Public Document Pack southend-on-sea city council

Development Control Committee

Date: Wednesday, 14th December, 2022

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

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

AGENDA

- 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 and Introduction
- **** Reports on Planning Applications
- 4 21/00220/FUL 613 to 619 and Garages to rear of 593 to 647 Southchurch Road, Southend-on Sea (Kursaal Ward) (Pages 7 94)
- 5 22/01867/FUL Peter Boat Car Park, High Street, Leigh-on-Sea (Leigh Ward) (Pages 95 114)

TO: The Chair & Members of Development Control Committee:

Councillor N Ward (Chair),

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



AGENDA 14th December 2022

WARD APP/REF NO.	ADDRESS
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Main Plans Report			
Kursaal	21/00220/FUL	613 to 619 and Garages to rear of 593 to 647 Southchurch Road	
Leigh	22/01867/FUL	Peter Boat Car Park, High Street, Leigh-on-Sea	

INTRODUCTION

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

(iv) The following abbreviations are used in the reports: -

CIL - Community Infrastructure Levy
DAS - Design & Access Statement

DEFRA - Department of Environment, Food and Rural Affairs

DPD - Development Plan Document

EA - Environmental Agency

EPOA - Essex Planning Officer's Association

JAAP - Southend Airport and Environs Joint Area Action Plan
MHCLG - Ministry of Housing, Communities and Local Government

NDG - National Design Guide

NDSS - Nationally Described Space Standards
 NPPF - National Planning Policy Framework
 PPG - National Planning Practice Guidance

RAMS - Recreation disturbance Avoidance and Mitigation Strategy

SCAAP - Southend Central Area Action Plan SPD - Supplementary Planning Document

SSSI - Sites of Special Scientific Interest. A national designation. SSSIs

are the country's very best wildlife and geological sites.

SPA - Special Protection Area. An area designated for special protection

under the terms of the European Community Directive on the

Conservation of Wild Birds.

Ramsar Site - Describes sites that meet the criteria for inclusion in the list of

Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those

important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and PPG including the NDG
- (vi) NDSS
- (vii) Core Strategy SPD
- (viii) Development Management DPD
- (ix) London Southend Airport & Environs JAAP
- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule
- (xvi) Southend Electric Vehicles Charging Infrastructure SPD
- **NB** Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

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 permission.	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



Reference:	21/00220/FUL	1		
Application Type:	Full Application			
Ward:	Kursaal			
Proposal:	Demolish existing garages and erect 4no. two-storey dwellings, erect single storey extension to rear of existing commercial unit at 615-617 Southchurch Road to form self-contained flat, layout hardstanding, parking and refuse stores, together with alterations to vehicular accesses at Ilfracombe Road and Lovelace Gardens			
Address:	613 To 619 and garages to rear of 593 to 647 Southchurch Road, Southend-on-Sea			
Applicant:	Harrison-Moore			
Agent:	AWW Sherlock of AWW			
Consultation Expiry:	28th October 2022			
Expiry Date:	8th December 2022			
Case Officer:	Robert Lilburn			
Plan Nos:	0100 A Location Plan 0110 B Existing Site Plan 0111 E Proposed Site 0150 B Existing Ground Floor Site Plan 0200 E Proposed Ground Floor Site Plan 0151 Existing First Floor Site Plan 0201 E Proposed First Floor Site Plan 0152 Existing Garage Plans 0153 A Existing Commercial Ground & First Floor Plans 0212 E Proposed Flat Plans 0210 D Proposed Fnd Terrace House Plans 0210 D Proposed End Terrace House Plans 0211 C Proposed Mews Plans 0160 Existing Site Elevations 0300 A Proposed Site Elevations 0307 C Proposed (New Rear Flat) Elevation 0305 C Proposed House 1 Elevations 0308 Proposed House 2 Elevations 0308 Proposed House 2 Elevations 0306 C Mews House Elevations 0400 B Axonometric Drawings 0900 3D Views			
Supporting Documents:	Design and Access Statement January 2021			
	Preliminary Arboricultural Assessmen 2021 Report No: RT-MME-155176-01	it dated Julie		

	Preliminary ecological appraisal dated June 2021 Report No: RT-MME-155176-03
	Preliminary bat roost assessment dated June 2021 Report No: RT-MME-155176-04
	Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III
	Letter from Sorrell Chartered Surveyors 26th July 2021
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The proposal relates to the two adjoining mixed-use terrace units at Nos 613-619 Southchurch Road and the garages and rear alleyway behind the entire terrace of Nos 593-645 Southchurch Road running between Ilfracombe Road and Lovelace Gardens.
- 1.2 No 613-619 Southchurch Road forms part of a red-brick parade of shops and other high-street uses, with flats above. It contains one commercial unit at ground floor with two residential units, above and at ground floor to the rear. Across the terrace as a whole, the upper floors and rear spaces (where applicable) from No 603 to 637 Southchurch Road appear to have independent pedestrian access doors to the front, off Southchurch Road.
- 1.3 The garages are a row of 22 single-storey units, 4 of which open out towards the side roads of Ilfracombe Road and Lovelace Gardens. Historic mapping shows that the garages were constructed between 1922 and 1939, at a similar time to the buildings fronting Southchurch Road. A block of 7 garages of a similar design can be found on the other side of Ilfracombe Road. The garages are finished externally in yellow stock brick, slate roofs with terracotta capped party wall detailing, and (principally) timber double doors.
- 1.4 The site is within a generally residential area, characterised beyond the mixed-use frontage of Southchurch Road by terraced dwellings with large rear gardens. The site incorporates part of the secondary shopping frontage at the existing commercial units. It is situated in Flood Zone 1.

2 The Proposal

- 2.1 The application proposes the erection of 4no. two-storey dwellings, following demolition of the garages, and a self-contained flat. 2no. two-storey dwellings would occupy spaces at and adjacent to the ends of the terraces at Ilfracombe Road and Lovelace Gardens respectively, and a further pair of two-storey dwellings would be situated equidistant between these. Back-to-back rear gardens would separate the proposed dwellings along the alignment of the garages, bordering the domestic gardens to the north.
- 2.2 The proposed dwelling at Ilfracombe Road would adjoin the existing terrace, while the dwelling at Lovelace Gardens would be detached. The pair of mews houses would be semi-detached. The flat would be created within a single-storey rear extension behind 613-619 Southchurch Road.
- 2.3 The proposal incorporates the provision of dropped kerb alterations, off-street car parking, soft and hard landscaping and boundary treatments. Southward extensions to the dropped kerb vehicular accesses at Lovelace Gardens to the east, and at Ilfracombe Road to the west, are proposed.
- 2.4 No changes are proposed to the internal arrangements of the existing commercial and residential accommodation at 613-619 Southchurch Road.
- 2.5 Proposed external materials are described as grey slate roof tiles, aluminium window and door goods, red brick garden walls and permeable paving.

2.6 The application has been called into planning committee by Councillor Dent. The application was deferred from September 2021 planning committee at the request of officers to allow for further consideration of ecological matters. A revised Bat Survey has been submitted, titled Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III. This was amended in November 2022 to address a guery regarding the site description and for indexing purposes.

3 Relevant Planning History

- 3.1 21/00726/FUL: Change of use of part of ground floor from retail unit (Class A1) to self-contained flat (Class C3), erect single storey rear extension, form new vehicular access from Ilfracombe Road, and layout parking, amenity space, bin and cycle storage, erect new boundary fence and alter elevations at 579 Southchurch Road. Approved 07.07.2021.
- 3.2 18/00832/FUL: Change of use of ground floor from shop class A1 to nail salon sui generis at 639 Southchurch Road. Approved.
- 3.3 16/01692/PA3COU: Change of use of existing first floor offices class BA to 1 self-contained flat class C3 prior approval at 593 to 599 Southchurch Road. Approved.
- 3.4 16/01201/PA3COU: Change of use of existing first floor office class B1a to one self-contained flat class C3 at 593 to 599 Southchurch Road (prior approval) Refused.
- 3.5 13/01559/FUL: Extend existing vehicle access onto Ilfracombe Road at 2B Ilfracombe Road was refused for reasons relating to the impact on a street tree.
- 3.6 10/01296/FUL: Use kitchen showroom class A1 as offices class A2 at 633 Southchurch Road. Approved.
- 3.7 07/01749/CLE: Use of balcony for recreational purposes certificate of lawful use as existing at 635 Southchurch Road. Lawful development certificate granted.
- 3.8 03/00824/FUL for use of 613 Southchurch Road as a beauty salon was approved.
- 3.9 Earlier planning history was for use of a shop at 615 and 617 Southchurch Road as estate agent's office (87/0092) and for shopfront alterations and signage. These do not have a material bearing on the proposal.

4 Representation Summary

4.1 **Public Consultation**

76 neighbouring properties were notified and a site notice was posted. Re-notification has been carried out on two occasions, one in light of the updated ecological survey and again following a material update to the proposed plans and description (alterations to vehicular accesses). Some 55 letters of representation, objecting to the proposal, have been received from and on behalf of some 24 parties including residents and businesses. Matters raised are summarised as follows:

- Garages are in constant use and there is a waiting list for them:
- Dispute submitted statement in regard to demand for garages;

- Garages should be used for small business/creative uses:
- impact on character of the area through loss of existing built fabric and historic quality, and impact on trees;
- Existing buildings should be preserved as heritage assets and listed;
- Modern buildings out of character with the area;
- Proposal is cramming in new dwellings;
- Impacts on neighbour amenities including loss of daylight, loss of privacy, overshadowing, visual impact and enclosure to dwellings and private amenity spaces;
- Effects reducing warmth received by sun to neighbouring property walls;
- A daylight and sunlight assessment should be provided, including given submission of Right of Light Consulting document dated 14 May 2021 on behalf of neighbouring property;
- Further to Policy DM3 there should be a stepping in at first floor;
- impact on amenities of the wider area
- Impacts of noise, access and disturbance during construction;
- Impacts on nearby businesses including operational access, storage, parking, customer access and servicing;
- Impact on car parking provision and demand, access for residents, traffic congestion and highway safety;
- Impact on servicing access for residents including waste management and emergency services including fire service access – recent fire at 609 Southchurch Road required alleyway access;
- Swept path analysis shows that access is not possible;
- Impact on the highway operation and safety would be severe;
- Displacement of the existing parking provision including that for existing flats. A swept path analysis should be provided to show access can be continued. The objector has provided a swept path analysis to show that the development would not allow for access along with existing on-street parking arrangements and that extending dropped kerbs will displace existing parking in an area of high parking stress, which will be worsened by proposals for Ilfracombe car park; [officer comment: there would be dropped kerb extensions southwards only at both Lovelace Gardens and Ilfracombe Road. The highways officer has previously confirmed no objections to the proposal with regard to wider impacts of the development's density on the public highway network];
- Amount and quality of outdoor amenity space for future occupiers;
- Quality of surroundings for future occupiers;
- Waste management concerns;
- Lack of supporting information relating to impacts on trees, highways, flooding, neighbour amenities and ecology;
- Full assessment of ecological impacts including European protected species;
- Drainage impacts and flood risk concerns;
- Effects on structural stability of neighbouring dwellings;
- Missing elevations [officer comment: revised drawings have been submitted];
- Accuracy of submitted drawings and supporting information [officer comment: revised drawings have been submitted];
- Lack of detailed drawings [officer comment: revised drawings have been submitted];
- Misleading reference on plans to a proposed 'end of terrace' dwelling at Lovelace Gardens; [officer comment: this annotation error is noted and has been addressed by the applicant]
- No need for more flats;

- Impacts on infrastructure:
- Application validation, notification and consultation process concerns;
- Impacts on biodiversity and protected species;
- Alleges that a slow worm reptile has been found in the neighbouring garden, and that impacts on habitats, species and ecology including reptiles and bats have not been properly addressed in the submitted appraisal, and the assessment of the application;
- Concerns at methodology and conclusions of submitted supporting ecological and arboricultural assessments;
- Not lawful to condition further wildlife surveys as part of planning permission [officer comment: revised details have been submitted, specifically the Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III];
- Party wall concerns;
- Concerns raised prior to deferral from previous committee have not been fully addressed.
- 4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.3 Environmental Health

No objection.

4.4 Parks – Environmental Projects

Note the findings of the submitted Nocturnal Bat Survey Report (July 2022). Bats and other protected species appear to be absent from the site. There remains the opportunity for the development to include biodiversity enhancing measures. Further consideration has been given to the need for specific surveys for other protected species and given the site characteristics it would not be proportionate to carry out a survey for badgers and slow worms. [officer comment: Planning Practice Guidance Protected species and development: advice for local planning authorities is Natural England's 'standing advice', updated 8 September 2022. It sets out the likely circumstances in which surveys for protected species should be required. These matters are considered further below in Section 7].

4.5 **Parks – Arboriculturist**

Existing trees on the site are of low value and there is no objection to their removal.

4.6 Essex Fire Service

No objections, subject to informatives relating to water supplies for firefighting and sprinkler systems. Fire Service note in relation to the recent fire that the layout shown would allow access to all properties, including those towards the centre of the terrace, if the parking spaces shown are filled. Any vehicles parked further towards either end of the alley would be likely to cause access issues. [officer comment: There is no demarcated parking in the alley as existing. A parking management plan can be secured by a condition on any planning permission to limit opportunistic parking].

4.7 Highways Team

No objections on highway network grounds. Notes that the vehicular crossing width does not allow two vehicles to pass due to the existing street tree at Lovelace Gardens.

[officer comment: this matter is considered further in Section 7 below].

4.8 Essex Badger Protection Group

Records and site characteristics indicate that badgers are unlikely to be at risk of harm by the proposals. Standard mitigation measures are recommended during construction.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (2021)
- 5.3 Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)
- 5.4 Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon and Efficient Use of Resources) DM3 (The Efficient and Effective Use of Land) DM7 (Dwelling Mix, Size and Type) DM8 (Residential Standards) DM13 (Shopping Frontage Management outside the Town Centre) DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Southend-on-Sea Vehicle Crossover Policy (2021)
- 5.7 National Technical Housing Standards (2015)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10
 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)
- 5.11 Southend-on-Sea Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations are the principle of the development, design and impact on the character of the area, business and employment impacts, impacts on residential amenity, living conditions for future occupiers, highway implications, sustainability, trees, ecology, compliance with the Essex Coast RAMS SPD and CIL liability.

7 Appraisal

Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land, in particular previously developed land. It notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 7.2 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 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".
- 7.3 Policy DM3 defines backland and infill developments. The proposal shows characteristics of both backland and infill developments. While such sites are important for housing delivery in Southend, DM3 states that their development will be resisted where they:
 - (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
 - (ii) Conflict with the character and grain of the local area,
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8 or DM3 or
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.

These matters are assessed in the detail in the main body of the report.

- 7.4 Policy CP1 of the Core Strategy states that "Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area".
- Policy DM7 notes that the council will look favourably upon the provision of family size housing on smaller sites particularly where surrounding building types provide an appropriate context for this type of development.
- 7.6 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 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.

- 7.7 For the proposed provision of housing, the HDT and 5YHLS weigh in favour of the principle of this type of development. The proposal would be of a type of which four of the five units would be in the form of houses suitable for families. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.
- 7.8 The site is located within the built-up area and in reasonable proximity to services and transport links. This is a sustainable general location for development which conforms to the prevailing land use around it. The development would add to the supply of dwellings.
- 7.9 Given the small size and 'lock-up' character of the garages, it is considered that they do not contribute significantly to the provision of employment space.
- 7.10 The submitted plan shows that the existing garages measure some 6.3m deep by 3.4m wide. These dimensions would not meet the adopted standards for garage parking. The alley measures some 4.8min width. A space of 6m in front of parking is ordinarily sought in new developments to provide for manoeuvring.
- 7.11 As parking provision therefore, the existing garages, with the exception of the two pairs of garages at either end, are of a relatively poor standard in terms of accessibility and usability for car parking purposes. Although the area is subject to a degree of parking stress the use of the land for garaging, whether as lock-up storage or car parking, does not represent the most efficient use of the land.
- 7.12 The applicant has provided a Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III which updates the 2021 Preliminary Roost Assessment. The survey sought to identify if bats are using the existing buildings and their value for bat roosts. It finds that although there is some potential for small scale roosting opportunities, and bat activity was observed around the site, no roosts were identified within the site. The survey concludes that bat roosts are likely absent from the site.
- 7.13 The intensification and change of use of the rear curtilage of nos. 613-619 Southchurch Road would not significantly prejudice the provision of a business use and an active frontage. The submitted plans indicate retention of the commercial unit fronting Southchurch Road and the proposal would not be harmful to the vitality and viability of the local centre and that secondary shopping frontage. The plans identify space for commercial bin storage adjacent the alley and accessible from the rear of the unit.
- 7.14 The garages have been considered by the Environment, Culture, Tourism & Planning Working Party (29th July 2021) in response to a local-listing proposal. The local listing criteria requires that new additions either demonstrate the City history particularly in relation to public buildings or have architectural interest ('be designed by a well-known architect or be a good example of a particular style, contain good architectural features or be important to the townscape'). In this case it was found that the buildings are less than 100 years old, are not important to the townscape of Southchurch Road and the architect is unknown. Whilst they are relatively intact and do have some historic value as a group, it is considered that, on balance, there are other similar buildings in the City

- which are already protected, which are older and better examples of this type of building, and which are more significant to the city. It was therefore recommended that the garages not be added to the local list.
- 7.15 In light of the above it would not be reasonable in principle to seek the retention of the garages on character grounds. The demolition of the existing garages for appropriate housing provision is considered acceptable in principle and consistent with local and national policy objectives. The development would be sited and aligned with the prevailing urban grain. The proposed re-use and intensification of the site would be for residential use, conforming to the mainly residential setting of the locality. The development would use previously developed land. Giving particular weight to the shortfall in housing supply, the proposal is acceptable and policy compliant in principle.

Design and Impact on the Character of the Area

- 7.16 The NPPF states that planning decisions "should ensure that developments ...are visually attractive as a result of good architecture and ...are sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change (such as increased densities)".
- 7.17 The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.
- 7.18 Policy DM1 requires development to respect the townscape and contribute positively to the space between buildings and their relationship to the public realm. The importance of good design is reflected in Policies KP2 and CP4, and in Policy DM3, which seek to maintain and enhance the amenities, appeal and character of residential areas. Policy DM3(ii) notes that development should not conflict with the character and grain of the local area.
- 7.19 It is considered that the proposal would reasonably follow the existing grain of development and correspond to the surroundings while making use of previously developed land. The lower-key design of the mews houses would reflect their positioning away from the street frontage.
- 7.20 To maintain a reasonable integration with their surroundings, permitted development rights can be removed by a condition on a planning permission. It is considered that the scale, layout and detailed design of all elements of the proposal would correspond satisfactorily to the surroundings, including the characteristics of the existing street-fronting terraced dwellings at both the east and west ends of the site. The development would have an acceptable appearance in the street scene.
- 7.21 It is considered that the proposed extension containing the new flat would be a low-profile addition to the Southchurch Road terrace. Its scale and design would be reasonably in keeping with existing additions at the rear of the terrace and would not be significantly harmful in design and townscape terms.
- 7.22 The identified external materials proposed are considered to be acceptable in general, and final specifications of the external materials and of hard landscaping can reasonably be secured through planning conditions.

- 7.23 The proposal would lead to the loss of trees on the site which have been identified as of low amenity value. Soft landscaping can reasonably be secured through a planning condition and the loss of the low value existing trees is not considered in itself, to justify a refusal of planning permission. Details of tree protection measures where appropriate, in this case the nearest 'Category B' street tree next to no.3 Lovelace Gardens, can be secured through a planning condition. A detailed scheme of soft landscaping can be secured through a planning condition and there is scope for the inclusion of appropriate trees within the site and development context.
- 7.24 It is considered that the proposal would integrate acceptably to the character and grain of the surroundings, street scene and wider townscape, and is acceptable and policy compliant on design grounds including Policy DM3(ii).

Impact on Residential Amenity

- 7.25 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.26 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that "protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight". Policy DM3(i) states that development should not create a detrimental impact upon the amenity of neighbouring residents.
- 7.27 The Design and Townscape Guide also states that "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments".
- 7.28 The existing garages run in a continuous line adjacent to the southern boundary with the neighbouring domestic gardens to the north and measure some 2.9m to eaves and 4.9m to ridge level.
- 7.29 The proposed development would reconfigure this relationship whereby the two-storey form of the proposed street-fronting dwellings would be generally aligned with the existing terraced dwellings and would incorporate single storey projections of some 4.6m depth, some 2.6m in height to eaves level and 4m in height to roof ridge. There would then be a gap of at least some 13m, comprising of a boundary wall some 2.3m height and terminating with the proposed mews houses alongside the far end of the existing gardens, which would be flat roofed and some 6.5m in height.
- 7.30 The proposed westernmost terraced street-fronting dwelling would adjoin the flank wall of the existing flats at No.2 Ilfracombe Road. The proposed easternmost street-fronting dwelling would be situated adjacent to the flank wall of the dwelling at No.3 Lovelace Gardens. This would impact upon secondary sources of daylight and outlook, in particular those southwards-facing at No.3 Lovelace Gardens. On the basis that these are secondary sources of daylight and outlook, as confirmed in correspondence, the impacts on daylight, shadowing and outlook to those openings would not be sufficiently harmful to neighbour amenities to justify a refusal of planning permission.

- 7.31 The proposed mews houses would have a greater impact on neighbouring occupiers than the existing built form when taken in isolation. They would be positioned adjacent to the far ends of the existing gardens. Taking account of the existing site conditions and the proposed overall layout and design of the development, it is considered that it would not impact on existing neighbouring occupiers to the north in terms of overshadowing, loss of daylight, loss of outlook, sense of enclosure or overbearing impact, to a degree that would justify a refusal of planning permission on this basis.
- 7.32 By reason of their position, scale, design and layout, including their alignment with the existing end-terraces, the proposed street-fronting houses would not have a significantly harmful impact on the immediate neighbours' amenity or that of any other surrounding occupiers in any relevant regard.
- 7.33 The proposed mews houses have been designed with 'oriel' windows and the angling of these would be sufficient to mitigate any actual or perceived loss of privacy arising from the first-floor windows to the neighbouring gardens to the north. Their oriel design would not detract from the character and appearance of the proposed dwellings, are considered not to be unduly contrived and would integrate reasonably with the wider built environment. Their provision can be secured by a planning condition.
- 7.34 The separation of the mews and street-fronting houses from the mixed commercial and residential parade would be sufficient to mitigate any loss of privacy arising given the design and layout of the proposed dwellings.
- 7.35 In the interests of maintaining neighbour privacy a condition can be attached to any planning permission prohibiting the use of flat roofed areas as balconies or amenity terraces.
- 7.36 The proposed flatted accommodation to be adjoined to the rear of the existing terrace of shops and flats would have some enclosing effect to the kitchen and dining space identified at the ground floor of the maisonette at no.619 Southchurch Road. It would principally affect the kitchen windows; the dining room windows identified are situated within an existing narrow well between outriggers and associated structures such that their light and outlook is already restricted.
- 7.37 The proposed flatted accommodation would be a single-storey extension, flat roofed and some 3.1m in height. By reason of its position and given the existing conditions of no.619's dining room windows, it is considered that the proposed single-storey extension would have some impact but would not significantly change the dining room's already-compromised light and outlook. Overall, the proposal would not have a significantly harmful effect on the ground floor accommodation to the south with regard to daylight conditions, or in any other relevant regard.
- 7.38 The proposal would intensify the use of the site and introduce noise impacts from occupiers and comings and goings. Taking into account the existing use, within the built environment these impacts would be within reasonable parameters given the scale and character of the proposal.
- 7.39 Given the proximity of the development to neighbouring properties and relationship with the surroundings, removal of permitted development rights, controllable by condition, will enable the impacts of future extensions or outbuildings at the dwellings on neighbours' amenity to be fully assessed. A planning condition to control new external

- lighting condition is also recommended.
- 7.40 Subject to the described conditions it is considered that the proposal is acceptable and policy compliant, including in respect of Policy DM3(i), in its impacts on neighbour amenities.

Living conditions

- 7.41 The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.42 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 7.43 Further to this, from the 1 October 2015 the Nationally Described Space Standards (NDSS) have been adopted and state that the following internal floor spaces are required:
 - 1b2p single-storey dwelling: 50sqm;
 - 3b5p two-storey dwelling: 93sqm.
- 7.44 The proposed two-storey dwellings would exceed these requirements providing some 103sqm and 125sqm GIA as 3b5p accommodation. The proposed 1b2p flat of some 52sqm GIA would also exceed the requirement. The proposed room sizes all meet the identified standards.
- 7.45 The proposed flat would have an outlook onto amenity space of a reasonable size for the unit concerned and the daylight and outlook conditions to the flat would be acceptable. Good daylight and outlook conditions would be provided to the four two-storey dwellings.
- 7.46 The proposed two-storey dwellings would be separated at two-storey level by some 19m. Given the proposed design this separation distance is considered to achieve satisfactory privacy conditions within each dwelling and its associated private amenity space which is considered to meet the reasonable needs of the dwellings' future occupiers in accordance with Policies DM8 and DM3 iii).
- 7.47 The submitted elevations indicate that the dwellings would have level access. The application does not demonstrate M4(2) accessibility compliance. However, this appears feasible based on the submitted plans and can be satisfactorily addressed by condition.
- 7.48 The submitted plans indicate secure covered cycle storage and bin storage for each dwelling. This is considered acceptable. The proposal is considered acceptable and compliant with the policies relating to living conditions.

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 seeks to improve highway safety and accessibility. Policy DM15 of the Development Management Document (2015) 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". The adopted Vehicle Parking Standards state that two spaces should be provided per dwelling at this location.
- 7.51 The proposal includes two spaces per street-fronting dwelling and one space per mews dwelling and for the flat respectively; these are of appropriate dimensions. The Highways officer has noted that the accessibility of parking serving the dwelling fronting Lovelace Gardens would be affected by the street tree. Noting the existing parking that takes place in front of the garages, and the desirability of maintaining the street tree, and thus a narrower than usual access, this is considered acceptable in the context that the parking serves an individual dwelling house in which parking can be reasonably managed between occupiers.
- 7.52 Given the sustainable location close to shops, services and public transport and given the indicated secure cycle storage, the reduced level of provision for the mews houses is considered acceptable in the circumstances of this proposal.
- 7.53 The proposed alterations to the vehicular accesses at Ilfracombe Road and Lovelace Gardens are considered acceptable. The development would narrow the alley in places from some 4.6m-4.9m as existing, to some 3.5m to 4.8m. Given the context it is considered that this would not be significantly harmful to the useability of the alley.
- 7.54 The applicant has identified two individual off-street parking positions within the alley for the mews houses. At these two positions the parking for the mews houses would not harmfully affect accesses into the rear curtilages of the properties fronting Southchurch Road. They would reduce the passing width to some 2.8m. Given the usage of the access and for the short distance affected it is not considered that this would prejudice safety or accessibility and would be acceptable.
- 7.55 The demarcation of parking and the definition of dwelling curtilages can be required by a planning condition to manage parking and access in the interests of the free flow of traffic.
- 7.56 The proposed access alteration at the west end of the alley on to Ilfracombe Road would not conflict with the approved alterations on the opposite side of the street, further to application 21/00726/FUL referenced at 3.1 above.

- 7.57 The proposed alterations to the alleyway accesses would affect on-street parking on both Ilfracombe Road and Lovelace Gardens. Each would likely reduce on-street parking availability at the southern ends of each street by one car. Although there is a degree of parking pressure in the area, these impacts can be readily absorbed in the wider area and are not significantly harmful. Highway safety would not be unacceptably harmed, and residual impacts would not be severe.
- 7.58 Details of electric vehicle charging points further to be adopted SPD can be secured through a planning condition.
- 7.59 Subject to the described conditions, the proposals are considered acceptable and policy compliant in regard to the provision of off-street car parking and the impacts of the development on the public highway.

Impacts on Trees

- 7.60 KP2 seeks development which respects the natural environment including biodiversity and green space resources, as well as enhancing the ecological and amenity value of the local environment. CP4 requires that development maintains and enhances the amenities, appeal and character of residential areas, protecting and enhancing the area's biodiversity and protecting natural resources from inappropriate development.
- 7.61 Policy DM1 states that the Council will support good quality innovative design that contributes positively to the creation of successful places. Policy DM3(iv) states that development on back land and infill sites will be resisted where the proposals result in the loss of local ecological assets including wildlife habitats and significant or protected trees.
- 7.62 The Guide notes that new proposals should be designed to accommodate existing trees and other landscape features where possible. Existing trees should be retained, especially where they make a significant contribution to public amenity. The Council will consider safeguarding such trees with a Tree Preservation Order (TPO).
- 7.63 The submitted Arboricultural Assessment surveys 8 nearby individual trees and a small group of conjoined sycamores identified as Group G1.
- 7.64 The small group and the 2 individual trees T7 and T8 would be removed as part of the development. They are identified as 'Retention Category C'. This category refers to trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. Given the Category C retention value of these trees there is no objection in principle to their loss, subject to a suitable soft landscaping scheme which should provide for new tree planting and biodiversity net gain. This can be secured by planning conditions.
- 7.65 The 'Retention Category B' trees T3 and T6 are street trees reasonably removed from the site boundary, and are unlikely to be affected by the proposed works. The 'Category B' tree T5 is a Callery Pear street tree close to no.3 Lovelace Gardens. Given its proximity to the development site, protection measures in accordance with British Standards should be required by a condition on any planning permission.
- 7.66 The development would encroach upon the root protection area (RPA) of a Category C Cypress tree (T4) outside the application site, situated close to the boundary between

the flats and dwelling neighbouring to the north. The Arboricultural Assessment notes further to BS5837:2012 that specially engineered structures within RPAs may be justified if this enables the retention of a good quality tree that would otherwise be lost (usually Categories A or B). The remaining trees in Category C which cannot be translocated due to age and size would provide only temporary or transient landscape benefits until new tree planting becomes established and therefore, should not constrain the development of a site. Furthermore T4 has the potential to encroach upon the proposed development in future. The remaining Category C trees on Ilfracombe Gardens (T1 and T2) would not be significantly affected given their position relative to the site.

- 7.67 It is therefore considered that impacts upon tree T4 would not be significantly harmful to the character and quality of the area in the longer term and would not justify a planning condition requiring protection measures. This is without prejudice to party wall or other private considerations which would not significantly influence the planning merits of the case.
- 7.68 If works take place during the bird breeding season, usually from March to September inclusive, trees and hedgerows should be checked for nesting birds. Should any tree removal be required works should be completed outside the breeding season or in the presence of a suitably qualified ecologist. A condition can be attached to any planning permission in this regard. The development is therefore considered to be in accordance with policy, including Policy DM3(iv) in this respect.

Sustainability and Ecology

- 7.69 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the development, where feasible, should be provided by renewables in order to meet Policy KP2.
- 7.70 No details of renewable energy technologies have been indicated on the submitted plans. Full details could be reasonably secured through the use of a planning condition given the scope available in this case.
- 7.71 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110lpd when including external water consumption). This requirement could be dealt with by condition.
- 7.72 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). 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.
- 7.73 Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.74 The proposal would involve a net increase of five dwellings within the Zone of Influence. The applicant has provided for appropriate mitigation through a relevant payment.
- 7.75 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. In light of this, local planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications.
- 7.76 The NPPF states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".
- 7.77 Planning Practice Guidance refers to Natural England's standing advice for protected species.
- 7.78 The submitted Bat Survey Report concludes that bat activity was recorded throughout the surveys with only common and widespread species being identified within the local area. Commuting activity comprised the majority of the recorded activity around the buildings and garages. No bat roosts were located within the site during the surveys. As such, it is deemed that bat roosts are likely absent from the site. The report makes recommendations for mitigation measure and enhancements which can be addressed in conditions.
- 7.79 Natural England's 'standing advice' sets out the likely circumstances in which surveys for protected species should be required. The submitted Preliminary Ecological Appraisal dated June 2021 Report No: RT-MME-155176-03 addressed the suitability of the site for slow worm and other reptile habitat, and for badger habitat, and found it not suitable. It noted records of activity within a 1km radius. It is considered to have been reasonably shown that detailed surveys for these species are not required. The site is not likely to support other protected mammal, reptile or amphibian species. It is therefore unnecessary to require survey work for these species. Noting the recommendations of the submitted bat survey and the comments from the Essex Badger Protection Group, biodiversity enhancement and standard measures for badger protection, and protection of other mammals and birds during construction can be secured through planning conditions.
- 7.80 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate any increase in surface water runoff. The proposal would not increase the proportion of non-porous ground; as existing the site is largely non-porous. The use of permeable block paving can be secured through a planning condition.
- 7.81 Subject to the described conditions the proposal is considered to be policy compliant, including with Policy DM3 (iv), in this respect and acceptable on sustainability grounds.

Community Infrastructure Levy (CIL)

7.82 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 490.13sqm, which may equate to a CIL charge of approximately £12517 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development is applied when determining the application. Therefore if any harm were identified it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the *National Planning Policy Framework* is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the *Framework* taken as a whole. The development provides four additional family dwellings and one smaller dwelling, which would be a public benefit, and would re-use brownfield land for that purpose.
- 8.2 The proposal would have an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. The development's impacts on the amenities of neighbouring occupiers would be within reasonable parameters. The development would provide for reasonable amenities for future occupiers. There would be no significantly adverse traffic, parking or highways impacts caused by the proposed development to justify a refusal of planning permission. The application has reasonably demonstrated that there would be no significant impacts on protected species.
- 8.3 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The tilted balance justifies approval of the application. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 0100 A Location Plan
 - 0110 B Existing Site Plan
 - 0111 E Proposed Site
 - 0150 B Existing Ground Floor Site Plan
 - 0200 E Proposed Ground Floor Site Plan
 - 0151 Existing First Floor Site Plan
 - 0201 E Proposed First Floor Site Plan
 - 0152 Existing Garage Plans
 - 0153 A Existing Commercial Ground & First Floor Plans
 - 0212 E Proposed Flat Plans
 - 0209 A End House 2 Plans
 - 0210 D Proposed End Terrace House Plans
 - **0211 C Proposed Mews Plans**
 - 0160 Existing Site Elevations
 - 0300 A Proposed Site Elevations
 - 0307 C Proposed (New Rear Flat) Elevation
 - 0305 C Proposed House 1 Elevations
 - 0308 Proposed House 2 Elevations
 - 0306 C Mews House Elevations
 - 0400 B Axonometric Drawings
 - 0900 3D Views.

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

03. The first-floor rear windows on the mews houses as shown on the approved plans including 0111E shall only be oriel windows as shown on plan 0211C.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. No demolition or development of any kind shall take place at the site unless and until a scheme for the protection of the street tree on Lovelace Gardens identified as T5 on the submitted Arboricultural Assessment in accordance with British Standard BS5837 (Trees in Relation to Construction – Recommendations) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

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

05. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

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

06. Other than demolition, no development above ground floor slab level shall take place until samples and specifications of the materials to be used on all the external elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the buildings makes a positive contribution to the character and appearance of the area, further to the National Planning Policy Framework 2021, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 07. No development other than demolition and site preparation works 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 hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:
 - i. hard surfacing materials;
 - ii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
 - iii. details of measures to enhance biodiversity within the site, including bat boxes, hedgehog passes, and bird boxes;
 - iv. details of any permeable paving or other sustainable drainage measures to be implemented:
 - v. all and any means of enclosing the site and subdividing it, including clear demarcation of dwelling curtilages and parking areas.

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

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and drainage is implemented

pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

08. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full with a validation report provided and agreed in writing before the development is occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with National Planning Policy Framework 2021, Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

09. At least 10% of the total energy needs of the new dwellings hereby approved shall be supplied using on site renewable sources as identified in the submitted documents. Prior to occupation of the dwellings, details of the position and appearance of the renewable sources shall have been submitted to and approved in writing by the Local Planning Authority. The provision shall be implemented in accordance with the agreed details in full prior to the first occupation of the dwellings and shall be made for the lifetime of the development.

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

10. Prior to the first occupation of the development hereby approved the access road, together with properly constructed vehicular access, car parking and turning areas identified on the plan 0111 E hereby approved shall have been provided and made available for use by the occupants of the proposed dwellings and their visitors and shall be retained as such for the lifetime of the development.

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

11. Prior to first occupation of the dwellings hereby approved, no fewer than 5 active electric vehicle (EV) charging points shall have been provided at the site to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.

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

12. The development hereby approved shall not be occupied until and unless provision for secure covered cycle and refuse/recycling storage for occupiers of the development has been provided at the site in accordance with the details shown on plan 0200 E. The facilities shall be maintained thereafter for the lifetime of the development.

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

13. The development hereby approved shall be carried out in a manner to ensure the dwellings comply fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are occupied.

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

14. Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, porches, roof extensions, outbuildings or external boundary treatments (gates, walls and fences) shall be erected at the dwellings hereby approved without the prior receipt of express planning permission.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

15. Prior to first occupation of the dwellings hereby approved, a scheme of external lighting to the vehicular access serving the development as shown on the approved plans including 0111 E Proposed Site shall have been implemented at the site having previously been submitted to and approved in

writing by the Local Planning Authority. The scheme of lighting shall incorporate the recommendations provided in the submitted Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III. No additional lighting or changes to the approved scheme shall be installed or implemented without the details having previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to mitigate impacts of the development on protected species, further to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

16. Prior to first occupation of any part of the development hereby approved, a car parking and access management plan for the alleyway, with the objective of optimising the availability of parking and the free flow of traffic, and including review procedures, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented as part of the development and retained thereafter for the lifetime of the development.

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

- 17. No development shall take place at the site, including any works of demolition, until details of a Construction Management Plan have been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be fully adhered to throughout the construction period and 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 and dirt during construction
 - vi) measures to restrict the duration of noisy activities and locating them away from the periphery of the site
 - vii) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
 - viii) maintenance of access for existing occupiers
 - ix) standard mitigation measures in relation to badgers in the wider area.

Reason: A pre-commencement condition is needed in the interests of visual amenity, the amenities of neighbouring occupiers, ecology and maintaining reasonable access to adjacent properties pursuant to Policies KP1, KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the Natural Environment and Rural Communities Act (2006).

18. The roofs of the buildings and extension hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose unless express planning permission has previously been obtained. The roofs

can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

20. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall then be submitted to and approved by the planning authority before any works start on site.

Reason: To ensure no nesting birds are harmed during vegetation clearance, further to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

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.

10 Informatives:

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can

reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

- 2 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 found the **Portal** on Planning (www.planningportal.co.uk/info/200136/policy_and_legislation/ 70/community infrastructure levy) the Council's website or (www.southend.gov.uk/cil).
- 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.
- 4 Standard mitigation measures in relation to potential local badger activity:
 While it has been found that the site is unlikely to provide habitat and the development is unlikely to materially affect badgers, the following best practice recommendations in regard to roaming badgers and construction should be noted:
 - Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
 - Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
 - The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as

- established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again, should a badger trap itself then formal ecological advice must be sought before work commences for the day.
- The granting of this permission does not negate the need for Highways Consent for the formation of a permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for such works. Applications for permanent vehicular crossings can be made at www.southend.gov.uk.





Notes

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A 23/04/21 SW Revised Planning Issue IS



SCALE 1:1250 m

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Drawing Originator



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Plymouth - East Quay House, Plymouth, PL4 0HX 01752 261 282

020 7160 6000

RIBA Chartered Practice

www.aww-uk.com

Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

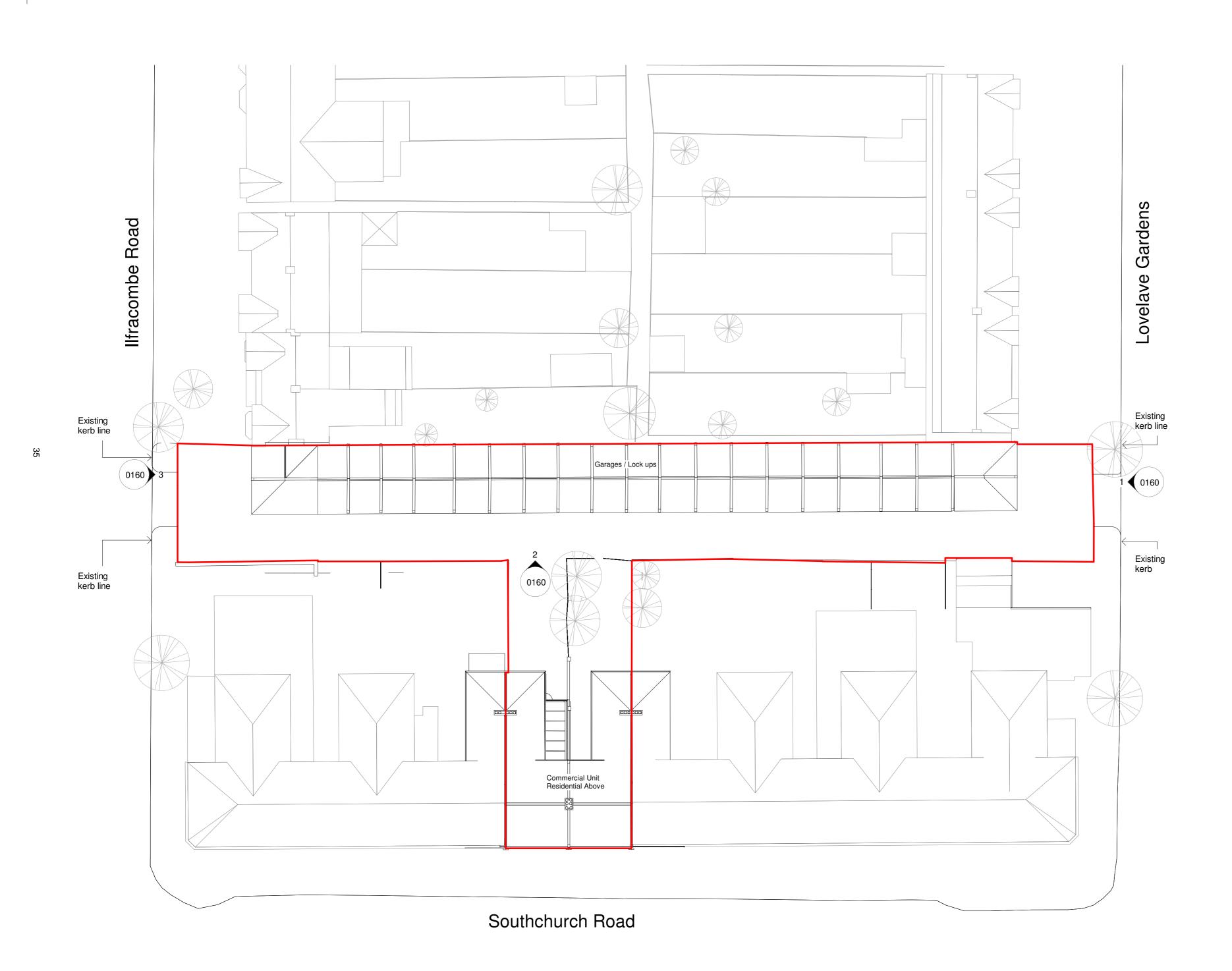
Drawing Title

Site Location Plan

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Status			Project No.	
PLANNING		4370		

Drawing Reference Drawing No. 0100 Α SCR-AWW-A-DWG

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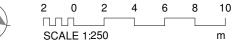


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B 25/08/22 YS Amendments based on Planning NM Officer's comments A 23/04/21 SW Revised Planning Issue Rev Date Chkd Init Notes





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Project Title

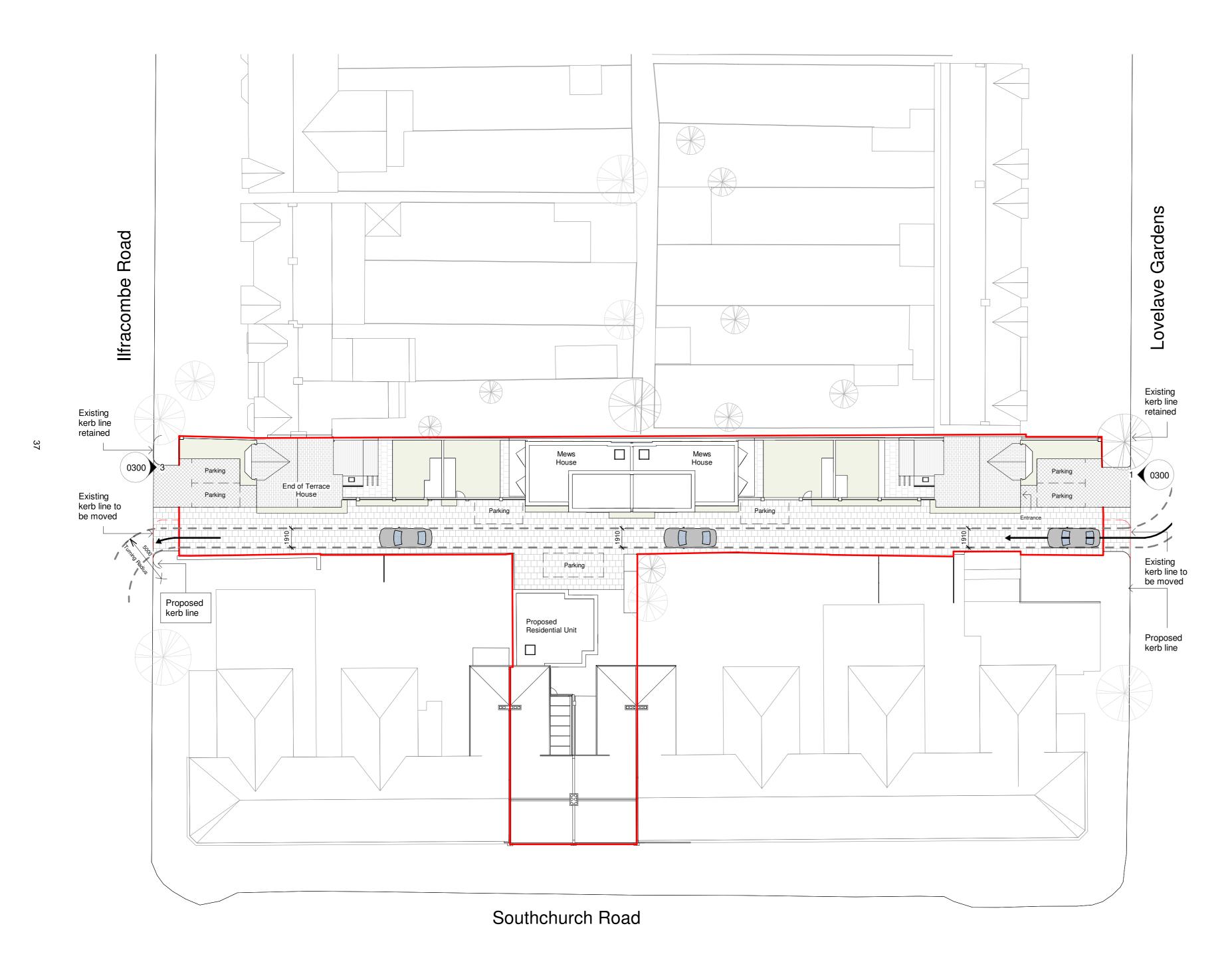
Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Existing Site Plan

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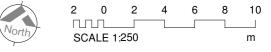
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Е	25/08/22	YS	Amendments based on Planning Officer's comments	NM
D	11/08/21	SW	Flat layout amended	IS
С	22/07/21	SW	Parking arrangement amended	IS
В	23/04/21	SW	Revised Planning Issue	IS
Α	14/01/21	DH	Proposed Flat Layout Mirrored	IS
Rev	Date	Init	Notes	Chkd





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Project Title

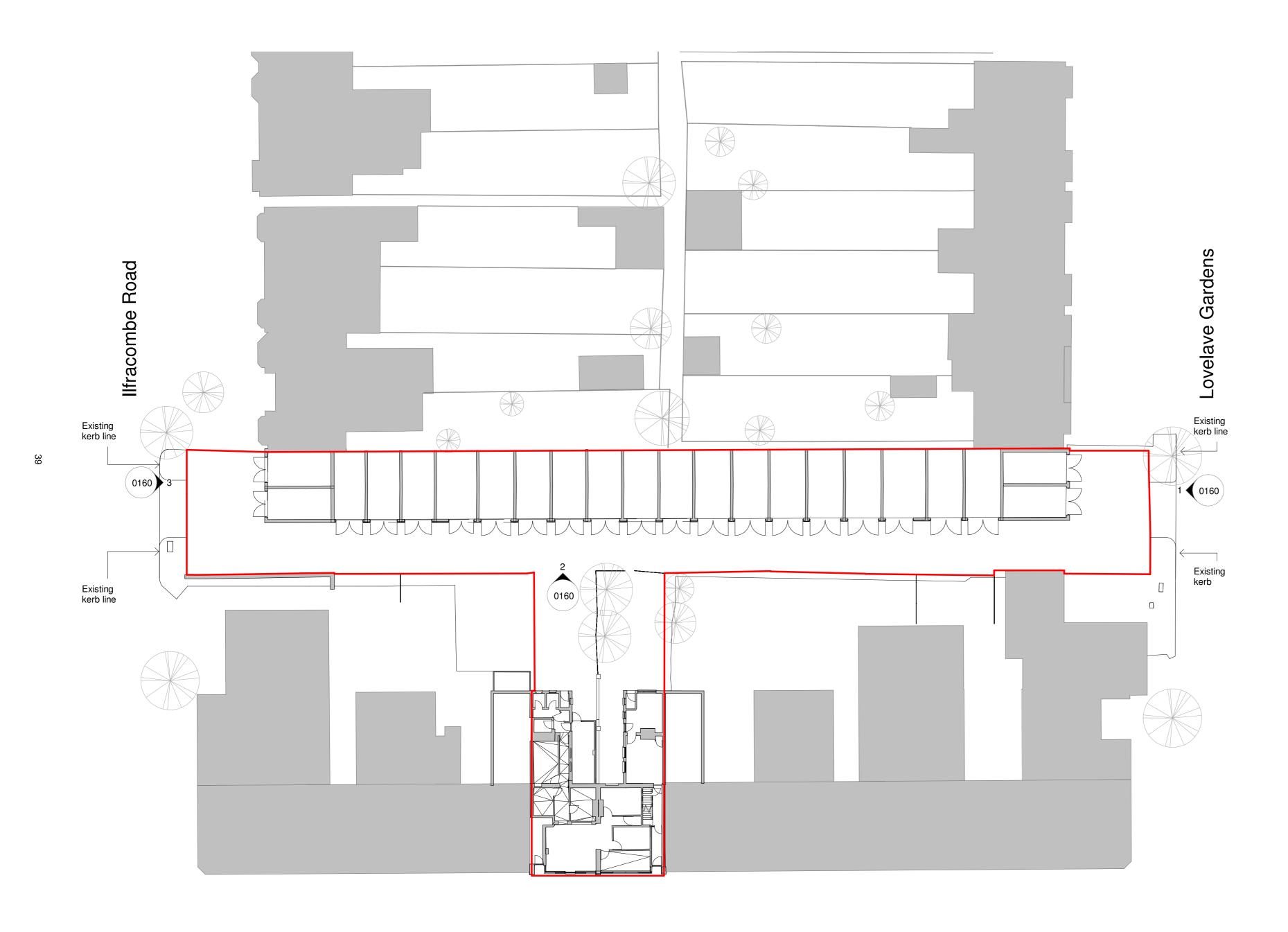
Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Proposed Site Plan

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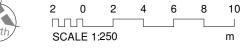
Southchurch Road

Notes

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B 25/08/22 YS Amendments based on Planning NM Officer's comments A 23/04/21 SW Revised Planning Issue Rev Date Chkd Init Notes





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Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Existing Ground Floor Site Plan

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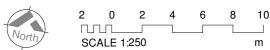
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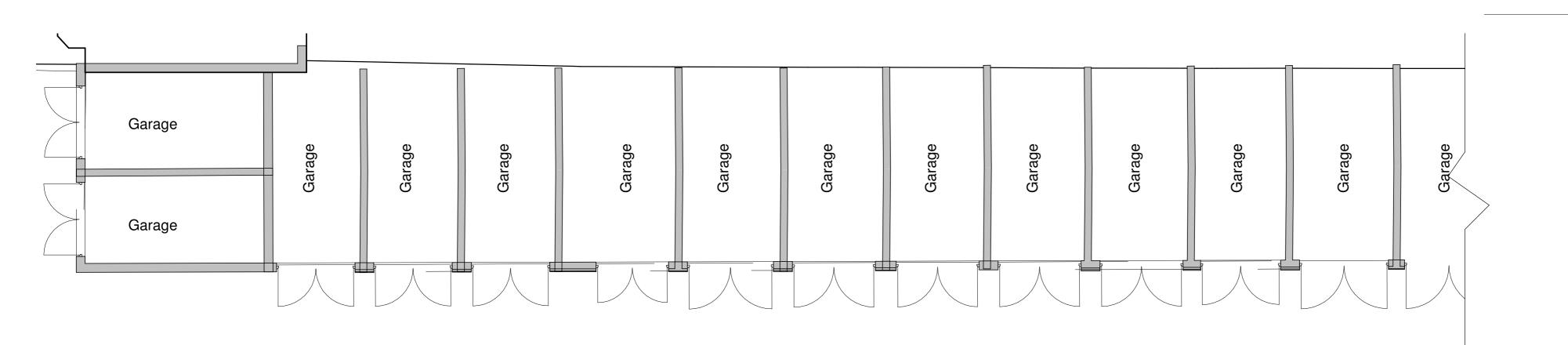
Project Title

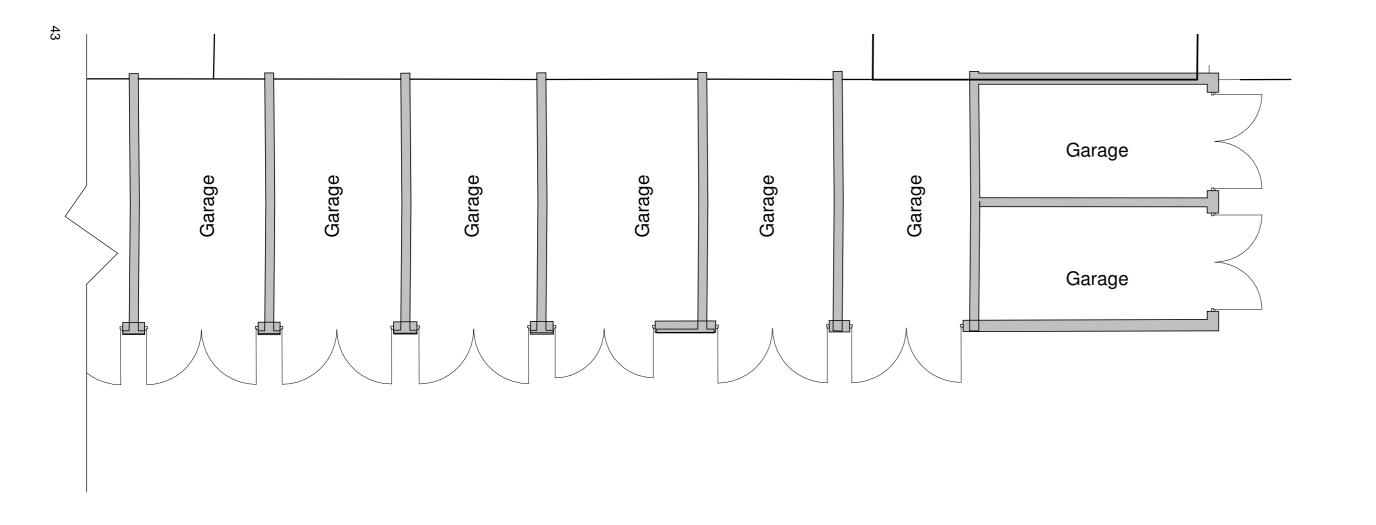
Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Existing First Floor Site Plan

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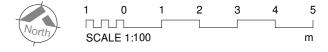






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Project Title

Drawing Originator

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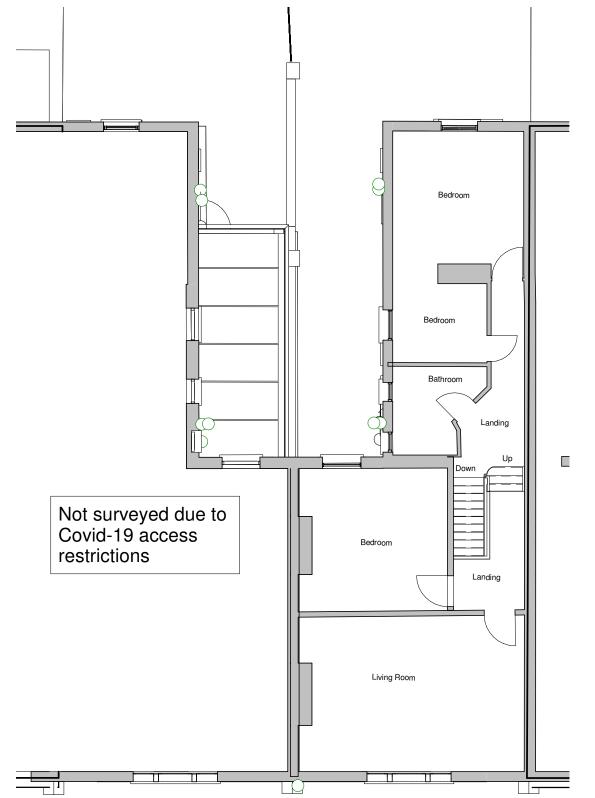
Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Existing Garage Plans

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Status PLANNING	Project No. 4370		
Drawing Reference	Drawing No.	Revision	
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Existing Ground Floor Plan

1:100

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Existing First Floor Plan

1:100

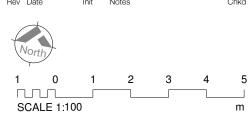
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Land Registry and for Legal plans where the scale bar is used, and where it verifies that the drawing is an original or an accurate copy. It may not be scaled for construction purposes.

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A 08/01/21 DH Updated to add existing IS room tags



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Project Title

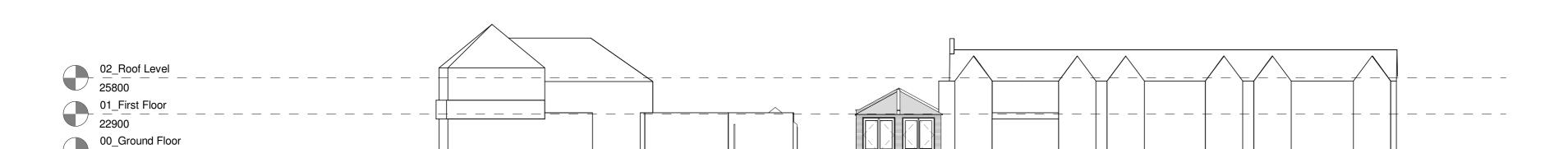
Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Existing Commercial Ground & First Floor Plans

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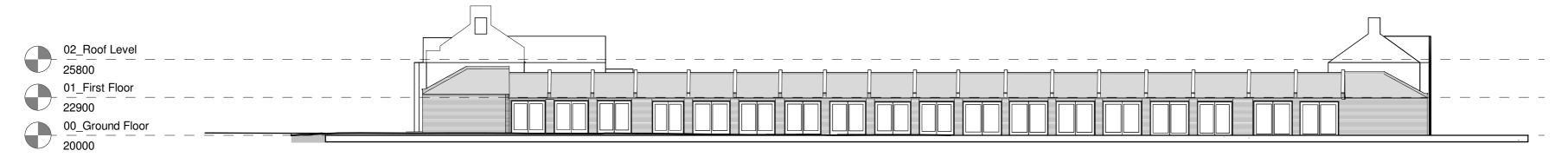
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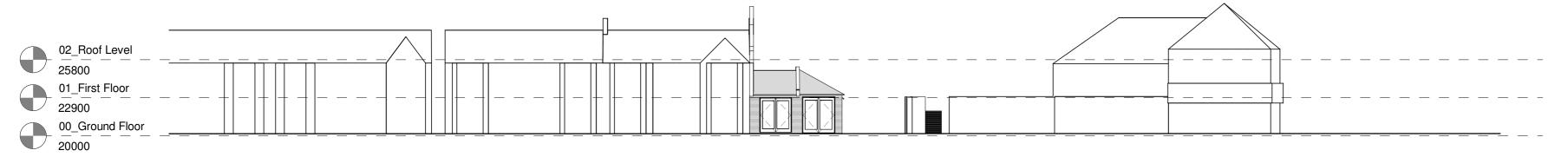
Existing Site Elevation East

1:250

20000



Existing Site Elevation South 1:250



Existing Site Elevation West

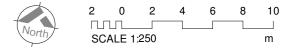
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Notes

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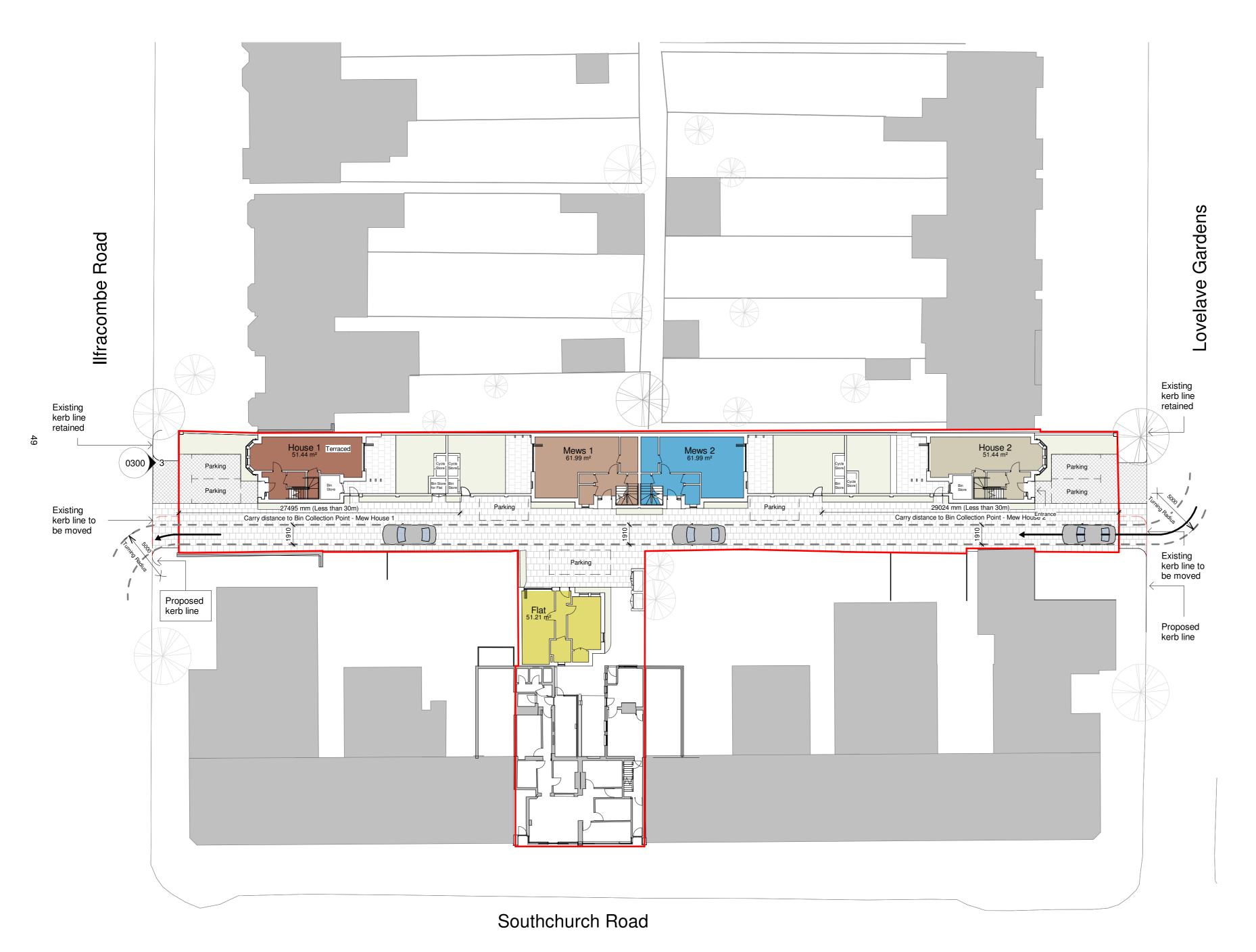
Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Existing Site Elevations

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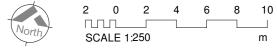
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Α	14/01/21	DH	Proposed Flat Layout Mirrored	IS
В	23/04/21	SW	Revised Planning Issue	IS
С	22/07/21	SW	Parking arrangement amended	IS
D	11/08/21	SW	Flat layout amended	IS
Ε	25/08/22	YS	Amendments based on Planning Officer's comments	NM



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Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Proposed Ground Floor Site Plan

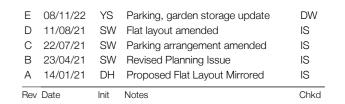
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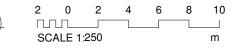
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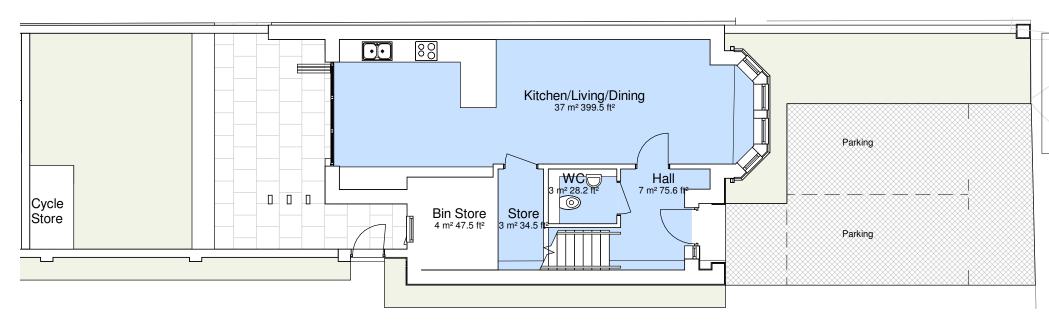
Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Proposed First Floor Site Plan

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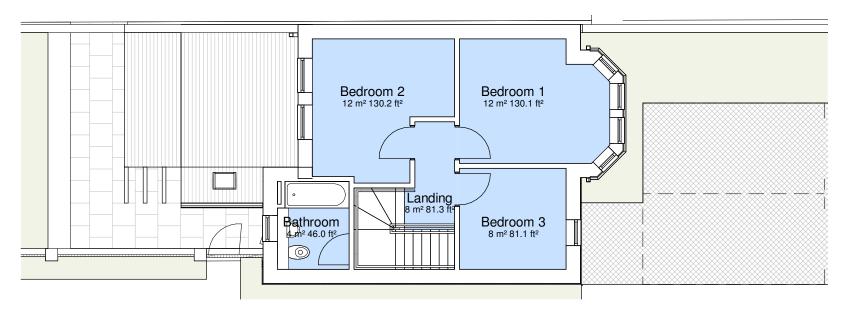


Note:

These plans show the layout for House 2 see drawings 4370-0200 & 0201 for the proposed site layout

00_Ground Floor House 2 1:100

53



01 First Floor House 2

1:100

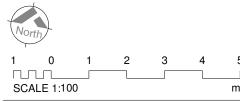
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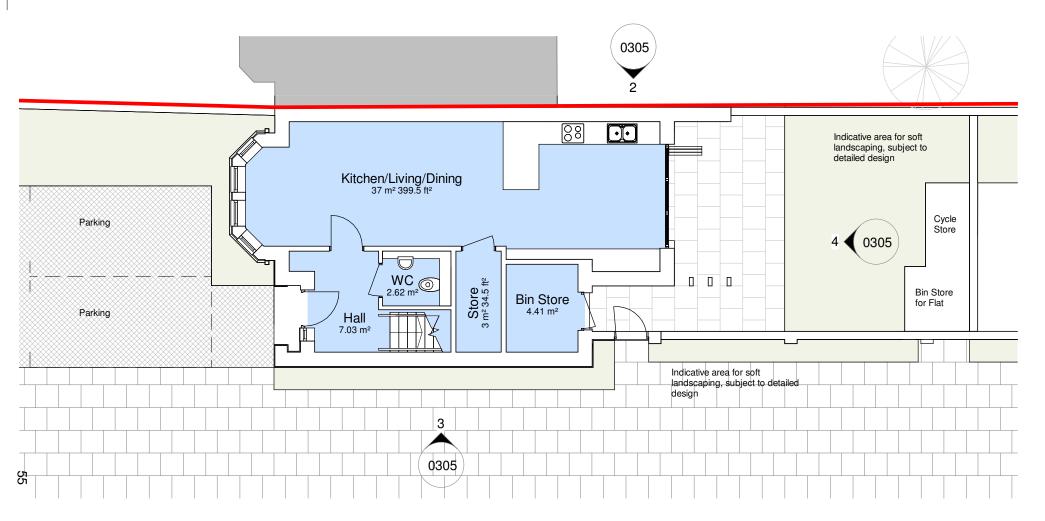
Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

End House 2 Plans

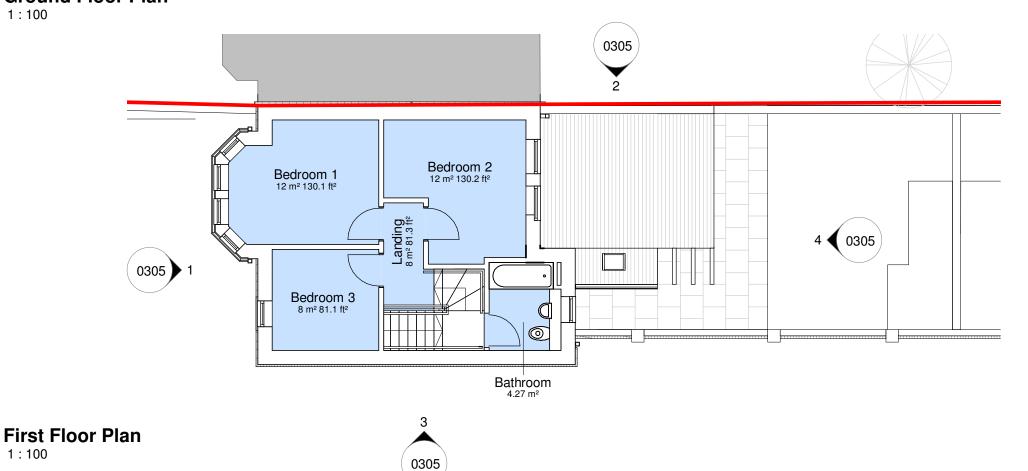
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Ground Floor Plan

1:100

1:100



These plans show the layout for House 1 see drawings 4370-0200 & 0201 for the proposed site layout

Note:

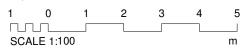
D 25/08/22 YS Amendments based on NM Planning Officer's comments C 22/07/21 SW Parking arrangement amended B 30/06/21 SW Revised following IS comments from planning consultant A 23/04/21 SW Revised Planning Issue IS Init Notes

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Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

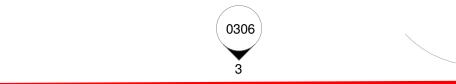
Drawing Title

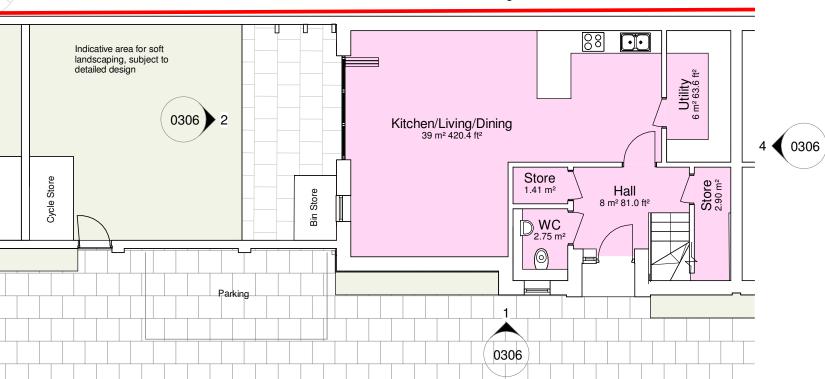
End Terrace House 1 Plans

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Status PLANNING	Project No. 4370	
Drawing Reference SCR-AWW-A-DWG	Drawing No. 0210	Revision D

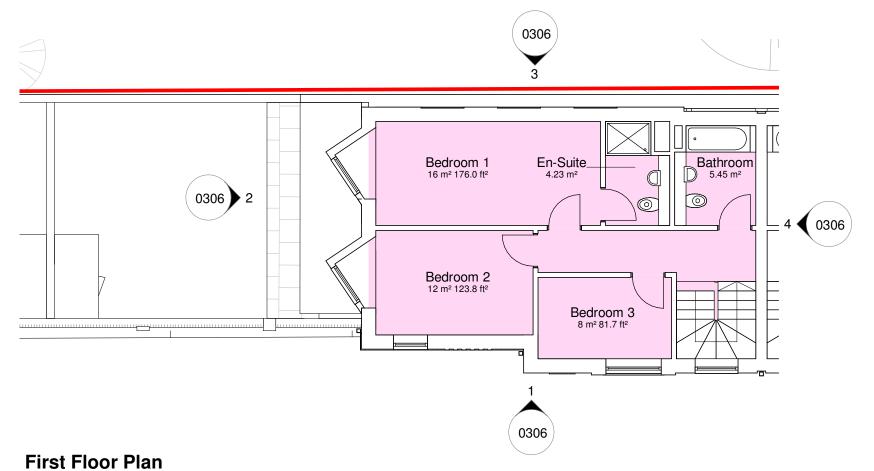
These plans show the layout for Mews 1 Mews 2 is handed the opposite way, see drawings 4370-0200 & 0201 for the proposed site layout





Ground Floor Plan

1:100



Notes

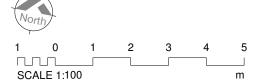
Land Registry and for Legal plans where the scale bar is used, and where it verifies that the drawing is an original or an accurate copy. It may not be scaled for construction purposes.

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C 22/07/21 SW Parking arrangement B 30/06/21 SW Revised following IS comments from planning consultant A 23/04/21 SW Revised Planning Issue IS



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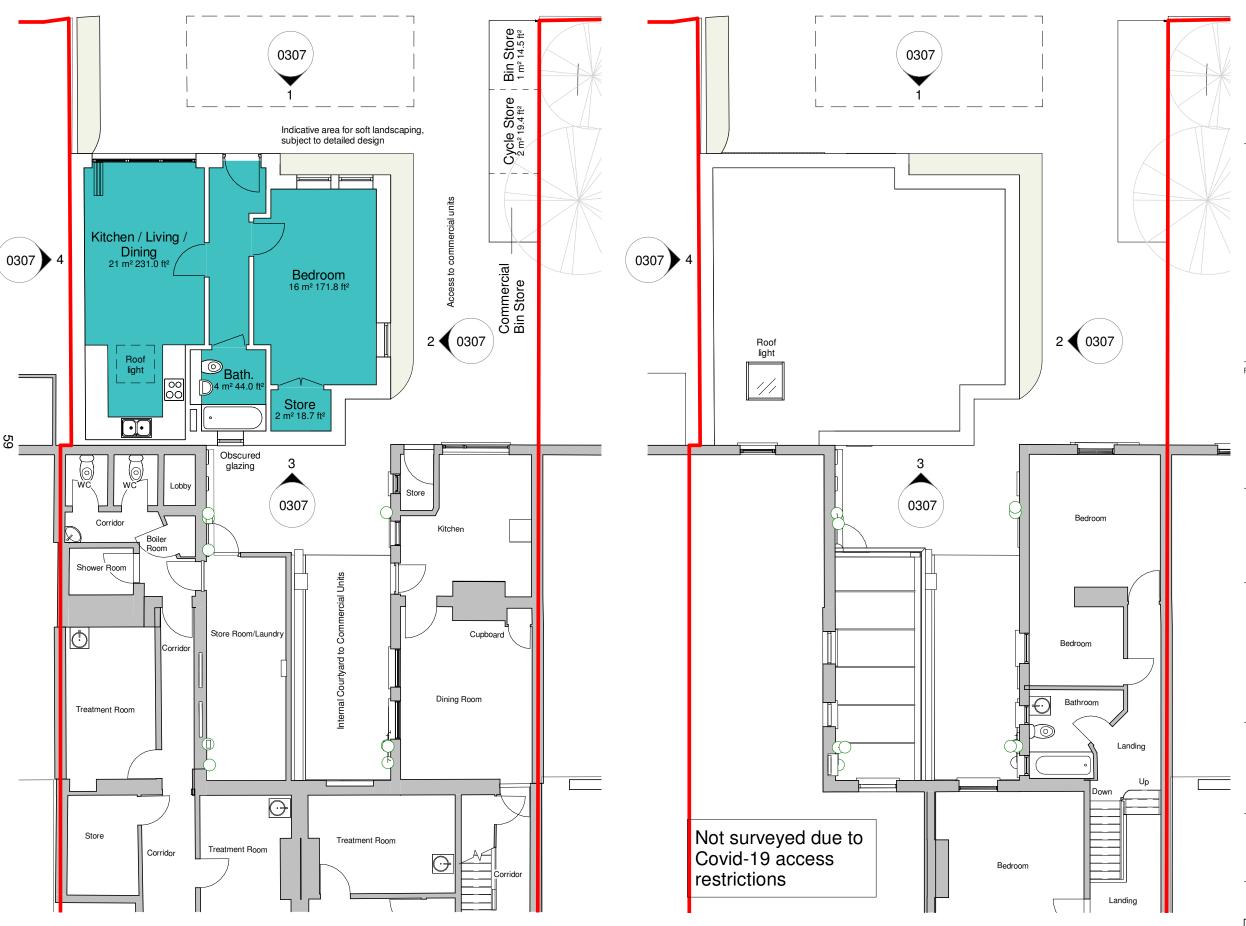
Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Mews Plans

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Drawing Reference			Drawing No.	Revision
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E	11/08/21	SW	Flat layout amended	IS
D	22/07/21	SW	Parking arrangement amended	IS
С	23/04/21	SW	Revised Planning Issue	IS
В	14/01/21	DH	Proposed Flat Layout Mirrored	IS
Α	08/01/21	DH	Updated to add existing room tags	IS

Init Notes



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Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Flat Plans

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Scale			Checked	Date

Status	Project No.		
PLANNING	4370		
Drawing Reference	Drawing No.	Revision	
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Roof Plan

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Ground Floor Plan

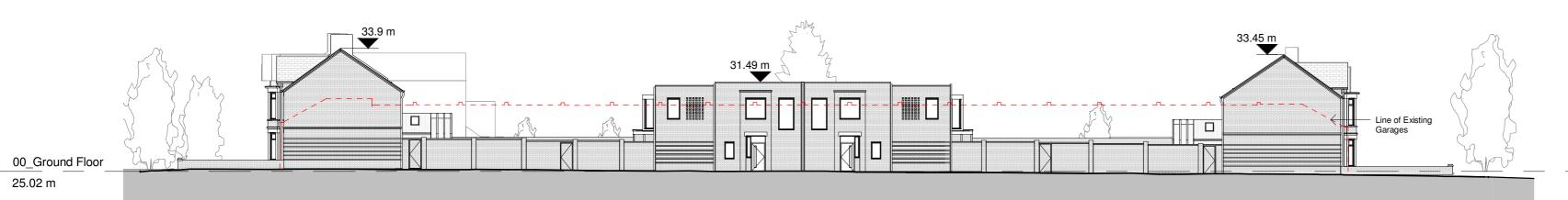
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Site Elevation East 1:250

25.02 m

61



Site Elevation South

1:250



Site Elevation West

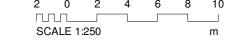
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A 23/04/21 SW Revised Planning Issue Init Notes



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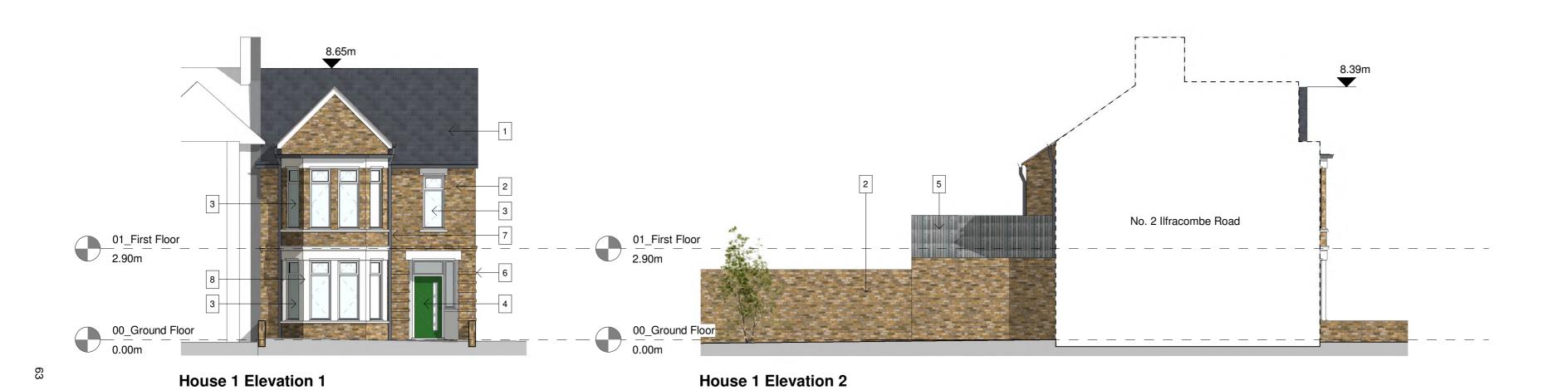
Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

Drawing Title

Proposed Site Elevations

Scale	Sheet	Drawn	Checked	Date
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PLANNING	Project No. 4370	
Drawing Reference	Drawing No.	Revision
SCR-AWW-A-DWG	0300	Α



1:100

1:100

House Elevation 3

1:100

8.65m

8.65m

0.1_First Floor
2.90m

8.65m

0.0_Ground Floor
0.00m

House Elevation 4
1:100

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- 1 Grey slate roofing
- 2 Yellow Multi-stock Brick, similair to existing garages
- 3 Double glazed aluminium windows/glazed doors
- Solid door to match window frames
- frames

 Vertical composite cladding
- 6 Brickwork feature
- 7 Grey aluminium coping, profiles and RWPs
- Reconstituted stone surround and lintel details

C 22/07/21 SW Parking arrangement amended IS
B 30/06/21 SW Revised following comments from planning consultant
A 23/04/21 SW Revised Planning Issue IS

Rev Date Init Notes Chkd

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Project Title

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Drawing Title

House 1 Elevations

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PLANNING

Drawing Reference
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Project No.
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Drawing No. Revision
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Double glazed aluminium windows/glazed doors Solid door to match window frames

Vertical composite cladding

6 Brickwork feature

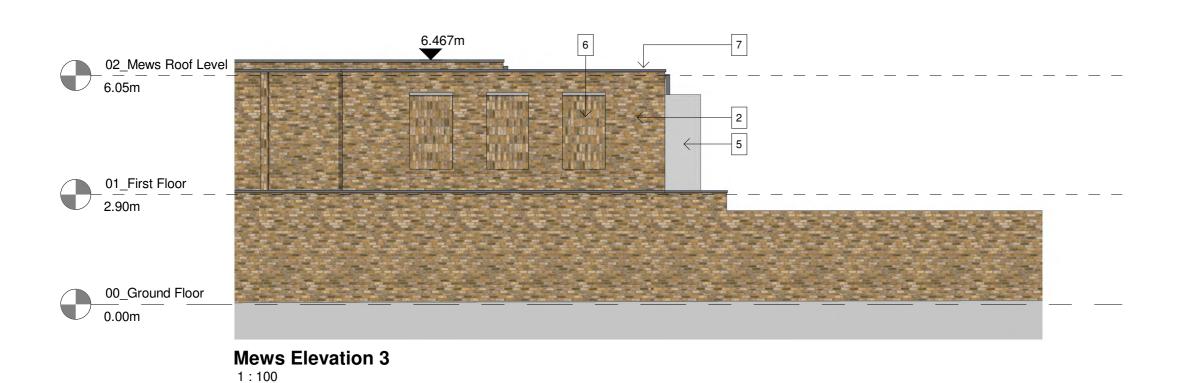
Grey aluminium coping, profiles and RWPs

Reconstituted stone surround and lintel details

9 Frosted glass

02_Mews Roof Level 6.05m 01_First 2.90m 01_First Floor 3 00_Ground Floor 00_Gro **Mews Elevation 2**

1:100 C 30/06/21 SW Revised following comments from IS planning consultant B 23/04/21 SW Revised Planning Issue IS A 26/01/21 DH Alterations to Stair window IS



6

02_Mews Roof Level 6.05m

01_First Floor 2.90m

00_Gro 0.00m

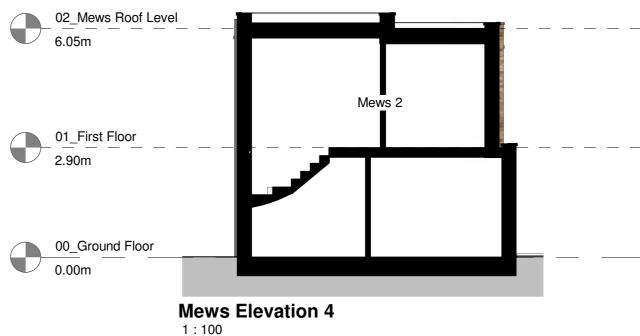
65

00_Ground Floor

Mews Elevation 1

1:100

6.467m



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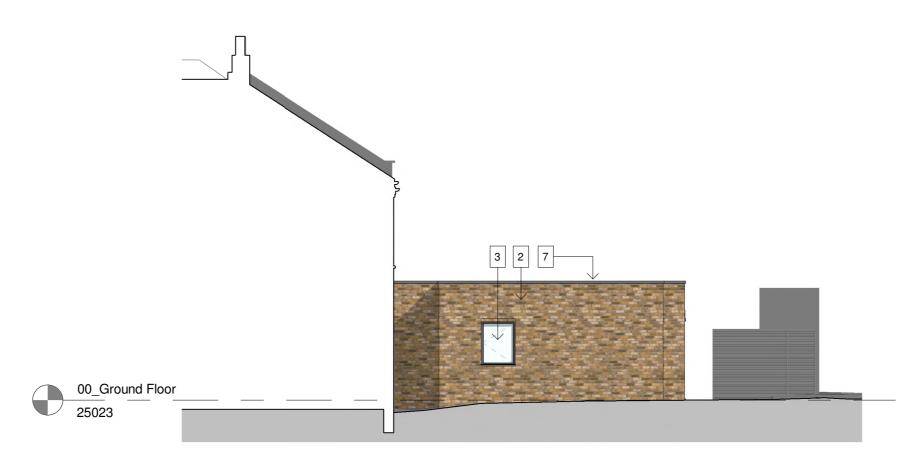
Drawing Title

Mews Elevations

•	Scale 1:100	Sheet A2	Drawn DH	Checked Date
	Status			Project No.
	PLANNING			4370

Drawing Reference 0306 SCR-AWW-A-DWG





Flat Elevation 2 1:100



Flat Elevation 3 1:100



Flat Elevation 4 1:100

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Grey slate roofing

Yellow Multi-stock Brick,

similair to existing garages Double glazed aluminium windows/glazed doors

Solid door to match window frames

5 Vertical composite cladding

6 Brickwork feature

Grey aluminium coping, profiles and RWPs

Reconstituted stone surround and lintel details

C 11/08/21 Flat layout amended B 23/04/21 SW Revised Planning Issue IS A 14/01/21 DH Proposed Flat Layout Mirrored IS Rev Date





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Drawing Title

New Residential Unit to Rear of Commercial Unit Elevations

Sheet Drawn Checked Date A2 DH IS 1:100 Project No.

PLANNING 4370 Drawing Reference Drawing No. 0307 С SCR-AWW-A-DWG

Grey slate roofing

Yellow Multi-stock Brick, similair to existing garages

Double glazed aluminium windows/glazed doors

Solid door to match window frames

Vertical composite cladding

Brickwork feature

Grey aluminium coping, profiles and RWPs

Reconstituted stone surround and lintel details

Notes



Rev Date Init Notes





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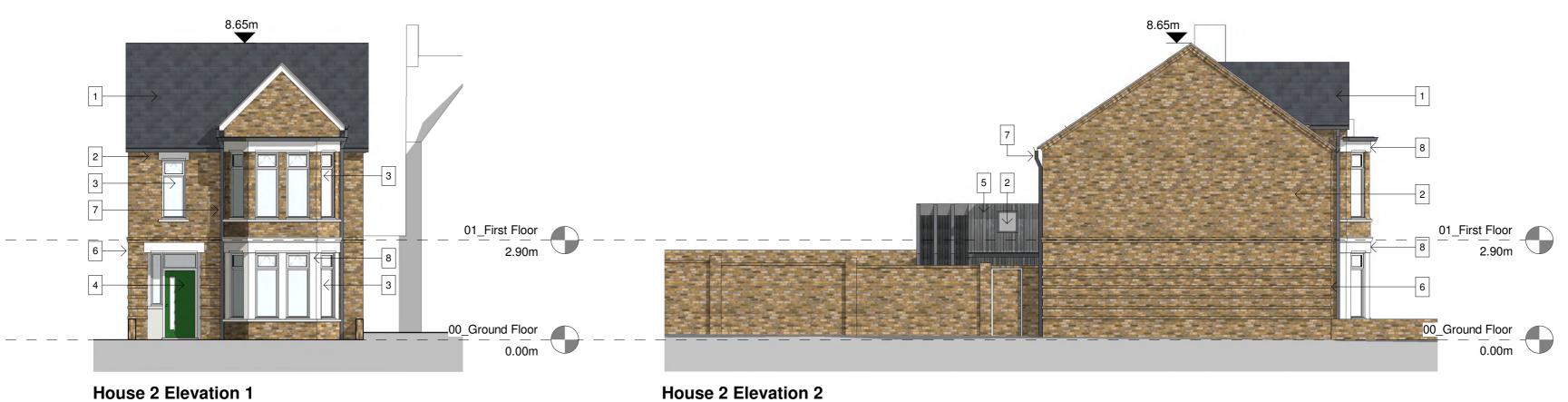
Project Title

Southchurch Road 613-619 Southchurch Road Southend SS1 2PN

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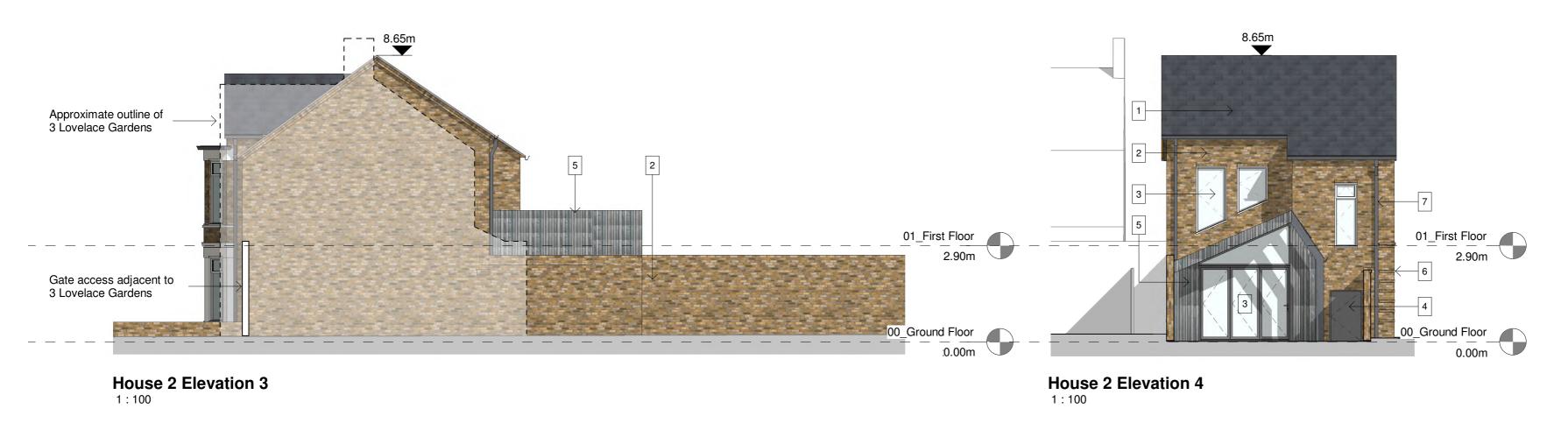
House 2 Elevations

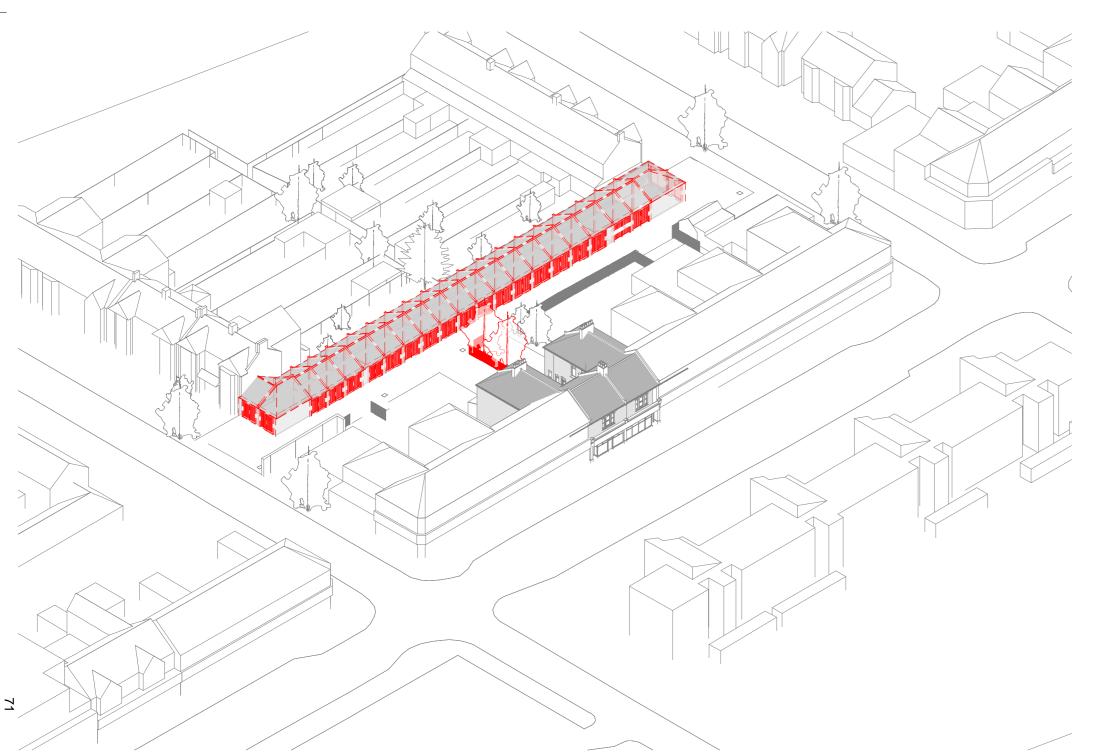
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Drawing Reference			Drawing 0308		Revision



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Existing Axonometric

Proposed Axonometric

B 23/04/21 SW Revised Planning Issue A 14/01/21 DH Proposed Flat Layout Mirrored IS

SCALE 1:500

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Project Title

Southchurch Road 613-619 Southchurch Road

Drawing Title
Existing and Proposed Axonometric

Southend SS1 2PN

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Proposed View from Ilfracombe Road



Proposed View from Lovelace Gardens

Notes

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Drawing Title

3D Views

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Looking north along Ilfracombe Rd towards application site



Looking north along Ilfracombe Rd towards application site



Application site from west; flats at 2 Ilfracombe Road adjoin at left with separated dwelling at 2c Ilfracombe Rd on right



View from site adjacent 2c Ilfracombe Rd, south-eastwards across Ilfracombe Rd



Existing alley access from Ilfracombe Rd looking east alongside the rear of 2c Ilfracombe Rd





View from gates at rear of 601-603 Southchurch Rd looking east. Trees are within application site behind 613-619 Southchurch Rd



Looking east towards Lovelace Gardens. Application site includes area on the right, to either side of the trees and dividing fence



View westwards from application site towards Ilfracombe Rd



Eastwards view from application site towards Lovelace Gardens



View from site adjacent rear of mixed-use 637-639 Southchurch Rd , looking east towards Lovelace Gardens



View from rear of funeral business at 643 Southchurch Road, looking westwards towards Ilfracombe Road



Existing access onto the site from Lovelace Gardens at rear of shop and funeral business at 643 and 645-647 Southchurch Road



On-street parking and vehicular access onto site at Lovelace Gardens



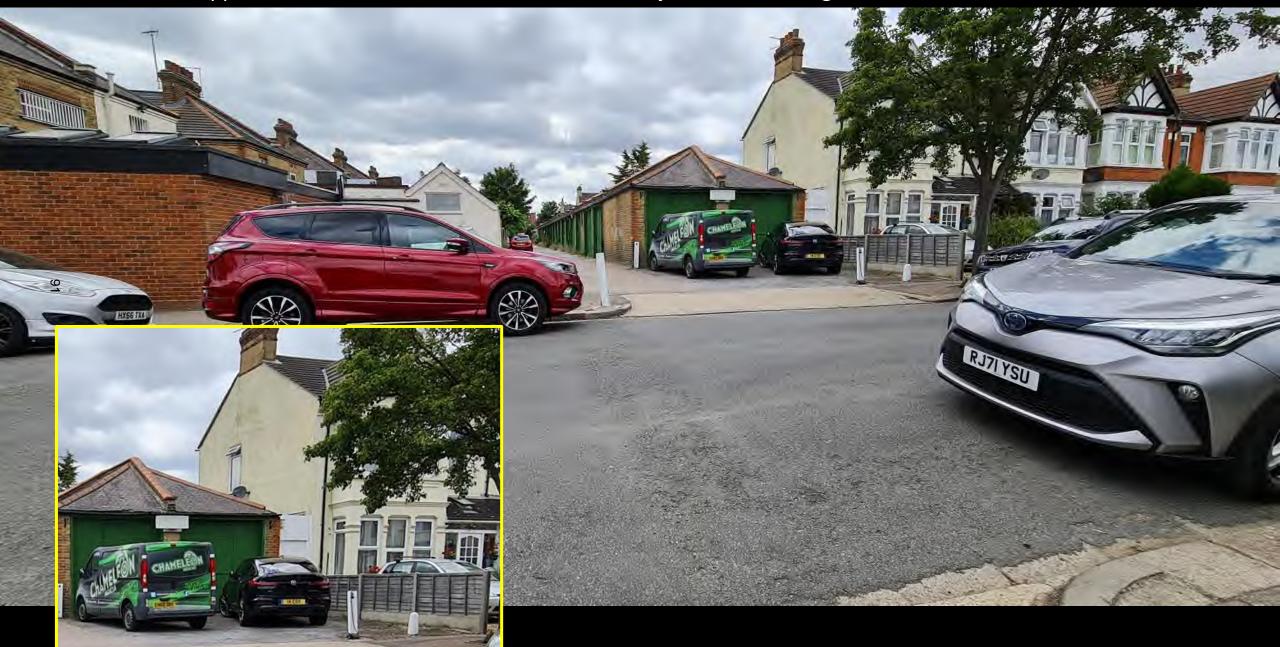
On-street parking and vehicular access onto site at Lovelace Gardens



Existing vehicular access and adjacent business parking at Lovelace Gardens



Application site and eastern vehicular access adjacent to dwelling at no.3 Lovelace Gardens



Inset from previous slide showing the publicly-visible aspects of the relationship of the dwelling at no.3 Lovelace Gardens with the application site



Lovelace Gardens at immediate south of vehicular access showing existing opportunities and constraints for on street parking



Site frontage at Southchurch Road. The site includes the section incorporating Spa Renaissance and floor above



Reference:	22/01867/FUL			
Application Type:	Full Application			
Ward:	Leigh			
Proposal:	Erect glass collection station in front car park (part retrospective)			
Address:	The Peter Boat Inn, 27 High Street, Leigh-On-Sea			
Applicant:	East Anglia Pubs			
Agent:	Stone Me Ltd			
Consultation Expiry:	3rd November 2022			
Expiry Date:	16th December 2022			
Case Officer:	Abbie Greenwood			
Plan Nos:	1266-500, 1266-501A dated 22-11-22			
Additional information:	Design and Access Statement Flood Risk Assessment Heritage Statement Planning Statement			
Recommendation:	Members are recommended to GRANT PLANNING PERMISSION subject to conditions			



1 Site and Surroundings

- 1.1 The application relates to the Peter Boat Public House at 27 High Street, within the Leigh Old Town Conservation Area. The main section of the building is a traditional pub and dates from the late C19th. The building has been significantly extended to the west side. The older section of the building, in particular, is considered to make a positive contribution to the character and appearance of the conservation area as identified in the Leigh Old Town Conservation Area Appraisal.
- 1.2 The open area to the west and south of the site is used for outside seating in the summer and customer parking in the winter. A section of seating to the west side of the building has been enclosed with full height glazed screens to provide wind protection. This site is bounded by a low rendered wall to the south and west sides. In the northeast corner of the site close to the main entrance a glass collecting station has been erected. This is a black painted timber structure with half open sides and a flat roof.
- 1.3 To the south of the site is the Thames Estuary which has a number of national and international nature designations. The site is separated from the sea wall by a public footpath which runs into Alley Dock, a historic cobbled route. To the north and east is the High Street which includes a variety of small scale, historic and more modern residential buildings and terraces.
- 1.4 In addition to being within Leigh Old Town Conservation Area, the site falls within the Leigh Old Town Article 4 Direction area, Flood Zone 3 and Policy DM6 Character Zone 2.

2 The Proposal

- 2.1 The proposal seeks to retain the glass collecting station which has been erected without planning permission. The structure is 2.7m wide and 1.7m deep. It currently has solid walls up to 1.3m and then open sides topped with a lid and the structure has an overall height of 2.35m. During the course of the application the applicant has agreed to remove the upper part of the structure including the roof and supports and replace it with a removable lid. The application is therefore now part retrospective in nature. This will provide a rain cover for the low section when the station is not in use and will reduce the overall height of the structure to 1.3m. The lid would be constructed of grey fibreglass. The sides of the structure will be retained as black timber ship lap cladding to match the main building. The existing planter to the north side of the structure will be retained for screening from the High Street.
- 2.2 This application has been submitted in response to an enforcement complaint at the site regarding the erection of a hostess station and a glass collecting station without planning permission reference 22/00170/UNAU B. The hostess station has now been removed.

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

13/00113/FUL	L Erect single storey extension, and relocate existing entrance	
	north elevation and alter elevations- granted	
16/00907/FUL	Erect single storey extension to front – refused	
17/00890/FUL	Erect single storey extension to west elevation – refused	
17/01454/FUL	Erect single storey front extension, single storey extension and	

	bin store to side and alter elevations – granted		
18/00605//FUL	Retain Glazed Screening and Parasols to south elevation – granted		
20/00893/FUL	Install black powder coated metal fixed frame with retractable awning and sliding glass screens to south elevation and sliding doors to the east and west elevations – granted		
20/02226/FUL	Install black powder coated metal fixed frame with retractable awning and sliding glass screens to south and west elevations and sliding doors to the east – refused		
21/00548/FUL	Install 3no. new Victorian style lamp posts in outside seating area and install fixed timber posts with rope between the top of existing boundary walls on south and west elevations – granted		
21/02275/FUL	Erect single storey front (west) extension, reconfigure and extend existing entrance, reconfigure car park and extend outside decked seating area, erect smoking shelter and timber bin store and raise height of western and southern boundary wall and install glazed screens to boundary wall – refused		
22/00425/FUL	Demolish existing outbuilding to west end of site and erect new bin store, extend existing millboard decking to south side of building, form new limestone patio to west side of building, resurface and reconfigure existing flexible car parking/external seating area and extend existing vehicle crossover onto High Street (Amended Proposal) – approved		
22/00170/UNAU_B	Erection of Structures (Hostess Station and Glass Collecting Station) - ongoing		

4 Representation Summary

Call-in

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

Public Consultation

- 4.2 17 neighbouring properties were consulted, a site notice displayed and a press notice published. 1 letter of representation was received on the basis of the originally submitted application raising the following summarised issues:
 - The structure has a detrimental impact on estuary views from the High Street.
 - impact on light to neighbouring buildings.
 - there is no justification for a roofed structure in this location.
 - the glasses and plates should be carried straight to the kitchen.
 - the development is another example of inappropriate creeping development at the site.
- 4.3 Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. The proposed plans have been amended since this consultation was undertaken and to address some of the points raised in the objection. The remaining concerns have been considered, however, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Highways

4.4 No objections.

Lead Local Flood Authority (LLFA)

4.5 Due to the nature of the proposal no comments are made in relation to flooding and drainage.

Natural England

4.6 No objection.

Leigh Town Council

4.7 Object – The size, bulk and mass it does not contribute positively to the space between buildings and its relationship to the public realm. This additional building creates a significant pinch point during busy periods at the premises which could result in highway safety concerns with the overspill of customers combined with a busy pedestrian thoroughfare. The proposal also conflicts with the character of the local area in its design. [Officer comment: The proposed plans have been amended since this objection was received].

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies (Design Quality), DM3 (Efficient and Effective use of land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Leigh Old Town Conservation Area Appraisal (2021)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

6.1 The main issues for consideration are the principle of the development, design and impact on the character of the site and the wider conservation area, traffic and transportation, impact on residential amenity, flood risk and environmental issues, ecology and CIL.

7 Appraisal

Principle of Development

7.1 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. Extensions and alterations to buildings within conservation areas therefore must respect the existing historic character of the buildings and the wider area. Development which achieves this will generally be supported subject to the detailed considerations below.

Flood Risk

- 7.2 The site is located within flood zone 3. In relation to flood risk, Policy DM6 of the Development Management Document states that:
 - '2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:
 - (i) Appropriate flood defence and engineering solutions; and/or
 - (ii) Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.
 - (i) Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council's ability to manage coastal change.
- 7.3 The proposal relates to the retention and amendment of an external glass collection station only. These works are not classed as vulnerable by the Environment Agency (EA) and they are therefore suitable for development within flood zone 3.

Design and Impact on the Character of the Area

- 7.4 In addition to the duty to protect conservation areas under Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 noted in 7.1 above, 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.'
- 7.5 Policy KP2 of the Core Strategy advocates the need for all new development to "respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design". 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."
- 7.6 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.
- 7.7 The site is within Leigh Old Town Conservation Area and the Council has a duty to seek that any new development or alterations within conservation areas preserves or enhances their special historic and architectural character. This requirement is reinforced by Development Management Policy DM5 which states:

'All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.

Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'

7.8 In relation to development within the Seafront Character Area Policy DM6 states:

'Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.'

- 7.9 Policy Table 1 'Seafront Character Zones' states that within this character zone the development principles include:
 - *'ii)* To enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town.
 - (iii) To preserve and enhance the special character of Leigh Old Town Conservation Area.'
- 7.10 Relevant guotes from the Leigh Old Town Conservation Area Appraisal are as follows:
 - 6.3.23 The primary pressure on the Conservation Area is the need for the businesses to operate in a modern and profitable manner. ...Business needs also drive cheap and poor-quality additions to buildings, for example around the cockle sheds, inappropriate boundary treatments and large commercial bins amongst other problems.
 - 6.3.37 When occupied, the two large seating areas (Billet Wharf and that adjacent to the Peterboat public house) feel lively and are attractive spaces, but certain superfluous structures and insensitive street furniture and signage, as well as car parking, clutters the open spaces and dilutes their character.
 - 6.3.40 Open spaces, including the sense of moving from enclosed to open spaces, should be maintained.
- 7.11 The policies above support the development and viability of local businesses and tourism in the Leigh Old Town Conservation Area provided that these developments do not cause harm to the character and significance of the Conservation Area. The Leigh Old Town Conservation Area Appraisal notes in particular the pressures that development can cause on the townscape in this location including cluttering of open spaces and the impact on the estuary views which are such an integral part of the character of the Conservation Area.
- 7.12 An enforcement complaint was received in relation to the unauthorised structures constructed at the site including the hostess station and the glass collecting station raising concerns over their impact on local character and the residential amenities. The hostess station has now been removed. The current application seeks to retain the glass collecting station in an amended lower form to that which currently exists.

- 7.13 This structure is in situ so its actual impact on local character including views from the High Street can be accurately assessed. Although it is mainly open at the upper level, it is the roof that has most impact on the streetscene and on the estuary views from the High Street. The lower section is screened by a planter and its design, form and materials help it to blend with the other planting boxes which enclose the site in this location and provide softening to the streetscene. The application has been amended to remove the upper section so that the impact of the structure is reduced and views across the site are maintained.
- 7.14 On balance, it is considered that, subject to this amendment, the proposal would have a neutral impact on the character of the conservation area and would be acceptable and policy compliant in this regard.

Amenity Impacts

- 7.15 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.
- 7.16 The proposal is to retain the existing glass collection station but at a reduced height and scale. The proposal would have no material impact on customer numbers and therefore no material impact on the level of noise and disturbance arising from customers. At the reduced scale, the structure will not harm the light or outlook to neighbouring properties.
- 7.17 It is therefore considered that the proposal will have no harmful impacts on the amenities of neighbours in any relevant respects and is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.18 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."
- 7.19 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.
- 7.20 Third party concerns have been raised that the proposal creates a pinch point at the entrance to the premises which could result in safety concerns if pedestrians encroached into the road. The structure is a minimum of 5.7m from the pavement and 6.7m from the road and maintains a gap of some 4m to the entrance. It is considered that this separation is reasonable and the proposal has no impact on parking or traffic management at the site. The Council's Highways Officer has raised no highway safety concerns. The proposal is considered to be acceptable and policy compliant in the above regards.

Ecology

7.21 The site is close to the foreshore which has a number of nature designations, however, the sea wall acts as a barrier between these uses. It is considered that the proposal is of a scale will not result in a material change of impact on the foreshore nature designations in any relevant regard.

Community Infrastructure Levy (CIL)

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

Equality and Diversity Issues

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

Conclusion

7.24 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed amended development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable, the impact on the amenities of neighbours is acceptable and all aspects of the proposal would, on balance, have a neutral impact on the character and appearance of the application site, the street scene and the conservation area more widely. The highways, flooding and environmental impacts of the proposal are also acceptable. The amended application is therefore recommended for approval subject to conditions.

8 Recommendation

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 1266-500, 1266-501A dated 22.11.22.

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

03 The materials to be used on the external surfaces of the glass collecting station hereby approved shall be as detailed on₁plan reference 1266-105a including matt

black painted timber shiplap cladding for the walls and a dark grey fibreglass flat roof. These materials shall be retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the site and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the National Design Guide (2021), Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

Positive and Proactive Statement:

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

Informatives:

- 01 You are advised that as the proposed extension(s) equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.
- 02 The applicant is reminded that the development on site remains unauthorised and needs to be amended in accordance with the approved plans to be regularised. Failure to regularise the development in this way is likely to result in the Council considering the expediency of enforcement action to seek to remedy the currently identified harm.





The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

This drawing must be read with and checked against any structural or other specialist drawings provided.

The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.

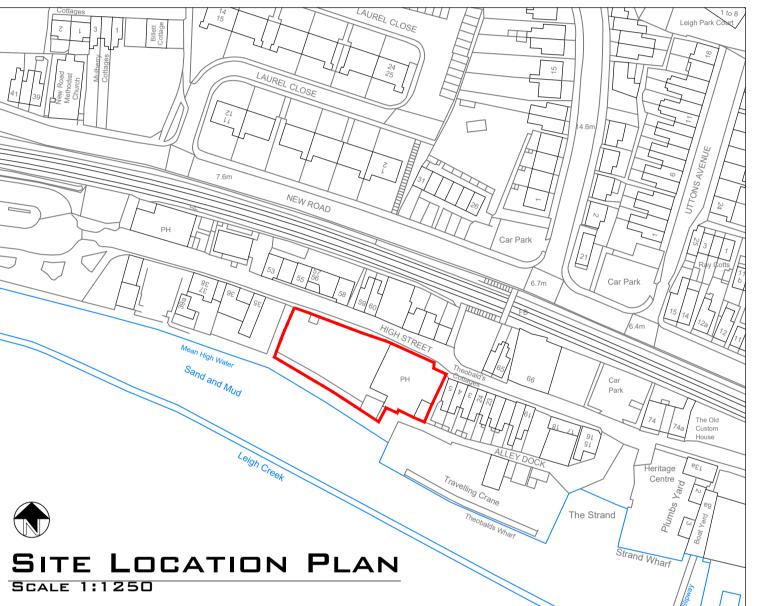
This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.

This drawing is to be read in conjunction with all other standard STONE ME!

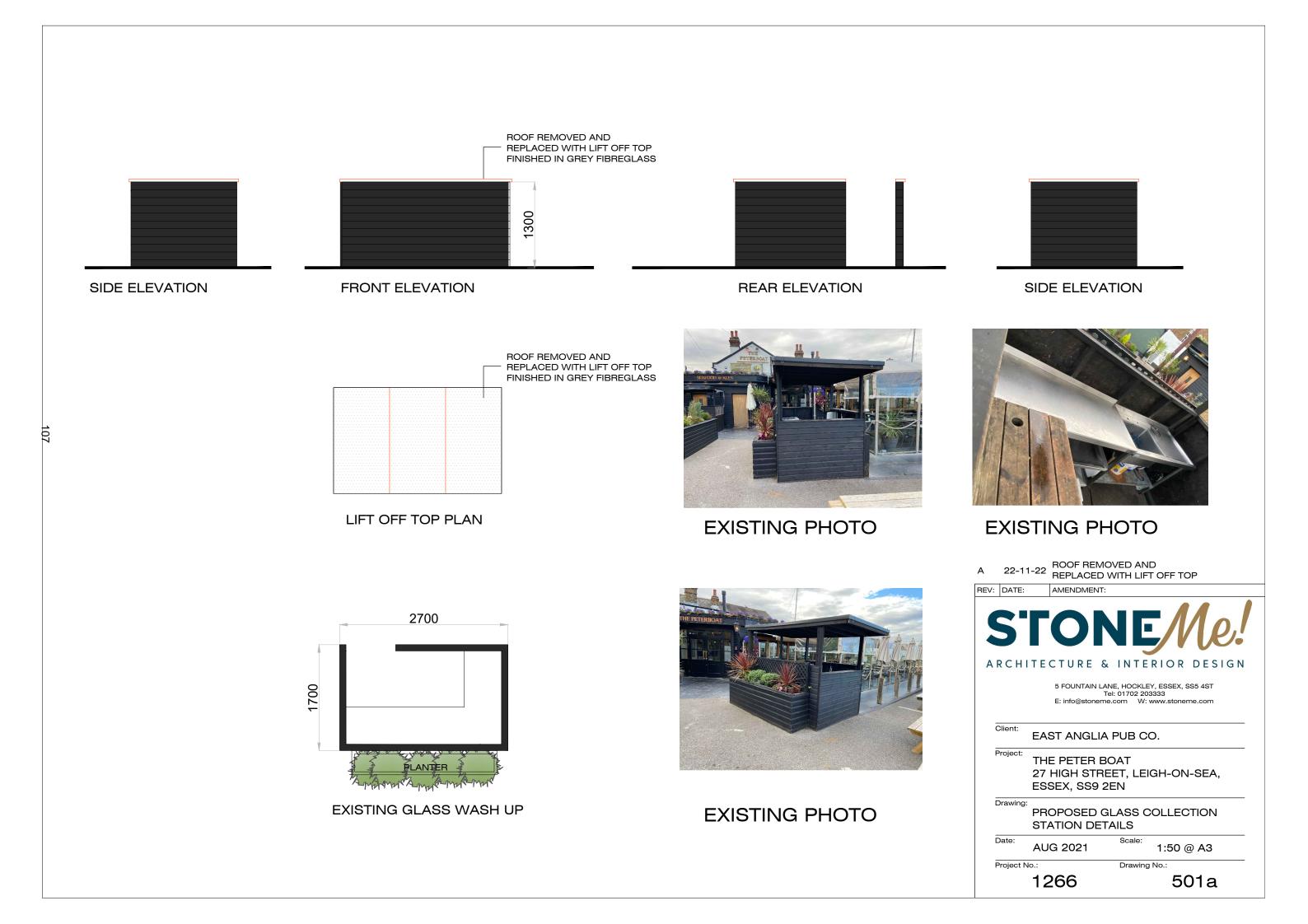
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Peter Boat PH

Glass Collection Station

Glass Collection Station as existing



From High Street showing impact on estuary view



View from west



Interior of Glass Collection Station



