

Public Document Pack  
SOUTHEND-ON-SEA CITY COUNCIL

**Development Control Committee**

Date: Wednesday, 2nd November, 2022

Time: 2.00 pm

Place: Council Chamber - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer  
email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)

**AGENDA**

1 **Apologies for Absence**

2 **Declarations of Interest**

3 **Supplementary Report**

This supplementary report by the Executive Director (Growth and Housing) will provide additional information on the items referred to on the Agenda and will be available on the morning of the meeting.

\*\*\*\* **Contents and Introduction**

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

4 **22/01511/BC3 - Pavement Adjacent to Thorpe Hall Avenue (Thorpe Ward)**  
(Pages 7 - 20)

5 **21/00783/AMDT & 19/02377/DOV5 - 939-953 London Road, Leigh-on-Sea (Blenheim Park Ward)** (Pages 21 - 70)

6 **22/01627/AMDT - 44 Canvey Road, Leigh-on-Sea (West Leigh Ward)**  
(Pages 71 - 88)

7 **21/02305/FUL - The Trinity, 3 Trinity Avenue, Westcliff on Sea (Milton Ward)** (Pages 89 - 128)

8 **22/01629/FUL - 995-1003 London Road, Leigh-on-Sea (Blenheim Park Ward)** (Pages 129 - 162)

9 **22/01707/FUL - 54 Burdett Avenue, Westcliff-on-Sea (Milton Ward)**  
Pages 163 - 190)

10 **22/01649/FULH - 31 Winsford Gardens, Westcliff on Sea (Prittlewell Ward)** (Pages 191 - 214)

11 **22/01706/FULH - 27 Parkside, Westcliff-on-Sea (Chalkwell Ward)**  
(Pages 215 - 238)

**\*\*\*\* Reports on Tree Preservation Orders**

**12 TPO 5/2022 - Southchurch Hall Gardens, Southchurch Hall Close, Southend on Sea (Kursaal Ward) (Pages 239 - 256)**

**\*\*\*\* Reports on Enforcement of Planning Control**

**13 20/00158/UNAU\_B - 9 Gunnery House, 2 Chapel Road, Shoeburyness (Shoeburyness Ward) (Pages 257 - 264)**

**TO: The Chair & Members of Development Control Committee:**

Councillors 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 Mulrone, M Sadza, I Shead, A Thompson, C Walker and R Woodley

**DEVELOPMENT CONTROL COMMITTEE****AGENDA: 02nd November 2022**

| <b>WARD</b> | <b>APP/REF NO.</b> | <b>ADDRESS</b> |
|-------------|--------------------|----------------|
|-------------|--------------------|----------------|

| <b>Main Plans Report</b> |                                  |  |
|--------------------------|----------------------------------|--|
| <b>Thorpe</b>            | 22/01511/BC3                     | Pavement Adjacent To<br>Thorpe Hall Avenue         |
| <b>Blenheim Park</b>     | 21/00783/AMDT &<br>19/02377/DOV5 | 939 - 953 London Road<br>Leigh-On-Sea              |
| <b>West Leigh</b>        | 22/01627/AMDT                    | 44 Canvey Road<br>Leigh-on-Sea                     |
| <b>Milton</b>            | 21/02305/FUL                     | The Trinity<br>3 Trinity Avenue                    |
| <b>Blenheim Park</b>     | 22/01629/FUL                     | 995 - 1003 London Road<br>Leigh-on-Sea             |
| <b>Milton</b>            | 22/01707/FUL                     | 54 Burdett Avenue<br>Westcliff-on-Sea              |
| <b>Prittlewell</b>       | 22/01649/FULH                    | 31 Winsford Gardens<br>Westcliff on Sea            |
| <b>Chalkwell</b>         | 22/01706/FULH                    | 27 Parkside<br>Westcliff-on-Sea                    |
| <b>Kursaal</b>           | TPO 5/2022                       | Southchurch Hall Gardens<br>Southchurch Hall Close |

| <b>Enforcement Report</b> |                 |                                  |
|---------------------------|-----------------|----------------------------------|
| <b>Shoeburyness</b>       | 20/00158/UNAU_B | 9 Gunnery House<br>2 Chapel Road |

# DEVELOPMENT CONTROL COMMITTEE

## DEVELOPMENT CONTROL COMMITTEE

### INTRODUCTION

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

|             |   |  |
|-------------|---|--|
| CIL         | - | Community Infrastructure Levy  |
| DAS         | - | Design & Access Statement  |
| DEFRA       | - | Department of Environment, Food and Rural Affairs  |
| DPD         | - | Development Plan Document  |
| EA          | - | Environmental Agency   |
| EPOA        | - | Essex Planning Officer's Association   |
| JAAP        | - | Southend Airport and Environs Joint Area Action Plan   |
| MHCLG       | - | Ministry of Housing, Communities and Local Government  |
| NDG         | - | National Design Guide  |
| NDSS        | - | Nationally Described Space Standards   |
| NPPF        | - | National Planning Policy Framework   |
| PPG         | - | National Planning Practice Guidance  |
| RAMS        | - | Recreation disturbance Avoidance and Mitigation Strategy   |
| SCAAP       | - | Southend Central Area Action Plan  |
| SPD         | - | Supplementary Planning Document  |
| SSSI        | - | Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.   |
| SPA         | - | Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.  |
| Ramsar Site | - | Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds) |

## DEVELOPMENT CONTROL COMMITTEE

### **Background Papers**

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and PPG including the NDG
- (vi) NDSS
- (vii) Core Strategy SPD
- (viii) Development Management DPD
- (ix) London Southend Airport & Environs JAAP
- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule
- (xvi) Southend Electric Vehicles Charging Infrastructure SPD

**NB** Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

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

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

### Deleted Use Classes

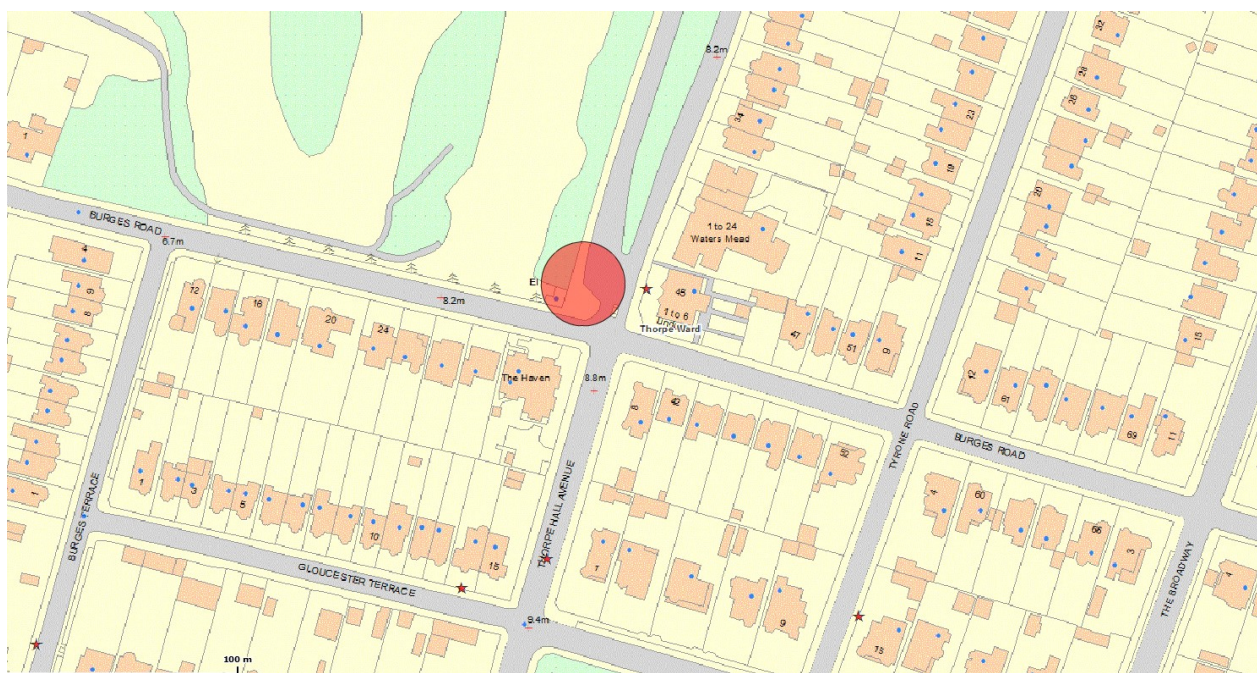
**(Limited effect on applications for prior approval and other permitted development rights until 31st July 2021)**

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

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|                                |  |            |
|--------------------------------|--|------------|
| <b>Reference:</b>              | 22/01511/BC3   | <h1>4</h1> |
| <b>Application Type:</b>       | Borough Council Regulation 3   |            |
| <b>Ward:</b>                   | Thorpe   |            |
| <b>Proposal:</b>               | Install permanent sculpture comprising of a brick column sculpture (A) as part of the "made from this land" sculpture trail on footpath at Thorpe Hall Avenue (Site 2) |            |
| <b>Address:</b>                | Pavement Adjacent To Thorpe Hall Avenue, Thorpe Bay, Essex   |            |
| <b>Applicant:</b>              | Miss Laura Bowen of Focal Point Gallery  |            |
| <b>Agent:</b>                  | N/A  |            |
| <b>Consultation Expiry:</b>    | 08.09.2022   |            |
| <b>Expiry Date:</b>            | 04.11.2022   |            |
| <b>Case Officer:</b>           | Oliver Hart  |            |
| <b>Plan Nos:</b>               | <b>Site 2 – Thorpe Hall Ave Rev B (dated 11/08/2022); A002B; A200G</b>   |            |
| <b>Additional information:</b> | <b>‘Made from this Land’, Emma Edmondson Section 106 Art Commission; Additional Application Form answers</b>   |            |
| <b>Recommendation:</b>         | <b>GRANT PLANNING PERMISSION subject to conditions</b>   |            |



## 1 Site and Surroundings

- 1.1 This application relates to the “made from this land” Sculpture Trail led by Focal Point Gallery and local artist Emma Edmondson which involves the installation of 3 sculpture walls across the wider Southchurch area. This is one of a number of similar applications and specifically relates to the proposed site on the pavement adjacent to Thorpe Hall Avenue, close to the junction with Burges Road (south).
- 1.2 The application site is within a Local Wildlife Site and Thorpe Hall Golf Course Protected Green Space.

## 2 The Proposal

- 2.1 The proposal seeks planning permission to install 1 permanent column sculpture as part of the "made from this land" sculpture trail, measuring 1.53m high, 0.48m deep and 0.48m wide. The column, together with the other sculptures in the collection, will map out a walking tour of the historical brick fields of Southchurch.
- 2.2 The column is proposed to be finished in an assortment of brickwork applied with local seashell slip. The coping would comprise a mix of mortar/render, inset with handmade clay pebbles. The sculptures will include a small sign explaining the design.

## 3 Relevant Planning History

- 3.1 There is no relevant planning history at this site but the following applications are also part of the same sculpture trail:

**Table 1: Relevant Planning History of the Application Site**

| Reference    | Description  | Outcome [Date]        |
|--------------|--|-----------------------|
| 22/01509/BC3 | Install permanent sculpture comprising of a brick column sculpture (B) as part of the "made from this land" sculpture trail at Thorpe Bay Bastion (Site 1) | Pending Consideration |
| 22/01512/BC3 | Install permanent sculpture wall for part of the "made from this land" sculpture trail at Southchurch Park East  | Granted               |

## 4 Representation Summary

### Call-in

- 4.1 The application is presented to the Development Control Committee as it is a Council application which has received objection from neighbouring residents.

### Public Consultation

- 4.2 A site notice has been displayed at the site and 59 neighbours individually notified. A proforma letter stating the names of ten interested parties has been received. The objecting comments are summarised as follows:

- Cannot see the benefit.
- Public money could be spent elsewhere, including for footpath maintenance.
- The area has had several road traffic accidents so the proposed sculpture could be damaged.
- There is already a piece of history in the area; a pole which is associated with a historic tram line.

[Officer Comment:] The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

## **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 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, recreation and Green Space)
- 5.5 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend’s Historic Environment), DM15 (Sustainable Transport Management)
- 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 are the principle of the development, design and impact on the streetscene, traffic and transportation issues, impacts on amenity and CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 All Local Planning Policy Documents including the Core Strategy and Development Management Document seek to encourage the development of tourism and culture across the city and in particular the town centre and seafront area. ‘*Securing a vibrant and well served culture and tourism industry within the town*’ is a key objective of the Core Strategy (objective VI).
- 7.2 The Core Strategy also makes reference to the Cultural Strategy for Southend on Sea “Making Culture Count” which provides an overarching strategic vision for the development of Southend’s cultural sector. Its aims and objectives seek to improve health, regenerate the town, increase participation and life-long learning and develop communities through the use and promotion of culture. Its vision is to develop a cultural infrastructure and facilities which are recognised as being of regional significance and which offer demonstrable benefits to everyone who lives in, works in or visits the City.
- 7.3 Policy CP7 of the Core Strategy seeks to protect green space. Local and national policies also seek to protect designated habitats.

- 7.4 The proposal is seeking planning permission for a permanent column sculpture to be installed on the pavement adjacent to Thorpe Hall Avenue. This initiative will support the City's objectives to promote tourism and culture. The limited scope of the proposed installation will have a marginal impact on the space available to the public during and after installation is complete, but the trail overall is likely to be an attraction for residents and visitors to the City. This will have a positive impact on the economy of the City and wellbeing of visitors. The scale of the proposal would not significantly impact the site as a Local Wildlife Site.
- 7.5 Overall, it is considered that the proposal is supported by the policies noted above. The principle of the proposal is therefore acceptable subject to the detailed consideration set out below.

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

- 7.6 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.
- 7.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.
- 7.8 The proposed column sculpture will provide added visual interest and will contribute to the cultural offer of the City. The installation is of a limited scale and will use high quality materials. They are considered broadly to be compatible with the character of the area. The design, scale, form and siting of the proposal is considered acceptable and policy compliant. The proposal is therefore acceptable and policy compliant in the above regards.

### **Amenity Impacts**

- 7.9 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.10 The sculpture is located within a wide pavement. It is remote from neighbouring properties. These installations will attract visitors to the area but it is considered that this will generally be as part of linked trips to the area and will not in itself lead to a significant increase in the level of noise and disturbance in these locations. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on neighbour amenity and the amenity of the users of this area.

## **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 A Risk Assessment has been submitted with the application, in Section 6 and Appendix C of the supporting document, which includes a health and safety audit of the trail and the individual sites. The sculpture will comprise a shallow foundation (approx.0.3m), to be hand dug so will take only a short time to install.
- 7.13 The Council’s Highway Officer has not raised any objections in relation to traffic and transportation issues. It is not considered that the proposed installation would create significant harm to pedestrian or vehicle movements or health and safety. The proposal is therefore considered to be acceptable and policy compliant in these regards.

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

- 7.14 The site does not involve the creation of floorspace therefore CIL is not relevant to this proposal.

## **Equality and Diversity Issues**

- 7.15 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**

- 7.16 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**

**Members are recommended to:**

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

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

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans, inclusive of the materials annotated; Location Plan Rev B ‘11/08/2022’; A002B; A200G**

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

**03 The development hereby permitted shall be carried out and maintained solely in accordance with the details contained in the submitted document “Made from this Land’, Emma Edmondson, Section 106 Southchurch Art Commission”.**

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

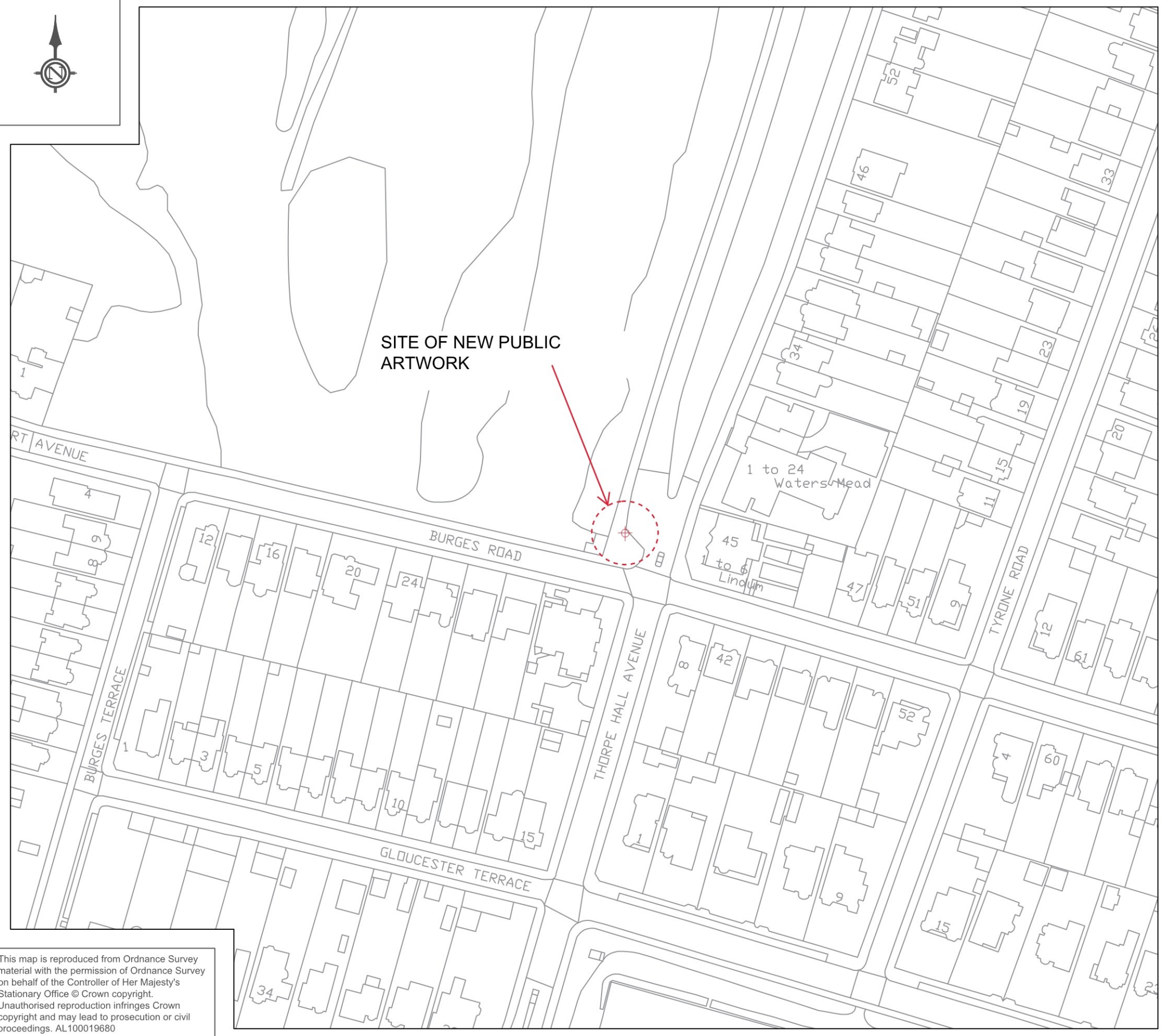
#### **Positive and Proactive Statement**

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

#### **Informatives:**

**01 You should be aware that in cases where damage occurs public during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing 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.**

**02 You are advised that as the proposed development does not involve the creation of new floorspace it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.**



SITE OF NEW PUBLIC ARTWORK

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**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION**

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks

|                               |      |
|-------------------------------|------|
| Construction                  | NONE |
| Maintenance / Cleaning        | NONE |
| Use                           | NONE |
| Decommissioning / Demolishing | NONE |

|      |              |     |          |
|------|--------------|-----|----------|
| A    |              | XX  | XX       |
| Rev. | Description. | Drn | App Date |

**Southend-on-Sea Borough Council**  
 Neighbourhoods and Environment  
 PO Box 5560, Civic Centre  
 Victoria Avenue, Southend on Sea, SS2 6ZQ

Project Title  
**'Made From This Land'**

Drawing Title  
**Site 2 - Thorpe Hall Ave**

|                       |                    |                      |                    |
|-----------------------|--------------------|----------------------|--------------------|
| Drawn<br>XX           | Date<br>11/08/22   | Review<br>XXX        | Date<br>XX/XX/XXXX |
| Checked<br>XXX        | Date<br>XX/XX/XXXX | Approved<br>XXX      | Date<br>XX/XX/XXXX |
| Scales @ A3<br>1:1250 |                    | Revision<br><b>B</b> |                    |

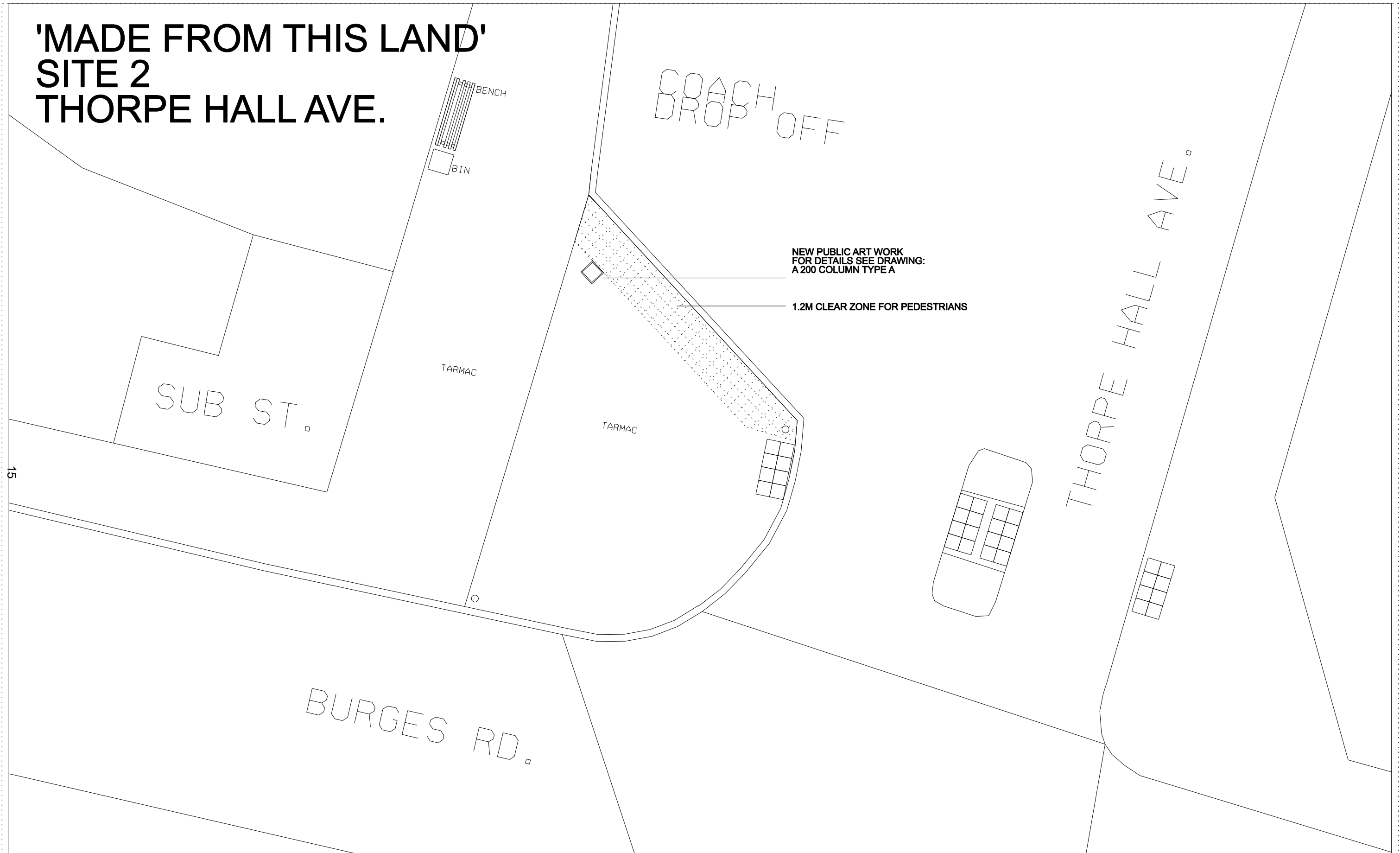
Drawing Status **Preliminary**

Drawing Number

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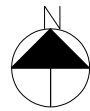


# 'MADE FROM THIS LAND' SITE 2 THORPE HALL AVE.



NOTES:  
DO NOT SCALE FROM THIS DRAWING.  
CHECK ALL DIMENSIONS ON SITE &  
REPORT ANY DISCREPANCIES

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LAURA WHITING 2023



**Laura  
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NOTES:

PROJECT:  
MADE FROM THIS LAND  
CLIENT:  
EMMA EDMONDSON /  
FOCAL POINT GALLERY

| REV | DATE    | COMMENT  |
|-----|---------|----------|
| A   | JUNE 22 | COMMENT  |
| B   | JULY 22 | PLANNING |
|     |         |          |
|     |         |          |
|     |         |          |
|     |         |          |
|     |         |          |
|     |         |          |
|     |         |          |

| Sheet contents              |                    |
|-----------------------------|--------------------|
| <b>LOC. PLAN SITE 2</b>     |                    |
| Drawing No.<br><b>A 002</b> | Rev.<br><b>B</b>   |
| Scale<br><b>1.100</b>       | Paper<br><b>A3</b> |

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# COLUMN TYPE A

SINGLE SKIN HANDMADE BRICK (OUTER)  
 SIZE 60 x 205 x 98mm  
 110 HANDMADE BRICK + WASTE @ 10%  
 = 121 TOTAL  
 ASSORTED BRICKS APPLIED WITH LOCAL  
 SEASHELL SLIP (COLOUR BEIGE / BROWN)  
 10MM MORTAR WITH THROUGH MIX  
 COLOUR POINTING (TURQUOISE)  
 BASE 6 NO ENGINEERING BRICK (PLINTH)  
 TOP COPING MIX OF MORTAR / RENDER  
 INSET WITH HANDMADE CLAY PEBBLES  
 SOME NATURAL FINISH (ORANGE) SOME  
 GLAZED DARK GREEN  
 CENTRAL INFIL = 36 NO COMMON BRICK

MORTAR FINISHED WITH THROUGH  
 COLOUR NATURAL DYE POINTING  
 (TURQUOISE) INSET WITH HANDMADE  
 CLAY PEBBLES - SOME NATURAL COLOUR  
 (ORANGE) AND SOME GLAZED DARK GREEN.  
 COLOUR MAY VARY

BRICKWORK COPING  
 PROJECTING 30MM FROM  
 FACE OF BRICKWORK

SPECIAL HANDMADE CLAY  
 BRICKWORK TO MAIN BODY  
 OF COLUMN, WITH SELECTED  
 FACES APPLIED WITH NATURAL  
 LOCAL SEASHELL SLIP BEIGE / BROWN

MORTAR (INTERNAL) WITH  
 TURQUOISE NATURAL DYED  
 THROUGH COLOUR POINTING (20MM)

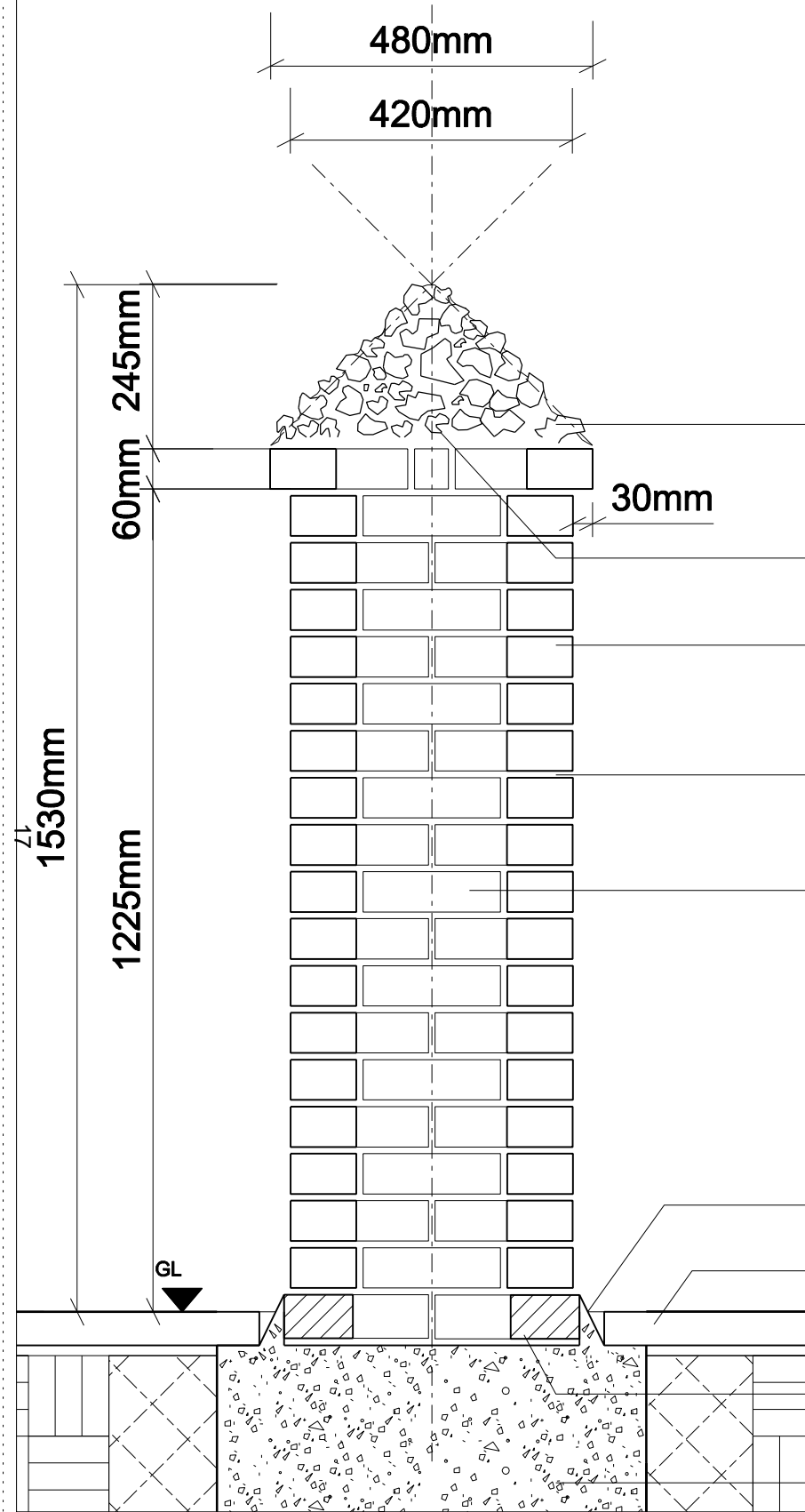
CENTRAL INFIL  
 COMMON BRICK (FACTORY MADE)

CONCRETE MIX FINISH  
 TO CONTRACTOR'S DETAIL

EXISTING CONCRETE PAVER / TARMAC

ENGINEERING BRICK  
 PLINTH BASE COURSE

GROUNDWORKS TO  
 CONTRACTOR'S  
 DETAIL



SECTION AT 1.10

NOTES:  
 DO NOT SCALE FROM THIS DRAWING.  
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 LAURA WHITING 2023

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NOTES:

PROJECT:  
 MADE FROM THIS LAND  
 CLIENT:  
 EMMA EDMONDSON /  
 FOCAL POINT GALLERY

|   |         |          |
|---|---------|----------|
| A | FEB 22  | SK       |
| B | FEB 22  | SK       |
| C | MAR 22  | SK       |
| D | JULY 22 | SK       |
| E | JULY 22 | COMMENT  |
| F | JULY 22 | COMMENT  |
| G | JULY 22 | PLANNING |

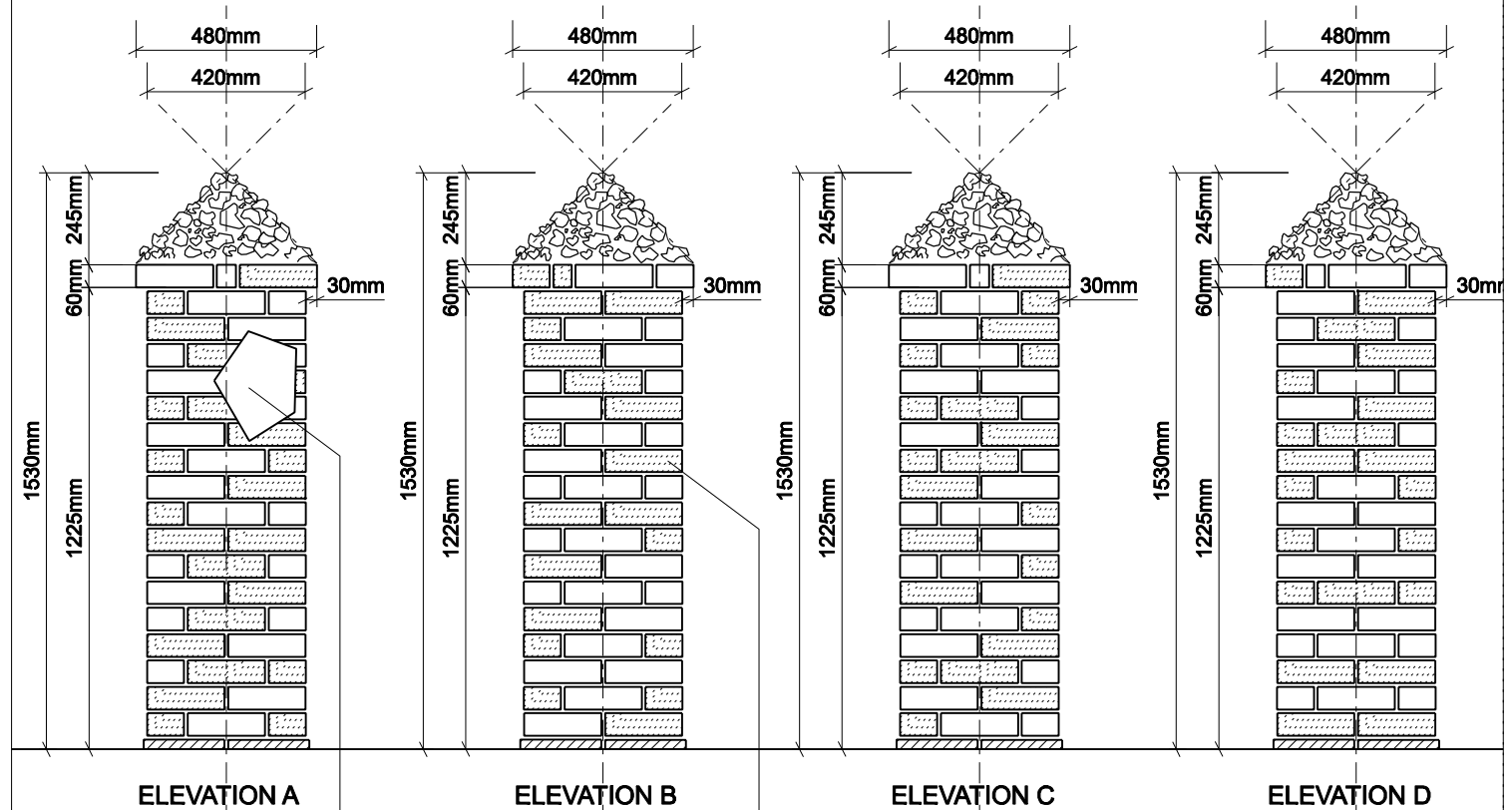
Sheet contents

COLUMN TYPE A

Drawing No. **A 200** Rev. **G**

Scale  
**1.20**

Paper  
**A3**



ELEVATION A

ELEVATION B

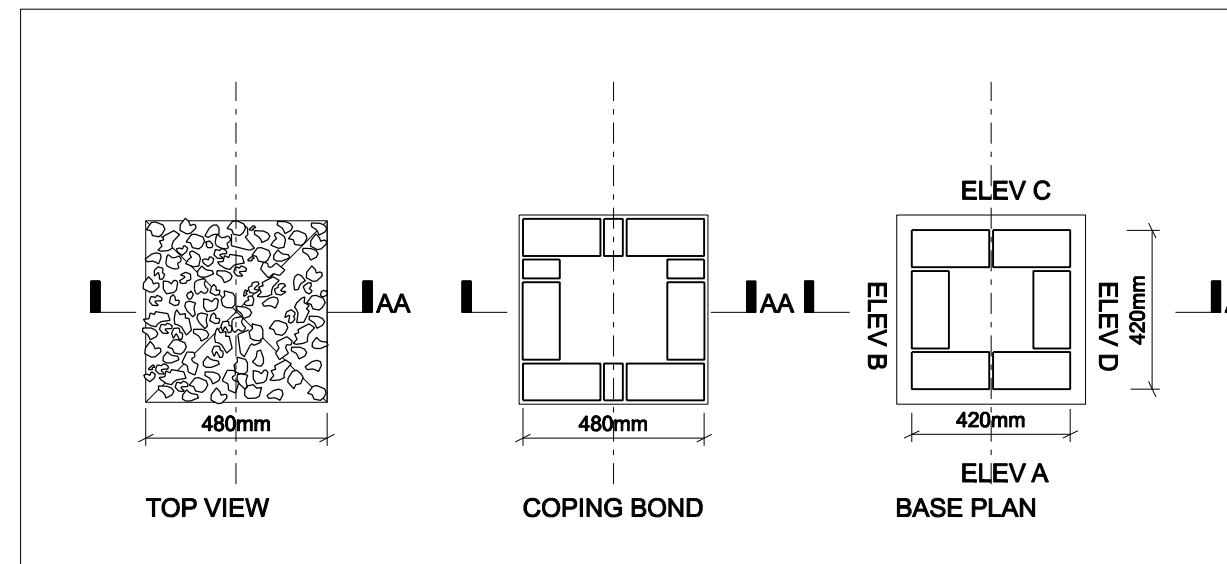
ELEVATION C

ELEVATION D

METAL SIGNAGE / PLAQUE  
 WITH INTERPREATION  
 TEXT, SHAPE, POSITION &  
 SIZE MAY VARY GREEN POWDER  
 COATED FINISH RAL COLOUR TBC.

LOCAL SEASHELL SLIP APPLIED TO SELECTED BRICKS  
 COLOURED FACES SHOWN IN HATCH (BROWN / BEIGE)  
 (PLACEMENT MAY VARY ON SITE)

ELEVATION AT 1.20



PLANS AT 1.20

NOTES:  
 1) Foundation design tbc by contractor  
 2) Base detail tbc depending on location and  
 surrounding landscaping  
 3) Hand made brick spec and performance tbc  
 by artist  
 4) Mortar and pointing spec. and performance  
 tbc by artist / contractor  
 5) Brick bond may vary on site in consultation with  
 contractor / bricklayer  
 6) DRAWING FOR PLANNING PURPOSES ONLY  
 NOT FOR CONSTRUCTION

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Aerial view of Application site





View from South to North



View from East to West

|                                |   |            |
|--------------------------------|---|------------|
| <b>Reference:</b>              | A. 19/02377/DOV5<br>B. 21/00783/AMDT  | <h1>5</h1> |
| <b>Application Type:</b>       | A. Deed of Variation<br>B. Minor Material Amendment   |            |
| <b>Ward:</b>                   | Blenheim Park   |            |
| <b>Proposal:</b>               | <p>A. Modification of planning obligation to provide affordable housing (Section 106 agreement) dated 26.10.2017 pursuant to application 17/00563/OUTM as amended by Deed of Variation dated 06.11.2020 pursuant to application 20/00633/AMDT.</p> <p>B. Application to vary condition number 01 (approved plans) to alter fenestrations and layout to comply with Building Regulations (Minor Material Amendment of planning permission 17/02183/RESM dated 06.06.2018) and modification of planning obligation to provide affordable housing (Section 106 agreement) dated 26.10.2017 pursuant to application 17/00563/OUTM as amended by Deed of Variation dated 06.11.2020 pursuant to application 20/00633/AMDT.</p> |            |
| <b>Address:</b>                | 939 - 953 London Road, Leigh-On-Sea, Essex  |            |
| <b>Applicant:</b>              | Mr Horban   |            |
| <b>Agent:</b>                  | DAP Architecture  |            |
| <b>Consultation Expiry:</b>    | A. N/A<br>B. 27th May 2021  |            |
| <b>Expiry Date:</b>            | 9 November 2022   |            |
| <b>Case Officer:</b>           | A. Amanda Rogers<br>B. Spyros Mouratidis  |            |
| <b>Plan Nos:</b>               | <b>100; 350.01; 351.00; 352.00; 353.00; 354.00; 355.00; 356.00; 357.00; 358.00; 359.00; 360.00.</b>   |            |
| <b>Additional information:</b> | <b>Amendment Statement dated 12 April 2021; Accommodation Schedule 1326.500.00; Financial Viability Appraisal by 106 Management</b>   |            |
| <b>Recommendation:</b>         | <b>AGREE MODIFICATION OF S106 AGREEMENT and the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED TO GRANT PLANNING PERMISSION subject to conditions and the completion of a deed of variation under Section 106 of the Town and Country Planning Act 1990 (as amended)</b>   |            |

## 1 Procedural Matters

- 1.1 The applications need to be determined by the Council's Development Control Committee in line with the Council's constitution.

## 2 Site and Surroundings

- 2.1 The application site is on the northern side of London Road, at its junction with Darlinghurst Grove. It is currently vacant following the commencement of demolition works originally permitted under planning permission 17/00563/OUTM (the "Outline Permission") as amended with planning permission 20/00633/AMDT (the "2020 Permission") and the Reserved Matters Approval 17/02183/RESM (the "RMA") which also permitted the erection of two part 2, part 3, part 4 storey blocks comprising 30 flats and 1 commercial unit on the ground floor with associated basement parking.
- 2.2 The site was previously occupied by a two-storey commercial building. London Road in this area has a mixture of uses. Darlinghurst Grove is a residential street. There are no site-specific planning policy designations that affect the site or the immediate area.

## 3 The Proposal

- 3.1 Planning permission is sought for the variation of condition 01 (Approved Plans) of the RMA. The application has been submitted under the provisions of Section 73 of the Town and County Planning Act 1990 (the "1990 Act") as amended. Condition 1 of the RMA states:

"01 The development hereby permitted shall be carried out in accordance with plans 100, 200A, 201C, 250B, 251B, 252A First Floor, 252B Second Floor, 254 Third Floor, 255B, 256B; 257B, 258, 259, 601A, 262A, 260, 261, 263, 264, 265, 266."

- 3.2 The proposal seeks to amend the external appearance and internal layout of the approved buildings in order to achieve compliance with Building Regulations. In the submitted Amendment Statement, it is stated that the originally permitted development was not designed with the correct existing site levels. Whilst extensive internal changes are proposed, the overall housing mix would not be altered from that previously approved. Table 1 below shows a comparison between the previously approved and currently proposed development:

**Table 1: Comparison of the previously approved and currently proposed development**

|                       | Previously Approved | Currently Proposed |
|-----------------------|---------------------|--------------------|
| 1 Bed Units           | 5                   | 5                  |
| 2 Bed Units           | 7                   | 7                  |
| 3 Bed Units           | 12                  | 12                 |
| 4 Bed Units           | 6                   | 6                  |
| Total Residential     | 30                  | 30                 |
| Commercial Unit (sqm) | 330.7               | 296.9              |
| Car Parking           | 58                  | 54                 |

- 3.3 The upper floor on the larger approved building, Block B, which would be facing London Road, is proposed to be enlarged by some 3.3m in width, from 34.9m to 38.2m, increasing by some 2.2m in width towards the east and 1.1m towards the west. The south-eastern corner of the upper floor would be recessed. The overall width of that building would be reduced by some 1.5m away from the shared boundary with No.937 London Road.



- 3.4 The physical changes proposed to the buildings would result in the overall height above ground level being altered compared to what was approved with the previous permissions. At the north-western side of the site, nearest to No.24 Darlington Grove, the height of Block A would increase by some 0.1m, from some 6.2m to 6.3m. On the London Road frontage the degree of change in height would be between 0.4m, from some 12.1m to 12.5m, near the junction with Darlington Grove to no difference in maximum height near the eastern boundary of the site. The greatest increase in height would be at the northern end of Block B, where the height would increase by some 1.4m, from 9.7m to 11.1m. This also would result in a larger space between ground floor and first floor levels.
- 3.5 As part of the internal changes, the layout of the basement would be altered and the approved parking would be reconfigured. This would result in the reduction of four (4no.) car parking spaces, from 58 to 54.
- 3.6 In addition to the physical changes proposed to the approved scheme, the applications include a request for the modification of the affordable housing obligation. It is proposed that no on-site affordable housing is provided and a payment of £100,000.00 is made to the Council in lieu of such provision.

#### 4 Relevant Planning History

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

**Table 2: Relevant Planning History of the Application Site**

| Reference     | Description  | Outcome [Date]                                    |
|---------------|--|---|
| 20/00633/AMDT | Application to vary condition 04 (Scheme of Highways Works) remove items of contract details and highways approvals and to be re-introduced at a later stage of the development or introduced as a pre-occupation item (Minor Material Amendment of planning permission 17/00563/OUTM dated 26 Oct 2017 and 19/02346/AD dated 19 March 2020) | Permission Granted and S106 Modified [06.11.2020] |
| 19/02346/AD   | Application for approval of details pursuant to condition 04 (Highways Scheme), 09 (SUDs), 10 (Water Efficiency), 11 (Construction Method Statement) and 19 (Land Contamination Investigation) of planning application 17/00563/OUTM dated 26.10.2017  | Part approved, part refused [19.03.2020]          |
| 17/02183/RESM | Approval of reserved matters including details of appearance, landscaping pursuant to outline planning permission 17/00563/OUTM dated 26.10.2017 to demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 30 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores         | Permission granted [07.06.2018]                   |
| 17/00563/OUTM | Demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 30 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores (Outline Application) (Amended Proposal)  | Permission granted [26.10.2017]                   |

## **5 Representation Summary**

### **Public Consultation**

5.1 Fifty (50) neighbouring properties were consulted, a site notice was displayed, and a press notice was published. Representations from two interested parties have been received raising the following objections:

- Impact on residential amenity.
- Loss of privacy.

The comments have been taken into consideration and the relevant planning matters raised are discussed in the following sections of the report. The objecting points raised by the representations are not found to form a reasonable basis for refusing the applications in the circumstances of this case.

### **Parks**

5.2 No comments.

### **Environmental Health**

5.3 No comments.

### **London Southend Airport**

5.4 No objections.

### **Fire Safety Officer**

5.5 No objections.

### **Housing**

5.6 No objections.

### **Highways**

5.7 No objections.

## **6 Planning Policy Summary**

6.1 The National Planning Policy Framework (NPPF) (2021)

6.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

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

6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Commercial Development) CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).

6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM11 (Employment Areas), DM14 (Environmental Management), DM15 (Sustainable Transport Management).

6.6 Southend-on-Sea Design and Townscape Guide (2009)

6.7 Technical Housing Standards Policy Transition Statement (2015)

- 6.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.9 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.11 Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)
- 6.12 Interim Affordable Housing Policy (2016)
- 6.13 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.14 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)

## **7 Planning Considerations**

- 7.1 The applications seek to amend a condition attached to the Reserved Matters Approval (RMA) and to modify the S106 Agreement. The main considerations in relation to the variation of the RMA are the principle of development and whether the variation is lawful within the provisions of S73 of the Town and Country Planning Act 1990, whether the proposed dwelling mix complies with the terms of the Outline Permission and the impact of the proposal on the appearance of the development. It will also need to be considered the impact of the proposed scheme's variations on 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 mitigation for impact on designated sites and CIL liability. The main consideration in relation to the modification of the S106 agreement is whether the modified obligation should be accepted in accordance with the three tests for planning obligations set out in national planning guidance as explained further below.

## **8 Appraisal**

### **Principle of Development**

- 8.1 The principle of the development has already been established with the grant of the Outline Permission and the subsequent amended 2020 Permission. According to the case of *Pressland*<sup>1</sup>, conditions imposed under Reserved Matters Approvals, form part of the planning permission and as such they can be amended or removed through the provisions of Section 73 of the 1990 Act. The site edged red for the application is the same as the RMA and Outline Permission. The proposed variation of Condition 1 of the RMA relating to the approved plans for the development on site are minor in nature and do not alter whether this development is acceptable in principle. Other material planning considerations are discussed in the following sections of the report.

### **Dwelling Mix – Affordable Housing**

- 8.2 The proposed dwelling mix, in terms of dwelling size and provision of bed spaces, remains the same as previously approved. When determining previous applications the resulting dwelling mix was found to be acceptable. This position remains unaltered and the same mix remains acceptable.

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<sup>1</sup> *Pressland v The Council of the London Borough of Hammersmith and Fulham* [2016] EWHC 1763 (Admin)

- 8.3 The proposal is required through the Sn 106 obligation to provide at least 20% (i.e. six) of its units in an affordable housing tenure. The clear preference in terms of affordable housing provision is for on-site provision. National and local planning policy requires this to be adjusted, if necessary, on viability and deliverability grounds. The applicant has approached registered providers in order to offer opportunities for on-site affordable housing provision. Despite the initial interest from a registered provider, no formal offer has come forward within a reasonable timeframe. Hence on-site provision of affordable housing would be unrealistic due to the lack of interest from registered providers. In this instance it is reasonable for this Local Planning Authority to consider an affordable housing contribution for off-site provision secured with a planning obligation subject to viability. This is discussed in more detail in the relevant section of the report. The proposal is acceptable and policy compliant in the above regard.

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

- 8.4 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.
- 8.5 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.
- 8.6 The proposed buildings are in the same position as previously approved and with a comparable footprint and built form. The main block is proposed to be detached from the neighbouring building at No.937. The development would respect the urban grain of the area. The proposed scale has already been found to be acceptable through the grant of the Outline Permission and the proposed changes to height are not considered to result in a significantly different visual impact. The upper floor would lack an offset from the side elevation of the lower floors which is a less positive aspect of the scheme, but the corner would be recessed to mitigate for this. The proposed form has also been found to be acceptable previously. In terms of appearance, the proposed changes to the approved scheme would generally respect the design ethos of the extant permissions. The bigger gap between ground and first floor level on the northern part of proposed Block B, facing Darlington Grove, is a less positive aspect of the proposed appearance but weighed in the balance is the fact that the design had to respond to the reality of on-site levels. The proposed palette of materials would be sympathetic to the character of the area. No changes are proposed to the approved landscaping.
- 8.7 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

### **Amenity Impacts**

- 8.8 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking,

outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

- 8.9 The impact of the proposal on the residential amenity of neighbouring occupiers was previously found to be acceptable. The proposed variation of the development would not result in significantly more harmful relationships with the neighbouring properties that would be unacceptable in their own right or which would warrant the refusal of the application on amenity grounds. The additional height of 0.1m adjacent to No.24 Darlinghurst Grove, would not result in significant harm to the residential amenity of neighbouring occupiers at this property in any relevant regards. The relationship with No.937 London Road would be better than the current proposal as it would have a comparatively lesser impact on the residential amenity of occupiers of this property.
- 8.10 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. Conditions previously imposed to safeguard the residential amenity of neighbours remain in force. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Standard of Accommodation**

- 8.11 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.
- 8.12 The proposed variation of the scheme would continue to make provision of units that would meet the minimum Technical Housing Standards in terms of overall area, bedroom area, minimum bedroom width and internal storage area. All habitable rooms would benefit from satisfactory outlook and receipt of light. All units would comply at least with the accessibility standards of Building Regulation M4(2) with at least 10% of the units complying with the wheelchair user standard of Building Regulation M4(3). Sufficient amenity space would be provided in similar arrangements to the previous permissions.
- 8.13 The proposal was previously found to be acceptable in terms of living conditions for future occupiers. The varied proposal is also considered to offer an acceptable standard of accommodation for future occupiers. It is therefore acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 8.14 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."
- 8.15 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. Parking standards are set out in relation to the proposed uses.

- 8.16 The minimum parking requirement for the proposed flats is 30 spaces, one space per flat. The maximum standard for commercial uses within Use Class E ranges from 1 space per 5sqm to 1 space per 30sqm, namely a maximum requirement between 60 and 10 spaces. The proposed parking exceeds the minimum policy requirement for the residential units and is compliant with the maximum requirement for commercial floorspace. The reduction by four spaces compared to the approved scheme's provision would not be detrimental to the highway safety and parking conditions of the area. Originally the approved scheme would offer 30 spaces for the residential units, 14 for the commercial unit and 14 for visitors, including 4 disabled user spaces. The proposed scheme would result in the reduction of the visitor spaces by four and would not affect compliance with policy requirements. Cycle parking remains in excess of minimum policy requirements. Highways raised no objection.
- 8.17 Since the determination of the latest application, the Council has adopted the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021). It is considered to be reasonable and justified that a new condition be imposed to secure compliance with the requirements of this document thereby reflecting the updated policy position in this regard.

### **Sustainability**

- 8.18 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.
- 8.19 Subject to conditions, the current proposal would be acceptable and policy compliant in the above regards in line with previous findings for the same development.

### **Ecology, Biodiversity, HRA and RAMS**

- 8.20 The site falls within the Zone of Influence for one or more European designated sites scoped into the adopted Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by Full Council on 29 October 2020, requires that a tariff per dwelling unit is paid. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 8.21 Whilst a payment to mitigate the impact of residential development would normally be sought, this development was granted permission prior to the adoption of the Essex Coast RAMS SPD and the current variation would not create any additional dwellings over the previous permissions. A payment cannot reasonably be sought in the circumstances of this case. The development is acceptable and in line with policies in this regard.

### **Other Matters**

- 8.22 Considerations regarding land contamination, refuse and recycling or flooding and

drainage were taken into account and found acceptable subject to conditions when the Outline Permission was granted on the site. The proposed variation of the development would not alter matters in these regards hence remains acceptable and policy compliant.

### **Planning Obligations**

- 8.23 Paragraph 57 of the NPPF states that: “Planning obligations must only be sought where they meet all of the following tests:  
a) necessary to make the development acceptable in planning terms  
b) directly related to the development; and  
c) fairly and reasonably related in scale and kind to the development.”
- 8.24 Core Strategy Policy KP3 states that in order to help the delivery of the Plan’s provisions the Council will, among other, enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as affordable housing and educational facilities.
- 8.25 Similarly, Policy CP6 of the same document states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected.
- 8.26 Paragraph 57 of the NPPF states that: “Where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment... the weight given to a viability assessment is a matter for the decision maker having regards to all the circumstances in the case, including... any change in site circumstances since the plan was brought into force.”

### Affordable Housing

- 8.27 Paragraph 62 of the NPPF states that where a need for affordable housing is identified, it should be expected it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.28 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy Policy CP8 which states that the Council will enter into negotiations with developers to ensure that all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site.
- 8.29 As already discussed, on-site provision of affordable housing, here, is not an option with realistic prospect. This is due to the demonstrable lack of any tangible interest by any registered provider to take on any units on site.
- 8.30 In-lieu of on-site affordable housing contribution, the Council’s Interim Affordable Housing Policy provides a mechanism to calculate the amount required for a financial contribution. In line with this policy and as per the table below, a scheme of this nature and composition would be expected to make a contribution of £773,311.97. The derived figure is shown in Table 3 below.

Table 3: Financial contribution for affordable housing

| Plot No: | Floor | Bedroom | Bed spaces    | m2            | AH Min (based on National Technical Housing Standards) | Open Market Value (OMV) | Residual land value percentage 30% | Payment in lieu (based on 20% AH) |
|----------|-------|---------|---------------|---------------|--|-------------------------|------------------------------------|-----------------------------------|
| A1       |       | 4       | 5             | 92            | 90   | £473,616.00             | £152,895.60                        | £30,579.12                        |
| A2       |       | 2       | 3             | 61.2          | 61   | £315,057.60             | £103,629.24                        | £20,725.85                        |
| A3       |       | 1       | 2             | 50.4          | 50   | £259,459.20             | £84,942.00                         | £16,988.40                        |
| A4       |       | 3       | 5             | 86.7          | 86   | £446,331.60             | £146,100.24                        | £29,220.05                        |
| A5       |       | 2       | 3             | 64.9          | 61   | £334,105.20             | £103,629.24                        | £20,725.85                        |
| A6       |       | 1       | 2             | 50.4          | 50   | £259,459.20             | £84,942.00                         | £16,988.40                        |
| A7       |       | 2       | 3             | 64.9          | 61   | £334,105.20             | £103,629.24                        | £20,725.85                        |
| A8       |       | 1       | 2             | 50.4          | 50   | £259,459.20             | £84,942.00                         | £16,988.40                        |
| B1       |       | 1       | 2             | 62.9          | 50   | £323,809.20             | £84,942.00                         | £16,988.40                        |
| B2       |       | 1       | 2             | 61.8          | 50   | £318,146.40             | £84,942.00                         | £16,988.40                        |
| B3       |       | 4       | 6             | 112.1         | 99   | £577,090.80             | £168,185.16                        | £33,637.03                        |
| B4       |       | 4       | 6             | 108.8         | 99   | £560,102.40             | £168,185.16                        | £33,637.03                        |
| B5       |       | 2       | 3             | 62.9          | 61   | £323,809.20             | £103,629.24                        | £20,725.85                        |
| B6       |       | 2       | 3             | 61.8          | 61   | £318,146.40             | £103,629.24                        | £20,725.85                        |
| B7       |       | 3       | 5             | 93.3          | 86   | £480,308.40             | £146,100.24                        | £29,220.05                        |
| B8       |       | 3       | 4             | 83.4          | 74   | £429,343.20             | £125,714.16                        | £25,142.83                        |
| B9       |       | 4       | 5             | 92.3          | 90   | £475,160.40             | £152,895.60                        | £30,579.12                        |
| B10      |       | 3       | 6             | 105.9         | 95   | £545,173.20             | £161,389.80                        | £32,277.96                        |
| B11      |       | 3       | 6             | 103.2         | 95   | £531,273.60             | £161,389.80                        | £32,277.96                        |
| B12      |       | 2       | 3             | 62.9          | 61   | £323,809.20             | £103,629.24                        | £20,725.85                        |
| B13      |       | 2       | 3             | 61.8          | 61   | £318,146.40             | £103,629.24                        | £20,725.85                        |
| B14      |       | 3       | 5             | 93.3          | 86   | £480,308.40             | £146,100.24                        | £29,220.05                        |
| B15      |       | 3       | 4             | 83.4          | 74   | £429,343.20             | £125,714.16                        | £25,142.83                        |
| B16      |       | 4       | 5             | 92.3          | 90   | £475,160.40             | £152,895.60                        | £30,579.12                        |
| B17      |       | 3       | 6             | 105.9         | 95   | £545,173.20             | £161,389.80                        | £32,277.96                        |
| B18      |       | 3       | 6             | 103.2         | 95   | £531,273.60             | £161,389.80                        | £32,277.96                        |
| B19      |       | 3       | 4             | 75            | 74   | £386,100.00             | £125,714.16                        | £25,142.83                        |
| B20      |       | 3       | 5             | 87.4          | 86   | £449,935.20             | £146,100.24                        | £29,220.05                        |
| B21      |       | 4       | 6             | 100.1         | 99   | £515,314.80             | £168,185.16                        | £33,637.03                        |
| B22      |       | 3       | 5             | 90.3          | 86   | £464,864.40             | £146,100.24                        | £29,220.05                        |
|          |       |         | <b>Totals</b> | <b>2424.9</b> | <b>2276</b>  | <b>£12,483,385.20</b>   | <b>£3,866,559.84</b>               | <b>£773,311.97</b>                |

8.31 Discussions regarding the S106 requirements of the development, particularly with reference to the affordable housing contributions have been ongoing during the course of this application. The LPA, with the professional advice of an independently appointed assessor (BNP Paribas Real Estate), has tested the viability assessment of the proposed scheme and concludes that a contribution for the above or any other amount cannot viably be secured towards off-site affordable housing provision in this instance. This is despite the applicant accepting the officers' and the Council's assessor's position that the Benchmark Land Value of the site is £1 and mainly due to the substantial increase in the construction costs by 5.57% within 2022. Noting the time elapsed since the original permission was granted this current viability position is not unexpected in this instance if due weight is given to causal factors including the disruption in the supply chains initiated by Covid-19 and the current international geo-political events.

8.32 The applicant has offered to contribute a sum of £100,000.00 and agreed to enter into



a S.106 legal agreement to secure the financial contribution. They have made this offer notwithstanding the viability position of the scheme. This is not uncommon nor unreasonable as a developer may consider the wider merits of accommodating a smaller profit or a loss on a site in order to avoid incurring other costs associated with undeveloped land.

- 8.33 Subject to the completion of such a legal agreement the proposal would be acceptable in this regard.

#### Education

- 8.34 No change is proposed to the agreed financial contribution towards education provision of £88,728.77.

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

- 8.35 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 1,214.3m<sup>2</sup>, which may equate to a CIL charge of approximately between £65,917.75 and £88,732.98 (subject to confirmation and depending on the use of the commercial unit). As the development permitted with the Outline Permission commenced, it may be possible to claim a rebate for any CIL already paid.

#### **Equality and Diversity Issues**

- 8.36 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**

- 8.37 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions and the associated modification of the S106 agreement, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and provides an appropriate dwelling mix. Subject to conditions and planning obligations, it would have an acceptable impact on the character and appearance of the area, the living conditions of future occupiers and the amenities of neighbouring occupiers. It would also have an acceptable impact on the highway and, notwithstanding a modest decrease in on-site parking compared with the original approval, parking conditions in the area subject to conditions and would be acceptable in relation to waste management. The proposed development would provide an acceptable drainage strategy on site and energy and water sustainability, and impact on education. It should be noted that the main bulk of conditions was imposed at the outline stage. As this application only seeks to vary the RMA, only the relevant conditions are repeated and where necessary amended. The conditions attached to the Outline Permission as amended with the 2020 Permission remain in force. This application is

recommended for approval subject to conditions and the completion of the modification of the S106 legal agreement.

## **9 Recommendation**

**Members are recommended that:**

- (a) The Council AGREE A MODIFICATION of the Section 106 agreement dated 26.10.2017 pursuant to application 17/00563/OUTM as amended by Deed of Variation dated 06.11.2020 pursuant to application 20/00633/AMDT to allow:**
- i. The removal of the obligation that the developer provides affordable housing on site.**
  - ii. The securing of a financial contribution of £100,000.00 for the provision of affordable housing off site to be paid prior to first commencement of construction works, other than demolition, above ground floor level.**

- (b) The Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the modification of the section 106 agreement referred to (a) above and subject to the conditions set out below:**

- 01 The development hereby permitted shall be carried out in accordance with plans 100; 350.01; 351.00; 352.00; 353.00; 354.00; 355.00; 356.00; 357.00; 358.00; 359.00; 360.00.**

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

- 02 The development shall be carried out solely in accordance with the details of external materials shown on the approved plans 350.01, 351.00, 352.00, 353.00, 354.00 and 355.00 prior to first occupation of any development hereby approved.**

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

- 03 The hard and soft landscaping shall be undertaken in accordance with the approved details of application 17/02183/RESM and as shown on drawing 601a submitted and approved with that application. The approved hard landscaping works shall be fully completed prior to first occupation of the development hereby approved and the soft landscaping works shall be completed within the first planting season following first occupation of the development and maintained in perpetuity thereafter.**

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

- 04 A 1.5m high obscure glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) privacy screen to the northern edge of the communal amenity deck shown on drawing 359 shall be installed prior to the first occupation of the residential flats hereby approved. The privacy screen shall be permanently retained thereafter.**

**Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 05 One car parking space per residential and per commercial unit shall be provided with active electric vehicle charging facilities. Every car parking space shall be future proofed with passive electric vehicle charging point provision, with measures such as, but not exclusively, four-way duct and draw pits to all parking bays, so that electric charging points can be installed when demand requires. The charging infrastructure shall be permanently maintained for use by occupiers/users/visitors of the relevant dwelling and commercial units.**

**Reason: In the interests of providing sustainable transport choices, including electric vehicles, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).**

- (c) In the event that the planning obligation referred to in part (a) above has not been completed before 9 November 2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to provide affordable housing off-site and would not provide any secondary education contributions to mitigate the impact of the development. As such, the proposal would be contrary to national and local planning policy.**

**Positive and Proactive Statement:**

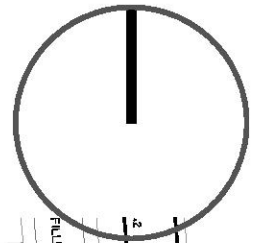
**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the 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 S106 and CIL Administration at [CILAdministration@southend.gov.uk](mailto:CILAdministration@southend.gov.uk) to**

**avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).**

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



**Location Plan**  
Scale 1:1250



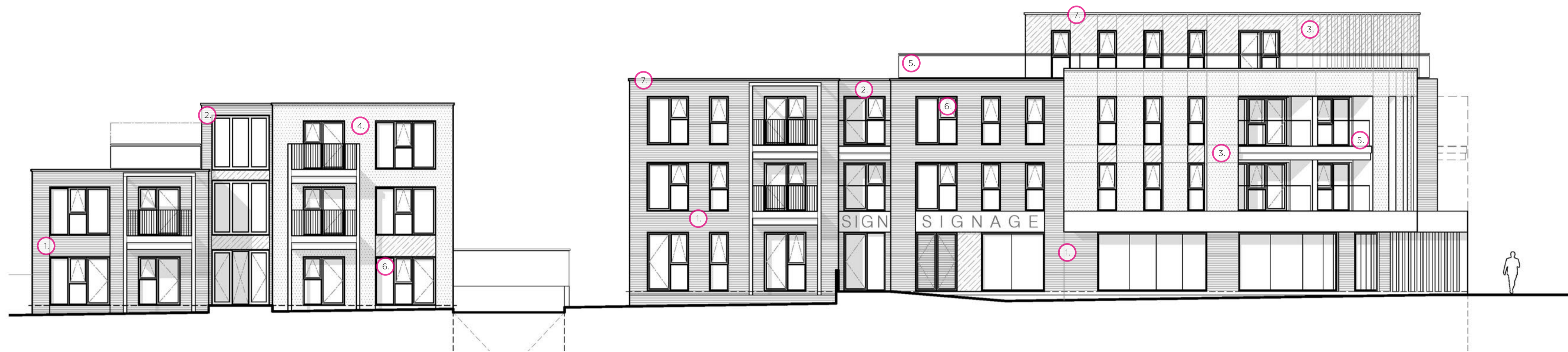
Project:  
**Residential Development**  
939-953 London Rd  
Leigh On Sea  
Essex  
Drawing title:  
Location Plan



AVIATION WAY, SOUTHEND-ON-SEA, ESSEX, SS2 6UN  
T.01702 543354 F.01702546654  
info@thirddimension.org www.thirddimension.org

|                        |                   |                       |
|------------------------|-------------------|-----------------------|
| Client:<br>Mr R Horban |                   | DWG No.<br><b>100</b> |
| Scale:<br>1:1250@ A4   | Date:<br>Aug 2013 |                       |
| Dwn.<br>GC             | Chk.              | Project No.<br>228    |

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Approved Elevation

37

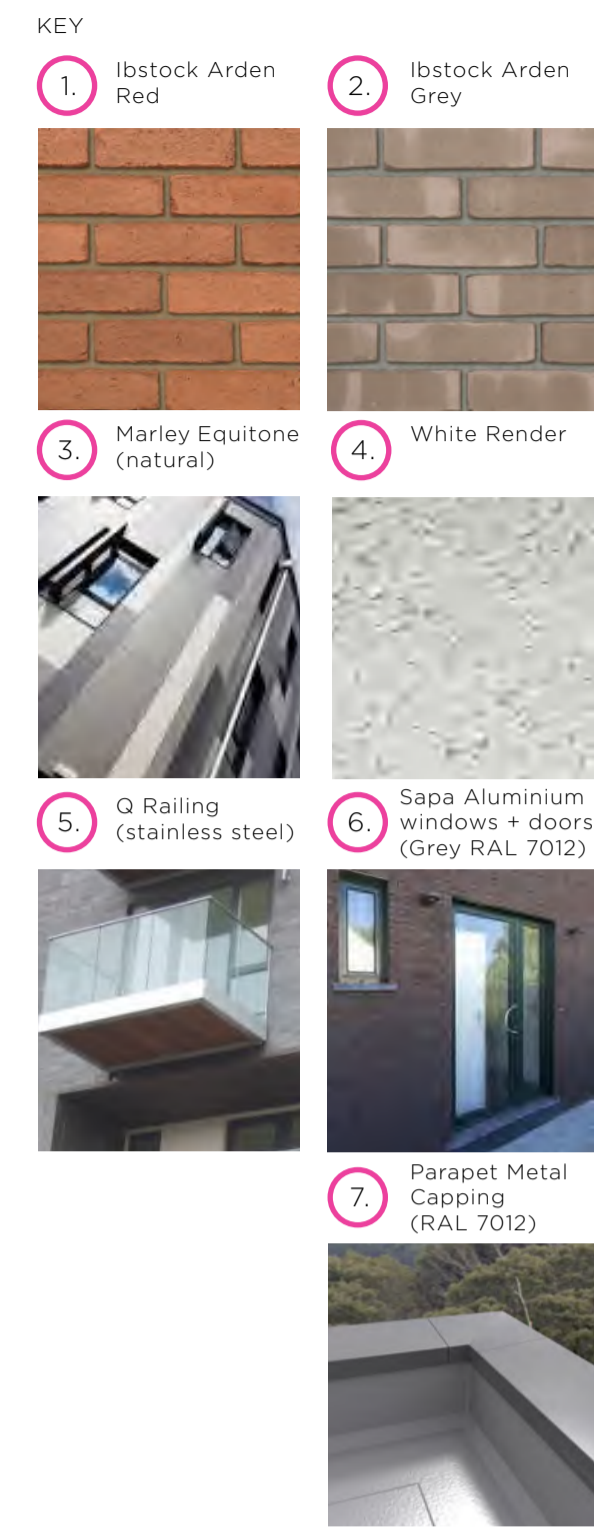


As Proposed Elevation



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Note:  
Proposed materials to remain as per the approved application.

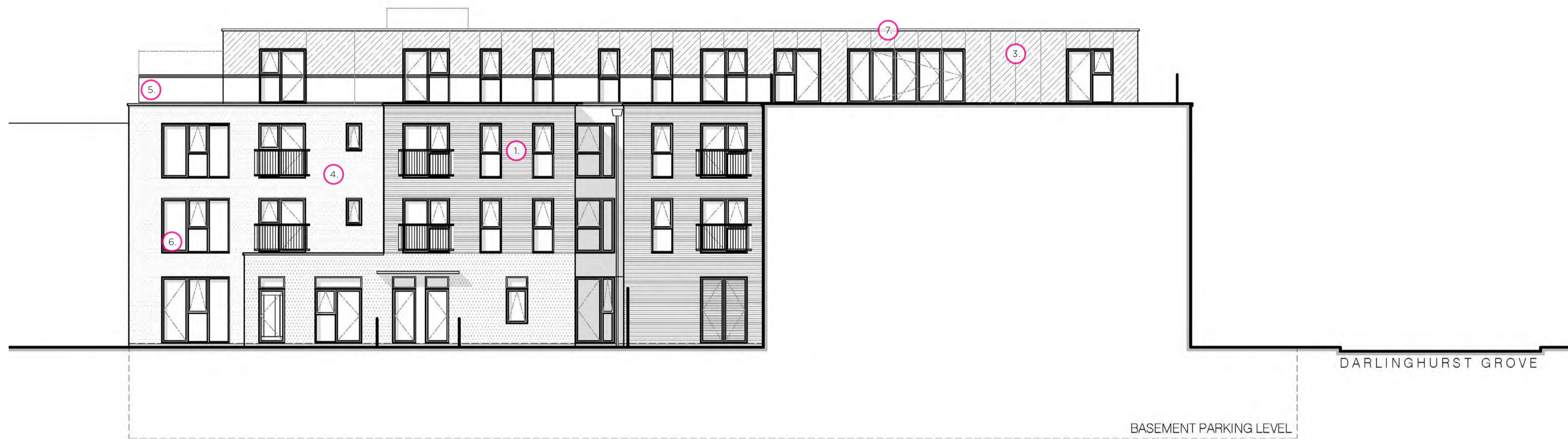
Approved Elevation



As Proposed Elevation



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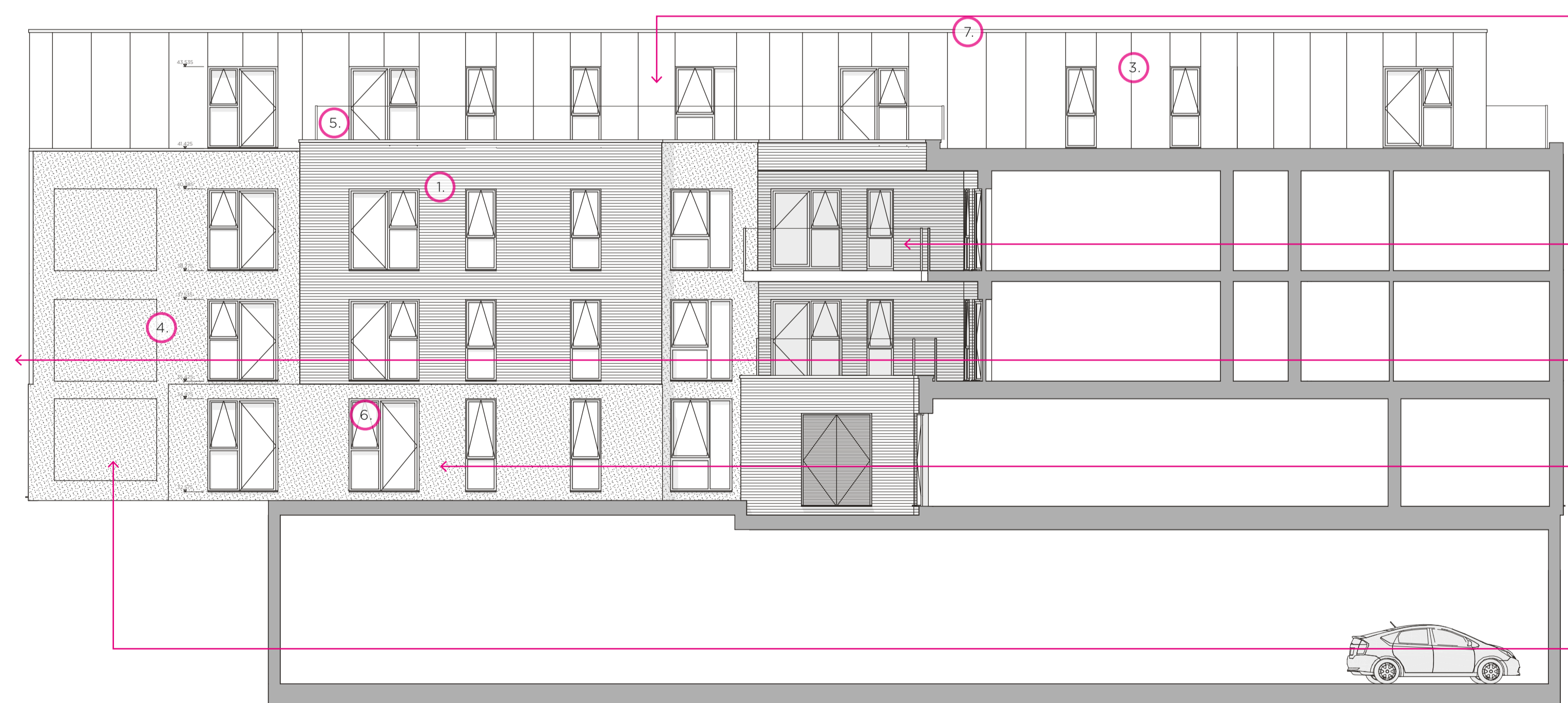


KEY

|                                |   |
|--------------------------------|---|
| 1. Ibstock Arden Red           | 2. Ibstock Arden Grey                             |
| 3. Marley Equitone (natural)   | 4. White Render                                   |
| 5. Q Railing (stainless steel) | 6. Sapa Aluminium windows + doors (Grey RAL 7012) |
|                                | 7. Parapet Metal Capping (RAL 7012)               |

Note:  
Proposed materials to remain as per the approved application.

Approved Rear Elevation



Fenestration layout changed to suit new internal layouts.

Proposed inset balcony to replace Juliet balcony and window layout.

Proposed building moved away from adjacent building.

Windows set to match the floors above.

Removal of windows and replacement of dummy windows due to new lift placement.

As Proposed Rear Elevation



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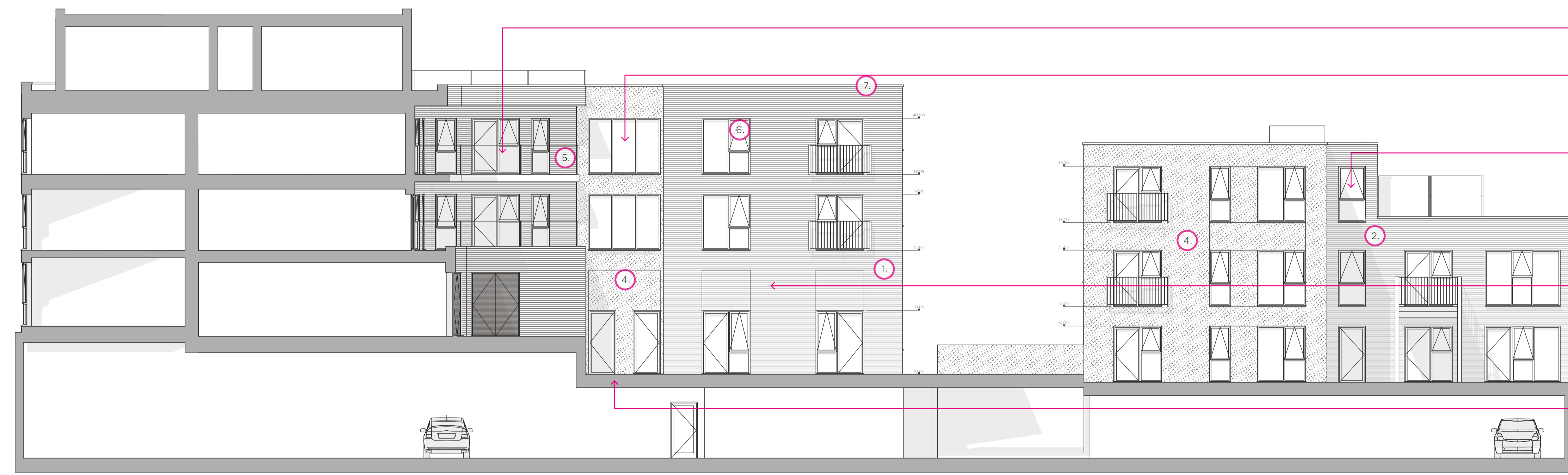


**KEY**

|                                |   |
|--------------------------------|---|
| 1. Ibstock Arden Red           | 2. Ibstock Arden Grey                             |
| 3. Marley Equitone (natural)   | 4. White Render                                   |
| 5. Q Railing (stainless steel) | 6. Sapa Aluminium windows + doors (Grey RAL 7012) |
|                                | 7. Parapet Metal Capping (RAL 7012)               |

Note: Proposed materials to remain as per the approved application.

Approved Rear Elevation

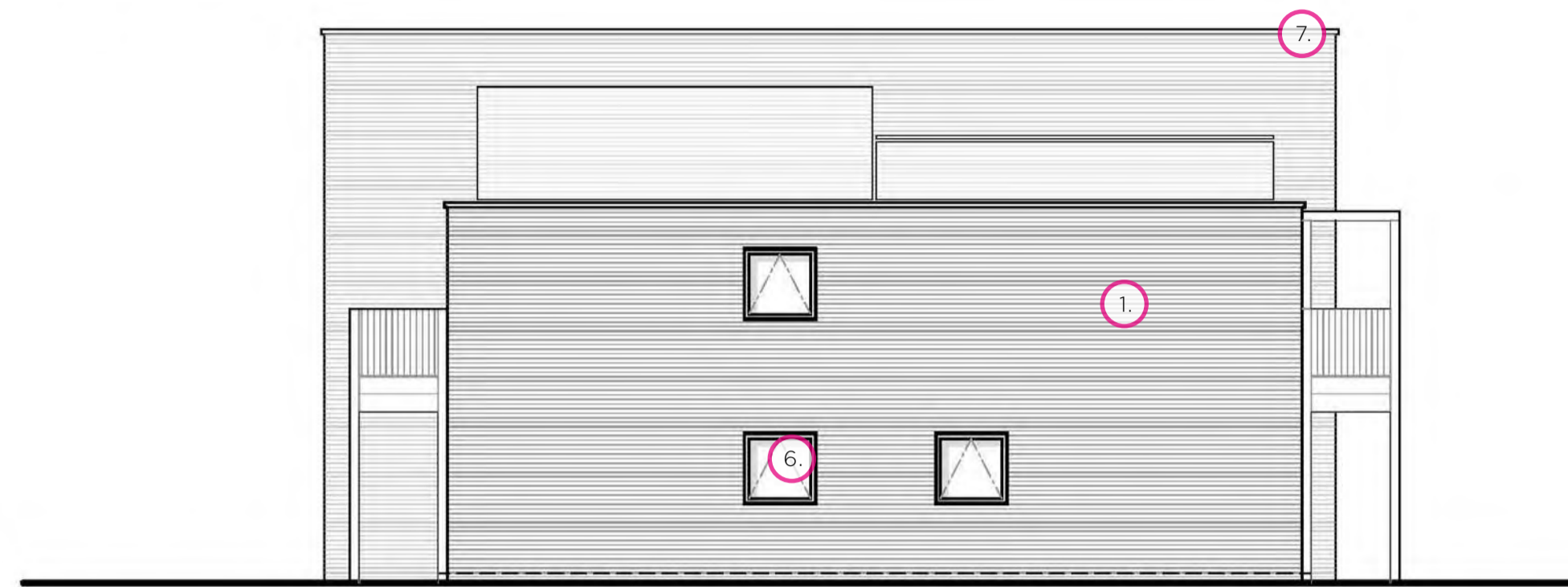


- Proposed inset balcony to replace juliet balcony and window layout.
- Removal of balconies to suit layout alteration for new staircase location.
- Removal of inset and façade to become flush with the rest of the elevation.
- Ground floor ceiling height extended to correspond with the step up and site level alteration.
- Levels altered and stepped up to coincide with the existing site levels.

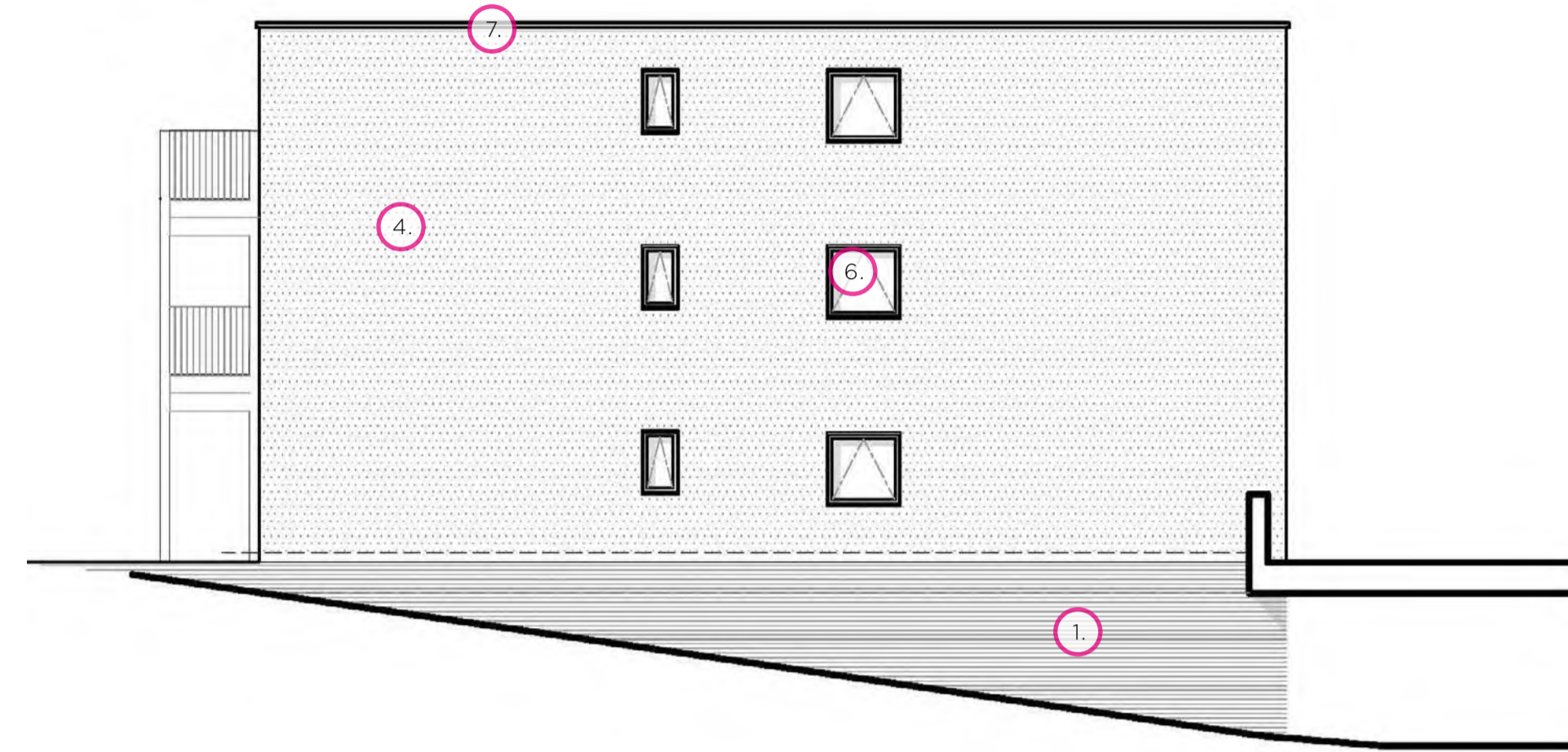
As Proposed Rear Elevation



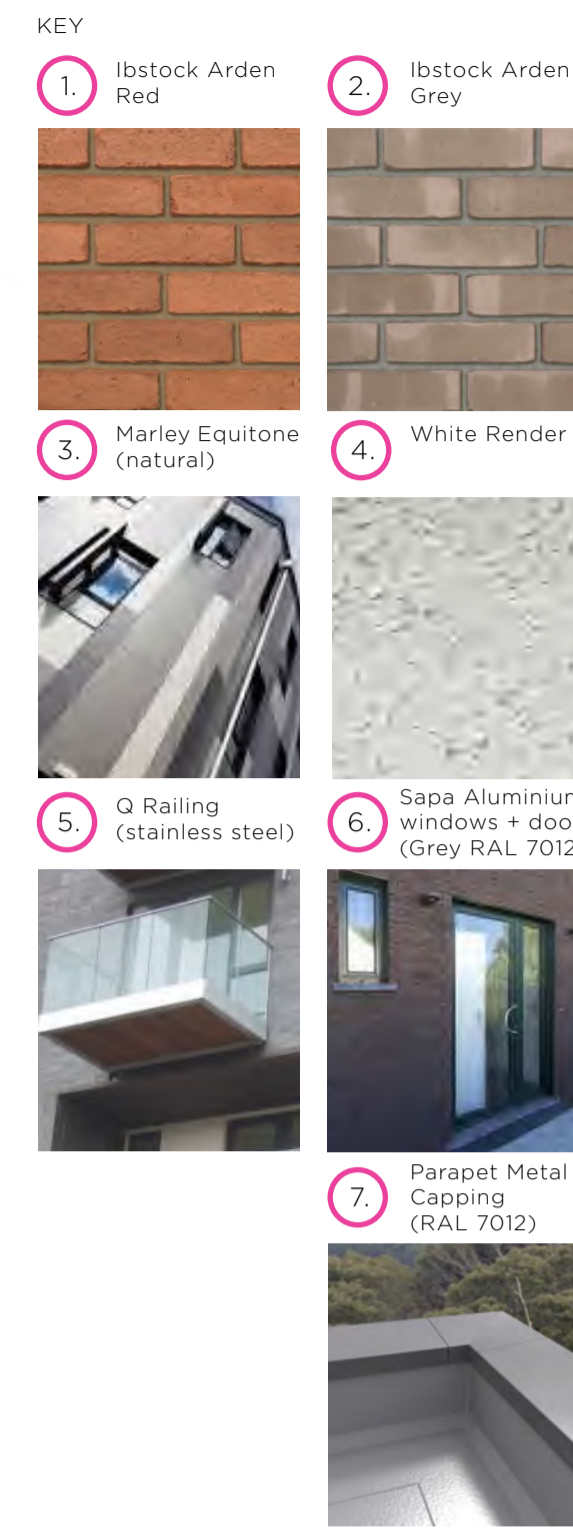
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As Approved Block A Side Elevation

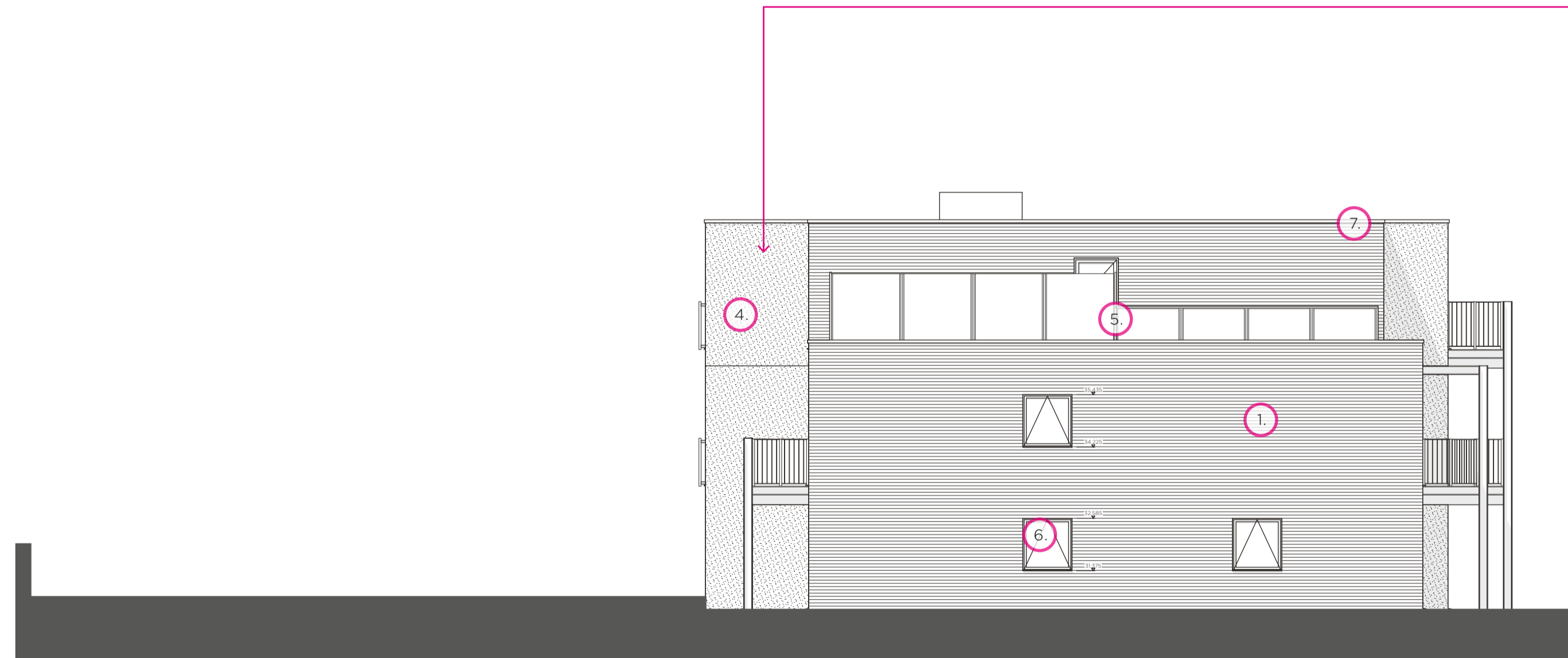


As Approved Block A Side Elevation (From Ramp To Basement)

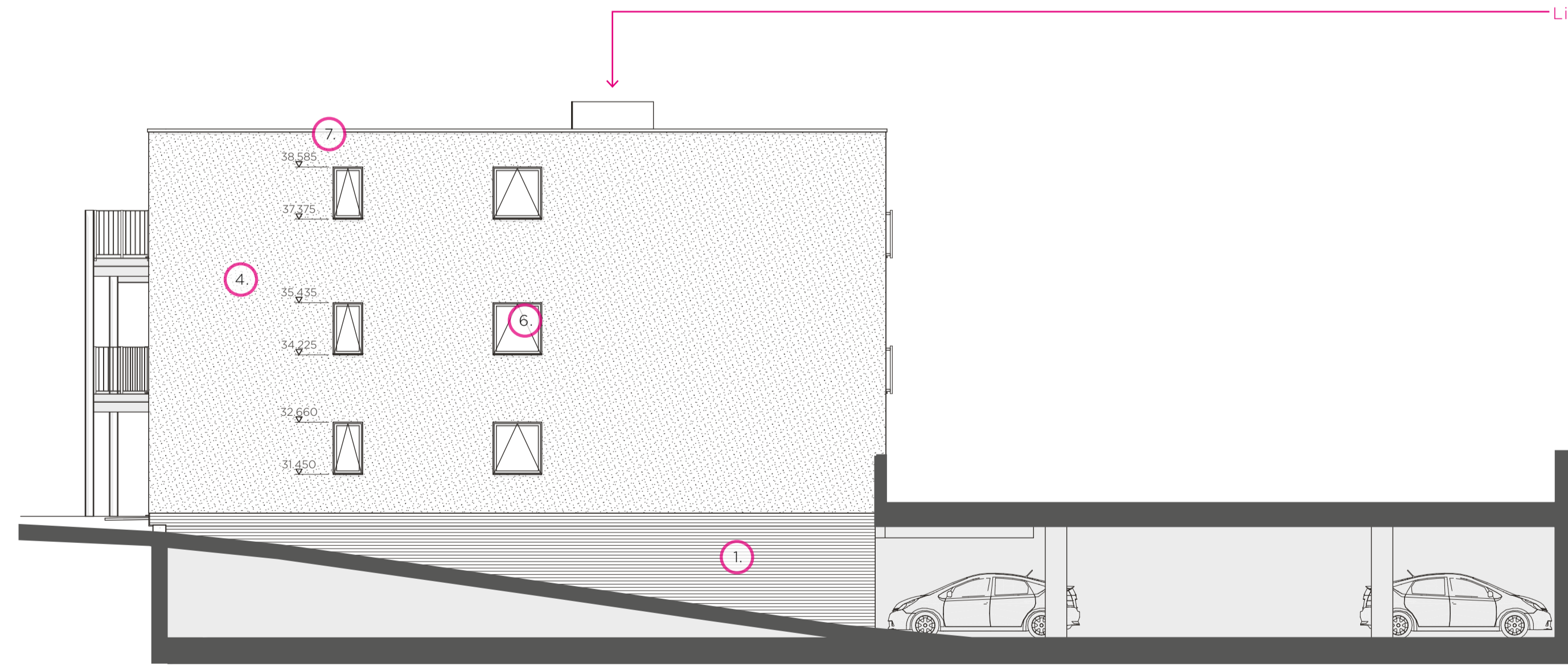


Note: Proposed materials to remain as per the approved application.

45



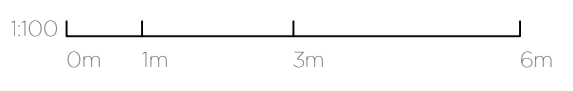
As Proposed Block A Side Elevation



As Proposed Block A Side Elevation (From Ramp To Basement)

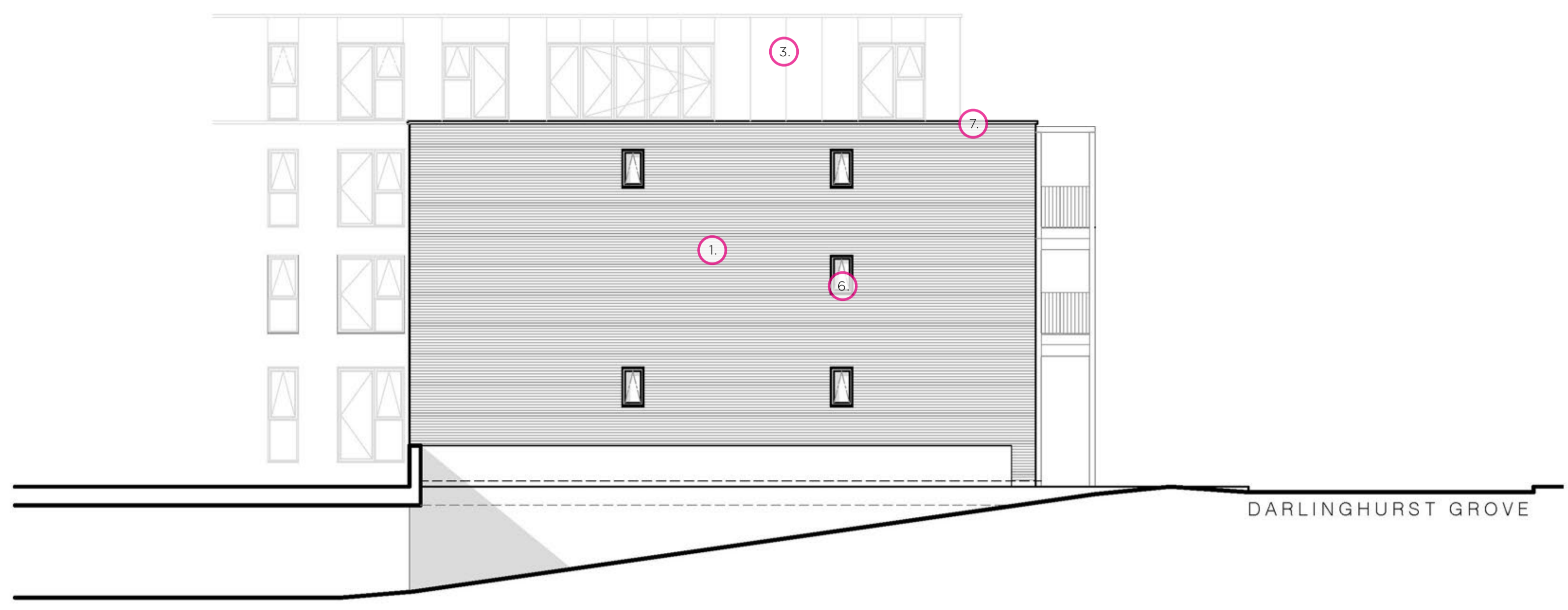
Change of material from brick to white render to side elevation only.

Lift overrun shown.



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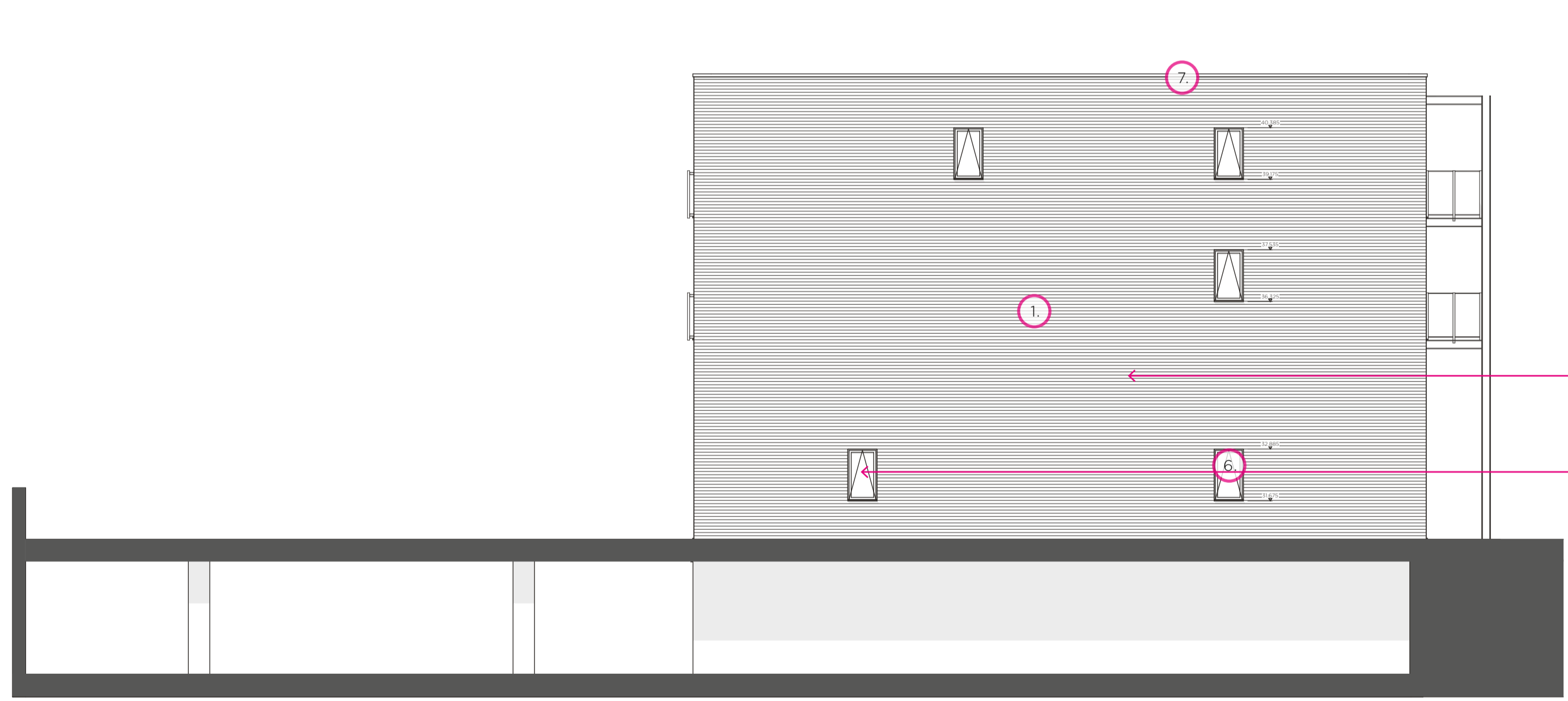


As Approved Block B Side Elevation (From Ramp To Basement)

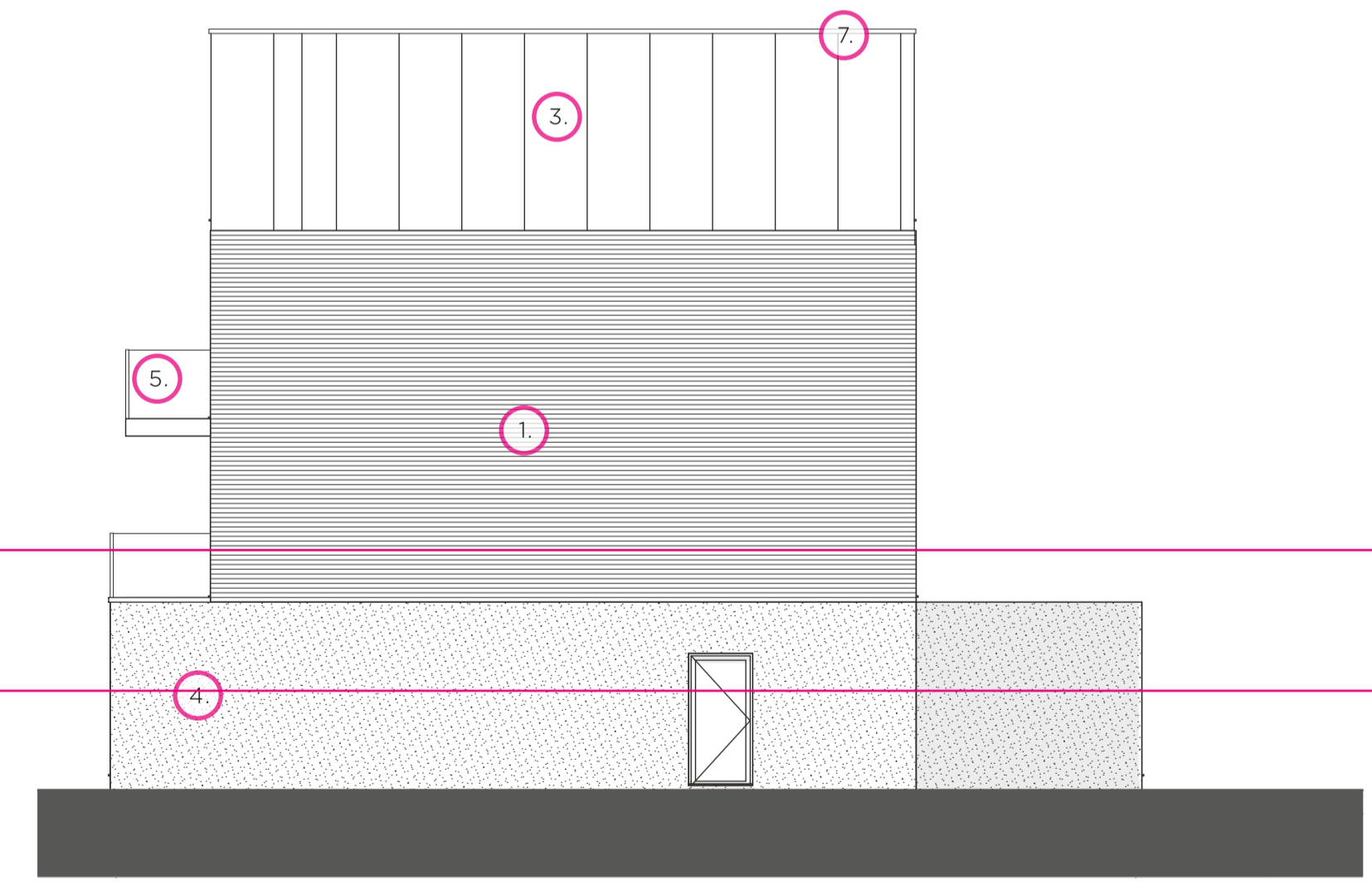


Note:  
Proposed materials to remain as per the approved application.

47



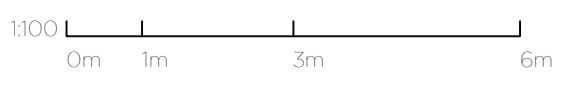
As Proposed Block B Side Elevation



As Proposed Block B Side Elevation

Ground floor ceiling height extended to correspond with the step up and site level alteration.

Movement of lower floor window.



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- Key:
- Residential Parking
  - Commercial Parking
  - Visitor parking

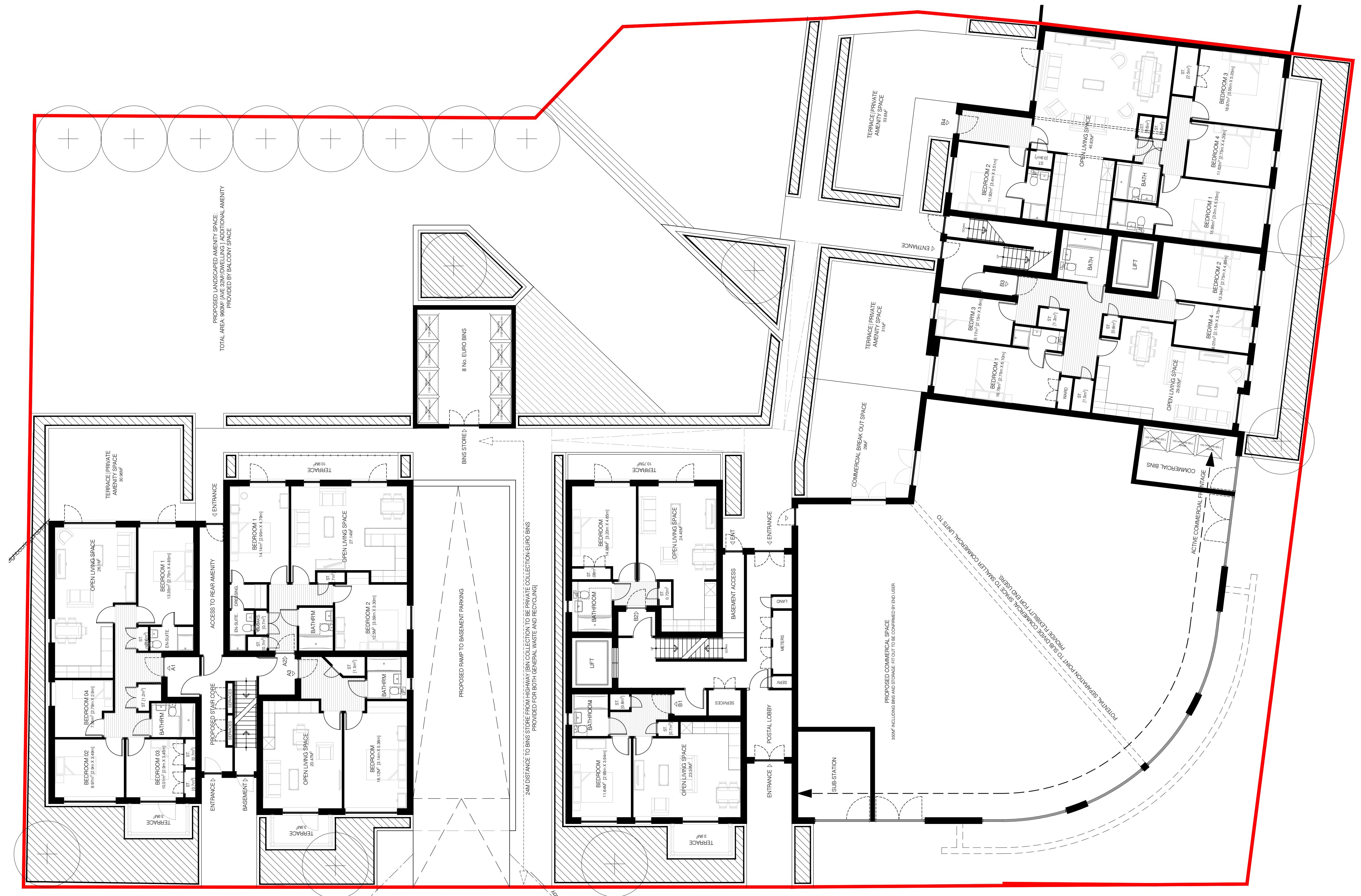


As Approved Basement Floor



As Proposed Basement Floor

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As Approved Ground Floor



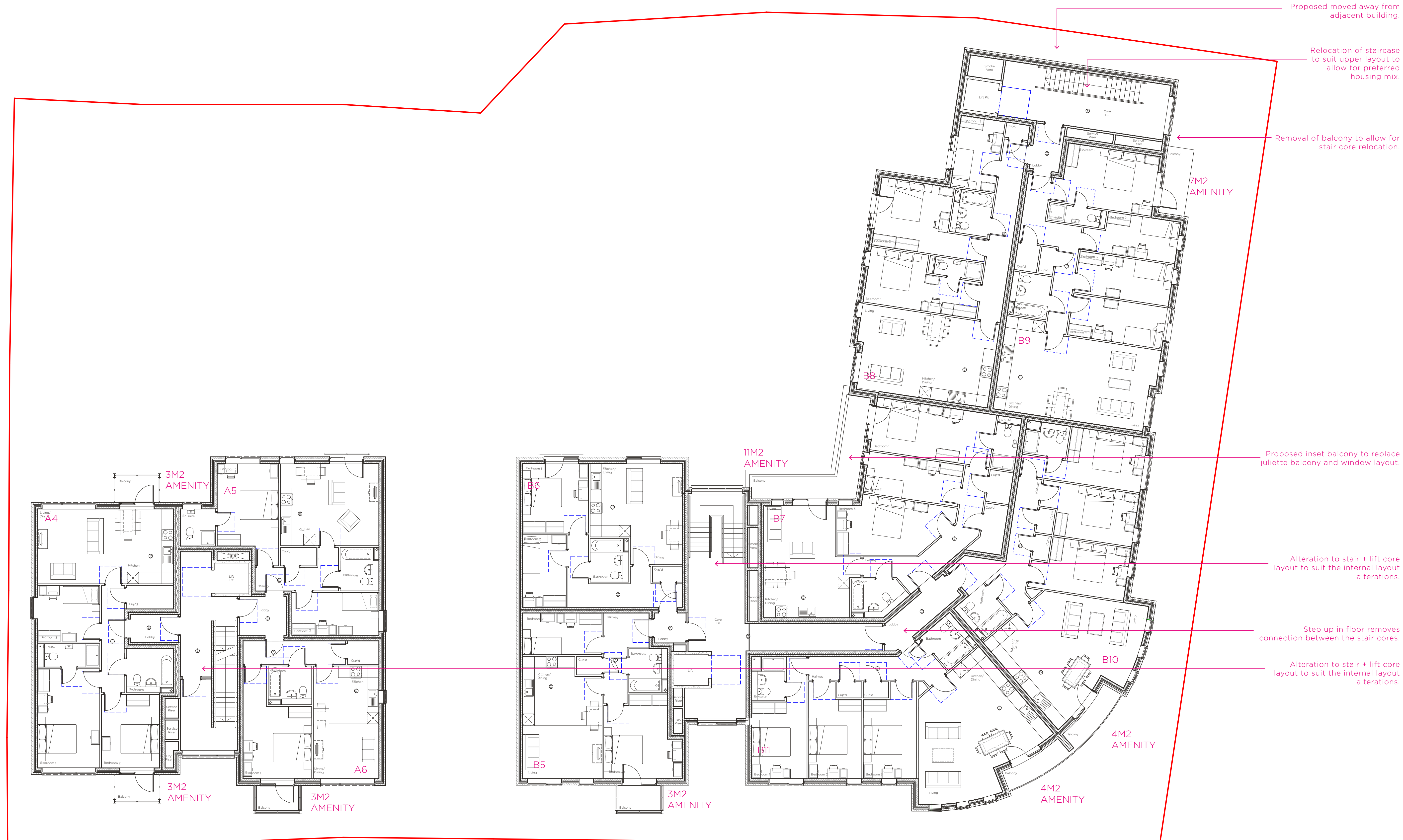
As Proposed Ground Floor

Note:  
 Internal layouts altered taking into consideration new stair core locations and M4(2) + M4(3) requirements.  
 All landscaping + planting as per approved plans.

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As Approved First Floor



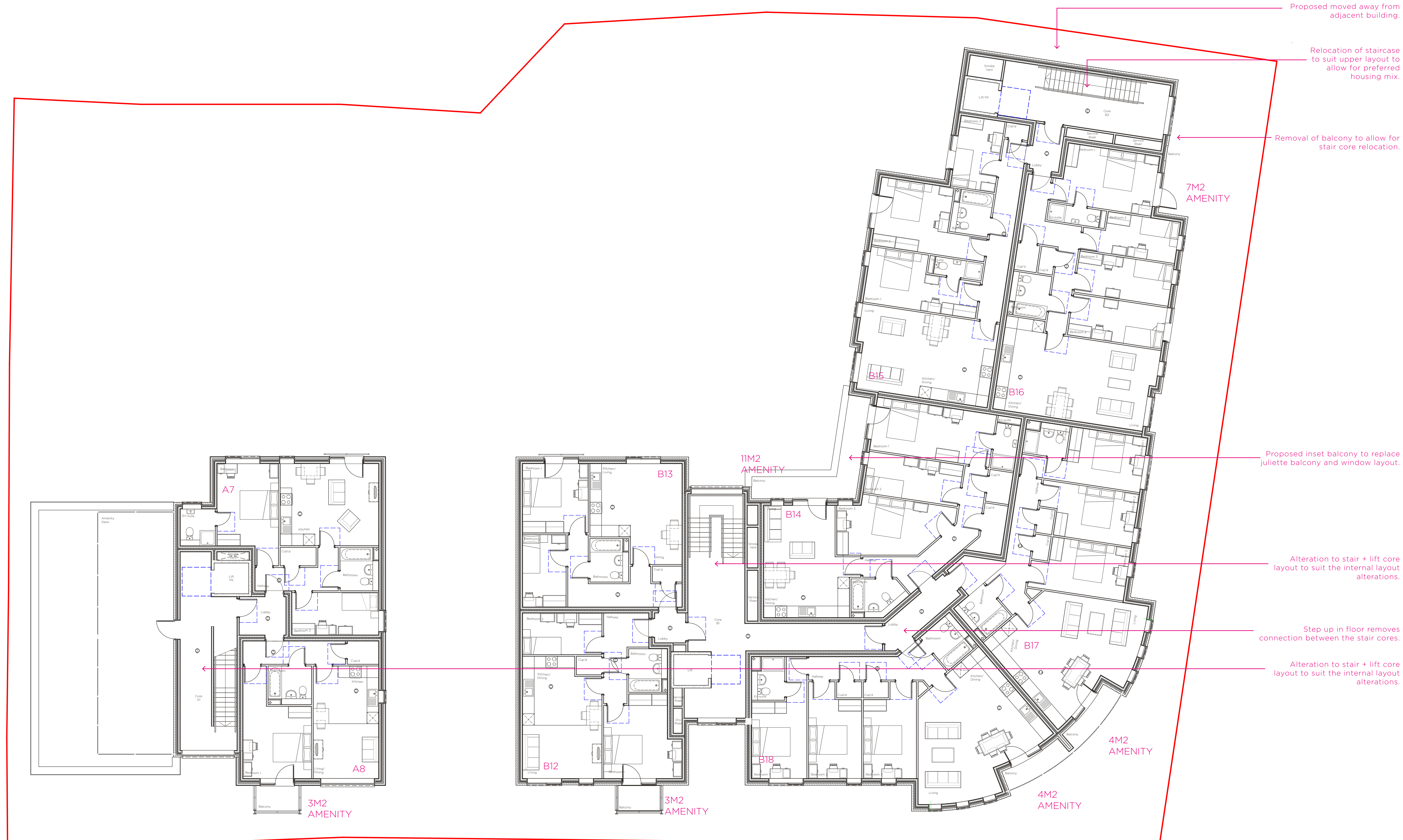
As Proposed First Floor

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As Approved Second Floor



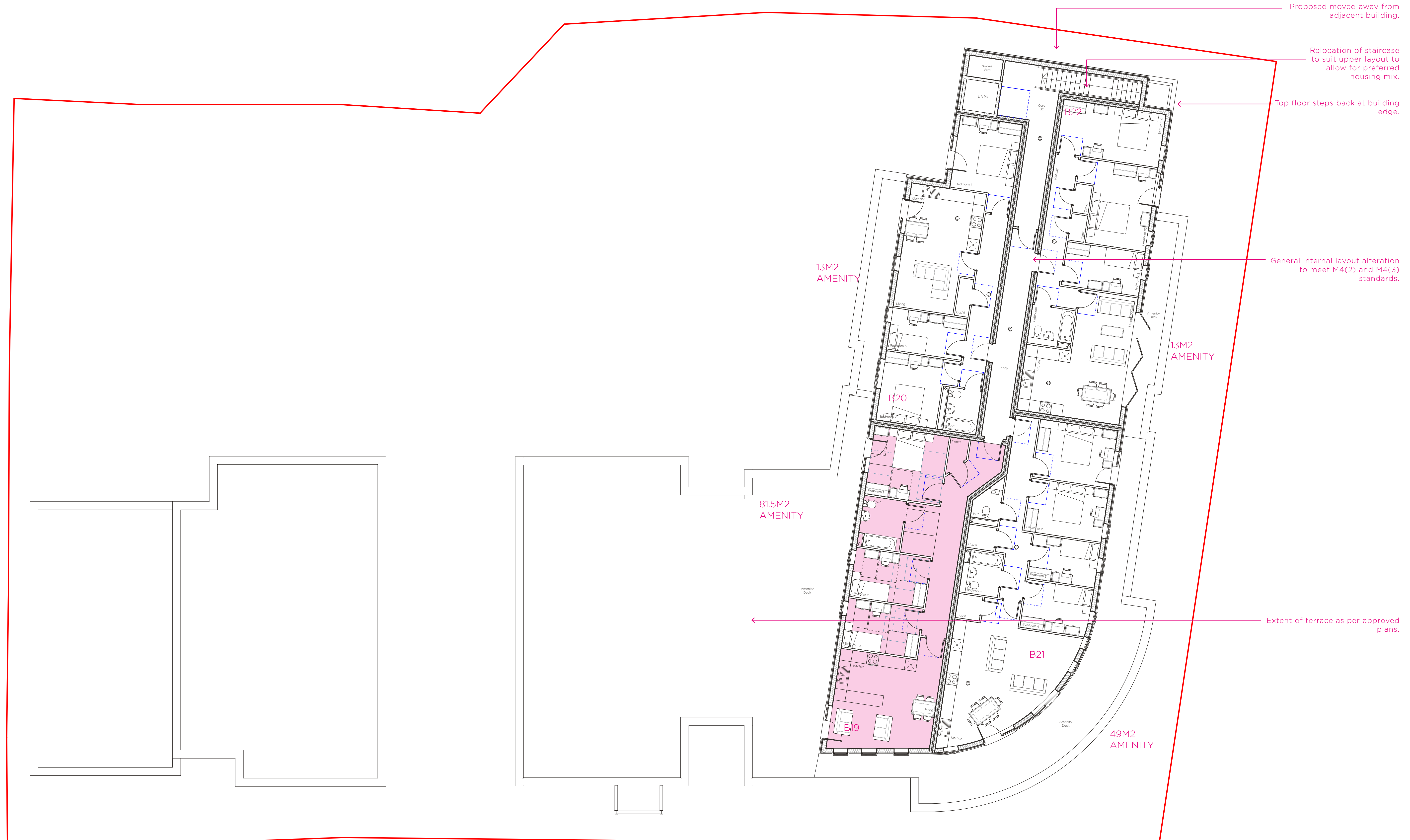
As Proposed Second Floor

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Key:  
M4(3) Units



As Approved Third Floor



As Proposed Third Floor

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The application site



The application site



The London Road frontage of the application site



The Darlinghurst Grove frontage of the application site





Relationship between application site and 24 Darlinghurst Grove



The site from Darlinghurst Grove



Surrounding area on Darlinghurst Grove



View from the site looking west on London Road



View from the site looking south-west on London Road



The surrounding area on London Road

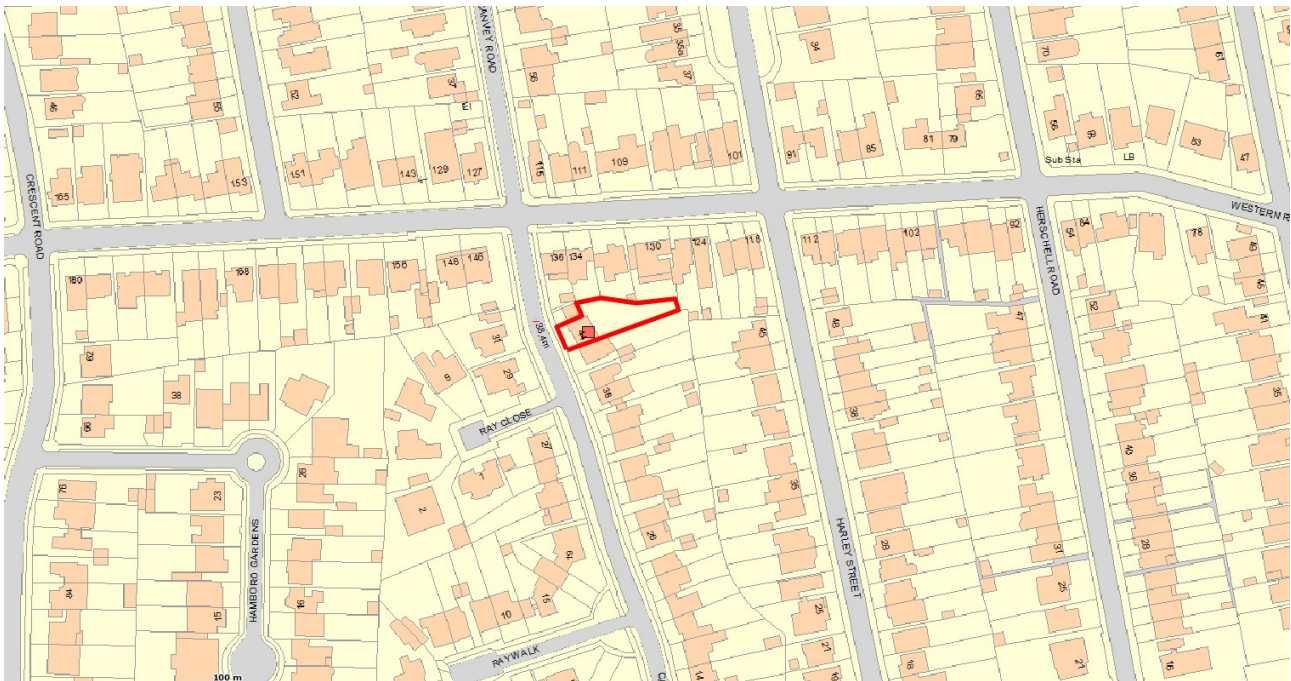


The surrounding area on London Road

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|                                |  |            |
|--------------------------------|--|------------|
| <b>Reference:</b>              | 22/01627/AMDT  | <h1>6</h1> |
| <b>Application Type:</b>       | Minor Amendment  |            |
| <b>Ward:</b>                   | West Leigh   |            |
| <b>Proposal:</b>               | Application to vary and amend the wording to condition 03 to allow change to the type of 'A Bar' used (Minor Material Amendment of Planning Permission 21/01748/FULH dated 22/10/2021) (Part Retrospective)  |            |
| <b>Address:</b>                | 44 Canvey Road, Leigh-on-Sea, Essex, SS9 2NN   |            |
| <b>Applicant:</b>              | Mr Harry Kinn  |            |
| <b>Agent:</b>                  | N/A  |            |
| <b>Consultation Expiry:</b>    | 22.09.2022   |            |
| <b>Expiry Date:</b>            | 04.11.2022   |            |
| <b>Case Officer:</b>           | Abbie Greenwood  |            |
| <b>Plan Nos:</b>               | <p><b>Plans to be Replaced</b><br/>P05A</p> <p><b>Proposed Replacement Plans</b><br/>P05 Rev A, Cross Section titled 'SMA Alitherm Heritage Standard Garrard Square (W20170)'</p> <p><b>Plans unchanged from Previous Application</b><br/>P01, P03</p> |            |
| <b>Additional information:</b> | Product brochure titled: "Smart architectural aluminium by Alitherm Heritage"  |            |
| <b>Recommendation:</b>         | <b>GRANT PLANNING PERMISSION subject to conditions</b>   |            |



## 1 Site and Surroundings

- 1.1 The application site contains a 1920s semi-detached dwelling on the east side of Canvey Road, close to the junction with Western Road, in Chapmanslord Conservation Area. The property is part of the Homes for Heroes planned estate and is the same design as most of the other properties in this section of Canvey Road except that it has been previously extended to the north side including with a single storey garage and two storey side extension. Both additions pre-date the conservation area designation. The garage area has recently been remodelled to improve its appearance.
- 1.2 Chapmanslord Conservation Area is covered by an Article 4 Direction which seeks to protect aspects and features which are important to the historic character of the houses in the area. This means that planning permission is required for a variety of works which would usually be permitted development. The Article 4 Direction covers a range of items including alteration or replacement of front doors and windows fronting a highway.
- 1.3 Canvey Road forms part of the Marine Estate, a residential area which is on the top of Leigh Cliffs at the western end of the City. No other site-specific planning designations affect the site.

## 2 The Proposal

- 2.1 The application, which is retrospective in nature because the development has already been undertaken, seeks a minor-material amendment to the planning permission granted under application reference 21/01748/FULH (the “2021 Permission”) for:

*‘The replacement of the existing windows to front and side with double glazed aluminium Georgian style units’.*

- 2.2 That application was approved subject to the following condition which was in line with the submitted details:

*03 The replacement windows shall only be from the Heritage putty-line range by Duration windows manufactured by Smart Systems, and shall be finished in white metal to the outside, shall be fitted with A shaped astragal bars and shall have not visible trickle vents.*

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

- 2.3 The windows which have been installed are not from the Heritage Putty Line Range specifically consented but a similar product from the SMART Alitherm Heritage range. Furthermore, they have been installed with flat external glazing bars, which are materially different from those approved under the 2021 Permission. This minor-material amendment application is therefore both for a change of window product from that originally consented to the SMART Alitherm Heritage range but the application also includes the replacement of the existing flat glazing bars with 'A' shaped glazing bars so that the windows are more comparable to that originally consented. The replacement glazing bars are 18mm wide and 8mm deep.

### 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   |
|-----------------|--|-----------|
| 22/00173/BRCN_B | Enforcement Enquiry (Windows)  | Ongoing   |
| 22/01613/NON    | Application to vary and amend the wording to condition 03 to allow change to the type of 'A Bar' used (Non-Material Amendment to Planning Permission 21/01748/FULH dated 22.10.2021) | Withdrawn |
| 21/01748/FULH   | Replace existing windows to front and side with double glazed aluminium Georgian style units   | Granted   |
| 21/00486/FULH   | Erect part single/part two storey side and rear extension and layout paving to front with boundary fence   | Granted   |
| 10/01259/FULH   | Install replacement windows to front elevation   | Granted   |

### 4 Representation Summary

#### Call-in

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

#### Public Consultation

- 4.2 Seven (7) neighbouring properties were consulted, a site notice was displayed and a press notice was published. Objections from two interested parties have been received raising the following summarised issues:

- The windows which have been installed are not those consented under the 2021 Permission.
- The flat glazing bars which have been installed are out of character and harmful

to the conservation area.

- The conservation area appraisal identifies inappropriate windows as having a negative impact on the character of the conservation area.
- The application does not preserve or enhance the conservation area.
- The application has not been demonstrated that the original condition is unreasonable or irrelevant.
- The conservation area should be monitored for breaches of planning permissions.

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.

## **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) and CP4 (Environment & Urban Renaissance).
- 5.4 Development Management Document (2015) Policies DM1 (Design Quality) and DM5 (Southend on Sea's Historic Environment)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Chapmanslord Conservation Area Appraisal (2021)

## **6 Planning Considerations**

- 6.1 This application is for the variation of condition 03 of planning permission 21/01748/FULH relating to the window details only. In all other respects, including the principle of replacement windows in this dwelling, the proposal remains unchanged from that approved under application 21/01748/FULH. The only considerations for this application are therefore the impact of the amended window details on the character and appearance of the historic building and surrounding conservation area. As with the 2021 application there are no material highways or neighbour amenity considerations for this application as it relates to the replacement of existing windows only.
- 6.2 The proposed amendments are considered to fall within the scope of a minor material amendment.

## **7 Appraisal**

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

- 7.1 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.

- 7.2 In relation to development in conservation areas paragraph 199 of the NPPF states *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.'* And paragraph 194 states *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*
- 7.3 Paragraph 201 of the NPPF states where a proposed development will lead to *'substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...'*
- 7.4 Paragraph 202 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.5 Policy KP2 of the Core Strategy advocates the need for all new development to "respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design".
- 7.6 Policy CP4 of the Core Strategy states "development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend. This will be achieved by:
- 5. 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.*
- 9. safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance;'*
- 7.7 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. It states that:
- 'In order to reinforce local distinctiveness all development should:*
- (i) Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable;'*
- 7.8 Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value. In relation to development within Conservation Areas in particular policy DM5 (Historic Buildings) states that:

*“Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this.”*

- 7.9 As already stated, rather than using the product range Heritage Putty Line windows from Duration Windows manufactured by Smart Heritage Systems for the replacement windows as approved under 21/01748/FULH, the installed windows are from the SMART Alitherm Heritage range. These windows have been installed with flat external glazing bars, which are materially different from those approved under the 2021 Permission and out of character with the conservation area. This has caused harm to the heritage asset and is unacceptable in this current form.
- 7.10 In order to address this harm, the windows in situ are proposed to be retained but amended to remove the flat glazing bars currently installed and replace them with ‘A’ shaped glazing bars to match the other properties in the Conservation Area. The replacement glazing bars will be of a comparable size and profile to those originally approved and those elsewhere in the conservation area. The overall window frame design and quality is also considered to be compatible with the character of the conservation area. The amended proposal, subject to a condition requiring the replacement of the flat glazing bars with “A” shaped glazing bars, is considered to have a neutral impact on the character of the conservation area and is acceptable and policy compliant in the above regards

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

- 7.11 The development equates to no new floor space, as such the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **Equality and Diversity Issues**

- 7.12 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**

- 7.13 Having taken all material planning considerations into account, it is found that subject to the installation of replacement “A” shaped glazing bars, the amended window range is acceptable in terms of its design and impact on the character and appearance of the dwelling and the conservation area and that condition 03 of application 21/01748/FULH can be varied to this effect. In all other respects including the principle of the development, the proposal is the same as application reference 21/01748/FULH which was found to be acceptable and compliant with the objectives of the relevant development plan policies and guidance subject to conditions. There have been no material changes in policy since this time. This application is therefore recommended for approval subject to conditions. An informative is included to remind the applicant of

the importance of installing the windows as approved.

## **8 Recommendation**

**Members are recommended to:**

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

- 01 The development hereby permitted shall be carried out/ retained in full accordance with the following approved plans P01, P03, P05A and Cross Section titled SMA Alitherm Heritage Standard Garrard Square (W20170).**

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

- 02 The replacement windows shall only be from the SMART Alitherm Heritage Range, finished in white metal to the outside and fitted with “A” shaped astragal bars as set out on Cross Section titled SMA Alitherm Heritage Standard Garrard Square (W20170) permanently bonded to the glass.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the Chapmanslord Conservation Area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Chapmanslord Conservation Area Appraisal (2021).**

### **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.**

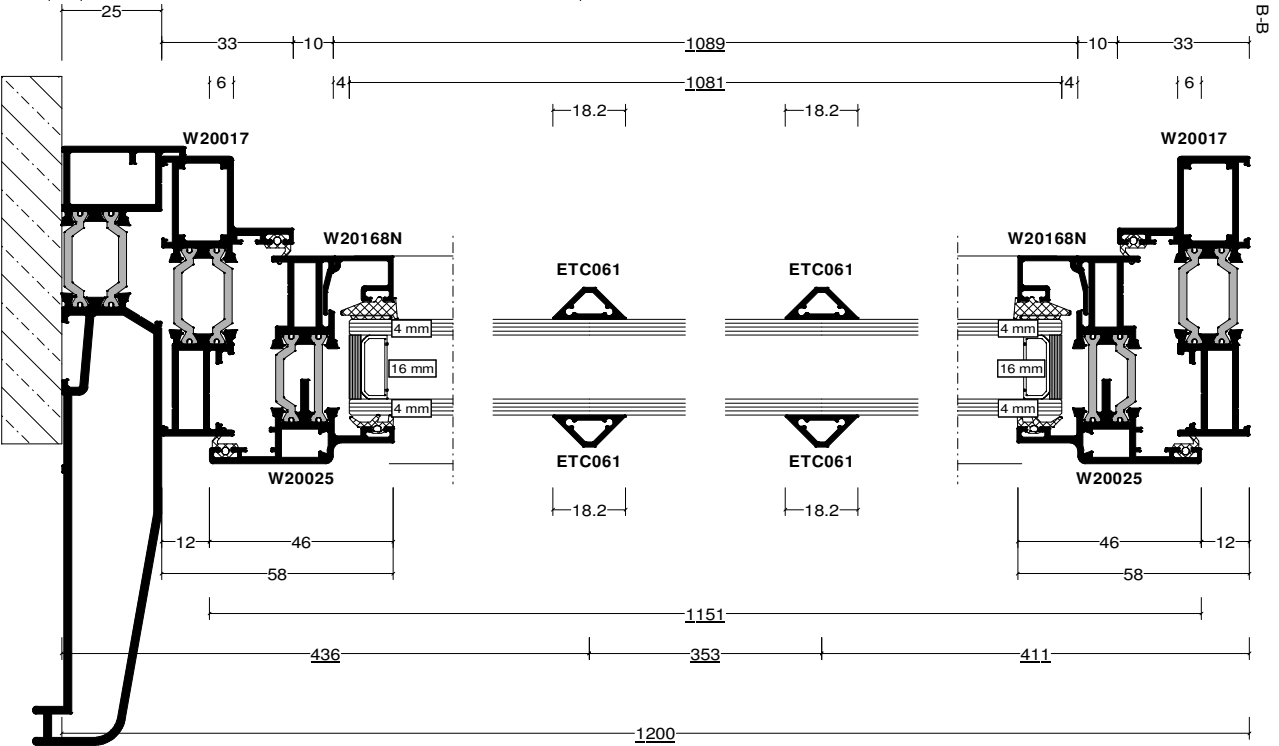
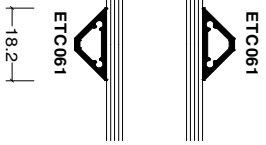
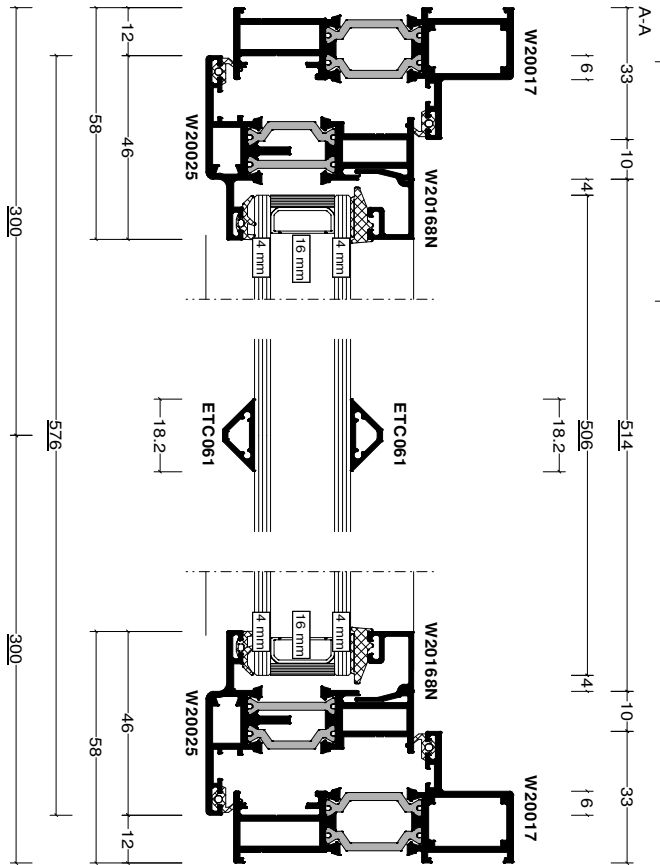
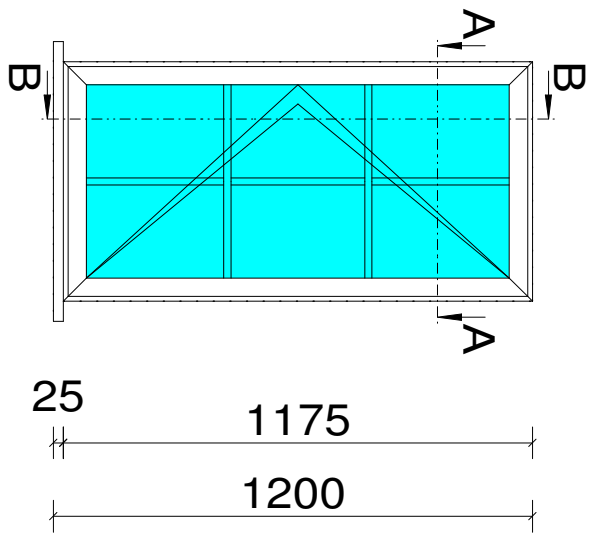
### **Informatives:**

**01 You are advised that as the proposed development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

**02 The applicant is reminded that the development on site remains unauthorised. Failure to remedy this is likely to result in the Council considering the expediency of enforcement action to seek to remedy the identified harm caused by the development currently on site.**

**03 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.**

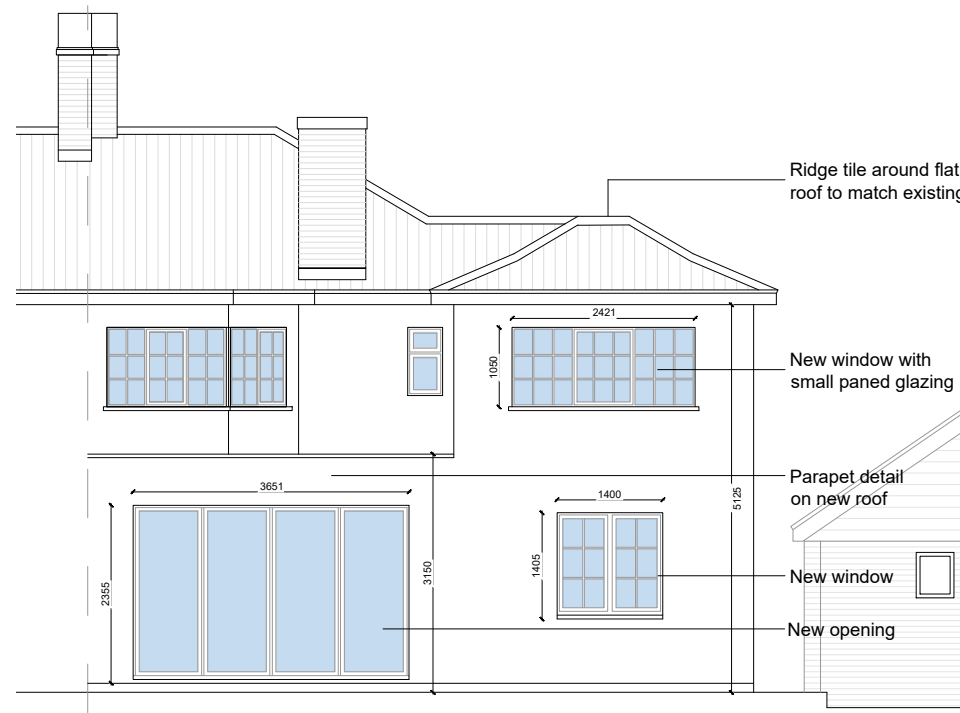




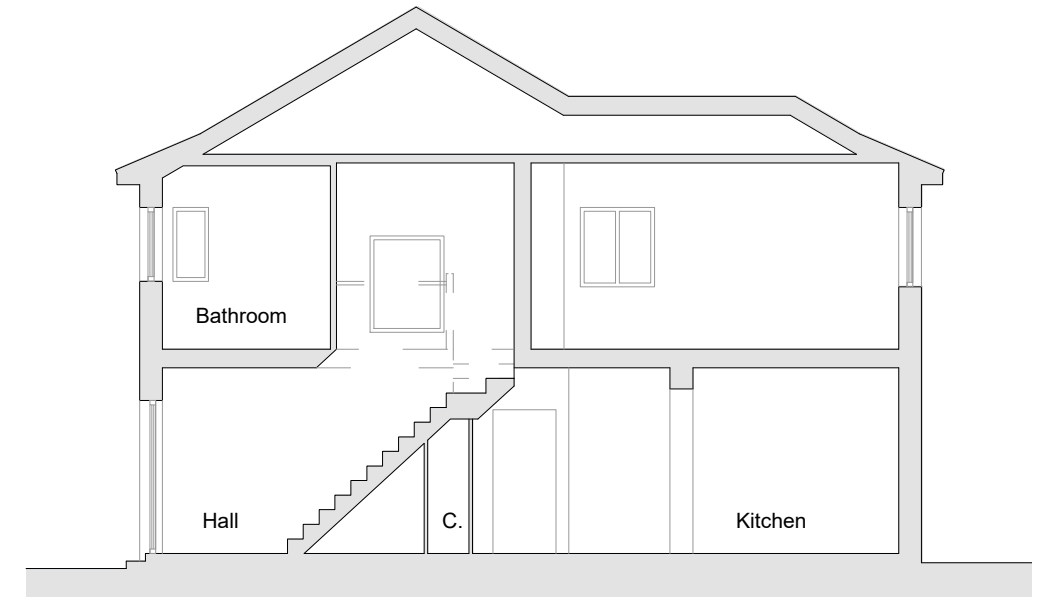
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Proposed Front Elevation 1:100 @ A3



Proposed Rear Elevation 1:100 @ A3



Proposed Section

81



Proposed Side Elevation 1:100 @ A3



Proposed Side Elevation 1:100 @ A3

| Rev | Comment    | By | Date     |
|-----|------------|----|----------|
| A   | Amendments | RW | 19/04/21 |

Stage:  
03 - Planning

Client:  
Harry Kinn & Faye Brumby

Project:  
44 Canvey Road  
Leigh on Sea  
Essex  
SS9 2NN

Drawing Title:  
Proposed Elevations

|             |            |           |       |
|-------------|------------|-----------|-------|
| Drawing no: | P05        | Revision: | A     |
| Project no: | 672        | Drawn by: | RW/MS |
| Scale:      | 1:100 @ A3 | Chkd by:  | -     |

**SKARCHITECTS**  
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NB:  
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All information on this drawing is for guidance purposes only. All dimensions must be checked onsite.  
This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.  
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44 Canvey Road

# Original Windows April 2021

84



# New Windows with Inappropriate Flat Glazing Bars

85



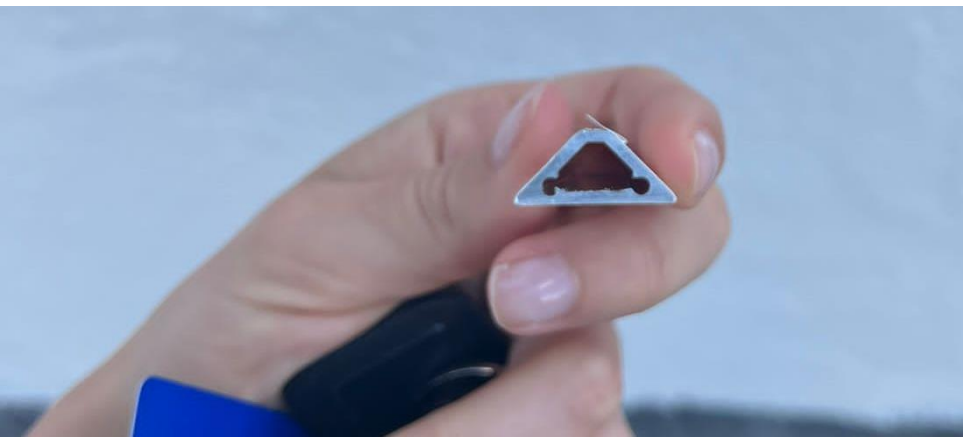
# Flat Glazing Bars Currently Installed

88



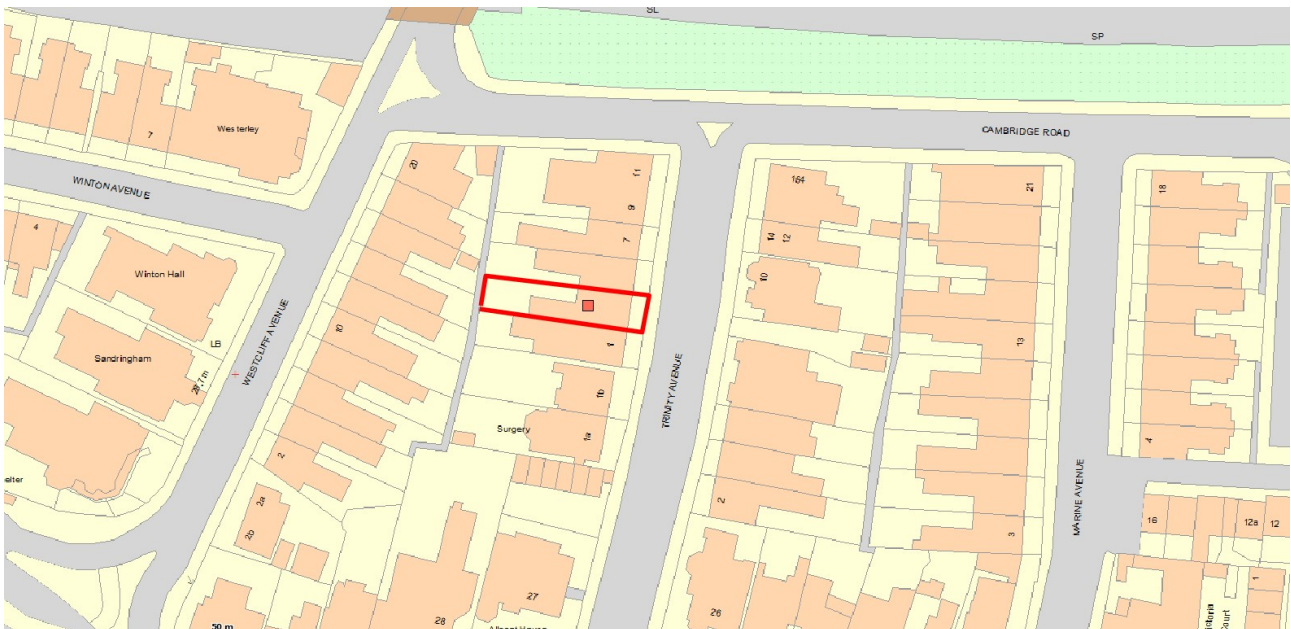


# Proposed Replacement Glazing Bars



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|                              |   |            |
|------------------------------|---|------------|
| <b>Reference:</b>            | 21/02305/FUL  | <h1>7</h1> |
| <b>Application Type:</b>     | Full Application  |            |
| <b>Ward:</b>                 | Milton  |            |
| <b>Proposal:</b>             | Change of use from hotel (Class C1) to 7-bedroom residential institution for up to 9 residents (Class C2) with new disabled access to rear                      |            |
| <b>Address:</b>              | The Trinity, 3 Trinity Avenue, Westcliff-on-sea   |            |
| <b>Applicant:</b>            | Sara Parkinson, Off the Streets   |            |
| <b>Agent:</b>                | Sara Parkinson  |            |
| <b>Consultation Expiry:</b>  | 30.09.2022  |            |
| <b>Expiry Date:</b>          | 07.11.2022  |            |
| <b>Case Officer:</b>         | Robert Lilburn  |            |
| <b>Plan Nos:</b>             | Location plan, 01, 02, 03A, 04A   |            |
| <b>Supporting Documents:</b> | <b>Planning and Heritage Statement received 14.09.2022</b><br><b>Management Statement updated 08.09.2022</b><br><b>ICENI Transport Note dated November 2020</b> |            |
| <b>Recommendation:</b>       | <b>Members are recommended to GRANT PLANNING PERMISSION subject to conditions</b>   |            |



## 1 Site and Surroundings

- 1.1 The application property is part of a two-storey Victorian terrace within the Shorefields Conservation Area (CA). It is mid-terraced, with additional accommodation in the roof space. It is in established use as a guest house. The submitted plans show that it provides seven en-suite rooms. There is a small garden to the front and a larger garden to the rear. There is no off-street parking associated with the property. The Shorefields Conservation Area Character Appraisal (2021) identifies the building as making a positive contribution to the character of the conservation area.
- 1.2 The area is principally residential in character, with two-storey dwellings and flats of a similar scale. Besides the self-contained dwellings and flats, the other uses in the street are identified as follows. No.1a Trinity Avenue is in mixed use as a dwelling and a chiropractic clinic. Within the Victorian terrace there are guest houses, one neighbouring the application property at no.1 Trinity Avenue (Pavilion Hotel) and another two doors along at no.7 (George's Guest House). There is a homeless person's hostel at nos.9-11, forming the end of the terrace. Ocean Lodge Independent School and a residential care home for children are at nos.6-8 opposite. No.26 Westcliff Parade is a residential care home for the elderly.

## 2 The Proposal

- 2.1 This application is for change of use of the hotel to a residential institution (C2 use). The premises would be run and managed by Off the Streets, a registered local charity, with the aim of providing support and accommodation for homeless people. The applicant states that this would be transitional accommodation for former rough sleepers so that they can 'move on' from emergency housing and learn to live independently. A Planning and Heritage Statement has been provided which describes the local need for the development in relation to homelessness specifically, and notes that rough sleepers have at times been housed in guest houses with no safeguarding measures in place. It notes that there is insufficient capacity at present and referrals would be made through the local charity HARP Southend.
- 2.2 The applicant states that the seven bedrooms would provide accommodation for a maximum of nine residents at any one time. They state that five would be single occupancy bedrooms and two would be capable of accommodating couples. The submitted plan does not specify which rooms would be double or single occupancy. One room, at ground floor, would be designed for use by disabled residents.
- 2.3 An office would be located at the ground floor front, adjacent to the front door. An 18.8sqm common room, with access to the rear garden, and an 11.8sqm kitchen would be located at ground floor. An 18sqm multi-function room with associated WCs would be provided at the second floor. A communal WC would be available at ground floor. The schedule of sleeping accommodation would be as follows:

| Room Number | Location (floor) | Floor area (sqm) | Principal Width x Length (m) | Location of amenities | Amenities size (sqm) |
|-------------|------------------|------------------|------------------------------|-----------------------|----------------------|
| 1           | Ground           | 10.18            | 3.51 x 2.27                  | En-suite              | 6.2                  |

|   |        |       |             |                 |      |
|---|--------|-------|-------------|-----------------|------|
| 2 | First  | 12.89 | 3.59 x 2.66 | En-suite        | 5    |
| 3 | First  | 13.11 | 3.51 x 3.12 | En-suite        | 1.66 |
| 4 | First  | 14.35 | 3.52 x 3.20 | Shared on floor | 2.88 |
| 5 | First  | 6.77  | 1.87 x 3.57 | Shared on floor | 2.88 |
| 6 | Second | 7.76  | 1.68 x 4.86 | En-suite        | 6.1  |
| 7 | Second | 6.76  | 3.52 x 1.73 | En-suite        | 2.4  |

- 2.4 Residents could come and go during the day but a 10pm to 6.30am curfew would be operated. This curfew is given in the Planning Statement as 9pm, however the agent has confirmed this should be 10pm as per the submitted Management Statement. 3 staff would run the premises 24 hours a day. CCTV would be installed for use by the facility. The submitted Planning Statement refers to an intention to install an access ramp to the front door; this element of the proposal has been deleted from the submitted plans in subsequent revisions and furthermore it would not be reasonable here to secure details of such a ramp by a condition.
- 2.5 The proposal includes a rear access ramp and 300mm high deck which has been indicated on the proposed plans and elevations.
- 2.6 A Management Plan has been provided, which describes in requisite detail the main operational considerations including: resident selection procedures, staffing arrangements, safeguarding and security, code of conduct, complaint and review procedures, emergency procedures, details of procedures for managing challenging behaviour and community liaison. It includes details of the policies relating to issues such as: safeguarding, health matters, incident and risk management, supervision, CCTV, complaints, and discharge of residents.
- 2.7 Selection processes would consider prospective residents' personal ID, any criminal backgrounds, local connections, health issues and employment needs.
- 2.8 Residents would sign an initial shorthold tenancy agreement for 28 days. The plan states that if residents find alternative accommodation or break the rules, then they may leave sooner and the tenancy would be ended. If a more permanent tenancy hasn't been found and the resident is engaging with Off the Streets, then this initial period would be extended by another 28 days.
- 2.9 The development would provide some leisure activity on site and training opportunities, including meeting an allocated keyworker at least once a week and by way of group seminars. It is intended that as well as providing accommodation for rough sleepers, the operation would signpost residents to permanent accommodation and employment.
- 2.10 A Transport Note has been provided including TRICS Data to demonstrate that the proposed use would result in more off-street parking being available within the locality compared to the established use, while accounting for the proposed staffing levels.
- 2.11 The applicant has indicated that, should planning permission be obtained, the existing

night shelter operated by Off the Streets at no.505 London Road would be closed.

- 2.12 The application has been called into Development Control Committee by Councillor George.

### **3 Relevant Planning History**

- 3.1 19/00675/FUL: Change of use from an existing guest house (Class C1) to a supported living establishment (Class C2). Refused 07.06.2019 for the following reason:

*A local Southend need for the proposed use has not been clearly identified in the submission and it has not been demonstrated that there is no existing capacity for such facilities within Southend. The proposal would result in an over concentration of similar uses that would be detrimental to the character of a residential area and no benefits which outweigh these harms have been advanced. This application is therefore is unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2, CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM9 of the Southend-on-Sea Development Management Document (2015).*

[**Officer comment:** the provision was intended for individuals with predominantly mental health issues who can live in the community with minimal support].

### **4 Representation Summary**

#### **4.1 Public Consultation**

18 neighbouring properties were notified. A press advertisement was published and a site notice was posted. 18 letters of representation have been received including a petition of 35 names, objecting to the application, and 3 letters have been received in support of the application. The matters of representation are summarised below:

#### Objections

- Value to city of retaining visitor accommodation;
- Overconcentration of residential uses within a short street;
- Harmful effect on historic character of Shorefield conservation area;
- Effect upon character of residential area and an area prominent as a throughfare for visitors;
- Impacts upon amenity of neighbours and of wider area, including noise, litter, personal safety, security;
- Amplification of amenity issues arising from similar facilities;
- Effects on any nearby vulnerable residents;
- Waste management concerns;
- Accessibility concerns relating to the established building;
- Crime and anti-social behaviour with associated safety impacts and disruption;
- Disamenity and traffic impacts of additional parking and collection/drop-off of residents and visitors;
- Effect on property values.

#### Support

- The street is already subject to considerable traffic and the impacts would be set against this;
- The character of the area is already lively;

- Impacts of a hotel use as existing could be comparable;
- Benefits of a dedicated and supervised facility to the wider City.

- 4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. They are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.
- 4.3 **Milton Conservation Society**  
Need for the proposal not demonstrated; harmful impacts to residential neighbourhood; loss of visitor accommodation; ramp indicated to the front would not be feasible [**officer comment**: revised plans have been submitted deleting this ramp].
- 4.4 **Adult Social Care**  
No objections on the basis that proposed residents would not have eligible adult social care needs and would have a clear local connection (ie this [facility] was not used to house people from other local authorities).
- 4.5 **Housing HMO Team**  
The property would require an HMO licence under Mandatory Licensing provisions. As it is licensable, the premises would need to conform to the Essex Amenity Standards and LACORS fire safety guidance. Bedrooms must meet a minimum of 6.51sqm and any area within a room that falls below 1.5m head height will be discounted from the overall room size. The amenities look more than adequate as there is extensive communal space, kitchen and bathing facilities. [**officer comment**: the submitted plans show that the bedrooms would exceed 6.51sqm, accounting for headroom below 1.5m].
- 4.6 **Housing and Social Inclusion**  
Off The Streets (OTS) offer a valuable service for homelessness clients in Southend. The Council, specifically the Rough Sleeper team, have worked closely with OTS and it is felt that OTS are positive advocates for their clients and are eager to learn and to work with the Council and existing providers. The Housing Directorate are therefore supportive of this application and are pleased that it offers long term security to OTS and its clients. The Council will continue to work with OTS and support them to achieve the best outcomes for their clients.
- 4.7 The Council's Housing Directorate are also encouraged by the more robust Management Statement supplied with the application which includes a number of key policies and procedures such as escalation processes and complaint procedures which provide greater context to the operational aspects of this proposal.
- 4.8 **Highways**  
No objections. Consideration has been given to the previous use of the application site. It is noted that no off-street parking is currently provided.
- 4.9 The applicant has provided TRICS Data to demonstrate that the proposed use would result in more off-street parking being available within the local area compared to existing. The applicant has also provided proposed staffing levels. It is considered that the application would result in a reduction in overall vehicle movements. The site also benefits from being in a sustainable location with regard to public transport with good links in close proximity.

#### 4.10 **Design and Conservation**

Concerns relating to proposed front ramp [**officer comment:** revised plans have been submitted, deleting this ramp].

#### 4.11 **Environmental Health**

The submitted management statement addresses noise and disturbance and this can be subject to a condition. Additionally anti-social behaviour and nuisance are governed under HMO management regulations.

### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP2 (Employment Generating Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards) DM9 (Specialist Residential Accommodation), DM12 (Visitor Accommodation) and DM15 (Sustainable Transport Management)

5.4 Southend-on-Sea Design and Townscape Guide (2009)

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

5.6 Shorefields Conservation Area Character Appraisal (2021)

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

### **6 Planning Considerations**

6.1 The main considerations in relation to this application are the principle of development, impact on the character and appearance of the area including the conservation area, amenities of neighbouring occupiers, living conditions for future occupiers, car parking and traffic considerations and CIL.

### **7 Appraisal**

#### **Principle of Development**

7.1 Policy KP1 supports sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way. Policy CP4 requires that new development has a satisfactory relationship with its surroundings. Policy CP6 seeks to ensure the needs of all residents and visitors, including vulnerable groups, are met. It supports the provision of health and social care facilities and improvements in the interests of education, skills and lifelong learning.



- 7.2 Policy DM9 states that 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 Policy DM12 states that proposals for alternative uses on sites used (or last used) for visitor accommodation outside the identified Key Areas will generally be permitted provided that the proposal meets other relevant planning policies. The 'Key Areas' are defined as: Southend Central Area, at London Southend Airport and close to the Seafront.
- 7.4 Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in the exercise of planning functions in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.5 The site is located within the built-up area. The development would directly support the needs of those who have found themselves homeless in the City and, as well as immediate shelter would provide a springboard for improved health and employment outcomes. This is consistent with the aims of Policy CP6 and with the strands running through development plan policies and strategic objectives which seek to improve the social, economic and environmental fabric of the City.
- 7.6 The applicant has stated that during the pandemic a guest house locally provided ad hoc emergency provision for rough sleepers, and that there were issues arising from this provision in terms of noise and antisocial behaviour. The use of emergency provision suggests there is a need for bespoke services and accommodation in the City. This is reflected in the support for the proposal from the Council's Housing Directorate.
- 7.7 The applicant has stated that the development would complement the work of HARP through their referrals process and therefore would meet a local need. The proposal would provide a regulated space for homelessness services. The proposal includes comprehensive management measures as well as detailed referral, supervision, complaints and discharge processes.
- 7.8 It has previously been found in the decision for application 19/00675/FUL that a C2 use for mental health support would have led to an over-concentration of similar uses in Trinity Avenue, harming the character of the residential area, and that there were no benefits identified in that instance that would outweigh the harm identified. In that instance it was found that no local need for the provision had been identified, and that there was existing capacity in the City. The proposal did not include detailed management measures to control the outward manifestations of the use.

- 7.9 In this instance, the proposal is supported in principle by the Council's Housing & Social Inclusion team, on the basis that it would provide a valuable service for the clients of Off the Streets in Southend. The use is therefore considered acceptable with regard to Policy DM9(i) and (ii).
- 7.10 Turning to DM9(iii), the proposal would add to a relative concentration of supported housing uses in the area. The available information from a site visit, address point data, planning records and council tax and business rates records, indicates that this would lead to the same concentration of C2 or similar uses as found in the consideration of refused application 19/00675/FUL. As a key difference here, however, detailed management measures have been proposed, and their efficacy in maintaining the character and amenities of the residential area are considered further below.
- 7.11 In terms of DM9(iv), the proposal would lead to the loss of the existing visitor accommodation. It has previously been found in the assessment of application 19/00675/FUL at the site that the site is not located within a 'key area' in these regards, further to policy DM12. It would therefore not be reasonable to refuse planning permission based on the loss of the guest house.
- 7.12 With regard to Policy DM9(v) the proposal is centrally located and integrated within reasonable distance of services, facilities and amenities.

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

- 7.13 Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and adds to the overall quality of the area not just for the short term, but over the lifetime of the development, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 7.14 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.15 Policies KP2 and CP4, DM1 and DM3 advocate the need for any new development to respect the character of the area. Policy DM5 seeks to conserve and enhance all heritage assets including conservation areas.
- 7.16 As an existing guest house there is a degree of transience involved, and in essence this would not be significantly changed by the proposed use as supported accommodation.
- 7.17 The proposal includes a Management Statement, adherence to the details of which can be reasonably secured through a condition on any planning permission. The Statement includes measures such as prohibitions on congregating outside, which would be supported with tenancy terms and monitoring by CCTV for example, as well as the suite of headline measures listed in Section 2 of this report. It also includes a waste management strategy; full details of waste storage can be secured by an additional condition. In the interests of good design and maintaining the character and appearance of the conservation area, full details of CCTV and lighting equipment can be secured through a condition.

- 7.18 It is considered that the measures identified would sufficiently control the operation and external manifestations of the use and thereby its impacts on the character and appearance of the surroundings such that they would not “*lead to an over concentration of similar uses that would be detrimental to the character of a residential area... or ... impact on the capacity of public services eg. health and social care*”. It is considered that the objectives of Policy DM9 (iii) would thereby be met with regard to the character of the residential area, when the current application is considered on its individual merits.
- 7.19 The Shorefields Conservation Area (CA) Character Appraisal identifies the host terrace as the most intact group of buildings in the CA. Its positive contribution comes from both the front and the rear elevations; the rear being visible from Cambridge Road from which the rounded bow windows, unique to the CA, can be seen. The rear access ramp and decking would be low profile at maximum 300mm height, and not subject to wide views. It would not harmfully affect the building’s contribution to the CA. Final details of any handrails or balustrades can be reasonably secured by condition in this context, to ensure appropriate materials within the CA context. The impact of the proposed use on the CA would not be significant, and as noted above waste management and CCTV can be adequately controlled by condition.
- 7.20 It is considered that the proposal would not significantly harm the character of the CA given the transient characteristics of both the established and proposed uses and the modest scale of operational development proposed at the rear. It is considered that the safeguards proposed with respect to the operation of the premises can be reasonably secured through planning conditions and that these would mitigate and sufficiently control the outward impacts of the C2 use (for example, comings and goings).
- 7.21 Having regard to the factors set out in the preceding assessment and how they have been weighed up it is considered that the effect of the use on the character of the residential area, in conjunction with existing similar uses, would not be significantly harmful on the basis that the impacts can be sufficiently controlled through conditions which require and secure the measures identified. On balance therefore, the resulting concentration of similar uses in the street would not be significantly harmful to the character of the residential area further to the aforementioned policies and specifically Policy DM9(iii).

### **Impact on Residential Amenity**

- 7.22 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, which promote health and well-being with high standard of amenity for existing and future users, and where crime and disorder and the fear of crime do not undermine the quality of life, or community cohesion and resilience.
- 7.23 Policy DM3 seeks to support development that optimises the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.24 The application sets out comprehensive measures within the Management Statement to maintain the amenities of the site and surroundings thereby maintaining residential amenity of neighbouring and nearby occupiers. In addition to the headline measures noted above, the applicant states in the Management Statement that there would be a Resident and Community Liaison officer, contactable by telephone and email. Emergency requests would be responded to immediately. A Code of Conduct for residents of the site and a Disciplinary Procedure have been specified in the Management Statement.

Adherence to the Management Statement can be secured through a condition on planning permission.

- 7.25 The proposal would potentially reduce to a degree the use of guest houses for emergency accommodation, as anecdotally referenced by the applicant, which are not subject to similar management measures. This would arguably be an additional wider benefit.
- 7.26 Set within the built-up area it is considered that the use would not lead to significantly harmful increase in comings and goings in a general sense, compared to the established use, nor given the proposed management measures, in a form or scale of activity that would cause significant harm to residential amenity when judged in its own right.
- 7.27 Environmental Health have not raised any objections including on grounds of noise and disturbance. They note that the submitted Management Statement addresses noise and disturbance and this can be subject to a condition. They also note that anti-social behaviour and nuisance are governed separately under HMO management regulations.
- 7.28 It is considered that the applicant has demonstrated that reasonable management measures can be undertaken operationally at the site and through the selection of guests, complaint procedures, including escalation processes to the Board of the organisation, and discharge procedures, to sufficiently maintain the amenities of neighbouring residents to a reasonable degree.
- 7.29 The proposed rear access ramp and decking would be up to 300mm above ground level. There is a close boarded fence on the border of the rear garden with the neighbouring property to the north. The decking would infill a small space, and in this context would not lead to a significant or materially harmful increase in overlooking towards the neighbouring property to the north.
- 7.30 Subject to conditions sufficiently requiring adherence to the Management Statement as outlined above, it is considered that the safeguards proposed with respect to the operation of the premises can be reasonably secured through planning conditions and that these would mitigate and sufficiently control the outward impacts of the C2 use (for example, congregating, behaviour issues, numbers of residents, complaints, disciplinary and eviction procedures).
- 7.31 It is considered that the effect of the use on the amenities of residential occupiers, in conjunction with existing similar uses, would not be significantly harmful on the basis that the impacts can be sufficiently controlled through conditions which require and secure the measures identified. On balance therefore, the resulting concentration of similar uses in the street would not be significantly harmful to the amenities of nearby occupiers further the aforementioned policies and specifically Policy DM9(iii).

### **Living Conditions for Future Occupiers**

- 7.32 In relation to residential standards for non-self-contained accommodation Policy DM8 states that all proposals for non-self-contained accommodation (such as student and hospital staff accommodation) will be required to meet the internal space standards. Paragraph 4.46 of the Development Management Documents states, "*The licensing and management of Houses in Multiple Occupation, including space standards, is set out in relevant housing legislation*".

- 7.33 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation and this document represents a material planning consideration, although this is not a planning policy document. Policy DM8 identifies at Policy Table 6 Standards for non Self-Contained Accommodation.
- 7.34 The proposal would, in the main, meet these standards, in terms of floor area, and daylight and outlook conditions. The Essex HMO standards require that single-occupancy bedrooms are at least 6.51sqm and double or twin-occupancy rooms are at least 10.22sqm in floor area. The application has not identified which two rooms would be for double occupancy, but the three of the rooms would exceed the requisite standard and all others would exceed the standard for single occupancy.
- 7.35 The en-suite shower space to Bedroom 3 would be marginally undersized at 1.66sqm where the requirement is for 1.7sqm. Particularly given the minor shortfall, this would not justify a refusal of planning permission. The environment of Bedroom 6, some 1.7m wide by 4.8m deep, would be a narrow, elongated room with no standard window and with one roof light to provide daylight and outlook. This is a negative feature, although the room would have a generously-sized en-suite. Its floor area would meet the HMO standard for a single occupancy bedroom. Given that the proposal is for temporary accommodation, intended to overcome homelessness, this is on balance considered acceptable in this instance.
- 7.36 The ground floor bedroom would be designed for disabled users. The proposal has therefore taken reasonable account of high-level requirements for accessibility and adaptability.
- 7.37 The application has not expressly identified the proposed purpose and likely activity in the upper floor Multi-Purpose room. This space would be capable of delivering some of the training and seminars, for example, referred to in the Management Statement.
- 7.38 It is considered that the proposal would be on balance acceptable and policy compliant with regards to living conditions for occupiers.

### **Traffic and Transportation Issues**

- 7.39 Policies CP3 and DM15 seeks to maintain highway safety and accessibility. Policy DM15 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.
- 7.40 Applying the methodology in the submitted Transport Note, taking a proportionate view it has been reasonably demonstrated that the proposal would likely result in a reduction in vehicle movements compared with the established use. It is therefore not considered that the development would be harmful to the free flow of traffic or highway safety. The site is reasonably sustainably located.
- 7.41 The development shown does not include specific provision for secure covered cycle parking. This is a negative aspect of the proposal however the site characteristics do not reasonably allow for this provision and in viewed in the round this alone would not justifying planning permission in this instance.

- 7.42 With regard to refuse collection, no details of the bin storage have been provided. It is considered that a bin storage area could be provided within the rear garden and brought to the highway and refuse collection could be provided as per the existing situation in which case it is considered that case no significant harm would arise.
- 7.43 The proposal is on balance acceptable and policy compliant in its parking, traffic and highway impacts.

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

- 7.44 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 some 240sqm (Use Class C2), which may equate to a CIL charge of approximately £3073 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having regard to all material considerations assessed above, it is found that the development would meet a local need for homeless accommodation and signposting. There is no objection in principle to the associated loss of the existing hotel use. Subject to a condition requiring adherence to the Management Statement it is considered on balance that the proposal would have an acceptable impact on the amenities of neighbouring occupiers and wider area. Its impact on the character and appearance of the locality and the conservation area would also be within acceptable parameters. The proposal provides, on balance, adequate amenities for future occupiers and is acceptable in its parking and traffic impacts.

## **9 Recommendation**

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

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

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

- 02. The development hereby permitted shall be undertaken in accordance with the following approved plans: Location plan, 01, 02, 03A, 04A.**

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

- 03. The development shall be implemented and thereafter operated for its lifetime in full accordance with the submitted Management Statement updated 08.09.2022.**

**Reason:** In the interests of the character of the area and residential amenities, further 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).

- 04.** The development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential home providing short-term accommodation for people who are, or would otherwise be, defined as homeless under the Housing Act 1996, for up to 9 residents at any one time, 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).

**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, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 05.** Prior to installation of any handrails or balustrades associated with the rear access ramp and decking hereby approved, full details of their design and materials shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed design and materials details only shall be provided for the lifetime of the development thereafter.

**Reason:** To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021).

- 06.** No externally mounted equipment such as CCTV and lighting associated with the use hereby permitted shall be fixed to the front or rear facing elevations of the building unless full details of their design and materials have first been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021).

- 07.** Prior to first use of the premises as a residential care home (use class C2), under the terms of this permission, details of waste storage and management shall have been submitted to and agreed in writing by the Local Planning Authority. The waste storage shall be provided at the site for the and made available for use of staff and residents in accordance with the agreed details for the lifetime

of the development thereafter.

**Reason:** To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021) .

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](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council 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 borough.
- 3** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-

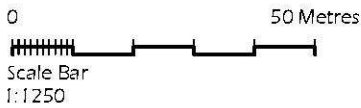
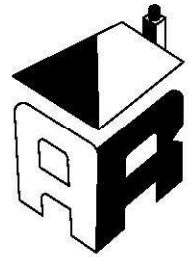


**on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER’.**

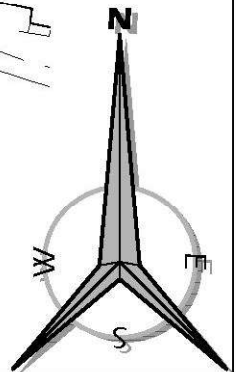
- 4 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council’s Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.**

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# ASHLEY ROBINSON PROPERTY DESIGNS



## LOCATION PLAN



Project:  
Off The Streets, 3 Trinity Avenue, Westcliff-on-Sea, SS0 7PM

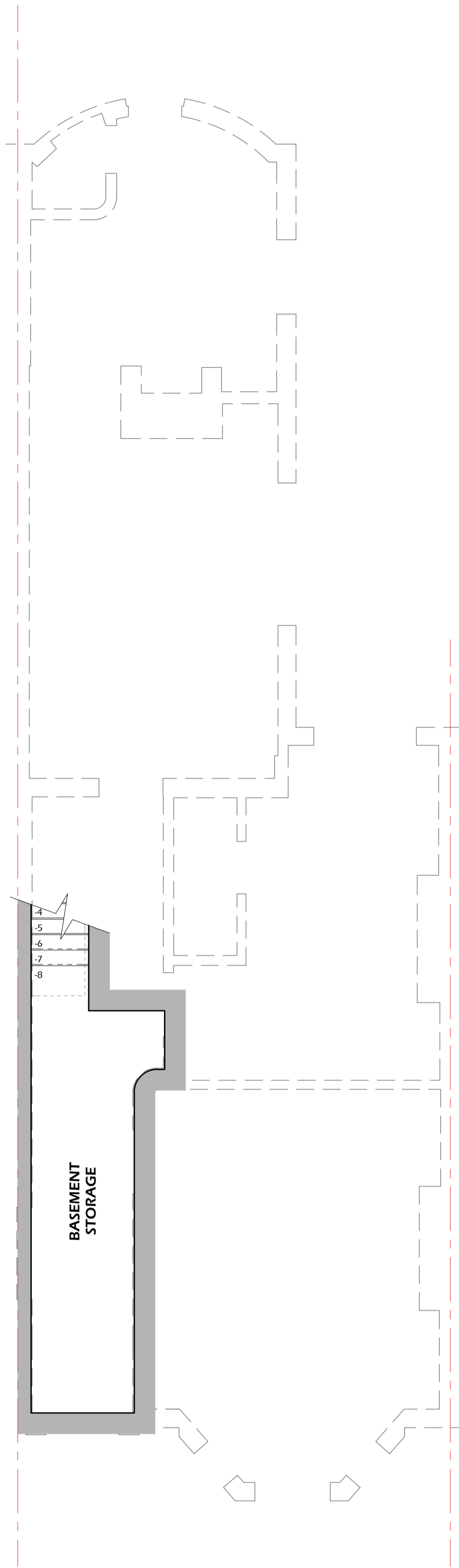
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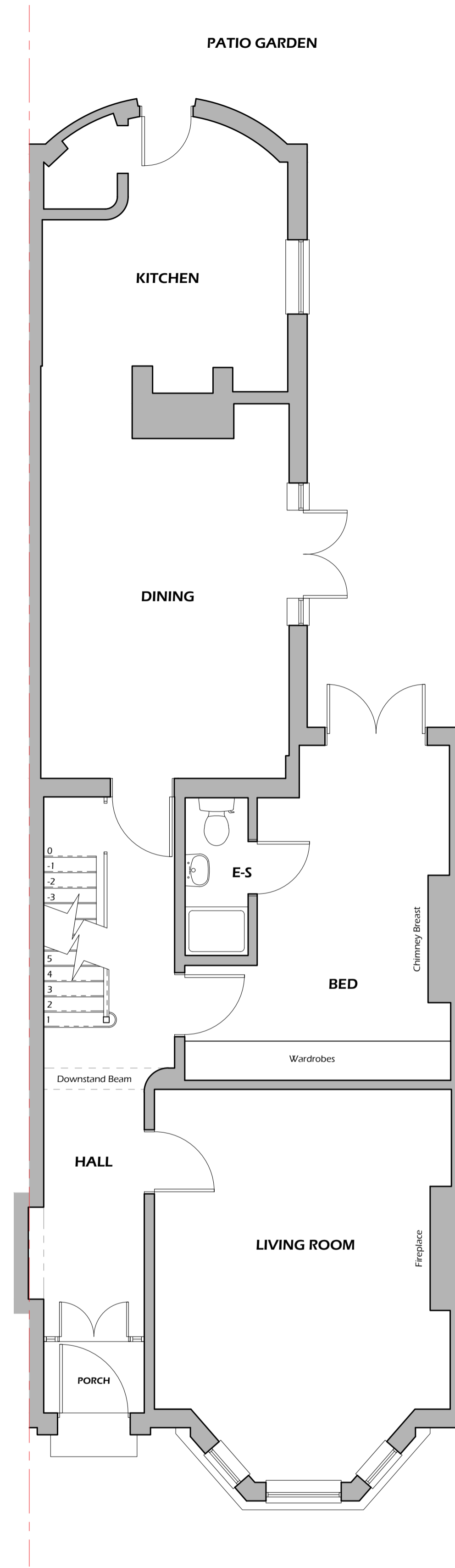
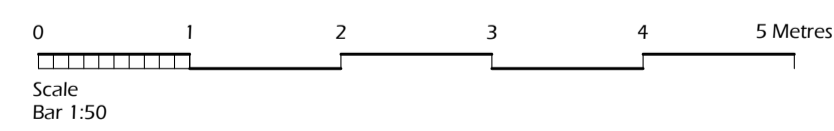
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M.D.G.

Drawing No. L1

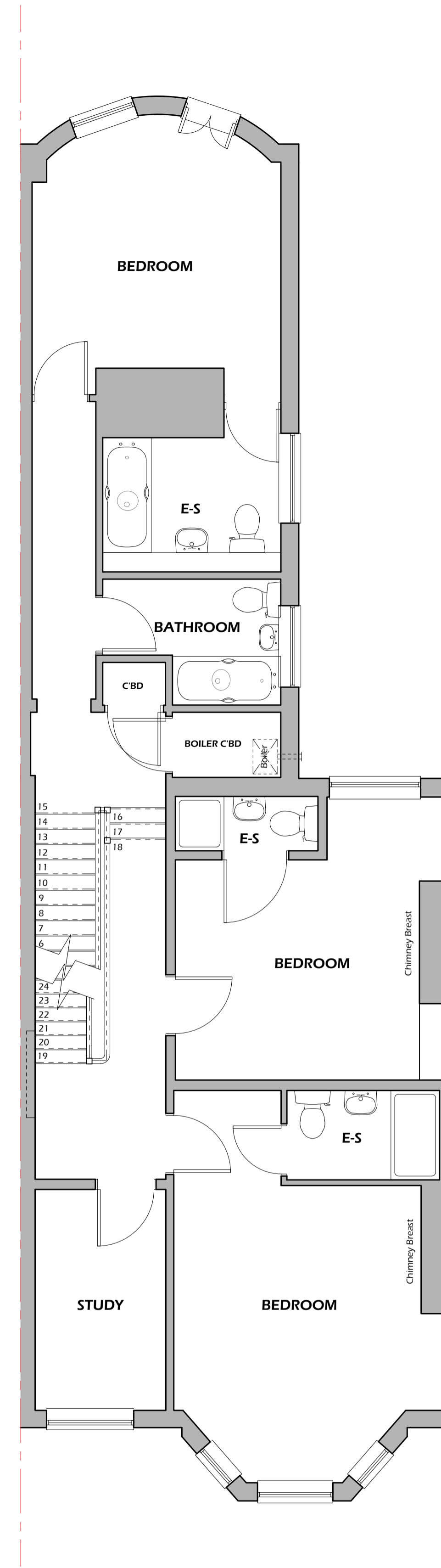
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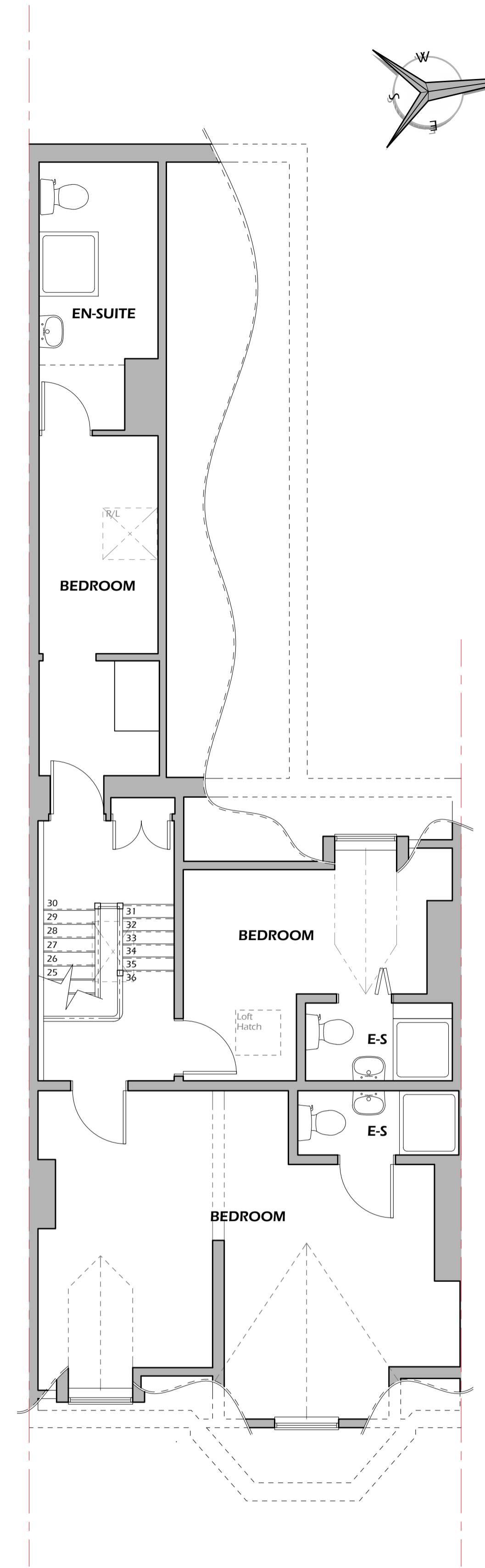
**BASEMENT PLAN**



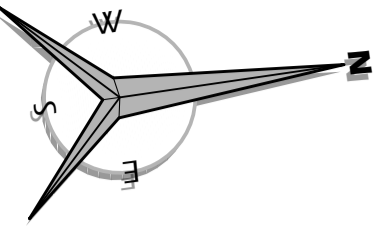
**GROUND FLOOR PLAN**



**FIRST FLOOR PLAN**



**SECOND FLOOR PLAN**



PLANS AS EXISTING

**CHANGE OF USE FROM GUEST HOUSE TO RESIDENTIAL INSTITUTION**  
**AT: THE TRINITY, 3 TRINITY AVENUE**  
**WESTCLIFF-ON-SEA, SS0 7PU**  
**For: Off The Streets (Registered Charity)**

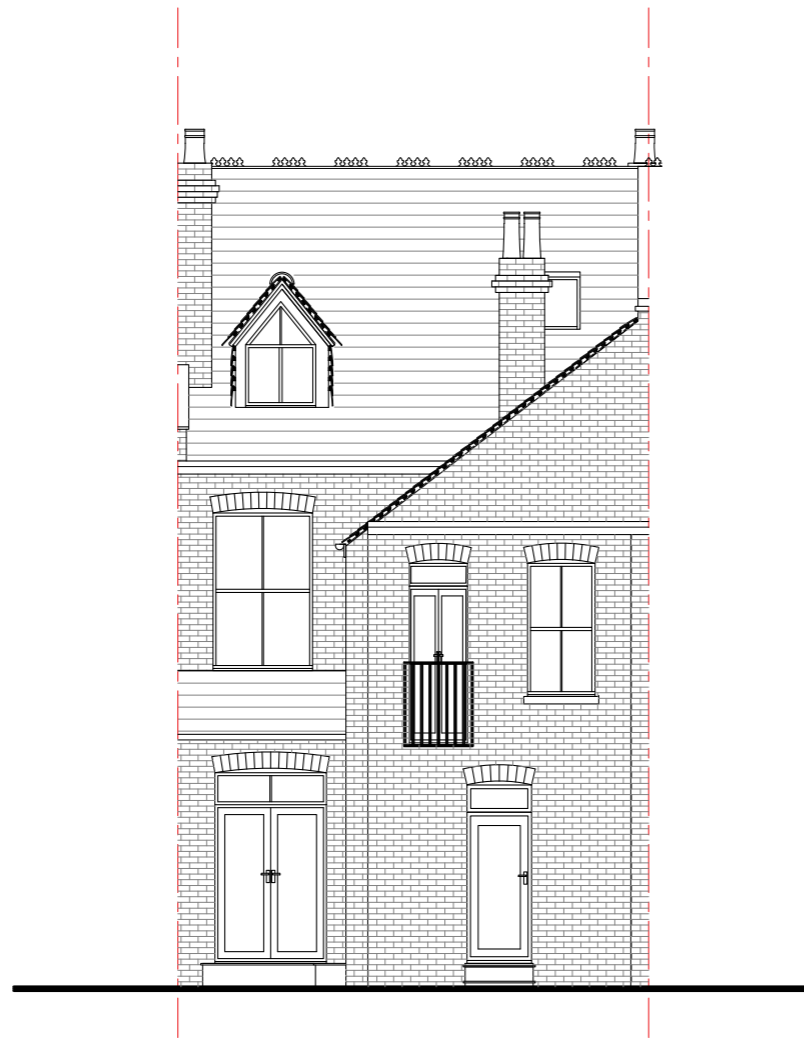
**ASHLEY ROBINSON PROPERTY DESIGNS**  
 112 INCHBONNIE ROAD, SOUTH WOODHAM FERRERS. TEL 01245 321800

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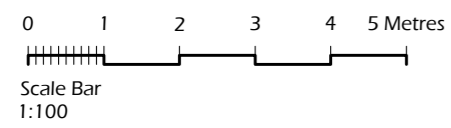
**FRONT ELEVATION**



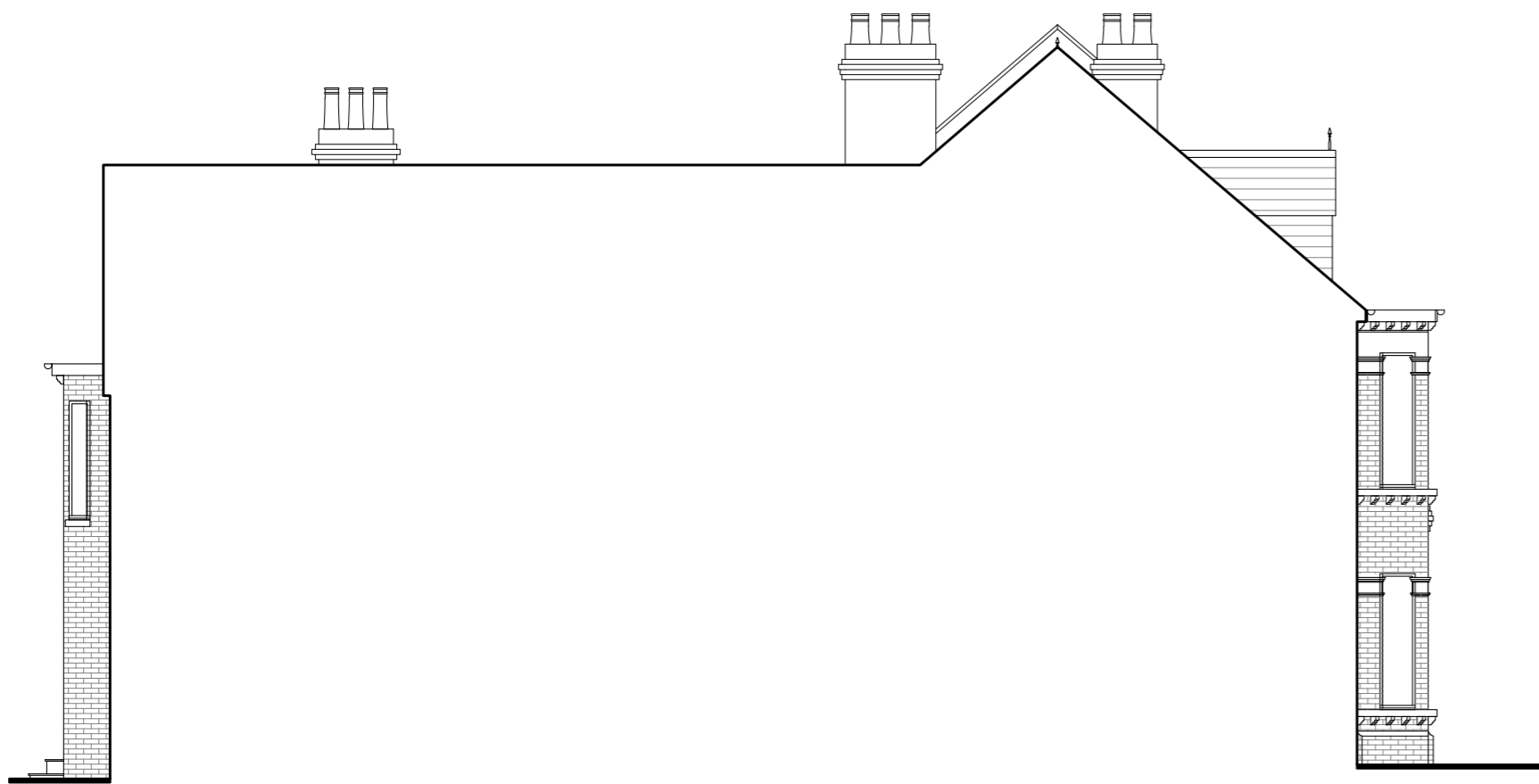
**REAR ELEVATION**



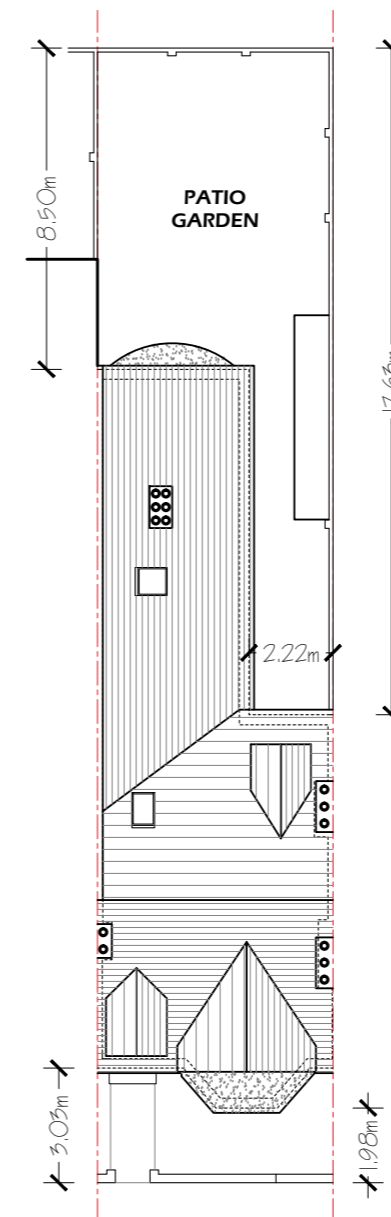
**SIDE ELEVATION**



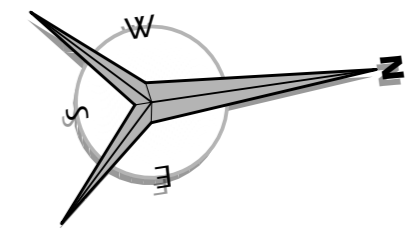
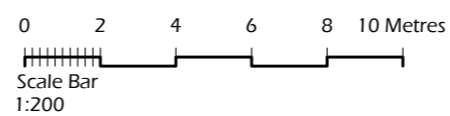
109



**SIDE ELEVATION**



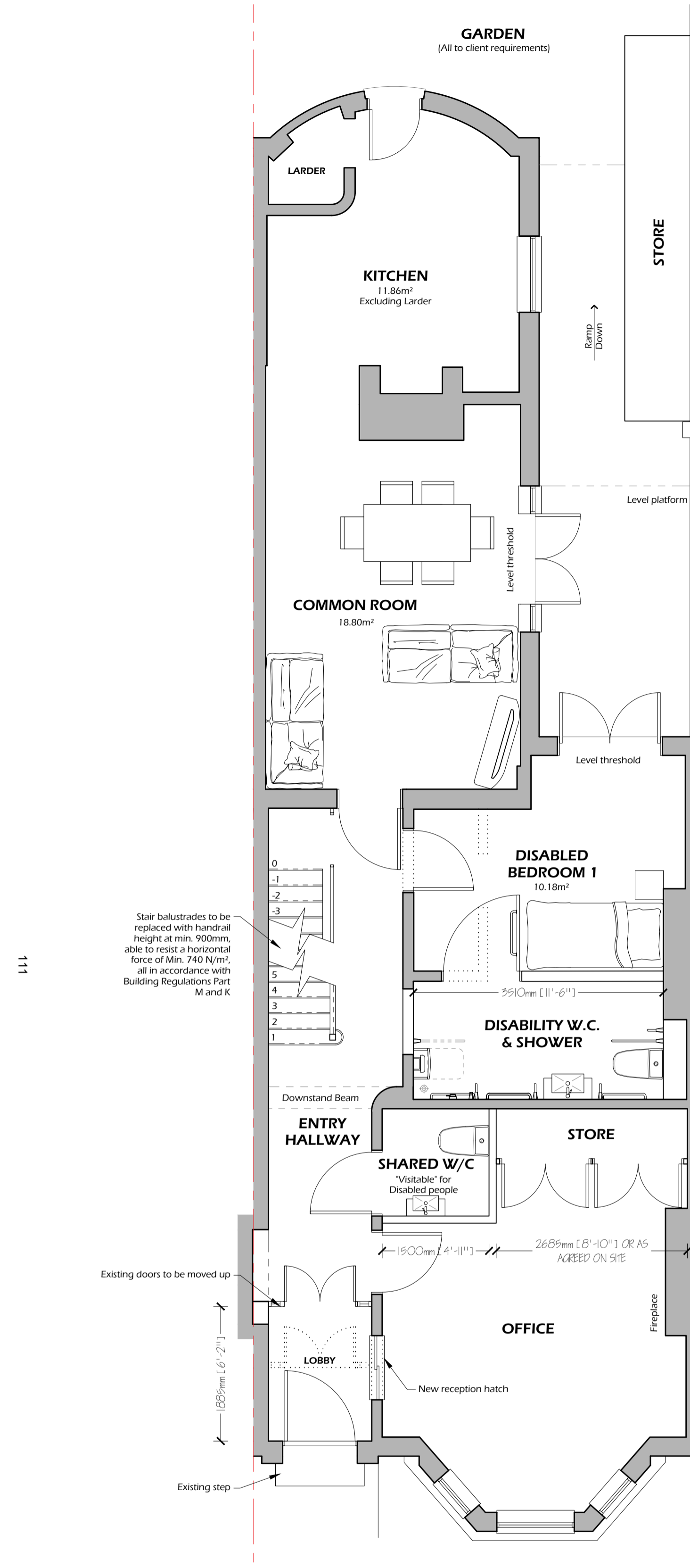
**BLOCK PLAN**



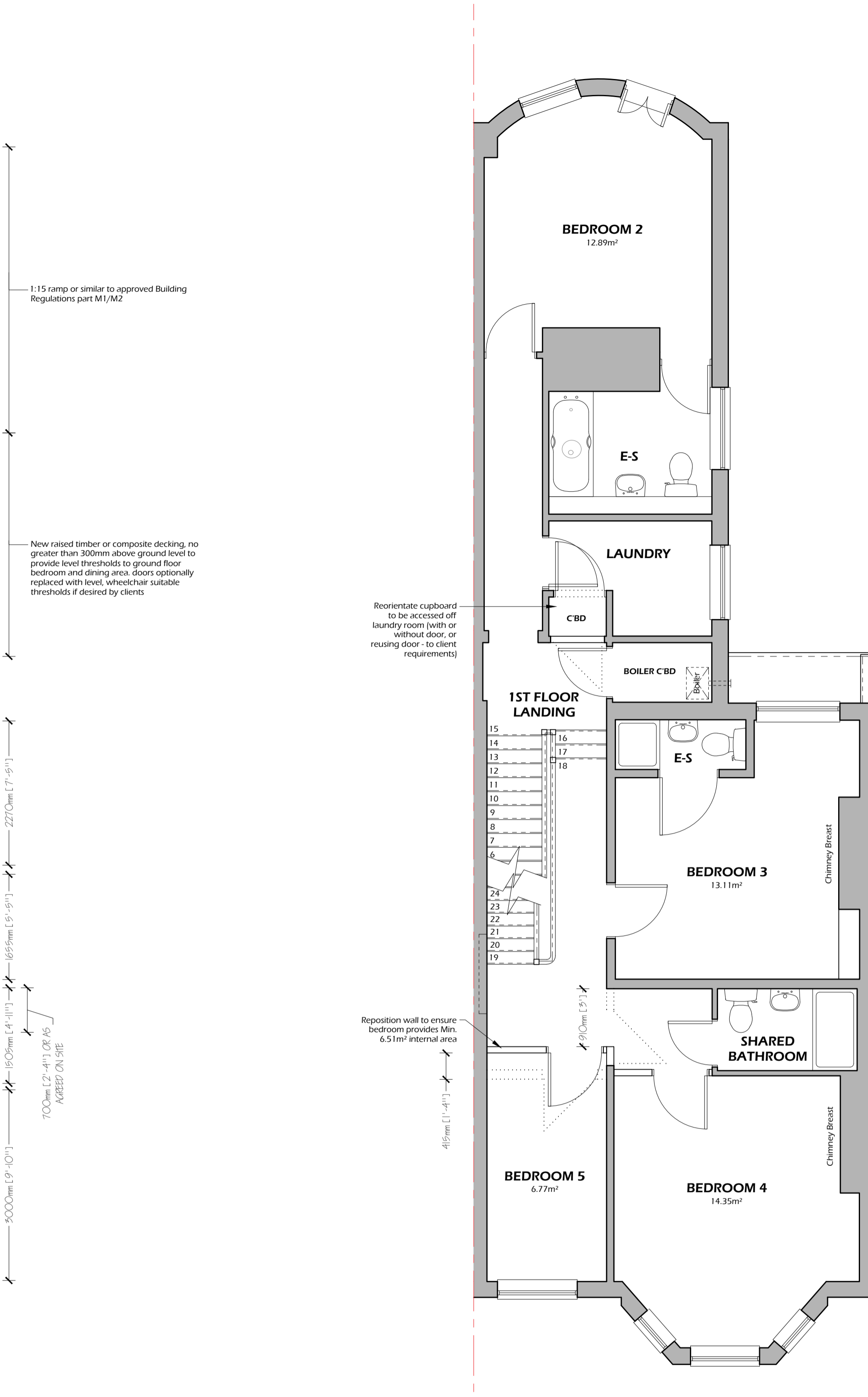
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| <b>ELEVATIONS &amp; BLOCK PLAN AS EXISTING</b> |  |               |            |
|  | <b>CHANGE OF USE FROM GUEST HOUSE<br/>TO RESIDENTIAL INSTITUTION<br/>AT: THE TRINITY, 3 TRINITY AVENUE<br/>WESTCLIFF-ON-SEA, SS0 7PU<br/>For: Off The Streets (Registered Charity)</b> |               |            |
|  | <b>ASHLEY ROBINSON PROPERTY DESIGNS</b><br>112 INCHBONNIE ROAD, SOUTH WOODHAM FERRERS. TEL 01245 321800  |               |            |
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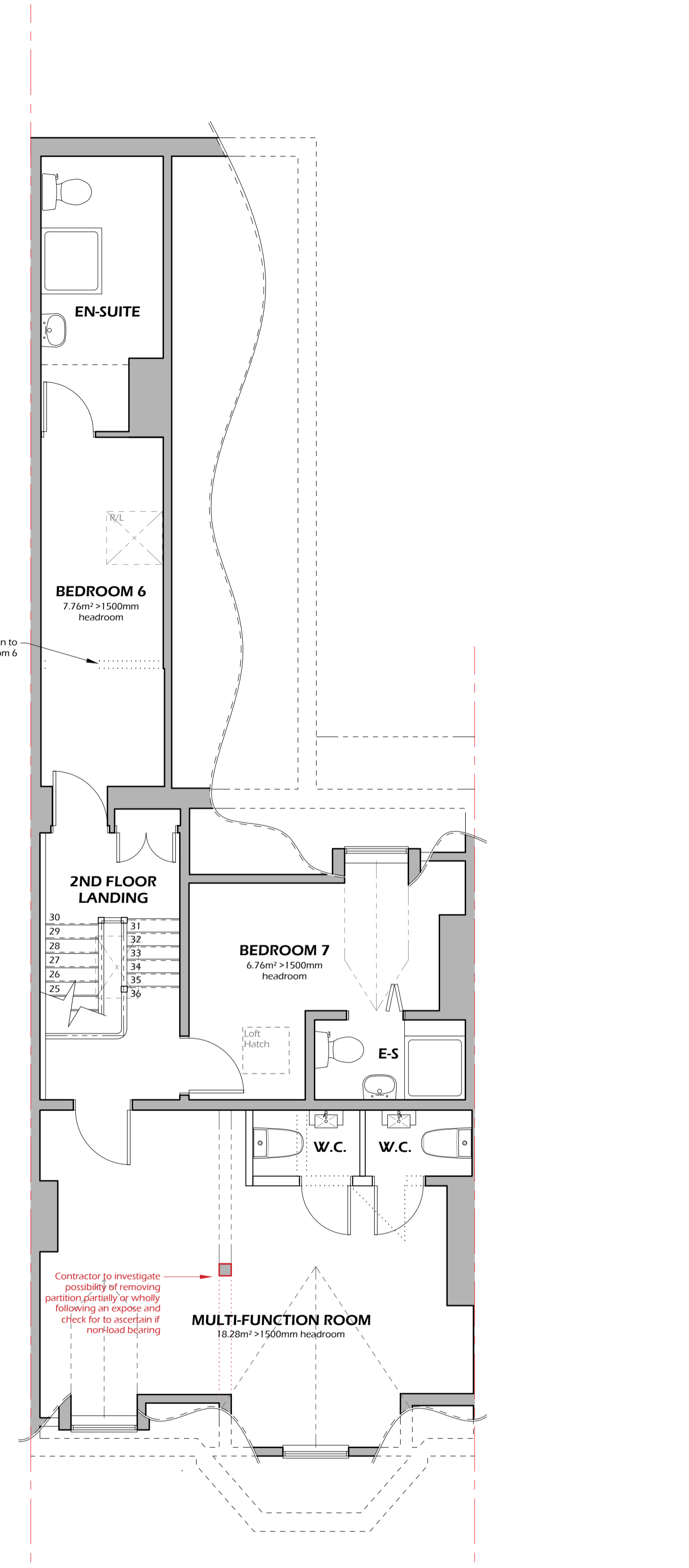




**PROPOSED GROUND FLOOR PLAN**

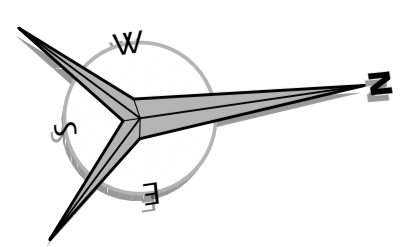


**PROPOSED FIRST FLOOR PLAN**



**PROPOSED SECOND FLOOR PLAN**

111



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|--------------|------------|------------------------------|
| Rev. A       | 25/05/2022 | Planning/Client Requirements |
| Revision No. | Date       | Amendment                    |

**FLOOR PLANS AS PROPOSED**

**CHANGE OF USE FROM GUEST HOUSE TO RESIDENTIAL INSTITUTION AT: THE TRINITY, 3 TRINITY AVENUE WESTCLIFF-ON-SEA, SS0 7PU For: Off The Streets (Registered Charity)**

**ASHLEY ROBINSON PROPERTY DESIGNS**  
112 INCHBONNIE ROAD, SOUTH WOODHAM FERRERS. TEL 01245 321800

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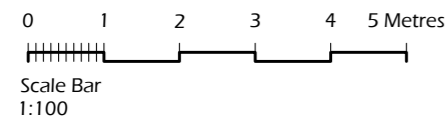
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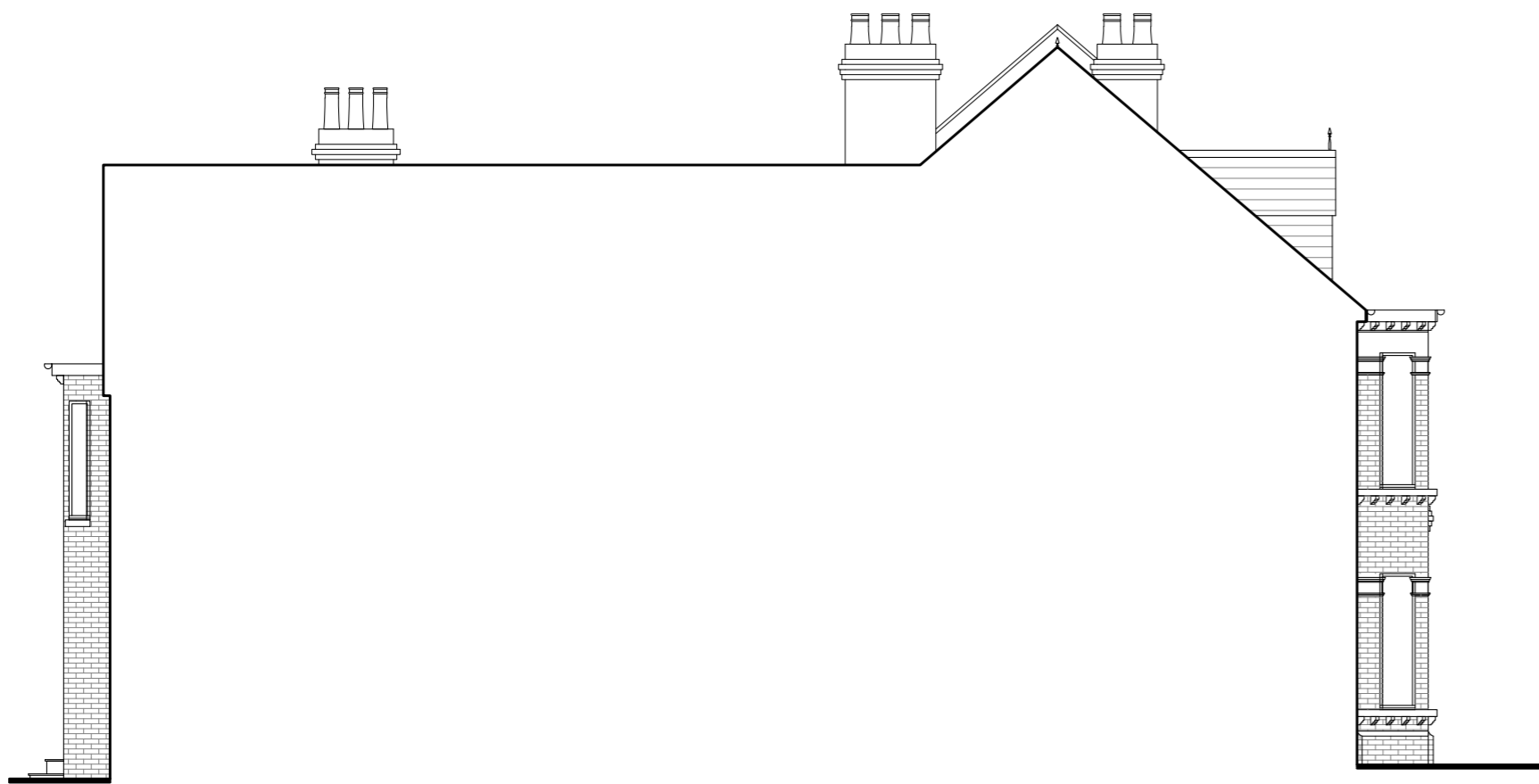
**REAR ELEVATION**



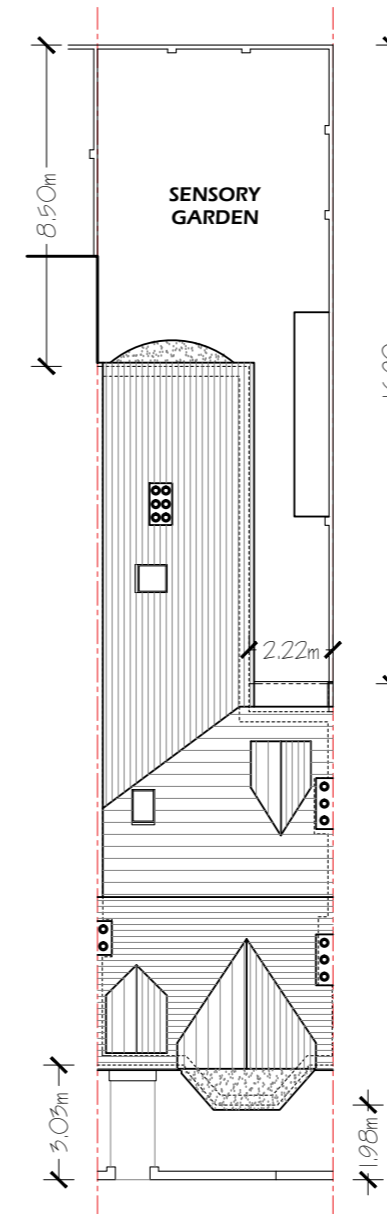
**SIDE ELEVATION**



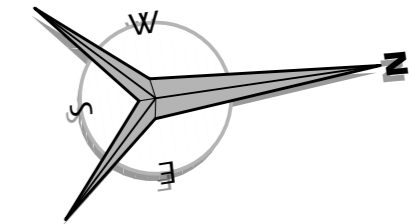
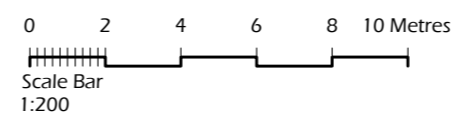
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**SIDE ELEVATION**



**BLOCK PLAN**



|              |            |                              |
|--------------|------------|------------------------------|
| Rev. A       | 25/05/2022 | Planning/Client Requirements |
| Revision No. | Date       | Amendment                    |

| ELEVATIONS & BLOCK PLAN AS PROPOSED |  |               |            |   |
|-------------------------------------|--|---------------|------------|---|
|                                     | <b>CHANGE OF USE FROM GUEST HOUSE TO RESIDENTIAL INSTITUTION</b><br><b>AT: THE TRINITY, 3 TRINITY AVENUE WESTCLIFF-ON-SEA, SS0 7PU</b><br><b>For: Off The Streets (Registered Charity)</b> |               |            |   |
|                                     | <b>ASHLEY ROBINSON PROPERTY DESIGNS</b><br>112 INCHBONNIE ROAD, SOUTH WOODHAM FERRERS. TEL 01245 321800  |               |            |   |
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27 Westcott Parade



**ALCOAT HOUSE**  
Please do not obstruct this driveway

ALCOAT HOUSE  
27 Westcott Parade  
Edgworth  
Co. Wick  
Ireland

TRINITY AVENUE

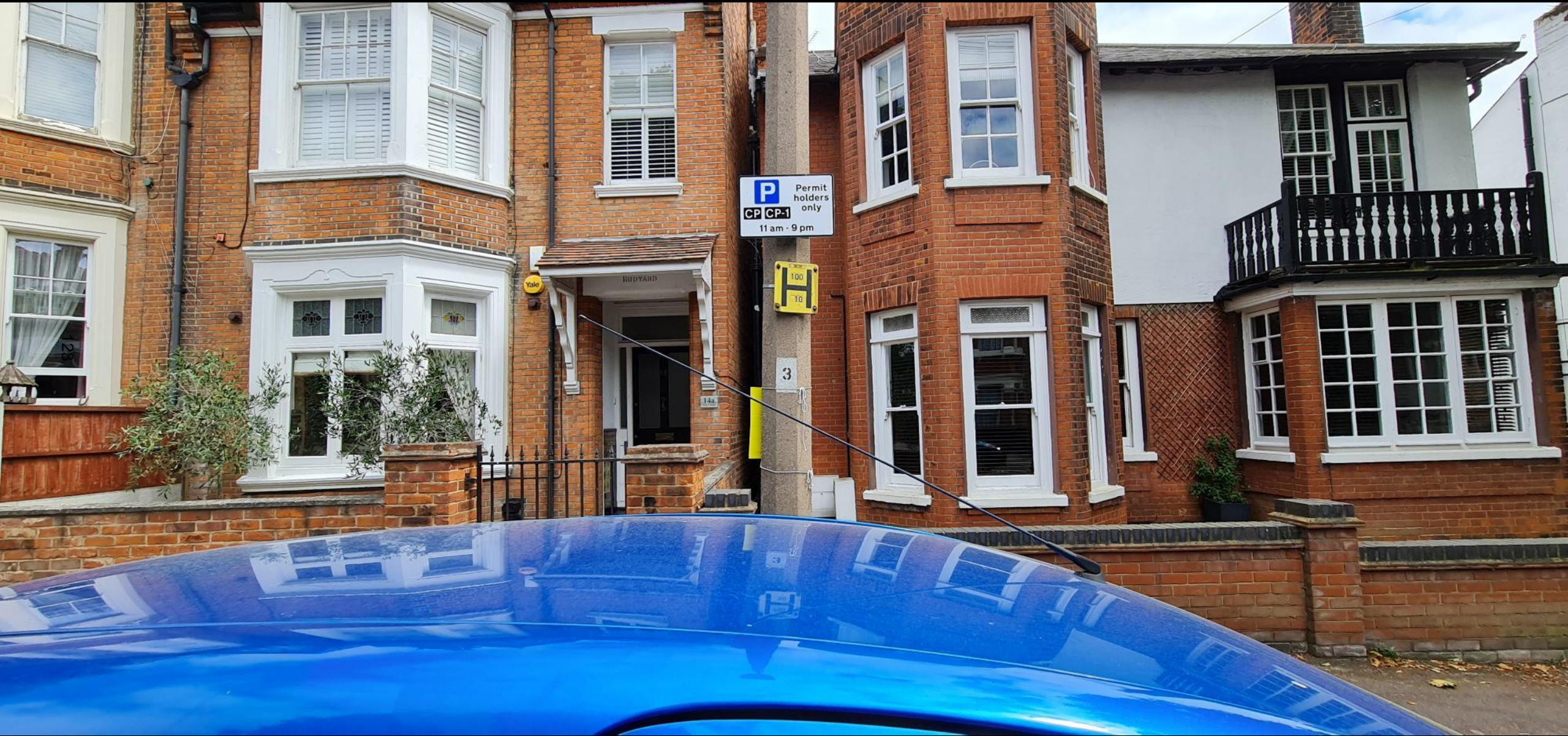
EDG3 HBJ



120







**P** Permit holders only  
CP CP-1  
11 am - 9 pm

100  
**H**  
10

3

RUDYARD

14a

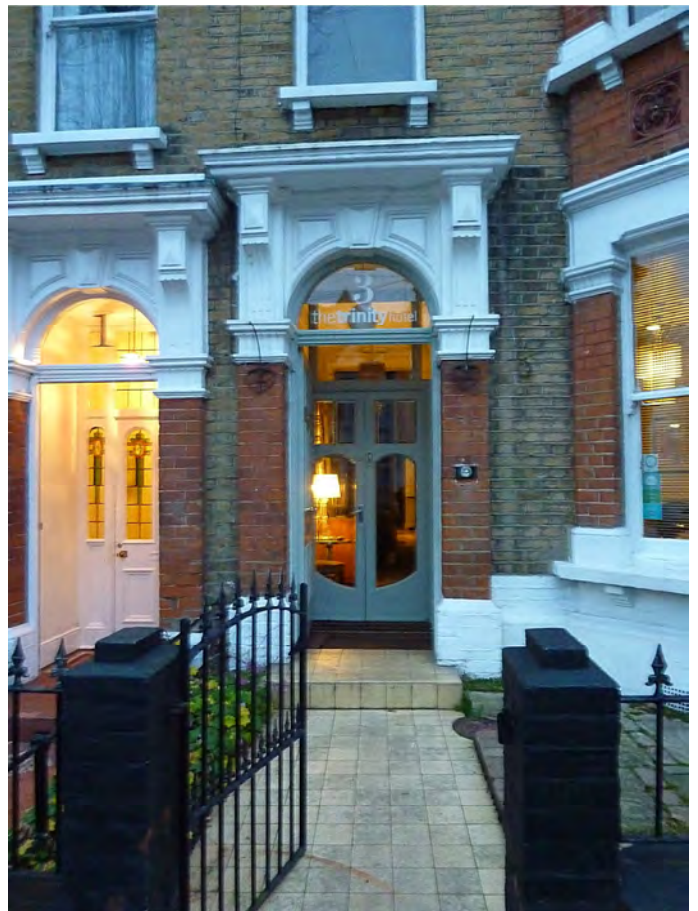
Yale

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|--------------------------------|--|------------|
| <b>Reference:</b>              | 22/01629/FUL   | <h1>8</h1> |
| <b>Application Type:</b>       | Full Application   |            |
| <b>Ward:</b>                   | Blenheim Park  |            |
| <b>Proposal:</b>               | Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 3no. self-contained flats with associated parking, bin and cycle store (Amended Proposal) |            |
| <b>Address:</b>                | 995 - 1003 London Road, Leigh-on-Sea, Essex, SS9 3LB   |            |
| <b>Applicant:</b>              | Mr Richard Schofield on behalf of Cycles UK  |            |
| <b>Agent:</b>                  | SKArchitects   |            |
| <b>Consultation Expiry:</b>    | 22.09.2022   |            |
| <b>Expiry Date:</b>            | 04.11.2022   |            |
| <b>Case Officer:</b>           | Oliver Hart  |            |
| <b>Plan Nos:</b>               | 771-P01 Rev F; 771-P02 Rev E; 771-P03 Rev D  |            |
| <b>Supporting information:</b> | Planning Design and Access Statement   |            |
| <b>Recommendation:</b>         | <b>GRANT PLANNING PERMISSION</b> subject to conditions   |            |



## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of London Road on the corner of Grasmear Avenue. The site is currently occupied by a cycling shop to the ground floor, and three residential flats to the first floor. The wider mixed-use terrace is finished externally in white render. It is flat roofed and finished with decorative parapet detailing and other elements reminiscent of the art-deco era.
- 1.2 To the rear of the site is a grassed area and car parking for the other commercial units in the block accessed via a dropped kerb from Grasmear Avenue. The streetscene along this part of London Road is characterised by commercial units to the ground floor and residential above typically 1.5 – 3 storeys in height. This is inclusive of the new three storey development comprising nine flats nearing completion opposite at 840-846 London Road approved under application 20/00707/FUL.
- 1.3 The area has a town centre character on London Road, with residential uses on upper floors and side streets like Grasmear Avenue. There are no specific policy designations affecting the site.

## 2 The Proposal

- 2.1 Planning permission is sought to erect a two-storey rear extension and form a new second floor to the main building to create three (3no.) additional self-contained flats with associated parking, bin and cycle stores to the rear.
- 2.2 The two-storey rear extension would measure some 10.1m deep along Grasmear Avenue, 7.4m high and 6.7m wide. The proposed new second floor which has dual frontage along both London Road and Grasmear Avenue is some 21m wide, 11m in maximum depth (to the rear of the wrap around element along Grasmear Avenue) and 11.4m in maximum height (to top of the parapet).
- 2.3 The proposed internal floorspaces of the flats are set out below:

| Flat             | Internal Floorspace | National Standards | Technical |
|------------------|---------------------|--------------------|-----------|
| 1 (Ground Floor) | 45sqm (1 person)    | 39sqm (1 person)   |           |
| 2 (First Floor)  | 45sqm (1 person)    | 39sqm (1 person)   |           |
| 3 (Second Floor) | 113sqm (6 persons)  | 95sqm (6 persons)  |           |

- 2.4 A private roof terrace some 21sqm in area is proposed to serve flat 3. Ground floor amenity areas some 9.5sqm in area serving flats 1 and 2 are also shown on submitted plans.
- 2.5 To the rear of the site 5 parking spaces are to be laid out, as well as refuse and cycle storage and areas of soft landscaping. The planning agent has specified that 3 of the spaces will serve the existing flats, 1 of the spaces will serve the commercial unit, and the final space will be provided for the proposed 3-bed/6-person unit. Access to the new units will be via an existing building entrance fronting Grasmear Avenue.
- 2.6 Also proposed is a living green roof over the proposed flat roof of the development.

### **3 Relevant Planning History**

- 3.1 21/01900/FUL- Erect two storey rear extension and form new second floor to main building with green roof and roof terrace to form 5no. self-contained flats with associated parking, bin and cycle store- Withdrawn
- 3.2 16/00469/AD- Application for approval of details pursuant to condition 5 (Waste Storage) and 6 (Noise Insulation) of planning application 13/00215/FUL dated 30.4.2013- Granted
- 3.3 13/00215/FUL- Erect two storey rear extension- Granted

### **4 Representation Summary**

#### **Call-in request**

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

#### **Public Consultation**

- 4.2 Twenty (20) neighbouring properties were consulted and a site notice was displayed. Representations from six (6) addresses have been received.

- 4.3 The objecting comments are summarised as follows:

- The proposal would appear obtrusive and would give rise to a sense of overbearing.
- Loss of light to neighbouring properties/garden areas
- Overlooking and loss of privacy concerns
- There is a lack of parking for flats and commercial premises in the immediate vicinity.
- Concerns with sustainable transport claims.
- Parking area unfeasible with limited turning space onto Grasmear Avenue
- Issue with refuse provision which is poor
- Concerns of anti-social behaviour to the rear of the site
- Proposal will lead to an unbalancing of the wider terrace
- Design concerns
- Surface water run-off and drainage concerns
- Lorries/servicing vehicles should not block the junction with Grasmear Avenue

- 4.4 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

#### **Environmental Health**

- 4.5 No objections subject to condition regarding construction management, refuse and recycling and noise impact survey.

## **Highways**

- 4.6 No objections – Access to the 5 off street parking spaces is via an existing accessway that also serves a number of properties with parking at the rear. The parking layout for the proposal ensures that vehicles can enter, manoeuvre and leave in a forward gear. The site also benefits from being in a sustainable location with regard to public transport with good links in close proximity. It is not considered that this proposal will have a detrimental impact on the local highway network.

## **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 Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), 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)
- 5.11 Electric Vehicle Charging Infrastructure for new development (2021)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage and compliance with the Essex Coast RAMS SPD and CIL liability.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 119 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes. Paragraph 86 (f) of the NPPF states that planning should “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”. Paragraph 120 (e) states that planning decisions should “support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.”
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the city. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the city. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.3 Of the three new units created the proposal would result in 1 new dwelling that would be suitable for families which is a positive aspect of the development. The provision of additional housing carries weight, particularly in light of the application of the tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the city.
- 7.4 The proposed development is acceptable in principle. Other material planning considerations are discussed in the following sections of the report.

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

- 7.5 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Council’s Design and Townscape Guide also states that: “the Council is committed to good design and will seek to create attractive, high-quality living environments.” The Guide goes on to state that “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”
- 7.6 Having regard to the scale and varied heights of properties within the immediate vicinity, typically 1.5 – 3 storeys, the proposed increase in height is considered to suitably respect the height and scale of surrounding development.

- 7.7 The proposed development leads to an unbalancing of the wider terrace due to the part width form of the new third storey. This is considered a less positive aspect of the scheme however, in this instance, due regard is had to the continuation of the detailing to the front façade which characterises the terrace and which helps to create layering and visual interest to the application site. Within the existing elevational design there is a strong sense of order which results in a rhythm and pattern along the two street facing elevations. The additional storey follows the lower fenestration and is well ordered, with repeated brick detailing and horizontal banding which help to soften the envelope, height and scale of the additional built form. Moreover, the stucco detailing would hide the main flat roof of the third storey from public views.
- 7.8 No objections are raised to the design and character impact of the proposed two storey extension to the northern elevation which would accord suitably with the size and scale of the parent building. Its parapet flat roof and fenestration detailing would integrate well with those of the host building and its position, set along the same building line as the elevation fronting Grasmear Avenue, further aids its integration. Regard is further had to the negative visual impact of the existing parcel of land which creates a weak street frontage. In comparison, the development will better enclose the return frontage to Grasmear Avenue. Details of the external materials can be controlled by condition.
- 7.9 There are limited opportunities for landscaping on this site, but conditions can require details of soft and hard landscaping (inclusive of the rear curtilage and the living green roof). The living green roof is considered a positive aspect of the development.
- 7.10 Overall, the proposed development is considered to be of an acceptable scale and which sufficiently references the application property, so providing continuation of the architectural features that characterise the wider terrace, including parapet roof detailing, style and size of windows and floor heights which suitably reflect and align with the main building.
- 7.11 The proposal is therefore considered not to be significantly harmful to the character and appearance of the site, streetscene or wider surrounding area in which case it would be acceptable and policy compliant in the above regards.

### **Standard of Accommodation and Living Conditions for Future Occupiers**

- 7.12 Delivering high quality homes is a key objective of the NPPF and is reflected in policy DM8 of the Development Management Document. 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. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 7.13 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:



**Table 1: Space Standards and proposed unit sizes**

|   | Area (m <sup>2</sup> ) | Bedroom 1                        | Bedroom 2                        | Bedroom 3                        | Storage area (m <sup>2</sup> ) |
|---|------------------------|----------------------------------|----------------------------------|----------------------------------|--------------------------------|
| Standard for (one storey) 1 bed 1 person          | 39                     | 7.5m <sup>2</sup><br>Wmin=2.15m  | N/A                              | N/A                              | 1                              |
| Standard for (one storey) 3 bed 6 person          | 95                     | 11.5m <sup>2</sup><br>Wmin=2.75m | 11.5m <sup>2</sup><br>Wmin=2.55m | 11.5m <sup>2</sup><br>Wmin=2.55m | 2.5                            |
| Proposed (one storey) 1-bed 1-person; Flats 1 & 2 | 45                     | 8.1m <sup>2</sup><br>Wmin=2.4m   | N/A                              | N/A                              | 1                              |
| Proposed (one storey) 3-bed 6-person; Flat 3      | 113                    | 14.7m <sup>2</sup><br>Wmin=3.8m  | 13.9m <sup>2</sup><br>Wmin=4.2m  | 13m <sup>2</sup><br>Wmin=4m      | 3                              |

- 7.14 As noted in table 2, all the proposed units would meet or exceed the NDSS. It is considered that all habitable rooms would benefit from satisfactory levels of outlook and daylight.
- 7.15 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: “Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.”
- 7.16 Flat 3, which would be of family size, would have its own 21 sqm private roof terrace which is considered to be sufficient to reasonably meet its future occupiers’ amenity needs. Flats 1 and 2 would be provided with their own external amenity spaces each some 9.5sqm. These would not be of high-quality owing to their position (the amenity space serving Flat 1 would be provided as a ribbon like space along the back edge of the Grasmoad Avenue frontage and the amenity space for Flat 2, a unit at first floor level, would be within the rear forecourt area at ground floor level). Neither provision is a strong element of the proposal. Nevertheless, the spaces would each serve as a notional amenity facility. Owing to the low-occupancy design of these two flats, coupled with their location close to a range of amenities where the case for insisting on a dedicated, conventional amenity space for such type of flats is not considered to be strong in any event, this proposed provision is considered, on balance, to be sufficient to reasonably meet the amenity needs of those two flats’ future occupiers. In the event this provision were considered to be unacceptable, the deficiency would then need to be weighed as part of the overall planning balance having regard to all the material planning considerations, including the creation of additional housing for the City, as explained at paragraph 8.2 of this report’s conclusions.
- 7.17 As the proposal would not result in new-build development (i.e. it is an extension to an existing building), compliance with building regulation M4(2) is not a policy requirement.

- 7.18 Access to the new residential units would be via an existing entry point fronting Grasmead Avenue. This existing opening would be enlarged and a new canopy formed over the entrance, designed to complement the architectural style of the main building and on this basis, no objection is raised to this arrangement.
- 7.19 Having regard to the presence of neighbouring first floor dwellings that bound the application site, it is not considered that nearby ground floor commercial uses would give rise to significantly harmful degrees of undue noise and disturbance that would be to the significant detriment of the amenities of the future occupiers. Environmental Health have raised concerns with respect to the application site's position adjacent to London Road, a busy road. A condition to require appropriate noise mitigation measures such as acoustic glazing is recommended to deal with this.
- 7.20 Overall, and taken in the round, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.21 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.22 The nearest residential uses to the application site are the existing first floor accommodation within the footprint of the building and is bounded to the north by No's 10 Grasmead Avenue and 9 Birchwood Drive.
- 7.23 Having regard to the impact of the two-storey extension towards adjoining properties to the north, there are no windows in the main flank wall of the nearest property, No 10 Grasmead Avenue which face towards the application site such that it is not considered the proposed two storey extension would give rise to a loss of light or outlook. In addition, noting the retention of a 3.5m separation between the proposed extension and the neighbouring flank wall, it is not considered the proposal would give rise to a harmfully increased sense of enclosure or overbearing impact.
- 7.24 Regard is also had to the significant separation between the proposed two-storey extension and the rear boundary line of No 9 Birchwood Drive (some 19m), such that this element of the proposal is not considered to harm the amenity of the neighbouring occupants in any relevant regard.
- 7.25 Having regard to the north facing nature of the windows of the flats at first floor level and the slightly splayed nature of the building line of the extension (extending) away from these windows, it is not considered there would be any significant adverse overshadowing impacts to these openings, nor is it considered there would be a harmful degree of inter-looking between units.
- 7.26 Whilst the proposed roof top garden serving Flat 3 has the potential to give rise to overlooking of neighbouring private rear amenity spaces to the north, 2m high privacy screening is proposed to the north and east elevations.

This is considered sufficient to preclude an intrusive degree of overlooking and to maintain neighbours' privacy to an acceptable degree. In terms of an increase in noise and disturbance, it is not considered that the proposed use of the terrace would increase this noticeably above that experienced from the usual residential activity within a typical rear garden setting or to such a degree that would significantly harm the residential amenity of the neighbouring occupiers in any relevant regard.

- 7.27 The proposed roof extension would add to the scale and bulk of the application building. In terms of outlook, sense of enclosure and dominance, given the distance of the proposed extension from its neighbours and noting a gradual slope in ground level toward the northern boundary, it is likely that some impact will be caused to the closest private amenity space of the neighbouring dwelling, No 10 Grasmear Avenue. However, in this instance, noting the significant separations involved (in excess of 15m to the neighbouring flank boundary), it is not considered on balance that the impact on amenity would be so substantial as to justify the refusal of the application on this ground.
- 7.28 In terms of overlooking, new first floor north facing windows will serve either the communal hallway, a bathroom or as a secondary opening to a habitable room (serving Flat 3). On this basis, issues of overlooking can be dealt with by way of condition requiring obscuring and limiting opening of these windows.
- 7.29 Having regard to the existing use of the rear access for vehicle access and egress, it is not considered the proposed vehicle access and parking arrangement would give rise to undue additional noise and disturbance to the occupants of No.10 Grasmear Avenue or any other nearby dwellings.
- 7.30 Conditions to control the hours of construction and to require a construction method statement are recommended in order to avoid significant harm to the residential amenity of neighbours during the construction period. The Council's Environmental Health service has raised no objections on this basis.
- 7.31 Overall, on balance and subject to conditions, the proposal is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.32 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."
- 7.33 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport. The EVCI SPD stipulates that car parking spaces are fitted with charging infrastructure.

- 7.34 Assessed against parking standards, the minimum car parking requirements for flats is one space per unit and one cycle parking space per unit. The proposal would provide 5no. off-street car parking spaces (as revised during the course of the application, now 4.8m deep by 2.7m wide) and 6no. cycle spaces within the rear curtilage of the site. 1no. of the car parking spaces would be for the new 3 bed/6 person flat, 3no. car parking spaces would serve the existing flats at the site and the final space would serve the commercial unit. Existing plans detail the commercial unit is served by 3no. Sheffield cycle stands on the London Road frontage and these would be retained as part of the development.
- 7.35 Whilst the parking provision falls below the minimum policy requirement, the site benefits from being in a sustainable location with regard to public transport with good links in close proximity. On this basis and having regard to NPPF paragraph 111 quoted at paragraph 7.32 above and the single occupancy of the flats, it is not considered that this proposal will have a detrimental impact on parking conditions, highway safety or the local highway network. Highways officers have not objected to the scheme on this basis.
- 7.36 Concerns have been raised in third party representations about the proposed access arrangements. Highways officers have assessed the scheme and raise no objections in this regard. In their consultation response, Highways officers state that the parking layout for the proposal ensures that vehicles can satisfactorily enter, manoeuvre and leave in a forward gear. Whilst the manoeuvre space forward of the parking spaces is not the usual required 6m (on site this is actually between 5.5m and 5m), regard is had to the nature of the development on private land, so not harming the public highway and that the parking spaces are each wider than the required 2.4m so assisting increased manoeuvrability for vehicle accessing and egressing the site. Overall, the parking arrangement is considered acceptable in this particular instance.
- 7.37 In line with the council's recently adopted EV charging schedule for new dwellings, a condition will also be attached requiring all resident parking spaces be fitted with EV charging points.
- 7.38 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

### **Refuse and Recycling Storage**

- 7.39 The submitted plans show an area of waste storage to the rear of the site comprising 2no. 1100L Eurobins and 2no. additional 140L wheelie bins. According to the Council's Waste Storage and Management Guidance, these should be stored within an enclosure.
- 7.40 Whilst the waste capacity is acceptable for the quantum of development, the proposed waste storage arrangements do not accord with this requirement and at present are a negative aspect of the proposal. It is considered that there is scope within the wider site boundary to provide policy compliant waste storage facilities and this can be required by condition to achieve policy compliance.
- 7.41 Refuse and recycling storage/collection arrangements for the commercial premises would remain unchanged.

- 7.42 Subject to imposition of the above conditions the proposal is acceptable and policy compliant in the above regards.

### **Flooding and surface water drainage**

- 7.43 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal would be erected on top of existing impermeable areas and subject to a condition requiring permeable hardstanding be incorporated to the proposed rear parking area, would not significantly increase the runoff of surface water. It is expected that the development would be connected to the sewer system.
- 7.44 The development would be acceptable and policy compliant in these regards.

### **Energy and Water Sustainability**

- 7.45 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting”.
- 7.46 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. However, it is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and wider area.
- 7.47 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

### **Ecology - Essex Coast RAMS**

- 7.48 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by the Council on 29 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.

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

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

- 7.50 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net gain internal floor area of 314sqm, which may equate to a CIL charge of approximately £6180.31.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is concluded that subject to compliance with the suggested conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and it would have an acceptable impact on the living conditions of future occupiers, the character and appearance of the area, the highway safety, traffic and parking conditions in the area and drainage. On balance and subject to conditions, the proposed development would also be acceptable in terms of its impact on the amenity of neighbouring occupiers. Conditions can deal with energy and water sustainability. The development offers suitable mitigation for its in-combination effects to protected ecology sites.
- 8.2 This proposal creates new housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such 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 make a contribution 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 level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

## **9 Recommendation**

- 9.1 **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 approved shall be carried out in accordance with the approved plans: 771-P01 Rev F; 771-P02 Rev E; 771-P03 Rev D**

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

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

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

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

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

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

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

covered and secure cycle parking spaces.

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

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

**Reason:** In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

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

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

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

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



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

- 09** Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the dwellings hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including on the proposed external terraces. Before the development hereby approved is occupied, the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

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

- 10** Prior to the first occupation of the residential units hereby approved, no less than six covered and secure cycle parking spaces shall be provided for the future occupiers of the new flats and made available for use on site. The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

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

- 11** Prior to the first occupation of the residential units hereby approved, no less than five car parking spaces shall be provided and made available for use on site by occupiers/users/visitors of the three existing flats (one space each), the existing commercial unit (one space), and the new 3 bed/6 person flat hereby approved shown on drawing no. 771-P02 Rev E (one space). All parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the development hereby approved. The car parking spaces shall be retained for the benefit of the future users and occupiers and visitors to the approved development and the three existing flats for the lifetime of the development.

**Reason:** To ensure the provision of adequate vehicle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development SPD (2021)

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

on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

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

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

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

- 14** The second floor rear windows in the north flank elevation 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, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity 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.

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

- 15** Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front elevation of the development (windows to meet Specification RW 35) to mitigate Road Traffic Noise from London Road.

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

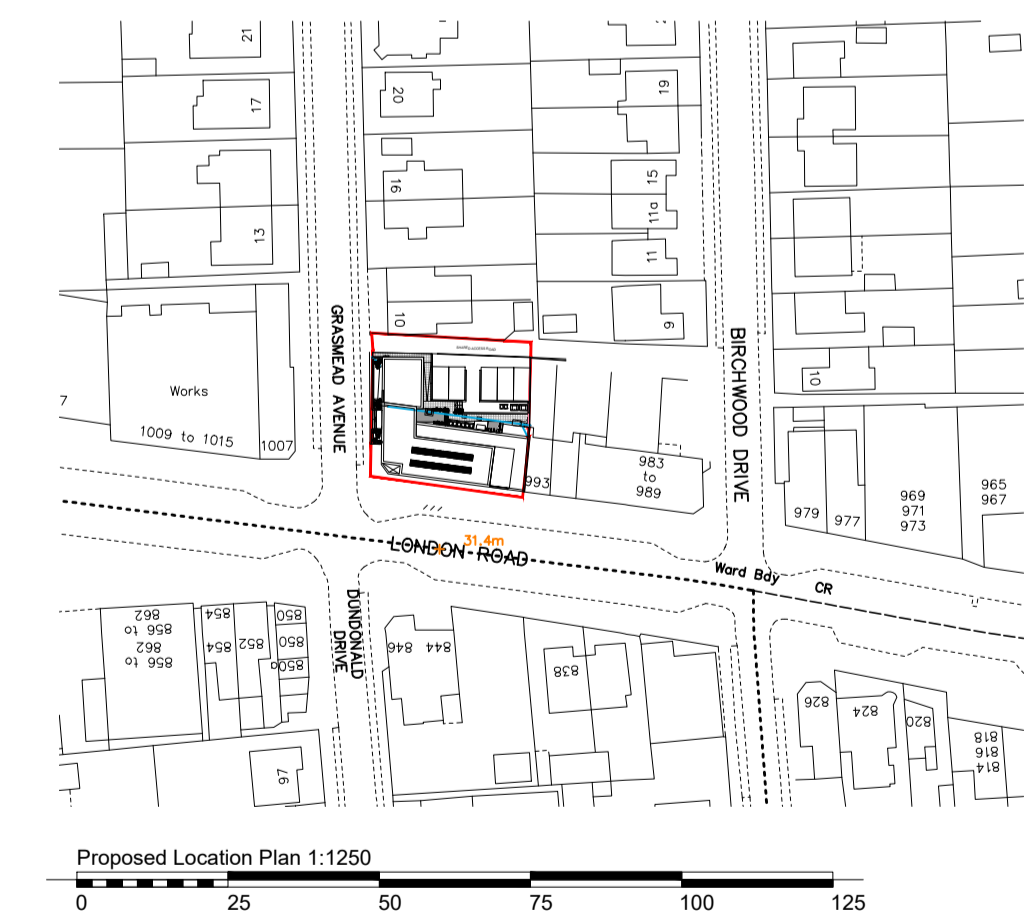
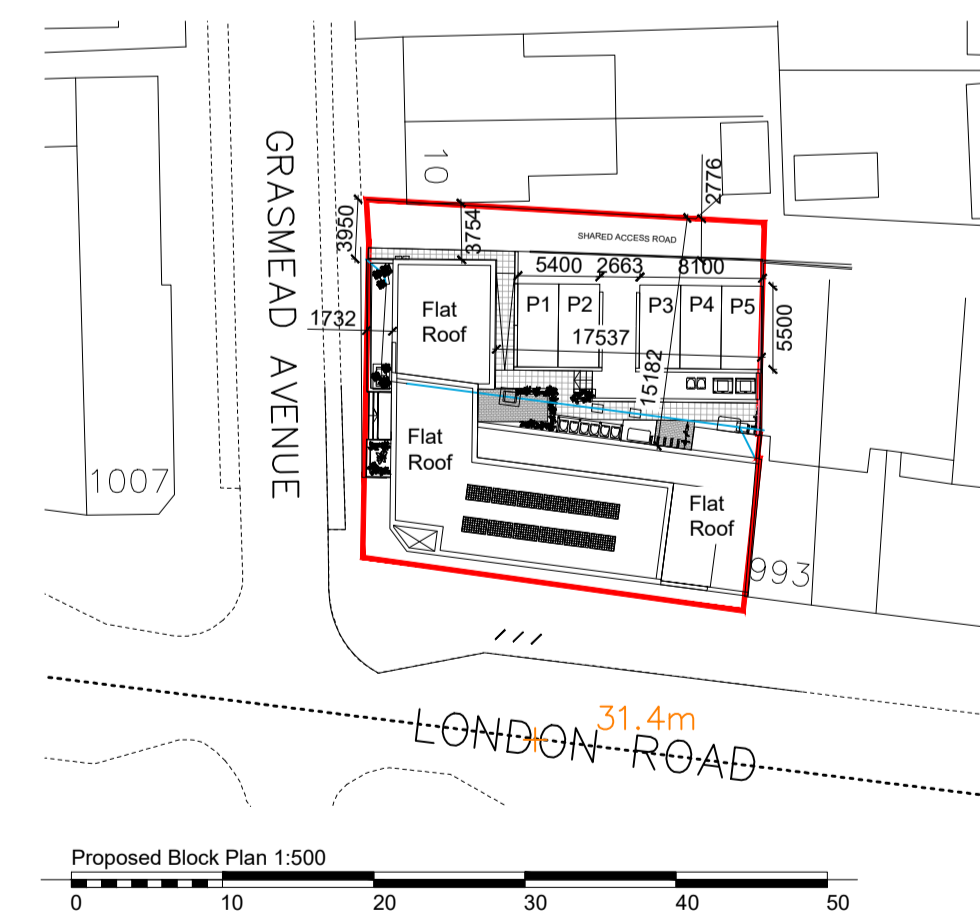
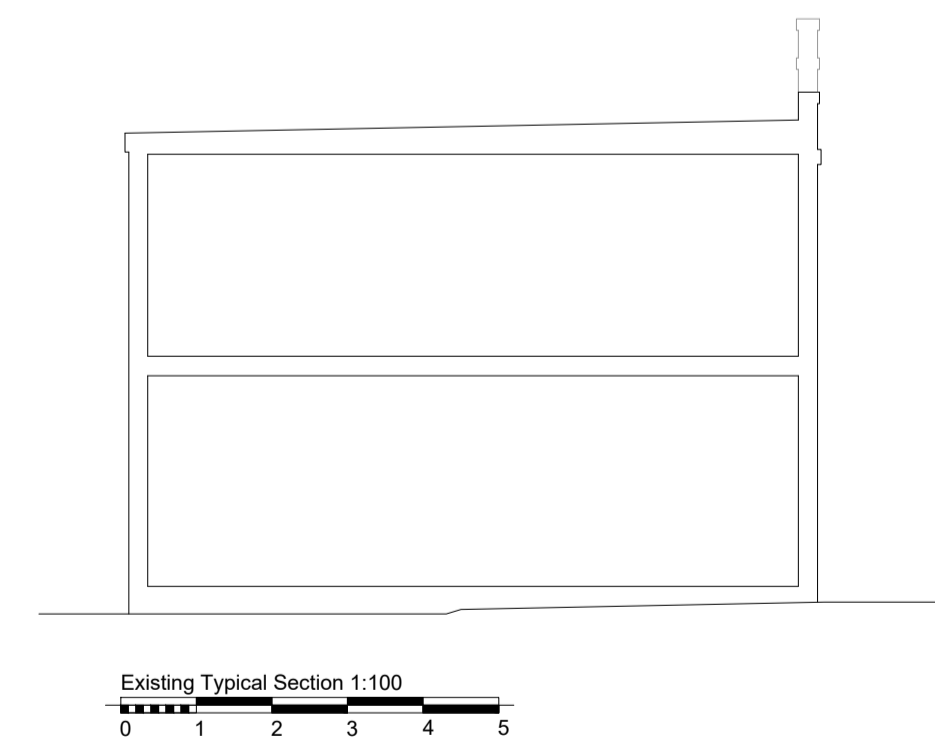
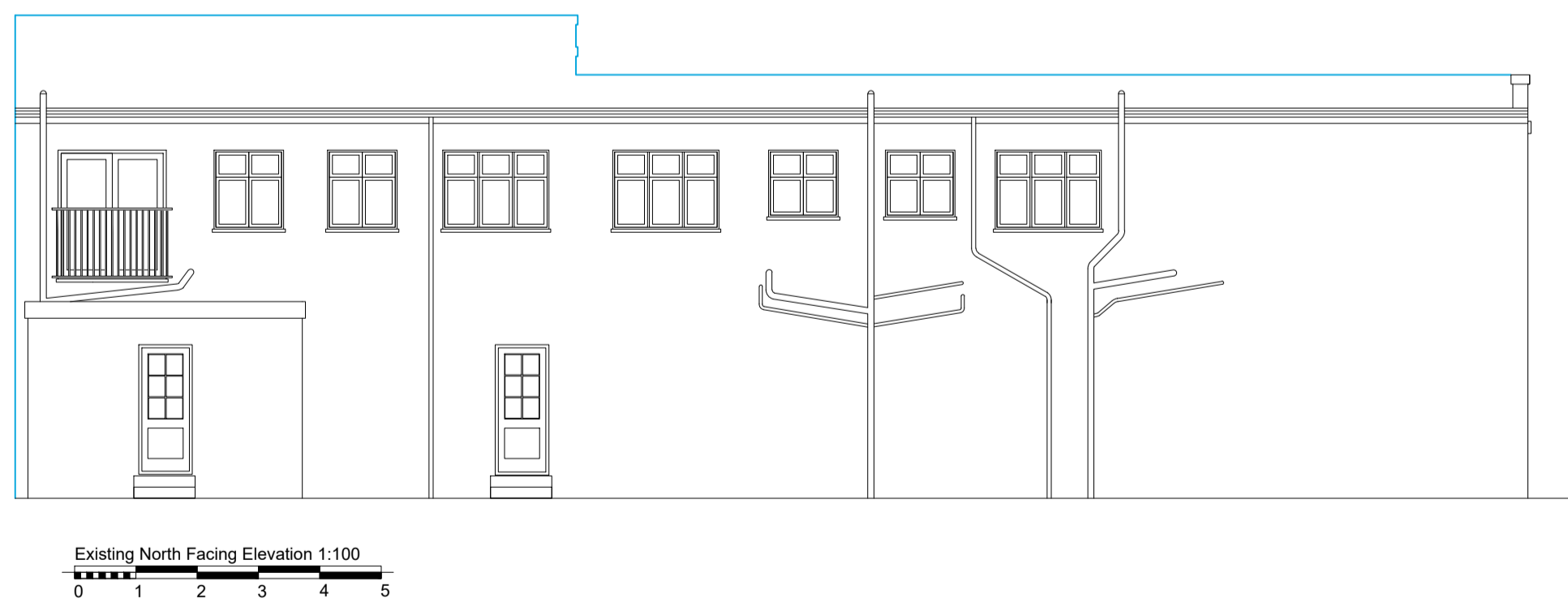
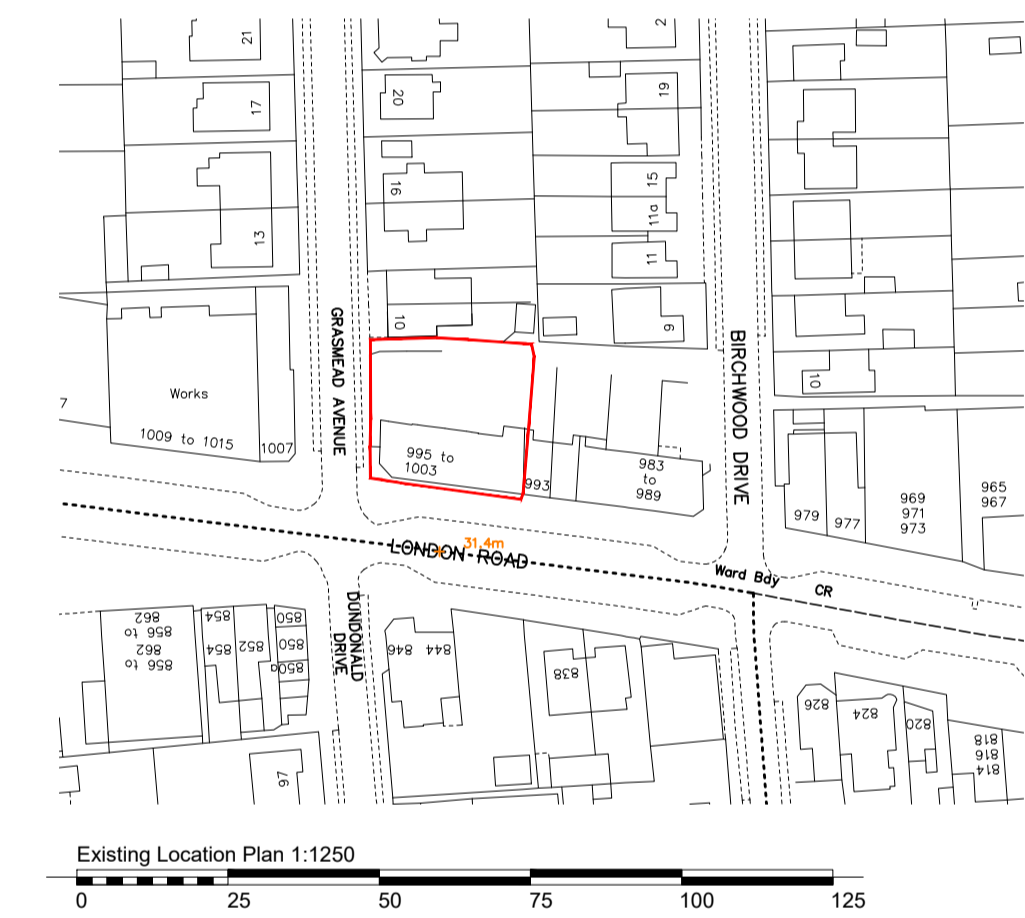
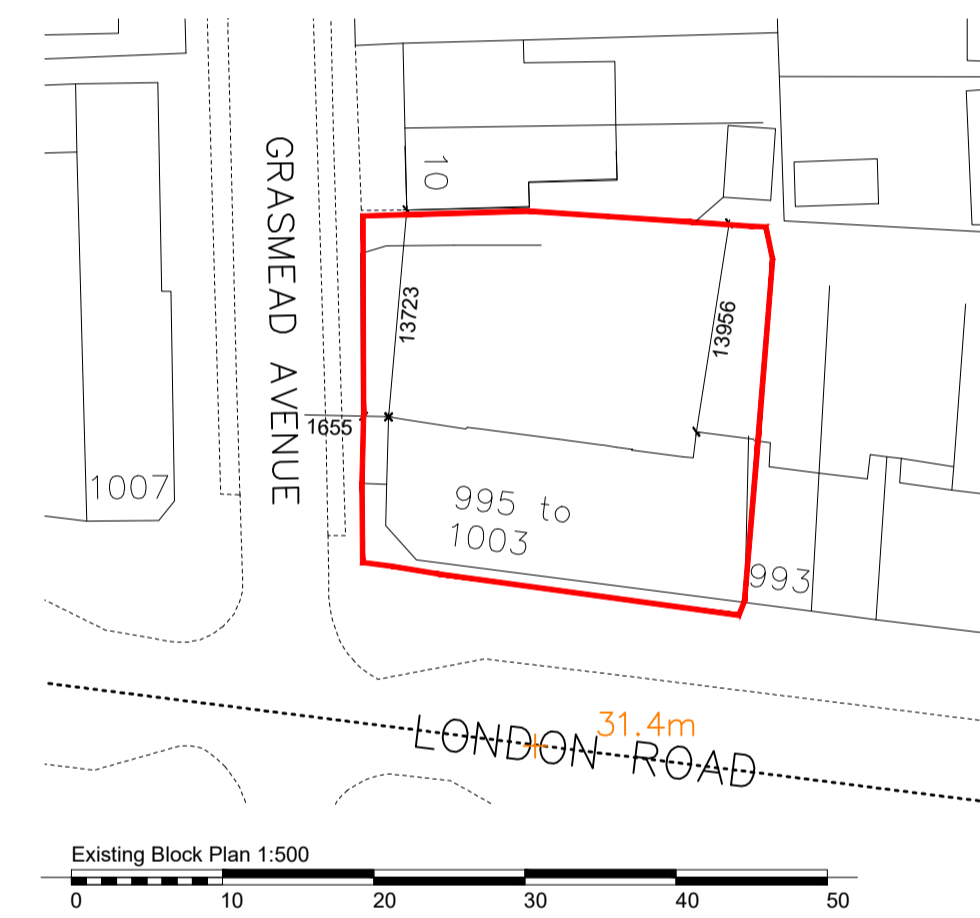
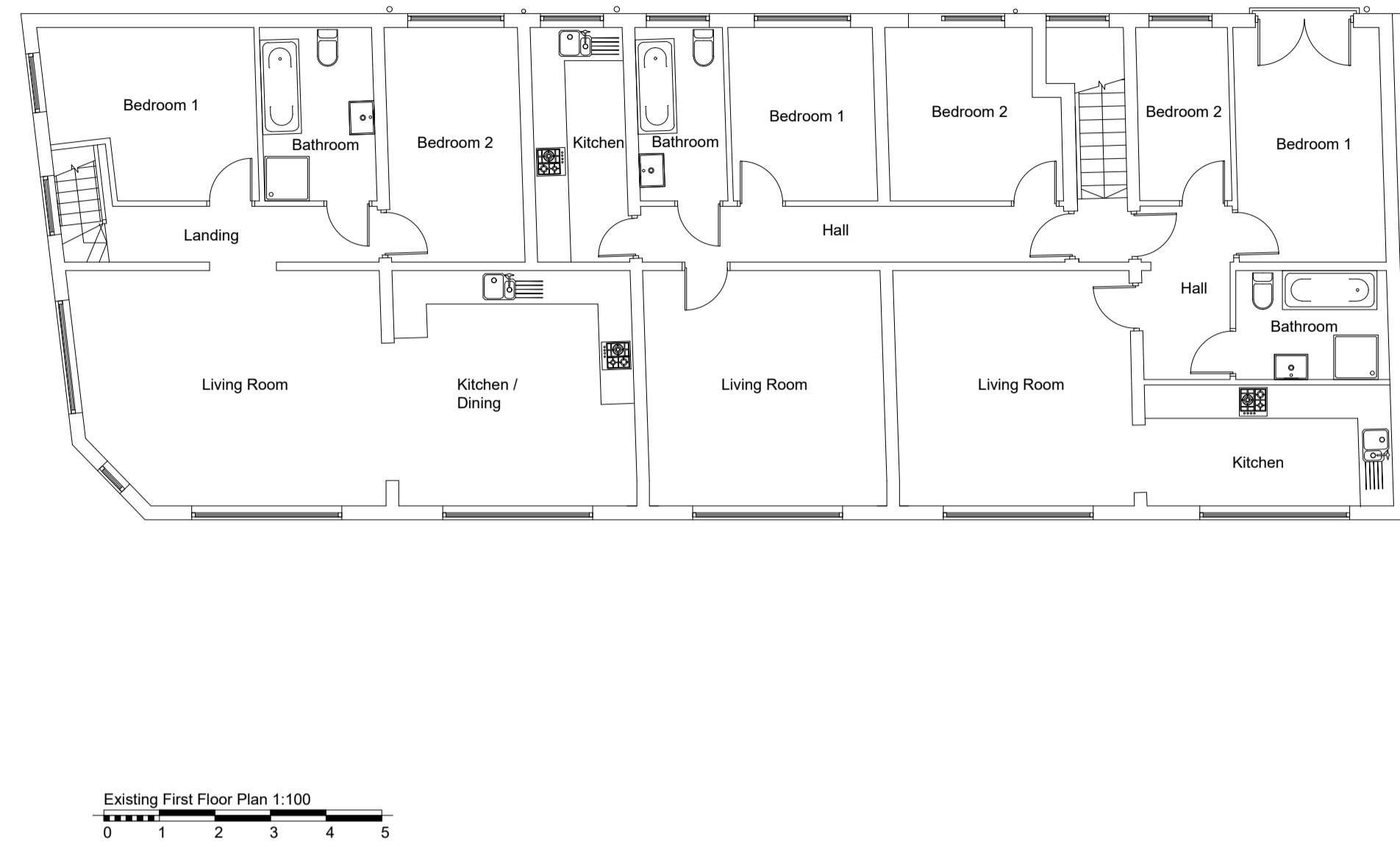
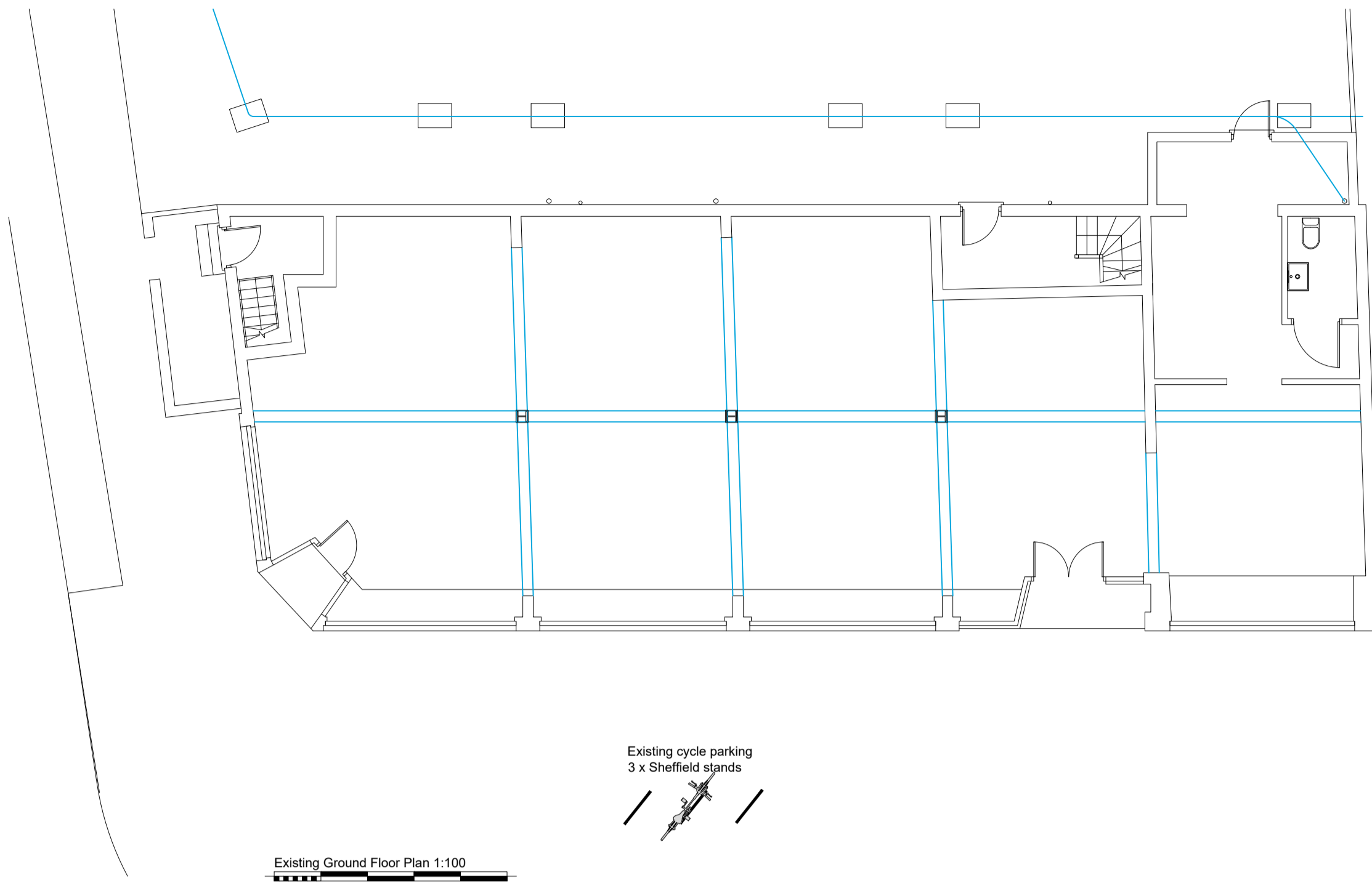
**Positive and proactive statement:**

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

**Informatives:**

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

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Notes:

| Rev | Comment   | By  | Date       |
|-----|---|-----|------------|
| F   | Existing cycle parking on London Road added       | KS  | 19/10/2022 |
| E   | Revised design following consultation with client | KS  | 11/08/2022 |
| D   | Revised design following feedback from planners   | KS  | 20/04/2022 |
| C   | Adjusted site garage added                        | WRS | 08/01/2022 |
| B   | Revised red line                                  | WRS | 09/12/2021 |
| A   | Revised red line                                  | WRS | 15/11/2021 |
| -   | Production of drawings                            | WRS | 08/09/2021 |

Stage:  
3 - Developed Design

Client:  
---

Project:  
Cycles UK  
995-1003  
London Road  
Leigh-on-Sea  
SS9 3LB

Drawing Title:  
Existing

Drawing no:  
771-P01

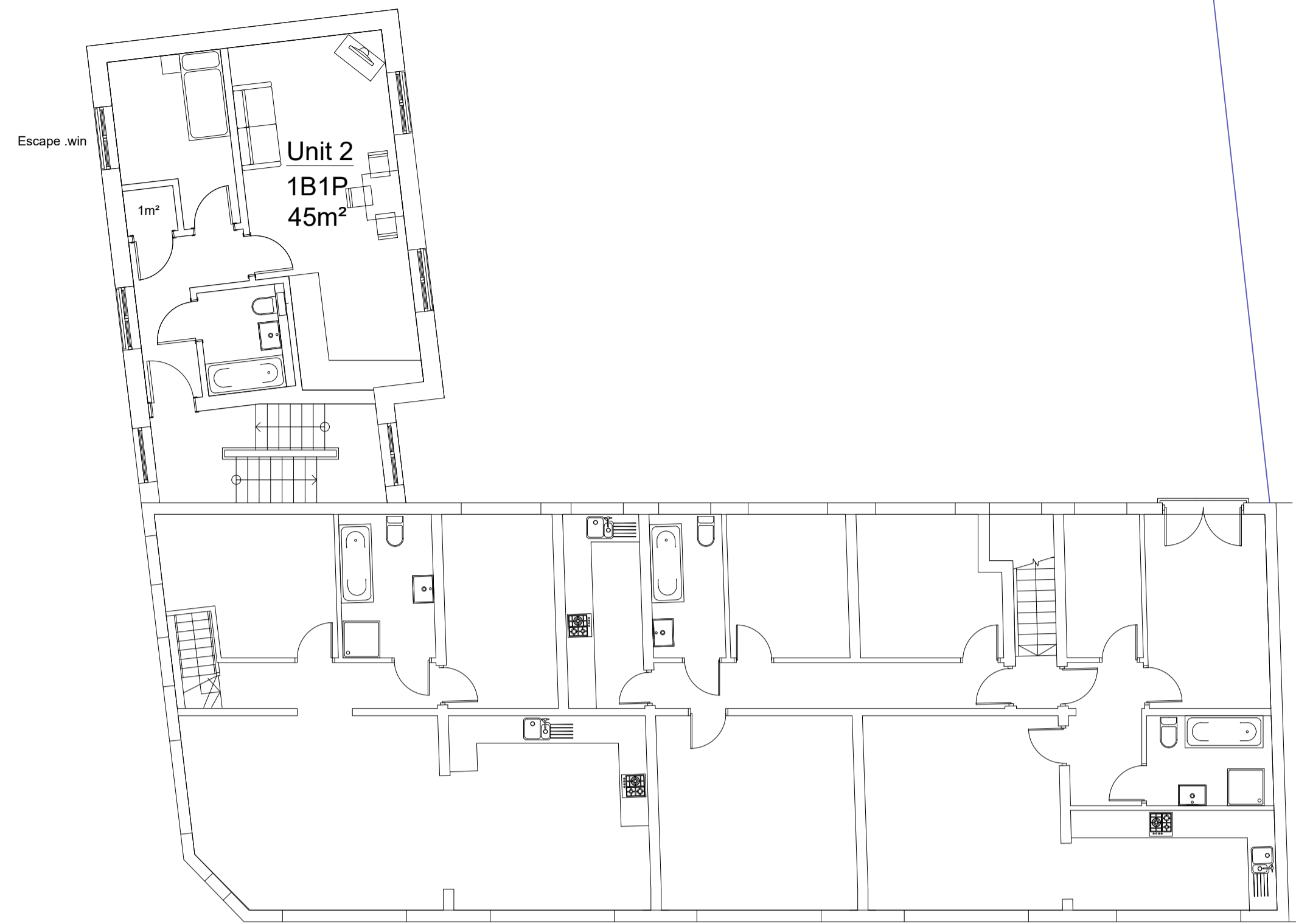
Revision: **F** Drawn by: WRS  
Project no: **771** Chkd by: SK

Scale: 1:100, 1:500, 1:1250 @ A1

**SKARCHITECTS**  
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Email: info@skarchitects.co.uk

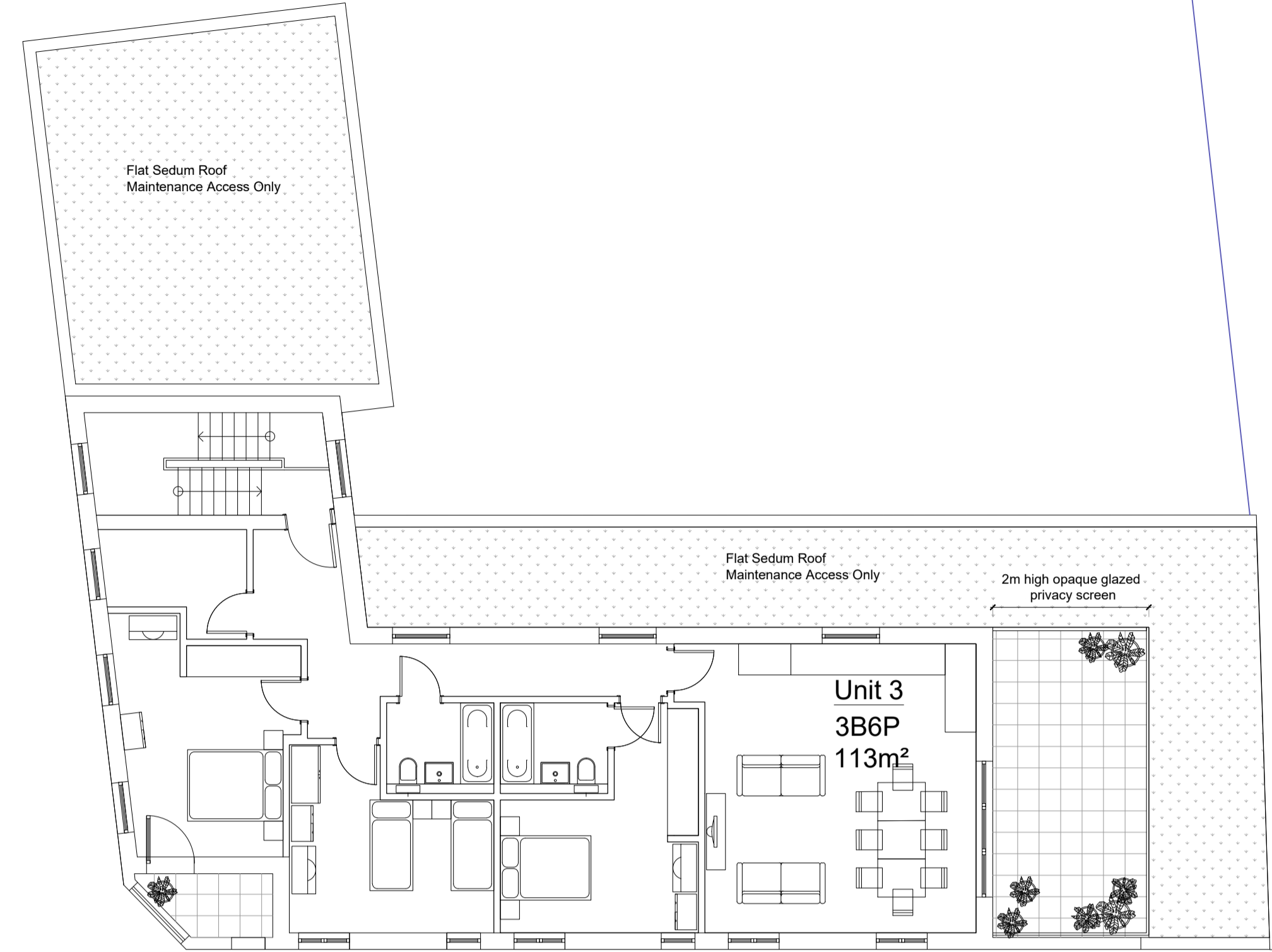
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Proposed First Floor Plan 1:100  
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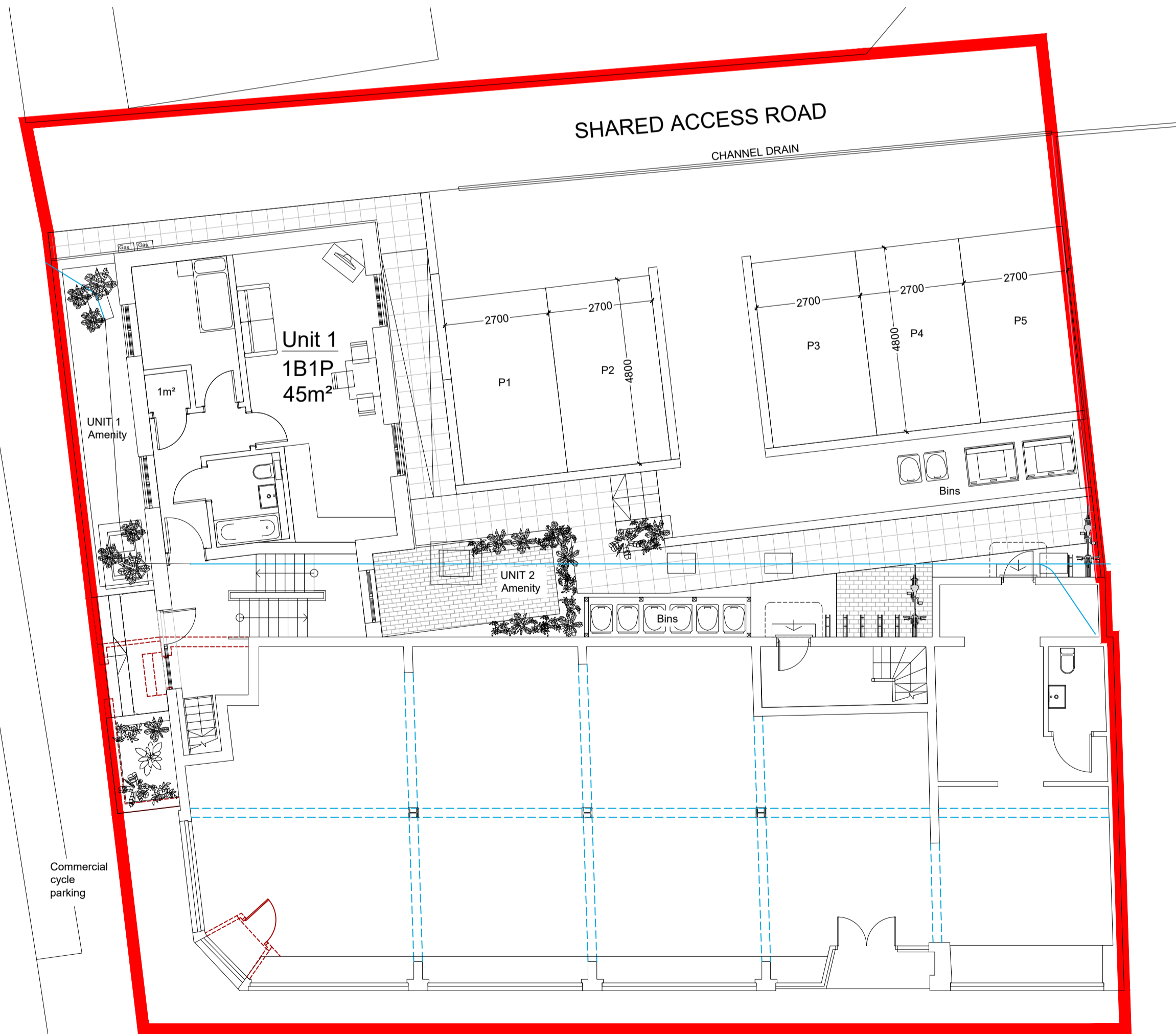
North



Proposed Second Floor Plan 1:100  
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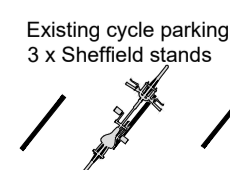
North

Updated New Unit Areas  
Unit 1 - 45m2  
Unit 2 - 45m2  
Unit 3 - 113m2



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

North



Notes:

| Rev | Comment   | By  | Date       |
|-----|---|-----|------------|
| E   | Existing cycle parking on London Road added       | KS  | 19/10/2022 |
| D   | Revised design following consultation with client | KS  | 11/08/2022 |
| C   | Revised shopfront entrance removed                | KS  | 27/04/2022 |
| B   | Revised design following feedback from planners   | KS  | 20/04/2022 |
| A   | Production of drawings                            | WRS | 04/01/2022 |
| -   | Production of drawings                            | WRS | 08/09/2021 |

Stage:  
3 - Developed Design

Client:  
---

Project:  
Cycles UK  
95-103  
London Road  
Leigh-on-Sea  
SS9 3LB

Drawing Title:  
Proposed Plans

Drawing no:  
**771-P02**

Revision: **E** Drawn by: WRS

Project no: **771** Chkd by: SK

Scale: 1:100 @ A1

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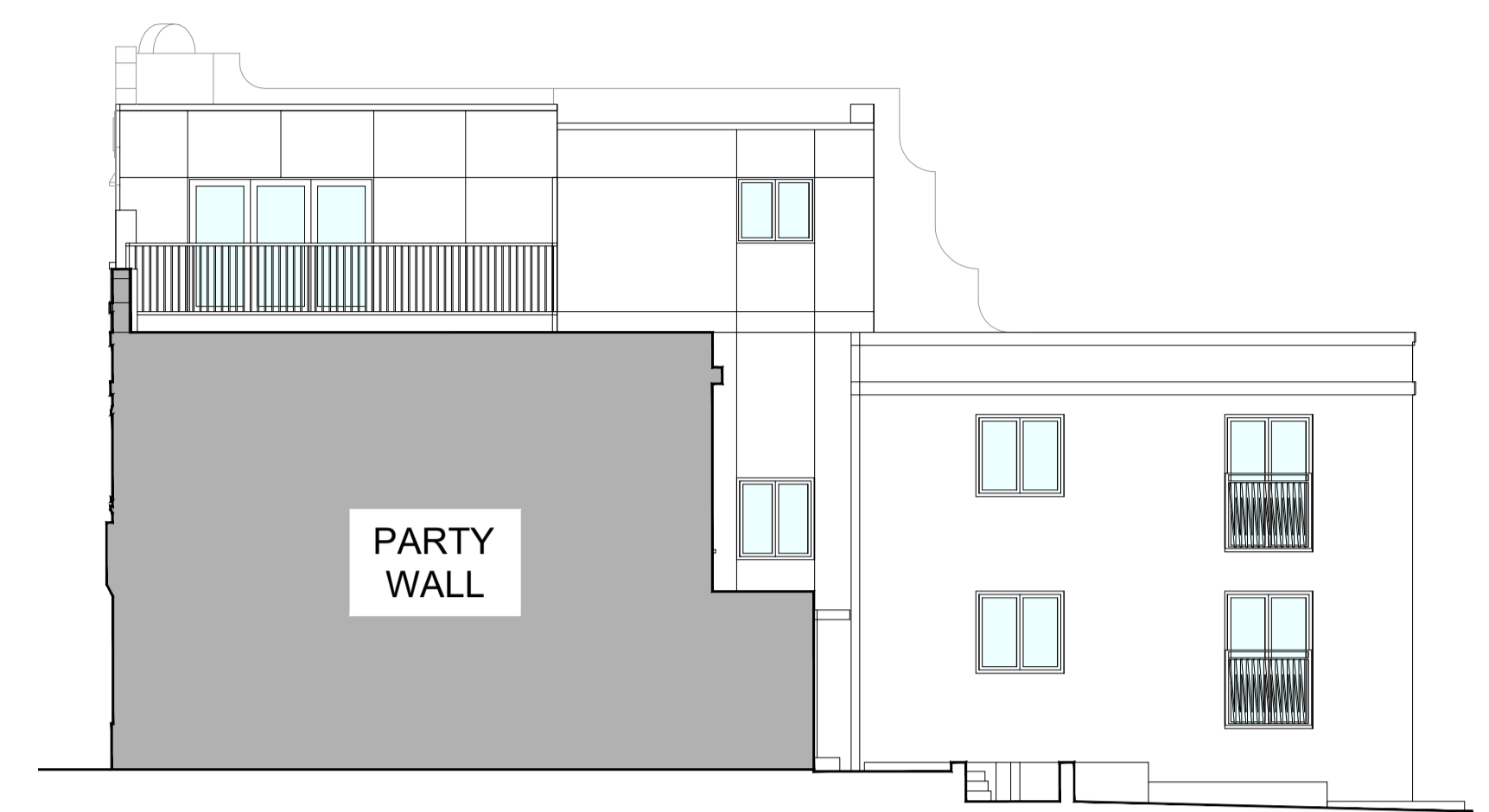




Proposed South Facing Elevation 1:100



Proposed West Facing Elevation 1:100



Proposed East Facing Elevation 1:100



Proposed North Facing Elevation 1:100



Grasmead Avenue & London Road (West & South) Elevations



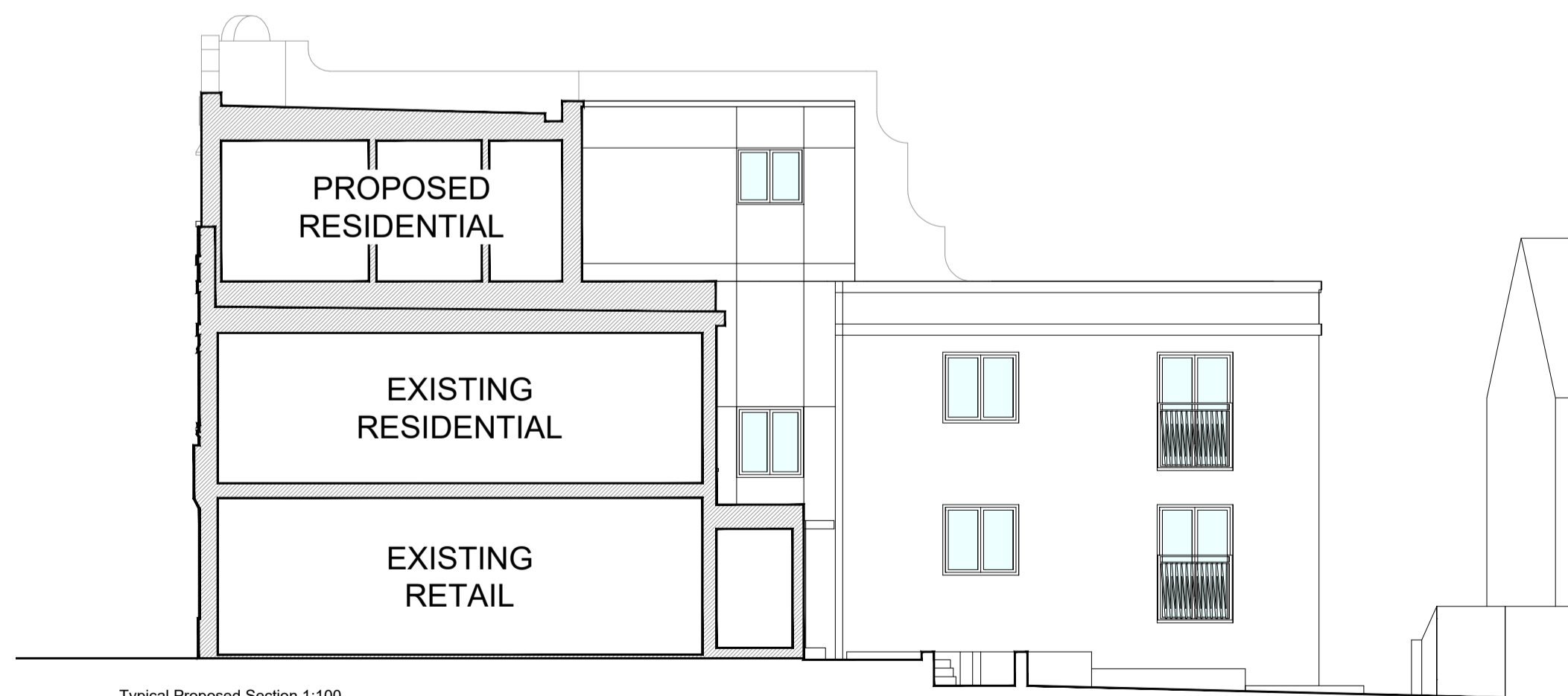
London Road (South) Elevation



Grasmead Avenue (West) Elevation



Parking area (North) Elevation



Typical Proposed Section 1:100

Notes:

| Rev | Comment   | By  | Date       |
|-----|---|-----|------------|
| D   | Revised design following consultation with client | KS  | 11/06/2022 |
| C   | Revised design following consultation with client | KS  | 27/04/2022 |
| B   | Revised design following feedback from planners   | KS  | 20/04/2022 |
| A   | Production of drawings                            | WRS | 04/01/2022 |
| -   | Production of drawings                            | WRS | 08/09/2021 |

Stage:  
3 - Developed Design

Client:  
---

Project:  
Cycles UK  
995-1003  
London Road  
Leigh-on-Sea  
SS9 3LB

Drawing Title:  
Proposed Elevations

Drawing no:  
**771-P03**

Revision: **D** Drawn by: WRS

Project no: **771** Chkd by: SK

Scale: 1:100 @ A1

**SKARCHITECTS**

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995-1003 London Road

View to wider terrace



Application site



# Streetscene View

Application site





Junction with  
Grasmear Ave

Application site

157

BNA  
BRANDS NUTRITION AND ACCESSORIES  
CHALLENGERS IN THE CYCLING INDUSTRY

CYCLES UK  
WINDY HAYDON  
WINDY HAYDON

YOGA  
CYCLES UK

# Relationship with 10 Grasmead Avenue





Existing vehicle access  
to rear of site

159



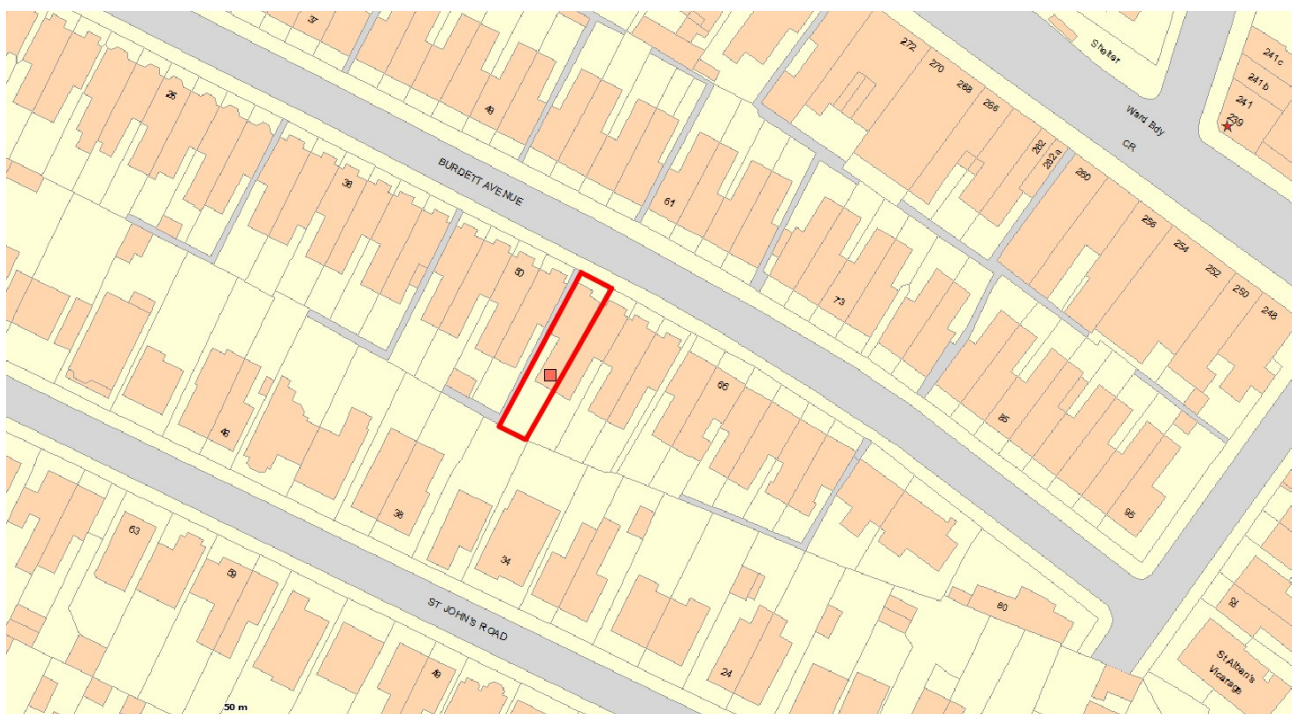
Rear of site





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|                                |   |            |
|--------------------------------|---|------------|
| <b>Reference:</b>              | 22/01707/FUL  | <h1>9</h1> |
| <b>Application Type:</b>       | Full Application  |            |
| <b>Ward:</b>                   | Milton  |            |
| <b>Proposal:</b>               | Change of use from six bed HMO (Use Class C4) to eight bed HMO (sui generis), layout refuse storage to front and cycle storage to rear (retrospective)        |            |
| <b>Address:</b>                | 54 Burdett Avenue, Westcliff-on-Sea, Essex  |            |
| <b>Applicant:</b>              | Mr James Sahota   |            |
| <b>Agent:</b>                  | N/a   |            |
| <b>Consultation Expiry:</b>    | 6th October 2022  |            |
| <b>Expiry Date:</b>            | 4th November 2022   |            |
| <b>Case Officer:</b>           | Kara Elliott  |            |
| <b>Plan Nos:</b>               | <b>841-100 Rev 01, 841-101 Rev 01 (6 Bed), 841-101 Rev 01 (8 Bed), 841-104 Rev 01</b>   |            |
| <b>Additional information:</b> | <b>Supporting Document by J2 Living, Planning Statement, Cover Letter for HMO licence, Notice of decision to grant HMO licence. Conditions of HMO licence</b> |            |
| <b>Recommendation:</b>         | <b>GRANT PLANNING PERMISSION subject to conditions</b>  |            |



## 1 Site and Surroundings

- 1.1 This application site on the northern side of Burdett Avenue is occupied by an end-terrace building of traditional design. According to the information provided in the application, the building is currently used as an eight-bedroom House in Multiple Occupation (HMO). It was formerly used as a six-bedroom HMO.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policies.

## 2 The Proposal

- 2.1 Planning permission is sought retrospectively for the change of use of the building from a six-bedroom HMO, falling within the definition of Use Class C4, to an eight-bedroom HMO which accommodates more than six occupiers and is a sui generis use. The additional bedrooms have been formed from the conversion of a gym room and a communal living area.

## 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<br>[Date]       |
|--------------|--|-------------------------|
| 20/01735/FUL | Convert existing dwellinghouse and loft to form 2 self-contained flats, alter side and rear elevations and cycle and bin store to rear | Refused<br>[30.12.2020] |

## 4 Representation Summary

### Call-in

- 4.1 The application has been called-in to the Development Control Committee at the request of Cllr K Mitchell.

### Public Consultation

- 4.2 Twelve (12) neighbouring properties were consulted and a site notice was displayed. Representations from fourteen (14) interested parties were received which raised the following objections:

- Parking stress;
- Highway safety concerns;
- Overcrowded development;
- Loss of neighbour amenity from: noise, disturbance, loss of outlook; g
- Pressure on services;
- Lack of waste management;
- Anti-social behaviour;
- Property values;
- Building work and (completed) extension impacts;
- Impacts on local residents' health and stress;
- The applicant has deceptively told neighbours it would only be a 6-bed HMO.

- 4.3 Officer comment: The comments in the representations have been taken into consideration in the assessment of the application where they raise relevant planning matters but are not found to be justifiable reasons for refusing planning permission in

the circumstances of this case.

## **Highways**

- 4.4 No objections. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. Future occupiers will not be eligible for a residential parking permit. Secure cycle parking has been provided on site.

## **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 KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), 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)
- 5.11 The Essex HMO Amenity Standards (2018)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application include the principle of the development, the design and impact of the development 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, ecology and mitigation for impact on designated sites and CIL liability.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 119 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.

- 7.2 Policy DM8 states that non-self-contained accommodation should be directed toward the central area of Southend or where such type of accommodation is needed by certain institutions, such as Southend Hospital or University of Essex. Southend-on-Sea City Council's development framework does not currently contain any policies that specifically relate to HMOs.
- 7.3 There is no objection to the principle of increasing the capacity of an existing HMO in this location, subject to other material considerations which are discussed in the following sections of the report.

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

- 7.4 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.
- 7.5 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.
- 7.6 No changes to the exterior of the property have taken place as a result of this development. The two additional bedrooms created internally through conversion of existing floorspace are not considered to have resulted in a material change in the character and function of the property. The development is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

### **Amenity Impacts**

- 7.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.8 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*"
- 7.9 The nearest neighbouring residential properties to the application site are the properties at Nos. 52 and 56 Burdett Avenue, the properties attached either side of the application site. No physical alterations have taken place as part of this development so there have been no materially different impacts on neighbours in terms of privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight when compared with the 6-bed HMO situation before the development took place. The level of occupancy does not give rise to any unduly harmful noise and disturbance or pollution that is to the significant detriment of the amenity of neighbouring occupiers. HMOs are generally compatible with a residential setting. The development is acceptable and



policy compliant in these regards.

## Standard of Accommodation

- 7.10 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.
- 7.11 In relation to residential standards for non-self-contained accommodation, Policy DM8 of the Development Management Document, states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m<sup>2</sup> for single and 10.2m<sup>2</sup> for double bedrooms and that the accommodation must have some communal areas, such as a living room, kitchen, diner.
- 7.12 The Council has adopted the Essex Approved Code of Practice with respect to HMO's and this document represents a material planning consideration when read along with the above policy table, although it is noted that the Code of Practice is not a planning policy document. This document sets out the following standards for HMOs:

**Table 1: Minimum room size requirements**

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

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

\*In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves

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

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

- 7.13 The rooms included in the application are stated to be for single occupancy with sizes as follows:

|       |        |                |
|-------|--------|----------------|
| Bed 1 | 9sqm   | (3sqm ensuite) |
| Bed 2 | 8.5sqm | (2sqm ensuite) |
| Bed 3 | 9.5sqm | (2sqm ensuite) |
| Bed 4 | 11sqm  | (2sqm ensuite) |
| Bed 5 | 8.5sqm | (2sqm ensuite) |
| Bed 6 | 11sqm  | (3sqm ensuite) |
| Bed 7 | 14sqm  | (3sqm ensuite) |
| Bed 8 | 13sqm  | (2sqm ensuite) |

- 7.14 The premises also provide some 23m<sup>2</sup> of shared floorspace for a kitchen/dining area at the front of the ground floor. The property also has a garden to the rear.
- 7.15 The bedrooms of the development meet the Essex HMO Standards for an HMO without shared living room space (each bedroom must be a min of 8.5sqm). The development would fall short by 1sqm of the required standards in relation to the communal kitchen/dining area which is required for an 8-room, 8-person HMO (a minimum of 24sqm). It is noted that 2 of the rooms are larger and meet the size requirements for double occupancy. It is considered reasonable in this instance in view of the minimal under provision of the size of shared facilities to limit all rooms to single occupancy with a planning condition. The development, on balance, is acceptable and policy compliant on this basis.
- 7.16 All rooms benefit from acceptable outlook and natural light. The communal amenity space to the rear would be sufficient for the development. On this basis and subject to conditions, the development is considered acceptable and in line with policy in the above regards.

### **Traffic and Transportation Issues**

- 7.17 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.”
- 7.18 Policy DM15 of the Development Management Document states: “*Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner*”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.19 The parking standards do not include any requirements for HMOs. The proposal would not provide any parking. The site is in a sustainable location, in close proximity to public car parks and within reasonable walking distance from the District Centre of Hamlet Court Road and close to the boundaries of the City Centre. The site is half a mile from Westcliff Rail Station. It is not considered that the development results in significant harm to parking conditions, highway safety or the traffic network. Highways have not objected.
- 7.20 A cycle store is shown in the rear garden. It is not clear how many spaces will be provided and if it is secure and covered. The provision of this to adequate standard can be secured by condition. Subject to this condition the development is considered to be acceptable and policy compliant in relation to traffic and transportation issues.

## **Sustainability**

- 7.21 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.22 No details have been submitted with the application to demonstrate whether the development meets the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or if/how the water consumption is limited. It is considered that the requirements for renewable energy and restrictions on water usage can be controlled with conditions. Care would be needed to ensure that any renewable technologies submitted for approval under such a condition would not harm the character and appearance of the area. Subject to conditions, this aspect of the development is, therefore, considered to be acceptable and policy compliant in these regards.

## **Ecology, Biodiversity, HRA and RAMS**

- 7.23 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast RAMS. It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.
- 7.24 In this instance, the development has not resulted in a net increase of residential units. The development does not need to offer mitigation as it does not have a significant effect on habitats and species. The development is acceptable and in line with policies in this regard.

## **Refuse and Recycling**

- 7.25 The submitted plans show a refuse store in the front garden. This is considered to be reasonable provision for the number of occupants. It is also noted that this was the existing situation before the development took place. The development is acceptable and policy compliant in this regard.

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

- 7.26 As the development does not create more than 100m<sup>2</sup> of floorspace and does not involve the creation of a new dwelling (Class C3), the proposal benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **Equality and Diversity Issues**

- 7.27 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**

7.28 Having taken all material planning considerations into account, it is found that the development is acceptable and in line with the objectives of the relevant local and national policies and guidance. The development is considered to offer acceptable living conditions for its current and future occupiers and to have an acceptable impact on the highway safety, traffic and parking conditions of the area. The development also has an acceptable impact on neighbouring residential amenity and can provide adequate refuse and recycling storage for the maximum number of occupiers which is to be controlled through a planning condition. This application is, therefore, recommended for approval subject to conditions.

## **8 Recommendation**

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

**01 The development hereby approved shall be retained in accordance with the approved plans: 841-100, 841-101 Rev 01 (6 Bed), 841-101 Rev 01 (8 Bed), 841-104 Rev 01.**

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

**02 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development approved under the provisions of this permission shall not at any time be adapted to enable formation of more than eight (8) bedrooms and the property shall not be occupied by more than eight (8) residents at any one time.**

**Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.**

**03 Notwithstanding the information submitted and otherwise hereby approved, within three months from the date of this permission, the development hereby approved shall be provided with at least eight (8) on site, secured and covered cycle parking spaces which shall be available for use by the occupiers of the development and their visitors in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The cycle parking shall then be implemented and made available for use within two months of the date of the approval of the details and in complete accordance with the agreed details. If the secure covered cycle parking is not implemented and/ or made available for use in full accordance with**

the details approved under this condition within 2 months of the date of the approval of the details by the Local Planning Authority the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The approved cycle parking shall be retained for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04 Within 3 months from the date of this permission details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The energy efficiency and other sustainability measures shall then be implemented within two months of the date of the approval of the details and in complete accordance with the agreed details. If the energy efficiency and other sustainability measures are not implemented and/ or made available for use in full accordance with the details approved under this condition within 2 months of the date of the approval of the details by the Local Planning Authority the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The energy efficiency and other sustainability measures shall be implemented 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 advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Within 3 months from the date of this permission, the development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. If such details are not incorporated within 3 months of the date of this permission the use as an 8 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The water efficient design measures shall be implemented 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 advice contained within 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 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 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.**
  
- 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.**

NOTES:

Do not scale this drawing. Work to figured dimensions only. Check all dimensions on site. Confirm any discrepancies prior to commencement of work.



SITE PLAN  
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0 1 2 3 4 5m



LOCATION PLAN  
SCALE 1:1250  
0 10 20 30 40m



BLOCK PLAN  
SCALE 1:500  
0 5 10 15 20m

|        |       |              |
|--------|-------|--------------|
| Rev:01 | 07/22 | Second Issue |
| Rev:00 | 07/22 | First Issue  |

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**Project Address**  
 54 Burdett Avenue, Westcliff, SS07JW

**Client Name**  
 James Sahota

**Drawing Title**  
 Location, Block and Site Plan

**Status**  
 Planning Drawings

**Drawing Number**  
**841-100** **Rev: 01**

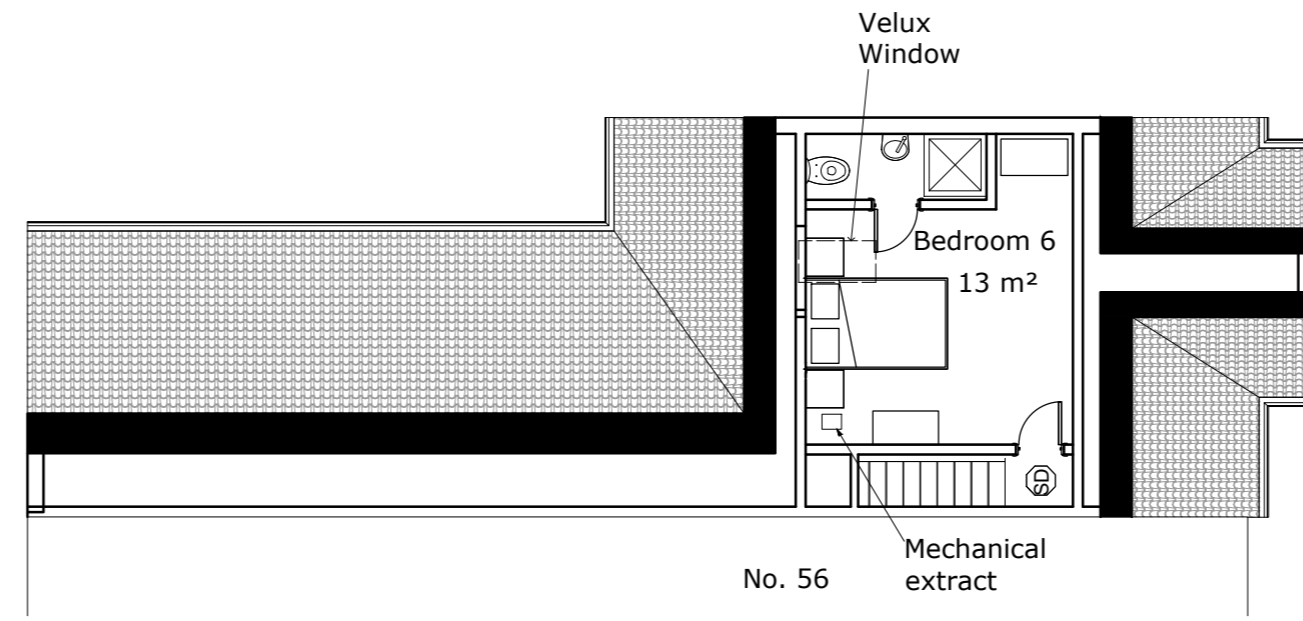
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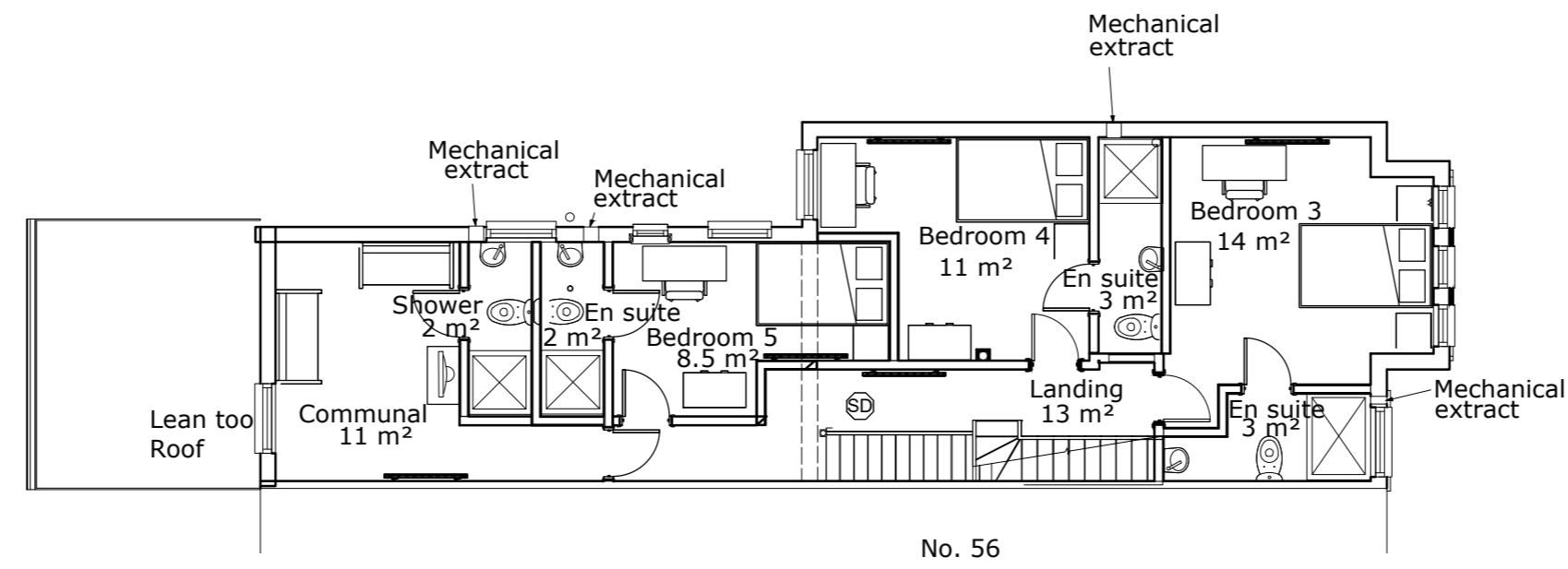
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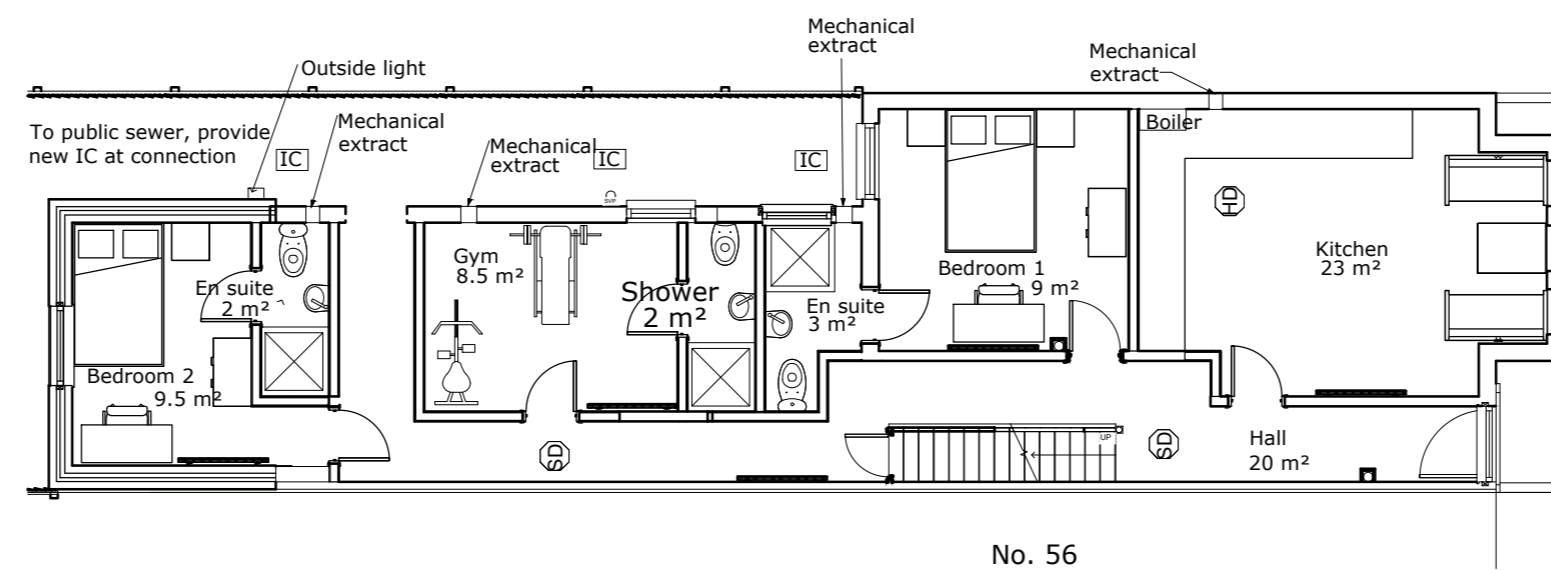
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KEY

- ⊙ SD SMOKE ALARM
- ⊙ HD HEAT DETECTOR



Existing First Floor Plan A  
SCALE 1:100  
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Existing Ground Floor Plan A  
SCALE 1:100  
0 1 2 3 4 5m

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|--------|-------|--------------|
| Rev:01 | 07/22 | Second Issue |
| Rev:00 | 07/22 | First Issue  |

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Client Name  
 James Sahota

Drawing Title  
 Existing Plans - 6 Bed HMO

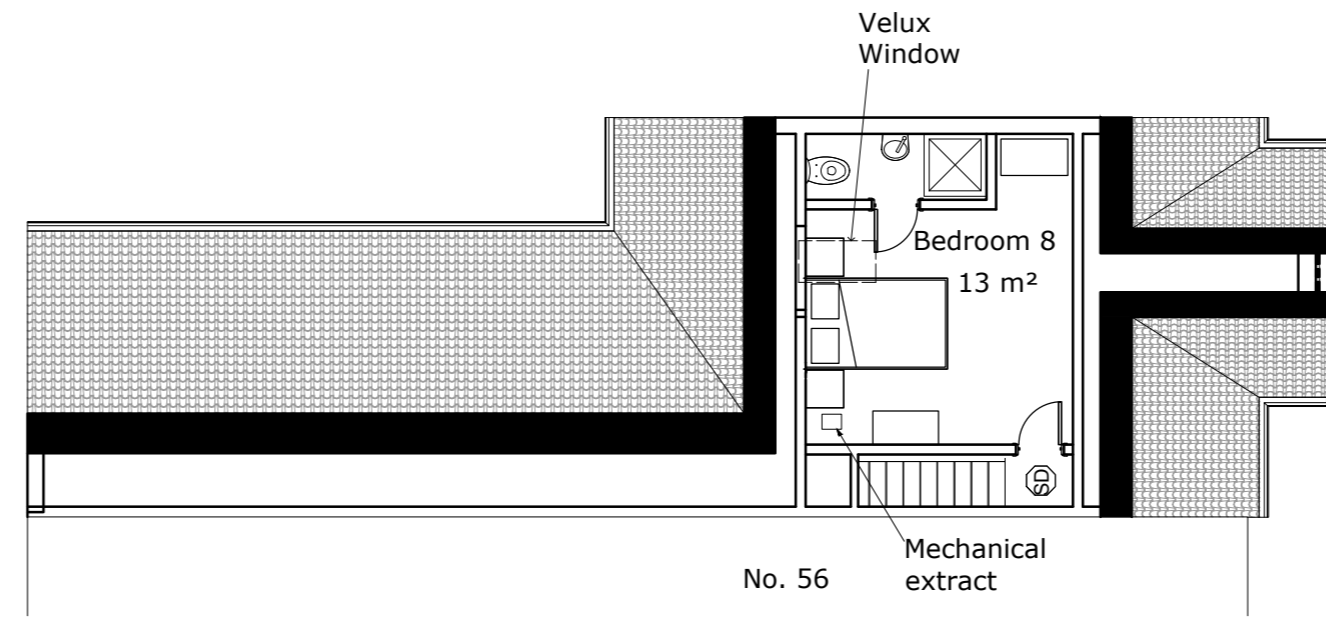
Status  
 Planning Drawings

Drawing Number  
**841-101** **Rev: 01**

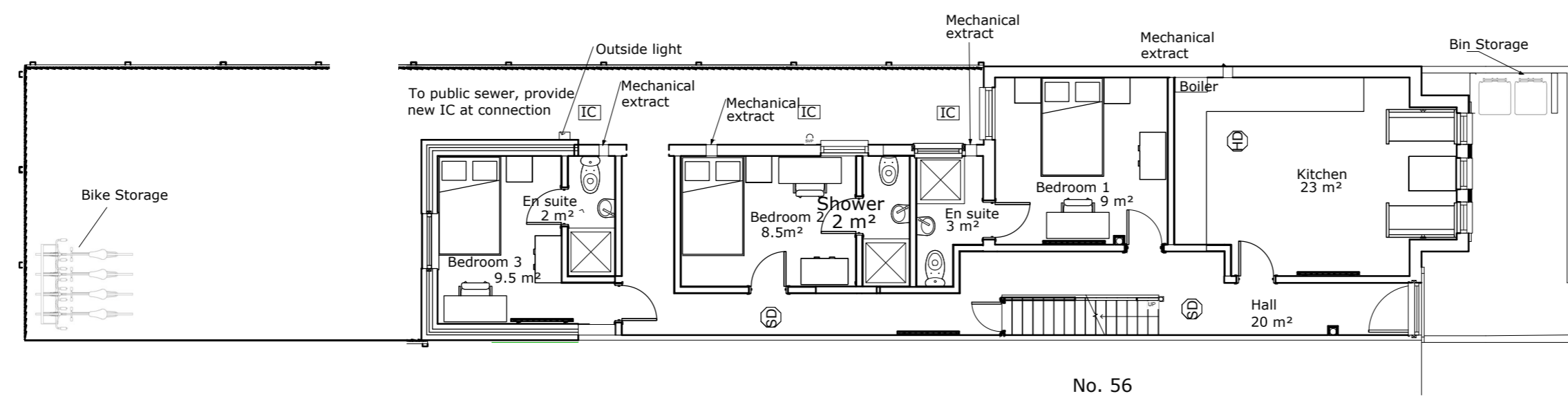
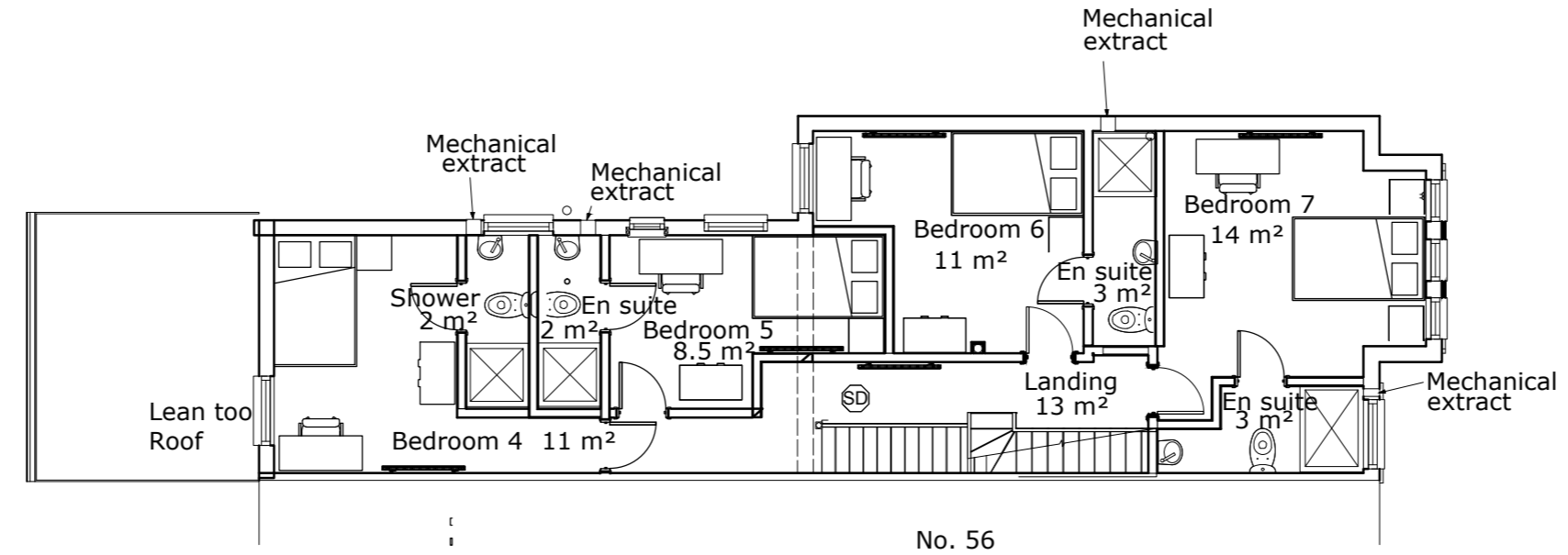
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KEY  
 (SD) SMOKE ALARM  
 (HD) HEAT DETECTOR



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| Rev:01 | 07/22 | Second Issue |
| Rev:00 | 07/22 | First Issue  |

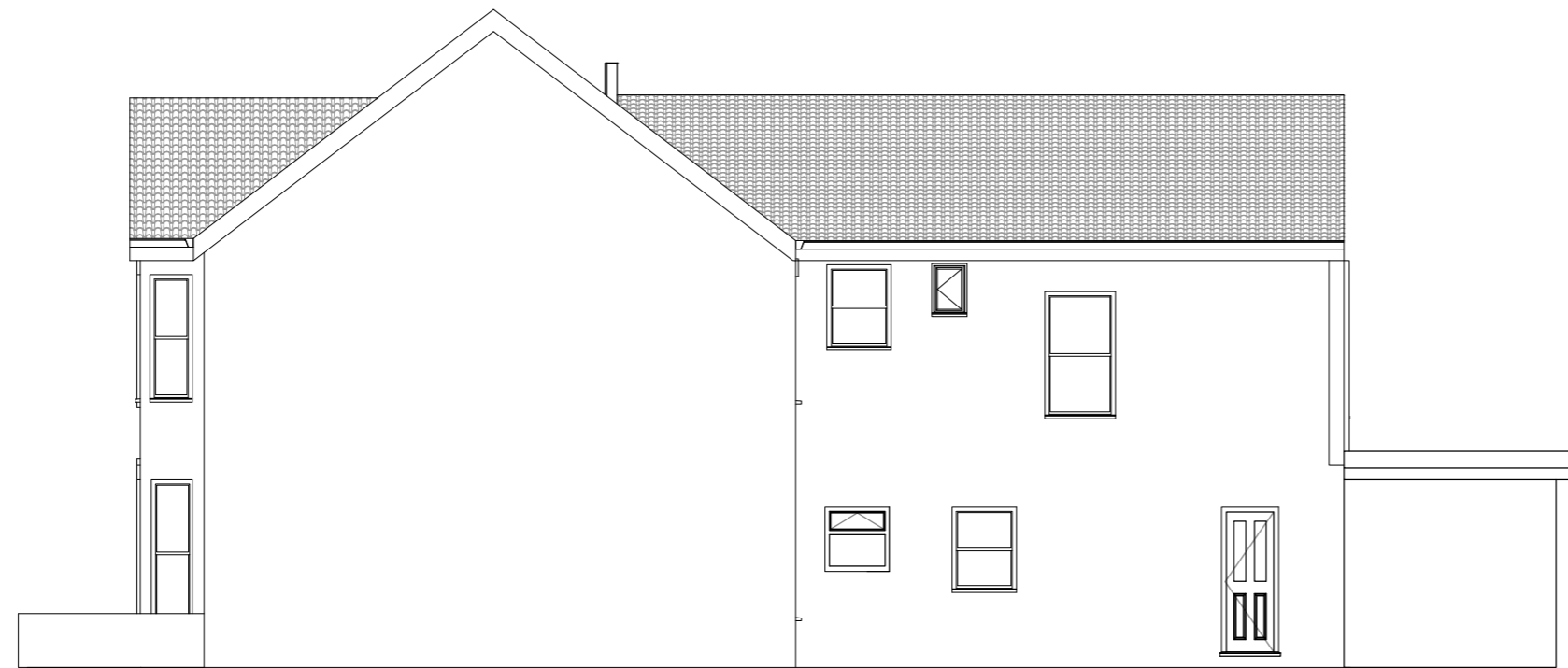
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|   |                    |                |
|---|--------------------|----------------|
| Client Name<br>James Sahota                 |                    |                |
| Drawing Title<br>Existing Plans - 8 Bed HMO |                    |                |
| Status<br>Planning Drawings                 |                    |                |
| Drawing Number<br><b>841-101</b>            | Rev: <b>01</b>     | Drawn By<br>WN |
| Date<br>14.07.22                            | Scale<br>1:100 @A2 |                |

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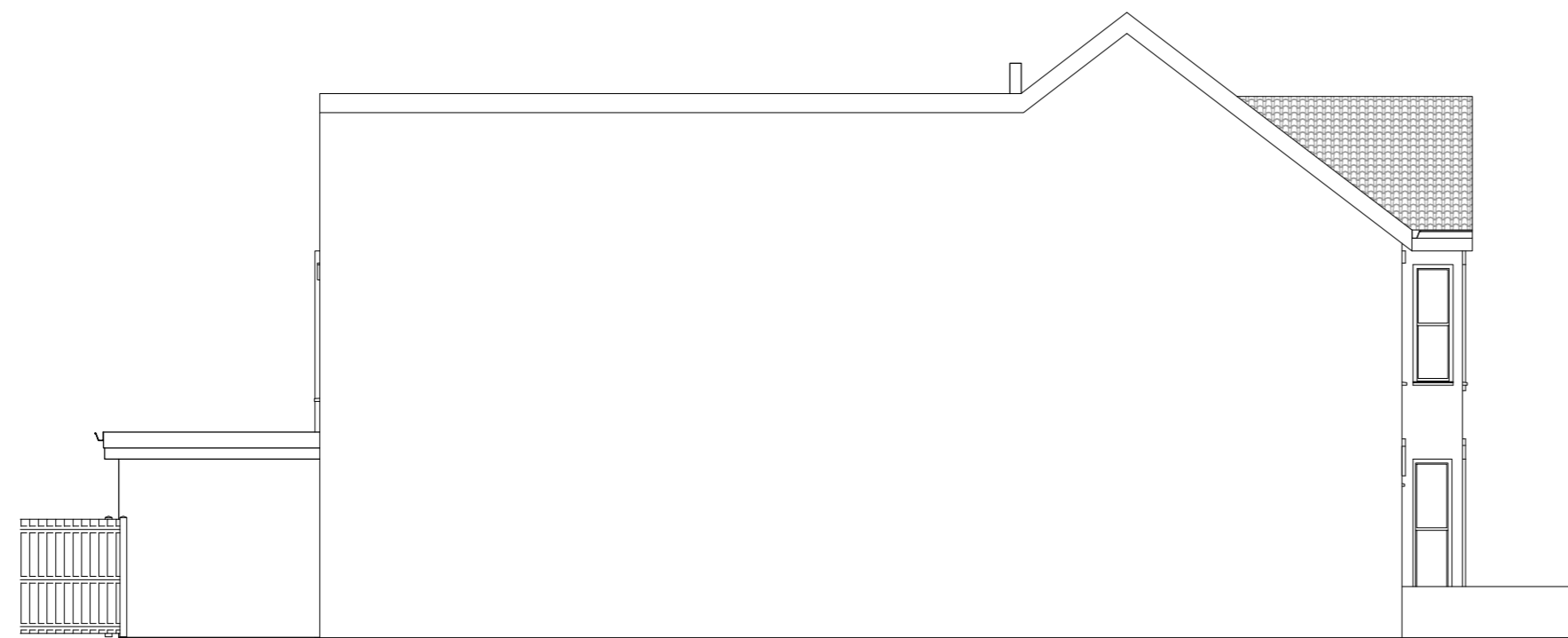
NOTES:  
 Do not scale this drawing. Work to figured dimensions only. Check all dimensions on site. Confirm any discrepancies prior to commencement of work.



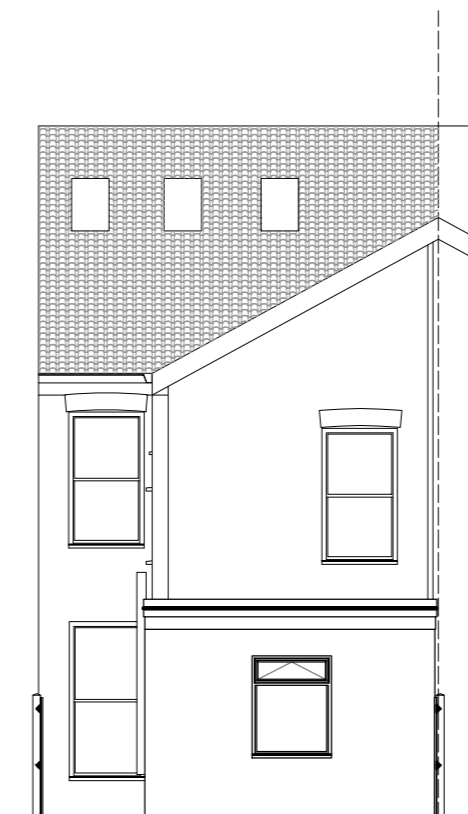
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Existing & Proposed North Elevation  
 SCALE 1:100  
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Existing & Proposed West Elevation  
 SCALE 1:100  
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Existing & Proposed South Elevation  
 SCALE 1:100  
 0 1 2 3 4 5m

|        |       |              |
|--------|-------|--------------|
| Rev:01 | 07/22 | Second Issue |
| Rev:00 | 07/22 | First Issue  |

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**Project Address**  
 54 Burdett Avenue, Westcliff, SS07JW

**Client Name**  
 James Sahota  
**Drawing Title**  
 Existing & Proposed Elevations-8 Bed HMO  
**Status**

|                          |                |                 |
|--------------------------|----------------|-----------------|
| <b>Planning Drawings</b> |                |                 |
| <b>Drawing Number</b>    | <b>Rev: 01</b> |                 |
| <b>841-104</b>           |                |                 |
| <b>Date</b>              | <b>Scale</b>   | <b>Drawn By</b> |
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# Front



# Rear





# Rear Amenity Space



# Communal Kitchen/Diner



# Communal Kitchen/Diner



# Communal Kitchen/Diner



# Communal Kitchen/Diner



# Communal Kitchen/Diner



# Bedroom 2 & Ensuite (Former Gym Room)



# Bedroom 4 & Ensuite (Former Communal Space)





|                                |  |             |
|--------------------------------|--|-------------|
| <b>Reference:</b>              | 22/01649/FULH  | <h1>10</h1> |
| <b>Application Type:</b>       | Householder  |             |
| <b>Ward:</b>                   | Prittlewell  |             |
| <b>Proposal:</b>               | Demolish and replace existing garage to side, extend roof and erect ground floor rear/side and first floor side extensions, flat roof dormer to rear and pitched roof dormer to front, alter elevations (Amended Proposal) |             |
| <b>Address:</b>                | 31 Winsford Gardens Westcliff-on-sea Essex SS0 0DR   |             |
| <b>Applicant:</b>              | Hannah Pearce  |             |
| <b>Agent:</b>                  | Simon Campbell of Tolerance Architectural Design   |             |
| <b>Consultation Expiry:</b>    | 15.09.2022   |             |
| <b>Expiry Date:</b>            | 06.11.2022   |             |
| <b>Case Officer:</b>           | Scott Davison  |             |
| <b>Plan Nos:</b>               | <b>2200 Rev P01 &amp; 2211 Rev P04</b>   |             |
| <b>Additional information:</b> | <b>N/A</b>   |             |
| <b>Recommendation:</b>         | <b>GRANT PLANNING PERMISSION subject to conditions</b>   |             |



## 1 Site and Surroundings

- 1.1 The application site contains a two-storey detached dwelling on the northern side of Winsford Gardens. The dwelling has an attached garage and has been extended to the side and rear. The surrounding area is residential in nature, comprised of dwellings that are similar in scale but different in form and appearance. The site is not within a conservation area, Flood zones 2 or 3 or subject to any site-specific planning policy designations.

## 2 The Proposal

- 2.1 The existing garage to the side of the dwelling would be demolished. The agent has stated that it is single skinned and the existing footings would not be sufficient to support a new extension above. It is proposed to erect a new garage at ground level with a first-floor side extension over. That would extend beyond the rear of the garage, supported on a pillar, creating a form of undercroft. The roof of the first floor side extension would be half hipped, continuing into the main roof which would become cruciform in pattern. A pitched roof dormer would sit within the side extension's cat slide front roof slope and a flat roof dormer in its rear roof slope. The maximum height of the first floor side extension would be some 7.8m, to match the dwelling's existing ridge height. It would be some 5.8m deep, not projecting forward of the front elevation or beyond the main rear elevation. The pitched roof dormer would be 1.7m wide, 2.8m high projecting to a depth of 1.5m.
- 2.2 A single storey side and rear ground floor extension with a dummy hipped pitched roof is proposed which would be attached to and square off an existing part width rear projection. The proposed extension would be a maximum 3.5m deep by some 5.4m wide, and a maximum 3.8m high. One roof light is proposed in this extension and one within the flat roof of the existing rear projection. An existing door would be removed and replaced with a window in the existing rear projection and new windows inserted in the undercroft side extension.
- 2.3 This application follows refusal of application ref: 22/01201/FULH; *Demolish and replace existing garage to side, extend roof and erect ground floor rear/side and first floor side extensions, pitched roof dormer to front, alter elevations*" for the following reasons:

*01 The proposed side extension by reason of its bulk, size, design and siting adjacent to the boundary would appear as [an] incongruous and dominant feature that would significantly reduce the characteristic spacing between the application property and neighbouring property at No.33 Winsford Gardens. It would be significantly harmful to the character of the existing dwelling and the wider street scene and would not maintain the visual amenities of the surrounding area. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009).*

*02. The proposed development as a result of its height, size, scale, and design, and siting on the shared flank boundary would appear as an excessively dominant and visually overbearing feature resulting in an unacceptable sense of enclosure and significant harm to amenity of the occupiers of 33 Winsford Gardens. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

- 2.4 The main difference between the current proposal and the refused scheme are that the first-floor side extension has been reduced from 9.3m to 8.3m in depth resulting in a change from a crown roof to a half-hipped flank elevation and the introduction of a rear dormer.

### 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 |
|---------------|--|---------|
| 22/01201/FULH | Demolish and replace existing garage to side, extend roof and erect ground floor rear/side and first floor side extensions, pitched roof dormer to front, alter elevations                                     | Refused |
| 97/1011       | Extend roof to side and form first floor extension to rear   | Granted |
| 95/0907       | Demolish garage erect single storey extension with roof accommodation over and dormer window at front and window at rear; erect single storey rear extension and form pitched roof over first floor flat roof. | Granted |

### 4 Representation Summary

#### Call-in

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

#### Public Consultation

- 4.2 Seven neighbouring properties were notified of the application by letter. No letters of representation have been received.

### 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), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

### 6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, residential amenity, traffic and parking implications, CIL liability and whether the proposal overcomes the previous reasons for refusal.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The principle of extending and altering an existing dwelling is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations. This did not form a reason for refusal of the previous application.

### **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 The proposed first floor side extension would be clearly visible within the public realm and would be materially higher than the neighbouring pair of bungalows to the west. It would have a degree of subservience in that it would be set back from the front elevation of the existing dwellinghouse at first floor due to the catslide roof design. The ridge height of the proposed development would be the same height as the main roof but would appear relatively subservient given the incorporation of a part gabled/half hipped roof form.
- 7.5 The street scene is made up of semi-detached and detached properties with a degree of spacing and separation between properties. The proposal would reduce the spacing at first floor level between the host property and shared boundary although it is noted that there are examples of dwellings that are set on or close to the site boundaries in the street scene.
- 7.6 The first floor side extension contains a dormer in the front elevation within a cat slide roof over the garage. The side elevation is part gabled, half hipped roof and the rear elevation contains a flat roof dormer at first floor level. Whereas the refused scheme was set hard to the shared boundary with the extent and depth of two storey built form and steep sided crown roof resulting in an incongruous significant visual presence in views from the west, the crown roof section of the previous scheme has been removed and replaced with a hipped roof and subservient dormer which significantly reduces the bulk of the extension in oblique/ angled views of the dwelling, including from the streetscene to the west when viewed, over the hipped roof of No 33 which is a bungalow.
- 7.7 This element of the proposal with its part gabled, half hipped roof design is considered to integrate acceptably with the dwelling given that there are gabled elements with the front and eastern side elevation. The cheek of the new rear dormer would be inset within the pitched roof of the side elevation and set away from shared boundary. The design

ethos would be in keeping with the character and appearance of the existing dwelling and also within the wider street scene and significantly reduces the scale, bulk and visual impact of the proposed first floor side extension compared to the bulky and incongruous side extension of the refused scheme which required a crown roof section. Hipped features are evident at the application property and the hipped roof element of the side extension would respond satisfactorily to the character of the dwelling. On balance it is considered that the proposed side extension would be acceptable and overcomes that basis of the previous reason for refusal.

- 7.8 It is considered that the design, size, siting and scale of the single storey side/rear extension, the first floor rear dormer, and the new windows and doors in the rear/side elevation are such that they would not result in any significant harm to the character and appearance of the site, the street scene and the area more widely.
- 7.9 For the reasons set out above, and subject to conditions, the proposal is considered to be acceptable and complies with policy in the above regards. It therefore overcomes the previous design based reason for refusal.

### **Amenity Impacts**

- 7.10 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.11 It is not considered that the single storey side/rear extension, and changes to the single storey projection would result in harm to any neighbouring occupiers' (No's 29 & 33), amenity in any relevant regard, given that this element of the proposal would sit some 0.9m in from both shared boundaries. The single storey side/rear extension would not project beyond the rear elevation of No.33. The existing rear projection to the application dwelling is some 2.0m deeper than the single storey rear projection to No.29 and this relationship would remain unchanged. The rear garden is some 18m deep and adjoins other rear gardens. There are existing first floor windows and it is not considered that the rear dormer would result in materially different impacts than those that presently exist to the neighbouring dwellings and garden areas.
- 7.12 The proposed side extension would be set on the shared boundary with No.33 the neighbouring bungalow to the west. The extension would not be set any further forward than both the front elevation of application property or project deeper than the main rear elevation of the application property and would be some 5.5m in height to its eaves with a half-hipped roof element pitched away from the shared boundary. There are obscured glazed windows and a door opening in the flank elevation of No.33 which face towards the side elevation of No 31's garage which is on the shared boundary and the existing side extension. It is understood that the two obscured glazed windows serve a bathroom/WC and the door and window set serve a kitchen which is not considered to be a habitable room. Given the reduction in depth and the reduced bulk of the proposed amended extension at first floor and roof level, it is considered that as elements which previously led in part to an overall refusal, the height and proximity of the proposal to the common boundary would now be within the margins of acceptability and would not result in a dominant feature or an undue sense of enclosure for the occupants of No.33.
- 7.13 The proposal is considered to be acceptable and policy compliant in the above regards. It therefore overcomes the previous amenity based reason for refusal.

## **Traffic and Transportation Issues**

- 7.14 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.”
- 7.15 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 uses.
- 7.16 The existing and proposed garages fail to meet the minimum 7m x 3m size criteria to be considered viable as a parking space. There is sufficient space on the site frontage to accommodate two off street parking spaces and the proposed development is not found to result in any significant parking, traffic or highways safety impacts, materially different from those that presently exist and which are acceptable in their own right.
- 7.17 The proposal is considered to be acceptable and policy compliant in the above regards.

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

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

## **Equality and Diversity Issues**

- 7.19 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**

- 7.20 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies. 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. The application has overcome both previous reasons for refusal.

## **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 shall only be undertaken in accordance with the following approved plans: 2200 Rev P01 & 2211 Rev P04**

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

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

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

- 04 The roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without planning permission being granted by the Local Planning Authority. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.**

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

**Positive and Proactive Statement:**

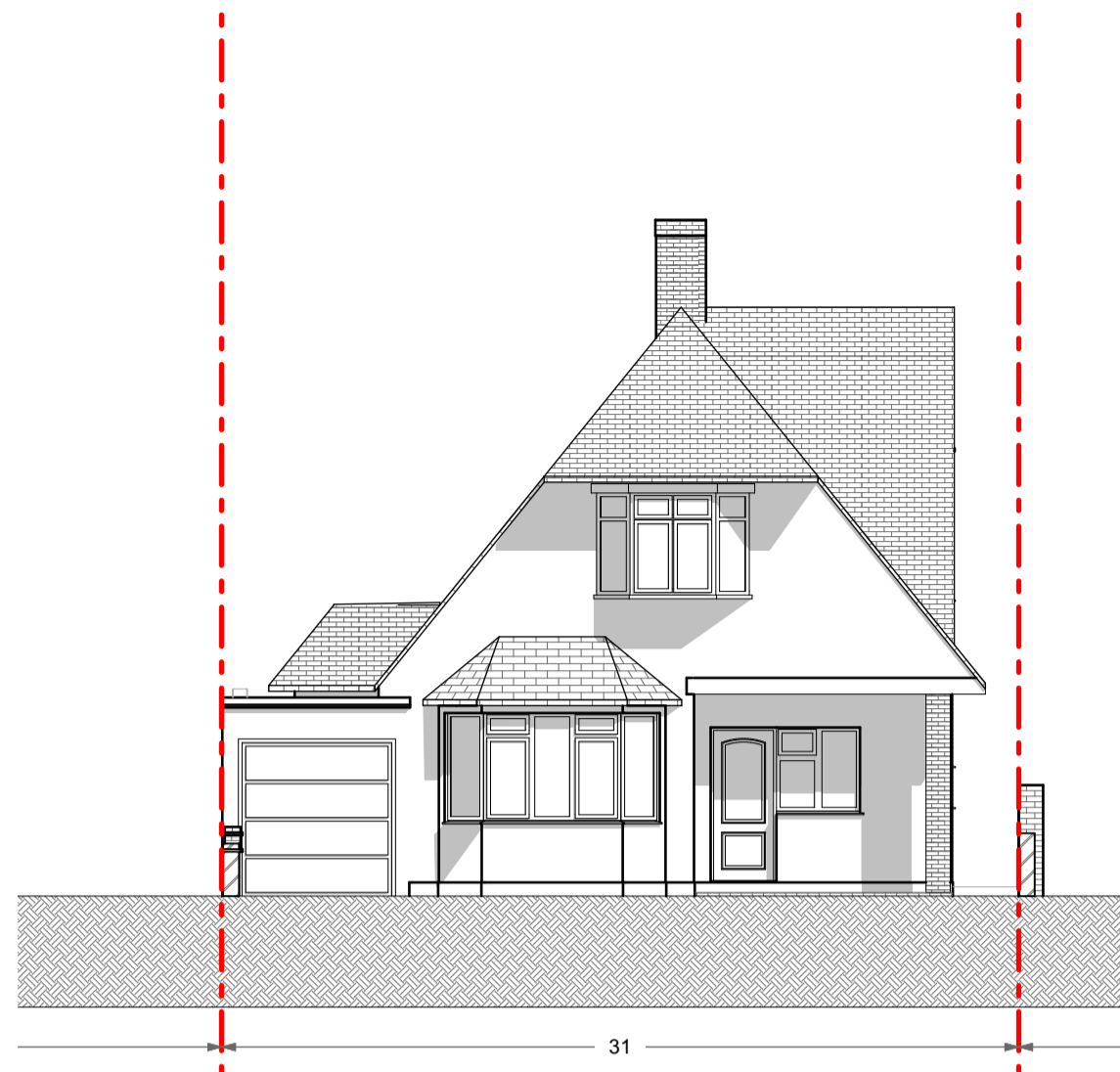
**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

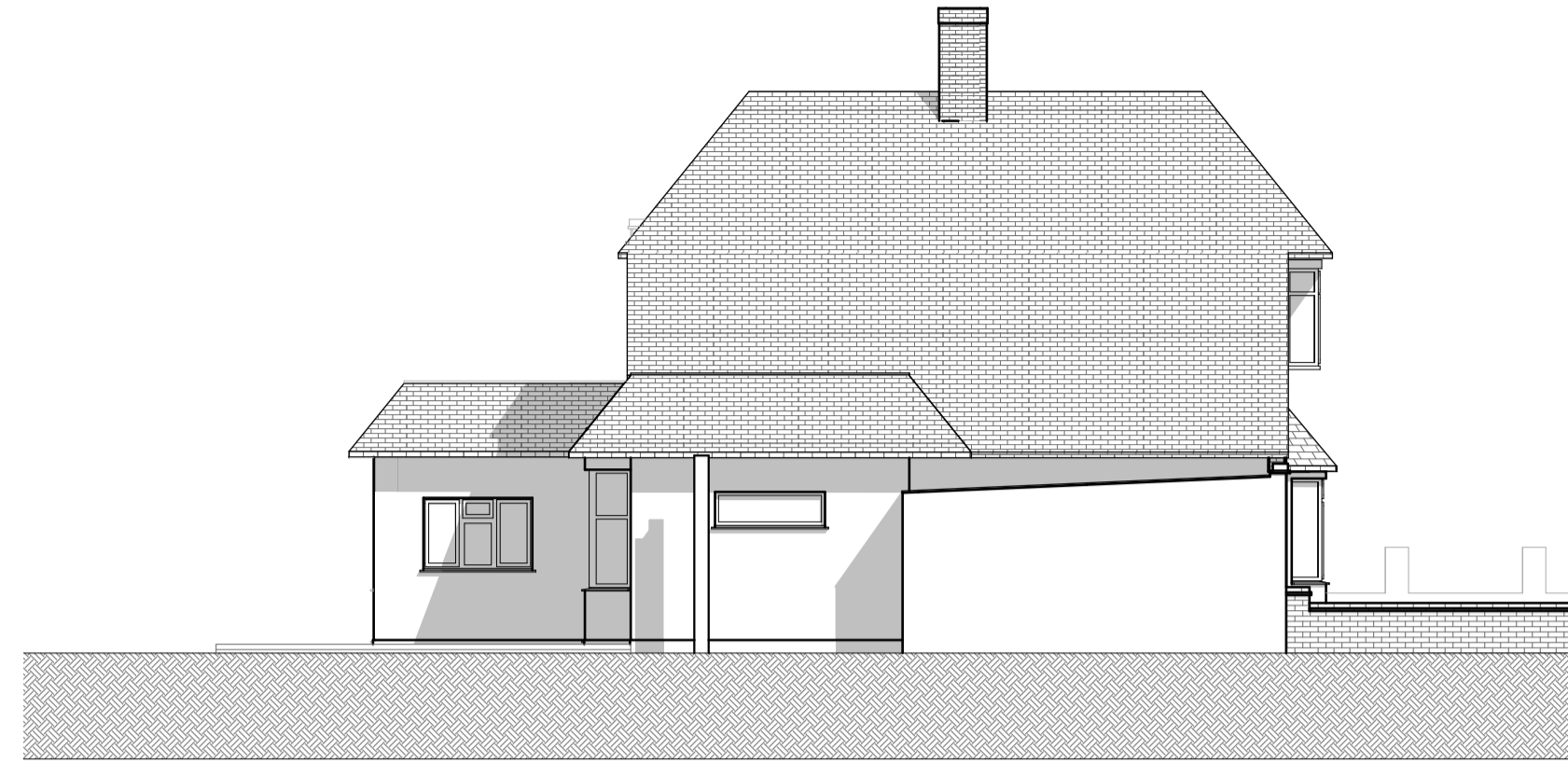
- 1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)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

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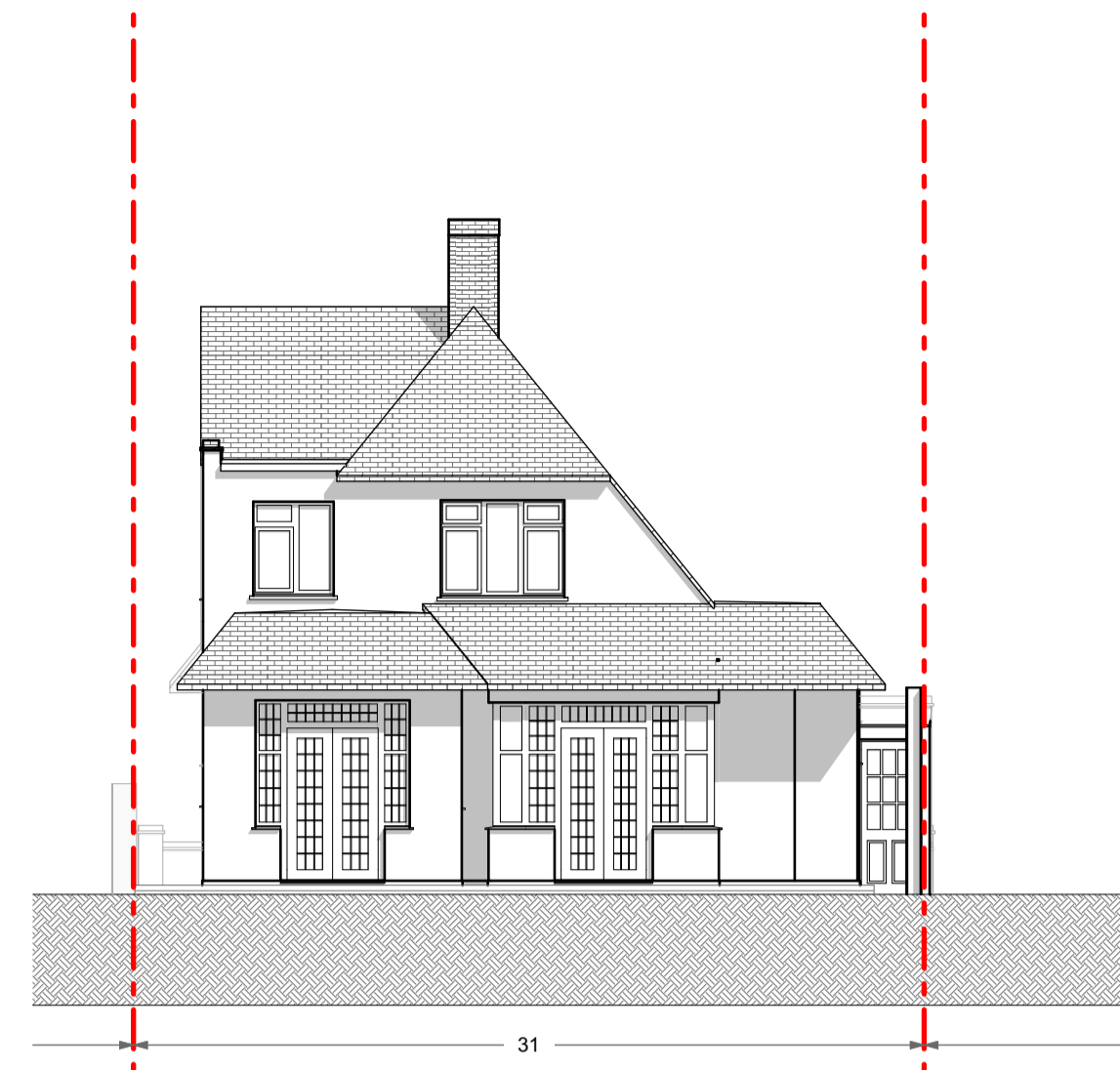




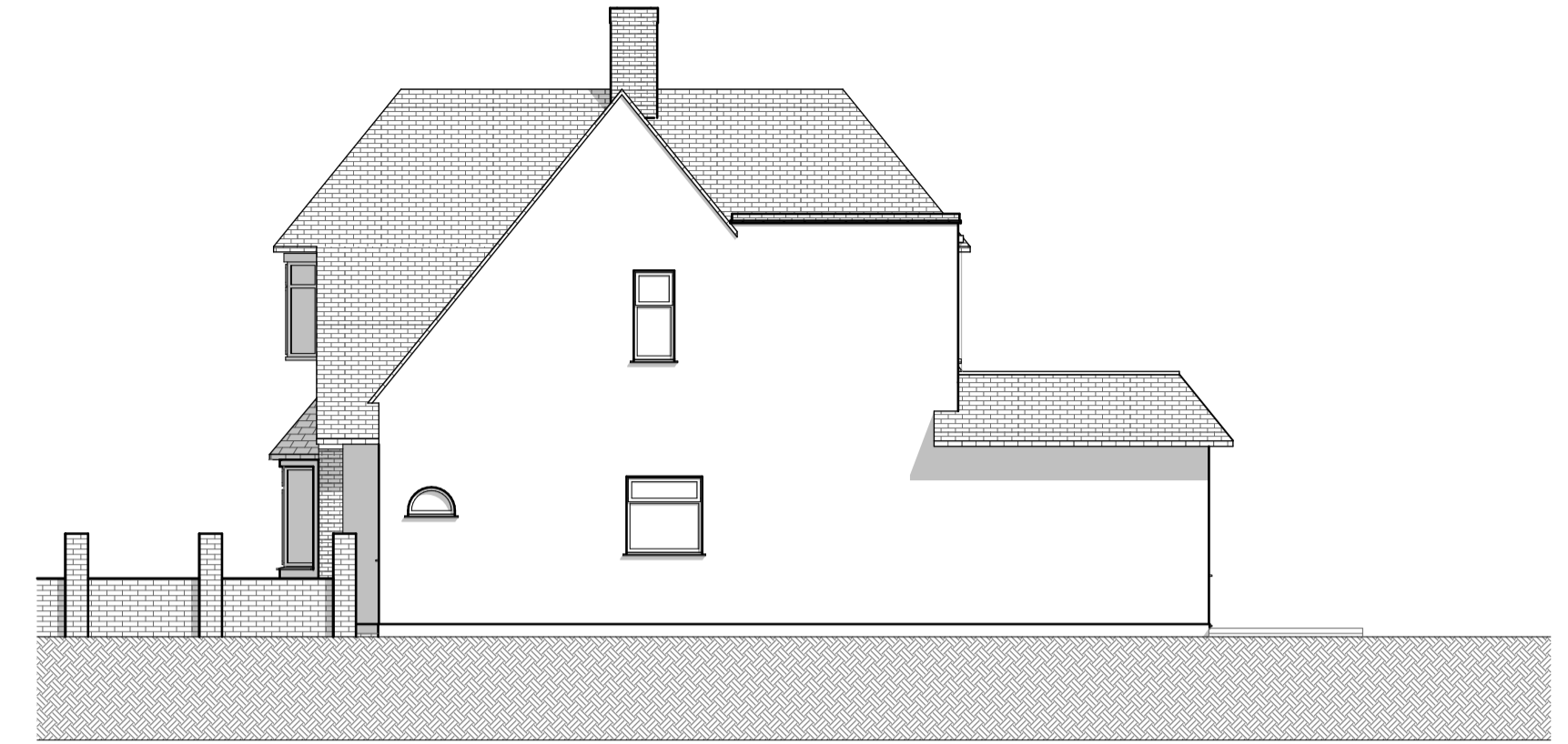
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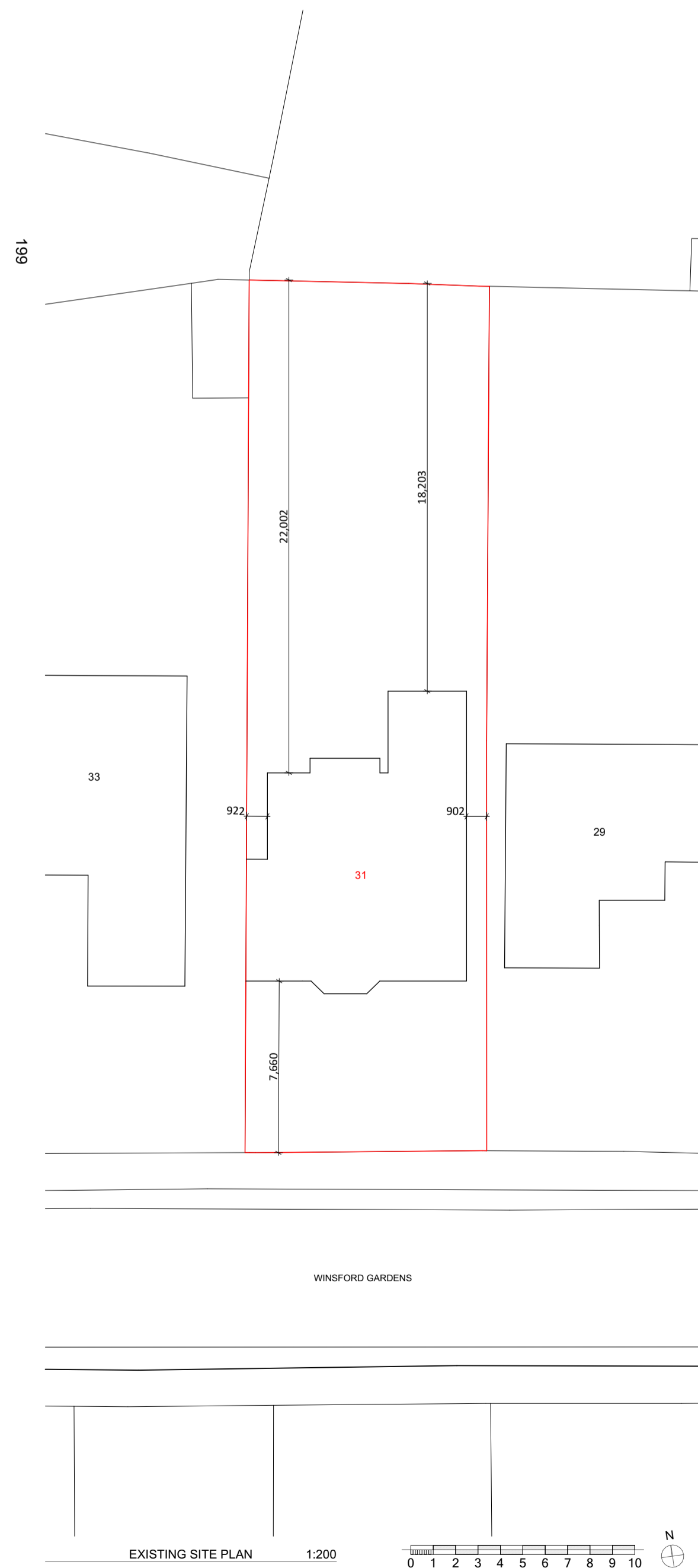
EXISTING WEST ELEVATION 1:100



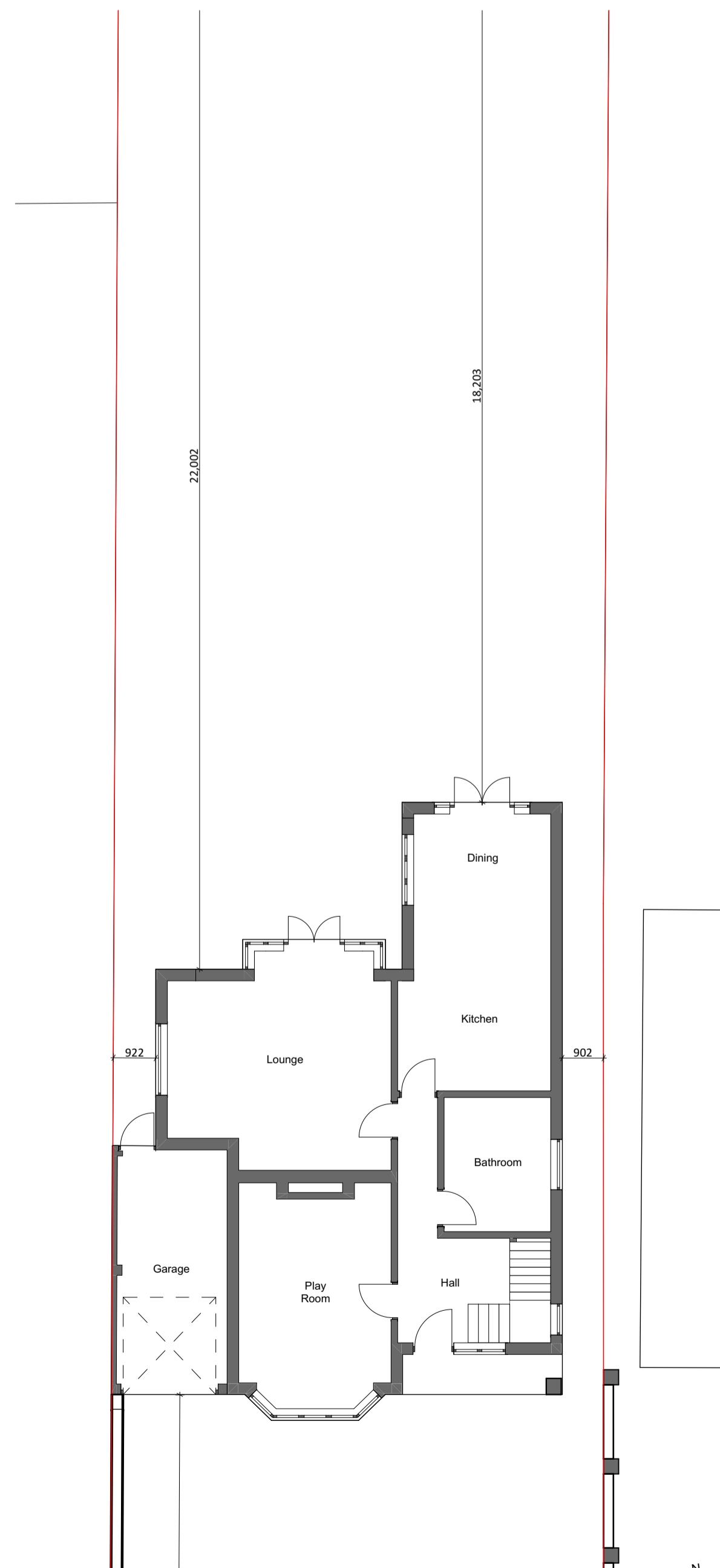
EXISTING NORTH ELEVATION 1:100



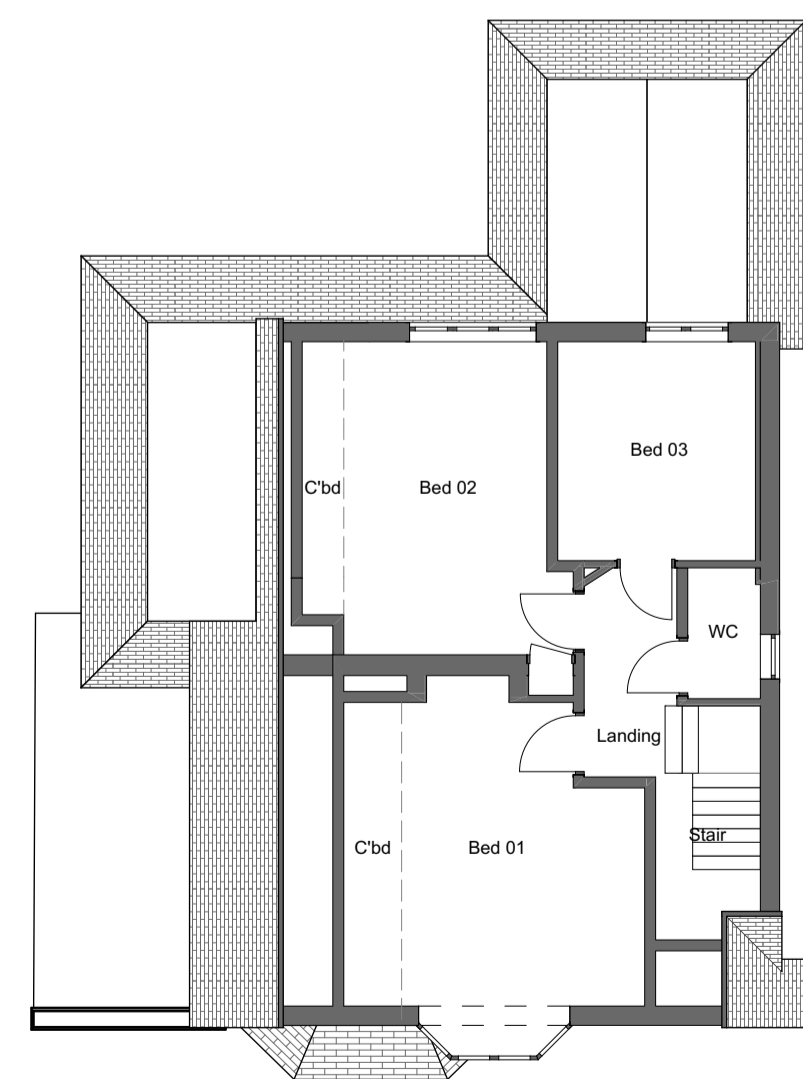
EXISTING EAST ELEVATION 1:100



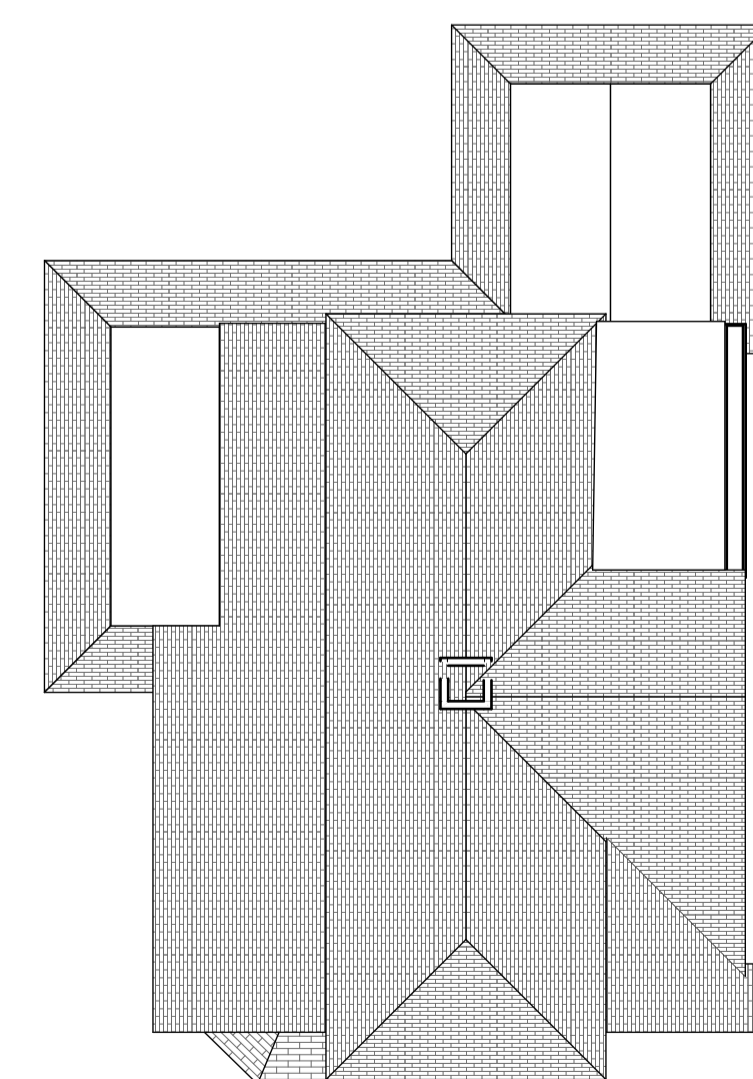
EXISTING SITE PLAN 1:200



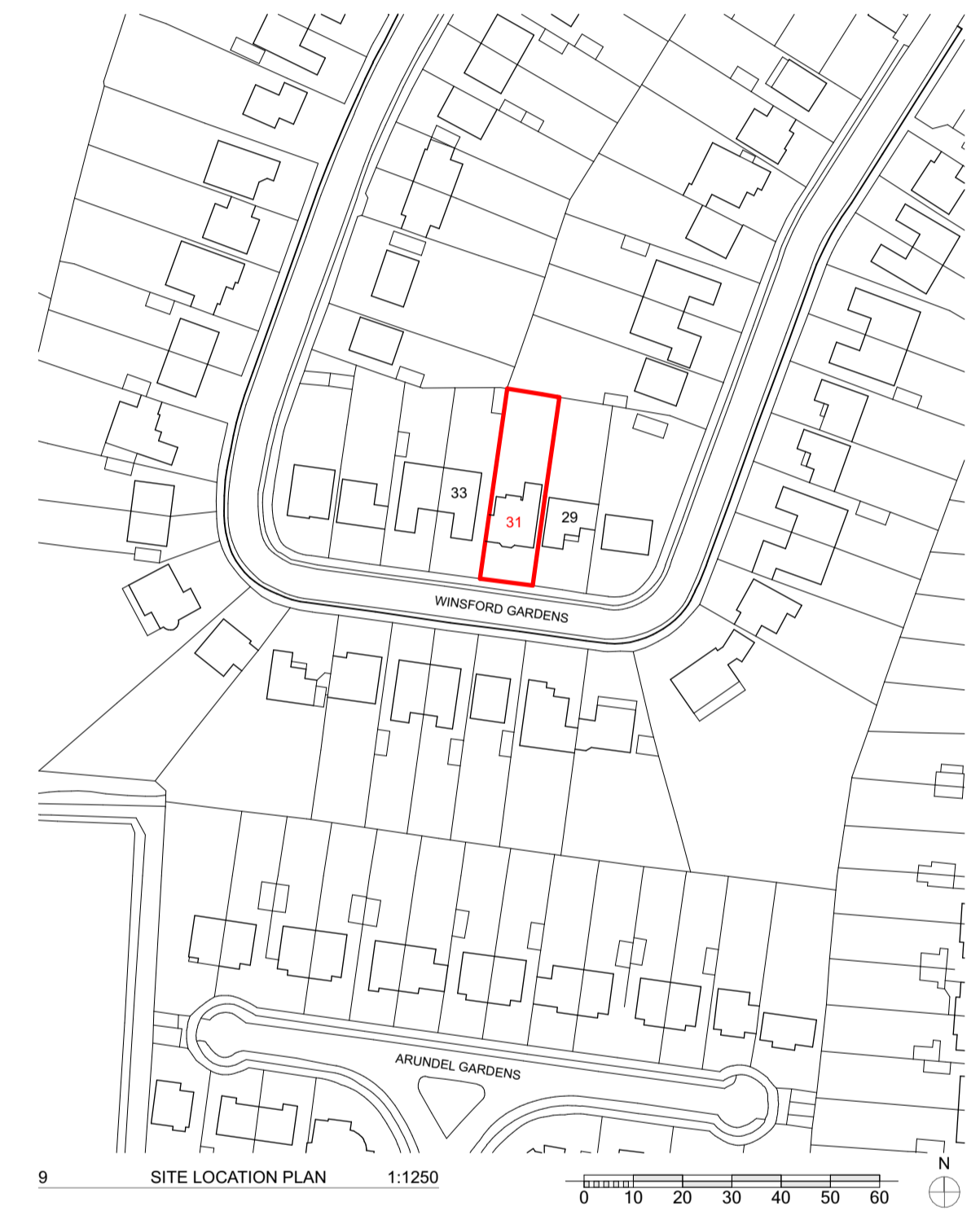
EXISTING GROUND FLOOR PLAN 1:100



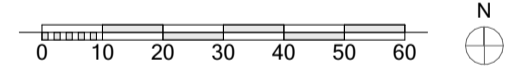
EXISTING FIRST FLOOR PLAN 1:100



EXISTING ROOF PLAN 1:100



SITE LOCATION PLAN 1:1250



| Rev: | Description:        | Date       |
|------|---------------------|------------|
| 01   | Issued for Planning | 01/03/2022 |

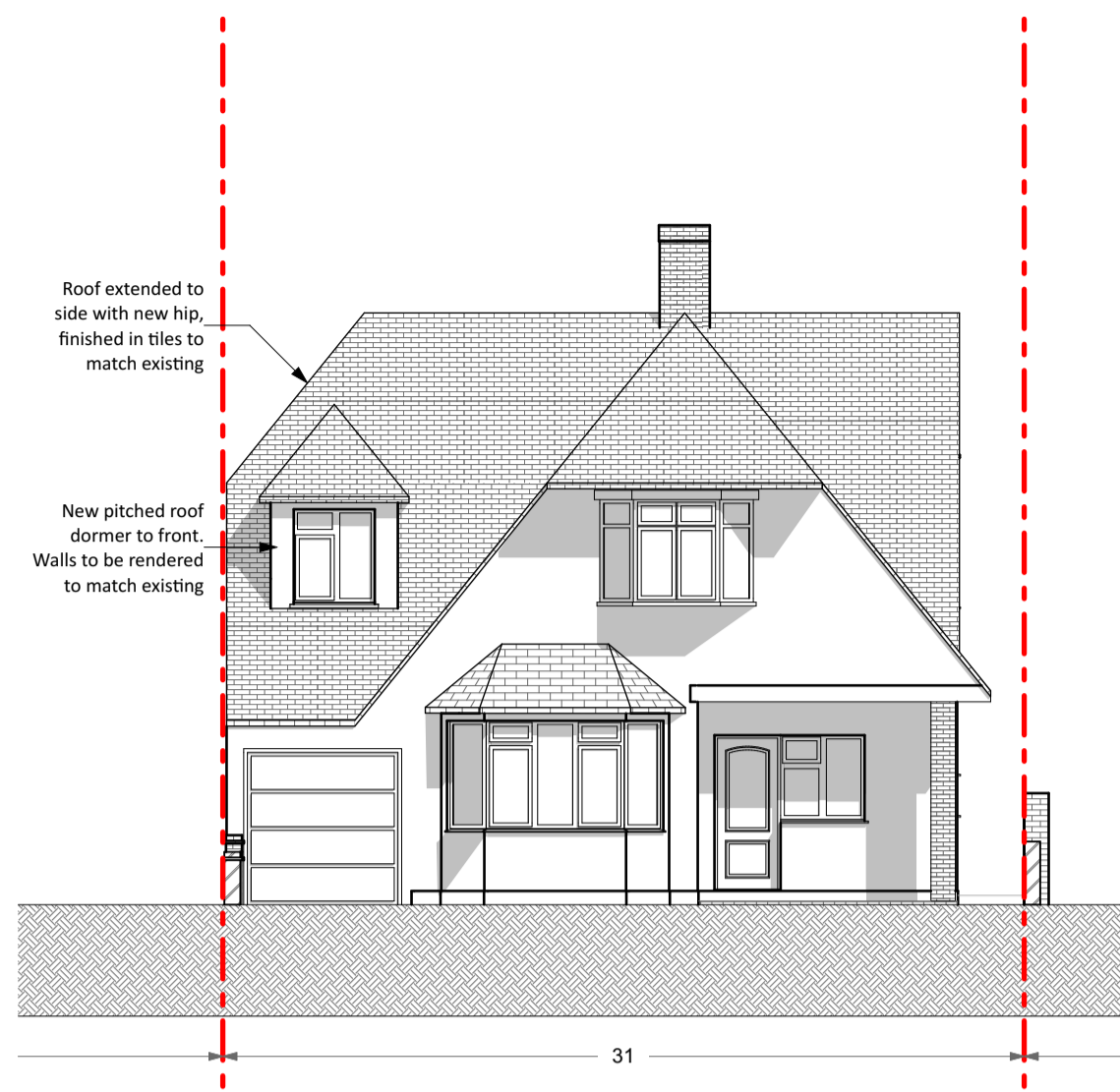
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Project:  
31 WINSFORD GARDENS, WESTCLIFF-ON-SEA, SS0 0DR

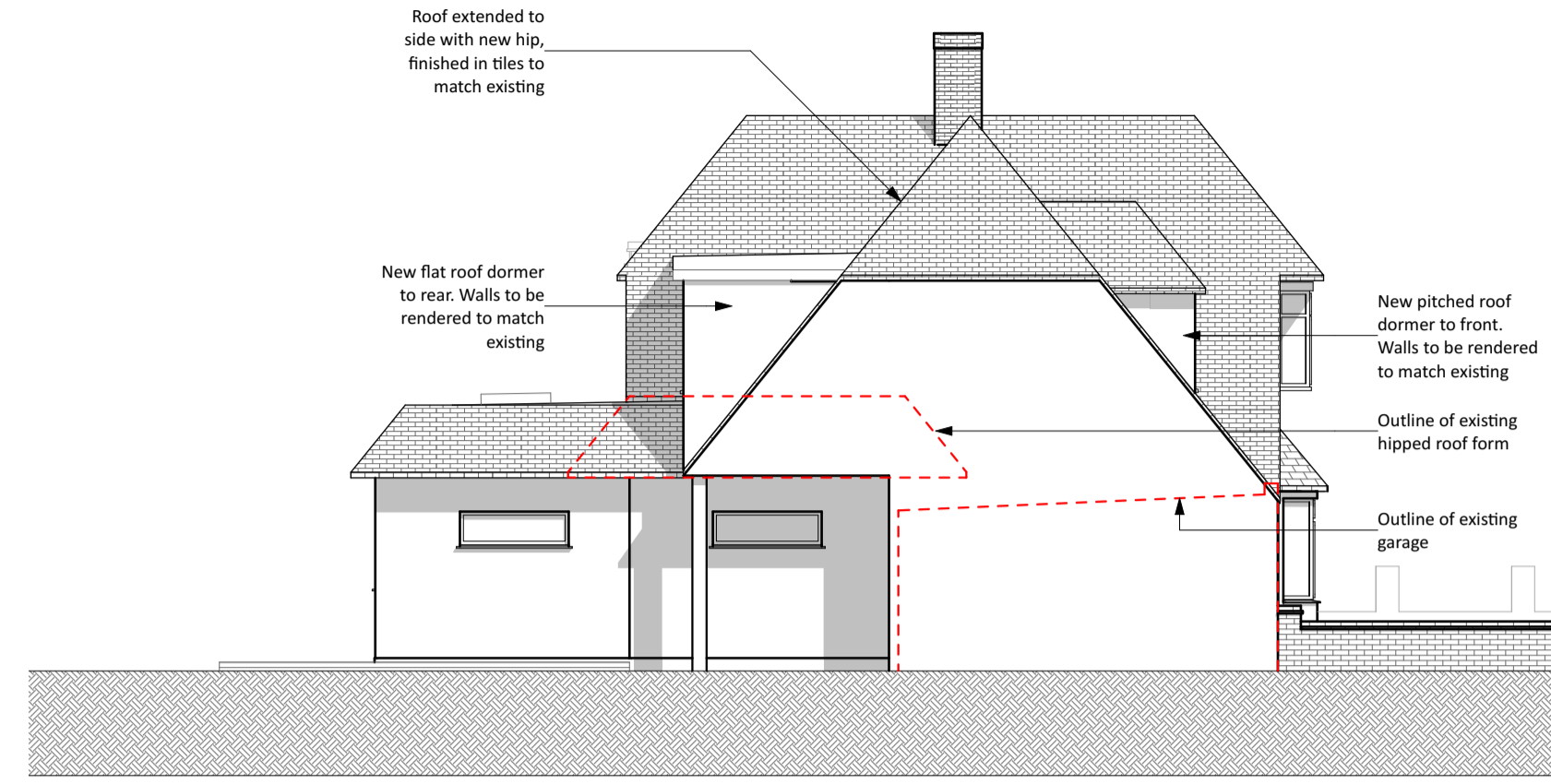
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|-----------------|-----------------|-----------------------------|
| T016            | MARCH 2022      | 1:100, 1:200,<br>1:1250 @A1 |
| Drawing Number: | Drawing Status: | Revision:                   |
| 2200            | PLANNING        | P01                         |

Title:  
EXISTING PLANS

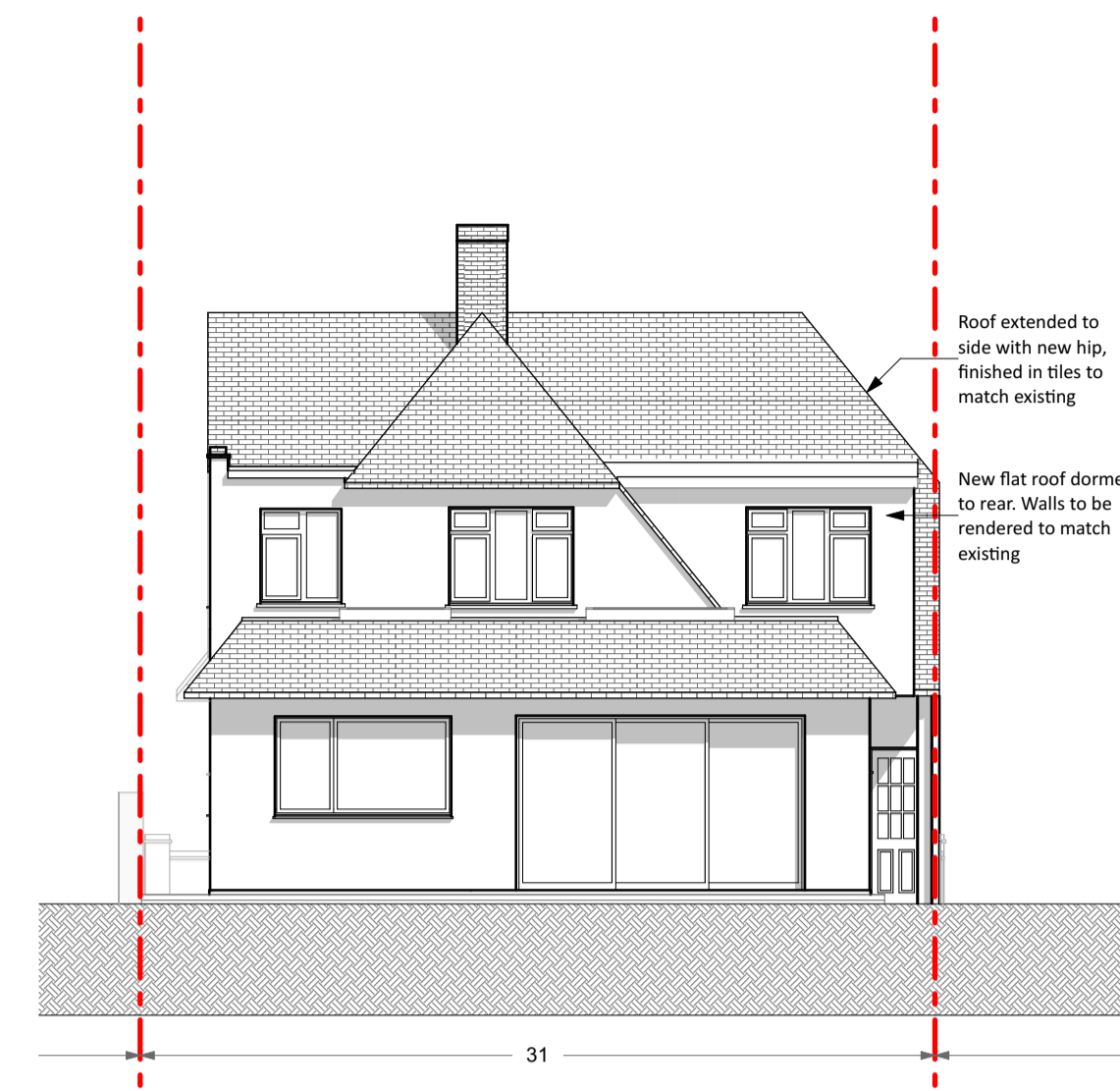
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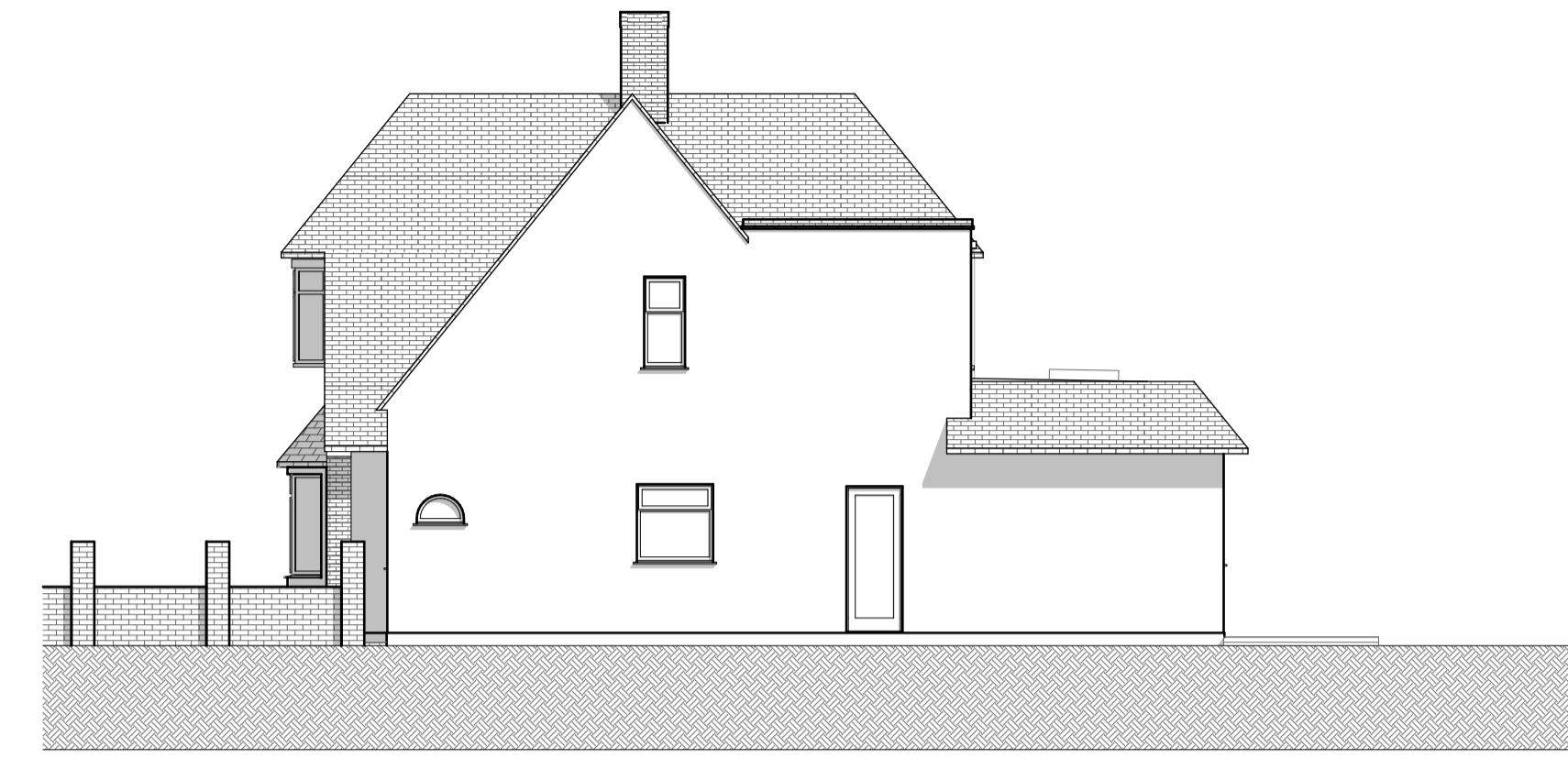
PROPOSED SOUTH ELEVATION 1:100



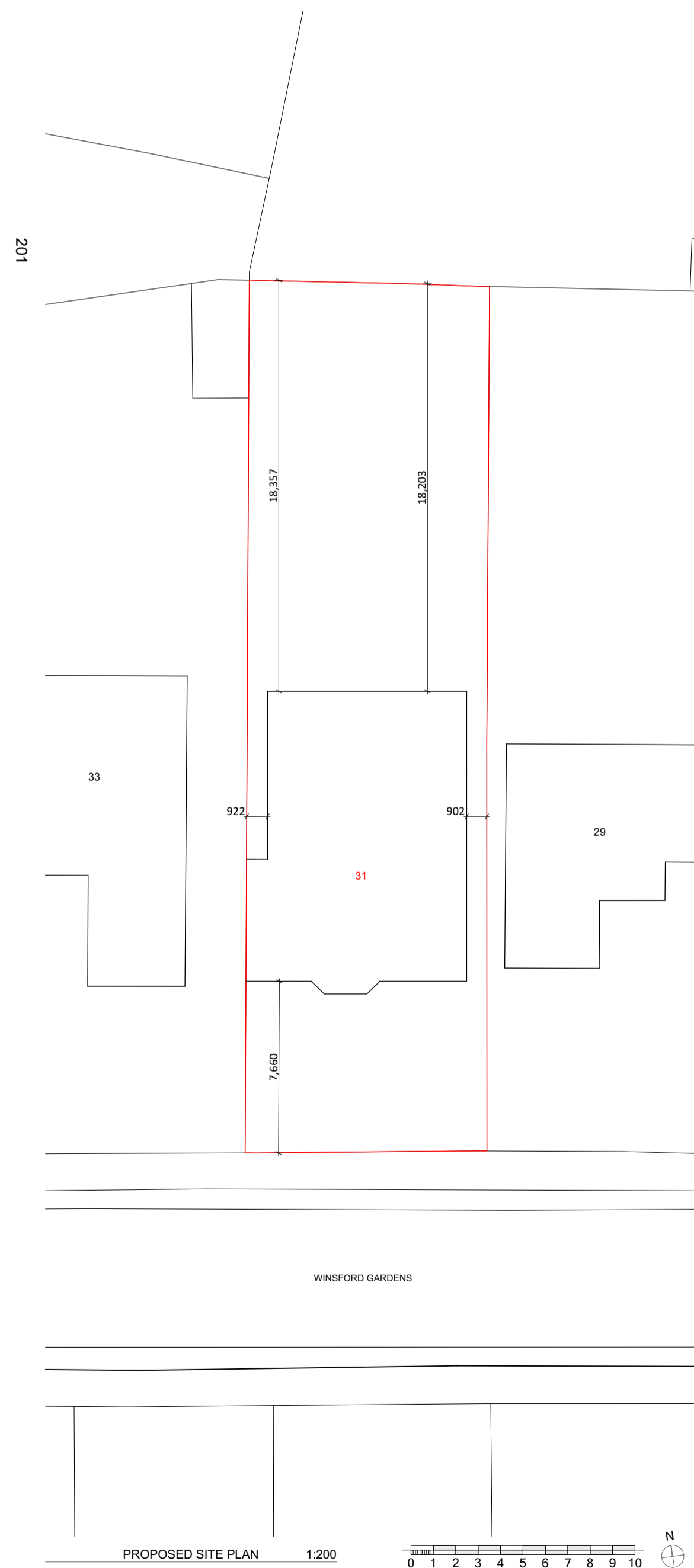
PROPOSED WEST ELEVATION 1:100



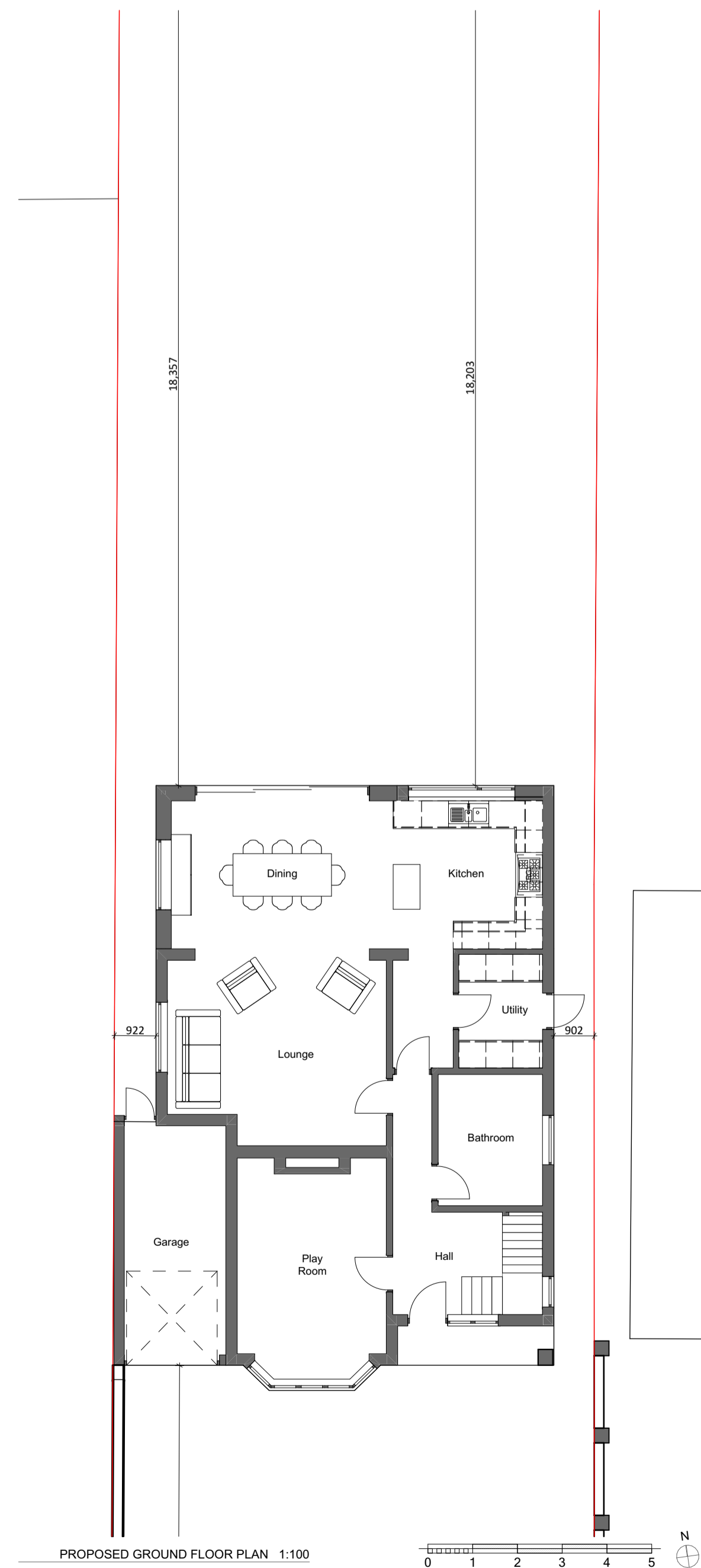
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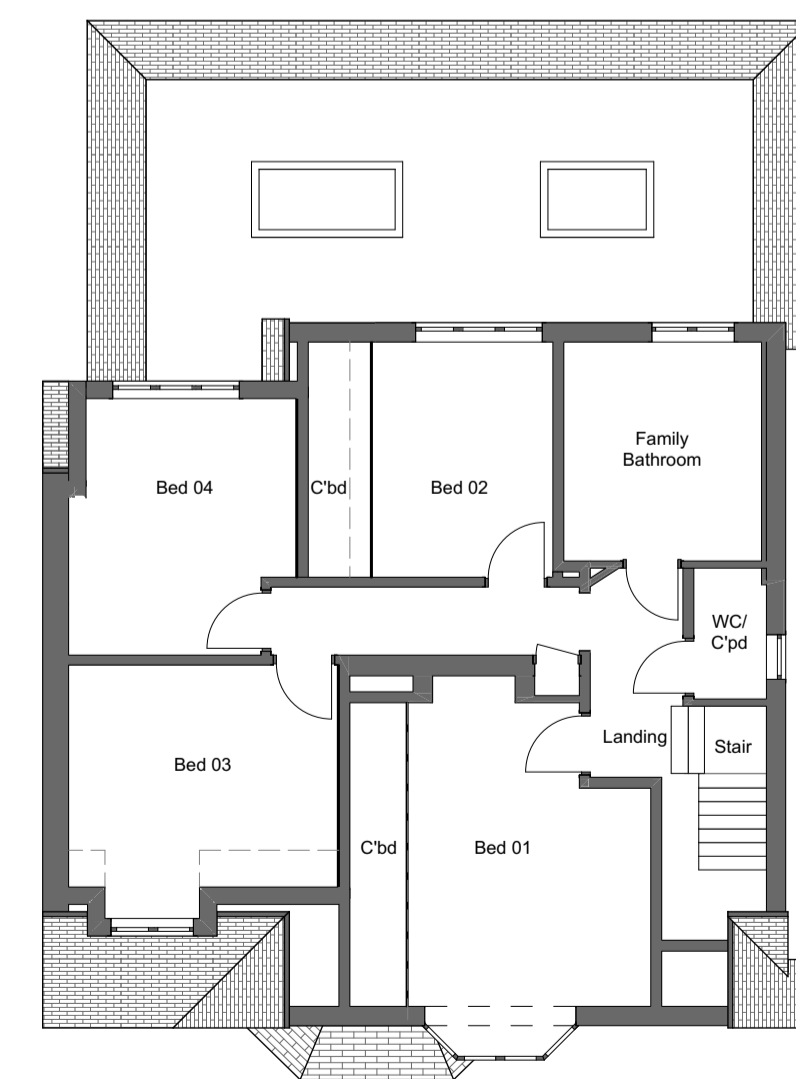
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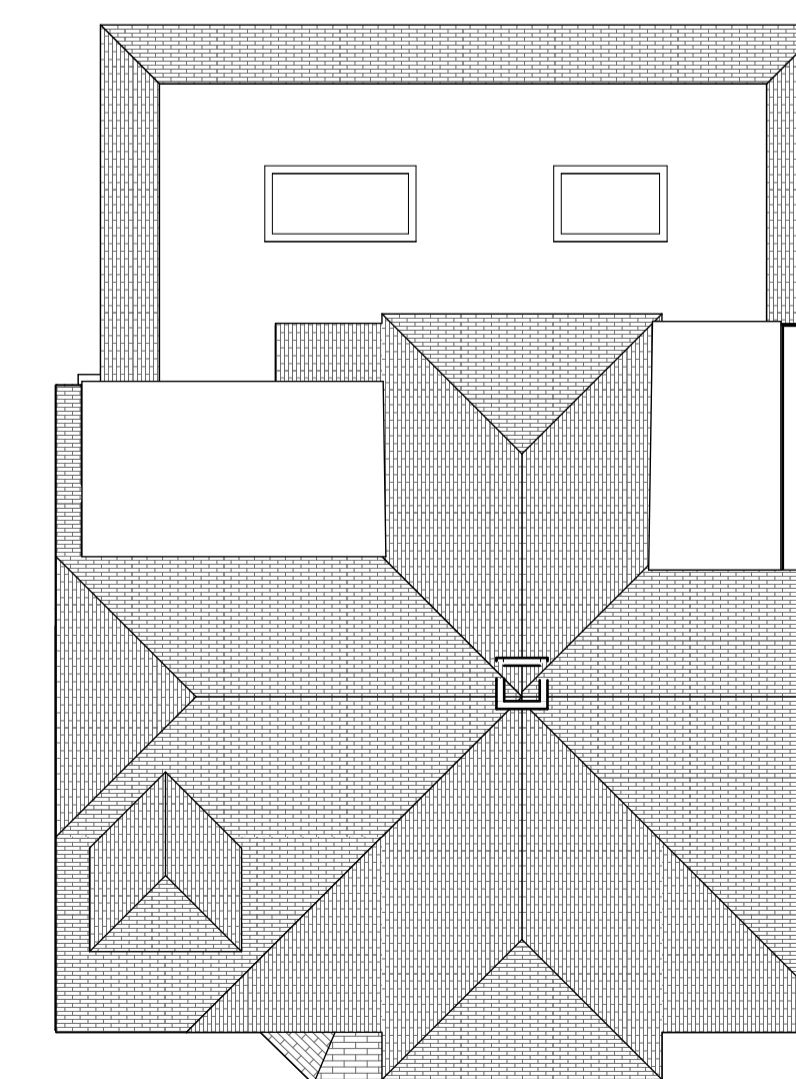
PROPOSED SITE PLAN 1:200



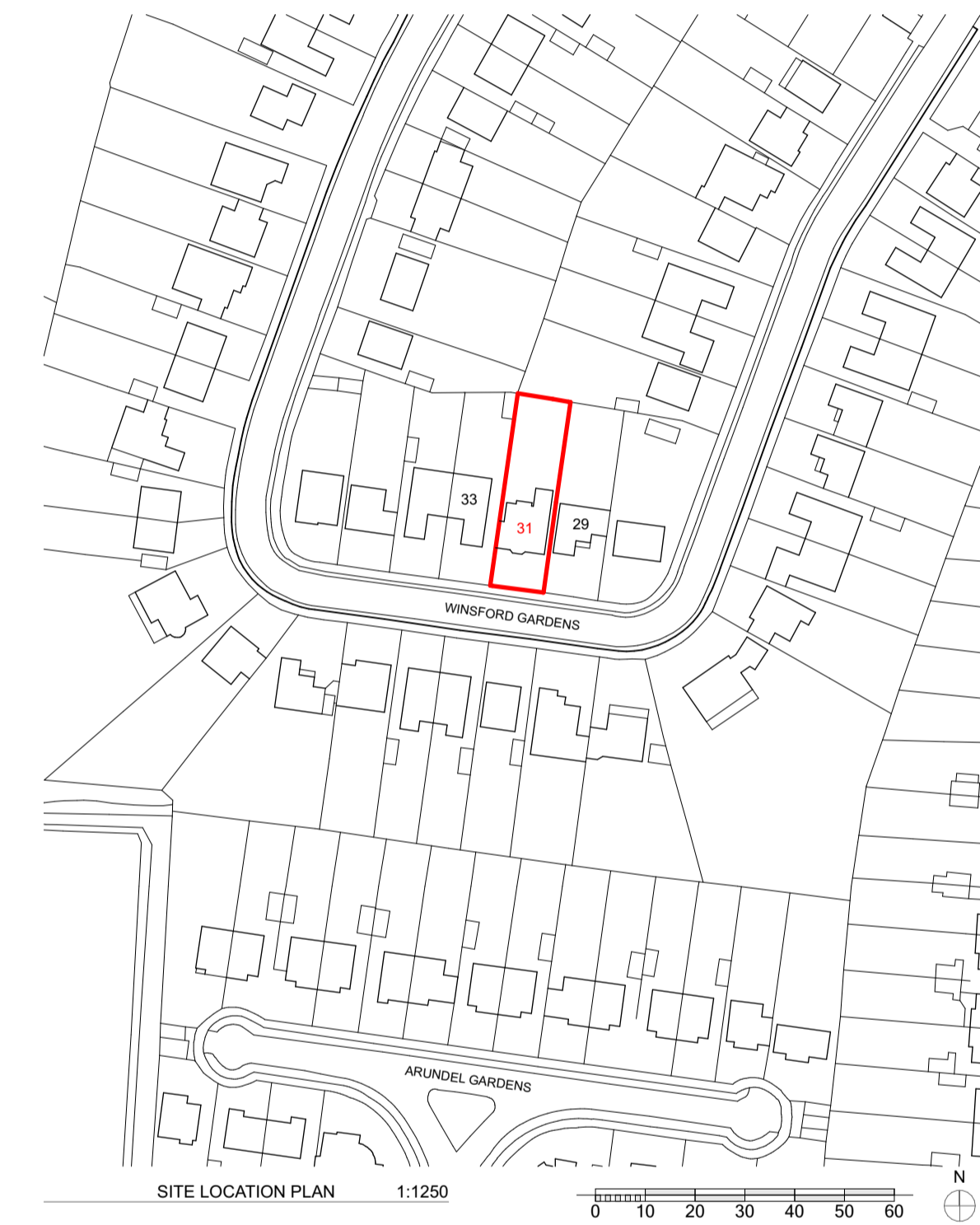
PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED ROOF PLAN 1:100



SITE LOCATION PLAN 1:1250

| Rev: | Description:                           | Date       |
|------|--|------------|
| 03   | Issued for Planning                    | 14/08/2022 |
| 04   | Roof plan amended. Issued for planning | 13/10/2022 |

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Project:  
31 WINSFORD GARDENS, WESTCLIFF-ON-SEA, SS0 0DR

| Project Number: | Date:      | Drawing Scale:              |
|-----------------|------------|-----------------------------|
| T016            | MARCH 2022 | 1:100, 1:200,<br>1:1250 @A1 |

| Drawing Number: | Drawing Status: | Revision: |
|-----------------|-----------------|-----------|
| 2211            | PLANNING        | P04       |

Title:  
PROPOSED PLANS

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# 31 Winsford Gardens Westcliff On Sea

22/01649/FULH



204

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THE CROFT



205

GF66 GRU



205

33

K05GAL

NJ57 GMU

GF66 GRU

EY64 DUD

KW11 NPV





207

NJ57 GMU

GF66 GRU



200



THE CROFT

609









215





|                             |   |             |
|-----------------------------|---|-------------|
| <b>Reference:</b>           | 22/01706/FULH   | <h1>11</h1> |
| <b>Application Type:</b>    | Full Application - Householder  |             |
| <b>Ward:</b>                | Chalkwell   |             |
| <b>Proposal:</b>            | Raise ridge height, form hip to gable roof extensions to front, rear and side with dormer to side to form habitable accommodation in roofspace, erect part single/part two storey side/rear extension with first floor balcony to rear and second floor balcony to front (amended proposal) |             |
| <b>Address:</b>             | 27 Parkside, Westcliff-on-Sea, Essex, SS0 8PR   |             |
| <b>Applicant:</b>           | Mr & Mrs Roche  |             |
| <b>Agent:</b>               | Mr Alan Gloyne of SKArchitects  |             |
| <b>Consultation Expiry:</b> | 29th September 2022   |             |
| <b>Expiry Date:</b>         | 3rd November 2022   |             |
| <b>Case Officer:</b>        | Hayley Thompson   |             |
| <b>Plan Nos:</b>            | <b>559/P101, P102 Revision D</b>  |             |
| <b>Recommendation:</b>      | <b>GRANT PLANNING PERMISSION subject to conditions</b>  |             |



## 1 Site and Surroundings

- 1.1 The application site is occupied by a two-storey detached dwellinghouse on the northern side of Parkside opposite its junction with Hillway. The dwelling has been extended to the side and rear and includes an attached garage. Land levels across the site slope downwards from north to south and from east to west.
- 1.2 The surrounding area is residential in character, comprising detached dwellings of a similar scale, form and size. The application dwelling is roughly the same height as the neighbour to the west (No.25) and higher than the neighbour to the east (No.29). The site is the first house visible when entering Parkside from Hillway to the south. Development within Parkside is at a higher level than Hillway. The site is also prominent in views from the Kings Road rear garden scene to the north.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations.

## 2 The Proposal

- 2.1 The application seeks planning permission to raise the ridge height, form hip to gable roof extensions to the front and rear with a dormer to the side to form habitable accommodation in the roofspace and to erect a part single and part two storey side and rear extension with first floor balcony to the rear and a second floor balcony to the front.
- 2.2 Planning permission for comparable schemes was previously granted either by the Local Planning Authority, reference 22/00099/FULH (the “2022 Permission”), or at appeal by the Planning Inspectorate, reference 21/00356/FULH (the “2021 Permission”). The main difference between the 2021 and 2022 Permissions related to the front elevation of the dwelling and included extending a hip to gable roof extension further forward to sit flush with the front building line and the addition of a second-floor internal balcony.
- 2.3 The main difference between the 2022 Permission and the currently proposed development relates to the addition of a half-gabled roof enlargement on the eastern side of the dwelling which would enlarge the roof of the proposed two-storey side extension. The proposed half-gabled enlargement would extend above the two-storey extension and would be situated 0.25m below the roof ridge. The roof enlargement would further enlarge the roof to the side by 1.2m in width, measure 1.78m in height and have a maximum depth of 4.26m. A window is proposed in the flank of the gable. Two additional rooflights are proposed in the eastern flank of the roof.

## 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 |
|---------------|--|---------|
| 22/00099/FULH | Raise ridge height, form hip to gable roof extensions to front and rear with dormer to side to form habitable accommodation in roofspace, erect part single/part two storey side/rear extension with first floor balcony to rear and second floor balcony to front | Granted |

|               |  |                        |
|---------------|--|------------------------|
|               | (amended proposal)   |                        |
| 21/00356/FULH | Raise ridge height, form hip to gable roof extensions to front and rear with dormer to side to form habitable accommodation in roofspace, erect part single/part two storey side/rear extension with first floor balcony to rear             | Granted/Appeal Allowed |
| 20/01372/CLP  | Hipped to gable roof extension to rear and dormers to sides to form habitable accommodation in the loft space (Amended Proposal)   | Granted                |
| 20/01005/CLP  | Hipped to gable roof extension to rear and dormers to sides to form habitable accommodation in the loft space, erect single storey side/front extension and alter elevations   | Refused                |
| 19/01382/FULH | Raise ridge height, hip to gable roof extension to front and rear, roof extension to side, erect two storey side and rear extension, install recessed balconies to front and rear, terrace to rear at first floor level and alter elevations | Refused                |

3.2 The planning history of the site, particularly the 2021 and 2022 Permissions, carry significant weight in the determination of the current application as neither the relevant national and local planning policies nor site circumstances have altered materially in the interim.

## 4 Representation Summary

### Call-in

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

### Public Consultation

4.2 Nine (9no.) neighbouring properties were consulted and representations from two addresses have been received. Summary of objections:

- There are two additional upper storey windows that would have privacy implications
- A condition for privacy screens should be included as a condition
- Obscure glazing to east facing windows should be included as a condition
- Raising the gable, in particular to the rear, will cause overlooking

**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 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application 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 and CIL liability.

## **7 Appraisal**

### **Principle of Development**

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

### **Design and Impact on 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 85 of the Design and Townscape Guide under the heading of 'Scale, Height and Massing' states "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant in the streetscene and development which is under scaled will appear weak and be equally detrimental. The easiest option is to draw reference from the surrounding buildings.
- 7.5 The immediate streetscene in this part of Parkside is mixed in character comprising primarily of two-storey dwellings of varying height, scale, and form and with examples of both pitched and gabled roofs. The proposed scheme was largely considered and found to be acceptable in character and appearance regards when the 2021 appeal was allowed and when an amended application was subsequently submitted and approved. The 2021 appeal Inspector noted the "...considerable variety in the appearance of houses in the area, including myriad roof shapes and styles". The addition of a half-gabled roof enlargement to the eastern side of the dwelling would alter the design of the roof of the two-storey side extension from a pitched roof to a part pitched and part gabled form. Although the combination of the proposed single and two-storey extensions and alterations and enlargements to the roof would be significant additions to the side and

rear of the dwelling, and would have some impact on the upper spacing between the host dwelling and the neighbouring No 29, they are not considered to be a dominant nor visually obtrusive feature significantly harmful to the streetscene or wider surroundings given the enhanced design, the varying roof forms, the mix of different sized dwellings in the surrounding area and also how the general form of the enlarged building's mass would still respond positively to the local topography.

- 7.6 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in the above regards.

### **Amenity Impacts**

- 7.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.8 The proposed scheme was largely considered and found to be acceptable in amenity impact regards when the appeal was allowed and through the determination of the amended application. The proposed gabled enlargement above the two-storey side extension would be contained within the roofspace of the extension. It is therefore not considered that the additional bulk to the roof would have a significantly harmful impact on the amenity of neighbouring occupiers in any relevant regards.
- 7.9 The side facing window contained in the gable and two rooflights proposed at first floor level in the eastern flank and above can be required by condition to be obscure glazed to prevent any perceived overlooking or loss of privacy as was imposed by the Planning Inspector who allowed the appeal. A condition to require a privacy screen to the first-floor rear balcony was also imposed by the Planning Inspector to prevent any perceived overlooking or loss of privacy and can similarly be replicated here.
- 7.10 Subject to the described conditions, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of 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.

### **Other matters**

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

### **Equality and Diversity Issues**

- 7.13 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**

- 7.14 For the reasons outlined above and subject to conditions, 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**

**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: 559/P101, P102 Revision D.**

**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).**

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

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

- 04 With the exception of the balcony hereby approved located at first floor level to the rear of the dwelling and at second floor level to the front of the dwelling, the remaining roof areas of the development hereby approved shall not be used as a balcony, roof garden, terrace or similar amenity area or for any other purpose at any time without express planning permission. The roofs can however be used for the purposes of maintenance or to escape in the event of an emergency.**

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

and Townscape Guide (2009).

- 05** The first floor rear balcony hereby permitted shall not be brought into use until details of obscure glazed privacy screens to either side of the balcony have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved privacy screens shall be installed prior to the first use of the balcony and shall be retained thereafter for the lifetime of the development.

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

- 06** Prior to the first use of the relevant rooms and/ or internal areas which they serve, the windows in the east-facing first floor wall, rooflights and window in the east-facing roof space and the west-facing dormer hereby permitted shall only be fitted with obscured glazing (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority), and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscure glazing shall be retained thereafter for the lifetime of the development.

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

**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](http://www.southend.gov.uk/cil) for further details about CIL.
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council 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.

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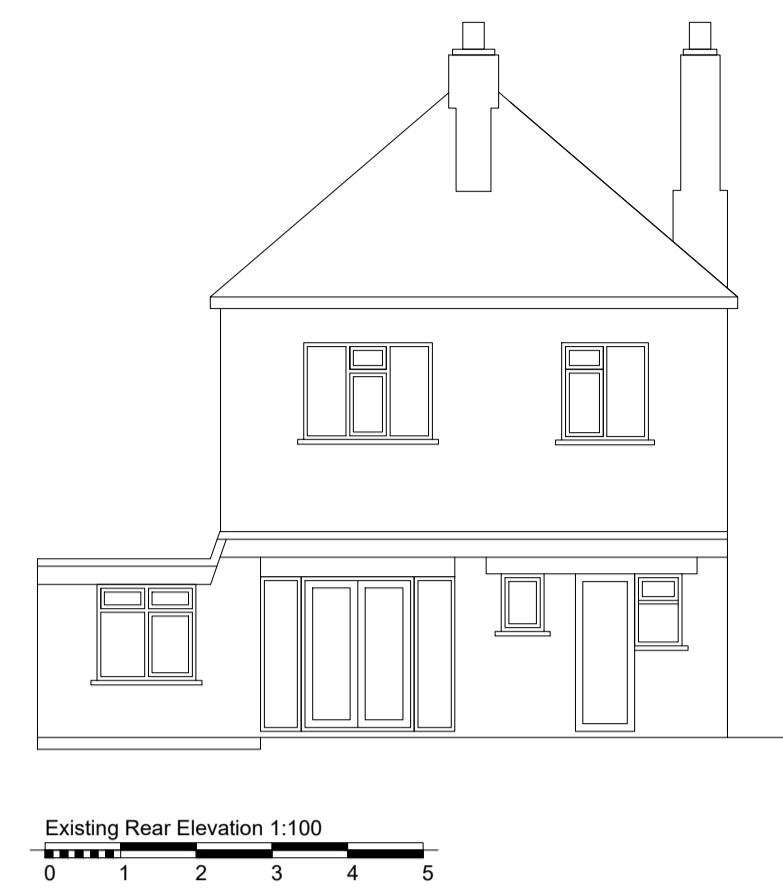




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Existing East Elevation 1:100



Existing Rear Elevation 1:100



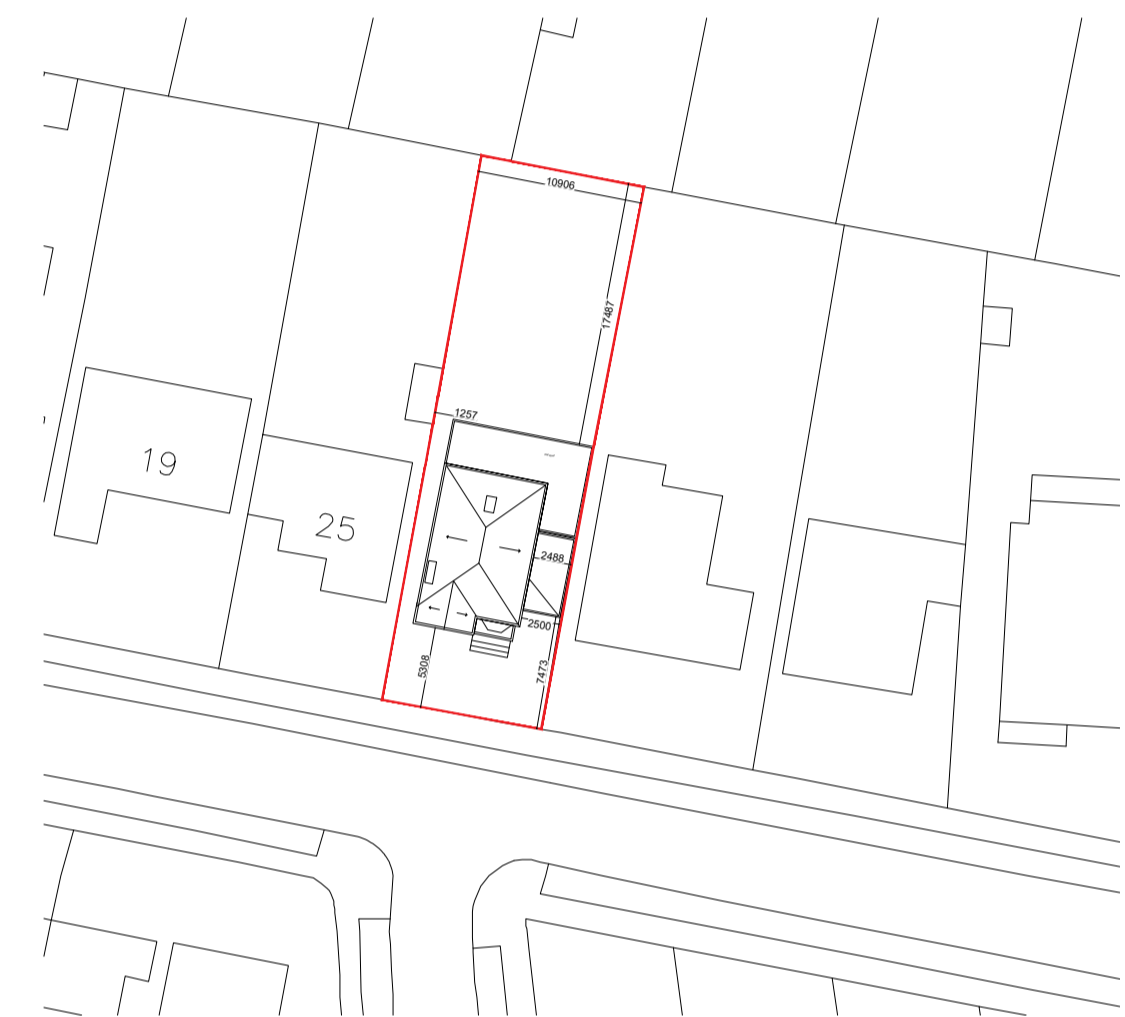
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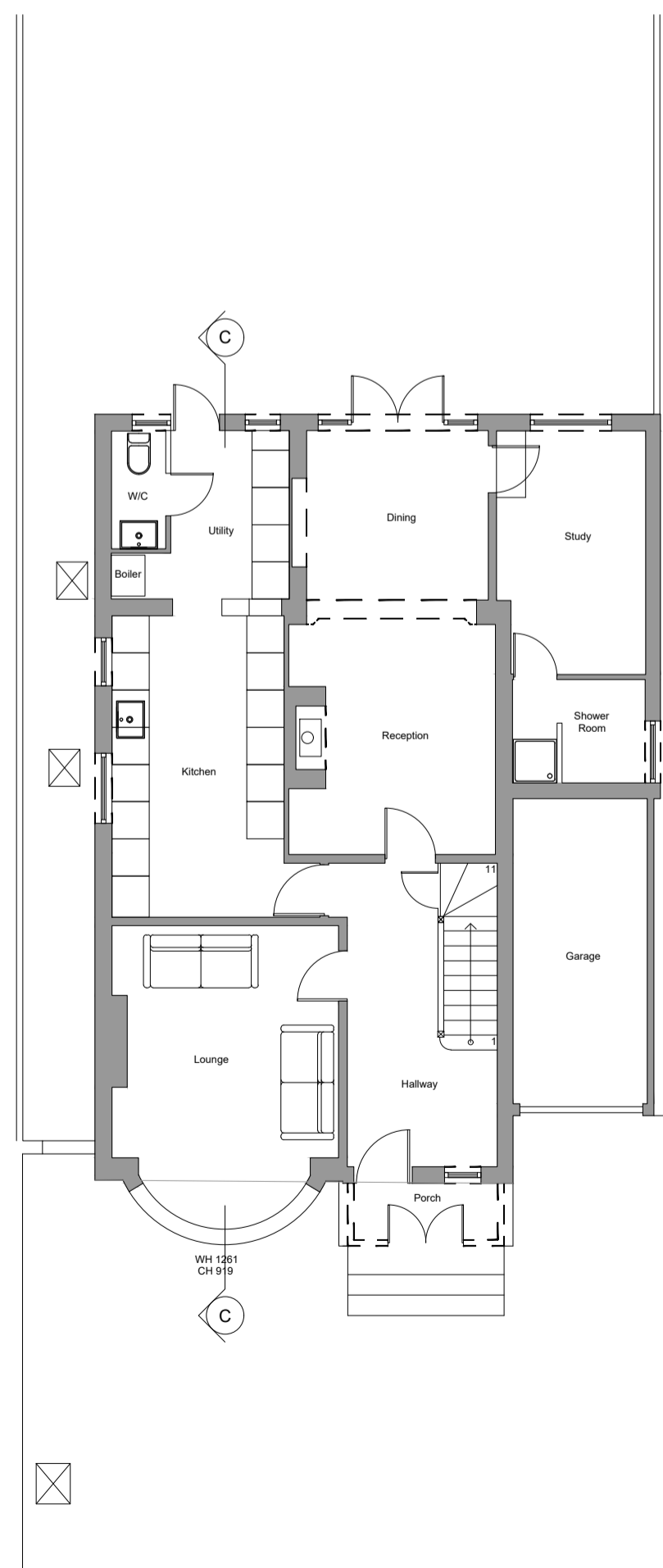
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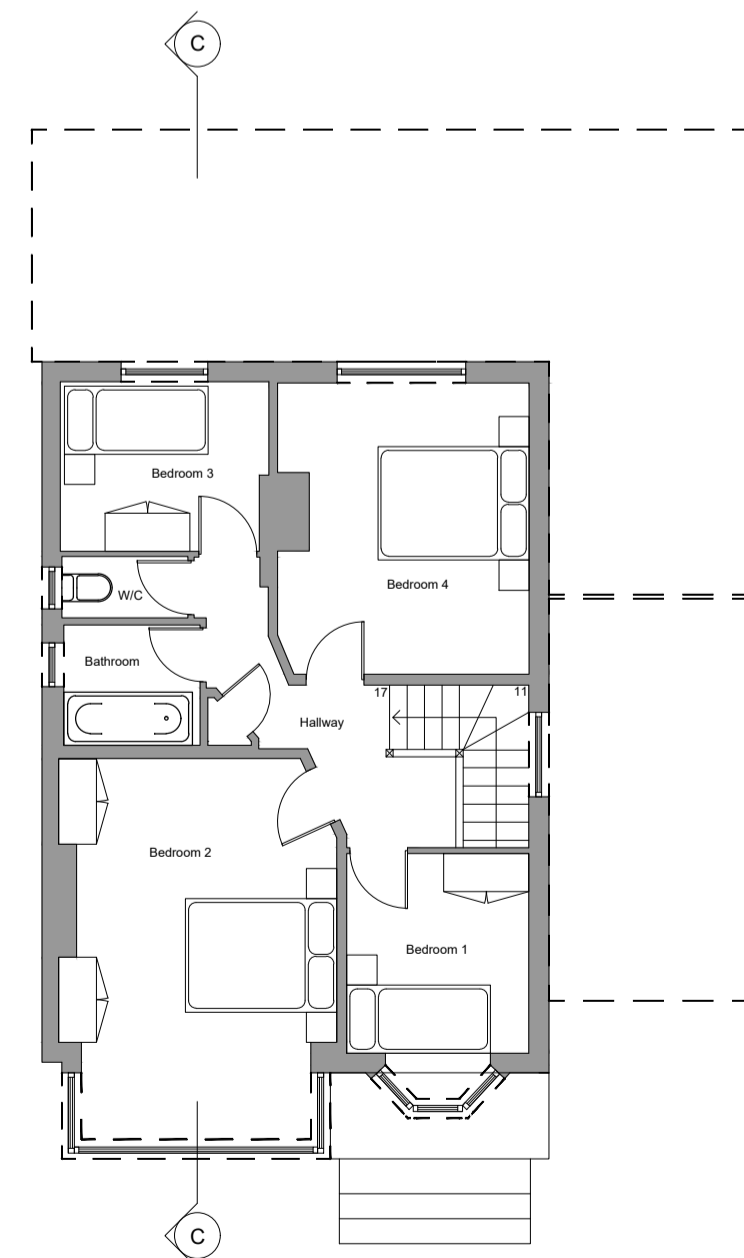
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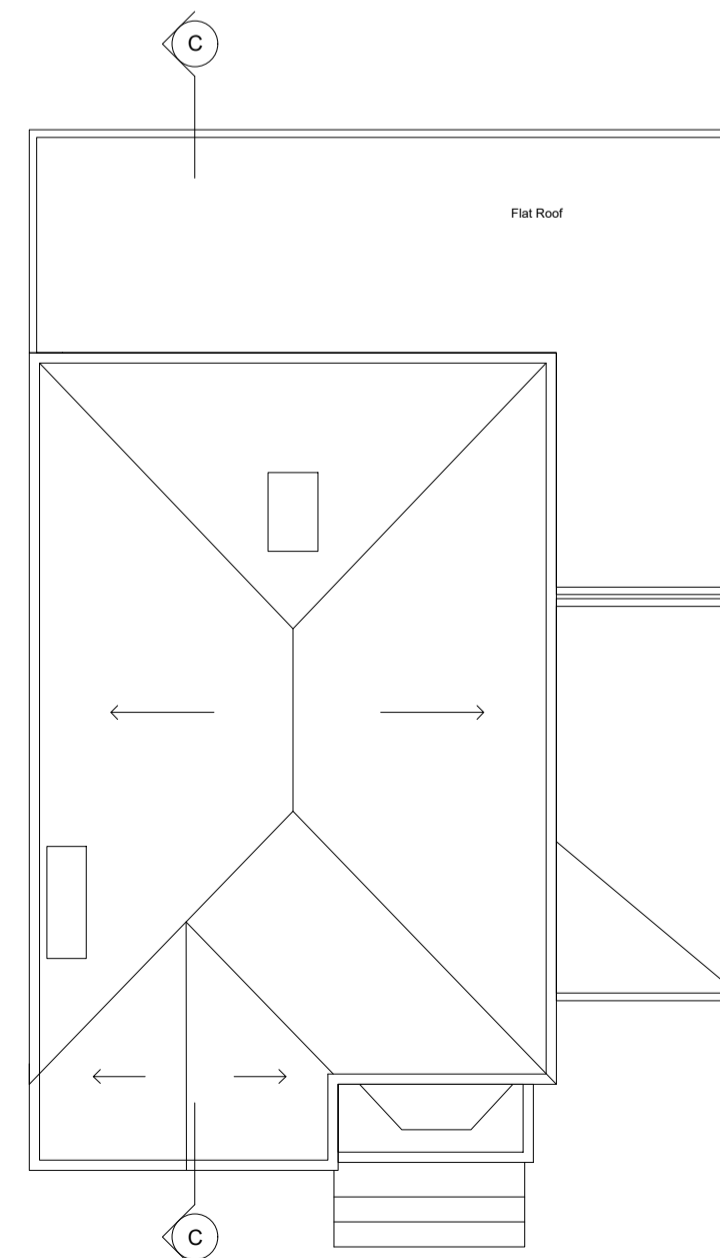
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Existing Ground Floor Plan 1:100



Existing First Floor Plan 1:100



Existing Roof Plan 1:100

Notes:

| Rev | Comment  | By  | Date       |
|-----|----------|-----|------------|
| -   | Planning | ABG | 15/12/2020 |

Stage:  
3 - Planning

Client:  
Mr & Mrs Roohe

Project:  
27 Parkside  
Westcliff-on-Sea  
Southend-on-Sea  
SS0 9PR

Drawing Title:  
Existing

Drawing no:  
559P101

Revision:  
Drawn by: ABG

Project no:  
559-01-19

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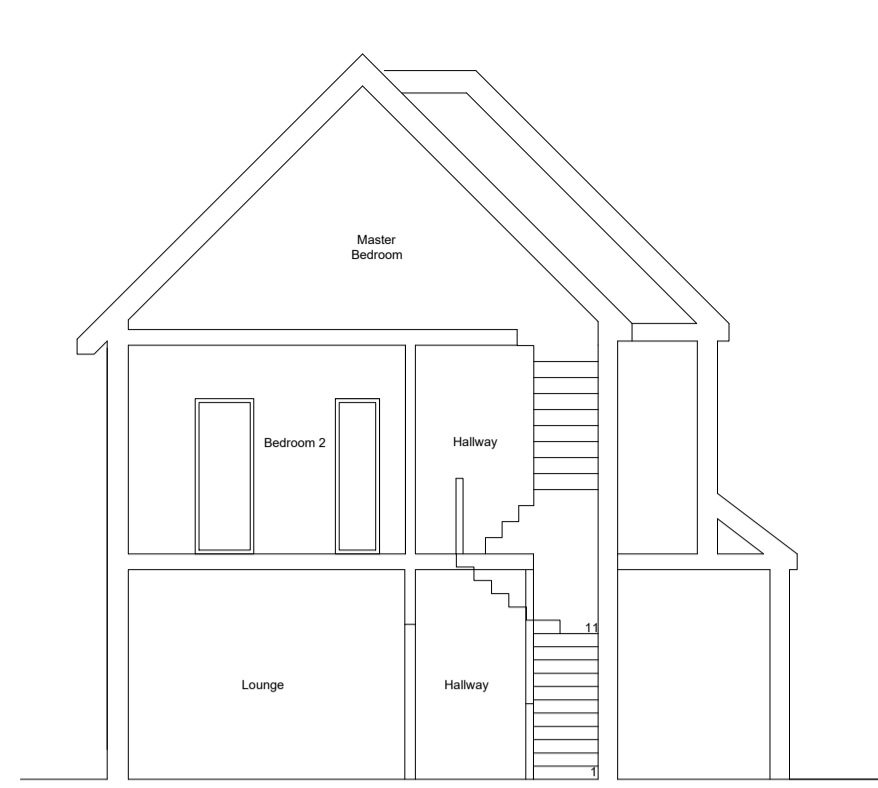
**SKARCHITECTS**  
803-805 London Road  
Westcliff-on-Sea  
SS0 9SZ  
Tel: 01702 509250  
Email: info@skarchitects.co.uk

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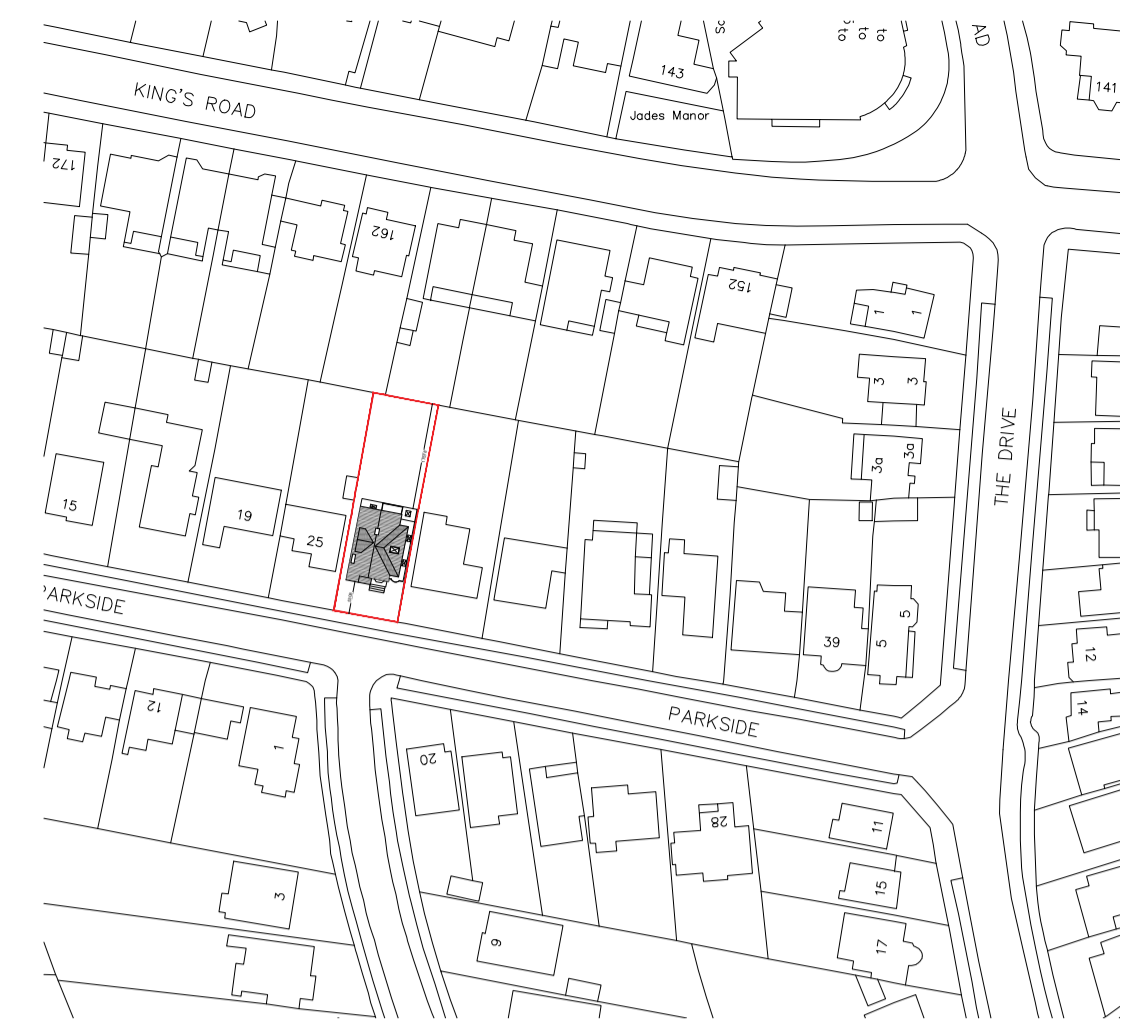
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Proposed Streetscene 1:100  
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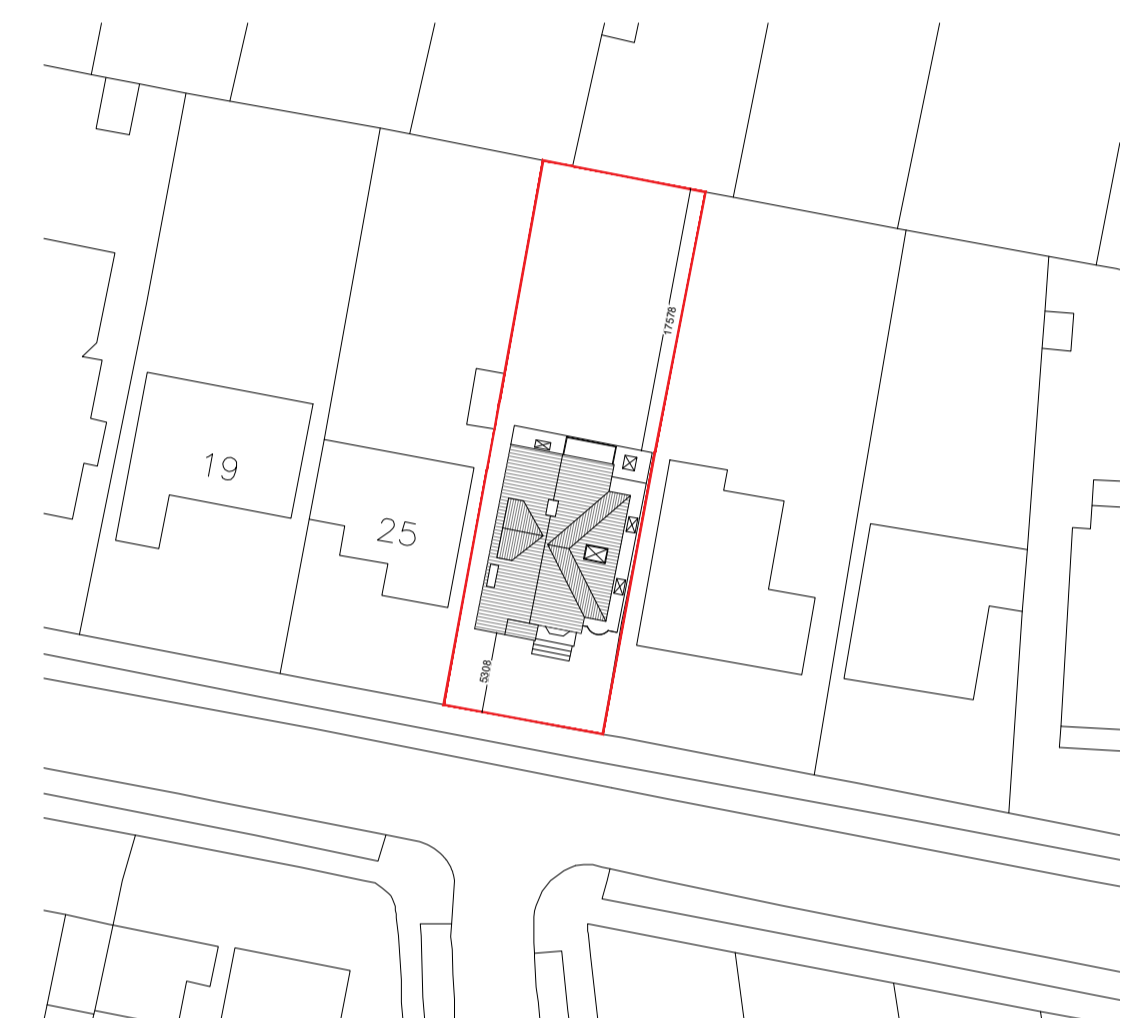
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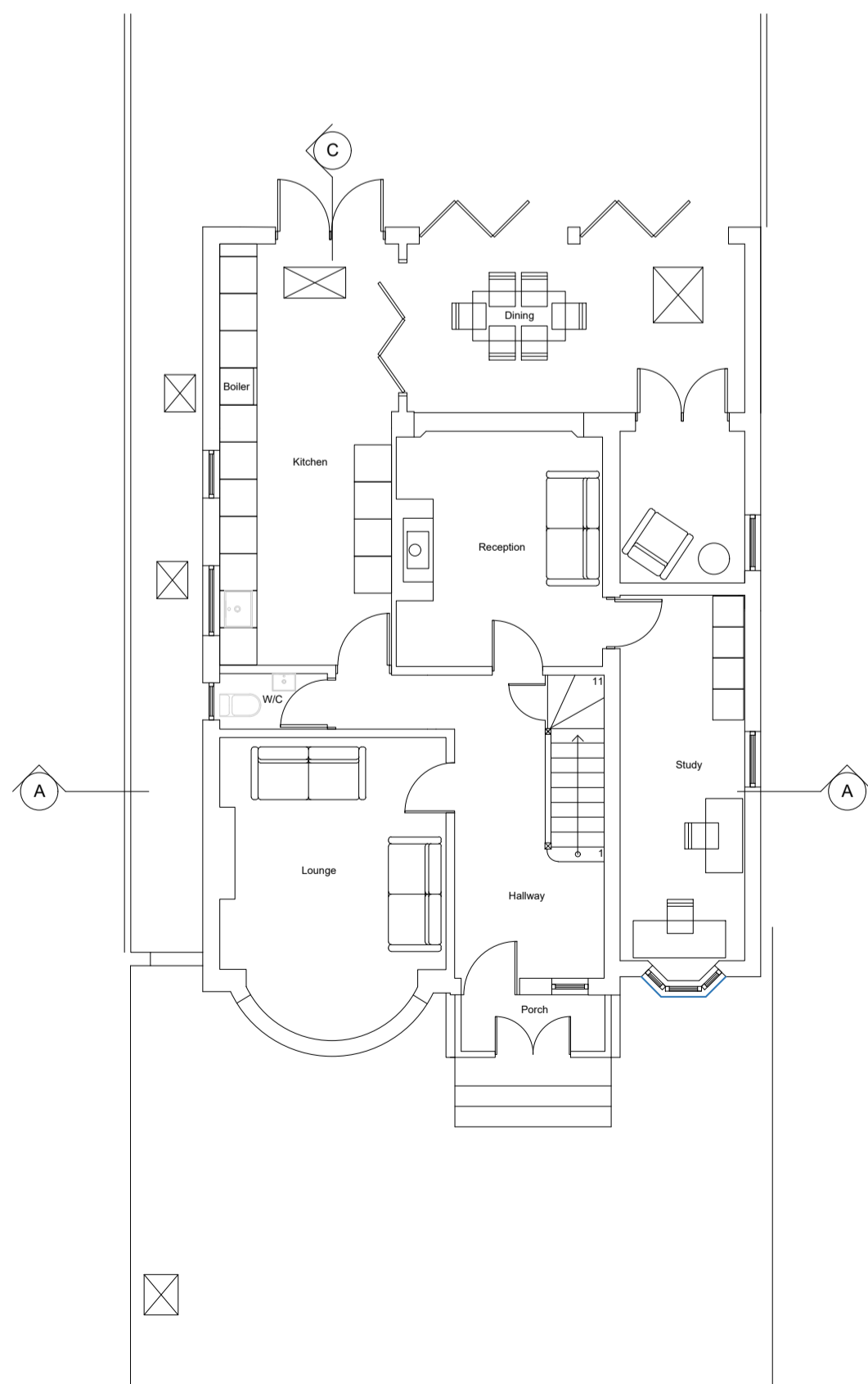


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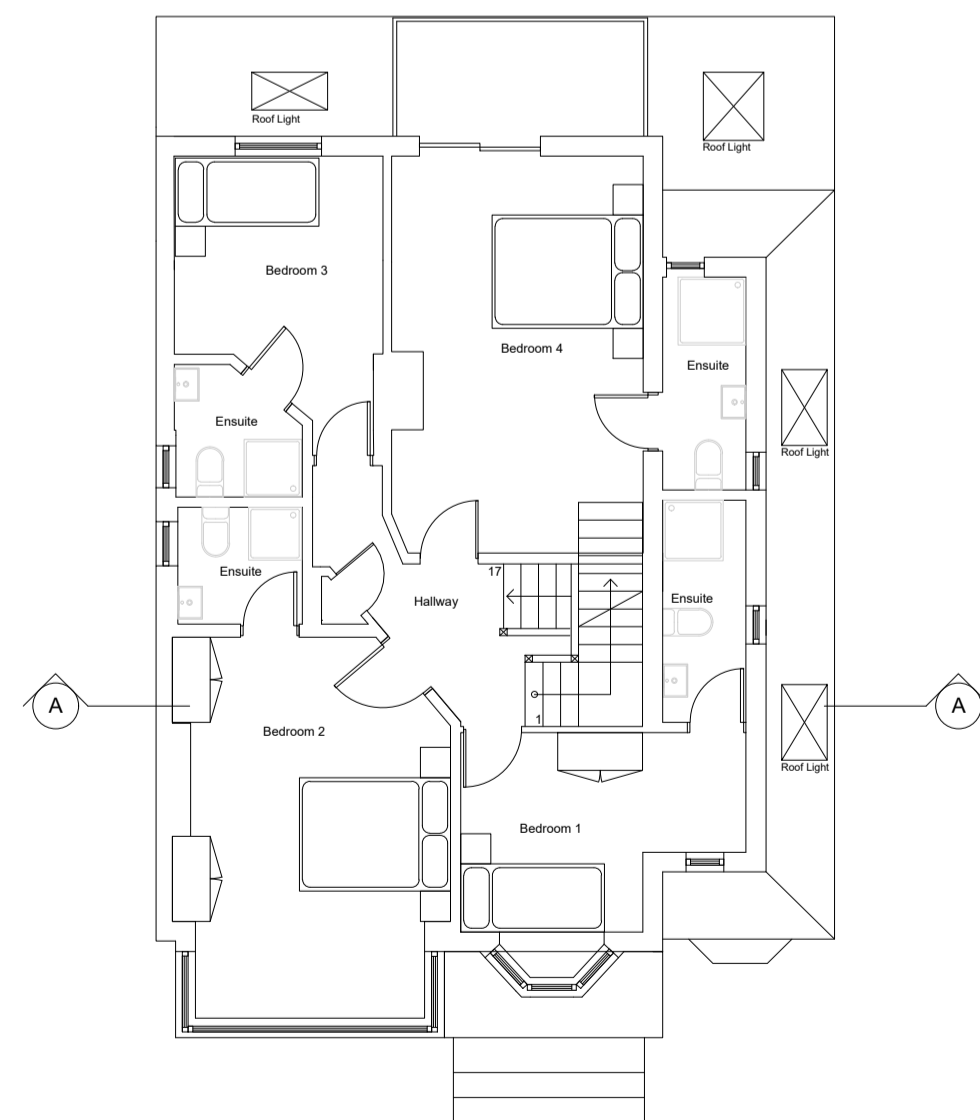


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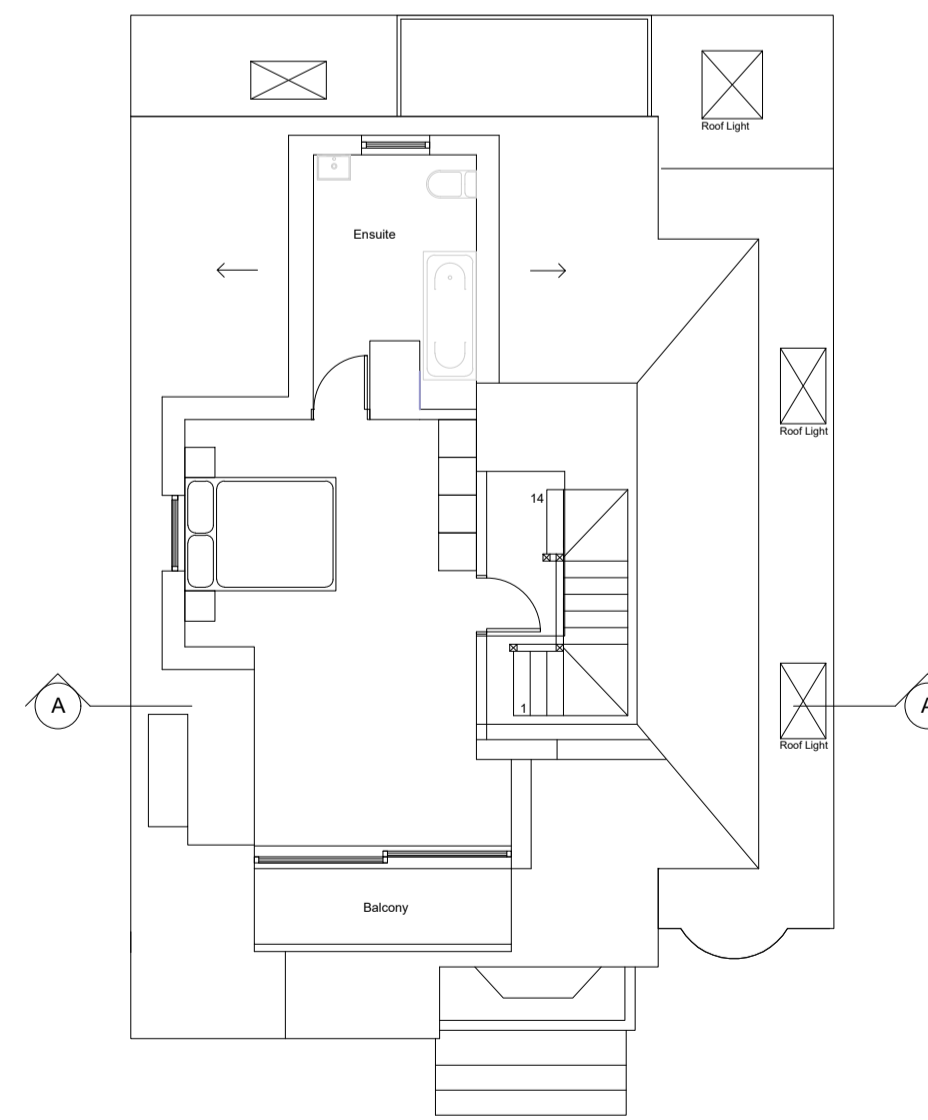
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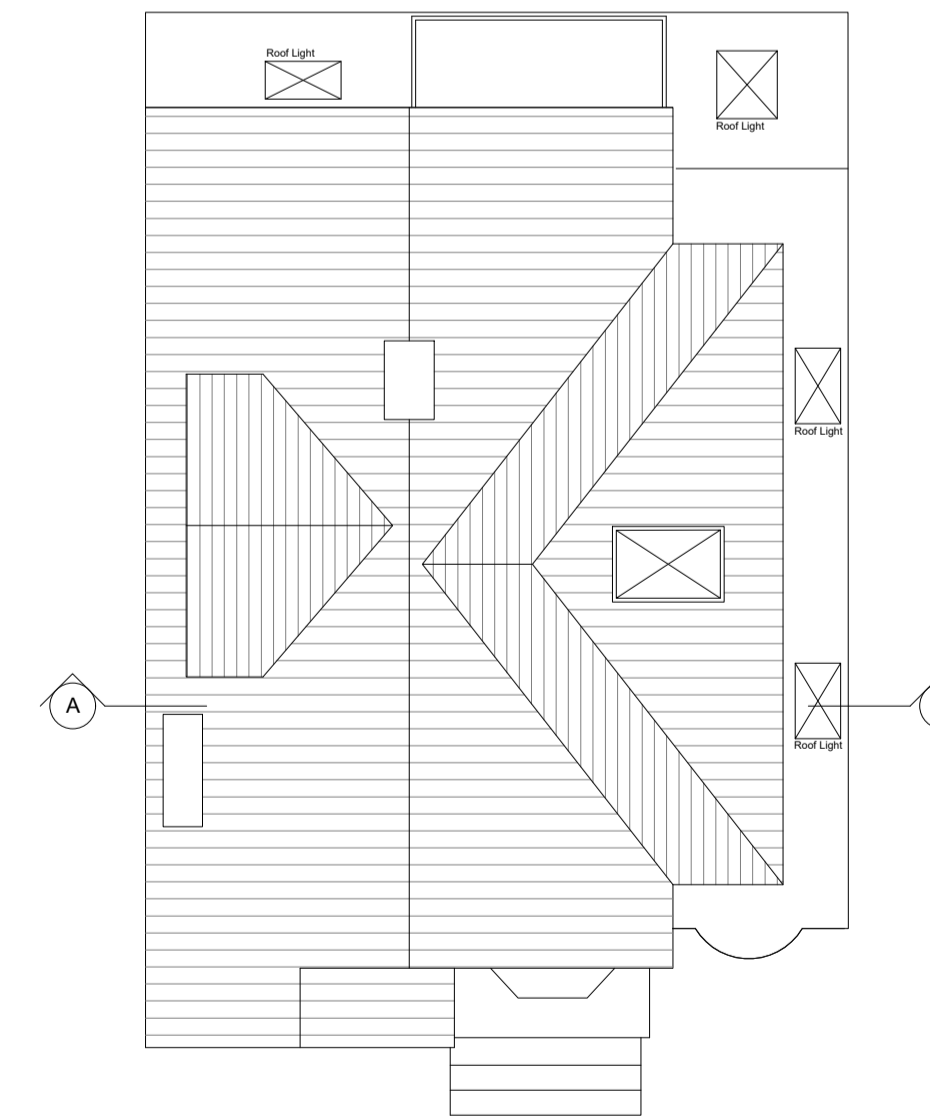
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Proposed First Floor Plan 1:100  
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Proposed Second Floor Plan 1:100  
0 1 2 3 4 5



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

Notes:

| Rev | Comment  | By  | Date       |
|-----|----------|-----|------------|
| A   | Planning | ABG | 19/01/2022 |
| -   | Planning | ABG | 15/12/2020 |

Stage: 3 - Planning

Client: Mr & Mrs Roche

Project: 27 Parkside West Cliff-on-Sea Southend-on-Sea SSO SPR

Drawing Title: Proposed

Drawing no: P102

Revision: B Drawn by: ABG

Project no: 559-01-19 Chkd by:

Scale: 1:100, 1:500 & 1:1250 @ A1

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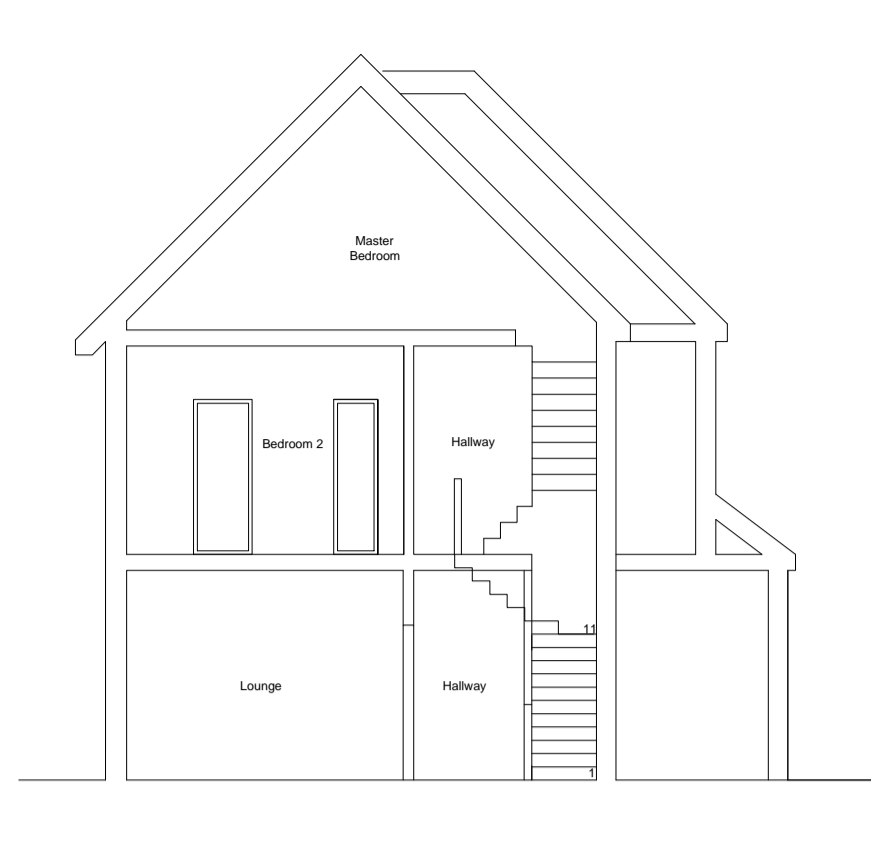
803-855 London Road West Cliff-on-Sea SSO 85Z  
Tel: 01702 509250  
Email: info@skarchitects.co.uk

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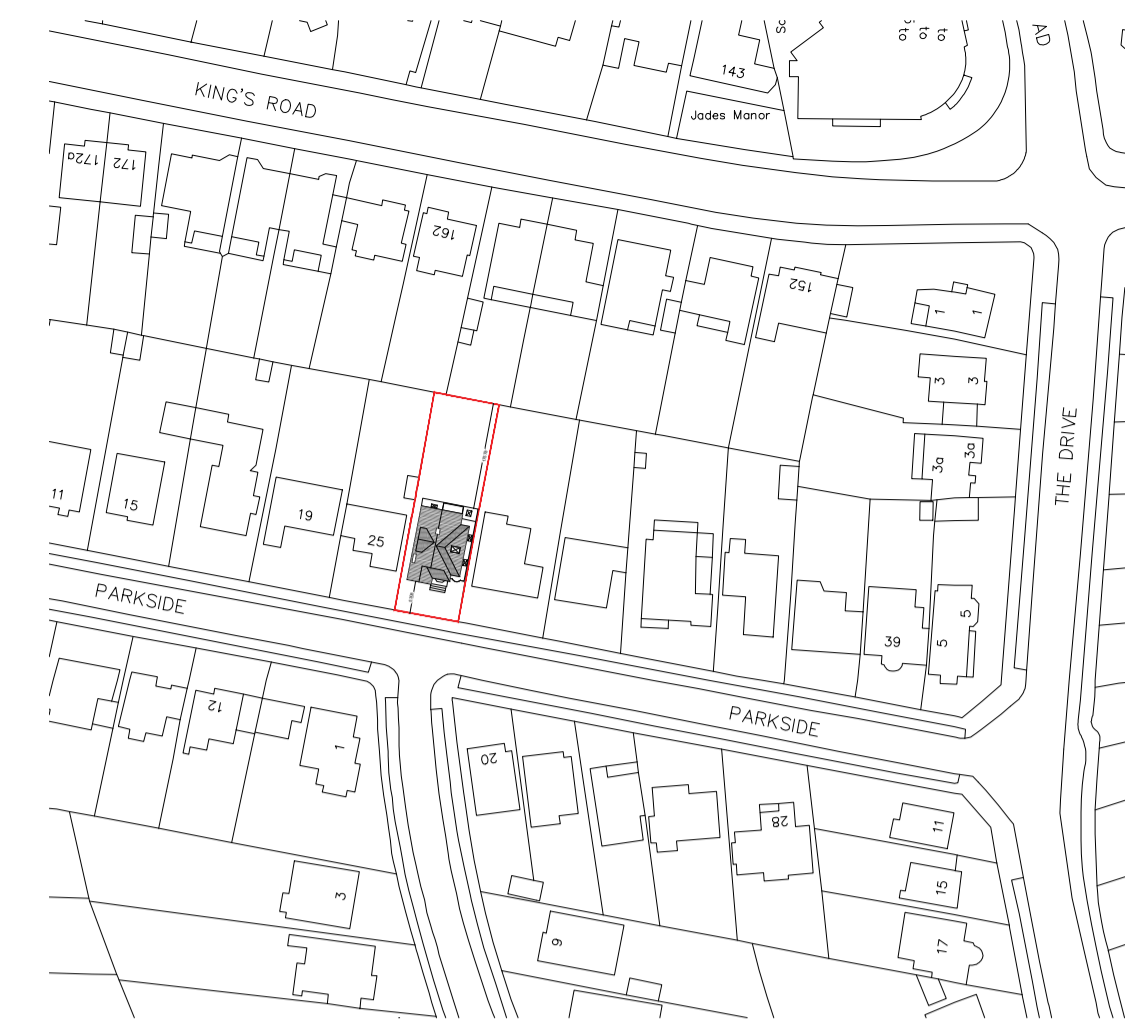
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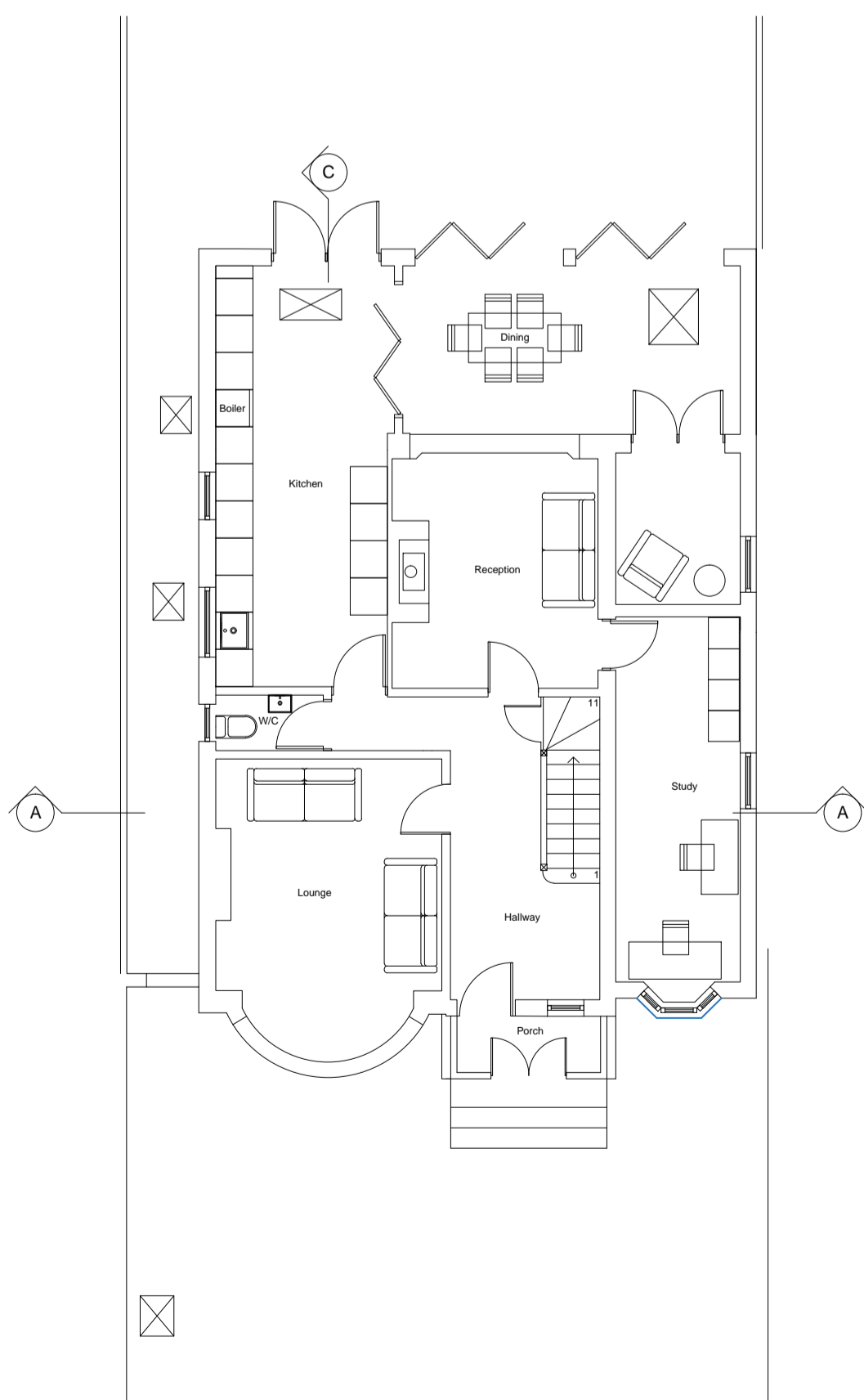


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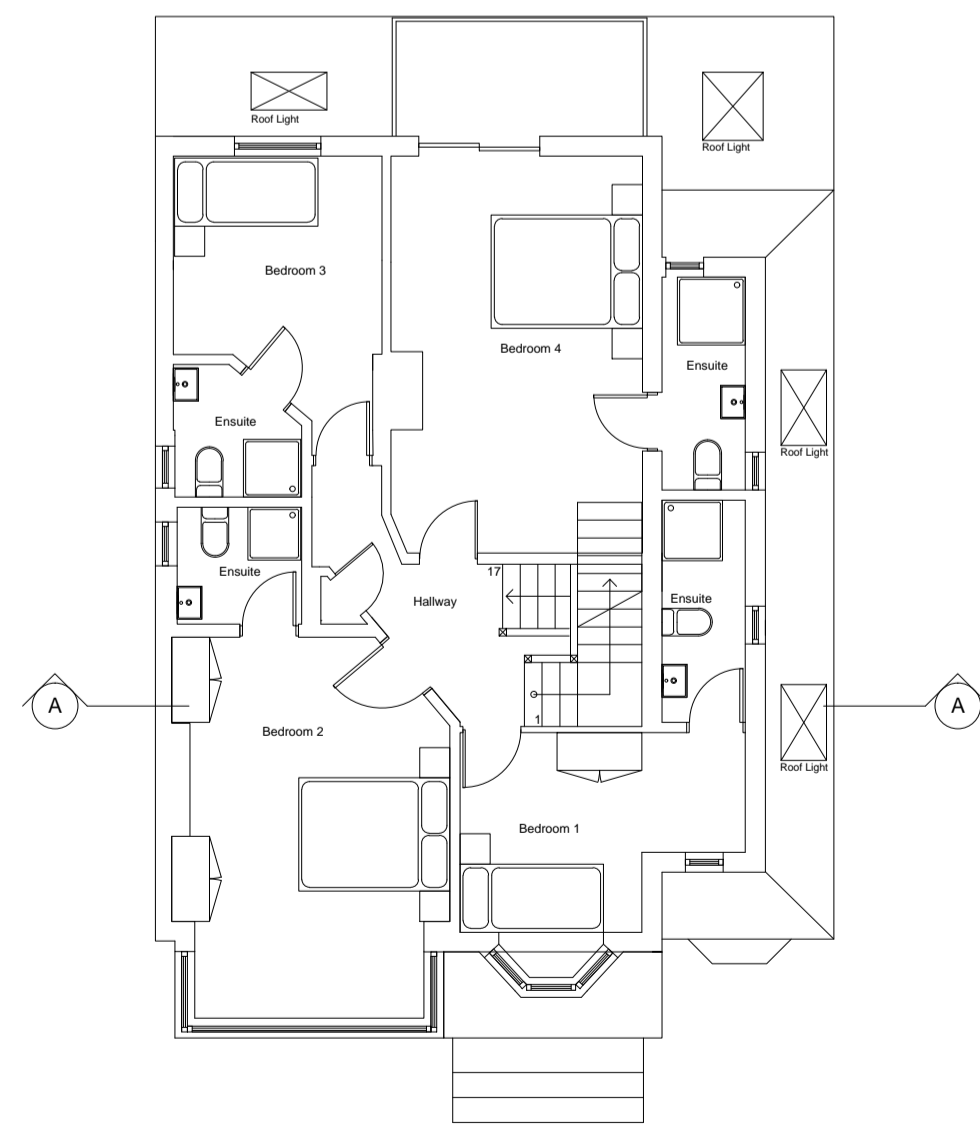


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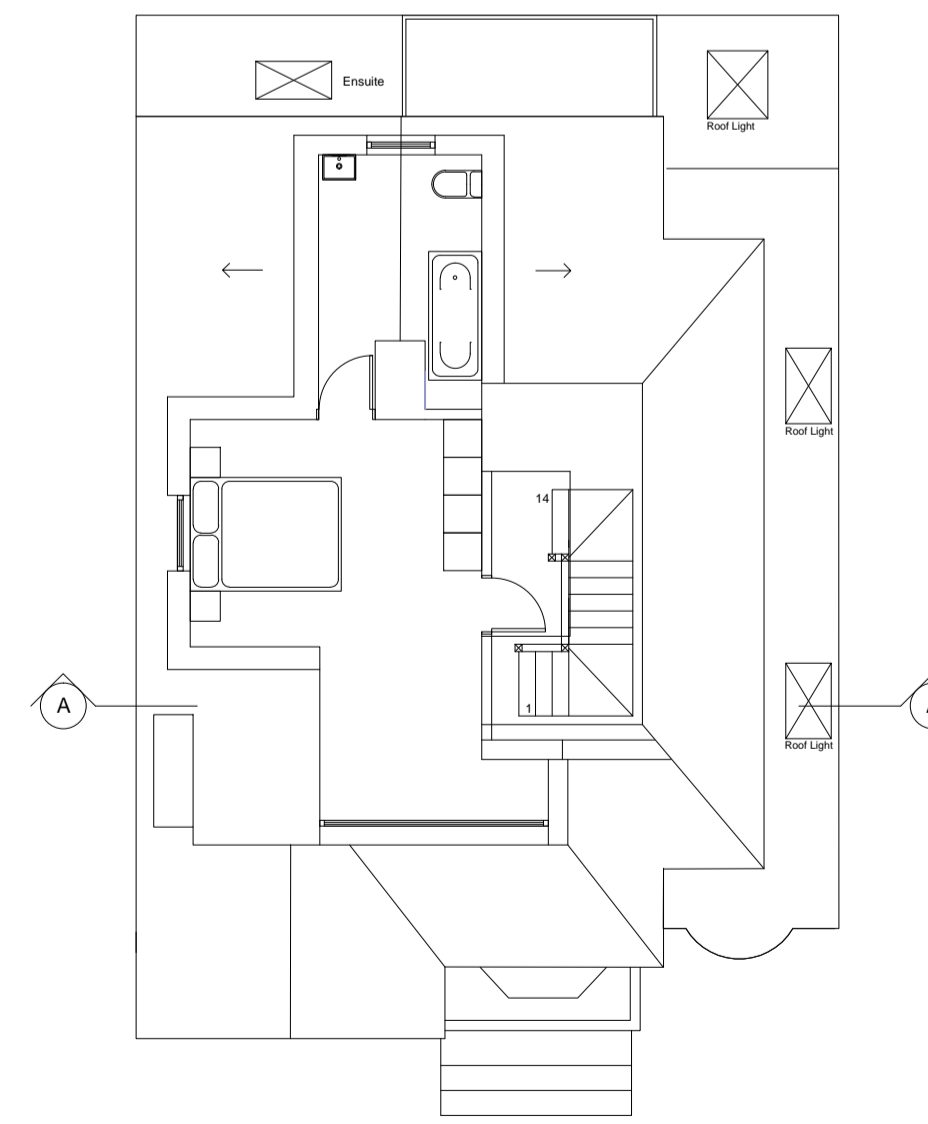
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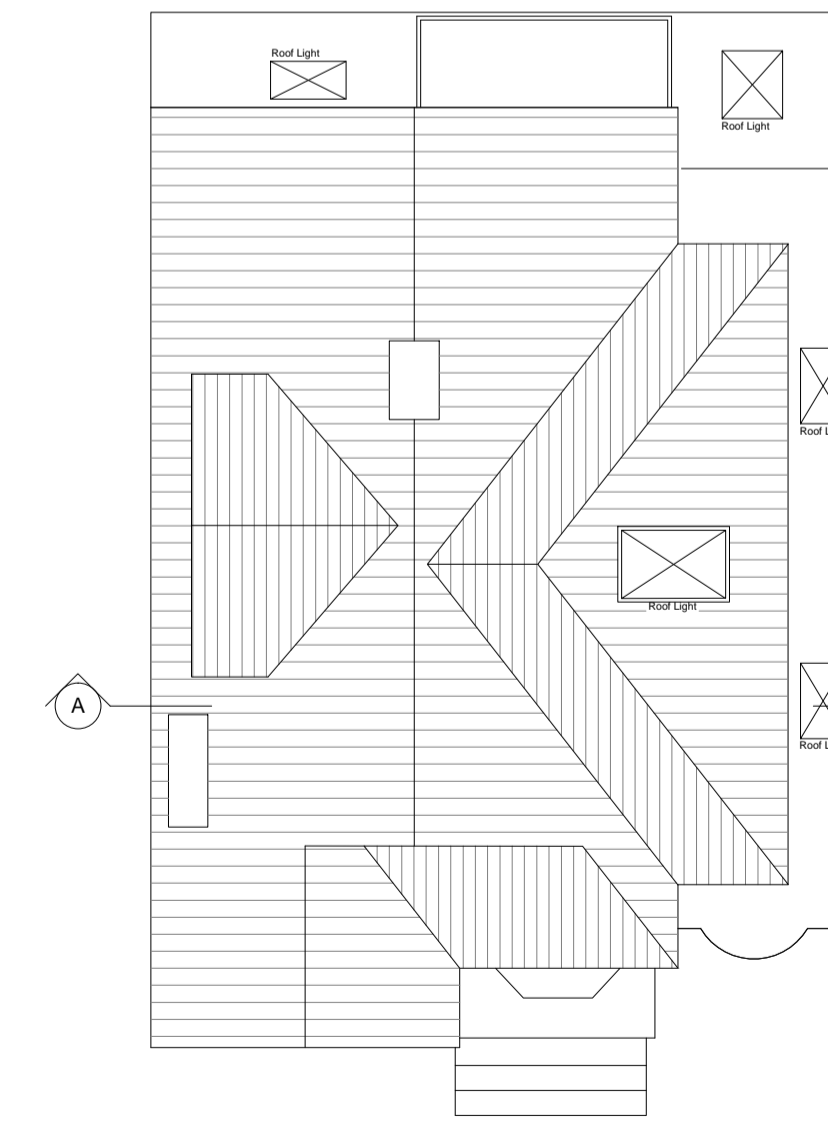
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Proposed First Floor Plan 1:100  
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Proposed Second Floor Plan 1:100  
0 1 2 3 4 5



Proposed Roof Plan 1:100  
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Notes:

| Rev | Comment  | By  | Date       |
|-----|----------|-----|------------|
| 1   | Planning | ABG | 15/12/2020 |

Stage:  
3 - Planning

Client:  
Mr & Mrs Roche

Project:  
27 Parkside  
Westcliff-on-Sea  
Southend-on-Sea  
SS0 6PR

Drawing Title:  
Proposed

Drawing no:  
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Revision: . Drawn by: ABG

Project no: 559-01-19 Chkd by: .

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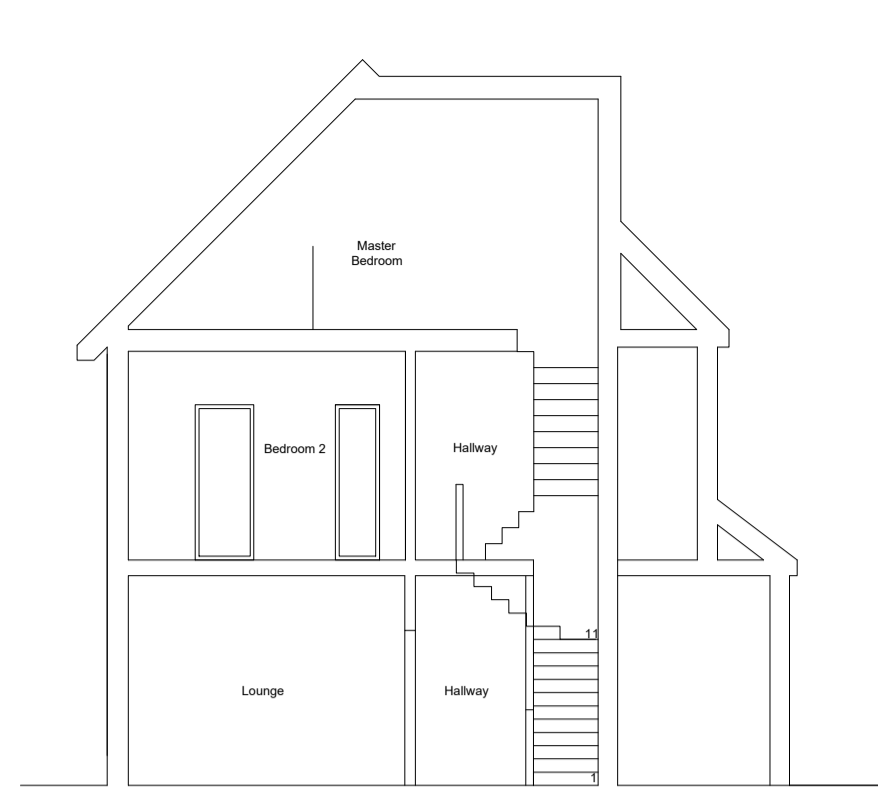
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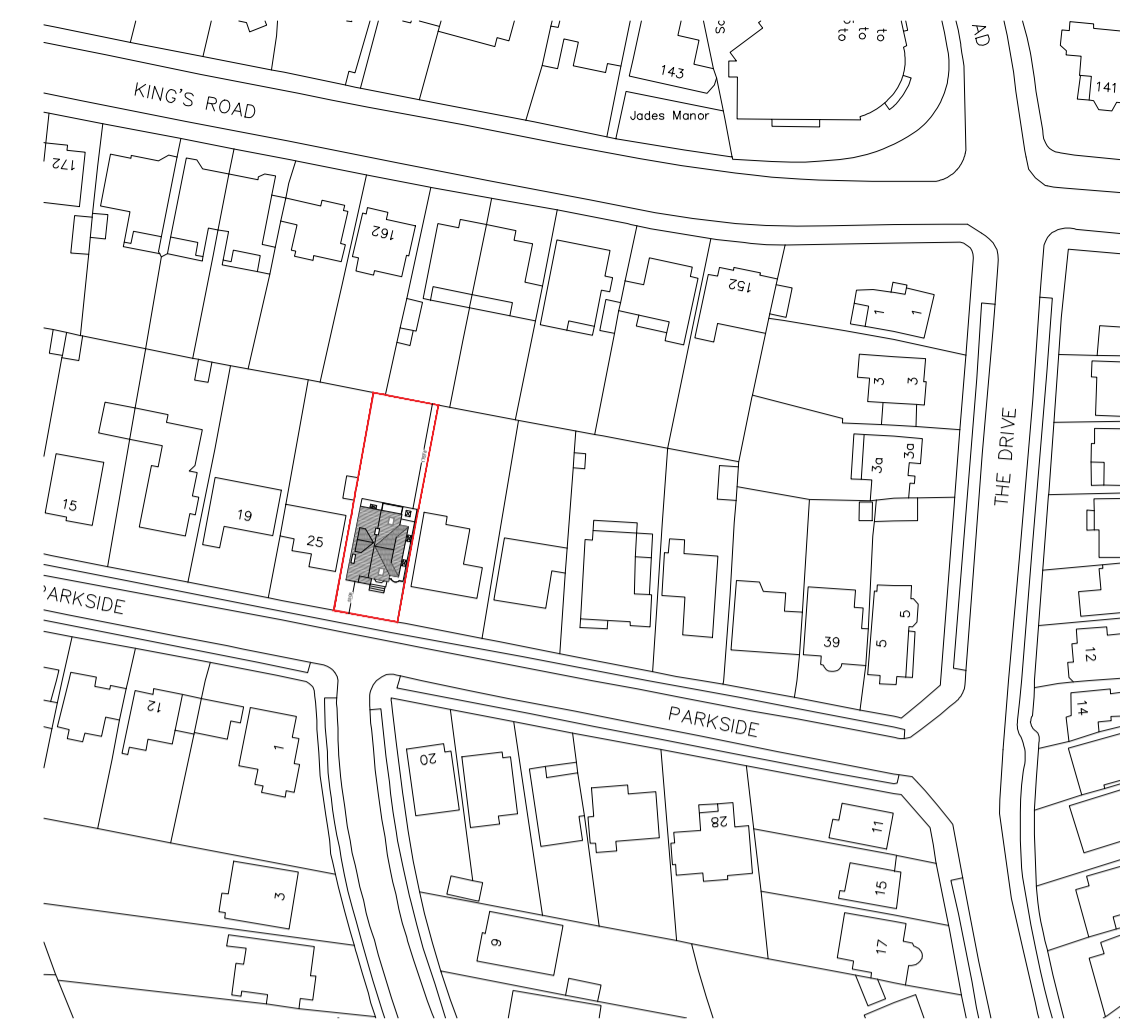
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Proposed West Elevation 1:100  
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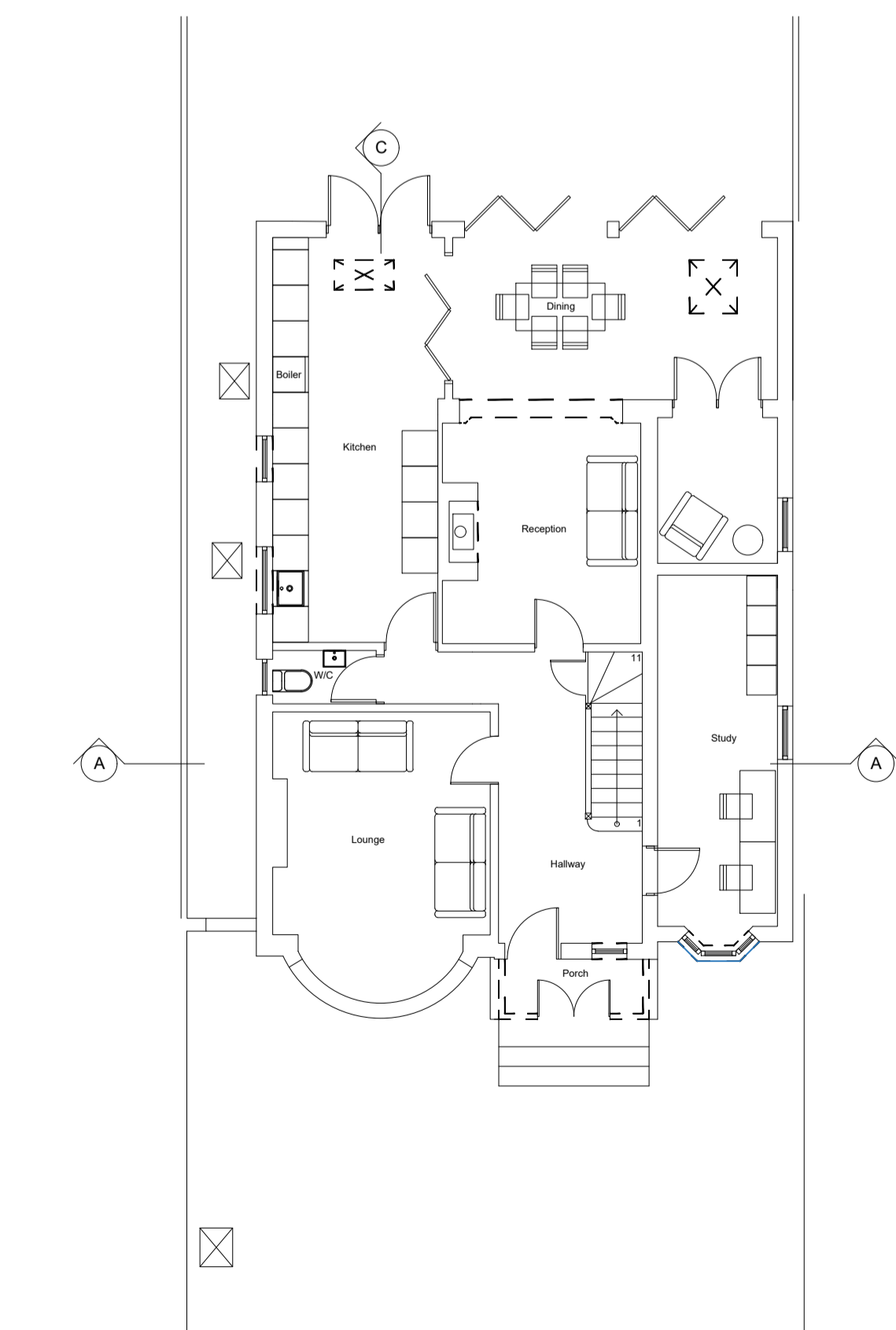
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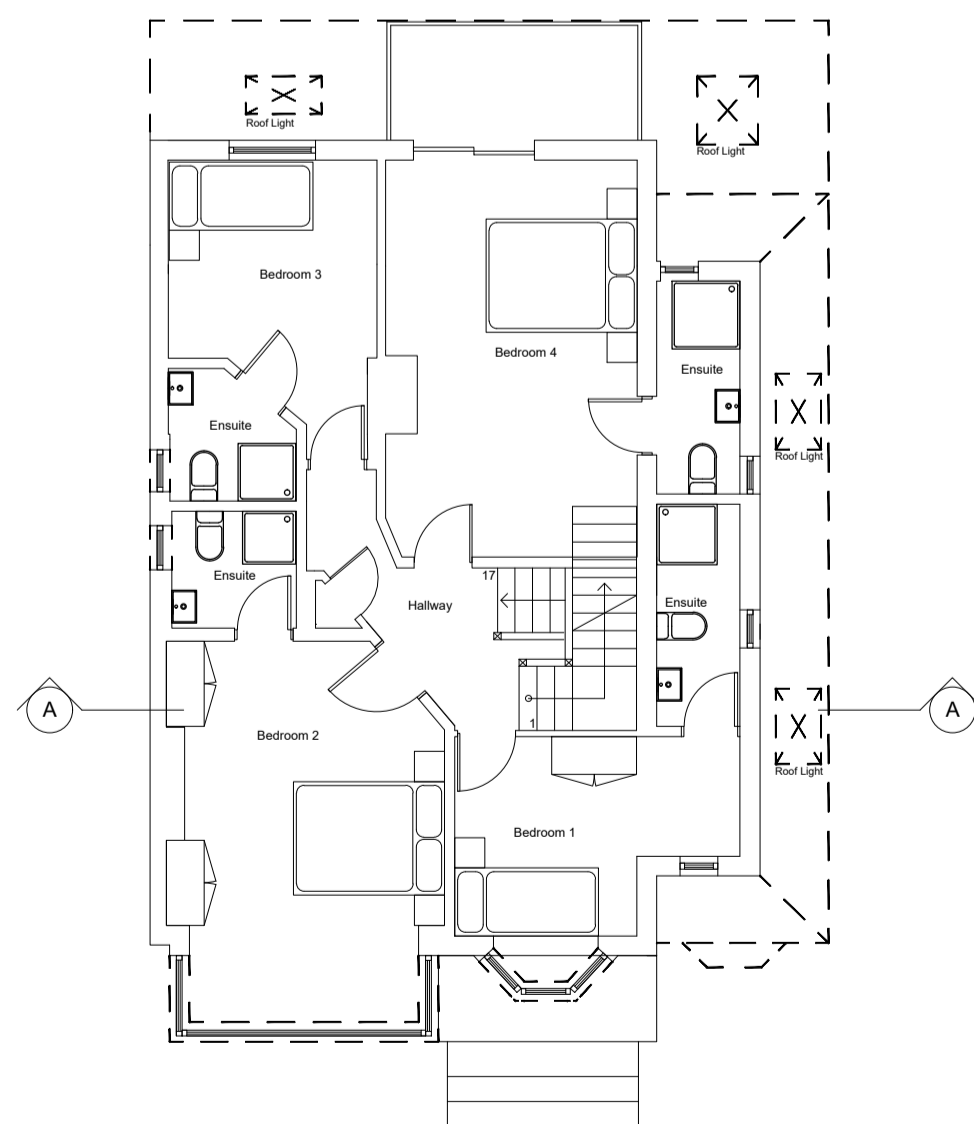
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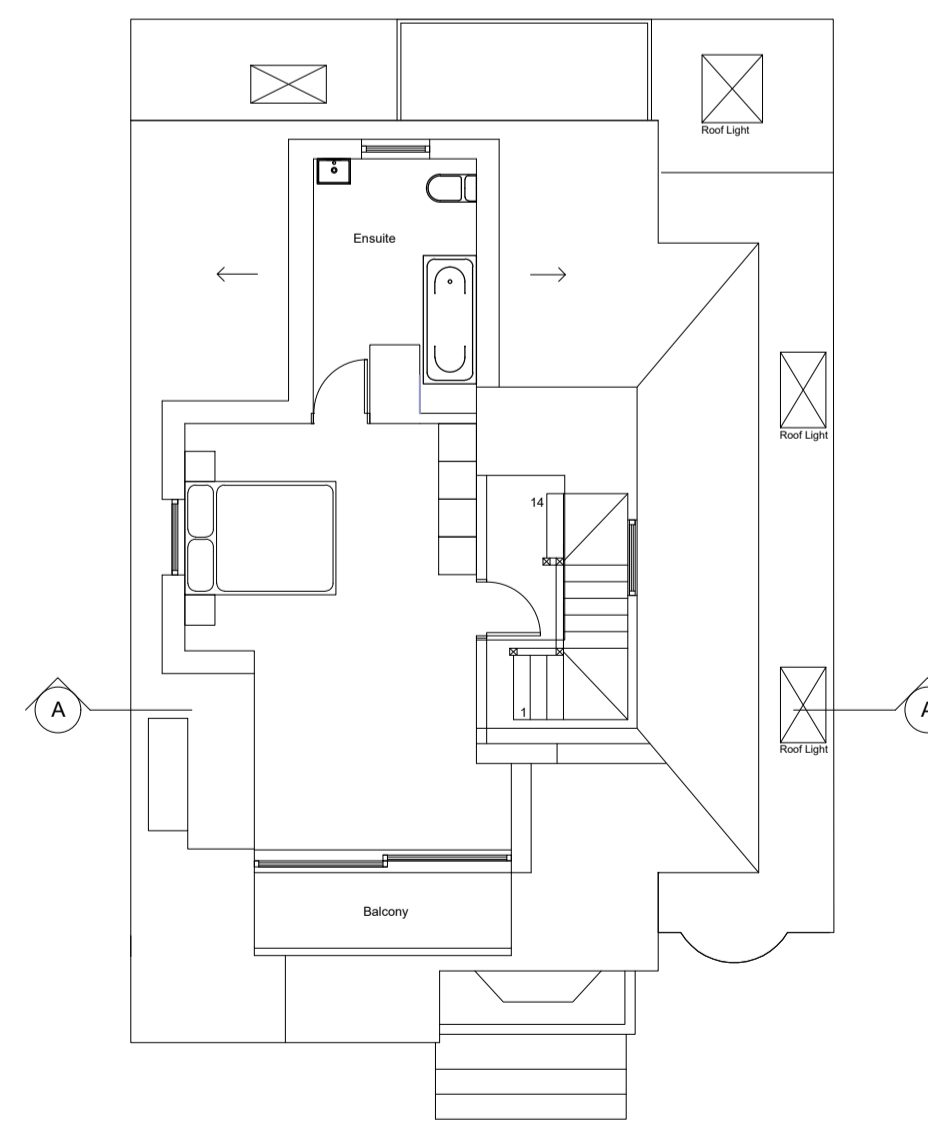
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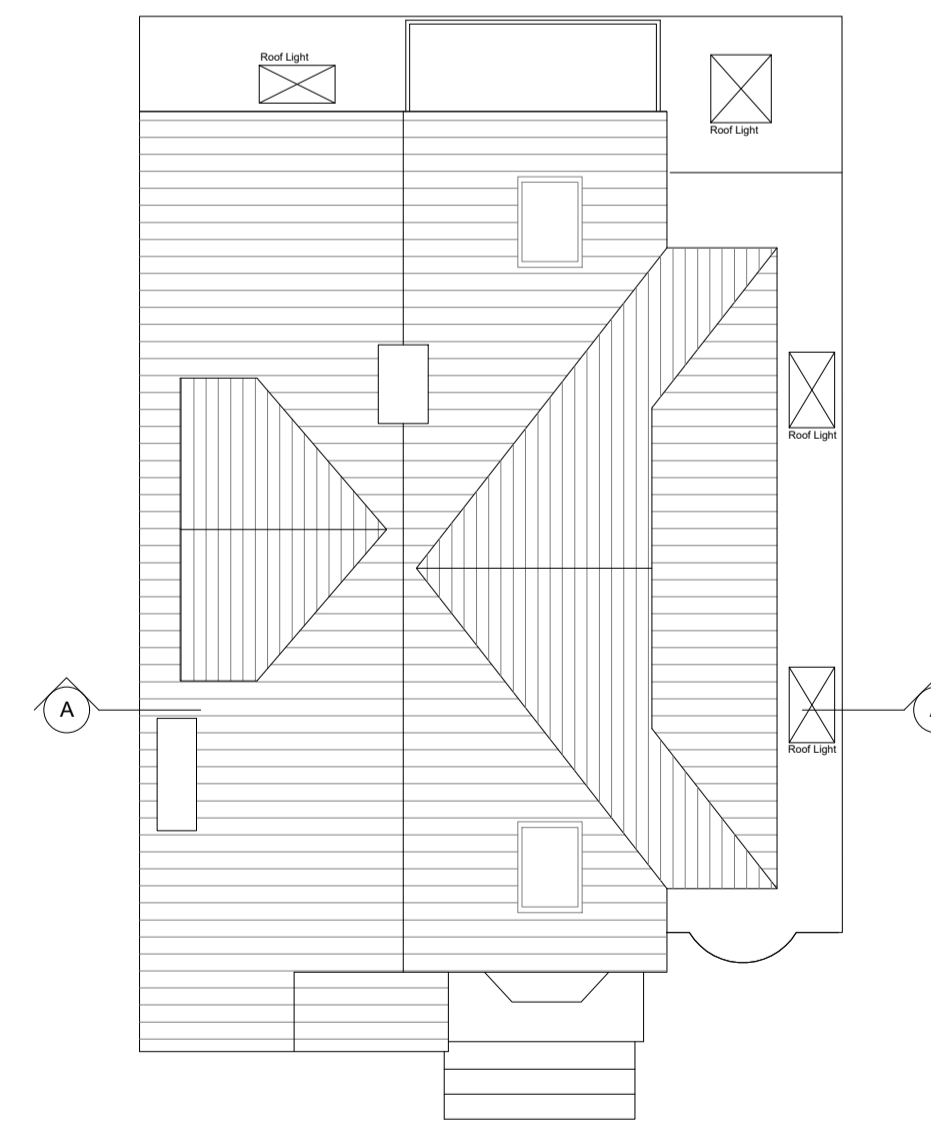
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Proposed Second Floor Plan 1:100  
0 1 2 3 4 5



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

Notes:

| Rev | Comment      | By  | Date       |
|-----|--------------|-----|------------|
| D   | Roof Light   | ABG | 16/08/2022 |
| C   | Dutch Gablel | ABG | 12/08/2022 |
| B   | Dimensions   | ABG | 08/04/2022 |
| A   | Planning     | ABG | 19/01/2022 |
| -   | Planning     | ABG | 15/12/2020 |

Stage:  
3 - Planning

Client:  
Mr & Mrs Roohe

Project:  
27 Parkside  
Westcliff-on-Sea  
Southend-on-Sea  
SS0 8PR

Drawing Title:  
Proposed

Drawing no:  
**P102**

Revision: D Drawn by: ABG  
Project no: 559-01-19 Chkd by: -

Scale: 1:100, 1:500 & 1:1250 @ A1

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# 27 Parkside, Westcliff-On-Sea

# Application dwelling (centre)

232



# No.27 & No.29

233



11/09/2019

# No.25 & No.27

234



# Street scene to east

235



11/09/2019

# Rear elevation



# Rear of No's 27 & 25

237



# Rear of No's 27 & 29

238



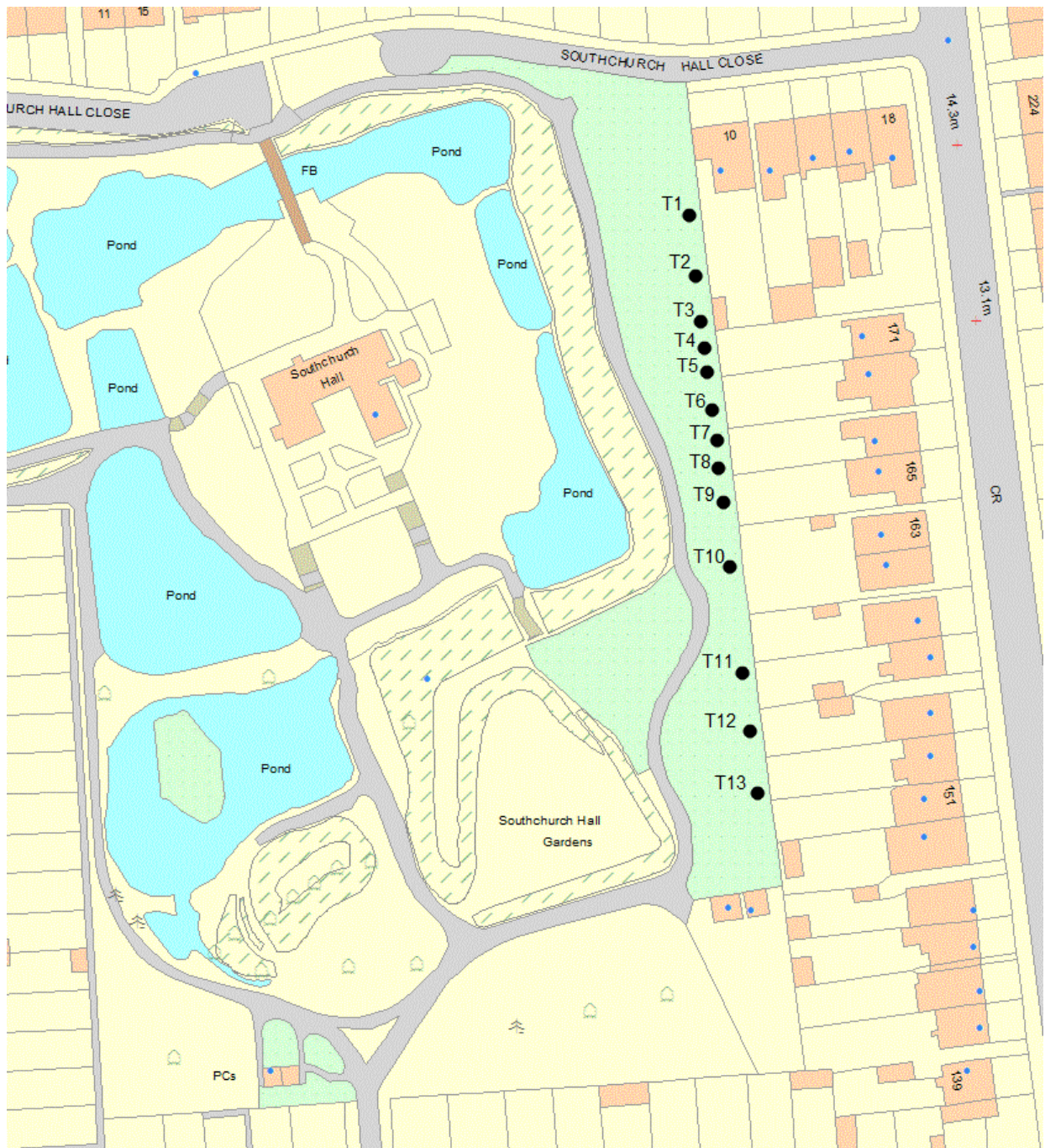


|  |  |             |
|--|--|-------------|
| <b>Reference:</b>                      | TPO 5/2022   | <h1>12</h1> |
| <b>Ward:</b>                           | Kural  |             |
| <b>Proposal:</b>                       | Tree Preservation Order Confirmation   |             |
| <b>Address:</b>                        | Southchurch Hall Gardens, Southchurch Hall Close, Southend-on Sea, Essex SS1 2TE |             |
| <b>Consultation Expiry:</b>            | 20 <sup>th</sup> July 2022   |             |
| <b>Expiry Date of Provisional TPO:</b> | 20 <sup>th</sup> December 2022   |             |
| <b>Case Officer:</b>                   | Abbie Greenwood  |             |
| <b>Plan Nos:</b>                       | N/A  |             |
| <b>Recommendation:</b>                 | <b>CONFIRM TREE PRESERVATION ORDER with no modifications</b>                     |             |

## 1 Site and Surroundings

1.1 Provisional TPO 05/2022 relates to 13 individual sycamore trees on the eastern boundary of Southchurch Hall Gardens. All these trees are publicly visible from Southchurch Hall gardens and can also be seen from the surrounding streets, Victoria Road to the east and Southchurch Hall Close to the north. The trees also provide a positive setting for Southchurch Hall one of the City's most important Grade I Listed buildings. The moat and gardens are also designated as a Scheduled Monument. The Gardens are owned by the Council. The trees form part of the mature tree canopy of the gardens and are outlined in red below.





Tree Preservation Order Tree Location Map and relationship with Southchurch Hall

## 2 The Proposal

- 2.1 To confirm and without any modifications, the Tree Preservation Order (TPO) 5/2022 at Southchurch Hall Gardens, Southchurch Hall Close, Southend-on Sea, Essex SS1 2TE that was originally served on a provisional basis on 20th June 2022.

## 3 Relevant History

- 3.1 The trees are owned by the Council but overhang the gardens of the properties in Victoria Road to the east. One of these neighbours cut back all the branches of an adjoining tree leaving only its trunk which has caused significant harm its amenity value and setting within the wider group. It will take a long time for the tree to recover. That

neighbour's action prompted the making of the provisional TPO subject of this report.

## **4 Representation Summary**

### **Public Consultation**

4.1 Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 20<sup>th</sup> June 2022 the TPO was served on the immediate neighbours in Victoria Road and Southchurch Hall Close. 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 20th July 2022. 4 letters of representation were received, 2 in objection to the TPO and 2 in support of the TPO. The comments are summarised below:

#### Objection (2)

- The trees have not been managed in recent years and are overgrown and in need of pruning.
- Impact on sunlight to gardens.
- Nuisance caused by leaves, debris and dropped seeds self-seeding in gardens and from sap.
- Concern that they may be vulnerable in strong winds.
- The trees do not contribute to the character of the public gardens or listed building.
- The public gardens are neglected.
- Works to these trees should be paid for by the Council.
- Removal and planting with an alternative species which are more easily managed would be preferable.
- Damage from roots to garden paths

#### Support (2)

- The preservation order is wholeheartedly supported and should be made permanent.
- The reasoning for the TPO to prevent excessive pruning works is understood.

### **Arboricultural Officer**

4.2 The Council's Arboricultural Officer comments that the serving of the TPO will not change the management of the trees on the eastern boundary of the park. The only difference will be that anyone who wants to carry out works to the trees (including the Council) must submit an application and obtain permission before doing so (except in the case of safety works). A TPO does not preclude appropriate works, eg for general maintenance, but it will prevent inappropriate works that may damage the tree above or below ground. The trees in the park are inspected regularly and any Arboricultural issues would be dealt with through the proper processes.

4.3 With regard to the height of the trees, all of the Council's trees are maintained in a suitable condition for their location. These trees are already high in the crown on the neighbours' side and encroachment is not excessive. Whilst these trees remain in good condition with no signs of disease, there is no reason to reduce their height. Should a tree become of concern or show signs of disease, it will be investigated and any works

required will be carried out, subsequent to obtaining permission.

- 4.4 The issues raised such as seed drop, shade and the management of other areas of the park are not relevant to the TPO.
- 4.5 The trees have 40-100 years life expectancy and are in a fair condition. They are fully visible from the public park and can also be seen in places from Victoria Road. As a group the trees score 15 on a TEMPO assessment meaning that they meet the criteria for a Tree Preservation Order.

### **Conservation Officer**

- 4.6 The Council's Conservation Officer notes that the trees make a positive contribution to public amenity of Southchurch Hall Gardens and to the setting of the Grade I Listed Southchurch Hall as part of the mature tree cover within the gardens which themselves are a scheduled monument. The group can also be seen from a number of locations from the surrounding streets including in Victoria Road to the east and Southchurch Hall Close to the north. Overall the trees make a positive contribution to the amenity of this area.

## **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) and Policy DM5 (Southend's Historic Environment)
- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)

## **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 and contribute positively to the Green Grid.
- 6.2 The 13 mature sycamore trees subject of the Order are located on the eastern boundary of Southchurch Hall Gardens with the properties in Victoria Road and Southchurch Hall Close. The trees are part of the wider tree cover in Southchurch Hall Gardens and are important to its character including the setting of Southchurch Hall.
- 6.3 A provisional TPO was served on these trees at the request of the Parks Team because works were undertaken to one of these trees by a neighbour and this has had a significantly harmful effect on the appearance of that tree and the wider group. Protection with a TPO will control this kind of excessive pruning work or other unacceptable works to the trees from happening again. This tree will take some time to recover. The remaining trees are mature specimens in fair condition with a life expectancy of 40-100 years. The trees scored well on the TEMPO TPO assessment evaluation which provides factors for assessing a tree's worthiness for protection and

definitely merit protection with a TPO.

- 6.4 Concerns have been raised about falling leaves and seeds and twigs and sap however, these issues only occur intermittently. They can be addressed with good tree management and are not reasons to justify felling or severely pruning mature trees. Impact on sunlight can also be reasonably managed with regular pruning works. The neighbouring properties typically have a garden depth of over 18m so the impact on the light to and immediate outlook from habitable rooms is not significant. There are no reported instances of subsidence caused by these trees.
- 6.5 Overall, the trees have a long anticipated retention span and high public amenity value particularly in the contribution they make to the character of the public gardens, the setting of the listed building and scheduled monument. They are also visible in the wider area. The TEMPO assessment standards have confirmed that a TPO is merited in this case. Therefore, it is considered that the amenity benefits of these trees outweigh any seasonal nuisance which may occur and the TPO is warranted to protect them from any future excessive or other unacceptable pruning works.

## **7 Recommendation**

- 7.1 **Members are recommended to confirm TPO 5/2022 without modification and to make it permanent.**

Appendix 1 - Tree Photographs



Figure 1 (above) Group looking south

Figure 2 (below) Group looking north





Figure 3 Severe pruning works triggering request for TPO



Figure 4 Impact of severe pruning works on wider group





Figure 5 and 6 Views of trees from Victoria Road

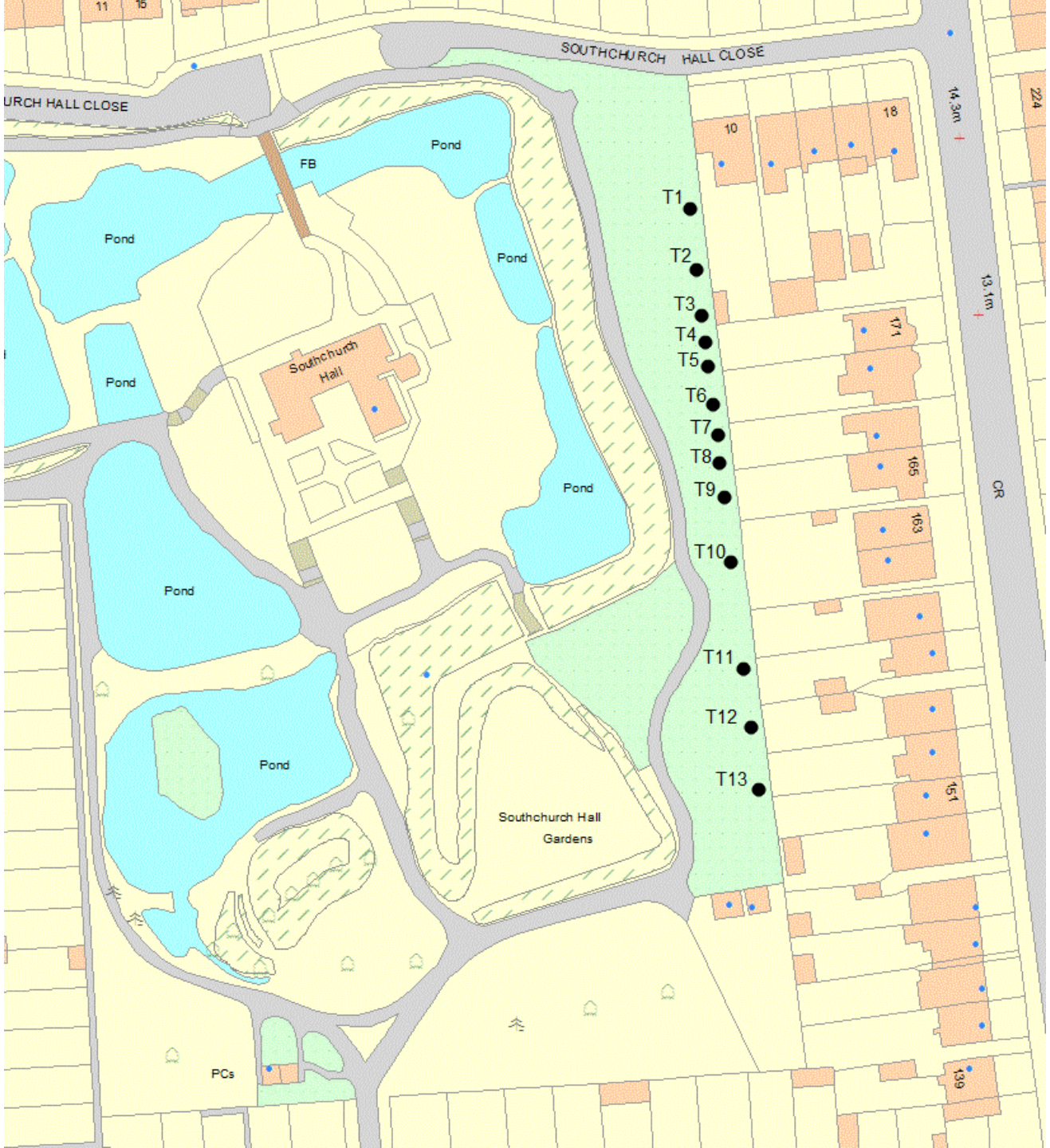


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# TPO 5/22 Southchurch Hall Gardens

# Proposed TPO Tree Locations

250



# Proposed TPO in Context



# Tree Group looking from North

252



Tree  
Group  
looking  
from South



# Severe pruning works triggering request for TPO



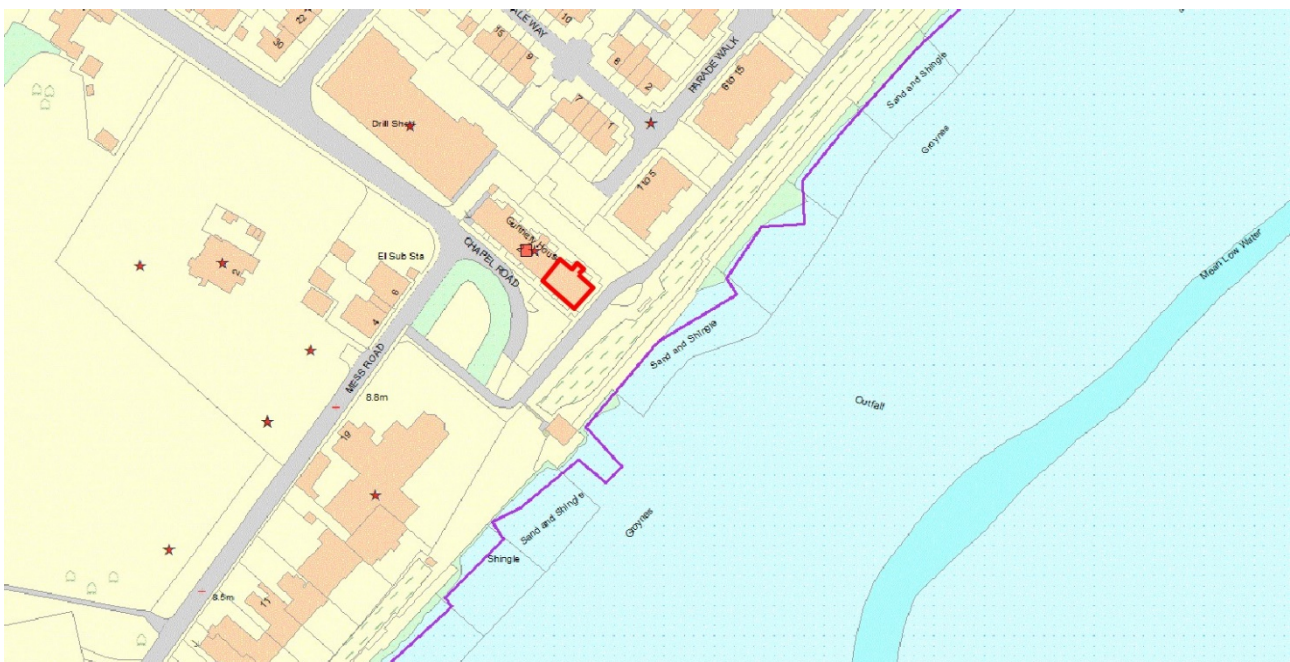


# Views of trees from Victoria Road



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|                                    |  |             |
|------------------------------------|--|-------------|
| <b>Reference:</b>                  | 20/00158/UNAU_B  | <h1>13</h1> |
| <b>Report Type:</b>                | Authority for Enforcement Action   |             |
| <b>Ward:</b>                       | Shoeburyness   |             |
| <b>Breach of Planning Control:</b> | Without planning permission, the installation of a satellite dish and antenna to the property. |             |
| <b>Address:</b>                    | Gunnery House, 2 Chapel Road, Shoeburyness, Essex SS3 9SL                                      |             |
| <b>Case opened:</b>                | 27 May 2020  |             |
| <b>Case Officer:</b>               | Mark Broad   |             |
| <b>Recommendation:</b>             | <b>AUTHORISE ENFORCEMENT ACTION</b>  |             |



## 1 Site and Surroundings

- 1.1 The building is Grade II listed and formerly known as Single Officer's Quarters for the British School of Gunnery and currently used as a block of flats.
- 1.2 Gunnery House is situated on the east coast overlooking the North Sea. To the north of the site are residential flats and to the south is a Grade II listed building, the Officers Mess, which has been converted into residential units. To the west of the site is the Gunnery Drill Shed which is also Grade II listed.
- 1.3 The foreshore surrounding Shoebury Garrison has been designated a Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI). The site is within the Shoebury Garrison Conservation Area.

## 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 There is extensive history associated with this site. The most relevant planning history for the assessment of this case is shown on Table 1 below:

**Table 1: Relevant Planning History of the Application Site**

| Reference                    | Description   | Outcome [Date]  |
|------------------------------|---|---|
| 00/00777/OUT                 | Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works (Outline) | Granted<br>[06.02.2004]   |
| 03/00814/RES & 03/00815/LBC  | Convert officers quarters into nine self contained flats and lay out 16 parking spaces (Approval of reserved matters following grant of Outline permission SOS/00/00777/OUT dated 6.2.2004) (Amended Proposal)  | Approve Reserved Matters and Grant Listed Building Consent<br>[31 March 2004] |
| 14/00853/FUL & 14/01073/LBC  | Install roof light to hipped roof   | Refused<br>[01.10.2014]<br>Appeal Dismissed<br>[06.07.2015]                   |
| 15/01477/FULH & 15/01564/LBC | Install roof lights to hipped roof  | Refused<br>[29.10.2015]<br>Appeal Dismissed<br>[21.06.2016]                   |
| 22/01029/FUL & 22/01030/LBC  | Install window and balcony with glass balustrade to 2nd floor east elevation  | Refused<br>[05.07.2022]   |

## 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) and DM5 (Southend-on-Sea's Historic

Environment)

4.5 Southend-on-Sea Design and Townscape Guide (2009)

4.6 Shoebury Garrison Conservation Area Appraisal (2022)

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

5.1 The identified breach of planning control is:

Without listed building consent, the installation of a satellite dish and antenna to the south-east flank wall of the property.

5.2 In May 2020 a complaint was received by the Council alleging a satellite dish and antenna having been installed at the property unlawfully.

- a. The building is a Grade II listed building and does not benefit from permitted development rights and therefore the installation of a satellite dish and antenna requires planning permission and also listed building consent.
- b. No mention of the satellite dish and antenna is shown in the historic applications, and they are not annotated on the approved plans.
- c. Development on listed buildings does not benefit from immunity through the passage of time.

5.3 The Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

5.4 The NPPF and Policy DM5 of the Development Management Plan state that where a proposed development will lead to less than substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm.

5.5 As already stated in 5.2 a) the property does not benefit from permitted development rights. Listed Buildings and flats generally do not benefit from permitted development rights. Whilst it is reasonable for an antenna or satellite dish to be installed on a residential property, such installation needs not to be external nor does it need to be on a prominent elevation of the building. Whilst the satellite dish and antenna have been in situ for a number of years, unlawful works on listed buildings do not benefit from immunity through the passage of time.

5.6 Gunnery House is a substantial and impressive building dating from 1871. Now in use as flats, it originally provided accommodation for unmarried officers undertaking the instruction of soldiers in artillery techniques. The significance of the conservation area and its many listed building is defined by the consistent character of the historic buildings including their ordered designs and formal layout and this gives the conservation area great cohesion. Although the building has been converted to new uses, the hierarchy of the former military buildings, which became larger and more elaborate as the ranks of occupants increased, is still evident. Gunnery House is intact without any extensions or alterations and this is important to its special historic character and significance. When considering the 2015 appeals, the Inspectors found that, "The historic interest of Gunnery House is thus plain, but it also possesses architectural interest, this arising

from its design and detailing which reflect the high status of its original occupiers and its important military role. The building has an air of purposeful formality. It avoids decoration and complexity for its own sake...”

- 5.7 Unlike some of the other listed buildings in the conservation area it is very exposed from all sides making it even more sensitive to change as alterations and extensions cannot be discreetly hidden. The satellite dish and antenna have introduced a feature wholly incompatible with the historic military building including as an intervention into the otherwise intact facades of this listed building.
- 5.8 Harm to the visual amenity and architectural and historic significance of the building and the wider conservation area is considered to be less than substantial but significant in degree and no public benefits of the unlawful development this. As such, it is reasonable, expedient and in the public interest to pursue enforcement action to secure the removal of the satellite dish and antenna. The unlawful development is contrary to 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 Southend-on-Sea Design and Townscape Guide (2009), the National Design Guide (2021) and the Shoebury Garrison Conservation Area Appraisal (2022).
- 5.9 Staff consider that it is proportionate and justified in the circumstances of the case that a listed building 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 a listed building enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain listed building consent for a different proposal which may remedy the identified harm.
- 5.10 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, particularly when it relates to heritage assets.

## **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 satellite dish and antenna attached to the south-east flank wall of the building; and
  - b) Restore the fabric of the listed building to its condition before the installation of the satellite dish and antenna took place and remove from site all materials and debris resulting from compliance with requirement (a) above.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of a Listed

Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Listed Building Enforcement Notice.

- 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.

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263



264