

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 12th October, 2022

Time: 2.00 pm

Place: Council Chamber - Civic Suite

**Contact: Tim Row - Principal Democratic Services Officer
email: committeesection@southend.gov.uk**

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report
To follow

****** Contents & Introduction**

****** Reports on Planning Applications**

**4 22/00601/FULM - Memory House, 6 - 9 Marine Parade, Leigh-on-Sea
(West Leigh Ward) (Pages 7 - 42)**

**5 22/01214/BC3 - Land Adjacent to 85 Lundy Close, Eastwood
(St Laurence Ward) (Pages 43 - 72)**

**6 22/01332/FUL - 29A Ceylon Road, Westcliff-on-Sea (Milton Ward)
(Pages 73 - 96)**

**7 22/00507/FULH - 36 Sutton Road, Southend-on-Sea (Kursaal Ward)
(Pages 97 - 106)**

**8 TPO 4-22 - Cantel (UK) Ltd Site, Campfield Road, Shoeburyness
(Shoeburyness Ward) (Pages 107 - 130)**

****** Enforcement of Planning Control**

**9 20/00026/UNAU_B - 79 The Drakes, Shoeburyness (Shoeburyness Ward)
(Pages 131 - 142)**

TO: The Chair & Members of 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

DEVELOPMENT CONTROL COMMITTEE

AGENDA: 12/10/2022

WARD	APP/REF NO.	ADDRESS
Main Plans Report		
West Leigh	22/00601/FULM	Memory House 6 - 9 Marine Parade Leigh-on-Sea
St Laurence	22/01214/BC3	Land Adjacent to 85 Lundy Close Eastwood,
Milton	22/01332/FUL	29A Ceylon Road Westcliff-on-Sea
Kursaal	22/00507/FULH	36 Sutton Road
Shoeburyness	TPO 4-22	Cantel (UK) Ltd Site Campfield Road Shoeburyness
Enforcement Report		
Shoeburyness	20/00026/UNAU_B	79 The Drakes Shoeburyness

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 City 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

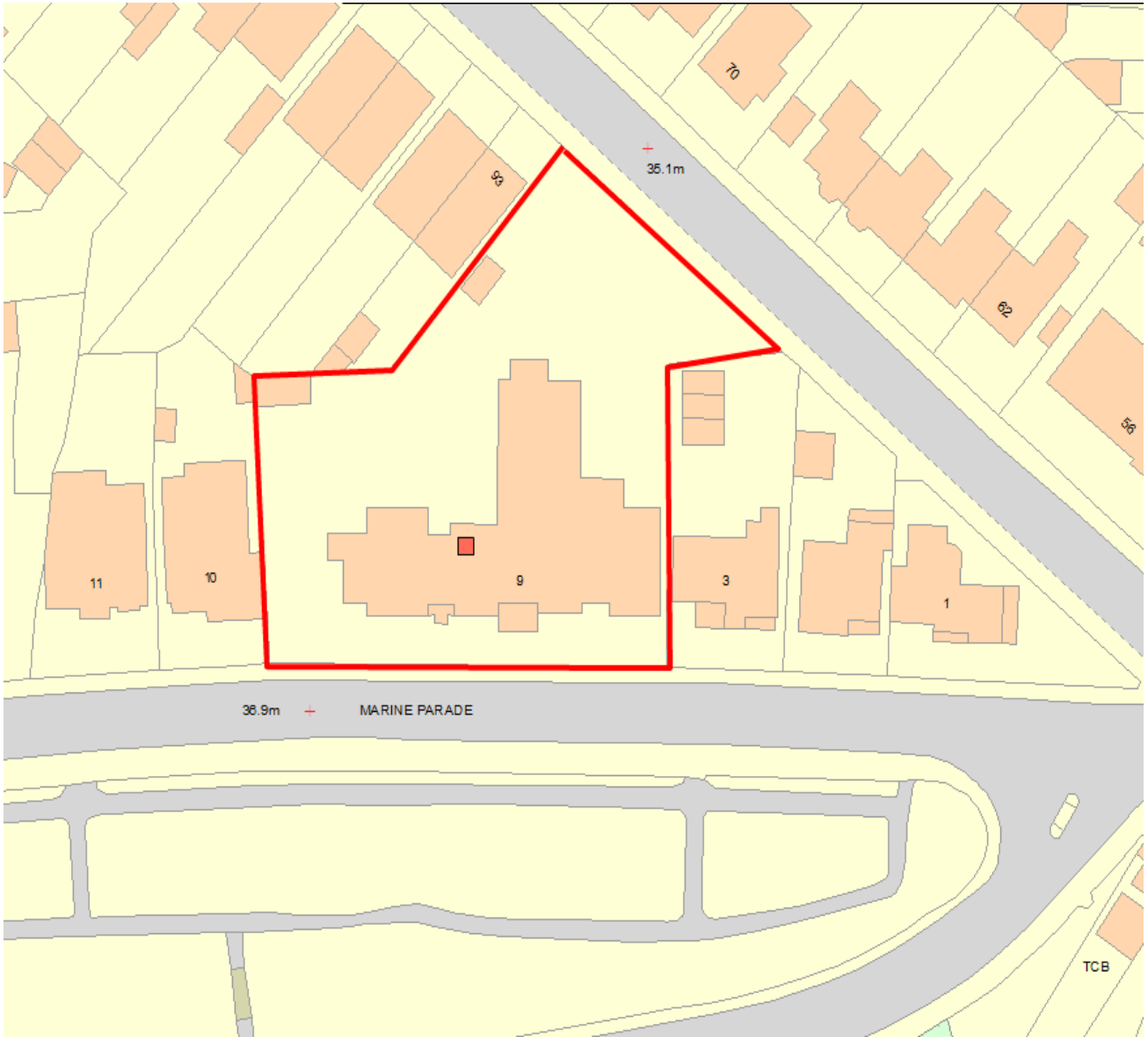
(Limited effect on applications for prior approval and other permitted development rights until 31st July 2021)

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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Reference:	22/00601/FULM	4
Application Type:	Full Application - Major	
Ward:	West Leigh	
Proposal:	Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle stores to rear, and lay out parking at rear (Amended Proposal)	
Address:	Memory House, 6 - 9 Marine Parade, Leigh-on-Sea, Essex SS9 2NA	
Applicant:	Mr Sanders	
Agent:	Mr Stewart Rowe of The Planning and Design Bureau Ltd.	
Consultation Expiry:	25.08.2022	
Expiry Date:	14.10.2022	
Case Officer:	Oliver Hart	
Plan Nos:	001 Rev F; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; 011 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; ; PA04 Rev A; PA05 Rev A PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA Rev A	
Additional information:	Design and Access Statement (Dated March 2022); Planning Statement V.2 (Dated March 2022); Phase 1 and 2 Bat and Nesting Bird Survey (Dated 02.09.2020); Care Needs Assessment Report (Dated January 2022); Daylight and Sunlight Report (Dated: 9 February 2022); Storm Drainage Strategy Issue 1 (by DWW Consulting); Transport Statement (Dated March 2022); Tree survey, Arboriculturally Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan Rev A (Dated 30/09/2022)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	

Link to Plans: [#{generalform.title} \(southend.gov.uk\)](#)



Site and Surroundings

- 1.1 The site is on the northern side of Marine Parade, near to its junction with Hadleigh Road, Grange Road, Rectory Grove and Belton Way East, and is occupied by a care home (Use Class C2) building.
- 1.2 The site has frontages onto both Marine Parade and Hadleigh Road. Its frontage on Hadleigh Road accommodates the vehicular access to the site and the associated parking area.
- 1.3 The building is two full storeys with a third storey of the building accommodated within its roof space. The existing building appears to have been constructed as a singular block and as such is an anomaly in the streetscene which is generally characterised by two-storey detached family housing.
- 1.4 Neighbouring properties maintain a relative consistent building line and comprise generally good quality properties with high levels of articulation and good detailing which create an attractive streetscene. There is a variety of design between the properties however this forms part of the overall character, with gables and bays common features to the frontage. Feature balconies reflecting the seaside location are prevalent features that add depth and interest to frontages.
- 1.5 There are some commercial uses on Rectory Grove and the area is designated as Secondary Shopping Frontage. To the south-east is the Leigh Conservation Area. To the south there is public open space designated as Green Belt, Protected Green Space, Local Nature Reserve and Local Wildlife Site which offers open and unrestricted views towards the Thames Estuary. The area and the site are part of the Seafront and Character Zone 1 as designated by Policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing 39-bed care home and erect a replacement 50-bed care home building. The accompanying Design and Access Statement states the facility will centre around dementia care.
- 2.2 The proposed building would roughly have an offset “T”-shaped layout and would measure a maximum 49m wide by 39m deep (inclusive of feature bays to front). The frontage of the building would be articulated with gabled projections, dormers and recessed parts, large glazed sections and Juliette balconies. Enclosed terraces are also proposed at roof level. The main roof form would be a crown pitch roof with a maximum height of 11.7m (dropping to 6.7m at eaves).
- 2.3 Finishing materials are shown as a combination of red face-brick, render and curtain wall glazing to the exterior walls, white uPVC windows and (blue/black) slate tiles. The site is proposed to be enclosed by 0.8m high black metal railings with hedging behind to the Marine Parade frontage and by a 0.6m high brick wall to the Hadleigh Road frontage.
- 2.4 The building would accommodate the rooms and ancillary facilities over three levels. The ground floor comprises the main entrance from Marine Parade, offices, day rooms, a café area, kitchen and laundry facilities and 15 en-suite rooms, each with their own access to external amenity space. At first floor, a hairdresser’s and pamper room are noted, along with 3 additional day rooms, assisted communal bathroom, staff room and 19 en-suite rooms. At second floor, there are 3 further day rooms, plant/boiler rooms and 16 en-suite rooms. Two lifts would be available, connecting all floors.

- 2.5 A garden would be located to the north-western part of the site with extensive planting proposed. A full landscaping plan outlining the proposed planting schedule and future management plan has been provided (001 Rev F). The proposal would see 4 existing trees, one group of trees and one area of trees removed to achieve the proposed layout. The majority of this would be along the Hadleigh Road frontage. In total, 12 replacement trees are proposed to be planted across the site, five along the Hadleigh Road frontage, four along the Marine Parade frontage, and three within the rear garden area. The existing street tree in Hadleigh Road would be retained as part of the development.
- 2.6 It is proposed to provide 17 parking spaces to the rear part of the site, 2 of which would be for disabled users. At time of report preparation, one of the proposed disabled spaces is to be re-positioned within the layout for which an amended plan is expected. An update will be given via the supplementary report. Pedestrian access is proposed to be retained on the Marine Parade frontage and vehicular access to be taken from Hadleigh Road. Cycle parking is shown to the north-east of the site, with capacity for 7 bicycles. A waste store is also shown to the north of the site. This would measure 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store is shown as being finished externally in timber boarding.
- 2.7 The proposal was amended during the course of the application, with alterations to the main front entrance from Marine Parade to increase its presence and legibility in the streetscene, a simplification in the arrangement and design of windows, a reduction in the pitch of the main roof and a slight increase in the width of the front gable projections. This also resulted in dropping the respective eaves line of the open gabled projections to the front.
- 2.8 Concerns were also raised with the initial replacement tree planting along the Hadleigh Road frontage. As a result, a revised landscape plan was submitted with two additional trees planted along the Hadleigh Road frontage, bringing the total number of trees to five along this frontage. The submitted Arboricultural Impact Assessment (AIA) has not yet been updated to reflect this additional planting. An amended AIA is expected prior to the Development Control Committee meeting and Members will be advised about this within the Supplementary Report.

3 Relevant Planning History

- 3.1 Although there is extensive planning history for this site, the most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome [Date]
21/00456/FULM	Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 bed care units with private amenity space, landscaped frontage, refuse and cycle stores to rear, layout parking rear, and remove existing vehicle crossover and reposition on to Hadleigh Road	Withdrawn
03/00711/FUL	Erect bin enclosure to front	Granted [15.07.2003]
97/0718	Demolish garage and erect new hipped roof detached garage at rear	Granted
97/0637	Remove existing rear lean-to and erect single storey rear extension	Granted

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillors Hooper and Evans.

Public Consultation

- 4.2 Eighty (80) neighbouring properties were notified, a site notice was posted and a press notice was published. Letters of representation from 27 interested third parties (in 21 addresses) have been received objecting to the application. Summary of objections:

- Design and character impact concerns- development would appear overscaled and out of character
- Development would appear obtrusive
- Concerns about the loss of trees
- The proposal would represent overdevelopment of the site
- Concerns about the impact on local infrastructure
- Concerns with noise disturbance from construction activities
- Concerns about servicing/delivery arrangements and impact on local highway network
- Parking concerns
- Overlooking and loss of light concerns
- Concerns with the size of the amenity area
- Concerns with the position of the waste storage area adjacent to No 93 Hadleigh Road
- Query need for increased capacity of beds at the care home
- Environmental impact concerns from demolition
- Impact on property prices
- Permission may set a precedent for similar developments

- 4.3 Officer Comment: All relevant planning considerations have been assessed within the appraisal section of this report. These concerns are noted and where they relate to material planning considerations have been taken into account in the assessment of the application however, they were not found to represent a justifiable reason for refusal in the circumstances of this case.

Leigh Town Council

- 4.4 Resolved to object on the following grounds:

- Overdevelopment of the site leading to a loss of amenity space for residents of the home.
- The siting of the refuse storage would have an adverse effect on the residents at No 93 Hadleigh Road.
- Servicing and delivery concerns.
- Under supply of car parking spaces.
- There has also been no clarification from Southend City Council that there is a need for any additional care home beds in the Leigh-On-Sea area.

Lead Local Flood Authority (LLFA)

- 4.5 No objection following receipt of additional information subject to imposition of the following pre-commencement conditions:

- 1.) A drainage plan must be provided showing the site drainage, connections to existing drainage systems and details of how these connections will be made. This should also show all SuDS and attenuation features.

- 2.) An agreement in principle from Anglian Water should be provided confirming agreement of the new connection type, location and discharge rate.

Parks (Trees)

- 4.6 No objection subject to conditions requiring a detailed tree protection plan and Arboricultural method statement. Detailed tree planting specification will also be required with regard to ensuring any trees planted have adequate soil volume to establish and reach maturity. A programme of aftercare including watering will also be required.

Design

- 4.7 No objection following receipt of amended plans. Conditions requiring details of eaves and materials.

Highways

- 4.8 No objection raised. The applicant has provided a robust transport statement to support the application. TRICS, parking accumulation surveys and outputs have been provided which demonstrate that the 17 parking spaces provided are satisfactory to support the development. The access to the parking area is from an existing dropped kerb the formalised parking arrangement allows vehicles to enter and leave in a forward gear. Given the information contained within the transport statement it is not considered that the proposal will have a detrimental impact on the local highway network.

Anglian Water

- 4.9 No objection subject to condition requiring details of foul and surface water drainage works.

Environmental Health

- 4.10 No objection subject to conditions recommended relating to submission of a construction management plan; noise impact assessment, refuse/recycling and exterior lighting details.

Adult Social Care

- 4.11 No objections raised. Based on the care needs assessment, and the evidence provided there is not a strong case to dismiss or object to this planning application. The Quality and Contracts team advised that Memory House is currently a Care Quality Commission (CQC) rated "Good" home, and these changes will likely continue to support a favourable rating. The Council's Quality and Contracts team should engage with the provider around their plans for care delivery when the works are nearing completion.

London Southend Airport (LSA)

- 4.12 No objection subject to conditions- No part of the proposed development must be taller than the adjacent properties. If taller, a third-party assessment, at the developer's cost, will be required to ascertain if there is an impact.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision) and CP6 (Community Infrastructure).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use

of Land), DM8 (Residential Standards) DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management).

- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, ecology and RAMs contributions and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Policy DM9 of the Development Management Document recognises that there is a need to limit further growth of the residential care home market in Southend; owing to modifications in the approach to national and local social care policy. Increasingly, social care policy seeks to enhance the level of support available for older people, the vulnerable and those with disabilities, allowing people to remain in their own homes or live as independently as possible, rather than in residential care homes.

- 7.2 Specifically, Policy DM9 states:

1. Development proposals for specialist residential accommodation, including new build and extensions, will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that;

- i. there is a clearly identified need in Southend; and*
- ii. there is no existing capacity for such facilities within Southend; and*
- iii. it will not lead to an over concentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services e.g. health and social care; and*
- iv. it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and*
- v. it is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.*

- 7.3 It is clear at the time of writing Policy DM9 (in 2015), that there was an over-provision of residential care within the City. The applicant has however submitted a supporting statement justifying the need for the new care home and for an increase in capacity,

from 39 beds to 50, a net gain of 11 beds. The Care Needs Assessment Report (by Pinders Professional & Consultancy Services Ltd.) points to the Care Act and Support (Eligibility Criteria) Regulations 2015 which sets out the levels of care need which are required to qualify for NHS and/or Local Authority support.

- 7.4 This study concluded that 7.0% of those aged 65 years or more are likely to be unable to perform two or more core Activities of Daily Living and thereby qualify for care in accordance with the national eligibility criteria. The supporting statement therefore considers it reasonable to apply this estimate of demand to any population as a guide to the number of older people likely to require third party care on a regular basis.
- 7.5 Applying this estimate to the current population within the Catchment Area, indicates that some 2,583 older people are likely to have higher care needs which would require some form of residential care.
- 7.6 The report notes that there are currently 1,529 bedrooms across the City within care homes that meet market standards (providing individual rooms or apartments with private toilet facilities) which would therefore suggest a shortfall in provision of 1,054 care home bed spaces, increasing to 1,626 by 2031.
- 7.7 There are a further 789 bedrooms within care homes which, whilst registered with the Care Quality Commission (CQC), have shared toilet/bathroom amenities and are not therefore regarded as meeting market standards. If these rooms are included, the overall shortfall reduces to 265, increasing to 837 within the next decade. However, it is reasonable to anticipate further erosion of this below market standard accommodation as market preferences continue for single, en suite rooms.
- 7.8 The submitted report concludes, therefore, that additional care home accommodation will be required to meet the identified shortfall in excess of 1,000 market standard bed spaces. This shortfall is forecast to increase as a result of an ageing population but also through the loss of below standard accommodation, which currently accounts for 34% of bed spaces within the catchment area. This has been apparent through a number of recent applications to convert existing care homes to residential uses.
- 7.9 The Adult Social Care (ASC) team have raised no objection to the proposal. They have accepted there is need within the City and advised that the proposal would likely assist the operator to continue with a favourable rating. The ASC team also stated that residential homes are not necessarily the only method of meeting the identified need but at the current rate of growth and taking into account the challenges in recruitment, there will be a need for care home beds.
- 7.10 The Council's market position statement focuses on improving the quality of the care within the City and advising the struggling or low-quality homes to improve or repurpose their setting.
- 7.11 To this end, it is considered that the proposal to redevelop an existing site would be in line with the objectives of Policy DM9 of the Development Management Document and would not result in an over-concentration of specialist residential accommodation. The proposed care home and day care facility would improve upon and provide extra provision for specialist care within the City. It is considered that the supporting information has demonstrated the need for the proposed additional care home beds.
- 7.12 The proposed re-development of the site for a larger care home is therefore considered acceptable and policy compliant in the above regards. The other determining material considerations are assessed below.

Design and Impact on the Character of the Area including Leigh Conservation Area

- 7.13 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.
- 7.14 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 Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.15 Leigh Conservation Area is located some 80m to the south-east of the site. Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Similarly, Policy DM5 of the Development Management Document states that the Council has a statutory duty to preserve or enhance the character and appearance of conservation areas.
- 7.16 The site is also within Seafront Character Zone (SCZ) 1 according to Policy DM6 of the Development Management Document. One of the stipulations for this SCZ is to retain the character and building height and type along Marine Parade.
- 7.17 The application seeks permission for the demolition of the existing care home building and the erection of a replacement care home building with accommodation over three levels.
- 7.18 The building is not listed and is not within a Conservation Area or otherwise a heritage asset. As such there is no objection in principle to its demolition and redevelopment.
- 7.19 The proposed building has a similar "T"-shaped layout as the existing, retaining a dual frontage along both Marine Parade and Hadleigh Road. The proposed new building extends that built form to the side and rear.
- 7.20 Marine Parade has a consistent building line which the replacement building would suitably correspond with, providing adequate separation to the public highway and enabling a significant amount of soft landscaping to be introduced. With respect to its Hadleigh Road frontage, the enlargement of the building and shift to align with the north-western boundary allows this elevation to run perpendicular with Hadleigh Road, thus enabling the formation of built form that would correspond more suitably with neighbouring dwellings to the north over the existing situation. This is considered a positive element of the proposal.
- 7.21 The streetscene along Marine Parade is characterised predominantly by two-storey dwellinghouses with rooms in the roof such that the scale and height of the proposal, as demonstrated in the streetscene elevation plan, is not considered to be out of keeping with the immediate neighbouring properties or the wider surrounding area.
- 7.22 Whilst the resultant-built form would be of increased scale and bulk over the existing building, emphasised by the gabled projections to the front and rear, retention of a 4m separation (to the front) to the west flank boundary – reducing to 1.5m to the rear – and retention of a 1.8m separation (to the front) to the east flank boundary – reducing to 1m to the rear – is such that there is considered to be appropriate separation space to either neighbouring property such that the proposed building would not appear unduly

dominant in its setting. This is considered to be further aided by the heavily articulated front elevation, including gabled projections, dormers and recessed elements, large glazed sections and Juliette balconies, as well as the separation of the building from the public highway (some 3m at its narrowest). This allows for a significant amount of planting to the Marine Parade frontage which is considered to further soften the visual impact of the building. For these reasons it is not considered the proposal would have a detrimental impact on public vistas towards the estuary and noting the significant separation from the Leigh Cliff Conservation Area, the development proposed is also considered to preserve the character, appearance and setting of this Conservation Area.

- 7.23 The detailed design of the building following revisions sought during the course of the application (as outlined at para 2.7) is now considered to appear suitably resolved, with the gables appropriately balanced for the scale of the frontage and a suitable pitch introduced for the roof such that the crown roof behind would be hidden from public views. In addition, following the mixed design and form of neighbouring dwellings, the external materials proposed (as outlined in paragraph 2.3) are considered to be appropriate in this context, with submission of full details secured by condition in the interest of visual amenity.
- 7.24 The proposed amenity space around the development is considered to be of a size and form which will provide an acceptably proportionate setting for the building.
- 7.25 The refuse storage area proposed next to the northern boundary is set back approximately 17m from the public highway. The proposed store would measure some 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store is shown as being finished externally in timber boarding. It is considered the provision and form of waste storage would provide an acceptable solution which does not result in a dominant presence of bins in front of or integral to the façade of the building. Details of the number of Eurobins that can be stored and the collection arrangements can be conditioned.
- 7.26 No objection in design terms is raised to retention of the parking area to the rear from Hadleigh Road, with the existing vehicular access to be unchanged. Whilst the car park position is generally unchanged from the existing arrangement, it has been pushed further southwards such that the rearward wing of the development would abut the revised car parking area, therein altering the streetscene. Re-positioning of the proposed second disabled parking space involves some modest layout changes internal to the car park for which a revised plan is expected but which did not overall change the character of the proposed car park. The car parking area includes parcels of landscaping and there is a generally well resolved relationship between the new north-eastern elevation of the building such that overall, it is not considered, on balance, to have a detrimental impact on the streetscene.
- 7.27 The application has been submitted with a tree survey and an Arboricultural Impact Assessment (AIA). The proposal will be facilitated by removal of four individual trees, one area of trees and one group of trees to achieve the proposed layout- these have been numbered T003, T005, T009, T010, G001 and A001 respectively, and are located predominantly along the Hadleigh Road frontage. Additionally, two individual trees to the Marine Parade frontage require minor surgery to permit construction space (T011, T012).
- 7.28 Four further trees have been identified for removal irrespective of any development proposals (T002, T004, T006, T008). The removal of these trees is based on poor structural and/or physiological condition.
- 7.29 The items listed in the table below are those requiring felling to permit the proposed development to proceed:

Table 2: Extract from the AIA.

Feature No	Reason for Removal	BS Category*	Visual Amenity Assessment*
A001	Conflicts with new building and car park.	C	Moderate
G001	Conflicts with new car park.	C	High
T003	Conflicts with new car park.	B	High
T005	Conflicts with new car park.	C	Moderate
T009	Conflicts with new building and car park.	B	High
T010	Conflicts with new building.	C	Low

- 7.30 Category 'B' trees are of moderate quality with an estimated remaining life expectancy of at least 20 years. Category 'C' trees are those trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.
- 7.31 The group of trees (G001) to the south-east boundary of the car parking area fronting Hadleigh Road, including T003 and T009 are considered provide some softening to the rear of the existing development in the streetscene. Therefore, the loss of these trees in particular, together with those outlined above represent a negative aspect of the development.
- 7.32 Nevertheless, none of the trees to be removed are classified as Category 'A' specimens, i.e. those of high quality with an estimated remaining life expectancy of 40 years and not trees are protected with Tree Preservation Orders. In addition, the proposed landscaping plan shows the proposed development is to be set within a heavily landscaped setting following the planting of twelve new trees and shrubs across the site. In total, five new trees are proposed along the Hadleigh Road frontage, four along the Marine Parade frontage and three within the rear garden area.
- 7.33 The trees listed have the potential to grow to the following heights:
- Carpinus betulus: 10-15m tall (spread of up to 6m)
 - Cercis canadensis 'Forest Pansy': up to 10m tall (spread of up to 8)
 - Crataegus 'Paul's Scarlet': up to 6m tall (spread of up to 6m)
 - Prunus avium 'Plena': up to 12m tall (spread of up to 10m)
 - Prunus subhirtella 'Autumnalis': up to 8m tall (spread of up to 8m)
 - Sorbus aria 'Lutescens': up to 10m tall (spread of up to 8m)
- 7.34 The Council's arboricultural officer has raised no objections to the proposed tree works subject to a detailed tree protection plan and Arboricultural method statement, a detailed tree planting specification to ensure any trees planted have adequate soil volume to establish and reach maturity as well as a programme of aftercare including watering. Such information can reasonably be conditioned.
- 7.35 On this basis, and owing to the level of tree replacement proposed and the size and coverage of the replacement trees, the resultant visual impact is considered on balance, to be acceptable. Weighed into the planning balance also is the retention of the existing 'Lime' street tree next to the vehicular access from Hadleigh Road and T007 towards the south-western boundary of the car park.
- 7.36 Details of the planting and maintenance schedules as outlined in the proposed landscape plan (001F) are considered acceptable and would provide a satisfactory

setting for the proposed development in the context of the wider surrounding area, the details of which can reasonably be conditioned.

- 7.37 In summary, the proposal is considered on balance, and subject to conditions, to be acceptable and policy compliant in terms of its impact on character and appearance of the site, streetscene and wider surrounding area including the setting and appearance of Leigh Conservation Area.

Impact on Neighbour's Residential Amenity

- 7.38 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.
- 7.39 The application site is bounded to the west by No 10 Marine Parade some 7m away at its maximum, to the east by two flats at Nos 3/3A Marine Parade some 2.6m at its maximum and to the north by No 93 Hadleigh Road some 7m away at its maximum.
- 7.40 With regards to No 10 Marine Parade, the proposed development would result in built form extending closer to the shared boundary. The main body of the proposed building along the Marine Parade frontage would not project beyond that neighbour's rear elevation such that neighbouring habitable room rear windows would not be affected. A series of neighbouring flank windows are noted at ground, first and second floors adjacent to the proposed development. None of these windows serve as the sole outlooks to a habitable room. They either serve as secondary outlooks or, as openings to non-habitable accommodation, such as bathrooms, stairwells and landings. The weight given to the protection of such windows is limited in planning terms.
- 7.41 With regards to No's. 3/3A Marine Parade, the existing building projects some 3m beyond that neighbouring rear elevation in close proximity to the shared flank boundary. The proposed building would reduce the depth of built form that presently extends beyond the neighbouring rear elevation to some 1.8m, whilst retaining the same (1m) separation. Moreover, the offset 'T' element extending to the Hadleigh Road frontage which has been moved more centrally and consequently, is considered to have an improved impact on the amenity of the neighbouring occupants with regards to dominance and sense of enclosure impacts. Whilst one first floor flank window to No.3 is noted, given the proposed building would retain the same separation and comparable built form near this boundary as the existing, it is not considered to give rise to a materially different amenity impact than the existing nor one that is significantly harmful when considered on its own merits and as part of an overall balanced assessment.
- 7.42 With regards to No.93, whilst the Hadleigh Road frontage would result in a section of built form projecting some 7m beyond that neighbouring rear elevation, a separation of some 8m would be retained from the nearest neighbouring rear windows. This separation is such that a notional 45-degree guideline would not be breached, safeguarding neighbour outlook and receipt of light to an acceptable degree.
- 7.43 A neighbour Daylight/Sunlight Assessment has also been submitted. It concludes that the impact of the proposed development on No's 10, 3 and 3A Marine Parade and No 93 Hadleigh Road satisfies the BRE direct sunlight to windows requirements in relation to neighbouring habitable rooms as well as the BRE recommendations for overshadowing of the neighbouring garden areas. On this basis therefore, the impact of the development on the amenity of the neighbouring occupants with regards to loss of

light, outlook and sense of enclosure and dominance is considered acceptable.

- 7.44 Whilst overlooking has been raised as a concern by third parties, regard is had to the existing two storey building on the site and the presence of surrounding two and three storey development such that a degree of mutual overlooking of neighbouring rear gardens is considered to exist at present and informs the prevailing character and levels of amenity enjoyed. The closest relationship within the proposal between a bedroom window and a neighbouring garden area is a minimum of 11m (rooms 28 and 45 toward No's 3/3A). Moreover, it is not considered that any of the proposed bedroom windows would be provided with clear, uninterrupted views of neighbouring habitable accommodation, such that the proposal would suitably maintain neighbour amenity. Subject to a condition requiring the first-floor windows of the stairwell serving the Hadleigh Road frontage to be obscure glazed, no objections are raised on overlooking or loss of privacy grounds.
- 7.45 This assessment takes note of the balcony serving room 45 however, on account of its position which restricts views of neighbouring habitable accommodation and limited size and scale – 0.9m deep x 3m wide, is such that its amenity impact in relation to overlooking and neighbour privacy is considered acceptable.
- 7.46 Whilst the car park position is generally unchanged from the existing arrangement, it has been pushed further southwards. Regardless of this however, it is located at appropriate distances which would not result in demonstrable harm to the amenities of neighbouring occupiers from noise or disturbance i.e. from vehicular movements and the closing of car doors etc.
- 7.47 The proposed waste store is shown on submitted plans to the northern boundary shared with No 93 Hadleigh Road. The store would project some 3.5m beyond the neighbour's rear elevation however, following position of a garden access serving No.93 some 1m wide and its modest height (3m), it is not considered the proposal would have a detrimental impact on the amenity of neighbouring occupants. In addition, the nature of the store as an enclosure for waste bins would act as a deterrent to vermin and would also restrict the emission of odours and smells. No objection is therefore raised on this basis.
- 7.48 It is considered there is potential for noise and disruption to neighbouring occupants following demolition and construction activities. It is therefore considered reasonable to attach a condition requiring submission of a construction management statement prior to commencement of the development.
- 7.49 In terms of noise and disturbance, concerns have been raised by the Environmental Health Service with regards to operation of plant equipment in association with operation of the care home. Environmental Health confirm their concerns can reasonably be addressed by way of condition for a noise impact assessment and a schedule of mitigation measures (should it be deemed necessary) to be carried out and the details submitted to the Local Planning Authority beforehand for consent.
- 7.50 Subject to the described conditions, the proposal is acceptable and compliant in the above regards.

Standard of Accommodation

- 7.51 According to Policy DM8 of the Development Management Document non-self-contained accommodation must comply with Policy Table 6 which requires among others a bedroom size of 6.5m² for single bedrooms.
- 7.52 All rooms would exceed the 6.5m² ¹⁹requirement and would be provided with their own

en-suites. All rooms would be served by a good quality of light and open outlook. Units in the north-east side of the development will look onto the car park which is not ideal however, there is a degree of planting within the car park area such that this arrangement is considered to be acceptable. Rooms in the north and west elevations of the care home will look onto the communal garden.

7.53 The building would offer good accessibility between all floors following provision of two lifts. All units would have access to the communal garden to the rear with two of the rooms at second floor level provided with their own private roof terraces. The site is also directly opposite a public open space and gardens.

7.54 Overall, the resulting living conditions for future residents is considered to be acceptable.

Traffic and Transportation Issues

7.55 The NPPF states (para 111) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”

7.56 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed use.

7.57 Policy DM15 of the Development Management Document states that for residential care homes, a maximum of 1 off-street parking space is required per resident staff plus 1 space per 3 bed spaces/units. The Council’s parking standards are expressed as a maximum and local and national guidance encourage reduction in the reliance on the car and promote methods of sustainable transport.

7.58 The accompanying Transport Statement states that it is anticipated that a total of 41 members of staff will be employed at the site, with a maximum of 25 members of staff present on site at any one point in time. A breakdown of the staffing patterns and staffing numbers throughout the day has been provided.

7.59 It is understood that there are no resident staff on site. Applying the relevant standards, there is a maximum requirement of 17 spaces on site. The existing care home of 39 beds includes a parking area for approximately 12 car parking spaces. This is 5 spaces less than the 17 spaces proposed for the 50-bed care home, demonstrating an increase in the number of parking spaces to be provided, greater than the proportional uplift in rooms (i.e. a 42% increase in parking compared with 28% increase in beds). This is a positive element of the proposal.

7.60 The adopted parking standards set out the maximum level of parking to be provided. Analysis has also been undertaken by the applicant to establish whether the increase in car parking is sufficient to meet the needs of the proposed care home. Reference has been made to an accumulation profile established using the TRICS sites that informs the Transport Statement in its Section 5, the results of which are summarised in Figure 4.1 and included in Appendix D of that report.

7.61 The Transport Statement states that it is evident from the proposed parking provision that the predicted demand will amount to approximately 88% of the available capacity. A parking review exercise is shown in Drawing 205390/AT/A01 at Appendix C of that

report. This identifies that the spaces can be accessed by a large car throughout.

- 7.62 Therefore, the above demonstrates that the site will not result in a severe impact on the local highway network or compromise highway safety.
- 7.63 The Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document requires at least 20% of spaces is provided with active and 80% with passive electric vehicle charging infrastructure. These requirements can be secured by condition.
- 7.64 Service vehicles and deliveries will be made at the existing access onto Hadleigh Road. Whilst there will be an increase in the number of beds at the care home, the applicants do not anticipate that there will be a proportional increase in the number of service vehicle trips to the site. Whilst the size of delivery may increase compared to that which currently occurs, such deliveries are argued to not necessitate multiple trips to the site, being accommodated by existing food, laundry and medical deliveries as well as laundry and refuse collections. As a result, the number of service vehicle movements are not envisaged to increase.
- 7.65 Refuse collection is currently undertaken directly from Marine Parade at the southwest corner of the site, this is not anticipated to change as a result of the proposal.
- 7.66 The proposed traffic generation associated with a proposed 50 bed care home has been calculated using the trip rates introduced in Table 5.1 of the submitted Transport Statement. Table 5.2 demonstrates that the proposed traffic generation results in a minor increase in all peak periods, with a net increase of 2 vehicles in the AM and 2 in the PM peak periods and a net increase of 2 vehicles during the development peak. This therefore demonstrates that the proposal will not result in a significant impact on the surrounding highway network in terms of capacity and congestion nor highway safety that will require mitigation.
- 7.67 Highways officers have raised no objection to the development noting that the applicant has provided a robust transport statement to support the application.
- 7.68 With regards to cycle parking, submitted plans detail provision for eight cycle spaces. The requirement as outlined in DM15 is for one space per five staff members. Therefore, the requirement has reasonably been met. Whilst no details have been provided as to the form of the cycle parking, this can reasonably be dealt with via condition.
- 7.69 London Southend Airport were notified of the application. They advise no objections subject to the following: that no part of the proposed development be taller than the adjacent properties; if taller, a third-party assessment, at the developer's cost will be required to ascertain if there is an impact. An element of the proposed building is taller than the immediate adjacent neighbouring properties and therefore, to avoid interference with air traffic, a condition as required by the LSA will be imposed.
- 7.70 On this basis, the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.71 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)".
- 7.72 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 that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption).

- 7.73 Whilst no details have been provided at this stage, it is considered a condition requiring the development to comply with this requirement could reasonably be imposed. No objections are therefore raised on this basis.

Ecology and Biodiversity

- 7.74 Policy KP2 of the Core Strategy states that all new development must 'respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the city's biodiversity and green space resources; ensure that European and international sites for nature conservation are not adversely affected and contribute positively towards the 'Green Grid' in Southend.'
- 7.75 Policy CP4 of the Core Strategy seeks to contribute to the creation of high quality, sustainable urban environments by 'safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance.'
- 7.76 The site is located within the Seafront Character Zone 1: Two tree Island, Leigh Marshes and Belton Hills. The development principles for this character zone include 'to protect the special character of the nature reserves.'
- 7.77 A phase 1 and 2 bat and nesting bird survey has been submitted. In its conclusions, no evidence of bats or nesting birds were present. A series of biodiversity enhancements were however recommended (section 5) and these can also be conditioned.
- 7.78 On this basis therefore, it is considered the proposal is acceptable and policy compliant subject to the planning conditions described above

Flooding and Drainage

- 7.79 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.80 The proposed development would be built partially within an area of undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements have been submitted however, additional information is required to satisfy LLFA requirements. This can be dealt with by a condition. Subject to this, the development would be acceptable and policy compliant in these regards.

RAMS

- 7.81 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the

requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £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.

- 7.82 Table 3.2 of the RAMS SPD confirms that residential care homes are covered by the RAMS tariff, but notes that they will be considered on a case-by-case basis according to the type of residential care envisaged.
- 7.83 The proposal results in an increase from 39 to 50 beds and is a 28% increase which is considered significant. In these circumstances, a single RAMS payment is required.
- 7.84 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the development on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.85 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net gain in internal floor area of approx.1096sqm, which may equate to a CIL charge of approximately £83,970.46 subject to confirmation.

Equality and Diversity Issues

- 7.86 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

- 7.87 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.

8 Recommendation

- 8.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 **The development hereby permitted shall begin no later than 3 years beginning with the date of this permission.**

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

- 02 The development hereby approved shall be carried out solely in accordance with the approved plans: 001 Rev F; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; 011 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; ; PA04 Rev A; PA05 Rev A PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA**

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

- 03 Notwithstanding the information submitted with the application, with the exception of site preparation and demolition, no development above ground level shall take place until full details of the materials to be used on all the external elevations of the building have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall only be carried out and completed in accordance with the approved details.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 04 The soft landscaping details including planting and maintenance shall be incorporated in full accordance with the details outlined in the submitted landscape plan (001 Rev F) within the first planting season following first use of the development hereby approved or, any alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. 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 in writing with the Local Planning Authority.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.**

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 No development shall take place on site unless and until a detailed Arboricultural**

Method Statement and Tree Protection Plan for those 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. This will include the following; fencing type, ground protection measures, “no dig surfacing”, access facilitation pruning specification, project phasing and an extensive auditable monitoring schedule. 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).

- 07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.). The approved hard landscaping works shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 09 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.**

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy

(2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 10 Prior to the first use or occupation of the development, 17 parking spaces shall be provided at the site in full accordance with plan number 'WD05 Rev A' and at least 4 spaces shall be provided with active electric vehicle charging infrastructure with the rest of the spaces being fitted with passive electric vehicle charging infrastructure. The approved parking facilities and active electric vehicle charging infrastructure shall be retained thereafter in perpetuity only for the use of the occupiers, staff and visitors to the site.

Reason: To ensure that adequate vehicular parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 11 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be provided and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter. Waste management and servicing of the development shall only take place in accordance with the approved details.

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

- 12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, details of secure cycle storage (including elevations) shall be submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. The secure cycle storage shall be provided at the site and made available for the use of staff and residents or their visitors in accordance with the agreed details prior to first occupation of the development. The cycle storage shall be maintained as approved for the lifetime of the development.

Reason: In the interests of accessibility and visual amenity further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 13 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a specialist residential care home for up to 50 residents within the client group identified in the application form, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as

amended) or any act amending or re-enacting that Order, or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any act amending or re-enacting that Order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 14** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

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

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

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

- 16** Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following;

- 1) A drainage plan must be provided showing the site drainage, connections to existing drainage systems and details of how these connections will be made. This must also show all SuDS and attenuation features.
- 2) An agreement in principle from Anglian Water must be provided confirming agreement of the new connection type, location and discharge rate.

The development shall only be implemented in accordance with the details

approved under this condition and the conclusions and recommendations outlined in the Storm Drainage Strategy by DWW Consulting (Dated 10/08/2022). The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

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

- 17 Details of the biodiversity enhancement measures outlined in the findings, recommendations and conclusions of the Phase 1 and 2 Bat and Nesting Bird survey undertaken by Ridgeway Ecology Ltd dated 02.09.2020 shall be incorporated in full prior to first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 18 Prior to first use of the development hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts from plant and equipment including extract ventilation when operating at its maximum speed. Output shall be limited to 10 dB(A) below the background noise level, which is expressed as a LA90,15minutes at the boundary of the nearest residential property.

The assessment must be made using the appropriate standards and methodology for the noise sources and best practice with background noise levels established for the following periods:

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

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties so that noise will not cause a statutory nuisance. This shall be undertaken by a suitably competent person.

A report on that impact assessment, which must include any necessary mitigation measures required for the development hereby approved, must be submitted to the Local Planning Authority for approval. Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must also be submitted to and approved in writing by the Local Planning Authority.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before it is first occupied and must thereafter be maintained as such in perpetuity

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies

- 19 Prior to first occupation of the development hereby approved, the first-floor side windows serving the stairwell to the north-eastern most part of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window, and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.**

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

- 20 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.**

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 21 No externally mounted plant or equipment shall be installed on the development hereby permitted until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed details.**

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

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:

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended).**

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

- 2 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
- 3 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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.**

Memory House

Marine Parade Frontage



View to relationship with Neighbours to the east

No's 3/3A



Relationship with neighbours to the west

No 10



View to side windows of No.10- secondary
windows or serving non-habitable
accommodation



View to part of the existing communal rear garden



View to Hadleigh Road frontage and existing ad hoc car park





View to boundary with No 93 Hadleigh Road

No 93



View to boundary with No 93 Hadleigh Road



View to boundary with No 93 Hadleigh Road

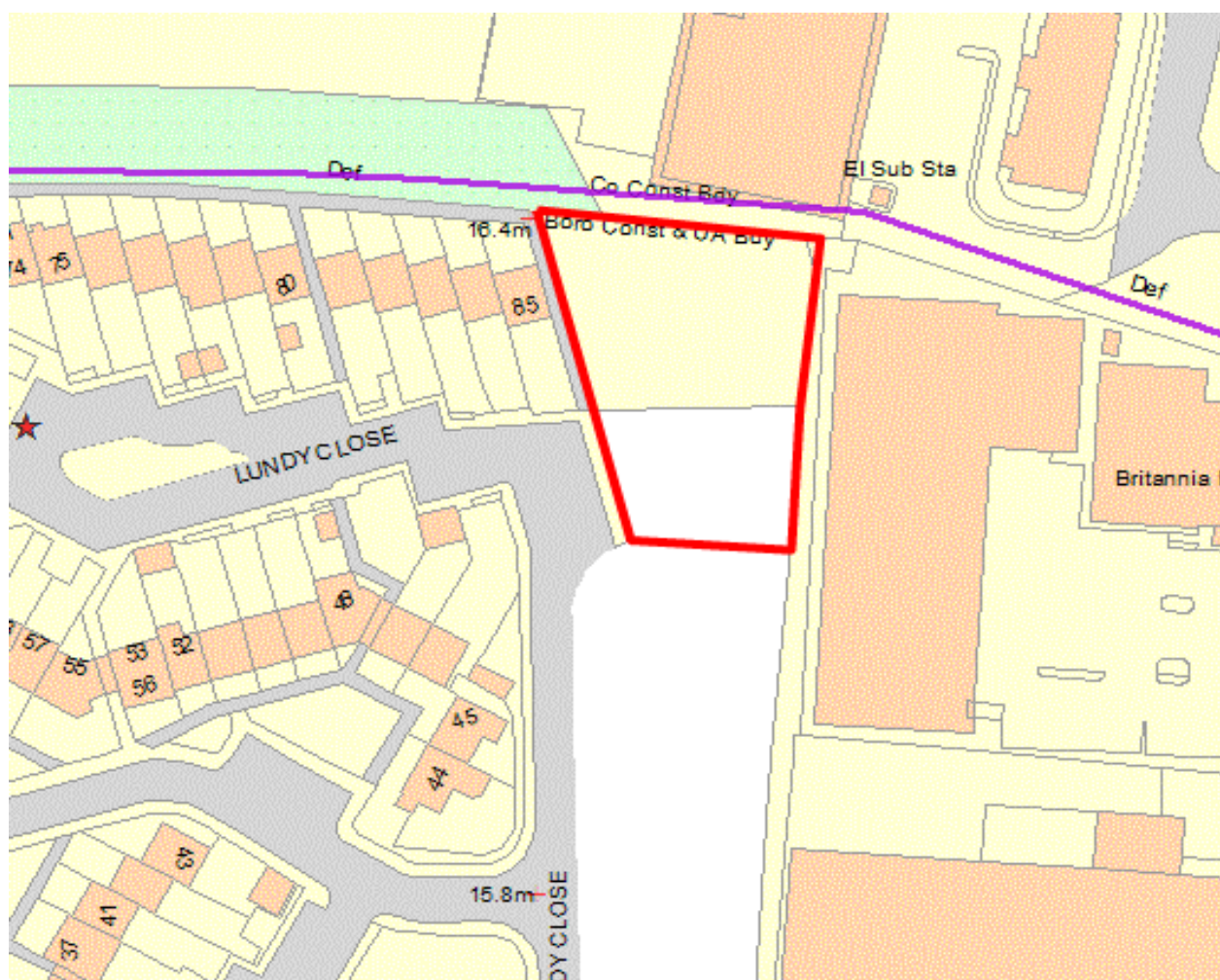


View to existing rear elevation of the application site



Reference:	22/01214/BC3	5
Application Type:	BC3	
Ward:	St Laurence	
Proposal:	Erect a two storey block of 4no. self-contained flats, and a pair of semi-detached dwellinghouses and 3no. terrace houses on land adjacent to 85 Lundy Close, layout amenity space and landscaping, car parking spaces and cycle store	
Address:	Land Adjacent to 85 Lundy Close, Eastwood, Essex	
Applicant:	Southend on Sea City Council	
Agent:	AK Design Partnership LLP	
Consultation Expiry:	08.08.2022	
Expiry Date:	14.10.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	Location Plan, 4867.130-PL4, 4867.131-PL3, 4867.132-PL3, 4867.134-PL1, 4867.135-PL3, 4867.136-PL1, 4867.137-PL1, 4867.138-PL2, TCTC-17596-PL-01	
Additional information:	Impact Statement dated April 2022 Design and Access Statement dated April 2022 Public Benefit vs Loss of Open Space Statement dated September 2022 Preliminary Ecological Appraisal by Hybrid Ecology Ltd Rev B dated 21 st Sept 2022 Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3219.1.0 dated 20.12.18 Comprehensive Site Assessment Ref P3219.1.0 Archaeological Desk Based Assessment by Oxford Archaeology v.1 dated May 2022 Archaeology Written Scheme of Investigation Reference XEXLCS22-27117 Tree Survey reference dated Feb 2020 Tree Schedule By My Trees dated 13.2.20	
Recommendation:	GRANT PLANNING PERMSSION subject to conditions	

Link to Plans: [#{generalform.title} \(southend.gov.uk\)](#)



1 Site and Surroundings

- 1.1 The site is an area of open grass located directly east of the properties at the northern end of Lundy Close which forms part of a 1970s housing estate. The estate is mainly two-storey terraced houses with shallow gabled roofs and simple fenestration, constructed of red brick, with cladding at first floor, brown tiled roofs and wide picture windows. Interspersed with the houses are a small number of two-storey flatted blocks which are terraced directly to the houses and of a similar design and form giving a seamless appearance in the streetscene.
- 1.2 The properties directly adjacent to the site are arranged in a staggered formation following the curve of the road and this is a key feature of the streetscene. Unusually these properties closest to the site have their enclosed private rear gardens fronting the road to the front and their main entrances fronting a footpath to the north. This footpath follows historic field boundaries and links to Cherry Orchard Park nearby.
- 1.3 The wider estate is characterised by incidental areas of green spaces laid to grass, some with tree cover. This style of landscaping is typical of 1970s estate development and part of the local character.
- 1.4 Adjacent to the site to the east and north are industrial / commercial areas. The trees to east side of the site provide an important visual buffer to the industrial area.
- 1.5 There are no specific policy designations for this site.

2 The Proposal

- 2.1 The proposal seeks to erect a two-storey block of four (4no.) self-contained flats comprising two 1-bed and two 2-bed units, a pair (2no.) of two-storey semi-detached dwellinghouses comprising a 2-bed and a 4-bed property and a short terrace of three (3no.) 2-bed, two-storey houses on the site, making nine (9no.) dwellings in total. It is also proposed to layout 16 parking spaces and a cycle and refuse store. The houses are all proposed as affordable units as part of the Council's portfolio. The two ground floor flats are wheelchair accessible and have allocated disabled parking. Each property will have an electric vehicle charging point.
- 2.2 The terraced houses each measure 5.5m wide, have a depth of 8.15m, a ridge height of 7.6m and an eaves height of 5.1m. The semi-detached houses are 5.5m and 7.2m wide, have a depth of 9.2m, a ridge height of 8.8m and an eaves height of 5.1m. The flatted block is split into two sections each measuring 9m wide with a depth of 8.6m, a ridge of 8.8m and an eaves height of 5.3m.
- 2.3 The proposed houses will be constructed of red brick with feature cladding at first floor, upvc windows and red or brown roof tiles.
- 2.4 It is proposed to fell three (3) trees in the centre of the site to facilitate the development. The indicative landscaping scheme shows that in the region of 30 new trees will be planted. A contribution of £5000 for environmental and public space enhancements on the estate is proposed to mitigate for the loss of this open area.

3 Relevant Planning History

- 3.1 No planning history.

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillor Cowan. Consideration by this Committee is required in any event under the terms of the Council's Constitution.

Public Consultation

- 4.2 Forty-five (45) neighbouring properties were consulted and a site notice was displayed. Three (3) letters of representation have been received raising the following summarised objections:

- The proposal would impact on a right of access for a neighbouring landowner.
- The residents are opposed to the building of houses or flats on this land.
- The plans cannot be viewed online [officer comment: this issue was resolved]
- Lack of parking and impact on parking for existing residents
- Concern over antisocial behaviour from new residents
- Impact on wildlife - mitigation measures are required
- Concern over fly tipping and crime

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

Highways Team

- 4.3 No objections – Policy compliant off-street car parking and cycle parking would be provided. It is not considered that the proposal will have a detrimental impact on the local highway network.

Environmental Health

- 4.4 No objections subject to conditions relating to contamination, construction management, refuse and recycling and noise.

Strategic Planning

- 4.5 No objections subject to condition to secure the improvements to the green space.

Southend Museum Service

- 4.6 The proposed archaeology works, as set out in the Written Scheme of Investigation are acceptable.

Essex Fire Service

- 4.7 No objections.

Essex Badger Group

- 4.8 The Essex Badger Protection Group are aware of 7 setts within 1km of the site including one close to the boundary and this is mentioned in the accompanying Preliminary Ecological Appraisal ("PEA") dated March 2022. At present, the application site is linked to the wider environment, notably Cherry Orchard Park, by way of a green corridor which runs across the site to the northwest corner of the site. The proposed mitigation

measures include the installation of a badger corridor along the east and northern boundaries of the site to link the existing green space to the south to the link to the northwest. Whilst there will always be a concern regarding the longevity of corridors such as this - experience suggests that they are vulnerable to rubbish dumping and 'land grabs' from adjoining homeowners - there is little which can be done to stop this in practice unless the landowner maintains the area ad infinitum. We are therefore content that this revised plan resolves the issue of connectivity for the badgers, at least in the immediate/short term. Mitigation measures to protect badgers during construction should also be conditioned.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space), Policy CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards), Policy DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Housing and Employment Land Availability Assessment (2020)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.13 Vehicle Crossing Policy & Application Guidance (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, drainage, trees, ecology, archaeology and mitigation for impact on designated sites and CIL liability.

7 Appraisal

Principle of Development

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

- 7.2 Policy KP2 of the Core Strategy states development must be achieved in ways which “make the best use of previously developed land, ensuring that sites and buildings are put to best use”.
- 7.3 Policy CP4 requires that new development “maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments” and that this should be achieved by “maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 7.4 Policy CP7 of the Core Strategy states that “all existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.”
- 7.5 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.
- 7.6 Policy DM3 of the Development Management Document states that “the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”.
- 7.7 The site is identified within the Housing and Employment Land Availability Assessment (site HEA130) as having the capacity to deliver 7 houses.
- 7.8 The proposal would result in the loss of an incidental area of grass which is mown but suffers from neglect including some fly tipping. This area is not designated as protected

green space and does not seem to have a formal use, although there is evidence of dog recreation. The tree covered area to the south of the site, which is the main landscape feature of this area, is unaffected by the development and will be protected and maintained.

7.9 Whether it is formally designated or not, the open grassed area at the site has some public amenity value and this needs to be weighed against the public benefits of the proposal. The applicants have submitted a statement setting out their case in this regard. They identify the public benefits as follows:

- The provision of 9 dwellings, and in this case 100% affordable rented units, including family housing and 2 x affordable accessible wheelchair units, for which there is an identified need and which is extremely rare within the Council's portfolio.
- The provision of net zero carbon homes built to the Future Homes Standard which will benefit the environment and is a Council priority.
- A pledge of £5000 towards green space improvements in the estate to offset the loss of this grassed area.

7.10 The pledged green space improvements in the remaining open space around the estate would ensure that there is a qualitative improvement. This would result in facilities of a higher standard that would be provided in at least an equally convenient and accessible location to serve the same local community.

7.11 Furthermore, the city currently has a deficiency in its 5 Year Housing Land Supply and very poor performance in the Housing Delivery Test. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. The quantum of housing in this case is relatively low, so will have a limited impact on the overall provision of housing in this area. However, the development would include family dwellings, and would include much needed wheelchair user accessible units. The provision of zero carbon homes is also beneficial and a significant step up from that which would be required under building regulations.

7.12 The Council cannot enter into a S106 agreement with itself as applicant so the provision of affordable housing cannot be secured or given any material weight in the planning balance. However, in the round, it is considered that the other public benefits of the proposal, including the provision of housing, including family housing and wheelchair user accessible units, net zero carbon development, and the commitment to environmental improvements in the vicinity of the site, which can be secured by condition, are sufficient to offset the loss of green space.

7.13 On the above basis, the principle of this development, including the impact on green space, is therefore acceptable and policy compliant subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

7.14 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.

7.15 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 Council's Design and Townscape Guide provide further details on how this can be achieved.

- 7.16 The proposal seeks to erect five 2 and 3 bed houses on the site and a small block of four flats. The development is divided into three small blocks each of two storeys with simple gabled forms to reference the character of the estate. The houses at the northern end of the site are arranged in a staggered formation to continue the distinctive building line of the existing terrace to the west. The semi-detached pair follow on from this arrangement. The flats are located in the southern part of the site and provide an active frontage onto the street. The scale and arrangement of the development sits comfortably with the local area and the proposal is appropriate in this regard.
- 7.17 The detailed design of the blocks also seeks to draw reference from local character including simple flat fronted design and feature cladding at first floor, but the design has also been updated to include more modern windows and high quality cladding materials. This will ensure that the proposed dwellings sit comfortably with the existing streetscene without appearing to be a pastiche of the existing buildings. Each block is slightly varied in its design which will add interest to the development but maintain an overall cohesion.
- 7.18 Parking has been provided to the front of the buildings, but this area includes significant areas of landscaping to soften the impact of the cars and improve the outlook of the new and existing dwellings. A green buffer is maintained to the eastern edge of the site to provide a wildlife corridor and screen to the adjacent industrial estate. This buffer will be enhanced through additional tree planting and will provide an attractive backdrop to the parking area and development generally.
- 7.19 Overall, the design, scale, form and layout of the proposal is considered acceptable and policy compliant in respect of design and character matters.

Amenity Impacts

- 7.20 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.
- 7.21 The closest neighbour to the proposed development is No. 85 Lundy Close which is situated to the west of plot 1. There is a public footpath running between No 85 and the site and there would be a separation of 2m between the flank of plot 1 and the flank of No. 85. No. 85 has its main garden area to the south side of the building enclosed by a 2m fence. The proposed layout follows the staggered arrangement of the existing estate meaning that plot 1 would extend 2.3m in front of No 85 to the south side but would be 2.3m behind the rear building line of No 85. The proposal has no windows on the flank elevation facing No 85 and would not breach a notional 45 degree line extending from the nearest first floor habitable room window. It is therefore considered that this relationship is acceptable and the proposal would have an acceptable impact on the amenities of this neighbour in all regards.
- 7.22 To the north and east the site adjoins an industrial area including a car garage and warehousing. The proposal is considered to have an acceptable impact on these uses. To the south is the remaining tree covered green space.
- 7.23 The proposal is therefore considered to have an acceptable impact on the amenities of

neighbours in all regards.

Standard of Accommodation

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

Space Standards and Quality of Habitable Rooms.

- 7.25 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes. The Minimum property size for residential units shall be as follows:
- 1 bedroom (2 bed spaces) dwelling – 50 sqm - 1.5 sqm internal storage
 - 2 bedroom (3 bed spaces) 2 storey dwelling - 70 sqm - 2 sqm internal storage
 - 2 bedroom (4 bed spaces) 2 storey dwelling - 79 sqm - 2 sqm internal storage
 - 4 bedroom (5 bed spaces) 2 storey dwelling - 97 sqm - 3 sqm internal storage
- 7.26 The minimum floor area for bedrooms must be no less than 7.5 sqm for a single bedroom with a minimum width of 2.15m; and 11.5 sqm for a double/twin bedroom with a minimum width of 2.75m for the master bedroom or 2.55m in the case of a second double/twin bedroom.
- 7.27 Plots 1-3, 2-bed, 3-person houses, have an internal area of 78.6 sqm. Plot 4, a 4-bed, 6-person house, is 118.2 sqm, plot 5, a 2-bed, 3-person house is 82.4 sqm, units 6 and 7 are 1-bed, 2-person wheelchair accessible flats measuring 58.5 sqm and units 8 and 9 are 2-bed, 3-person, two-storey units measuring 76.4 sqm. All of the proposed dwellings meet the minimum sizes required by the technical space standards. All of the bedrooms also accord with the minimum sizes and all properties include internal storage. The storage areas in the flats are slightly undersized compared to the requirements (by 0.24sqm), however these units are generous in relation to the overall size and the layouts would be capable of accommodating additional storage. A condition is suggested to secure the provision of any additional internal storage space area to ensure compliance with the minimum standards. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to the suggested condition.

Light, Privacy and Outlook

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

M4(2) – Accessibility

- 7.29 Policy DM8 requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards unless it can be clearly demonstrated that it is not viable and feasible to do so.
- 7.30 All the houses (plots 1-5) would meet M4(2) standards. Plots 6 and 7, the ground floor flats, are wheelchair accessible units and would meet the higher Building Regulation M4(3) standard. Plots 8 and 9, the first floor flats would not meet M4(2) standards because they do not have a step free access to the main living area, however, they do have private staircases which could be fitted with a stairlift if needed. Whilst this would enable assisted access to the first floor, it would not comply with the requirements of

M4(2). The application has provided the following justification for an exception to this policy in relation to units 8 and 9:

- The inclusion of a lift within the block would have a significant impact on the viability of the scheme, primarily because the associated lift maintenance costs would be passed on the tenants via a service charge and this would have a notable impact on the overall affordability of the dwellings which are proposed as affordable housing units.
- The provision of 2 affordable wheelchair units is over and above the policy requirements is a significant benefit to the scheme - there are currently 12 households on the housing register who have high priority and require 1-bed adaptable units. These units are extremely rare so of high value to the authority.

7.31 On balance, it is considered that, in this instance, the provision of 2 x affordable wheelchair units over and above policy requirements, justifies an exception to policy in relation to the 2 first floor flats the proposal is acceptable in this regard.

Amenity Provision

7.32 Each 2-bed house has a private garden to the rear of between 38 sqm and 49 sqm. The 4-bed house has a garden of 58 sqm. The flats have a communal garden of 91 sqm and balconies and terraces to the front elevation. The proposed gardens are not generous, but they are suitable for the size of properties proposed. The proposal is therefore acceptable and policy compliant in this regard.

Noise and Disturbance

7.33 The east and north boundaries of the site are located close to an industrial area where there is the potential for noise and disturbance. The Council's Environmental Health Officer has recommended that a Noise Impact Assessment be submitted to ensure that the level of noise and disturbance from these areas is measured and any necessary mitigation measures incorporated into the design. This can be secured by condition. The proposal is therefore acceptable and policy compliant subject to this condition.

7.34 Overall, subjection to conditions relating to accessibility, internal storage and noise mitigation the proposal is acceptable and policy compliant in terms of the standard of accommodation proposed.

Traffic and Transportation Issues

7.35 The NPPF states (para 111) that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.*"

7.36 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.

7.37 New houses in this location are required to provide minimum 2 car parking spaces per unit and new flats are required to provide minimum 1 car parking space per unit. A minimum of 1 cycle parking space per dwelling is also required. Flats are also required to provide refuse storage.

- 7.38 16 parking spaces are proposed which is equivalent to 2 spaces for each house, 1 space for each flat and 2 visitor spaces. A dedicated cycle and refuse store is proposed for the flatted block and full details have been provided. Sheds are shown for each house which are capable of accommodating the required cycle parking. Access to the site would be taken from Lundy Close removing existing kerb. The Council's Highways Officer has raised no concerns. The proposal is therefore acceptable and policy compliant in traffic and transportation issues in all regards.

Sustainability

- 7.39 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.
- 7.40 The submitted statements make reference to net zero housing and the installation of pv panels and air source heat pumps but no details have been submitted to demonstrate that the policy requirements for 10% renewables and water efficient design have been met. However, these can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Ecology, Biodiversity, HRA and RAMS

- 7.41 An ecology survey has been submitted with the application. This concludes that the site is of largely low ecological value in terms of ecology habitat but acknowledges the presence of badger setts in the vicinity of the site and that badgers may cross the site, although there is no evidence that this is a main foraging route. In order to address this the application has been amended to include a badger corridor along the eastern and northern boundaries of the site to enable badgers to safely navigate from the wooded area to the site to the link to Cherry Orchard Park to the northwest. The Essex Badger Protection Group are satisfied that this is a reasonable approach in this instance and have raised no objection to the proposal subject to conditioning badger protection measures during construction.
- 7.42 The site does not support any other protected species. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to these mitigation measures which can be required by condition.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.43 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) 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.

- 7.44 The required tariff for this proposal has been paid. The proposal is considered to be acceptable and policy compliant in this regard.

Land Contamination

- 7.45 The site is located adjacent to an industrial site. A Combined Phase I and Phase II Site Investigation Report has been submitted with the application. The report concludes that no specific remediation is required but recommends a watching brief is maintained on site during the ground works in case signs of contamination are found during construction. The Council's Environmental Health Officer is satisfied with this approach. This can be required by condition. The proposal is therefore acceptable and policy compliant in this regard subject to this condition.

Flooding and Drainage

- 7.46 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.47 The site is located in flood risk zone 1 (low risk). No specific information has been provided regarding drainage. A condition can be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to that condition.

Construction Management Plan

- 7.48 The Council's Environmental Health Officer has requested that a construction management plan be conditioned to protect the amenities of neighbours during construction. This would also consider construction impacts on the surrounding road network. The agent has agreed to a pre commencement condition in relation to this issue. The proposal is acceptable and policy compliant in this regard subject to this condition.

Trees

- 7.49 The site is mainly open grass. There are three trees towards the centre of the eastern side of the site and along the eastern boundary. Directly south of the site but outside the site boundary is a wooded area which is a local landscape feature. None of the trees on or adjacent to the site are preserved.
- 7.50 The three trees towards the eastern side of the site, that are proposed to be felled to enable the development, are an early mature ash, a larger ash and a horse chestnut trees. The young ash has fused stems and a suppressed crown and wounds at its base. It is growing very close to the horse chestnut tree and it is likely that the growth of one or both trees would be affected by their close proximity. The two larger trees are in better condition generally, but localised defects were evident on both trees. The ash trees are also susceptible to ash die back which may affect their future retention.
- 7.51 These three trees will be replaced with 30 new trees including field maple, silver birch, fruiting and holly trees which have been specifically chosen to improve the biodiversity of the site. These will be planted mainly located along the eastern boundary of the site to provide an enhanced wildlife corridor and buffer to the industrial estate and three within the rear gardens of the houses. The landscaping proposal for the site also includes significant planting beds to the front of the buildings and in the parking area which will be planted with a mix of native and wildlife attracting shrubs. Overall, the

landscaping proposal will provide an uplift in biodiversity at the site compared with the existing situation which comprises mainly open grass area. The closest trees in the wooded area are proposed to be protected during development.

- 7.52 Overall, it is considered that the replacement tree planting and landscaping would provide an acceptable mitigation for the loss of the trees. The proposal is therefore acceptable and policy compliant subject to conditions relating to tree protection and landscaping including replacement tree planting.

Archaeology

- 7.53 An Archaeological Desk Based Assessment (DBA) and a Written Scheme of Investigation (WSI) has been submitted with the application. The DBA identified that there is potential for pre-modern archaeological remains to survive within the site. These remains are likely to relate to prehistoric or Medieval and post-Medieval phases of land use, possibly associated with agricultural purposes. The WSI proposes that a series of trenches be excavated covering 5% of the development area and sets out the procedures for excavation, soil sampling and recording of any finds. The Council's Archaeological curator has reviewed these documents and supports the recommendations. The proposal is therefore acceptable and policy compliant in terms of Archaeology subject to implementation of the proposed WSI.

Permitted Development

- 7.54 Given the space limitations it is considered appropriate in this case that permitted development rights should be controlled by condition so that the implications of future extensions or outbuildings on the character of the area and future residents can be fully assessed. It is also considered that permitted development in relation to the creation of hard surfacing and front boundary treatments should also be controlled to control any potential loss of landscaping to the front which is considered to be an important aspect of local character.

Community Infrastructure Levy (CIL)

- 7.55 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 716.4 sqm, which may equate to a CIL charge of approximately £18296.75 (subject to confirmation) however since the development would be for affordable housing the applicant can apply for an exemption.

Equality and Diversity Issues

- 7.56 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) and the provision of accessible and adaptable, and wheelchair user dwellings. They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 7.57 The development creates new housing. The Housing Delivery Test shows a significant under-performance in housing deliver. This and the lack of a 5 Year Housing Land Supply weighs in favour of the principle of this type of development and in these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise applying the tilted balance in favour of sustainable development.
- 7.58 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 local and national planning policies and guidance. The impact on green space is addressed by the contribution towards environmental enhancement works on the site and to green spaces elsewhere in the estate (off site works to the value of £5000). Some weight also needs to be attached to the proposal's provision of housing including family housing and 2 wheelchair units for which there is a need in the City. The proposal would provide an acceptable standard of accommodation for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. There would be no significantly adverse traffic, parking or highways impacts caused by the proposed development. The ecology mitigation measures, including the proposed badger corridor, will satisfactorily protect wildlife crossing the site. This application is therefore recommended for approval subject to conditions

8 Recommendation

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

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

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

- 2 **The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, 4867.130-PL4, 4867.131-PL3, 4867.132-PL3, 4867.134-PL1, 4867.135-PL3, 4867.136-PL1, 4867.137-PL1, 4867.138-PL2, TCTC-17596-PL-01.**

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

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

Reason: To safeguard the visual amenities of the area, in accordance with the

National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 4 The 16 car parking spaces, including 2 disabled spaces, the associated vehicular access for the spaces to access the public highway and the associated electric vehicle charging points as shown on approved plan 4760.138-PL2 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces, associated vehicular access to and from the public highway and Electric Vehicle charging points shall thereafter be permanently retained to serve occupiers and their visitors for the lifetime 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, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 5 No development shall commence on site unless and until a written strategy for green space enhancements, including measures to enhance biodiversity, within the estate surrounding the site, including indicative costings and timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied until the Local Planning Authority has received confirmation that the agreed strategy has been implemented in accordance with the approved details. The strategy shall demonstrate that a sum of at least £5,000 will be spent on environmental improvements in the local area.

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

- 6 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until full details of the hard landscaping works and proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) Proposed finished levels or contours.
- ii) Details for the means of enclosure of the amenity areas.
- iii) Material product details for all hard landscaping at the site including roads, paths and patios.
- iv) Details of proposed outbuildings.

The hard landscaping shall be implemented in full accordance with the approved details before the dwellings are occupied.

The soft landscaping at the site, including 30 new trees and shrub planting around the buildings, shall be carried out in full accordance with plan reference 4867.135-

PL3 and shall be completed before the end of the first planting season following first occupation of the dwellings hereby approved.

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

- 7 Prior to the commencement of development the tree protective fences as shown on plan reference 4867.135-PL3, shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturalist.**

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

- 8 No development shall commence on site unless and until a written strategy for green space enhancements, including measures to enhance biodiversity, within the estate surrounding the site, including indicative costings and timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied until the Local Planning Authority has received confirmation that the agreed strategy has been implemented in accordance with the approved details. The strategy shall demonstrate that a sum of at least £5,000 will be spent on environmental improvements in the local area.**

Reason: The pre commencement condition is required to ensure that the development provides adequate mitigation for the loss of green space at the site in accordance with Policy CP7 of the Core Strategy (2007).

- 9 The development hereby approved shall be carried out in full accordance with the recommendations set out in the submitted Archaeology Written Scheme of Investigation Reference XEXLCS22-27117. These works shall be undertaken by a suitably qualified archaeologist. The subsequent recording and post-excavation assessment reports shall be submitted to the Local Planning Authority before the development hereby approved is occupied.**

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

- 10 The proposed site clearance and construction works shall be carried out in full**

accordance with the recommendations set out in Preliminary Ecological Appraisal by Hybrid Ecology Ltd Rev B dated 21st Sept 2022 including the installation of the proposed badger corridor as shown on plan reference 4867.135-PL3 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. In addition, the following badger protection measures shall be implemented prior to the commencement of the development and maintained as such throughout the construction period:

- i) All workmen on site must be fully briefed concerning the presence of badgers and the mitigation measures to be followed.
- ii) An exclusion zone around the development area must be set up prior to the commencement of works to prevent encroachment on the badger sett during completion of the scheme. This must provide a clear 20m area around the sett, as a minimum, in which no construction work must take place, including the storage of materials or machinery.
- iii) The proposed badger corridor must be similarly defined and fenced prior to the commencement of work to ensure the badgers have free access on and off site during the completion of the project.
- iv) Any trenches or deep pits must be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank must be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- v) Any trenches/pits must be inspected each morning and evening to ensure no badgers have become trapped.
- vi) The storage of topsoil or other 'soft' building materials within the site must be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they must be subject to daily inspections before work commences.
- vii) During the work, the storage of any chemicals must be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- viii) Open pipework with a diameter of more than 120mm must be properly covered at the end of the workday to prevent badgers entering and becoming trapped.
- ix) Litter on site must be cleared at the end of the working day or otherwise kept to a minimum.
- x) Security lighting must be kept to a minimum, and away from setts, so as not to disturb the badgers on site.

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

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent

environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007).

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

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

- 13 A scheme detailing measures to achieve a net zero carbon development, as set out in the submitted statement titled 'Public Benefit vs Loss of Open Space September 2022', shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in full in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained 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) policies KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend-on-Sea Design and Townscape Guide (2009).

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

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

- 15 Plots 1-5 of the development hereby approved shall be carried out in a manner to ensure the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied. Plots 6 and 7 shall be carried out in a manner to ensure the dwellings comply with building regulation M4 (3) 'Wheelchair user dwellings' before they are occupied.

Reason: To ensure the dwellings hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2,

Development Management Document (2015) Policy DM8 as amended by the Technical Housing Standards – Policy Transition Statement (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions, detached buildings or other operational development shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or in any provision equivalent to this Order in any statutory instrument revoking and re-enacting this Order, with or without modification, unless express planning permission has been granted from the Local Planning Authority.**

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend-on-Sea Design and Townscape Guide (2009).

- 17 The development shall be carried out in full accordance with the recommendations set out in Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3219.1.0 dated 20.12.18 before the development is occupied. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further works shall be carried out until a method statement detailing a scheme of mitigation for dealing with the additional contamination has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development is occupied.**

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

- 18 Prior to the first occupation of the dwellings hereby permitted a Noise Impact assessment must be conducted by a competent person to assess the potential impact of existing industrial premises and noise from deliveries to those premises on the proposed dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on the impact assessment which must include any necessary mitigation measures required for the proposal to meet the required noise standards as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.**

The mitigation measures shall ensure that the internal ambient noise levels of the dwellings hereby permitted shall not exceed the guideline values in British Standard BS8233:2014 Table 4 as follows:

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**

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification must be provided to and agreed in writing by the Local Planning Authority under the provisions of this condition.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such in perpetuity.

The applicant must have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC when proposing any scheme. Where alternative means of ventilation and air cooling and heating are to be used, the submitted report shall include full details of what they will comprise and 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 implemented in full accordance with the details approved under this condition before the dwellings are first occupied and be maintained as such thereafter in perpetuity.

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

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

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding including measures to ensure the protection of the existing grass verges to the south section of the site to be retained.**

- v) measures to control the emission of noise, dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

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

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

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

- 21** The dwellings hereby approved shall not be brought into first use unless internal storage space for each dwelling in compliance with the minimum Technical Housing Standards – Nationally Described Space Standards (2015) has been provided and made available on site in accordance with details which have previously been submitted and approved by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2021), Policy DM8 of the Development Management Document (2015) as amended with the Technical Housing Standards Policy Transition Statement (2015) and the advice contained within the Technical Housing Standards – Nationally Described Space Standards (2015).

Positive and Proactive Statement:

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

Informatives:

- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement;

and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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.
- 3 The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

Lundy Close

Site From
NE corner
looking SW
to houses
in Lundy
Close



Site From
SW corner
looking NE
to
industrial
area



Neighbour
to north
MOT garage



Neighbours



Neighbour to
east
(industrial)
and Trees to
be felled to
enable
development



Wooded
area to
south - not
impacted
by propo

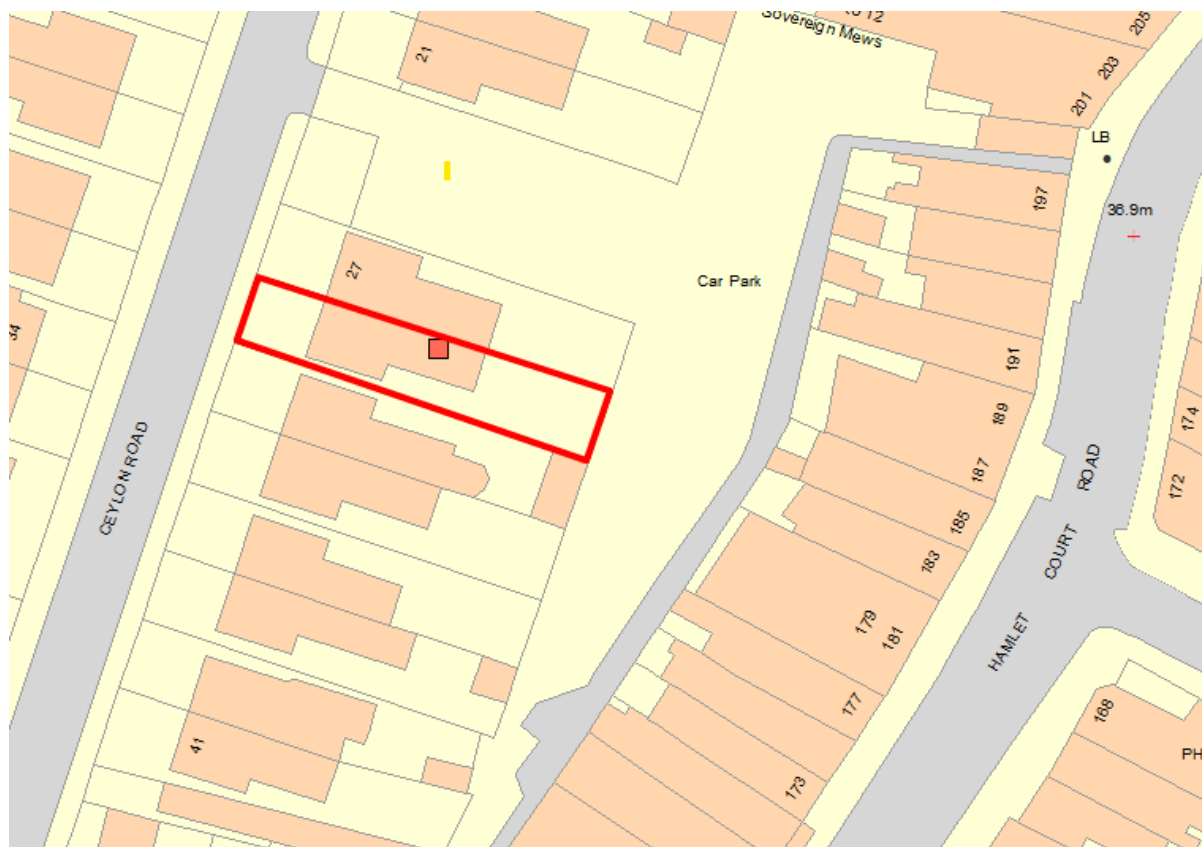


Fly tipping



Reference:	22/01332/FUL	6
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Convert existing first floor flat into two self-contained flats, install dormer to rear to form a further self-contained flat in loftspace	
Address:	29A Ceylon Road Westcliff-on-Sea Essex SS0 7HS	
Applicant:	Mr Gavin Eade	
Agent:	Mr Adrian Arand of AAV Architecture	
Consultation Expiry:	25.08.2022	
Expiry Date:	14.10.2022	
Case Officer:	Scott Davison	
Plan Nos:	005, 015, 020, 025 & 026	
Recommendation:	REFUSE PLANNING PERMISSION	

Link to Plans: [#{generalform.title} \(southend.gov.uk\)](#)



1 Site and Surroundings

- 1.1 The application site is on the eastern side of Ceylon Road. The site contains a two-storey, semi-detached building subdivided into two flats, one at ground floor and one at first floor. An amenity space is located immediately to the rear of the building. This space is allocated to the ground floor flat. There is a hard surfaced area to the front of the site accessed by an existing vehicle crossover.
- 1.2 The immediate surroundings are residential in character including two-storey dwelling houses of similar scale and form. To the rear of the site is a public car park and beyond that is part of the Hamlet Court Road shopping parade and the western boundary of the Hamlet Court Road Conservation Area. The site is not within a Conservation Area or subject to any other site-specific planning policy designations.

2 The Proposal

- 2.1 The application seeks planning permission to erect an “L”-shaped flat roof dormer to the rear roof slope of the building, extending into the outrigger. The dormer would enable the conversion of the roof space to one (1no.) additional self-contained flat. The existing first floor flat would be converted into two (2no.) separate self-contained flats. The development would result in a total of four (4no.) flats within the building, one at ground floor, two at first floor and one within the roof.
- 2.2 The element of the dormer on the rear roof slope would be some 6m wide and 2.7m high projecting to a depth of 2.5m. This would be physically attached to and linked with the section of the dormer set over the outrigger which would be 2.7m high, projecting some 3.9m from the roof slope and some 3.8m wide. Both the side and rear elements of the dormer would not be set off the eaves as shown on the elevation plan and the rear dormer element would not be set in from the side elevation. Both elements of the dormer would be set down from the ridge of the roof. The dormer would contain two windows including one rear facing window in the rear dormer element and one within the cheek of the side dormer element .
- 2.3 The proposed second floor flat would be accessed by an internal staircase and would be a one-bed, two-person unit measuring 38sqm in total area, with a 13.2sqm bedroom. No cross-section plan has been submitted to show the internal ceiling height.
- 2.4 At first floor, there would be internal changes to subdivide the existing three-bed flat into two (2no.) one-bed, one-person flats. The flat to the front would be some 38 sqm with the bedroom measuring some 10.2 sqm. The flat to the rear would be some 37 sqm with the bedroom measuring some 11.2 sqm. Access to the flats would be via an existing internal staircase.
- 2.5 No amenity space is provided to the upper floor flats. No parking spaces are shown on the submitted plan, but the application form states two parking spaces are provided and this would remain unchanged. No details of cycle storage or refuse storage are provided.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome [Date]
97/0580	Form vehicular access	Granted [21.08.1997]

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillor Sadza.

Public Consultation

- 4.2 A site notice was displayed and 24 neighbours were notified of the application. Four (4) letters of objection have been received, including three from the same address, their contents are summarised as follows:

- No other properties in street scene with dormers
- Only one parking space, impact on parking in street
- Loss of property value
- Impact on utilities
- No fire escape
- No contact from applicant
- Overlooking and loss of privacy from dormer
- The rear garden is owned by the ground floor and there is no access for the first-floor occupant

- 4.3 Officer Comment: Issues relating to design, character and appearance, amenity have been addressed within the report. Property value and financial loss are not material planning considerations. These concerns are noted, and material planning considerations have been considered in the assessment of the application. Aside for the reasons outlined in the last section of the report, the objecting comments are not found to constitute reasons for refusal in the specific circumstances of this case.

Essex Fire

- 4.4 No objection

Highways

- 4.5 Objection - The existing crossover cannot accommodate two vehicles, it would need to join to the neighbouring crossover to the north and be extended to the south but no more than 1.2m from the existing lamp column. The plans do not show dimensions. Secure cycle parking will need to be provided and no information relating to the local transport links has been provided. This is required due to the lack of parking associated with the development.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type),

DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of development, design, impact on the street scene and character of the area, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, Community Infrastructure Levy (CIL) and RAMS considerations.

7 Appraisal

Principle of Development

- 7.1 Government policy contained within the National Planning Policy Framework encourages effective use of land, in particular, previously developed land.
- 7.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way Policy CP8 requires that development proposals contribute to local housing needs.
- 7.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend, providing approximately 40% of the additional housing that is required to meet its needs. Policy CP8 also expects 80% of residential development to be provided on previously developed land. 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 HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would create an increase of a single, one-bedroom dwellings which is a modest contribution to the housing supply of the City.
- 7.4 Paragraph 2.42 of Policy DM3 states: "The conversion of existing dwellings can, where appropriately justified, be an effective way of meeting local housing demand. The conversion of single dwellings to more than one self-contained unit can also give rise to a number of problems within an area. These include contributing to pressure on on-street parking capacity, changes in the social and physical character and function of an area. It is also important that conversions do not result in a poor- quality internal environment that detrimentally impacts upon the intended occupiers' quality of life".
- 7.5 The proposed conversion to three self-contained one-bedroom flats would involve the loss of a single three-bedroom dwelling in an area with viable demand for single family dwellinghouses. This is undesirable; however, this loss is balanced against the need for additional homes within the city and is not considered to outweigh the identified need.

- 7.6 The principle of extensions and alterations to the building to form additional residential development is considered to be acceptable subject to the considerations in Policy DM3 above, and to the detailed considerations assessed below.

Design and Impact on the Character of the Area

- 7.7 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.
- 7.8 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 Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.9 The application building is located to the west of Hamlet Court Road Conservation Area. A Conservation Area is; "*an area of special architectural or historic interest*" with a character which is "desirable to preserve or enhance" (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character comes from a range of factors including the design of the buildings as well as the materials used.
- 7.10 Consistent with the duty imposed under Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act (1990), Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value.
- 7.11 The Southend-on-Sea Design and Townscape Guide (par.366) states "Proposals for additional roof accommodation within existing properties 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. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred".
- 7.12 The rear of application site is some 30m from the western boundary of the Hamlet Court Road Conservation Area with a public car park between the rear of the site and Conservation Area boundary. Given the separation distance, it is considered that the development proposed would not result in any significant harm to the character and appearance and setting of Conservation Area
- 7.13 An L-shaped flat roof dormer is proposed to the rear roof slope of the building which would extend into the outrigger to the rear of the building and would be readily visible from the car park to the rear. The dormer has a contemporary design and would be set below the ridge line but would not sit up from the eaves. It would have limited fenestration and would be finished in cladding which would not integrate with tiled roof and brick elevations. The window in the rear facing dormer would align with the first-

floor fenestration but the other window would contrast with the existing fenestration design. It is considered that the size, scale, bulk and detailed design of the dormer results in development that is oversized, overbearing and of no architectural merit.

- 7.14 Properties in this part of Ceylon Avenue have a uniform appearance and there are no dormers evident within the rear roof slopes. The dormer extension would be a visually intrusive, incongruous addition to the building at odds with its form, character and appearance and the character of the surrounding area.
- 7.15 The proposed development is therefore unacceptable and fails to comply with policy in the above regards

Amenity Impacts

- 7.16 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.
- 7.17 The nearest properties to the application site are the ground floor flat (No 29), the other half of the semi-detached dwelling (no.27) to the north and the non-attached dwelling, to the south (No.31).
- 7.18 The proposal would introduce a new dormer with two new rear facing windows. No other external alterations are proposed. Given that there are existing rear facing windows within the building, it is not considered that the proposal would result in materially different impacts on neighbouring dwellings when compared to impacts that already exist. As the proposed additional built form would be contained within the footprint of the existing building and bearing in mind the relationship with the nearest neighbours, the proposal would not result in significantly harm to the residential amenity of neighbours in terms of outlook, visual enclosure, daylight and sunlight.
- 7.19 Whilst the proposal would increase the number of flats within the building, the existing first floor flat is capable of accommodating three persons and the proposed development would accommodate four persons. On balance it is not considered that the proposed one-bedroom dwellings would result in significantly harmful noise and disturbance to the occupants of the ground floor flat or the neighbouring dwellings in terms of comings and goings. The matter of internal noise transference between the new and existing dwellings is addressed by Building Control legislation.
- 7.20 It is considered that the design, layout, size, siting and scale of the development proposed are such that it would, on balance, not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Standard of Accommodation

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

- 7.22 The Technical Housing Standards – Nationally Described Space Standards, published by the government, are a material planning consideration. The standards have been adopted in local policy DM8 as amended by the Technical Housing Standards Policy Transition Statement. The technical housing standards state that the minimum property size for residential units shall be as follows:
- Minimum property size for a 1 bedroom, 1 person flat is 37 square metres*
 - (1 storey dwelling). *Where a 1b1p has a shower room instead of a bathroom.
 - Minimum property size for a 1-bedroom, 2-person flat over 1 storey is 50sqm.
 - Bedroom Sizes: Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - Provision of internal storage 1 sqm for 1b1p & 1.5sqm for 1b 2p
- 7.23 Weight should also be given to the content of policy DM8 (as amended) which sets out standards in addition to the national standards.
- Amenity: Suitable space should be provided for private outdoor amenity, where feasible and appropriate to the scheme.
 - Suitable, safe cycle storage with convenient access to the street frontage.
 - Refuse Facilities: Storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906:2005 Code of Practice for waste management in Buildings.
 - Accessibility in line with Building Regulation M4 (2) unless the proposed dwelling is not a new built.
- 7.24 The application form and submitted plans states the proposal is to form three (3no.) one-bedroom, one-person flats. In regard to flat 3 in the roof space, it would measure some 38 sqm internally meeting the one-bed, one-person standard (although there is no section plan showing the head height for this flat). However, the proposed bedroom would meet the standard required for a double (or twin bedroom) as it would provide a bedroom of 13.2 sqm in area. The residential unit as proposed is clearly capable of being occupied by more than one person and should therefore be considered as one-bed, two-person flat. This is in line with line with the guidance in the Inspectors' manual and the view taken by an Inspector when determining two appeals at land known as Rear of 1 Shoebury Avenue¹. On this basis, the proposed flat would fail to meet the minimum floorspace standards for a one-bed, two-person flat and would provide unacceptable living conditions for future occupants. The flat does not provide other benefits that outweigh the identified harm.
- 7.25 The two flats at first floor level would exceed the minimum size required by the technical housing standards and would also be acceptable in terms of outlook and natural light to each room. In terms of layout and access, the entrance to the new flats would be from an existing staircase and the landing area would be reconfigured to from individual entrances.
- 7.26 No details of refuse storage are shown on the submitted information. Waste could be put out in loose sacks in line with current guidance. Details of waste storage can usually be secured by condition in the event the proposal was otherwise considered acceptable.

¹ PINS reference Appeal A: APP/D1590/W/20/3245699, Appeal B: APP/D1590/W/20/3247377, Full address: Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea SS3 9BH

However, in this instance the only available location for waste storage facilities would be on the site frontage which is undesirable, and this adds weight to the conclusions about unacceptable living conditions.

- 7.27 An amenity area is provided to the rear of the ground floor which appears to be solely available to the ground floor flat. The Council has no adopted standards for amenity space provision and policy DM8 states: *Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances*. The proposal does not include external amenity space and no exceptional circumstances have been demonstrated. The proposal is therefore unacceptable in these regards. The lack of external amenity space also emphasises the importance of providing adequate internal space.
- 7.28 The proposed development would be formed through extensions and limited details have been submitted in regard to whether the proposal would meet Building Regulations 2010 Part M including M4(2). Nevertheless, given that the proposal is effectively an extension, there is no strict policy requirement to meet M4 (2) standards and the proposal appears to result to a development that would be no less compliance with Building Regulation M4 (1) which would comply with relevant requirements.
- 7.29 For the reasons set out above, the proposal is unacceptable and fails to comply with policy in the above regards.

Traffic and Transportation Issues

- 7.30 The NPPF states (para 111) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.” Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 also states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.31 Policy DM15 states that each flat should be served by one parking space. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 7.32 On-site parking is available to the front of the dwelling and includes at least one space, but this area is not formally laid out. The proposed development would result in the need for three spaces to serve the upper floor units and a total of four off-street parking spaces (including one for the ground floor unit) would be required to serve the whole of the building. There would be a shortfall in off-street parking provision for future occupants which would be likely to result in additional vehicles parking on the public highway.
- 7.33 Whilst there are instances where a shortfall in parking might be accepted in certain circumstances, no information has been provided to demonstrate that the site is in a sustainable location or that secure cycle parking can be provided within the application site. It is considered that insufficient information has been submitted to demonstrate that the short fall in parking could be justified and the lack of cycle parking combined with the lack of waste facilities adds weight to the conclusions about poor living conditions for future occupants. The Council's Highways service raised an objection.
- 7.34 For the reasons set out above the proposal is unacceptable and fails to comply with

policy objectives in the above regards.

Sustainability

- 7.35 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.
- 7.36 No detailed information has been submitted about renewables on site or water efficiency. However, conditions could be imposed in the event the application were otherwise acceptable.

Ecology, Biodiversity, HRA and RAMS

- 7.37 The proposal would not result in the loss of local ecological assets including wildlife habitats and significant or protected trees
- 7.38 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. This payment has been completed and the proposal is considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

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

Equality and Diversity Issues

- 7.40 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

- 7.41 Having taken all material planning considerations into account, the proposed dormer roof extension would have a detrimental impact on the character and appearance of the building and the surrounding area. The flat in the roof space would provide poor quality living conditions for future occupants. This would be exacerbated by the lack of amenity space, waste storage and cycle parking. Finally, the application fails to provide sufficient

parking to meet the needs of occupiers and insufficient information has been provided to justify this shortfall in parking provision.

- 7.42 This proposal creates new housing. Therefore, as harm is identified, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and the identified 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 NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would contribute to the housing needs of the city which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the number of units involved. In the round, the adverse impacts identified in previous paragraphs of this report would significantly and demonstrably outweigh the benefits of the proposal.
- 7.43 As there are no other material planning considerations which would justify reaching a different conclusion the application is recommended for refusal.

8 Recommendation

8.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposed L-shaped dormer would, by reason of its size, height, form and design, fail to appear as an incidental addition to the roof of the host dwelling and would be significantly out of keeping with and harmful to the character and appearance of the existing building rear garden scene and local area. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).
- 02 The proposed dwelling in the roof space would be capable of being occupied by two persons as the size of the bedroom would exceed the minimum area for a double or twin bedroom in the Technical Housing Standards – Nationally Described Space Standards (2015). The internal floor area proposed for the dwelling would be insufficient in size for two-person occupation. In addition, the development would result in a poor standard of accommodation for future occupiers of the development as result of the lack of amenity space, cycle parking and waste storage facilities, to the significant detriment of the living conditions of future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007); Policies DM1, DM3 and DM8 of the Development Management Document (2015) as amended by the Technical Housing Standards Policy Transition Statement (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Technical Housing Standards – Nationally Described Space Standard (2015).
- 03 The proposed development would provide insufficient on-site parking to meet the needs of future occupiers and the minimum parking standards. This would be likely to result in additional vehicles parking within the public highway, to the detriment of highway safety and the free flow of traffic. Insufficient information has been submitted to demonstrate that the short fall in parking could be justified. The proposal is therefore unacceptable and contrary to the National Planning

Policy Framework (2021); Policies CP3 of the Core Strategy (2007); Policies DM1, DM3 and DM15 of the Development Management Document (2015)

Positive and Proactive Statement:

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. 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 detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**

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29A Ceylon Road Westcliff on Sea

22/01332/FUL

Site



Street scene looking south



Ceylon Road public car park to
rear of site



Rear elevation



Rear garden scene



Site



Rear Environment to south of site



Site



Rear Elevation

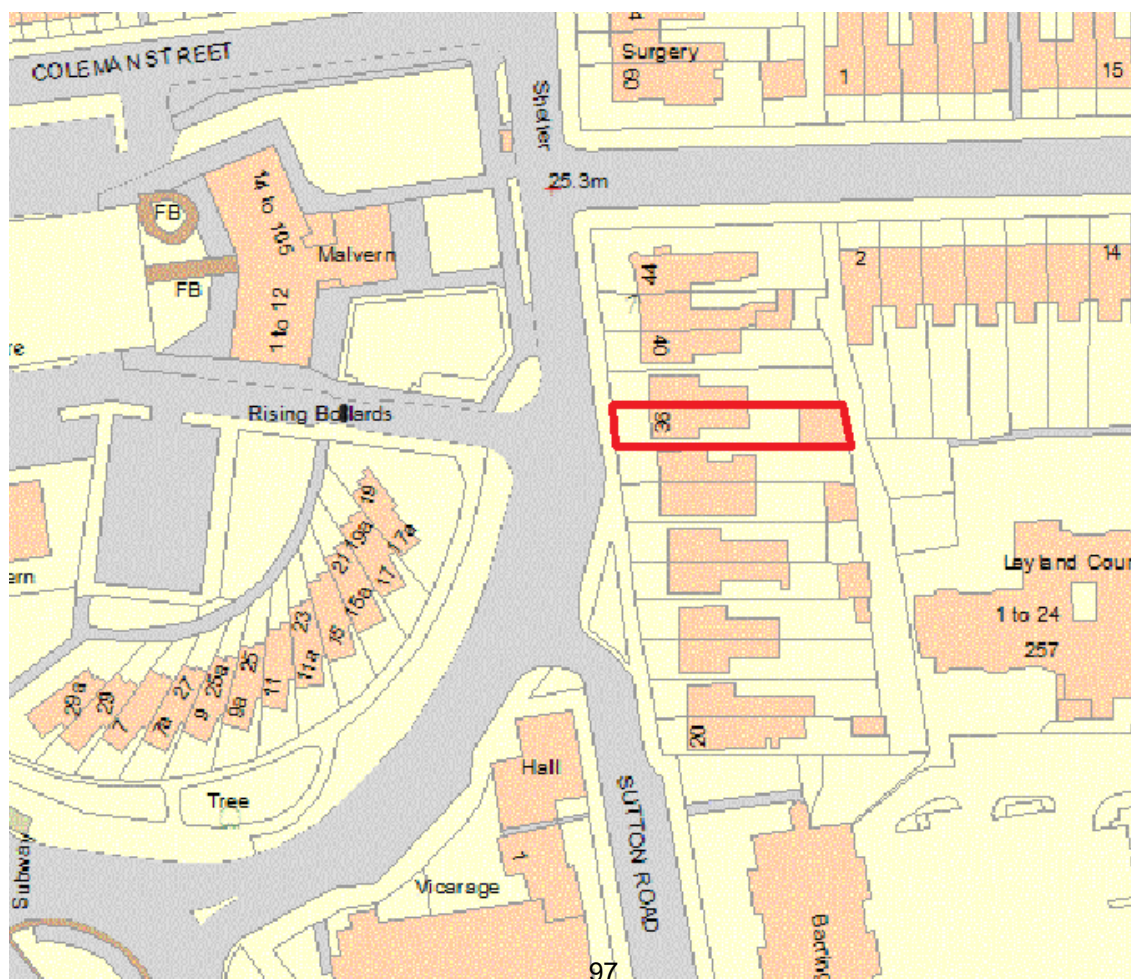




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Reference:	22/00507/FULH	7
Application Type:	Full Application - Householder	
Ward:	Kursaal	
Proposal:	Layout parking to front and form vehicle crossover onto Sutton Road for disabled access (part-retrospective)	
Address:	36 Sutton Road, Southend-on-Sea, Essex, SS2 5EW	
Applicant:	Mr Zoran Stepanovic	
Agent:	Not applicable	
Consultation Expiry:	18 th August 2022	
Expiry Date:	13 th October 2022	
Case Officer:	Hayley Thompson	
Plan Nos:	Location plan, Plan of front of property, S001A, S003A	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	

Link to Plans: [#\(generalform.title\) \(southend.gov.uk\)](#)



1 Site and Surroundings

- 1.1 This site on the east side of Sutton Road contains a semi-detached dwelling. Sutton Road is a Classified Road. The application site is within a residential area with some commercial uses to its north. The site is opposite Malvern, a 12-storey block of flats. There are no examples of vehicular accesses within the immediate locality on Sutton Road.
- 1.2 The site is located within the Sutton Gateway Neighbourhood as defined in the Southend Central Area Action Plan. It is not located within a conservation area nor is subject to any other planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought to create a 4.66m wide vehicular access onto Sutton Road and to lay hard standing to the front garden to measure 4.6m wide and 5.3 deep to allow for the off-street parking for at least one vehicle to improve disabled access. Concrete hardstanding has been laid at the site so the application is part retrospective in nature. It is proposed that surface water would drain to an Aco water drain.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
21/00315/UNAU_B	Enforcement enquiry	Pending

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Cllr Cowdrey.

Public Consultation

- 4.2 134 neighbouring properties were consulted and two letters of representation have been received objecting to the proposal. Summary of objections:
- The property is located on a busy classified road
 - The site is located close to busy junctions
 - The site is close to a raised table crossing and sight lines would be obscured
 - The site has existing off street parking and garage to the rear
 - Plans show an existing rear wall that has been previously demolished
 - The hardstanding is not level
 - Concerns raised that the proposal would be detrimental to the health and safety of residents in nearby sheltered or disabled housing
 - The plans show as existing a front boundary wall that has not been on site for some time.

Officer Comment: All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application however, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 Southend Central Area Action Plan (SCAAP) (2018): DS5 (Transport, Access and Public Realm), PA9 (Sutton Road Neighbourhood Area Development Principles)
- 5.5 The Southend-on-Sea Vehicle Crossing Policy and Application Guidance (2021)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Vehicular crossings are considered acceptable in principle, providing that highway safety is not harmed, and there is no harm to the character of the surrounding area or residential amenity.

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 Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.4 Paragraph 126 of the National Planning Policy Framework (NPPF) states that, "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- 7.5 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These

policies seek to maintain and enhance the amenities, appeal and character of residential areas.

- 7.6 There are a small number of front gardens that have been hard surfaced in Sutton Road. Concrete hardstanding has been laid at the site with a stark white finish which does not contribute positively to the setting of the dwelling's frontage or the streetscene. It is considered to be poor design. However, as part of an overall balanced judgement in which appropriate weight has been attached to the disabled access improvements represented by the hardstanding and proposed access, it is considered that the identified visual harm could be reasonably overcome by requiring the hardstanding to be finished in a top surface material, including for example an exterior quality concrete paint, to reduce its starkness. A condition is suggested and an informative sets out the expectations in this regard.
- 7.7 Subject to that condition it is considered, on balance, that the proposal would not be of significant detriment to the character and appearance of the application site, the streetscene or the wider area. It would then be acceptable and policy compliant in the above regards.

Amenity Impacts

- 7.8 Policy KP2 seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.9 Policies DM1 and DM3 seek to support sustainable development that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including noise and disturbance, visual enclosure and pollution.
- 7.10 The proposal would result in vehicular comings and goings in proximity to neighbouring dwellings. The hardstanding will have a limited impact on the amenity of neighbouring dwellings. Due to the nature of the development it is not considered that the proposal will result in any significantly harmful impact on the amenities of the surrounding residential occupiers. Its impact on residential amenity is therefore acceptable and policy compliant.

Traffic and Transportation Issues

- 7.11 The NPPF states (para 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 7.12 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. The Southend-on-Sea Vehicle Crossing Policy and Application Guidance is a material consideration.
- 7.13 Sutton Road is a classified road and the proposal would result in the gain of at least one off-street parking space. There are double yellow lines in front of the site and so no on-street parking spaces would be lost as a result of the proposal. The Vehicle Crossing Policy & Application Guidance sets out a vehicular crossover minimum parking area which must be equal to or greater than 2.44m by 4.8m when cars are parked at a right angle to the footway to enable a vehicle to be parked wholly within the front curtilage. The proposed parking area meets the guidance requirement for one vehicle when parked at a right angle to the footway. The Highways team have raised no objection to the proposal.

- 7.14 The proposal's impact on highway and pedestrian safety is therefore acceptable and policy compliant.

Community Infrastructure Levy (CIL)

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

Equality and Diversity Issues

- 7.16 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) and the purpose of the access and hardstanding to improve the access requirements of a disabled person. They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 7.17 For the reasons outlined above and subject to conditions, the proposal is found, on balance, 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.

8 Recommendation

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

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

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

- 02 The development hereby permitted shall be carried out solely in accordance with the following approved plans: Location plan, Plan of front of property, S001A, S003A.**

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, prior to the first use of the hardstanding for parking vehicles, its surface shall be finished in external surface materials the purpose of which is to reduce the existing hardstanding's starkness, the details and specifications of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.**

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), advice in the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement:

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

Informatives:

- 1 You are advised that as the proposed alterations to your property do not result in new floorspace and 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 Council will 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.**
- 3 The applicant is advised that they are required to apply to the Highways Authority for separate consent to have a vehicular crossover installed.**
- 4 The applicant is advised that external surface materials designed to reduce the starkness of the existing white concrete material may include materials such as slabs, tiles, tarmac, bonded resin or a concrete paint purposely designed for exterior ground surface use.**
- 5 The applicant is advised that failure to comply with condition 03 of this permission is likely to result in the Council considering the expediency of planning enforcement action to seek to remedy the identified harm.**

36 Sutton Road SS2 5EW

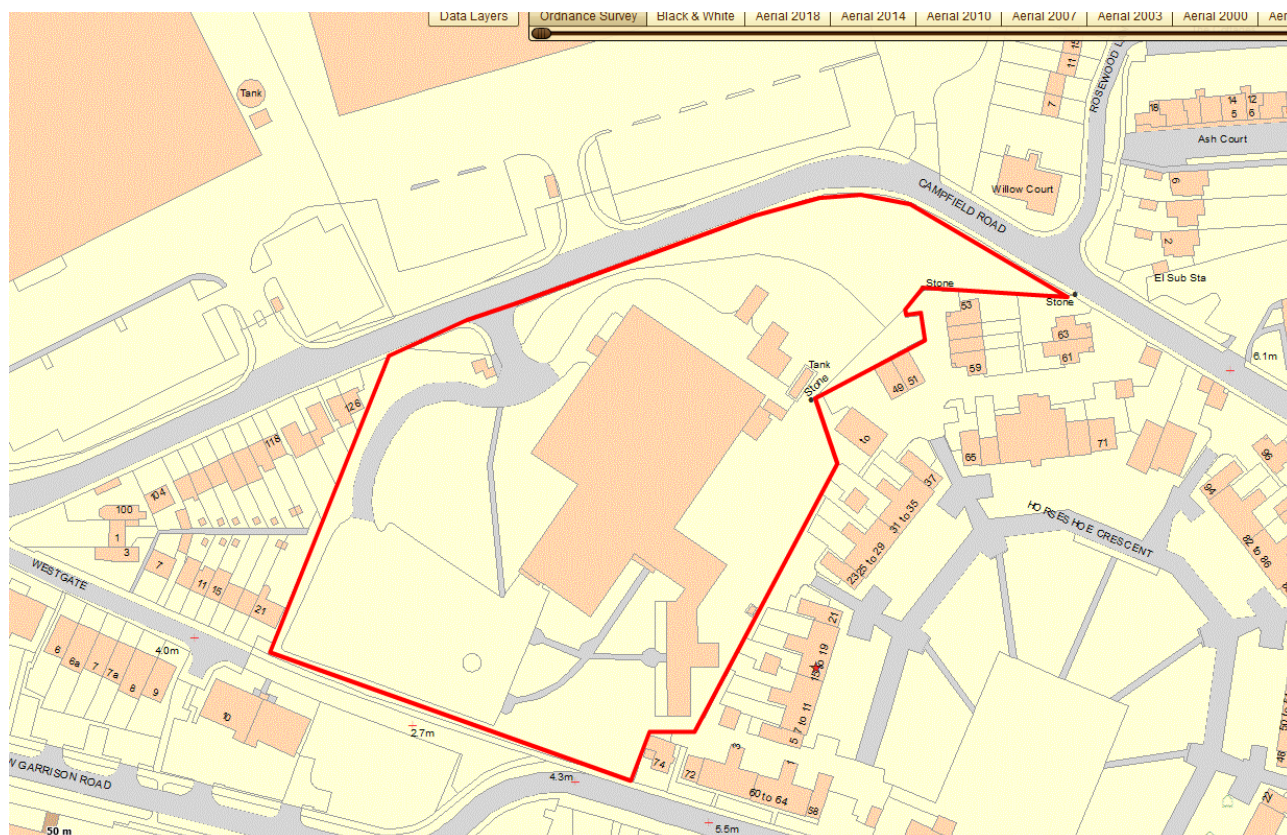
Driveway Photographs





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Reference:	TPO 4/22	8
Ward:	Shoeburyness	
Proposal:	Tree Preservation Order Confirmation	
Address:	Cantel (UK) Ltd Site, Campfield Road, Shoeburyness, Essex SS3 9BX	
Consultation Expiry:	10 th August 2022	
Expiry Date:	20 th December 2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	N/A	
Recommendation:	CONFIRM TREE PRESERVATION ORDER with modifications	



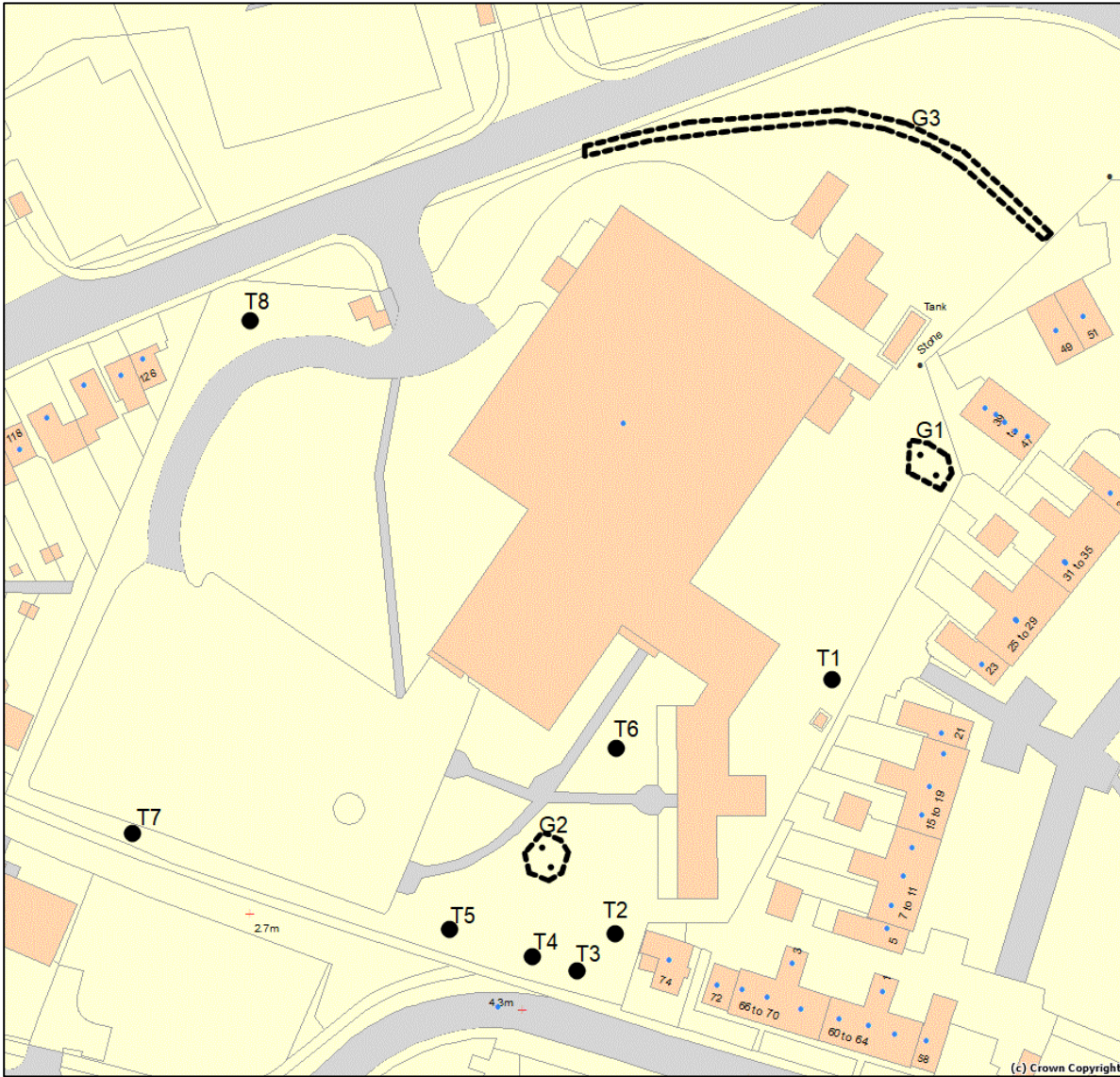
1 Site and Surroundings

- 1.1 The proposed TPO relates to 8 individual trees and three groups of trees in the grounds of the Cantel (UK) Ltd site in Campfield Road, Shoeburyness. The trees are mainly located close to the northern southern and eastern boundaries with a few further into the site. All these trees are publicly visible from the surrounding streets and generally make a positive contribution to the setting of Shoebury Garrison Conservation Area which lies beyond this site adjoining its east and south.
- 1.2 The trees subject of the provisional order are summarised below including their TEMPO score (Tree Evaluation Method for Preservation Orders) assessed by the Council's Arboricultural Officer. The TEMPO Scoring system is a standardised method of scoring trees to determine their suitability for tree preservation orders. Points are awarded for various categories including the condition of the tree, its future life retention span, its relative public visibility and contribution to amenity. Extra points are awarded for other factors such as for trees of significant age or particularly good form or for trees that are of historical value or as part of a cohesive group which has townscape importance. Scores of 12-15 mean a TPO is defensible. Scores of 16+ definitely merit a TPO. Scores of 11 and under do not merit a TPO.

Tree Ref	Species	Summary	TEMPO Score
T1	Sycamore	Located on the eastern boundary of the site close to the conservation area boundary at the rear of Horseshoe Crescent. The tree has a particularly good form and is in a good condition with 40-100 years life expectancy. The tree can be seen from the parade ground in Horseshoe Crescent between the listed buildings and from the rear parking courts and makes a positive contribution to the setting of the listed buildings and the Shoebury Garrison Conservation Area.	17
T2, T4, T5	Atlas Cedar	Distinctive evergreen trees in in a fair condition with 40-100 years life expectancy located close to the southern boundary of the site and forms a group with T3 and T4. These trees make a positive contribution to the character of the conservation area and setting of the adjacent listed church.	15
T3	Sycamore	Fair condition with 40-100 years life expectancy located in a highly visible location on the southern boundary of the site where it makes a positive contribution to the character of the conservation area and setting of the adjacent listed church.	15
T6	Atlas Cedar	Distinctive evergreen tree is in a fair condition with 40-100 years life expectancy and is located further into the site so has less public amenity than some other trees but can still be seen from the south.	15
T7	Sycamore	Fair condition with 40-100 years life expectancy located in a highly visible location on the southern boundary of the site adjacent to a footpath.	15
T8	Norway	Fair condition with 40-100 years life expectancy located in a highly visible location on the Campfield	15

	Maple	Road frontage in the northwest corner of the site.	
G1	2 x Turkey Oaks	The trees are in a good condition with 40-100 years life expectancy and are located on the eastern boundary of the site close to the conservation area boundary to the rear of Horseshoe Crescent. The trees form an attractive cohesive group and can be seen from the rear parking courts and cul de sacs to the rear of Horseshoe Crescent and make a positive contribution to the rear setting of the listed buildings.	19
G2	2 x Sycamore	Mature specimens in a good condition with 40-100 years life expectancy located in the southern part of the site a short distance from the southern boundary. The trees can be seen from Chapel Road in the conservation area to the south and form part of the tree cover in this area.	20
G3	Linear Group of Acers and Hawthorns	These trees are growing on a raised bund which wraps around the northeast corner of the site and form a group with the existing preserved trees in this area and a buffer to the main road. They have clear public visibility from Campfield Road and are medium sized trees in good condition with 40-100 years life expectancy.	20

1.3 The map and photo below show the location of these trees (the trees subject of the provisional TPO are show in black on the map and red in the photo). A number of other trees on the Campfield Road frontage which are already protected by TPO 3/2012 are shown in green. Photos of these trees can be found in Appendix 1 of this report.



Images above and below (red) show provisional TPO Tree Locations



2 The Proposal

- 2.1 To confirm the Tree Preservation Order (TPO) at Cantel (UK) Ltd Site, Campfield Road, Shoeburyness, Essex SS3 9BX that was originally served on a provisional basis on 20th June 2022 with the proposed modification:

- The species for T1 shall be corrected from Sycamore to Turkey Oak.

3 Relevant Planning History

- 3.1 The Local Planning Authority is currently in discussions with a housing developer regarding the development of this site. The scheme is at the pre application stage and a public consultation event was held in May 2022. Following this event, the Council received a request from a local resident to consider the trees at the site for a tree preservation order. Preliminary plans show that many of these trees could be removed to make way for new housing. It is reasonable that any trees of merit on the site should be considered for protection so that their contribution to the amenity of the site and area can be fully considered as part of the assessment of any development proposals for this site.

4 Representation Summary

Public Consultation

- 4.1 Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 20th June 2022 the TPO was served on the owners of the Cantel Site, its immediate neighbours and the parties involved in the redevelopment of this site. Each received a copy of the provisional TPO, a Regulation 3 notice stating the Council's reasons for making the TPO and were notified that objections or other representations may be made to the Council by 10th August 2022.

Representations in Support of the TPO

- 4.2 8 letters of representation were received raising the following summarised issues:
- The existing trees to the north of the site provide a natural sound barrier and visual screen to the busy road and industrial estate on Campfield Road. They also absorb pollution from these areas.
 - The trees will provide focal points and help to provide a positive sense of place for the new development.
 - The trees are ecosystems important for local wildlife (birds, insects, mammals and fungi) and if removed there will be a loss of natural habitat. The trees in the northern part of the site are habitats for bats.
 - The trees are attractive and enhance the setting of the buildings including the listed buildings and conservation area. The trees are important to the local streetscene.
 - The trees are important to combat climate change including absorbing CO₂, reducing pollution and providing shade and cooling and reduce ultraviolet radiation.
 - Greenery and the changing of the seasons of trees is important for mental wellbeing (this is also stated in the new Council Tree Policy Document).
 - The trees are important to the community and should be protected for future

generations. They are part of our green heritage.

- The provisional TPO should be confirmed without modification.
- The preservation of trees is generally supported by residents across the city.
- The trees will also benefit the future residents of the development site.
- Trees near roads can have a positive effect of reducing speeds.
- The trees provide all round cover.
- Tree roots absorb moisture and canopies catch rainfall helping to reduce flood risk and flash floods.
- Replacing existing trees with new trees is not cost effective.
- The trees contribute to the Councils goal of 15% tree canopy cover by 2030.
- Some trees are in need of maintenance due to storm damage

4.3 A petition of 117 names was also received requesting that the TPO be confirmed and made permanent without modification.

Objection to the provisional TPO

4.4 The prospective developers of the site have also provided a representation on the provisional TPO. This includes their own assessment of the trees which is summarised as follows:

Table 1: Trees Subject to TPO Reference 04/2022				
Tree Reference		Species	Retention Category	Comments
TPO	Middlemarch			
T1	T15	Turkey oak	A	Tree is good specimen in good condition; however, the tree only offers limited visibility to a private estate. TEMPO score of 16 (Definitely merits TPO).
T2	T11	Atlas cedar	B	Tree has poor vigour and showing signs of stress with thin canopy. Low visibility from public realm. TEMPO score of 8 (Does not merit TPO).
T3	T10	Sycamore	B	Tree in fair condition with poor structural form. Tree is clearly visible from public realm. TEMPO score of 9 (Does not merit TPO).
T4	T9	Atlas cedar	A	Good tree in good condition with clear visibility from public realm. TEMPO score of 17 (Definitely merits TPO).
T5	T5	Atlas cedar	B	Tree in fair condition with clear visibility from public realm. TEMPO score of 13 (TPO Defensible).
T6	T14	Atlas cedar	B	Tree in good condition with low visibility from public realm. TEMPO score of 15 (TPO Defensible).
T7	T39	Sycamore	B	Tree in fair condition with clear visibility from public realm. TEMPO score of 13 (TPO Defensible).
T8	T31	Norway maple	B	Tree in fair condition with visibility to public realm. TEMPO score of 13 (TPO Defensible).
G1	T18 & T19	Turkey oak	A	Trees are good specimens in good condition; however, they are not visible from public realm. TEMPO score of 16 (Definitely merits TPO).
G2	T2 & T3	Sycamore	B	Trees in fair condition with limited visibility to public realm. Trees have been assessed as group as part of TPO but there are only two trees and they do have any connectivity with adjacent trees. TEMPO score of 9 (Does not merit TPO).
G3	H1	Field maple, Hawthorn	C	Outgrown boundary hedgerow comprised of typical hedgerow species and not suitable for TPO. Previously considered a group within the Preliminary Arboricultural Assessment, however, on further inspection it has been reassessed as a hedgerow due to its composition and linear form along a chainlink boundary fence. See photograph showing hedgerow form in Appendices.

4.5 Their report concludes:

As shown in Table 1, trees T1, T4, T5, T6, T7 and T8 and tree group G1 were found to merit Tree Preservation Order status. T1 and G1 were both considered to be high retention value during the Preliminary Arboricultural Assessment as they were in good

condition with no obvious defects.

T1 had low visibility from the public realm and G1 had almost no visibility from the public realm, however, both still scored high enough on the TEMPO assessment to merit a Tree Preservation Order.

T4 was in good condition with no obvious defects and was considered to be high retention value during the Preliminary Arboricultural Assessment. T4 was clearly visible from the public realm and also scored high enough on the TEMPO assessment to merit a Tree Preservation Order.

T5 and T6 were both considered to be of moderate retention value during the Preliminary Arboricultural Assessment. T5 was in fair condition with a torn branch wound in the western portion of the crown. T6 was in good condition with no obvious defects. Both T5 and T6 scored high enough in the TEMPO assessment to warrant a TPO.

T7 and T8 were both in fair condition and were considered to be of moderate retention value. Both trees had areas of included bark at branch unions in their crowns and the canopy of T7 contained deadwood. Both T7 and T8 scored high enough in the TEMPO assessment to warrant a TPO. The remaining trees (T2 and T3) and groups (G2 and G3) were all considered unsuitable for the TPO. T2, whilst considered to be of moderate retention value, displayed poor vigour, exhibited signs of stress and offered limited visibility to the public realm. T3 was clearly visible from the public realm and was considered to be of moderate retention value. The condition of T3 was found to be fair, however, the multi-stemmed form was structurally poor due to the presence of included bark at the stem union that is likely to limit the trees future potential. Two sycamore trees forming G2 were considered to be of moderate retention value and were found to be in fair condition despite bark inclusions at the branch unions in their crowns. The trees forming G2 offered limited visibility from the public realm.

G3 was considered to be of low retention value during the BS5837 assessment and was in fair condition. As stated in Table 1 G3 was originally considered a group within the Preliminary Arboricultural Assessment. Upon further inspection of G3 and its linear form, following an existing fence line, the group was reassessed as a hedgerow (H1). As a hedgerow, G3 / H1 does not qualify for protection as part of a Tree Preservation Order.

We object to the inclusion of T2, T3, G2 and G3 within the order as they fall short of the necessary requirements of the TEMPO assessment to warrant their inclusion.

Arboricultural Officer

- 4.6 Since the initial assessment and serving of the TPO two of the Council's Arboricultural Officers have made another visit to the site. The following comments have been received in response to the representation made by the prospective developer:

- T1- The species for T1 is mistakenly listed as Sycamore. This should be amended to Turkey Oak. This tree has a very good form and is significant in its setting abutting the conservation area. As with G1 there is visibility from a number of properties, (approx 17 plus staff at Cantel Medical). These trees (T1 and G1) also screen the view from the conservation area, reducing any negative visual impact of the Cantel building. The tree is clearly visible to

enough people to provide public amenity. TEMPO score not amended and remains at 17. [See Fig 2 and 3 in Appendix 1 for views towards and from the Conservation Area]

- T2 Atlas Cedar – Although from Chapel Road the tree is situated behind T3 Sycamore, it is still clearly visible and being evergreen, it will be more so during Autumn/Winter when T3 has no leaves. However, the category for retention span has been amended from 40 to 100 years to 20 to 40 years due to current condition - the tree is showing less signs of vigour than the other atlas cedars – The TEMPO score amended from 15 to 13 but a TPO still defensible at this score.
- T3 Sycamore - On closer inspection T3 has some bark inclusions and a central cavity which may be a potential point of weakness however it has an upright form and the crown is not overly large or spreading. These points may affect its longevity so its TEMPO category for retention span has been amended from 40 to 100 years to 20 to 40 years. This has resulted in the TEMPO score being amended from 15 to 13 but TPO still defensible.
- T4 Atlas Cedar - TEMPO score not amended and remains at 15 TPO defensible.
- T5 Atlas Cedar - Retention span amended due to current condition including the torn branch on the west side of the crown. – TEMPO score amended from 13-15 but TPO still defensible.
- T6 Atlas Cedar – TEMPO score not amended and remains at 15 - TPO defensible.
- T7 Sycamore – TEMPO score not amended and remains at 15 - TPO defensible.
- T8 Norway Maple – TEMPO score not amended and remains at 15 - TPO defensible.
- G1 2 x Turkey Oaks on east boundary –These Turkey Oaks are significant in their current setting with clear views from approx. 18-20 properties, Staff at Cantel and limited view from Campfield Road. They directly abut the Garrison Conservation Area and screen the Cantel premises, lessening its impact on the conservation area. The TEMPO score for G1 is therefore not amended and remains at 19 – TPO definitely merited.
- G2 2 x sycamore - I disagree with the findings of the objector's report. Both trees are in good physiological condition with no sign of negative impact from the construction of the pavement that runs between them. They can be clearly seen from Chapel Road, albeit beyond the smaller trees on the Chapel Road boundary. Whether they were treated as a group as they have been, or two individuals, they would still qualify for TPO protection. The TEMPO score is therefore not amended and remains at 20 – TPO definitely merited. [See figure 15 in Appendix 1 for view from Chapel Road]
- G3 Acers and Hawthorns – The objection argues that G3 is a hedgerow and therefore does not qualify for protection under TPO legislation. These trees were probably planted as a row of whips (date of planting unknown) but they have not been managed as a hedge and have now grown to a linear group of small trees with stem diameters measured at 1.5m above ground level exceeding 75mm and, in some instances, exceeding 100mm¹. Figure 16 in

¹ Note: The Town and Country Planning (Tree Preservation) (England) Regulations 2021 section 15 (1) (d) only requires 6 weeks notice to be given for works to trees in conservation areas where the tree is at least 75mm diameter measured at 1.5m above ground level. Consequently, this measurement is generally used in planning to define a tree that is worth considering for retention. This exact measurement is also referenced in the TEMPO guidance where it defines the threshold limit for 'young trees' below which they can readily be replaced by new planting.

Appendix 1 from 2009 Google Street view clearly illustrates the planting pattern with enough space between plants to enable them to develop into individual trees when left unmanaged as they have been. Google Streetview also has images from April 2009, August 2009, May 2012, September 2016, August 2018, May 2019, and April 2021 and none of these images show any evidence of hedgerow management, which would have resulted in a linear thicket of meshed crowns. This line of trees has individual structure and they meet or exceed the size requirements which would be covered by conservation area protection which is mirrored in the TEMPO scoring system (see footnote 1 above). The images in figures 18, 19 and 20 of Appendix 1 show the current size of these trees and their relationship to the road, to the existing TPO in this location and surrounding properties. Consequently, the TEMPO score has not been amended and remains at 20 - TPO definitely merited.

- 4.7 In amenity terms, the protection of G1 and T1 is appropriate in as much as the removal of these trees would have a significant impact upon the local environment and the enjoyment of a significant number of people living and working in the immediate vicinity. In addition to the number of properties T1 and G1 can be seen and enjoyed from, there is the question of future use of the land and the potential for the trees becoming more visible and therefore an increase in amenity value. Were the Cantel site to be developed in the future, these trees would play an essential role in retaining character of the site and the adjacent Conservation Area.
- 4.8 Included bark has been noted on several trees. *Included bark* is where there are two bark surfaces facing each other, as though the bark has 'folded' into the join between two uprights or branch to parent limb. It is quite common, more so amongst some species than others. It can result in a failure of the limb concerned; however, it does not always follow that a bark inclusion will fail. If a tree is sheltered, it may not be subjected to winds which may create pressure on the join. Crown structure can also play a big part in whether a join may fail or not. If stems with an inclusion are very upright, there will be less pressure on the join. If an included join is known about, the tree can be managed accordingly. This may be for example, removal of the affected limb, reduction of the area of crown carried by the affected join or when appropriate, bracing. At some point in the future, by the very fact that within the affected join, pressure increases each year, the join is likely to fail. However, if managed well, the failure may not necessarily affect the retainability or longevity of the tree and the failure of one or two limbs may well not even affect the amenity value/longevity of the tree at all.
- 4.9 It is important to bear in mind that it is more common for trees to have defects than to not have them. Some defects are more significant than others. The key is managing them accordingly. Many trees live very long lives contributing to the landscape and the local ecology with many defects. Defect is a bit of an all-encompassing word, whereas the myriad of different types of defect cannot all be categorised as life limiting or even dangerous. Some clearly are very significant and shouldn't be ignored, such as some of the wood decay fungi. Some of the trees subject of this order have been identified with defects which may potentially shorten their retention span but none of the trees proposed for preservation have been identified as having wood decaying fungi and all have a expectancy of at least 20-40 years.

Conservation Officer

- 4.10 The Council's Conservation Officer has visited the site and notes that the trees make a positive contribution to public amenity and to the setting of the surrounding historic buildings including the listed buildings in Horseshoe Crescent and the adjacent listed Garrison Church. The trees within the Conservation Area have a significant input into its special character and provide a positive setting for the historic buildings. This does not stop at the conservation area boundary as the historic buildings are seen in a wider context. The trees of note on the Cantel site play an important role in contributing to the setting of the nearby listed buildings and that of the conservation area generally.
- 4.11 The importance of trees in this location is specifically mentioned in the Shoebury Garrison Conservation Area Appraisal at paragraph 5.3.6 where it states ' Trees and vegetation also play a key part in creating the character of the open spaces in the Conservation Area. Factors which produce this character include: Large mature trees providing screens and backdrops to buildings and reinforcing the appearance of open spaces' and at paragraph 5.3.13 'Individual and groups of large mature trees are an important component of the townscape in much of the Garrison. Planting reinforces the appearance of open spaces, forms the backdrop for many of the area's buildings and helps to visually link buildings with open spaces. Some trees act as focal point in townscape.' and at 6.3.39 which states 'One of the key features of the Conservation Area is the extent of wide open green spaces and mature tree planting which greatly enhance the setting of the historic buildings. These should be maintained and enhanced wherever possible.'

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policy DM1 (Design Quality), DM5 (Southend's Historic Environment).
- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Shoebury Garrison Conservation Area Appraisal (2021)

6 Appraisal

- 6.1 The Council's local planning policies seek to protect trees under threat which make a positive contribution to the townscape of an area, including the setting of historic buildings, and contribute positively to the Green Grid.
- 6.2 The trees subject of the order are the most notable trees on the Cantel Site located outside but directly to the north and west of Shoebury Garrison Conservation Area. The site is proposed for redevelopment following the up and coming relocation of the existing commercial use. The trees are spread across the site with many located close to or within sight of the boundaries where they can be seen from the surrounding streets and properties including Campfield Road, the main road to the north of the site, the streets in Shoebury Garrison Conservation Area such as Chapel Road and Horseshoe Crescent, as well as a significant number of listed buildings in Horseshoe

Crescent and the listed Garrison Church. The trees across the site makes a positive contribution to the tree cover in this area which is so much a part of its special character of the conservation area and surrounding area generally.

- 6.3 Redevelopment of this site would result in significant change and this has the potential to impact on the existing landscape features. The impact on existing trees will be a key consideration in any development proposal. In June 2022, following public consultation with local residents, the Council received a request to consider the trees at the site for a tree preservation order.
- 6.4 Several site visits have been made to view the trees including a joint visit with the prospective developer and their arboricultural consultant. Consequently, the condition of the trees and their contribution to local amenity have been thoroughly considered.
- 6.5 There are a range of trees across the site. Those on the eastern boundary, G1 and T1, are large Turkey oaks, Category A trees which, although not prominent from Campfield Road, can be seen from Horseshoe Crescent and form an appropriate setting to the listed buildings and these trees are overlooked by numerous properties in this location. These trees score highly in their TEMPO assessments and their inclusion in the TPO is not disputed by any party.
- 6.6 The line of trees on the southern boundary facing Chapel Road and the listed Garrison Church includes T2, T3, T4, T5, and T7 (3 Atlas Cedars and 2 sycamores). The Atlas Cedars in particular are distinctive evergreen trees which provide a positive reference to the preserved evergreen yew trees surrounding the church on the other side of Chapel Road. The objection to the TPO raises concerns that T2 in particular is showing signs of poor vigour and stress and is hidden from view behind the larger sycamore T3. The Council's Arboricultural Officer acknowledges that this tree is less vigorous than the other cedars and as such the TEMPO has been rescored with a reduced lifespan 20-40 years. However, even at the reduced score a TPO would still be defensible for T2. In terms of its amenity value it is important to note that the view of this tree from Chapel Road to the south is significantly enhanced in the colder months when the adjacent sycamore loses its leaves. This can be seen in Figure 10 at the end of this report which shows the sycamore without leaves even as late as April. It is also worth noting that the amenity value of this tree and others nearby is likely to increase once the site is developed as public consultation shows an intended public open space in this area of the site.
- 6.7 The objection also questioned the merits of T3 primarily based on its form as a multi stemmed tree. The objection notes the presence of included bark at the stem union and suggests that this may limit the tree's future potential as multi stemmed trees can be more prone to fail. The objection scored this TEMPO at 9 which is below the threshold for a TPO. The Council's Arboricultural Officer has reinspected this tree and acknowledges that it has some defects including bark inclusion which can be a potential weakness, but she also notes that the stems are upright and the crown is not overly large or spreading. In acknowledgement of this weakness, the retention span of this tree has been revised to 20-40 years but even with this re-evaluation the tree scores high enough at 13 to merit a TPO particularly given its prominent position on the road frontage and therefore high amenity value.
- 6.8 Whilst there are some small differences in the TEMPO scores from the Council's Arboricultural Officer and the Objector's TEMPO both parties agree that the remaining

trees on this boundary, T4, T5 and T7 meet the requirements for a TPO.

- 6.9 Just behind this group are G2, a group of 2 sycamores and T6 another Atlas Cedar. The objection to the TPO considers the sycamores of G2 to be in fair condition, but again cite bark inclusions as a concern, as well as low visibility and have scored this group at 9. This contrasts with the score of 20 given by the Council's Arboricultural Officer who considers these trees to be in good condition without clear defects, forming a cohesive group which is visible from Chapel Road. Figure 15 below shows a clear view of these trees through the large gap between T4 and T5 where they form an important part of the tree cover in this section of the site. It is therefore considered that these trees merit inclusion in the TPO.
- 6.10 The objection does not raise any objection to the inclusion of T6, the atlas cedar, to the east of G2 in the TPO despite this having a similar level of visibility as G2 and a TPO remains defensible according to both parties.
- 6.11 T8, the Norway maple in the northwest corner of the site facing Campfield Road, is isolated from the other trees on the site which affords it prominence in the streetscene on this key frontage. The objector's TEMPO score for this tree is slightly lower than that of the Council's Arboricultural Officer but a TPO remains defensible in both cases.
- 6.12 The greatest difference of opinion concerns the final group G3 which relates to the acers and hawthorns on the raised bund in the northeast corner of the site facing Camfield Road behind the larger trees on the road edge which are already covered by TPO 3/12. These are relatively new trees compared to others in the vicinity but have grown significantly in recent years and have now become part of the tree cover in this location. The objection considers these trees to be a hedgerow not individual trees thereby falling outside the scope of a tree preservation order. The Council's arboricultural officer has looked into this claim and notes that, unlike a hedge which is a closely spaced and managed to form a thicket of meshed crowns, these trees are widely spaced and have not been managed so have developed into individual trees. She also notes that the trees are now of a size considered worthy of consideration for preservation (see footnote 1 above). Figures 16 and 18 below show the young trees in 2009 and their current size. They have now become an established group and landscape feature in their own right that can be seen behind and between the larger trees on the roadside (one of which is due to be felled because it is dead opening up a larger gap on the frontage). These trees are generally in good condition with a long life expectancy and score well on the TEMPO assessment meriting protection with a TPO.
- 6.13 Overall therefore, it is considered that all the trees subject of the provisional order merit inclusion in the permanent TPO.
- 6.14 Aside from the contribution to local amenity and the setting of nearby heritage assets, a number of other issues have been raised by residents in support of retaining these trees including climate benefits, pollution control, other health benefits, flooding and wildlife including bats, however, whilst these are all valid, they fall outside the scope of what can be considered when making a tree preservation order which is confined to amenity value only. Amenity includes the visibility of the trees and their individual or collective impact on an area. Their size and form, future potential amenity, rarity, cultural or historical value, contribution and relationship to landscape or heritage are all considerations in this regard. These issues cannot therefore be taken into consideration in this decision, however, in some cases, other legislation, such as the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017)

and the Wildlife and Countryside Act (WCA) 1981 is also relevant and can offer protection.

- 6.15 In relation to the redevelopment of this site, the confirmation of this tree preservation order will afford greater weight to the importance of these trees in the planning balance. This does not mean that their retention is guaranteed, but it does ensure that the developer considers retention of these trees in any proposal and fully justify why a TPO tree cannot be retained as part of any development proposal. In determining a future development proposal for the site, the Committee will then need to consider whether the loss of any preserved trees is acceptable in the planning balance taking into consideration the public benefits of the proposal.

7 Recommendation

- 7.1 Based on the information contained in this report and given the high amenity value of these trees, Members are recommended to confirm TPO 4/2022 and make it permanent including the modification of the species of T1 from sycamore to turkey oak.

Appendix 1 - Tree Photographs

Figure 1 below shows T1, Turkey Oak, on east boundary on the boundary of the site



Figure 2 below shows relationship of T1 to the listed properties in Horseshoe Crescent



Figure 3 below shows T1 as seen from Horseshoe Crescent within Shoebury Garrison Conservation Area



Figure 4 below shows G1, 2 x Turkey Oaks, also on east boundary (fruit tree to left not included in TPO)



Figure 5 below shows T2, the smallest of the Atlas Cedar group on the south boundary



Figure 6 below shows T3, sycamore (right) and T4 atlas cedar (left) from Chapel Road, part of the grouping on the south boundary opposite the listed church



Figure 7 below shows T4, Atlas Cedar, part of the grouping on the south boundary opposite the listed church



Figure 8 below shows T5 Atlas Cedar on the south boundary part of the grouping on the south boundary opposite the listed church



Figure 9 below shows the group of trees T2, T3, T4, T5, G2 on the south boundary in context with the listed church



Figure 10 below from Google Streetview April 2021 shows the enhanced visibility of T3 (far right) during colder months when T4 (sycamore) has no leaves. This image also shows the relationship with the other Atlas Cedars T4 and T5 as seen from Chapel Road in Shoebury Garrison Conservation Area



Figure 11 below shows T6 Atlas Cedar set in from the south site boundary



Figure 12 below shows T7 Sycamore on south boundary in context to the new build and converted properties to the south



Figure 13 below shows T8 Norway Maple in the northwest corner of the site on Campfield Road



Figure 14 below shows G2 group of 2 sycamores set in from south boundary



Figure 15 below shows visibility of G2 from Chapel Road to the south



Figure 16 below shows 2 images of G3 from Google Streetview 2009 which show an open spaced tree planting not a close hedge planting arrangement



Figure 17 below shows G3 from Google Streetview 2021 - This is the exact image used in objectors tree report. As is the nature of Google Streetview images, the background features appear disproportionately smaller in contrast to those in the foreground due to the type of camera lens used.



Figure 18 below shows the current size of the trees in G3 relation to scale of a person



Figure 19 – Image below shows context of trees in G3 in relation to surrounding properties – Horeshoe Crescent shown in background.



Figure 20 below shows G3 (centre right) in context with existing TPO 3/2012 from Campfield Road (left)



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Reference:	20/00026/UNAU_B	9
Report Type:	Authority for Enforcement Action	
Ward:	Shoeburyness	
Breach of Planning Control:	Without planning permission, the installation of radio antennae to the property.	
Address:	79 The Drakes, Shoeburyness, Essex, SS3 9NY	
Case opened:	24 January 2020	
Case Officer:	Mark Broad	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The property is a dwelling forming part of a low rise, high density residential development comprising terraced houses and flats located to the west of Eagle Way. No. 79 lies to the southern end of The Drakes and has an archway below which provides access to a parking court at the rear. No site-specific planning policy designations affect the site.

2 Lawful Planning Use

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

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this case is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome [Date]
02/00611/FUL	Retain existing amateur radio aerial (Retrospective) Reasons for refusal. The masts appear intrusive, alien and out of character in this area of high-density residential development and detract from the appearance of the building on which they are situated. They are therefore detrimental to the visual and residential amenities of the area, particularly insofar as the properties to the rear in Heron Close are concerned, and the development is therefore contrary to Policies H5 and C11 of the Borough Local Plan.	Refused [24 July 2002]
14/00178/UNAU_B	Enforcement case for radio antennae	Enforcement Notice issued 12.11.2014
	Historic enforcement case from 2002	No Further Action (2005)

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land)
- 4.5 Southend-on-Sea Design and Townscape Guide (2009)

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

5.1 The identified breach of planning control is:

Without planning permission, the installation of seven antennae on site; two free-standing circular antennae, three mounted to the side elevation of the building and two to its rear elevation.

5.2 In January 2020 a complaint was received by the Council alleging radio antennae having been installed at the property without planning permission.

5.3 The property has also been subject to earlier enforcement investigations in 2002 and 2014. In both instances enforcement notices were issued. In more detail for the case under reference 14/00178/UNAU-B the enforcement notice served in December 2014 required the following;

Remove the 3 unauthorised developments as follows:

- a. The large antenna located towards the centre of the building (to the rear) which requires supporting cables.
- b. The pole with devices attached located to the front of the property and attached to the wall adjacent to the ridge of the oriel window.
- c. The antenna located towards the rear, south easterly corner of the building.

5.4 During a recent site visit the case officer ascertained in relation to the above enforcement notice that the antennae located towards the centre of the building (to the rear) which required supporting cables and the antenna located towards the rear, south easterly corner of the building have been removed. However the pole mounted on the front elevation required to be removed by the 2014 Enforcement Notice remains in situ. In addition to the above antennae, three antennae have been installed to the flank gable of the property, two taller, antennae have been installed to the rear elevation, one towards the centre and one towards the western part of the rear elevation, and two free-standing circular antennae have been installed in the rear part of the site. Whilst historically, a wall mounted antenna was installed on the flank gable of the property, the currently installed antennae are materially larger.

5.5 It has been found through the determination of a planning application in 2002, the subsequent service of an enforcement notice and the service of the 2014 Enforcement Notice that the installation of an array of antennae in this location is unacceptable and contrary to planning policies and guidance. The antennae on site do not benefit from permitted development provisions and with the service of the 2014 Notice any potential permitted development rights have been lost. There is therefore no fall-back position to be considered.

5.6 The antennae are considered to result in demonstrable and significant harm to the visual amenity of the area and, as such, it is reasonable, expedient and in the public interest to pursue enforcement action to secure the removal of the antennae on the grounds that they appear intrusive, alien and out of character in this area of high-density residential development and detract from the appearance of the building and site on which they are located. The antennae are contrary to National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021).

5.7 Staff consider that it is proportionate and justified in the circumstances of the case that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement

notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.

- 5.8 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area.

6 Equality and Diversity Issues

- 6.1 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 enforcement case and preparing this report, had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the recommended enforcement action will not conflict with the Council's statutory duties under this legislation

7 Recommendation

7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to:

- a) Remove the three (3) poles and antennae attached to the north flank wall of the building; and
- b) Remove the two (2) poles and antennae attached to the rear elevation of the building; and
- c) Remove the two free-standing poles and antennae from the rear part of the site; and
- d) Remove from site all materials and debris resulting from compliance with requirement (a), (b) and (c) above.

- 7.2 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. Whilst proceedings could be brought in isolation against the sole remaining antenna at the site subject of the 2014 enforcement notice, it is considered that it would be sensible for any prosecution in that regard to take account of the enforcement action against the wider collection of antennae now on site including whether compliance is achieved through those means.

- 7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 28 days is considered reasonable for the above works.

The front of the site.
Pole attached at the top of
the front gable.
The pole was subject of the
previous notice.



The side elevation with the
three antennae mounted
on the side gable.



View of the rear of the site
from public areas within
Herongate



Free standing circular
antenna within the rear
part of the site



Free standing circular
antenna within the rear
part of the site



The wall mounted antenna
on the rear elevation.



The \vec{E} wall mounted antenna
on the rear elevation.



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