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SOUTHEND-ON-SEA BOROUGH COUNCIL

**Development Control Committee**

Date: Wednesday, 6th October, 2021

Time: 2.00 pm

Place: Council Chamber - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

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

**AGENDA**

- 1 Apologies for Absence
  - 2 Declarations of Interest
  - 3 Minutes of the meeting held on Wednesday 21st July 2021 (Pages 1 - 30)
  - 4 Minutes of the meeting held on Wednesday 1st September 2021 (Pages 31 - 60)
  - 5 Supplementary Report
- \*\*\*\* **CONTENTS AND INTRODUCTION**
- \*\*\*\* **REPORTS ON PLANNING APPLICATIONS**
- 6 **20/02156/AMDT - Seaway Car Park, Southend-On-Sea (Milton)** (Pages 65 - 98)
  - 7 **21/01685/FUL - 135 Marine Parade, Leigh-on-Sea (West Leigh)** (Pages 99 - 160)
  - 8 **21/01341/FUL - 132 Southchurch Avenue, Southend-on-Sea (Kursaal)**  
(Pages 161 - 200)
  - 9 **21/01370/FUL - 58 Lord Roberts Avenue, Leigh-on-Sea (Leigh)** (Pages 201 - 236)
  - 10 **21/01323/FULH - 29 St Augustines Avenue, Thorpe Bay (Thorpe)** (Pages 237 - 264)

- 11 **21/01701/FULH - 28 Fastnet, Eastwood (St Laurence)** (Pages 265 - 288)
  
- 12 **21/01491/FULH - 237 Prittlewell Chase, Westcliff-on-Sea (Prittlewell)**  
(Pages 289 - 310)
  
- 13 **21/01406/FULH - 8 Eastwood Rise, Eastwood (Eastwood Park)** (Pages 311  
- 328)
  
- 14 **TPO/2/2021 - 11 Exford Avenue, Westcliff-on-Sea** (Pages 329 - 334)

**Chair & Members:**

Cllr N Ward (Chair), Cllr A Dear (Vice-Chair), Cllr J Beck, Cllr K Buck, Cllr D Cowan, Cllr M Dent, Cllr F Evans, Cllr D Garne, Cllr D Garston, Cllr S Habermel, Cllr D Jarvis, Cllr A Jones, Cllr K Mitchell, Cllr C Mulroney, Cllr A Thompson, Cllr S Wakefield and Cllr C Walker



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

**Meeting of Development Control Committee**

**Date: Wednesday, 21st July, 2021**  
**Place: Council Chamber - Civic Suite**

**3**

**Present:** Councillor N Ward (Chair)  
Councillors A Dear (Vice-Chair), J Beck, M Berry\*, K Buck, D Cowan,  
F Evans, D Garne, D Garston, S Habermel, D Jarvis, K Mitchell,  
C Mulroney, I Shead\*, A Thompson and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor P Collins  
G Gilbert, K Waters, P Keyes, S Mouratidis, C White, J Rowley,  
M Warren and T Row

**Start/End Time:** 2.00 pm - 4.40 pm

**190 Apologies for Absence**

Apologies for absence were received from Councillors Dent (no substitute), Jones (substitute: Councillor Berry) and Wakefield (substitute: Councillor Shead).

**191 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Buck – Application No. 21/00344/FUL - 23-29 Clarence Street, Southend-on-Sea – Non-pecuniary interest: Applicant is known to him;

(ii) Councillor Buck – Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea – Disclosable Pecuniary Interest: Property owner and applicant (withdrew);

(iii) Councillor D Garston – Application Nos. 21/00289/FUL & 21/00416/LBC - Cockethurst, Eastwoodbury Lane, Eastwood – Non-pecuniary interest: Applicant known to him;

(iv) Councillor D Garston – Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea – Disqualifying non-pecuniary interest: Applicant is a fellow Councillor, Member of the Committee and a personal friend (withdrew);

(v) Councillor Mitchell – Application No. 21/00344/FUL - 23-29 Clarence Street, Southend-on-Sea – Non-pecuniary interest: Has corresponded with residents on the planning application process; and

(vi) In addition to the above, all Councillors in attendance declared a non-pecuniary interest in Application No. 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea on the basis that the applicant was a fellow Councillor and member of the Committee.

**192 Minutes of the meeting held on Wednesday 30th March 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 30<sup>th</sup> March 2021 be received, confirmed as a correct record and signed.

**193 Minutes of the meeting held on Wednesday 7th April 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 7<sup>th</sup> April 2021 be received, confirmed as a correct record and signed.

**194 Minutes of the meeting held on Wednesday, 2nd June 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 2<sup>nd</sup> June 2021 be received, confirmed as a correct record and signed.

**195 Minutes of the Meeting held on Wednesday 7th July 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 7<sup>th</sup> July 2021 be received, confirmed as a correct record and signed.

**196 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

**197 20/01895/FUL - 366 Rayleigh Road, Eastwood (Eastwood Park Ward)  
Proposal: Change of use from storage/distribution (Class B8) to Boxing Gym (Class E) (Retrospective)  
Applicant: Mr Pinnock  
Agent: Plainview Planning**

Mrs Catchpole, a local resident, spoke as an objector to the application. Mr Pinnock, the applicant, responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01. The development is hereby permitted in accordance with the following approved plans: Site Location Plan, Existing and Proposed Floor Plans, Existing Elevations.

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

02. The premises shall not be open for customers outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.

Reason: To protect the environment of people in neighbouring 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).

03. Amplified music shall not be played on the premises outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.

Reason: In accordance with the submitted Noise Impact Assessment, to safeguard the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

04. The exterior windows and doors of the unit shall remain closed at all times during the operation of the use hereby approved.

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

05 (i) Within three months of the date of this permission, a detailed noise mitigation scheme, with timetable for implementation, based on the noise impact assessment and outline recommendations made in the reports Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 22/03/2021 Project Number 5751MP Version Reference 001 and Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 07/06/2021 Project Number 6145MP Version Reference 001 5751MP shall be submitted to and approved by the Local Planning Authority. The scheme shall include noise limiters to be fitted to all amplified music equipment and shall specify the prescribed noise limit with reference to the agreed noise impact assessment and outline recommendations identified above;

(ii) The agreed detailed noise mitigation scheme shall be installed in full accordance with the approved timetable;

(iii) a post completion noise survey must be undertaken in accordance with the approved timetable, by a suitably qualified acoustic consultant, and within the approved timetable a report shall be submitted to and approved in writing by the Local Planning Authority. The post-completion testing shall assess performance of the agreed scheme. The gymnasium use shall always thereafter and be operated in full accordance with these approved noise mitigation measures in perpetuity.

(iv) If the noise levels set out in the Noise Impact Assessment are exceeded, the use shall cease until additional noise mitigation measures have been implemented in accordance with details that are to have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

06. Prior to installation of any external air conditioning units or equipment, at the premises subject of this permission, details of their specification, position and appearance shall be submitted to and agreed in writing by the Local Planning Authority. The units shall be implemented in accordance with the approved details and the specifications of the approved noise mitigation scheme before they are brought into use. If the noise levels set out in the scheme are exceeded, the use hereby approved shall cease until additional noise mitigation measures have been implemented in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and neighbour amenities further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Design and Townscape Guide (2009).

07. i) Noise from plant and equipment at the premises subject of this planning permission including extract ventilation at the maximum operating speed shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15 minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

ii) Prior to operation of any plant and equipment associated with this planning permission a post completion noise survey must have been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented in accordance with details previously agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and neighbour amenities further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

08. Within three months of the date of this permission, details of secure cycle storage, together with a timetable for its implementation, shall have been

submitted in writing to the Local Planning Authority for agreement. The approved secure cycle storage shall be provided at the site and made available for use by staff and/or customers within 28 days of the agreement being given by the Local Planning Authority and in accordance with the agreed details and shall be retained for the lifetime of the development thereafter.

Reason: In the interests of accessibility further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

09. Within three months of the date of this permission, details of refuse and recycling storage, together with a timetable for its implementation, shall have been submitted in writing to the Local Planning Authority for agreement. Refuse and recycling storage shall be provided in accordance with the approved details and made available for use by staff and customers of the premises within 28 days of agreement of the details and shall be retained for the lifetime of the development thereafter.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

10. 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).

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. The proposal is a commercial change of use creating no new floor space and is not CIL liable.
2. 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.

3. Prior to any alterations to the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.

4. If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If the local authority become aware of any works that are highly likely to cause a nuisance a notice may be served under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance are available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

**198 21/00289/FUL & 21/00416/LBC - Cockethurst, Eastwoodbury Lane, Eastwood (St Laurence Ward)**

**Proposal:**

- 1. 21/00289/FUL - Convert existing farm buildings into single dwelling house**
- 2. 21/00416/LBC - Convert existing farm buildings into single dwelling house (Listed Building Consent)**

**Applicant: Mr David Dedman**

**Agent: SKArchitects**

Resolved:-

1. That PLANNING PERMISSION be GRANTED 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 10186-01, 10186-02, 10186-03, 10186-04, 504\_P308B,

504\_P400A, 504\_P401A, 504\_P402A, 504\_P403B, 504\_P404, 504\_P405A, 504\_P406A, 504\_P407A, 504\_P409, 504\_P410A, 504\_P411A

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

03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020 and plans reference 504\_P411A and 504\_409 before the approved dwelling is occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.

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

04 The materials used for the development hereby approved shall only be as specified on plans reference 504\_308B, 504\_P403B, 504\_P404, 504\_P406A, 504\_P409 unless alternative material details are otherwise submitted to and agreed in writing with the Local Planning Authority under the scope of this planning condition.

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

05 The retention and re-siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features by SKArchitects reference 504B and plans reference 504\_409 and 504\_410A before the dwelling hereby approved is brought into use.

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

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents 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 historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document

(2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

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

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

08 The soft landscaping at the site shall be carried out in full accordance with the details and specifications shown in landscaping plan reference 504\_P402 before the dwelling hereby approved is occupied. The surfacing of the courtyard, parking spaces and driveway shall remain as the existing surfacing.

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

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

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

10 Prior to the commencement of the development hereby approved, tree protection measures, as set out in the Arboricultural Impact Assessment by Owen Allpress reference 2322 dated 25.02.21, shall be implemented in full and shall be retained throughout construction of the development.

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

11 The development hereby approved shall not be occupied until and unless 1 car parking space has been provided at the site and made available for use solely for occupiers of the residential unit hereby approved and their visitors all in accordance with the details shown on drawing 504\_P401A. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.



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

12 The development hereby approved shall not be occupied until and unless the cycle parking store and the refuse and recycling store, as shown on drawing 504\_P403B, have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the dwelling hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter.

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

13 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

14 Prior to any drainage infrastructure being installed, in accordance with the submitted Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020 and Technical Note by SLR reference 402.08714.00004 dated 09.03.20, detailed designs of a surface water drainage scheme incorporating the following details shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall address the following matters:

- (a.) A detailed drainage plan including pipe diameters, cover levels and invert levels, conveyance and failure/exceedance routes;
- (b.) A comment on the effects of high-water levels in the watercourse in the site drainage systems;
- (c.) A detailed construction drawing for the proposed geocellular storage and the flow-control chamber;
- (d.) Evidence of the assessment of any health and safety risks;
- (e.) A method statement detailing the effect of surface water during the construction phase;

(f.) Details of the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the geocellular storage and filter drains;

(g.) Measures to ensure damage to the drainage system resulting from associated construction activities must be considered and minimised;

(h.) Where required proposals for foul drainage.

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

15 All glazing to habitable rooms within the new and replacement windows shall be acoustic glazing RW 39 to meet the requirements of British Standard 8233:2014 unless alternative details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition.

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

16 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority.

The report of the findings must include:

(i) A survey of extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- human health;
- properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land

Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

17 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no works associated with this consent shall be undertaken unless and until 2 x Schweglar bat boxes are installed in accordance with plan reference 504\_P402A. The proposed site clearance and construction works shall then be carried out in full accordance with the recommended mitigation measures nesting birds as set out on page 5 of the Ecology Report by Cherryfield Ecology dated 23.2.21 and the mitigation measures for bats set out in Section 4.3 of the Ecology Report by Cherryfield Ecology dated 30.6.21 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A condition is required to ensure any bats or nesting birds utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) policy DM2.

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

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

Informatives:

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

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

implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

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

04 The applicant is advised that an environmental permit for flood risk activities may be needed if works are proposed in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Eastwood Brook is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. It should be noted that anyone carrying out these activities without a permit where one is required, is breaking the law.

05 The applicant is reminded that a bat mitigation licence must be obtained prior to commencement of the works.

2. That LISTED BUILDING CONSENT be GRANTED 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 10186-01, 10186-02, 10186-03, 10186-04, 504\_P308B, 504\_P400A, 504\_P401A, 504\_P402A, 504\_P403B, 504\_P404, 504\_P405A, 504\_P406A, 504\_P407A, 504\_P409, 504\_P410A, 504\_P411A

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

03 The materials used for the development hereby approved shall be as specified on plans reference 504\_308B, 504\_P403B, 504\_P404A, 504\_P406A, 504\_P409 unless alternative material details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document

(2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The retention and re siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features by SKArchitects reference 504B and plans reference 504\_409 and 504\_410A before the dwelling hereby approved is brought into use.

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

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents 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 historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

06 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills, ducting or telecommunication equipment shall be fixed to the exterior of the building without prior written approval of the Local Planning Authority.

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

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

**199 21/00344/FUL - 23 - 29 Clarence Street, Southend-on-Sea (Milton Ward)**  
**Proposal: Change of use and convert existing takeaway and restaurant at ground floor level and A2 office space at first floor level into 4 No. self-contained houses, amenity space to rear at first floor level with privacy screen and alterations to front, side and rear elevations**  
**Applicant: Stockvale Investments Ltd.**  
**Agent: SKArchitects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 3 (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 approved plans: 400-P101; 400-P102.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless samples of the external materials and full details of the windows, doors, internal shutters, privacy screens and party walls subdividing the dwellings have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved materials. The development shall be carried out in full accordance with the approved details before it is first occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM5 and the guidance contained within the Design and Townscape Guide (2009).

04 Notwithstanding the provisions of Classes A & B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be), no development falling within those classes shall be undertaken at the site unless express planning permission has been obtained from the Local Planning Authority.

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality and in order to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

05 Prior to the first occupation of the dwellings hereby approved, full details of the design and layout of the 'winter gardens' and external amenity spaces at first floor level shown on the plans otherwise hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submission made shall include details of the hard and soft landscaping within these areas, all privacy screens and means of enclosure to be installed and the mechanism for opening and closing the winter gardens. The winter gardens and external amenity spaces shall be implemented in full accordance with the details approved under this condition prior to first occupation of the development hereby approved and the development shall thereafter be retained as approved in perpetuity.

The 'winter gardens' and external amenity spaces at first floor level shall be permanently retained as external amenity spaces for future occupiers of the dwellings only and shall not be converted to use for any other purpose, including as a habitable rooms (including bedroom, living room or kitchen), whether or not any such change would be permitted under the Town and Country Planning Act 1990 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any act or order revoking, amending or re-enacting this legislation).

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

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

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

07 Prior to the first occupation of the development hereby approved full details of covered and secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

08 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the dwellings hereby granted consent shall be first occupied unless and until plans and full details (including the Pilkington level of obscured glass) have been submitted to and approved in writing by the Local Planning Authority which specify full details of the obscure glazing and any restrictions to



the openings to the first floor rear fenestration Before the dwellings hereby approved are first occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1 and advice contained in The Design and Townscape Guide (2009).

09 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the guidance within the Design and Townscape Guide (2009).

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

#### Informatives

1. 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 notices. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

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.

- 200 21/00468/FUL - 48 Argyll Road, Westcliff-on-Sea (Milton Ward)**  
**Proposal: Change of use of first floor of existing doctor's surgery and convert in to one (1no.) self-contained flat, erect linked two storey building at rear, to be used as two (2no.) self-contained flats and layout associated amenity space, cycle and bin stores**  
**Applicant: Dr B Bekas**  
**Agent: Mr Colin Stone of StoneMe Ltd.**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

#### General 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 approved shall be carried out in accordance with the approved plans: 1825 10, 1825 11 a, 1825 15, 1825 16, 1825 17

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

#### Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site, including facing materials, roof detail, windows, doors, fascia and soffits, have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 details shown on the plans submitted and otherwise hereby approved, no waste or recycle bin storage facilities shall be provided on either frontage of the application site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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).

05 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 (2021), 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 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority with the relevant Reserved Matters application. 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

#### Living Conditions

07 Prior to commencement of development on site, other than demolition and site preparation works, details of vibration mitigation and noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard BS 8233:2014, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first residential occupation of any part of the development hereby approved.

Reason: To mitigate the noise from the uses in the area in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

#### Impact on residential amenity of neighbours

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

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09 The proposed first floor south facing windows and the eastern most ground floor south facing window (annotated as 'high level obscure' on the approved plan 1825 15) 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 of the interior room or area served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 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).

#### Highways

10 Prior to the first occupation of the residential units hereby approved the three (3) cycle parking spaces as shown on approved plan 825 15 shall be provided and made available for use on site solely in accordance with the details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition. The cycle parking spaces shall be retained for the benefit of the future residential occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

#### Energy and water sustainability

11 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 (2021), 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).

12 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 (2021), 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).

#### Positive and proactive statement

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

#### Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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

**201 21/00769/FUL - Land Adjacent to 4 Stonehill Road, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect detached dwellinghouse with associated amenity space and parking (Amended Proposal)**  
**Applicant: Mr Shane Henstock**  
**Agent: Mr Anthony Maskell**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no 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: Jan021-001 Amendment 'B'- Existing & Proposed Site Plan; Block Plan Sketch C, Jan020-017; Existing & Proposed Elevations; Sketch D; Roof Plan

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

03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place until full details and samples of the materials to be used on all the external elevations of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and completed in accordance with the approved details.

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

04 No development above ground level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- (i.) means of enclosure, of the site including any gates or boundary fencing;
- (ii.) car parking layouts;
- (iii.) other vehicle and pedestrian access and circulation areas;
- (iv.) hard surfacing materials;
- (v.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- (vi.) details of measures to enhance biodiversity within the site;

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

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

05 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 and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the Design and Townscape Guide (2009).

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

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

07 The development hereby approved shall be carried out in a manner to ensure that the dwelling complies with Building Regulation part M4(2) 'accessible and adaptable dwellings' before it is brought into use and first occupied.

Reason: To ensure the residential unit hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

08 Notwithstanding demolition works, construction of the development hereby permitted shall not commence until details of surface water attenuation for the site,

based on Sustainable Urban Drainage principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

09 Hours of works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank or Public Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and The Design and Townscape Guide (2009).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B, D, E or F of that Order without the receipt of express planning permission.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

11 The car parking spaces to the existing and proposed dwellings shown on approved plan Jan021-001 Amendment 'B' 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 shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwelling and No.4 Stonehill Road.

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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the Southend Design and Townscape Guide (2009).

12 Notwithstanding the information submitted with this application, prior to the first occupation of the dwelling hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of refuse and recycling storage and covered and secure cycle parking for the approved development at the site. The approved refuse and recycling store and covered and secure cycle store shall be provided in full and made available for use by the occupants of the dwellings prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.



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

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

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

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

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

Informatives:

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

02 Please note that you are required to apply to the Highways Authority for consent to have a vehicular crossover installed onto Stonehill Road.

03 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to

recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

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

**202 21/00902/FUL - 364 Rayleigh Road, Eastwood (Eastwood Park Ward)  
Proposal: Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation  
Applicant: Mr Karsaz Jamal Hassan  
Agent: Mr Gurdev Singh of Architectural Services**

Mrs Catchpole, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be REFUSED for the following reason:

01 Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers in terms of noise, disturbance and fumes. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the Development Control Committee, which took the decision to refuse planning permission, based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

Informatises:

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

**203 21/00994/AMDT - 56 Whitehouse Road, Eastwood (St Laurence Ward)**  
**Proposal: Application to vary condition 1 (Approved opening hours) to extend opening hours to allow school children and working adults to utilise the facilities (Minor Material Amendment of planning permission 20/00160/FUL allowed on appeal dated 30/03/2021)**  
**Applicant: Mrs T Kennedy**  
**Agent: Mr Tony Collins**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The swimming pool subject of this permission shall operate only in accordance with the following approved hours:

Mondays-Thursdays: Classes: 9:30-18:00 - 1:1's: 18:00-20:00

Fridays Classes: 9:30-18:00 - 1:1's: 18:00-20:00

Saturdays: Classes: 9:00-14:00 - 1:1's: 14:00-18:00

Sundays: - 1:1's: 10:00-16:00

And at no other times

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

02 The commercial use of the swimming pool subject of this permission shall be limited to no more than 3 users at any one time.

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

03 Vehicle parking for visitors using the swimming pool subject of this permission during its commercial periods of operation shall be permanently provided, maintained and made available for use within the 6 marked bays at the front of the property in strict accordance with plan No. CC/001.

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

04 The swimming pool subject of this permission shall be operated solely in accordance with the Travel Plan details previously submitted to and approved in writing by the Local Planning Authority under the approval of details application reference 21/00955/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be operated in accordance with the details approved under this condition in for its lifetime.

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

**204 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Erect car port to front and install solar panels to roof**  
**Applicant: Mr K Buck**  
**Agent: Mr Paul Seager of APS Design Associates Ltd.**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development shall be undertaken solely in accordance with the following approved plans: Drawing number 01; Drawing number 02; Drawing 03.

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 details of materials, method of construction and finished appearance. This applies unless differences are shown in 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 (2021), 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).

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

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

#### Informatives

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

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

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

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**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Development Control Committee**

**Date: Wednesday, 1st September, 2021**

**Place: Council Chamber - Civic Suite**

**4**

- Present:** Councillor A Dear (Vice-Chair in the Chair)  
Councillors S Habermel, J Beck, K Buck, T Cowdrey\*, M Dent, F Evans, D Garne, D Garston, D Jarvis, A Jones, C Mulroney, I Shead\*, A Thompson, S Wakefield and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)
- In Attendance:** Councillor Berry  
G Gilbert, K Waters, P Keyes, S Mouratidis, J Rowley, M Warren, C White and T Row
- Start/End Time:** 2.00 pm - 4.30 pm

**246 Apologies for Absence**

Apologies for absence were received from Councillors Cowan (substitute: Councillor Cowdrey), Mitchell (no substitute) and Ward (substitute: Councillor Shead).

**247 Appointment of Vice-Chair for the Meeting**

Resolved:- That Councillor Habermel be appointed Vice-Chair for the meeting.

**248 Declarations of Interest**

The following interests were declared at the meeting:-

- (i) Councillor Cowdrey - Application Ref No. 21/00604/FUL - Garages Adjacent to 1 Shoebury Avenue, Shoeburyness – Non-pecuniary interest: Relative lives across the road;
- (ii) Councillor Dent - Application Ref No. 21/00220/FUL - 613 to 619 and Garages to Rear of 593 to 647 Southchurch Road, Southend-on-Sea – Non-pecuniary interest: Contacted by residents about the application;
- (iii) Councillor Jones - Application Ref No. 21/00711/FULM - Land East of Fossetts Way, Southend-on-Sea – Non-pecuniary interest: Son is about to start as a Transport Assistant at the Council; and
- (iv) Councillor Walker – Application Ref No. 21/00757/FUL - 153 Rayleigh Road, Eastwood and Application Ref No. 21/00758/ADV - 153 Rayleigh Road, Eastwood – Non-pecuniary interest: Shops at Rochford Corner.

**249 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. The meeting was adjourned for 5 minutes to enable all Councillors an opportunity to read the report.

- 250 21/00220/FUL - 613 to 619 and Garages to Rear of 593 to 647 Southchurch Road, Southend-on-Sea (Kursaal Ward)**  
**Proposal: Demolish existing garages and erect 4no. two-storey dwellings, erect single storey extension to rear of existing commercial unit at 615-617 Southchurch Road to form self-contained flat, layout hardstanding, parking and refuse stores**  
**Applicant: Harrison-Moore**  
**Agent: AWW Sherlock of AWW**

Resolved:- That consideration of this application be deferred to enable further information to be assessed.

- 251 21/00604/FUL - Garages Adjacent to 1 Shoebury Avenue, Shoeburyness (Shoeburyness Ward)**  
**Proposal: Demolish garages, erect two-storey building to form two self-contained flats with associated parking, amenity area, cycle and refuse storage**  
**Applicant: Mr A Thorpe and Mr H Hyde**  
**Agent: Mr Paul Seager of APS Design Associates Ltd.**

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

General 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 approved shall be carried out in accordance with the approved plans: 3117 01, 3117 02 Rev A, 3117 03 Rev D, 3117 04.

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

Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.



Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) 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 in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no waste or recycle bin storage facilities shall be provided on the frontage of the application site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 (2021), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

### Living Conditions

07 Prior to its first occupation, the ground floor dwelling hereby approved shall be constructed to comply with building regulation M4(3) – Wheelchair User Dwellings.

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 (2021), 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).

### Impact on residential amenity of neighbours

08 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

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

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 The proposed first floor east, west and north facing windows 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 of the room or area served by the window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 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).

### Highways

11 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, the occupation of the dwellings hereby approved shall not commence unless and until appropriate vehicle crossover(s) to serve the parking spaces on site has been provided on site solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Prior to the first occupation of the dwellings hereby approved the existing vehicular access(es) on Shoebury Avenue shall be permanently closed in accordance with the technical requirements of the Council's Highways department.

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

12 Prior to the first occupation of the residential units hereby approved, two car parking spaces (one for each dwelling) and two cycle parking spaces (one for each dwelling) as shown on approved plan 3117 03 REV D shall be provided and made available for use on site. The car and cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate car and cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

### Energy and water sustainability

13 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

14 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

#### Positive and proactive statement

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

#### Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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

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

- 252 21/01097/FUL - 4 Ailsa Road, Westcliff-on-Sea (Chalkwell Ward)**  
**Proposal: Change of use from 9 bed HMO (sui-generis) to single dwellinghouse (Class C3), raise ridge height with hipped to gable roof extensions, install gabled front roof extension and dormers to front and rear to form habitable accommodation in the loftspace with balcony to front, erect part single/part two storey rear extension, form new basement level with access stairs to rear and alter elevations**  
**Applicant: Mr Porges**  
**Agent: Mr Maz Rahman of RD Architecture Ltd.**

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 105.P1; 205.P1; 210.P3; 220.P2

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.

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 (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and the advice contained in the Design and Townscape Guide (2009).

04 The first and second floor windows in the northern and southern flank elevations 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 protect the privacy and environment of people in neighbouring residential properties, in accordance with the national Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice within the Design and Townscape Guide (2009).

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

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the 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).

#### Informatives

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

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

**253 21/00757/FUL - 153 Rayleigh Road, Eastwood (Eastwood Park Ward)**  
**Proposal: Change of use from retail (Class E) to restaurant and takeaway (Class E and Sui Generis), install extraction flue system to rear and form new rear access**  
**Applicant: Mr M Kugathas**  
**Agent: Mr T Ay**

Mrs Shelley, a local resident, spoke as an objector to the application. Mr Ay, the applicant's agent, responded.

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

01 The development hereby permitted shall begin not later than 3 (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 and operated in accordance with the approved plans: 01; 02; 03; 04; 05; 06; Odour Management Plan by Delta Tech Ltd.; Noise Impact Assessment by DAA Group Ltd.

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

03 The development hereby approved shall be operated in strict accordance with the recommendations contained within the Odour Management Plan (by Delta Tech Ltd.)

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

04 In accordance with the contents of 'paragraph 6.0 (Sound Insulation Scheme) and Appendix B -Calculations' contained in the Revised Noise Impact Report (Issue 02) by DAA Group Ltd., the noise rating level arising from operation of the extractor flue hereby approved must be sufficient so as to meet BS 4142:2014 i.e. to not exceed 10dbB(A) below the prevailing background noise level measured at the nearest noise sensitive properties.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

05 Prior to the first operation of the use hereby approved, details of the design and materials of the proposed waste storage and an associated waste management plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details from its first operation and shall be maintained and managed as such for the lifetime of the development.

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

06 The ground floor unit of the development hereby approved shall solely be used as a sui generis restaurant and takeaway use or for purposes falling within Class E and shall be used for no other purposes including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of that order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to control the impact of the use of the premises within the Use Class specified in accordance with the National Planning Policy Framework, 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).

07 The use hereby approved shall only be open for customers during the following hours: 08:00 hours to 23:00 hours Monday to Sunday and at no other times.

Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

### Informatives

01 You are advised that as the development does not result in new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

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

03 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

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

05 This permission does not convey any form of consent for external advertisement signs, consent for which is required under the provisions of the Town and Country Planning Advertisement Regulations.



- 254 21/00758/ADV - 153 Rayleigh Road, Eastwood (Eastwood Park Ward)**  
**Proposal: Install one externally illuminated fascia board and one internally illuminated projecting sign to front**  
**Applicant: Mr M Kugathas**  
**Agent: Mr T Ay**

Resolved:- That consent be GRANTED subject to the following conditions:

01 The development shall only be undertaken in accordance with the following approved plans: 21.01; 21.02; 21.03; 21.05 RevA; 21.06

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

02 The intensity of the luminance of the internally illuminated fascia sign hereby granted consent shall not exceed 600 cd/m<sup>2</sup>

Reason: In the interests of amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

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.

- 255 21/00813/FUL - 123 The Broadway, Thorpe Bay (Thorpe Ward)**  
**Proposal: Erect part two, part three storey rear extension with side terrace to first floor in order to extend the existing commercial unit and form a new additional commercial unit (Use Class E) at ground floor level and form two (2no.) self-contained flats above.**  
**Applicant: Mr M Tran**  
**Agent: Mr Anthony Merry of Design Associates**

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

General 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 approved shall be carried out in accordance with the approved plans: 91491 01 REV C, 91491 02 REV D, 91491 03.

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

03 The use of the ground floor units shall be solely within Use Class E as defined within the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To determine the scope of the permission in the interest of the character and functionality of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP1, and Development Management Document (2015) Policies DM10, DM11 and DM12.

04 The hours of operation of the ground floor commercial units shall be 7 am to 11 pm only.

Reason: In the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

#### Design and related conditions

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

06 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 this condition. The soft landscaping scheme shall 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

07 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. 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, and the details of the covered and secure cycle parking spaces.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

08 Notwithstanding the details shown in the plans submitted and otherwise hereby approved no part of the development hereby approved shall be brought into residential use unless and until details of residential waste storage and management have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved waste storage facilities shall be provided and made available for use prior to the first use of the residential units here by approved and shall thereafter be maintained for the lifetime of the development and managed in accordance with the approved details.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 (2021), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

#### Impact on residential amenity of neighbours

09 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

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

- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the dwellings hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including on the proposed terrace. Before the development hereby approved is occupied, the privacy screens shall be installed 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 future occupiers and adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

### Highways

12 Prior to the first occupation of the residential and commercial units hereby approved, four covered and secure cycle parking spaces (one for each residential and commercial unit) shall be provided and made available for use on site. The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

### Energy and water sustainability

13 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

14 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

Positive and proactive statement:

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

Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand

Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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

- 256 21/00711/FULM - Land East of Fossetts Way, Southend-on-Sea (St. Luke's Ward)**  
**Proposal: Residential development comprising of up to 221 units with associated access, parking, landscaping and associated infrastructure**  
**Applicant: Ilke Homes**  
**Agent: Miss Esme Sparrow**

Resolved:- (a) That the Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to the following conditions and following the completion of a LEGAL AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure the provision of:

- Residential use through the release of restrictions imposed in the S106 agreement dated 8 January 2004.
- 221 dwellings for affordable housing (60% shared-ownership and 40% affordable rent).
- £4,000.00 for junction improvement and traffic calming Traffic Regulation Orders.
- £10,000.00 for improved connectivity the site to footpath 178 from the eastern boundary.
- £5,000.00 for monitoring of the travel plan.
- Essex RAMS payment of £28,133.30 to mitigate the potential disturbance to European designated sites.
- Land in control of the applicant and 12% of the costs associated with the implementation of the Prittlewell Camp Scheduled Ancient Monument Archaeological Conservation Management Plan (July 2020) prepared by Orion.
- Details for travel packs to be distributed to future occupiers.
- The relevant costs for the monitoring of the S106 agreement.

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

#### General Conditions

01 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 approved shall be carried out in accordance with the approved plans: PL01, PL02, PL03 Rev B, PL04 Rev A, PL05 Rev A, PL07, PL08 Rev A, PL12 Rev A, PL15, PL17 Rev B, PL20, PL21 Rev A, PL22 Rev A, PL23 Rev A, PL24 Rev A, PL25 Rev A, PL26, PL27 Rev A, PL30 Rev A, PL31 Rev B, PL35 Rev A, PL36, DR15000 Rev P11, DR-5001 Rev P4, DR-5002 Rev P3, DR-5003 Rev P3, DR-5004 Rev P3, DR-5005 Rev P3, DR-5006 Rev P4, DR-5007 Rev P4, DR-5008 Rev P3, DR-5100 Rev P4, DR-5500 Rev P1, DR-5700 Rev P3, S38 Street Lighting Design, Private Street Lighting Design.

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

#### Impact on heritage related conditions

03 No development or preliminary groundworks shall take place until the Applicant has secured the implementation of a programme of archaeological works including trial trenching evaluation in accordance with a Written Scheme of Investigation (WSI) and specification which has been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority under the provisions of this condition. The approved WSI and measures shall be undertaken by a suitably qualified archaeologist. The subsequent recording and post-excavation assessment reports shall be submitted to the majority Local Planning Authority before the development is in use.

Reason: A pre-commencement condition is justified to allow the preservation by record of archaeological deposits and to provide an opportunity for a watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

#### Design and related conditions

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground floor slab level shall take place, unless and until full details and specifications, including samples of bricks, of the materials to be used for all the external surfaces of the proposed buildings at the site, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies, have been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The highest part of the development or any apparatus shall not exceed 48.5m AOD at any time during construction or after the completion of the development. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: This pre-commencement condition is required in the interest of visual amenity of the area and safety of air traffic in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM5 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

06 No site preparation or development of any kind shall take place on the site unless and until tree protection measures have been implemented on site in line with the submitted Arboricultural Impact Assessment & Method Statement 2930-5-4-002 Rev P1 dated 17 June 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition). The tree protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: This pre-commencement condition is justified in the interest of the visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).



07 Within the first available planting season (October to March inclusive) following the first use of each phase of the development hereby approved, the relevant part of the soft landscaping scheme contained within the approved plans DR-5000 Rev P11, DR-5001 Rev P4, DR-5002 Rev P3, DR-5003 Rev P3, DR-5004 Rev P3, DR-5005 Rev P3, DR-5006 Rev P4, DR-5007 Rev P4, DR-5008 Rev P3, DR-5100 Rev P4, DR-5500 Rev P1 and DR-5700 Rev P3 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition), shall 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.

08 The use of each phase of the development hereby approved shall not commence until and unless the relevant part of the hard landscaping scheme contained in the approved plans PL04 Rev A, DR-5000 Rev P11, and DR-5100 Rev P4 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) has been carried out and implemented solely in full accordance with the approved details.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

#### Living Conditions related conditions

09 Prior to the first use of each dwelling hereby approved, the noise mitigation and thermal comfort measures identified in the Noise Assessment 2007190-02 dated March 2021, the Acoustician's Letter dated 4 May 2021, the Acoustician's Email dated 21 May 2021, the Noise Assessment Addendum 2007190-07 dated 7 July 2021, the Technical note on Noise and Thermal Comfort 2007190-08 dated 22 July 2021 and the Thermal Comfort Analysis Issue 4 dated 20 July 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) shall be fully implemented as applicable and retained as such for the lifetime of the development.

The mitigation measures shall include alternative ventilation to be provided to properties near the southern and western boundary of the site as shown in Figure 1 of the Noise Assessment Addendum 2007190-07, enhanced glazing and ventilation as detailed in Table 4 of the Noise Assessment Addendum 2007190-07 and for the properties shown on Figure 2 of the Noise Assessment Addendum 2007190-07, a 4m high close boarded timber fence on the southern boundary of the site as shown on Figure 5-2 of the Noise Impact Assessment 2007190-02, 2.1m close boarded timber fence around the amenity areas of certain dwellings near the western boundary of the site as shown on figure 7-2 of the Noise Impact Assessment 2007190-02, windows to be side hung with a maximum opening angle of 45o and installed with solar control glazing with a g-value of 0.30.

Reason: To mitigate the noise from highway traffic and other activities in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

10 Prior to the first use of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority under the provisions of this condition.

The submitted strategy shall include details of which plots on site and which windows on each plot would require obscure glazing. The openings that are identified as needed to be glazed in obscure glass, shall only be so with 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 of the room or area served by the window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

11 The 24no. dwellings marked as compliant with the building regulation M4(3) 'wheelchair user dwellings' standard on approved plan PL30 Rev A shall be constructed as such prior to their first occupation while all other dwellings on site

shall be constructed to comply with the building regulation M4(2) 'accessible and adaptable dwellings' standard 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 (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

12 The development on site shall be carried out solely in full accordance with the proposed measures included in the Geo-Environmental and Geotechnical Report ESP.7785b.3499 Rev 2 dated July 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition), including:

- the UXO risk mitigation measures (see Appendix C for details),
- the completion of all ground gas and groundwater level monitoring visits and production of a monitoring addendum report,
- the supplementary geo-environmental sampling in proposed areas of gardens and landscaping in order to confirm the low risk posed by contamination,
- the supplementary pH and sulphate testing where foundations will come into contact with the London Clay Formation,
- the review of allowable loadings and likely settlement once the scheme design is confirmed,
- the verification testing of any soils imported to site,
- the WM3 assessment of soils to be disposed of off-site and materials management plan for re-use of soils on site and WM3 assessment of soils to be disposed of/re-used off-site, followed by WAC testing if disposal to landfill.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), , Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

13 Notwithstanding the provisions of Classes A and E; of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no enlargement, building or enclosure or swimming pool shall be erected on the application site without express planning permission from the Local Planning Authority (Southend-on-Sea Borough Council).

Reason: In the interest of maintaining an appropriate quantum of development on the site particularly with respect to appropriate provision of private outdoor amenity space in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management

Document (2015), , Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

14 The Local Equipped Area of Play, details of which are included in the approved plan DR-5008 Rev P3 hereby approved, shall be constructed, completed and made available for use by at least all occupiers of the application site and their visitors prior to the occupation of any dwelling hereby approved solely in accordance with the approved details (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) and shall be maintained as such thereafter for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

15 Notwithstanding the information contained in the submitted Utilities Assessment 15 March 2021, prior to the first occupation of each dwelling, the appropriate infrastructure to facilitate superfast broadband or fibre connection to the dwelling shall have been provided and made available for use.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021) and Policy CP1 of the Southend-on-Sea Core Strategy (2007).

16 No external lighting shall be installed on site unless in accordance with the submitted Lighting Strategy with Outdoor Lighting Reports 16 February 2021 and approved plans S38 Street Lighting Design, Private Street Lighting Design (or in accordance with alternative details which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) . All lighting shall be retained on site in accordance with the approved scheme and/or details for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policies DM1 and DM5 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

## Highways

17 No dwelling shall be occupied until Southend-on-Sea Borough Council (as the majority local planning authority and highway authority) in consultation with Rochford District Council (as the minority planning Authority) have been submitted with and approved in writing a full scheme specification and programme of works, and all relevant highways approvals, consents and agreements are in place, in relation to the following highways works:

- a) the internal road/highway network associated with the residential development;
- b) details of the site access onto Fossetts Way for construction vehicles;
- c) details of the accessibility improvements to pedestrian footpath 178; and
- d) details of the junction improvement safety works. The development shall thereafter be undertaken in accordance with the approved details. No dwelling shall be occupied until full connection to footpaths and cycleways adjacent to the application site is made available. The highways works described above shall be completed for each phase of the development prior to the first occupation of the relevant phase of the development hereby approved.

Reason: In the interest of highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

18 No development shall take place, including any site preparation or clearance works, unless and until a Construction Management Plan and Strategy has been submitted to, and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) Phasing Strategy to include a programme of works, including any phasing of construction;
- ii) Construction Traffic Strategy
- iii) Noise and Dust Mitigation Strategies to include measures to control the emission of dust, dirt and noise during construction
- iv) the parking of vehicles of site operatives and visitors
- v) loading and unloading of plant and materials
- vi) storage of plant and materials used in constructing the development
- vii) the erection and maintenance of security hoarding
- viii) scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- ix) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- x) details of the duration and location of any noisy activities.
- xi) a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution

Reason: This pre-commencement condition is justified in the interest of highway safety and amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy

(2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

19 At least 221 secure and covered cycle parking spaces in convenient locations to serve the development shall be provided on site and made available for use in line with details which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The approved cycle parking spaces for each phase of the development shall all be provided and made available for use prior to the first occupation of the relevant phase of the development. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policy DM30 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

20 At least two (2) car parking spaces for each permitted dwellinghouse and at least one (1) parking space for each permitted flat shall have been provided on site and made available for use prior to occupation of that dwelling in accordance with the details shown on drawing PL17 Rev B (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition). Every car parking space shall be future proofed with passive electric vehicle charging point provision, with measures such as, but not exclusively, four-way duct and draw pits to all parking bays, so that electric charging points can be installed when demand requires. The car parking spaces shall be permanently maintained solely for use by occupiers of the relevant dwelling and their visitors.

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policy DM30 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

21 The submitted Travel Plan 2007190-04 Rev A dated March 2021 shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any

identified issues and timescales for doing so must be submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T3 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

22 The submitted Car Park Management Plan 2007190-06A dated March 2021 shall be implemented and operated for the lifetime of the approved development in accordance with the terms set out in therein.

Reason: In the interests of providing sustainable car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T3 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

#### Waste management

23 The block of flats hereby approved shall not be brought into first use unless and until waste storage and recycling facilities have been provided on site and made available for use by occupiers of the flats in line with the details shown on the approved plan PL35 Rev A. The provision of the waste storage and recycling facilities shall be retained 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 (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies CP1 and T1 of the Rochford Core Strategy (2011), Policies DM1, DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007), Southend-on-Sea Design and Townscape Guide (2009) and Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

#### Drainage

24 With regard to the Flood Risk Assessment 20106-BDC-ZZ-XX-RP-C-0001 Rev P2 dated 31 March 2021 and the email in response to the LLFA consultation dated 20 May 2021, no construction works above ground floor slab level shall take

place on site unless and until detailed designs of a surface water drainage scheme has been submitted to and agreed in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority and the Lead Local Flood Authorities. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- a.) The use of bioretention tree pits and small raingardens to replace the use of gully systems and petrol interceptors in the roads;
- b.) A table with the greenfield runoff rates (including  $Q_{bar}$ ) compared to the proposed 5.54 l/s/ha rates;
- c.) Incorporate the upstream SuDS features in the storage calculations as these will contribute to a restricted rate closer to the greenfield runoff rates. This assessment may trigger the provision of further flow controls within the site which have not been identified in the strategy (e.g. downstream of swales and permeable pavement);
- d.) In the storage calculations in Appendix H:
  - i.)  $C_v$  values: a value of 1 should be used in new impermeable areas in line with ECC Design Guide. The values used should be justified.
  - ii.) Catchment areas: the areas included in the calculations in Appendix H should be presented in a table for each different scenario. This table should show how the different factors (climate change, urban creep) are applied and what is the assumed area drained into the ponds from catchments outside this site. The catchment areas within the development should consider any areas positively drained (permeable and impermeable).
  - iii.) Time-area diagram: the rationale for selecting different time area diagrams in the scenarios should be justified.
- e.) Aim for all the sub-catchments (especially roads where pollution hazard level is low or medium) to incorporate treatment upstream of the pond. The use of bioretention tree pits and raingardens should be considered. Catchpits and gullies will not be considered appropriate pre-treatment devices;
- f.) If any consents are required from Anglian Water or others in the connection to the existing pond;
- g.) Evidence of acceptance in principle from Anglian Water in the connection of foul water flows into the sewer;
- h.) Construction drawings, engineering layout and modelling calculations for all SuDS elements of the proposed site drainage system in line with this strategy prior to construction.
- i.) A freeboard of at least 300mm for critical event of 100year plus 40 percent climate change should be provided for the pond as recommended by CIRIA SUDS manual.
- j.) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- k.) Final modelling and calculations for all areas of the drainage system should be provided.
- l.) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753 should be provided.
- m.) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features should be provided.



n.) An updated written report summarising the final strategy and highlighting any minor changes to the approved strategy should be provided.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

25 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been implemented at the development hereby approved in accordance with details previously submitted to, and agreed in writing, by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority and the Lead Local Flood Authorities. The approved management plan shall be operated for the lifetime of the development. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

26 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by Southend-on-Sea Borough Council and Rochford District Council as the Local Planning Authorities and the Lead Local Flood Authorities.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

#### Ecology related conditions

27 The development hereby approved shall be undertaken, completed and operated thereafter solely in accordance with the findings, recommendations and mitigation measures contained within the Ecological Assessment DFA21017 dated March 2021, the Newt and Reptile Report DFA21033 dated June 2021 and the Information to Inform a Habitats Regulation Assessment DFA21018 dated March 2021. These include obtaining a licence from Natural England in order to translocate and exclude Great Crested Newts from the development site prior to the commencement of works and the provision of biodiversity enhancements through among others, community orchards, wildflower meadows, SuDS with native aquatic and emergent plants.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

## Energy and water sustainability

28 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 Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition 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 (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and Policy ENV8 of the Rochford Core Strategy (2011).

29 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Southend-on-Sea 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 (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and Policy ENV8 of the Rochford Core Strategy (2011).

## Positive and Proactive Statement

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.

(c) In the event that the planning obligations or other means of securing the financial contributions referred to in part (a) above have not been completed by 22 September 2021 or an extension of this time as may be agreed, the Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, would not provide adequate levels of affordable housing, and would not provide sufficient mitigation for its highways impacts contrary to national and local planning policy.

## Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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

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

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

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

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

7 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements

8 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

9 You are advised that any archaeological finds should be deposited to Southend Museums and you are encouraged to get in touch with the Victoria Rathmill (she/her), Assistant Curator of Archaeology (email VictoriaRathmill@southend.gov.uk) in order to confirm charges for this and other procedural matters in relation to archaeology.

10 It is strongly recommended that the applicant consult the Essex Green Infrastructure Strategy to ensure that the proposals implement multifunctional green/blue features effectively. The link is: <https://www.essex.gov.uk/protecting-environment>

11 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

12 Any drainage features proposed for adoption by Essex County Council should be subject of consultation with the relevant Highways Development Management Office.

13 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

14 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

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

**DEVELOPMENT CONTROL COMMITTEE**

**AGENDA: 6<sup>th</sup> October 2021**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>	<b>PAGE</b>
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<b>Main Plans Report</b>			
<b>Milton</b>	20/02156/AMDT	Seaway Car Park Southend-On-Sea	
<b>Prittlewell</b>	21/01491/FULH	237 Prittlewell Chase Westcliff-on-sea	
<b>West Leigh</b>	21/01685/FUL	135 Marine Parade Leigh-on-sea	
<b>Kursaal</b>	21/01341/FUL	132 Southchurch Avenue Southend-on-sea	
<b>Leigh</b>	21/01370/FUL	58 Lord Roberts Avenue Leigh-on-sea	
<b>Thorpe</b>	21/01323/FULH	29 St Augustines Avenue Thorpe Bay	
<b>St Laurence</b>	21/01701/FULH	28 Fastnet Eastwood	
<b>Eastwood Park</b>	21/01406/FULH	8 Eastwood Rise Eastwood	
<b>Prittlewell</b>	TPO/2/2021	11 Exford Avenue 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

## DEVELOPMENT CONTROL COMMITTEE

- (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.

## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

**(Generally in force from 1st September 2020)**

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

### Deleted Use Classes

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

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



<b>Reference:</b>	20/02156/AMDT
<b>Application Type:</b>	Minor Amendment
<b>Ward:</b>	Milton
<b>Proposal:</b>	Application to vary condition 23 (opening hours of external terraced seating areas) and condition 41 (renewable energy), alter opening hours for external seating areas and alter wording of condition 41 (Minor Material Amendment of planning application 18/02302/BC4M allowed on appeal dated 09.10.2020)
<b>Address:</b>	Seaway Car Park, Seaway, Southend-On-Sea
<b>Applicant:</b>	Turnstone Southend Ltd
<b>Agent:</b>	Mr Matt Hare of Carter Jonas LLP
<b>Consultation Expiry:</b>	26 <sup>th</sup> January 2021
<b>Expiry Date:</b>	8 <sup>th</sup> October 2021
<b>Case Officer:</b>	Charlotte White
<b>Plan Nos:</b>	<b>S019/P3000 p12</b> <b>Cover Letter dated 15<sup>th</sup> December 2020</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION, subject to conditions</b>

6



## 1 Site and Surroundings

- 1.1 Whilst the application site focuses on the existing Seaway Car Park, the application boundary extends beyond this facility and totals approximately 3.6 hectares. The application site boundary extends slightly beyond the Seaways Opportunity Site, as defined by the Southend Central Area Action Plan (SCAAP) which is focussed on the existing car parking areas, and the site of the former ice cream factory. There are areas of Protected Green Space to the north of the site. The St. John the Baptist Church footway within the site sits within the Clifftown Conservation Area. There are no listed buildings within the site boundary. There is a significant drop in levels across the site. The highest point of the site is towards the north-west, with an AOD of 17m. The site drops towards Lucy Road, with the lowest point in the south-east corner (6.0M AOD).

## 2 The Proposal

- 2.1 An appeal against the non-determination of planning application reference 18/02302/BC4M for the *'comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block; the erection of 3 no. new buildings comprising a mixed-use leisure building with a cinema (3,590sq.m of Use Class D2 floorspace), 3,256sq.m of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sq.m of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,615sqm of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park; an 2,961sqm 80 bedroom hotel (Use Class C1) with cafe; and, a 580sqm building (Use Class A3, A5 or D2) proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity sub-station'* was allowed on 9<sup>th</sup> October 2020, subject to 48 conditions (appeal reference APP/D1590/W/20/3245194).
- 2.2 This application seeks to amend conditions 23 and 41 of this permission which are set out below, along with the proposed changes to the conditions:

### *Current wording of Condition 23*

23) The use of all external seating areas associated with and served by the buildings hereby approved shall be restricted to 1200 - 2000 hours Monday to Thursday, 1200-2100 hrs Friday to Saturday and 1200 - 2000 hours Sunday, Public Holidays and Bank Holidays. The use of the external balcony of the unit on Lucy Road shall be restricted to 1200-2300 hours at all times. No customers shall be seated or served outside, during the excluded hours.

### *Proposed wording for Condition 23*

The use of all external seating areas associated with and served by the buildings hereby approved shall be restricted to ~~1200~~ **0800** - 2000 hours Monday to Thursday, ~~1200-0800~~ - 2100 hrs Friday to Saturday and ~~1200~~ **0800** - 2000 hours Sunday, Public Holidays and Bank Holidays. The use of the external balcony of the unit on Lucy Road shall be restricted to ~~1200~~ **0800** -2300 hours at all times. No customers shall be seated or served outside, during the excluded hours.

### *Current wording of Condition 41*

41) Prior to the first occupation of any building within the development hereby approved a scheme detailing how at least 10% of the total energy needs of that building is to be supplied using on site renewable sources must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the building in question. This provision shall be made available for use for the lifetime of the development.

*Proposed wording for Condition 41*

Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of development a strategy that demonstrates how at least 10% of the total energy needs of the development is to be supplied using on site renewable sources shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include proposals to demonstrate how at least 10% of the total energy needs of the communal areas within the main leisure building will be met by onsite renewable sources.

Thereafter, prior to occupation of each individual unit including the communal areas within the main leisure building, a detailed scheme for renewable energy generation to meet 10% of total energy needs for that unit/area and in accordance with the agreed strategy shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme for each unit/area shall be implemented and completed prior to the first occupation of that unit/area and maintained in perpetuity.

### **3 Relevant Planning History**

- 3.1 18/02302/BC4M – Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block; the erection of 3 no. new buildings comprising a mixed-use leisure building with a cinema (3,590sq.m of Use Class D2 floorspace), 3,256sq.m of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sq.m of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,615sq.m of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park; an 2,961sq.m 80 bedroom hotel (Use Class C1) with cafe; and, a 580sq.m building (Use Class A3, A5 or D2) proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity sub-station – Appeal lodged against non-determination of the application. Appeal allowed (reference APP/D1590/W/20/3245194).
- 3.2 21/00705/NON – Application to vary and amend the wording to condition 40 and to allow the final BREEAM certificate to be submitted within 6 months after occupation (Non-Material Amendment to Planning Permission 18/02302/BC4M dated 09.10.2020) – Non-material amendment allowed.

### **4 Representation Summary**

#### **4.1 Public Consultation**

467 neighbouring properties were consulted, 7 site notices were displayed and the application was advertised in the press. 2 letters of representation have been received which make the following summarised comments:

- Residential amenity concerns.
- Empty shops in the High Street including Royals and Victoria Shopping Centre.
- Lack of information submitted.
- No details of fencing heights.
- Opening hours of 8am until late will cause more traffic and noise pollution.
- Concerns relating to safety and crime.
- Will attract people to area at all hours.
- Noise concerns including from plant.
- Impact on other businesses in area.
- Parking concerns, including cost to park in Seaway, fear that parking costs may increase and that free parking after 6pm may finish as a result of the development. Concerns car park will become privately owned, meaning increase in parking fees.
- Concerns that access to car park at Seaway may impact business.
- Rely on Seaway car park for business – provides convenient customer parking.
- Request 6-8 parking spaces be allocated to an existing business in Lucy Road.
- Concerns existing businesses in Lucy Road will face delivery entrances and have no passing trade.
- Lack of communication from applicant.

**Officer comment:** It should be noted that planning permission for the development has been granted at appeal. This proposal seeks to amend the wording of 2 conditions of that permission and therefore it is only the impacts of these changes that need to be considered here. The material concerns raised in the representations 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 **Natural England**

Natural England currently has no comment to make on the variation of the conditions.

#### 4.3 **Historic England**

On the basis of the information available to date, we do not wish to offer any comments.

#### 4.4 **Archaeology**

No works are to take place until a WSI has been submitted and approved by the LPA. The scheme should include an assessment of significance and research questions. The WSI should allow for a DBA to be conducted prior to any further approval of works. Once the WSI and then the DBA have been submitted there may be further conditions attached to the application.

**Officer comment:** Archaeology comments relating to the original application concluded that the Archaeological Evaluation Report submitted fully considered the archaeological potential of the site and that insufficient potential had been found to require further investigation prior to the commencement of the development. As such, no condition was recommended by the LPA nor imposed by the Planning Inspector in relation to archaeology. This application seeks to amend 2 of the conditions originally imposed, none of which relate to archaeology. It is not reasonable to impose such a condition at this stage nor as a result of this application.

#### 4.5 **Parks**

No comment

- 4.6 **London Southend Airport**  
Maximum AOD height of the development should not exceed 67.1m.
- 4.7 **Fire Authority**  
No objections raised – detailed observations on access and facilities for the Fire Service will be considered on submission of suitable plans at Building Regulations consultation stage.
- 4.8 **Council’s Drainage Engineers**  
The proposed amendments do not involve SuDS (Sustainable Urban Drainage Systems) so no further review is required from us.
- 4.9 **Highways Team**  
There are no highway objections to this proposal. It is not considered the proposals will have a detrimental impact upon highway safety.
- 4.10 **Environmental Health**  
Suggest that condition 23 is varied for a temporary period to enable the applicant to demonstrate that residents are not adversely affected during the extended period. If the variation did result in complaints, Environmental Health would request that the condition reverts back to the original requirement.
- 5 Planning Policy Summary**
- 5.1 Planning (Listed Buildings and Conservation Areas) Act 1990 - Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) requires that “...*special attention be paid to the desirability of preserving or enhancing the character or appearance...*” of a conservation area.
- 5.2 Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) - All planning applications require consideration of whether it is likely to have significant effects (either alone or cumulatively) on protected ‘*habitat sites*’.
- 5.3 The National Planning Policy Framework (NPPF) (2021), National Planning Practice Guide (NPPG) and National Design Guide (2021),
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retain Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space), CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM5 (Southend-on-Sea’s Historic Environment), DM6 (The Seafront), DM12 (Visitor Accommodation), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 5.6 Southend Central Area Action Plan (SCAAP) (2018) Policies DS2 (Key Views), DS3

(Landmarks and Landmark Buildings), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport Access and Public Realm), CS1 (Central Seafront Policy Area Development Principles), CS1.2 (Opportunity Site - Seaways), CS2 (Nature Conservation and Biodiversity).

- 5.7 Design & Townscape Guide (2009)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Southend Car Parking Strategy (2018)
- 5.10 Streetscape (2015)
- 5.11 Planning Obligations - A Guide to S106 and Developer Contributions (2015)
- 5.12 Essex Coast Recreation disturbance Avoidance Strategy (RAMS) (2020) Supplementary Planning Document (SPD).

## **6 Planning Considerations**

- 6.1 The main considerations in relation to the substantive application included the principle of the development, traffic and transport, parking, residential amenity, townscape and visual impacts, design, landscaping, socio-economic impacts, impact on heritage assets, ecology, sustainability, other environmental matters (including ground conditions, flood risk and drainage) and CIL. The planning history is a material consideration of significant weight in the determination of this application.
- 6.2 This application seeks to amend the wording of 2 conditions attached to the original permission granted at appeal as outlined in section 2 of the report above. It does not seek to change the use of the buildings or extend the buildings. These changes are considered to fall comfortably within the scope of a Section 73 application in principle. The description of the development and its site edged red remains unchanged.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The principle of comprehensively redeveloping the site, including the demolition of No's 1-3 and 29 Herbert Grove and the construction of 3 buildings to provide mixed-use leisure buildings with assembly and leisure buildings, a cinema, restaurants and cafes, hot food takeaways, a multi-level car park and a hotel, along with a new access from the Seaway roundabout and associated development, works and infrastructure was been found acceptable at appeal under references 18/02302/BC4M and APP/D1590/W/20/3245194. The proposed amendments to the opening times of the external terraces and changes to the wording of the condition relating to renewable energy would not alter the conclusion that the development is acceptable in principle. Subject to the detailed considerations below, no objection is raised to the principle of the development.
- 7.2 Since the appeal was allowed, the Council has adopted the Essex Coast Recreation disturbance Avoidance Strategy (RAMS) (2020) SPD. However, this is discussed below and does not change the acceptability of the principle of the development. Similarly, whilst the NPPF and other national guidance has been updated since the application was

allowed at appeal, these changes do not materially alter the acceptability of the principle of the development.

### **Traffic, Transport and Parking**

- 7.3 The amendment application seeks to vary the opening times of the external terraces and seeks to change the wording of the condition relating to renewable energy. Given the nature of these changes, with conditions 21 and 22 restricting the restaurants, take-aways and assembly and leisure uses to ensure they are not open to customers outside 07:00 hours to 00:00 (with the exception of 3x cinema screens which can operate 07:00 – 03:00) it is considered that the proposal would not materially impact on the levels of traffic or parking and the development would remain acceptable in terms of traffic, transport and parking considerations. No objection is therefore raised on this basis. It is also noted that the Highways Team have raised no objection to the proposal in this respect. There have been no changes in planning policy, guidance or other relevant material planning considerations since the determination of the original application which would justify different conclusions being reached to those found by the Planning Inspector when allowing with the appeal.

### **Residential Amenity**

- 7.4 The proposed changes to the wording of condition 41 relating to the requirement to provide 10% renewables would have no bearing on the impact of the development on the residential amenity of nearby and adjoining residents. However, the proposal to amend condition 23 to allow the external seating area to be used from 0800 on all days of the week instead of the 1200 as currently required by the condition has the potential to impact residential amenity if not suitably managed and mitigated and must be considered on this basis.
- 7.5 The information submitted with the application states *‘There is no strong acoustic basis to the start time of midday as set out in the existing wording of condition 23. The noise environment from 8am to midday is not likely to be materially different to that from midday to 8pm. In planning terms, 8am is one hour into the normal day-time period. Therefore, the use of such external seating areas would not be expected to affect sleep disturbance of adjacent residents. National noise guidance has considered the period from 7am to at least early evening as essentially treatable as a similar noise environment for many decades in the UK, and noise data universally has shown this to be a robust assumption. Activity from the use of the seating areas would be limited by the numbers of seats and their use would not be expected to be noticeably different through the period of the day either side of the mid-day; hence the impact would be similar.’*
- 7.6 The application has been submitted with an acoustic technical note which comments that 8am is one hour into the normal day-time period and as such the proposal would not result in sleep disturbance to adjacent residents and it is unwarranted and unnecessary to restrict the use of these external seating areas from mid-day from a noise control perspective. The technical note refers to the noise surveys previously undertaken along Herbert Grove and concludes that there was little difference in background and ambient noise levels across the day (6:45am, 12pm and 11pm) and confirms *‘By the extent to which noise at receivers is influenced relative to the pre-existing background and ambient levels, there is nothing to indicate on this site and significance in the early morning period compared to late afternoon.’* The report goes on to conclude *‘...disturbance from the use of the seating areas is not likely to cause noise awakenings to the nearest neighbours,*

*and therefore we see no reason why it needs restrictions during normal working hours...Predictions would indicate that vocal levels would not cause significant disturbance.'*

- 7.7 The site is in a town centre location where ambient noise levels are generally higher than other areas. Given the location of the site and taking account of the information included in the technical report submitted, as outlined above, it is considered that by 0800, all days of the week, background noise levels in this location would be such that the use of these external seating areas as proposed would not result in any significant harm to the residential amenity of nearby and adjoining residents in terms of noise and disturbance. As such it is considered that the use of the terraces from 8am is acceptable on its merits.
- 7.8 It is noted that Environmental Health have suggested that the condition be varied initially for a temporary period only to enable sufficient time to determine whether the proposed extended hours would affect nearby residents or not, and to allow Environmental Health to monitor if the proposed changes cause any noise complaints. The NPPG makes it clear that conditions must meet 6 tests; conditions must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. To ensure that the condition is reasonable in all regards, it is considered that condition 23 should be amended, as requested by Environmental Health, for a temporary period of 1 year to enable sufficient time to determine whether the proposed change causes any noise complaints or noise and disturbance issues or concerns. The NPPG states that *'Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.'* The applicant is agreeable to the proposed temporary change for 1 year to enable the trial run, as advocated by the NPPG so that the impacts of the change to the opening hours can be reviewed after 1 year. This is considered to be an appropriate way forward in the circumstances of this case and the revised condition would satisfy the six tests for conditions as set out above.
- 7.9 Subject to the condition being amended for a temporary period of 1 year, the development is considered acceptable and policy compliant in the above regards.

### **Townscape, Visual Impacts, Design, Landscaping and Impacts on Heritage Assets**

- 7.10 The amendments proposed do not seek to alter the design or appearance of the substantive permission and no changes are proposed to the landscaping. As such, this proposal would result in no harm to the townscape or visual impacts of the development and would not result in any material impact to the setting, character or appearance of the Conservation Area, or Listed and locally listed buildings in the vicinity over and above the extant permission. There have been no changes in planning policy, guidance or other relevant material planning considerations since the determination of the original application which would justify different conclusions being reached to those found by the Planning Inspector when allowing with the appeal. The development is therefore acceptable and policy compliant in these regards.

### **Socio-economic Impacts**

- 7.11 The changes proposed to the renewable energy condition (condition 41) would not result in any socio-economic impacts that would be materially different to those found acceptable under the substantive permission.



- 7.12 The proposed change to condition 23 would allow the terrace areas to be used earlier in the mornings. Concern was raised by third parties in response to the public consultation process for the substantive application, and has similarly been raised with this amendment application, about the impact of the development on existing businesses. However, the NPPF makes it clear that pursuing a strong, responsive and competitive economy represents a key objective (one of three) of sustainable development and advises that significant weight should be placed on the need to support economic growth. This is reflected in the SCAAP with objective 1 of the SCAAP seeking to *'improve and transform the economic vitality, viability and diversity of Southend Central Area by encouraging the establishment of a wider range of homes, businesses and shops whilst providing new opportunities for learning, recreation, leisure and tourism.'*
- 7.13 As set out in the original officer committee report under reference 18/02302/BC4M, it is evident that transforming a car park within the Central Area into a new focus for leisure activities will undoubtedly bring with it a host of economic benefits for Southend. The concerns raised by businesses as set out above are noted, however, the planning status of the site, in particular its allocation as a site for a major new leisure development in the SCAAP is an important consideration. The merits of the allocation have already been assessed and found to be acceptable in the context of the preparation and adoption of the SCAAP, that included consideration of the economic impacts of the development on the seafront and existing businesses in the Town. The outcome of this debate was the successful allocation, that allows for, and positively encourages, the creation of a cinema, restaurants, and hotel as part of a high-quality, mixed-use development. As such, subject to compliance with prevailing policy, any trade issues associated with development coming forward at this site relates more to competition between businesses, and as such, falls outside the scope of relevant material considerations for this proposal.
- 7.14 Overall, it is not considered that the proposed alteration to Condition 23, to allow the terraces to be used for an extended period would not result in any significant socio-economic harm. The proposal is acceptable and policy compliant in this regard.

### **Ecology and Protected Habitats and Species**

- 7.15 Given their nature, the proposed amendments hereby sought to conditions 23 and 41 would not result in any material impacts in terms of ecology, beyond that of the substantive permission. The development is acceptable in this respect.
- 7.16 Whilst the RAMS SPD has been adopted since planning permission was granted on appeal (ref. APP/D1590/W/20/3245194) this application concerns amendments only to conditions on opening hours and renewable energy and does not provide new residential units or an increase in visitor accommodation over and above the substantive permission. As such it would be unreasonable to require a RAMS contribution as part of the proposal. There have been no changes in planning policy, guidance or other relevant material planning considerations since the determination of the original application which would justify different conclusions being reached to those found by the Planning Inspector when allowing with the appeal.

### **Sustainability**

- 7.17 The applicant seeks to amend condition 41 to require an overarching strategy to be provided initially to demonstrate how 10% of the energy needs of the development will be

provided using on-site renewables and thereafter to require, prior to the occupation of each unit, a detailed energy scheme per unit to meet the 10% requirements. The reason given for the proposed change is that the renewable energy technologies are often delivered as part of the occupier fit-out which are implemented on a unit-by-unit basis.

- 7.18 The grounds given for the proposed change are considered to be reasonable. The proposed change would still meet the requirements of the policy and would provide the developer and each occupier of each unit greater flexibility with no harm caused to the original purpose or objectives of the condition. The proposed alteration to condition 41 is therefore considered acceptable.
- 7.19 All other respects the development remains acceptable in sustainability terms and there have been no changes in planning policy, guidance or other relevant material planning considerations since the determination of the original application which would justify different conclusions being reached to those found by the Planning Inspector when allowing with the appeal.

### **Other environmental matters**

- 7.20 Given the nature of this proposal, it is considered that the proposed amendments sought would not result in any significant impacts in terms of environmental matters including ground conditions, flood risk and drainage, beyond that of the substantive permission. There have been no changes in planning policy, guidance or other relevant material planning considerations since the determination of the original application which would justify different conclusions being reached to those found by the Planning Inspector when allowing with the appeal. The development is acceptable in these respects.

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

- 7.21 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 23,101.70sqm, which may equate to a CIL charge of approximately £296,767.99 (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.

### **Developer Contributions**

- 7.22 This application does not require any changes to the draft S106 agreement or the original heads of terms of the necessary S106 agreement, the key features of which relate to highways and open space considerations. Subject to the imposition of a condition preventing any development at the site, or the discharge of any planning conditions prior to the execution of the necessary S106 agreement (in the same way as required in the substantive permission, given the circumstances of this site and given the ownership of the site and the inability of the Council to enter into a S106 agreement with itself) the development is acceptable and policy compliant in this respect. As set out above, it is not necessary or reasonable to require a RAMS payment in this instance. There have been no changes in planning policy, guidance or other relevant material planning considerations since the determination of the original application which would justify

different conclusions being reached to those found by the Planning Inspector when allowing with the appeal.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, amended for conditions 23 and 41, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance in all regards. The application is therefore recommended for approval.

## **9 Recommendation**

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

1) No development is allowed to commence nor any condition to be discharged prior to the owner and the Council executing a Section 106 obligation in substantially the same form as the obligation annexed to the planning permission granted in respect of the application bearing ref. no. 18/02302/BC4M.

Reason: To ensure the development is not progressed until the necessary planning obligation is executed.

2) The development hereby permitted shall begin no later than 3 years from the date of the original permission 18/02302/BC4M dated 22<sup>nd</sup> September 2020.

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

3) The development shall be carried solely out in accordance with the approved plans:

- S019/P3000.pl2 - Location Plan submitted September 2019
- S019/P3001.pl2 - Existing Site Plan (Topographical Survey) submitted September 2019
- S019/P3002.pl1 - Existing Building Elevations Submitted January 2019
- S019/P3003 - Existing Building Elevations Submitted January 2019
- S019/P3004 - Existing Building Plans Submitted January 2019
- S019/P3005.pl3 - Demolition Plan Submitted September 2019
- S019/P3006.pl2 - Proposed Site Plan Submitted September 2019
- S019/P3007.pl2 - Proposed Lower Ground Level Plan Submitted September 2019
- S019/P3008.pl2 - Proposed Ground Level Plan Submitted September 2019
- S019/P3009.pl2 - Proposed Cinema Level Plan Submitted September 2019
- S019/P3010.pl2 - Proposed Auditorium Level Plan Submitted September 2019
- S019/P3011.pl1 - Proposed Roof Level Plan Submitted September 2019
- S019/P3012.pl1 - Proposed Car Park Plans Submitted September 2019
- S019/P3013.pl1 - Proposed Sections A and B Submitted September 2019
- S019/P3014.pl1 - Proposed Sections C and D Submitted September 2019
- P3015.pl1 - Proposed Sections E and F Submitted September 2019
- S019/P3016.pl1 - Proposed Section G Submitted September 2019
- S019/P3017.pl1 - Proposed Site Sections 1 Submitted September 2019
- S019/P3018.pl1 - Proposed Site Sections 2 Submitted September 2019
- S019/P3019.pl1 - Proposed Site Sections 3 Submitted September 2019
- S019/P3020.pl2 - Proposed North Elevations Submitted September 2019

S019/P3021.pl2 - Proposed East Elevation Submitted September 2019  
S019/P3022.pl2 - Proposed South Elevation Submitted September 2019  
S019/P3023.pl2 - Proposed West Elevations Submitted September 2019  
S019/P3024.pl2 - Unit R1 Proposed Ground Floor Plan Submitted September 2019  
S019/P3025.pl1 - Unit R1 Proposed First Floor and Roof Submitted September 2019  
S019/P3026.pl5 – Unit R1 - Proposed North and West Elevations Submitted September 2019  
S019/P3027.pl5 – Unit R1 Proposed East and South Elevations Submitted September 2019  
S019/P3028.pl1 - Unit R1 Proposed Section Submitted September 2019  
S019/P3029.pl2 - Hotel Proposed Ground Floor Site Plan Submitted September 2019  
S019/P3030.pl1 - Hotel Proposed Floor Plan Submitted September 2019  
S019/P3031.pl2 - Hotel Proposed North Elevation Submitted September 2019  
S019/P3032.pl2 - Hotel Proposed East Elevation Submitted September 2019  
S019/P3033.pl2 - Hotel Proposed South Elevation Submitted September 2019  
S019/P3034.pl3 - Hotel Proposed West Elevation Submitted September 2019  
S019/P3035.pl1 - Hotel - Proposed Section A-A and B-B Submitted September 2019  
S019/P3037.pl2 – Elevation/Section Detail 1 Submitted September 2019  
S019/P3038.pl2 – Elevation/Section Detail 2 Submitted September 2019  
S019/P3039.pl2 – Elevation/Section Detail 3 Submitted September 2019  
S019/P3040.pl2 – Elevation/Section Detail 4 Submitted September 2019  
S019/P3041.pl2 – Elevation/Section Detail 5 Submitted September 2019  
S019/P3042.pl2 – Elevation/Section Detail 6 Submitted September 2019  
S019/P3043.pl2 – Elevation/Section Detail 7 Submitted September 2019  
S019/P3044.pl2 – Elevation/Section Detail 8 Submitted September 2019  
S019/P3045.pl1 – Elevation/Section Detail 9 Submitted September 2019  
S019/P3047.pl2 - Proposed Substation Submitted September 2019  
S019/P3048 pl1 - Proposed Public Toilet Plan Submitted September 2019  
S019/P3050 - Proposed South Elevation - Marine Parade Submitted September 2019  
S019/P3051 - Proposed South Elevation - Lucy Road Submitted September 2019  
S019/P3052.pl1 - Proposed Cycle Shelters (plans) Submitted September 2019  
S019/P3053 - Proposed Cycle Shelters (Elevations) Submitted September 2019  
S019/P3054.pl1 - Proposed Site Plan (Adopted Highway Boundary) Submitted September 2019  
S019/P3056.pl2 - Proposed Site Plan (with proposed area for stopping-up and adoption) Submitted September 2019  
S019/P3057 - Proposed Site Sections 1 (Existing Ground Line Overlay) Submitted September 2019  
S019/P3058 - Proposed Site Section 2 (Existing Ground Line Overlay) Submitted September 2019  
S019/P3059 - Proposed Site Sections 3 (Existing Ground Line Overlay) Submitted September 2019  
S019/P3060 - Proposed North Elevations (Existing Ground Line Overlay) Submitted September 2019  
S019/P3061 - Proposed East Elevation (Existing Ground Line Overlay) Submitted September 2019  
S019/P3062 - Proposed South Elevation (Existing Ground Line Overlay) Submitted September 2019  
S019/P3063 - Proposed West Elevations (Existing Ground Line Overlay) Submitted September 2019  
S019/P3066 - Servicing Strategy Diagram – Proposed Site Plan Submitted September 2019

S019/P3067 - Servicing Strategy Diagram - Proposed Lower Ground Floor Plan Submitted September 2019  
S019/P3068 - Servicing Strategy Diagram - Proposed Ground Level Plan Submitted September 2019  
S019/P3069 - Servicing Strategy Diagram Service Corridor Plan Submitted September 2019  
S019/P3070 - Servicing Strategy Diagram Service Corridor Section Submitted September 2019  
739\_SC\_300\_P02 - Landscape Sections 1 of 2 Submitted September 2019  
739\_SC\_301\_P02 - Landscape Sections 2 of 2 Submitted September 2019  
739\_PL\_001\_P07 - General Arrangement Plan Submitted September 2019  
739\_PL\_002\_P05 - Rendered Landscape Masterplan Submitted September 2019  
6113-D-AIA\_E – Prelim AIA Submitted September 2019

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

4) No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to, and approved in writing by the Local Planning Authority. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

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

Reason: This pre-commencement condition is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of the Southend Central Area Action Plan (2018).

5) No development shall take place, including any works of demolition, unless and until a Construction Noise and Vibration Management Plan and Strategy has been submitted to, and agreed in writing by the Local Planning Authority, for the control, mitigation and monitoring of noise and vibration from the construction phase. The approved Construction Noise and Vibration Management Plan and Strategy shall be adhered to in full throughout the construction period.

Reason: This pre-commencement condition is required in the interests of the amenities of neighbouring occupiers and in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of the Southend Central Area Action Plan (2018).

6) Demolition and construction works associated with this permission shall not take place outside 7.30am to 6pm Monday to Friday, 8.00am to 1.00pm Saturdays and at no time on Sunday or public holidays.

Reason: In order to protect the character and amenities of the area and neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of the Southend Central Area Action Plan (2018).

7) No development shall take place, including any works for demolition unless and until a Car Park Construction Mitigation Strategy, including a communication strategy along with a temporary signage strategy that includes providing supplementary temporary VMS signage linked to the Council's VMS, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of available on-site public car parking during the construction period, which shall be made available where reasonably practicable. The approved Car Park Construction Mitigation Strategy shall be fully adhered to during the period of construction.

Reason: This pre-commencement condition is required to ensure that adequate car parking is provided and retained in accordance with Policies KP2, KP3 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and Policies DS5, CS1 and CS1.2 of Southend Central Area Action Plan (SCAAP) (2018).

8) Prior to the first occupation of any buildings hereby approved by this permission or the bringing into use any area of car parking, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how customer noise and behaviour is managed on and off the premises; staff behaviour including but not limited to opening/closing premises; deliveries; waste disposal and storage; external space management; site maintenance; signage, staff training and dealing with customer complaints. The Noise Management Plan shall be implemented as approved prior to the first use of the development and thereafter retained in perpetuity.

Reason: To protect neighbouring residential occupiers from undue noise and disturbance in order to maintain their amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP and Policies KP2 and CP4 of the Core Strategy (2007).

9) Notwithstanding the details shown on the documents submitted and otherwise hereby approved, noise as a result of this development, from all noise sources including plant and equipment together with extract ventilation from any A3, A5 and D2 units shall not exceed 10 dB(A) (including tonal elements) below the background noise level as measured and expressed as a LA90, over a 15 minute period, from the boundary of the neighbouring residential properties, in perpetuity. Before the development is brought into use background noise levels shall be established for the following periods:

Daytime: 0700 to 1900  
Evening: 1900 to 2300  
Night: 2300 to 0700

In order to establish background noise level a representative baseline noise survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person and shall

be submitted for approval prior to the installation of any plant or equipment across the site or the site being brought into use. The background noise level survey shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To protect neighbouring residential occupiers from undue noise and disturbance in order to maintain their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

10) No development shall be undertaken unless and until details of an acoustic barrier along the eastern boundary of the site adjacent to the rear of the residential properties along Hartington Road, and around the hotel has been submitted to and approved in writing by the Local Planning Authority. The approved acoustic barrier shall be completed in accordance with the approved details prior to any demolition or construction works and shall thereafter be retained in perpetuity.

Reason: To protect neighbouring residential occupiers from undue noise and disturbance in order to maintain their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

11) There shall be no external speakers installed at any part of the site. There shall be no amplified music played or use of public address systems in any external areas of the site. This shall include any amplified music from speakers in the doorways of all premises of any use hereby approved.

Reason: To protect neighbouring residential occupiers from undue noise and disturbance in order to maintain their residential amenities, in accordance with Policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

12) Notwithstanding the information submitted and otherwise hereby approved, the proposed substation shall not be constructed unless and until full details of the acoustic insulation of this building have been submitted to and approved in writing by the Local Planning Authority. The substation shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter in perpetuity.

Reason: To protect neighbouring residential occupiers from under noise and disturbance in order to maintain their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

13) Notwithstanding the information submitted and otherwise hereby approved, the proposed leisure building shall not be constructed unless and until full details of the acoustic insulation of the cinema have been submitted to and approved in writing by the Local Planning Authority. The leisure building shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter in perpetuity.

Reason: To protect neighbouring residential occupiers from undue noise and disturbance in order to maintain their residential amenities, in accordance with policies DM1 and DM3

of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

14) No development, excluding works of demolition, shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details must include the following as a minimum:

- i. Proposed finished levels or contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- vii. Details of the number, size, e.g. semi-mature trees species and location of the trees and shrubs to be planted together with a planting specification and details of the management of the site e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site;
- viii. Maintenance Programme;
- ix. Timetable for completion of the soft landscaping and planting.
- x. Evidence of compatibility of landscaping scheme with the proposed drainage and other site services.
- xi. Details of any trees to be retained at the site.

The hard landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to policies KP2 and CP4 of the Core Strategy (2007), DM1 and DM3 of the Development Management Document (2015) and CS1 and CS1.2 of the SCAAP (2018).

15) No development shall take place, including any works for demolition, unless and until a detailed Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. Details must include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;



(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

Reason: This pre-commencement condition is required to minimise the environmental impact of the development and to minimise the risk to retained trees in accordance with policies KP2, CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1.2 of SCAAP (2018).

16) (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority.

The report of the findings must include:

i) A survey of extent, scale and nature of contamination;

ii) An assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and

An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) *Remediation Scheme*: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation

scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) *Implementation of Remediation Scheme*: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition shall have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) *Reporting of Unexpected Contamination*: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: This pre-commencement condition is required to ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with Policies KS1, KP3 and CP4 of the Core Strategy (2007), DM14 of the Development Management Document (2015) and CS1.2 of the SCAAP (2018).

17) Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of development a strategy for the ventilation of all buildings and the treatment of all smells and fumes including the acoustic attenuation of all equipment for all buildings shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter prior to occupation of each individual unit a detailed scheme for the ventilation of the unit and the treatment of all smells and fumes including the details of the acoustic attenuation of all equipment for that unit shall be submitted to and agreed in writing with the Local Planning Authority. The schemes shall include details of equipment for the suppression of fumes, odours and/or dust including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment. The approved scheme for each building shall be implemented and completed

prior to the first occupation of that building and managed in accordance with the approved maintenance regime in perpetuity.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and visual amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), DM1 of the Development Management Document (2015) and CS1.2 of the SCAAP (2018).

18) No drainage infrastructure shall be installed unless and until the detailed design of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented and completed prior to the first occupation of the development and maintained in accordance with the approved details for the lifetime of the development. The scheme shall address the following matters:

- a. Provide evidence of infiltration tests in accordance with BRE365 and if infiltration is found to be viable provide information in relation to the potential for ground instability or deterioration in groundwater quality because of infiltration.
- b. Provide an updated drainage layout plan indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Updated engineering plans shall be provided for each of the Sustainable Urban Drainage Systems (SuDS) and critical drainage elements, including the flow control features.
- c. Provide information on the management of health and safety risks in relation to feature design.
- d. Provide a system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long-term economic viability
- e. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
- f. Provide a method statement for the management of surface water runoff arising during the construction
- g. Provide evidence of consent from Anglian Water to discharge at the proposed discharge rate and location.

Reason: To ensure adequate drainage is provided by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 of the Core Strategy (2007) and DS4 of the SCAAP (2018).

19) No service vehicles associated with the development hereby approved shall be permitted along Herbert Grove between the hours 1900 hours - 0700 hours Monday - Friday, 1300 hours - 0800 hours Saturday and at no time on Sundays and Bank or Public Holidays. No deliveries shall be taken at or dispatched from the approved service bays on Lucy Road, the service area that serves the standalone building on Lucy Road or the service area to the rear of the hotel between the hours of 1900 hours - 0700 hours Monday - Friday, 1300 hours - 0800 hours Saturday and at no time on Sundays and Bank or Public Holidays. During these restricted service hours, all servicing at the site must take place on the service lay by on the main site access, as approved and shown on drawing S019 P3054.pl1.

Reason: In the interests of the amenities of neighbours and to ensure a suitable environmental standard in accordance with Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

20) Notwithstanding the details submitted with this application no take-away collection or pick-up delivery activities other than by non-motorised vehicles shall be undertaken from the public highway in Herbert Grove associated with the A3, D2 and A5 uses hereby approved at any time.

Reason: In the interest of the protection of the residential amenity of nearby occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

21) The A3, A5 and D2 uses (other than the permitted cinema facility) hereby approved shall not be open to customers outside the hours of 0700 hours - 0000 hours.

Reason: In the interests of the amenities of neighbours and to ensure a suitable environmental standard in accordance with Policy KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

22) The cinema facility hereby approved shall not be open to customers outside the hours 0700 hours - 0000 hours, with the exception of a maximum of three screens and the associated circulation space that shall be allowed to operate 0700 - 0300 hours.

Reason: In the interests of the amenities of neighbours and to ensure a suitable environmental standard in accordance with Policy KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development management Document (2015).

23) The use of all external seating areas associated with and served by the buildings hereby approved shall be restricted to 0800 - 2000 hours Monday to Thursday, 0800 - 2100 hrs Friday to Saturday and 0800 - 2000 hours Sunday, Public Holidays and Bank Holidays. The use of the external balcony of the unit on Lucy Road shall be restricted to 0800 - 2300 hours at all times. No customers shall be seated or served outside, during the excluded hours. The preceding times are hereby approved for a temporary period of 1 calendar year only from the first use of the development hereby approved and shall thereafter revert back to the following times, unless express planning permission has been otherwise granted for alternative hours of use: The use of all external seating areas associated with and served by the buildings hereby approved shall be restricted to 1200 - 2000 hours Monday to Thursday, 1200 - 2100 hrs Friday to Saturday and 1200- 2000 hours Sunday, Public Holidays and Bank Holidays. The use of the external balcony of the unit on Lucy Road shall be restricted to 1200 -2300 hours at all times. No customers shall be seated or served outside, during the excluded hours.

Reason: In the interests of the amenities of neighbours and to ensure a suitable environmental standard in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

24) Notwithstanding the details submitted and otherwise hereby approved, all details of the external lighting to be installed in the development hereby approved shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced, other than demolition. The development shall be carried out in accordance with those approved details before the development is first occupied or brought into use and retained as such thereafter.

Reason: In the interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 of the Core Strategy (2007), CS1.2 of the SCAAP (2018) and DM1 and DM3 of the Development Management Document (2015).

25) Notwithstanding the details submitted and otherwise hereby approved, a detailed Lighting Management Plan, including measures to reduce unnecessary light pollution and energy uses shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby approved. The lighting at the site shall be managed in accordance with the approved details of the approved plan and retained as such thereafter.

Reason: In the interests of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

26) Notwithstanding the details submitted and otherwise hereby approved, prior to the first occupation of any part of any building hereby approved a Waste Management Plan and Service Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include full details of the refuse and recycling facilities. Waste Management and Servicing of the development hereby approved shall be implemented prior to occupation in strict accordance with the approved details and carried out in perpetuity thereafter.

Reason: To ensure that the development is satisfactorily serviced, and that satisfactory waste management is undertaken in the interests of highway safety, amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), and Policies DM1 and DM3 of the Development Management Document (2015).

27) A design code for the ground and lower ground floor units in the leisure building and the café unit in the hotel building, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding works of demolition). The Design Code shall include details of shopfront treatments and signage strategy for these units. All treatments of the external facades of the units including applications to discharge Condition No. 31 shall be required to be implemented in accordance with the approved Design Code.

Reason: To safeguard the character and appearance of the site and surrounding area, the nearby listed and locally listed buildings and the Clifftown Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and Policy CS1.2 of the SCAAP (2018).

28) Prior to commencement of development (excluding works of demolition), the details of any external seating areas associated with and served by the development hereby approved, shall be submitted to and approved by the Local Planning Authority. Details are to include layout, details of any temporary or permanent structures and visual containment proposals to protect prevailing residential amenity. The seating areas shall be operated and laid out in accordance with the approved details and shall remain as such in perpetuity.

Reason: In order to protect the character and amenities of the area and neighbouring occupiers in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

29) No development above ground level shall be undertaken unless and until full details and plans of the cladding on the main leisure building (to include sections of individual panels and larger sections) have been submitted to and approved in writing by the Local Planning Authority. The details shall include design specifications for the cladding and include details of all fixings, profiles, offsets, angles and edge details. The development shall be carried out in accordance with the approved details before it is occupied and be permanently retained as such thereafter.

Reason: In order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy DM1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

30) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development of the hotel hereby granted permission shall not be occupied unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: In the interests of the amenities of neighbours and to ensure a suitable environmental standard in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policy SC1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

31) Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until samples, full specifications and details of the materials to be used on all external elevations of all buildings hereby approved, including all cladding, roofs, balconies, balustrades, fenestration and all screen/boundary walls and fences, have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, no structure such as canopies, fences, loggias, trellises, telecommunication apparatus or satellite or radio antennae shall be installed within the development or on the buildings without the receipt of express planning permission from the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Conservation Area in accordance with Policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

33) Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the proposed plant enclosures have been submitted to and approved in writing by the Local Planning Authority. The details shall include specification of materials, colours and any lighting proposed. The plant enclosures shall then be implemented and completed in complete accordance with the approved details prior to the first use of the development and thereafter retained permanently.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Conservation Area in accordance with Policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

34) Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the glazing to the south-western corner of the leisure building have been submitted to and approved in writing by the Local Planning Authority. The glazing shall be implemented and completed in accordance with the approved details prior to the first use of the development hereby approved.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Conservation Area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

35) No part of any building hereby approved shall be occupied and the car park shall not be first opened to the public until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the layout and number of car parking spaces, timings for the delivery of on-site car parking spaces, the proposed car park charging scheme, and the management of availability of car parking spaces during low and high peak periods. The parking spaces shall be made available in full accordance with this approved Plan from its approval. All parking spaces in the development shall be available for members of the public and shall not be reserved for the use of any particular building or users.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015), Policy CP3 of the Core Strategy (2007) and Policies CS1.2 and DS5 of the SCAAP (2018).

36) Prior to first occupation of any part of any building hereby approved or the car park being open to the public, details of the number and location of electric car charging points to be installed in the car park shall be submitted to and approved in writing by the Local Planning Authority. At least 20% of all the car parking spaces shall have an electric charging point provided capable of charging vehicles from the outset and every car parking space shall be future proofed so that electric charging points can be installed when demand requires, e.g. four-way duct and drawpits to all service bays. The development shall be implemented in accordance with the approved details before it is brought into use.

Reason: In the interests of providing sustainable transport choices in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and DM2 and DM15 of the Development Management Document (2015).

37) No part of any building hereby approved shall be first occupied unless and until full details of the covered and secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. This shall include provision for not less than 102 cycle spaces, of which 30 must be made available for staff cycle parking. The development shall be carried out in accordance with those approved details before the development is first occupied or brought into first use and shall be retained as such in perpetuity.

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

38) Notwithstanding the details submitted with this application, no part of any building hereby approved shall be first occupied unless and until full details of the proposed disabled car parking across the site's car parks have been submitted to and approved in writing by the Local Planning Authority. Details shall include the number of spaces, locations and specification of layout. The spaces shall be implemented in full compliance with the approved details prior to the first occupation of the development, or the bringing into use of the surface car park and shall be retained in perpetuity thereafter.

Reason: To ensure that adequate disabled car parking is provided and retained to serve the commercial development in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Document (2015) and DS5 and CS1.2 of the SCAAP (2018).

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

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



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

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

41) Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of development a strategy that demonstrates how at least 10% of the total energy needs of the development is to be supplied using on site renewable sources shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include proposals to demonstrate how at least 10% of the total energy needs of the communal areas within the main leisure building will be met by onsite renewable sources.

Thereafter, prior to occupation of each individual unit including the communal areas within the main leisure building, a detailed scheme for renewable energy generation to meet 10% of total energy needs for that unit/area and in accordance with the agreed strategy shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme for each unit/area shall be implemented and completed prior to the first occupation of that unit/area and maintained in perpetuity.

Reason: To ensure that the development makes appropriate use of on-site renewable energy in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

42) No development above ground level (excluding works of demolition) shall be undertaken unless and until details of the number, location, and specifications of bat and bird boxes have been submitted to and agreed in writing by the Local Planning Authority. The installation of the approved bird and bat boxes shall be carried out before the development hereby approved is first occupied or brought into first use and shall thereafter be retained in perpetuity.

Reason: To minimise the environmental impact of the development and ensure suitable mitigation is provided for biodiversity, including protected species and habitats in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

43) All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive, unless it is necessary for works to commence in the nesting season, then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out by a suitably qualified ecologist. Only if there are no active nests present shall work be allowed to commence within the bird nesting season.

Reason: To minimise the environmental impact of the development and to ensure suitable mitigation is provided for protected species and habitats in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

44) Notwithstanding the details submitted and otherwise hereby approved, no demolition hereby approved shall take place in the bat breeding season unless and until all buildings

to be demolished have been first checked by a suitably qualified ecologist and it has been demonstrated that there are no signs of any bat roosting activity in the buildings to be demolished.

Reason: To minimise the environmental impact of the development and to ensure suitable mitigation is provided for protected species and habitats in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

45) Prior to the first occupation of the development hereby approved, details of a CCTV scheme to serve the internal and external areas of the development shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include the location of CCTV equipment (including CCTV to cover the multi-level car park in the leisure building hereby approved), its management, monitoring of activity, policing and maintenance. The installation of the CCTV shall be carried out in accordance with the approved details before the development hereby approved is first occupied or brought into first use. The CCTV shall thereafter be operated in accordance with the approved details and shall be retained permanently thereafter.

Reason: To protect the residential amenities of nearby occupiers and an environment which limits opportunities for crime and fear of crime, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy CS1.2 of the SCAAP (2018).

46) Notwithstanding the details shown on the plans submitted, and otherwise hereby approved, the development shall not be first occupied unless and until full details of the public art to be provided to the north of St John's Square has been submitted to and approved in writing by the Local Planning Authority. The approved public art shall be provided in full prior to the first use of the development hereby approved.

Reason: To ensure the scheme incorporates suitable public art and comply with policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and Policy CS1.2 of the SCAAP (2018).

47) No development above ground floor slab level shall be undertaken unless and until the Local Planning Authority has approved in writing a full scheme of highway works (including detailed designs and contract details) associated with the development which has previously been submitted to the Local Planning Authority. The development and the associated highway works shall thereafter be undertaken in accordance with the approved details before the development is brought into use.

Reason: In the interests of highway safety and a well designed public realm in accordance with Policies KP2, KP3 and CP3 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Document (2015) and Policy DS5 of the SCAAP (2018).

48) The toilet facilities accessed via Lucy Road hereby approved shall be open to the public at all times and shall be retained in public use in perpetuity.

Reason: In the interests of amenities in the area, to protect the level of provision of amenities for the community in accordance with Policy CP6 of the Core Strategy (2007).

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.

## 1 **Informatives**

In relation to Condition 47 you are advised to contact our Highways Service to discuss the requisite Highways Agreements under the Highways Act 1980, Town and Country Planning Act 1990 and Road Traffic Regulation Act 1984. You are advised that we are likely to accept the completion of a legal agreement under section 278 and section 38 of the Highway Act in order to satisfactorily discharge this condition. The relevant legal agreements must be in place before any works are carried out to the public highway. A separate Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 will be required for that part of the site within the public highway.

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

### Highways Informative

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

Additional comments from Essex & Suffolk Water include:

Essex and Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food and Rural Affairs. We understand that a planning application has been made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulation 1999.

For clarity notwithstanding the information submitted and otherwise hereby approved this permission does not permit the installation of any shared space.

The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended), the Licensing Act 2003 and the noise provisions within the Control of Pollution Act 1974.

7 Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

8 Demolition Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials. It is recommended that the Council's building control department is notified of the demolition.

9 The applicant must consult with Anglian Water regarding the provision of sewerage for foul and surface water. As a major application the applicant shall also need to consult with the Lead Local Flood Authority for the provision of SUDs.

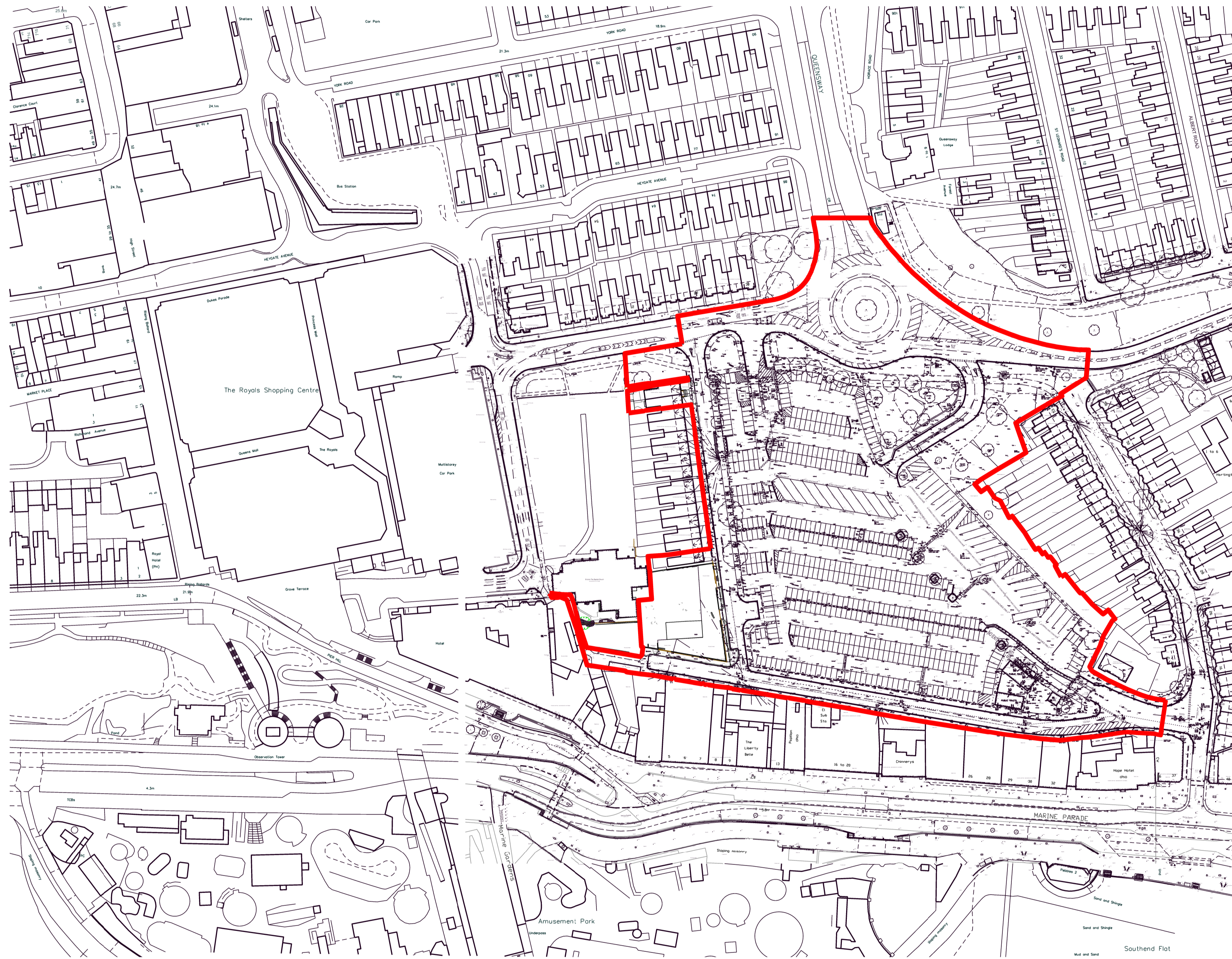
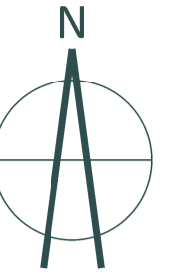
10 It is recommended that applicants consult any premises licensing conditions attached to premises and also note the general obligations under the Licensing Act 2003 for the prevention of public nuisance. Notwithstanding this it is advisable to take all necessary precautions to prevent a nuisance occurring from entertainment on the premises and to this effect monitor noise around the perimeter of the premises during events.

11 The Council expect that the applicant or main contractor for construction and demolitions applies for a Prior Consent under section 61 of the Control of Pollution Act 1974.

12 Please note that if a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with London Southend Airport. Any crane applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com)

The applicant is reminded of their responsibilities under the provisions of the Wildlife and Countryside Act.





Rev pl2: Small adjustment to redline boundary. KR 05.09.19  
Rev pl1: Adjustments to the redline boundary. KR 28.06.19



Drawing Status:  
PLANNING ISSUE

**CMP**  
Architects

Client

**TL** TURNSTONE

Project  
Seaway Development,  
Southend-on-Sea

Title  
Location Plan

Scale  
1:1250@A1/1:2500@A3 KR

Drawn  
KR

Date  
07.12.18

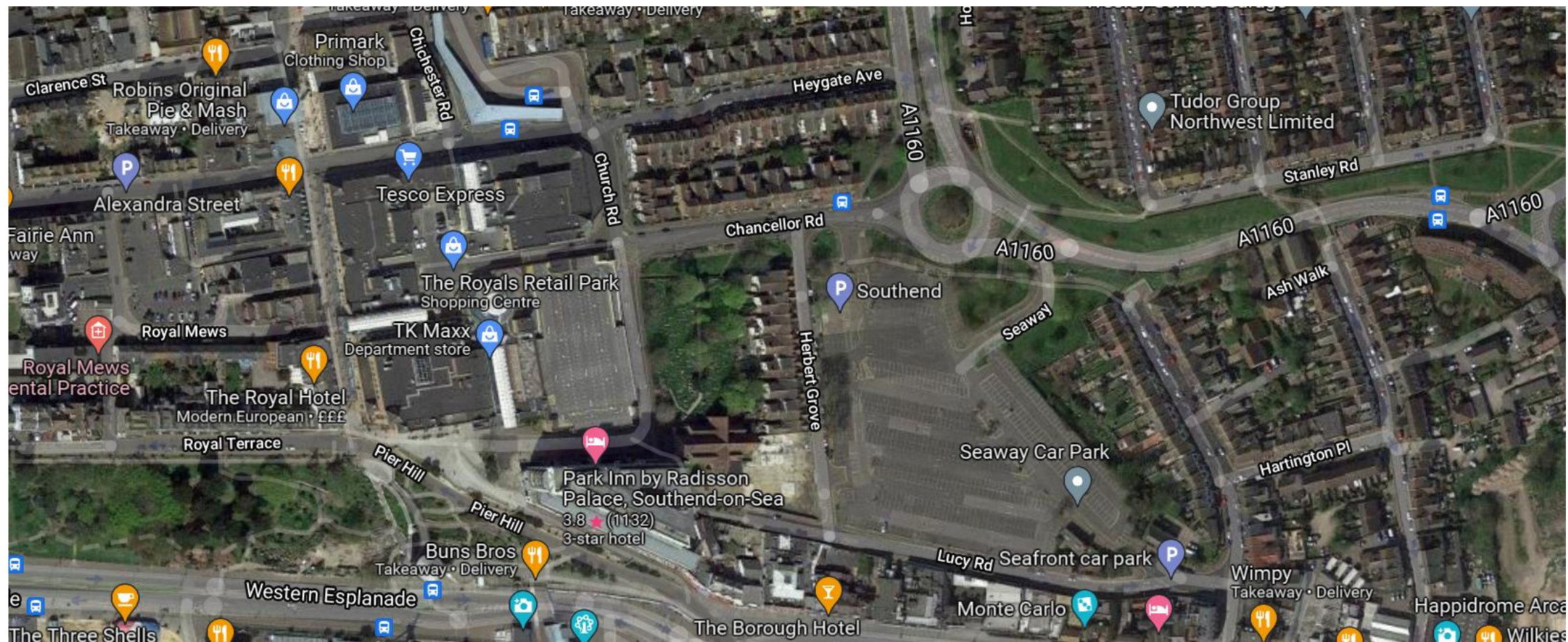
Drwg. No.  
**S019/ P3000**

Revision  
**pl2**

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Subject to accurate site survey.



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<b>Reference:</b>	21/01685/FUL
<b>Application Type:</b>	FULL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Demolish existing dwelling and erect building comprising 7no. apartments, layout parking, landscaping, cycle and refuse storage and form vehicular crossover onto Thames Drive (Amended Proposal)
<b>Address:</b>	135 Marine Parade Leigh-On-Sea Essex SS9 2RF
<b>Applicant:</b>	P + PR Property Developments Ltd
<b>Agent:</b>	BDA Architecture
<b>Consultation Expiry:</b>	10 <sup>th</sup> September 2021
<b>Expiry Date:</b>	11 <sup>th</sup> October 2021
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	<b>21.102/01, 21.102/02B, 21.102/03B, 21.102/04B</b> <b>Proposed Views Reference 21.102/10 (Marine Parade) &amp; 21.102/10 (Thames Drive)</b> <b>Planning Statement ref P0839</b>
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## 1. Site and Surroundings

- 1.1 The site is located on the junction of Marine Parade and Thames Drive on the cliff top overlooking the estuary. The existing building is a large traditionally designed house with feature gables, bays and balconies. The property has an attached flat roof garage to the western side with vehicular crossover from Thames Drive. This garage sits forward of the building line of the properties in Thames Drive but is a subservient addition to the streetscene in this location. The site is a double width plot compared to others in the vicinity but the articulation of the existing building and generous frontages ensure that the existing building integrates comfortably in the wider streetscene.
- 1.2 The Marine Estate is characterised by large detached and semi-detached family houses. A few have been converted to flats but overall, these conversions have retained the character of houses which means that the flats are not readily apparent in the streetscene. All properties are two storeys with generously proportioned roofs, and this is a consistent feature of the streetscene. Some have dormers in the roof and front balconies. Houses in both streets are set on a relatively consistent building line with generous planted frontages which wrap around the junctions giving the streets a suburban character.
- 1.3 Opposite the site is Marine Parade Gardens which is protected open space and green belt and Belton Hills Nature Reserve. The site is located within the Development Management Document Policy DM6 Seafront Character Zone 1.

## 2 The Proposal

- 2.1 The proposal seeks to demolish the existing dwelling and erect 7 flats (6 x 2 bed and 1 x 3 bed), layout 9 parking spaces to the rear, associated landscaping, cycle and refuse storage and form a new vehicular crossover onto Thames Drive.
- 2.2 The main body of the new building would have a maximum width of 22.9m reducing to 17.8m at 3<sup>rd</sup> floor level, a maximum depth of 16.3m and a shallow hipped roof with an eaves height of 7.4m and a maximum height of 10.5m, reducing to 8.3m on its east side

adjacent to number 134 Marine Parade.

2.3 The proposals would be constructed of buff/yellow facing brickwork and render with cedar and zinc cladding, a tiled roof, aluminium windows and doors and glazed balconies.

2.4 This proposal follows refusal of application reference 21/00146/FUL which sought to demolish the existing dwelling and erect 7 flats, layout parking, landscaping, cycle and refuse storage and form new vehicular crossover onto Thames Drive. This was refused for the following reasons:

*01 The proposed development, by reason of its excessive scale, form, mass, footprint, siting, unresolved design and materials, would have a significant detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled, prominent and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).*

*02 The development offers no reasonable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.*

2.5 The main differences between these two applications are:

- The mix of the units has been amended from 5x2bed and 2x3bed to 6x2bed and 1x3bed – overall the number of units is unchanged at 7 flats.
- The number of floors has been reduced from part 4 part 3 storeys to part 3 part 2 storeys.
- The design has been amended to include a shallow pitched roof (previously part flat and part gabled.)
- The footprint of the building has increased in width from 22.5m to 22.9m, the depth has been reduced from 18m to 16.3m and the height reduced from 11.2m to 10.5m.
- The front building line on the Marine Parade frontage has been pushed back from between 2.4m and 4.4m to between 3.3m and 6m.
- The side building line to Thames Drive has been pushed back from between 1m to 1.7m to between 1.5m and 2.3m.
- The number of parking spaces has been reduced from 10 to 9 and the undercroft parking arrangement has been omitted from the scheme.
- The main entrance has been relocated from the front facing Marine Parade to the rear, facing the car park.
- The sizes of the amenity areas/balconies been reduced. Most are now 5sqm.

2.6 The 2021 refusal followed a previous application reference 19/01417/FUL for the conversion of the existing building into 6 flats with 7 parking spaces. That application was allowed at appeal. The full appeal decision is attached to this report as Appendix 1.

- 2.7 The key difference between those two applications were that the existing building was proposed to be demolished and replaced rather than converted. The 2019 design was for 2.5 storeys, had a generously proportioned hipped roof with feature gables facing the street and a smaller footprint than the refused 2021 proposal which had a part flat part gabled roof and a more boxy design. In both schemes an open parking area was proposed to the rear of the building. Key points from the appeal decision are:
- The proposed form [2 storeys with a large hipped roof and dormers to front and rear] is acceptable in the streetscene. [para 6]
  - The siting of the development compared to the wider streetscene is acceptable. [para 7]
  - The single storey side projection facing Thames Drive is subservient and would not be more prominent in the streetscene than the existing garage. [para 9]
  - No objection to remodelling the building or a contemporary design as proposed. [para 10]
  - Balconies are acceptable as private amenity provision for flats. [para 16]
  - The location of the parking area [7 spaces, 6 along the north boundary] adjacent to the 104 Thames Drive and its amenity area is acceptable in terms of noise and disturbance. [paras18- 21]
  - No objections to highway safety, congestion, change to outlook, lack of parking, pressure on local services, overlooking, loss of greenery or loss of view. [para 23]

### 3 Relevant Planning History

- 3.1 21/00146/FUL - Demolish existing dwelling and erect building comprising no.7 apartments, layout parking, landscaping, cycle and refuse storage and form new vehicular crossover onto Thames Drive. – refused.
- 3.2 19/01417/FUL - Extend existing pitched roof, install dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form six self-contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive (Amended proposal) – allowed on appeal.
- 3.3 19/00284/FUL - Extend existing pitched roof with dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form 7No. self-contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive - refused
- 3.4 19/00041/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – granted
- 3.5 18/02123/GPDE - Erect single storey rear extension, projecting 5.46m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – refused
- 3.6 18/02122/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused

- 3.7 18/02121/GPDE - Erect single storey rear extension, projecting 5.46m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. -refused
- 3.8 18/01701/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused
- 3.9 18/01573/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – refused
- 3.10 18/01568/GPDE – Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused
- 3.11 18/01196/CLP - Part two and part single storey rear extension, roof extension to rear and alter rear elevation (Lawful Development Certificate - Proposed) (Amended Proposal) – refused
- 3.12 17/02211/CLP – Single storey rear extension, roof extension to rear and alter rear elevation (Lawful Development Certificate - Proposed) – refused

#### **4 Representation Summary**

- 4.1 140 neighbouring properties were consulted and two site notices were displayed. 55 letters of objection have been received raising the following summarised issues:
- Congestion and impact on junction and highway/pedestrian safety. Impact on bus stop. Accidents recorded in this location.
  - Out of keeping/character with area. Will spoil the streetscene of Marine Parade and Thames Drive. Unbalances streetscene. Contrary to policy DM6.
  - Loss of existing landmark/iconic/beautiful building which is in character with wider estate. Loss of heritage. The existing building should be protected. Building has historic interest. The existing building could be renovated and converted. The existing building should be locally listed. The existing building is not dilapidated.
  - Profit driven. The existing building is not dilapidated as claimed.
  - Overdevelopment. Overcrowding. Overbearing. Oversized. Scale, height and mass are appropriate for streetscene compared to other properties. 3 storeys is inappropriate, buildings in Marine Parade are 2 storeys only. Imposing. Increase in density and number of residents unacceptable. Would dwarf neighbours.
  - Has not addressed previous reasons for refusal.
  - Poor design. Monstrosity. Non-descript. Ugly. Eyesore. Boxy. Grotesque. Soulless. Mundane. Lazy appearance. Fails to address junction.
  - Lack of parking for residents and visitors. Luxury flats of this size need 2 spaces each.
  - Detrimental impact on local character.
  - Would encourage wider change of character of Marine Parade to flats. Would make future applications for flats hard to resist.
  - Area characterised by family houses with large gardens. Loss of family house. Flats are out of character. Small size of proposed dwellings unsuitable for families.
  - Impact on local services including utilities, doctors and schools.
  - Design similar to previously refused scheme except with a pitched roof added.

- Style out of character.
- Impact on neighbour amenity. Overlooking/loss of privacy. Overshadows. Impact on sea views. Noise and disturbance from parking area.
- Impact on land stability/subsidence from cliff movement and additional traffic.
- Construction traffic, noise and disturbance.
- Lack of amenity space for new residents. Loss of garden space.
- Important and prominent site.
- No objection to redevelopment but on a lesser scale. Too many dwellings.
- The proposal steps out 5m in front of the building line in Thames Drive which will accentuate its bulk and height and have a drastic impact on the streetscene.
- Damage to local nature.
- Concerns of public health. Pollution. Impact on sewers and drainage. Smells of refuse store and rats.
- Detrimental impact on local community.,
- The proposal is no sustainable. The existing building should be reused.
- CIL payment not enough to offset impact.

Officer Comment: The concerns raised are noted and those that represent material planning considerations have been taken into account in the assessment of the application. Other than as reflected in the recommendation at Section 9 of this report the remaining points of objection were not found to reasonably justify refusing planning permission in the circumstances of this case.

### **Airport**

- 4.2 No objections.

### **Highways Team**

- 4.3 There are no highway objections to the proposal. 9 car parking spaces have been provided for the 7 dwellings secure cycle parking has also been provided. Access to the parking area is an existing access and provides acceptable levels of visibility.

It is not considered that the proposal will have a detrimental impact on the local highway network.

### **Environmental Health**

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

### **Parks**

- 4.5
- There are trees and hedges on the site that will require removal to facilitate the proposed development. No details have been provided on how the proposal will ensure that there is no net loss in biodiversity.
  - Soft landscaping plans and other measures of biodiversity enhancement should be conditioned.
  - The proposed development site is directly adjacent to the Belton Hills Nature Reserve, which is a wildlife haven for locally and nationally rare plants and insects. This emphasises the importance of the existing vegetation on the development



site as potential habitat for important species and demonstrates a need for e-xtra care to be taken before removal of any vegetation. The proximity of the development site to the Nature Reserve should be recognised by the developers, as there should be no negative impact, during all stages of development.

### **Essex Fire Service**

- 4.6 Access for fire appliances appears to be satisfactory but will be considered in more detail at the Building Regulations stage.

### **Leigh Town Council**

- 4.7 Leigh Town Council object to the above planning application as the proposed development by reason of its design, height, scale and bulk will still appear as an overly dominant and incongruous addition that is out of keeping with and detrimental to the street scene. It certainly does not respond positively to local character and will not successfully integrate itself in a positive relationship with the surroundings. It is contrary to both Core Strategy and Development Management policies.

The development is also overbearing and is not respectful and subservient. It is therefore also contrary to Policy DM3 but also to Policy DM1 in that it does not protect the amenity of its immediate neighbours having regard to privacy and overlooking.

Additionally, there is also some concern that the vehicular access onto Thames Drive is very close to a busy traffic junction.

- 4.8 This application was called to committee by Cllr Evans.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM6 (The Seafront), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.6 Design & Townscape Guide (2009)
- 5.7 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.8 Vehicle Crossing Policy & Application Guidance (2021)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

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

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene, the quality of accommodation for future occupiers, traffic and transportation, impact on residential amenity, sustainable construction, sustainability, ecology including RAMS and CIL and whether the proposal has overcome the previous reasons for refusal. The basis of the recent appeal at the site is also a material consideration of significant weight in the determination of this application.

## **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 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. Paragraphs 7.56 and 7.57, later in this report, discuss the Planning Balance and Housing Supply.
- 7.5 Policy DM3 of the Development Management Document states that “*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services,*

*and infrastructure, including transport capacity”*

- 7.6 The proposal is assessed in the context of the above policies. These support residential development in this location, including at a higher density than the existing single dwelling, provided the proposal respects the character of the locality and the amenities of neighbours. The principle of the proposal is therefore acceptable subject to the detailed considerations set out below. It is noted that an intensification of residential units on this site was not objected to in principle by either the Local Planning Authority or the Planning Inspector in relation to the previous application.

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

- 7.7 Paragraph 126 of the NPPF states *‘The creation of high quality, beautiful and sustainable 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.’*
- 7.8 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.”*
- 7.9 Policy DM6 Character Zone 1 (iv) seeks to *‘retain character and building height and type along Marine Parade.’*
- 7.10 In relation to areas of consistent scale and in particular areas of large, detached housing the Design and Townscape Guide states:
- ‘89. .... there are also some areas of large family houses in the Borough. These areas have a completely different character - the larger buildings are more imposing and the streets have an altogether grander feel. Again the individual designs may vary but their scale, grain and use as single family dwelling houses are unifying characteristics and key to local character. This type of housing is most prevalent in Thorpe Bay (for example Burges Estate and Thorpe Esplanade), Leigh (for example Marine Estate) and Chalkwell (for example Chalkwell Hall Estate), but can also be found in other areas of the town.*
- 90. In these areas, proposals for development of a larger, or different or unbalancing scale would be detrimental to local character and will be resisted in principle. All new development must preserve and enhance local character; development which is harmful will not be acceptable. Generally, the conversion of these buildings to flats will be unacceptable given the knock on needs for extensions, car parking or the increase in parking pressure. ‘*
- 7.11 Marine Parade and Thames Drive are attractive streets of mainly large traditional family houses. Marine Parade, which stretches from Hadleigh Road to the east, to the Borough Boundary to the west, is specifically identified in the Design and Townscape Guide as an area of uniform scale and character and is recognised in Policy DM6 as being an attractive and cohesive frontage which is important to the character of the seafront in this part of the Borough. As such, although the site is located at a junction,

it is not considered an appropriate location for a landmark building. Any proposal in this location needs to seamlessly integrate into the wider streetscene.

- 7.12 The houses in Marine Parade are generally individual in their designs but there is consistency in scale including generous roof portions, fine grain, form, building line including generous planted frontages and use of materials and detailing which gives the street a cohesive and distinctive character.

#### *Loss of Existing Building*

- 7.13 Whilst the existing building sits comfortably within the existing streetscene it is not a designated or undesignated heritage asset and therefore, in terms of local and national policy, there is no objection in principle to its demolition and replacement with a new residential development. This is the same conclusion as the previously refused application and by the appeal inspector who raised no objection to the complete remodelling of the existing building.

#### *Scale, Mass, Bulk and Form*

- 7.14 The previous application was refused because it was considered that *'its excessive scale, form, mass, footprint, siting, unresolved design and materials, would have a significant detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled, prominent and incongruous addition to the streetscene.'* The amended proposal seeks to address this by reducing the number of storeys from mainly 4 storeys to mainly 3 storeys, adding a shallow hipped roof and removing the undercroft parking at the rear. Alterations have also been made to the building lines and detailed design.
- 7.15 The reduction in scale and massing is an improvement over the previously refused scheme. Nevertheless the scale, mass and bulk of the proposal is still a significant increase over that approved at appeal. At ground and first floors the current proposal is 56.8sqm (23.3%) larger than the appeal scheme, the equivalent of an additional 1 bed 2 person flat (min 50sqm) on each floor and at 2<sup>nd</sup> floor level the proposal is 167.3sqm (215%) larger than the appeal scheme which equates to more than 3 x 1 bed 2 person flats. This additional floorspace has been achieved by stepping the building line out to the side and to the front as compared to the appeal scheme, including infilling the corner facing the junction which was previously set well back providing a sufficiently generous frontage in line with local character, and by changing the 2<sup>nd</sup> floor accommodation from being within the roof form of the building to a full floor, covering most of the building footprint. This has resulted in a significant increase in massing over the appeal scheme on all levels particularly facing the junction.
- 7.16 Considered on its individual merits, the overall bulk and massing of the current proposal across this wide plot would be significantly greater than the surrounding development. Whilst there is variety in the designs of properties along Marine Parade and Thames Drive, all of the existing buildings along Marine Parade and Thames Drive in the vicinity of the site are two storeys. Some have roof accommodation but this is integrated into the well-proportioned roofs and does not read as a full 3<sup>rd</sup> storey. The proposal has failed to demonstrate that 3 floors can be successfully accommodated into the streetscene. As noted above, this site is part of a cohesive streetscene and even though it is located on a corner, this is part of a cohesive streetscene not a landmark site, so any development needs to sit comfortably within the context of the existing properties.

The proposed scale, bulk and massing is considered to be excessive and would be significantly harmful to local character.

- 7.17 The significant increase in scale at all levels on the west side of the development will also be very prominent on approach from the north along Thames Drive. In this view, the building would project over 8m in front of the building line of the houses in Thames Drive at all levels and will be very prominent in the streetscene. Just for comparison, the appeal scheme included a new extension to the existing building on this side but this only projected some 4m in front of the Thames Drive building line and was markedly different in impact. It was set well back from the junction and main front building line of the property and was single storey only, with a flat roof. This was found by the appeal Inspector to be a similar massing to the existing garage and an acceptable departure from the existing character. In relation to this the inspector commented that:

*'9. The single storey extensions would replace an existing flat roofed garage and store. Although wider than the garage, the corner extension would be recessed back further and, in my view, would appear subservient to the main building and would not be any more prominent in public views than the existing garage.'*

- 7.18 The front building also steps forward of the building of Marine Parade. Whilst this is confined to the central section only it will still be very apparent in the streetscene, adding to the overall scale of the building in the wider context. For comparison, the appeal scheme infilled the southeast corner of the building effectively increasing the building line adjacent to 134. This was found to be acceptable by the appeal Inspector but the current proposal steps forward an additional 2.6m. This will further and unacceptably increase the prominence of the development in the streetscene.
- 7.19 Overall, the scale of the current proposal is significantly greater than the appeal scheme in this view and the resultant increasing in massing would be overly prominent and dominant in the streetscene. Whilst there will be other alternatives to the appeal scheme which are also acceptable for this site, similarly to be considered on their individual merits, this amended proposal has failed to demonstrate that this can be achieved at the scale of increase currently proposed.

#### *Detailed Design*

- 7.20 There are also concerns with the detailed design. The amended proposal includes a hipped roof, that has a similar maximum height to existing building and appeal scheme, but this has been achieved by adding a shallow pitched roof to a full 3 storey building. The resultant scale and pitch of the roof will be noticeably different and weaker in proportion than the prevailing character of Marine Parade which, with the exception of number 134 to the east which the Inspector highlighted as an anomaly, all have sharper pitches and generously proportioned roofs, including the new builds. This is a key aspect of the cohesiveness of this street frontage. The proposed poorly-proportioned roof form would appear weak in relation to the scale of the building generally and is out of character with the wider streetscene in this regard.
- 7.21 Concerns are also raised about the location of the main entrance which is hidden to the rear of the building rather than providing a feature on the main frontage, and the general lack of articulation, including the failure of the proposal to address the junction or the secondary street frontage to Thames Drive. These aspects were more acceptable in the appeal scheme which takes its reference from the existing building. The view on approach

from the west and from Thames Drive will be of the very bland but very prominent elevation to the west side. The proposed rear elevation, which is also very exposed in the streetscene across the open car park to the rear, is also very basic. Generally, there is also a lack of cohesion in the fenestration which creates awkward and unbalanced elevations.

- 7.22 Overall, the scale, bulk, massing, siting, form and detailed design would result in an incongruous and overly dominant addition to the streetscene which would significantly harm local character. The proposal has therefore failed to overcome the previous reason for refusal in this regard and is unacceptable and contrary to policy in relation to design and character matters.

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

- 7.23 Delivering high quality homes is a key objective of the NPPF.
- 7.24 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.*
- 7.25 All new homes are required to meet the Nationally Described Housing Standards in terms of overall floorspace and bedroom sizes.

Flat	Net internal Area	Bed 1	Bed 2	Bed 3	Amenity
1 2b3p	75sqm	13.2 sqm W=3m	9.6sqm W=2.7m		5sqm
2 2b4p	81 sqm	22.6 sqm W=3.4m	13.7 sqm W=3.4m		5sqm
3 2b3p	84.1sqm	17.9 sqm W=3.4m	12.2 sqm W=2.65m		5sqm
4 2b3p	75sqm	13.2 sqm W=3m	9.6sqm W=2.7m		5sqm
5 2b4p	81 sqm	22.6 sqm W=3.4m	13.7 sqm W=3.4m		5sqm
6 2b3p	84.1sqm	17.9 sqm W=3.4m	12.2 sqm W=2.65m		5sqm
7 3b6p	182.3 sqm	30.1 sqm W=5.1m	25.3 sqm W=4.7m	20.2sqm W=4.7m	29sqm

- 7.26 The flats are generous in size and would be well in excess of these standards. Whilst it is noted that bedroom 2 in flats 3 and 6 are shown as single bedrooms they measure over 11.5sqm with a width greater than 2.55m so these would be classed as a doubles. However, the overall flat size meets the standard for a 2 bed 4 person unit so this is acceptable. The proposal is therefore acceptable and policy compliant in this regard.

### *Light, Privacy and Outlook*

- 7.27 All the habitable rooms would have adequate light and outlook. The proposal is acceptable and policy compliant in this regard.

### *M4(2) – Accessibility*

- 7.28 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards. No information has been provided in relation to this requirement however it is noted that all flats are generously proportioned and have access to a lift. If the proposal was otherwise found to be acceptable, a condition could be imposed requiring this standard to be met. The proposal therefore meets the accessibility requirements and is acceptable and policy compliant in this regard.

### *Amenity Provision*

- 7.29 In relation to the provision of amenity space, Policy DM8 states that all new dwellings should '*Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.*'
- 7.30 All units have access to a private terrace of 5sqm and the top floor 3 bed unit has 29sqm of terraces. No rear garden or shared private amenity space is proposed. Whilst the provision of a rear garden may normally be sought in this out of centre location and given the size of the units proposed which could accommodate families with children, it is noted that in the recent appeal decision, the Planning Inspector found the provision of a balcony only would provide a satisfactory level of private amenity space for residents. Attaching significant weight to that finding, it follows that the proposed balconies and terraces can also be considered acceptable amenity provision in this instance and the proposal is policy compliant in this regard.
- 7.31 Overall therefore, it is considered that the proposal would provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

### **Impact on Residential Amenity**

- 7.32 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.

### *Impact on number 104 Thames Drive to the north*

- 7.33 The proposed development would be some 16m from the northern boundary with the neighbour to the north 104 Thames Drive. This neighbour has a bay window on its south flank at first floor which appears to be a secondary window to a bedroom which has its

primary outlook to the front facing the street. There is also a small obscure glazed window at first floor towards the rear of the flank elevation of this neighbour.

- 7.34 The proposal has habitable room windows facing north however it is considered that there is sufficient separation distance to ensure that the proposal would not result in a significant overbearing relationship, sense of enclosure, loss of light or privacy for this neighbour. It is also noted that this is a similar relationship to the previous application which was found to be acceptable by the Council and the Planning Inspector.
- 7.35 The parking area for the new flats is located to the rear of the building with 6 spaces adjacent to the shared boundary fence with number 104 Thames Drive, separated by a narrow planting buffer against this boundary. This is a similar arrangement to the allowed appeal scheme which also had 6 parking spaces in this location. In the determination of that appeal the Planning Inspector found that the noise and disturbance from 6 parking spaces would not have an unacceptable impact on the amenities of number 104. Attaching significant weight to that finding, this element of the proposal is therefore considered to have a satisfactory impact on the amenities of this neighbour.

*Impact on number 134 Marine Parade to the east*

- 7.36 The proposal is set between 1.4m from the east boundary and 4.5m from the flank wall of number 134 Marine Parade. 134 Marine Parade has no habitable room windows on its western elevation facing the site. The garage to 134 is located on the shared boundary with the application site towards the rear.
- 7.37 The proposal would extend approximately 1m past the front building line of this neighbour at its closest point stepping out to a maximum of 3.7m at a separation distance of 9.9m. The submitted plan shows that this projection would not breach a notional 45 degree line taken from the front corner of number 134. The proposal does not extend past this neighbour to the rear. There are no habitable room windows proposed on the east side.
- 7.38 It is considered that the separation distances sufficiently mitigate the impact that the proposal may have on this neighbour in terms of dominance, sense of enclosure and loss of light and outlook and there are no concerns relating to privacy. The impact on the amenities of this neighbour is therefore considered to be acceptable and the proposal is policy compliant in this regard.

*Impact on other Neighbours*

- 7.39 The only other property materially affected by the proposal is 137/137a Marine Parade to the west. This property is located on the other side of the junction to the proposal with a separation of over 19m between the elevations facing Thames Drive. This is considered to be an acceptable arrangement and separation distance for a street facing elevation and would not give rise to an unreasonable or significantly harmful impact on these neighbours' amenity.
- 7.40 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of neighbouring occupiers in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.



## **Traffic and Transportation Issues**

- 7.41 The site is located close to the junction of Marine Parade and Thames Drive which is controlled by traffic lights. It is on a bus route and within walking distance of Leigh Station. To access the parking area, the proposal would require the formation of a new double width access onto Thames Drive and the reinstatement of the existing single width crossover on this frontage which serves the existing garage. The proposed parking area would include 9 parking spaces (1 for each of the 2 bed units, 2 spaces for the 3 bed unit and 1 visitor space) including 1 disabled bay and space for the turning of vehicles.
- 7.42 Concerns have been raised by neighbours in relation to the increase in vehicular movements in close proximity to the junction and the bus stop, however, the Council's Highways Officer notes that the proposed new access would have satisfactory levels of visibility and has not raised any concerns in relation to traffic or safety and this was not found to be an issue in the recent appeal which had a similar parking arrangement.
- 7.43 Policy DM15 states that all new flats should be served by at least one off-street parking space. The proposal would be policy compliant in this regard and the Council's Highways Officer has not raised any objections in relation to the level of parking for the scheme. The proposal is therefore considered to be acceptable and policy compliant in this regard.

### *Cycle parking*

- 7.44 A location for a cycle store is shown on the site plan to the rear of the building close to the Thames Drive frontage. This location would be very visible in the streetscene but there are other options for this to be located to the rear of the building so if the proposal were otherwise found to be acceptable, full details could be secured via a condition. This provision would meet the policy requirement for cycle parking and the proposal would be acceptable and policy compliant in this regard.

### *Refuse and Recycling Storage*

- 7.45 The plans also show a refuse and recycling store to the rear of the site close to the junction with Thames Drive. No details have been provided but it would be possible to achieve a well-detailed, low key refuse store in this location which is easily accessible to the highway. Subject to the agreement of design details, the proposal would therefore be acceptable and policy compliant in this regard.
- 7.46 Overall, subject to the above conditions, it is considered that the proposal would have an acceptable impact on traffic and transportation and the proposal is policy compliant in this regard.

## **Sustainability**

- 7.47 Sustainable development is a key objective of the NPPF.
- 7.48 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.

- 7.49 The Design and Access Statement mentions a range of potential renewable technologies which could be used at the site, but no firm details have been included in relation to this requirement. However, given the size of the development and its roof design, it is considered that full details of the required renewables could be agreed by condition if the proposal was otherwise found to be acceptable. A condition could also be imposed in relation to water usage. The proposal is therefore acceptable and policy compliant in this regard.

#### *Drainage*

- 7.50 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.
- 7.51 The site is located in flood risk zone 1 (low risk). A large parking area is proposed over the existing rear garden. No information has been provided regarding drainage of this area or the site generally, however, if the proposal was otherwise found to be acceptable a condition could be imposed to ensure the proposed development mitigates against surface water runoff. Subject to this the proposal would therefore be considered to be acceptable and policy compliant in this regard.

#### **Ecology Impacts**

- 7.52 The site is near to Belton Hills Nature Reserve, however, it is considered that the impact on this designation from 7 additional residential units would not be significant enough to warrant mitigation measures or refusal of the application on this basis.

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

- 7.53 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 29<sup>th</sup> 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.
- 7.54 The proposal was previously refused because it failed make this payment or complete a S106 agreement securing the payment in the event of an approval. The current application has not paid this or completed a S106 agreement although the submitted planning statement comments that the applicant would be willing to sign up to a S106 agreement. This intention is noted but without the completed agreement or payment the

proposal remains unacceptable and contrary to policy in this regard.

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

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

### **Planning Balance and Housing Supply**

- 7.56 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. However, it should also be noted that a scheme for this quantum of housing would have limited effect on the overall supply of housing. When considering the allowed appeal scheme, the Inspector concluded that the development was acceptable on the main issues and that it did not conflict with the development plan so didn't identify any need to consider issues relating to housing land supply.
- 7.57 This proposal creates new housing. Therefore, when assessing the harm identified, both in this report and any other harm which may be identified by the Committee, it is necessary to demonstrate that, in reaching this 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. In this instance, it is considered that the limited number of housing units proposed would not outweigh the significant harm caused by the development. It is noted that there is an approved scheme for 6 units which is only 1 less than currently proposed.

## **8 Conclusion**

- 8.1 The proposed development, by reason of its excessive scale, form, mass, footprint, siting, poor design and materials, is considered to have a significant detrimental impact on the grain, character and appearance of the area and would be an incongruous addition to the streetscene. The proposal has also failed to satisfactorily mitigate for the ecological impacts of the development in terms of RAMS.
- 8.2 In this instance the public benefits of the development, including the limited contribution to the supply of housing, do not outweigh significant adverse impact the development would have on the character and appearance of the area and ecology.

- 8.3 The previous appeal decision in relation to application reference 19/01417/FUL has been afforded appropriate weight in the determination of this application. It is noted that there are significant differences between the respective schemes in terms of their scale, mass, form, siting and detailed design. Therefore, the acceptability of the previous application in terms of design and impact on the streetscene has limited relevance to the current application.
- 8.4 Overall, it is considered that the proposal has failed to overcome the previous reasons for refusal in relation to application reference 21/00146/FUL. It is therefore unacceptable and recommended for refusal.

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reason(s):**

- 01 The proposed development, by reason of its excessive scale, form, mass, footprint, siting and poor design would have a significant detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled, prominent and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**
- 02 The development offers no reasonable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.**

#### **Informatives:**

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

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

## Appendix 1 Appeal decision for 21/00146/FUL



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# Appeal Decision

Site visit made on 21 July 2020

**by Guy Davies BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

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**Appeal Ref: APP/D1590/W/19/3243705**  
**135 Marine Parade, Leigh-on-Sea SS9 2RF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Miller of P & PR Property Developments Ltd against the decision of Southend-on-Sea Borough Council.
  - The application Ref 19/01417/FUL, dated 22 July 2019, was refused by notice dated 2 October 2019.
  - The development proposed is to remodel and extend the existing building to create 6 apartments.
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### Decision

1. The appeal is allowed and planning permission is granted to remodel and extend the existing building to create 6 apartments at 135 Marine Parade, Leigh-on-Sea SS9 2RF in accordance with the terms of the application, Ref 19/01471/FUL, dated 22 July 2019, as amended by revised plan 17.195/08B dated August 2019, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are the effect of the proposal on:
  - The character and appearance of the area
  - The living conditions of future occupants with regards to outdoor space, and living space in Flat E
  - The living conditions of neighbouring occupants of 104 Thames Drive, with respect to noise and disturbance.

### Procedural Matter

3. The appellant submitted a revised first floor plan 17.195/08B after the Council's decision showing amended internal layouts to Flats D and E. The Council has responded to the revised plan in its appeal correspondence. Because the amendments are internal only, and the Council has had the opportunity to respond, I do not consider that any interested parties would be prejudiced by the proposed changes. I have therefore taken the revised plan into account in reaching my decision.

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## Reasons

### *Character and appearance*

4. Marine Parade is characterised by large detached and semi-detached villas, generally two storeys in height although a number have dormers lighting accommodation in their roof space. A degree of regularity is formed by similar plot widths leading to similar sized buildings although a few, including the appeal site, occupy wider plots. Many buildings reflect the Arts and Crafts and mock Tudor styles popular when the Marine estate was first built, although there are other styles present. Buildings have been designed individually or in small groups, leading to a variety of different architectural detailing to roof forms, fenestration and external surfaces.
5. 135 Marine Parade is one of the more prominent buildings in the Parade, occupying a double width corner plot. It has a double height splayed bay window with feature gable that emphasises its corner location. The wider plot provides more space around the building than is the case on other plots. There is a flat roofed garage at the side, with access taken from Thames Drive.
6. The enlargement of the roof by filling in the south eastern corner of the building, extending the ridge line and introducing another dormer window would create a larger roof form but one that would be simpler in shape to the current roof. It would be no higher than the existing main ridge, project no further forward than the existing front elevation, and would retain the fully hipped roof form of the existing building. The dormer windows would be of a scale similar to that of the existing dormer and would sit comfortably within the roof plane.
7. The Council criticises the design as failing to achieve a suitable transition to the buildings to the east in terms of height and forward position. It would indeed be higher and slightly forward of the immediate neighbouring property, but as that property is atypical of the area, I do not think that a fair comparison. Compared to the wider street scene, the proposal would equate more closely to the heights of other buildings so as not to appear incongruous. Similarly, its forward projection would not be unduly prominent, given the variety of projections, such as front gables and bay windows, found on other properties in the Parade.
8. Having regard to these parameters, I do not consider that this element of the extension would be excessive in size or appear unduly prominent in views along Marine Parade, any more than the existing building does at present.
9. The single storey extensions would replace an existing flat roofed garage and store. Although wider than the garage, the corner extension would be recessed back further and, in my view, would appear subservient to the main building and would not be any more prominent in public views than the existing garage. I also find no harm arising from the entrance arrangements as proposed in the appeal scheme.
10. The contemporary design would contrast with the prevailing Arts and Crafts and mock Tudor designs of many of the other buildings in the Parade. However, there are variations in building design along Marine Parade, both in terms of detail and overall form. I consider that the Parade is not so uniform in character or appearance that it cannot accommodate additional change and



variation of the style proposed in the appeal scheme. Contemporary design has been accepted by the Council at 131 Marine Parade, which exhibits many of the features proposed in the appeal scheme. Indeed, variation in design can provide visual interest that adds rather than detracts from the appearance of the street scene, and I consider that would be the case here.

11. I conclude that the extension and remodelling of the existing building in the manner proposed, while departing from the prevailing design of buildings in the area, would not appear over scaled or incongruous in the street scene, and would not harm the character or appearance of the area. Consequently I find that the proposal would comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM6 of the Development Management Document, which seek to promote high quality design, the efficient and effective use of land, and reflect the particular importance of the seafront to the history and evolution of Southend-on-Sea. For the same reasons it would also comply with the Southend-on-Sea Design and Townscape Guide.

#### *Living conditions of future occupants*

12. As originally submitted, Flat E fell short of the minimum space standards<sup>1</sup> for a 2 bed 4 person flat. A revised plan 17.195/08B has been submitted with the appeal that reduces the size of one of the bedrooms in Flat E, so that as a 2 bed 3 person flat it now meets the minimum space standards.
13. The revised plan also makes a small change to Flat D to increase the size of its second bedroom. It now also accords with the minimum space standards, although the size of this flat did not form part of the reason for refusal.
14. The Council disputes the appellant's floorspace calculations on the revised plan in two respects. The first, that the width of the master bedroom in Flat D at 2.7m is 5cm short of standard, is in my estimation within measurement tolerance for the submitted plans and so small as not to be significant. The second, that Flat E at 59.6sqm is 1.4sqm below the minimum standard, conflicts with the appellant's measurements that put the flat at 62sqm. I am unable to determine which measurement is correct but given the very small variance I do not consider that my assessment of this issue should turn on this factor alone.
15. Policy DM8 of the Development Management Document requires that new dwellings should '*make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space*'. The Design and Townscape Guide provides further guidance including that '*there is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide usable amenity space for the enjoyment of occupiers in some form*'.
16. In my view the development would meet the policy and Design Guide requirements. Private outdoor space would be provided by balconies or terraces assigned to each of the flats (other than for Flat F) and there would be an area of semi-private space immediately to the rear of the building. While

<sup>1</sup> National Described Space Standards, which have superseded the residential space standards set out in Policy Table 4 of the Development Management Document.

under surveillance from Flat C this space would still be accessible to all occupants. The balconies may experience some traffic noise, but that applies equally to the balconies on other properties along Marine Parade, all of which appear to be in regular use, and therefore perform their intended function irrespective of the road noise. There is adequate space for incidental facilities such as refuse and cycle storage, and open space would be retained to the front and side to provide a green setting to the building, to the benefit of the character and appearance of the wider area.

17. I conclude that the living conditions of future occupants in respect of the revised internal space standards for Flat E, and outdoor space for all the development, would be acceptable. The development would therefore meet the requirements of Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM8 of the Development Management Document, which amongst other criteria seek to ensure minimum residential standards in new development. For the same reasons, I consider the development would accord with the advice on residential standards in the Southend-on-Sea Design and Townscape Guide.

*Living conditions of neighbouring occupants*

18. The proposed development would introduce a parking area adjacent to the side boundary with the neighbouring residential property at 104 Thames Drive. This would result in vehicle movements taking place in close proximity to the flank elevation and rear garden area of the neighbouring property.
19. The movement of cars, including opening and closing of doors and running of engines would undoubtedly generate some noise that would be heard both in the rear garden of the neighbouring property, and to a lesser extent within the building when windows are left open. However, the parking area is limited to seven vehicles (six adjacent to the joint boundary) which limits the amount of activity that could take place at any one time. There is also a solid brick wall along the boundary which provides sound attenuation and a visual screen between the two properties. Marine Parade and Thames Drive are well used, and there is already a relatively high ambient noise level caused by road traffic.
20. The Council's Environmental Health Officer has expressed concern about possible noise disturbance, in particular during the night-time. However, as the development would be residential in nature, it is reasonable to assume that vehicle movements associated with the flats would also be relatively low during the night-time period, with commensurately lesser noise generation.
21. Having regard to these factors, and the findings of the Noise Impact Assessment<sup>2</sup> submitted with the appeal, I consider that the additional noise caused by vehicle movements associated with the residential flats would not be intrusive or disruptive over and above the existing ambient noise climate as to significantly harm the enjoyment of the neighbouring property.
22. I conclude that the living conditions of the neighbouring occupants at 104 Thames Drive would not be harmed through an unacceptable increase in noise, and the development would therefore accord with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM6 of the

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<sup>2</sup> Noise Impact Assessment, MLM Group, August 2019, updated September 2019



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Development Management Document, which seek to protect the amenity of neighbouring residents of new development.

### **Other Matters**

23. Several other issues have been raised in representations including concern about highway safety and congestion, change to outlook, lack of parking, additional pressure on local services, overlooking, loss of trees and greenery, and a potential loss of view. The Council has not objected to the development on any of these grounds, and I see no reason to do so either. The effect of the development on property values is not a material planning issue, and I have not taken it into account in reaching my decision.
24. The Council has drawn my attention to three appeal decisions. I have taken account of these decisions where relevant but given the differing circumstances between them and the current appeal site they only carry limited weight. I have reached my conclusions on the main issues based on the evidence before me and my own judgement. As I have concluded that the development is acceptable on the main issues and does not conflict with the development plan, I have not needed to consider issues relating to housing land supply.

### **Conditions**

25. I have considered the conditions suggested by the Council and imposed them where I consider they meet the guidance contained in paragraph 55 of the National Planning Policy Framework. I have reworded conditions where necessary for consistency and to improve clarity. The conditions have been reordered in accordance with the advice in Planning Practice Guidance.
26. In addition to the standard time limit I have included a condition listing the approved plans to provide certainty on the development permitted.
27. I have imposed conditions requiring a construction method statement and limitations on hours of work to minimise disturbance to neighbouring residents during the construction phase. The appellant has raised no objection to the first of these conditions which needs to be submitted and approved prior to commencement.
28. I have imposed conditions requiring approval of external materials and details of the development, and hard and soft landscaping details, in the interests of the character and appearance of the area. I have combined the first of these conditions with another suggested by the Council requiring details of the bay and dormer windows to be approved.
29. I have imposed conditions requiring water efficiency savings and renewable energy generation in the interests of sustainable development requirements.
30. Notwithstanding comments made by the appellant, I consider a condition requiring implementation of the parking space as shown on the approved plans to be necessary in the interests of highway safety and the free flow of traffic in the vicinity of the site.
31. I have imposed conditions requiring cycle and storage facilities, and noise attenuation as part of the design of the façade and glazing in the interest of the living conditions of future occupants.

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32. I consider a condition requiring submission and approval of surface water drainage details to be unnecessary in this instance. I have no evidence that surface water drainage is a problem on the site, nor that it cannot be adequately addressed through the normal Building Regulation process.

### **Conclusion**

33. I conclude that the appeal is allowed.

*Guy Davies*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plans: 17.195/01, 17.195/02, 17.195/03, 17.195/04, 17.195/05, 17.195/06, 17.195/07A, 17.195/08B, 17/195/09A, 17.195/10A, 17.195/11A, 17.195/12A, 17.195/13, 17.195/14, 17.195/15, 17.195/17A, 17.195/18A, 17.195/19, 17.195/20A.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
  - 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. measures to control the emission of dust and dirt during construction
  - v. a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
  - vi. noise mitigation measures to be used during construction.
- 4) 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 details of the design and materials to be used on all the external elevations, including walls, roof, bay and dormer windows, fascia, windows and doors, balustrades and privacy screens 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.
- 5) 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 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 any part of the development and the soft landscaping works within the first planting season following first occupation of any part of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not be limited to:

- i. details of the means of enclosure for all boundaries of the site
- ii. details of the proposed parking and turning area
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- iv. details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as originally specified or as otherwise agreed with the local planning authority.

- 6) No construction works other than demolition and construction up to ground floor slab level shall take place until a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the flats hereby permitted and thereafter retained.
- 7) Prior to first occupation of any of the flats hereby permitted not less than 7 car parking spaces shall be provided at the site in accordance with drawing reference 17.195/17A. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the site.
- 8) Prior to the first occupation of any of the flats hereby permitted details of the cycle and refuse storage shall be submitted to and approved in writing by the local planning authority. The cycle and refuse storage at the site shall be implemented in accordance with the approved details before any of the flat are first occupied and be retained thereafter.
- 9) Prior to first occupation of any of the flat hereby permitted, appropriate water efficiency 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 (110 litres per person per day 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.
- 10) The façade requirements and glazing for the development hereby permitted shall be carried out in accordance with Section 6.2 of the submitted Noise Impact Assessment by MLM Group reference 103024-MLM-ZZ-XX-RP-YA-0001 prior to first occupation of any part of the development.
- 11) Demolition or construction works associated with the development hereby permitted shall not take place outside 08:00 hours to 18:00 hours Mondays

Appeal Decision APP/D1590/W/19/3243705

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to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time  
Sundays or Bank Holidays.

**\*\*\* End of conditions\*\*\***





EXISTING SIDE ELEVATION



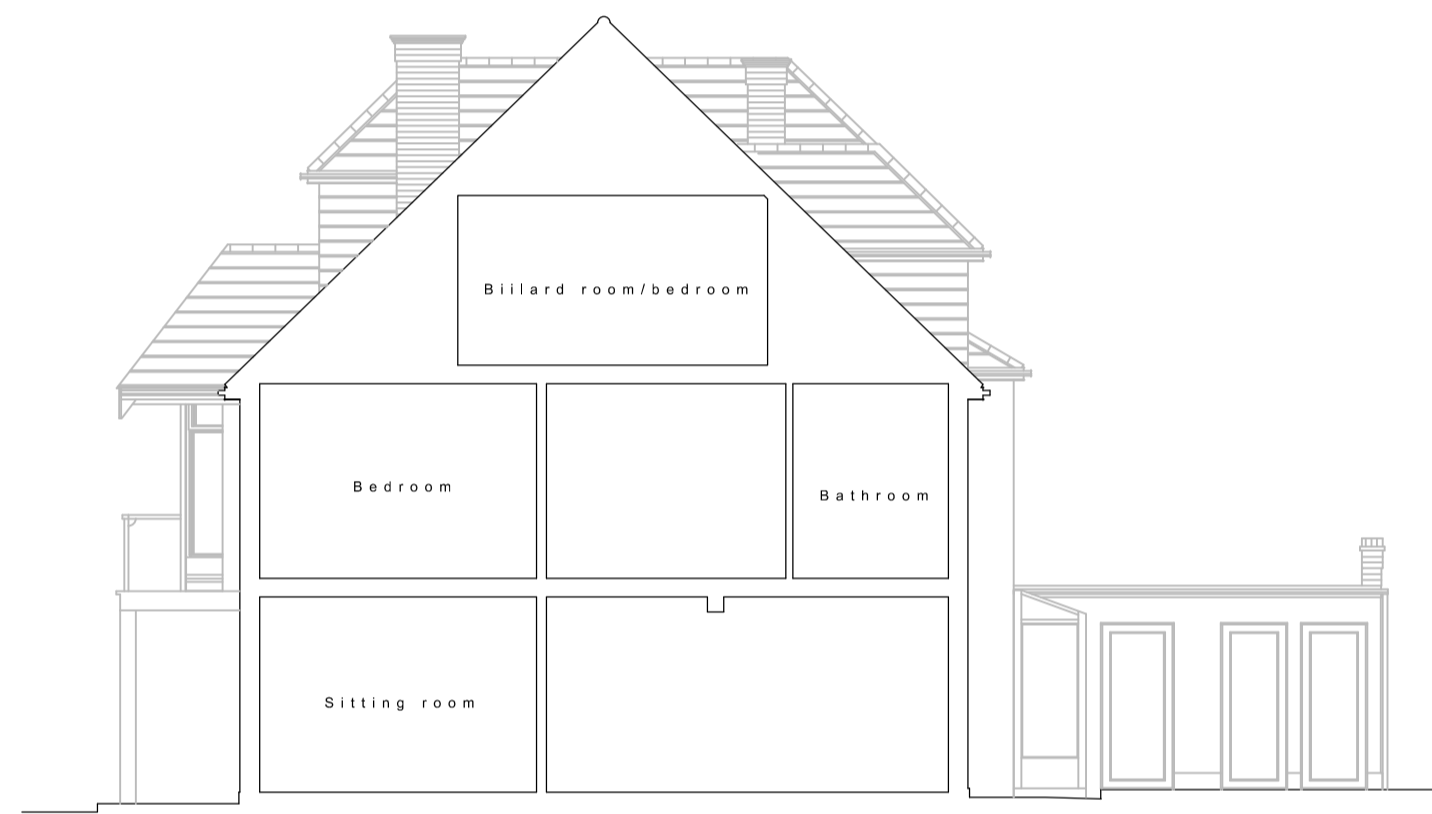
EXISTING FRONT ELEVATION



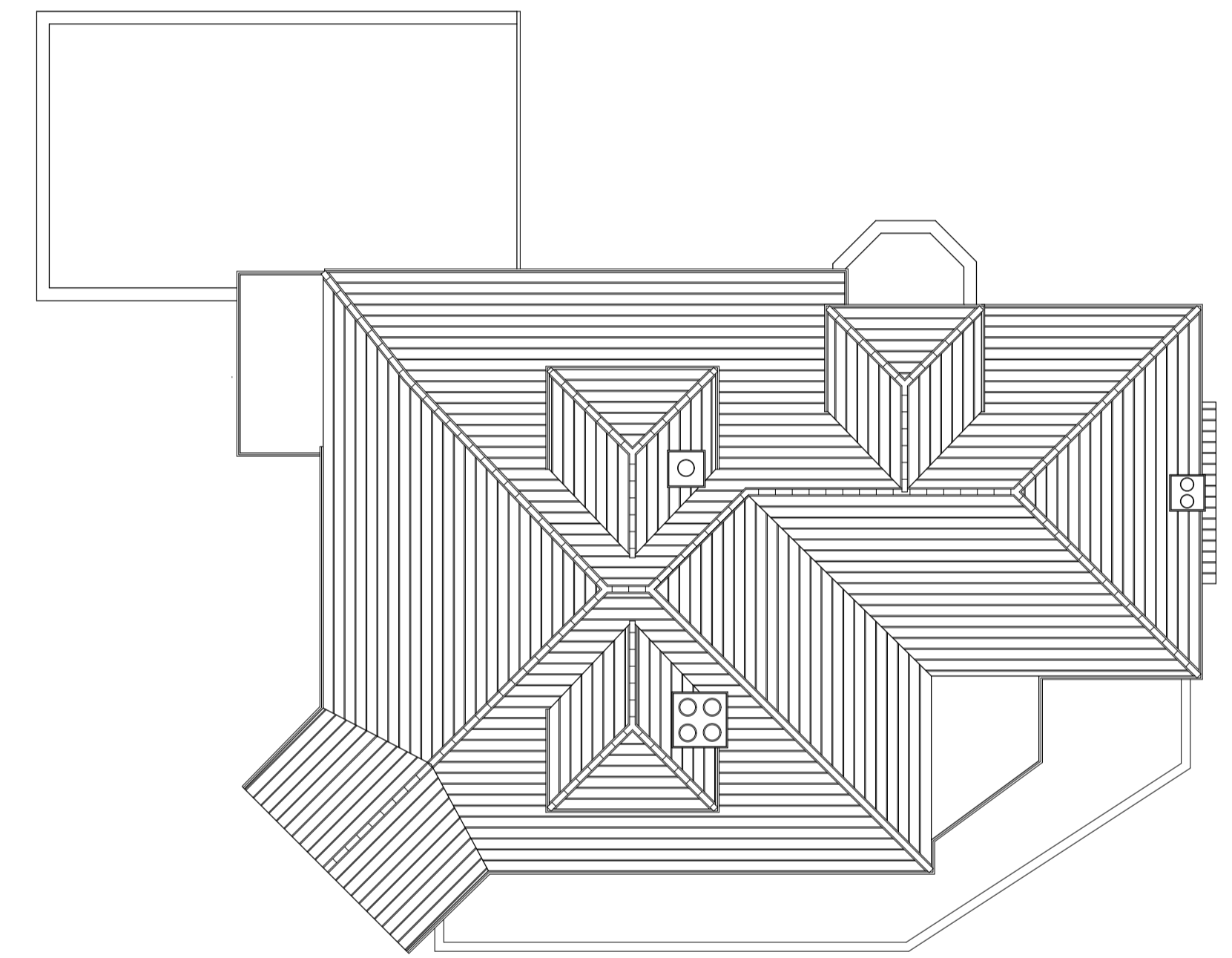
EXISTING SIDE ELEVATION



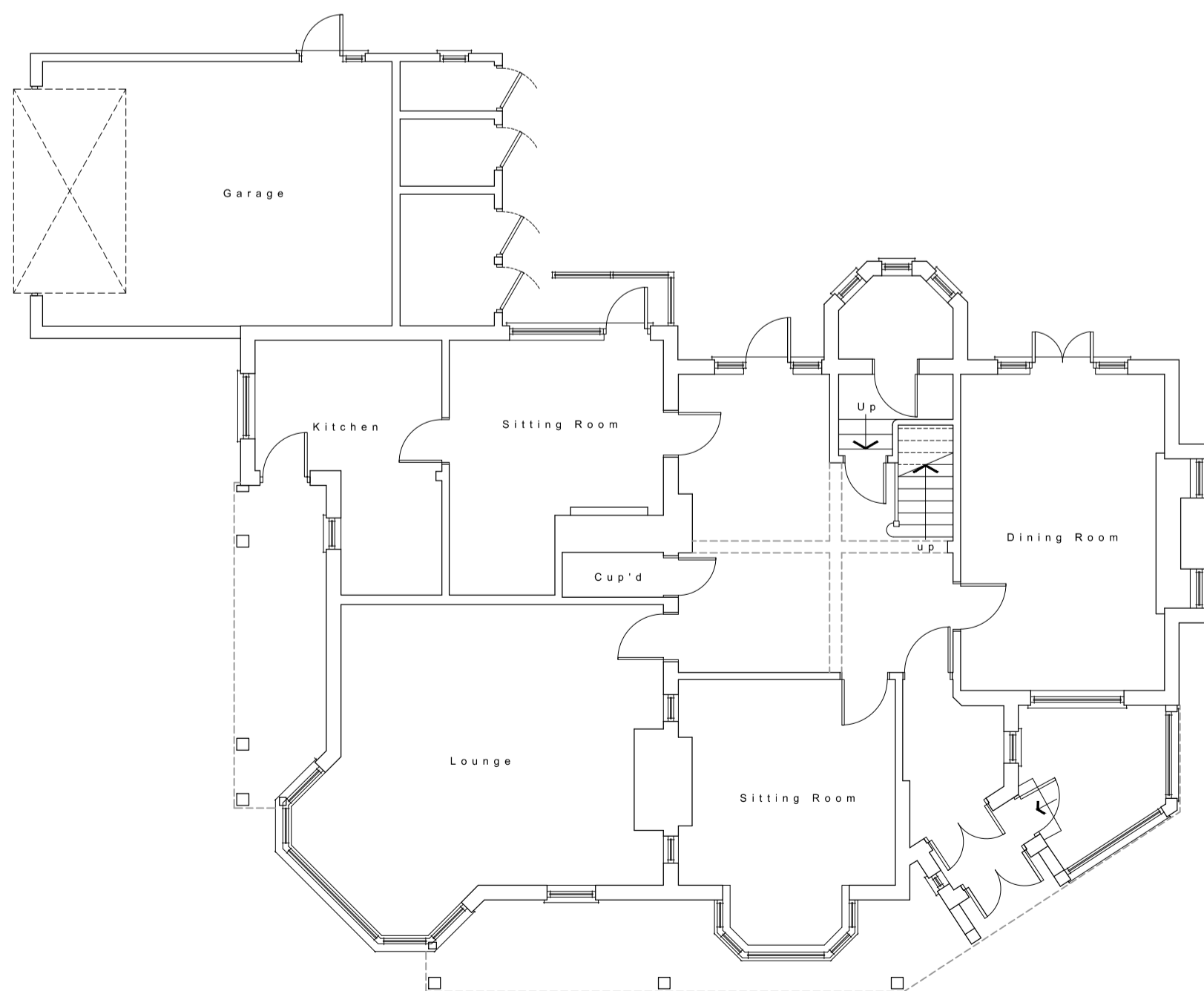
EXISTING REAR ELEVATION



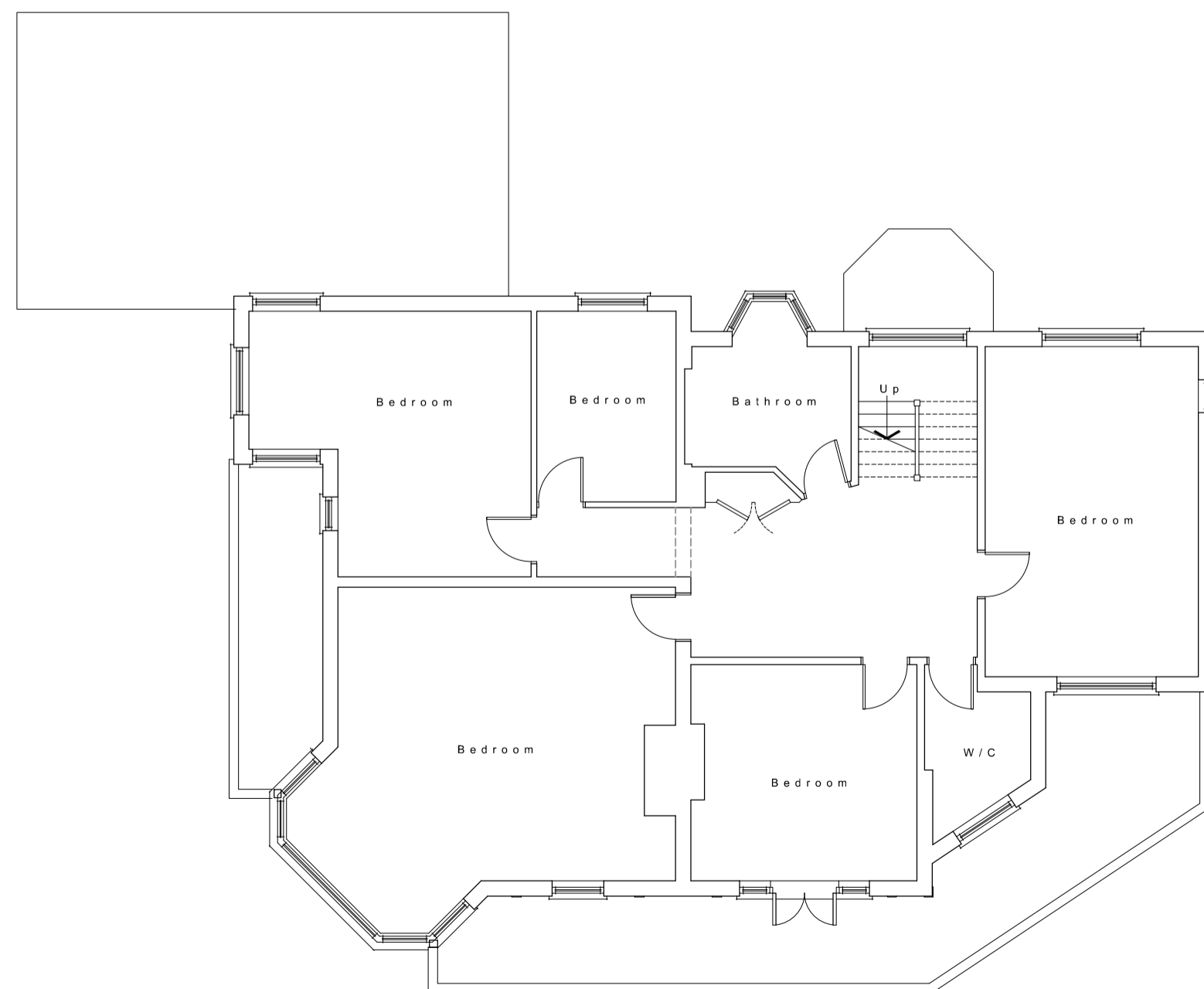
EXISTING SECTION



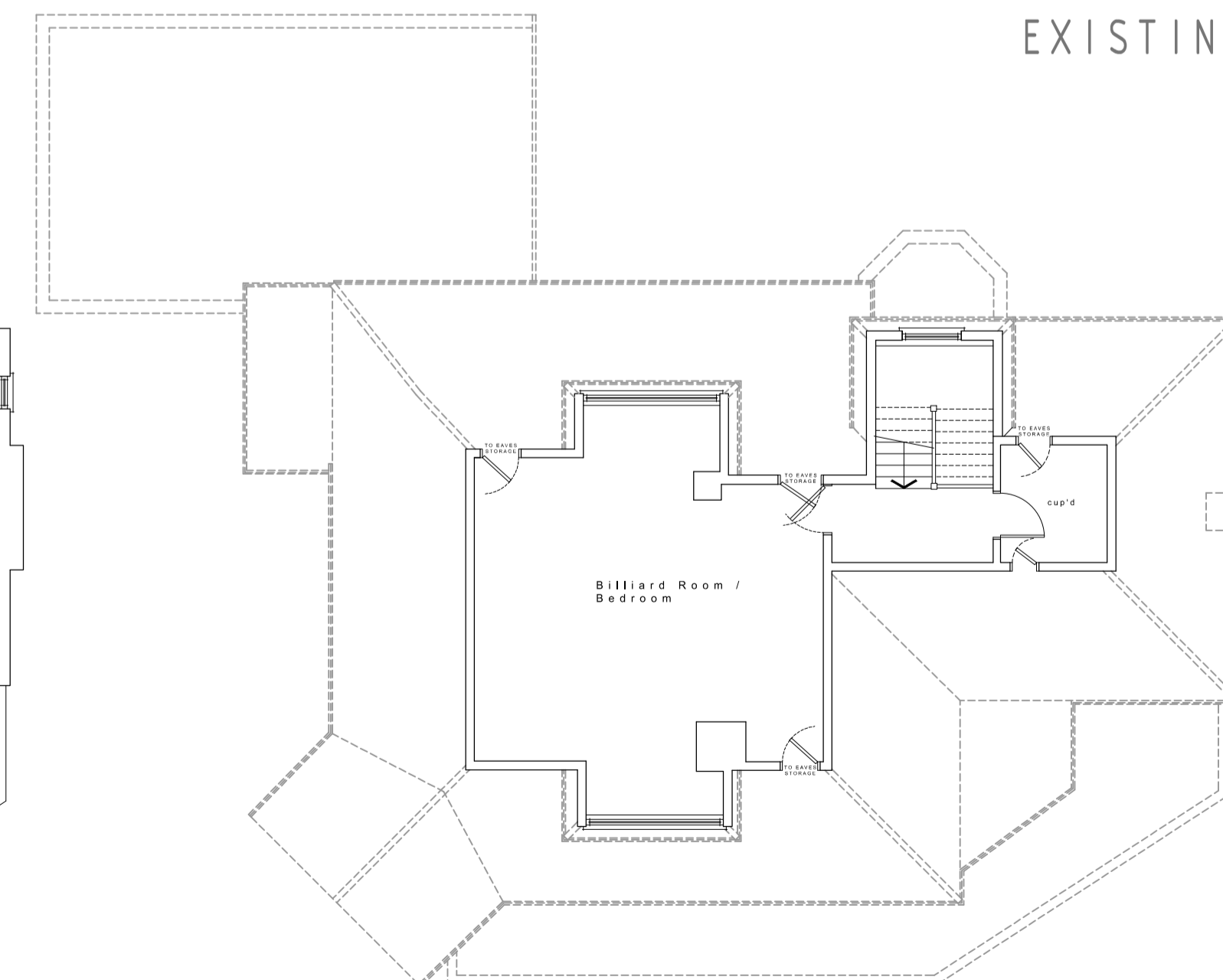
EXISTING ROOF PLAN



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN



Client:  
 P+PR Property Development Ltd  
 Location:  
 135 Marine Parade  
 Leigh on Sea  
 Essex  
 SS9 2RF

Project:  
 Demolish existing extremely dilapidated detached dwelling and construct Proposed Apartment Building  
 EXISTING DRAWING

Drawn: GF  
 Scale: 1:100  
 Drawing No: 21.102/01  
 Checked:  
 Date: January 2021  
 Rev:

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# 135 Marine Parade

# Site





# streetscene





# Site and Junction





# View from junction





# Site from Marine Parade



132



# Building line Marine Parade



# Side elevation and existing subservient garage facing Thames Drive





# Streetscene and building line Thames Drive to north



135



# Neighbour to east in Marine Parade from rear garden





# Neighbour in Thames Drive to north from garden





# Existing rear elevation



# 135 Marine Parade



# Site





# streetscene





# Site and Junction





# View from junction



143



# Site from Marine Parade





# Building line Marine Parade





# Side elevation and existing subservient garage facing Thames Drive





# Streetscene and building line Thames Drive to north



147



# Neighbour to east in Marine Parade from rear garden





# Neighbour in Thames Drive to north from garden





# Existing rear elevation







PROPOSED FRONT ELEVATION (showing immediate context)

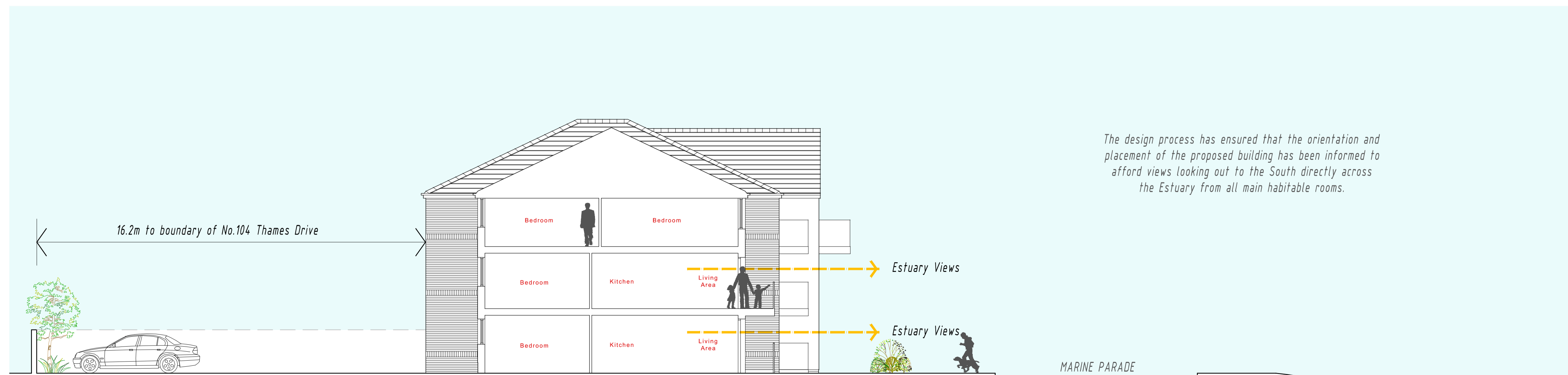


PROPOSED SIDE ELEVATION

PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION

Brick pinsth where indicated.



The design process has ensured that the orientation and placement of the proposed building has been informed to afford views looking out to the South directly across the Estuary from all main habitable rooms.

PROPOSED SITE SECTION

1:100 Scale Bar

Rev A: Revised to suit Local Authority Planning Officers reasons for refusal.

Client:  
P+PR Property Development Ltd

Location:  
135 Marine Parade  
Leigh on Sea  
Essex  
SS9 2RF

Project:  
Demolish existing extremely dilapidated detached dwelling and construct Proposed Apartment Building  
PROPOSED ELEVATIONS

Drawn: SRF  
Scale: 1:100  
Drawing No: 21.102/03

Checked:  
Date: June 2021  
Rev: B

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# PLANNING APPLICATION DRAWING

Parking bays to be positioned as shown along Northern boundary. These spaces have been located here because they have a natural buffer with the adjacent residential dwelling located on Thames Drive, as they mainly sit along side of No.104 Thames Drive's driveway + garage. To increase separation a soft landscaped buffer zone has been allowed for between the parking bays on the shared boundary.



Southern Boundary to have low level planting.

PROPOSED GROUND FLOOR PLAN 1:100

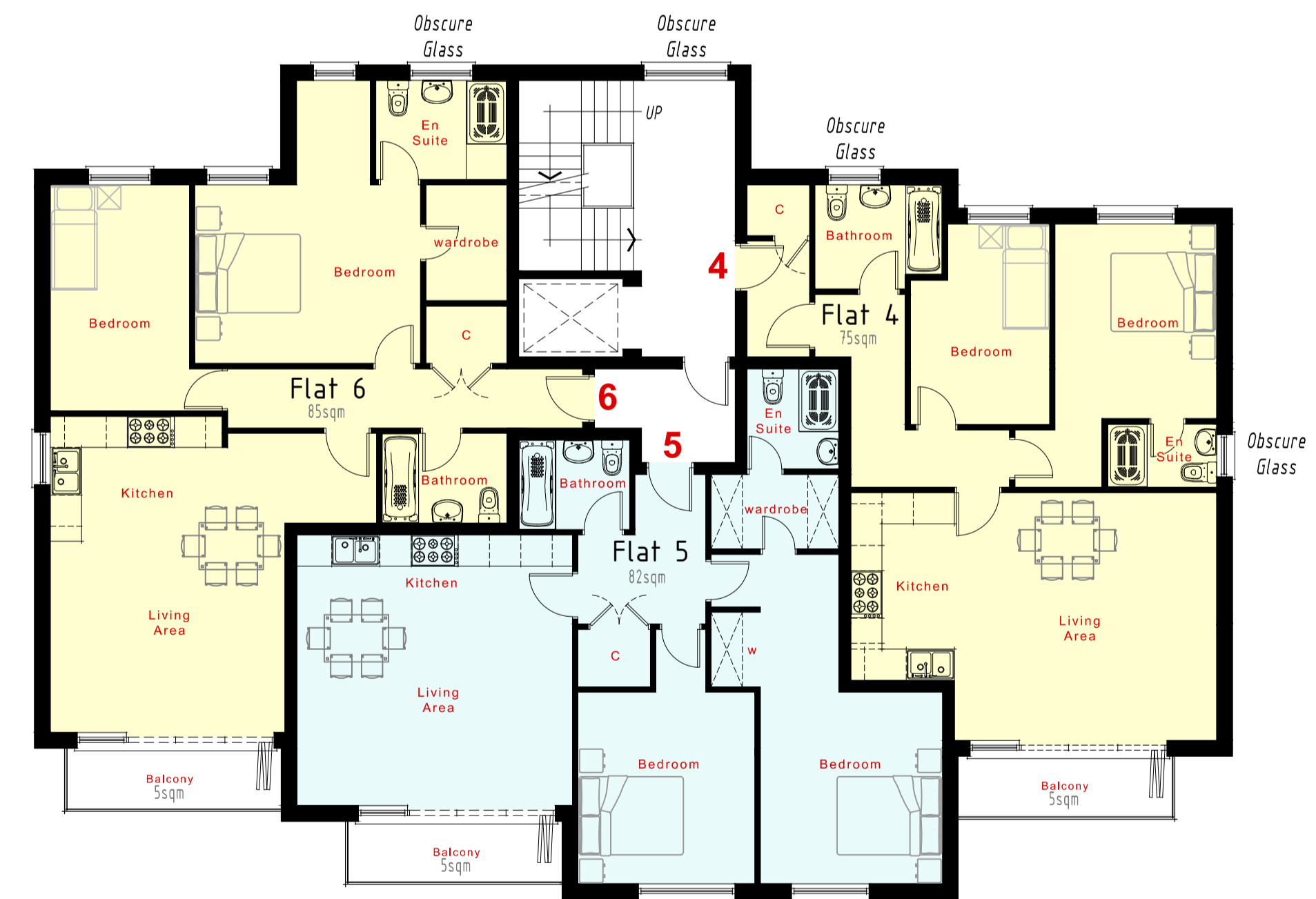


Suitable buffer zone between parking bays and boundary of 104 Thames Drive. To be planted with a mix of hedging.

45° courtyard splay taken from the worst case scenario of 134 Marine Parade. As can be seen, the proposed building does not encroach on this. In fact it is positioned to ensure more than sufficient clearance.



PROPOSED SECOND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100

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**Accommodation Mix**  
 6 x 2 Bedroom Apartments  
 1 x 3 Bedroom Apartment

- FLAT TYPE INFORMATION**
- 4 x 2 Bedroom (3 Person) Apartments
  - 2 x 2 Bedroom (4 Person) Apartments
  - 1 x 3 Bedroom Apartments

**IMPORTANT NOTE**  
 All apartments exceed the minimum standards as set out in the 'Technical housing standards - nationally described space standard'

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
	3p	61	70		
	4p	70	79		2.0
2b	4p	74	84	90	
	5p	86	93	99	2.5
	6p	95	102	108	
	7p	108	115	121	3.0
3b	5p	90	97	103	
	6p	99	106	112	
	7p	108	115	121	3.0
	8p	117	124	130	
4b	6p	103	110	116	
	7p	112	119	125	3.5
	8p	121	128	134	
	9p	116	123	129	
5b	7p	116	123	129	
	8p	125	132	138	4.0

Rev B: Revised to suit Local Authority Planning Officers reasons for refusal.

Client:  
 P+PR Property Development Ltd  
 Location:  
 135 Marine Parade  
 Leigh on Sea  
 Essex  
 SS9 2RF  
 Project:  
 Demolish existing extremely dilapidated detached dwelling and construct Proposed Apartment Building  
 PROPOSED FLOOR PLANS



Drawn: SRF  
 Scale: 1:100  
 Drawing No: 21.102/02  
 Checked:  
 Date: June 2021  
 Rev: B

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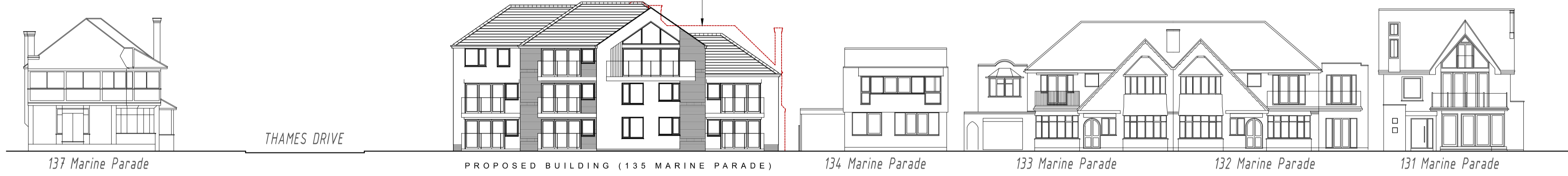
PLANNING APPLICATION DRAWING

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 Attention is drawn to the owner / builder to consult with neighbouring owners before any work is carried out with regard to the Party Wall Act 1996.  
 IMPORTANT NOTE: Works to be fully consistent with the CDM 2015 Regulations.  
 Do not scale from this drawing - Use figured dimensions only (all levels & dimensions to be checked on site).



EXISTING STREET SCENE 1:200

Dashed red line indicates part of the profile of the existing dilapidated dwelling to highlight the reduction in mass on the front of the Eastern boundary.



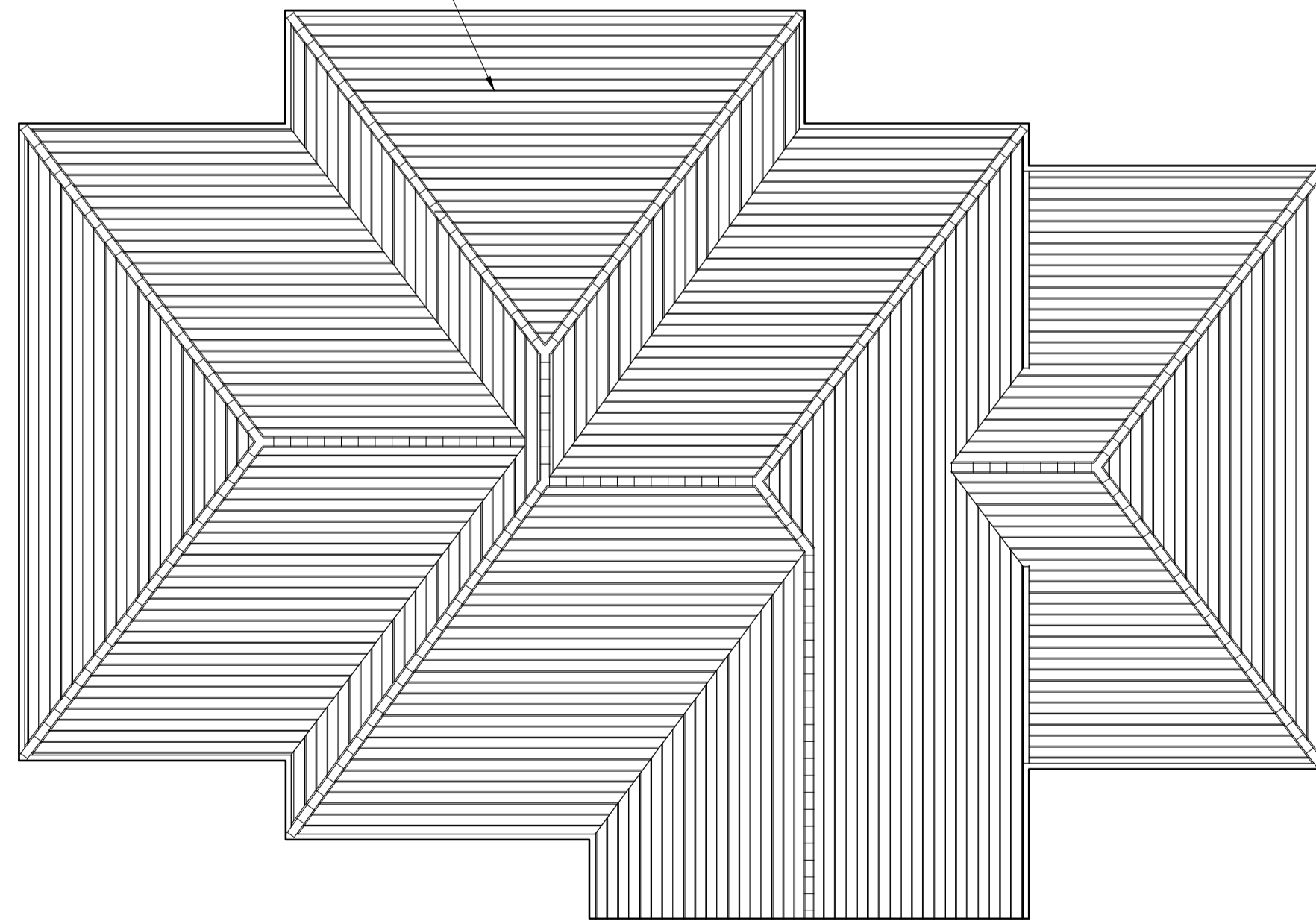
PROPOSED STREET SCENE 1:200



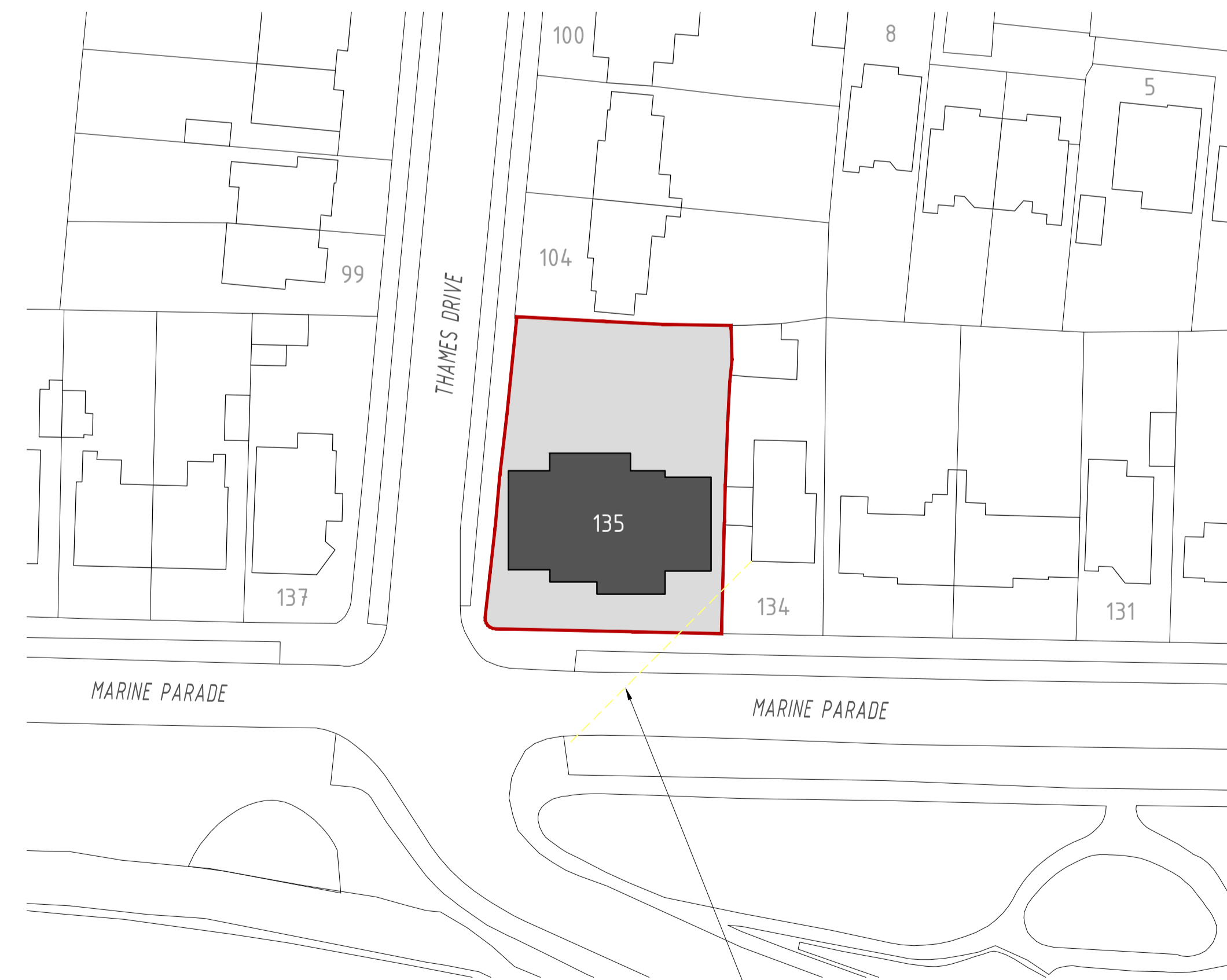
LOCATION PLAN 1:1250



Pitched roof to be finished using tiles to match surrounding properties.



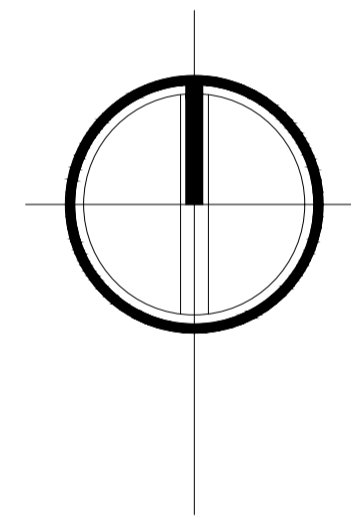
PROPOSED ROOF PLAN 1:100



BLOCK PLAN 1:500



45° courtesy splay taken from the worst case scenario of 134 Marine Parade.  
 As can be seen, the proposed building does not encroach on this. In fact it is positioned to ensure more than sufficient clearance.



Rev B: Revised to suit Local Authority Planning Officers reasons for refusal.

Client:  
 P+PR Property Development Ltd  
 Location:  
 135 Marine Parade  
 Leigh on Sea  
 Essex  
 SS9 2RF

Project:  
 Demolish existing extremely dilapidated detached dwelling and construct Proposed Apartment Building  
 ADDITIONAL INFORMATION

Drawn: SRF  
 Scale: various  
 Drawing No: 21.102/04  
 Checked:  
 Date: June 2021  
 Rev: B





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PROPOSED VIEW OF THAMES DRIVE ELEVATION

Client:  
P+PR Property Development Ltd  
Location:  
135 Marine Parade  
Leigh on Sea  
Essex  
SS9 2RF

Project:  
Demolish existing extremely dilapidated  
detached dwelling and construct  
Proposed Apartment Building  
THAMES DRIVE VIEW

Drawn:  
Date: JULY 2021  
Scale:  
Drawing No: 21.102/10

Checked:  
Date: JULY 2021  
Rev:

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PROPOSED VIEW OF MARINE PARADE ELEVATION

Client:  
P+PR Property Development Ltd

Location:  
135 Marine Parade  
Leigh on Sea  
Essex  
SS9 2RF

Project:  
Demolish existing extremely dilapidated  
detached dwelling and construct  
Proposed Apartment Building  
MARINE PARADE VIEW

Drawn:  
Date: JULY 2021

Checked:  
Rev:

Drawing No:  
21.102/10

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<b>Reference:</b>	21/01341/FUL	<b>8</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Convert lower ground floor and ground floor self-contained flat and storage to 2no. self-contained flats, install access steps to lower ground floor to front	
<b>Address:</b>	132 Southchurch Avenue Southend-on-Sea Essex SS1 2RP	
<b>Applicant:</b>	Sehernaz Gungor	
<b>Agent:</b>	Mr Ovunc Ozbaris	
<b>Consultation Expiry:</b>	19.08.2021	
<b>Expiry Date:</b>	08.10.2021	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>Location Plan; SA062021-BP; SA062021-01; SA062021-02; SA062021-03; SA062021-04R2; SA062021-05; SA062021-06; SA062021-G</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site contains a three-storey, mid-terrace property presently subdivided into two flats, with flat A's living accommodation spread over the ground and first floor and flat B's spread over the ground and lower ground floors. A storage area with an existing front window is noted to the lower ground floor level. No off-street parking is available at the application site.
- 1.2 The surrounding area is residential in character comprising other terraced dwellings of similar size, scale and design, some of which have been subdivided into flats, as well as larger flatted blocks to the north and south. This includes No's 130 and 134 Southchurch Avenue (either side of the application dwelling) where access to basement accommodation is provided by way of stairs leading from the front gardens.
- 1.3 The site is not subject of any site-specific planning policies.

## **2 The Proposal**

- 2.1 The proposal seeks to convert the lower ground floor and ground floor self-contained flat and storage area comprising flat B, to 2no. self-contained flats, and to install access steps to the newly formed lower ground unit from the front garden. This would involve a degree of excavation works to be undertaken as the front garden is presently hard surfaced. Other alterations include the provision of a front door to the lower ground front access and the provision of windows to either side of the newly formed front door.
- 2.2 The submitted plans show that the newly formed flat at ground floor would be a 1-bedroom, 1-person unit with an internal floor area of 39sqm.
- 2.3 The lower ground floor flat would be a 1-bedroom, 2-person unit with its bedroom area some 17sqm in internal floor area. The total internal floor area of the lower ground floor flat would be some 64sqm.
- 2.4 The lower ground floor flat would have a private amenity area approx. 16sqm. There would be no private amenity space for the ground floor flat.
- 2.5 No off-street parking is proposed.
- 2.6 The application has been called into Development Control Committee by Cllr Dent.

## **3 Relevant Planning History**

- 3.1 None.

## **4 Representation Summary**

### **4.1 Public Consultation**

18 neighbouring properties were notified and a site notice was posted. 2 letters of representation have been received which make the following summarised comments:

- Additional flat will exacerbate parking problems.
- The road is very transient with a lot of houses converted to flats. The upkeep and maintenance of the flats by landlords/management companies is poor.

- Proposal will devalue properties

**[Officer Comment]** All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and have been taken into account in the assessment of the application. The objections raised are not found to justify refusing planning permission in the circumstances of this case.

#### 4.2 **Environmental Health**

No objection.

#### 4.3 **Highways**

There are no highway objections to this proposal. Whilst no car parking has been provided for the dwellings the site is in a sustainable location with regard to public transport and cycle links.

The applicant should provide secure cycle parking for the development which should be conditioned.

It should be noted that future occupiers will not be eligible for a town centre or residential parking permit due to the lack of parking with the development.

### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021).

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); CP1 (Employment Generating Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards), DM13 (Shopping Frontage Management outside the Town Centre) and Policy DM15 (Sustainable Transport Management).

5.4 Design & Townscape Guide (2009).

5.5 CIL Charging Schedule (2015).

5.6 Technical Housing Standards (2015).

5.7 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

### **6 Planning Considerations**

6.1 The main considerations for this application are the principle of the development, design and impact on the character and appearance of the area, traffic and transportation, impact on residential amenity, future living conditions of occupants, CIL and RAMS.

### **7 Appraisal**

#### **Principle of Development**

- 7.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land in particular previously developed land.
- 7.2 Policies KP1, KP2 and CP4 of the Core Strategy (2007) seek to promote sustainable development, including directing the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.3 Policy CP8 requires that development proposals contribute to local housing needs. It identifies housing targets for Southend and requires the provision of not less than 80% of residential development on previously developed land.
- 7.4 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.
- 7.5 Para 80 of the Design & Townscape Guide ('the Guide') states that proposed accommodation mixes should reflect the local character.
- 7.6 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.7 While the proposal would not result in any dwellings suitable for families, the provision of additional housing carries significant weight, particularly in light of the application of the tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the Borough.
- 7.8 For this reason, no objection is raised to the principle of subdivision to create an additional lower-level occupancy unit subject to accordance with other material planning considerations, including character, residential amenity, standard of accommodation and highways impacts which are assessed below.

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

- 7.9 Paragraph 126 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".
- 7.10 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.



- 7.11 Policy DM1 seeks development that adds to the overall quality of the area and respects the character of the site, its local context and surroundings in terms of its architectural approach.
- 7.12 Policy DM3 seeks development that responds positively to local context. It also states that alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area.
- 7.13 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*”.
- 7.14 To facilitate the proposed subdivision works, access steps to the newly formed lower ground unit are proposed to be installed from the front garden. As the front garden is presently hard surfaced, this which would require a degree of excavation works to be undertaken. Other alterations to the front of the property include the provision of a front door to the lower ground as well as the provision of windows to either side of the newly formed front door. Submitted plans show that the windows would match existing windows to the front elevation of the application dwelling.
- 7.15 Having regard to comparable forms of development within the terrace (at No’s 130 and 134 Southchurch Avenue) and noting that the works would be partly set at a lower level, thereby reducing their visual impact in the streetscene, it is considered that the design, size, siting and scale of the development proposed is acceptable, and would not result in any significant harm to the character and appearance of the site, the terrace or the area more widely.
- 7.16 The other works associated with the subdivision of the property are internal and have no material external design or character impacts.
- 7.17 The proposal is therefore considered acceptable and policy-compliant in the above regards.

### **Impact on Residential Amenity**

- 7.18 Paragraph 130 of the National Planning Policy Framework seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.19 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.
- 7.20 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*”.
- 7.21 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*”.
- 7.22 The external alterations proposed, on account of their limited scope and position within

the front garden, are not considered to detrimentally impact the receipt of light or outlook for any neighbouring properties. In addition, the new openings to the front at lower ground level are such that the proposal is not considered to result in any overlooking or loss of privacy concerns.

- 7.23 Having regard both to the size of the existing unit (2bed 4 person) and the limited size of the proposed units (1 bed 1 person and 1 bed 2 person), it is not considered that potential noise and disturbance from occupants and visitors would give rise to materially elevated levels of activity over and above the existing use such as to create material harm for surrounding properties. The provision of adequate insulation between the new residential units and the existing residential units either side would be a matter to be addressed under Building Regulations.
- 7.24 On this basis, it is considered that the development is acceptable and policy compliant in the above regards.

### **Standard of Accommodation**

- 7.25 The National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government and which are set out below.
- 7.26 The proposed ground floor 'studio' flat would be capable of providing accommodation for single occupancy only, given the studio style layout of the proposed unit. The submitted plans show that the internal floorspace of the proposed studio flat would be some 39 sqm which accords with the technical housing standards (1b 1p flat) and would provide acceptable living conditions for future occupiers.
- 7.27 The submitted plans show that the lower ground floor would be capable of accommodating 2 persons on account of the size of the bedroom area (some 17sqm). The submitted plans show that the internal floorspace of the lower ground floor unit would be some 64sqm.
- 7.28 The technical housing standards state that the minimum property size for residential units shall be as follow:
- Minimum property size for a 1 bedroom, 1 person flat over 1 storey is 39 square metres. A 1-bedroom, 2-person flat over one storey is 50sqm.
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sq.m for a single bedroom with a minimum width of 2.15m and 11.5 sq.m. for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
  - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- 7.29 Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.
- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided

for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.

-Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

-Storage: Suitable, safe cycle storage with convenient access to the street frontage.

-Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development and suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

7.30 The floor area of the proposed units meets the adopted space standard requirements. It is also considered that the flats would have satisfactory outlook and daylight levels and means of access, including the new stairwell access proposed to the front garden. Storage has also been accommodated within both flats that accords with the requirements outlined above.

7.31 A private amenity area has been retained for exclusive use by the occupants of the lower ground unit (approx.16sqm). The ground floor 'studio' unit would not have any external amenity space which is a less positive aspect of the scheme. Having due regard to the type of accommodation proposed in this instance, together with the urban characteristics of the area and the proximity to the seafront area, on balance, no objection is raised to the proposal on this basis.

7.32 Facilities for refuse storage are not shown on submitted plans. There is provision available for the siting of such a store in the rear private amenity area for the lower ground floor flat for an external store and final details could be secured via condition. No such rear external amenity area exists for the ground floor flat such that the only area available is the front garden. Whilst a less positive aspect of the scheme, due regard is had to the limited size of the unit (single person occupancy) such that the amount of refuse produced is likely to be modest following weekly collection. In addition, it is considered scope remains within the front garden for the presence of a discretely designed refuse store, details and the location of which can be secured via condition.

7.33 In summary, it is considered that, subject to conditions, the proposed new units offer a suitable standard of amenity for future occupiers. The proposal is therefore acceptable and policy compliant in this regard.

### **Traffic and Transportation Issues**

7.34 Policy DM15 of the Development Management Document requires at least one parking space per flat but states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

This is considered to be a sustainable location where such relaxation is justified.

- 7.35 Highways do not object. Details of secured cycle storage for the occupants of the flats and their location can be secured via condition.
- 7.36 It is considered on this basis that the proposal would be acceptable and policy compliant on highways and parking grounds.

### **Energy and Water Sustainability**

- 7.37 Policy KP2 of the Core Strategy states; “All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources” and that “at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 7.38 No information has been submitted in relation to the provision of renewables on site. However, given that the proposal relates to the conversion of an existing building, it is not considered reasonable to require the proposal to accord with these standards in this instance.
- 7.39 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings and appliances and. Whilst limited details have been submitted for consideration at this time, this can be dealt with by a condition.

### **Recreational disturbance Avoidance Mitigation Strategy (RAMS).**

- 7.40 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 7.41 Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The adopted RAMS Supplementary Planning Document (SPD), (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 completed and the proposal is considered to be acceptable and policy compliant in this regard.

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

- 7.42 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.



## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposal 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 the character and appearance of the application site, street scene and the locality more widely. There would be no adverse traffic, parking or highways impacts. Living standards for future occupiers are satisfactory. 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. In this case no harm which would outweigh the benefits of the scheme have been identified. This application is recommended for approval subject to conditions.

## **9 Recommendation**

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

- 01 The development hereby permitted shall begin no later than three years from the date of 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; SA062021-BP; SA062021-01; SA062021-02; SA062021-03; SA062021-04 R2; SA062021-05; SA062021-06; SA062021-G**

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

- 03 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.**

**Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice**

contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 04** Prior to the first occupation of the development hereby approved, full details of external refuse, recycling and secure, covered bicycle storage facilities belonging to the ground floor and lower ground flats shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby approved those facilities shall be provided and made available for use at the site in accordance with the approved details and retained for the lifetime of the development.

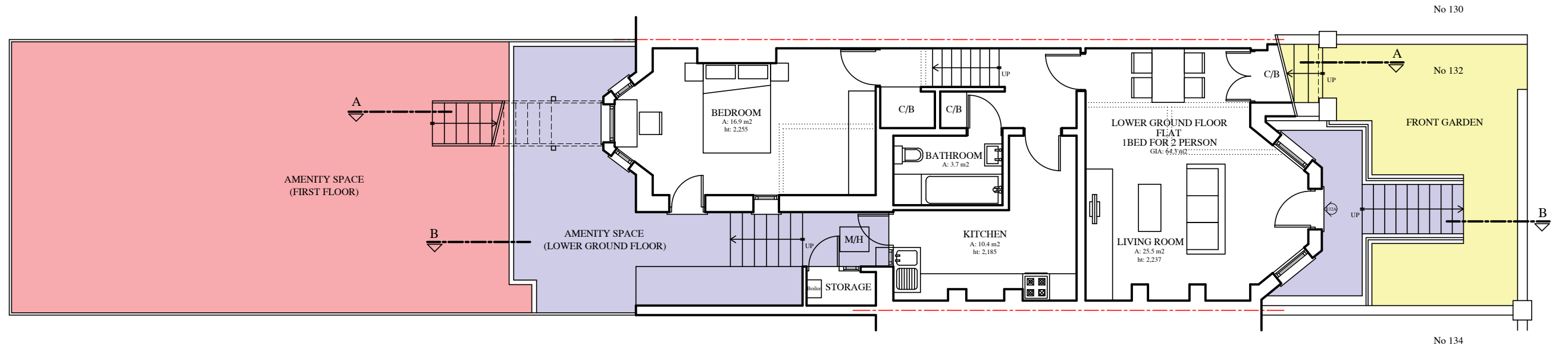
**Reason:** In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

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

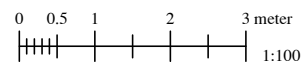
- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains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

- AMENITY SPACE FOR 132B
- AMENITY SPACE FOR 132A
- COMMUNAL AREA FOR 132, 132A & 132B



LOWER GROUND FLOOR PLAN

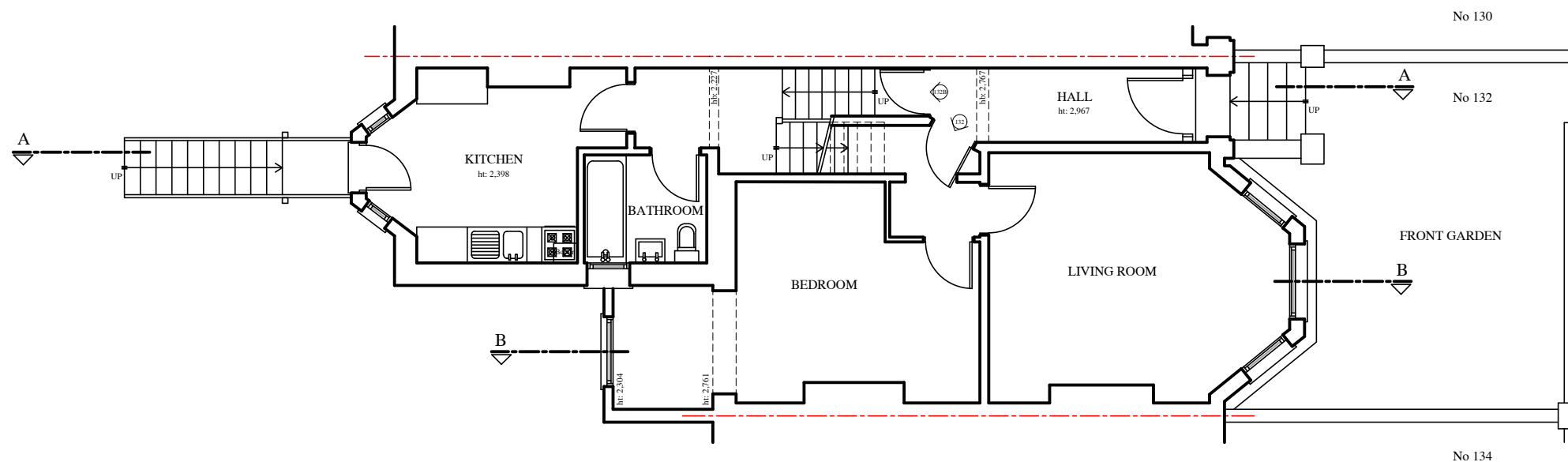
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	PROJECT ADDRESS 132 Southchurch Avenue Southend-on-Sea SS1 2RP	SCALE 1/100@A3 DRAWN BY O.O DRAWING NO. SA062021-G



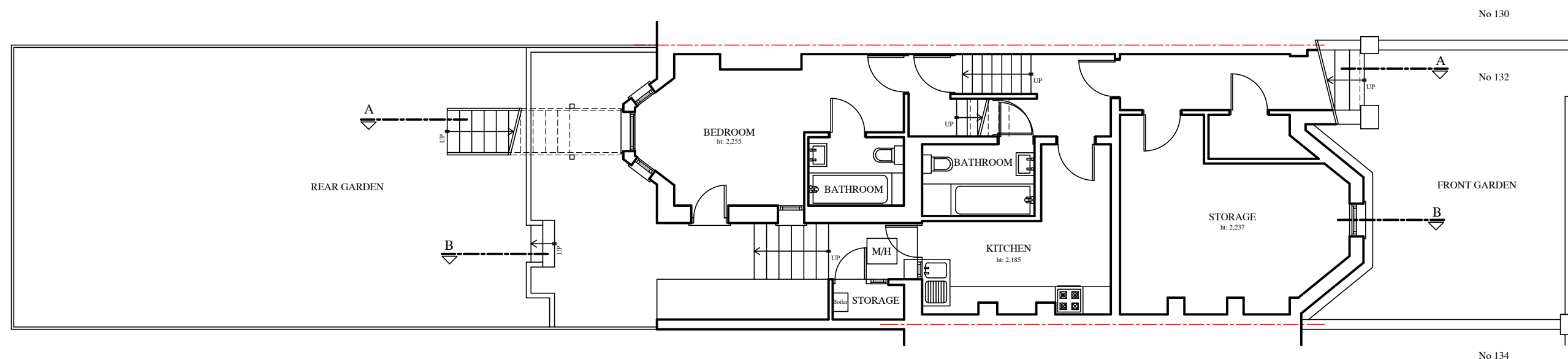
DATE June 2021

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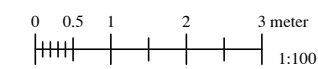
GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN

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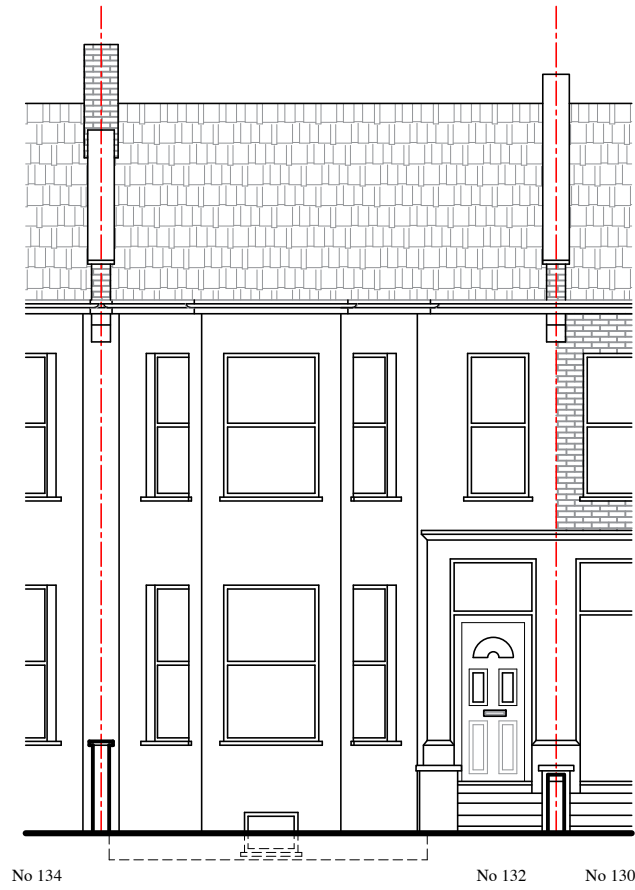
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	PROJECT ADDRESS <b>132 Southchurch Avenue Southend-on-Sea SS1 2RP</b>	SCALE <b>1/100@A3</b>
		DRAWN BY <b>O.O</b>
		DRAWING NO. <b>SA062021-01</b>



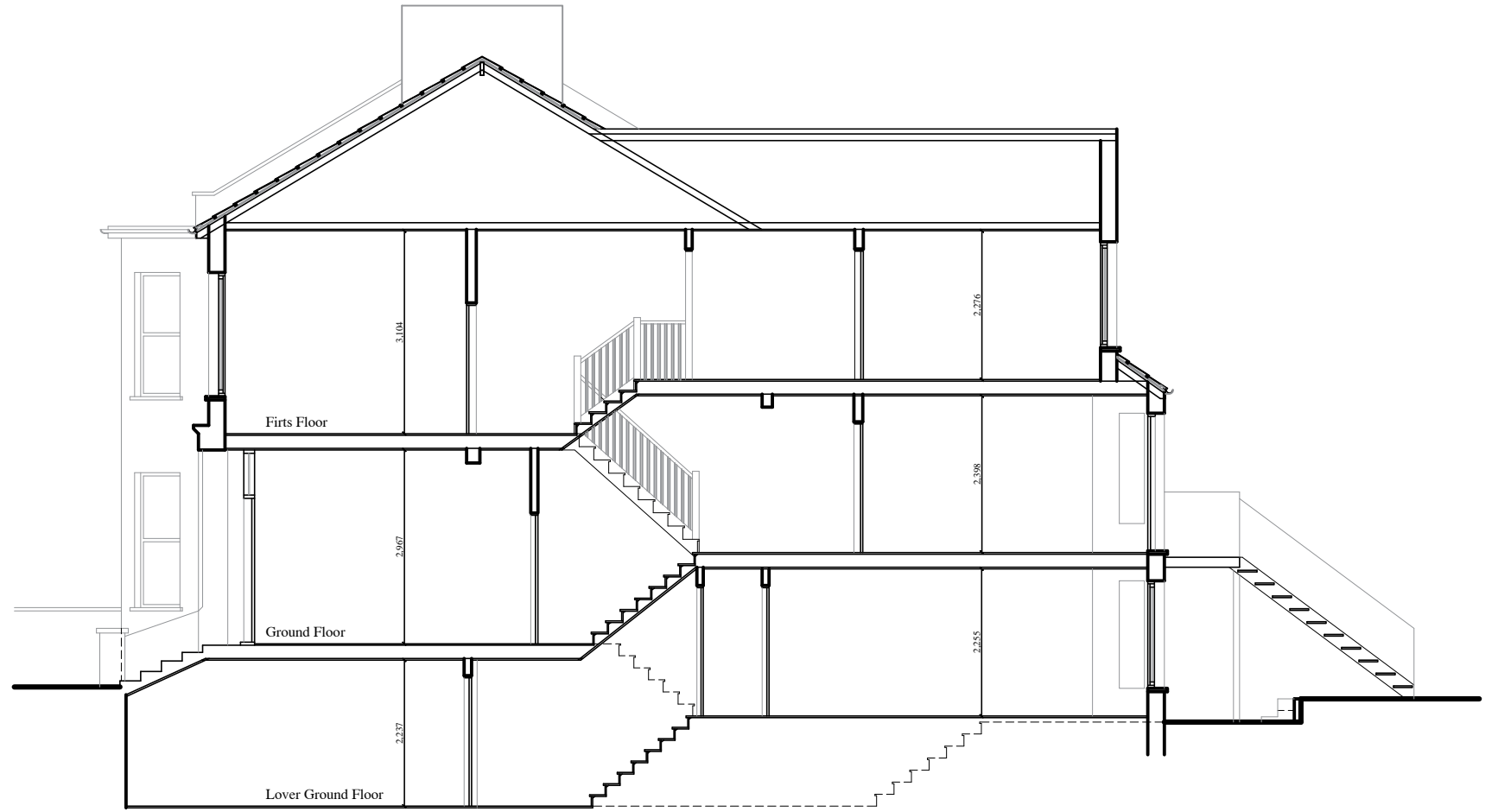
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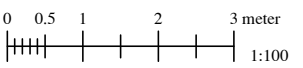


FRONT ELEVATION



SECTION A-A

CLIENT	PROJECT	DRAWING TITLE
S. Gungor	Flat Conversion	Front Elevation & Section A-A -as existing-
PROJECT ADDRESS	SCALE	DRAWN BY
132 Southchurch Avenue Southend-on-Sea SS1 2RP	1/100@A3	O.O
	DRAWING NO.	
	SA062021-02	



DATE June 2021

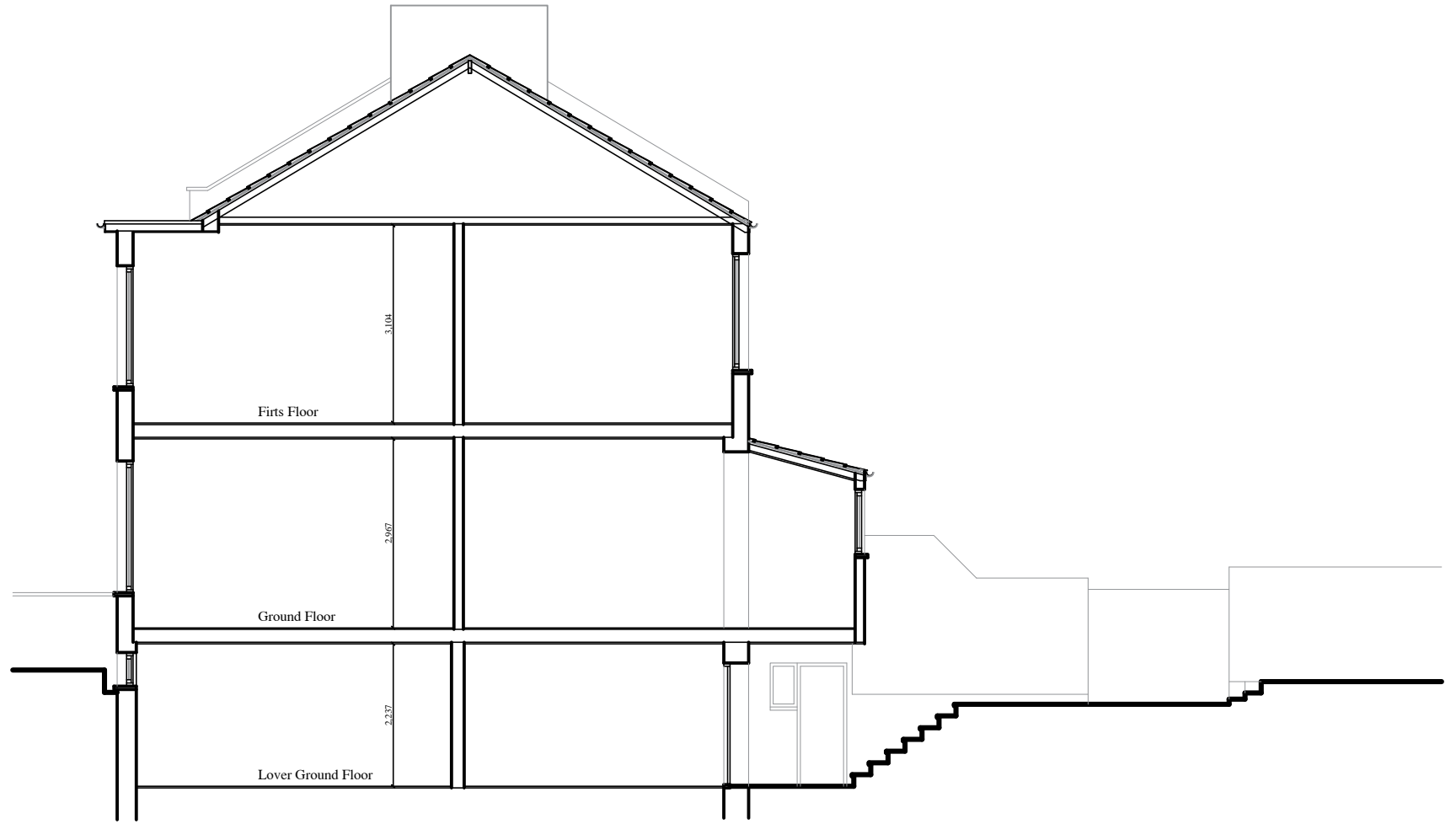
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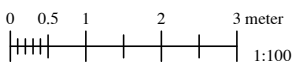


REAR ELEVATION



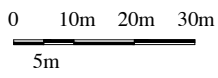
SECTION B-B

CLIENT	PROJECT	DRAWING TITLE
S. Gungor	Flat Conversion	Rear Elevation & Section B-B -as existing-
PROJECT ADDRESS	SCALE	DRAWN BY
132 Southchurch Avenue Southend-on-Sea SS1 2RP	1/100@A3	O.O
	DRAWING NO.	
	SA062021-03	



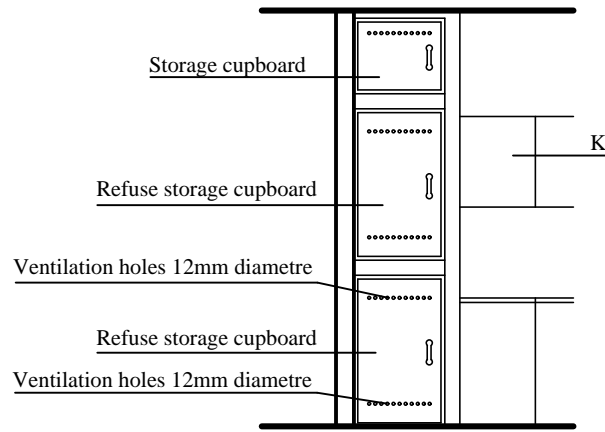
DATE June 2021

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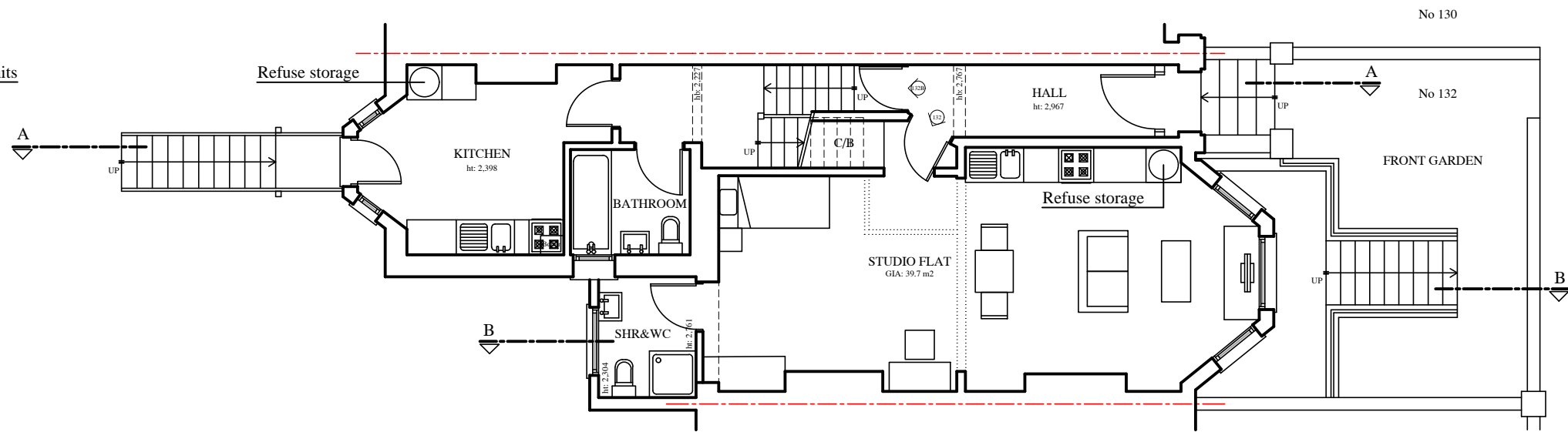


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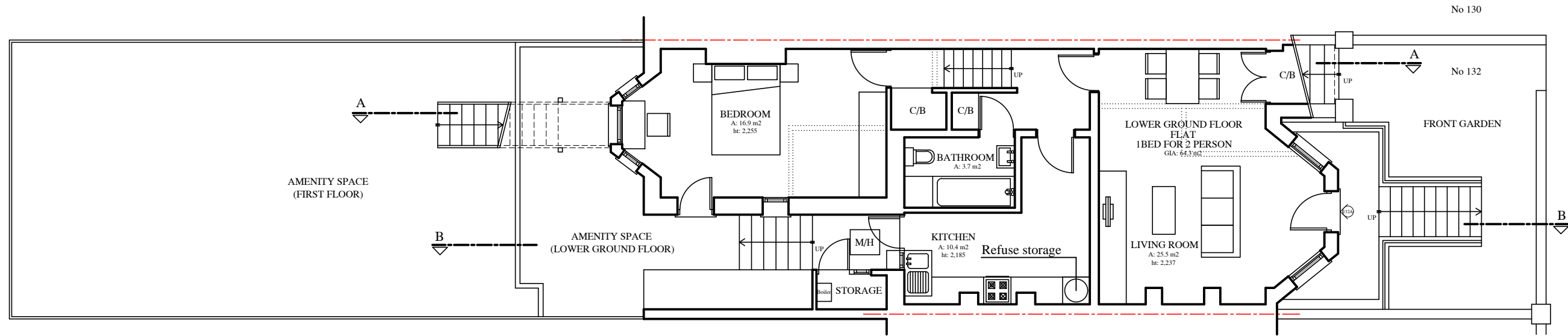
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**REFUSE-STORAGE DETAIL**



**GROUND FLOOR PLAN**



**LOWER GROUND FLOOR PLAN**

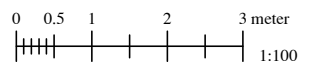
181

CLIENT <b>S. Gungor</b>	PROJECT <b>Flat Conversion</b>	DRAWING TITLE <b>Floor Plans -as proposed-</b>
PROJECT ADDRESS <b>132 Southchurch Avenue Southend-on-Sea SS1 2RP</b>	SCALE <b>1/100@A3</b>	DRAWN BY <b>O.O</b>
	DRAWING NO. <b>SA062021-04R2</b>	

**Residential Schedule of Areas-measured gross internal in m2**

Unit		GIA	Kitchen	Combined KIDL	Living	Bedroom	Bedroom2	Bedroom3	Bath/Shr	Store	Amenity Space
Flat 132	Studio	77.4		44.1		18			4	2	79.3
Flat 132A	1b2p	95	12.8		16.5	16.4	7.7	14	9.7	3	74.3

Rev. 1: Refuse storage within units  
Rev. 2: 1 single bed for the proposed studio flat

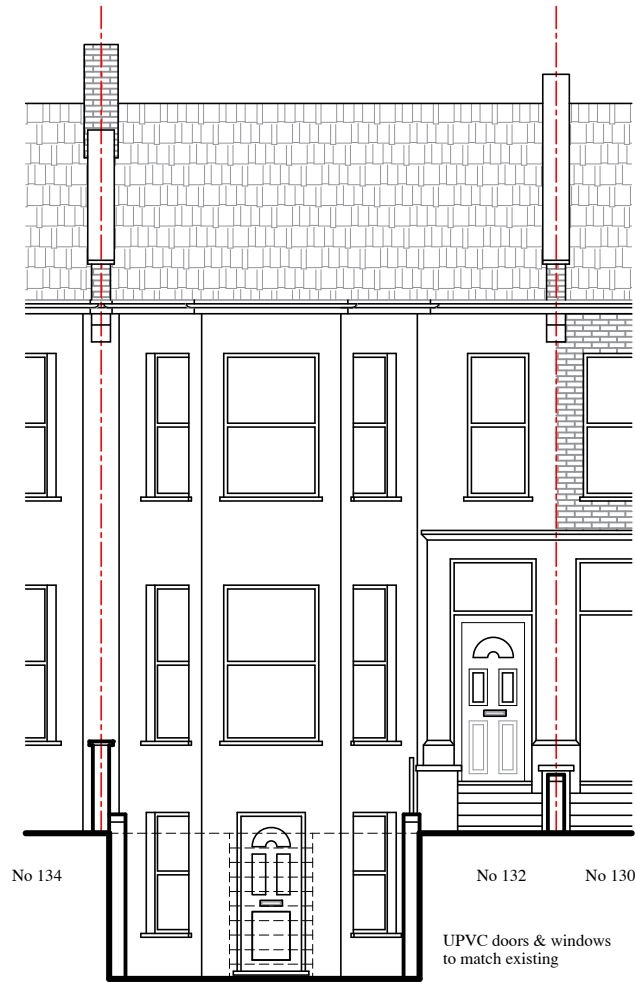


DATE **June 2021**

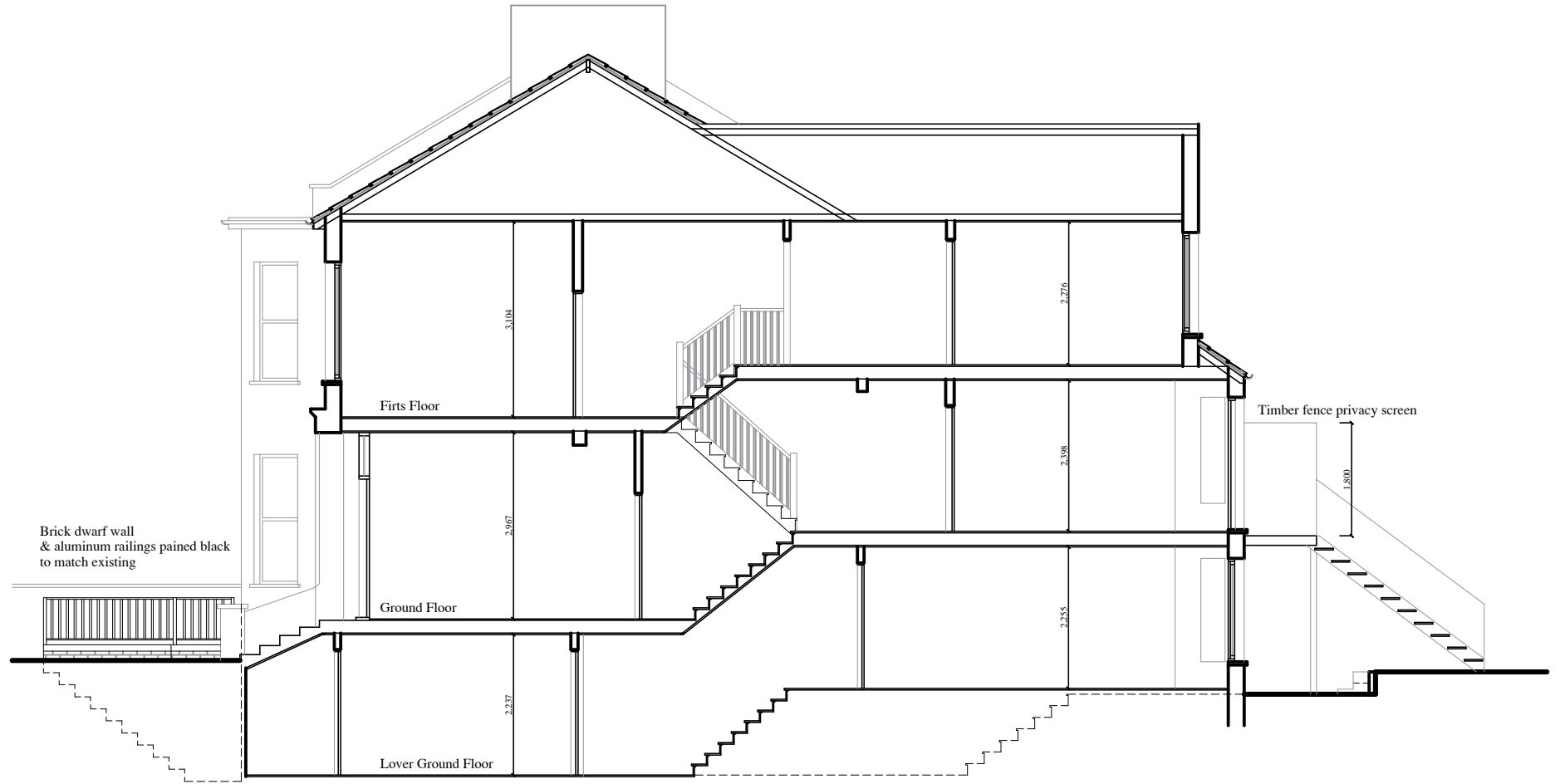


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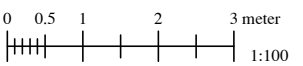


FRONT ELEVATION



SECTION A-A

CLIENT	PROJECT	DRAWING TITLE
S. Gungor	Flat Conversion	Front Elevation & Section A-A -as proposed-
PROJECT ADDRESS	SCALE	
132 Southchurch Avenue	1/100@A3	
Southend-on-Sea SS1 2RP	DRAWN BY	
	O.O	
	DRAWING NO.	
	SA062021-05	

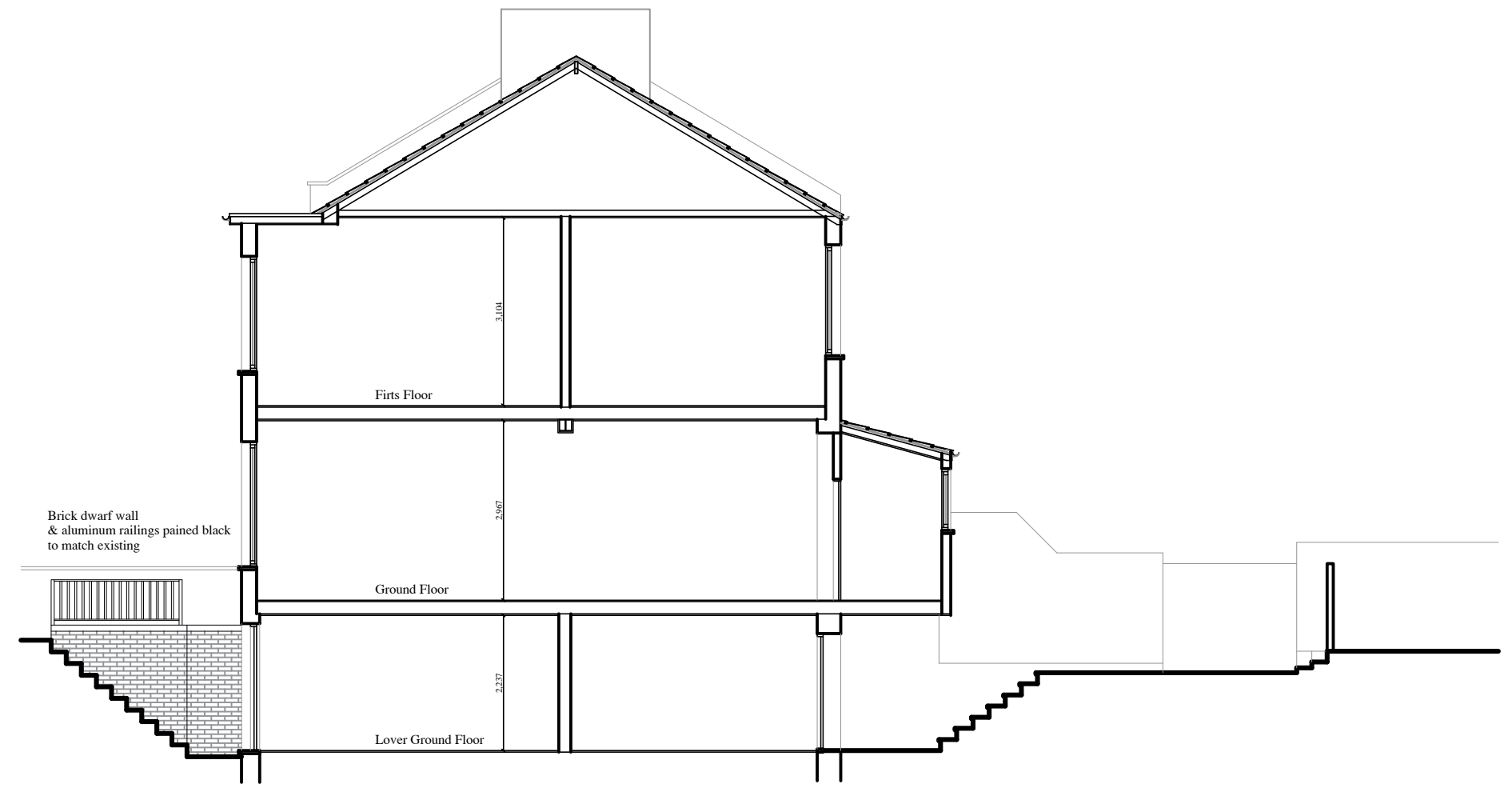


DATE June 2021

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REAR ELEVATION



SECTION B-B

CLIENT  
S. Gungor

PROJECT  
Flat Conversion

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PROJECT ADDRESS  
132 Southchurch Avenue  
Southend-on-Sea SS1 2RP

DRAWING TITLE  
Rear Elevation & Section B-B  
-as proposed-

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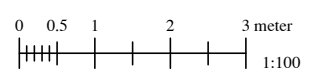
SCALE 1/100@A3

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DRAWN BY O.O

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DRAWING NO. SA062021-06



DATE June 2021

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132 Southchurch Avenue

Front elevation





Example of comparable arrangement at attached neighbour No.130







Example of comparable arrangement at attached neighbour No.134



Rear Elevation







Lower ground floor flats access to rear garden

132 Southchurch Avenue



Front elevation



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Example of comparable arrangement at attached neighbour No.130







Example of comparable arrangement at attached neighbour No.134



Rear Elevation

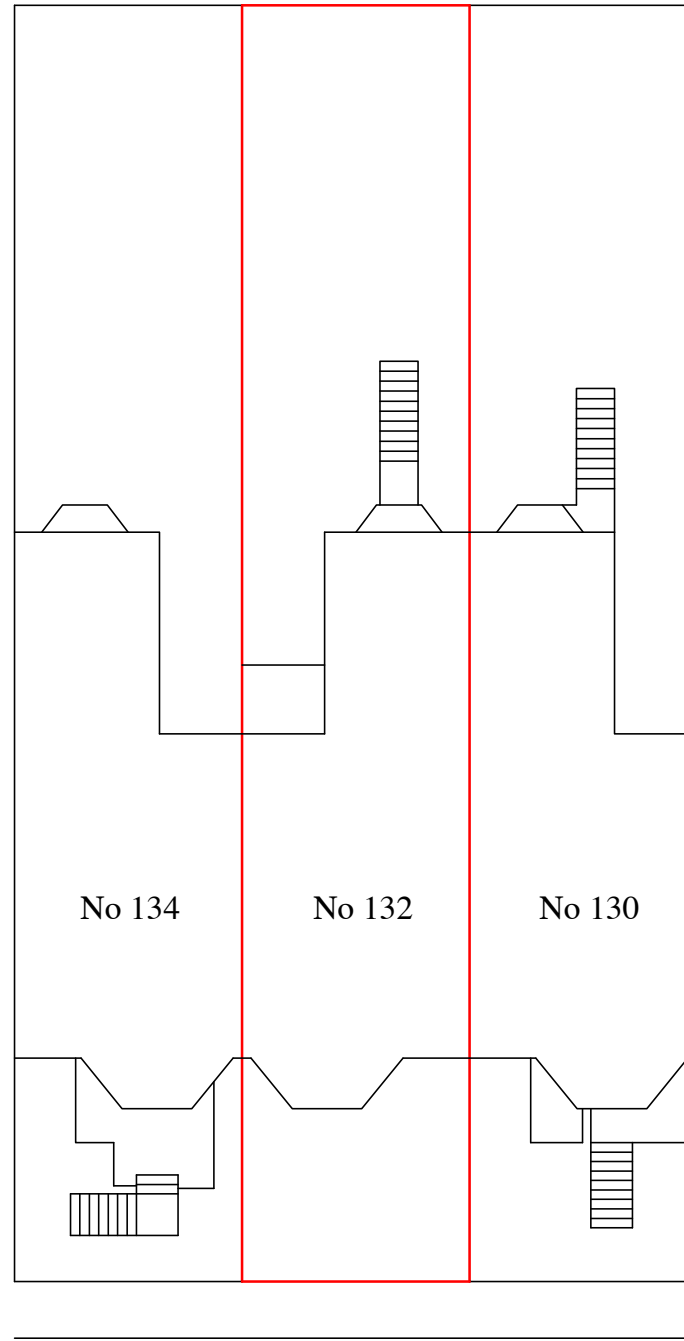




Lower ground floor flats access to rear garden

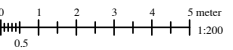


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SOUTHCHURCH AVENUE

CLIENT	PROJECT	DRAWING TITLE
S. Gungor	Flat Conversion	Block Plan
PROJECT ADDRESS	SCALE	1/200@A3
132 Southchurch Avenue	DRAWN BY	O.O
Southend-on-Sea SS1 2RP	DRAWING NO.	SA062021-BP



DATE June 2021



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<b>Reference:</b>	21/01370/FUL
<b>Application Type:</b>	FULL
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Demolish existing bungalow, erect two semi-detached dwellinghouses with dormers to rear, parking to front, install vehicular accesses onto Lord Roberts Avenue
<b>Address:</b>	58 Lord Roberts Avenue Leigh-on-sea Essex SS9 1NE
<b>Applicant:</b>	Mr Althasen
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	26 <sup>th</sup> September 2021
<b>Expiry Date:</b>	8 <sup>th</sup> October 2021
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	<b>668P101B, 668P102, 668P103A, 668P104A</b> <b>668P105 (3D views reference only)</b> <b>Arboricultural Impact Assessment reference TRUK0159 dated 6.7.21</b> <b>Supporting Statement reference 668-09-20</b>
<b>Recommendation:</b>	<b>Members are recommended to GRANT PLANNING PERMISSION</b>

9



## 1 Site and Surroundings

- 1.1 The site is located on the east side of Lord Roberts Avenue and currently contains a detached bungalow with a hipped roof. The wider streetscene is mixed in character including a variety of 2 storey houses most with a feature bay window or gable, well defined entrance and tall windows and a hipped or gabled roof. The properties are generally arranged in short terraces or semi-detached pairs but there are a few individual bungalows and chalets in amongst the houses. The properties are generally quite tightly spaced and set on a consistent building line behind a relatively narrow frontage some of which are used for parking. There are only a few street trees in the road so where they occur, including directly in front of the site, they are particularly important in the wider streetscene.
- 1.2 The area is residential in character 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 demolish the existing bungalow and erect pair of 4 bed semi-detached houses, layout parking to the front and construct 2 new vehicular crossovers to provide access to two off street parking spaces, one per property. The houses each have a garden to the rear.
- 2.2 The houses, which will contain accommodation at three levels with the uppermost in the roofspace with dormer type projections to the rear, each measure 5.6m wide. The main part of each dwelling would be 9.1m deep with reduced width projections to its front and rear resulting in a maximum depth of 13.9m at two storeys. This element has a gabled roof with an eaves height of 6.1m, a ridge height of 9m and a maximum height of 9.7m for the feature gable. An additional single storey projection is proposed to the rear which extends out 3.9m from the main rear building line and wraps around the two storey rear gable. This element has a height of 3.4m. The above detailed dimensions were amended during the course of the application process to reduce the impact of the original proposal on neighbouring

properties' amenity. Neighbours have been re-notified about this and also due to an adjustment to the proposal description clarifying that two new accesses are proposed.

- 2.3 The dwellings are proposed to be constructed of brick with brick and stone detailing, aluminium windows and a tiled roof.

### **3 Relevant Planning History**

- 3.1 20/01796/FULH - Erect single storey rear extension, porch to front and form roof extension, erect dormers to front and rear and alter elevations – granted

### **4 Representation Summary**

- 4.1 11 neighbouring properties were consulted and a site notice displayed. Letters of objection were received from 6 residents raising the following summarised issues:

- Over development and overcrowding.
- Harm to residential amenity
- Loss of bungalow - sets a precedent for further loss of bungalows, loss of accommodation for the elderly - impact on local demographics.
- Overlooking including from balcony.
- Noise and disturbance from building works and impact on home working.
- Loss of light and sunlight.
- Townhouses are out of character.
- Loss of on street parking.
- Rear building line too deep compared to neighbours.
- The proposal is closer than 6m to the next building.
- The rear projections at ground and first floor are past that of the neighbours.
- The houses are larger than existing properties in the street.
- Maximising profit.
- Failure to meet M4(2).
- Loss of trees to rear. It is good to see that the street tree is being retained.
- Concerns over site notice time period - not displayed until after closing date.
- Detrimental to neighbour amenity.
- The existing building is sound and should not be knocked down.

At the time of report preparation neighbours have been re-notified of changes to the extension depths plus a description clarification that two vehicle accesses are proposed. The Committee will be updated on any further representations received in light of this.

Officer Comment: The above 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. It is noted that a photo on the file confirms that an appropriate site notice was displayed on 29.7.2021.

## **Highways**

- 4.2 There are no highway objections to this proposal. 1 off street car parking space has been provided for each dwelling. This is considered acceptable considering the sustainable location of the site which has good public transport links in close proximity. As discussed with Parks on site it is not considered that the existing (street) tree will impede the vehicle crossovers.

## **Environmental Health**

- 4.3 No objections subject to conditions relating to construction management plan and waste management and informatives relating to hours of working and asbestos removal.

## **Parks**

- 4.4 The Arboricultural Impact Assessment addresses all the relevant points. It is noted the construction of the hard surfacing within the RPA of the T1 street tree is to be carried out under Arboricultural Supervision.

I have attended a site meeting regarding the construction and siting of the cross overs, they are outside of the RPA, or the incursion is so minimal there is no need for any trial hole in my opinion. Construction and tree protection should be carried out as outlined in the Arboricultural Impact Assessment and Tree Protection Plan.

In relation to the general landscaping at the rear it is noted that tree/other vegetation removal should take place outside of the bird nesting season and new soft landscaping should mitigate for the loss in biodiversity.

## **Essex Fire Service**

- 4.5 Access appears to be satisfactory and will be considered in more detail at the Building Regulations stage.
- 4.6 The application was called to Committee by Councillor Mulroney.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021) 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 (2021)
- 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; impact on street trees; CIL (Community Infrastructure Levy) and RAMS.

### **Appraisal**

## **7 Principle of Development**

### *Intensification of site*

- 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 124 states:

*124. 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 In relation to the intensification of sites Policy DM3 of the Development Management Document states that

*“1. 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 which provides two four bed family units. 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 limited quantum of housing, involving one net additional unit, would have limited effect on the overall supply of housing.

7.8 Lord Roberts Avenue has a mixed streetscene, including many semi-detached 2 storey houses. The neighbouring properties to this site are both two storey houses. The submitted streetscene demonstrates that the proposal is a similar scale and proportion and has maintained an appropriate separation to these existing dwellings. The scale of the proposal will therefore not appear out of place in this context. The principle of 2 dwellings on this site is therefore considered to be acceptable.

#### *Loss of Bungalow*

7.9 In relation to the loss of bungalows, Policy DM3 of the Development Management Document states that

*‘4. The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*  
*(i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*  
*(ii) Will not result in a net loss of housing accommodation suitable for the*

*needs of Southend's older residents having regard to the Building Regulation M4(2) Accessibility Standards.*

- 7.10 As noted above the proposed change in scale to a pair of semi-detached houses would have an acceptable impact on the streetscene in this location. The agent has also confirmed that the proposed dwellings are M4(2) compliant. The requirements of Policy DM3 are therefore met. It is also noted that the loss of the bungalow has previously been found acceptable under application reference 20/01796/FULH which sought to convert the existing bungalow into a much larger two storey dwelling.
- 7.11 The principle of the development is considered to be acceptable subject to the detailed considerations set out below.

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

- 7.12 Paragraph 126 of the NPPF states *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 7.13 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."*
- 7.14 The submitted plans demonstrate an acceptable relationship with the streetscene in terms of scale and plot width, roof form, pitch and height, general proportions, building line and spacing to neighbouring properties.
- 7.15 The detailed design does not replicate properties in the existing streetscene but it has sought to include key references to local character including an appropriately proportioned feature gable, tall windows, a strong entrance with open porch arrangement and elements of brick and cast stone decoration to enrich the frontage. Overall, it is considered that the proposal is well-proportioned and articulated and will sit comfortably in the mixed streetscene of Lord Roberts Avenue. Subject to conditions relating to materials, detailing of key elements and landscaping the proposal is acceptable and policy compliant in the above regards.

**Standard of Accommodation for Future Occupiers**

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

- 7.18 All new homes are required to meet the National Technical Housing Standards in

terms of overall floorspace and bedroom sizes.

- 7.19 The proposal provides 2 x 4 bed 6 person dwellings. The houses each measure 145 sqm which comfortably meets the National Technical Housing Standards requirements. The proposal is acceptable and policy compliant in this regard.

*Light, Privacy and Outlook*

- 7.20 The submitted floor plans 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*

- 7.21 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards.
- 7.22 The agent has confirmed that the properties are M4(2) complaint. This can be secured by condition. The proposal therefore acceptable and policy compliant in this regard.

*Amenity Provision*

- 7.23 Both dwellings have private gardens to the rear which measure some 53sqm and 60sqm respectively. This is similar to neighbouring housing and will provide adequate amenity space for residents and space for refuse and cycle storage. The proposal is accessible and policy compliant in this regard.
- 7.24 Overall, it is considered that the proposal will provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

**Impact on Residential Amenity**

- 7.25 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.
- 7.26 The development is set 3.2m from the flank of the neighbour to the north No 60 Lord Roberts Avenue and 1.6m from the flank of the neighbour to the south No 56. The proposed two storey central rear projection does not breach a notional 45 degree guideline projected from the corner of these neighbours. The proposed ground floor projection would extend 0.2m past the rear of No 60 and 4.8m past the rear of No 56 at a height of 3.4m. It is noted that the proposal creates a "well" configuration at rear of No 56 but the extent of the single storey projections has been reduced and the well will be modest in depth and relatively generous in width such that it is not considered that the proposal, as revised, would be excessive in depth, overbearing or create a harmful sense of enclosure for those neighbours. The proposal has 1 small window on each flank which relates to a bathroom. The



neighbouring dwellings either side have no side windows. The amended design is considered to have an acceptable impact on the amenities of properties in Lord Roberts Avenue to the north and south of the site subject to a condition requiring obscure glazing to the proposed first floor side windows.

- 7.27 The proposed two storey element is 10.1m from the rear boundary and 19.5m from the rear elevation of the nearest dwelling in Dundonald Drive. These distances increase to 13.8m and 23.1m respectively for the proposed dormer. These separation distances to the rear are sufficient to safeguard the amenities of properties in Dundonald Avenue in all relevant regards. No other properties' amenities are materially affected by this proposal.
- 7.28 The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts subject to a condition which removes permitted development rights so that the impact of any future extensions on neighbours can be fully assessed - see also paragraph 7.42 below.

### **Traffic and Transportation Issues and Trees**

- 7.29 Development Management Document Policy DM15 sets a minimum standard of 2 off street parking spaces for each dwelling. 2 forecourt parking spaces are proposed, 1 on the frontage of each house. This does not meet the minimum policy requirement but Policy DM15 states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context. This is considered to be a sustainable location where, on balance, such flexibility in approach is justified. Furthermore, the existing property has no off street parking so is deficient of the minimum policy standard by 2 spaces. Overall, the net gain in parking is therefore reasonable in relation to the policy requirement. The Council's Highways Officer agrees that this is a sustainable location and has raised no highways or parking objections.

#### *Impact on Trees*

- 7.30 The proposed new crossovers will be sited either side of the existing street tree. An arboricultural impact assessment has been submitted with the application which comments that the encroachment of the new vehicular crossings into the root protection area of the street tree are very minor (less than 1%) and any new surfacing will be constructed using minimal depth construction methods and permeable surfacing and carried out under Arboricultural Supervision. The report also includes details of tree protection fencing for this tree and trees which overhang the site at the rear. The Council's Arboricultural Officer has visited the site and agrees that the proposal is acceptable and will not cause material harm to the street tree and that the submitted tree protection measures are acceptable.
- 7.31 An apple tree within the rear of the site is proposed for removal to facilitate the development. This is a U (i.e. lowest – trees which should be removed for sound arboricultural reasons) category tree and this is therefore considered to be acceptable. Replacement soft landscaping can be secured by condition.
- 7.32 Subject to conditions relating to parking provision and tree protection, including the

implementation of the recommendations of the arboricultural impact assessment, the proposal is considered to be acceptable and policy compliant in terms of parking provision, access and trees.

#### *Cycle Parking and Refuse Storage*

- 7.33 Development Management Document Policy DM15 requires a new development to provide space for cycle and refuse storage. There is space for these to be accommodated in the rear amenity areas of the proposed dwellings. The proposal is therefore acceptable and policy compliant in this regard.

#### *Construction Management*

- 7.34 A construction management plan has been requested by Environmental Health. Given the constraints of the site including the street tree and parking in the area, this is considered to be reasonable and necessary. The agent has agreed to a pre-commencement condition in relation to this issue. The proposal is therefore acceptable and policy compliant in this regard.

#### **Sustainability including Sustainable Drainage**

- 7.35 Sustainable development is a key objective of the NPPF.
- 7.36 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.
- 7.37 No information has been provided in relation to on site renewables however for a scheme of this size this can be agreed by condition, as can the requirement for water efficient appliances.
- 7.38 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.
- 7.39 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regards to sustainable development and drainage.

#### **Ecology**

- 7.40 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)*

7.41 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 29<sup>th</sup> 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.

#### 7.42 Permitted Development

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 this case that permitted development rights should be controlled by condition so that the implications of future extensions on the character of the area and neighbours can be fully assessed. As noted above, it is also considered that permitted development in relation to the creation of hard surfacing should also be controlled to control any potential loss of landscaping or impact on the street tree to the front which is considered to be an important aspect of local character.

#### Community Infrastructure Levy (CIL)

7.43 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 145.1 sqm, which may equate to a CIL charge of approximately £11150.38 (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 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:**

**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 668P101B, 668P102, 668P103A, 668P104A.**

**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 including decorative elements, roof, windows and doors, fascia and soffits, 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 (2021) 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 above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the decorative elements of the front elevation including porch, brick decoration, reveals and eaves detailing 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 (2021) 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 windows in the north and south flank elevations 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 of the room they serve. 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 The roof of the single storey rear projection and any other are of flat roof hereby approved shall not be used as a balcony, roof garden or terrace unless express planning permission has previously been obtained. These roofs 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).**

**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) Existing and proposed finished site levels or contours.**
- ii) Details of means of enclosure, of the site including any gates or boundary walls and fencing.**
- iii) Hard surfacing materials.**
- iv) 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.**
- v) 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 the Arboricultural Report by Tree Radar UK Ltd reference TRUK0159 dated 06.07.21 and plan reference TRUK0159TPP (Tree Protection Plan) in relation to the trees identified as T1 and G4 in this statement, including the protective fencing and 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 2 car parking spaces and the associated new vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 668P104A 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 (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).**

**10 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the 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 (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).**

**11 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).**

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

**Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide.**

**13 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 (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).**

**14 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, E and F 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).**

**15 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).**

**16 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 protection of the street tree.**
- v) measures to control the emission of 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 or pollution of the 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](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).**

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

**03 It is recommended that prior to demolition of the existing building an appropriate Asbestos survey is undertaken. If asbestos is found then any asbestos-containing materials will need to be removed and safely disposed of in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.**

**04 If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If we become aware of any works that are highly likely to cause a nuisance we can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will**



**represent a criminal offence. The application form and guidance is available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.**

**05 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.**

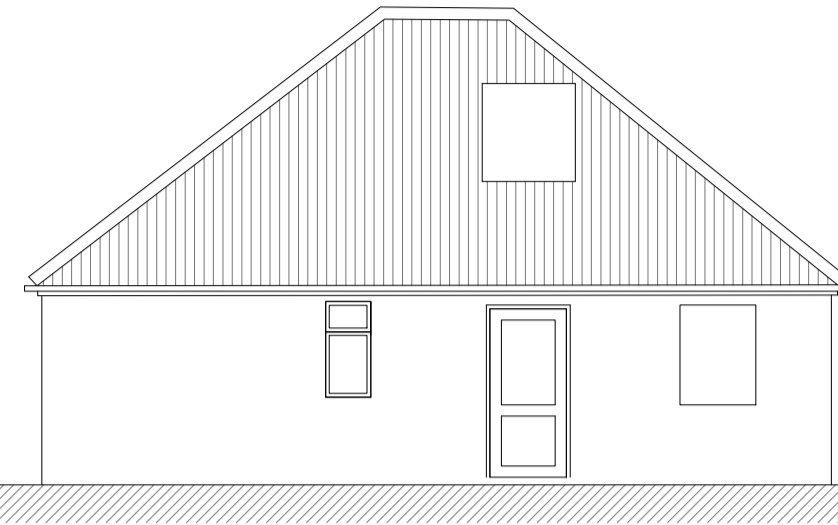
**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the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



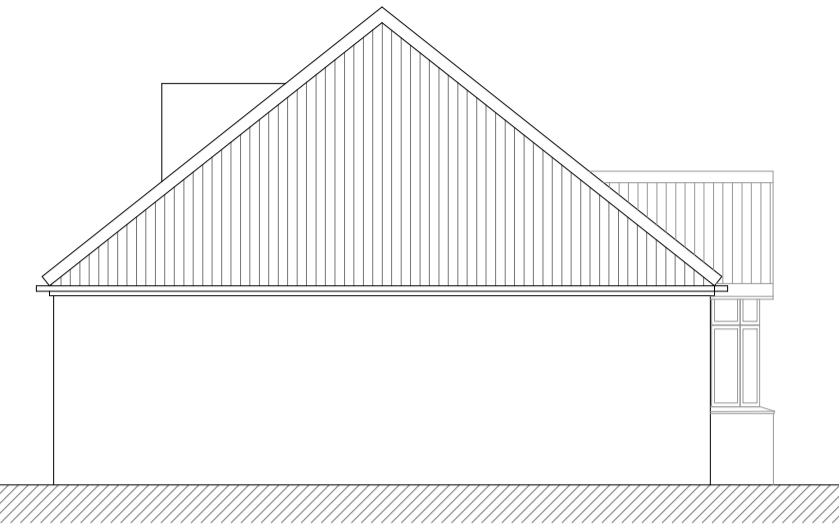
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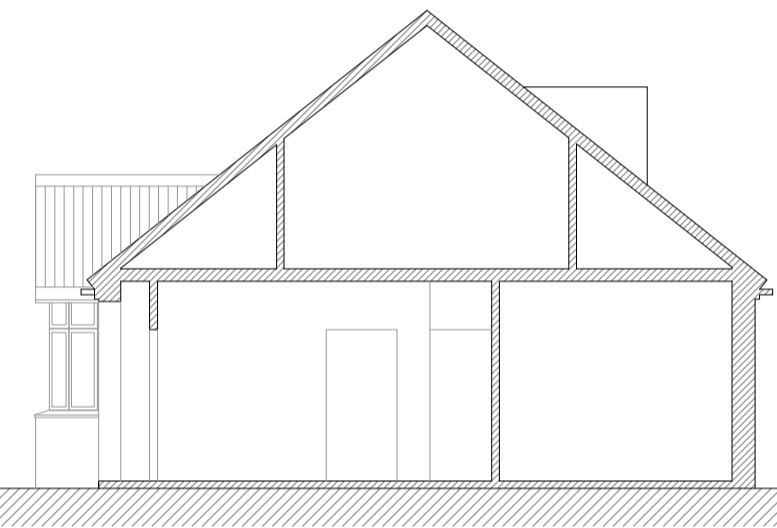
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Existing Rear Elevation 1:100  
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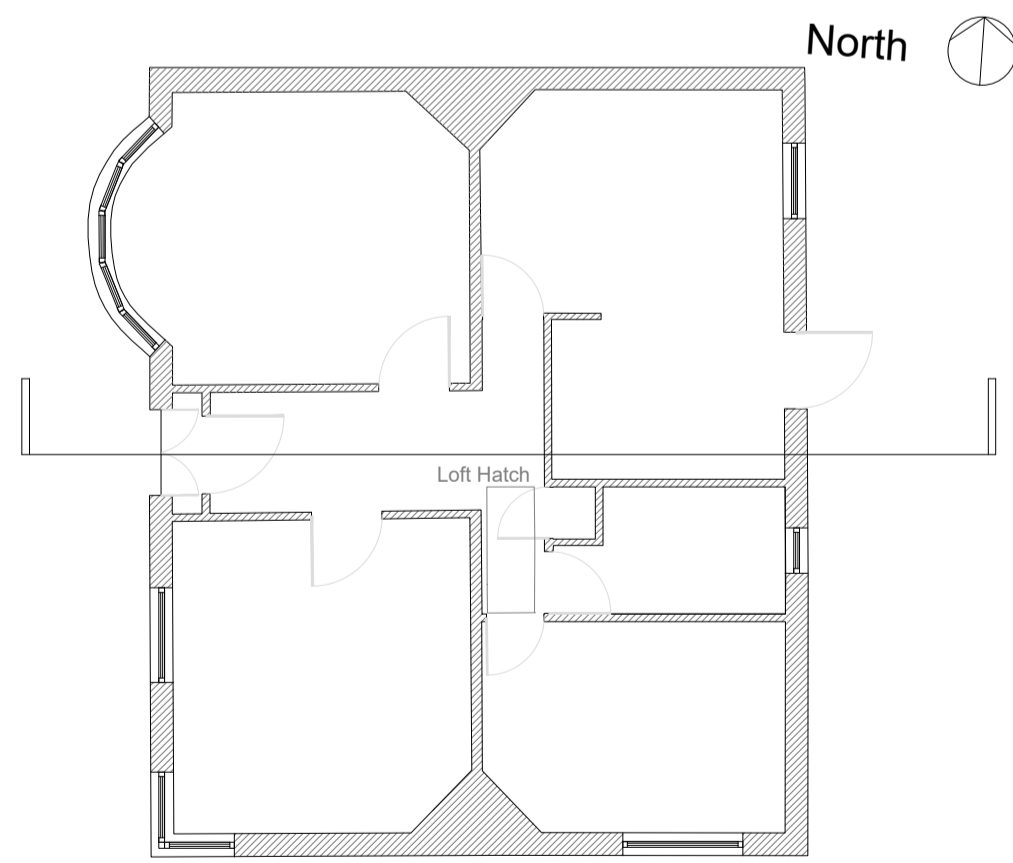
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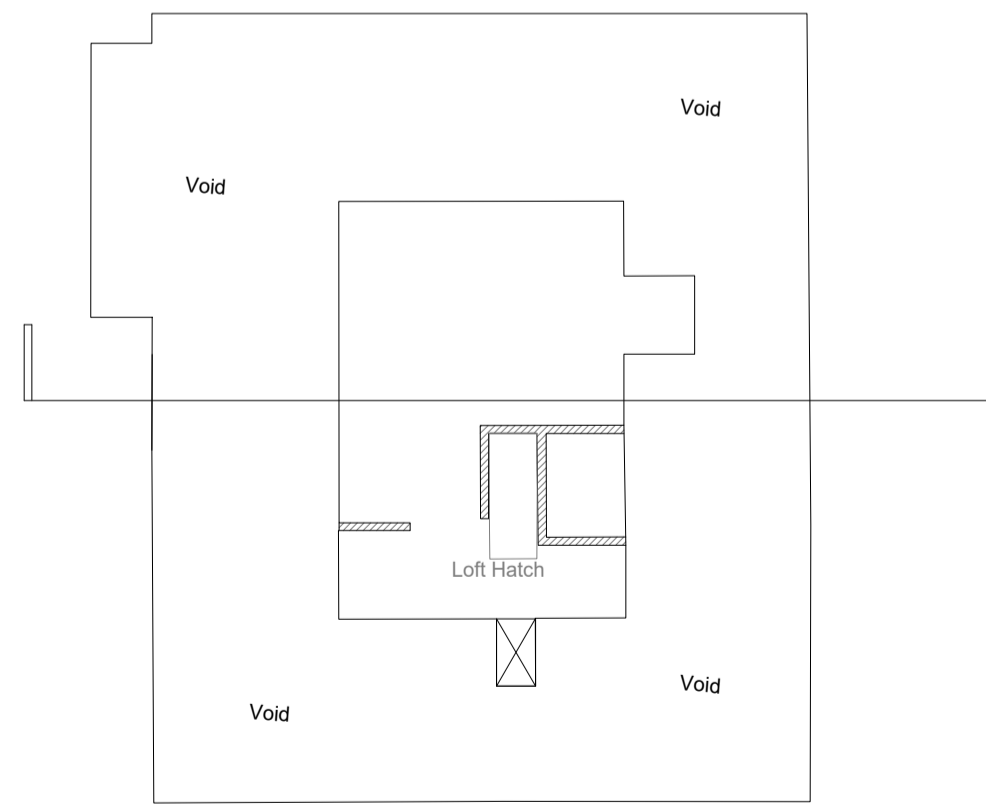
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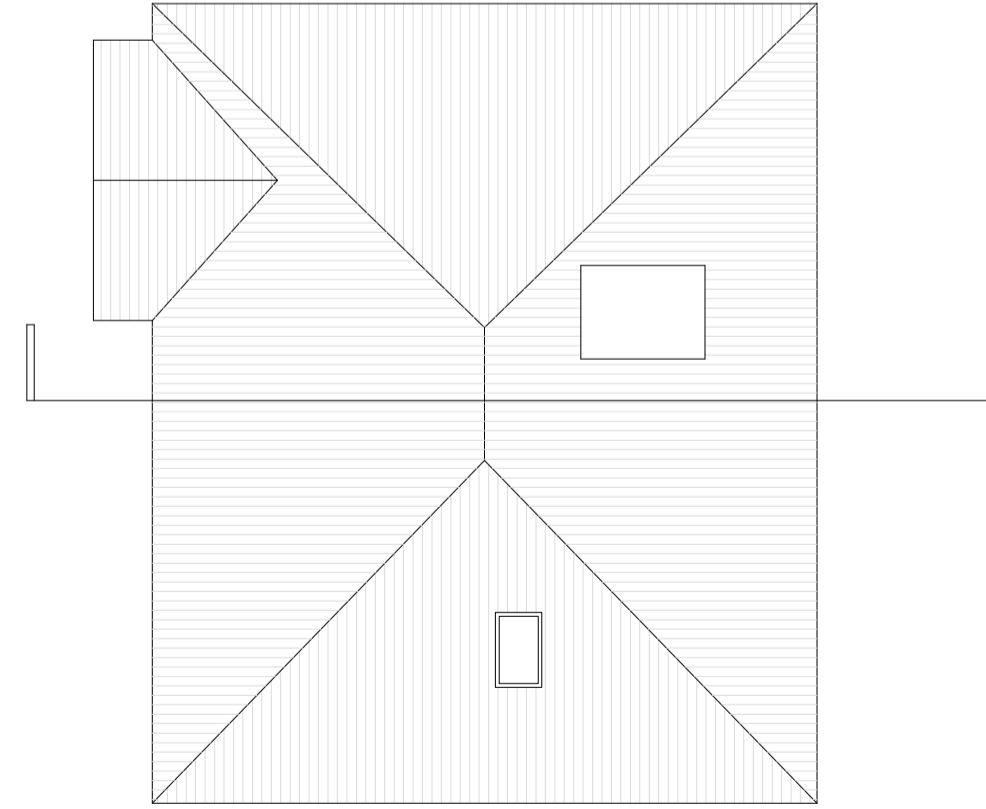
Existing Street Scene 1:100  
0 1 2 3 4 5



Existing Ground Floor Plan 1:100  
0 1 2 3 4 5



Existing First Floor Plan 1:100  
0 1 2 3 4 5



Existing Roof Plan 1:100  
0 1 2 3 4 5

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Notes:

Rev	Comment	By	Date
-	Planning	ABG	28/06/2021

Stage:  
3 - Planning

Client:  
Lodwick Homes

Project:  
58 Lord Roberts Avenue  
Leigh-on-sea  
Essex  
SS9 1NE  
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Drawing Title:  
Existing

Drawing no:  
**668P102**

Revision: --- Drawn by: ABG

Project no: **668** Chkd by: ---

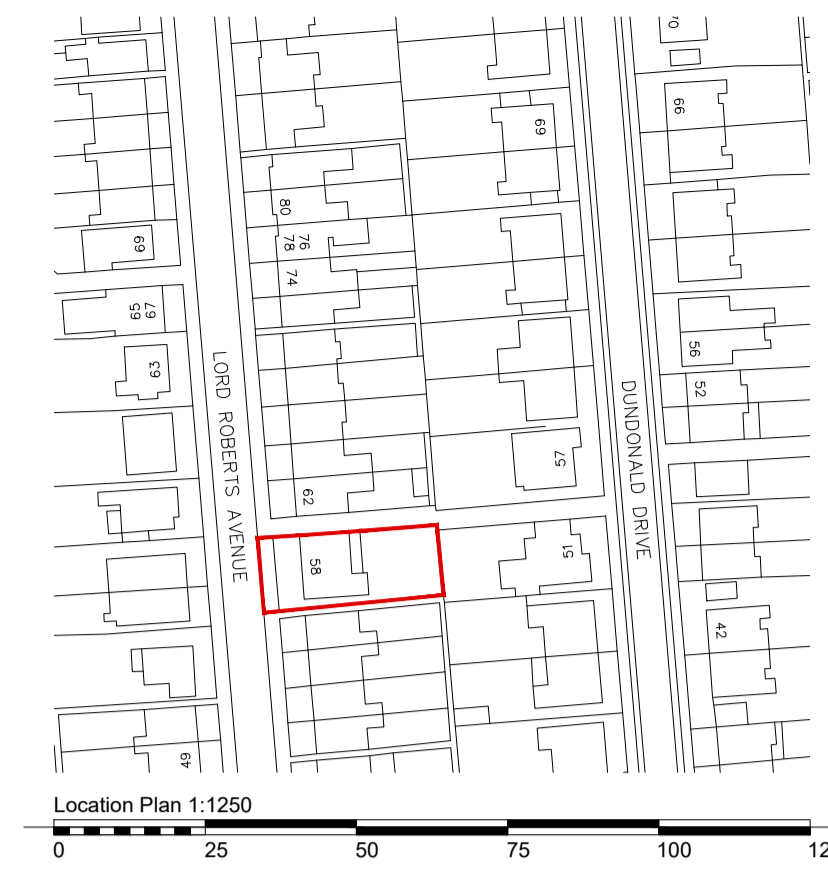
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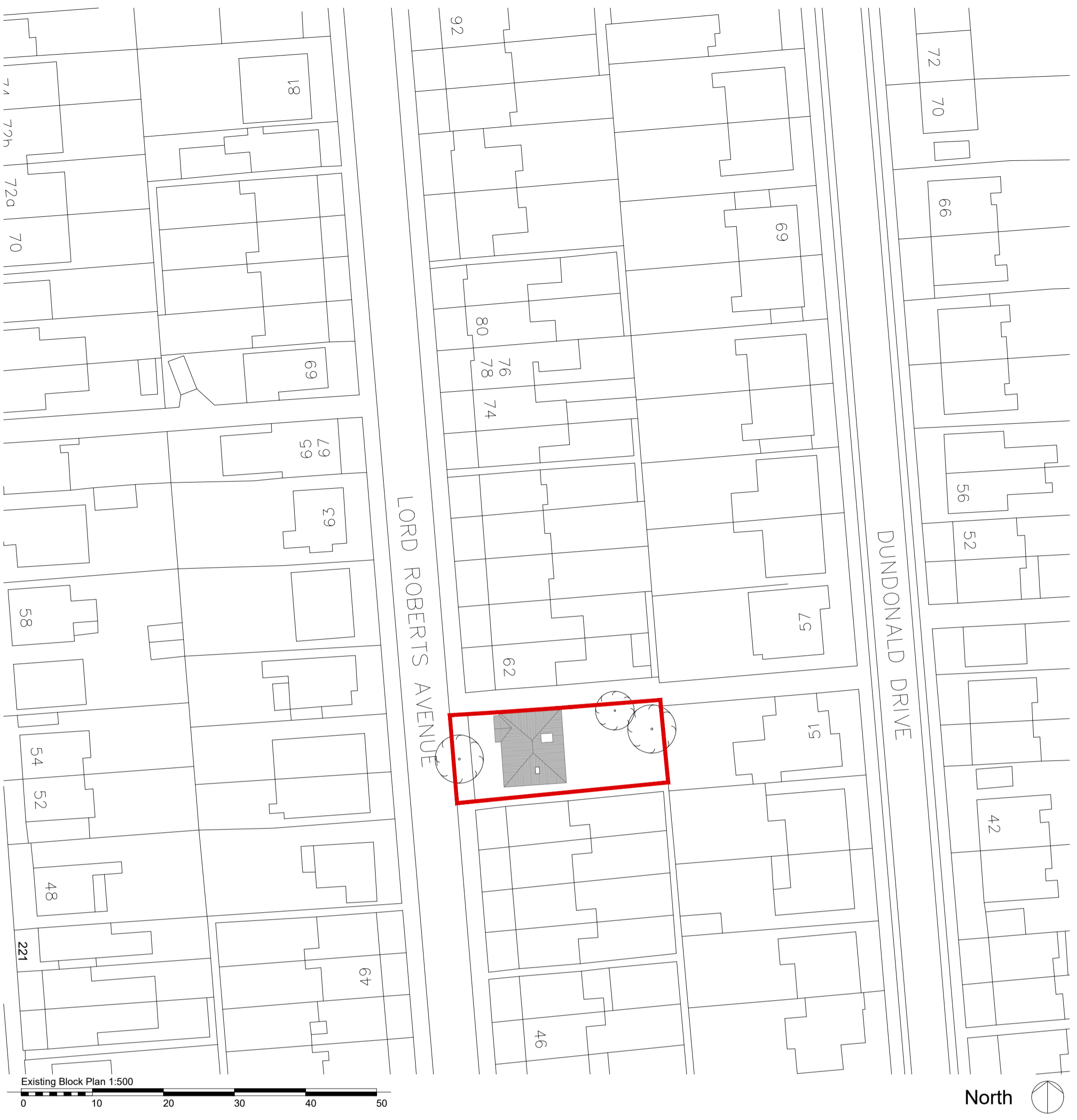
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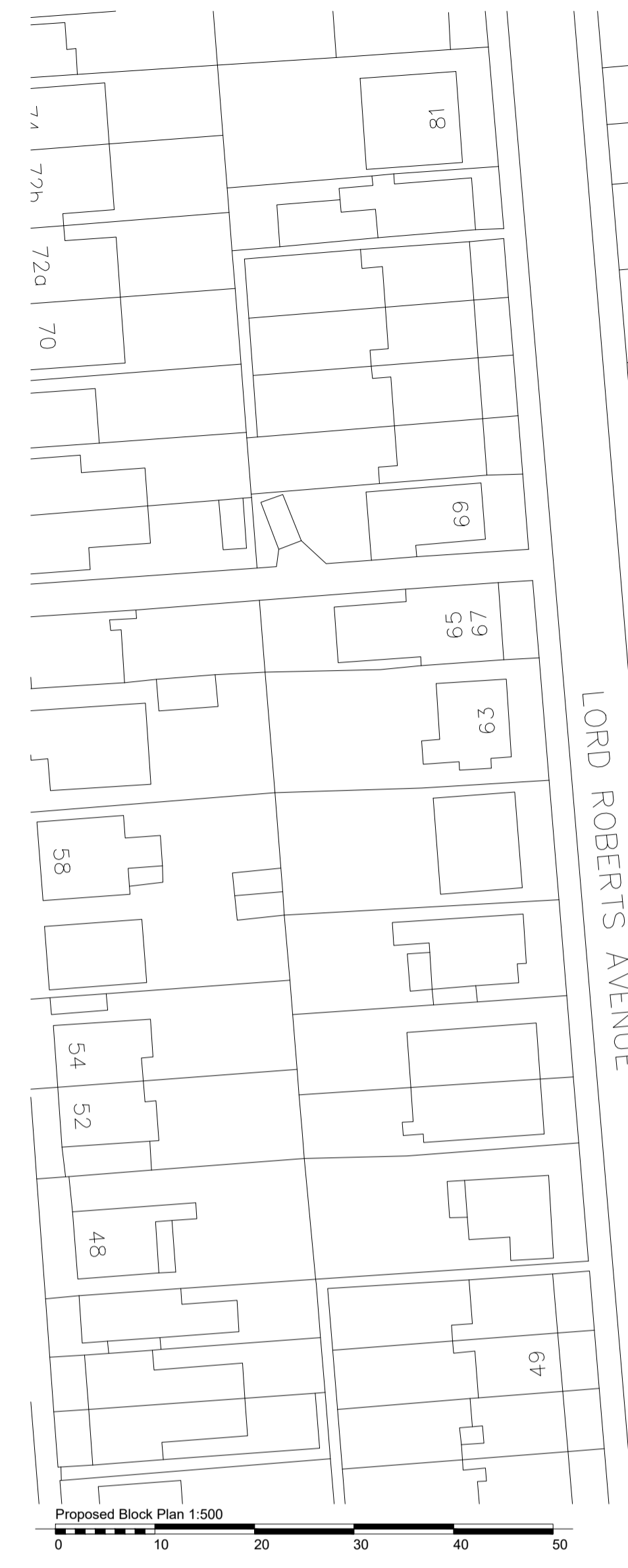


North 



Existing Block Plan 1:500

North 



Proposed Block Plan 1:500

North 

Notes:

Rev	Comment	By	Date
B	Planning - Reduced GP	ABG	08/06/2021
A	Planning - Outline Red	ABG	20/07/2021
-	Planning	ABG	28/06/2021

Stage:  
3 - Planning

Client:  
Lodwick Homes

Project:  
58 Lord Roberts Avenue  
Leigh-on-sea  
Essex  
SS9 1NE  
---

Drawing Title:  
Location and Block Plans

Drawing no:  
**668P101**

Revision: **B** Drawn by: ABG

Project no: **668** Chkd by: ---

Scale: 1:500 & 1:1250 @ A1

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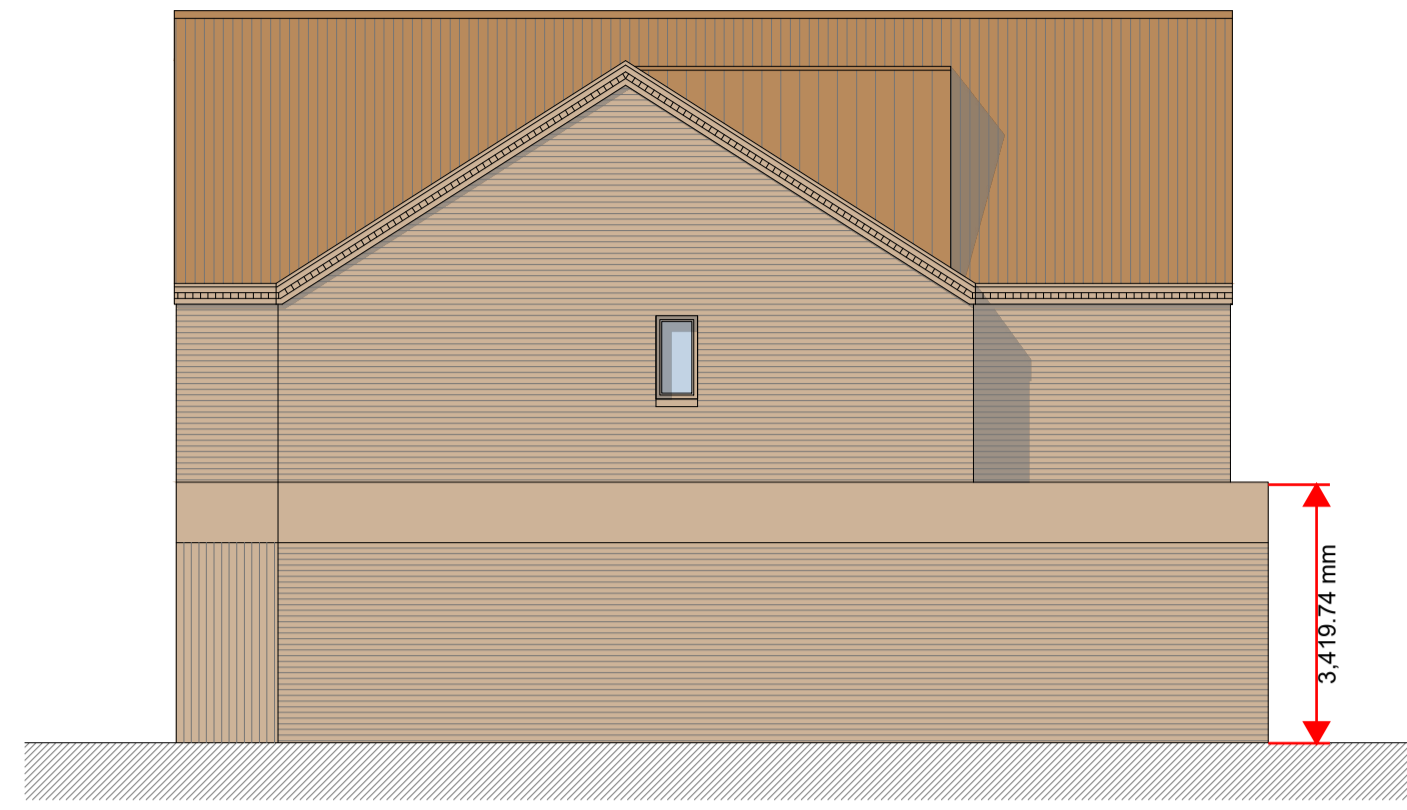
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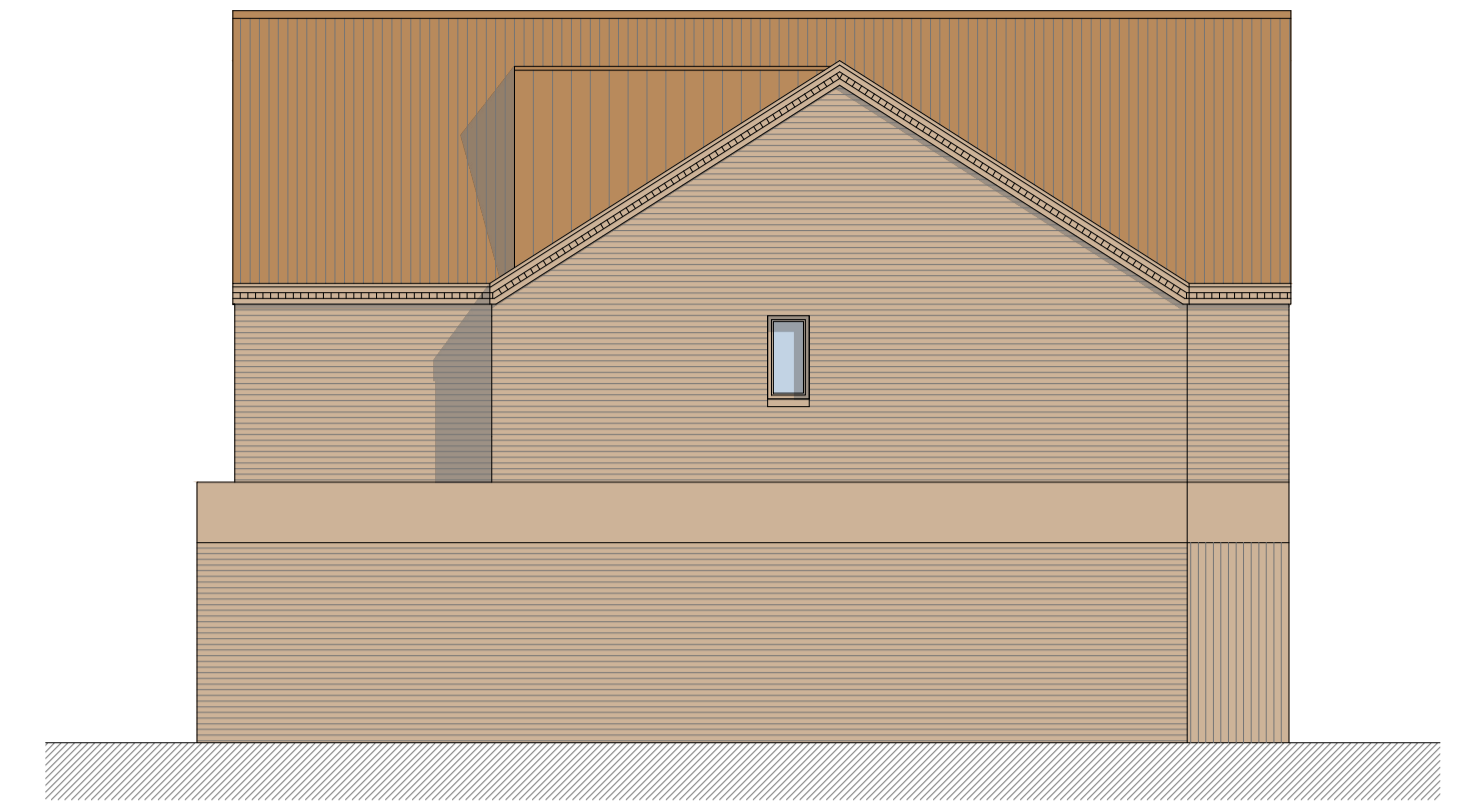
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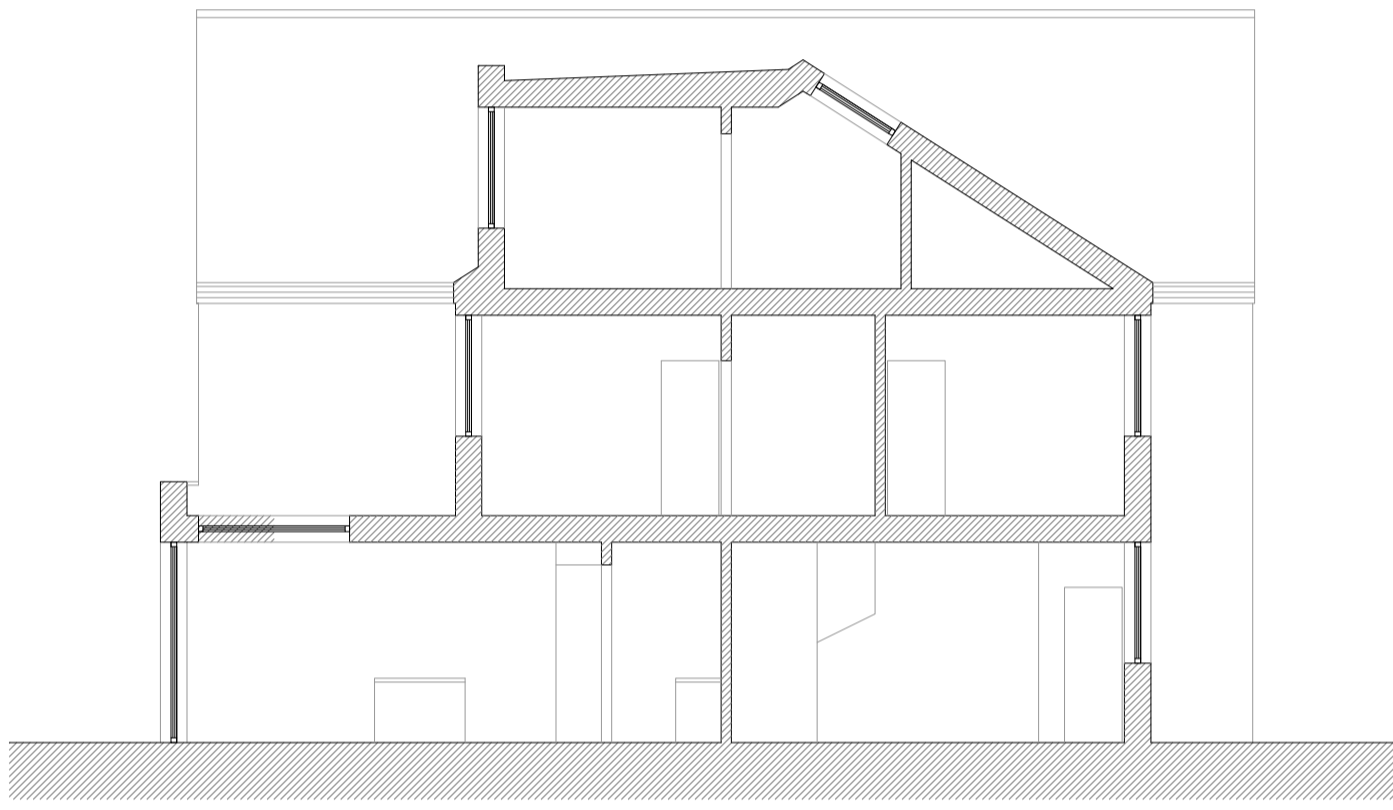
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Proposed Rear Elevation 1:100  
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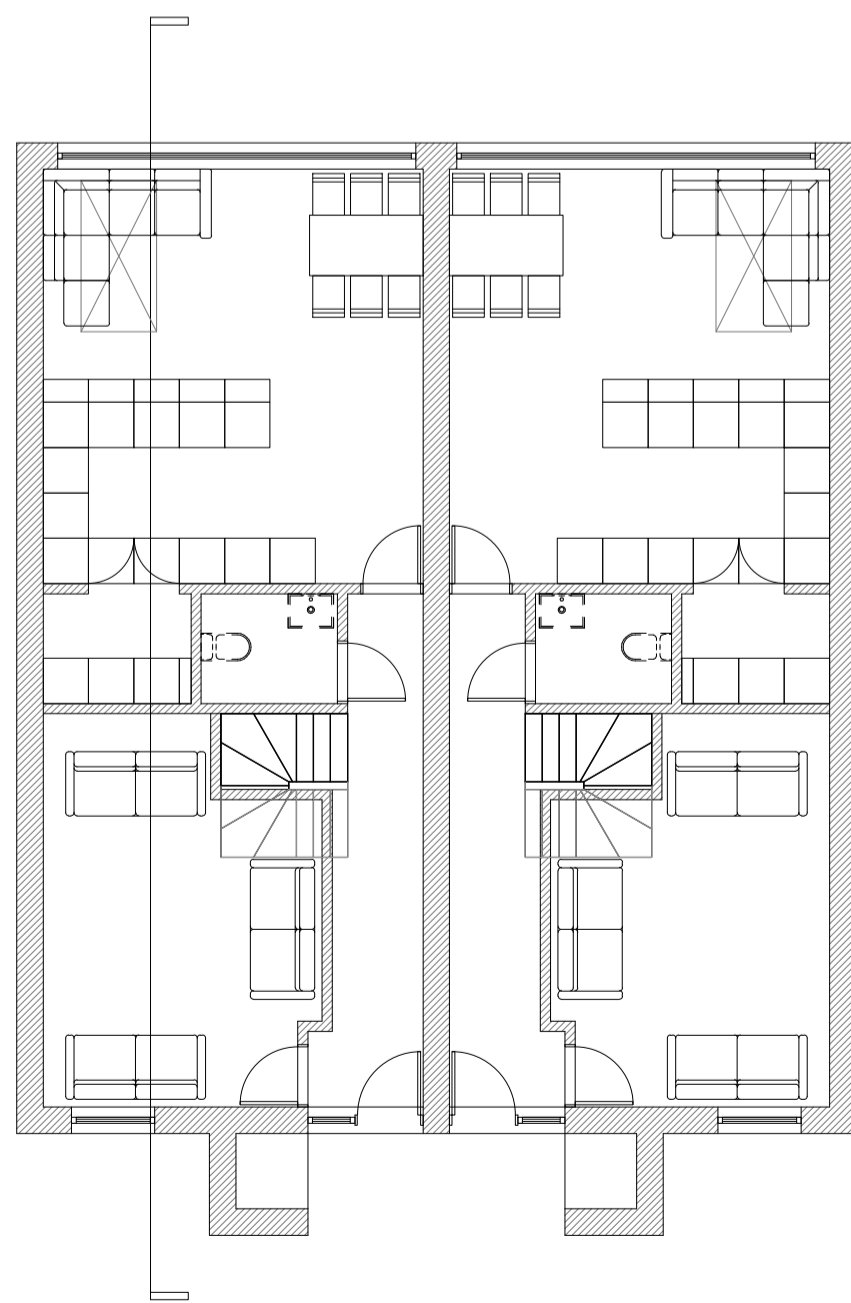
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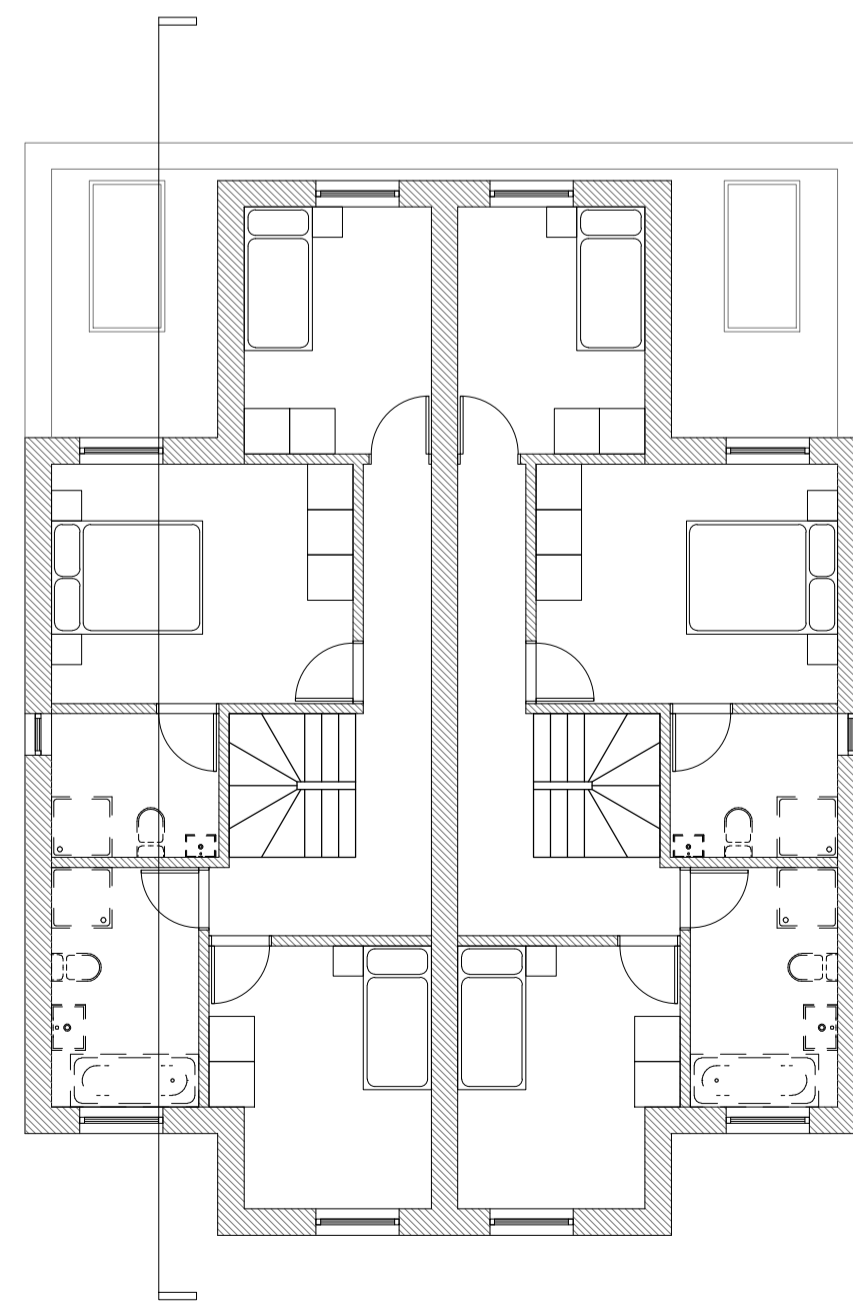
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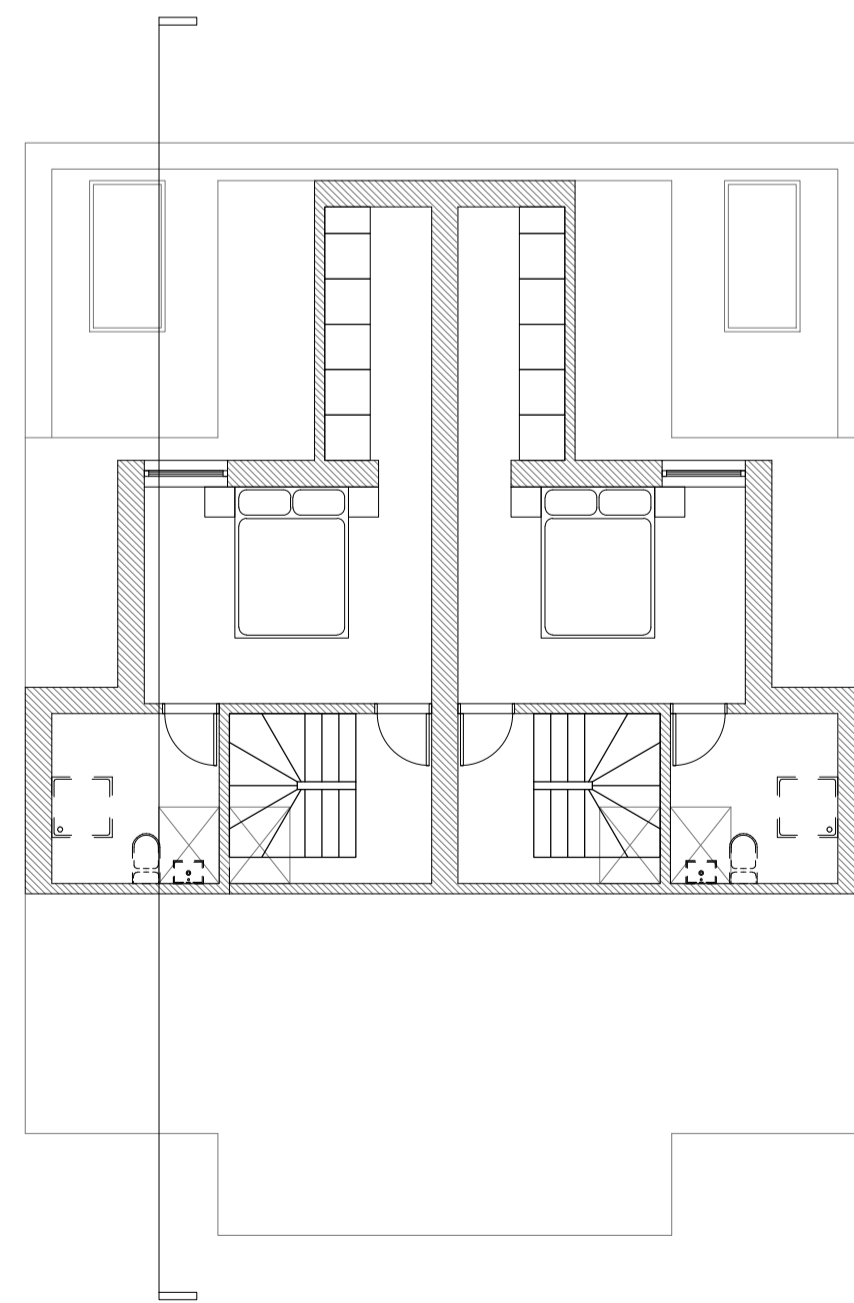
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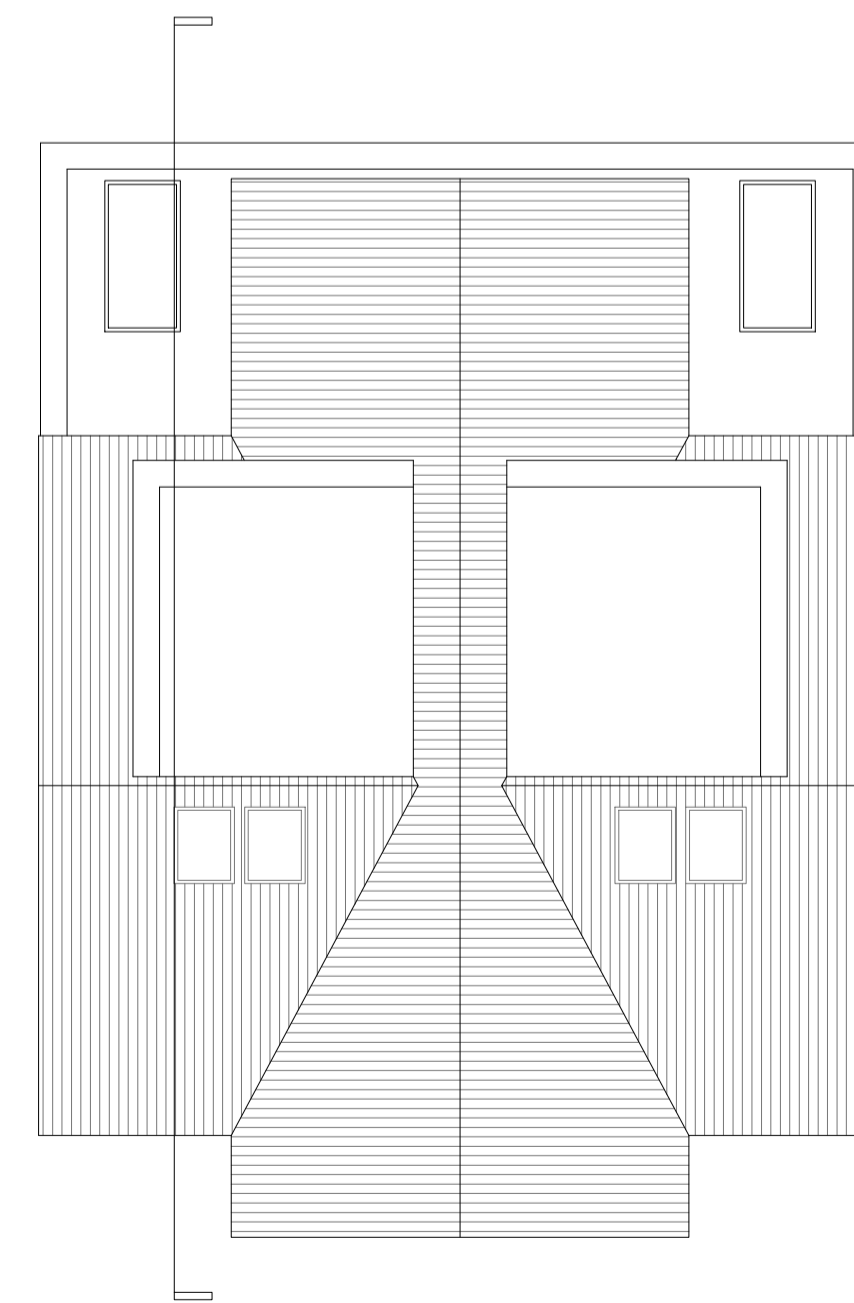
Proposed Ground Floor Plan 1:100  
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Proposed First Floor Plan 1:100  
0 1 2 3 4 5



Proposed Second Floor Plan 1:100  
0 1 2 3 4 5



Proposed Roof Plan 1:100  
0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
A	Planning - Revised GF	ABG	08/09/2021
-	Planning	ABG	28/06/2021

Stage:  
3 - Planning

Client:  
Lodwick Homes

Project:  
58 Lord Roberts Avenue  
Leigh-on-sea  
Essex  
SS9 1NE  
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Drawing Title:  
Proposed

Drawing no:  
**668P103**

Revision: **A** Drawn by: ABG

Project no: **668** Chkd by: ---

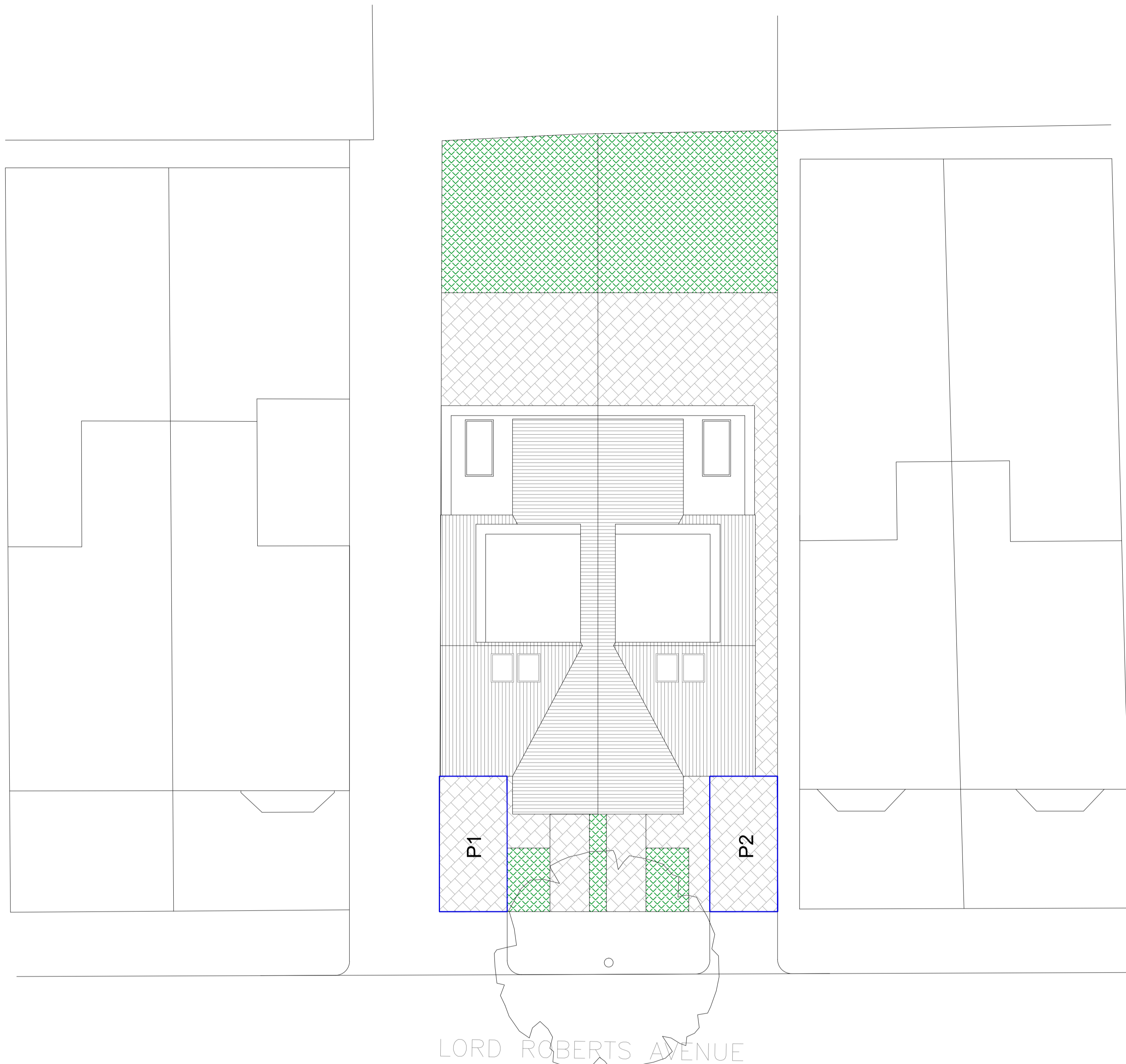
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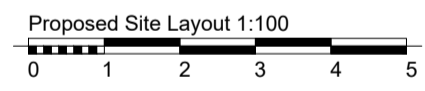
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LORD ROBERTS AVENUE



Notes:

Rev	Comment	By	Date
A	Planning - Revised GF	ABG	08/09/2021
-	Planning	ABG	28/06/2021

Stage:  
3 - Planning

Client:  
Lodwick Homes

Project:  
58 Lord Roberts Avenue  
Leigh-on-sea  
Essex  
SS9 1NE  
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Drawing Title:  
Proposed

Drawing no:  
**668P104**

Revision: **A** Drawn by: ABG

Project no: **668** Chkd by: ---

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58 Lord Roberts Avenue



# Site

228





# Streetscene north

229





# Streetscene south

230





# Streetscene opposite

231





# Streetscene opposite

232





Access to  
side and  
neighbour  
to north

233

Rear  
garden





Neighbour  
to rear

234





# Neighbour to south side

235





# Street tree relationship

236





<b>Reference:</b>	21/01323/FULH	<b>10</b>
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	Thorpe	
<b>Proposal:</b>	Erect part single/part two storey rear extension, raise part of ridge height, hip to gable roof extension to rear and form habitable accommodation in roof space, rooflights to side elevations, alter elevations and form porch canopy to front (Amended Proposal))	
<b>Address:</b>	29 St Augustines Avenue, Thorpe Bay, Southend-on-Sea, SS1 3JH	
<b>Applicant:</b>	G Steptoe	
<b>Agent:</b>	Mr Colin Stone of Stone Me Ltd	
<b>Consultation Expiry:</b>	30th July 2021	
<b>Expiry Date:</b>	9th October 2021	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	<b>1947/01, 1947/02, 1947/03E, 1947/04E, 1947/05E, 1947/06E, 1947/07D</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	





## **1 Site and Surroundings**

- 1.1 The application site contains a large, traditional detached two-storey dwelling located on the west side of St Augustines Avenue. The area is residential in character with a mixture of two and single storey dwellings located in large plots with deep gardens.
- 1.2 The site is not located within a conservation area nor is subject to any site-specific planning policies.

## **2 The Proposal**

- 2.1 The application seeks planning permission to erect a part single/part two-storey rear extension, to raise part of the ridge height, to erect a hip to gable roof extension to the rear to form habitable accommodation in the loftspace and to alter the elevations. The application follows two previous refusals of planning permission. The first application 21/00066/FULH proposed a similar development but had a larger single storey rear extension and a pitched roof dormer to the front with a large triangular window and a pitched roof, gable-fronted two storey front projection with second floor window.
- 2.2 The most recent refusal ref 21/00695/FULH proposed development similar to the former but the proposed pitched roof dormer to the front was to be a blind dormer, the two storey gable fronted projection was omitted and the single storey rear extension was reduced in size.
- 2.3 The originally refused development would have resulted in the dwelling finished in stone cladding at ground floor, black timber/timber effect horizontal cladding and render to first floor, with a grey tiled (slate or concrete) roof. The second application proposed materials which are also proposed in this current application; clay roof tiles, cream painted render and grey windows.
- 2.4 The changes to the current scheme from the last refused scheme are a reduction in height of the two-storey gable-end rear projection from 8.75m high to 8.25m high (0.5m lower) and the omission of the blind dormer to the front elevation. A lead or zinc metal door canopy proposed in the former application has been replaced in the current scheme with a hipped roof canopy supported by a timber column which would measure 3.2m high and provide a covered open porch to the main entrance to the dwelling.
- 2.5 The proposed single-storey rear extension would be 5.8m deep, 3m high and 9.8m wide, set some 1.2m from the southern flank elevation.
- 2.6 The two-storey part of the rear extension would involve the rear hip to gable roof extension and would have a depth of 3.6m and a width of 7m, as previously proposed. This large, pitched roof rear projection would contain a large expanse of glazing within its eaves providing a first floor Juliet balcony and a second floor window (formerly proposed as a Juliet balcony). The dwelling would also be squared-off at the rear of the first floor level.
- 2.7 The ridge height would be enlarged to form a consistent roof height of 8.9m to reach the existing maximum height. This is as per the previously refused schemes.

### **3 Relevant Planning History**

3.1 21/00067/CLP - Erect outbuilding at rear (Lawful Development Certificate-Proposed) – Lawful 11.03.2021;

3.2 21/00066/FULH - Erect part single/part two storey rear extension, raise part of ridge height, hip to gable roof extension to rear and dormer to front to form habitable accommodation in the loftspace, alter elevations – Refused 16.03.2021. The reasons for refusal were as follows;

- 1. The proposed development by reason of scale, bulky appearance, design and use of materials, fails to integrate with the existing dwelling or respect the context of the site in relation to the wider area. As a result, the proposal would appear as an unduly prominent and discordant building, out of keeping with adjacent dwellings and the wider the streetscene.*
- 2. The proposed cumulative impacts of the rear extensions would result in demonstrable harm to the amenities enjoyed by the occupants of No. 27 Augustines Avenue, by way of an increased sense of enclosure and overbearing impact.*

3.3 21/00695/FULH - Erect part single/part two storey rear extension, raise part of ridge height, hip to gable roof extension to rear and dormer to front to form habitable accommodation in the loftspace, alter elevations (Amended Proposal) – Refused 08.06.2021. The sole reason for refusal in the most recent application as the neighbour amenity issues were resolved was as follows;

- 1. The proposed development by reason of scale, bulky appearance and design fails to integrate with the existing dwelling or respect the context of the site in relation to the wider area. As a result the proposal would appear as an unduly prominent and discordant building, out of keeping with adjacent dwellings and the wider streetscene.*

3.4 The previous applications are material planning considerations for the determination of the current proposal. The latest refused application, given the greater degree of similarity with the current application, is a consideration of significant weight.

### **4 Representation Summary**

4.1 The application falls to be decided by members of the Development Control Committee at the request of Councillor R Woodley. Cllr Woodley advised that; *“Proposal not too dissimilar to the previous applications and although improved on its impact and appearance this current application is however still unfavourable. It still protrudes quite far out the back by comparison to the existing property, and although would have less of an impact on the neighbouring properties in terms of overlooking, loss of light or overbearing impacts, it will still have that impact.”*

#### **Public Consultation**

4.2 15 neighbours were notified. Representations from two interested parties have been received which raise the following summarised objections;

- Loss of neighbour amenity from loss of outlook, overlooking, loss of privacy, loss of light;
- Out of character/poor design;
- Excessive size and scale;
- Dominant and imposing;
- Overdevelopment of site.

4.3 Officer comment: The comments in the representations have been taken into consideration in the assessment of the application but are not found to be justifiable reasons for refusing planning permission in the circumstances of this case.

## **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Core Strategy (2007): Policies CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)

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

5.4 The Design & Townscape Guide (2009)

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

## **6 Planning Considerations**

6.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impacts on residential amenity and whether the proposal has overcome the previous reason for refusal.

6.2 Due to the nature of the development, in which the need for, and provision of, on-site parking capable of meeting current parking standards and the access arrangements of the site are not altered, there are no adverse highway safety or parking impacts. It should be noted that the existing garage is undersized when assessed against relevant parking standards and therefore not considered an off-street parking space. Given the size of the proposal, it would not be liable to CIL.

## **7 Appraisal**

### **Principle of Development**

7.1 Consistent with the basis of decision on the previous applications, the principle of extending the dwelling to provide facilities in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

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

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that; *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 7.3 Paragraph 126 of the National Planning Policy Framework (NPPF) states that, *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 7.4 Policy DM1 of the Development Management Document states that all development should; *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.*
- 7.5 Policy DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
  - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
  - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.6 According to Policy KP2 of Core Strategy 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”*
- 7.7 The application site is set within a residential area which is host to a distinctive character of large, traditional, hipped and crown roof dwellings of one and two storeys. Accommodation at second floor is not considered to be part of the prevailing typical character of the streetscene. The current revised scheme has completely omitted the front second storey openings and roof additions, including the previously proposed blind dormer. These successfully reduce the visual bulk of the proposed dwelling as experienced from the streetscene. The resulting dwelling would continue to be read as a two-storey dwelling, in contrast to the previously refused schemes which had a three-storey appearance. First floor front windows have also been reduced in size which is welcomed.



- 7.8 A zinc metal canopy over the front door within the previous application was considered to result in poor design and has now been replaced with a traditional hipped roof canopy on a timber column which is in keeping with the character and appearance of the host dwelling and would overcome the previously outlined harm. The overall use of materials more commonly seen within the streetscene is a benefit of the proposed development.
- 7.9 The rear elements of the proposed development would result in a two-storey rear projection half a metre below the previously refused scheme and stepped in from the flanks of the dwelling which would reduce its visual bulk. The single-storey rear projection has the same dimensions as the previous application. When determining that scheme no objection was raised in terms of the design of this element of the proposal which had been reduced in size when compared to the original scheme.
- 7.10 Overall, it is considered that the development has overcome the previous reason for refusal due to the omission of the front dormer, the reduction of the rear two storey projection, the traditional porch canopy and the alterations to fenestration.
- 7.11 The development would not result in demonstrable harm to the character and appearance of the dwelling, the streetscene or the wider surrounding area. It is therefore considered that the proposed development would be acceptable and policy compliant in the above regards.

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

- 7.12 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."*
- 7.13 The most recent refusal did not raise any concern with regard to the proposed development's impact on neighbours' amenity. The site is neighboured by no.27 to the south which is some 1.5m from the shared boundary with the application site. There are no flank openings opposite the site at no.27. The existing rearmost building line of the application site is set in-line with that of no.27. The proposed infill extension at the rear above the existing single-storey, flat roof part of the dwelling, would not surpass the rearmost building line of the existing dwelling.
- 7.14 The depth and separation distance (1.2m at ground floor and at least 2.4m at upper floors from the southern boundary of the site) of the proposed rear extensions from no.27, coupled with the height reduction of this part of the scheme from the previous application, would result in an acceptable relationship with this neighbour. A notional 45-degree guideline taken from the nearest rear first floor window at no.27 would not be breached by the proposal. The proposed development would not result in significant harm to the residential amenity of the occupiers of no.27.
- 7.15 The site is also neighboured by no.31 to the north. The main dwelling on that address is some 5.4m from the shared boundary with the application site and some 6m from the flank elevation of the dwelling on site. There is also a garage between that dwelling and the site. There are no flank openings opposite the site at no.31. The proposal would project some 1.5m beyond the existing notional rear building line of no.31. The rear extensions would be 1.2m at ground floor and 3.2m at upper floors level away

from this boundary. A notional 45-degree guideline taken from the nearest rear first floor window at no.31 would not be breached by the proposal. Due to scale, position and separation distances from no.31, the proposed development would not result in significant harm to the residential amenity of occupiers at no.31.

- 7.16 The proposed large openings to the first and second floors of the rear of the dwelling with a Juliet balcony at first floor are not considered to be positive elements of the scheme and would result in a degree of perceived overlooking when standing in the rear gardens of no.27 and 31 but this would not be to a degree which would justify a reason for refusal on this basis. This is consistent with the basis of decision of the previous two applications. Views from the windows of the large rear openings to the rear of properties along Parkanaur Road, due to the distances involved (approximately 47 metres) would not result in a significant loss of privacy or overlooking concerns. First floor flank openings would serve non-habitable rooms (bathrooms) and the secondary bedroom window at first floor to the southern flank is as per the existing situation. A condition to require obscure glazing for these windows is suggested. The proposed rooflights due to their nature and position would not result in a detrimental loss of amenity to neighbouring occupiers with the conditions recommended.
- 7.17 The proposal's impact on residential amenity is therefore acceptable and policy compliant.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the development would be acceptable and in line with the objectives of the relevant local and national policies and guidance. The development, subject to conditions, would result in acceptable impacts on neighbouring residential amenity and the character and appearance of the area. This application therefore overcomes the previous reason for refusal and is recommended for approval subject to conditions.

## **9 Recommendation**

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

- 01 The development hereby permitted shall begin no later than three years from the date of 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: 1947/01, 1947/02, 1947/03E, 1947/04E, 1947/05E, 1947/06E, 1947/07D.**
- Reason: To ensure the development is carried out in accordance with 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 or be in accordance with approved details and plan 1947/03E. 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the Design and Townscape Guide (2009).

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

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Design and Townscape Guide (2009).

- 05** The upper floor flank (north and south elevations) windows and rooflights hereby approved shall only be glazed permanently in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut to a minimum of 1.7 metres above the internal finished floor level of the rooms they serve prior to the first use or occupation of the development 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 and rooflights shall be retained as such in perpetuity thereafter.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice in the Design and Townscape Guide (2009).

#### **Positive and Proactive Statement**

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

#### **Informative**

- 1.** You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community

**Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

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



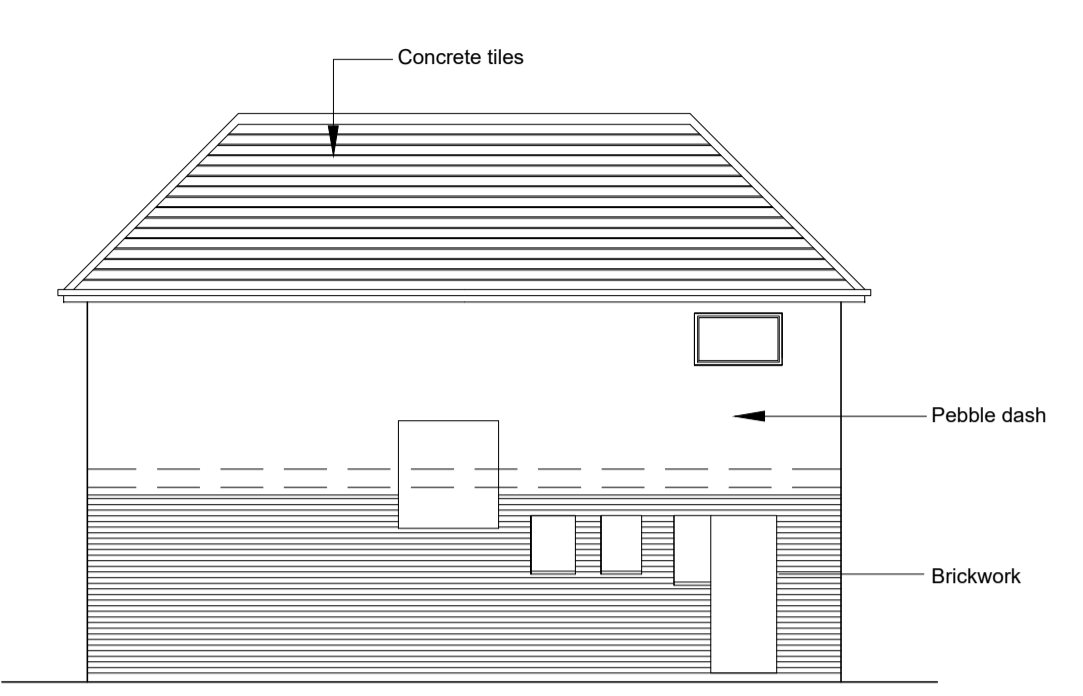
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EXISTING REAR ELEVATION Scale 1:100



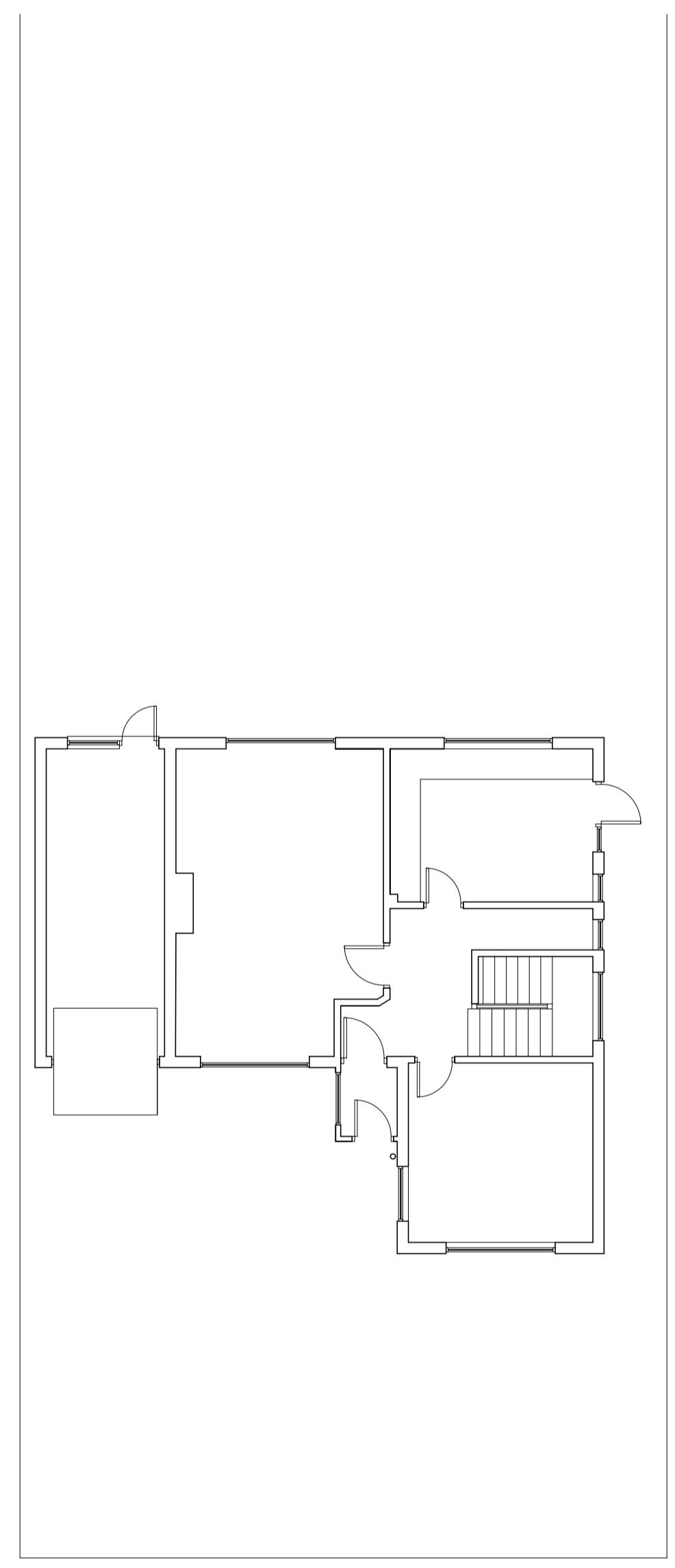
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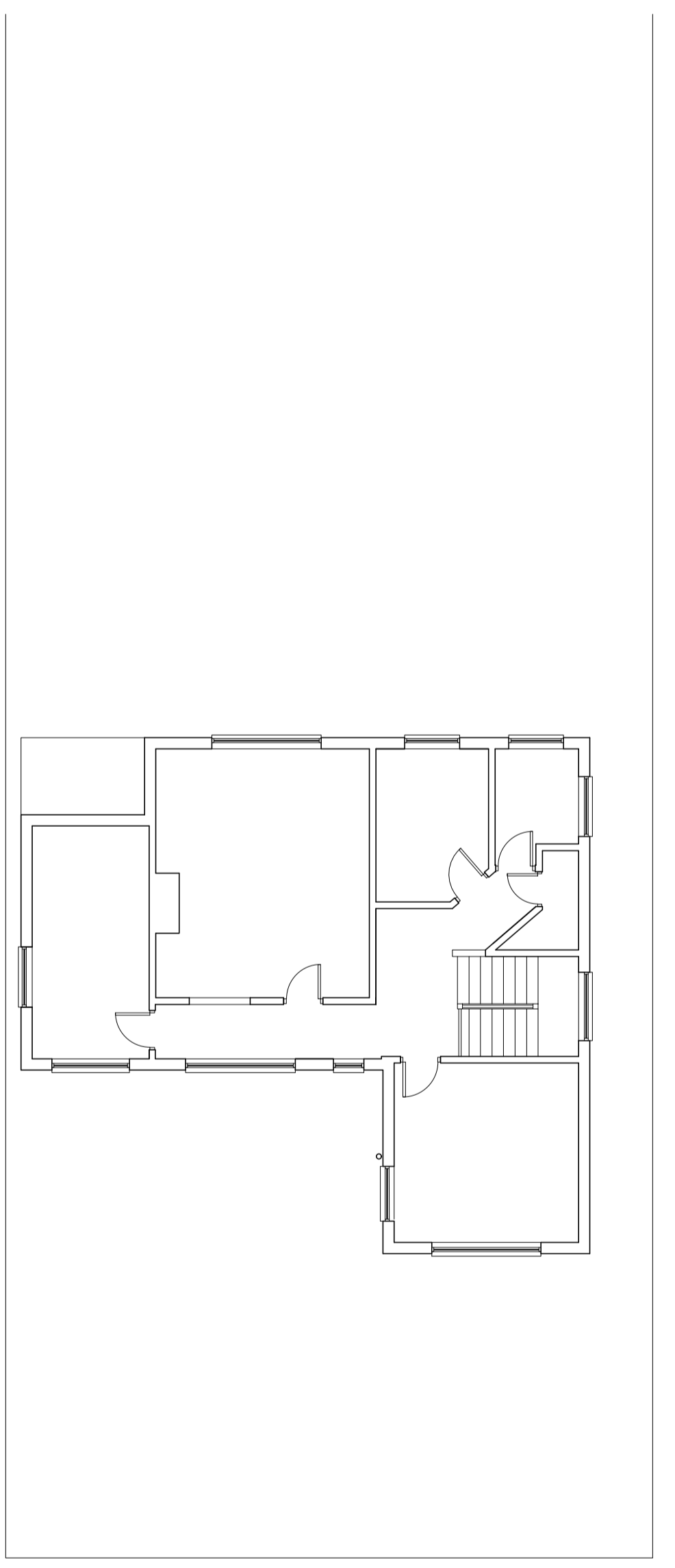
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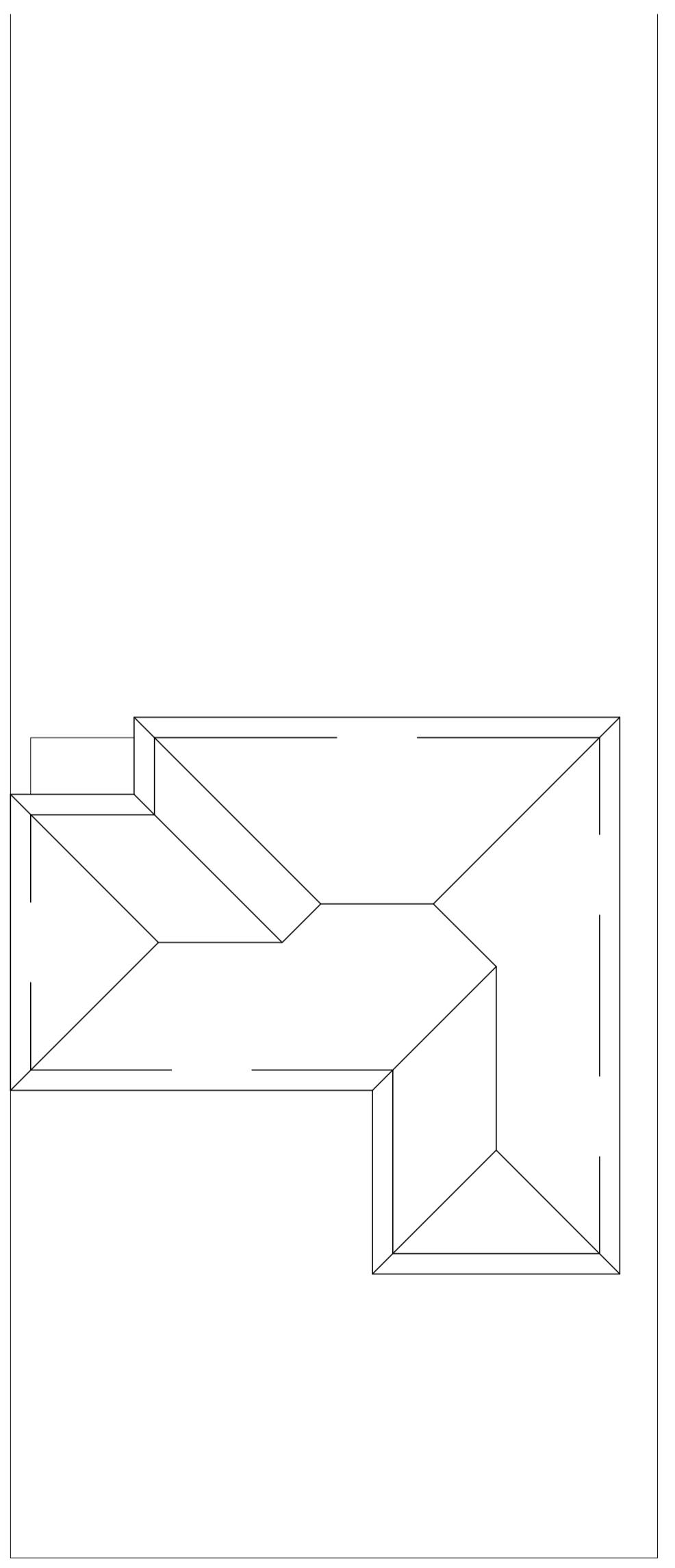
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EXISTING GROUND FLOOR Scale 1:100



EXISTING FIRST FLOOR Scale 1:100



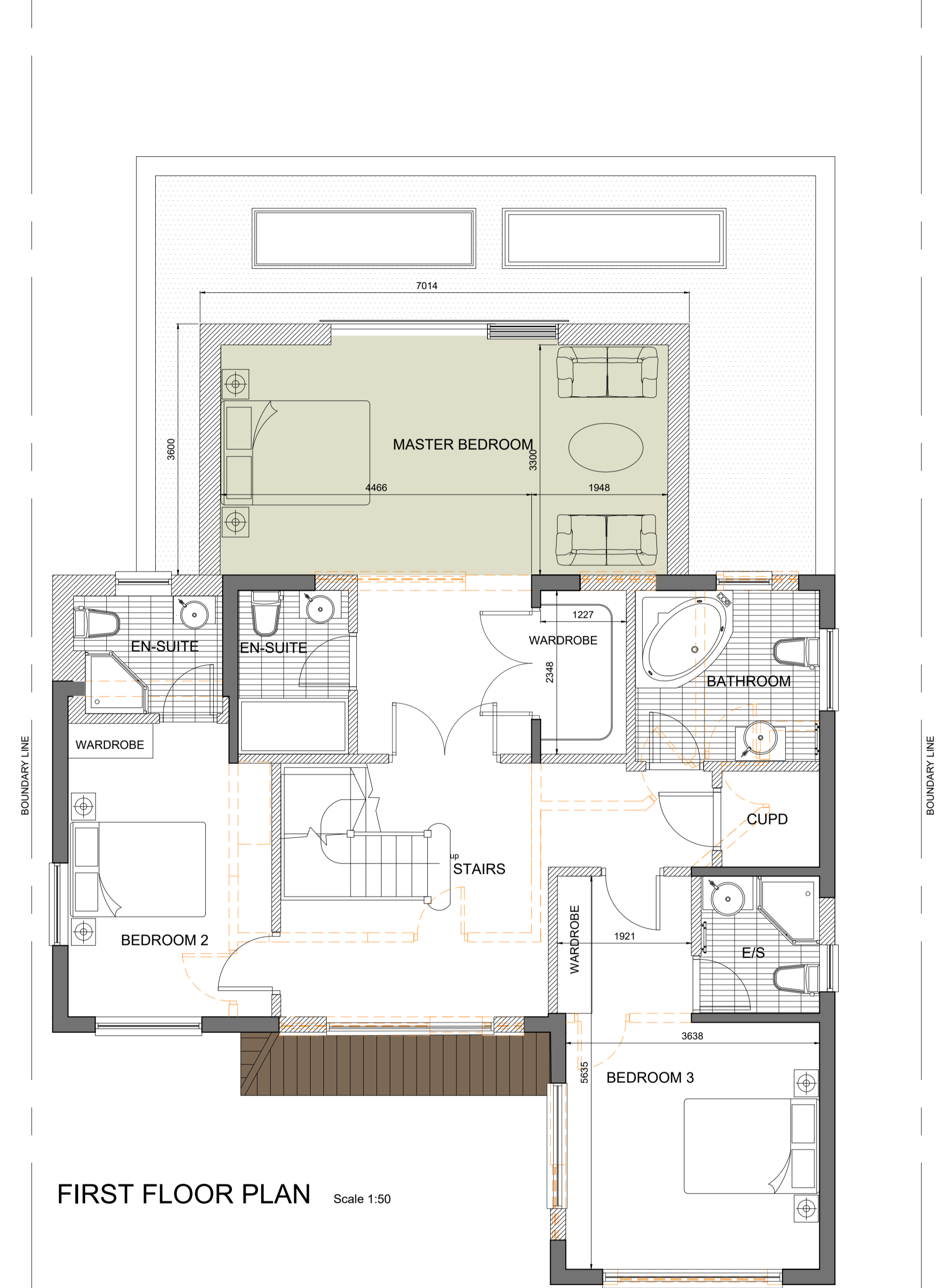
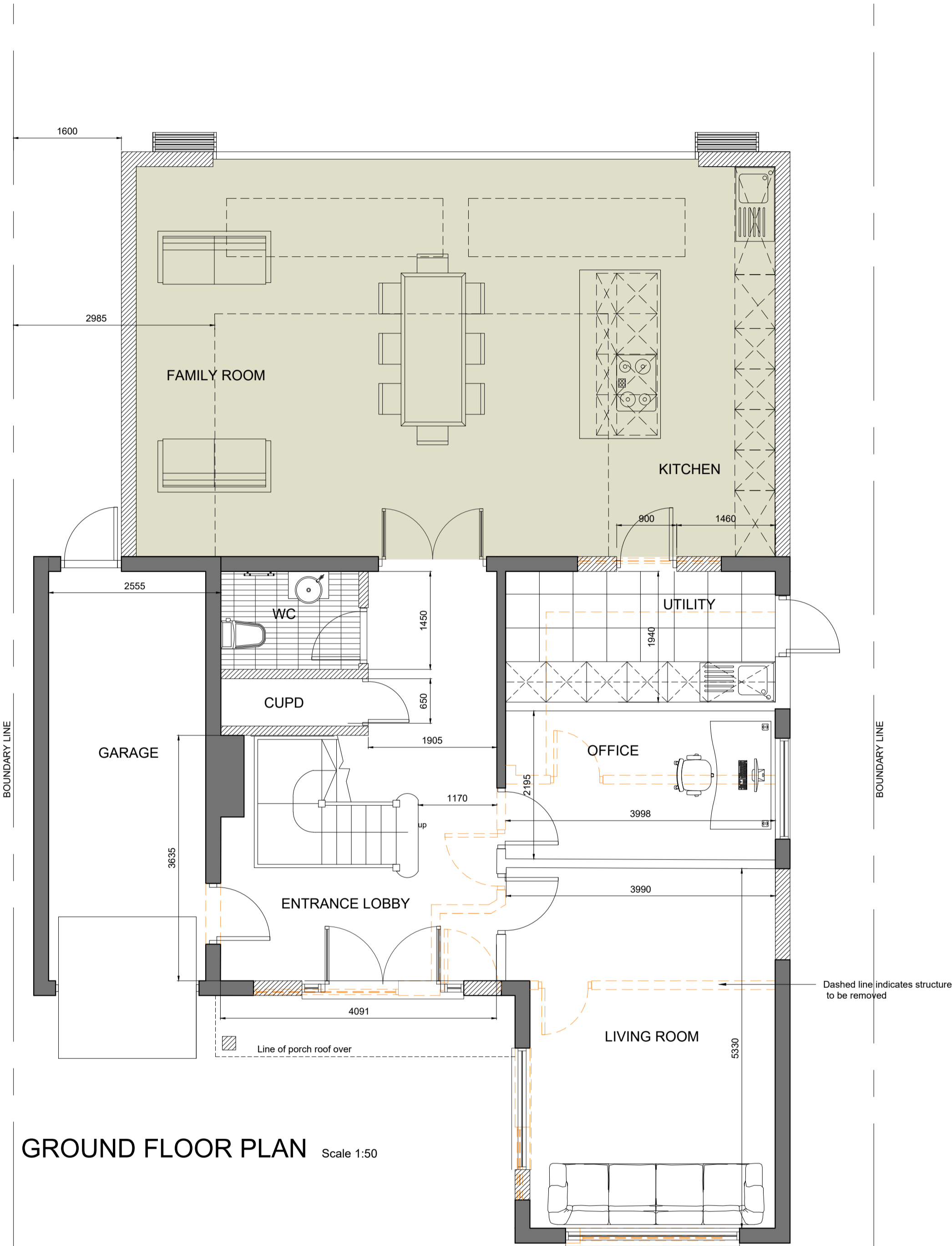
EXISTING ROOF PLAN Scale 1:100

247

The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts. This drawing must be read with and checked against any structural or other specialist drawings provided. Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work. The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided. This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation. STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD. This drawing remains the copyright of STONE ME! DESIGN LTD and cannot be reproduced without prior permission.

<b>ISSUED FOR COMMENT</b>		Project:	<b>29 ST AUGUSTINE AVENUE, THORPE BAY</b>
<b>STONE Me!</b>		Client:	
ARCHITECTURE & INTERIOR DESIGN		Drawing:	
STONE ME LIMITED, 5 FOUNTAIN LANE HOCKLEY, ESSEX SS8 4BT Tel: 01702 203333 E: info@stoneirme.com W: www.stonirme.com		Project checked by:	P. J. WYATT
		Project No.:	1947 02
		Scale:	1:100 @ A1
		Drawing No.:	EXISTING DETAILS

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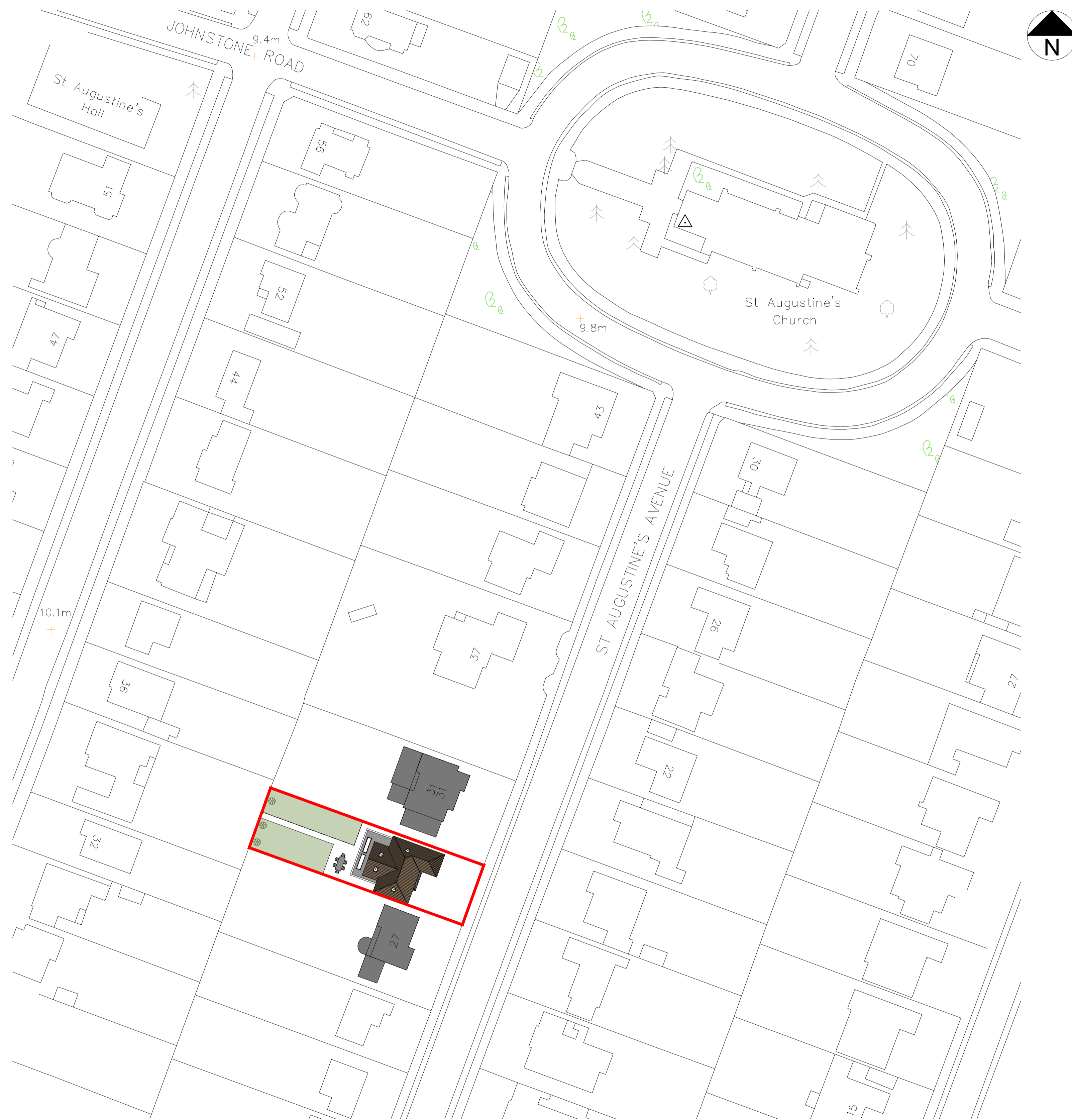


The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts. This drawing must be read with and checked against any structural or other specialist drawings provided. Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work. The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided. This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation. STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD. This drawing remains the copyright of STONE ME! DESIGN LTD and cannot be reproduced without prior permission.

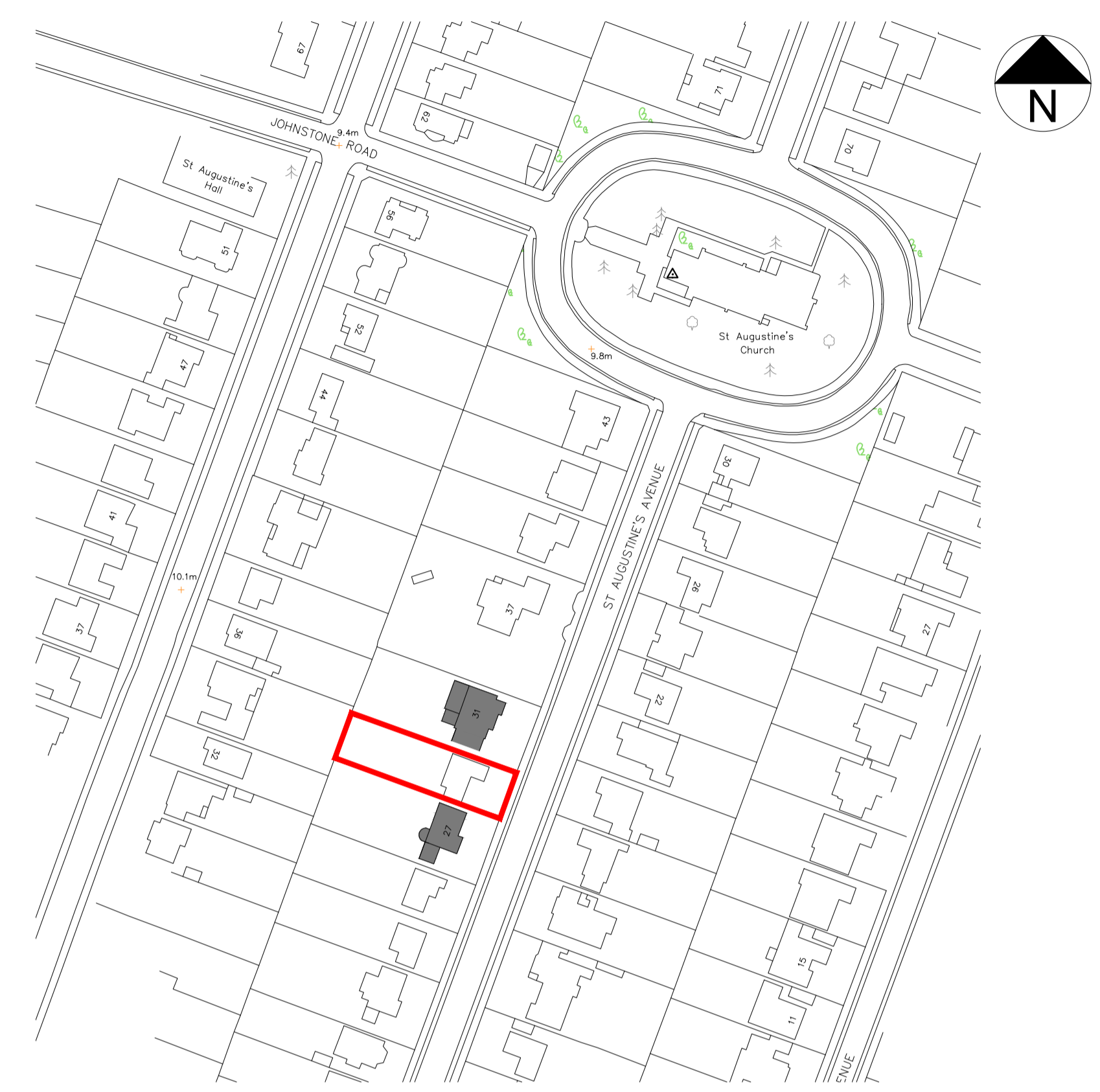
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<b>STONE Me!</b> ARCHITECTURE & INTERIOR DESIGN		Client:	
STONE ME LIMITED, 5 FOUNTAIN LANE HOCKLEY, ESSEX SS8 4BT Tel: 01702 203333 E: info@stone.me W: www.stoneme.com		Drawing:	
		Project Architect:	P. J. WYATT
		Project No.:	
		Scale:	1:50 @ A1
		Drawing Checked By:	
		Drawing No.:	<b>1947 04E</b>
		<b>PROPOSED GROUND AND FIRST FLOOR PLANS</b>	



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PROPOSED BLOCK PAN Scale 1:500



SITE LOCATION PAN Scale 1:1250

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<b>ISSUED FOR COMMENT</b>		<b>29 ST AUGUSTINE AVENUE, THORPE BAY</b>	
<b>STONE Me!</b> ARCHITECTURE & INTERIOR DESIGN		Project: 1947 07D	
STONE ME LIMITED, 5 FOUNTAIN LANE HOCKLEY, ESSEX SS6 4BT Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		Client: .....	
Project Architect: P. J. Wyatt		Drawing: .....	
Project No: .....		Drawing No: .....	
Scale: 1:500 @ A1 1:1250 @ A1		Drawing No: 1947 07D	

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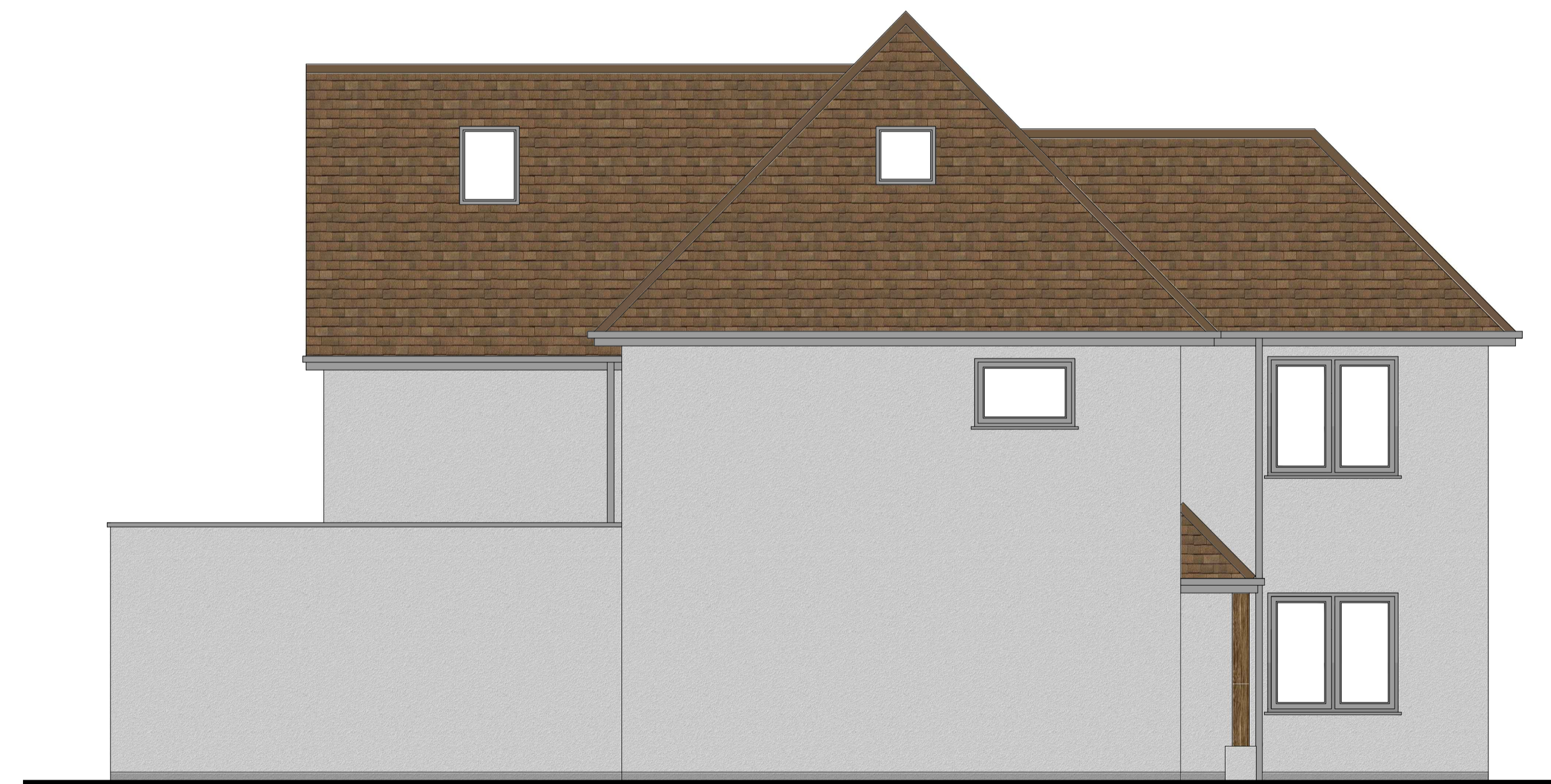
PROPOSED SIDE ELEVATION Scale 1:50



PROPOSED FRONT ELEVATION Scale 1:50



PROPOSED REAR ELEVATION Scale 1:50



PROPOSED SIDE ELEVATION Scale 1:50

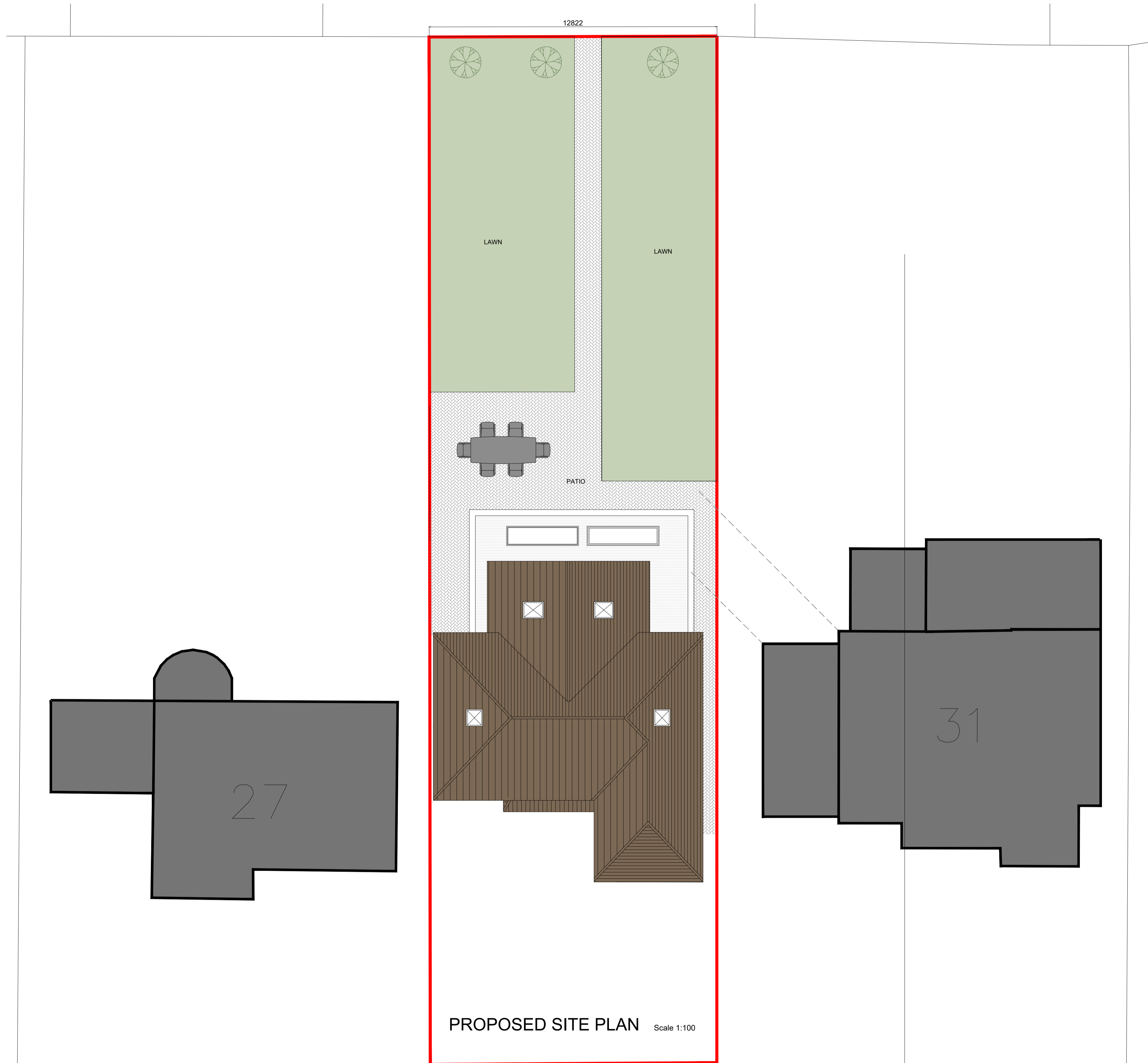
# OPTION 4

The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts. This drawing must be read with and checked against any structural or other specialist drawings provided. Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work. The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided. This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation. STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD. This drawing remains the copyright of STONE ME! DESIGN LTD and cannot be reproduced without prior permission.

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<b>STONE Me!</b> ARCHITECTURE & INTERIOR DESIGN		Client:	
STONE ME LIMITED, 5 FOUNTAIN LANE HOCKLEY, ESSEX SS6 4BT Tel: 01702 203333 E: info@stone.me W: www.stoneme.com		Drawing:	
		Project Architect:	P. J. WYATT
		Drawing Checked By:	
		Project No.:	
		Scale:	1:50 @ A1
		Drawing No.:	
		<b>PROPOSED ELEVATIONS</b>	
		1947	03E



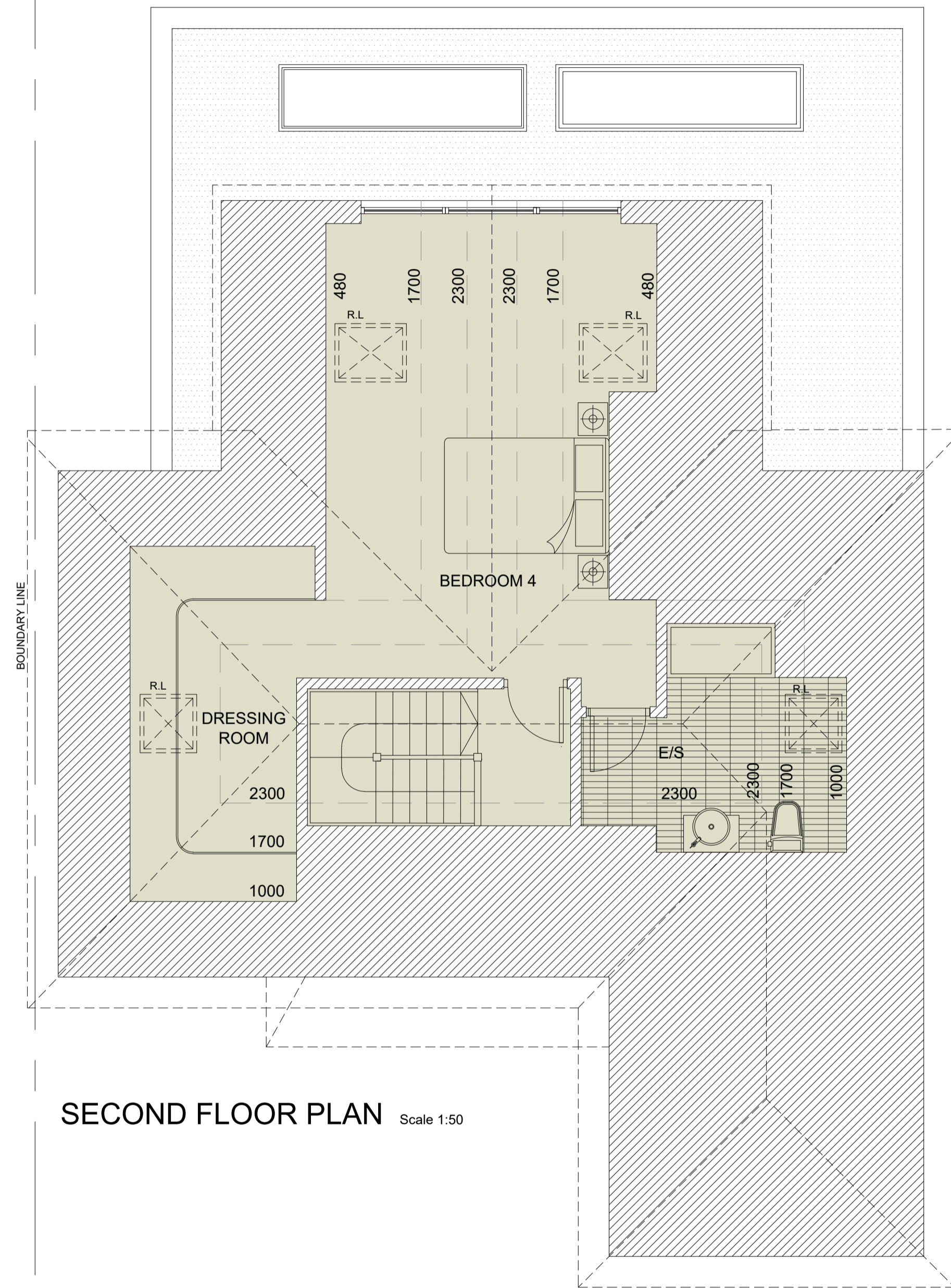
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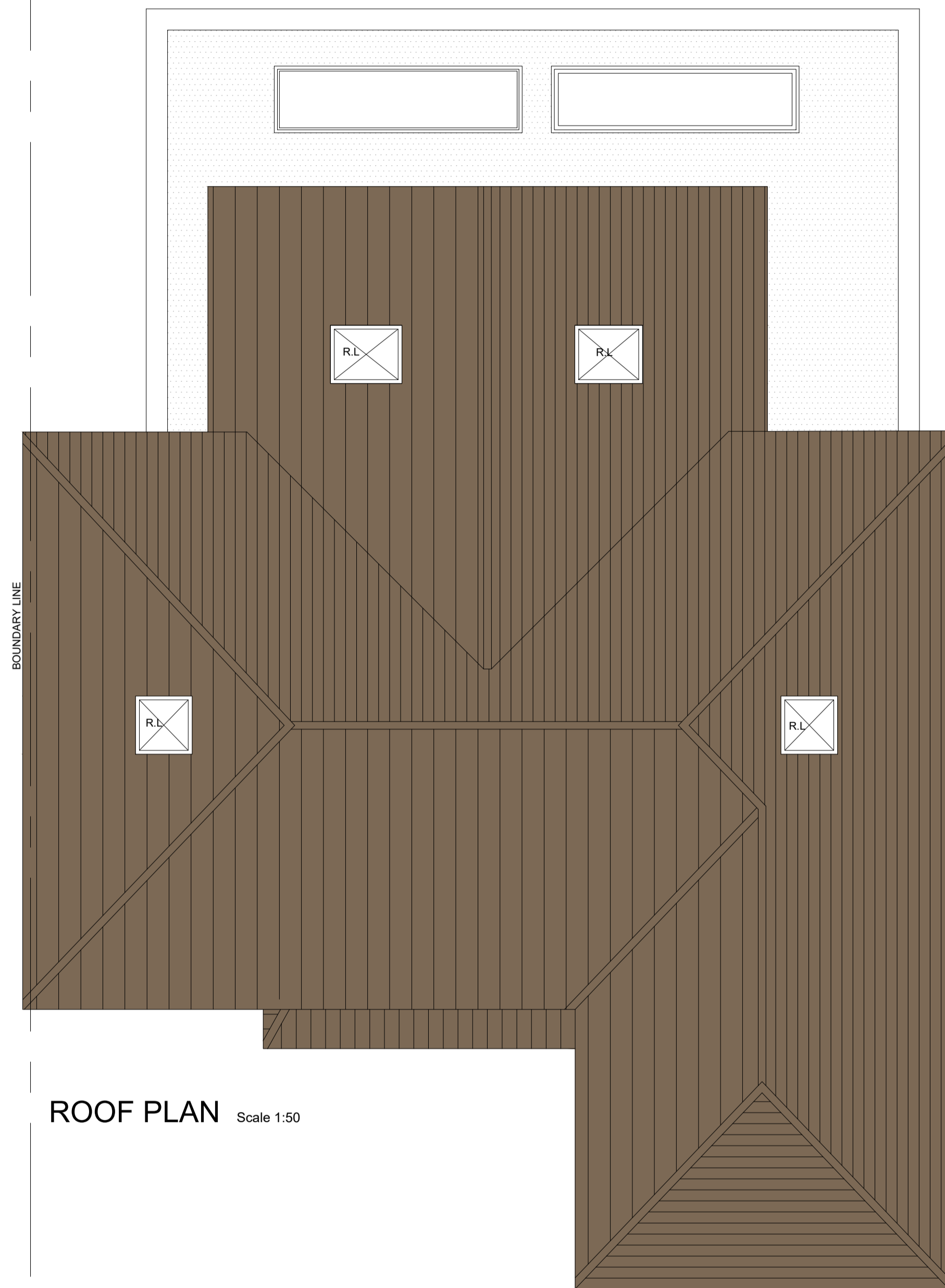
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<b>STONE Me!</b> ARCHITECTURE & INTERIOR DESIGN		Client:		
STONE ME LIMITED, 5 FOUNTAIN LANE HOCKLEY, ESSEX SS6 4BT Tel: 01702 203333 E: info@stoneirme.com W: www.stonirme.com		Drawing:	Proposed Date:	Scale:
			21.12.2020	1:100 @ A1
		Project Architect:	P. J. Wyatt	
		Drawing Checked By:		
		Project No.:	1947	06E

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SECOND FLOOR PLAN Scale 1:50



ROOF PLAN Scale 1:50

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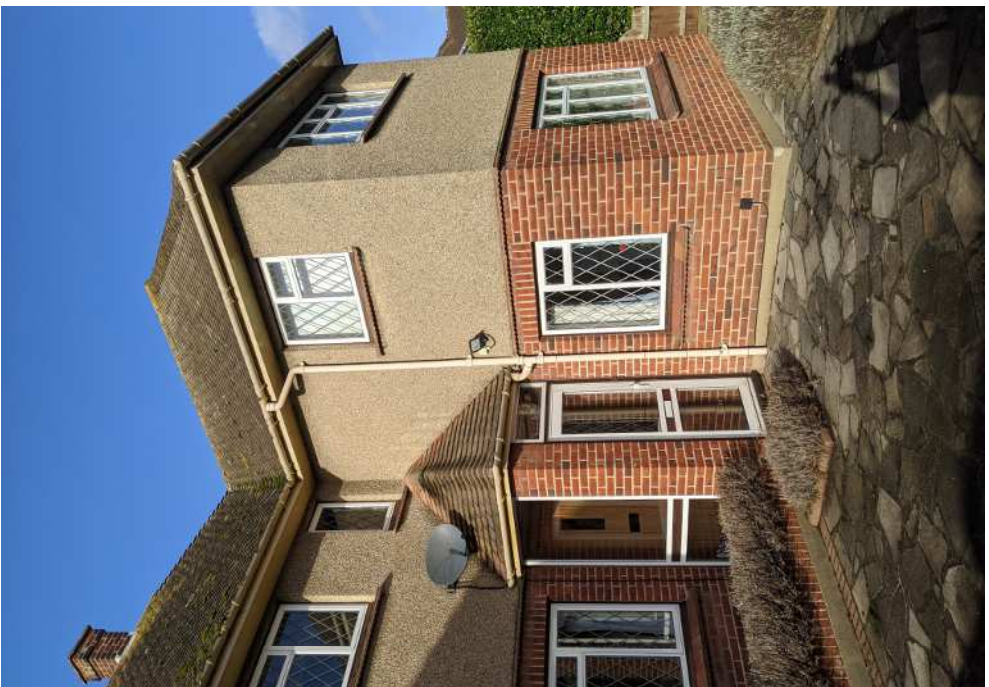
<b>ISSUED FOR COMMENT</b>		Project:	<b>29 ST AUGUSTINE AVENUE, THORPE BAY</b>	
		Client:		
		Drawing:		
STONE ME LIMITED, 5 FOUNTAIN LANE HOCKLEY, ESSEX SS6 4BT Tel: 01702 203333 E: info@stone.me W: www.stoneme.com		Project checked by: P. J. Wyatt	Scale: 1:50 @ A1	
		<b>PROPOSED SECOND &amp; ROOF PLANS</b>		Drawing No: <b>1947 05E</b>



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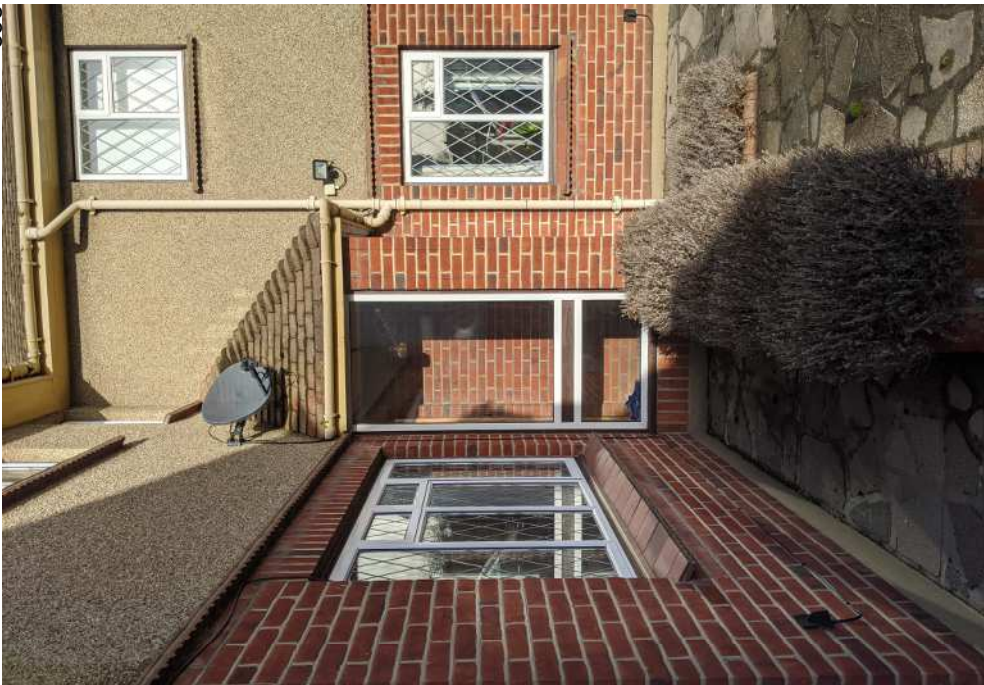






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<b>Reference:</b>	21/01701/FULH
<b>Application Type:</b>	Full Application - Householder
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Erect single storey rear extension (Amended Proposal)
<b>Address:</b>	28 Fastnet, Eastwood, Essex
<b>Applicant:</b>	Poppy Mackenzie
<b>Agent:</b>	Mr Frazer Day
<b>Consultation Expiry:</b>	14th September 2021
<b>Expiry Date:</b>	13th October 2021
<b>Case Officer:</b>	Robert Lilburn
<b>Plan Nos:</b>	<b>D01 E, D02 E, D03 E, D04 E, D05 E, D06 E</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>

11





## **1 Site and Surroundings**

- 1.1 The application relates to a modern two storey semi-detached dwelling house. The existing building is finished in facing brick and plain roof tiles.
- 1.2 The site is not specifically identified on the policies map of the development management document and is located within flood zone 1. The Borough boundary with Rochford DC lies a short distance to, but not adjacent to the rear of the site.

## **2 The Proposal**

- 2.1 The application proposes the erection of a single-storey rear extension to provide additional living accommodation as part of the existing dwellinghouse.
- 2.2 The extension would have a mono pitch roof, and would extend by some 3.1m including the roof eaves. It would measure some 2.6m in height to eaves level and some 3.4m in height at its junction with the house wall. Proposed external materials are described as exposed brickwork and plain tiles with upvc windows.
- 2.3 The application has been called into Development Control Committee by Councillor Buckley.

## **3 Relevant Planning History**

- 3.1 21/01117/FULH: Erect two storey rear extension, alter elevations. Refused 19.07.21 for the following reason:  
*As a result of the size, siting scale and design of the extension and in particular the proposed parapet wall, the development would be unduly dominant and result in an undue sense of enclosure, to the detriment of the amenities of the adjoining occupiers. 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 Southend Design and Townscape Guide (2009).*

## **4 Representation Summary**

### **4.1 Public Consultation**

4 neighbouring properties were notified. Two letters of representation have been received from one neighbouring occupier, objecting to the application and the reasons for objection are summarised as follows:

- no prior consultation with neighbour;
- harm to neighbour amenity;
- impacts upon ventilation and cleaning of windows at neighbouring property;
- property boundary concerns;
- detail and quality of information on submitted plans;
- impact upon sewer and access to sewer.

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

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land)
- 5.5 Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)

## **6 Planning Considerations**

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

## **7 Appraisal**

### **Principle of Development**

- 7.1 The dwelling is located within a residential area and extensions to the property are considered acceptable as a general principle subject to other policy objectives being complied with.

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

- 7.2 Paragraph 130 of the NPPF states that *“Planning decisions should ensure that ... developments are sympathetic to local character ... including the surrounding built environment”*. The National Design Guide notes that well-designed development responds positively to the features of a site and its surroundings.
- 7.3 The importance of good design is reflected in Policies KP2 and CP4. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.4 Policy DM1 seeks development that adds to the overall quality of the area and respects the character of the site, its local context and surroundings in terms of its architectural approach. Policy DM3 seeks development that responds positively to local context. It also states that alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area.
- 7.5 The extension would be of a modest scale and would not have a significant public impact. Its scale, proportions and design would not be inconsistent with domestic projections in the surroundings or what is normally considered acceptable under permitted development rights. Use of matching external materials can be secured through a condition on planning permission in the interests of visual amenity.

- 7.6 The extension would not have a significant harmful effect on the character and appearance of the site and surroundings and the proposal is acceptable and policy compliant on design grounds.

### **Impact on Residential Amenity**

- 7.7 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.
- 7.8 By reason of its scale, design and position, the proposed extension would not have a harmful impact on no.30 Fastnet in any relevant regard.
- 7.9 The proposed extension would be situated in close proximity to an existing rear projection at the adjoining dwelling at no.26 Fastnet. This projection includes top hung opening windows at a high level situated along the west elevation and facing into the application site at close proximity.
- 7.10 As a consequence the proposed development would have an impact upon light received through these high level windows. By their nature these are secondary sources of light and outlook, and the rear projection incorporates ample glazing elsewhere. The development would therefore not have a significantly harmful impact upon the amenities of neighbouring occupiers that would justify a refusal of planning permission in these respects.
- 7.11 The development would have an impact upon the capability of occupiers of no.26 Fastnet to open and clean the high-level windows facing the extension. This is a negative aspect of the proposal but would not justify a refusal of planning permission. It is also noted that this type of relationship for similar projects allowed under permitted development rights are not prohibited.
- 7.12 The proposal is acceptable and policy compliant with regards to its impact upon the amenities of neighbouring occupiers.

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

- 7.13 As the proposed extension to the property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that 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 is considered to have overcome the concerns with the previously refused scheme at the site and 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. 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: D01 E, D02 E, D03 E, D04 E, D05 E, D06 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. 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 amenities further to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**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.**

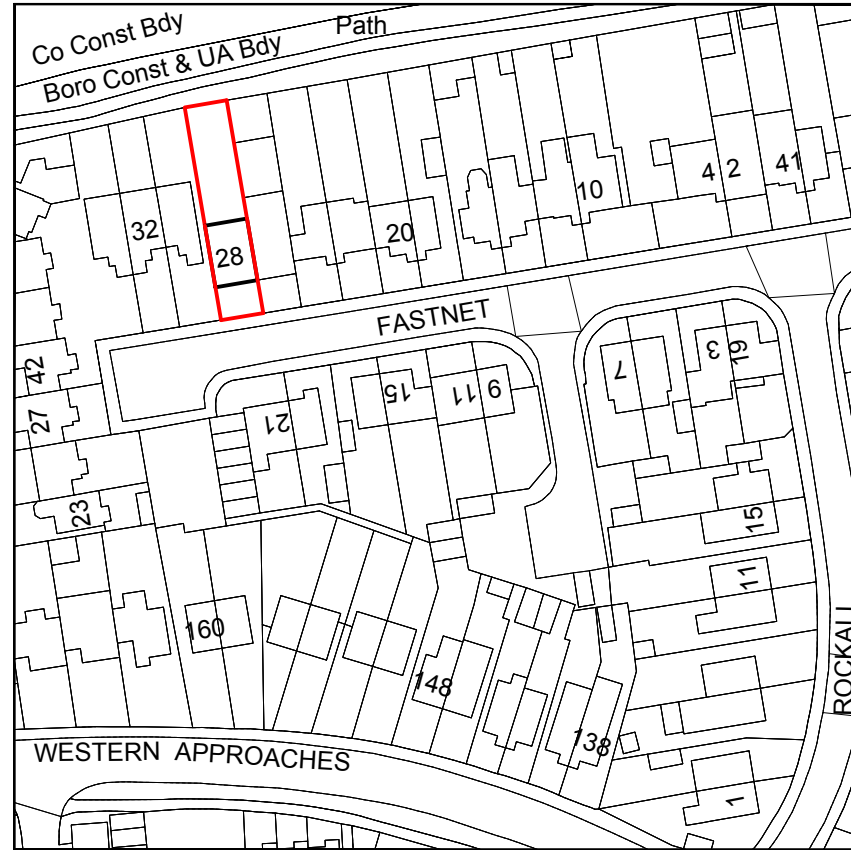
## **10 Informatives:**

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

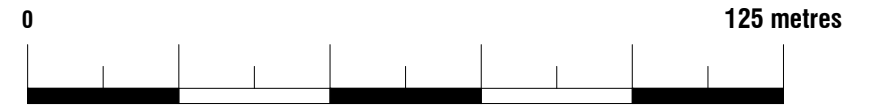
**02. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor**



**Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)), or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.**



**Location Plan**  
Scale 1:1250



Revision notes:		
Rev:	Date:	Notes:
001		<p>The Contractor must carry out His/Her own measured survey prior to works commencing on site to verify site dimensions and to report any discrepancies to the Designer. Contractor to refer to Building Control Notes. Contractor is responsible for final on site design using on site dimensions.</p> <p>Contractor responsible for on site drainage layout/runs - to be agreed by Building Control prior to Construction starting on site. All Details to be approved by Building Control prior to construction starting on site.</p>

<b>Drawn by:</b> FD	<b>Client:</b>
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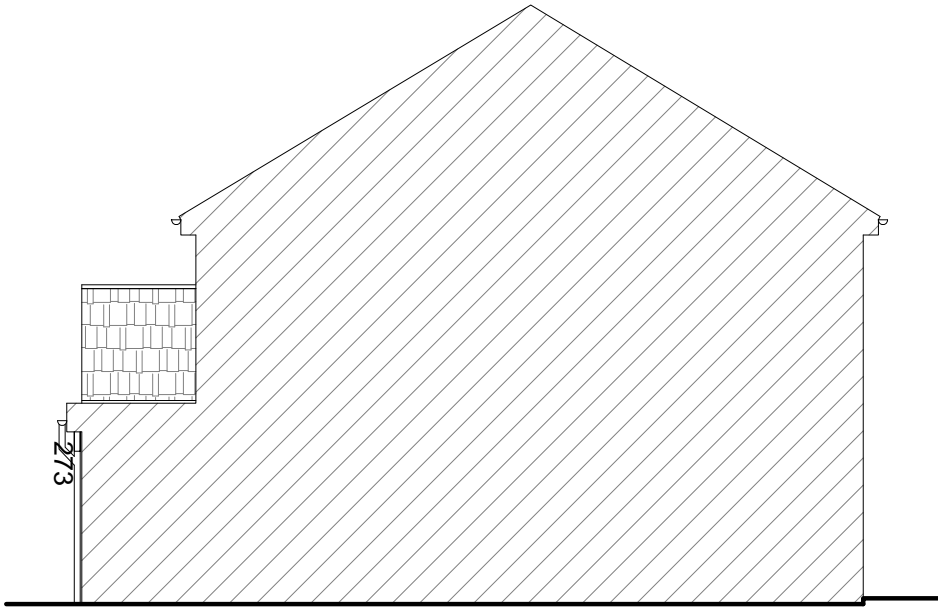
<b>Project:</b> 28 Fastnet, SS2 6TX	<b>Drawing Title:</b> LOCATION PLAN
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<b>Date:</b> 13.08.2021	<b>No.:</b> 21-0656
<b>Scale @ A3:</b> 1:1250	<b>Rev:</b> E
<b>Issue:</b> PLANNING DRAWINGS	<b>Page:</b> D01

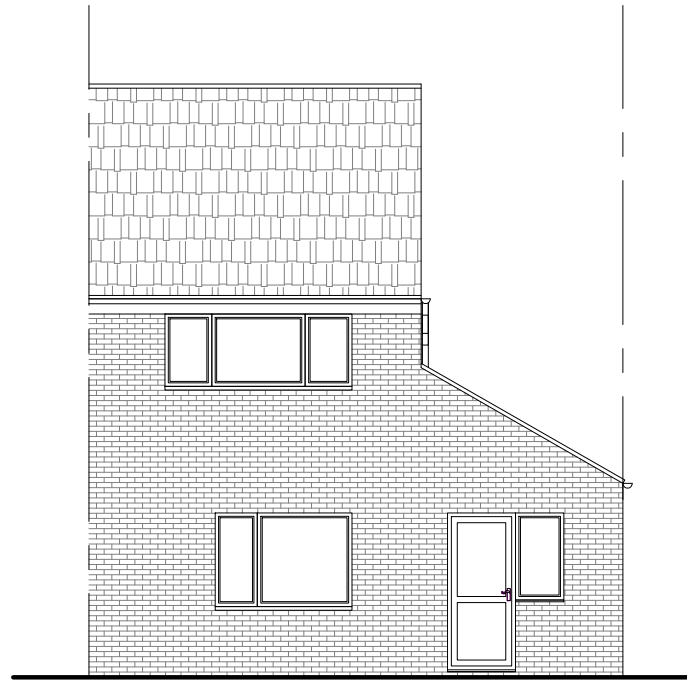
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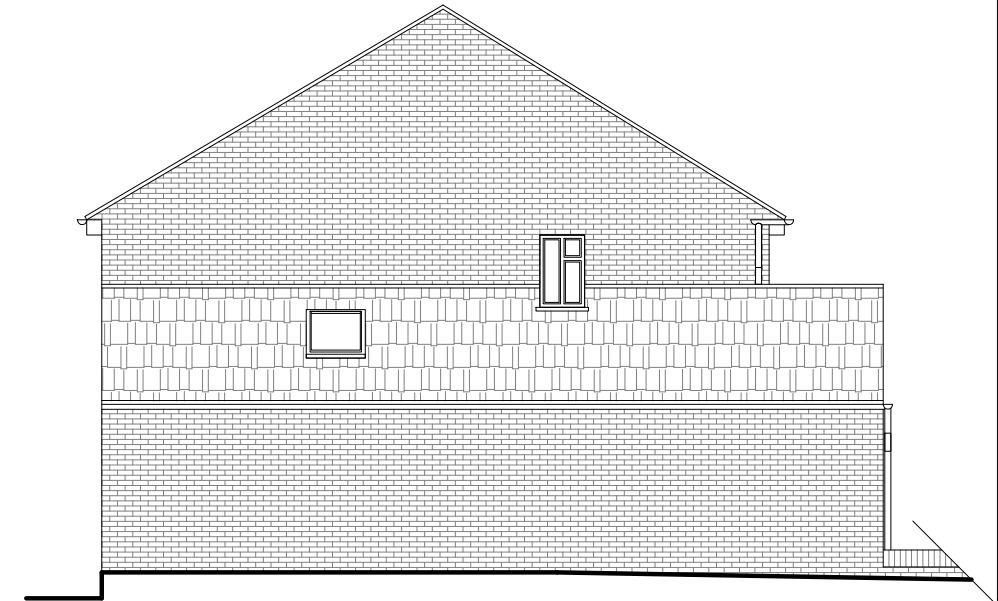
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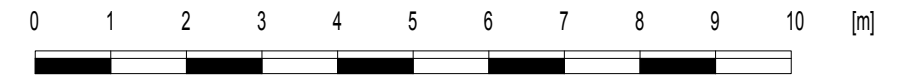
Side Elevation



Rear Elevation



Side Elevation



Revision notes:		
Rev:	Date:	Notes:
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<b>Drawn by:</b> FD	<b>Client:</b>
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<b>Project:</b> 28 Fastnet, SS2 6TX	<b>Drawing Title:</b> EXISTING ELEVATIONS
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<b>Date:</b> 13.08.2021	<b>No.:</b> 21-0656
<b>Scale @ A3:</b> 1:100	<b>Rev:</b> E
<b>Issue:</b> PLANNING DRAWINGS	<b>Page:</b> D04

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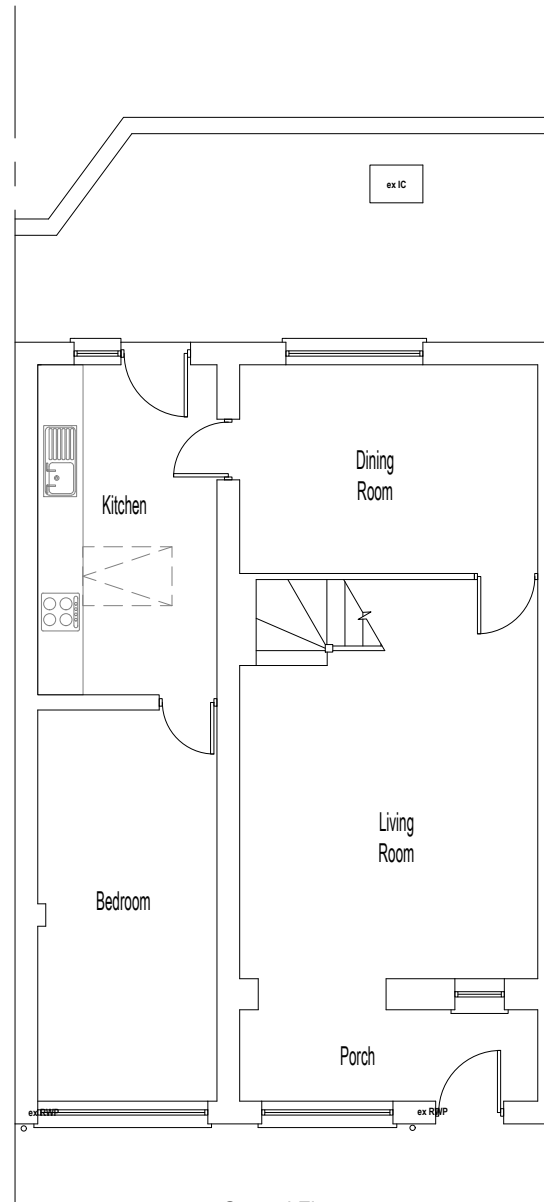


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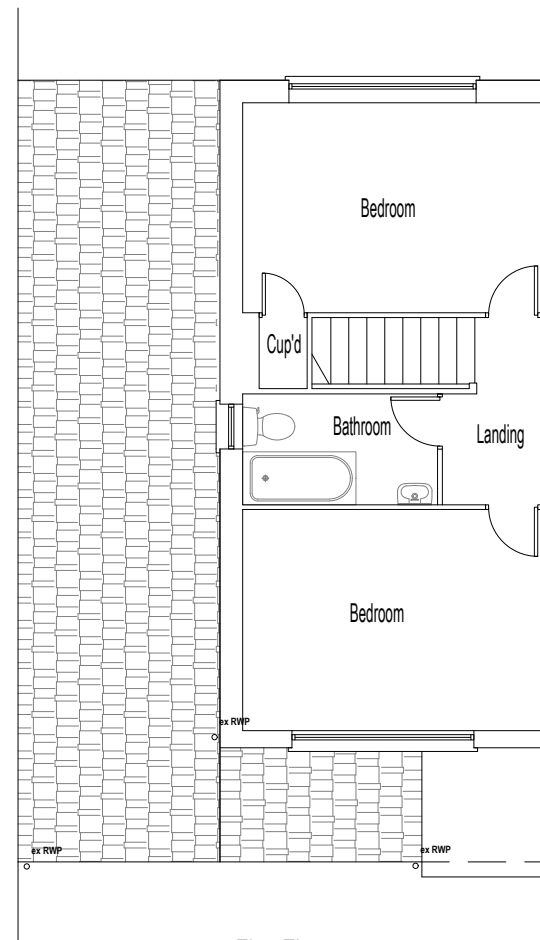
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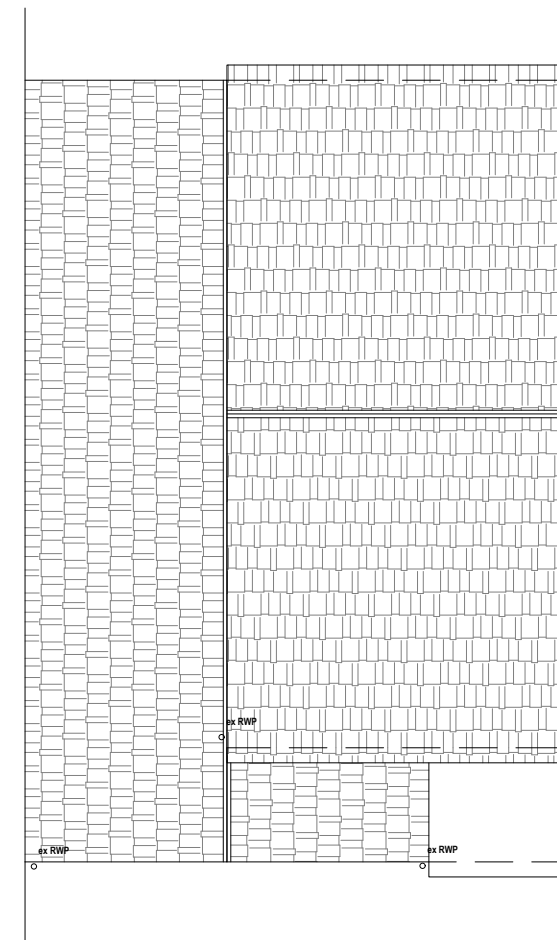
275



**Ground Floor**  
Area ca. 64.41 m<sup>2</sup>



**First Floor**  
Area ca. 32.75 m<sup>2</sup>



**Roof**



Revision notes:		
Rev:	Date:	Notes:
001		The Contractor must carry out His/Her own measured survey prior to works commencing on site to verify site dimensions and to report any discrepancies to the Designer. Contractor to refer to Building Control Notes. Contractor is responsible for final on site design using on site dimensions.  Contractor responsible for on site drainage layout/runs - to be agreed by Building Control prior to Construction starting on site. All Details to be approved by Building Control prior to construction starting on site.

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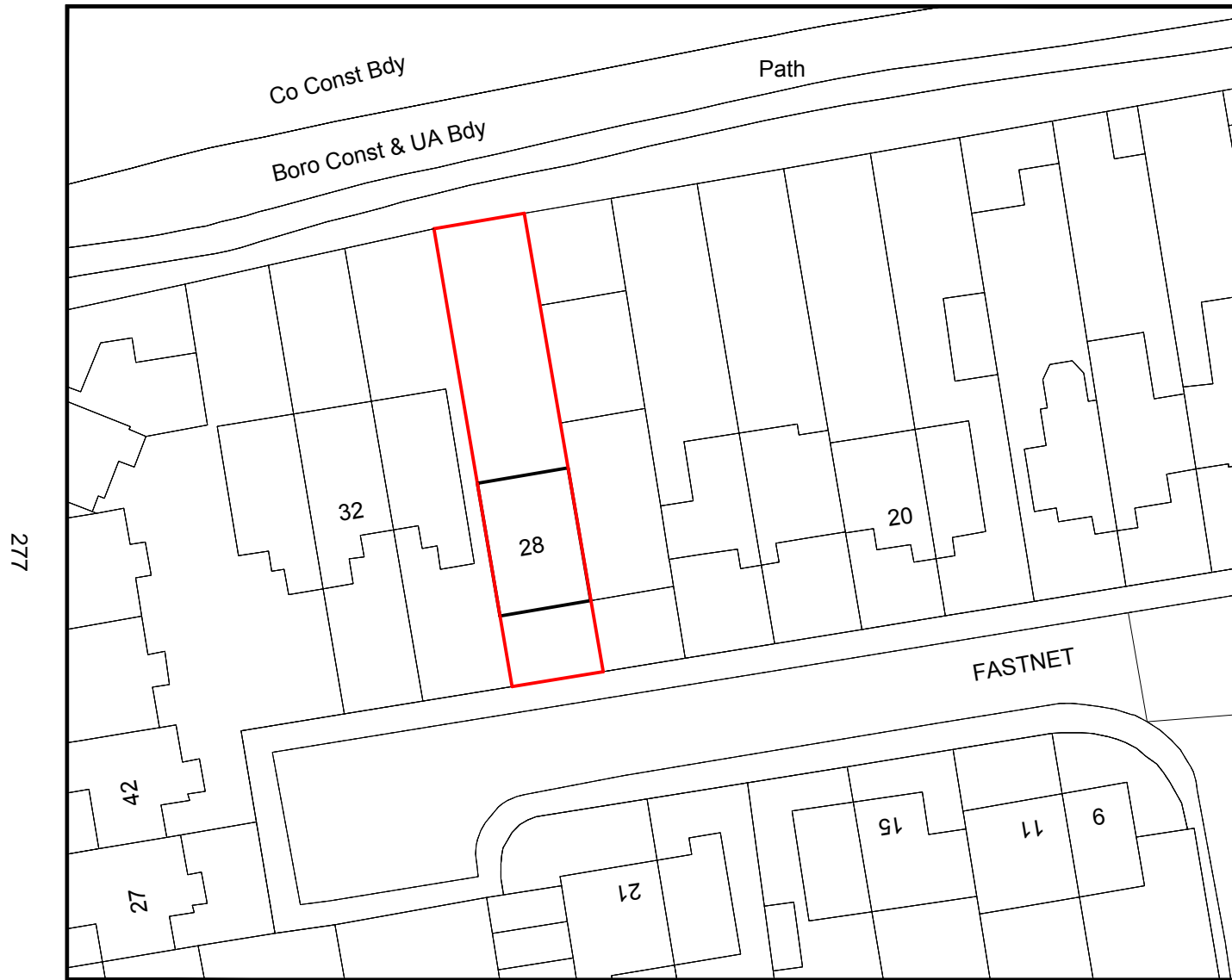
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<b>Issue:</b> PLANNING DRAWINGS	<b>Page:</b> D03

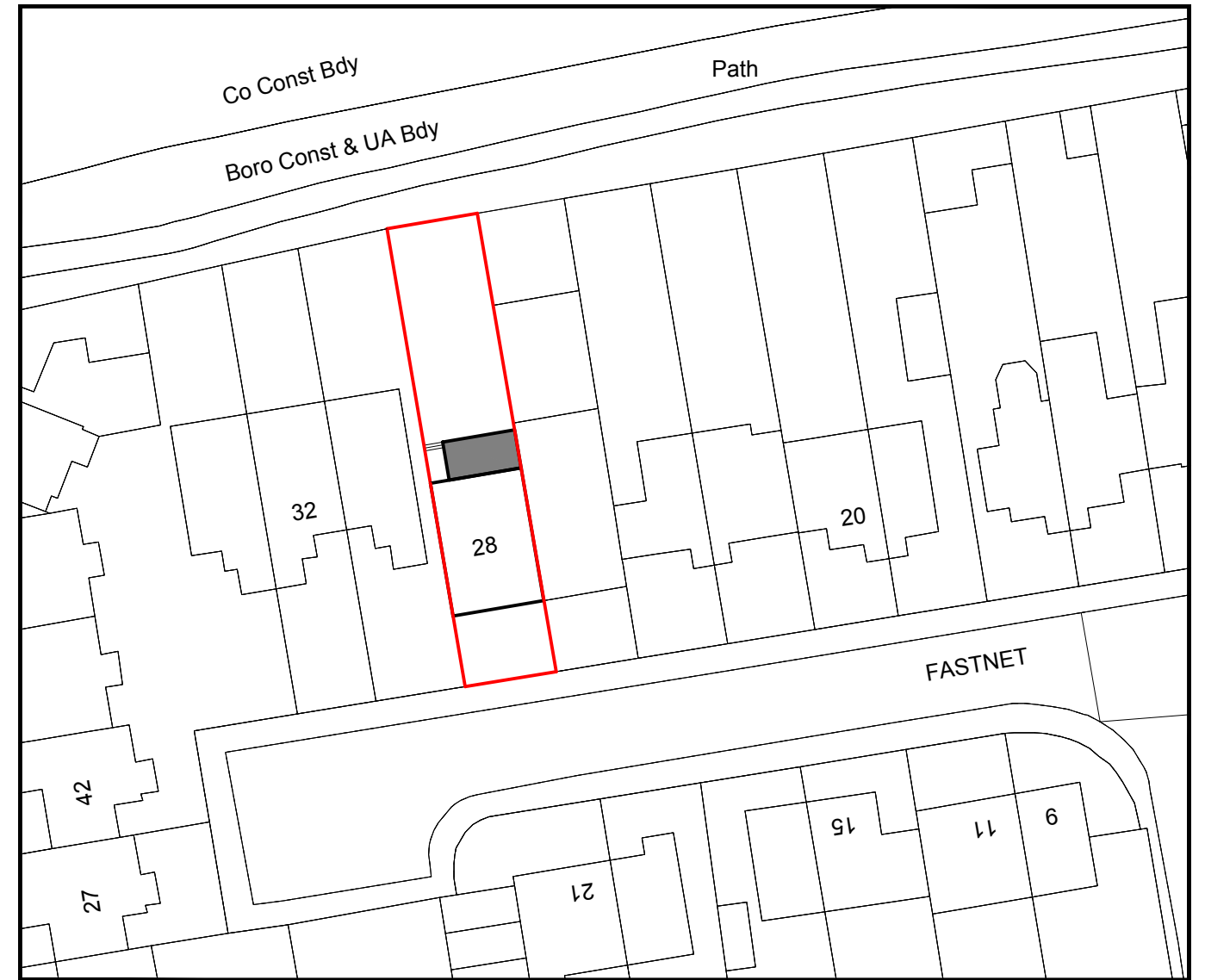
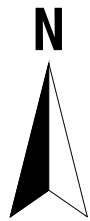
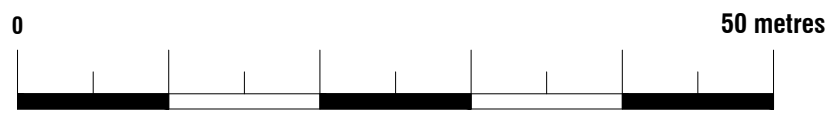


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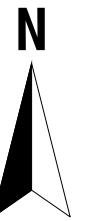
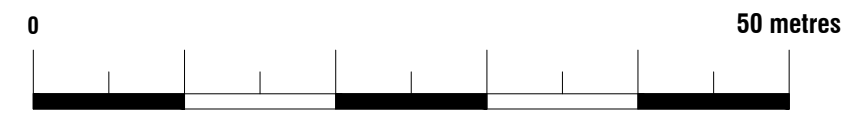
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**Existing Block Plan**  
Scale 1:500



**Proposed Block Plan**  
Scale 1:500



Revision notes:		
Rev:	Date:	Notes:
001		<p>The Contractor must carry out His/Her own measured survey prior to works commencing on site to verify site dimensions and to report any discrepancies to the Designer. Contractor to refer to Building Control Notes. Contractor is responsible for final on site design using on site dimensions.</p> <p>Contractor responsible for on site drainage layout/runs - to be agreed by Building Control prior to Construction starting on site. All Details to be approved by Building Control prior to construction starting on site.</p>

<b>Drawn by:</b> FD	<b>Project:</b> 28 Fastnet, SS2 6TX
<b>Client:</b>	<b>Drawing Title:</b> EXISTING BLOCK PLAN PROPOSED BLOCK PLAN

<b>Date:</b> 13.08.2021	<b>No.:</b> 21-0656
<b>Scale @ A3:</b> 1:500	<b>Rev:</b> E
<b>Issue:</b> PLANNING DRAWINGS	<b>Page:</b> D02

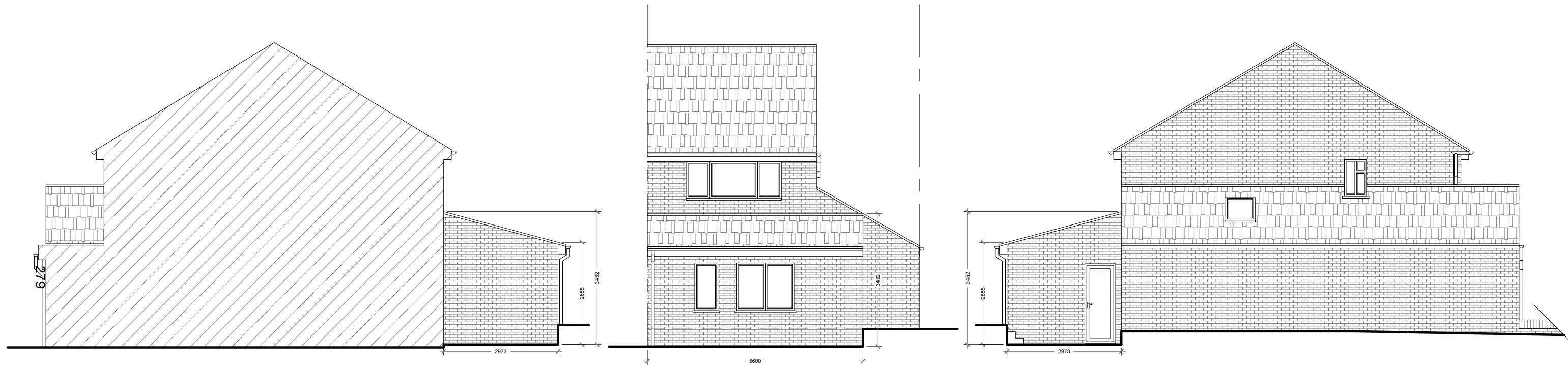
<b>Date:</b> 13.08.2021	<b>No.:</b> 21-0656
<b>Scale @ A3:</b> 1:500	<b>Rev:</b> E
<b>Issue:</b> PLANNING DRAWINGS	<b>Page:</b> D02

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# PROPOSED

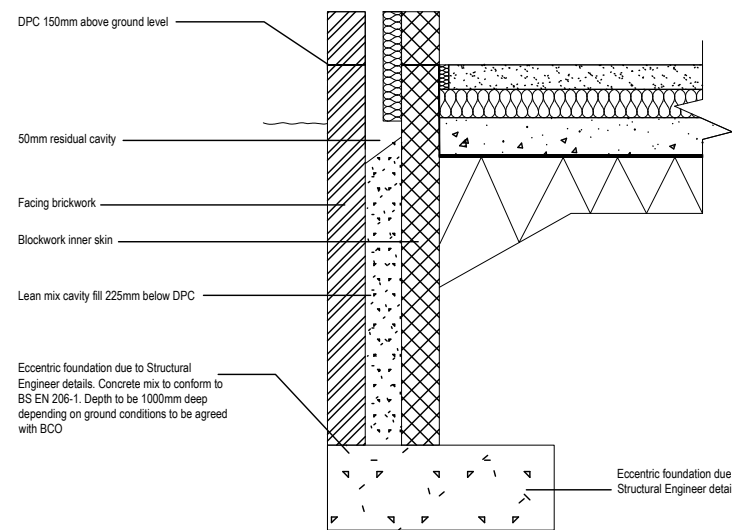


Side Elevation

Rear Elevation

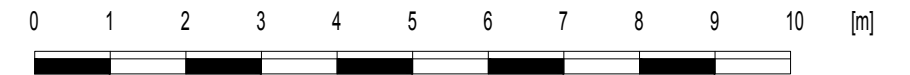
Side Elevation

## STRIP FOUNDATION



**STRIP FOUNDATION**  
Eccentric foundation due to Structural Engineer details, concrete mix to conform to BS EN 206-1 and BS 8500-2. All foundations to be a minimum of 1000mm below ground level, exact depth to be agreed on site with Building Control Officer to suit site conditions. All constructed in accordance with 2010 Building Regulations A1/2 and BS 8004:1986 Code of Practice for Foundations. Ensure foundations are constructed below invert level of any adjacent drains. Base of foundations supporting internal walls to be min 600mm below ground level. Sulphate resistant cement to be used if required. Please note that should any adverse soil conditions be found or any major tree roots in excavations, the Building Control Officer is to be contacted and the advice of a structural engineer should be sought.

**WALLS BELOW GROUND**  
All new walls to have Class A blockwork below ground level or alternatively semi engineering brickwork in 1:4 masonry cement or equal approved specification. Cavities below ground level to be filled with lean mix concrete min 225mm below damp proof course. Or provide lean mix backfill at base of cavity wall (150mm below damp course) laid to fall to weepholes.



### Revision notes:

Rev:	Date:	Notes:
001		The Contractor must carry out His/Her own measured survey prior to works commencing on site to verify site dimensions and to report any discrepancies to the Designer. Contractor to refer to Building Control Notes. Contractor is responsible for final on site design using on site dimensions.  Contractor responsible for on site drainage layout/runs - to be agreed by Building Control prior to Construction starting on site. All Details to be approved by Building Control prior to construction starting on site.

### Drawn by:

FD

### Project:

28 Fastnet, SS2 6TX

### Date:

13.08.2021

### No.:

21-0656

### Scale @ A3:

1:100

### Rev:

E

### Client:

### Drawing Title:

PROPOSED ELEVATIONS

### Issue:

PLANNING DRAWINGS

### Page:

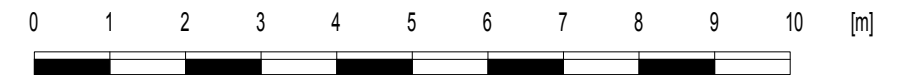
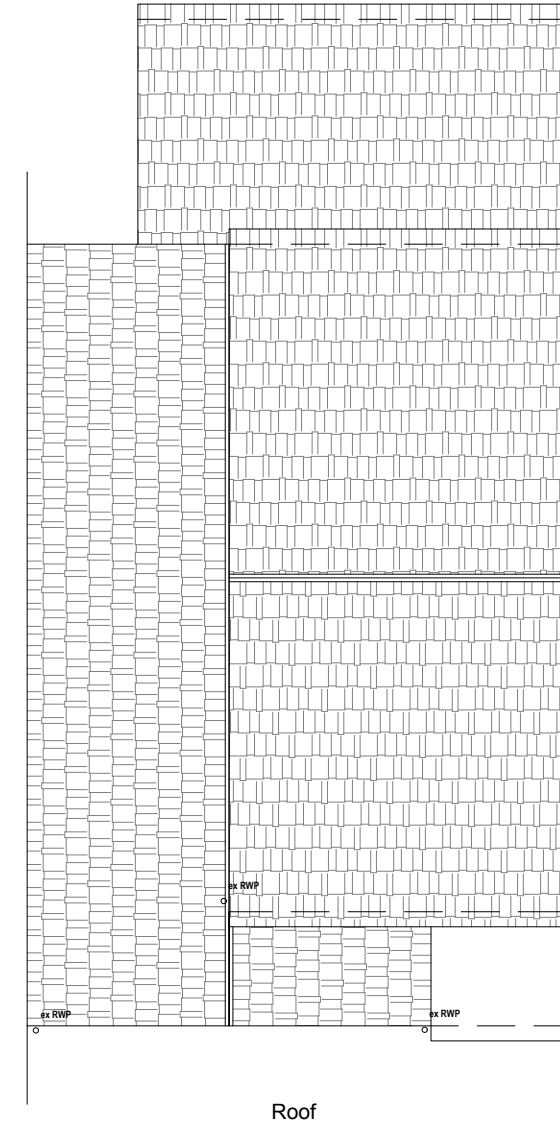
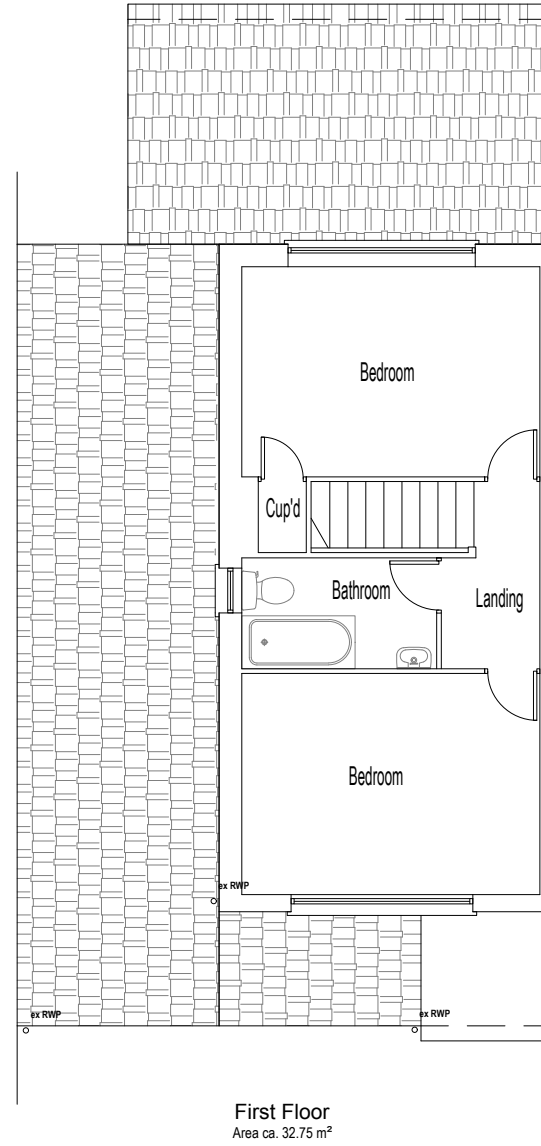
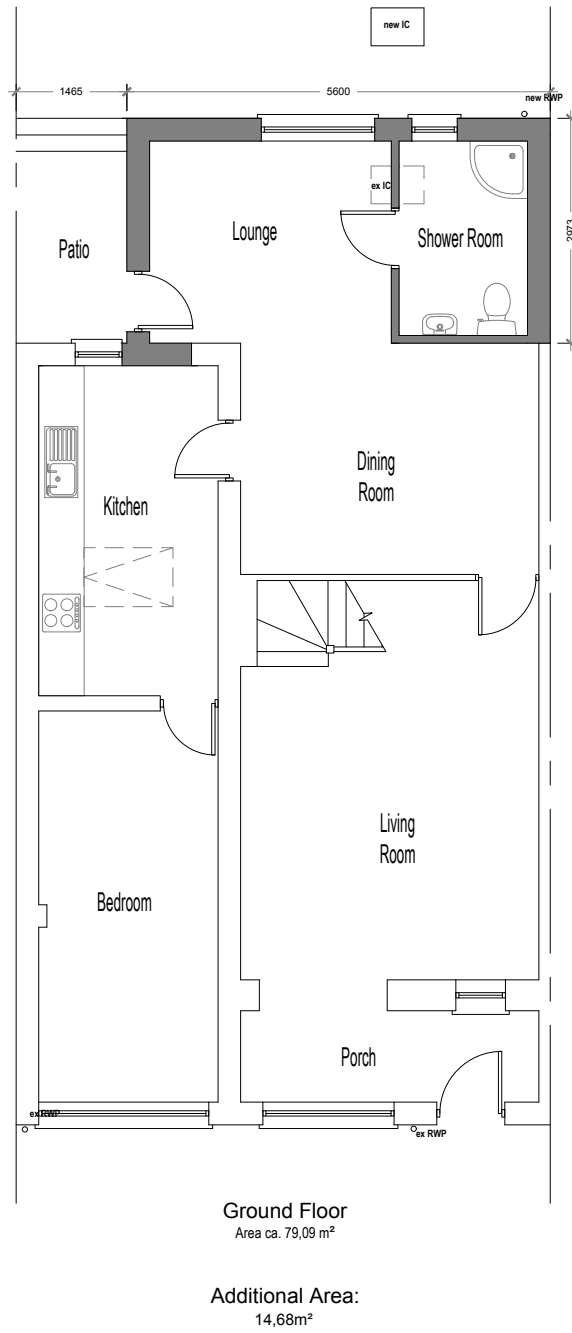
D06

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# PROPOSED



281



**The contractor should carry out his/her own survey before starting works on site**

Revision notes:		
Rev:	Date:	Notes:
001		The Contractor must carry out His/Her own measured survey prior to works commencing on site to verify site dimensions and to report any discrepancies to the Designer. Contractor to refer to Building Control Notes. Contractor is responsible for final on site design using on site dimensions.  Contractor responsible for on site drainage layout/runs - to be agreed by Building Control prior to Construction starting on site.All Details to be approved by Building Control prior to construction starting on site.

<b>Drawn by:</b> FD	<b>Project:</b> 28 Fastnet, SS2 6TX
<b>Client:</b>	<b>Drawing Title:</b> PROPOSED PLANS

<b>Date:</b> 13.08.2021	<b>No.:</b> 21-0656
<b>Scale @ A3:</b> 1:100	<b>Rev:</b> E
<b>Issue:</b> PLANNING DRAWINGS	<b>Page:</b> D05

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No.30 to west

Site no.28

No.26 to east



No.26 to east

Site no.28

No.30 to west





No.26 to east

Site









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<b>Reference:</b>	21/01491/FULH	<b>12</b>
<b>Ward:</b>	Prittlewell	
<b>Proposal:</b>	Erect part single/part two storey side and rear extension, alter elevations (amended proposal)	
<b>Address:</b>	237 Prittlewell Chase Westcliff-On-Sea Essex SS0 0PP	
<b>Applicant:</b>	Mr & Mrs Matthew & Sarah Harding	
<b>Agent:</b>	Mr Danny Knott	
<b>Consultation Expiry:</b>	30.09.2021	
<b>Expiry Date:</b>	08.10.2021	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>3598-01-H</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	





## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of 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. Other minor external alterations are also proposed.
- 2.3 The proposed external materials are white render, roof tiles 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).*

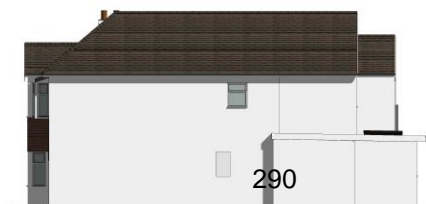


Figure 1: Application previously refused (App ref. 21/0002/FULH)

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.
- Removal of the Juliette balcony to the first-floor rear elevation



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 current proposal to be erected regardless of the outcome of this application. This forms a material consideration of significant weight in the assessment of the application.

2.7 The application has been called in by Councillor Garston. The application qualifies for consideration at Committee in any event as the applicant is an employee of the Council.

### 3 Relevant Planning History

3.1 21/00721/FULH- Erect part single/part two storey side and rear extension, install Juliette balcony to rear, alter elevations (amended proposal)- Withdrawn

3.2 21/00326/FULH - Erect timber single storey granny annexe for ancillary use to main dwelling (amended proposal) (part retrospective) - Planning permission granted

3.3 21/00002/FULH - Erect part single/part two storey side and rear extension, install Juliette balcony to rear, alter elevations - Planning permission refused

3.4 20/01231/FULH - Erect single storey rear extension (Amended Proposal) – Planning permission granted

3.5 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

3.6 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

3.7 20/00577/FULH - Erect single storey rear extension – Planning permission refused

## 4 Representation Summary

### Public

4.1 7no. neighbouring properties were individually notified. 10no. letters of representation from 7no. properties 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.
- Development imposing to junction with Eastwood Grove.
- Detriment to the amenity of the area.
- Overscaled within streetscene – contrary to policy.
- Harm to amenity of neighbouring occupiers.
- Overlooking from 3no. additional first floor flank windows. Condition should be attached requiring obscure glazing condition.
- Loss of value to neighbouring properties.
- Concerns with neighbour consultation.
- Development contrary to policy.
- Applicant is an employee of the council.

**[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 found to represent justifiable reasons for refusal of the application in the circumstances of this case.

## 5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF)(2021)

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 nor reduce on site provision 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 application 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 previous refusal at the property (21/00002/FULH) was 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 that the single storey element remains an acceptable part of the current proposal when considered in isolation.
- 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 highway 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 here. 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 responses to the previously refused scheme. When considered together with its position to the rear of the site and use of matching materials (which can be conditioned), on balance, the impact of the proposed development on design and character is considered to be acceptable.
- 7.8 The proposal is considered, on balance, to be 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 (21/00002/FULH). 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 significantly 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 so they are not considered to be impacted by the resultant-built form of the proposed development in any harmful way. Whilst third party concerns have been raised about 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 any significantly 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 a further 2.3m of separation distance is provided by the No 235's garage building. 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 extant approval (20/01231/FULH), the impact of this element of the proposal on the amenity of No. 235's occupiers 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 projecting beyond 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 significantly harmful 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 acceptably 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 on site from the existing first floor windows. It is not considered that the proposal would significantly 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. On balance this application is considered to have overcome the reason for refusal of the previous application and 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-H**

**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 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 (2021), 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 only be 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 it 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 (2021), 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](http://www.southend.gov.uk/cil) for further details about CIL.

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

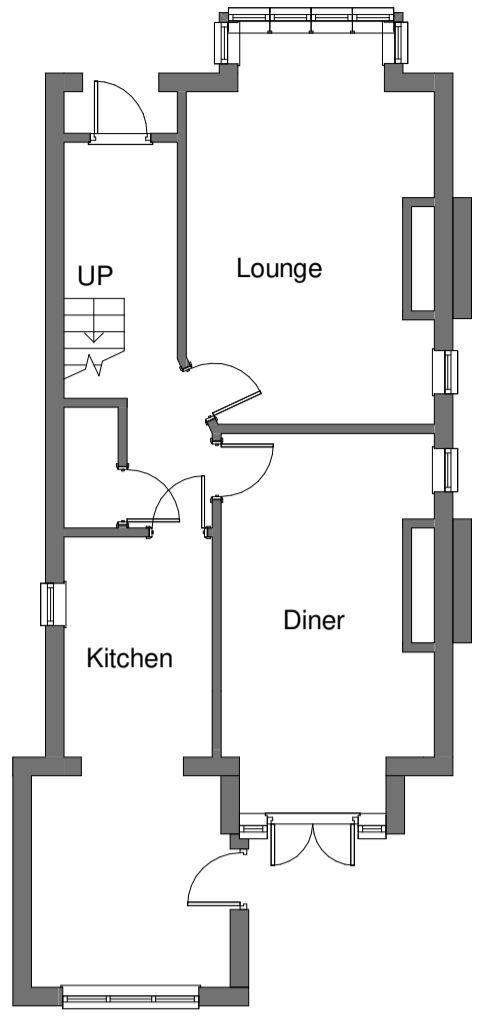


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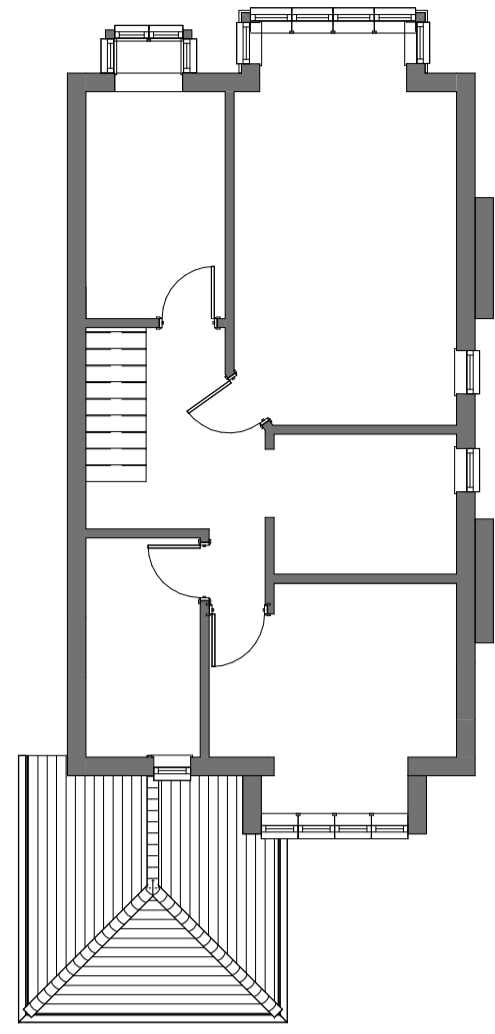
DRG NO	3598-01-H	
Date	November 2020	A1 size
Title	Two Storey Rear Extension at 237 Prittlewell Chase Westcliff on Sea	

**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 separate 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.

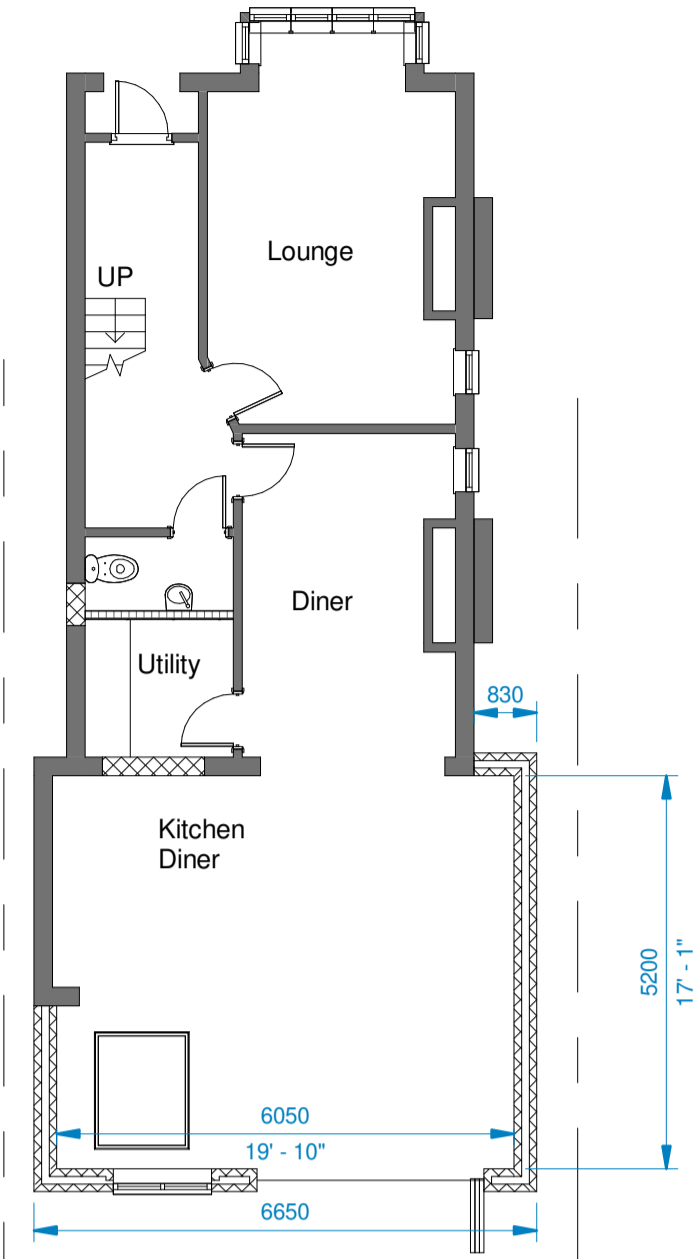
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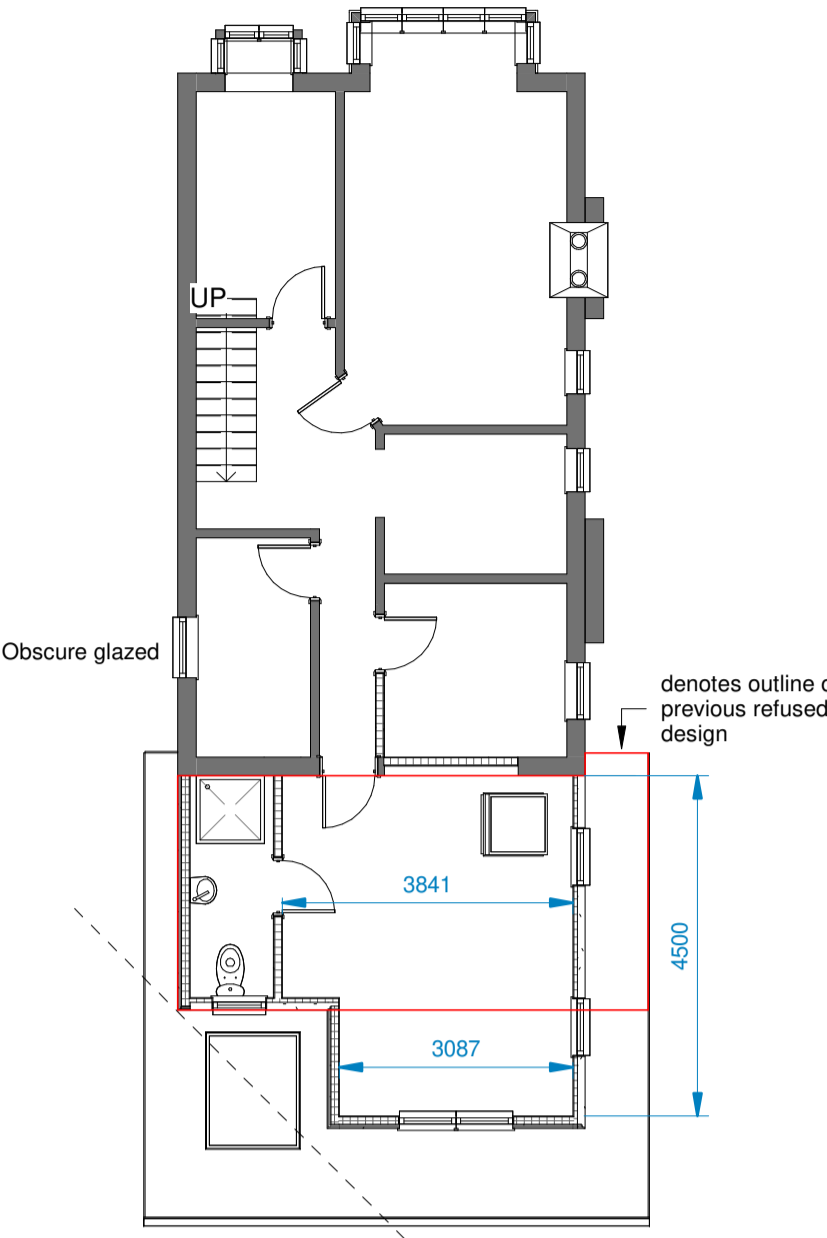
**Existing First**  
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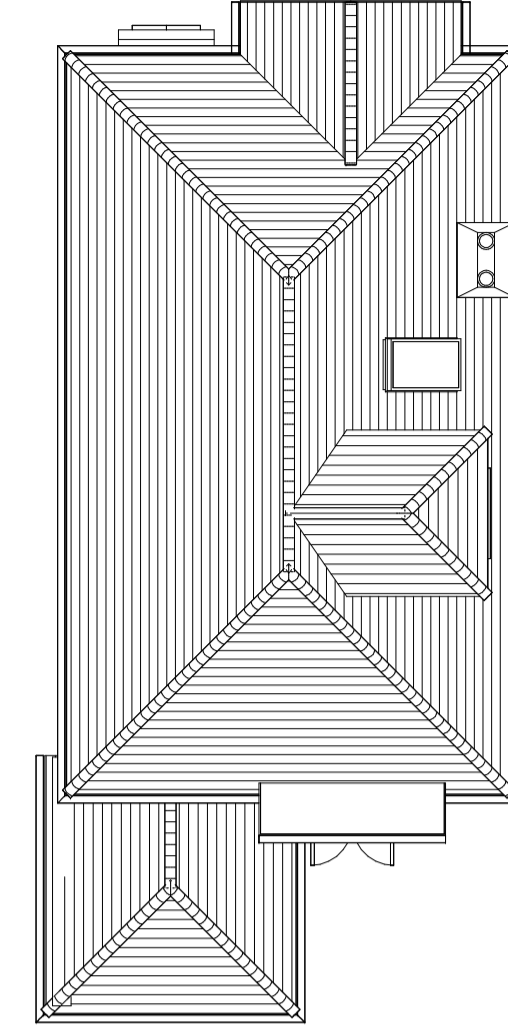
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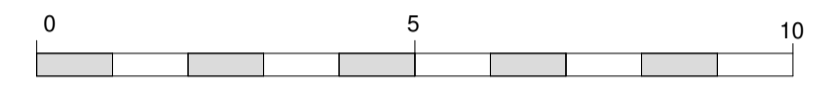
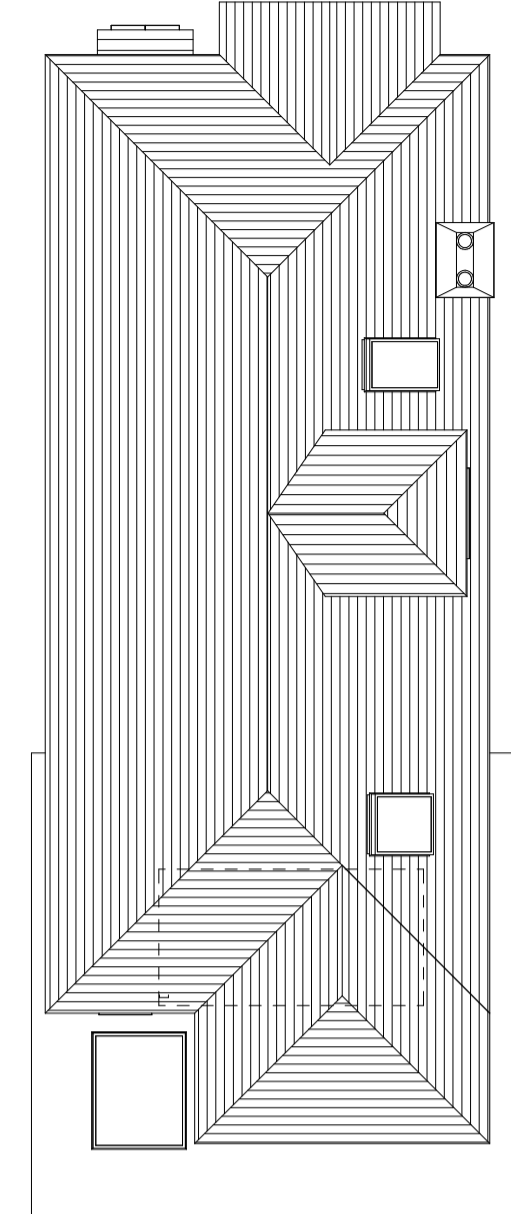
**Proposed First**  
1 : 100



**Existing Roof Plan**  
1 : 100



**Proposed Roof Plan**  
1 : 100



**Scale Bar 1-100**  
1 : 100



**Scale Bar 1-500**  
1 : 500



**Scale Bar 1-1250**  
1 : 1250



**3D View Proposed**



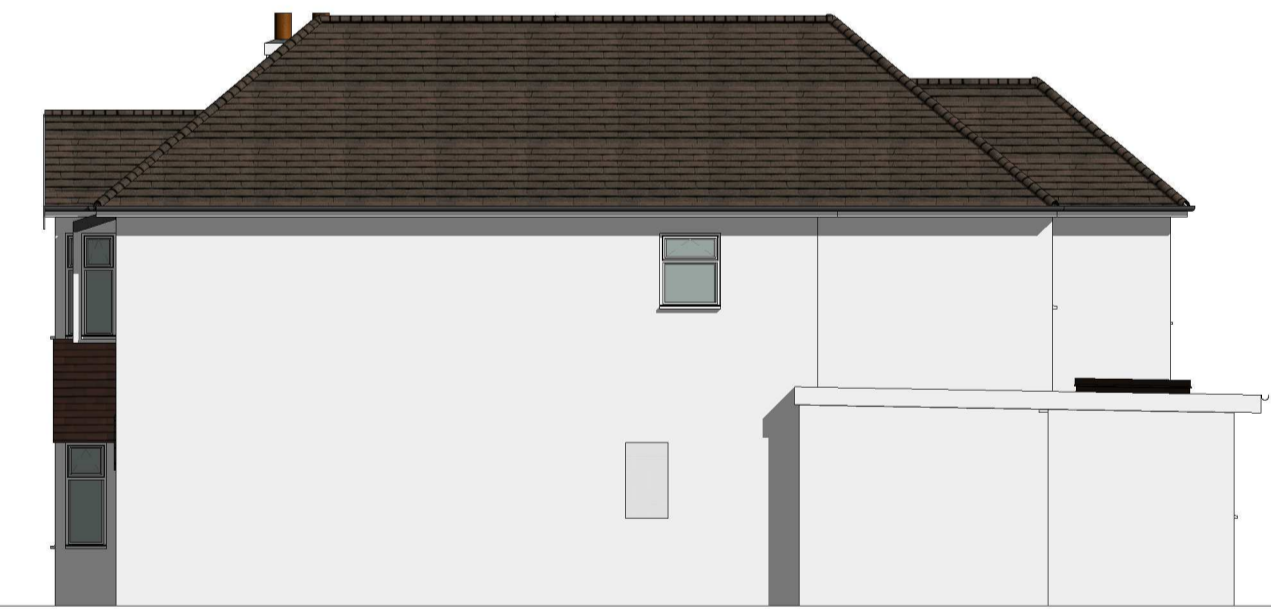
**3D View Proposed 2**



**Proposed Front**  
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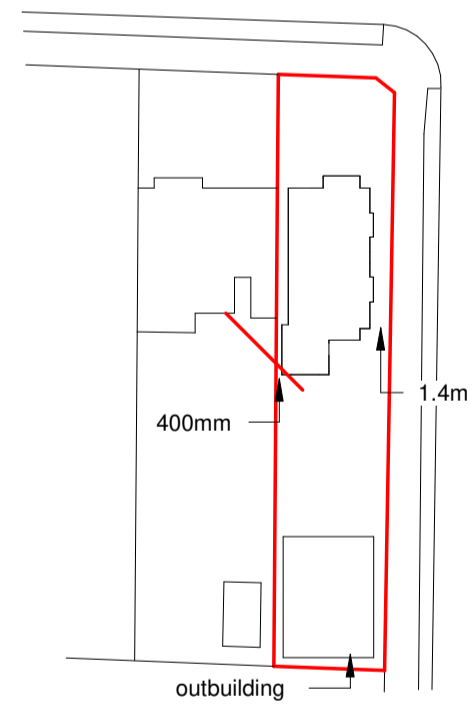
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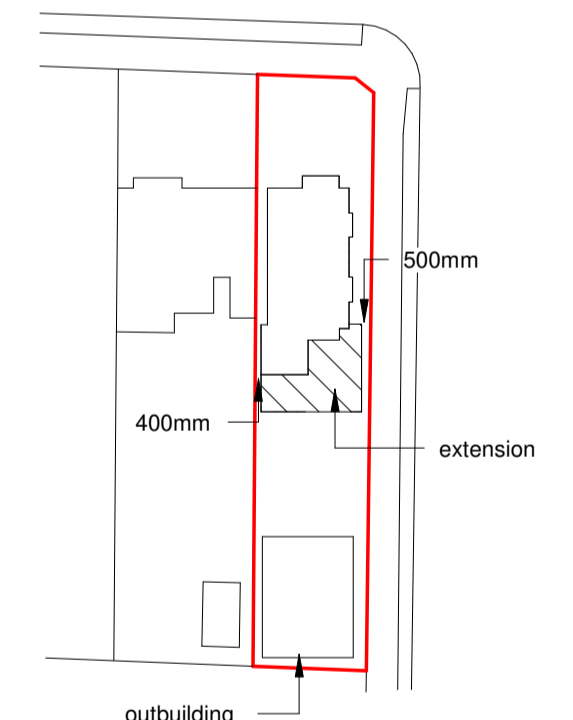
**Proposed Side L**  
1 : 100



**Proposed Side R**  
1 : 100



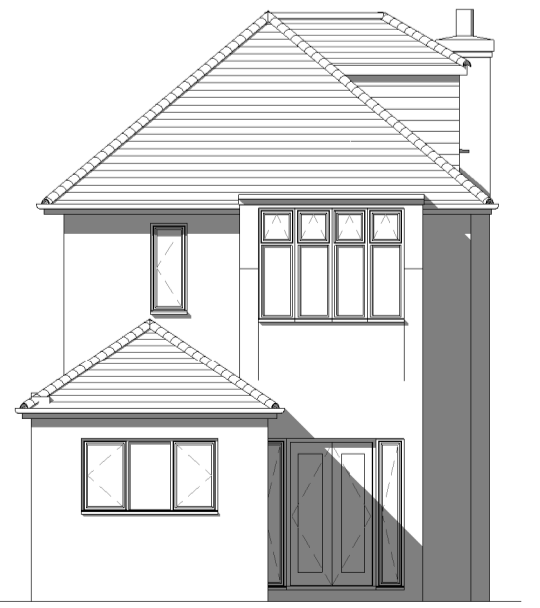
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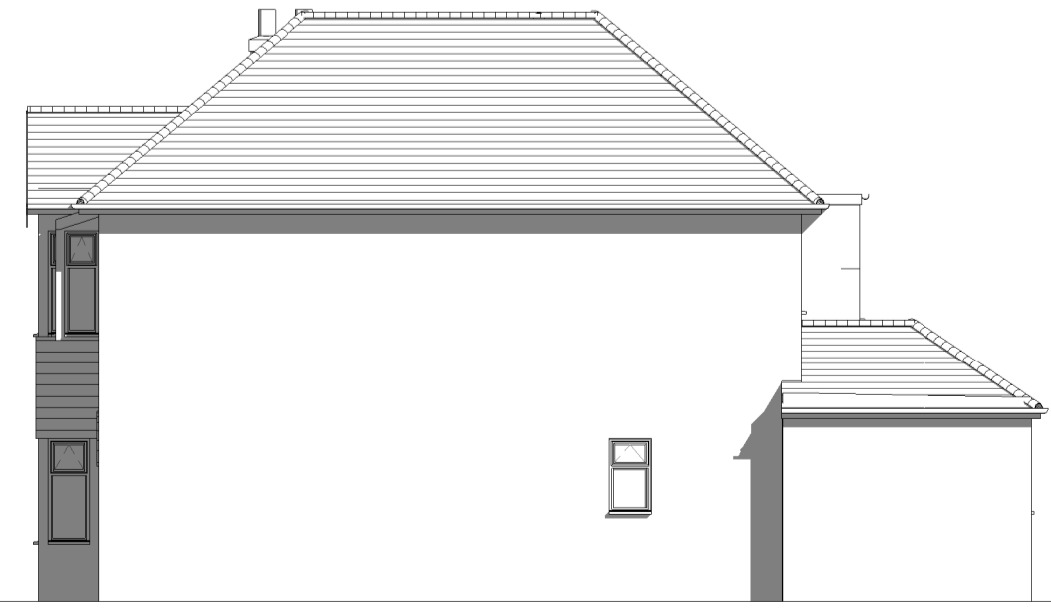
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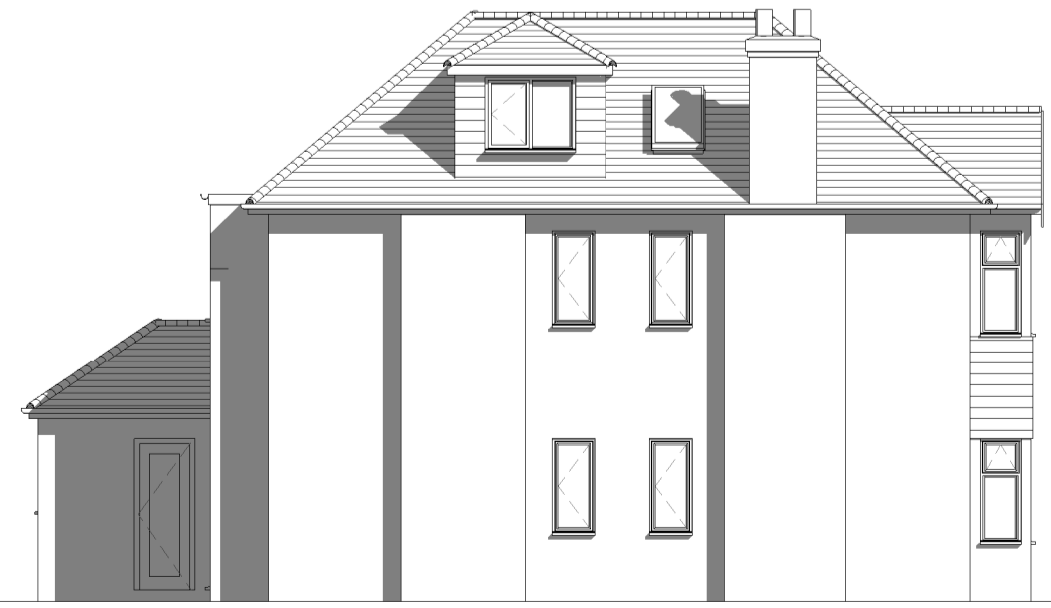
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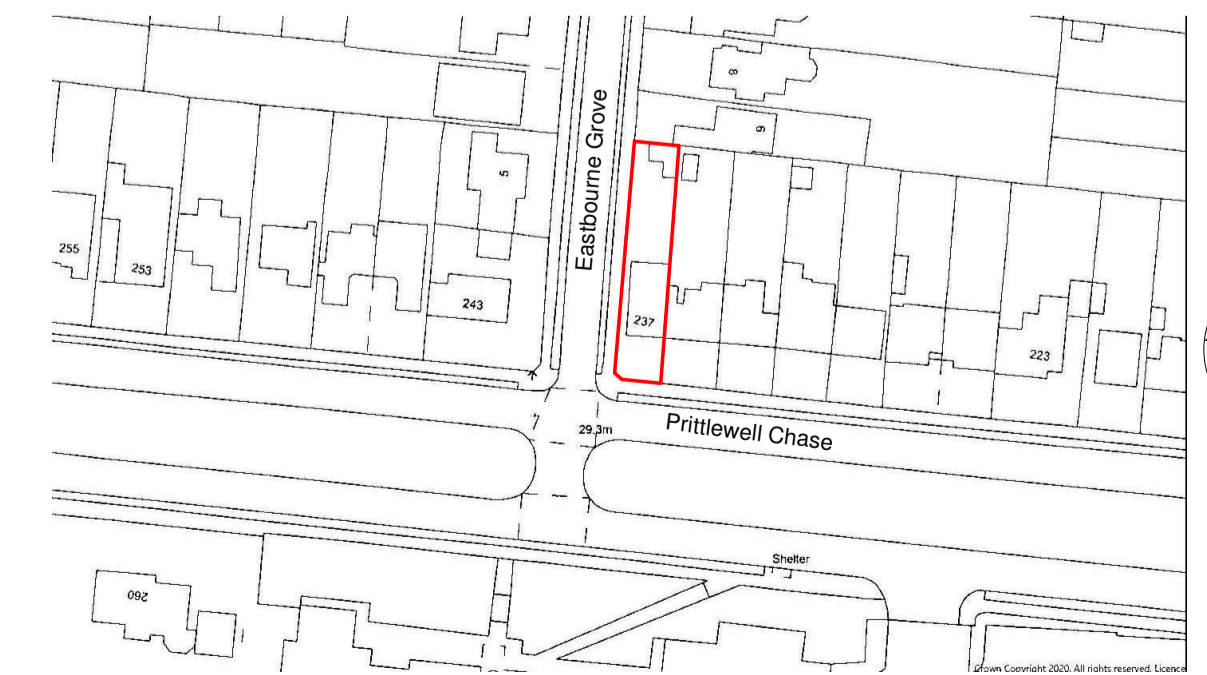
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1 : 100



**Existing Side L**  
1 : 100



**Existing Side R**  
1 : 100



**Location Plan**  
1 : 1250

299

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# 237 Prittlewell Chase



Front elevation



302

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





View to rear/flank of No.235 Prittlewell Chase





View to rear/flank of No.235 Prittlewell Chase





Relationship with No.6 Eastbourne Grove to rear

Previously approved outbuilding





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<b>Reference:</b>	21/01406/FULH	13
<b>Ward:</b>	Eastwood Park	
<b>Proposal:</b>	Erect single storey rear and alter elevation	
<b>Address:</b>	8 Eastwood Rise Eastwood Essex SS9 5BS	
<b>Applicant:</b>	Mrs C O'Dell	
<b>Agent:</b>	Mr P Brooks of Hope Design Studio Limited	
<b>Consultation Expiry:</b>	06.08.2021	
<b>Expiry Date:</b>	08.10.2021	
<b>Case Officer:</b>	Scott Davison	
<b>Plan Numbers:</b>	A100, A101 & A102	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> subject to conditions	



## **1 Site and Surroundings**

- 1.1 This application site on the eastern side of Eastwood Rise and is occupied by a detached chalet bungalow dwellinghouse which has been previously extended. The front elevation has a gabled elevation with a porch. The rear elevation is also a gabled elevation with a projecting overhang at first floor containing an inset balcony. The front of the site is accessed by a vehicle crossover and there is off street parking for two vehicles. To the rear of the site is a reasonably sized rectangular shaped garden. Land levels across the site drop from north to south across the site.
- 1.2 The site is within a residential setting, comprised largely of chalet and single storey bungalows which are mixed in scale, form and design. The neighbour dwelling to the south is a chalet bungalow with a rear projection that extends beyond the rear of the application dwelling. The bungalow to the north of the site also has a rear extension that projects beyond the rear application of the application and also sits a materially higher level.
- 1.3 The site is not located within flood zones 2 or 3 and is not located within a conservation area or subject to any site-specific designations.

## **2 The Proposal**

- 2.1 Planning permission is sought to erect a single storey rear extension. The proposed extension would be some 7.2m wide, some 4m deep and some 2.8m high. The roof of the dwelling has an overhanging rear gable roof and the extension would infill the section of the ground floor and project some 2.8m beyond the rear of the gable overhang. Supporting columns at ground floor would be removed. The extension would have a flat roof with a single roof light contained within. A set of bi-folding doors would be inserted into the rear facing elevation together single window opening. External finishing materials would include coloured render, facing brick work and Upvc fenestration.
- 2.2 The application has been brought before the Development Control Committee as the applicant is serving Southend Council employee.

## **3 Relevant Planning History**

- 3.1 89/1270 - Extend roof to form accommodation in roof-space with dormers front and rear and erect single storey front extension. Granted
- 3.2 06/00018/FUL- Raise roof height to form living accommodation at first floor level, erect balcony with French doors at first floor level to rear. Erect porch at front. Granted.

## **4 Representation Summary**

### **Public Consultation**

- 4.1 Eight neighbouring properties were notified of the application by letter. No letters of representation have been received.

## 4.2 **Cadent / National Grid**

No objection - The HP gas pipeline in the vicinity will not be affected

## 5 **Planning Policy Summary**

5.1 The National Planning Policy Framework (2021) and National Design Guide (2021)

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

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

5.4 The Design and Townscape Guide (2009)

5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015).

## 6 **Planning Considerations**

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the area, any traffic and transport issues, the impact on residential amenity and whether the development would be liable for CIL.

## 7 **Appraisal**

### **Principle of Development**

7.1 The principle of extending or altering an existing dwelling is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations below.

### **Design and Impact on Character**

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. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.

7.4 The flat roof rear extension would project rearwards, infilling an area some 1.2m deep which is covered by the oversailing rear gable. The extension would project



some 2.8m beyond the rear gable. The rear elevation would contain large door opening and windows. The neighbouring dwellings have both been extended to the rear.

- 7.5 It is considered that the design, size, siting, and scale of the proposed development proposed would integrate satisfactorily with the dwelling and would not result in any significant harm to the character and appearance of the site, the street scene, and the area more widely and would continue to preserve the character and appearance of the surrounding area.
- 7.6 The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the street scene, and the area more widely.

### **Amenity Impacts**

- 7.7 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.
- 7.8 The proposed extension would be no closer to either of the side shared boundaries with No's 6 & 10 Eastwood Rise, than the existing dwelling. The proposed extension would project some 1.4m beyond the rear elevation of No.6 which is located to the south of the site. Given the limited degree of projection beyond the rear of this property and the modest height of the proposed extension and that it does not contain any windows in its side elevation, it is considered that the proposal would not result in overbearing impacts or result in an undue sense of enclosure or overlooking, a loss of privacy, outlook or daylight and sunlight.
- 7.9 The submitted plans show that existing dwelling sits some 2m further back in its plot than the neighbouring dwelling to the north which is set some 3.5m in from the boundary. The plans do not appear to accurately reflect the built form of the neighbouring dwelling as there is a flat roof single storey projection to the rear of the No.10 which projects some 2m beyond the rear of the application property. There is also a 2m brick wall on the boundary with No.10. The proposed extension would project some 0.8m beyond the rear of the single storey projection to No.10. Given the limited degree of projection beyond the rear of this property, the 2m high wall and that the neighbouring dwelling sits at a materially higher level, it is considered that the proposal would not result in overbearing impacts or result in an undue sense of enclosure or overlooking, a loss of privacy, outlook or daylight and sunlight.
- 7.10 The rear elevation of the extension would be set some 26m from the rear boundary with the nearest property to the east in Springwood Grove it is not considered that it would result in any significant harm to the amenities of occupiers of properties to the east of the site
- 7.11 It is therefore considered that the design, size, siting, and scale of the development

proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers to the north of south, or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

## **Highways**

- 7.12 The proposal would not alter the existing off street parking arrangements to the front of the dwelling. It is considered that the proposal would not increase the need for, nor reduce the availability of, on-site parking so is not found to result in any significant parking or highways impacts. It is therefore acceptable and policy compliant in these regards.

## **Other Matters**

- 7.13 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

## **8 Conclusion**

- 8.1 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

## **9 Recommendation**

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

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

**Reason: Required 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: Drawing No's A100, A101 & A102**

**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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the advice in the Design and Townscape Guide (2009).**

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

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**

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

#### **INFORMATIVES**

**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](http://www.southend.gov.uk/cil) for further details about CIL.**

**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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# 8 Eastwood Rise Eastwood

21/01406/FULH



Site frontage



Application site – Rear elevation





Application site – Rear elevation



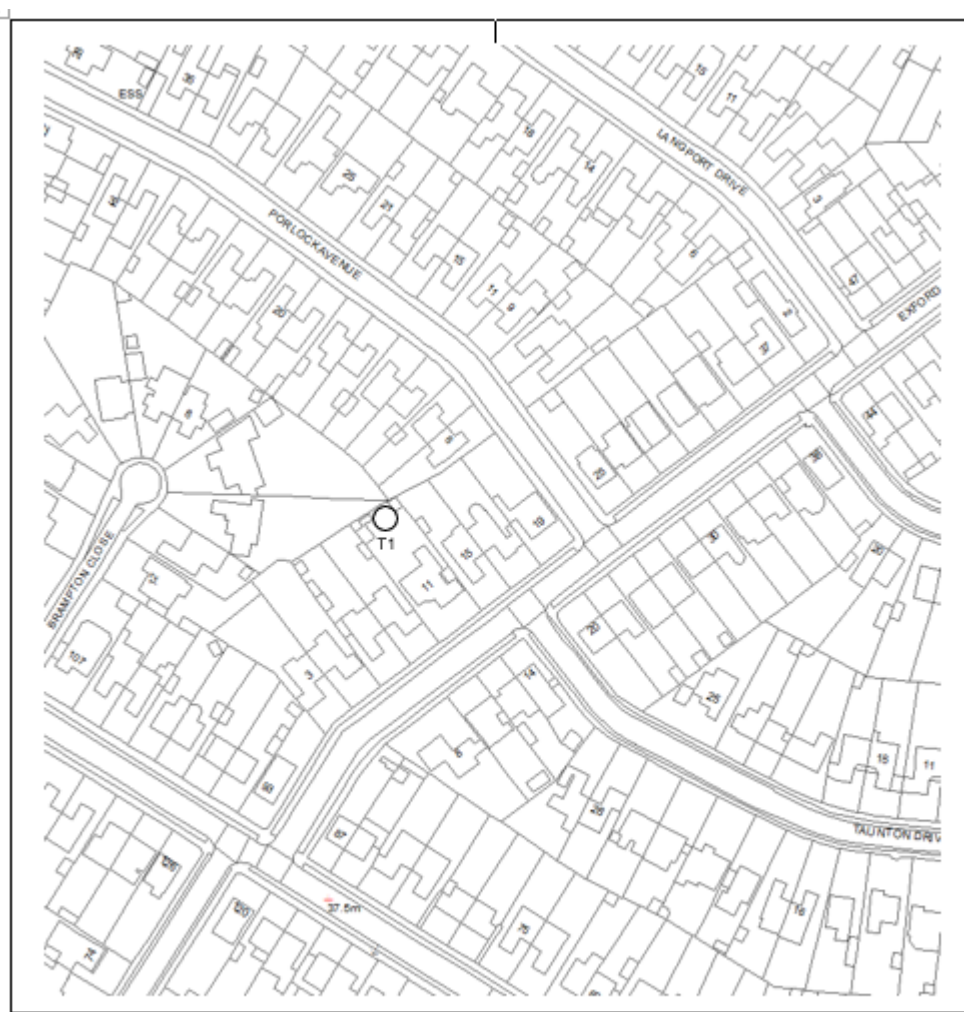
Application site – Neighbour to the north



Application site – Neighbour to the south



<b>Reference:</b>	TPO 2/2021
<b>Ward:</b>	Prittlewell
<b>Proposal:</b>	Confirmation of Tree Preservation Order 02/2021
<b>Address:</b>	11 Exford Avenue, Westcliff-on-Sea, Essex SS0 0DZ
<b>Consultation Expiry:</b>	8 <sup>th</sup> July 2021
<b>Expiry Date:</b>	N/A
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	N/A
<b>Recommendation:</b>	<b>Members are recommended to CONFIRM TREE PRESERVATION ORDER 2/2021</b>



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## **1 Purpose of the Report**

- 1.1 The purpose of this report is to consider whether to confirm the provisional Tree Preservation Order (TPO), reference 2/2021, at 11 Exford Avenue, Westcliff-on-Sea. A provisional TPO was served on 8<sup>th</sup> June 2021 and provides temporary protection for the tree for a period of 6 months. If it is confirmed it will become permanent. If it is not confirmed then the TPO will lapse.

## **2 Site and Surroundings**

- 2.1 The provisional Tree Preservation Order, 2/2021, relates to an oak tree located in the rear garden of 11 Exford Avenue.
- 2.2 The tree is a mature specimen in good condition. It is publicly visible above and between the houses in Exford Avenue, Porlock Avenue and Brampton Close. The tree is an important part of the tree cover in this area.

## **3 Planning Policy Summary**

- 3.1 The National Planning Policy Framework (NPPF) (2021)
- 3.2 Core Strategy (2007): Policy KP2 (Development Principles), Policy CP4 (The Environment and Urban Renaissance)
- 3.3 Development Management Document (2015): Policy DM1 (Design Quality)
- 3.4 Design & Townscape Guide (2009)

## **4 Representation Summary**

- 4.1 7 neighbouring properties were consulted on the provisional TPO. 1 representation has been received raising the following summarised issues:
- Concern that the roots are under the surrounding buildings.
  - Nuisance from birds roosting in tree and falling leaves.
  - Risk of deadwood falling.
  - Loss of sun to gardens and causing moss on fences.
  - Impact on gardens due to moisture being taken away by the tree.
  - Concern that a vulnerable neighbour may not have read the consultation letter.
  - The tree should be pruned but we do not wish to see it removed.

### **Parks**

- 4.2 The Council's Arboricultural Officer confirms that the tree is in good condition and has the potential for another 100 years of life. It is a principal member of a group of linked mature trees within the rear gardens of a number of adjacent properties.

It scores 19 on the tempo assessment [TPO defensible at a score of 12 and scores of 16+ definitely merit a TPO] and therefore would qualify for protection with a TPO.

## **5 Planning Considerations**

- 5.1 Local Planning Authorities have delegated powers to serve Tree Preservation Orders where it appears to be '*expedient in the interests of amenity to make provision for the preservation of trees*'. The main planning consideration therefore is whether the tree has sufficient quality and amenity to warrant protection with a Tree Preservation Order.

## **6 Background to the Order and Appraisal**

- 6.1 The tree is a mature oak in a good condition which makes a positive contribution to the streetscene and tree cover in Exford Avenue, Porlock Avenue and Brampton Close and is considered to have over 100 years of life remaining.
- 6.2 The Council received a request from the owners of the tree to serve a tree preservation order because the neighbours have indicated that this tree should be cut back to the boundary and this, in their view, would cause harm to the tree. Without protection, neighbours are entitled to cut back overhanging trees to the boundary without the need for consent from the Council or tree owner.
- 6.3 The TPO would enable a more controlled and balanced approach to maintenance to be undertaken. It would not prevent regular maintenance of this tree.
- 6.4 In relation to the concerns raised by the neighbour it is noted that the tree is located 17m-21m from the rear of 11 Exford Avenue and between 18.5m-34m from the neighbouring properties. There are no known instances of subsidence. Deadwood can be removed at any time as it is exempt from the need for consent. The gardens are large enough for them to receive sunlight despite the tree. Falling leaves over a short period of the year and wildlife are not considered to be reasons not to protect this tree. The serving of the TPO does not require any input from neighbours unless they are seeking to undertake works themselves, so there is no unreasonable additional burdens on neighbours, including any vulnerable persons. It is recommended that this TPO be confirmed as it meets the amenity standards which justify such protection.

## **Conclusion**

- 6.6 As noted above, the Council has delegated powers to serve TPOs only where it is expedient to do so and where the trees make a valuable contribution to the amenity of an area. An objection has been received to the protection of this tree although the objector has confirmed that he wishes the tree to remain. The serving of a TPO would enable future works to be properly controlled and in the best interests of the tree, which meets the standard of contribution to amenity that warrants such protection. It is therefore considered that the tree preservation order should be confirmed.
- 6.7

Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 8<sup>th</sup> June 2021 the TPO was served on the owners/ Occupiers of 11 Exford Avenue and the neighbouring landowners and occupiers. No objections other than that noted above were received.

## **7 Recommendation**



7.1 Based on the information contained in this report Members are **RECOMMENDED TO CONFIRM TPO 2/2021.**

**Appendix 1 - Photographs**







View from street



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