

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 13th September, 2023

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

****** Chair's Announcement**

1 Apologies for Absence

2 Declarations of Interest

3 Minutes of the Meeting held on Wednesday, 2nd August 2023
(Pages 3 - 20)

4 Minutes of the Meeting held on Wednesday, 30th August, 2023
(Pages 21 - 28)

5 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 List & Introduction**

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

6 23/00826/AMDT - Memory House, 6 - 9 Marine Parade, Leigh on Sea
(West Leigh Ward) (Pages 35 - 96)

7 23/01191/FUL - 995 - 1003 London Road, Leigh-on-Sea (Blenheim Park
Ward) (Pages 97 - 130)

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

8 23/00069/UNAU_B - 419a Fairfax Drive, Westcliff-on-Sea (Westborough
Ward) (Pages 131 - 156)

9 20/00265/BRCN_B - 103 Hamlet Court Road, Westcliff-on-Sea (Milton
Ward) (Pages 157 - 172)

10 19/00290/UNAU_B - Beaufort Lodge, 10 - 12 St Vincent's Road, Westcliff-
on-Sea (Milton Ward) (Pages 173 - 182)

TO: The Chair & Members of 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

Public Document Pack

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 2nd August, 2023

Place: Committee Room 1 - Civic Suite

3

Present: Councillor N Ward (Chair)
Councillors F Evans (Vice-Chair), M Berry, M Borton, S Buckley,
A Dear, M Dent, N Folkard, J Harland, A Jones, R Longstaff,
C Mulrone, M Sadza and R Woodley

In Attendance: Councillor D Cowan
K Waters, C Galforg, P Keyes, S Mouratidis, J Benn, G Fairley, M
Warren, A Brown and T Row

Start/End Time: 2.00 pm - 4.15 pm

23 Apologies for Absence

Apologies for absence were received from Councillors Beggs (no substitute) and Walker (no substitute).

24 Declarations of Interest

No interests were declared at the meeting.

25 Supplementary Report

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

- 26 23/00237/FULH - 62 Mount Avenue, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Hipped to gable roof extension to rear and dormers to front and side to form habitable accommodation in the loftspace, part convert integral garage to form habitable accommodation, layout hardstanding and planters and erect front and side boundary walls to frontage, install raised patio to rear and alter elevations
Applicant: Ms Jessica Darke
Agent: Mr James Collinson of Design Spec Ltd.

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 shall only be undertaken in accordance with the following approved plans: 3244/11/43 Rev 07 (Location Plan and Block Plan); 3244/11/43 Rev 07 (Existing and Proposed Elevations, Existing and Proposed Floor and Roof Plans, Existing and Proposed 3D).

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 south side dormer window of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7m above internal finished floor level of the internal area served prior to the first use or occupation of the development hereby permitted and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

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

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

06 Prior to its first use, the hardstanding to the front, hereby approved, shall be finished in permeable materials only and maintained as such for the life of the development.

Reason: To reduce the cumulative impact of development on the natural environment and infrastructure in accordance with Policy KP2 of the Core Strategy (2007).

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 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.

- 27 23/00758/BC3 - General Market, High Street, Southend-on-Sea (Milton Ward)**
Proposal: Use part of highway from Victoria Circus to junction of Clifftown Road/High Street as weekly general market
Applicant: Mr Chris Cooke on behalf of Southend-on-Sea City Council
Agent: N/A

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: Location Plan; Market Layout Area Plan (Rev A) including the general arrangement of stalls and public thoroughfares between and around them.

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

03 The proposed market hereby approved shall contain no more than 45 stalls with each stall occupying an area of no more than 3m x 3m.

Reason: In the interests of the character and appearance of the area, the safety of pedestrians and 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, DM3, DM5 and DM15 of the Development Management Document (2015).

04 The proposed market hereby approved shall only operate between 08:30am and 5:30pm on Thursdays, Saturdays and Bank or Public Holidays. Traders shall not arrive on site and set up stalls before 7am with all associated waste and traffic to be cleared from the highway no later than 6:30pm on the same day.

Reason: In the interest of highway safety and 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, DM3 and DM15 of the Development Management Document (2015).

05 No amplified music and/or amplified speech either recorded or live nor playing of unamplified musical instruments shall be undertaken in association with operation of the market hereby approved unless details of this have first been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Amplified music and speech means that broadcast electronically through a loudspeaker including through radios and by the use of microphones. This includes speech for the purposes of advertising.

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).

06 Within six calendar months from the date of this permission the use hereby allowed shall cease unless and until details of the design and materials of the proposed waste storage and an associated Waste Management Strategy to include mitigation methods to control noise and odour from the waste storage and collection arrangements, and pest control measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details from the date these details are approved and shall be maintained and managed as such for the lifetime of the development.

Reason: To ensure that the development is satisfactorily serviced, and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Waste Management Plan for New Development (2019).

Positive and proactive statement:

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

out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

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

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 development hereby approved has been assessed on the reasonable understanding that the market will operate in accordance with the rules and regulations set out in the supporting document 'Use of Stalls' or any other document authorised by the relevant Council department under the appropriate regulatory regime(s).

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, Civic Centre, Victoria Avenue, Southend SS2 6ER.

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

6. The applicant is encouraged to operate the market in a way that the stalls do not obstruct the pedestrian movements and also ensures there is sufficient permeability for shops to be accessible and shopfronts to be visible.

28 23/00514/BC4 - Eastwood Community Nursery, Len Forge Centre, Eastwoodbury Lane (St Laurence Ward)
Proposal: Erect single storey timber building for use as nursery school to front of main building (Amended Proposal)
Applicant: Eastwood Community Playgroup Association
Agent: Mr Trevor Masterson of Bell & Masterson

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: Location Plan, BM001 Rev C, BM.002, Floor Plan, Façade A-F, Façade F-A, Façade 1-5, Façade 5-1, Section A-A, Foundation Plan, Wall, Roof, Floor.

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, no development shall take place, other than for demolition and site clearance works, until details of the materials to be used in the construction of the external elevations of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before it is brought into use.

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

04 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment reference WFR-FRA-2022/01/Q18 dated 8 March 2022 before the development is occupied and the development shall thereafter be used in accordance with those details and measures for its lifetime.

Reason: To ensure that users are not placed at increased risk given that the site is liable to flood in accordance with the National Planning Policy Framework (2021) and Policy KP2 of Core Strategy (2007).

05 The development hereby permitted shall only be occupied for purposes falling within Use Class E(f) as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order

1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of resident amenities, environmental quality, to ensure there is sufficient parking and in the interests of highway safety further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

06 Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of refuse and recycling facilities for the development, including a waste management strategy, shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of user amenities and environmental quality further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

07 Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of drainage infrastructure, (including foul and surface water drainage infrastructure and 'sustainable urban drainage systems' SuDS principles) shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved details shall be provided at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: To prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with Policies KP1 and KP2 of the Core Strategy (2007), and Policy DM14 of the Development Management Document (2015).

08 Prior to the first use of the development hereby approved, full details of secure, covered cycle storage facilities shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The secure, covered cycle storage facilities shall be provided and made available for use at the site in accordance with the approved details prior to the approved development's first use and retained for the lifetime of the development.

Reason: To ensure that adequate cycle storage 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).

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless full details of both hard and soft landscape works to be carried out at the site and in the surrounding area in association with the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be completed prior to first use of the development and the soft landscaping works within the first planting season following first use of the development. The soft landscaping works shall include replacement shrub and tree planting, comprising of no less than 18 broadleaf/ pollinator trees to be planted within the application site and the wider area(s) of the Eastwood designated Open Space, details of the works to include specification of the area(s) in which the planting will be undertaken, the species and size of trees/ shrubs to be planted and the timescale for such provision. Details submitted for the hard and soft landscaping within the site edged red for the application hereby approved generally shall include, but not be limited to:

- i. hard surfacing materials;
- ii. details of tree protection measures during development;
- iii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and maintenance strategy;
- iv. measures to enhance biodiversity;
- v. details of any permeable paving or other sustainable drainage measures to be implemented;
- vi. all and any means of enclosing the site.

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

Reason: In the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating at least "Very Good" has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.

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

11 Prior to first use 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.

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

12 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 and retained as such in perpetuity.

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

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.

INFORMATIVE

01 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.

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

03 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506.

29 23/00987/OUT - Garages Rear Of 647 To 657, Prince Avenue (St Laurence Ward)

Proposal: Demolish existing garage block and erect a pair of semi-detached dwellinghouses, layout parking to front and amenity space, bin and cycle storage to rear (Outline)

Applicant: Mr Andrew Timotheou

Agent: Mr Danny Knott of DK Building Designs

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development by reason of its backland location and its reliance on a narrow access served from a busy trunk road, and the interface and associated risks of conflict between vehicles and pedestrians who would use the access route to the proposed dwellings, would be detrimental to pedestrian and highway safety. Furthermore, the development has failed to demonstrate that adequate waste arrangements can be provided in a safe manner and without conflict with pedestrians using the access. This is unacceptable and contrary to the National Planning Policy Framework (2021); Core Strategy (2007) Policies KP2 and CP3, and Development Management Document (2015) Policy DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments 2019.

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

Informative

01 Please note that this application would have been liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning

permission had been granted. Therefore, if an appeal is lodged and subsequently allowed the CIL liability will be applied. Any revised application may also be CIL liable.

- 30 23/00242/FUL - Land Between 581 - 583 Rayleigh Road (Eastwood Park)**
Proposal: Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal)
Applicant: Mr A Bush
Agent: Mr A Davison of Brian Davison Associates

Ms Nunn a local resident spoke as an objector to the application. Mr Davison, the applicant's agent responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 3 years beginning with the date of this permission.

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

02 The development hereby approved shall be carried out solely in accordance with the approved plans: 1697/S1/E, 1697/ES1/D, 1697/ES1/E, 1697/300/E & 1697/301/D.

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

03 Construction works for the approved development on site shall only be undertaken between 8am to 6pm on weekdays, between 8am and 1pm 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).

04 Notwithstanding the information submitted with the application and otherwise hereby approved, with the exception of site preparation, no development above ground level shall take place until and unless full details of the materials to be used on all the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall only be carried out and completed in accordance with the approved details.

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

05 Within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the number, size, and location of the trees, shrubs, and plants to be retained and planted together with a planting specification including the treatment of the ground before planting and maintenance details.

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

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development and to enhance biodiversity in accordance with the National Planning Policy Framework, (2021), Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

06 The development hereby approved shall not be first occupied unless and until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall include details of materials to be used on hard surfacing which should permeable, as well as elevations and details of materials for the boundary treatment of the site including the gate and fencing to the walkway to the eastern side of the development.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

08 Prior to the first occupation of the development hereby approved water efficiency 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 shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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).

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

Reason: To ensure the residential unit 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).

10 The roof of the flat roofed, single storey elements of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roofs 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 Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11 The car parking spaces shown on approved plan 1697/S1/E shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. One space 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 dwelling hereby approved.

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-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

12 Full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, identifying covered and secure cycle parking for the approved development at the site. The

approved covered and secure cycle store shall be provided in full and made available for use by the occupants of the dwelling prior to the first occupation of the dwelling hereby approved and shall thereafter be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015) and the guidance contained in the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

13 No drainage works associated with construction of the development hereby permitted shall commence unless and until full details of surface water attenuation for the site, based on Sustainable Drainage System (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved details before it is first occupied, and any systems put in place shall be maintained for the lifetime of the development.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

14 The first floor flank windows in the west and east flank elevations of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is first occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B and E unless express planning permission has previously been obtained from the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents and to flooding risk 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 in the Southend-on-Sea Design and Townscape Guide (2009).

16 The demolition and construction works hereby permitted shall be carried out in accordance with the submitted Construction Method Statement & Site Plan 1697/CP/F submitted by Brian Davison Associates dated June 2023.

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3

17 The development shall be carried out in strict accordance with the recommendations and mitigation measures outlined at Section 6 of the Badger Assessment by ACJ Ecology (January 2023) including the following:

Prior to commencement of development, within five days of the start of works, a site walkover shall have been undertaken and completed by a qualified ecologist to ascertain the presence or otherwise of badgers on the site in accordance with BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

If there is any sign that badgers reside in or use the site, all development work shall cease until details of a scheme for protecting badgers at the site prior to, during and after the construction process has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Subsequently the development shall only be undertaken and managed in full accordance with the approved measures of badger protection. The development shall otherwise be undertaken and managed in accordance with the approved measures of badger protection in accordance with British Standards BS 42020:2013 Biodiversity: Code of Practice for Planning and Development:

- a. Any trenches or deep pits shall be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- b. Any trenches/pits shall be inspected each morning and evening to ensure no badgers have become trapped.
- c. The storage of topsoil or other 'soft' building materials within the site shall be subject to daily inspections for badger sett formation before work commences.
- d. Storage of any chemicals shall be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- e. Open pipework with a diameter of more than 120mm shall be properly covered at the end of the work-day to prevent badgers entering and becoming trapped.

Reason: To safeguard protected species in accordance with the National Planning Policy Framework (2021) and Southend-on-Sea Core Strategy (2007) Policy KP1.

18 The development hereby approved shall be undertaken in strict accordance with the levels details contained within plan number 1697/S1/E or any other levels, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall thereafter be completed in accordance with the approved details before it is occupied.

Reason: To safeguard the visual amenities of the site and wider area and to ensure that the development remains safe in terms of flood risk and does not

increase flood risk elsewhere as set out in National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

19 The flood risk mitigation measures set out in the Flood Risk Assessment by Civil Engineering Solutions dated January 2023, including details of property and ground levels, flood protection measures such as finished floor levels, flood resistant/resilient construction measures to mitigate flood risk to the building and a flood evacuation plan shall be incorporated within the development hereby approved prior to first occupation of the building and retained as such in perpetuity thereafter.

Reason: To protect the building and its occupants against the risk of flooding in accordance with the National Planning Policy Framework (2021) and Policy KP1 of the Core Strategy (2007).

20 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 and development stopped with immediate effect. 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 of the Local Planning Authority. Any measures so identified in the approved remediation scheme shall be completed and a verification report must be submitted to the Local Planning Authority for its agreement.

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

Informatives

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

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 they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that the application site is likely to contain nesting birds between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

5. Further to Condition 18 relating to site levels, the technical assessments are based on these site levels and should any amendments to the levels proposed be sought, the technical studies (FRA) would need to be amended and reconsidered accordingly.

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.

**31 22/00328/UNAU_B - 141 Inverness Avenue, Westcliff-on-Sea
(Westborough Ward)
Breach of Planning Control: Erection of walls**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

(a.1) The removal from the site the boundary wall treatment along Fairfax Drive and Inverness Avenue in its entirety; OR

(a.2) the reduction to no more than 1m in height the boundary wall treatment at the site along Fairfax Drive and Inverness Avenue;

AND

(b.) the removal from site all materials resulting from compliance with either (a.1) or (a.2) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable in compliance with any of the above requirements.

Chair: _____

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 30th August, 2023

Place: Committee Room 1 - Civic Suite

4

Present: Councillor F Evans (Vice-Chair, in the Chair),
Councillors B Beggs, M Berry, M Borton, S Buckley, C Campbell*,
A Dear, M Dent, J Harland, A Jones, R Longstaff, C Mulroney,
M Sadza and R Woodley
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: K Waters, C Galforg, P Keyes, S Mouratidis, J Benn, M Warren,
A Brown and T Row

Start/End Time: 2.15 pm - 3.25 pm

32 **Apologies for Absence**

Apologies for absence were received from Councillors Ward (substitute: Councillor Wakefield), Folkard (substitute: Councillor Campbell), Wakefield (no substitute) and Walker (no substitute).

33 **Declarations of Interest**

No interests were declared at the meeting.

34 **Minutes of the meeting held on Wednesday 5th July 2023**

Resolved:-

That the Minutes of the meeting held on Wednesday, 5th July 2023, be received, confirmed as a correct record and signed.

35 **Supplementary Report**

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

36 **23/00299/FUL - 91 Ennismore Gardens, Southend-on-Sea (St Lukes Ward)**

Proposal: Change of use to part of ground floor from dwelling to dog grooming parlour and alter front elevation

Applicant: Mr Robert Anderson

Agent: N/A

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 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 and/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 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 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.

37 23/01212/PA64 - Woodside Parade, Woodside, Leigh on Sea (Belfairs Ward)

Proposal: 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)

Applicant: Harrison Developments

Agent: Mrs Samantha Stephenson

Resolved:-

That PRIOR APPROVAL is REQUIRED and PRIOR APPROVAL be 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).

06 Prior to occupation of the development hereby approved, details of how the proposed rear gardens to serve the new residential units are to be sub-divided, including details of the boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented solely in accordance with the approved details.

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

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 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/)

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.

- 38 23/00981/FULH - 17 Underwood Square, Leigh-on-Sea (west Leigh Ward)**
Proposal: Erect part single/part two storey side and rear extension
Applicant: Mr P Mavin
Agent: Knight Gratrix Architects

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 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 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.

Chair: _____

DEVELOPMENT CONTROL COMMITTEE

13th September 2023

WARD	APP/REF NO.	ADDRESS
-------------	--------------------	----------------

Main Plans Report		
West Leigh	23/00826/AMDT	Memory House 6 - 9 Marine Parade
Blenheim Park	23/01191/FUL	995 - 1003 London Road Leigh-on-Sea

Enforcement Report		
Westborough	23/00069/UNAU_B	419a Fairfax Drive Westcliff-on-Sea
Milton	20/00265/BRCN_B	103 Hamlet Court Road Westcliff-on-Sea
Milton	19/00290/UNAU_B	Beaufort Lodge 10 - 12 St Vincent's Road

DEVELOPMENT CONTROL COMMITTEE

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Executive Director (Environment & Place), 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

This page is intentionally left blank

Reference:	23/00826/AMDT	<h1>6</h1>
Application Type:	Material Amendment	
Ward:	West Leigh	
Proposal:	Application to vary condition of 02 (Approved Plans) - addition of a basement and associated external staircase and small lightwells to planning permission 22/00601/FULM - demolish existing Building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle Stores to rear, and lay out parking at rear (Amended Proposal) dated 14/10/2022	
Address:	Memory House, 6 - 9 Marine Parade, Leigh-on-Sea, Essex, SS9 2NA	
Applicant:	Mr Tom Sanders	
Agent:	Mr Stewart Rowe of The Planning and Design Bureau Ltd	
Consultation Expiry:	29.06.2023	
Expiry Date:	15.09.2023	
Case Officer:	Oliver Hart	
Plan Nos:	<u>Proposed Plans:</u> WD05 REV D; PA01 REV B; PA01S; PA15B; WD05S <u>Previously Approved Plans:</u> 001 Rev H; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A; PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA Rev A <u>Existing plans:</u> MH01, MH012, 011 Rev A	
Supporting Documents:	Planning Statement dated April 2023 (V.3); Structural Engineers Report REV A by KMcD (titled Foundation Design & Excavations, dated July 2023, referenced 1580)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is on the northern side of Marine Parade, near to its junction with Hadleigh Road, Grange Road, Rectory Grove and Belton Way East, and was occupied by a care home (Use Class C2) building.
- 1.2 The site has frontages onto both Marine Parade and Hadleigh Road. Its frontage on Hadleigh Road accommodates the vehicular access to the site and the associated parking area.
- 1.3 The building which had a 90sqm basement has been demolished under the terms of a previous permission. It was two full storeys with a third storey accommodated within its roof space. It appeared to have been constructed as a singular block and as such it was an anomaly in the streetscene which is generally characterised by two-storey detached family housing.
- 1.4 Neighbouring properties maintain a relative consistent building line and comprise generally good quality properties with high levels of articulation and good detailing which create an attractive streetscene. There is a variety of design between the properties however this forms part of the overall character, with gables and bays being common features to the frontage. Feature balconies reflecting the seaside location are prevalent features that add depth and interest to nearby frontages.
- 1.5 There are some commercial uses on Rectory Grove and the area is designated as Secondary Shopping Frontage. To the south-east is the Leigh Conservation Area. To the south is public open space designated as Green Belt, Protected Green Space, Local Nature Reserve and Local Wildlife Site which offers open and unrestricted views towards the Thames Estuary. The area and the site are part of the Seafront and Character Zone 1 as designated by Policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 Planning permission was granted in 2022 under reference 22/00601/FULM (the "2022 Permission") to "*Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle stores to rear, and lay out parking at rear*". The officer's report for the 2022 Permission is appended to this report as Appendix 1.

- 2.2 The approved building would have a rough offset “T”-shaped layout a maximum 49m wide by 39m deep (inclusive of feature bays to the front) with a crown pitch roof approx. 11.7m in maximum height. The frontage of the building would be articulated with gabled projections, dormers and recessed elements, large-glazed sections and Juliette balconies. Planting was incorporated across the site, inclusive of additional tree planting along the Hadleigh Road frontage.
- 2.3 The current proposal seeks to vary condition 02 of the 2022 Permission so that the approved plans would include a basement level together with an associated external staircase and small lightwells to the permitted building. The basement would be incorporated under the approved development’s rear (northward) projecting wing. No other changes/alterations are proposed. The external staircase proposed would be behind the main block fronting Marine Parade and would be finished with associated wrought iron balustrading. Two lightwell areas are proposed to be sunken into the patio area proposed to the rear garden area.
- 2.4. The basement level would be approx.200sqm in area and used for ancillary services to be provided at the care home, including kitchen facilities, laundry/washing rooms, boiler and plant stores and as general storage.

3 Relevant Planning History

- 3.1 23/00973/AD - Application for approval of details pursuant to conditions 03 (details of materials), 04 (details of soft landscaping), 05 (landscape management plan), 06 (arboricultural method statement and tree protection plan), 07 (details of hard landscaping), 08 (details of 10% renewable energy), 11 (details of refuse and recycling facilities), 12 (details of secure cycle storage), 18 (noise impact assessment) and 22 (service and delivery management plan) of planning permission 22/00601/FULM dated 14.10.2022 - Details Approved
- 3.2 23/00732/AD - Application for approval of details pursuant to condition 14 (construction method statement) of planning permission 22/000601/FULM dated 14.10.2022 - Details Approved
- 3.3 22/00601/FULM (the “2022 Permission”) - Demolish existing Building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle Stores to rear, and lay out parking at rear (Amended Proposal) - Granted

4 Representation Summary

Public Consultation

- 4.1 Nineteen neighbours were notified, a site notice displayed and a press notice published. Representations from forty-eight (48) interested parties have been received. The objecting points are summarised below:

- A basement was proposed on a previous application at the site which was withdrawn and therefore should not be allowed to be added back in
[Officer Comment: A basement was included in a previously withdrawn application however officers at the time raised no objections to the scheme on this basis and the Local Planning Authority has made no previous decision on a basement.]
- Concerns for structural damage to neighbouring properties.
- Ground subsidence and land instability concerns.
[[Officer Comment: The application is supported by an engineering statement to clarify the impact of the basement.]

- Proposal represents overdevelopment of the site.
- Lack of consultation with residents from developer.
- Noise and disturbance concerns from construction activities.
- There should be a local plan policy restricting the size of basement developments.
- Potential adverse impact on the water environment including drainage, run-off and ground permeability.

[Officer Comments]: The concerns in the above representations are noted and where they refer to material planning considerations they have been taken into account in the assessment of the application. They have not been found to represent reasons justifying refusal of planning permission on those grounds in the circumstances of this case.

Leigh Town Council

- 4.2 Objection raised to the scheme. The addition of the basement will be detrimental to neighbouring properties and the Belton Hill cliffs which is an area of ground movement. The excavation of tons of material will undermine this area as well as the weight of vehicles transporting materials off site along Marine Parade. The application is overdevelopment and it certainly does not respond positively to local character.

Highways

- 4.3 No objection.

Lead Local Flood Authority

- 4.4 No objection subject to a condition for additional information relating to:

- Updated drainage plans, including ones showing the internal cavity drain system
- Updated storm simulation models as quoted for the above updated drainage system
- Updated details surrounding the maintenance of all drainage features given these are changing from the previously submitted plans

Environmental Health

- 4.5 No objection subject to conditions recommended relating to submission of noise impact assessment, refuse/recycling and exterior lighting details.

[Officer Comment: An approval of details application was submitted for the noise impact assessment and refuse/recycling details and the relevant details have been approved.]

4.6 London Southend Airport (LSA)

No objection subject to conditions- No part of the proposed development must be taller than the adjacent properties. If taller, a third-party assessment, at the developer's cost, will be required to ascertain if there is an impact.

[Officer Comment: Condition 19 of the 2022 permission relates to the need for a third-party assessment to satisfy London Southend Airports concerns. The same condition is suggested to be imposed again.]

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): Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision) and CP6 (Community Infrastructure).

- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The proposal would result in the provision of a basement under the replacement 50-bed care home permitted with the 2022 Permission. The new or changed material planning considerations in relation to this application are therefore considered to be the principle of development, the design and character impacts, the residential amenity impacts, drainage, waste and highways implications of the development and CIL. Future occupier amenity, sustainability impacts, ecology and RAMS liability were previously assessed and found to be acceptable, and these impacts are unchanged as a result of the proposed amendment. A Construction Method Statement required by condition 14 of the 2022 Permission has been agreed.
- 6.2 Whilst this report focuses on the areas which have changed, the submitted planning application is for the whole scheme and has been assessed as such. The 2022 Permission has been implemented, remains extant and the committed scheme is an important material consideration for the determination of this application.

7 Appraisal

Principle of Development

- 7.1. The principle of the development was found acceptable under the 2022 Permission. There have been no substantive changes to policy or guidance since the 2022 Permission was granted which are relevant to this proposal. The determining material planning considerations are discussed below.
- 7.2. The proposed changes, which relate solely to the provision of a basement to be used for ancillary facilities for the care home's day to day operations and associated external stair and lightwells relate to the same application site and same description of overall development. The proposal is therefore considered to fall within the remit of Section 73.

Design and Impact on the Character of the Area including Leigh Conservation Area

- 7.3 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates

better places in which to live and work and helps make development acceptable to communities.

- 7.4 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 7.5 Leigh Conservation Area is located some 80m to the south-east of the site. Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Similarly, Policy DM5 of the Development Management Document states that the Council has a statutory duty to preserve or enhance the character and appearance of conservation areas.
- 7.6 The site is also within Seafront Character Zone (SCZ) 1 according to Policy DM6 of the Development Management Document. One of the stipulations for this SCZ is to retain the character and building height and type along Marine Parade.
- 7.7 The nature of a basement at subterranean level is such that it would have no visibility from the public realm and consequently would have no visible character impacts. The proposed external stair to the rear would run between the site's ground level and the basement level representing a modest structure, enabling access directly into the development's rear terrace area and framed by balustrading. Its sunken position and way it would be shielded by the development's built form, including in views from Hadleigh Road to the north, is such that it would have no visibility from the public realm so would have no material impacts on visual amenity or character. No objections are raised to the lightwells given their position to the rear and absence of any public views.
- 7.8 Other aspects of the proposed development were considered and found to be acceptable in design terms when the 2022 Permission was granted. On this basis, the proposed development is considered to be acceptable and policy compliant in the above regards. The proposal would also preserve the significance of Leigh Conservation Area.

Impact on Residential Amenity

- 7.9 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.10 The impact of the proposal on the residential amenity of neighbours was previously found to be acceptable when the 2022 Permission was granted. The nature of the proposed amendment to include a basement, stairwell and lightwells is such that these additions would have no significantly harmful impact on neighbour amenity having regard to loss of light, outlook or undue sense of enclosure impacts.

- 7.11. Neighbour concerns have been raised about the impact of construction of the basement on land stability and neighbouring foundations. The applicant states that due to the ground level falling towards the north by 1.5m, the amount of excavation is considerably less than would ordinarily be required. The applicant also states that because of the falling ground level, the existence of trees (root impact), and the shrinkable nature of the clay subsoil, it is necessary to excavate a foundation for the approved building to the same depth as that proposed for the basement. Therefore, the depth of excavation and proximity of this to the boundary will not change regardless of whether a basement was to be provided or not.
- 7.12 The application is supported by a Structural Engineers Report (Rev A) by KMcD, consulting structural engineers and chartered members of the Institution for Structural Engineers. The report is a later revision, post consultation, which removes reference to the necessity for temporary sheet piling being required to support the ground whilst the basement is excavated as the ground conditions are favourable for excavation without requiring it. The Structural Engineers Report concludes that the methodology proposed would ensure there is no material risk of ground instability leading to any effects on neighbouring buildings, or causing ground slippage.
- 7.13 Subject to a condition requiring the development be carried out in accordance with the Structural Engineers Report (Rev A) by KMcD, the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Flooding and Drainage

- 7.14 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.15 The proposed development involves the installation of a 200sqm basement area which has the potential for changes to flood risk and drainage. Detailed information has been provided by the applicant to address this matter. In more detail, the applicant stated that in consultation with Anglian Water they have been working towards designing a system that in storm simulation models for 1 in 2, 1 in 30 (+40% for Climate Change) and 1 in 100 (+40% Climate Change) will be completed to ensure surface water does not surcharge or flood back through the storm drainage network. The external areas at the basement level (light-well and access steps) will have 'Aco' drains installed at the lower (basement) level. These drains will connect via gravity (deep manholes) to the lower side of the building. A full tanking system would be installed to the basement which would include a waterproof membrane, and an internal cavity drain system.
- 7.16 No objections are raised by the LLFA subject to a condition requiring submission of additional information relating to updated drainage plans, including ones showing the internal cavity drain system, updated storm simulation models (as quoted for the above updated drainage system) and updated details surrounding the maintenance of all drainage features given these are changing from the previously submitted plans. Such a condition requiring the details of the drainage system to be agreed can be imposed and is suggested in the relevant section of this report.
- 7.17 On this basis and subject to receipt of the above information, the development would be acceptable and policy compliant in these regards.

Waste Management

- 7.18 Waste storage details including the size, scale and siting were previously provided with the 2022 Permission. This was for a waste store to the north of the site measuring 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store was shown as being finished externally in timber boarding.
- 7.19 It was previously found that the provision and form of waste storage would provide an acceptable solution which does not result in a dominant presence of bins in front of or integral to the façade of the building. A condition was imposed for details of the number of Eurobins that can be stored and the collection arrangements. These details were recently submitted to and approved in writing by the Local Planning Authority. The approved arrangements are unchanged in this submission.
- 7.20 Whilst the total floor area is increased as a result of the proposed basement, the total number of rooms and future employees remains unchanged. Therefore, subject to the suggested conditions, the proposed bin storage and management arrangements remain policy compliant and acceptable as previously found when the 2022 Permission was granted.

Highways

- 7.21 The 2022 Permission was granted with 17No car parking spaces which would be accessed from Hadleigh Road and which represented an increase in the number of parking spaces to be provided (+5No). This number included 2No disabled parking bays as well as a policy compliant percentage of active and passive electric vehicle charging infrastructure. The 2022 Permission also included a policy compliant provision of 8 cycle parking spaces. Whilst the floorspace created as a result of the proposal would be increased compared with the 2022 Permission, the required car and cycle parking provision would remain the same.
- 7.22 Refuse collection historically has been undertaken directly from Marine Parade at the southwest corner of the site and this is not anticipated to change as a result of the proposal. Servicing of the site was also to take place from the Hadleigh Road parking forecourt which was previously considered acceptable and remains unchanged in this proposal.
- 7.23 A condition was imposed through the 2022 Permission for a service and delivery management plan with details to be submitted and agreed by the Local Planning Authority. These details have been approved with the recent application and a condition is suggested to secure the implementation of the approved details.
- 7.24 Whilst the total floor area is increased as a result of the proposed basement, the total number of rooms and employees remains unchanged. Therefore, subject to the suggested conditions, the proposal would have an acceptable impact on highways and would remain policy compliant and acceptable as previously found when the 2022 Permission was granted.

Equality and Diversity

- 7.25 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected

characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation. The provision of an accessible and adaptable development is a positive aspect of the proposal in this regard.

Community Infrastructure Levy (CIL)

- 7.26 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net gain in internal floor area of approximately 3120sqm, which may equate to a CIL charge of approximately £42,600 subject to confirmation.

Conclusion

- 7.27 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. The original scheme approved with the 2022 Permission was previously found to be acceptable in all relevant regards subject to conditions. As there are no other material planning considerations which would justify reaching a different conclusion for this amended proposal, it is recommended that planning permission is granted subject to conditions. The new and altered elements, notably the extended basement area and stairwell are also considered to be acceptable.

8 Recommendation

8.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev H; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev D; WD05S; PA01 Rev B; PA01S; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A; PA06; PA07 Rev A; PA08; PA09; PA15B; 205390/AT/A01 Rev D; 9628-D-AIA Rev A.**

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

- 02 The development hereby approved shall be constructed in accordance with the materials details of which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 03 Prior to first occupation of the development hereby approved, soft landscaping including planting and maintenance arrangements shall be carried out on site and incorporated in the development hereby approved in full accordance with the details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

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

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 04 The development hereby approved shall be provided in full accordance with the landscape management details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.**

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 05 All works on site shall cease and no further works shall take place on site unless and until the tree protection measures approved under the approval of details application reference 23/0973/AD have been implemented at the site. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.**

Reason: This condition is needed to safeguard the character and appearance of the surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 Prior to the first occupation of the development hereby approved, hard landscaping shall be carried out and incorporated in the development in full accordance with the details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The approved hard landscaping works shall be carried out in accordance with the approved details.**

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

- 07 The development hereby approved shall be provided in full accordance with the Energy Statement which was approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The approved**

energy strategy detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 08 Prior to occupation of the development hereby approved water efficiency design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 09 Prior to the first use or occupation of the development, 17 parking spaces shall be provided at the site in full accordance with plan number 'WD05 Rev D' and at least 4 spaces shall be provided with active electric vehicle charging infrastructure with the rest of the spaces being fitted with passive electric vehicle charging infrastructure. The approved parking facilities and active electric vehicle charging infrastructure shall be retained thereafter in perpetuity only for the use of the occupiers, staff and visitors to the site.

Reason: To ensure that adequate vehicular parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 10 The development hereby approved shall be provided in full accordance with the waste storage and waste management details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The refuse and recycling facilities shall be provided and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter. Waste management and servicing of the development shall only take place in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 11 The development hereby approved shall be provided in full accordance with the cycle storage details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The secure cycle storage shall be provided at the site and made available for the use of staff and residents or their visitors in accordance with the agreed details prior to first occupation of the development. The cycle storage shall be maintained as approved for the lifetime of the development.

Reason: In the interests of accessibility and visual amenity further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 12 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a specialist residential care home for up to 50 residents within the client group identified in the application form, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any act amending or re-enacting that Order, or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any act 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 CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 13 The development shall be carried out in full accordance with the mitigation measures outlined in the Construction Management Plan Rev A which was approved under approval of details application reference 23/00359/AD.

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 14 Construction 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 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).

- 15 Notwithstanding the details submitted with the application and otherwise hereby approved, no drainage infrastructure associated with the development hereby approved shall be installed at the site until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to

and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following:

- 1) An updated drainage plan must be provided showing the site drainage, connections to existing drainage systems including ones showing the internal cavity drain system and details of how these connections will be made. This must also show all SuDS and attenuation features;
- 2) An agreement in principle from Anglian Water must be provided confirming agreement of the new connection type, location and discharge rate;
- 3) The updated storm simulation models as quoted for the above updated drainage system;
- 4) Updated details surrounding the maintenance of all drainage features given these are changing from the previously submitted plans.

The development shall only be implemented in accordance with the details approved under the terms of this condition. The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

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

- 16 Details of the biodiversity enhancement measures outlined in the findings, recommendations and conclusions of the Phase 1 and 2 Bat and Nesting Bird survey undertaken by Ridgeway Ecology Ltd dated 02.09.2020 shall be incorporated in full prior to first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 17 The development must be implemented in full accordance with the noise mitigation measures identified and other details which were approved under the approval of details application reference 23/0973/AD or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. These measures must be implemented before the development is first occupied and must thereafter be maintained as such in perpetuity.

Reason: To protect the environment of people in neighbouring properties 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).

- 18 Prior to first occupation of the development hereby approved, the first-floor side windows serving the stairwell to the north-eastern most part of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window, and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

- 19 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.**

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

No externally mounted plant or equipment shall be installed on the development hereby permitted until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 20 The development must be implemented in full accordance with the service and delivery management plan details of which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The service and delivery management plan shall be implemented in full from the first use of the development hereby approved and adhered to at all times thereafter in perpetuity.**

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, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-sea Design and Townscape Guide (2009).

The foundations for the development and the formation of the basement hereby approved shall be constructed solely in accordance with the detailed methodology outlined in the Structural Engineers Report 'REV' A by KMcD (titled Foundation Design & Excavations, dated July 2023, referenced 1580). If there is to be any variation from the approved methodology, such details must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction phase of the development hereby approved.

Reason: In the interest of the residential amenity of nearby occupiers and land stability, in accordance with the National Planning Policy Framework (2021) and Policy DM14 of the Development Management Document (2015).

Positive and Proactive Statement

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

Informatives:

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 2 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 3 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.

Appendix 1- Officer's Report for 2022 Permission

Reference:	22/00601/FULM	
Application Type:	Full Application - Major	
Ward:	West Leigh	
Proposal:	Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle stores to rear, and lay out parking at rear (Amended Proposal)	
Address:	Memory House, 6 - 9 Marine Parade, Leigh-on-Sea, Essex SS9 2NA	
Applicant:	Mr Sanders	
Agent:	Mr Stewart Rowe of The Planning and Design Bureau Ltd.	
Consultation Expiry:	25.08.2022	
Expiry Date:	14.10.2022	
Case Officer:	Oliver Hart	
Plan Nos:	001 Rev F; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; 011 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA Rev A	
Additional information:	Design and Access Statement (Dated March 2022); Planning Statement V.2 (Dated March 2022); Phase 1 and 2 Bat and Nesting Bird Survey (Dated 02.09.2020); Care Needs Assessment Report (Dated January 2022); Daylight and Sunlight Report (Dated: 9 February 2022); Storm Drainage Strategy Issue 1 (by DWW Consulting); Transport Statement (Dated March 2022); Tree survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan Rev A (Dated 30/09/2022)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	

1 Site and Surroundings

- 1.1 The site is on the northern side of Marine Parade, near to its junction with Hadleigh Road, Grange Road, Rectory Grove and Belton Way East, and is occupied by a care home (Use Class C2) building.
- 1.2 The site has frontages onto both Marine Parade and Hadleigh Road. Its frontage on Hadleigh Road accommodates the vehicular access to the site and the associated parking area.
- 1.3 The building is two full storeys with a third storey of the building accommodated within its roof space. The existing building appears to have been constructed as a singular block and as such is an anomaly in the streetscene which is generally characterised by two-storey detached family housing.
- 1.4 Neighbouring properties maintain a relative consistent building line and comprise generally good quality properties with high levels of articulation and good detailing which create an attractive streetscene. There is a variety of design between the properties however this forms part of the overall character, with gables and bays common features to the frontage. Feature balconies reflecting the seaside location are prevalent features that add depth and interest to frontages.
- 1.5 There are some commercial uses on Rectory Grove and the area is designated as Secondary Shopping Frontage. To the south-east is the Leigh Conservation Area. To the south there is public open space designated as Green Belt, Protected Green Space, Local Nature Reserve and Local Wildlife Site which offers open and unrestricted views towards the Thames Estuary. The area and the site are part of the Seafront and Character Zone 1 as designated by Policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing 39-bed care home and erect a replacement 50-bed care home building. The accompanying Design and Access Statement states the facility will centre around dementia care.
- 2.2 The proposed building would roughly have an offset "T"-shaped layout and would measure a maximum 49m wide by 39m deep (inclusive of feature bays to front). The frontage of the building would be articulated with gabled projections, dormers and recessed parts, large glazed sections and Juliette balconies. Enclosed terraces are also proposed at roof level. The main roof form would be a crown pitch roof with a maximum height of 11.7m (dropping to 6.7m at eaves).
- 2.3 Finishing materials are shown as a combination of red face-brick, render and curtain wall glazing to the exterior walls, white uPVC windows and (blue/black) slate tiles. The site is proposed to be enclosed by 0.8m high black metal railings with hedging behind to the Marine Parade frontage and by a 0.6m high brick wall to the Hadleigh Road frontage.
- 2.4 The building would accommodate the rooms and ancillary facilities over three levels. The ground floor comprises the main entrance from Marine Parade, offices, day rooms, a café area, kitchen and laundry facilities and 15 en-suite rooms, each with their own access to external amenity space. At first floor, a hairdresser's and pamper room are noted, along with 3 additional day rooms, assisted communal bathroom, staff room and 19 en-suite rooms. At second floor, there are 3 further day rooms, plant/boiler rooms

- 2.5 A garden would be located to the north-western part of the site with extensive planting proposed. A full landscaping plan outlining the proposed planting schedule and future management plan has been provided (001 Rev F). The proposal would see 4 existing trees, one group of trees and one area of trees removed to achieve the proposed layout. The majority of this would be along the Hadleigh Road frontage. In total, 12 replacement trees are proposed to be planted across the site, five along the Hadleigh Road frontage, four along the Marine Parade frontage, and three within the rear garden area. The existing street tree in Hadleigh Road would be retained as part of the development.
- 2.6 It is proposed to provide 17 parking spaces to the rear part of the site, 2 of which would be for disabled users. At time of report preparation, one of the proposed disabled spaces is to be re-positioned within the layout for which an amended plan is expected. An update will be given via the supplementary report. Pedestrian access is proposed to be retained on the Marine Parade frontage and vehicular access to be taken from Hadleigh Road. Cycle parking is shown to the north-east of the site, with capacity for 7 bicycles. A waste store is also shown to the north of the site. This would measure 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store is shown as being finished externally in timber boarding.
- 2.7 The proposal was amended during the course of the application, with alterations to the main front entrance from Marine Parade to increase its presence and legibility in the streetscene, a simplification in the arrangement and design of windows, a reduction in the pitch of the main roof and a slight increase in the width of the front gable projections. This also resulted in dropping the respective eaves line of the open gabled projections to the front.
- 2.8 Concerns were also raised with the initial replacement tree planting along the Hadleigh Road frontage. As a result, a revised landscape plan was submitted with two additional trees planted along the Hadleigh Road frontage, bringing the total number of trees to five along this frontage. The submitted Arboricultural Impact Assessment (AIA) has not yet been updated to reflect this additional planting. An amended AIA is expected prior to the Development Control Committee meeting and Members will be advised about this within the Supplementary Report.

3 Relevant Planning History

- 3.1 Although there is extensive planning history for this site, the most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome [Date]
21/00456/FULM	Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 bed care units with private amenity space, landscaped frontage, refuse and cycle stores to rear, layout parking rear, and remove existing vehicle crossover and reposition on to Hadleigh Road	Withdrawn
03/00711/FUL	Erect bin enclosure to front	Granted [15.07.2003]
97/0718	Demolish garage and erect new hipped roof detached garage at rear	Granted

97/0637	Remove existing rear lean-to and erect single storey rear extension	Granted
---------	---	---------

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillors Hooper and Evans.

Public Consultation

- 4.2 Eighty (80) neighbouring properties were notified, a site notice was posted and a press notice was published. Letters of representation from 27 interested third parties (in 21 addresses) have been received objecting to the application. Summary of objections:

- Design and character impact concerns- development would appear overscaled and out of character
- Development would appear obtrusive
- Concerns about the loss of trees
- The proposal would represent overdevelopment of the site
- Concerns about the impact on local infrastructure
- Concerns with noise disturbance from construction activities
- Concerns about servicing/delivery arrangements and impact on local highway network
- Parking concerns
- Overlooking and loss of light concerns
- Concerns with the size of the amenity area
- Concerns with the position of the waste storage area adjacent to No 93 Hadleigh Road
- Query need for increased capacity of beds at the care home
- Environmental impact concerns from demolition
- Impact on property prices
- Permission may set a precedent for similar developments

- 4.3 Officer Comment: All relevant planning considerations have been assessed within the appraisal section of this report. These concerns are noted and where they relate to material planning considerations have been taken into account in the assessment of the application however, they were not found to represent a justifiable reason for refusal in the circumstances of this case.

Leigh Town Council

- 4.4 Resolved to object on the following grounds:

- Overdevelopment of the site leading to a loss of amenity space for residents of the home.
- The siting of the refuse storage would have an adverse effect on the residents at No 93 Hadleigh Road.
- Servicing and delivery concerns.
- Under supply of car parking spaces.
- There has also been no clarification from Southend City Council that there is a need for any additional care home beds in the Leigh-On-Sea area.

Lead Local Flood Authority (LLFA)

- 4.5 No objection following receipt of additional information subject to imposition of the following pre-commencement conditions:

- 1.) A drainage plan must be provided showing the site drainage, connections to existing drainage systems and details of how these connections will be made. This should also show all SuDS and attenuation features.
- 2.) An agreement in principle from Anglian Water should be provided confirming agreement of the new connection type, location and discharge rate.

Parks (Trees)

- 4.6 No objection subject to conditions requiring a detailed tree protection plan and Arboricultural method statement. Detailed tree planting specification will also be required with regard to ensuring any trees planted have adequate soil volume to establish and reach maturity. A programme of aftercare including watering will also be required.

Design

- 4.7 No objection following receipt of amended plans. Conditions requiring details of eaves and materials.

Highways

- 4.8 No objection raised. The applicant has provided a robust transport statement to support the application. TRICS, parking accumulation surveys and outputs have been provided which demonstrate that the 17 parking spaces provided are satisfactory to support the development. The access to the parking area is from an existing dropped kerb the formalised parking arrangement allows vehicles to enter and leave in a forward gear. Given the information contained within the transport statement it is not considered that the proposal will have a detrimental impact on the local highway network.

Anglian Water

- 4.9 No objection subject to condition requiring details of foul and surface water drainage works.

Environmental Health

- 4.10 No objection subject to conditions recommended relating to submission of a construction management plan; noise impact assessment, refuse/recycling and exterior lighting details.

Adult Social Care

- 4.11 No objections raised. Based on the care needs assessment, and the evidence provided there is not a strong case to dismiss or object to this planning application. The Quality and Contracts team advised that Memory House is currently a Care Quality Commission (CQC) rated "Good" home, and these changes will likely continue to support a favourable rating. The Council's Quality and Contracts team should engage with the provider around their plans for care delivery when the works are nearing completion.

London Southend Airport (LSA)

- 4.12 No objection subject to conditions- No part of the proposed development must be taller than the adjacent properties. If taller, a third-party assessment, at the developer's cost, will be required to ascertain if there is an impact.

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): Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and

Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision) and CP6 (Community Infrastructure).

- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, ecology and RAMs contributions and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Policy DM9 of the Development Management Document recognises that there is a need to limit further growth of the residential care home market in Southend; owing to modifications in the approach to national and local social care policy. Increasingly, social care policy seeks to enhance the level of support available for older people, the vulnerable and those with disabilities, allowing people to remain in their own homes or live as independently as possible, rather than in residential care homes.
- 7.2 Specifically, Policy DM9 states:

1. Development proposals for specialist residential accommodation, including new build and extensions, will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that;

- i. there is a clearly identified need in Southend; and*
- ii. there is no existing capacity for such facilities within Southend; and*
- iii. it will not lead to an over concentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services e.g. health and social care; and*
- iv. it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and*

- v. *it is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.*

- 7.3 It is clear at the time of writing Policy DM9 (in 2015), that there was an over-provision of residential care within the City. The applicant has however submitted a supporting statement justifying the need for the new care home and for an increase in capacity, from 39 beds to 50, a net gain of 11 beds. The Care Needs Assessment Report (by Pinders Professional & Consultancy Services Ltd.) points to the Care Act and Support (Eligibility Criteria) Regulations 2015 which sets out the levels of care need which are required to qualify for NHS and/or Local Authority support.
- 7.4 This study concluded that 7.0% of those aged 65 years or more are likely to be unable to perform two or more core Activities of Daily Living and thereby qualify for care in accordance with the national eligibility criteria. The supporting statement therefore considers it reasonable to apply this estimate of demand to any population as a guide to the number of older people likely to require third party care on a regular basis.
- 7.5 Applying this estimate to the current population within the Catchment Area, indicates that some 2,583 older people are likely to have higher care needs which would require some form of residential care.
- 7.6 The report notes that there are currently 1,529 bedrooms across the City within care homes that meet market standards (providing individual rooms or apartments with private toilet facilities) which would therefore suggest a shortfall in provision of 1,054 care home bed spaces, increasing to 1,626 by 2031.
- 7.7 There are a further 789 bedrooms within care homes which, whilst registered with the Care Quality Commission (CQC), have shared toilet/bathroom amenities and are not therefore regarded as meeting market standards. If these rooms are included, the overall shortfall reduces to 265, increasing to 837 within the next decade. However, it is reasonable to anticipate further erosion of this below market standard accommodation as market preferences continue for single, en suite rooms.
- 7.8 The submitted report concludes, therefore, that additional care home accommodation will be required to meet the identified shortfall in excess of 1,000 market standard bed spaces. This shortfall is forecast to increase as a result of an ageing population but also through the loss of below standard accommodation, which currently accounts for 34% of bed spaces within the catchment area. This has been apparent through a number of recent applications to convert existing care homes to residential uses.
- 7.9 The Adult Social Care (ASC) team have raised no objection to the proposal. They have accepted there is need within the City and advised that the proposal would likely assist the operator to continue with a favourable rating. The ASC team also stated that residential homes are not necessarily the only method of meeting the identified need but at the current rate of growth and taking into account the challenges in recruitment, there will be a need for care home beds.
- 7.10 The Council's market position statement focuses on improving the quality of the care within the City and advising the struggling or low-quality homes to improve or repurpose their setting.
- 7.11 To this end, it is considered that the proposal to redevelop an existing site would be in line with the objectives of Policy DM9 of the Development Management Document and would not result in an over-concentration of specialist residential accommodation. The

proposed care home and day care facility would improve upon and provide extra provision for specialist care within the City. It is considered that the supporting information has demonstrated the need for the proposed additional care home beds.

- 7.12 The proposed re-development of the site for a larger care home is therefore considered acceptable and policy compliant in the above regards. The other determining material considerations are assessed below.

Design and Impact on the Character of the Area including Leigh Conservation Area

- 7.13 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.14 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.15 Leigh Conservation Area is located some 80m to the south-east of the site. Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Similarly, Policy DM5 of the Development Management Document states that the Council has a statutory duty to preserve or enhance the character and appearance of conservation areas.
- 7.16 The site is also within Seafront Character Zone (SCZ) 1 according to Policy DM6 of the Development Management Document. One of the stipulations for this SCZ is to retain the character and building height and type along Marine Parade.
- 7.17 The application seeks permission for the demolition of the existing care home building and the erection of a replacement care home building with accommodation over three levels.
- 7.18 The building is not listed and is not within a Conservation Area or otherwise a heritage asset. As such there is no objection in principle to its demolition and redevelopment.
- 7.19 The proposed building has a similar "T"-shaped layout as the existing, retaining a dual frontage along both Marine Parade and Hadleigh Road. The proposed new building extends that built form to the side and rear.
- 7.20 Marine Parade has a consistent building line which the replacement building would suitably correspond with, providing adequate separation to the public highway and enabling a significant amount of soft landscaping to be introduced. With respect to its Hadleigh Road frontage, the enlargement of the building and shift to align with the north-western boundary allows this elevation to run perpendicular with Hadleigh Road, thus enabling the formation of built form that would correspond more suitably with neighbouring dwellings to the north over the existing situation. This is considered a positive element of the proposal.
- 7.21 The streetscene along Marine Parade is characterised predominantly by two-storey

dwellinghouses with rooms in the roof such that the scale and height of the proposal, as demonstrated in the streetscene elevation plan, is not considered to be out of keeping with the immediate neighbouring properties or the wider surrounding area.

- 7.22 Whilst the resultant-built form would be of increased scale and bulk over the existing building, emphasised by the gabled projections to the front and rear, retention of a 4m separation (to the front) to the west flank boundary – reducing to 1.5m to the rear – and retention of a 1.8m separation (to the front) to the east flank boundary – reducing to 1m to the rear – is such that there is considered to be appropriate separation space to either neighbouring property such that the proposed building would not appear unduly dominant in its setting. This is considered to be further aided by the heavily articulated front elevation, including gabled projections, dormers and recessed elements, large glazed sections and Juliette balconies, as well as the separation of the building from the public highway (some 3m at its narrowest). This allows for a significant amount of planting to the Marine Parade frontage which is considered to further soften the visual impact of the building. For these reasons it is not considered the proposal would have a detrimental impact on public vistas towards the estuary and noting the significant separation from the Leigh Cliff Conservation Area, the development proposed is also considered to preserve the character, appearance and setting of this Conservation Area.
- 7.23 The detailed design of the building following revisions sought during the course of the application (as outlined at para 2.7) is now considered to appear suitably resolved, with the gables appropriately balanced for the scale of the frontage and a suitable pitch introduced for the roof such that the crown roof behind would be hidden from public views. In addition, following the mixed design and form of neighbouring dwellings, the external materials proposed (as outlined in paragraph 2.3) are considered to be appropriate in this context, with submission of full details secured by condition in the interest of visual amenity.
- 7.24 The proposed amenity space around the development is considered to be of a size and form which will provide an acceptably proportionate setting for the building.
- 7.25 The refuse storage area proposed next to the northern boundary is set back approximately 17m from the public highway. The proposed store would measure some 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store is shown as being finished externally in timber boarding. It is considered the provision and form of waste storage would provide an acceptable solution which does not result in a dominant presence of bins in front of or integral to the façade of the building. Details of the number of Eurobins that can be stored and the collection arrangements can be conditioned.
- 7.26 No objection in design terms is raised to retention of the parking area to the rear from Hadleigh Road, with the existing vehicular access to be unchanged. Whilst the car park position is generally unchanged from the existing arrangement, it has been pushed further southwards such that the rearward wing of the development would abut the revised car parking area, therein altering the streetscene. Re-positioning of the proposed second disabled parking space involves some modest layout changes internal to the car park for which a revised plan is expected but which did not overall change the character of the proposed car park. The car parking area includes parcels of landscaping and there is a generally well resolved relationship between the new north-eastern elevation of the building such that overall, it is not considered, on balance, to have a detrimental impact on the streetscene.
- 7.27 The application has been submitted with a tree survey and an Arboricultural Impact Assessment (AIA). The proposal will be facilitated by removal of four individual trees,

APPENDIX 1 for 23/00826/AMDT - Officer's Report for 2022 Permission

one area of trees and one group of trees to achieve the proposed layout- these have been numbered T003, T005, T009, T010, G001 and A001 respectively, and are located predominantly along the Hadleigh Road frontage. Additionally, two individual trees to the Marine Parade frontage require minor surgery to permit construction space (T011, T012).

7.28 Four further trees have been identified for removal irrespective of any development proposals (T002, T004, T006, T008). The removal of these trees is based on poor structural and/or physiological condition.

7.29 The items listed in the table below are those requiring felling to permit the proposed development to proceed:

Table 2: Extract from the AIA.

Feature No	Reason for Removal	BS Category*	Visual Amenity Assessment*
A001	Conflicts with new building and car park.	C	Moderate
G001	Conflicts with new car park.	C	High
T003	Conflicts with new car park.	B	High
T005	Conflicts with new car park.	C	Moderate
T009	Conflicts with new building and car park.	B	High
T010	Conflicts with new building.	C	Low

7.30 Category 'B' trees are of moderate quality with an estimated remaining life expectancy of at least 20 years. Category 'C' trees are those trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.

7.31 The group of trees (G001) to the south-east boundary of the car parking area fronting Hadleigh Road, including T003 and T009 are considered provide some softening to the rear of the existing development in the streetscene. Therefore, the loss of these trees in particular, together with those outlined above represent a negative aspect of the development.

7.32 Nevertheless, none of the trees to be removed are classified as Category 'A' specimens, i.e. those of high quality with an estimated remaining life expectancy of 40 years and not trees are protected with Tree Preservation Orders. In addition, the proposed landscaping plan shows the proposed development is to be set within a heavily landscaped setting following the planting of twelve new trees and shrubs across the site. In total, five new trees are proposed along the Hadleigh Road frontage, four along the Marine Parade frontage and three within the rear garden area.

7.33 The trees listed have the potential to grow to the following heights:

- Carpinus betulus: 10-15m tall (spread of up to 6m)
- Cercis canadensis 'Forest Pansy': up to 10m tall (spread of up to 8)
- Crataegus 'Paul's Scarlet': up to 6m tall (spread of up to 6m)
- Prunus avium 'Plena': up to 12m tall (spread of up to 10m)
- Prunus subhirtella 'Autumnalis': up to 8m tall (spread of up to 8m)
- Sorbus aria 'Lutescens': up to 10m tall (spread of up to 8m)

7.34 The Council's arboricultural officer has raised no objections to the proposed tree works

subject to a detailed tree protection plan and Arboricultural method statement, a detailed tree planting specification to ensure any trees planted have adequate soil volume to establish and reach maturity as well as a programme of aftercare including watering. Such information can reasonably be conditioned.

- 7.35 On this basis, and owing to the level of tree replacement proposed and the size and coverage of the replacement trees, the resultant visual impact is considered on balance, to be acceptable. Weighed into the planning balance also is the retention of the existing 'Lime' street tree next to the vehicular access from Hadleigh Road and T007 towards the south-western boundary of the car park.
- 7.36 Details of the planting and maintenance schedules as outlined in the proposed landscape plan (001F) are considered acceptable and would provide a satisfactory setting for the proposed development in the context of the wider surrounding area, the details of which can reasonably be conditioned.
- 7.37 In summary, the proposal is considered on balance, and subject to conditions, to be acceptable and policy compliant in terms of its impact on character and appearance of the site, streetscene and wider surrounding area including the setting and appearance of Leigh Conservation Area.

Impact on Neighbour's Residential Amenity

- 7.38 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.39 The application site is bounded to the west by No 10 Marine Parade some 7m away at its maximum, to the east by two flats at Nos 3/3A Marine Parade some 2.6m at its maximum and to the north by No 93 Hadleigh Road some 7m away at its maximum.
- 7.40 With regards to No 10 Marine Parade, the proposed development would result in built form extending closer to the shared boundary. The main body of the proposed building along the Marine Parade frontage would not project beyond that neighbour's rear elevation such that neighbouring habitable room rear windows would not be affected. A series of neighbouring flank windows are noted at ground, first and second floors adjacent to the proposed development. None of these windows serve as the sole outlooks to a habitable room. They either serve as secondary outlooks or, as openings to non-habitable accommodation, such as bathrooms, stairwells and landings. The weight given to the protection of such windows is limited in planning terms.
- 7.41 With regards to No's. 3/3A Marine Parade, the existing building projects some 3m beyond that neighbouring rear elevation in close proximity to the shared flank boundary. The proposed building would reduce the depth of built form that presently extends beyond the neighbouring rear elevation to some 1.8m, whilst retaining the same (1m) separation. Moreover, the offset 'T' element extending to the Hadleigh Road frontage which has been moved more centrally and consequently, is considered to have an improved impact on the amenity of the neighbouring occupants with regards to dominance and sense of enclosure impacts. Whilst one first floor flank window to No.3 is noted, given the proposed building would retain the same separation and comparable built form near this boundary as the existing, it is not considered to give rise to a

materially different amenity impact than the existing nor one that is significantly harmful when considered on its own merits and as part of an overall balanced assessment.

- 7.42 With regards to No.93, whilst the Hadleigh Road frontage would result in a section of built form projecting some 7m beyond that neighbouring rear elevation, a separation of some 8m would be retained from the nearest neighbouring rear windows. This separation is such that a notional 45-degree guideline would not be breached, safeguarding neighbour outlook and receipt of light to an acceptable degree.
- 7.43 A neighbour Daylight/Sunlight Assessment has also been submitted. It concludes that the impact of the proposed development on No's 10, 3 and 3A Marine Parade and No 93 Hadleigh Road satisfies the BRE direct sunlight to windows requirements in relation to neighbouring habitable rooms as well as the BRE recommendations for overshadowing of the neighbouring garden areas. On this basis therefore, the impact of the development on the amenity of the neighbouring occupants with regards to loss of light, outlook and sense of enclosure and dominance is considered acceptable.
- 7.44 Whilst overlooking has been raised as a concern by third parties, regard is had to the existing two storey building on the site and the presence of surrounding two and three storey development such that a degree of mutual overlooking of neighbouring rear gardens is considered to exist at present and informs the prevailing character and levels of amenity enjoyed. The closest relationship within the proposal between a bedroom window and a neighbouring garden area is a minimum of 11m (rooms 28 and 45 toward No's 3/3A). Moreover, it is not considered that any of the proposed bedroom windows would be provided with clear, uninterrupted views of neighbouring habitable accommodation, such that the proposal would suitably maintain neighbour amenity. Subject to a condition requiring the first-floor windows of the stairwell serving the Hadleigh Road frontage to be obscure glazed, no objections are raised on overlooking or loss of privacy grounds.
- 7.45 This assessment takes note of the balcony serving room 45 however, on account of its position which restricts views of neighbouring habitable accommodation and limited size and scale – 0.9m deep x 3m wide, is such that its amenity impact in relation to overlooking and neighbour privacy is considered acceptable.
- 7.46 Whilst the car park position is generally unchanged from the existing arrangement, it has been pushed further southwards. Regardless of this however, it is located at appropriate distances which would not result in demonstrable harm to the amenities of neighbouring occupiers from noise or disturbance i.e. from vehicular movements and the closing of car doors etc.
- 7.47 The proposed waste store is shown on submitted plans to the northern boundary shared with No 93 Hadleigh Road. The store would project some 3.5m beyond the neighbour's rear elevation however, following position of a garden access serving No.93 some 1m wide and its modest height (3m), it is not considered the proposal would have a detrimental impact on the amenity of neighbouring occupants. In addition, the nature of the store as an enclosure for waste bins would act as a deterrent to vermin and would also restrict the emission of odours and smells. No objection is therefore raised on this basis.
- 7.48 It is considered there is potential for noise and disruption to neighbouring occupants following demolition and construction activities. It is therefore considered reasonable to attach a condition requiring submission of a construction management statement prior to commencement of the development.

- 7.49 In terms of noise and disturbance, concerns have been raised by the Environmental Health Service with regards to operation of plant equipment in association with operation of the care home. Environmental Health confirm their concerns can reasonably be addressed by way of condition for a noise impact assessment and a schedule of mitigation measures (should it be deemed necessary) to be carried out and the details submitted to the Local Planning Authority beforehand for consent.
- 7.50 Subject to the described conditions, the proposal is acceptable and compliant in the above regards.

Standard of Accommodation

- 7.51 According to Policy DM8 of the Development Management Document non-self-contained accommodation must comply with Policy Table 6 which requires among others a bedroom size of 6.5m² for single bedrooms.
- 7.52 All rooms would exceed the 6.5m² requirement and would be provided with their own en-suites. All rooms would be served by a good quality of light and open outlook. Units in the north-east side of the development will look onto the car park which is not ideal however, there is a degree of planting within the car park area such that this arrangement is considered to be acceptable. Rooms in the north and west elevations of the care home will look onto the communal garden.
- 7.53 The building would offer good accessibility between all floors following provision of two lifts. All units would have access to the communal garden to the rear with two of the rooms at second floor level provided with their own private roof terraces. The site is also directly opposite a public open space and gardens.
- 7.54 Overall, the resulting living conditions for future residents is considered to be acceptable.

Traffic and Transportation Issues

- 7.55 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."
- 7.56 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed use.
- 7.57 Policy DM15 of the Development Management Document states that for residential care homes, a maximum of 1 off-street parking space is required per resident staff plus 1 space per 3 bed spaces/units. The Council's parking standards are expressed as a maximum and local and national guidance encourage reduction in the reliance on the car and promote methods of sustainable transport.
- 7.58 The accompanying Transport Statement states that it is anticipated that a total of 41 members of staff will be employed at the site, with a maximum of 25 members of staff present on site at any one point in time. A breakdown of the staffing patterns and staffing numbers throughout the day has been provided.

- 7.59 It is understood that there are no resident staff on site. Applying the relevant standards, there is a maximum requirement of 17 spaces on site. The existing care home of 39 beds includes a parking area for approximately 12 car parking spaces. This is 5 spaces less than the 17 spaces proposed for the 50-bed care home, demonstrating an increase in the number of parking spaces to be provided, greater than the proportional uplift in rooms (i.e. a 42% increase in parking compared with 28% increase in beds). This is a positive element of the proposal.
- 7.60 The adopted parking standards set out the maximum level of parking to be provided. Analysis has also been undertaken by the applicant to establish whether the increase in car parking is sufficient to meet the needs of the proposed care home. Reference has been made to an accumulation profile established using the TRICS sites that informs the Transport Statement in its Section 5, the results of which are summarised in Figure 4.1 and included in Appendix D of that report.
- 7.61 The Transport Statement states that it is evident from the proposed parking provision that the predicted demand will amount to approximately 88% of the available capacity. A parking review exercise is shown in Drawing 205390/AT/A01 at Appendix C of that report. This identifies that the spaces can be accessed by a large car throughout.
- 7.62 Therefore, the above demonstrates that the site will not result in a severe impact on the local highway network or compromise highway safety.
- 7.63 The Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document requires at least 20% of spaces is provided with active and 80% with passive electric vehicle charging infrastructure. These requirements can be secured by condition.
- 7.64 Service vehicles and deliveries will be made at the existing access onto Hadleigh Road. Whilst there will be an increase in the number of beds at the care home, the applicants do not anticipate that there will be a proportional increase in the number of service vehicle trips to the site. Whilst the size of delivery may increase compared to that which currently occurs, such deliveries are argued to not necessitate multiple trips to the site, being accommodated by existing food, laundry and medical deliveries as well as laundry and refuse collections. As a result, the number of service vehicle movements are not envisaged to increase.
- 7.65 Refuse collection is currently undertaken directly from Marine Parade at the southwest corner of the site, this is not anticipated to change as a result of the proposal.
- 7.66 The proposed traffic generation associated with a proposed 50 bed care home has been calculated using the trip rates introduced in Table 5.1 of the submitted Transport Statement. Table 5.2 demonstrates that the proposed traffic generation results in a minor increase in all peak periods, with a net increase of 2 vehicles in the AM and 2 in the PM peak periods and a net increase of 2 vehicles during the development peak. This therefore demonstrates that the proposal will not result in a significant impact on the surrounding highway network in terms of capacity and congestion nor highway safety that will require mitigation.
- 7.67 Highways officers have raised no objection to the development noting that the applicant has provided a robust transport statement to support the application.
- 7.68 With regards to cycle parking, submitted plans detail provision for eight cycle spaces. The requirement as outlined in DM15 is for one space per five staff members. Therefore, the requirement has reasonably been met. Whilst no details have been provided as to

the form of the cycle parking, this can reasonably be dealt with via condition.

- 7.69 London Southend Airport were notified of the application. They advise no objections subject to the following: that no part of the proposed development be taller than the adjacent properties; if taller, a third-party assessment, at the developer's cost will be required to ascertain if there is an impact. An element of the proposed building is taller than the immediate adjacent neighbouring properties and therefore, to avoid interference with air traffic, a condition as required by the LSA will be imposed.
- 7.70 On this basis, the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.71 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)".
- 7.72 Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption).
- 7.73 Whilst no details have been provided at this stage, it is considered a condition requiring the development to comply with this requirement could reasonably be imposed. No objections are therefore raised on this basis.

Ecology and Biodiversity

- 7.74 Policy KP2 of the Core Strategy states that all new development must 'respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the city's biodiversity and green space resources; ensure that European and international sites for nature conservation are not adversely affected and contribute positively towards the 'Green Grid' in Southend.'
- 7.75 Policy CP4 of the Core Strategy seeks to contribute to the creation of high quality, sustainable urban environments by 'safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance.'
- 7.76 The site is located within the Seafront Character Zone 1: Two tree Island, Leigh Marshes and Belton Hills. The development principles for this character zone include 'to protect the special character of the nature reserves.'
- 7.77 A phase 1 and 2 bat and nesting bird survey has been submitted. In its conclusions, no evidence of bats or nesting birds were present. A series of biodiversity enhancements were however recommended (section 5) and these can also be conditioned.
- 7.78 On this basis therefore, it is considered the proposal is acceptable and policy compliant subject to the planning conditions described above

Flooding and Drainage

- 7.79 National policy requires that any development is safe from flooding and does not

increase the risk of flooding elsewhere. Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.

- 7.80 The proposed development would be built partially within an area of undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements have been submitted however, additional information is required to satisfy LLFA requirements. This can be dealt with by a condition. Subject to this, the development would be acceptable and policy compliant in these regards.

RAMS

- 7.81 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.82 Table 3.2 of the RAMS SPD confirms that residential care homes are covered by the RAMS tariff, but notes that they will be considered on a case-by-case basis according to the type of residential care envisaged.
- 7.83 The proposal results in an increase from 39 to 50 beds and is a 28% increase which is considered significant. In these circumstances, a single RAMS payment is required.
- 7.84 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the development on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.85 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net gain in internal floor area of approx.1096sqm, which may equate to a CIL charge of approximately £83,970.46 subject to confirmation.

Equality and Diversity Issues

- 7.86 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance

equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

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

8 Recommendation

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

01 **The development hereby permitted shall begin no later than 3 years beginning with the date of this permission.**

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

02 **The development hereby approved shall be carried out solely in accordance with the approved plans: 001 Rev F; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; 011 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; ; PA04 Rev A; PA05 Rev A PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA**

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

03 **Notwithstanding the information submitted with the application, with the exception of site preparation and demolition, no development above ground level shall take place until full details of the materials to be used on all the external elevations of the building have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall only be carried out and completed in accordance with the approved details.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

04 **The soft landscaping details including planting and maintenance shall be incorporated in full accordance with the details outlined in the submitted landscape plan (001 Rev F) within the first planting season following first use of the development hereby approved or, any alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Any trees or shrubs dying,**

APPENDIX 1 for 23/00826/AMDT - Officer's Report for 2022 Permission removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 No development shall take place on site unless and until a detailed Arboricultural Method Statement and Tree Protection Plan for those trees to be retained on site, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. This will include the following; fencing type, ground protection measures, "no dig surfacing", access facilitation pruning specification, project phasing and an extensive auditable monitoring schedule. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.). The approved hard landscaping works shall be carried out in accordance with the approved details.

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

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

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 09 Prior to occupation of the development hereby approved water efficiency 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 shall be installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 10 Prior to the first use or occupation of the development, 17 parking spaces shall be provided at the site in full accordance with plan number 'WD05 Rev A' and at least 4 spaces shall be provided with active electric vehicle charging infrastructure with the rest of the spaces being fitted with passive electric vehicle charging infrastructure. The approved parking facilities and active electric vehicle charging infrastructure shall be retained thereafter in perpetuity only for the use of the occupiers, staff and visitors to the site.

Reason: To ensure that adequate vehicular parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 11 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be provided and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter. Waste management and servicing of the development shall only take place in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that

satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, details of secure cycle storage (including elevations) shall be submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. The secure cycle storage shall be provided at the site and made available for the use of staff and residents or their visitors in accordance with the agreed details prior to first occupation of the development. The cycle storage shall be maintained as approved for the lifetime of the development.

Reason: In the interests of accessibility and visual amenity further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 13 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a specialist residential care home for up to 50 residents within the client group identified in the application form, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any act amending or re-enacting that Order, or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any act 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 CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3

- 15 Construction 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 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).

- 16 Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following;

- 5) A drainage plan must be provided showing the site drainage, connections to existing drainage systems and details of how these connections will be made. This must also show all SuDS and attenuation features.
- 6) An agreement in principle from Anglian Water must be provided confirming agreement of the new connection type, location and discharge rate.

The development shall only be implemented in accordance with the details approved under this condition and the conclusions and recommendations outlined in the Storm Drainage Strategy by DWW Consulting (Dated 10/08/2022). The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

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

- 17 Details of the biodiversity enhancement measures outlined in the findings, recommendations and conclusions of the Phase 1 and 2 Bat and Nesting Bird survey undertaken by Ridgeway Ecology Ltd dated 02.09.2020 shall be incorporated in full prior to first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 18 Prior to first use of the development hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts from plant and equipment including extract ventilation when operating at its maximum speed. 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 assessment must be made using the appropriate standards and methodology for the noise sources and best practice with background noise levels established for the following periods:

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

In order to establish background noise level a representative survey shall be undertaken in accordance with 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.

A report on that impact assessment, which must include any necessary mitigation measures required for the development hereby approved, must be submitted to the Local Planning Authority for approval. Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must also be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect the environment of people in neighbouring properties 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).

- 19 Prior to first occupation of the development hereby approved, the first-floor side windows serving the stairwell to the north-eastern most part of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window, and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

- 20 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 21 No externally mounted plant or equipment shall be installed on the development hereby permitted until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed details.**

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Positive and Proactive Statement:

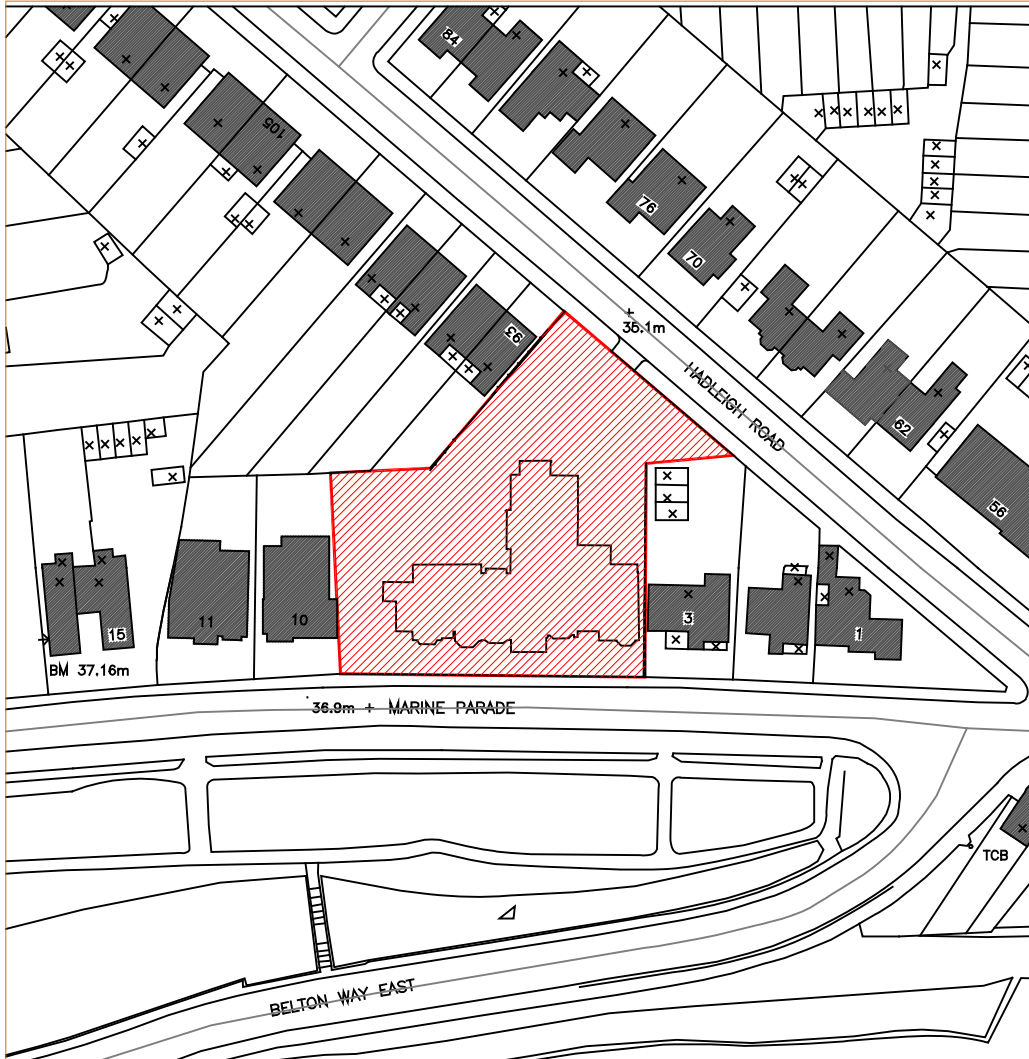
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

Informatives:

- 4 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 5 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
- 6 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**

**APPENDIX 1 for 23/00826/AMDT - Officer's Report for 2022 Permission
take care when carrying out works on or near the public highways and footpaths
in the city.**

This page is intentionally left blank



Proposed Site Location 1:1250



Memory House, 6-9 Marine Parade, Leigh-on-Sea.

CONNECT
SPACE
 ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

Unit 10, 30 Bog Road, Portavogie, Newtownards, BT22 1EQ
 E: barry.mullen@csarchitecture.co.uk
 T: 028 4277 2402

Barry Mullen MCIAT BSc Hons Arch Tech & Mgmt

PROJECT:
Replacement Care Home

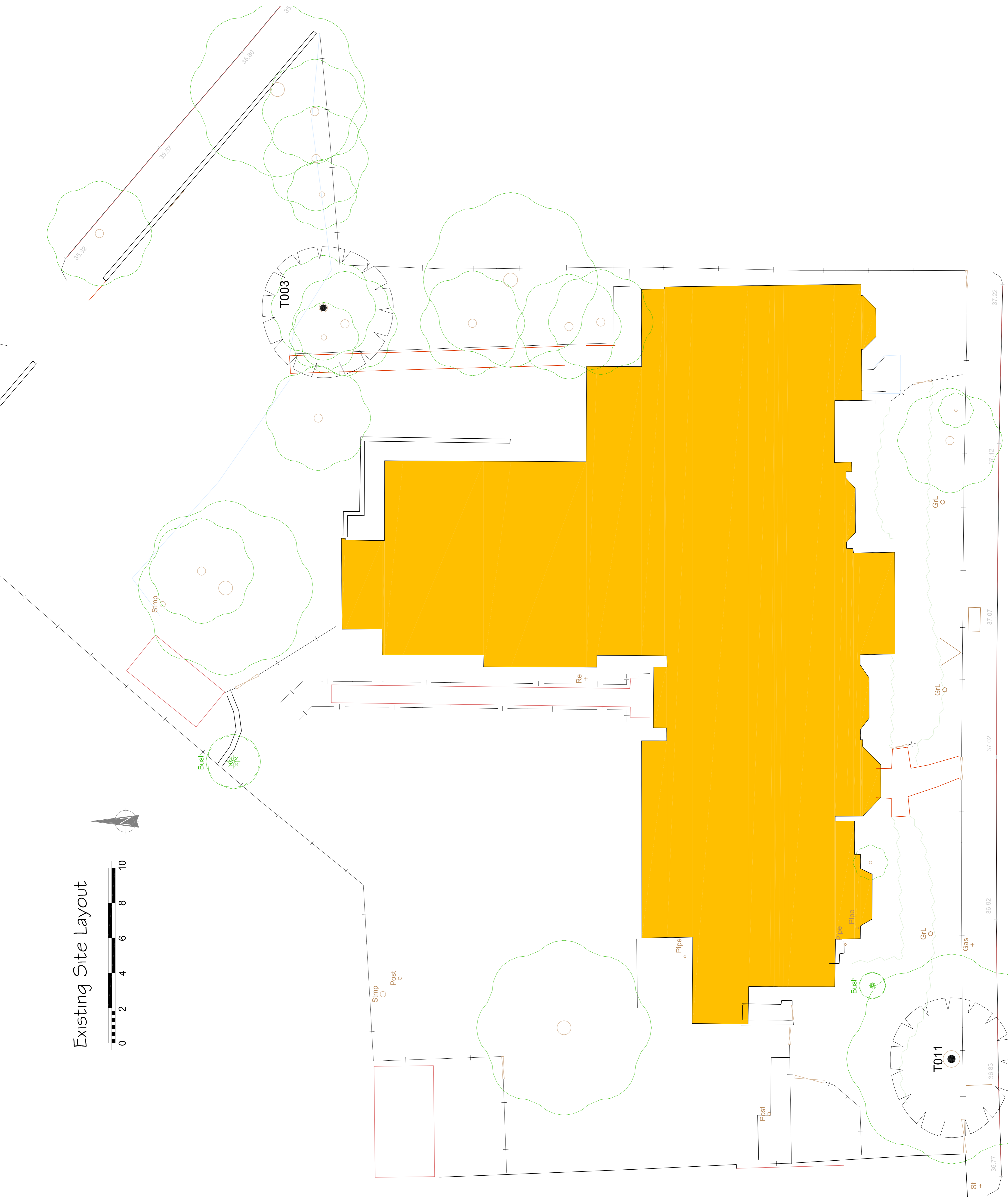
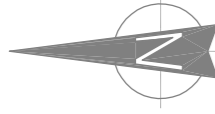
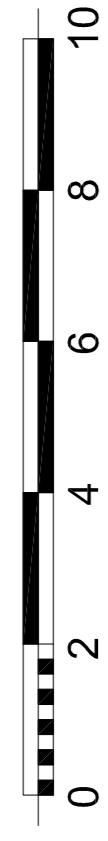
DRAWING No.:
PA09
75

DRAWING TITLE:
Site Location Map

SCALE: 1:1250	DATE: Jan 2022	DRAWN: Barry Mullen
-------------------------	--------------------------	-------------------------------

This page is intentionally left blank

Existing Site Layout



This drawing is copyright and shall not be reproduced or used for any other purpose without written permission of the author.
Do not scale from this drawing, use figured dimensions only.
The drawing must be read in conjunction with all other project related drawings and documentation issued by the Architect and Appointed Consultants.
It is the contractor's responsibility to ensure compliance with the Building Regulations.
It is the contractor's responsibility to check all dimensions on site, any discrepancy to be reported immediately.
Details and sizes shown are indicative only and are subject to confirmation by the relevant Specialist contractor & sub-contractors.
This drawing is not to be used for Land Registry or sales purposes.
The Author is not responsible for any changes to the drawings as implemented on site without prior approval in writing.

Revision	Date
A	23.02.21

Amended client name



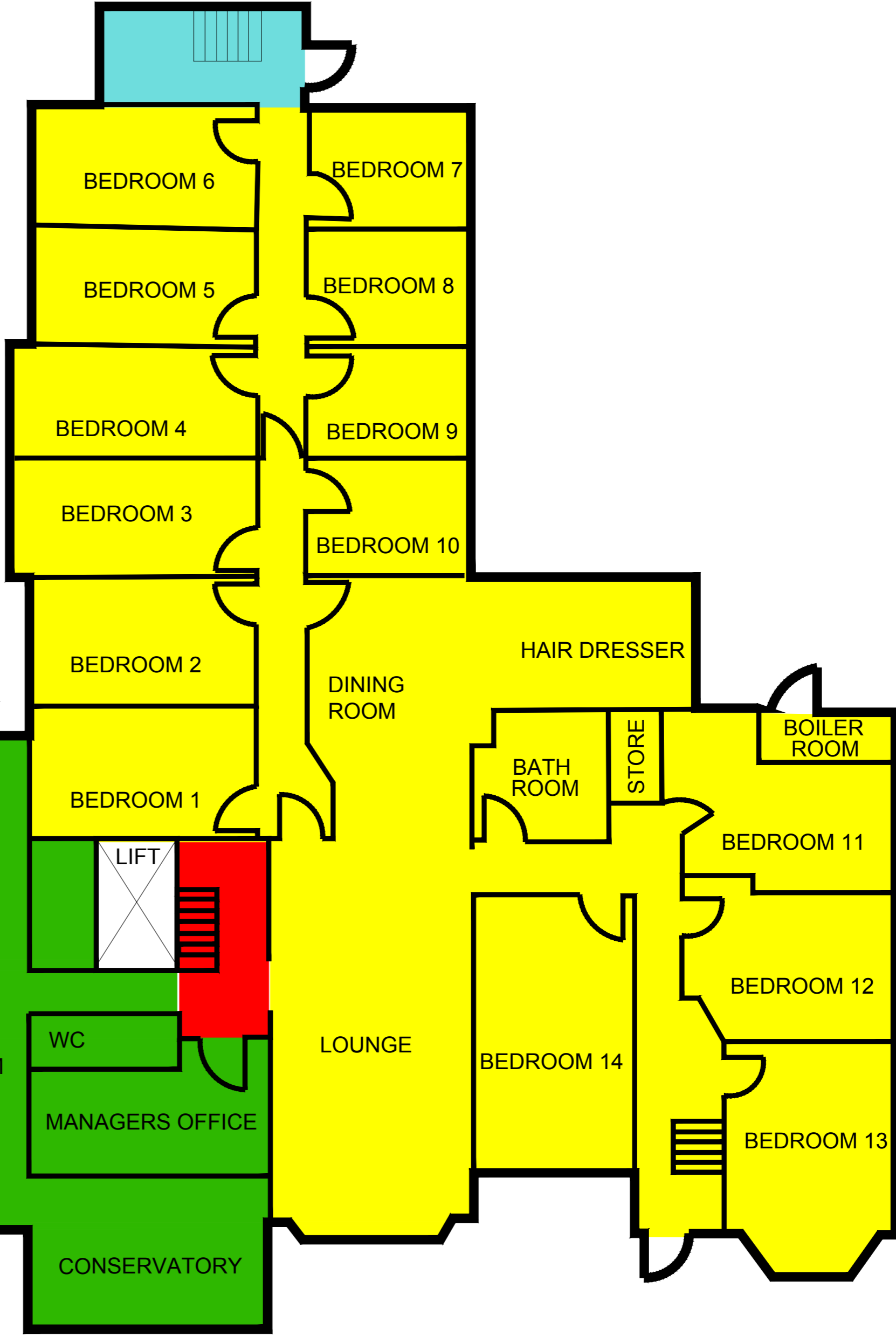
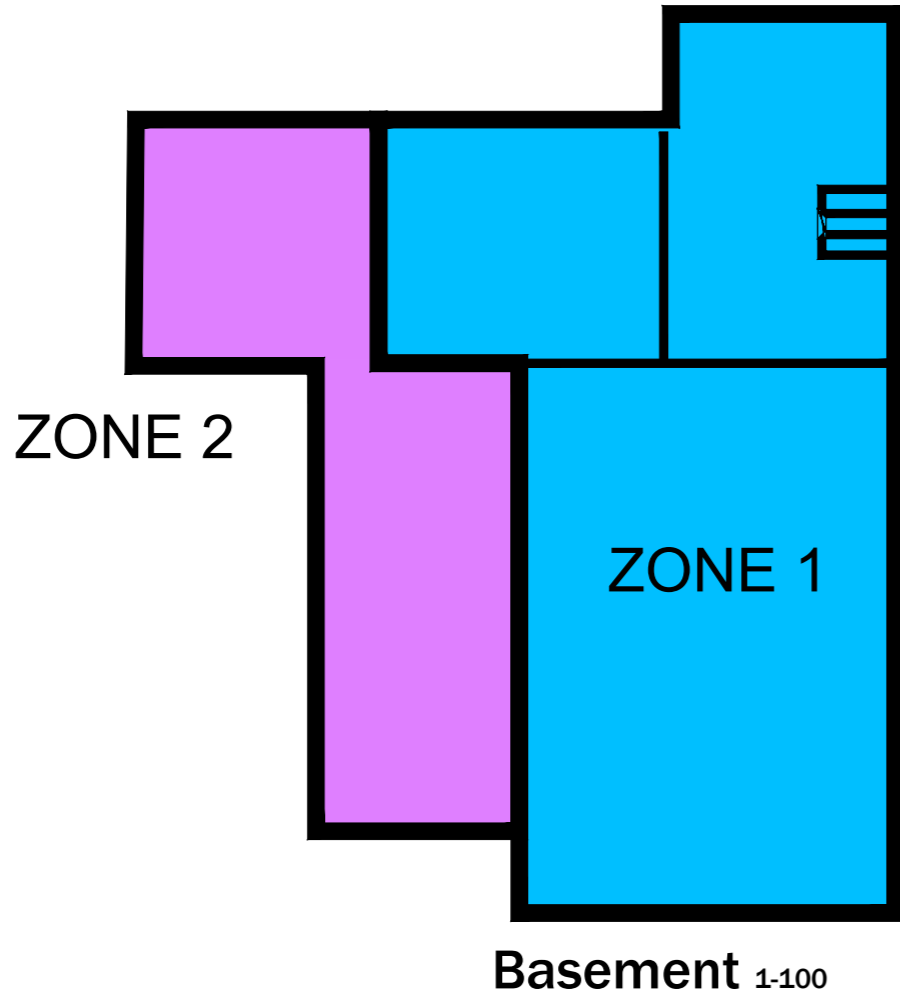
knight gratrix architects
 suite 1 boxes
 630-634 london road
 westcliff on sea
 essex
 ss0 9hw
 t 01702 715517
 e mail@knightgratrix.com
 w www.knightgratrix.com

Client	Product	Description
Sanders Senior Living	Memory House, Marine Parade	Proposed Care Home
Existing Layout Plan		

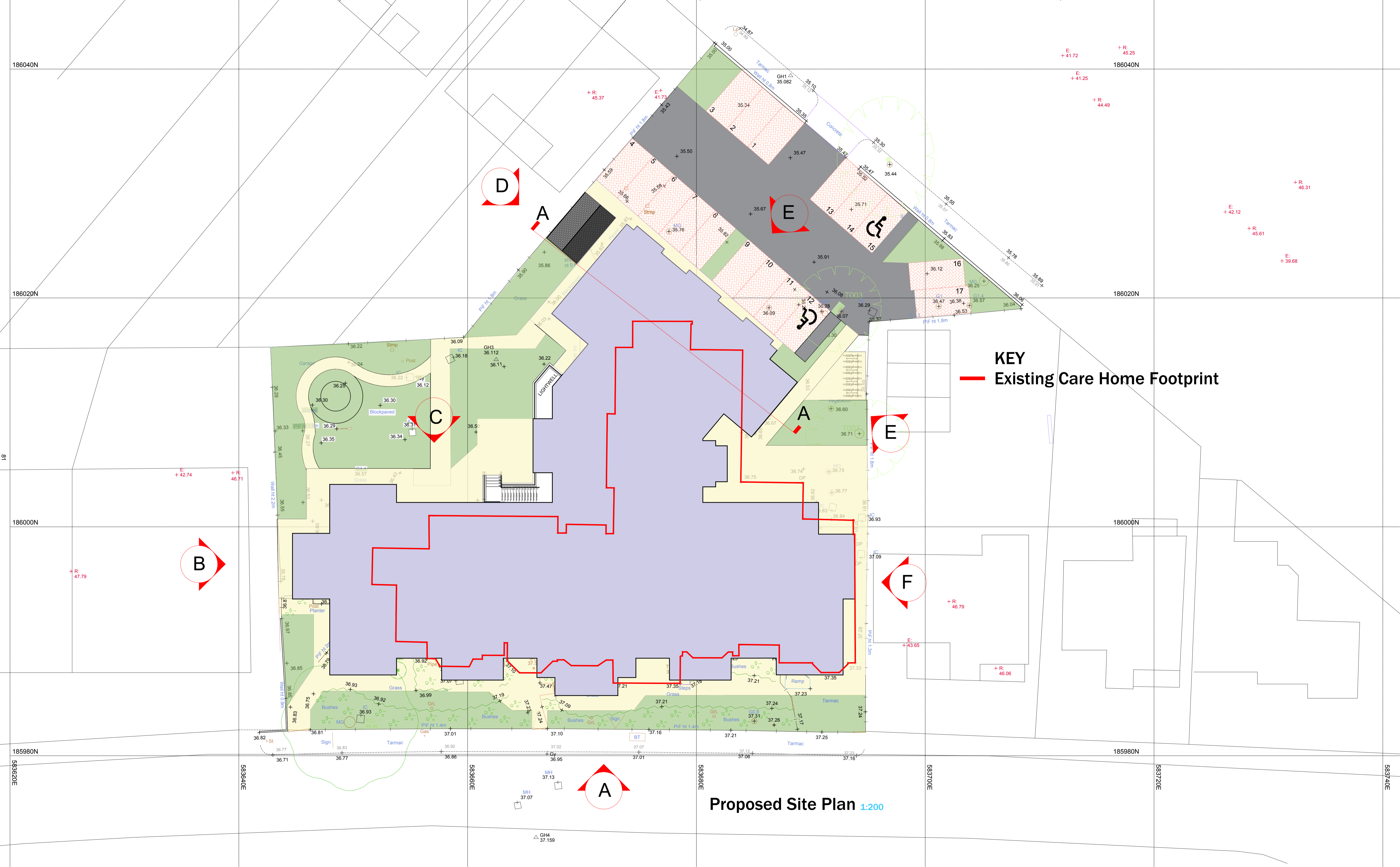
Status	Drawn	Date
Planning	nrlk/mt	Jan 21
Scale	1:100	
Job number	1458	
Revision no.	011	
		A

This page is intentionally left blank

Memory House



This page is intentionally left blank



Proposed Site Plan 1:200

REVISION & DATE	DESCRIPTION

COPYRIGHT © THIS DRAWING AND ANY DESIGN/FORMAT HEREON IS THE PROPERTY OF CONNECT SPACE LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN CONSENT. ALL DRAWINGS REMAIN THE PROPERTY OF CONNECT SPACE LTD EVEN AFTER COMPLETION OF WORKS.

0 5 10M
Scale Bar

Figured dimensions only to be taken from the drawing - All dimensions to be checked onsite. Discrepancies to be brought to the attention of this office before commencement of work.

NOTES:

Prior to the commencement of works, it is our recommendation for the Client/ Contractor to construct a trial hole/ slit trench the full depth of the proposed extensions and/ or alterations so as to confirm the extent of any existing hidden services that were unable to be identified on Survey.

We also recommend prior to any excavations that the Contractor conducts a full scan of the area for development to locate any buried services not identified. Refer to Structural Engineer's drawings for all structural matters.

Construction of works shall not commence until full approvals and clarifications have been agreed and obtained from the relevant body and copies submitted to the Local Authority Building Control for approval.

DRAWING TITLE:

Proposed Site Plan
(Basement Amendment)

PROJECT

Proposed New Care Home
Memory House

DRAWN
Barry Mullen

SCALE:
1:100

CLIENT:

PROJECT No:
WD05

DATE:
Nov. 2021

REVISION:
D

DRAWING No:
WD05

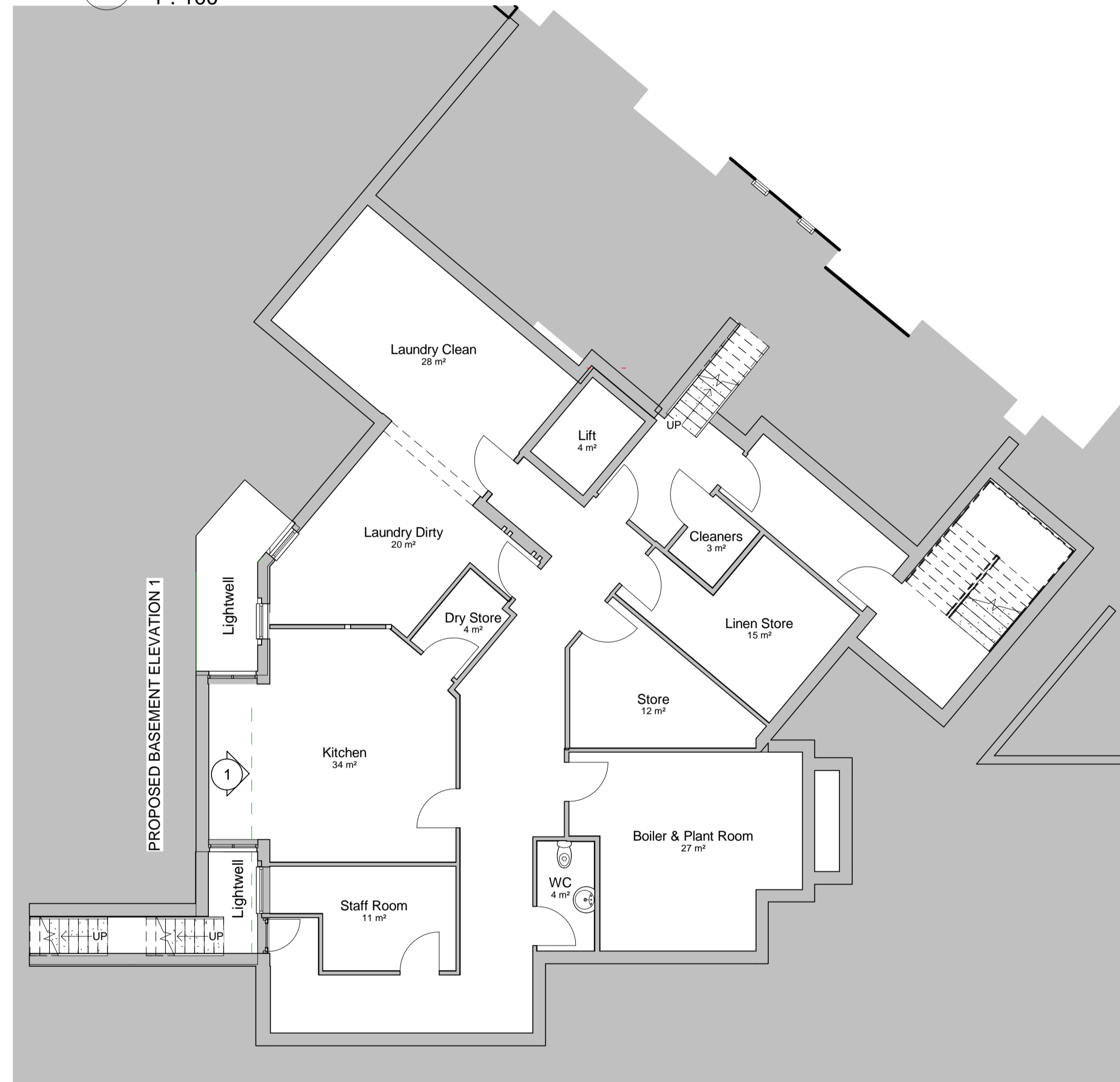
CONNECT
SPACE
ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

Unit 10, 30 Bog Road, Portavogie, Newtownards, BT22 1EQ
E: barry.mullen@connectspace.co.uk
T: 028 4277 2402
Barry Mullen MCIAT BSc Hons Arch Tech & Mgmt

This page is intentionally left blank



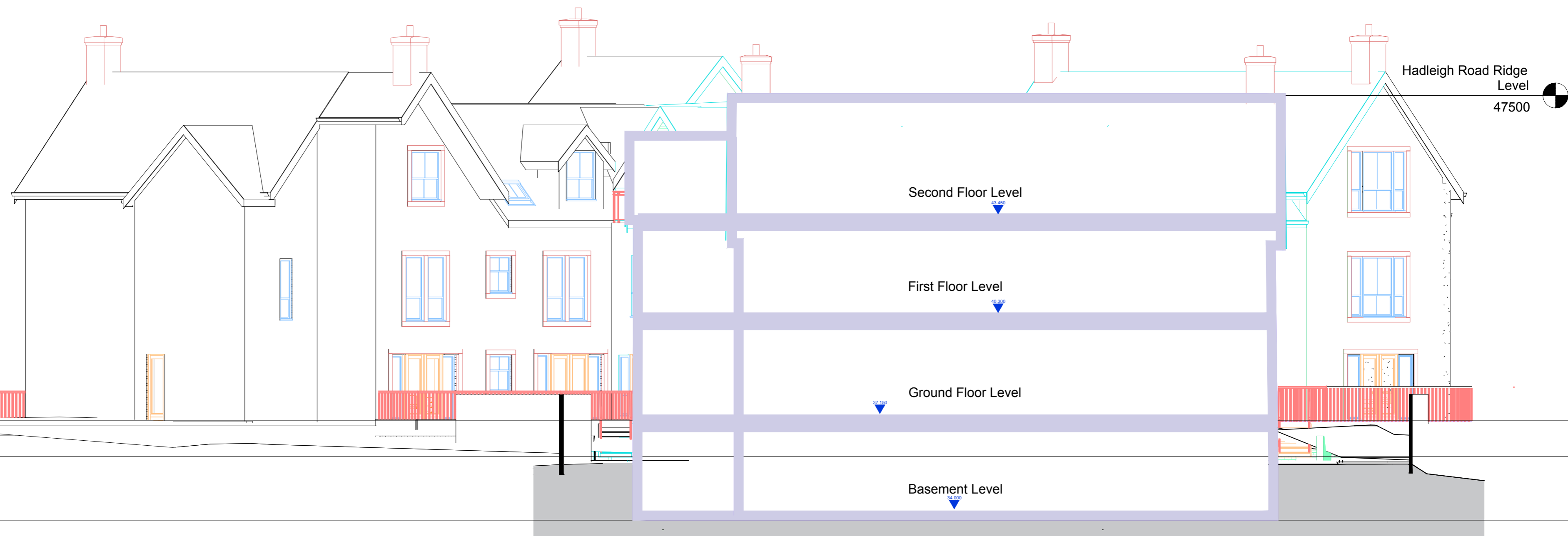
1 Proposed Basement Elevation 1
1 : 100



2 Lower Ground Service Elevation Key
1 : 100

REVISION & DATE	DESCRIPTION	COPYRIGHT © THIS DRAWING AND ANY DESIGN/FORMAT HEREON IS THE PROPERTY OF CONNECT SPACE LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN CONSENT. ALL DRAWINGS REMAIN THE PROPERTY OF CONNECT SPACE LTD EVEN AFTER COMPLETION OF WORKS.	NOTES:	DRAWING TITLE:	PROJECT	DRAWN Barry Mullen	PROJECT No: CS - 069	DRAWING No: PA05B	CONNECT ARCHITECTURE PLANNING PROJECT MANAGEMENT
		0 5 10M Scale Bar	Prior to the commencement of works, it is our recommendation for the Client/ Contractor to construct a trial hole/ slit trench the full depth of the proposed extensions and/ or alterations so as to confirm the extent of any existing hidden services that were unable to be identified on Survey. We also recommend prior to any excavations that the Contractor conducts a full scan of the area for development to locate any buried services not identified. Refer to Structural Engineer's drawings for all structural matters. Construction of works shall not commence until full approvals and clarifications have been agreed and obtained from the relevant body and copies submitted to the Local Authority Building Control for approval.	Proposed Basement Elevations	Proposed New Care Home Memory House	SCALE: 1:100	DATE: Feb 2023		Unit 10, 30 Bog Road, Portavogie, Newtownards, BT22 1EQ E: barry.mullen@csarchitecture.co.uk T: 028 4277 2402 Barry Mullen MCIAT BSc Hons Arch Tech & Mgmt
						CLIENT:	REVISION:		

This page is intentionally left blank



Proposed Basement Section A-A 1:100

REVISION & DATE	DESCRIPTION	COPYRIGHT © THIS DRAWING AND ANY DESIGN/FORMAT HEREON IS THE PROPERTY OF CONNECT SPACE LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN CONSENT. ALL DRAWINGS REMAIN THE PROPERTY OF CONNECT SPACE LTD EVEN AFTER COMPLETION OF WORKS.	NOTES:	DRAWING TITLE:	PROJECT	DRAWN	PROJECT NO:	DRAWING NO:	CONNECT SPACE ARCHITECTURE PLANNING PROJECT MANAGEMENT
		<p>Scale Bar</p>	<p>Prior to the commencement of works, it is our recommendation for the Client/ Contractor to construct a trial hole/ slit trench the full depth of the proposed extensions and/ or alterations so as to confirm the extent of any existing hidden services that were unable to be identified on Survey.</p> <p>We also recommend prior to any excavations that the Contractor conducts a full scan of the area for development to locate any buried services not identified. Refer to Structural Engineer's drawings for all structural matters.</p> <p>Construction of works shall not commence until full approvals and clarifications have been agreed and obtained from the relevant body and copies submitted to the Local Authority Building Control for approval.</p>	Proposed Basement Section A-A	Proposed New Care Home Memory House	Barry Mullen	WD05	WD05S	
						<p>Figured dimensions only to be taken from the drawing - All dimensions to be checked onsite. Discrepancies to be brought to the attention of this office before commencement of work</p>	<p>1:100</p>		
						<p>CLIENT:</p>	<p>REVISION:</p>		<p>Unit 10, 30 Bog Road, Portavogie, Newtownards, BT22 1EQ</p>
									<p>Barry Mullen MCIAT BSc Hons Arch Tech & Mgmt</p>

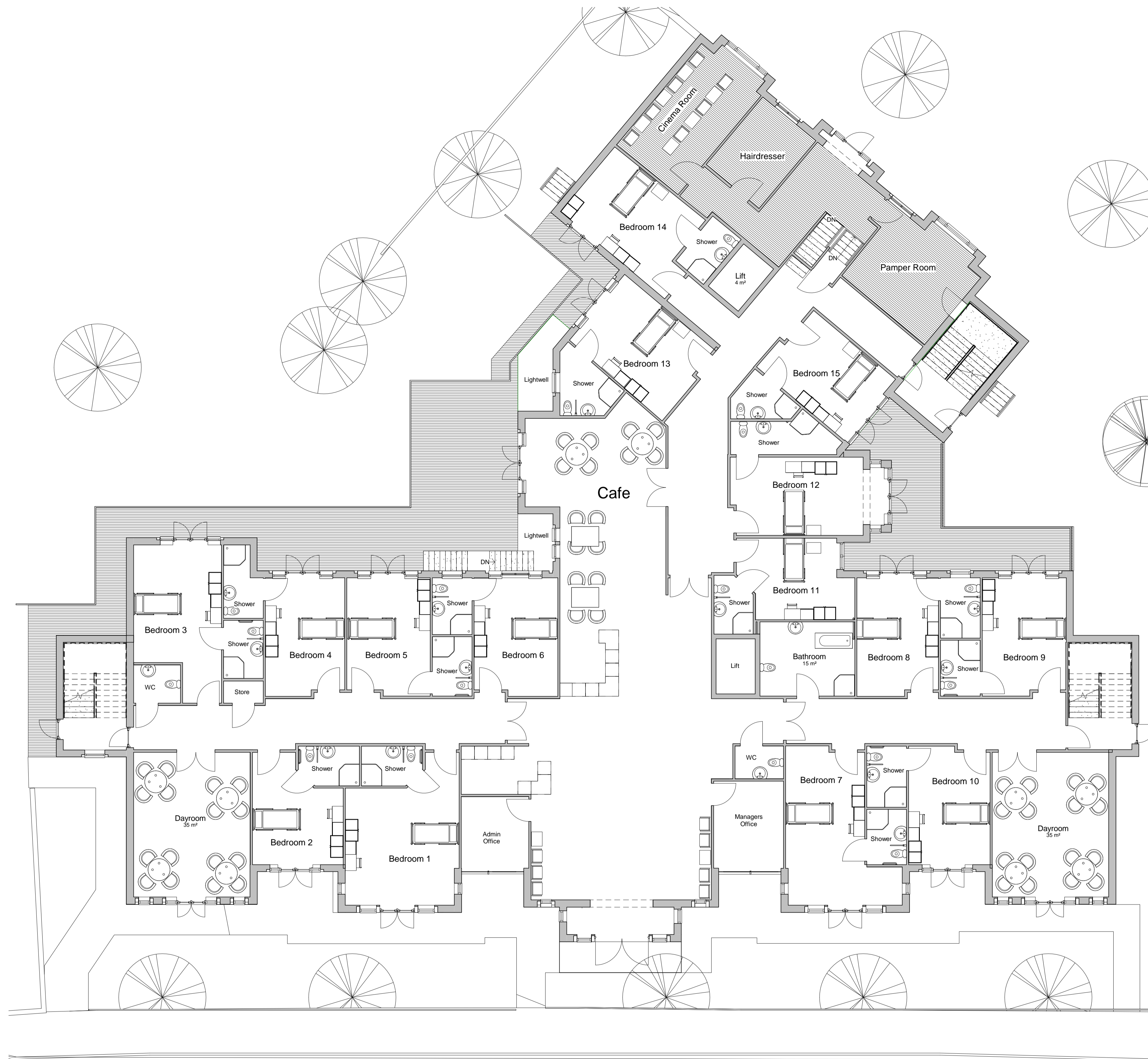
This page is intentionally left blank



1 Basement Elevation
1 : 100

REVISION & DATE	DESCRIPTION	COPYRIGHT © THIS DRAWING AND ANY DESIGN/FORMAT HEREON IS THE PROPERTY OF CONNECT SPACE LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN CONSENT. ALL DRAWINGS REMAIN THE PROPERTY OF CONNECT SPACE LTD EVEN AFTER COMPLETION OF WORKS.	NOTES:	DRAWING TITLE:	PROJECT	DRAWN Barry Mullen	PROJECT NO: CS - 069	DRAWING NO: PA01S	
		<p>Scale Bar</p>	<p>Prior to the commencement of works, it is our recommendation for the Client/ Contractor to construct a trial hole/ slit trench the full depth of the proposed extensions and/ or alterations so as to confirm the extent of any existing hidden services that were unable to be identified on Survey.</p> <p>We also recommend prior to any excavations that the Contractor conducts a full scan of the area for development to locate any buried services not identified. Refer to Structural Engineer's drawings for all structural matters.</p> <p>Construction of works shall not commence until full approvals and clarifications have been agreed and obtained from the relevant body and copies submitted to the Local Authority Building Control for approval.</p>	<p>Proposed Basement Stair Elevation</p>	<p>Proposed New Care Home Memory House</p>	SCALE: 1:100	DATE: Nov. 2021		
						CLIENT:	REVISION:		
						<p>Figured dimensions only to be taken from the drawing - All dimensions to be checked onsite. Discrepancies to be brought to the attention of this office before commencement of work</p>			
		<p>CONNECT ARCHITECTURE PLANNING PROJECT MANAGEMENT</p> <p>Unit 10, 30 Bog Road, Portavogie, Newtownards, BT22 1EQ E: barry.mullen@csarchitecture.co.uk T: 028 4277 2402</p> <p>Barry Mullen MCIAT BSc Hons Arch Tech & Mgmt</p>							

This page is intentionally left blank



REVISION & DATE	DESCRIPTION

COPYRIGHT © THIS DRAWING AND ANY DESIGN/FORMAT HEREON IS THE PROPERTY OF CONNECT SPACE LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN CONSENT. ALL DRAWINGS REMAIN THE PROPERTY OF CONNECT SPACE LTD EVEN AFTER COMPLETION OF WORKS.

0 5 10M
Scale Bar

Figured dimensions only to be taken from the drawing - All dimensions to be checked onsite. Discrepancies to be brought to the attention of this office before commencement of work

NOTES:

Prior to the commencement of works, it is our recommendation for the Client/ Contractor to construct a trial hole/ slit trench the full depth of the proposed extensions and/ or alterations so as to confirm the extent of any existing hidden services that were unable to be identified on Survey.

We also recommend prior to any excavations that the Contractor conducts a full scan of the area for development to locate any buried services not identified. Refer to Structural Engineer's drawings for all structural matters.

Construction of works shall not commence until full approvals and clarifications have been agreed and obtained from the relevant body and copies submitted to the Local Authority Building Control for approval.

DRAWING TITLE:

Proposed Ground Floor Plan
(Basement - Amendment)

PROJECT

Proposed New Care Home
Memory House

DRAWN
Barry Mullen

SCALE:
1:100

CLIENT:

PROJECT NO.:
CS - 069

DATE:
Nov. 2021

REVISION:
B

DRAWING NO.:

PA01

CONNECT SPACE
ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

Unit 10, 30 Bog Road, Portavogie, Newtownards, BT22 1EQ
E: barry.mullen@csarchitecture.co.uk
T: 028 4277 2402
Barry Mullen MCIAT BSc Hons Arch Tech & Mgmt

This page is intentionally left blank

Hadleigh Road frontage

Application site

91



Hadleigh Road frontage



92

Hadleigh Road frontage



Marine Parade frontage



Marine Parade frontage

95



Marine Parade frontage



Reference:	23/01191/FUL	<h1>7</h1>
Application Type:	Full Application	
Ward:	Blenheim Park	
Proposal:	Erect two storey rear extension and erect upward extension to form additional second floor to main building with roof terrace to provide four additional self-contained flats with associated parking, bin and cycle storage and alterations to elevations (Amended Proposal)	
Address:	995 - 1003 London Road, Leigh-on-Sea, Essex, SS9 3LB	
Applicant:	Mr Schofield	
Agent:	Mr Karl Smith of SKArchitects	
Consultation Expiry:	31.08.2023	
Expiry Date:	15.09.2023	
Case Officer:	Oliver Hart	
Plan Nos:	711-P01 Rev H; 711-P02 Rev G; 711-P03 Rev F	
Supporting information:	Planning Design and Access Statement	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

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

2 The Proposal

- 2.1 Planning permission is sought to erect a two-storey rear extension and form a new second floor to the main building to create 4No self-contained flats with associated parking, bin and cycle stores to the rear.
- 2.2 The two-storey rear extension would measure some 10.1m deep along Grasmear Avenue, between 7.4m and 10.6m high (to the top of the parapet) and 6.5m wide. The proposed new second floor, which has dual frontage along both London Road and Grasmear Avenue is some 19.5m wide, 6.7m deep (to the rear of the main building fronting London Road) and 11.4m in maximum height (to the top of the parapet).
- 2.3 A separation of some 2.3m has been incorporated from the main rear wall of the proposed new second floor and the rear wall of the existing London Road frontage building.
- 2.4 The proposed internal floorspaces of the flats are set out below in Table 1.

Table 1: Proposed and required floorspaces.

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

- 2.5 Units 3 and 4 would be served by private terraced areas fronting London Road between 3.15sqm (unit 3) and 20sqm (unit 4).
- 2.6 To the rear of the site eight (8) parking spaces will be laid out. Four (4) of the spaces would be for the proposed flats, three (3) for the existing flats and one (1) for the commercial unit. Refuse and cycle storage are shown to the rear of the site. Also proposed are areas of living green roof over the flat roof areas of the development. Access to the new units will be direct from an existing access door along Grasmear Avenue, which is proposed to be enlarged and its design altered.

- 2.7 This application is an amended proposal following planning permission granted under reference 22/01629/FUL (the “2022 Permission”). The main differences between the 2022 Permission and current proposal are:
1. The change in the number and composition of units proposed, from 2no. x 1-bed, 1-person units and 1no x 3-bed 6-person unit (i.e. 3 new flats in all) to 2no. x 1-bed, 1-person units and 2no. x 2-bed, 2-person units (i.e. 4 new flats in all);
 2. The increase in the number of parking spaces proposed, from five (5) to eight (8);
 3. The reduction in the width of the two-storey rear extension along Grasmear Avenue, from 6.8m wide to 6.5m wide.
- 2.8 This application also follows a recently refused application under reference 22/02368/FUL (the “2022 Refusal”). When compared with the 2022 Permission and the current proposal, the 2022 Refusal was for a development of five flats, a flat roofed ‘box’ element to the easternmost flank elevation fronting London Road of an increased width and, a new second floor of an increased depth; from 6.7m to 9m and associated omission of a formerly proposed maintenance strip along its northern edge.

3 Relevant Planning History

- 3.1 22/02368/FUL (the “2022 Refusal”) - Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 5no. Self-contained flats with associated parking, bin and cycle store (Amended Proposal) - Refused.
Reasons for Refusal (summarised):

01 The proposed development would, by reason of the size, scale, siting and design, of the new third storey lead to an unbalancing of the wider terrace, resulting in a form of development that would be out of keeping with and significantly harmful to the character and appearance of the building, the terrace and the surrounding area.

02 The proposed development would, by reason of the size and scale, bulk, siting and degree of elevation of the new third storey relative to No.10 Grasmear Avenue, result in significant harm to the residential amenity of the neighbouring occupiers by way of an overbearing impact on the setting and reasonable enjoyment of their rear garden environment. This harm cannot reasonably be overcome by conditions.

- 3.2 22/01629/FUL (the “2022 Permission”) - Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 3no. self-contained flats with associated parking, bin and cycle store (Amended Proposal) - Granted
- 3.3 The planning history of the site is an important and material planning consideration of significant weight. The 2022 Permission remains extant and implementable. This should carry significant weight in the determination of the current proposal.

4 Representation Summary

Call-in request

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

Public Consultation

4.2 Twenty (20) neighbouring properties were consulted, and a site notice was displayed. 4 No letters of objection have been received. Summary of comments:

- The proposal would give rise to a sense of overbearing
- Parking concerns
- Loss of light to neighbouring properties/garden areas
- Overlooking and loss of privacy concerns
- Design concerns
- Proposal will lead to an unbalancing of the wider terrace and will be out of keeping
- Delivery/servicing concerns to the rear of the site
- Over development of the site
- Litter/vermin/anti-social behaviour concerns

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

Environmental Health

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

Highways

4.4 No objections. The site benefits from being in a sustainable location with regard to public transport and cycle links in close proximity. 8 No off street parking spaces are proposed along with secure cycle parking. The parking area is accessed via an existing accessway. The layout of the parking area would ensure that vehicles can manoeuvre effectively when using the bays. It is not considered that the proposal will have a detrimental impact on the local highway network.

London Southend Airport

4.5 No objections.

5 Planning Policy Summary

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

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

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

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

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

- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.11 Electric Vehicle Charging Infrastructure for new development (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, compliance with the Essex Coast RAMS SPD and CIL liability. Also of note is the recent planning history at the site which has carried significant weight in the assessment of the application.

7 Appraisal

Principle of Development

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

- 7.4 Situated within a built-up area, extensions and alterations to the building are also acceptable in principle. The 2022 Permission is a realistic fallback position for the development of the site. This is a consideration to which significant weight should be attached as part of the detailed assessment.
- 7.5 Since the grant of the 2022 Permission and the assessment of the 2022 Refusal including those elements of the proposal which were found acceptable on their individual merits, the policy context remains the same and the principle of development was found in both instances to be acceptable. Overall, the principle of development is considered to remain acceptable subject to the detailed considerations in the following sections of this report.

Design and Impact on the Character of the Area

- 7.6 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.8 The design and impact on the character and appearance of the area of the scheme approved with 2022 Permission was found to be acceptable.
- 7.9 The built form housing the proposed four units is not materially different and is slightly smaller in scale than the built form housing the approved three dwellings in the 2022 Permission. Consequently, the increase in height in line with the 2022 Permission would continue to respect the height and scale of surrounding development.
- 7.10 As with the scheme approved with the 2022 Permission, this proposal would lead to an unbalancing of the wider terrace due to the part width form of the new third storey. Whilst this was recognised as, and remains, a less positive aspect of the scheme, it was previously found that there would be continuation of the detailing to the front façade which characterises the terrace and which helps to create layering and visual interest to the application site. This remains a consideration relevant to the current proposal. Within the existing elevational design there is a strong sense of order which results in a rhythm and pattern along the building's two street-facing elevations. As with the 2022 Permission, the additional storey follows the lower fenestration and is well ordered, with repeated brick detailing and horizontal banding which help to soften the envelope, height and scale of the additional built form. Moreover, the stucco detailing would hide much of the main flat roof of the third storey from public views.
- 7.11 No objections are raised to the design and character impact of the proposed two storey extension to the northern elevation which is unchanged compared to the 2022 Permission and which would accord suitably with the size and scale of the parent building. Its parapet flat roof and fenestration detailing would integrate well with those of the host building and its position, set along the same building line as the elevation fronting Grasmear Avenue, further aids its integration. Regard is further had to the negative visual impact of the existing parcel of land which creates a weak street frontage. In comparison, the development will better enclose the return frontage to

Grasmead Avenue. Details of the external materials can be controlled by condition.

- 7.12 There are limited opportunities for landscaping on this site, but conditions can require details of soft and hard landscaping (inclusive of the rear curtilage).
- 7.13 Overall, similarly with the findings for the 2022 Permission, the amended proposal is considered to remain of an acceptable scale and to sufficiently reference the application property providing continuation of the architectural features that characterise the wider terrace, including parapet roof detailing, style and size of windows and floor heights which suitably reflect and align with the main building.
- 7.14 This amended proposal is therefore considered not to be significantly harmful to the character and appearance of the site, streetscene or wider surrounding area in which case it is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.15 Delivering high quality homes is a key objective of the NPPF and is reflected in policy DM8 of the Development Management Document. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 7.16 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on Table 2.

Table 2: Space Standards and proposed unit sizes

	Area (m ²)	Bedroom 1	Storage area (m ²)
Standard for (one storey) 1-bed 1-person unit	39	7.5sqm/Wmin=2.15m	1
Proposed (one storey) 1-bed 1-person units – Units 1 & 2	39	7.5sqm/Wmin=2.4m	1
	39	7.5sqm/Wmin=2.8m	1
Standard for (one storey) 1-bed 2-person unit	50	11.5m ² Wmin=2.75m	1.5
Proposed (one storey) 1-bed 2-person units – Units 3 & 4	50	16.1sqm/Wmin=3.3m	1.5
	50	12.6sqm/Wmin=2.75 m	1.5

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

- 7.18 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."
- 7.19 None of the units would be of family size (3 or more bedrooms). Units 3 and 4 would be provided with their own private roof terraces ranging in size from 3.1sqm-20sqm which is considered to be sufficient to reasonably meet their future occupiers' amenity needs. Units 1 and 2 would not be provided with their own external amenity spaces which represents a less positive aspect of the development to be weighed in the overall planning balance. Owing to the low-occupancy design of these two units coupled with their location close to a range of amenities where the case for insisting on a dedicated, conventional amenity space for such type of flats is not considered to be strong in any event, this proposed absence of provision is considered in this instance and in the round to be acceptable. This finding is consistent with those for the 2022 Permission.
- 7.20 As the proposal would not result in new-build development, namely it would be an extension to an existing building, compliance with building regulation M4 (2) is not a policy requirement.
- 7.21 Pedestrian access to the new residential units would be via an existing entry point fronting Grasmear Avenue. This existing opening would be enlarged and a new canopy formed over the entrance, designed to complement the architectural style of the main building and on this basis, no objection is raised to this arrangement.
- 7.22 Consistent with the findings for the 2022 Permission, having regard to the presence of neighbouring first floor dwellings that bound the application site, it is not considered that nearby ground floor commercial uses would give rise to significantly harmful degrees of undue noise and disturbance that would be to the significant detriment of the amenities of the future occupiers. Environmental Health have raised the matter of the application site's position adjacent to London Road, a busy road. A condition to require appropriate noise mitigation measures such as acoustic glazing is recommended to deal with this.
- 7.23 Overall, and taken in the round, it is considered that the amended proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The amended proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.24 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.25 The nearest residential uses to the application site are the existing first floor flats within the footprint of the building and properties that bound the site to the north, including Nos. 10 Grasmear Avenue and 9 Birchwood Drive.

- 7.26 When the 2022 Permission was granted, it was found that the development of near identical form and scale would have an acceptable impact on the residential amenity of neighbours in all relevant regards. The only difference in this amended proposal is a reduction in the width of the two-storey rear extension along Grasmear Avenue, from 6.8m wide to 6.5m wide.
- 7.27 In line with the findings of the previous assessment for the 2022 Permission, the absence of windows within the adjacent flank wall of the nearest dwelling, No 10 Grasmear Avenue, is such that the proposed two-storey extension would not give rise to a loss of light or outlook. In addition, noting the retention of a 3.5m separation between the proposed two-storey extension and the neighbouring flank wall, it was found that the proposal would not give rise to a harmfully increased sense of enclosure or overbearing impact.
- 7.28 Regard is also had to the retention of significant separation between the proposed two-storey extension and the rear boundary line of No 9 Birchwood Drive (some 19m), such that this element of the proposal was found not to harm the amenity of the neighbouring occupants in any relevant regard.
- 7.29 Having regard to the north facing nature of the rear windows serving the existing first floor flats and the slightly splayed nature of the building line of the proposed extension, extending away from these windows, it is not considered there would be any significant adverse overshadowing impacts to these openings, nor is it considered there would be a harmful degree of inter-looking between units.
- 7.30 The proposed roof extension would add scale and bulk to the application building but would not be any greater in height, linear extent or depth northward than the 2022 Permission. Whilst it was accepted there would likely be some impact on the closest private amenity space of the neighbouring dwelling, No 10 Grasmear Avenue, it was previously found that the significant separation involved (in excess of 16.5m) is such that the impact on amenity would not be so substantial as to justify the refusal of the application on this ground.
- 7.31 In terms of overlooking, new second floor north facing windows will serve either the communal hallway, a bathroom or as a secondary opening to a habitable room (serving Unit 4). On this basis, and consistent with the basis of the 2022 Permission, issues of overlooking can be satisfactorily dealt with by way of condition requiring obscurity and limited opening of these windows.
- 7.32 Whilst the proposed roof top terrace serving Unit 4 has the potential to give rise to overlooking of neighbouring private rear amenity spaces to the north, 2m high privacy screening is proposed to the northern elevation. Consistent with the findings of the 2022 Permission, this is considered sufficient to preclude an intrusive degree of overlooking and to maintain neighbours' privacy to an acceptable degree.
- 7.33 In terms of an increase in noise and disturbance, it is not considered that the proposed use of the terrace would increase this noticeably above that experienced from the usual residential activity within a typical rear garden setting or to such a degree that would significantly harm the residential amenity of the neighbouring occupiers in any relevant regard.
- 7.34 Having regard to the existing use of the rear access for vehicle access and egress, it was found in the 2022 Permission that the proposed vehicle access and parking arrangement would not give rise to undue additional noise and disturbance to the

occupants of No.10 Grasmead Avenue or any other nearby dwellings. Whilst the number of parking spaces provided would be increased from 5 to 8, the noise and disturbance impacts associated with the additional volume of cars is not considered to be so substantially different from the 2022 Permission as to cause any significantly harmful impact on the residential amenity of neighbouring occupiers.

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

Traffic and Transportation Issues

- 7.37 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."
- 7.38 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport. The Electric Vehicle Charging Infrastructure for new development SPD stipulates that car parking spaces are fitted with charging infrastructure.
- 7.39 Assessed against parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit. Policy DM15 also states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 7.40 The proposal would provide eight (8) off-street car parking spaces and eight (8) cycle spaces within the rear curtilage of the site. Three (3) car parking spaces would serve the three (3no) existing first-floor flats at the site, four (4) car parking spaces would be allocated to the four (4no.) proposed units and one (1) space would be reserved for the commercial unit. Each of the units would be served by one cycle parking space. Existing plans detail the commercial unit is served by 3no. Sheffield cycle stands on the London Road frontage and these would be unchanged by the development.
- 7.41 The car parking and cycle parking provision therefore meets the minimum policy requirement, and this is a positive element of the scheme. Highways officers do not object to the scheme.
- 7.42 No objections have been raised in relation to the layout of the parking area by Highways officers who are confident the layout ensures that vehicles can manoeuvre effectively when using the bays. Overall, the parking arrangement is considered acceptable in this particular instance.

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

Refuse and Recycling Storage

- 7.45 The submitted plans show an area of waste storage to the rear of the site comprising 2No 1100L Eurobins (one for general waste and one for recycling) each of the existing and proposed units) within an enclosure, although elevation plans have not been provided. The form and capacity provided would accord with guidance outlined in the Council's Waste Storage and Management Guide.
- 7.46 Refuse and recycling storage/collection arrangements for the commercial premises would remain unchanged, namely provision of bin storage will continue internally within the unit.
- 7.47 Subject to imposition of a condition requiring details of the elevation to be submitted and agreed, the proposal is acceptable and policy compliant in the above regards.

Flooding and surface water drainage

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

Energy and Water Sustainability

- 7.50 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".
- 7.51 No information has been provided regarding proposed renewable energy to demonstrate how the amended proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. As with the approved 2022 scheme the requirement for renewable energy and restrictions on water usage can reasonably be controlled with conditions provided any such externally mounted technologies

respect the character and appearance of the building and wider area.

- 7.52 This aspect of the amended proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Ecology - Essex Coast RAMS

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

Community Infrastructure Levy (CIL)

- 7.55 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed amended development includes a net gain internal floor area of 237sqm, which may equate to a CIL charge of approximately £6,471.92. Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is concluded that subject to compliance with the suggested conditions, the proposed amended development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and when assessed on its individual merits it is found to have an acceptable impact on the living conditions of future occupiers, the character and appearance of the area, and the highway safety, traffic and parking conditions in the area. Subject to conditions, the proposed development would also be acceptable in terms of its impact on the amenity of neighbouring occupiers. Conditions can satisfactorily deal with energy, water sustainability and drainage. The development offers suitable mitigation for its in-combination effects to protected ecology sites. Furthermore, when considering the acceptability or otherwise of this amended proposal's impacts the Local Planning Authority is obliged to give significant weight to the 2022 Permission which is considered to represent a realistic fall-back position for the development at this site.
- 8.2 This proposal creates new housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing

exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the city which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

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

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

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

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

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local

planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

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

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

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

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

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

- 07** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:
- i)** the parking of vehicles of site operatives and visitors
 - ii)** loading and unloading of plant and materials
 - iii)** storage of plant and materials used in constructing the development
 - iv)** the erection and maintenance of security hoarding
 - v)** measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction

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

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

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

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

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

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

- 10** Prior to the first occupation of the residential units hereby approved, no less than eight covered and secure cycle parking spaces shall be provided and made available for use on site (1No space for each of the existing and proposed flats and 1No for the commercial unit). The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

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

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

retained for the benefit of the future users and occupiers and visitors to the approved development, the existing commercial unit and the three existing flats for the lifetime of the development.

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

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

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

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

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

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

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

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

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

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

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

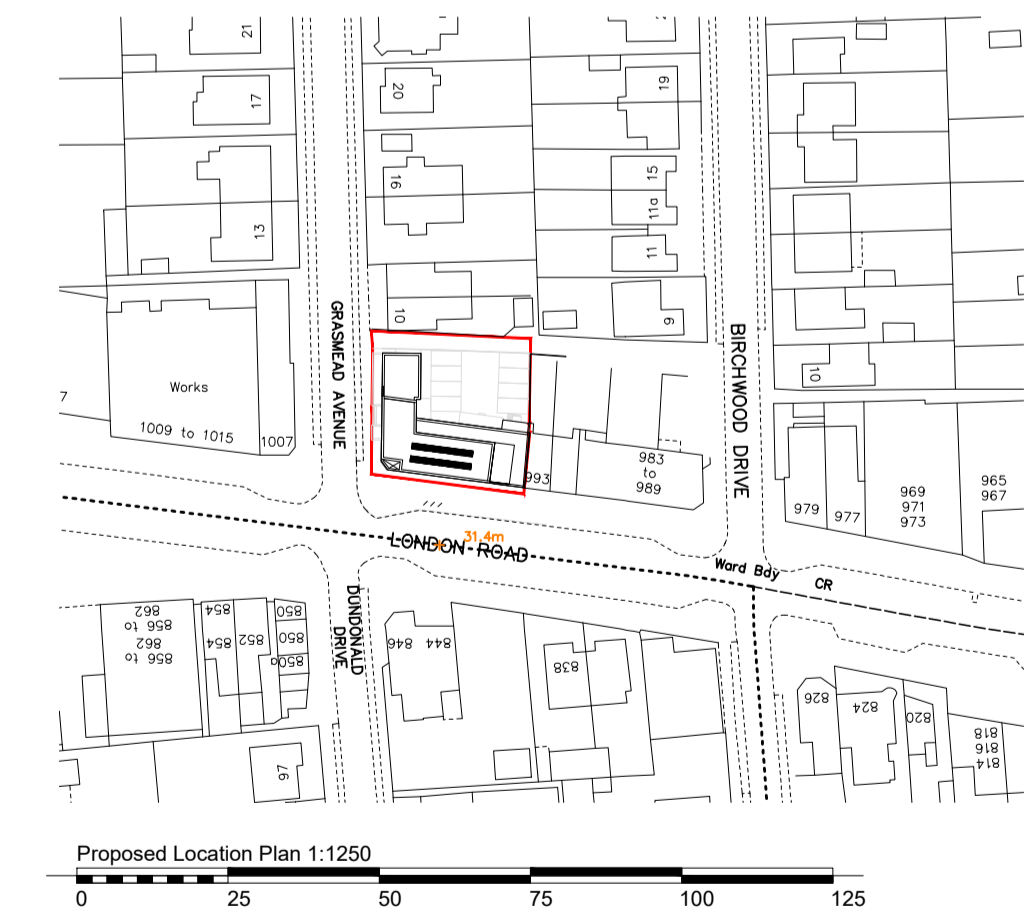
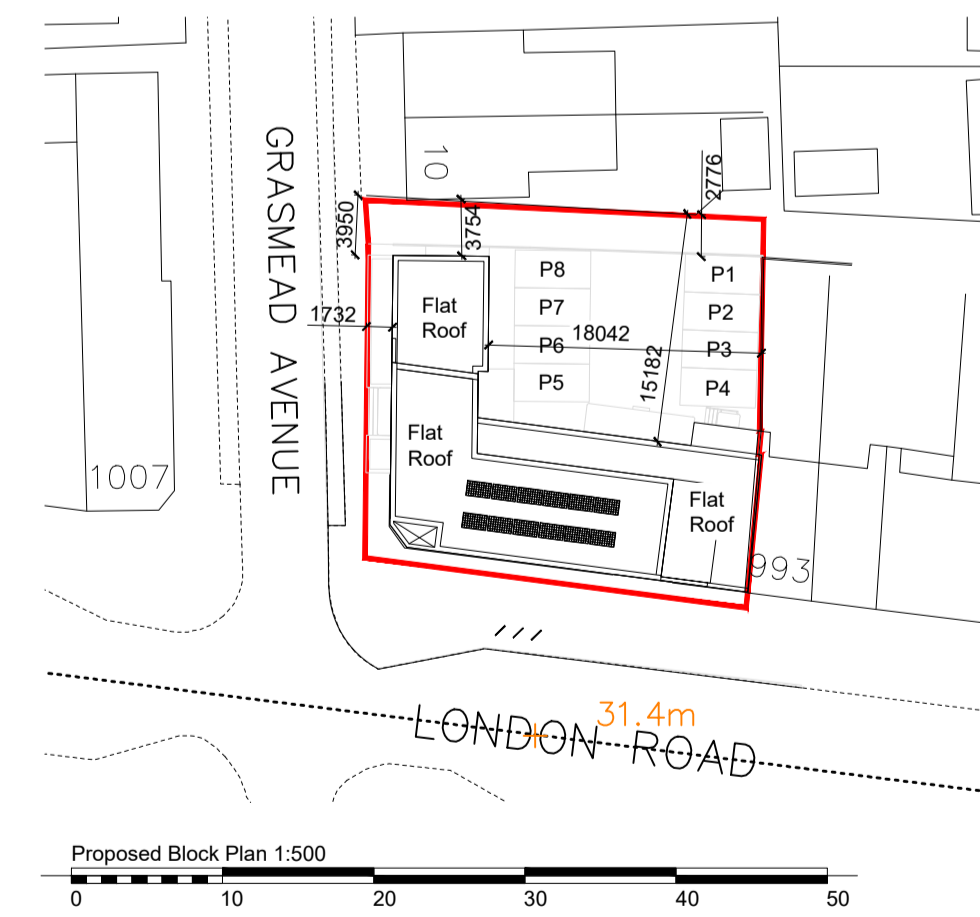
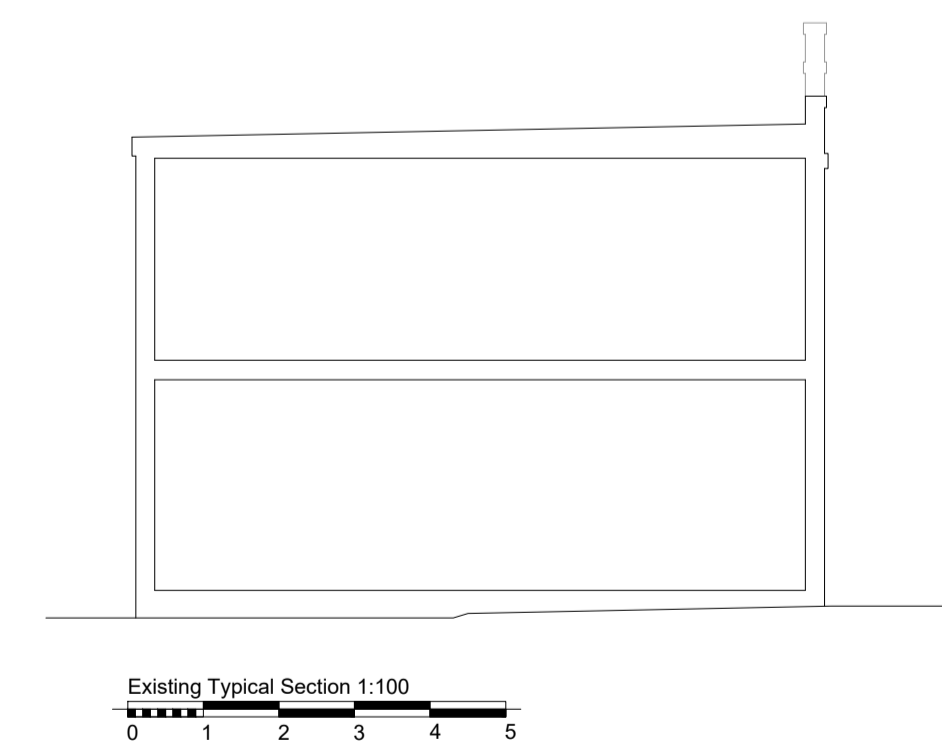
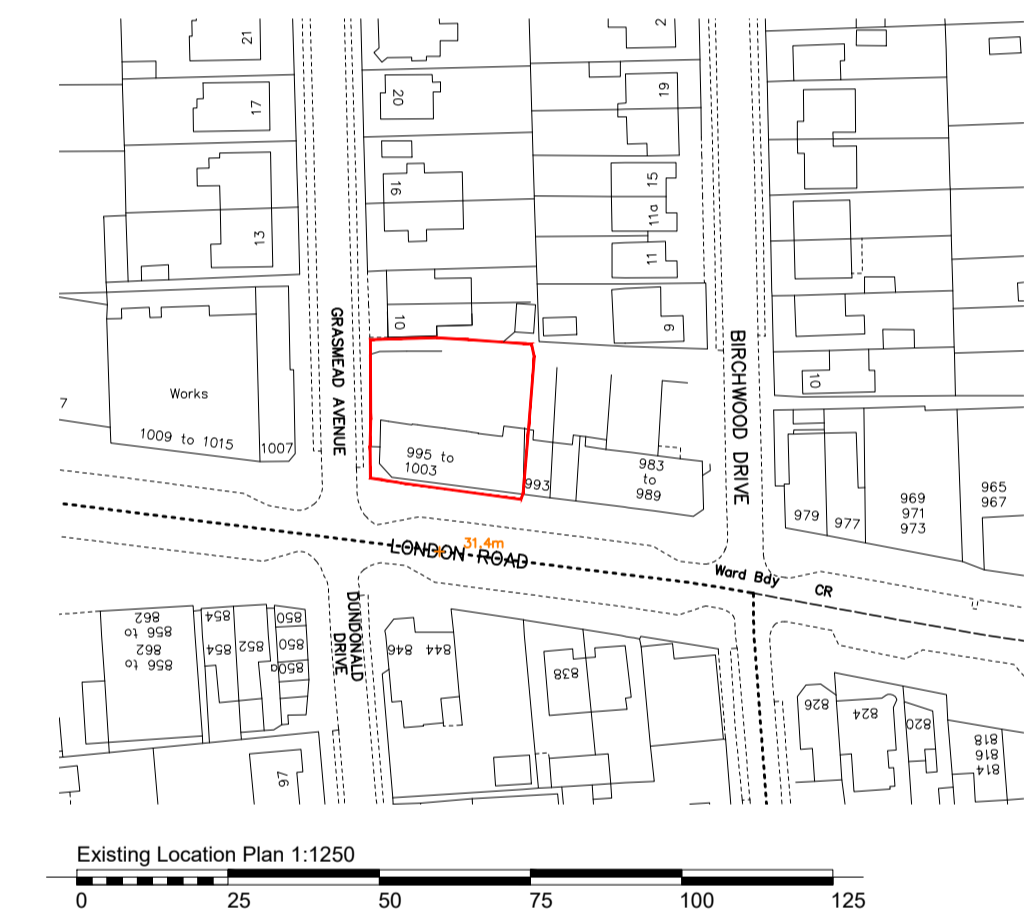
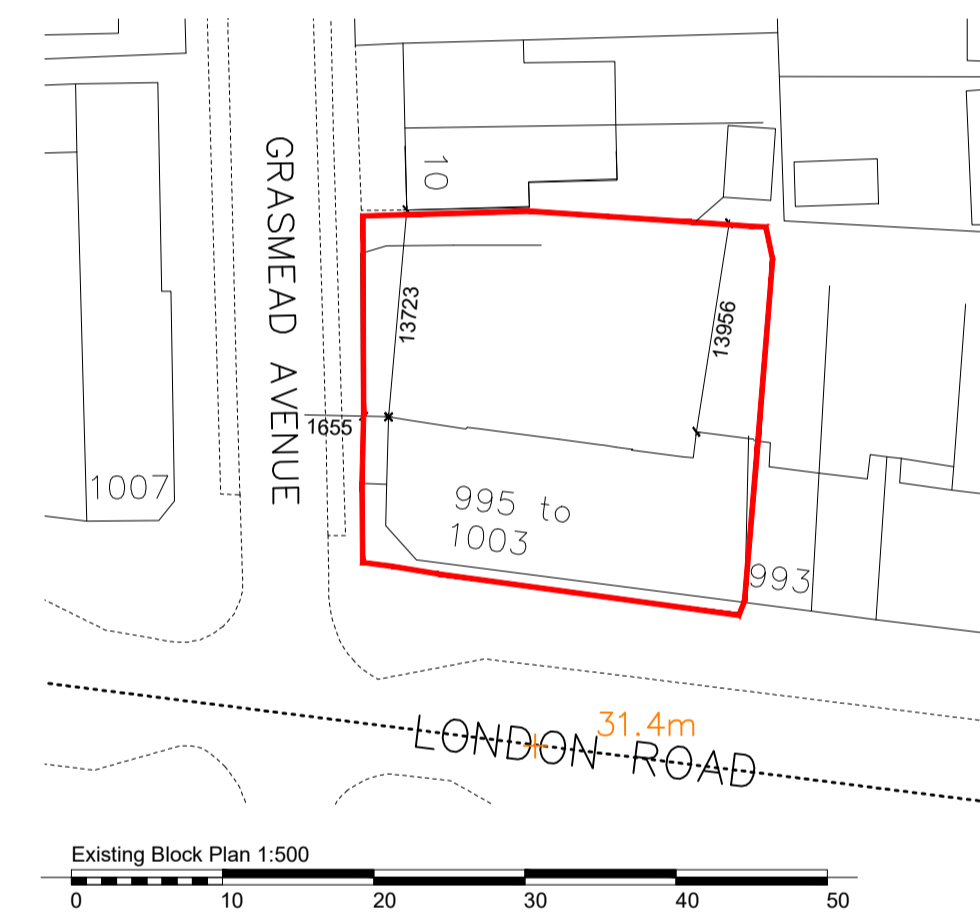
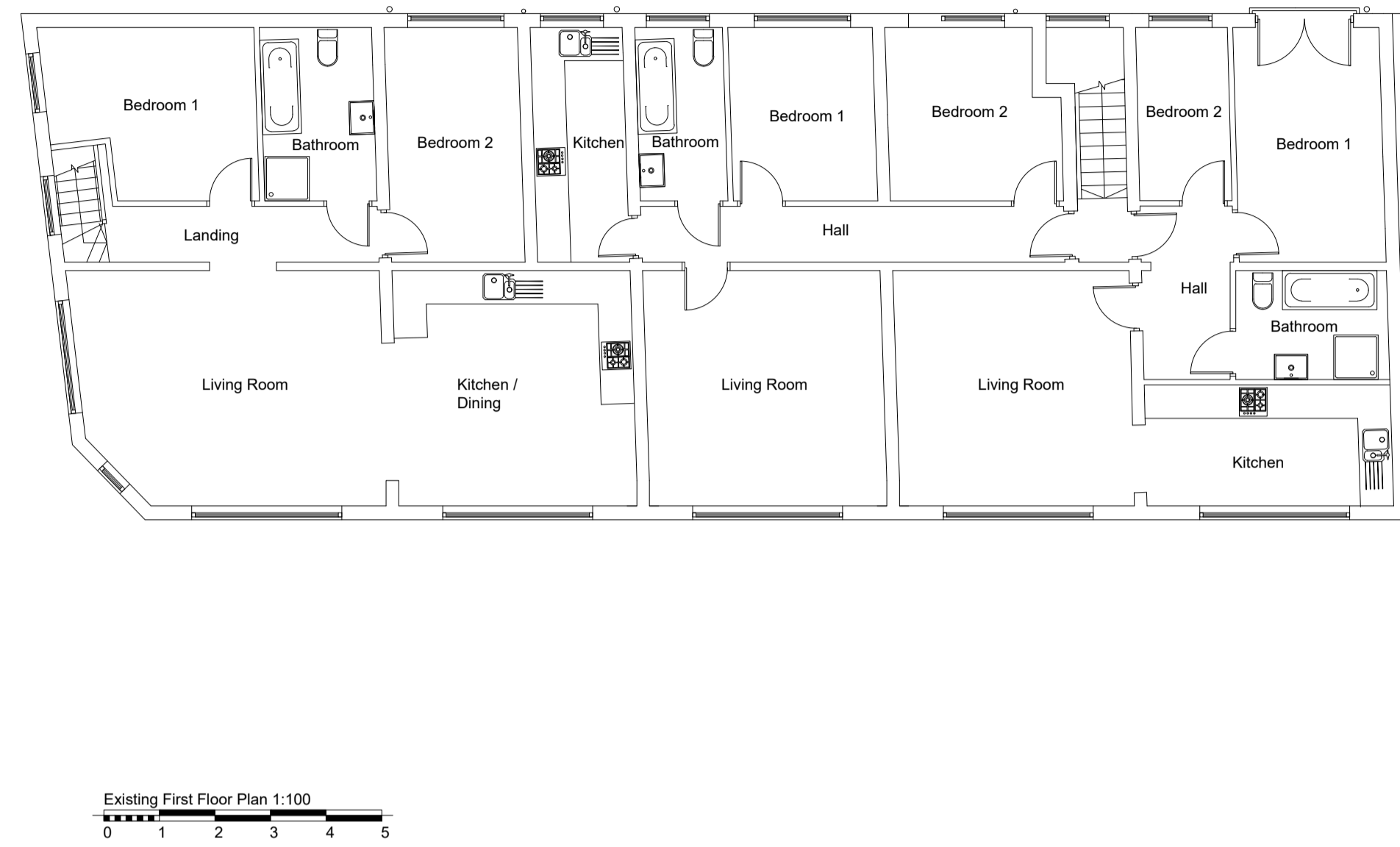
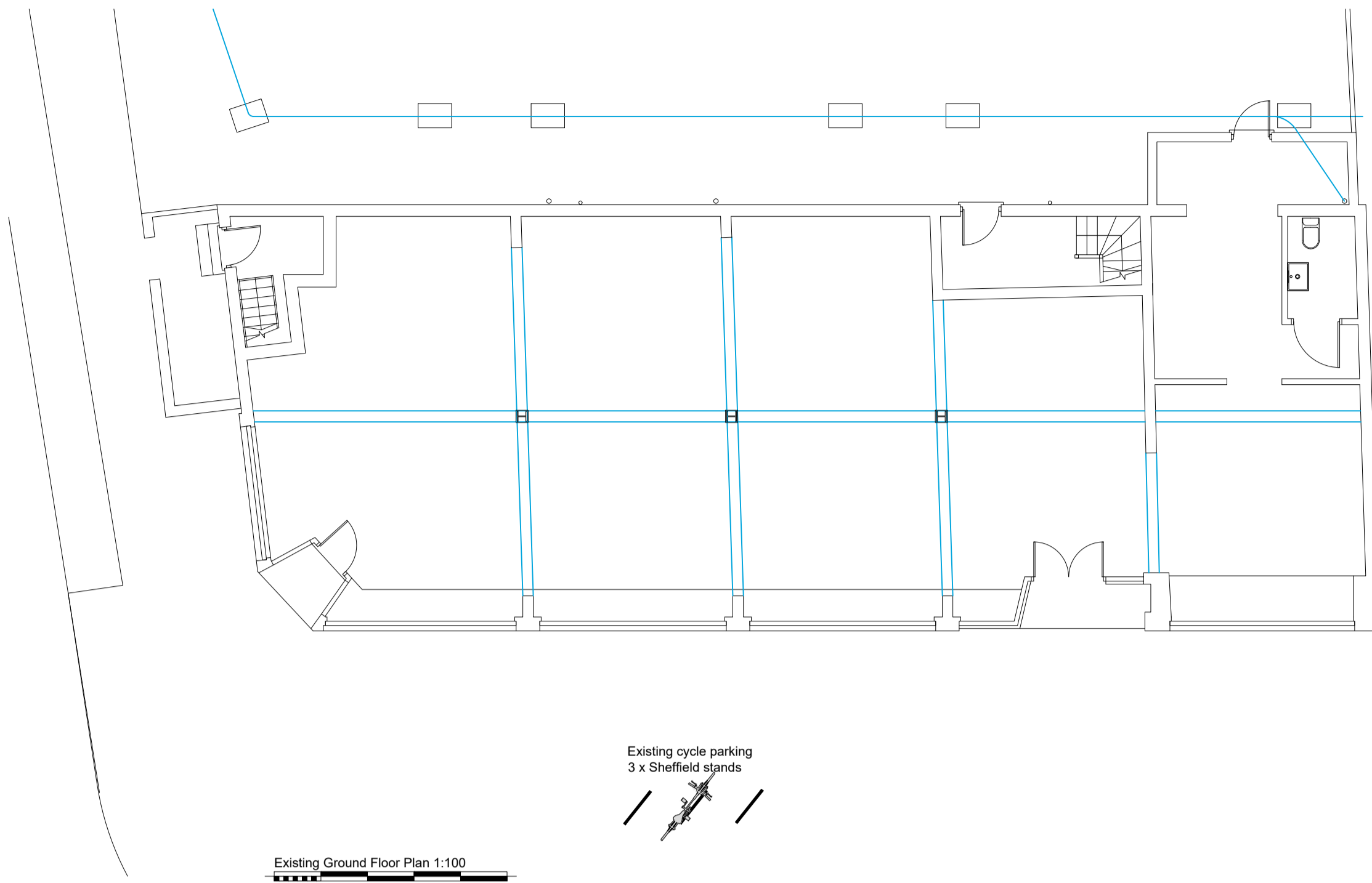
Positive and proactive statement:

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

Informatives:

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

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



Notes:			
--------	--	--	--

H	Proposed Block and Location plans updated	KS	08/06/2023
G	Drawing updates following receipt of comments from LPA received via email 24/01/2023	KS	31/01/2023
Rev	Comment	By	Date

Stage:
3 - Developed Design

Client:

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

Drawing Title:
Existing

Drawing no:
771-P01

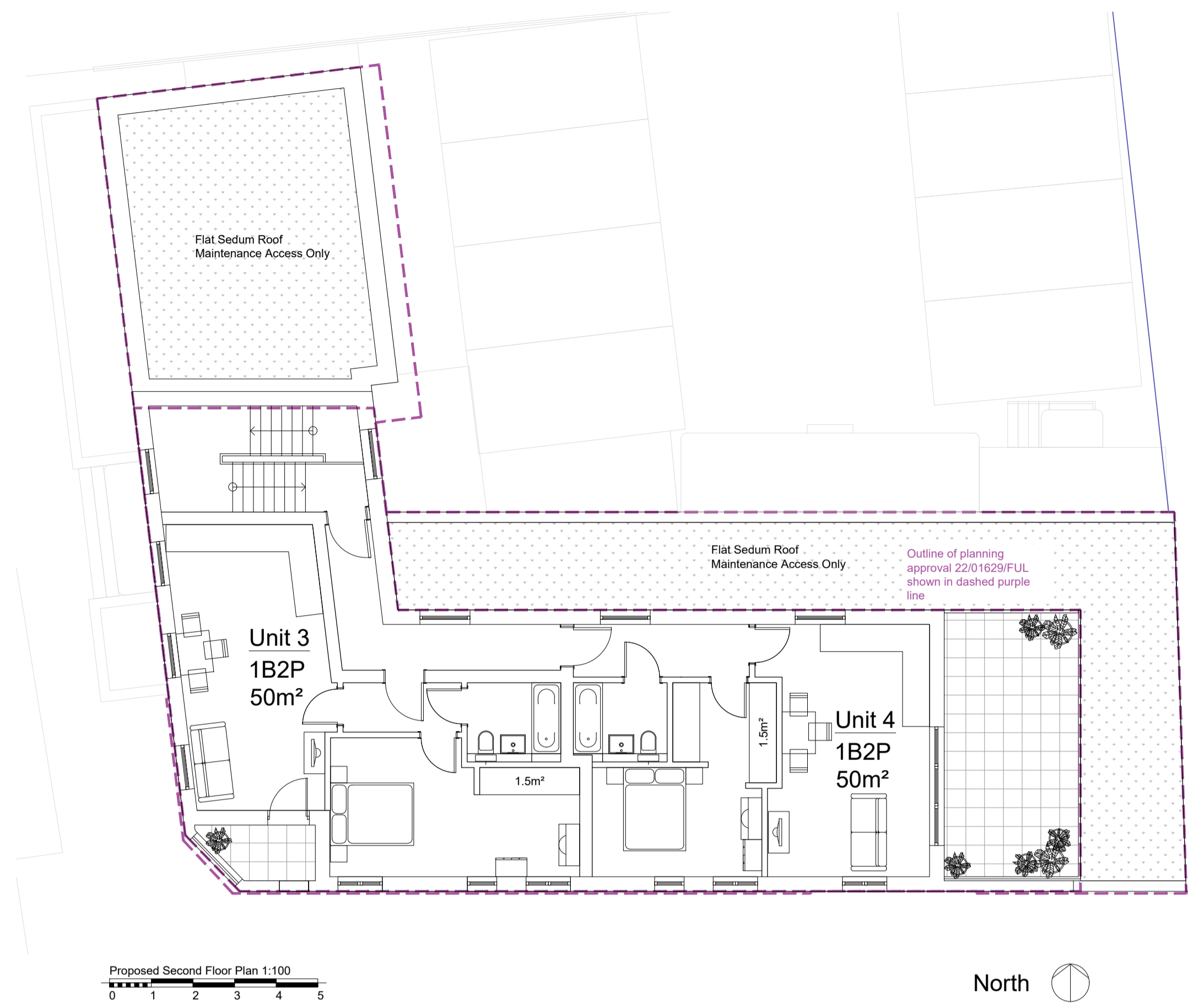
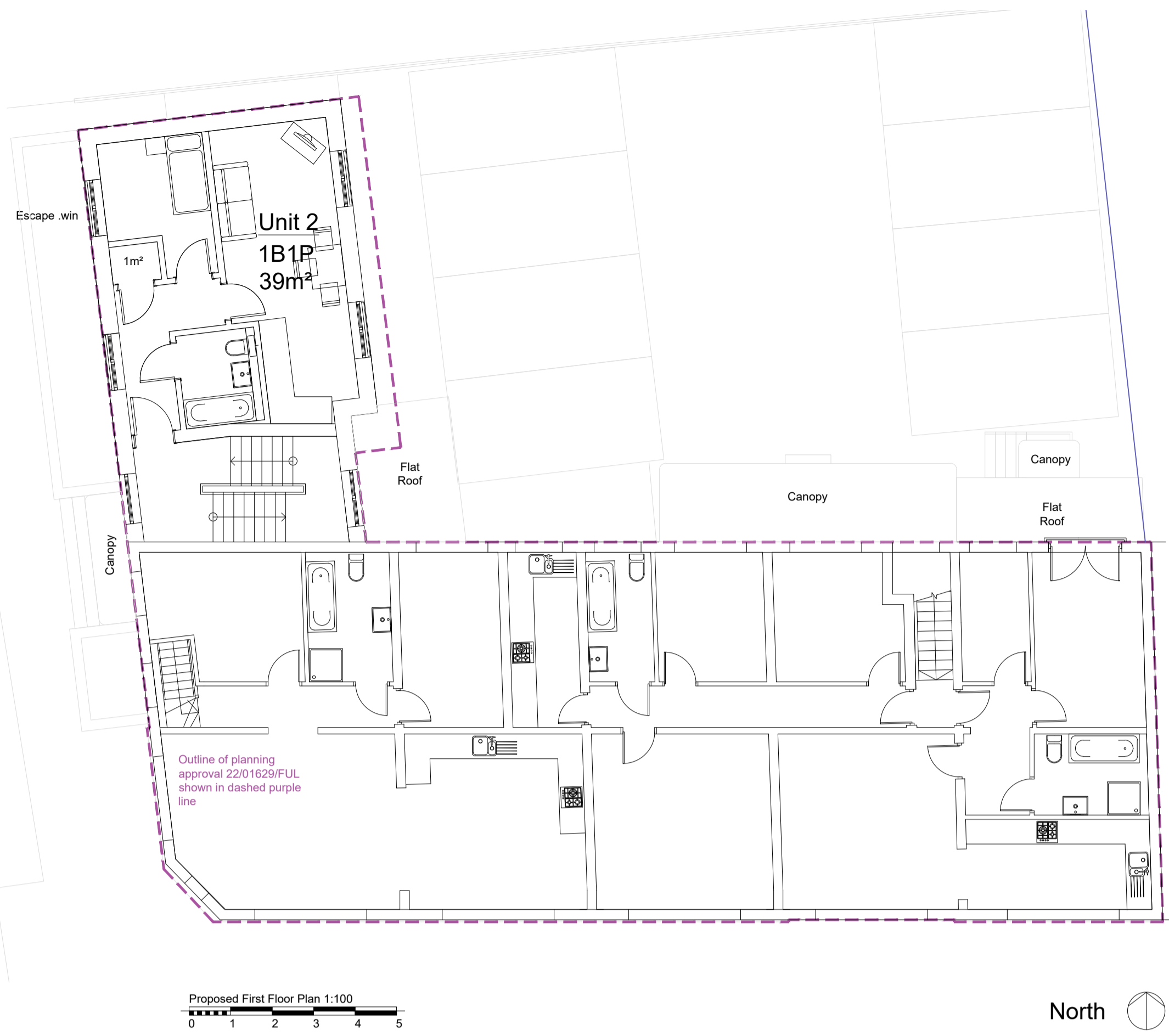
Revision: **H** Drawn by: WRS
Project no: **771** Check by: SK

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

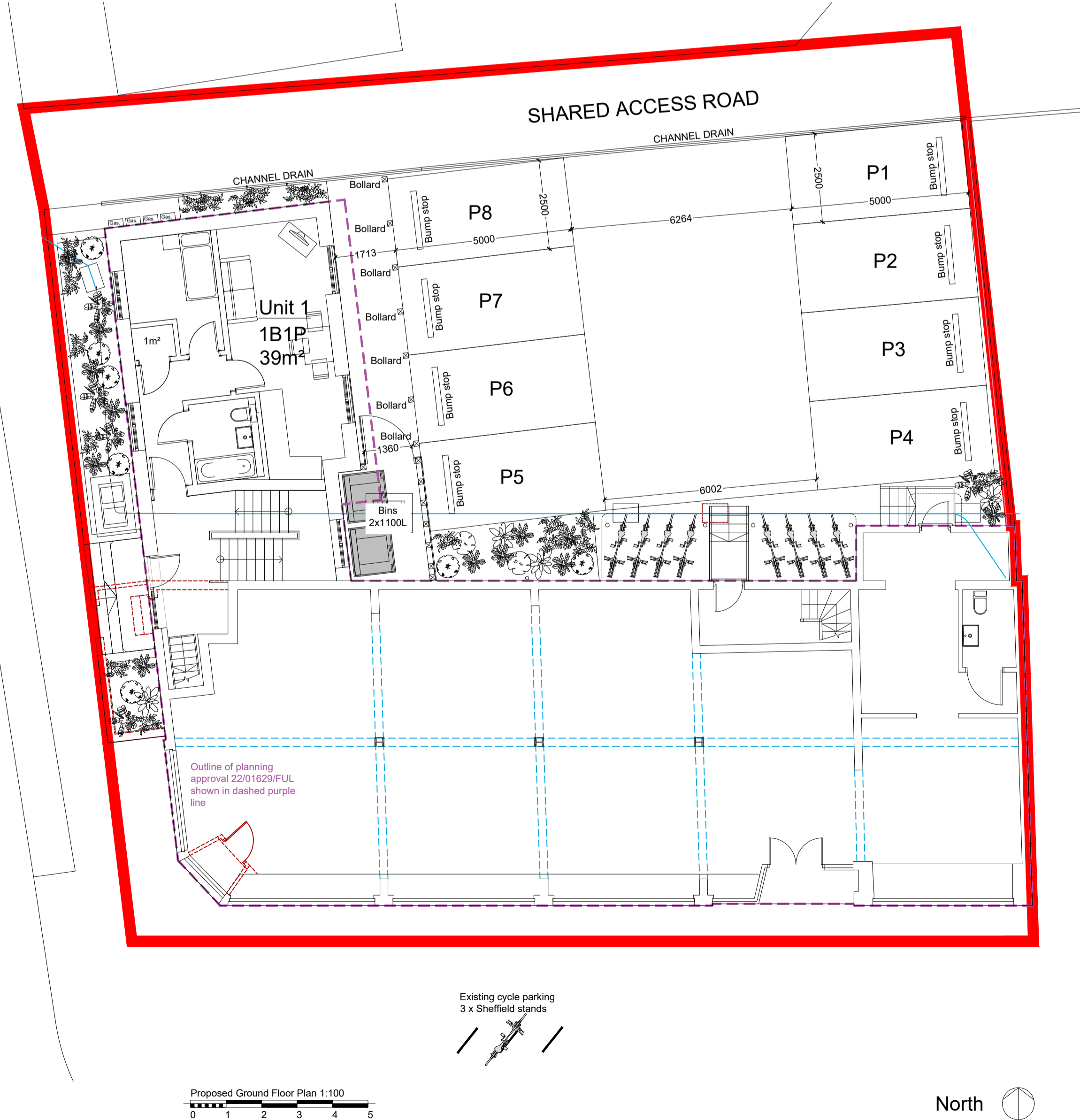
SKARCHITECTS
803-805 London Road
Worthing-on-Sea
SS0 9EZ
Tel: 01702 509250
Email: info@skarchitects.co.uk

100
Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant's information.
All dimensions on this drawing to be guidance purposes only. All dimensions must be checked onsite.
This information is subject to Building Control requirements and the requirements of all relevant statutory regulations and service providers.
© SKARCHITECTS Ltd 2023

This page is intentionally left blank



New Unit Areas
 Unit 1 - 39m²
 Unit 2 - 39m²
 Unit 3 - 50m²
 Unit 4 - 50m²



Notes:			
Floor plans updated and dashed purple line shown to illustrate extent of planning approval 22/01629/FUL. Drawing updates following receipt of comments from LPA received via email 24/02/2023.			
Rev	Comment	By	Date
G		KS	08/07/2023
F		KS	31/01/2023
Stage: 3 - Developed Design			
Client: ---			
Project: Cycles UK 95-103 London Road Leigh-on-Sea SS9 3LB			
Drawing Title: Proposed Plans			
Drawing no: 771-P02			
Revision:	G	Drawn by:	WRS
Project no:	771	Chkd by:	SK
Scale: 1:100 @ A1			
SKARCHITECTS			
803-805 London Road Westoff-on-Sea SS0 9SZ Tel: 01702 599250 Email: info@skarchitects.co.uk			
<small> This drawing is to be read in conjunction with all other issued drawings, documents and relevant consultants' information. All information on this drawing is for guidance purposes only. All dimensions must be checked onsite. This information is subject to Building Control requirements and the requirements of all relevant regulatory authorities and service providers. © SKARCHITECTS Ltd 2023 </small>			

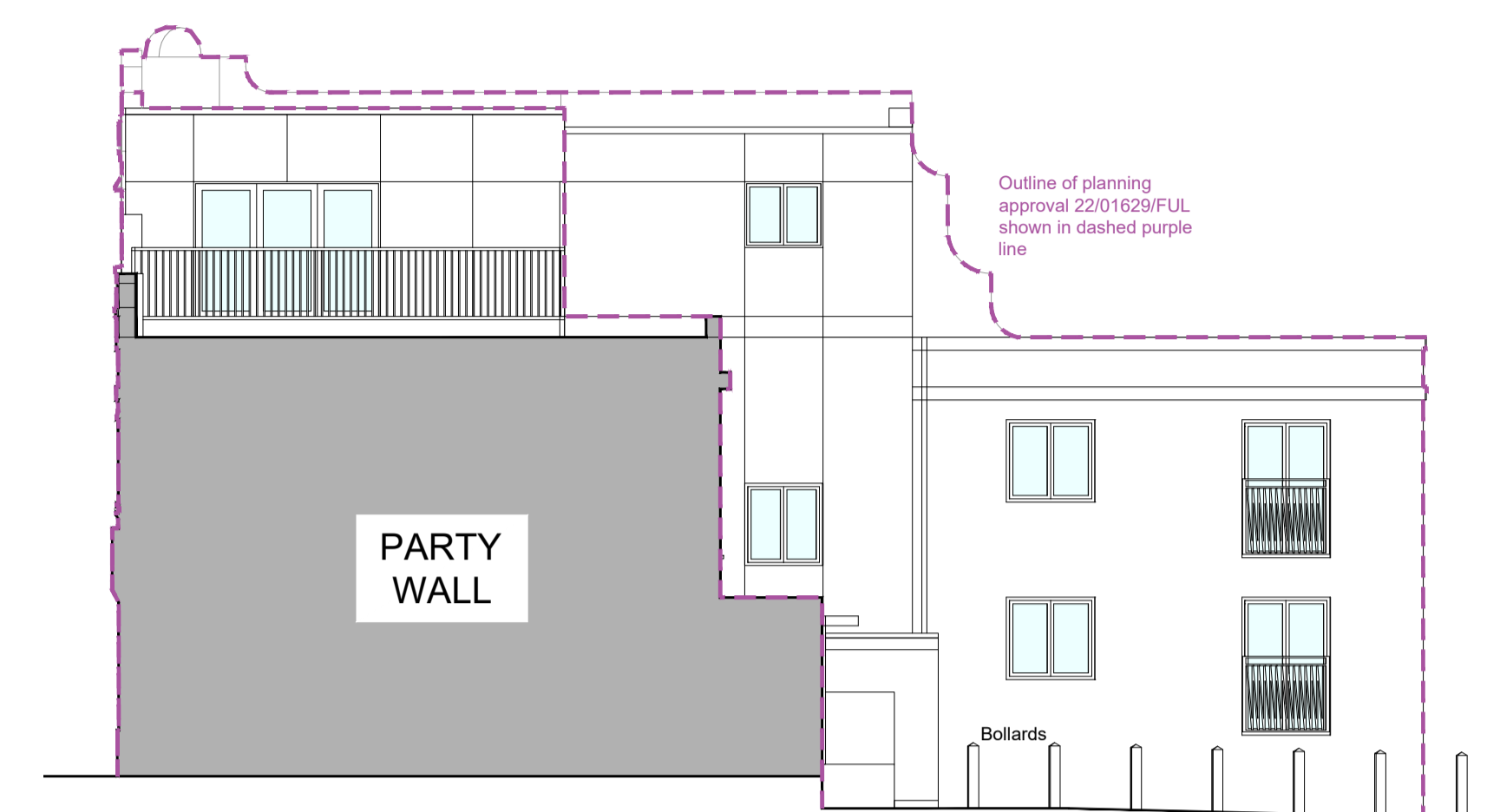
This page is intentionally left blank



Proposed South Facing Elevation 1:100



Proposed West Facing Elevation 1:100



Proposed East Facing Elevation 1:100



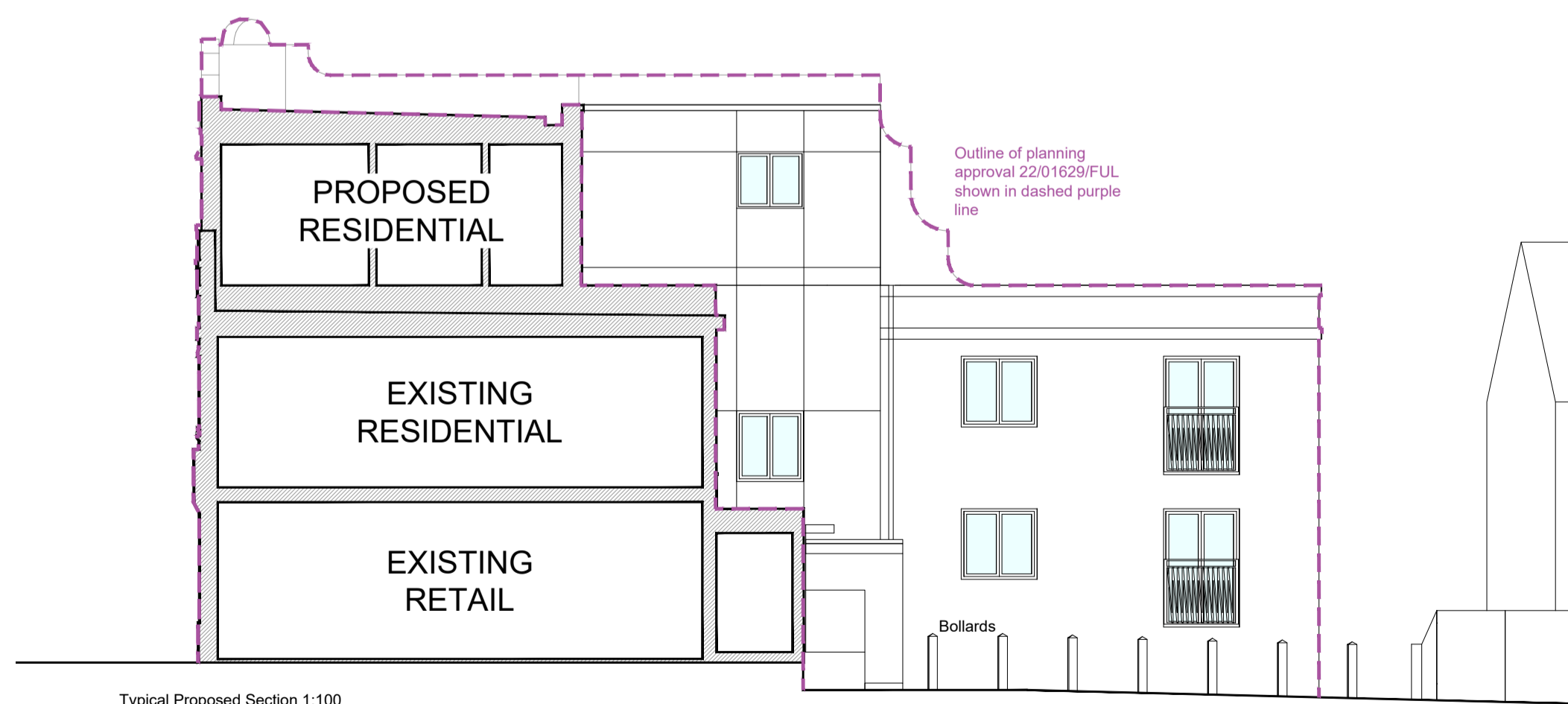
Proposed North Facing Elevation 1:100



Grasmead Avenue & London Road (West & South) Elevations



London Road (South) Elevation



Typical Proposed Section 1:100



Grasmead Avenue (West) Elevation



Parking Area (North) Elevation

Notes:

F	Elevations updated and dashed purple line shown to illustrate extent of planning approval 22/01629/FUL. Drawing updates following receipt of comments from LPA received via email 24/01/2023	KS	08/07/2023
E	Revised design following consultation with client	KS	31/01/2023
D	Revised design following consultation with client	KS	11/08/2022
C	Revised design following feedback from planners	KS	27/04/2022
B	Production of drawings	WRS	04/01/2022
A	Production of drawings	WRS	08/05/2021
Rev	Comment	By	Date

Stage: 3 - Developed Design

Client: ---

Project: Cycles UK
955-1003
London Road
Leigh-on-Sea
SS9 3LB

Drawing Title: Proposed Elevations

Drawing no: 771-P03

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

Scale: 1:100 @ A1

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

1:100
Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant's information. All dimensions on this drawing are for guidance purposes only. All dimensions must be checked onsite.
This information is subject to Building Control requirements and the requirements of all relevant statutory regulations and service providers.

© SKARCHITECTS Ltd 2023

This page is intentionally left blank

995-1003 London Road





123

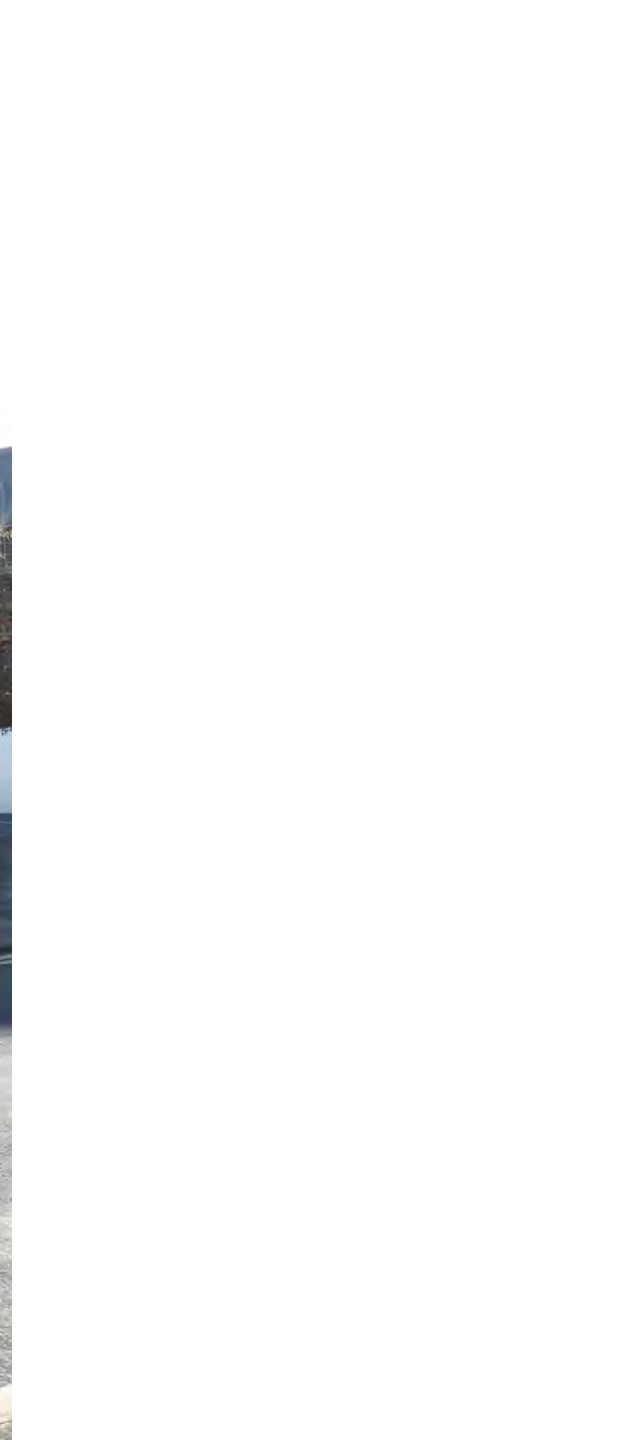






38

1003A







This page is intentionally left blank

Reference:	23/00069/UNAU_B	<h1>8</h1>
Report Type:	Enforcement	
Ward:	Westborough	
Breach of Planning Control:	Erection of a framed structure	
Address:	419a Fairfax Drive, Westcliff-on-Sea, Essex	
Case Opened:	13 th April 2023	
Case Officer:	Gabriella Fairley	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

419a Fairfax Drive, Westcliff-on-Sea, Essex



1 Site and Surroundings

- 1.1 This previously vacant, roughly ‘L shaped’ site is on the northern side of Fairfax Drive to the rear and eastern side of a detached two storey dwellinghouse No 419 Fairfax Drive. The site contains hardstandings which are the remnants of the foundations of a former workshop/office/store building. To the rear of the site is a line of trees along the bank of Prittlewell Brook and beyond that is the Brook itself, the Greenway and then the grounds of Chase High School. The site is within Flood zone 2 but not subject to any other site-specific planning policy.

2 Lawful Planning Use

- 2.1 The site was previously vacant prior to the unauthorised development with all former building(s) removed such that the land is considered not to have any lawful planning use.

3 Relevant Planning History

- 3.1 93/0582 – Ground floor workshop and store (Class B1) first floor office and store open storage in yard to a height not exceeding 2.5m and ancillary outbuildings – Granted.
- 3.2 09/00422/FUL – Erect part single/part two storey front extension to provide additional workshop/storage/office space (Classes B1 and B8) and layout parking and cycle store - Granted.
- 3.3 10/01103/FUL – Erect part single/part two storey front extension to provide additional workshop and office space (Classes B1) and lay out parking and cycle store – Granted.
- 3.4 11/00941/FUL – Erect part single/ part two storey front and side extension and form new second floor, use store (Class B8) as dwellinghouse (Class C3) – Granted.
- 3.5 17/01994/FUL – Erect two storey building to form workshop/store/office (Class B1) – Granted.
- 3.6 18/00856/FUL – Erect two storey building forming one self-contained flat at first floor level and store at ground floor - Granted.
- 3.7 22/01233/FUL – Erect two storey building forming one self-contained flat at first floor level and storage space and garage to ground floor and B1/B8 use – Refused.
- 3.8 23/01085/FUL (the “2023 Application”) – Erect temporary structure on existing hardstanding. Refused.

Reasons for refusal

“01 The development by reason of its siting, scale, appearance and form, results in a conspicuously incongruous development significantly out of keeping with its context and significantly harmful to the character and appearance of its surroundings. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice

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

02 The development results in an undue sense of enclosure and loss of outlook significantly harmful to the amenities of the occupiers of No 419 Fairfax Drive. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

03 The Flood Risk Assessment submitted with the application incorrectly identifies the site and has not demonstrated that the development which is within Flood Zone 2 is acceptable or that it would be safe for its lifetime. This is unacceptable and contrary to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007)".

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 4.5 Southend-on-Sea Design and Townscape Guide (2009)
- 4.6 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 4.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

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

- 5.1 The identified breach of planning control is:
 - The erection of a framed structure without planning permission.
- 5.2 The structure has a tent like appearance and is some 5.3m high, 8.1m wide and 8m deep. It has a fabric type material covering but comprises of a metal frame bolted to the hard standing. There are openings in the south elevation including one large enough to allow a vehicle to enter. The site is accessed by an existing vehicle access onto Fairfax Drive to the eastern side of No.419 Fairfax Drive.
- 5.3 During the unsuccessful 2023 application, the applicant stated that the structure is used for storage of domestic paraphernalia, (motor vehicles, tools, ladders, footballs,

paddleboards, tennis rackets etc). The structure was proposed to be in place for 5 years. Photographs of the interior of the structure show it has been used for parking a van and a fork lift vehicle.

- 5.4 Due to its metal frame, its scale and being affixed by bolts to the hardstanding the structure is considered to constitute development as defined under Section 55 of the Town and Country Planning Act. That conclusion also takes account of the degree of intended permanence of the structure including that the unsuccessful 2023 application sought to retain it for a “temporary” period of 5 years. The structure is not considered to fall within the scope of permitted development. In the absence of any planning permission, it is considered to be unauthorised.
- 5.5 In April 2023 a complaint was received by the Council alleging a structure had been erected. The owner of the land was advised this was unauthorised which resulted in the submission of a retrospective planning application 23/01085/FUL received by the Local Planning Authority (LPA) on 27th June 2023.
- 5.6 Through determination of that 2023 Application on 22nd August 2023 this LPA found that the development is unacceptable and contrary to policy for the design and character, amenity and flood risk reasons stated in paragraph 3.8 above. These are respectively explained at paragraphs 7.19 to 7.15, 7.16 to 7.20 and 7.27 to 7.29 of the officer’s assessment within the 2023 application report at Appendix 1.

Enforcement and Legal Action

- 5.7 Given the harm identified above, it is considered reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this case aims to secure removal of the unauthorised structure in its entirety and to remove from site all materials resulting from compliance with that. It is considered that there are no lesser steps that could reasonably remedy the identified breach or associated harm in this instance.
- 5.8 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to be regularised and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 5.9 Taking enforcement action in this case may amount to an interference with the owner/occupier’s human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

6 Equality and Diversity Issues

- 6.1 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 planning

enforcement case and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

7 Recommendation

7.1 Members are recommended to:

AUTHORISE ENFORCEMENT ACTION to:

a) Remove from the site the framed structure in its entirety;

AND

b) Remove from site all materials resulting from compliance with a) above.

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

7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable in compliance with any of the above requirements.

Appendix 1

Reference:	23/01085/FUL
Ward:	Westborough
Proposal:	Erect temporary structure on existing hardstanding (retrospective).
Address:	419A Fairfax Drive, Westcliff-on-Sea, Essex SS0 9LY
Applicant:	Mr P Sooriyakumar
Agent:	Mr Nick Essex of DSB Property Designs Ltd
Consultation Expiry:	18.08.23
Expiry Date:	22.08.23
Case Officer:	Scott Davison
Plan Nos:	2023/06/419AFD Sheet 01 of 01
Supporting Documents	Flood Risk Assessment, Email of 26 th July 2023.
Recommendation:	Refuse Planning Permission

1 Site and Surroundings

- 1.1 The application site is a previously vacant, roughly 'L shaped' site located on the northern side of Fairfax Drive to the rear and eastern side of a detached two storey [dwellinghouse](#): No 419 Fairfax Drive. The site is partly covered in hardstandings which are the remnants of the foundations of the former workshop/office/store building on the site. To the rear of the site is a line of trees along the bank of Prittlewell Brook and beyond that is Prittle Brook Greenway and then a school and its grounds. The site is located within Flood Zone 2 but is not subject to any other site-specific planning policies.

2 The Proposal

- 2.1 The application form states planning permission is sought for the retention of a temporary structure which was erected in March 2023. The structure has a tent type appearance and is some 5.3m high, 8.1m wide and 8m deep. It has a fabric type material covering and a metal frame bolted to the hard standing. There are openings in the south elevation including one large enough to allow a vehicle to enter. The site is accessed by an existing vehicle access onto Fairfax Drive to the eastern side of No.419 Fairfax Drive.
- 2.2 The applicant has stated that the structure is used for the storage of motor vehicles, tools, ladders, footballs, paddleboards, tennis rackets etc, akin to a domestic garage. The items would be stored 24 hours a day, 7 days a week just like in a garage at home and movements into and out of the site would be during daytimes between 8am and 6pm. The applicant has stated that the storage is not associated

with any existing business and the items stored are owned by the applicant and that the temporary permission is sought for five years. The reasoning given for the proposal is that the applicant does not have storage space at their own property. This application follows from an enforcement investigation into the site, and it has been alleged in representations that vehicle repairs are carried out within the site, however, such uses do not form part of this application.

- 2.3 This application follows the refusal of application Ref: 22/01233/FUL described as *Erect two storey building forming one self-contained flat at first floor level and storage space and garage to ground floor and B1/B8 use* for the following reasons:

01 The proposed dwelling would provide two single-bedspace bedrooms neither of which would be of double (or twin) bedroom size. The proposal also fails to provide any external amenity space for its future occupiers. In both respects the proposal results in a poor standard of accommodation for its future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), the advice contained within the Technical Housing Standards – Nationally Described Space Standard document (2015), policies KP2 and CP4 of the Core Strategy (2007); Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposal would result in overlooking and loss of privacy significantly harmful to the amenities of the occupiers of No 419 Fairfax Drive by reason of the siting of the main habitable room window in the proposed development's first-floor front elevation. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

03 It has not been demonstrated that the proposal would meet Building Regulations 2010 Part M4(2). The proposal is therefore contrary to Policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The proposed development by reason of its siting, appearance and form, including the low-quality detailed design would result in a conspicuously incongruous development significantly out of keeping with its context and significantly harmful to the character and appearance of its surroundings. Such harm is not outweighed by public benefits including the limited creation of new housing. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 2.4 The previously refused application was for a permanent structure with part residential, part storage use. This application is for the retention of a temporary structure which is used for domestic storage purposes.

3 Relevant Planning History

- 3.1 93/0582 – Ground floor workshop and store (Class B1) first floor office and store open storage in yard to a height not exceeding 2.5m and ancillary outbuildings – Granted.
- 3.2 09/00422/FUL – Erect part single/part two storey front extension to provide additional workshop/storage/office space (Classes B1 and B8) and layout parking and cycle store - Granted.
- 3.3 10/01103/FUL – Erect part single/part two storey front extension to provide additional workshop and office space (Classes B1) and lay out parking and cycle store – Granted.
- 3.4 11/00941/FUL – Erect part single/ part two storey front and side extension and form new second floor, use store (Class B8) as dwellinghouse (Class C3) – Granted.
- 3.5 17/01994/FUL – Erect two storey building to form workshop/store/office (Class B1) – Granted.
- 3.6 18/00856/FUL – Erect two storey building forming one self contained flat at first floor level and store at ground floor - Granted.
- 3.7 22/01233/FUL – Erect two storey building forming one self-contained flat at first floor level and storage space and garage to ground floor and B1/B8 use – Refused.

Enforcement History

- 3.8 23/00069/UNAU B Erection of building - Pending Consideration.

4 Representation Summary

Public Consultation

- 4.1 Seven (7) neighbouring properties were notified by letter, and a site notice was displayed. Three (3) responses have been received from two (2) separate addresses. These are summarised below:
 - Concerns and queries over the time limit for the proposed temporary building.
 - Concern over use of the temporary building which is stated as being used as a vehicle repair garage (possibly running as a business) and not for storage purposes, and concerns over the times that this use is taking place and the resultant fumes and noise.
 - Concern size of the temporary and proximity of temporary building to neighbouring properties.
 - Concerns relating to the design and appearance of the structure. Eyesore and blot on the landscape.
 - Residential amenity concerns.
 - Impacts outlook and views.
 - Impacts enjoyment of gardens.
 - Breaching planning restrictions and concerns that the application is retrospective in nature.
 - Lack of neighbour consultation.

[Officer comment: These concerns are noted, and they have been considered in the assessment of the application. Public consultation was undertaken in accordance with national and local requirements. Other than those reasons set out in section 9 of the report, the points of objection within the representations are not found to represent a reasonable basis to refuse planning permission in the specific circumstances of this case].

Essex Fire

4.2 No objection.

Environmental Health

4.3 No objection or comments.

Lead Local Flood Authority

4.4 No objection or comments.

5 Planning Policy Summary

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

5.2 Planning Practice Guidance and National Design Guide (2021)

5.3 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)

5.5 Southend-on-Sea Design & Townscape Guide (2009)

5.6 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)

5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015).

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, design, impact on the street scene and character of the area, residential amenity, traffic and parking implications, sustainability, flood risk and CIL.

7 Appraisal

Principle of Development

7.1 This development is considered in the context of the Council policies relating to design. Government guidance contained within the National Planning Policy Framework encourages effective use of land, in particular previously developed land.

- 7.2 Policy KP2 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. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 7.3 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 states; The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.
- 7.4 Policy DM3 paragraph (2) requires that all development on land that constitutes backland or infill development will be resisted where the proposals will:
- “(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
(ii) Conflict with the character and grain of the local area; or
(iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
(iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”
- 7.5 The development constitutes a backland development and conflicts with criterion (i) and (ii) of Policy DM3, as set out above, as it results in a detrimental impact upon the living conditions and the amenity of existing residents, as found in the assessment below and consistent with the findings of the previously refused 2022 application, it materially conflicts with the urban grain of the local area.
- 7.6 The site is within Flood Zone 2 and the development is considered to constitute a less vulnerable use. The principle of the development would therefore largely depend on whether the applicant can demonstrate that the development would be safe for its lifetime. This matter is discussed further below.
- 7.7 The site has been vacant since at least 2019 following the demolition of the former builder’s store/workshop/office building. This proposal for a storage use and the principle of the then B1 and B8 uses had been established with earlier planning permissions.
- 7.8 Consistent with the findings of the previous 2022 refusal, little to no weight should be applied to previous unimplemented decisions which have since expired and applying the DM3 criteria, the principle of the development of the site is considered unacceptable. Detailed considerations are assessed below.

Design and Impact on the Character of the Area

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

development acceptable to communities.

- 7.10 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.
- 7.11 The temporary structure that has been installed on the site sits in isolation and is unrelated to other properties in the immediate surrounding area. In terms of character, the surrounding area is comprised of dwellings of a traditional appearance and the temporary structure is incongruous and significantly differs from the prevailing character and appearance of dwellings and associated outbuildings as it has a utilitarian, large tent like appearance.
- 7.12 The front elevation contains a large opening and is 6.9m from the boundary with No 419 Fairfax Drive. Given the 5.3m height of the structure it appears as a prominent feature when viewed from the rear of surrounding dwellings and the rear garden areas especially from those dwellings in Fairfax Drive, from views from the wider public domain including from Ronald Park Avenue to the south, the path on the northern side of the Prittle Brook and the playground to the west of 423 Fairfax Drive and views along the access between Nos 417 & 419 Fairfax Drive.
- 7.13 Consistent with the findings of the previous 2022 refusal, it is considered that the previous expired planning permissions form material considerations of little to no weight in the determination of this current application. In layout terms, the temporary structure with an overall height of some 5.3m, a width of 8m and depth of some 8m is not acceptable in this backland location and has an unacceptable impact on surrounding visual amenity and in this location is out of keeping with the character and is at odds with the urban grain and overall cohesion of the area.
- 7.14 For the reasons set out above, it is considered that the development is incongruous and out of keeping with the urban grain and would have a significantly harmful impact on the character and appearance of the site and surrounding area. Although the development is for a temporary, 5 year period, this harm would be significant which is not outweighed by it being it situ for 5 years only.
- 7.15 The development is therefore considered to be unacceptable and fails to comply with policy in these regards and in turn fails criterion (ii) of Policy DM3.

Impact on residential amenity

- 7.16 Policy DM1 states that development should "Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."
- 7.17 The development is located within a residential area and is bounded by existing dwellings and single storey outbuildings. The structure is some 6.9m from the rear boundary with No 419 Fairfax Drive and to the north of the neighbouring properties along Fairfax Drive. Given its overall size, siting and nature it is not considered that the development causes any material loss of daylight or sunlight. However, given

its proximity to neighbouring dwellings it does result in an unacceptable sense of enclosure for residents of 419 Fairfax Drive and would be a highly visible feature in the outlook from the rear of 419 Fairfax Drive to the significant detriment of their residential amenity. To a lesser extent it also impacts on the gardens and outlook of 421 and 417 Fairfax Drive which is a further negative aspect of the development. There would be no harm to the amenities of properties to the north given the separation provided.

- 7.18 The access from Fairfax Drive between Nos 417 & 419 Fairfax Drive is some 4m wide and 22m long running immediately adjacent to the flank walls of Nos 417 & 419 Fairfax Drive. There are no windows in the flank elevations of these properties. It is therefore considered that the non-commercial pedestrian and vehicular movements associated with the development do not impact harmfully on the amenities of the occupiers of 417 & 419 Fairfax Drive in terms of noise and disturbance.
- 7.19 The application form states that the development is used as a storage space. The proposal is not connected to a neighbouring residential use and could potentially generate levels and types of noise and disturbance materially harmful to the amenity of neighbouring residents. In order to protect the amenities of neighbouring occupiers, consideration has been given as to whether conditions could reasonably be attached to address the above issues. A condition specifying and defining the use of the site could be imposed and a restriction requiring no outdoor storage could be imposed to protect neighbouring amenities and local character. The hours of use and days of use for the development could be limited to daytime hours only for weekdays and could be limited at weekends to Saturday mornings only. Restrictions preventing any plant and equipment being installed could also reasonably be controlled by condition. It is also noted that Environmental Health have raised no objections to the proposal.
- 7.20 The proposal is unacceptable and conflicts with policy in the above regards.

Highways and Transport Issues:

- 7.21 The NPPF states (paragraph 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."
- 7.22 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.23 The application form states the site has no existing parking spaces and no spaces are proposed within the curtilage of the site. However, parking can be reasonably provided within the curtilage of the site, as demonstrated in the submitted photos included on the plans. Taken this into account, it is considered that the development does not harm highway safety or the local highway network in any relevant regards.

- 7.24 The development is acceptable and policy compliant in the above regards.

Sustainability

- 7.25 The NPPF states that Local Authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 7.26 No details of renewable energy have been submitted with the application however given that the development is a temporary building, it is considered unreasonable to impose conditions requiring compliance with renewable energy policy.

Flood Risk

- 7.27 The application site lies adjacent to Prittlewell Brook and is located in Flood Zone 2. The previously refused scheme identified the site as being in this Flood Zone 2 and the Council's GIS Cityview mapping system shows that the site is located in Flood Zone 2. A site-specific Flood Risk Assessment (FRA) has been submitted which states that the site is in Flood Zone 1. However, the FRA as submitted is dated from 2018 and appears to relate to 419 Fairfax Drive, a residential dwelling and not 419A which is located to the north of the dwellinghouses fronting Fairfax Drive and is adjacent to the Prittlewell Brook.
- 7.28 Based on the information submitted the development is likely to be considered as a less vulnerable use in flood risk terms, given the development is temporary in nature and for domestic storage purposes only and does not contain any habitable accommodation. However, in this instance, the submitted site-specific Flood Risk Assessment is inadequate as it does not identify the site correctly and fails to demonstrate that the flood risk associated with the development could be addressed satisfactorily.
- 7.29 In this regard the development is contrary to local and nation planning policy and is therefore unacceptable.

Equality and Diversity

- 7.30 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.

Community Infrastructure Levy (CIL)

- 7.31 The development is not CIL liable as the development is for a temporary building.

which fall outside of the scope of CIL under the meaning of planning permission as set out in CIL Regulation 5(2).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the development is unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The development is incongruous and out of keeping with the urban grain and has a significantly harmful impact on the character and appearance of the site and the wider surrounding area. The development results in significant harm to the amenities of the neighbouring occupiers at No.419 Fairfax Drive by reason of an undue sense of enclosure and loss of outlook. The submitted FRA incorrectly identifies the site and the Flood Zone for the site and fails to clearly demonstrate that the flood risk associated with the development would be acceptable. The benefits of the development do not clearly outweigh the significant harm identified. The application is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons.

- 01 The development by reason of its siting, scale, appearance and form, results in a conspicuously incongruous development significantly out of keeping with its context and significantly harmful to the character and appearance of its surroundings. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).
- 02 The development results in an undue sense of enclosure and loss of outlook significantly harmful to the amenities of the occupiers of No 419 Fairfax Drive. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
- 03 The Flood Risk Assessment submitted with the application incorrectly identifies the site and has not demonstrated that the development which is within Flood Zone 2 is acceptable or that it would be safe for its lifetime. This is unacceptable and contrary to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

Positive and Proactive statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal. The detailed analysis is set out in a

report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The detailed analysis is set out in a report on the application prepared by officers.

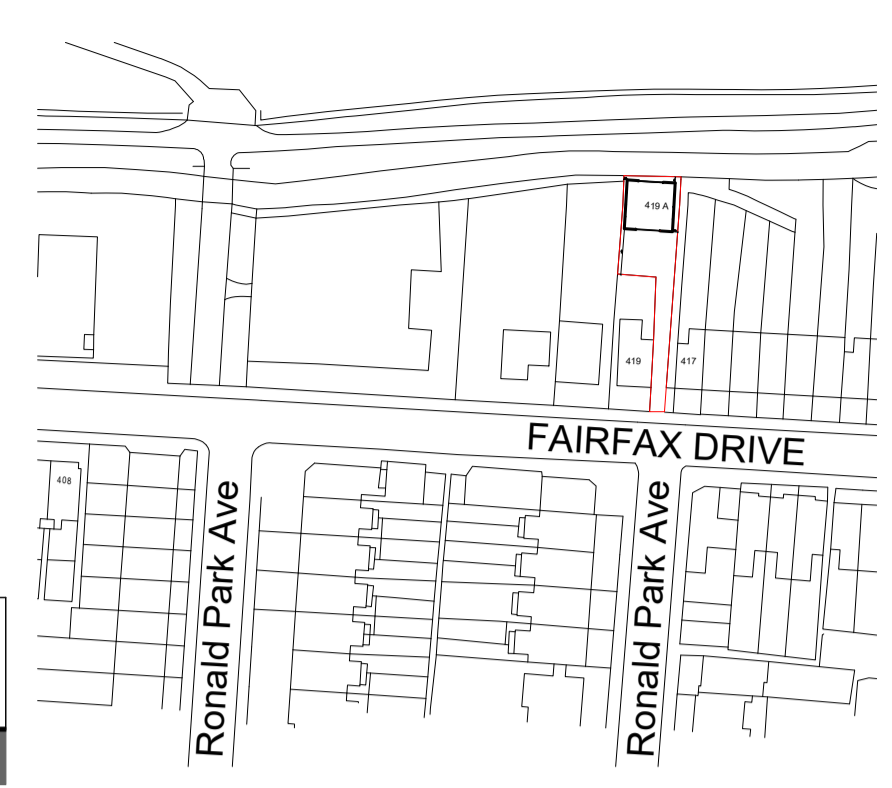
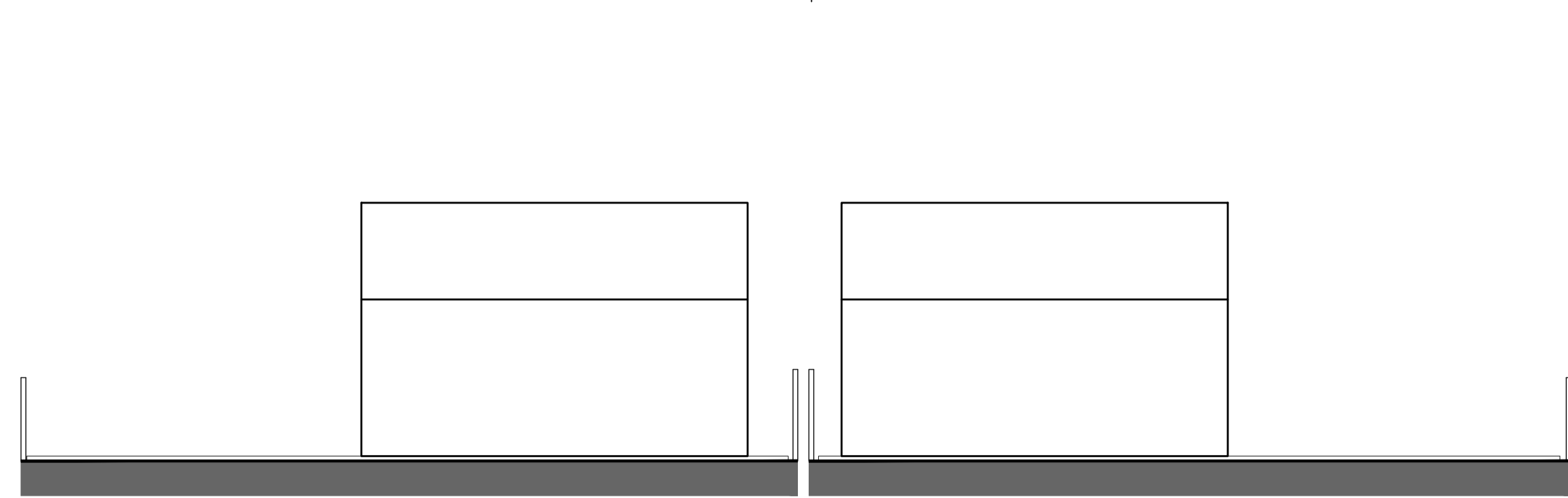
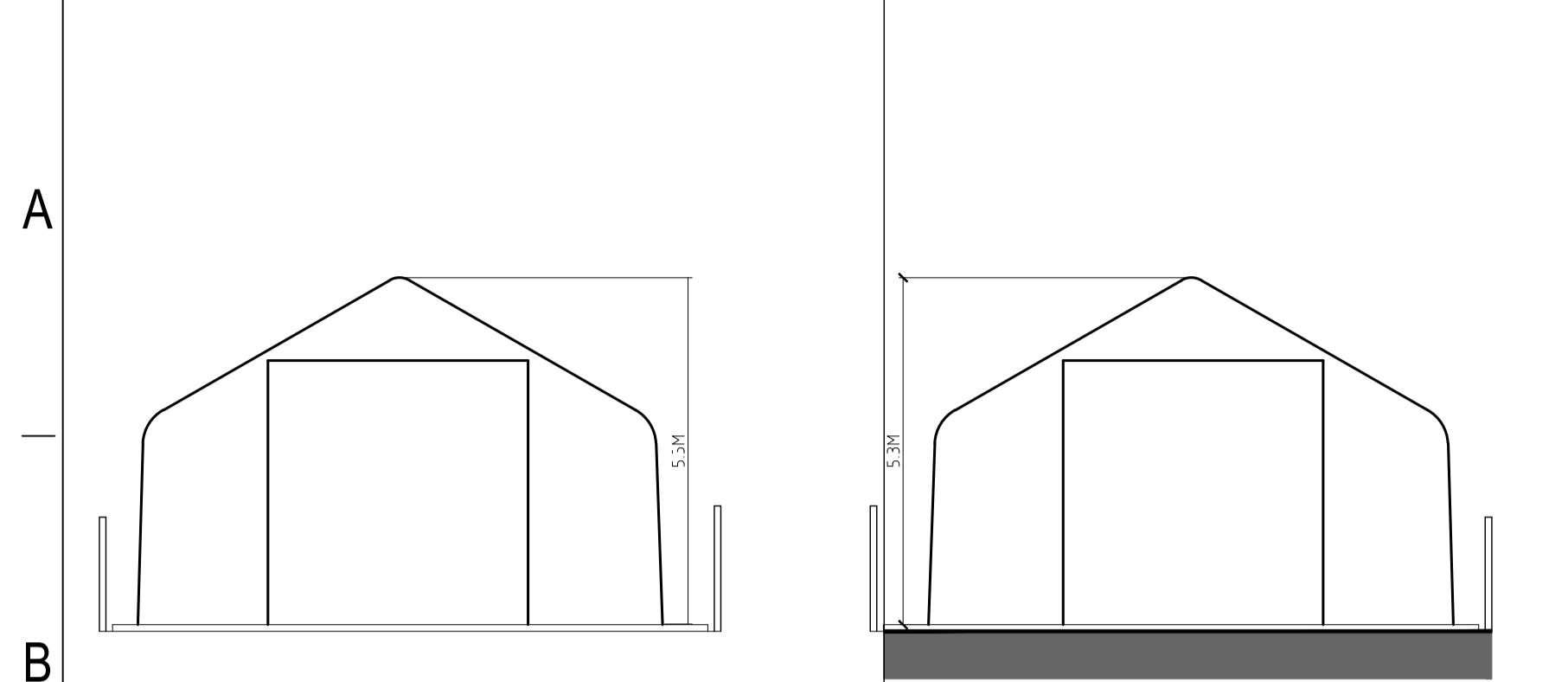
Informative

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

02 This application is retrospective in nature and is subject to an enforcement enquiry. Unless the breach is remedied, the Council will consider the expediency of enforcement action.

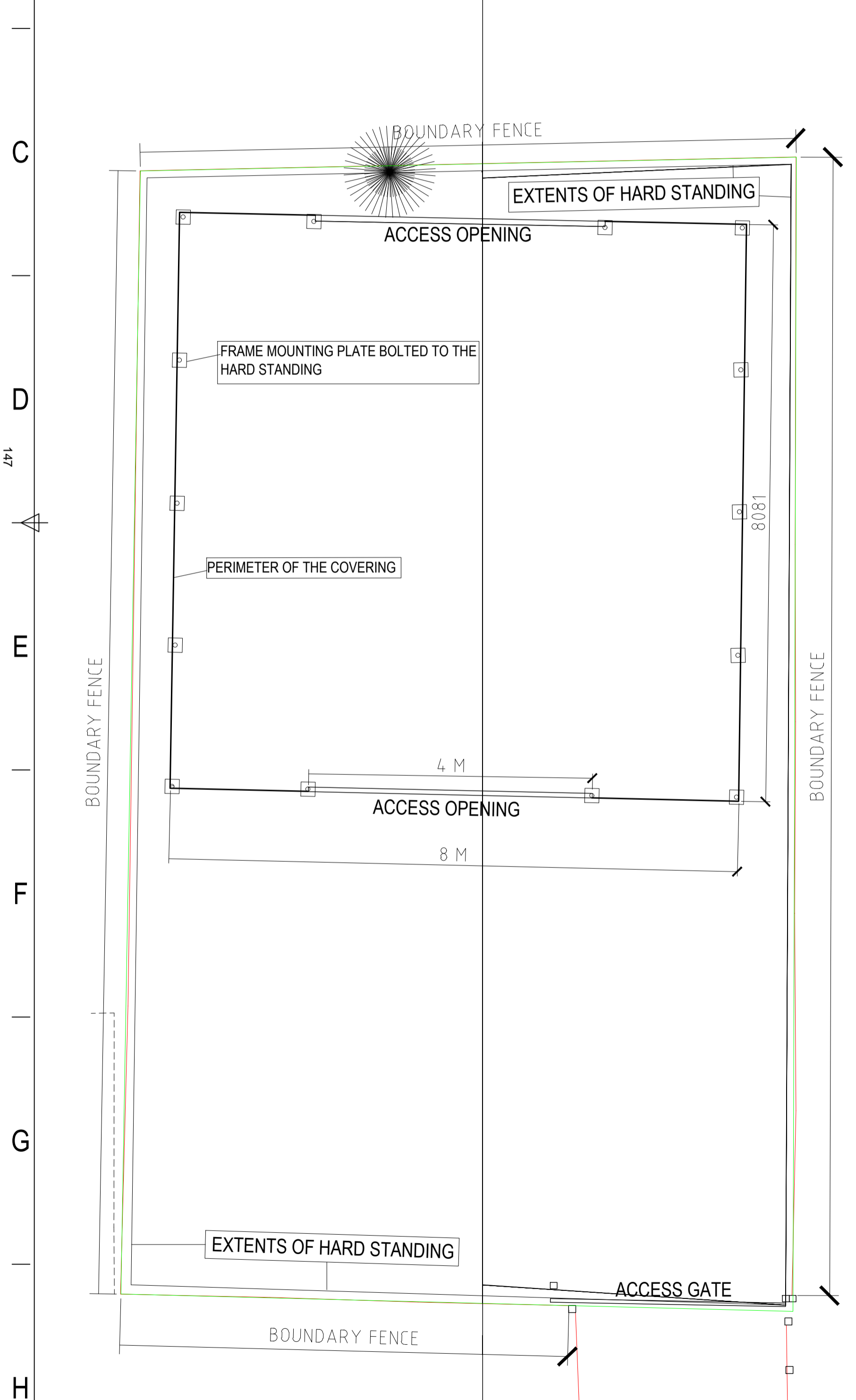
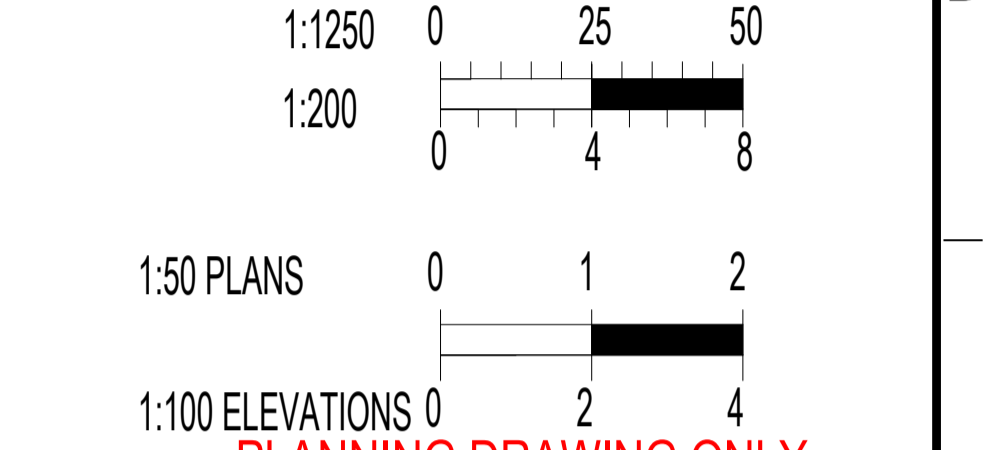
Case Officer Signature.....SD.....Date.....21.08.2023.....
Senior Officer Signature.....CW.....Date...21/08/2023.....
Delegated Authority Signature...KW....Date.....21/08/2023.....

This page is intentionally left blank



Health and Safety Legislation.
Construction (Design & Management) Regulations 2015
 The client should make themselves aware of their duties and responsibilities under the Construction (Design & Management) Regulations 2015 including making suitable arrangements to ensure that throughout the planning, design and construction of a project, adequate consideration is given to the health, safety and welfare of all those affected and involved in the construction work. The client should ensure that all relevant pre-construction information is provided as soon as practicable to the designer and contractor (including the principal contractor) who is bidding for work on the project or has already been appointed. DSB Property Designs Ltd will be appointed 'designer' for the pre-construction phase of the project to prepare drawings, design details and specifications for the submission of town planning and/or building regulation applications only. Domestic client duties will automatically pass to the contractor or principal contractor during the construction phase of the works, and these are general duties to manage health and safety of the site and works which a contractor already has a duty to discharge. These drawings form our part of the health and safety file under CDM 2015, we are not involved with the construction phase of the project therefore. Our involvement as Principle designer has now ended and the client must pass these documents to the Principle Contractor and appoint them in writing to carry out their duties under CDM 2015. Note that a project is notifiable to the HSE if the construction work on a construction site is scheduled to last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project or it exceeds 500 person days. These drawings are compiled on the sole basis that the works will be undertaken by a competent Contractor experienced in the nature of the works shown hereon. ALL required temporary works to undertake the proposals shown hereon are the responsibility of the Contractor.
 These drawings are not a step by step instruction guide and in some cases changes may be required. Any deviations from the drawings must first be agreed with Building Control. Where our involvement is required this must be instructed in writing and will be charged at our standard rate.
 We suggest an Asbestos survey is carried out and where any Asbestos is found seek the appropriate advice. Any asbestos must be dealt with by an approved, licensed contractor only.

01 Existing/proposed Front 1:100 02 Existing/proposed Rear 1:100 03 Existing/proposed RH Side 1:100 04 Existing /proposed LH Side 1:100 05 Location Plan 1:1250



08 ACCESS & FRONT VIEW



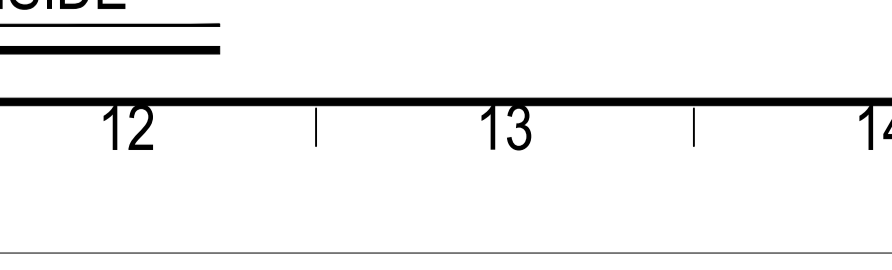
09 ENTRANCE GATE



10 REAR



11 LH SIDE



12 RH SIDE

13 INSIDE

**PLANNING DRAWING ONLY
 NOT FOR CONSTRUCTION**
 Copyright
 This drawing is the copyright of DSB Property Designs LTD and must not be traced or copied in anyway or form in part or whole by any means whatsoever without prior written consent and may only be used by the present owner in relation to the property as referred to on the drawing. This drawing may be copied for by an authorised officer of the Local Authority with the sole purpose to assist in the determination of a Planning or Building Regulations application and may not be used for any other purpose.

REV	REVISION NOTE	REVISION DATE	BY
DWG REF	2023/06/419AFD	SHEET 01 of 01	
SCALE	1:50/1:100/1:1250	DRAWN DATE	JUN23
PAPER	A1	DRAWN BY	NE
		CHECKED	DB



PROJECT:-
 RETROSPECTIVE APPLICATION FOR A TEMPORARY STRUCTURE
SITE ADDRESS:-
 419 A Fairfax Drive
 Southend-On-Sea
 Essex
 SS0 9LY
CLIENT:-
 MR SOORIYAKUMAR

Engineer	
Planning	
Bldg Regs	
Construction	

MATERIALS:-
 1) Matching Render/Brick
 2) Matching Interlocking Tile
 3) PVC Windows and Doors
 4) PVC Rainwater Goods
 5)
 6)
 7)

Tel: 01702 302 399 Email: info@dsbdesigns.co.uk
 Web: www.dsbdesigns.co.uk

01 Existing/Proposed Plans
 All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

06 Existing/Proposed Plan 1:50
 All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

07 Existing/Proposed Block Plan 1:200
 All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

This page is intentionally left blank

419a Fairfax Drive

Site photos



The unauthorised structure from the front entrance to 419a Fairfax Drive, along Fairfax Drive



Inside of the unauthorised structure



Inside of the unauthorised structure looking towards the front elevation



Inside of the
unauthorised structure.



Image to show the unauthorised structure is affixed by bolts to the hardstanding.



The unauthorised development and its location in relation to the boundary

This page is intentionally left blank

Reference:	20/00265/BRCN_B	<h1>9</h1>
Report Type:	Enforcement	
Ward:	Milton	
Breach of Planning Control:	Unauthorised roller shutters and box housings	
Address:	103 Hamlet Court Road, Westcliff-on-Sea, Essex, SS0 7ES	
Case Opened:	28th August 2020	
Case Officer:	James Benn	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The site contains a double fronted two-storey building within a parade of retail and commercial units on the western side of Hamlet Court Road between its junctions with Ditton Court Road and Canewdon Road.
- 1.2 The surroundings are largely commercial in character, with retail and commercial units located at ground floor level along Hamlet Court Road which is designated as a Primary Shopping Frontage within the Hamlet Court Road District Centre. There are some residential flats above the ground floor units in Hamlet Court Road. To the rear of the site, the character changes to mainly residential properties. Land levels in Hamlet Court Road drop from north to south.
- 1.3 The building is a Locally Listed and is within a Frontage of Townscape Merit. The boundary of Hamlet Court Road Conservation Area is some 94m to the north.

2 Lawful Planning Use

- 2.1 The lawful planning use of the ground floor of the site which this report relates to is Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3 Relevant Planning History

- 3.1 21/01263/FUL (the “2021 Application”): Install roller shutters to front (Retrospective) – Refused. Appeal dismissed (ref. APP/D1590/Z/21/3281520).

Reason for refusal:

“01 The roller shutters by reason of their detailed design and scale and the associated external shutter housings are visually intrusive features which result in a significant extent of dead frontage and are detrimental to the character and appearance of the existing shopfront, which forms part of a frontage of townscape merit and that of the wider parade. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).”

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea’s Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre)

and DM15 (Sustainable Transport Management)

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

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

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

5.1 The identified breach of planning control is:

- The installation of two grey roller shutters and associated shutter box housings to the frontage of the building.

5.2 The roller shutters are each some 3.5m high and 5m wide with shutter box housings mounted to the front of the shop fascia. It is understood that the previous shutters before these replacement shutters were installed did not have planning permission.

5.3 In August 2020 a complaint was received by the Council alleging that new shutters had been installed to the frontage of the building. Investigation identified that no planning permission existed for these shutters and that there are no permitted development rights for these works.

5.4 Planning application 21/01263/FUL sought to retain both shutters and their associated shutter box housings. This was refused due to their detailed design and scale which was found to be harmful to the character and appearance of the existing shopfront, which forms part of a Frontage of Townscape Merit, and that of the wider parade. The Officers report for the 2021 application is appended (Appendix 1). A subsequent appeal made to the Planning Inspectorate was dismissed in October 2022. Their Decision letter is appended (Appendix 2).

5.5 A pre-application advice enquiry submitted in November 2022 resulted in a meeting between planning staff and the applicant's agent in January 2023. A planning application with an alternative proposal has not been received to date.

Design and Impact on the Character of the Area and on non-designated heritage assets

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

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

- 5.8 Paragraph 203 of the NPPF states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Non-designated heritage assets include Frontages of Townscape Merit and locally listed buildings.
- 5.9 Policy DM5 seeks to maintain the significance of designated and non-designated heritage assets. Policy DM5 states “Development proposals, including replacement shopfronts, that impact upon the ‘Frontages of Townscape Merit’ will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Special attention will be paid to the quality of replacement shopfronts and associated signage to ensure that their design and materials are appropriate to the historic character of the building.”
- 5.10 Paragraph 400 of The Design and Townscape Guide states that “whilst the Council recognises the need for such precautions, it is keen to ensure that security shutters become an integral part of the shopfront design and are not harmful to the wider street scene.”
- 5.11 Paragraph 401 of The Design and Townscape Guide states “Solid or micro perforation shutters in particular, have a detrimental effect on townscape, creating ‘dead’ frontages, attracting graffiti and fly posting, and generally destroying the appearance of an area. When shut, solid shutters also prevent internal surveillance of the building. This type of shutter will not be considered acceptable.”
- 5.12 The two shutters to the front of the retail unit are visible from the public realm. In this instance, the architectural character individually of the site and its prominence in the street scene is the reason why the site was included in the Frontage of Townscape Merit and is why the building is Locally Listed.. The unauthorised development is comprised of two micro perforated style steel roller shutters that rise from the ground up to the box housings which sit just below the fascia. The micro perforated shutters do not allow views of the window display behind and inhibit the appreciation of the architectural quality and fine detailing of the shopfront and effectively present a 10m wide dead frontage in this section of Hamlet Court Road.
- 5.13 The shutter and housings are contrary to the guidance set out in Design and Townscape Guide and are considered to harm the significance of the non-designated heritage assets (the Frontage of Townscape Merit and Locally Listed Building). The benefits of the development in terms of security to the retail unit are not considered to outweigh the harm to the assets. The proposal is therefore considered to be unacceptable and fails to comply with policy in the above regards.
- 5.14 The Inspector’s Appeal Decision letter in Appendix 2 concluded that “..the development would, overall and on balance, harm the character and appearance of the host property, including its significance as a non-designated heritage asset and as a frontage of townscape merit, and the surrounding area. The development would conflict with the development plan taken as a whole and there are no other

considerations, including the Framework, that outweigh this conflict.”

Enforcement Action

- 5.15 Given the harm identified above, it is considered to be reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this case will aim to secure removal of the unauthorised shutters and their box housings in their entirety and remove from the site all materials resulting from compliance with the removal of the development. No lesser steps that could remedy the identified breach or associated harm have been identified.
- 5.16 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm, albeit an application to this effect has not been received yet and despite the provision of pre-application advice.
- 5.17 Taking enforcement action in this case may amount to an interference with the owner/occupier’s human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

6 Equality and Diversity Issues

- 6.1 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 planning enforcement case and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

7 Recommendation

- 7.1 **Members are recommended to:**

AUTHORISE ENFORCEMENT ACTION to:

- a) Remove from the site the two shutters and associated shutter box housings from the frontage of the building, and
- b) Remove from site all materials resulting from compliance with a)

- 7.2 The authorised enforcement action to include (if/as necessary) the service of an

Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

- 7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable for the removal of the two shutters and associated shutter box housings.

Appendix 1

Reference:	21/01263/FUL
Ward:	Milton
Proposal:	Install roller shutters to front (Retrospective)
Address:	103 Hamlet Court Road, Westcliff- On-Sea SS0 7EW
Applicant:	Mrs Shelley Horban of Emex International
Agent:	Mr David Grew of D.M.Grew
Consultation Expiry:	22.07.2021
Expiry Date:	11.08.2021
Case Officer:	Scott Davison
Plan No's:	DMG 01 & Site Plan and Location Plan
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings.

- 1.1 The application site is a double fronted two-storey building located within a parade of retail and commercial units. The site is located on the western side of Hamlet Court Road between its junctions with Ditton Court Road and Canewdon Road.
- 1.2 The surroundings are largely commercial in character, with the retail and commercial units located at ground floor level along Hamlet Court Road which is designated as a primary shopping frontage. There are some residential flats located above the ground floor units in Hamlet Court Road. To the rear of the site, the character changes to mainly residential properties. Land levels in Hamlet Court Road drop from north to south.
- 1.3 The host building is not listed and is not located within the newly designated hamlet Court Road Conservation Area but is within a Frontage of Townscape Merit. The site is located within a Primary Shopping Frontage within the Westcliff District Centre.

2 The Proposal

- 2.1 Retrospective planning permission is sought to retain two grey steel roller shutters to the frontage of the building. The roller shutters are each some 3.5m high and 5m wide with shutter box housings located to the front of the shop fascia. It is understood that the previous shutters did not benefit from planning permission.
- 2.2 The plans submitted indicate there will be no external alterations to the front elevation of the building which appears to be a double fronted shop unit. Internally the layout would not be changed. Publicly available photographs and the submitted photographs show differences between the former shutters and the development for which permission is sought.

- Projecting box on southern shutter (previously the shutter was boxed within/under the shutters)

- Greater openness on southern shutter (central section)
- Smaller shutter area southern
- The central “marble” column has been extended upwards
- A variation in colour and detailing

3 Relevant Planning History

- 3.1 19/01860/AD Application for approval of details pursuant to condition 06 (details of landscaping) of planning permission 10/01662/FUL dated 08/11/2010 – Granted
- 3.2 12/01619/AD Application for approval of details pursuant to condition 05 (details of hardstanding) condition 06 (details of landscaping) and condition 08 (waste management plan) of planning permission 10/01662/FUL dated 08/11/2010.- Granted
- 3.3 10/01662/FUL Erect single storey side extension and use club (Sui Generis) as hotel (Class C1) and lay out amenity, refuse store and parking spaces at rear. Granted.
- 3.4 07/00803/FUL Use club (Class Sui Generis) as hotel (Class C1) and erect two storey rear extension. Refused & appeal dismissed
- 3.5 Enforcement History
20/00265/BRCN_B Unauthorised works to a shop front. Pending Consideration

4 Representation Summary

Public Consultation

- 4.1 27 neighbours were notified of the proposal and a site notice was displayed. No letters of representation have been received.

Design and Conservation

- 4.2 Objection. The proposed shutters are detrimental to the historic character of the building and result in harm to the non-designated heritage asset.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007) Policies KP2 (Development Principles) CP4 (Environment & Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1(Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues, impact on residential amenity and CIL considerations.

7 Appraisal

Principle of Development

- 7.1 Policy KP2 of the Core Strategy requires new development to respect the character of the neighbourhood. Similarly, Policy CP4 of the Core Strategy requires development to contribute towards the creation of a high quality urban environment. Policy DM1 of the Development Management Document seeks to promote successful places. DM13 seeks to maintain and enhance the vitality and viability of shopping frontages. Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The policy also seeks that uses should maintain or provide an active frontage with a display function for goods and services rendered.
- 7.2 The site is occupied by a commercial unit within a commercial parade and described as Class E use on the application form. The installation of a roller shutter to the retail unit is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area and impact on non-designated heritage assets

- 7.3 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF and within Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas and to contribute towards the creation of a high quality urban environment.
- 7.4 The site is located within a 'Frontage of Townscape Merit'. In this respect, Policy DM5 of the Development Management Document states 'Development proposals, including replacement shopfronts, that impact upon the 'Frontages of Townscape Merit' will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Special attention will be paid to the quality of replacement shopfronts and other alterations to ensure that their design and materials are appropriate to the historic character of the building.
- 7.5 The Design and Townscape Guide also states that "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments". The Guide seeks shopfronts that relate well to the surrounding townscape. Paragraph 400 of The Design and Townscape Guide under the heading of Security Shutters states that "*whilst the Council recognises the need for such precautions, it is keen to ensure that security shutters become an integral part of the shopfront design and are not harmful to the wider street scene*". It is also added that "*solid or micro perforation shutters in particular have detrimental effect on townscape, creating 'dead' frontages. This type of shutter will not be considered acceptable*".

(Paragraph 401). Furthermore, the shutters *"must be installed so that the housing is hidden behind the fascia, not fixed on the outside."* (Paragraph 402).

- 7.6 The two shutters are located to the front of the retail unit and visible from the public realm. In this instance, the architectural character individually of the site and its prominence in the street scene is the reason why the site is considered to be a frontage of townscape merit. The development is comprised of two micro perforated style steel roller shutters that rise from the ground up to the box housings which sit just below the fascia. The micro perforated shutters do not allow views of the window display behind and effectively presents a 10m wide dead frontage in this section of Hamlet Court Road.
- 7.7 The shutter and housings are contrary to the guidance set out in Design and Townscape guide and are considered to result in harm to the significance of a non-designated heritage asset, i.e., a Frontage of Townscape Merit. The benefits of the development in terms of security to the retail unit are not considered to outweigh the harm to the asset.
- 7.8 The proposal is therefore considered to be unacceptable and fails to comply with policy objectives in the above regards

Impact on Neighbouring Properties

- 7.9 The National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.10 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.11 The development is positioned at the front of the building and fronts onto the public highway. It is part of an established commercial parade. It is therefore considered that the development does not result in any adverse harm to the occupiers of the commercial shopping parade or nearby residential properties in any regard.
- 7.12 The development is considered acceptable and policy compliant in the above regards.

Traffic and Transport Issues

- 7.13 Policy DM15 seeks to maintain highway safety. The site is in a commercial area, and it is considered that the proposal would not result in any adverse impact on the functioning of the highway or pedestrian pavement.
- 7.14 The proposal is therefore acceptable and policy compliant in the above regards.

Community Infrastructure Levy

- 7.15 The development would not create any additional floorspace at the application site and therefore is not CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it has not been demonstrated that the development would have an acceptable impact compliant with the objectives of the relevant development plan policies and guidance. It is concluded that the proposed development would be materially harmful to the character and appearance of the application site and the street scene and the frontage of townscape, a non- designated heritage asset. This would be unacceptable and in conflict with policy. Therefore, it is recommended that planning permission is refused.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons

- 01 **The roller shutters by reason of their detailed design and scale and the associated external shutter housings are visually intrusive features which result in a significant extent of dead frontage detrimental to the character and appearance of the existing shopfront, which forms part of a frontage of townscape merit and that of the wider parade. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informatives

01. You are advised that as the proposed works to your property creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

Case Officer Signature.....SD.....Date...10.08.2021.....
Senior Officer Signature.....CW.....Date.....11/08/2021.....
Delegated Authority Signature.....TS.....Date.....11/08/2021.....

Appendix 2



The Planning Inspectorate

Appeal Decision

Site visit made on 23 August 2022 by A Humphries BSc (Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/D1590/Z/21/3281520

103 Hamlet Court Road, Westcliff-on-Sea, SS0 7ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Shelley Horban on behalf of Emex International against the decision of Southend-on-Sea Borough Council.
- The application Ref 21/01263/FUL, dated 16 June 2021, was refused by notice dated 11 August 2021.
- The development is to replace roller shutters.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Two grey steel roller shutters with surface mounted shutter boxes above have already been installed to the double fronted shop and therefore the development is retrospective. The two roller shutters were fully closed when the site visit was undertaken, however, I am satisfied that sufficient evidence has been provided as part of the appeal process to establish the character and appearance of the shopfront and thus the planning merits of the appeal.
4. During the appeal process, it was brought to my attention that the host property had been identified as a locally listed building. The Council confirmed that the host property had been designated after the decision notice was issued. In the interest of fairness, the appellant was invited to provide comment on the Council's response. The designation as a locally listed building was therefore considered in the reasoning of this appeal decision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host property, a locally listed building, which forms part of a frontage of townscape merit, and the surrounding area.

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

Reasons for the Recommendation

6. The host property is a three-storey building with a single storey double fronted shop set within an area characterised by commercial and retail units at ground floor level. The host property is locally listed and is a frontage of townscape merit. The significance of the non-designated heritage asset lies in the architectural quality and elegance of detailing of the shopfront. As set out in the Hamlet Court Road Conservation Area Appraisal (2021) (the CAA), the double fronted shopfront, which is best preserved on the street, comprises recessed doorways framed by curved glass, fine ornate frames and detailed carving with a central clock above.
7. The National Planning Policy Framework (2021) (the Framework) advises that the direct or indirect effect on the significance of a non-designated heritage asset should be taken into account and a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. During the site visit, several other shopfront shutters were observed in the immediate locality, some of which had surface mounted shutter boxes that protrude to various degrees. These shopfronts are of a different character and appearance to the host property and the shutters vary in terms of design, style and colour. No details have been provided regarding their planning history. Nevertheless, given that I do not dispute the need for shutters on the host property and that they are a common feature on the street, I would agree that shopfront shutters are acceptable in principle.
9. Based on the evidence presented before me, the shopfront of the host property is a prominent and distinctive part of the street scene because of its architectural quality and fine detailing, which contrasts with the surrounding commercial and retail units. During the site visit, the two shutters were closed. Owing to the opaqueness from the micro perforated style of the shutters, none of the features of the shopfront that positively contribute to the significance of the non-designated heritage asset and street scene were visible. The shutters therefore inhibit the appreciation of the architectural quality and fine detailing of the shopfront and limit the contribution of the shopfront to the street scene when closed.
10. The micro perforated style of the shutters creates a solid appearance when viewed from the street. Given this, together with the scale of the two shutters combined, the shutters create a large blank area rather than an active frontage. As a result, the two shutters are prominent and visually intrusive on the street scene.
11. Whilst the associated surface mounted shutter boxes protrude from the fascia of the shopfront, the façades of the shopfronts in the locality vary with a combination of recesses and protrusions and thus shopfronts do not have flat and level façades. Owing to the irregular façades of neighbouring properties, I do not find the surface mounted shutter boxes on the host property as visually intrusive to the street scene as the shutters themselves. Furthermore, I acknowledge that any shutter housing would need to protrude from the fascia to some degree unless alterations are made to the shopfront of the host property. Nonetheless, the box housing is a bulky addition to the fascia which contrasts awkwardly against the elegant proportions of the original shopfront.

12. The host property had two roller shutters prior to renovation, although the evidence presented before me suggests that these did not benefit from planning permission, albeit that they appeared to have been in situ for some time. Nonetheless, it is necessary to consider the present appeal in the context of relevant planning policy and material considerations as they stand at present. Given the inclusion of the shopfront on the local list and the identification of the importance to the local townscape within the CAA, the former presence of shutters which did not benefit from planning permission does not, of itself, justify the approval of similar harmful development.
13. For the reasons above, the development would harm the character and appearance of the host property, a locally listed building and a frontage of townscape merit, and the surrounding area. I am satisfied that the development would, as a result, erode the significance of the locally listed building and neither preserve nor enhance the host property.
14. The development would therefore conflict with the Framework and would also be contrary to policies KP2 and CP4 of the Council's Core Strategy (2007) and policies DM1 and DM5 of the Development Management Document (2015). Collectively, these policies seek high quality design that respects the character and distinctiveness of the site and surroundings, together with conserving and enhancing heritage assets. Specifically in relation to locally listed buildings and frontage of townscape merit, regard should be given to the quality of replacement shopfronts, together with the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Furthermore, the development would be contrary to the Supplementary Planning Document (SPD): Design and Townscape Guide (2009).

Other Matters

15. I acknowledge the local crime rates presented before me, including vandalism and anti-social behaviour, and thus the need for security at the host property, together with that there may be a requirement from insurance companies for the protection of the glass of the shopfront by shutters. Given the ornate and curved nature of the glazing and the level of craftsmanship on show in the shopfront as a whole, I can appreciate the likely cost of repairing any damage and the benefit of protecting the frontage from harm. That is a matter that attracts weight in support of the scheme.
16. The appellant also maintained that alternative types of shutters would be impractical or result in alteration to the fabric of the shopfront. However, without any supporting technical information or drawings detailing the fabric of the building behind the fascia, it is difficult to fully assess these claims. Whilst I recognise the need to protect the glass of the shopfront, I am not persuaded that a different design of shutters would not protect the glass and facilitate access to the first-floor balcony. I am therefore not persuaded that the development is the only design solution to meet the required level of security that would also preserve the significance of the non-designated heritage asset.
17. Consequently, on the basis of the information before me, it is not clear that the current arrangement is the only way of providing security and protecting the frontage from damage. I have given weight in this appeal decision to the crime levels and the requirement for security, however, overall and on balance, the benefits of security provided by the shutters does not outweigh the harm of the

development to the character and appearance of the shopfront of the host property and surrounding area.

18. I sympathise that the appellant has invested in the host property and completed renovations. Whilst the renovation of the host property has benefitted the area, similar benefits could be achieved without the addition of the present shutters which have a detrimental impact. Consequently, this does not outweigh the harm caused by the development to the character and appearance of the shopfront of the host property and surrounding area.

Conclusion and Recommendation

19. For the reasons given above, I have concluded that the development would, overall and on balance, harm the character and appearance of the host property, including its significance as a non-designated heritage asset and as a frontage of townscape merit, and the surrounding area. The development would conflict with the development plan taken as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Alice Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

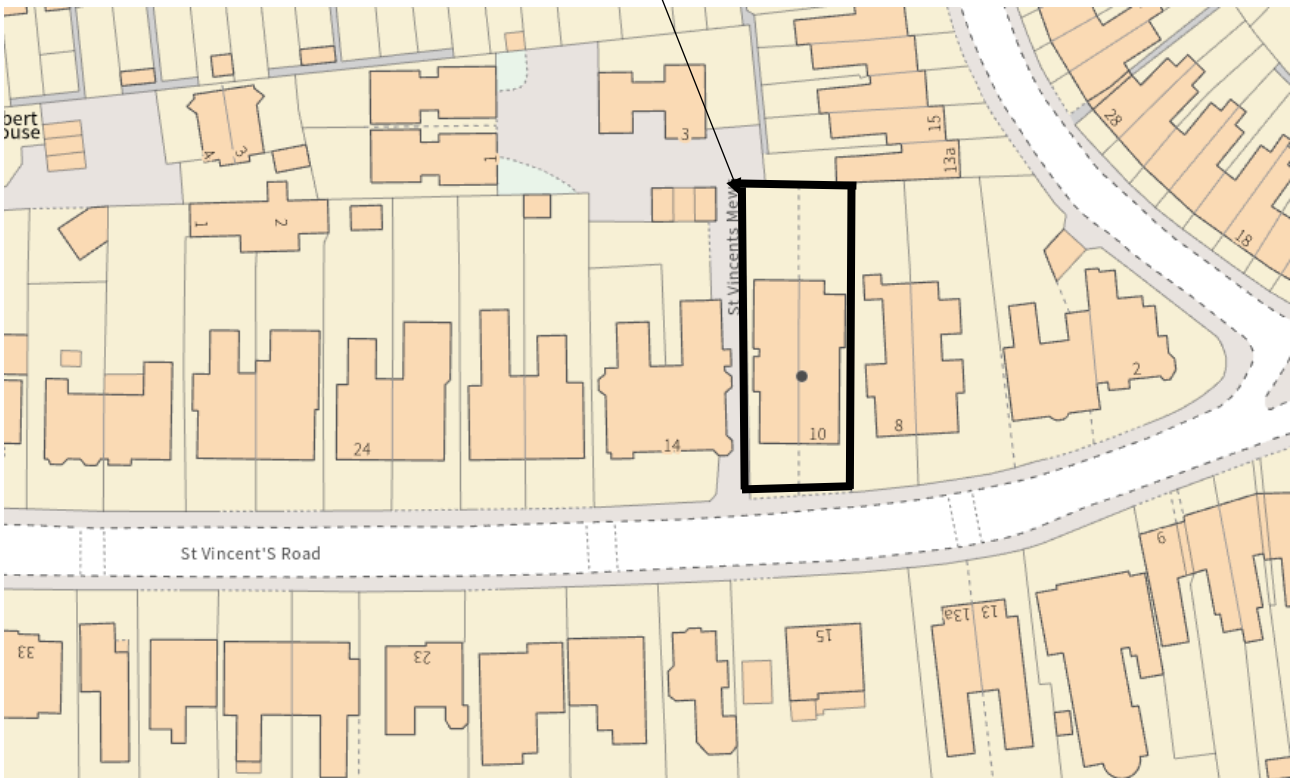
20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR

Reference:	19/00290/UNAU_B	<h1>10</h1>
Report Type:	Enforcement	
Ward:	Milton	
Breach of Planning Control:	UPVC Windows installed in the Milton Conservation Area	
Address:	Beaufort Lodge, 10-12 St Vincent's Road, Westcliff-on-Sea, Essex, SS0 7PR	
Case Opened Date:	22 October 2019	
Case Officer:	Edward Robinson / Abbie Greenwood	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

Beaufort Lodge, 10-12 St Vincent's Road, Westcliff-on-Sea, Essex, SS0 7PR



1 Site and Surroundings

- 1.1 The site is on the northern side of St Vincent's Road and contains a detached building that was previously used as a care home. The building is surrounded by traditional residential properties which are very attractive in character and design. The site is within the Milton Conservation Area and is covered by the Milton Conservation Area Article 4 Direction but is not subject to any other site-specific planning policy designations.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a care home within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) but there are extant permissions for the conversion of the building to 4no. residential units within Use Class C3.

3 Relevant Planning History

- 3.1 21/01204/FUL- Demolish existing rear extension and convert care home (Class C2) back to the original 2no. dwellinghouses (Class C3), form new terraces to rear, replace windows to front and access door to the east side elevation, alter front curtilage (part retrospective). Permission granted.
- 3.2 22/00584/FUL- Demolish existing rear extension and convert Care Home (C2) to 4no. dwellings (C3), replace existing UPVC doors and windows, install rooflights to east and west flank roof slopes and alter elevations. Permission granted.
- 3.3 23/01256/FUL- Convert existing care home (Class C2) to 4no. dwellings (Class C3) (retrospective). Application invalid.

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend's Historic Environment)
- 4.5 Southend-on-Sea Design and Townscape Guide (2009)
- 4.6 Milton Conservation Area Appraisal (2021)

5 The alleged breach of planning control and efforts to resolve the breach to date

- 5.1 The identified breach of planning control is the installation of UPVC windows at first floor level to the front elevation of the building and the installation of a UPVC window and door to the west side elevation of the building. The original finely detailed large timber sash windows were important to the historic character and significance of the existing building and wider conservation area.
- 5.2 In October 2019, a complaint was received by the Council alleging original windows had been replaced with UPVC windows. No planning application has been submitted for these works.

- 5.3 On 13 November 2019, a letter was sent to the address to advise that this alteration of the fenestration was not acceptable as their property was within the Milton Conservation Area and the windows were an important feature of the historic building and conservation area.
- 5.4 On 16 June 2021, an application was received reference 21/01204/FUL. This included proposed reinstatement of the decorative timber sash windows to the front to the same design as those removed and the replacement of the window and door to the west elevation with a timber door and side panels to match the design of the fenestration on the east side elevation. This was taken into account in the overall assessment of that application. Planning permission was granted in October 2021.
- 5.5 On 07 March 2022, a new application was received reference 22/00584/FUL. This also included proposed reinstatement of the decorative timber sash windows to the front to the same design as those removed and replacement of the window and door to the west elevation with a timber door and side panels to match the design of the fenestration on the east side elevation. This was taken into account in the overall assessment of that application. Planning permission was granted in June 2022.
- 5.6 On 18 August 2022, 21 November 2022, 14 December 2022 and 30 March 2023, enforcement staff carried out site visits to monitor the replacement of the windows. Construction works had begun on site. However, the timber framed windows had not been installed.
- 5.7 On 25 July 2023, a further application was received which includes proposed reinstatement of the decorative timber sash windows and the installation of a timber door with panels on the west elevation. This application is currently invalid.
- 5.8 On 24 August 2023, a further site visit took place. The unauthorised UPVC windows were still in place to the front elevation, similarly the side UPVC entrance and window.

6 Appraisal

Impact on the Character of the Building and Wider Conservation Area

- 6.1 Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 state that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.2 Paragraph 126 of the NPPF states 'the creation of high quality, sustainable and beautiful buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.'
- 6.3 Paragraph 195 of the NPPF states 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...'
- 6.4 Paragraph 196 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

- 6.5 Policy KP2 of the Core Strategy advocates the need for all new development to ‘respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design.’ Policy CP4 of the Core Strategy states “development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.’
- 6.6 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 6.7 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City’s heritage assets including conservation areas.
- 6.8 The site is within the Milton Conservation Area Article 4 Direction Area. This requires that planning permission is submitted for alterations to any windows fronting the highway to ensure that the historic character of the windows and the front elevations of the properties in the conservation area is maintained. Regardless of the Article 4 Direction, this site does not benefit from permitted development rights that would allow the alteration of windows and doors without planning permission.
- 6.9 The finely detailed first floor timber sash windows at the property, which were a key part of its historic character, have been removed and replaced with standard UPVC casement windows and this has caused harm to the character of the existing historic building and the wider conservation area. The UPVC window and door to the west side elevation of the building are visible from the public highway. They detract from the character of the building and exacerbate the identified harm to the conservation area. Whilst this harm is less than substantial it is nevertheless significant in degree and not outweighed by any public benefits. The replacement replica timber sash windows specifically proposed and taken into account in the respective assessments for the developments subsequently approved under applications 21/01204/FUL and 22/00584/FUL have not been installed and the harm to the conservation area persists. This is contrary to national and local policy and therefore unacceptable.
- 6.10 The development, by reason of the detailed design and materials of the replacement windows and door, has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene and the wider area including the conservation area. Whilst this harm is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the National Design Guide (2021) the Southend-on-Sea Design and Townscape Guide (2009) and the Milton Conservation Area Appraisal (2022).

Enforcement Action

- 6.11 Given the harm identified above, it is reasonable, expedient and in the public interest to

pursue enforcement action in the circumstances of this case. Enforcement action in this case will reasonably aim to secure the removal of the unauthorised front and side windows and side door in their entirety and remove from the site all materials resulting from compliance with the removal of the windows. No lesser steps that could remedy the identified breach or associated harm have been identified.

- 6.12 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised uPVC windows and door. This period is considered appropriate taking into account that the design of windows and doors to match those removed or those existing on site was previously agreed under application reference 22/00584/FUL and also considering the time needed to manufacture timber windows and doors to comply with the approved design.
- 6.13 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 6.14 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

7 Equality and Diversity Issues

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

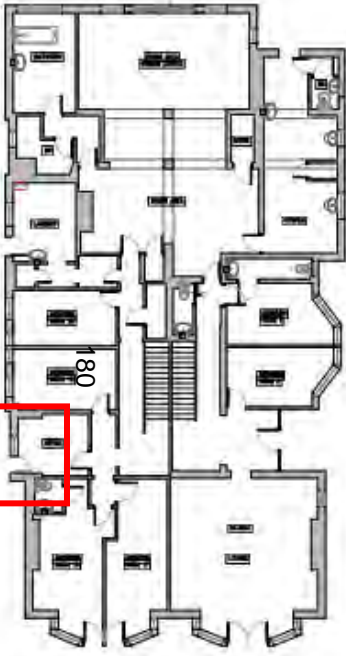
8 Recommendation

- 8.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to:**
- a) Remove from the site the front and side UPVC windows and door in their entirety, and**
 - b) Remove from site all materials resulting from compliance with a) above.**
- 8.2 **The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance six (6) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.**

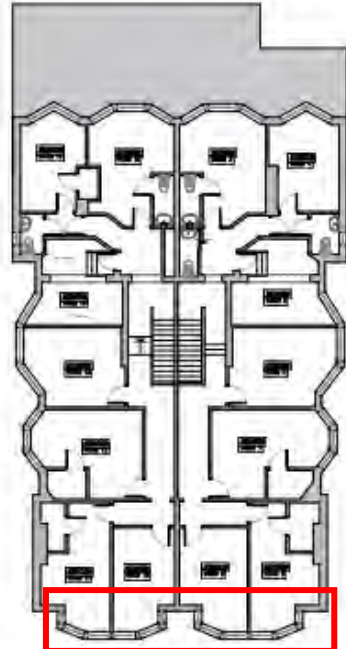
This page is intentionally left blank

Beaufort Lodge

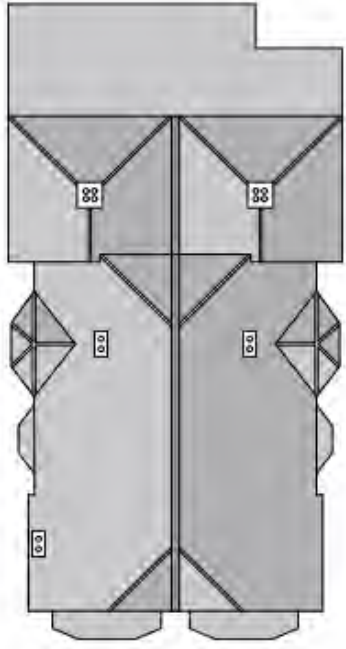
Locations of Unauthorised UPVC Windows and Door



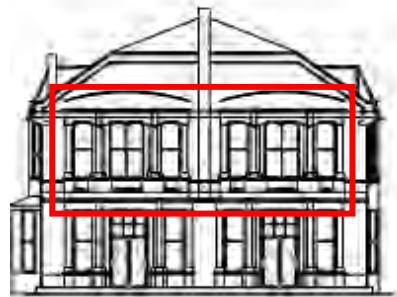
GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN



FRONT ELEVATION



REAR ELEVATION



EAST ELEVATION



WEST ELEVATION

Photos of UPVC Windows and Door



Photos of Previous Windows

