

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 1st March, 2023

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

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

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report

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

****** Contents List and Introduction**

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

4 22/01118/FULM - Nazareth House, 111 London Road, Southend on Sea (Victoria Ward) (Pages 9 - 122)

5 22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea (Milton Ward) (Pages 123 - 156)

6 22/02368/FUL - 995 - 1003 London Road, Leigh-on-Sea (Blenheim Park Ward) (Pages 157 - 192)

7 22/02260/PA61 - 14 Broadlawn, Leigh-on-Sea (Belfairs Ward) (Pages 193 - 216)

8 22/02471/AMDT - 15 Leslie Close, Eastwood, Leigh on Sea (Eastwood Park Ward) (Pages 217 - 250)

9 22/02444/FUL & 22/00283/UNA_B - 151 Hamlet Court Road, Westcliff-on-Sea (Milton Ward) (Pages 251 - 276)

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

10 22/00062/UNAU_B - 28 Seaview Road, Leigh-on-sea (Leigh Ward) (Pages 277 - 290)

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

DEVELOPMENT CONTROL COMMITTEE

1st March 2023

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Victoria	22/01118/FULM	Nazareth House 111 London Road
Milton	22/02098/BC4	Adventure Island Western Esplanade
Blenheim Park	22/02368/FUL	995 - 1003 London Road Leigh-on-sea
Belfairs	22/02260/PA61	14 Broadlawn Leigh-on-sea
Eastwood Park	22/02471/AMDT	15 Leslie Close Eastwood
Milton	22/02444/FUL & 22/00283/UNA_B	151 Hamlet Court Road Westcliff-on-Sea

Enforcement Report		
Leigh	22/00062/UNAU_B	28 Seaview Road Leigh-on-sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

DEVELOPMENT CONTROL COMMITTEE

Background Papers

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

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally in force from 1st September 2020)

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

Deleted Use Classes

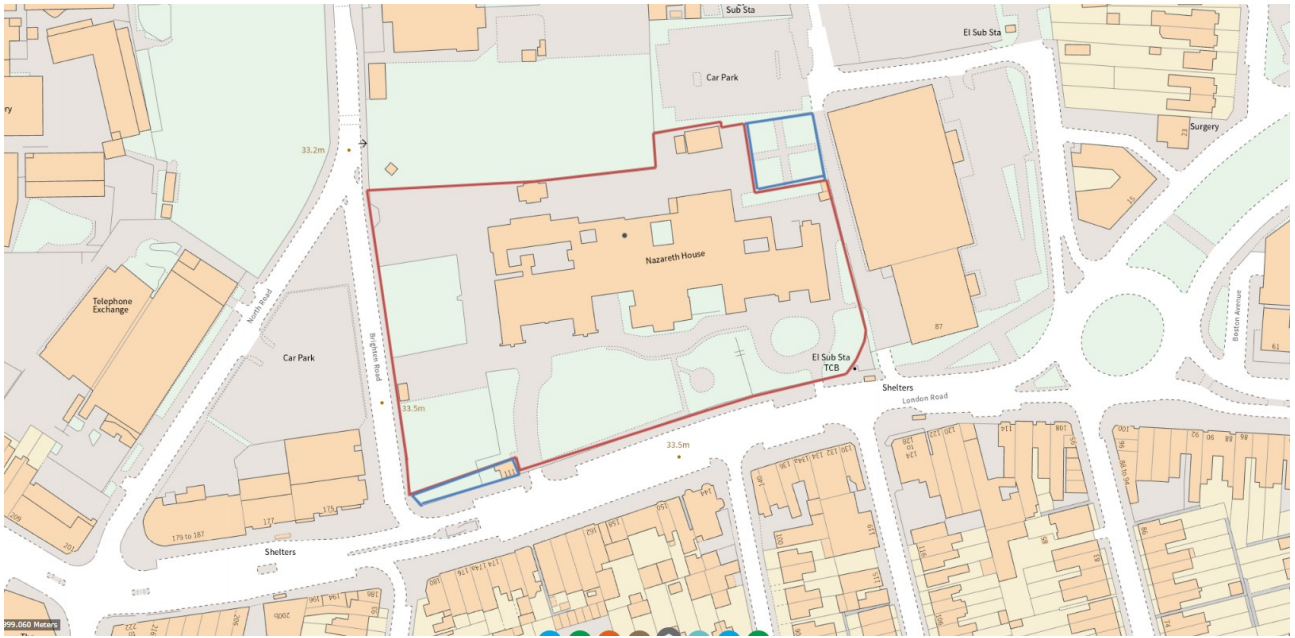
(Limited effect on applications for prior approval and other permitted development rights until 31st July 2021)

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

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Reference:	22/01118/FULM	4
Application Type:	Full Application – Major	
Ward:	Victoria	
Proposal:	Demolish existing buildings and erect two 4 storey buildings, comprising 60no. self-contained retirement flats in one building and 84no. assisted living units with associated communal areas in the other, layout landscaping, parking, bin store and form new vehicle access onto Brighten Road	
Address:	Nazareth House 111 London Road Southend-on-Sea Essex SS1 1PP	
Applicant:	Mr Amit Rabheru of McCarthy Stone Retirement Lifestyles Ltd and Anchor Hanover Group	
Agent:	Mr Richard Butler of The Planning Bureau	
Consultation Expiry:	17.02.2023	
Expiry Date:	03.03.2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	LSE-2794-3-AC-0002 A, LSE-2794-3-AC-0010 A (Showing EV charging points), LSE-2794-3-AC-1000 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-1002 A, LSE-2794-3-A, -1003 B, LSE-2794-3-AC-1004 B, LSE-2794-3-AC-1010 B, LSE-2794-3-AC-1011 B, LSE-2794-3-AC-1012 B, LSE-2794-3-AC-1013 B, LSE-2794-3-AC-1014 B, LSE-2794-3-AC-1015 B, LSE-2794-3-AC-1016 B, LSE-2794-3-AC-1017 B, LSE-2794-3-AC-1018 B, LSE-2794-3-AC-1019 B, LSE-2794-3-AC-2000-B, LSE-2794-3-AC-2010-B, LSE-2794-3-AC-2012 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-2011 C, LSE-2794-3-AC-3000 A, LSE-2794-3-AC-4000-A, LSE-2794-3-AC-4001-A	
Supporting information:	<p>Planning Statement and Appendices by PBL dated May 2022</p> <p>Affordable Housing Statement by Pegasus Group reference P21-3767 dated April 2022</p> <p>Design and Access Statement dated May 2022</p> <p>CGI views of Block A and Block B</p> <p>Materials Plan LSE-2794-3-AC-4002</p>	

	<p>Heritage Statement by Bidwells dated May 2022</p> <p>Archaeological Desk Based Assessment by RPS reference JAC27620 dated October 2021</p> <p>Energy Statement by Focus dated April 2022</p> <p>Preliminary Ecological Appraisal by Greenlink Ecology Ltd dated 19.05.22</p> <p>Bat Survey Report by Greenlink Ecology Ltd dated 19.05.22</p> <p>1754-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan</p> <p>1754-KC-XX-YTREE-TPP01RevB Tree Protection Plan</p> <p>Tree Survey and Impact Assessment by Keen Consultants reference 1754-KC-XX-YTREE-Rev 0 dated April 2022</p> <p>Transport Statement by PB dated May 2022</p> <p>PP/4066/NAZARETH-HSE/F1-F7 Existing Plans and Topological Survey Plans</p> <p>Flood Risk Assessment by Amazi reference AMA865 Rev 0 dated April 2022</p> <p>LSE-2794-03-DE-109 Existing Drainage Area</p> <p>LSE-2794-03-DE-100 Proposed Drainage Area Plan</p> <p>LSE-2794-03-DE-101 Proposed Drainage Plan</p> <p>LSE-2794-03-DE-102 Proposed Levels</p> <p>LSE-2794-03-DE-110 Refuse Vehicle Tracking</p> <p>Waste Management Plan reference LSE-02794-03-AC-WMP</p> <p>Car Parking Management Plan by PB dated June 2022</p> <p>Viability Statement by McCarthy Stone and Anchor dated June 2022</p> <p>Internal Daylight and Sunlight Report by Waldrams dated 18.05.22</p> <p>Statement of Community Involvement by becg May 2022</p> <p>Air Quality Assessment reference P5461-R1-V1</p> <p>Need Assessment of Specialist Housing for Older People in Southend reference P21-3767 dated 01.04.22</p> <p>Noise Impact Assessment reference R9195-1 Rev 2 dated 17.05.22</p> <p>Site Investigation Report by Crossfield Consulting reference CCL03474.C070</p> <p>Stage 3 Landscape Strategy MCS23537-09C</p>
<p>Recommendation:</p>	<p>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</p>



1 Site and Surroundings

- 1.1 The site is on the northern side of London Road directly to the east of Brighton Road. To the north of the site is St Helen's Primary School. There are ground floor commercial premises on London Road opposite the site with some residential units above. There are public on street parking bays in front of the site on London Road and in front of the shops opposite the site with a 1 hour waiting restriction. To the east of the site are large retail premises. To the west of the site is 175 London Road, a recent 5 storey flatted development. The site is on the western edge of Southend Town Centre and is close to major shopping and other facilities.
- 1.2 An existing care home and convent on the site are currently vacant. The current buildings date from between 1897 and 1930 and were later extended in the 1970s and are formed of two, large, three storey institutional style buildings linked by a single storey Early English style chapel. The chapel has a simple design. Some original decorative elements, such as the Stations of the Cross and stained glass have been removed.
- 1.3 The buildings are set significantly back from the road within a landscaped garden to the front. A 2.8m high wall at the front of the site on London Road dates from the same time as the buildings. This wraps around the site reducing in height to some 2.2m fronting Brighton Road and is 2m high on the site's eastern boundary. Within the site are parking areas to the front of the buildings with further parking to the rear and west within the site. A small convent cemetery to the north-east is outside the application site boundary. There are mature trees on the site, but none are subject to Tree Preservation Orders (TPOs).
- 1.4 The site has no specific allocation in the Development Management Document's Proposals Map but is within the boundary of the Southend Central Area Action Plan (SCAAP) within which the application site is in the Victoria Gateway Neighbourhood Policy Area.

2 The Proposal

- 2.1 The proposal seeks planning permission to demolish the existing buildings and to erect two 4 storey buildings on the site in a similar central location as the existing buildings. The western building (Block A) will comprise 60 self-contained Class C3 retirement flats (33 x 1-bed and 27 x 2-bed). The eastern building (Block B) will comprise 84 Class C2 assisted living flats (32 x 1-bed and 52 x 2-bed) with associated communal areas. All the Class C3 retirement flats within Block A will be market housing. The Class C2 assisted living units in Block B will be a mix of affordable shared ownership (52 units) and affordable rent (32 units). Only the shared ownership units are proposed to be secured as affordable housing in the Section 106 Agreement.
- 2.2 Both buildings will share the landscaped gardens to the front and parking area to the rear accessed by a widened vehicular access from Brighton Road to the northwest corner of the site. The vehicular access to the front of the site next to the gatehouse will be retained for emergency access only. The gate to the east of the London Road frontage will be converted to pedestrian access only. The gatehouse to the southwest corner is being retained as existing by the Sisters of Nazareth and falls outside the application site.
- 2.3 Both proposed buildings are 4 storeys high and have a 'T' formation and layout with a rear wing extending northwards in the centre. The western building (Block A) has a maximum width of 60m, a depth of 20m to the front section and a maximum depth of

41m including the rear wing. It has an eaves height of 11m and a maximum ridge height of 17m. The eastern building (Block B) has a maximum width of 86.3m, a depth of 19.7m to the front section and a maximum depth of 43.9m including the rear wing. It has an eaves height of 11m and a maximum ridge height of 16.3m.

- 2.4 Both buildings have their own reception, refuse store, mobility scooter store, guest suite and lounge. The assisted living building (Block B) also has a dining area and kitchen, a hair and beauty salon, a wellness suite and a domestic care office. All flats in both buildings are self-contained and each has access to a private balcony or terrace as well as the shared communal gardens.
- 2.5 95 car parking spaces are proposed for the development in total. 44 are allocated to the 60 Class C3 units within Block A and 51 to the 84 Class C2 units within Block B. Within this allocation are 4 disabled parking spaces for each building. Cycle and mobility scooter parking is also provided. 34 parking spaces will have electric vehicle charging. An additional 2 parking spaces are proposed for visitors to the convent cemetery to the northeast outside of the proposal site.
- 2.6 The proposal would be constructed of red and buff brick with a grey tile roof and grey slimline UPVC windows and doors.
- 2.7 The design detailing of the proposal has been amended during the course of the application.

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
18/01146/OUTM	Demolish existing buildings, retain existing chapel, erect seven storey building, four storey building, 2no three storey buildings and six storey building forming 154 apartments and 77 bedroom care home and convent (Outline).	Planning permission refused on 14 th September 2018.
11/01431/EXTM	- Demolish existing care home and erect part 2/part 3/part 4/part 5/part 6 storey care village with roof accommodation comprising of 47 bed care home, 26 close care units, 126 extra care units, 4 care stations, sisters convent accommodation, associated communal facilities including doctors/nurses surgery, therapy and fitness suite, meeting rooms, function rooms, shop, library, lounge areas, landscaping, refuse storage and associated parking (application to extend the time limit for implementation following planning permission 06/00711/FUL dated 3rd November 2008).	Planning permission granted on 22 nd December 2011 subject to a S106 agreement. This consent has not been implemented and is no longer extant.
06/00711/FUL	Demolish existing care home and erect part 2/part 3/part 4/part 5/part 6 storey care village with roof accommodation comprising of 47 bed care home, 26 close care units, 126 extra care units, 4 care stations, sisters convent accommodation, associated communal facilities	Planning permission granted on 3 rd November 2008.

	including doctors/nurses surgery, therapy and fitness suite, meeting rooms, function rooms, shop, library, lounge areas, landscaping, refuse storage and associated parking (Amended proposal).	
92/0054	Erect single storey extension to provide new laundry block and staff accommodation and erect detached garage.	Planning permission granted 20 th February 1992.
90/1378	Demolish part of existing building and erect part single/part two storey link extension to provide additional ancillary office and residential accommodation, new hall and kitchen facilities.	Planning permission granted 23 rd January 1991.
90/0663	Demolish part of existing building and erect part single/part two storey link extension to provide additional ancillary office and residential accommodation, new hall and kitchen facilities.	Planning permission granted 18 th July 1990.
87/1645	Alter existing main gateway entrance and widen existing vehicular access.	Planning permission granted 28 th October 1987.
86/2154	Erect link way at rear.	Planning permission granted 18 th February 1987.

4 Representation Summary

Public Consultation

4.1 125 neighbours were consulted, a site notice displayed and a press notice published. Additional consultation was carried out following scheme revisions. In total, 2 letters of representation have been received raising the following summarised issues:

- Retention of the existing buildings will have less impact on the environment and is better for the climate in terms of carbon.
- Loss of an existing heritage building. The existing building should be retained and refurbished.
- Concerns relating to the impact on local infrastructure already under pressure from a growing population.

An 11 page petition with 337 entries objecting to the demolition of Nazareth House was received.

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

Housing

- 4.2 As a Major scheme such a proposal would be required to contribute to affordable housing equivalent to 30%. The proposed development comprises of Block A Class C3 (60 x retirement apartments) and Block B Class C2 (84 x assisted living units). According to policy CP8 the affordable housing provision is calculated from Block A (60 units) only, with a 30% provision equating to a minimum of 18 units of affordable housing. A policy compliant scheme would comprise 9 x 1 bed units and 9 x 2 bed units, 11 of which should be affordable rent and 7 shared ownership.

The 84 units in the C2 assisted living block is proposed as the affordable contribution for the development. This would comprise 32 affordable rent and 52 shared ownership units of 1 and 2 bedrooms. This would be subject to Homes England Grant funding. The terms of this funding do not allow the affordable rented units to be secured in a legal agreement. Only the shared ownership units can be included in the S106, Strategic Housing is in support of this.

Housing Need

The Housing Learning and Improvement Network's Housing Needs Assessment for older people (2022) has detailed (for Southend City) a net need in all types of housing for older people, with the exception of residential care bed spaces.

Housing / accommodation type	Estimated net need by 2025	Estimated net need by 2030	Estimated net need by 2035	Estimated net need by 2040
Housing for Older People (units)	154	443	723	933
Housing with Care (units)	88	185	298	445
Residential care (beds)	-27	-152	-291	-429
Nursing care (beds) ³²	87	159	245	367

In terms of overall numbers of units, the proposal for 52 shared ownership Class C2 units (secured) and 32 affordable rented Class C2 units (unsecured) is in excess of the 18 secured Class C3 units required by the Policy.

Affordable Rent

Anchor are using affordable rents for this development and all service charge costs are included in the total rent charge. The Housing Section have been informed that the indicative charge (subject to Homes England grant and build costs) is £232 pwk.

Housing Benefit have reviewed the information provided by Anchor and have advised the rental figures are acceptable for Housing Benefit purposes. The Health and Wellbeing service will be charged as a separate service and they do not believe it will be eligible for housing benefit as it is a support and activity function. Anchor have instead designed their service offer to be affordable and payable from a residents disposable income. This is estimated to be in the region of £5-10pwk (working at £6pwk but awaiting confirmation).

Shared Ownership

The shared ownership product widens choice and provides an affordable offer for downsizing for owners of properties of the lower-middle market end of the ownership range. For this cohort, downsizing can enable them to increase their savings and release equity to spend on their own care and support costs, so that they can be "self-funders"

for longer, reducing the financial impact on social care funding.

Anchor have requested that the affordable rented units are excluded from the S106 agreement to assist with their grant funding request. The Head of Housing Supply is supportive of this scheme, and their request for Homes England grant funding.

The Strategic Housing Team is therefore supporting Anchor's request regarding the affordable units requested via S106, namely, this should include the Shared Ownership units, and exclude the affordable rented. Each affordable housing unit must meet their respective size standard as outlined in the technical housing standards.

Highways

- 4.3 Alterations to the existing vehicle access on Brighten Road will need to be approved by the Highway team.

The applicant has submitted a comprehensive transport assessment which has included TRICS Assessment and information relating to the sustainable location of the site. The TRICS assessment has demonstrated the proposal slightly increases the peak hour trip rates but this is not considered to have a detrimental impact on the local highway network.

95 car parking spaces have been provided for the proposal which equates to 0.66 parking ratio. This is acceptable in this sustainable location and has previously been acceptable with other town centre developments. The site is in close proximity to bus, rail and cycle routes and also has good local amenities in close proximity. It is not considered that the proposal will have a detrimental impact on the local highway network, the applicant has provided a robust transport statement in support of the application.

The applicant should provide a travel plan and travel packs to help encourage alternative public transport use.

Therefore given the above information and that contained within the transport statement it is not considered that the proposal will have a detrimental impact on the location highway network.

Environmental Health

- 4.4 No objection subject to conditions relating to noise including plant and equipment noise, contamination, Construction Method Plan, external illumination and refuse and recycling.

Lead Local Flood Authority (LLFA)

- 4.5 The submitted drainage information has been reviewed and is acceptable subject to confirmation of an agreement in principle from Anglian Water regarding the surface water connection point and maximum flow rate.

Strategic Planning

- 4.6 The development proposals are for two four-storey buildings comprising of 60 self-contained retirement flats and 84 assisted living flats. Affordable units would be provided within the assisted living element of the scheme only, resulting in 32 shared ownership assisted-living units. The Development Management Document sets out the policy requirements for affordable housing, together with Core Strategy Policy CP8.

Policy DM7 requires a mix of 60:40 between social and affordable rented and intermediate housing.

It is expected that the affordable housing requirements set out above are met as part of any development proposal. If this is not the case then applicants are required to justify to the satisfaction of the Council a more appropriate mix (DM7.2). The affordable element of the scheme provides only shared ownership (intermediate) units – no provision is made for social / affordable rented accommodation, contrary to Policy DM7. The Council's Housing and Adult Social Care teams should be consulted regarding need for this type of accommodation, and further justification sought from the applicant as appropriate.

NPPF Paragraph 120.d and Development Management Document Policy DM3 seek to make efficient and effective use of land. The density of the proposed development is relatively low for a central area site, at approximately 100dph. The design and access statement notes that the proposed buildings would cover only 24% of the site.

The Electric Vehicle Supplementary Planning Document is not specific on sub classes of residential uses but looking at the type of facilities and the number of spaces and employees the following is suggested:

- Retirement apartments: 24 charge points for the block with at least one of these serving a disabled space.
- Assisted living block should provide 10 charging points with at least one serving a disabled space.

The RAMS contribution should be 1 tariff per C3 flat and one single tariff for the C2 block as the residents are unlikely to make many visits to the foreshore if they are in need of daily care.

Adult Social Care

- 4.7 Adult Social Care support this application which takes a previously rated 'Requires Improvement' Care Home off the market whilst providing alternative accommodation for our aging population (that may also release under-occupied housing elsewhere in Southend).

Anchor have confirmed that these units are designed to have affordable rents and in this respect they would be treated like a normal housing association rent so anyone under state retirement pension age would have to claim Universal Credit and anyone that is state pension age would claim Housing benefit. These benefits would not cover the care packages, however, Anchor have designed these to be affordable.

Archaeology Curator

- 4.8 A Written Scheme of Investigation and Watching Brief should be conditioned due to the high archaeological potential for Medieval remains and moderate potential for Saxon remains.

Tree Officer

- 4.9 There are 22 trees marked for removal within the tree survey plan provided. Of these, eight are classed as Category U trees and 14 are B and C categories. Category U trees are those of very low quality or with defects that do not make them suitable for retention. There is no objection to the removal of the category U trees. Of the category B and C trees to be removed, the 4 pear trees have poor form and the cherry is hidden

so there is no objection to their removal. The lime trees to be removed at the front of the site have been previously pollarded and have not been maintained regularly and show signs of some decay and defects within the pollard heads. To retain these trees would entail a regime of regular pollarding, leaving standing stems which would produce a mass of basal and epicormic shoots requiring further regular maintenance. For these reasons I agree that the trees are not suitable for long term retention and the planting of more suitable trees elsewhere on the site would be preferable. The sycamore trees to be removed at the eastern end of the site also have poorly formed crowns following previous pollarding some years ago. These trees would need heavy crown reduction work to maintain them which would not provide high amenity trees. For these reasons I agree that the trees are not suitable for long term retention and the planting of more suitable trees elsewhere on the site would be preferable. No objection. The Ash in the row of trees to the west of the driveway looks like it is struggling. It may be Ash Dieback, but it is an old tree and it may be worth re-pollarding it to see what happens. There should be allowance made in the landscaping scheme for replacement planting in this part of the site.

Although some trees have died and others are in poor condition, overall there is still a nice selection of trees in the front garden. A landscaping scheme should include the renovation of this area, with retention of the better trees and replacement of poor quality trees. The bay shrubs and cherry laurel trees to the front of the site in particular are good specimens and worthy of retention and should be protected during development.

The landscaping scheme, with regard to new trees, should specify container grown trees (or containerised for a minimum of 2 years), a minimum of 10-12cm girth. It should include detail of planting methods, watering schedule and a 5 year maintenance plan, including replacement for failures.

Essex Fire Service

4.10 No objections.

Essex Police

4.11 No apparent concerns with the layout. It is recommended that the developer seek to achieve the Secured by Design Homes accreditation.

Milton Conservation Society

4.12 It is disappointing that the applicant did not contact the Milton Society prior to submission. We generally do not support demolition to this building in the absence of a feasibility study for re-use which we cannot see submitted with this application. There are significant sustainability arguments with demolition verses re-use which we believe should be examined. There is also the loss of a landmark building with some architectural and historical significance. However, there are also the benefits of a space and energy efficient new build to weigh against re-use. Subject to good re-use not being possible, we can generally accept the principle of a new retirement living proposal for this site and can see that it would be of benefit to local housing need, the housing 'ladder', the local elderly population and their families. This redundant site appears to be suitable for this type of development.

Some effort has been put into articulating and modulating the main, south, public facing facade of the proposal, but the two side by side buildings create a huge wall-like edifice of a building. The current site includes a section of two and one storey development at its centre and this is now lost with this proposal, adding mass to the site.

The most notable building at this central location is the chapel, a building of some local significance. We contend that the submitted heritage report under values the significance of this building. There is no recognition nor acknowledge of the chapel's relationship to St Helen's Roman Catholic Church, located a very short distance away, as part of the local parish. The Roman Catholic chapel of 1876 would have taken reference from this Listed, Gothic Revival church of 1869 but also from the Roman Catholic preference for Gothic Revival architecture. The chapel was significant for parishioners of St Helen's and other local parishes who frequently attended. Sir David Amess often attended mass here. The chapel was held in affection by local people and gave the opportunity for social interaction with residents of Nazareth House. We suggest that the building has been overlooked to some extent due to its constrained, behind the wall location and should now be considered for local listing. The chapel possesses clear architectural and historical merit and its complete loss would be contrary to Local Plan policy DM5. Of course, the former chapel is now de-consecrated and redundant, so a new use is required to give the building life and purpose.

A second concern with this proposal is the limited amount of social space for such a very large number of flats. Let us be clear about this, if 144 flats were arranged as 72 two storey dwellings it certainly would be considered a retirement village. Yet the proposal only includes basic communal facilities, in the form of just two lounges. In 2022 society should be looking far beyond this with facilities for greater community engagement and sustainably good living for elderly residents. In particular, mental illness is never more serious a concern than now so measures to help overcome this must form part of major retirement residential planning applications. There should be a multi-use space or spaces for events, dances, fitness, cinema, visiting performance and intergenerational activities etc. Perhaps this could be somewhere the residents of both buildings can meet. Almost perfectly positioned in this regard is the existing chapel, mid-way between the two proposed buildings. This could be re-purposed and if located between the lounges of the two buildings could create a semi-public space allowing a real sense of social interaction with the wider community. In amongst all the built modernity it would provide an alternative 'traditional' space, relatable to elderly people. This would be extremely good, considerate, sustainable design. It would add to the quality of the development.

The retention of this former chapel could serve three purposes, overcoming and breaking the proposed 4 storey, wall-like edifice with a differently scaled and historically authentic building adding interest to the site, providing an ideal multi-purpose space giving new use and meaning to the redundant building, and protecting the historically significant building. This would respect the affectionate past use of this chapel. We would also respectfully suggest that this approach could show that McCarthy & Stone are very forward thinking and look beyond basic social provision.

Aside from the former chapel and subject to re-use not being possible, we agree that the lesser significance of the other buildings and replacement with modern retirement flats, could be justifiable and the design appears to be generally acceptable. The differing use of materials, variance in design of the gables and the use of balconies are all important. The design of the balconies should be conditioned so that these do not end up as cheap, crude constructions (as elsewhere in the city).

We welcome the retention of the boundary wall, which is an established characteristic of the city centre approach, and the gatehouse. This is most important so should be conditioned.

Our only other comment is that we would like to see far more design quality given to the car park, for the benefit of the large number of proposed overlooking flats. The few

cut and paste small trees applied to the plans shows that this has not been properly considered. Perhaps a planted pergola design, providing a green outlook, might help? There needs to be greater design quality to this rear space.

Whilst much of this proposal has merit we cannot accept the loss of the historic chapel, the inadequate community relationship provision and the overwhelming, uninterrupted mass of the proposal. These are substantive reasons to request refusal of planning permission.

NHS

- 4.13 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.

The ICB therefore requests that the sum of £54,600 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the vicinity of the application.

[Officer Comment: Funding for specified types of community infrastructure including primary NHS services such as GP surgeries is secured through Community Infrastructure Levy which is explained at 7.85-7.87 of this report]

London Southend Airport

- 4.14 No objections.

Anglian Water

- 4.15 Southend Water Recycling Centre will have available capacity for these flows. The submitted drainage details are acceptable.

Historic England

- 4.16 The existing buildings, including the chapel, do not merit statutory listing due to the lack of architectural interest.

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); KP3 (Implementation and Resources); CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and 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), DM4 (Tall and Large Buildings), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM9 (Specialist Residential Accommodation), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

- 5.6 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre), DS2 (Key Views), DS3 (Landmarks and Landmark Buildings), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport, Access and Public Realm) and PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).
- 5.7 Southend-on-Sea Design and Townscape Guide (2009)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.12 Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)
- 5.13 Interim Affordable Housing Policy (2016)
- 5.14 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.15 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 5.16 Housing Needs Assessment: housing and accommodation for older people - Housing Learning Improvement Network Report for Southend-on-Sea City Council (April 2022)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development including demolition and redevelopment, the proposed dwelling mix, the design and impact on the character and appearance of the area, the standard of accommodation and residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, tree impacts, ecology and mitigation for impact on designated sites, sustainability, developer contributions and CIL liability.

Appraisal

7 Principle of Development

- 7.1 The provision of new high-quality housing is a key Government objective.
- 7.2 Paragraph 117 of the NPPF states '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*'

7.3 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high-quality homes. In relation to the efficient use of land Paragraph 124 states:

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

7.4 Policy KP2 of the Core Strategy requires that “all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”.

7.5 Policy CP4 requires that new development “*maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments*” and that this should be achieved by “*maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*”.

7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It seeks that 80% of residential development be provided on previously developed land.

7.7 Policy DM3 of the Development Management Document states that “*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity*” .

7.8 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the city. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the city. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.

7.9 Whilst the proposal would not result in any dwellings suitable for families, the provision of additional housing carries significant weight in the assessment of the application, particularly in light of the NPPF’s tilted balance and how this proposed amount of housing would make a significant sector specific contribution towards the needs of the City.

Change of use of site from Care Home/ Convent to Older Persons Retirement Flats and Extra Care Retirement Housing and the Need for Older Persons Accommodation

- 7.10 Development Management Document Policy DM9 requires the provision of new care homes to be justified but does not protect existing care homes from redevelopment.
- 7.11 In relation to the need for housing for older persons the Planning Practice Guidance states *'The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.'* and in respect of housing for older persons the Core Strategy states: *'The 2011 Census highlights that Southend has a higher proportion of older people when compared to the national average. Notably, Southend has more adults aged 75 or over, including those aged 90 or over, comparative to England (SHMA, 2013). Population projections indicate that the proportion of older people in Southend is expected to rise.'*
- 7.12 The more recent demographic projections show that for Southend, the trend of an ageing population is expected to pick up significantly over the next 20 years. The number of people in this cohort was projected to rise by 38.5% (13,518) between 2018 and 2038, according to the 2018-based ONS population projections.
- 7.13 In its former use Nazareth House was an outdated facility and was categorised by the Care Commission as 'requires improvement'. In terms of use there is therefore no objection in principle to its demolition and replacement with a more modern development for older persons which includes both standard retirement housing and extra care retirement housing. The principle of the development is therefore considered to be acceptable in this respect.

Residential Accommodation Mix

- 7.14 Policy DM7 states that *'the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes.'*
- 7.15 The proposal comprises 60 self-contained Class C3 retirement flats (33 x 1-bed and 27 x 2-bed) and 84 assisted living (Class C2) flats (32 x 1-bed and 52 x 2-bed). This is not in line with the detailed mix requirements for policy DM7 but this mix is considered on its merits to be appropriate for the proposed retirement uses at the site as the retirement facility is not expected to house any children. At least one resident of each flat will be required to be over the age of 60. In the case of a couple, that part of the lease is satisfied where one of the occupants is over 60 and the other is over 55.
- 7.16 Given that the proposal is for older persons housing only, this mix contains a good range of flat sizes and is considered to be compatible with the broader objectives of Policy DM7. The proposal is acceptable and policy compliant in this regard.

Affordable Housing

- 7.17 Policy CP8 seeks an affordable housing provision of 30% for major residential proposals of over 50 dwellings which should be split 60:40 between affordable rented and shared ownership units. Policy CP8 applies to all Class C3 housing and in this case a policy compliant mix would comprise 11 affordable rented units and 7 shared ownership units. There is no policy requirement to provide affordable housing for Class

C2 housing which includes assisted living units. Policy CP8 recognises that in some cases there will be a need to negotiate levels of affordable housing provision on a site-by-site basis.

- 7.18 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision is reiterated in the supporting text at paragraph 10.17 of the Core Strategy which states *'a balanced approach is needed to the setting of targets and thresholds for affordable housing provision. This balanced approach should take on board, amongst other things, the scale of need and issues of financial viability. Whilst the Council would wish to send a clear message about what will be required of development schemes, so that these considerations can be taken into account early in the planning and development process (See KP3 'Implementation and Resources'), there is clearly a responsibility to adopt a reasonable stance with regard to affordable housing provision. There is also a need to recognise that a range of tenures and types of affordable housing should be considered.'*
- 7.19 The development comprises 60 x retirement flats (Use Class C3) and 84 x assisted living units (Use Class C2) The joint applicant providing the C2 units, Anchor, is stated to be England's largest provider of specialist housing and care for people in later life. It is a not-for-profit organisation. The affordable housing within this proposed development is twofold. Firstly, 52 x 2-bed affordable shared ownership assisted living units within Block B are to be secured within a Section 106 legal agreement. The applicant confirms that the remaining 32 Class C2 units within Block B will be affordable rented units but has also explained that these 32 units will not be secured in any Section 106 legal agreement because of how Homes England grant funding (applied for by the applicant in relation to this project) works. For the purposes of this planning application those 32 affordable rented units cannot be considered as secured affordable housing so cannot be given any weight in the application's determination. In summary, Staff have assessed the proposal only on the basis of that which can be secured in the Section 106 ie the 52 affordable shared ownership units. That offer is instead of the normal policy-based requirement for 18 affordable Class C3 retirement flats. To support this case for an exception to policy a Needs Assessment has been submitted with the application. This concludes that:

'Planning Policy

The relevant development plan documents are the Southend on Sea Core Strategy and Southend on Sea Development Management Document, which are both time-expired albeit not necessarily out-of-date. The 2016 SHMA and 2017 SHMA addendum are material considerations and address the need for all types of housing and the needs of different groups in the community up to 2037. Nevertheless, they should not be considered in isolation as they do not set the housing or planning policy. Both the 2016 SHMA and 2017 SHMA addendum highlight the sizeable growth in the older population projected over the period to 2037 and the need for older persons accommodation.

Ageing Population

Estimates for 2020 show that Southend's population stands at just over 182,100, a rise of 4.9% (8,500) since 2011. The fastest growing age group between 2011 and 2020 in Southend was 65+, with a rise of 15.2% (4,700). The trend of an ageing population is expected to pick up significantly in Southend over the next 20 years. The number of people in this cohort is projected to rise by 38.5% (13,518) between 2018 and 2038, according to the 2018-based ONS population projections.

Health Issues relating to an Ageing Population

Data sourced from POPPI (Projecting Older People Population Information System) shows how the prevalence of health issues relating to older people is likely to rise over the next 20 years. Between 2020 and 2040, it is projected that in Southend there will be a 50%+ increase in over 65's that will need help with at least one domestic task and one self-care task. As well as this there is a projected 57% increase in over 65's in Southend that will be living with a limiting long-term illness and a 67% increase in those suffering from dementia. Looking at mobility, in the next 20 years in Southend, there is projected to be a 57% increase in over 65's who need help with at least one mobility activity and the number of over 65's having a fall requiring hospital admission is projected to increase by over 63%.

Tenure Profile of Older Home Owners

The percentage of household reference persons (HRPs) in Southend aged over 16 who own their own home outright is 18.3%, however this figure rises to 64.9% when HRPs aged 65+ are analysed. Just over half the households (50.5%) in Southend with occupants over the age of 65 have two or more empty bedrooms. This rises to 89% if occupants with one empty bedroom are included in the analysis. These family-sized properties could potentially be released back on to the market if the right accommodation for those aged 65 and over was developed.

Current Supply

A review of the EAC's (Elderly Accommodation Council) older person housing database (excluding care homes) shows a total current supply of 2,731 units in Southend, spread across 74 schemes. Affordable housing for older people accounts for a higher proportion of total units than market housing: 63% (1,707 units) versus 37% (1,024 units). Affordable sheltered housing is the most prominent form of specialist accommodation and social landlord rental units dominate in this respect, accounting for 1,314 of 1,430 affordable sheltered housing units in Southend. By contrast, there are only an estimated 97 shared ownership units in the LPA area (0.07%). In terms of market accommodation for older people, sheltered housing (932) accounts for the highest number of units.

- 7.20 The table below from the Housing Needs Assessment: housing and accommodation for older people - Report for Southend-on-Sea City Council (April 2022) predicts the net need for older people in the city.

Housing / accommodation type	Estimated net need by 2025	Estimated net need by 2030	Estimated net need by 2035	Estimated net need by 2040
Housing for Older People (units)	154	443	723	933
Housing with Care (units)	88	185	298	445
Residential care (beds)	-27	-152	-291	-429
Nursing care (beds) ³²	87	159	245	367

- 7.21 This shows that there is a deficit for housing for older people both in terms of standard units and housing with care which are proposed within this development. This report also states that 'The evidence from the qualitative research is that it is likely that a proportion, c.25%, may need to be for affordable home ownership, for both 'housing for older people' and for 'housing with care.'

- 7.22 Taking into consideration the circumstances and nature of the proposal and the demonstrated need for housing with care at this particular point in time, it is considered

that the proposal for 52 x shared ownership extra care affordable units, to be secured through the Section 106 legal agreement, is acceptable on an exceptional basis when considered against the relevant policy objectives. Staff have taken this approach based on the individual merits of the application including the unique and specific manner in which the current proposal contributes now to the identified need. It does not follow that any other schemes submitted in future which raise similar affordable housing considerations will necessarily qualify for the same approach and/or be acceptable when assessed on their own individual merits.

- 7.23 The proposed affordable housing position is therefore considered to be acceptable in this particular instance and the proposal is considered to be policy compliant in this regard.
- 7.24 Overall therefore, the principle of the development in this location is considered to be consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

- 7.25 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.
- 7.26 Paragraph 126 of the NPPF states *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.27 Policy DM1 of the Development Management Document states that *“all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*

Loss of Existing Buildings

- 7.28 The proposal seeks to demolish the care home and chapel in the centre of the site. The existing buildings date from between 1897 and 1930. The main buildings have features typical of this era of architecture but are relatively simple in their design and have an institutional appearance. The chapel in between the main blocks dates from 1875-76 but is much altered. The buildings have no heritage designations. They are not listed buildings or in a conservation area and are not on the Council’s local list of historic buildings. Only buildings which are statutorily listed or in a conservation area can be protected from demolition. Historic England have confirmed that none of the buildings are worthy of listing, so there is no reasonable basis for requiring any buildings on the site to be retained. The proposed demolition of the existing buildings is therefore acceptable both in principle and in design terms.
- 7.29 The existing boundary wall, integral gatehouse and bespoke entrance gates on London Road and Brighton Road, which date from the same time as the main building, are all proposed to be retained as part of the proposal with alterations.
- 7.30 The boundary wall to the London Road frontage will be altered to replace approximately 25% of the inset brick panels at the upper level with railings. This will

enable public glimpses into the site of the landscaped gardens and buildings beyond. This will improve the interaction and relationship between the development and the streetscene of London Road which is currently inactive whilst maintaining appropriate privacy for the development. The gates to the front will be retained but will only be used for pedestrian access and access to the gatehouse which falls outside the application site boundary and is unaffected by the proposal. To Brighton Road the entrance gate feature will be partially rebuilt to the same design in association with improved vehicular access to the site. The retention of these historic features will serve as a positive reminder of the history of the site and is a positive aspect of the scheme. Any proposed signage on this wall can be controlled by condition to protect its character and that of the wider streetscene.

Scale, Form and Layout

- 7.31 The area is mixed in character including small scale shops with flats above, large format retail units, large, flatted blocks and a school, so there is no uniform pattern of development in this location. The existing buildings on the site are a significant scale and mass but are set on a large plot and are significantly back from the frontage behind a tall boundary wall. Overall, currently there is a sense of spaciousness within the site itself and an associated general perception of that from the public realm. However, there is a significant lack of any active frontage and aside from the wall itself, the site appears institutional and private so making a limited contribution to the streetscene.
- 7.32 The proposed new buildings are 4 storey with a pitched roof. They are comparable in height to the 3 taller storeys of the existing buildings and set slightly lower than the flatted block to the west (175 London Rd) at the junction of Brighton Road. They are located within the centre of the site on a similar east-west alignment to the existing buildings. They extend closer to the west boundary and are closer together at the upper levels but maintain a clear separation from each other and the site boundaries. The development is arranged as two distinct blocks with a stepped footprint and varied roofline and each has a rear central wing. All these aspects help to reduce their overall massing in the streetscene. The open gardens to the front of the site are proposed to be maintained and will continue to provide softening to the buildings. Overall, it is considered that the scale, form and siting of the proposed development are acceptable in this context.

Detailed Design

- 7.33 The proposed buildings have been designed with significant articulation including regular feature gables with inset balconies, tall windows and brick decoration to help further break up the length of the frontages and the massing of the buildings generally. Two complementary tones of brick are proposed as the main brick and accent brick for each building which are handed on each block to provide improved visual interest and cohesion for the site.
- 7.34 Amendments have been made during the course of the application such that staff now consider the buildings' frontages to be well balanced, cohesive and ordered. Subject to conditions relating to materials and key details, it is considered that the detailed design would have a satisfactory impact on the appearance of the site, the streetscene and character and appearance of the area.
- 7.35 Overall, and subject to conditions, it is considered that the proposal would have an acceptable impact on the character and appearance of the area and is policy compliant in this regard.

Amenity Impacts

7.36 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.

7.37 The proposal is set significantly away from neighbours on all sides. To the south the proposed buildings would be over 55m from the commercial/ residential properties on the south side of London Road. To the east the proposal would be 12.5m from the rear service elevations of the large format retail units. To the west the proposal would be over 24m from the nearest point of the new flatted block 175 London Road on its junction of Brighton Road and to the north the buildings would be at least 22.6m to the boundary with St Helen's School playing fields and a further 47m to the school itself. At these distances, it is considered that the proposal would not have any significant detrimental impact on the amenities of any of the surrounding neighbours and is acceptable and policy compliant in all relevant regards.

Standard of Accommodation

7.38 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 on the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

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

Table 1 - Minimum gross internal floor areas and storage (m²)					
Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

7.40 The proposal provides a mix of 1 bed 2 person, 2 bed 3 person and 2 bed 4 person self-contained units in each block. All units meet the national technical housing standards. Additional communal facilities are also proposed in each block which includes the homeowners' lounge and circulation space within the Class C3 Block A building and additional facilities within the Class C2 Block B building comprising of a kitchen; lounge/dining room; wellbeing suite; activity room; hair and beauty suite and quiet room as well as staff facilities.

7.41 The proposal therefore meets the required standards and is acceptable and policy compliant in regard to flat sizes.

Light, Privacy and Outlook

- 7.42 All habitable rooms have good outlook and are not overlooked by neighbours from outside or within the development. In some cases, balconies of adjoining flats are linked and a discreet privacy screen will be required to separate the balcony into two sections. Details of these screens can be agreed by condition.
- 7.43 A Daylight and Sunlight Study carried out in accordance with BRE (Building Research Establishment) methodology has been submitted with the application and concludes that 93% of the rooms achieve the recommended skyline levels and 76% receive the recommended daylighting levels. Where these rooms do not fully comply, the report confirms that the front section of the rooms all meet the standard. In terms of sunlight 70% of rooms meet the required target and the report states that it is the shading from the balconies which obstructs sunlight at some times of the year, however, this needs to be balanced against the benefits of private amenity space for residents. Overall, for a scheme of this scale, the results are considered to be satisfactory and the proposal would therefore provide acceptable levels of light, outlook and privacy and is policy compliant in this regard subject to a condition requiring the privacy screens to be agreed.

Noise and Disturbance

- 7.44 The site faces London Road which is a high traffic route and is near to the service areas of the large retail units to the east of the site. An acoustic assessment has been submitted with the application to assess the impacts of these noise sources on the new development. The report concludes that *'The design of the development is considered to be acceptable subject to the adoption of acoustically upgraded glazing and MVHR ventilation for apartments.'* This can be secured via condition.
- 7.45 The noise assessment does not take into consideration the noise potential for the new buildings in terms of any plant that may be required for their communal kitchen or lifts but the Council's Environmental Health service confirm that this can be controlled by a condition. Subject to conditions, the proposal is therefore acceptable and policy compliant in terms of noise and disturbance impacts.

M4(2) and M4(3) – Accessibility

- 7.46 Policy DM8 requires all new dwellings to be accessible and adaptable and to meet Building Regulations M4(2) standards. On major schemes such as this Policy DM8 also requires 10% of the units to be M4(3) wheelchair compatible units. This includes providing disabled parking spaces and a lift to all flats. The plans show that 6 units in Block A and 8 units in Block B are M4(3) compliant and the remainder are M4(2) compliant and this can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Amenity Provision

- 7.47 All the proposed dwellings have a private balcony or terrace and there is also an extensive communal garden. The proposal is acceptable and policy compliant in this regard.

Living Conditions Summary

- 7.48 Overall, subject to the condition noted above regarding privacy screens, it is considered that the proposal will provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Traffic and Transportation Issues

- 7.49 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.”*
- 7.50 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.
- 7.51 The parking standard as set out in Appendix 6 of Policy DM15 is a minimum of 1 parking space per unit and 1 cycle space per 8 flats for the retirement apartments and 1 parking space per resident staff and + 1 space per 3 dwelling units and 1 cycle space per 5 staff is required for the assisted living units.
- 7.52 Policy DM15 of the Development Management Document states: *“All development should meet the parking standards (including cycle parking) set out in appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity.”*
- 7.53 A total of 44 parking spaces, including 4 spaces for disabled people, are proposed for Block A which contains 60 retirement flats, 6 of which are wheelchair accessible units (M4(3)). This equates to 0.74 parking spaces for the M4(2) units and 0.67 parking spaces for the M4(3) units. 24 of these spaces including 1 disabled space will have access to active electric vehicle charging points. The remaining spaces will have infrastructure installed for future electric vehicle charging.
- 7.54 A total of 51 parking spaces, including 4 disabled spaces are proposed for Block B which contains 84 assisted living units, 8 of which are wheelchair accessible units. This equates to 0.62 parking spaces for the M4(2) units and 0.5 spaces for the M4(3) units. 10 of these spaces, including 1 disabled space will have active electric vehicle charging points.
- 7.55 Each block has a mobility scooter store within which can also be used for cycle storage. In association with providing residential accommodation, 20 full time equivalent jobs will be created at the site across both buildings. The site plan also includes 2 car parking spaces in the northeast corner of the site for convent cemetery visitors.
- 7.56 The parking area to the rear will be accessed via the existing vehicular access in Brighten Road which is proposed to be widened to improve accessibility into the site. This access will also be suitable for refuse vehicles which will be able to turn within the site.
- 7.57 A Transport Statement has been submitted with the application. This finds that the site is in a highly sustainable location, within walking distance of the town centre shops and amenities, close to frequent public transport links including buses on London Road and within walking distance of train stations, and provision has been made within the development for mobility scooters and cycle storage. It also states that the parking provision on site has been informed by research at the applicant’s other sites in the area which have a similar parking ratio and comparable location on the edge of town centres. In terms of traffic generation the development is predicted to result in an increase of 5 trips in the AM peak and 7₃₀ in the PM peak. This is found to have a

negligible impact on the operation of the local road network and the overall parking provision is found to be acceptable for the nature of this development and its locational circumstances.

- 7.58 The Council's Highways team raise no objections to the proposal in terms of parking provision, highway safety or impact on the highway network. It is considered that the proposed parking provision at the site would not result in a severe impact on the local road network. The proposal is therefore acceptable and policy compliant in terms of parking provision, impact on the local highway network and highway safety.

Travel Plan and Travel Information Packs

- 7.59 A proposal of this scale is required to provide a Travel Plan and Travel Information Packs to new residents so that they are made aware of alternative, sustainable travel options. These will be secured via the S106 legal agreement in conjunction with the Council's Sustainable Travel Officer. The proposal is acceptable and policy compliant in this regard.

Refuse and Recycling and Cycle Storage

- 7.60 For developments of over 50 flats the Southend Waste Management Guidance recommends at least 4 x 1100 litre bins for recycling, 6 x 1100 litre bins for general waste plus card and food waste containers as required. A Waste Management Strategy has been submitted with the application which confirms a provision of 9 bins for Block A (4 recycled waste, 3 general waste and 2 food waste) and 13 bins for Block B (4 recycled waste, 6 general waste and 3 food waste). This provision is based on the requirements at the applicant's other developments. Collections will be arranged as required. The submission also demonstrates that a refuse vehicle can access and turn within the site. This is considered to be acceptable and the proposal is policy compliant in this regard.

Air Quality

- 7.61 An Air Quality Assessment has been submitted with the application. This concludes that there is potential for air quality impacts during the construction phase as a result of dust emissions however these can be mitigated through dust control measures. These will be agreed via the construction management plan. Otherwise, the air quality impacts of the development were predicted to be not significant. The proposal is acceptable and policy compliant in this regard.

Construction Management Plan

- 7.62 The proposal will involve significant demolition and redevelopment. It is therefore reasonable to require a construction management plan to be submitted to this LPA and agreed prior to the commencement of the works. This can be required by condition.

Traffic and Transportation Summary

- 7.63 Overall, the proposal is therefore acceptable and policy compliant in terms of Traffic and Transportation impacts subject to the described conditions.

Sustainability

- 7.64 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_{3,1} 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.

- 7.65 An Energy Statement has been submitted with the application. This states that the predicted energy use for the buildings is 620,030.55 kWh/yr of which at least 62,003.06 kWh/yr will be provided by PVs on the roof of the buildings (equivalent to a 68.90 kWp system). A mechanical ventilation heat recovery system is also proposed to recycle waste heat back into the building and water efficient fittings will be installed. These measures can be secured by condition. The proposal is acceptable and policy compliant in this regard.

Sustainable Drainage

- 7.66 All major schemes are required to demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. A Sustainable Drainage Assessment and supplementary details have been submitted with the application. The Lead Local Flood Authority have reviewed these details and confirmed that they are broadly acceptable and that a full drainage scheme can be agreed by condition. The proposal is acceptable and policy compliant in this regard.

Sustainability Summary

- 7.67 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regard to sustainable development and drainage.

Ecology, Biodiversity and Landscaping and Trees

- 7.68 Core Strategy Policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

- 7.69 An Ecology Report has been submitted with the application which confirms that the site has no special ecological habitats that would require protection. The presence of legally protected species, including bats and birds was also considered.

- 7.70 In relation to bats, the survey recommended that, due to the potential for roosting bats within parts of the building a bat survey should be undertaken and 8 bat boxes should be installed. This more detailed bat survey has also been submitted and states:

‘No bats were recorded emerging from the building during the dusk survey visit and although very low numbers of common pipistrelle (Pipistrellus pipistrellus) and noctule (Nyctalus noctula) bat calls were recorded, these related to commuting/foraging bats from within the local area, which were only intermittently associated with the site. It is therefore considered that this proves that bats do not roost within the building and as a result, should not be affected by the proposals.’

- 7.71 In relation to breeding birds, the survey recommends a number of mitigation measures to ensure that they are not detrimentally impacted by the development including supervision of demolition by an ecologist and the installation of 4 new bird boxes, which can be secured via condition.

- 7.72 In terms of biodiversity, the gardens to the front of the site are proposed to be retained and refurbished and a condition will be imposed to ensure that these works make a positive contribution to local biodiversity. The ecology strategy recommends that 70%

of new planting should be native wildlife friendly species and this can be secured by condition.

- 7.73 Most of the trees in this area will be retained, including the large bay trees in the front garden which are significant specimens. 22 of the 50 trees on the site are proposed for removal mostly in the centre and west of the site which will be lost to facilitate the development. The Council's Arboricultural Officer comments that these are generally low category trees or trees which have been heavily pollarded which has impacted on their form and future retention. At least 44 replacement trees will be agreed as part of the landscaping scheme. Tree protection measures for the remaining trees will also be conditioned.
- 7.74 The developer has also agreed in principle to providing some soft landscaping in the public realm to the front of the site on London Road. This will occur within the build out areas in front of the gates which will be converted to pedestrian use and gatehouse access only. This planting will be installed by the Council at the cost of the developer. The developer has also agreed to pay a commuted sum to cover maintenance for 20 years. The financial cost of this has been estimated as £63,000 which will be secured via the S106 agreement. These public realm works will be a public benefit to be weighed in the planning balance.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 7.75 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £137.71 (index linked) is paid for each retirement unit plus one additional payment for the extra care block as residents of this block are less likely to be so active and make regular visits to the foreshore. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Ecology Summary

- 7.76 Overall, subject to a condition requiring the mitigation measures set out in the ecology statement to be implemented, full landscaping details, tree protection and replacement and the RAMS contribution to be secured, the proposal is acceptable and policy compliant in terms of ecology in all relevant regards.

Land Contamination

- 7.77 The Site Investigation report submitted with the application has found that there is a low risk from land contamination due to the site's history and the survey work undertaken at the site. However it does recommend that further survey work is undertaken within the footprint of the building. It also notes that there was a saw pit and smithy in the southeast corner of the site and soil analysis in this location has revealed higher levels of lead. The Council's Environmental Health service recommend that further soil investigation is conditioned. Subject to this, the proposal is considered to be acceptable and policy compliant in this regard.

Archaeology

- 7.78 An Archaeological Desk Based Assessment has been submitted with the application. This states that *'The available evidence indicates that the site has been occupied from at least the 13th century. The manor house of Milton Hall was located on the site from this time, being rebuilt in the early 14th century. Map regression indicates the development of the hall and its immediate grounds from 1595 until its demolition in 1900 as part of renovation works at Nazareth House. Overall, the study site can be considered to have a high archaeological potential for Medieval to Modern remains, a moderate potential for Saxon remains, a low to moderate potential for Palaeolithic remains and a low potential for all other past periods of human activity within the site.'* The construction of the existing buildings in the same location as the hall is likely to have disturbed the ground in this location. The report concludes that any finds would likely only be of a low/local to medium/regional significance.
- 7.79 The Council's Archaeology Officer considers that a Written Scheme of Investigation and Watching Brief should be conditioned due to the high archaeological potential for Medieval remains and moderate potential for Saxon remains. The proposal is considered to be acceptable and policy compliant in this regard subject to this condition.

Planning Obligations

- 7.80 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."*
- 7.81 Paragraph 58 of the NPPF states *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'*
- 7.82 The National Planning Practice Guide makes it clear that *'Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.'*
- 7.83 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.”

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

- Affordable Housing - 52 x Use Class C2 assisted living shared ownership units on site. (see paragraphs 7.17-7.24 above)
- Sustainable Travel - The provision of a Travel Plan and Travel Information Packs for residents and Travel Plan Monitoring (see paragraph 7.59 above).
- £8,400.31 (61 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS) (see paragraph 7.75 above)
- Landscaping within the public realm of London Road directly to the south of the site, costed at £5200 plus ground preparation costs, and a financial contribution to cover the future maintenance of this landscaping for 20 years up to a maximum of £56,000 (estimated to be £63,000 in total) (see paragraph 7.74 above).
- Standard S106 Monitoring Fee.

NHS Contribution

7.85 The NHS requested a financial contribution of £54,600 towards the delivery of GP services in the area. This figure, provided by the NHS, is based on their identification of an existing deficit of GP services in the area and their predicted population increase of approximately 62 new residents as a result of the development. This figure is based on the average census household size of 2.3 people per dwelling, the requirement for 120sqm of surgery floorspace for every 1750 patients and the average cost of new build extensions to health centres.

7.86 The agent has responded to this, setting out a range of factors why they do not consider the contribution requested by the NHS to be justified including in terms of the relevant Regulations. In any event and as confirmed by the Council's Supplementary Planning Document: Planning Obligations, funding for potential primary healthcare care is addressed through the Council's Community Infrastructure Levy (CIL), which will be secured here in any event, rather than planning obligations.

7.87 The contributions noted in paragraph 7.84 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development would not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee's approval subject to the completion of this agreement.

Community Infrastructure Levy (CIL)

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 1250sqm, which may equate to a CIL charge of approximately £342,001.54 (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. This figure also does not take into account the deductions for secured affordable housing or charitable status.

Equality and Diversity Issues

7.88 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 Balance and Housing Supply

7.89 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of that type of development. This proposal would provide 60 new retirement dwellings and 84 new assisted living units for which there is an identified need. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

7.90 The applicant has also highlighted a range of what they consider to be public benefits of the proposal. Of the matters raised in those comments, staff consider the following to be the proposal's key public benefits:

Economic benefits

- As a housing development of scale, this proposal will contribute to the local and wider economy including direct and indirect job creation.
- Residents of the new development will have opportunity to contribute towards the local economy within the vicinity of the site by using local facilities, services, transport, shopping, and cultural opportunities.
- Revitalising the housing market through the provision of retirement accommodation can release under occupied family housing so releasing equity and helping to free up the housing stock.
- Purpose built accommodation, designed to meet older residents needs and the community support created in these developments, can lead to savings to the NHS and social care system through reduced hospital time, as purpose-built housing for older people can better cater for an older person during recovery plus residents may be less likely to have falls resulting in fractures, injuries and inpatient bed stays.

Social benefits

- Social benefits through the provision of open market and affordable specialist accommodation for older people, giving older people care and housing choices to help maintain their independence whilst having the opportunity to interact with others which may help combat loneliness so responding positively to the Housing Needs Assessment.
- The proposal will help to reinforce social cohesion in the local community by retaining some family connections and allowing access to new accommodation.
- The location of the site facilitates the ability for future residents to live near the town centre in a high-quality built environment.

Environmental benefits

- The proposed development re-uses a previously developed site within the Central Area of the City.
- The development will provide actual and comparative environmental benefits in terms of energy efficiency and carbon emission reductions.
- The proposal includes quality landscaping, and retention and protection of mature trees which make a positive contribution to the site and altering boundary treatment such that these features are more visible from the public domain. Parts of the London Road streetscape in front of the site will be softened with landscaping.
- The proximity of the site to the town centre means residents have an opportunity to walk to access services, amenities, and facilities with reduced need for future residents to travel by private means, in turn reducing associated fuel emissions.

Conclusion

7.91 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions and completion of the Section 106 legal agreement, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the redevelopment and new use is acceptable including in heritage terms. The proposed design, and scale of the development would have an acceptable impact on the site, streetscene and wider area. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highway safety impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.

7.92 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a Section 106 legal agreement and conditions. In this particular case, the proposal for the 52 x 2 bed shared ownership assisted living units as the secured affordable housing provision for the site has been found to be justified on its individual merits in terms of the specific nature of this development and how it addresses identified need at this particular point in time and on that basis is considered to be acceptable on an exceptional basis.

7.93 Should Members identify any harm associated with the proposal, then firstly it will be appropriate to consider, and weigh in the balance as appropriate, the comparative impacts resulting from the existing built form on the site. Secondly, any identified harm will need to be balanced against the public benefits of the proposal. This proposal creates new housing, so, when assessing any harm identified, it is necessary to

demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application. 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.

8 Recommendation

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

- **Affordable Housing - 52 x Use Class C2 assisted living shared ownership units on site.**
- **Sustainable Travel - The provision of a Travel Plan and Travel Information Packs for residents and Travel Plan Monitoring.**
- **£8,400.31 (61 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS).**
- **Landscaping within the public realm of London Road directly to the south of the site, costed at £5200 plus ground preparation costs, and a financial contribution to cover the future maintenance of this landscaping for 20 years up to a maximum of £56,000 (estimated to be £63,000 in total).**
- **Standard S106 Monitoring Fee.**

(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 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 LSE-2794-3-AC-0002 A, LSE-2794-3-AC-0010 A (Showing EV charging points), LSE-2794-3-AC-1000 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-1002 A, LSE-2794-3-A, -1003 B, LSE-2794-3-AC-1004 B, LSE-2794-3-AC-1010 B, LSE-2794-3-AC-1011 B, LSE-2794-3-AC-1012 B, LSE-2794-3-AC-1013 B, LSE-2794-3-AC-1014 B, LSE-2794-3-AC-1015 B, LSE-2794-3-AC-1016 B, LSE-2794-3-AC-1017 B, LSE-2794-3-AC-1018 B, LSE-2794-3-AC-1019 B, LSE-2794-3-AC-2000-B, LSE-2794-3-AC-2010-B, LSE-2794-3-AC-2012 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-2011 C, LSE-2794-3-AC-3000 A, LSE-2794-3-AC-4000-A, LSE-2794-3-AC-4001-A.

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

03 Notwithstanding the details shown on the plans and materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product specifications of the materials to be used on all the external elevations of the development, including walls, including brick decoration and accents, roof, including slope, ridge and flat roof areas, balconies, including balustrade, floor, underside, gable edge detail, eaves, fascias and soffits, windows and doors, including sills, dormers, entrance porches and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the feature gables and porches including eaves and frame and balcony details, window reveals (all windows) and inset window panel detailing (kitchen windows) at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details before it is brought into first use. The cross section of the inset feature framing shall be a maximum of 350mm as shown on plan references LSE-2794-3-AC-4000-A and LSE-2794-3-AC-4001-A.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until a method statement including details and specifications for alterations to the boundary wall as detailed in plan LSE-2794-3-AC-3000 A including the replacement of inset brick panels with railings, making good and/ or treatment of associated exposed areas of the boundary wall piers and any alterations to the existing access gates including the conversion to pedestrian gates, associated making good of brick piers and associated wall fabric and alterations to the vehicle access arrangements has been submitted to and approved in writing by the Local Planning Authority. All three sets of decorative gates shall be retained as part of the site entrance proposals. The approved boundary alterations shall be carried out and completed prior to the first occupation of the development hereby approved and retained for the lifetime of the development thereafter.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice

contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 06 No external lighting shall be installed on any elevations of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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

- 07 The finished levels at the site shall be as set out on plan reference LSE-2794-03-DE-102 before the development is first occupied.

Reason: A condition is required to safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- i. Details of means of enclosure, of the site including any gates or boundary walls and fencing in addition to that required by condition 05.
- ii. Hard surfacing materials for communal amenity and parking areas.
- iii. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan. This shall include at least 44 replacement trees and 70% native biodiversity friendly planting.
- iv. Details of any associated structures such as seating, raised planters, and other landscaping features).
- v. Management plan for landscaping at the site.

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

- 09 The tree and tree root protection measures as set out in the Tree Survey and Impact Assessment by Keen Consultants reference 1754-KC-XX-YTREE-Rev 0 dated April 2022 and associated tree protection plan reference 1754-KC-XX-YTREE-TPP01RevB Tree Protection Plan shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturist.

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

- 10 The 95 car parking spaces, including 8 disabled spaces, plus the 2 additional spaces for cemetery visitors and the associated amended vehicular accesses for these spaces to access the public highway at the site as shown on approved plan LSE-2794-3-AC-0010 A (Site Layout showing parking and electric vehicle charging) shall be provided and made available for use prior to the first occupation of any of the dwellings hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. As shown on this approved plan 24 car parking spaces including at least 1 disabled space for Block A and 10 car parking spaces including at least 1 disabled space for Block B shall have access to an electric vehicle charging point. The remainder of the spaces shall have the infrastructure for electric vehicle charging.**

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15, the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11 The development hereby approved shall not be occupied unless and until space for at least 8 secure, covered cycle parking spaces to serve the residential development and its visitors has been provided within the buggy store shown on drawing LSE-2794-3-AC-1000 B and 4 secure, covered cycle parking spaces to serve the residential development and its visitors have been provided within the buggy store shown on drawing LSE-2794-3-AC-1010 B, or in such other on site location alternatively agreed in writing by the Local Planning Authority under the terms of this planning condition, and have been made available for use in full accordance with the approved plans by occupiers of the development hereby approved and their visitors. The approved scheme shall be permanently retained for the lifetime of the development.**

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

- 12 The development hereby approved shall not be occupied unless and until the refuse stores to serve the development as shown on drawings LSE-2794-3-AC-1000 B and LSE-2794-3-AC-1010 B have been provided at the site in full accordance with the approved plans and Waste Management Plan reference LSE-02794-03-AC-WMP and made available for use by occupiers of the residential units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.**

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

- 13 The renewable energy proposals for the development hereby approved shall be carried out in full accordance with the recommendations set out in section 4 of the Energy Statement by Focus dated April 2022 including the installation of 68.90 kWp of PV cells or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These renewables shall be implemented at the site prior to the first occupation of the development and retained in perpetuity thereafter.**

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

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

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

- 15 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 6 of the units in Block A and 8 of the units in Block B in the development hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 130 units comply with building regulation M4(2) 'accessible and adaptable dwellings' standard.**

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

- 16 The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in Section 5 of the Noise Impact Assessment reference R9195-1 Rev 2 dated 17.05.22 to ensure that the internal noise levels in habitable rooms within the approved development are in accordance with the ProPG guidance and British Standards BS4142. These mitigation measures shall be implemented prior to the first occupation of the development hereby approved and shall be retained for the lifetime of the development.**

Reason: To ensure the resulting noise from the traffic on the main roads and the service yard of the retail units on London Road to the east of the site would not be detrimental to the living conditions of the future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 17 Prior to first occupation of the development hereby approved a Noise Impact Assessment shall be conducted by a competent person to assess the impact on future residents' living conditions resulting from the potential impact of noise from plant and equipment within the development including extract ventilation when operating at its maximum speed and output and any other noise emitting equipment such as elevators, including service elevators, air conditioning units and condensers, automatically opening doors and service entrances and barriers. The noise from the plant and equipment shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90,15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance.

Background noise levels shall be established for the following periods:

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

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

Details of how noise impact and vibration will be attenuated together with a maintenance schedule for the future operation of any kitchen equipment must be submitted to and approved in writing by the local planning authority under the terms of this condition. Heating and ventilation shall be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The development hereby permitted shall not take place other than in accordance with these approved details.

The final noise mitigation scheme shall be operated and maintained thereafter.

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

18 **A. Site Characterisation**

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures 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 produced. 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;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. Site Remediation Scheme

The development hereby permitted shall not commence unless and 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.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been fully implemented at the site. The Local Planning Authority must be given at least 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 and submitted to and approved in writing by 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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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

19 Notwithstanding the details as shown on plan references LSE-2794-03-DE-109 Existing Drainage Area LSE-2794-03-DE-100 Proposed Drainage Area Plan LSE-2794-03-DE-101 Proposed Drainage Plan and as shown on the plans otherwise submitted and otherwise hereby approved, no drainage works shall be constructed at the site until and unless the following information has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition:

- confirmation of an agreement in principle from Anglian Water regarding the surface water connection point and maximum flow rate.

The drainage strategy and SuDS details shall be implemented in full accordance with the details as submitted and approved under this condition before the development hereby approved is first occupied or brought into first use.

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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

20 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors.
- ii. Loading and unloading of plant and materials.
- iii. Storage of plant and materials used in constructing the development.
- iv. The erection and maintenance of security hoardings.
- v. A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent.
- vi. A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- vii. Measures to mitigate noise disturbance during the development.

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

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

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 22** The proposed site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations set out in Section 5.3 of the Preliminary Ecological Appraisal by Greenlink Ecology Ltd dated 19.05.22 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of biodiversity and to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1, DM2 and DM3.

- 23** Each of the units hereby permitted shall be only occupied by:
- i. persons aged 60 years or older; or
 - ii. persons living as part of a single household in the development with such a person or persons aged 55 years or older; or
 - iii. persons who were living as part of a single household in the development with such a person or persons who have since died.

Reason: To define the scope of this permission with respect to parking provision, amenity space, general living conditions, the provision of affordable housing and infrastructure required to support the development together with impact on education infrastructure within the City, in accordance with Core Strategy (2007) Policies KP2, KP3, CP4, CP6 and CP8 and Policies DM1 and DM3 of the Development Management Document (2015).

- 24** Notwithstanding the information submitted with the application, no development other than demolition above ground level, shall be undertaken, unless and until a written scheme of 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 (2021) and Policy DM5 of the Development Management Document (2015).

- 25 Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) no signage for the development hereby permitted shall be displayed on the site boundary walls facing London Road or Brighton Road unless full details of its position, design and specifications including any means of illumination have first been submitted to and approved in writing by the Local Planning Authority.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 26 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, none of the units hereby granted consent shall be occupied unless and until the details and specifications for the privacy screens for all linked balconies and terraces have been submitted to and approved in writing by the Local Planning Authority. The screens shall be retained for the lifetime of the development in accordance with the approved details.**

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

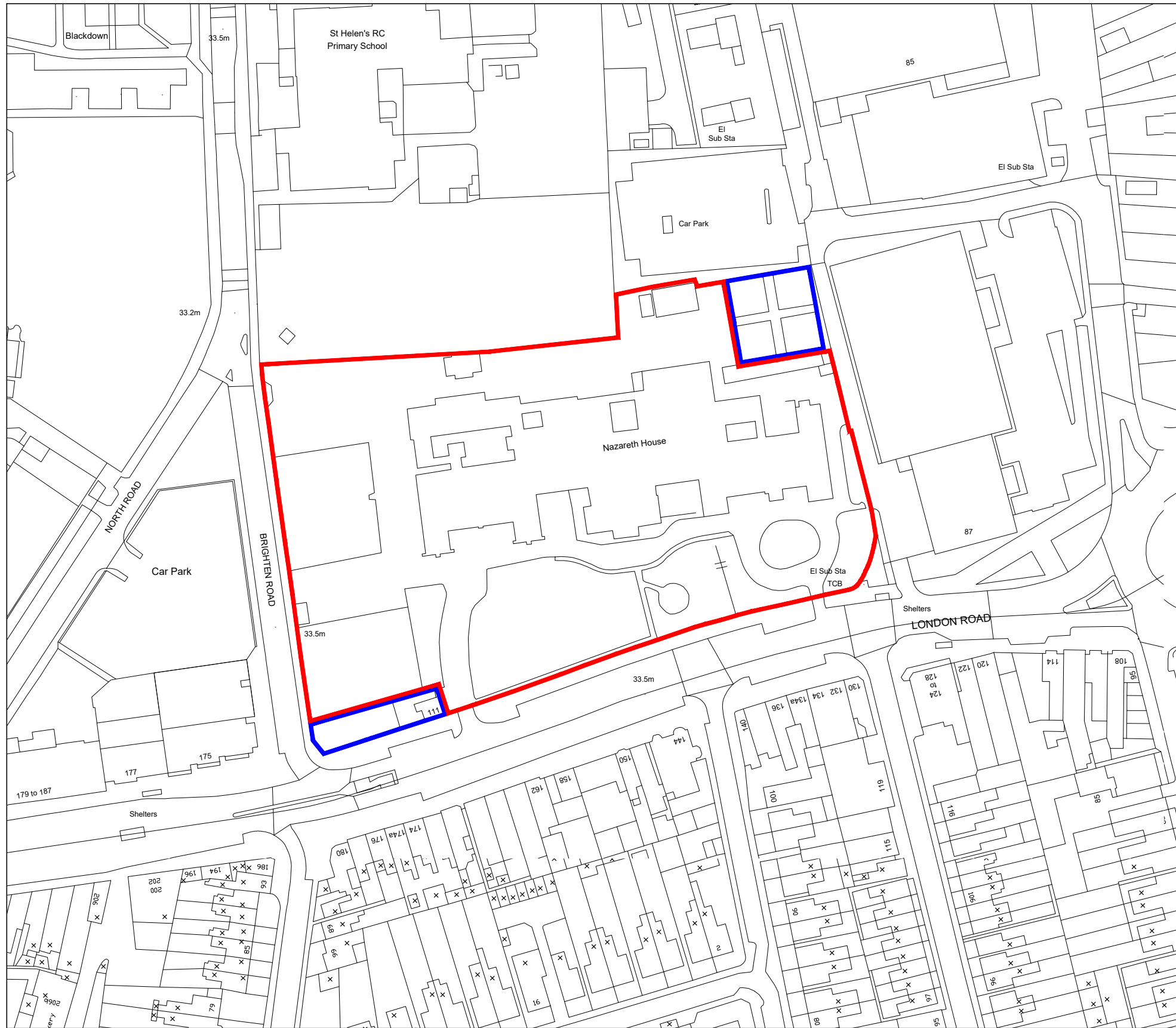
C) In the event that the planning obligation referred to in part (a) above has not been completed before 3rd March 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, biodiversity mitigation or Travel Plan and Travel Information Packs or the public realm landscaping improvements and that, as such, the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and Proactive Statement:

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

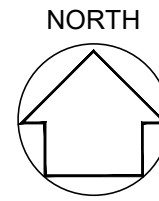
Informatives:

- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.
- 3** This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to affordable housing, a financial RAMS contribution, the provision of Travel Plan and Travel Information Packs and monitoring of the agreement.
- 4** The applicant is advised to contact the Council's highways service in regard to the alterations to the existing vehicular access from Brighten Road.



REVISIONS

Rev.	Note.	Date	By
A	OS map updated	20/05/22	SGN



Essex Barn 24, Little Boyton Hall Farm, Boyton Cross,
Chelmsford, CM1 4LN. Telephone 01277 355007

Suite 4, Newmarket House, Fordham Rd, Snailwell,
Newmarket, CB8 7NB. Telephone 01638 663838

McCARTHY STONE
Life, well lived

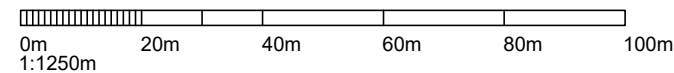
Project Title
Retirement Living & Anchor
Nazareth House, London Road
Southend-on-Sea

Drawing Title
Site Location Plan

Scale 1:1250@A3 Date 20.10.2021
Drawn SGN Checked NT
Drawing No.
LSE-2794-3-AC-0002 A

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SITE LOCATION PLAN



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LEGEND

- SUPPORT COLUMNS TO SCALE
- ▾ DOOR SINKS
- ▬ PARTITION WALL (GENERALLY NON-STRUCTURAL)
- ▬ STRUCTURAL WALL (BRICK, BLOCK, & CONCRETE)
- ▬ INTERNAL WINDOW OR GLAZED PARTITION
- ↔ UP STEPS/STAIRS/RAMP UP FROM FLOOR LEVEL
- ↔ DN STEPS/STAIRS/RAMP DOWN FROM FLOOR LEVEL
- ② ROOM NUMBER AND ATTRIBUTE BLOCK
- HLW HIGH LEVEL WINDOW/GLAZED AREA
- WCF TOILET FACILITIES - FEMALE
- WCM TOILET FACILITIES - MALE
- ♿ TOILET FACILITIES - DISABLED
- PN PANELLED OR SEMI PANELLED ROOM
- + 67.87 POSITION IS VALUE EXTERNAL GROUND LEVEL

STATION CO-ORDINATES

STATION	TYPE	EASTING	NORTHING	LEVEL

COORDINATE INFORMATION:
ALL LEVELS IN METRES TO ORDNANCE SURVEY DATUM AND BASED ON NATIONAL GRID FROM RTK GPS AND ADJUSTED INTO OS ACTIVE NETWORK

REV	DRG. AMENDMENTS	BY	DATE

MCCARTHY & STONE

PROSPECT PLACE
83 GREAT NORTH ROAD
HATFIELD
AL9 5DA

NAZARETH HOUSE

SOUTH END ON SEA
BASEMENT, GROUND & FIRST
FLOOR PLANS

PROSPAPPLANS LIMITED

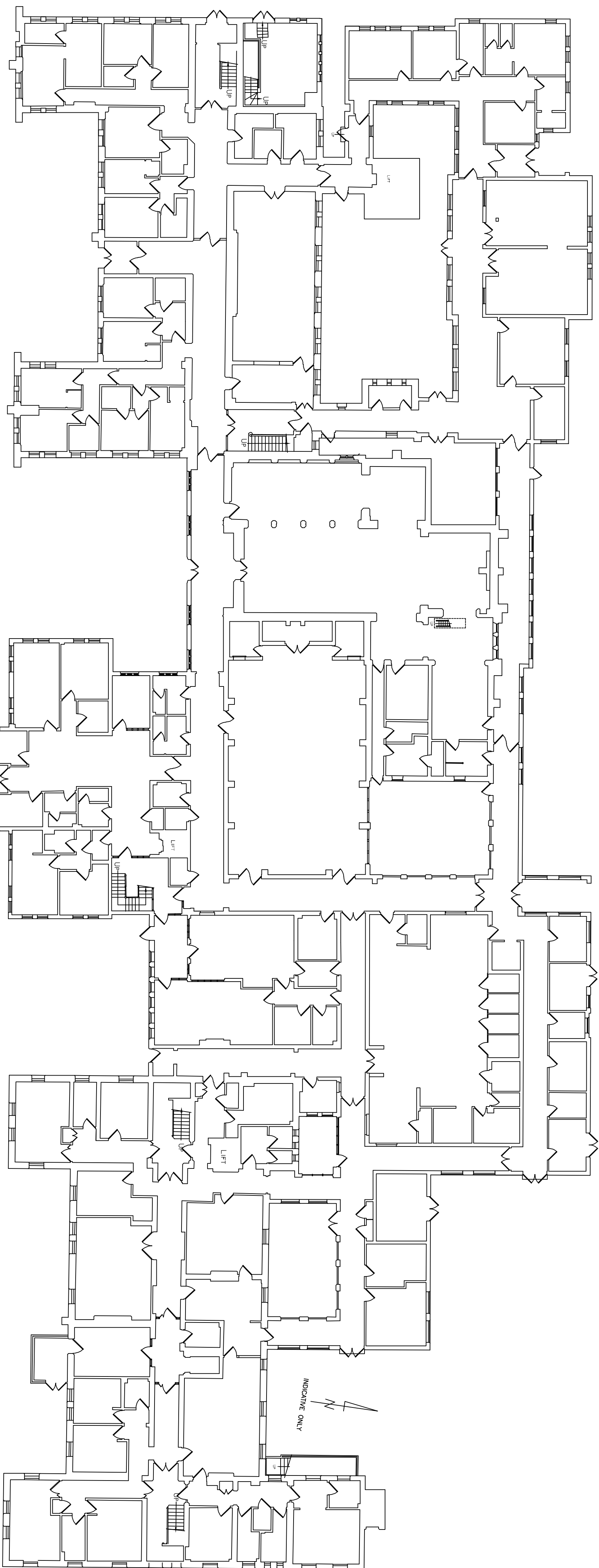
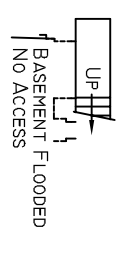
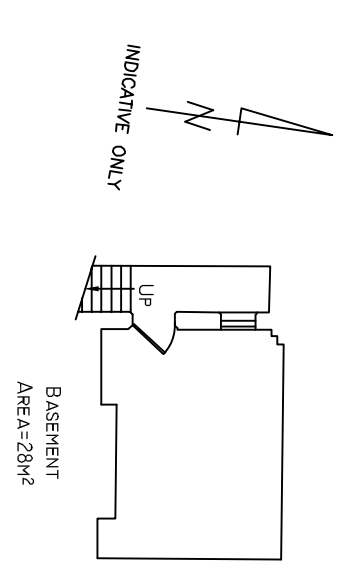
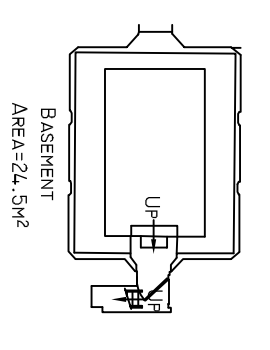
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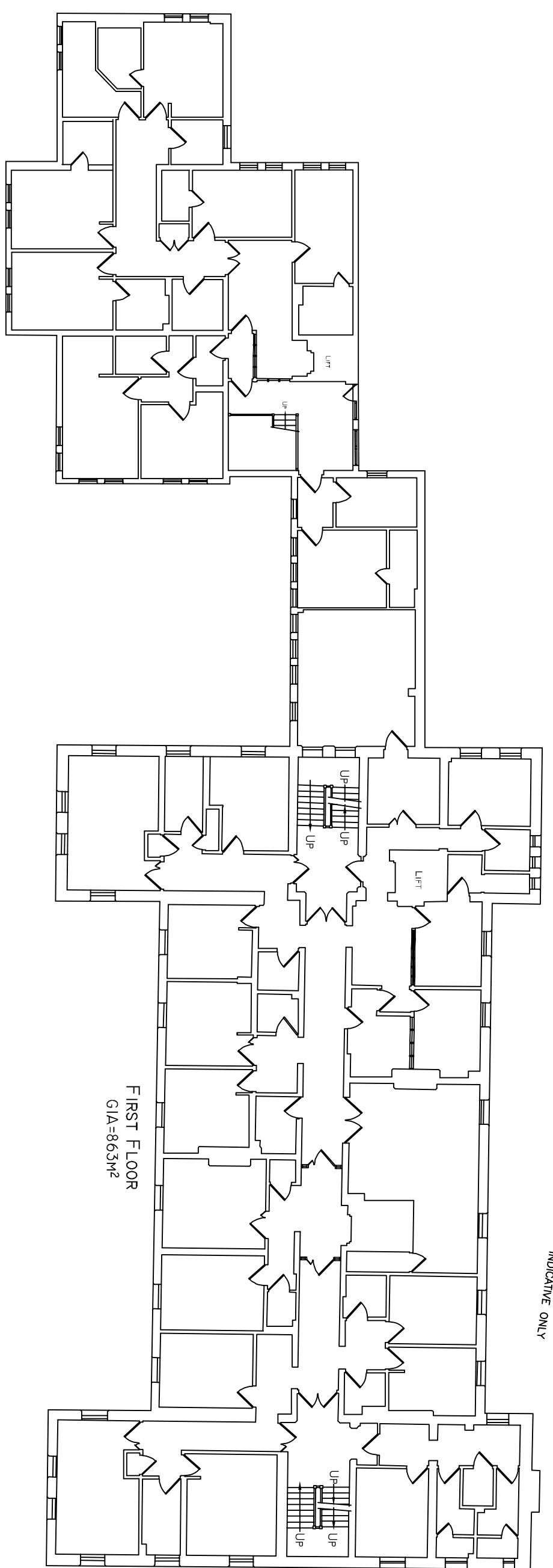
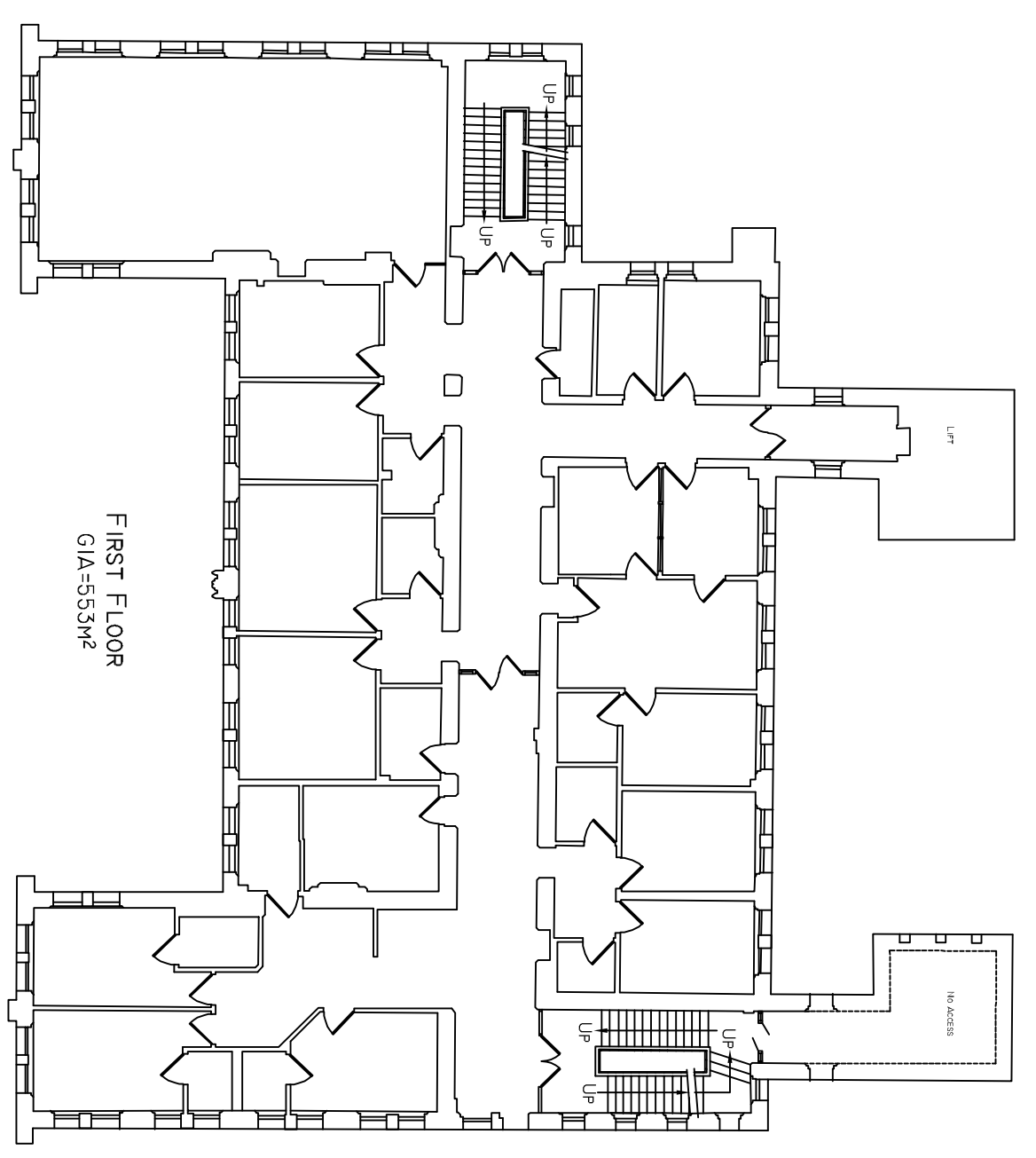
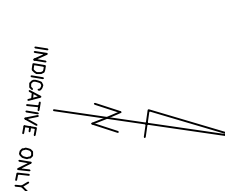
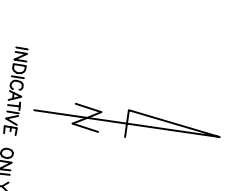
DATE: APRIL 2022

DRAWN BY: R WELTON
CHECKED BY: G RUTHERFORD

DRG NO: PP/14/06/NAZARETH-HSE/F5



GROUND FLOOR
AREA=32.89M²
SCALE (M)
0 1 2 3 4 5
10



SCALE (M)
0 1 2 3 4 5
10

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LEGEND

- Support Columns to Scale
- ↘ Door Swings
- ▬ Partition Wall (Generally Non-Structural)
- ▬ Structural Wall (Brick, Block, & Concrete)
- ▬ Internal Window or Glazed Partition
- ↔ UP STAIRS/RAMP UP FROM FLOOR LEVEL
- ↔ DN STAIRS/RAMP DOWN FROM FLOOR LEVEL
- ROOM NUMBER AND ATTRIBUTE BLOCK
- ▬ HIGH LEVEL WINDOW/GLAZED AREA
- WCF TOILET FACILITIES - FEMALE
- WCM TOILET FACILITIES - MALE
- ♿ TOILET FACILITIES - Disabled
- PN PANELLED OR SEMI PANELLED ROOM
- + 07.87 FINISH & VALVE EXTERNAL GROUND LEVEL

STATION CO-ORDINATES

STATION	TYPE	EASTING	NORTHING	LEVEL

COORDINATE INFORMATION:
 ALL LEVELS IN METRES TO ORDNANCE SURVEY DATUM AND BASED ON NATIONAL GRID FROM RTK GPS AND ADJUSTED INTO OS ACTIVE NETWORK

REV	DRG. AMENDMENTS	BY	DATE

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PROSPECT PLACE
 83 GREAT NORTH ROAD
 HATFIELD
 AL9 5DA

NAZARETH HOUSE

SOUTH END ON SEA
 SECOND & THIRD
 FLOOR PLANS

PROSPAPPLANS LIMITED

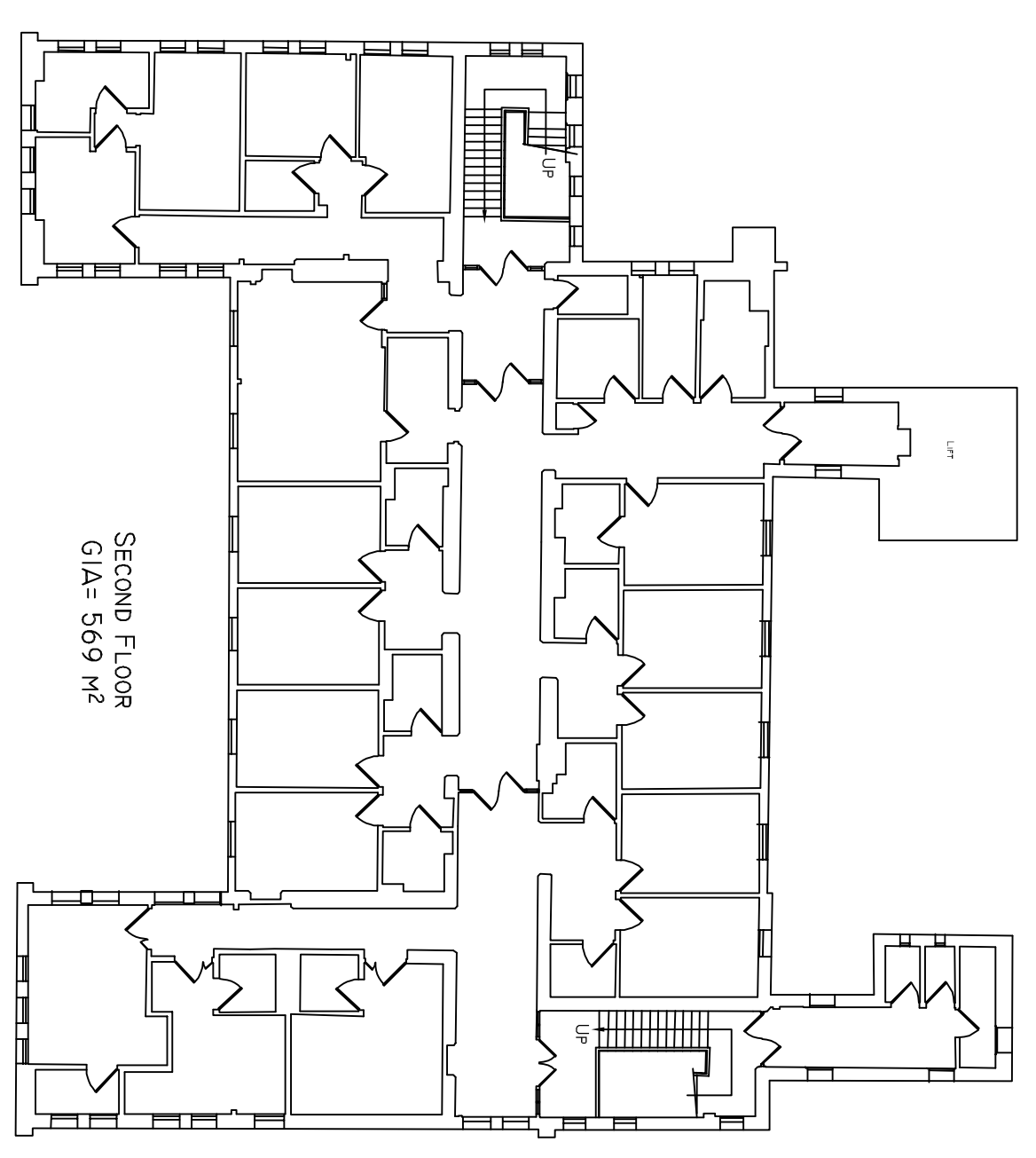
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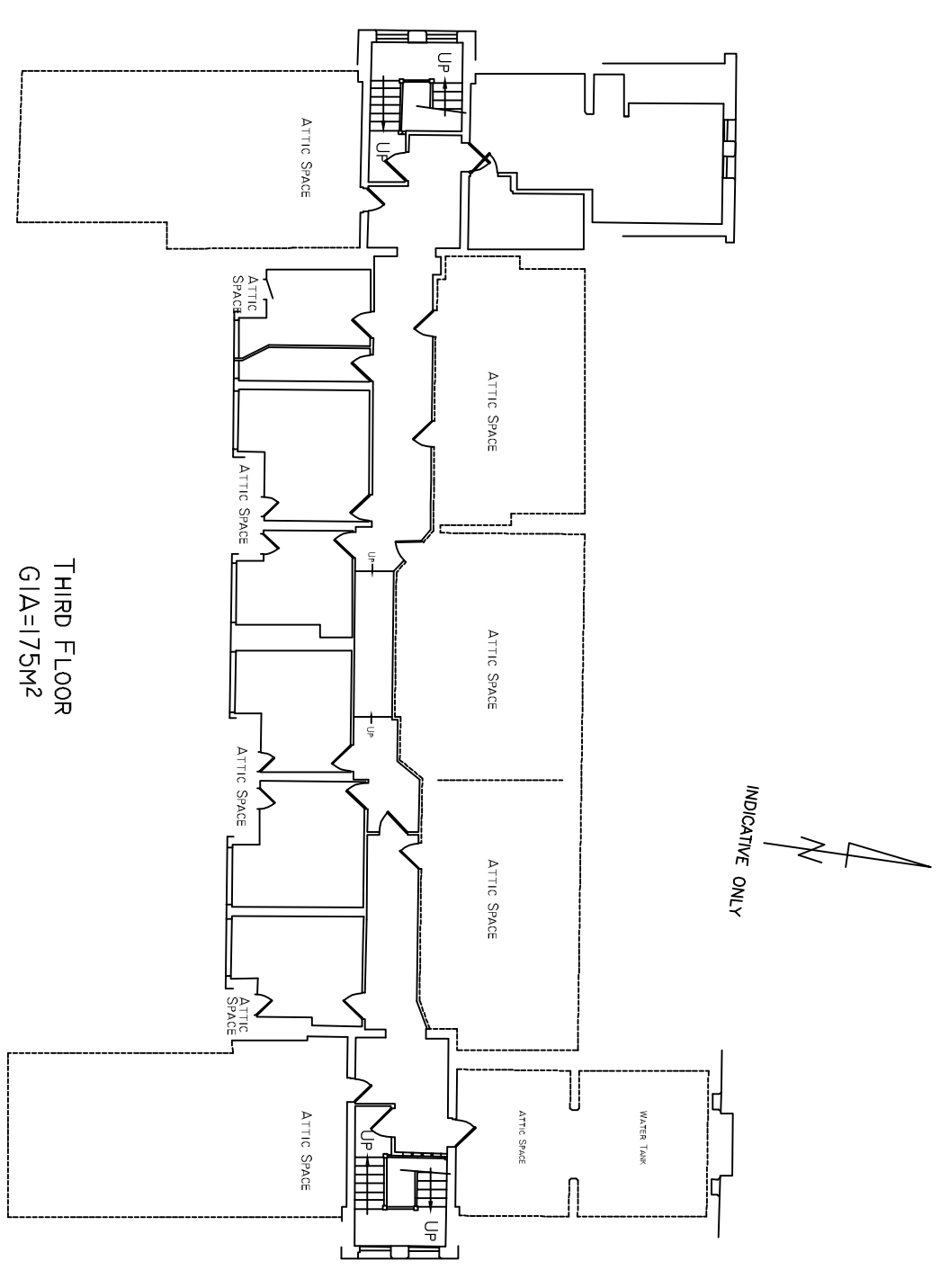
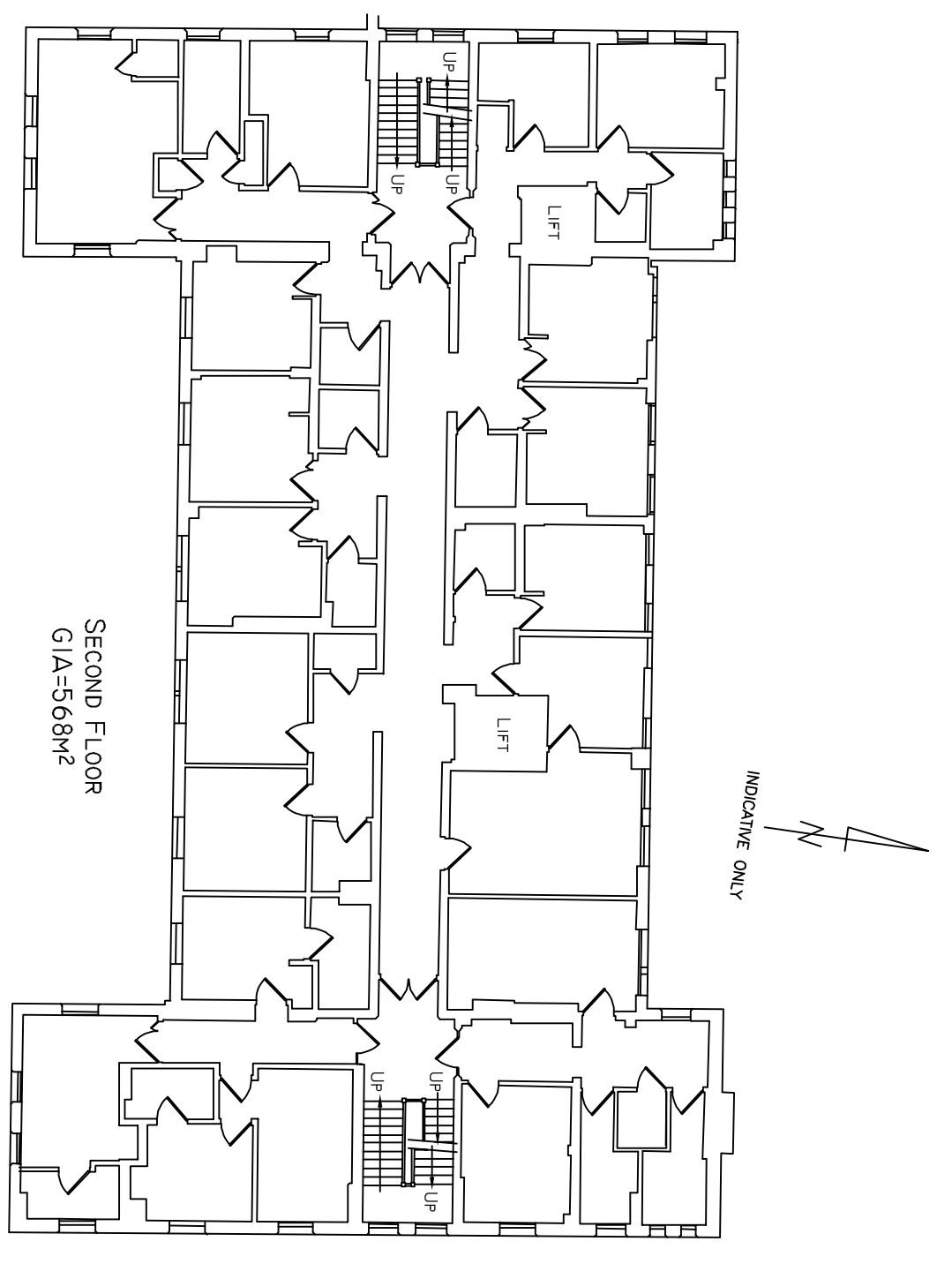
DATE: APRIL 2022

DRAWN BY: R WELTON
 CHECKED BY: G RUTHERFORD

DRG NO: PP/4/06/NAZARETH-HSE/F6



0 1 2 3 4 5
 SCALE (M)
 10



0 1 2 3 4 5
 SCALE (M)
 10

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LEGEND

- Support Columns to Scale
- ▾ Door Swings
- ▬ Partition Wall (Generally Non-Structural)
- ▬ Structural Wall (Brick, Block, & Concrete)
- ▬ Internal Window or Glazed Partition
- ↕ UP Steps/Stairs/Ramp UP from Floor Level
- ↕ DN Steps/Stairs/Ramp DOWN from Floor Level
- ② Room Number and Attribute Block
- HLW High Level Window/Glazed Area
- WCF Toilet Facilities - Female
- WCM Toilet Facilities - Male
- ♿ Toilet Facilities - Disabled
- PN Panelled or Semi Panelled Room
- + 67.87 Position & Value External Ground Level

STATION CO-ORDINATES

STATION	TYPE	LASTING	NORTHING	EASTING

COORDINATE INFORMATION:
 ALL LEVELS IN METRES TO ORDNANCE SURVEY DATUM AND BASED ON NATIONAL GRID FROM RTK GPS AND ADJUSTED INTO OS ACTIVE NETWORK

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PROSPECT PLACE
 83 GREAT NORTH ROAD
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NAZARETH HOUSE

SOUTH END ON SEA
 ELEVATIONS

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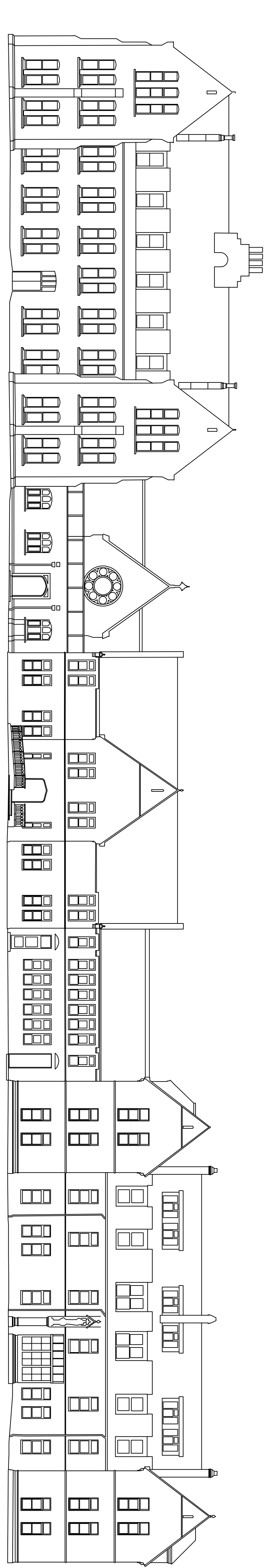
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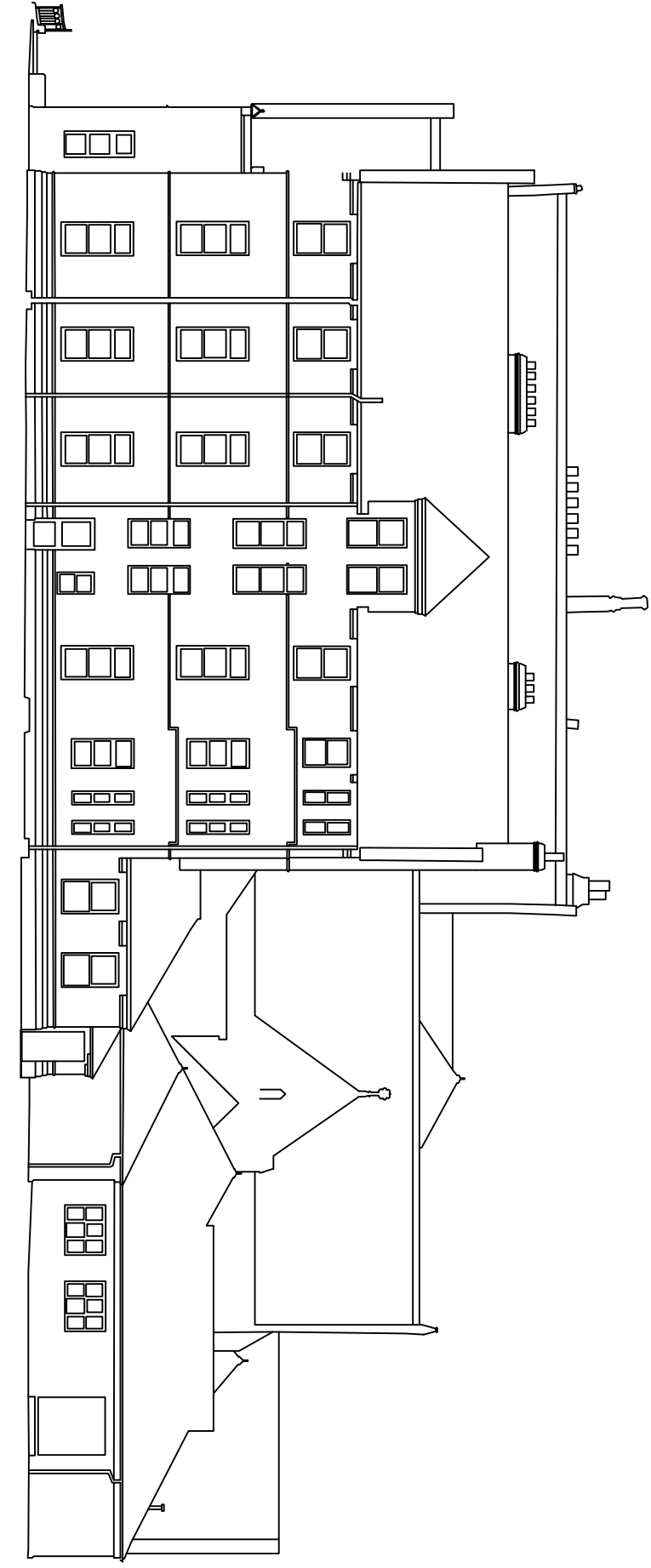
DATE: APRIL 2022

DRAWN BY: R WELTON
 CHECKED BY: G RUTHERFORD

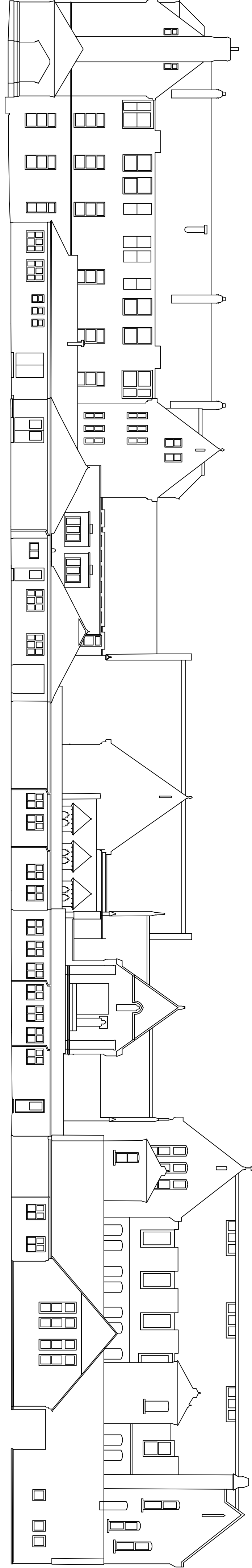
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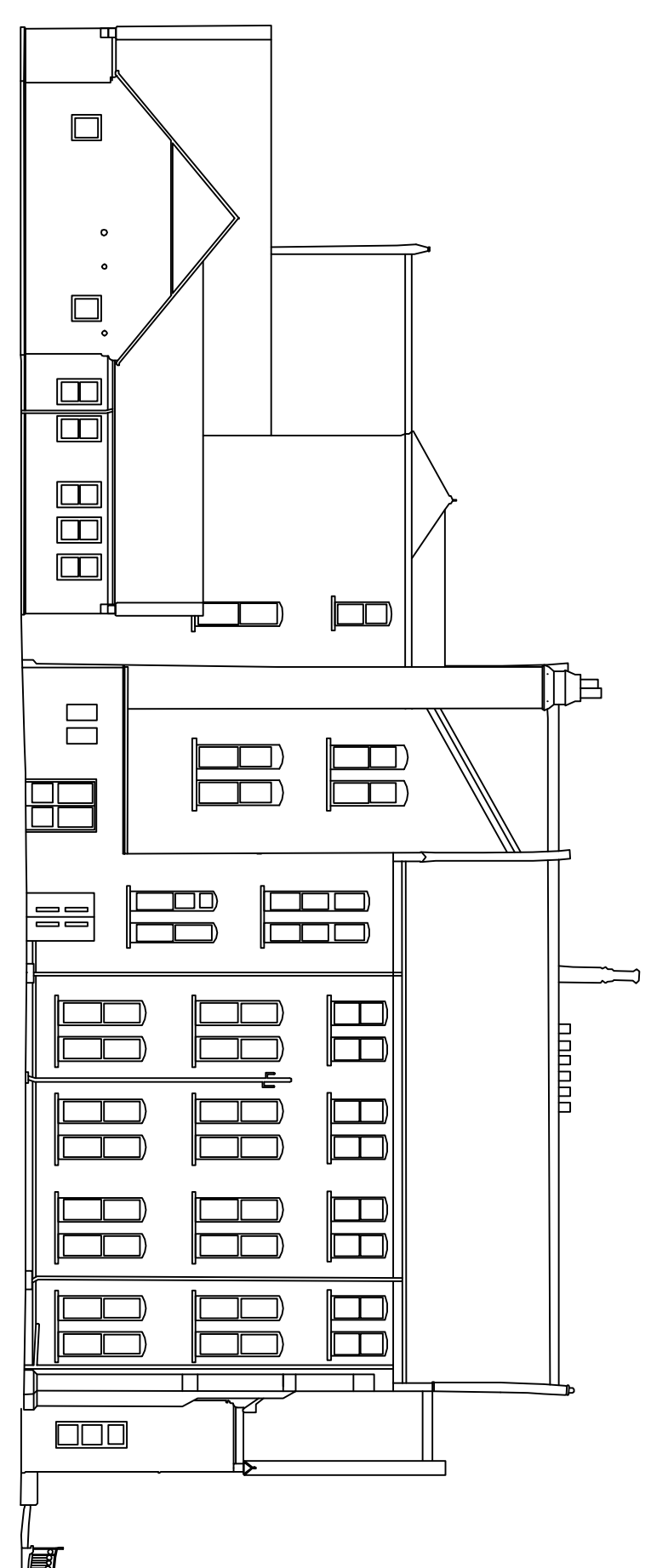
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



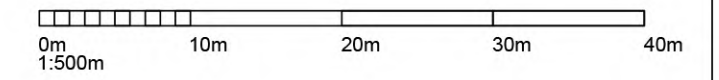
EAST ELEVATION

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- EV ready at first occupation
- Infrastructure ready

REVISIONS

Rev.	Note.	Date	By
A	Block layouts updated to suit planners comments & updated elevations, Block A parking layout amended with additional footpaths added, landscaping updated.	13.12.22	SGN



Essex Barn 24, Little Boyton Hall Farm, Boyton Cross, Chelmsford, CM1 4LN. Telephone 01277 355007
 Suite 4, Newmarket House, Fordham Rd, Snailwell, Newmarket, CB8 7NB. Telephone 01638 663838



Project Title
 Retirement Living & Anchor
 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Site Layout Plan

Scale 1:500@A2 Date 07.04.2022
 Drawn SGN Checked NT
 Drawing No.
LSE-2794-3-AC-0010 A

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ALL DIMENSIONS TO BE CHECKED ON SITE. WORK TO FIGURED DIMENSIONS ONLY. REPORT DISCREPANCIES TO THE ARCHITECT AT ONCE BEFORE PROCEEDING

SITE LAYOUT PLAN

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REVISIONS

Rev.	Note	Date	By
A	Canopy depth increased to match balcony surround	07/02/23	SGN



ELEVATION



3D VIEW

59



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Suite 4, Newmarket House, Fordham Rd, Snailwell, Newmarket, CB8 7NB. Telephone 01638 663838



Project Title
Retirement Living & Anchor
 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
Building Details
 Canopies, Projecting Brickwork & Juliet
 Balconies

Scale **NTS@A2** Date **20.01.2023**
 Drawn **SGN** Checked **NT**
 Drawing No.

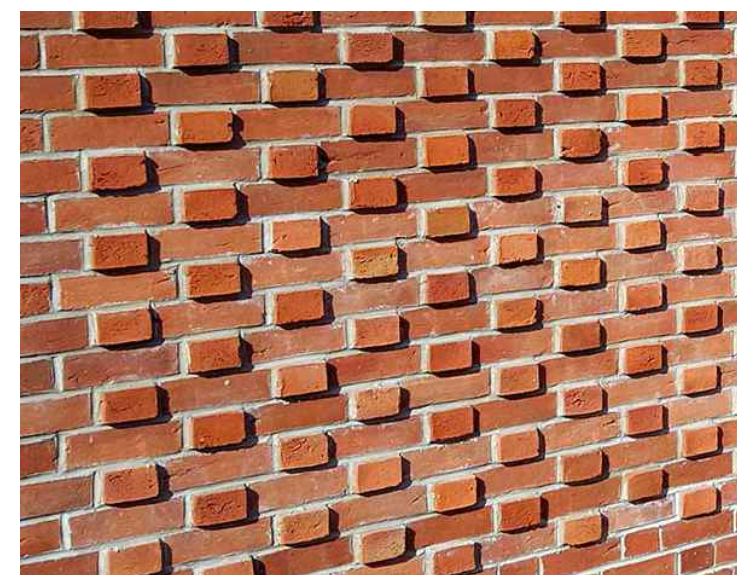
LSE-2794-3-AC-4001 A

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Grey clad cantilevered canopy.

PRECEDENT IMAGES - CANOPY



Projecting brick headers in a Flemish bond pattern, arranged in panels vertically between windows. See elevation for brick colours.

PRECEDENT IMAGES - PROJECTING BRICKWORK



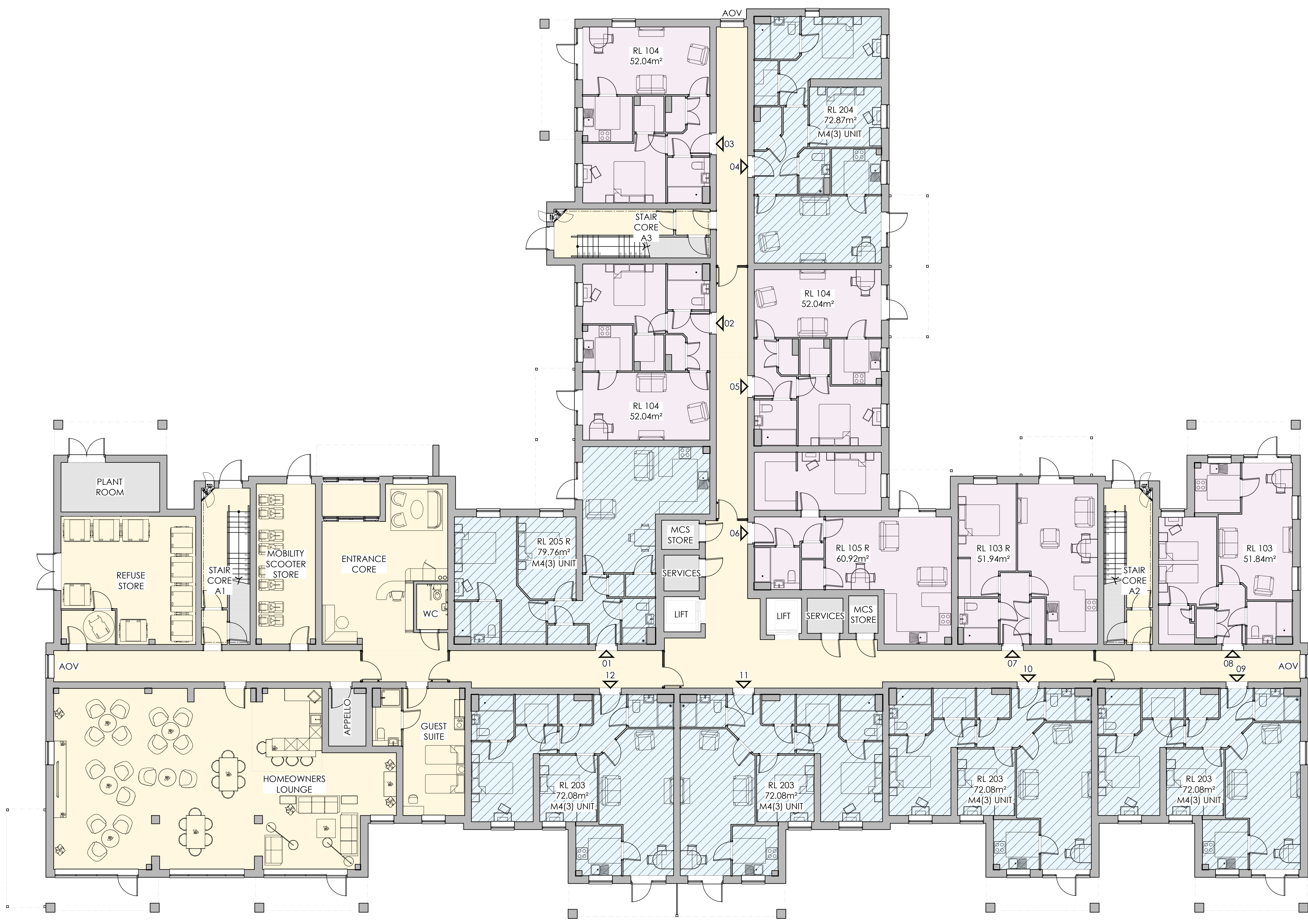
Powder coated metal railing to match balconies, fixed between reveals of opening.

PRECEDENT IMAGES - JULIET BALCONY

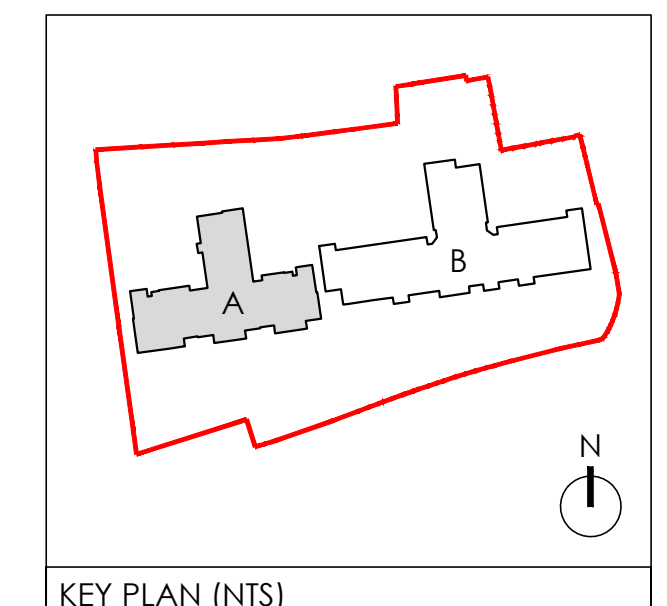
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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Lounge windows increased	13.12.22	SGN

19



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - 01 Apartment Entrance & Plot Number
 - AOV Automatic Opening Vent



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McCarthy Stone
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Project Title
 Retirement Living & Anchor
 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block A (Retirement Living)
 Ground Floor Plan

Scale 1:100@A1 Date 23.05.2022
 Drawn SGN Checked NT
 Drawing No. **LSE-2794-3-AC-1000 B**

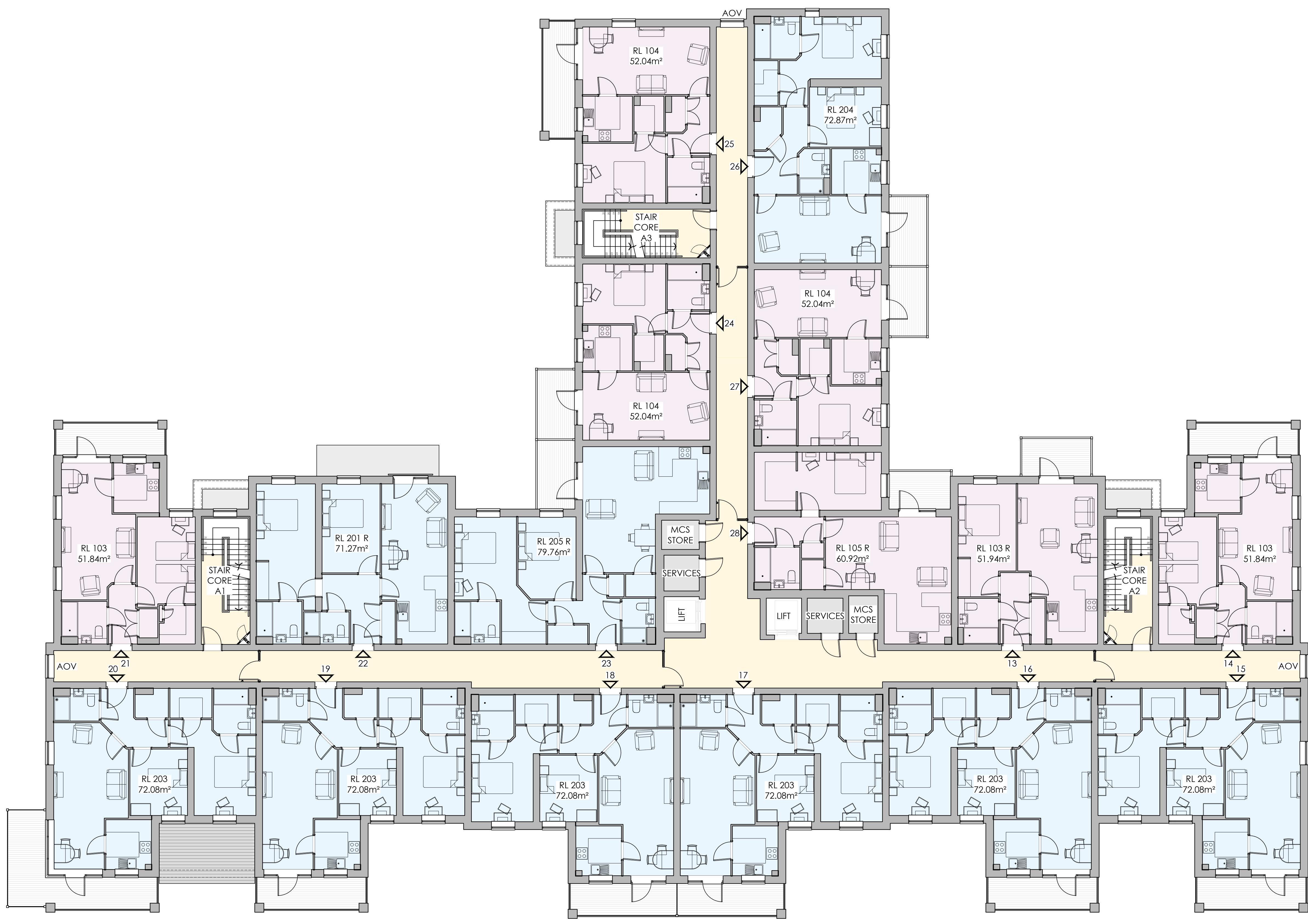
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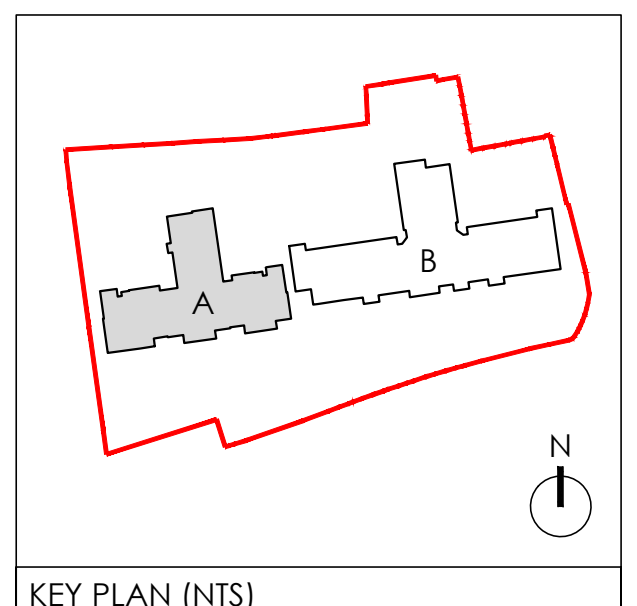
BLOCK A - GROUND FLOOR PLAN

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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - 01 Apartment Entrance & Plot Number
 - AOV Automatic Opening Vent



KEY PLAN (NTS)

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Project Title
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 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block A (Retirement Living)
 First Floor Plan

Scale 1:100@A1 Date 23.05.2022
 Drawn SGN Checked NT
 Drawing No. **LSE-2794-3-AC-1001 A**

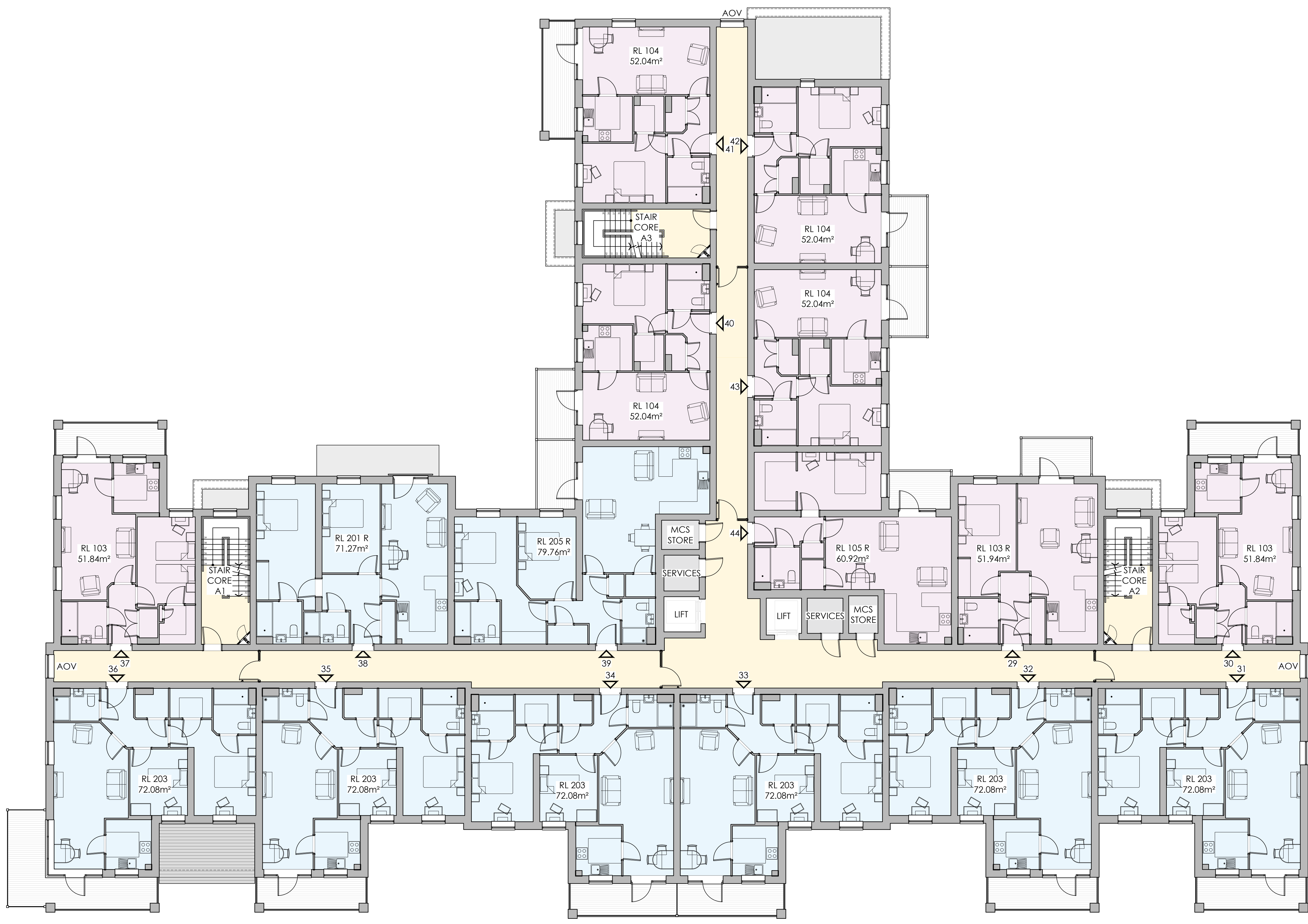
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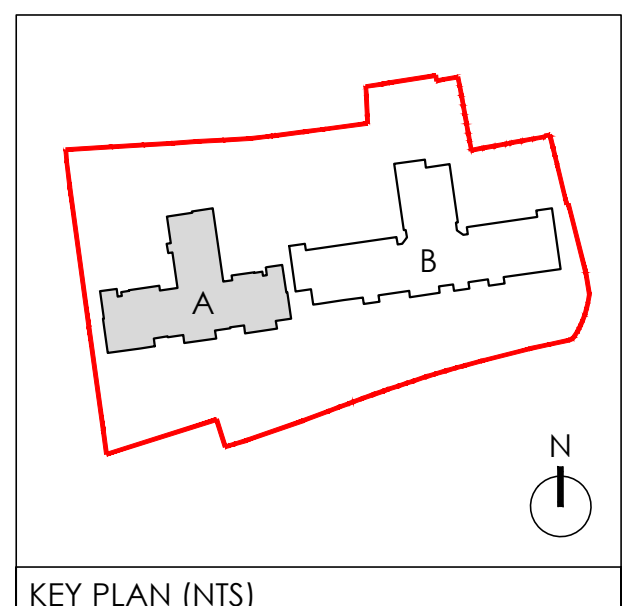
BLOCK A - FIRST FLOOR PLAN

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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - 01 Apartment Entrance & Plot Number
 - AOV Automatic Opening Vent



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Project Title
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 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block A (Retirement Living)
 Second Floor Plan

Scale 1:100@A1 Date 23.05.2022
 Drawn SGN Checked NT
 Drawing No. **LSE-2794-3-AC-1002 A**

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BLOCK A - SECOND FLOOR PLAN

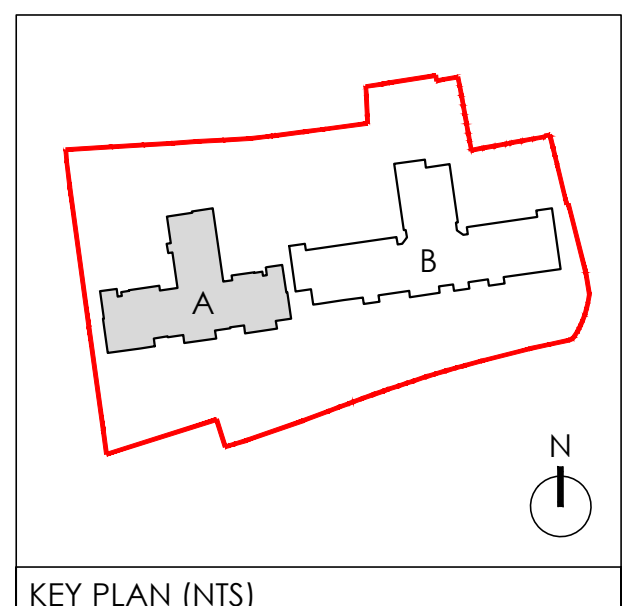
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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Plot 48-51 flat types updated to RL235B.	13.12.22	SGN

29



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - 01 Apartment Entrance & Plot Number
 - AOV Automatic Opening Vent



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Project Title
 Retirement Living & Anchor
 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block A (Retirement Living)
 Third Floor Plan

Scale 1:100@A1 Date 23.05.2022
 Drawn SGN Checked NT
 Drawing No. **LSE-2794-3-AC-1003 B**

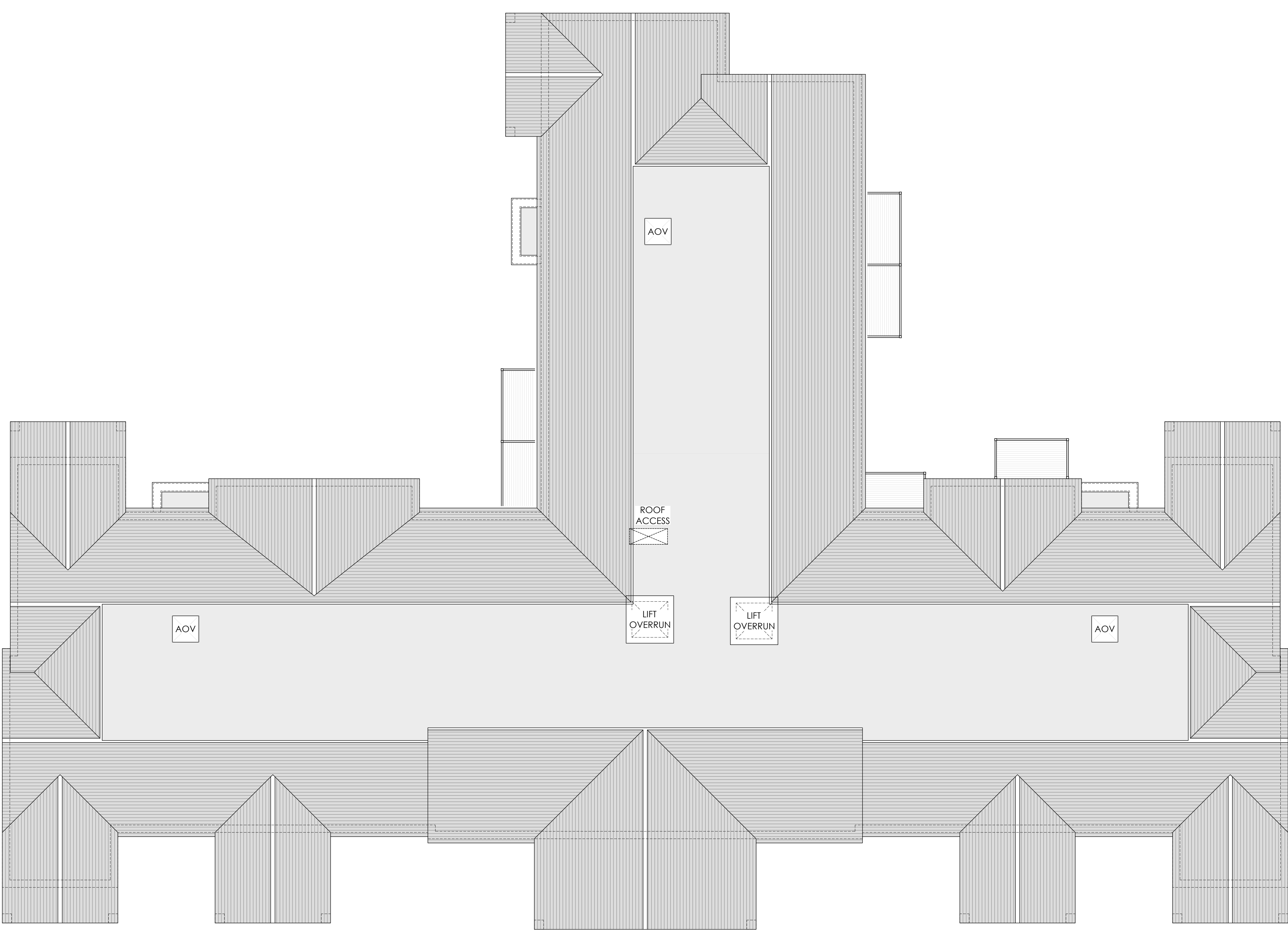
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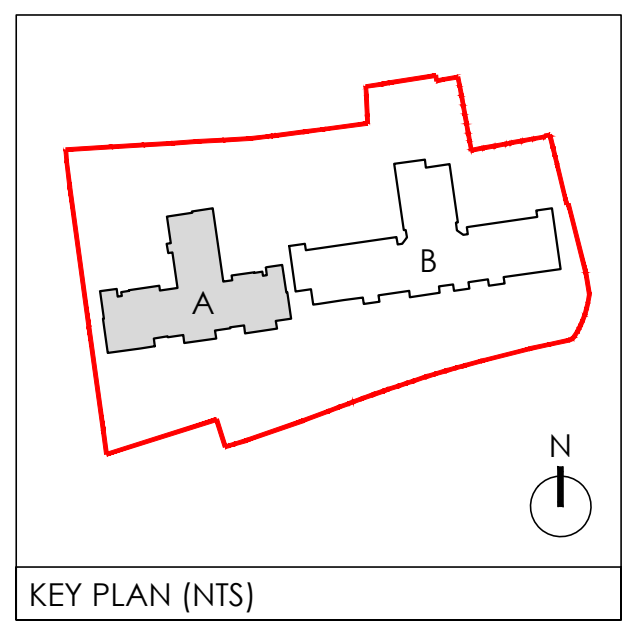
BLOCK A - THIRD FLOOR PLAN

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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Updated to suit latest floor layouts	13.12.22	SGN



BLOCK A - ROOF PLAN



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Drawing Title
 Block A (Retirement Living)
 Roof Plan

Scale 1:100@A1 Date 23.05.2022
 Drawn SGN Checked NT
 Drawing No.
LSE-2794-3-AC-1004 B

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REVISIONS			
Rev.	Note	Date	By
A	Elevations amended to planners comments	01.11.22	SGN
B	Elevations amended to planners comments	06.12.22	SGN



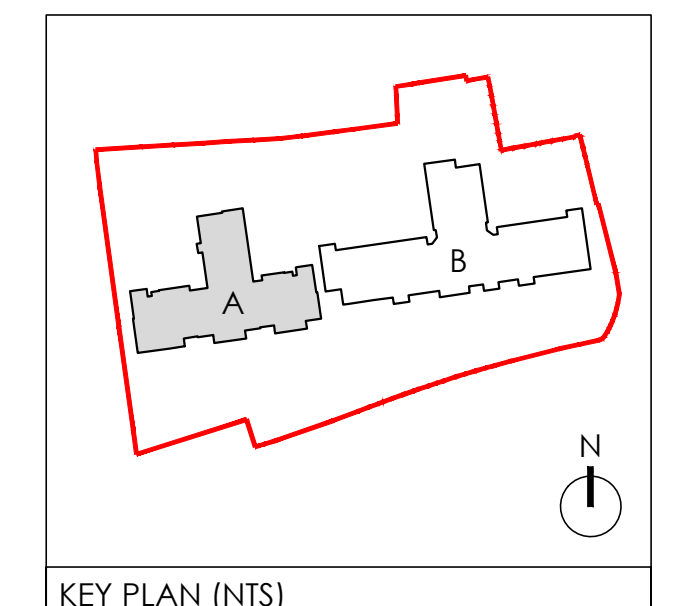
BLOCK A - SOUTH ELEVATION

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BLOCK A - EAST ELEVATION

Existing Building Outline



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Project Title
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 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block A (Retirement Living)
 South & East Elevations

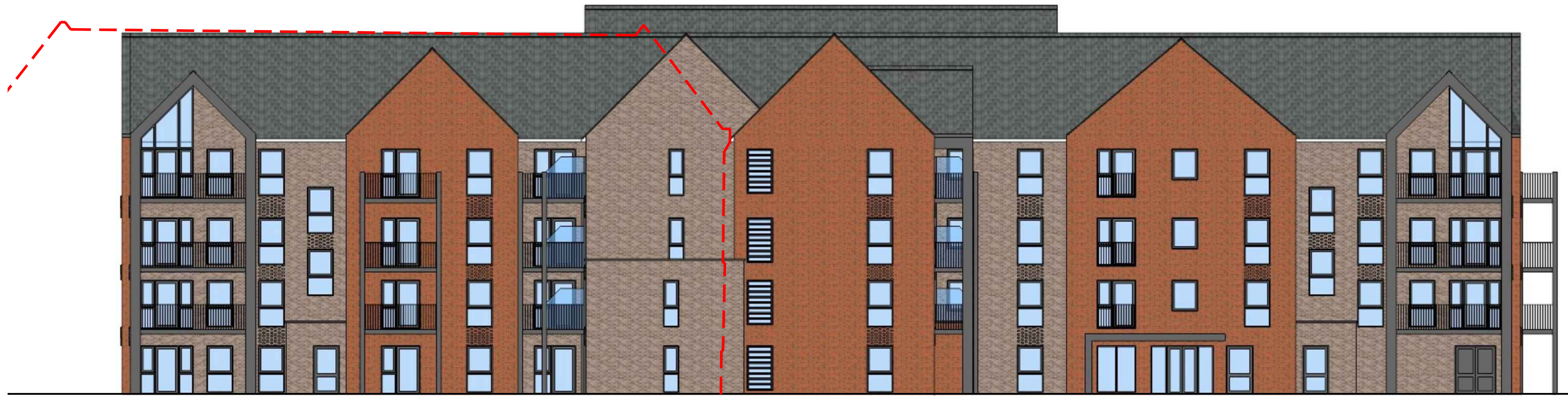
Scale 1:100@A1 Date 22.05.2022
 Drawn SGN Checked NT
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LSE-2794-3-AC-2000 B

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REVISIONS			
Rev.	Note	Date	By
A	Elevations amended to planners comments	01.11.22	SGN
B	Elevations amended to planners comments	06.12.22	SGN
C	Juliet balconies revised to metal railing	16.01.23	SGN

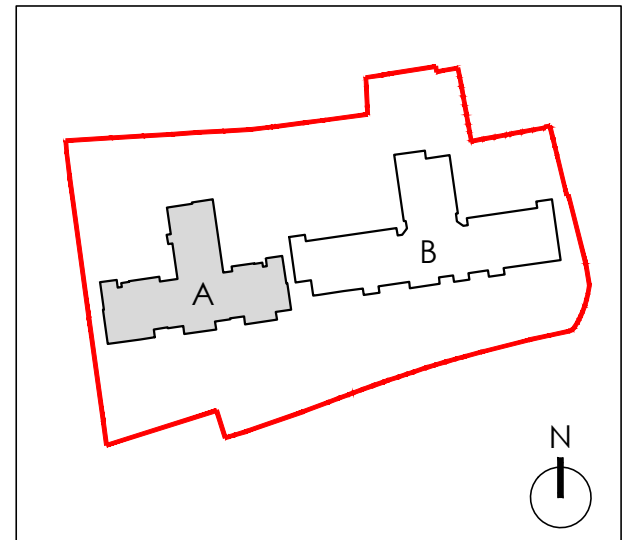


BLOCK A - NORTH ELEVATION



BLOCK A - WEST ELEVATION

Existing Building Outline



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Project Title
 Retirement Living & Anchor
 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block A (Retirement Living)
 North & West Elevations

Scale 1:100@A1 Date 22.05.2022
 Drawn SGN Checked NT
 Drawing No.
LSE-2794-3-AC-2001 C

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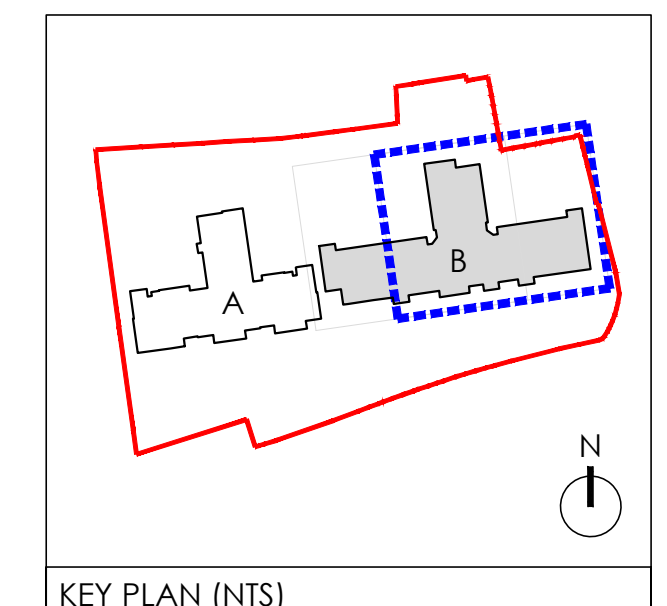
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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - 01 Apartment Entrance & Plot Number
 - AOV Automatic Opening Vent



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Project Title
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 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 Ground Floor Plan (Sheet 2 of 2)

Scale 1:100@A1 Date 23.05.2022
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BLOCK B - GROUND FLOOR PLAN

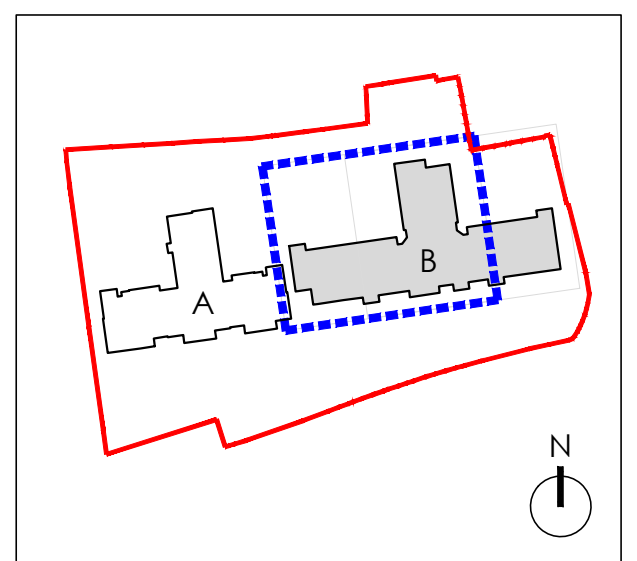
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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward, lounge windows increased	13.12.22	SGN

- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
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 - AOV Automatic Opening Vent



KEY PLAN (NTS)

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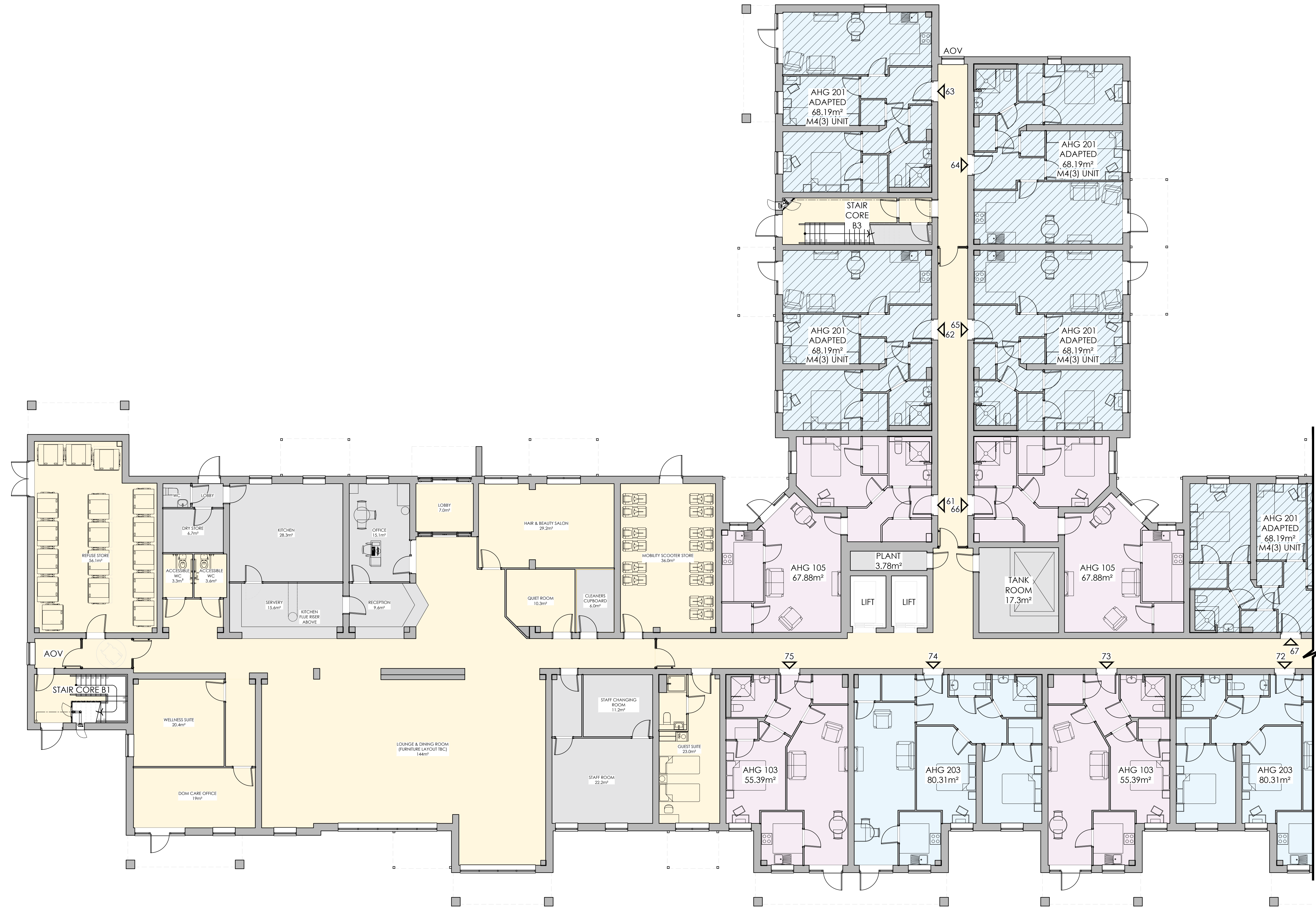
Project Title
 Retirement Living & Anchor
 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 Ground Floor Plan (Sheet 1 of 2)

Scale 1:100@A1 Date 23.05.2022
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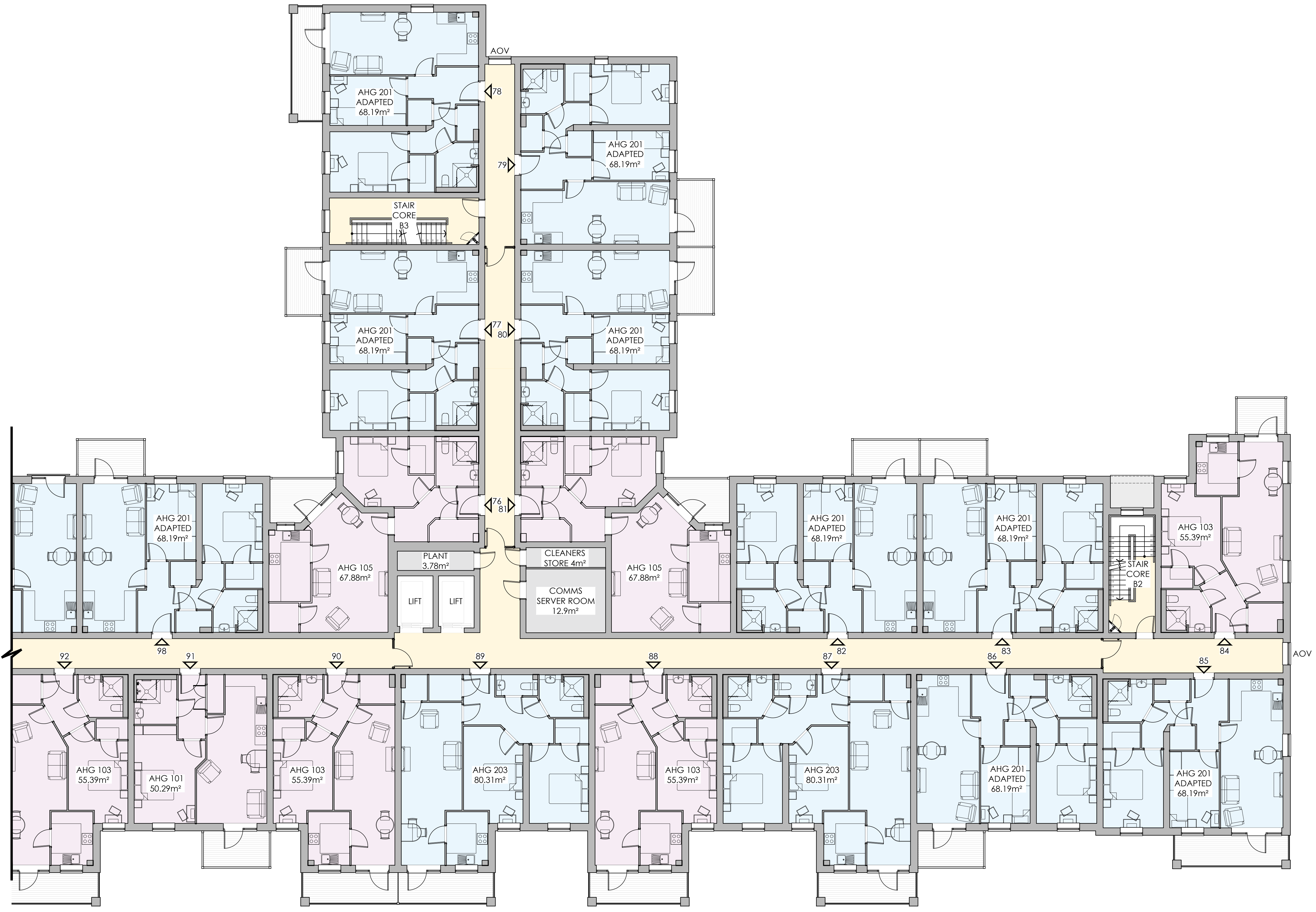
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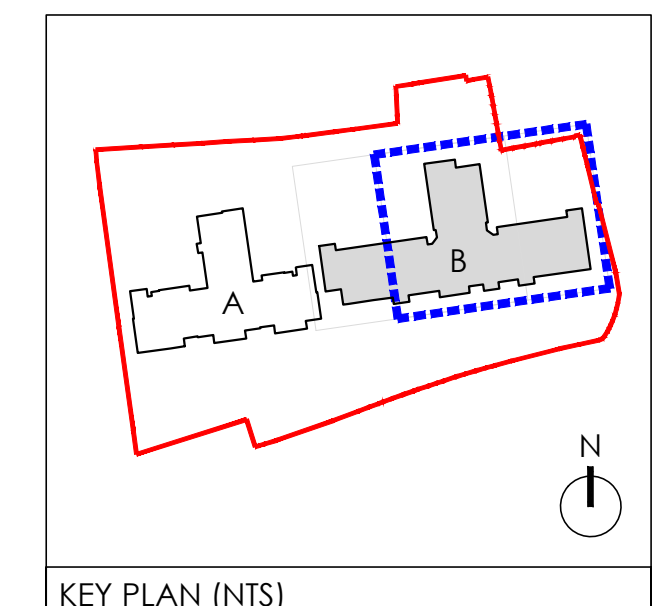
BLOCK B - GROUND FLOOR PLAN

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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - 01
 Apartment Entrance & Plot Number
 - AOV
 Automatic Opening Vent



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Project Title
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 Nazareth House, London Road
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Drawing Title
 Block B (Anchor)
 First Floor Plan (Sheet 2 of 2)

Scale 1:100@A1 Date 23.05.2022
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LSE-2794-3-AC-1013 B

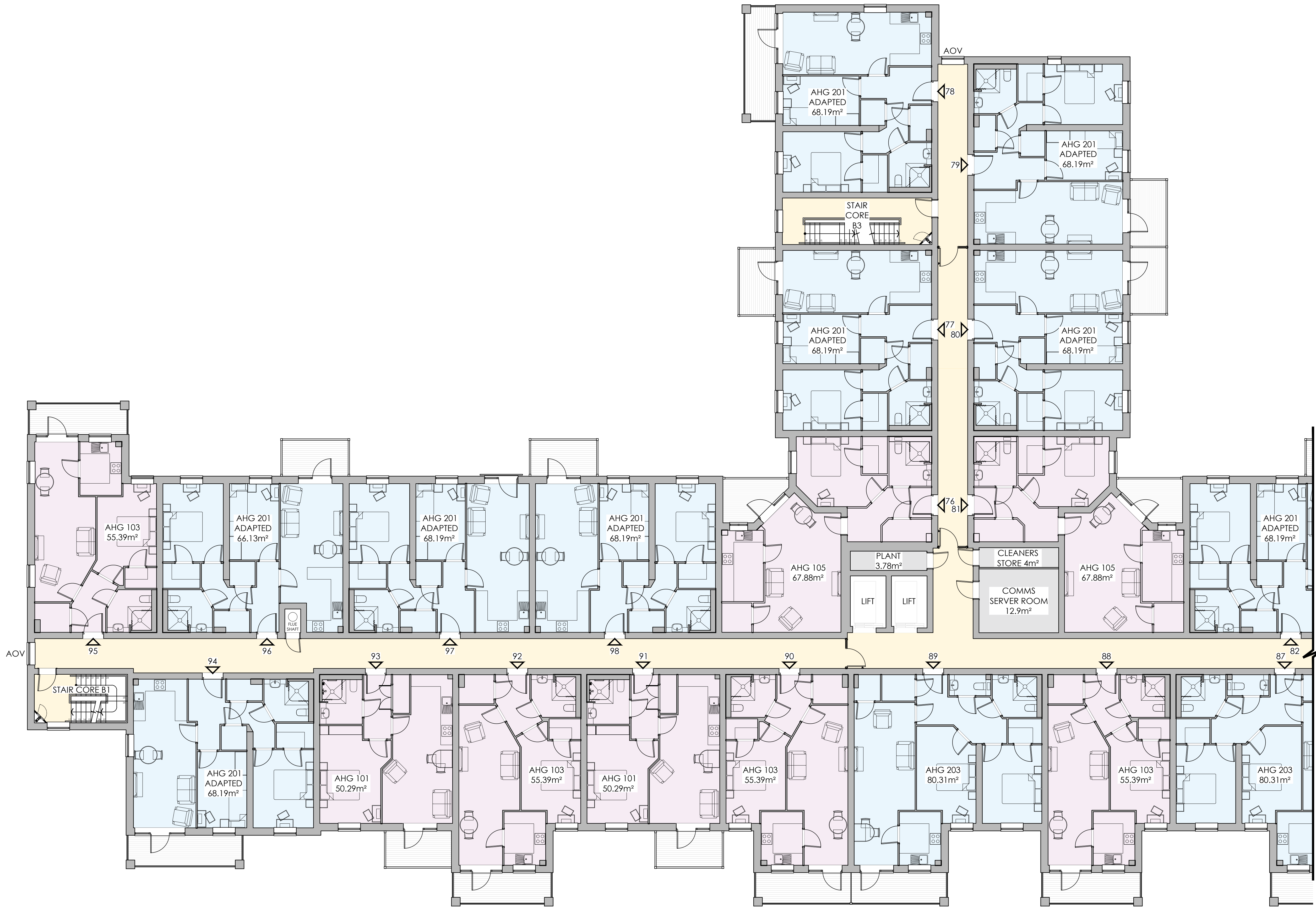
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BLOCK B - FIRST FLOOR PLAN

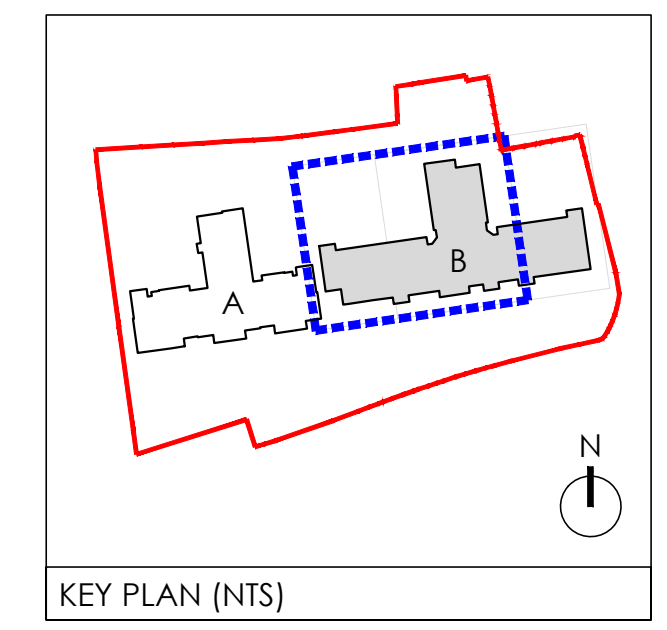
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Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



- KEY**
- 1 Bedroom Apartments
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 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 First Floor Plan (Sheet 1 of 2)

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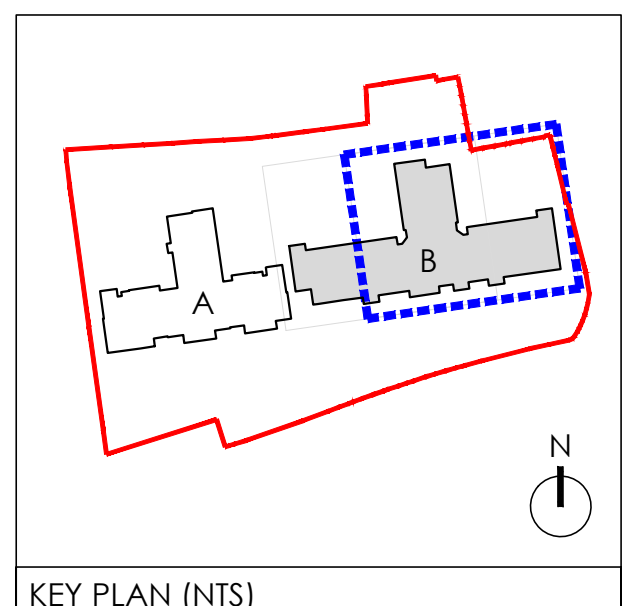
BLOCK B - FIRST FLOOR PLAN

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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
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 - Ancillary/Staff Areas
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 - AOV Automatic Opening Vent



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Project Title
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 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 Second Floor Plan
 Sheet 2 of 2

Scale 1:100@A1 Date 23.05.2022
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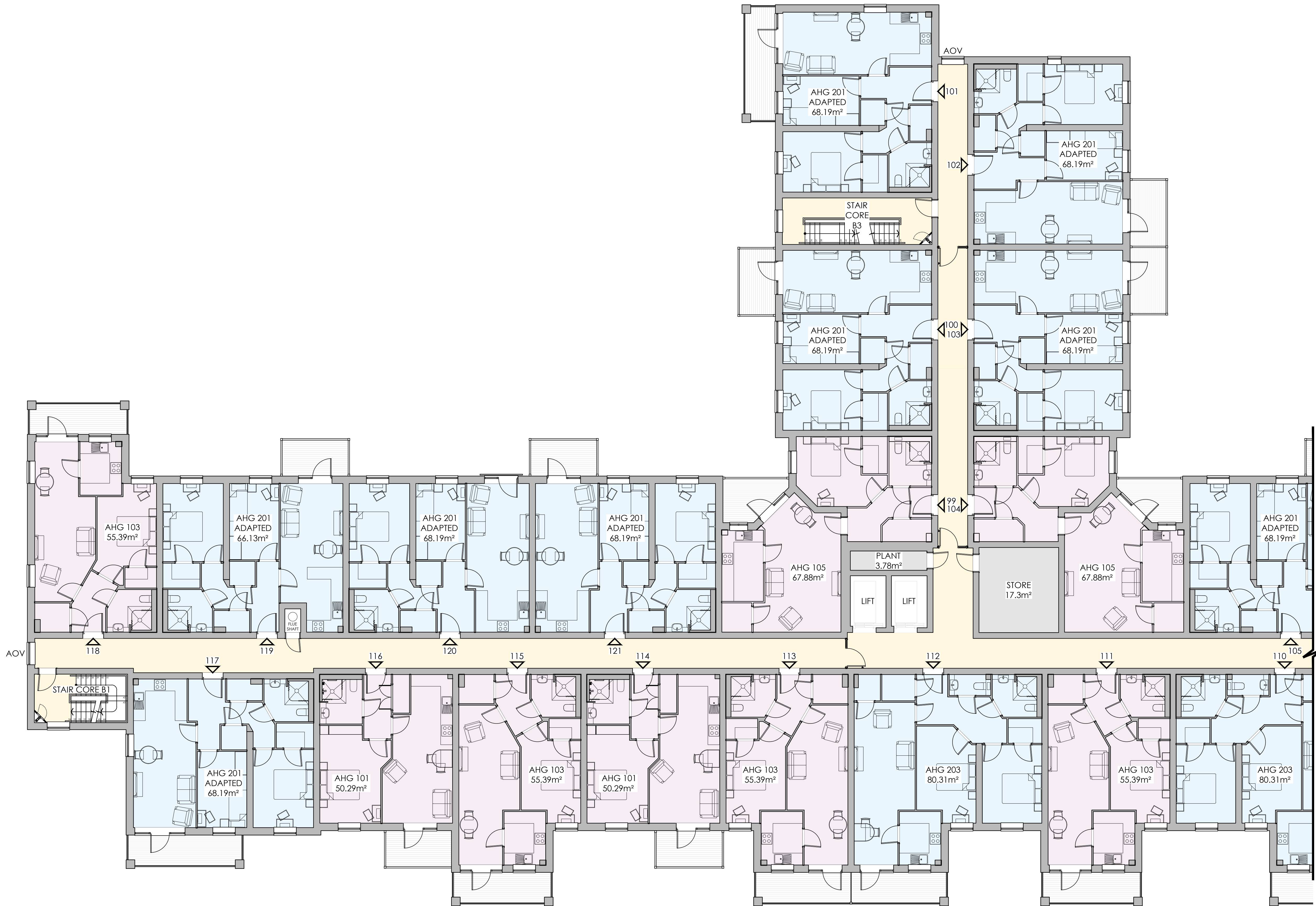
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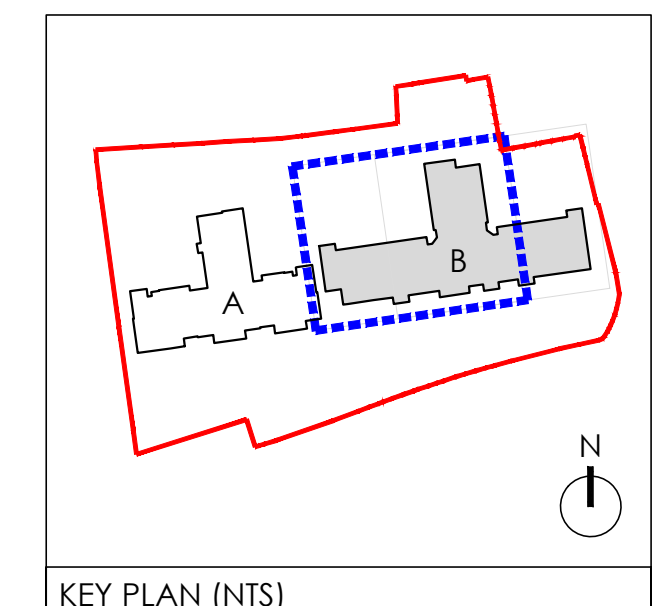
83

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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - Apartment Entrance & Plot Number
 - AOV Automatic Opening Vent



KEY PLAN (NTS)

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Project Title
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 Nazareth House, London Road
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Drawing Title
 Block B (Anchor)
 Second Floor Plan
 Sheet 1 of 2

Scale 1:100@A1 Date 23.05.2022
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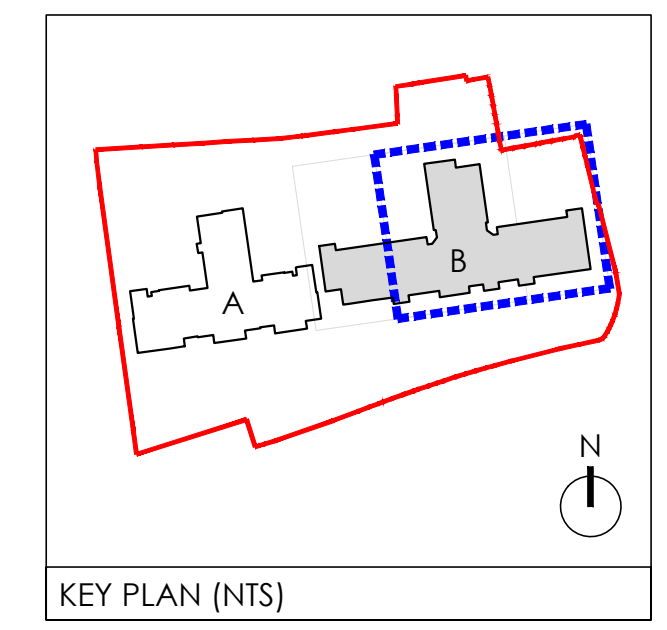
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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



- KEY**
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Project Title
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 Nazareth House, London Road
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Drawing Title
 Block B (Anchor)
 Third Floor Plan
 Sheet 2 of 2

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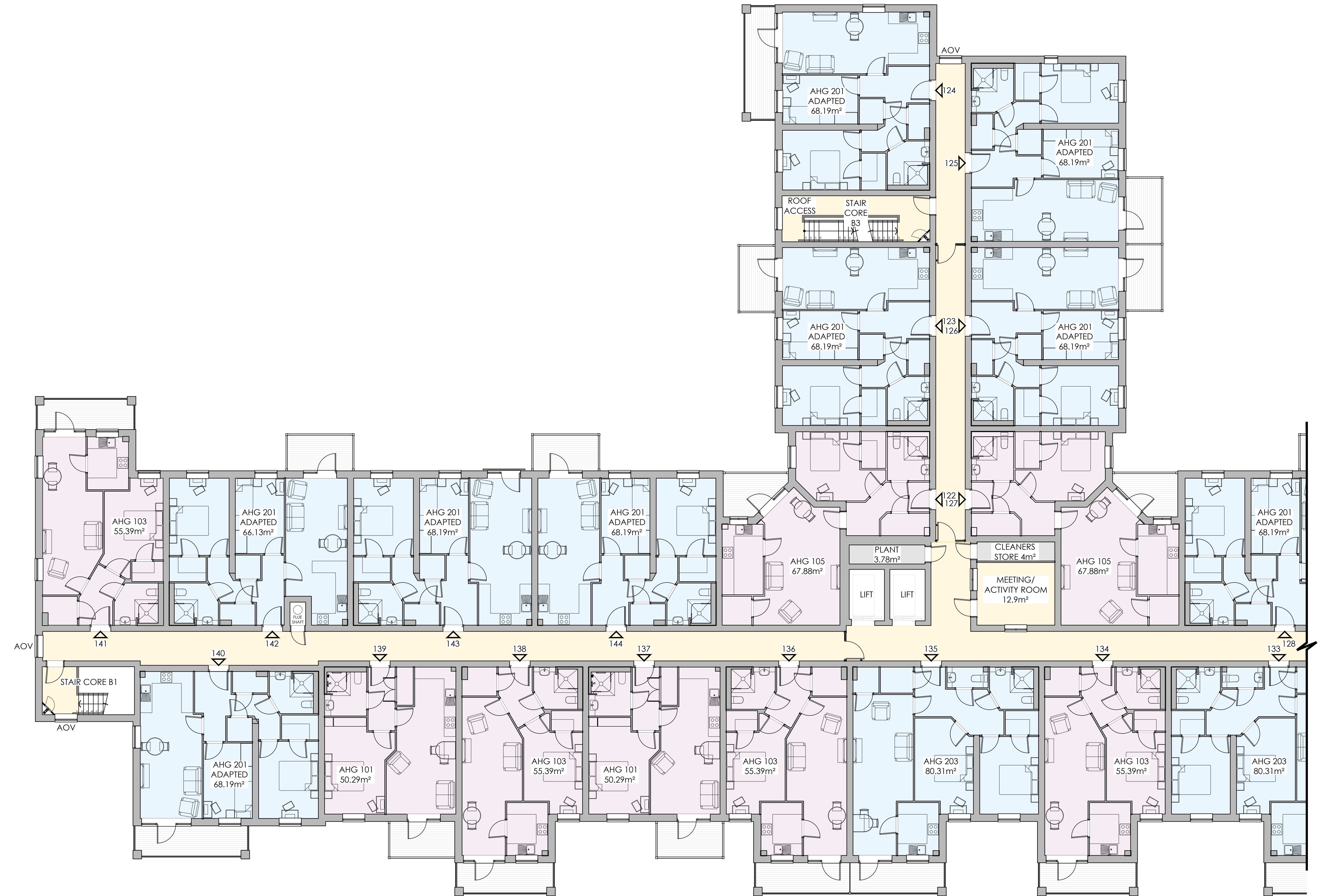
BLOCK B - THIRD FLOOR PLAN

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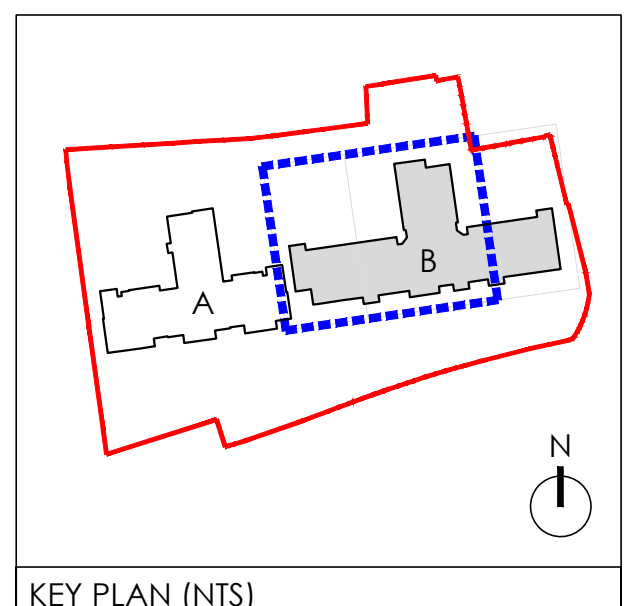
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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN

68



- KEY**
- 1 Bedroom Apartments
 - 2 Bedroom Apartments
 - Communal Areas
 - Ancillary/Staff Areas
 - Apartment Entrance & Plot Number
 - AOV Automatic Opening Vent



KEY PLAN (NTS)

CHBC Architecture
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 Suite 4, Newmarket House, Fordham Rd, Snailwell, Newmarket, CB8 7NB. Telephone 01438 663838

McCarthy Stone
Life, well lived

Project Title
 Retirement Living & Anchor
 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 Third Floor Plan
 Sheet 1 of 2

Scale 1:100@A1 Date 23.05.2022
 Drawn SGN Checked NT
 Drawing No. **LSE-2794-3-AC-1016 B**

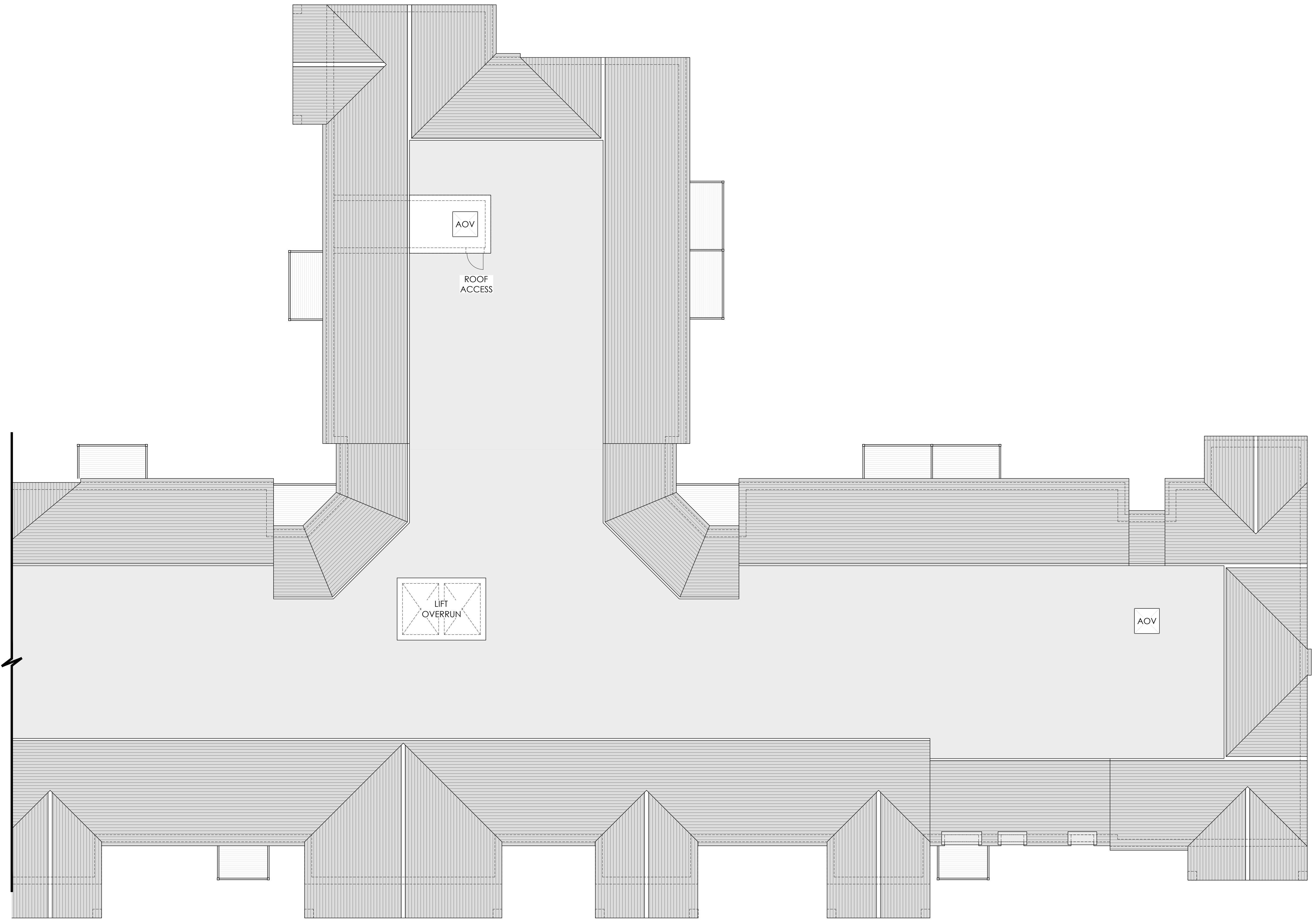
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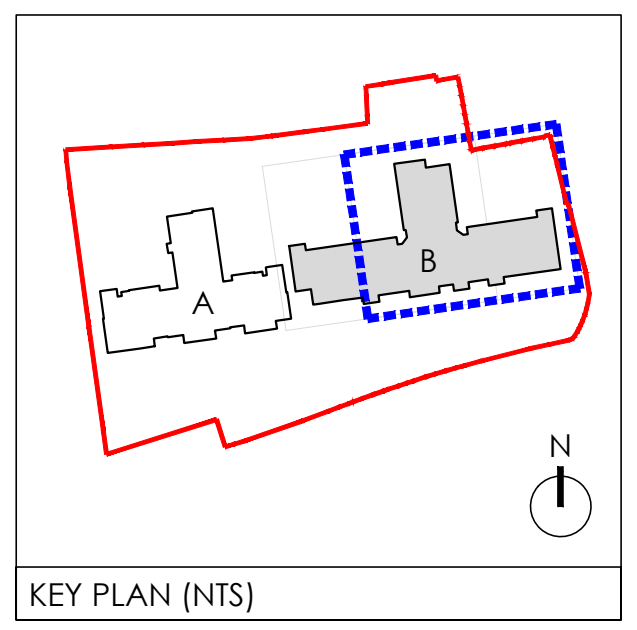
BLOCK B - THIRD FLOOR PLAN

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REVISIONS			
Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



BLOCK B - ROOF PLAN



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 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 Roof Plan (Sheet 2 of 2)

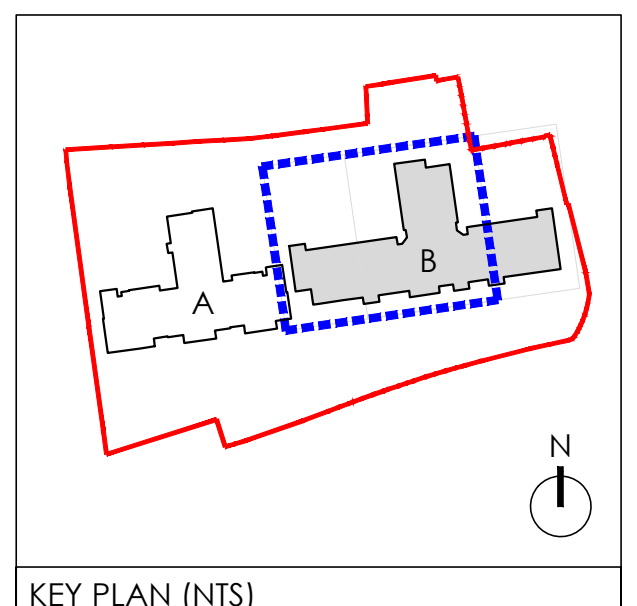
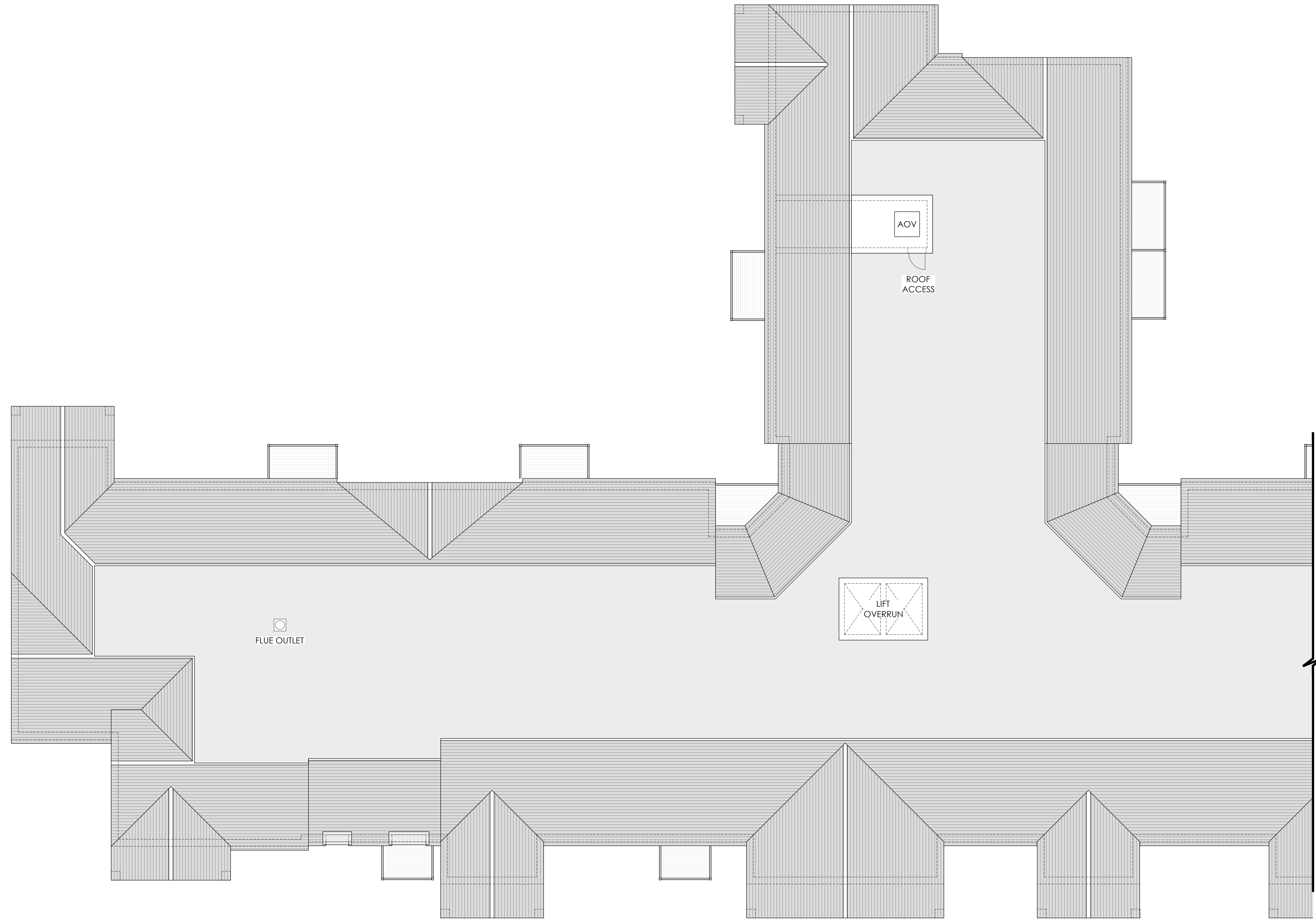
Scale 1:100@A1 Date 23.05.2022
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Rev.	Note	Date	By
A	Layout updated to planners comments and to suit revised elevations.	10.11.22	SGN
B	Corner unit moved forward	13.12.22	SGN



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Drawing Title
 Block B (Anchor)
 Roof Plan (Sheet 1 of 2)

Scale 1:100@A1 Date 23.05.2022
 Drawn SGN Checked NT
 Drawing No.
LSE-2794-3-AC-1018 B

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BLOCK B - ROOF PLAN

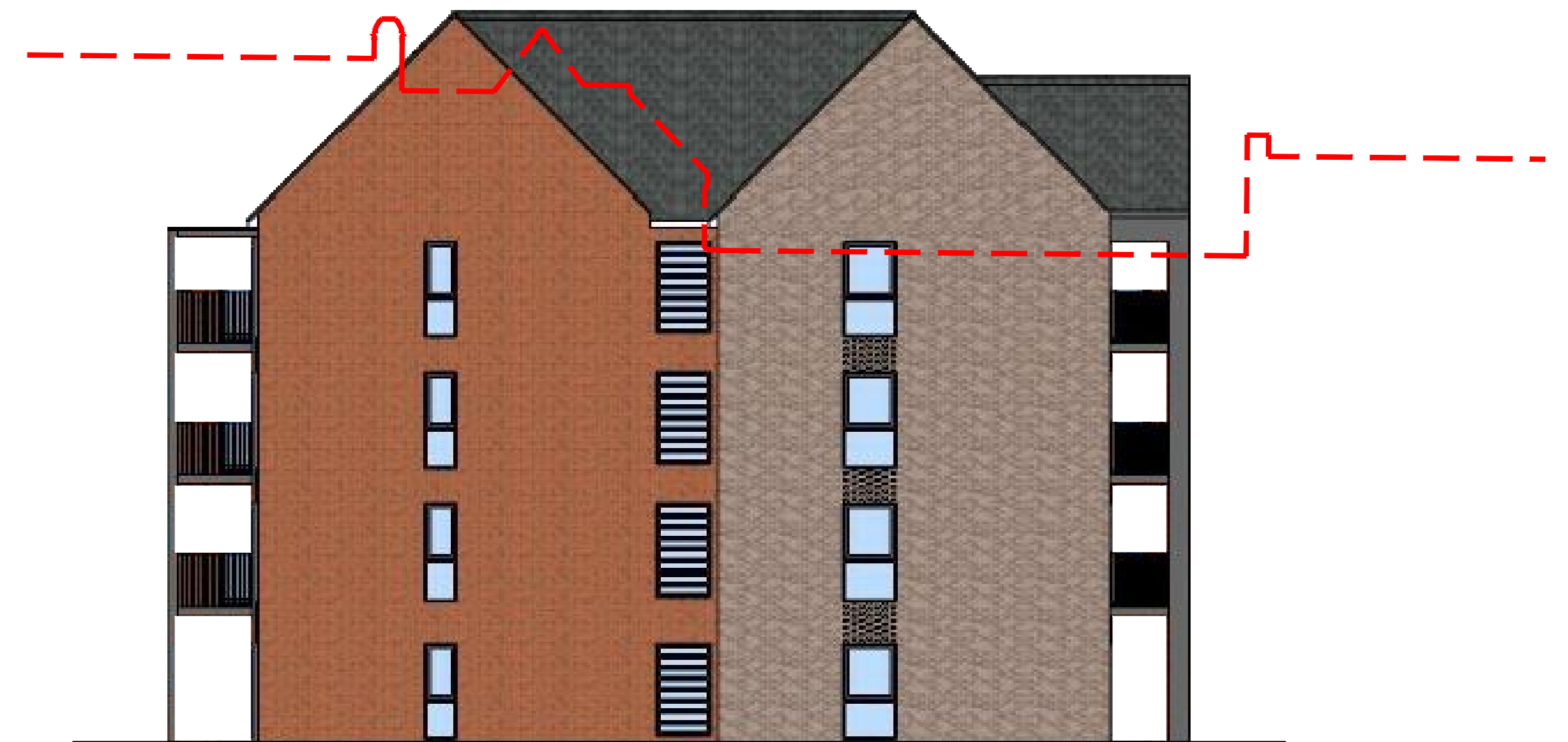
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REVISIONS			
Rev.	Note	Date	By
A	Elevations amended to planners comments	01.11.22	SGN
B	Elevations amended to planners comments	06.12.22	SGN
C	Juliet balconies revised to metal railing	16.01.23	SGN



BLOCK B - NORTH ELEVATION (EAST WING)

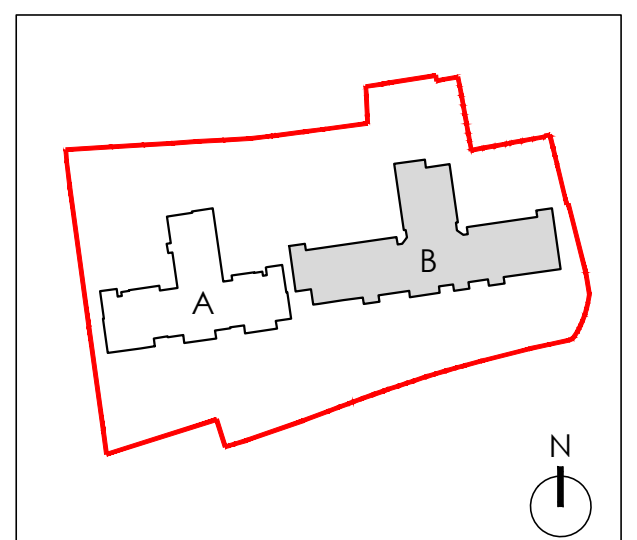


BLOCK B - NORTH ELEVATION (NORTH WING)



BLOCK B - NORTH ELEVATION (WEST WING)

Existing Building Outline



KEY PLAN (NTS)



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Project Title
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 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 North Elevation

Scale 1:100@A1 Date 22.05.2022
 Drawn SGN Checked NT
 Drawing No.
LSE-2794-3-AC-2011 C

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REVISIONS			
Rev.	Note	Date	By
A	Elevations amended to planners comments	01.11.22	SGN
B	Elevations amended to planners comments	06.12.22	SGN

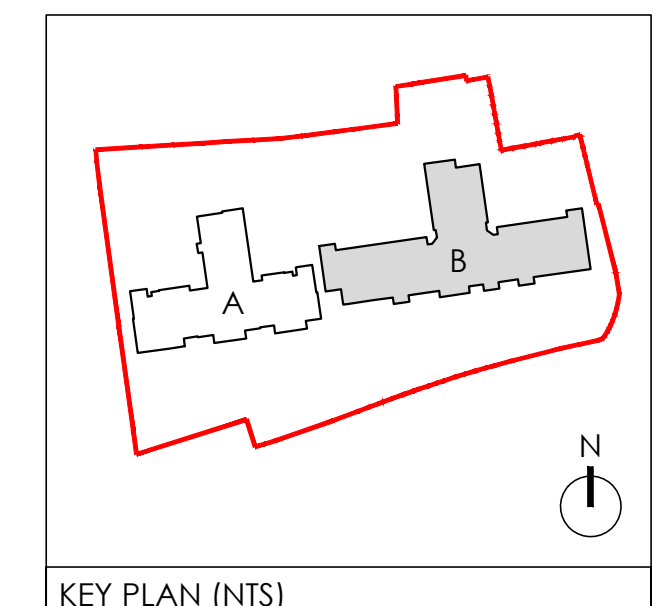


BLOCK B - EAST ELEVATION



BLOCK B - WEST ELEVATION

Existing Building Outline



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 Nazareth House, London Road
 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 East & West Elevations

Scale 1:100@A1 Date 22.05.2022
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 Drawing No.
LSE-2794-3-AC-2012 B

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REVISIONS			
Rev.	Note	Date	By
A	Elevations amended to planners comments	01.11.22	SGN
B	Elevations amended to planners comments	06.12.22	SGN

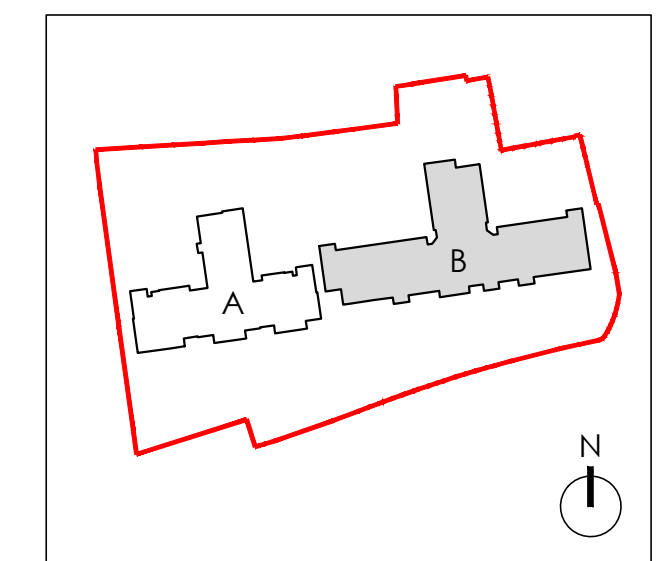


BLOCK B - SOUTH ELEVATION



BLOCK B - SOUTH ELEVATION (CONTINUED)

--- Existing Building Outline



KEY PLAN (NTS)

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Project Title
 Retirement Living & Anchor
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 Southend-on-Sea

Drawing Title
 Block B (Anchor)
 South Elevation

Scale 1:100@A1 Date 22.05.2022
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LSE-2794-3-AC-2010 B

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REVISIONS

Rev.	Note	Date	By
A	Balcony surround depth reduced	07/02/23	SGN



- Artificial slate tiles to roof.
- Full height apex window to gable.
- Grey coloured cladding to projecting balcony structure.
- Powder coated metal railing balustrade to balconies.
- Powder coated metal cladding to edge of balconies.
- See elevations for brick colour.
- UPVC windows & doors with slim profile coloured frames to match metalwork.



- Artificial slate tiles to roof.
- Full height apex window to gable.
- Grey coloured cladding to projecting balcony structure.
- Powder coated metal railing balustrade to balconies.
- Powder coated metal cladding to edge of balconies.
- UPVC windows & doors with slim profile coloured frames to match metalwork.

ELEVATION

3D VIEW



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Project Title
Retirement Living & Anchor
Nazareth House, London Road
Southend-on-Sea

Drawing Title
Building Details
Balconies

Scale NTS@A2 Date 20.01.2023
Drawn SGN Checked NT
Drawing No.
LSE-2794-3-AC-4000 A

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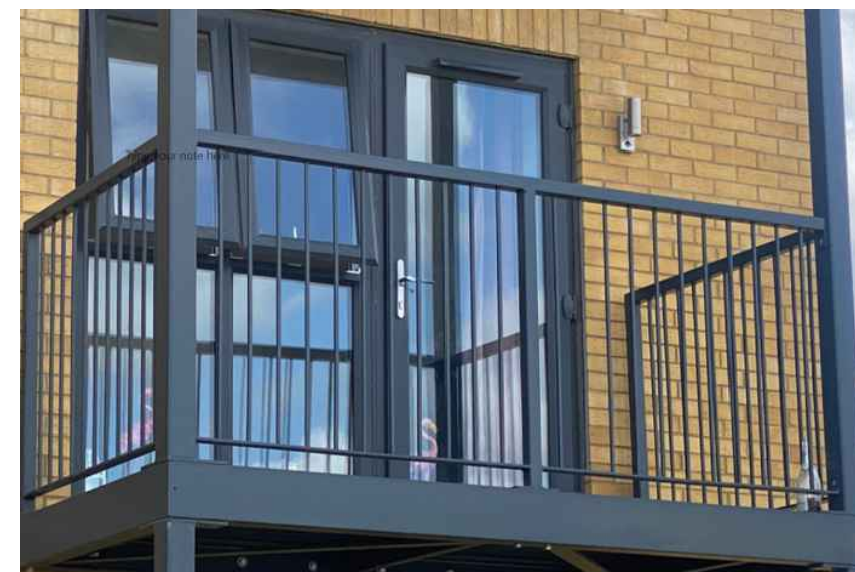


Private house with projecting gable feature.

PRECEDENT IMAGES - PROJECTING GABLES



McCarthy Stone development in chelmsford with projecting gables.



Steel balconies with vertical railings set between projecting gables or with corner posts dependant on location.

PRECEDENT IMAGES - BALCONY

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REVISIONS

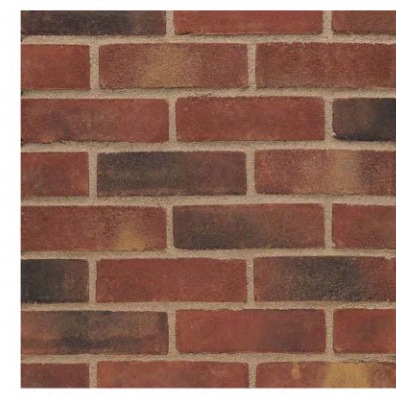
Rev. Note. Date By

NOTES

- All materials subject to technical design detail and planning condition confirmation - images show intent

NON VISIBLE ELEMENTS

- Flat roof areas - Bauder Thermofol PVC light grey or similar, to be confirmed at technical design
- Bin and buggy store doors - Aluminium Anthracite RAL 9016 or similar
- Vents - All vents to match building material/colour immediately adjacent to minimise visibility
- Juliet balcony railings - to match balcony railings in design, style and colour



Wienerberger Blended Red Multi Gilt Stock or similar



Wienerberger Pagus Grey/Black or similar



White UPVC fascias with black gutters and downpipes



Cladding to projecting balcony structure, Anthracite RAL 9016 or similar



Fibre cement slate tiles, Cedral Thrutone or similar



Slimline UPVC windows and doors, Anthracite RAL 7016 or similar

107



TYPICAL FRONT ELEVATION



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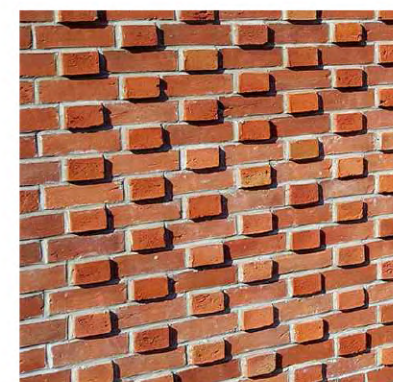
Drawing Title
Material Elevation

Scale NTS@A2 Date 20.01.2023
Drawn SGN Checked NT
Drawing No.
LSE-2794-3-AC-4002 -
Division Project No. Stage Discipline Number Revision

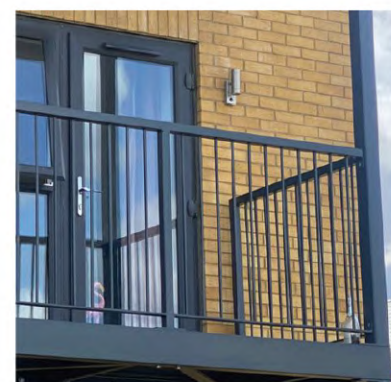
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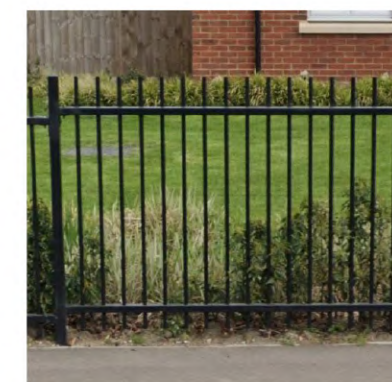
Full height Aluminium window/door to lounge area, Anthracite RAL 7016 or similar



Projecting header brickwork detail vertically between windows



Powder coated metalwork to balcony railings, Anthracite RAL 9016 or similar



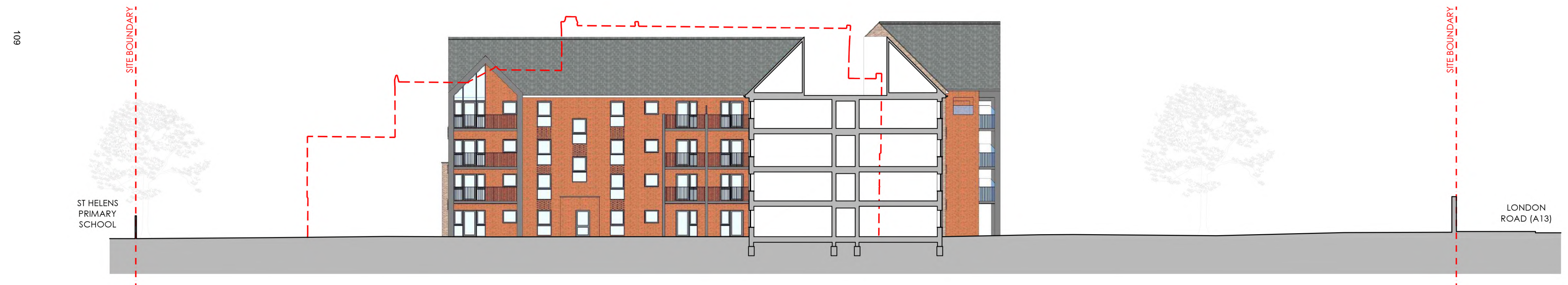
Black metal railings to replace removed brickwork panels in front boundary wall - See street scene drawing for locations

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REVISIONS			
Rev.	Note	Date	By
A	Wall panel changed to railing.	31.01.23	JP



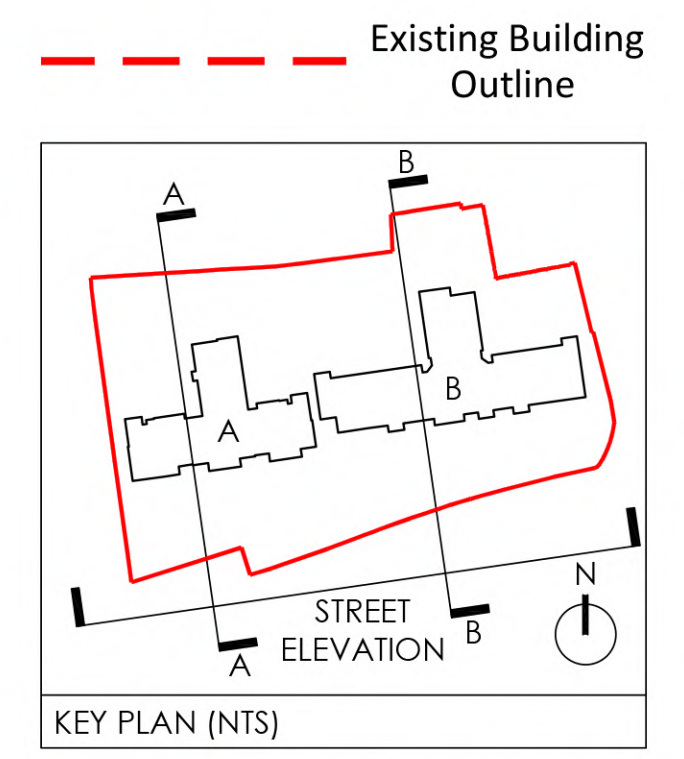
STREET ELEVATION - LONDON ROAD (A13)
SCALE 1:250



SECTION A-A - TYPICAL SECTION THROUGH BLOCK A
SCALE 1:200



SECTION B-B - TYPICAL SECTION THROUGH BLOCK B
SCALE 1:200



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Project Title
Retirement Living & Anchor
Nazareth House, London Road
Southend-on-Sea

Drawing Title
Street Elevations
& Typical Sections

Scale	1:250@A1	Date	14.12.2022
Drawn	JP	Checked	SGN
Drawing No.	LSE-2794-3-AC-3000 A		

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Nazareth House

Photos

Nazareth House Existing Building West



Nazareth House Existing Building East



Chapel front



Rear of buildings including chapel



Existing landscaped Gardens



Graveyard (outside site)



View of existing buildings from London Road



Relationship with neighbour to west

117



Neighbours to west



and south



Relationship with neighbour to east



Boundary to north to St Helens School



Boundary Wall



Gatehouse (outside site)

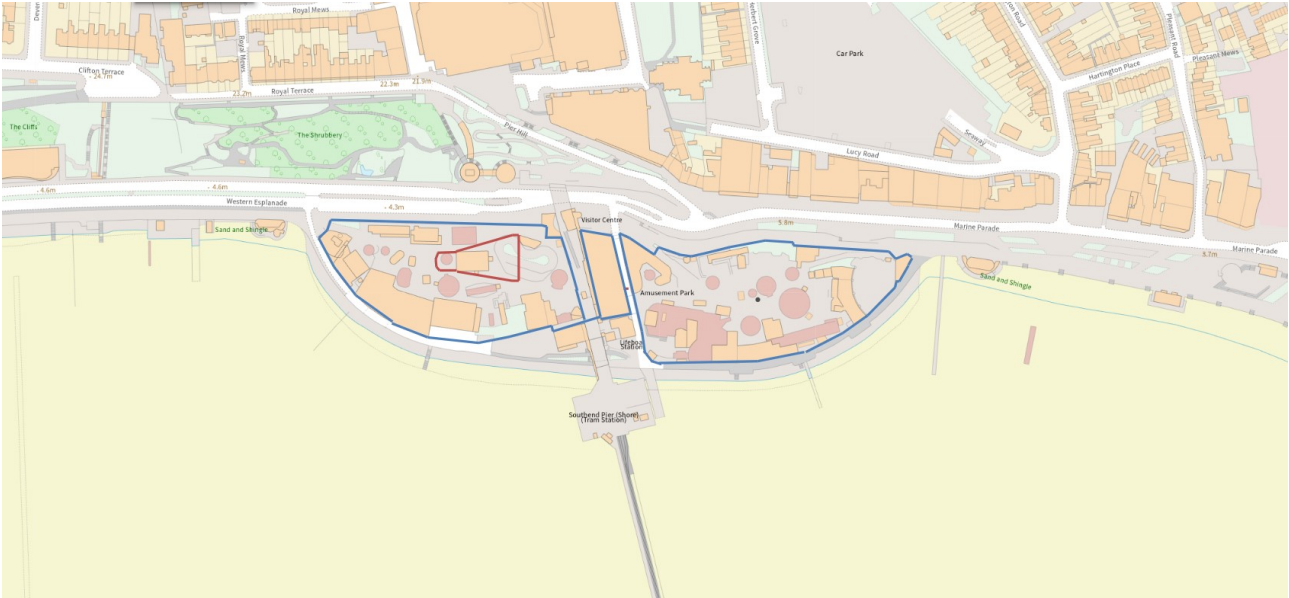


Existing gates and entrances



Reference:	22/02098/BC4	5
Application Type:	FULL	
Ward:	Milton	
Proposal:	Install a new big wheel and observation tower attractions within the existing Adventure Island site (Part Retrospective)	
Address:	Adventure Island Western Esplanade Southend-on-Sea Essex SS1 1EE	
Applicant:	Mr Miller, Stockvale	
Agent:	SKArchitects	
Consultation Expiry:	03.03.2023 (EA and LLFA - responses received) 12.12.2022 (Neighbours)	
Expiry Date:	03.03 2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	P101A, P102A, P103A	
Additional information:	<p>Design and Access Statement by SKA dated November 2022</p> <p>P104A (visuals)</p> <p>Transport Statement by N.R. Associates dated October 2022</p> <p>Adventure Island Townscape and Visual Impact Assessment by Wynne-Williams Associates dated October 2022 and TVIA Addendum (methodology) reference PL100</p> <p>Heritage Impact Assessment by AHP dated October 2022 and Addendum to Heritage Impact Assessment by AHP dated January 2023</p> <p>Southend Air Economic Impact Report by Lichfield's dated January 2023</p> <p>Habitats Regulations Assessment v3 By SLR dated December 2022</p> <p>Copy of Letter from Natural England dated 17.10.22</p> <p>Lighting Strategy by SKArchitects reference 783-10-22</p> <p>Flood Risk Assessment by SLR reference</p>	

	<p>425.064691.00001 dated February 2023</p> <p>Flood Warning & Evacuation Plan Reference 783-10-22 Rev A</p> <p>Big Wheel / Observation Tower – Adventure Island - Flood Stability Assessment by HJ Structural Engineers reference MAS1465 dated 10.2.23</p>
<p>Recommendation:</p>	<p>GRANT PLANNING PERMISSION subject to conditions</p>



1 Site and Surroundings

- 1.1 This application relates to the western side of the Adventure Island site, to the south of Western Esplanade and to the west of the Pier. The site is set at a lower land level than the road but the Adventure Island rides generally extend above footpath level and are prominent in the streetscene. Adventure Island is a key attraction on the seafront and an important part of the tourism offer for the city. The Adventure Island site marks the western boundary of the central seafront commercial area.
- 1.2 There are a number of listed buildings close to the site including the Pier directly to the east, Nos 1-4 Marine Parade to the northeast, The Royal Hotel and Nos 1-15 Royal Terrace on top of the Cliff Gardens to the north and Nos 1-7 Clifton Terrace further along the cliff to the northwest. The Palace Hotel (now the Park Inn Palace) nearby to the northeast and the Cliff Lift in the Cliff Gardens to the northwest are locally listed. The Shrubbery and Cliff Gardens opposite the site on the north side of Western Esplanade and the buildings on the cliff top to the north, northeast and northwest of the site are all within the boundary of Clifftown Conservation Area. Further afield but with views of the site are the Grade II listed Kursaal and associated Kursaal Conservation Area and Eastern Esplanade Conservation Area.
- 1.3 Adventure Island itself as well as the Pier, the Palace Hotel, the Pier Observation Tower and Lift, The Royal Hotel and Royal Terrace, City Beach, The Kursaal and the Cliff Lift are all recognised local landmarks within the Southend Central Area Action Plan.
- 1.4 The central seafront area generally has a lively character and includes a wide range of buildings and structures, many with a leisure theme and feature illuminations and these contribute to the vibrant atmosphere of this area. The existing rides and Adventure

Island form part of this character including as a backdrop to the Pier and foreshore.

- 1.5 The foreshore area to the south of the site is covered by a number of international, national and local nature designations including RAMSAR (i.e. conservation of wetlands), Site of Special Scientific Interest (SSSI), Site of International Nature Conservation (SINC), Special Protection Area (SPA) and Local Nature Reserve. The site is also within flood zone 3 and falls within the Central Seafront Policy Area as defined by the Southend Central Area Action Plan.

2 The Proposal

- 2.1 The application seeks planning permission to install a big wheel and an observation tower attraction within the existing Adventure Island site on the west side of the Pier. The big wheel has been installed and is operational. This has a maximum height of +35.40m AOD which is 34.4m above ground level within the park itself and 31m above pavement level on Western Esplanade. The wheel is 32m diameter and has 24 individual pods each sitting up to 6 people. 1 pod is fully accessible.
- 2.2 The proposed observation tower would be a maximum of 39.25m AOD which equates to 38.2m above ground level within the park and 34.9m above pavement level on Western Esplanade. It has a maximum width of 4.7m for the movable element and a base of some 10m. This ride is open to the air not an enclosed pod. It has seats fixed directly to a ring around the central column and visitors will be secured by an over-shoulder style restraint. It can be operated at different speeds as a thrill ride or a more sedate viewing experience.
- 2.3 Both rides will be operational only when the amusement park is open which is between 11am and 8pm-10.30pm in peak times of the year including school holidays in the summer months and summer weekends and between 11am and 4pm-8pm during summer weekdays and February and October half terms, excluding school holidays. The park is closed in January and on weekdays during term times from September to the end of May. The new rides will be included within the wristband ticket option but can also be paid for with individual tickets. A lighting strategy has been submitted with the application which states that the new attractions will be floodlit at night but will not emit any vertical lighting (eg lasers). The submission states that the proposal would result in 5 new full time equivalent jobs at the site.
- 2.4 Planning permission is required because both structures are over 25m tall. New rides below this height ordinarily fall within the provisions of permitted development for amusement parks.

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

<i>Reference</i>	<i>Description</i>	<i>Outcome</i>
22/00317/UNAU_B	Erection of Big Wheel, Adventure Island	Pending
22/01452/RSE	Proposed development to install a new Big Wheel and Drop Tower attractions within the northern confines of the existing Adventure Island site (Request for Screening Opinion)	Screening Opinion Issued - Not EIA development
14/00069/BC4M	Erect building to create indoor adventure fun	Granted

	park	
13/00792/FUL	Erect 60m high Starflyer Carousel within Adventure Island Theme Park	Withdrawn
13/00773/FUL	Erect 45m high Big Wheel ride within Adventure	Withdrawn
10/02181/CLE	External use of Tables and Chairs (Lawful Development Certificate - Existing)	Refused

4 Representation Summary

Public Consultation

- 4.1 32 properties were consulted, a site notice displayed and the application was advertised in the press. Re-consultation was undertaken following the submission of additional supporting information. A further consultation was also undertaken with the Environment Agency and the Lead Local Flood Authority following the receipt of a Flood Risk Assessment, Evacuation Plan and Flood Stability Statement.
- 4.2 In total 2 letters of representation had been received making the comments summarised below.
- The height is excessive. It will dominate the views of the conservation area and listed buildings and views of the Pier. Impact on views.
 - Concern over the impact of the lighting on foreshore wildlife. More information should be provided on the proposed lighting.
 - Light pollution generally and impact on local residents and nocturnal wildlife.
 - Lack of consultation of residents in wider area.
- 4.3 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. Consultation was undertaken in accordance with statutory requirements.

Highways

- 4.4 There are no highway objections to this proposal the applicant has provided a detailed transport assessment which highlights sustainable transport options including bus and rail links, local parking options and journey planning. It is not considered that the proposal will have a detrimental impact on the local highway network.

Environmental Health

- 4.5 No objections subject to conditions relating to construction hours, noise and lighting.

London Southend Airport

- 4.6 Our calculations show that, the proposed development would conflict with safeguarding criteria unless any planning permission granted is subject to a condition to ensure that any lighting associated with the development must not present a hazard to aircraft i.e. glare / dazzle / distraction. The submitted lighting strategy is acceptable in this respect.

Environment Agency

- 4.7 [Original response]: The site is situated in Flood Zone 3 and no Flood Risk Assessment (FRA) has been provided. We are however confident that the nature of the development, means that it will not increase flood risk elsewhere and thus have no objection to the

proposal. [Further response having been consulted on the subsequently submitted FRA] – no further comments to those already made.

Historic England

- 4.8 No comments. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Lead Local Flood Authority

- 4.9 Having reviewed the information provided in relation to drainage, flood risk, water quality and SuDS there are no proposals that increase the risk/possibility of flooding, therefore the LLFA have no comments to make.

Health and Safety Executive

- 4.10 The development is over 18m but does not fall within the definition of a relevant building so we have no comments on this application.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), (DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM10 (Employment Sectors), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.5 Southend Central Area Action Plan (SCAAP) (2018) Policies DS2 (Key Views) Policy DS3 (Landmark and Landmark Buildings) Policy DS5 (Transport, Access and Public Realm), Policy CS1 (Central Seafront Policy Area Development Principles).
- 5.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 The Clifftown Conservation Area Appraisal (2021), The Kursaal Conservation Area Appraisal (2021) and Eastern Esplanade Conservation Area Appraisal (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene including nearby heritage assets, impact on residential amenity, traffic and parking implications, flooding, sustainability, impact on ecology and CIL liability.

7 Appraisal

Principle of Development

- 7.1 One of the aims of the Southend Central Area Action Plan is to *'promote and enhance the tourism, cultural and leisure offer within the Central Area'*. In relation to this aim Policy CS1 states that the Council will *'consider favourably proposals which enhance or diversify the range of arts, culture, entertainment, tourism, leisure and recreational facilities, subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and environmental designations, including protected green space.'*
- 7.2 The proposed development would constitute a significant visitor attraction, would enhance the visitor offer of the amusement park and provide the equivalent of 5 full time jobs at Adventure Island itself. It would also contribute to wider tourism in the City attracting visitors to the area and benefitting a range of local businesses. An Economic Impact Report by Lichfields dated January 2023 has been submitted in support of the application. This report anticipates substantially increased visitor numbers and related economic benefits. Whilst officers do not necessarily agree with all of the report's findings, it is recognised that the development would be capable of delivering significant economic benefits for the City and they weigh heavily in favour of the proposal and have the potential to support significant regeneration and growth in the City and in particular in the central seafront and City centre thereby positively contributing to the Councils' corporate objectives in this regard.
- 7.3 London Southend Airport have not raised any concerns to the development in regard to aircraft safety subject to a lighting condition. The principle of the development is therefore considered to be acceptable subject to the detailed considerations set out below, including flood risk.

Flood Risk

- 7.4 The site is located in a high-risk flood zone (3) but the wall that surrounds the site has been constructed as a flood defence barrier. The proposal does not result in a change of use and as a leisure facility, the theme park is classified as 'less vulnerable', meaning that the development is acceptable in this location. A Flood Risk Assessment has been submitted with the application. This concludes that the site is protected from flood waters up to a height of 5.5m. The probability of breaching this defence is less than 1 in 200 annually, however, even if this occurs the proposal is considered to be water compatible development. The structural report submitted with the application states that, given the significant weight and lateral stability of the base of both the wheel and the tower no concerns are raised in regard to the stability of the structures. Both the Environment Agency and the Lead Local Flood Authority LFA raise no objection. The proposal is acceptable and policy compliant in terms of flood risk.

Design and impact on the character of the area including the impact on the setting of nearby listed buildings and conservation areas (i.e. heritage assets)

- 7.5 In determining this application the Council has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.6 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Development Management Document Policy DM1 supports development which is well designed and contributes to the overall quality of an area and Development Management Policy DM5 seeks to protect the character and significance of the City's heritage assets including listed buildings and conservation areas.

- 7.7 Policy DS2 of the Southend Central Area Action Plan (SCAAP) states that '*New development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of The Seafront, Southend Pier, The Kursaal, Royal Terrace and Clifftown Parade.*'
- 7.8 Policy DS3 of the SCAAP seeks to conserve the City's existing seafront landmarks by opening up new views, resisting development which adversely impacts on existing views or has a detrimental impact on the setting of existing landmarks. Policy DS3 also supports the creation of new landmarks in the central seafront location provided they are of a high-quality design, are appropriately sited and do not adversely impact on the amenity of local residents or nearby heritage assets. This is supported by SCAAP policy CS1 and Development Management Policy DM5.
- 7.9 The proposed new attractions, due to their height, form and exposed location would be/are visible from the wider seafront area and in long views to the north, east and west and from the Pier to the south. This includes from Clifftown Conservation Area and nearby listed buildings including the Pier, Royal Hotel and Royal Terrace and Nos 1-4 Marine Parade and in the wider context the attractions are/will be visible from The Hope Hotel, The Kursaal Conservation Area and from Eastern Esplanade Conservation Area at the other end of City Beach to the east.

Impact on the Streetscene including impact on nearby Heritage Assets

- 7.10 A Townscape Visual Impact Assessment (TVIA) and a Heritage Visual Impact Assessment (HVIA) and associated addendums have been submitted with the application which include *verified views* of the development from key viewpoints and assesses the impact this will have on the existing vistas including views of and from heritage assets. *Verified views* are a photomontage CGI (computer generated images) crafted with a high level of precision, following a specific methodology to ensure that the detail is accurate. As the wheel has now been constructed, the impact this has on the surrounding townscape, including nearby landmarks and heritage assets, is physically evident on site and from its wider surrounds.
- 7.11 The TVIA concludes that the predicted townscape and landscape effects on individual receptors fall below the significance threshold and can be summarised as:
- *Minor to moderate* adverse impact for the 'central seafront', including views of the existing Adventure Island site as the '*new rides would be noticeable in these views taken close to the site, but the medium to low predicted change would be in keeping with the existing visual baseline precedent set by current rides.*'
 - *Minor* adverse impact for the '*high density perimeter blocks*' including Victorian Edwardian terraces in Clifftown although it notes that some views from the top of the cliff are screened by vegetation.
 - *Neutral* impact for the primary town centre focused on the High Street north of the site as views are limited and predominantly screened.
 - The visual impact from receptors beyond 1 km were assessed as *slight*, '*At this distance, the new rides are likely to cause a negligible level of change.*'
 - *Neutral* impact for the wider Thames Estuary. Viewpoints representing receptors using public rights of way in Kent are predicted to experience effects with a significance of *slight to none*. Set against the backdrop of the existing Southend-on-Sea skyline, it will be difficult to identify the new rides at this distance.
- 7.12 The TVIA document's content and conclusions have been independently reviewed for the Local Planning Authority within the application process by Montagu Evans. The review's author has some thirty years' experience of advising on heritage matters and

considerable experience of townscape and visual impact work, particularly in heritage contexts. Subject to clarifications which have been subsequently confirmed in a supplemental document submitted by the applicants, the TVIA was found to be sound in its verified views and conclusions. The impact on the general seafront streetscene is considered to be acceptable.

- 7.13 The Heritage Impact Assessment (HIA) considers the impact of the proposal on the significance and setting of nearby heritage assets including:

Grade II listed buildings

- The Pier.
- Nos 1-4 Marine Parade.
- The Royal Hotel, 1-15 Royal Terrace and Nos 1-7 Clifton Terrace.
- The statue of Queen Victoria and Lythens War Memorial and the listed phone box in Clifton Terrace.
- The Hope Hotel.
- The Kursaal.

Conservation Areas

- Clifftown Conservation Area
- The Kursaal Conservation Area
- Eastern Esplanade Conservation Area

Locally Listed Buildings

- The Park Inn Palace
- The Cliff Lift
- Nos 3-5 High Street
- Nos 19-20 Royal Terrace
- Locally listed pubs within the City Beach area.

- 7.14 A number of the closest buildings are within the Clifftown Conservation Area. The Clifftown Conservation Area Appraisal summarises the special interest of the area as:

- Encompassing over 200 years of development as part of a major seaside resort. As such, it is an important part of national history and demonstrates both the successes and failures of the resort's development.
- The Georgian Royal Terrace and Shrubbery were part of the development of 'New South End', the resort's first major attempt to cater for a higher class of visitor. The Georgian Royal Terrace: a terrace with a symmetrical 'palace' frontage in an imposing cliff top position.
- The late Victorian/Edwardian Palace Hotel represents a further attempt to cater for a higher class of visitor. The Palace Hotel is an impressive example of a late Victorian/Edwardian monumental seaside hotel.
- The cliff-top promenade frontage extending from Clifftown Parade to Royal Terrace and Pier Hill has a unique range of seaside architecture, monuments and other seaside structures in a fine setting of public gardens and open spaces offering views of the Pier and Thames estuary.
- The Pier Hill pedestrian bridge and lift are contemporary additions to the continuum of seaside architecture.

- 7.15 The Kursaal Conservation Area Appraisal summarises the special interest of the Kursaal as:

- The architectural interest of the Kursaal itself lies in its grand style and scale, rich ornamentation featuring alternating brick and stone, Flemish gables, Diocletian attic windows with terracotta swags and an enormous lantern. These architectural and decorative features are also indicative of the status and wealth in Southend during this period.

7.16 Eastern Esplanade Conservation Area Appraisal summarises the special interest of this conservation area as:

- The Conservation Area's historic interest derives from its association with South End's earliest role as a small fishing settlement, before its rapid expansion and development as a major seaside resort from the late-19th century. The terrace is an important survival of local vernacular houses, which may have been built for local fishermen, and it retains its residential function. The diminutive and domestic quality of the terrace is distinguished from the larger, commercial buildings in its setting.

7.17 The HIA states that *'While no heritage assets are directly or physically affected by current proposals, given the scale of the proposed attractions it is inevitable that they will have an impact on the setting of heritage assets. From most viewpoints the impact will be neutral, and the setting of listed buildings and conservation areas will therefore be preserved rather than harmed. However, this assessment has found that in three views there will be minor detrimental impact and in one view moderate detrimental impact. In no views will there be high detrimental impact. In each case where harm has been identified, so too have mitigating factors. In the worst case, therefore, the proposals will result in less than substantial harm to the setting of heritage assets.'*

7.18 Of the 18 verified views used for the HIA assessment, there would be a neutral impact on the significance of heritage assets in 14 of those views. There would, however, be a minor detrimental impact on the significance of certain heritage assets within three of the views assessed as follows:

- looking northwest from the Pier platform, the new rides will be seen in the foreground in front of Royal Terrace but in the context of the other rides at Adventure Island (viewpoint 18) resulting in a minor detrimental impact on the significance of Clifftown Conservation Area including the listed buildings in Royal Terrace.
- In the panoramic view from the Pier Lift viewing platform towards the Pier, the new rides will be prominent in the foreground and slightly mask views of the Pier itself (viewpoint 8), resulting in a minor detrimental impact on the significance of the Pier.
- In the view from Jubilee Beach looking east back towards the conservation area, the new rides will be prominent in the townscape and compete with the long horizontal line of the pier (viewpoint 5), resulting in a minor detrimental impact on the significance of the Clifftown Conservation Area.

The January 2023 HVIA Addendum confirms that these impacts are at the lower end of *less than substantial harm*.

7.19 The view identified in the HIA where there would be a moderate detrimental impact on the significance of heritage assets is that from Royal Terrace towards the Pier through the trees in The Shrubbery (Viewpoint 10). From here there is a good view of the length of the Grade II listed Pier and this view is identified as an important vista in the Clifftown Conservation Area Appraisal. In this view the big wheel is off to the side so does not intrude significantly but the proposed tower ride will act as a vertical counterpoint against the horizontality of the Pier. There would be a moderate detrimental impact on the significance Clifftown Conservation Area and The Pier. In relation to this view the HIA comments that *'The narrowness of the observation tower means that the view of the pier*

is interrupted rather than obscured. The only way fully to mitigate impact in this view would be by relocating the attraction.'

- 7.20 The HIA report notes that the less than substantial harm caused by the development in this viewpoint also equates to less than substantial harm but it is classified as being in the middle range rather than lower or upper end of less than substantial harm.
- 7.21 The NPPF directs that where the harm to heritage assets is less than substantial, that harm should be weighed against the public benefits of the proposal. Here, those public benefits would include the economic and regeneration benefits of the scheme. The report also notes that the prominence of the nearby heritage assets will be raised by the rides themselves as they will give the public an entirely new view of the heritage assets.
- 7.22 As with the TVIA, the content and conclusions of the Heritage Impact Assessment have also been independently verified by Montagu Evans and found to comply with the relevant guidance and best practice and are considered to be sound.
- 7.23 Southend's origin is as a seaside resort, but it has been constantly evolving over the last two centuries with the fashions of the time. As a result, the central seafront area has a very varied streetscene which sees heritage buildings alongside modern development and leisure destinations, and it is this juxtaposition of styles and lively mix of designs which defines its unique character. The area has a long history of visitor attractions including the Pier (from 1829), Kursaal Amusement Park (1920s), Never Never Land and The Shrubbery (1935-1970s) and on the application site itself the Marine Park in 1918, which became Peter Pans Playground, then Peter Pans Adventure Island and now Adventure Island which itself has undergone a number of expansions over the intervening years including many new and replacement rides.
- 7.24 The amusement park today includes an array of individual pleasure rides interspersed with food kiosks, structures housing skill games, and more formal buildings containing a range of restaurants and play facilities. Existing rides vary considerably in height and appearance, with the larger rides adding vertical elements to the existing skyline. Many existing attractions have fast-moving mechanical parts, are constructed from a range of colourful materials and lighting, and combine to form a bold and recognisable feature of the Southend seafront. As noted above, Adventure Island is recognised in the SCAAP as a local landmark. Amusements and leisure activities, including the rides at Adventure Island, are therefore a long-established part of the character of this area and the proposed developments, whilst clearly visible from a distance, are in line with this character and will sit comfortably in this context despite their significant size.
- 7.25 The conclusions of the HIA noted above are considered to be valid, including the nature and degree of harm to the significance of heritage assets which has been identified above, most significantly in the view from Royal Terrace towards the Pier. The NPPF recommends that where there is less than substantial harm to heritage assets and their setting, that level of harm should be weighed against the public benefits of the proposal. The benefits in this case include the potential significant uplift to the local economy and tourism. These are quantified in the Economic Impact Assessment and set out in paragraph 7.2 above. It is also considered that the additional visitors generated by the development will themselves experience Southend's heritage assets from the new rides and generally during their stay and this also has benefits for the sustainability and long-term future of these assets, most particularly the Pier - which needs a considerable number of visitors to sustain its upkeep. The identified nature and degree of harm on the significance of the heritage assets in the 4 verified views as described above is considered to be clearly outweighed by the identified wider public benefits and

therefore the proposal is deemed acceptable and policy compliant in this regard.

Impact on Views of Existing Landmarks and Creation of New Landmarks

- 7.26 Policies DS2 and DS3 noted above require new development to have regard for views of Southend's existing seafront landmarks as set out in the SCAAP including Adventure Island itself as well as the Pier, the Palace Hotel, the Pier Hill Observation Tower and Lift, The Royal Hotel and Royal Terrace, City Beach, The Kursaal and the Cliff Lift. The impact on some of these has already been considered above and found to be acceptable. Those which have not yet been considered include the Pier Hill Observation Tower and Lift, City Beach and Adventure Island itself which are less sensitive to change and it is considered that the new rides will become part of Southend's familiar local scene when seen from, and in the context of, these landmarks. The impact on views of existing landmarks is therefore considered to be acceptable and the proposal is found to be policy compliant in this regard.
- 7.27 In respect of the formation of new landmarks, the significant scale and form of the development is such that the new rides will become new landmarks for the seafront in their own right. The creation of new landmarks is supported by Policy DS3 provided that they are of a high standard of design. The rides are simple in their form but considered to be of a suitably high standard of amusement park design and will include feature lighting which will complement the seafront illuminations and evening economy of City Beach. It is considered that the development will provide suitable new landmarks for the central seafront area in this location.
- 7.28 Overall therefore, it is considered that the proposal would have an acceptable impact on the townscape of the central seafront, on views of and from existing landmarks. The proposal is therefore considered to be acceptable and policy compliant in terms of design and heritage matters in all relevant regards.

Amenity Impacts

- 7.29 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.
- 7.30 The new rides will be over 80m from the Park Inn Palace Hotel (which has rooftop flats in addition to hotel rooms) and over 100m from the nearest residential properties in Marine Parade and Royal Terrace. Although of significant height, they are slender and open in form and are set at a lower level than all the surrounding properties. It is considered that this separation is sufficient to ensure that the development would not give rise to a harmful impact on the daylight or outlook for the surrounding neighbours.
- 7.31 The new rides are located within the existing amusement park adjacent to many other rides, so, whilst there will be some associated noise and disturbance from their operation and from customers, this is in the context of the already and long-established busy and relatively noisy environment of the amusement park. It is also noted it is only the height of the rides above 25m that means that they require express planning permission and are not permitted development in their own right as the General Permitted Development Order gives permitted development for amusement parks to have new rides up to 25m high and without any planning-based control over noise impacts. Records indicate that there have been 4 noise complaints associated with the

existing amusement park between 2013 and 2017, primarily related to loud music and plant noise. In light of this, the Council's Environmental Health Officer has requested that a noise condition be imposed to protect the amenities of residents in the area. Given the separation distances to the closest residents and the noise levels associated with the existing amusement park it is considered reasonable to impose a condition requiring noise generated from the mechanical workings, any amplified speech and any amplified music associated with these new rides to be below the existing background noise levels in this area. Subject to this condition the proposal is considered to have an acceptable impact on the amenities of neighbouring occupiers in all relevant regards.

Traffic and Transportation Issues

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

7.33 Policy 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.

7.34 The site is located directly west of the Pier within the Central Seafront Area. The amusement park currently has 46 off street staff car parking spaces and 20 cycle spaces for staff which are unaffected by the development and will be retained. No additional off street parking is proposed for the development.

7.35 The site is close to public transport links including two rail lines to London, the Travel Centre and local bus services and national cycle network route 16. The agent has confirmed that Adventure Island have an on-going relationship with c2c which includes collaborating on their digital platforms, cross sharing of information on social media and websites and cross promotions and competitions. c2c have also in the past arranged extra carriages for school trips to Adventure Island. In terms of staff travel, Adventure Island supply discounted tickets to staff with their bulk buy scheme and are currently looking into extra discounts in this regard.

7.36 For those travelling by car there are a range of public car parking options on the seafront and in the town centre which are within walking distance of the site which currently provide in the region of 2248 car park spaces including:

- Seaways 630
- Fairheads Green, Eastern Esplanade 211
- Western Esplanade 128 plus additional parking to the west
- The Royals 426
- Tylers Avenue 249
- Former Gas Works 186 spaces plus 37 coaches
- Alexandra Road 74
- Clarence Road 126
- Southchurch Park 218

Source VisitSouthend.co.uk

7.37 The submitted documentation confirms that 5 new staff will be required to operate the new rides.

7.38 A Transport Statement has been submitted with the application which assesses the

impact of the development on the local highway network. The report states:

'The site is located within a highly accessible location, with frequent train and bus services accessible within walk and cycle distance. Additionally, within vicinity of the site, there is good quality active travel infrastructure and a range of local amenities that can be accessed within walking distance, thus ensuring that reliance of a private car is not necessary for all travel purposes. On this basis, the site is an appropriate location for the proposal that does not solely reliant on car travel.'

For visitors to Southend who travel by car the A127 and A13 provide direct routes to the heart of Southend. Recent highway improvements at Progress Road, Kent Elms, Prince Avenue (Tesco), The Bell, Cuckoo Corner and Victoria Avenue have all had a positive impact on traffic flow into and out of Southend City.

There is an abundance of public car parks and extensive on street parking along the promenade which are served by real time signage. The attraction will benefit the wider local economy and provide revenue generation for Southend City Public Car Parks. Linked trips will pay a major factor in boosting local businesses and footfall to the town centre area and beyond.

7.39 The report concludes that:

'Overall, the proposed development at the site would not result in any detrimental nor 'severe' impact on the local highway network, as identified by the NPPF. Therefore, there are no impediments on highway or transport grounds that should prevent the approval of this new attraction to Adventure Island.'

7.40 The site is accessible by public transport and well served by car parks with real time information so visitors are able to plan their journeys and destinations according to car park availability and make alternative arrangements such as using public transport in busy times. The majority of visitors are also likely to include linked trips to other destinations in the area so the overall parking demand is likely to be shared across a range of destinations. The Council's Highways Officer has reviewed the Transport Statement and agrees with its conclusion that the development will not have a detrimental impact on the local highway network taking into account future proposals for affecting existing car park provision such as the Seaways car park redevelopment scheme. The development is therefore considered to be acceptable and policy compliant in regards to traffic and transportation issues in all relevant regards.

Sustainability

7.41 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... All new development that creates commercial units, where viable and feasible, should meet BREEAM 'very good' rating.*

7.42 The new rides are not commercial units so application of the above policy is not relevant in this instance. The agent has in any event confirmed that the lighting for the rides will be low energy LEDs and that the wheel, in particular, is a very simple mechanism with a small motor so uses very little energy. It is considered that the proposal is acceptable and policy compliant in this regard.

Ecology including impact on Nature Designations

- 7.43 Policy CS1 of the SCAAP requires all development within the Central Seafront Area to safeguard, and where appropriate, enhance the biodiversity of the foreshore and respect the European designations and would not normally permit development south of the sea wall where a proposal has the potential to adversely affect a European site or cause significant harm to a Site of Special Scientific Interest (SSSI) or adversely impact on foreshore views. This policy also states that whilst the use of creative lighting to strengthen local identity is promoted, *'New lighting should be arranged so as to avoid direct illumination of the foreshore or excessive glare when viewed from the foreshore.'*
- 7.44 Policy CS2 of the SCAAP states that the Council will *'not permit development proposals that will result in significant harm to the foreshore designations that cannot be avoided, adequately mitigated, or as a last resort, compensated for.'*
- 7.45 Southend foreshore is an important habitat for wading birds and protected by a number of nature conservation designations as set out in section 1 above. The birds that feed on the mudflats in this location can be sensitive to noise and disturbance and light pollution. The new rides are located some 70-80m from the boundary of the foreshore designations. A Habitats Regulations Assessment has been submitted with the application which assesses the potential impacts of the development on the designated sites including in relation to noise and disturbance, lighting and the risk of bird collision with the structures. The document concludes that:

'No appreciable risk to populations was identified for all viable species associated with the Benfleet and Marshes SPA and Ramsar site. Only grey plover were identified as being non-viable within the SPA in terms of a comparison with BTO data. The decline in this species is considered to be more linked to climate change and/or oyster culture, as it has occurred only in the last few years. Prior to this, the population was considered viable and as Adventure Island has been operational since 1976, if disturbance was critical in the decline of this species it would have occurred sooner.'

Due to Adventure Island being closed for 79% of the days between October and March in the core winter season, disturbance is significantly reduced at a key time for waterfowl. Southend seafront was demonstrated not to be a key area within the overall Benfleet and Southend Marshes SPA/ Ramsar site for the qualifying features, the Theme Park is in an existing disturbed part of the coastline, in comparison to a less developed area. No appreciable risk to changing the distribution of qualifying features within the site were identified for viable species. Evidence highlights, that although grey plover are not viable, the preferred locations for this species within the SPA/ Ramsar site is not Southend Seafront and therefore additional disturbance will not change the distribution in other locations.'

Overall, it was concluded, on the basis of objective evidence, that the proposed development, either alone or in combination with other developments, will not have likely significant effects on any European or Ramsar sites. Adverse effects on the integrity of any European or Ramsar site can therefore also be excluded.'

- 7.46 This conclusion is verified by the consultation response from Natural England that states: *'based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.'*
- 7.47 It is therefore considered that the development would have an acceptable impact on the foreshore designated sites and associated wildlife in this area and is policy compliant in these regards.

Land Contamination

- 7.48 Both rides are located on raised platforms and have no need for foundations. There is therefore no potential for contamination arising from this development. The proposal is acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.49 The development has no habitable or commercial floorspace so is not CIL liable.

Equality and Diversity Issues

- 7.50 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 have noted that the big wheel ride has inclusive access arrangements and have 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

- 7.51 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the development would, as part of an overall balanced assessment, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Subject to planning conditions, the development would have an acceptable impact on residential amenities and the character and appearance of the application site, street scene and the locality more widely. The nature and degree of identified harm caused to the setting of heritage assets in 4 out of 18 verified views used to assess the development's impact on nearby heritage assets and the townscape is mainly minor detrimental and in one instance moderate detrimental which overall is considered to be less than substantial in degree. Undertaking a balanced assessment, that identified harm is considered to be clearly outweighed by the public benefits of the proposal in relation to the contribution towards regeneration of the town centre and seafront areas. There would be no significant adverse traffic, parking or highways impacts caused by the proposed development and an acceptable impact on sustainability. The development is also judged to have an acceptable impact on the adjacent foreshore nature designations and associated wildlife and flood risk. This application is therefore recommended for approval subject to conditions.

8 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the conditions.

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

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

- 02** The development hereby permitted shall, in respect of the big wheel be retained, and in respect of the observation tower be carried out, in accordance with the following approved plans P101A, P102A, P103A.

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

- 03** The materials and colours for the development hereby approved shall be white powder coated steel for the big wheel and blue powder coated steel with red accents for the tower as set out on plan reference P103A or in accordance with any other materials and colours details of which have previously been submitted to and agreed in writing by the Local Planning Authority under the scope of this planning condition.

Reason: To safeguard the visual amenities of nearby heritage assets and the area generally, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and DM5 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021) .

- 04** The lighting for the development hereby approved shall be as detailed in the Lighting Strategy by SKArchitects reference 783-10-22 and maintained as such for the lifetime of the development. All illumination shall be in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements". The development hereby approved shall not include any vertically emitting lighting and any lighting associated with the development must not present a hazard to aircraft i.e. glare / dazzle / distraction.

Reason: To ensure any protected species and habitats utilising the site are adequately protected and in the interests of aircraft safety, the setting of nearby heritage assets and residential amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM2 and DM3 and DM5.

- 05** There shall be no advertising on the development hereby approved above the adjacent public highway pavement level.

Reason: To safeguard the visual amenities of the area including the setting of nearby heritage assets, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Noise from the development hereby approved, comprising all associated mechanically generated noise, amplified music and amplified speech, shall be limited to 10 dB(A) below the background noise level including any penalties for noise characteristics such as tone and intermittency. Background noise levels shall be in accordance with BS 4142:2014+A1:2019 and expressed as a LA90,15minutes at the boundary of the nearest residential property. Background

noise levels shall be established for the following periods: daytime 0700 to 1900 hours; evening 1900 to 2300 hours; and night 2300 to 0700 hours. Specific noise from the operation shall be measured using BS 4142:2014+A1:2019 and/or the most appropriate method in order to provide accurate and representative noise predictions.

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

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

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

- 08 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 425.064691.00001 dated February 2023.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment, the National Planning Policy Framework (2021) and Policy KP2 of the Core Strategy (2007).

Positive and Proactive Statement:

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

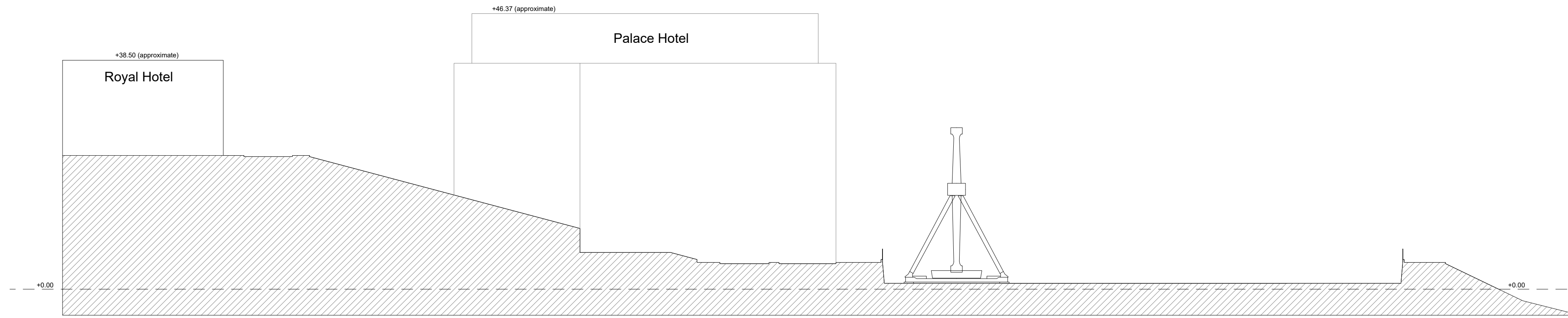
Informatives:

- 01 You are advised that as the proposed development equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further

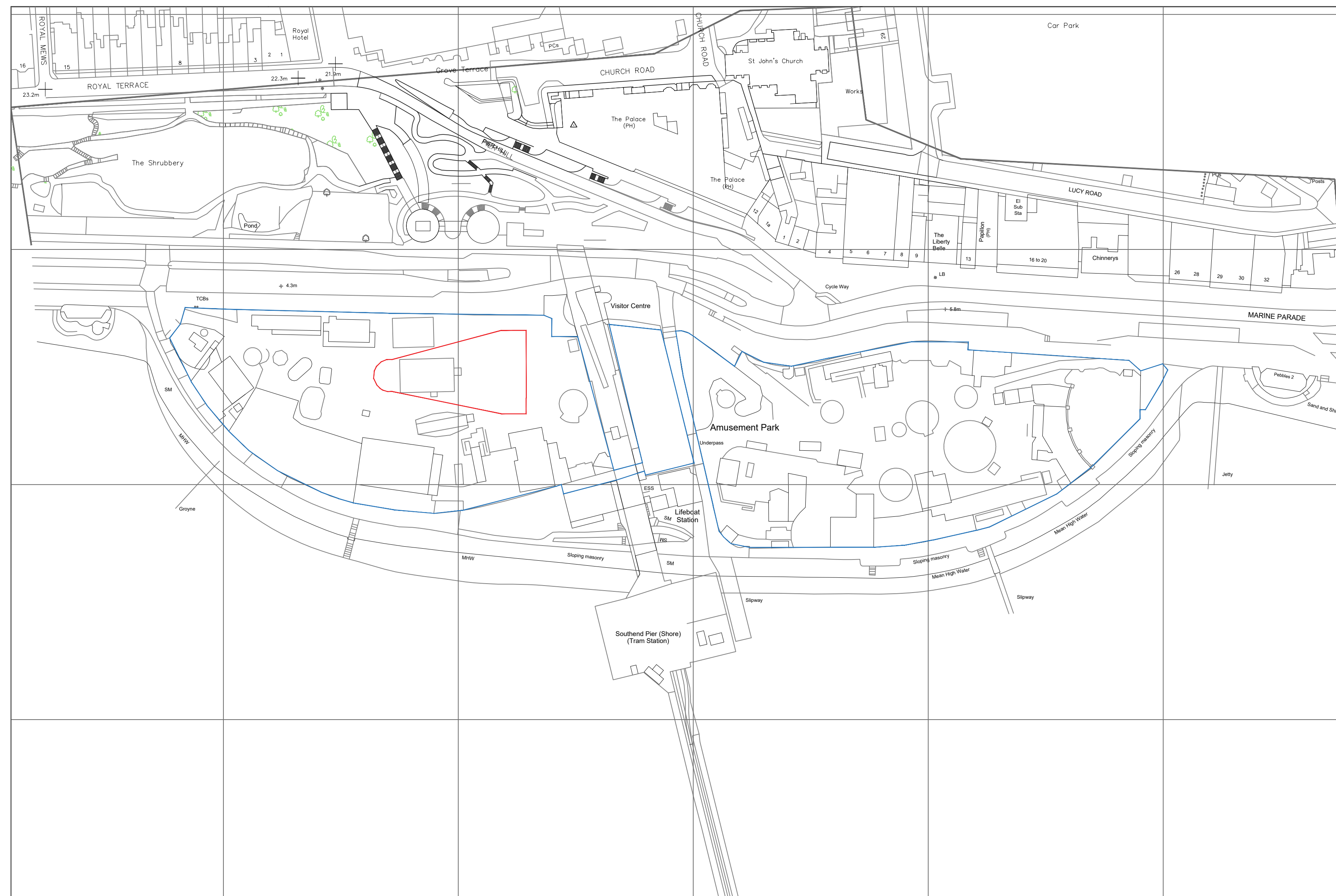
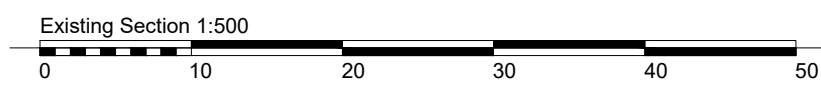
details about CIL.

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

- 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.



Indicative section from Royal Hotel to the sea through adventure island



Notes:

Rev	Comment	By	Date
A	Outline blue added Production of drawings	DS	-

Stage:
Planning

Client:
Blockvale

Project:
New Rides
Adventure Island
Western Esplanade
Southend on Sea
SS1 1EE

Drawing Title:
Existing

Drawing no:
P101

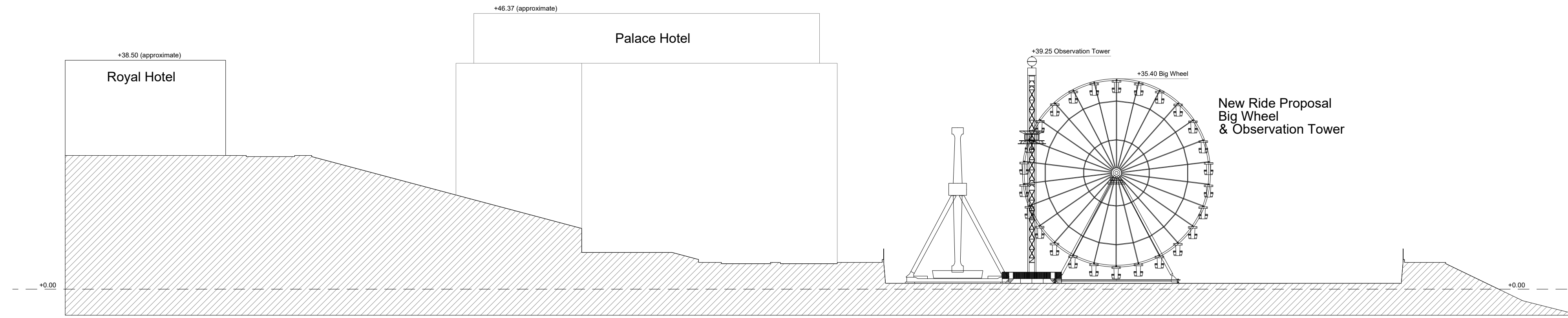
Revision: **A** Drawn by: RS
Project no: - Chkd by: SK

Scale: 1:1250 & 1:500 @ A1

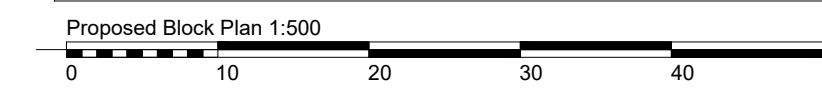
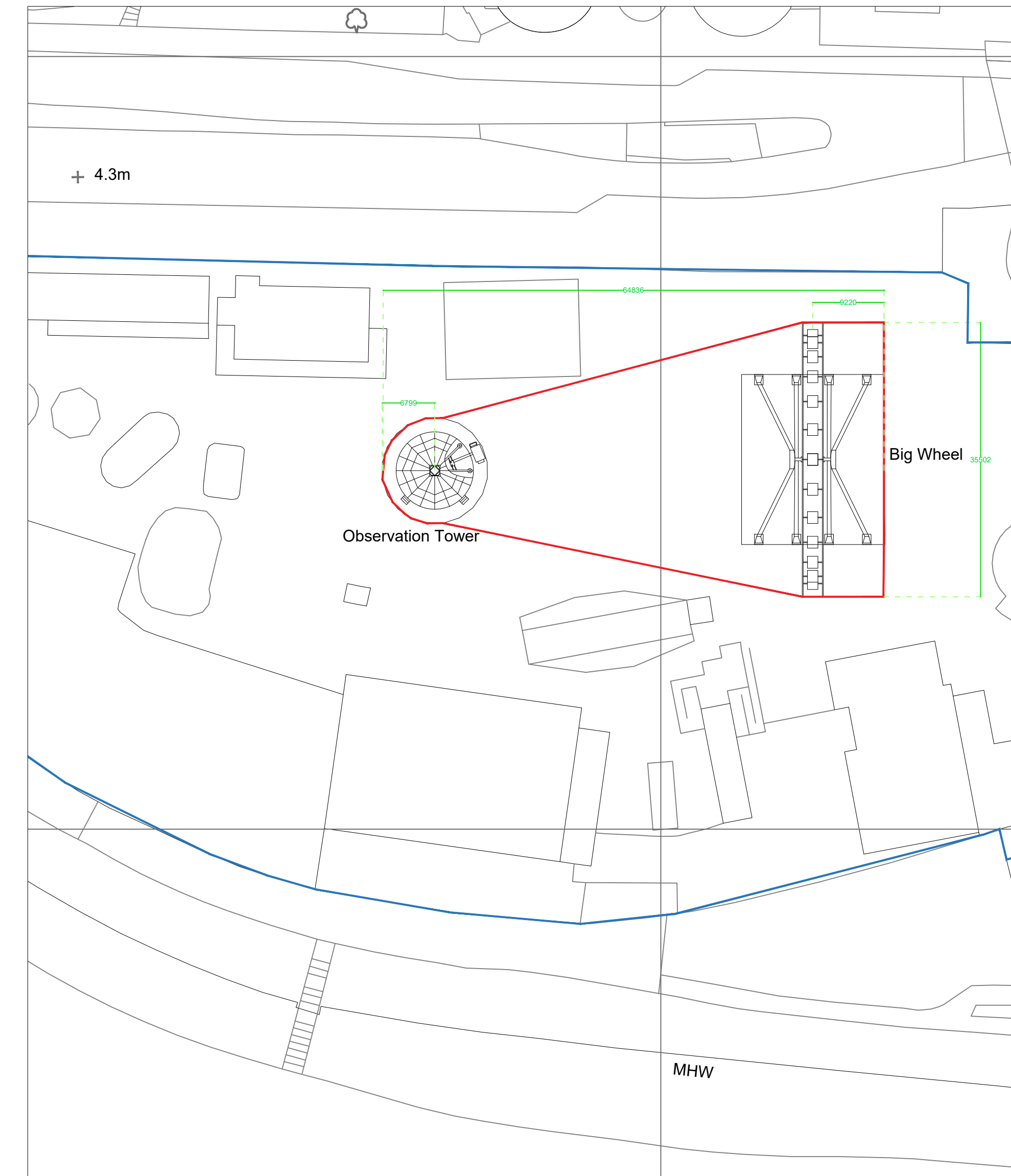
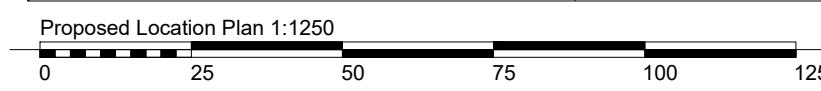
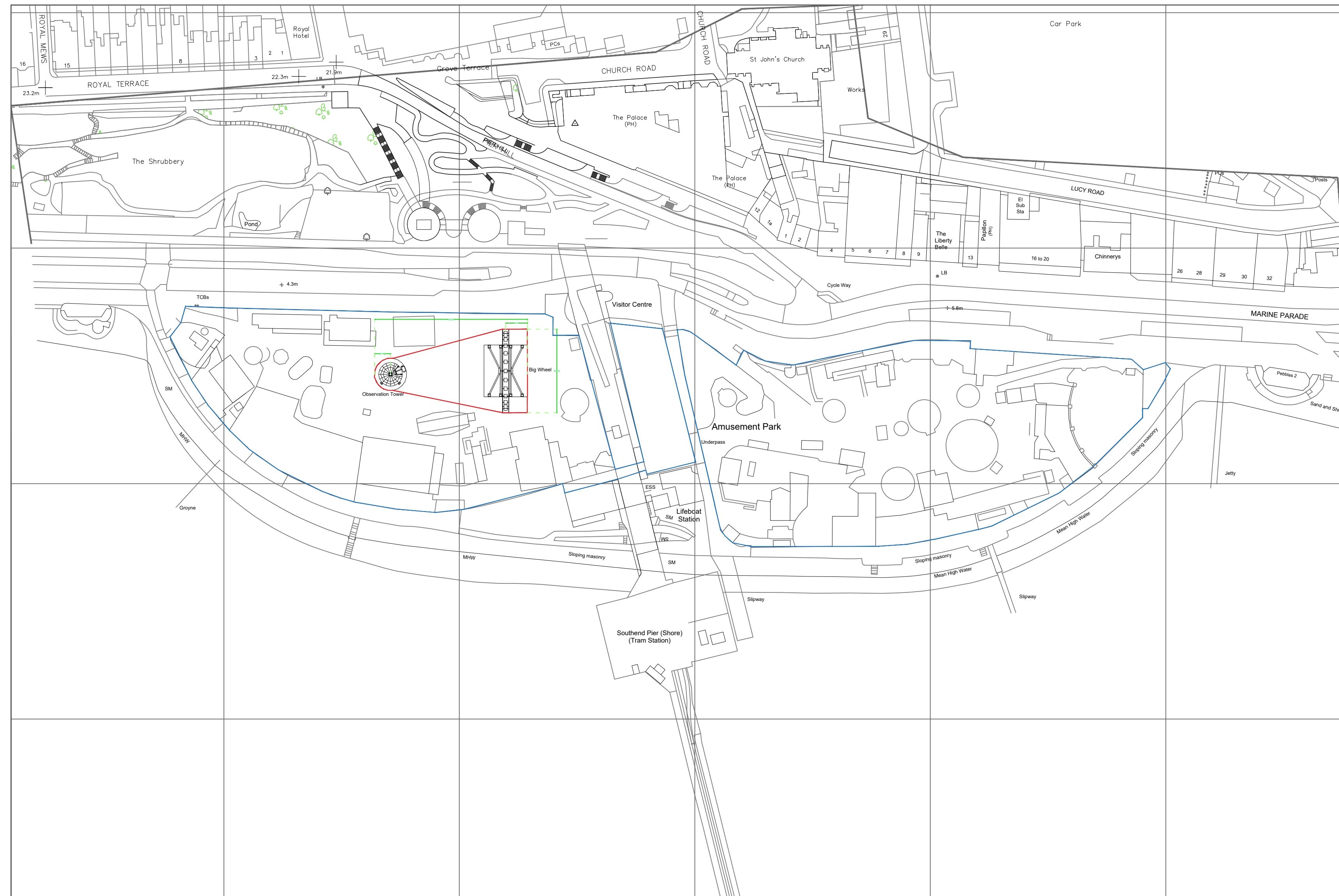
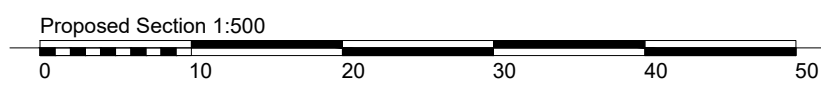
SKARCHITECTS
853-855 London Road
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Tel: 01702 509250
Email: info@skarchitects.co.uk

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Indicative section from Royal Hotel to the sea through adventure island



Notes:

Rev	Comment	By	Date
A	Outline blue added Production of drawings	DS	-

Stage:
Planning

Client:
Blockvale

Project:
New Rides
Adventure Island
Western Esplanade
Southend on Sea
SS1 1EE

Drawing Title:
Proposed

Drawing no:
P102

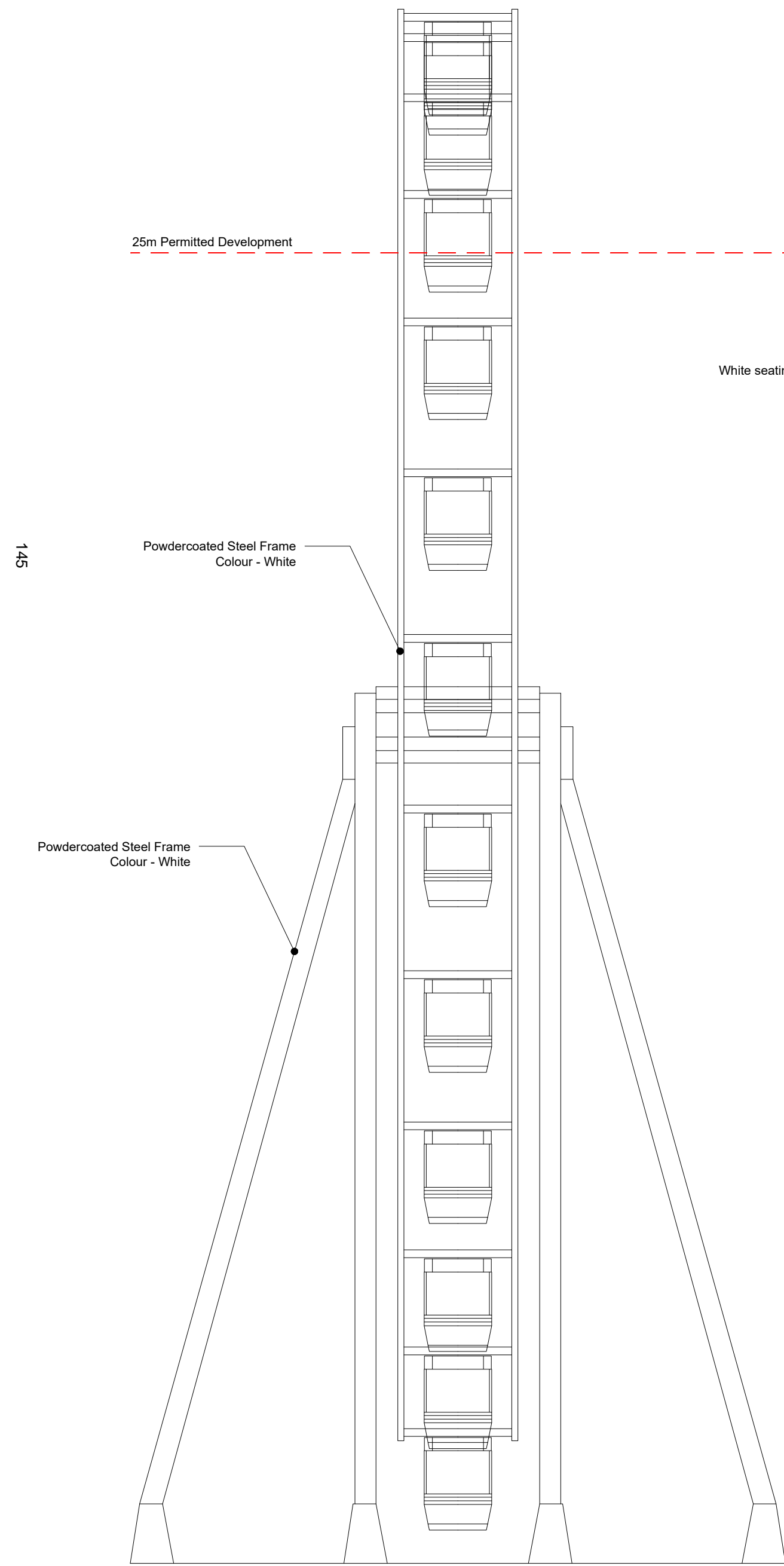
Revision: **A** Drawn by: RS
Project no: - Chkd by: SK

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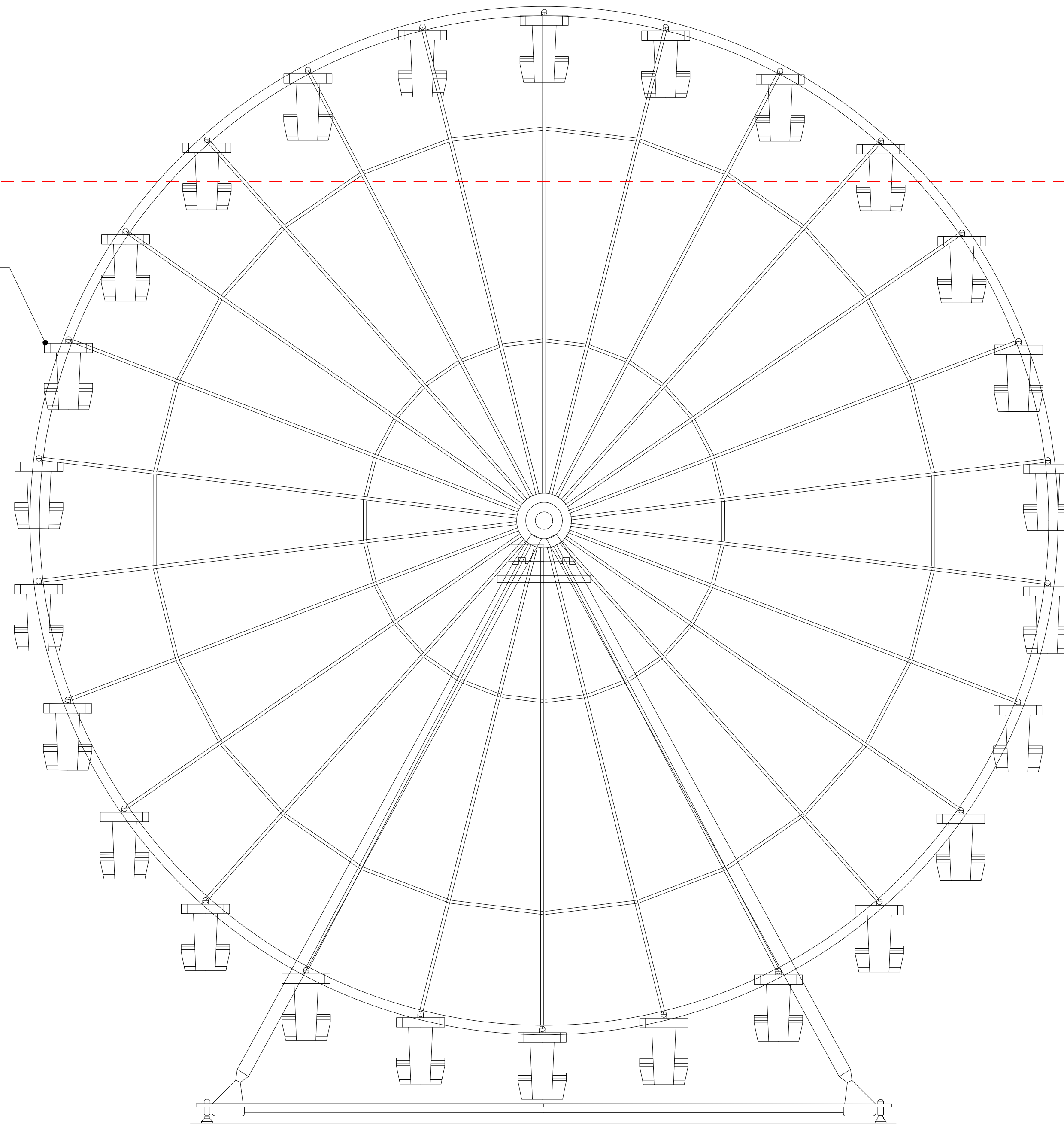
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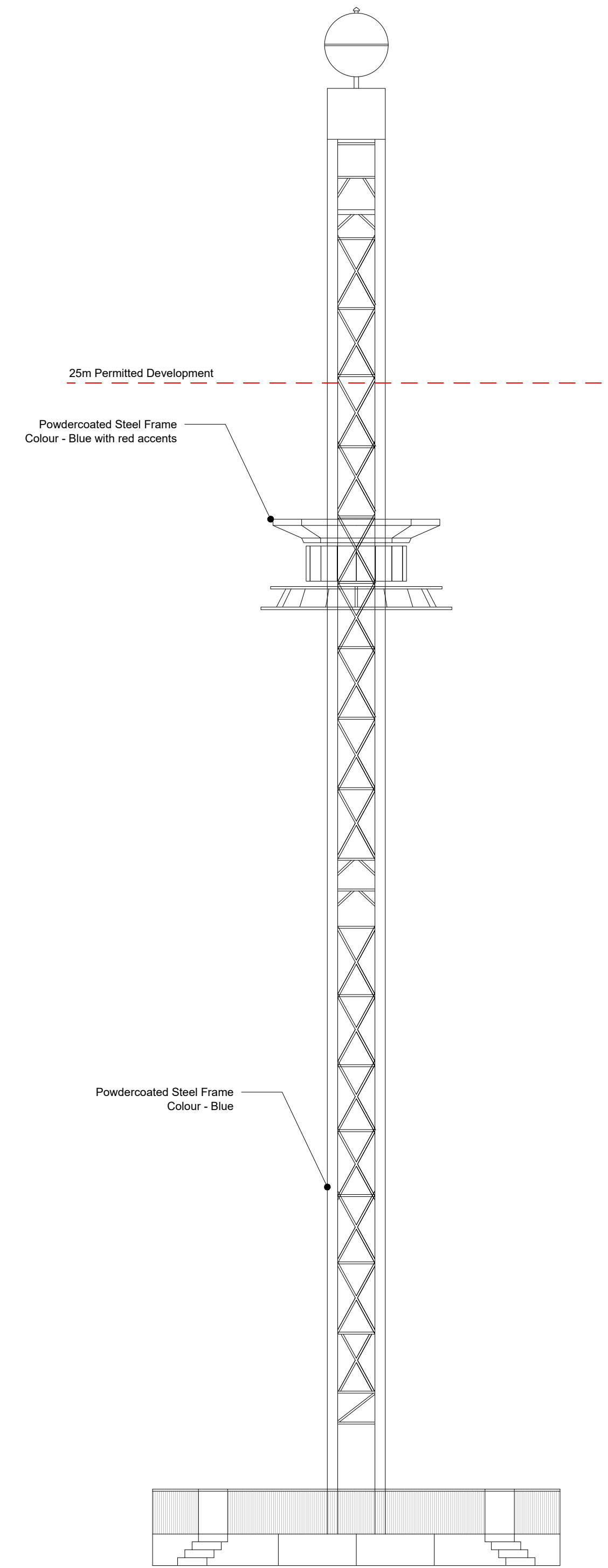
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Big Wheel Short Elevation 1:50



Big Wheel Long Elevation 1:50



Observation Tower Elevation 1:50

Notes:

Rev	Comment	By	Date
A	Materials added Production of drawings	DS DS	16/01/2023

Stage:
Planning

Client:
Stockvale

Project:
New Rides
Adventure Island
Western Esplanade
Southend on Sea
SS1 1EE

Drawing Title:
Proposed Rides

Drawing no:
P103

Revision: **A** Drawn by: RS
Project no: - Chkd by: SK

Scale: 1:100 @ A1

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Adventure Island

Big Wheel and Tower

Big wheel
in situ
from
Western
Explanade



View from
south end
of Pier Hill
showing
Royal
Terrace



View from
Royal
Terrace
looking
across The
Shrubbery
to the Pier



View from
Clifftown
Parade
top of Cliff
Gardens -
obscured
by tree
cover



View from
Marine
Parade
looking
west



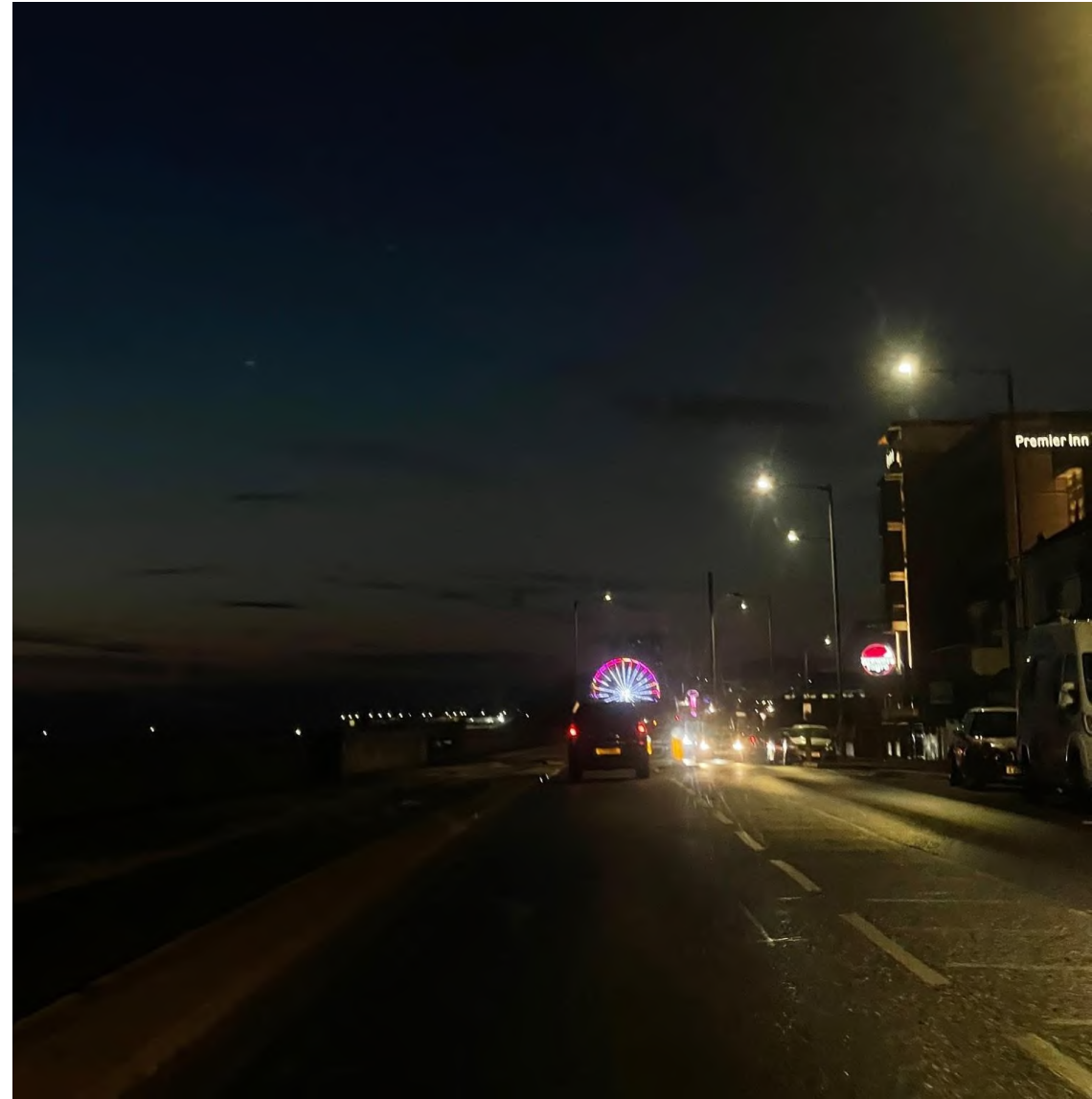
View from
Marine
Parade in
context
with the
listed Hope
Hotel



Longer
view from
Eastern
Esplanade¹⁵⁴

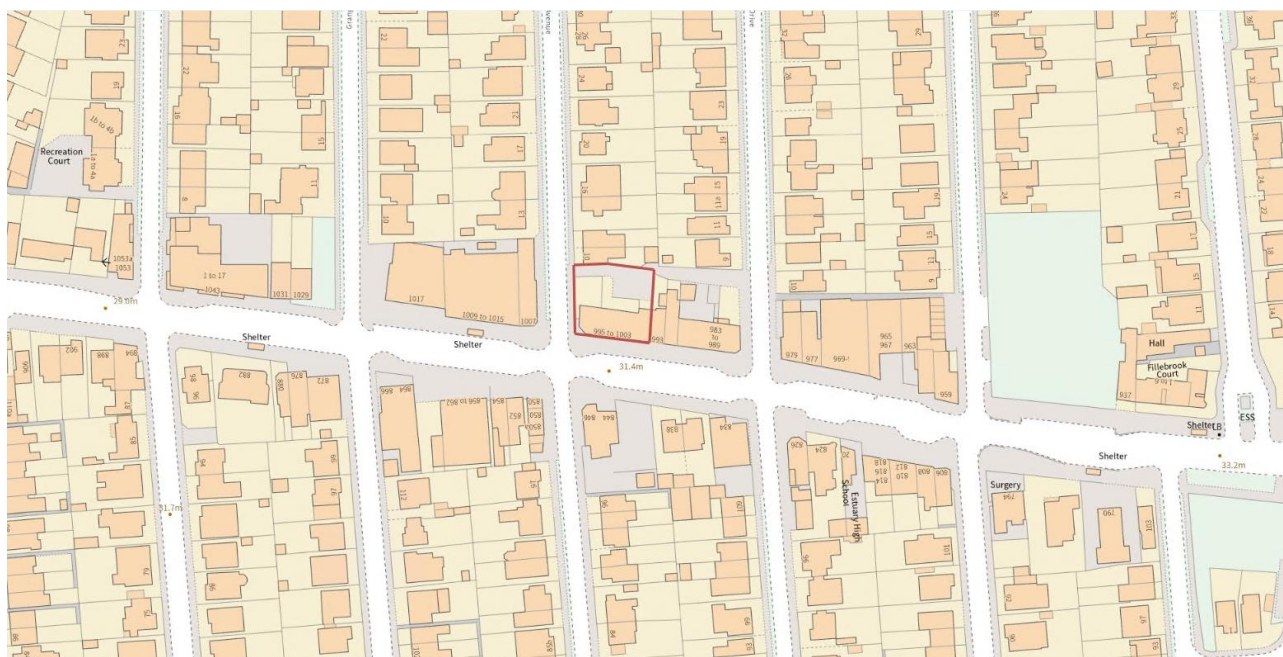


Night time Illuminations



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Reference:	22/02368/FUL	<h1>6</h1>
Application Type:	Full Application	
Ward:	Blenheim Park	
Proposal:	Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 5no. self-contained flats with associated parking, bin and cycle store (Amended Proposal)	
Address:	995 - 1003 London Road, Leigh-on-Sea, Essex, SS9 3LB	
Applicant:	Mr Schofield	
Agent:	Mr Steven Kearney of SKArchitects	
Consultation Expiry:	26.01.2023	
Expiry Date:	03.03.2023	
Case Officer:	Oliver Hart	
Plan Nos:	711-P01 Rev G; 711-P02 Rev F; 711-P03 Rev E	
Supporting information:	Planning Design and Access Statement	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

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

2 The Proposal

- 2.1 Planning permission is sought to erect a two-storey rear extension and form a new second floor to the main building to create 5 self-contained flats with associated parking, bin and cycle stores to the rear.
- 2.2 The proposal, which has been amended during the course of the application, proposes a two-storey rear extension some 10.1m deep along Grasmear Avenue, between 6.9m to 10.6m high (to the top of the parapet) and 6.9m wide. The proposed new second floor to the front of the building is some 24m wide, 9m deep and between 10.5m to 11.4m high (to the top of the parapet). The proposed new second floor comprises a flat roofed section to its easternmost flank elevation. This element would be set some 2.2m back from the main front London Road elevation.
- 2.3 The proposed internal floorspaces of the flats are set out below in table 1:

Table 1: Proposed and required floorspaces.

Flat	Internal Floorspace	National Standards	Technical
Unit 1 (Ground Floor)	44sqm (1 person)	39sqm (1 person)	
Unit 2 (First Floor)	44sqm (1 person)	39sqm (1 person)	
Unit 3 (Second Floor)	56sqm (2 persons)	50sqm (2 persons)	
Unit 4 (Second Floor)	46sqm (1 person)	39sqm (1 person)	
Unit 5 (Second Floor)	52sqm (2 persons)	50sqm (2 persons)	

- 2.4 Units 3, 4 and 5 will also have private balcony areas fronting London Road. During the course of the application, and in response to neighbour concerns, the applicant has omitted an initially proposed communal roof garden from the proposal.
- 2.5 To the rear of the site are 8 parking spaces to be laid out. The agent has specified four of the spaces will be for the proposed flats, three for the existing flats and one for the commercial unit. Refuse and cycle storage are also shown to the rear of the site. Also proposed is a living green roof over the proposed flat roof of the development.

- 2.6 Access to the new units will be via an existing building entrance fronting Grasmear Avenue.
- 2.7 This is an amended proposal following a recent approval at the site to 'erect a two-storey rear extension and form a new second floor to the main building to form a further 3no. self-contained flats' (ref. 22/01629/FUL).
- 2.8 The detailed design of the extensions has been retained. The key changes within this application compared with the 2022 approval are:
- An increase in the number of units proposed, from three to five;
 - An increase in the number of parking spaces, from five to eight;
 - An increase in the width of the flat roofed 'box' element to the easternmost flank elevation;
 - An increase in the depth of the new second floor; from 6.7m to 9m and associated omission of a formerly proposed maintenance strip along its northern edge.

3 Relevant Planning History

- 3.1 22/01629/FUL- Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 3no. self-contained flats with associated parking, bin and cycle store (Amended Proposal)- Granted
- 3.2 21/01900/FUL- Erect two storey rear extension and form new second floor to main building with green roof and roof terrace to form 5no. self-contained flats with associated parking, bin and cycle store- Withdrawn

[Officer Comment:] This application was withdrawn over matters regarding ownership of the vehicle access which have since been resolved.

- 3.3 16/00469/AD- Application for approval of details pursuant to condition 5 (Waste Storage) and 6 (Noise Insulation) of planning application 13/00215/FUL dated 30.4.2013- Granted
- 3.4 13/00215/FUL- Erect two storey rear extension- Granted

4 Representation Summary

Call-in request

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

Public Consultation

- 4.2 Nineteen (20) neighbouring properties were consulted, and a site notice was displayed. Representations from five (5) addresses have been received.
- 4.3 The objecting comments are summarised as follows:
- Application same as a previously withdrawn application.
 - The proposal would appear obtrusive and would give rise to a sense of overbearing.
 - Drawings don't show change in level between London Road and Grasmear

Avenue.

- Concerns with sustainable transport claims.
- Additional parking concerns.
- Parking area unfeasible with limited turning space.
- Waste storage provision concerns.
- Overdevelopment of the site.
- Loss of light to neighbouring properties/garden areas.
- Proposal will lead to an unbalancing of the wider terrace.
- Detailed design concerns.
- Concerns of anti-social behaviour to the rear of the site.
- Concerns with access/servicing of the commercial properties.
- Surface water run-off and drainage concerns

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

Environmental Health

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

Highways

4.6 No objections – The site benefits from being in a sustainable location with regard to public transport and cycle links in close proximity. 8 Off street parking spaces have been provided along with secure cycle parking. The parking area is accessed via an existing access way. The layout of the parking area ensures that vehicles can manoeuvre effectively when using the bays. It is not considered that the proposal will have a detrimental impact on the local highway network.

London Southend Airport

4.7 No objections.

5 Planning Policy Summary

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

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

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

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

5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management).

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

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

6 Appraisal

Principle of Development

- 6.1 Paragraph 119 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes. Paragraph 86 (f) of the NPPF states that planning should “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”. Paragraph 120 (e) states that planning decisions should “support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.”
- 6.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the city. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the city. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 6.3 Whilst the proposal would not result in any dwellings suitable for families, the provision of additional housing carries significant weight in the assessment of the application, particularly in light of the NPPF’s tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the City.
- 6.4 Situated within a built-up area, extensions and alterations to the building are also acceptable in principle in which regard the fall-back position of the approved 2022 development is a consideration to which significant weight should be attached a part of the detailed assessment. Overall, the principle of development is acceptable subject to the details of the proposal considered below.

Design and Impact on the Character of the Area

- 6.5 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities.

- 6.6 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 contributes 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.
- 6.7 Assessment of the approved 2022 application found no objection to the proposed three storey scale noting the scale and varied heights of properties within the immediate vicinity, which typically comprise buildings between 1.5 – 3 storeys. To this end, it is considered the proposed increase in height in line with the previous approval would continue to suitably respect the height and scale of surrounding development.
- 6.8 As with the 2022 approved scheme, this proposal would lead to an unbalancing of the wider terrace due to the part width form of the new third storey. Whilst this was recognised as, and remains, a less positive aspect of the scheme, due regard was previously given to the continuation of the detailing to the front façade which characterises the terrace and which helps to create layering and visual interest to the application site. This remains a consideration relevant to the current proposal. Within the existing elevational design there is a strong sense of order which results in a rhythm and pattern along the building's two street facing elevations. The additional storey follows the lower fenestration and is well ordered, with repeated brick detailing and horizontal banding which help to soften the envelope, height and scale of the additional built form. Moreover, the stucco detailing would hide much of the main flat roof of the third storey from public views.
- 6.9 An 8m wide exposed section of flat roof fronting London Road would be visible. A set back of 2.2m is shown to the front elevation in order to reduce its prominence and visual impact in the streetscene when viewed from the east and from straight on. The visual impact of this element of the proposal is considered, on balance, to be acceptable. This is aided by the inclusion of fenestration to its front elevation and use of matching exterior materials.
- 6.10 The greater depth of the amended proposed rooftop extension means that whereas previously as approved it would have been set back from the building's northern edge by 2m, the extension would now rise straight up from the northern rear wall creating a more formal and less subtle three storey elevation. Whilst visually, this would result in the amended proposed rooftop appearing more pronounced in public views taken plus those from the adjoining rear gardens of those properties within Grasmead Avenue and Birchwood Drive, due regard is had to the functional appearance of the rears of the existing building and neighbouring properties along London Road. The amended arrangement would simply adopt and replicate the same functional elevational form as existing and in this context, whilst neighbouring views would be altered, this would not be to such a harmful extent as to justify refusal of the application on this basis.
- 6.11 No objections are raised to the design and character impact of the proposed two storey extension to the northern elevation which would accord suitably with the size and scale of the parent building. Its parapet flat roof and fenestration detailing which remain in line with the previously approved scheme would integrate well with those of the host building and its position, set along the same building line as the elevation fronting Grasmead Avenue, further aids its integration. Regard was previously had to the negative visual impact of the existing parcel of land which creates a weak street frontage and remains

a consideration relevant to the current proposal. In comparison, the development will better enclose the return frontage to Grasmead Avenue. Details of the external materials can be controlled by condition.

- 6.12 There are limited opportunities for landscaping on this site, but conditions can require details of soft and hard landscaping (inclusive of the rear curtilage).
- 6.13 Overall, the proposed amended development is considered to remain of an acceptable scale, and which sufficiently references the application property, so providing continuation of the architectural features that characterise the wider terrace, including parapet roof detailing, style and size of windows and floor heights which suitably reflect and align with the main building.
- 6.14 The amended proposal is therefore considered not to be significantly harmful to the character and appearance of the site, streetscene or wider surrounding area in which case it is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 6.15 Delivering high quality homes is a key objective of the NPPF and is reflected in policy DM8 of the Development Management Document. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 6.16 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 2: Space Standards and proposed unit sizes

	Area (m ²)	Bedroom 1	Storage area (m ²)
Standard for (one storey) 1-bed 1-person unit	39	7.5sqm Wmin=2.15m	1
Proposed (one storey) 1-bed 1-person units – 1, 2 & 4	44	7.5sqm/ Wmin=2.4m	1
	46	9.1sqm/ Wmin=2.8m	2.3
Standard for (one storey) 1-bed 2-person unit	95	11.5m ² Wmin=2.75m	1.5
Proposed (one storey) 1-bed 2-person units – 3 & 5	52	15.6sqm/ Wmin=3.2m	2
	56	13sqm/ Wmin=2.9m	2.5

- 6.17 As noted in table 2, all the proposed units would meet or exceed the NDSS. It is considered that all habitable rooms would benefit from satisfactory levels of outlook and daylight.

- 6.18 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: “Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.”
- 6.19 None of the units would be of family size (3 or more bedrooms). Units 3, 4 and 5 would be provided with their own private roof terraces ranging in size from 2sqm-12sqm which is considered to be sufficient to reasonably meet their future occupiers’ amenity needs. Units 1 and 2 would not be provided with their own external amenity spaces which represents a less positive aspect of the development to be weighed in the balance. Owing to the low-occupancy design of these two units coupled with their location close to a range of amenities where the case for insisting on a dedicated, conventional amenity space for such type of flats is not considered to be strong in any event, this proposed absence of provision is considered in this instance and on balance to be acceptable. This finding is consistent with those on the 2022 approved scheme.
- 6.20 As the proposal would not result in new-build development (i.e. it is an extension to an existing building), compliance with building regulation M4 (2) is not a policy requirement.
- 6.21 Pedestrian access to the new residential units would be via an existing entry point fronting Grasmear Avenue. This existing opening would be enlarged and a new canopy formed over the entrance, designed to complement the architectural style of the main building and on this basis, no objection is raised to this arrangement.
- 6.22 Consistent with the findings on the 2022 approved scheme, having regard to the presence of neighbouring first floor dwellings that bound the application site, it is not considered that nearby ground floor commercial uses would give rise to significantly harmful degrees of undue noise and disturbance that would be to the significant detriment of the amenities of the future occupiers. Environmental Health have raised the matter of the application site’s position adjacent to London Road, a busy road. A condition to require appropriate noise mitigation measures such as acoustic glazing is recommended to deal with this.
- 6.23 Overall, and taken in the round, it is considered that the amended proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The amended proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.24 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council’s Design and Townscape Guide.
- 6.25 The nearest residential uses to the application site are the existing first floor flats within the footprint of the building and properties that bound the site to the north, including No’s 10 Grasmear Avenue and 9 Birchwood Drive.

- 6.26 No objections were found with regards the impact of the 2022 approved development (of a similar size and scale) on neighbour amenity. The key differences in this amended proposal include an increase in the width of the flat roofed 'box' element to the easternmost flank elevation by some 4.7m and an increase in the depth of the new second floor; from 6.7m to 9m, such that the rooftop extension would now extend straight up from the rear of the building.
- 6.27 The proposed two-storey extension towards adjoining properties to the north remains unchanged from the 2022 approval where it was noted there are no windows in the adjacent flank wall of the nearest dwelling, No 10 Grasmead Avenue, such that it was found that the proposed two storey extension would not give rise to a loss of light or outlook. In addition, noting the retention of a 3.5m separation between the proposed two storey extension and that neighbouring flank wall, it was found that the proposal would not give rise to a harmfully increased sense of enclosure or overbearing impact. There have been no change in site circumstances to alter those findings of acceptability.
- 6.28 Regard is also had to the retention of significant separation between the proposed two-storey extension and the rear boundary line of No 9 Birchwood Drive (some 19m), such that this element of the proposal was found not to harm the amenity of the neighbouring occupants in any relevant regard. There have been no changes in site circumstances to alter those findings of acceptability.
- 6.29 Having regard to the north facing nature of the first floor rear windows serving the existing first floor flats and the slightly splayed nature of the building line of the proposed extension (extending) away from these windows, it is not considered there would be any significant adverse overshadowing impacts to these openings, nor is it considered there would be a harmful degree of inter-looking between units. There have been no changes in site circumstances to alter those findings of acceptability
- 6.30 The proposed roof extension would add scale and bulk to the application building and would be greater in linear extent and depth northward but not taller than the previously approved scheme. In terms of outlook, sense of enclosure and dominance, given the distance of the proposed extension from its neighbours and noting a gradual slope in ground level toward the northern boundary, it was found that the approved 2022 scheme would likely have some impact on the closest private amenity space of the neighbouring dwelling, No 10 Grasmead Avenue. This amended proposal increases the depth of the roof extension from 6.7m to 9m and projects straight up from the northern rear wall of the building rather than being set back. Even so, the resultant full-three storey rear elevation maintains separations of 15m to the neighbouring flank boundary and is not considered to cause amenity impacts that would be to a degree that would justify refusal of the application on the basis of the presence of that additional built form.
- 6.31 In terms of overlooking, new second floor north facing windows will serve either the communal hallway, a bathroom or as a secondary opening to a habitable room (serving Unit 5). On this basis, and consistent with the basis of the 2022 approved scheme, issues of overlooking can be satisfactorily dealt with by way of condition requiring obscurity and limiting opening of these windows.
- 6.32 Having regard to the existing use of the rear access for vehicle access and egress, it was found in the 2022 approved scheme that the proposed vehicle access and parking arrangement would not give rise to undue additional noise and disturbance to the occupants of No.10 Grasmead Avenue or any other nearby dwellings. Whilst the number of parking spaces provided would be increased from 5 to 8, the noise and disturbance impacts associated with the additional volume of cars is not considered to be so

substantially different from that 2022 approved scheme or to cause any significantly harmful effect on the residential amenity of neighbouring occupiers and no objection is therefore raised on this basis.

- 6.33 Conditions to control the hours of construction and to require a construction method statement are recommended in order to avoid significant harm to the residential amenity of neighbours during the construction period. The Council's Environmental Health service has raised no objections on this basis.
- 6.34 Overall, on balance and subject to conditions, the amended proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 6.35 The NPPF states (para 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 6.36 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport. The Electric Vehicle Charging Infrastructure for new development SPD stipulates that car parking spaces are fitted with charging infrastructure.
- 6.37 Assessed against parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit. Policy DM15 also states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context. The proposal would provide eight off-street car parking spaces and eight cycle spaces within the rear curtilage of the site. Four car parking spaces would serve the three existing first-floor flats at the site, three car parking spaces would be allocated to the two one-bed, two-person units and the final space would be reserved for the commercial unit. The three one-bed, one-person units would have no dedicated on site car parking provision. Each of the units would be served by one cycle parking space.
- 6.38 Existing plans detail the commercial unit is served by 3no. Sheffield cycle stands on the London Road frontage and these would be unchanged by the development.
- 6.39 Whilst the car parking provision falls below the minimum policy requirement, the site benefits from being in a sustainable location with regard to public transport with good links in close proximity. On this basis and having regard to Policy DM15, NPPF paragraph 111 quoted at paragraph 6.34 above and the single occupancy of the flats in question, it is not considered that this amended proposal will have a detrimental impact on parking conditions, highway safety or the local highway network so meeting policy objectives. Highways officers have not objected to the scheme on this basis.
- 6.40 Concerns have been raised in third party representations about the proposed access arrangements. Highways officers have assessed the scheme and raise no objections in

this regard. In their consultation response, Highways officers state that the layout of the parking area ensures that vehicles can manoeuvre effectively when using the bays such that the proposal will not have a detrimental impact on the local highway network. Overall, the parking arrangement is considered acceptable in this particular instance.

- 6.41 In line with the council's recently adopted EV charging schedule for new dwellings, a condition is attached requiring all resident parking spaces be fitted with EV charging points.
- 6.42 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 6.43 The submitted plans show an area of waste storage to the rear of the site comprising 8no. singular 360L wheelie bins (one for each of the existing and proposed units) within an enclosure, although elevation plans have not been provided.
- 6.44 This would not accord with guidance outlined in the Council's Waste Storage and Management Guide which states for the number of persons proposed across the whole development (16), would require the provision of 1x 1100L Eurobin for Waste and 1x 1100L Eurobin for Recycling. Furthermore, the proposed provision would not allow the separation of refuse from compostable and recyclable materials which further exacerbates the conflict with Council policy. It is considered that there is scope within the wider site boundary to provide policy compliant waste storage facilities and this can be required by condition to achieve policy compliance.
- 6.45 Refuse and recycling storage/collection arrangements for the commercial premises would remain unchanged, namely provision of bin will continue internally within the unit.
- 6.46 Subject to imposition of the above condition the amended proposal is acceptable and policy compliant in the above regards.

Flooding and surface water drainage

- 6.47 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal would be erected on top of existing impermeable areas. Consistent with the basis of decision for the 2022 approved scheme and similarly subject to a condition requiring permeable hardstanding to be incorporated to the proposed rear parking area, the development would not significantly increase the runoff of surface water. It is expected that the development would be connected to the sewer system.
- 6.48 Subject to that condition the amended proposal would be acceptable and policy compliant in these regards.

Energy and Water Sustainability

- 6.49 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon

dioxide emissions". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".

- 6.50 No information has been provided regarding proposed renewable energy to demonstrate how the amended proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. As with the approved 2022 scheme the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and wider area.
- 6.51 This aspect of the amended proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Ecology - Essex Coast RAMS

- 6.52 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by the Council on 29 October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 6.53 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 6.54 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 amended development includes a net gain internal floor area of 306sqm, which may equate to a CIL charge of approximately £8,356.15. Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

7 Conclusion

- 7.1 Having taken all material planning considerations into account, it is concluded that subject to compliance with the suggested conditions, the proposed amended 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 when assessed on its individual merits it is found to have an acceptable impact on the living conditions of future occupiers, the character and appearance of the area, and the

highway safety, traffic and parking conditions in the area. On balance and subject to conditions, the proposed development would also be acceptable in terms of its impact on the amenity of neighbouring occupiers. Conditions can satisfactorily deal with energy, water sustainability and drainage. The development offers suitable mitigation for its in-combination effects to protected ecology sites. Furthermore, when considering the acceptability or otherwise of this amended proposal's impacts the Local Planning Authority is obliged to give significant weight to the comparative findings on the approved 2022 development which represents a fall-back position.

- 7.2 Additionally, this proposal creates new housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the city which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

8 Recommendation

8.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 711-P01 Rev G; 711-P02 Rev F; 711-P03 Rev E**

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

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

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

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

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

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

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

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

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

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

- 07** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:
- i)** the parking of vehicles of site operatives and visitors
 - ii)** loading and unloading of plant and materials
 - iii)** storage of plant and materials used in constructing the development
 - iv)** the erection and maintenance of security hoarding
 - v)** measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction
 - vi)** a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
 - vii)** a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
 - viii)** details of the duration and location of any noisy activities.

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

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

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

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

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

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

spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

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

- 11 Prior to the first occupation of the residential units hereby approved, no less than eight car parking spaces shall be provided and made available for use on site by occupiers/users/visitors of the three existing flats (four spaces total), the existing commercial unit (one space), and the two 1 bed/2 person units (three spaces) hereby approved and shown on drawing no. 771-P02 Rev F. All parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the development hereby approved. The car parking spaces shall be retained for the benefit of the future users and occupiers and visitors to the approved development, the existing commercial unit and the three existing flats for the lifetime of the development.

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

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

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

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

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

- 14 The second floor rear-facing windows in the north flank elevation of the development hereby approved shall only be glazed in obscure glass (the glass to

be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

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

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

- 16 Prior to the first use of the development hereby approved, drainage infrastructure for the development including the built form and the rear parking area subject of this permission, shall have been installed at the site in full accordance with details of surface water attenuation, based on Sustainable Drainage Systems principles, which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The drainage infrastructure shall be maintained as approved on site for the lifetime of the development thereafter.

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

Positive and proactive statement:

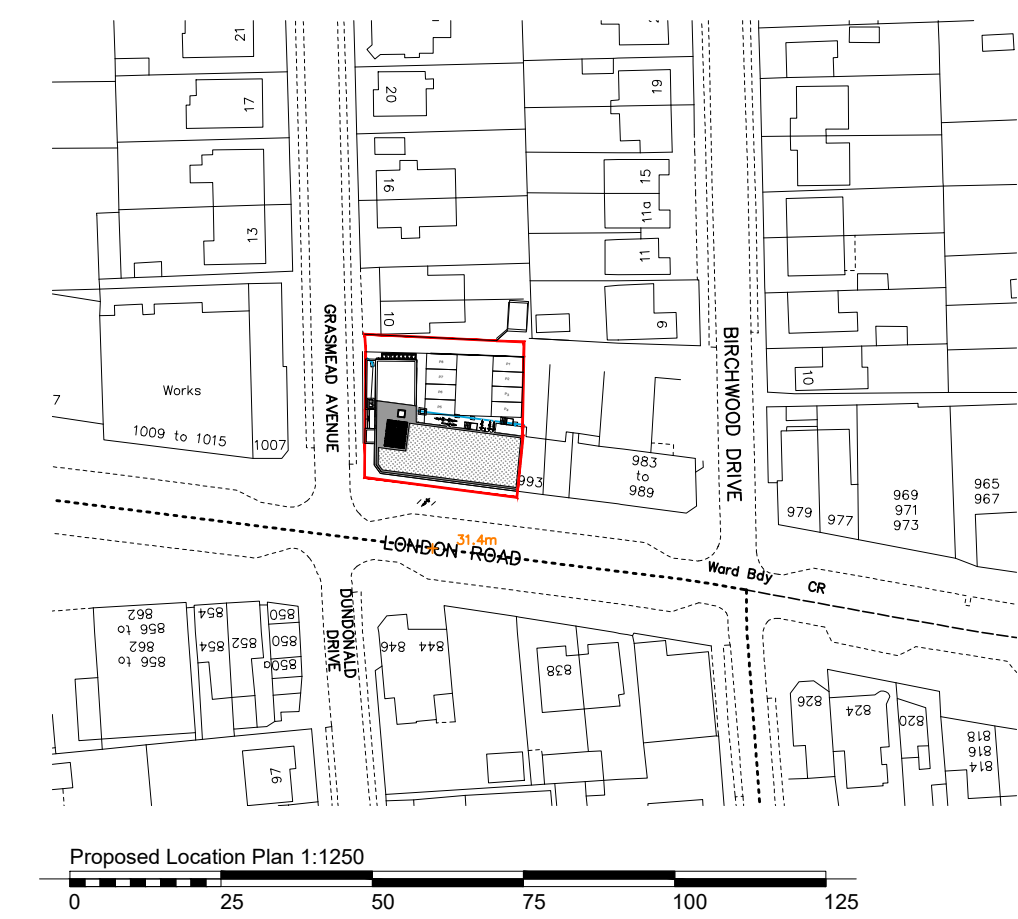
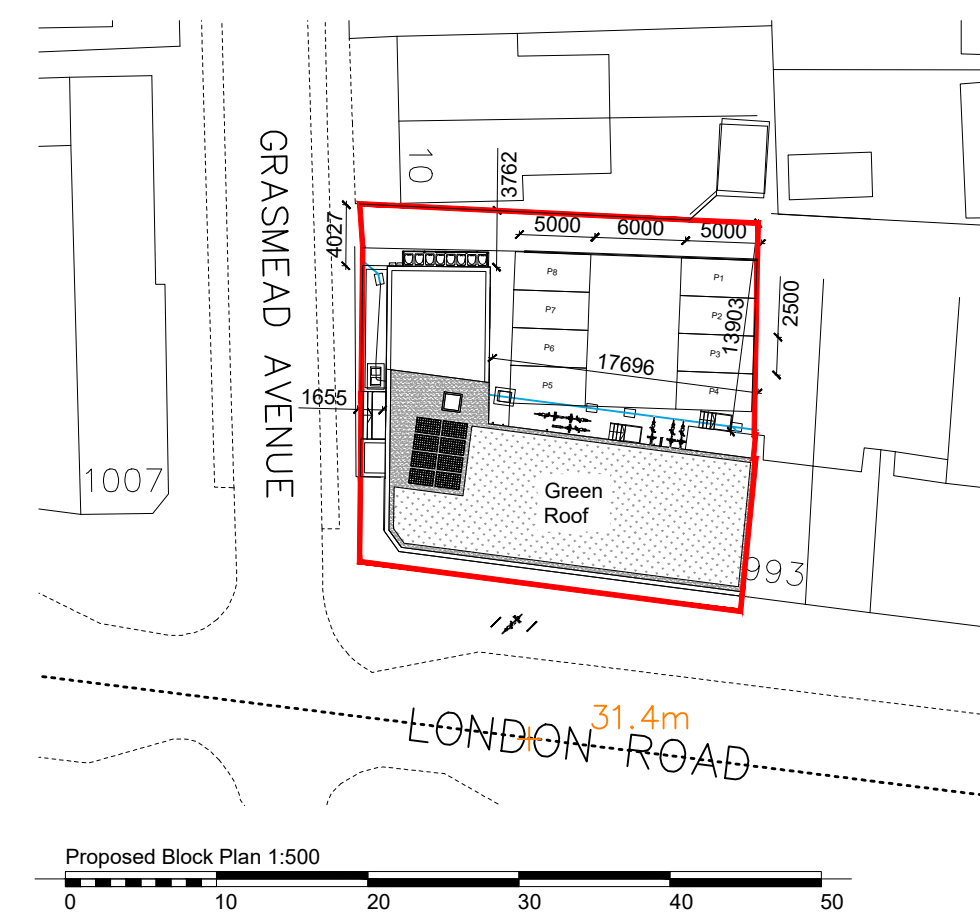
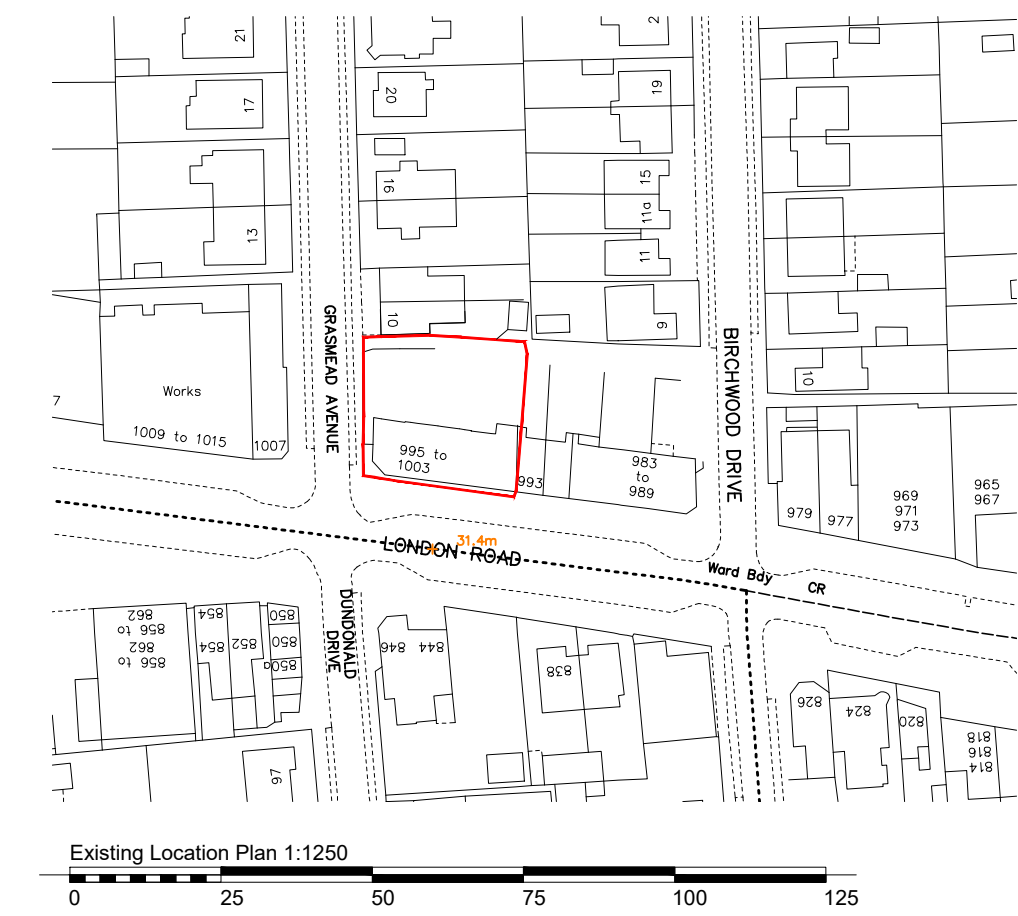
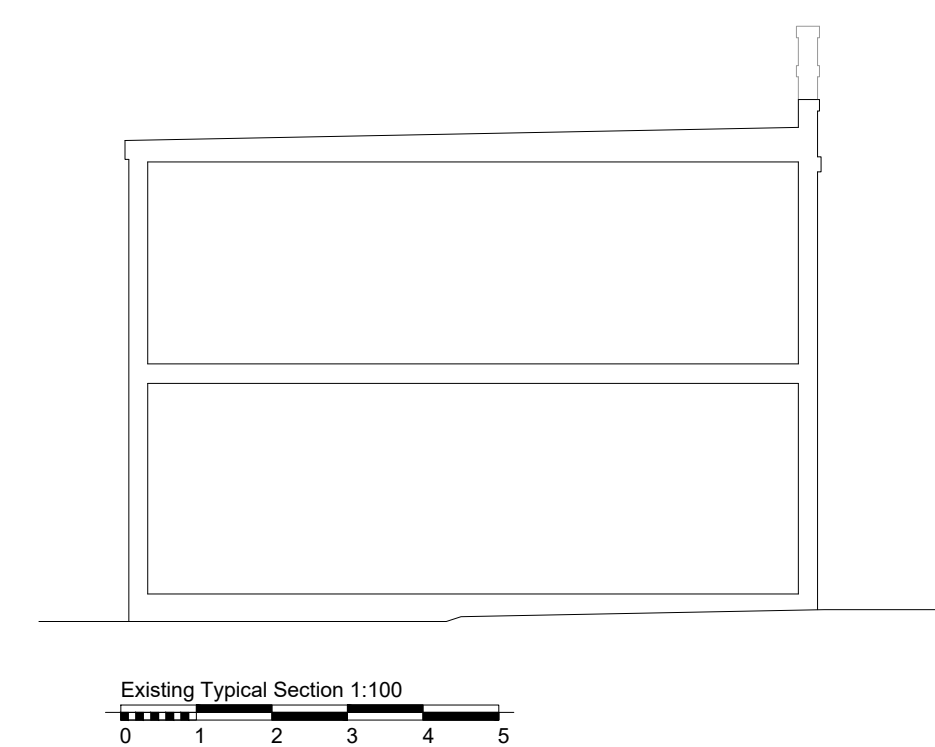
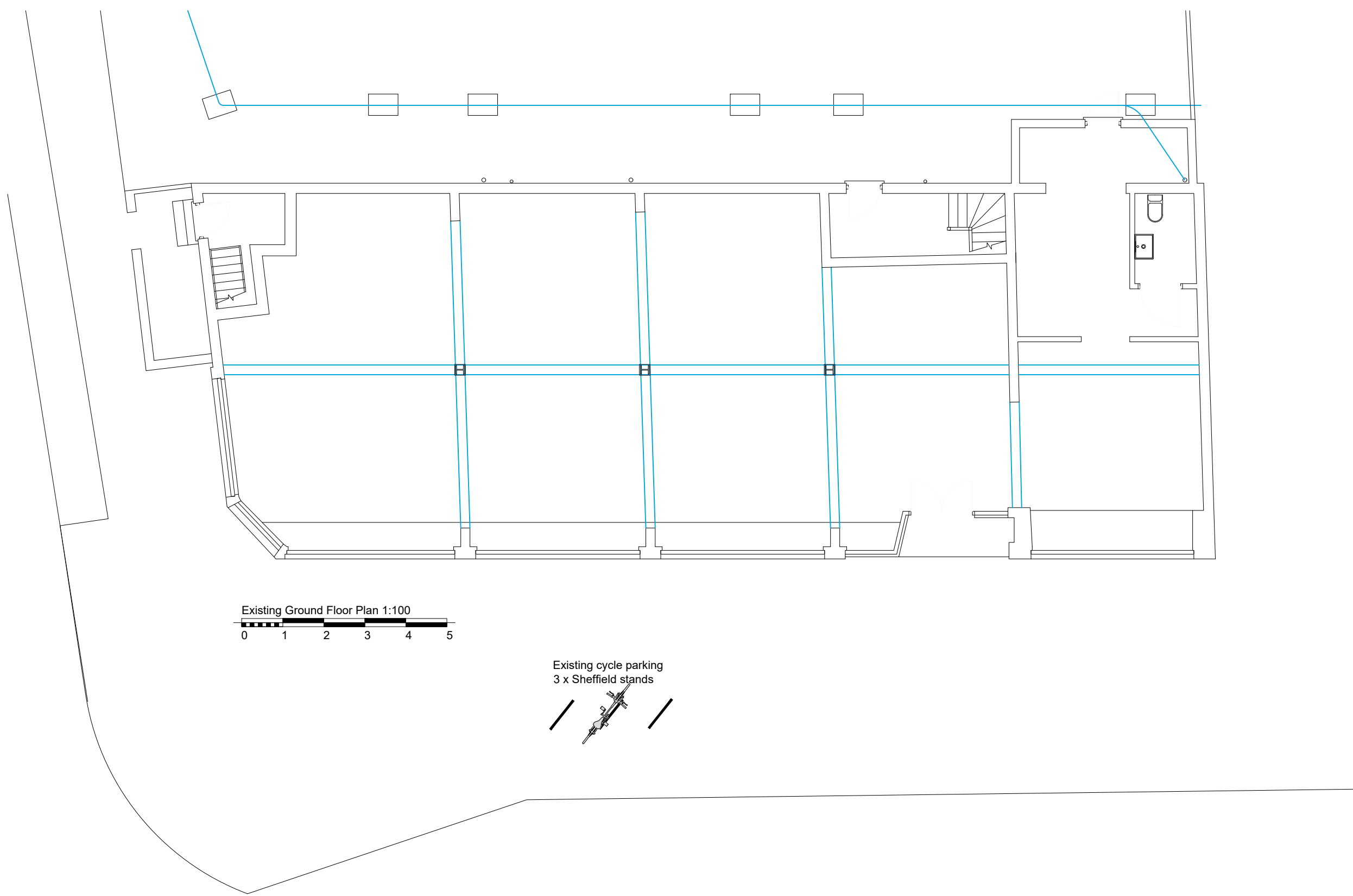
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local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

Informatives:

- 1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the

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

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



Notes:			
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Drawing updates following receipt of comments from LPA received via email 24/01/2023			
Rev	Comment	By	Date
G		KS	31/01/2023

Stage:
3 - Developed Design

Client:

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

Drawing Title:
Existing

Drawing no:
771-P01

Revision: **G** Drawn by: WRS

Project no: **771** Chkd by: ---

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

SKARCHITECTS
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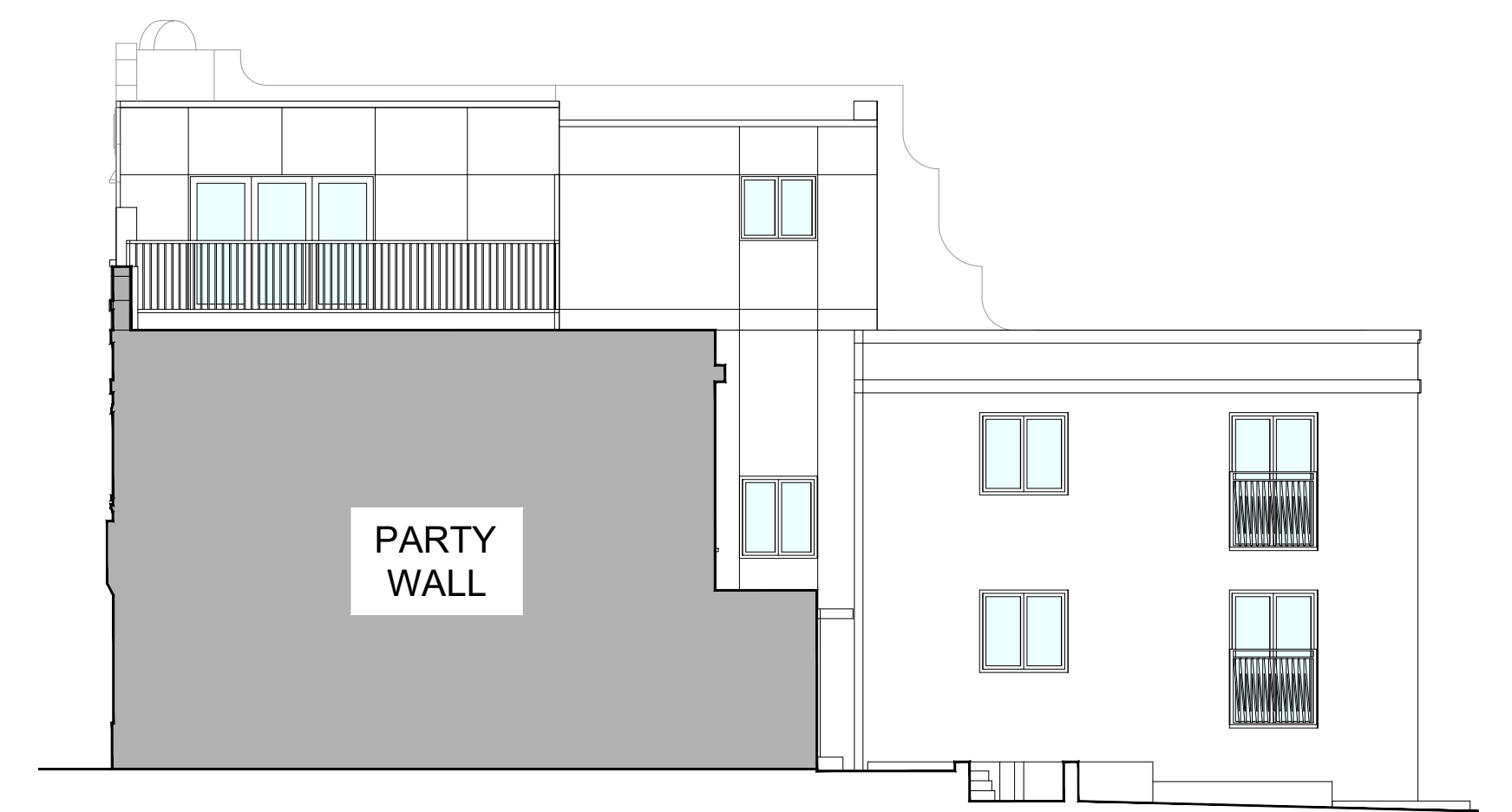
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Proposed South Facing Elevation 1:100



Proposed West Facing Elevation 1:100



Proposed East Facing Elevation 1:100



Proposed North Facing Elevation 1:100



Grasmead Avenue & London Road (West & South) Elevations



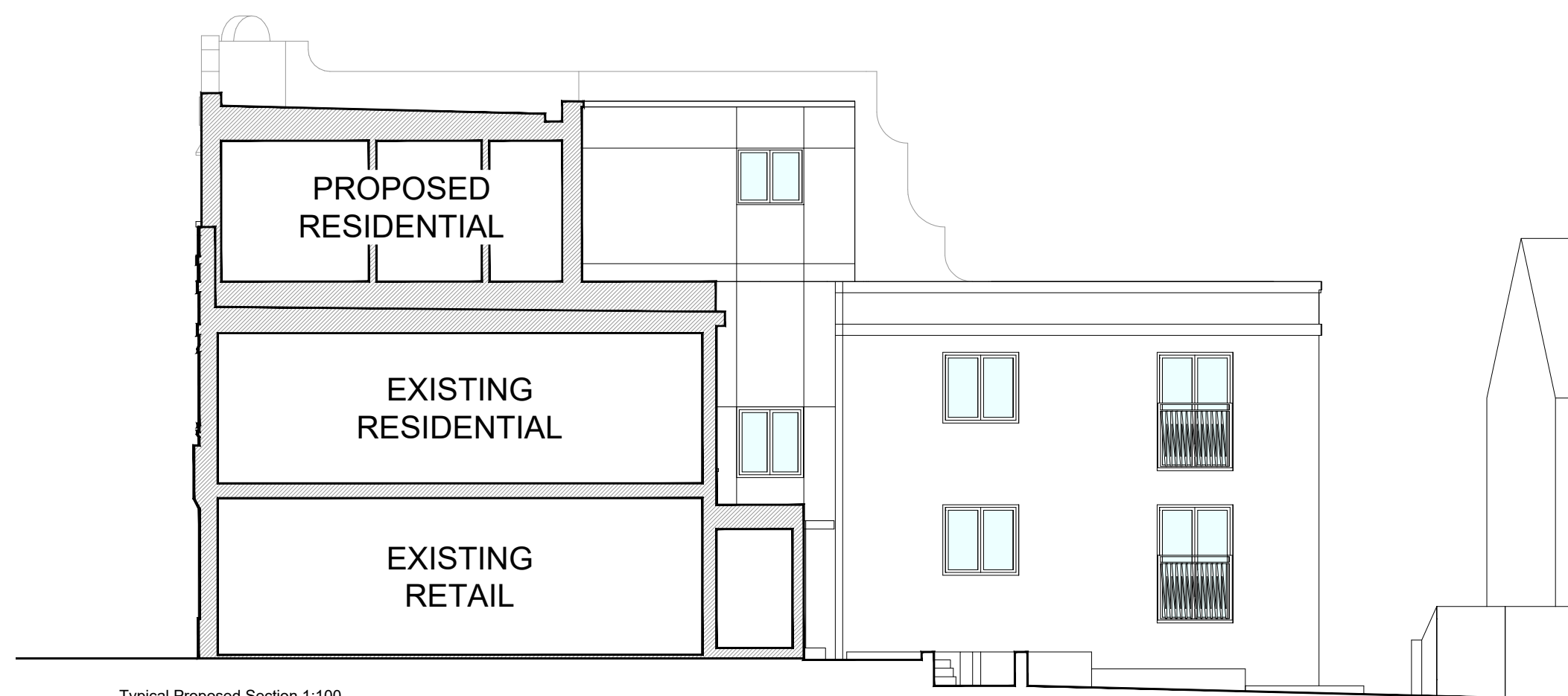
London Road (South) Elevation



Grasmead Avenue (West) Elevation



Parking area (North) Elevation



Typical Proposed Section 1:100

Notes:

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

Stage:
3 - Developed Design

Client:

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

Drawing Title:
Proposed Elevations

Drawing no:
771-P03

Revision: **D** Drawn by: WRS

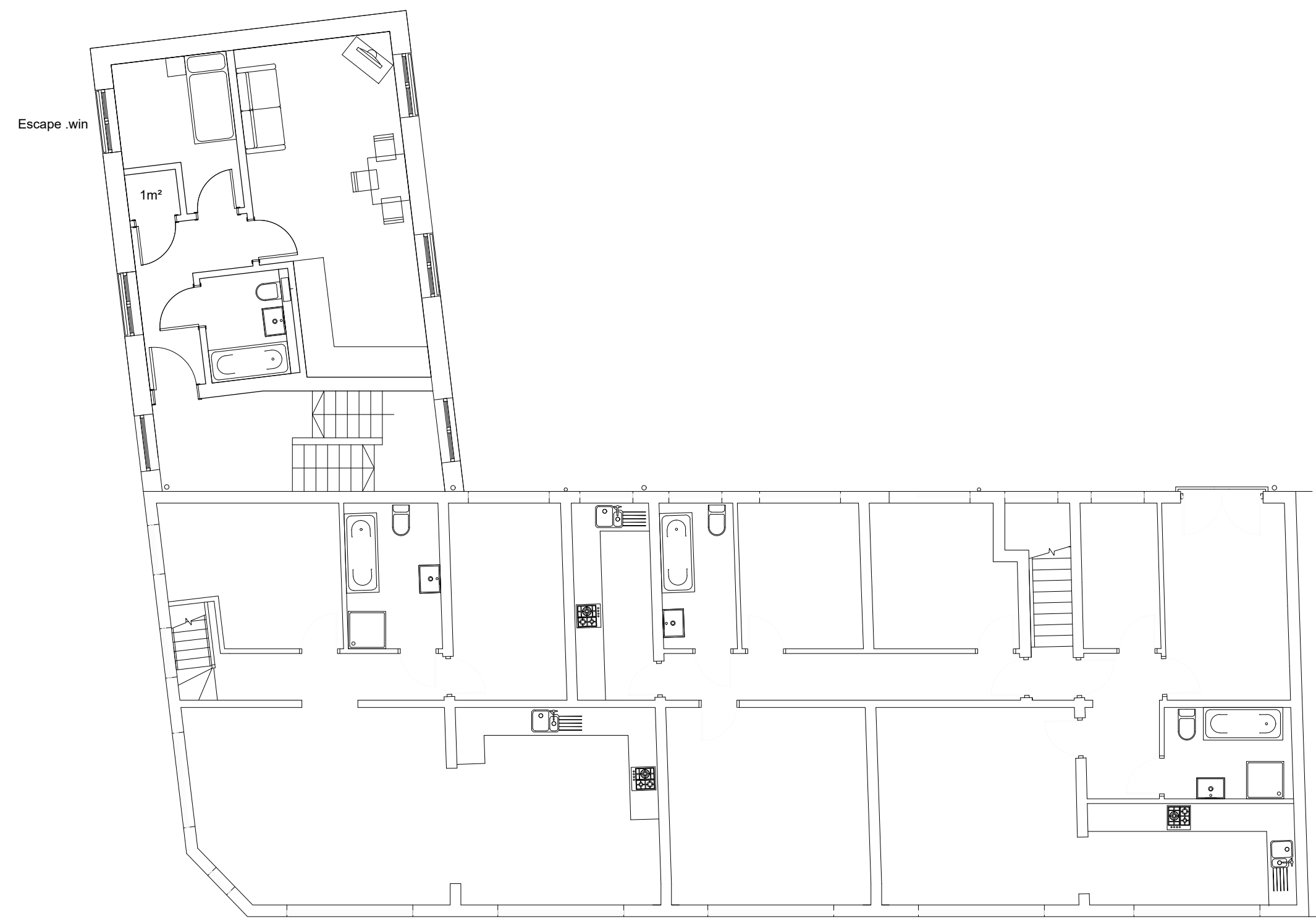
Project no: **771** Chkd by: SK

Scale: 1:100 @ A1

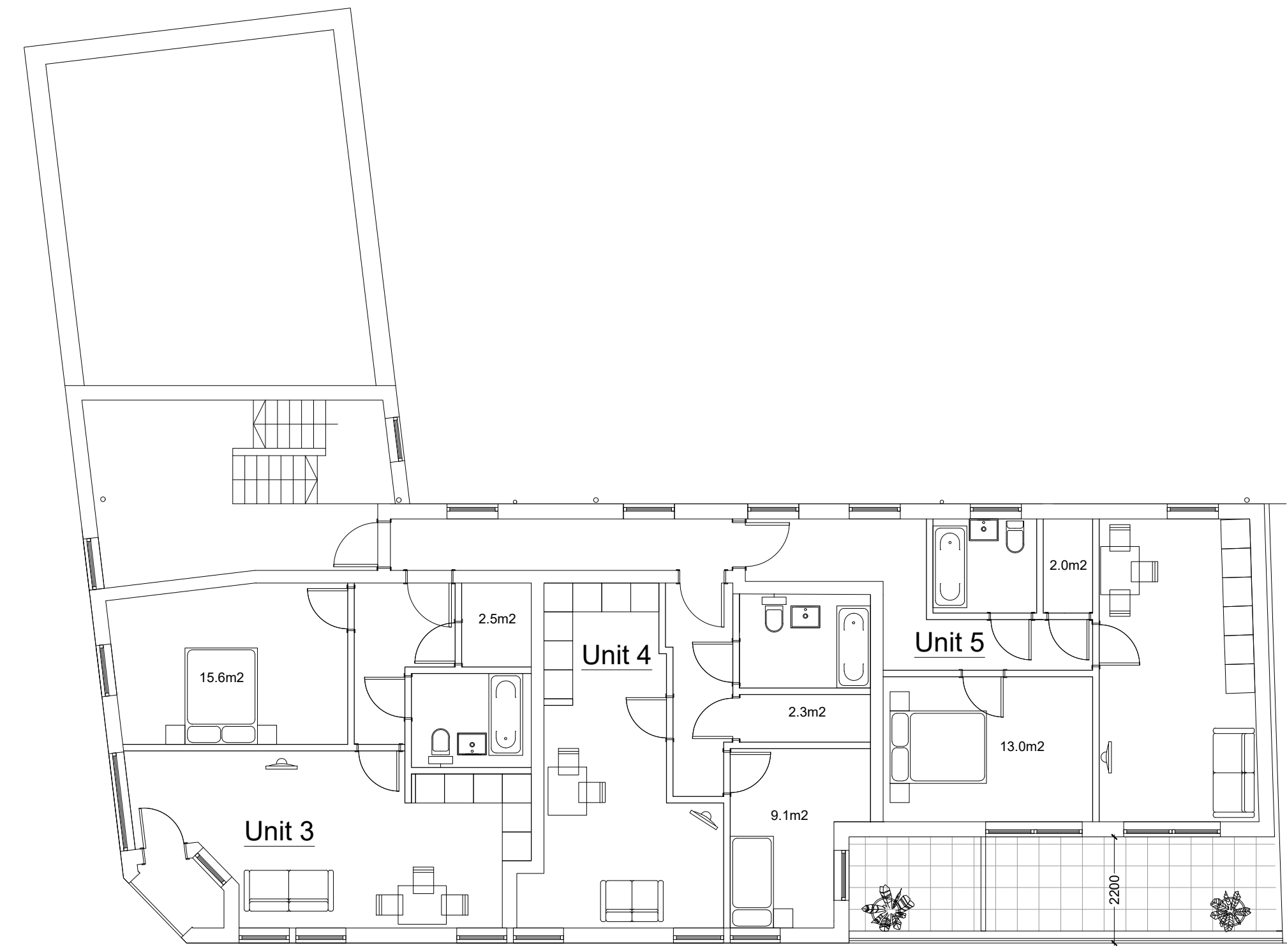
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Proposed First Floor Plan 1:100
0 1 2 3 4 5



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



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

Existing cycle parking
3 x Sheffield stands

- New Unit Areas
 Unit 1 - 43.6m²
 Unit 2 - 43.6m²
 Unit 3 - 55.8m²
 Unit 4 - 46.1m²
 Unit 5 - 52.0m²

Notes:			
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Drawing updates following receipt of comments from LPA received via email 24/01/2023			
Rev	Comment	By	Date
F		KS	31/01/2023

Stage:	3 - Developed Design
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Client:	---
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Project:	Cycles UK 995-1003 London Road Leigh-On-Sea SS9 3LB
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Drawing Title:	Proposed Plans
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Drawing no:	771-P02
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Revision:	F	Drawn by:	WRS
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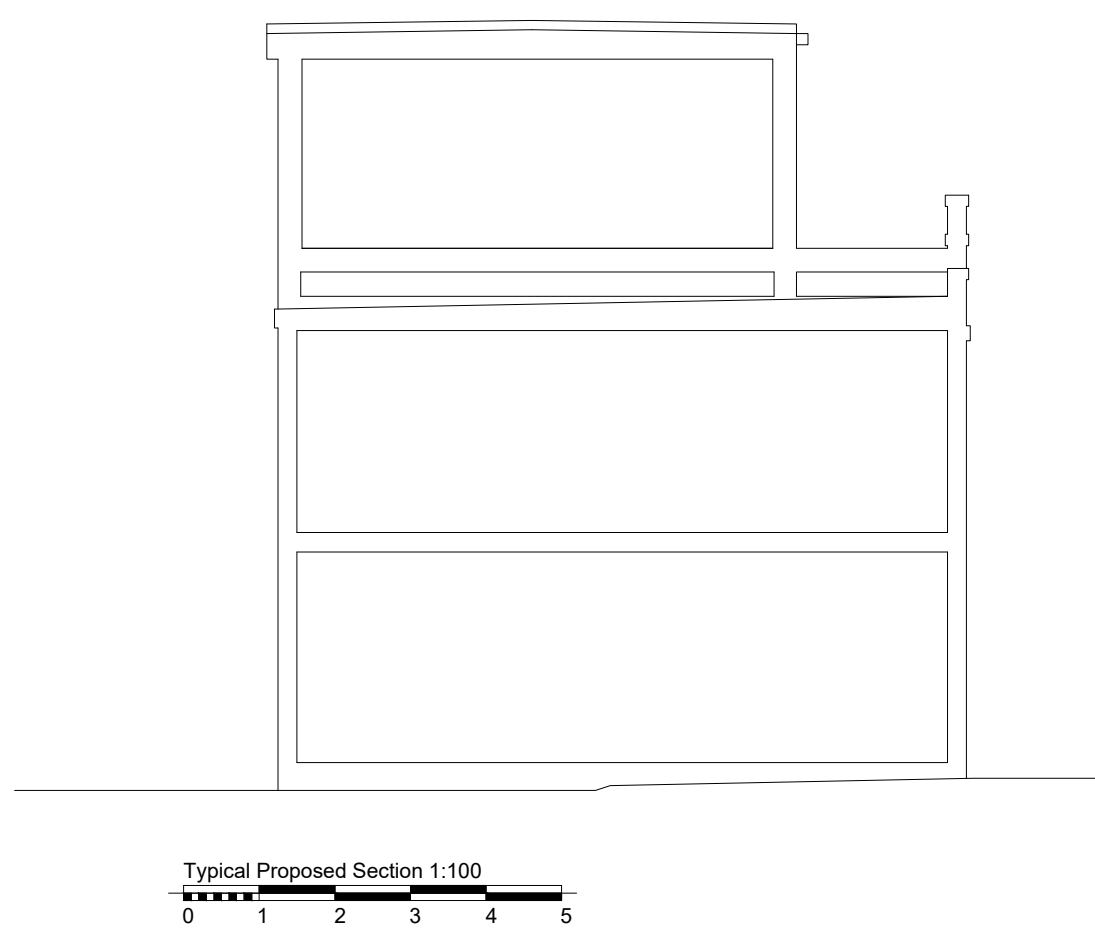
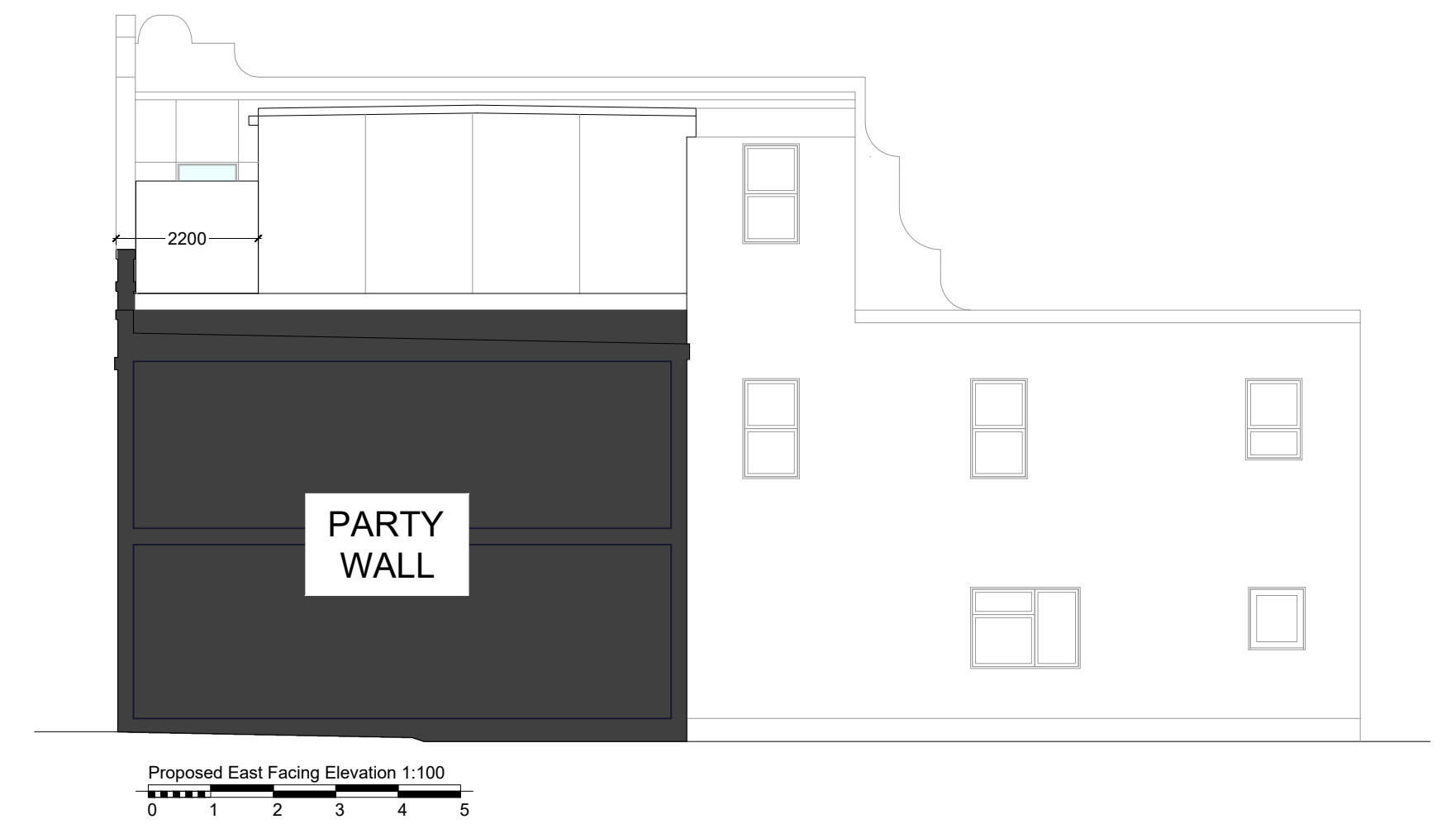
Project no:	771	Chkd by:	---
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 SS0 9SZ
 Tel: 01702 509250
 Email: info@skarchitects.co.uk

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Notes:

Rev	Comment	By	Date
E	Drawing updates following receipt of comments from LPA received via email 24/01/2023	KS	31/01/2023

Stage:
3 - Developed Design

Client:

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

Drawing Title:
Proposed Elevations

Drawing no:
771-P03

Revision: E Drawn by: WRS

Project no: 771 Chkd by: ---

Scale: 1:100 @ A1

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995-1003 London Road

View to wider terrace



Application site



Streetscene View

Application site





Junction with
Grasmear Ave

Application site

187

BNA

CYCLES UK

Relationship with 10 Grasmead Avenue



Existing vehicle access
to rear of site

189



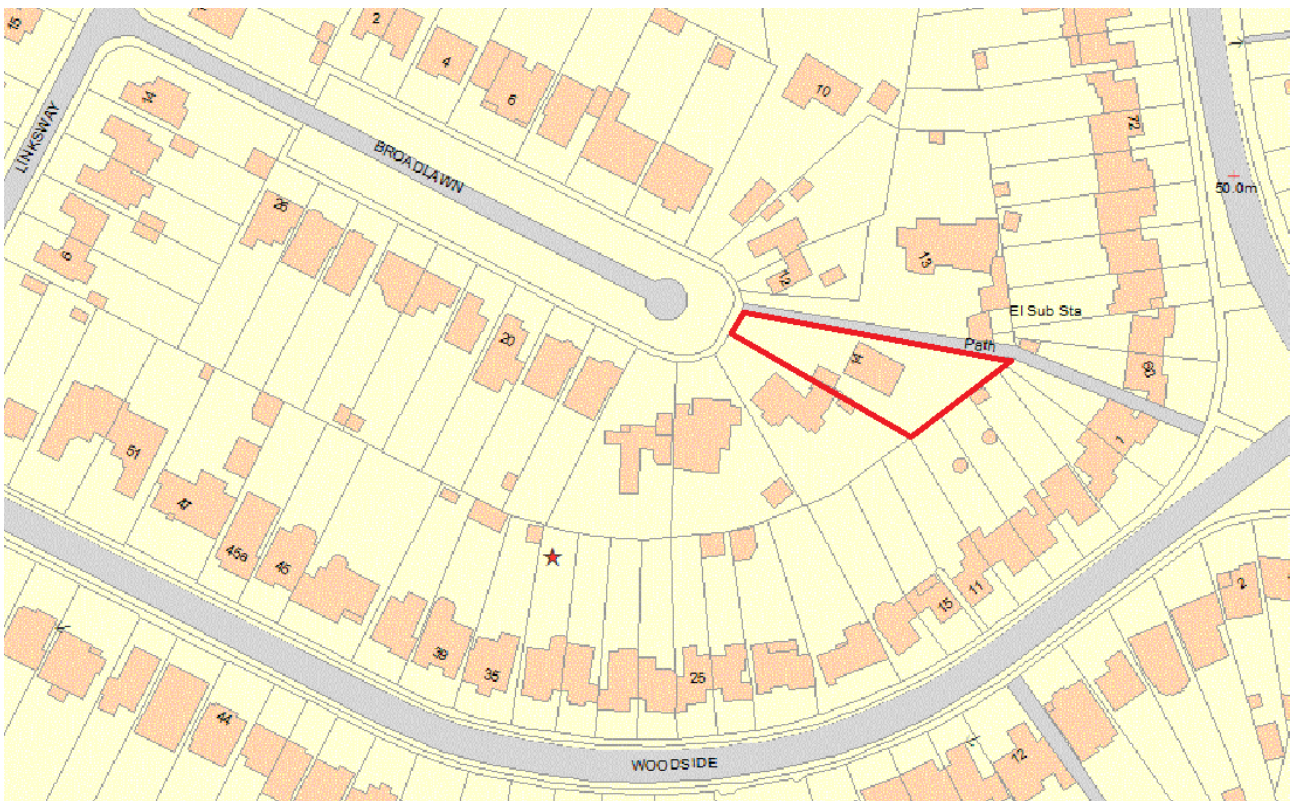
Rear of site





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Reference:	22/02260/PA61	<h1>7</h1>
Application Type:	Prior Approval	
Ward:	Belfairs	
Proposal:	Raise ridge height to form new first floor (prior approval)	
Address:	14 Broadlawn, Leigh-on-Sea, Essex, SS9 4QZ	
Applicant:	Ms Lottie Reddings	
Agent:	Mr Alan Green of A9 Architecture	
Consultation Expiry:	26th January 2023	
Expiry Date:	3rd March 2023	
Case Officer:	Hayley Thompson	
Plan Nos:	01 Revision I, 02 Revision I, 03 Revision I, 04 Revision I, 05 Revision, 06 Revision J, 07 Revision I, 08 Revision J, 09 Revision J, 010 Revision J	
Recommendation:	PRIOR APPROVAL REQUIRED AND PRIOR APPROVAL GRANTED	



Site and Surroundings

- 1.1 The application site contains a detached bungalow to the east of Broadlawn at the head of a cul-de-sac. The area is residential in character consisting mainly of detached two storey dwellings, chalets and bungalows of varying scale, form and design. Dwellings in Broadlawn generally have deep grass verges to the front and long driveways.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 This application for Prior Approval is submitted under the terms of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This allows for the enlargement of a dwellinghouse by construction of up to two additional floors for existing dwellings of two storeys or more or an additional storey in the case of a bungalow.
- 2.2 The proposed development is for an upwards extension to create an additional floor and associated raised roof at the application property. This would increase the maximum height of the dwelling by 2.8m from some 6.1m to some 8.9m.
- 2.3 Finishing materials have been outlined in the submitted application form as matching the existing, including brick and tile. The proposed (pitched) roof form would replicate the existing roof.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Call-in

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

Public Consultation

- 4.2 Fourteen (14no.) neighbouring properties were notified of the application by letter and a site notice was displayed. Seven (7no.) letters of representation have been received. Summary of objections:
 - Loss of privacy
 - Loss of light
 - Development would have overbearing impacts
 - The development would be intrusive
 - Loss of views
 - Concerns about the design of the flank elevations and lack of windows
 - The design, scale and height of the building is out of keeping in the area

[Officer Comment: All relevant planning considerations have been assessed within the appraisal section of the report. The points of representation relevant to planning considerations have been taken into account in the determination of this application but are found not to represent a reasonable basis to refuse prior approval in the circumstances of this case.]

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants deemed consent for development consisting of: The enlargement of a dwellinghouse consisting of the construction of—

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

- 6.2 Paragraph AA.1 states that development is not permitted by Class AA if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwelling has not been granted permission to be used as a dwellinghouse only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3, so provision (a) is met.

(b) the dwellinghouse is located on—

(i) article 2(3) land; or

(ii) a site of special scientific interest;

The dwelling is not located on Article 2(3) land (or example a conservation area) or on a site of special scientific interest, so provision (b) is met.

- 6.3 (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

The dwelling was not constructed before 1st July 1948 or after 28th October 2018. Historic records indicate that the dwelling was constructed in 1959 so provision (c) is met.

- 6.4 (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

The dwelling is single storey and it has not been previously enlarged by way of the addition of one or more storeys, so provision (d) is met.

- 6.5 (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

The resultant built form would have a maximum height of 8.9m so provision (e) is met.

- 6.6 (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

- (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

The application dwelling is a single storey bungalow and the height of the highest part of the existing roof would be increased by some 2.8m (from 6.1m to some 8.9m), so the proposal complies with provision (f).

- 6.7 (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

- (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
- (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

The application dwelling is detached, so provision (g) is not applicable.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

Section drawings have been provided to demonstrate that the floor to ceiling height, measured internally of the existing dwelling is 2.5m and the additional storey would be some 2.5m in height internally so provision (d) is met.

- 6.8 (i) any additional storey is constructed other than on the principal part of the dwellinghouse;

The application proposal is for an additional storey over the principal part of the dwelling, which has not been previously extended, so provision (i) is met.

- 6.9 (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development

The submitted plans show no provision of visible support structures on or attached to the exterior of the building, so provision (j) is met.

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

The submitted plans show no such engineering operations, so provision (k) is met.

6.10 There are further conditions attached to the development permitted by Class AA under Section AA.2 (paragraphs 2 & 3) of the GPDO.

(2) The conditions in this sub-paragraph are as follows—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

The submitted plans indicate that these conditions would be complied with.

6.11 Paragraph AA.2 (3) states that development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of—

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and (e) that notification must be in writing and include—

(i) the name of the developer;

(ii) the address of the dwellinghouse; and

(iii) the date of completion.

Appraisal of the Upward Extension

AA.2 (3)(a)(i) Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

- 6.12 The application site is bounded by Nos 12 and 13 Broadlawn to the north and No.15 Broadlawn to the south. The application site is also bounded by properties to the rear along Woodside and The Fairway. Given the location of the site in relation to neighbours it is considered that the development has the potential to impact on the amenity of neighbours such that prior approval is required in relation to impacts on residential amenity.
- 6.13 No.13 is a detached chalet dwelling situated further rearward in its plot in comparison to other neighbouring dwellings in Broadlawn at the end of the cul-de-sac. There is a public footpath located between the applicant dwelling and No.13 and a separation distance of at least 20m is maintained between these dwellings. When the separation distance is considered together with the absence of any neighbouring first floor flank windows, it is not considered the proposal would harm the amenities of No.13's occupants.
- 6.14 No.15 is a detached chalet dwelling which has been extended with roof enlargements and ground floor additions and as such, there is built form constructed up to the shared boundary with No.14. A large, pitched roof detached garage building serves both dwellings, and spans the shared boundary. No.15 has an infill extension between this detached garage and the main dwelling and as such a separation distance of at least 6.5m is maintained between habitable rooms at No.15 and the application dwelling. No.15 also has a detached building immediately to its rear along the shared boundary with No.14.
- 6.15 The application dwelling is sited rearward of No.15, and the application plot tapers out towards its rear due to the corner location. The proposal would result in built form of increased eaves and ridge height, from some 3m to 5.8m and from some 6.1m to 8.9m respectively. The application dwelling would retain its existing footprint and separation to the shared boundary. It is not considered that the resultant increase in built form would result in any significant loss of light to the occupiers of No.15 or result in any overbearing impacts.
- 6.16 No.12 Broadlawn is a semi-detached bungalow situated further forward in its plot than the application dwelling and a separation distance of at least 19m is maintained between these dwellings. Due to this separation distance, it is not considered that the proposal would significantly harm this neighbouring dwelling's amenity in any relevant regards.
- 6.17 No first floor windows are proposed in either side of the raised bungalow and due to the siting of the dwelling in relation to Nos 15 and 13, it is not considered that the proposal harm the amenities of those neighbouring occupiers from any perceived or actual loss of privacy. Two front facing and two rear facing first floor windows are proposed as part of the development. While there would be views from the front windows towards the flank of No.12 Broadlawn, to the north west, which contains two ground floor windows and door openings, due to a 19.5m separation distance between the dwellings, it is not considered that any significantly harmful overlooking would occur. The front facing windows, due to their siting and nature would have no significantly harmful impact as they would overlook the public domain. From the rear windows partial views could be obtained of the far rear garden of No.15. Views of No.13 are of outbuildings within a large driveway area situated along the shared boundary with the public footpath and this neighbouring dwelling. The proposal is therefore not considered to have any significantly harmful impact on the occupier amenities of Nos 12,13 or 15 Broadlawn in any relevant regard.

- 6.18 The proposed first floor rear facing windows would look towards the rear gardens and the rear of dwellings in Woodside and The Fairway. A minimum distance of 11m is maintained from the rear windows to the rear site boundary and a separation distance of at least 38m would be maintained from the rear windows of these neighbouring dwellings. On this basis it is not considered that significantly harmful overlooking would occur to the dwellings or private amenity areas of properties in Woodside and The Fairway. The proposal is not considered to have any other significant impact on these occupier's amenity in any relevant regard.
- 6.19 On the above basis it is not considered that the proposed development would cause material harm to the amenities of neighbouring occupants as defined in the Order.

External Appearance and architectural features AA.2 (3)(a)(ii)

- 6.20 Given the nature of the proposal and the location of the site it is considered that prior approval is required in relation to impacts relating to external appearance and architectural features.
- 6.21 The additional storey would add scale and bulk to the application property. The wider area in Broadlawn is characterised by a mix of dwellings, including two-storey dwellings, chalets and bungalows. There are only a few examples of bungalows that have remained unaltered within the immediate locality and as such, they do not represent a particularly dominant aspect of the character of this area. Therefore, in principle, a two-storey development would be in keeping with the streetscene and local character.
- 6.22 Dwellings in Broadlawn have varied roof forms that are primarily pitched and of varying design. It is considered that the proposed pitched roof, having a similar roof form to the existing, would not be out of keeping in this locality. It is proposed to finish the dwelling externally in materials and architectural features that either match or suitably complement the existing dwelling, including brick and tile which would suitably respect the character and appearance of the host dwelling. Both side walls would contain no windows at first floor level. This is a conditional requirement of the prior approval process (see reference to condition AA (2) c) at paragraph 6.10 of this report). It creates expanses of brickwork, but this is primarily a consequence of the prior approval legislation and in any event is here not significant harmful to the external appearance of the extended dwelling.
- 6.23 On this basis, the proposal is considered to be acceptable and policy compliant in its external appearance and architectural features as defined by the Order.

Air Traffic and Defence Asset Impacts of the development AA.2 (3)(a)(iii)

- 6.24 The development would have no impact upon Air Traffic and/or Defence Assets owing to the limited resultant maximum height of the application dwelling, being under 10m, and separation from the Ministry of Defence (MOD) (Southend) base. It is considered that prior approval is not required in relation to impacts relating to Air Traffic and Defence Asset Impacts.

Impact on Protected Views

- 6.25 The development would not impact on any protected views and it is considered that prior approval is not required in relation to impacts relating to Protected Views.

Community Infrastructure Levy (CIL)

- 6.26 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

Equality and Diversity Issues

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

Conclusion

- 6.28 For the reasons outlined above and subject to conditions, the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. The proposal has been assessed in accordance with the specific provisions of the General Permitted Development Order. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that prior approval is required for neighbour amenity impacts and external appearance. These impacts are found to be acceptable so it is recommended that prior approval be granted subject to conditions.

7 Recommendation

PRIOR APPROVAL IS REQUIRED AND PRIOR APPROVAL IS GRANTED

- 01 The development hereby permitted shall be carried out only in accordance with the following approved plans: 01 Revision I, 02 Revision I, 03 Revision I, 04 Revision I, 05 Revision, 06 Revision J, 07 Revision I, 08 Revision J, 09 Revision J, 010 Revision J.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design impact on neighbour amenity and complies with Policy DM1 of the Development Management Document (2015) and the provisions of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

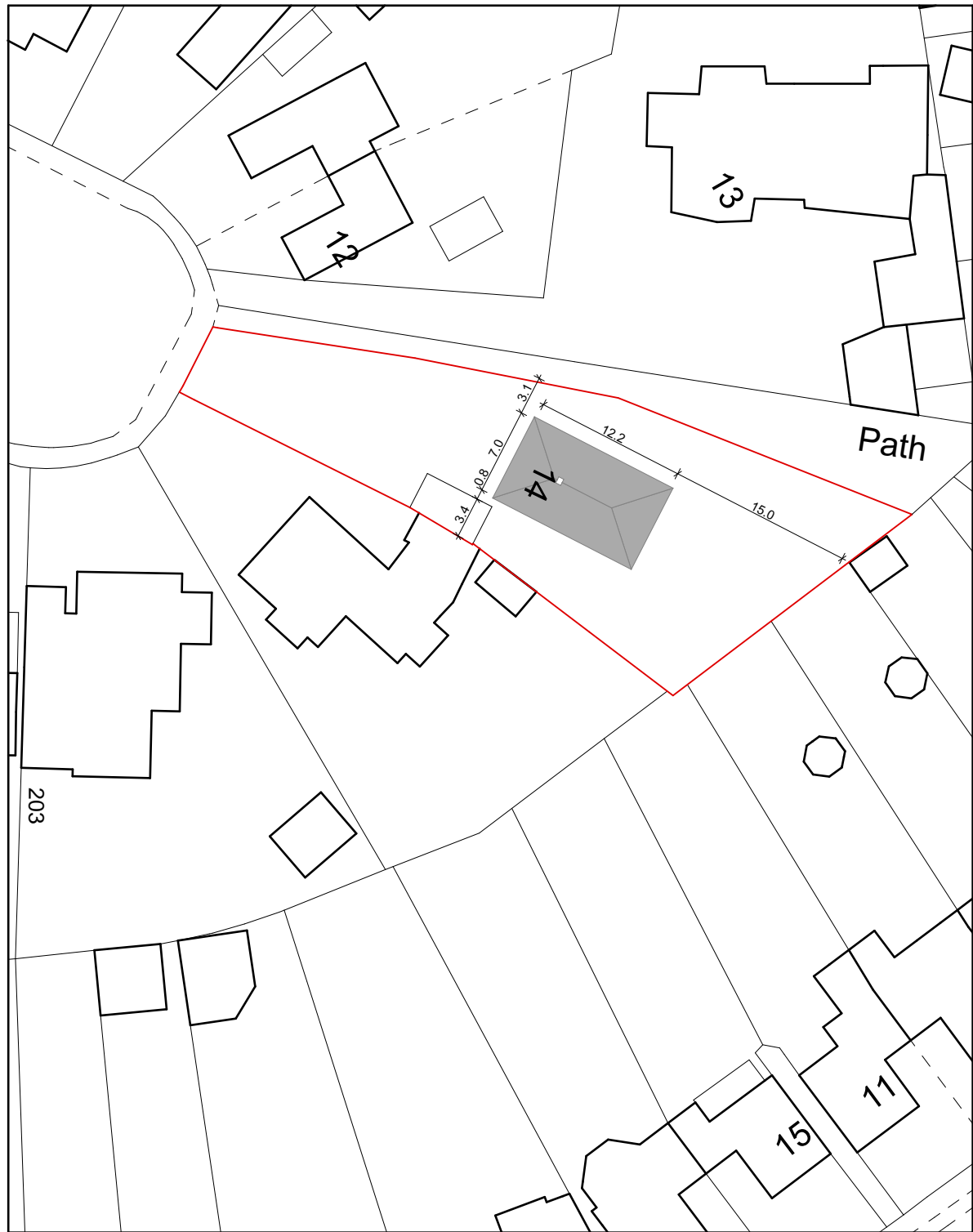
Informatives

01. The applicant's attention is drawn to the condition under sub paragraph 2(a) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

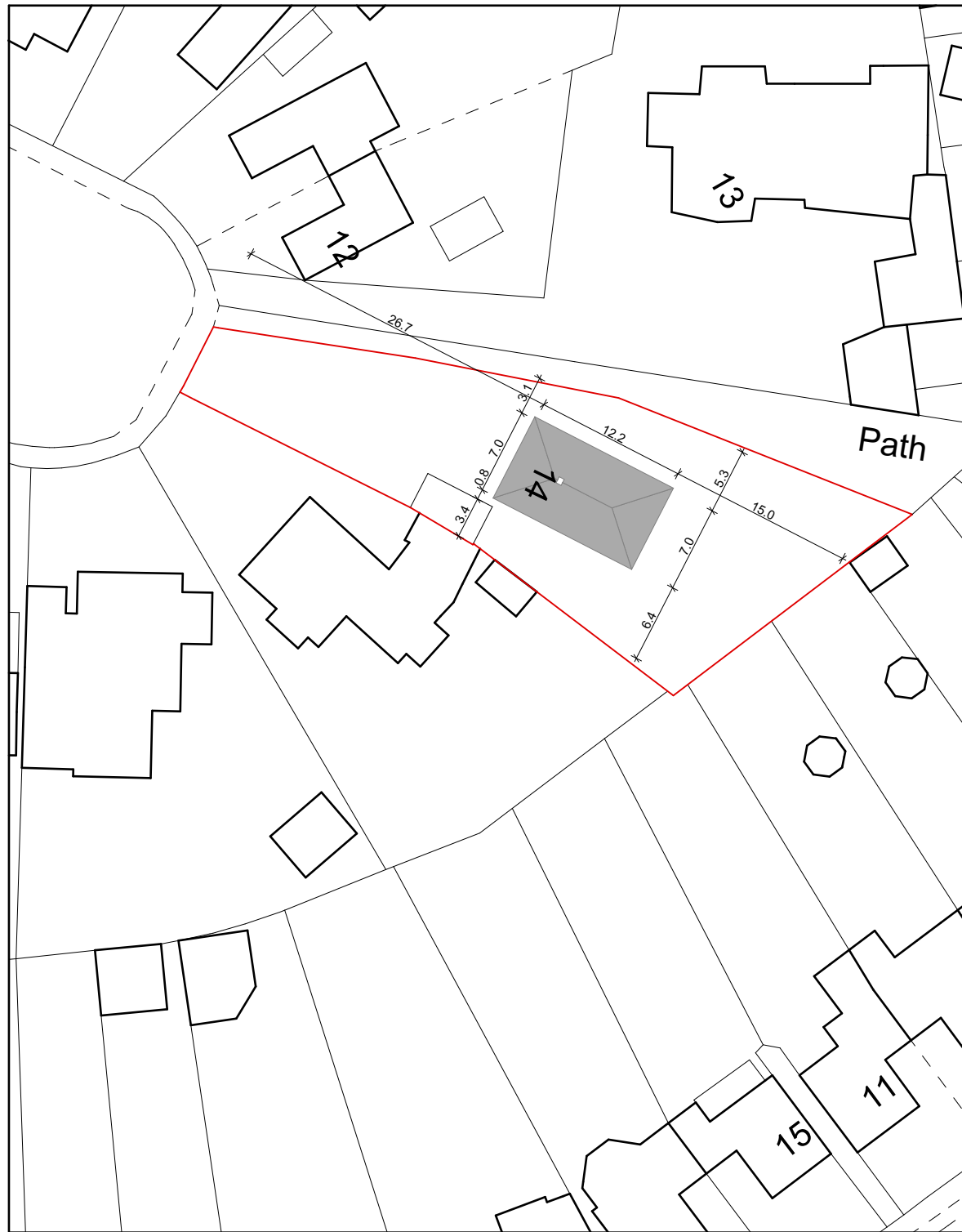
- 02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission, that the Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out 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.**
- 03. The proposed building equates to less than 100sqm of new floorspace as such the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details.**
- 04. The applicant's attention is drawn to the condition under sub paragraph 3(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must be completed within a period of 3 years starting with the date prior approval is granted.**
- 05. The applicant's attention is drawn to the condition under sub paragraph 3(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.**
- 06. The applicant's attention is drawn to the condition under sub paragraph 2(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.**
- 07. The applicant's attention is drawn to the condition under sub paragraph 2(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse;**
- 08. The applicant's attention is drawn to the condition under sub paragraph 2(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (d)following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.**
- 09. The applicant's attention is drawn to the condition under sub paragraph 3(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.**

Positive and Proactive Statement:

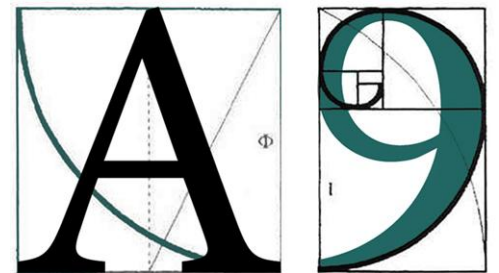
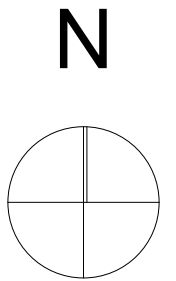
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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



EXISTING SITE PLAN



PROPOSED SITE PLAN



ARCHITECTURE

255 London Road, Hadleigh, Essex, SS7 2BN

Info@A9Architecture.co.uk

Tel: 01702558888

Project:

14 Broadlawn
Leigh-on-Sea
SS9 4QZ

Drawing Title:

Site plan

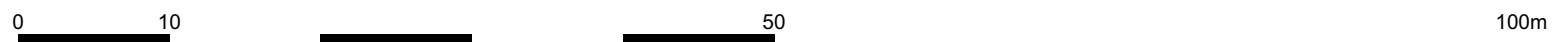
Client:

Lottie Reddings

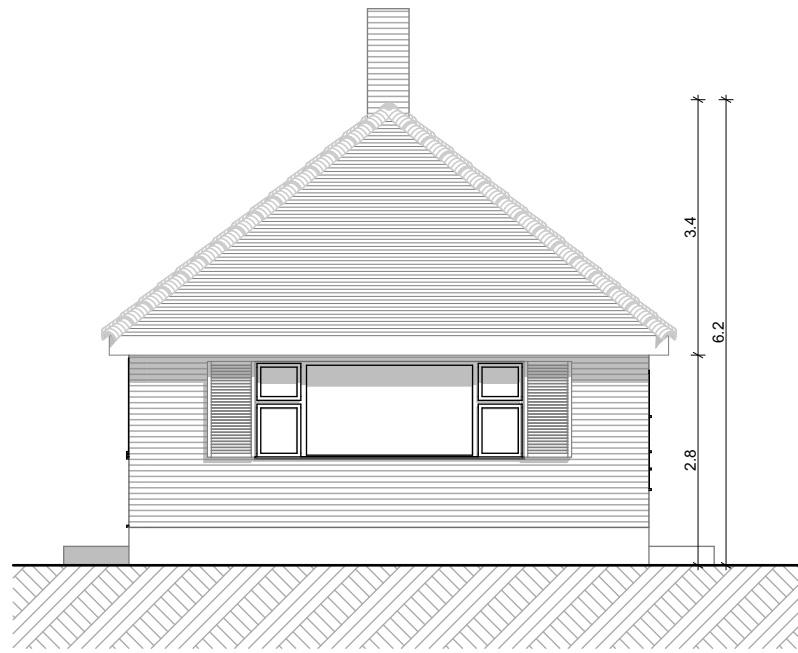
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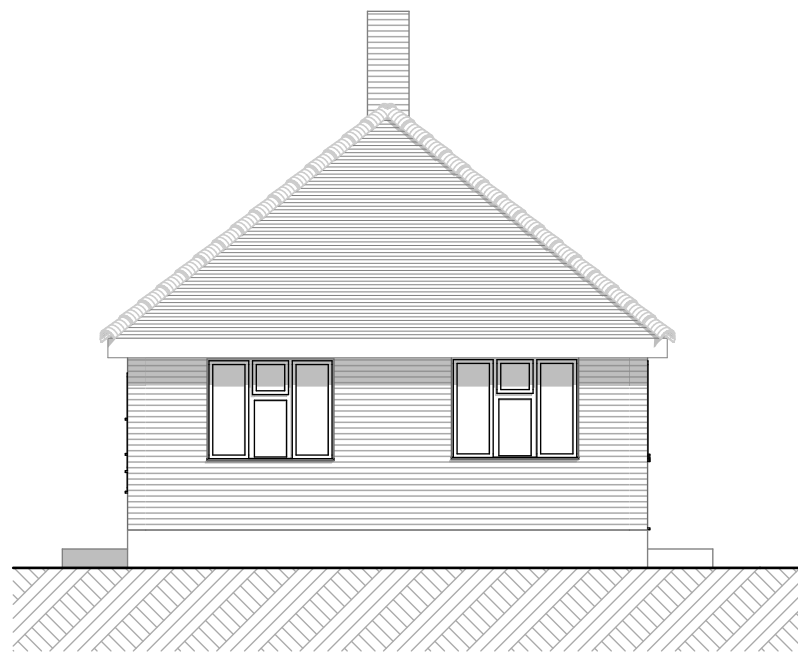


Front Elevation



Flank Elevation

205



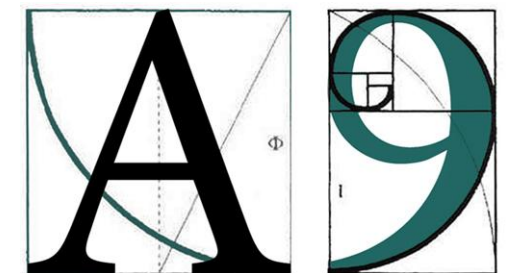
Rear Elevation



Flank Elevation

EXISTING ELEVATIONS

M 1:100 0 10m



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Tel: 01702558888

Project:

14 Broadlawn
Leigh-on-Sea
SS9 4QZ

Drawing Title:

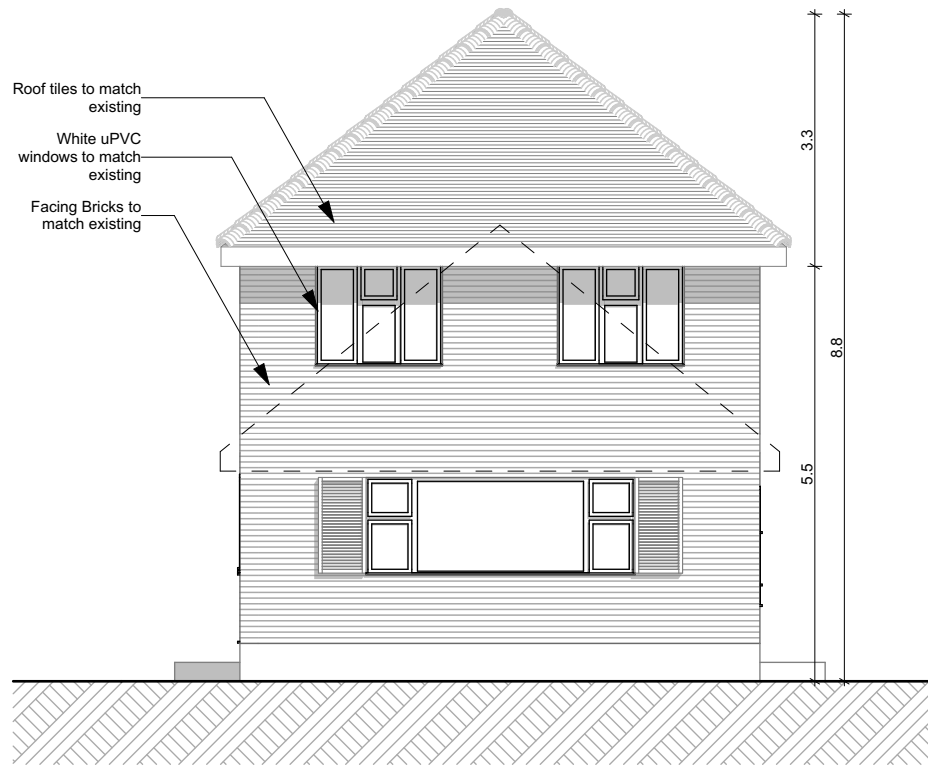
Existing Front Elevation

Client:

Lottie Reddings

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Front Elevation



Flank Elevation



Rear Elevation



Flank Elevation

PROPOSED ELEVATIONS

M 1:100 0 10m

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 Info@A9Architecture.co.uk
 Tel: 01702558888

Project:
 14 Broadlawn
 Leigh-on-Sea
 SS9 4QZ

Drawing Title:
 Proposed Front Elevation

Client:
 Lottie Reddings

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Existing Front



Proposed Front

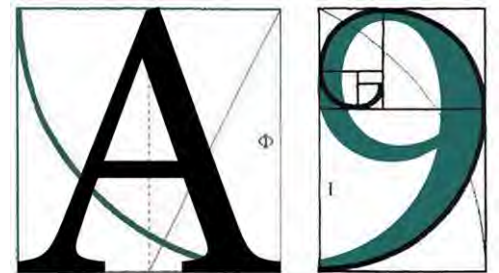


Existing Rear



Proposed Rear

209



ARCHITECTURE

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Tel: 01702558888

Project:

14 Broadlawn
Leigh-on-Sea
SS9 4QZ

Drawing Title:

Existing and Proposed 3D

Client:

Lottie Reddings

Drawn: TV	Checked: DP	Date: 21/12/2022	Scale:	Paper Size A3
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Job no. 1665	Dwg. no. 010	Revision: J	<input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Design <input type="checkbox"/> Tender <input type="checkbox"/> Contract <input type="checkbox"/> Working
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14 Broadlawn









215



Reference:	(A) 22/02471/AMDT (application) (B) 22/00341/UNAU_B (enforcement)	<h1>8</h1>
Application Type:	Minor Amendment	
Ward:	Eastwood Park	
Proposal:	Application to vary conditions 02 (Approved Plans) and 03 (Materials) replace plan number CAD/PP/21499/002 Revision C with CAD/PP/21499/002 Revision E (Minor Material Amendment of Planning Permission 21/02453/FULH allowed on appeal dated 17/06/2021) – (Retrospective)	
Address:	15 Leslie Close, Eastwood, Essex, SS9 5NP	
Applicant:	Mr Tony Wilkins	
Agent:	Mr Carl Brampton of Contour Architectural Designs Ltd	
Consultation Expiry:	20th February 2023	
Expiry Date:	3rd March 2023	
Case Officer:	James Benn	
Plan Nos:	CAD/PP/21499/002 Rev E	
Supporting Documents:	Materials Specification: 15 Leslie Close	
Recommendation:	(A) REFUSE PLANNING PERMISSION; and (B) AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The application site contains a detached former bungalow recently converted into a chalet style dwelling which is situated on the south side of Leslie Close, a cul-de-sac comprising pairs of (side) gabled semi-detached bungalows of similar size, scale and traditional design.
- 1.2 The position of the application dwelling on a slight bend in the road is such that the immediate neighbouring properties are set at an angle away from the application dwelling. It has a side access to its western elevation some 2m wide.
- 1.3 The wider streetscene along nearby Leslie Drive is slightly more diverse although the predominant built form comprises semi-detached bungalows. The bungalows are of varying scale and design. A number of the bungalows within Leslie Drive have been extended and converted into chalets, with habitable accommodation at first floor level.
- 1.4 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 Following refusal of a planning application by this Council in February 2022, planning permission was granted on 17th June 2022 at appeal, reference 21/02453/FULH (Inspectorate reference D/22/3292700) to “Raise ridge height and form hipped to gable roof extension, install dormers to front and rear to form habitable accommodation in the loftspace, erect single storey rear extension (amended proposal)”. A copy of that appeal decision is at Appendix 1.
- 2.2 This application is seeking to amend conditions 02 and 03 of this planning permission.

Condition 02:

- 2.3 *The development hereby permitted shall be carried out in accordance with the following approved plans: CAD/PP/21499/001 (location plan) and CAD/PP/21499/002 Revision C (proposed plans and elevations).*

Condition 03:

The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building.

- 2.4 The amendments being sought retrospectively relate to the retention of the following development which differs from planning permission reference 21/02453/FULH as follows:
 - Black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer instead of render to match the existing dwelling.
 - Bi-fold doors in the rear elevation of the single storey rear extension which span most of the width of it (rather than the smaller bifold doors and a window to the rear of the single storey extension, as approved).
 - Vertical hung tiles installed to the front dormers instead of render to match the existing dwelling.
 - An enlargement of the approved rear dormer by some 0.2m in depth.

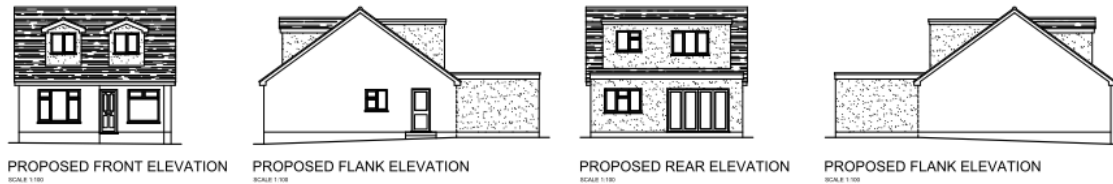


Image 1: Previously approved scheme granted on appeal Ref. 21/02453/FULH

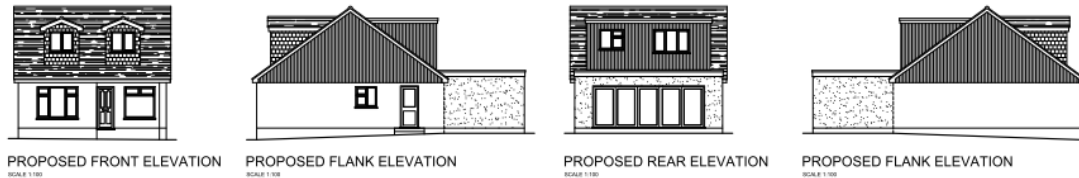


Image 2: Proposed scheme subject to this application Ref. 22/02471/AMDT

- 2.5 It is noted that the proposed elevation drawings do not show the French doors which have been installed in the rear elevation of the rear dormer as seen in the site photographs. The agent has advised in an email dated 27.01.2023 that the client is in the process of replacing the French doors with a window as per planning permission 21/02453/FULH. The French doors do not form part of this application and have been given no consideration in its assessment. If this application was found otherwise to be acceptable, should the French doors be retained, this Local Planning Authority has enforcement powers available to address that as relevant.
- 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 The most relevant planning history of the application site is shown in Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
21/01733/FULH	Raise ridge height and install dormers to sides to form habitable accommodation in the loftspace, erect single storey rear extension.	Refused [11.10.2021]
21/02453/FULH	Raise ridge height and form hipped to gable roof extension, install dormers to front and rear to form habitable accommodation in the loftspace, erect single storey rear extension (amended proposal)	Refused by Southend City Council 11.02.22 Granted on appeal [17.06.2022]

4 Representation Summary

Call-in

- 4.1 This application has been called into Committee by Councillor Walker.

Public

- 4.2 Five (5) neighbouring properties were notified of the application by letter. Ten (10) letters of objection from five (5) addresses have been received. Summary of comments:
- Residential amenity concerns.
 - Design concerns.

- The first-floor doors in the rear dormer lead out onto the flat roof of the rear extension causing overlooking into rear gardens and rooms of neighbouring properties and a lack of privacy. Overlooking is increased due to the bamboos between the boundaries having died.
- The first-floor doors in the rear dormer are not included in the submitted plans. The plans are inconsistent.
- The increased height of the doors in the rear dormer results in more overlooking into rear gardens than a window would.
- The black cladding material is not in keeping with other properties, is detrimental to the character and appearance of the area, is dark, dominant, overshadows the view, is overbearing and is not suited to a residential area.
- Concerns that the changes proposed have already been made so the application is retrospective.
- It was a condition of the approval that the materials should match the existing.

[Officer Comment: The first-floor doors in the rear dormer do not form part of this application and have been given no consideration in the assessment of this application. The doors are addressed in paragraph 7.24 of the report below. Other concerns are noted and the relevant material planning considerations have been taken into account in the assessment of the application at Section 7.]

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 5.5 The 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, the design and impact on the character of the area and the impact on residential amenity. 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 that regards. Moreover, the development would not be liable for a CIL payment.

7 Appraisal

Principle of Development

- 7.1 Planning permission 21/02453/FULH was granted on appeal and the principle of the development was found acceptable under the substantive planning permission. There have been no significant changes to policy or guidance since the substantive permission was granted. A minor material amendment is one whose scale and nature results in a development that is not substantially different from the one which was previously approved.

The changes made are for the same site edged red and do not alter the description of the development and are therefore considered to fall within the remit of a minor material amendment to the consented scheme in principle.

Design and Impact on the Character of the Area

- 7.2 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 7.4 The development on site is currently in breach of conditions 02 and 03 of planning permission 21/02453/FULH. The current application seeks to retain the black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer, the bi-fold doors in the rear elevation of the single storey rear extension, the vertical hung tiles installed to the front dormers and the enlargement of the approved rear dormer by some 0.2m in depth.
- 7.5 At paragraph 14 of their decision with regard to condition 02 (requiring development carried out in accordance with the approved plans) and condition 03 (requiring external materials to match those of the existing dwelling) the Appeal Inspector said *"Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree that a condition requiring external materials to match those of the existing dwelling is necessary in the interests of the character and appearance of the area."*
- 7.6 Leslie Close comprises almost exclusively of semi-detached bungalows of similar traditional design, characterised by (side) gabled roofs and original front roof slopes. Development here has a distinctive and traditional palette of material and colours comprising brown roof tiles and brickwork with light coloured rendered infill. The black vertical cladding finishing material at first-floor level rising up to the apex of the gables is readily visible in the streetscene particularly when entering Leslie Close from the junction with Leslie Drive which is at a lower ground level and is readily and widely visible in the rear garden scene from the rear gardens of the surrounding neighbouring properties in Leslie Close, Leslie Drive and Bellhouse Road. Due to its strident colour and appearance the black cladding material is considered to be significantly out of keeping and at odds with the traditional designs and traditional materials of brick and render of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling, this streetscene and the rear garden scene.
- 7.7 The physical mass of the rear dormer is readily visible in the rear garden scene but views from the streetscene are confined more to its flank. No objection is raised in principle to the limited enlargement to the depth of the rear dormer by some 0.2m as an apron of roofing is still retained along its base so maintaining a degree of subservience. However, because of the strident black colour of its cladding finishing material, it appears prominent and incongruous in the character and appearance of the dwelling and the rear garden scene. This harm is not considered to be so significant in planning terms compared with the harm to the streetscene described however it adds weight to the findings of unacceptability of the black,

cladding material.

- 7.8 No objection is raised to the vertical hung tiles to the front dormers which are considered to integrate acceptably with the similar main roof tiles of the existing dwelling. The development is considered to be acceptable and policy compliant in this regard.
- 7.9 No objection is raised to the amended bi-fold doors in the rear elevation of the single storey rear extension which are of an acceptable design and which do not harm the character or appearance of the host dwelling or the rear garden scene. The development is considered acceptable and policy compliant in this regard.
- 7.10 Overall, it is considered that the black vertical cladding finishing material at first-floor level rising up to the apex of the gables and to the rear dormer is significantly out of keeping and at odds with the traditional design and traditional materials of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling and the streetscene. A degree of harm is also caused to the rear garden scene and the wider surrounding area. The identified harm is considered to justify recommending the application for refusal on this basis.

Amenity Impacts

- 7.11 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.
- 7.12 The previous development 21/02453/FULH was found acceptable in its amenity impacts. The minor amendment aspects of the development are assessed below and are not considered to have a significantly harmful impact on the amenity of the occupiers of any neighbouring dwellings in any relevant regards.
- 7.13 The application dwelling is bounded by No.14 to the east and No.16 Leslie Drive to the west.
- 7.14 Having regard to the splayed relationship with No.16, the application dwelling is removed from the neighbouring dwelling at No.16 by some 4m to the front and in excess of 5m to the rear.
- 7.15 No.16 has 1no. flank window next to the application site. This is obscure glazed and understood to serve a bathroom. Having regard to the limited enlargement in the depth of the rear dormer, that the sole neighbouring flank window serves non-habitable accommodation and given that the existing separation distances between the dwellings would be maintained, it is not considered there is a significant loss of light to these openings, nor is the development considered to result in any harmfully increased sense of enclosure to these neighbouring occupants.
- 7.16 No.14's orientation is at an angle away from the application dwelling such that it is not considered that the limited enlargement in the depth of the rear dormer has any harmful impact on neighbouring habitable room rear windows. No 14 has 1no. neighbouring flank window next to the application site. This is obscure glazed and understood to serve a bathroom. On this basis, it is not considered that there is any loss of light to this opening, nor is the development considered to result in an undue increased sense of enclosure to these neighbouring occupants.

- 7.17 All other dwellings are sufficiently removed from the development to prevent any significant harm in any relevant amenity regards.
- 7.18 Due to the nature of the other amended aspects of the development, including the black cladding material, tiles to the front dormers and the bi-fold doors in the rear elevation of the single storey rear extension which are at ground floor level and look out into the rear garden of the site, it is not considered that these aspects of the development result in any significant harm to the amenity of the occupiers of any neighbouring dwellings in any relevant regards.
- 7.19 Neighbour concerns about the impact of the cladding on their amenity due to dominance, overshadowing and an overbearing impact are noted, but given the nature of the cladding and its overall size, scale and position, it is not considered that the cladding itself results in any material harm to the amenity of the adjoining and nearby residents in any relevant regard. This, however, does not overcome or negate the character and design concerns relating to the cladding raised above.
- 7.20 Overall, it is considered that the design, size, siting and scale of the development are such that it does not result in any significant harm to the amenities of the site, the neighbouring occupiers or the wider area in any regard. The development is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Community Infrastructure Levy

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

Request to Authorise Enforcement Action

- 7.22 In light of the recommendation that planning permission be refused and because the development is causing significant harm to the character and appearance of the application dwelling, the streetscene, the rear garden scene and the wider surrounding area in conflict with local and national planning policies, staff consider it is proportionate and justified in the circumstances of the case to seek authority for an enforcement notice to be served as this will bring focus to the need for the breach to be regularised.
- 7.23 Authority is also sought with regards to the unauthorised first-floor rear doors installed to the dormer on the site due to the associated amenity harm caused in providing a way of access to the flat roof of the single storey rear extension which could be used for external amenity. Should the flat roof of the rear extension be used for external amenity, significant amenity harm would be caused with regard to loss of privacy and overlooking to the occupiers of the adjoining neighbouring dwellings, particularly No.14 and No.16 Leslie Close, in conflict with local and national planning policies. At paragraph 15 of the appeal decision the Appeal Inspector said, *"The flat-roofed single storey extension to the rear could be used for amenity purposes and, therefore, I agree that a condition prohibiting this is necessary to protect neighbouring occupiers' privacy."* Due to the associated amenity harm caused by the first-floor rear dormer doors staff consider it is proportionate and justified in the circumstances of the case to seek authority for the doors to be included within the enforcement notice to be served as this will bring focus to the need for the breach to be regularised.
- 7.24 Service of an enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm. Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control

land within its area.

Equality and Diversity Issues

- 7.25 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.

8 Conclusion

- 8.1 For the reasons outlined above the development is found to be unacceptable and fails to comply with the relevant planning policies and guidance. The black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer, by reason of its material and detailed design, is significantly out of keeping and at odds with the traditional design and traditional materials of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling, the streetscene, the rear garden scene and the wider surrounding area. Therefore, the application is recommended for refusal.

9 Recommendation

Members are recommended to:

A) REFUSE PLANNING PERMISSION for the following reason:

- 01 The black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer, by reason of its material and detailed design, is significantly out of keeping and at odds with the traditional design and materials of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling, the streetscene, the rear garden scene and the wider surrounding area. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

AND

B) AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to either:

- a) Build the development in full accordance with approved plan numbers CAD/PP/21499/001 and CAD/PP/21499/002 Revision C pursuant to planning permission reference 21/02453/FULH which was allowed on appeal 17 June 2022 and to include the external materials white render, white uPVC windows and grey roof tiles and to include the first-floor windows in the rear face of the rear dormer replacing the unauthorised doors; or**

- b) Remove the unauthorised external black vertical cladding material in its entirety and replace with the approved white render, including at first floor level rising up to the apex of the gables and to the rear dormer and remove the first-floor doors in the rear face of the rear dormer and replace with the approved windows;
- c) Remove from site all materials resulting from compliance with a) or b)

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable to build the development in accordance with the approved plan numbers and remove the unauthorised development.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

10 Informative

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

Appeal Decision

Site visit made on 24 May 2022

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/D1590/D/22/3292700

15 Leslie Close, Eastwood SS9 5NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Tony Wilkins against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/02453/FULH, dated 13 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is loft conversion, 2 front cottage dormers and rear dormer, re-pitch of roof and single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for loft conversion, 2 front cottage dormers and rear dormer, re-pitch of roof and single storey rear extension at 15 Leslie Close, Eastwood SS9 5NP (part retrospective). The permission is granted in accordance with the terms of the application Ref 21/02453/FULH, dated 13 December 2021, subject to the conditions included in the schedule at Annexe A.

Preliminary Matters

2. At the time of the inspection construction of the single storey rear extension had started. I have, therefore, treated the appeal proposal as an application for part retrospective planning permission.

Main Issue

3. The main issue is the effect of the proposed front and rear dormers on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal property is a detached bungalow in a residential cul-de-sac of predominantly semi-detached bungalows.
 5. Policy CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area.
-

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

6. The *Supplementary Planning Document 1, Design and Townscape Guide* (2009) (the SPD) provides more detailed guidance in support of these development plan policies. In particular, Policy DM1 requires that all developments should draw reference from the design principles set out in the SPD, where applicable. With regard to additional roof accommodation the SPD says that this must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows should appear incidental in the roof slope and the position of the new openings should correspond with the rhythm and align with existing fenestration on lower floors. It also says that large box style dormers should be avoided and that smaller individual dormers are preferred¹.
7. Reference is made to a previous unsuccessful application for a similar form of development at the appeal property and that the current proposal is intended to respond to the reason for refusal in the earlier case². While I have noted this, the current appeal involves a separate proposal which I have considered on its own merits.
8. The existing bungalow is modest in scale, particularly compared to the larger built forms of the paired semi-detached dwellings in the street scene. The single storey extension would be proportionate to the bungalow in terms of depth and height, representing a typical domestic extension of this type. Similarly, the extended roof would reflect the predominant roof form in the street with most properties having gables rather than the original hipped roof of the appeal property. The greater height resulting from the extended roof would not alter the character or appearance of the host dwelling to the extent that this would result in material harm.
9. Both the front and rear dormers would be set in from the sides of the extended roof, up from the eaves and down from the roof ridge. As such, they would appear incidental in the front and rear roof slopes, as required by the SPD. Moreover, the window openings would align with those below and be of a proportionate size. There are examples of similar front dormers within the street scene, notably at Nos 5, 7 and 11; consequently, the dormers would not be uncharacteristic in views from the public realm. While there are no visible examples of dormers on other properties to the rear, the modest scale and limited height of the dormer would not result in it being a prominent or incongruous feature seen from neighbouring gardens.
10. Accordingly, taking these findings as a whole and for the above reasons, I conclude that the proposed front and rear dormers would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, there is no conflict with Policy CP4 of the Southend-on-Sea Core Strategy, with Policies DM1 and DM3 of the Southend-on-Sea Development Management Document, or with the SPD, as described above. There is also no conflict with the National Planning Policy Framework (the Framework) or the National Design Guide.

¹ Paragraph 366.

² Ref 21/01733/FULH.

Other Matters

11. I have had regard to other matters raised by interested parties. The submitted plans provide sufficient detail to assess the proposal and I have no evidence to suggest that the remaining rear garden would be inadequate for future occupiers. There is a good degree of separation between the appeal property and neighbouring dwellings, Nos 14 and 16. Moreover, the appeal property is set further back on its plot than No 14 and on a similar rear building line to No 16. Due to the three properties' relative positions and orientation, there is no evidence to suggest that the rear extensions would lead to a harmful loss of light to either neighbouring dwelling.
12. Views from the rear extensions would be towards the appeal property's rear garden and, therefore, there would be no loss of privacy to neighbouring occupiers. There are no upper floor windows proposed to either flank elevation so there would be no overlooking in this regard. The dwelling would retain parking spaces for two vehicles and, as such, there is no basis to find that the extended dwelling would result in undue pressure for on-street parking. Therefore, while I have had full regard to these matters they do not lead me to reach a different overall conclusion.

Conclusion and Conditions

13. I have found in the appellant's favour with regard to the main issue and there are no other matters that would result in material harm. Therefore, for the reasons given, the appeal should succeed.
14. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree that a condition requiring external materials to match those of the existing dwelling is necessary in the interests of the character and appearance of the area.
15. The flat-roofed single storey extension to the rear could be used for amenity purposes and, therefore, I agree that a condition prohibiting this is necessary to protect neighbouring occupiers' privacy. The Council suggests one further condition to require the extended dwelling to meet accessibility standards included in Building Regulations Part M4(2). The Framework says in this respect that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties³.
16. The Council states that the reason for the suggested condition is to ensure the development provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with Policy KP2 of the Core Strategy and Policy DM2 of the Development Management Document. However, in my reading of them neither of these policies refers to accessible and adaptable housing, including setting out the identified need as the Framework indicates. As such, it is not clear in this case that the condition is necessary or would be reasonable and, therefore, I have not imposed it.

³ Footnote 49.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CAD/PP/21499/001 (location plan) and CAD/PP/21499/002 Revision C (proposed plans and elevations).
- 3) The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building.
- 4) The flat roof of the single storey rear extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

[End of Schedule]

Figure 4: Page 4

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PROPOSED MATERIALS:

- HANGING TILE TO FRONT DORMERS
- BLACK VERTICAL CLADDING TO APEX OF GABLES & REAR DORMER

Dimensions are not to be scaled from this drawing or from CAD files. All Dimensions to be checked on site prior to commencement of works with any discrepancies reported to Contour Architectural Designs Ltd immediately.

All works commenced prior to planning consent and building regulations approval is at contractors/clients own risk.

Where existing structure is to be adapted, where affected all existing foundations, walls and lintels/ beams to be exposed and checked for suitability prior to commencement of works with all findings to be reported to agent and building inspector and where necessary a structural engineer to undertake additional design calculations to prove adequacy.

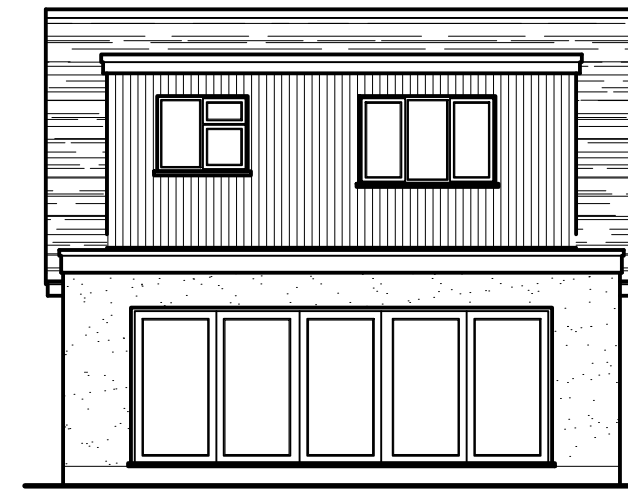
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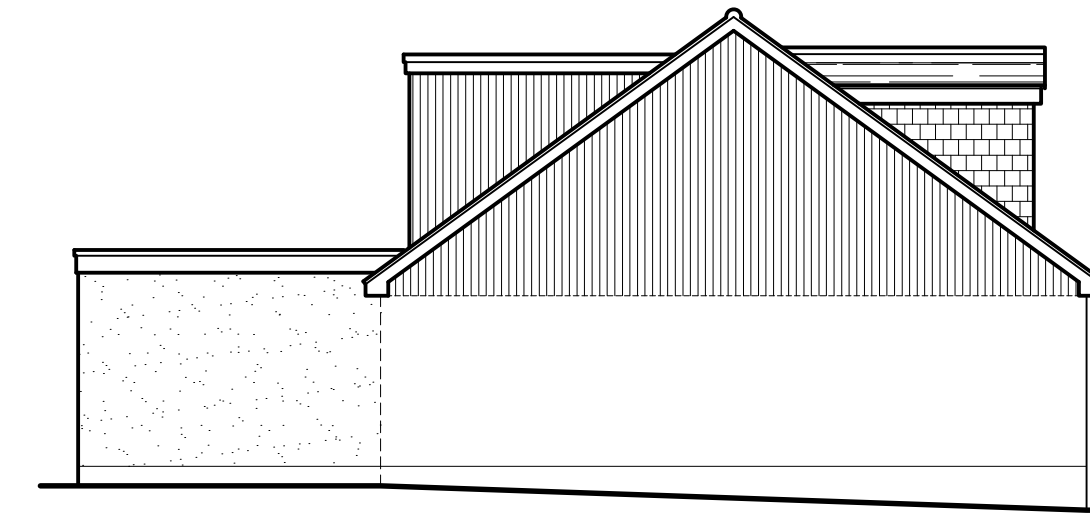
PROPOSED FRONT ELEVATION
SCALE 1:100



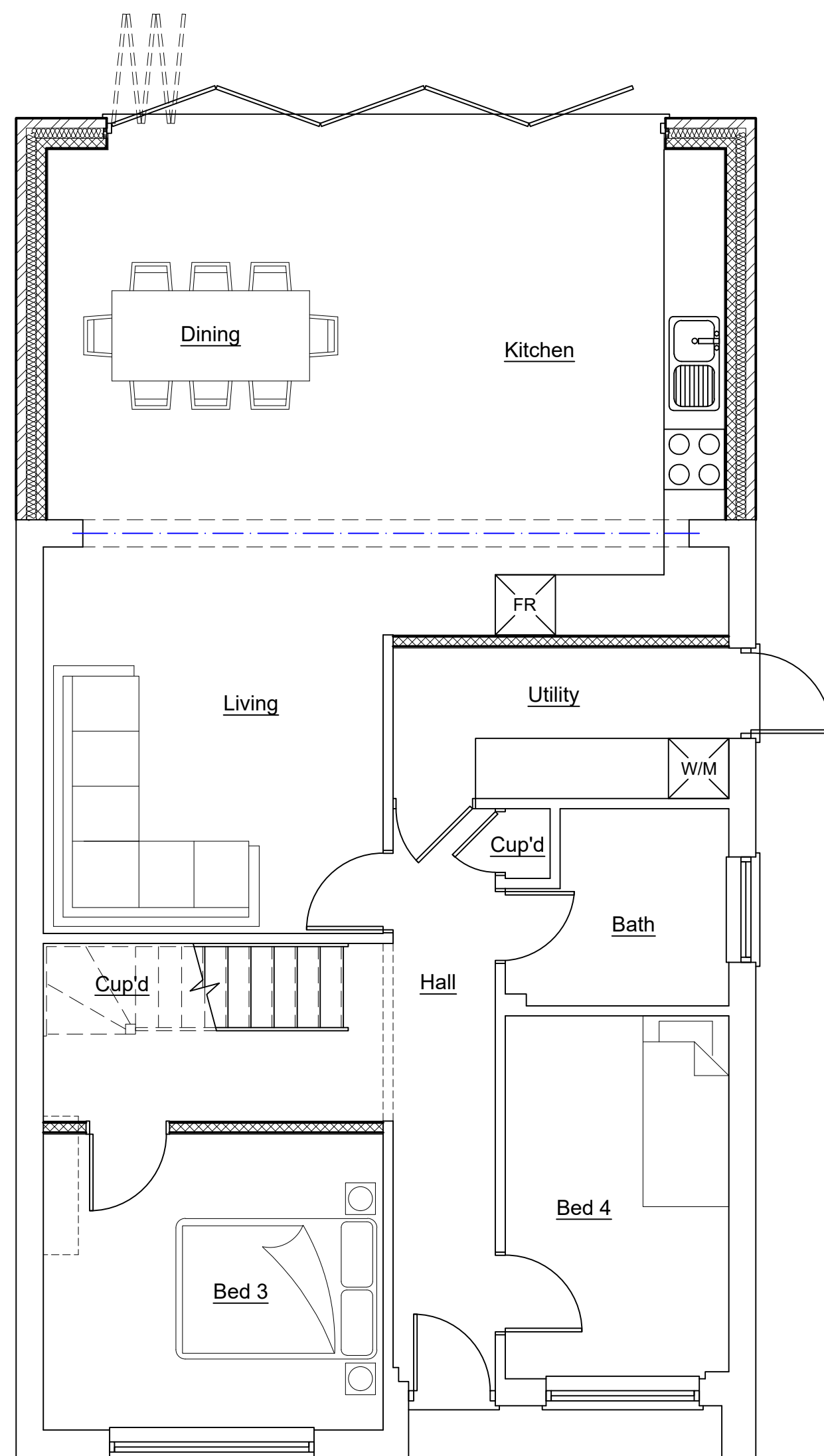
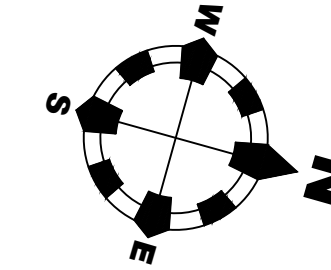
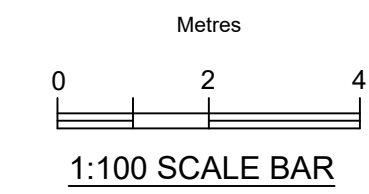
PROPOSED FLANK ELEVATION
SCALE 1:100



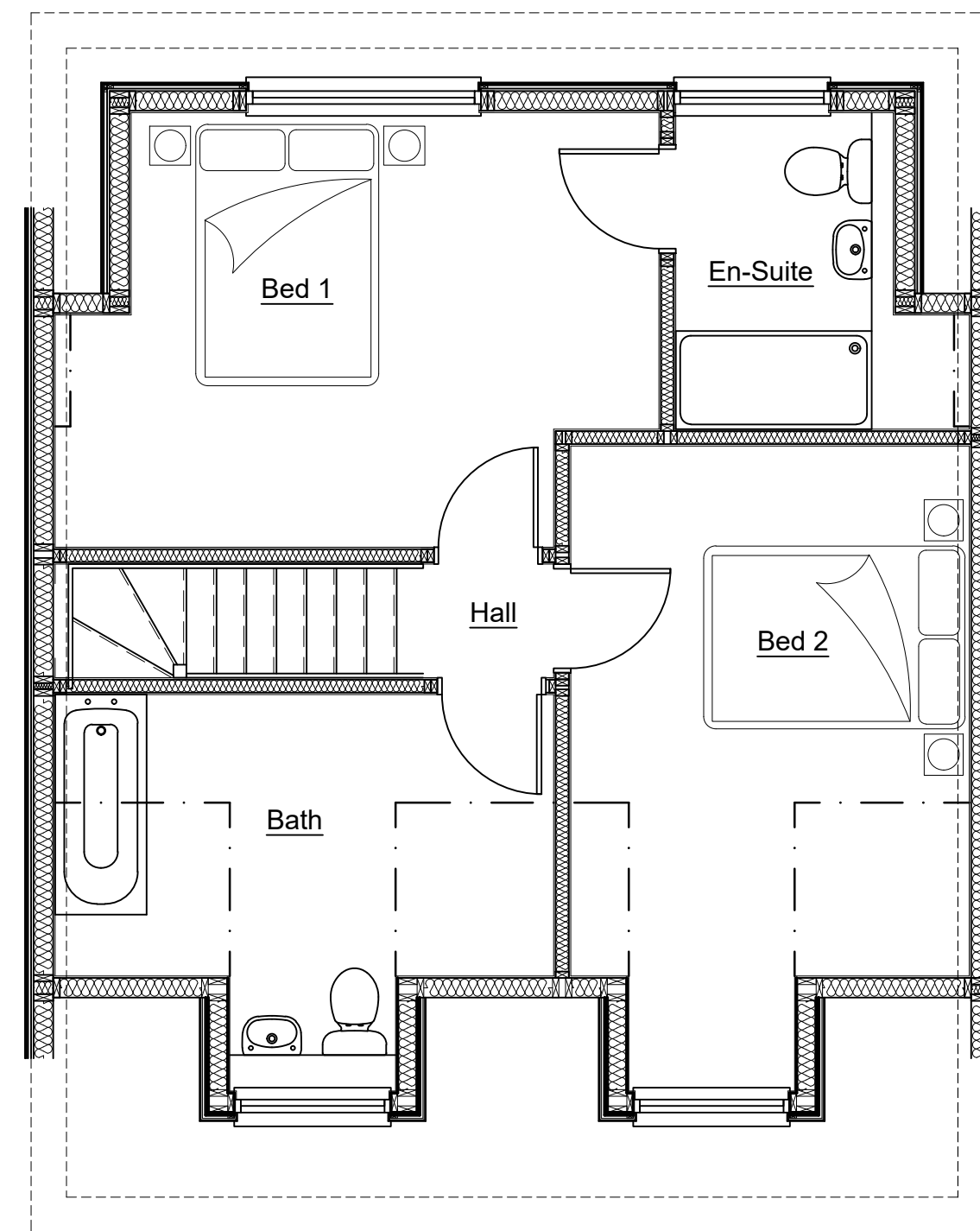
PROPOSED REAR ELEVATION
SCALE 1:100



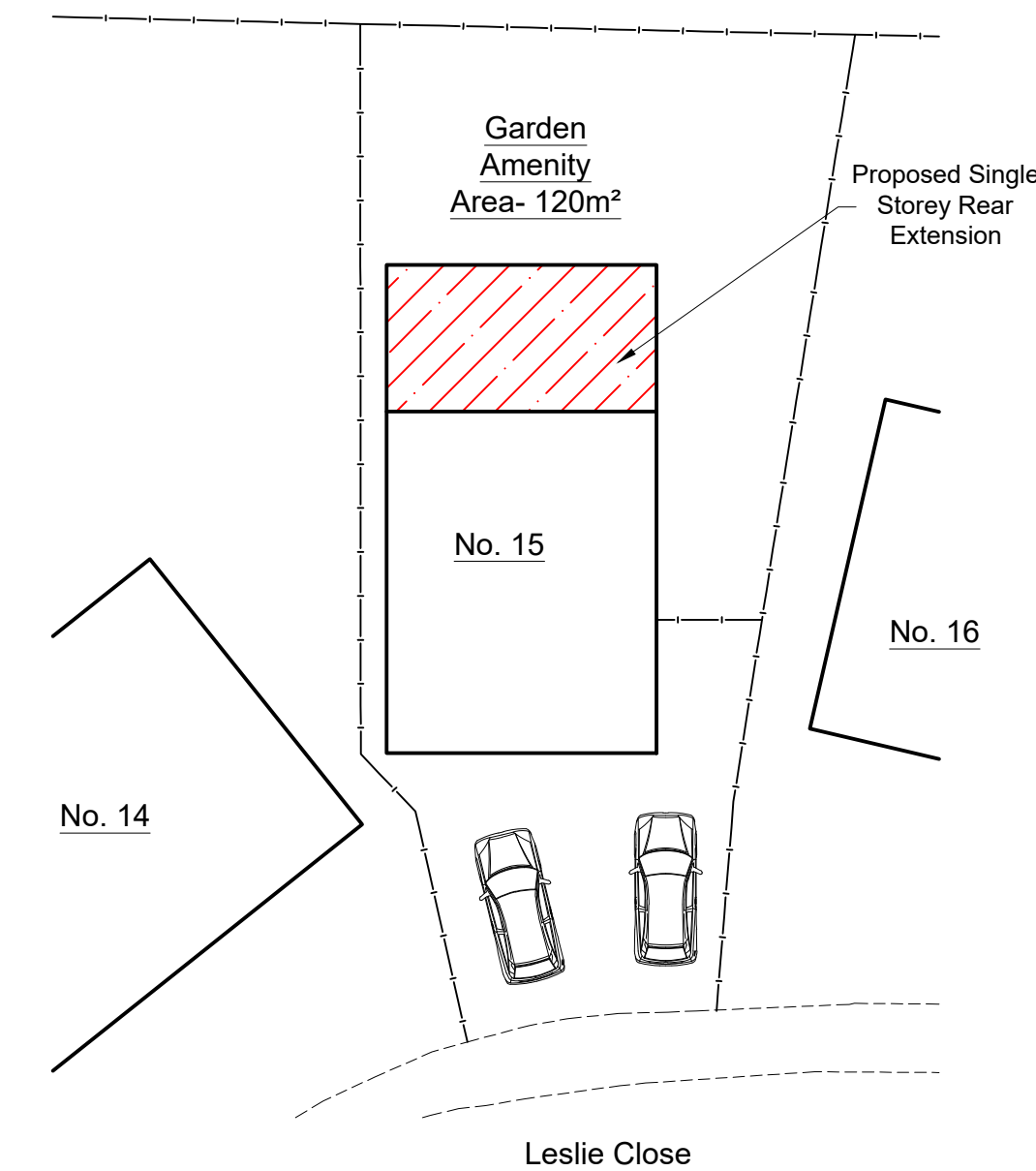
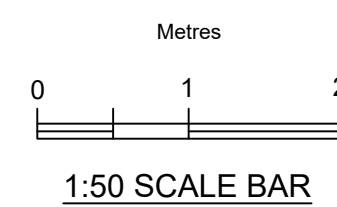
PROPOSED FLANK ELEVATION
SCALE 1:100



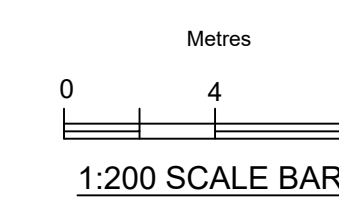
PROPOSED GROUND FLOOR PLAN
SCALE 1:50



PROPOSED FIRST FLOOR PLAN
SCALE 1:50



PROPOSED SITE PLAN
SCALE 1:200



Rev	Date	By	Description	Chk'd
E	27.01.23	AR	Minor Alterations	
D	23.12.22	AR	Material Changes	
C	12.01.2021	AR	Minor Alterations	
B	10.01.2021	AR	Minor Alterations	
A	07.01.2022	CPB	Amendments to front dormers	

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client: **Tony Wilkins**

address: **15 Leslie Close
Leigh-on-Sea
Essex
SS9 5NP**

site: **As Above**

title: **Proposed Loft Conversion,
Re-Pitch of Roof &
Single Storey Rear Extension**

scale: **1:50/1:100/1:200 on A1** drawn by: **AR**
date: **29/07/2021** checked:

drawing no: **CAD/PP/21499/002**

size: **A1** sheet no: **Sheet 1 of 1** revision: **E**

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15 Leslie Close

No.14

Application dwelling

No.16





235

X705 LWA



236

N60 VCG

YTD7 UDK



237

15





238



239



240





Front dormer windows at No's 5, 7 and 11

SADDIA
242

15 Leslie Cl









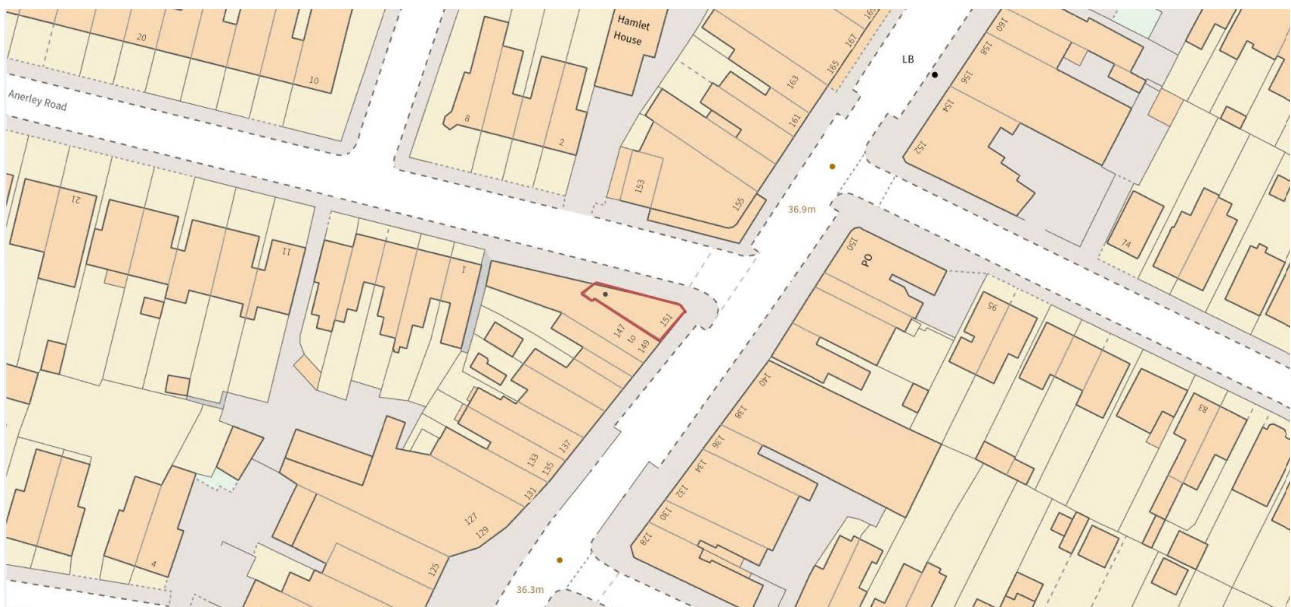


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Application	(A) 22/02444/FUL (application) (B) 22/00283/UNA_B (enforcement)	9
Ward:	Milton	
Proposal:	Replacement UPVC windows, fascias, render to the ground floor elevation and repainting (retrospective)	
Address:	151 Hamlet Court Road Westcliff-on-Sea Essex SS0 7EW	
Applicant:	M & A Knightsbridge Properties Ltd	
Agent:	Miss Beth Evans of Freeths LLP	
Consultation Expiry:	26.01.2023	
Expiry Date:	03.03.2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	010A, 011A	
Supporting Documents	Cover Letter (Planning Statement) by Freeths dated 20.12.22 Heritage Impact Assessment by HCUK dated December 2022 Ref. 8731	
Recommendation:	(A) REFUSE PLANNING PERMISSION (B) AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

1.1 The application property is on the west side of Hamlet Court Road at the junction with Anerley Road in Hamlet Court Road Conservation Area which was designated in 2021. It is a three-storey end-terrace property with decorative frontage at the upper floors including pedimented dormers with fretted bargeboards and decorative plaster cartouches (i.e. an ornate frame around a design or inscription), and tripartite (i.e. three part) round headed windows with brick arches and decorative colonettes (i.e. small slender columns). This terrace dates from the early twentieth century and in addition to its conservation area designation it is also a designated Frontage of Townscape Merit. The proposal relates to all floors of this property including the shopfront and one shopfront on the return frontage to Anerley Road at ground level and windows on the floors above which have been altered without planning permission. The building is being used as a public house. The Havens building opposite the site is Grade II listed.

1.2 The previous shopfront was constructed of brick and painted red with modern grey painted timber picture windows and a timber boarded fascia. At the upper levels the property had retained its original timber sash windows with curved heads at first floor and timber casement windows in the dormers at second floor. The windows were in a poor condition.

1.3 The Hamlet Court Road Conservation Area Appraisal (2021) categorises the building as being a positive contributor but in need of refurbishment. Its description of the property is as follows:

'Nos.149-151: Corner unit with inappropriate, overly sized modern wooden boarded fascia. Ground floor rebuilt with garishly painted red bricks and unsympathetic uPVC windows. Original timber framed windows at first floor and attic levels. Brickwork to upper floors unsympathetically painted red. Attractive ceramic street sign and moulded brick chimney seen from Anerley Road. Poor decorative condition.'

1.4 In relation to the extension to the rear along Anerley Road it states that the building *'mirrors some of the first floor design features with arched windows and a mix of red brick and plasterwork. It is, however, bland and the shop fronts on the ground floor are unsympathetic.'*

1.5 Hamlet Court Road is a busy and popular shopping street within the heart of Westcliff. It is an important part of the history and development of the town in its Victorian and Edwardian heyday. This section of Hamlet Court Road is designated as Primary Shopping Frontage and is part of a District Centre.

2 The Proposal

2.1 The proposal retrospectively seeks planning permission for the following works which have been undertaken without planning permission:

- Replacement UPVC windows,
- New facias with a shiny black 'plastic' finish,
- Render to the ground floor elevation, and
- Repainting of the building (dark blue).

2.2 The wooden picture shopfront windows at ground floor have been retained.

3 Relevant Planning History

- 3.1 93/0550 – Install illuminated sign above entrance door – granted.
- 3.2 90/1184 – Erect first floor extension at rear – granted.
- 3.3 87/1236 - Erect first floor extension at rear to form offices – refused.
- 3.4 86/0532 – Convert existing light industrial building into three shop units and one office and install shopfront– granted.
- 3.5 85/0282 – Erect enclosed staircase onto Anerley Road elevation – refused.

4 Representation Summary

Public Consultation

- 4.1 37 neighbouring properties were consulted, a site notice displayed and a press notice published. 1 letter of representation has been received raising the following summarised issues:
 - The dismissed appeal for replacement upvc windows opposite at 148-150 Hamlet Court Road is not relevant as this was unfairly decided as the applicant did not have a chance to submit a heritage statement.

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

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2021) and National Design Guide (updated 2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and Effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.5 Hamlet Court Road Conservation Area Appraisal (2021)
- 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, the design including the impact of the development on the character and appearance of the conservation area and CIL. As the development relates to the exterior materials and

decoration of the building only and there are no changes of use, extensions or new openings it is considered that the development has no material impacts on residential amenity, parking, traffic or highway safety.

- 6.2 The recent appeal decision (reference APP/D1590/W/21/3273638) for the retention of unauthorised UPVC windows at 148-150 Hamlet Court Road opposite this site from 2021 is also a material consideration in the determination of this application and is discussed below.

7 Appraisal

Principle of Development

- 7.1 This proposal is considered in the context of the above policies. These policies and guidance support alterations to properties including within conservation areas where such alterations respect the existing historic character of the buildings and preserve or enhance the character and appearance of the wider conservation area. The development is not seeking a change of use so will not impact on the vitality of the shopping parade. The principle of the development is therefore considered acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Conservation Area and other Heritage Assets

- 7.2 Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 state that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and in determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.3 Paragraph 126 of the NPPF states *‘the creation of high quality, sustainable and beautiful buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.’*
- 7.4 Paragraph 195 of the NPPF states *‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...’*
- 7.5 Paragraph 196 of the NPPF states *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*
- 7.6 Policy KP2 of the Core Strategy advocates the need for all new development to *‘respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design.’* Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural*

and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.'

- 7.7 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.8 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City's heritage assets including conservation areas. In respect of Frontages of Townscape Merit it states:

'4. Development proposals, including replacement shopfronts, that impact upon the 'Frontages of Townscape Merit' will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Special attention will be paid to the quality of replacement shopfronts and associated signage to ensure that their design and materials are appropriate to the historic character of the building.'

Alterations to the shopfront including fascia

- 7.9 The previous shopfront was not original to the building and had no heritage interest however it did utilise traditional materials including brick, timber windows and a timber fascia. It was also installed at a time when the Hamlet Court Road Conservation Area did not exist such that there were no specific or strong controls available, beyond the frontage of townscape merit plus routine planning policies and guidance, to control the visual impact of development or its effect on character. The application retrospectively seeks planning permission to retain the alterations to the appearance of the shopfront including the rendering of the brick work and the installation of new fascia materials. The previous timber windows have been retained.
- 7.10 The replacement fascia which has been installed has a high -sheen, plastic finish.
- 7.11 In relation to the most appropriate designs for fascias, the Hamlet Court Road Conservation Area Appraisal states:
'Signs should be timber, with a frame around them and letting should preferably be hand-painted. Paints used should usually be low-sheen to avoid an unnecessary plastic appearance.'
- 7.12 It is considered that this alteration causes harm to the character of the historic building, the frontage of townscape merit and the wider conservation area and is unacceptable. The development has also caused harm to the setting of the Grade II Listed Havens building opposite the site. Whilst this harm is less than substantial it is not outweighed by any public benefits.
- 7.13 The rendering of the brickwork is considered to have a neutral impact on the character of the building and the conservation area and is considered to be acceptable.

Alterations to the windows

- 7.14 The former timber sash and casement windows at the property on the main east and north

elevations at first and second floor facing Hamlet Court Road and Anerley Road have been replaced with UPVC casement windows. These fit within the existing openings, including the curved heads of the windows at first floor, but have introduced a modern material and opening mechanism with heavy and unbalanced frames.

7.15 An appeal decision at 148-150 Hamlet Court Road (LPA reference 20/01409/FUL, PINS reference APP/D1590/W/21/3273638), also for the retention of unauthorised UPVC windows similar to those which have been installed at the application site without planning permission is a material consideration for this application and carries significant weight in its determination. A copy of the appeal decision is at Appendix 1. The key paragraphs are:

'7. The Hamlet Court Road Conservation Area Appraisal (CAA) notes that three storey buildings, such as the appeal site, were often built in groups with the same design and feature decorative elements. It notes that much of the historic character of these buildings are intact despite later changes and that the restoration of features could enhance the appearance of the buildings and area as a whole. The appeal site still retains a number of those decorative features which contribute the character of the Conservation Area.

8. Paragraph 6.1 of the CAA sets out the Conservation Vision which seeks to provide opportunities to enhance its special historic and architectural interest. At paragraph 6.2.3 it states that the aim is for buildings to be in good condition, with inappropriate alterations reversed and traditional materials and details used for features such as windows.

9. The CAA also sets out that where original or historic timber windows remain these should be replaced like for like with timber frames if they have come to the end of their usable life. If existing windows have been replaced with uPVC then any replacement uPVC would need to be of the correct opening type for the building.

10. 148-150 Hamlet Court Road is noted as one of seven frontages which are designated as Frontages of Townscape Merit, which are those historic frontages which contribute to the quality of the local townscape through their architectural character. The CAA also notes that the building makes a positive contribution to the Conservation Area but needs significant improvement or restoration. The CAA notes that unsympathetic top hung uPVC windows have been installed.

11. The appeal proposal seeks to regularise the replacement of the existing sash windows with double glazed uPVC units. A building's fenestration is an important component in defining its visual and architectural character. The proposal results in the loss of the original windows which contributed to the significance of the Conservation Area.

12. The replacement windows have been designed to replicate the appearance of traditional timber sashes. However, the chunky detailing and the top hung opening method does not provide an accurate replica and the use of UPVC is discernibly different in both materials and character to the other traditional windows which remain within the Conservation Area.

13. As a result, the replacement windows alter the appearance of the existing building and detract from the quality of the original detailing which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance, from the introduction of double glazed UPVC windows, does not contribute to the significance of the host building and therefore fails to preserve or enhance the Conservation Area.

15. *In line with paragraph 199 of the Framework, when considering the impact of a proposed development, great weight should be given to its conservation. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.*

16. *Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has outlined some benefits associated with the scheme, such as the improved thermal and acoustic efficiency provided by double glazing, the condition of the existing windows and the prevalence of uPVC windows in the vicinity. They have also outlined a number of other improvements that have been made to the building as part of refurbishment works. However, I do not consider that these benefits are sufficient to outweigh the harm.*

17. *I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Hamlet Court Road Conservation Area. This would be contrary to policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) which seeks to secure improvements to the urban environment through quality design and safeguard and enhance the historic environment, including Conservation Areas.*

18. *It would also be in conflict with policies DM1 and DM5 of the Southend on Sea Development Management Document (2015) which together seek to ensure that development reinforces local distinctiveness and gives appropriate weight to the preservation of a heritage asset, ensuring that alterations make a positive contribution to the character of the original building. In addition, any harm to a designated asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal.*

21. *For the reasons given above I conclude that the appeal should be dismissed.'*

7.16 For similar reasons, in particular the use of UPVC in place of traditional timber, the heavy frames, the change in opening arrangement and the generally poor and inappropriate detailing of the windows, it is considered that the new windows by reason of their design and UPVC materials cause harm to the character of the existing building, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and also the setting of the nearby Grade II listed Havens building. Whilst it is acknowledged that the previous timber windows were in a poor condition and in need of renovation, this does not justify the harmful impact of the UPVC windows. This aspect of the proposal is therefore unacceptable.

Other alterations to the building

7.17 The building was previously painted red brick similar to the rest of the terrace, a change which pre-dated the Conservation Area designation. The building has now been painted dark blue. This has taken it further out of step with the rest of the terrace, which is a consistent terracotta colour on all remaining buildings, however this is a reversible alteration and on its own merits is considered to have smartened up the building. Appropriately sensitive colouration can, as here, add interest. Overall, this change is considered to have had an acceptable impact on the building, the streetscene and wider conservation area.

7.18 Overall therefore, whilst the painting works and rendering of the shopfront are considered acceptable, the materials for the fascia and the installation of UPVC windows have both caused harm to the historic character of the existing building, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and to the setting of

the nearby grade II listed Havens building. This collective harm is considered less than substantial but significant in degree. The investment which has taken place in the premises, with the change in business plus the attempt to tidy up and secure the exterior may be considered to be public benefits. Even if that is the case, such public benefits would not outweigh the identified harm. Having completed this assessment in line with conservation policy and guidance, the proposal is unacceptable and contrary to policy in this regard and the application is recommended for refusal on this basis.

Community Infrastructure Levy (CIL)

- 7.19 The proposal creates no new floorspace. The development therefore 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

- 7.20 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.

8 Summary of planning application

- 8.1 For the reasons outlined above, the development is found to be unacceptable and contrary to the relevant planning policies and guidance and the Council's Statutory duty to preserve or enhance the character of the existing building, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and the setting of the nearby Grade II listed Havens building. This identified harm, which is confined to the unauthorised upvc windows and fascia, is not outweighed by public benefits. It is therefore recommended that planning permission is refused.

9 Request to Authorise Enforcement Action

- 9.1 Given the nature and harmful impact of the breaches related to the unauthorised upvc windows and fascia, as assessed above, it is considered necessary, proportionate and justified in the circumstances of this case to seek authority for an enforcement notice to be served in respect of that unauthorised operational development as this will bring focus to the need for the breach to be regularised. Service of an enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 9.2 Enforcement notices cannot reasonably require the insertion of a particular type of window or fascia. This is for the applicant to decide and apply for, as required. If in complying with the enforcement notice, the building is left in a condition that negatively affects the visual amenity of the area, the LPA has powers to take action under Section 215 of the Act to remedy that situation.

- 9.3 The authorised enforcement action to include (if/as necessary) the service of Enforcement Notices under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 9.4 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows and fascia.
- 9.5 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

10 Recommendation

(A) REFUSE PLANNING PERMISSION for the following reason:

01 The development, by reason of the detailed design and materials of the replacement windows at first and second floor level on the east and north elevations, and the replacement fascia to the shopfront on the east and north elevations has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and harm the setting of the Grade II listed Havens building opposite the site. Whilst this harm is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Hamlet Court Road Conservation Area Appraisal (2021).

(B) Members are recommended to AUTHORISE ENFORCEMENT ACTION to:

- a) Remove the unauthorised UPVC windows from the east and north elevations at first and second floor.**
- b) Remove the unauthorised fascia from the building's east and north elevations.**
- c) Remove from site all materials resulting from compliance with a) and b) above.**

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows and fascia.

Positive and Proactive Statement

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

Informatives

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

02 The applicant is reminded that planning permission will be required for replacement windows and a replacement fascia following the removal of the unauthorised upvc windows and fascia subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that the replacement windows closely replicate the original timber sash windows which were removed at the site but can still be seen on adjacent properties. The replacement fascia should be painted timber and follow the shopfront advice set out in the Hamlet Court Road Conservation Area Appraisal (2021).

Appeal Decision

Site Visit made on 28 September 2021

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/D1590/W/21/3273638

PC House, 148-150, Hamlet Court Road, Westcliff on Sea, SS0 7LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Rush against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01409/FUL, dated 27 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is replacement of windows to the first, second and third floors of the property.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The windows are already in place. The reference to the proposal being retrospective is superfluous and I have left it out of my decision.
3. Since the Council made their decision Hamlet Court Road was designated as a Conservation Area on 9 September 2021 and under Regulations 5 and 5A of the Planning (Listed Buildings and Conservation Area) Regulations 1990 the Council publicised the planning application as affecting the character or appearance of a Conservation Area on 11 November 2021.
4. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

5. The main issue is whether the development would preserve or enhance the character or appearance of the Hamlet Court Road Conservation Area.

Reasons

6. Hamlet Court Road is located in Westcliff-on-Sea and was developed as a retail hub with residential streets surrounding it. 148-150 Hamlet Court Road is an early twentieth century brick building of three storeys with two storeys to the rear.
7. The Hamlet Court Road Conservation Area Appraisal (CAA) notes that three storey buildings, such as the appeal site, were often built in groups with the same design and feature decorative elements. It notes that much of the

historic character of these buildings are intact despite later changes and that the restoration of features could enhance the appearance of the buildings and area as a whole. The appeal site still retains a number of those decorative features which contribute the character of the Conservation Area.

8. Paragraph 6.1 of the CAA sets out the Conservation Vision which seeks to provide opportunities to enhance its special historic and architectural interest. At paragraph 6.2.3 it states that the aim is for buildings to be in good condition, with inappropriate alterations reversed and traditional materials and details used for features such as windows.
9. The CAA also sets out that where original or historic timber windows remain these should be replaced like for like with timber frames if they have come to the end of their usable life. If existing windows have been replaced with uPVC then any replacement uPVC would need to be of the correct opening type for the building.
10. 148-150 Hamlet Court Road is noted as one of seven frontages which are designated as Frontages of Townscape Merit, which are those historic frontages which contribute to the quality of the local townscape through their architectural character. The CAA also notes that the building makes a positive contribution to the Conservation Area but needs significant improvement or restoration. The CAA notes that unsympathetic top hung uPVC windows have been installed.
11. The appeal proposal seeks to regularise the replacement of the existing sash windows with double glazed uPVC units. A building's fenestration is an important component in defining its visual and architectural character. The proposal results in the loss of the original windows which contributed to the significance of the Conservation Area.
12. The replacement windows have been designed to replicate the appearance of traditional timber sashes. However, the chunky detailing and the top hung opening method does not provide an accurate replica and the use of UPVC is discernibly different in both materials and character to the other traditional windows which remain within the Conservation Area.
13. As a result, the replacement windows alter the appearance of the existing building and detract from the quality of the original detailing which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance, from the introduction of double glazed UPVC windows, does not contribute to the significance of the host building and therefore fails to preserve or enhance the Conservation Area.
14. I have considered the other examples that have been drawn to my attention in Hamlet Court Road. However, the circumstances that lead to those windows being considered acceptable may not be directly comparable to the appeal site and having regard to the recent date of designation for the Conservation Area are likely to have taken place before this time. Furthermore, the examples within Hamlet Court Road add to my concern about the incremental harm which arises from the replacement of the original features. Therefore, I have not been able to come to the same conclusion with regard to the proposed uPVC windows subject to this appeal.

15. In line with paragraph 199 of the Framework, when considering the impact of a proposed development, great weight should be given to its conservation. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.
16. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has outlined some benefits associated with the scheme, such as the improved thermal and acoustic efficiency provided by double glazing, the condition of the existing windows and the prevalence of uPVC windows in the vicinity. They have also outlined a number of other improvements that have been made to the building as part of refurbishment works. However, I do not consider that these benefits are sufficient to outweigh the harm.
17. I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Hamlet Court Road Conservation Area. This would be contrary to policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) which seeks to secure improvements to the urban environment through quality design and safeguard and enhance the historic environment, including Conservation Areas.
18. It would also be in conflict with policies DM1 and DM5 of the Southend on Sea Development Management Document (2015) which together seek to ensure that development reinforces local distinctiveness and gives appropriate weight to the preservation of a heritage asset, ensuring that alterations make a positive contribution to the character of the original building. In addition, any harm to a designated asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal.

Other matters

19. There is also reference to the conduct and advice of the Council and its officers during the planning application process and the process for the designation of the Conservation Area. However, these are not matters for my deliberation in the context of a planning appeal.
20. I have noted the comments made that it was not the intention of the appellant to undertake works which required planning permission and that the works were undertaken when the site was not within a Conservation Area. However, I must have regard to the current policy position, including the designation of the Conservation Area in coming to my decision.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

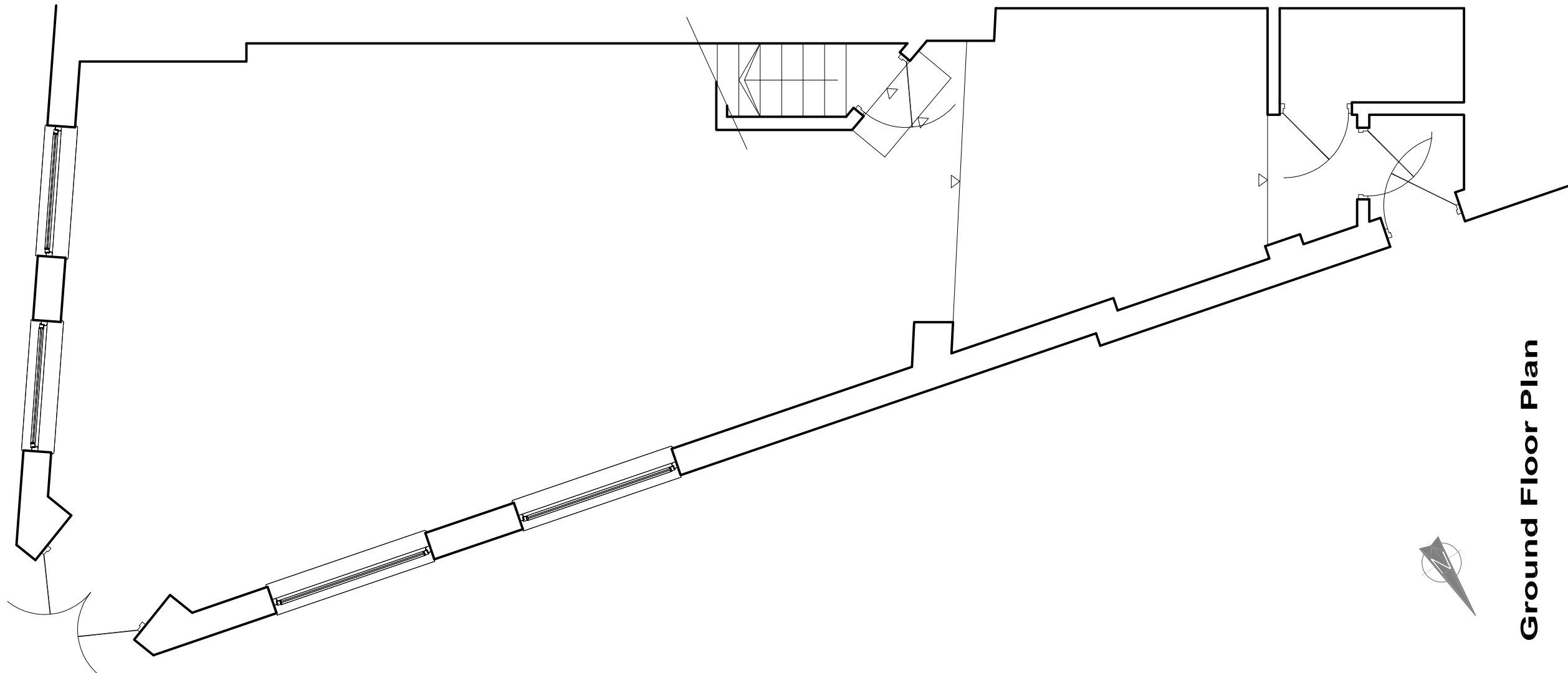
G Pannell

INSPECTOR

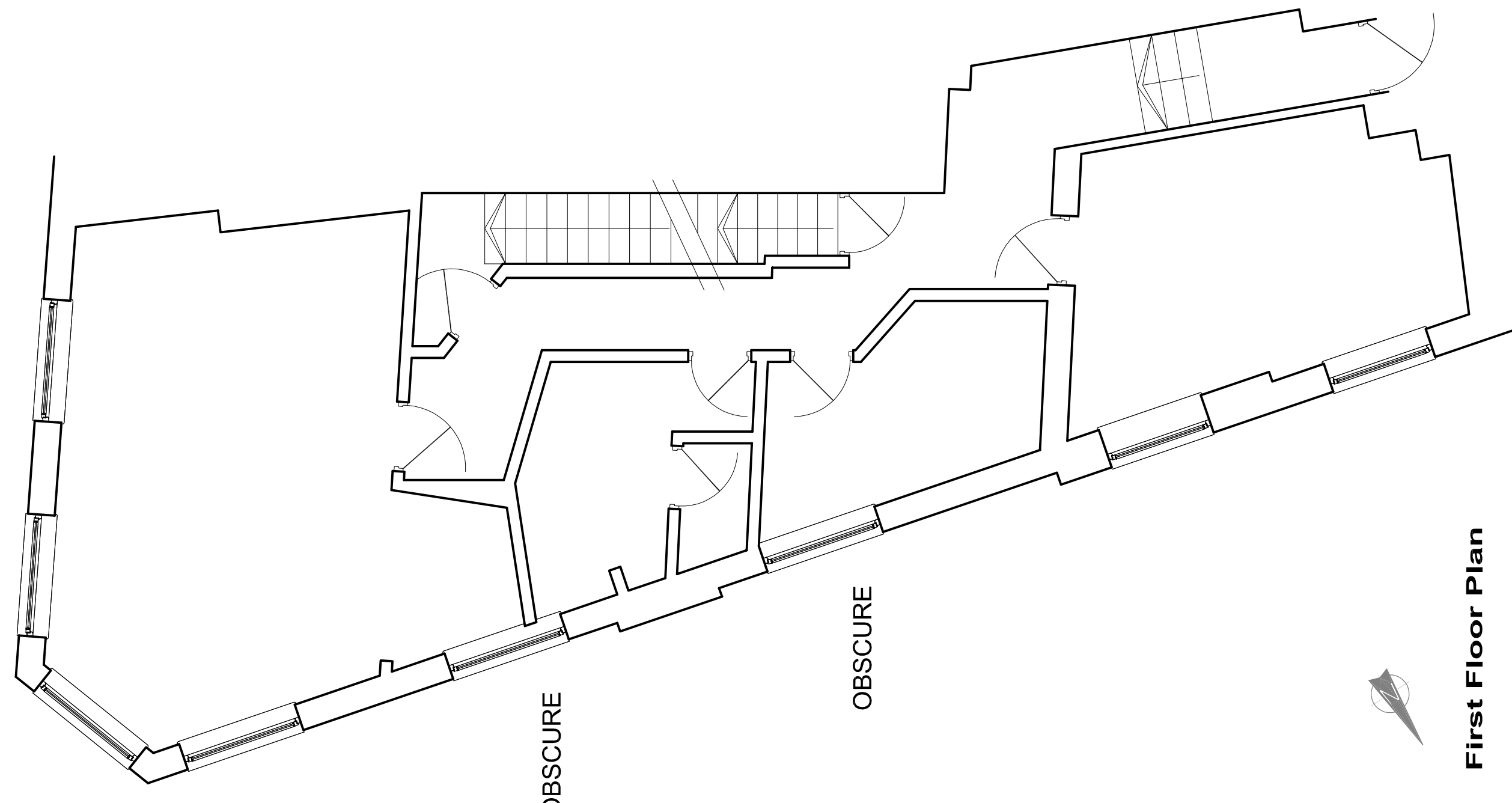
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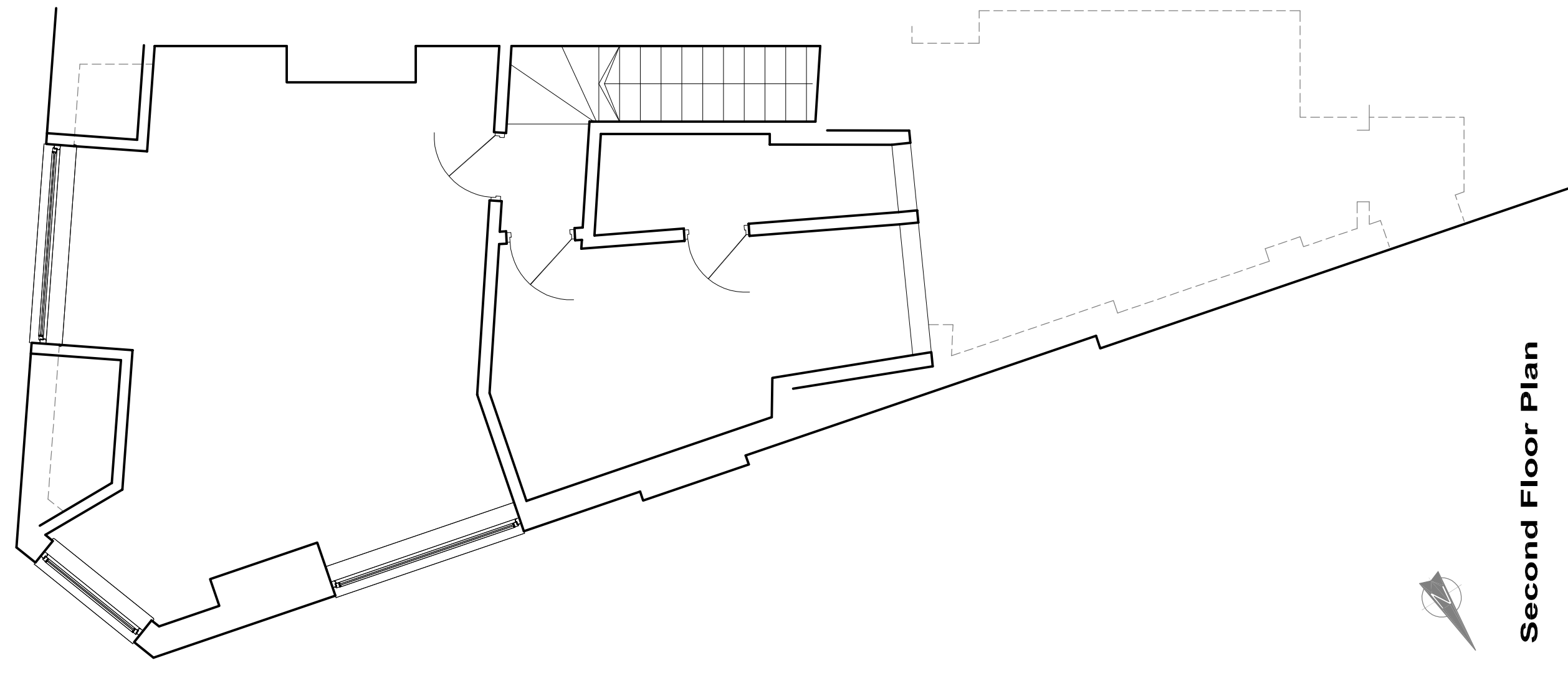
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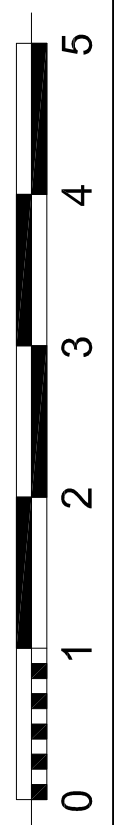
Ground Floor Plan



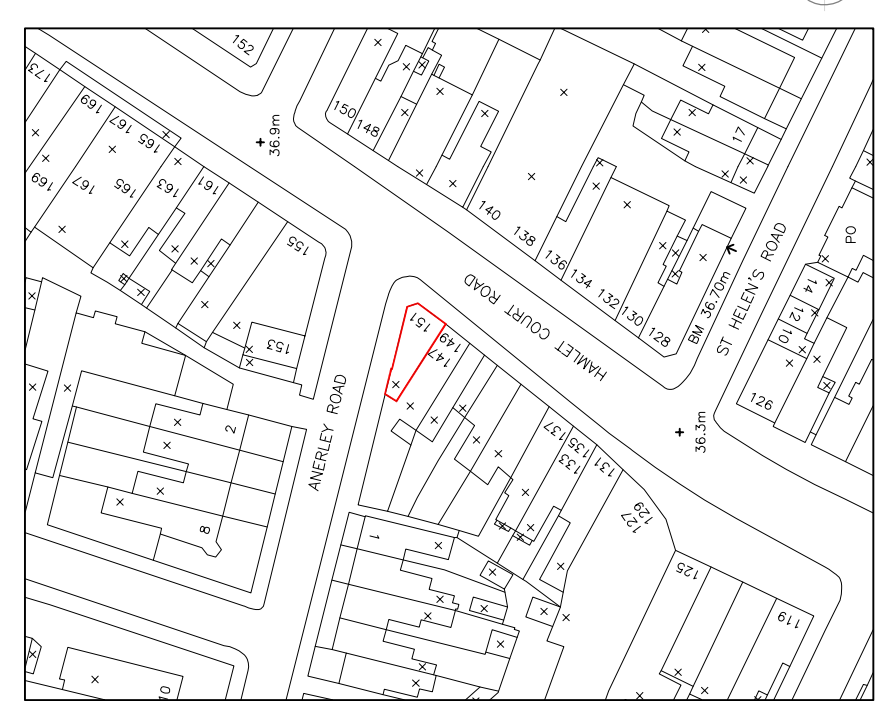
First Floor Plan



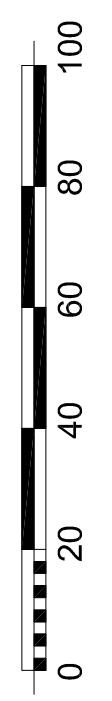
Second Floor Plan



EXISTING & PROPOSED PLANS 1:50



Existing Location Plan 1:1250



Proposed Block Plan 1:500



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M&A Knightsbridge Properties
 151 Hamlet Court Road
 Proposed Development
 Existing & Proposed Plans

Sheet	Planning	Date	08.12.22
Scale	1:50	Drawn	nr
Job number	1667	Checked by	010
Revision	A		

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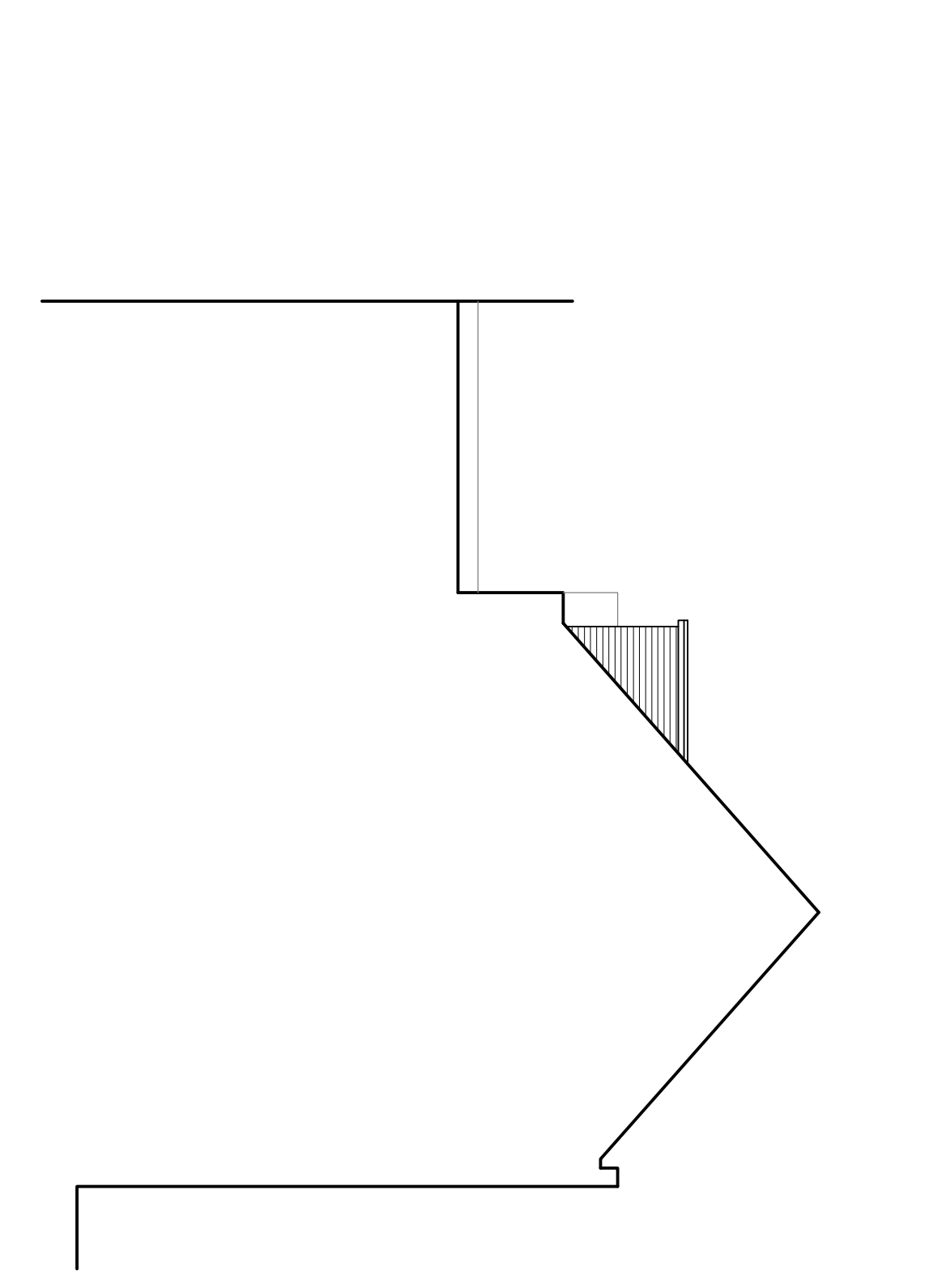
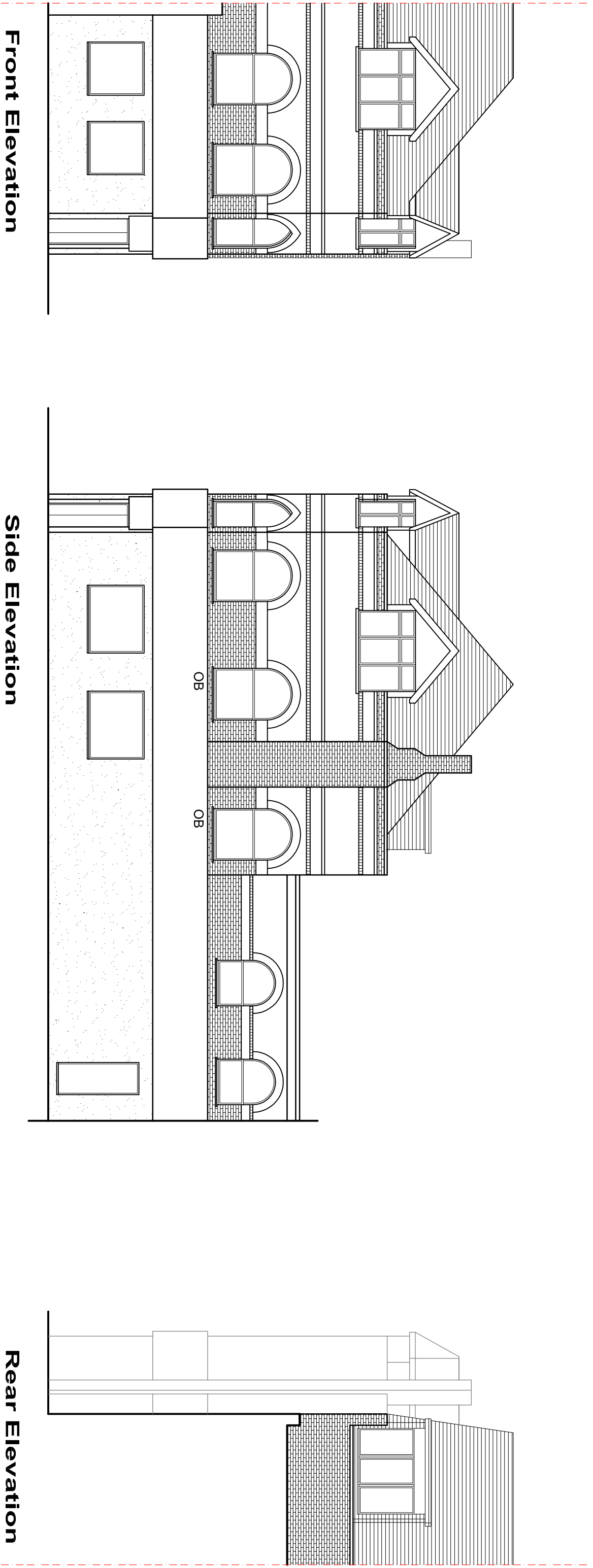
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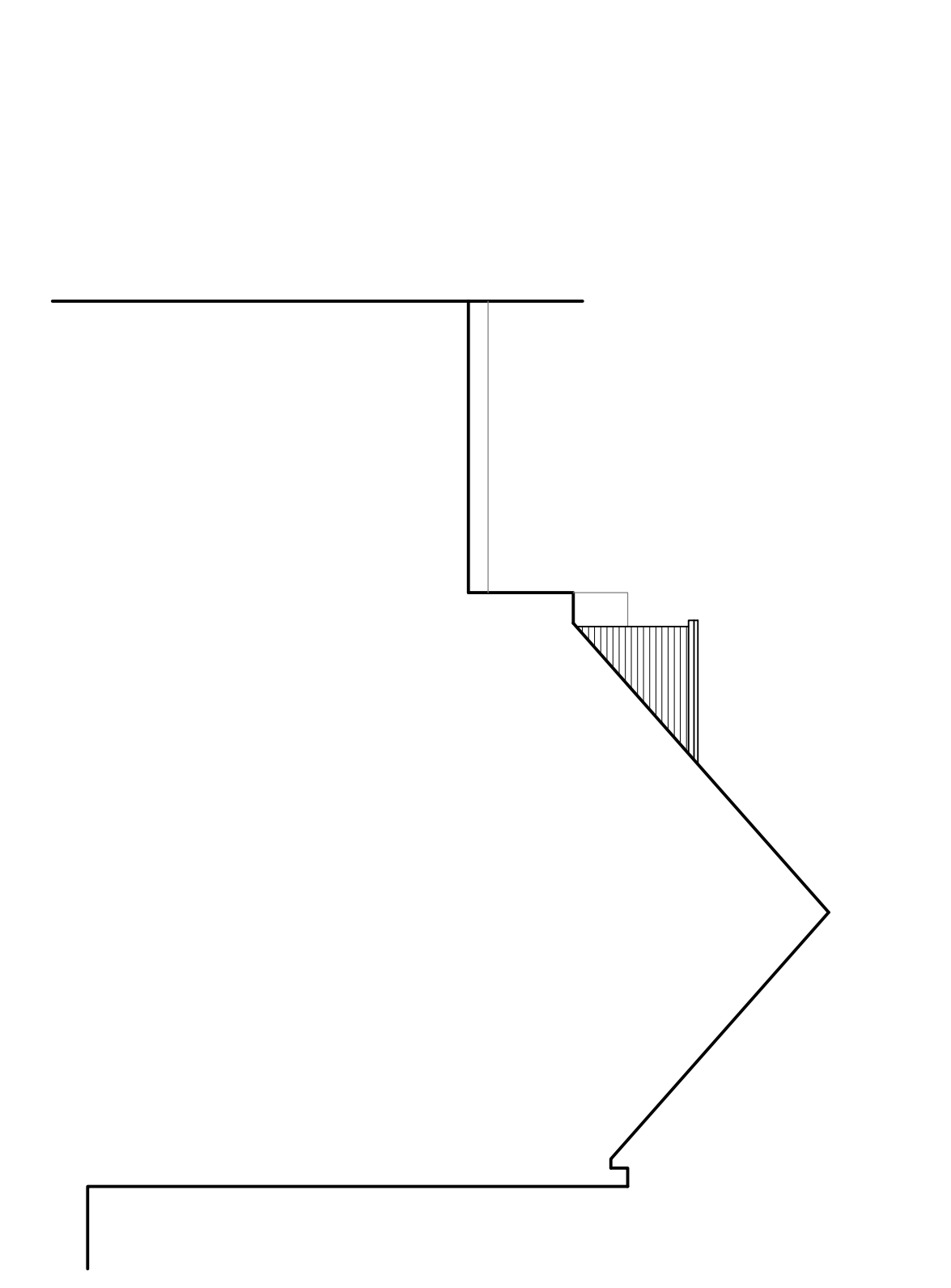
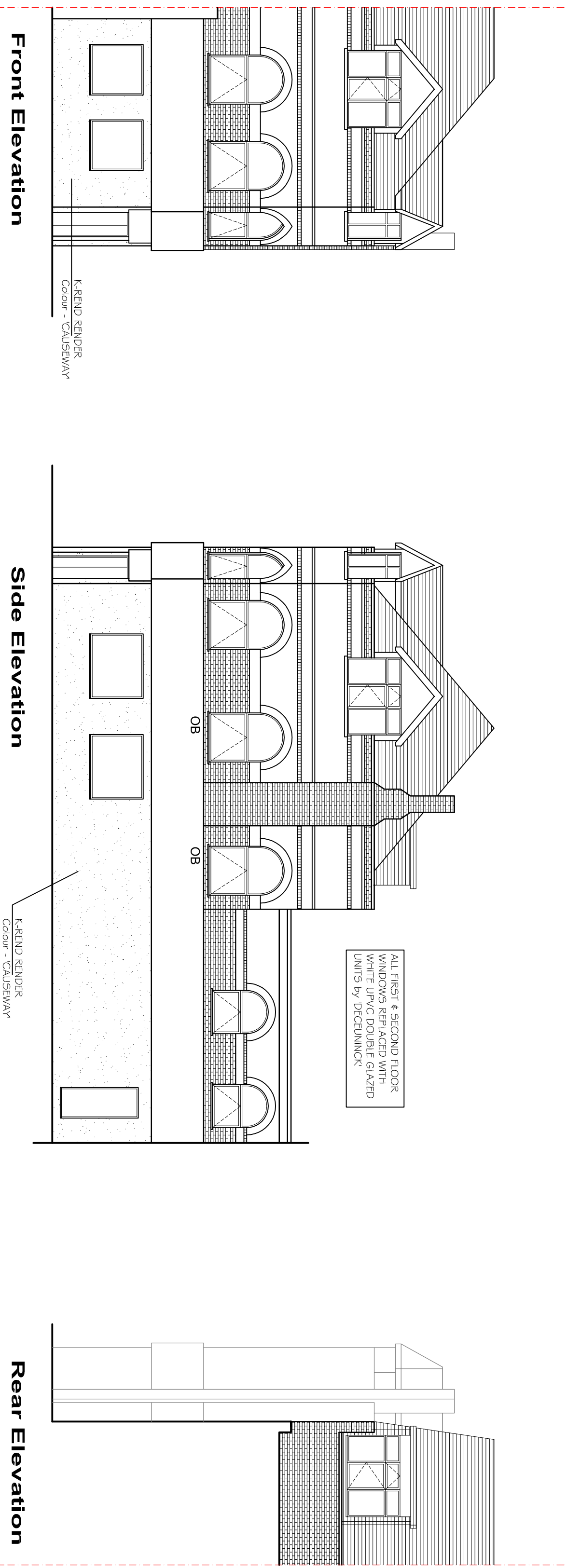
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Revision
A Amended to suit client comments 19.12.22



EXISTING ELEVATIONS 1:100
PROPOSED ELEVATIONS 1:100



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63D-634 london road
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s80 9HW

t 01702 715517
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Client
M&A Knightsbridge Properties

Project
151 Hamlet Court Road

Description
**Proposed Development
Existing & Proposed Elevations**

Scale	Date
Planning	
Scale	Date
1:100	nr 08.12.22
Job Number	Revision
1687	011 A

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151 Hamlet Court Road

Previous detailing and condition

270









THE FOUNDRY
LATE NIGHT MUSIC BAR & LOUNGE
51 HANLEY COURT ROAD

jam tin interiors
totally gorgeous stuff

ROAD
CLOSED

WIMPY

CRUNCHY
CHICKEN TASTY RIBS
PIZZA & BEER & PIZZA

streetscene

274

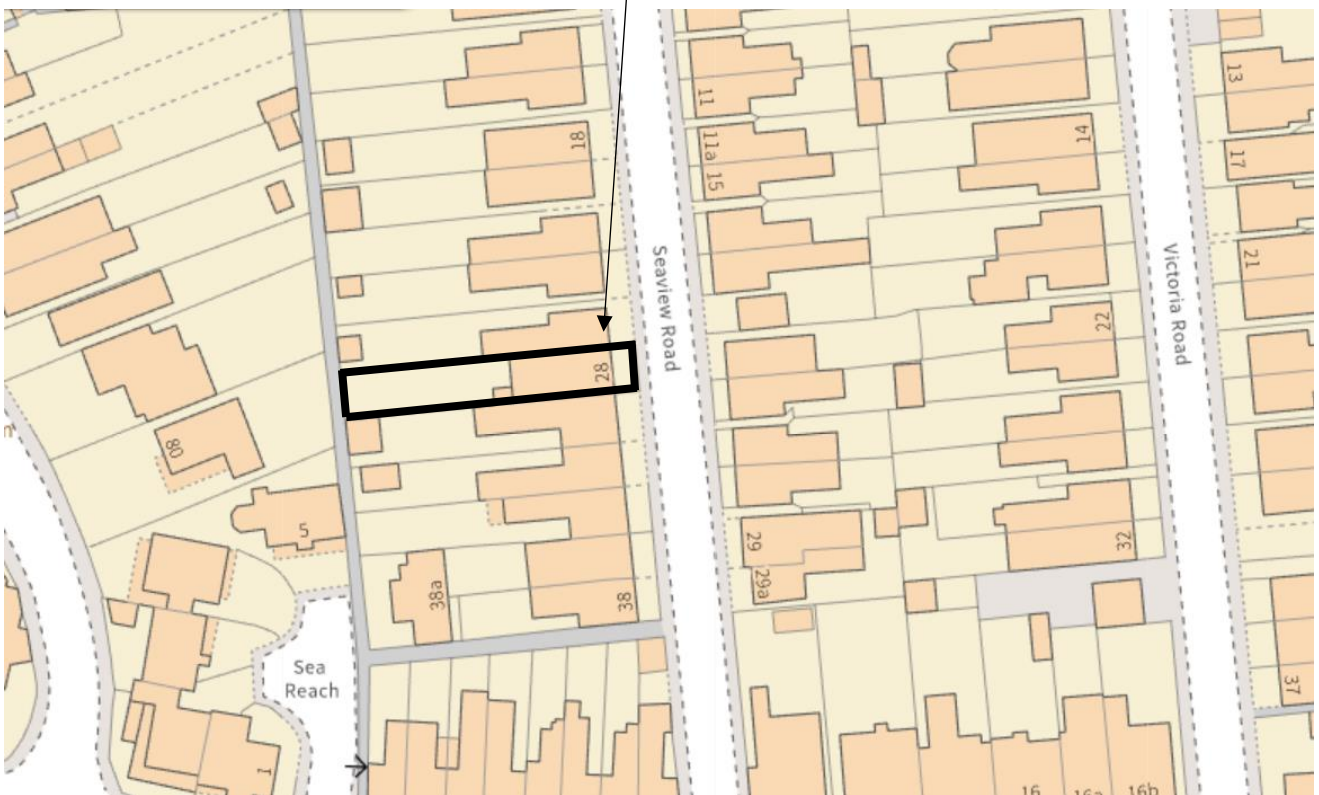






Reference:	22/00062/UNAU_B	<h1>10</h1>
Report Type:	Enforcement	
Ward:	Leigh	
Breach of Planning Control:	Demolition of wall within a Conservation Area	
Address:	28 Seaview Road, Leigh-on-Sea, Essex, SS9 1AT	
Case Opened Date:	09 March 2022	
Case Officer:	Edward Robinson / Oliver Hart	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

28 Seaview Road, Leigh-on-Sea,
Essex, SS9 1AT



1 Site and Surroundings

- 1.1 The application site lies within the Leigh Cliff Conservation Area and within an area under an Article 4 Direction which restricts permitted development for properties. The application site includes one half of what was originally, a pair of semi-detached dwellinghouses which, over the years, have been altered to form part of a wider terrace immediately to the south.
- 1.2 The front elevation of No.28 was completely remodelled in the c.1930's, with a two-storey curved front bay projection and render finish at odds with the prevailing streetscene, although unusually it had retained its distinctive front boundary wall of brick wasters until early 2022 when it was demolished without express permission. The applicant states this was because the wall had become unstable.
- 1.3 The surrounding area is mainly residential in character, consisting of dwellings built in the late Victorian and Edwardian era. There are examples of low brick boundary walls to the front of properties which is considered to inform the character and setting of the immediate street scene in Seaview Road.

2 Lawful Planning Use

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

3 Relevant Planning History

- 3.1 22/01886/FULH- Layout disabled parking to front and form vehicle crossover onto Seaview Road (part-retrospective)- Refused [dated.27.01.2023]
Reasons for refusal (summarised):
 1. The removal of the front boundary wall and formation of a hardstanding in the front garden and vehicle crossover results in less than substantial but nevertheless significant harm to the historic character of the street scene and the Leigh Cliff Conservation Area which is not outweighed by any public benefits.
 2. The proposed development would fail to meet the minimum size requirement for a parking space which should be 2.6m deep and 6.5m wide when a vehicle is parked parallel to the footway and would therefore result in a vehicle overhanging the public highway as well as unsafe vehicle movements harmful to pedestrian and highway safety and the local highway network.
- 3.2 A copy of the officer's report for the above application is included as Appendix 1 at the end of this report.

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment)

- 4.5 Southend-on-Sea Design and Townscape Guide (2009)
- 4.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 4.7 Leigh Cliff Conservation Area Appraisal (2020)

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

- 5.1 The identified breach of planning control is:
 - The demolition of the original front boundary wall within a Conservation Area
- 5.2 In March 2022 a complaint was received by the Council that the original boundary wall at the front of the property had been removed without planning permission.
- 5.3 Contact was made with the homeowner where the homeowner conveyed that they considered removal of the wall had been necessary as it had become unstable. In an attempt to resolve this issue the Planning service advised re-instatement of the original boundary wall or, to provide a suitable alternative boundary treatment. The homeowner however stated they wanted to form parking to the front of the site.
- 5.4 The homeowner was therefore advised to submit a planning application for their proposed development and an application was subsequently received by this Local Planning Authority (ref.22/01886/FULH) to layout parking to the front and install a dropped kerb at the property. Removal of the boundary wall formed part of the development works. This application was refused on 27.01.2023 for the design and character and highway safety reasons summarised above in 3.1 of this report. The full analysis including the development's conflict with design, conservation and highway safety policies and objectives is included in the officer's report at Appendix 1. Paragraphs 6.9 and 6.10 of that report explain how the development was found to cause less than substantial, but significant, harm to the character and appearance of the Leigh Cliff Conservation Area. Irrespective of the separate highway-based reason for refusal, the identified less than substantial harm to the Conservation Area would need to be clearly outweighed by public benefits, which was not the case in this instance.

Enforcement and Legal Action

- 5.5 Given the significant harm identified above in respect of the loss of the front boundary wall, it is reasonable, expedient and in the public interest to pursue enforcement and/or legal action in the circumstances of this case. Given that the materials of the original wall have been kept by the property owner, enforcement action in this case can reasonably aim to secure the re-instatement of the original boundary wall (with the same materials) which is the condition of the land before the breach of planning control took place. Whilst there is potential to provide a suitable alternative front boundary treatment, this cannot be required by an enforcement notice and express planning permission from the Local Planning Authority would be required. If the property owner contends that this is not a reasonable requirement, legal action can potentially be taken. No lesser steps that could remedy the identified breach or associated harm have been identified.
- 5.6 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to be regularised and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal

which remedies the identified harm.

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

6 Equality and Diversity Issues

- 6.1 In reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. 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.
- 6.2 This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community. Based on the information submitted with the previously refused application, the proposed development was intended to result in potential benefits to the applicant or a member of their household who is disabled.
- 6.3 The loss of the boundary wall however is found to be demonstrably harmful to the character and quality of the built environment and the designated heritage asset of Leigh Cliff Conservation Area and the proposed parking space was found to cause harm to pedestrian/highway safety. It is not considered that the private and individual circumstances of the applicant/applicant's household are sufficient to outweigh the significant harm identified in planning terms.
- 6.4 Officers have, therefore, in considering this planning enforcement case 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.

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to:**
- a) Re-instate the original boundary wall using the same materials and method of construction to restore the land to its condition before the breach of planning control took place.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice. The Local Planning Authority may also decide to instigate a prosecution under the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- 7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the re-instatement of the wall.

Appendix 1

Reference:	22/01886/FULH
Application Type:	Full Application- Householder
Ward:	Leigh
Proposal:	Layout disabled parking to front and form vehicle crossover onto Seaview Road (part-retrospective)
Address:	28 Seaview Road, Leigh-on-Sea, Essex, SS9 1AT
Applicant:	Mr Jordan Hill
Agent:	N/A
Consultation Expiry:	26.01.2023
Expiry Date:	27.01.2023
Case Officer:	Oliver Hart
Plan Numbers:	22014-100A
Supporting Document:	Design and Access Statement
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site lies within the Leigh Cliff Conservation Area and comprises originally, a pair of semi-detached dwellinghouses which, over the years, have been altered to form part of a wider terrace immediately to the south.
- 1.2 The front elevation of No.28 was completely remodelled in the c.1930's, with a two-storey curved front bay projection and render finish at odds with the prevailing streetscene, although unusually it had retained its distinctive front boundary wall of brick wasters until early 2022 where it was demolished without express permission. The accompanying statement states this was because the wall had become unstable.
- 1.3 The surrounding area is mainly residential in character, consisting of dwellings built in the late Victorian and Edwardian era. There are examples of low brick boundary walls to front of properties which is considered to inform the character and setting of the immediate street scene in Seaview Road. Many of the walls that have been previously removed and the formation of existing vehicular crossovers are historic and pre-date the designation of the area as a conservation area. They carry little weight in the assessment of the current proposal.
- 1.4 The building is neither locally listed nor listed. An Article 4 direction covers Seaview Road removing certain permitted development rights and planning permission is required for the formation of hard-standings for vehicles. The Leigh Cliff Conservation Area appraisal (2020) identifies Nos 26-28 Seaview Road as making a positive contribution to the character and appearance of the Conservation Area.

Appendix 1

2 The Proposal

- 2.1 The front boundary wall has already been removed and therefore, planning permission is sought (part) retrospectively to form a single off-street parking space to the front garden area by demolishing the front boundary wall, installing a new hardstanding (details provided demonstrating use of heritage tumbled tegula block setts) and replacing a short, planted hedge to the southern flank boundary with a 0.6m high boundary wall finished with yellow stock bricks. A vehicle crossover is also proposed from Seaview Road some 4m wide.

3 Relevant Planning History

- 3.1 22/00062/UNAU_B- Demolition of wall within a Conservation Area – Under Investigation

26-28 Seaview Road

- 3.2 20/00392/FUL- Erect part single/part two storey rear extension with balcony to 26 Seaview Road, erect single storey rear extension to 28 Seaview Road, alter elevations (Amended proposal)- Granted.
- 3.3 19/02286/FUL- Erect part single/part two storey rear extension with balcony to 26 Seaview Road, erect single storey rear extension to 28 Seaview Road, alter elevations- Refused

4 Representation Summary

Public Consultation

- 4.1 5 neighbouring properties were notified of the application by letter, a site notice posted and a press advert placed. No letters of representation have been received.

Highways

- 4.2 The application does not meet the criteria for a vehicle crossover as set out within the vehicle crossover policy. Therefore, a highways objection is raised.

Parks

- 4.3 The proposed development results in the loss of established shrub and grassed areas. There is no mitigation planting proposed. Therefore, it results in a biodiversity net loss and an increase in hardstanding with no suitable urban drainage considered.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2021) and National Design Guide (2021)
- 5.2 Core Strategy (2007): Policies CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment) and DM15 (Sustainable Transport Management)
- 5.4 The Southend-on-Sea Design and Townscape Guide (2009)

Appendix 1

- 5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.6 Southend Council Vehicle Crossings Policy Document (2021)
- 5.7 Leigh Cliff Conservation Area Appraisal (2020)

6 Appraisal

Principle of Development

- 6.1 Vehicular crossings and hardsurfacing for parking are considered acceptable in principle, providing that highway safety is not adversely affected and there is no adverse visual impact on the character of the surrounding area or upon residential amenity. These matters are considered below.

Design and Impact on Character and the Conservation Area

- 6.2 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.3 The site is in the Leigh Cliff Conservation Area. The Leigh Cliff Conservation Area appraisal identifies the application property as one that makes a positive contribution to the character and significance of the Conservation Area.
- 6.4 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.5 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.
- 6.6 Special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area as stated in Policy DM5.
- 6.7 The Leigh Cliff Conservation Area Appraisal advises that 'Boundary walls were originally typically built of brick. They were low and topped with railings or picket fences. Hardly any of these now survive. The uprights of some of the original walls can be seen on Seaview Road, though the walls and railings in between have long since been lost. There are a few good replacement walls in the Conservation Area, taking the form of low brick walls with or without railings.'
- 6.8 There are a small number of front gardens that have been hard surfaced and accessed from vehicle crossovers within Seaview Road. These are historic examples which pre-date the adoption of the 2021 Vehicle Crossover Application Guidance. These historic examples of hardstandings in front gardens and vehicle crossovers have harmed the character of the conservation area.

Appendix 1

- 6.9 The loss of front boundary walls is specifically mentioned as being harmful and a potential problem for the future of the conservation area within the conservation area appraisal. It is therefore considered that the proposal is contrary to the objectives of the Leigh Cliff Conservation Area Appraisal, and that the proposed development would harm, rather than preserve or enhance the character of the street scene and the wider conservation area.
- 6.10 The development, which seeks permission for the retention of the removal of the original front boundary wall, to form a vehicle crossover and to form a hardstanding in place of the front garden is therefore found to be contrary to the policies and guidance outlined above which seek to preserve and enhance the historic character of the conservation area. This identified harm to the heritage asset is less than substantial but significant in degree. The identified harm is not outweighed by any public benefits to justify or mitigate the proposed development in this case. The proposal is unacceptable and conflicts with policy in the above regards.

Amenity Impacts

- 6.11 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.12 It is considered that the proposal for off-street parking would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation

- 6.13 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. The Southend on Sea Vehicle Crossover Application Guidance is a material consideration.
- 6.14 Parking at the site would take place parallel with the highway and the minimum dimensions required within the Vehicle Crossover Application Guidance are 2.6m deep and 6.5m wide.
- 6.15 Having regard to the two-storey front bay which projects into the front garden area, the available parking area would measure some 2.2m deep and 6.2m wide (reducing to 6m-5.85m wide taking into account the proposed flank wall). Consequently, the proposed parking area would not meet the minimum dimensions and would therefore be contrary to the guidance as it would result in unsafe vehicle movements and vehicles overhanging the public highway that would be to the significant detriment of pedestrian and highway safety. This is unacceptable and refusal is recommended on this basis.
- 6.16 Highways officers have objected to the proposal on this basis.

Equality and Diversity Matters

Appendix 1

- 6.17 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.
- 6.18 This planning application falls to be considered on its planning merits and in reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community. Based on the submitted information the proposal is intended to result in potential benefits to the applicant who is disabled. The proposal would be demonstrably harmful to the character and quality of the built environment and the designated heritage asset of Leigh Cliff Conservation Area and pedestrian/highway safety. It is not considered that the individual circumstances of the applicant are sufficient to outweigh the significant harm identified in planning terms and would not warrant a grant of planning permission having regard to the extent of conflict with relevant planning policies and guidance and the absence of any mitigating factors to outweigh this harm.

Community Infrastructure Levy

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

7 Conclusion

- 7.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant local and national planning policies and guidance. The proposal would harm rather than preserve or enhance the historic character of the street scene and the wider Conservation Area. This identified harm to the heritage asset is less than substantial but significant in degree. There are no public benefits to justify or mitigate the proposed development in this case nor to outweigh the harm to highway and pedestrian safety. The application is therefore unacceptable and recommended for refusal.

8 Recommendation

REFUSE PLANNING PERMISSION for the following reason(s):

- 01 The removal of the front boundary wall and formation of a hardstanding in the front garden and vehicle crossover results in less than substantial but nevertheless significant harm to the historic character of the street scene and the Leigh Cliff Conservation Area which is not outweighed by any public benefits. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007),**

Appendix 1

Development Management Document (2015) Policies DM1, DM3 and DM5 and the advice contained in the National Design Guide (2021), the Southend Design and Townscape Guide (2009) and the Leigh Cliff Conservation Area Appraisal (2020).

- 02 The proposed development would fail to meet the minimum size requirement for a parking space which should be 2.6m deep and 6.5m wide when a vehicle is parked parallel to the footway and would therefore result in a vehicle overhanging the public highway as well as unsafe vehicle movements harmful to pedestrian and highway safety and the local highway network. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policy CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015) and the Vehicle Crossing Policy and Application Guidance (2021).

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

Informatives

- 01 The applicant is advised to contact the Highways Department to explore the possibility of creating a disabled bay in the vicinity of the applicants address as a potential way forward.
- 02 The applicant is reminded that the demolition of the front wall remains unauthorised and a solution remains necessary. Failure to remedy this is likely to result in the Council considering the expediency of enforcement action to seek to remedy the currently identified harm.

28 Seaview Enforcement Case

Historic photo of the front boundary wall



Existing front garden



View north to the existing front garden



View south to the existing front garden

