south of the existing pier on the east side and 900mm to the south of the existing lamp post.

5.21 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 6 - Britannia Road Footpath (2no. 3.5m high poles with connecting wire) and a 2.6m high segmental arch to access to bridge over railway footpath adjacent to 131-137 Crowstone Road

5.22 A 3.5m high pole is proposed at the rear of the Britannia Road footpath next to the corner post of the galvanised steel paling fence to the east of the access path to the railway bridge stairs with a wire crossing the path to a matching pole adjacent to the corner post of the galvanised steel paling fence on the west site, opposite with a galvanised tube arch above.

5.23 The design and siting of the proposed poles and galvanised tube arch is found to be acceptable. The poles and archway would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 7- Chalkwell Avenue under Railway Bridge (2no. 1.05m high poles)

5.24 Two 1.05m poles ('leci') would be located next to the bridge abutment walls on the east and west side of Chalkwell Avenue below the outer edge beam of the bridge.

5.25 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 8 - The Ridgeway to 1 The Crossways (2no. 5.5m high poles with connecting wire)

5.26 A 5.5m high pole is to be located in the footpath in front of the chain link fence to the south side of The Ridgeway set 250mm to the left of the concrete fence. The pole to the south would link with a wire to a pole situated on the west side of The Crossways in front of the brick boundary wall to 1 The Crossway set approximately 900mm from the south end of the wall.

5.27 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 9 - Adjacent to 110 Hillside Crescent to adjacent 51 Mount Avenue (2 no. 5.5m high with connecting wire)

5.28 The proposed poles would be situated on Hillside Crescent next to 51 Mount Avenue to the north and 110 Hillside Crescent to the south to the rear of the side flanks of the properties.

5.29 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Note – there is no Site 10

Site 11 - Relocate Parking Sign adjacent to Hadleigh Garage Leigh Road to 89 Leigh Road adjacent Lansdowne Avenue (2no.5.5m high poles with connecting wire)

5.30 The existing kerbside parking pole on the south side of Leigh Road will be replaced and re-sited with a new 5.5m high pole with wire connecting to a pole next to the flank elevation of no. 89 Leigh Road fronting Lansdowne Avenue.

5.31 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 12 - Between 56 and 60 Woodfield Park Road (2.4m high ornamental arch)

5.32 A 2.4m high black colour-coated ornamental arch with 50mm diameter posts and wrought iron scrollwork above is proposed to the flank elevations of numbers 56 and 60 Woodfield Park Drive.

5.33 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 13 - 101 Lansdowne Avenue, to adjacent 794 London Road, to adjacent to 959 in Darlinghurst Grove (3no.5.5 poles with connecting wire)

5.34 A 5.5m pole is to be located to the north of the garage to 101 Lansdowne Avenue on the west side linking to a new pole on the east side adjacent to the flank elevation of 794 London Road with the wire spanning across London Road to the side of no. 959 London Road fronting Darlinghurst Grove.

5.35 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 14 - Adjacent 4 Glenbervie Drive in Darlinghurst Grove to adjacent to 61 Darlinghurst Grove (2no. 5.5m high poles with connecting wire)

5.36 A 5.5m pole is located to the flank elevation of no. 4 Glenbervie Drive (location 'A') and one adjacent to no 61 Darlinghurst Grove to the east of the garage.

5.37 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting next to 61 Darlinghurst Grove in close proximity to the vehicle access serving the existing garage would not be so harmful as to warrant a refusal on access or highways grounds. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 15 - 69 Darlinghurst Grove to Land adjacent 73 Darlinghurst Grove (2 no. 3.5m high poles with connecting wire)

5.38 Two 3.5m poles are to be located to the south and north of the Prittlebrook Greenway on the western side of Darlinghurst Grove with connecting wire.

5.39 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 16 - Between 34 and 36 Manchester Drive to opposite at Admiral Court Manchester Drive (2 no. 5.5m high poles with connecting wire)

5.40 Two 5.5m high poles are be located to the south adjacent to no. 36 Manchester Drive joining diagonally to a matching pole outside of Admiral Court to the north.

5.41 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 17- Westcliff High School for Boys to opposite St Thomas Moore High School (2no. 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

5.42 Two 5.5m high poles are to be erected to the south of St Thomas More High School and north of Westcliff High School for Boys with a connecting wire between. A 150mm wide x 600mm high x 9mm thick clear polycarbonate panel is to be fixed by cable ties to the north carriageway kerbside and central reservation colour coated railings. A 400mm x 800mm high steel sheet is also proposed to match railings within the central reservation pedestrian guard rails under the line of wire.

5.43 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles, structures and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet fixings are not objected to on the grounds of character, amenity of the area, highway or the amenity of residents further details are required of their installation and maintenance and this can be controlled by condition.

Site 18 - Adjacent 61 Mannering Gardens to adjacent 56 Mannering Gardens and rear of 60 Bridgewater Drive (2no. 3.5m high poles with connecting wire)

5.44 3.5m high poles would be situated on either side of the road to the rear of the Spa shop on the eastern side adjacent to 56 Mannering Gardens and an informal access road to the west north of 61 Mannering Gardens.

5.45 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area taking into account the existing street furniture or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 19 - Adjacent to Southbourne Grove Surgery, Bridgewater Drive to opposite 313 Southbourne Grove (2no.5.5m high poles with connecting wire)

5.46 The proposed 5.5m poles would be situated on the junction of Bridgewater Drive to the side of Southbourne Surgery and to the east next to 313 Southbourne Grove.

5.47 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 20 - Adjacent to 361 Westbourne Grove to adjacent to 350 Westbourne Grove (2 no. 5.5m high poles with connecting wire)

5.48 A 5.5m pole is to be erected to the east end of the rendered flank boundary wall of 361 Westbourne Grove with a wire crossing Westbourne Grove to a second pole (5.5m) adjacent to a fence enclosing the rear garden of 350 Westbourne Grove.

5.49 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 21 - Adjacent to 204 Carlton Avenue to between 70 and 72 Eastbourne Grove (2no. 5.5m high poles with connecting wire)

5.50 The proposed poles would be situated on either side of Eastbourne Grove, between the boundary of 70 and 72 Eastbourne Grove to the east and the rear garden of 204 Carlton Avenue to the west.

5.51 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting of the pole on the eastern side of Eastbourne Grove on the boundary between nos. 70 and 72 would not be so harmful as to warrant a refusal even when account is taken of the proximity to the driveways. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 22 - Adjacent to 151 Carlingford Drive to the rear of 149 Carlingford Drive (2no. 5.5m high poles with connecting wire)

5.52 The proposed poles are to be located to the rear of 149 Carlingford Drive next to the rear garden on the eastern side of Commercial Road and to the side elevation of 151 Carlingford Drive to the west in Commercial Road.

5.53 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The poles would not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. The impact of the proposal on the adjacent tree is found to be acceptable and this matter is assessed further below.

Site 23 - Between 18a and 20 Carlingford Drive to adjacent 35 and 37 Carlingford Drive (2no 5.5m high poles with connecting wire)

5.54 The proposed poles would be situated adjacent to the eastern side elevation of 35 and 37 Carlingford Drive to the north in Lavender Grove with wire connecting to a pole to the southeast in Carlingford Drive between the boundary of nos. 18a and 20.

5.55 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting of the pole on the southern side of Carlingford Drive on the boundary between nos. 18a and 20 given the close proximity of the driveways serving each of the properties would not be so harmful to warrant a refusal. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 24 - Adjacent 159 Prittlewell Chase to adjacent to 157 Prittlewell Chase (2no. 5.5m poles with connecting wire)

5.56 The poles would be situated to the rear of 157 Prittlewell Chase on the east side of Chase Gardens with wire crossing to a pole on the western side of Chase Road to the side elevation of 159 Prittlewell Chase.

5.57 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 25 - Adjacent 33 and 35 Hobleythick Lane to Southend High School for Boys (2no 5.5m high poles with connecting wire)

5.58 A pole would be situated on the eastern side of Hobleythick Lane south of the pedestrian access serving Southend High School for Boys with a wire crossing to a pole in front of 33 and 35 Hobleythick Lane to the west.

5.59 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 26 - Land adjacent to 26 to 36 Hardwick Court to opposite adjacent to Priory School (2no 5.5m high poles with connecting wire)

5.60 A pole would be situated to the rear of the footpath directly behind the existing lamp post on the north side of the Burr Hill Chase junction with a wire crossing the end of Burr Hill Chase to a matching pole adjacent to the corner post of the colour-coated steel paling fence to Priory School.

5.61 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 27 - Front of 15-17 Stephen McAdden House to Opposite Victoria Avenue – (2no 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

5.62 A pole would be located to the rear of the footpath immediately to the right of the brick pier and south of the existing telegraph pole (location ‘A’) in front of Stephen McAdden House with a wire crossing Victoria Avenue to a matching pole at the rear of the footpath behind the existing lamppost. A polycarbonate panel is to be fixed by cable ties to the galvanised railings on the central reservation.

A 400mm x 800mm high steel sheet is also proposed to match railings fixed to each side of the pedestrian guard rail over the baluster post, under the line of wire.

5.63 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet fixings are not objected to on the grounds of character, amenity of the area or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 28 - Front of Priory Lodge to the access Road of Priory Park Entrance (2no 5.5m high poles with connecting wire)

5.64 A 5.5m pole is to be located at the rear of the footpath adjacent to the low brick wall in front of Priory Lodge with a wire crossing the Priory Park access road to a matching pole next to the first post from the end of the railings leading into Priory Park.

5.65 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 29 - Between 25 and 27 Priory Crescent to land adjacent 92 Priory Crescent (2no 5.5m high poles with connecting wire)

5.66 A 5.5m high pole is to be located between the boundary of 25 and 27 Priory Crescent with a wire crossing the road to a matching pole next to the end post to the north side of the fence between the vehicular access of 82 and 92 Priory Avenue leading to Priory Works.

5.67 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 30 - West side of Station Approach to opposite Station Approach (2no 5.5m high poles with connecting wire and a polycarbonate panel)

5.68 The poles are to be situated on the west and east side of Station Approach next to the existing chain link fencing. On the east side of Station Approach a 150mm wide, 600m high and 9mm deep clear polycarbonate panel is to be fixed by means of cable ties to the road side of the kerbside galvanised railings. The site is near but not within Prittlewell Conservation Area.

5.69 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Prittlewell Conservation Area. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel is not objected to on the grounds of character, amenity of the area, heritage impacts or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 31 - East Street Railway Bridge opposite to the North of East Street (2no 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

5.70 One pole is situated to the western end of the railway bridge on the north side with a wire crossing East Street to a matching pole at the rear of the footpath to the south side (western end). A 150m wide x 600m high x 9mm deep clear polycarbonate panel is to be located to the kerbside galvanised railings to each side. A 400mm x 800mm high galvanised steel sheet to match the railings, fixed to each other to each side of the guard rail is also proposed under the line of the wire over.

5.71 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Prittlewell Conservation Area. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet is not objected to on the grounds of character, amenity of the area heritage impacts or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 32- Rear of Arriva Bus Depot Prittlewell Footpath to rear of 18 Bircham Road. A 2.4m segmental arch proposed at the Vale Avenue/Kenway end across the footpath between the rear of Arriva Bus depot and rear of 18 Bircham Road

5.72 A 2.4m high segmental arch spanning the north end of the access path between the west side of the steel palisade fence at the northwest corner of 18 Bircham Road.

5.73 The design and siting of the proposed arch is found to be acceptable. The archway would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 33 - Adjacent to 97 Milton Street to adjacent 88 Milton Street and St Ann's Road (2no 5.5m high poles with connecting wire)

5.74 The proposed poles would be situated to the south flank wall of 97 Milton Street with a wire crossing Milton Street diagonally to a matching pole adjacent to the flank wall of 88 Milton Street in St Ann's Road approximately 1m from the front corner.

5.75 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 34 - Rear of 95-97 Sutton Road and Guildford Road to adjacent to 53-55 Sutton Road and Guildford Road (2no 5.5m high poles with connecting wire)

5.76 The poles are situated to the rear of the vehicle access of 95 Sutton Road with a wire crossing Guildford Road to a matching pole 300mm away from the brickwork pier to the right of the doors in the flank elevation of the Co-op building at 53-55 Sutton Road.

5.77 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 35 - Adjacent to 43 Sutton Road to the footpath adjacent to Malvern Coleman Street (2no 5.5m high poles with connecting wire)

5.78 The poles are situated to the flank elevation of 43 Sutton Road in Coleman Street with a wire crossing Coleman Street diagonally to a matching pole adjacent to a post in the railings in Coleman Street.

5.79 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 36 - Footpath to front of Malvern Sutton Road to the footpath adjacent 44 Sutton Road and Boscombe Road - 2no 5.5m high poles with connecting wire

5.80 One pole is to be situated to the rear of the footpath adjacent to the north of the vehicular access to the flats on Sutton Road to a matching pole at the rear of the footpath next to the end corner fence post of the close boarded timber fence to the flank elevation of 44 Sutton Road.

5.81 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 37- Between 339 and 341 Southchurch Road to the footpath adjacent to 7 – 12 Glenhurst Mansions (2no 5.5m high poles with connecting wire)

5.82 A 5.5m pole is proposed to the rear of the footpath in front of the end of the fence wall between 339-341 and 343 Southchurch Road with wire crossing Southchurch Road diagonally to a matching pole at the rear of the footpath next to the corner post of the railings to the east end of 7-12 Glenhurst Mansions.

5.83 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 38 - Each side of the footpath to Lancaster Crescent under Railway Bridge (2 no. 1.05m high poles)

5.84 Two 1.05m poles 'leci' located next to the bridge abutment wall on the each side of the footpath to Lancaster Crescent below the outer edge beam of the bridge.

5.85 The design and siting of the proposed poles 'beneath the railway bridge is found to be acceptable. The two poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 39 - To the east of Queensway Bridge to the west of Queensway Bridge (2no. 1.05m high poles and a galvanised steel sheet)

5.86 Two 1.05m poles 'leci' located adjacent to the east and west of the abutment directly below the outer edge beam of the Queensway Bridge. A 400mm wide galvanised steel sheet to match the railings would be fixed to each side of the pedestrian guard rail over the baluster posts under the edge of the bridge.

5.87 The design and siting of the proposed poles and associated structures beneath the railway bridge is found to be acceptable. The two poles and sheet would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Details of the sheet would be secured through the conditions recommended.

Site 40 - To the east, west and north side of Chichester Road Bridge (4 no. 1.05m high poles')

5.88 Four 1.05m poles ('leci') are proposed to be located on the north side of the railway bridge over Chichester Road. These would be located east to west adjacent to the central walls and abutment walls.

5.89 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 41 - To the east and west of under the High Street Railway Bridge (4 no. 1.05m high poles)

5.90 Two 1.05m poles ('leci') located on the north side of railway bridge over the High Street adjacent to the east abutment and a matching post adjacent to the west abutment, directly beneath the outer edge of the beam over.

5.91 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The two poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Conclusions of design, character, access, highways and amenity considerations

5.92 In summary it is found that the street furniture proposed in each of the 40 separate locations would not cause material harm by reason of their design, or impact on character and that the proposals would preserve the character and setting of the relevant conservation areas. Nor would the proposals cause material harm to the safety and amenity of highway users, residents or businesses. Subject to appropriate conditions the proposals are therefore acceptable and policy complaint in the above regards.

Ecology and Biodiversity

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4 and Development Management Document (2015) Policies DM1, DM2 and DM3.

5.93 The National Planning Policy Framework (section 11) states that local authorities should aim to conserve and enhance biodiversity appropriately. Planning decisions must prevent unacceptable harm to bio-diversity and should require adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process.

Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. The locations proposed for the Eruv street furniture have no ecological designations. Taking into account the siting of the poles on the rear edge of footpaths and street furniture in the form of lamp posts, telegraph poles it is considered the impact on ecology is negligible. None of the locations are sited within statutory nature conservation sites, sites of special scientific interest, local wildlife site nor sites known to be containing protected species.

Impact on trees

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 DM2 and DM3 and the Design and Townscape Guide (2009*)*

5.94 No trees are proposed for removal as part of the proposals and no trees potentially affected by the Eruv street furniture are protected by tree preservation orders or located within a conservation area. To ensure trees within the highway or close proximity to the proposed Eruv street furniture are safeguarded a suitable condition can be imposed to ensure works are carried out in accordance with a tree protection plan and arboricultural report which complies with Clause 7 of British Standard BS5837 - Trees in Relation to Construction – Recommendations. This would be secured through the use of a condition.

6 Equality and Diversity matters

6.1 Section 149 of The Equality Act 2010 sets out a general duty on public bodies. This duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and to foster good relations between different groups when discharging its functions.

6.2 Equality duties require public authorities to demonstrate that any decision they make is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups. Section 149 provides that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) tackle prejudice, and
(b) promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6)The relevant protected characteristics are:

· age;
· disability
· gender reassignment
· pregnancy and maternity
· race
· religion or belief
· sex
· sexual orientation

6.3 This Council delivers that Public Sector Equality Duty through its Corporate Equality Objectives which include:

- The council continues to improve outcomes for all (including vulnerable people and marginalised) communities by ensuring services are fully accessible and responsive to differing needs of service users; and

- The diversity of Southend is celebrated and the Borough is an increasingly cohesive place where people from all communities get on well.

6.4 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

6.5 Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, religion or belief.

6.6 Based upon the Census 2011 publication faith groups within Southend Borough are characterised as follows:

Christian- 55.7%
No religion- 31.6%
Religion not stated- 7.8%
Muslim-1.9%
Hindu- 0.7%
Sikh- 0.1%
Buddhist- 0.5%
Jewish- 1.2%
Other religion- 0.5%

6.7 It is considered that the following protected groups could potentially be affected by the proposal:

• Those of Jewish faith
• People from other Faith groups including Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
• People from Secular Groups including Agnostic, Atheist, Humanist
• Disabled people
• Elderly people
• Young children and parents of young children who are Jewish
• Jewish women (on the assumption that these have greater childcare responsibility)

Orthodox Jews

6.8 As referred to elsewhere in the report, in the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws. The prohibition identified above has the following adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath:

- Parents cannot use a pram or pushchair to take their baby/young child with them to the synagogue or other places such as to visit friends or relations.

In effect this means that children aged two and under may be housebound as will at least one of their parents, a situation that would continue to exist until all the children in a family are able to walk the distances required.

-The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

-Disability takes various forms and those who require an appliance such as a wheelchair, walking stick, Zimmer frame to get out and about cannot make use of such equipment in a public thoroughfare without transgressing Jewish Law on the Sabbath.

-The prohibition also applies to the carrying of medication such as pills and nebulisers unless the absence of such medication were life threatening. Less obviously Jewish Law also prevents the carrying of reading glasses whilst walking.

6.9 The introduction of the Eruv enabled by the proposed street furniture subject of this planning application would directly benefit these members of the Jewish community who are adversely affected as outlined above. Indirectly other members of the Jewish community would benefit from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

Other faith groups

6.10 The proposal could have a potential adverse impact on those of other non-Jewish faith groups who feel it impinges on their beliefs. Officers nevertheless consider the potential adverse impact of the proposal in these protected groups is outweighed by the positive outcomes that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to carry out a range of activities on the Sabbath and the Day of Atonement. In reaching this conclusion officers have given weight to the impact that the proposals would have on the identified protected groups, however the harm is outweighed by the other considerations identified. In reaching this conclusion it is relevant to consider that the proposed eruv equipment does not display or carry any Jewish or other overtly religious symbolism that would allow it to be distinguished from other items of street furniture. The equipment is designed and located so as to be readily assimilated into the street scene.

Secular groups

6.11 This group includes Atheists, Agnostics and Humanists, a protected category under the Equality Act 2010. The proposal could be perceived as potentially raising secular tensions, promoting inequality and imposing religious beliefs on other persons. However it is considered that these potential perceived adverse impacts are mitigated by the Eruv street furniture not carrying any Jewish symbolism and that it would be usually seen as part and parcel of the normally expected street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Othodox Jewish Community.

Disabled people

6.12 Whilst the proposal would benefit disabled members of the Jewish community it is a reasonable potential concern that the proposed street furniture could create a hazard to disabled persons using the highway. Officers consider however that the design of the structures and the sites for the equipment have been carefully chosen so as to prevent such situations arising to any significant degree. The poles are 89mm in diameter so are relatively thin structures that can often be sited at the back edge of the pavement, so as to minimise intrusion onto the footway. Such poles are considerably smaller than many items of street furniture that can be erected without the need for any planning permission. The location of the poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

6.13 Highways have been consulted throughout the process and have no objections to the proposal.

6.14 In addition to planning permission being necessary, the street furniture also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued. Officers also find that having visited the individual sites and having considered the proposed siting of the Eruv equipment, that any concerns in respect of the safety of disabled members of the community would be mitigated by the combination of the size and design of the equipment and its location.

6.15 Given the above and the careful consideration given to the siting of the individual poles, officers consider that the health and safety of disabled persons would not be prejudiced by the proposal in the normal course of events. Officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Orthodox Jewish community.

Elderly People

6.16 There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled. Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals.

Where they are members of the Orthodox Jewish community without the introduction of an Eruv they would be prohibited from carrying these items on the Sabbath and as such would be housebound and unable to take part in various activities. The introduction of the eruv would remove this prohibition and similar benefits would accrue to the elderly as for the disabled. The location of the poles has had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to the accessibility and safety of movement of elderly and/or disabled people.

The proposal would have clear and significant benefits for elderly member of the Orthodox Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

Young Children and parents of young children in the Orthodox Jewish Community

6.17 Without the introduction of an eruv young children, more specifically those that have not reached walking age or are only capable of walking short distances, would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

6.18 At least one parent of young children would be effectively housebound by having to look after their children who cannot walk to the synagogue, local park, friends, grandparents etc. Furthermore, it is likely that mothers would have a greater childcare responsibility and are therefore likely to be disproportionately affected. The introduction of the Eruv would enable the use of pushchairs, prams etc for taking children out on the Sabbath. This will not only increase equality of opportunity for the children themselves but also their carers. In addition there would be indirect benefits to the wider family groups and community from being able to include all members in the communal activities.

6.19 It is considered that the planning application itself provides an opportunity for inter faith and religious understanding to be promoted. The application itself outlines the role of the Eruv thus giving more insight to the wider community of certain aspects of the Orthodox Jewish faith.

Overall conclusion on equalities impacts

6.20 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

6.21 Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, sex, religion or belief. The potential impacts, both positive and negative, of the proposal on the different groups have been identified and weighed against each other. As evidenced by the report this is not an easy task particularly when assessing the impact of the proposal on the religion/beliefs of different groups.

6.22 The street furniture proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others.

6.23 There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups.

7 Conclusion

7.1 The National Planning Policy Framework identifies that the purpose of the planning system is to contribute to the achievement of sustainable development, which it advises has three dimensions; economic, social and environmental. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural wellbeing. The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment when considering this application.

7.2 The application is found to be supported by the development plan policies as an overarching strategic objective SO13 of the Core Strategy to *"Secure the social and physical infrastructure related to improving the health, education, lifelong learning and well-being of all sectors of the community".*

7.3 It is only the physical street furniture that represents development requiring planning permission and not the concept of the Eruv per se. Each individual Eruv street furniture site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the character and amenities of the area and neighbouring residents including the character and appearance of conservation areas where impacted.

7.4 The siting and design of the proposed street furniture on the public highway has been carefully considered in respect of highway safety in general, the potential for causing of obstructions and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in these regards.

7.5 The impact of the proposal is also found to be acceptable with regard to biodiversity, ecological and tree matters subject to the conditions recommended.

7.6 The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken carefully into account in the consideration of this application. It is found that no one group would be significantly directly disadvantaged by the proposed Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit significantly. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups.

7.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within National Planning Policy Framework, Core Strategy, Development Management Document, Design and Townscape Guide as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

7.8 For the reasons set out in the previous sections of this report it is concluded that the proposed development accords with the relevant development plan policies and constitutes a sustainable form of development. It is therefore considered that there are material planning considerations which justify the grant of planning permission for the proposed street furniture in accordance with development plan policies.

8 Development Plan

8.1 National Planning Policy Framework (2018)

8.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Greenspace)

8.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land), DM5 (Historic Buildings) DM15 (Sustainable Transport Management)

8.4 Design and Townscape Guide (2009)

8.5 Southend Central Area Action Plan (2018)

8.6 The Community Infrastructure Levy Charging Schedule (2015)

9 Relevant Planning History

9.1 None.

10 Representation Summary

Highways

Location 1, Scratton Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 2, Avenue Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 3, Milton Road both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Location A must be checked to ensure that the erection of the pole does not interfere with the bridge deck.

Location 4, Leonard Road / Hamlet Court Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 5, Valkyrie Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 6, Britannia Road Footpath, the location is acceptable. It does not obstruct or have an unacceptable impact on the public highway.

Location 7, Chalkwell Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 8, The Ridgeway, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 9, Hillside Crescent, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 11, Lansdowne Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 12, Woodfield Park Drive, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 13 a,b,c, London Road, the locations are acceptable. They do not obstruct or have an unacceptable impact on the public highway.

Location 14, Glenbervie Drive, both locations are acceptable. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Location 15, Prittle Brook, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 16, Manchester Drive, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 17, Kenilworth Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Further details of the polycarbonate panel and galvanised steel sheet fixings will be required at this location before this location is implemented.

Location 18, Mannering Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 19, Southbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 20, Westbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 21, Eastbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 22, Commercial Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 23, Lavender Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 24, Chase Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 25, Hobleythick Lane, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 26, Burr Hill Chase, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 27, Victoria Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 28, Priory Park Entrance, Locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 29, Priory Crescent, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 30, Station Approach, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 31, East Street, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Location A/B must be checked to ensure that the erection of the pole does not interfere with the bridge deck.

Location 32, Vale Avenue, the location is acceptable. It does not obstruct or have an unacceptable impact on the public highway.

Location 33, Milton Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 34, Guildford Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 35, Coleman Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 36, Sutton Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 37, Southchurch Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 38, Lancaster Gardens, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 39, Queensway. Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 40, Chichester Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 41, High Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

In conclusion, having reviewed the application there are no highway objections to the proposal.

Network Rail

10.2 The Developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from Network Rail Asset Protection, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to Network Rail Asset Protection. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for approval to Network Rail Asset Protection prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

[Officer Comment: The above points have been taken into consideration in relation to material planning considerations. A number of the points raised by Network Rail are covered by separate legislation].

Parks

10.3 No objections raised subject to conditions

Natural England

10.4 Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Essex Estuaries (SAC), Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) (SPA & Ramsar) and Benfleet & Southend Marshes (SPA & Ramsar) have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Crouch & Roach Estuaries SSSI and Benfleet & Southend Marshes SSSI have been notified. We therefore advise your authority that these SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural

England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

Local sites
If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Milton Conservation Society

10.5 Object on following grounds: Unsightly poles harmful to street scene and conservation area; wire is a danger to wildlife; broken wire may harm public; possible further conflict with similar boundary proposals by other faith groups; an application by one faith group, not representative of wider society, should not be a material consideration in determination of this application.

10.6 **Chalkwell Residents Association**

Convey concerns that proposed structures will add to cluttered streetscene throughout the Borough and Chalkwell ward. Concerns about unsightliness and may require maintenance in event of damage and hope that they won't obstruct pavements of properties' accesses.

Public Consultation

10.7 Site notices were posted at the 40 locations as detailed in paragraph 1.2 above on the 2nd October 2017. A press notice was published on 4th October 2017. 107 letters of representation have been received (39 support and 68 objections) in relation to the proposal. The comments made can be summarised as follows.

Comments made in support (39 received):

- Expression for support without further details

- An Eruv will enable families with young children to participate more widely in community activities
- Eruvs are common throughout the UK in other towns and cities
- The Eruv isn't obtrusive and won't be seen by the general public including this being the case in other authorities where Eruvs exist
- An Eruv will enable families with young children, the elderly and people with disabilities to push/ use pushchairs/ wheelchairs and other aids without being restricted by Sabbath laws as well as improving quality of life for general community
- An Eruv will bring the community as a whole together including for religious services, education and social functions
- Jewish law requires the Eruv to be regularly checked and maintained so it will not fall into disrepair and its upkeep will continue to be privately funded
- An Eruv will be a positive consideration for families seeking to move to the Borough including those with personal and/or family disabilities and will add to Southend's attraction for holidays or breaks
- Southend has supported a Jewish population in its Borough for over a century. The Eruv will convey a positive message about the tolerance of this town
- An Eruv will support investment for regeneration and higher business rates / Council tax income
- An Eruv will enable medication to be carried including to enable visits to the synagogue

Summary of objections (68 received);

- Objection without detailed reason
- Harm to resident, user and wider area amenity
- Design unacceptable
- Harm to character and appearance of area
- Harm to heritage assets
- Harm to highway users
- Principle of erecting unsightly poles outside houses
- Inappropriate to erect religious barriers on public highways
- Legal background to any decisions on the Eruv proposal should be according to English law except as allowed by EJC rulings
- Request (submission) in the name of Southend and Westcliff Hebrew Congregation (SWHC) made without agreement of the community and is not in its best interests. Approx. 50% of the (relevant) community are excluded from the purpose which the Eruv is meant to address. Southend's Jewish community are well integrated within the community and people of all faiths. The Jewish community have never needed an Eruv and don't now. The Eruv will be of no benefit to the vast majority of the Jewish community
- Concerns about potential maintenance of the poles and wires and risk of vandalism' graffiti and metal theft plus possible anti-Semitic incidents
- An Eruv will unnecessarily create too much street furniture, a proliferation of poles and resultant clutter

- Eruv equipment will be unsightly, obtrusive and intrusive
- An Eruv will cause bad feeling in the community
- Those proposing the Eruv should instead abide by their own rules, rather than propose an Eruv breaking those rules
- Concerns that the new structures will be erected in the borough without proper residents consultation
- New street furniture should serve a (collective) purpose for the whole community not just one small element
- If one religious group is allowed to erect street furniture in 40 locations around the Borough others will be entitled to do so and where will it stop.
- Proposed street furniture is at odds with SPD3 Streetscape Manual
- Allowing one group to enforce its religious structures on non-religious residents would seem at odds with the Equality Act 2010
- Comparison drawn with historic formation of Jewish ghettos
- Religious symbolism should be restricted to places of worship and religious groups should not be allowed to display symbolism in so many public spaces maintained by the area's taxpayers
- This additional street furniture would create more obstacles for all pedestrians including wheelchair users and visually impaired people
- Impact on accessibility where next to residential driveway
- Eruv's in other locations have been where the orthodox Jewish community already exists which is not the case in Southend. So this application is premature
- There is no reliable method to ascertain the actual necessary delineation of the Eruv
- Downgrading of residential roads through clutter will affect property values and will reduce income to the Council plus who will compensate householders?
- This is a Christian country and non- Christian religious beliefs should not be forced onto others
- If friction arises hidden cameras may be put up which only the Council should have the right to do
- Fanatics make these outrageous rules so they should alter them to sort out their own needs
- Harm to outlook caused by tall, unsightly poles including casting shadows on adjacent properties
- Potential contradiction of British values
- Harmful to community cohesion
- Structures should be eligible for payment of Community Infrastructure Levy (CIL)
- An Eruv does not comply with criteria in the Equality Act 2010 or the Public Sector Equality Duty
- Health and safety implications
- An Eruv does not comply with the Human Right to self-determination
- An Eruv is an imposition to those who live in Southend and Westcliff who are not Orthodox Jews and many see an Eruv as offensive and sacrilegious behaviour
- Why bring attention to the area and increase the risk of terrorism

- The concept of an Eruv is outdated
- Too many unanswered questions within the application
- Who will pay for removal of graffiti?
- Who will pay for an archaeology dig at each site?
- Who will decide on the colour, design and placement of the structures?
- Who pays for the structures, their maintenance, regular inspection and insurance and who bears legal responsibility in perpetuity?
- Potential for Council tax reduction claims by affected residents
- Reference to experience and problems with Eruvs in other countries
- Potential for interpreting Jewish laws in other ways to circumvent perception of the requirement for an Eruv
- Why is an Eruv required at this time when there is no historical precedent for a local Eruv?
- Proposal will change the cultural mix of Chalkwell /Westcliff as more Jewish families move into the area
- The proposal relies on extremely selective use of the Core Strategy, Human Rights and equality legislation
- That rather than reliance on site notice consultation a public meeting should have been held
- Extent and nature of publicity for the proposals
- Disturbance caused through infrastructure needs of the Orthodox Jewish community
- The proposal for street furniture and wires is a device for a far broader aim of self-interested social engineering
- Disagreement with content and opinions expressed in the application Design and Access statement
- Community who are subject of the application are, contrary to the Design and Access Statement able to leave their homes on the Sabbath , it is that they choose not to do so
- The application refers to approved Eruvs elsewhere but not those rejected
- The proposed eruv will segregate rather than integrate the community
- Effect on utilities within the highway
- Visibility from conservation areas
- Wire is a hazard to birds and bats in flight
- An independent Environmental Impact assessment (EIA) should be scoped and paid for by the applicant
- No economic benefit to (vast majority) of non-Jews who live in Southend as most of the incomers only frequent Jewish establishments
- (Objector) wishes to be free of religion
- Reference to Holocaust and ill-advised for any religious group to define their own (potential) ghetto through erecting boundary posts
- An Eruv is unnecessary and (the issue) could be solved using free map, Sat-Nav or use of existing landmarks
- Reference to relationship between street furniture and Controlled parking Zones
- The Eruv could use existing street furniture rather than require additional
- Application details incomplete
- No reference to (separately required) highways licence

- A divisive religious concept that together with symbolism has no place in a secular society
- The street furniture will not enhance the conservation areas
- The huge scale of the project is for the benefit of only (some) 600 families in the Borough (similarly expressed as approximated percentages in various representations)
- Queries about Southend's population composition

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. The points are addressed in greater detail where relevant in the earlier sections of this report.

10.8 Councillor Flewitt and Councillor Folkard requested this application be dealt with by Development Control Committee.

11 Recommendation

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

01 This development must be begun within three years from the date of this permission.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 911.001 (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23; 911.24; 911.25; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D; 911.41

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

03 In respect of all sites hereby approved, details of the design and colour of the external surfaces of the posts and poles and associated structures plus, in respect of sites 17, 27, 30, 31 and 39 the detailed locations, sizes and design details of the polycarbonate and steel sheet fixings, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be implemented in full accordance with the details approved under this condition within 6 months of the erection of that particular pole, post or structure.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

04 A Construction and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Local Highway Authority, prior to the commencement of the development. The Construction and Maintenance Strategy submitted shall include details on how the Eruv structure (poles, posts, associated structures and wire) would be constructed and maintained in a manner that would not compromise highway and pedestrian safety or unacceptably impact on movements on the public highway. The development shall be implemented and in full accordance with the approved Construction and Maintenance Strategy and maintained in accordance with this Strategy in perpetuity.

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the road network arising from the development would be kept to a minimum in accordance with the National Planning Policy Framework Policies KP2, CP3 and CP4 of the Core Strategy 2007 and Policies DM1, DM3 and DM15 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

05 No site works or other works associated with this development shall be commenced before an Arboricultural Method Statement and Tree Works Plan, detailing the precautions to be taken to minimise damage to trees within and adjacent the sites and any works to be carried out to trees as part of the implementation of the proposal (where relevant), in accordance with British Standards BS5837:2012 and BS3998:2010, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Arboricultural Method Statement and Tree Works Plan approved under this condition. The approved tree protection measures shall be fully installed before the commencement of works and maintained during construction.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

06 **No site works or other works associated with this development shall be commenced unless and until an assessment of the impact of the wires on the flight paths of birds, for those approved structures within the reasonable proximity of Priory Park, have been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and propose measures such as, but not limited to, bird deflectors necessary to mitigate any identified harmful impacts and those agreed measures shall be fully installed prior to completion and first use of the respective developments and shall be permanently maintained for the lifetime of the developments hereby approved.**

Reason: To ensure that the development protects local ecology in accordance with the National Planning Policy Framework, Policy KP2 and CP4 of the Council's Core Strategy (2007)

Informatives

01 **The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.**

02 **Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.**

03 **The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.**

04 **The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.**

05 **Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.**

06 **The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.**

07 **The applicant is advised that they would be liable for the cost of any rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures.**

08 **The applicant is advised that they would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and leci to be erected on the public highway.**

WESTCLIFF ERUV - LOCATIONS SITE PLAN (NTS)

DRAWING REF: 911.002

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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LOCATION A WITHOUT POLE

LOCATION A WITH POLE

DESCRIPTION:

A 5.5-metre high, 89dia pole at the rear of the footpath adjacent to the close-boarded timber fence to the flank of 35/37 Carlingford Drive with a wire crossing Carlingford Drive to a matching pole in front of the end fence post between 18a and 20 Carlingford Drive.

LOCATION A WITH POLE

LOCATION A WITH POLE

LOCATION PLAN SCALE 1:1250

WESTCLIFF ERUV- LOCATION 23 - LAVENDER GROVE

DRAWING REF: 911.23

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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LOCATION A WITHOUT POLE

LOCATION A WITH POLE

DESCRIPTION:

A 5.5-metre high, 89dia pole in front of the end post of the fence between 33 and 35 Hobleythick Lane with a wire crossing Hobleythick Lane to a matching pole adjacent to the 3rd post on the colour-coated steel railings south of the pedestrian access path to Southend School for Boys.

LOCATION B WITHOUT POLE

LOCATION B WITH POLE

LOCATION PLAN SCALE 1:1250

WESTCLIFF ERUV- LOCATION 25 - HOBLEYTHICK LANE

DRAWING REF: 911.25

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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LOCATION A WITHOUT POLE

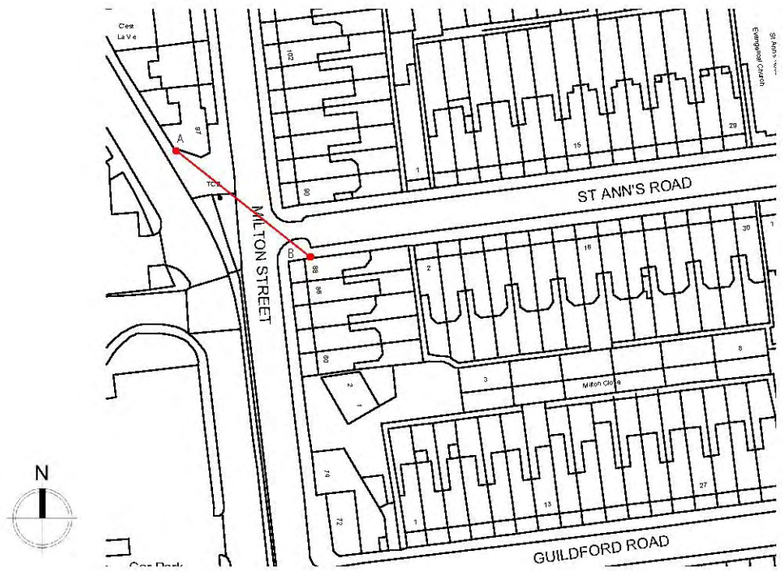
LOCATION A WITH POLE

LOCATION B WITHOUT POLE

LOCATION B WITH POLE

DESCRIPTION:

A 5.5-metre high, 89dia pole adjacent to the south flank wall of 97 Milton Street in the pedestrian area between Milton Street and Short Street, just to the left of the dish, with a wire crossing Milton Street diagonally to a matching pole adjacent to the flank wall of 88 Milton Street approx 1 metre back from the front corner.



LOCATION PLAN SCALE 1:1250

WESTCLIFF ERUV - LOCATION 33 - MILTON STREET

DRAWING REF: 911.33

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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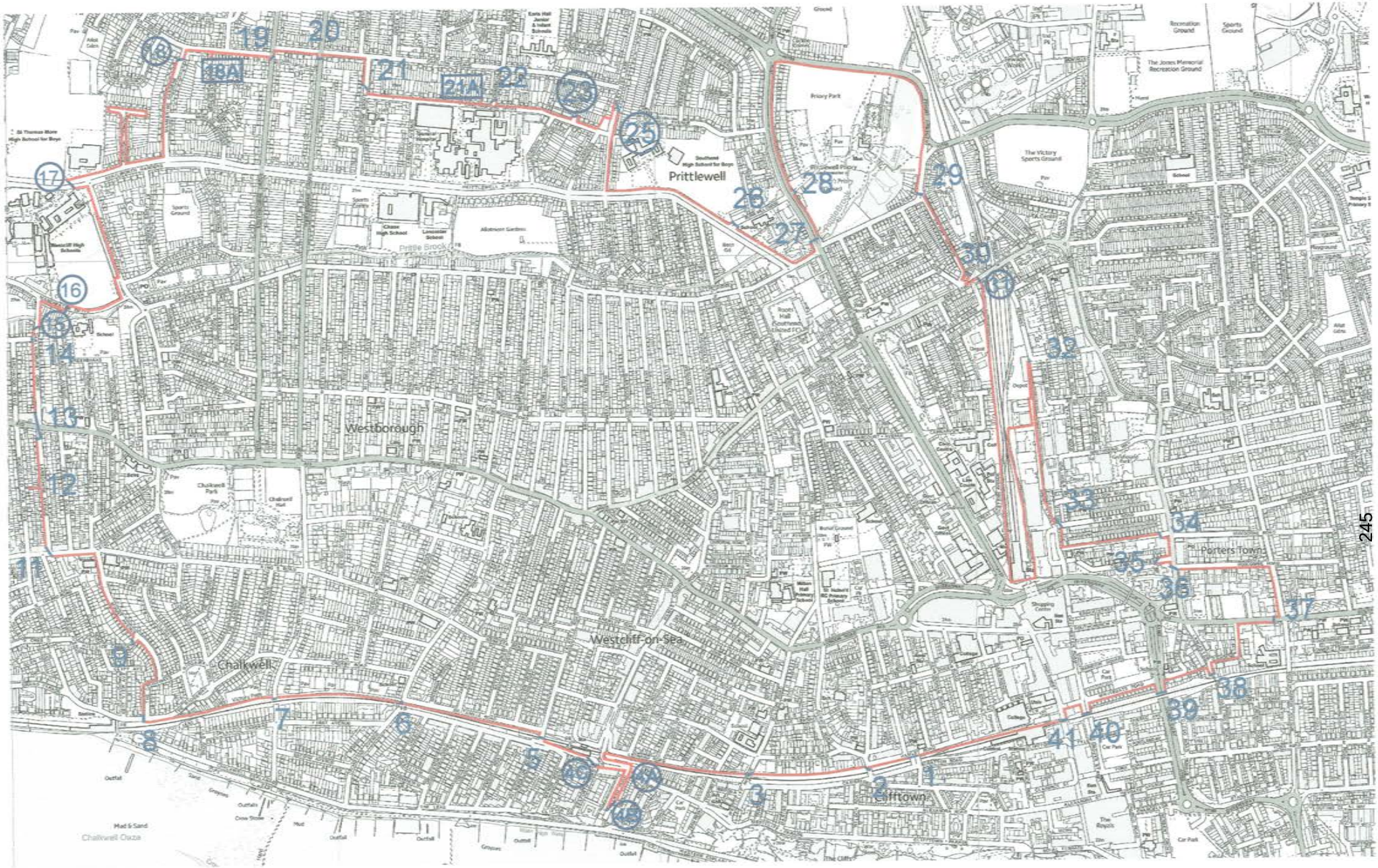

WESTCLIFF ERUV - PLAN WITH BOUNDARY (NTS)

DRAWING REF: 911.001 Rev'n C

XX INDICATES NEW LOCATIONS
APPLICATION REF 19/00978/FUL REFERS

(XX) INDICATES REVISED LOCATIONS
APPLICATION REF 19/00729/FUL REFERS

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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LOCATION A WITHOUT POLE

LOCATION A WITH POLE

DESCRIPTION:

Existing pole A to be relocated at the rear of the footpath adjacent to the close-boarded timber fence to 35/37 Carlingford Road with a wire crossing Carlingford Drive to a matching pole at the rear of the footpath adjacent to the flank wall of 29 Carlingford Drive.

LOCATION B WITHOUT POLE

LOCATION B WITH POLE

LOCATION PLAN SCALE 1:1250

Rev'n A

DRAWING REF: 911.23

WESTCLIFF ERUV- LOCATION 23 - LAVENDER GROVE

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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LOCATION A WITHOUT POLE

LOCATION A WITH POLE

DESCRIPTION:

A 5.5-metre high, 89dia pole at the rear of the footpath adjacent to the wall in front of the end post

Relocate Pole A to the rear of the footpath adjacent to the pier on the south side of the passage to the north of 52 Hobleythick Lane with a wire crossing Hobleythick Lane to a matching pole at the rear of the footpath adjacent to the flank fence wall of 2 Carlton Avenue on the line of junction with the north side boundary of 63 Hobleythick Lane.

LOCATION B WITHOUT POLE

LOCATION B WITH POLE

LOCATION PLAN SCALE 1:1250

Rev'n A

DRAWING REF: 911.25

WESTCLIFF ERUV- LOCATION 25 - HOBLEYTHICK LANE

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

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LOCATION A WITHOUT POLE

LOCATION A WITH POLE

DESCRIPTION:

Relocate Pole A 400mm to the left so as to be beyond the two storey flank wall, to allow extension of existing box sign on the main flank wall, with the wire crossing Milton Street diagonally to a matching pole adjacent to the flank wall of 88 Milton Street approx. 1 metre back from the front corner, as previously approved.

LOCATION B WITHOUT POLE

LOCATION B WITH POLE

LOCATION PLAN SCALE 1:1250

Rev'n A

DRAWING REF: 911.33

ROSENFELDER ASSOCIATES
Chartered Architects + Planning Consultants
10-12 Perrins Court Hampstead LONDON NW3 (020) 7794 4425

WESTCLIFF ERUV - LOCATION 33 - MILTON STREET

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Location 33- 97 Milton Street

Location 33- 87 Milton Street

Location 33- 87 Milton Street

Location 23- 35-37 Carlingford Drive

Location 23-adjacent to no. 29 Carlingford Drive

Location -25 52 Hobleythick Lane

Location 25- 52 Hobleythick Lane and rear of no. 2 Carlton Avenue

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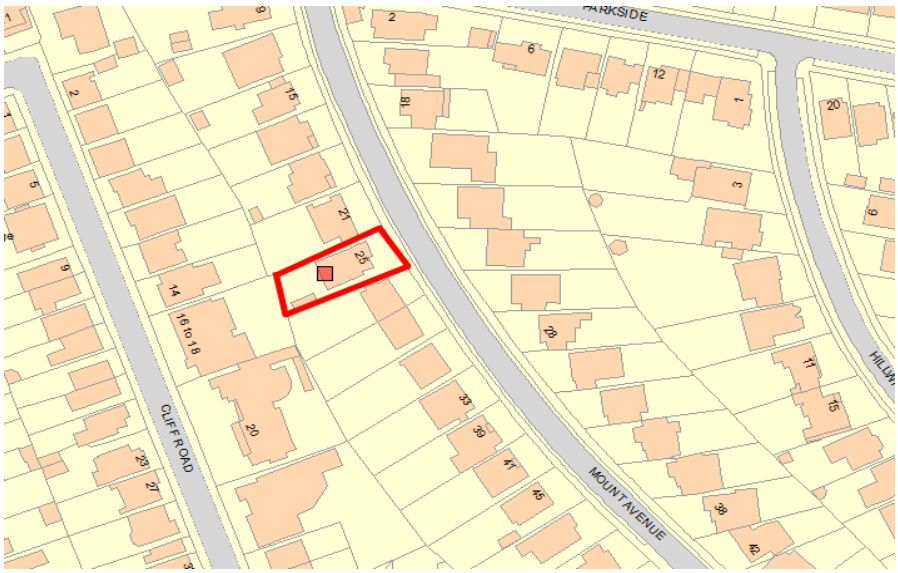
Reference:	21/00396/AMDT	10
Ward:	Chalkwell	
Proposal:	Erect first floor extension with bay window to front to form additional floor to existing dwelling, recessed balcony to front, dormers and rooflights to side elevations to form habitable accommodation in roof and alter elevations (variation of plans approved under condition 2, variation of materials under condition 3 and variation of obscure glazing requirement under condition 5 attached to permission reference no. 20/01834/FULH dated 23/12/2020)	
Address:	25 Mount Avenue Westcliff-On-Sea Essex SS0 8PS	
Applicant:	Mrs McCormick	
Agent:	Mr Robert Parish	
Consultation Expiry:	24/05/2021	
Expiry Date:	04/06/2021	
Case Officer:	Oliver Hart	
Plan Nos:	20-051-pp-01 ISS02; 20-051-pp-02 ISS09; 20-051-pp-03 ISS08	
Recommendation:	**GRANT PLANNING PERMISSION subject to conditions**	



1 Site and Surroundings

1.1 The site is located on the western side of Mount Avenue and contains a detached, hipped roofed chalet bungalow with accommodation in the roof, served by small flat roof dormers to the front and rear elevations. The roof projects forward over a bay to the front elevation. There is a side access some 2m wide to the southern flank boundary and off-street parking for two cars is available on a hardstanding to the front of the dwelling.

1.2 Mount Avenue is a long winding road with significant changes in ground levels running north-south. A predominantly residential street, Mount Avenue is characterised by large detached two storey dwellinghouses of traditional style and design and in this sense, the application dwelling appears unique in the streetscene. The chalet style of the application dwelling and footprint of the dwelling is such that it breaks the relatively uniform rear building line along this side of Mount Avenue, projecting considerably beyond the rear of No's 21 (north) and 27 (south).

1.3 The site does not contain a listed building and is not located within a conservation area or a flood zone.

2 Proposal

2.1 Permission is sought to vary conditions 2 (Approved Plans) 3 (Materials) and 5 (obscure glazing) attached to planning permission 20/01834/FULH which was granted on 23.12.2020 to *'Erect first floor extension with bay window to front to form additional floor to existing dwelling, recessed balcony to front, dormers and rooflights to side elevations to form habitable accommodation in roof and alter elevations'* (the "previous approval").

2.2 The minor material amendments being sought relate to;

- The re-arrangement of existing rooflights to the southern flank roofslope and addition of 2no. further rooflights to the southern flank roofslope (4no. in total).
- Incorporation of a slate roof tile.
- Removal of the requirement for a first-floor corner window within the southern flank elevation to be glazed with obscure glass.

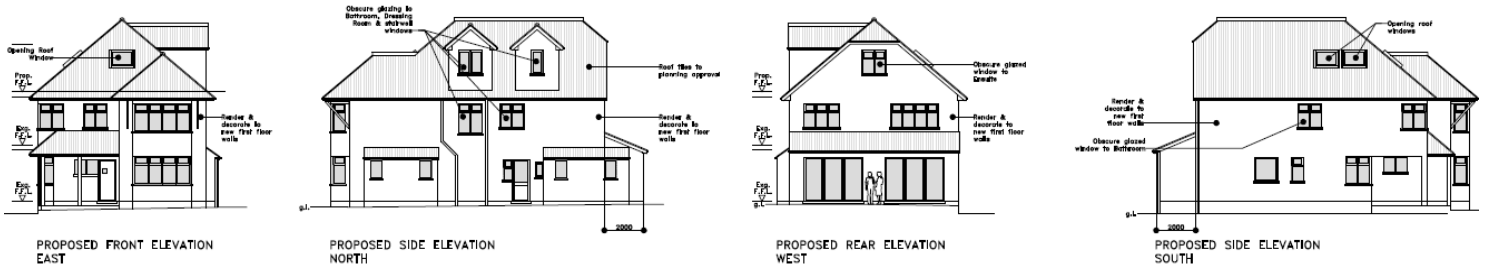


Figure 1: Initial permission Ref. 20/01834/FULH

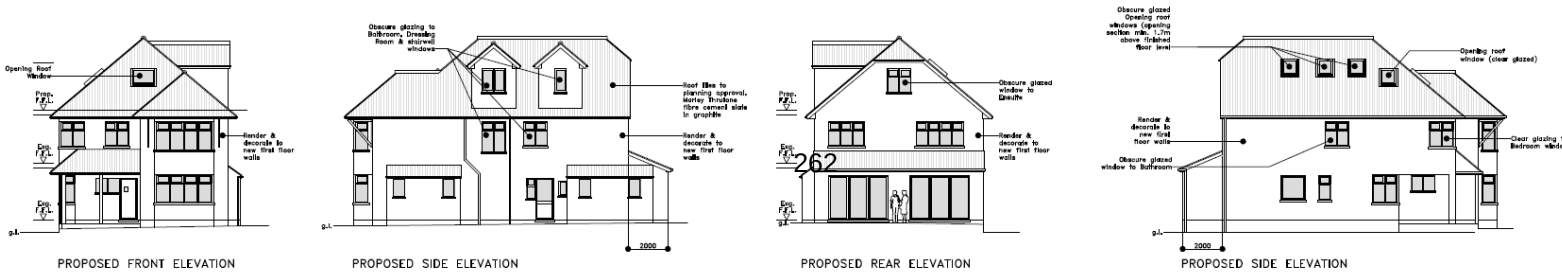


Figure 2: Current development proposal

2.3 The other works associated with the initially approved application Ref. 20/01834/FULH remain unchanged and are not the subject of further consideration within this report.

2.4 The application has been called in by Councillor Walker.

3 Relevant Planning History

3.1 20/01834/FULH - Erect first floor extension with bay window to front to form additional floor to existing dwelling, recessed balcony to front, dormers and rooflights to side elevations to form habitable accommodation in roof and alter elevations- Granted

4 Representation Summary

Public

4.1 6no. neighbouring properties were notified and no letters of representation have been received.

5 Planning Policy Summary

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

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

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

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 Consistent with the basis of the previously approved application, the proposal would not increase the need for parking nor reduce the current off-site parking provision so there are no material parking or highway considerations. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the area, impact on residential amenity and any CIL implications.

7 Appraisal

Principle of Development

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

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

Design and Impact on the Character of the Area

7.3 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.4 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.

7.5 The proposed amendments relate to the re-arrangement and addition of 2no. new rooflights to the southern flank roof slope (4no. in total), altering the proposed roof tile from a matching tile to a slate (grey) tile and removing the requirement for obscured glazing to the first-floor corner window within the southern flank elevation.

7.6 Having regard to the mixed nature of development in Mount Avenue, no objection is raised with regard to the provision of additional rooflights to the southern flank elevation, the proposed slate roof tiles nor the removal of the requirement for obscure glazed windows to the first-floor corner window within the southern flank elevation given their minor and inconsequential visual impact.

7.7 On this basis, the revised arrangement is considered to suitably maintain the character and appearance of the host dwelling and the locality more widely and in these regards, the proposal is considered acceptable and policy compliant.

Impact on Residential Amenity

7.8 Paragraph 343 of the Design and Townscape Guide under the heading of ‘Alterations and Additions to Existing Residential Buildings’ states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”*

7.9 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and*

disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."

7.10 The nature of the works and their position to the southern flank elevation are such that the proposed development would have no impact on the amenities of the neighbouring occupants at No. 21 (north).

7.11 The application seeks removal of the requirement for a first-floor corner window within the southern flank elevation to be glazed with obscure glass, secured via condition 05, which states;

With the exception of a top hung clear glazed opening fanlight, the additional first floor windows to both flank elevations shall only be glazed in obscured glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut to a height not less than 1.7m above finished internal floor level and shall be retained as such in perpetuity.

7.12 The purpose of condition 05 was to *"protect the privacy and environment of people in neighbouring residential properties"* and consequently, this proposal seeks to revisit, in specific detail, the impact of this window in this regard.

7.13 Noting the nature of the condition imposed in the first instance, the basis of the proposal is considered to turn on a balanced assessment of whether the areas impacted by the window in question fall within what would reasonably be interpreted as areas that are deliberately and distinctly 'private' spaces by design, i.e. areas that in their day to day use would be expected to be afforded a reasonable degree of privacy based on the characteristics typical of the area in which it is located. On this basis, and having regard to the position of the window slightly set back behind the front elevation of No.27, it is considered that the area most affected by the window in question; the front garden area does not reasonably meet this definition, open to view as it is from the public highway.

7.14 Whilst it is possible to gain views of the side elevation and part of the side accessway of No.27 from the window subject of this application, it is not considered a natural position to do so and, regard is had to the obscured nature of neighbouring flank windows adjacent to the window in question.

7.15 On this basis, it is considered that this element of the proposal would maintain neighbour amenity to an acceptable degree and is therefore considered to be acceptable and policy compliant in the above regards.

7.16 With regards to the additional rooflights, the previous application was approved with 2no. rooflights to the southern flank roofslope. No objections were previously raised on account of their angle and elevated position such that they would not give rise to views of neighbouring private amenity space. As such, no objection is raised to the new arrangement of (4no.) rooflights to the southern flank roof slope given their elevated positions in the roof slope and angled views towards neighbouring roofs and the sky. The development is considered acceptable and policy compliant in this regard.

Community Infrastructure Levy

7.17 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 net gain internal floor area of approximately 106sqm (258sqm new/152sqm original), which may equate to a CIL charge of £8154.69 (subject to confirmation). The applicants may be able to apply for a self-build exemption.

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 character and appearance of the application site and the locality more widely and would also be acceptable with regard to its neighbour amenity and highways impacts. The proposal is therefore recommended for approval.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions;

1 The development hereby permitted shall begin no later than 23/12/2023, three years from the date planning permission 20/01834/FULH was granted.

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 20-051-pp-02 ISS09 & 20-051-pp-03 ISS08, 20-051-pp-01 ISS02.

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

3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved plans.

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

4 Other than the first floor front bedroom corner wrap around window to the southern flank elevation of the application dwelling, the additional first floor

windows to both flank elevations shall only be glazed in obscured glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut to a height not less than 1.7m above finished internal floor level except for any top hung fanlight the lowest part of which shall be not less than 1.7m above the adjacent finished internal floor level and shall be retained as such in perpetuity.

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

Informatives

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

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

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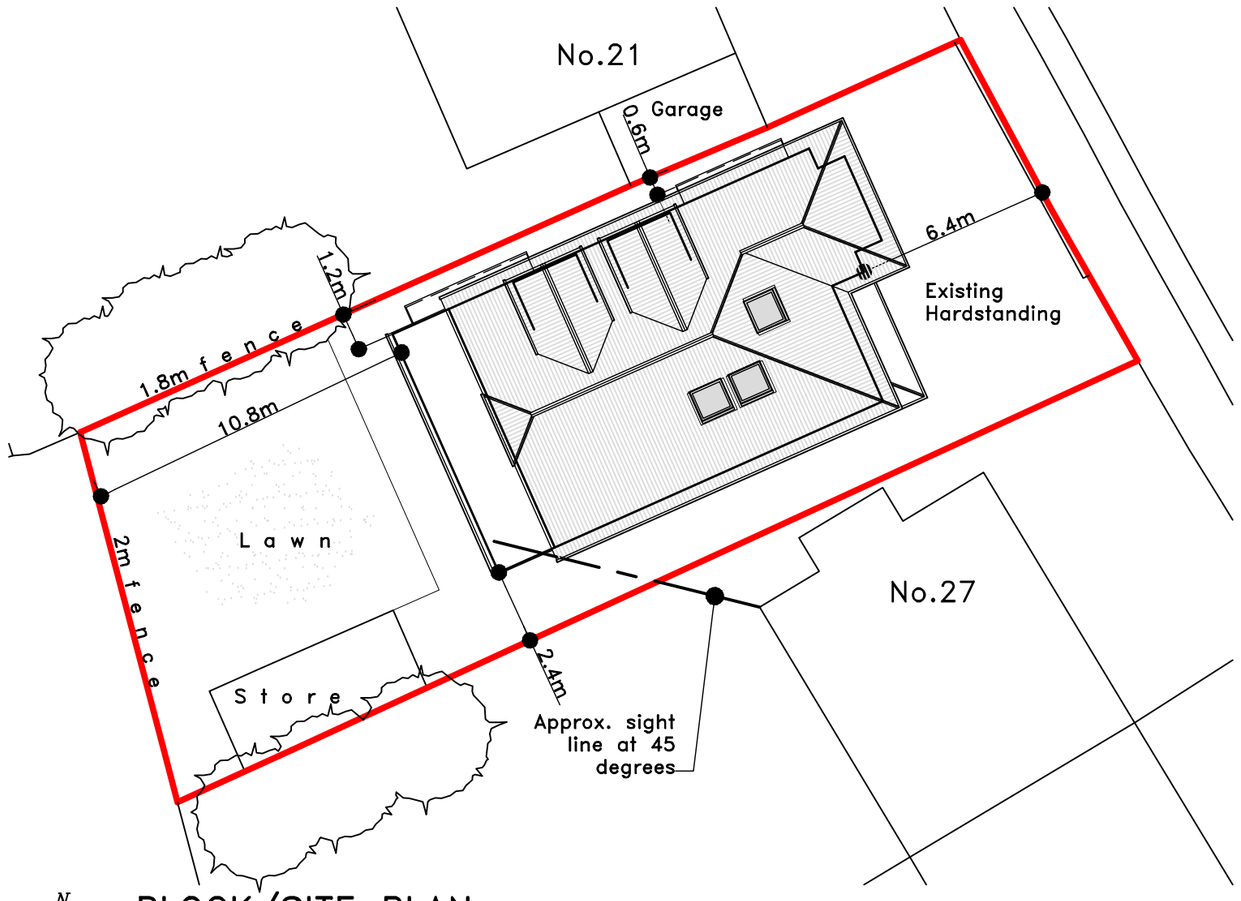

BLOCK/SITE PLAN
SCALED 1:200
APPLICATION SITE OUTLINED IN RED
Approximate dimensions to boundaries as indicated

PROPOSED STREET SCENE ELEVATION
(All details to ground levels and Heights to neighbouring houses are approximate)

PROPOSED ROOF PLAN

269

SCALE BAR (m)

AT 1:50 0 1 2 3 4 5

AT 1:100 0 1 2 3 4 5 6 7 8 9 10

AT 1:200 0 2 4 6 8 10 12 14 16 18 20

Add A Room

CLIENT; MRS McCORMICK
25 MOUNT AVENUE
LEIGH-ON-SEA
ESSEX SS9 8PS

PROPOSAL; CONSTRUCT NEW FIRST FLOOR & ROOMS IN ROOF

TITLE; PROPOSED BLOCK PLAN & ROOF PLAN

DRAWN; RSP CHK; DATE; 16/09/20 REF;

No.; 20-051-PP-03 SCALE; 1:100,200 & A2 ISS; 05

REVISIONS;

ISS.	DATE	DESCRIPTION
05	17/12/20	FRONT BALCONY DELETED. STAIRWELL DORMER RE-SITED
04	03/12/20	APPROX. STREET SCENE ELEVATION ADDED

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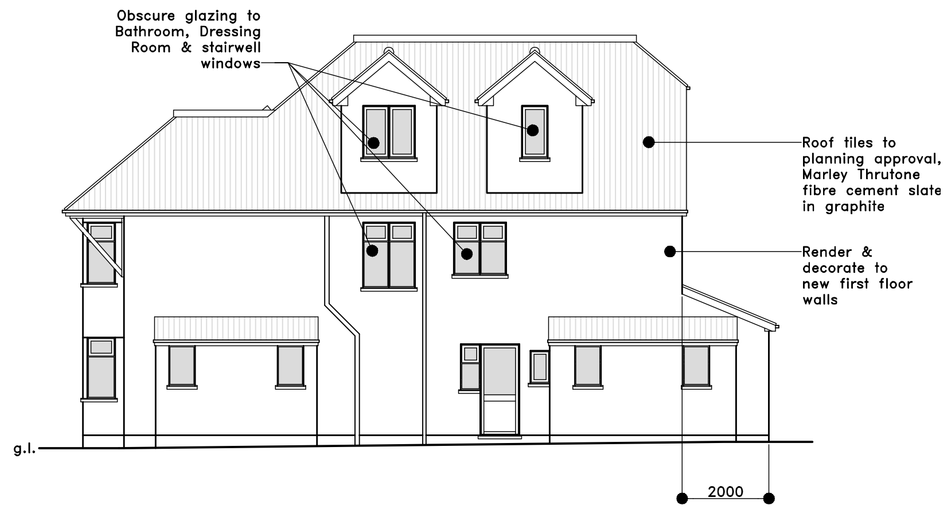
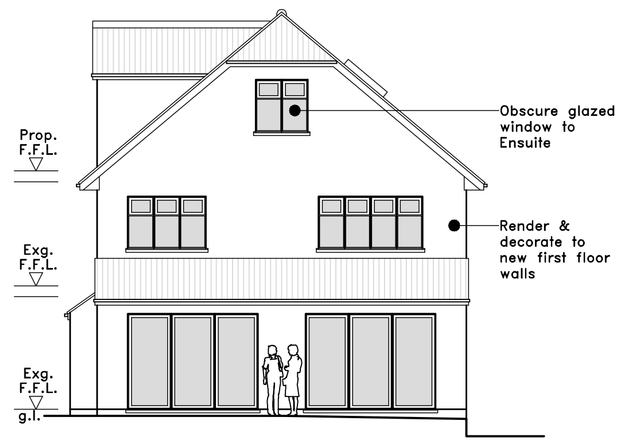
PROPOSED FRONT ELEVATION
EAST

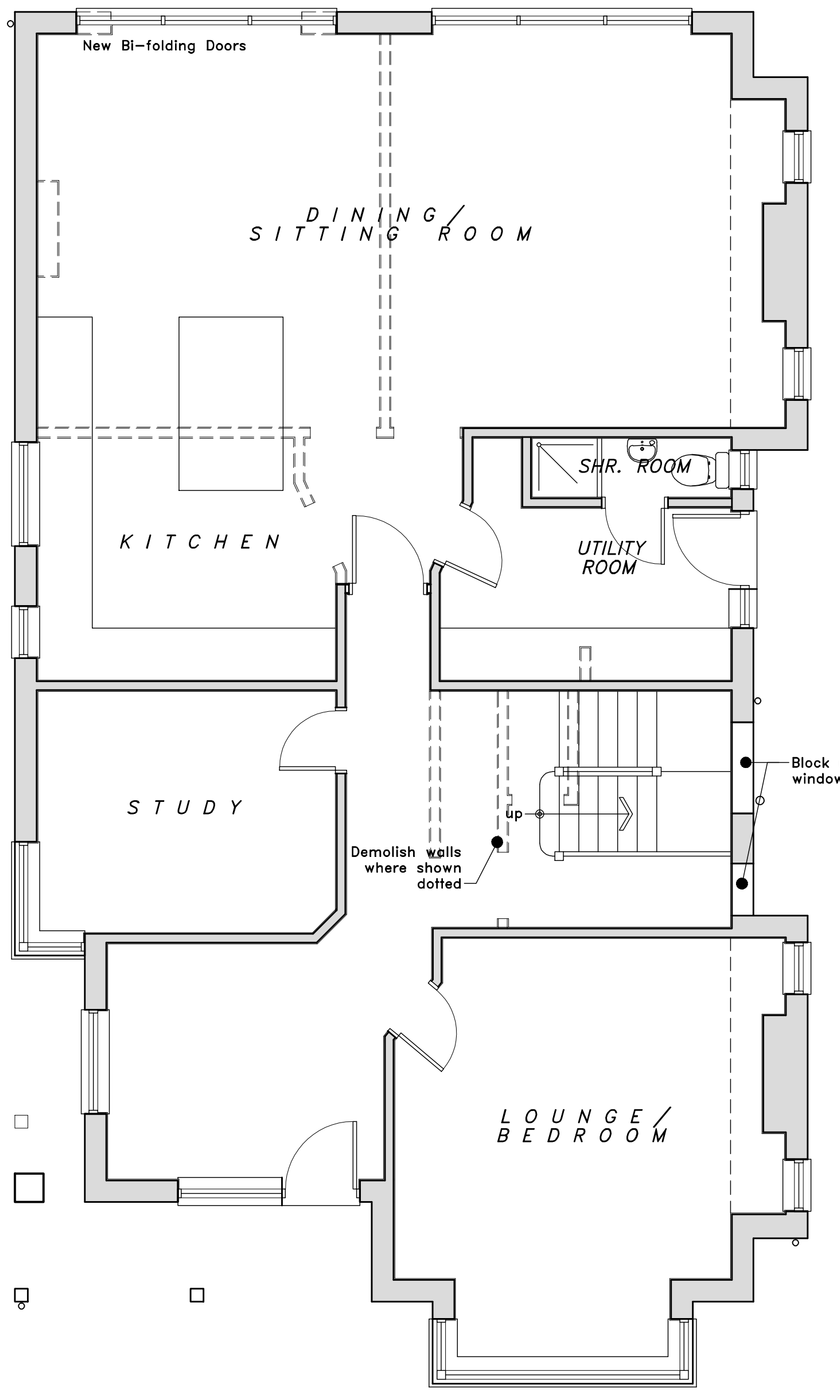


PROPOSED SIDE ELEVATION
NORTH

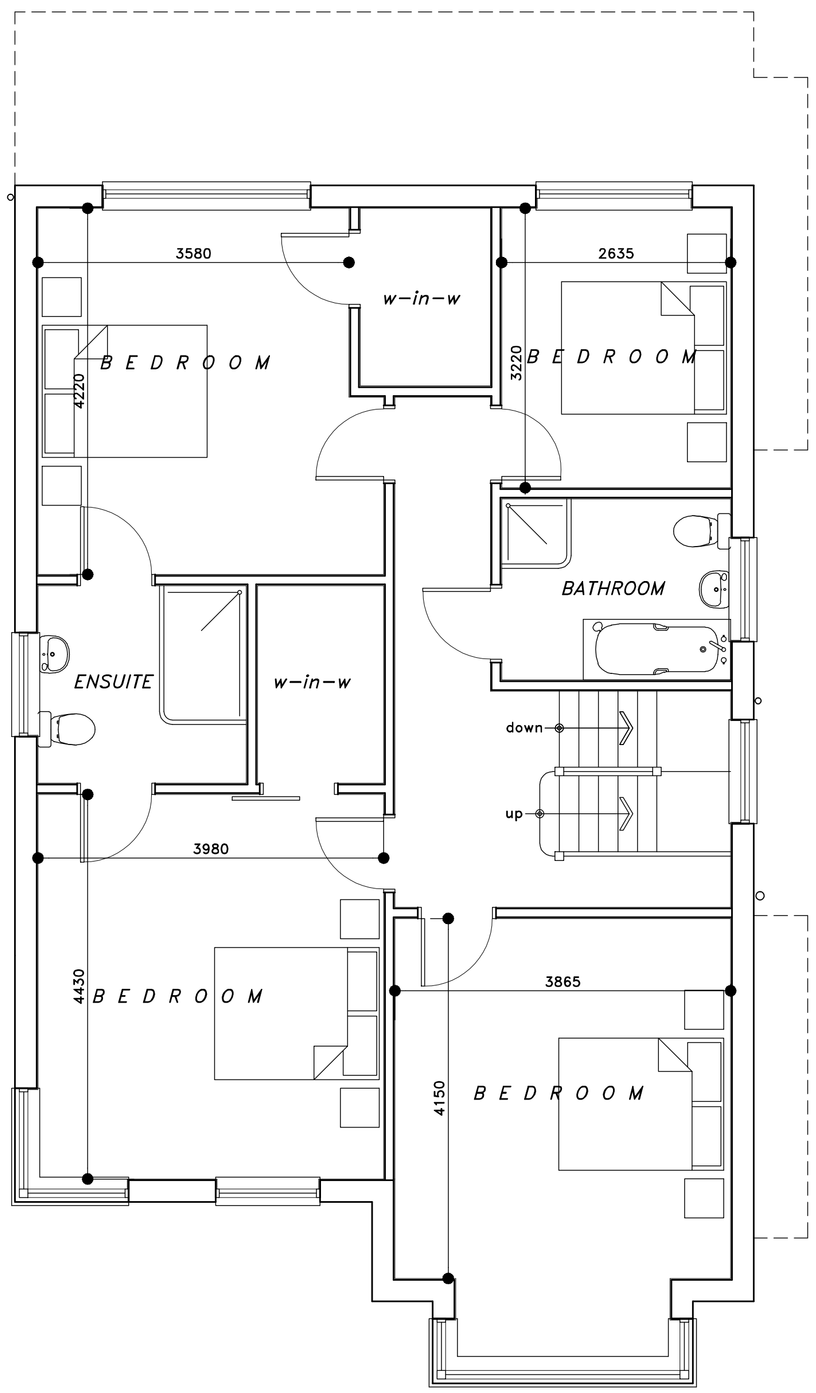


PROPOSED REAR ELEVATION
WEST

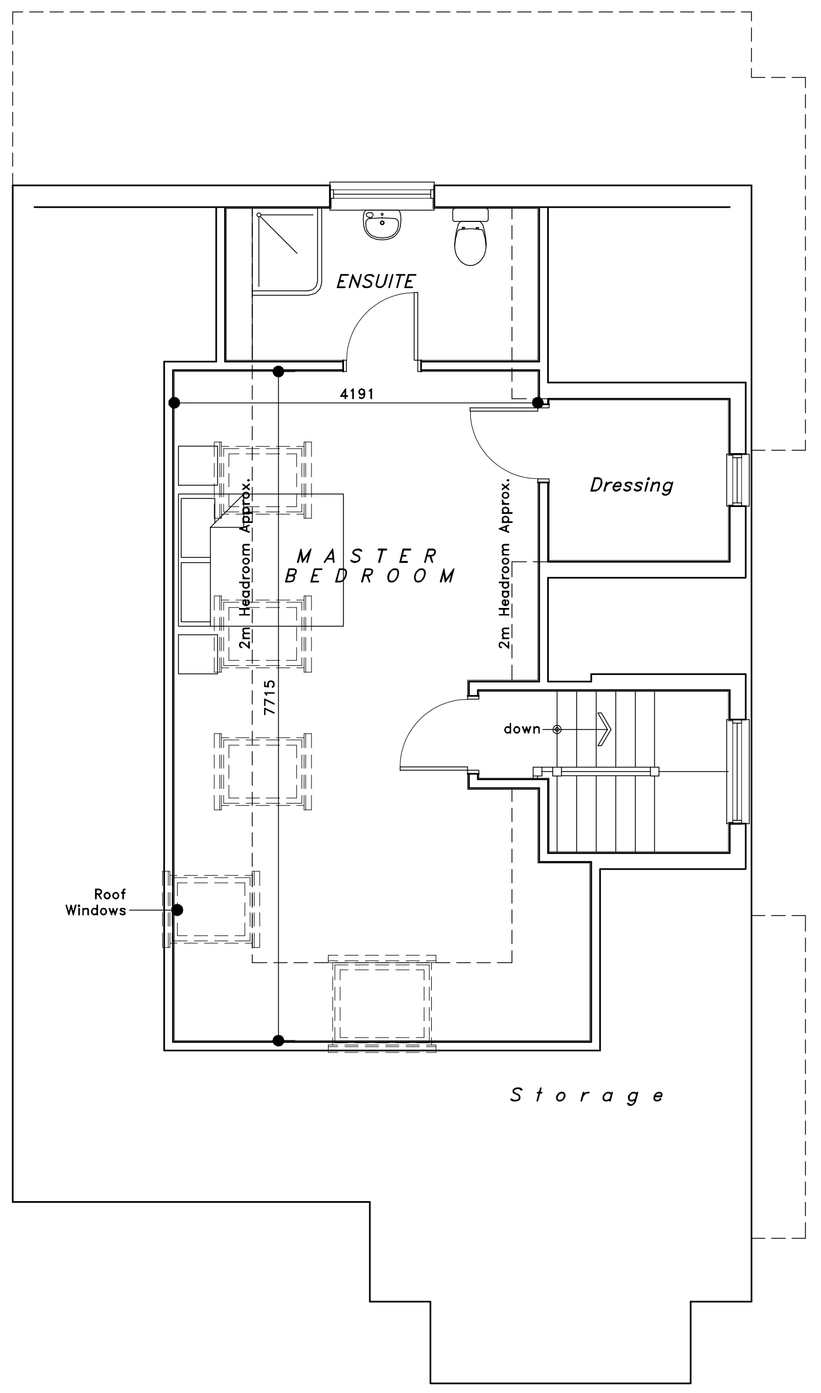
PROPOSED SIDE ELEVATION
SOUTH



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

NOTES

Proposal:
Construct new first floor & rooms in roof

Materials;
External walls to be rendered & decorated (White)
Pitched roof to be tiled in Marley Thrutone 600x300mm man made fibre cement slat in graphite, or similar
Windows and doors to be White uPVC

General:
All dimensions are approximate and must be checked by the contractor prior to commencement of works.
All works must be undertaken strictly in accordance with any conditions imposed by the local authority planning and building control departments.

This is not a technical specification but is solely for the purpose of obtaining local authority planning consent. Internal room dimensions are approximate, taking into account wall finishes etc.

Party Wall Act 1996
As required under the Party Wall etc. Act of 1996 the building owner should serve notice on any affected Party Wall neighbour including details of the proposed works, start date, building owners name and address and address where the work is to be carried out. This should be accompanied by a statement confirming that the notification is served as "notice under the provisions of the Party Wall etc. Act 1996"

SCALE BAR (m)

AT 1:50 0 1 2 3 4 5

AT 1:100 0 1 2 3 4 5 6 7 8 9 10

AT 1:200 0 2 4 6 8 10 12 14 16 18 20

271

ADD A ROOM

CLIENT;	MRS McCORMICK 25 MOUNT AVENUE LEIGH-ON-SEA ESSEX SS9 8PS
PROPOSAL;	CONSTRUCT NEW FIRST FLOOR & ROOMS IN ROOF
TITLE;	PROPOSED FLOORPLANS & ELEVATIONS
DRAWN; RSP CHK;	DATE; 06/09/20 REF;
No; 20-051-PP-02	SCALE; 1:50,100 & N 1:50; 09

REVISIONS;

09	10/05/21	SOUTH FACING FLAT ROOF DORMER DELETED
08	22/02/21	ENSUITE & DRESSING ROOM LAYOUT UPDATED
1:50.	DATE	DESCRIPTION

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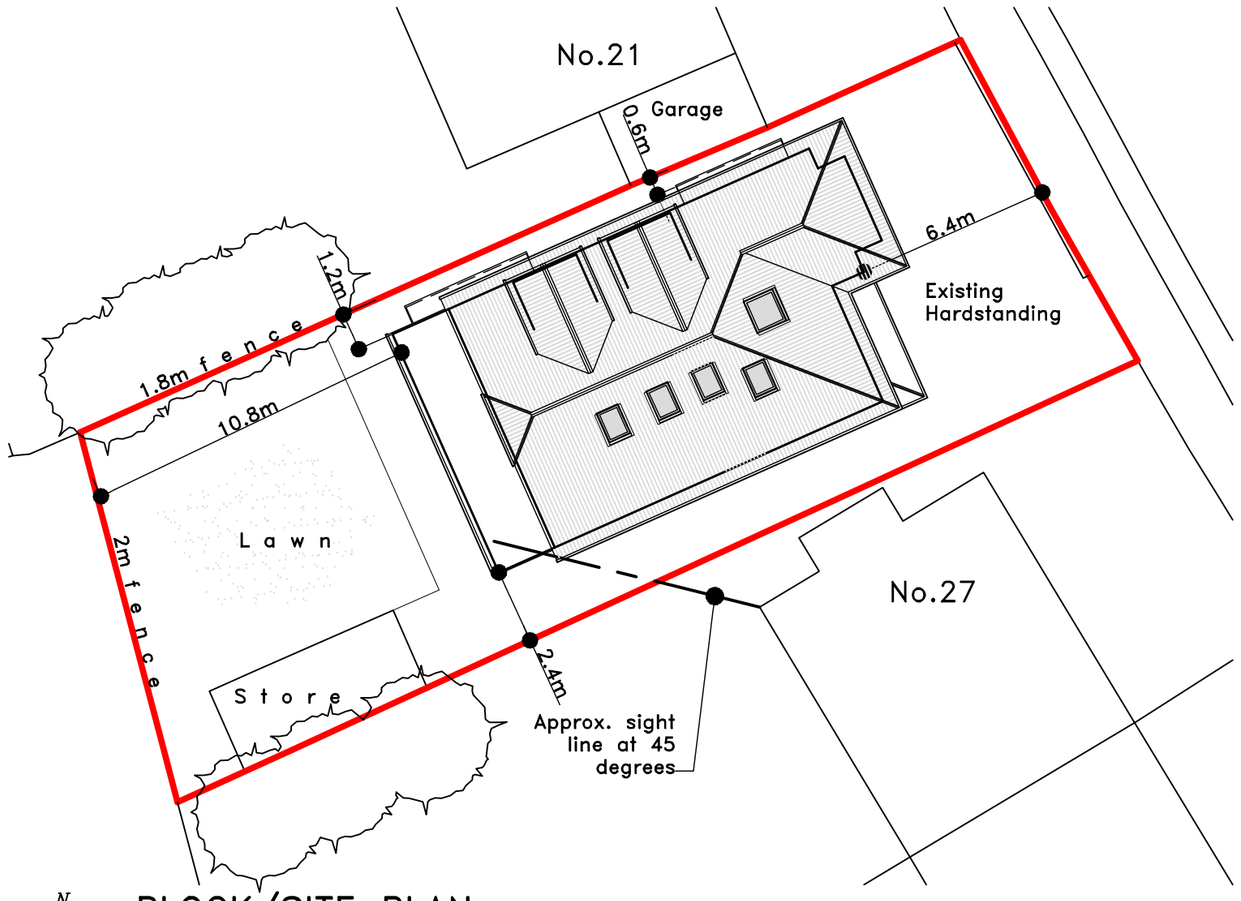

BLOCK/SITE PLAN
SCALED 1:200
APPLICATION SITE OUTLINED IN RED
Approximate dimensions to boundaries as indicated

PROPOSED STREET SCENE ELEVATION
(All details to ground levels and Heights to neighbouring houses are approximate)

PROPOSED ROOF PLAN

273

SCALE BAR (m)

AT 1:50 0 1 2 3 4 5

AT 1:100 0 1 2 3 4 5 6 7 8 9 10

AT 1:200 0 2 4 6 8 10 12 14 16 18 20

ADD A ROOM

CLIENT;	MRS McCORMICK 25 MOUNT AVENUE LEIGH-ON-SEA ESSEX SS9 8PS
PROPOSAL;	CONSTRUCT NEW FIRST FLOOR & ROOMS IN ROOF
TITLE;	PROPOSED BLOCK PLAN & ROOF PLAN
DRAWN; RSP	CHK; DATE; 16/09/20 REF;
No.; 20-051-PP-03	SCALE; 1:100,200 & A2 ISS; 08

REVISIONS;

ISS.	DATE	DESCRIPTION
08	10/05/21	SOUTH FACING FLAT ROOF DORMER DELETED
07	11/02/21	RECESSED FLAT ROOF ADDED TO BLOCK & ROOF PLAN

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25 Mount Ave

Front elevation

View to relationship with No.21 (north)

View to relationship with No.27 (south)

278

View to position of No.25 slightly behind No.27 (to the south)

Opposite

Streetscene south

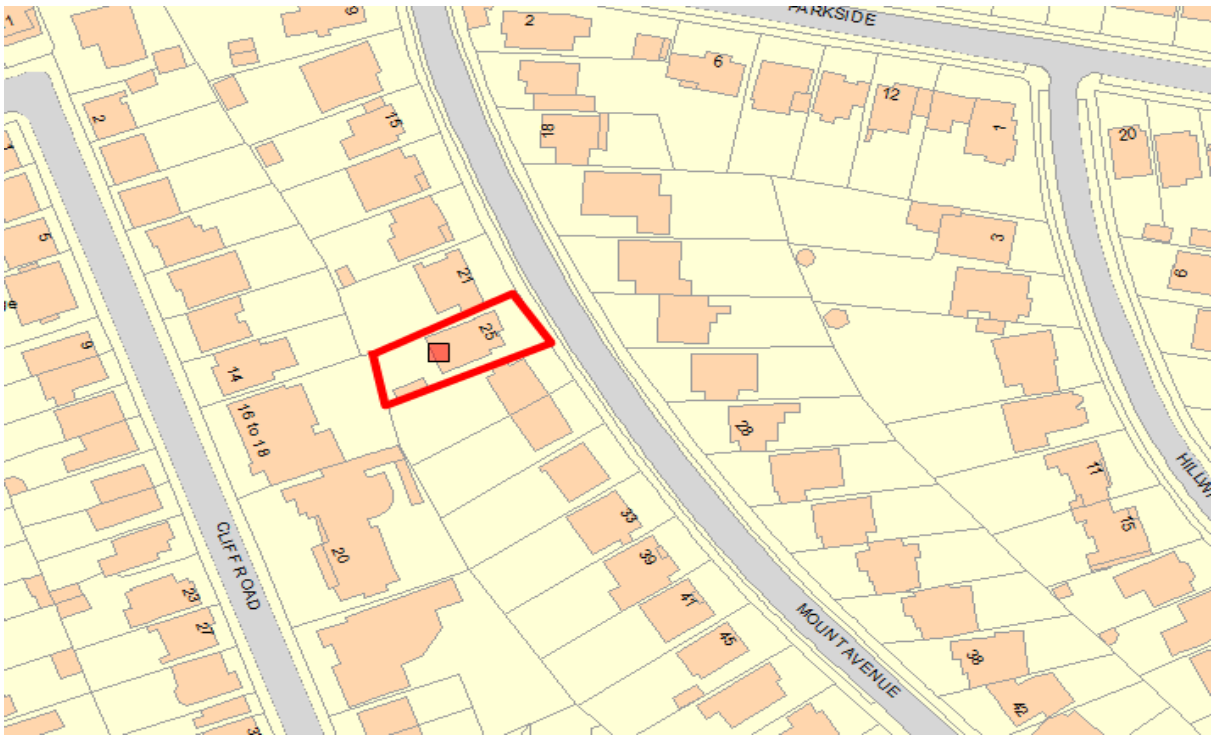
View to rear boundary

View to rear elevation

View to separation with No.27- note obscure glazed ff flank windows

284

Reference:	21/00721/FULH	11
Ward:	Prittlewell	
Proposal:	Erect part single/part two storey side and rear extension, install juliette balcony to rear, alter elevations (amended proposal)	
Address:	237 Prittlewell Chase Westcliff-On-Sea Essex SS0 0PP	
Applicant:	Mr & Mrs Matthew & Sarah Harding	
Agent:	Mr Danny Knott	
Consultation Expiry:	11.05.2021	
Expiry Date:	03.06.2021	
Case Officer:	Oliver Hart	
Plan Nos:	**3598-01-E**	
Recommendation:	**GRANT PLANNING PERMISSION subject to conditions**	



1 Site and Surroundings

1.1 The application site is located on the northern side of Prittlewell Chase, at the junction with Eastbourne Grove and contains a detached two storey hipped roof dwelling. There is an existing single storey extension and outbuilding to the rear and hardstanding to the front for parking. The site is enclosed by a low stone wall, which continues along the return frontage to Eastbourne Grove and increases in height along the boundary of the rear garden.

1.2 The surrounding area is residential in nature and is characterised by groups of detached and semi-detached dwellings of varying styles and designs but with traditional features in common. Opposite the site is Chase High School and further east is Southend University Hospital.

1.3 The site is not located within a Conservation Area or subject to any site-specific planning policies. The site is located within Flood Zone 1 which has a low risk of flooding.

2 The Proposal

2.1 The application seeks planning permission to construct a part single/part two storey rear extension.

2.2 The proposed ground floor element measures 5.75m deep and 6.65m wide, with a flat roof and eaves height of some 2.9m. The first-floor element measures 4.5m deep to the western side and is stepped in depth to the eastern side, forming an 'L' shaped addition with a maximum width of 5.3m. The first-floor element extends the hipped roof ridge rearwards and reduces in height to form a hipped end to the rear, with Juliet balcony at first floor. Other external alterations are proposed.

2.3 The proposed external materials are white render and white uPVC windows and doors to match the existing dwelling.

2.4 This is an amended proposal following the refusal of planning permission (Ref. 21/0002/FULH) which sought to: '*Erect part single/part two storey side and rear extension, install Juliet balcony to rear, alter elevations'*. That application was refused for reasons pertaining to its design and character impact as follows:

01 By reason of its size, siting, scale and poor design, the proposed development would appear contrived and incongruous and fail to integrate satisfactorily with the existing dwelling. As a result the proposal would appear as an unduly prominent, discordant and obtrusive feature, harmful to the character and appearance of the existing property and the wider streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).

Figure 1: Application previously refused (App ref. 21/0002/FULH)

2.5 This latest submission differs from the previous refusal in that;

- The flank wall of the first-floor rear extension has been set in line with the rear/flank wall of the application dwelling, reducing the width of this element of the proposal from 6.2m to 5.3m.
- The roof form of the first-floor rear extension has been altered from a gable end to a hipped roof.
- 2no. additional first floor flank windows to the western flank elevation have been added.

Figure 2: Current proposal for consideration

2.6 Also of relevance to this application is planning permission ref. 20/01231/FULH which enables the single storey element of the proposal to be erected regardless of the outcome of this application and as such, this forms a material consideration in the assessment of the application.

2.7 The application has been called in by Councillor Garston.

3 Relevant Planning History

3.1 21/00326/FULH - Erect timber single storey granny annexe for ancillary use to main dwelling (amended proposal) (part retrospective) - Planning permission granted

3.2 21/00002/FULH - Erect part single/part two storey side and rear extension, install juliette balcony to rear, alter elevations - Planning permission refused

3.3 20/01231/FULH - Erect single storey rear extension (Amended Proposal) – Planning permission granted

3.4 20/00977/CLP - Demolish existing detached garage to rear and siting of a mobile home for ancillary use to the main dwelling (Lawful development certificate-proposed) – Certificate Granted

3.5 20/00976/FULH - Demolish existing detached garage to rear and erect timber single

storey granny annexe for ancillary use to main dwelling – Planning permission granted

3.6 20/00577/FULH - Erect single storey rear extension – Planning permission refused

3.7 94/0828 - Form room in roof with dormer window to west side – Planning permission granted

4 Representation Summary

Public

4.1 8no. neighbouring properties were notified and 4no. letters of representation from 3no. addresses have been received. Summary of representations;

- Overdevelopment of relatively modest site.
- Large outbuilding already constructed on site. Additional shed has also been erected in the garden area.
- The plans do not accurately depict the site buildings or boundaries.
- Development imposing to junction with Eastwood Grove.
- Detriment to the amenity of the area.
- Overscaled within streetscene – contrary to policy.
- Overlooking from 3no. additional first floor flank windows.
- Loss of value to neighbouring properties.
- Development contrary to policy

[Officer Comment] All relevant planning considerations are assessed within the appraisal section of the report (Section 7). The above concerns are noted and they have been taken into account in the assessment of the application however, they were not reasoned to represent reasons for refusal of the application in the circumstances of this site.

5 Planning Policy Summary

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

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

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

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 Consistent with the assessment of the previously refused application, it is not considered that the proposal would have any material highway implications as it does not increase the on-site parking requirements when assessed against the

Council's minimum parking standards. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the area, the impact on residential amenity, CIL (Community Infrastructure Levy) and whether the proposal has overcome the reasons for refusal of 21/00002/FULH.

7 Appraisal

Principle of Development

7.1 The principle of development was previously found to be acceptable. 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 Local and national planning policies and guidance seek to ensure that new development is well designed. 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 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.

7.4 The most recent application was refused on design grounds having regard to the size, scale, siting and poor design of the proposed development which was considered to result in a dominant and incongruous development materially out of keeping with and harmful to the character and appearance of the dwelling, the surrounding area and the rear garden scene.

7.5 The proposed single storey element was found to be consistent with a recent approval at the property for this element in isolation (ref. 20/001231/FULH). In the absence of any material changes to local and national policy or site circumstances in the interim, it is considered the single storey element remains an acceptable addition to the proposal.

7.6 With regards to the first- floor element of the proposal, this application has sought to overcome the previous reason for refusal by setting the flank wall of the first-floor rear extension in line with the rear/flank wall of the application dwelling, so reducing the maximum width of this element from 6.2m to 5.3m and incorporating greater separation to the flank boundary with Eastbourne Grove. In addition, the roof form of the first-floor rear extension has been altered from gable ended to hipped roofs reducing the scale and bulk of the extension. Regard is also had to the incorporation of additional windows to the first-floor flank elevation which suitably break up the otherwise large expanse of wall that was so apparent in the previous refusal.

7.7 These revisions are considered to be positive alterations to the previously refused scheme. When considered together with its position to the rear and use of matching

materials which can be conditioned, on balance, the impact of the proposed development on the design and character is considered to be acceptable.

7.8 On this basis, the proposal is now considered to be, on balance, acceptable and policy compliant in the above regards and has overcome the previous reason for refusal.

Impact on Residential Amenity

7.9 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

7.10 The proposal, with regard to its impacts on neighbouring amenities did not form a reason for refusal in the previous application. It is noted that the proposed roof form over the first-floor element has been altered from a gable end to a hipped roof. Compared to the impact of the previously refused scheme, this is considered to reduce the scale, bulk and potential impact of the proposed first floor element of the proposal on neighbouring amenity.

7.11 The application property is neighboured by No. 235 (to the east) and No's 243 Prittlewell Chase and No.5 Eastbourne Grove to the west. No's 243 and No.5 are located across the junction of Eastbourne Grove and consequently, they are not considered to be impacted by the resultant-built form of the proposed development to an extent that would represent significant harm. Whilst concerns have been raised with regard to the potential for overlooking from proposed first floor flank windows, the separations between the properties (in excess of 12m to the neighbouring garden area and 16m from the flank elevation of No.235 Prittlewell Chase and some 20m to front windows of No.5 Eastbourne Grove) would preclude a harmful degree of overlooking.

7.12 No. 235 is a large semi-detached two storey dwelling set within a wider plot than the application site such that there is an existing 2.3m separation between No.235 and the shared boundary provided by way of an attached garage. No. 237 has an existing single storey rear extension located towards this boundary with a depth of 3.3m, therefore the proposal at ground floor extends the built form rearwards by an additional 2.5m. At first floor the depth of the proposed extension is some 3m.

7.13 The proposed extension is set in some 0.35m from this shared boundary and 2.3m of separation distance is provided by the garage building of No. 235. On this basis, and having regard to the limited height and flat roof form of the proposed ground floor element, which is comparable to the existing approval (20/01231/FULH), the impact of this element of the proposal on the amenity of No. 235 is considered to be acceptable. The first-floor element by way of its limited depth along this boundary and hipped roof form has been designed to avoid a breach of a notional 45 degree guideline taken from the first floor windows of No. 235. It is considered that the increase in built form extending beyond the rear wall of No 235 would not result in any undue overshadowing or overlooking, a material loss of outlook and light,

unacceptable dominance or a harmfully increased sense of enclosure. An obscured window is shown to the first-floor flank window. Subject to a condition to ensure that window is obscured, the proposal is considered to suitably maintain neighbour privacy.

7.14 The application site is bordered at the rear by the flank elevation of No. 6 Eastbourne Grove and a degree of screening is afforded by the existing outbuilding located on this shared boundary. The development at first floor would bring the built form closer to this shared boundary, however it is not considered that the overlooking or loss of privacy impacts would be more harmful than those experienced currently onsite from the existing first floor windows. It is not considered that the proposal would harm the amenity of the occupiers of this or any other neighbouring residential properties.

7.15 On this basis the proposal is considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy

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

8 Conclusion

8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. This application which is considered to overcome the reason for refusal of the previous application is recommended for approval subject to conditions.

9 Recommendation

GRANT PERMISSION Subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plan: 3598-01-E

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

03 All new work to the outside of the building must match existing original work

in terms of the choice of materials, method of construction and finished appearance.

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

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

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).

05 The first-floor flank window to the eastern flank elevation adjacent to the No.235 hereby approved must be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such in perpetuity.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the 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) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See www.southend.gov.uk/cil for further details about CIL.

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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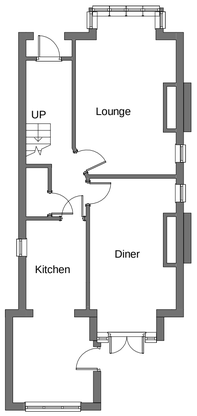
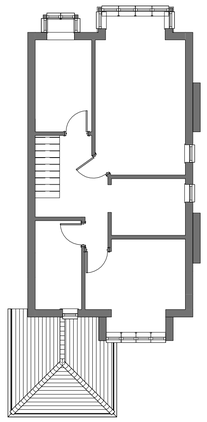
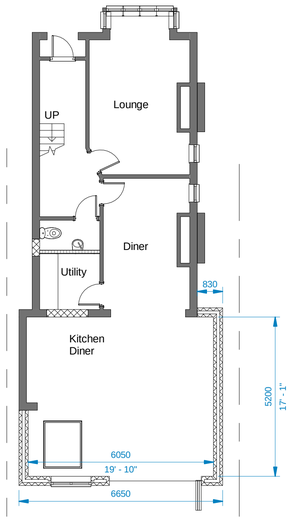
Existing Ground
1 : 100



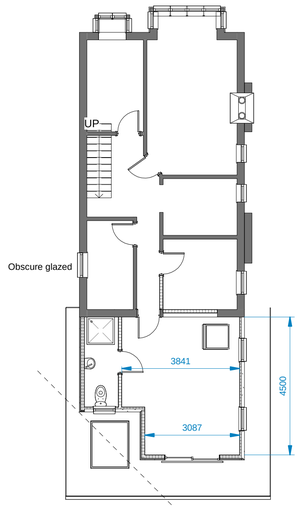
Existing First
1 : 100



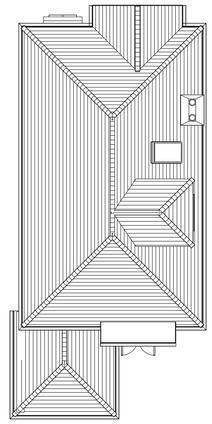
Proposed Ground
1 : 100



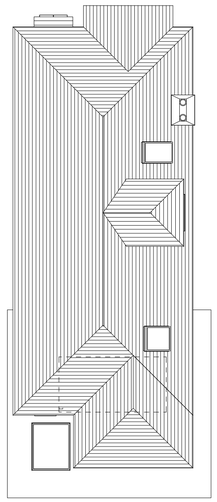
Proposed First
1 : 100



Existing Roof Plan
1 : 100



Proposed Roof Plan
1 : 100



3D View Proposed

3D View Proposed 2

Proposed Front
1 : 100

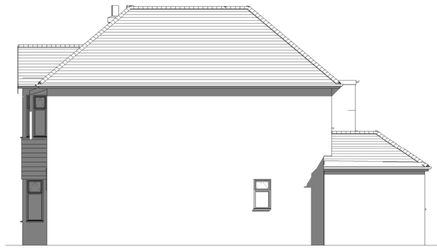
Proposed Rear
1 : 100

Proposed Side L
1 : 100

Proposed Side R
1 : 100

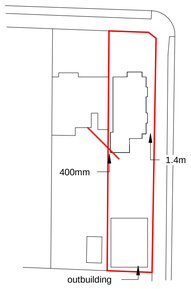
Existing Front
1 : 100

Existing Rear
1 : 100

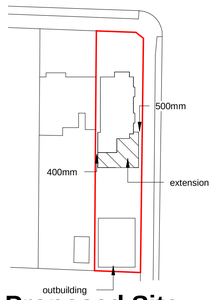


Existing Side L
1 : 100

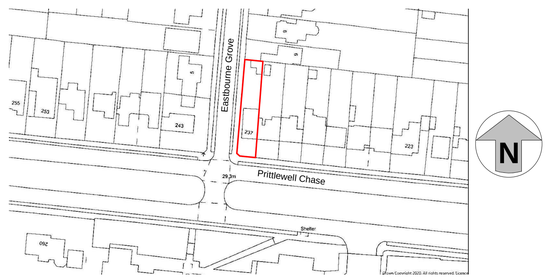
Existing Side R
1 : 100



Existing Site
1 : 500



Proposed Site
1 : 500



Location Plan
1 : 1250

DK Building Designs Ltd
Architectural Designers
Planning / Building Consultants
22 Hullbridge Road
Rayleigh
Essex SS6 9NZ
Tel 01268 655700
www.dkbuildingdesigns.co.uk

DRG NO	3598-01-E
Date	November 2020 — A1 size
Title	Two Storey Rear Extension at 237 Prittlewell Chase Westcliff on Sea

Notes

All dimensions and or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.

Plans are copyright and are not to be used without consent from DK Building Designs.

If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc

All beam calculations (if applicable) as per seperate sheet. All stated spans of beams are clear spans only, between supports. Additional length to be added for end bearing of beams. Beams to cover full length of padstones.

0 5 10

Scale Bar 1-100
1 : 100

0 50

Scale Bar 1-500
1 : 500

0 50 100

Scale Bar 1-1250
1 : 1250

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237 Prittlewell Chase

Front elevation

View to flank elevation (from Prittlewell Chase)

View to flank elevation (from junction of Eastbourne Grove and Prittlewell Chase)

View to flank boundary of the application property

Rear Elevation

302

View to rear/flank of No.243 Prittlewell Chase

View to rear/flank of No.243 Prittlewell Chase

Relationship with No.6 Eastbourne Grove to rear
Previously approved outbuilding

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