

Public Document Pack  
SOUTHEND-ON-SEA CITY COUNCIL

**Development Control Committee**

Date: Wednesday, 30th 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 List and Introduction**

4 **22/00611/FULM - 425 - 427 Sutton Road, Southend-on-Sea (Victoria Ward) (Pages 7 - 72)**

5 **22/01602/RES - Land Between Barge Pier Road and Ness Road, Shoeburyness (Shoeburyness Ward) (Pages 73 - 132)**

6 **22/01976/BC3 - Pavement Junction at Lynton Road with Thorpe Esplanade (Thorpe Ward) (Pages 133 - 148)**

7 **19/02377/DOV5 & 21/00783/AMDT - 939 - 953 London Road, Leigh-on-Sea (Blenheim Park Ward) (Pages 149 - 200)**

8 **22/01808/AMDT - 35 Belfairs Drive, Leigh-on-Sea (Belfairs Ward) (Pages 201 - 226)**

9 **22/01199/FUL - 171 West Road, Westcliff-on-Sea (Prittlewell Ward) (Pages 227 - 260)**

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

10 **TPO 5/2022 - Southchurch Hall Gardens, Southchurch Hall Close (Kursaal Ward) (Pages 261 - 268)**

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

Councillor N Ward (Chair),

Councillors M Borton (Vice-Chair), M Berry, K Buck, A Dear, M Dent, F Evans, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney, M Sadza, I Shead, A Thompson, C Walker and R Woodley



**DEVELOPMENT CONTROL COMMITTEE****AGENDA: 30th November 2022**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
<b>Main Plans Report</b>		
<b>Victoria</b>	22/00611/FULM	425 - 427 Sutton Road Southend-on-Sea
<b>Shoeburyness</b>	22/01602/RES	Land Between Barge Pier Road And Ness Road
<b>Thorpe</b>	22/01976/BC3	Pavement Junction at Lynton Road With Thorpe Esplanade
<b>Blenheim Pa</b>	19/02377/DOV5 & 21/00783/AMDT	939 - 953 London Road Leigh-On-Sea
<b>Belfairs</b>	22/01808/AMDT	35 Belfairs Drive Leigh-on-sea
<b>Prittlewell</b>	22/01199/FUL	171 West Road Westcliff-on-sea
<b>Kursaal</b>	TPO 5/2022	Southchurch Hall Gardens Southchurch Hall Close

# 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>	22/00611/FULM	<b>4</b>
<b>Application Type:</b>	Full Application Major	
<b>Ward:</b>	Victoria	
<b>Proposal:</b>	Demolish existing buildings and erect two 3 storey blocks comprising of 33 self-contained flats facing Sutton Road, install vehicular access on to Sutton Road, layout parking to rear, cycle and bin storage, amenity space, landscaping and associated works	
<b>Address:</b>	425 - 427 Sutton Road, Southend-on-Sea, Essex	
<b>Applicant:</b>	Mr Chris Dove	
<b>Agent:</b>	n/a	
<b>Consultation Expiry:</b>	5th September 2022	
<b>Expiry Date:</b>	9th December 2022	
<b>Case Officer:</b>	Robert Lilburn	
<b>Plan Nos:</b>	<b>200 P4 Site Location Plan</b> <b>201 P4 Existing Site Plan</b> <b>202 P8 Proposed Site Plan</b> <b>203 P8 Site Context Plan</b> <b>204 P13 Proposed Ground and First Floor Plans</b> <b>205 P9 Proposed Second Floor Plan and Roof Access</b> <b>206 P8 Proposed Roof Plan</b> <b>208 P5 Proposed Elevations</b> <b>209 P11 Existing and Proposed Street Scene and Site Plan</b> <b>210 P4 Existing and Proposed Street Scene with Sections</b> <b>250 P2 Proposed Public Realm Improvements</b>	
<b>Supporting Documents:</b>	<b>Affordable Housing Viability Report dated 6th December 2021</b> <b>Construction Method Statement Version 1_13.06.2022</b> <b>Design and Access Statement inc. Waste Management Strategy P5.0 Feb 2022</b> <b>Planning Statement – V4 March 2022</b> <b>Bat Survey John Dobson November 2021</b> <b>Ecology Report by Wild Frontier November 2021</b>	

	<p><b>Daylight Sunlight and Overshadowing Assessment dated 28th March 2022 by EEABS</b></p> <p><b>211588 C-001 P02 Surface Water Drainage Plan</b></p> <p><b>211558 C-503 P01 Drainage External Works Sheet 3</b></p> <p><b>211558 C-506 P01 Drainage External Works Sheet 6</b></p> <p><b>Drainage Strategy by RLC Ref.211558 May 2022</b></p> <p><b>Foul Sewerage and Utilities Assessment dated 11th March 2022</b></p> <p><b>SUDS AquaCell Specification</b></p> <p><b>Sustainable Urban Drainage Systems Assessment and Details 11th March 2022</b></p> <p><b>Gas Membrane specifications</b></p> <p><b>Phase I Desk Study and Contamination Assessment dated 21st December 2021</b></p> <p><b>Protech GM Super - gas barrier specification</b></p> <p><b>Protech GM Super - BBA Certification</b></p> <p><b>9546-D-AMS Rev B Tree Protection Plan by Hayden's Arboricultural Method Statement &amp; Tree Protection Plan 01/11/2022 Rev B by Hayden's</b></p> <p><b>Noise Assessment Report 13340/1B by Adrian James Acoustics</b></p> <p><b>Sustainability Statement version 1.1 dated 29th March 2022</b></p> <p><b>Transport Statement 2nd March 2022</b></p>
<p><b>Recommendation:</b></p>	<p><b>Members are recommended to DELEGATE to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control to GRANT PLANNING PERMISSION subject to CONDITIONS following the completion of a LEGAL AGREEMENT under section 106 of the Town and Country Planning Act 1990 (as amended)</b></p>

## **1 Site and Surroundings**

- 1.1 The application relates principally to two buildings and their curtilage: a two-storey warehouse-type building, and a single-storey warehouse-type building.
- 1.2 The buildings are situated close to the back of the footpath on the west side of Sutton Road, behind a ribbon of open land. There is a small, gated yard to the south. There are two vehicular accesses.
- 1.3 The surroundings to Sutton Road are mostly residential: a mixture of houses, flats and local shops with flats above. To the north of the site is a small church hall. To the south is a recent development of three-storey flats. To the rear are semi-detached houses at Glenhurst Road.
- 1.4 Sutton Road is a mixture of mainly two and three-storey buildings of mixed character with mature street trees outside the site. To the north and south of the site are a number of three/four storey blocks of flats. In front of the site are double yellow lines, traffic islands and demarcated parking bays. There are nearby bus stops serving traffic in each direction.
- 1.5 The site is identified on the policies map of the Development Management Document as within the Southend Central Area. The Southend Central Area Action Plan identifies the site as part of an opportunity area for development (Opportunity Site PA9.1). The site is within Flood Zone 1.

## **2 The Proposal**

- 2.1 The proposal is for the construction of two separate buildings following demolition of the existing structures. Each building would be three storeys in height, separated by a vehicular access leading to a rear car park.
- 2.2 Block A to the south would comprise 24 flats and Block B to the north 9 flats. All the flats (i.e. 100%) are proposed to be Affordable Housing, split in tenure between Block A as shared ownership (73% of all the 33 dwellings) and Block B as affordable rent (27% of all the 33 dwellings).
- 2.3 External amenity space would be provided on balconies to the front (east) elevations, on private ground floor terraces to all sides, and on rooftop terraces, which would occupy a space on each building to the east of the stair and lift cores, of some 60sqm at Block A and some 35sqm at Block B.
- 2.4 The remainder of the rooftops some 11.5m deep at the front of Block A and 8m deep at the front of Block B, would be given over to green roof with the rear 5.5m of the rooftops for solar photovoltaic panels.
- 2.5 Modest soft landscaping is indicated to the buildings and the site boundaries and within the car parking area. The car park is shown to provide 33no. spaces, 24no. to the rear boundary subdivided by 3no. small, landscaped strips, and a further 9no. in an undercroft at the back of the buildings, this including 4 spaces for disabled people. A new vehicular access would be formed from Sutton Road. Outside the site edged red, public realm improvements would

be undertaken in the street in front of the proposed development, comprising new tree planting plus pavement resurfacing to match that in front of the neighbouring development to the south.

- 2.6 Bicycle and refuse storage would be provided internally at the ground floor of each building.
- 2.7 The floor space and accommodation configuration of the proposed flats are shown in **Table 1** as follows:

**Table 1: Schedule of accommodation**

Floor Level	Bedrooms / Persons	Whether M4(3) compliant	Gross Internal Area (GIA) (sqm)	Internal Storage Space (sqm)	Amenity Space (sqm)	Block
GF	3B4P		74	2.5	16.4	A
GF	2B3P		61	2	6	A
GF	2B3P		61	2	6	A
GF	1B2P	M4(3)	58	1.5	3	A
GF	2B3P		61	2	12	A
GF	2B3P		61	2	0	A
GF	3B4P		74	2.5	18.8	B
GF	2B4P		70	2	21.4	B
1F	2B4P		70	2	16.4	A
1F	1B2P		50	1.5	6	A
1F	2B3P		61	2	6	A
1F	2B3P		61	2	6	A
1F	1B2P	M4(3)	58	1.5	3	A
1F	2B3P		61	1	0	A
1F	2B3P		61	1	0	A
1F	2B3P		61	1	0	A
1F	2B4P		70	2	0	A
1F	1B2P		50	1.5	0	B
1F	1B2P		50	1.5	0	B

1F	1B2P		51	1.5	5.4	B
1F	2B3P		62	2	3	B
2F	2B3P		70	2	16.4	A
2F	1B2P		50	1.5	0	A
2F	2B3P		61	2	6	A
2F	2B3P		61	2	6	A
2F	1B2P	M4(3)	58	1.5	3	A
2F	2B3P		61	1	0	A
2F	2B3P		61	1	0	A
2F	2B3P		61	1	0	A
2F	2B4P		70	2	0	A
2F	1B2P		56	1.5	0	B
2F	2B4P	M4(3)	74	1.5	15.9	B
2F	2B3P		62	2	3	B

2.8 The proposed housing mix is shown in **Table 2** below:

**Table 2: Proposed dwelling mix by size and tenure**

Type of unit	Number	Percentage		
		Overall	Block A (shared ownership)	Block B (affordable rent)
One-bedroom flat	9no.	27%	21%	44.5%
Two-bedroom flat	22no.	67%	75%	44.5%
Three-bedroom flat	2no.	6%	4%	11%
Total	33no.	100%	100%	100%

2.9 The development would be of a contemporary design and buildings would be flat roofed. Proposed external materials are described as buff brickwork and white render, grey aluminium windows and doors.

2.10 A viability appraisal has been submitted with the application which concludes that the scheme is not viable as open market housing.

- 2.11 As a 'significant development' of more than 10 dwellings, the application falls to be determined by the Development Control Committee further to the adopted Scheme of Delegation.

### 3 Relevant Planning History

#### 425 Sutton Road

- 3.1 20/00020/FULM: Erect 18 self-contained flats in two blocks of three storeys facing Sutton Road and one block of two storeys at rear, lay out 12 car parking spaces and cycle storage to rear, bin stores to front and install vehicular access on to Sutton Road following demolition of existing buildings (Amended Proposal). Refused 02.04.2020; appeal dismissed 19.10.2021. [**officer comment:** the principle of flats was not a reason for the appeal being dismissed. The reasons for dismissal related to more technical matters such as layout and waste storage arrangements].
- 3.2 19/00634/FULM: Erection of 18 self-contained flats in two blocks of three storeys facing Sutton Road and one block of two storeys at rear, lay out 17 car parking spaces and cycle store to rear, bin stores to front and install vehicular access on to Sutton Road following demolition of existing buildings. Refused 25.09.2019.
- 3.3 18/00076/FUL: Demolish existing buildings and erect nine dwellings comprising of six terraced houses, two semi-detached houses and one detached house layout 9 parking spaces, cycle store to rear, layout bin stores to front and install vehicular access on to Sutton Road (Amended Proposal). Approved 04.04.2018.
- 3.4 17/00163/FUL: Demolish existing buildings and erect nine dwellings comprising of, eight terraced houses, one detached house, layout 12 parking spaces, cycle store to rear, layout bin stores to front and install vehicular access on to Sutton Road (Amended Proposal). Refused; appeal dismissed.
- 3.5 16/01308/FUL: Demolish existing buildings and erect nine dwellings comprising of seven terraced houses, one detached house and one maisonette, layout 12 parking spaces and cycle store to rear and layout bin stores to front. Refused.
- 3.6 00/00545/FUL: Convert first floor of warehouse (Class B8) into one self-contained flat (Class C3). Approved.

#### 427 Sutton Road

- 3.7 14/00029/FUL: Demolish existing building and erect three storey building comprising of six flats with landscaping to rear, cycle storage and refuse storage (Amended Proposal). Approved 06.03.2014.
- 3.8 13/00461/FUL: Demolish existing building and erect four storey building comprising 6 flats with landscaping to rear. Refused 29.05.2013.
- 3.9 Earlier planning history relates to alterations in association with the former use of the buildings as warehouse and light industrial units and is considered to be of little relevance to the current proposal.

## 4 Representation Summary

### 4.1 Public Consultation

82 neighbouring properties were notified. A site notice was posted and a press advertisement was published. 4 letters of representation have been received, objecting to the application. The matters of objection are summarised as follows:

- Detrimental effect on character and appearance of the site and surroundings;
- Detrimental impacts on amenities of nearby residential occupiers and of wider area;
- Security of neighbouring dwellings and gardens;
- Traffic, highways and parking impacts;
- Standard of accommodation for future occupiers;
- Effects on bats;
- Infrastructure and services availability in the area;
- Impacts of building works;
- No need for flats and more houses should be provided;
- Overdevelopment of the site;
- Effects on property values.

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

### 4.3 Environmental Health

No objections subject to sound insulation between dwellings and the glazing specification with the correct ventilation strategy. Sound insulation between dwellings and ventilation are not covered by the Noise Impact Assessment. Conditions necessary in relation to noise conditions and thermal comfort. The detailed wording of the suggested conditions has been refined to better reflect the test for planning conditions set out in planning guidance.

4.4 A contaminated land investigation report will be required including ground investigation results, site characterisation and remediation proposals together with implementation and verification information.

4.5 A demolition and construction management plan should be required by condition.

### 4.6 Highways

No objections. Appropriate reinstatement of vehicle crossovers will be required as part of the development. Travel packs should be required.

### 4.7 Education

No s106 contribution required for secondary education provision where the development would be 100% affordable housing.

### 4.8 Strategic Housing

Affordable Housing units - The scheme is required to provide a minimum of 20% affordable housing which would equate to at least 7 units of a size mix of 2no. one-bed, 3no. two-bed, and 2no. three-bed. A 60/40 tenure split (60% rented, 40% intermediate housing) would equate to 4no. flats as affordable rent and 3no. flats as shared ownership. The proposal would exceed each of these requirements. Having reviewed the proposal, the Housing Team are supportive.

**4.9 Lead Local Flood Authority**

No objection subject to conditions.

**4.10 Clinical Commissioning Group (NHS)**

Further capacity would be required at the nearest medical practices, and this should be secured through a planning obligation via a section 106 agreement. In the absence of such a contribution the development would place an unsustainable burden upon local healthcare services [**Officer comment:** primary health service contributions are secured through the City's Community Infrastructure Levy, not planning obligations].

**4.11 Anglian Water**

No objections. There is capacity in the sewer network to accommodate the development. Informatives are suggested.

**4.12 London Southend Airport**

No objection.

**4.13 Parks (Arboriculturist)**

No objections to proposed crown reduction of street tree by a maximum 30% as a pruning operation. Proposed tree planting is technically acceptable subject to full details of tree pits, and root barriers in relation to the proposed new street trees.

**4.14 Fire Service**

Access for fire service purposes is considered satisfactory subject to confirmation that there is access for a pumping appliance within 45m of all parts of all dwellings in the premises, following the route of the hose. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

The architect or applicant is reminded that additional water supplies for fire-fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

**Planning Policy Summary**



- 5**
- 5.1 The National Planning Policy Framework (NPPF) (2021)
  - 5.2 Planning Practice Guidance and National Design Guide (2021)
  - 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)
  - 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM11 (Employment Areas), DM15 (Sustainable Transport Management)
  - 5.5 Southend Central Area Action Plan (SCAAP) (2018) DS1 (A Prosperous Retail Centre) DS5 (Transport, Access and Public Realm) PA9 (Sutton Gateway Neighbourhood Policy Area Development Principles)
  - 5.6 Southend-on-Sea Design & Townscape Guide (2009)
  - 5.7 National Technical Housing Standards (2015) and Technical Housing Standards Policy Transition Statement (2015)
  - 5.8 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)
  - 5.9 Guide to Section 106 & Developer Contributions (2015)
  - 5.10 Southend-on-Sea Vehicle Crossover Policy (2021)
  - 5.11 Waste Storage, Collection and Management Guide for New Developments (2019)
  - 5.12 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) Adopted 2nd November 2021
  - 5.13 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, including the quantum of housing provision and dwelling mix, design and impact on the street scene and wider area, impacts on amenities of nearby residents, the standard of accommodation for future occupiers, traffic and highways impacts, sustainability including RAMS, ecology, CIL and planning obligations including affordable housing.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The site is within the built-up area and the development would add to the supply of dwellings on previously developed land in Flood Zone 1.

- 7.2 The National Planning Policy Framework (NPPF) encourages effective use of land in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 7.3 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 stipulates that this should be achieved by "maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development".
- 7.4 The Southend Central Area Action Plan (SCAAP) identifies the site as Opportunity Site PA9.1, by which "*the Council will support the redevelopment of this area for high quality housing and community facilities. The Council will require the building design, form and massing to: (a) have regards to residential buildings bordering the Opportunity Site and contribute positively to repairing the street scene and urban grain in this area; (b) include enhancements to the public realm to create a coordinated, sustainable palette of materials and furniture in accordance with the streetscape manual*". The Policy indicates the scope for some 214 new dwellings within the wider Opportunity Site. The applicant has indicated proposed new highway tree planting and public realm improvements to correspond with those carried out at the existing development neighbouring to the south. In this instance these can be reasonably secured by a Grampian style planning condition.

#### *Loss of Employment Land*

- 7.5 Policy CP1 states that "*Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area*".
- 7.6 Policies DM10 and DM11 seek to support appropriate sites for employment opportunity in accordance with the spatial strategy. The site is not identified as a 'Priority Urban Area' or industrial estate/employment area in the Core Strategy and is instead identified in the SCAAP for, principally, housing redevelopment.
- 7.7 Policy DM11 states that alternative uses on sites used or last used for employment purposes, outside the identified employment areas, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes, or the use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use will give greater potential benefit to the community and environment than continued employment use. The Appendix to the Policy sets out requirements for supporting information which include a qualitative appraisal referencing the advantages and limitations of the site set against alternative employment uses, general investment or improvements, or through competitive rental levels.
- 7.8 Limited supporting information has been submitted with respect to the loss of employment land. The Planning Statement provides a letter prepared by surveyors Rona dated 26

January 2017, which provides advice in relation to the marketability of the site. The letter provides the following comments:

- Building stock of this age, construction and type in this location are now surplus to requirement as commercial premises;
- The premises are old and beyond their design life and are now in need of complete refurbishment;
- The building will fail an EPC test of being better than band F ...therefore the cost of refurbishment would be prohibitive and uneconomic.

7.9 The letter is now over 5 years old and the condition of the site may have deteriorated during this period, notwithstanding the appearance of ongoing use noted at the time of the officer's site visit in 2022.

7.10 Earlier planning decisions relating to the different parts of the site have expired and carry little weight. Most recently in (application 18/00076/FUL) the loss of employment land at the southern part of the site has been found acceptable for the purposes of housing development. There are no new material considerations of sufficient weight to indicate this does not remain the case. In view of these factors taken together, and given that the entire site is identified in the SCAAP for housing redevelopment, an objection to the development on the basis of loss of employment premises is not considered reasonable or sustainable. The provision of affordable housing would be a considerable community and environmental benefit in principle, noting in addition here, that the proposal is for 100% Affordable Housing. Such use would conform with its surroundings. The proposal is on balance considered acceptable in terms of employment land and premises.

#### *Proposed residential provision*

##### *Quantum of housing*

7.11 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.

7.12 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.

7.13 The deficit in housing land supply weighs in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

7.14 While the scope for dwelling provision indicated in Policy PA9.1 is not prescriptive, the proposed provision of 33 dwellings would accord reasonably to the total figure having regard for the size of the site and the prevailing pattern of existing development.

##### *Dwelling mix*

7.15 Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing

requirements are addressed and that land with permission is developed without unnecessary delay.

- 7.16 Policy DM7 seeks residential development to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the City's housing need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below.
- 7.17 9no. flats would be one-bedroom two-person (1b2p) accommodation, 17no. flats would be 2b3p, 5no. flats would be 2b4p and 2no flats would be 3b4p. This dwelling mix is compared to the preference set out in Policy DM7 in Table 3 below. The tenure mix would not correspond to the 60:40 required in absolute proportion terms, but would exceed the overall numbers required by the policy which requires a minimum 20% provision.

**Table 3: Dwelling mix policy comparison for Affordable Housing**

Type of unit	Proposal		Policy DM7 requirement
	Number	Percentage	Percentage
One-bedroom flat	9	27%	16%
Two-bedroom flat	22	67%	43%
Three-bedroom flat	2	6%	37%
Four-bedroom flat	0	0	4%
Total	33	100%	100%

- 7.18 The proposed dwelling mix tends away from family-sized dwellings, and overall this is a factor of some negative weight in light of the SESHMA. The proposal emphasises one- and two-bedroom flats above the preferences set out in Policy DM7, with three-bedroom flats below the set preference. This is also a factor of some negative weight however set against these negative factors it is noted that some 23% of the two-bedroom flats would be 2b4p and therefore larger-capacity within that band (subject to appraisal of the compliance with NDSS set out in Living Conditions below).
- 7.19 Among the shared ownership flats in Block A, 5no. would be 1b2p, 15no. would be 2b3p, 3no. would be 2b4p and 1no. would be 3b4p. Therefore some 78% of shared ownership flats (Block A) would be two-bedroom.
- 7.20 Among the affordable rent flats in Block B, 4no. would be 1b2p, 2no would be 2b3p, 2no. would be 2b4p and 1no. would be 3b4p. Therefore some 44% of affordable rented flats (Block A) would be two-bedroom and 44% one-bedroom. These are considered to be reasonable distributions within each tenure type.
- 7.21 The scheme proposes to secure all 33 units as affordable housing via the legal agreement so they are protected as such for the lifetime of the development. The proposed quantum and mix of Affordable Housing significantly exceed the policy requirements. The proposal is acceptable and policy compliant in terms of dwelling provision and mix.

## Viability

- 7.22 The submitted viability assessment states that the scheme would be unable to support any affordable housing on open market terms. The developer and the registered affordable housing provider (RP) have confirmed their intention that the development would be 100% Affordable Housing funded by the RP. The RP have confirmed that grant funding from Homes England has been applied for and that they consider the scheme viable for them at 95% cost to value.
- 7.23 A 100% Affordable Housing provision would be in excess of policy compliance. A policy compliant level of Affordable Housing would be 20% of the total housing, subject to dwelling and tenure mixes. An independent Review of 'Affordable Housing Viability Assessment' found that the scheme is capable of generating a residual land value. It is considered that the development is capable of providing a policy compliant level of Affordable Housing or a level in excess of policy compliance. The 100% affordable housing provision will be secured in the legal agreement.

## Design and Impact on the Character of the Area

- 7.24 The NPPF states that planning decisions “*should ensure that developments ...are visually attractive as a result of good architecture and ...are sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change (such as increased densities)*”.
- 7.25 The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.
- 7.26 Policy DM1 requires development to respect the townscape and contribute positively to the space between buildings and their relationship to the public realm. The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy, and in Policy DM3 of the Development Management Document, which seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.27 The proposed density of flats would be consistent with existing characteristics of the area. The positioning of the buildings along the Sutton Road frontage would be consistent with the urban grain. The development would be of a similar design and scale to the recent development situated immediately to the South (411-415 Sutton Road, now Valentine Court, Underwood Court and Hammond Court). It would reduce the diversity of built form in terms of height and design within the street scene however this would not be significantly harmful.
- 7.28 The development would improve the active frontage and would provide modest landscaping to the front. The car parking area to the rear would be reasonably extensive but it is not considered to be harmfully so, given its proportions relative to the site overall and the provision of indicative landscaping. Full details of planting can be secured through a condition.
- 7.29 The design of the buildings would be articulated mainly through the projecting balconies at the front and sides, contrasting materials and relatively large floor to ceiling windows and glazed doors to the front and to some extent to the rear. Full details of external materials

can be secured through a condition.

- 7.30 A mature street tree is situated immediately outside the site on Sutton Road and contributes positively to the street scene together with similar trees elsewhere along the street. The application includes details and a methodology for protection of the tree during the development, and notes that a root barrier has been installed to prevent significant encroachment. The application proposes works to the tree to facilitate the development; details of the works would be subject to agreement by Parks, separately. Subject to implementation of appropriate tree protection measures the development is acceptable in these regards.
- 7.31 The application proposes the introduction of three new street trees to the front of the proposed buildings. This would improve the integration of the development into the street scene, subject to details, and would accord with the details of Policy PA9.1 of the SCAAP. The application also proposes the introduction of tree screening to the rear boundary and states that 7m tall trees would be planted. This arrangement would be consistent with the established development to the south and would enhance the integration of the development into its surroundings alongside the low-level planting indicated.
- 7.32 Subject to the described conditions it is considered that the application is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.33 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.34 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that *“protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 7.35 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 7.36 The position of the proposed buildings would be reasonably consistent with the established grain of buildings and spaces. The key difference from the existing situation would be the increase in height and the use for residential purposes.
- 7.37 The proposed three storey buildings would be separated from the dwellings and private amenity spaces to the rear at Glenhurst Road to the west by the proposed car parking area, some 11.4m deep. This relationship would be similar to that found to the immediate south, with its rear neighbours along Glenhurst Road, approved further to application 18/00679/AMDT. The buildings would be separated from the main dwellings at nos.2-12 Glenhurst Road by some 35m.
- 7.38 On this basis the rear windows of the proposed flats would not cause a significant loss of privacy to the existing occupiers within the dwellings at nos.2-12 Glenhurst Road. Consistent with the approach taken at the development to the South, it is considered that the proposed tree planting can provide screening to reasonably mitigate privacy impacts within the far ends of the existing rear private amenity spaces at nos.2-12 Glenhurst Road.

- 7.39 The proposal would have a different relationship to the closest dwellings at Oakhurst Road, particularly no.14 Oakhurst Road and to a lesser extent nos.16-22 Oakhurst Road. The rear gardens of these dwellings are positioned perpendicular to those at Glenhurst Road, with all the private amenity space of no.14 Oakhurst Road running along the back of the application site.
- 7.40 The application includes mitigation measures to curtail privacy impacts from the rear elevation of Block B to the dwellings and gardens at Oakhurst Road, as follows:
- The second floor of Block B would be set in so that the separation distance between the rear of the block at second floor, to the boundary with no.14 Oakhurst Road, would increase from some 11.9m to some 19.3m towards that dwelling's rear elevation. Articulation at first floor would make a distance of some 14.3m to the same boundary;
  - The lower separation distance of some 11.9m would affect the rearmost portion only of the garden at no.14 Oakhurst Road;
  - The submitted plans indicate that oriel-style windows would be used at the north rear elevation of Block B at first and second floors, angling them slightly away from the rear elevation of no.14 Oakhurst Road;
  - 1.8m screening to the rear roof terrace of proposed Flat 32;
  - The proposed rear-boundary tree planting could provide screening to reasonably mitigate privacy impacts within the rear private amenity space at no.14 Oakhurst Road.
- 7.41 It is considered that, subject to conditions requiring the provision of screening and tree planting as indicated, the privacy impacts would be reasonably mitigated with regards to nos.14-22 Oakhurst Road, having regard to both the rear gardens and rear elevations including the roof dormer at no.14.
- 7.42 The proposed communal roof terraces would be positioned to the east of the proposed solar voltaic arrays, principally behind the stair and lift cores. The separation distances to the rear gardens behind the site would be at least 18m. Consistent with findings for the development to the south, the privacy impacts on neighbours would be within acceptable parameters.
- 7.43 Secondary windows of proposed Block A would be situated within some 1.7m of the north-facing secondary windows to open-plan kitchen and living spaces at ground, first and second floors of the existing flatted development neighbouring to the south at Hammond Court. Privacy conditions can be reasonably protected in this circumstance using obscured glass to those flank windows, which can be required by condition. Obscure glazing should be provided to the north facing flank windows on Block B given the proximity to the neighbouring site and can be secured by condition.
- 7.44 The development's relationship to dwellings on the east side of Sutton Road would be acceptable in terms of privacy conditions given the separation across the public realm. The proposed roof terraces would be set back from the front elevation by a minimum of 3m and would not harmfully affect occupiers' amenity opposite in any relevant regard.
- 7.45 The proposal would affect outlook to the secondary windows to Hammond Court, to the south. As secondary windows this impact would not be significantly harmful. A 'well effect' would be created, some 5.8m deep and 4.4m wide, in relation to the West-facing bedroom windows, sole sources of light and outlook, at ground, first and second floors of Hammond

Court. It is not considered that the impact on outlook from these windows would be significantly harmful.

- 7.46 Given the context of the existing side wall of Hammond Court, it is not considered that the proposed development would cause a significantly harmful sense of enclosure or overbearing relationship to occupiers of those bedrooms.
- 7.47 Given the position of the affected bedroom windows at the north end of Hammond Court where they are already shadowed by the existing building, it is considered that the impact of the proposal in terms of daylight would not be sufficiently harmful to justify a refusal of planning permission on this basis. Situated to the north the proposed development would not cause shadowing to Hammond Court.
- 7.48 By reason of the scale and position of the proposed buildings relative to surrounding dwellings and private amenity spaces, the development would not significantly harm outlook conditions, or cause a significantly harmful sense of enclosure or overbearing relationship to those residents.
- 7.49 By reason of the height, position and orientation of the proposed buildings, the development would not cause a significantly harmful effect in terms of daylight or shadowing conditions to surrounding dwellings and private amenity spaces. The applicant has provided a Daylight, Sunlight and Overshadowing Assessment dated 28th March 2022 by EEABS. This supports these conclusions.
- 7.50 It is acknowledged that roof terraces may have a different relationship to surrounding spaces with respect to noise impacts and a potential perception of noise intrusion. Given the extent and position of the proposed roof terraces, it is not considered that their use would harm surrounding occupiers through noise impacts in a materially different way to any other amenity space.
- 7.51 The proposal would introduce a density of development commensurate with the existing situation neighbouring to the South, and appropriate to the site's location along a main road. It would introduce a different and increased profile of activity in proximity to the residential gardens to the rear compared to the existing situation. Located within the built-up area, noise and disturbance from occupation of the development and associated activity is considered to be within reasonable parameters.
- 7.52 Sound transmission is a matter for building regulations and environmental health legislation, and in this instance, it is considered that the potential for any increased disturbance from the flats and their amenity spaces is unlikely to cause impacts to the amenities of nearby occupiers to an extent that would represent significant harm to residential amenity.
- 7.53 The proposal introduces a car park along the boundary with residential gardens to the West. This would introduce activity with associated noise and car fumes in proximity to the nearby gardens where at present the site is occupied by low-rise buildings.
- 7.54 In relation to nos. nos.2-12 Glenhurst Road, the relationship with the car park would be similar to the arrangement found acceptable to the south. Given the length of the gardens, and proposed screen planting, together with boundary fencing that can be secured by condition, the impacts are considered to be acceptable.
- 7.55 The proposed car parking and tree screening, together with any boundary fencing, would



be situated in close proximity to the entire length of the private amenity space at no.14 Oakhurst Road. The submitted site plan indicates a greater density of tree planting at this location close to the rear of no.14.

- 7.56 The rear boundary of the site is currently formed of the undulating roof of the commercial building and its concrete rear wall, which falls to a single storey structure behind no.14 Oakhurst Road, and which includes an unsightly tall flue.
- 7.57 Taking account of the established situation with buildings of a commercial character, together with the effect of the existing built form and the mitigations provided by tree planting and boundary fencing, which can be secured by condition and situated along the east boundary of no.14 Oakhurst Road, it is considered that the proposed car parking and screening would not cause a significantly harmful effect to neighbouring occupiers' amenity in any relevant regard.
- 7.58 Car park noise and pollution impacts would not be significant given the scale of the proposal and the residential character of the development.
- 7.59 As a non-residential building, impacts to the church hall would not be considered significantly harmful in any relevant regard.
- 7.60 With regard to impacts of building works, a construction method statement has been supplied and can be secured as a condition of planning permission in the interests of free flow of traffic and the amenities of the wider area.
- 7.61 Subject to the described conditions it is considered that the development would be acceptable and policy compliant in its impact upon the amenities of neighbouring and surrounding residential occupiers.

### **Living conditions**

- 7.62 The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.63 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 7.64 Further to this, from 1 October 2015 the adopted Nationally Described Space Standards (NDSS) state that the following internal floor spaces (gross internal area (GIA) in sqm) are required:
- 1b2p flat: 50sqm;
  - 2b3p flat: 63sqm;
  - 2b4p flat: 70sqm;
  - 3b4p flat: 74sqm.
- 7.65 The submitted schedule of accommodation incorrectly identifies flat 26 as 2b3p, while it is shown on the submitted plans as 1b2p. This error has not prejudiced the accurate assessment of the application. Reference to Table 1 at 2.7 of this report shows that the

proposed dwellings would exceed the requirements of the NDSS and bedrooms would provide twin, double or single accommodation in accordance with the NDSS.

- 7.66 The eight, single-aspect street-facing dwellings are a negative factor to be weighed in the balance. However, floor to ceiling openings, private main doors to the ground floors and balconies to the upper floors would improve the living conditions. Acceptable daylight and outlook conditions would be provided to all dwellings. In the interests of occupier privacy obscure glazing to the internally-facing flank windows at first and second floors should be required by condition given the 7m gap between facing windows at Blocks A and B.
- 7.67 Policy DM8 requires that new developments make provision for useable private outdoor amenity space. The Design and Townscape Guide (2009) states: *“Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 7.68 12 of the proposed 33 flats would have no dedicated private amenity space in the form of balconies or terraces at ground floor, which is a negative aspect, to be weighed in the balance, but 95sqm communal amenity space would be available at the rooftop to mitigate this. The 3b4p units would both have private terraces. The private amenity spaces to the remainder of the units would be within acceptable parameters. The overall provision of private amenity spaces would be similar to those at the neighbouring development to the south, 411-415 Sutton Road (now Hammond Court), and for several units would be more generous.
- 7.69 Policy DM1 of the Development Management Document requires that development provides an internal and external layout that takes account of all potential users, and Policy DM8 requires development to have regard to Lifetime Homes Standards. Further to the Technical Housing Standards Policy Transition Statement (2015), these have been superseded for the purposes of DM8 by Part M4 (2) and M4 (3) of the Building Regulations.
- 7.70 The submitted Design and Access Statement confirms that all the proposed flats would meet building regulations M4 (2) accessibility standards, with 2no. ground floor units and 2no. second-floor units meeting M4(3) standards, providing 10% of the dwellings in accordance with the policy. Among the M4(3) compliant flats, 3no. would be in Block A and 1no. in Block B. 2no. of each would be sized 1b2p, 1no. would be 2b3p and 1no. would be 2b4p. Lift access would be available to the upper floors providing level access.
- 7.71 The submitted Noise Assessment Report 13340/1B by Adrian James Acoustics identifies the effects of road traffic noise and mitigation measures. These can be secured by condition. No details of the impacts on thermal comfort have been identified but suitable measures can be secured by condition.
- 7.72 The submitted plans show integral cycle stores within the development, and externally accessible bin storage. The cycle stores would provide one space for each dwelling consistent with Policy DM15. The bin stores would be acceptably separated from surrounding flats and would provide for 7no. bins of 1100litre specification for Block A and 4no. bins of 1100litre specification for Block B. This would meet the Council’s waste standards for multiple occupancy developments of this scale. Carry and collection distances would be acceptable.
- 7.73 Subject to conditions, the proposal is considered acceptable and compliant with the policies relating to living conditions.

## Traffic and Transportation Issues

- 7.74 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”.
- 7.75 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 (2015) states that all development should meet the parking standards (including cycle parking).
- 7.76 The adopted Vehicle Parking Standards state that at least one space should be provided per dwelling at this location, and that one secure cycle storage space should be provided per dwelling. The application proposes 33 spaces within the rear parking courtyard, including 4 accessible spaces for disabled people. 33 cycle spaces are indicated internally. The standards are therefore met. Travel packs would support sustainable travel as required by Policy DM15(4) and should be secured by legal agreement.
- 7.77 Appropriate construction of the proposed vehicular access and remediation, as well as public realm improvements which would correspond to the adjacent similar development, can be reasonably secured by conditions and informatives. The street trees are acceptable in principle subject to full details which can also be secured by condition. The proposal is acceptable and policy compliant on highway and parking grounds.

## Sustainability

- 7.78 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.
- 7.79 A Sustainability report has been submitted with the application, indicating that some 34% of the buildings’ energy needs could come from on-site renewable sources. The submitted plans indicate solar panels to the roofs. This is acceptable in principle. Full details to demonstrate compliance with Policy KP2 can be secured via condition.
- 7.80 The document also proposes the use of water efficient fittings and appliances to limit water consumption. A requirement to limit to no more than 105 litres per person per day can also be conditioned. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in the above regards.

## Ecology

- 7.81 The application is supported by a Bat Survey and an Ecology Report. The Bat Survey included external and internal surveying and noted that by reason of the lack of potential roosting places and access places that the site has negligible potential as a roosting place for bats. No evidence of bats was found internally. The site is not considered to meet the criteria for likely bat roosting which is set out in national Planning Practice Guidance.

- 7.82 The submitted ecology survey found that the potential of the site to support protected species was extremely low. The surveys suggest potential ecological enhancements such as native species planting and suitable bird boxes. These matters can be secured through relevant conditions.

### **Flood Risk and Drainage**

- 7.83 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.84 The site is located within flood zone 1, low risk, so is sequentially preferable for residential development. A drainage strategy and SUDS assessment have been submitted with the application. The Council's Drainage Engineer and Anglian Water have raised no objections to the proposed drainage in principle but have requested further details be conditioned and agreed prior to the installation of any drainage works. Subject to such condition the proposal is considered to be acceptable and policy compliant in this respect.

### *Contamination*

- 7.85 A Phase I Contamination Assessment has been submitted with the application. This states that the site presents low contamination risk to the proposed land use. It recommends further intrusive investigation and quantitative risk assessment including matters related to mobile and leachable contamination and gas. Subject to conditions requiring further detailed assessment, remediation methods and verification reporting, the proposal is considered to be acceptable and policy compliant in this respect.

### **Electric Vehicle Charging**

- 7.86 Further to the adopted SPD, one active charging point is required per dwelling. The application identifies specific provision of 9 spaces with charging points which is insufficient. It is considered that the necessary additional provision can be reasonably secured through a planning condition.

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

- 7.87 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) requires that a tariff of £137.21 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via the S106 legal agreement, the proposal is considered to be acceptable and policy compliant in this regard.

## Community Infrastructure Levy and Developer Contributions

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

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

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

7.90 The National Planning Practice Guidance makes it clear that *“Where local planning authorities are requiring affordable housing obligations or traffic style contributions to infrastructure, they should be flexible in their requirements...On individual schemes applicants should submit evidence on scheme viability where obligations are under consideration”.*

7.91 Core Strategy Policy KP3 requires that *“In order to help the delivery of the Plan’s provisions the Borough Council will:*

*2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements”.*

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

*.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...*

*For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.*

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

*Supplementary Planning Document*".

## **Planning Obligations and Developer Contributions**

### **Affordable Housing**

- 7.93 The policy compliant provision of affordable housing here is 20% which for a site of 33 units equates to 7 units. The application documents state that the proposal will deliver all units (100%) for Estuary Housing Association, a registered provider. The viability study found that the proposal would not be economically viable as open-market housing. 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 in the current context the development could generate a surplus (subject to further information and possible revision). Estuary Housing have confirmed their funding of the development and the applicant has confirmed that 100% Affordable Housing will be secured through the S106 Agreement.
- 7.94 It is therefore found that the proposal is capable of implementation as proposed and is acceptable and policy compliant on affordable housing grounds.

### **Education**

- 7.95 Policy CP6 states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected, in the interests of the education attainment and well-being of local residents. The Education Team have confirmed that, as the proposal is 100% affordable housing, the proposal would be exempt from an education contribution.

### **Highways**

- 7.96 The Council's Highways Officer has requested that Travel Packs be provided to new residents.

### **Essex Coast RAMS**

- 7.97 As noted above the applicant has requested to make the necessary payment for mitigation through the legal agreement. The S106 contribution Heads of Terms can therefore summarised as:
- Affordable housing of 9no. affordable rent (4no. 1b2p, 2no. 2b3p, 2no. 2b4p and 1no. 3b4p units) and 24no. shared ownership (5no. 1b2p, 15no. 2b3p, 3no. 2b4p and 1no. 3b4p);
  - Residential Travel Packs – to be agreed prior to occupation;
  - Essex Coast RAMS – to be paid prior to occupation;
  - Monitoring costs of £2250.
- 7.98 The above addresses the specific mitigation for the proposed development for matters not addressed within the Regulation 123 Infrastructure List covered by the CIL payment. The Section 106 provisions and contributions proposed are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contribution that is set out above the development could not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 9.

## Community Infrastructure Levy (CIL)

7.99 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 2501sqm, which may equate to a CIL charge of approximately £95807 (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. Since all of the development would be for affordable housing the applicant can apply for an exemption.

## 8 Conclusion

8.1 The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development is applied when determining the application. Therefore, if any harm were identified, including where discussed as partial negative factors within this report, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the *National Planning Policy Framework* is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the *Framework* taken as a whole. The development would provide 33 additional dwellings for the City and as 100% Affordable Housing secured through a legal agreement, which would be public benefits, and would re-use previously developed land for an appropriate purpose.

8.2 Having taken all material planning considerations into account, it is found that subject to prior completion of the legal agreement and to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would be acceptable in principle including the loss of employment spaces. The scale, layout and design are acceptable in the site context. The development would have an acceptable impact on the amenities of surrounding occupiers and would provide satisfactorily for the amenities of future occupiers. The highways impacts of the proposal are considered to be such that they would not conflict with development plan policies. The development provides reasonably for ecology and sustainability impacts of the proposal, and biodiversity enhancement can be secured through conditions relating to landscaping. This application is therefore recommended for approval subject to completion of a S106 Agreement and conditions.

## 9 Recommendation

(a) **That the Council enter into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**

- **Affordable housing of 9no. affordable rent (4no. 1b2p, 2no. 2b3p, 2no. 2b4p and 1no. 3b4p units) and 24no. shared ownership (5no. 1b2p, 15no. 2b3p, 3no. 2b4p and 1no. 3b4p);**
- **Residential Travel Packs – to be agreed prior to occupation;**

- **Essex Coast RAMS – to be paid prior to occupation;**
- **Monitoring costs of £2250.**

**(b) That 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 section 106 agreement referred to above and subject to the conditions set out below:**

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

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

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

**200 P4 Site Location Plan**

**201 P4 Existing Site Plan**

**202 P8 Proposed Site Plan**

**203 P8 Site Context Plan**

**204 P13 Proposed Ground and First Floor Plans**

**205 P9 Proposed Second Floor Plan and Roof Access**

**206 P8 Proposed Roof Plan**

**208 P5 Proposed Elevations**

**209 P11 Existing and Proposed Street Scene and Site Plan**

**210 P4 Existing and Proposed Street Scene with Sections**

**250 P2 Proposed Public Realm Improvements**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works in relation to the proposed residential buildings other than ground preparation and construction up to ground floor slab levels shall take place unless and until full product details of the materials to be used on all external elevations of the buildings including walls, projecting and inset balconies including floor, underside, fascia and soffit, windows and doors, roof and roof terraces, coping, privacy screens, rainwater goods and service doors including serving the cycle and refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.**

**Reason: In the interests of the visual amenities of the area, 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 and the advice contained within the Southend Design and Townscape Guide (2009).**

**04 The dwellings hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works including boundary treatments shall be carried out prior to**



**first occupation of the dwellings and the soft landscaping works within the first planting season following first occupation of the dwellings. The details submitted in respect of each shall include, but not limited to:**

- **means of enclosure of the site including any gates or boundary fencing;**
- **details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification including for the rear boundary trees, tree pit details, planting-soil and staking conditions, and a watering programme, to ensure their successful establishment;**
- **details of planting to the green roof areas together with supporting media and drainage where necessary, with inspection and management proposals, to ensure their successful establishment;**
- **hard surfacing materials;**
- **minor artefacts and structures (e.g. furniture and planters);**
- **specific measures to enhance biodiversity within the site such as indicated within the submitted Bat Survey by John Dobson November 2021 report and Ecology Report by Wild Frontier November 2021.**

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

**Reason: In the interests of the character and appearance of the area and the amenities of neighbouring occupiers, and ecology 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 and the advice contained within the Southend Design and Townscape Guide (2009).**

**05 The dwellings hereby approved shall not be occupied unless and until the removal and reinstatement of the existing crossovers and the public realm improvements, all shown on plan 250 P2, have been completed in accordance with that drawing and have been certified in writing as complete by the Local Planning Authority.**

**Reason: In the interests of the character and appearance of the area 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 and the advice contained within the Southend Design and Townscape Guide (2009).**

**06 The development authorised by this permission shall not begin until full details of additional street trees to the front of the site, as indicated on, and notwithstanding the details within, the 9546-D-AMS Rev B Tree Protection Plan by Hayden's, have been submitted to and approved in writing by Southend City Council as Local Planning Authority. The submitted details shall include tree pits to be constructed in a way that will prevent future root damage to the surrounding hard surfaces, a timetable for implementation, and ten-year management and maintenance proposals. The timetable for implementation shall provide for planting within the first planting season following completion of the public realm works identified in this planning permission. Any trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. The development shall be carried out in accordance with the approved details and**

retained thereafter.

**Reason:** In the interests of the character and appearance of the area 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 and the advice contained within the Southend Design and Townscape Guide (2009).

**07** The dwellings hereby permitted shall not be occupied until and unless full details of the privacy screening at first and second floors and roof level have been submitted to and approved in writing by the Local Planning Authority, and the agreed details have thereafter been implemented in full. The agreed privacy screening shall thereafter be maintained for the lifetime of the development.

**Reason:** In the interests of the amenities of neighbouring 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 and the advice contained within the Southend Design and Townscape Guide (2009).

**08** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external lighting shall be installed unless and until a full scheme of external lighting has been previously submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

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

**09** Prior to first occupation of the first and second floor flats within the development hereby approved, a scheme of obscure glazing to maintain the privacy conditions of adjacent existing and proposed dwellings, 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 windows permanently fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served by the window , shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is first occupied and shall be retained for the lifetime of the development.

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

**10** The development hereby permitted shall be carried out in accordance with the Construction Method Statement Version 1\_13.06.2022 or in accordance with alternative details for a Demolition and Construction Method Statement which have been submitted to and approved in writing by the Local Planning Authority under the

terms of this planning condition. The approved Statement shall be adhered to throughout the construction period.

**Reason:** In the interests of the free flow of traffic and general environmental quality in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM3 and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

**11 Demolition or construction works of the development hereby approved shall not take place outside 08:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays nor at any time on Sundays or Bank Holidays.**

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

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

- Road traffic noise
- Airborne and impact noise caused by normal living where bedrooms are above or below living areas
- Internal plant noise including lifts
- Use of communal stairwells and halls
- Impact of external building services and extract ventilation equipment.

The scheme shall have been carried out by a competent person (normally a member of the Institute of Acoustics) (IOA)) and shall incorporate mitigation measures to ensure that until the internal and external areas of dwellings are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels of the proposed development shall not exceed the guideline values in BS8233:2014 Table 4 as follows:

07:00 to 23:00: Resting - Living room 35 dB LAeq,16hour; Dining - Dining room/area 40 dB LAeq,16hour; Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour;  
23:00 to 07:00: Sleeping/Night time - Bedroom 35 dB LAeq,8hour;

The mitigation measures shall have regard to thermal comfort in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and Association of Noise Consultants. Any alternative means of ventilation and air cooling and heating is required to demonstrate that: the alternative means of ventilation and cooling will not compromise any noise protection measures; the alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants; the alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions. The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal

**comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be retained for the lifetime of the development thereafter.**

**The development hereby permitted shall take place only in full accordance with the details and measures in the approved Noise Mitigation Scheme and ventilation measures from first occupation of the development and shall remain as such in perpetuity thereafter.**

**Reason: In the interests of occupier amenities further to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM8.**

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

**Reason: To ensure the dwellings provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).**

**14 The dwellings hereby approved shall not be occupied until and unless secure and covered refuse storage for occupiers has been provided at the site and made available for use in accordance with details shown on approved plan 204 P13. The storage shall be retained as such for the lifetime of the development thereafter.**

**Reason: In the interests of the living conditions of existing and future residential occupiers and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).**

**15 The dwellings hereby approved shall not be occupied until and unless a waste management scheme setting out collection arrangements and collection times has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In the interests of the living conditions of existing and future residential occupiers and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).**

**16 The development hereby approved shall not be occupied until and unless secure cycle storage for occupiers has been provided on site and made available for use in accordance with the details shown on approved plan 204 P13. The storage shall be retained as such for the lifetime of the development thereafter.**

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

**17 The development hereby approved shall not be occupied until and unless 33 car parking spaces, of which not less than 4 shall be for disabled users, have been provided at the site and made available for use, in accordance with the details shown on drawing 204-P13, together with a properly constructed vehicular access to the adjoining highway. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.**

**Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).**

**18 Notwithstanding the details submitted within the SUDS Assessment Statement from Dove Jeffery Homes reference SUT003 dated 11.03.2022 and the details submitted and otherwise hereby approved no drainage infrastructure associated with this development shall be installed until final details of drainage strategies have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details in full before it is occupied. The details shall provide for the following:**

- **Details of surface water management during the construction phase including details on the phasing of drainage installation relative to wider works;**
- **Greenfield runoff rate must be provided, and discharge must be limited to the greenfield run off rate, or show measures taken to achieve this. If existing surface water drains are being used, confirmation is needed and an agreement in principle from Anglian Water regarding the surface water connection point; a maximum flow rate of 2 l/s should be provided if a connection to existing surface water sewers is being made;**
- **Updated drainage modelling calculation outputs should be provided with the following parameters amended - please note these are for review only given the system has been designed to a 1:100 year storm standard**
  - **Cv values set to 1.0 for all storm simulations;**
  - **Maximum rainfall amount set to the maximum allowed by the software or 500 mm/hr, whichever is lowest;**
  - **The Additional Storage factor should be set to 0 unless conclusive evidence is provided to justify why this has been modelled using 10 m<sup>3</sup>/ha;**
- **Calculations of the brownfield run off rate must be given and a better of 50% must be proven.**

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).**

**19 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition and site clearance, until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on**

**the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.**

**The report of the findings must include:**

- i) A survey of extent, scale and nature of contamination;**
- ii) An assessment of the potential risks to:**

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

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

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

**(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development other than that required to carry out additional necessary investigation as defined under part (b) of this condition, which in this case may include demolition and site clearance, shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a**

verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

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

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

**Reason:** In the interests of providing sustainable development in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

**21** 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 before it is brought into use.

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

**22** Prior to first occupation of the dwellings hereby approved, no fewer than 33 active electric vehicle (EV) charging points shall have been provided, one to serve each residential parking space. The arrangements shall be retained thereafter for the

**lifetime of the development.**

**Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).**

**23 Other than the areas specifically denoted as roof terraces on the plans hereby approved, the roofs of the buildings hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.**

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3.**

**24 No development shall take place until and unless a scheme for the protection of the horse chestnut street tree, adjacent to the site on Sutton Road, has been implemented in accordance with the details contained within 9546-D-AMS Rev B Tree Protection Plan by Hayden's and the Arboricultural Method Statement & Tree Protection Plan 01/11/2022 Rev B by Hayden's. The approved protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved statement, measures and methods.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).**

**(c) In the event that the planning obligation referred to in part (a) above has not been completed before 9th December 2022, or an extension of this time as may be agreed by the by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on the grounds that the development will not secure the necessary affordable housing provision and mitigation of impacts on European designated sites. As such, the proposal would be unacceptable and contrary to Policies KP1, KP2, KP3, CP4 and CP8 of the Core Strategy (2007), Policies DM1, DM6 and DM7 of the Development Management Document (2015) and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020).**

**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**



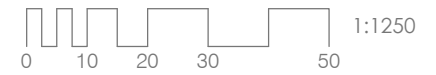
**been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

### **Informatives**

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

**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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LOCATION PLAN  
SCALE 1:1250@A3



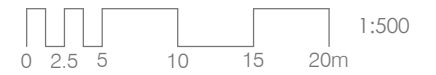
P4	25.02.22	ADDRESS UPDATED.	GR.
P3	21.12.21	SITE BOUNDARY UPDATED.	GR.
P2	08.12.21	MINOR AMENDMENTS	GR.
REV.	DATE.	AMENDMENT.	DRAWN.

PROJECT NO.	REVISION	DRAWING NO.
17.547	P4	200
DATE	15.08.2019	

PROJECT:  
**RESIDENTIAL DEVELOPMENT**  
425-427 SUTTON ROAD,  
SOUTHEND-ON-SEA, ESSEX. SS2 5PQ

CLIENT:  
**DOVE JEFFERY HOMES**  
DRAWING TITLE:  
**SITE LOCATION PLAN**

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EXISTING SITE PLAN  
SCALE 1:500@A3

PROJECT:  
**RESIDENTIAL DEVELOPMENT**  
425 - 427 SUTTON ROAD,  
SOUTHEND-ON-SEA, ESSEX. SS2 5PQ

CLIENT:  
**DOVE JEFFERY HOMES**  
DRAWING TITLE:  
EXISTING SITE PLAN

P4	25.02.22	ADDRESS UPDATED.	GR.
P3	21.12.21	SITE BOUNDARY UPDATED.	GR.
P2	08.12.21	MINOR AMENDMENTS	GR.
REV.	DATE.	AMENDMENT.	DRAWN.

PROJECT NO. 17.547	REVISION P4	DRAWING NO. <b>201</b>
DATE 15.08.2019		

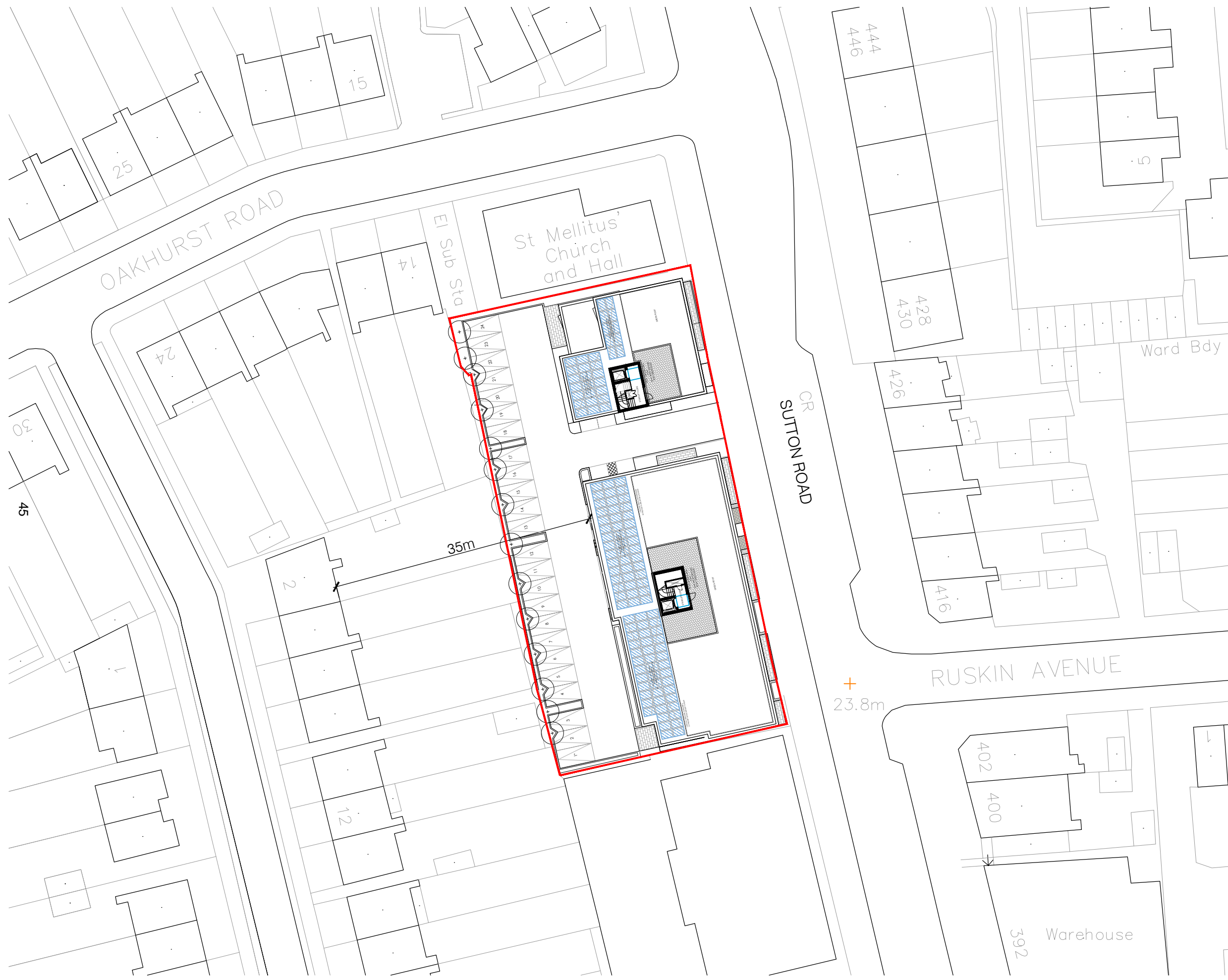
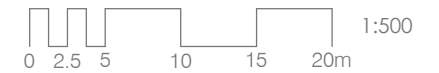


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PROPOSED SITE PLAN  
SCALE 1:500@A3

PROJECT:  
**RESIDENTIAL DEVELOPMENT**  
425 - 427 SUTTON ROAD,  
SOUTHEND-ON-SEA, ESSEX. SS2 5PQ

CLIENT:  
DOVE JEFFERY HOMES  
DRAWING TITLE:  
PROPOSED SITE PLAN

REV.	DATE	AMENDMENT	DRAWN
P6	03.03.22	ROOF PLAN UPDATED.	GR.
P5	25.02.22	ADDRESS UPDATED.	GR.
P4	23.12.21	AMENDMENTS TO CLIENT COMMENTS.	GR.
P3	21.12.21	SITE BOUNDARY UPDATED.	GR.
P2	08.12.21	MINOR AMENDMENTS	GR.

PROJECT NO.	REVISION	DRAWING NO.
17.547	P8	<b>202</b>
DATE: 15.08.2019		

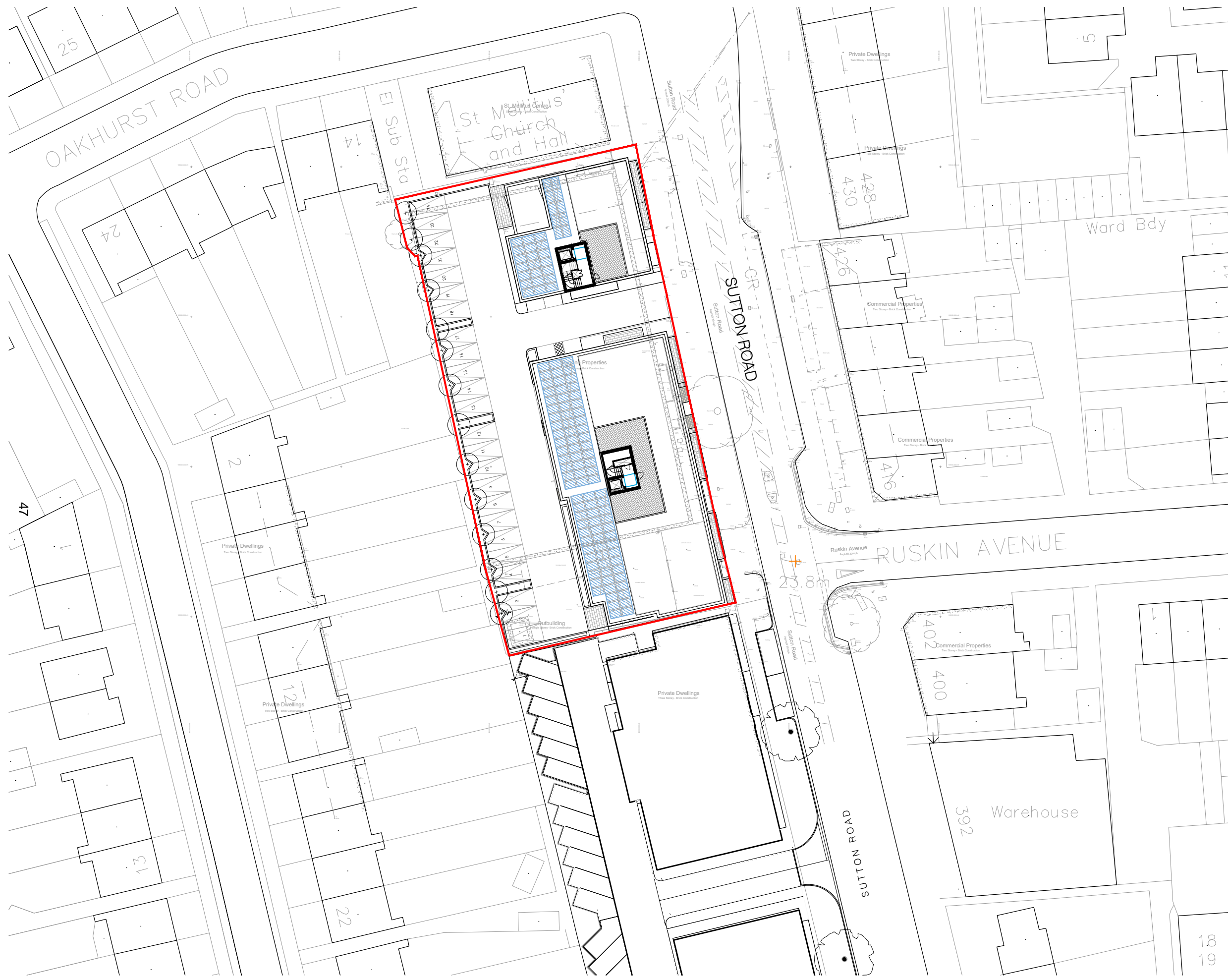
**FRONT.** | 171 HIGH STREET, RAYLEIGH, ESSEX, SS6 7QA.  
TEL: +44 (0)1702 831 415 | EMAIL: HELLO@FRONT-ARCHITECTURE.CO.UK

**Estuary**  
HOUSING ASSOCIATION LTD

**dovejefferyhomes**

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0 10 20 30 40 50 1:1250

NORTH

PROPOSED SITE PLAN  
 SCALE 1:500@A3

PROJECT:  
**RESIDENTIAL DEVELOPMENT**  
 425 - 427 SUTTON ROAD,  
 SOUTHEND-ON-SEA, ESSEX. SS2 5PQ

CLIENT:  
 DOVE JEFFERY HOMES  
 DRAWING TITLE:  
 SITE CONTEXT

REV.	DATE.	AMENDMENT.	DRAWN.
P6	03.03.22	ROOF PLAN UPDATED.	GR.
P5	25.02.22	ADDRESS UPDATED.	GR.
P4	23.12.21	AMENDMENTS TO CLIENT COMMENTS.	GR.

PROJECT NO.	REVISION.	DRAWING NO.
17.547	P8	
DATE		
15.08.2019		

**203**

**FRONT.** | 171 HIGH STREET, RAYLEIGH, ESSEX, SS6 7QA.  
 | TEL. +44 (0)1702 831 415 | EMAIL. HELLO@FRONT-ARCHITECTURE.CO.UK



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ACCOMMODATION SCHEDULE						
FLOOR	No.	TYPE	AREA (GIA)	STORE	AMENITY	BLOCK

GROUND FLOOR	1	3B 4P	74M <sup>2</sup>	2.5M <sup>2</sup>	16.4M <sup>2</sup>	A
	2	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	3	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	4 M4(3)	1B 2P	58M <sup>2</sup>	1.5M <sup>2</sup>	3.0M <sup>2</sup>	A
	5	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	12.0M <sup>2</sup>	A
	6	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	7	3B 4P	74M <sup>2</sup>	2.5M <sup>2</sup>	0.0M <sup>2</sup>	B
	8	2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	11.1M <sup>2</sup>	B
	9	2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	16.4M <sup>2</sup>	A
	10	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	6.0M <sup>2</sup>	A
	11	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
FIRST FLOOR	12	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	13 M4(3)	1B 2P	58M <sup>2</sup>	1.5M <sup>2</sup>	3.0M <sup>2</sup>	A
	14	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	15	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	16	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	17	2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	18	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>	B
	19	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>	B
	20	1B 2P	51M <sup>2</sup>	1.5M <sup>2</sup>	5.4M <sup>2</sup>	B
	21	2B 3P	62M <sup>2</sup>	2.0M <sup>2</sup>	3.0M <sup>2</sup>	B
	22	2B 3P	70M <sup>2</sup>	2.0M <sup>2</sup>	16.4M <sup>2</sup>	A
	SECOND FLOOR	23	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>
24		2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
25		2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
26 M4(3)		2B 3P	58M <sup>2</sup>	1.5M <sup>2</sup>	3.0M <sup>2</sup>	A
27		2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
28		2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
29		2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
30		2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	0.0M <sup>2</sup>	A
31		1B 2P	56M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>	B
32 M4(3)		2B 4P	74M <sup>2</sup>	1.5M <sup>2</sup>	15.9M <sup>2</sup>	B
33		2B 3P	62M <sup>2</sup>	2.0M <sup>2</sup>	3.0M <sup>2</sup>	B

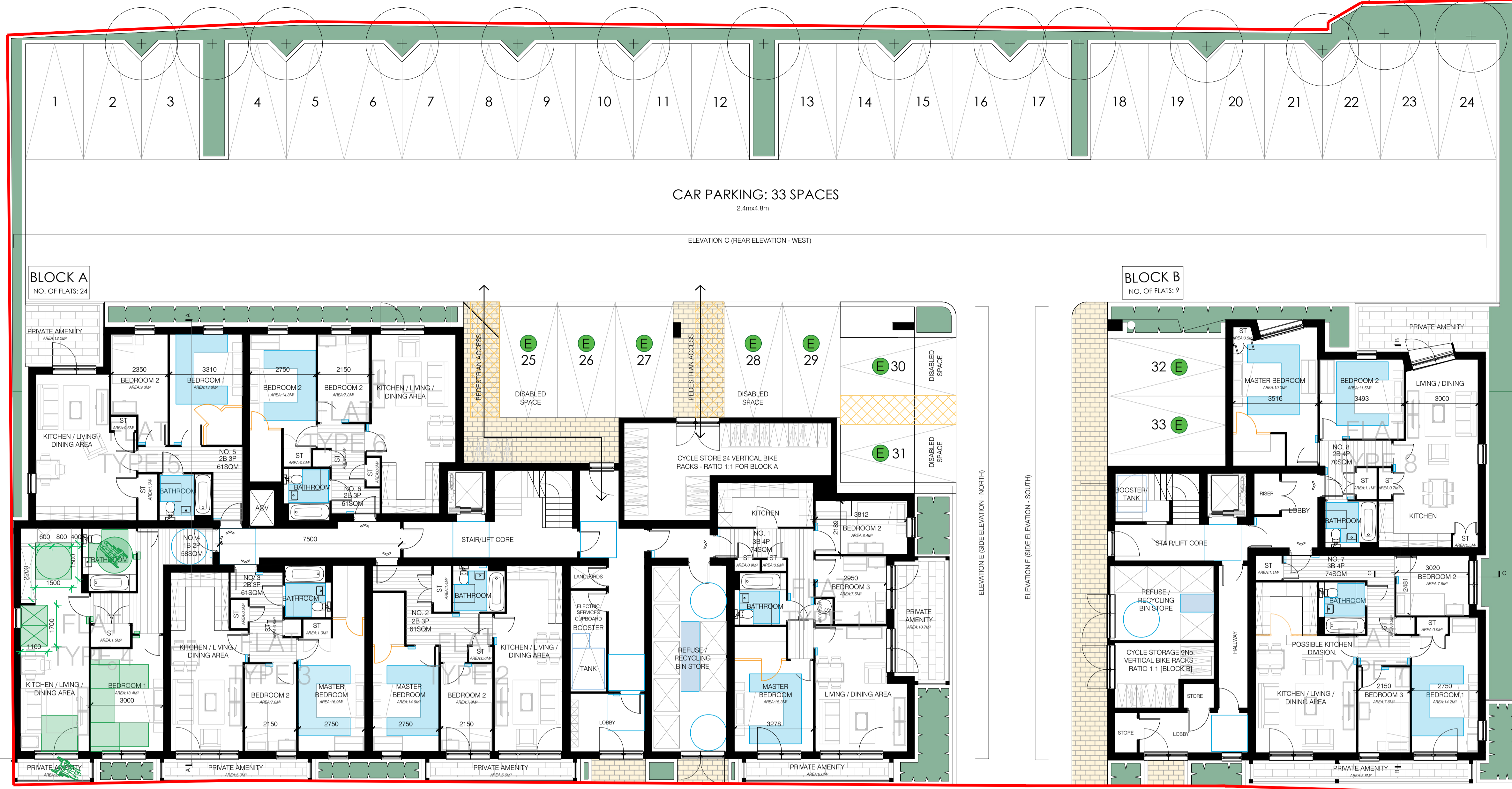
**AMENITY**  
 Total Private Amenity: 129.5m<sup>2</sup>  
 Communal Amenity: 515m<sup>2</sup> [Mix of usable and visual amenity]  
 Total Amenity: 644.5m<sup>2</sup>  
 Average Amenity: 19.5m<sup>2</sup>  
 APPLICATION NO. 16/01503/FULM  
 Planning permission was granted at 411-415 Sutton Road with an average amenity of 19.1m<sup>2</sup>

**SITE AREA:**  
 Total Private Amenity: 2016m<sup>2</sup>

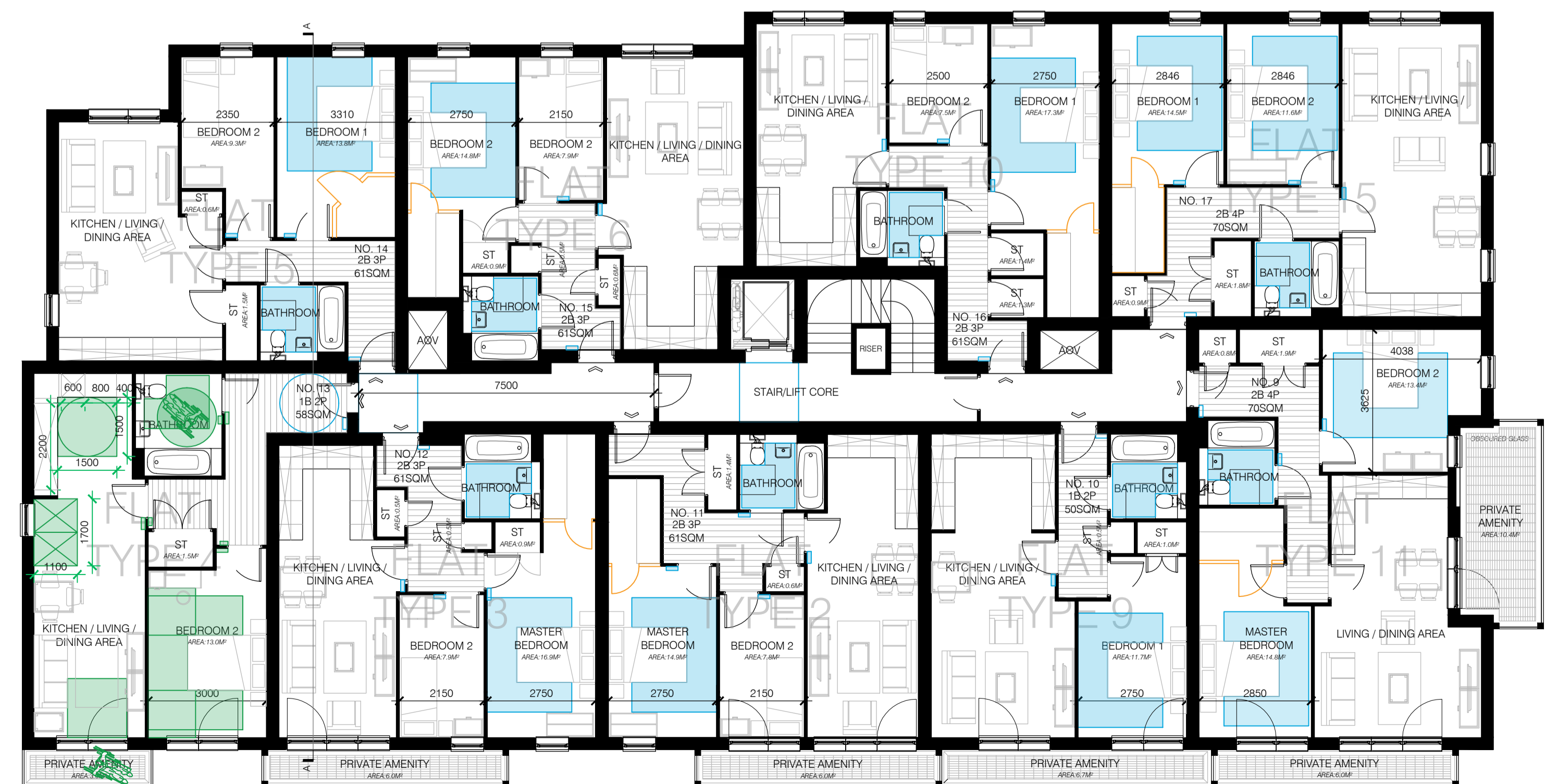
**FLAT TOTAL:**  
 Block A: 24  
 Block B: 9  
 Total: 33

**PARKING:**  
 Total Parking Spaces: 33  
 Parking is compliant with Southend Councils standard at a ratio of 1:1

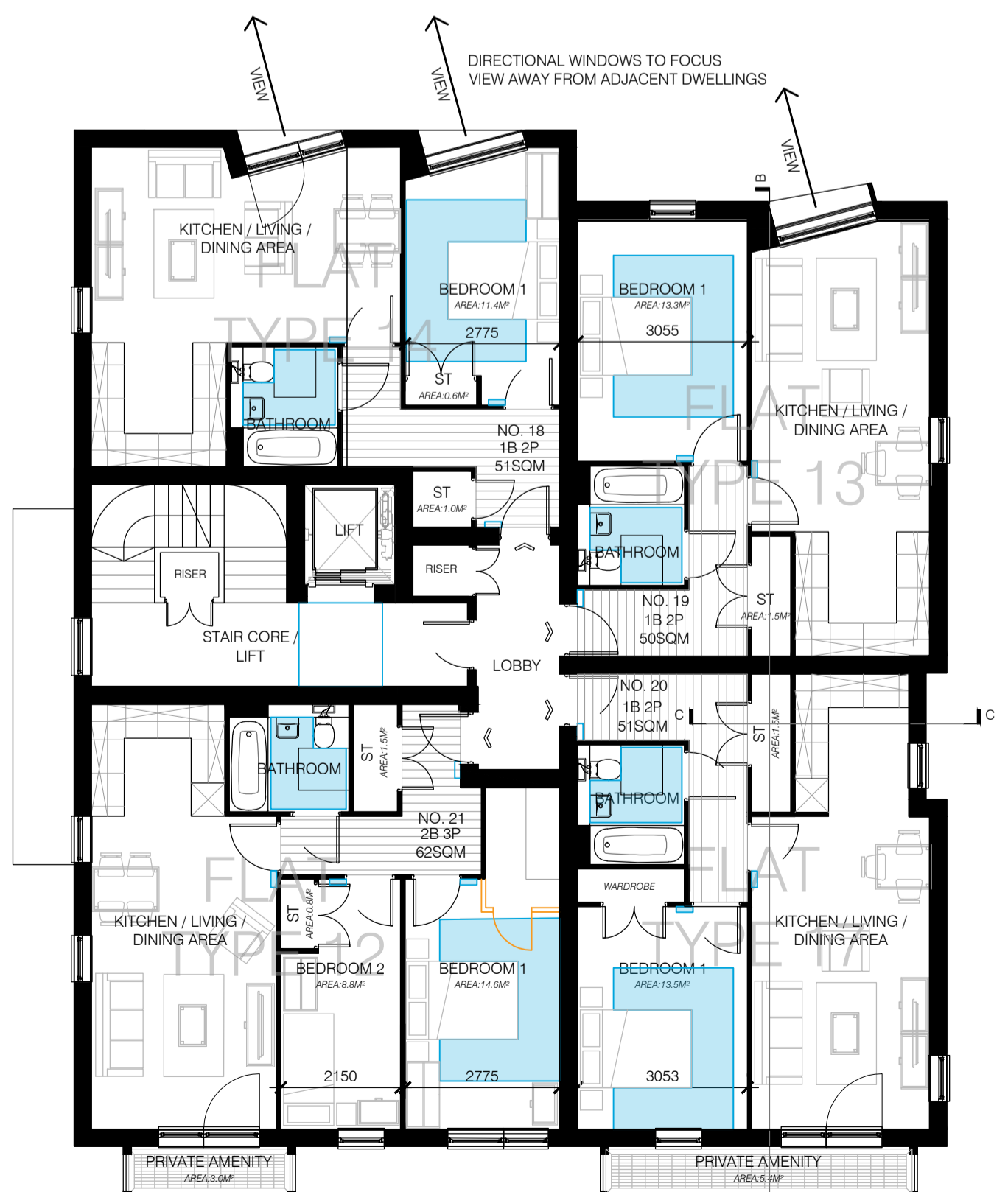
Potential En-suite outline - - - - - -



PROPOSED GROUND FLOOR PLAN  
 SCALE 1:100@A1



PROPOSED FIRST FLOOR PLAN  
 SCALE 1:100@A1



REV.	DATE	AMENDMENT	DATE	BY
P11	05/04/2022	BIN STORE UPDATED		GJA
P10	30/03/2022	MINOR AMENDMENTS		GJA
P9	28/02/2022	ADDRESS AMENDMENTS		GJA
P8	06/07/2022	CAR CHANGING SPACES AMENDED		GJA

**RESIDENTIAL DEVELOPMENT**  
 425 - 427 SUTTON ROAD,  
 SOUTHEND-ON-SEA,  
 ESSEX, SS2 5PQ

DRAWING TITLE		
PROPOSED GROUND AND FIRST FLOOR PLANS		
CLIENT: DOVE JEFFERY HOMES		
DRAWN: GR.	PROJECT NO: 17.547	DRAWING NO: 204
CHECKED:	SCALE: 1:100@A1	REVISION:
DATE: OCT-2021		P13

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ACCOMMODATION SCHEDULE

FLOOR	No.	TYPE	AREA (GIA)	STORE	AMENITY	BLOCK
GROUND FLOOR	1	3B 4P	74M <sup>2</sup>	2.5M <sup>2</sup>	16.4M <sup>2</sup>	A
	2	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	3	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	4 M4(3)	1B 2P	58M <sup>2</sup>	1.5M <sup>2</sup>	3.0M <sup>2</sup>	A
	5	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	12.0M <sup>2</sup>	A
	6	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	7	3B 4P	74M <sup>2</sup>	2.5M <sup>2</sup>	18.8M <sup>2</sup>	B
	8	2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	21.4M <sup>2</sup>	B
	9	2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	16.4M <sup>2</sup>	A
	10	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	6.0M <sup>2</sup>	A
FIRST FLOOR	11	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	12	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	13 M4(3)	1B 2P	58M <sup>2</sup>	1.5M <sup>2</sup>	3.0M <sup>2</sup>	A
	14	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	15	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	16	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	17	2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	18	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>	B
	19	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>	B
	20	1B 2P	51M <sup>2</sup>	1.5M <sup>2</sup>	5.4M <sup>2</sup>	B
	21	2B 3P	62M <sup>2</sup>	2.0M <sup>2</sup>	3.0M <sup>2</sup>	B
	22	2B 3P	70M <sup>2</sup>	2.0M <sup>2</sup>	16.4M <sup>2</sup>	A
	23	1B 2P	50M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>	A
SECOND FLOOR	24	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	25	2B 3P	61M <sup>2</sup>	2.0M <sup>2</sup>	6.0M <sup>2</sup>	A
	26 M4(3)	2B 3P	58M <sup>2</sup>	1.5M <sup>2</sup>	3.0M <sup>2</sup>	A
	27	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	28	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	29	2B 3P	61M <sup>2</sup>	1.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	30	2B 4P	70M <sup>2</sup>	2.0M <sup>2</sup>	0.0M <sup>2</sup>	A
	31	1B 2P	56M <sup>2</sup>	1.5M <sup>2</sup>	0.0M <sup>2</sup>	B
	32 M4(3)	2B 4P	74M <sup>2</sup>	1.5M <sup>2</sup>	15.9M <sup>2</sup>	B
	33	2B 3P	62M <sup>2</sup>	2.0M <sup>2</sup>	3.0M <sup>2</sup>	B

AMENITY  
 Total Private Amenity: 157.5m<sup>2</sup>  
 Communal Amenity: 515m<sup>2</sup> [Mix of usable and visual amenity]  
 Total Amenity: 672.5m<sup>2</sup>  
 Average Amenity: 20m<sup>2</sup>  
 APPLICATION NO. 16/01503/FULM  
 Planning permission was granted at 411-415 Sutton Road with an average amenity of 19.1m<sup>2</sup>

SITE AREA:  
 Total Private Amenity: 2016m<sup>2</sup>

FLAT TOTAL:  
 Block A: 24  
 Block B: 9  
 Total: 33

PARKING:  
 Total Parking Spaces: 33  
 Parking is compliant with Southend Councils standard at a ratio of 1:1

Potential En-suite outline - - - - - -



FR	30.03.2022	ROOF PLAN AMENDED	GR
FR	03.03.2022	ROOF PLAN AMENDED	GR
FR	28.02.2022	ADDRESS AMENDED	GR
FR	28.12.2021	UPDATED TO CLIENT COMMENTS	GR
REV	DATE	AMENDMENT	DRAWN

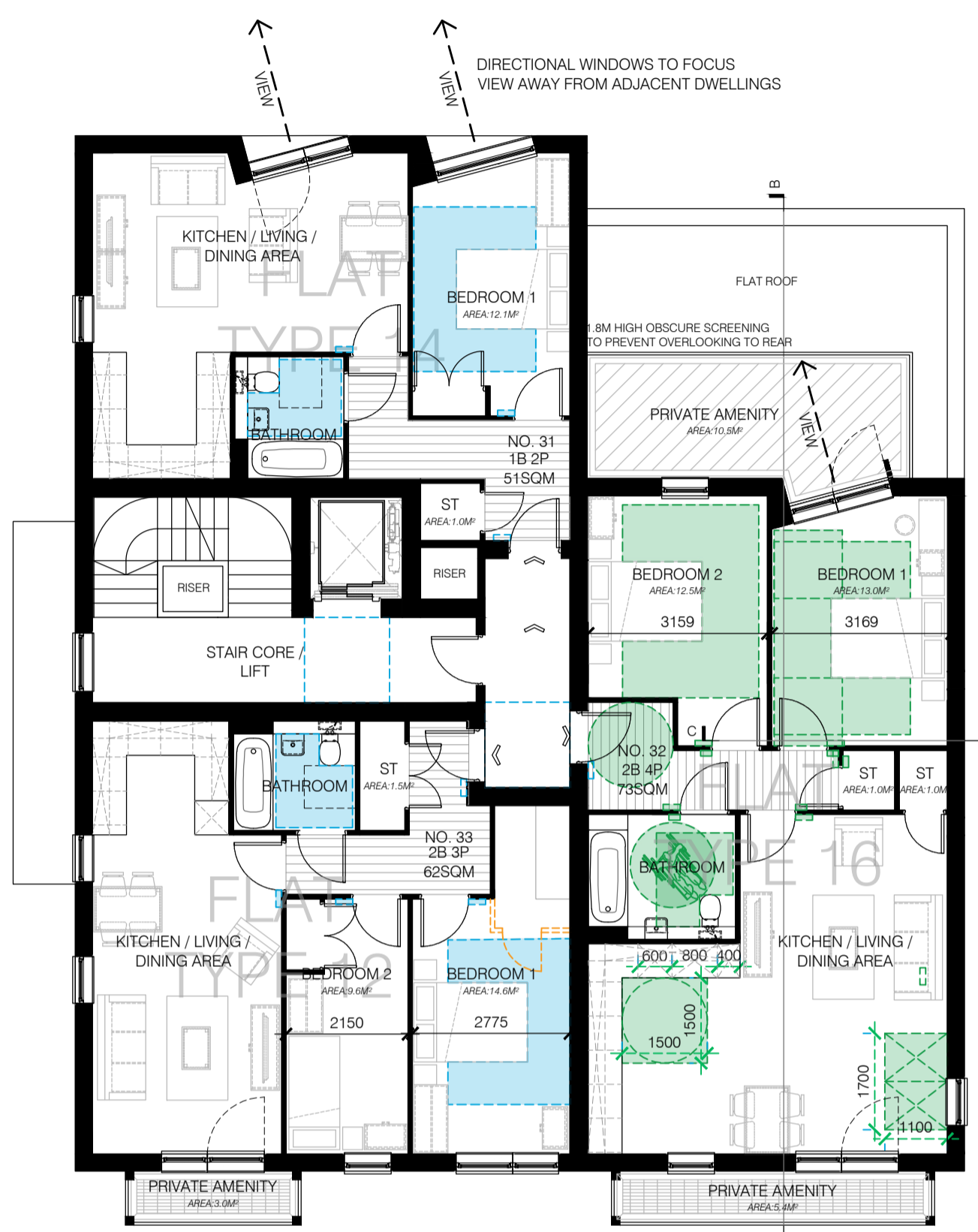
RESIDENTIAL DEVELOPMENT  
 425 - 427 SUTTON ROAD,  
 SOUTHEND-ON-SEA,  
 ESSEX, SS2 5PQ

DRAWING TITLE:  
 PROPOSED SECOND FLOOR PLAN &  
 ROOF ACCESS  
 CLIENT:  
 DOVE JEFFERY HOMES

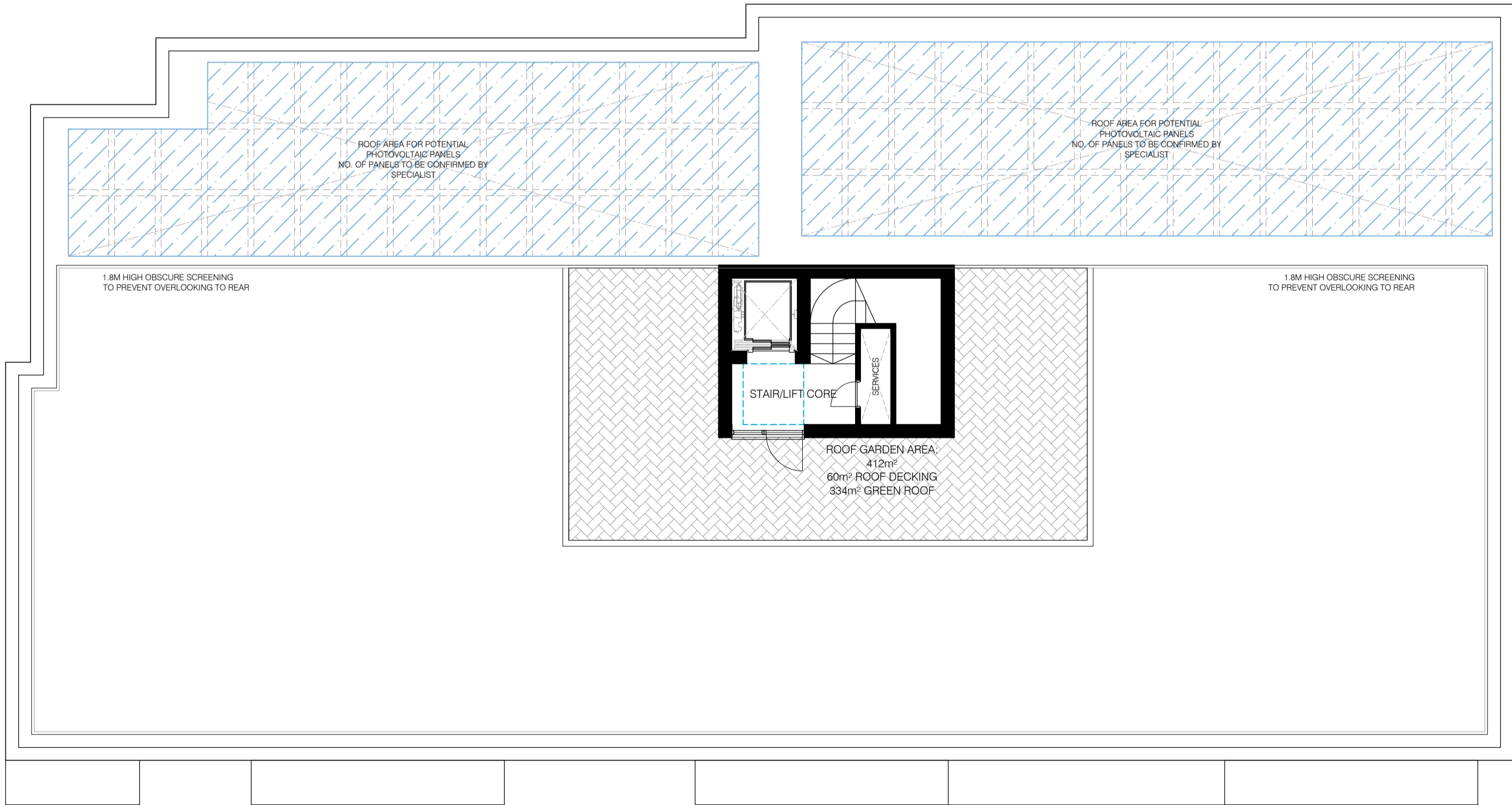
DRAWN:	PROJECT NO:	DRAWING NO:
GR	17.547	205
CHECKED:	SCALE:	
	1:100@A1	
DATE:	REVISION:	
OCT-2021		P9



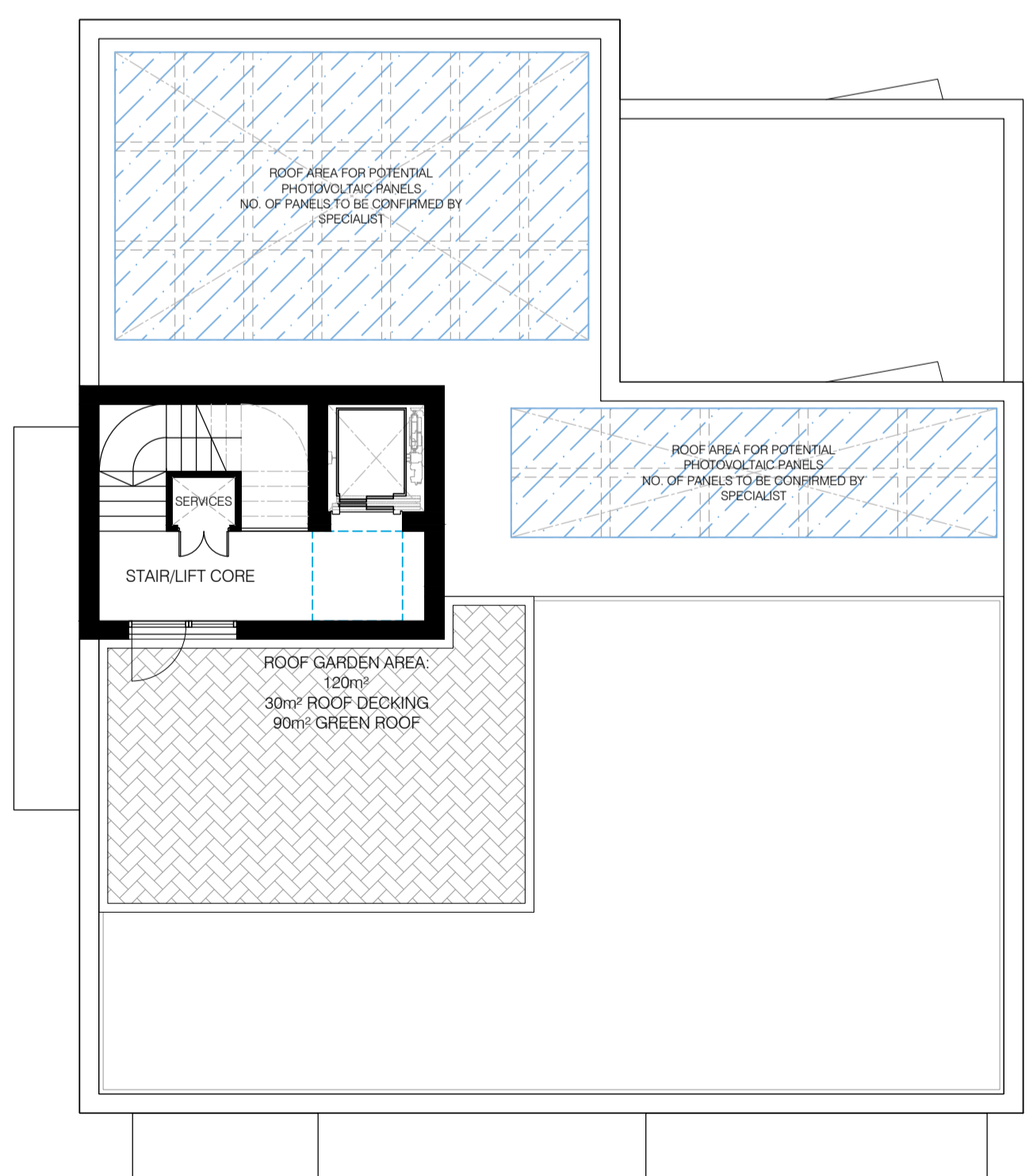
PROPOSED SECOND FLOOR PLAN  
 SCALE 1:100@A1



PROPOSED ROOF ACCESS  
 SCALE 1:100@A1



PROPOSED ROOF ACCESS  
 SCALE 1:100@A1



PROPOSED ROOF ACCESS  
 SCALE 1:100@A1

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and Hall

SUTTON ROAD

PROPOSED ROOF PLAN  
 SCALE 1:100@A1



BY	20/10/2021	ROOF PLAN LAYOUT	GR
BY	20/10/2021	ROOF PLAN CHECKS	GR
BY	20/10/2021	ADDRESS AMENDED	GR
BY	20/10/2021	UPGRADED TO CURRENT DOCUMENT	GR
REV	DATE	AMENDMENT	STATUS

PROJECT: RESIDENTIAL DEVELOPMENT  
 425 - 427 SUTTON ROAD,  
 SOUTHEND-ON-SEA,  
 ESSEX, SS2 5PQ

CLIENT: DOVE JEFFERY HOMES		
DRAWN: GR	PROJECT NO: 17-547	DRAWING NO: 206
CHECKED:	SCALE: 1:100@A1	
DATE: OCT-2021	REVISION:	P8

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FRONT ELEVATION (A) - EAST  
SCALE 1:100@A1



SIDE ELEVATION (B) - SOUTH  
SCALE 1:100@A1



REAR ELEVATION (C) - WEST  
SCALE 1:100@A1



SIDE ELEVATION (D) - NORTH  
SCALE 1:100@A1



SIDE ELEVATION (E) - NORTH  
SCALE 1:100@A1



SIDE ELEVATION (F) - SOUTH  
SCALE 1:100@A1



NO.	DATE	DESCRIPTION	BY
01	01/10/2021	ISSUED FOR PERMIT	GR
02	01/10/2021	ISSUED FOR APPROVAL	GR
03	01/10/2021	ISSUED FOR APPROVAL	GR
04	01/10/2021	ISSUED FOR APPROVAL	GR
05	01/10/2021	ISSUED FOR APPROVAL	GR
06	01/10/2021	ISSUED FOR APPROVAL	GR

RESIDENTIAL DEVELOPMENT  
 425 - 427 SUTTON ROAD,  
 SOUTHEND-ON-SEA,  
 ESSEX, SS2 6PQ  
 DRAWING TITLE  
 PROPOSED ELEVATIONS

CLIENT		
DOVE JEFFERY HOMES		
PROJECT NO	17 547	PROVISIONAL NO
GR		
CREATED	11/10/2021	SCALE
		1:100@A1
DATE	OCT-2021	PROJECT
		P5
FRONT. 171 HIGH STREET, RAYLEIGH, ESSEX, SS8 7QR		

208

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PROPOSED STREET SCENE  
57A (front)



EXISTING STREET SCENE  
57A (front)



57



SUTTON ROAD

PROPOSED SITE PLAN  
57A (front)

ACCOMMODATION SCHEDULE

FLOOR	NO.	TYPE	NET TO LET	STAIR	ENTRANCE	MOOD
GROUND FLOOR	1	360'4"	6'00"	2.5A	16.400	A
	2	291'3"	6'00"	2.5A	6.930	A
	3	291'3"	6'00"	2.5A	6.930	A
	4	18'00"	6'00"	1.5A	3.200	A
	5	291'3"	6'00"	2.5A	13.200	A
	6	351'3"	6'00"	2.5A	2.930	A
	7	351'3"	6'00"	2.5A	18.800	B
	8	291'4"	7'00"	2.5A	21.400	B
	9	291'4"	7'00"	2.5A	18.400	A
	10	18'00"	6'00"	1.5A	6.200	A
FIRST FLOOR	11	291'3"	6'00"	2.5A	6.930	A
	12	291'3"	6'00"	2.5A	6.930	A
	13	18'00"	6'00"	1.5A	3.200	A
	14	291'3"	6'00"	1.00	3.200	A
	15	291'3"	6'00"	1.00	3.200	A
	16	291'3"	6'00"	1.00	3.200	A
	17	351'4"	7'00"	2.5A	3.930	A
	18	18'00"	6'00"	1.5A	3.200	B
	19	12'00"	5'00"	1.5A	2.200	B
	20	18'00"	5'00"	1.5A	5.400	B
SECOND FLOOR	21	291'3"	6'00"	2.5A	6.930	A
	22	291'3"	6'00"	2.5A	18.400	A
	23	18'00"	6'00"	1.5A	3.200	A
	24	291'3"	6'00"	2.5A	6.930	A
	25	291'3"	6'00"	2.5A	6.930	A
	26	291'3"	6'00"	1.00	3.200	A
	27	291'3"	6'00"	1.00	3.200	A
	28	291'3"	6'00"	1.00	3.200	A
	29	291'3"	6'00"	1.00	3.200	A
	30	291'3"	6'00"	1.00	3.200	A
TOTAL	31	18'00"	6'00"	1.5A	3.200	B
	32	291'3"	6'00"	2.5A	15.800	B
	33	291'3"	6'00"	2.5A	3.930	B

AGENCY  
 Total Private Amenity: 457.0m<sup>2</sup>  
 Commercial Amenity: 54.5m<sup>2</sup> (Mix of usable and visual amenity)  
 Total Amenity: 511.5m<sup>2</sup>  
 Average Amenity: 20m<sup>2</sup>  
 APPLICATION NO: 16/0120/F/AM  
 Planning permission was granted by ETS (ETS) Subject Matter with an average amenity of 18.1m<sup>2</sup>

SITE AREA  
 Total Private Amenity: 303.0m<sup>2</sup>

FLOOR TOTAL  
 Block A: 24  
 Block B: 9  
 Total: 33

PARKING  
 Total Parking Spaces: 32  
 Parking is compliant with Southern Councils standard at a ratio of 1:1



RESIDENTIAL DEVELOPMENT  
 455 - 457 SUTTON ROAD,  
 SOUTH RING ON SEA,  
 ESSEX, SS2 4PG

COSTPLAN AND PROPOSED STREET SCENE  
 AND SITE PLAN

DOVEJEFFERYHOMES

DATE:	17 SEP
Q/E:	1:000/41
NO:	209

OCT 2021

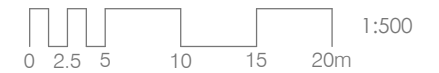
FRONT

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DO NOT SCALE. WORK TO FIGURED DIMENSIONS ONLY.



PROPOSED SITE PLAN  
SCALE 1:500@A3

PROJECT:  
**RESIDENTIAL DEVELOPMENT**  
425 - 427 SUTTON ROAD,  
SOUTHEND-ON-SEA, ESSEX. SS2 5PQ

CLIENT:  
DOVE JEFFERY HOMES  
DRAWING TITLE:  
PROPOSED PUBLIC REALM IMPROVEMENTS

REV.	DATE	AMENDMENT	DRAWN
PROJECT NO.	REVISION	DRAWING NO.	
17.547	P2		
DATE			
15.08.2019			

**250**

**FRONT.** | 171 HIGH STREET, RAYLEIGH, ESSEX, SS6 7QA.  
| TEL. +44 (0)1702 831 415 | EMAIL. HELLO@FRONT-ARCHITECTURE.CO.UK



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Viewed from south, with recent Hammond Court in foreground



Site viewed from south outside Hammond Court





Site viewed from rear of Hammond Court



Site boundary from rear of Hammond Court



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Site boundary with rear of Hammond Court; rear of neighbouring Glenhurst Road houses beyond



# Site boundary with Hammond Court



**PCM (UK) LTD**  
**PRIVATE LAND**  
**TERMS AND CONDITIONS**

VEHICLES MUST DISPLAY A VALID PORN PERMIT (CLASS 1) IN THE PRESENCE OF  
NUMBERED QUAYS. VEHICLES MUST PARK FULLY WITHIN THE CORRESPONDING PERMIT  
ENFORCEMENT IN OPERATION 24 HOURS  
PARKING CHARGE OF £100

ENQUIRY LINE: 01753 812663  
PAYMENT LINE: 0845 867 8443

99

44

42

Cycle Store

Rear site boundary with houses at Glenhurst Road; south parking and service area of site



North end of site neighbouring St Mellitus Centre





North site boundary with St Mellitus Centre, and rear boundary with no.14 Oakhurst Road (white roof dormer)

North end of site with flue, in context of St Mellitus Centre and no.14 Oakhurst Road





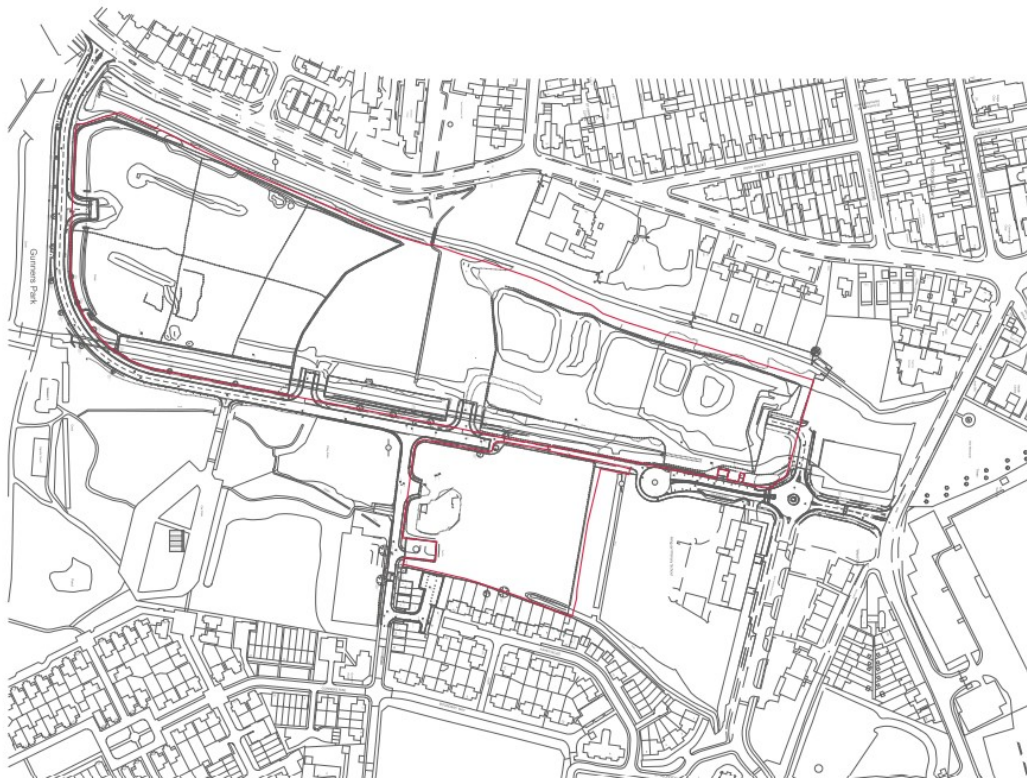
Rear of site (flue) from Glenhurst Road (showing rear of 24 Oakhurst Road at left and side of no.2 Glenhurst Road to right)



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<b>Reference:</b>	22/01602/RES	<h1>5</h1>
<b>Application Type:</b>	Reserved Matters	
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Approval of Reserved Matters (Appearance, layout and scale) for the engineering works required to raise the levels of the site to create the development platforms and associated infrastructure works. Submission of details for conditions 2 and part discharge of conditions 7, 8, 9, 13, 16 and 17, in relation to the engineering works of planning permission 20/01227/OUTM dated 26.02.2021 - Erect up to 214 residential units (Use Class C3), provision of a new health centre up to 1000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure, Install vehicular access off Barge Pier Road, New Garrison Road and Magazine Road (Outline Application)	
<b>Address:</b>	Land Between Barge Pier Road and Ness Road, Shoeburyness, Southend-on-Sea, Essex	
<b>Applicant:</b>	Bellway Homes Essex	
<b>Agent:</b>	Savills	
<b>Consultation Expiry:</b>	23.11.2022	
<b>Expiry Date:</b>	02.12.2022	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>BA9923-SK011-02 (Site Location Plan)</b> <b>2105160-140-P3 (Earthworks Surcharge Strategy Plan)</b> <b>2105160-141-P1, 2105160-142-P1, 2105160-143-P3 (Cut and Fill Sections)</b> <b>2105160-131-P2, 105160-130-P2, 2105160-132-P2 (Earthworks Surcharge Drainage Strategy Plans)</b> <b>BA9923-SK017-01, BA9923-SK012-04 (Phasing Plans)</b>	
<b>Additional information:</b>	<b>Preliminary Land Raising Strategy IDOM reference PLRSR-22438-22-101-Rev C dated 09.08.22</b> <b>Overview of Engineering Works</b> <b>Letter from Argent Consulting Engineers reference BC/2105160/ Site layout changes–Flood risk – dated 10.10.22</b> <b>BA9923-SK-036 AOD Level Comparisons – Diagram for Information only</b>	

	<p><b>BA9923-SK8-02 Site Sections – Diagram for information only</b></p> <p><b>Construction Management Plan Rev C by Bellway dated 07.11.22</b></p> <p><b>Written Scheme of investigation for a Geoarchaeological Borehole Survey by RPS JAC27603 dated May 2022</b></p> <p><b>Geoarchaeological Borehole Survey by RPS reference JAC27603 dated May 2022</b></p> <p><b>Updated Ecological Assessment by SES dated August 2022</b></p> <p><b>Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22</b></p> <p><b>Ecological Condition Discharge Document: Conditions 13 and 16 Partial Discharge Relating to Badgers Rev B- by SES dated 08.11.22</b></p> <p><b>Badger Set Location Plan dated October 2022</b></p> <p><b>Email from agent dated 30.09.22 regarding Badger Mitigation</b></p> <p><b>Condition 17 Compliance Note by SES dated 18.11.22</b></p>
<p><b>Recommendation:</b></p>	<p><b>A) APPROVE RESERVED MATTERS in relation to the engineering works only pursuant to condition 01 of planning permission ref 20/01227/OUTM subject to conditions.</b></p> <p><b>B) GRANT DISCHARGE OF THE FOLLOWING PLANNING CONDITIONS in FULL or PARTIALLY for planning permission 20/01227/OUTM:</b></p> <ul style="list-style-type: none"> <li>• <b>Condition 02 (Phasing Plan) ( Partial discharge)</b></li> <li>• <b>Condition 07 (Archaeological Recording) (Partial Discharge)</b></li> <li>• <b>Condition 08 (Existing and Proposed Levels) (Partial Discharge)</b></li> <li>• <b>Condition 09 (Demolition and Construction Management Plan (Engineering Works only)) (Partial Discharge)</b></li> <li>• <b>Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures) (Partial Discharge)</b></li> <li>• <b>Condition 16 (Timetable for Ecological Enhancement Measures) (Partial Discharge)</b></li> <li>• <b>Condition 17 (Botany Reports) (Partial Discharge)</b></li> </ul>



## 1 Site and Surroundings

- 1.1 The application site consists of 2 parcels of land totalling some 8.51 hectares (ha); the larger of the two is some 7.1 ha and is to the west of New Barge Pier Road and the smaller site to the east of New Barge Pier Road is some 1.4 ha. The site is undeveloped, but there are existing access points into the site. The site is relatively flat lying at 1-3m AOD (Above Ordnance Datum). The larger part of the site is roughly rectangular in shape and is to the south of the recently constructed Lidl store and to the east of dwellings in Ness Road. The land to the south and southeast of the site is Gunners Park public open space. The smaller part of the application site is to the east of the larger site. This area is directly south of Hinguar School, to the north of the Gunners Park play area and adjacent to the rear gardens of dwellings in Ashes Road.
- 1.2 The wider surrounding area is mixed. To the west and east of the site it is predominately residential. The housing to the east of the site is relatively new and was developed as part of the Garrison redevelopment (ref. 00/00777/OUT). To the north of the site are commercial uses and a school and the land to the south is undeveloped.
- 1.3 The Shoebury Garrison Conservation Area is located some 120m to the east of the site; with the boundary running along Boundary Way, Magazine Road and St George's Lane. There are a number of listed buildings within the Conservation Area. The nearest listed buildings to the east of the application site include the Grade II listed buildings Blocks A to G at The Terraces and the Garrison Church of St Peter and St Paul. To the west, the closest listed buildings include the Grade II Listed South Shoebury Hall Farmhouse and Garden House, with the Grade II\* Church of St Andrew beyond. There are also locally listed buildings to the west, including Nos 135 Ness Road, 121 Ness Road and 109 Ness Road. To the north of the site is the Grade II listed Shoeburyness War Memorial. The 'Danish Camp' prehistoric settlement Scheduled Monument is some 300m to the east. The site is mainly open scrub land with a few trees mostly along the western boundary. There are no Tree Preservation Orders (TPOs) on the

site.

- 1.4 The larger, western part of the site is bounded by Barge Pier Ditch to the east (within the application site boundary) and New Barge Pier Road to the south and by the River Shoe/flood alleviation ditch (C-X Ditch) to the west (outside site boundary). There are no public rights of way on the site, however, there are two footpaths running through the site, one running north-south from New Barge Pier Road to Campfield Road along the western site boundary, which largely falls outside the site, the other runs east-west between Ness Road and Magazine Road.
- 1.5 The land to the south and southeast of the application site is allocated as 'Protected Green Space' with the land to the immediate south of the main part of the site also designated as a Local Wildlife Site (LWS), Site of Special Scientific Interest (SSSI) and Local Nature Reserve. Further south, this part of the Estuary constitutes a SSSI, Special Protection Area (SPA), RAMSAR and Local Nature Reserve.
- 1.6 The application site has no specific allocation within the Development Management Document Proposals Map. Within the Core Strategy Key Diagram the general location of the site is allocated as an Industrial/Employment Area. The Key Diagram also allocates the site to provide a primary care centre. According to the Environment Agency Flood Maps, the entire site is located within Flood Zone 3.

## **2 The Proposal**

- 2.1 Outline planning permission 20/01227/OUTM was granted on 26<sup>th</sup> February 2021 for a mixed development of up to 214 residential units (Use Class C3), the provision of a new health centre up to 1,000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure and to install vehicular accesses off Barge Pier Road, New Garrison Road and Magazine Road. That outline permission granted approval for matters relating to means of access and landscaping only, with matters relating to appearance, layout and scale reserved for later consideration.
- 2.2 The current reserved matters application seeks permission for the engineering works required to raise the levels of the site to create the development platforms on which the residential dwellings will then be built, and associated infrastructure works in association with outline planning permission 20/01227/OUTM. Within the development areas the land will be raised to two levels, the lower level between 3m and 3.5m and the upper level of 6.5m. Consistent with the flood risk and mitigation strategy for the approved outline approval, this is required to raise the development above the flood plain. Full details of the process for achieving this are set in section 7 below. Further application(s) will be submitted in due course for the approval of reserved matters in relation to appearance, layout and scale of the proposed development.
- 2.3 This application also seeks to partially discharge the details of the conditions relating to preliminary works at the site. The scope of conditions proposed for discharge was amended during the course of this application such that full, or partial discharge as relevant, is now sought for condition 02 (Phasing Plan), condition 07 (Archaeological Recording), condition 08 (Existing and Proposed Levels), condition 09 (Demolition and Construction Management Plan for Engineering Works only), condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures), condition 16 (Timescale for the implementation of Ecological Enhancement Measures), and condition 17 (Botany Reports) in relation to the engineering works associated with planning permission 20/01227/OUTM.

### 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
20/01227/OUTM	Approval of reserved matters pursuant to condition 17 of planning permission 20/01479/BC4M dated 06.09.2021, comprising details of access, appearance, landscaping, layout and scale for 218 units with associated 108sqm of cafe (Use Class E); 86.8sqm of Office (Use Class E); Porters Park, associated landscaping; provision of new road with access from Chichester Road with associated public realm and infrastructure; parking and temporary parking arrangements; with accompanying information to part discharge conditions: Condition 20 (Statement of Compliance against the Design Code), Condition 30 (Archaeological Written Scheme of investigation), Condition 32 (Daylight, Sunlight and Overshadowing assessment), Condition 33 (Wind/Micro-Climate Assessment), Condition 34 (Visual Impact Assessment), Condition 45 (Foul Drainage Strategy), Condition 49 (Energy Strategy), Condition 59 (Travel Plan) and Condition 62 (Noise Impact Assessment).	Granted 26th February 2021
20/00740/RSO	Residential development of up to 250 dwellings and a health centre (class D1) vehicular access off Barge Pier Road and areas of open space and recreational areas and associated infrastructure. (Request for Scoping Opinion)	Scoping opinion issued.
20/00310/RSE	Residential development of up to 250 dwellings and a health centre, vehicular access off Barge Pier Road and associated new and enhanced open space comprising informal/natural greenspace. (Request for Screening Opinion) - Is EIA development and Environmental Statement required.	EIA development and Environmental Statement required.
18/01975/FULM	Re-grading and retention of existing on-site spoil heap, erect 9 Commercial Units (Use Class B1/B8) with ancillary Trade Counter, 1 Retail Unit (unit 8) (Use Class A1) and 1 Unit (Use Class Sui Generis) for use as Vets (unit 1), layout Car Parking Spaces and Cycle Parking, construction of vehicular and pedestrian accesses from existing roundabout and layout soft landscaping	Planning permission granted.
20/00823/BC3M	Temporary storage of soil at New Barge Pier Road	Planning permission granted.
12/01198/BC3M	Temporary storage of soil and install wheel	Planning

	cleaning apparatus at New Barge Pier Road	permission granted.
15/02053/OUTM	Erect 172 dwellinghouses and 14,130sqm of Offices (Class B1(a) and Health Centre (Class D1) (outline application) (Amended Proposal)	– planning permission granted. <i>Reserved matters never submitted</i>
14/00566/OUTM	Erect 172 dwellinghouses and 15000sqm of Offices (Class B1) (outline application)	Withdrawn
10/01829/FULM	Erect three storey building for use as Primary Care Centre (Class D1) incorporating entrance ramp with steps and balustrade to north boundary, lay out associated parking for 171 cars, 78 cycle spaces, ambulance bay and service yard, hard and soft landscaping, erect sub-station to east elevation and erect 1.1m high mesh fencing to boundary on land adjacent to Barge Pier Road	Planning permission granted.
07/00366/FUL	Form access road from south of roundabout on Barge Pier Road; form flood alleviation ditch to east of Ness Road between Campfield Road and New Ness Road access	Planning permission Refused
13/01743/RESM	Details of New Gunners Park infrastructure/facilities including children's play area, toddlers play area, wheeled sports and multi-use games area, tennis courts, car parks, footpaths/cycleways and historic military structures.(Approval of reserved matters following outline permission 00/00777/OUT granted on 06/02/2004)	Reserved matters approved.
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)	Planning permission granted on 6 <sup>th</sup> February 2004.

## 4 Representation Summary

### Public Consultation

- 4.1 42 neighbouring properties were consulted, 6 site notices were displayed and the application was advertised in the press. 6 letters of representation have been received following two rounds of public consultation which make the following summarised comments:



- This site is in a floodplain and not suitable for development. This is against Government Policy. New homes should not be built in this area which is vulnerable to flooding. The Environment Agency should be consulted.
- A flood risk assessment should be submitted.
- Concern that the proposed platforms will increase flooding on neighbouring properties.
- There are no new east west roads proposed – this will result in congestion.
- General concerns over traffic congestion, noise and pollution.
- The building should not be raised more than 1 storey as this will impact on estuary views from existing properties.
- Local residents need further opportunities to discuss the proposals for this site.
- Loss of privacy and daylight due to raised land levels.
- Local wildlife needs to be protected.
- A health centre in this area is no longer proposed by the NHS.
- The conditions in the outline approval must be retained.

4.2 These concerns are noted and those considerations relevant to planning have been taken into account in the assessment of the application but are not found to constitute a reason for refusal in the specific circumstances of this case.

### **Highways**

4.3 No objections. The applicant has provided a comprehensive construction management plan which covers a revised delivery route based on discussions with the Local Highway Authority. This is acceptable in all aspects of the impact on the public highway linked with the development proposals.

### **Environmental Health**

4.4 The proposed Construction Management Plan is acceptable.

### **Southend Museum Archaeology Curator**

4.5 No objections to the commencement of the Stage 3 (Paleoenvironmental assessment) as recommended in Sections 8.2.1-8.2.2: of the Geoarchaeological Borehole Survey.

### **Lead Local Flood Authority**

4.6 No objections to the ground raising and ground water aspects of the works subject to a condition to demonstrate the existing drainage channels are in an appropriate condition. Full drainage details for the development will be required in due course.

### **Environment Agency**

4.7 The proposed land raising is in line with the previous modelling that we approved for the site and which was confirmed as suitable in our response referenced AE/2019/124421 and found to be acceptable in terms of demonstrating impact on flood risk.

### **Anglian Water**

4.8 No comments as this does not relate to an Anglian Water network.

## **Natural England**

- 4.9 This proposal falls within the zone of influence of one or more of the European designated sites so you should consider whether it within the scope of the RAMs. If it does you should undertake a Habitats Regulations Assessment Stage 2 to secure any appropriate habitats mitigation.

Officer Comment: A RAMs mitigation payment has already been secured in the S106 for the outline application.

## **Essex Wildlife Trust**

- 4.10 We are satisfied with the conclusions of the ecological reports and have no further comments to submit.

## **Essex Badger Protection Group**

- 4.11 Given that additional setts have been located on the neighbouring EWT (Essex Wildlife Trust) site, we are happy to remove our objection provided the sett closures are carried out in strict accordance with the "Ecological Discharge Document" from SES dated August 2022" and that the badger mitigation measures during construction are conditioned.

## **London Southend Airport**

- 4.12 No objections. All aspects of the development must comply with CAP168 (Licencing of Aerodromes – Civil Aviation Authority) and EASA (European Union Aviation Safety Agency) regulations including lighting, landscaping and renewable energy sources.

## **Historic England**

- 4.13 No comments at this time.

## **Sports England**

- 4.14 No comments as the proposal does not fall within the remit of Sports England.

## **Essex Fire Service**

- 4.15 No comments at this time as this proposal only related to engineering works.

## **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), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) and 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), DM5 (Southend-on-Sea's Historic Environment), DM6 (The

Seafront), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).

- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 Vehicle Crossing Policy & Application Guidance (2021)
- 5.9 Shoebury Garrison Conservation Area Appraisal (2021)

## **6 Planning Considerations**

- 6.1 Outline planning permission 20/01227/OUTM has been granted, subject to conditions, for up to 214 residential units (Use Class C3), provision of a new health centre up to 1000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure, install vehicular accesses off Barge Pier Road, New Garrison Road and Magazine Road. The reserved matters for this outline application have been split into two phases. This reserved matters application deals with the first phase of the development for the construction of the development platforms which are required to address and mitigate flood risk for the approved development. The application seeks full or part discharge of a number of conditions which relate to works or mitigation which is required to be undertaken early in the development process such as ecology surveys and archaeology and those which relate to the works proposed such as levels and drainage.
- 6.2 The planning considerations which are relevant to this application are the impact on residential amenity, highways and transportation and sustainable drainage in relation to construction of the platforms only, ecology and archaeology. Issues relating to the built development itself, including compliance with the approved parameter plans, design and character of the built form, standard of accommodation, impact on neighbours, details of sustainability and detailed highways matters will be considered in a subsequent reserved matters application in due course. So, although further planning policies for those subject areas are indirectly relevant, they are not individually listed in the Policy Summary at section 5 of this report.
- 6.3 Matters including the principle of the Outline development, flood risk, landscaping, site access and developer contributions, including affordable housing contribution and RAMS, and CIL liability were previously assessed and found acceptable within the outline decision.

## **7 Appraisal**

### **Overview of Proposed Engineering Works Process**

- 7.1 In total 4 raised platforms, or 'homezones', are proposed. In each homezone the land will be raised to form a lower and higher level development platform. The lower level will be set between 3.0m and 3.5m AOD. Residential development located at this level will have its habitable accommodation raised to first floor level to offset the risk of flooding. The higher level will be set at 6.5m AOD above the 1 in 1000 year climate change flood level. Overall, this means that site levels will be raised by up to 5 m in central areas of Zones 1, 2 and 3, whilst Zone 4 will see significantly less filling (up to

1 m).

7.2 Full details of the method and process for the construction of the platforms is set out in the Preliminary Land Raising Strategy Report. The logistics of these works is set out in the Construction Management Plan submitted with the application and is discussed later in the drainage section of this report below. The Land Raising Strategy states that the works will be undertaken in the following stages:

1. The installation of band drains (a type of drainage strip).
2. The installation of a drainage mat (to help water flow away from foundations).
3. Creation of temporary drainage ditches.
4. The importation of soil to raise the levels.
5. The importation of surcharge material to increase the levels so that the material compacts down to create the required finished platform; and
6. The removal of the surcharge material once the soil underneath has compacted to the finished state.

7.3 The first process is to strip the 20cm of topsoil layer across the site. A total of 11,000m<sup>3</sup> of topsoil will need to be removed from the site and will be recycled as appropriate. The next stage will be the installation of a vertical band drainage system to facilitate the removal of groundwater ahead of the placement of the soil platforms. The band drains will assist in speeding up settlement rates and improve the ground quality. Temporary ditches will be installed around the perimeter of each home zone area to capture ground and surface water. Following this, soil will be imported by lorry to enable the creation of the permanent platforms in each home zone. Once the permanent platform is formed, an additional layer of soil, the surcharge layer, will be added to the top of the permanent platform to accelerate consolidation and settlement of the new platform. The duration of the surcharge period is anticipated to be some six months, with an expected settlement (compaction of the new ground) of approximately 500mm. Surcharge heights during the course of the works are estimated to be some 2.0 m above final proposed ground levels. Figure 1 below illustrates this arrangement. Full details of the proposed surcharge levels are shown on contour plan reference 2105160-140-P2.

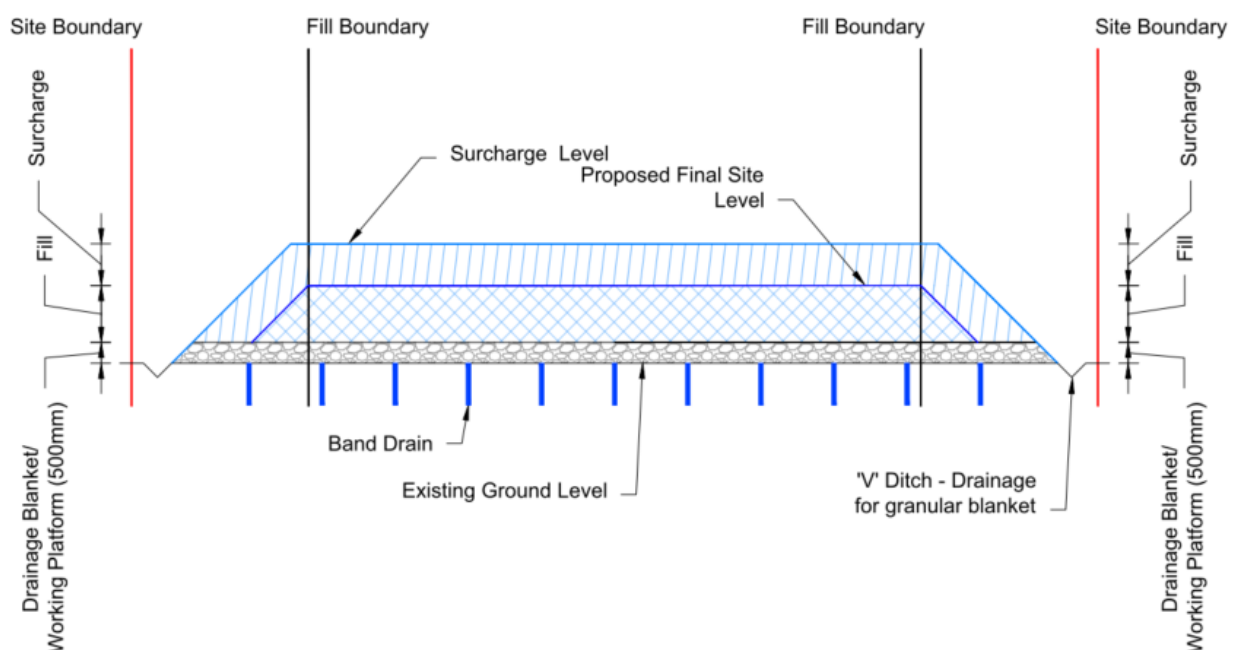


Figure 1 – Diagram showing surcharge and drainage arrangement.

7.4 The expected sequence of fill and surcharge are as follows:

- Zone 4 = 4,200 m<sup>3</sup> permanent fill and 13,000 m<sup>3</sup> surcharge (est 7 weeks to fill)
- Zone 1 = 66,500 m<sup>3</sup> permanent fill and 53,000 m<sup>3</sup> surcharge (est 43 weeks to fill)
- Zone 3 = 34,000 m<sup>3</sup> permanent fill and 23,000 m<sup>3</sup> surcharge (est 23 weeks to fill)
- Zone 2 = 27,000 m<sup>3</sup> permanent fill and 26,000 m<sup>3</sup> surcharge (est 10 weeks to fill)

7.5 It is proposed that the surcharge material used in Zone 4 will be removed and then reused in Zone 1 and then in Zone 2 which will limit the amount of soil that needs to be brought to site. The above timeframes are based on 60 lorry loads of soil being imported onto the site each day, with a total of 120 lorry movements per day. This will be dependent on weather and ground conditions. All imported soils will be from verified sources.

7.6 The platforms will need time to settle before construction of the buildings can begin. It is estimated that the surcharge material will be in place for approximately six months after its installation is complete. Once the platforms have stabilised the surcharge material will be removed to reveal the finished development levels as shown in plan reference 2105160-140-P3 (Earthworks Surcharge Strategy Plan).

7.7 The application states that the platforms will be monitored weekly and monthly throughout the process and on completion to ensure that they are suitable for construction. As noted above the detail for the buildings themselves will be subject of a further reserved matters application. It is anticipated that that the buildings will be constructed on piled foundations.

### **Compliance with the Parameter Plans**

7.8 Condition 03 of the outline permission requires all reserved matters applications to comply with the approved parameter plans. These plans set out the parameters for the development in terms of heights and levels of the development, the locations of the different uses across the site, the landscaping arrangement and the access and movement arrangements for the site. The only parameter plan which is relevant to this engineering works reserved matters application is the Heights and Levels Parameter Plan reference 032-S2-P402-E. The future reserved matters application for the built development itself will need to demonstrate compliance with all the parameter plans.

7.9 The Heights and Levels Parameter Plan shows the location and height of the land raising in each homezone. This approved Parameter Plan requires the levels to be raised to at least 6.1m AOD in the centre of the homezones and at least 3m AOD at the edges of the homezones. A proposed land levels contour plan has been provided with the current application which demonstrates that these minimum levels are achieved. Cut and fill section diagrams have also been submitted to show the proposed profile of the site after the surcharge layer has been added which is +2m on the finished land levels. Some of these profiles appear visually irregular because they reference the approved land levels in the outline application. The diagrams are also 5 x magnified which exaggerates the profiles over how they will appear in reality. It is likely that the exact land profile will be refined when the separate reserved matters application comes forward for the detailed design of the buildings and rest of the development as the land is shaped to fit the requirements of the final scheme.

7.10 The areas and outlines of the platforms are slightly larger than those shown on the Heights and Levels Parameter Plans. This enlargement is because a degree of tolerance is required while the platform is being formed to enable the ground to be shaped to the required area in the construction phase of the development and to address settlement. The applicant's flooding consultant and the Environment Agency have both confirmed that the amended shapes of the proposed land raising remains within the scope of the hydraulic flood modelling previously approved under the outline permission and will have no material impact on the tidal flood risk during a breach event to the surrounding area. The Environment Agency have therefore raised no objections to the current proposals. Full details of the proposed finished levels are shown on plan reference 2105160-140-P3.

### **Principle of the Development**

7.11 The principle of the development, including proposed uses, affordable housing provision and housing mix, and flood risk was considered as part of the outline application and found to be acceptable. The principle of the development is therefore not a consideration for this application.

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

7.12 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.

7.13 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.

7.14 The current reserved matters application is for the construction of the raised platforms only. The process for their construction is explained above. The raised platforms will initially be created higher than the finished levels due to the surcharge layer and consistent with this type of engineering enabling work, but this will be removed once the ground has settled. The raised platforms and surcharge layer will be visible from the surrounding area and will impact on local character and views but this will be for a temporary period only as visually they will be wrapped around by the built form of the new development, the details of which are yet to be agreed.

7.15 The site is 120m from the Shoebury Garrison Conservation Area and 180m from the nearest listed buildings in The Terrace. It is considered that this is sufficient distance to ensure that these engineering works, including the temporary higher surcharge levels, will not cause harm to the setting or key views of these heritage assets.

7.16 The principle of raised development platforms was integral to the basis of the outline application and found to be acceptable in terms of the impact on the character and appearance of the area. Consistent with that finding, the current proposal is considered to have an acceptable impact on the character and appearance of the area, including nearby heritage assets, and is policy compliant in this regard.

## **Amenity Impacts**

- 7.17 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.
- 7.18 The current application is for the construction of the raised platforms only. The future reserved matters application for the new dwellings will consider the impact of the built form on residential amenity .
- 7.19 The raised platforms are in the centre of the site away from its boundaries and neighbouring developments. This relationship was noted and found acceptable within the assessment of the outline application. Consistent with that finding, it is considered that the raised platforms would not give rise to any harmful impacts in any relevant regards in terms of residential outlook, sense of enclosure or loss of privacy or light.
- 7.20 As part of the assessment of the current application it is relevant to consider the impact on residential amenity from the construction of these raised platforms particularly in terms of noise and disturbance. A Construction Management Plan has been submitted with the application which identifies measures to mitigate the impact of the construction works on the amenities of residential neighbours including proposals for controlling noise, vibration and dust and traffic management. Further details of these are set out below in relation to condition 09. The Council's Environmental Health Officer has reviewed this document specifically in terms of the impact on neighbours and finds it to be acceptable.
- 7.21 The proposal is therefore considered to have an acceptable impact on neighbour amenity in all relevant regards.

## **Traffic and Transportation Issues**

- 7.22 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."
- 7.23 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.24 The current application is for the construction of the raised platforms only and the principle of this has been agreed in the outline permission. Traffic and transportation implications for the buildings themselves, including parking on the site, will be assessed in the future reserved matters application.
- 7.25 The implications for traffic, parking and transportation for the current application are therefore confined to the impact of construction traffic on the surrounding road network. This is addressed in the submitted Construction Management Plan (CMP) which identifies the proposed route for lorries delivering to the site and an indication of the number of deliveries envisaged. Further details of these are given below in relation to condition 9, however, key points to consider in this case are that the lorry route has

been chosen specifically to avoid weak bridges on the advice of Highways and the number of hourly lorry deliveries averages 6 each way on weekdays between overall operational hours of 8am and 6pm although the CMP confirms that the applicant will further recommend to suppliers that where possible deliveries are to be made between 09:00 and 15:00 in order to avoid peak hours. There will be a reduced deliveries number on Saturday mornings and none on Sundays. The Council's Highways Officer finds that this would have an acceptable impact on the surrounding highways network.

- 7.26 Overall, it is considered that the proposal is acceptable and policy compliant in regards to the traffic, parking and transportation impacts.

### **Sustainability**

- 7.27 As the proposal relates to the development platforms only, the relevance of sustainable development policies KP2 and DM2 is limited at this stage, however, these will come into play later in the development process. The CMP commits to waste recycling and there is a firm proposal to reuse the surcharge of the early phase material on the later phases thereby minimising use of resources consistent with sustainability objectives. Overall, it is considered that the proposal would have an acceptable impact on sustainability and is policy compliant in this regard.

### **Ecology and Biodiversity including RAMS**

- 7.28 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...*'
- 7.29 Paragraph 175 of the NPPF states '*When determining planning applications, local planning authorities should apply the following principles...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*'
- 7.30 The site consists of semi-improved natural grasslands, a system of drainage ditches, marginal vegetation around standing water, bare ground and soil bunds. The impacts of the outline development proposal on ecology were fully assessed in the outline application including studies relating to botany, mammals and reptiles, birds and bats and a range of mitigation measures to address these were proposed. These are covered by the conditions below and some have already been implemented at the site including the seed collections and relocation of reptiles. The S106 agreed in association with the outline permission includes a RAMS contribution to mitigate for the impact of the residential development on the foreshore nature designations in the vicinity of the site. The proposal is therefore acceptable and policy compliant in this regard.
- 7.31 A Habitat Regulations Appropriate Assessment was submitted with the outline application. This concluded that '*with the mitigation measures specified, the proposals would have no adverse effect upon the integrity of any European site, either alone or in combination with other plans or projects.*' The proposal is therefore acceptable and policy compliant in terms of Ecology and Biodiversity.



## Land Contamination

7.32 Land contamination is covered by condition 41 of the outline planning permission. A separate application will be submitted in regards of this condition prior to the commencement of the works. The proposal is therefore acceptable and policy compliant in this regard.

## Flooding and Drainage

7.33 As the current proposal relates to the creation of development platforms only it does not include any information on the proposed sustainable drainage solution for the residential development, however, due to the presence of soft compressible soils and in order to speed up the settlement process, the applicant proposes to undertake ground improvement works at the site which comprises the installation of a grid of temporary vertical band drains across the whole site. These will be 6-7m deep installed at around 1.5m-1.75m intervals totalling 19,000 – 20,000 across the site. They will enable the ground water to be extracted at a faster rate than would otherwise be achieved. In order to disperse this water from the site a series of temporary 'V' shaped drainage ditches will be constructed around the perimeter of each of the four platforms leading to wider swales which divert the ground water into the adjacent existing drainage ditches. Swales are shallow ditches that blend in with surrounding landscape design, facilitate water management, and encourage natural irrigation. Each swale entry point will have a straw bale filter system to clean the water before it is discharged into the drainage ditch. These drainage ditches will also carry the surface water from the platforms. See Figure 2 below. The band drains will not be removed at the end of the process because the new land will be laid on top of the drains and the majority will be destroyed by the piling of the new buildings, so they are effectively only temporary. They will not form part of the final drainage solution for the site.

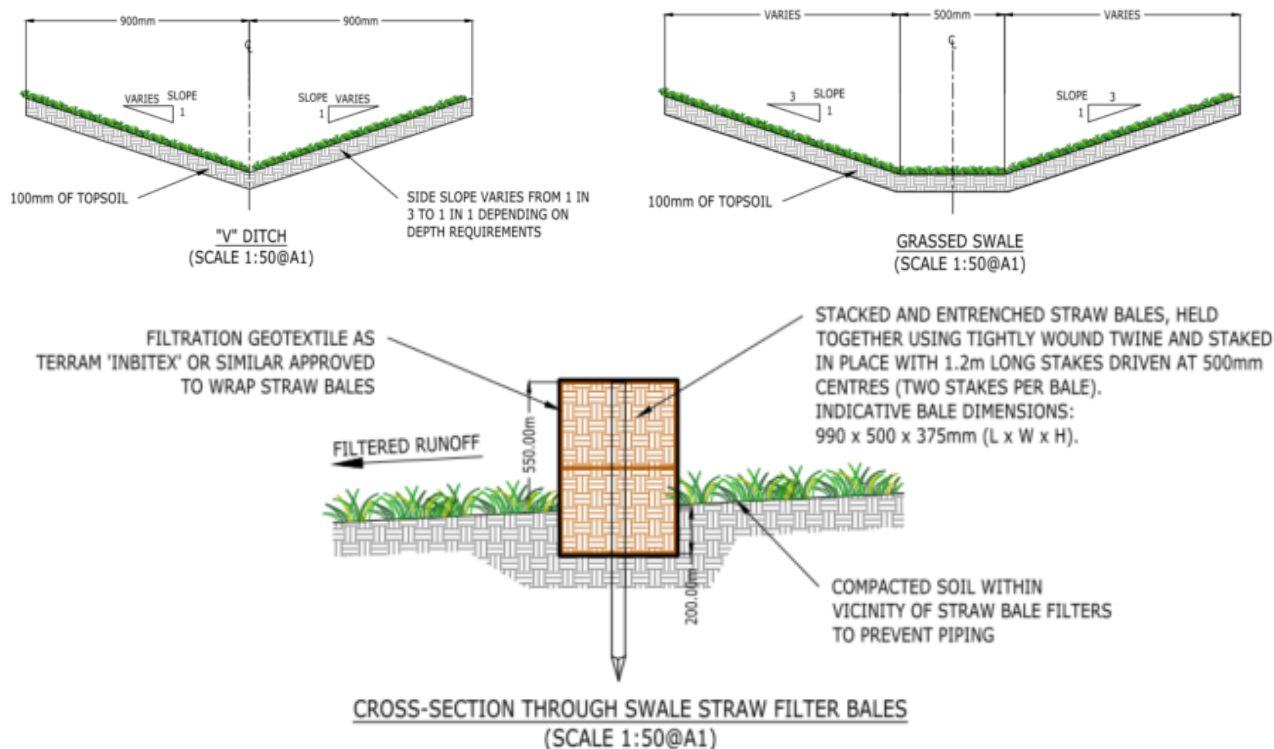


Figure 2 Diagram showing construction of V Shaped Ditches, Swales and Filter Bales

7.34 The Local Lead Flood Authority (LLFA) have confirmed that this arrangement is suitable provided the applicant demonstrates that the existing drainage ditch is fit for purpose. The applicant has been asked to submit a survey of the existing drainage

ditch setting out details of a strategy for ditch maintenance works to be completed prior to the commencement of this platform development. Details of this can be required by condition. The proposed temporary site drainage arrangement is therefore considered to be suitable for the engineering works proposed and the proposal is policy compliant in this regard.

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

7.35 The main development approved in outline is CIL liable and there will be a CIL charge payable, however, this will be calculated on submission of the future reserved matters application for the detailed design which will include the floorspace figures for that development.

### **Equality and Diversity Issues**

7.36 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.

### **Planning Conditions**

7.37 As noted above in addition to seeking permission for the development platforms, the current application also seeks to discharge a number of planning conditions within the outline permission which relate to preliminary works and processes at the site. These are discussed in turn below:

#### **Condition 02 (Phasing Plan)**

7.38 Condition 02 states:

*No development, other than site preparation works and any works required to comply with requirements of other conditions on this permission, shall take place on site until a phasing plan has been submitted to and approved in writing by the local planning authority. Following approval of the plan, each phase shall be completed in accordance with the plan before the next phase commences.*

*Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan.*

7.39 The following information has been submitted in relation to condition 02:

- BA9923-SK017-01 and BA9923-SK012-04 (Phasing Plans)
- Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22

7.40 The submitted phasing plans identify the individual homezones and the Construction Management Plan confirms the sequence of fill and surcharge will be zone 4, zone 1, zone 3 then zone 2. There is no objection to this arrangement. The requirements of Condition 02 are met in relation to the phasing of the engineering operations for the raised platforms and the details are acceptable so condition 02 can be partially discharged in this regard. Details of the phasing of the building works themselves will

need to be discharged at a later date.

### **Condition 07 (Archaeological Recording)**

7.41 Condition 07 states:

*Notwithstanding the information submitted with the application, no development other than moving of on-site spoil heaps, shall be undertaken, unless and until a field investigation including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before the development is brought into first use.*

*Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).*

7.42 The following information has been submitted in relation to condition 07:

- Written Scheme of investigation for a Geoarchaeological Borehole Survey by RPS JAC27603 dated May 2022
- Geoarchaeological Borehole Survey by RPS reference JAC27603 dated May 2022

7.43 A geoarchaeological borehole survey has been undertaken at the site. The purpose of this is to refine understanding of the presence, nature and distribution of superficial sediments and palaeoenvironmental sequences across the site and to assess the geoarchaeological and archaeological significance of these deposits. The aim of paleoenvironmental analysis is to reconstruct the biological, chemical, and physical nature of the environment at the collection site at the time of deposition, based on the rock's paleontological record. This kind of archaeological investigation of soils can provide insight into how the landforms and climate has changed, along with past vegetation, habitats, human activity and long terms environmental fluctuations.

7.44 In total 9 boreholes have been undertaken at the site. Fluvial sands and gravels were encountered, and overlying London clay formation bedrock. Across much of the site these deposits are likely to be early Holocene in date, approximately 11650 years ago, but towards the north of the site they may include earlier Pleistocene deposits, about 2,580,000 to 11,700 years ago. Alluvium, silty river deposits, were also recorded overlying the fluvial gravels. These are considered to have moderate geoarchaeological potential on the basis that biological remains (e.g. pollen) and material suitable for radiocarbon dating may be present. The northern part of the site therefore has the most geoarchaeological interest with the potential to contain Palaeolithic archaeology although it is not considered that these deposits will be impacted by the proposed development which will be built on raised land.

7.45 The submitted report recommends a targeted programme of palaeoenvironmental assessment be undertaken on one of the retained geoarchaeological boreholes in order to establish the presence of material suitable for radiocarbon dating. If suitable material is present, radiocarbon dating and an assessment of other biological remains

including pollen, diatoms (algae), forams (single cell organisms) and ostracods (crustaceans) should be undertaken to establish the potential of this sequence to provide a palaeoenvironmental record for the site.

7.46 The Council's Archaeology Curator has reviewed these documents and agrees with the recommendations. The requirements of Condition 07 are met and the details are acceptable so partially can be discharged in terms of pre commencement works. The final archaeological recording and analysis reports will need to be submitted to the local planning authority before the development is brought into first use for this condition to be fully discharged.

### **Condition 08 (Existing and Proposed Levels)**

7.47 Condition 08 states:

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

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

7.48 The following information has been submitted in relation to condition 08:

- 2105160-140-P3 (Earthworks Surcharge Strategy Plan)

7.49 This drawing confirms that the land levels of the central areas of the platforms range from 6.3m AOD to 6.65m AOD dropping down to around 3m AOD at the lower level. This is consistent with the levels required to mitigate flood risk at the site as assessed and found acceptable when the outline permission was granted. The proposed levels are therefore considered to be acceptable. The requirements of Condition 08 are met and the details are acceptable so this condition can be partially discharged in relation to the levels of the permanent platforms. The final land levels will need to be separately agreed in relation to the detailed development in due course.

### **Condition 09 (Demolition and Construction Management Plan Engineering Works only)**

7.50 Condition 09 states:

*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. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:*

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

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

*Reason: This is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).*

7.51 The following information has been submitted in relation to condition 09:

- Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22

7.52 As noted above, the principle of the development platforms has been agreed in the outline permission so the CMP solely sets out the logistics of the engineering works to achieve this and the measures to minimise the impact on neighbours and the surrounding area generally. The document states that, in total, it is estimated that approximately 132,000 m<sup>3</sup> of fill and 115,000 m<sup>3</sup> of surcharge material will be required. This will be delivered by lorry to the site along designated routes avoiding peak traffic times in up to 60 lorry loads per day, averaging around 6 per hour each way, over a period of approximately 30 months. This includes up to 22 months for the creation of all the platforms including adding the surcharge layer, a period of up to 6 months for settlement of the platforms during which no works will be undertaken, and a final phase of up to 2 months to remove the surcharge from the site once the new ground has achieved the approved level and stabilised. The Council's Highways Officer has been consulted by the applicants to identify the most suitable route for these deliveries, including avoiding weak bridges. The CMP confirms that the proposed routing for all haulage and delivery vehicles into the area will be via the A13 and A1159 from the north onto Thorpe Hall Avenue and then turning onto the B1016 Thorpe Esplanade, continuing on B1016 Shoebury Common Road and turning into New Barge Pier Road.

7.53 The CMP proposes the following measures to reduce the impact on neighbours and the surrounding road network:

- Wheel washing of lorries leaving the site and road sweeping to prevent mud transference.
- Timing deliveries to reduce waiting times and designating lorry waiting areas away from the surrounding residences.
- Strict working hours in accordance with the outline planning permission.
- Silencers and shrouds to be fitted to plant to reduce noise.
- Noise and vibration monitoring and compliance with BS standards (BS5228:2009).
- Dust monitoring suppression techniques.
- Measures to minimise flooding during construction including the installation of temporary drainage ditches to prevent the migration of groundwater from the bad drains and surface water from the platforms into the surrounding area.
- Clear points of contact for the engineering operations and defined complaints procedure

7.54 The Council's Highways and Environmental Health Officers have reviewed these documents and found them to be acceptable including the impact on the road network and the amenities of neighbours. The requirements of Condition 09 are met specifically in respect of the works subject of this application, the details are acceptable so the condition can be partially discharged. Another CMP will need to be submitted and

approved in relation to the construction of the buildings in due course.

### **Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures)**

7.55 Condition 13 states:

*The development hereby approved shall be implemented and operated thereafter in strict accordance with the biodiversity mitigation measures outlined at paragraph 8.7.2 of the Environmental Statement which includes mitigation in relation to habitats, rare plants, amphibians, reptiles, breeding birds, badgers, mammals and bats. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.*

*Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).*

7.56 The following information has been submitted in relation to condition 13:

- Updated Ecological Assessment by SES dated August 2022
- Ecological Condition Discharge Document: Conditions 13 and 16 Rev A by SES dated 09.08.22
- Ecological Condition Discharge Document: Conditions 13 and 16 Partial Discharge Relating to Badgers Rev B- by SES dated 08.11.22
- Badger Sett Location Plan dated October 2022
- Email from agent dated 30.09.22 regarding Badger Mitigation

7.57 The Environmental Statement (ES) submitted in association with the outline application at paragraph 8.7.2 outlined a series of mitigation measures to reduce the impact of the proposal on habitats, rare plants, Amphibians, Reptiles, Breeding Birds, Badgers and Bats. Condition 13 requires a timescale for these mitigation measures to be agreed.

7.58 The updated Ecological Appraisal provides more up to date information on the condition of the site since the preliminary Ecological Appraisal in 2020. Additional wildlife surveys were carried out in February, March and July 2022. These confirmed that whilst the habitats present had undergone some habitat succession in the preceding two years, this was largely restricted to the colonisation of the soil bunds in the northern section of the site, which were previously bare ground, with tall ruderal vegetation (plants growing on waste ground), and the encroachment of areas of scrub and tall ruderal vegetation in other parts of the site. The changes to the habitats present within the site are not considered to have altered the ecological importance of the site. The baseline conditions with respect to notable and protected species remain largely the same as that reported in the ES and the assessment of impacts and recommendations for mitigation and enhancement are considered to still be valid for all species apart from badgers. The initial survey work in 2020 did not find any evidence of badgers but the more recent surveys found three badger setts within the site. These will therefore require additional mitigation over that reported in the ES and this is discussed below. The reptile exclusion fencing installed for a previous common lizard translocation programme was also found to be in need of repair. The submitted documents confirm that this will be repaired and maintained in good order during the construction of the development. All other mitigation and enhancement measures remain valid and have been, or will be, carried out as planned.

- 7.59 In respect of badgers, monitoring undertaken in 2022 confirmed badger activity in all 3 setts but that this activity was intermittent and minimal indicating badger usage to be limited and sporadic. There are 8 active and 8 partially active setts close to the site which are thought to be contain the main setts for this area.
- 7.60 In order to facilitate the development, it is proposed that the 3 setts on the site be closed under a Natural England (NE) mitigation licence prior to the commencement of the site preparation and construction works. This is considered to be acceptable in principle given that they are not well used and there are alternative more active setts close by. The submitted document confirms the timescale for this task to be restricted to between July and November to avoid the breeding season. Protection measures for badgers moving through the site are also proposed during the whole platforms construction period.
- 7.61 The Essex Badger Protection Group have reviewed the documentation and raised no objections to the proposed closing of these setts and the other mitigation measures identified.
- 7.62 In respect of reptiles, the report confirms that a reptile translocation programme was completed within the site in 2020 with large numbers of common lizard translocated to a receptor site in Chelmsford, Essex. The recommendation in the updated ecological survey is to repair the reptile fence as required. A full site hoarding is proposed in the Construction Management Plan which will reinforce this boundary. The recommendations of the original report have therefore been actioned.
- 7.63 The requirements of Condition 13 are therefore met and the details are acceptable in respect of the development platform works so the condition can be partially discharged.

#### **Condition 16 (Timetable for Ecological Enhancement Measures)**

- 7.64 Condition 16 states:

*The development hereby approved shall be implemented in strict accordance with the ecological enhancement measures outlined at paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.*

*Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).*

- 7.65 The following information has been submitted in relation to condition 16:

- Ecological Condition Discharge Document: Conditions 13 and 16 Rev A by SES dated 09.08.22

- 7.66 This document sets out the timetable for those works which are to be undertaken early in the development process such as scrub removal and seed collection and therefore relevant to this engineering works application. The submitted details are acceptable in this regard. The timetable for the remaining works such as biodiversity planting, suds design and creation and wildlife enhancement measures for the new open spaces, gardens and buildings will be submitted at a later date prior to the commencement of the built development.

7.67 The timetable for the preliminary ecological enhancement measures which are relevant to the development platform works only are acceptable and the requirements of Condition 13 are therefore partially met and so this condition can be partially discharged.

### **Condition 17 (Botany Reports)**

7.68 Condition 17 states:

*The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures contained within the Botany reports submitted, including the mitigation at paragraph 5.2 of the Botany Survey by D F Clark Bionomique Ltd dated 8 June 2020 ref. DFCP 3398 and the mitigation and avoidance measures outlined in chapter 5 of the Botanical Survey by The Landscape Partnership dated 28 July 2020 ref. E20841.*

*Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).*

7.69 The following information has been submitted in relation to condition 17:

- Condition 17 Compliance Note by SES dated 18.11.22
- Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22

7.70 The Botany and Botanical surveys supporting the approved outline application recommend that seeds are collected from key species for reuse in the final landscaping scheme. This will ensure native species are maintained and support local wildlife.

7.71 This submitted compliance document confirms that an additional botany survey was carried out in March 2021 and seed collections were made in June 2021 and July 2022. Seeds from 7 native species have been collected and will be stored until such time they are required for planting and recolonisation of the landscaped site. The Botany report mitigation measures also require the translocation of key plants so that they are not lost in the site clearance works. In regards to this the report states:

*'Lathyrus aphaca and Carex divisa will be pot grown in autumn 2023 prior to plug planting in autumn 2024. This will be undertaken at a suitable nursery with seeds pot grown under supervision of the ecological clerk of works for the site. The delivery of the plugs will be timed with landscape delivery, but in total half of all collected seed will be grown out for plugs in accordance with the approved mitigation strategy (TLP, 2020). These species will not be translocated within the site as engineering constraints requires the entire site to be remediated and thus rendering translocation undeliverable. Notwithstanding, the growing of collected seeds into plugs will provide plants which can be planted into the right conditions and thus the lack of translocation is not considered significant, and the proposed mitigation strategy will meet its desired objectives.'*

7.72 Given the extent of ground works proposed and the likelihood that translocated plants could be damaged, it is considered that this alternative option, which achieves the objectives of the condition but with greater chance of success, is reasonable and acceptable. The timetable for Ecological Enhancements measures also specifies the exact timing of this process which provides assurances that it will be undertaken as proposed.



7.73 The requirements of Condition 17 are therefore partially met and the details are acceptable in respect of the development platform works so the condition can be partially discharged. Compliance details for the translocation of key plants will need to be submitted in due course.

## **Conclusion**

7.74 This reserved matters application relates solely to the formation of the raised development platforms previously agreed in principle under outline planning permission 20/01227/OUTM. A future, separate reserved matters application will be required for approval of the details of the built form and associated development on the site. Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development is acceptable in principle and provides an acceptable impact on the character and appearance of the site, wider surrounding area and nearby designated heritage assets. The development would not result in any material harm to residential amenity or the surrounding highways network. The application is therefore recommended for approval subject to conditions.

7.75 Furthermore, this application also seeks to discharge conditions 7, 8, 9, 13, 16 and 17 the outline planning permission 20/01227/OUTM. The details submitted meet the requirements of the respective conditions and are acceptable either in full or, in relevant cases, partial discharge.

## **8 Recommendation**

**A) Members are recommended to APPROVE RESERVED MATTERS subject to the following conditions:**

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

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans: BA9923-SK011-02 (Site Location Plan), 2105160-140-P3 (Earthworks Surcharge Strategy Plan), 2105160-141-P1, 2105160-142-P1, 2105160-143-P3 (Cut and Fill Sections), 2105160-131-P2, 105160-130-P2, 2105160-132-P2 (Earthworks Surcharge Drainage Strategy Plans) and in full accordance with Preliminary Land Raising Strategy IDOM reference PLRSR-22438-22-101-Rev C dated 09.08.22.**

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

**03 Prior to the commencement of the development hereby approved, details of a survey of the existing eastern drainage ditch as shown on plan reference BA9923-SK011-02 and a strategy for any ditch maintenance works required to ensure that this drainage ditch is suitable for the intended temporary drainage works associated with the development hereby approved whilst also maintaining the ecology mitigation measures and required enhancement measures approved under, and secured by conditions 13, 14, 15, 16 and 17 of, planning permission 20/01227/OUTM shall be submitted to and agreed in writing by the Local Planning**

**Authority.** The approved works shall then be carried out and completed in full accordance with the approved details.

**Reason:** This pre-commencement condition is required to ensure the approved development does not increase flood risk elsewhere or harm ecology in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2, KP3 and CP4 and Development Management Document (2015) Policies DM6 and DM14.

- 04** The works to create the raised development platforms hereby approved shall be carried out and completed in full accordance with the timescales set out in section 3 of the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 or any other timetable that has been previously been submitted to and agreed in writing with the Local Planning Authority under the terms of this planning condition.

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

**B) Members are recommended to GRANT PARTIAL DISCHARGE OF THE FOLLOWING CONDITIONS:**

**Condition 02 (Phasing Plan)**

The details of the phasing of the engineering works, as set out in the phasing plans reference BA9923-SK017-01 and BA9923-SK012-04 and the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 are acceptable and partially agreed in accordance with the requirements of condition 02 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. A subsequent phasing plan will need to be separately agreed in relation to the detailed development in due course.

**Condition 07 (Archaeological Recording)**

The details of archaeological recording for the site as set out in the Written Scheme of investigation for a Geoarchaeological Borehole Survey by RPS JAC27603 dated May 2022 and the Geoarchaeological Borehole Survey by RPS reference JAC27603 dated May 2022 are acceptable and partially agreed in accordance with the requirements of condition 07 of planning permission reference 20/01227/OUTM in relation to the programme of archaeological recording and analysis only. A report detailing the findings of the borehole analysis will need to be submitted to the Local Planning Authority in due course.

### **Condition 08 (Existing and Proposed Levels)**

The details of the existing and proposed levels, as set out in drawing reference 2105160-140-P3 (Earthworks Surcharge Strategy Plan) are acceptable and partially agreed in accordance with the requirements of condition 08 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. The final land levels will need to be separately agreed in relation to the detailed development in due course.

### **Condition 09 (Demolition and Construction Management Plan (Engineering Works only))**

The details of the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 are acceptable and partially agreed in accordance with the requirements of condition 09 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. A subsequent CMP will need to be separately agreed in relation to the detailed development in due course.

### **Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures)**

The details of the timescales for the implementation of Biodiversity Mitigation Measures, including the amended mitigation measures for the site in relation to badgers, as set out in the Updated Ecological Assessment by SES dated August 2022, Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22, the Ecological Condition Discharge Document: Conditions 13 and 16 Partial Discharge Relating to Badgers Rev B- by SES dated 08.11.22, the Badger Sett Location Plan dated October 2022 and email from agent dated 30.09.22 regarding Badger Mitigation are acceptable and partially agreed in accordance with the requirements of condition 13 of planning permission reference 20/01227/OUTM in relation to those measures relevant to the construction of the raised development platforms only. A subsequent timetable for the full programme of Biodiversity Mitigation Measures will need to be separately agreed in relation to the detailed development in due course.

### **Condition 16 (Timetable for Ecological Enhancement Measures)**

The details of the timescales for the implementation of Ecological Enhancement Measures as set out in the Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22 are acceptable and partially agreed in accordance with the requirements of condition 13 of planning permission reference 20/01227/OUTM in relation to those measures relevant to the construction of the raised development platforms only. A subsequent timetable for the full programme of Ecological Enhancement Measures will need to be separately agreed in relation to the detailed development in due course.

### **Condition 17 (Botany Reports)**

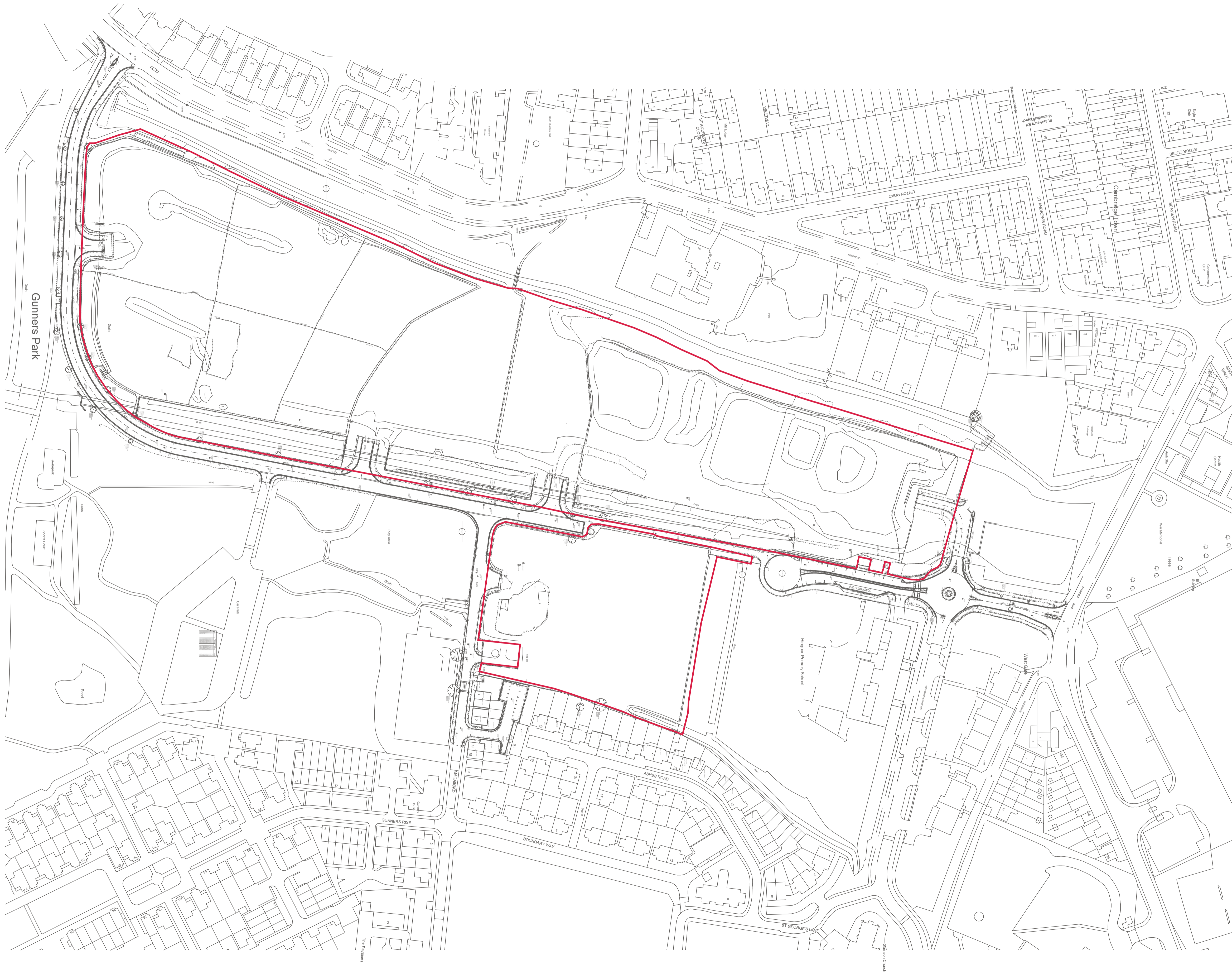
The Condition 17 Compliance Note by SES dated 18.11.22 and Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22 are acceptable and partially agreed in accordance with the requirements of condition 17 of planning permission reference 20/01227/OUTM. Compliance with the translocation of key plant species will need to be demonstrated in due course.

**Informatives:**

**01 Please note that all of the conditions imposed on the Outline Permission 21/02034/OUT and the associated S106 agreement are in force and need to be complied with.**

**02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the 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. The developer will be held responsible for any mud on the road associated with the development and will be expected to address and clean this away promptly within the provisions of the approved CMP failing which the Highways Authority will seek to recover from the developer the Council's costs incurred in removing mud and cleaning the highway.**

**03 The applicant is advised that all aspects of the development must comply with Civil Aviation Authority CAP168 and EASA (European Union Aviation Safety Regulations) regulations including lighting, landscaping and renewable energy sources.**



 Site Boundary

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceeding with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.  
Do not scale drawing. Figured dimensions to be worked to in all cases.

Where products have been specified, PRP have reviewed applicable products available in the UK at the time of writing the specification. For the avoidance of doubt, product manufacturers and suppliers must confirm that each product is fit for its intended use and provide such evidence as may reasonably be requested to confirm performance, including, but not limited to, product test classification and interfaces with adjacent products.  
Where the contractor wishes to propose alternative products, representative samples and a full technical appraisal should be submitted by the contractor to the employer demonstrating that their proposed alternative has equal or better performance. Any alternative products are subject to design team, building control, warranty provider and employer acceptance.

CDM REGULATIONS 2015. All current drawings and specifications for the project must be read in conjunction with the Designer's Hazard and Environment Assessment Record  
All intellectual property rights reserved.

Rev	Date	Description
01	20.07.22	First Issue
02	04.08.22	Site boundary amended following comments

Dwn	Ckd	Drawn	JDC
JDC	IBB	Checked	IBB
		Date	July 2022
		Scale	@ A1 1:1250

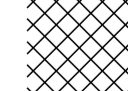

**The Garrison, Shoeburryness**  
Site Location Plan

**BA9923-SK011**  
**02**  
Comment

**PRP** prp-co.uk  
London  
020 7653 1200

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 Phase 2 Area of proposed development  
 Site Boundary

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceeding with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

Do not scale drawing. Figured dimensions to be worked to in all cases.

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Rev	Date	Description
01	09.08.22	First Issue

Drawn	JDC
Checked	IBB
Date	DATE
Scale @ A1	1:1000

**The Garrison, Shoeburyness**  
 Phasing Plan  
 Phase 2 Development Area

**BA9923-SK017**  
**01**  
 Comment

**PRP** prp-co.uk  
 London  
 020 7653 1200

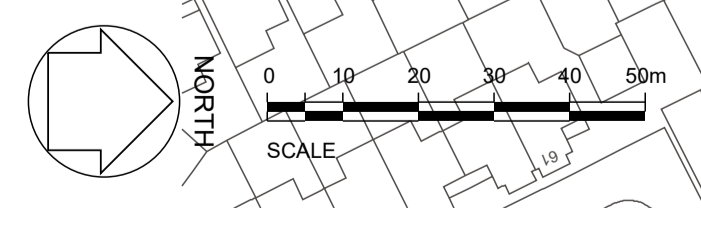
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Phase 1 (Homezones)  
 Area of proposed fill and surcharge to a level of 6.5m AOD

Site Boundary



The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceeding with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

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Rev	Date	Description
01	26.07.22	First Issue
02	04.08.22	IDDM boundary updated following change to plan. ADD level updated from 3.5m to 6.5m
03	04.08.22	Site boundary amended following comment
04	09.08.22	Site phasing added to title

Dwn	Ckd	Drawn	JDC
JDC	IBB	JDC	IBB
JDC	IBB	JDC	IBB
JDC	IBB	JDC	IBB

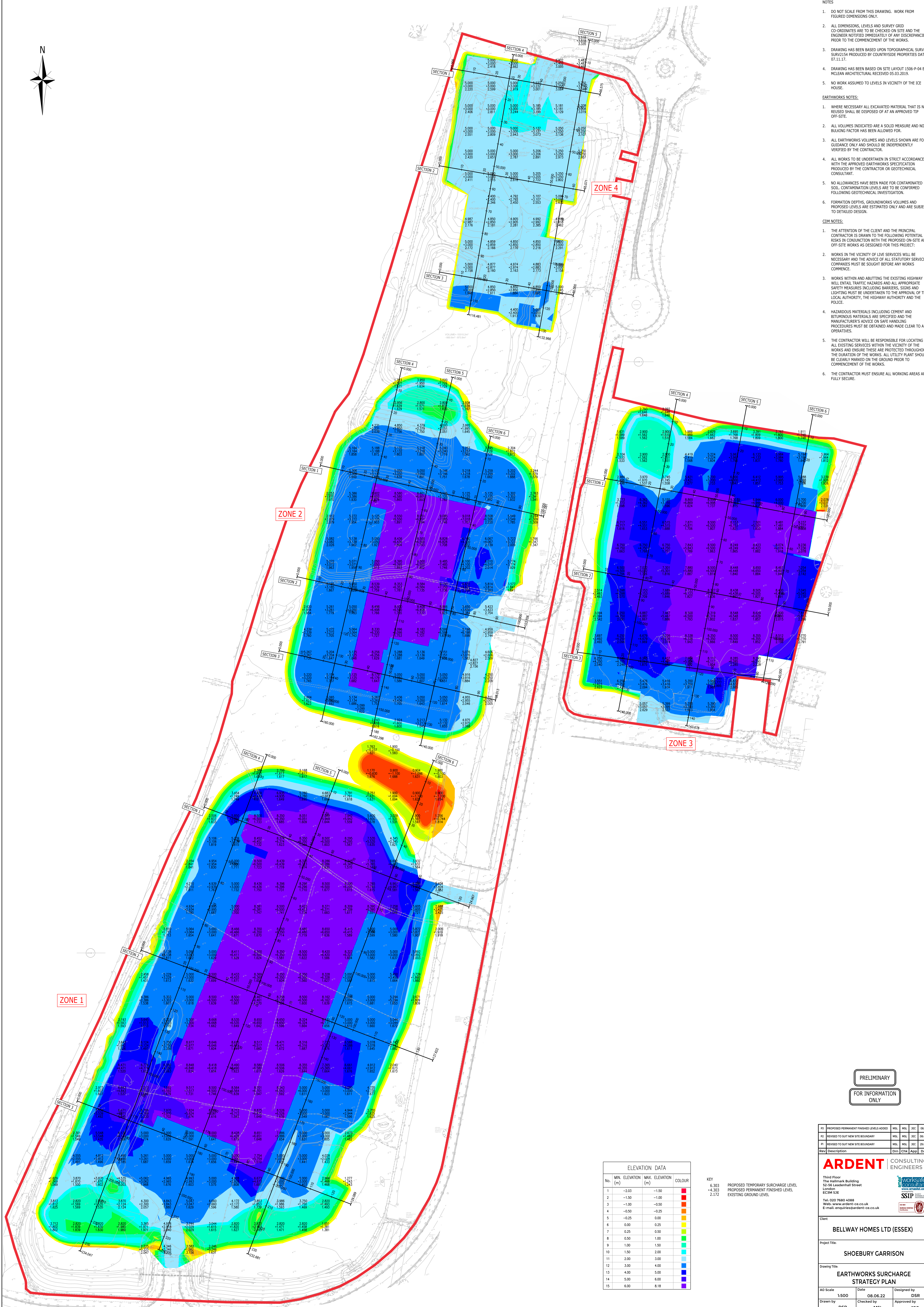
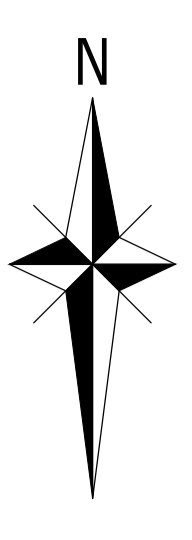
Date DATE  
Scale @ A1 1:1000

**The Garrison, Shoeburyness**  
Phasing Plan  
Phase 1

**BA9923-SK012**  
**04**  
Comment

**PRP** prp-co.uk  
London 020 7653 1200

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- NOTES**
- DO NOT SCALE FROM THIS DRAWING. WORK FROM FIGURED DIMENSIONS ONLY.
  - ALL DIMENSIONS, LEVELS AND SURVEY GRID CO-ORDINATES ARE TO BE CHECKED ON SITE AND THE ENGINEER NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF THE WORKS.
  - DRAWING HAS BEEN BASED UPON TOPOGRAPHICAL SURVEY SURV2154 PRODUCED BY COUNTRYSIDE PROPERTIES DATED 07.11.17.
  - DRAWING HAS BEEN BASED ON SITE LAYOUT 1506-P-04 BY MCLEAN ARCHITECTURAL RECEIVED 05.03.2019.
  - NO WORK ASSUMED TO LEVELS IN VICINITY OF THE ICE HOUSE.
- EARTHWORKS NOTES:**
- WHERE NECESSARY ALL EXCAVATED MATERIAL THAT IS NOT REUSED SHALL BE DISPOSED OF AT AN APPROVED TIP OFF-SITE.
  - ALL VOLUMES INDICATED ARE A SOLID MEASURE AND NO BULKING FACTOR HAS BEEN ALLOWED FOR.
  - ALL EARTHWORKS VOLUMES AND LEVELS SHOWN ARE FOR GUIDANCE ONLY AND SHOULD BE INDEPENDENTLY VERIFIED BY THE CONTRACTOR.
  - ALL WORKS TO BE UNDERTAKEN IN STRICT ACCORDANCE WITH THE APPROVED EARTHWORKS SPECIFICATION PRODUCED BY THE CONTRACTOR OR GEOTECHNICAL CONSULTANT.
  - NO ALLOWANCES HAVE BEEN MADE FOR CONTAMINATED SOIL. CONTAMINATION LEVELS ARE TO BE CONFIRMED FOLLOWING GEOTECHNICAL INVESTIGATION.
  - FORMATION DEPTHS, GROUNDWORKS VOLUMES AND PROPOSED LEVELS ARE ESTIMATED ONLY AND ARE SUBJECT TO DETAILED DESIGN.
- CDM NOTES:**
- THE ATTENTION OF THE CLIENT AND THE PRINCIPAL CONTRACTOR IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONNECTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT:
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  - WORKS WITHIN AND ADJUTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE.
  - HAZARDOUS MATERIALS INCLUDING CEMENT AND BITUMINOUS MATERIALS ARE SPECIFIED AND THE MANUFACTURERS ADVICE ON SAFE HANDLING PROCEDURES MUST BE OBTAINED AND MADE CLEAR TO ALL OPERATIVES.
  - THE CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE VICINITY OF THE WORKS AND ENSURE THESE ARE PROTECTED THROUGHOUT THE DURATION OF THE WORKS. ALL UTILITY PLANTS SHOULD BE CLEARLY MARKED ON THE GROUND PRIOR TO COMMENCEMENT OF THE WORKS.
  - THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.

PRELIMINARY  
FOR INFORMATION ONLY

ELEVATION DATA			
No.	MIN. ELEVATION (m)	MAX. ELEVATION (m)	COLOUR
1	-2.03	-1.50	Red
2	-1.50	-1.00	Orange
3	-1.00	-0.50	Yellow
4	-0.50	0.25	Light Green
5	-0.25	0.00	Green
6	0.00	0.25	Light Blue
7	0.25	0.50	Blue
8	0.50	1.00	Dark Blue
9	1.00	1.50	Very Dark Blue
10	1.50	2.00	Black
11	2.00	3.00	White
12	3.00	4.00	Light Grey
13	4.00	5.00	Medium Grey
14	5.00	6.00	Dark Grey
15	6.00	8.18	Black

KEY  
6.303 PROPOSED TEMPORARY SURCHARGE LEVEL  
4.263 PROPOSED PERMANENT FINISHED LEVEL  
2.172 EXISTING GROUND LEVEL

PS	PROPOSED PERMANENT FINISHED LEVELS ADDED	MSL	JEC	08.11.22	
PI	REVISED TO SUIT NEW SITE BOUNDARY	MSL	JEC	08.08.22	
PI	REVISED TO SUIT NEW SITE BOUNDARY	MSL	JEC	20.07.22	
Rev	Description	Dim	CHK	App	Date

**ARDENT CONSULTING ENGINEERS**

Third Floor  
The Helix Building  
52-56 Leadenhall Street  
London  
EC3M 5JE

Tel: 020 7680 4088  
Web: www.ardent-ce.co.uk  
E-mail: enquiries@ardent-ce.co.uk

Client: **BELLWAY HOMES LTD (ESSEX)**

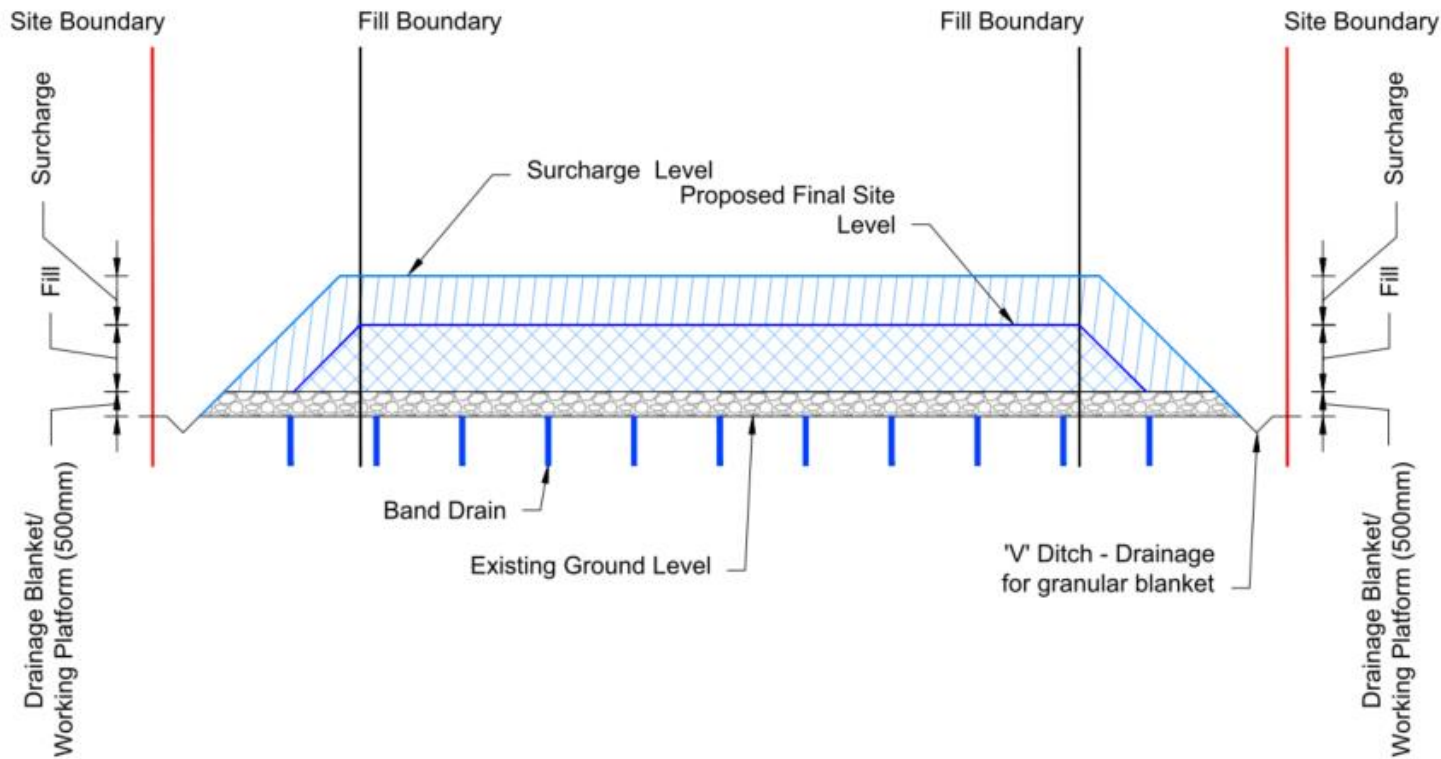
Project Title: **SHOEBURY GARRISON**

Drawing Title: **EARTHWORKS SURCHARGE STRATEGY PLAN**

AD Scale	1:500	Date	08.06.22	Designed by	DSR
Drawn by	DSR	Checked by	MSL	Approved by	JEC
Drawing Number	2105160-140		Rev	P3	

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Second Issue: Drawing text and Title update	13/05/2022	A
	FDO	DCE
First Issue:	23/03/2022	-
	FDO	DCE
	DWN	CHD
		APPD

ISSUE PURPOSE: PRELIMINARY

CLIENT: Bellway Homes Ltd (Essex)

PROJECT: Shoebury Garrison Southend-on-Sea

DWG TITLE: Proposed Fill and Surcharge Profile

DWG NO.: 22438-SK-001 REVISION: A

SCALE: N.T.S. DATE: March/2022 FRAM DIMENSIONS (mm): (A3) 400 x 280

DRAWN: FDO CHECKED: DCE APPROVED: DCE

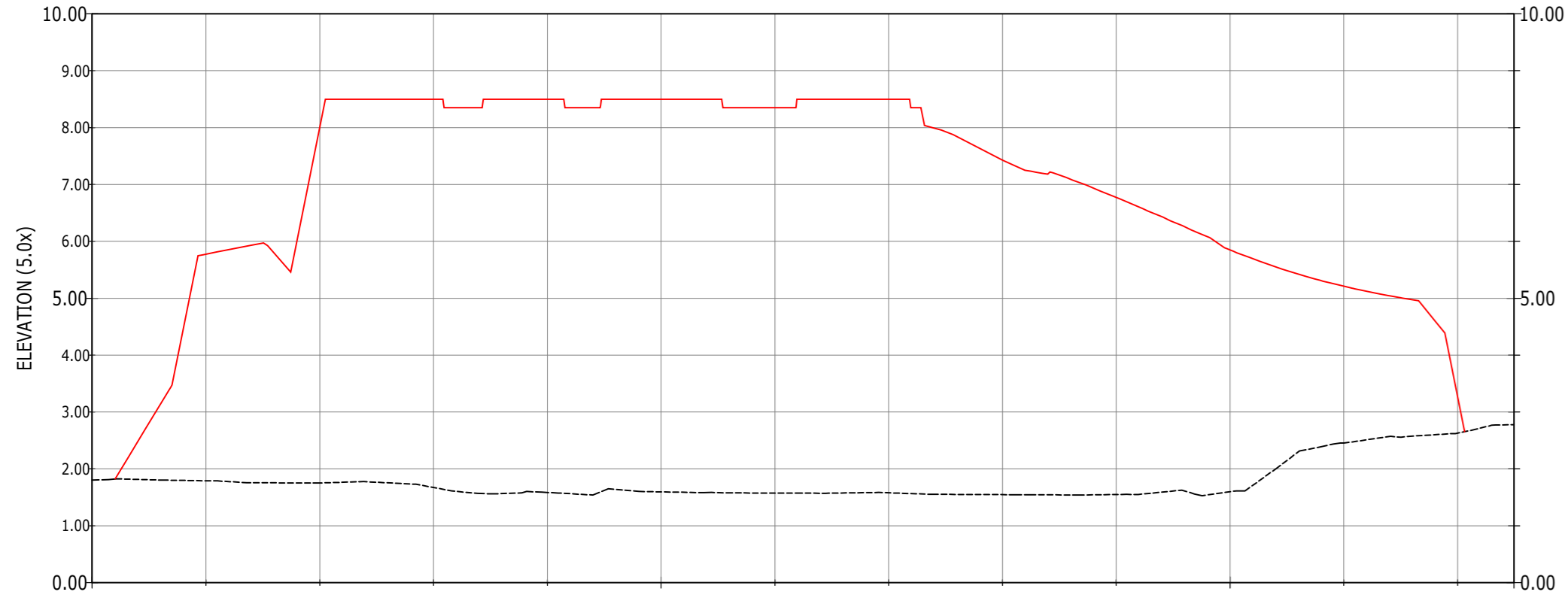
- London
- Kent
- Derbyshire**
- Manchester
- Stirling

**IDOM**

Cromford Mills, Mill Lane, Matlock, Derbyshire DE4 3RG  
t: +44(0)1773 629 988 e: info.derbyshire@idom.com

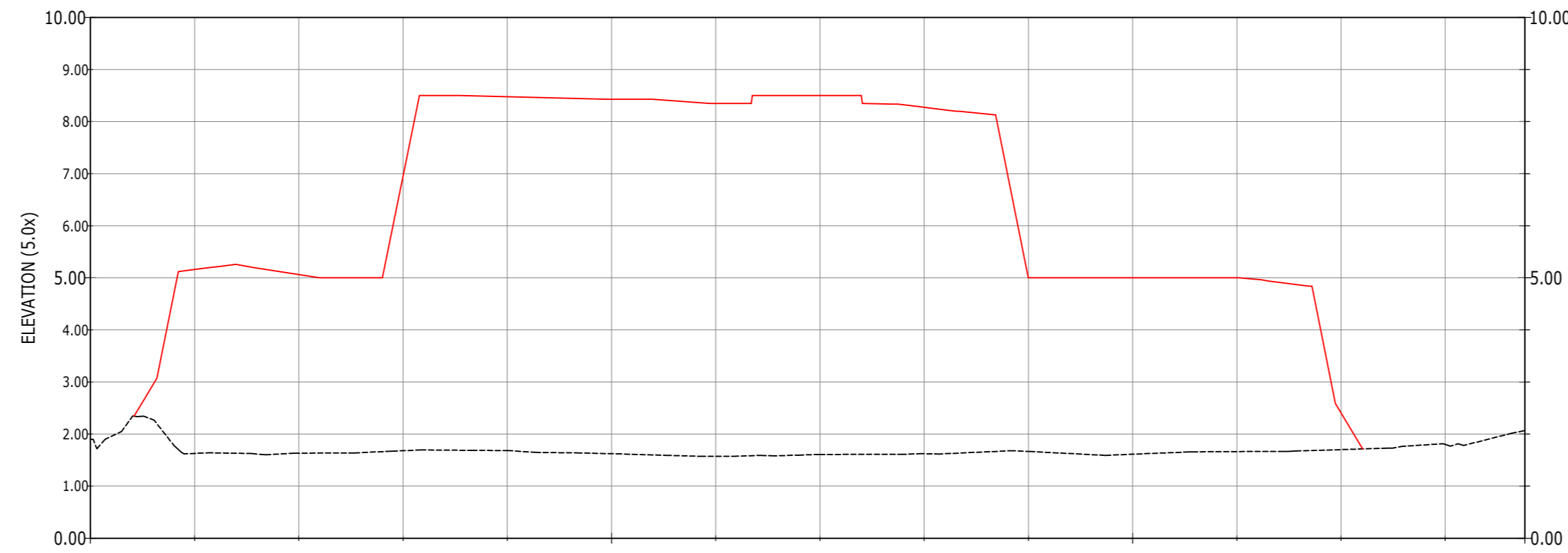
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SCALE: H:500, V:100  
DATUM: 0.000



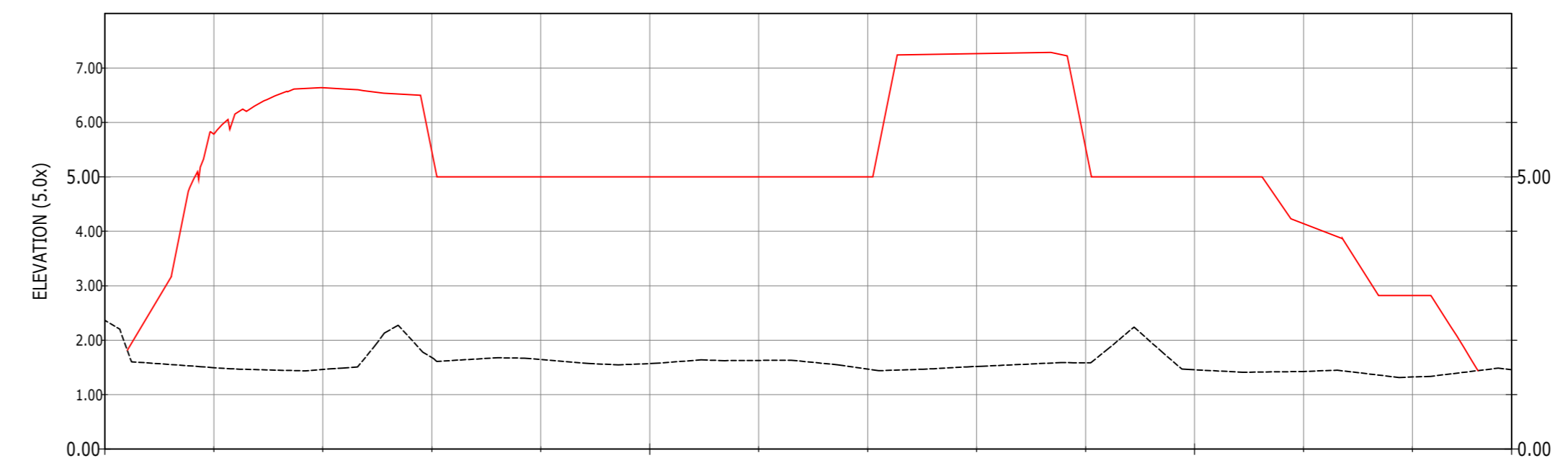
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HOR														
SURCHARGE LEVELS		5.775	8.005	8.500	8.500	8.500	8.350	8.500	7.927	6.772	5.848	5.113		
VER														

PROFILE VIEW: ZONE 1 SECTION 2  
SCALE: H:500, V:100  
DATUM: 0.000



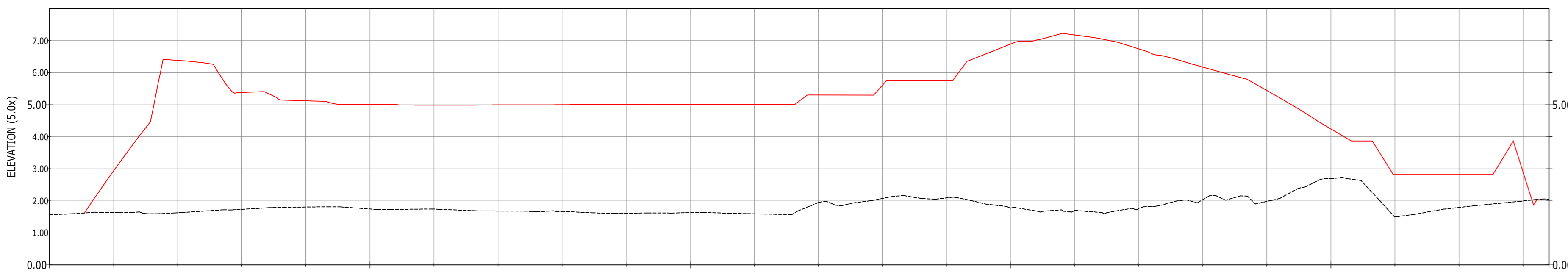
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EXISTING LEVELS	1.898	1.628	1.633	1.680	1.682	1.622	1.573	1.608	1.622	1.665	1.612	1.663	1.791	1.801	2.066
HOR															
SURCHARGE LEVELS		5.160	5.061	6.973	8.477	8.477	8.477	8.350	8.350	8.275	5.000	5.000	5.000	2.805	
VER															

PROFILE VIEW: ZONE 1 SECTION 3  
SCALE: H:500, V:100  
DATUM: 0.000



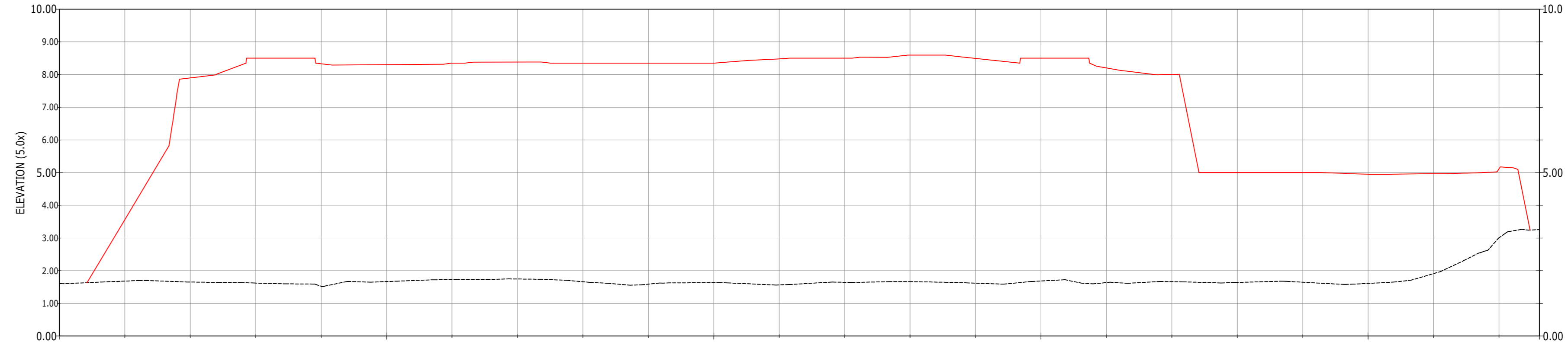
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EXISTING LEVELS	2.387	1.495	1.463	1.682	1.645	1.570	1.629	1.469	1.518	1.584	1.456	1.425	1.324	1.459
HOR														
SURCHARGE LEVELS		5.785	6.637	5.395	5.000	5.000	5.000	5.000	7.285	5.556	5.000	4.143	2.820	
VER														

PROFILE VIEW: ZONE 1 SECTION 4  
SCALE: H:500, V:100  
DATUM: 0.000



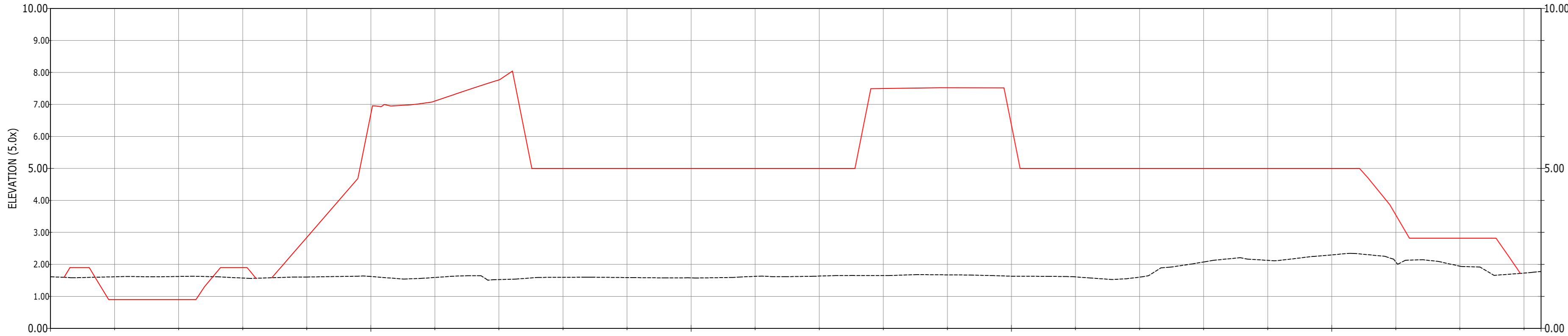
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EXISTING LEVELS	1.526	1.640	1.628	1.735	1.807	1.746	1.744	1.684	1.671	1.612	1.633	1.595	1.597	2.015	2.092	1.769	1.699	1.733	2.058	1.984	2.692	1.509	1.794	1.977	2.053		
HOR																											
SURCHARGE LEVELS		2.928	6.386	5.383	5.174	5.010	4.987	4.995	5.001	5.006	5.014	5.010	5.302	5.668	5.750	6.892	7.179	6.745	6.174	5.446	4.246	2.820	2.820	2.906			
VER																											

PROFILE VIEW: ZONE 1 SECTION 5  
SCALE: H:500, V:100  
DATUM: 0.000



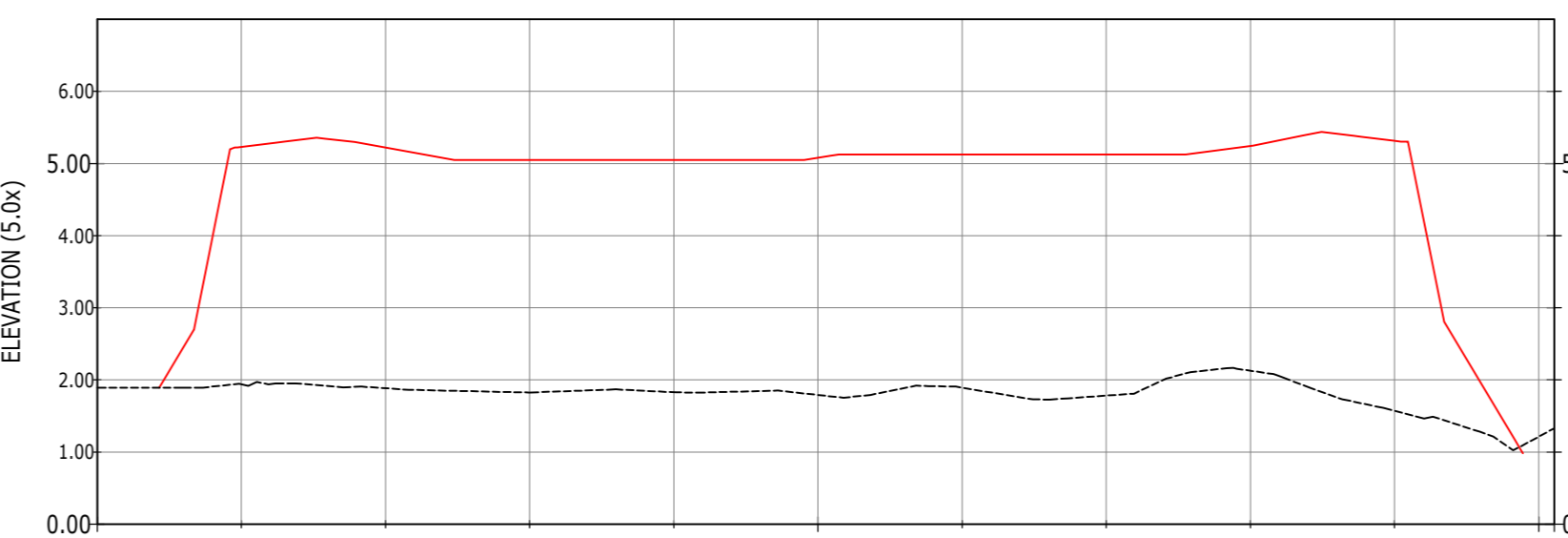
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EXISTING LEVELS	1.605	1.682	1.653	1.621	1.521	1.668	1.725	1.745	1.662	1.588	1.635	1.555	1.645	1.665	1.618	1.685	1.635	1.664	1.641	1.646	1.611	1.510	3.105	3.256			
HOR																											
SURCHARGE LEVELS		3.559	7.896	8.500	8.330	8.303	8.350	8.350	8.350	8.350	8.350	8.477	8.500	8.595	8.491	8.500	8.203	8.001	5.000	5.000	4.952	4.965	5.117	3.331			
VER																											

PROFILE VIEW: ZONE 1 SECTION 6  
SCALE: H:500, V:100  
DATUM: 0.000



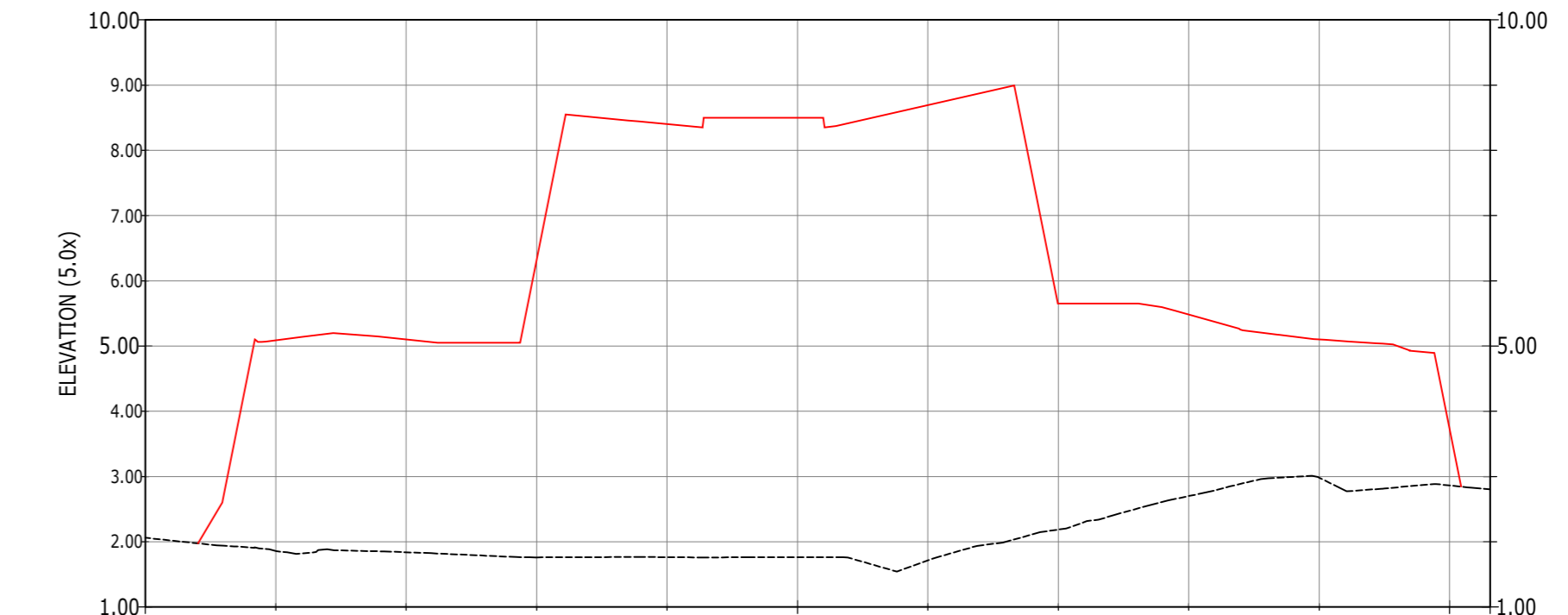
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EXISTING LEVELS	1.611	1.612	1.622	1.572	1.605	1.621	1.591	1.524	1.595	1.588	1.578	1.625	1.624	1.651	1.673	1.629	1.609	1.601	2.075	2.126	2.297	2.073	1.944	1.726	1.776		
HOR																											
SURCHARGE LEVELS		0.900	0.900	1.900	2.811	6.567	7.107	7.766	5.000	5.000	5.000	5.000	5.000	5.000	7.497	7.524	6.320	5.000	5.000	5.000	5.000	3.548	2.820				
VER																											

PROFILE VIEW: ZONE 2 SECTION 1  
SCALE: H:500, V:100  
DATUM: 0.000



CHAINAGE	0.000	10.000	20.000	30.000	40.000	50.000	60.000	70.000	80.000	90.000	100.000
EXISTING LEVELS	1.893	1.940	1.885	1.826	1.829	1.791	1.892	1.782	2.117	1.572	1.712
HOR											
SURCHARGE LEVELS		5.229	5.221	5.050	5.050	5.080	5.125	5.125	5.243	5.314	
VER											

PROFILE VIEW: ZONE 2 SECTION 2  
SCALE: H:500, V:100  
DATUM: 1.000



CHAINAGE	0.000	10.000	20.000	30.000	40.000	50.000	60.000	70.000	80.000	90.000	100.000	103.196
EXISTING LEVELS	2.061	1.856	1.838	1.760	1.763	1.762	1.772	2.185	2.700	2.984	2.863	2.802
HOR												
SURCHARGE LEVELS		5.089	5.100	6.430	8.402	8.100	8.693	5.650	5.482	5.100	3.761	
VER												

NOTES

- DO NOT SCALE FROM THIS DRAWING. WORK FROM FIGURED DIMENSIONS ONLY.
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- DRAWING HAS BEEN BASED UPON TOPOGRAPHICAL SURVEY SURV2154 PRODUCED BY COUNTRYSIDE PROPERTIES DATED 07.11.17.
- DRAWING HAS BEEN BASED ON SITE LAYOUT 1506-P-04 BY MCLAN ARCHITECTURAL RECEIVED 05.03.2019.
- NO WORK ASSUMED TO LEVELS IN VICINITY OF THE ICE HOUSE.

EARTHWORKS NOTES:

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KEY:  
 PROPOSED TEMPORARY SURCHARGE LEVEL  
 EXISTING GROUND LEVEL

THESE LONG-SECTIONS COMPARE THE EXISTING GROUND LEVEL (INDICATED BY THE BLACK DASHED LINE) AND THE PROPOSED TEMPORARY LEVEL OF THE SURCHARGE MATERIAL (INDICATED BY THE RED LINE). THE LEVEL OF THE SURCHARGE MATERIAL IS BASED ON THE PROPOSED PERMANENT FINISHED LEVEL PLUS 2 METRES. WHERE RETAINING WALLS WILL FORM PART OF THE PROPOSED PERMANENT LEVELS DESIGN, THE SURCHARGE MATERIAL WILL BE TEMPORARILY BATTERED AT A SLOPE OF 1 IN 1 (45 DEGREES) AS RECOMMENDED BY THE GEOTECHNICAL CONSULTANT, IDOM.

THE PROPOSED PERMANENT FINISHED LEVELS ARE TO BE AGREED SEPARATELY AS PART OF THE DISCHARGE OF CONDITION 8.

PLEASE NOTE THAT FOR CLARITY THE VERTICAL SCALE OF THESE LONG-SECTIONS HAS BEEN MULTIPLIED BY A FACTOR OF 5. LEVEL CHANGES MAY THEREFORE APPEAR MORE ABRUPT THAN WILL BE THE CASE ON-SITE.

PRELIMINARY  
FOR INFORMATION ONLY

Rev	Description	MSL	MSL	JEC	08/11/22
1	Issue for Information	MSL	MSL	JEC	08/11/22

**ARDENT** CONSULTING ENGINEERS  
 Third Floor  
 The Helix Building  
 52-56 Leadenhall Street  
 London  
 EC3M 5JE  
 Tel: 020 7680 4288  
 Web: www.ardent-ce.co.uk  
 E-mail: enquiries@ardent-ce.co.uk

Client: **BELLWAY HOMES LTD (ESSEX)**

Project Title: **SHOEBURY GARRISON**

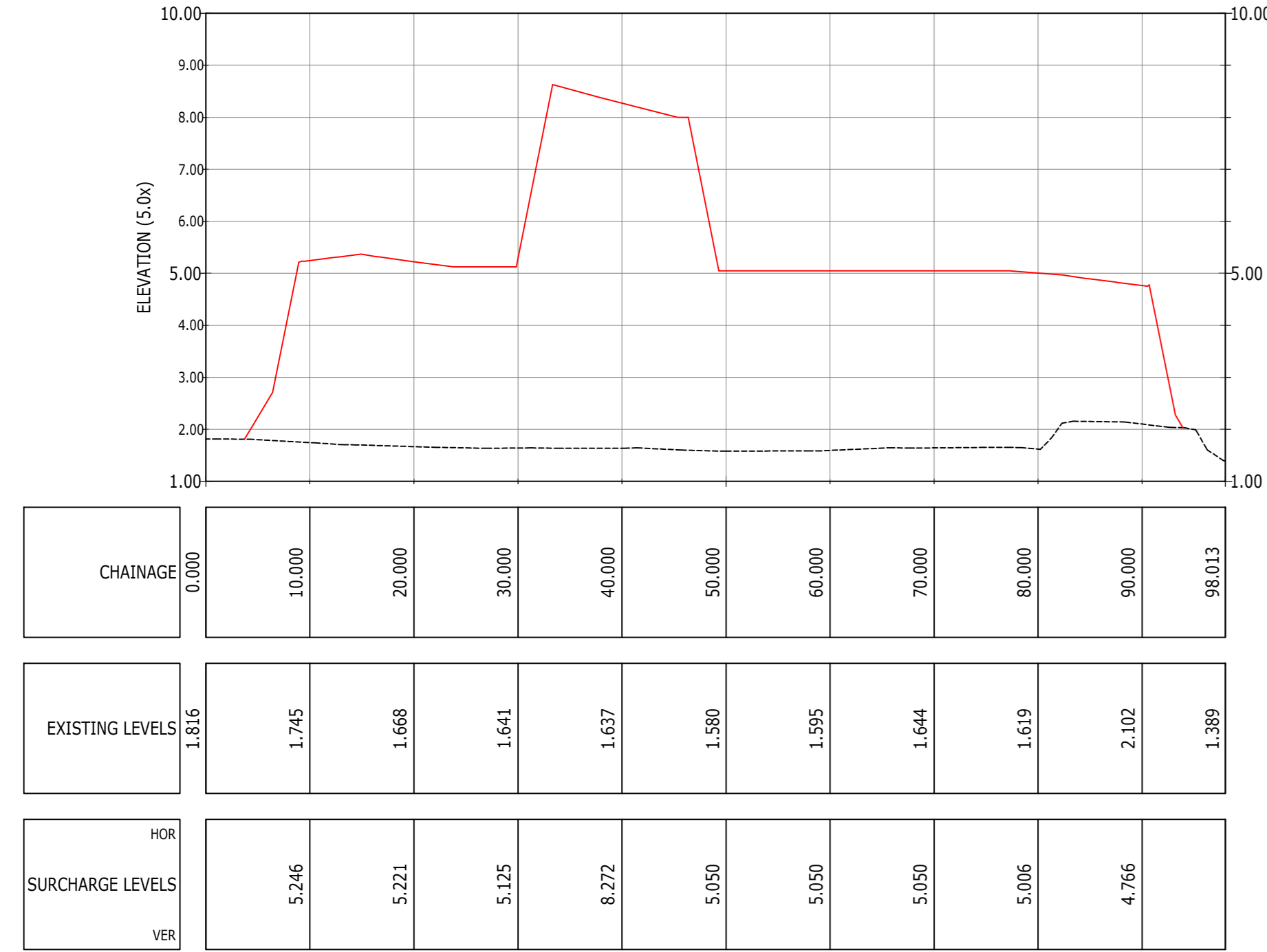
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AO Scale: 1:500 Date: 08.06.22 Designed by: DSR  
 Drawn by: DSR Checked by: MSL Approved by: JEC  
 Drawing Number: **2105160-141** Rev: **P1**

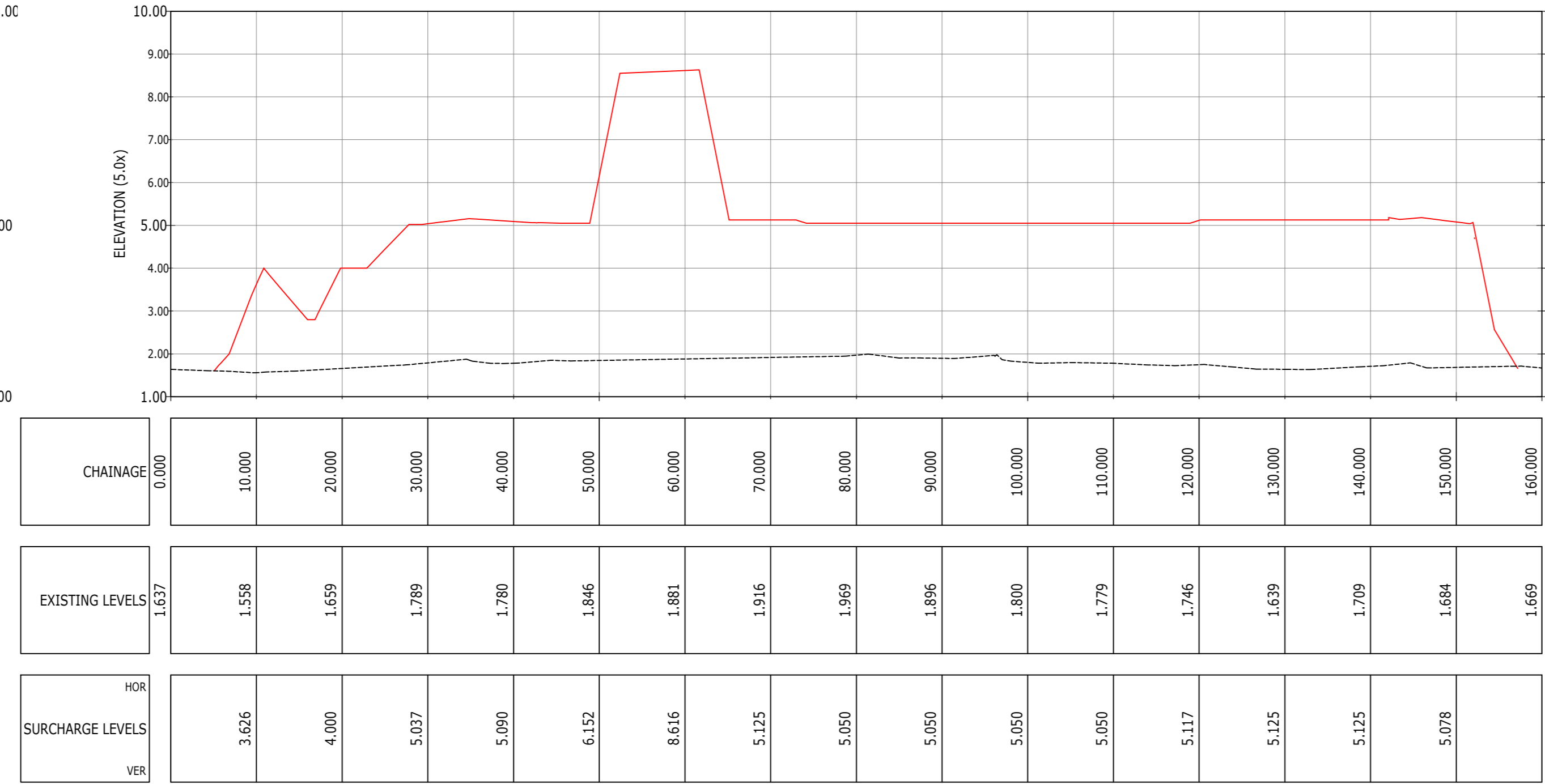
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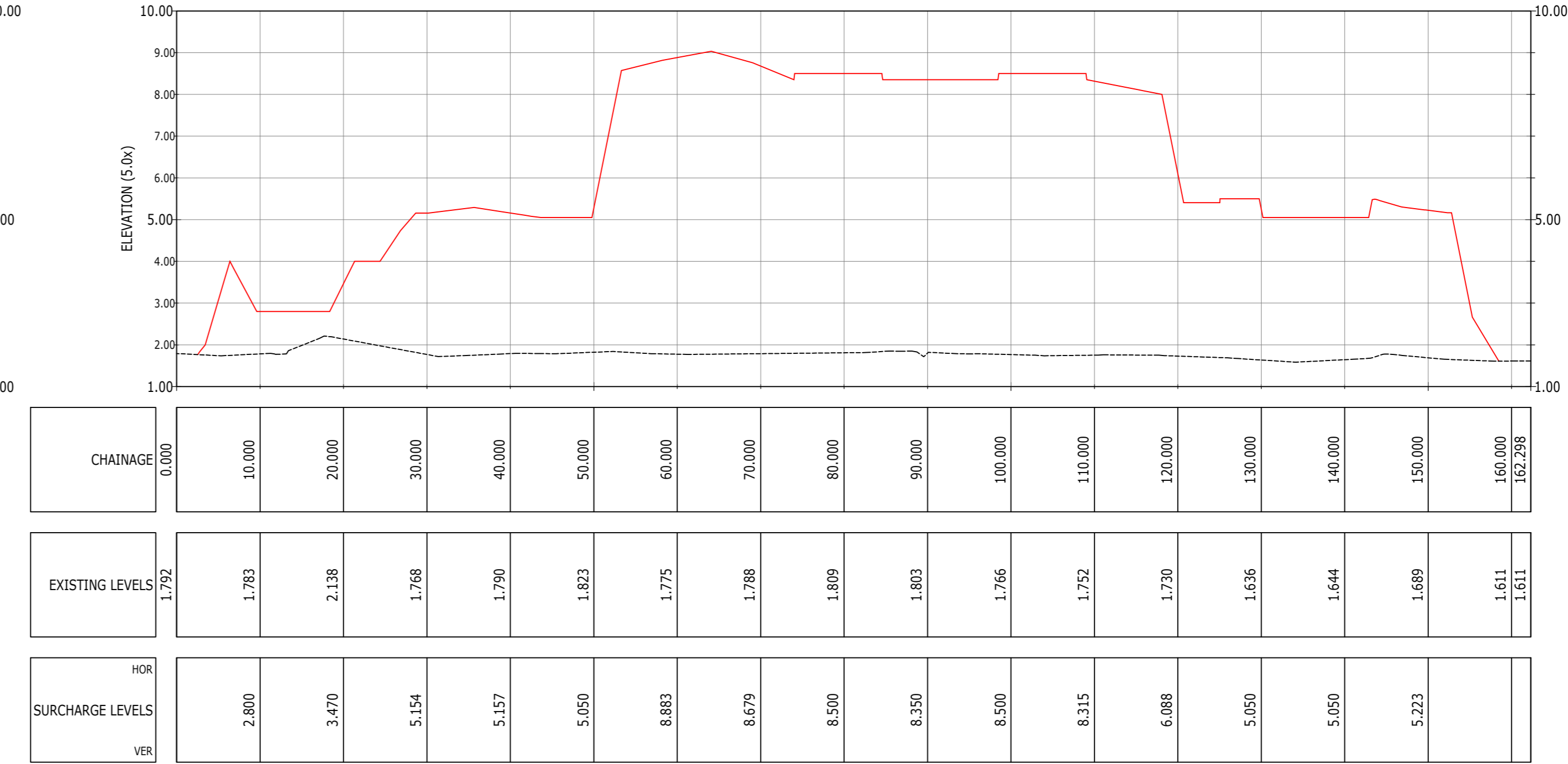
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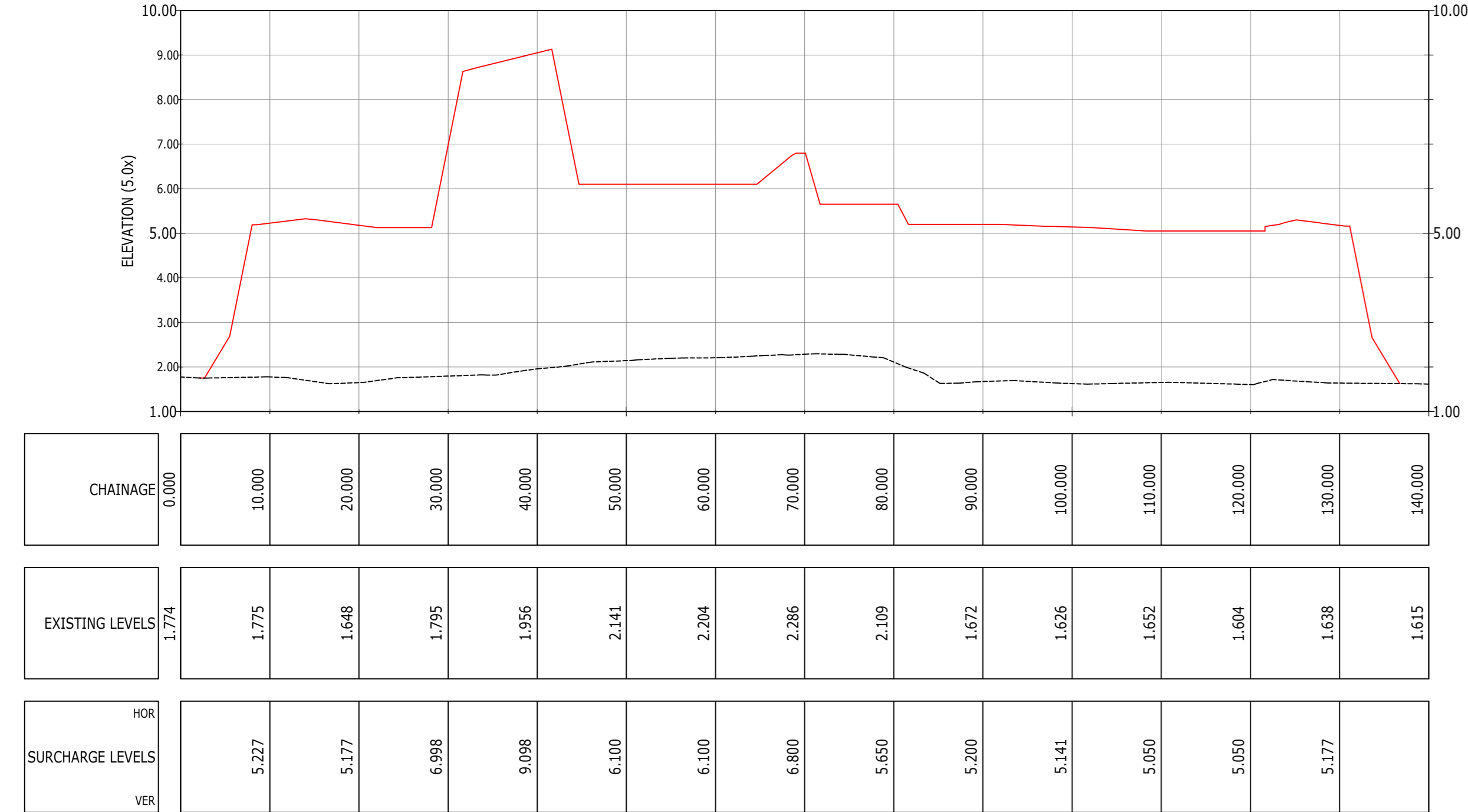
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DATUM: 1.000



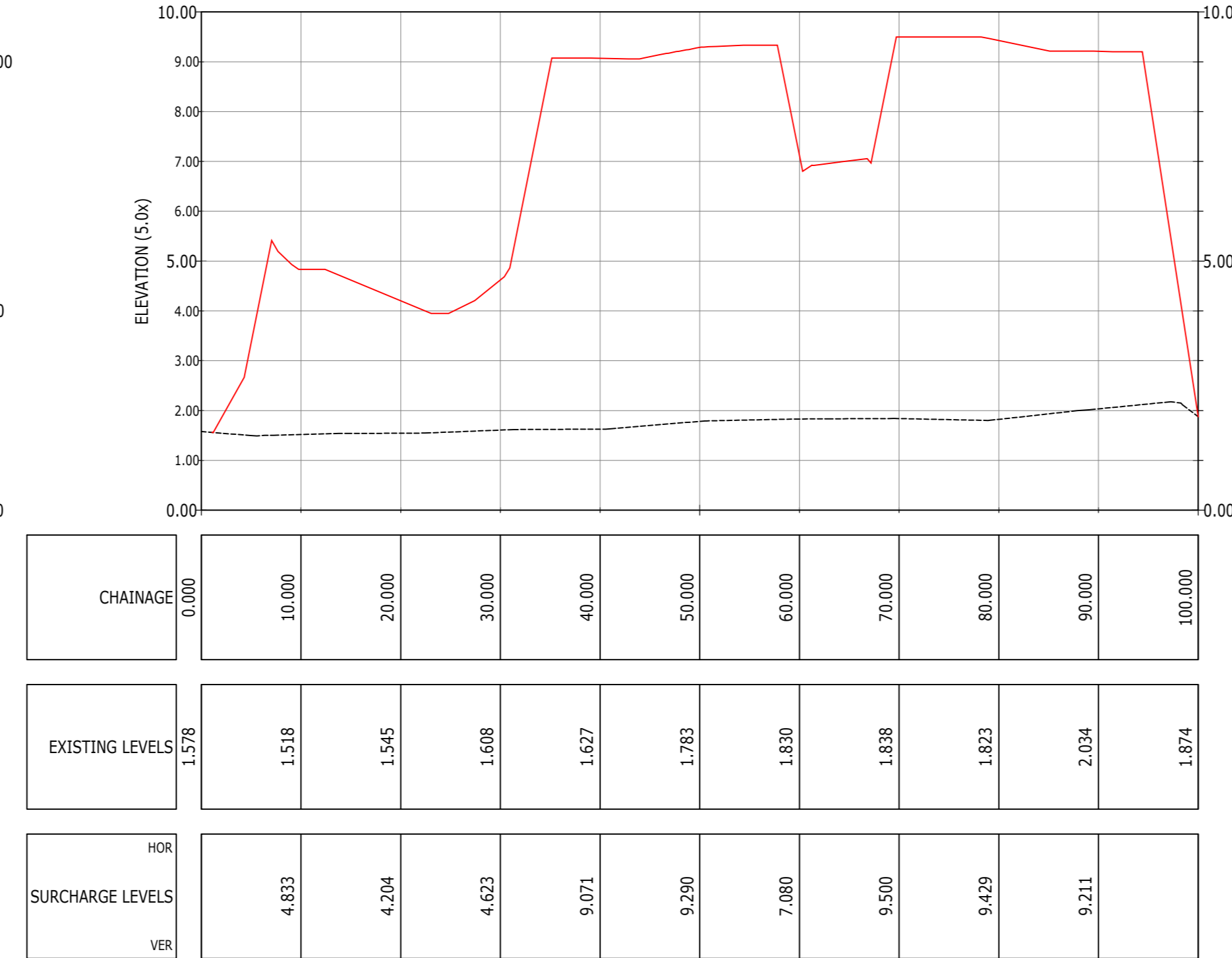
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SCALE: H:500, V:100  
DATUM: 1.000



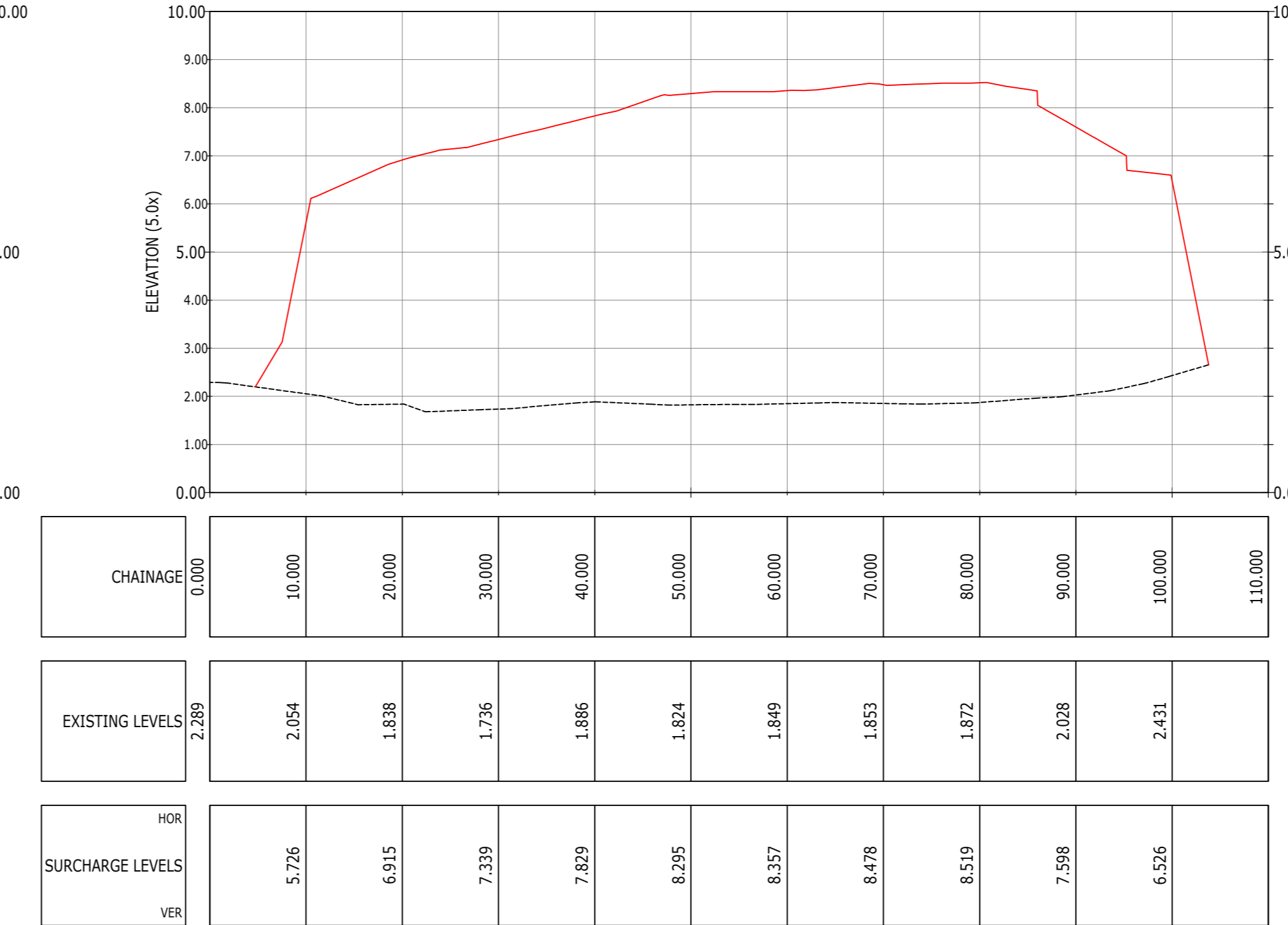
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DATUM: 1.000



PROFILE VIEW: ZONE 3 SECTION 1  
SCALE: H:500, V:100  
DATUM: 0.000



PROFILE VIEW: ZONE 3 SECTION 2  
SCALE: H:500, V:100  
DATUM: 0.000



THESE LONG-SECTIONS COMPARE THE EXISTING GROUND LEVEL (INDICATED BY THE BLACK DASHED LINE) AND THE PROPOSED TEMPORARY LEVEL OF THE SURCHARGE MATERIAL (INDICATED BY THE RED LINE). THE LEVEL OF THE SURCHARGE MATERIAL IS BASED ON THE PROPOSED PERMANENT FINISHED LEVEL PLUS 2 METRES. WHERE RETAINING WALLS WILL FORM PART OF THE PROPOSED PERMANENT LEVELS DESIGN, THE SURCHARGE MATERIAL WILL BE TEMPORARILY BATTERED AT A SLOPE OF 1 IN 1 (45 DEGREES) AS RECOMMENDED BY THE GEOTECHNICAL CONSULTANT, IDOM.

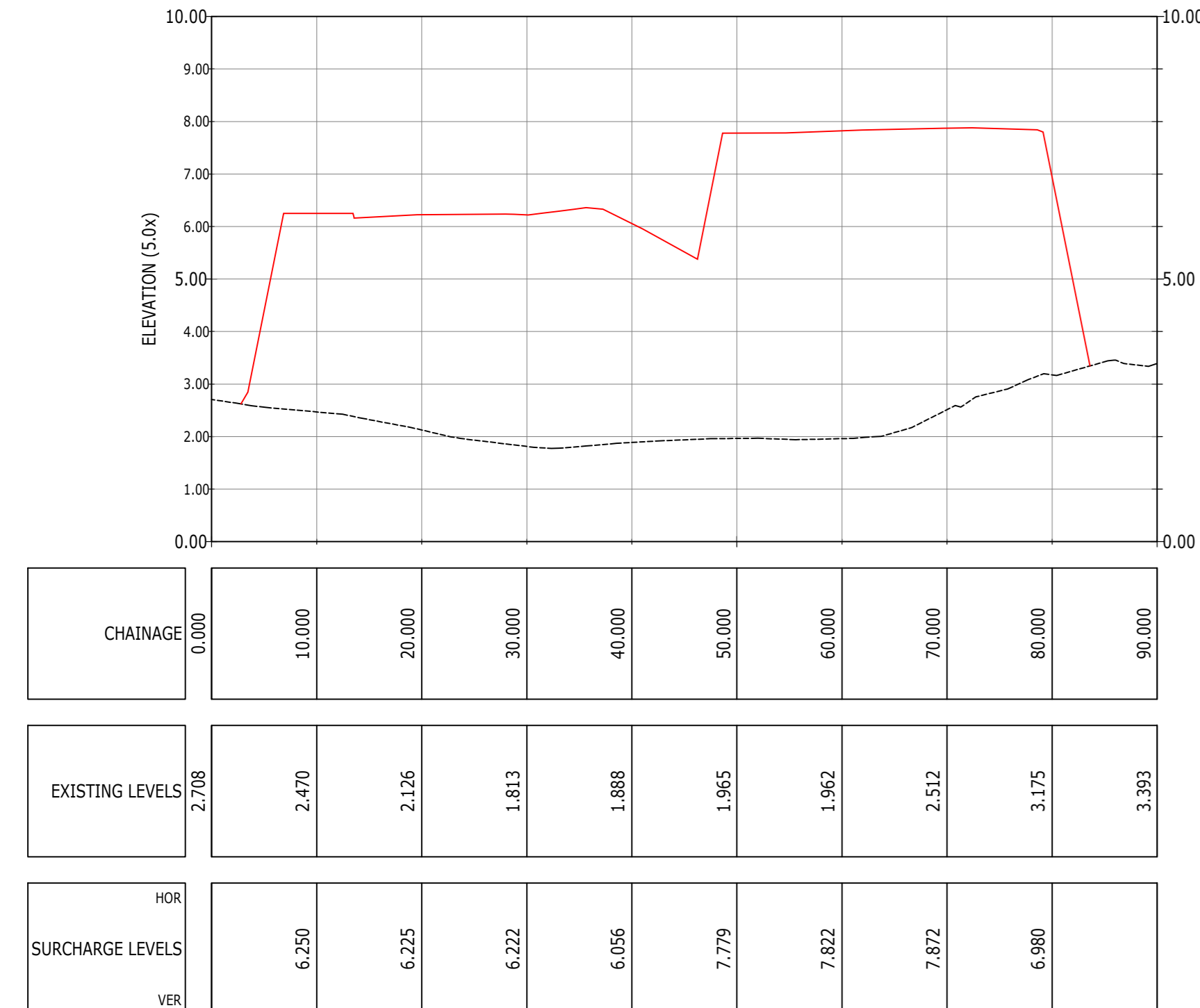
THE PROPOSED PERMANENT FINISHED LEVELS ARE TO BE AGREED SEPARATELY AS PART OF THE DISCHARGE OF CONDITION 8.

PLEASE NOTE THAT FOR CLARITY THE VERTICAL SCALE OF THESE LONG-SECTIONS HAS BEEN MULTIPLIED BY A FACTOR OF 5. LEVEL CHANGES MAY THEREFORE APPEAR MORE ABRUPT THAN WILL BE THE CASE ON-SITE.

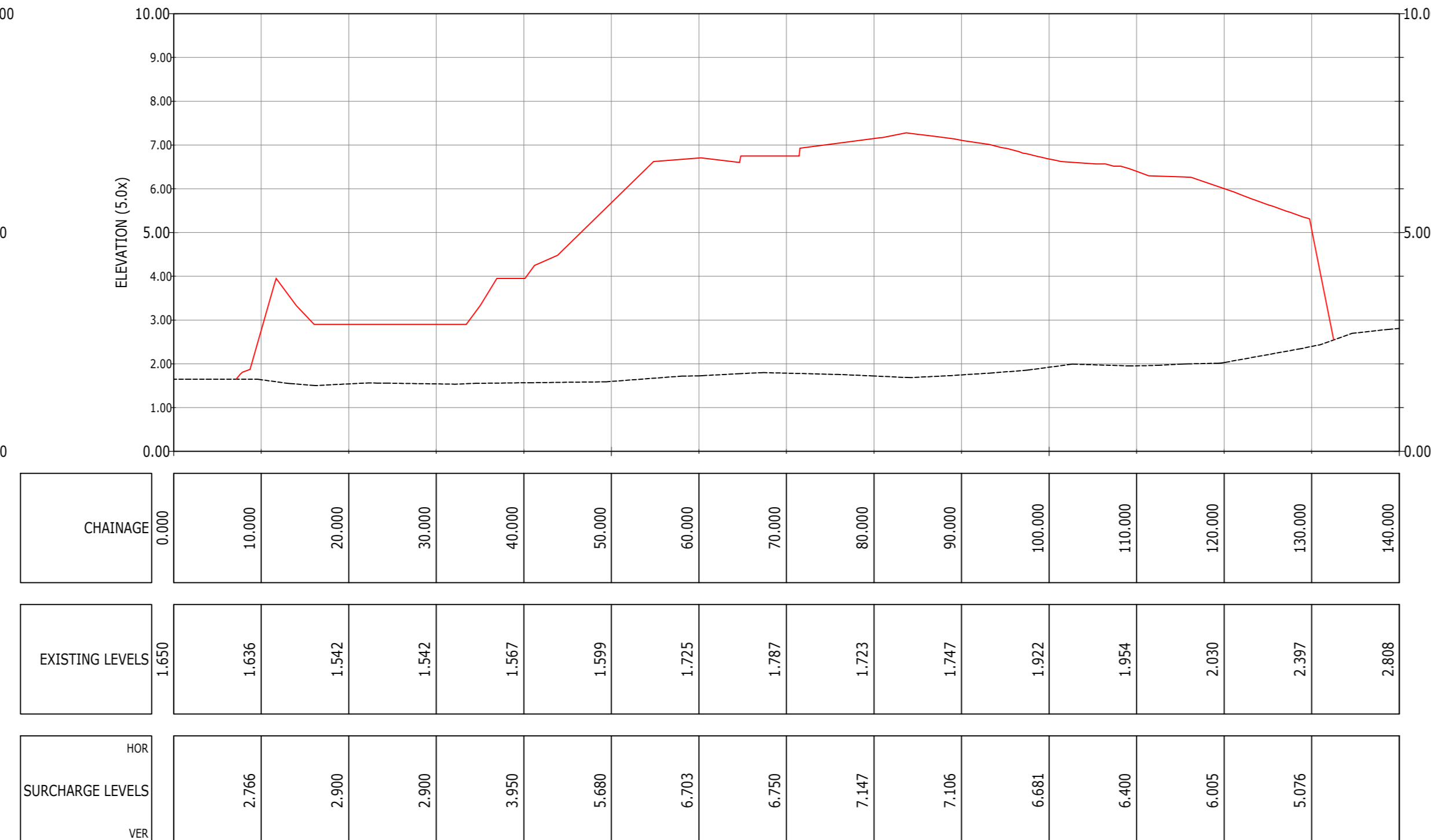
- NOTES
- DO NOT SCALE FROM THIS DRAWING. WORK FROM FIGURED DIMENSIONS ONLY.
  - ALL DIMENSIONS, LEVELS AND SURVEY GRID CO-ORDINATES ARE TO BE CHECKED ON SITE AND THE ENGINEER NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF THE WORKS.
  - DRAWING HAS BEEN BASED UPON TOPOGRAPHICAL SURVEY SURV2154 PRODUCED BY COUNTRYSIDE PROPERTIES DATED 07.11.17.
  - DRAWING HAS BEEN BASED ON SITE LAYOUT 1506-P-04 BY MCLAREN ARCHITECTURAL RECEIVED 05.03.2019.
  - NO WORK ASSUMED TO LEVELS IN VICINITY OF THE ICE HOUSE.
- EARTHWORKS NOTES:
- WHERE NECESSARY ALL EXCAVATED MATERIAL THAT IS NOT REUSED SHALL BE DISPOSED OF AT AN APPROVED TIP OFF-SITE.
  - ALL VOLUMES INDICATED ARE A SOLID MEASURE AND NO BULKING FACTOR HAS BEEN ALLOWED FOR.
  - ALL EARTHWORKS VOLUMES AND LEVELS SHOWN ARE FOR GUIDANCE ONLY AND SHOULD BE INDEPENDENTLY VERIFIED BY THE CONTRACTOR.
  - ALL WORKS TO BE UNDERTAKEN IN STRICT ACCORDANCE WITH THE APPROVED EARTHWORKS SPECIFICATION PRODUCED BY THE CONTRACTOR OR GEOTECHNICAL CONSULTANT.
  - NO ALLOWANCES HAVE BEEN MADE FOR CONTAMINATED SOIL. CONTAMINATION LEVELS ARE TO BE CONFIRMED FOLLOWING GEOTECHNICAL INVESTIGATION.
  - FORMATION DEPTHS, GROUNDWORKS VOLUMES AND PROPOSED LEVELS ARE ESTIMATED ONLY AND ARE SUBJECT TO DETAILED DESIGN.
- CDM NOTES:
- THE ATTENTION OF THE CLIENT AND THE PRINCIPAL CONTRACTOR IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONJUNCTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT:
  - WORKS IN THE VICINITY OF LIVE SERVICES WILL BE NECESSARY AND THE ADVICE OF ALL STATUTORY SERVICE COMPANIES MUST BE SOUGHT BEFORE ANY WORKS COMMENCE.
  - WORKS WITHIN AND ABUTTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE.
  - HAZARDOUS MATERIALS INCLUDING CEMENT AND BITUMINOUS MATERIALS ARE SPECIFIED AND THE MANUFACTURER'S ADVICE ON SAFE HANDLING PROCEDURES MUST BE OBTAINED AND MADE CLEAR TO ALL OPERATIVES.
  - THE CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE VICINITY OF THE WORKS AND ENSURE THESE ARE PROTECTED THROUGHOUT THE DURATION OF THE WORKS. ALL UTILITY PLANT SHOULD BE CLEARLY MARKED ON THE GROUND PRIOR TO COMMENCEMENT OF THE WORKS.
  - THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.

KEY:  
 PROPOSED TEMPORARY SURCHARGE LEVEL  
 EXISTING GROUND LEVEL

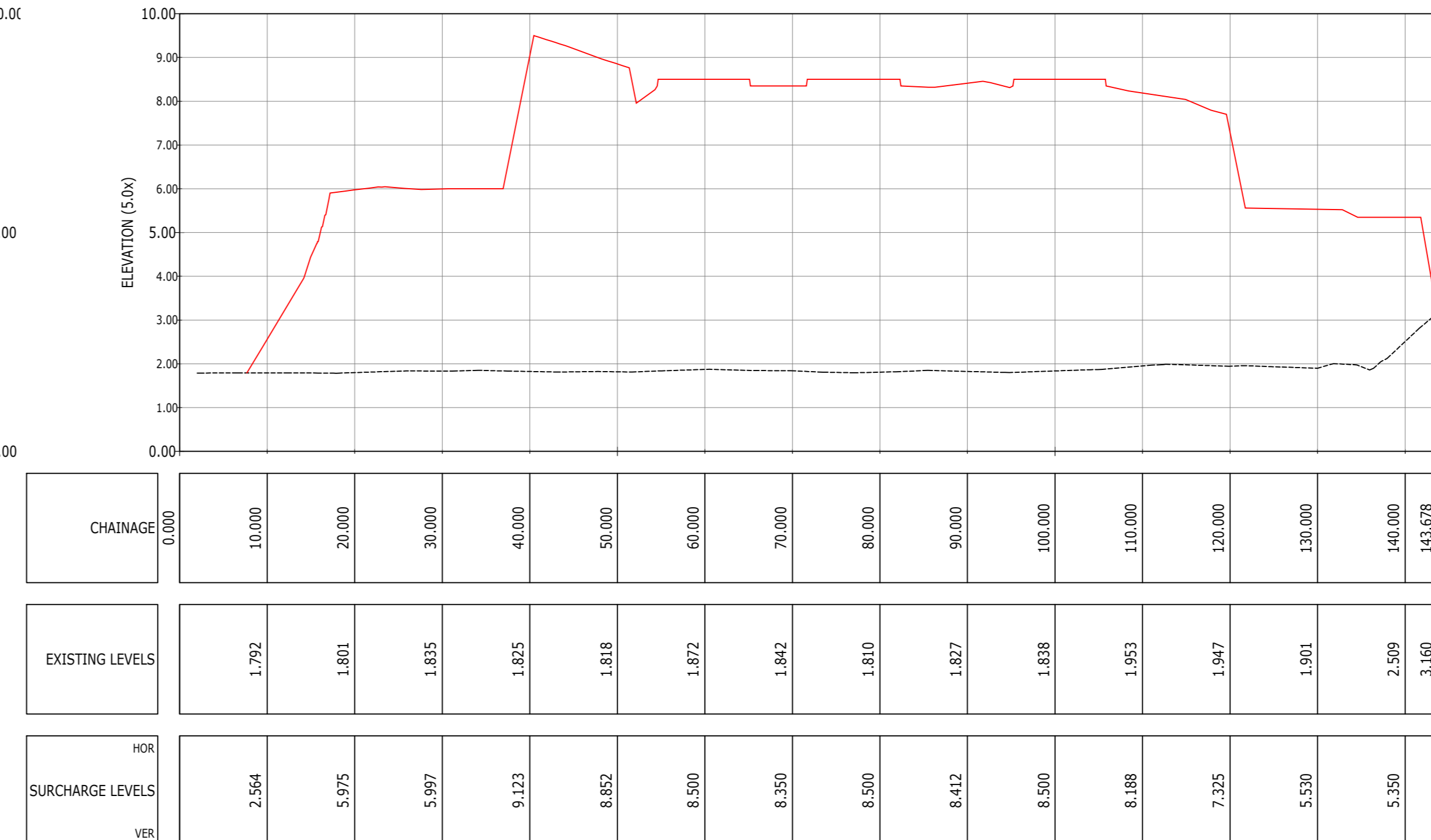
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DATUM: 0.000



PROFILE VIEW: ZONE 3 SECTION 4  
SCALE: H:500, V:100  
DATUM: 0.000



PROFILE VIEW: ZONE 3 SECTION 5  
SCALE: H:500, V:100  
DATUM: 0.000



PRELIMINARY  
FOR INFORMATION ONLY

Rev	Desc	MSL	MSL	JEC	08/12
01	ISSUE FOR INFORMATION ONLY				
02					
03					
04					
05					
06					
07					
08					
09					
10					

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Web: www.ardent-ce.co.uk  
E-mail: enquiries@ardent-ce.co.uk

Client: **BELLWAY HOMES LTD (ESSEX)**

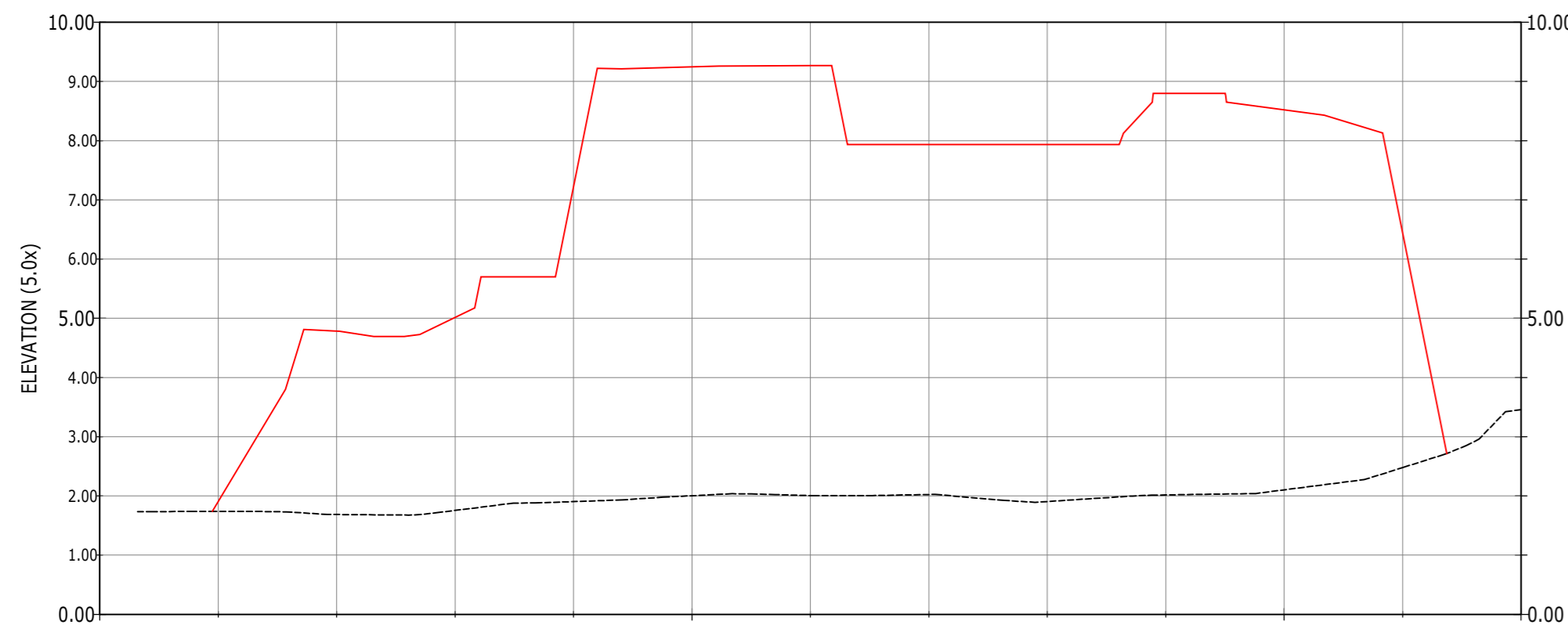
Project Title: **SHOEBURY GARRISON**

Drawing Title: **CUT & FILL LONGSECTIONS (SHEET 2 OF 3)**

AO Scale: 1:500 Date: 08.06.22 Designed by: DSR  
 Drawn by: DSR Checked by: MSL Approved by: JEC  
 Drawing Number: 2105160-142 Rev: P1

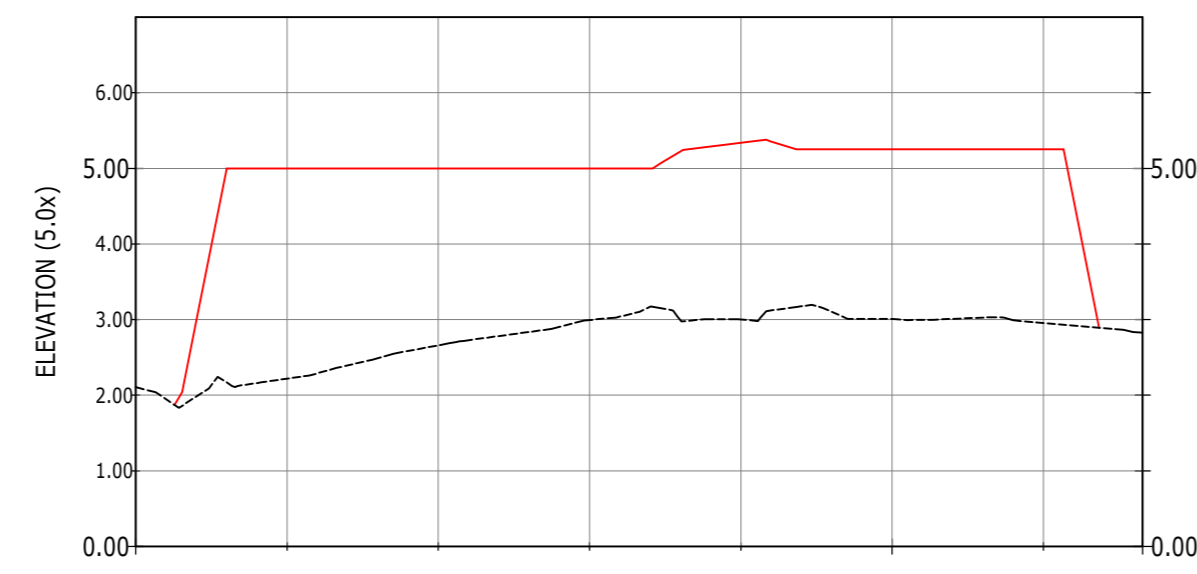
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DATUM: 0.000



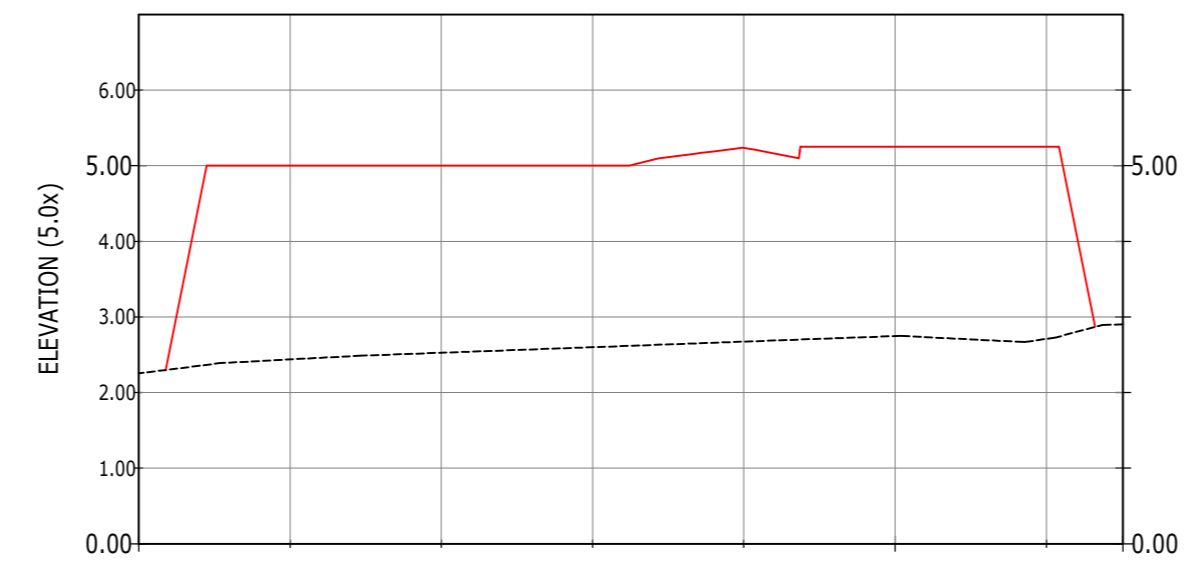
CHAINAGE	EXISTING LEVELS	HOR SURCHARGE LEVELS	VER
0.000			
10.000	1.276	1.906	
20.000	1.685	4.782	
30.000	1.775	5.014	
40.000	1.993	7.252	
50.000	2.003	9.246	
60.000	2.005	9.269	
70.000	2.033	7.934	
80.000	1.905	7.935	
90.000	2.016	8.800	
100.000	2.102	8.521	
110.000	2.478	6.456	
120.000	3.458		

PROFILE VIEW: ZONE 4 SECTION 1  
SCALE: H:500, V:100  
DATUM: 0.000



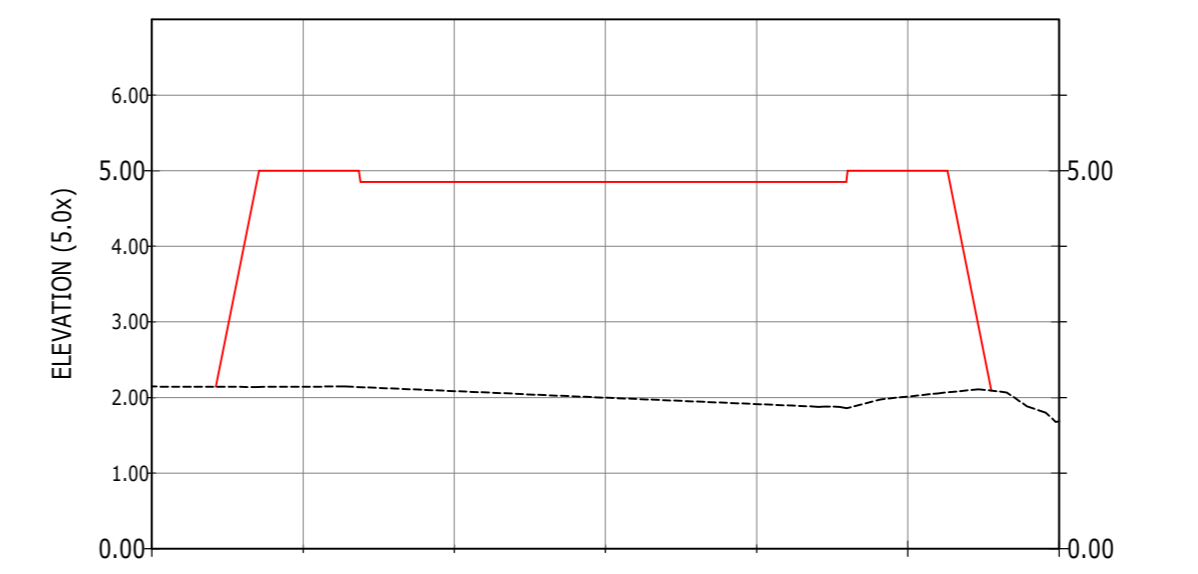
CHAINAGE	EXISTING LEVELS	HOR SURCHARGE LEVELS	VER
0.000	2.108		
10.000	2.218	5.000	
20.000	2.859	5.000	
30.000	2.995	5.000	
40.000	3.002	5.339	
50.000	3.007	5.250	
60.000	2.956	5.250	
66.575	2.828		

PROFILE VIEW: ZONE 4 SECTION 2  
SCALE: H:500, V:100  
DATUM: 0.000



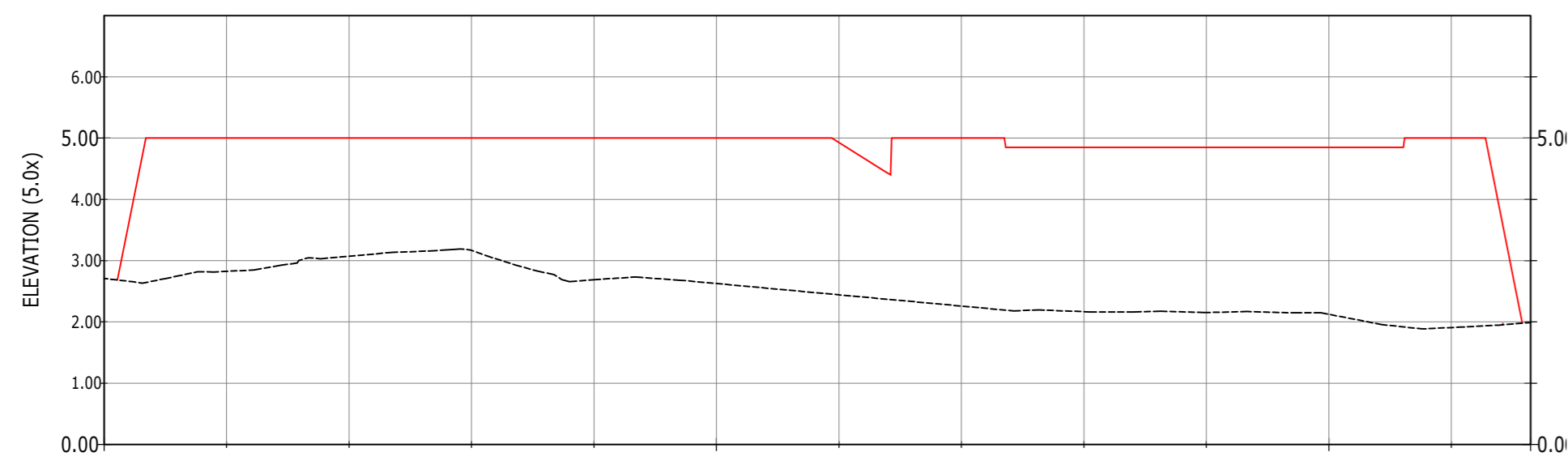
CHAINAGE	EXISTING LEVELS	HOR SURCHARGE LEVELS	VER
0.000	2.533		
10.000	2.628	5.000	
20.000	2.226	5.000	
30.000	2.800	5.000	
40.000	2.673	5.235	
50.000	2.747	5.250	
60.000	2.710	5.250	
65.071	2.903		

PROFILE VIEW: ZONE 4 SECTION 3  
SCALE: H:500, V:100  
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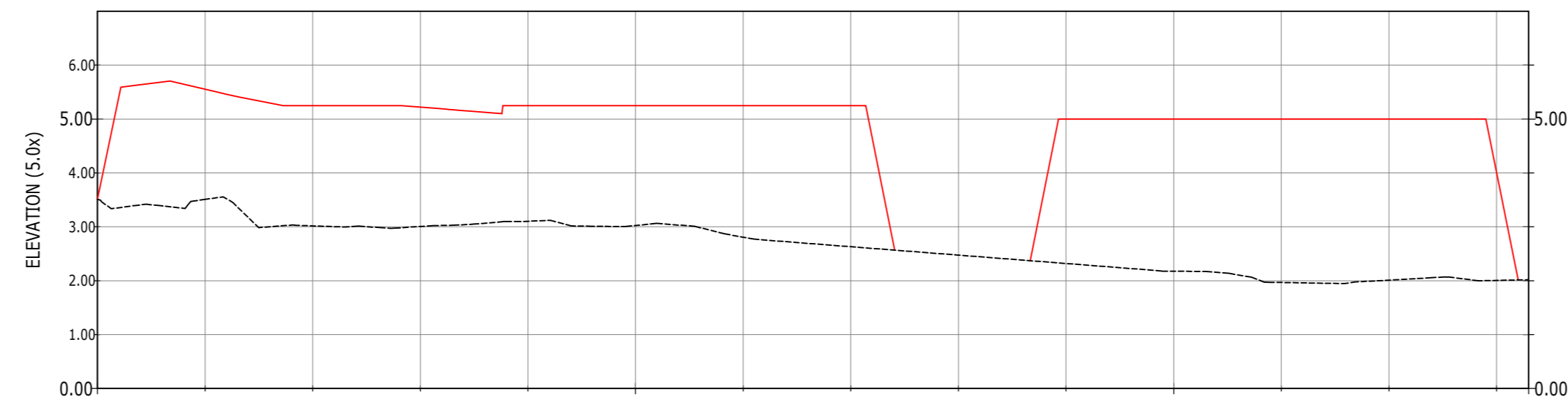
CHAINAGE	EXISTING LEVELS	HOR SURCHARGE LEVELS	VER
0.000	2.145		
10.000	2.143	5.000	
20.000	2.084	4.850	
30.000	1.998	4.850	
40.000	1.912	4.850	
50.000	2.013	5.000	
60.000	1.683		

PROFILE VIEW: ZONE 4 SECTION 4  
SCALE: H:500, V:100  
DATUM: 0.000



CHAINAGE	EXISTING LEVELS	HOR SURCHARGE LEVELS	VER
0.000	2.710		
10.000	2.826	5.000	
20.000	3.073	5.000	
30.000	3.169	5.000	
40.000	2.690	5.000	
50.000	2.627	5.000	
60.000	2.443	4.927	
70.000	2.239	5.000	
80.000	2.167	4.850	
90.000	2.154	4.850	
100.000	2.124	4.850	
110.000	1.909	5.000	
116.481	1.990		

PROFILE VIEW: ZONE 4 SECTION 5  
SCALE: H:500, V:100  
DATUM: 0.000



CHAINAGE	EXISTING LEVELS	HOR SURCHARGE LEVELS	VER
0.000	3.559		
10.000	3.599	5.555	
20.000	3.017	5.250	
30.000	3.066	5.221	
40.000	3.104	5.250	
50.000	3.025	5.250	
60.000	2.887	5.250	
70.000	2.631	5.250	
80.000	2.475		
90.000	2.320	5.000	
100.000	2.176	5.000	
110.000	1.967	5.000	
120.000	2.012	5.000	
130.000	2.005	4.002	
132.966	2.018		

THESE LONG-SECTIONS COMPARE THE EXISTING GROUND LEVEL (INDICATED BY THE BLACK DASHED LINE) AND THE PROPOSED TEMPORARY LEVEL OF THE SURCHARGE MATERIAL (INDICATED BY THE RED LINE). THE LEVEL OF THE SURCHARGE MATERIAL IS BASED ON THE PROPOSED PERMANENT FINISHED LEVEL PLUS 2 METRES. WHERE RETAINING WALLS WILL FORM PART OF THE PROPOSED PERMANENT LEVELS DESIGN, THE SURCHARGE MATERIAL WILL BE TEMPORARILY BATTERED AT A SLOPE OF 1 IN 1 (45 DEGREES) AS RECOMMENDED BY THE GEOTECHNICAL CONSULTANT, IDOM.

THE PROPOSED PERMANENT FINISHED LEVELS ARE TO BE AGREED SEPARATELY AS PART OF THE DISCHARGE OF CONDITION 8.

PLEASE NOTE THAT FOR CLARITY THE VERTICAL SCALE OF THESE LONG-SECTIONS HAS BEEN MULTIPLIED BY A FACTOR OF 5. LEVEL CHANGES MAY THEREFORE APPEAR MORE ABRUPT THAN WILL BE THE CASE ON-SITE.

- NOTES
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  - ALL DIMENSIONS, LEVELS AND SURVEY GRID CO-ORDINATES ARE TO BE CHECKED ON SITE AND THE ENGINEER NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF THE WORKS.
  - DRAWING HAS BEEN BASED UPON TOPOGRAPHICAL SURVEY SURV2154 PRODUCED BY COUNTRYSIDE PROPERTIES DATED 07.11.17.
  - DRAWING HAS BEEN BASED ON SITE LAYOUT 1506-P-04 BY MCLAREN ARCHITECTURAL RECEIVED 05.03.2019.
  - NO WORK ASSUMED TO LEVELS IN VICINITY OF THE ICE HOUSE.
- EARTHWORKS NOTES:**
- WHERE NECESSARY ALL EXCAVATED MATERIAL THAT IS NOT REUSED SHALL BE DISPOSED OF AT AN APPROVED TIP OFF-SITE.
  - ALL VOLUMES INDICATED ARE A SOLID MEASURE AND NO BULKING FACTOR HAS BEEN ALLOWED FOR.
  - ALL EARTHWORKS VOLUMES AND LEVELS SHOWN ARE FOR GUIDANCE ONLY AND SHOULD BE INDEPENDENTLY VERIFIED BY THE CONTRACTOR.
  - ALL WORKS TO BE UNDERTAKEN IN STRICT ACCORDANCE WITH THE APPROVED EARTHWORKS SPECIFICATION PRODUCED BY THE CONTRACTOR OR GEOTECHNICAL CONSULTANT.
  - NO ALLOWANCES HAVE BEEN MADE FOR CONTAMINATED SOIL. CONTAMINATION LEVELS ARE TO BE CONFIRMED FOLLOWING GEOTECHNICAL INVESTIGATION.
  - FORMATION DEPTHS, GROUNDWORKS VOLUMES AND PROPOSED LEVELS ARE ESTIMATED ONLY AND ARE SUBJECT TO DETAILED DESIGN.
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- THE ATTENTION OF THE CLIENT AND THE PRINCIPAL CONTRACTOR IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONJUNCTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT.
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  - WORKS WITHIN AND ABUTTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE.
  - HAZARDOUS MATERIALS INCLUDING CEMENT AND BITUMINOUS MATERIALS ARE SPECIFIED AND THE MANUFACTURER'S ADVICE ON SAFE HANDLING PROCEDURES MUST BE OBTAINED AND MADE CLEAR TO ALL OPERATIVES.
  - THE CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE VICINITY OF THE WORKS AND ENSURE THESE ARE PROTECTED THROUGHOUT THE DURATION OF THE WORKS. ALL UTILITY PLANT SHOULD BE CLEARLY MARKED ON THE GROUND PRIOR TO COMMENCEMENT OF THE WORKS.
  - THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.

KEY:

— PROPOSED TEMPORARY SURCHARGE LEVEL

--- EXISTING GROUND LEVEL

PRELIMINARY  
FOR INFORMATION ONLY

PS	IN 1 BATTER SLOPES INCLUDED. EXPLANATORY SITE ISSUES.	MSL	MSL	JEC	08.11.22
P2	SECTIONS REVISED TO SUIT NEW SITE BOUNDARY	MSL <td>MSL <td>JEC <td>08.08.22</td> </td></td>	MSL <td>JEC <td>08.08.22</td> </td>	JEC <td>08.08.22</td>	08.08.22
P1	SECTIONS REVISED TO SUIT NEW SITE BOUNDARY	MSL <td>MSL <td>JEC <td>28.07.22</td> </td></td>	MSL <td>JEC <td>28.07.22</td> </td>	JEC <td>28.07.22</td>	28.07.22

Rev	Description	Drn	Chk	App	Date

**ARDENT CONSULTING ENGINEERS**

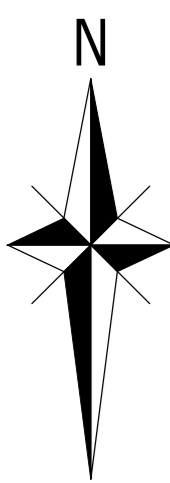
Third Floor  
The Helix Building  
52-56 Leadenhall Street  
London  
EC3M 5JE

Tel: 020 7680 4288  
Web: www.ardent-ce.co.uk  
E-mail: enquiries@ardent-ce.co.uk

worksafe consultant  
SSIP

Client	BELLWAY HOMES LTD (ESSEX)
Project Title	SHOEBURY GARRISON
Drawing Title	CUT & FILL LONGSECTIONS (SHEET 3 OF 3)
A0 Scale	1:500
Date	08.06.22
Designed by	DSR
Drawn by	DSR
Checked by	MSL
Approved by	JEC
Drawing Number	2105160-143
Rev	P3

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NOTE  
DRAINAGE DITCH TO FOLLOW  
PERIMETER OF PROPOSED  
EARTHWORKS SURCHARGE

SWALE STRAW BALE FILTER. REFER TO  
DETAIL. STRAW BALES TO BE  
EMBEDDED INTO SWALE SIDE SLOPES  
AT BOTH ENDS

TIE IN TO  
EXISTING  
DITCH

NOTE  
DRAINAGE DITCH TO FOLLOW  
PERIMETER OF PROPOSED  
EARTHWORKS SURCHARGE

SWALE STRAW BALE FILTER. REFER TO  
DETAIL. STRAW BALES TO BE  
EMBEDDED INTO SWALE SIDE SLOPES  
AT BOTH ENDS

TIE IN TO EXISTING  
DITCH

SWALE STRAW BALE FILTER. REFER TO  
DETAIL. STRAW BALES TO BE  
EMBEDDED INTO SWALE SIDE SLOPES  
AT BOTH ENDS

TIE IN TO EXISTING  
DITCH

CDM NOTES:

1. THE ATTENTION OF THE CLIENT AND THE PRINCIPAL CONTRACTOR IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONJUNCTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT:
2. WORKS IN THE VICINITY OF LIVE SERVICES WILL BE NECESSARY AND THE ADVICE OF ALL STATUTORY SERVICE COMPANIES MUST BE SOUGHT BEFORE ANY WORKS COMMENCE.
3. WORKS WITHIN AND ABUTTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE.
4. HAZARDOUS MATERIALS INCLUDING CEMENT AND BITUMINOUS MATERIALS ARE SPECIFIED AND THE MANUFACTURER'S ADVICE ON SAFE HANDLING PROCEDURES MUST BE OBTAINED AND MADE CLEAR TO ALL OPERATIVES.
5. THE CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE VICINITY OF THE WORKS AND ENSURE THESE ARE PROTECTED THROUGHOUT THE DURATION OF THE WORKS. ALL UTILITY PLANT SHOULD BE CLEARLY MARKED ON THE GROUND PRIOR TO COMMENCEMENT OF THE WORKS.
6. THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.

KEY

- TITLE PLAN BOUNDARY
- PROPOSED SURFACE WATER SEWER & MANHOLE (MH) / INSPECTION CHAMBER (IC)
- INLET HEADWALL
- STRAW BALE FILTER DAM
- "V" DITCH
- GRASSED SWALE
- PROPOSED DIRECTION OF FLOW

NOTE  
ALL DITCHES AND SWALES TO BE LAID  
AT A MINIMUM GRADE OF 1 IN 200

NOTE  
SURCHARGE DRAINAGE DETAILS  
INCLUDED ON SHEET 3 (2105160-032)

FOR CONTINUATION SEE DRAWING 131

PRELIMINARY  
FOR INFORMATION ONLY

P2	REVISED TO SUIT NEW SITE BOUNDARY	MSL	MSL	JEC	08.08.22
P1	REVISED TO SUIT NEW SITE BOUNDARY	MSL	MSL	JEC	29.07.22
Rev	Description	Drn	Chk	App	Date

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**worksafe consultant**  
www.smasstd.com

**SSIP** SAFETY SCHEDULED IN PROCESS

**BSI** BRITISH STANDARD

Client  
**BELLWAY HOMES LTD (ESSEX)**

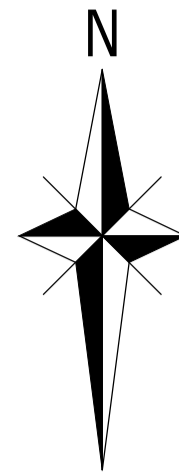
Project Title:  
**SHOEBURY GARRISON**

Drawing Title:  
**EARTHWORKS SURCHARGE DRAINAGE STRATEGY (SHEET 1 OF 3)**

A1 Scale	Date	Designed by
1:500	08.06.22	MSL
Drawn by	Checked by	Approved by
MSL	MSL	JEC

Drawing Number  
**2105160-130** Rev **P2**

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117



- CDM NOTES:
1. THE ATTENTION OF THE CLIENT AND THE PRINCIPAL CONTRACTOR IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONJUNCTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT:
  2. WORKS IN THE VICINITY OF LIVE SERVICES WILL BE NECESSARY AND THE ADVICE OF ALL STATUTORY SERVICE COMPANIES MUST BE SOUGHT BEFORE ANY WORKS COMMENCE.
  3. WORKS WITHIN AND ABUTTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE.
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  6. THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.

**KEY**

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- PROPOSED SURFACE WATER SEWER & MANHOLE (MH) / INSPECTION CHAMBER (IC)
- INLET HEADWALL
- STRAW BALE FILTER DAM
- "V" DITCH
- GRASSED SWALE
- PROPOSED DIRECTION OF FLOW

NOTE  
ALL DITCHES AND SWALES TO BE LAID AT A MINIMUM GRADE OF 1 IN 200

NOTE  
SURCHARGE DRAINAGE DETAILS INCLUDED ON SHEET 3 (2105160-132)

PRELIMINARY  
FOR INFORMATION ONLY

P2	REVISED TO SUIT NEW SITE BOUNDARY	MSL	MSL	JEC	08.08.22
P1	REVISED TO SUIT NEW SITE BOUNDARY	MSL	MSL	JEC	29.07.22
Rev	Description	Drn	Chk	App	Date

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E-mail: [enquiries@ardent-ce.co.uk](mailto:enquiries@ardent-ce.co.uk)

**worksafe consultant**  
[www.smasid.com](http://www.smasid.com)

**SSIP**  
SPECIALIST SUPPLIER INSTITUTE

Client  
**BELLWAY HOMES LTD (ESSEX)**

Project Title:  
**SHOEBURY GARRISON**

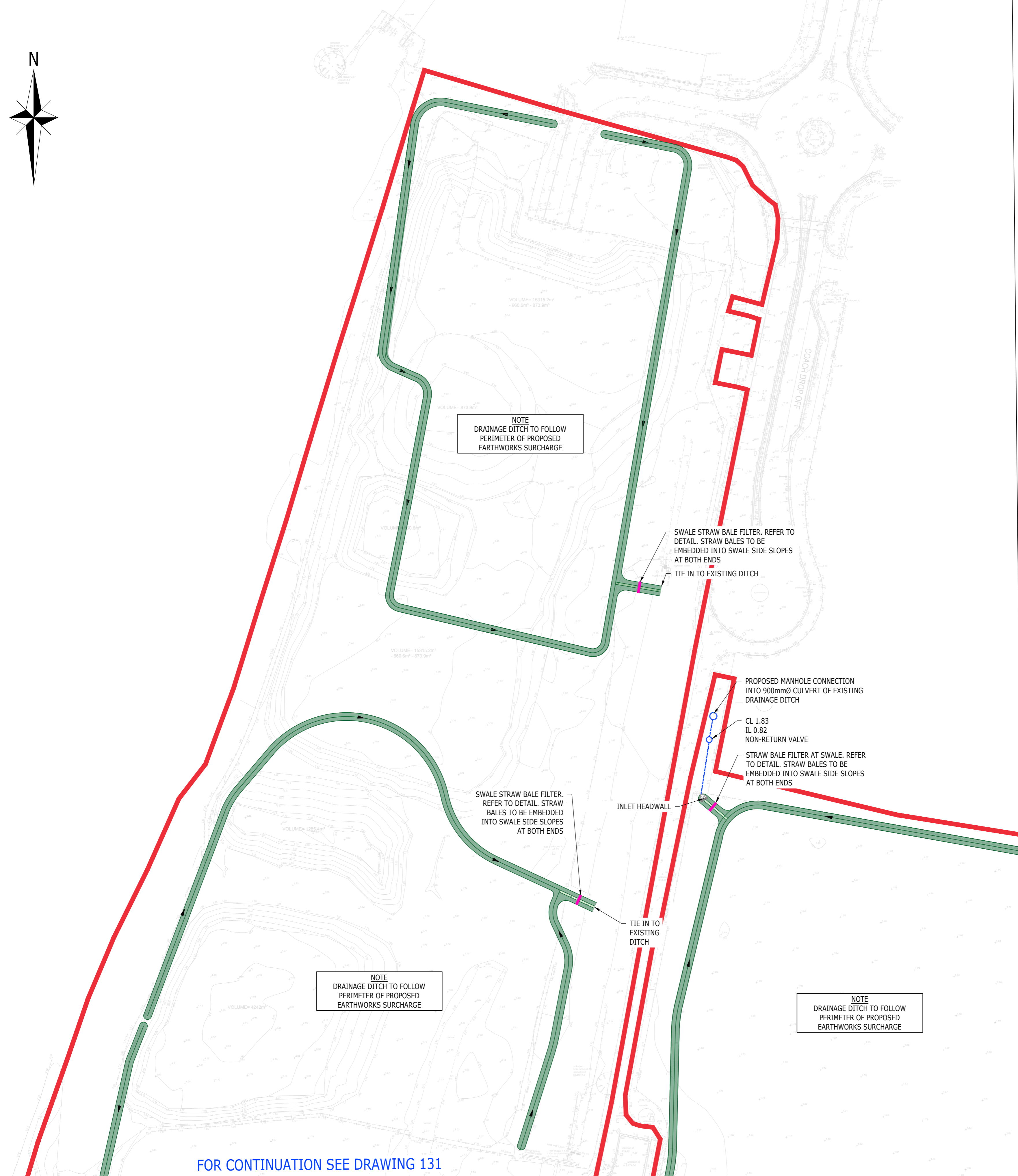
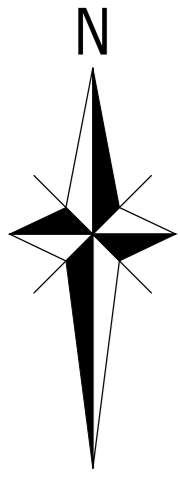
Drawing Title:  
**EARTHWORKS SURCHARGE DRAINAGE STRATEGY (SHEET 2 OF 3)**

A1 Scale	Date	Designed by
1:500	08.06.22	MSL
Drawn by	Checked by	Approved by
MSL	MSL	JEC
Drawing Number	Rev	
2105160-131	P2	

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GENERAL ARRANGEMENT (SHEET 3 OF 3)  
(SCALE 1:500)



CDM NOTES:

1. THE ATTENTION OF THE CLIENT AND THE PRINCIPAL CONTRACTOR IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONJUNCTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT.
2. WORKS IN THE VICINITY OF LIVE SERVICES WILL BE NECESSARY AND THE ADVICE OF ALL STATUTORY SERVICE COMPANIES MUST BE SOUGHT BEFORE ANY WORKS COMMENCE.
3. WORKS WITHIN AND ABUTTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE.
4. HAZARDOUS MATERIALS INCLUDING CEMENT AND BITUMINOUS MATERIALS ARE SPECIFIED AND THE MANUFACTURER'S ADVICE ON SAFE HANDLING PROCEDURES MUST BE OBTAINED AND MADE CLEAR TO ALL OPERATIVES.
5. THE CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE VICINITY OF THE WORKS AND ENSURE THESE ARE PROTECTED THROUGHOUT THE DURATION OF THE WORKS. ALL UTILITY PLANT SHOULD BE CLEARLY MARKED ON THE GROUND PRIOR TO COMMENCEMENT OF THE WORKS.
6. THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.

KEY

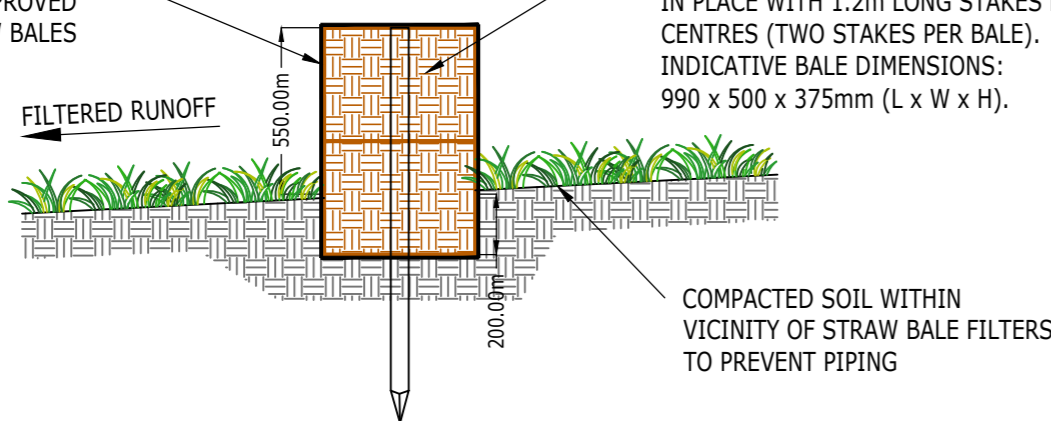
- TITLE PLAN BOUNDARY
- PROPOSED SURFACE WATER SEWER & MANHOLE (MH) / INSPECTION CHAMBER (IC)
- INLET HEADWALL
- STRAW BALE FILTER DAM
- "V" DITCH
- GRASSED SWALE
- PROPOSED DIRECTION OF FLOW

NOTE  
ALL DITCHES AND SWALES TO BE LAID AT A MINIMUM GRADE OF 1 IN 200

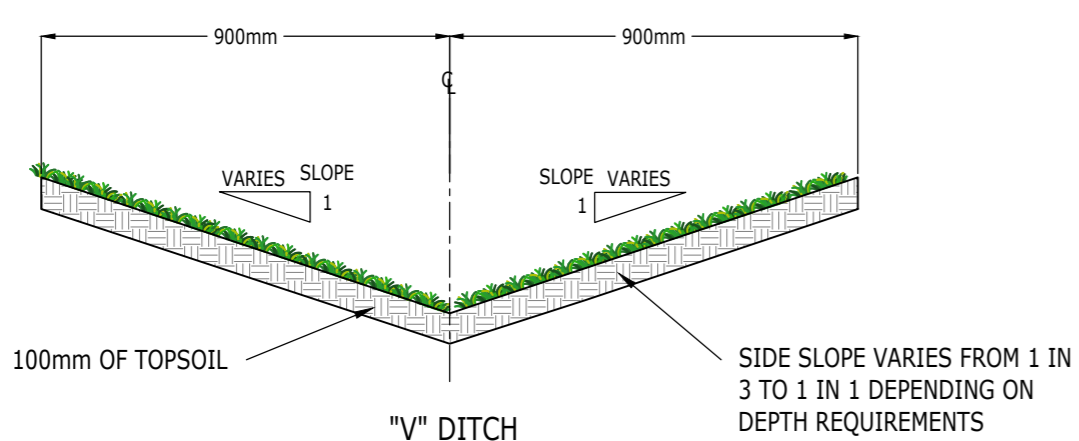
FOR CONTINUATION SEE DRAWING 131

FILTRATION GEOTEXTILE AS TERRAM 'INBITEK' OR SIMILAR APPROVED TO WRAP STRAW BALES

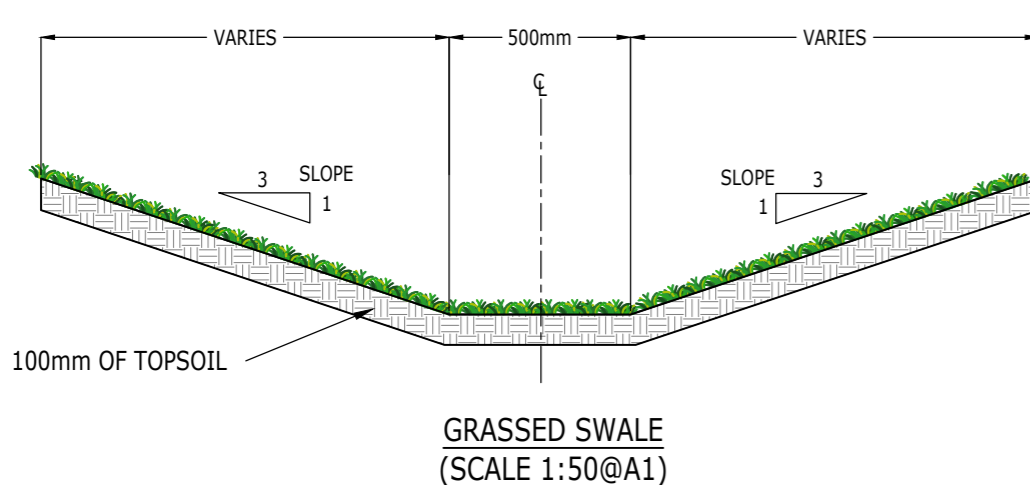
STACKED AND ENTRENCHED STRAW BALES, HELD TOGETHER USING TIGHTLY WOUND TWINE AND STAKED IN PLACE WITH 1.2m LONG STAKES DRIVEN AT 500mm CENTRES (TWO STAKES PER BALE). INDICATIVE BALE DIMENSIONS: 990 x 500 x 375mm (L x W x H).



CROSS-SECTION THROUGH SWALE STRAW FILTER BALES  
(SCALE 1:50@A1)



"V" DITCH  
(SCALE 1:50@A1)



GRASSED SWALE  
(SCALE 1:50@A1)

PRELIMINARY

FOR INFORMATION ONLY

P2	REVISED TO SUIT NEW SITE BOUNDARY	MSL	MSL	JEC	08.08.22
P1	REVISED TO SUIT NEW SITE BOUNDARY	MSL	MSL	JEC	29.07.22
Rev	Description	Drn	Chk	App	Date

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The Hallmark Building  
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EC3M 5JE

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Web: www.ardent-ce.co.uk  
E-mail: enquiries@ardent-ce.co.uk

worksafe  
consultant

SSIP  
SAFETY  
SPECIALIST  
INSTITUTION

BSI  
BRIEFING MATERIAL  
CERTIFICATION

Client  
**BELLWAY HOMES LTD (ESSEX)**

Project Title:  
**SHOEBURY GARRISON**

Drawing Title:  
**EARTHWORKS SURCHARGE DRAINAGE STRATEGY (SHEET 3 OF 3)**

A1 Scale	Date	Designed by
AS SHOWN	08.06.22	MSL
Drawn by	Checked by	Approved by
MSL	MSL	JEC

Drawing Number  
**2105160-132** Rev **P2**

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# Barge Pier Road

Photos

# View of site from junction with Ness Road



# Western Boundary and relationship with Ness Road



# Existing access from Barge Pier Road south side



# Public Car Park opposite site to East and Gunnery Hill beyond

125



# Nature Reserve to south and Gunners Park to southeast





# View of site from Barge Pier Road looking west



# Eastern section of site from Barge Pier Road looking Northeast



# Eastern section of site showing Hinguar School and neighbours in Ashes Road to east



# Eastern Boundary with Ashes Road



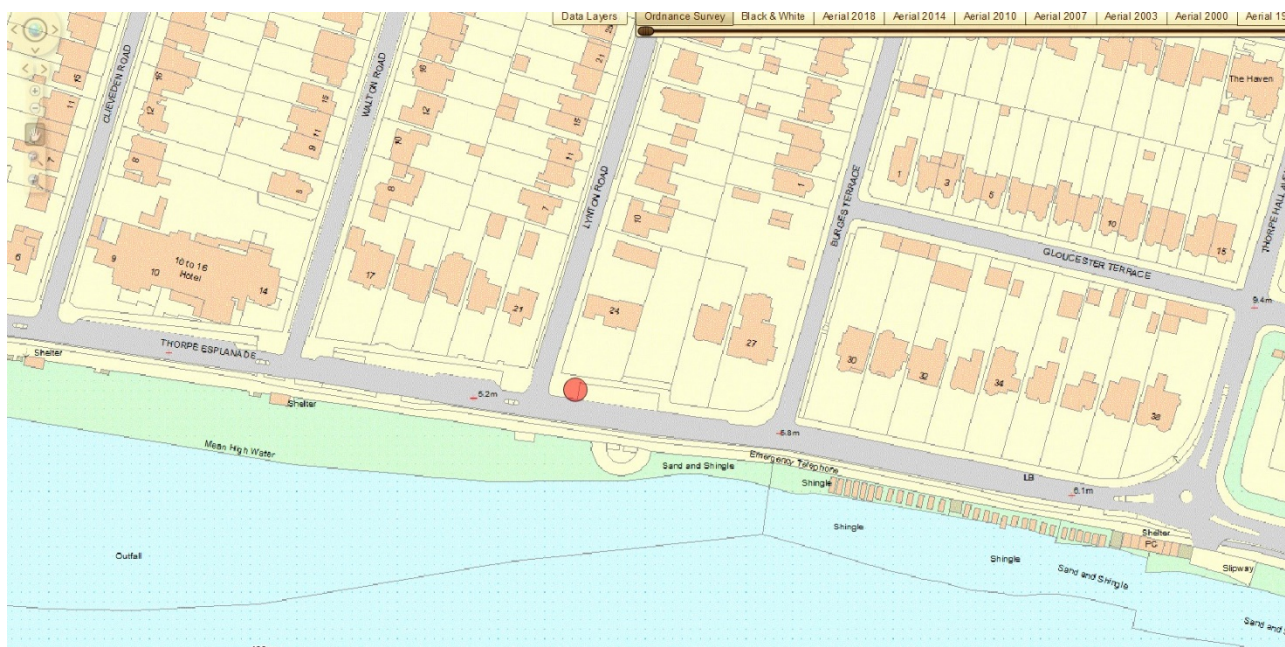
# Northern section of site from Barge Pier Road



# Existing eastern drainage ditch (within site)



<b>Reference:</b>	22/01976/BC3	<b>6</b>
<b>Application Type:</b>	Borough Council Regulation 3	
<b>Ward:</b>	Thorpe	
<b>Proposal:</b>	Install permanent sculpture comprising of a brick column sculpture (B) as part of the "made from this land" sculpture trail (Site 4)	
<b>Address:</b>	Pavement Junction At Lynton Road With Thorpe Esplanade Thorpe Bay, Essex	
<b>Applicant:</b>	Miss Laura Bowen of Focal Point Gallery	
<b>Agent:</b>	N/A	
<b>Consultation Expiry:</b>	01.12.2022	
<b>Expiry Date:</b>	16.12.2022	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>Site 4 Alternative Lynton Road Junction Rev B; A010 Rev A; A201 Rev G</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>The Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED TO GRANT PLANNING PERMISSION subject to conditions and provided that any additional representations received up to the end of the consultation period 1 December 2022 do not raise any new material planning considerations. In the event that representations are received and these raise new material considerations not addressed within this report, the application be brought back to this Committee for determination</b>	



## 1 Procedural matters

- 1.1 The application is presented to the Development Control Committee as it is a Council application which has received objection from interested parties.

## 2 Site and Surroundings

- 2.1 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 sculptures across the wider Southchurch area. This is one of a number of similar applications and specifically relates to the proposed site on the pavement at the Lynton Road junction with Thorpe Esplanade.
- 2.2 The site is located within Flood Zone 2 and is situated within Seafront Character Zone 6 as defined in the Development Management Document.

## 3 The Proposal

- 3.1 The proposal seeks planning permission to install one permanent column sculpture as part of the "made from this land" sculpture trail, 1.45m high, 0.48m deep and 0.48m wide in maximum width. The column, together with the other sculptures in the collection, will map out a walking tour of the historical brick fields of Southchurch.
- 3.2 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.

## 4 Relevant Planning History

- 4.1 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 for the sculpture trail**

Reference	Address	Description	Outcome [Date]
22/01511/BC3	Pavement Adjacent To Thorpe Hall Avenue Thorpe Bay	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)	Granted [03.11.2022]
22/01512/BC3	Land At Southchurch Park East Lifstan Way Southend-on-Sea	Install permanent sculpture wall for part of the "made from this land" sculpture trail	Granted [06.10.2022]

## 5 Representation Summary

### Public Consultation

5.1 A site notice has been displayed at the site and 3 neighbours individually were notified. Representations from four (4no.) interested parties, including Cllr Woodley, have been received. The proposal description and its address details were adjusted during the course of the application and a further consultation was undertaken. That consultation expires on 01.12.22. Below is a summary of comments and objections to date. The recommendation at the end of this report takes account of the consultation position.

- Design concerns; incongruous and out of keeping with the area.
- Waste of public money which could be spent to resurface roads.
- Concerns about parking and highway safety.
- The sculpture would be hidden by vegetation.
- Residents on Lynton Road have not been notified about this application.
- Concerns about crime and antisocial behaviour.
  
- Concerns with positioning of the column.
- Alien feature within the street scene.
- Impact on pedestrian movement along the pavement
- Associated signage is not conveniently located next to the column.
- Potential for congregation outside the adjacent dwellings and associated privacy and amenity concerns
- Additional demand for parking on-street caused by visitors.
- Potential to attract anti-social behaviour and/or vandalism.
- Concerns regarding ongoing maintenance

[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.

### Highways

5.2 No objection

## 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 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 6.4 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), DM6 (The Seafront), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)
- 6.5 Southend-on-Sea Design and Townscape Guide (2009)
- 6.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **7 Planning Considerations**

- 7.1 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.

## **8 Appraisal**

### **Principle of Development**

- 8.1 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).
- 8.2 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.
- 8.3 Policy CP7 of the Core Strategy seeks to protect green space. Local and national policies also seek to protect designated habitats.
- 8.4 The proposal is seeking planning permission for a permanent column sculpture to be installed on the pavement at the junction of Lynton Road and Thorpe Esplanade. 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.
- 8.5 The application site is located within Flood Zone 2 . It is considered that the nature of the proposal as a sculpture would constitute 'water compatible' development in the vulnerability classification as outlined in the NPPF. Based on the information provided there are no aspects identified in the application that would have a significant effect on flood risk.

- 8.6 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**

- 8.7 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.8 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 8.9 The proposed column sculpture to be sited near an existing highway landscaped bed 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**

- 8.10 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.
- 8.11 The sculpture would be within a wide pavement and would be remote from neighbouring dwellings. 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**

- 8.12 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."
- 8.13 It is not considered that the proposed installation would create significant harm to pedestrian or vehicle movements or health and safety. The Council's Highway Officer has concurred with this view and has not raised any objections in relation to traffic and transportation issues. The proposal is therefore considered to be acceptable and policy compliant in these regards.

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

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

## **Equality and Diversity Issues**

- 8.15 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**

- 8.16 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.

## **9 Recommendation**

**Members are recommended to resolve that the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED TO GRANT PLANNING PERMISSION subject to conditions and provided that any additional representations received up to the end of the consultation period on 1 December 2022 do not raise any new material planning considerations. In the event that representations are received and these raise new material considerations not addressed within this report, the application be brought back to this Committee for determination.**

**The following conditions are recommended:**

**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; A010 Rev A; A201 Rev G.**

**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.

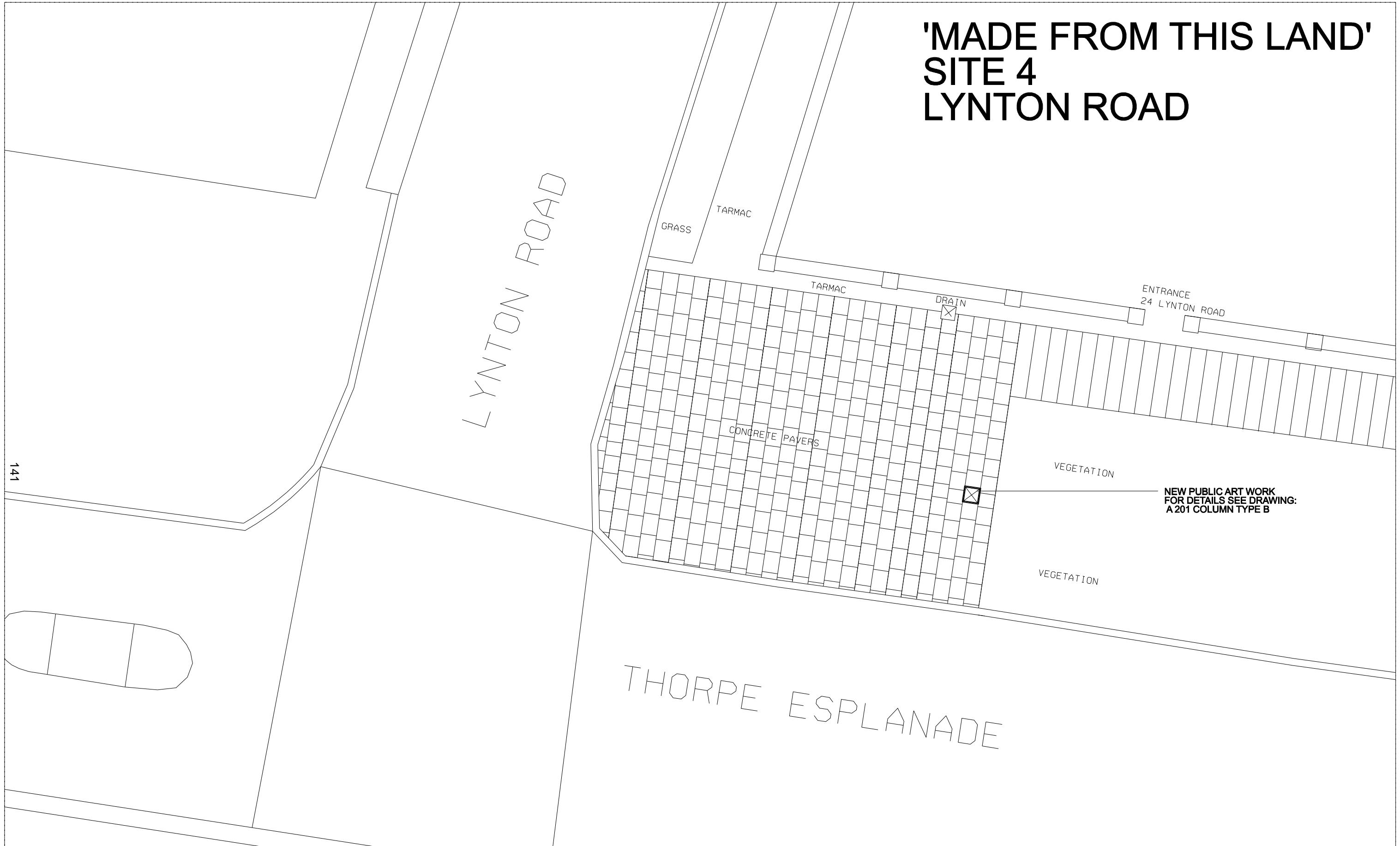
#### **Informatives:**

**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.

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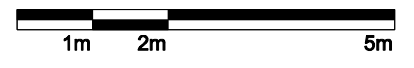
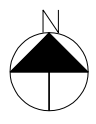
# 'MADE FROM THIS LAND' SITE 4 LYNTON ROAD



**NEW PUBLIC ART WORK  
FOR DETAILS SEE DRAWING:  
A 201 COLUMN TYPE B**

**NOTES:**  
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LAURA WHITING 2023



**Laura  
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**NOTES:**

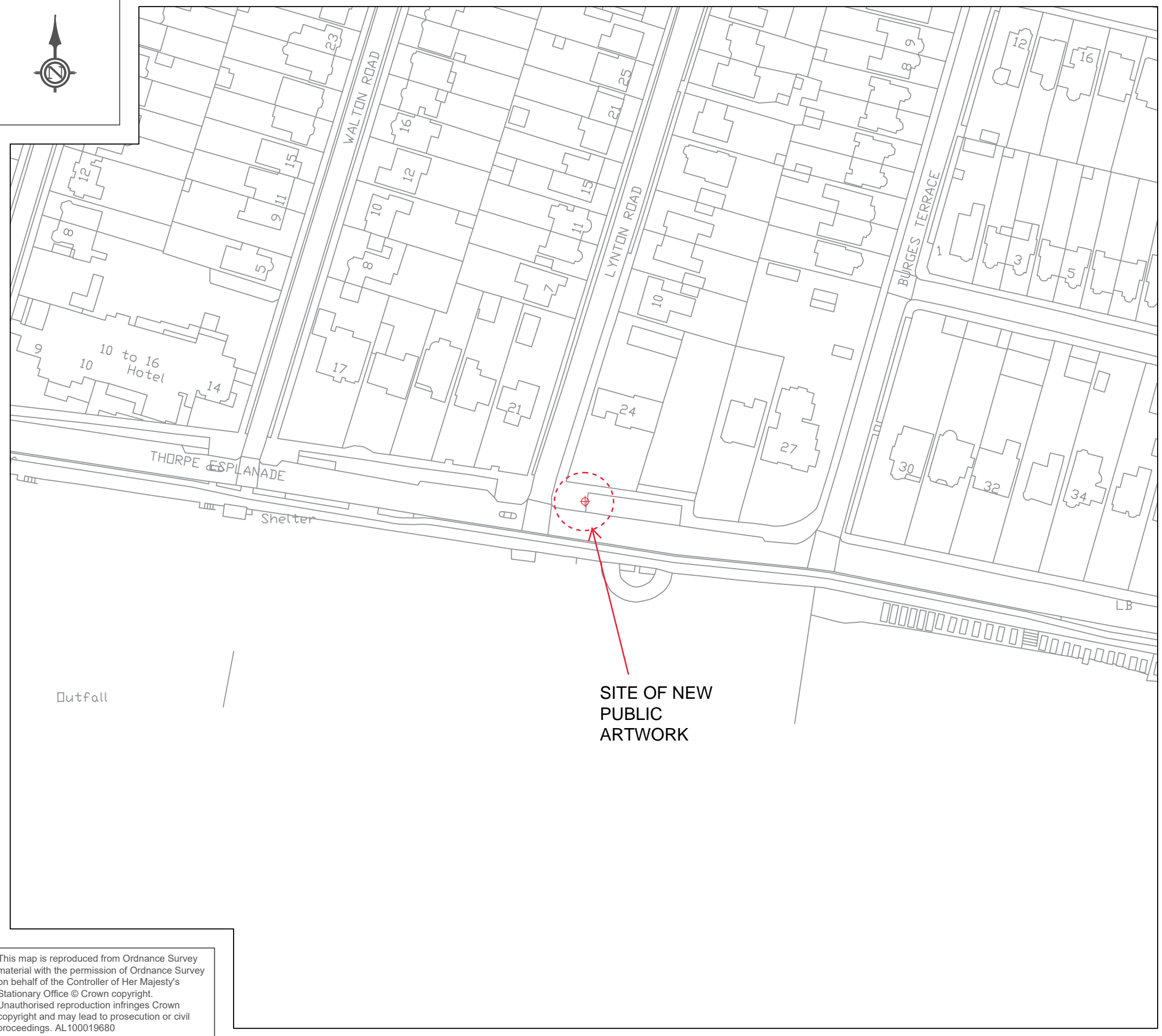
**PROJECT:**  
MADE FROM THIS LAND  
**CLIENT:**  
EMMA EDMONDSON /  
FOCAL POINT GALLERY

A	OCT 22	PLANNING

Sheet contents	
<b>LOC. PLAN SITE 4</b>	
Drawing No.	Rev.
<b>A 010</b>	<b>A</b>
Scale	Paper
<b>1.100</b>	<b>A3</b>

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143

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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 4 Alternative  
Lynton Road Junction**

Drawn XX	Date 03/11/2022	Review XXX	Date XX/XX/XXXX
Checked XXX	Date XX/XX/XXXX	Approved XXX	Date XX/XX/XXXX
Scales @ A3 1:1250		Revision REV B	

Drawing Status **PLANNING**

Drawing Number

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# COLUMN TYPE B

SINGLE SKIN HANDMADE BRICK (OUTER)  
 SIZE 60 x 205 x 98mm  
 86 HANDMADE BRICK + WASTE @ 10%  
 = 95 TOTAL  
 ASSORTED BRICKS APPLIED WITH LOCAL  
 SEASHELL SLIP (COLOUR BEIGE / BROWN)  
 HANDMADE CLAY TILES 280 X 140 X 15MM  
 WITH GREEN GLAZED EDGES.  
 48 TILES + 10% WASTE = 53 TOTAL  
 10MM MORTAR WITH THROUGH MIX  
 COLOUR POINTING TO EXTERNAL FACE  
 (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 LOCAL  
 SEA SHELL SLIP BEIGE / BROWN

HANDMADE CLAY TILE, GLAZED  
 GREEN AS WITH PEBBLES ABOVE  
 COLOUR MAY VARY, PROJECTING  
 10MM FROM FACE OF BRICKWORK

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

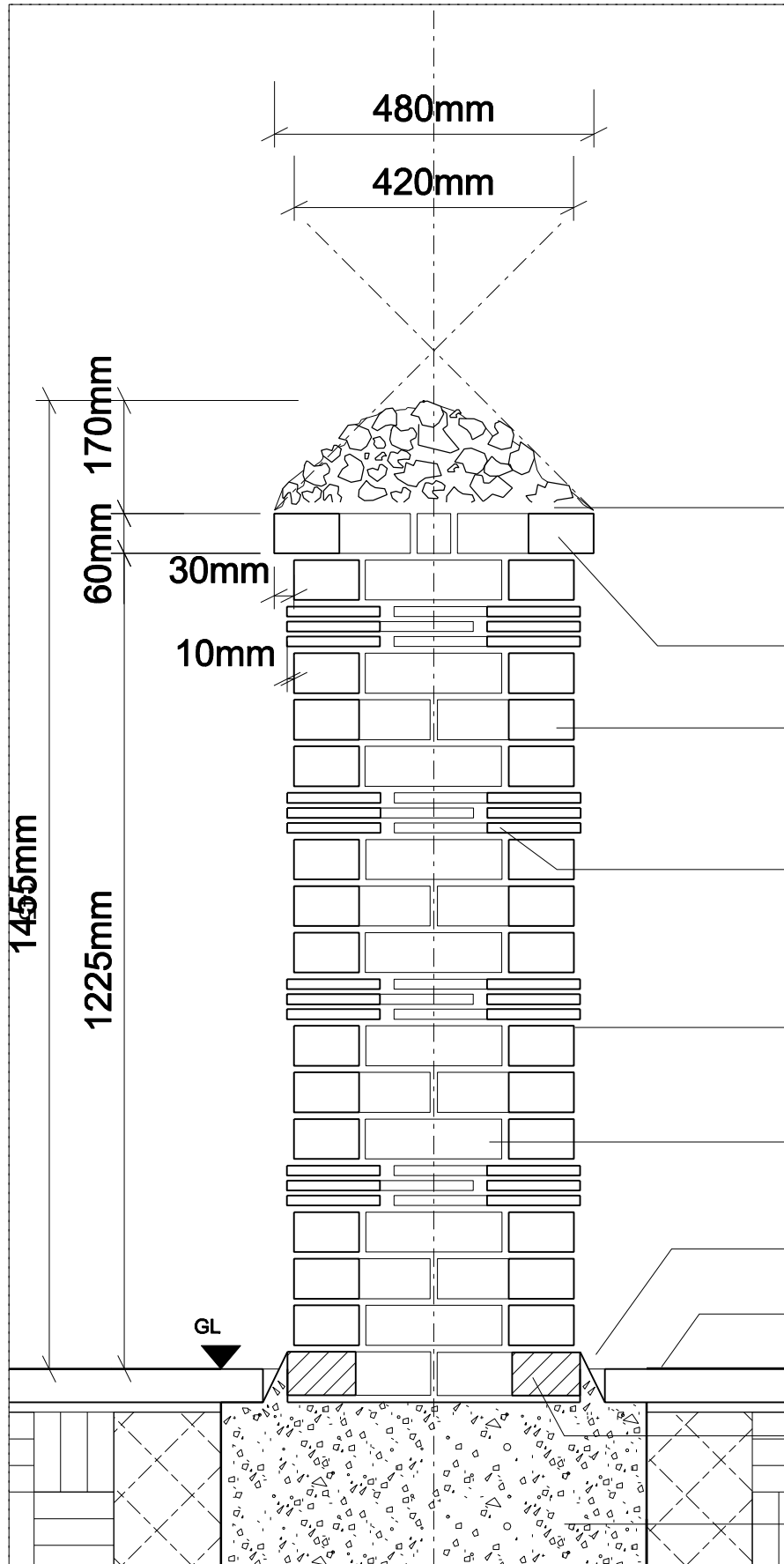
CENTRAL INFIL  
 COMMON BRICK (FACTORY MADE)

CONCRETE MIX FINISH  
 TO CONTRACTOR'S DETAIL

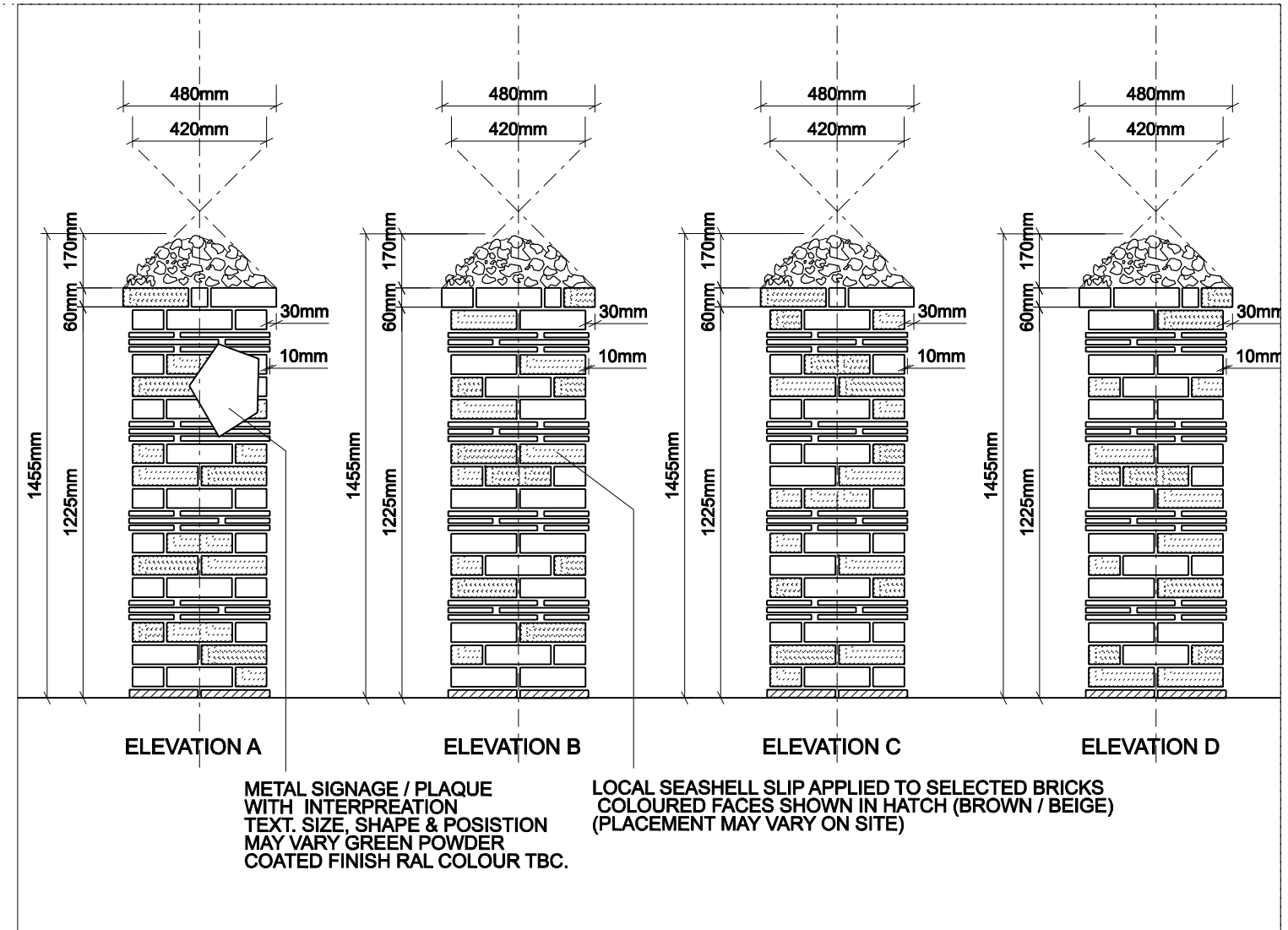
EXISTING CONCRETE PAVER / TARMAC

ENGINEERING BRICK  
 PLINTH BASE COURSE

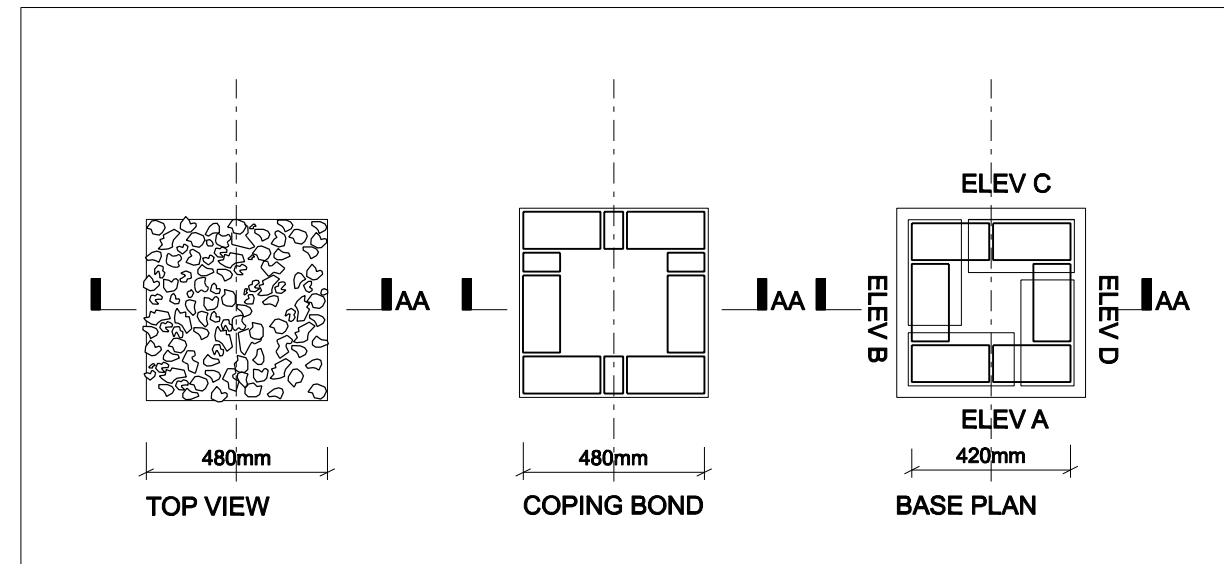
GROUNDWORKS TO  
 CONTRACTOR'S  
 DETAIL



SECTION AT 1.10



ELEVATION AT 1.20



PLANS AT 1.20

NOTES:  
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Laura  
 Whiting

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 studio@laurawhiting.co.uk

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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 B

Drawing No. **A 201** Rev. **G**

Scale  
**1.20**

Paper  
**A3**

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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View from West to East



View from South West corner

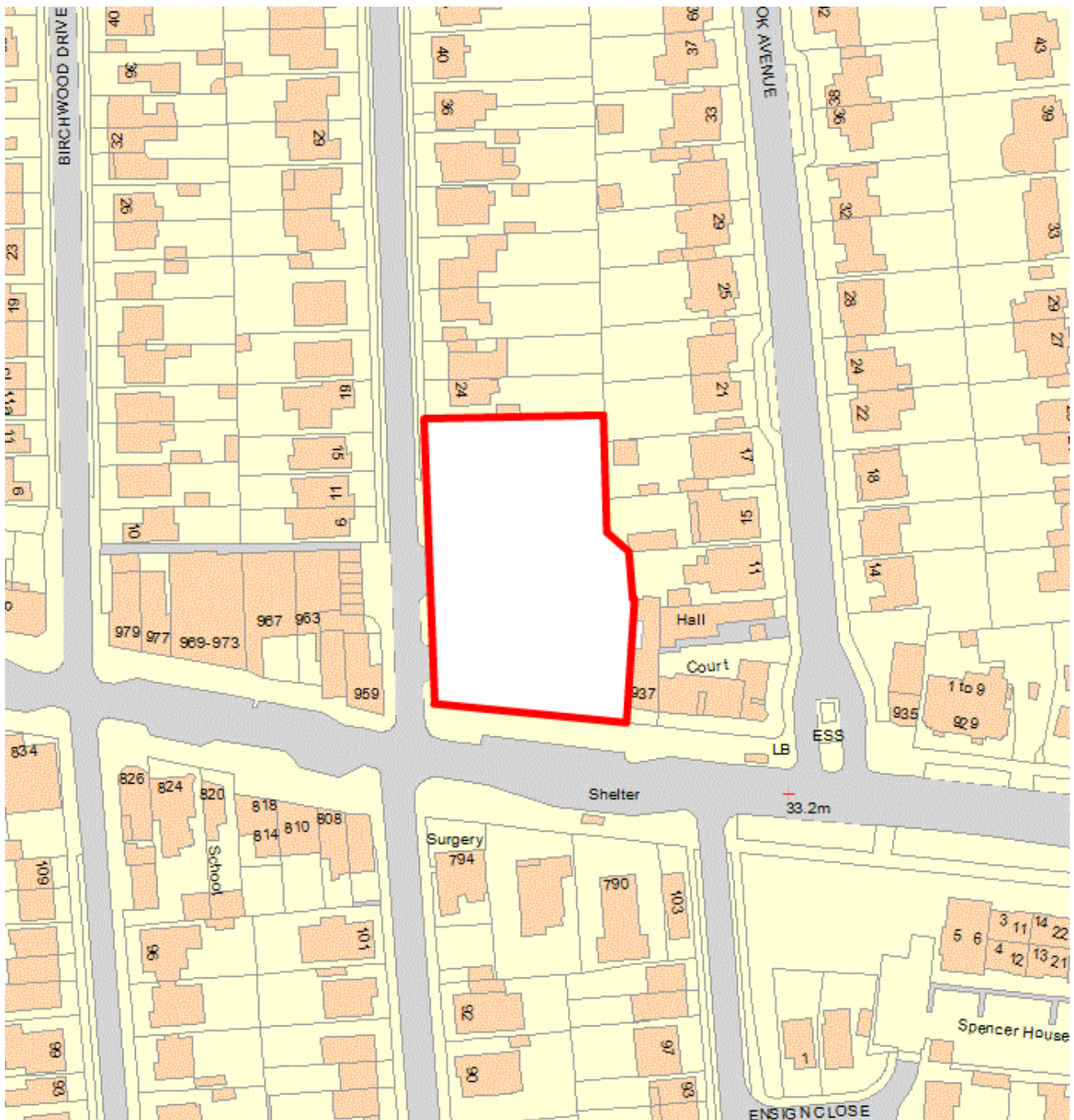
Application site



Aerial view of Lynton Road / Thorpe Esplanade Junction



<b>Reference:</b>	A. 19/02377/DOV5 B. 21/00783/AMDT	<b>7</b>
<b>Application Type:</b>	A. Deed of Variation 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 B. 27th May 2021	
<b>Expiry Date:</b>	7 December 2022	
<b>Case Officer:</b>	A. Amanda Rogers 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 as it comprises significant development.

## 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. Darlington 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, a payment of £100,000.00 is made to the Council in lieu of such provision and a late-stage viability review mechanism is agreed to ensure that the Council will be given an additional financial contribution should there be an uplift in the market.

## 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.
- 8.3 The proposal is required through the S106 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.
- 8.4 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, since 2019 when discussions around this matter began. The Council's officers in liaison with the Council's

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

Housing team approached registered providers independently but this did not result in any tangible interest materialising in an offer to the developer. Hence on-site provision of affordable housing would be unrealistic and not deliverable due to the lack of interest from registered providers.

- 8.5 In such an instance it is reasonable for this Local Planning Authority to consider a financial contribution towards off-site provision of affordable housing secured with a planning obligation subject to viability. This is discussed in more detail in the relevant section of the report. In the round, the proposal is acceptable and policy compliant in the above regard.

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

- 8.6 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.
- 8.7 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 Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.8 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 Darlinghurst 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.
- 8.9 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**

- 8.10 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.

- 8.11 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.
- 8.12 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**

- 8.13 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.
- 8.14 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.
- 8.15 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**

- 8.16 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."
- 8.17 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.

- 8.18 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.
- 8.19 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**

- 8.20 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.
- 8.21 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**

- 8.22 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.
- 8.23 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**

- 8.24 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**

- 8.25 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.”
- 8.26 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.
- 8.27 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.
- 8.28 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

- 8.29 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.
- 8.30 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.
- 8.31 As already discussed in paragraphs 8.2 to 8.5, 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.
- 8.32 In lieu of on-site affordable housing provision, the Council’s Interim Affordable Housing Policy provides a mechanism to calculate the amount required for a financial contribution towards off-site provision. In line with this policy and as per the table below, in circumstances when a surplus is expected to be generated, a scheme of this nature and composition would be expected to make a financial contribution of £773,311.97.



8.33 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>

8.34 Discussions regarding the S106 requirements of the development, particularly with reference to the affordable housing contributions have been ongoing during the course of these applications since 2019. After robustly establishing that on-site provision of affordable housing is not a deliverable option on this site (as discussed in paragraphs 8.2 to 8.5), 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. The Gross Development Value for this project generates a significant deficit.

- 8.35 This position is reached despite the applicant accepting the officers' and the Council's assessor's position that the Benchmark Land Value of the site is a nominal figure of £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.
- 8.36 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.
- 8.37 Following the presentation of these applications to the Development Control Committee on 2 November 2022 and the concerns expressed by members during the meeting, officers negotiated and agreed with the applicant the imposition of a late-stage viability review mechanism. Such a mechanism would allow the Council to review the financial position of the project during a late stage of delivery when construction costs and sale values would be known or estimated with much greater certainty. If there is an uplift in the Gross Development Value of the project that would allow an additional financial contribution to be made towards affordable housing, with this mechanism the Council can secure it. The late-stage viability review mechanism will form part of the S.106 legal agreement if planning permission is granted.
- 8.38 Subject to the completion of such a legal agreement the proposal would be acceptable in this regard.

#### Education

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

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

- 8.40 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**

- 8.41 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**

8.42 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.**
  - iii. The inclusion of a Late-Stage Viability Review Mechanism that would allow an additional contribution towards affordable housing**
- (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 7 December 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.

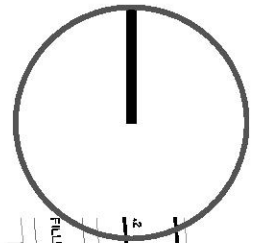
**Positive and Proactive Statement:**

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 [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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**Location Plan**  
Scale 1:1250

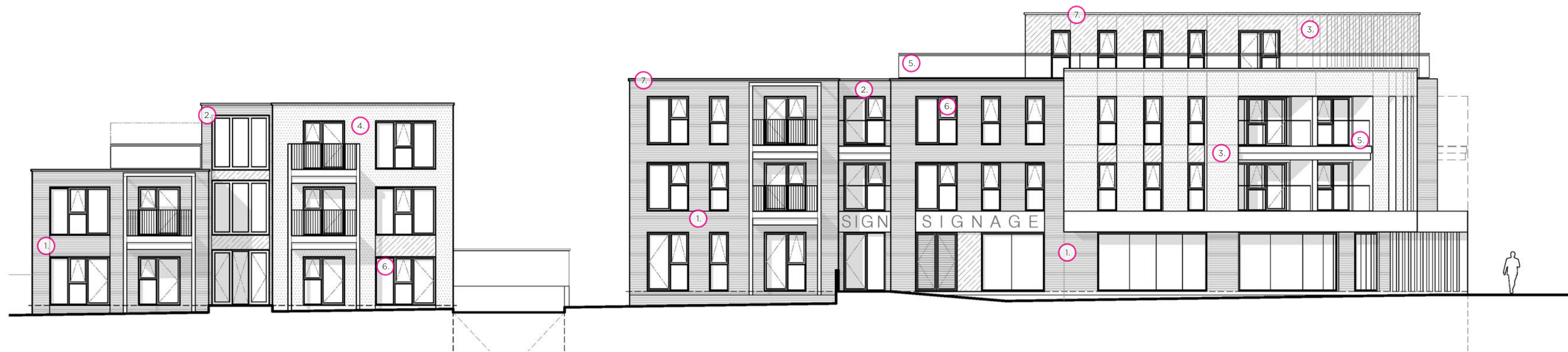
Project:  
**Residential Development**  
 939-953 London Rd  
 Leigh On Sea  
 Essex  
 Drawing title:  
**Location Plan**

**THIRD DIMENSION**  
 architectural + interior design  
 AVIATION WAY, SOUTHEND-ON-SEA, ESSEX, SS2 6UN  
 T.01702 543354 F.01702546654  
 info@thirddimension.org www.thirddimension.org

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

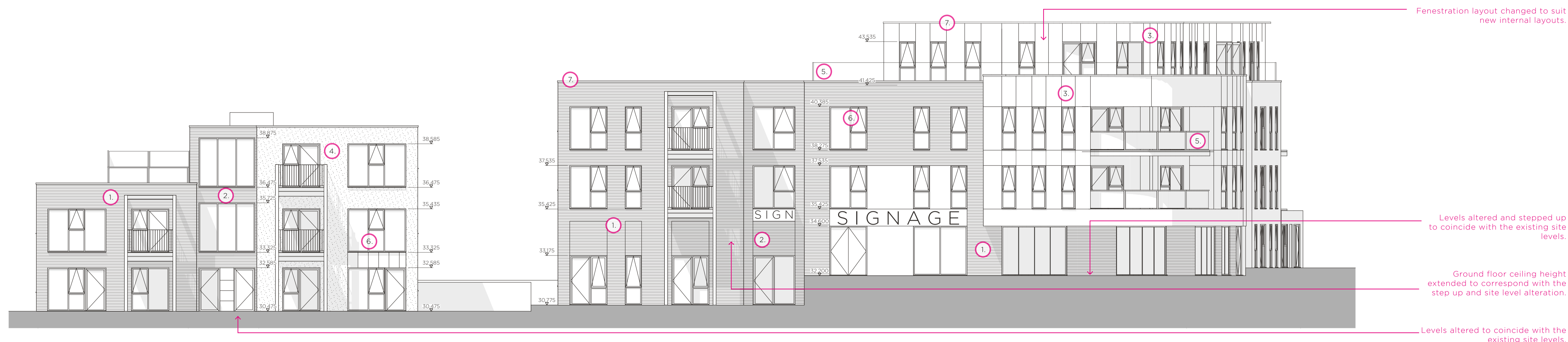
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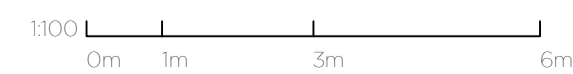


Approved Elevation

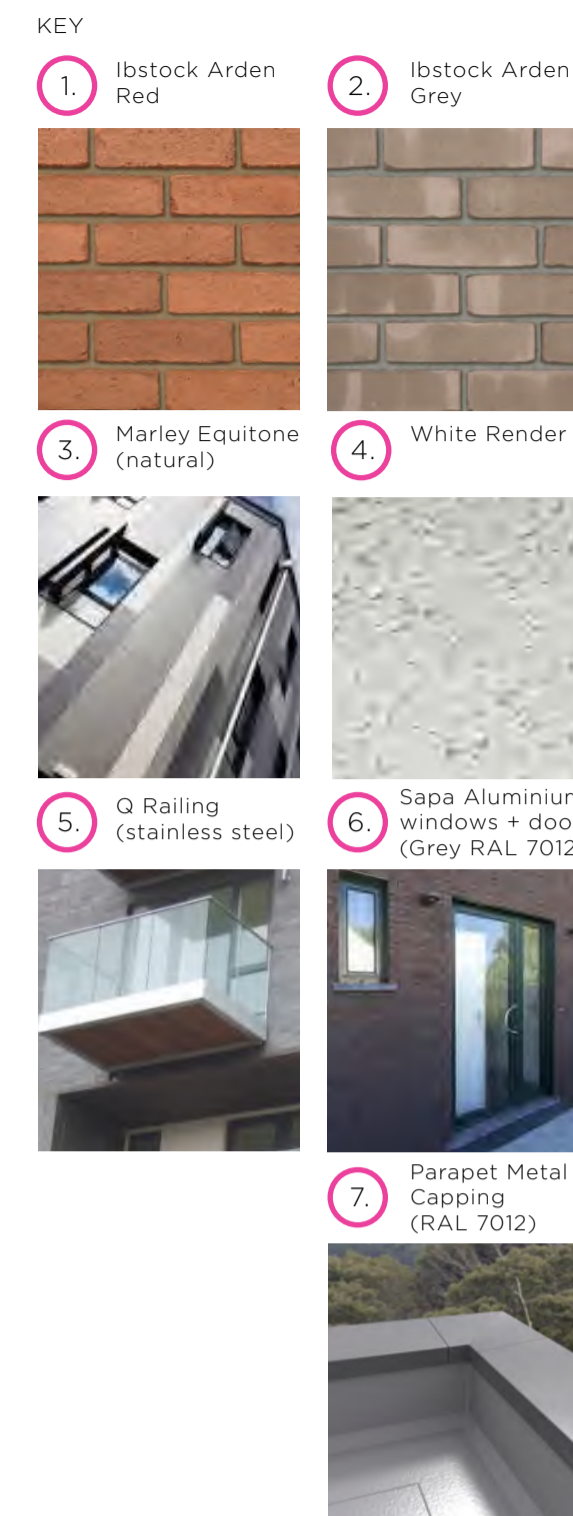
167



As Proposed Elevation



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

Approved Elevation

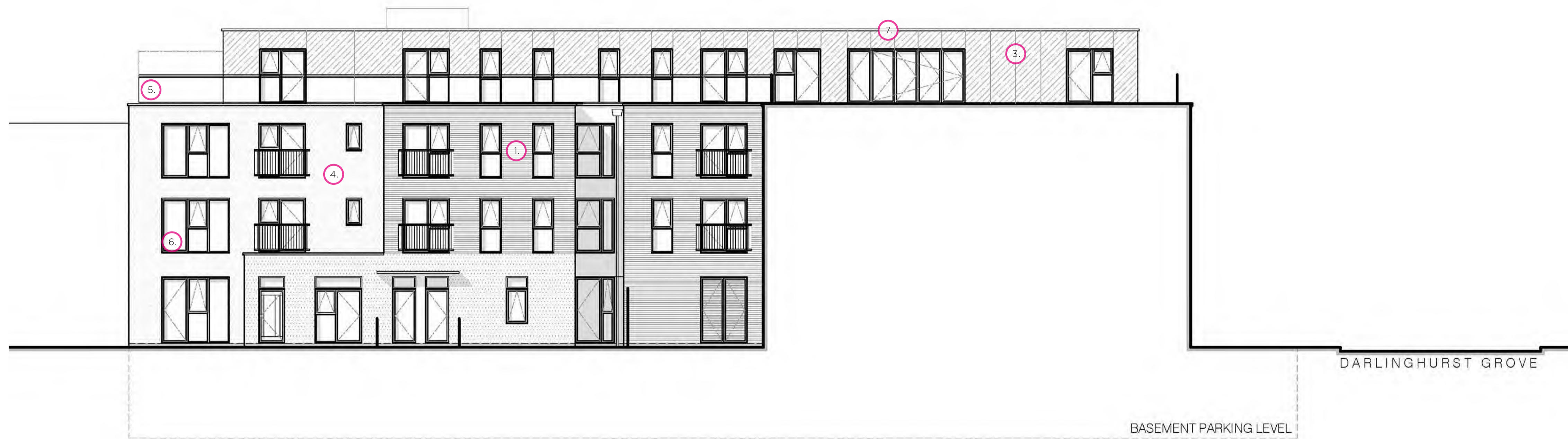


As Proposed Elevation

169



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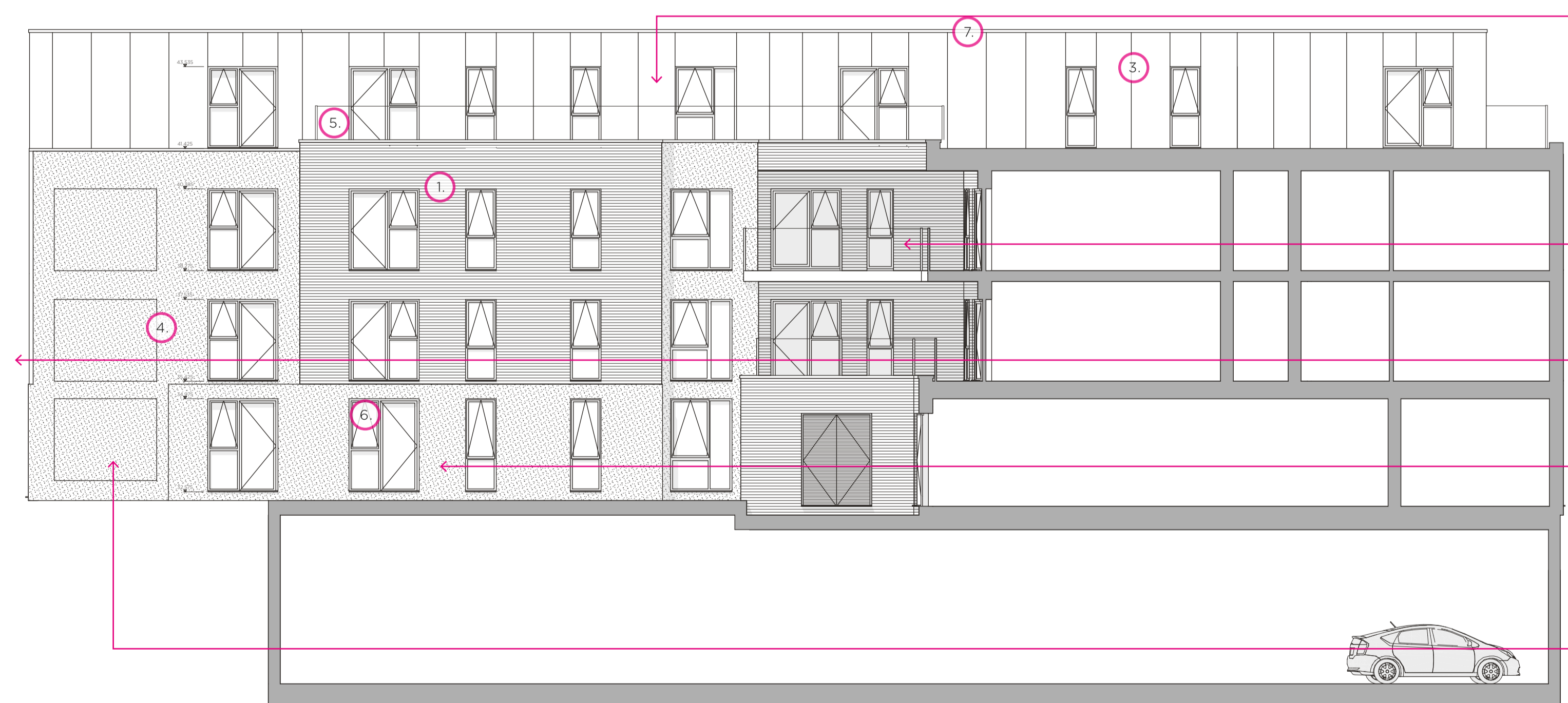


KEY

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.

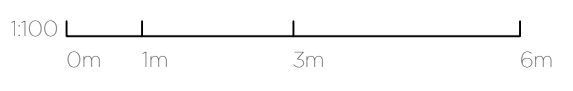
Proposed inset balcony to replace Juliet balcony and window layout.

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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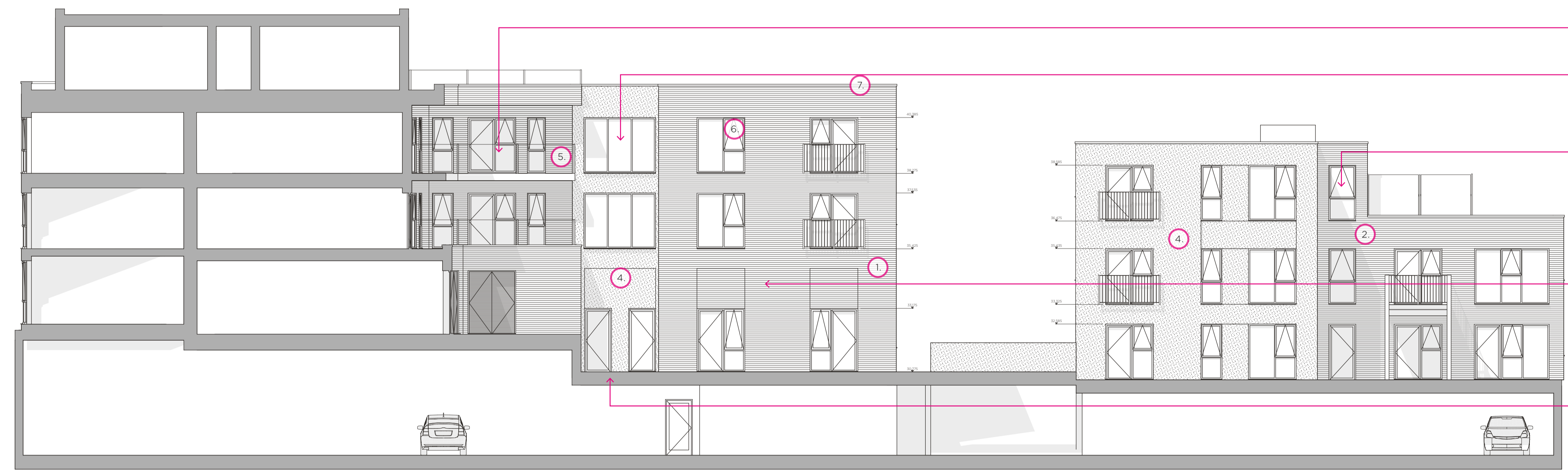


**KEY**

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



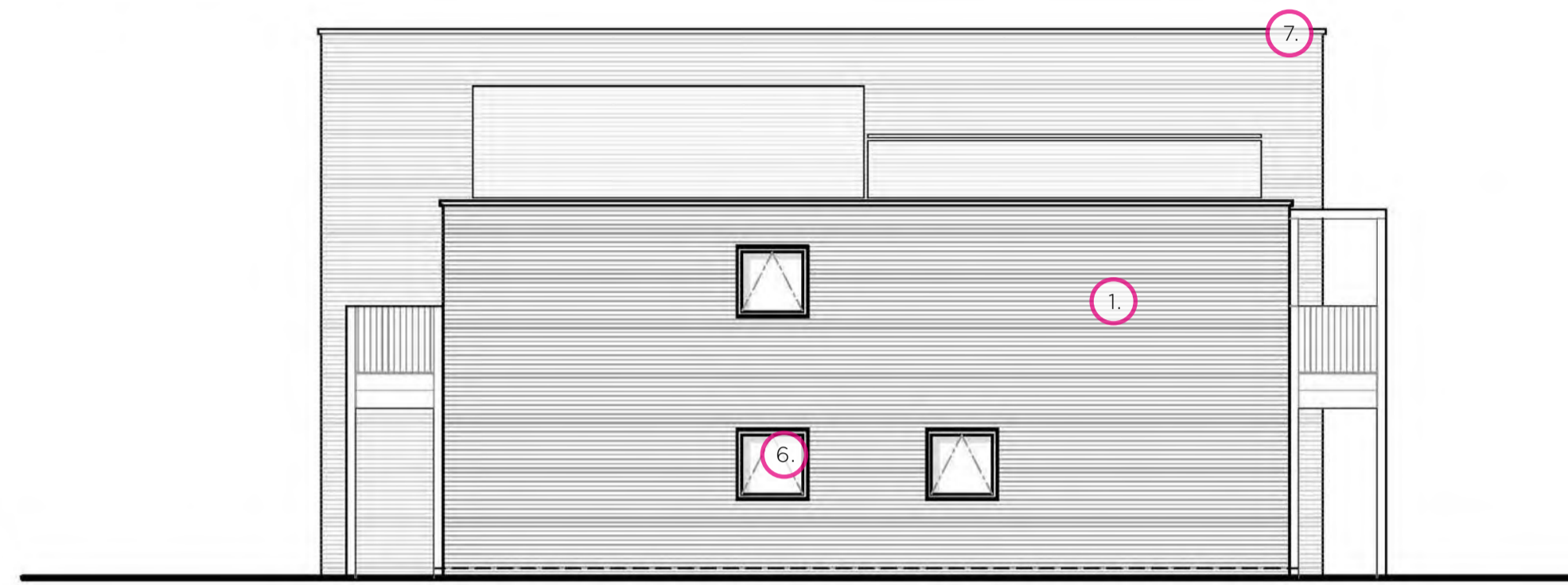
- Proposed inset balcony to replace juliet balcony and window layout.
- Removal of balconies to suit layout alteration for new staircase location.
- Removal of inset and façade to become flush with the rest of the elevation.
- Ground floor ceiling height extended to correspond with the step up and site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

As Proposed Rear Elevation

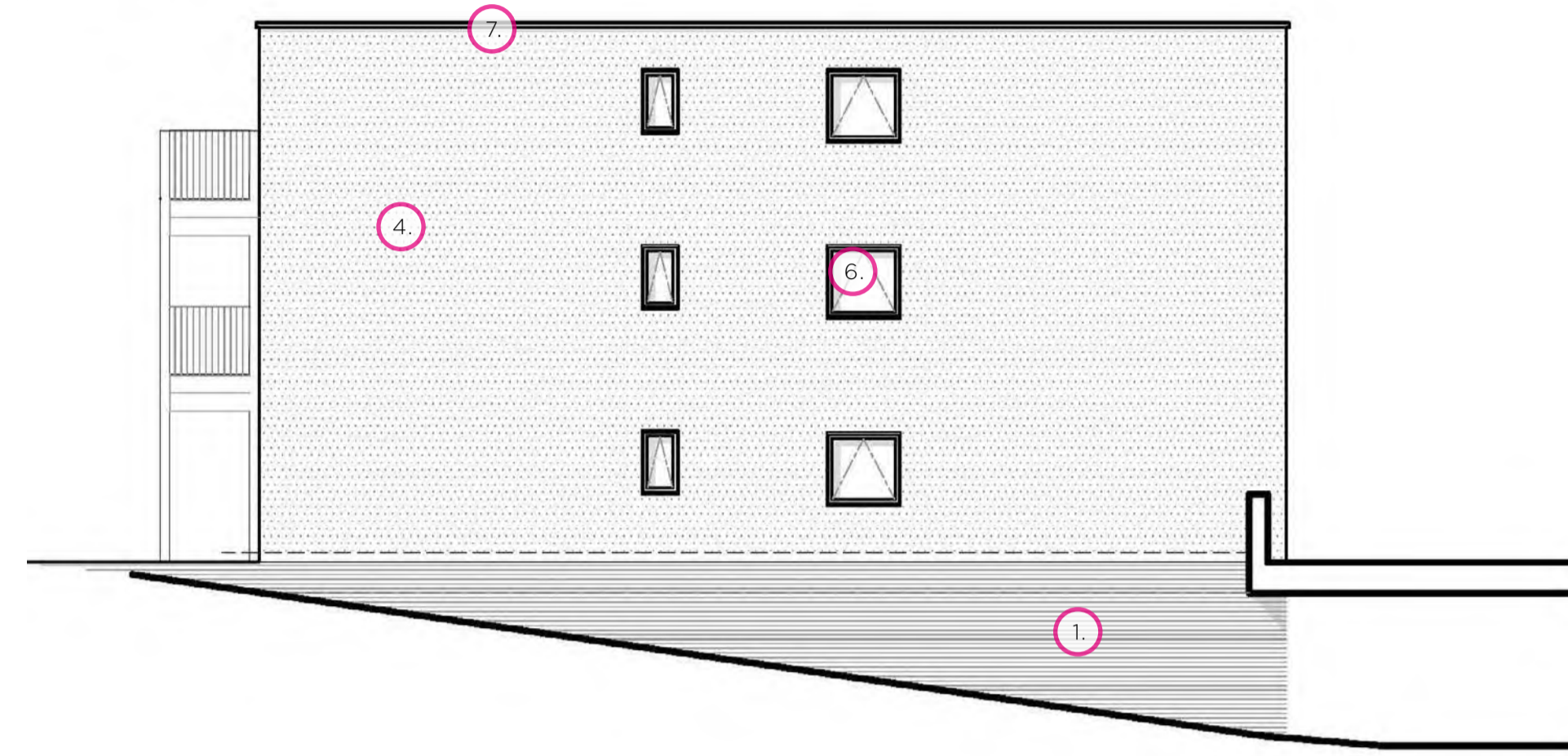


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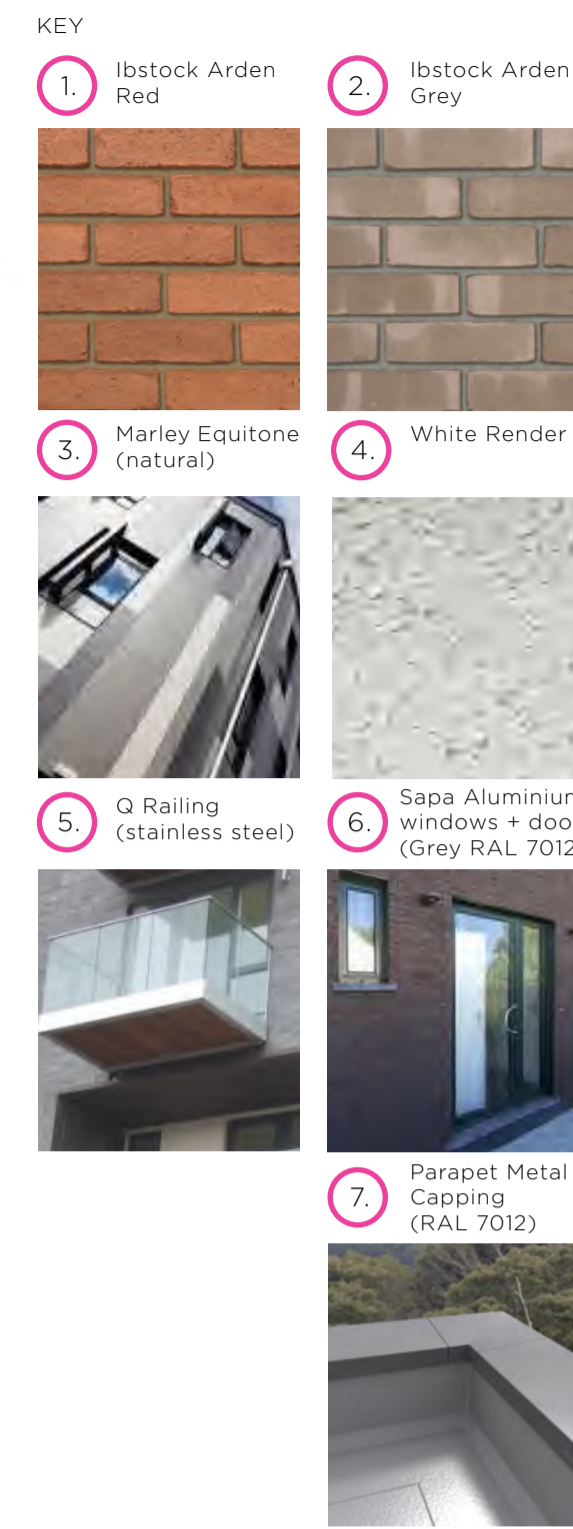




As Approved Block A Side Elevation

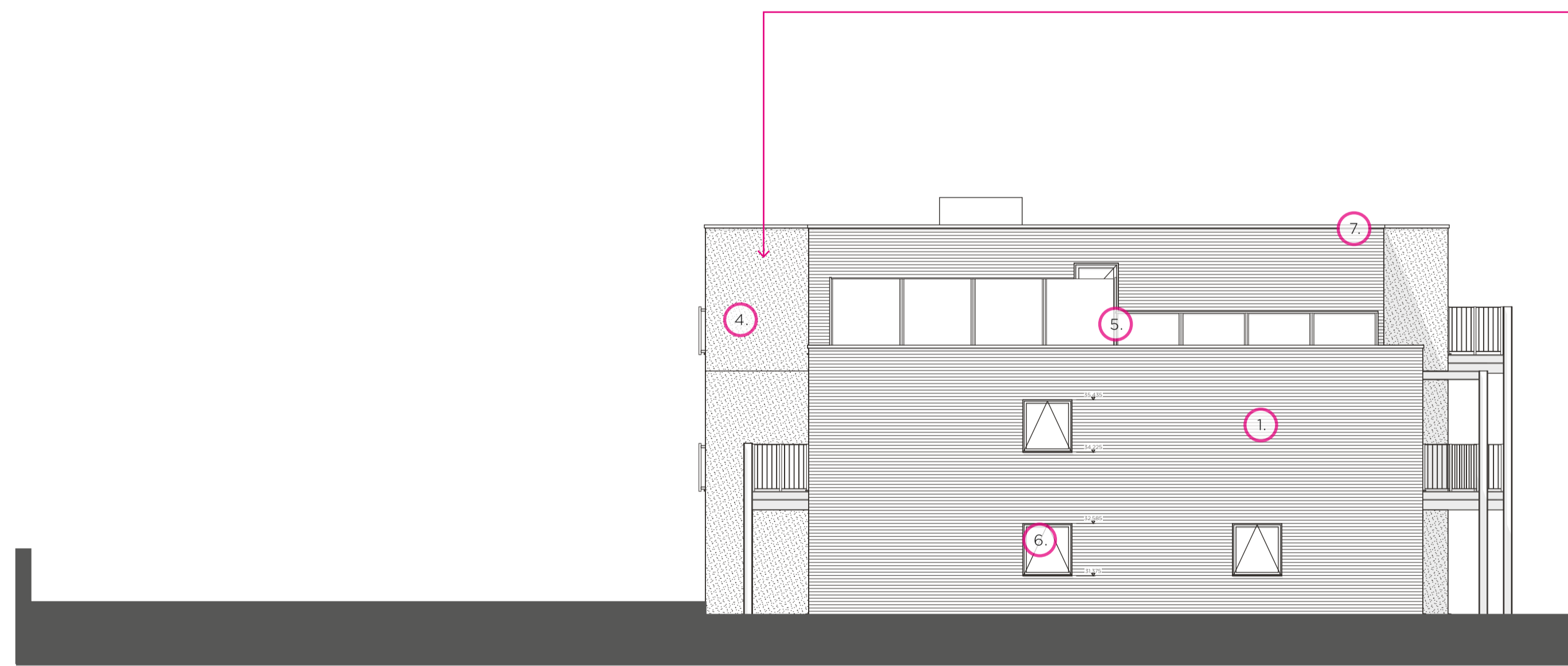


As Approved Block A Side Elevation (From Ramp To Basement)

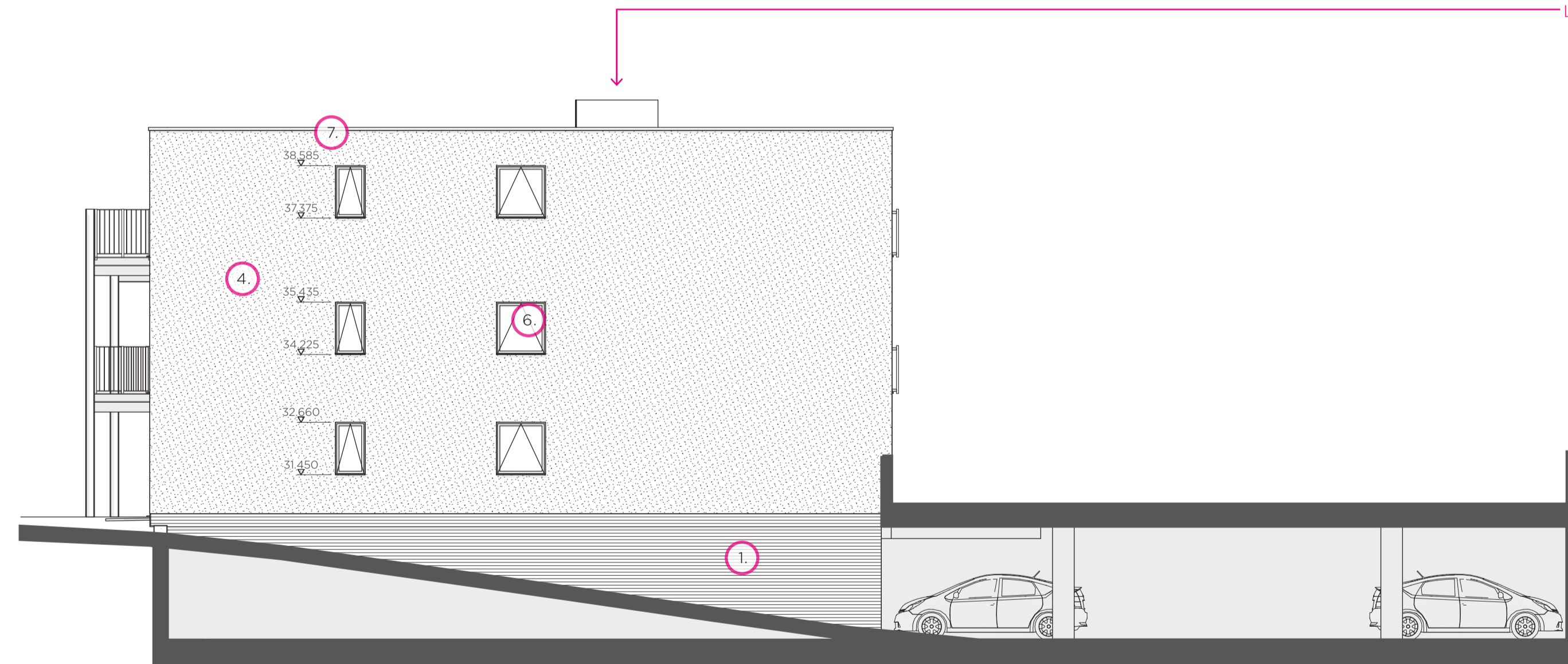


Note: Proposed materials to remain as per the approved application.

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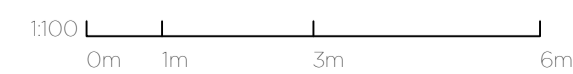
As Proposed Block A Side Elevation



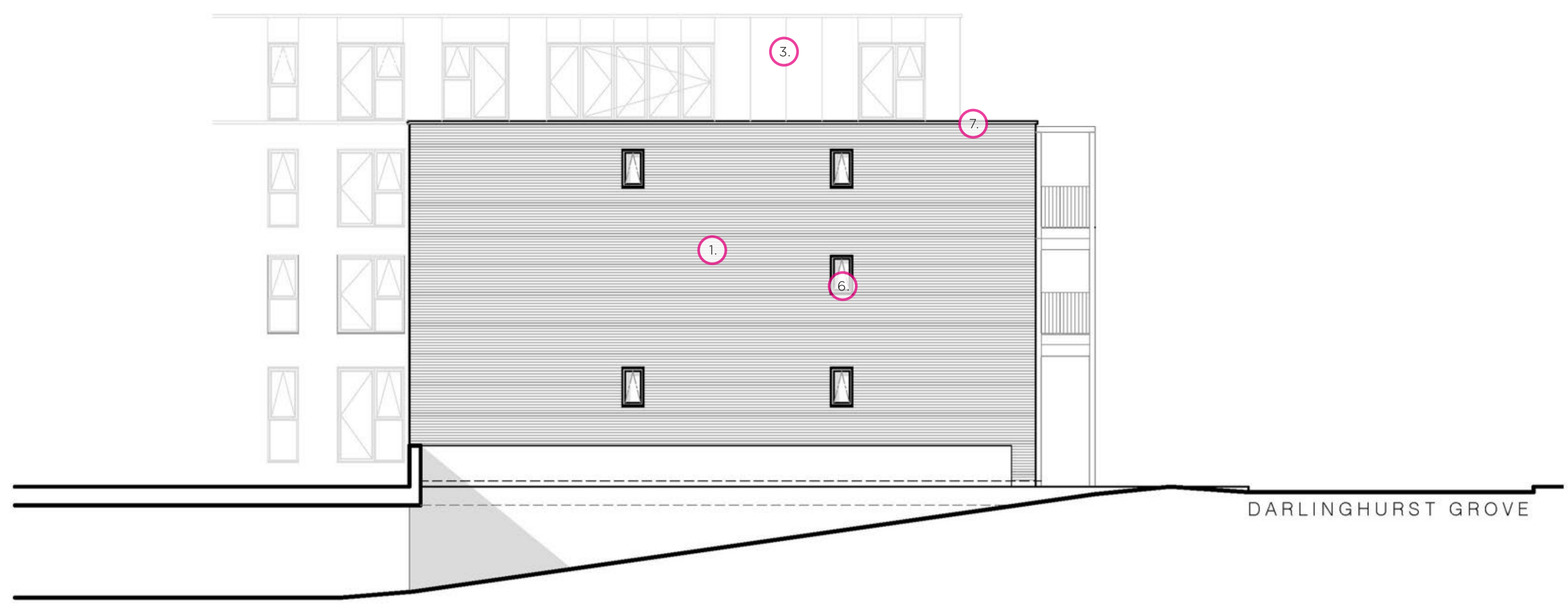
As Proposed Block A Side Elevation (From Ramp To Basement)

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

Lift overrun shown.



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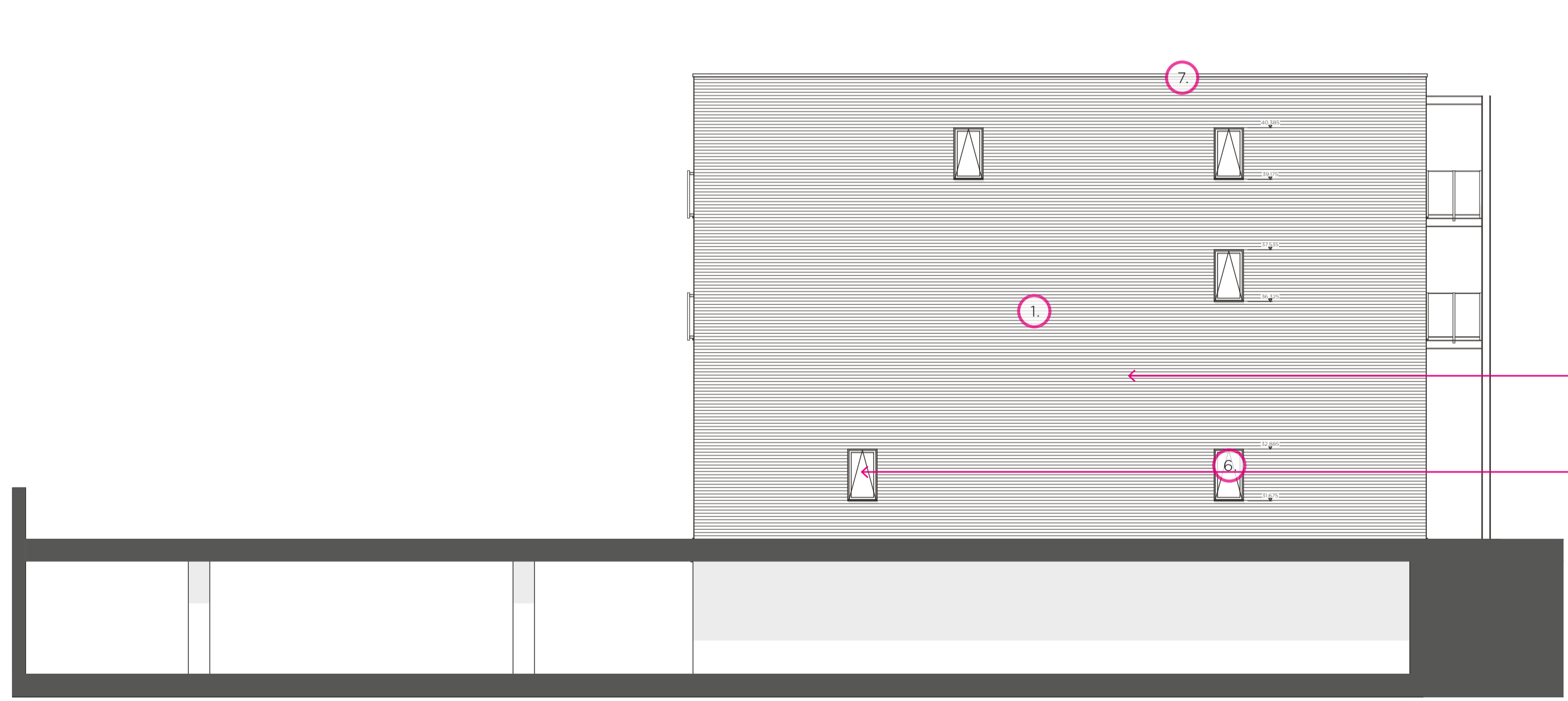


As Approved Block B Side Elevation (From Ramp To Basement)

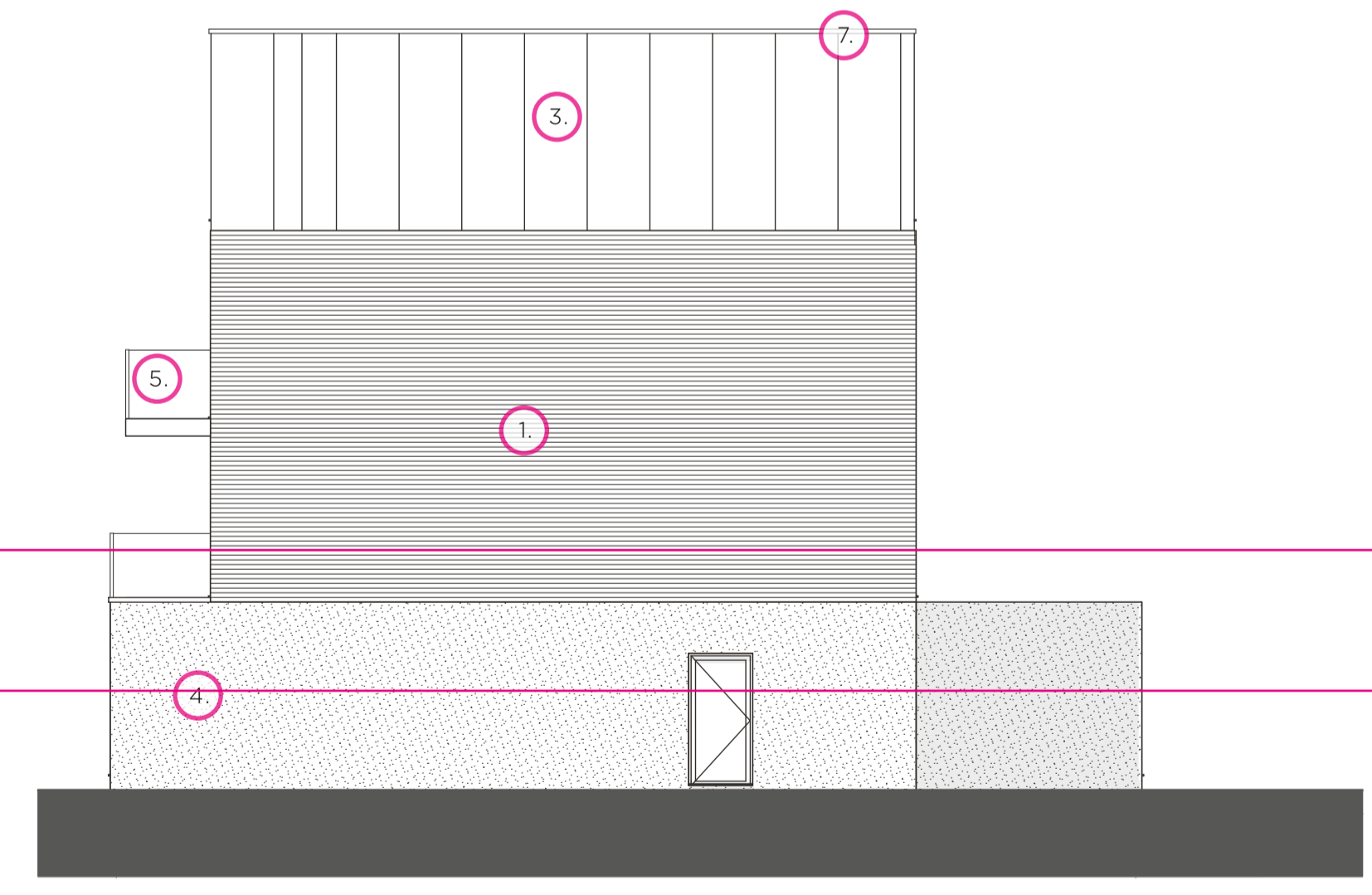


Note:  
Proposed materials to remain as per the approved application.

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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

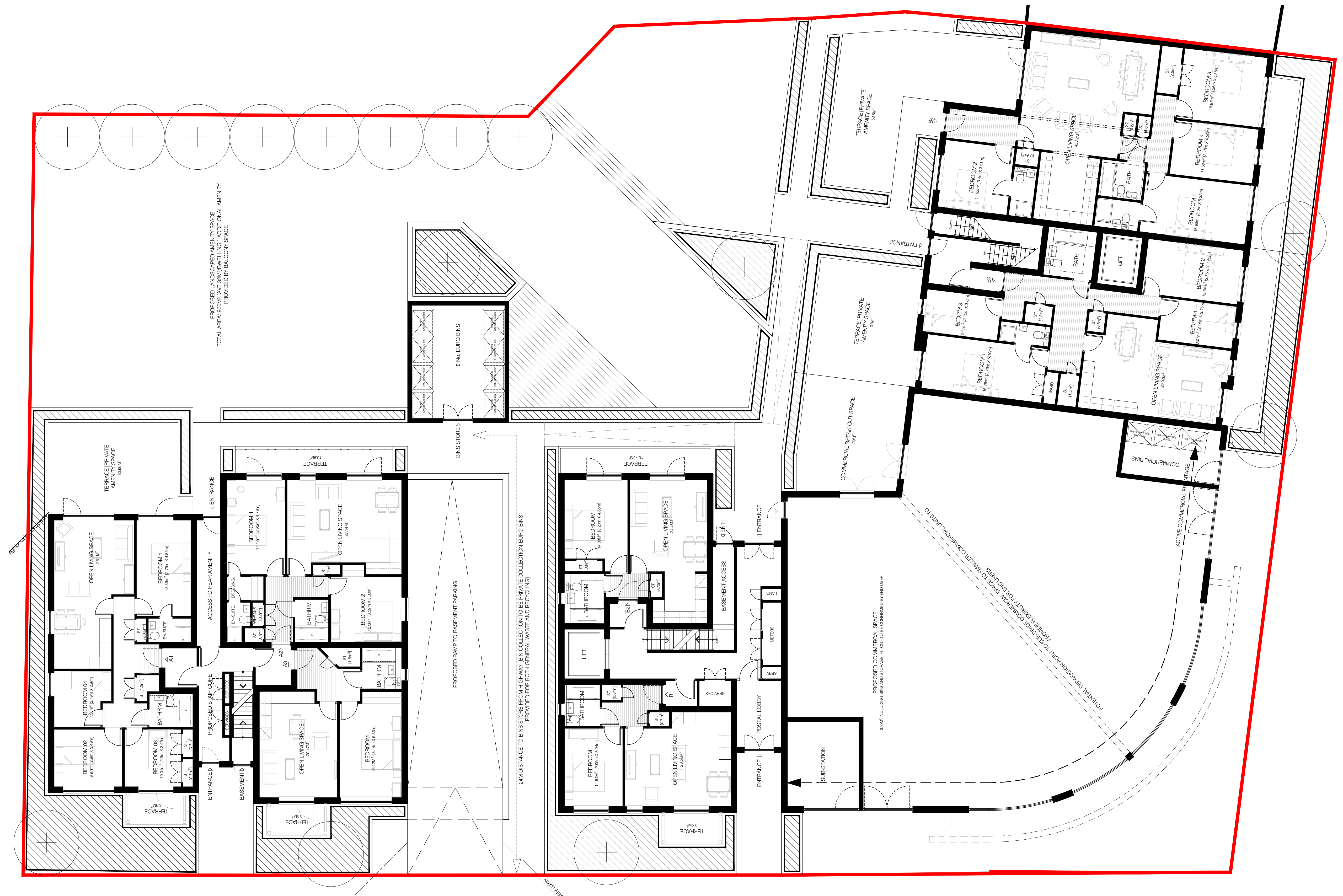


As Approved Basement Floor



As Proposed Basement Floor

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As Approved Ground Floor



As Proposed Ground Floor

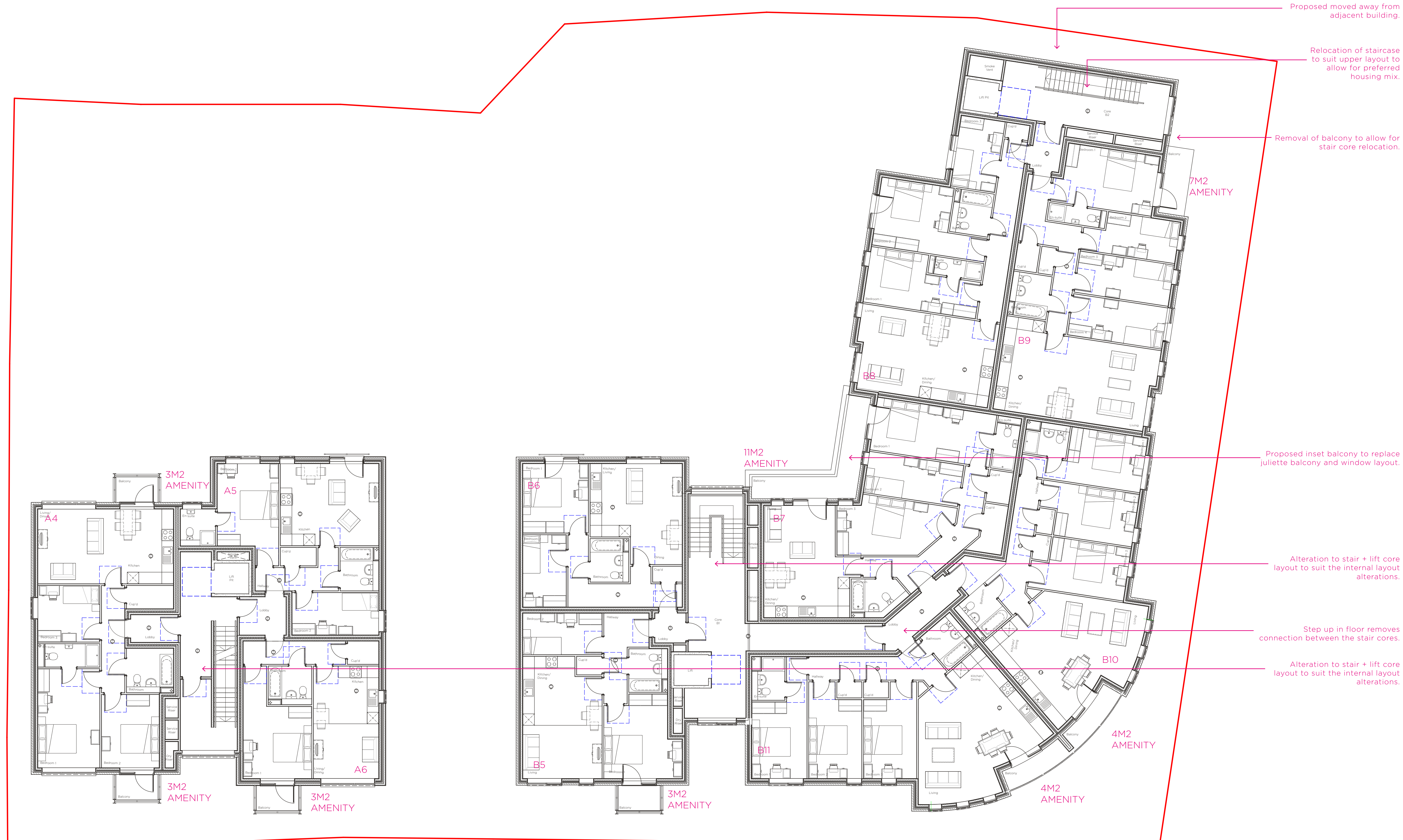
Note:  
 Internal layouts altered taking into consideration new stair core locations and M4(2) + M4(3) requirements.  
 All landscaping + planting as per approved plans.

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As Approved First Floor

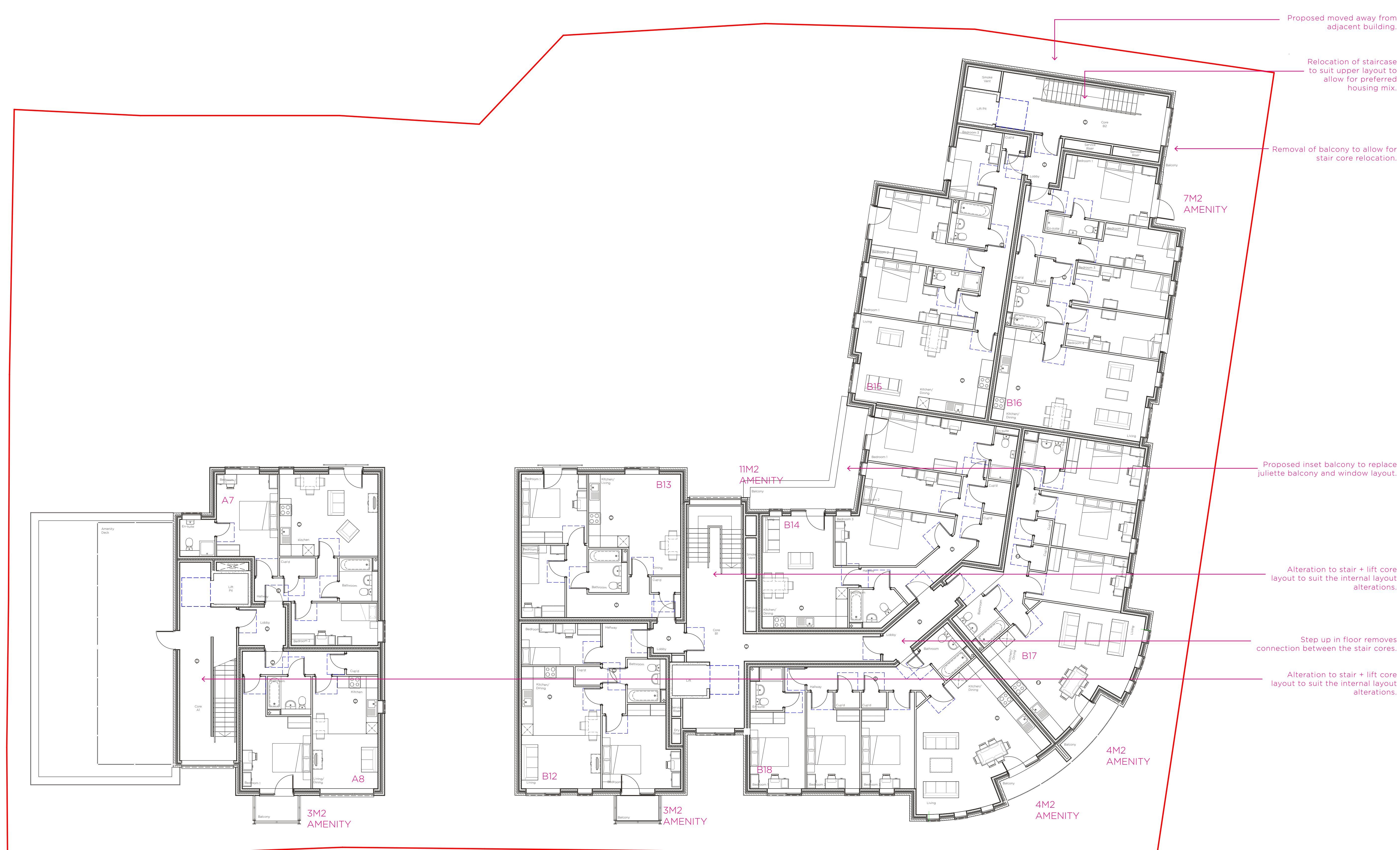


As Proposed First Floor

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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>	22/01808/AMDT	<h1>8</h1>
<b>Application Type:</b>	Minor Material Amendment	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Application to vary condition 04 - to allow the main bedroom window in rear dormer to have clear glass with openable windows - (Minor Material Amendment of Planning Permission 21/00240/FULH dated 30/03/2021) (Retrospective)	
<b>Address:</b>	35 Belfairs Drive, Leigh-on-Sea, Essex, SS9 3AA	
<b>Applicant:</b>	Mr Faysal Mahmud	
<b>Agent:</b>	Mr Sam Milne	
<b>Consultation Expiry:</b>	13/10/2022	
<b>Expiry Date:</b>	02/12/2022	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>2410-02 Rev D</b>	
<b>Additional information:</b>	<b>Planning Statement</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site contains a semi-detached bungalow on the west side of Belfairs Drive. The application dwelling is hipped roofed with a single storey hipped bay projection to the front.
- 1.2 The immediate surrounding area is mixed in character, comprising detached and semi-detached dwellinghouses and bungalows of varying scale, form and design with a mix of roof forms, including both hipped and gabled roofs. It is noted a number of dwellings along Belfairs Drive have been altered to form accommodation in the roof, with a variety of roof alterations and additions evidenced in the immediate vicinity, inclusive of gabled roofs and front and rear dormers.
- 1.3 The site is not located within a conservation area or subject to any site-specific planning policies.

## **2 The Proposal**

- 2.1 Permission is sought retrospectively to vary condition 04 of planning permission 21/00240/FULH which was granted on 30/03/2021 for the erection of a *'hip to gable roof extension with dormers to front and rear'*.
- 2.2 Condition 04 states:

*The first-floor windows in the gable end and rear dormer hereby approved must be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such in perpetuity.*

*Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

- 2.3 The minor material amendment being sought relates to the retention of the clear and openable glazed window to the rear of the bedroom area within the rear dormer. This arrangement has already been carried out. As an interim measure until the determination of the application, the applicant has applied an obscured plastic film to this window.
- 2.4 The applicant has confirmed that the two other windows within the rear dormer which serve bathrooms are obscure glazed, fixed and openable (at 1.7m above internal floor level), and also confirms that obscured film is currently applied to the flank window within the newly formed gable end to achieve some obscurity whilst works continue, however, that this will be replaced with an obscure glazed unit in accordance with the condition in due course. Should there remain an issue with that gable window this Local Planning Authority has enforcement powers available to address that.
- 2.5 Therefore, the application for consideration is only in regard to the rear bedroom window.
- 2.6 The other elements associated with the previous approval remain materially unchanged and are not the subject of further consideration.

### **3 Relevant Planning History**

- 3.1 21/00240/FULH- Hip to gable roof extension with dormers to front and rear- Granted
- 3.2 Enforcement:  
22/00246/BRCN\_B- Breach of condition 4 (obscure glazing) of planning permission - pending

### **4 Representation Summary**

#### **Call-in**

- 4.1 The application has been called into Development Control Committee by Councillor Dear.

#### **Public Consultation**

- 4.2 8no. neighbouring properties were notified and 4no. letters of objection have been received (from 2no. addresses). The comments raised are summarised below:
- Dormer overbearing and excessive
  - Overlooking and loss of privacy concern relating to the clear glazed and openable windows
  - Retrospective nature of the application calls into question the effectiveness of the planning system
  - The proposal is at odds with and contrary to the findings of the officer's report.
  - There are inaccurate and contradictory statements made in the Planning Statement

[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 application 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 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)
- 5.4 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land) and 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 for this application are the principle of the development and its residential amenity impact. The design and character impacts of the development were previously considered and found to be acceptable. As there are no material changes in the design of the development or the planning policy context, it is not necessary to

discuss this consideration in this report. Due to the nature of the development, it was previously found that it would not have a significantly harmful impact on highway safety and it was found to be acceptable in these regards. Moreover, the development would not be liable for a CIL payment.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The principle of the development was previously found to be acceptable. There are no new policies or variations to the development which alter this view. The determining material planning considerations are discussed below.
- 7.2 The proposed changes to the wording of condition 4 are considered to fall within the remit of Section 73 of the Town and Country Planning Act which allows the variation of a condition imposed on a planning permission. The alteration of the condition to allow the installation of clear glazing and openable units for the bedroom windows within the rear dormer would be a minor material amendment to the previously approved development. The previous application is for the same site and nature of development as the current application.
- 7.3 The principle of the development is therefore acceptable subject to the detailed consideration set out below.

### **Amenity Impacts**

- 7.4 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.
- 7.5 The application seeks to retain a first floor, clear glazed rear window serving the bedroom area which presently is in breach of planning condition 4. All other windows in that same dormer are obscure glazed in accordance with condition 04 of the 2021 planning permission.
- 7.6 The purpose of condition 4 was to "*protect the privacy and environment of people in neighbouring residential properties*" and consequently, this application seeks to revisit, in specific detail, the impact of the window in this regard. The position of the application dwelling's bedroom window within the rear dormer is such that Nos. 30 and 32 Eastwood Road (to the rear) is where the potential for most significant amenity impact is identified. The presence of the development on site has allowed officers to more accurately assess the impact of the development.
- 7.7 The rear garden setting is relatively constrained in the immediate vicinity with garden areas typically no more than 8-12m in depth. The presence of two storey dwellings with clear glazed and openable rear windows that surround the site, inclusive of No 30 Eastwood Road, is such that there is a degree of inter-overlooking of rear garden areas and rear windows that exists at present and which, when considered objectively in planning terms, informs the levels of amenity generally enjoyed here. This is important as the provision of a clear glazed and openable rear window at first floor level is not introducing a new feature in this respect.

- 7.8 With regards to No.30 specifically, a back to back separation distance of 16m would be retained. This separation is considered sufficient to preclude any direct, intrusive views of neighbouring private habitable accommodation. Although attaching only very limited weight as they are not permanent means of screening, regard has also been had to the partial screening effect in situ due to existing rear garden trees. It is further noted that the applicant's ground floor rear windows are visible from the first-floor rear windows belonging to No.30, highlighting the existing overlooking of the immediate area which is considered a characteristic feature.
- 7.9 With regards to No.32, its position to the north-west and therefore at an angle away from the window subject of this application, which is positioned towards the southern end of the dormer, significantly reduces the degree to which direct, intrusive views would be available of neighbouring rear/flank windows. Moreover, the overhang of the eaves of the neighbouring roof form further obscures views of the nearest southern flank windows (approx.10m away).
- 7.10 The wider overlooking potential of the windows for the room in conventional use being opened has also been carefully considered. The casement windows are side hung which means when opened, views of the rears of properties further to the south and accompanying neighbouring rear gardens would be possible. However, in assessing the impact, significant weight has been attached to the separations that would be retained to these neighbouring properties, the closest (No.28) along Eastwood Road being in excess of 20m away, as well as the degree of inter-overlooking of rear garden areas as noted above which exists at present and which, when considered objectively in planning terms, informs the levels of amenity generally enjoyed here.
- 7.11 On balance therefore, it is considered that any impact resulting from the clear glazed window in question is not so significantly harmful as to justify refusal on this basis. The development would therefore maintain the residential amenity of neighbours to an acceptable degree even without the requirement for a non-openable and obscure glazed rear window. The development is therefore considered to be, on balance acceptable and policy compliant in the above regards.

### **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 For the reasons outlined above the development 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 be carried out in accordance with the following approved plans; 2410-02 Rev D

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

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

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

**03** The first-floor window in the gable end and the bathroom/en-suite windows to the rear dormer hereby approved must be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such in perpetuity.

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

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

**Reason:** To ensure the development hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

### **Positive and Proactive Statement**

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

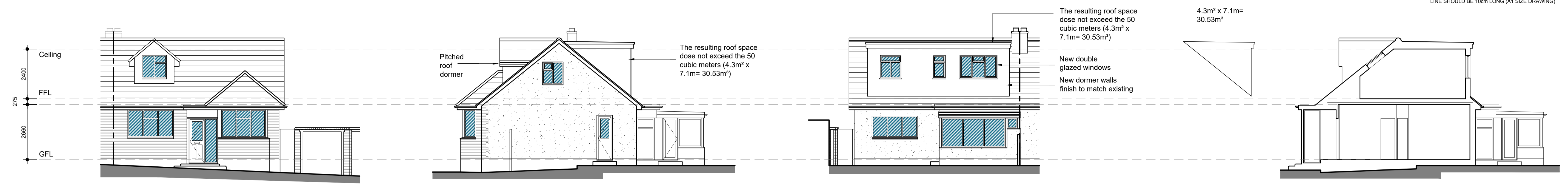


**Informatives:**

**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.**

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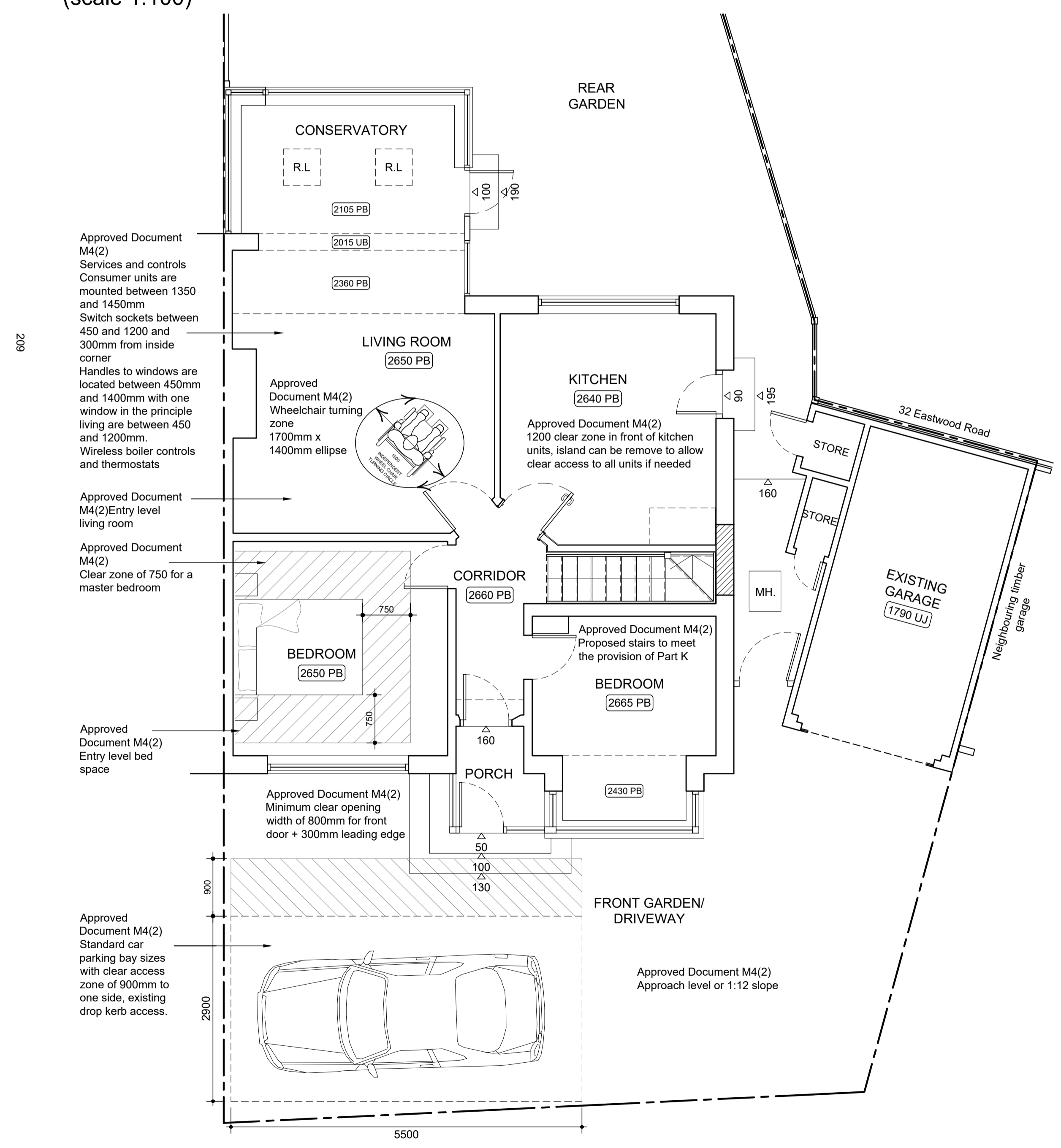
INDICATIVE SECTION (scale 1:100)

PROPOSED FRONT ELEVATION (scale 1:100)

PROPOSED SIDE ELEVATION (scale 1:100)

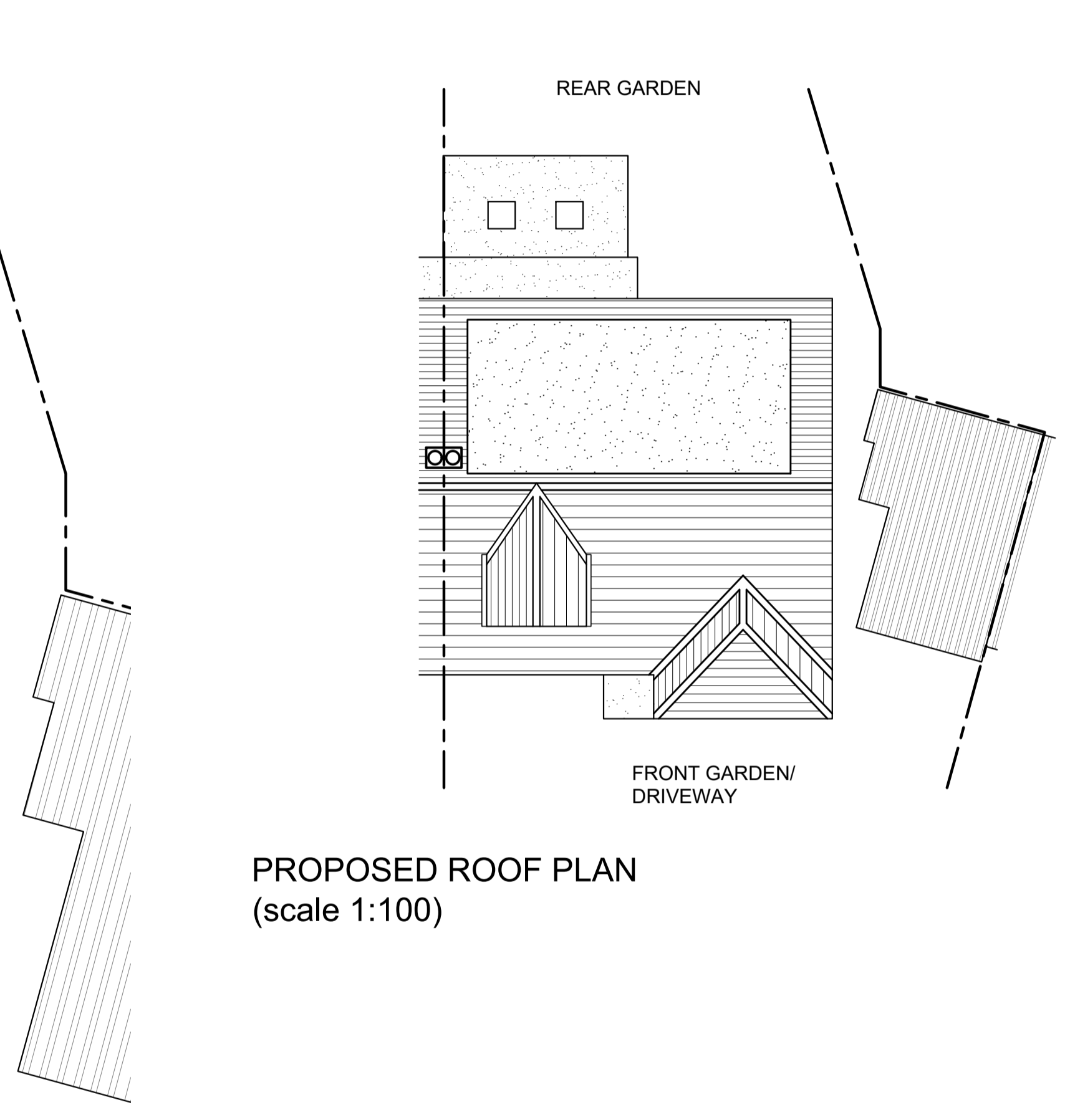
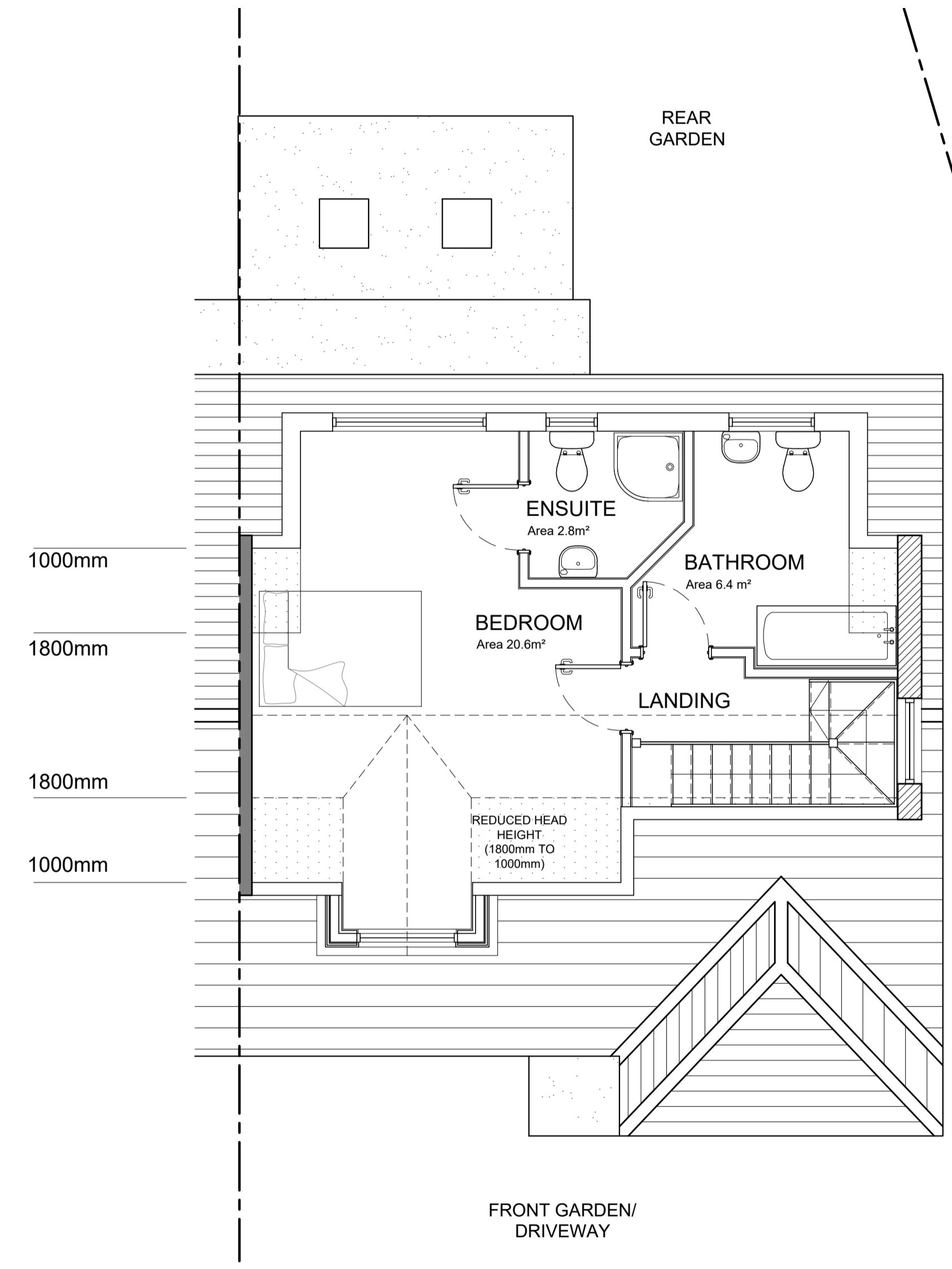
PROPOSED REAR ELEVATION (scale 1:100)

PROPOSED INDICATIVE SECTION (scale 1:100)

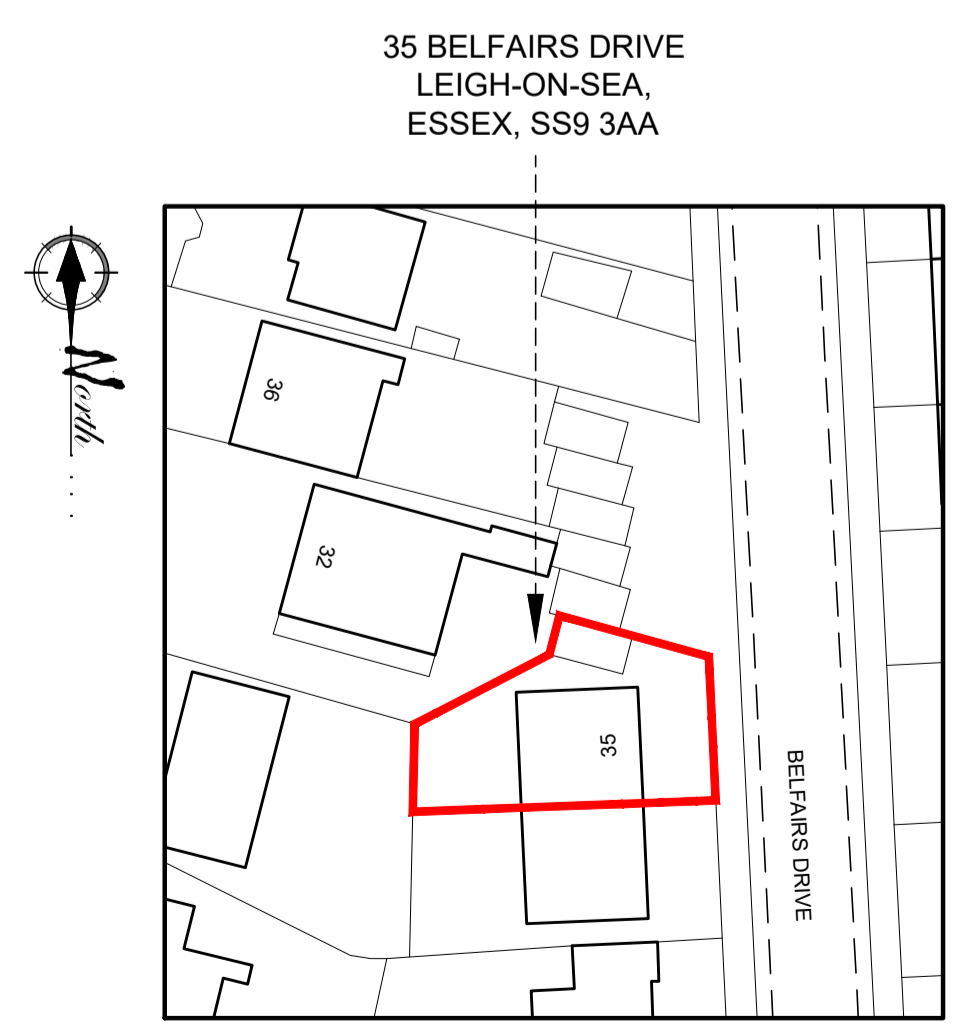


PROPOSED GROUND FLOOR PLAN (scale 1:50)

PROPOSED FIRST FLOOR PLAN (scale 1:50)



PROPOSED ROOF PLAN (scale 1:100)



SITE BLOCK PLAN SCALE 1:500

lines indicate hidden or high level elements  
line indicates boundary lines of site demise

D	generally updated	15/09/2022
C	PLANNING APPLICATION ISSUE	06/02/2021
B	generally updated to the client amendments	06/02/2021
A	generally updated to the client amendments	05/02/2021

Rev: Amendment: Date:

Client: **FAYSAL MAHMUD**

Project: **PROPOSED LOFT CONVERSION AT 35 BELAIRS DRIVE LEIGH-ON-SEA, ESSEX, SS9 3AA**

Title: **EXISTING PLANS, ELEVATIONS, AND ROOF PLAN SITE LOCATION AND BLOCK PLAN**

Drawn by: Date: **02/02/21**

Checked by:

Scale: @ A1 1:50/100/500 Drg. No. **2410-02**

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09/09/2022 10:59



09/09/2022 10:59



09/09/2022 11:00

The window subject of this application





Windows to front dormer



The window subject of this application



View from ground floor windows at No.32 Eastwood Road to the rear bedroom window



View from ground floor windows at No.32 Eastwood Road to the rear bedroom window



View from rear bedroom window south-west



View from rear bedroom window west to No.30  
Eastwood Rd



View from rear bedroom window west to No.30  
Eastwood Rd



View from rear bedroom window north-west to  
No.32 Eastwood Rd





View from rear bedroom window north-west to  
No.32 Eastwood Rd



View from applicants rear kitchen window to rear of 30 Eastwood Rd



View from applicants gf conservatory flank window to rear of  
32 Eastwood Rd



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<b>Reference:</b>	22/01199/FUL	<h1>9</h1>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Prittlewell	
<b>Proposal:</b>	Change of Use from Dwellinghouse (C3) to 7 bed Large HMO (Sui Generis) (Retrospective)	
<b>Address:</b>	171 West Road Westcliff-on-Sea Essex SS0 9DH	
<b>Applicant:</b>	Mr K Virk	
<b>Agent:</b>	Mr G Miles of Miles Design	
<b>Consultation Expiry:</b>	31.08.2022	
<b>Expiry Date:</b>	02.12.2022	
<b>Case Officer:</b>	Scott Davison	
<b>Plan Nos:</b>	1574-00, 1574-00 A, 1574-01, 1574-SP 1574-OS	
<b>Additional information:</b>	Private Sector Housing HMO License	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The application site is on the northern side of West Road and occupied by a two storey, mid terrace property of traditional design. There is an existing vehicular crossover to the rear of No.173 in Westborough Road which is used to access the area to the rear of that neighbour plus, informally, the rear of this site. That is subject of a separate application ref: 22/01276/FULH, under consideration, seeking to layout parking and form vehicular access on to Westborough Road. It is given no consideration in the assessment of the current application. The area is residential in character with terraced dwellings. The site is within flood zone 1 and 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 a change of use from a dwelling house to a house of multiple occupation (HMO) (Sui generis) with seven bedrooms. The building is accessed from West Road. No changes are proposed externally or to the current internal layout of the building. There are 3 bedrooms on the ground floor as well as a communal kitchen and a shower/WC. There are four bedrooms on the first floor and a shower/WC. Bedrooms 4 and 7 have their own en-suite shower/WC. To the rear of the site is a small area of soft landscaping. There is also informal on-site parking for two cars that takes place on a loose stone surface.

Bedroom 1	16.5 sqm
Bedroom 2	14.6 sqm
Bedroom 3	13.5 sqm
Bedroom 4	16.4 sqm
Bedroom 5	14.8 sqm
Bedroom 6	13.3 sqm
Bedroom 7	10.7 sqm

- 2.2 The existing HMO use does not have planning permission and no Certificate of Lawfulness (Existing) exists or has been applied for. The application form states the use as an HMO commenced on 1<sup>st</sup> October 2018. The applicant has provided a copy of a license for a House in Multiple Occupation from Private Sector Housing dated 1 October 2018. The HMO is licensed for 7 persons. Private Sector Housing have provided details confirming the historic use of the property which has been licensed since 2018 and that the submitted plans match those for the licensed use.

## 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
22/01276/FULH	Layout parking and form vehicular access on to Westborough Road	Pending consideration
16/00468/FUL	Erect two storey dwellinghouse on land adjacent to 171 West Road, layout parking and form vehicular access on to Westborough Road (Amended Proposal)	Granted
15/01763/FUL	Erect two storey dwellinghouse on land adjacent to 171 West Road, layout parking and form vehicular crossover on to Westborough Road	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 Fourteen neighbours were notified of the application by letter and a site notice was displayed. No representations have been received.

### **Environmental Health**

- 4.3 No objections subject to conditions for traffic noise, refuse and recycling and construction.

### **Private Sector Housing**

- 4.4 Property has been licensed since 2018 and no changes are proposed to the HMO as licensed. PSH usually only issue licences for the maximum number of persons requested on the licence application.

### **Essex Fire**

- 4.5 No objection.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment 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), 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 The Essex HMO Amenity Standards (2018)
- 5.11 Community Infrastructure Levy (CIL) Charging Schedule (2015).

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, the standard of accommodation, traffic and parking implications, refuse and recycling storage, 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 CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend, providing approximately 40% of the additional housing that is required to meet the needs of the City. Policy CP8 also expects 80% of residential development to be provided on previously developed land. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City.
- 7.3 Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would result in the loss of one family sized unit and creation of one large HMO which is a modest contribution to the housing supply of the City.
- 7.4 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. This Council’s development framework does not currently contain any policies that specifically relate to HMOs. The NPPF states that where the development plan is silent the general presumption in favour of sustainable development should apply meaning that planning permission should be granted unless, “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 7.5 Irrespective of the retrospective nature of this application, the planning considerations for the development must be assessed on their merits. In this regard, and when considering the building’s lawful use as a single-family dwelling house, there would have been a potential fall-back position in relation to establishing an HMO use at the site. That is because the former dwelling could have been converted to a six-person HMO within Use Class C4 under the provisions of the General Permitted Development Order, without the need for express planning permission or prior approval by the Local Planning Authority. Whilst retention of the HMO development in situ would not provide any units suitable for family accommodation and would formalise loss of the former family dwelling, the need for additional housing and the fall-back position are considered in this instance to outweigh the conflict identified with policy CP8 of the Core Strategy.



- 7.6 The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. Whilst the loss of family sized accommodation is a negative aspect of the development, on balance, there is no objection to the principle of an HMO in this location, subject to the material considerations discussed in the following sections of the report.

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

- 7.7 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.8 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.9 No changes to the external appearance of the building are proposed as part of this application. Subject to adequate waste arrangements, addressed later in this report, the development is 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**

- 7.10 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 HMOs are generally compatible with a residential setting. The nearest neighbouring residential properties to the application site are Nos 169 and 173 West Road, attached either side of the application site. No physical alterations are proposed as part of this application so there would be no impact on neighbours' amenity in terms of privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight. It is considered that the level of occupancy proposed would not give rise to any significantly harmful noise and disturbance or pollution to the material detriment of the amenity of neighbouring occupiers.
- 7.12 The development is acceptable and policy compliant in these regards.

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

- 7.13 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.

7.14 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 6.5 sqm for single and 10.2 sqm. It also states for non-self-contained accommodation, each bedroom must have a convenient layout that provides appropriate hanging storage space for clothes; a study desk and chair; and shelving storage for books.

7.15 The Council has adopted the Essex Approved Code of Practice with respect to HMOs 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)	

**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 Bath & WHB 2.5sqm Bath,WC&WHB 2.8sqm Shower only 1.7sqm Shower&WHB 2.0sqm Shower,WC&WHB 2.2sqm 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	

7.16 The asterisk\* in table 1 indicates that for 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.

7.17 All of the HMO rooms within this development meet the minimum size requirement (8.5 sqm) for single occupancy rooms, with no shared living room, when assessed against the Essex Approved Code of Practice (highlighted with an arrow in table 1).

Assessed against the Essex Approved Code of Practice, six of the seven rooms meet the size requirements for double occupancy rooms with no shared living room (i.e., 12sqm). So, in theory the application property could potentially accommodate a maximum 13 people in terms of bedroom capacity, subject to the application property meeting the other relevant criteria for an HMO of that size. The current HMO license is for a maximum 7 persons and was granted in October 2018 for five years. Private Sector Housing have confirmed that they usually only issue licences for the maximum number of persons requested on the licence application and the information submitted indicates that the rooms are restricted to single occupancy units. A planning condition can be imposed restricting the formation of any more than seven bedrooms and no more than seven residents, justified in planning terms and irrespective of separate licensing controls, by the following factors.

- 7.18 Firstly, the shared kitchen facilities (14.2 sqm) suffice only for a max of 10 residents according to the above standards (i.e., 14 sqm shared kitchen for 8-10 residents). Secondly, the development lacks any reasonable external amenity space and in this regard 7-person occupation is considered to be just within the limits of acceptability. Finally, some due weight has been given in this overall balanced assessment to the fallback position which existed for formation of a 6 bed HMO. In this regard 7-person occupation is a modest increase in number and impact, whereas less weight would be given for any greater number of potential residents when assessing the comparative impacts of the use and living conditions created for its occupiers.
- 7.19 On the above basis the development is in practice reasonably capable of providing accommodation for up to 7 persons within the required standards and site circumstances. All of the shower rooms would meet the minimum 2.2sqm required. On balance it is considered that each of the bedrooms would have adequate outlook and sunlight.
- 7.20 In regard to the issue of noise, Environmental Health have recommended a condition requiring a noise assessment in regard to traffic noise. Given that the proposal is for a change of use from one type of residential usage to another residential use and there are no external changes proposed, it is considered unreasonable and disproportionate to attach such a condition in this instance
- 7.21 There is no parking proposed in this application. An area to the rear of the site is used informally for parking and is subject to a separate application which seeks planning permission for this to be used for two parking spaces served by a new vehicle access onto Westborough Road. That development is outside the scope of the current application. Regardless of whether that separate application is approved or refused, no formal external amenity space is shown within the site which is a negative aspect of the development. Having regard to the existing site characteristics, which is of the higher-density form of accommodation typically found in the town centre, where limited amenity space might be expected and traded off against benefits such as the access to services and amenities, and to the density of occupation being limited to 7 persons as recommended, the lack of formal amenity space to serve the HMO is considered to be just within acceptable limits and is not considered to justify a reason for refusal on balance.
- 7.22 To sum up, when taken in the round and subject to the described conditions, the development is considered acceptable and in line with policy in the above regards.

## **Traffic and Transportation Issues**

- 7.23 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.”
- 7.24 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: “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.
- 7.25 The parking standards do not include any standards for HMOs. The submitted plans do not show that the development would have any on-site parking, albeit there is a separate application ref: 22/01276/FULH to layout two parking spaces and form a vehicular access on to Westborough Road under consideration. The following assessment is undertaken regardless of the outcome of the separate application proposing on-site parking with access to the highway. The site is in a sustainable location, within reasonable walking distance from the centre of Southend as well as local services along West Road and Westborough Road. The lawful use of the site as a dwellinghouse would attract a minimum standard of two spaces. Bearing in mind that the dwellinghouse on site could have initially been converted to a six-person HMO without the need for planning permission, the development in situ is not considered to have harmed highway safety, traffic or parking conditions of the area. As part of a balanced assessment, it should be noted that Inspectors at appeals have generally taken the view that HMOs in the City do not generate significant traffic movements or parking need.
- 7.26 Altogether the parking, traffic and highway safety impacts of the development in situ are considered to be acceptable and policy compliant. Highway officers have confirmed that they have no objection to the scheme on parking or highways grounds.
- 7.27 Cycle parking is not shown on submitted plans. Taking account of the Essex Approved Code of Practice Standards which states, “Where required, planning permission is likely to be dependent on the provision of either adequate vehicle parking and/or secure cycle storage for the number of occupants,” subject to a condition requiring the provision of a minimum of 7 secure and covered cycle parking spaces within the site no objection is raised on this basis. The development is acceptable and policy compliant in relation to traffic and transportation issues.

## **Refuse and Recycling**

- 7.28 The submitted plans do not show waste storage facilities. There is space within the curtilage of the site for adequate provision but should be better screened. Existing bins are open to public view from Westborough Road. A condition is recommended requiring full details of these screened facilities to be approved and then provided, subject to which no objection is raised on this basis.

## **Sustainability**

- 7.29 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.

- 7.30 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 and RAMS**

- 7.31 The proposal would not result in the loss of local ecological assets including wildlife habitats and significant or protected trees. The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.
- 7.32 The development has changed from a C3 use to a HMO (sui generis). Whilst the proposal results in a material change of use, the development does not result in any additional uplift in the number of dwellings at the site so, the RAMS payment is not applicable in this instance.

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

- 7.33 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**

- 7.34 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**

- 7.35 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, subject to conditions, acceptable in principle, is considered to offer acceptable living conditions for occupiers and to have an acceptable impact on the highway safety, traffic and parking conditions of the area. The development also results in an acceptable impact on residential amenity and can provide adequate refuse and recycling storage for the maximum number of occupiers which is to be controlled through planning conditions. This application is, therefore, recommended for approval subject to conditions.

## **8 Recommendation**

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

- 01 The development hereby approved shall be retained in accordance with the approved plan: 1574.01**

**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 hereby approved shall not at any time be adapted to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) residents at any one time.**

**Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers having regard to the need for commensurately sized shared kitchen facilities and lack of external amenity facilities and to protect the amenities of neighbouring occupiers and that character of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.**

- 03 Within three months from the date of this permission, the development hereby approved shall be provided with at least 7 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 a 7 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 a 7 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 (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

- 04** Within three months of the date of this grant of planning permission, the development hereby approved shall be provided with secure, screened and covered refuse and recycling storage which shall be available for use by the occupiers of the development in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission use as a 7 bedroom HMO shall cease and revert to a six bed HMO (Use Class C4) until such time as they are. The secure and covered refuse and recycling storage 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 and covered refuse and recycling storage 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 a 7 bedroomed 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 waste, recycling and food waste storage 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 (Rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 05** 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 a 7 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 a 7 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).

- 06 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 (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. If such details are not incorporated within 3 months of the date of this permission the use as a 7 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).

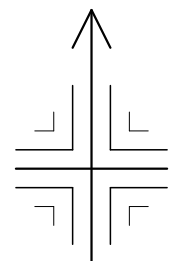
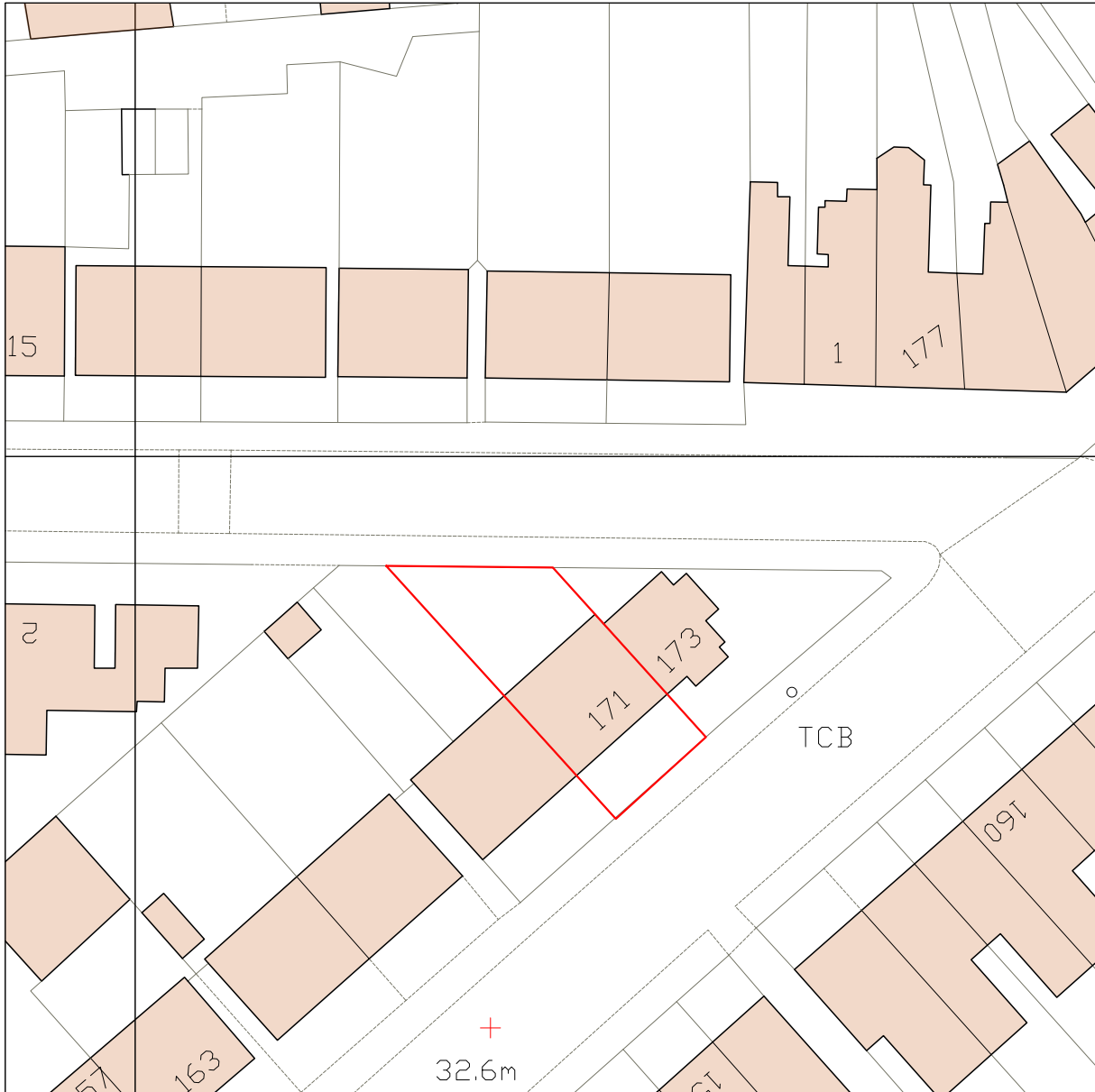
**Positive and Proactive Statement:**

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

**Informatives:**

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](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.
- 3 The applicant is advised that no account is given consideration has been given in the determination of this application to the informal parking on site which is considered to represent a breach of planning control and if not regularised including by way of pending separate application 22/01276/FULH is likely to lead to the Council considering the expediency of enforcement action to seek to regularise any identified harm.





## Site Location Plan - 1 : 500

### Miles Designs

Graham C Miles Dip Arch. RIBA Architect,  
 103, Trinity Road, Southend-on-Sea, Essex, SS2 4HN.  
 ☎01702 611 600 ☎0777 8 194 843 239  
 ✉gcm@milesdesigns.co.uk

171, West Road  
 Westcliff-on-Sea  
 ESSEX, SS0 9DH

Drawing No :

**1574/SP**

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## OS Location Plan - 1 : 1250

### Miles Designs

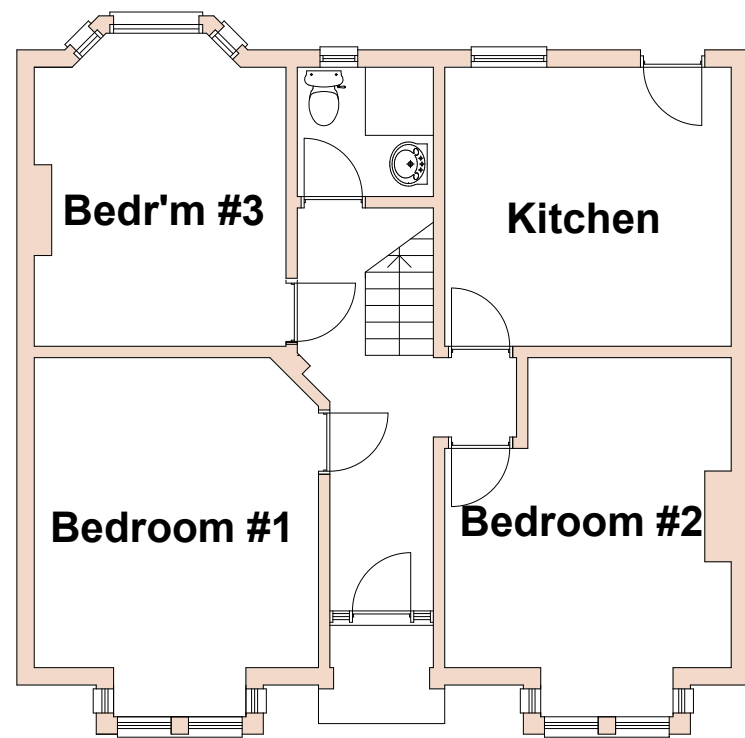
Graham C Miles Dip Arch. RIBA Architect,  
 103, Trinity Road, Southend-on-Sea, Essex, SS2 4HN.  
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 WEstcliff-on-Sea  
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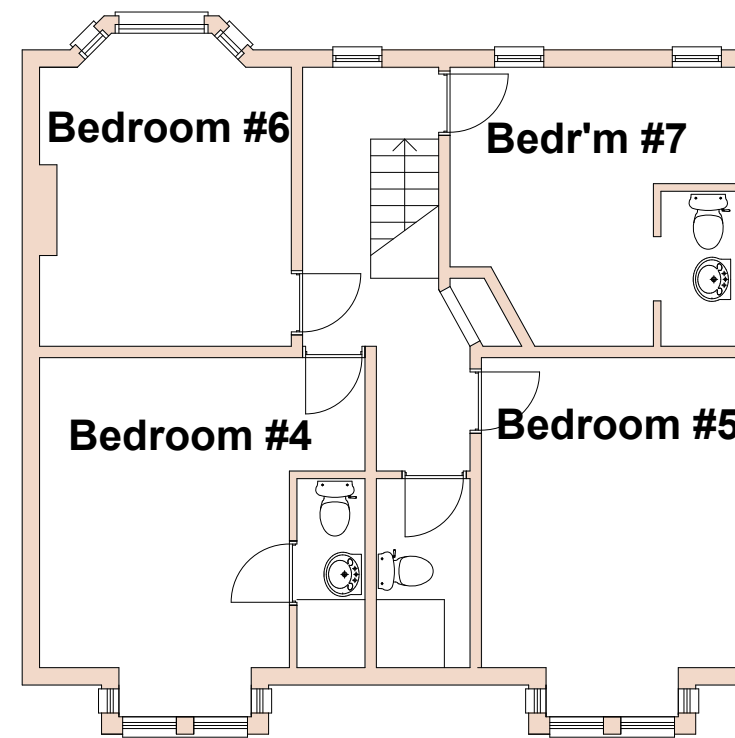
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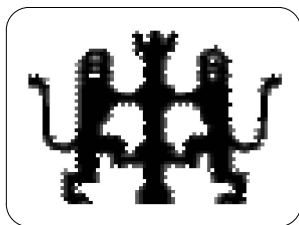


Ground Floor Plan



First Floor Plan

# Floor Plans - 1:100 [@A3] 01/10/2018



**Miles Designs**  
 Graham C Miles Dip Arch. RIBA Architect,  
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Client:  
 Kuldip Virk

Job Title:  
 171 West Road  
 Westcliff-on-Sea  
 ESSEX, SS0 9DH

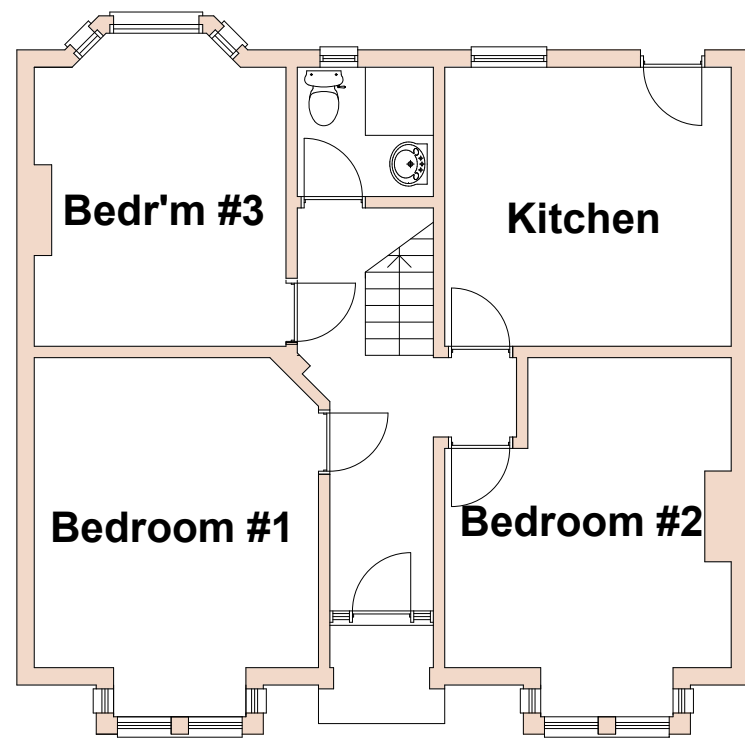
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 May-22

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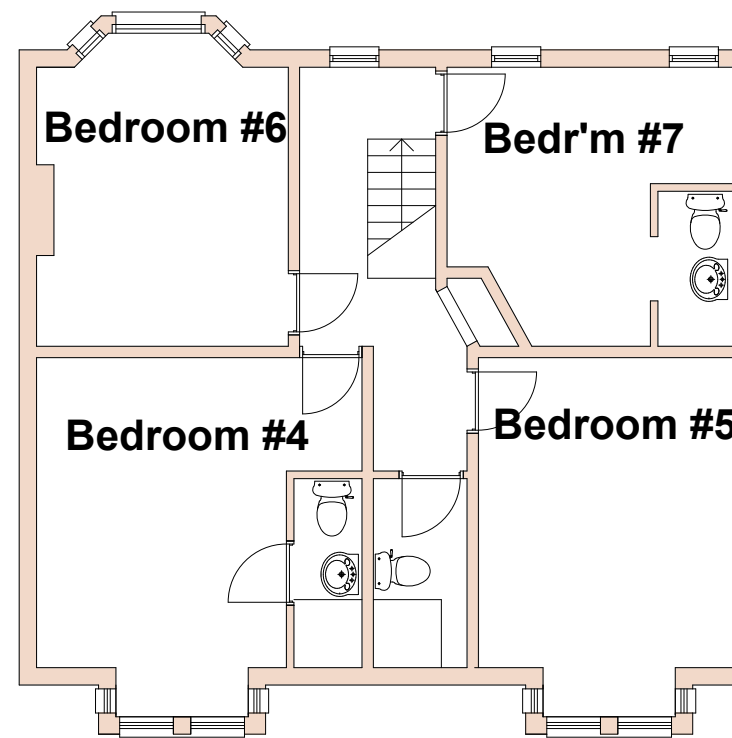
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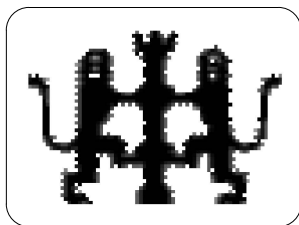


Ground Floor Plan



First Floor Plan

# Floor Plans - 1:100 [@A3] 07/06/2022



**Miles Designs**  
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Client:  
 Kuldip Virk

Job Title:  
 171 West Road  
 Westcliff-on-Sea  
 ESSEX, SS0 9DH

Date:  
 Jun-22

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 1 : 100

Drawing Number:  
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# 171 West Road Westcliff On Sea

22/01199/FUL

22/01276/FULH

Street scene West Road



248



School

WEST RD  
UNITS TO  
LIGHT

171 & 173 West Road



Application site



Street Scene looking West

251





252

FOOTPATH  
CLOSED  
AHEAD





253



173

Site



254

FOOTPATH  
CLOSED

FOOTPATH  
CLOSED

FOOTPATH  
CLOSED  
AHEAD





Rear Elevation 171 & 169



255

Private Vehicle



256

LY56 DCX

SF11 FWX

PARTNER

PEUGEOT

TYPE

Area to rear of No.171

257



Rear Elevation - 171 West Road



258

365  
171 WEST ROAD



259

EAI7 MWS

ED05 MDD

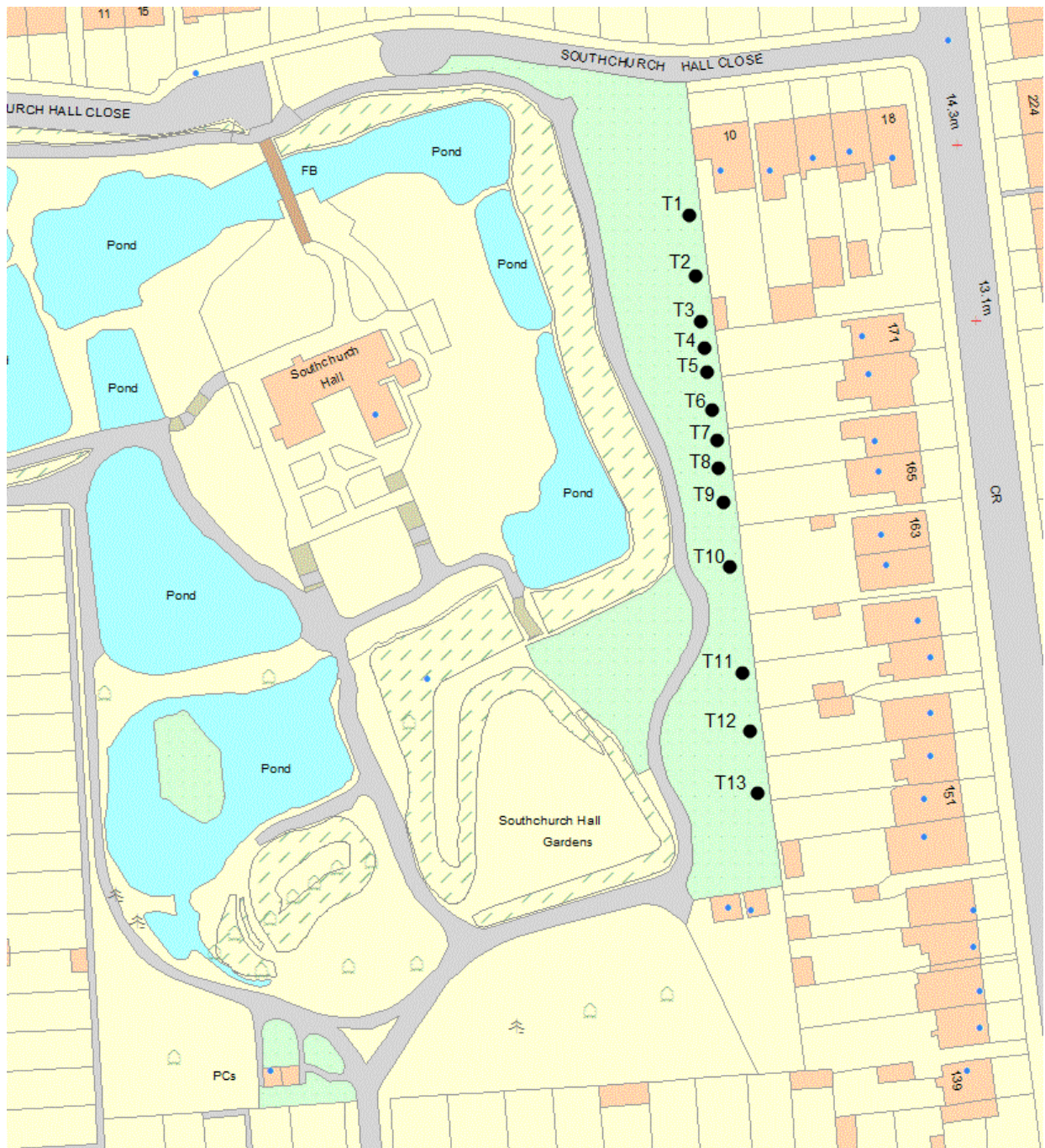
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<b>Reference:</b>	TPO 5/2022	<h1>10</h1>
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Tree Preservation Order Confirmation	
<b>Address:</b>	Southchurch Hall Gardens, Southchurch Hall Close, Southend-on Sea, Essex SS1 2TE	
<b>Consultation Expiry:</b>	20 <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 at Southchurch Hall 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 Southchurch Hall Close and Victoria Road to the east. The TPO now served provides the Council with control over future maintenance works to these trees to ensure that any future proposals for works to these trees (which is not precluded in principle by the existence of the Order), can first be assessed as to their acceptability and then carried



out in an appropriate manner in the best interests of the health and visual amenity of the trees.

## **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 gardens and can also be seen in places from Victoria Road. As a group the trees score 15 on a TEMPO assessment meaning that they exceed the criteria for a Tree Preservation Order.
- 4.6 Two trees on this boundary have been excluded from the provisional order due to poor condition. This includes the standing stem in the centre of the row which was pollarded by the Parks team in 2021 because the level of dead wood in the crown was a safety concern.

### **Conservation Officer**

- 4.7 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. Protection with a TPO will provide control over unacceptable works to the trees. Generally, the trees are mature specimens in fair condition with a life expectancy of 40-100 years. They scored well on the TEMPO TPO evaluation which concluded that the

group definitely merited protection with a TPO.

- 6.4 Third party concerns have been raised about falling leaves and seeds and twigs and sap, however, these issues only occur intermittently and 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, without modification, 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 (above) and 4 (below) Views of trees from Victoria Road where the trees are seen in gaps between the houses



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