

Public Document Pack  
SOUTHEND-ON-SEA CITY COUNCIL

**Development Control Committee**

Date: Wednesday, 30th August, 2023

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)

**A G E N D A**

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Minutes of the meeting held on Wednesday 5th July 2023** (Pages 3 - 30)
- 4 **Supplementary Report**  
The supplementary report by the Executive Director (Environment and Place) 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**
- 5 **23/00299/FUL - 91 Ennismore Gardens, Southend-on-Sea (St Lukes Ward)** (Pages 35 - 54)
- 6 **23/01212/PA64 - Woodside Parade, Woodside, Leigh on Sea (Belfairs Ward)** (Pages 55 - 86)
- 7 **23/00981/FULH - 17 Underwood Square, Leigh-on-Sea (west Leigh Ward)** (Pages 87 - 110)

**TO: The Chairman & Members of the Development Control Committee:**  
Councillor N Ward (Chair)  
Councillors F Evans (Vice-Chair), B Beggs, M Berry, M Borton, S Buckley, A Dear, M Dent, N Folkard, J Harland, A Jones, R Longstaff, C Mulroney, M Sadza, C Walker and R Woodley

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# Public Document Pack

## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 5th July, 2023**  
**Place: Committee Room 1 - Civic Suite**

# 3

**Present:** Councillor N Ward (Chair)  
Councillors F Evans (Vice-Chair), B Beggs, M Berry, M Borton,  
S Buckley, A Dear, M Dent, N Folkard, J Harland, A Jones,  
R Longstaff, M Sadza, C Walker and \*P Collins

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors S Ayles and S Wakefield  
K Waters, C Galforg, C White, S Mouratidis, A Greenwood, O Hart, J  
Benn, M Warren and R Harris

**Start/End Time:** 2.00 pm - 5.30 pm

#### 12 Apologies for Absence

Apologies for absence were received from Councillors Mulronee (substitute: Cllr Collins) and Woodley.

#### 13 Declarations of Interest

The following declarations of interest were made:

(a) Councillor Beggs – Minute No. 17 (Application Ref 23/00543/FUL – 24 Cobham Road) – Is an independent member of the Southend Foster Panel.

(b) Councillor Berry – Minute No. 16 (Application Ref. No. 23/00030/FULM – Cantel Medical Ltd, Campfield Road, Shoeburyness), Minute No. 22 (Application Ref No. 23/00058/FUL – 35 Lancaster Gardens) – Has received correspondence / representations from residents.

(c) Councillor Borton - Minute No. 16 (Application Ref. No. 23/00030/FULM – Cantel Medical Ltd, Campfield Road, Shoeburyness), Minute No. 20 (Application Reference No. 22/01881/FUL – Land adj 5 Smallholdings) and Minute No. 22 (Application Ref No. 23/00058/FUL – 35 Lancaster Gardens) – Has received correspondence / representations from residents.

(d) Councillor Dear – Minute No.18 (Application Reference No. 23/00492 and 23/00026/UNAU\_B – Garages at rear 33-45 Eastwood Old Road) – has spoken with and advised the objector on this application.

(e) Councillor Dent – Minute No. 16 (Application Reference No. 23/00030/FULM – Cantel Medical Ltd, Campfield Road) and Minute 22 (Application Reference No. 23/00058/FUL – 35 Lancaster Gardens) – Has liaised with residents regarding these applications.

(f) Councillor Folkard – Minute No.17 (Application Ref No. 23/00543/FUL – 24 Cobham Road) – Presented objections on behalf of residents and took no part in the debate or the vote (withdrew).

(g) Councillor Anne Jones – Minute No.22 (Application Reference No. 23/00058/FUL – 35 Lancaster Gardens) – Lives near the application and lives in the same residents parking zone.

(h) Councillor Longstaff – Minute No.16 (Application Reference No. Cantel Medical Ltd, Campfield Road) – Perception of bias in terms of potential pre-determination of the application (withdrew).

(k) Councillor Sadza – Minute No.22 (Application Reference No. 23/00058/FUL – 35 Lancaster Gardens) – Lives in neighbouring road and parks in Lancaster Gardens, member of Acorn Tenants Union and has received correspondence/representations from residents.

#### **14 Minutes of the Meeting held on Wednesday, 31st May, 2023**

Resolved:

That the Minutes of the Meeting held on Wednesday, 31 May 2023, be confirmed as a correct record.

#### **15 Supplementary Report**

The Committee received and noted a supplementary report by the Executive Director (Growth and Housing) that provided additional information on the items referred elsewhere on the agenda since the publication of the reports.

#### **16 23/00030/FULM - Cantel Medical Ltd, Campfield Road, Shoeburyness (Shoeburyness Ward)**

Ms A Hilton, a local resident, spoke as an objector to the application. Mr S Caslin responded on behalf of the applicant.

Resolved:

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

	Proposed Head of Term	Details
1	On Site Affordable Housing	Affordable Rent 4 x 1 bed apartments 8 x 2 bed apartments 4 x 3 bed houses  Shared Ownership 2 x 2 bed houses 3 x 3 bed houses

		As shown on drawing D-101 rev D
2	Education	Secondary education contribution of £220,597.43
3	Highways	£4000 - Traffic Regulation Order - for traffic control within site. £8000 - contribution towards the upgrading of Ness Road / Campfield Road junction (other sites in the area are also contributing via their S106s) £18,000 - Contribution to the maintenance of block paving on the adopted road within the site over the next 20 years  Total = £30,000
4	RAMS Ecology mitigation	£156.76 per unit (70) = £10,973.20
5	Travel Information Packs	Details to be agreed with LPA prior to commencement and provided for each unit on occupation
8	S106 Monitoring Fee	£10,000

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans D-001 (Existing Location Plan), D-330 (Site Section AA & BB), D-331 (Site Sections CC & DD), D-100 Rev M (Proposed Site Layout), D-332 (Site Sections EE, FF & GG), D-201 Rev C (House Type NA-21), D-202 Rev C (House Type NA-21), D-203 Rev C (House Type NA-21), D-204 Rev C (House Type NA-32), D-205 Rev C (house Type NA-32), D-206 Rev C (House Type NT-31), D-207 Rev C (House Type NT-31(X)), D-208 Rev C (House Type NA-42), D-209 Rev D (House Type NA-42), D-210 Rev C (House Type NT-41), D-211 Rev C (House Type NB-41), D-212 Rev C (House Type NA-44), D-213 Rev C (House Type D1624), D-214 Rev B (House Type NA-42 & NA20), D215 Rev A (House Type NT-31), D-220 Rev J (Apartment Block A Ground and First Floor Plans), D-221 Rev H (Apartment Block A 2<sup>nd</sup> Floor and Roof Plan), D-222 Rev H (Apartment Block A Elevations), D-310 Rev C (Streetscenes 1-3), D-311 Rev B (Streetscenes 4-5), D400 Rev B (Proposed Single Garages), D401 Rev B (Proposed Double Garages)

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

## *Materials and Design Details*

03 Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all of the external elevations of the development, including walls and associated brick decoration; roof including slate, ridge tiles, eaves, roof verges, fascia, soffits, lift overrun and coping; windows and doors including projecting feature window surrounds, bay structure and roof, all parts of the dormer windows, stores and garage doors; porches including roof, fascia underside and supports, balconies including balustrade, supports, flooring, underside and fascia and rainwater goods, boundary walls, fences and gates including to the pumping station enclosure have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the key design features including projecting brick detailing, projecting 70 window surrounds and reveals, bay window, dormer window, roof gabled roof side verge and parapet to block A at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

## *Landscaping*

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and 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 under the terms of this condition. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- i. Full product details of hard surfacing materials for all forecourts, block paved areas, speed tables, patios, paths, pavements and roads.

- ii. Full details of the number, size, species and location of the trees and including tree planting specifications, shrubs and other plants to be retained and planted together with a planting specification.
- iii. Full details of any other landscaping structures such as seating, bins and play equipment including fences for the LAP play area.
- iv. Full details of measures to enhance the biodiversity of the site including product details for beehives, wildlife houses and bat and bird boxes and hedgehog doors in the fences between properties along the eastern boundary to facilitate a green link in this location.

The hard and soft landscaping within the public realm and public open spaces, including the publicly accessible areas to the north and south of the site, the playground (LAP) and other play and wildlife structures shall be implemented and provided in full prior to the first occupation of any part of the development hereby approved, shall be retained in accordance with the approved plans and shall be maintained in good working order thereafter for the lifetime of the development for the occupants of the development and the wider community.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06 The plot and site boundaries at the site shall be carried out in full accordance with plan reference D-107 Rev J and Landscape Strategy Plan reference 21.5216.01 Rev O prior to the first occupation of the dwellings hereby approved, or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

07 No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policies DM1 and DM5, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

## *Biodiversity and Ecology*

08 No construction works above ground floor slab level shall take place unless and until a Landscape and Ecological Management Plan (LEMP) has been produced for all habitats and hedgerow features proposed within the site and has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The LEMP shall set out the appropriate establishment works and management responsibilities and maintenance schedules required to achieve the intended type and condition of each habitat /hedgerow feature proposed. The LEMP shall cover a minimum period of 30 years and include provisions for monitoring, review, reporting and contingency throughout as recommended by the Biodiversity Metric Assessment by Middlemarch Environmental Ltd reference 156454-03-Rev B dated 12.06.23.

Reason: A condition is justified to ensure that the biodiversity value of the proposed habitats is realised in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

09 The site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations set out in Section 7 of the Preliminary Ecological Appraisal by Middlemarch Environmental Ltd Reference RT-MME-156454-01-Rev A dated July 2022 including in regard to nesting birds, badgers and measures to enhance wildlife at the site, or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

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

10 None of the development hereby approved shall commence unless and until bat emergence/re-entry surveys of the existing property, have been undertaken as recommended in Section 6 of the Dusk Emergence and Dawn Re-Entry Bat Surveys report by Middlemarch Environmental Ltd. Reference RT-MME-157687 dated July 2022. This survey must be carried out between April and September (inclusive). The results of the survey and details of any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall commence and proceed only in accordance with the approved mitigation scheme.

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



### *Tree Works and Tree Protection Measures*

11 The tree works associated with the development hereby approved including pruning and felling works and works to be carried out within root protection areas including changes to land levels and retaining walls, shall be carried out in full accordance with the details set out in the Arboricultural Method Statement by Middlemarch reference RT-MME-159919-01 Rev D dated 15th June 2023. The tree protective barriers and ground protection, as shown on plan reference C159919-01-01-Rev C shall be implemented in full prior to commencement of the development and shall be retained as such throughout the demolition and construction phases of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturist.

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

### *Levels and Retaining Wall Details*

12 Aside from demolition, none of the development hereby approved shall be undertaken including earthworks, unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i) a drawing showing the existing and proposed site levels (on the same drawing) across and surrounding the site;
- ii) full design details of the proposed retaining wall structure to the eastern boundary of the site. The retaining wall design shall include sufficiently legible large scale plans and sections clearly showing the location of the wall in relation to the trees to demonstrate no further encroachments into the root protection areas of trees T15 and T19 than shown on the approved site plan reference D-100 Rev M; and
- iii) the exact positioning and construction details of the proposed boundary fences in relation to trees T15 and T19.

These details shall be compliant with the tree and root protection measures as set out in the Arboricultural Method Statement by Middlemarch reference RT-MME-159919-01 Rev D dated 15th June 2023. The development shall be undertaken and completed in full accordance with the agreed details under the terms of this condition prior to the occupation of the development hereby approved.

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

## *Neighbour Impacts*

13 The first floor window in the east elevation of Plot No 28 and the southernmost first and second floor kitchen/dining/living room windows of plots 30 and 36, as shown on plan references D-220 Rev J, D221-Rev H and D-222 Rev H, shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut up to a height of not less than 1.7m above the relevant rooms internal finished floor level before the occupation of the plot hereby approved and the windows shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

5 The 141 car parking spaces, including 7 disabled spaces, and the associated highways works as shown on approved plans D-100 Rev M and D-220 Rev J. Car parking for each individual plot shall be provided/carried out and made available for use prior to the first use or the first occupation of that unit accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. At least 1 parking space for each dwelling, including the 7 disabled spaces, shall have access to an active electric vehicle charging point as shown on plan reference D-110 Rev E. Notwithstanding the details submitted on the Car Parking Management Plan by Ardent reference 2101833-05 dated 10.08.22, the development hereby approved shall not be occupied until further details have been submitted and approved in writing in relation to car parking management at the site. These details shall include:

- i) Full details of how the off plot parking will be managed at the site including visitor parking and parking within the parking courts.
- ii) Full details of any proposed signage in relation to parking management including signage specifications and locations.
- iii) Full details of the proposed electric vehicle charging points where they are proposed to be located within the parking courts as shown on plan reference D110 Rev E.

The development shall then be carried out in full accordance with the approved details.

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

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area including nearby heritage assets' setting and appearance and impact on preserved trees in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shoebury Garrison Conservation Area Appraisal (2021).

### *Highways*

15 The 141 car parking spaces, including 7 disabled spaces, and the associated highways works as shown on approved plans D-100 Rev M and D-220 Rev J. Car parking for each individual plot shall be provided/carried out and made available for use prior to the first use or the first occupation of that unit hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. At least 1 parking space for each dwelling, including the 7 disabled spaces, shall have access to an active electric vehicle charging point as shown on plan reference D-110 Rev E. Notwithstanding the details submitted on the Car Parking Management Plan by Ardent reference 2101833-05 dated 10.08.22, the development hereby approved shall not be occupied until further details have been submitted and approved in writing in relation to car parking management at the site. These details shall include:

- i) Full details of how the off plot parking will be managed at the site including visitor parking and parking within the parking courts.
- ii) Full details of any proposed signage in relation to parking management including signage specifications and locations.
- iii) Full details of the proposed electric vehicle charging points where they are proposed to be located within the parking courts as shown on plan reference D110 Rev E.

The development shall then be carried out in full accordance with the approved details.

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

16 The apartment block hereby approved shall not be occupied unless and until space for at least 12 secure, covered cycle parking spaces to serve the development and its visitors have been provided as shown on approved drawing D-220 Rev J, or in such other on site location alternatively agreed by the Local Planning Authority under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by the occupiers of the development hereby approved and their visitors. Additionally,

prior to their occupation, all the houses without garages hereby approved shall be provided with a cycle store within the rear gardens of the plots as set out on plan reference D-109 Rev A in accordance with details that have been previously submitted and approved in writing by the Local Planning Authority. The approved cycle parking scheme shall thereafter be permanently retained for the lifetime of the development.

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

17 The apartment block hereby approved shall not be occupied unless and until the refuse and recycling store to serve the block as shown on drawing D-220 Rev J has been provided in full accordance with the approved plans and made available for use by all occupiers of the apartment block hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.

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

### *Sustainability*

18 Prior to the first occupation of the development hereby approved a scheme detailing how at least 10% of its total energy needs will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The agreed details must be implemented in full prior to the first occupation of the development hereby approved. This provision shall be made for the lifetime of the development.

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

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

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

20 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 7 of the units hereby approved comply with the building regulations M4 (3) 'wheelchair user dwellings' standard and the remaining 63 units comply with the building regulations M4(2) 'accessible and adaptable dwellings' standard.

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

### *Noise*

21 Prior to the first occupation of the development hereby approved a scheme for alternative means of ventilation and air cooling and heating in relation to the Mechanical Ventilation and Heat Recovery (MVHR) system proposed for the residential plots closest to Campfield Road, as identified on plan references D220-F (MVHR required locations) and D-100 F (MVHR required locations), must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures.
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants.
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents:

- CIBSE Guide A 2015 - Environmental Design,
- CIBSE TM52 2013 - The limits of thermal comfort: avoiding overheating in European buildings, and
- CIBSE TM59 2017 - Design methodology for the assessment of overheating risk in homes.

The approved alternative means of ventilation and cooling shall be installed and made operable in full accordance with the approved details and maintained thereafter for the lifetime of the development.

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

### *Flood Risk and Drainage*

22 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in Paragraphs 6.5 and 7.10 of the Flood Risk Assessment carried out by Ardent Consulting Engineers reference 2102833-01

dated 19.12.22 and associated Flood Levels FFL's Sketch reference 2102833 dated 02/03 including the requirement for all sleeping accommodation to be set above 6.40mAOD (1 in 200 annual probability flood level including climate change) and safe refuge to be provided at a minimum of 6.49mAOD (1 in 1000 annual probability flood level including climate change) before the dwellings hereby approved are first occupied.

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

23 Prior to the construction of the development hereby approved above ground floor level full details of the proposed flood resistance and resilience measures shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. These shall include measures to flood proof the buildings at ground floor level and structural calculations to confirm that the buildings will be constructed to withstand the water pressures in a 0.1% (1 in 1000) annual probability flood level including climate change. The measures shall then be implemented in full accordance with the approved details before the development is first occupied or brought into first use.

Reason: To demonstrate that the buildings are structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water in accordance with the National Planning Policy Framework (2021) and Policies KP1, KP2 and KP3 of Core Strategy (2007).

24 Notwithstanding the details submitted within the Detailed Drainage Strategy reference 02-E dated 6.9.21, the Assessment by Ardent reference 2101833-01 dated December 2022, the Method Statement for Control of Surface Water Runoff During Construction by Ardent reference 2101833-06 dated March 2023 and the letter response by Stomor reference ST-3113/230320-LLFA Response dated 20.03.2023, no drainage works shall be undertaken at the site unless and until a detailed design of surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

- i) The applicant shall obtain acceptance from the relevant statutory body for the proposed connection to the existing outfall. The applicant confirms that the proposed connection is into the private drainage system. Indirect connections into the public sewer may still require an application to Anglian Water under Section 106 of the Water Industry Act 1991. It is recommended that the applicant clarifies and confirms this with Anglian Water prior to construction.
- ii) The applicant shall provide information on how to manage any health and safety risks associated with the drainage proposals.
- iii) The applicant shall provide details of the body that will be responsible for the maintenance of proposed SuDS/drainage throughout the lifetime of the development. The applicant shall also provide a management statement to outline the required maintenance for the site and a maintenance schedule. If

applicable, the applicant shall provide economic valuation costs to demonstrate long-term viability of the proposed drainage systems.

iv) Construction drawings are to be provided for any SuDS and flow controls.

v) A scheme shall be provided for on-site foul water drainage works, including connection point and discharge rate. The applicant shall provide more information on the foul drainage proposals to specify who will own the system, including the pump station and rising main. This shall indicate who will be responsible for the maintenance of the system throughout the lifetime of the development.

vi) Whilst the applicant does not consider the risk of surcharge at the outfall, applicable to this scenario, they are reminded that the exceedance and failure assessment will need to be updated during detailed design to consider the potential impact of failure or a restricted outfall.

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

### *Archaeology*

25 Prior to the commencement of the development hereby approved excluding full above ground demolition, a Written Scheme of Investigation, including location of trial trenching, shall be submitted to and agreed in writing with the Local Planning Authority under the terms of this condition. The approved Written Scheme of Investigation and measures to be undertaken throughout the course of the works affecting below ground deposits shall be carried out in full by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is first occupied or brought into first use.

### *Contamination*

26 A. The development hereby permitted shall not commence apart of full above ground demolition and that required to carry out the agreed remediation until the measures set out in report reference GB696-RS-FEB-2023 'Remediation Strategy' by GB Card Partners dated 3.2.23 (the approved remediation scheme) have been implemented. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

B. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The remediation measures must be maintained thereafter.

C. Remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

D. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. Development must be halted in this part of the site until an assessment has been undertaken in accordance with the requirements of part A of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

E. Following completion of measures identified in the approved remediation scheme, prior to the first occupation of the development hereby approved, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

F. Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

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

### *Construction Management*

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

- i) The parking of vehicles of site operatives and visitors.
- ii) Loading and unloading of plant and materials.
- iii) Storage of plant and materials used in constructing the development including earth from the bund proposed for levelling of the site.
- (iv) The erection and maintenance of security hoarding.
- (v) A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;



- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- vii) Measures to mitigate noise disturbance during the development;
- viii) Details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

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

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

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

c) In the event that the planning obligation referred to in part (a) above has not been completed before 7<sup>th</sup> July 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for on-site affordable housing, highways works, secondary education, biodiversity mitigation or Travel Information Packs and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2, KP3, CP3, and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and Proactive Statement:

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

Informatives:

01 CIL - Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as

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

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

03 S106 - This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of onsite affordable housing, a financial contribution in relation to education, highways and RAMS, the provision of Travel Information Packs and monitoring of the agreement.

04 Gas Apparatus - Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions). Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

05 Asbestos - Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control Department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

07 Airport - The applicant is advised that if construction of the development requires a crane or piling rig, this will need to be safeguarded separately and, dependant on location, may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) / 01702 538521.

08 Highways Works - A section 38/278 will be required in relation to the adoption of the spine road and any other highways works. Please contact [martinwarren@southend.gov.uk](mailto:martinwarren@southend.gov.uk) for details.

09 Renewables - In relation to condition 18 the applicant is advised that PV panels are not considered appropriate for the front facing roof slope to plots 10, 15-19 and 56-59 because of the harm that this would cause to the setting of nearby heritage assets. Alternative more discreet renewable technologies should be sought to meet the renewable energy condition for these units.

10 Anglian Water Informative - Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The applicant must provide Anglian Water with notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

11 Protection of Existing Anglian Water Assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

12 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

13 Sewer Adoption - The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

14 The applicant is advised that a UXO Preliminary Risk Assessment of the potential for unexploded ordnance at the site should be undertaken by a competent person and any recommendations for further action reported to Southend-On-Sea City Council.

**17 23/00543/FUL - 24 Cobham Road, Westcliff-on-Sea (Chalkwell Ward)**

Resolved:

That planning permission be granted, subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out solely in accordance with the approved plan: 410 Rev P3.

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

03 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a children's and young persons' residential care home for up to 6 residents who shall be between the ages of 5 to 18 with residents falling under the responsibility of Southend-On-Sea City Council given prioritisation in the allocation process. For every vacancy that arises at the property hereby approved, Southend-on-Sea City Council shall be given first refusal on placing a child at the premises, with notice of the vacancy being given to the Council in writing and the Council having a period of not less than 21 calendar days to confirm if they wish to place a child at the property. The property shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any act or order amending or re-enacting that Order or any changes permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any act or order amending or re-enacting that Order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP6 of the Core Strategy (2007), and Policy DM9 of the Development Management Document (2015).

04 Notwithstanding the details shown on the plans otherwise hereby approved, prior to first use of the development, full details (including elevations) shall be submitted to, and approved in writing, by the Local Planning Authority, identifying the provision of refuse and recycling storage and covered and secure cycle parking for the approved development at the site. The approved refuse and recycling stores and covered and secure cycle stores shall be provided in full and made available for use by the occupants of the development prior to the first occupation of the development hereby approved and be retained as such in perpetuity.

Reason: In the interests of the visual amenity of the area, accessibility, neighbour and occupier amenities further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, DM8 and DM15 of the Development Management Document (2015)

05 The car parking spaces for the development hereby approved shown on approved plan 410 Rev P3 shall be provided and made available for use at the site prior to the first use of the care home hereby approved. At least one of the parking spaces shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the approved development.

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

06 Prior to first use of the development hereby approved full details of soft landscape works to be carried out at the site shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved soft landscaping works shall be carried out within the first planting season following first use of the development. The landscaping of the site shall be managed in accordance with an approved management plan in perpetuity. The details submitted shall include, but not be limited to:

- i. Full details of the number, size, species of trees, shrubs and other plants to be retained and planted together with a planting specification and management plan,
- ii. Details of measures to enhance the biodiversity of the site.

The landscaping of the site shall be managed in accordance with the approved plans and details in perpetuity.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives:

1. Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

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

#### Positive and Proactive Statement

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

**18 23/00492/FUL and 23/00026/UNAU\_B - Garages at Rear 33 - 45 Eastwood Old Road, Eastwood, Leigh-on-Sea (Belfairs Ward)**

Resolved:

a) That the Director for Growth and Planning or the Development Control Service Manager be delegated responsibility to grant planning permission, subject to the conditions set out in the main report provided any additional representations received up to the end of 6 July 2023 do not raise any new considerations which have not been addressed within the report.

Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

01 The development shall be retained/ undertaken only in accordance with the following approved plans: EOR/G/100 Rev 01; EOR/G/200 Rev 01; EOR/G/300 Rev 01; EOR/G/301 Rev 01.

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

02 The external elevations of the development hereby permitted shall be constructed solely with the materials as detailed in the submitted application form and plan no. EOR/G/300 Rev 01 or alternative materials, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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

03 The development hereby permitted shall not be used at any time other than for the domestic storage of goods and the domestic storage of vehicles. The development shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: In the interests of the residential amenity of the adjoining residents including those who live either side of the garage court access road and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

#### Informatives

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

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

#### Positive and Proactive Statement

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

b) That NO FURTHER ACTION be taken in respect of the site entrance gate and height restriction bar which do not form part of planning application 23/00492/FUL and that the current enforcement investigation 23/00026/UNAU\_B be closed.

#### **19 23/00237/FULH - 62 Mount Avenue, Westcliff-on-Sea (Chalkwell Ward)**

Ms Anna Keddie spoke as an objector on this application.

Resolved:

That the planning application be deferred for a site visit.

**20 23/00305/FUL - 77 - 83 West Road, Westcliff-on-Sea (Westborough Ward)**

Resolved:

That planning permission be granted, subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 3002A\_50revC; 3002A\_51 revC; 3002A\_52revC; 3002A\_100revC; 3002A\_200revC; 3002A\_201revD; 3002A\_202revC; 3002A\_203rev C; 3002A\_204rev C; 3002A\_E100

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

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

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works unless and until full details 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 limited to:

- i. means of enclosure, of the site including any gates or boundary fencing;
- ii. pedestrian access and circulation areas;
- iii. hard surfacing materials;
- iv. details of the number, size and location of the shrubs and plants to be planted together with a planting specification



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

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

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

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

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

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

07 The cycle parking spaces shown on approved plan 3002A\_100revC shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved.

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

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy

(2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

09 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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 before they are occupied.

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

10 In the event that contamination is found at any time when carrying out the approved development, development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority.

Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: In the interest of the residential amenity of future occupants of the scheme in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM14 of the Development Management Document (2015).

11 Prior to first use of the dwellings hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts of existing commercial and transport infrastructure on the living conditions of future occupiers of the dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on that noise impact assessment, which must include any mitigation measures needed for the proposal to meet the required noise standards, as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.

The mitigation measures recommended in the submitted report shall ensure that the internal ambient noise levels of the proposed dwellings shall not exceed the guideline values in British Standards BS8233:2014 Table 4 as follows:

07:00 to 23:00

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

- Sleeping/Night-time Bedroom 35 dB LAeq,8hour

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

The applicant must have regard to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC when proposing any scheme. Where alternative means of ventilation and air cooling and heating are to be used the submitted report shall include full details of what they will comprise and demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be implemented in full accordance with the details approved under this condition before the dwellings are first occupied and be maintained as such thereafter in perpetuity.

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

Positive and proactive statement:

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

Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully

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

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

3 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.

4 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

**21      22/01881/FUL - Land Adjacent 5 Smallholdings, Eastwoodbury Lane, Southend-on-Sea (St Laurence Ward)**

Resolved:

That the planning application be refused on the grounds that:

The proposed development would result in the loss of best and most versatile agricultural land, prevent the use of the site for its designated purpose as future public open space and have a significantly harmful impact on the functionality of the site as a green buffer to the south side of Eastwoodbury Lane. The limited provision of additional housing the scheme provides is not considered to outweigh the identified harm caused by the development, which is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core

Strategy (2007) policies CP4 and CP5 and policy ENV3 of the London Southend Airport Joint Area Action Plan (JAAP) (2014).

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

#### **22 23/00058/FUL - 35 Lancaster Gardens, Southend-on-Sea (Kursaal Ward)**

Resolved:

That planning permission be refused on the grounds that:

The applicant has failed to demonstrate that adequate cycling, refuse and recycling storage facilities can be accommodated at the site in a manner which is appropriate and usable by occupiers of the property, to the detriment of their amenities. As such the proposed use of the property as a 9 person HMO represents an overdevelopment of the site. This is unacceptable and contrary to Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of Development Management Document (2015).

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

**Chair:** \_\_\_\_\_

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**DEVELOPMENT CONTROL COMMITTEE**

**30th August 2023**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
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<b>Main Plans Report</b>		
<b>St Lukes</b>	23/00299/FUL	91 Ennismore Gardens Southend-on-Sea
<b>Belfairs</b>	23/01212/PA64	Woodside Parade Woodside
<b>West Leigh</b>	23/00981/FULH	17 Underwood Square Leigh-on-sea

## DEVELOPMENT CONTROL COMMITTEE

### INTRODUCTION

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

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



## DEVELOPMENT CONTROL COMMITTEE

### **Background Papers**

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

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

## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

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

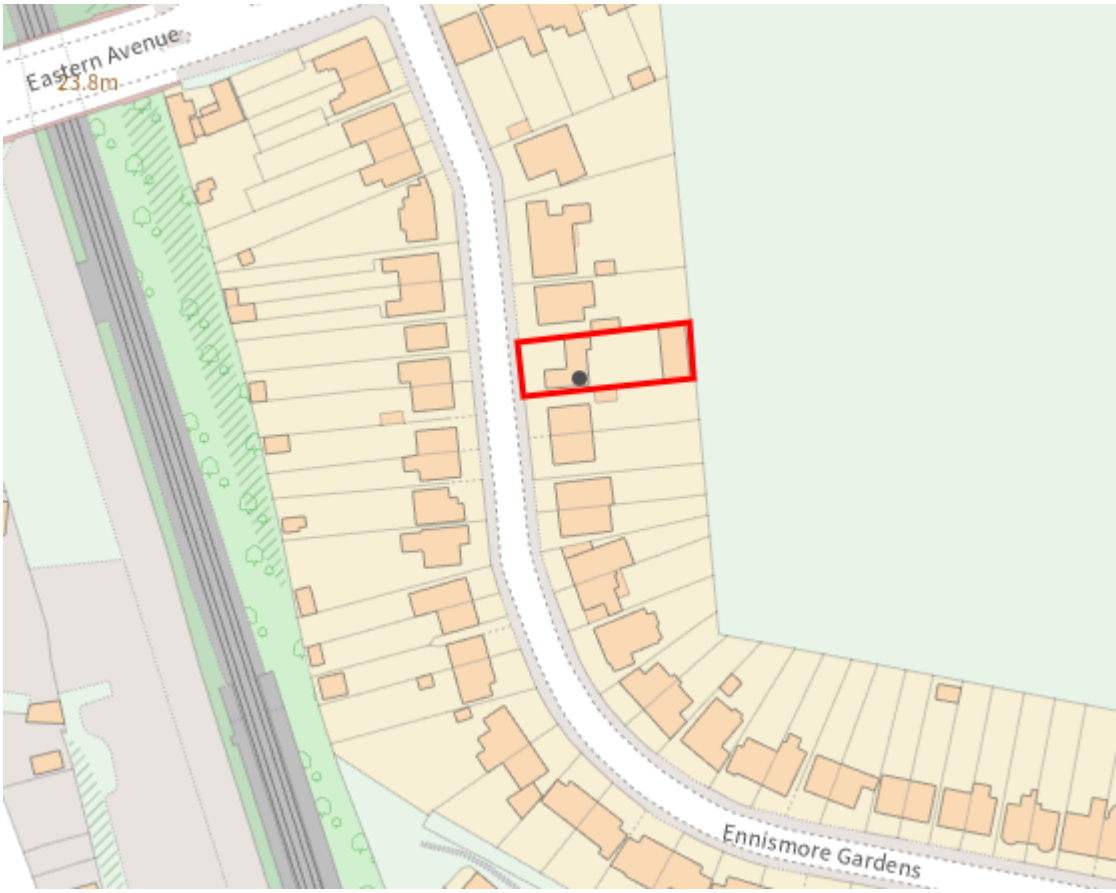
Class B1	Business
Class B2	General industrial
Class B8	Storage or distribution
Class C1	Hotels
Class C2	Residential institutions
Class C2A	Secure residential institutions
Class C3	Dwellinghouses
Class C4	Houses in multiple occupation
Class E	Commercial, Business and Service
Class F.1	Learning and non-residential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

### Deleted Use Classes

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

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

<b>Reference:</b>	23/00299/FUL
<b>Application Type:</b>	Full Application
<b>Ward:</b>	St Lukes
<b>Proposal:</b>	Change of use to part of ground floor from dwelling to dog grooming parlour and alter front elevation
<b>Address:</b>	91 Ennismore Gardens, Southend-on-Sea, Essex, SS2 5RA
<b>Applicant:</b>	Mr Robert Anderson
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	17 <sup>th</sup> August 2023
<b>Expiry Date:</b>	1 <sup>st</sup> September 2023
<b>Case Officer:</b>	James Benn
<b>Plan Nos:</b>	<b>(23) 06/07 EX01; (23) 06/07 PL01</b>
<b>Supporting Documents:</b>	<b>Emails from applicant dated 20.07.2023 and 03.08.2023</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **1 Site and Surroundings**

- 1.1 The application site contains a detached dwelling on the eastern side of Ennismore Gardens. The surrounding area is predominantly residential in nature. There are some commercial and industrial uses to the north of the site, on the northern side of Eastern Avenue. The application relates specifically to the attached single storey side garage/store room which abuts the northern side boundary.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations. The rear garden bounds Victory Sports Ground to the east which is designated as Protected Green Space.

## **2 The Proposal**

- 2.1 Planning permission is sought for a change of use to the existing attached mono-pitched roofed side garage/store room to a dog grooming parlour and to alter its front elevation by replacing the existing window with a door and a full-length window.
- 2.2 Information submitted with the application states that the dog grooming parlour would be visited by a maximum of 5 clients per day and would typically operate for 3 days per week between the hours of 09:30-17:30 predominantly Monday-Friday with some occasional Saturday use, approximately once per month. Clients are by appointment only. The parlour would be operated by 1 member of staff who is the applicant's wife.
- 2.3 The proposed door in the front elevation is where the handover/collection of the dogs would take place. Parking is proposed on the frontage for clients collecting/dropping off their dogs. Appointments will be scheduled so that no overlapping occurs. The applicant's wife will work primarily as a one to one groomer (i.e. will only service one dog at any one time) but occasionally two dogs from the same household would be allowed.
- 2.4 The applicant states that the sole staff member has undertaken nationally recognised grooming qualifications and has gained 3 years' experience in established grooming salons. Other details associated with the use include double glazed windows and insulation within the internal walls for noise suppression. A certified waste contractor will be utilised to dispose of any waste products.
- 2.5 An air dryer would be used as part of the operation for between 5-30 minutes per dog (depending on the size of the dog). Noise from the air dryer would be controlled by mounting it within the mono-pitched roof area of the attached garage, in an insulated compartment.
- 2.6 No advertisement signage has been proposed in association with the proposed development.
- 2.7 The submitted plans show a chimney to be removed. The applicant has confirmed by email that the chimney has already been removed and therefore this does not form part of this planning application and has been given no consideration in the assessment of this application.

## **3 Relevant Planning History**

- 3.1 09/01142/FULH: Demolish attached garage, raise roof and erect part single/part two storey front and side extension – Refused.

## **4 Representation Summary**

### **Call In**

4.1 This application has been called into Development Control Committee by Councillor Beggs.

### **Public Consultation**

4.2 Five (5) neighbouring properties were notified of the application by letter and a site notice was displayed. Two letters of representation have been received. Summary of comments:

- Inappropriate for commercial ventures in a residential area.
- The deeds say not allowed to operate a business from a house.
- Parking concerns due to already excessive demand on the road. Concerns that the driveway at the application site is not always used.
- The Council has not sent a letter to other residents.
- There are more suitable empty shops elsewhere.
- Noise concerns.
- Additional traffic created.
- Negative impact on the resale value of nearby properties.

**[Officer comment:** Three rounds of neighbour consultation were undertaken as additional information was received from the applicant. Neighbour consultation was undertaken in accordance with National and Local requirements. Covenants within the deeds and impact on property values are not material planning considerations. All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the specific circumstances of this case.]

### **Highways**

4.3 No objections. Vehicles should only access the off street parking area via the existing vehicle crossover. (Highways) enforcement action could be taken if vehicles access the parking area other than using the authorised vehicle crossover.

### **Environmental Health**

4.4 No objections raised subject to conditions in relation to noise from equipment and refuse storage. The operating hours are reasonable and limiting to only 2 dogs on the premises being treated or waiting to be treated will minimise issues of noise from dogs barking.

**[Officer Comment** Conditions have been imposed at Section 7 of this report which are considered to be reasonable, necessary and proportionate when considered under relevant planning guidance.]

## **5 Planning Policy Summary**

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

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

5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas), DM15 (Sustainable Transport Management).

5.5 The Southend-on-Sea Design and Townscape Guide (2009)

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

## **6 Appraisal**

### **Principle of Development**

- 6.1 Paragraph 119 of the NPPF states “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”
- 6.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design and respecting the character and scale of the existing neighbourhood.
- 6.3 Policy DM11(4) of the Development Management Document states that: “Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies.”
- 6.4 The immediately surrounding area is residential in character. The applicant has stated that the sole means of access would be via the proposed door in the front elevation of the converted side garage. This is where handover/collection of the dogs would take place thereby enabling the applicant to control clients access from using any route through the dwellinghouse and its rear garden.
- 6.5 The applicant has specified that proposed operating hours are from 09:30-17:30 Mondays-Fridays with occasional Saturday use, approximately once a month. The applicant has stated that on average, they anticipate 5 clients daily and will work predominantly as a 1 to 1 groomer, unless there are two dogs from one household, further limiting the number of dogs being dealt with.
- 6.6 Balancing the considerations, it is considered that the scope of the operation is relatively limited and at the level and nature proposed could be accommodated within the residential context without significant impact on the amenity of surrounding uses and residential neighbours. This is partly as a result of the modest internal floor area of the proposed salon room (some 15 sqm) which restricts the number of clients being dealt with at any one time, the limited number of staff and clients proposed and the limited operating hours. The comings and goings of clientele would not create uncharacteristic traffic in the area including because it would not be dissimilar from normal patterns of traffic associated with domestic movement and /or e-commerce.
- 6.7 Subject to other material planning considerations discussed below and the scope for planning conditions, the proposed commercial activity with regard to the details submitted is not considered to create types and levels of activity that would be significantly harmful to amenity or uncharacteristic of a residential area. The principle of the use applied for, in the specific circumstances of this case, is therefore acceptable.

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

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

adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.

- 6.10 The proposed alteration to the front elevation of the side garage/store room, replacing the existing window with a door and a full-length window is considered a minor alteration which is acceptable in design terms. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

### **Amenity Impacts**

- 6.11 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.12 The proposal would result in comings and goings to the site within the vicinity of neighbouring residential dwellings and their openings. However, given that the scale of the operation proposed would be relatively limited typically comprising 3 days per week Monday to Friday, 09:30 to 17:30 (with an occasional Saturday typically once per month) with a maximum 5 clients per day (1 client at a time by appointment only), these comings and goings of clientele would be similar to normal patterns of traffic associated with domestic movement and/or e-commerce and would not create uncharacteristic traffic nor undue noise and disturbance. Taking this into consideration, it is not considered that the proposal would be significantly harmful to neighbouring occupiers in terms of undue noise and disturbance from the comings and goings of clientele. A condition is recommended for the operational hours to reflect the weekday hours referred to above but on a Saturday to be limited to 09:30 to 13:00 to protect the amenities of neighbouring occupiers at the weekend.
- 6.13 The nearest neighbours' opening to the sole handover/collection point (the proposed door in the front elevation of the attached garage) is No 93 Ennismore Garden's side entrance door to the north which is some 3m from the shared boundary. Given that, on the balance of probability, this door does not serve a habitable room and is located within an area that is already open to public gaze, no significant amenity harm has been identified having regard to overlooking and loss of privacy.
- 6.14 The size of the existing building is not being altered so the development would not result in any harm in terms of dominance, an overbearing impact, loss of light and outlook or overshadowing.
- 6.15 The proposed air dryer would be used for between 5-30 minutes per dog and would be the only noise impacting equipment used. It is proposed that noise from the air dryer would be suppressed by storing it in an insulated compartment within the existing mono-pitched roof of the garage and by the internal insulation of the walls and the double-glazed windows. The Council's Environmental Health Team have raised no objections to the proposal subject to conditions relating to restricting noise output from the proposed air dryer and a scheme for the means of refuse storage. Subject to such conditions, it is not considered that the proposal would cause significant harm to neighbouring occupiers in any relevant regards, including

noise pollution.

- 6.16 The proposed fenestration alterations to the front elevation look out into the street which is already open to public gaze and is considered acceptable in terms of its amenity impacts including in terms of overlooking and loss of privacy.
- 6.17 Overall, it is considered that the scale of the operation would be limited and that the nature, design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any relevant regards. Subject to the described conditions, the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Highways**

- 6.18 Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.” Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 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.”
- 6.19 Off-street parking for the dwelling and for clients can reasonably be provided on the frontage which could accommodate some 4 off-street parking spaces. Ennismore Gardens does not have parking restrictions and does not suffer from undue parking stress should clientele park in the street.
- 6.20 It is considered that given the limited scale of operations, which comprises 1 client at a time, by appointment only, the proposal would not have a significantly harmful impact on the surrounding local highway network. The Council’s Highways Team have raised no objections to the proposal.
- 6.21 The proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.

### **CIL**

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

### **Equality and Diversity Issues**

- 6.23 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**



6.24 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

## **7 Recommendation**

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

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

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

**02 The development shall only be undertaken in accordance with the following approved plans: (23) 06/07 EX01; (23) 06/07 PL01.**

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

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

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

**04 The use hereby approved shall be restricted to the garage as shown in drawing (23) 06/07 EX01 and it shall only be operated as a dog grooming parlour by the occupiers of No 91 Ennismore Gardens and shall not be operated for any other purpose except for use as a domestic garage and/or for other such purposes which are incidental to the residential use of the dwelling. The permitted use shall be operated only inside the garage with the garage door and windows closed during operation and in no other part of 91 Ennismore Gardens including its external garden area.**

**Reason: To ensure the development is implemented and operated in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the use specified so that operation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).**

**05 The use hereby approved shall not be operated outside the following hours: 09:30 to 17:30 Monday to Friday and 09:30 to 13:00 on Saturdays and it shall not operate at any other times including at any other time on Saturdays or at any time on Sundays or Public or Bank Holidays.**

**Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and CP4, and Development Management Document (2015) Policy DM1.**

- 06 No more than two dogs at any one time shall be allowed to be treated or wait to be treated at the application site.**

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

- 07 There shall be no installation of powered machinery other than one air dryer which shall only be mounted in an insulated compartment within the roof of the garage as specified in the email from the applicant dated 20.07.2023.**

**Noise from this equipment when operating at its maximum speed and output shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90, 15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, which are liable to cause the noise to be a nuisance etc.**

**Background noise levels shall be established for the operating times of the business.**

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

**Details of how noise will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The use hereby permitted shall not take place other than in accordance with these approved details.**

**Prior to operation of the air dryer a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the Local Planning Authority's noise criteria has not been met further noise mitigation shall be implemented in accordance with details that shall have been previously submitted to and agreed with the Local Planning Authority under the terms of this condition.**

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

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

- 08 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse and recycling storage including full details and elevations of any bin stores shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The agreed refuse and recycling scheme and facilities shall be implemented prior to the first use of the development hereby approved and shall be retained for such purposes at all times thereafter for the lifetime for the development. This shall also be in accordance with the Essex County Council and Southend-on-Sea City Council Waste Management Plan and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).**

**Reason:** In the interest of the residential amenity of nearby occupiers and environmental quality in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

### **Informatives**

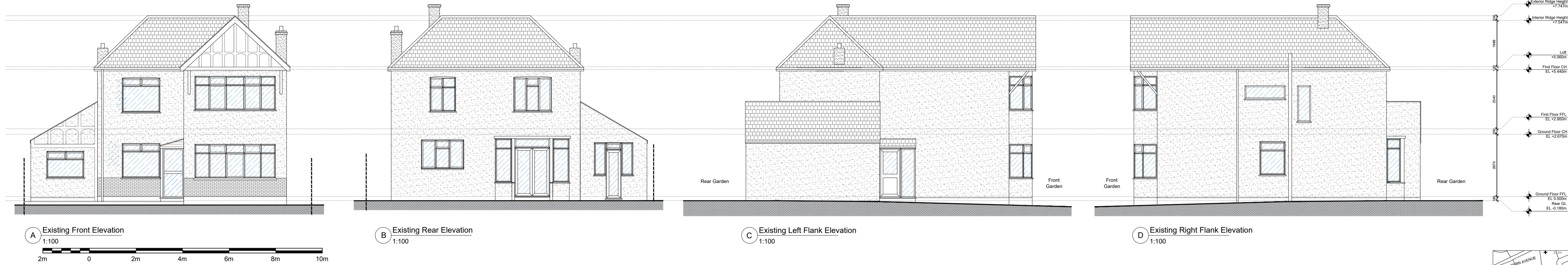
- 1** You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about the Levy.
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

### **Positive and Proactive Statement**

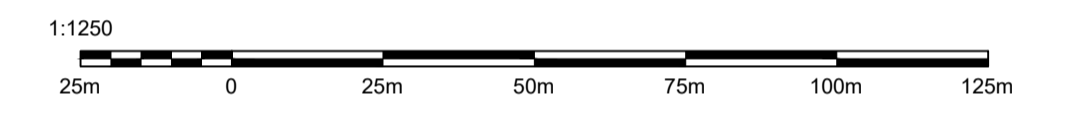
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

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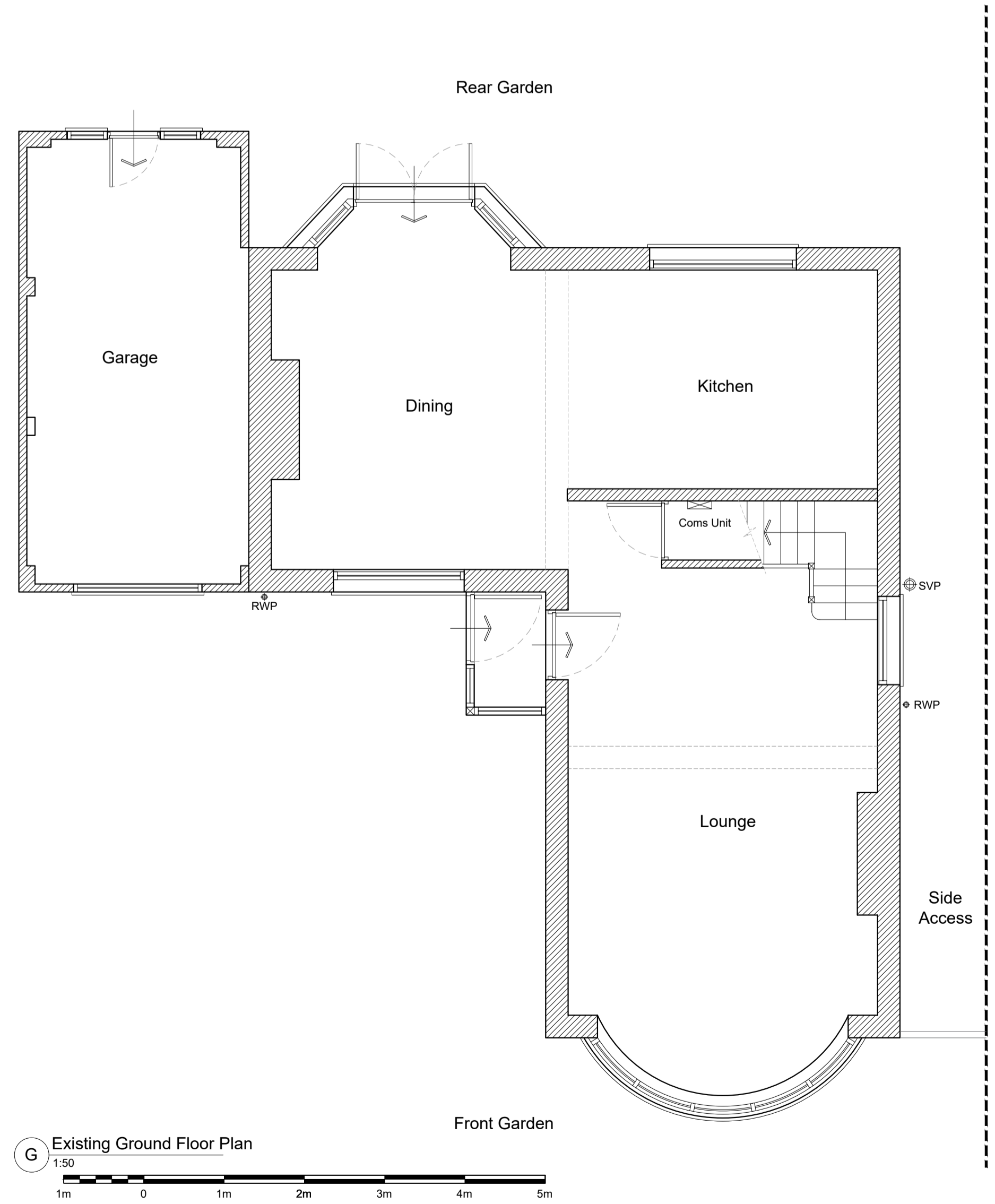
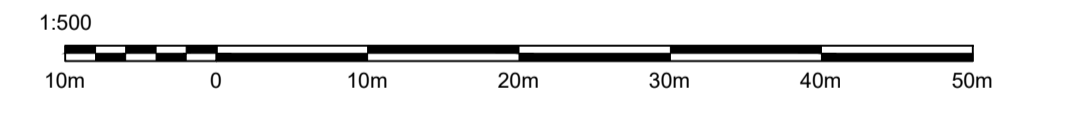
**DRAWING NOTES:**  
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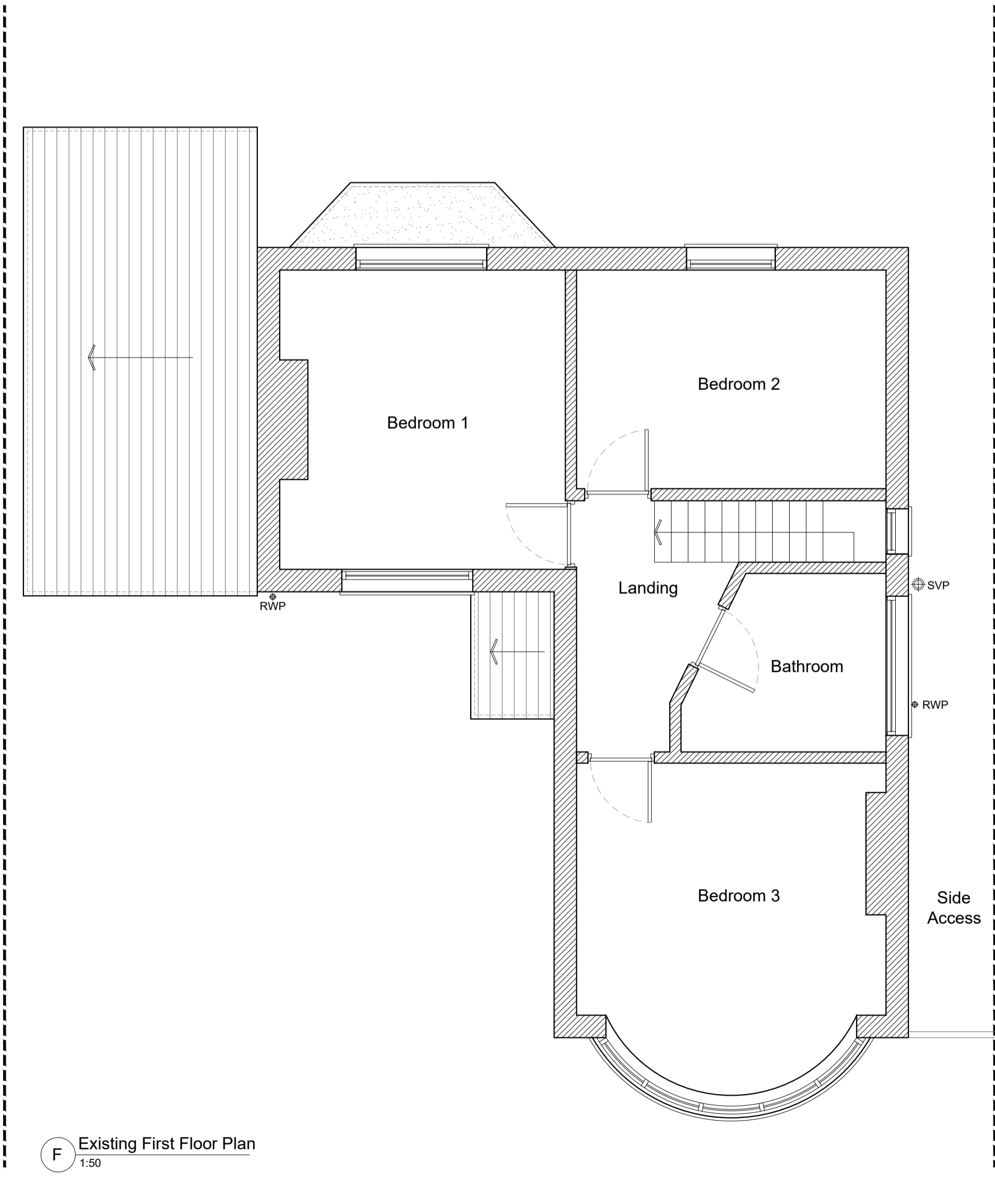
EXISTING LOCATION PLAN - 1:1250



EXISTING BLOCK PLAN - 1:500



Existing Ground Floor Plan



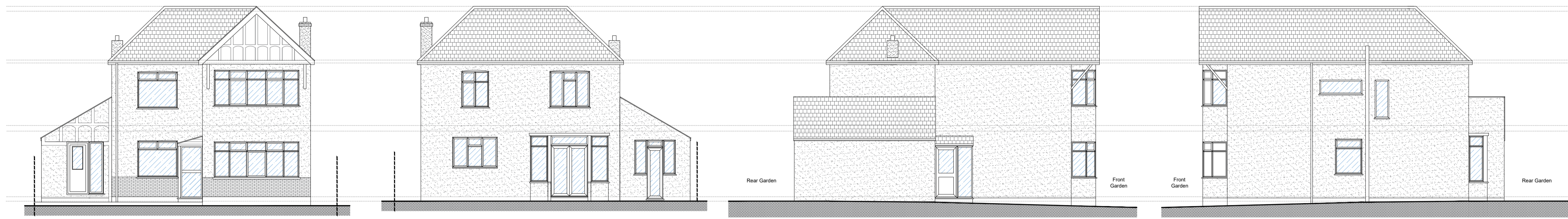
Existing First Floor Plan

<b>Project:</b>	ANDERSON 91 Ennismore Gardens, Southend, Essex, SS2 5RA	Boundary	Date:	06/2023
<b>Drg Title:</b>	Existing Plans & Elevations	Demolition	<b>Drg No:</b>	(23) 06/07 EX01
<b>Scale:</b>	1:50 / 100 @ A1	Ext Walls	<b>Rev:</b>	
<b>Drawn By:</b>	KD	Prop Walls		
		FFL Height		



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**DRAWING NOTES:**  
 All items, notes dimension and general design contained in this drawing are for guidance purposes only. Nominated builder and person responsible for the project should make a thorough check prior to commencement of work against the site, drainage service drawings, current building regulations, British Standards and codes of practice. The contractor is to allow within their price for all items not listed but that will be required to complete the work in accordance with all current legislation.  
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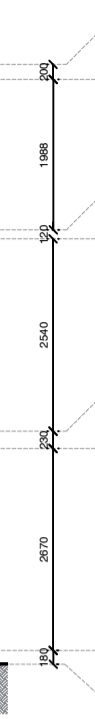


**A Proposed Front Elevation**  
 1:100  
 2m 0 2m 4m 6m 8m 10m

**B Proposed Rear Elevation**  
 1:100

**C Proposed Left Flank Elevation**  
 1:100

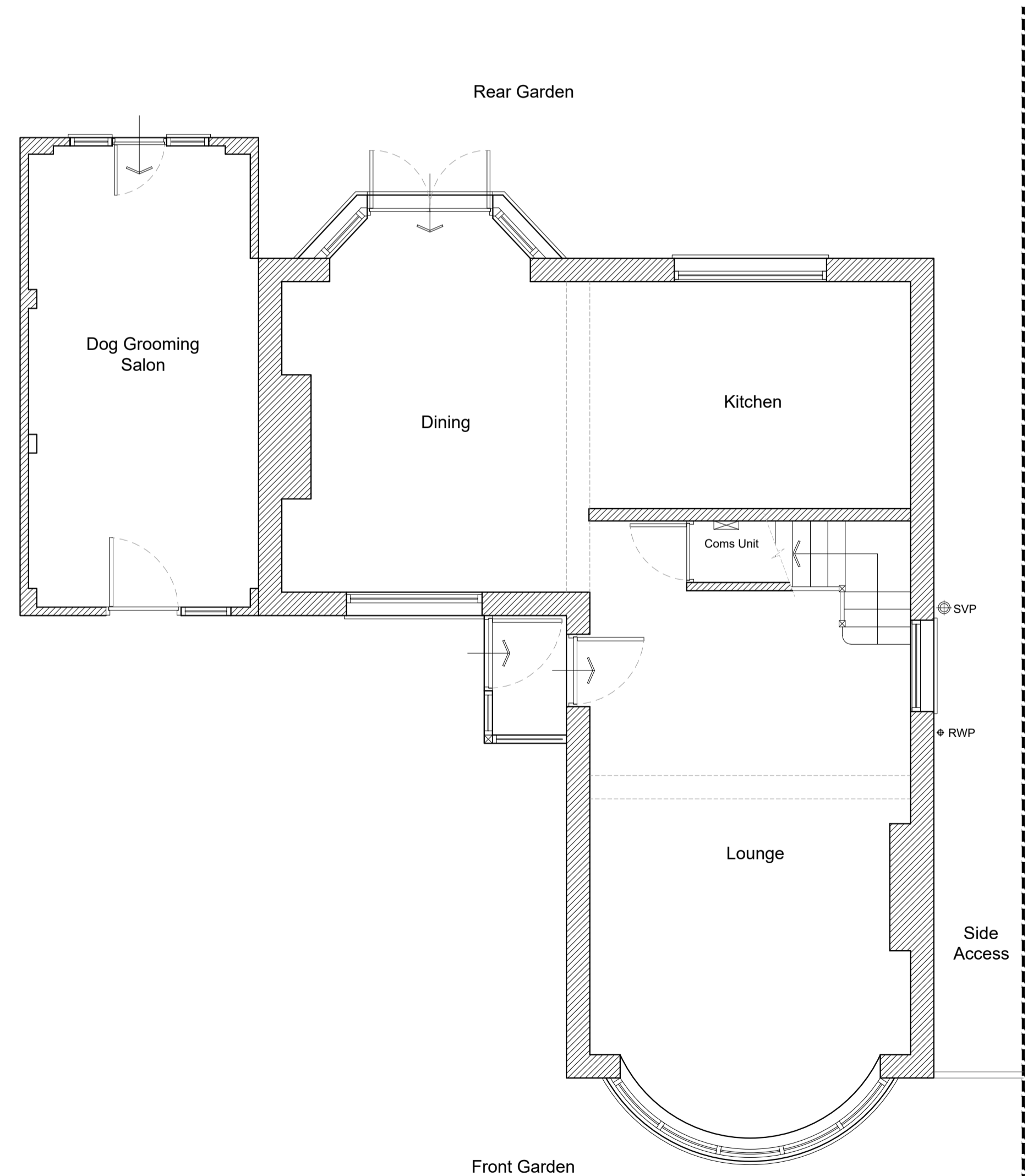
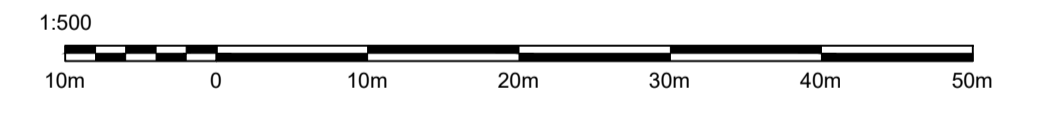
**D Proposed Right Flank Elevation**  
 1:100



**PROPOSED LOCATION PLAN - 1:1250**



**PROPOSED BLOCK PLAN - 1:500**



**G Proposed Ground Floor Plan**  
 1:50  
 1m 0 1m 2m 3m 4m 5m

<b>Project:</b>	ANDERSON 91 Ennismore Gardens, Southend, Essex, SS2 5RA	Boundary	Boundary
<b>Drg Title:</b>	Proposed Plans & Elevations	Demolition	Demolition
<b>Scale:</b>	1:50 / 100 @ A1	Ext Walls	Ext Walls
<b>Drawn By:</b>	KD	Prop Walls	Prop Walls
<b>Drg No:</b>	(23) 06/07 PL01	FFL Height	FFL Height
		<b>Date:</b>	06/2023
		<b>Rev:</b>	



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<b>Reference:</b>	23/01212/PA64	<b>6</b>
<b>Application Type:</b>	Prior Approval – Change of Use	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Change of use of 3 Office Buildings (Class E) and land within its curtilage into 3 dwellinghouses (Class C3) with associated works, bin and cycle stores (Prior Approval)	
<b>Address:</b>	Woodside Parade, Woodside, Leigh-on-Sea, Essex	
<b>Applicant:</b>	Harrison Developments	
<b>Agent:</b>	Mrs Samantha Stephenson	
<b>Consultation Expiry:</b>	18.08.2023	
<b>Expiry Date:</b>	11.09.2023	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<p>WDPR-SCN-XX-XX-DR-A-01.001-A3-02 Rev P02;  WDPR-SCN-XX-XX-DR-A-01_002-A1-02 Rev P02;  WDPR-SCN-XX-XX-DR-A-10_001-A1-03 Rev P03;  WDPR-SCN-XX-XX-DR-A-10_002-A1-02 Rev P02;  WDPR-SCN-XX-ZZ-DR-A-ZZ_001-A1-03 Rev P03;  WDPR-SCN-XX-ZZ-DR-A-ZZ_002-A1-03 Rev P03;  WDPR-SCN-XX-ZZ-DR-A-ZZ_003-A1-02 Rev P02;  WDPR-SCN-XX-XX-DR-A-01_002-A3-02 Rev P02;  WDPR-SCN-XX-00-DR-A-10_001-A3-03 Rev P03;  WDPR-SCN-XX-00-M3-A-10_002-A3-01 Rev P01;  WDPR-SCN-XX-01-DR-A-10_002-A3-02 Rev P02;  WDPR-SCN-XX-ZZ-DR-A-ZZ_001-A3-03 Rev P03;  WDPR-SCN-XX-ZZ-DR-A-ZZ_002-A3-03 Rev P03;  WDPR-SCN-XX-ZZ-DR-A-ZZ_003-A3-02 Rev P02;  WDPR-SCN-XX-ZZ-DR-A-ZZ_004-A3-01 Rev P01</p>	
<b>Supporting information:</b>	<p><b>Statement of Evidence by Phase 2 dated July 2023;</b>  <b>Transport Technical Note by YES Engineering Group Limited dated July 2023;</b>  <b>Parking Survey Report by YES Engineering Group Limited dated 29/06/2023;</b>  <b>Internal Daylight &amp; Sunlight Assessment by Elmstean Energy Assessments and Building Services dated 15.06.2023</b></p>	
<b>Recommendation:</b>	<b>PRIOR APPROVAL REQUIRED AND PRIOR APPROVAL GRANTED</b>	



## 1 Site and Surroundings

- 1.1 The application site is occupied by a short terrace comprising 3No single storey commercial units. Whilst presently vacant, information submitted with the application details the most recent use of the units was in Use Class E
- 1.2 The units are flat roofed and step down in height from west to east following the gradient of Woodside. They are set back significantly from the street and have generously sized front curtilages which are not used for parking.
- 1.3 The area is residential in character, with detached and semi-detached bungalows to the north-east, north-west, south-east and south-west of the application site.
- 1.4 There are no designations affecting the application site or the immediate area.

## 2 The Proposal

- 2.1 The application is submitted under the terms of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows development consisting of a change of use of a building and any land within its curtilage to a use falling within Use Class C3 (dwellinghouses) from a use falling within Class E (commercial, business and service) use.
- 2.2 The application proposes to convert the three vacant commercial units, historically in a Class E use, into 3No self-contained residential units. The development would require internal alterations to the building to create the habitable accommodation.
- 2.3 The proposed units and the Gross Internal Area would be as follows:

### Unit 1

1B1P; G.I.A (Gross Internal Area) 40.5sqm; Laid out in a bedsit type arrangement

### Unit 2

2B3P; G.I.A 75.5sqm; Bedroom 1- 14sqm; Bedroom 2- 9.5sqm



### Unit 3

2B4P; G.I.A 86sqm; Bedroom 1- 14sqm; Bedroom 2- 15sqm

- 2.4 No off-street car parking spaces are shown. Waste and cycle storage to the front curtilage are shown.
- 2.5 The application is presented to Committee as it has been called in by Councillors Aylen and Walker.

### **3 Relevant Planning History**

- 3.1 15/01859/FUL- Demolish existing buildings, erect three two storey terraced houses with associated parking and bin stores, form vehicular accesses on to Woodside- Refused

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 A site notice was displayed and 13No neighbours were notified of the proposal. 6No letters of objection have been received. Summary of comments:

- Surface water drainage and flooding concerns
- Parking concerns
- Design concerns with the shopfronts being retained
- Development must be single storey

**[Officer Comment]** These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. The objecting points raised by the representations are not found to represent a reasonable basis to refuse prior approval in the circumstances of this case. No additional storeys to the units are proposed.

#### **Environmental Health**

- 4.2 No objections subject to conditions controlling construction hours and refuse and recycling storage.

#### **Highways**

- 4.3 No objections. The applicant has submitted a very comprehensive transport technical note. This information is considered extremely robust and demonstrates that there is a real opportunity to access the site via other sustainable transport means rather than relying on a motor vehicle. It is not considered that this proposal will have a detrimental impact on the local highway network. Therefore, given the information contained within the application no highway objections are raised.

### **5 Planning Policy and Legislation Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007): Policies KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), Policy

DM3 (Efficient and Effective Use Of Land), DM8 (Residential Standards), DM10 (Employment Sectors), DM15 (Sustainable Transport Management)

- 5.4 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.6 Southend-on-Sea Waste Management Plan for New Development (2019)
- 5.7 Technical Housing Standards – Nationally Described Space Standards (2015).
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Planning Practice Guidance and National Design Guide (2021)
- 5.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended): Article 3, Schedule 2, Part 3, Classes MA and W

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are whether the proposed development is permitted by the relevant class of the GPDO 2015 and whether the prior approval of the Local Planning Authority is required in relation to certain matters as dictated by Class MA which states:

*MA.2.—(1) Development under Class MA is permitted subject to the following conditions. (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*

*(a) transport impacts of the development, particularly to ensure safe site access;*

*(b) contamination risks in relation to the building;*

*(c) flooding risks in relation to the building;*

*(d) impacts of noise from commercial premises on the intended occupiers of the development;*

*(e) where—*

*(i) the building is located in a conservation area, and*

*(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*

*(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;*

*(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;*

*(h) where the development involves the loss of services provided by—*

*(i) a registered nursery, or*

*(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and*

*(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.*

## 7 Appraisal

### Permitted Development

- 7.1 Under Class MA, development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order is permitted development.

### Permitted Development Limitations

- 7.2 Paragraph MA.1 states: "*Development not permitted by Class MA—*

*(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;*

- 7.3 **The submitted Statement of Evidence states that the commercial units have been vacant since February 2023 and therefore have been vacant for at least 3 months prior to the date of this application.**

*b) unless the use of the building fell within one or more of the classes specified in sub paragraph (2) which is for the following uses the following classes of the Schedule as it had effect before 1st September 2020—(i) Class A1 (shops); (ii) Class A2 (financial and professional services); (iii) Class A3 (food and drink); (iv) Class B1 (business); (v) Class D1(a) (non-residential institutions – medical or health services); (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre); (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink; b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2 for a continuous period of at least 2 years prior to the date of the application for prior approval;*

- 7.4 **Owing to the information submitted within the Statement of Evidence and review of business rates data, it has been sufficiently demonstrated on the balance of probability that the commercial units indicated as being in Class E use and proposed to be converted, have been used for purposes falling within Class E Commercial, Business and Service for a period of at least 2 years prior to the date of the application for prior approval.**

*(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*

- 7.5 **The floorspace changing use does not exceed 1500sqm.**

*(d) if land covered by, or within the curtilage of, the building—*

- (i) is or forms part of a site of special scientific interest;*
- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area;*

- 7.6 **The site is not covered by any of the above designations.**

- (e) if the building is within—*
  - (i) an area of outstanding natural beauty;*
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act*
  - (iii) the Broads;*
  - (iv) a National Park; or*
  - (v) a World Heritage Site;*

**7.7 The site is not covered by any of the above designations.**

*(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*

**7.8 The site is not covered by an agricultural tenancy.**

- (g) before 1 August 2022, if—*
  - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
  - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

**7.9 Not relevant to this application.**

- (2) The classes mentioned in sub-paragraph (1) (b) are the following classes of the Use Classes Order—*
  - (a) the following classes of the Schedule as it had effect before 1st September 2020—*
    - (i) Class A1 (shops);*
    - (b) (ii) Class A2 (financial and professional services);*
    - (c) (iii) Class A3 (food and drink);*
    - (d) (iv) Class B1 (business);*
    - (e) (v) Class D1(a) (non-residential institutions – medical or health services);*
    - (f) (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*
    - (g) (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*
    - (h) (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

**7.10 The proposed development would be consistent with all of the restrictions of paragraph MA.1 stated above.**

**7.11 Paragraph MA.2 includes some additional requirements:**

*(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.*

**7.12 The application was submitted on 18<sup>th</sup> July 2023 and made valid the same day.**

**Prior approval considerations**

Transport Impacts of the Development, particularly safe site access

- 7.13 Given the nature of the proposed change of use, it is considered reasonable to assess any highways implications caused by the proposal and as such, prior approval would be required for the change of use in this respect.
- 7.14 The NPPF states (para 111) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”
- 7.15 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street car and cycle parking standards. For one bedroom dwellings, there is a minimum requirement for one car parking space and one cycle parking space. For two bedroom dwellings, the minimum requirement is for two car parking spaces and one cycle parking space, but this will be applied flexibly where the application site is located within a sustainable location. Regard is had to the fact that the existing commercial units would themselves have generated a notional maximum parking demand.
- 7.16 No off-street parking is present for the existing commercial use nor is any proposed with the application. The number of car parking spaces therefore continues to fall below the policy requirement.
- 7.17 The application is accompanied by the submission of a Transport Technical Note and Parking Survey Report which demonstrates that there is sufficient on-street parking provision available for future residents (the parking survey found 79 available on-street parking spaces within a 200m radius of the site).
- 7.18 The Transport Technical Note also demonstrated that the Site is in a sustainable location, being within walking distance to bus stops and local amenities and reflected in the Census data for both car ownership and method of travel to work for the area surrounding the site.
- 7.19 Furthermore, the Transport Technical Note advises that the TRICS database was interrogated to obtain trip rates for houses in a suburban area and a similar car ownership level to the site. The TRICS data shows that there is anticipated to be no more than 1- car peak hour movement associated with the 3 residential units and only up to 12 movements per day. It is clear that the development will have a minimal impact on the highway network, particularly when compared to the existing use which would have itself generated vehicle movements.
- 7.20 Highways officers in assessing the parking and highways impacts of the scheme have also raised no objections.
- 7.21 Policy compliant cycle parking is shown within a store to the front curtilage.
- 7.22 The proposal would be acceptable and policy compliant in the above regards.

### **Contamination Risks in Relation to the Building**

- 7.23 Policy DM14 deals with development which is on or near land that is known to be contaminated or which may be affected by contamination. The contamination risk is low and the alterations associated with the change of use proposed would not result in

breaking into existing ground. Furthermore, no objections have been raised by the Council's Environmental Health Officer. It is considered that prior approval for the proposal would not be required in relation to contamination risks.

### **Impacts of Noise from Commercial premises on the intended occupiers**

- 7.24 The site is within a residential area with no commercial premises near to the application site. The LPA's prior approval would not be required in this regard.

### **Impacts of the converted building if located in a conservation area**

- 7.25 The site is not in a conservation area. The LPA's prior approval would not be required in this regard.

### **The provision of adequate natural light in all habitable rooms of the dwellinghouses**

- 7.26 The proposed development would provide reasonable natural light to habitable rooms within the units and the layout was designed around existing fenestration. This position is supported by a Daylight and Sunlight Assessment which accompanies the application. Prior approval is required but no objection is raised in this regard.

### **Impact on intended occupiers of the development of the introduction of residential use in an area for general or heavy industry, waste management, storage and distribution or a mix of uses.**

- 7.27 The site is not in an area for heavy industry, waste management or storage and distribution or an area of mixed uses therefore prior approval would not be required.

### **The development involves the loss of services**

- 7.28 The site would not result in the loss of services provided by a registered nursery or health centre so prior approval is not required. The site is not within a designated Shopping Frontage Area such that it is not considered the loss of the commercial units would be significantly harmful to the character, function and sustainability of a key shopping area.

### **Other Matters**

- 7.29 Paragraphs 9A and 9B in Article 3 of the GPDO state:

*(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—*

*(a) Where the gross internal floor area is less than 37 square metres in size; or*

*(b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.*

*(9B) the reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.*

- 7.30 All units comply with the minimum overall and bedroom size requirements outlined in the Technical Housing Standards – Nationally Described Space Standards document including designated built-in storage. The proposed development would therefore be consistent with all of the restrictions stated above.

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

- 7.31 New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations (2017).
- 7.32 Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) which was adopted by Full Council in October 2020 requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.33 The payment has been made and the proposal is therefore policy compliant in that regard.

### **Other Matters**

- 7.34 Drainage considerations do not fall within the scope of the prior approval procedure.

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

- 7.35 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of some 208sqm, which may equate to a CIL charge of approximately £5,696.38 (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.

### **Equality and Diversity**

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

duties under this legislation.

## **8 Conclusion**

- 8.1 For the reasons outlined, the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion, it is recommended that prior approval is required and should be granted subject to conditions.

## **9 Recommendation**

- 9.1 **PRIOR APPROVAL REQUIRED, PRIOR APPROVAL GRANTED subject to conditions:**

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

**Reason: Required to be imposed pursuant to MA.2(5) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

- 02 **The development hereby permitted shall be carried out in accordance with the following approved plans: WDPR-SCN-XX-XX-DR-A-01.001-A3-02 Rev P02; WDPR-SCN-XX-XX-DR-A-01\_002-A1-02 Rev P02; WDPR-SCN-XX-XX-DR-A-10\_001-A1-03 Rev P03; WDPR-SCN-XX-XX-DR-A-10\_002-A1-02 Rev P02; WDPR-SCN-XX-ZZ-DR-A-ZZ\_001-A1-03 Rev P03; WDPR-SCN-XX-ZZ-DR-A-ZZ\_002-A1-03 Rev P03; WDPR-SCN-XX-ZZ-DR-A-ZZ\_003-A1-02 Rev P02; WDPR-SCN-XX-XX-DR-A-01\_002-A3-02 Rev P02; WDPR-SCN-XX-00-DR-A-10\_001-A3-03 Rev P03; WDPR-SCN-XX-00-M3-A-10\_002-A3-01 Rev P01; WDPR-SCN-XX-01-DR-A-10\_002-A3-02 Rev P02; WDPR-SCN-XX-ZZ-DR-A-ZZ\_001-A3-03 Rev P03; WDPR-SCN-XX-ZZ-DR-A-ZZ\_003-A3-02 Rev P02; WDPR-SCN-XX-ZZ-DR-A-ZZ\_004-A3-01 Rev P01; WDPR-SCN-XX-ZZ-DR-A-ZZ\_002-A3-03 Rev P03**

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

- 03 **The development hereby permitted shall be used as 3 dwellings within the meaning of Use Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.**

**Reason: Pursuant to paragraph MA.2 (6) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

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

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



Management Document (2015).

- 05 In line with the details shown on the approved drawing WDPR-SCN-XX-ZZ-DR-A-ZZ\_004-A3-01 Rev P01 or alternative details which shall be submitted to and approved in writing by the Local Planning Authority pursuant to this condition, secure and covered cycle and waste storage shall be provided and made available for use by the occupants of the dwellings hereby approved prior to their first occupation and shall be retained as such for the lifetime of the development.

**Reason:** To ensure the provision of adequate cycle parking and waste storage in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and Waste Storage, Collection and Management Guide for New Developments (2019).

#### **Informatives**

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

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

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The copyright in all designs, drawings, schedules, specifications and any other documentation prepared by Scene Architects Ltd. in relation to this project shall remain the property of Scene Architects Ltd. and must not be released, loaned or copied without prior written consent. Prefer larger scale drawings. Do not scale from this drawing, use figured dimensions only. Check all relevant dimensions, lines and levels on site before proceeding with the work. This drawings is to be read in conjunction with all Architect's drawings, schedules and specifications, and all relevant consultants and / or specialists' information relating to the project. Refer all discrepancies to Scene Architects Ltd.

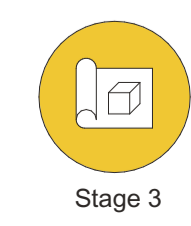
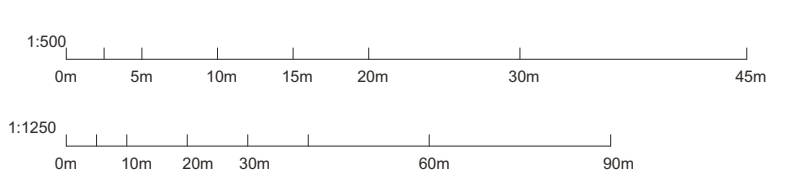
### Planning Issue

Key:

— Site Boundary



Location Plan  
1 : 1250 - 1:500



Stage 3

PO2	Issued for Review	EB	09/06/23
PO1	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

### Woodside Parade

// Location Plan

Client Name	Harrison Development Ltd		
Address	Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS		

Drawn By	JAC	Checked By	EB
Scale	As indicated @ A1	Date	09.06.23
Scene Ref.	1445	Rev no.	P02
Dwg no.	WDPR-SCN-XX-XX-DR-A-01.001-A3-02		



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 Check all relevant dimensions, lines and levels on site before proceeding with the work.  
 This drawings is to be read in conjunction with all Architect's drawings, schedules and specifications, and all relevant consultants and / or specialists' information relating to the project.  
 Refer all discrepancies to Scene Architects Ltd.

**Planning Issue**

Key:

--- Site Boundary

WROXHAM  
CLOSE

WOODSIDE PARADE

HICKLING CLOSE

Existing Site Plan  
1 : 100

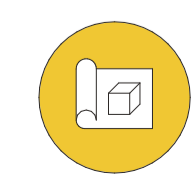
69

P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**  
// Existing Site Plan

Client Name Harrison Developments Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1:100 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P02
Dwg no.	WDPR-SCN-XX-XX-DR-A-01_002-A1-02		



Stage 3

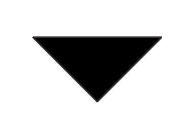


**Planning Issue**

Key:

--- Site Boundary

Front Elevation



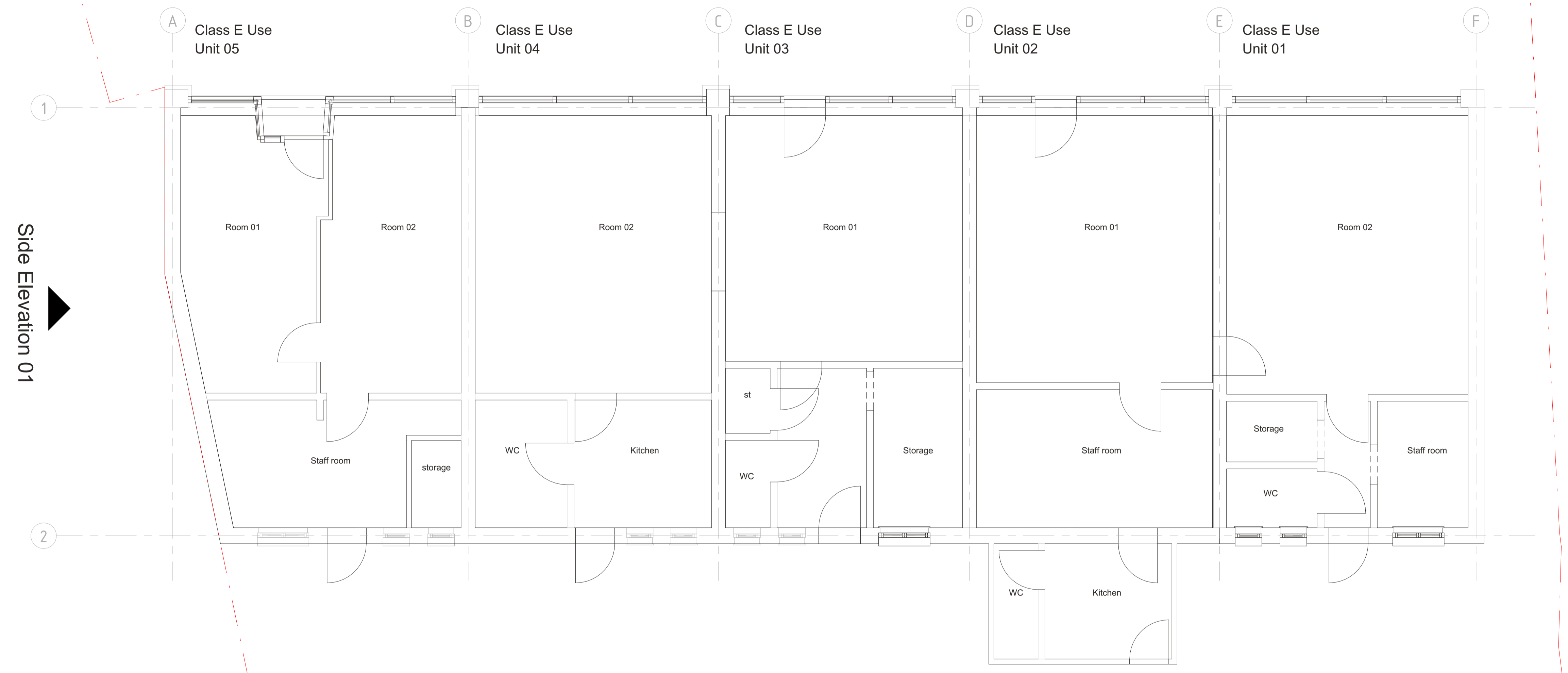
Rear Elevation



Side Elevation 01



Side Elevation 02



Existing Ground Floor Plan  
 1 : 50

P03	Issued for Review	EB	13/06/23
P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**

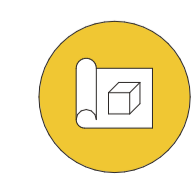
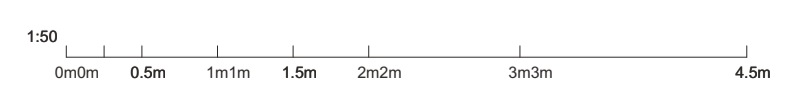
// Existing Ground Floor Plan

Client Name Harrison Developments Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P03
Dwg no.	WDPR-SCN-XX-00-DR-A-10_001-A1-03		



70

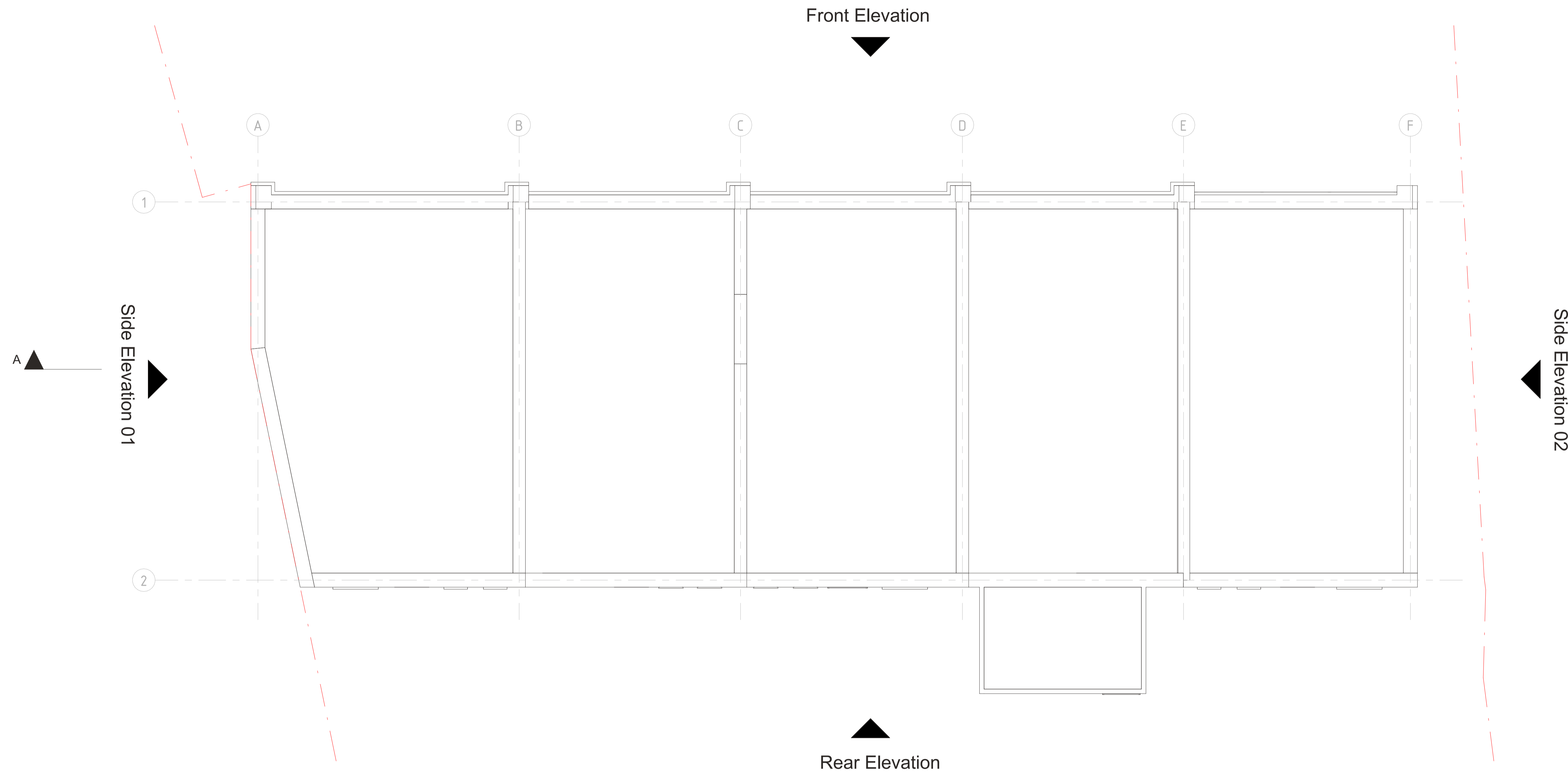


Stage 3

**Planning Issue**

Key:

--- Site Boundary



71

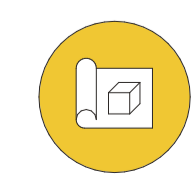
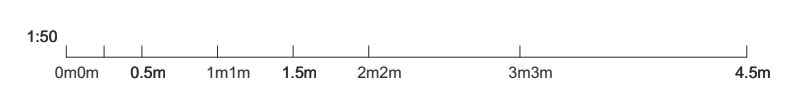
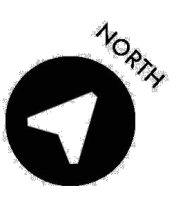
Existing Roof Plan  
1 : 50

P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**  
// Existing Roof Plan

Client Name Harrison Developments Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

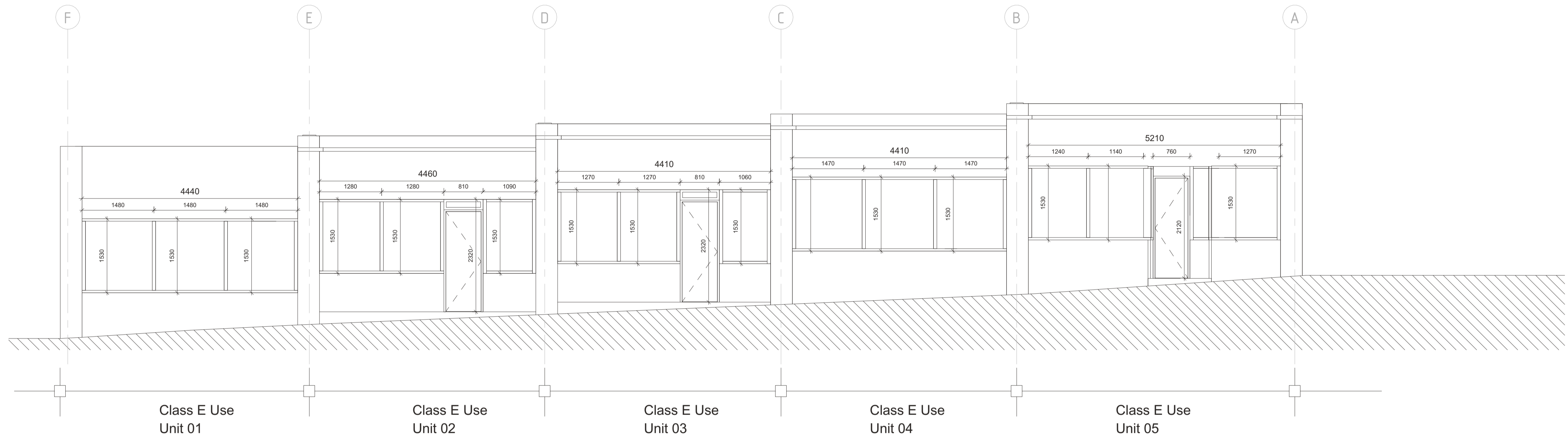
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Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P02
Dwg no.	WDPR-SCN-XX-01-DR-A-10_002-A1-02		



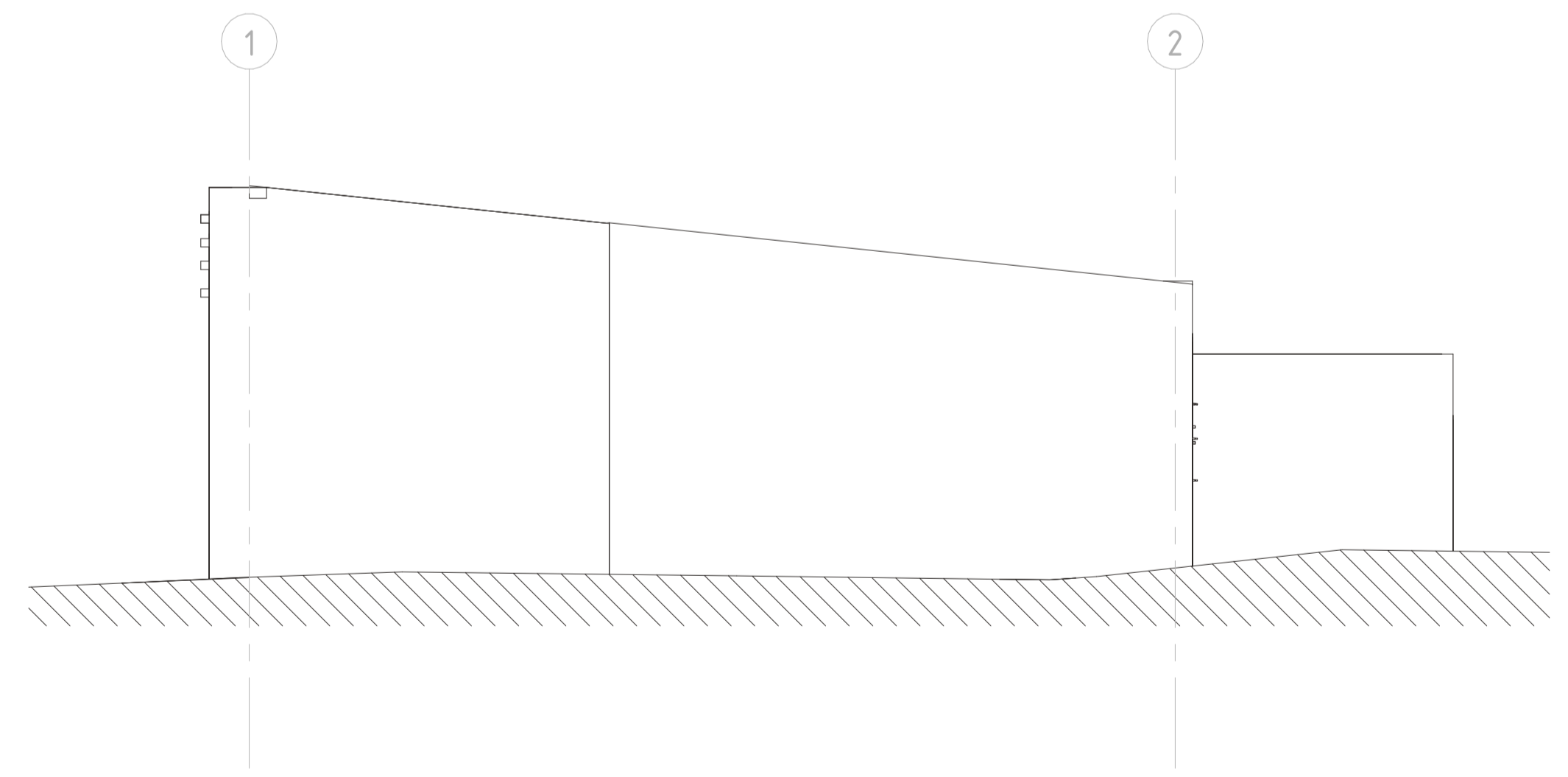
Stage 3



**Planning Issue**



Existing Front elevation  
1 : 50



Existing Side Elevation 01  
1 : 50

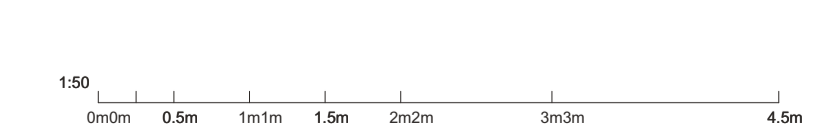
P03	Issued for Review	EB	13/06/23
P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**

// Existing Elevations

Client Name Harrison Developments Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P03
Dwg no.	WDPR-SCN-XX-ZZ-DR-A-ZZ_001-A1-03		

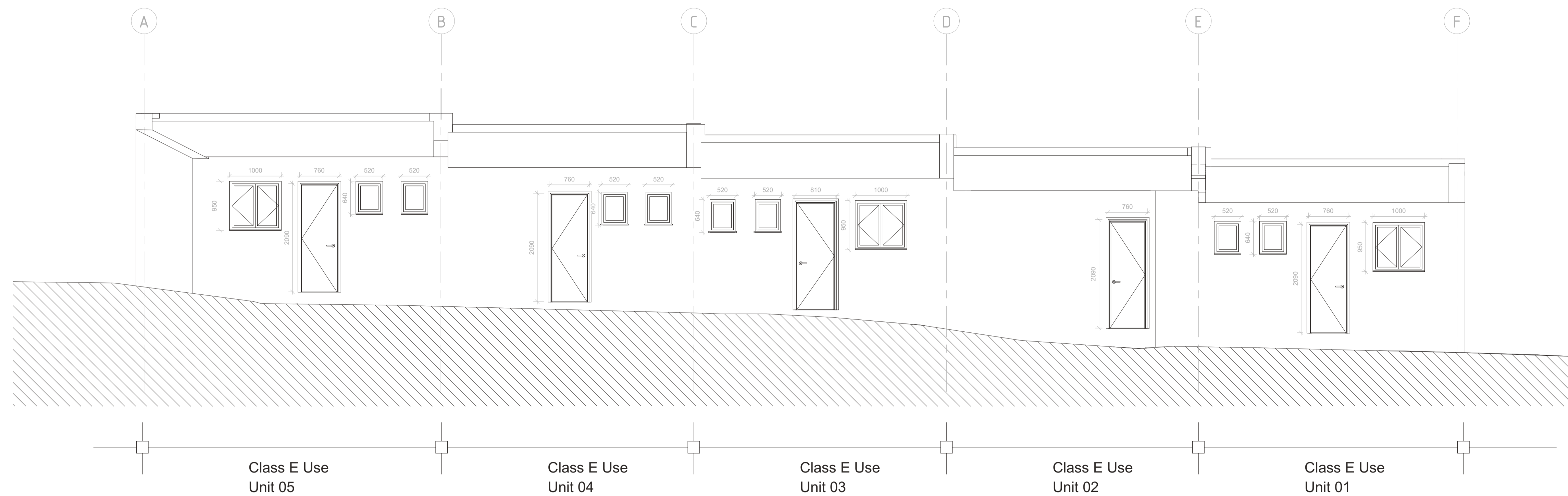


Stage 3

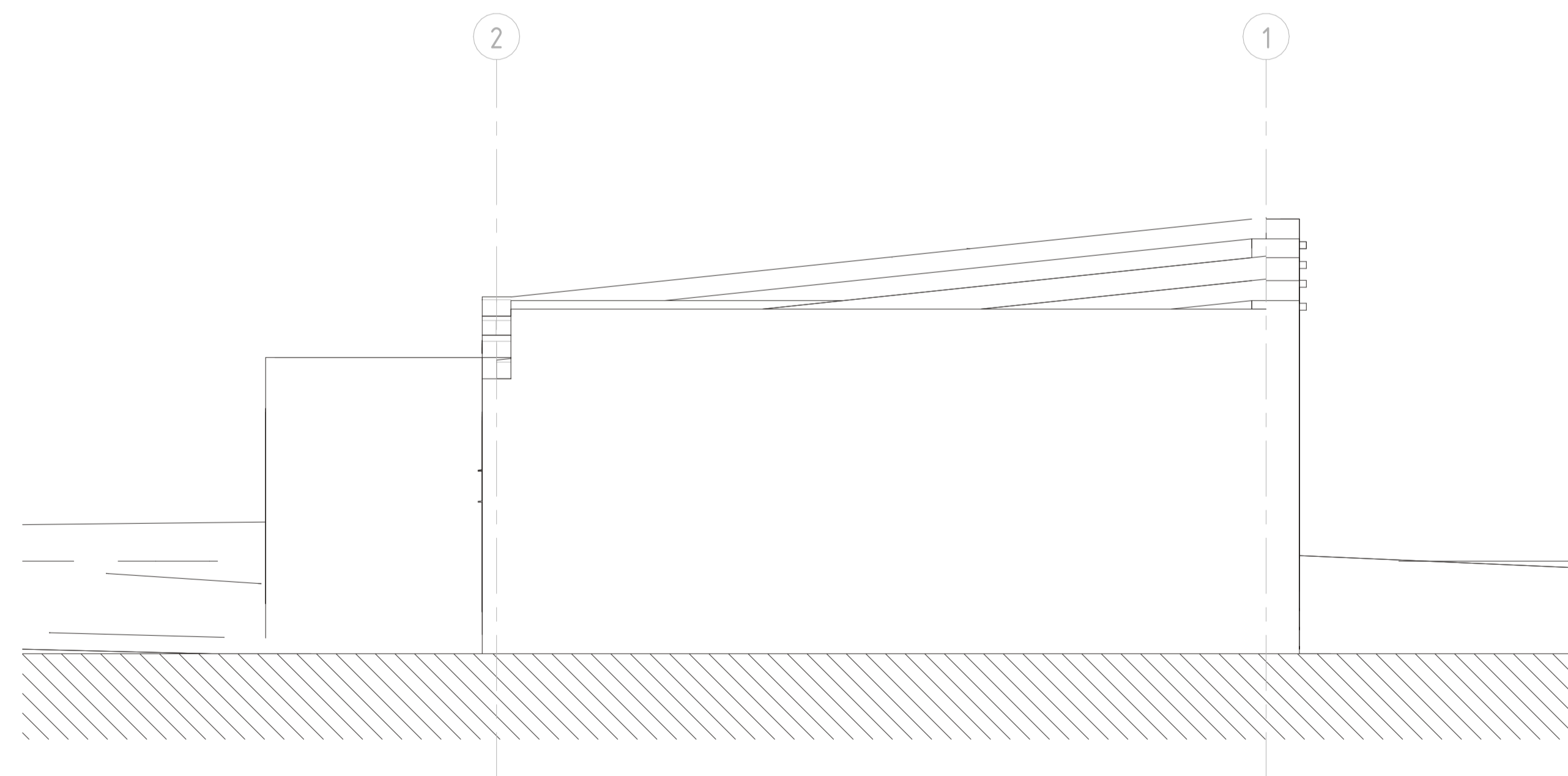




**Planning Issue**



Existing Rear Elevation  
 1 : 50



Existing Side Elevation 02  
 1 : 50

P03	Issued for Review	EB	13/06/23
P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

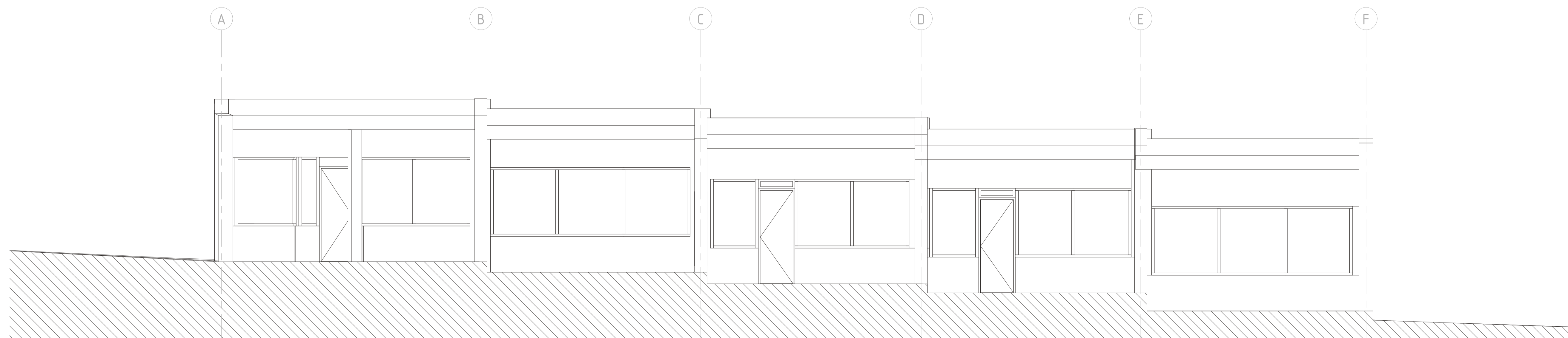
**Woodside Parade**

// Existing Elevations

Client Name Harrison Developments Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P03
Dwg no.	WDPR-SCN-XX-ZZ-DR-A-ZZ_002-A1-03		

**Planning Issue**



Existing Section A-A  
 1 : 50

74

P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**

// Existing Section

Client Name Harrison Developments Ltd

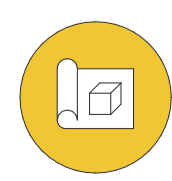
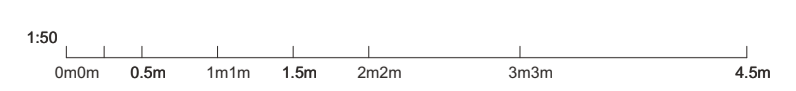
Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By JAC Checked By EB

Scale 1 : 50 @ A1 Date 13.06.23

Scene Ref. 1445 Rev no. P02

Dwg no. WDPR-SCN-XX-ZZ-DR-A-ZZ\_003-A1-02



Stage 3



**Planning Issue**

Key:

--- Site Boundary

WROXHAM CLOSE

WOODSIDE PARADE

HICKLING CLOSE



Proposed Site Plan  
1 : 100

75

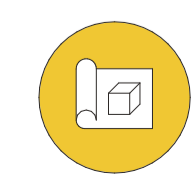
P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**

// Proposed Site Plan

Client Name Harrison Development Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1:100 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P02
Dwg no.	WDPR-SCN-XX-XX-DR-A-01_002-A3-02		



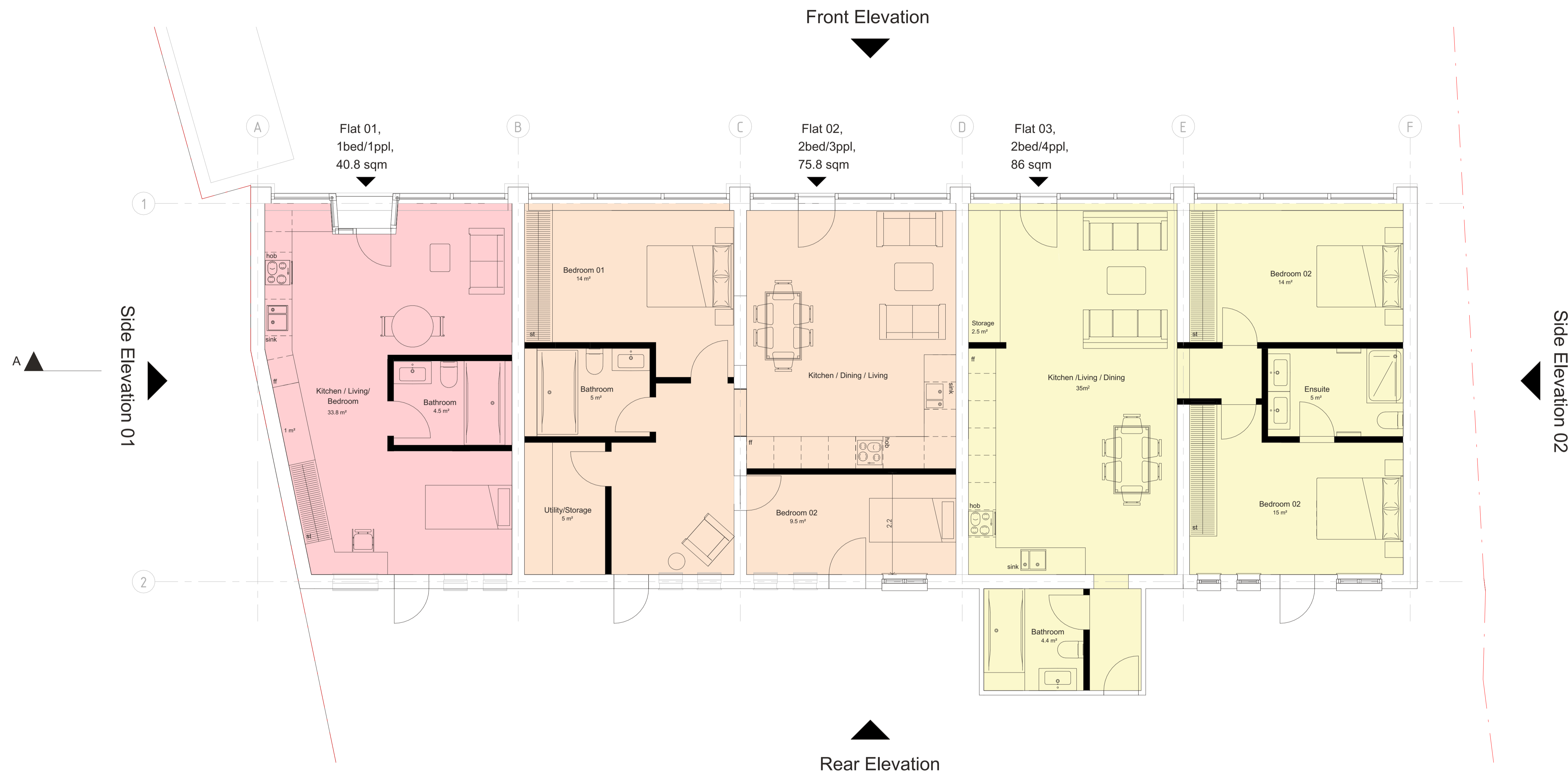
Stage 3



**Planning Issue**

Key:

--- Site Boundary



76

**Proposed Ground Floor Plan**  
1 : 50

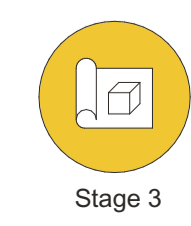
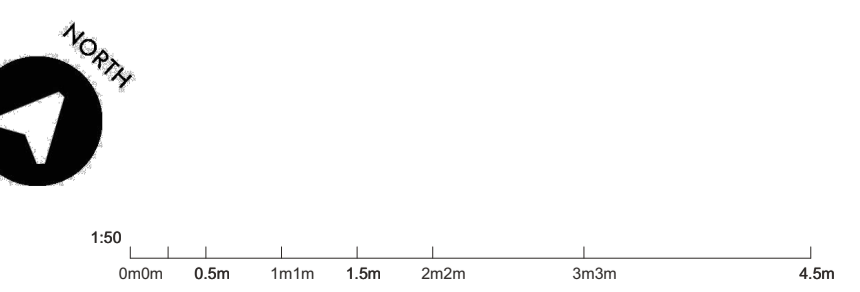
P03	Issued for Review	EB	13/06/23
P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**

// Proposed Ground Floor Plan

Client Name: Harrison Development Ltd  
Address: Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P03
Dwg no.	WDPR-SCN-XX-00-DR-A-10_001-A3-03		



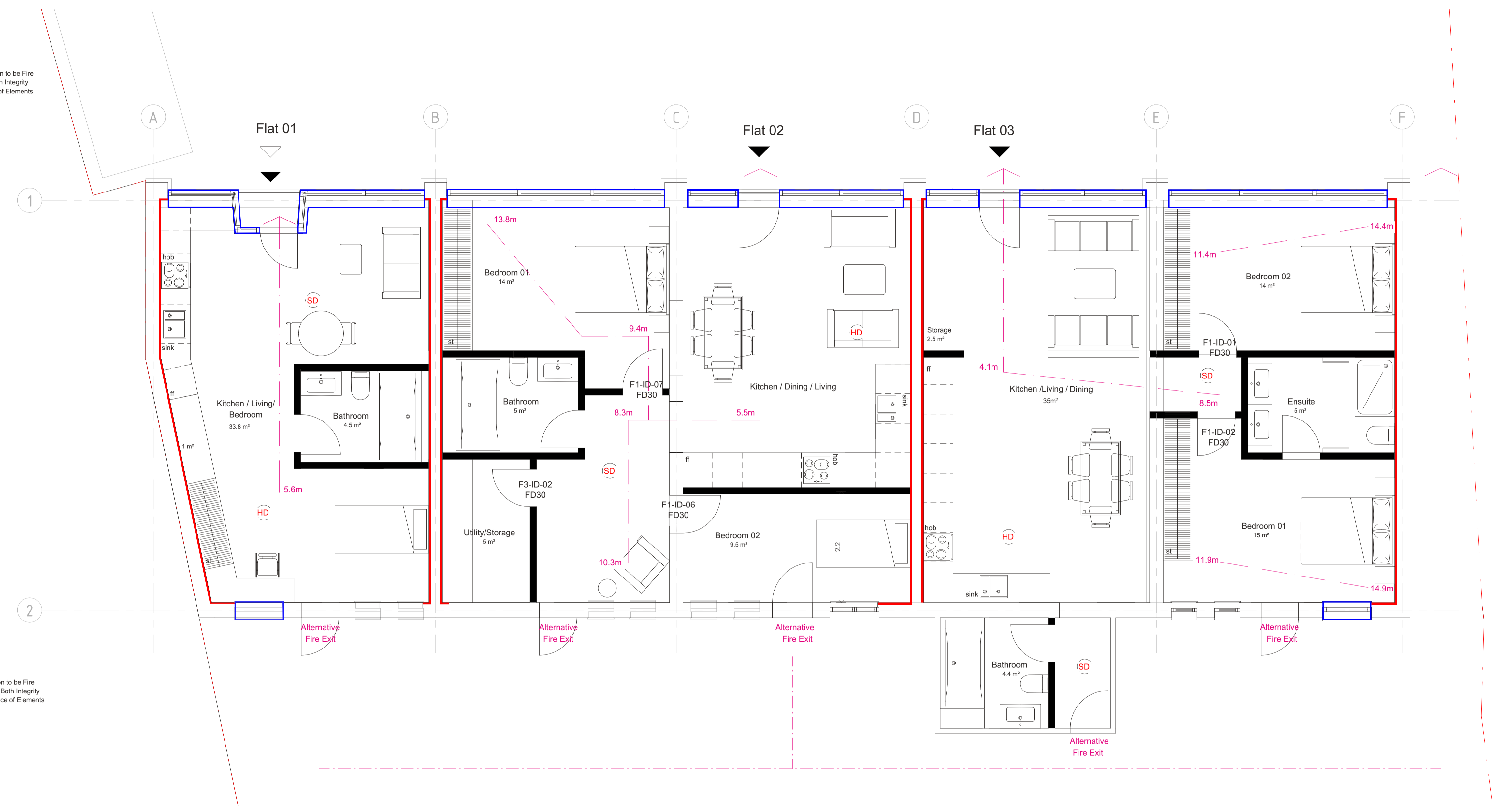
Stage 3



**Planning Issue**

All Glazing to the Front Elevation to be Fire Rated Glazing to 1 Hour for Both Integrity and Insulation Fire Resistance of Elements

Glazing to the Rear Elevation to be Fire Rated Glazing to 1 Hour for Both Integrity and Insulation Fire Resistance of Elements



- Key:**
- - - Site Boundary
  - 10.0m Travel Distance to Final Exit
  - Final Exit to Place of Safety
  - Walls to be 1 Hour Fire Rated Between Units
  - HD Interlinked Battery Back Up Heat Detector within Each Unit
  - SD Interlinked Battery Back Up Smoke Detector within Each Unit
  - DG01 Door Tag and Rating of Doors. 30 Minute Fire Rater with Intumescent Strips Surround doors
  - Alternative Fire Exit

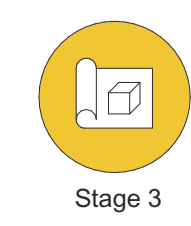
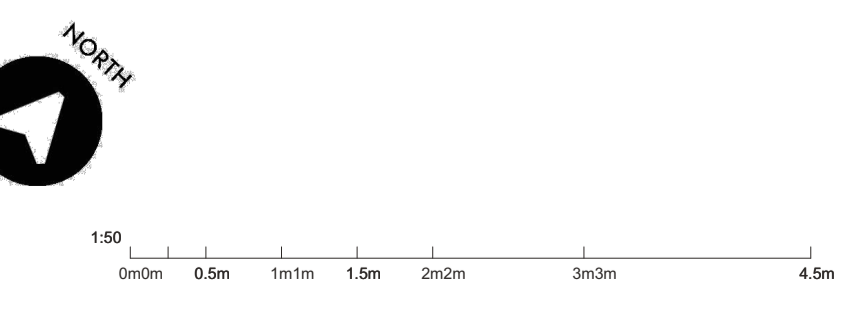
**Proposed Ground Floor Fire Strategy Plan**  
1 : 50

PD1	Issued for Review	EB	13/06/23
Rev	Description	Initials	Date

**Woodside Parade**  
// Proposed Ground Floor Fire Strategy Plan

Client Name Harrison Development Ltd  
Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

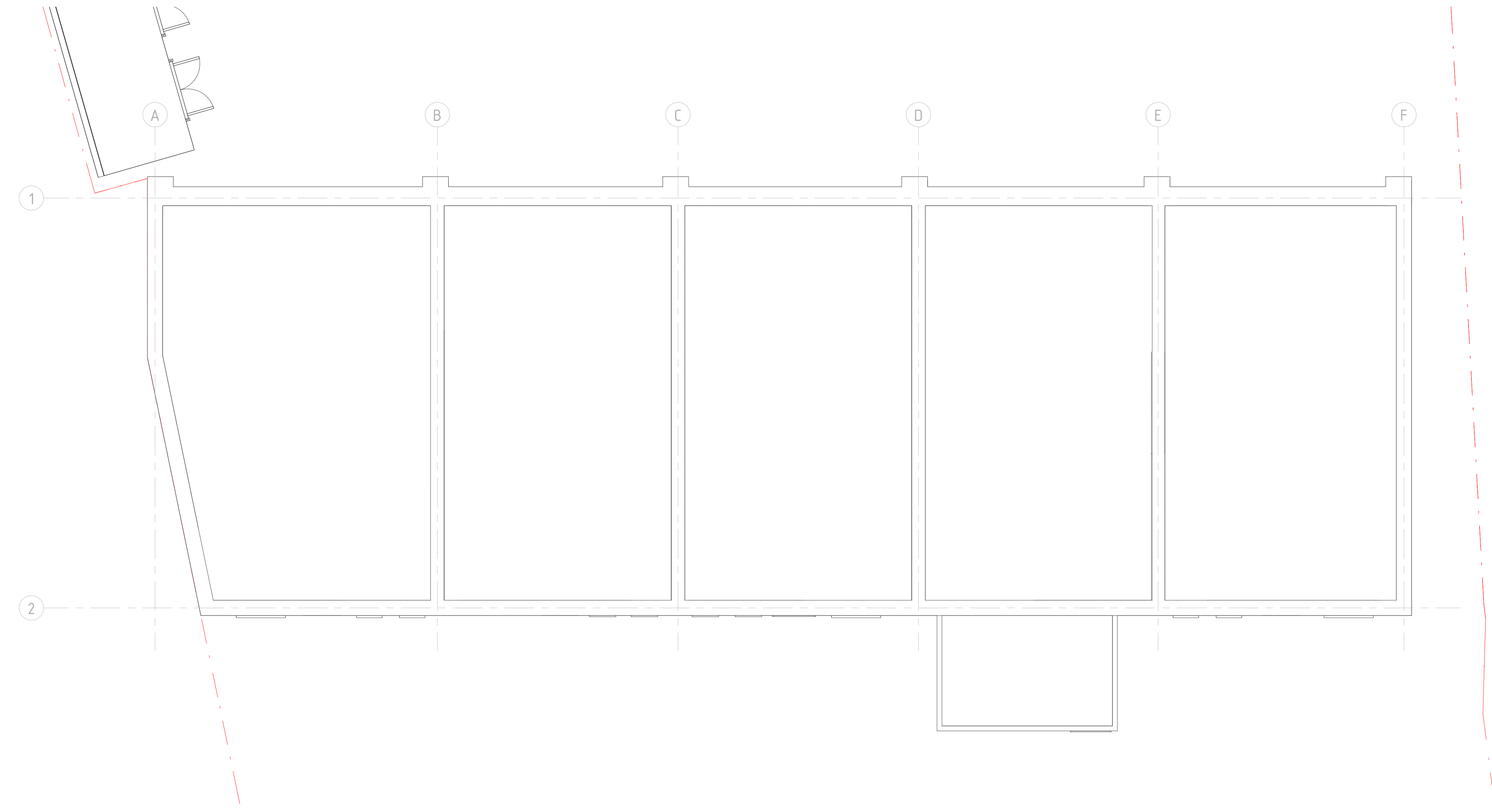
Drawn By	AP	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P01
Dwg no.	WDPR-SCN-XX-00-M3-A-10_002-A3-01		



**Planning Issue**

Key:

--- Site Boundary



78

Proposed Roof Plan  
1 : 50

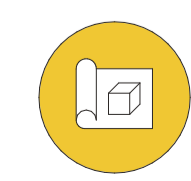
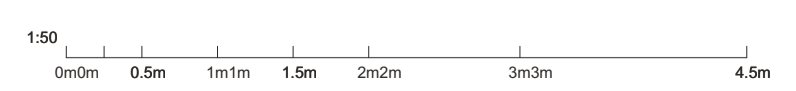
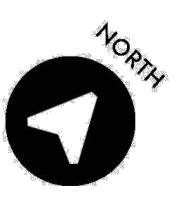
P02	Issued for Review	EB	09/06
P01	Issued for Review	JAC	30/05
Rev	Description	Initials	Date

**Woodside Parade**

// Proposed Roof Plan

Client Name Harrison Development Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

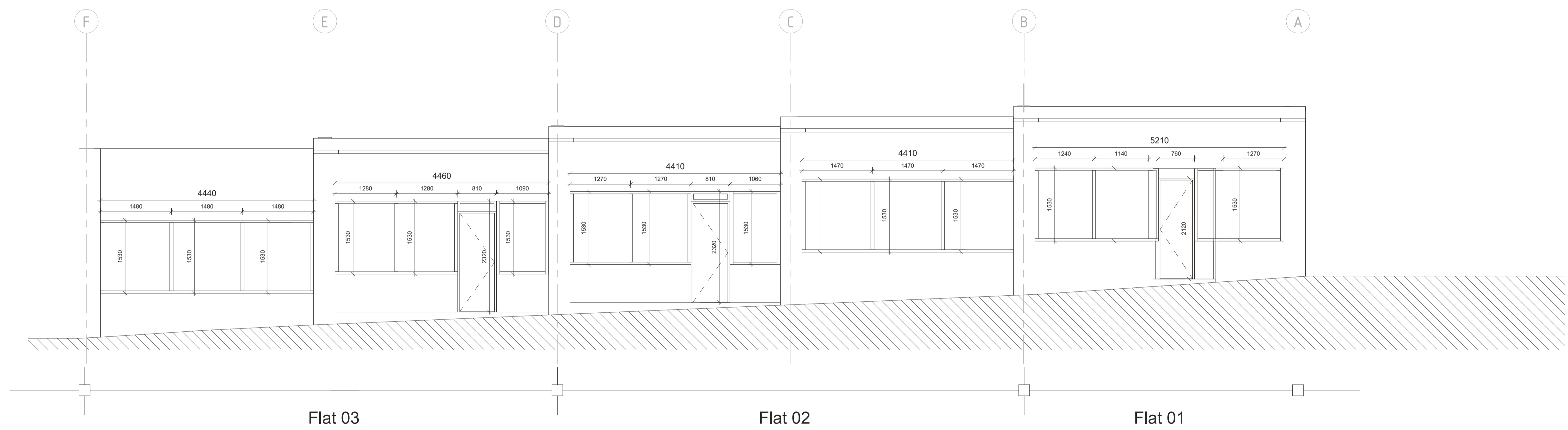
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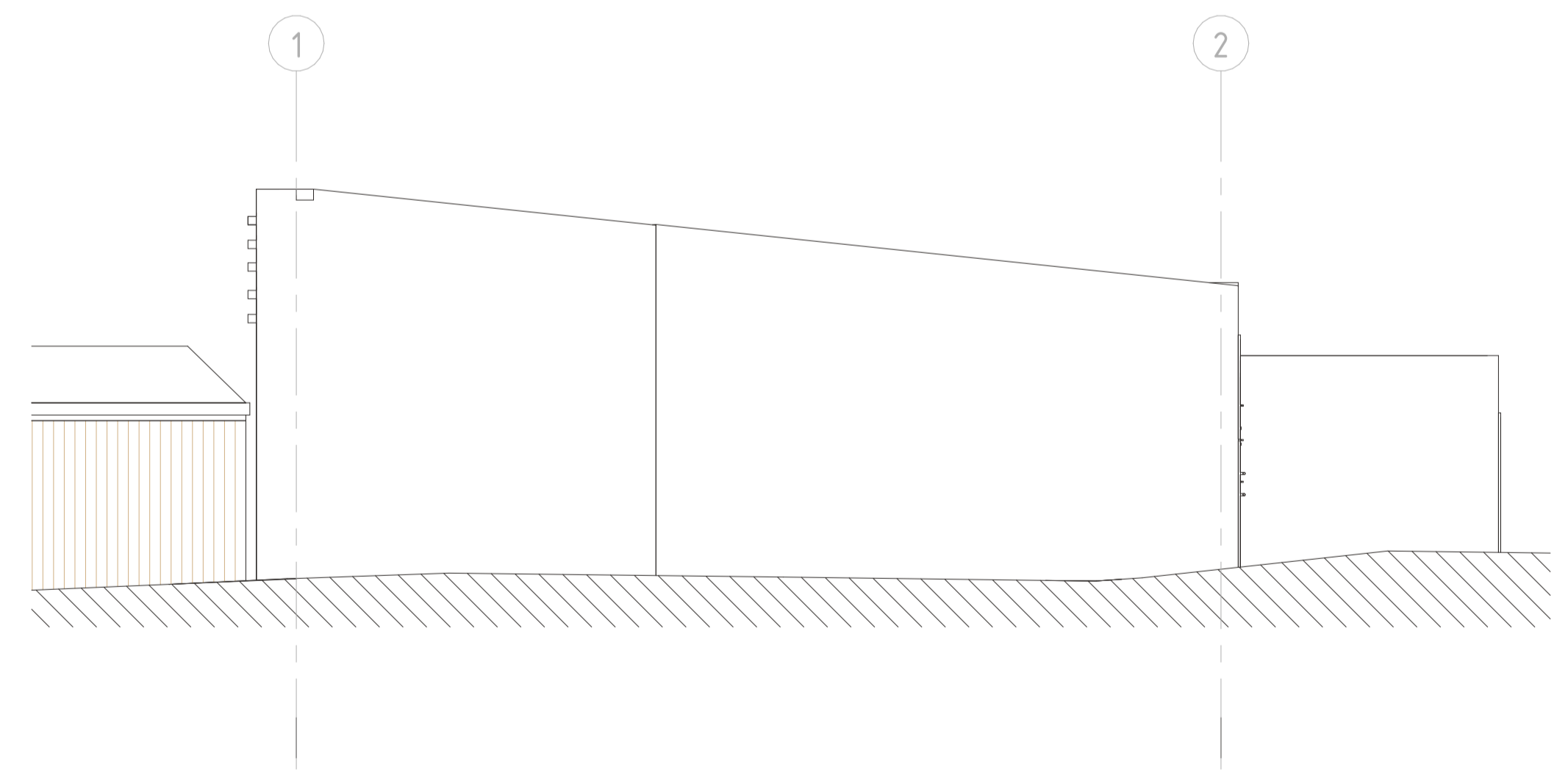
Stage 3



**Planning Issue**



Proposed Front Elevation  
1 : 50



Proposed Side Elevation 01  
1 : 50

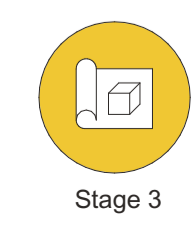
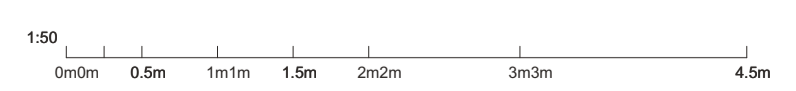
P03	Issued for Review	EB	13/06/23
P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**

// Proposed Elevations

Client Name: Harrison Development Ltd  
 Address: Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

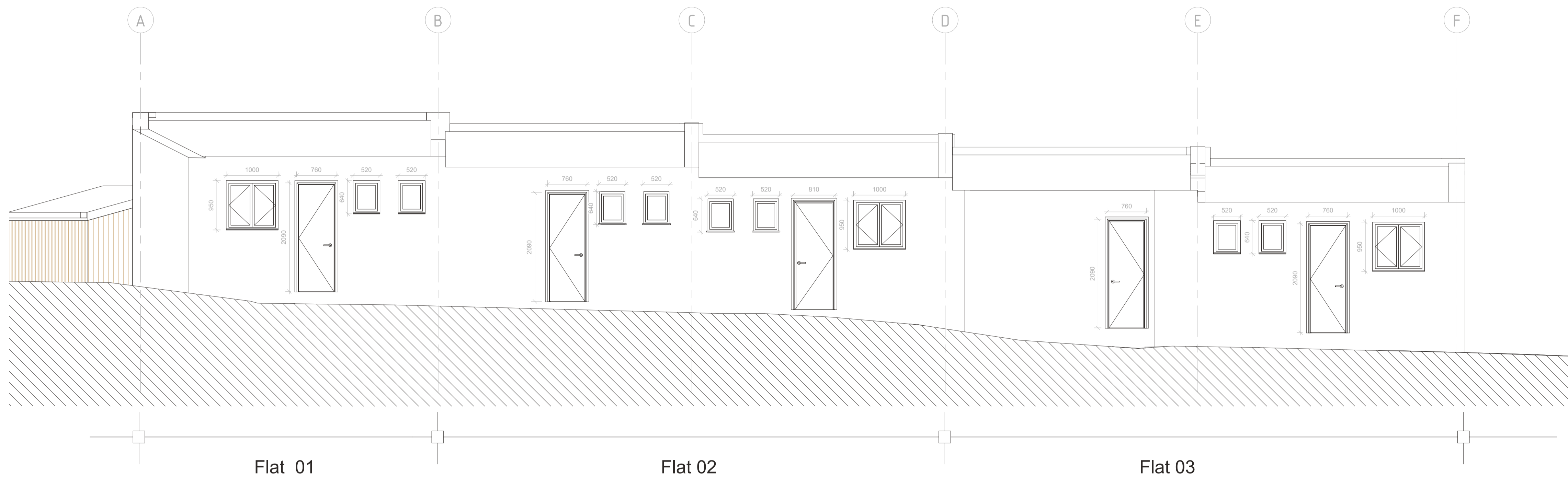
Drawn By	JAC	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P03
Dwg no.	WDPR-SCN-XX-ZZ-DR-A-ZZ_001-A3-03		



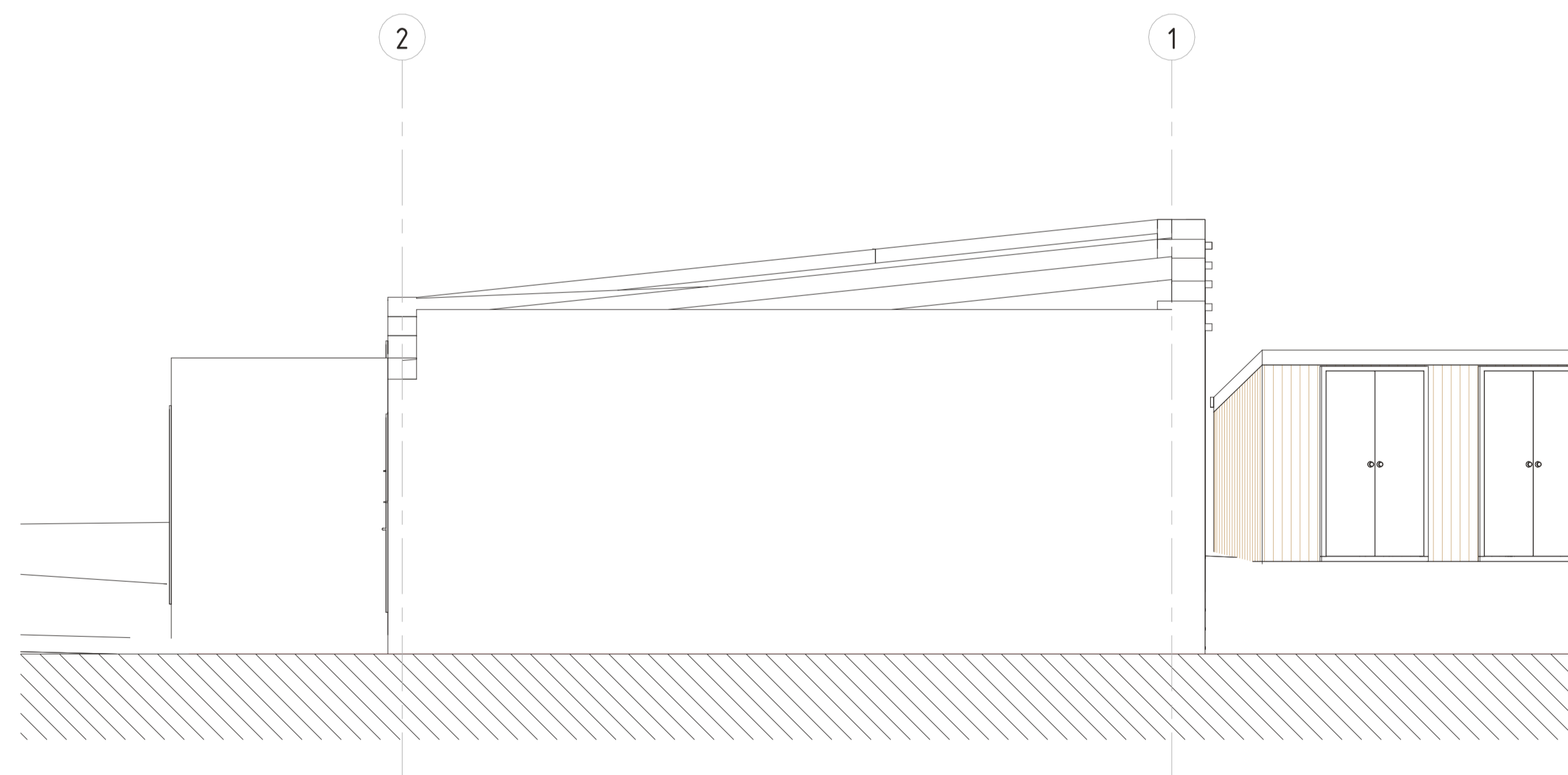
Stage 3



**Planning Issue**

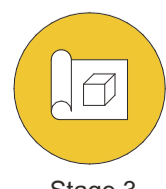
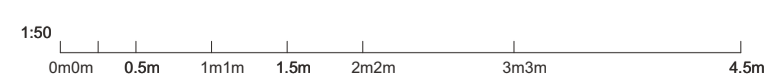


○ Proposed Rear Elevation  
1 : 50



○ Proposed Side Elevation 02  
1 : 50

08



Stage 3

P03	Issued for Review	EB	13/06/23
P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**

// Proposed Elevations

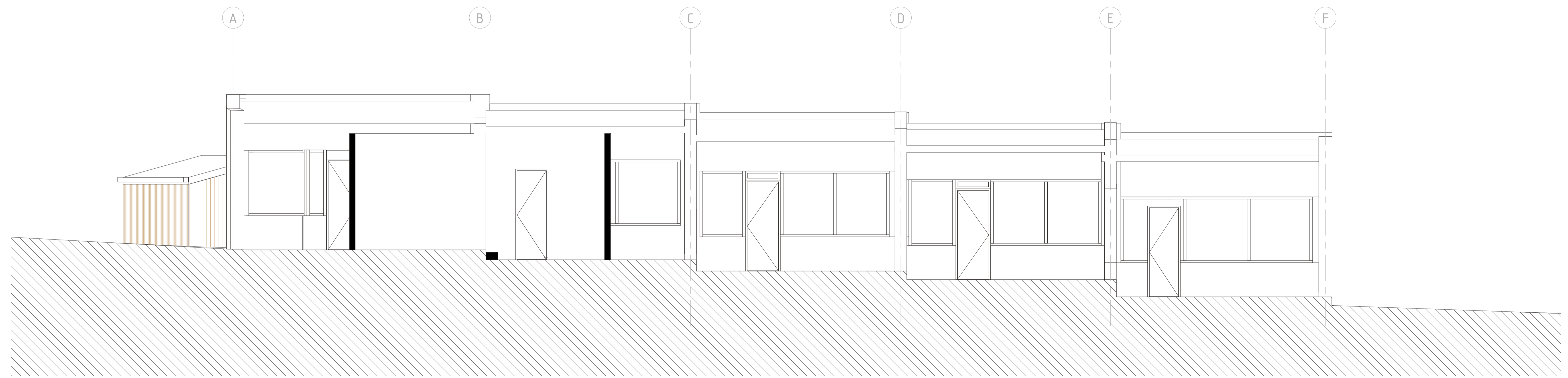
Client Name Harrison Development Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P03
Dwg no.	WDPR-SCN-XX-ZZ-DR-A-ZZ_002-A3-03		





**Planning Issue**



○ Proposed Section A-A  
 1 : 50

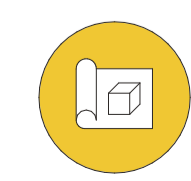
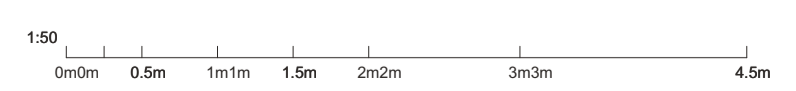
81

P02	Issued for Review	EB	09/06/23
P01	Issued for Review	JAC	30/05/23
Rev	Description	Initials	Date

**Woodside Parade**  
 // Proposed Section

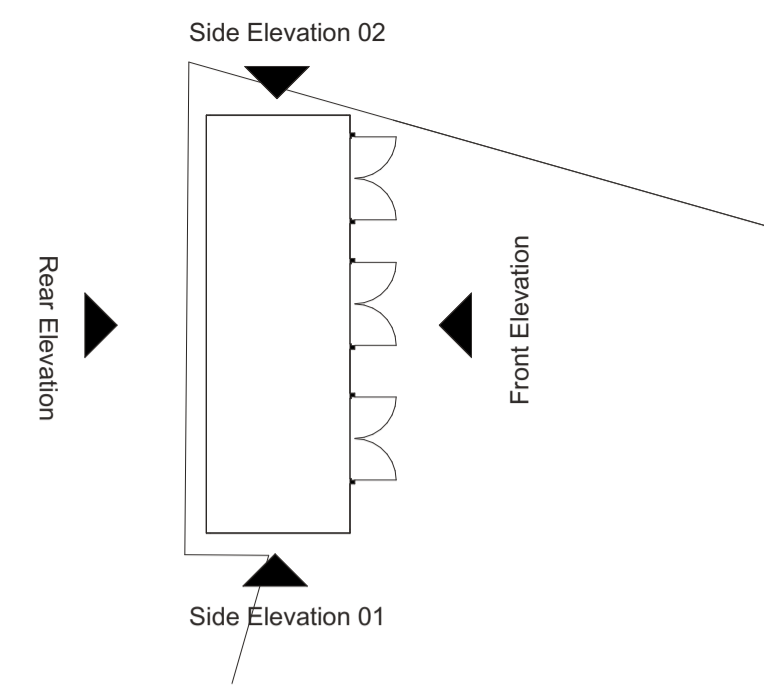
Client Name Harrison Development Ltd  
 Address Woodside Parade, Woodside,  
 Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1 : 50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P02
Dwg no.	WDPR-SCN-XX-ZZ-DR-A-ZZ_003-A3-02		



Stage 3

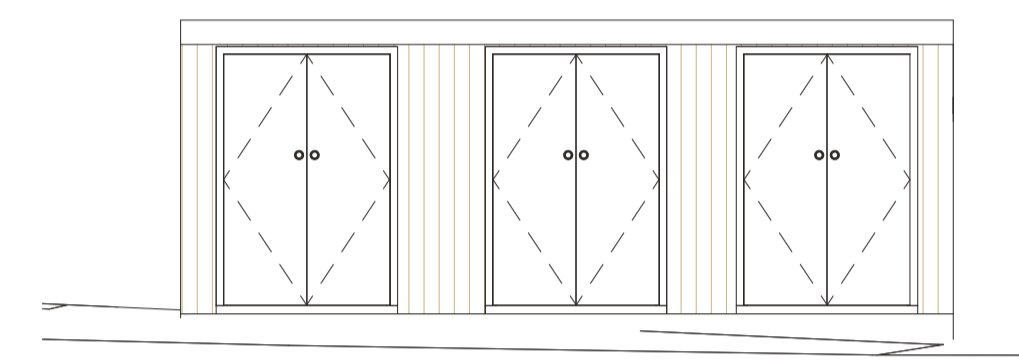




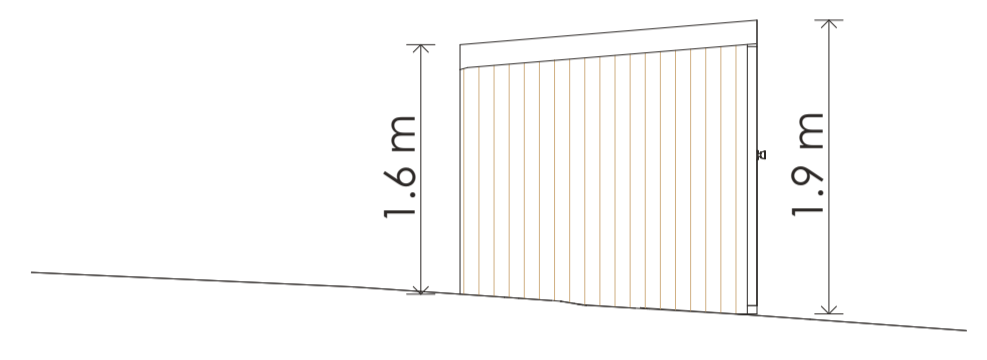
**Key:**

**Refuse:**  
 a = General Waste Bin  
 b = Recyclable Waste Bin

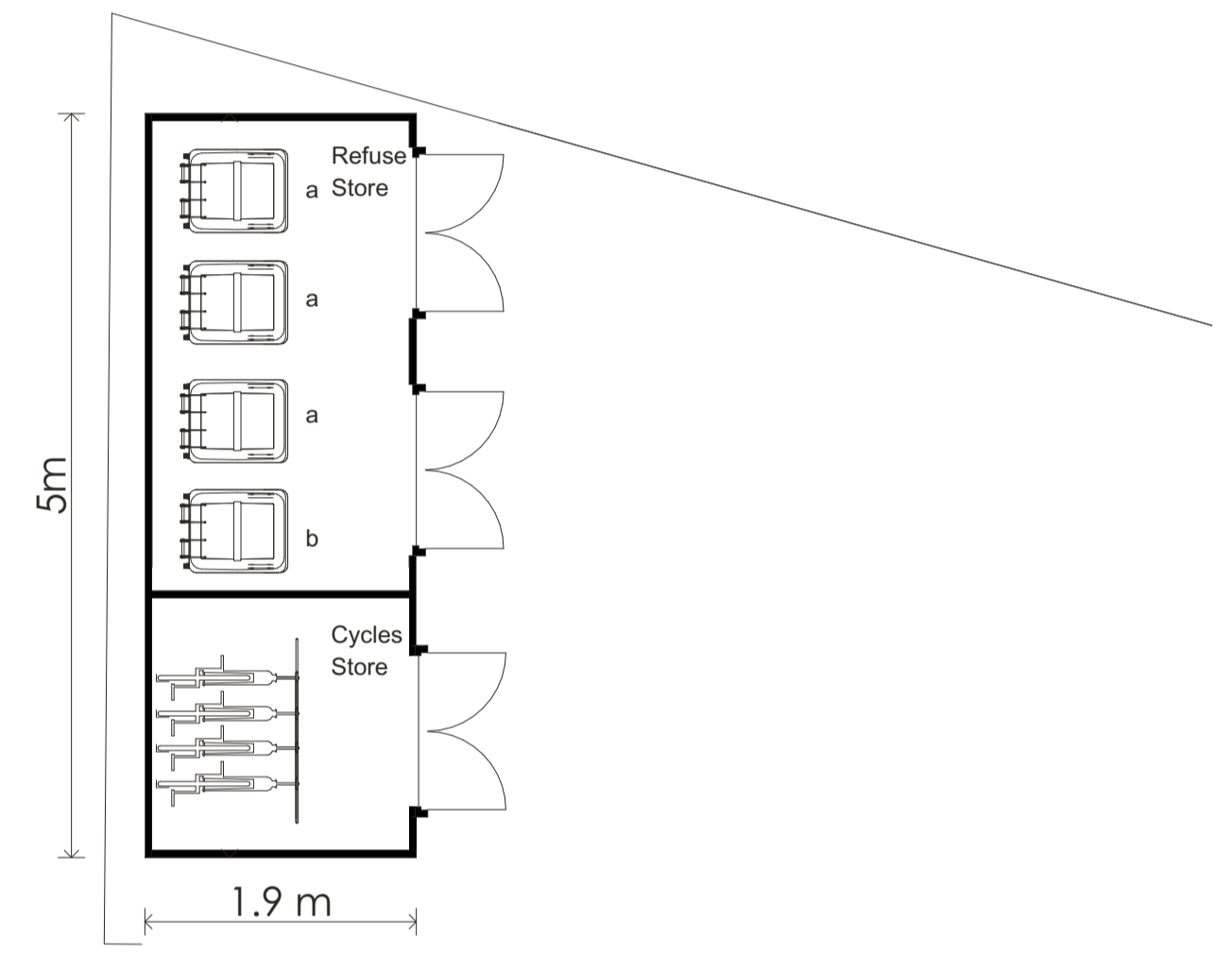
**Bikes:** 3no. x flat  
 1no. x visitors



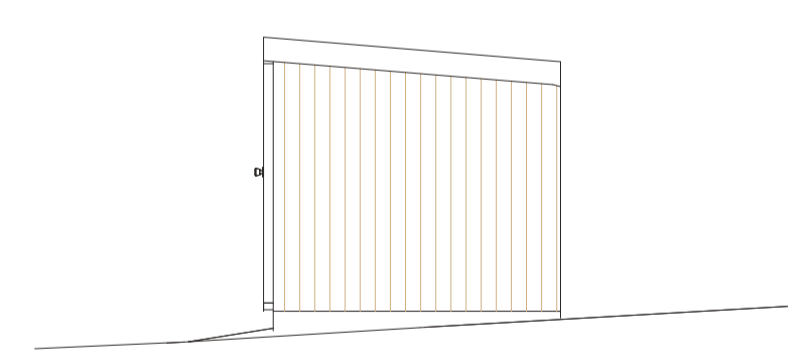
○ Proposed Front Elevation  
 1 : 50



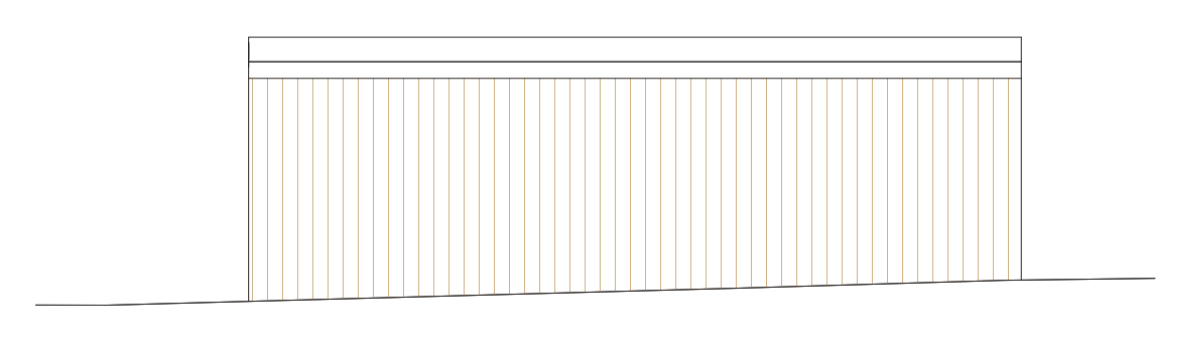
○ Proposed Side Elevation 01  
 1 : 50



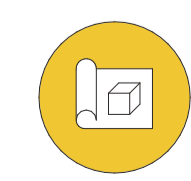
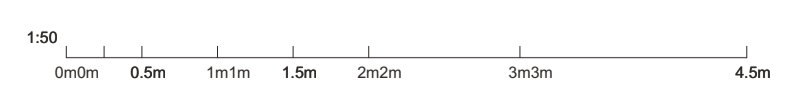
○ Proposed Ground Floor Plan // Cycles & Refuse  
 1 : 50



○ Proposed Side Elevation 02  
 1 : 50



○ Proposed Rear Elevation  
 1 : 50



Stage 3

P01	Issued for Review	EB	09/06/23
Rev	Description	Initials	Date

**Woodside Parade**

// Proposed Cycles & Refuse

Client Name Harrison Development Ltd  
 Address Woodside Parade, Woodside, Leigh-on-sea, SS9 4SS

Drawn By	JAC	Checked By	EB
Scale	1:50 @ A1	Date	13.06.23
Scene Ref.	1445	Rev no.	P01
Dwg no.	WDPR-SCN-XX-ZZ-DR-A-ZZ_004-A3-01		



Front elevation





Front elevation

Flank of 2 to 5  
Hinkling Close

Extent of unrestricted parking to the front of the application site



85



<b>Reference:</b>	23/00981/FULH
<b>Application Type:</b>	Full Application - Householder
<b>Ward:</b>	West Leigh <span style="float: right; font-size: 2em; font-weight: bold;">7</span>
<b>Proposal:</b>	Erect part single/part two storey side and rear extension
<b>Address:</b>	17 Underwood Square, Leigh-on-sea
<b>Applicant:</b>	Mr P Mavin
<b>Agent:</b>	Knight Gratrix Architects
<b>Consultation Expiry:</b>	2nd August 2023
<b>Expiry Date:</b>	8th September 2023
<b>Case Officer:</b>	Kara Elliott
<b>Plan Nos:</b>	<b>1715/010 Location Plan and Site Plan, 1715/010 Proposed Elevations and Floor Plans, 1715/010 Existing Elevations and Floor Plans</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **Site and Surroundings**

- 1.1 The application site contains a two-storey detached dwelling to the north of Underwood Square. It has a long, narrow rear garden with an outbuilding to the rear boundary.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations.

## **2 The Proposal**

- 2.1 The application seeks planning permission for a part single, part two storey side/rear extension. A rear conservatory will be removed. The two-storey part of the extension would have a depth of 3m x 4.5m wide x 7m high (to match the existing dwelling) with a pitched roof, a continuation of the main dwelling roof. Its rear first floor elevation will have a Juliet balcony with triangular openings above.
- 2.2 The single storey element would project a total of some 3.9m beyond the main rear elevation of the dwelling, x 5.8m wide x 3.1m high (to the top of the parapet wall) with a flat roof.

## **3 Relevant Planning History**

- 3.1 13/00671/FULH - Erect Outbuilding to rear of garden – Granted 17.07.2013

## **4 Representation Summary**

### **Call-in**

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

### **Public Consultation**

- 4.2 15 neighbouring properties were notified. Two (2) letters of representation were received which make the following objections/comments:
  - Loss of neighbour amenity from loss of light, loss of privacy, overlooking
  - Access/driveway must not be blocked during works.
- 4.3 Officer comment: The objections raised in the representations have been taken into consideration in the assessment of the application where relevant to material planning considerations but not found to be justifiable reasons for refusing planning permission in the circumstances of this case.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).



- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Appraisal**

### **Principle of Development**

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

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

- 6.2 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.3 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 The proposed part single, part two storey rear/side addition would be of an acceptable size, scale, height and depth projecting a maximum of 3m at two storey with a ridge height to match the existing dwelling. The single storey element would largely replace an existing conservatory of a similar size and scale with no adverse character impacts.
- 6.5 It is considered that the proposal would not harm the character and appearance of the site, the streetscene or the wider surrounding area and is acceptable and policy compliant in the above regards.

### **Amenity Impacts**

- 6.6 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.7 The two storey part of the proposed extension would be 3m deeper than the two-storey element of No18 to the east and set some 1.2m from the side wall of No 18. The application dwelling is smaller in size, scale and height than its immediate neighbours and the nearest opening at first floor in No18 is a bathroom window. The total extent of the development proposed at ground floor would be some 5.2m deeper than the rear two storey building line of no.18 and some 2.6m deeper than No 18's ground floor extended rear building line. The proposal would largely replace a conservatory which ends at 4.55m beyond the rear building line of no.18. Due to its single storey, flat roof

nature, it is considered that the proposed development would not significantly harm the amenities of the occupiers at no. 18 from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy.

- 6.8 The rear outrigger of no. 15 to the west is set some 4m away from the shared boundary so no harm is identified from any loss of outlook or light or any perceived or actual loss of privacy. The development would extend 3.9m beyond the main rear building line of no.15. The nearest flank elevation of no.15 is L-shaped, and the two-storey element of the existing dwelling is already next to this. This area is understood not to form a principal part of No 15's private rear garden area. There is a separation distance between these two dwellings of some 3.15m, so no dominant impact would arise. There are windows to the rear and flank within the L-shape at no.15, but it is not considered that the development would result in any harmful loss of outlook or privacy to the occupiers at no.15 as these openings consist of a secondary window to a lounge, with bi fold doors to the rear as well as a window to a non-habitable room (kitchen) with another source of light. The two-storey element would not project any deeper than No 15's two-storey outrigger. There would be no first-floor flank windows which would overlook this neighbour. The nearest first floor window to the proposed two storey extension serves a bedroom and at ground floor serves a kitchen, but the development does not breach a notional 45-degree guideline taken from the centre of this window so the impact is considered acceptable.
- 6.9 The proposed rear Juliet balcony at first floor is akin to a window and would not significantly harm neighbours' amenity in any relevant regards. The application site backs onto Belfair's Golf Course with no dwellings behind.
- 6.10 It is therefore considered that the proposed development would not materially harm the amenities of the neighbouring occupiers from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy. The proposed development is therefore acceptable and policy compliant in this regard.

### **Other Matters**

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

### **Equality and Diversity Issues**

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

### **Conclusion**

- 6.14 For the reasons outlined above the proposal is found to be acceptable and compliant

with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

## **7 Recommendation**

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

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1715/010/A Location Plan and Site Plan, 1715/010/A Proposed Elevations and Floor Plans, 1715/010/A Existing Elevations and Floor Plans.**

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

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

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

- 04 The roof of the single storey extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.**

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

### **POSITIVE AND PROACTIVE STATEMENT**

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

## **INFORMATIVE**

- 1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about the Levy.**
  
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.**

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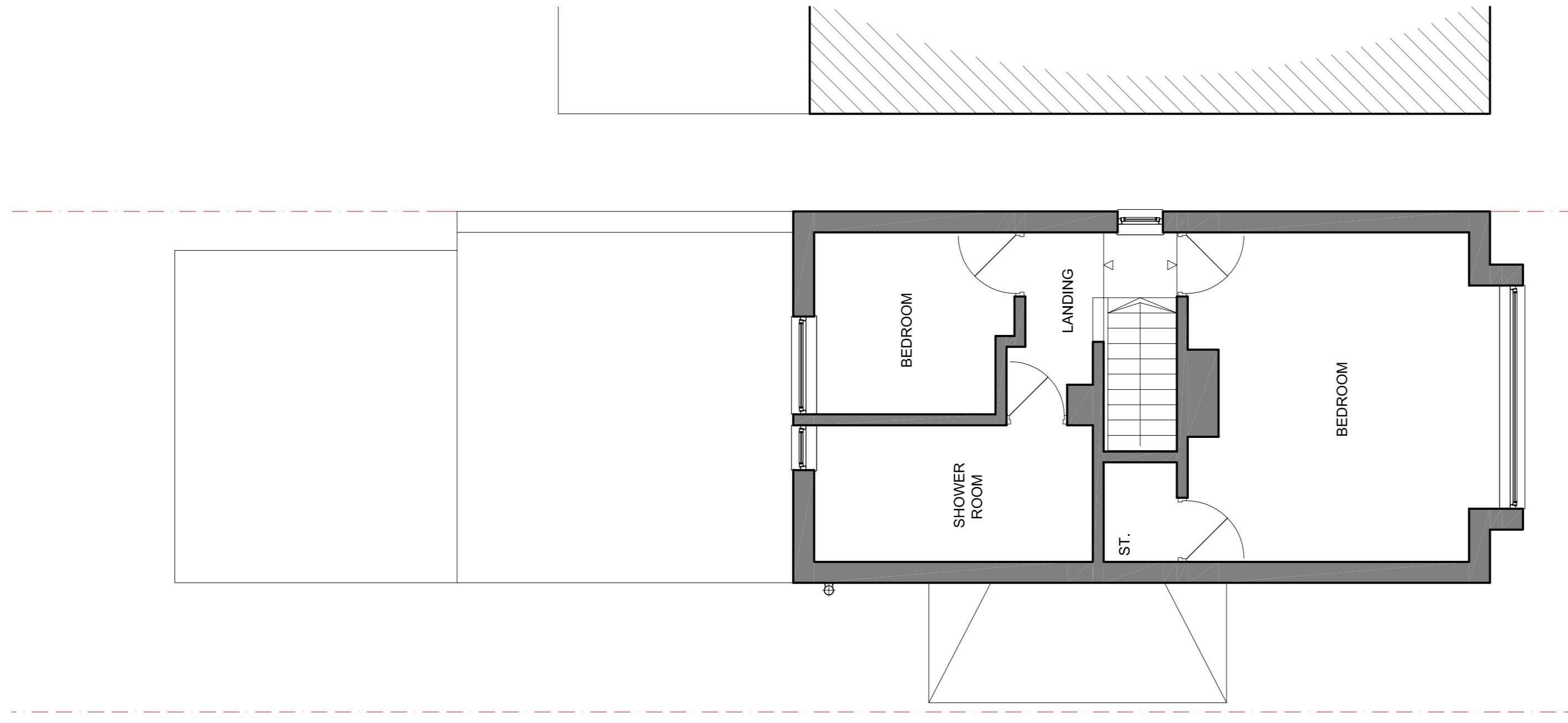
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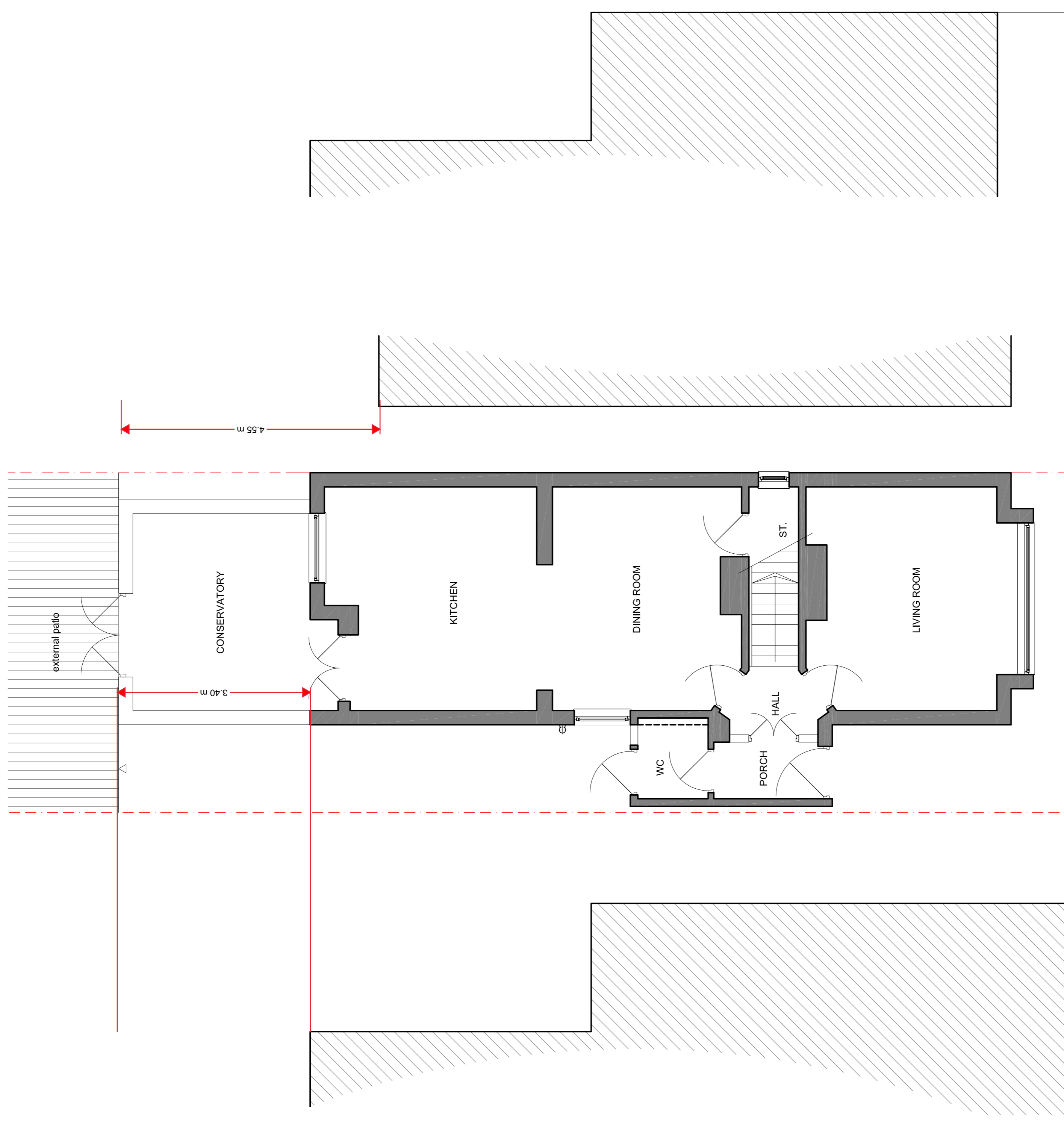
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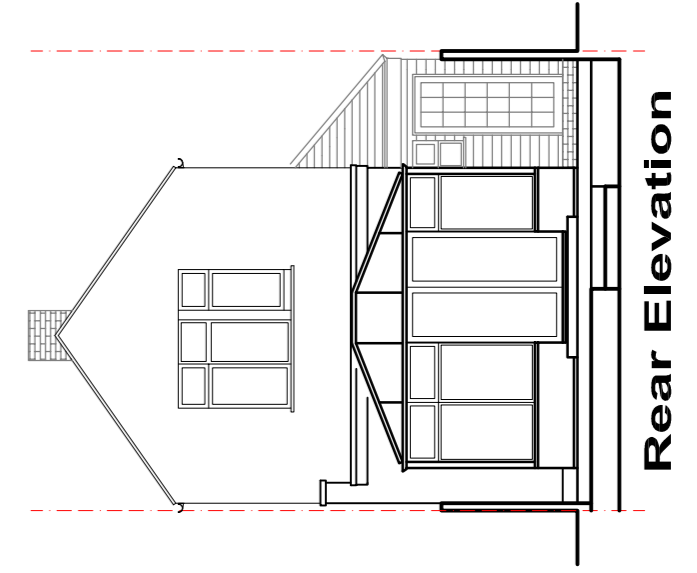
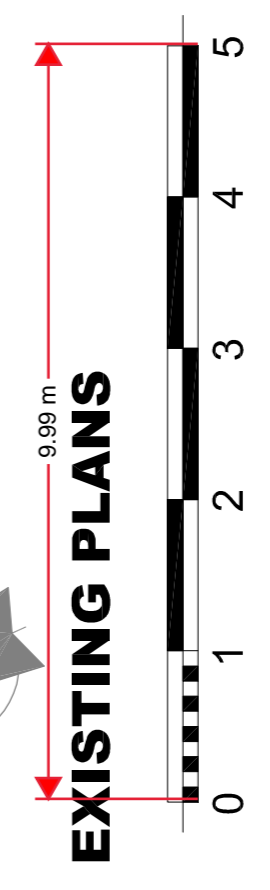
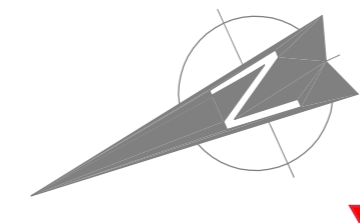
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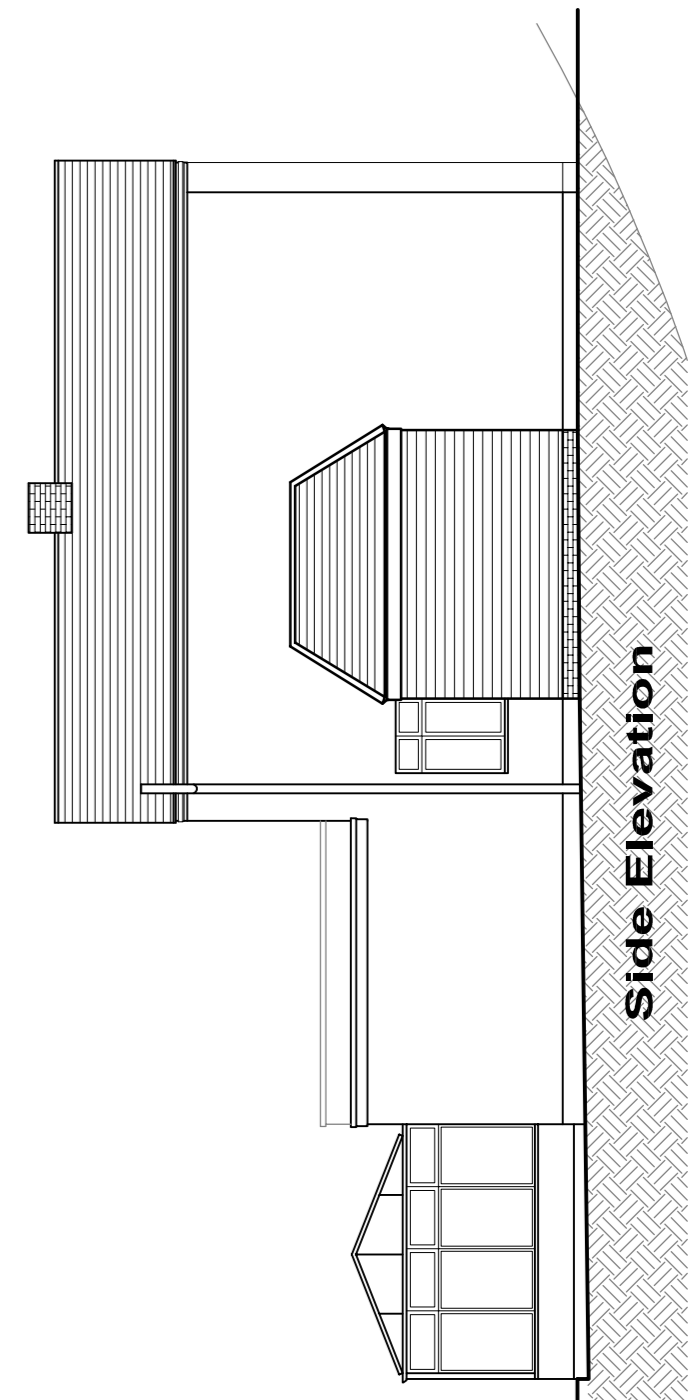
First Floor Plan



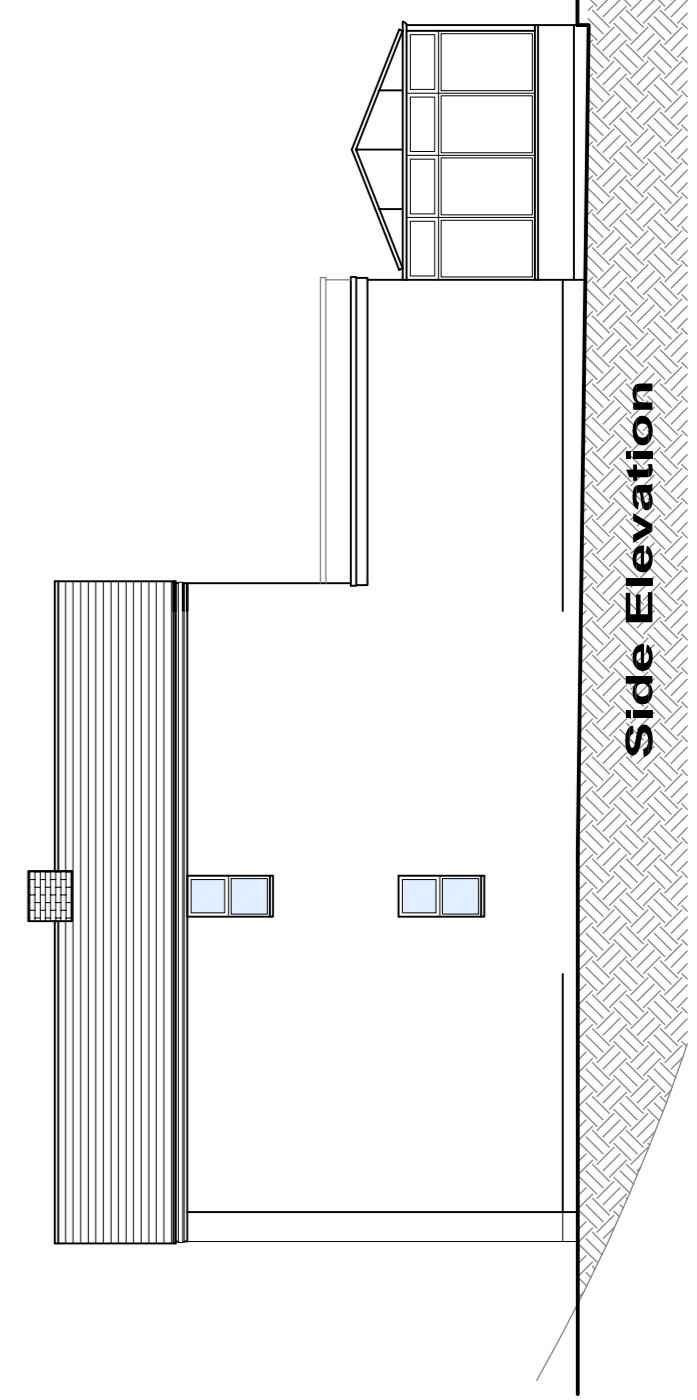
Ground Floor Plan



Rear Elevation

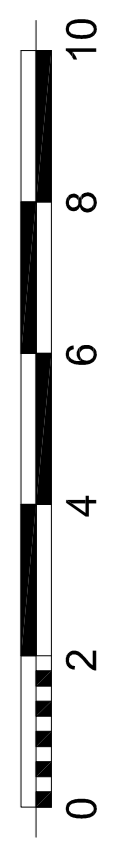


Side Elevation



Side Elevation

EXISTING ELEVATIONS



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Client  
Mr P Mavin  
Project  
17 Underwood Square  
Description

Proposed Extensions  
Existing Plans & Elevations

Sheet	Draft Design	Date	28.03.23
Scale	1:50/100	nr	
Job number	1715	Drawing no.	010
Revision			

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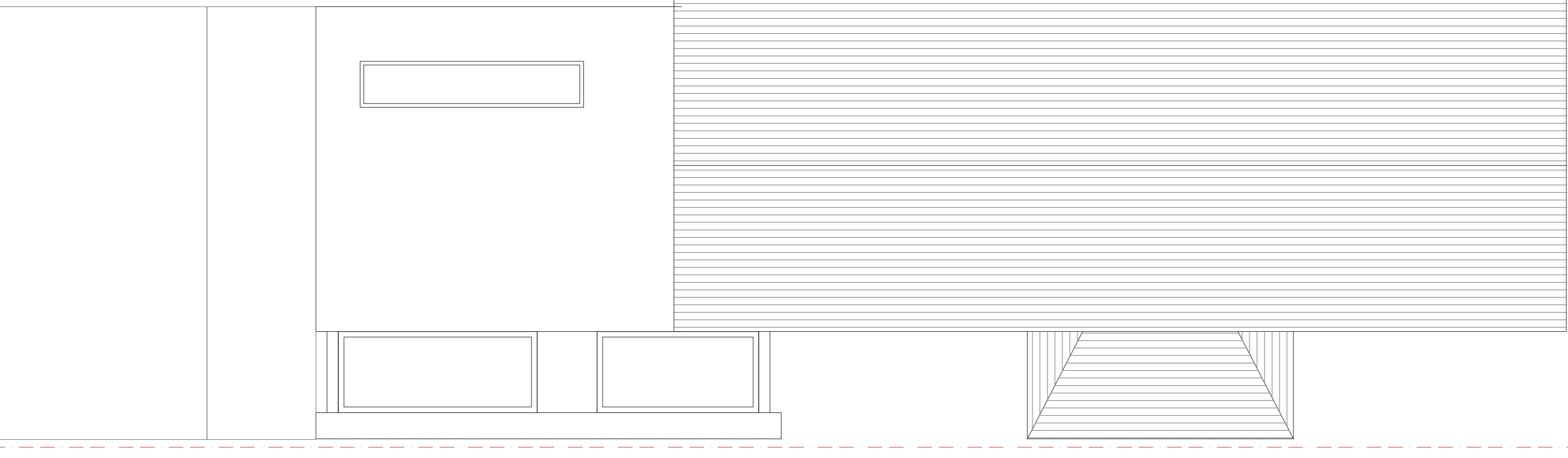
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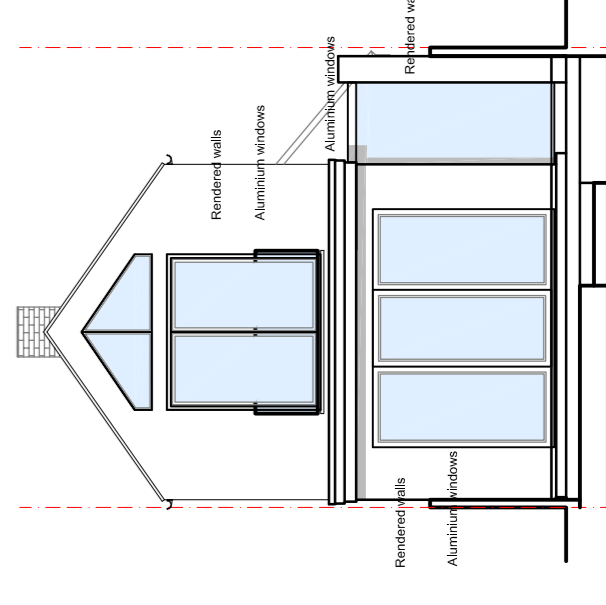


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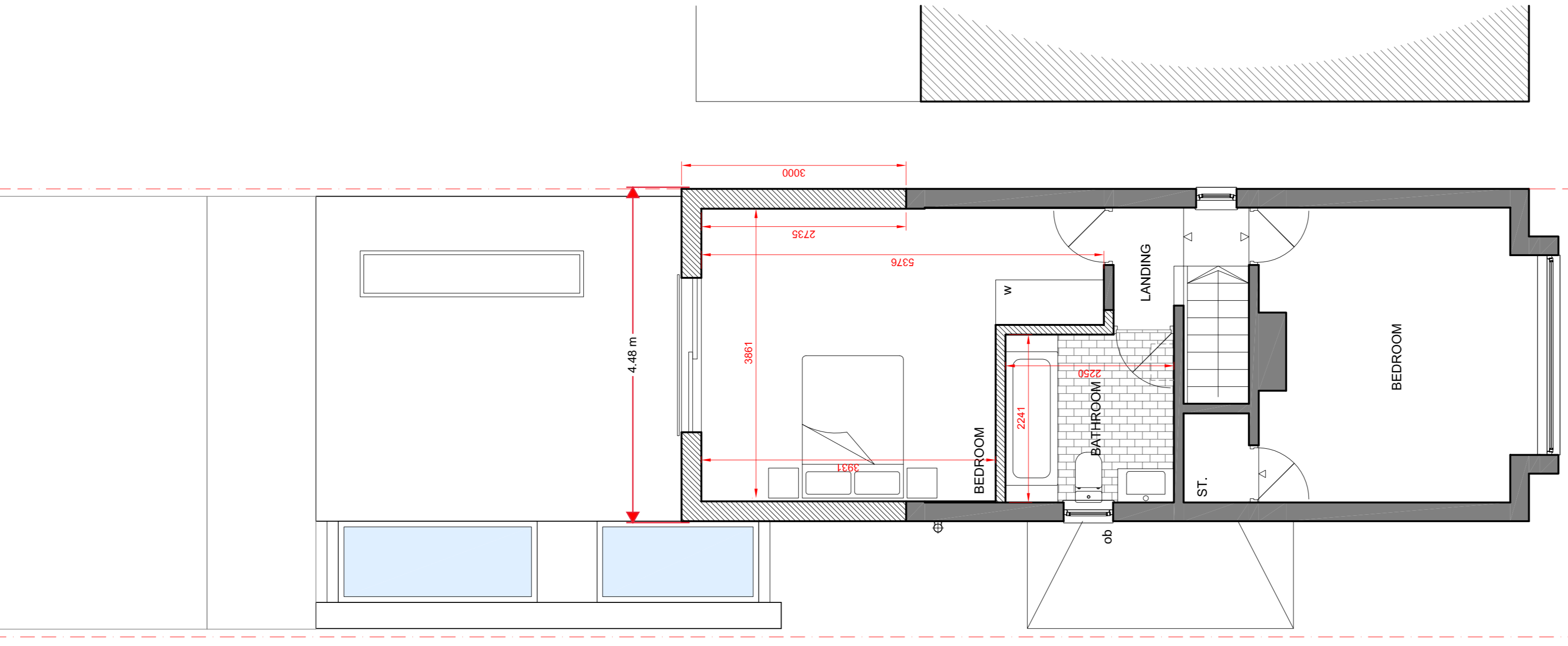
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Project	17 Underwood Square
Proposed Extensions Proposed Plans & Elevations	
Scale	1:50/100
Drawn	nr
Date	28.03.23
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Drawing no.	010
Revision	-



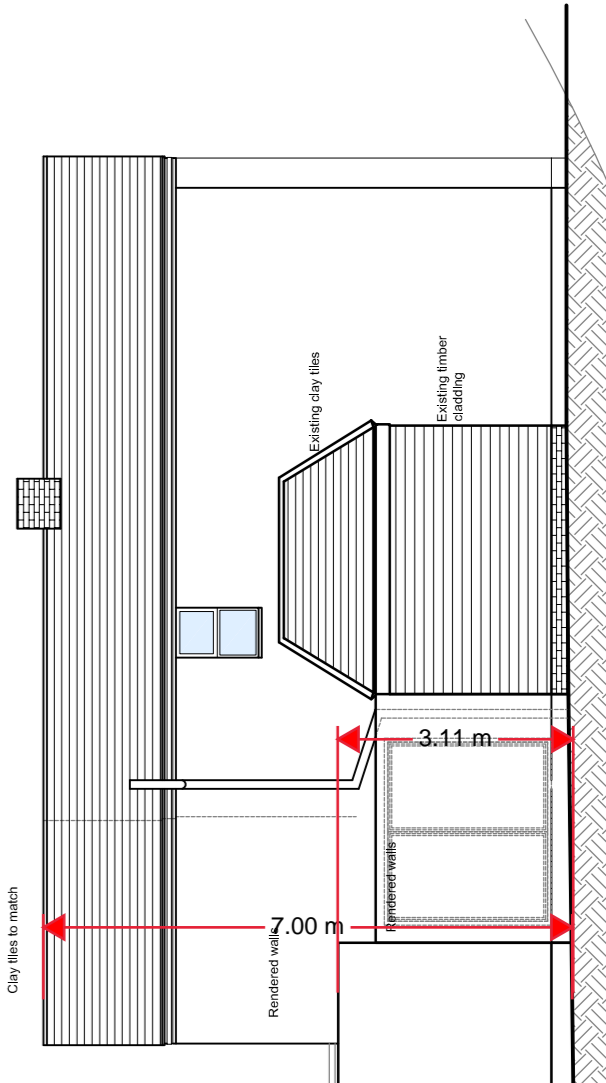
**Roof Plan**



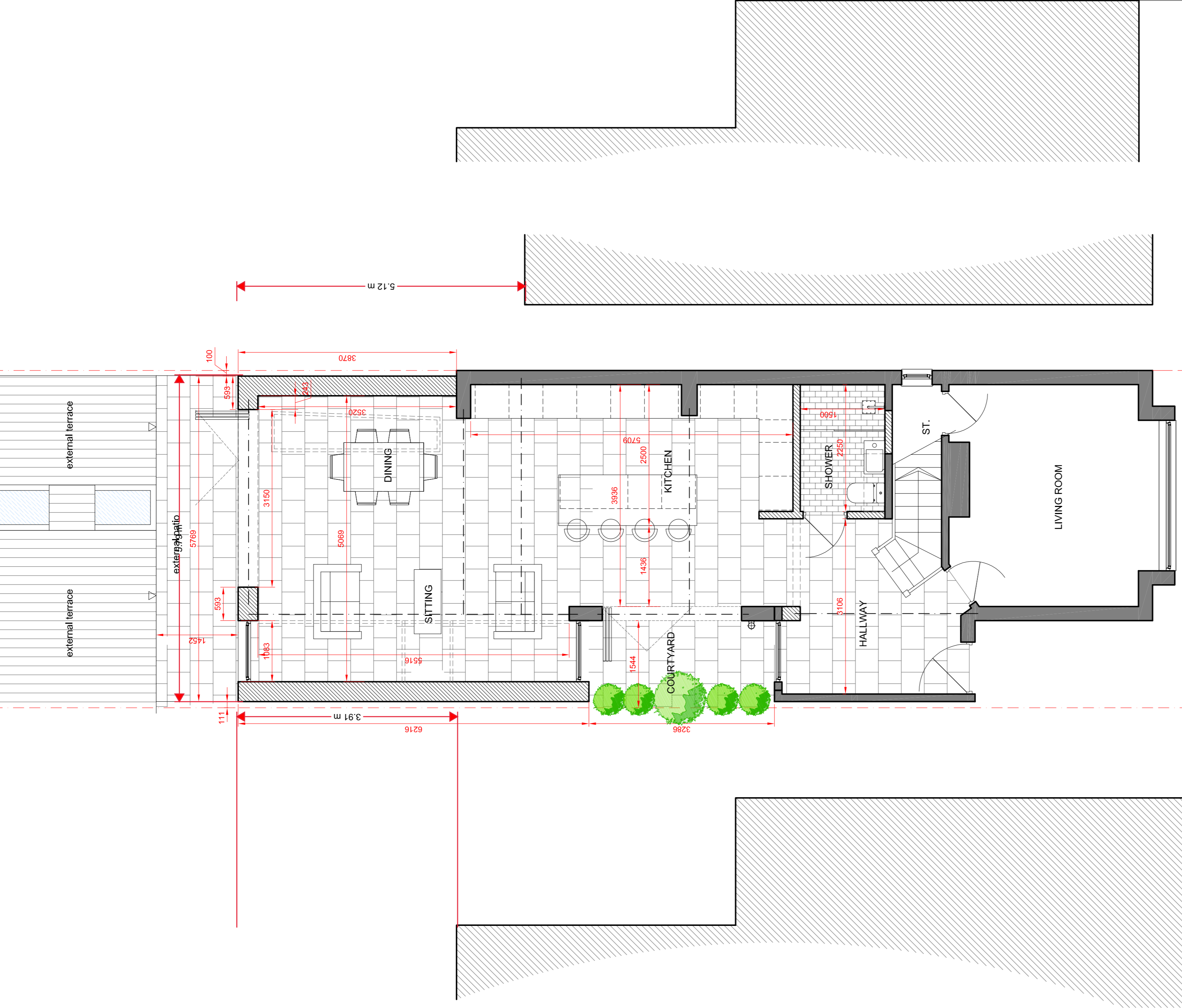
**Rear Elevation**



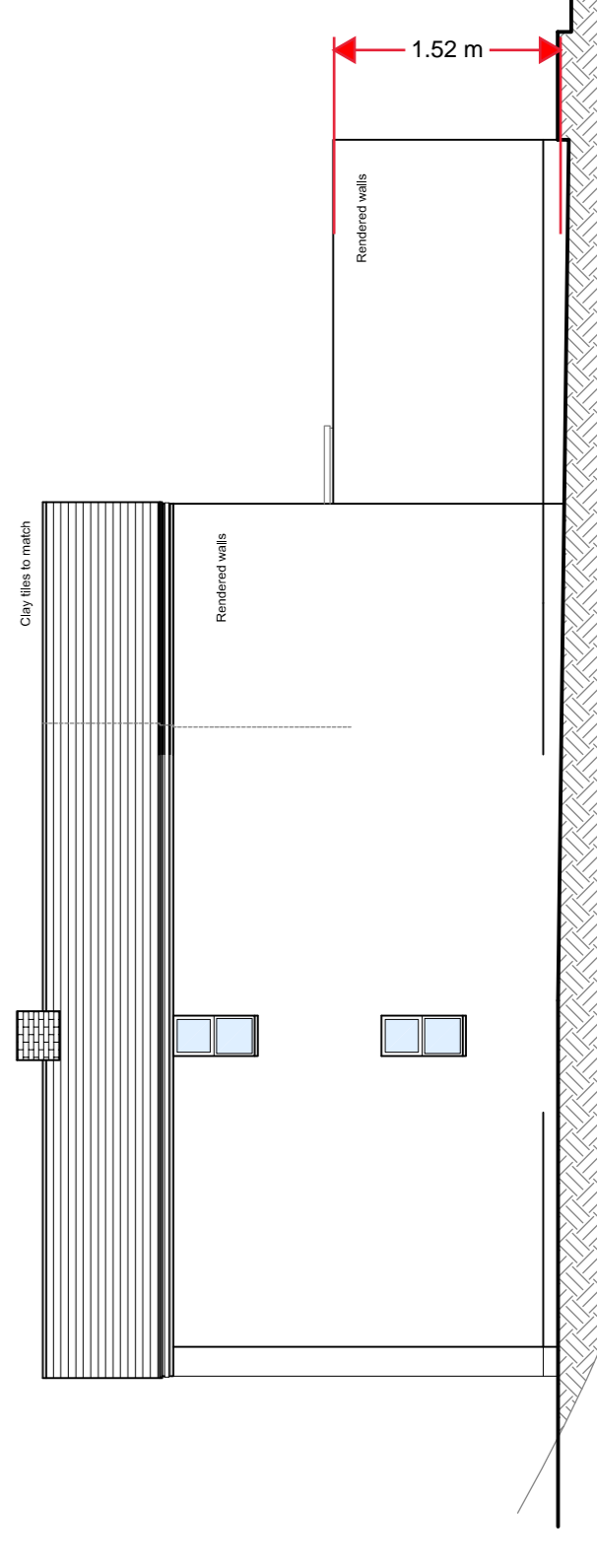
**First Floor Plan**



**Side Elevation**

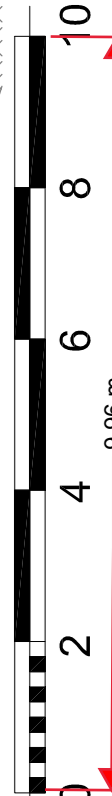
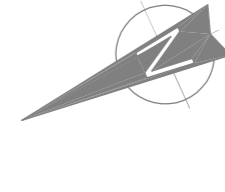


**Ground Floor Plan**



**Side Elevation**

**PROPOSED PLANS**



**PROPOSED ELEVATIONS**

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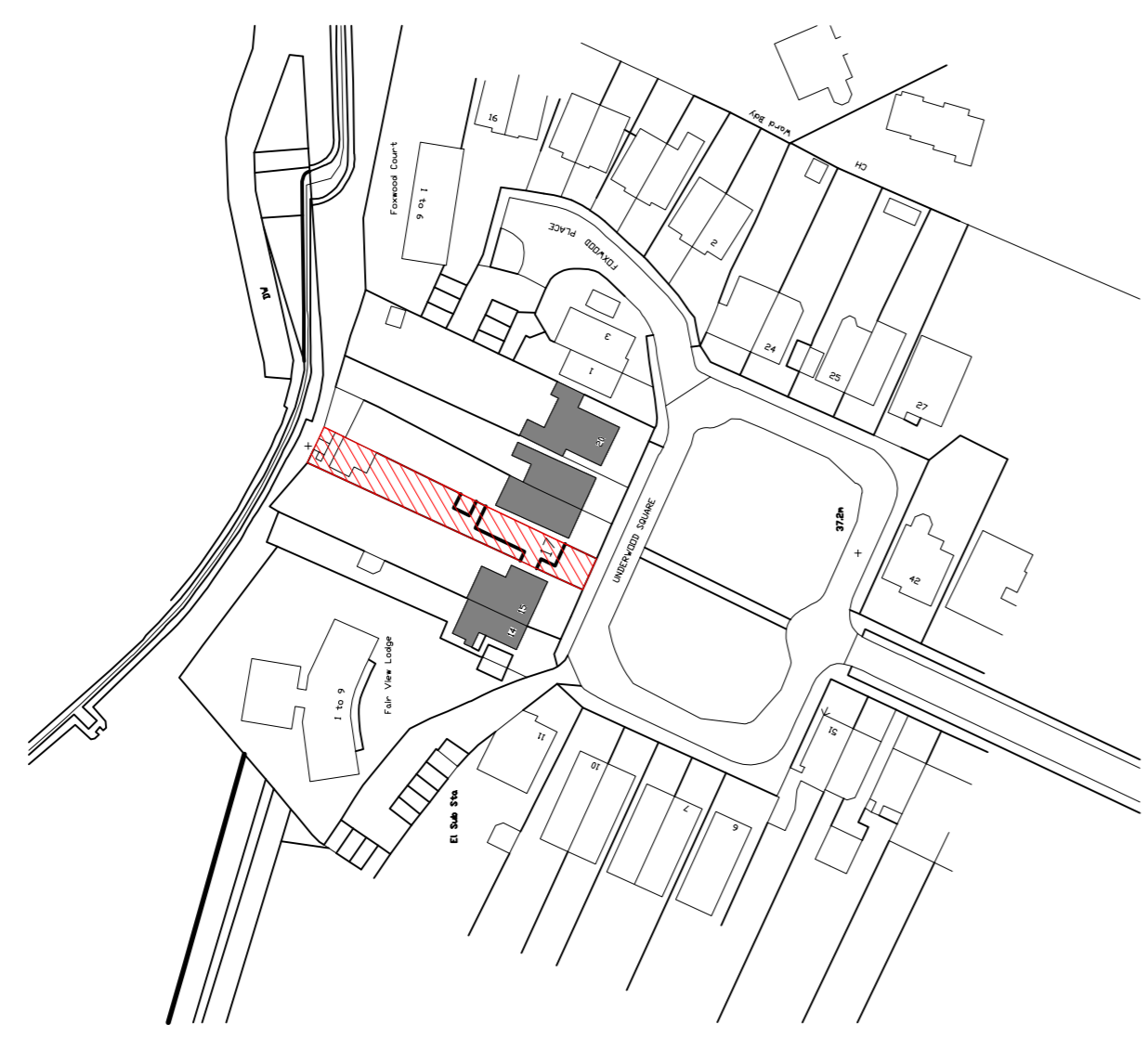
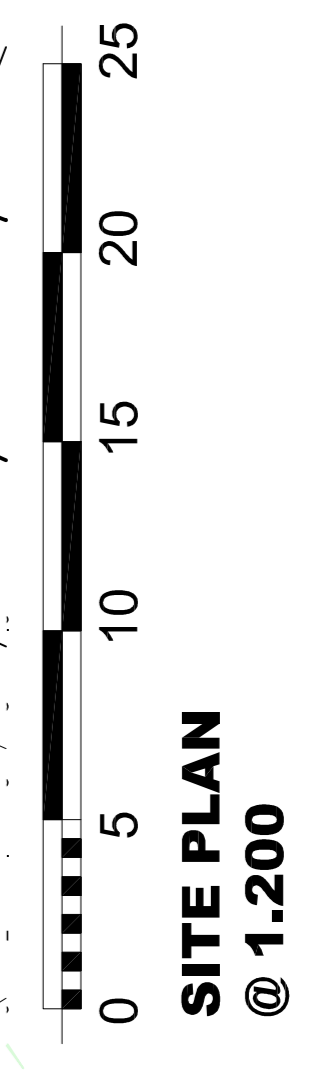
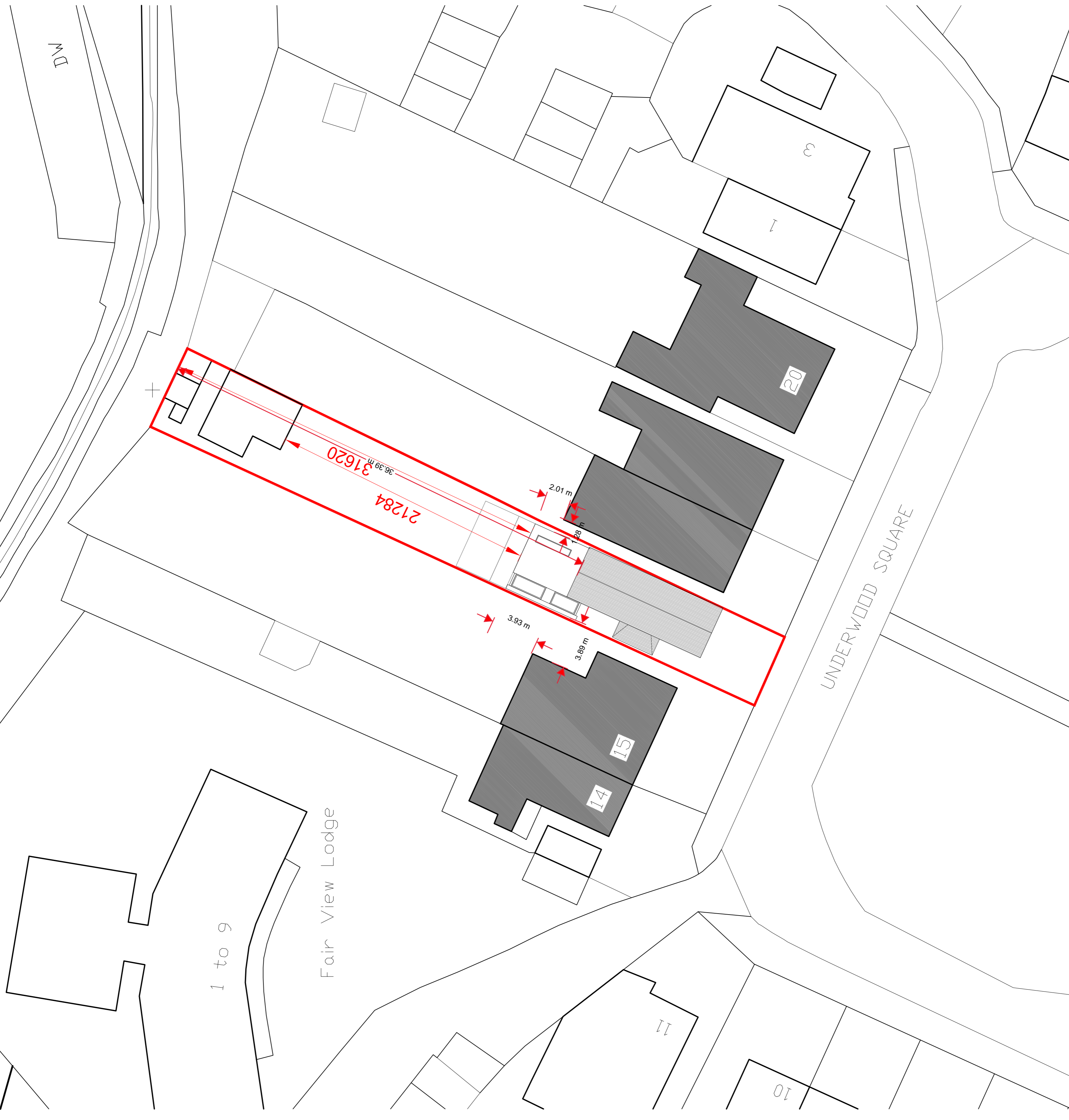
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**LOCATION PLAN @ 1:1250**



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Client: Mr P Mavin  
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Proposed Extensions  
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Sheet	1715	Job number	010	Revision	-
Draft Design	1:50/100	nr	28.03.23	Date	

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