

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 6th July, 2022

Time: 2.00 pm

Place: Council Chamber - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

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- 2 Declarations of Interest
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(St Lukes Ward) (Pages 249 - 264)

TO: The Chairman & Members of the Development Control Committee:
Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), M Berry, K Buck, A Dear, M Dent, F Evans,
D Garston, S Habermel, D Jarvis, A Jones, C Mulroney, M Sadza, I Shead,
A Thompson, C Walker and R Woodley

PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 10.30 a.m.

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 6th April, 2022
Place: Council Chamber - Civic Suite

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Present: Councillor N Ward (Chair)
Councillors A Dear (Vice-Chair), D Cowan, M Dent, F Evans,
D Garne, S Habermel, D Jarvis, A Jones, D McGlone, K Mitchell,
C Mulroney, A Thompson, S Wakefield and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillor A Line
K Waters, P Keyes, S Mouratidis, M Warren and T Row

Start/End Time: 2.00 - 3.30 pm

892 Apologies for Absence

Apologies for absence were received from Councillors D Garston (substitute: Councillor McGlone) and Buck (no substitute).

893 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Cowan – Minute No. 863 (Application Ref. No. 21/02034/OUT – Land Adjacent, 1 Smallholdings, Eastwoodbury Lane) – Non-pecuniary interest: Has been in extensive correspondence with residents about the application;

(ii) Councillor Line – Minute No. 865 (Application Ref. No. 20/00098/UNAU_B – 369 Westborough Road, Westcliff on Sea) – Non-pecuniary interest: Has spoken with the applicant about the matter;

(iii) Councillor McGlone – Minute No. 863 (Application Ref. No. 21/02034/OUT – Land Adjacent, 1 Smallholdings, Eastwoodbury Lane) – Non-pecuniary interest: Has been in correspondence with residents about the application;

(iv) Councillor Mulroney – Minute No. 864 (Application Ref. No. 22/00236/FULH – 11B New Road, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council and the Leigh Society, non-participant in planning; and

(v) Councillor Thompson – Minute No. 864 (Application Ref. No. 22/00236/FULH – 11B New Road, Leigh on Sea) – Non-pecuniary interest: Had been lobbied by residents.

894 Minutes of the meeting held on Wednesday 1st December 2021

Resolved:-

That the Minutes of the meeting held on Wednesday, 1st December 2021 be received, confirmed as a correct record and signed.

895 Minutes of the meeting held on Wednesday 5th January 2022

Resolved:-

That the Minutes of the meeting held on Wednesday, 5th January 2022 be received, confirmed as a correct record and signed.

896 Minutes of the meeting held on Wednesday 9th February 2022

Resolved:-

That the Minutes of the meeting held on Wednesday, 9th February 2022 be received, confirmed as a correct record and signed.

897 Minutes of the Meeting held on Wednesday, 2nd March, 2022

Resolved:-

That the Minutes of the meeting held on Wednesday, 2nd March 2022 be received, confirmed as a correct record and signed.

898 Supplementary Report

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

899 21/02034/OUT - Land Adjacent, 1 Smallholdings, Eastwoodbury Lane (St Laurence Ward)

Proposal: Erect nine dwellinghouses with associated landscaping and car parking (Outline)

Applicant: Millen

Agent: N/A

Mr Peck, a local resident, attended the meeting and spoke as an objector to the application. Mr Lowry attended the meeting remotely via MS Teams and responded on behalf of the applicants.

Resolved:-

That OUTLINE planning permission be GRANTED subject to the following conditions:

General conditions

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

shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

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

02 The development shall be carried out in accordance with the approved plans: Location Plan; SEOS001 Rev 1; SEOS004.

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

Design 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 groundworks and site preparation works, unless and until full details of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows, doors, balustrading, fascia and balconies have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the dwellinghouses hereby permitted shall not exceed 8.2m in height.

Reason: To safeguard the character and appearance of the area and the visual amenities of neighbouring occupiers plus aviation safety in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

Construction related conditions

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

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

- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: This 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).

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

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

Landscaping related conditions

07 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and completed at the levels shown on the approved drawing and shall not exceed the highest level of land adjacent to the application site.

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

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

The submitted hard and soft landscaping schemes shall include full details of the number, size and location of the trees and shrubs to be planted together with measures for their protection whilst being established and a planting specification, details of the treatment of all hard and soft surfaces, including any earthworks to be carried and all means of enclosing the site, including boundaries within the site.

Prior to first occupation of the dwellings hereby approved, the approved hard landscaping scheme shall be implemented and completed in full accordance with the details approved pursuant to this condition. Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, the approved soft landscaping scheme shall be implemented and completed in full accordance with the details approved under the provisions of this condition.

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

Ecological related conditions

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence unless and until the biodiversity mitigation measures outlined within the Reptile Survey (by Hybrid Ecology Ltd. dated September 2021) which includes mitigation in relation to reptiles, badgers and their habitats have been carried out in full. A timescale for the implementation of these measures shall first be submitted to the Local Planning Authority and approved in writing pursuant to this condition. The measures shall be implemented in accordance with the approved timescale and retained as approved thereafter.

Reason: This pre-commencement condition is required in the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 Prior to first occupation of the dwellings hereby approved, the biodiversity enhancement measures outlined within the Design and Access Statement (or alternative details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition) shall be implemented and completed in full. These measures shall be retained for the lifetime of the development.

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

11 Tree removal works shall not take place between March and August and shall only be carried out (including which trees will be removed) in accordance with the recommendations contained in the Tree Survey and Arboricultural Impact Assessment V1.1 (ref no. 22_5837_02_42) by ROAVR Environmental Ltd.

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

12 No development shall take place on site unless and until details of tree protection measures for the trees to be retained on site, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Highways related conditions

13 The development hereby approved shall not be first occupied unless and until 18 on site car parking spaces (2no. for each dwelling) have been provided and made available for use at the site in full accordance with drawing SEOS001 Rev 1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. At least one of the parking spaces for each approved residential unit, shall be fitted with an active electric vehicle charging point. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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 guidance in the Southend Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

14 The development hereby approved shall not be first occupied or brought into first use unless and until full details (including elevations) of the covered and secure cycle parking to serve the new dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved cycle storage details and the cycle storage shall be provided and made available for use prior to the first occupation of the dwellings hereby approved.

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

Waste storage related conditions

15 The residential dwellings hereby approved shall not be first occupied unless and until full details (including elevations) of the refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling to which they relate and shall be retained as such for the lifetime of the development.

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

Drainage related conditions

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

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

Sustainability related conditions

17 Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority. No building in the scheme shall be occupied until and unless it has been implemented in accordance with the details approved under this condition. This provision shall be made for the lifetime of the development.

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

18 Prior to occupation of the development hereby approved water efficiency 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 for the lifetime of the development.

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).

19 The development hereby approved shall be carried out in a manner to ensure that the dwellings fully comply with the Technical Housing Standards – Nationally

Described Space Standards (2015) and with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are brought into use and first occupied.

Reason: To ensure provision of high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and Design and Townscape Guide (2009).

Neighbour amenity safeguarding related conditions

20 Prior to the occupation 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 to and approved in writing by the 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 require obscure glazing. The openings that are identified as needing 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) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

21 No external lighting shall be installed on the site subject of this permission unless it is in accordance with the details and specifications of a Lighting Strategy which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All lighting shall be retained on site in accordance with the approved scheme 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) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

22 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 dwellinghouses 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).

Informatives:

01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal \(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy\)](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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 City.

03 Please note that you are required to apply to the Highways Authority for consent to have a vehicular crossover installed on Eastwoodbury Lane and that the private access road for this development will be expected to support the weight of refuse freighters in accordance with the Council's Waste Storage, Collection and Management Guide for New Developments (2019).

04 The applicant is advised that refuse stores should not be prominently located within the development. As such it is recommended that the refuse stores are not located to the front of the dwellings.

05 No waste as part of the development shall be burnt on site.

06 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.

07 The applicant is advised to consider installation of Automatic Water Suppression Systems (AWSS) within the new dwellings.

900 22/00236/FULH - 11B New Road, Leigh-on-sea (Leigh Ward)

Proposal: Replace existing wooden sash windows with UPVC windows to all elevations (retrospective)

Applicant: Mr M Good and Ms C Harper

Agent: Mr Thomas Sharman of Smart Planning Ltd

Resolved:-

1. That planning permission be REFUSED for the following reason:

01. The replacement windows, by reason of their materials and detailed design are considered to be detrimental to the historic character and significance of the existing property and the wider Leigh Conservation Area. The identified harm to the conservation area is less than substantial, albeit significant, and any public benefits arising from the development do not outweigh the identified harm. The development is contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

2. That ENFORCEMENT ACTION be AUTHORISED to require from anyone with an interest in the land (the site) to:

- (a) remove the unauthorised windows UPVC; and
- (b) remove from site all materials resulting from compliance with (a) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised windows, considering that planning permission is required for the installation of new appropriate windows.

**901 20/00098/UCOU_B - 369 Westborough Road, Westcliff-on-Sea
(Westborough Ward)**

Breach of planning control: Use of the rear part of the building as a residential unit

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to Members are recommended to AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to:

- (a) cease the residential use of the rear part of the building on site;
- (b) remove all kitchen appliances from the ground floor of the rear part of the building on site;
- (c) remove all bathroom facilities from the first floor of the rear part of the building on site;
- (d) remove all facilities that facilitate the use of the rear part of the building on site as a residential unit; and
- (e) remove from site all materials and debris resulting from compliance with requirements (a), (b), (c) and (d) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 6 months is considered reasonable for the above works.

902 19/00190/UNAU_B - 18 Parkgate, Westcliff-on-Sea (Milton Ward)

Breach of planning control: Replacement of timber windows with UPVC windows in a Conservation Area

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED Members are recommended to AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to:

- (a) remove the unauthorised UPVC windows; and
- (b) remove from site all materials and debris resulting from compliance with (a) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised windows, considering that planning permission is required for the installation of new appropriate windows.

903 Vote of Thanks

The Committee thanked the Chair for the kind, yet firm, and reasonable way in which he had chaired the meetings of the municipal year.

Chair: _____

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 6th July 2022

WARD	APP/REF NO.	ADDRESS
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Pre Site Plans Report

Westborough	21/00161/FULM	659 - 665 London Road Westcliff-On-Sea
Milton	22/01015/FUL	1 - 3 Westcliff Avenue Westcliff-on-sea
Shoeburyness	22/00899/FULH	24 Old School Court Shoeburyness

Main Plans Report

Eastwood Park	22/01051/FUL	366 Rayleigh Road Eastwood
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Enforcement Report

Southchurch	22/00123/UNAU_B	6 Philpott Avenue Southend-On-Sea
Belfairs	21/00050/UNAU_B	530 Arterial Road Leigh-On-Sea
St Lukes	20/00230/UNAU_B	245 Bournemouth Park Road Southend-On-Sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Deputy Chief Executive and Executive Director (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)

DEVELOPMENT CONTROL COMMITTEE

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) London Southend Airport & Environs JAAP
- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule
- (xvi) Southend Electric Vehicles Charging Infrastructure SPD

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

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DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

1. Necessity

A site visit is only likely to be necessary if either:

- (i) The proposed development is difficult to visualise from the plans, photographs and supporting material; or
- (ii) There is good reason why the comments of the applicant and / or objector(s) cannot be expressed adequately in writing; or
- (iii) The proposal is particularly contentious; or
- (iv) A particular Member requests it and the request is agreed by the Chairman of DCC.

2. Selecting Site Visits

- (i) Members can request a site visit by contacting the Head of Planning and Transport or the Group Manager for Planning; providing the reason for the request. The officers will consult with the Chairman.
- (ii) If the agenda has not yet been printed, notification of the site visit will be included on the agenda. If the agenda has already been printed, officers will notify Members separately of the additional site visit.
- (iii) Arrangements for visits will not normally be publicised or made known to applicants or agents unless access is required to be able to go on land.

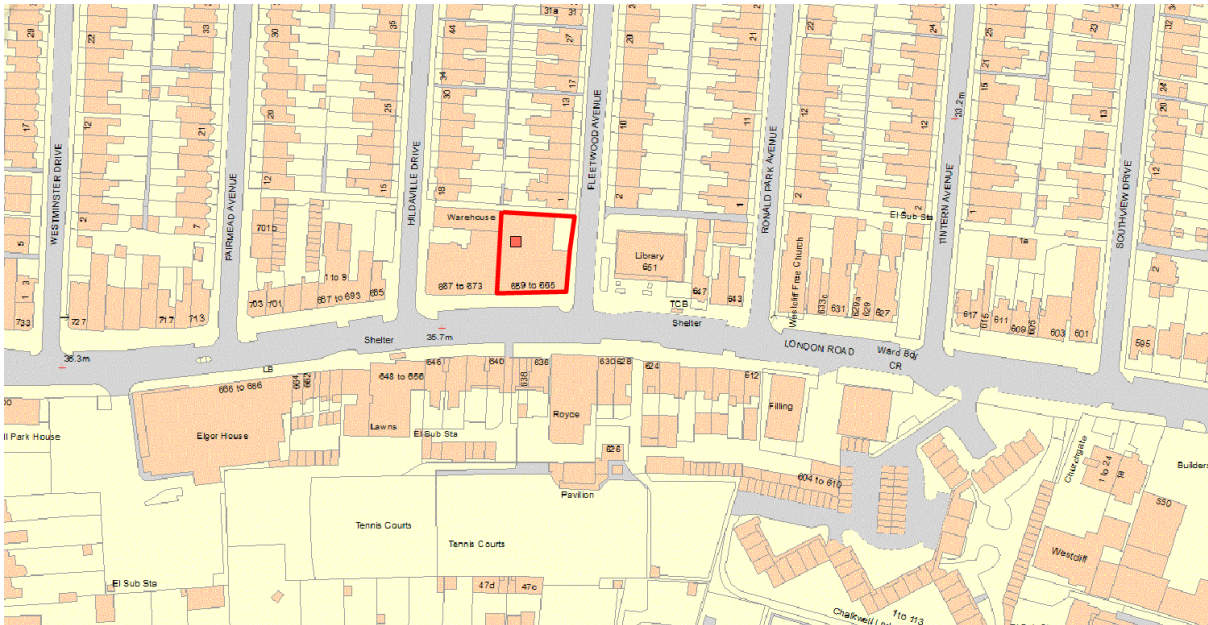
3. Procedures on Site Visits

- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will normally be viewed from a public place, such as a road or footpath.
- (iv) Representations will not be heard, and material will not be accepted. No debate with any party will take place. Where applicant(s) and/or other interested person(s) are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered having first explained to them that it is not the function of the visit to accept representations or to debate.

Version: April 2016

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Reference:	21/00161/FULM	4
Application Type:	FULL	
Ward:	Westborough	
Proposal:	Demolish existing building and part erect five storey, part 4 storey and part 3 storey building comprising of 20 flats with ground floor commercial unit (class E) and parking, layout cycle stores, bin stores and form vehicle access onto Fleetwood Avenue	
Address:	659 - 665 London Road Westcliff-On-Sea Essex SS0 9PD	
Applicant:	SKArchitects	
Agent:	SKArchitects	
Consultation Expiry:	27.06.2022	
Expiry Date:	08.07.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	409P01, 409P02A, 409P03A, 409P04B, 409P05B, 409P06B, 409P07A	
Supporting Documents	Planning, Design and Access Statement reference 409-01-17 Financial Viability Assessment including Cost Plans by Beresfords dated March 2022 SUDS Assessment Statement from HJ Structural Engineers reference MAS528 dated 19.07.19 Supplementary SUDS Statement from HJ Structural Engineers reference MAS1123 dated 13.02.22 Phase 1 Desk Study Report by Endeavour Drilling reference END19-049 dated July 2019 Noise Impact Assessment - Façade Noise and Separating Sound Insulation reference 659 London Road SS0 9PD.NIA Rev 1.0 dated 10.11.21 S106 Site Plan	
Recommendation:	Delegate to the Director of Planning or the Development Control Service Manager to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended)	



1 Site and Surroundings

- 1.1 The site is on the north side of London Road at the junction with Fleetwood Avenue. There are two terraced former commercial buildings on the site which were joined internally to form one large retail unit. The building on the corner is a more traditional building with a pitched roof but this has been hidden behind a tall parapet to the main frontage. The building to the west side is a more modern flat roofed building which extends the full depth of the site. The area to the rear between these two buildings has been infilled with a tall single storey extension such that the combined massing covers almost all the site except for a small hardstanding fronting Fleetwood Avenue. The building was most recently occupied by a large Second Hand Furniture Shop but has been vacant for a long time and is in a state of disrepair and is an eyesore in the streetscene.
- 1.2 On the opposite side of the junction with the one-way Fleetwood Avenue, directly east of the site, is Westcliff Library which is a grade II listed building. This single storey building dates from 1958-60. Its elegant design includes extensive glazing and a distinctive ridge and furrow clerestory floating roof detail. The building is set back from the road and has a landscaped frontage facing London Road and Fleetwood Avenue. The tree planting to the side provides a buffer to the application site.
- 1.3 To the west, the site adjoins a traditional 3 storey flat roofed terrace of shops with flats on the upper floors. Opposite and further along London Road in the vicinity of the site are mixed use buildings ranging from 2 – 4 storeys in a mix of designs including modern and traditional styles. Most of the buildings have commercial units at ground level providing an active streetscene. There is no formal shopping frontage designation in this section of London Road.
- 1.4 Fleetwood Avenue to the north of the site is a typical residential street of traditional two storey terraced houses.
- 1.5 The site is in Flood zone 1 (low risk). There are no specific policy designations in this location.

2 The Proposal

- 2.1 It is proposed to erect a mixed-use 20 flat development varying between 3 and 5 storeys in height, comprising 5 x 1 bed (25%), 6 x 2-bed (30%) and 9 x 3-bed (45%), together with associated ground floor commercial space (use class E) totalling 150 sqm including a dedicated commercial refuse and cycle store.
- 2.2 Two of the flats (10%) will be M4 (3) compliant and suitable for wheelchair users. All other units will be M4 (2) compliant (accessible dwellings). Each flat has at least 1 private balcony or terrace.
- 2.3 The scheme provides off street parking for 20 vehicles in an undercroft area behind the commercial unit including 2 disabled spaces, all accessed from Fleetwood Avenue via an existing access. The proposal includes secure residential cycle parking for 20 cycles and separate refuse stores for the commercial and residential uses.
- 2.4 The main body of the building is 26.6m wide to the front facing London Road reducing to 12.6m wide at the rear and 30.3m deep facing Fleetwood Avenue reducing to 18.8m within the site. The top two floors are set back from the main building lines; floor 3 is set back some 1.5m from the east elevation and corner and some 9.3m back from the northern boundary of the site closest to the properties in Fleetwood Avenue; floor 4 is set back a further 4.8m to the east side, 3.2m from the front and 9.3m from the rear. The building would be 8.8m high on the Eastern elevation closest to the library and neighbour at 1 Fleetwood Avenue, stepping up to 11.7m and then 14.6m towards the western side of the site.
- 2.5 The proposed materials include brick finish to the lower floors with feature cladding on the upper floors, powder coated aluminium glazing and balconies and a glazed shopfront with colonnade detail at ground level.
- 2.6 The proposal includes associated landscaping to the front of the site, comprising the provision of three new street trees on the London Road frontage.
- 2.7 The current proposal follows two previous applications for the redevelopment of this site for flats. The initial application in 2015, reference 15/01743/FULM for 18 units, was a full 4 storeys with only a minimal set back at the upper level at the front. This was refused because it failed to meet the technical housing standards and M4(2) standards, the mix was found to be unacceptable due to the lack of 3 bed units and lack of affordable housing. A second scheme in 2016 reference 16/00204/FULM, which had the same external design but only 16 units, satisfactorily addressed the reasons for refusal and was approved. That permission was not implemented and has lapsed.

3 Relevant Planning History

- 3.1 16/00204/FULM - Demolish existing building and erect four storey building comprising of 16 flats with ground floor retail unit (Class A1) and parking, layout cycle store, bin store and form vehicle access onto Fleetwood Avenue (Amended Proposal) – granted

- 3.2 15/01743/FULM - Demolish existing building and erect four storey building comprising of 18 flats with ground floor retail unit (Class A1) and parking, layout cycle store, bin store and form vehicle access onto Fleetwood Avenue – refused

4 Representation Summary

- 4.1 32 neighbouring properties were consulted and a site notice displayed. 4 letters of objection were received raising the following summarised issues:

- Out of character - other properties do not have balconies
- 5 storeys is over scaled - most properties are 3 storeys
- Too many flats in this area
- Impact on listed building
- Affordable housing provision is welcomed and needs to be secured
- Overlooking
- Impact on daylight and sunlight and including the ability to dry clothes in the gardens of the neighbouring houses
- Concerns about fire escape access
- Maintenance of terraces
- Queries whether the parking spaces large enough
- The vehicles need to enter and exit the car park forwards as Fleetwood Avenue is one way
- Queries whether cycle storage can be accessed between the cars
- Waste store too small
- Lack of parking for commercial unit and the flats - This area has parking stress
- Queries whether the commercial waste store is large enough
- Impact on local services including doctors and schools
- Noise nuisance for existing and proposed residents including during construction
- The flats need to meet the space standards
- Not enough storage
- Balconies are not enough amenity provision

2 letters of support have also been received.

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

Highways

- 4.2 There are no highway objections to this proposal. The site benefits from being in a sustainable location with regard to public transport with bus stops with 30m. Rail lines are also close by along with Prittlebrook cycleway. Off street parking has been provided as has secure cycle parking both are acceptable. Any redundant vehicle crossover will be required to be returned to footway. It is not considered that the proposal will have a detrimental impact on the highway network.

Environmental Health

- 4.3 The submitted noise report is out of date and lacking in detail. Further information is required. This can be conditioned.

No objections subject to conditions relating to noise to ensure a suitable internal environment for the new dwellings, contamination remediation, construction management including demolition management, refuse and recycling and external illumination.

[Officer Comment - The detailed wording of the suggested conditions has been refined to better reflect the test for planning conditions set out in planning guidance.]

Education

- 4.4 This application falls within the primary catchment area for Chalkwell Hall Infant and Chalkwell Hall Junior Schools and for the secondary catchment area for Chase High School. The primary catchment area is oversubscribed as are most year groups with very little surplus at Chase High School. A contribution is therefore requested for demand at Chase High school for £33,343.93.

Housing

- 4.5 The development has been shown to be viable so 20% affordable housing should be provided which equates to 2 x Affordable Rent, 2 x Shared ownership units. Given the numbers involved and the evidence from the agent that Affordable Housing Providers have shown no interest in taking these units, there is no objection to this being as a financial contribution secured in the S106.

Parks

- 4.6 No objection to 3 new street trees to the front of the site. These should be planted by the developer to the Council's agreed specifications. [Officer comment - Details of recommended species and planting specifications were provided by Parks]

Local Lead Flood Authority

- 4.7 The SUDS report states the runoff from the site will be limited to 3.15 l/s, which is acceptable, however no plans have been provided to show the drainage layout and how this will be achieved. These details therefore need to be conditioned.

Private Sector Housing

- 4.8 No objections. The standard of accommodation is acceptable.

Essex Fire Service

- 4.9 No objections. The proposal will be required to demonstrate that they comply with Building regulations in due course.

London Southend Airport

- 4.10 Under EASA safeguarding regulations the maximum height of any part of the development (including roof plant / aerials) must be no greater than 56.46m AOD and the proposed development will need to be assessed against the Instrument Flight Procedures both designed and published for LSA.

[Officer Comment - The agent has confirmed that the maximum height of the proposed building is 50.3m AOD.]

Anglian Water

- 4.11 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance
- 5.2 National Design Guide (2021)
- 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), DM5 (Southend's Historic Environment), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea 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)
- 5.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

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

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 Policy DM3 of the Development Management Document states that “*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity*”.
- 7.7 The buildings on site are vacant but were most recently occupied by a second hand furniture shop. The proposal seeks to erect a mixed used development on the site comprising 150 sqm of commercial floorspace (Class E) at ground floor level with 20 flats above.
- 7.8 Mixed use residential led development has previously been accepted on this site under application reference 16/00204/FULM. The proposal for 20 dwellings is consistent with the policies noted above which seek to make the best use of land provided the proposal can demonstrate that it satisfactorily addresses the detailed considerations set out below including design and scale and impact on the neighbours’ amenity.
- 7.9 The NPPF has been updated since the 2016 permission and only limited weight can be attached to that particular scheme’s approval because that has since lapsed. The housing requirement in the City has increased since this time. (see paragraph 7.72 below). The principle of a mix use residential led scheme is therefore acceptable in this regard subject to the detailed considerations set out below.
- 7.10 The proposal includes Class E use for the ground floor unit. This is in line with the Government’s objective to allow more flexibility of uses within commercial centres and is considered acceptable for this site in this mixed use location subject to further controlling any future proposed gym which although within Class E, could raise particular amenity considerations for those living above.
- 7.11 The principle of residential flats with commercial use at ground floor is therefore considered to be acceptable and the proposal is policy compliant in this regard

Residential Accommodation Mix

- 7.12 Policy DM7 states that ‘*the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes.*’ The Policy sets out the desired mix of dwelling types and sizes in all new major residential development proposals. This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

DM7 Preferred Private Market Dwelling Mix

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (Market)	9%	22%	49%	20%
Proportion of dwellings (Affordable)	16%	43%	37%	4%

7.13 Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council. The policy also states that *'the Council will look favourably upon the provision of family size housing on smaller sites, particularly where the surrounding building types provide an appropriate context for this type of development to be included within a scheme.'*

7.14 The proposed mix is as follows

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (Market)	25% 5 units	30% 6 units	45% 9 units	0%

7.15 This mix contains a good range of flat sizes and is considered to be compatible with that set out in DM7. The proposal is acceptable and policy compliant in this regard.

Affordable Housing

7.16 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10-49 dwellings which should be split 60:40 between affordable rented and shared ownership units. In this case a policy compliant mix would therefore comprise 2 affordable rented units and 2 shared ownership units.

7.17 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states: *'The Borough Council will...enter into negotiations with developers to ensure that:*

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.'

7.18 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of "Supplementary Planning Document: Planning Obligations".

7.19 A financial viability appraisal (FVA) has been submitted with the application. Three scenarios were tested in this appraisal: 20% affordable housing provision (policy compliant); 10%; and 0%. The report found a deficit in all cases, however, this was based on a benchmark land value which was considered by an independent assessor, commissioned by the Council, to be significantly overestimated given the state of the current building and amount of work that would be required to enable it to be used again. A viability study prepared for the Council in 2020 set out generic site values for viability testing as £850,000 per hectare which gives a more realistic land value of £70,000. Differences in assessment were also raised in relation to the value of a car parking space for each unit which was rated at £nil in the submitted FVA, the under valuing of the commercial unit and profit was revised from 20% to 15%.

Using these figures, the independent assessors concluded that the scheme was viable in all cases albeit with only a nominal surplus for a policy compliant scheme. The Council's independent assessor had recommended a late stage review of viability so it could be assessed over the lifetime of the development but staff consider this is no longer necessary given the position summarised in paragraph 7.20 immediately below.

- 7.20 In response to the above the applicant has offered to provide a secured financial contribution in lieu of affordable housing equivalent to a 20% policy compliant scheme as they consider this to be a simpler option given the low number of units. To support this, they have submitted evidence reasonably demonstrating lack of interest from registered providers in this project. The Council's Housing Officer has agreed that this would be acceptable in this instance and the sum in lieu has been calculated as £306,414.69. Given the low level of surplus predicted by the independent assessor this option is considered to be reasonable for all parties in this specific case. Subject to securing this in the S106 the proposal is considered to be acceptable in terms of affordable housing contribution.
- 7.21 Overall, therefore, it is considered that the principle of this type and mix of development in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area including the setting of the adjacent listed building

- 7.22 In determining this application, the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.23 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.*'
- 7.24 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.*" and Policy DM5 seeks to protect the character and significance of the City's heritage assets including listed buildings and their settings
- 7.25 The existing building on the site is a tall two storey retail unit which is a very crude design and in a poor state of repair. This causes harm to the streetscene and the setting of the adjacent listed Westcliff Library albeit any wilful neglect of a building would not draw any significant weight in a balanced planning assessment. The library is a one off single storey building from the 1960s with a distinctive roof design. It is set back from the consistent building line of London Road on a more spacious plot than the surrounding development, which includes a number of landscaped beds and trees.

This arrangement helps to ensure that this lower scale of building is not crowded by the surrounding townscape and ensures that the building maintains its status in the streetscene.

- 7.26 London Road is characterised by its variety of buildings and this adds interest to the streetscene along its length. Aside from the library, the buildings closest to the site are a mix of scales ranging from 2 storeys to 4 storeys but there is some 5 storey development within close view of the site. In recent years, new flatted blocks in London Road in Westcliff and Southend generally tend to be in the region of 4-5 storeys.
- 7.27 The 2016 planning permission was for a part 4 part 3 storey mixed use development on the site. It had a commercial unit at ground floor and was four storeys to the front half of the site stepping down one storey to the neighbour at the rear. This planning permission has now expired but gives a parameter from which to judge the impact of the current proposal although, in any case the current proposal must be assessed on its own individual merits.
- 7.28 The current proposal seeks to erect a part 3, part 4, part 5 storey building with a commercial unit at ground floor and flats above. This is taller than the previous approval in places but the proposal has been designed to minimise the impact of the scale increase and relationship to the surrounding built form by layering the building horizontally in 3 component parts. At ground floor the commercial unit continues the language of the street and provides a glazed base for the building which is visually supported by feature columns forming a feature colonnade to the frontage. Next the main body of the building is brickwork over 2 floors rising to 3 floors at the southwest corner of the site fronting London Road but at the opposite end to the listed Westcliff Library. Above this, the building steps back significantly over 2 floors ensuring the greater scale is away from the listed building and the neighbouring dwelling to the rear. The resultant form has moved away from the simpler box like forms previously approved on this site into smaller components which gives the development a more dynamic roofline and adds interest to the streetscene. The building is articulated with projecting and recessed balconies and tall windows and clean detailing to the roof profile which further breaks up the scale of the frontages.
- 7.29 3 new street trees are proposed on the highway frontage which will provide softening to the development generally and will also break the scale of the frontage in the wider streetscene. The installation of this landscaping is proposed to be secured in the S106.
- 7.30 The proposal will be a step change in scale to the listed building but it is considered that there is a sufficient gap in the streetscene and space around the listed building to ensure that it will not be crowded by the new development within the prevailing grain of London Road. . The impact on the significance and setting of the listed building and wider streetscene is therefore considered to be acceptable and the proposal is policy compliant in this regard subject to the agreement, through conditions, of suitable materials, detailing of key features and landscaping.

Standard of Accommodation for Future Occupiers

- 7.31 Delivering high quality homes is a key objective of the NPPF.
- 7.32 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.

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

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
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	

- 7.34 The relevant dimensions of the proposed scheme are also shown on the table below.

Flat	Net Internal Area	Bed 1	Bed 2	Bed 3	Balcony
1 2b3p	62.3 sqm	11.7 sqm W2.75m	8.6sqm W2.15m		2.7sqm + 2.8sqm
2 2b3p	61.3 sqm	11.9sqm W 2.8m	9.9 sqm W 2.3m		2.8sqm + 2.8sqm
3 3b4p	78.2sqm	13.2 sqm W 3.7m	9.6 sqm W 2.15m	7.9 sqm W 2.15m	2.2sqm + 2.8 sqm
4 (M4(3)) 3b4p	82.2 sqm	14 sqm W 3.1m	9.35sqm W 2.4m	9.35sqm W 2.4m	6.3sqm
5 3b4p	80.4sqm	13.6 sqm w	7.5sqm w2.3m	7.5 sqm W 2.7m	3.3sqm
6 3b4p	75.65 sqm	11.6 sqm W 2.3m	9.8 sqm W 2.2m	7.5 sqm W 2.15m	4.3 sqm
7 2b3p	62.8sqm	11.6 sqm w2.75m	8.7sqm 2.15m		2.7sqm + 2.8sqm
8 2b3p	61.3 sqm	11.9sqm W 2.8m	9.9 sqm W 2.3m		2.8sqm + 2.8sqm
9 1b2p	50.3 sqm	11.8sqm W3.3m			2.8 sqm
10 1b1p	40.2 sqm	8.7sqm W 2.5m			3.5sqm
11 (M4(3))	69.4 sqm	14.1sqm	10.2 sqm		6.4 sqm

2b3p		W 3.2m	W 2.4m		
12 3b4p	76.8 sqm	13.5 sqm W 2.75m	7.6 sqm W 2.8m	7.5 sqm w 2.3m	3.5 sqm
13 3b4p	76.1 sqm	11.6 sqm W 2.8m	9.7 sqm W 2.15m	7.5 sqm W 2.2m	4.3 sqm
14 2b3p	62.7 sqm	11.5sqm W 2.75m	8.5 sqm W 2.15m		2.8 sqm + 2.8 sqm
15 2b3p	61.6 sqm	12.1sqm W 2.8m	9.6sqm W 2.3m		2.8sqm + 2.8sqm
16 1b1p	42.4 sqm	8.3 sqm W 2.2m			22.9 sqm
17 1b1p	45.3 sqm	9.9sqm W 2.5m			11 sqm +
18 2b3p	68.2 sqm	12.4 sqm W 2.8m	10.2sqm W 2.15m		3.7 sqm
19 2b3p	66.1 sqm	12.5 sqm W 3.1m	8.9 sqm W 2.8m		5 sqm
20 1b1p	38.3 sqm	10.6 sqm W 2.8m			4.8 sqm

- 7.35 The proposal therefore meets the required standards and is acceptable and policy compliant in regards to flat sizes.

Light, Privacy and Outlook

- 7.36 The submitted floor plans show that all the habitable rooms would have good light and outlook. 3 of the 20 proposed units are north facing only however this is inevitable in the locational circumstances of the site and this negative element is low in proportion to the number of dwellings created overall. The proposal is acceptable and policy compliant in this regard.

Noise and Disturbance

- 7.37 Environmental Health sought assurances that the proposed accommodation will provide an acceptable standard of living in terms of noise particularly in relation to the traffic from London Road and vertical transference of noise between rooms. A noise report can be required by condition. The precise use of the ground floor unit within Class E is currently unconfirmed but this could potentially include a supermarket or restaurant which may require plant. Recommended condition 14 controls any future intended gym use. Therefore a condition relating to plant noise for this unit and opening and delivery times would also be reasonable. Subject to these conditions it is considered that the new dwellings' living conditions would be acceptable in terms of noise and disturbance impacts.

M4(2) – Accessibility

- 7.38 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards and 10% of the units to be M4(3) wheelchair compatible units. The Design and Access Statement confirms that units 4 and 11 are M4(3) compliant and the remainder are M4(2) compliant. This can be secured by condition. The proposal therefore acceptable and policy compliant in this regard.

Amenity Provision

- 7.39 All proposed dwellings have at least one, but in many cases two , private balconies and there is a communal roof terrace of 45sqm. This will provide adequate amenity space for residents. The proposal is acceptable and policy compliant in this regard.
- 7.40 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

- 7.41 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.
- 7.42 The existing built form on the site is significant in mass including rearward projections up to two storeys close to the northern boundary. The proposal would be 2.9m away from the flank wall of No 1 Fleetwood Avenue to the north at a height of 8.8m. No windows are proposed on the northern elevation of the proposal closest to this neighbour. The neighbouring house has 2 windows in its flank elevation at first floor. These are both secondary windows to bedrooms and not the main light source or outlook for these rooms. This is an acceptable relationship. and is also comparable to the relationship approved in 2016.
- 7.43 The proposed building is 12.5m deep at its northern end so projecting 2.5m past the front building line and 1.8m past the rear building line of No 1 Fleetwood Avenue. This would not breach a notional 45-degree guideline from the closest windows of that neighbouring house. Given the separation of 2.9m, it is considered that this would not have a detrimental impact on light or outlook from the front and rear facing habitable room windows of No 1.
- 7.44 The front section of the building has flats with outlooks to the north towards the garden area of No 1 Fleetwood Avenue. There would be a separation of at least 15m from these windows to the boundary at first and second floor levels increasing to 16.7m at third floor level and 18.5m at fourth floor level. The corresponding heights of the building are 8.8m stepping up to 11.7m and then 14.6m. It is considered that at this separation distance, the proposal would not result in any significantly harmful loss of privacy, light or outlook for this neighbour.

- 7.45 The proposed communal terrace, at its closest corner, would be 6.8m from the boundary with No1s garden. This will have a 1.7m obscure glazed privacy screen on its northern and western sides to prevent overlooking of the garden and habitable rooms at No 1 Fleetwood Avenue. This can be secured by condition. Subject to this screen, it is considered that the proposal would have an acceptable impact on the amenity of No 1 Fleetwood Avenue's occupiers in all relevant regards.
- 7.46 The attached neighbouring building to the west side contains a commercial use at ground floor with flats above. The existing building on the application site extends the depth of this boundary at ground and first floor levels. The proposal would be terraced to this building similar to the existing arrangement but significantly less deep than the existing building at the lower levels. The proposal will therefore have a reduced impact over these levels. The neighbouring top floor flat extends above the height of the existing building by half a storey. It has a door and small window on its east elevation facing the site, both of which serve a kitchen, and a window in the rear elevation facing north which serves a bedroom. The proposed development would project above this building by some 1.2m on the shared boundary. The top floor in this site steps in 2.5m from this boundary. As it serves a non-habitable room, the impact that this will have on the kitchen window can only be given limited weight and this impact is considered to be acceptable on its merits. The proposal will create a well situation for the rear facing bedroom, however, the height increase at this point is only 1.2m above the neighbour. In this urban context, this relationship is considered to be acceptable. The set back of the top floor is also sufficient to satisfactorily mitigate the impact on outlook and light to this room. Overall, therefore, it is considered that the proposal would have an acceptable impact on the amenities of this neighbour in all relevant regards.
- 7.47 The impact of the proposal on the amenities of properties opposite on the southern side of London Road will be acceptable given the width of the road and is comparable to other relationships along its length.
- 7.48 Similarly, the impact on neighbours generally from a more intensive use of the site is considered to be acceptable.
- 7.49 Overall, therefore, the proposed development would comply with national and local planning policies in relation to neighbour amenity.

Traffic and Transportation Issues and Trees

- 7.50 Policy DM15 of the Development Management Document states: *"All development should meet the parking standards (including cycle parking) set out in Appendix 6 which requires a minimum of 1 parking space and 1 cycle space per flat. Commercial parking standards are maximum standards. 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. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity"*.

- 7.51 20 car parking spaces, including 2 spaces for disabled users, are proposed under the building to the rear. These will serve the proposed residential units and the proposal is policy compliant in this regard subject to the requiring that all the parking spaces have access to electric vehicle charging points which can be secured by condition. No parking spaces are proposed for the commercial unit. This is acceptable under Policy DM15 where commercial parking standards are expressed as maximums. The site is close to public transport and amenities and customers are likely to visit as part of linked trips to the area. The Council's Highways team has raised no objections to the proposal in terms of lack of parking or access. The proposal is acceptable and policy compliant in terms of parking provision.

Refuse and Recycling and Cycle Storage

- 7.52 The submitted plans show separate refuse and recycling stores for the commercial unit and the flats as well as separate cycle stores for 26 cycles in total. This meets the policy requirements in DM15 and their implementation can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Travel Packs

- 7.53 A scheme of this scale is required to provide Travel Packs to new residents so that they are made aware of alternative travel options. This can be secured within the S106 agreement.

Construction Management Plan

- 7.54 The site is constrained and the scheme will involve significant demolition. It is therefore reasonable to require a construction management plan to be submitted and agreed prior to the commencement of the works. This can be required by condition.
- 7.55 Overall, the proposal is therefore acceptable and policy compliant in terms of Traffic and Transportation subject to the described conditions.

Sustainability including Sustainable Drainage

- 7.56 Sustainable development is a key objective of the NPPF.
- 7.57 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.
- 7.58 PV (photovoltaic) panels are shown on the roof plan. No specific details have been provided on how the development will achieve the 10% renewable energy requirement however full details and implementation of renewables and water efficient appliances can be secured by condition.

- 7.59 All major schemes are required to demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. A Sustainable Drainage Assessment and supplementary details have been submitted with the application. The Lead Local Flood Authority have reviewed these details and confirmed that they are broadly acceptable and that a full drainage scheme can be agreed by condition. The proposal is acceptable and policy compliant in this regard.
- 7.60 A phase 1 Contaminated land assessment has been submitted with the application. This concludes that the area has a history of mixed uses including a warehouse and a timber yard, however, overall the site has a low to moderate risk of contamination. It recommends that a programme of chemical analysis should take place to determine if any remedial action is required. The Council's Environmental Health Officer has reviewed the report and considered that the conclusions of this are reasonable and further soil testing and any necessary remediation should be undertaken. This can be required by condition.
- 7.61 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regards to sustainable development, contamination and drainage.

Ecology

- 7.62 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)

- 7.63 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Equality and Diversity Issues

- 7.64 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment, and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

Officers have in considering this application and preparing this report including its implications for future residents' access quality had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Community Infrastructure Levy (CIL)

- 7.65 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 1848.50 sqm, which may equate to a CIL charge of approximately £45422.48 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Planning Obligations

- 7.66 Paragraph 57 of the NPPF states that *'Planning obligations must only be sought where they meet all of the following tests:*

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development.*

- 7.67 Paragraph 58 of the NPPF states *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'*

- 7.68 The National Planning Practice Guide makes it clear that *'Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.'*

- 7.69 Core Strategy Policy KP3 requires that: *"In order to help the delivery of the Plan's provisions the Borough Council will:*

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.

This includes provisions such as;

- a. roads , sewers, servicing facilities and car parking;*
- b. improvements to cycling, walking and passenger transport facilities and services;*

- c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);*
- d. affordable housing;*
- e. educational facilities;*
- f. open space, 'green grid', recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate;*
- g. any other works, measures or actions required as a consequence of the proposed development; and*
- h. appropriate on-going maintenance requirements."*

7.70 The following planning obligations have been agreed with the applicant:

- A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing (See paragraphs 7.16-7.21 above)
- £33, 343.93 contribution towards secondary education (See paragraph 4.4 above)
- The planting of 3 new street trees in the highway to the front of the site to the Councils specifications. (see paragraph 7.29 above)
- The provision of Travel Packs for residents and Travel Plan Monitoring. (see paragraph 7.53 above)
- £2,754.20 (20 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS). (see paragraph 7.63 above)
- Standard S106 Monitoring Fee.

7.71 The contributions noted above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks committee approval subject to the completion of this agreement.

Planning Balance and Housing Supply

7.72 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. 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. This proposal would provide 20 new dwellings including 6 x 3 bed units suitable for families for which there is an identified need. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of a mixed use development on this site was previously established in 2016. The proposed design has distributed the scale appropriately across the site to ensure that it does not have a detrimental impact on the setting of the adjacent listed library and the neighbours to the rear. The design of the proposal is well considered and would have an acceptable impact on the site and wider streetscene including the setting of the adjacent listed building. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours and provide an acceptable standard of accommodation for new occupiers. 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 and ecology.
- 8.2 The current proposal has been found by officers to be acceptable in all regards and is recommended for approval subject to the completion of a S106 and conditions, however, if members deem that there is harm then this will need to be balanced against the public benefits of the proposal. This proposal creates new housing, therefore, when assessing the harm identified, 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.

9 Recommendation

- (a) **That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**
- **A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing**
 - **£33, 343.93 contribution towards secondary education**
 - **The planting of 3 new street trees in the highway to the front of the site to the Council's specifications.**
 - **The provision of Travel Packs for residents and Travel Plan Monitoring.**
 - **£2,754.20 towards biodiversity mitigation, management, protection or education (RAMS).**
- (b) • **Standard S106 Monitoring Fee**

That the Director of Planning or the Development Control Service Manager be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below.

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 409P01, 409P02A, 409P03A, 409P04B, 409P05B, 409P06B, 409P07A.

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 of the development, including walls, projecting and inset balconies including floor, underside, fascia and soffit, windows and doors, roof and roof terraces, coping, shopfront including details of any synthetic materials to be applied to the glazed frontage of the commercial unit, colonnade, fascia and soffits, privacy screen, 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) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (Rev 2021) and the Southend-on- Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the shopfront including approach to signage, window reveals and lintel details, balcony design, roof edge details and rainwater drainage solution 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) Policies DM1 and DM5 and advice contained within the National Design Guide (Rev 2021) and the Southend-on- Sea Design and Townscape Guide (2009).

05 No development shall take place above ground floor slab level until details of the design and specification of the privacy screen to the north terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is first occupied and shall be retained for the lifetime of the development.

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

06 Other than the areas specifically denoted as roof terraces on the plans hereby approved, the roofs of the building 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 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)

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out prior to 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 for forecourt and parking area.**

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 20 car parking spaces, including 2 disabled spaces, and the associated amended vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 409P03A 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 dwellings hereby approved and their visitors. Each parking space shall have access to an electric vehicle charging point.

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) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

09 The development hereby approved shall not be occupied until at least 20 secure, covered cycle parking spaces to serve the residential development and the 6 secure, covered cycle spaces to serve the commercial development as shown on drawing 409P03A have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the residential and commercial units hereby approved and their visitors. The approved scheme shall be permanently retained for the lifetime of the development .

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

10 The development hereby approved shall not be occupied unless and until the commercial and residential refuse stores that serve the development as shown on drawing 409P03A have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

13 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 18 flats comply with building regulation M4(2) 'accessible and adaptable dwellings standard

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts 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 DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

14 Notwithstanding the details shown in the plans submitted and hereby approved, the overall height of the development, including any aerials, plant or other structures, must not exceed 56.46m Above Ordnance Datum

Reason: In the interests of aircraft safety and the safe operation of London Southend Airport in accordance with the National Planning Policy Framework (2021) and Policy DM1 of the Development Management Document (2015)

15 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Class E except for use as a gymnasium with Class E(d) (of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area including because a gymnasium use could present noise and vibration characteristics impacts potentially harmful to residential amenity which would warrant further detailed assessment all in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

16 The commercial ground floor unit hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: To protect the amenities of the occupiers of the development and neighbouring occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3, DM5 and DM8 of the Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

18 No deliveries or refuse collection shall be taken at or despatched from the ground floor commercial unit hereby approved outside the hours of 07:00 to 20:00 hours Mondays to Saturdays and 09:00 to 18:00 hours on Sundays nor at any time on Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development and 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)

19 No development above ground floor slab level shall take place unless and until a Noise Impact assessment (NIA) has been conducted by a competent person to assess all external and internal noise impacts on the future residents of the development. These shall include but not be limited to:

- **Road traffic noise**
- **Airborne and impact noise caused by normal living where bedrooms are above or below living areas**
- **Internal plant noise including lifts**
- **Use of communal stairwells and halls**
- **Bedrooms above the commercial unit**
- **Impact of external building services and extract ventilation equipment**
- **Noise from deliveries**

Measurement and mitigation from traffic noise shall be undertaken in accordance with BS8233:2014 and plant and equipment in accordance with BS4142 BS 4142:2014+A1:2019 and/or the most appropriate method to provide accurate and representative noise predictions so that noise will not cause a statutory nuisance.

To prevent nuisance from normal living sound insulation standards are required to exceed the requirements of Building Regulations Approved Document E by 5dB such that airborne sound insulation weighted standardised level difference is increased by 5dB $D_{nT,w} + C_{tr}$ and the maximum allowable weighted standardised impact sound pressure level is reduced by 5dB $L_{nT,w}$.

Prior to the first use/occupation of the development a post-completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures. and must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The final noise mitigation schemes shall be operated and maintained thereafter.

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

The alternative means of ventilation and cooling will not compromise any noise protection measures; the alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants; the alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be maintained thereafter.

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).

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

- A.** An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Desk Study Report by Endeavour Drilling reference END19-049 dated July 2019. The Phase II report must be submitted to the Local Planning Authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA ‘Model Procedures for the Management of Land Contamination.
- B.** Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the Local Planning Authority.
- C.** The site shall be remediated in accordance with the approved Site Remediation Strategy before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the Local Planning Authority before completion of the development or occupation of the premises (whichever comes first).
- D.** If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

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

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

21 Notwithstanding the details submitted within the SUDS Assessment Statement from HJ Structural Engineers reference MAS528 dated 19.07.19 and Supplementary SUDS Statement from HJ Structural Engineers reference MAS1123 dated 13.02.22 and as shown on the plans otherwise submitted and hereby approved, no drainage works shall be constructed at the site until a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

- i. The applicant must provide a plan showing the drainage layout, source control measures, pollution control measures, location and type of flow control being used, location and volume of any storage and the location of the connection to the Anglian Water surface water sewer**
- ii. The applicant must provide a drainage report including calculations as to how the proposed discharge rates will be achieved. Rates must align with those within the SuDS Assessment dated July 2019 and include climate change values for the 1 in 100 event.**
- iii. Further details shall be provided regarding how the drainage meets SuDS water quality aspects for the lifetime of the development**
- iv. Further details shall be provided regarding the body that will be responsible for the maintenance of SuDS/drainage for the lifetime of the proposed development. This must include details of the required maintenance types and frequencies**
- v. A method statement must be provided outlining how surface water flood risk will be managed throughout construction**
- vi. Evidence shall be provided showing an agreement in principle from Anglian Water to accept a connect to the surface water sewer with a maximum flow rate of 3.15 l/s**

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).

22 No development shall take place, including any works of demolition, until a Construction/Demolition Method Statement and Management Plan 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 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. A Dust Management Plan - measures to control the emission of dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent.**
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;**
- vii. Measure to mitigate noise disturbance during the development.**

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Development Management Document (2015) policies DM1 & DM3.

23 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).

- (c) In the event that the planning obligation referred to in part (a) above has not been completed before 8 July 2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing or education provision, or biodiversity mitigation or for highway landscape works or travel packs and that, as such, the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).**

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

Informatives:

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

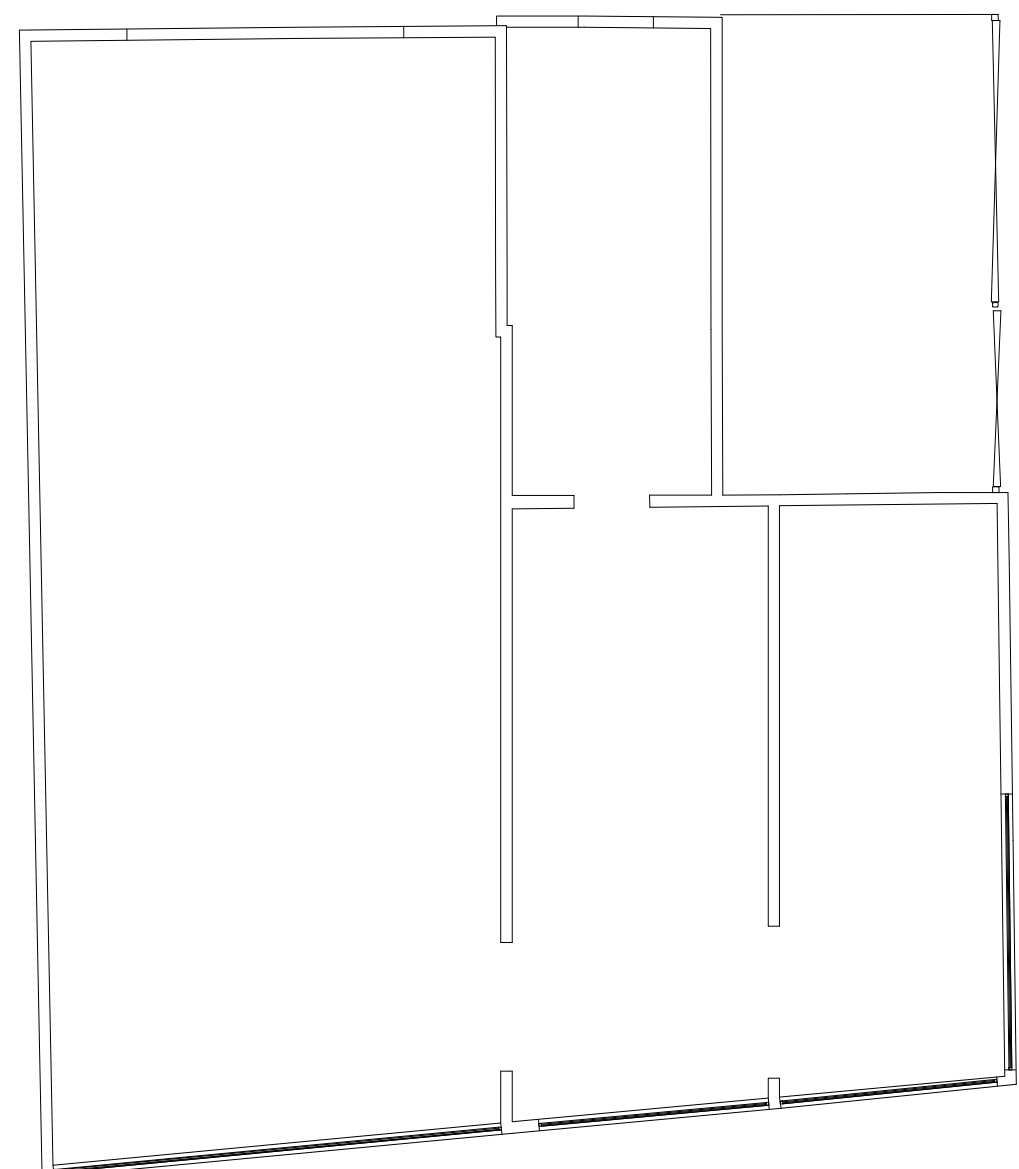
02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing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

03 In relation to Condition 03 and the installation of 3 new street trees as part of the S106 agreement, you are advised to contact Highways Engineer Martin Warren (Tel 01702 534328) to discuss the required 278 Highways Agreement and any associated Highways Licence. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works.

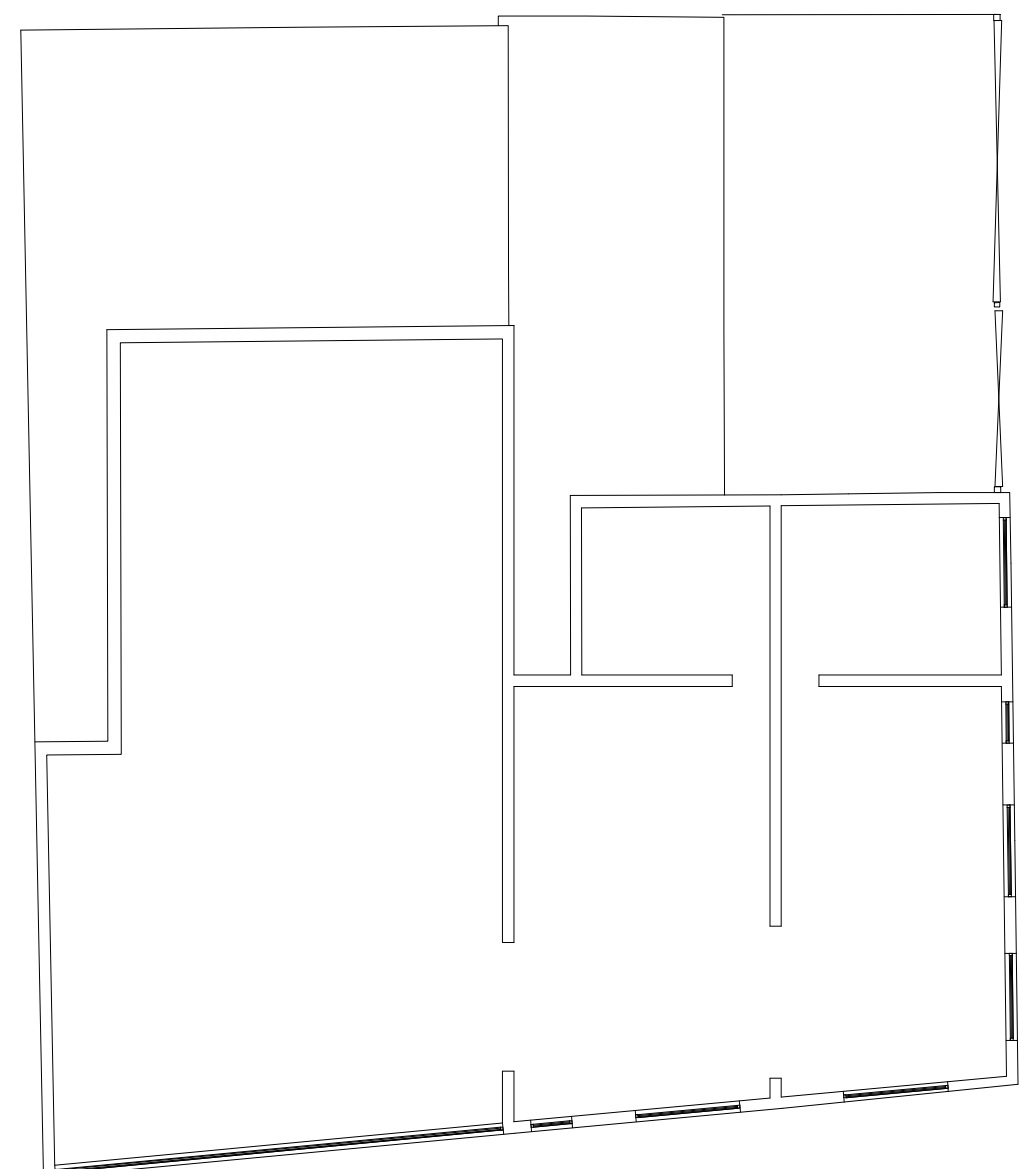
04 The proposed development will need to be assessed against the Instrument Flight Procedures both designed and published for London Southend Airport. The assessments will need to be carried out by a third party and the costs would be passed to the developer. Please contact sam.petrie@southendairport.com 01702 538521 to arrange this.

05 Prior to demolition of 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. 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.

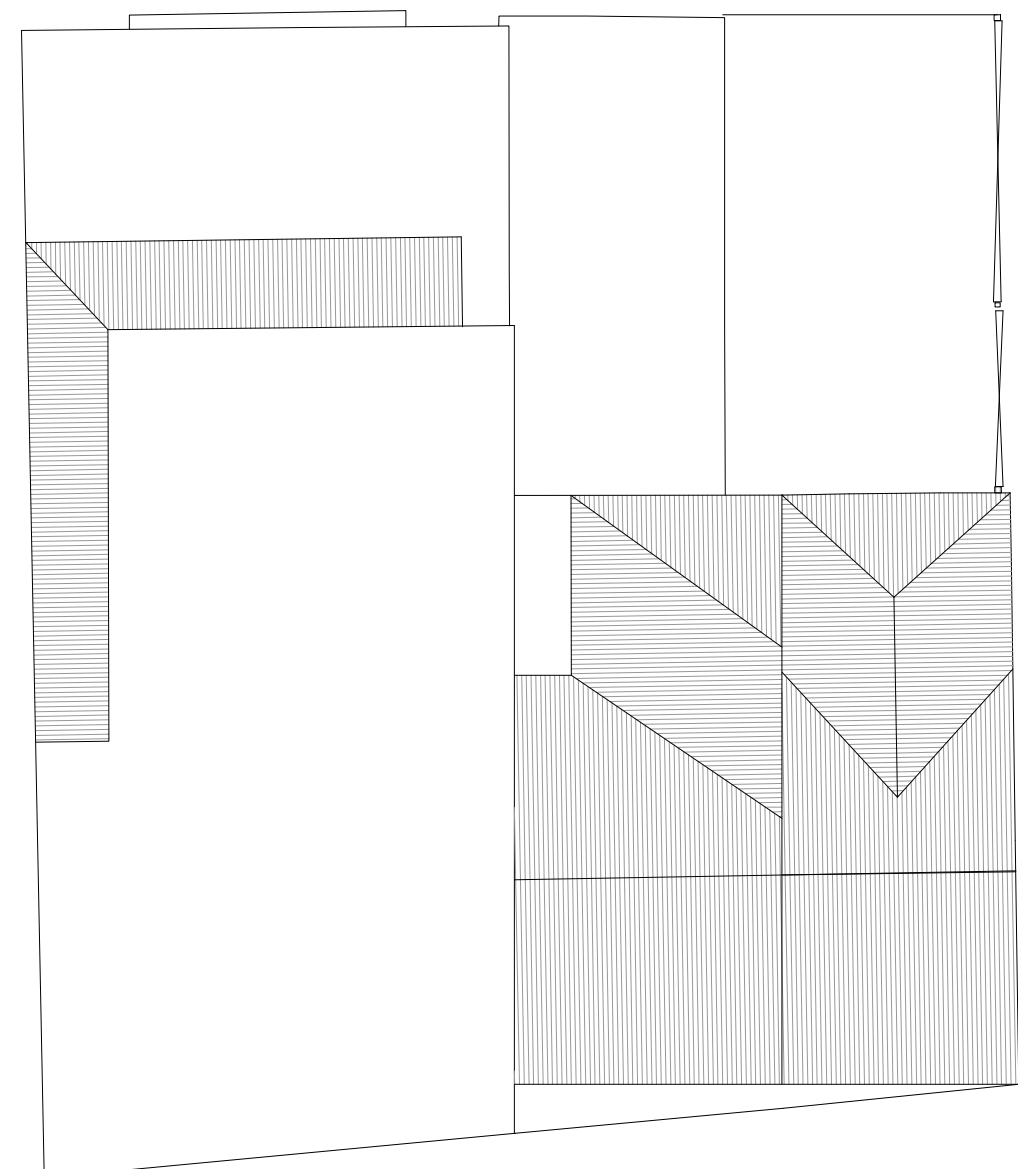
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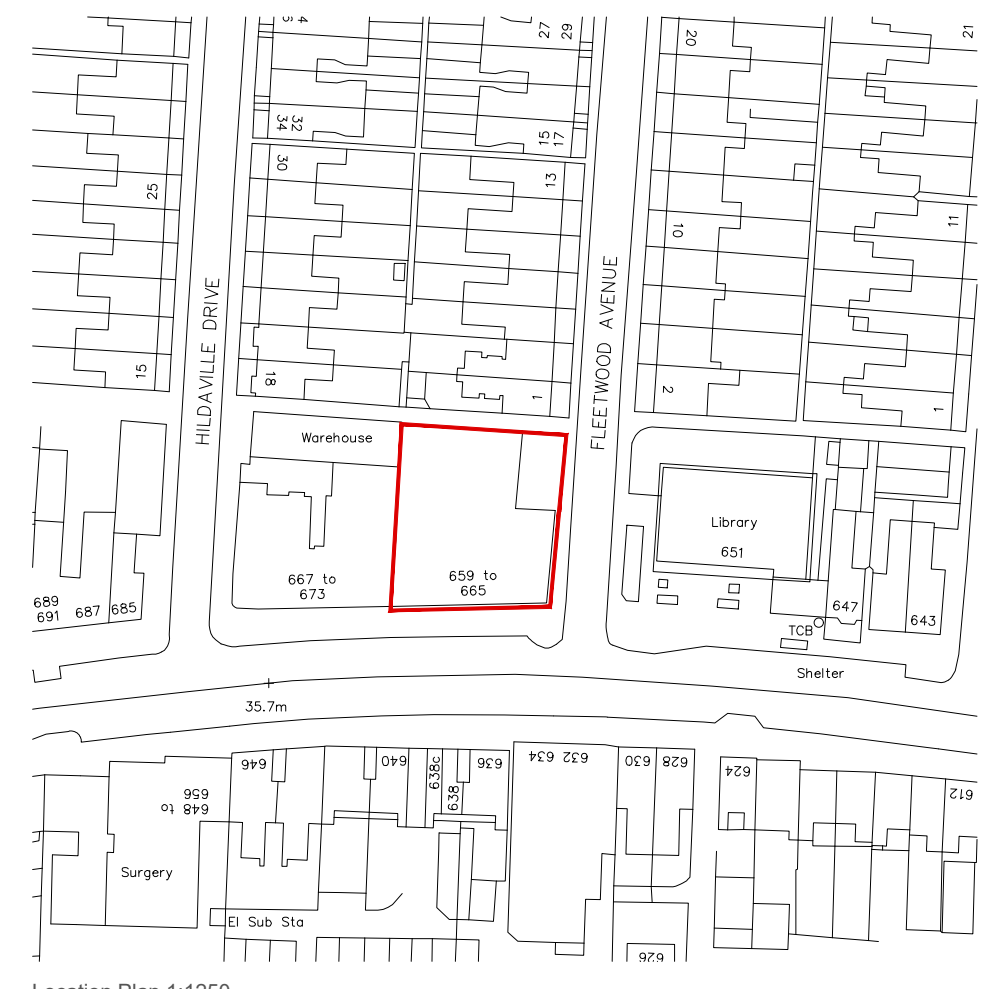
Existing Ground Floor Plan 1:200
0 2 4 6 8 10



Existing First Floor Plan 1:200
0 2 4 6 8 10



Existing Roof Floor Plan 1:200
0 2 4 6 8 10



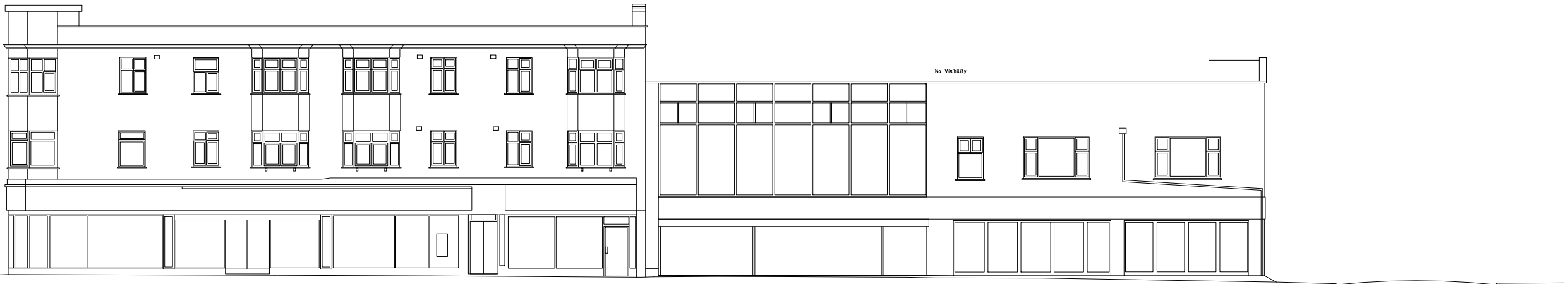
Location Plan 1:1250
0 25 50 75 100 125



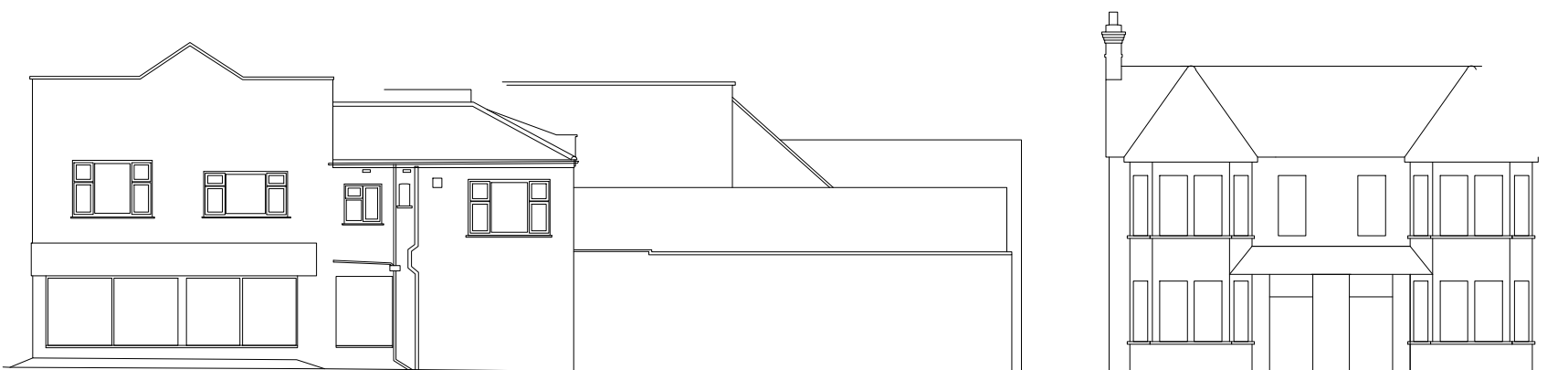
Existing Block Plan 1:500
0 10 20 30 40 50



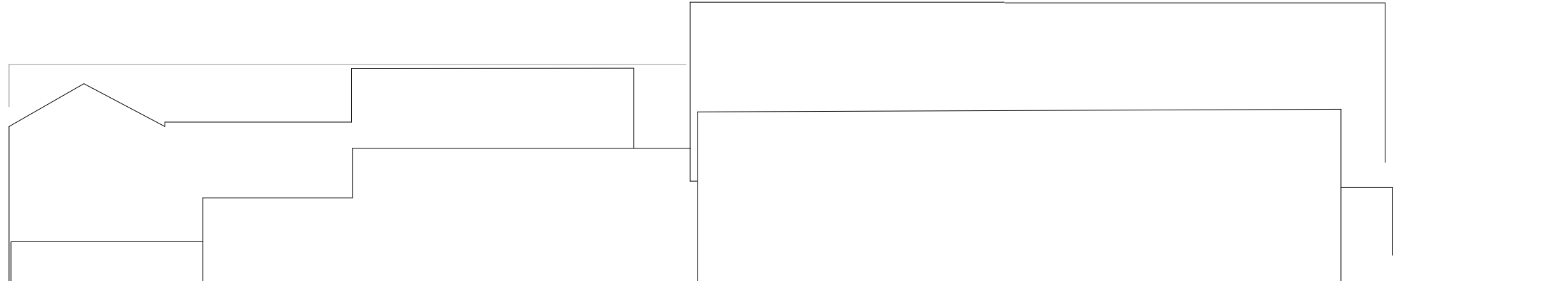
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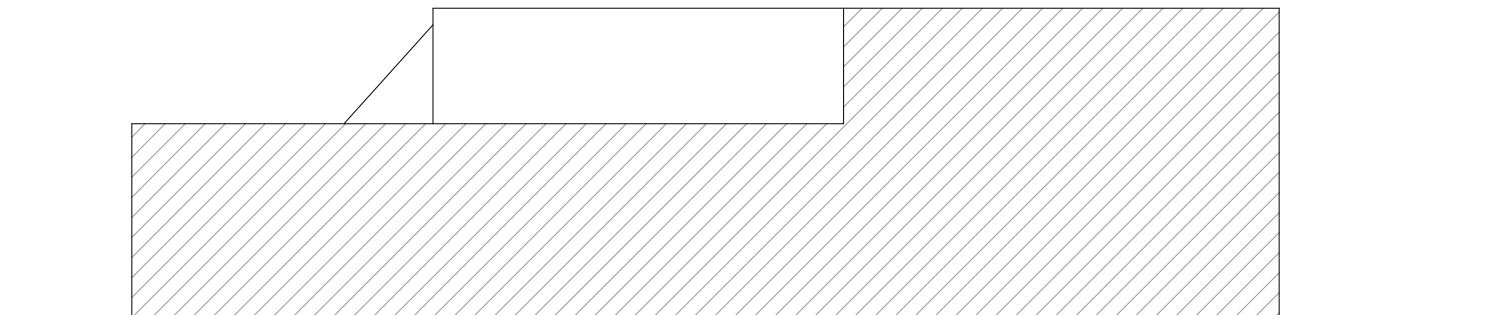
Existing South Elevation 1:200
0 2 4 6 8 10



Existing East Elevation 1:200
0 2 4 6 8 10



Existing North Elevation 1:200
0 2 4 6 8 10



Existing West Elevation 1:200
0 2 4 6 8 10

Notes:			
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Rev	Comment	By	Date
-	Planning	ABG	18/09/2020

Stage:
3 - Planning

Client:
Canetleigh Ltd

Project:
Les and Garys
659 London Road
Westcliff-on-sea
Essex
SS9 5PD

Drawing Title:
Existing

Drawing no:
409P01

Revision: - Drawn by: ABG

Project no: **409** Chkd by: ABG

Scale: 1:100 @ A1

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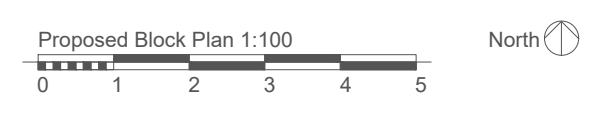
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Fleetwood Ave

London Road



Notes:

Rev	Comment	By	Date
A	Planning - Trees	ABG	23/06/2022
-	Planning	ABG	18/09/2020

Stage:
3 - Planning

Client:
Canetleigh Ltd

Project:
Les and Garys
659 London Road
Westcliff-on-sea
Essex
SS0 9PD

Drawing Title:
Proposed Block Plan

Drawing no:
409P02

Revision: **A** Drawn by: ABG

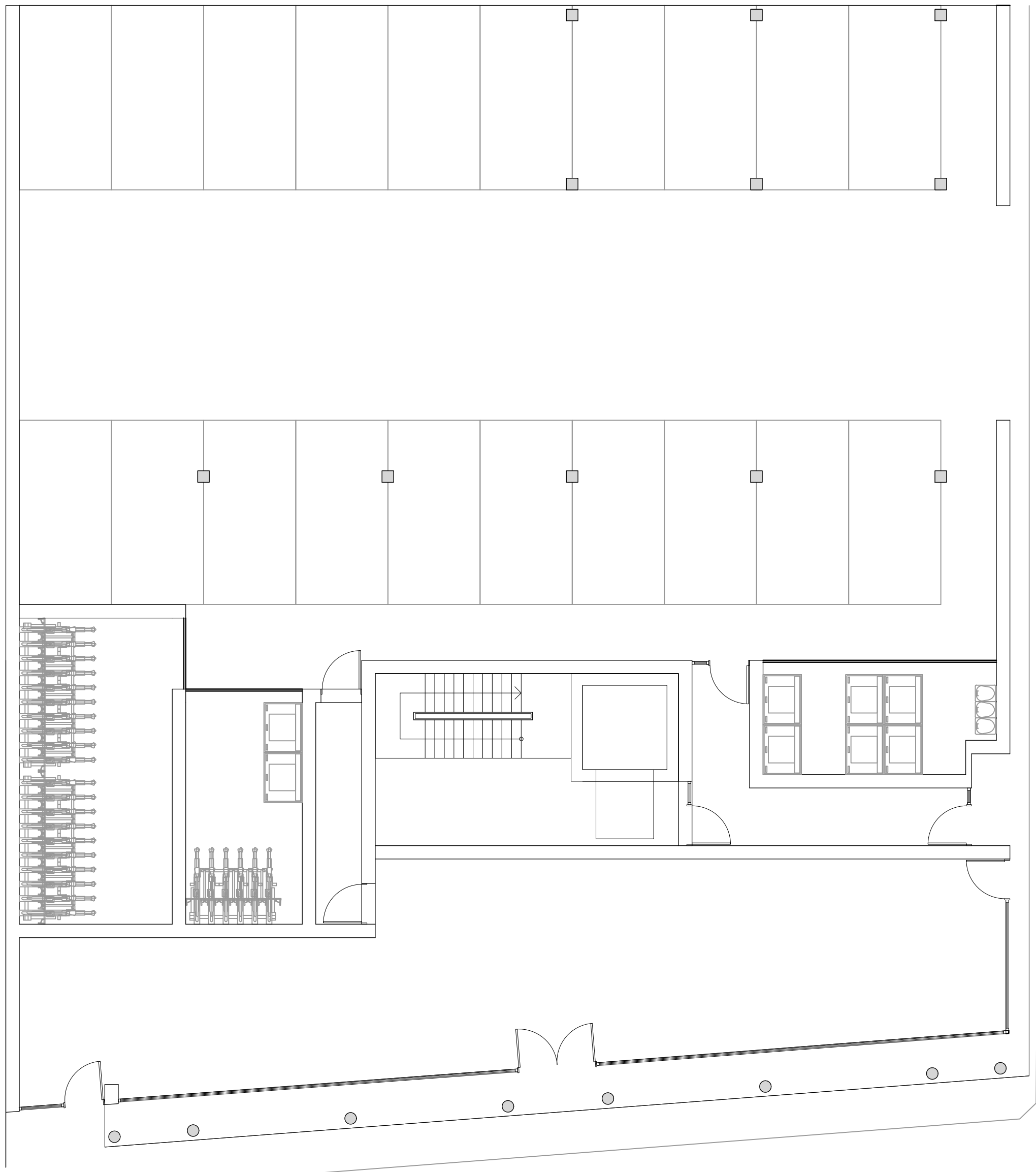
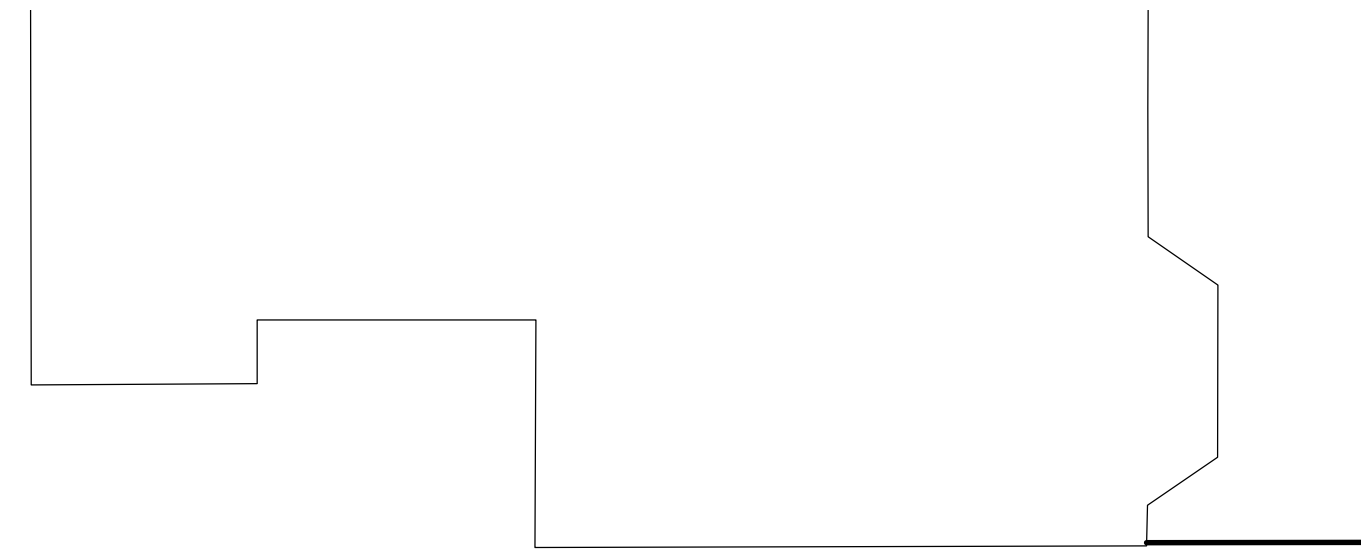
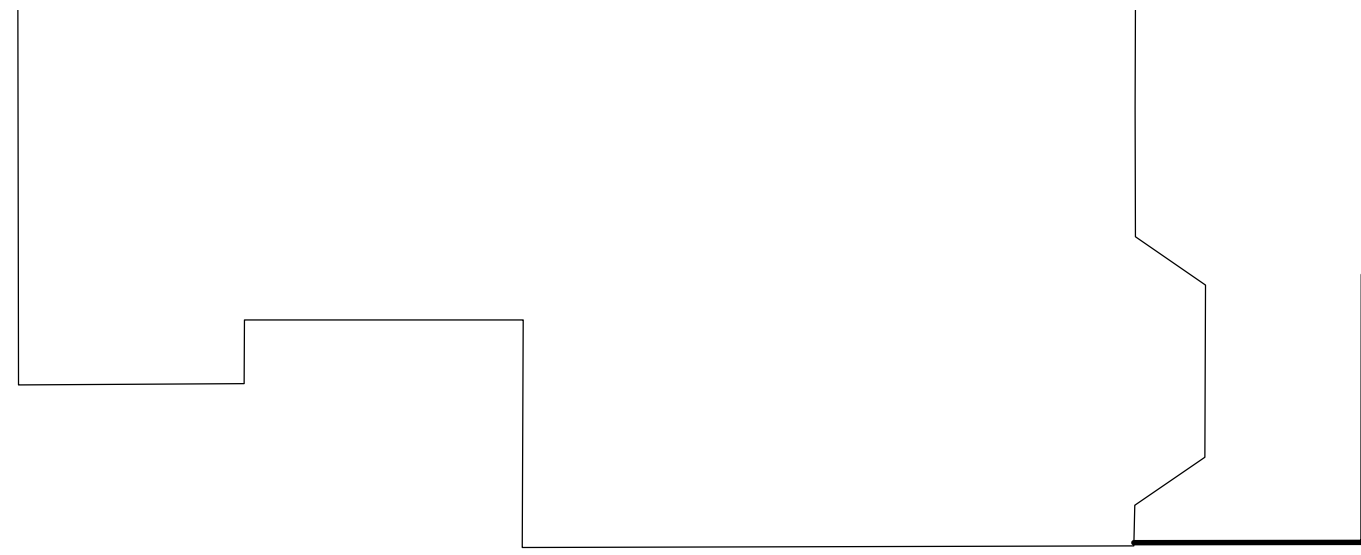
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Scale: 1:100 @ A1

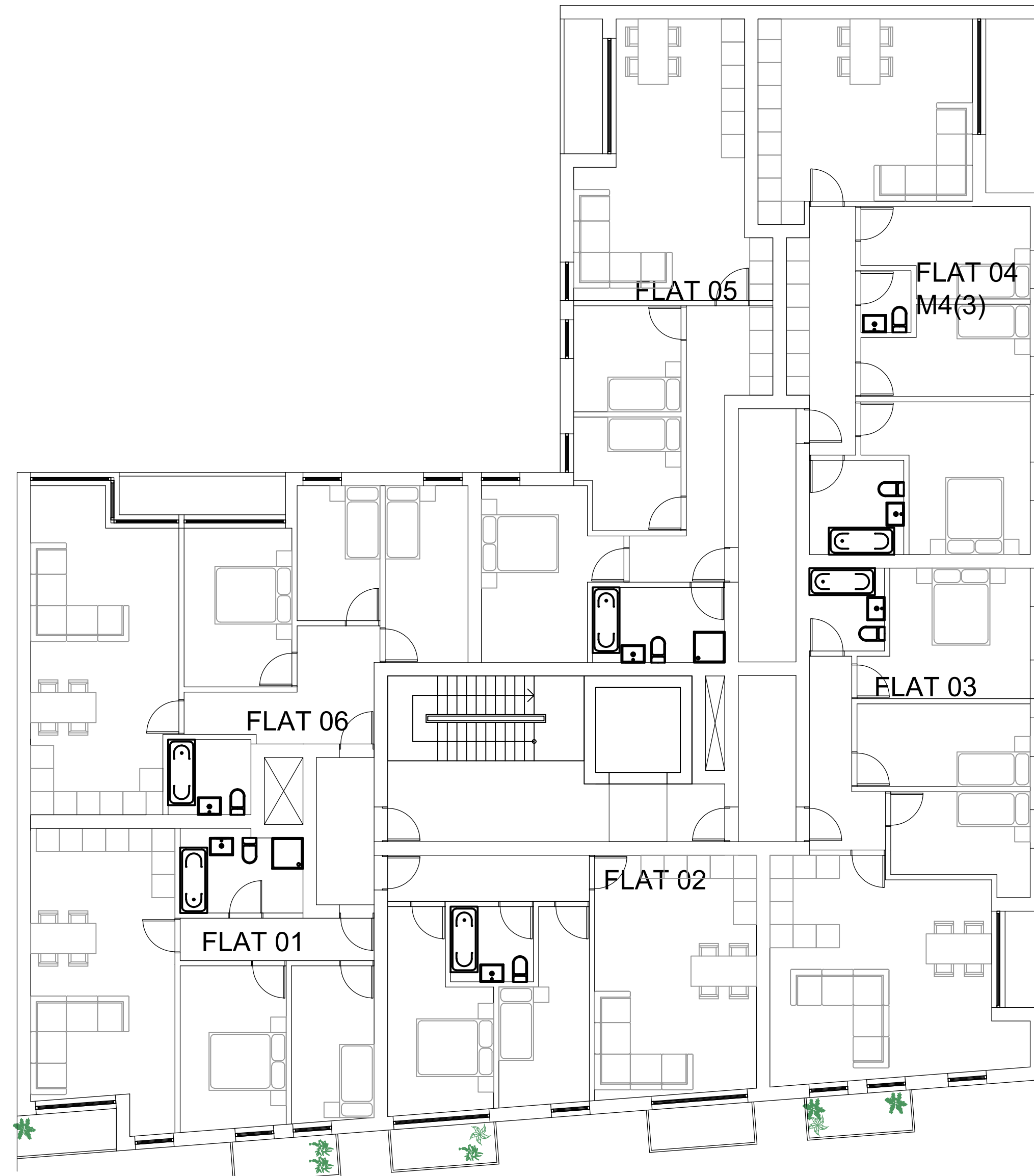
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Proposed Ground Floor Plan 1:100
0 1 2 3 4 5



Proposed First Floor Plan 1:100
0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
A	Planning	ABG	30/07/2021
-	Planning	ABG	18/09/2020

Stage:
3 - Planning

Client:
Canetleigh Ltd

Project:
Les and Garys
659 London Road
Westcliff-on-sea
Essex
SS0 9PD

Drawing Title:
Proposed Floor Plans

Drawing no:
409P03

Revision: **A** Drawn by: ABG

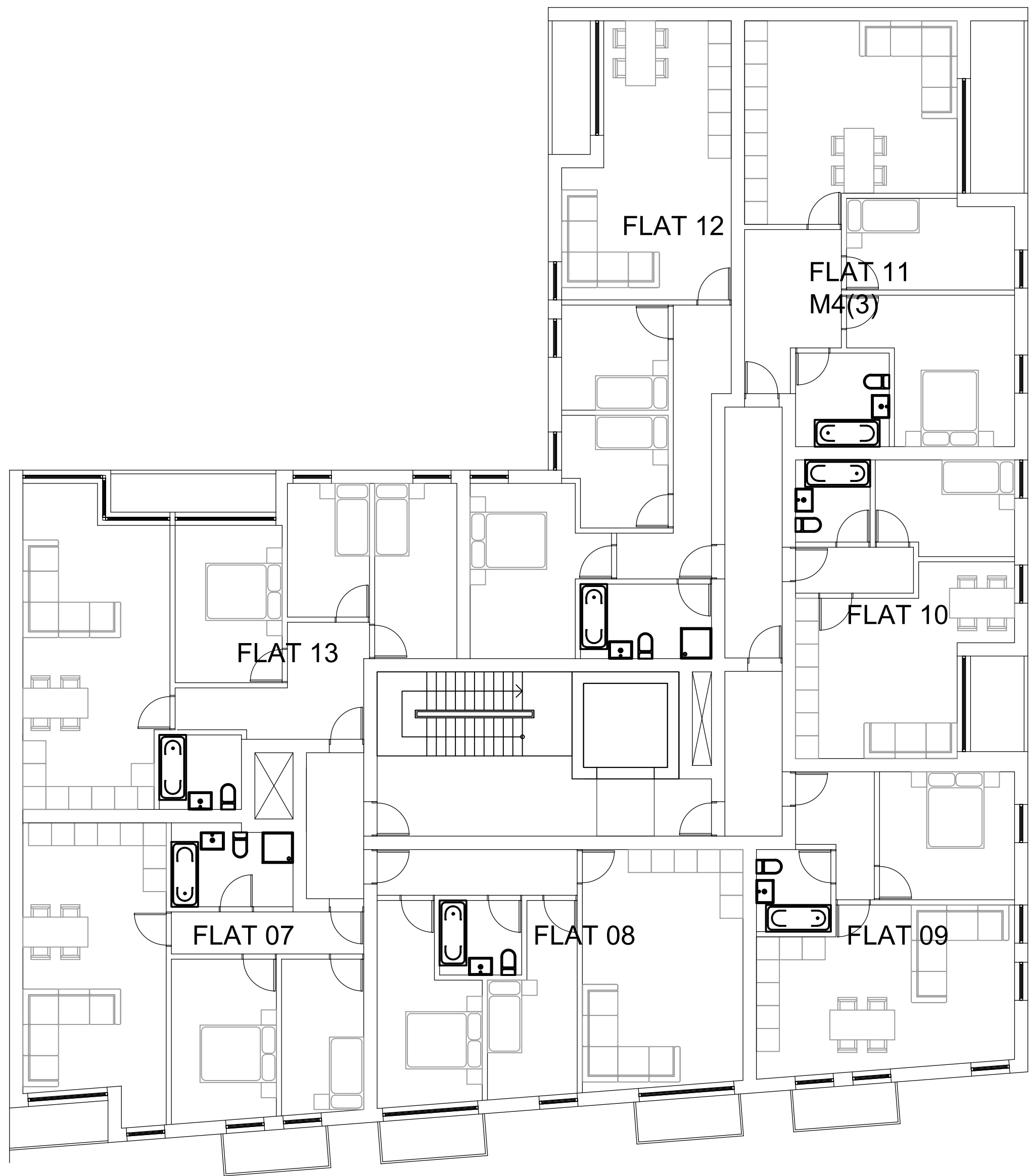
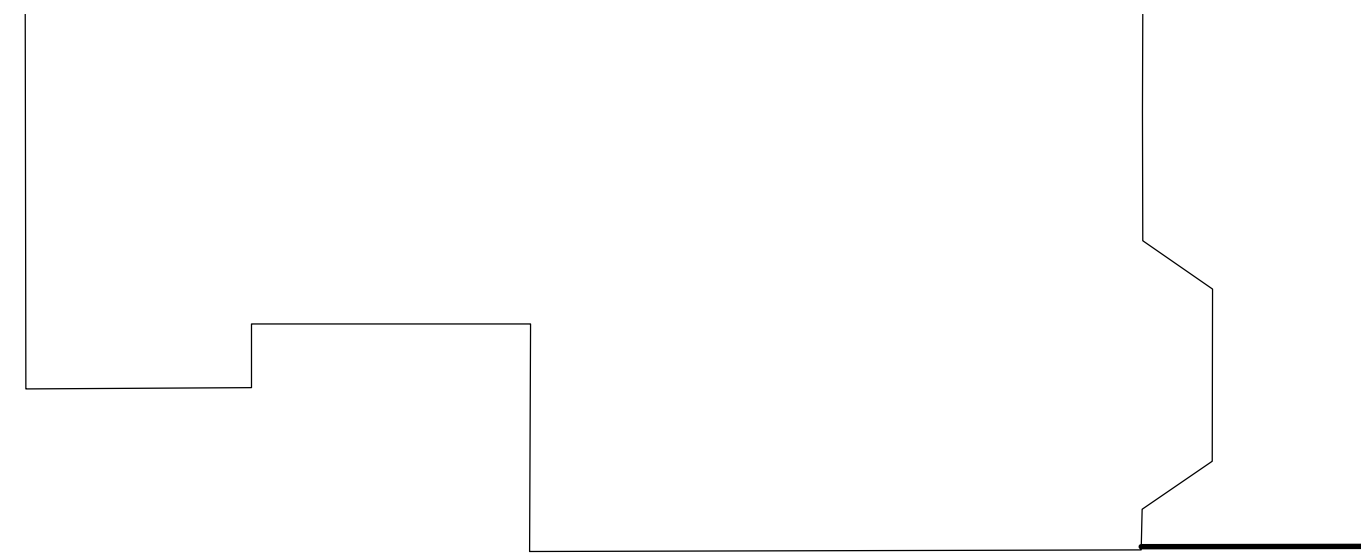
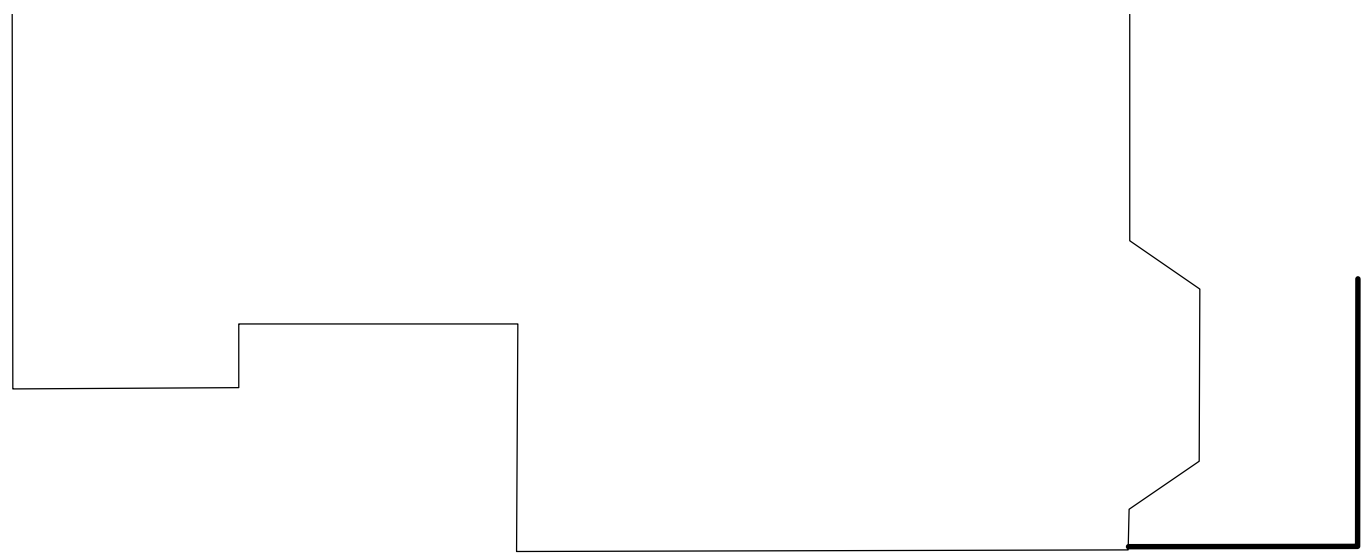
Project no: **409** Chkd by: ABG

Scale: 1:100 @ A1

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Proposed Second Floor Plan 1:100
0 1 2 3 4 5



Proposed Third Floor Plan 1:100
0 1 2 3 4 5

Notes:

B	Planning Amendment	ABG	30/07/2021
A	Second Floor Amendment	ABG	28/07/2021
-	Planning	ABG	18/09/2020
Rev	Comment	By	Date

Stage:
3 - Planning

Client:
Canetleigh Ltd

Project:
Les and Garys
659 London Road
Westcliff-on-sea
Essex
SS0 9PD

Drawing Title:
Proposed Floor Plans

Drawing no:
409P04

Revision: **B** Drawn by: ABG

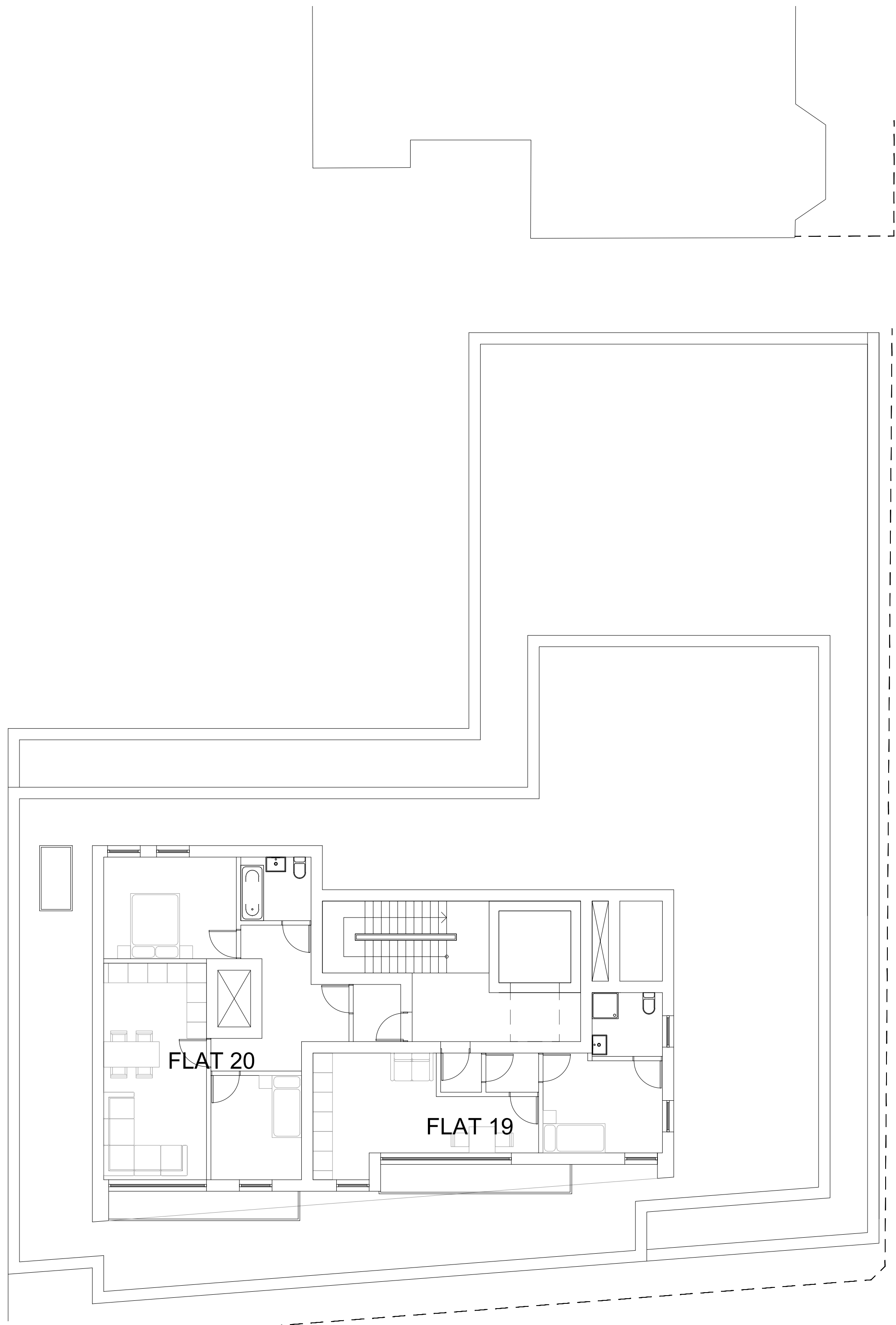
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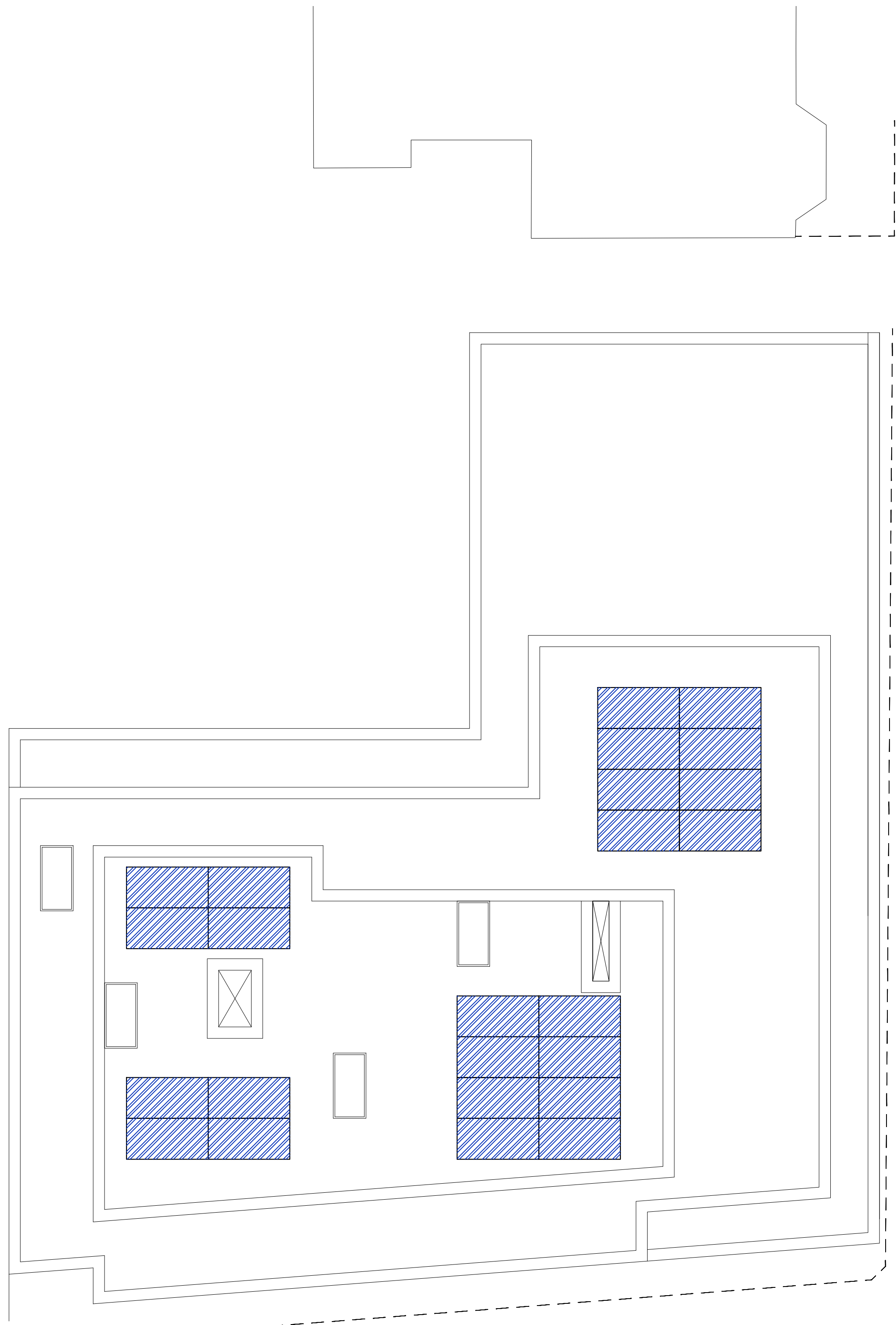
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Proposed Fourth Floor Plan 1:100
 0 1 2 3 4 5



Proposed Roof Plan 1:100
 0 1 2 3 4 5

Notes:

B	Planning - Shower	ABG	13/06/2022
A	Planning	ABG	30/07/2021
-	Planning	ABG	18/09/2020
Rev	Comment	By	Date

Stage:
3 - Planning

Client:
Canetleigh Ltd

Project:
Les and Garys
659 London Road
Westcliff-on-sea
Essex
SS0 9PD

Drawing Title:
Proposed Floor Plans

Drawing no:
409P05

Revision: **B** Drawn by: ABG

Project no: **409** Chkd by: ABG

Scale: 1:100 @ A1

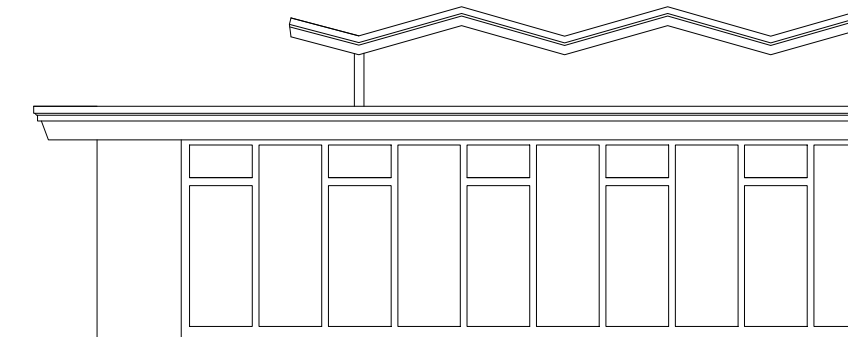
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Proposed Front Elevation 1:100
0 1 2 3 4 5



Proposed Fleetwood Elevation 1:100
0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
B	Balcony Addition	ABG	08/07/2021
A	Balcony Addition	ABG	08/07/2021
-	Planning	ABG	18/09/2020

Stage:
3 - Planning

Client:
Canetigh Ltd

Project:
Les and Garys
659 London Road
Westcliff-on-sea
Essex
SS0 9PD

Drawing Title:
Proposed Elevations

Drawing no:
409P06

Revision: **B** Drawn by: ABG

Project no: **409** Chkd by: ABG

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Proposed Rear Elevation 1:100
 0 1 2 3 4 5



Proposed West Elevation 1:100
 0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
A	Planning Amendment	ABG	30/07/2021
-	Planning	ABG	18/09/2020

Stage:
3 - Planning

Client:
Canetleigh Ltd

Project:
Les and Garys
659 London Road
Westcliff-on-sea
Essex
SS0 9PD

Drawing Title:
Proposed Elevations

Drawing no:
409P07

Revision: **A** Drawn by: ABG

Project no: **409** Chkd by: ABG

Scale: 1:100 @ A1

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659-665 London Road
Proposed CGI Front Elevation and Streetscene



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665 London Road

Site photos 2021

Site

70



Existing Building

71



London
Road
Streetscene
including
lager
buildings



Relationship
with
Westcliff
Library listed
building



Westcliff Library

74



East
Elevation
facing
library

75



Outlook of site onto library

76



Site and 1 Fleetwood Avenue

77



Site and 1 Fleetwood Avenue

78



Side
windows to
1 Fleetwood
Avenue -
secondary
windows to
bedrooms



Rear Side windows to
1 Fleetwood Avenue
- bath and wc



Existing
relationship
between 1
Fleetwood
and site –
separated by
vehicular
access



Site -
existing rear
elevation

81



Neighbour
to west -
kitchen
window
facing site



Reference:	22/01015/FUL	5
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Convert existing Beecroft Art Gallery (Class F1(b)) to 9no. self-contained flats (Class C3), extend dormer to front, erect four storey side/rear extension, form roof top access to new roof terraces, layout parking and form new vehicle access onto Station Road, alter elevations	
Address:	1 - 3 Westcliff Avenue Westcliff-on-sea Essex SS0 7RA	
Applicant:	Property Point AK Limited	
Agent:	Neobards Limited	
Consultation Expiry:	09.06.2022	
Expiry Date:	07.07.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	NEO.1166.0100 (Existing Site Plan) NEO.1166.0101 (Existing Ground Floor Plan) NEO.1166.0102 (Existing First Floor Plan) NEO.1166.0103 (Existing Second Floor Plan) NEO.1166.0104 (Existing Roof Plan) NEO.1166.0105 (Existing Elevations) NEO.1166.0125.C (Proposed Site and Location Plan) NEO.1166.0126.C (Proposed Ground Floor Plan) NEO.1166.0127.D (Proposed First Floor Plan) NEO.1166.0128.E (Proposed Second Floor Plan) NEO.1166.0129A (Proposed Third Floor Plan) NEO.1166.0130 (Proposed Roof Plan) NEO.1166.0131.B (Proposed Elevations) NEO.1166.0132.A (Proposed Details)	
Supporting Documents	NEO.1168.0133.B (3D Visuals) NEO.1166.0135.A (Proposed Window Comparisons)	

	<p>Planning Statement: Heritage, Design and Access Statement reference NEO.1166. 01 dated 04.05.22</p> <p>Structural Inspection Report by DBS reference 17-1230 dated 06.05.22</p> <p>Roof Lantern Report dated 29.03.22</p> <p>Balustrade Condition Report dated 29.03.22</p> <p>Planning Statement: Drainage reference NEO.1166. 01 dated 28.05.22</p> <p>EA Flood Map (Zone 1 Low Risk)</p> <p>Preliminary Ecological Assessment reference ASW/PPDL/004/26/2022 dated April 2022</p> <p>Site Record Condition Photos dated 04.05.22</p> <p>Construction Method Statement by Property Point Homes (Version 2) dated May 2022</p>
<p>Recommendation:</p>	<p>GRANT PLANNING PERMISSION subject to conditions</p>



1 Site and Surroundings

- 1.1 The application relates to the former Beecroft Art Gallery at 1-3 Westcliff Avenue on the corner with Station Road and in Shorefields Conservation Area. The building dates from the early C20 and was originally built as two houses but was soon converted to the Warwick Hotel as part of the rapid expansion and popularity of Southend as a tourist resort in the early to mid C20. At this time the hotel was described in an advert as 'having the finest position on the cliffs'. Photos of this time show the building as being highly decorated including bespoke cast iron balustrading, a feature timbered gable with lantern detail and roof terrace and it was a local landmark in this area. In 1951 the hotel was converted to the Beecroft Art Gallery, and this remained until only a few years ago when the gallery relocated to Victoria Avenue. The building has been vacant since this time. The building has retained some, but not all, of its original features but is in a poor state of repair and is suffering from structural damage at the southeast corner. Nevertheless, the building is still considered to have great potential to make a positive contribution to the character of the conservation area subject to repairs and reinstatement works.
- 1.2 The properties to the east and north of the site are also within Shorefields Conservation Area and are generally houses some of which have been converted to flats, care homes and guest houses. The care home directly north of the site is currently vacant. Opposite the site to the south is the Cliffs Pavilion Theatre and the Cliff Gardens. To the east is a small flatted block.
- 1.3 Aside from the heritage designation there are no site specific policies, however, the site is adjacent to (but outside) the Southend Central Area Action Plan (SCAAP) area which includes the Cliffs Pavilion opposite. This building is a designated as a landmark building and the views towards and from the Cliff Gardens are also protected under SCAAP Policy DS3.

2 The Proposal

- 2.1 The proposal seeks planning permission to erect a four storey side/rear extension and convert the former art gallery (Class F1 (b)) into nine self-contained flats (Class C3): (6 x 2 bed units and 3 x 3 bed units). In addition to the proposed extension, the proposal includes various works to the exterior of the building including the extension of the front dormer, reinstatement of the traditional decorative roof lantern and timbering to the main gable and reintroduction of the roof terrace.
- 2.2 A structural report submitted with the application comments that there is significant cracking to the exterior of the corner bay and distortion to the veranda at first floor and this section of the building will need to be partially rebuilt but otherwise the building is generally sound.
- 2.3 The proposed extension is 3 storeys plus roof accommodation and is located on the west side of the building fronting Station Road. It measures 5.2m wide, 10.7m deep with a dual gabled roof which has an eaves height of 8.9m, a ridge height of 11.9m and a maximum height of 14.2m including access doors to the roof terrace. The extension replaces an existing smaller 2 storey blank flat roofed extension in this location which contained galleries. The extension will be constructed of red brick and render with a red tile roof to match the existing building. The proposed alterations to the existing building will use traditional materials to maintain its historic character.

- 2.4 6 parking spaces will be provided on the forecourt in the northeast and southwest corners of the site. The former is accessed by an existing vehicular crossover from Westcliff Avenue and the latter will be accessed via a new crossover from Station Road. Each flat would have access to a private amenity space as either a small garden, balcony and/or roof terrace.

3 Relevant Planning History

- 3.1 22/00578/PREAPF - Convert existing Beecroft Art Gallery (Class F1 (b)) to 9no. self contained flats (Class C3), extend dormer to front, erect four storey side/rear extension, form roof top access to new roof terraces, layout parking and form new vehicle access onto Station Road, alter elevations – advice given
- 3.2 16/02258/BC3 - Convert existing Beecroft Art Gallery (Change of use of former Beecroft Art Gallery (Class D1) to 20 Artist Studios (Class B1) alterations to part of boundary wall and install cast iron metal gate, layout landscaping, cycle and bin stores and alterations to elevations – approved but not implemented.

4 Representation Summary

Public Consultation

- 4.1 20 neighbouring properties were consulted, a press notice published, and a site notice displayed. 1 letter of representation was received raising the following issues:

- Loss of private estuary views

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

Essex Fire Service

- 4.2 No objections.

Environmental Health

- 4.3 No objections subject to conditions relating to construction hours, noise mitigation for new dwellings and waste management. The detailed wording of the suggested conditions has been refined to better reflect the test for planning conditions set out in planning guidance.

Highways

- 4.4 There are no highway objections to this proposal. The proposed parking layout ensures cars can enter and manoeuvre effectively.

Lead Local Flood Authority

- 4.5 No objections subject to conditioning full drainage details.

Southend Airport

4.6 No objections.

Milton Conservation Society

- 4.7
- The loss of the building for cultural use is regrettable but the application, for the retention and repair of the landmark building is generally supported. The retention and protection of this building is important to the conservation area.
 - The retention and reinstatement of key features is particularly welcomed.
 - The existing railings should be retained. Where the railing needs to be raised to meet the Building Regulations, this needs to be done with some care so as not to distract from the historic parts.
 - Concerns are raised in relation to the lack of parking, fewer units would be preferred, however, given the specific location of the site and the carbon emissions aspect of the climate emergency that we face, we can see that this should be looked at differently now- subject to the provision of cycle parking.
 - There is also a lack of amenity but the site is located next to the cliff gardens.
 - The proposal seems to give rise to overlooking at the rear. This section should be redesigned as best as possible.
 - If these issues are addressed the scheme would be supported.

[Officer Comment: the scheme has been amended during the course of the application including in relation to detailing of reinstated historic features and to address overlooking concerns at the rear.]

4.8 This application was called to Development Control Committee by Cllr Walker.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Design Guide (Rev 2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards), DM10 (Employment Sectors) and DM15 (Sustainable Transport Management)
- 5.4 Southend Central Area Action Plan (SCAAP) (2018), Policy DS3 (Landmarks and Landmark Buildings)
- 5.5 Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Shorefields Conservation Area Appraisal (2021)

- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Southend Electric Vehicle Charging Infrastructure SPD (2021)

6 Planning Considerations

- 6.1 The main considerations in the determination of this application are the principle of the loss of the cultural use and change to residential use, the impact on the character of the historic building and wider conservation area, impact on residential amenity, quality of accommodation for future occupants, traffic and highways implications, sustainability, ecology including RAMS and CIL.

7 Appraisal

Principle of Development

- 7.1 Paragraph 119 of the NPPF states: *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”* Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.
- 7.2 Policy CP1 of the Core Strategy seeks to enhance the city’s role as a cultural hub and Policy CP6 seeks to safeguard existing cultural facilities but Policy CP2 states that *‘Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people, including cultural services.’* Policy DM10 of the Development Management Document directs cultural uses to the city and district centres.
- 7.3 The proposal seeks to change the use of the existing historic building from an Art Gallery (Class F1 (b)) to 9 no. self-contained flats (Class C3). In support of the change of use the application states:
- *‘Although this application seeks to change the use of the building the Beecroft will not be lost to the community as it has been relocated to Victoria Avenue in the town centre.*
 - *A previous attempt to provide Community Use Artists studios failed to be implemented and the building remains vacant and in disrepair, we therefore consider Residential use the only sustainable use for the building. This will ensure the building is full renovated, occupied and maintained for the future.*
 - *It is very unlikely that the existing building could be considered viable for Community use now, split floor levels and restricted access make conversion of the building for public use uneconomic.*

- *The original building was first constructed as 2 houses both large scale, domestic in character. Both dwellings were later converted to The Warwick Hotel also residential in use. We understand the Heritage value rightly attributed to this building, however given its previous residential status we do not believe a change to this more sustainable use will be detrimental to the property or Conservation Area.*
- *With the proposed change of use to residential comes the benefit of renovation, refurbishment, conservation and continued upkeep and maintenance. We believe these to be of benefit to the public outweighing any potential harm caused by sensitive extension and conversion of the existing building.*

7.4 The proposal does not result in a net loss of cultural facilities for the city as the Beecroft Art Gallery has moved into the former Central Library, and the library has moved into a new building at the Forum. These are both within the city centre which is the primary location as noted in the policies above. The building is a heritage asset in a poor state of repair and the proposal for residential use, for which the building was initially designed, would provide the optimum viable use and facilitate its restoration and the reinstatement of key historic features that have been lost. The works will be positive for the conservation area and the seafront views protected in the SCAAP and for the setting of the Cliffs Pavilion, a designated landmark building.

7.5 It is therefore considered that the proposed change of use should be supported in this case subject to the detailed considerations set out below.

Design and Impact on the Character of the Area and impact on Heritage Assets

7.6 The Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.7 In relation to the impact of a proposal on a designated heritage asset the NPPF states that

'199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

202. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

203. *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

- 7.8 The NPPF also states that '*Good design is a key aspect of sustainable development*' and this is referenced throughout the NPPF as well as in policies KP2 and CP4 of the Core Strategy and policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide also states that the Council is committed to good design and the preservation and enhancement of heritage assets.
- 7.9 In regard to development affecting heritage assets, Policy DM5 states that "*Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted.*" The NPPF states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*".
- 7.10 In relation to this building, the Shorefields Conservation Area Appraisal states '*The former Beecroft Gallery is a focal point, though its poor condition is a major detractor.*' The poor condition of the building is also noted at 6.3.3 where it states '*The former Beecroft Art Gallery is vacant and has some rotting timberwork and broken glazing. The balcony and veranda have peeling paintwork. The building's poor condition is linked to its vacancy. Vacant buildings look unattractive and give an air of neglect. Vacancy can also lead to issues with condition, ... Vacant buildings can also be a target of anti-social behaviour.*' Equally, the Appraisal notes the building has having potential to make a significant and positive contribution to the character of the conservation area and the Management Plan of Appraisal states at 6.3.46 that '*Views of landmark buildings, the Westcliff Hotel, Allcoat House and the former Beecroft Gallery, should be maintained and enhanced.*'
- 7.11 The application seeks to convert the building into 9 self-contained flats. The following alterations are proposed to facilitate the conversion:
- The removal and infilling of the entrance door and modern porch facing Station Road and the inserting of French doors into the east side of the main gable to provide access to the amenity terrace. (The other entrance onto Westcliff Avenue will be retained as the main entrance to the building.)
 - The removal of 2 windows to each the side of the main front gable at first floor and their replacement with blind window details to prevent inter-looking between units.
 - The adaption of the south hanging bay to include French doors and a balcony of a matching design with a similar balcony detail above.
 - The widening of the southern facing flat roof dormer.
 - Increase height of brick parapet to east bay to 1.1m for safety reasons.
 - Alteration of boundary wall facing Station Road to remove one panel of brickwork to enable a new vehicular access to be created.

7.12 The proposal includes the repair and reinstatement of a number of historic features including:

- The repair and rebuilding of the corner bay at lower levels which is suffering from structural damage from the subsidence of the veranda which has caused it to rotate and pull in the front bay. This will be rebuilt to the same design including the terrace and first floor balcony in this location using reclaimed materials.
- The restoration of the main gable including reinstatement of the timbering and finial detail and the large decorative roof lantern. This will be constructed in metal with lead roof and ornamental metal ridge detail to match the original design seen in historic photos.
- The replacement of all windows with new white painted timber sliding sash windows.
- The reinstatement of the former roof terrace including the distinctive access doorways.
- The restoration of the dormers.
- The works will involve salvaging and re using of materials including, brick, tiles and the decorative railings which will be sensitively adapted to raise their height in line with building regulations. All new balcony railings will match the existing design including detailing and profile.
- The existing boundary wall will be repaired.
- All chimneys to be retained.

7.13 The building is in a key location and is an important part of the history of Shorefield Conservation Area but it is vacant and in a poor state of repair and this is detracting from the character of the area. It also has a more modern two storey flat roofed blank box style extension to the west side of the building which is proposed for removal as part of the development. Even though set back from the street frontage this is not a positive aspect of the building's appearance. The building also has structural issues at its southeast corner and has noticeably deteriorated during the time it has been vacant. Nevertheless, the historic quality of the building is still evident, and it has potential to once again be an attractive and prominent landmark for the conservation area. There is no doubt, however, that significant restoration works are required to achieve this.

7.14 The proposed enhancements to the building will not only bring it back into a habitable state but will reinstate key historic features which have been lost. The proposed design of these features are a close replication of the original character and they are therefore welcomed. As noted in above, the NPPF and planning policies direct that 'great weight' should be given to the retention and conservation of heritage assets.

7.15 To facilitate the restoration of the building the proposal seeks to erect an extension to the western end, replacing the existing modern extension in this location to provide additional floorspace for the proposed flats. This has been carefully designed to ensure that it is well proportioned and retains an appropriate gap to the neighbour, that it remains subservient to the main building, that it is resolved in its detailing and provides a suitable continuation of the building's character.

7.16 Works to the frontage will include the accommodation of more parking spaces and stores for refuse and cycles. The plans show that these can be accommodated in an acceptable way which uses the existing boundary wall and screening and provides areas for soft landscaping.

7.17 Overall, it is considered that the proposal would have a significant and positive impact on the historic character of the existing building and would enhance the character of the conservation area and setting of the landmark Cliffs Pavilion. Subject to the agreement of details of materials and landscaping, the proposal is considered to be acceptable and policy compliant in terms of design and heritage matters.

Standard of Accommodation for Future Occupiers

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

7.19 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

7.20 All new homes are required to meet the National Technical Housing Standards. The minimum requirements are as follows:

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings
1b	1p	39 (37) *	
	2p	50	58
2b	3p	61	70
	4p	70	79
3b	4p	74	84
	5p	86	93

7.21 The floor areas of the proposed flats are as follows:

	Net Internal Area	Bed 1	Bed 2	Bed 3
Flat 1 2 bed 4 person	79.3 sqm	16sqm W = 4.2m	12.7 sqm W= 3m	
Flat 2 2 bed 4 person	74.5 sqm	11.7 sqm W= 3m	16.1 sqm W= 4.1m	
Flat 3 2 bed 4 person	92 sqm	16.1 sqm W=3m	13.9 sqm W= 2.9m	
Flat 4 (duplex) 2 bed 4 person	103.3 sqm	20.3 sqm W = 4.3m	15.4 sqm W=3.2m	
Flat 5 3 bed 5 person	112.3 sqm	18.2 sqm W= 4.9m	15.8 sqm W=3.8m	13.4 sqm W=2.5m
Flat 6 2 bed 4 person	92.1 sqm	18.5 sqm W=4.1m	17.9 sqm W=4.2m	
Flat 7 2 bed 3 person	73.7 sqm	14.6 sqm W= 4.3m	11.6 sqm W= 2m-3.5m	
Flat 8 3 bed 5 person	116.2 sqm	22.3 sqm W=3m	17.1 sqm W= 3.5m	11.4 sqm

				W=2.3m
Flat 9 3 bed 5 person	118.1 sqm	18.1 sqm W= 3.4m	13.7 sqm W=3.4m	10.7 sqm W= 2.2m

7.22 These areas exceed the required housing standards and the proposal is acceptable and policy compliant in this regard.

Quality of Habitable Rooms

7.23 All habitable rooms that face east, south and west have good light and outlook. The rooms to the rear, which are bedrooms and a secondary window to a living space, have been adapted to include some form of obscure glazing to prevent harmful overlooking of the neighbours. The main bedroom windows in the centre of this elevation at first and second floor will have a bay window with fixed obscure glazed lower sashes to the north and northeast and clear windows to the northwest direction. This will restrict outlook northwards but views out will still be possible and the rooms will receive good daylight. The small bedrooms/offices at first and second floor towards the eastern end of this elevation will have obscure glazed fixed lower sashes but will retain outlook via the upper sash. The secondary window to the living area and bedroom at the western end of the rear elevation will be fixed obscure glazing as outlook and ventilation is provided by the primary windows which have outlook to the west. Overall, this solution is not ideal but all rooms will have good light and the proposals have ensured that the main habitable rooms maintain a satisfactory outlook with only the third bedroom/office having some restrictions. Given the constraints of the existing building, in particular its positioning so close to the boundary, and as part of an overall balanced assessment, the proposed arrangements are considered to be acceptable and the proposal is acceptable and policy compliant in this regard.

7.24 *M4(2) – Accessibility*

Development Management Policy DM8 requires all new residential developments to be accessible for all and to meet the standards set out in Building Regulations M4(2) - Accessible and Adaptable Dwellings, however in this case the proposal is for the change of use of an existing building therefore this requirement does not apply. The proposal has however maintained the existing lift which serves more than half the flats and they are all generous in size.

Amenity Provision

7.25 Policy DM8 requires all new residential units to '*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.*'

7.26 An area of amenity space to the rear will be split to provide garden areas for flats 1 and 3 which have direct access to this area. Flats 2, 3, 4, 5, 6, 7, 8, 9 have private balconies, some of which are generous, and flats 8 and 9 also have private roof terraces. The site is also close to the seafront and Cliff Gardens. The proposal is considered to be acceptable and policy compliant in relation to private amenity provision in all regards.

Noise and Disturbance

- 7.27 The Council's Environmental Health Officer advises that a noise report should be submitted to ensure that the habitable rooms meet the required guidelines given the presence of the road and theatre. This can be achieved via condition.
- 7.28 Overall, therefore, it is considered that, the proposal would provide a satisfactorily standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

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

Impact on Sandhurst Care Home to the rear (north)

- 7.30 The existing building has an existing rear outrigger to the west which has been extended with a 2 storey addition which extends the built form by a further 5m. This whole rear section of the building is set 3.5m from the northern boundary with Sandhurst Care Home and 6.9m from the neighbouring building itself. This projection has 4 existing windows facing the neighbour and first and second floor level some of which serve bathrooms. It is also proposed to reinstate the roof terrace but this is located in the centre of the roof only and orientated away from neighbours. Sandhurst has 5 bedroom windows at first and second floor facing the site. Sandhurst is set at a higher land level than the application building (approx. 500mm). The care home is currently vacant.
- 7.31 The proposal seeks to demolish the existing two storey gallery extension and add a 3 storey extension plus roof accommodation in its place. The new extension also extends 5.2m from the end of the historic building so is comparable in depth to that which it replaces albeit a floor higher with a pitched roof. The proposal would have 8 windows facing the neighbour to the north but designed to have windows which are either angled away from the neighbour or will have their lower sashes obscure glazed and fixed shut to prevent overlooking to the north. It is considered that this has satisfactorily addressed any overlooking concerns between these two sites. In addition, the scale of the extension is, on balance, within reasonable limits given that which already exists and will have an acceptable impact on the outlook of this neighbour. The proposed roof terrace would be at least a further 3.5m from the boundary and at a higher level than the existing windows. It is considered that this would not result in significantly harmful overlooking of this neighbour in all regards.

Impact on Neighbour to the West 9-11 Station Road

- 7.32 The existing building is set between 5.9m and 6.3m from the west boundary and 7.2m from the flank elevation of the neighbour to the west. The western end of the existing building is 7.9m wide and is two storeys in height with no windows facing west. The neighbour 9-11 Station Road has a number of windows in its east elevation facing the site which are to habitable rooms but these are located towards the front and middle area of the building. The neighbouring windows which are furthest away from the front of the building are angled towards the sea. The rear section is blank and behind the main building is the yard to the commercial use at ground floor.

- 7.33 The existing extension in this location will be demolished and replaced with a new residential extension. This has a comparable depth to the existing arrangement but would be 10.7m wide with two windows facing west located at the northwest corner of the extension at first and second floor level.
- 7.34 The proposed extension is wider and taller than the existing gallery extension in this location but the separation to the neighbour has been maintained and is sufficient to ensure that the development will not appear overbearing or result in a harmful sense of enclosure for this neighbour. The windows at the northwest corner will serve habitable rooms but they are sufficiently far back in the proposed extension so that they will not give rise to unreasonable overlooking of the neighbour on balance. No windows are proposed at 3rd floor level facing west so the neighbouring windows at this level are not overlooked by the proposal.
- 7.35 The proposal, including the new extension, is considered to have an acceptable impact on the amenity of all other properties in the vicinity including in Winton Avenue and Westcliff Parade in all relevant regards.
- 7.36 Overall, therefore, it is considered that, on balance, the proposal would have an acceptable and policy compliant impact on residential amenity.

Traffic and Transportation Issues

- 7.37 Policy DM15 of the Development Management Document states: *“All development should meet the parking standards (including cycle parking) set out in Appendix 6 [which requires a minimum of 1 parking space and 1 cycle space per flat]. 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. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”*.
- 7.38 The existing site has an area of hardstanding at its northeast corner accessed by an existing vehicular crossover onto Westcliff Avenue. It is proposed that this is retained and the parking area formalised to provide 2 off street car parking spaces. It is also proposed to create a new vehicular access from Station Road at the southwest corner of the site which will provide access to 4 additional parking spaces making a total of 6 spaces for 9 flats. This is below the policy requirement, but the site is constrained by the existing building and the junction. The site is within walking distance of Westcliff Station, bus stops and Hamlet Court Road shops and other amenities and there is a large public car park close to the site. The Council's Highways Officer has raised no objection to the level of parking or the accessibility of spaces including the impact on the adjacent bus stop or junction. The proposed parking arrangement is therefore considered to be acceptable. It is considered that there is scope for EV charging to be provided for the 4 parking spaces to the western side of the site as the charging can be screened or incorporated into the new building. This is less achievable on the Westcliff Avenue frontage as the historic building is very exposed here and there is little opportunity for screening. Given the constraints of the building, EV charging 4 out of 6 spaces is considered reasonable. This can be required by condition.

Cycle Parking and Refuse Storage

- 7.39 The proposed site plan shows locations for a refuse store behind the parking area to the western end of the site and a cycle store for 9 cycles on the frontage screened by the existing boundary wall. These sizes and locations are considered to be acceptable and full details of the stores themselves can be agreed by condition. The proposal is acceptable and policy compliant in this regard.

Construction Method Statement / Management Plan

- 7.40 A construction management plan has been submitted with the application. The Council's Highways Officer has reviewed this document and found it to be acceptable. The proposal is acceptable and policy compliant in this regard.
- 7.41 The proposal is therefore considered to be acceptable and policy compliant in all highways matters.

Sustainable Construction

- 7.42 Policy KP2 of the Core Strategy states that *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide"*.
- 7.43 In this instance, given that the proposal relates to the conversion of a prominent historic building and the confined and exposed nature of the site, it is considered that it would not be appropriate to require renewable technologies provision as part of any decision. It is also noted that the embodied carbon saved through a conversion scheme is significant and weighs in favour of this development.
- 7.44 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings and appliances. This requirement is considered to be reasonably compatible with the constraints of the heritage asset and can be controlled by condition. The proposal is therefore considered to be acceptable in these matters.
- 7.45 A drainage report has been submitted with the application and this has been reviewed by the Local Lead Flood Authority. No objections are raised to the proposal subject to the submission of full details. The proposal is therefore acceptable and policy compliant in this regard.

Ecology

- 7.46 An Ecology report has been submitted with the application. This concludes that the building, which is in a poor state of repair including a number of holes in the roof, has potential for breeding birds and bats but that no active nests or evidence of bats was found at the time of the survey. However, it does recommend that a follow up bat emergence survey is carried out prior to commencement.

The report also recommends the installation of bird boxes and insect boxes and hedgehog doorways in the fence. These can be secured by condition.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.47 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This has been paid and the proposal is acceptable and contrary to policy in this regard.

Community Infrastructure Levy (CIL)

- 7.48 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 1058 sqm, which may equate to a CIL charge of approximately £ (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.

7.49 Planning Balance and Housing Supply

The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. 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. This proposal would provide 9 new dwellings including 3 x 3 bed units suitable for families for which there is an identified need. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of converting the building to residential use is acceptable and the proposal creates new housing, including family sized units, which should be given increased weight in the balancing exercise given the deficit in housing land supply. The design of the development is considered to be acceptable, particularly as the proposal will result in the sensitive regeneration of a historic building safeguarding its future. The proposed enhancement works will rejuvenate the historic building which would be a significant benefit to the conservation area and have been given significant weight in the assessment of this proposal. On balance, the proposal will provide an acceptable standard of accommodation for future occupiers and have an acceptable impact on residential amenity subject to conditions. The limited compromises that the scheme has made in these areas and which are considered to be minor in degree would be significantly outweighed by the public benefits of the scheme including the regeneration of the historic building and the provision of housing. The proposal would have an acceptable impact on traffic and highways, ecology and sustainability. The application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 **GRANT PLANNING PERMISSION** subject to the following conditions:

01 The development hereby permitted shall begin not later than three years 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 solely in accordance with the following approved plans NEO.1166.0100 (Existing Site Plan), NEO.1166.0101 (Existing Ground Floor Plan), NEO.1166.0102 (Existing First Floor Plan), NEO.1166.0103 (Existing Second Floor Plan), NEO.1166.0104 (Existing Roof Plan), NEO.1166.0105 (Existing Elevations), NEO.1166.0125.C (Proposed Site and Location Plan), NEO.1166.0126.C (Proposed Ground Floor Plan), NEO.1166.0127.D (Proposed First Floor Plan), NEO.1166.0128.E (Proposed Second Floor Plan), NEO.1166.0129A (Proposed Third Floor Plan), NEO.1166.0130 (Proposed Roof Plan), NEO.1166.0131.B (Proposed Elevations), NEO.1166.0132.A (Proposed Details).

Reason: To ensure that the development is carried out in accordance with the provisions of 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 (infilling and new and gable decoration and including colours), balconies including balustrade, supporting column, fascia and floors and dormers, windows including glazing, roof and roof terraces including coping/edge, 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 building and wider conservation area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full design details for all new doors (main entrance and French doors), any replacement dormers, eaves and balcony details for the proposed extension 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 and completed in accordance with the approved details before it is brought into use. The detailed designs for the other historic features to be reinstated including the lantern, roof terrace, balustrade extension and windows shall be carried out in full accordance with plan reference NEO.1166.0132.A (Proposed Details).

Reason: To ensure the development suitably maintains and enhances the character and appearance of the historic building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the street elevations of the building subject of this permission without the receipt of express planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Conservation 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 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

06 The 6 car parking spaces shown on plan reference NEO.1166.0125.C shall be provided and made available for use at the site prior to the first occupation of the flats hereby approved. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles in connection with the occupiers of the dwellings hereby approved and their visitors. All the car parking spaces at the rear onto Station Road shall have access to electric vehicle charging points details of which including their position, design and appearance shall have been submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety and that the appearance of EV charging points does not harm the character or appearance of the conservation area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM5 and DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

08 The lower sashes of the first floor windows and second floor rear (north elevation) windows within the development hereby approved and labelled as obscure glazing on drawing reference NEO.1166.0135.A, shall be fixed in place and shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) before the occupation of the development hereby approved and the windows shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

09 Prior to occupation of the flats 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, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice within the Southend-on-Sea Design and Townscape Guide (2009).

10 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 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) Any new means of enclosure, of the site including any gates or boundary fencing or railings including internal divisions between the amenity spaces and storage areas;**
- ii) Any new hard surfacing materials;**
- iii) 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.**

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

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

11 No drainage infrastructure, including earthworks, associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i. A drainage plan must be provided showing all existing drainage to be utilised, details of the new soakaway, and details of the landscaping to show the areas of planting, soft landscaping and lawn. The plan should show or include calculations to show the areas that will contribute surface water flows to the latter**
- ii. Calculations must be provided detailing how the new soakaway has been sized including supporting BRE 365 soil testing results**
- iii. Further details outlining the repair of the drainage around the bay projection, including what this involves, when it will be undertaken as part of the development and what evidence will be gathered to show the repair has been completed successfully**
- iv. Details must be providing outlining who will maintain the soakaway and site drainage following completion of construction**

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 for the lifetime of the development.

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)

12 No development shall commence until and unless two bat emergence/re-entry surveys of the existing property, have been undertaken as recommended in Section 5.1 of the submitted Preliminary Ecological Assessment reference ASW/PPDL/004/26/2022 dated April 2022 to determine whether bats are present within the existing building. The results of the survey and any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been approved in writing by the Local Planning Authority. The development shall commence and proceed only in accordance with the approved mitigation scheme(s). The proposed site clearance and construction works shall then be carried out in full accordance with the recommendations set out in Preliminary Ecological Assessment reference ASW/PPDL/004/26/2022 dated April 2022 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition prior to first occupation of the development.

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

13 No dwellings shall be occupied until their internal areas are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 23:00

- -Resting - Living room 35 dB LAeq,16hour**
- -Dining - Dining room/area 40 dB LAeq,16hour**
- -Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour**

23:00 to 07:00

- -Sleeping/Night-time Bedroom 35 dB LAeq,8hour**

In order to achieve this a noise impact assessment shall be undertaken and any subsequent mitigation measures to provide the required protection shall be designed by a person competent in acoustics.

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

14 The development hereby approved shall be carried out in full accordance with the submitted Construction Method Statement (Version 2) dated May 2022.

Reason: This condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Development Management Document (2015) policies DM1 & DM3.

Informatives

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

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

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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DATUM 25.00m

ELEVATION 1



DATUM 25.00m

ELEVATION 2



DATUM 25.00m

ELEVATION 3



DATUM 25.00m

ELEVATION 4



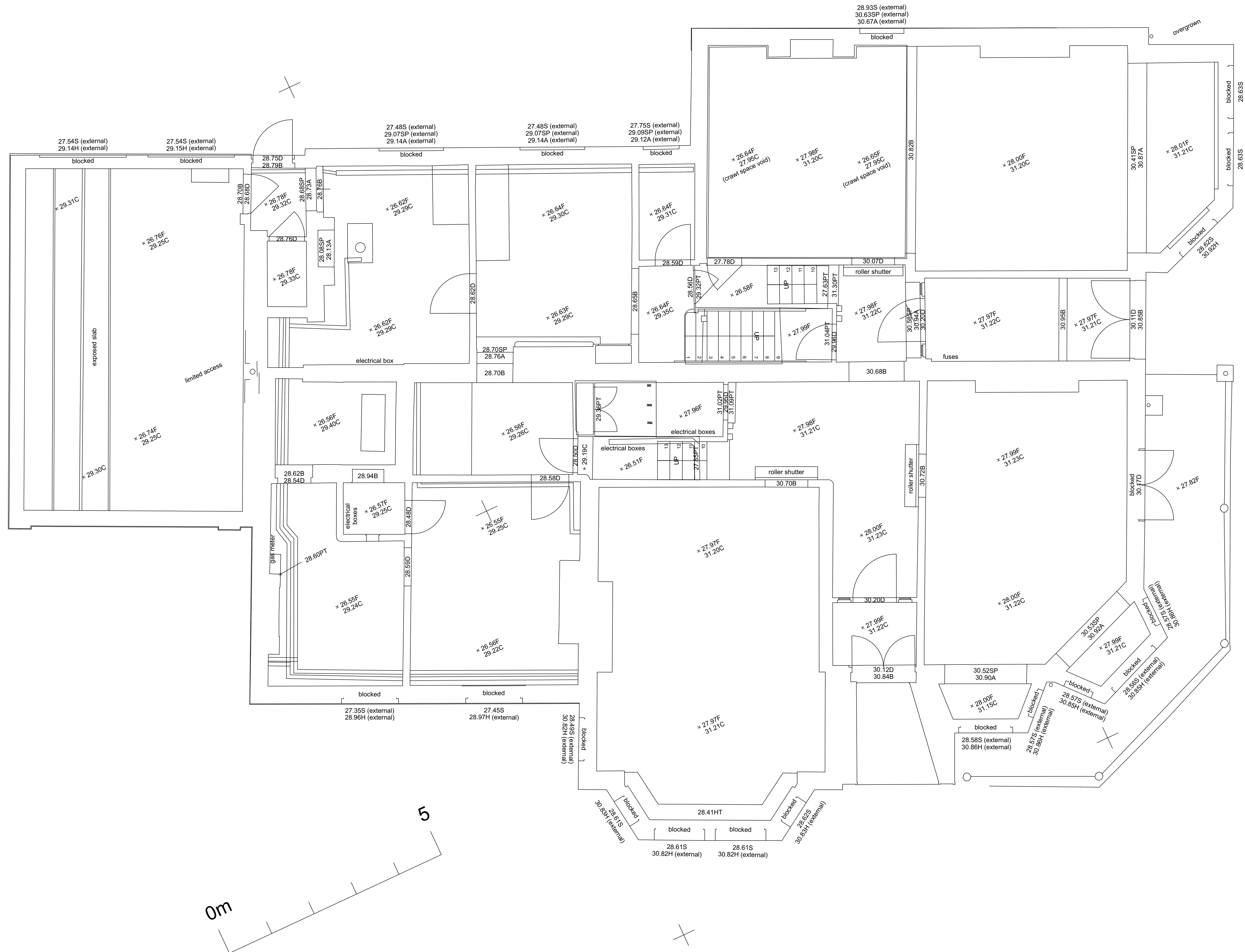
105



① Existing Elevations
1:100

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107



1 Existing Ground Floor Plan Layout 1:50



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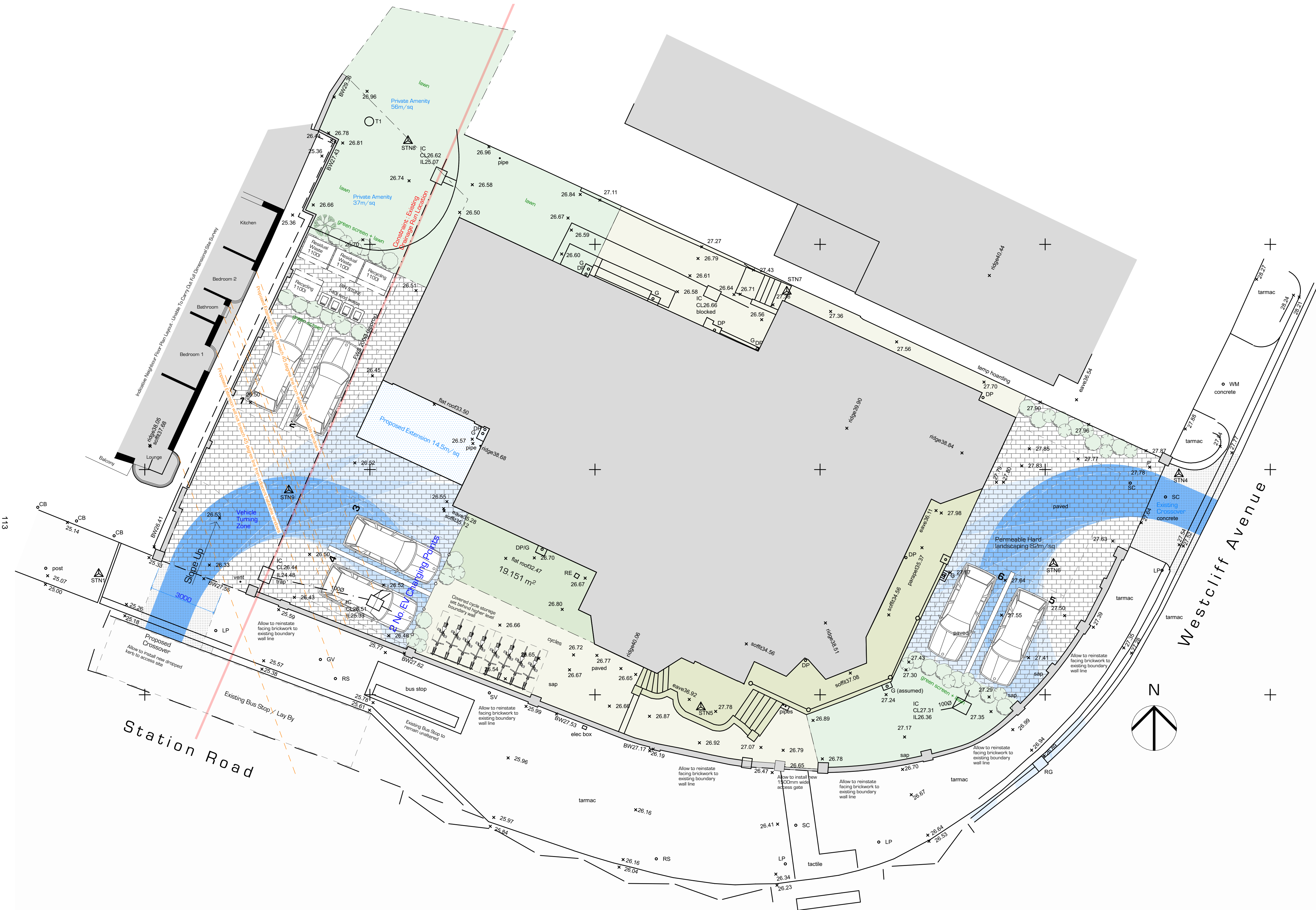
Address : The Beecroft Gallery
 Description : Apartment Conversion
 Size : A1

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1 Proposed Site Layout 1:100



2 Existing Location Plan 1:1250

Bin Store + Refuse Collection:

Bin Store and Refuse Collection to be in accordance with the Waste Storage Collection and Management Guide for New Developments (January 2019). Scheme proposes 9 new apartments therefore Bin Store will need to accommodate a minimum of:

- 2 No. 1100 litre Euro Bins for Residual Waste (Weekly Collection)
- 2 No. 1100 litre Euro Bins for Recycling (Weekly Collection)
- 1 No. 140 litre Euro Bin for Food Waste (Weekly Collection)

The proposed bin store provides space for additional food waste bins given the number of new apartments proposed.

The Bin Store will be screened by 1800mm high fencing and green screens to obscure the bins from view and to ensure they are used by residents only.

The Bin Store is located 13m from the main site access.

Site Access, Parking + Cycle Storage:

Proposed Crossover to be in accordance with Highways Specification and installed by a competent contractor. Crossover to pass through end section of existing Bus Stop, existing lay by and Bus Stop unaltered. Site to ramp down to back edge of pavement with permeable paving to proposed parking zone.

6 No. parking bays proposed (Parking Standards require 1 parking bay per unit). A reduced number of parking bays are proposed as the site is considered a sustainable location in close proximity / walking distance to shops, City Centre and Railway Station.

In addition, given that this project is based upon conservation of the existing building a reduced number of parking bays are proposed in response to the existing site constraints and heritage value of the site and building.

It is also noted that there is also a Residents Parking scheme in the area.

Allow to provide a minimum of 2 No. Electric Vehicle Charging Points

Secure and covered cycle storage to be provided in open communal areas for use by all residents. Allow for 1 to 1 cycle space per unit

Ecology:

Refer to Preliminary Ecological Assessment submitted with this planning application for further detail and information. Preliminary Report prepared by ASW Ecology Limited.

Of note from the report:

- The main protected species potential at the site are birds, there is widespread evidence of feral pigeons living in lofts and a previous pigeon infestation.
- No evidence of bats within the derelict building but some potential for external roosting within damaged tiles and crevices.
- There are no other protected species issues.
- Recommendations are to undertake a follow up bat emergence survey (between early May to late August) and take the opportunity to install 2 to 3 external bat and bird nest boxes.
- In addition to take advantage of new landscaping to install wildlife friendly planting and Hedgehog doorways in fence panels.

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Sheet Revisions:				
Revision	Description	Date	By	To
C	Layout Alterations	03/05/2022	RJN	



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Address : The Beecroft Gallery
Description : Apartment Conversion

Size : A1

1 Proposed Ground Floor Layout
1:50

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Address : The Beecroft Gallery
Description : Apartment Conversion

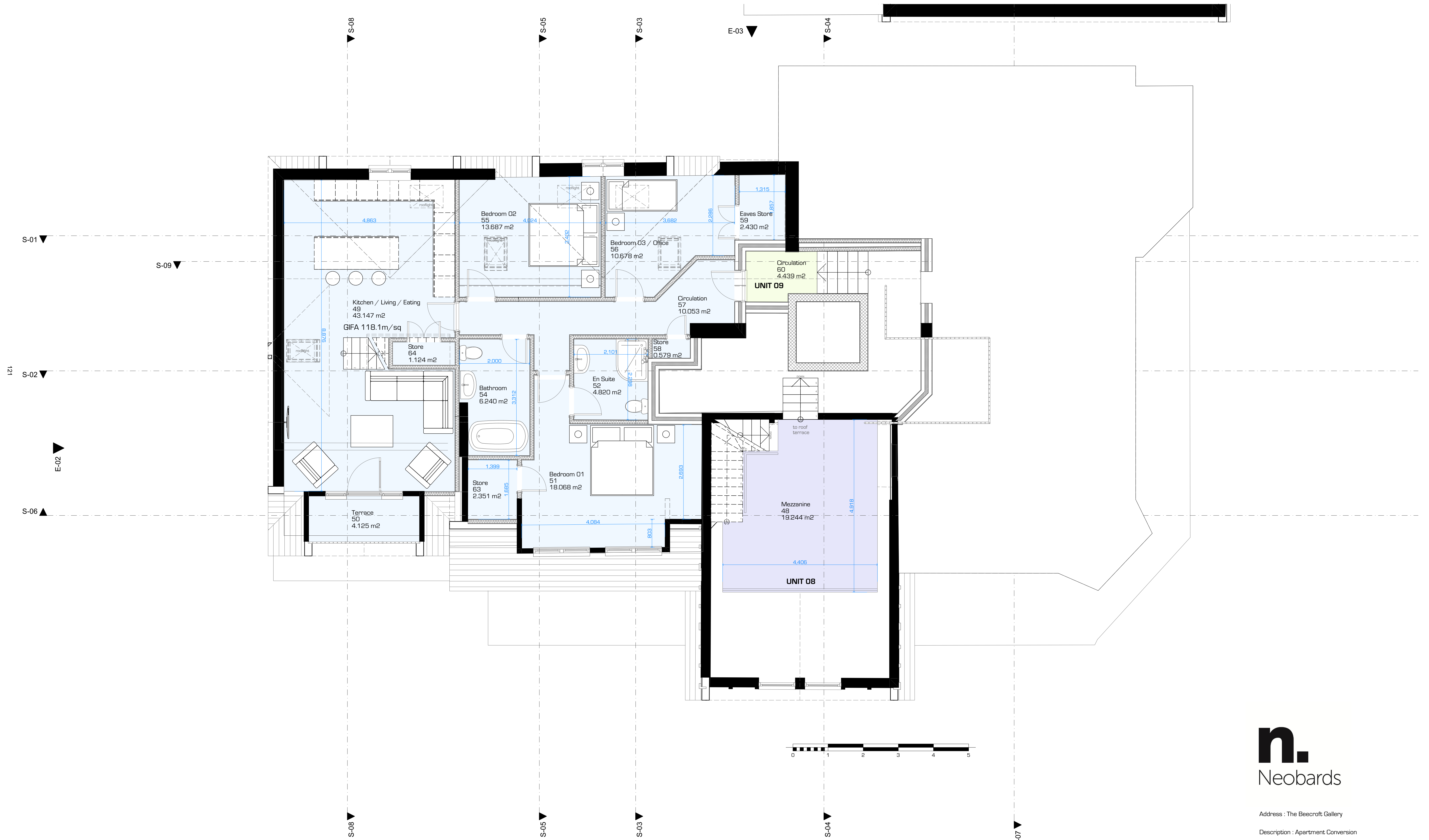
Size : A1
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2 Proposed Second Floor Layout
1:50

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Sheet Revisions:

Revision	Description	Date	By	To
A	Layout Alterations	03/05/2022	RJN	



n.
Neobards

Address : The Beecroft Gallery

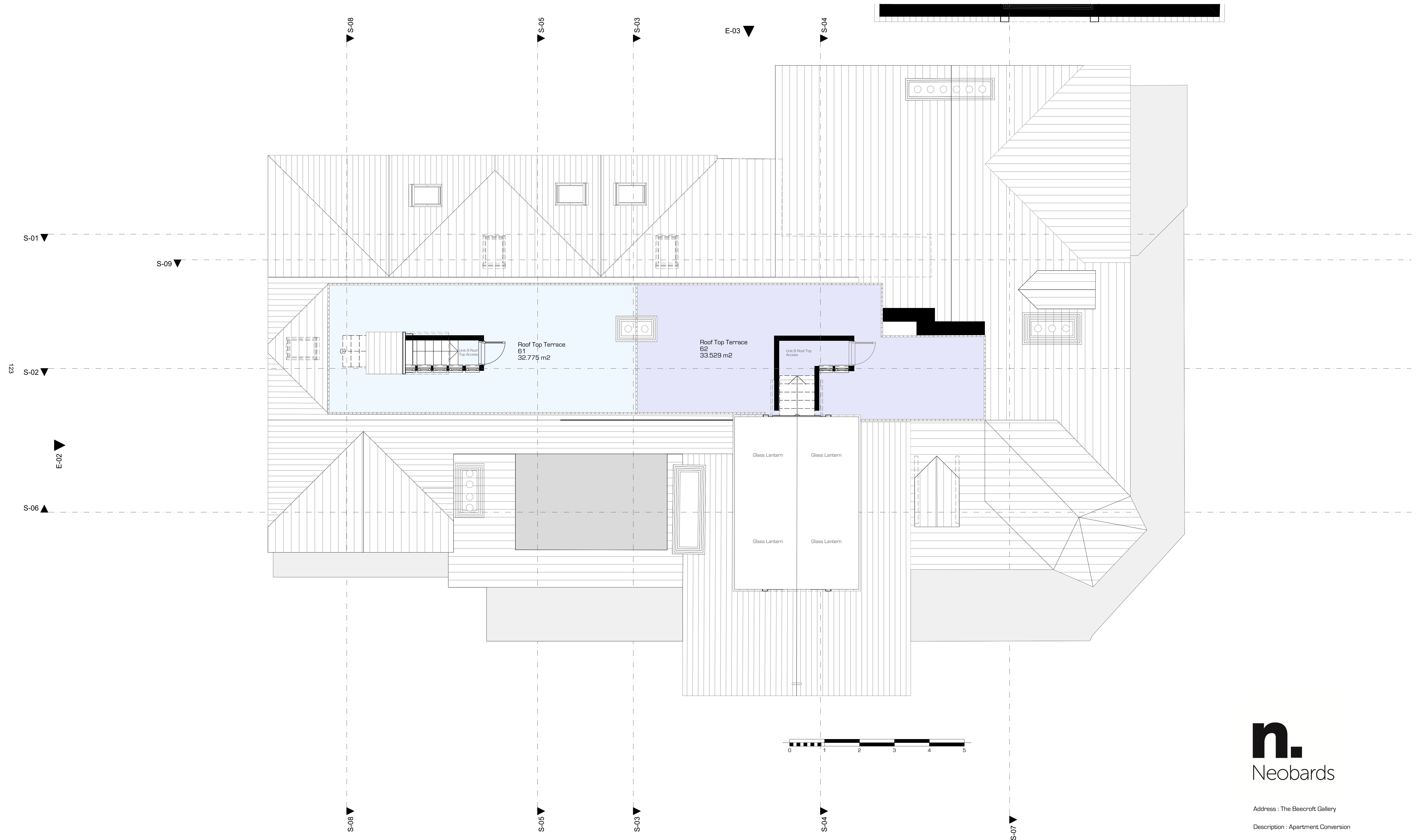
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Size : A1

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Sheet Revisions:

Revision	Description	Date	By	To
B	Window Alterations + Rear Bay Added	14/06/2022	RJN	



1
-
Proposed Side Elevation
1:100



2
-
Proposed Rear Elevation
1:100



3
-
Proposed Side Elevation
1:100



4
-
Proposed Front Elevation
1:100

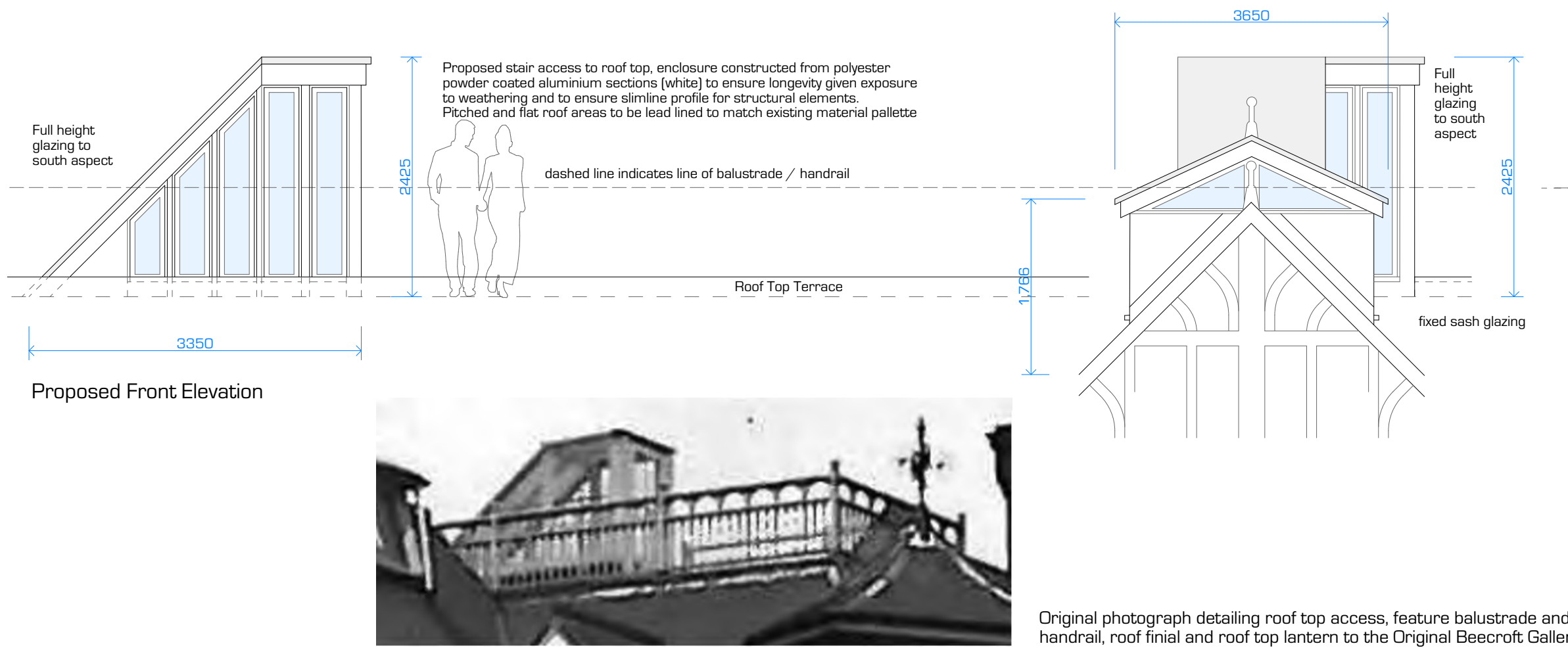
Notes On Elevations:

This project proposes to create of 9 No. bespoke apartments at the Former Beecroft Gallery. The existing building is to be fully renovated in order to create the new apartments, retaining and conserving detail to ensure this landmark building is returned to its former glory. Residential Use being considered as the most sustainable of use classes. Current Use Class - Former Beecroft Art Gallery Class D1. Note: A previous Planning Application to turn the Former Art Gallery into 20 Artists Studios including a Change of Use to Class B1 was granted in March 2017. This approval was not implemented and the building remains empty and at the mercy of the elements, its condition declining year on year. Each individual apartment will be created within the existing building structure through floor plan alteration an element of new apartment will include the proposed west extension, building over the existing footprint of a previous single storey side extension. The site and building is within the Shorefield Conservation Area. Therefore, all existing materials (facing brickwork, stonework detail, original balustrading, roof finials etc.) to be taken down, salvaged / set aside, made good and reused wherever possible to ensure the building remains as original as is possible. Any proposed materials are to be in keeping and to match the existing material palette found on site today.

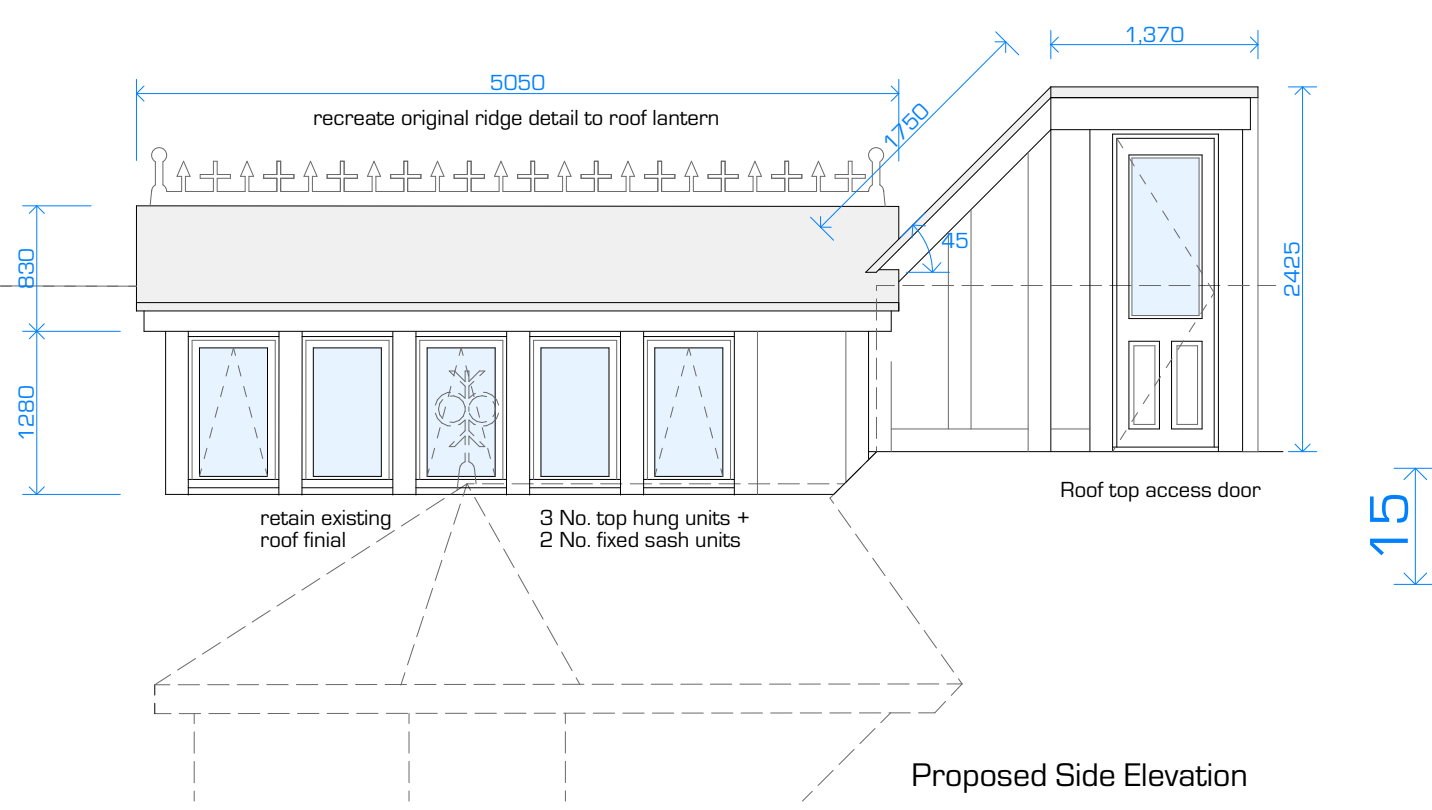
Materials:

Proposed facing brickwork to match existing. Wherever possible existing brickwork to be salvaged and set aside on site for possible reuse. All existing windows to be replaced. All new and replacement windows to be timber frame sash windows painted white. New roof top access and glazed lantern to be polyester powder coated aluminium (white) where exposed to water conditions and to ensure slim profile. All external architectural features to be retained and / or reinstated. All existing railings wherever possible to be salvaged, repaired and reinstated. All new railings to match existing in terms of size, detailing, profile and feature. Allow to reinstate brickwork to perimeter boundary wall. All existing roof tiles to be salvaged and set aside for reuse, all new roof areas to be pitched and tiled to match existing. All existing chimney terminations to be retained.

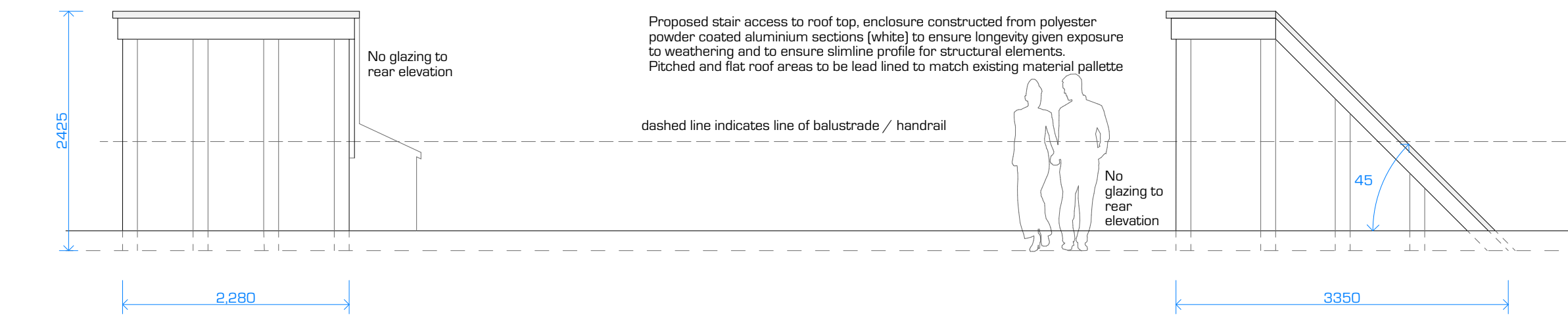
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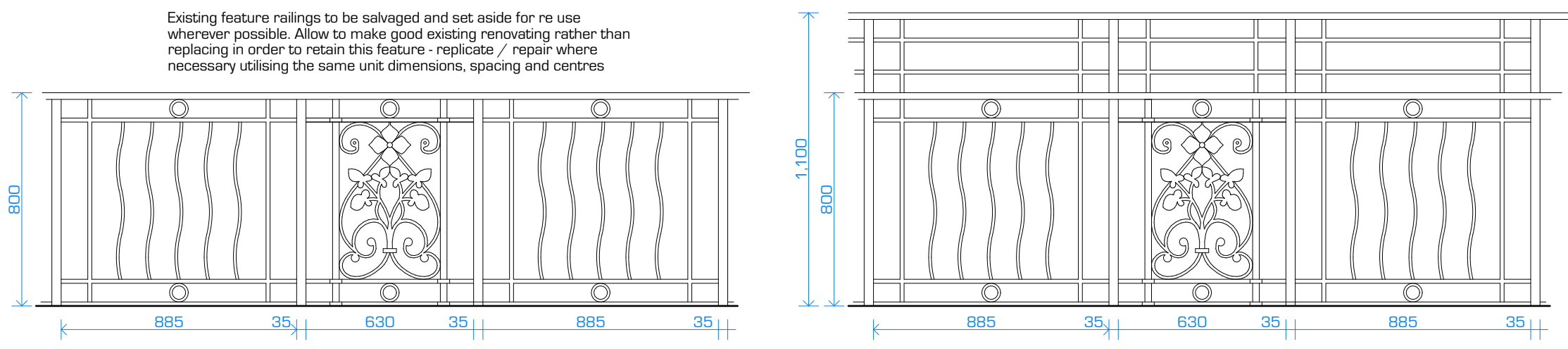
Original photograph detailing roof top access, feature balustrade and handrail, roof finial and roof top lantern to the Original Beecroft Gallery



Original photograph detailing roof top lantern and roof finials to the Original Beecroft Gallery



1 Roof Lantern + Roof Top Access Detail 1:50

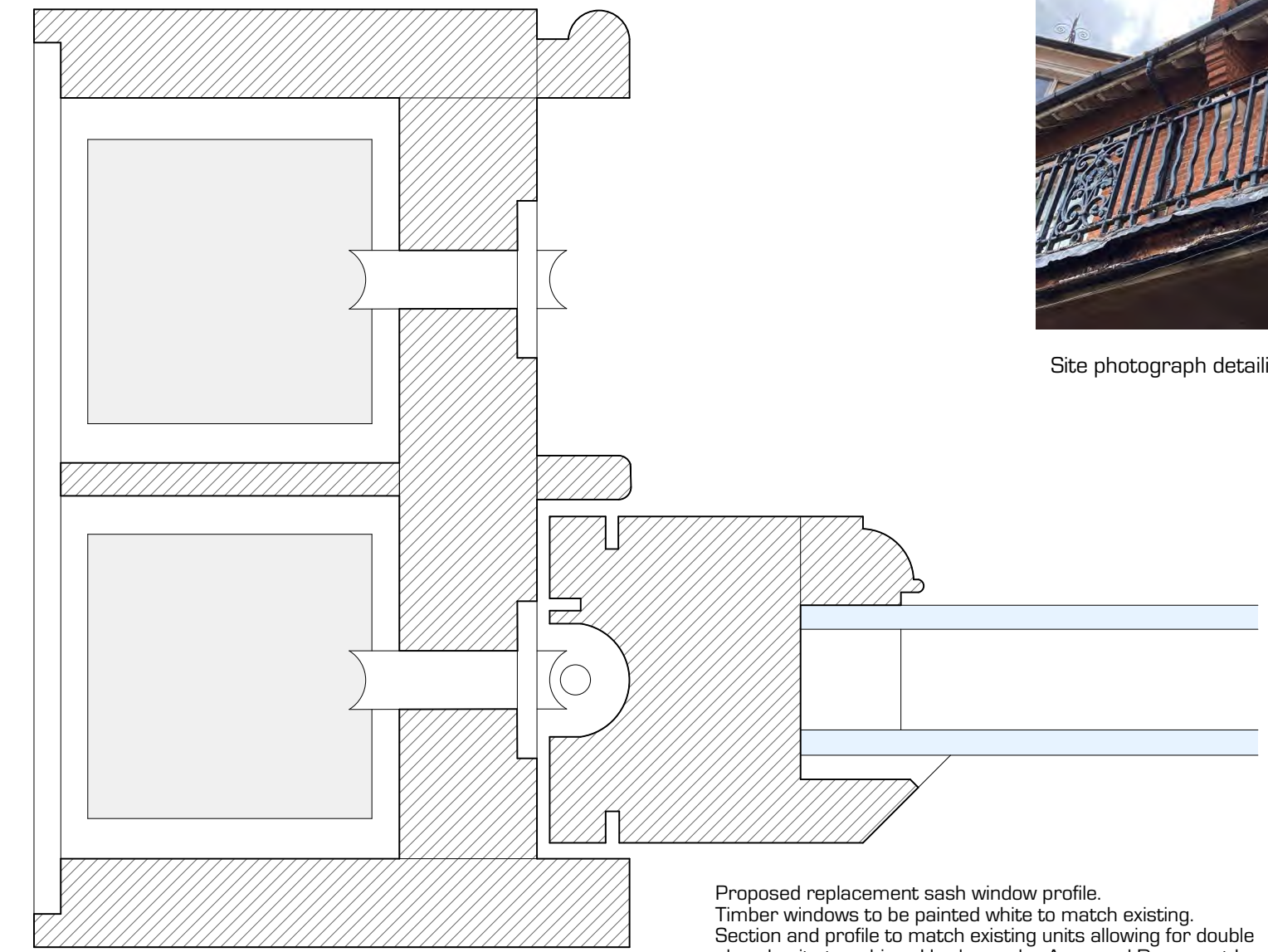


2 Existing + Proposed Balustrade Detail 1:20

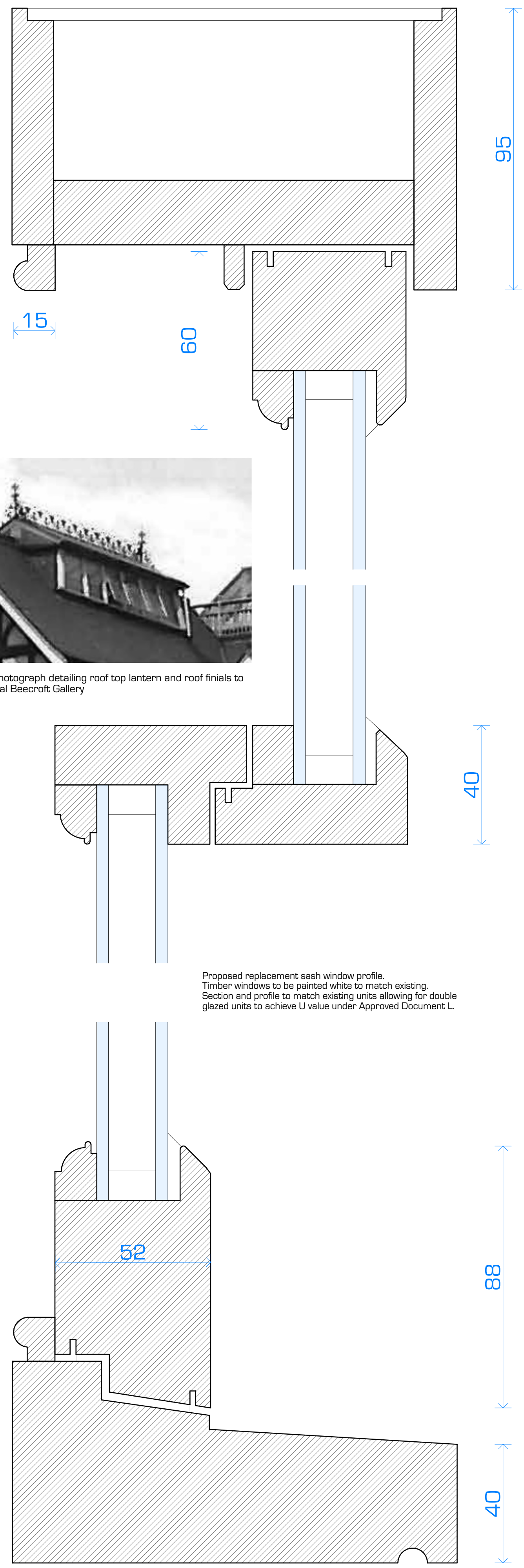
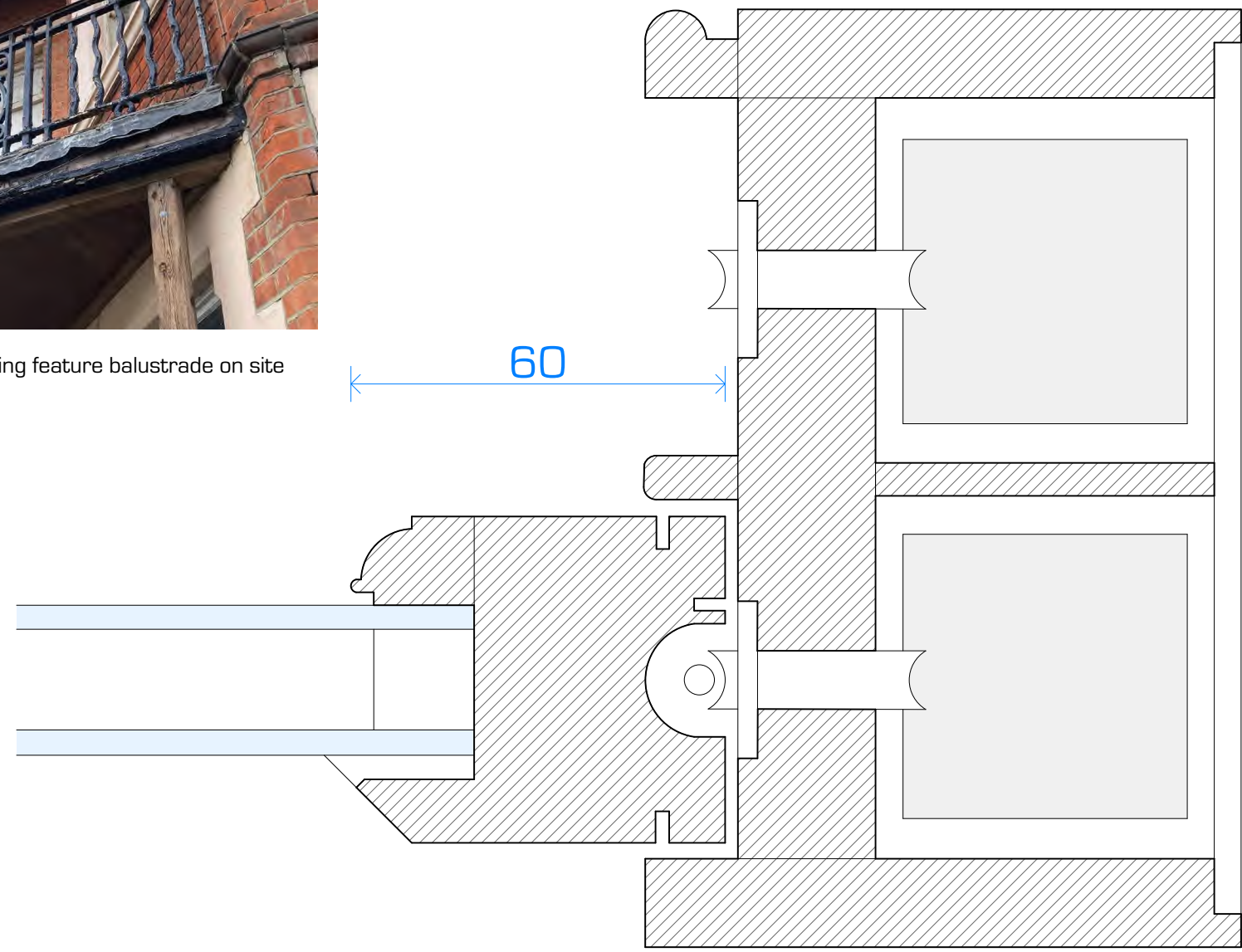
NOTE: Refer to Balustrade Condition Report forming part of this Planning Submission for further detail / photographs of current balustrade condition on site



Site photograph detailing existing feature balustrade on site



3 Proposed Replacement Sash Window Detail 1:1



Note: Do not scale from this drawing - all dimensions to be checked on site prior to any fabrication / construction work - drawing to be read in conjunction with all other relevant project information. Notify Neobards Ltd immediately of any discrepancies found.

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Sheet Revisions:

Revision	Description	Date	By	To
A	Roof lantern detail amended	13/06/2022	RUN	



Site photograph detailing existing timber frame sash windows

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Sheet Revisions :

Revision	Description	Date	By	To
B	Window Alterations + Rear Bay Added	14/06/2022	RUN	



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Address : The Beecroft Gallery
Description : Apartment Conversion
Size : A1

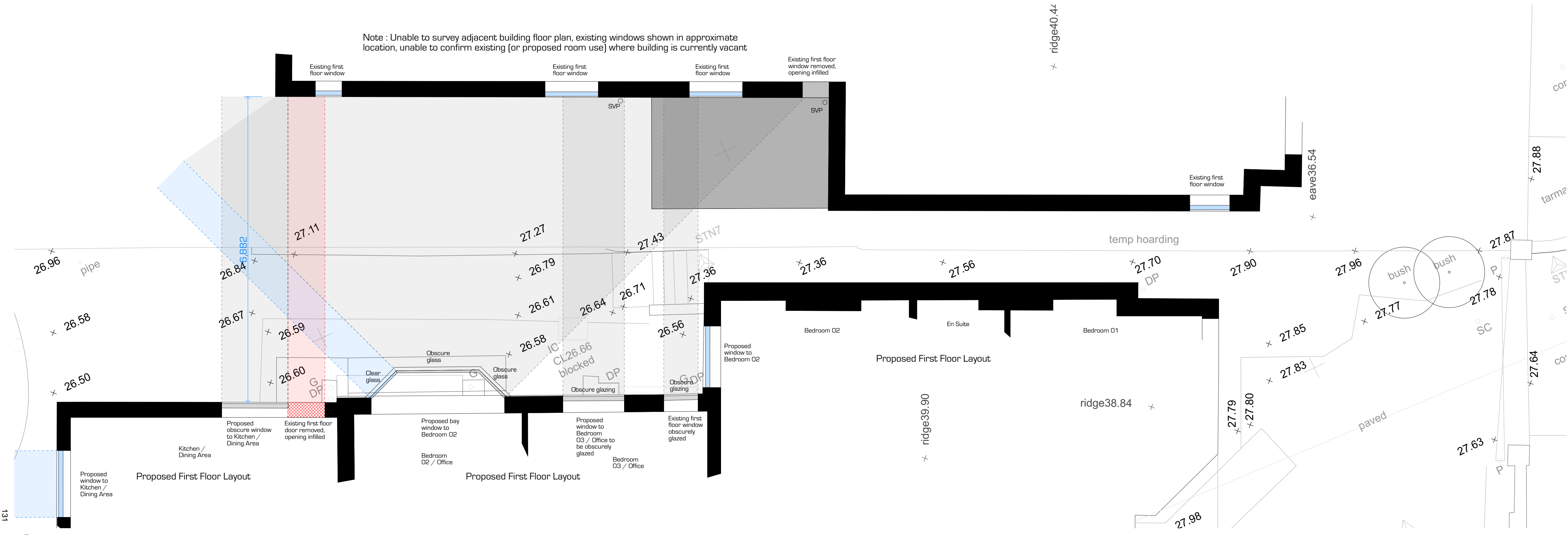
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Sheet Revisions:

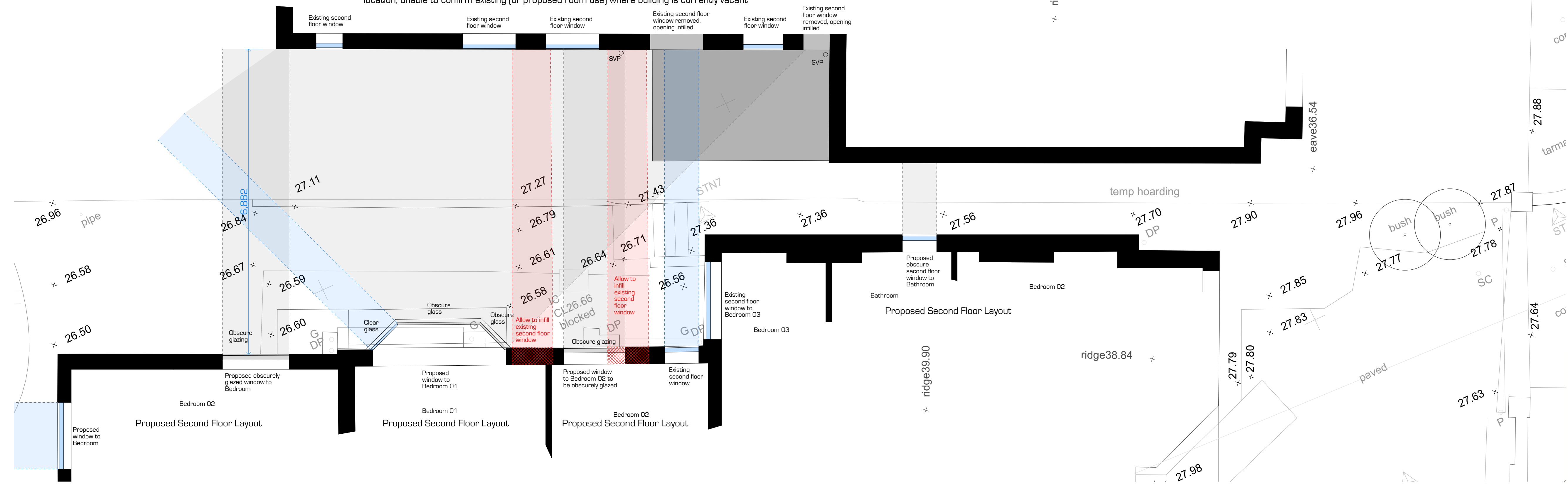
Revision	Description	Date	By	To
A	Alteration to window locations + floor bay added	14/05/2022	RJN	

Note: Unable to survey adjacent building floor plan, existing windows shown in approximate location, unable to confirm existing (or proposed room use) where building is currently vacant



1 Window Comparison First Floor 1:50

Note: Unable to survey adjacent building floor plan, existing windows shown in approximate location, unable to confirm existing (or proposed room use) where building is currently vacant



2 Window Comparison Second Floor 1:50



Address : The Beecroft Gallery

Description : Apartment Conversion

Size : A1

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Former Beecroft 1-3 Westcliff Parade

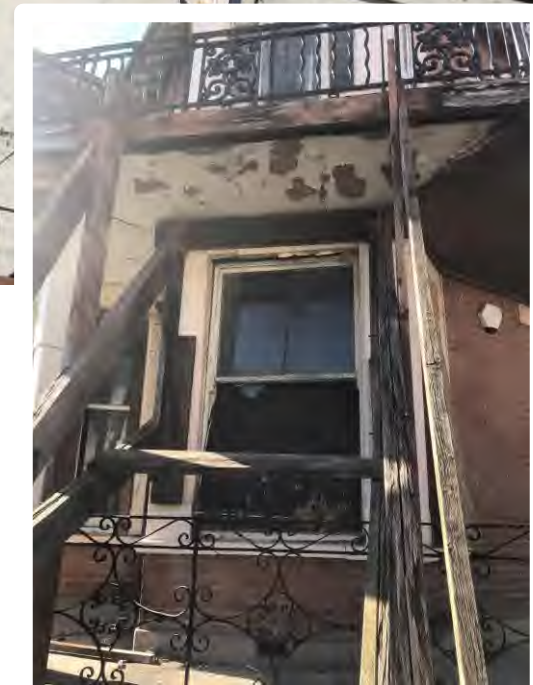
14.06.22

Former Warwick
Hotel



Details and condition including structural support to bay

135



South Elevation
facing Cliffs
Pavilion

136

Existing side
extension



Streetscene

137



Neighbour to
west and
proposed new
vehicular
entrance location

138



Existing relationship with neighbour
to west

Existing upper floor windows north
elevation

139



East Elevation facing Westcliff Avenue

140



East elevation
and
relationship
with
neighbour to
north

Existing
vehicular
access



North
elevation and
relationship
with
neighbour to
north

142



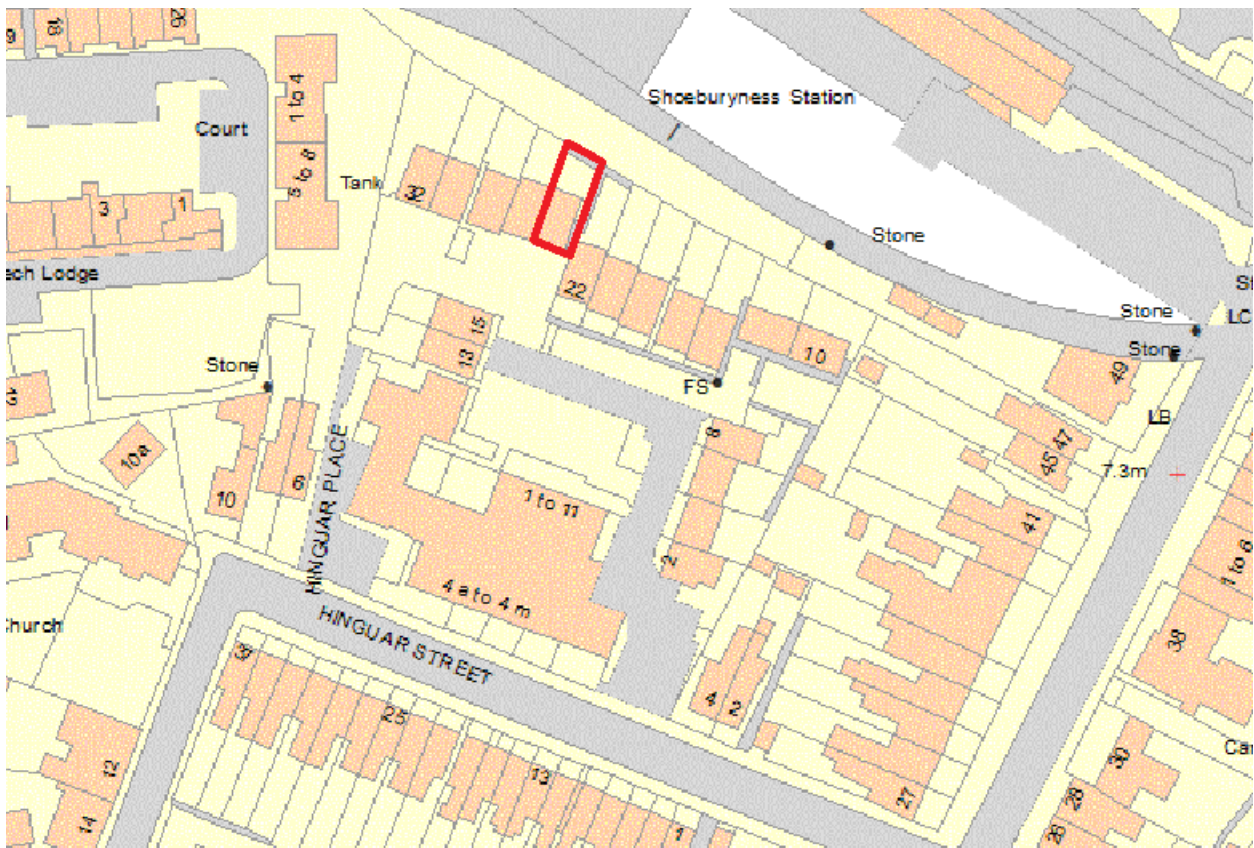
Neighbour to
north
currently vacant

143



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Reference:	22/00899/FULH	<h1>6</h1>
Application Type:	Full Application - Householder	
Ward	Shoeburyness	
Proposal:	Erect dormer to rear	
Address:	24 Old School Court, Shoeburyness, Essex, SS3 9DU	
Applicant:	Mr Curtis Jewitt	
Agent:	Mr Dale Perry of Doodle Architectural Design	
Consultation Expiry:	13th May 2022	
Expiry Date:	7th July 2022	
Case Officer:	Hayley Thompson	
Plan Numbers:	01, 02, 03	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is on the north of Old School Court and contains an end terraced dwelling. The surrounding area is residential in character, comprising of two-storey dwellings of similar scale, form and design. The site backs onto Shoeburyness Railway Station and the London to Southend Railway line. The former Hinguar Primary School building is south of the site, the frontage of which is locally listed.
- 1.2 The site is not located within a Conservation Area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 The application seeks planning permission to erect a dormer to the rear. The box style dormer 2.3m in height, 4.95m wide and 3.12m deep would contain two windows to the rear and finished in hanging roof tiles to match the existing dwelling.
- 2.2 The dimensions of the proposed dormer are comparable to what could otherwise be constructed under permitted development, however permitted development rights for roof extensions were removed by a condition of the original planning permission for the dwelling in the interest of residential amenity and environmental quality so that the acceptability or otherwise of any such future development would be retained under the Local Planning Authority's control.
- 2.3 The application has been called into the Development Control Committee by Councillor Moyies.

3 Relevant Planning History

- 3.1 14/01672/BC4M - Demolish outbuilding and associated extensions to Hinguar School, convert building in to 13 self-contained flats, erect 18 dwellinghouses, layout parking, bin store, form hard and soft landscaping - Granted.
- 3.2 15/01531/AMDT - Amend fenestration details and positions and install additional rooflights (Application to vary condition 02 (approved plans) of planning permission 14/01672/BC4M dated 23rd April 2015) – Granted.
- 3.3 16/00421/AMDT - Application to vary condition 02 (Approved Plans) and condition 11 (details of refuse and cycle stores) and condition 07 (10%renewables) (Minor Material Amendment to Planning Permissions 14/01672/BC4M dated 23rd April 2015 and 15/01531/AMDT dated 10th December 2015 – Granted.

4 Representation Summary

Network Rail

- 4.1 No objection.

Public Consultation

- 4.2 20 neighbouring properties were consulted by letter and no letters of representation have been received.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2021) and National Design Guide (2021)
- 5.2 Core Strategy (2007): Policies CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend's Historic Environment) and DM15 (Sustainable Transport Management)
- 5.4 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Planning Considerations

- 6.1 The main considerations in the determination of this application are the principle of the development, design and impact on the character of the area, impact on heritage assets, impact on residential amenity of neighbouring residents and CIL considerations.

Principle of Development

- 6.2 The principle of extending an existing dwelling is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations.

Design and Impact on Character

- 6.3 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.4 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 6.5 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”.

- 6.6 Policy DM5 of the Development Management Document states that all development proposals that affects a heritage asset “will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.
- 6.7 Paragraph 366 of the Design and Townscape Guide states that proposals for roof enlargements “must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e., set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly”.
- 6.8 While the dormer would be a box style, it is positioned within the roofslope so that it retains acceptable distances to the sides and is set below the roof ridge and above the eaves. The proposed openings would correspond and align with the position and design of existing windows at first floor level and therefore maintain clear vertical alignment. The proposed use of hanging tiles would ensure that the dormer would integrate well with the host dwelling.
- 6.9 The proposed development would be sited to the north of the former Hinguar Primary School the frontage of which is locally listed. Due to the separation distances involved it is not considered that the proposed development would have any material impact on the historic or architectural character of this building. 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 character and appearance of the site, the streetscene and the area more widely including views from the rear garden scene and from the railway. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Amenity Impacts

- 6.10 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.
- 6.11 The application property is neighboured by 22 Old School Court to the east and 26 Old School Court to the west. No.22 is situated forward of the applicant site in its plot. As the proposed dormer would be contained within the existing roofspace, it is not considered that the additional bulk to the roofspace would have a harmful impact on the amenity of occupiers of this neighbouring dwelling.
- 6.12 The proposed dormer would not contain any side openings which could overlook or result in any perceived or actual loss of privacy to these neighbouring dwellings. Shoeburyness Railway Station is located to the rear of the site, and there are no residential dwellings within the immediate locality to the rear.

As such it is not considered that the amenities of any other neighbouring properties would be harmed as a result of the proposed development.

- 6.13 It is therefore considered that the proposed development would not have an adverse impact on residential amenity. The proposed development is therefore acceptable and policy compliant in this regard.

Other Matters

- 6.14 The proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 6.15 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Equality and Diversity Issues

- 6.16 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 6.17 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.

7 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions

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

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

- 02 The development shall only be undertaken in accordance with the following approved plans: 01, 02, 03.**

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).

- 03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.**

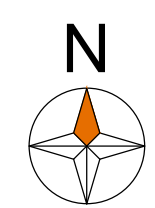
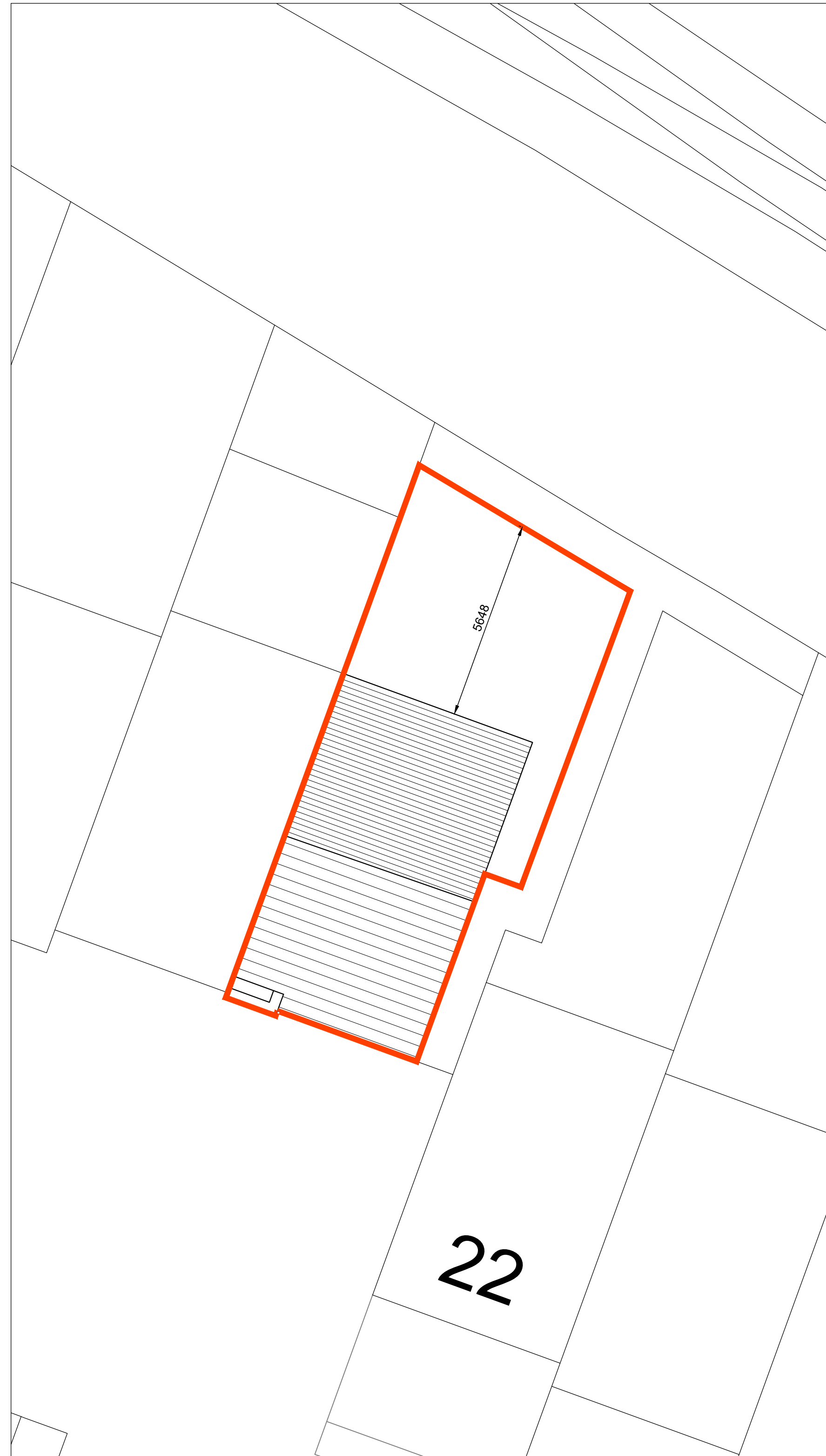
Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

Positive and Proactive Statement

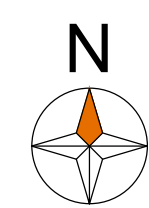
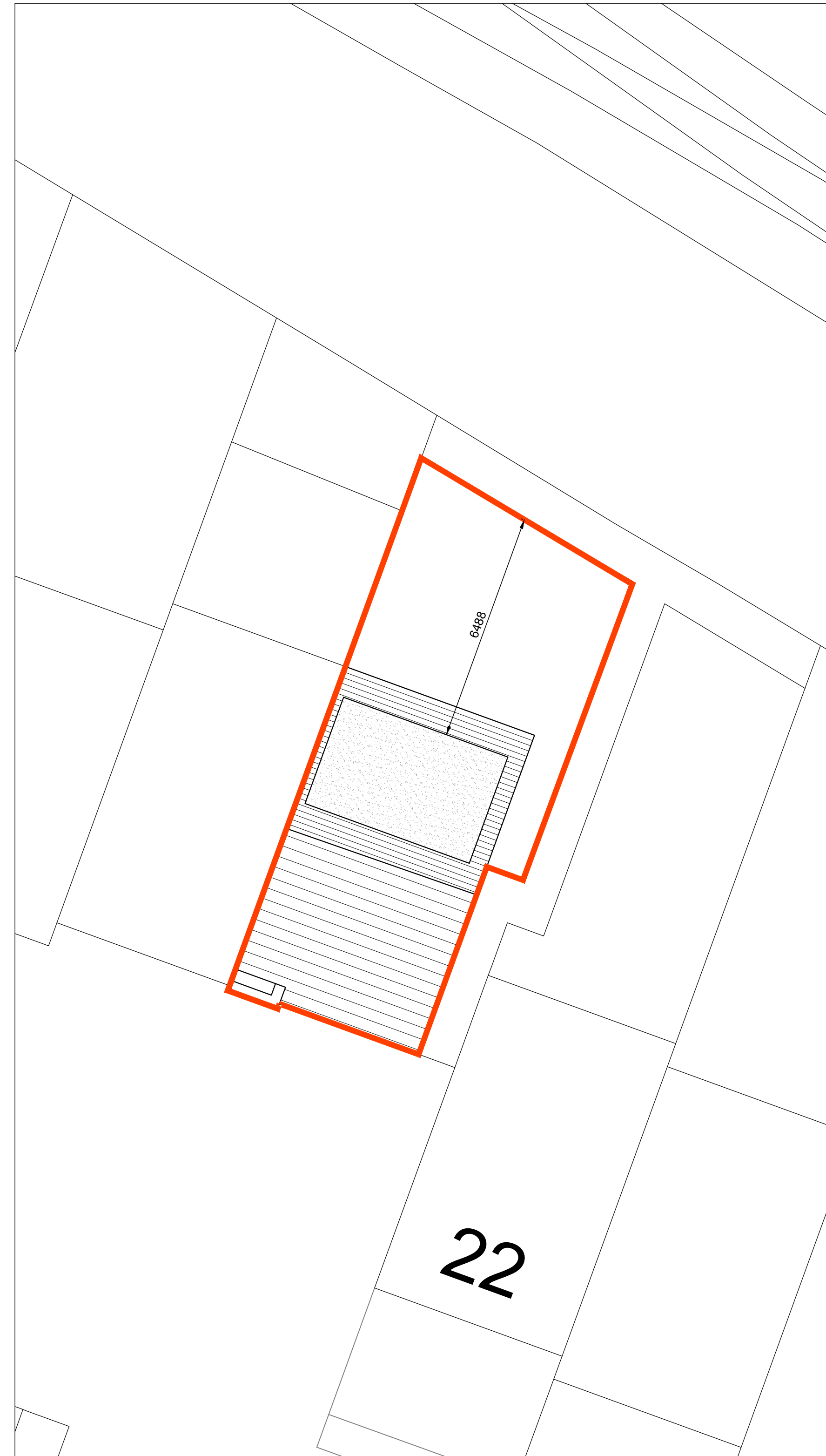
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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.

Informatives

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



Existing Site Plan
Scale: 1:100



Proposed Site Plan
Scale: 1:100



Location Plan
Scale: 1:1250

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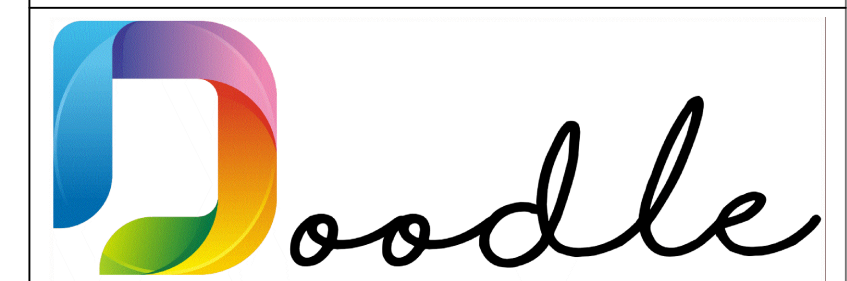
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Works to be fully compliant with CDM 2015 regulations.



48 Hogarth Drive, Shoeburyness, Southend-on-Sea, Essex, SS3 9TH
E: dale@doodle-ad.co.uk W: www.doodle-ad.co.uk
TEL: 07495588553

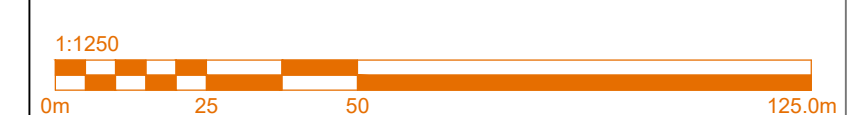
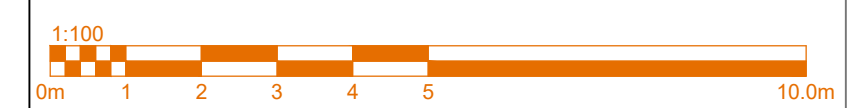
Applicant: Mr Curtis Jewitt

Address: 24 Old School Court, Shoeburyness, SS3 9DU
Project: Roof conversion with rear dormer

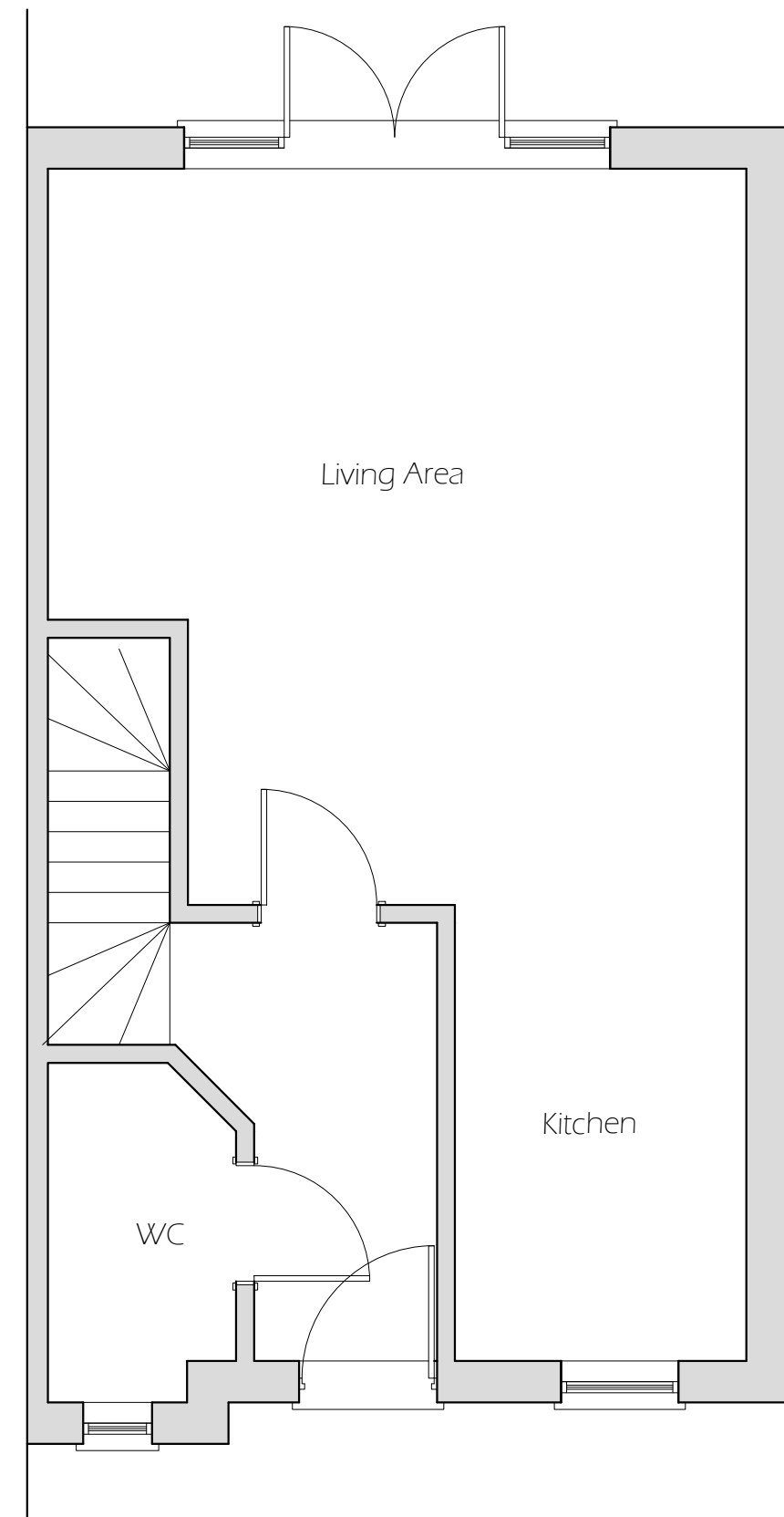
Drawing: Site Plans
Drawing No: 01
Revision:

Project No: D22-1005
Drawn By: DP
Scale: 1:100 @ A1

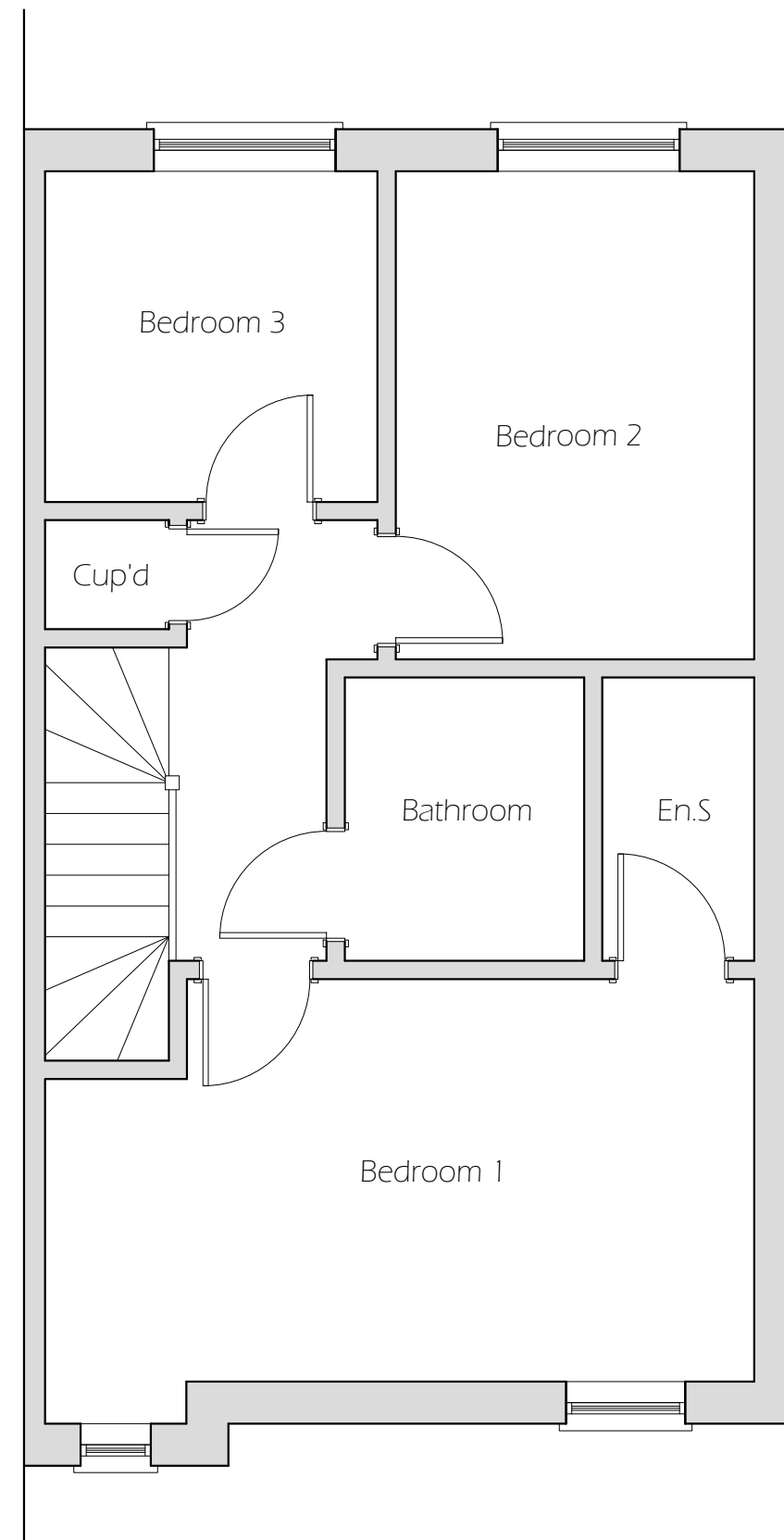
Date: 29.03.2022
Client: [] Pre App: [] Planning: [] B. Cont: [] As Built: [] Other: []



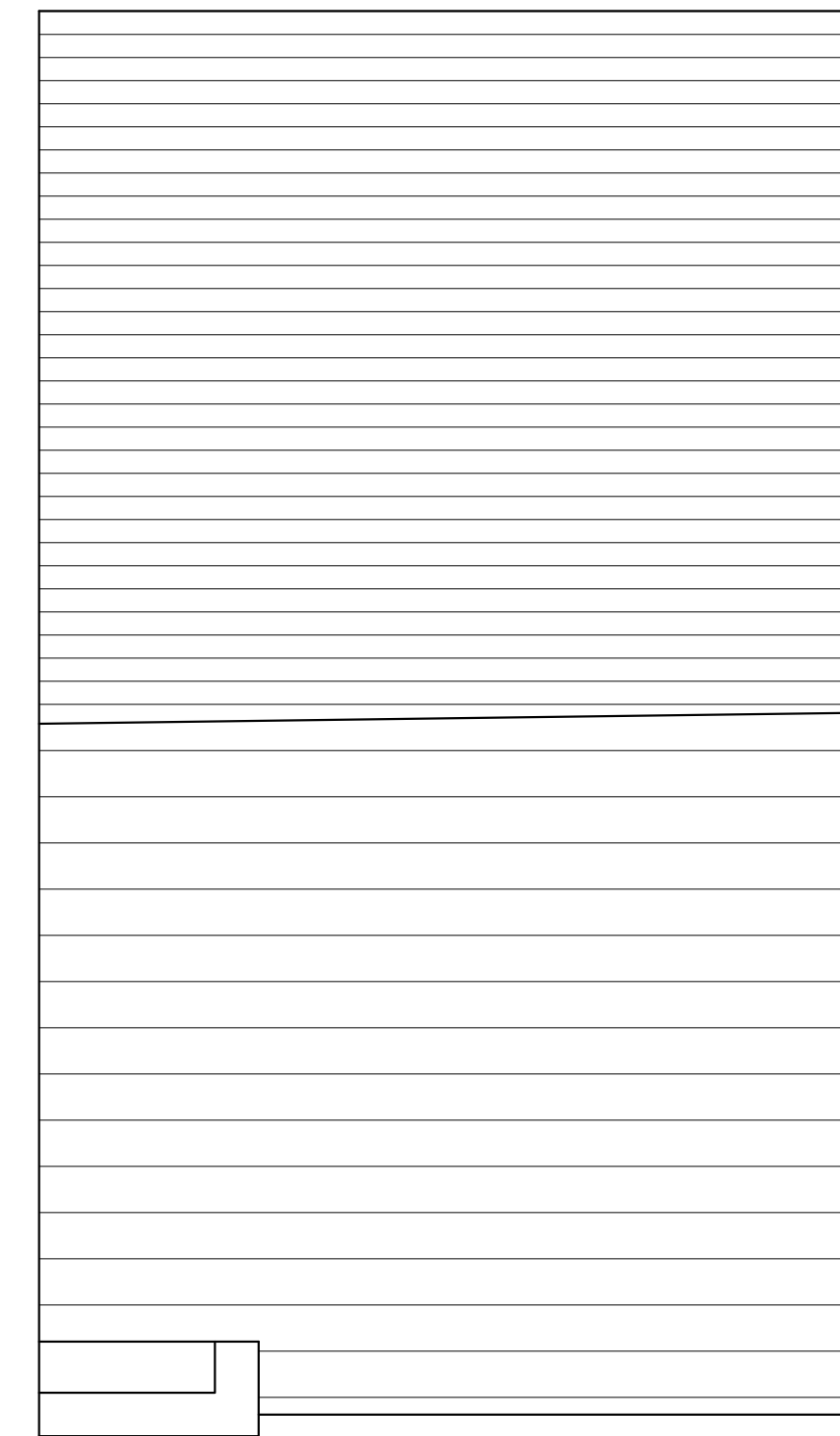
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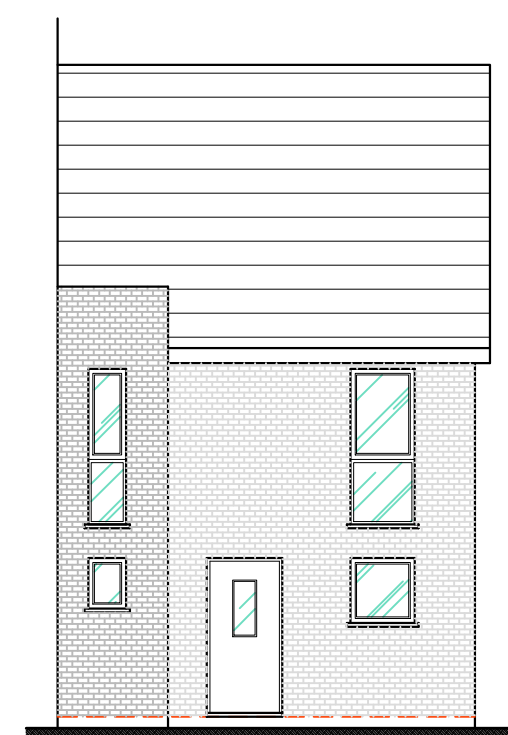
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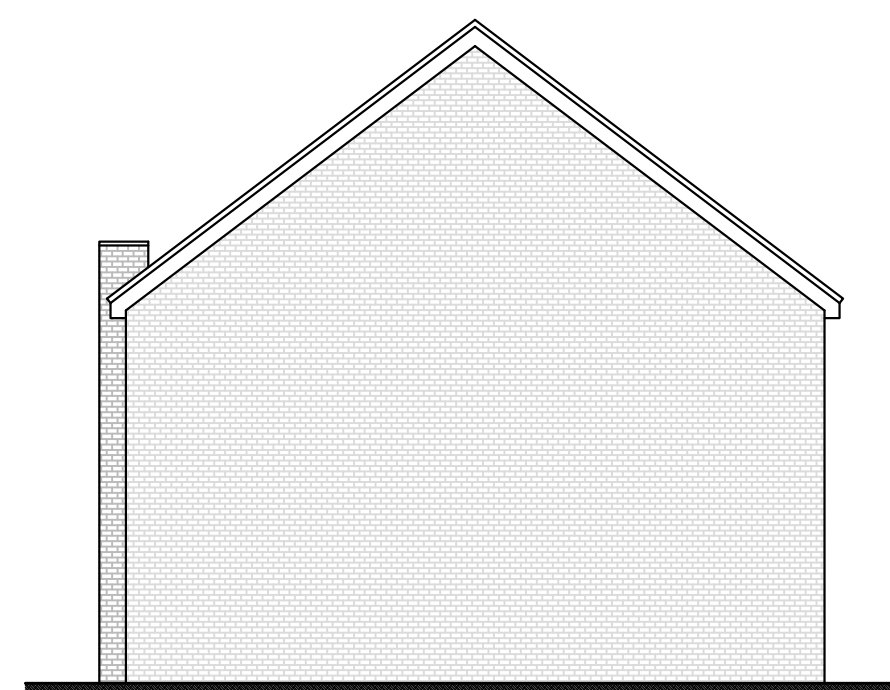
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Scale 1:50



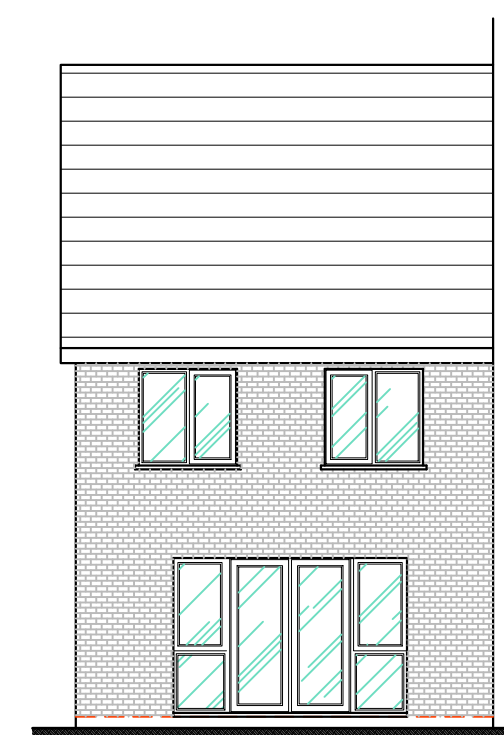
Roof Plan
Scale 1:50



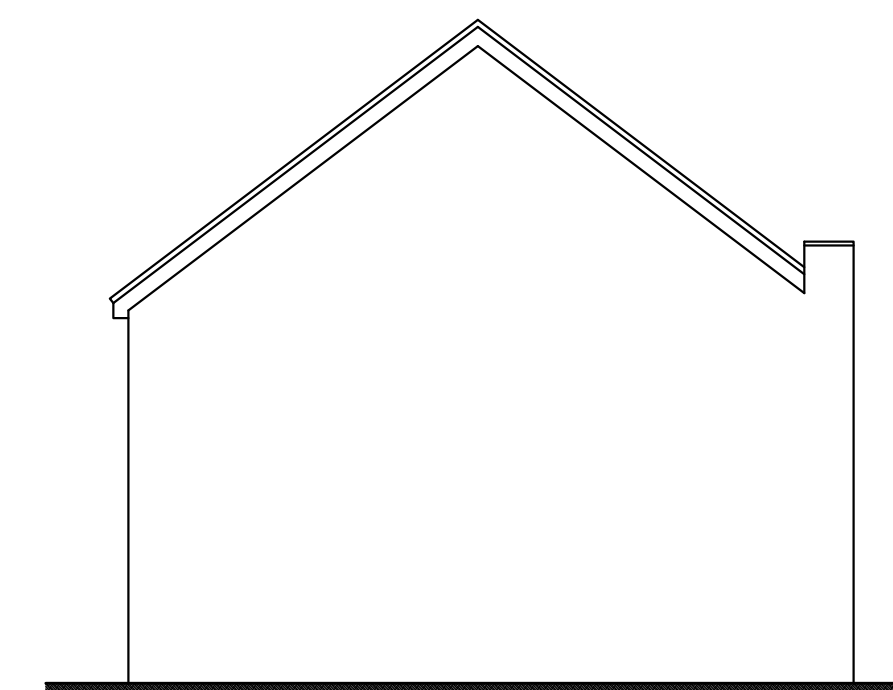
Existing Elevations
Front Elevation
Scale 1:100



Side Elevation (E)
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation (W)
Scale 1:100

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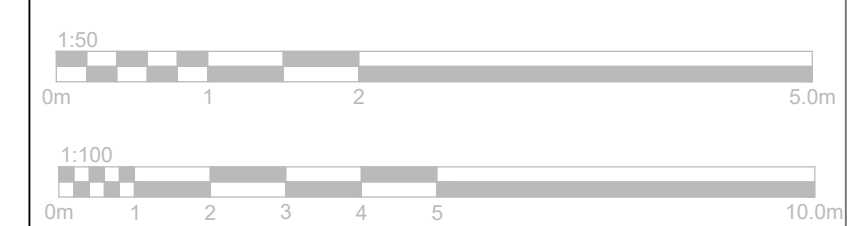
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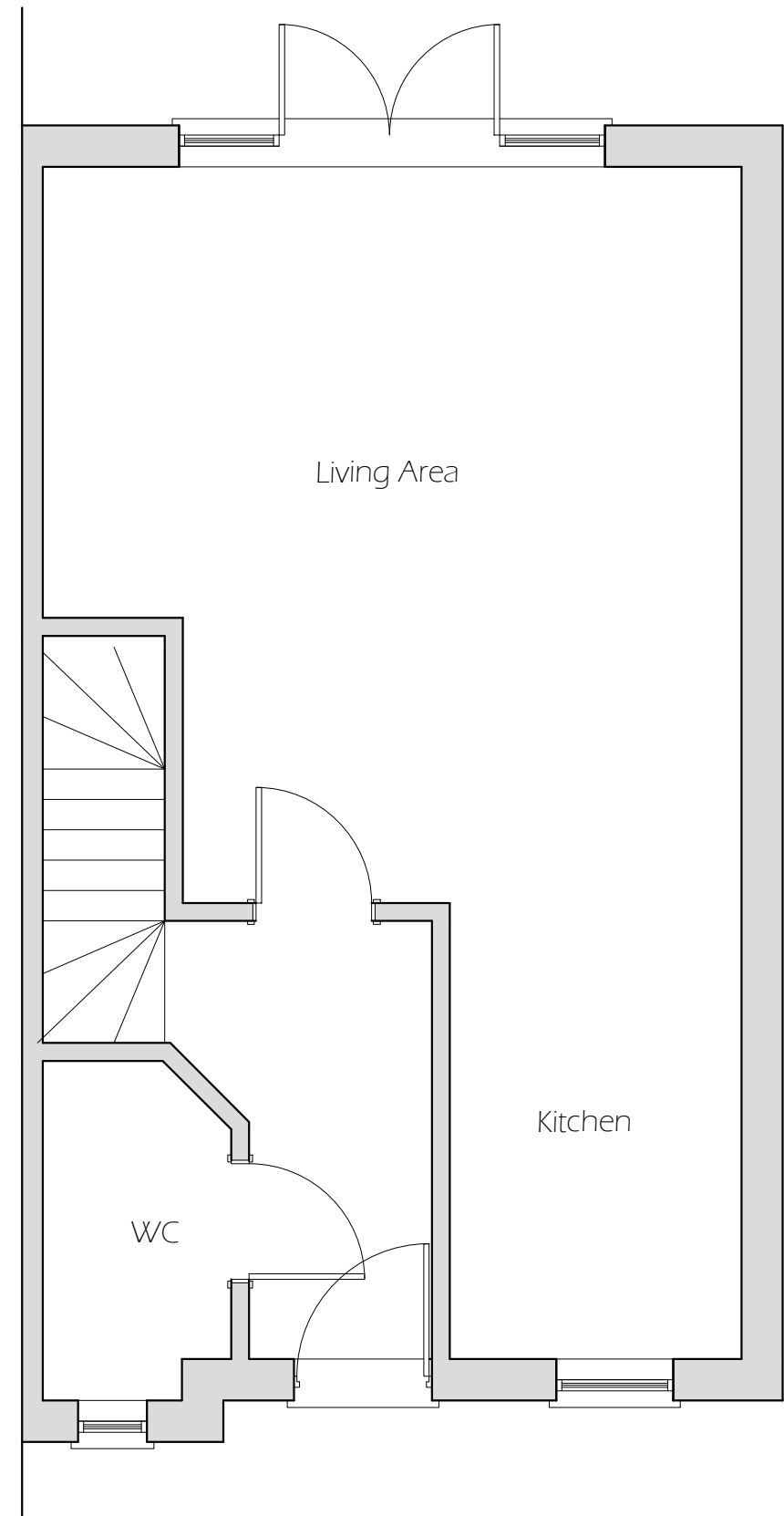
Works to be fully compliant with CDM 2015 regulations.

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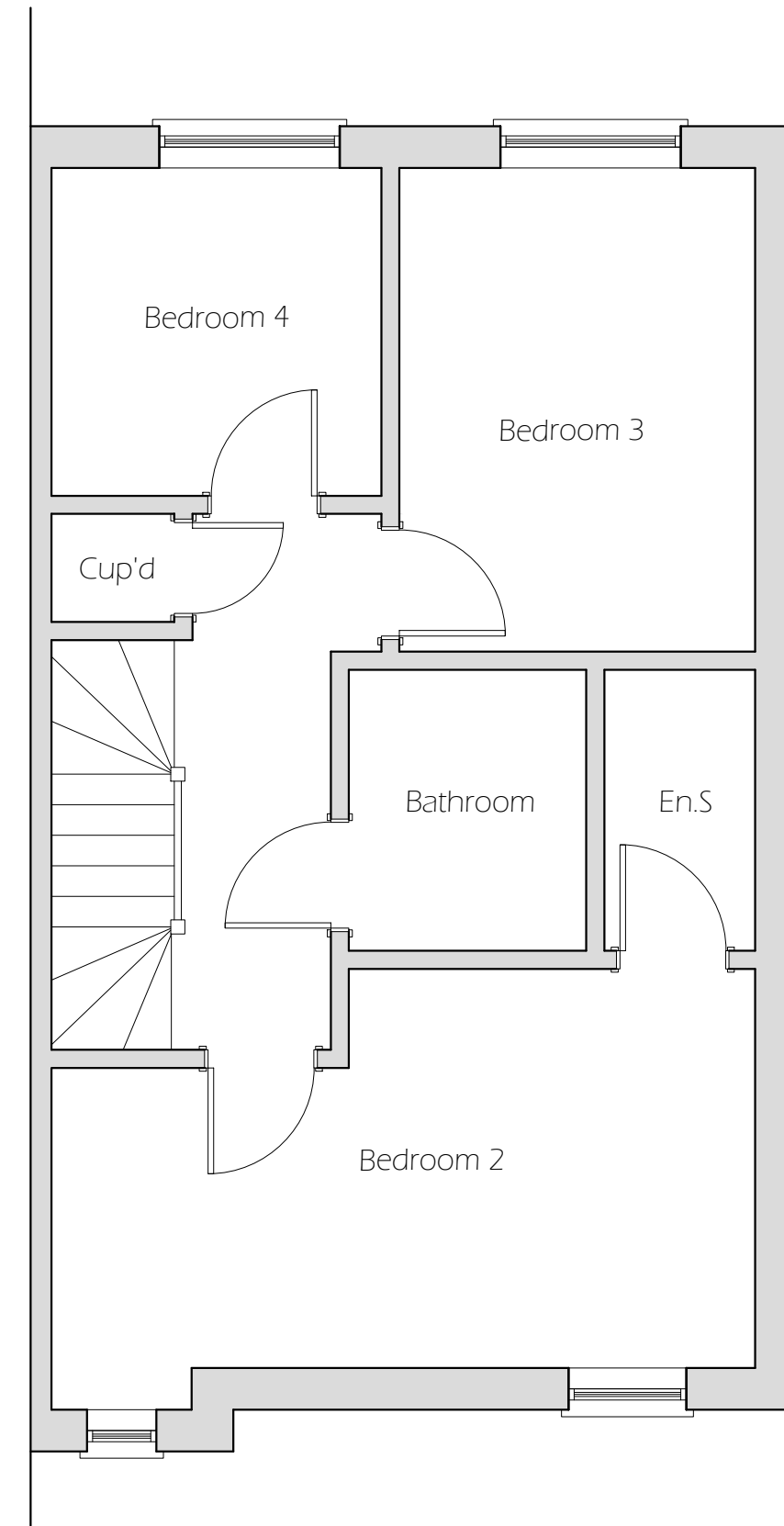
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Address: 24 Old School Court Shoeburyness SS3 9DU	Project: Roof conversion with rear dormer
Drawing: Existing Plans	Drawing No.: 02 Revision:
Project No.: D22-1005	Drawn By: DP
Date: 29.03.2022	Scale: 1:50 / 1:100 @ A1
Client	Pre App
Planning	B. Cont
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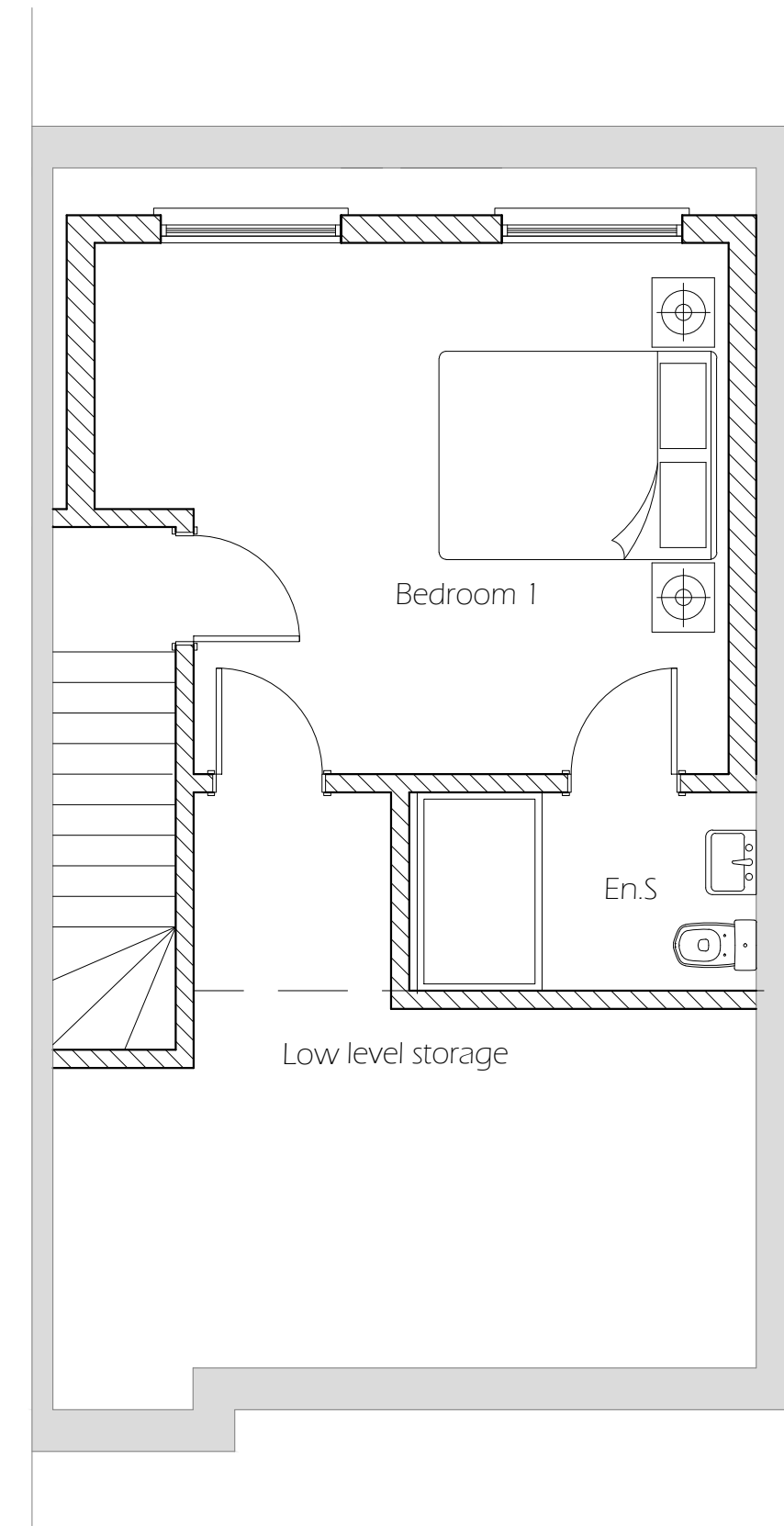
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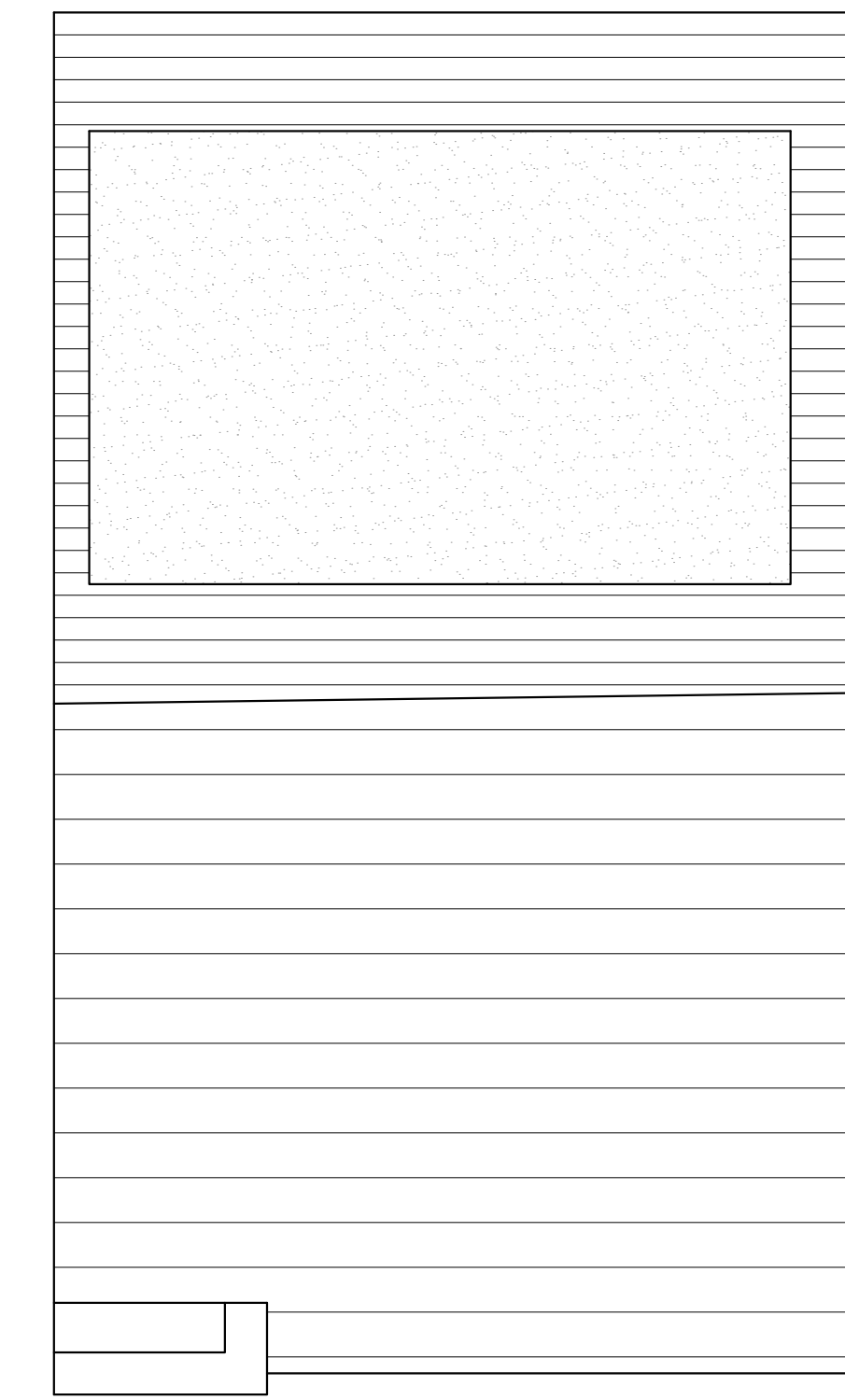
Proposed Plans
GF Floor Plan
Scale 1:50



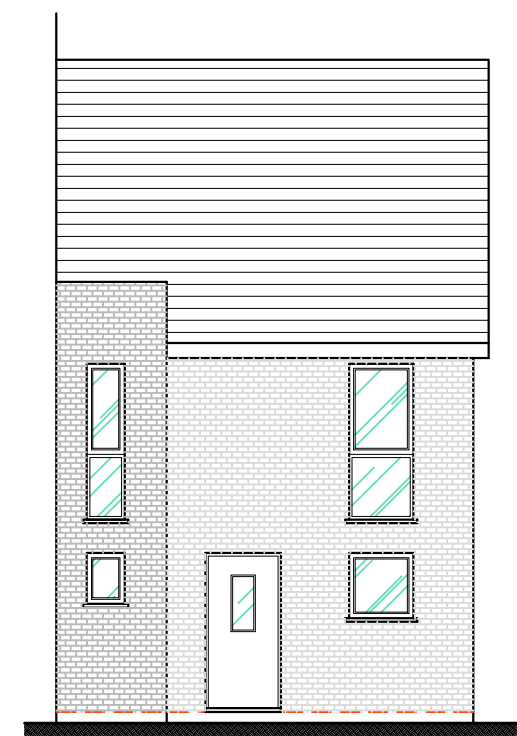
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Scale 1:50



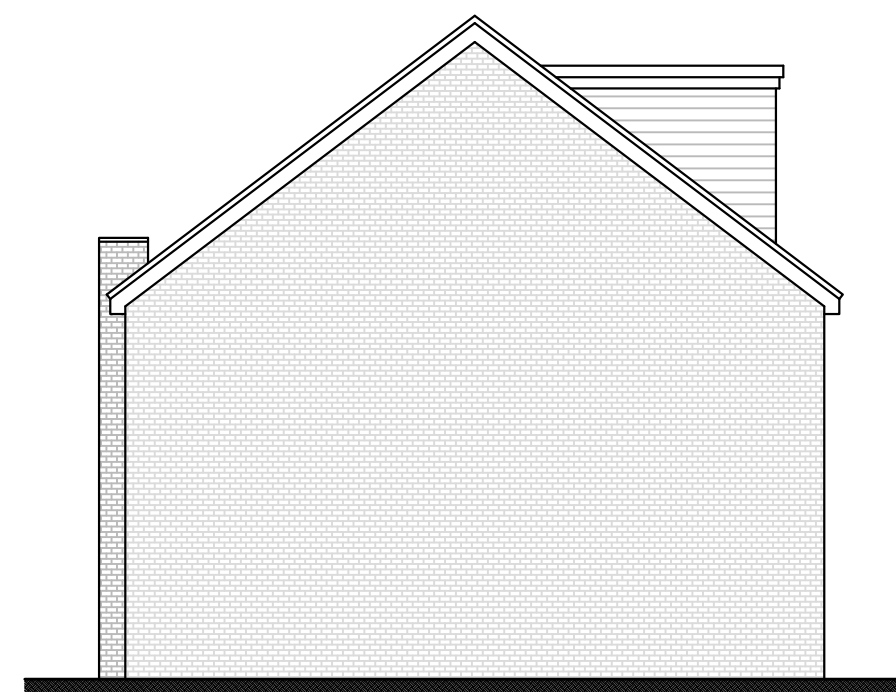
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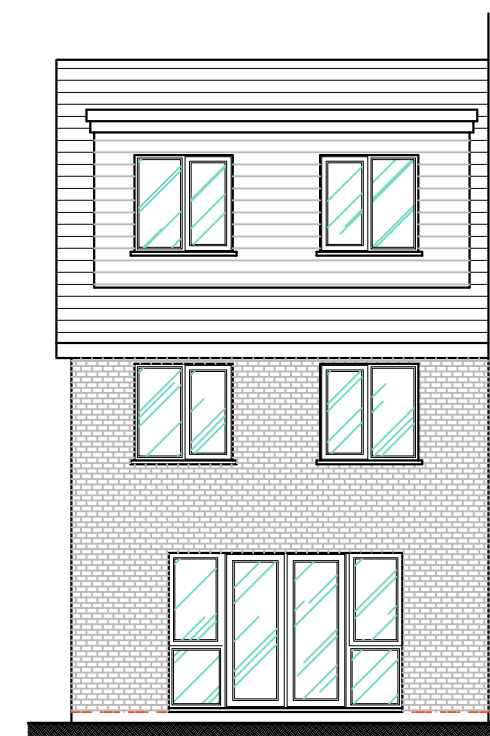
Roof Plan
Scale 1:50



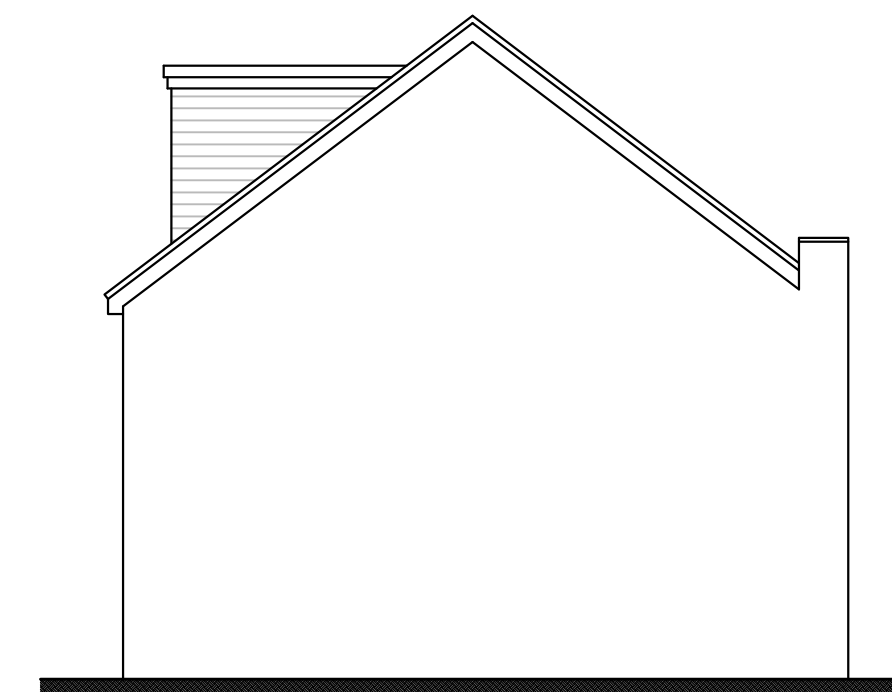
Proposed Elevations
Front Elevation
Scale 1:100



Side Elevation (E)
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation (W)
Scale 1:100

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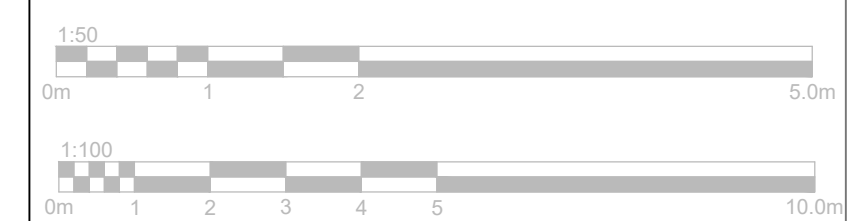
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Applicant: Mr Curtis Jewitt	
Address: 24 Old School Court Shoeburyness SS3 9DU	Project: Roof conversion with rear dormer
Drawing: Proposed Plans	Drawing No.: 03 Revision:
Project No.: D22-1005	Drawn By: DP
Date: 29.03.2022	Scale: 1:50 / 1:100 @ A1
Client	Pre App
Planning	B. Cont
As Built	Other



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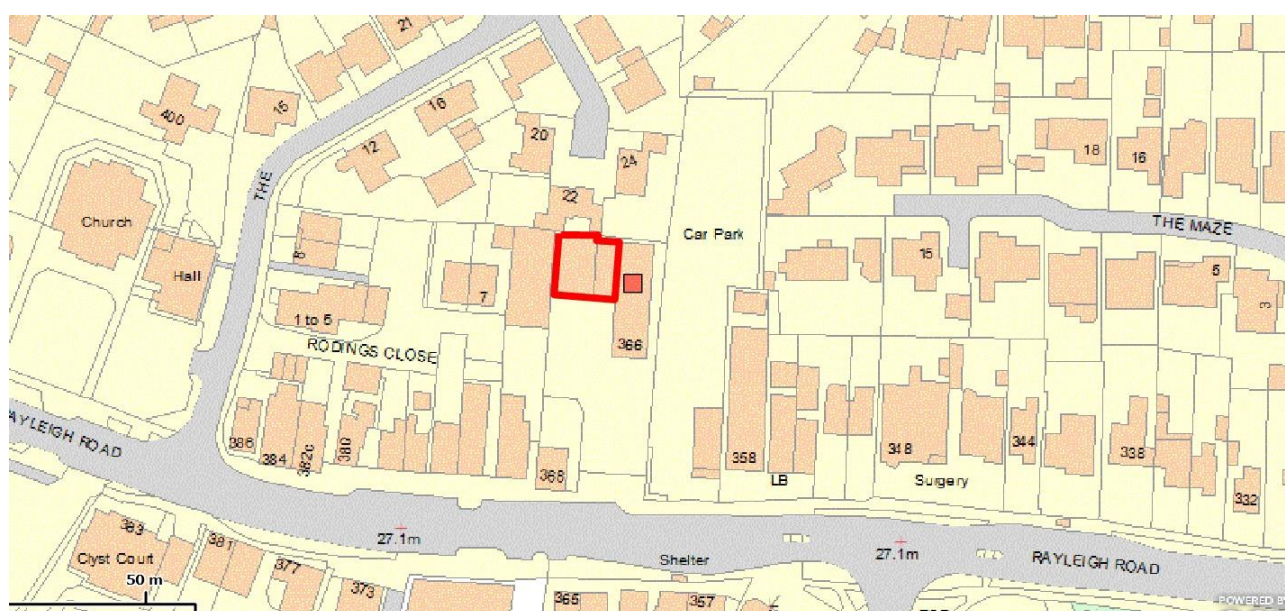


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Reference:	22/01051/FUL	<h1>7</h1>
Application Type:	Full Application	
Ward:	Eastwood Park	
Proposal:	Change of use from storage/distribution (Class B8) to tyre sales and fitting (Sui Generis) (Retrospective) (Amended Proposal)	
Address:	366 Rayleigh Road, Eastwood, Essex	
Applicant:	Mr Karsaz Hassan	
Agent:	Nicholas Kingsley Smith of Kingsley Smith Solicitors LLP	
Consultation Expiry:	9th June 2022	
Expiry Date:	7th July 2022	
Case Officer:	Robert Lilburn	
Plan Nos:	Site Plan 26 Oct 2021 Existing Floor Plan and Elevations PP / 02 A Existing Floor Plan and Elevations PP / 02 A (2) Proposed Floor Plan and Elevations PP / 03 A	
Supporting Document:	Supporting statement, Noise Impact Assessment 26th April 2022 Issue 01	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application form identifies the site address as 366 Rayleigh Road, in common with application 21/02450/FUL which was presented to Development Control Committee (DCC) on 2 March 2021. Application 20/01895/FUL, presented to DCC in July 2021, indicated the boxing gym adjoining the 'tyre garage' as no.366. Plans submitted in the current application identify the boxing gym premises as no.364.
- 1.2 This matter has previously been raised with the applicant and further to their representations, the application was assessed as applied-for. Consistent with the previous application it is considered that the matter should not prejudice the accurate assessment of the application in its planning merits. It should be noted that the Enforcement Notice issued on 1 June 2022 relates to 364-366 Rayleigh Road (21/00206/UCOU_B).
- 1.3 The submitted plans identify the application site inconsistently. Clarification has been sought, and received, excluding the red edge shown on the submitted floor plans. It is noted that the red edge confirmed by the agent excludes the area at the front of the building in which tyres have been noted on site visit as stored in the open. It is considered that this matter does not prejudice the accurate assessment of the application which is assessed on its merits as submitted.
- 1.4 The application site is located north of Rayleigh Road. The subject of the application is a single-storey brick-built flat-roofed unit, with high bay area, enclosed with brick infill and corrugated sheeting. An industrial-style door has been fitted. Together with much of the remainder of the frontage this has been painted blue. Tyre sales and fitting have been carried out at the site and this is subject to a planning Enforcement Notice along with the alleged unauthorised operational development. The structure adjoins the boxing club to the east
- 1.5 The site is set within an area of hardstanding and car parking, combined with the boxing gym at no.366, and bordered mainly with wooden and palisade fencing. The remainder of the building's forecourt frontage, beyond the area used for storing tyres, is used for vehicle sales, for which there is no record of planning permission. As noted, the site edged red identifying the application site has been confirmed and does not include the hard standing area.
- 1.6 Neighbouring commercial yards lie to the west. A public car park is to the east. The site backs directly on to the dwellings and private amenity spaces at nos.22-24 The Rodings. Ground levels rise immediately at the north border of the site to the dwellings at The Rodings.
- 1.7 The Rayleigh Road frontage nearby is characterised by commercial uses with flats above. The subject building is located outside the secondary shopping frontage, however its access through the hard standing area is within the secondary shopping frontage as shown on the policies map of the Development Management Document. The site is located within flood zone 1.

2 The Proposal

2.1 The description of proposed development within the application form submitted is a proposed change of use to tyre sales and fitting. The application form states that the change of use started on 24.10.2019 and was completed on 25.10.2019. In the submitted Supporting Statement the applicant states that “*matters relating to the appearance of the premises will be resolved through a further application once approval confirms the use is satisfactory*”. The applicant has therefore explicitly excluded operational development from the scope of this assessment.

2.2 The submitted application form does not specify proposed hours of opening or employment relating to the proposal. The application identifies that some 100 tyres would be removed from the site by a registered recycling service per month.

2.3 The application has been submitted following refusal of planning permission at the site, in application 21/02450/FUL for the “*Change of use from storage/distribution (Class B8) to tyre sales and fitting (Class Sui Generis)*”. This was refused on 03.03.2022 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 including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. 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).

2.4 The key difference in the current application from the previous refused application 21/02450/FUL is that the current application is supported by a Noise Impact Assessment 26th April 2022 Issue 01 by DAA (NIA).

2.5 The applicant has provided existing and proposed elevations showing operational development and a use layout consistent with the plans to application 21/00902/FUL for *Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation*. That application was refused further to a report to DCC, on 23.07.2021 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).

2.6 As noted above no operational development is to be assessed in this application, and the operational development that has taken place is at odds with those previously assessed elevation changes to which no objection was raised. The applicant has also provided proposed plans indicating the use previously found unacceptable in application 21/00902/FUL. This would appear to be outside the scope of this application which is for tyre sales and fitting.

- 2.7 The applicant has provided two sets of floor plans which provide contradictory information regarding the layout of the existing tyre store and fitting arrangements.
- 2.8 The Enforcement Notice (EN) issued on 1 June 2022 (21/00206/UCOU_B) pursuant to the report to DCC of 2 March 2022 (21/02450/FUL) alleges the breach of planning control as:
- A. Without planning permission, the change of use from storage/distribution (Class B8) to tyre sales and fitting (sui generis);
 - B. Without planning permission, the erection of a brick wall and installation of corrugated sheeting and industrial door.

- 2.9 The EN states that *“it appears to the council that with respect to the unauthorised development the above breach of planning control has occurred within the last ten years and the council considers it is expedient to issue this notice for the following reasons:*

The current use on the site for tyre sales and fitting is an identified breach of planning control. It is causing significant and demonstrable harm to residential amenity of neighbouring occupiers including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. 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).

It is found that the identified harm from the unauthorised use cannot reasonably be overcome by planning conditions based on the circumstances of the case and in line with the findings of the two applications so far considered and refused [21/02450/FUL (Change of use from storage/distribution (Class B8) to tyre sales and fitting (Sui Generis) and 21/00902/FUL (Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation)]”.

- 2.10 As noted, the principal change in the current application from the situation subject of the EN is the provision of the NIA.
- 2.11 The application was called into Development Control Committee by Councillors Walker and Collins.

3 Relevant Planning History

Adjoining premises, identified as 366 Rayleigh Road in the following applications:

[**Officer comment:** these two cases relate to adjoining premises.]

- 3.1 22/00180/AD: Approval of details pursuant to conditions 05 (noise mitigation scheme), 06 (details of AC unit), 07 (noise survey), 08 (details of secure cycle storage) and 09 (details of refuse and re-cycling storage) of planning permission 20/01895/FUL dated 22.07.2021, Pending consideration.
- 3.2 20/01895/FUL: Change of use from storage/distribution (Class B8) to Boxing Gym (Class E) (Retrospective). Approved 22.07.2021.

Application site, identified as 366 Rayleigh Road:

- 3.3 21/02450/FUL: Change of use from storage/distribution (Class B8) to tyre sales and fitting (Class Sui Generis). Refused.

Application site, identified in previous applications as 364 Rayleigh Road:

- 3.4 21/00902/FUL: Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation. Refused 23.07.2021.
- 3.5 21/00206/UCOU_B: Change of use to tyre sales and fitting, together with the erection of a brick wall and installation of corrugated sheeting and industrial door. Enforcement Notice issued 01.06.2022 to take effect from 01.07.2022.
- 3.6 364-366 Rayleigh Road:
08/00504/FUL: Use Industrial unit (Class B8) and Retail unit (Class A1) as Car Wash and Valeting (Sui Generis). Withdrawn.
- 3.7 05/01691/FUL: Erect two storey building comprising ground floor retail unit (Class A1) and two self-contained flats with roof terraces at first floor level and lay out three parking spaces at rear. Approved.
- 3.8 Earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

Public Consultation

- 4.1 14 neighbouring properties were notified and a site notice was posted. 3 letters of representation have been received from 2 nearby occupiers, commenting and objecting as follows:
- Impacts on neighbour amenities of noise and disturbance;
 - Previously-raised objections still stand;
 - Car repair area and test ramp indicated on the plans contradict description of proposal as tyre sales and fitting;
 - Health effects of stress associated with application and complaints process;
 - Impacts on house prices.
- 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. Other than as set out in Section 9 of this report the remaining points of objection raised in the representations are not found to justify refusing planning permission in the circumstances of this case.

Environmental Health

4.3 Summary

There does not appear to be any description of all site activities that may give rise to noise. It also does not sufficiently show where the operations are on site and give a sufficient description of the condition of each building. From previous visits operations occurred in both buildings.

The noise impact assessment does not appear to have considered the garden area adjacent to the north of the site in The Rodings.

366 Rayleigh Road currently has a statutory abatement notice in force arising from noise from the compressor used to inflate tyres at the site. Clarification is required as to if/how noise nuisance has been abated.

At the time of the nuisance investigation the compressor was housed in the building where tyres are stored. It did not have any enclosure on it. The building had a corrugated metal structure with large air gaps near to the roof that directly fed through the adjacent residential garden and premises. The ceiling height in the tyre store and compressor building is high adding to the reverberant sound. A full description of the building interior of the tyre store area should be provided together with details of any treatment to the compressor.

The report shows an assessment of noise from tyre changes. This indicates that at the noise receptors identified in the report the specific noise will be 5 dB(A) above the background noise level and hence 15 dB(A) above the council's criteria. Confirmation is required as to whether this is accurate for the garden receptor to the north of the site.

The specific noise assessment does not include the compressor last seen in the tyre storage building. Details of compressors location, specific noise levels from it produced and its noise impact need to be provided. This is important as it was the specific noise source that caused the greatest impact previously.

The air gaps in near to the roof of the tyre store area should be filled as any noise within that building is likely is likely to break out into the garden area to the north.

The above information should be provided with revised mitigation measures.

[officer comment: the Environmental Health officer has requested additional information is provided to address the above. The application is an amended proposal, for a development materially similar to that subject to an Enforcement Notice, issued to address significant neighbour amenity impacts. The application is not reasonably clear in several key respects, regarding uses, layout and site location. Although clarity has been sought from the agent with regard to concerns with the quality of information, it is not considered reasonable in these circumstances that the application process be further drawn out by seeking additional information and revisions].

4.4 **Highways**
No objection.

4.5 **Fire**
No objection.

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 Generation), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)

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), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management)

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

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 As far as can be ascertained from the submitted details, the application is for development similar to that identified in the Enforcement Notice.

6.2 The main considerations in relation to this application are the principle of the development, impacts on the character of the area, the effects of the proposal on the amenities of neighbouring residential occupiers, any traffic and parking implications, CIL and whether the application has overcome the earlier reason for refusal and the reasons for issuing an Enforcement Notice. Matters relating to detailed design are confirmed by the application to be excluded from the scope of this application.

7 Appraisal

Principle of Development

7.1 The NPPF states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions in a way that makes as much use as possible of previously developed land.

7.2 Paragraph 81 of the NPPF states that: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

7.3 Policies KP1, KP2 and CP4 seek to promote sustainable development. Policy KP2 seeks to direct the siting of development through a sequential approach. Policy DM3 seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.

7.4 Policy CP1 states that "to promote economic regeneration, development will be expected to contribute to the regeneration and development of existing and proposed employment sites; the Town Centre and Seafront; existing industrial areas and other Priority Urban Areas".

7.5 Policy DM11 seeks to support the retention, enhancement and development of Class B uses within the Employment Areas and also states that: "Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies".

7.6 The site is not within an identified industrial area and is within a mixed area of residential and commercial uses. The site is not the sequentially most-preferable location for a commercial use of this nature.

7.7 As a small-scale development, it is considered that any impact to identified industrial areas would be negligible. The proposal would maintain a degree of employment at the site.

- 7.8 Publicly available photographs indicate that a tyre-related business was operating at the site in 2009. A vehicle hire business operated from the site around 2018, storing vehicles within the covered bay. No certificate of lawfulness has been applied for, or granted, to support a conclusion that tyre fitting has been carried on for over ten years, further to section 171b of the Town and Country Planning Act (1990).
- 7.9 Consistent with the findings in the previous application there is no objection to a commercial use in principle at this location, subject to detailed consideration of its impacts which are discussed below.

Design and Impact on the Character of the Area

- 7.10 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 in Policy DM1 of the Development Management Document. The Design and Townscape Guide states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”.
- 7.11 The established building has an industrial character and is set amidst commercial uses. The use would be reasonably commensurate with these characteristics. No operational development is proposed in the application. The proposal, as applied-for, would not in principle significantly harm the character and appearance of the subject building and surroundings. Matters relating to the impact of the unauthorised operational development on the character of the site and its surroundings, which has not formed part of this planning application, have separately been subject to the recent Enforcement Notice.

Impact on Residential Amenity

- 7.12 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.13 The rear part of the building sits adjacent the boundary of 22 The Rodings, the nearest residential property to the north of the application site. This dwelling sits on significantly higher ground than the subject building.
- 7.14 Other residential units in the vicinity of the site include 7 Rodings Close, some 13m to the west of the site and 370A Rayleigh Road, the upper floor flat, some 26m to the south of the building on site.
- 7.15 The principal impacts of the proposed use on neighbouring residential occupiers’ amenity would be noise disturbance from equipment associated with tyre fitting. Historically there have been complaints arising from noise associated with the use of air compressor equipment at the premises. The Statutory Abatement Notice was served under section 80 of the Environmental Protection Act 1990 on 7/12/20.

- 7.16 The Council's Environmental Health service has sought further details of the use, equipment, layout, noise pathways through built fabric and noise impacts at the nearest sensitive receptors (NSR). The submitted NIA does not reasonably address the above matters, as readings have been taken on site only without regard for the specific issues in the building's structure and its relationship to the NSRs. Mitigation measures are proposed and these are based on incomplete and inadequate information including assumptions about the building's structure which do not correspond with the observations of the Environmental Health officer.
- 7.17 The application has not provided sufficient details of equipment or operations and potential mitigation measures. The failure to clearly identify the site and its layout are further negative aspects of the submission. It is therefore not reasonable to approve the application with a condition requiring noise mitigation measures as the impacts have not been fully quantified, and proposed mitigation measures have not been identified.
- 7.18 Consistent with the recently refused application for similar development at the site and the reasons for issuing an Enforcement Notice with regard to the same, it is not considered that protection of neighbour amenities from harmful noise impacts can be reasonably achieved within the scope of a planning condition. It is not clear that this matter could be reasonably overcome through restrictions on opening hours.
- 7.19 The application has failed to reasonably demonstrate that the development maintains neighbour amenities, and it is therefore found unacceptable and in conflict with policy in this regard.

Traffic and Transportation Issues

- 7.20 Policy DM15 of the Development Management Document states that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.21 No parking is proposed. As it may be expected that vehicles would enter the subject building for the tyre fitting service, no objection is raised. However, the absence of demarcated external access and waiting provision, together with employee parking, are negative aspects of the application. The application form states there are no employees; the failure to specify the level of operations is a further negative element of the application, however accounting for the small scale of the site it is considered that employee parking would likely be reasonably accommodated either on the premises or on public car parking nearby. The site is on a bus route. Two cycle parking spaces are required to meet the minimum standard. A condition could be imposed in this regard were the application otherwise acceptable. The access arrangements of the site would remain unaltered. This conclusion is concurrent with the basis of decision on previous applications on the site.

Community Infrastructure Levy (CIL)

- 7.22 As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.

8 Conclusion

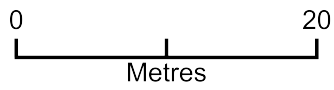
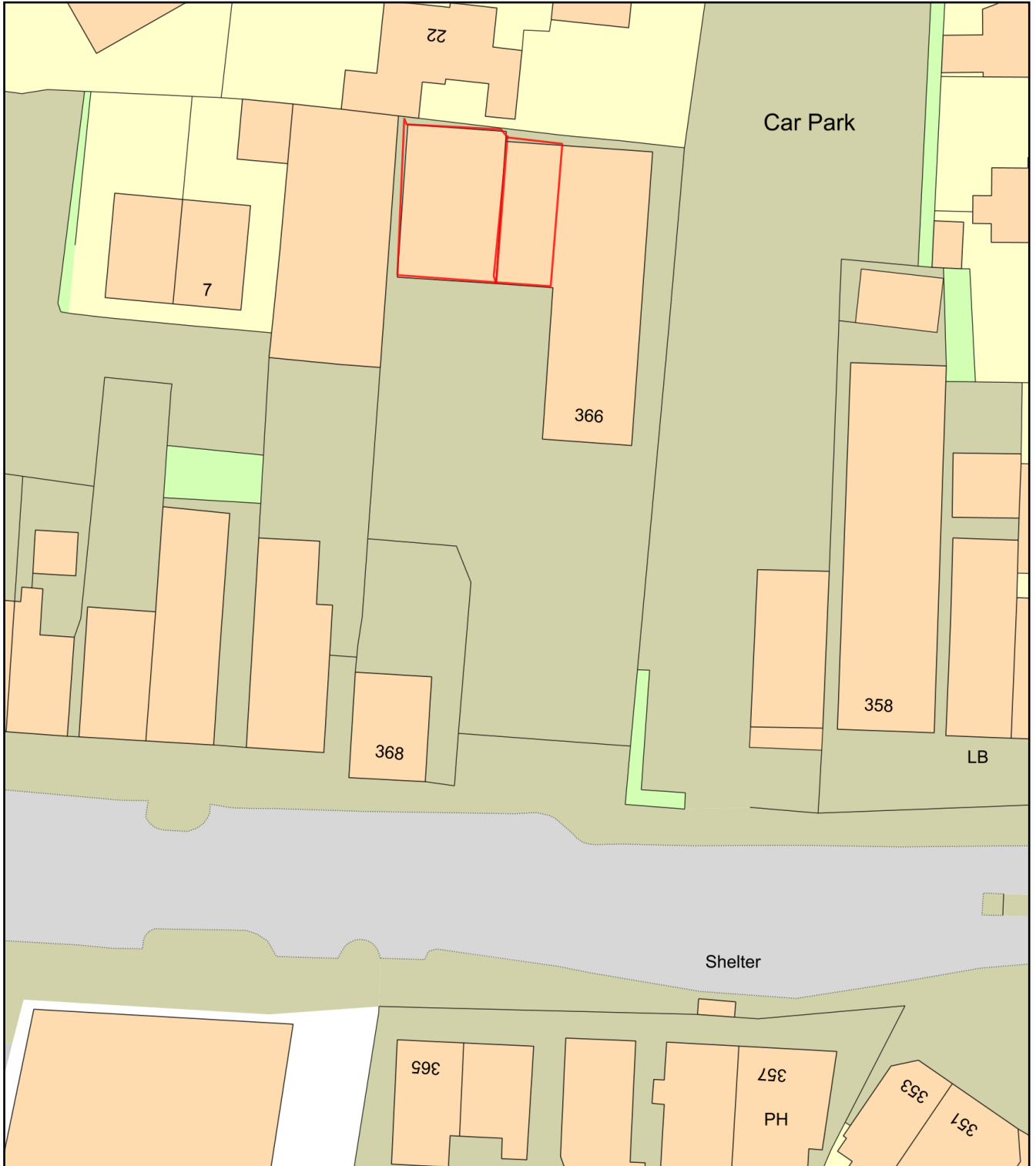
- 8.1 The development provides employment and economic activity. The character of the development is not harmful to the townscape. The application has not demonstrated to a reasonable degree that neighbour amenities would be maintained. No significantly harmful impacts with regard to traffic and parking have been identified. The limited benefits of the proposed development do not justify approval. The scheme fails to constitute sustainable development when considered in the round, has not overcome the earlier reason for refusal and reasons for issuing an Enforcement Notice, and is found to be unacceptable and is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason(s):

- 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 including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. 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).**
- 10 **Informatives:**
- 1 **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.**
- 2 **As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.**

Site Plan 366 Rayleigh Road SS9 5PT



Plan Produced for: KA00731

Date Produced: 26 Oct 2021

Plan Reference Number: TQRQM21299073212519

Scale: 1:500 @ A4

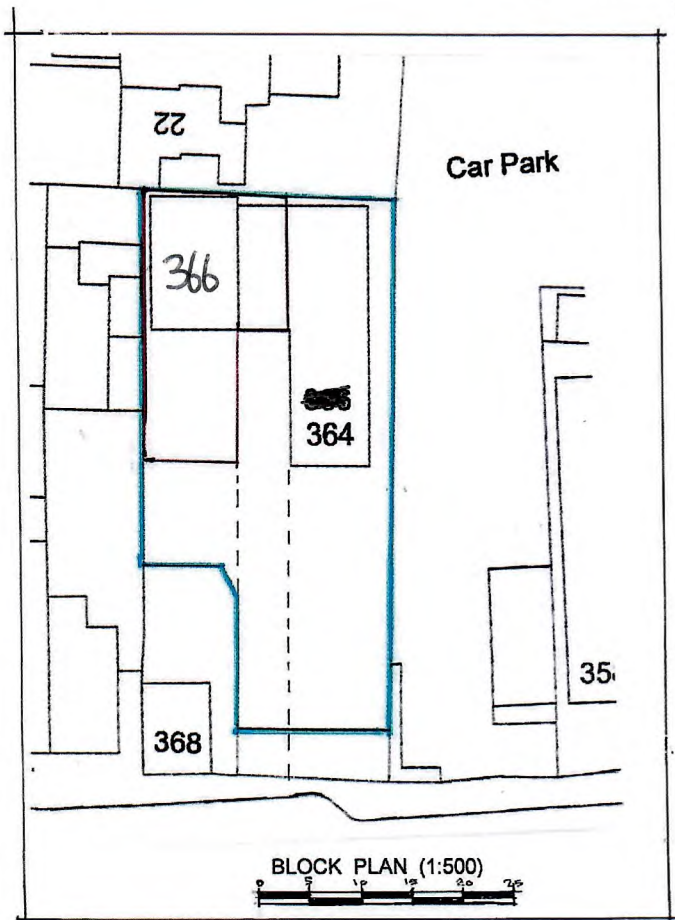
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IMPORTANT NOTES FOR APPLICANTS / OWNERS:

These drawings have been produced only to obtain the appropriate local authority approvals i.e. Planning Permission and Building Regulations approval whichever is applicable.
 The applicant is advised not to commence the proposed works until written Planning Permission and Building Regulations approvals have been received and to only use the approved plans.

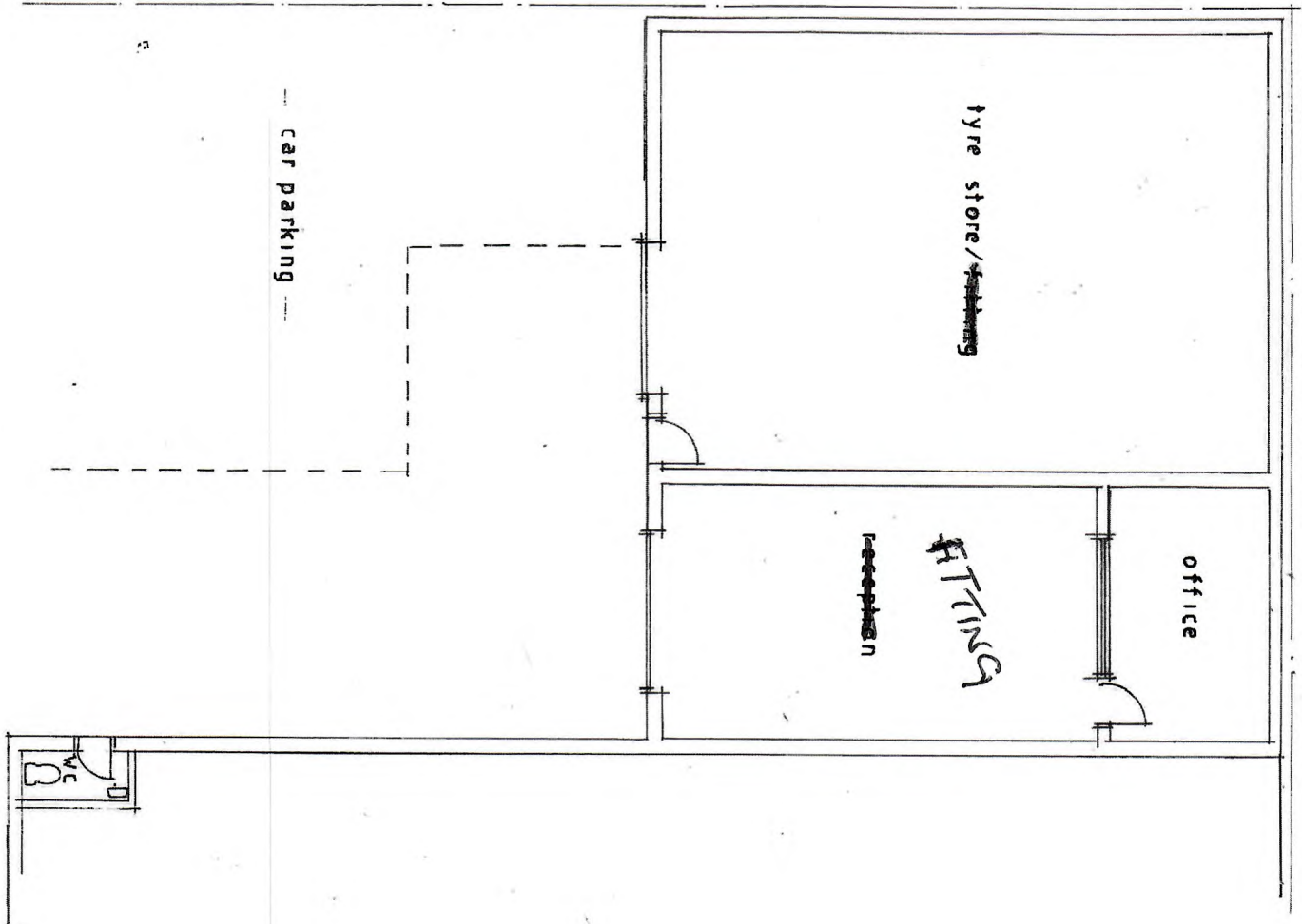


LOCATION PLAN

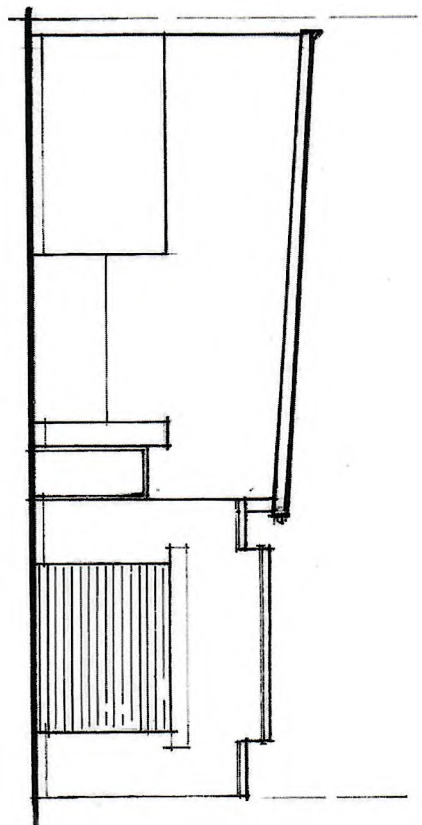


BLOCK PLAN (1:500)

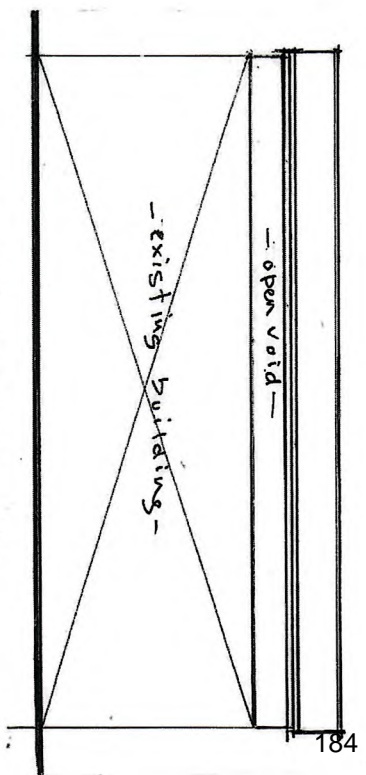
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Drawing No.	PP/01	Scale: 1:1250
ARCHITECTURAL SERVICES		
Tel : 07400 444 070		



EXISTING FLOOR PLAN



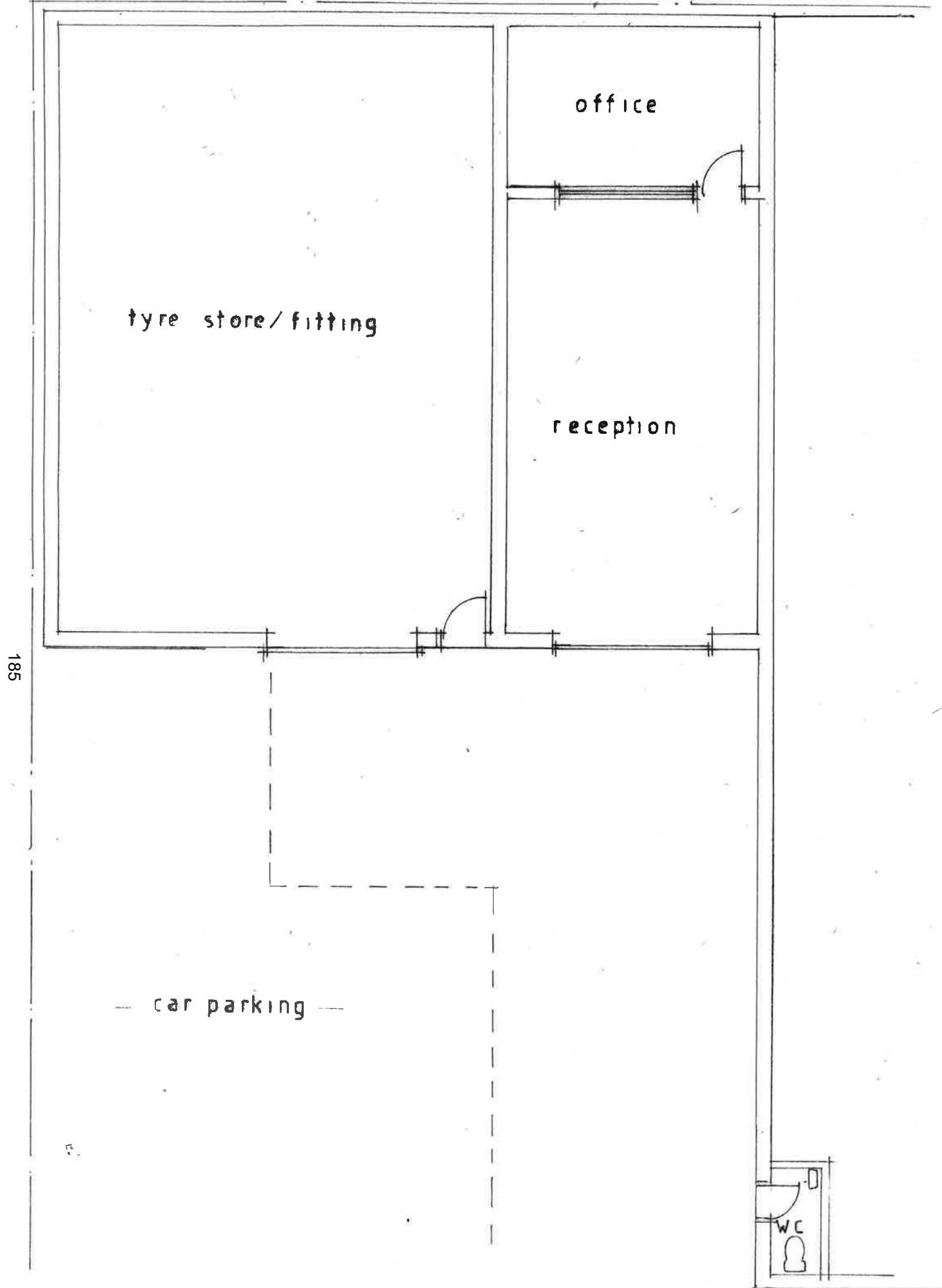
EXISTING FRONT ELEVATION



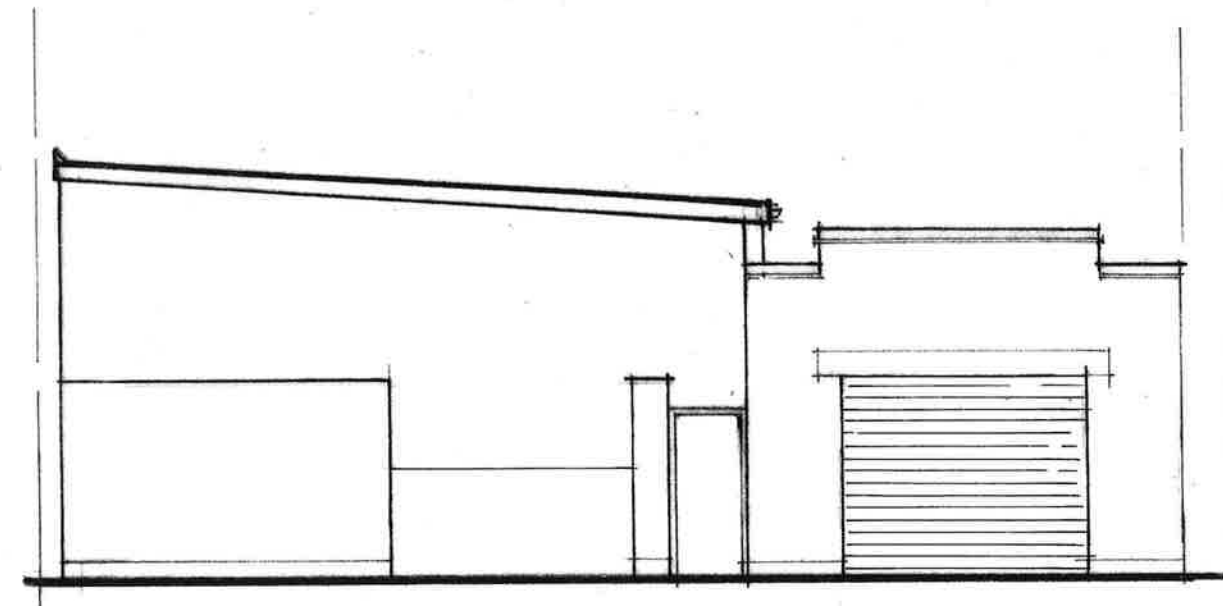
Existing side elevation.



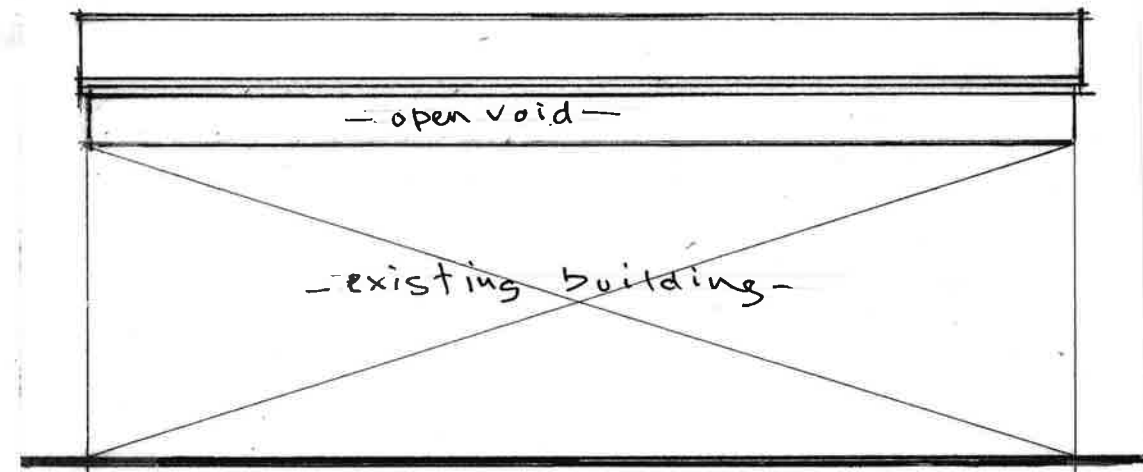
<p><i>Revised Plan</i></p>	
<p>Job: 366 RAYLEIGH ROAD SOUTHEND ESSEX SS9 6PT</p>	<p>Date: Apr. 2021 Scale: 1:100</p>
<p>Drawing No. PP/02 A</p>	<p>ARCHITECTURAL SERVICES Mobile: 07400 444 070</p>



EXISTING FLOOR PLAN



EXISTING FRONT ELEVATION



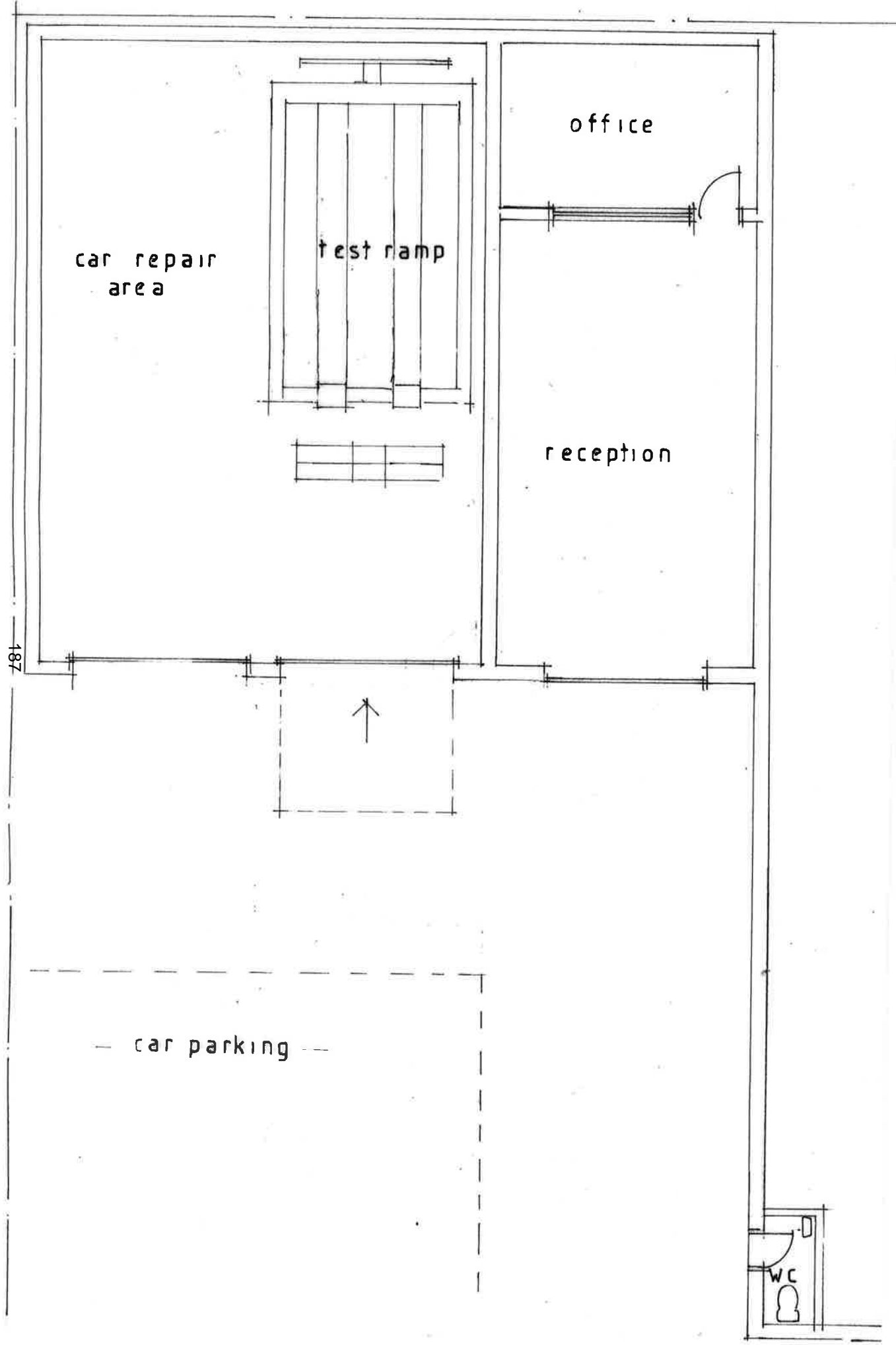
Existing side elevation.



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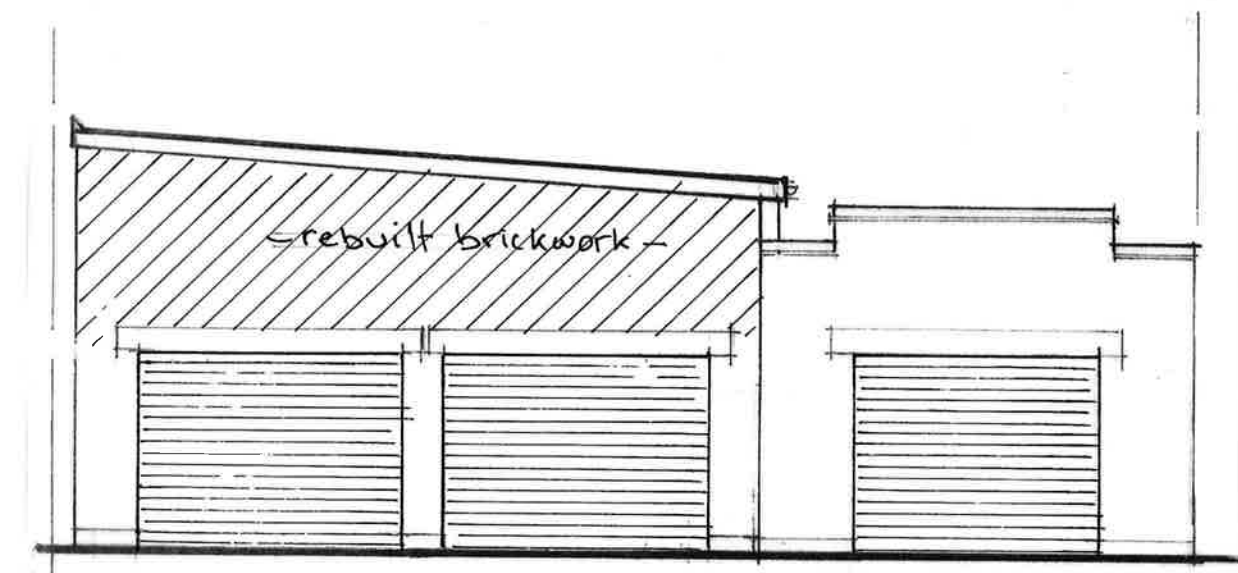
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Drawing No. PP/02 A	ARCHITECTURAL SERVICES	Scale: 1:100
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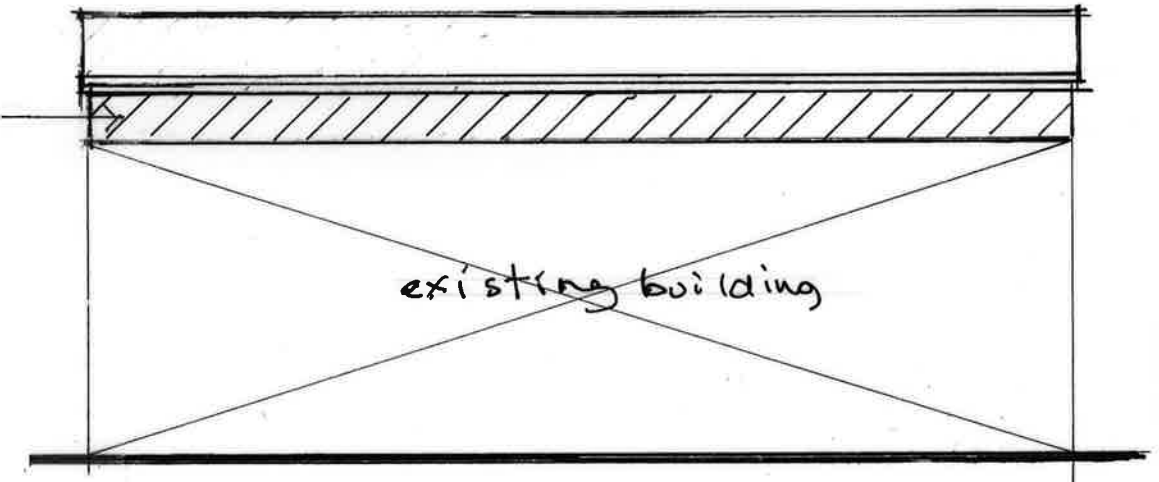
PROPOSED FLOOR PLAN

- rebuilt brickwork to match existing brickwork
- proposed roller shutter doors to match existing

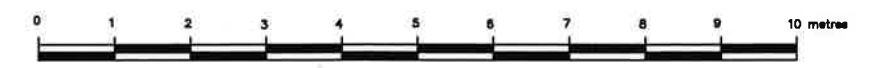


PROPOSED FRONT ELEVATION

rebuilt bwk to match



Proposed side extension



Scale 1 : 100 @ A3 paper size

A Revised plan		EW 7/21
Job:	366 RAYLEIGH ROAD SOUTHEND ESSEX SS9 5PT	Date: Apr. 2021 Scale: 1:100
Drawing No. PP/03 A	ARCHITECTURAL SERVICES	
Mobile: 07400 444 070		

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Site from entrance from Rayleigh Road, nos.22-24 The Rodings behind, dwellings at Rodings Close to left



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Neighbouring commercial unit to left, dwellings at The Rodings behind






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192

BOXING

KMD

P 100 ML

EASTWOOD

Rear of neighbouring properties on Rayleigh Road



Site is on left behind corrugated apex roof. Nos.22 and 24 The Rodings



Site (top of roof visible centrally) viewed from public car park to east, with nos.22 and 24 The Rodings on right



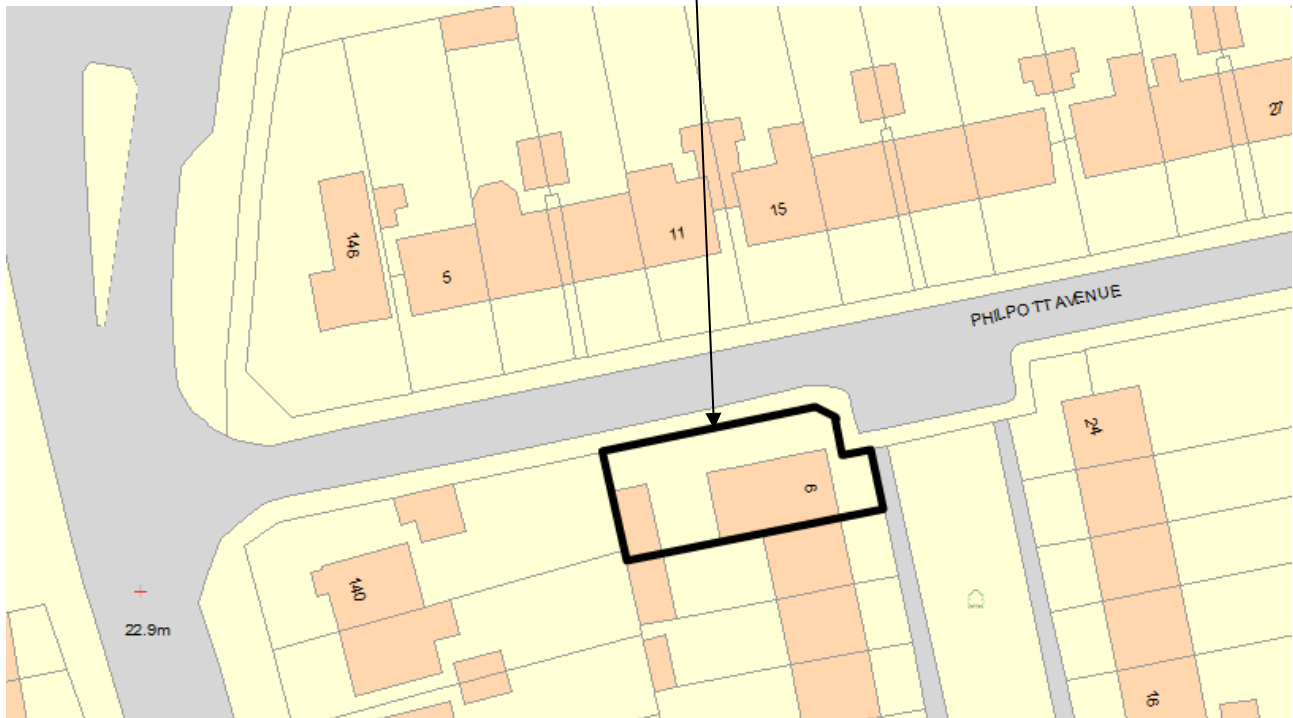
195

Nos.24 and 22 The Rodings with site beyond (not visible in photo)



Reference:	22/00123/UNAU_B	<h1>8</h1>
Ward:	Southchurch	
Breaches of Control	Side Extension	
Address:	6 Philpott Avenue, Southend-on-Sea, SS2 4RL	
Case Opened:	13 May 2022	
Case Officer:	Edward Robinson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

6, Philpott Avenue, Southend-on-Sea, SS2 4RL



1 Site location and description

- 1.1 The site is on the southern side of Philpott Avenue. The site contains a two-storey end-terrace dwelling. The dwelling is surrounded by traditional 1960's residential dwellinghouses. The site is not located within a conservation area or a flood zone and is not subject to any site-specific planning policy designations.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwellinghouse within Use Class C3 of the Town and Country Planning Use Classes Order 1987(as amended).

3 Relevant Planning History

- 3.1 20/00950/FULH (the "2020 Application") - Erect single storey side extension. - Refused [10.08.2020], Appeal Dismissed.
Reason for refusal:

"The proposed side extension would, by reason of its size, scale and siting up to the north flank boundary, disrupt the established pattern of development and represent an unacceptably dominant and incongruous addition to the detriment of the character of the original dwelling, the visual amenity of the street scene and the locality more widely"

- 3.2 21/01099/FULH - Erect two storey side extension. - Refused [12.07.2021]
Reason for refusal:

"The proposed side extension would, by reason of its size, scale and siting up to the north flank boundary, disrupt the established pattern of development and represent an unacceptably dominant and incongruous addition to the detriment of the character of the original dwelling, the visual amenity of the street scene and the locality more widely"

- 3.3 22/01016/CLP - Single storey side extension (Lawful development certificate-proposed) – Not lawful

4 The alleged planning breach, harm caused and efforts to resolve breach to date

- 4.1 A side extension is being constructed on site and measures approximately 2.7m high, 3.7m wide and 15m long boundary wall, abutting the boundary with the highway. The development does not benefit from permitted development rights and in the absence of any planning permission, the extension is unauthorised.

- 4.2 Through the determination of the 2020 Application this Local Planning Authority found that a single storey side extension of comparable dimensions to the one currently being constructed on site, by reason of its size, scale and siting up to the north flank boundary, would disrupt the established pattern of development and represent an unacceptably dominant and incongruous addition to the detriment of the character of the original dwelling, the visual amenity of the street scene and the locality more widely. A copy of the officer's report for the 2020 Application is attached at Appendix 'A'.

- 4.3 Determining the subsequent appeal, the Inspector agreed with the Local Planning Authority. A copy of the appeal decision relating to the 2020 Application is attached at Appendix 'B'
- 4.4 In May 2022 a complaint was received that a single storey side extension was being built right on the northern side boundary of the site. Later that same month an enforcement staff site visit took place and the extension, which was still under construction, was measured.
- 4.5 The property owners were advised that they should stop their building works pending determination of their application for a certificate of lawfulness under reference 22/01016/CLP.
- 4.6 A return site visit was completed on 7 June and it was observed the site entrance had been boarded over with three large pieces of chipboard. The site had not changed since the previous visit.
- 4.7 On 16 June the owner contacted the case officer to ask if the works on site could continue. Advice was given they would need to wait for the outcome of 22/01016/CLP which is due a decision by 1 July 2022.

5 Policy Considerations:

- 5.1 The relevant policies are fully set out in the attached officer's report.

6 Recommendation

- 6.1 Given the nature and harmful impact of the identified breach of planning control it is considered necessary and proportionate for enforcement action to be taken.
- 6.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION to:
- a) Remove the unauthorised side extension in its entirety, and
 - b) remove from site all materials resulting from compliance with a)
- 6.3 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 6.4 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised side extension.
- 6.5 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

7 Equality and Diversity Issues

- 7.1 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application, the planning breaches and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Reference:	20/00950/FULH
Ward:	Southchurch
Proposal:	Erect single storey side extension
Address:	6 Philpott Avenue Southend-On-Sea Essex SS2 4RL
Applicant:	Mr Ilir Berisha
Agent:	SmithMorgan Ltd
Consultation Expiry:	21.07.2020
Expiry Date:	11.08.2020
Case Officer:	Oliver Hart
Plan No's:	000; 001; 002; 003; 004; 005; 006; 007; 008; 009; 010;11
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site contains an end-terrace two storey dwellinghouse situated on the western side of Philpott Avenue. The orientation of the application property is unusual in that its side wall lies adjacent to the public highway, with its principle elevation facing onto a communal green space.
- 1.2 The surrounding area is residential in character consisting predominantly of terraced dwellinghouses of similar mass, form and design. Philpott Avenue is a long, straight road such that building lines of properties to the west side remain consistent and provide a linear rhythm in the streetscene. The application dwelling's position is such that it occupies a relatively prominent position which is open to clear views from the public highway. It is noted that the ground level falls away to its northern flank boundary (adjacent to the public highway).
- 1.3 The site does not contain a listed building and is not located within a conservation area or a flood zone.

2 Proposal

- 2.1 The application seeks permission to erect a single storey side extension some 7.2m deep, 3.2m in maximum height (2.6m to eaves) and 3m wide. The proposal would be hipped roofed and finished in face-brick and roof tiles to match the existing dwelling

3 Relevant Planning History

3.1 None.

4 Representation Summary

4.1 10no. neighbouring properties were notified and no letters of representation have been received.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles and CP4 (Environment and Urban Renaissance),

5.3 Development Management Document (2015): Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The proposal would not increase the need for parking nor reduce the current off-site parking provision. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the streetscene, impact on residential amenity and any CIL (Community Infrastructure Levy) contributions.

7 Appraisal

Principle of Development

7.1 The dwelling is located within a residential area and an extension to the property is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

7.2 The National Planning Policy Framework states at paragraph 124 *‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*

7.3 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature*

of that development.”

- 7.4 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 7.5 Paragraph 351 of the Design and Townscape Guide states that *‘Many properties in the Borough have the capacity to extend to the side. However, side extensions can easily become over-bearing and dominate the original property. In order to avoid this, side extensions should be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved. Setbacks can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations’*.
- 7.6 Paragraph 360 of the Design and Townscape Guide under the heading of ‘Front Extensions’ states that *“front extensions are generally discouraged as they alter the relationship of the property within the street and may be detrimental to the wider townscape. Where front extensions are considered not to harm the local townscape, care must be taken to ensure that they are of appropriate size and scale, that they show consideration for the established street frontage...”*
- 7.7 The application dwelling is unusual in that its flank elevation lies adjacent to the public highway and subsequently, the proposed side extension would occupy a prominent position in the streetscene. The proposed side extension would infill the existing space to the side of the application dwelling up to the northern flank highway boundary and would project in line with the front elevation of the application dwelling. As previously noted, there is a strong linear rhythm to the building lines along this (west) side of Philpott Avenue.

The proposal would disrupt this linear rhythm and the resultant size and scale of the extension, in-filling the area to the north flank boundary is such that the extension is considered to appear unduly dominant and incongruous, creating an uncharacteristic sense of enclosure relative to the existing pattern of development in the surrounding area. On this basis therefore, the development is considered to be unacceptable and refusal of the application on these grounds is recommended.

Impact on Residential Amenity

- 7.8 Paragraph 343 of the Design and Townscape Guide under the heading of ‘Alterations and Additions to Existing Residential Buildings’ states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”* Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*

- 7.9 The position of the extension adjacent to the public highway and subsequent separation from neighbouring properties is such that it is not considered that the proposed rear extension would harm the light, outlook, privacy or sense of enclosure of any other neighbouring property. On this basis the development is acceptable and policy compliant in the above regards.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 7.10 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 taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The size, scale and disruption of the established pattern of development would create a dominant and incongruous addition to the detriment of the character of the original dwelling, the visual amenity of the streetscene and the locality more widely. This is unacceptable and contrary to development plan policies and guidance and the application is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION

- 1 **The proposed side extension would, by reason of its size, scale, and forward siting, disrupt the established pattern of development and represent an unacceptably dominant and incongruous addition to the detriment of the character of the original dwelling, the visual amenity of the streetscene and the locality more widely. The proposal is therefore contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007) Development Management Document Policies DM1 and DM3 and the Design and Townscape Guide (2009).**

10 Informative

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



Appeal Decision

Site visit made on 16 February 2021

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/D1590/D/20/3262120

6 Philpott Avenue, Southend-on-Sea, SS2 4RL

- 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 Ilir Berisha against the decision of Southend-on-Sea Borough Council.
 - The application Ref: 20/00950/FULH, dated 15 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is removal of rear garage/store and erection of single side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the building, the streetscene and pattern of development.

Reasons

3. The appeal building is a modern end terrace dwelling located with its side elevation near Philpott Avenue. It is part of a development of 4 short terraces which are aligned at right angles to Philpott Road. The terraced layout is repeated as a mirror image, after a short terrace of 3 dwellings which is sited parallel to Philpott Avenue. Gardens and parking spaces are situated between the terraces emphasising the regularity in the development pattern.
4. None of the end terrace dwellings have been extended at the side towards Philpott Avenue. Some dwellings have outhouses in the space next to their boundary fence with Philpott Avenue.
5. The proposed extension would be set back by around 225 mm from the original dwelling, generally in accordance with advice in the Council's *Design and Townscape Guide (2009)*. It would also have a pitched roof to allow the eaves to be at the lowest facing Philpott Avenue. However, the extension would appear out of character and prominent in the street scene because of its location, size, and scale at the end of the terrace and because of its proximity to Philpott Avenue. The longer terraces located at right-angles to Philpott Avenue form a strong building line. The proposed extension would disrupt this regularity in the layout of the buildings by adding a prominent extension between the building line of these terraces and Philpott Avenue.

<https://www.gov.uk/planning-inspectorate>

6. There is an existing single storey building near the Philpott Avenue/Hamstel Road junction at No.140 Hamstel Road. It is a flat-roofed garage, and unlike the appeal proposal, it is not located in-line with the side elevation of the building. No.140 Hamstel Road is part of a semi-detached pair of houses at the entrance to Philpott Avenue and not part of the regular layout of terraces which includes the appeal building. In contrast, the appeal proposal would retain a fence to avoid a blank brick wall next to Philpott Avenue, and would not have a flat roof. However, I find that the existence of the garage at No.140 Hamstel Road is insufficient reason to justify allowing the appeal before me. That is because the dwelling would be extended to take up space between the end of a terrace and Philpott Avenue, thereby disrupting the distinctive layout of development.
7. The proposal would have a significant harmful effect on the character and appearance of the building, streetscene and overall pattern of development. It would conflict with policies KP2 and CP4 of the Southend-on-Sea Core Strategy which, amongst other things, seek to ensure quality design and that proposals respect the character and scale of the existing neighbourhood. It would fail to comply with Southend-on-Sea Development Management Document (DMD) policy DM1 regarding design quality. It would also conflict with DMD policy DM3, which, along with the *Design and Townscape Guide*, requires all alterations and additions to make a positive contribution to the character of the existing building and surrounding area. In terms of other material considerations, the proposed extension would conflict with the design objectives of the National Planning Policy Framework.

Conclusion

8. I have taken all other matters raised into account, including the proposed siting of the extension on "unused concrete amenity space" and recycling of concrete as hardcore. I acknowledge the appellant's desire to extend the dwelling to accommodate larger family accommodation. However, for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR



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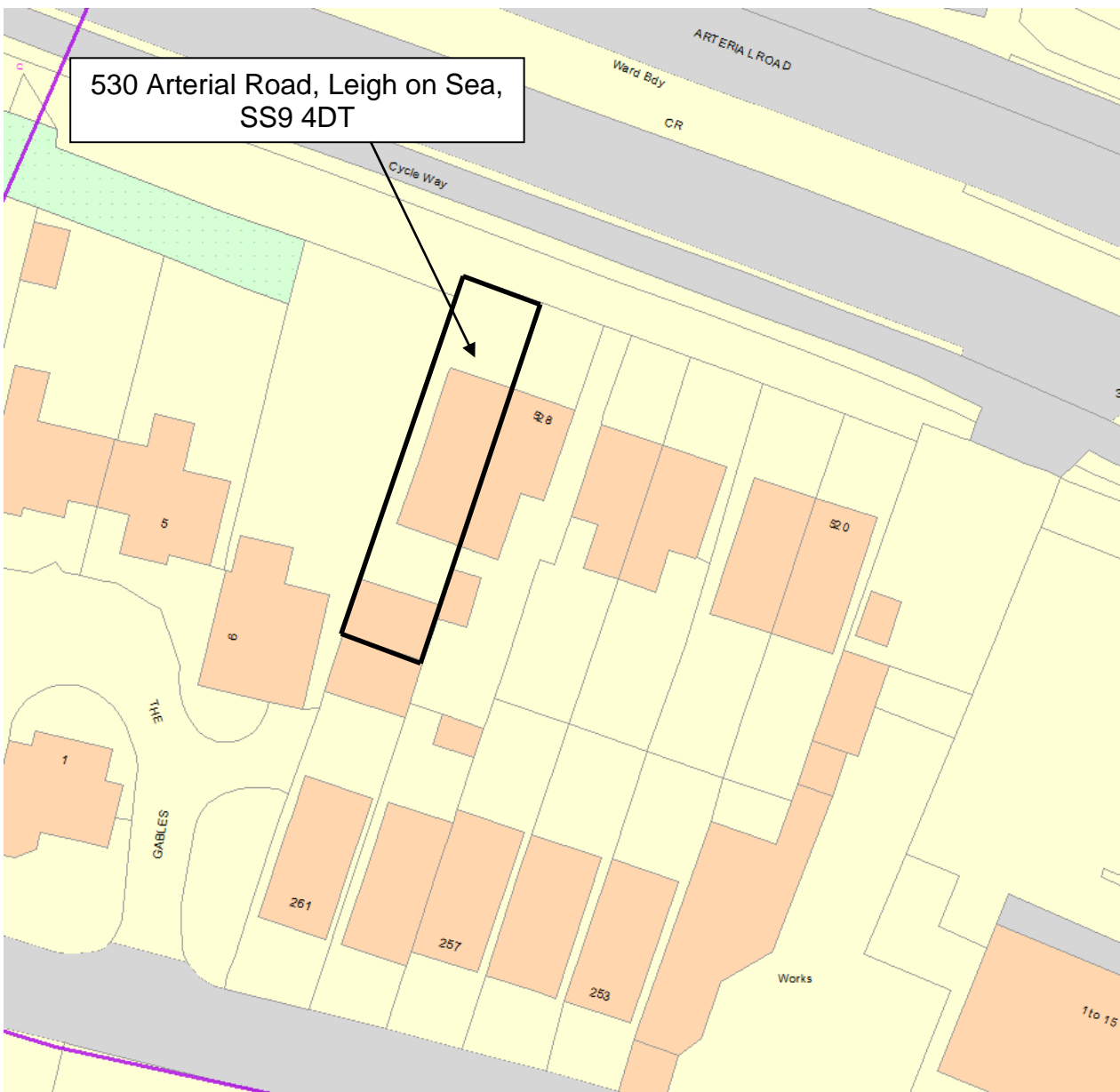


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Reference:	21/00050/UNAU_B
Ward:	Belfairs
Breaches of Control	Rear extension not in accordance with plans approved under planning permission reference 18/02173/FULH
Address:	530 Arterial Road, Leigh on Sea, Essex, SS9 4DT
Case Opened:	15 th January 2021
Case Officer:	Steve Jones
Recommendation:	AUTHORISE ENFORCEMENT ACTION

9



1 Site location and description

- 1.1 The property is a two-storey, semi-detached house on the southern side of the A127 Southend Arterial Road. The surrounding area is residential in character, comprising a mix of dwelling types, sizes and layouts. The site is not within a conservation area or a flood zone and is not subject to any site-specific planning policy designations.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwelling within Use Class C3 of the Town and Country Planning Use Classes Order 1987(as amended).

3 Relevant Planning History

- 3.1 21/02115/FULH (the “2021 Application”) - Erect first floor rear extension, alter elevations – Refused

Reason: The proposal is considered on balance, and having attached significant weight to the basis and findings of the earlier refusal for first floor development (18/01374/FULH), that the first floor extension is out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its excessive depth and resultant scale and bulk.

- 3.2 18/02173/FULH (the “2018 Permission”) - Erect first floor rear extension, alter roof to existing single storey rear extension and install window to side elevation (Amended Proposal) - Granted

- 3.3 18/01374/FULH - Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal) – Refused

Reason: The proposed development is considered to be out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its unacceptable size, depth and scale and, by virtue of its height, depth and siting on the boundary, would result in demonstrable harm to the amenity of the occupiers of No.528 Arterial Road by way of way of overshadowing, loss of light and outlook and an increased sense of enclosure.

- 3.4 18/00056/FULH - Erect first floor rear extension – Refused

Reason: The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable

- 3.5 13/00558/FULH - Erect first floor rear extension – Refused

Reason: The proposed two storey rear extension is excessive in depth and therefore fails to successfully integrate with the existing dwelling, furthermore it would result in a form of development which is overbearing and cause unreasonable overshadowing of the neighbouring property at No. 528 Arterial Road and overlooking of the rear of No. 6 The Gables to the detriment of the amenities of

the adjoining residents and character of the area

4. The alleged planning breach, harm caused and efforts to resolve breach to date

- 4.1 The initial complaint alleged that the first floor rear extension was not built in accordance with the plans approved under the 2018 Permission in that the pitched gable roof overhung the neighbouring property at No 528 and was therefore outside of the site plan.
- 4.2 During a staff site visit on 9 March 2021, it was found that the first floor rear extension extended some 4.14m from the rear wall of the original house. The approved plans show a first floor rear extension projecting some 3.5m from the original building; a difference of some 0.6m. There are also some differences in the rear fenestration.
- 4.3 Consequently, the extension is materially different from the planning approval and, in the absence of any planning permission for this different development being in place, it is unauthorised.
- 4.4 In order to remedy the breach of planning control the property owner was advised by staff to remove the unauthorised development in its entirety or build out the development so that it conformed to the 2018 Permission. Alternatively, they were advised that they could submit a retrospective planning application to the Local Planning Authority seeking to retain some of the current development 'as is'. He was informed that the roof overhang would not be acceptable and any amended design should sit wholly within the application site boundary.
- 4.5 In October 2021, the 2021 Application was received seeking to 'Erect first floor rear extension, alter elevations'. This was part retrospective in nature but sought to retain the rear extension 'as is' apart from addressing the issue of the roof overhang into the neighbouring property.
- 4.6 This application was refused on 8 December 2021 on the basis that it was 'considered on balance, and having attached significant weight to the basis and findings of the earlier refusal for first floor development (18/01374/FULH), that the first floor extension is out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its excessive depth and resultant scale and bulk.' A copy of the officer's report for the 2021 Application is appended to this report at Appendix 'A'. A copy of the officer's report for the 2018 Permission is attached at Appendix 'B'. The officer's report relating to the refused application 18/01374/FULH is attached at Appendix 'C'.
- 4.7 It is understood that an agent has been engaged to appeal the 2021 decision but the Local Planning Authority are not yet in possession of any formal notification that an appeal has been received by the Planning Inspectorate.

5. Policy Considerations:

- 5.1 The relevant policies are fully set out in the attached officers' reports.

6. Recommendation

- 6.1 Given the nature and harmful impact of the identified breach and the owner's failure to regularise the unauthorised development it is considered necessary and proportionate for enforcement action to be taken by the Local Planning Authority.
- 6.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION to:
- a) Remove the unauthorised first floor rear extension in its entirety OR
 - b) Reposition and amend the extension so that it fully complies with the plans approved under planning permission 18/02173/FULH
 - c) remove from site all materials resulting from compliance with a) OR b) above
- 6.3 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 6.4 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised rear extension or 6 months for its modification to fully comply with the 2018 Permission.
- 6.5 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

7. Equality and Diversity Issues

- 7.1 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application, the planning breaches and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Reference:	21/02115/FULH
Ward:	Belfairs
Proposal:	Erect first floor rear extension, alter elevations (Part-Retrospective)
Address:	530 Arterial Road Leigh-on-sea Essex SS9 4DT
Applicant:	Mike Peach
Agent:	Mr James Collinson of Design Spec.
Consultation Expiry:	17.11.2021
Expiry Date:	15.12.2021
Case Officer:	Oliver Hart
Plan Nos:	./. Revision 01
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application property is a two-storey semi-detached house located on the southern side of the A127 Southend Arterial Road. The application dwelling is one of a pair of similar dwellings; the other being No. 528 which is the neighbouring property to the east, and which has a similar architectural style and materials as the application dwelling.
- 1.2 The original site would have stretched from the A127 back to Eastwood Old Road to the south. However, the site, similar to No. 528, has been subdivided to allow the construction of a dwelling facing onto Eastwood Old Road (now named 261 Eastwood Old Road).
- 1.3 It maintains a relatively large rear garden, with high evergreen hedging along the west boundary, which adjoins the rear garden of no.6 The Gables.
- 1.4 There is an existing single storey extension approximately 5.6m in depth, occupying the full width of the dwelling and with a mono-pitch roof sloping upwards towards the boundary with No.528 Arterial Road. At the boundary the peak of the roof meets the peak of a mono-pitch roof on a rear projection at No.528 Arterial Road.

2 The Proposal

- 2.1 Planning permission is sought to erect a first-floor rear extension and to alter the roof form of the existing single storey rear extension.

- 2.2 The development applied for has already commenced such that the application is retrospective in nature and has been submitted under the provisions of S.73A of the Town and Country Planning Act 1990 as amended. The extension is hip roofed and measures some 4.1m deep, 5.3m wide and 7.5m in maximum height (when measured from ground level). The existing single storey extension currently has a mono-pitch roof sloping upwards towards the boundary with No.528 Arterial Road. Whilst yet to be carried out, this is proposed to be replaced with a mono-pitch roof which would adjoin the first-floor rear extension.
- 2.3 Submission of the application follows an enforcement investigation of the site for failure to build a previously approved development at the site in accordance with those approved plans. This is in relation to planning application 18/02173/FULH for a first-floor rear extension 3.5m deep, 8.15m in maximum height and 5.3m. The previous proposal was also hip roofed in nature. Consequently, the development has been built some 0.6m deeper.
- 2.4 Proposed finishing materials would remain unchanged- render to exterior walls.

3 Relevant Planning History

- 3.1 18/02173/FULH- Erect first floor rear extension, alter roof to existing single storey rear extension and install window to side elevation (Amended Proposal)- Granted
- 3.2 18/01374/FULH- Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal)- Refused
- 3.3 18/00056/FULH- Erect first floor rear extension- Refused
- 3.4 13/00558/FULH- Erect first floor rear extension- Refused

4 Representation Summary

Public Consultation

- 4.1 17no. neighbours were notified of the application and 2no. letters of objection and 7no. letters of support have been received.

Summary of objections:

- The proposals include an old Location Plan.
- Proposal retrospective in nature.
- In breach of 45 degree angle. Concerns around loss of light.
- Existing build has damaged neighbouring property significantly.

[Officer Comment] The issues raised so far as they relate to relevant material planning considerations have been taken into account in the determination of the proposal. Other than as reflected in the recommendation at Section 9 of this report, the points raised are not found to justify refusing planning permission in the circumstances of this case.

The issue of the location plan was not found to prejudice assessment of the application. Damage caused to neighbouring properties as a result of the build do not constitute material planning considerations and are covered under separate legislation and civil law.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF), (2021).
- 5.2 Core Strategy (2007), CP4 (Environment & Urban Renaissance) KP1 (Spatial Strategy) and KP2 (Development Principles)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009).
- 5.5 Community Infrastructure Levy Charging Schedule

6 Planning Considerations

- 6.1 The proposal would not increase the need for parking nor reduce the current off-site parking provision. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the streetscene, impact on residential amenity and CIL (Community Infrastructure Levy) contributions. The previous applications for development at the site carry significant weight in the assessment of the current proposal as the policy context has not materially altered in the relevant respects in the interim.

7 Appraisal

Principle of Development

- 7.1 The dwelling is located within a residential area and consistent with the basis of the previous permission, an extension to the property is considered acceptable in principle. Other material planning considerations are 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 As noted, there have been a number of applications made at 530 Arterial Road for development involving a first-floor rear extension. The nature of the decisions issued for each of the developments proposed were as follows:

Application	Proposal	Dimensions and roof form of FF extension	Outcome	Reasons
13/00558/FULH	First floor rear extension	H 8.5m D 10m, ridge level with main roof ridge, gable ended roof	Refused	Design, excessive depth, failure to integrate successfully with host dwelling and detrimental neighbour amenity impact
18/00056/FULH	First floor rear extension	L shaped plan, 1.5 m deep on 528's boundary then 1.8m step in to total rearward depth 3.3m. Flat roofed	Refused	Design, position, inappropriate and incongruous feature Bulk & depth not harmful to residential amenity
18/01374/FULH	First floor rear extension and alter roof to single storey rear extension	4.3 m D, 8m H with 0.3m set down from main roof ridge. Hip ended.	Refused	Depth, height, scale harmful to appearance of the host dwelling and surroundings. Bulk & depth not harmful to residential amenity
18/02173/FULH	First floor rear extension and alter roof to single storey rear extension	3.5m D 8.15m H set down 0.3m below main roof ridge. Hip ended	Approved	N/A
21/02115/FULH Current proposal	First floor rear extension and alter roof to single storey rear extension	4.1m D, 7.6m H set down 0.9m from main roof ridge. Hip ended.	N/A	N/A

7.5 The table compares this current proposal with the basis of decision made on relevant previous submissions. It highlights that the development as built on site and for which regularisation is sought (albeit 0.1m deeper) is most similar to planning application 18/01374/FULH which was found unacceptably harmful due to its significant depth and resultant scale and bulk. It was found to be

disproportionate to the size and scale of the host dwelling and was also considered to give rise to material harm to the character and appearance of the wider rear garden area. This is considered to hold significant weight in the assessment of the current proposal as it was determined within materially the same national and local planning policy context insofar as the material factors are concerned.

- 7.6 The development approved in 2019 (18/02173/FULH) had been materially reduced in depth (some 0.5m) from that earlier refusal (18/02173/FULH) and following this revision, was found, on balance, to appear sufficiently subservient in scale and bulk to the host dwelling.
- 7.7 Having regard to the above, it is considered that the first floor extension as proposed, which is 0.1m shallower than that built on site, by virtue of its significant size, scale, bulk and depth of projection appears disproportionate to the size and scale of the original dwelling, failing to achieve an appropriate degree of subservience and resulting in a detrimental impact to visual amenity and to the character and appearance of the existing dwelling and the wider area. As part of this balanced assessment account is taken of the lower ridge height proposed when compared to the 2018 refused scheme. The proposal is contrary to the above noted policies and guidance.
- 7.8 On this basis, the development is considered to be unacceptable and contrary to policy.

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 application dwelling adjoins No.528 Arterial Road. The first-floor part of the development projects beyond the first-floor rear wall of this neighbouring property by some 4m. Due to the existence of its own existing extension, ground floor windows at No.528 would not be affected significantly by the proposal. There are also first floor windows to the rear elevation of this neighbouring dwelling. The window in closest proximity to the application site serves a bathroom, which is a non-habitable room, the protection of light for which can be afforded only limited weight as part of balanced assessment. The extension has a dominant effect on the rear garden setting of No 528. Noting the scale and position of No 528's extension and depth of the rear garden it is considered that any resultant sense of enclosure does not reach a significantly harmful degree to justify a refusal reason on direct residential amenity impacts alone. This balanced assessment recognises that there is a degree of overlap when assessing amenity impacts and the harm caused through impacts of a development which is too large for its rear garden setting, as identified in the previous section of this report. This assessment attaches significant weight to the basis of harm identified in the 2018 refusal (18/01374/FULH) and the comparatively small difference in depth of the first-floor extension and resultant impact now involved. The proposal is therefore

considered, on balance, to be acceptable and policy compliant in regards to direct impacts on residential amenity.

- 7.11 Altering the roof of the single storey rear extension at No 530 would not significantly impact on the light, outlook, sense of enclosure, or privacy of No 532 due to the location and scale of this proposal and also the existence of the extension at No 532.
- 7.12 The distance to the boundary with No.6 The Gables and the design of the extensions is considered such that it would preclude any material impact, by way of loss of light, outlook, overlooking or loss of privacy arising from the extensions to occupiers of that property. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 7.13 The 14m length of garden to the rear boundary with No.261 Eastwood Old Road is considered such that it would be sufficient to preclude any significant loss of light, outlook, overlooking or loss of privacy resulting from the first- floor rear extension.
- 7.14 The proposal is therefore considered, on balance, to be acceptable and policy compliant in the above regards.

Community Infrastructure Levy

- 7.15 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 on balance, and having attached significant weight to the basis and findings of the earlier refusal for first floor development (18/01374/FULH), that the first floor extension is out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its excessive depth and resultant scale and bulk. Refusal is therefore recommended on this basis.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

- 01 The first floor rear extension would, by reason of its excessive depth and resultant scale and bulk, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).**

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

01 Informatives

The applicant is reminded that the development on site remains unauthorised. Failure to remedy this may result in the council considering the expediency of enforcement action to seek to remedy the currently identified harm.

Reference:	18/02173/FULH
Ward:	Belfairs
Proposal:	Erect first floor rear extension, alter roof to existing single storey rear extension and install window to side elevation (Amended Proposal)
Address:	530 Arterial Road, Leigh-On-Sea, Essex, SS9 4DT
Applicant:	Mr Michael Peach
Agent:	Mrs Charlotte Taylor
Consultation Expiry:	30.01.2019
Expiry Date:	04.03.2019
Case Officer:	Oliver Hart
Plan Nos:	Location Plan, Site Plan, 1711/1-4
Recommendation:	GRANT PLANNING PERMISSION subject to conditions

1 The Proposal

- 1.1 Planning permission is sought to erect a first floor rear extension and alter the roof form of the existing single storey rear extension.
- 1.2 The proposed first floor extension would have a maximum depth of 3.5m, a height of 8.15m (when measured from ground level) and would extend the width of the dwelling, approximately 5.3m. It would have a hipped roof which would extend from approximately 0.3m below the ridgeline of the original dwelling. The extension would accommodate a bedroom and a bathroom and the exterior of the extension would be finished in cavity render, concrete tiles and white UPVC windows to match the existing dwelling.
- 1.3 The existing single storey extension currently has a monopitch roof sloping upwards towards the boundary with No.528 Arterial Road. This is proposed to be replaced with a monopitch roof which would adjoin the first floor rear extension.
- 1.4 This is an amended proposal following refusal for a similar scheme under application ref. 18/01374/FULH for the '*erection of a first floor rear extension and alter roof form to single storey rear extension.*' This was for a hipped roofed first floor rear extension which projected some 4.3m beyond the original rear wall of the application dwelling. This was refused for the following reason:

“The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).”

2 Site and Surroundings

- 2.1 The application property is a two storey semi-detached house located on the southern side of the A127 Southend Arterial Road. The application dwelling is one of a pair of similar dwellings; the other being No. 528 which is the neighbouring property to the east, and which has similar architectural style and materials as the application dwelling.
- 2.2 The original site would have stretched from the A127 back to Eastwood Old Road to the south. However the site, similar to No. 528, has been subdivided to allow the construction of a dwelling facing onto Eastwood Old Road (now named 261 Eastwood Old Road).
- 2.3 It maintains a relatively large rear garden, with high evergreen hedging along the west boundary, which adjoins the rear garden of no.6 The Gables.
- 2.4 As previously noted, there is an existing single storey extension measuring approximately 6m in depth, occupying the full width of the dwelling and with a monopitch roof sloping upwards towards the boundary with no.528 Arterial Road. At the boundary the peak of the roof meets the peak of a monopitch roof on a rear projection at no.528 Arterial Road.
- 2.5 The surrounding area is residential in character, comprising a mix of dwelling types, sizes and layouts.
- 2.6 The A127 Arterial Road is a classified road.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.1 The proposal is considered in the context of the NPPF, Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling is acceptable subject to the detailed design considerations below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (National Planning Policy Framework), 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.”*
- 4.3 Paragraph 124 of the NPPF (2018) states that; *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.4 The importance of good design is further reflected in policies KP2 and CP4 of the Core Strategy (2007). Policy KP2 states that new development should *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy furthers this understanding, requiring that development proposals *“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”*.
- 4.5 Policy DM1 of the Development Management Document (2015) 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”.

- 4.6 The surrounding area is characterised by two storey dwellings of a similar size and scale with single storey rear projections. The proposed extension is to the rear elevation of the first floor and would be visible from Eastwood Old Road, which adjoins the rear boundary. The proposal has been reduced in depth by some 0.8m from the scheme that was previously refused. This reduction in the overall depth of the first floor rear extension down to 3.5m is such that it is considered to now appear suitably subservient in scale and bulk to the host dwelling. The use of matching materials, including block cavity render and roof tiles further ensures the development would appear unified and consistent in its appearance and helps alleviate any design concerns. On this basis, it is considered that the amended first floor rear extension has overcome the previous reason for refusal and would now maintain both the character and appearance of the host dwelling and, on balance, the character and appearance of the streetscene and the visual amenities of the surrounding area.
- 4.7 The proposed mono-pitch roof form sloping downwards towards the rear boundary of the application dwelling would continue to be acceptable, maintaining the character of the original dwellinghouse and the wider rear garden scene to an acceptable degree.

Impact on Residential Amenity

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.8 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.
- 4.9 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.
- 4.10 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”.*
- 4.11 The application dwelling adjoins No.528 Arterial Road. The extension would project beyond the first floor rear wall of this neighbouring property by some 3.5m. Due to the existence of an existing extension, ground floor windows at No.528 would not be

affected significantly by the proposal, however, there are first floor windows to the rear elevation of this dwelling. The window in closest proximity to the application site serves a bathroom, a secondary window the protection of which is limited. The modest depth of the extension together with its location adjacent to secondary room windows is such that it is not considered to result in an adverse material impact on the residential amenity of the occupants at No.528 by way of overshadowing, a material loss of light and outlook nor an increased sense of enclosure. The proposal is therefore considered to be acceptable and policy compliant in these regards.

- 4.12 The distance to the boundary with No.6 The Gables and the design of the extension is considered such that it would preclude any material impact, by way of loss of light, outlook, overlooking or loss of privacy arising from the extension to occupiers of that property. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 4.13 The 14m length of garden to the rear boundary with No.261 Eastwood Old Road is considered such that it would be sufficient to preclude any loss of light, outlook, overlooking or loss of privacy resulting from the first floor rear extension. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.14 The proposed extensions to the existing property equates to less than 100sqm of new floor space the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposal has overcome the previous reason for refusal and, subject to compliance with the attached conditions, would now be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would, on balance, have an acceptable impact on the character and appearance of the application site, the streetscene and the locality more widely and would have an acceptable impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment

& Urban Renaissance)

6.3 Development Management Document (2015): DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land)

6.4 Design & Townscape Guide (2009)

6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

7.1 5no. neighbours were notified and one letter of objection has been received. Summary of objections:

- Concerns over loss of light to bathroom and bedroom located to the rear of the house.
- Concerns over parking for construction vehicles during the build.

[Officer Comment] All relevant planning considerations are assessed within the appraisal section of the report. (Section 4) These concerns are noted and they have been taken into account in the assessment of the application.

8 Relevant Planning History

8.1 18/01374/FULH- Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal). Refused. 08.11.2018

Reason: The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

8.2 18/00056/FULH- Erect first floor rear extension. Refused. 28.02.2018

Reason: The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management

Document (2015) Policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

8.3 13/00558/FULH: Erect first floor rear extension. Refused. 08.07.2018

Reason: The proposed two storey rear extension is excessive in depth and therefore fails to successfully integrate with the existing dwelling, furthermore it would result in a form of development which is overbearing and cause unreasonable overshadowing of the neighbouring property at No. 528 Arterial Road and overlooking of the rear of No. 6 The Gables to the detriment of the amenities of the adjoining residents and character of the area contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan, the Design and Townscape Guide and the NPPF.

11/00046/FULH: Erect Store to rear (Part Retrospective). Granted. 18.03.2011

07/00715/FUL: Demolish garage and erect chalet bungalow on land at rear and form vehicular access onto Eastwood Old Road. Granted. 19.07.2007

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: 1711/1-4

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance.

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

The Local Planning Authority has acted positively and proactively in

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

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 benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that 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.

Reference:	18/01374/FULH
Ward:	Belfairs
Proposal:	Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal)
Address:	530 Arterial Road, Leigh-On-Sea, Essex, SS9 4DT
Applicant:	Mr Michael Peach
Agent:	Mrs Charlotte Taylor
Consultation Expiry:	10.08.2018
Expiry Date:	08.10.2018
Case Officer:	Oliver Hart
Plan Nos:	Location Plan, Site Plan, 1711/1-3
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to erect a first floor rear extension and alter the roof form of the existing single storey rear extension.
- 1.2 The proposed first floor extension would have a maximum depth of 4.3m, a height of 8m (when measured from ground level) and would extend the width of the dwelling, approximately 5.6m. It would have a hipped roof which would extend from approximately 0.3m below the ridgeline of the original dwelling. The extension would accommodate a bedroom and a bathroom and the exterior of the extension would be finished in cavity render, concrete tiles and white UPVC windows to match the existing dwelling.
- 1.3 The existing single storey extension currently has a monopitch roof sloping upwards towards the boundary with No.528 Arterial Road. This is proposed to be replaced with a monopitch roof which would adjoin the first floor rear extension.
- 1.4 This is an amended proposal following refusal for a similar scheme under application ref. 18/00056/FULH for the 'erection of a first floor rear extension.' This was for a L shaped flat roofed first floor design, which projected between 1.43m and 3.28m beyond the original rear wall of the application dwelling adjacent to No.528 before stepping in 1.85m and extending to a maximum depth of 3.28m. This was refused for the following reason:

“The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).”

- 1.5 The application has been called in by Councillor Ayles.

2 Site and Surroundings

- 2.1 The application property is a two storey semi-detached house located on the southern side of the A127 Southend Arterial Road. The application dwelling is one of a pair of similar dwellings; the other being No. 528 which is the neighbouring property to the east, and which has similar architectural style and materials as the application dwelling.
- 2.2 The original site would have stretched from the A127 back to Eastwood Old Road to the south. However the site, similar to No. 528, has been subdivided to allow the construction of a dwelling facing onto Eastwood Old Road (now named 261 Eastwood Old Road).
- 2.3 It maintains a relatively large rear garden, with high evergreen hedging along the west boundary, which adjoins the rear garden of no.6 The Gables.
- 2.4 As previously noted, there is an existing single storey extension measuring approximately 4m in depth, occupying the full width of the dwelling and with a monopitch roof sloping upwards towards the boundary with no.528 Arterial Road. At the boundary the peak of the roof meets the peak of a monopitch roof on a rear projection at no.528 Arterial Road.
- 2.5 The surrounding area is residential in character, comprising a mix of dwelling types, sizes and layouts.
- 2.6 The A127 Arterial Road is a classified road.

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area and impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.1 The proposal is considered in the context of the NPPF, Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling is acceptable subject to the detailed design considerations below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (National Planning Policy Framework), 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.”*
- 4.3 Paragraph 124 of the NPPF (2018) states that; *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.4 The importance of good design is further reflected in policies KP2 and CP4 of the Core Strategy (2007). Policy KP2 states that new development should *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy furthers this understanding, requiring that development proposals *“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”*.
- 4.5 Policy DM1 of the Development Management Document (2015) 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*”.

- 4.6 The surrounding area is characterised by two storey dwellings of a similar size and scale with modest single storey rear projections. The proposed extension is to the rear elevation of the first floor and would be visible from Eastwood Old Road, which adjoins the rear boundary. While attempts have been made to integrate the proposed extension with the existing dwelling, including use of matching materials and a ridge height set below the existing ridgeline, it is considered that the proposed extension by virtue of its excessive scale, bulk and depth of projection would be disproportionate to the size and scale of the original dwelling. This is further compounded by the visibility of the application dwelling from Eastwood Old Road and is considered to result in a detrimental impact to visual amenity and to the character and appearance of the existing dwelling and the wider area. This is contrary to the above noted policies and guidance.
- 4.7 The proposed mono-pitch roof form sloping downwards towards the rear boundary of the application dwelling is considered to be acceptable, maintaining the character of the original dwellinghouse and the wider rear garden scene.
- 4.8 For the reasons set out above, it is considered that the proposed first floor rear extension would be an incongruous addition that is out of keeping with the character and appearance of the application dwelling and the wider surrounding area to the detriment thereof. It would be unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and guidance contained within the Design and Townscape Guide.

Impact on Residential Amenity

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.9 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.
- 4.10 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.

- 4.11 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”*.
- 4.12 The application dwelling adjoins No.528 Arterial Road. The extension would project beyond the first floor rear wall of this neighbouring property by some 4m. Due to the existence of an existing extension, ground floor windows at No.528 would not be affected significantly by the proposal, however, there are first floor windows to the rear elevation of this dwelling. The window in closest proximity to the application site serves a bathroom, a secondary window the protection of which is limited. The depth of the extension together with its location adjacent to secondary room windows is such that it is not considered to result in a significantly harmful impact on the residential amenity of the occupants at No.528 by way of overshadowing, a material loss of light and outlook nor an increased sense of enclosure. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 4.13 The distance to the boundary with No.6 The Gables and the design of the extension is considered such that it would preclude any material impact, by way of loss of light, outlook, overlooking or loss of privacy arising from the extension to occupiers of that property. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 4.14 The 14m length of garden to the rear boundary with No.261 Eastwood Old Road is considered such that it would be sufficient to preclude any loss of light, outlook, overlooking or loss of privacy resulting from the first floor rear extension. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.15 The proposed extensions to the existing property equates to less than 100sqm of new floor space the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The proposed development is considered to be out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its unacceptable size, depth and scale and, by virtue of its height, depth and siting on the boundary, would result in demonstrable harm to the amenity of the occupiers of No.528 Arterial Road by way

of way of overshadowing, loss of light and outlook and an increased sense of enclosure.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP2 (Development Principles) CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

- 7.1 Four neighbours were notified and no letters of representation have been received.

8 Relevant Planning History

- 8.1 18/00056/FULH- Erect first floor rear extension. Refused. 28.02.2018

Reason: The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

- 8.2 13/00558/FULH: Erect first floor rear extension. Refused. 08.07.2018

Reason: The proposed two storey rear extension is excessive in depth and therefore fails to successfully integrate with the existing dwelling, furthermore it would result in a form of development which is overbearing and cause unreasonable overshadowing of the neighbouring property at No. 528 Arterial Road and overlooking of the rear of No. 6 The Gables to the detriment of the amenities of the adjoining residents and character of the area contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan, the Design and Townscape Guide and the NPPF.

8.3 11/00046/FULH: Erect Store to rear (Part Retrospective). Granted. 18.03.2011

07/00715/FUL: Demolish garage and erect chalet bungalow on land at rear and form vehicular access onto Eastwood Old Road. Granted. 19.07.2007

Recommendation

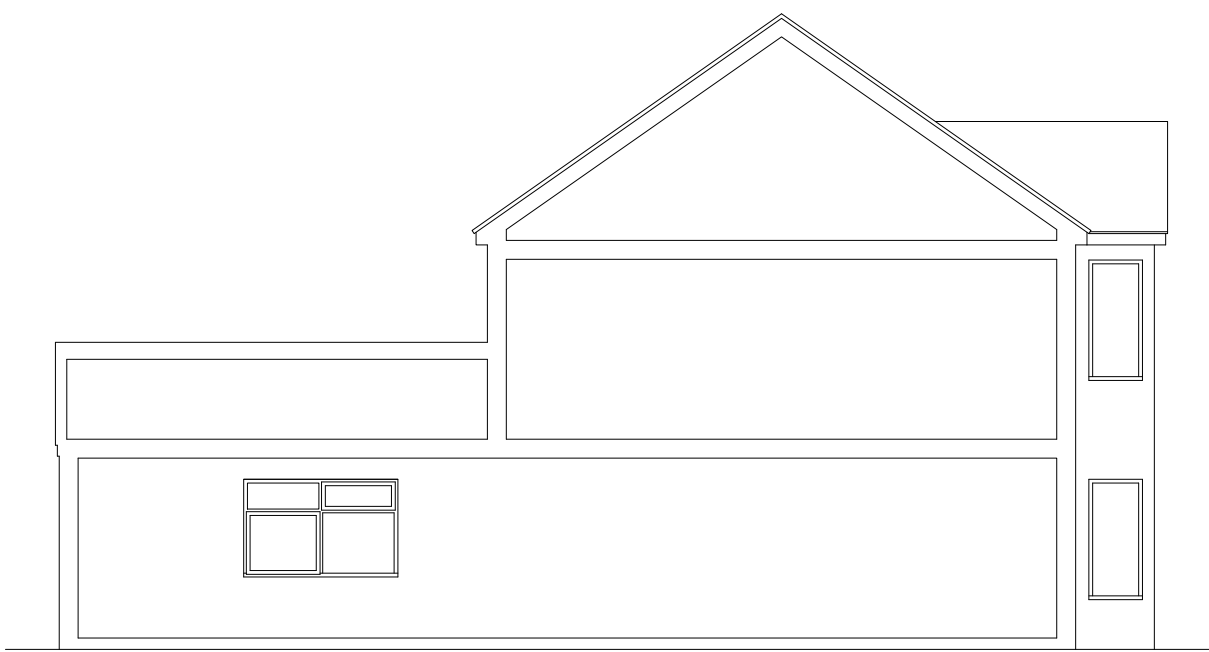
REFUSE PLANNING PERMISSION for the following reasons:

- 01** The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

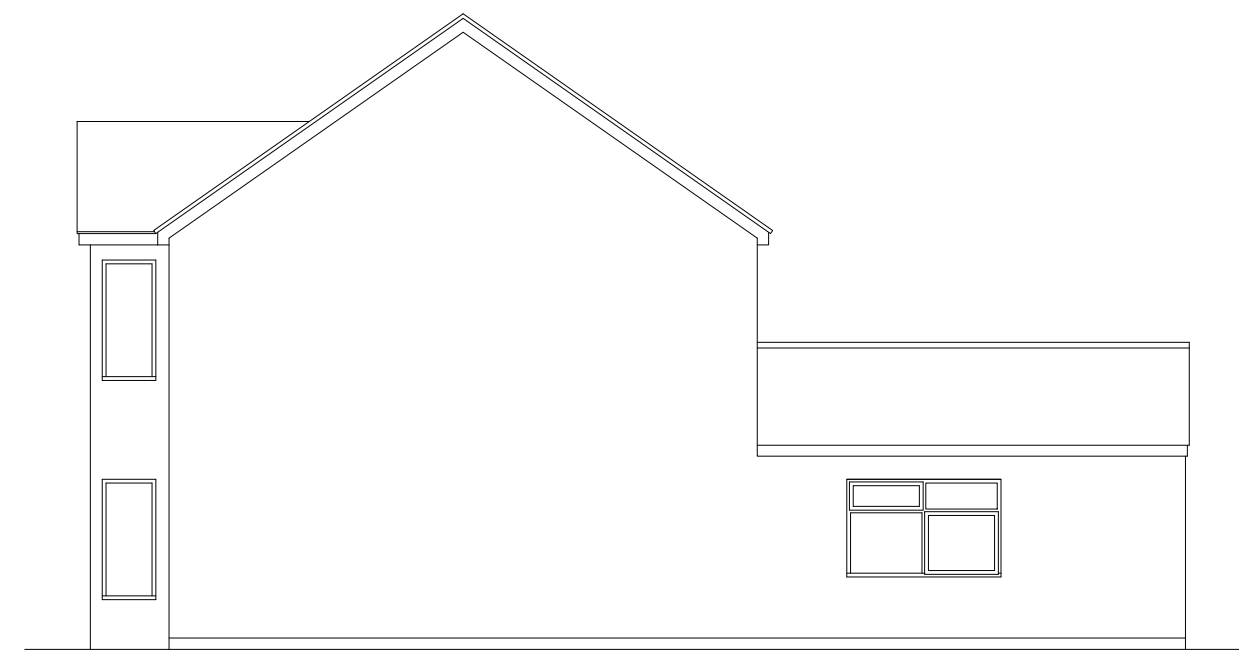
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider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

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 benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.



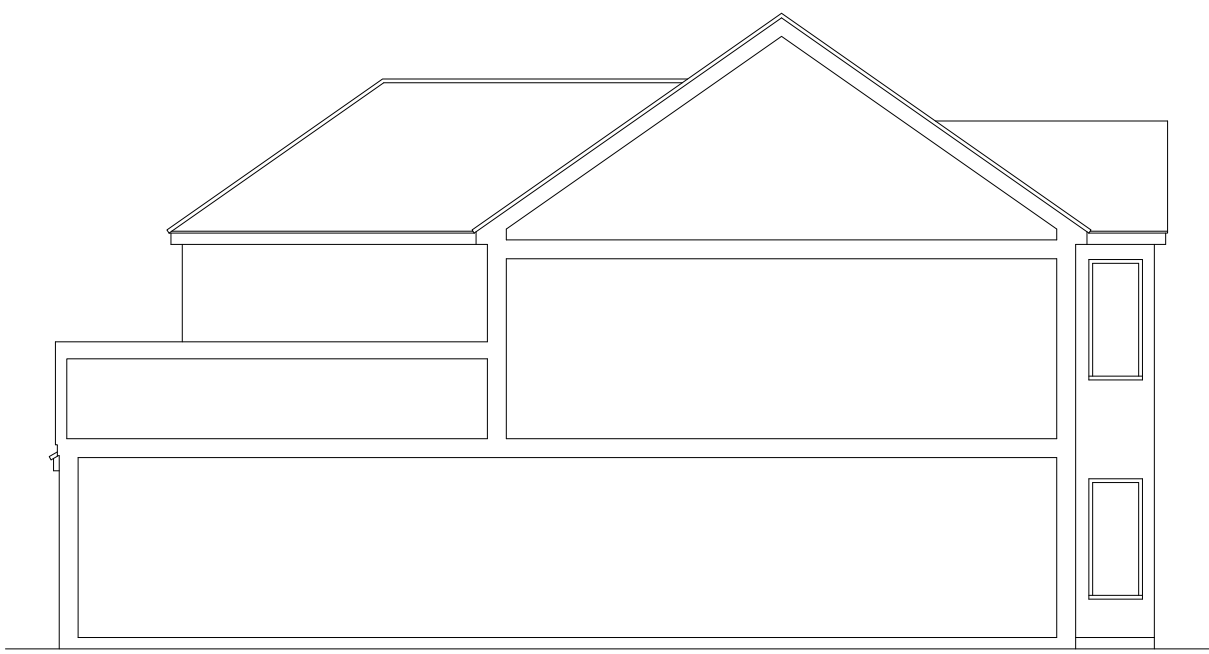
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1:100



Existing Side Elevation
1:100



Existing Rear Elevation
1:100



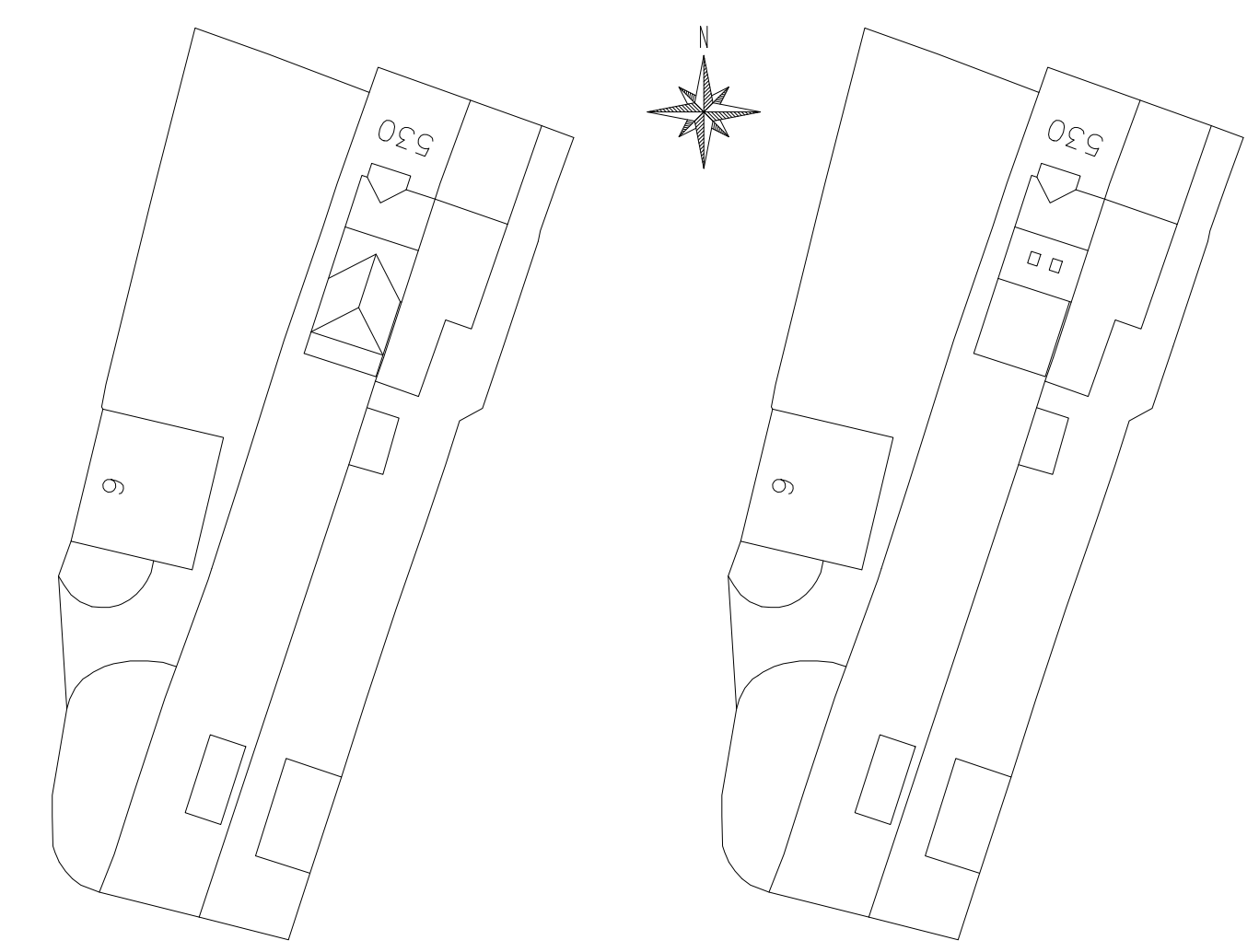
Proposed Side Elevation
1:100



Proposed Side Elevation
1:100



Proposed Rear Elevation
1:100



Proposed Site Plan (1:500)

Existing Site Plan (1:500)

Design Spec
Architecture is Design, Made Easy

PROJECT
First Floor Extension at 530 Arterial Road, Leigh-on-Sea, Essex.

CLIENT

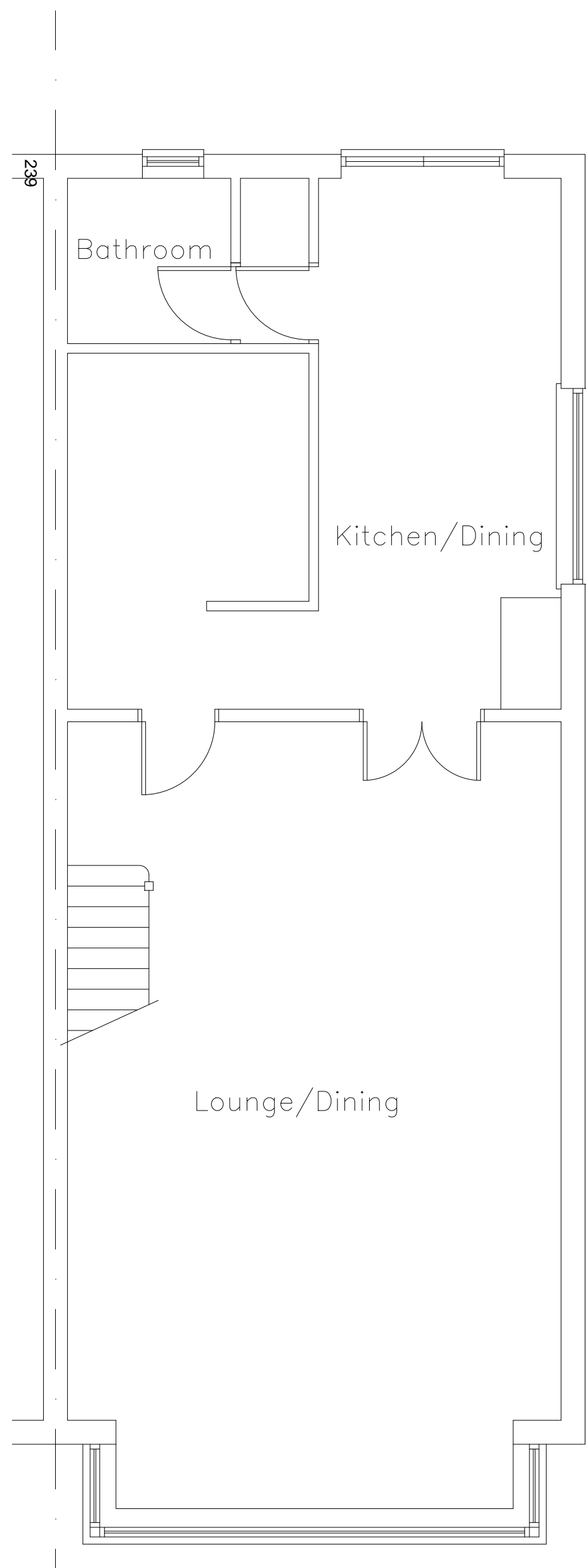
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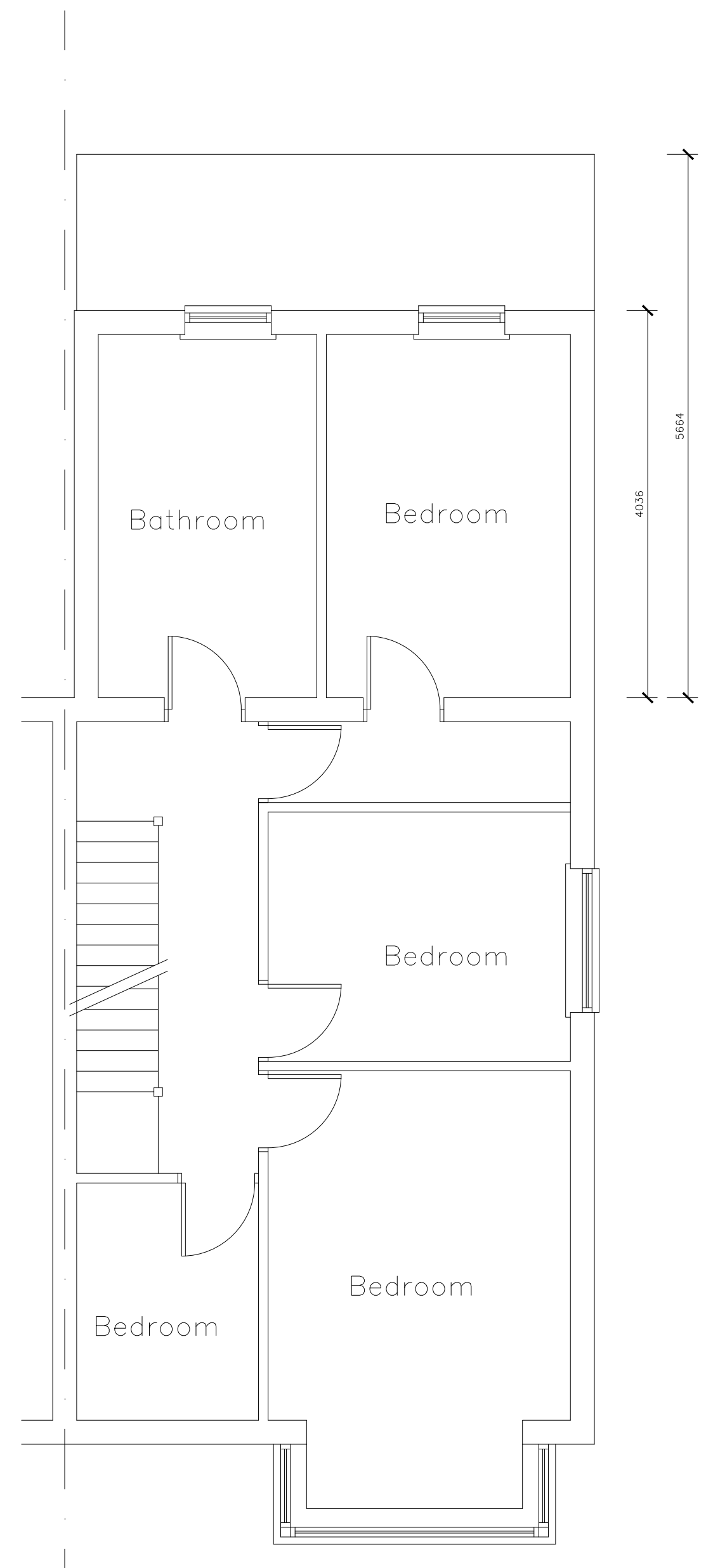
PROJECT STAGE
Building Regulations

531 London Road, Westoff-on-Sea, Essex S50 8LJ
Telephone: (+44) 01702 887855
Mobile: Tel: (+44) 07900 810039
Website: www.designspec.co.uk
Email: info@designspec.co.uk

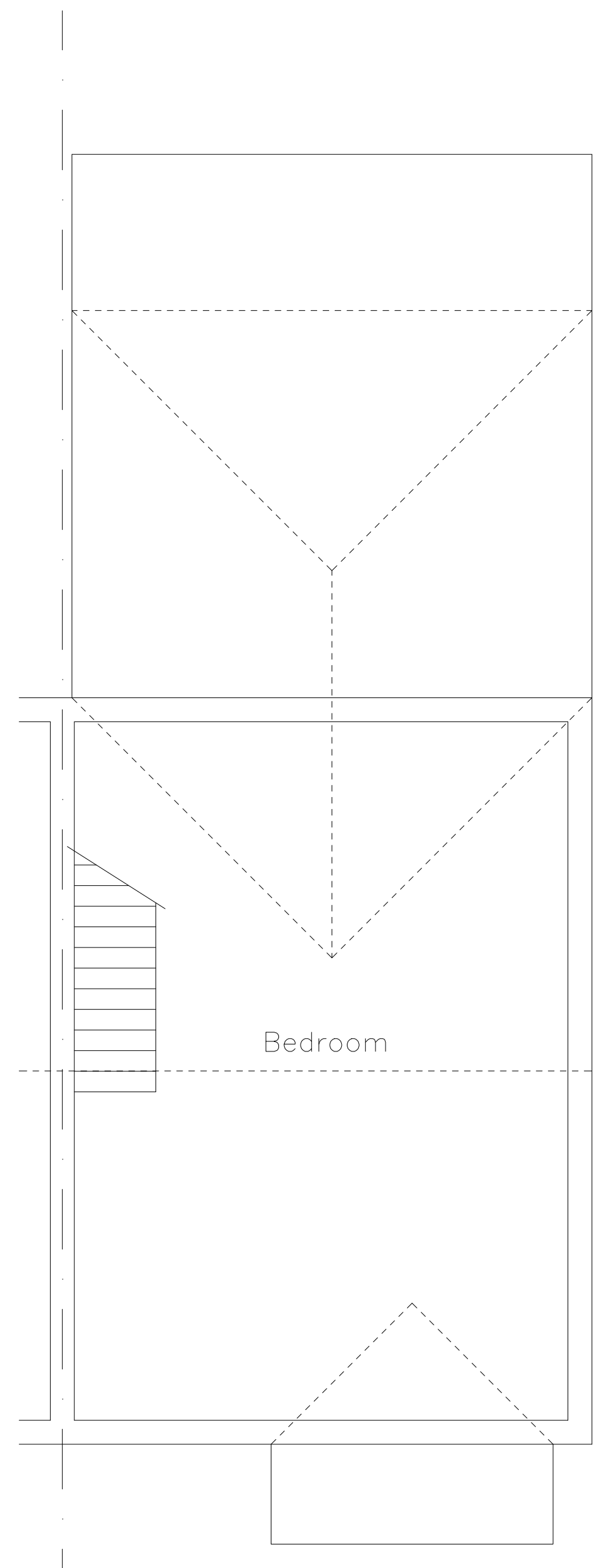
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Facebook - Design Spec Ltd
Twitter - @Design_Spec_Ltd
Instagram - designspecuk
LinkedIn - Design Spec Ltd



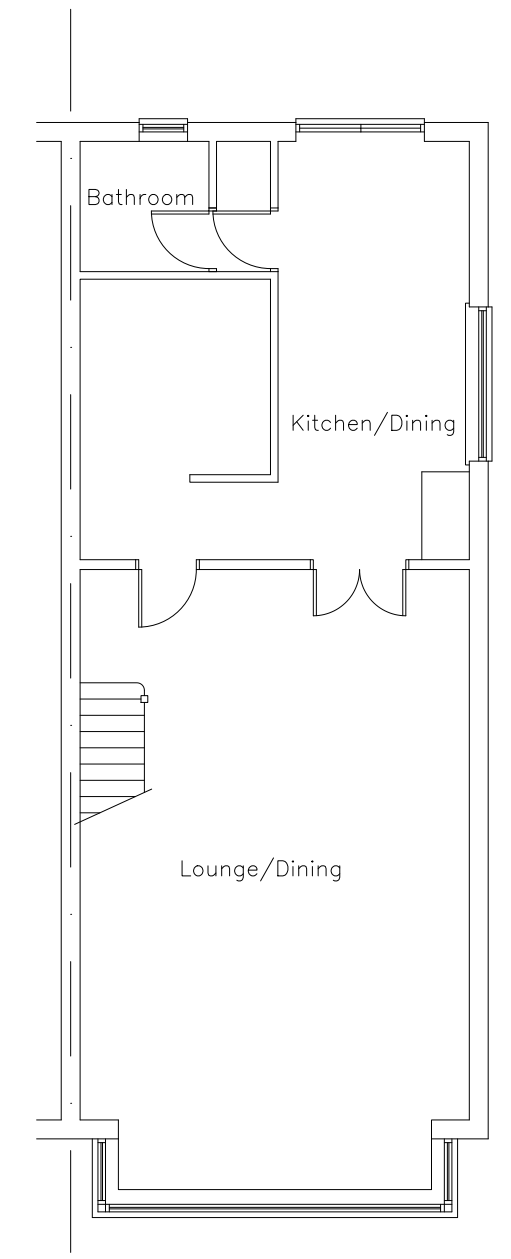
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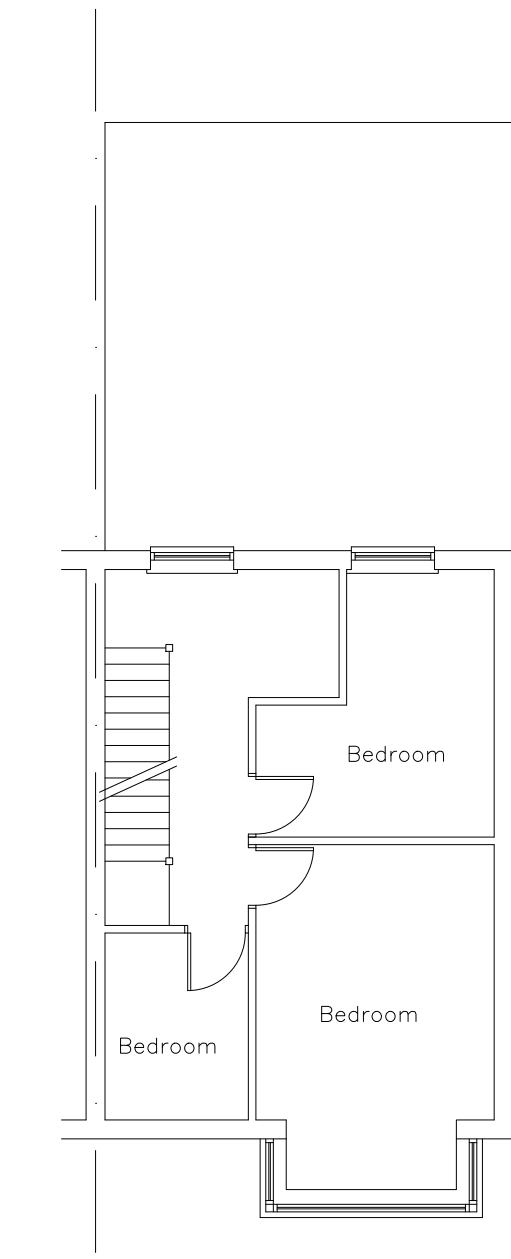
Proposed First Floor Plan



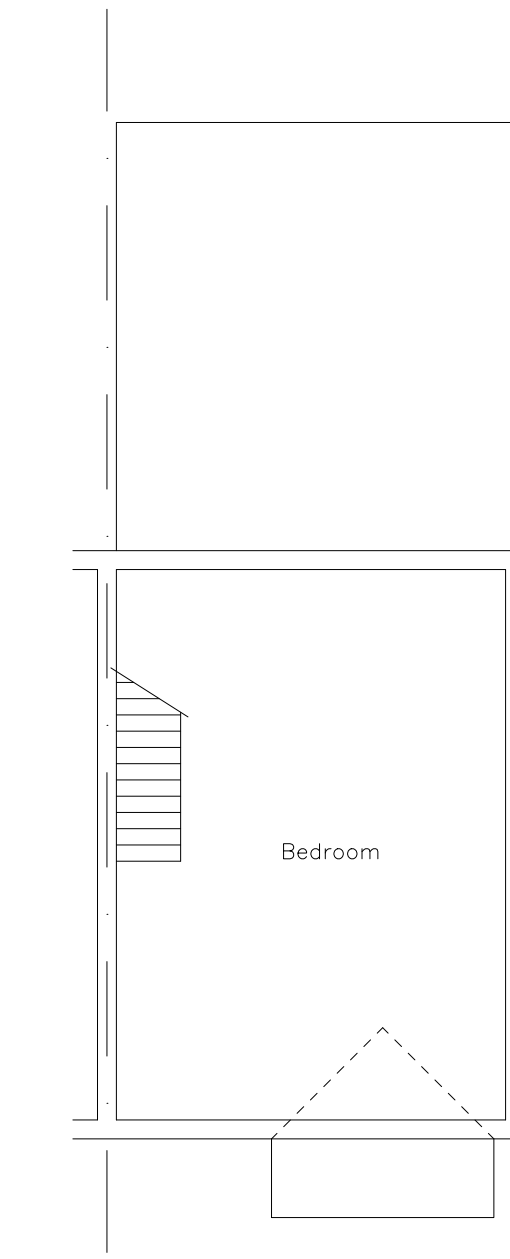
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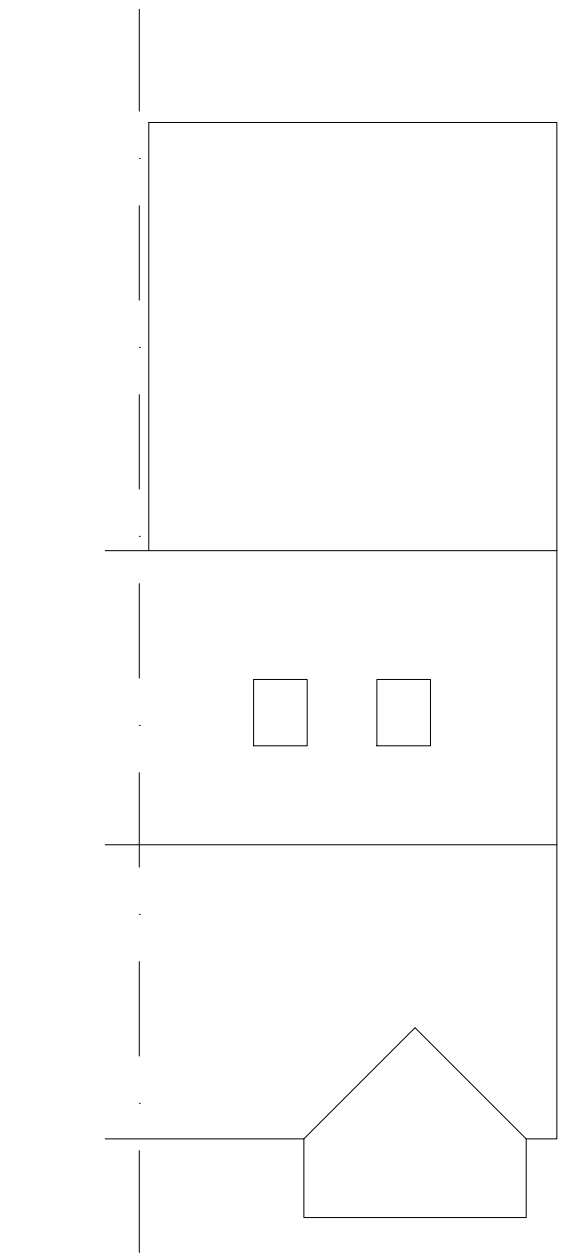
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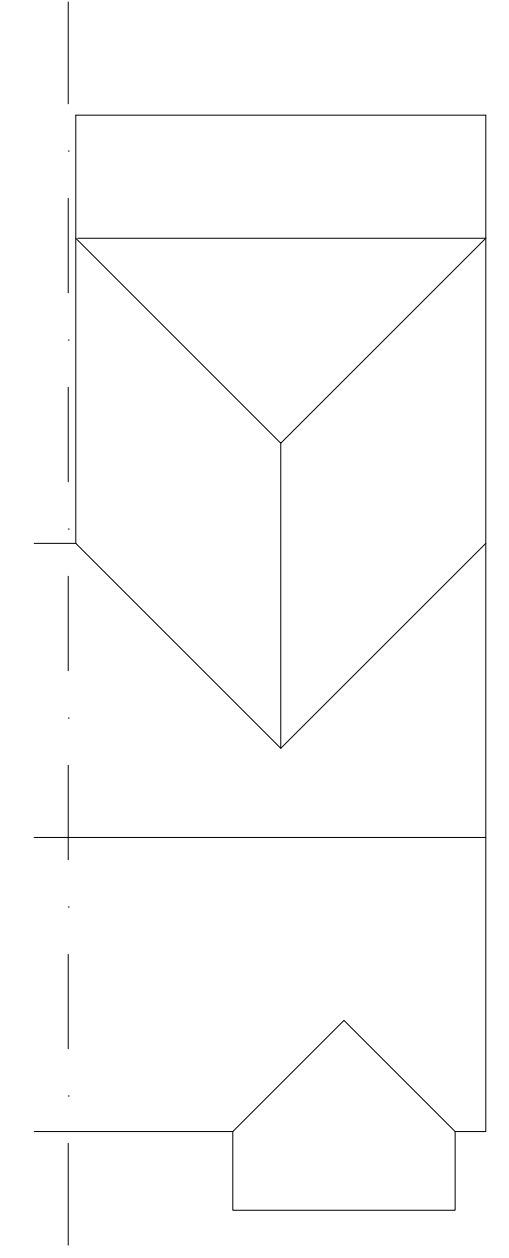
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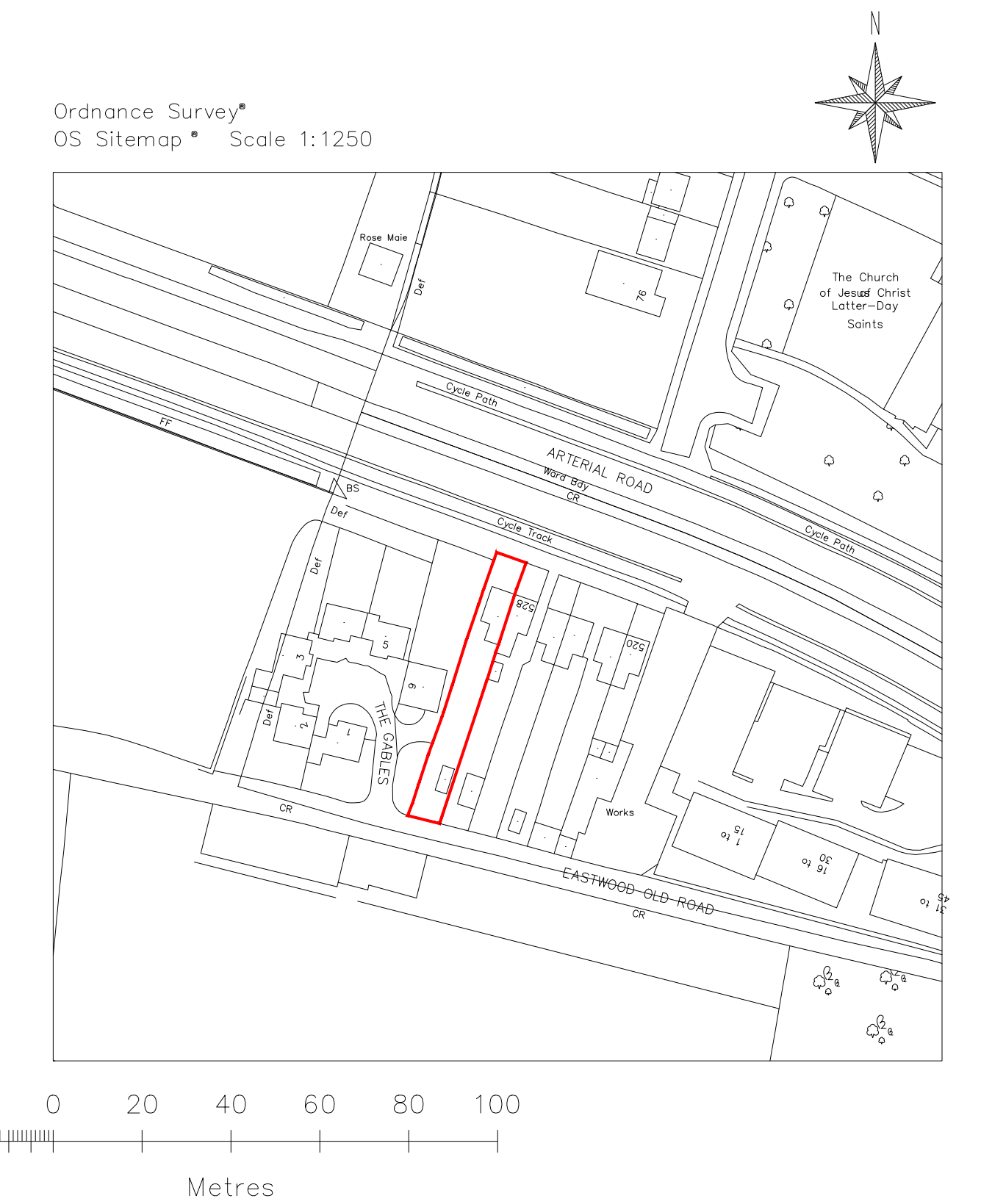
Existing Second Floor Plan
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Existing Roof Plan
1:100



Proposed Roof Plan 1:100



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Metres

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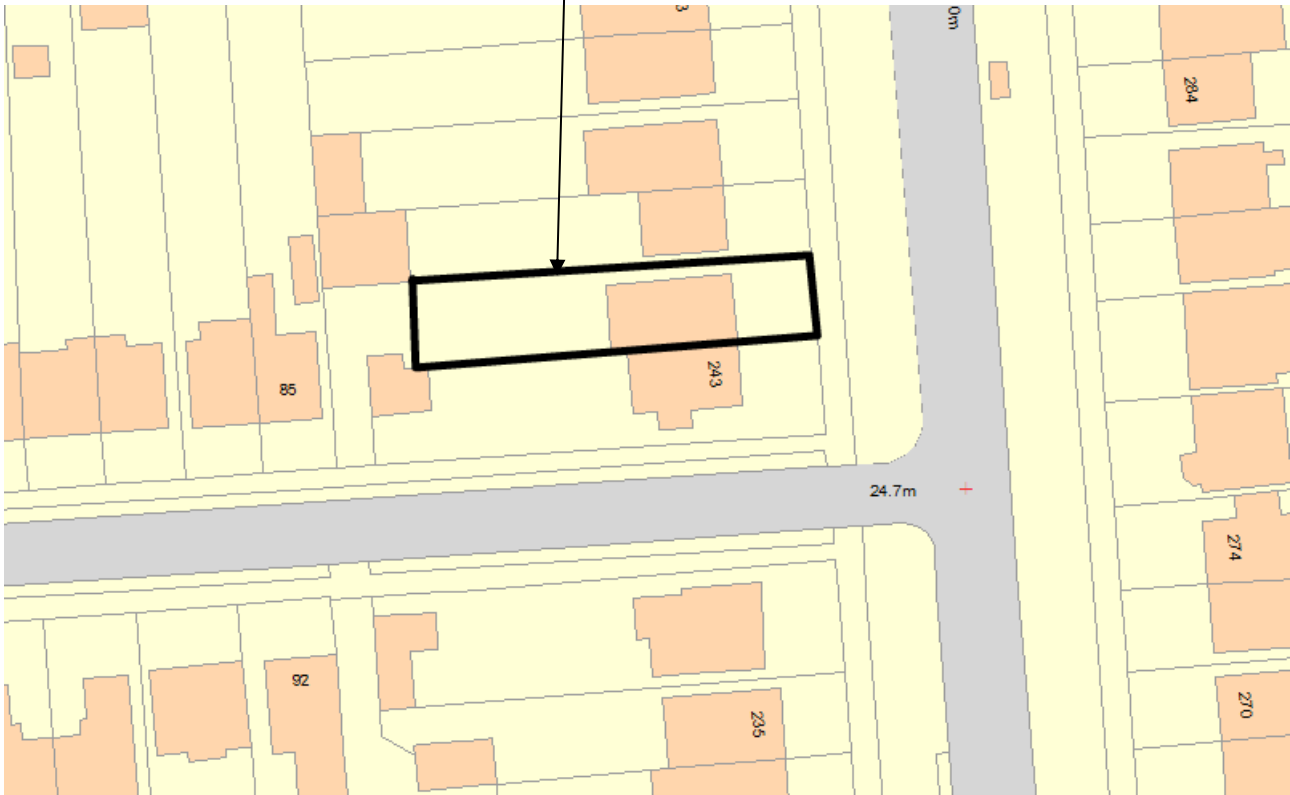
247

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Reference:	20/00230/UNAU_B	<h1>10</h1>
Ward:	St Lukes	
Breach of Control	Rear Extension	
Address:	245 Bournemouth Park Road	
Case Opened:	05 August 2020	
Case Officer:	Edward Robinson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

245 Bournemouth Park Road,
SS2 5LD



1 Site location and description

- 1.1 The site is on the western side of Bournemouth Park Road and is occupied by a two-storey, semi-detached dwelling. The surrounding area comprises traditional dwellinghouses. The site is not within a conservation area or a flood zone and is not subject to any site-specific planning policy designations.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwellinghouse within Use Class C3 of the Town and Country Planning Use Classes Order 1987(as amended).

3 Relevant Planning History

- 3.1 18/00782/FULH - Layout parking to front and install vehicular access onto Bournemouth Park Road. – Refused.

- 3.2 19/00177/FULH - Erect detached garage to rear and layout hardstanding. Erect wall and gate opening onto Stuart Road (retrospective). - Permission Granted [02.05.2019]

21/01515/FULH – Erect lean-to extension to rear (Retrospective). Refused.

- 3.3 Reasons for refusal:

“The rear extension, by reason of its form, scale, design, materials and colour, fails to achieve subservience and appears incongruous with its site, the rear garden scene and streetscene as viewed from Stuart Road and is significantly detrimental to visual amenity.

The rear extension by reason of its size, siting, design, position of openings and degree of projection beyond the adjoining dwelling results in unacceptable overlooking of and perception of loss of privacy, loss of outlook and an unacceptable sense of enclosure to the occupiers of no. 243 Bournemouth Park Road resulting in significant harm to residential amenity.”

4 The alleged planning breach, harm caused and efforts to resolve breach to date

- 4.1 An extension, comprising an open-ended lean-to structure has been constructed to the rear of the dwelling. . It measures some 3m deep by 6m wide by 3m high. The development does not benefit from permitted development rights and in the absence of any planning permission, the extension is unauthorised.

- 4.2 Through the determination of the 2021 Application this Local Planning Authority found that the unauthorised single storey rear extension is unacceptable and harmful for the reasons stated in paragraph 3.3 above and the detailed analysis contained in the officer’s report for the 2021 Application. The main areas of harm arising from the development are the visual impact and the impact on residential amenity. A copy of the officer’s report for the 2021 Application is attached at Appendix ‘A’.

- 4.3 In August 2020 a complaint was received that a single storey rear extension was being built. Whilst a staff site visit was not carried out at the time due to the restrictions related to the pandemic, photographs were received from the complainant.

- 4.4 The case officer wrote to the site address on 19 October 2020. No response was received. A second letter was sent to the address on 19 February 2021. Within the letters the property owners were advised that they were entitled to submit a retrospective planning application through which they could attempt to retain the extension at the location.
- 4.5 In July 2021 the 2021 Application was received seeking to retain their existing rear extension. This was subsequently refused and an informative advising that enforcement action may follow was included in the decision notice. No further actions have been taken by the owner to regularise the position or to remedy the identified breach.

5 Policy Considerations:

- 5.1 The relevant policies are fully set out in the attached officer's report.

6 Recommendation

- 6.1 Given the nature and harmful impact of the breach and the owner's failure to regularise the unauthorised development it is considered necessary and proportionate for enforcement action to be taken.
- 6.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION to:
- a) Remove the unauthorised rear extension in its entirety, and
 - b) Remove from site all materials resulting from compliance with a).
- 6.3 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 6.4 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised side extension.
- 6.5 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

7 Equality and Diversity Issues

- 7.1 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application, the planning breaches and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties

under this legislation.

Appendix 'A' – Officers Report for refused application Ref 21/01515/FULH

Southend Borough Council Development Control Report Application Ref:21/01515/FULH

Delegated Report

Reference:	21/01515/FULH
Application Type:	Full Application - Householder
Ward:	St Lukes
Proposal:	Erect lean-to extension to rear (Retrospective)
Address:	245 Bournemouth Park Road, Southend-on-sea, Essex
Applicant:	Mr A Ali
Agent:	Mr John Chapman
Consultation Expiry:	4th November 2021
Expiry Date:	18th November 2021
Case Officer:	Jonathan Doe
Plan Nos:	Site location plan at 1:1250; Site location plan at 1:500; and Elevations received 23rd September 2021.
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application property is a hipped roofed semi-detached house on the western side of Bournemouth Park Road. The house has a single storey rear projection the roof of which forms a balcony.
- 1.2 The property has a detached double garage with vehicular access to Stuart Road.
- 1.3 The site is not located within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 The proposal, which is retrospective, is to retain a flat roofed structure which has been added to the rear elevation of the house. The structure is open sided along its northern elevation and open on its rear elevation. The southern side elevation has a wall of timber painted an amber colour and has a wide window divided into two sections.
- 2.2 The structure is some 3m deep by some 6m wide, the full width of the property. The structure has a height of at least 3m.
- 2.3 The flat roof is of a grey coloured mineral felt.

3 Relevant Planning History

3.1 None relevant.

4 Representation Summary

4.1 Public Consultation

8 neighbouring properties were consulted. Three representations have been received.

Summary of objections:

- There are omissions to the plans, including outbuildings which significantly increase ground taken up in the curtilage.
- Adjoins a boundary wall within neighbours property.
- Materials used make the structure a fire hazard against neighbours property.
- This incongruous extension is totally out of character, harmful to character of area.
- Visually obtrusive, dominant and overbearing.
- Light shining through overlooking window has caused neighbour to move bedroom to the front of the house.
- Window overlooks patio removing all privacy.
- Sense of overdevelopment of the site resulting in harm to my property.
- Visible from Stuart Road, unsightly shed like structure detrimentally impacts character of neighbourhood.
- Disproportionately large.
- Together with outbuildings leaves little "green" garden to the detriment of neighbours.
- Overshadowing, taking light from patio and rear windows.
- Hardly any garden left for children's play.

[Officer comment - These concerns are noted and they have been taken into account in the assessment of the application. Whilst the rear garden has outbuildings, some of a significant scale, the proportion of curtilage taken up by structures is essentially a matter for the owner of the property. The structure adjoins another structure, but this is a private matter between the two owners concerned. The flammability of the structure is not a planning consideration. Other than as reflected in the recommendation at Section 9 of this report the remaining points of objection are not found to justify refusing planning permission in the circumstances of this case.]

5 Planning Policy Summary

5.1 The National Planning Policy Framework (2021) and National Design Guide (2021)

5.2 Core Strategy (2007): Policies CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)

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

5.4 Design & Townscape Guide (2009)

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

6 Planning Considerations

- 6.1 The key considerations for this application are the principle of the development, design and impact on the character of the area, impacts on residential amenity and CIL contributions. Due to the nature of the development, which does not affect the requirements for on-site provision of parking or the existing parking arrangements, no material highway or parking issues are raised.

7 Appraisal

Principle of Development

- 7.1 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 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 Paragraph 85 of the Design and Townscape Guide under the heading of 'Scale, Height and Massing' states *"The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant in the streetscene and development which is under scaled will appear weak and be equally detrimental. The easiest option is to draw reference from the surrounding buildings."*
- 7.5 The rear extension is of a significant size and scale, taking up the full width of the property. Although of limited depth it has been added to an existing projection of solid form with a balcony on top. The attached neighbour also has a single storey rear bay with a balcony on top. The flat roofed form of the extension and the materials, of timber and felt roof, fail to respect the traditional architectural form and appearance of the main dwelling, this visual impact is exacerbated by the colour of the finish. The structure the subject of the application has an almost temporary character and rudimentary nature to it. This would be at odds with the character of the host property, a typical thirties style house; the development would appear out of context. The form, scale and materials have an incongruous appearance, do not achieve subservience and significantly harm the character and appearance of the main dwelling and its contribution to the prevailing rear garden scene.
- 7.6 The structure is visible to public vantage in that it is partially visible from Stuart Road. Whilst its appearance from Stuart Road is not overly prominent, the adopted Council's Design and Townscape Guide requires, at paragraph 90, that in areas with a uniform

scale, in this case of large semi-detached housing, all new development must preserve and enhance local character; development which is harmful will not be acceptable. The structure is harmful to local character in that it creates a much deeper built form than that to a neighbour and is out of keeping with the dwelling. Its impact in the wider streetscene is exacerbated by the colour of the finish.

- 7.7 On this basis, it is considered that the development is unacceptable and conflicts with policy in the above regards.

Impact on Residential Amenity

- 7.8 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.
- 7.9 The application dwelling is attached to 243 Bournemouth Park Road to the south and bounded by No. 247 to the north.
- 7.10 The window on the southern elevation of the structure overlooks the rear garden of no. 243. The bottom edge of the window is level with the top of a side boundary wall and therefore, due to its height, probably has no significant direct view of the neighbours' property. However, a photograph submitted by a neighbour illustrates that the perception of overlooking is significant. The depth and height of the structure, combined with its projection beyond the adjoining dwelling (approximately 4m) are such that it significantly adversely affects outlook from no. 243 and results in an unacceptable sense of enclosure.
- 7.11 Due to orientation of the structure, it is considered acceptable with regard to daylight and sunlight in terms of impact to the occupiers of no. 243.
- 7.12 The structure has an open side, the roof being supported by posts, where it adjoins no. 247. No. 247 has been extended to the rear, is set off the site boundary and at a slightly higher level than No. 245. Taking all these factors into account the proposed extension is not considered to significantly adversely affect daylight, sunlight, or outlook to the occupiers of no. 247.
- 7.13 The height of the boundary fence between the application property and no. 247 is considered sufficient that the structure causes no significant loss of privacy to the occupiers of no. 247.
- 7.14 The proposal is a sufficient distance from any other neighbour such that it has no significant adverse impact to the occupiers of any other residential property in any relevant regard.
- 7.15 It is therefore considered that the development significantly harms residential amenity. It is therefore unacceptable and contrary to policy in the above regards.

Community Infrastructure Levy (CIL)

- 7.16 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the development is unacceptable and contrary to the objectives of the relevant development plan policies and guidance. For the above reason, the development is unacceptable and fails to comply with planning policy and the application is therefore recommended for refusal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 **The rear extension, by reason of its form, scale, design, materials and colour, fails to achieve subservience and appears incongruous with its site, the rear garden scene and streetscene as viewed from Stuart Road and is significantly detrimental to visual amenity. This is unacceptable and contrary to 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 with the Design and Townscape Guide (2009).**
- 02 **The rear extension by reason of its size, siting, design, position of openings and degree of projection beyond the adjoining dwelling results in unacceptable overlooking of and perception of loss of privacy, loss of outlook and an unacceptable sense of enclosure to the occupiers of no. 243 Bournemouth Park Road resulting in significant harm to residential amenity which is unacceptable and contrary to 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).**

Informatives:

- 1 **You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about the Levy.**
- 2 **In the event that the unauthorised extension subject of this decision remains in place without express planning permission having been obtained, the Local Planning Authority is likely to consider it expedient to serve a planning enforcement notice to seek to remedy the identified harm.**

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Rear Elevation of No 245 and 243



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