

Public Document Pack  
SOUTHEND-ON-SEA CITY COUNCIL

**Development Control Committee**

**Date: Wednesday, 18th October, 2023**

**Time: 2.00 pm**

**Place: Committee Room 1 - Civic Suite**

**Contact: Tim Row - Principal Democratic Services Officer  
email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)**

**A G E N D A**

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the meeting held on Wednesday, 13th September 2023  
(Pages 3 - 14)**
- 4 Supplementary Report**  
The supplementary report by the Executive Director (Environment and Place) will provide additional information (if any) on the items referred to on the Agenda and will be available on the morning of the meeting.
- \*\*\*\* Contents List & Introduction**
- 5 23/01216/BC4 - Cliffs Pavilion Station Road, Westcliff on Sea (Milton Ward) (Pages 21 - 82)**
- 6 23/00946/FUL - Day Nursery, 43 Imperial Avenue, Westcliff-on-Sea (Chalkwell Ward) (Pages 83 - 124)**
- 7 23/00751/FUL - Brambles Care Home, 22 Cliff Road, Leigh-on-Sea (Chalkwell Ward) (Pages 125 - 146)**
- 8 23/01226/FULH - 131 Beach Avenue, Leigh-on-Sea (Chalkwell Ward) (Pages 147 - 162)**

**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

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## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 13th September, 2023**

**Place: Committee Room 1 - Civic Suite**

# 3

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

**In Attendance:** Councillor H Boyd  
R Tinlin, P Keyes, A Brown, S Mouratidis, O Hart, M Warren and  
T Row

**Start/End Time:** 2.00 pm - 3.20 pm

#### **39 Apologies for Absence**

Apologies for absence were received from Councillor Walker (no substitute).

#### **40 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Buckley – Minute No. 44 (23/00826/AMDT – Memory House, 6-9 Marine Parade, Leigh on Sea) – Husband is a Leigh Town Councillor which is mentioned in the report; and

(ii) Councillor Mulroney – Minute No. 44 (23/00826/AMDT – Memory House, 6-9 Marine Parade, Leigh on Sea) and 45 (Application Ref. no. 23/01191/FUL – 995-1003 London Road, Leigh on Sea) – Non-planning Member of Leigh Town Council.

#### **41 Minutes of the Meeting held on Wednesday, 2nd August 2023**

Resolved:-

That the Minutes of the meeting held on Wednesday, 2<sup>nd</sup> August 2023 be received, confirmed as a correct record and signed.

#### **42 Minutes of the Meeting held on Wednesday, 30th August, 2023**

Resolved:-

That the Minutes of the meeting held on Wednesday, 30<sup>th</sup> August 2023 be received, confirmed as a correct record and signed.

**43 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.

**44 23/00826/AMDT - Memory House, 6 - 9 Marine Parade, Leigh on Sea (West Leigh Ward)**

**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**

**Applicant: Mr Tom Sanders**

**Agent: Mr Stewart Rowe of The Planning and Design Bureau Ltd.**

Resolved:-

That planning permission be GRANTED 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 (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).

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).

20 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).

21 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).

22 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](http://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.

**45 23/01191/FUL - 995 - 1003 London Road, Leigh-on-Sea (Blenheim Park Ward)**

**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)**

**Applicant: Mr Schofield**

**Agent: Mr Karl Smith of SKArchitects**

Mr. Mylroie, a local resident, spoke as an objector to the application. Mr Smith, the applicant's agent responded.

Resolved:-

That planning permission be REFUSED for the following reasons:

01 The proposed development, by reason of its proposed occupancy and failure to provide any private amenity space for two of the proposed units would result in substandard living conditions for future occupiers and a generally cramped overdevelopment of the site. This harm is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of Development Management Document (2015) as amended by the Technical Housing Standards - Policy Transition Statement (2015).

02 The proposed development would, by reason of the scale, 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 is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**46 23/00069/UNAU\_B - 419a Fairfax Drive, Westcliff-on-Sea (Westborough Ward)**

**Breach of Planning Control: Erection of a framed structure**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site of the framed structure in its entirety;

AND

(b) the removal from site of all materials resulting from compliance with (a) 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.

**47 20/00265/BRCN\_B - 103 Hamlet Court Road, Westcliff-on-Sea (Milton Ward)**  
**Breach of Planning Control: Unauthorised roller shutters and box housings**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site of the two shutters and associated shutter box housings from the frontage of the building, and

(b) the removal from site of all materials resulting from compliance with (a) 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 for the removal of the two shutters and associated shutter box housings.

**48 19/00290/UNAU\_B - Beaufort Lodge, 10 - 12 St Vincent's Road, Westcliff-on-Sea (Milton Ward)**  
**Breach of Planning Control: UPVC Windows installed in the Milton Conservation Area**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site of the front and side UPVC windows and door in their entirety, and

(b) the removal from site of all materials resulting from compliance with (a) above.

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.

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



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**DEVELOPMENT CONTROL COMMITTEE**

**18<sup>th</sup> October 2023**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
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<b>Main Plans Report</b>		
Milton	23/01216/BC4	Cliffs Pavilion Station Road Westcliff on Sea
Chalkwell	23/00946/FUL	Day Nursery, 43 Imperial Avenue, Westcliff-on-Sea
Chalkwell	23/00751/FUL	Brambles Care Home, 22 Cliff Road, Leigh-on-Sea
Chalkwell	23/01226/FULH	131 Beach Avenue, Leigh-on-Sea

## DEVELOPMENT CONTROL COMMITTEE



## DEVELOPMENT CONTROL COMMITTEE

### INTRODUCTION

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

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

## DEVELOPMENT CONTROL COMMITTEE

### **Background Papers**

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

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

## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

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

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

### Deleted Use Classes

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

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

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<b>Reference:</b>	23/01216/BC4	<h1>5</h1>
<b>Application Type:</b>	Borough Council Regulation 4	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Erect two storey extension and layout new external landscaped area to east elevation, layout new cycle stores in the undercroft area and alter elevations and amend on street parking layout to increase parking capacity at Westcliff Parade	
<b>Address:</b>	Cliffs Pavilion Station Road Westcliff-on-Sea Essex SS0 7RA	
<b>Applicant:</b>	Mr Mark Murphy of Southend City Council	
<b>Agent:</b>	Mr Peter Reime of AL3D	
<b>Consultation Expiry:</b>	28.09.2023	
<b>Expiry Date:</b>	20.10.2023	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>CLIF-AL3-ZZ-00-DR-M-010001 Rev T02</b> <b>CLIF-AL3-ZZ-00-DR-A-010003 Rev T02</b> <b>CLIF-AL3-ZZ-00-DR-A-020002 Rev T02</b> <b>CLIF-AL3-ZZ-01-DR-A-010004 Rev P01</b> <b>CLIF-AL3-ZZ-01-DR-A-020003 Rev P01</b> <b>CLIF-AL3-ZZ-B1-DR-A-010002 Rev T02</b> <b>CLIF-AL3-ZZ-B1-DR-A-020001 Rev T02</b> <b>CLIF-AL3-ZZ-RF-DR-A-010005 Rev P01</b> <b>CLIF-AL3-ZZ-RF-DR-A-020004 Rev P01</b> <b>CLIF-AL3-ZZ-ZZ-DR-A-090001 Rev P01</b> <b>CLIF-AL3-ZZ-ZZ-DR-A-090002 Rev P01</b> <b>CLIF-AL3-V2-00-DR-A-030008</b> <b>CLIF-AL3-ZZ-ZZ-DR-A-050003 Rev T02</b> <b>CLIF-AL3-ZZ-ZZ-DR-A-050004 Rev T02</b> <b>CLIF-AL3-ZZ-ZZ-DR-A-050005 Rev T02</b> <b>CLIF-AL3-ZZ-ZZ-DR-A-050006 Rev T02</b>	

	<b>CLIF-AL3-ZZ-00-DR-A-020002 Rev T02</b>
<b>Additional information:</b>	<p><b>Design and Access Statement Rev A dated 11.09.23</b></p> <p><b>Transport Statement by Glanville reference 001_4200507_DK Issue 3 dated 18.07.23</b></p> <p><b>External Plant Noise Assessment by RSK Acoustics reference 2061935-RSKA-RP-001-(02) Rev 02 dated 17.7.23</b></p> <p><b>Construction Management and Construction Traffic Management Plan Rev 3 dated 11.07.22</b></p> <p><b>Cliffs Pavilion Waste Management Plan dated 12.07.23</b></p> <p><b>CLIF-AL3-V2-00-DR-A-030011 Rev T02 (Ground Floor External Hard Landscaping Design)</b></p> <p><b>CLIF-REL-V1-RF-DR-M-000001 Rev P01 (Roof Plant Layout)</b></p> <p><b>CLIF-REL-V2-XX-DR-E-00312 Rev P01 (External Lighting Layout)</b></p> <p><b>Kingfisher Lighting Ecorays Datasheet</b></p> <p><b>Ground Floor Drainage Plan CLIF-GC-V1-BR-C-1202 Rev T2</b></p> <p><b>Drainage Maintenance Plan</b></p> <p><b>Email from agent dated 15.9.23 regarding drainage queries</b></p> <p><b>Fire Safety Letter by Osborn Associates dated 20.07.23</b></p>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **1 Site and Surroundings**

- 1.1 The Cliffs Pavilion is the City's main theatre. It dates from the 1960s and was extended on the south side in the late 1990s. It is a large building which sits on the top of the clifftop at Westcliff at the western end of the cliff gardens. It has a commanding and prominent position on the clifftop facing the estuary and is a local physical and cultural landmark.
- 1.2 To the south and south-east the building is wrapped by the cliff gardens. To the north-east side is a sunken paved terrace with water feature adjacent to the main entrance. This is the site of the proposed extension. This side of the building is enclosed by the building's service road, which provides disabled peoples' and drop off parking, and Station Road and Westcliff Parade beyond. The properties opposite to the north and north-east are residential and fall within the Shorefields Conservation Area. To the west is another residential street San Remo Parade, which is outside the conservation area boundary. There are a few commercial uses in the vicinity of the site, mainly small restaurants to the west and south on Western Esplanade at the bottom of the cliff.
- 1.3 There are 65 off street spaces on the site under and to the south of the building and on the service road including 7 disabled peoples' parking bays and several drop off bays opposite the entrance. The site is also close to two large public car parks in Shorefield Road and Western Esplanade. The surrounding roads also have on street parking but most on street spaces in the surrounding streets are covered by a residents parking scheme.
- 1.4 The site falls within the Central Seafront Policy Area as defined by the Southend Central Area Action Plan (SCAAP). The clifftop gardens to the east are designated as protected green space but this designation does not cover the sunken terrace site or theatre. The building is recognised as a landmark under SCAAP Policy DS3. The site fronts onto the Seafront Landmark Area Key View as defined by SCAAP Policy DS2. The site is within the setting of Shorefields Conservation Area.

## **2 The Proposal**

- 2.1 The proposal seeks planning permission to:
  - Erect a two storey extension with feature canopy and roof top plant enclosure to the east side of the building to form a new main entrance.
  - Improve the internal layout of the building including the foyer, circulation space and hospitality areas within the building and provide new additional WCs and baby changing facilities.
  - Improve access to and within the building including a new internal lift, accessible bar heights and step free access.
  - Alter the existing elevations including the painting of the lower-level brickwork on the north elevation and new feature signage.
  - Re-landscape the external area to the east of the building to form a new public plaza including new paving, planting, lighting and art.
  - Additional cycle stores in the undercroft area comprising 6 secure staff cycling stores and 8 visitor spaces.
  - Amend parking including below the building (no change in overall number of spaces on the Cliffs Pavilion site) and in Westcliff Parade to increase parking capacity on street by 8 spaces.
- 2.2 The proposed extension would have the same length but be up to 8m wider than the existing entrance and foyer arrangement. The proposed height is a maximum of 8.5m (10m including roof top plant enclosure). Overall, the gross internal area of the building



will change from 5925 sqm to 6249 sqm, a net increase of 324 sqm over 2 floors. The existing restaurant is proposed to increase in capacity from 100 covers to 158 covers to the existing bars and restaurant as set out in the following table:

<b>Area</b>	<b>New Occupancy levels</b>	<b>Existing Occupancy levels</b>	<b>Difference</b>
Existing Main Ground floor Café Bar		88 covers plus standing	
Proposed Main Ground floor Café Bar	84 covers plus standing		Minus 4
Existing Foyer Bar		44 covers plus standing	
Proposed Foyer Bar	68 covers plus standing		Plus 24
Existing First floor restaurant		Approx 100 covers	
Proposed first floor restaurant	146 covers plus standing		Plus 46
Existing First floor mezzanine area		68 covers	
Proposed first floor mezzanine area	80 covers		Plus 12
Existing first floor terrace area to first floor restaurant		Approx 20	
Proposed first floor terrace area to first floor restaurant	0 covers		Minus 20
Note there are no changes to the Lower ground floor areas	N/A	N/A	
<b>Existing layout total occupancy to the areas stated above</b>		320 covers plus standing	
<b>Proposed layout total occupancy to the areas stated above</b>	378 covers plus standing		
			<b>58 covers increase</b>

2.3 In support of these alterations the Design and Access Statement comments:

*'This increase in area adds much needed space for the 2200+ attendees of a show to move around safely, particularly in a post covid environment, with space to queue without blocking circulation, better access to WCs and a more open, welcoming environment to visit. The improved access to the first floor areas and the new internal signage and layout will make navigation through the space clearer and easier for all visitors. The enlarged first floor restaurant and bar adds more capacity for an improved pre-show dining experience and the bar element will encourage guests to stay after the show for longer, thereby reducing the post-show surge volumes which can have an impact on local traffic and noise. Overall, WC capacity will be increased, particularly female WCs on all levels, as well as offering more accessible WC facilities and a new, Changing Place facility as part of the access strategy enhancements.'*

### **3 Relevant Planning History**

3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

**Table 1: Relevant Planning History of the Application Site**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
21/01314/BC4	Erect single storey side and front extension to form 200 cover restaurant, new entrances and circulation lobby, erect lower ground side extensions, internal alterations including infilling of existing balcony, install canopies to front and side, alter elevations, install AHU plant to roof and digital advertisement displays, install new refuse store and cycle parking and amend on street parking layout to increase parking capacity at Westcliff Parade.	Granted. Not implemented but still extant (approved on 5 <sup>th</sup> November 2021)
17/01560/BC3	Render building.	Granted
15/01152/BC3	Install replacement windows to ground floor foyer and first floor pavilion restaurant.	Granted
12/00579/BC4	Erect illuminated Menorah annually during the festival of Chanukah.	Granted
09/00008/BC3	Alter northwest elevation to allow existing lifting equipment to be raised to 9.3 metres high (part retrospective).	Granted
07/01805/FUL	Install window to south elevation.	Granted
03/00625/BC4	Form new opening and install doors and lifting equipment to northwest elevation.	Granted

## **4 Representation Summary**

### **Public Consultation**

- 4.1 One hundred (100) neighbouring properties were notified of the application by letter, a site notice was displayed, and a press notice published. 1 letter of representation has been received supporting the application.

### **Highways**

- 4.2 No objections. The applicant has provided a detailed and robust Transport Statement in support of the application. The applicant has provided 2 traffic modelling scenarios. 1. Modelling demonstrates just the hospitality in use which shows that parking within the area which includes local car parks and seafront is available. 2. Modelling demonstrates with both hospitality and the theatre in use parking is still available within local car parks and the seafront. It is considered that the increased size of the hospitality provision at the site will not have a detrimental impact on the surrounding highway network.

The applicant is providing a highway contribution of £7,500 towards the amendment of the on-street parking layout in Westcliff Parade which would introduce Echelon Parking replacing parallel parking in this location which would increase parking number on street by 8 spaces.

### **Environmental Health**

- 4.3 No objections provided the noise mitigation measures set out in the submitted noise report are implemented and the use of the outside area for hospitality is not extended beyond what is already allowed for the existing bar area. The proposed external lighting is appropriate for the location. The Construction Management Plan is also acceptable. Conditions are recommended in relation to waste management arrangements and

timings of deliveries and collections.

#### **Lead Local Flood Authority (LLFA)**

- 4.4 No objections subject to a condition requiring full drainage details to be agreed.

#### **Essex Fire Service**

- 4.5 No objections.

#### **Theatres Trust**

- 4.6 No objections. The Cliffs Pavilion is an important regional theatre. This proposal will further expand and enhance the venue's front of house provision, improve orientation and accessibility and encourage longer stays at the venue enhancing the potential for income generation to help sustain the venue and its cultural offer for the city. It allows for operational benefits too, because the removal of the large ticket office enables a new back of house corridor providing better access between front and back of house. Overall, the scheme is supported.

#### **London Southend Airport**

- 4.7 No objections.

#### **Milton Conservation Society**

- 4.8 Milton Conservation Society support this application, in particular the amended design and the retention of a flexible open space as part of the proposal.

### **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007) Policies KP1(Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.4 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment) and DM15 (Sustainable Transport Management)
- 5.5 Southend Central Area Action Plan (SCAAP) (2018) Policies CS1 Central Seafront Policy Area Development Principles), DS2 (Key Views) and DS3 (Landmarks and Landmark Buildings)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 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 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## 5.10 Shorefields Conservation Area Appraisal (2021)

## 6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of the development, impact on heritage, the design and impact on the character and appearance of the area, the impact on residential amenity, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage and CIL liability. Due weight has been given to the basis of decision for the extant 2021 planning permission 21/01314/BC4 in the assessment of this current proposal.

## 7 Appraisal

### Principle of Development

7.1 Policy KP1 supports the regeneration and growth of Southend as a successful leisure and tourism destination and the Cliffs Pavilion is a key component of this offer.

7.2 Paragraph 194 of the SCAAP states “The Cliffs Pavilion on the western edge of the Central Seafront Policy Area is another major visitor destination and is an important cultural asset which should be enhanced where possible to develop further the visitor offer.”

7.3 Policy CS1, Central Seafront Area Development Principles, seeks to enhance the role of the seafront as a leisure destination and states amongst other things:

*‘1. The Council through its role in determining planning decisions and other initiatives will:*

*a. consider favourably proposals which enhance or diversify the range of arts, culture, entertainment, tourism, leisure and recreational facilities, subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and environmental designations, including protected green space;*

*c. secure high quality and sustainable redevelopment of poor quality, vacant or underused sites and buildings to improve the local townscape, including provision of active ground floor frontages to add to the vibrancy and vitality of the streetscene;*

*d. ensure that all development proposals affecting all designated and non-designated heritage assets, including Conservation Areas, listed and locally listed buildings, conserve and enhance these buildings and their settings in line with Policy DM5 of the Development Management Document;*

*h. seek to conserve existing landmarks and landmark buildings and ensure new development respects views to and from them, their setting and character, in line with Policy DS2: Key Views and Policy DS3: Landmarks and Landmark Buildings.*

*3. The Council will promote the following access and public realm improvements a. emphasise landmarks and landmark buildings (Policy DS3), orientation points, views and vistas, and improve accessibility between the seafront and town centre;*

*j. upgrade the Cliffs Pavilion outdoor space and improve its connection to the Cliffs;*

7.4 In relation to the protection of the City landmark buildings which includes the Cliffs Pavilion, Policy DS3 states:

*‘The Council, through its role in determining planning applications, master planning, and*

*other initiatives, will seek to conserve landmarks and landmark buildings as identified in Table 2 and Appendix 3 from adverse impact by:*

- a. encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting;*
- b. resisting adverse impacts of new development by virtue of excessive height, massing or bulk;*
- c. ensuring development proposals respect views, setting and character.'*

- 7.5 The above policies strongly support proposals which enhance the arts, culture, entertainment, tourism, and leisure and recreation facilities particularly within this Policy Area. The proposal will improve the visitor facilities at the Cliffs Pavilion and is therefore fully in line with policy in this regard.
- 7.6 The proposal includes the remodelling of the outside plaza area to make it more user friendly and therefore specifically meets the aims of Policy CS1 3j above.
- 7.7 The proposal will not materially impact on longer views of the Cliffs Pavilion or diminish its status as a local landmark. Indeed, the proposal aims to refresh parts of the new entrance extension works. The proposal is therefore compliant with Policy DS3.
- 7.8 The principle of this development is therefore supported subject to the detailed considerations set out below.

### **Design and Impact on the Character of the Area including the adjacent Shorefields Conservation Area**

- 7.9 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 defines conservation areas as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. In determining this application, the Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring special attention to be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.10 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.
- 7.11 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. Policy DM5 of the Development Management Document seeks to protect the special character of the City's Conservation Areas.
- 7.12 The existing building is a well-known local landmark in a prominent location on the cliffs. It dates from the mid C20 and has some attractive modernist design features including the zig zag roof profile to the auditorium and the distinctive butterfly (i.e. V-shaped) roof to the fly tower and decorative mosaic tiling. A glazed extension was added to the south elevation in the 1990s which has given the building a more active frontage facing the estuary and has contributed positively to its character. There are, however, some elements of the building which are constrained and get very congested during busy

times, are tired in appearance or have been altered with poor detailing and materials which detract from the character and the useability of the building. These include the current entrance which is long and narrow and creates a bottle neck during busy times and which lacks legibility in the streetscene, the constrained foyer and the detailing of the 2 storey projection to the east side which in the past was reclad in UPVC. These aspects are considered to have a negative impact on the building's character and the setting of the adjacent Shorefields Conservation Area.

- 7.13 To the east side of the building is a large hardsurfaced open space which sits above the lower ground level of the building and has a large sunken section and water feature. Whilst this provides some enclosure to the space it means that the area looks inwards and does not make the best use of its south-easterly position overlooking the estuary. The space has some small areas of planting and a few benches but has a rather dated appearance and is often devoid of activity. In its present form this area does not make a positive contribution to the setting of the building, the cliffs or adjacent conservation area and is specifically identified in the SCAAP as being a location in need of a new/improved open space.
- 7.14 The primary focus of the proposal is to provide a new, more-useable entrance for the theatre which improves both the internal and external circulation space making it more legible and accessible and to provide a focal point for the east elevation of the building. The design achieves this by remodelling the restaurant projection at the south-east corner by infilling the curved section at first floor to reference the adjacent 1990s extension and by extending the lines of this round until it meets the northern building line. Double doors and a double internal space will provide a more fitting arrival space for this scale of public building and a feature rain canopy will link this to the drop off point in the service road. The exterior of the building will be detailed in white aluminium curtain glazing with brise soleil detailing and white render to match the 1990s extension giving the building a more recognisable and cohesive character to the more public sides of the building and a visible feature entrance to the street. To ensure that it integrates with the 1960s building the proposal includes new feature signage across both elements and a continuation of the white colour palette into the lower section of the northern elevation and a fly tower roof helping to tie the two elements of the building together.
- 7.15 In addition to the improved entrance and foyer space the extension includes dedicated concessions and merchandising areas, remodelling and modest enlargement of the ground floor foyer bar and first floor restaurant, additional toilet and back of house/ancillary facilities and a second internal customer lift. The new plant for the relocated restaurant kitchen will be located on the roof within an acoustic enclosure set back from the front to minimise its impact.
- 7.16 The remodelled plaza to the east side of the building will be marginally smaller than the existing arrangement but will be raised and relandscaped to take advantage of the estuary aspect and make the area more useable and attractive generally. This includes new paving, planting to the street boundary, lighting and focal points provided by the relocated statue and seasonal installation of the Menorah light feature. The plaza will be further animated by outside seating for the foyer bar during fine weather and the new planter to the northern boundary will provide a buffer to the conservation area and road.
- 7.17 Overall, it is considered that the design is well scaled and well detailed and will give the theatre a more cohesive and distinct character as well as an improved customer experience. The extension and associated landscaping will also enhance the streetscenes of Station Road and Westcliff Parade and the setting of the adjacent Shorefields Conservation Area and will give the theatre a new lease of life, helping to safeguard its future viability which is important for the City and the wider region. The proposal is therefore considered to be acceptable and policy compliant in all design and

heritage regards subject to the agreement of materials, key details and landscaping which can be secured by conditions.

### **Amenity Impacts**

- 7.18 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.

#### *Physical Impact of the Proposed Extension*

- 7.19 The site is set on its own on the Clifftop. The proposed extension is located on the eastern side of the existing building and is two storeys only with a general height of 8.5m rising to 10m for the plant room section which is set back against the tower. The closest neighbour is on the other side of Westcliff Parade some 50m from the proposed extension. It is therefore considered that the proposal would not have any adverse impact on privacy, overlooking, outlook, sense of enclosure or daylight and sunlight for neighbouring properties.

#### *Impact on neighbours from new exterior lighting*

- 7.20 The landscaping scheme and external lighting plan proposes new lighting in the plaza comprising 4 tall street lamps around the feature artwork and low level bollard lighting on the perimeter of the space. Feature LED lighting is also proposed on the underside of the new canopy. New signage will also be lit and uplighting is proposed to the butterfly roof on the tower. Environmental Health comment that this lighting scheme is appropriate for the location and have raised no concerns in relation to neighbour amenity. The proposal is therefore acceptable and policy compliant in this regard.

#### *Noise and Disturbance from Customers and Associated Plant*

- 7.21 The proposal is not intended to increase the number of customers to the site, rather, its primary objective is to improve the customer experience by offering them a better experience and improved facilities so that they stay longer at the venue. The new, more-spacious entrance and larger circulation space will help to reduce the bottle neck which currently occurs at the rather narrow main entrance during show start and finish times and the additional facilities should discourage patrons from all trying to arrive/leave at the same time, reducing the noise and disturbance at peak periods. Given that the auditorium is unchanged and is often at capacity, it is considered that during the evening when the shows are playing, the level of noise and disturbance at the site will not be significantly greater than the existing situation and may in fact be lessened by the proposal.
- 7.22 Whilst the proposal is primarily to improve the visitor experience for the existing theatre customers there will be some customers who visit the venue who do not attend a show. It is most likely that these will be outside the start and finish times of the shows and is not likely to significantly increase noise and disturbance around the site subject to a condition controlling the opening hours of the terrace for outside eating and drinking. In the approved 2021 proposal for a new larger restaurant the use of the terrace was found to be acceptable provided it was restricted to between 09:00 and 22:00. A similar condition is considered appropriate in this case.

- 7.23 The remodelled restaurant kitchen will require new extraction and air handling plant. The development is required to ensure that any noise arising from this plant is at least 10dB(A) below background levels at the boundaries of the nearest noise sensitive properties. To meet this requirement, the submitted noise report recommends the installation of an acoustic louvered plant enclosure around the new air handling units on the roof of the extension. Environmental Health are satisfied that this would be acceptable in this instance subject to confirmation via post completion noise testing which can be required by condition. A condition can also control the hours of deliveries and collections for the proposed restaurant. Conditions are also proposed for hours of construction. Overall, it is considered that the proposal would have less noise potential than the previously approved 200 cover restaurant (reference 21/01314/BC4) which was found to have an acceptable impact on neighbour amenity in all relevant regards.
- 7.24 Subject to the conditions noted above, it is considered that the proposal would have an acceptable impact on the amenities of neighbours and the proposal is acceptable and policy compliant in this regard.

### **Traffic and Transportation Issues**

- 7.25 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.'*
- 7.26 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 uses.
- 7.27 Policy DM15 expresses non-residential parking standards as a maximum, which in this location, is a maximum of 1 space per 5 seats for theatres and a maximum of 1 space per 6sqm for new restaurants in the central area.
- 7.28 The capacity of the theatre is not changing. The net increase in internal space is 324 sqm most of which is proposed within the new foyer area. The increase in the footprint of the building is 165sqm but around half of the extension will be improved circulation space and ancillary uses. The net increase in restaurant and bar areas is 87sqm. This would equate to a maximum increase in parking requirements of up to 15 spaces.
- 7.29 A Transport Assessment has been submitted with the application. This concludes:
- *'The existing restaurant has 100 covers and it is proposed to increase the size to 150 covers (129 within the bar/restaurant and 21 within a new foyer bar), a net increase of up to 50 covers. A new ground floor lobby bar will also be provided.*
  - *The site is within walking distance of existing bus stops and three mainline railway stations. There is on-site parking and off-site public pay and display car parks within a short walk of the site.*
  - *The restaurant will typically be used for pre-show meals and consequently, the diners will already be travelling to the theatre but will be removed from the theatre's peak arrival time. Consequently, the impact of the additional covers will be negligible.*
  - *If the restaurant becomes a destination restaurant, the total trip generation would be significantly less than when the theatre is in operation. The trips would also be spread over a greater time period, whilst a large number of vehicles would already be on the*



*highway network. It is therefore considered that the impact associated with a destination restaurant would be small.*

- *The trip generation indicates that the existing parking provision would be acceptable for both the pre-show meals and if the restaurant becomes a destination establishment.'*

- 7.30 The existing site has 65 off street car parking spaces, 49 to the south west corner of the site partly under the building and 16 on the service road to the north. There is no capacity to increase on site car parking or in the service road however the site is well served by public car parking including two large public car parks at Shorefield Road (capacity 126 spaces) and Western Esplanade (capacity 494 spaces). The site is also within walking distance of Westcliff and Southend's 2 railway stations and close to bus routes.
- 7.31 The Transport Statement also makes a commitment to work with the Council to improve the off street parking on Westcliff Parade by converting it from parallel parking to echelon parking. This would involve proposed new white lining and the amendment of the Traffic Regulation Order. It is envisaged that this will create an additional 8 spaces. The details of this have yet to be finalised however this commitment can in this instance be secured by a Grampian style condition and is consistent with the same approach taken for the approved 2021 development. This approach is supported by the applicant plus the Council's Highways Officer who has confirmed that the number of residents' parking bays in this location will not be reduced.
- 7.32 The NPPF advises that developments should only be refused on highway grounds if there is an unacceptable impact on highway safety or the residual cumulative impacts are severe. No such concerns have been identified in the assessment of this proposal. The Council's Highways Officer is satisfied that, subject to the proposal providing a contribution to the Council's parking scheme in Westcliff Parade, the proposal will not have a detrimental impact on parking or traffic in the local area and the proposal is acceptable and policy compliant in this regard. Indeed, the proposal would have less parking and highways impact than the previously approved 200 cover restaurant (reference 21/01314/BC4) which was found to have an acceptable impact on traffic and transportation in all relevant regards. Therefore, subject to the conditions described above there are no objections to the proposal in these regards.

#### *Cycle Parking*

- 7.33 Policy DM15 requires that new restaurants and bars provide 1 cycle space per 100sqm for staff and 1 cycle space per 100sqm for customers. Public cycle parking is currently provided at Western Esplanade to the south and at Westcliff and Southend Victoria and Central Stations but there is no cycle parking on site for staff or customers. The increase in floor area of the building is 324 sqm. There is no change to the capacity of the theatre itself. Most of this new floorspace is circulation space and an increase in bar and restaurant covers of 58. The maximum requirement for cycle parking, assuming 300sqm of additional bar and restaurant space, which is an over estimation, would be 3 spaces for visitors and 3 spaces for staff. The submitted plans include 6 new cycle parking lockers for staff and 8 new cycle parking spaces for visitors to the site which exceeds the policy requirement and can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

#### *Refuse, Recycling and Servicing*

- 7.34 The refuse and recycling storage at the site is unchanged by these proposals. The agent has confirmed that the existing arrangements will serve the needs of the proposed development. This is acceptable in principle but given the increases in the covers of the restaurant and foyer bar it is likely that more frequent collections and servicing may be

needed. Environmental Health have therefore requested that the times of these deliveries and collections are controlled by condition so as not to cause a nuisance for neighbours. Subject to this condition the proposal is acceptable and policy compliant in this regard.

### *Construction Management Plan*

- 7.35 Given the tight nature of the site and proximity of neighbours, it is considered that a construction management plan will be required for this development. A Construction Management and Construction Traffic Management Plan has been submitted with the application which shows the phasing of the development and the location of the contractors' compound at each stage, dust control and noise mitigation measures. No objections have been raised to this plan from either Highways or Environmental Health. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to a condition requiring its full implementation.
- 7.36 Subject to the conditions described above, the proposal is therefore acceptable and policy compliant in regard to traffic and transportation issues.

### **Sustainability**

- 7.37 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."* Policy DM2 (iii) further states *"Where viable and feasible, achieving a BREEAM 'very good' rating, and move towards zero carbon by 2019 for all non-residential developments"* however this is not a policy requirement for extensions to existing buildings.
- 7.38 In relation to the sustainability of the development the submitted Design and Access Statement comments:
- 'As the project is only an extension of less than 10% of the existing floor area, utilising a lot of the existing building fabric and is reliant on existing services that fall outside of the project scope, we will not be able to provide any BREEAM certification however that does not mean we won't be aiming to improve the sustainable profile of the extension and with it the building as a whole as a result.'* To this end the proposal includes PV panels on the roof, more efficient plant, improved thermal efficiency and high levels of solar gain and daylighting.
- 7.39 These benefits are welcomed and the requirement for 10% renewable energy and water efficiency can be secured by condition. In this instance, as the proposal is an extension only which enlarges the ancillary areas of the existing 1960s building, is considered unreasonable to require a BREEAM Very Good rating to be achieved.
- 7.40 Subject to the above conditions, it is considered that the proposal is therefore acceptable and policy compliant in regard to sustainability.

### **Flooding and Drainage**

- 7.41 A drainage plan has been submitted with the application showing the new connections to the existing drainage system. The Lead Local Flood Authority (LLFA) has advised the development is shown to be within an area of surface water flood risk and full detailed information on the detailed drainage scheme will therefore need to be conditioned. The

proposal is therefore acceptable and policy compliant in this regard subject to this condition.

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

- 7.42 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 324 sqm, which may equate to a CIL charge of approximately £4,423.85(subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

### **Equality and Diversity Issues**

- 7.43 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.
- 7.44 The proposals include a new lift and new entrance and will significantly improve DDA (Disability Discrimination Act) access to the building and the internal and external circulation space. This is positive and a public benefit of the proposal which should be afforded due weight in the balance of material considerations. The proposal will not conflict with the Council's Statutory duties under the Equalities Act 2010 (as amended).

### **Conclusion**

- 7.45 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development which supports the future vitality and viability of culture and tourism in the city is supported by policy. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, setting of the adjacent Shorefields Conservation Area and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. There are associated public benefits, including improved access when considered under the provisions of the Disability Discrimination Act, which must be afforded due weight in the balancing exercise. This application is recommended for approval subject to conditions.

## **8 Recommendation**

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

**01 The development hereby permitted shall begin no later than three years of 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 CLIF-AL3-ZZ-00-DR-M-010001 Rev T02, CLIF-AL3-ZZ-00-DR-A-010003 Rev T02, CLIF-AL3-ZZ-00-DR-A-020002 Rev T02, CLIF-AL3-ZZ-01-DR-A-010004 Rev P01, CLIF-AL3-ZZ-01-DR-A-020003 Rev P01, CLIF-AL3-ZZ-B1-DR-A-010002 Rev T02, CLIF-AL3-ZZ-B1-DR-A-020001 Rev T02, CLIF-AL3-ZZ-RF-DR-A-010005 Rev P01, CLIF-AL3-ZZ-RF-DR-A-020004 Rev P01, CLIF-AL3-ZZ-ZZ-DR-A-090001 Rev P01, CLIF-AL3-ZZ-ZZ-DR-A-090002 Rev P01, CLIF-AL3-V2-00-DR-A-030008, CLIF-AL3-ZZ-ZZ-DR-A-050003 Rev T02, CLIF-AL3-ZZ-ZZ-DR-A-050004 Rev T02, CLIF-AL3-ZZ-ZZ-DR-A-050005 Rev T02, CLIF-AL3-ZZ-ZZ-DR-A-050006 Rev T02, CLIF-AL3-ZZ-00-DR-A-020002 Rev T02.**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the approved development, including walls, roof and coping, solar shading, windows and doors, entrance canopy and signage, rainwater goods, vents and plant enclosure and any amended finishes to the existing building have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in full accordance with the approved details before it is brought into first use.**

**Reason: To safeguard the visual amenities of the area including the setting of the adjacent Shorefields Conservation Area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5, Policies CS1 and DS3 of the Southend Central Area Action Plan (2018), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Shorefields Conservation Area Appraisal (2021).**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the following key features at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition:**

- i. All new signage structures to be affixed to the building including poster cases.**
- ii. Details of sun shading including integrated drainage solution and any alterations to the existing curved canopy.**
- iii. Details of parapet roof edge and roof plant enclosure.**
- iv. Details of window reveals and glazed infill panelling arrangement.**

**The development shall be carried out in full accordance with the approved details before it is brought into use. The feature entrance canopy shall be carried out in full accordance with drawing reference CLIF-AL3-V2-00-DR-A-030008 or any other details that have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

**Reason: To safeguard the visual amenities of the area including the setting of the**

adjacent Shorefields Conservation Area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5, Policies CS1 and DS3 of the Southend Central Area Action Plan (2018), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Shorefields Conservation Area Appraisal (2021).

**05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above ground floor slab level shall take place until and unless full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be carried out prior to first use of the development or in accordance with an alternative timetable, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition and the soft landscaping works within the first planting season following the first use of the development. The details submitted shall include, but not be limited to:**

- i) Any alterations to balustrading or boundaries or means of enclosure of the site.**
- ii) Hard surfacing materials, bond and extent of paving.**
- iii) Full design details of any associated structures including plinth and statue, raised planter detail, furniture including benches, and fixed outside dining furniture and bins.**
- iv) Details of all new external lighting and illumination at the site including the luminance and spread of light and the design and specification of the light fittings. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements."**
- v) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and management plan.**
- vi) Details of measures to enhance biodiversity within 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 with the Local Planning Authority under the terms of this condition.**

**Reason: To safeguard the visual amenities of the area including the setting of the adjacent Shorefields Conservation Area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5, Policies CS1 and DS3 of the Southend Central Area Action Plan (2018), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Shorefields Conservation Area Appraisal (2021).**

**06 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, agreed in writing by the Local Planning Authority and implemented in full accordance with the approved details prior to the first use of the development hereby approved. This provision shall be made for the lifetime of the development.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in**

accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

**07 Any replacement or additional sanitary facilities within the development hereby approved shall incorporate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document including water efficient sanitary fittings.**

**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).**

**08 The plaza area hereby approved shall not be used by customers for the purposes of consuming food or drink from 22:00 hours until the close of business on all days. Additionally, all doors accessing the terrace shall be closed, except temporarily for access and egress, from 22:00 to 09:00 on all days.**

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

**09 Noise and vibration from plant and equipment associated with the development hereby approved including extract ventilation 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 noise mitigation measures as detailed in report 'External Plant Noise Assessment' Report No. 2061935-RSKA-RP-001-(02) dated 17/07/2023 by RSK Acoustics (The Report) shall be implemented by competent persons. Prior to operation a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.**

**If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Planning Authority under the terms of this condition and installed and tested prior to operation.**

**The mitigation measures must be retained thereafter for the lifetime of the development.**

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

**10 No deliveries or refuse collection shall be taken at or despatched from the restaurant use hereby permitted outside the hours of 07:00 to 18:00 hours Mondays**

to Fridays and 08:00 to 13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

**11** Before the development hereby permitted is first used, a strategy to provide for 8 re-marked on-street parking spaces within Westcliff Parade, the position of which is identified on drawing No CLIF-AL3-ZZ-00-DR-A-010001 Rev T02, including the commitment to a contribution of £7,500 to the cost of these works, shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The strategy shall specify the steps and timetable for how formal consideration of the provision of this amended on street parking will be initiated and then progressed in full accordance with the required statutory highway processes operated by the Council as Local Highway Authority including consideration in principle and then, if agreed in principle, any necessary Traffic Regulation Order and its outcomes.

In the event that the statutory Highways process supports the provision of the amended on-street parking spaces these shall then be implemented in accordance with the details so approved prior to first use of the development hereby approved. The spaces shall be maintained and made available for use thereafter for the lifetime of the development.

**Reason:** A condition is required in the interests of highways management, the character of the area and safety in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4 and Development Management Document (2015) Policies DM1, DM3 and DM15 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**12** The development shall not be brought into first use unless and until the cycle storage facilities are provided in full and made available for use by the staff and customers of the development in accordance with the details shown on drawing number CLIF-AL3-ZZ-B1-DR-A-020001 Rev T02 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The cycle storage facilities shall be permanently retained as such thereafter.

**Reason:** To ensure the provision of adequate cycle parking in accordance with Policy DM15 of The Development Management Document (2015).

**13** The development hereby approved shall be carried out in full accordance with the Construction Management and Construction Traffic Management Plan Rev 3 dated 11.07.22. This Plan shall be adhered to throughout the entire construction period unless alternative construction management details have been submitted to and agreed in writing with the Local Planning Authority under the terms of this condition.

**Reason:** This condition is needed in the interests of visual amenity including the setting of the adjacent Shorefields Conservation Area and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015).

**14 Construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank or Public Holidays.**

**Reason: In order to protect the amenities surrounding occupiers and to protect the character of the area including the setting of the adjacent Shorefields Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015).**

**15 Notwithstanding the details shown on the Ground Floor Drainage Plan CLIF-GC-V1-BR-C-1202 Rev T2 and Drainage Maintenance Plan, the development hereby permitted shall not be commenced other than for demolition works unless and until a detailed design of a surface water drainage scheme and surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include, but not be limited to:**

- a. Further details to show how the development will be drained, demonstrating how this follows SuDS principles, such as why below ground storage is being used.**
- b. Calculations must be provided to show the brownfield runoff rate and 50% betterment.**
- c. Calculations be provided to demonstrate how the storage volume of 275m<sup>3</sup> has been reached, including evidence to show this has a half-drain time of less than 24 hours. All calculations must use the new climate change allowances of 45%.**
- d. An agreement in principle from Anglian Water to make a new drainage connection, including confirmation of the 2 litres per second flow rate.**
- e. Details be provided on how flood risk will be minimised during the construction phase.**
- f. New floor levels should be set at or higher than the existing building floor levels.**
- g. Details of who will maintain the drainage features and frequencies.**

**The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is brought into first use.**

**Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14.**

#### **Positive and Proactive Statement**

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



## **Informatives:**

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

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

**03 Asbestos - Prior to any alterations to the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.**

**04 The applicant is advised that Advert Consent may be required for any new signage at the site.**

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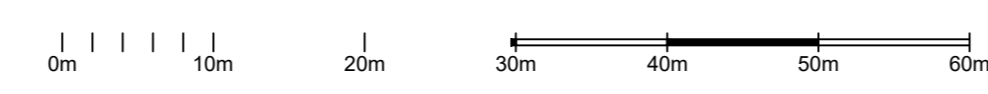
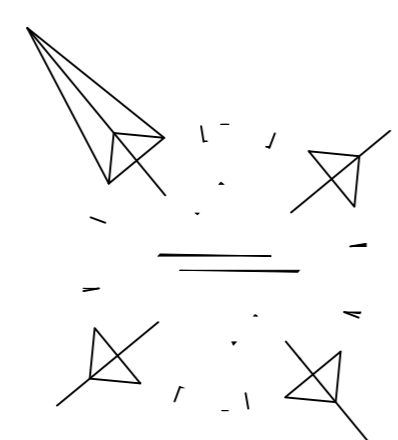


Existing Location Plan  
1:1250 at A0



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- SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- OUTLINE OF PROPOSED EXTENSION



Existing Site Plan  
1:500 at A0

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Assumptions have been made on some of the detail to existing fabric. Any discrepancies or differences to be reported back by the main contractor upon opening up.

Materials and workmanship  
Any building work to be carried out with proper materials and in a workmanlike manner in accordance with regulation 7 of the Building Regulations. The builder may show compliance with regulation 7 in a number of ways including the appropriate use of a product bearing CE marking in accordance with the Construction Products Directive (89/106/EEC) as amended by the CE Marking Directive (93/68/EEC), or a product complying with an appropriate technical specification (as defined in those Directives), a British Standard or an alternative national technical specification of any state which is a contracting party to the European Economic Area which in use is equivalent, or a product covered by a national or European certificate issued by a European Technical Approval issuing body, and the conditions of use are in accordance with the terms of the certificate.

No	Date	Revisions
T02	03/10/2023	added existing parking spaces on border road
P02	07/09/2023	added chevron parking area within site boundary
T01	03/09/2023	issued for Tender
P01	17/01/2023	issued for planning

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07786 855685

Project Name and Address  
**Cliffs Pavilion**  
Southend-On-Sea

Drawing Title  
**Existing Site & Location Plan**

Drawing No.  
**CLIF-AL3-ZZ-00-DR-A-010001**

Date drawn  
July 23

Scale  
varies@A0

Rev  
**T02**

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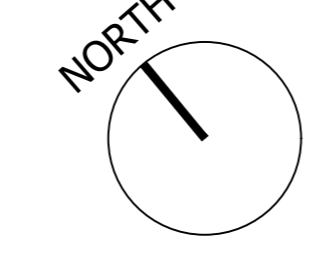


LOADING AREA

Existing Lower Ground Floor GA Plan

1:100 at A0

0m 2.5m 5m 7.5m 10m 12.5m 15m



- SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- OUTLINE OF PROPOSED EXTENSION

No.	Date	Revisions
T02	09/10/2023	added parking space numbers and missing parking spaces, adjusting viewport layout
T01	01/09/2023	issued for tender
P01	17/01/2023	issued for planning



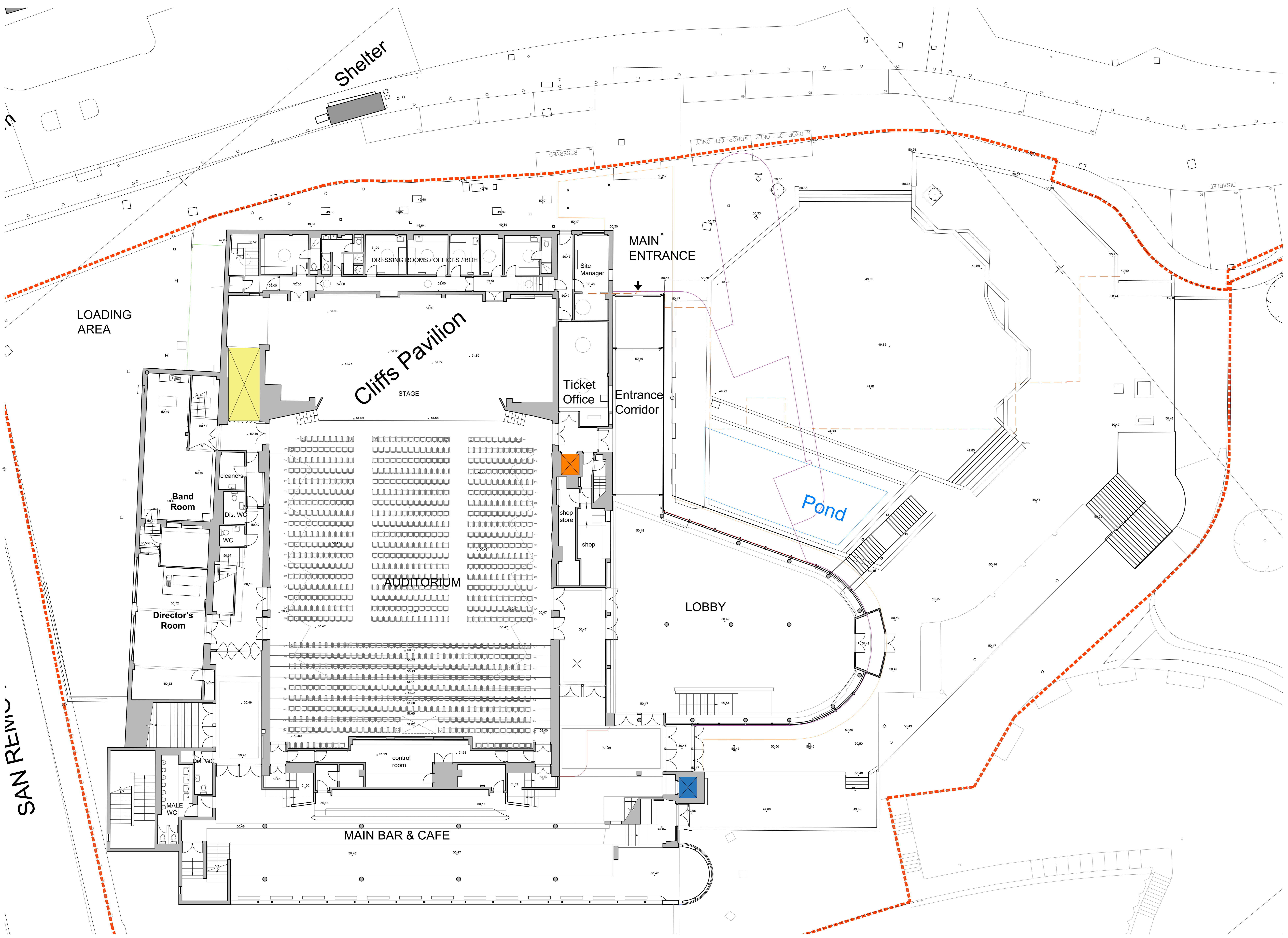
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Project Name and Address  
**Cliffs Pavilion**  
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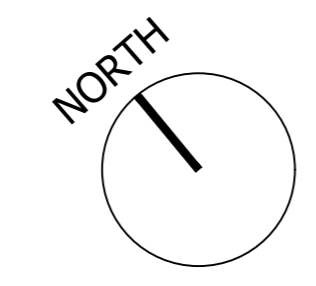
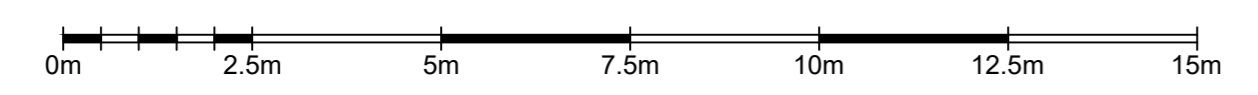
Drawing Title  
**Existing**  
 GA Plan Lower Ground Floor  
 Planning Submission

Drawing No.  
**CLIF-AL3-ZZ-B1-DR-A-010002**  
 Date drawn July 23  
 Scale 1:100@A0  
 Rev T02

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Existing Ground Floor plan  
1:100 at A0



- SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- OUTLINE OF PROPOSED EXTENSION

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No.	Date	Revisions
T02	03/10/2023	added existing parking spaces on leader road
T01	01/09/2023	issued for tender
P01	17/01/2023	issued for planning



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Project Name and Address  
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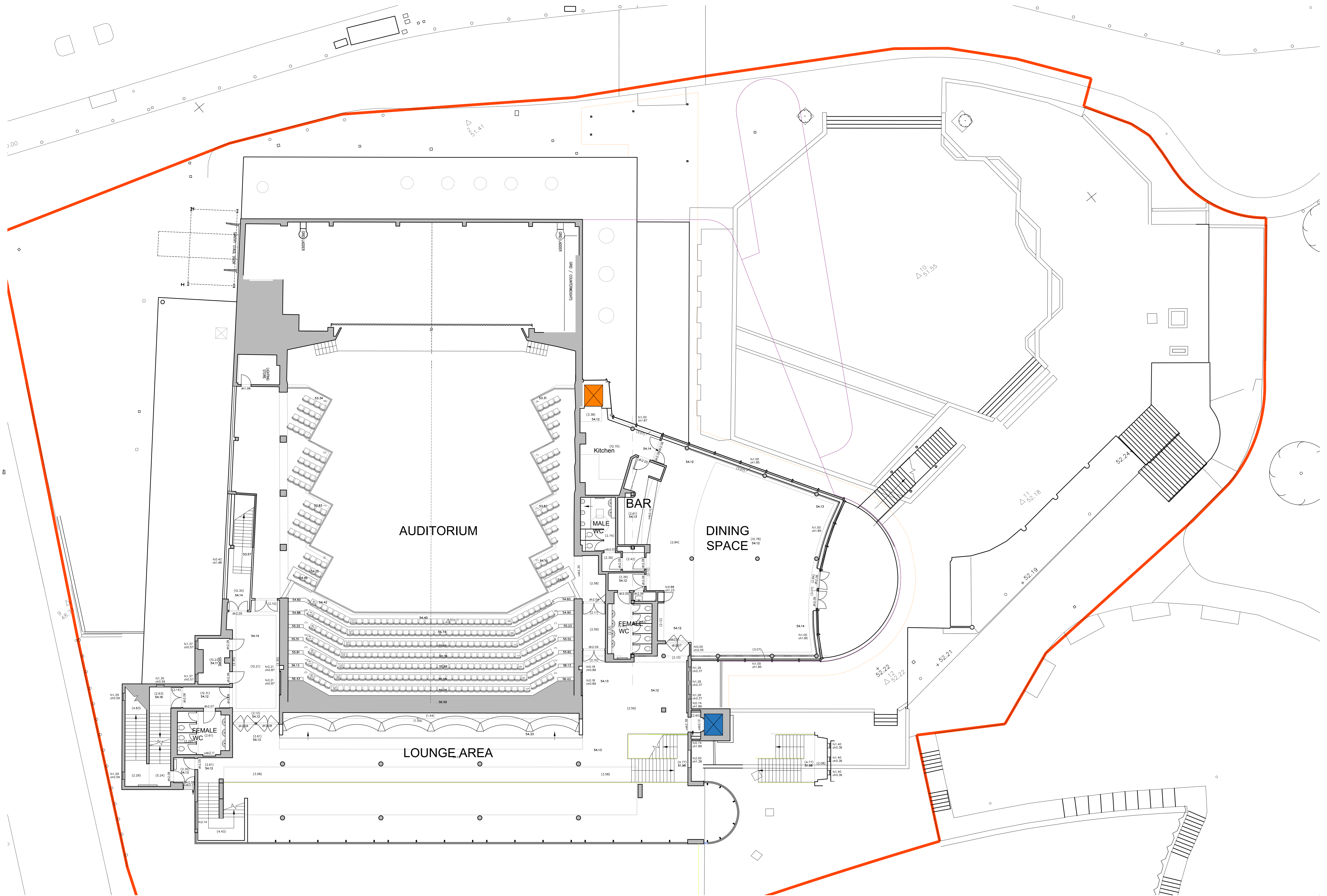
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**Existing**  
GA Plan Ground Floor  
Planning Submission

Drawing No.  
**CLIF-AL3-ZZ-00-DR-A-010003**

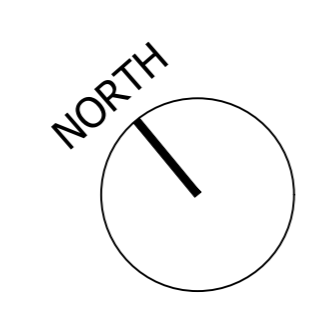
Date drawn: July 23  
Scale: 1:100@A0  
Rev: T02

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Existing First Floor GA Plan  
1:100 at A0



- SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- OUTLINE OF PROPOSED EXTENSION

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No	Date	Revisions
P01	17/07/2023	issued for planning

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Southend-On-Sea

Drawing Title  
**Existing**  
GA First Floor  
Planning Submission

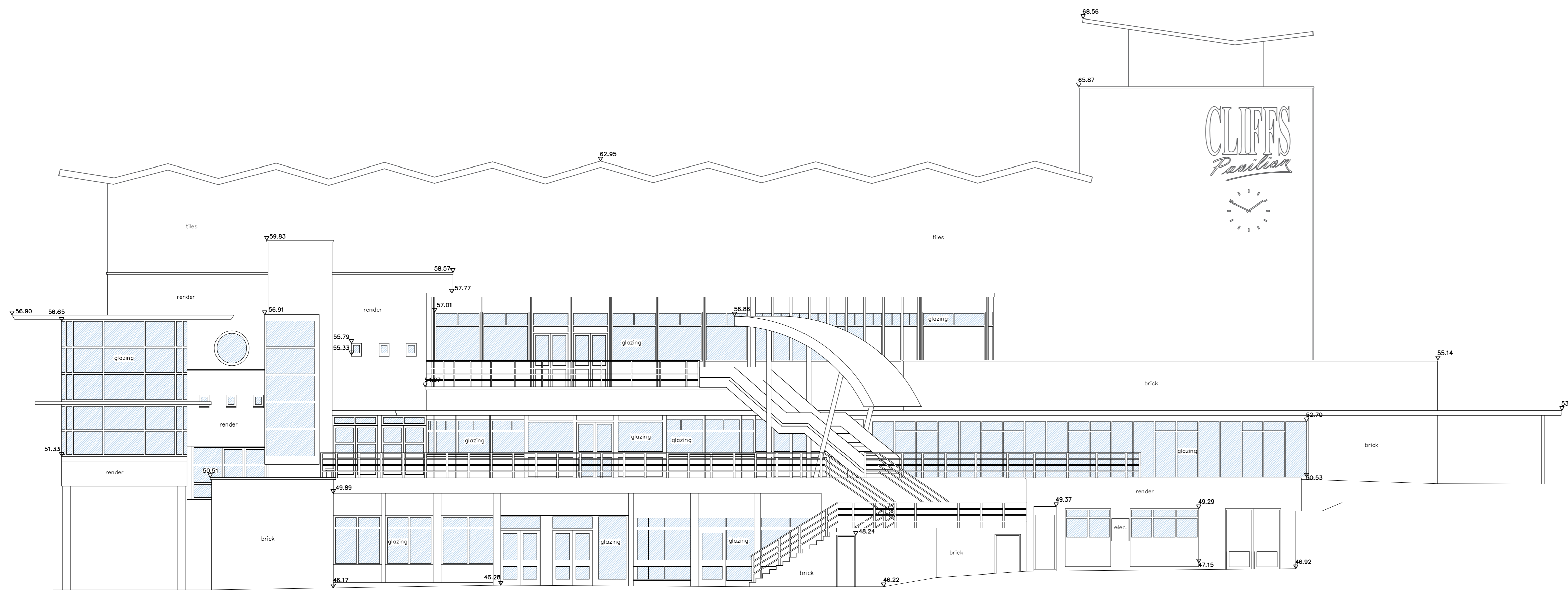
Drawing No  
**CLIF-AL3-ZZ-01-DR-A-010004**

Date drawn  
July 23

Scale  
1:100@A0

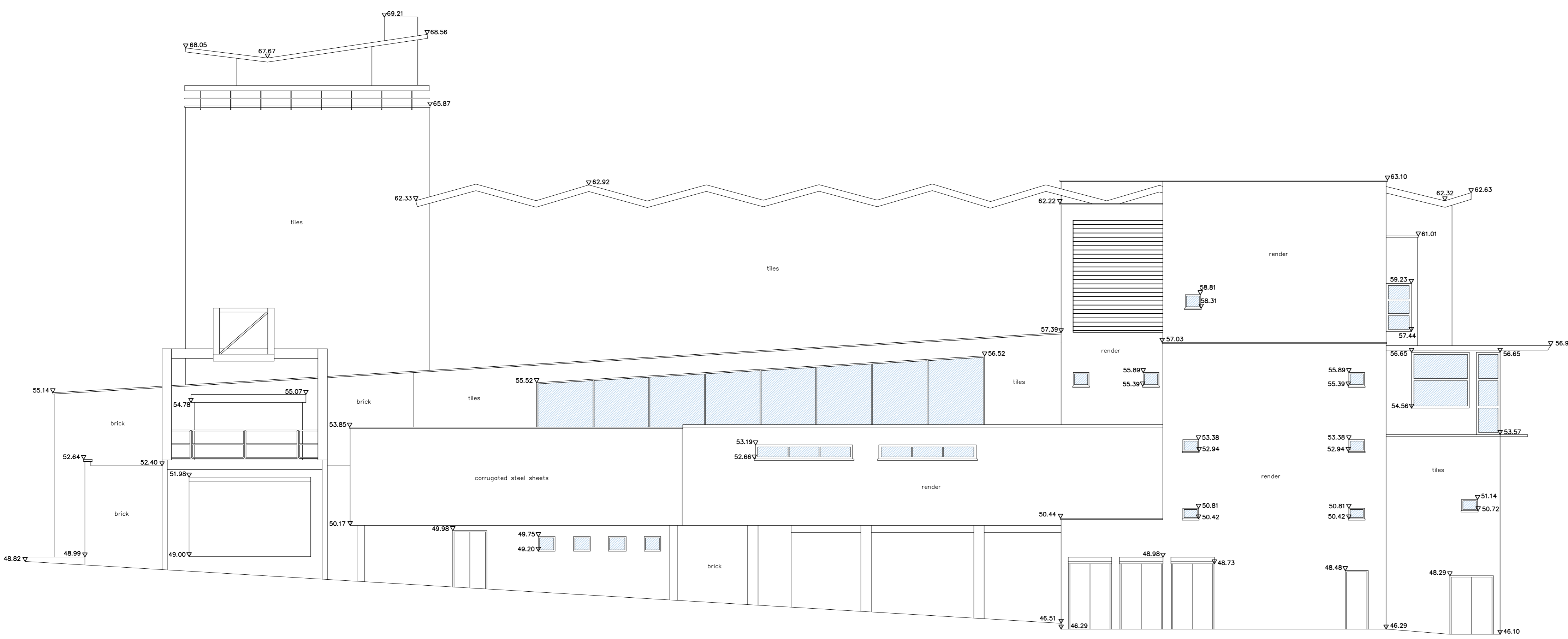
Rev  
**P01**

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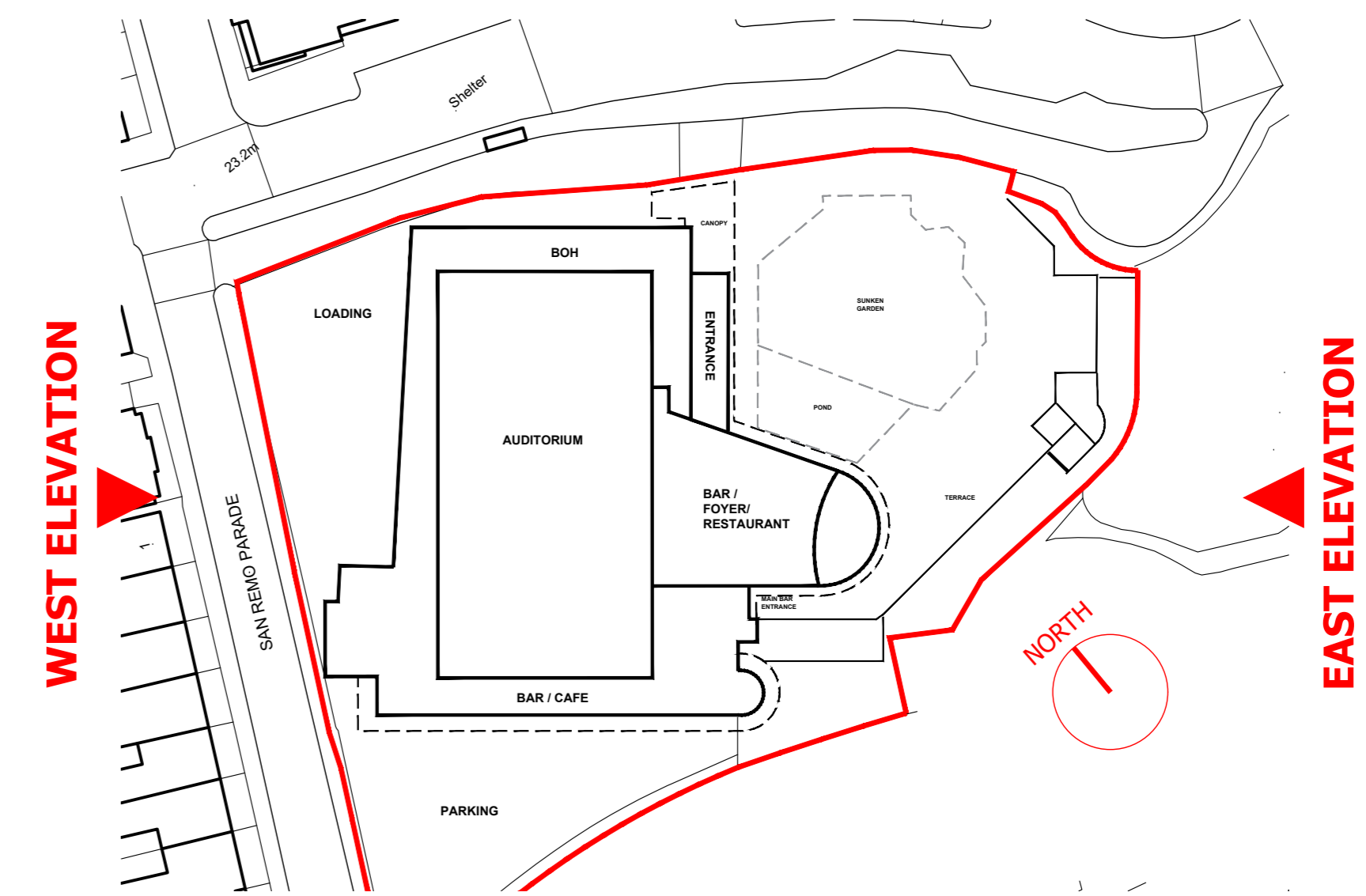
1 EXISTING EAST ELEVATION

1:100@A0 0m 2.5m 5m 7.5m 10m 12.5m 15m



2 EXISTING WEST ELEVATION

1:100@A0 0m 2.5m 5m 7.5m 10m 12.5m 15m



WEST ELEVATION

EAST ELEVATION



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No	Date	Revisions
P01	17/07/2023	issued for planning

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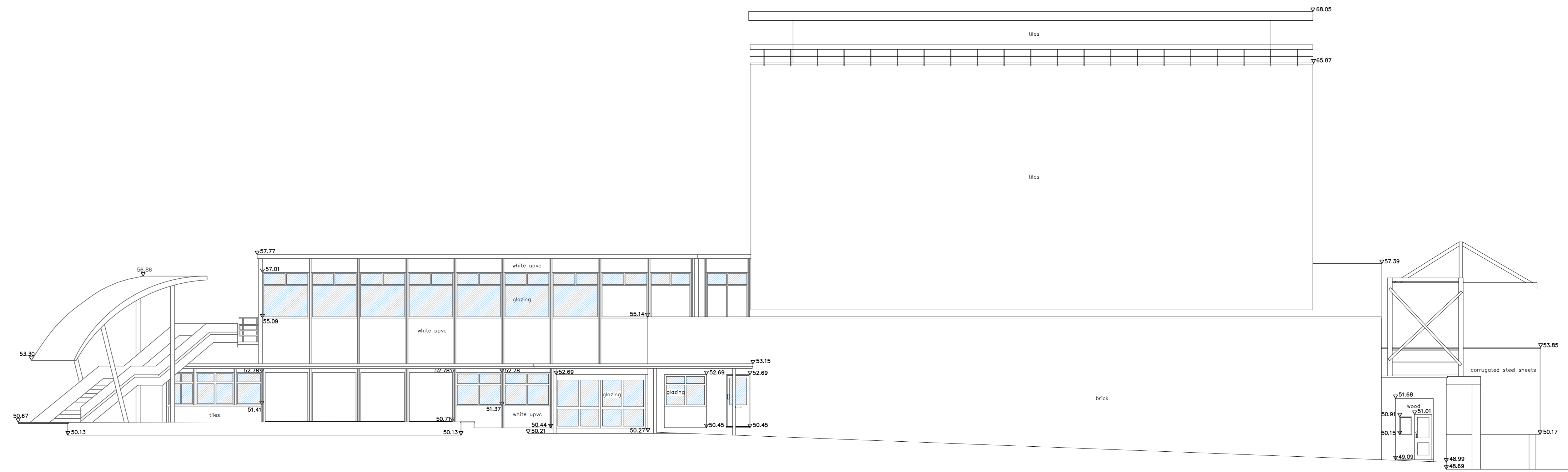
Project Name and Address  
**Cliffs Pavilion**  
 Southend-On-Sea

Drawing Title  
**EXISTING**  
 East & West Elevation

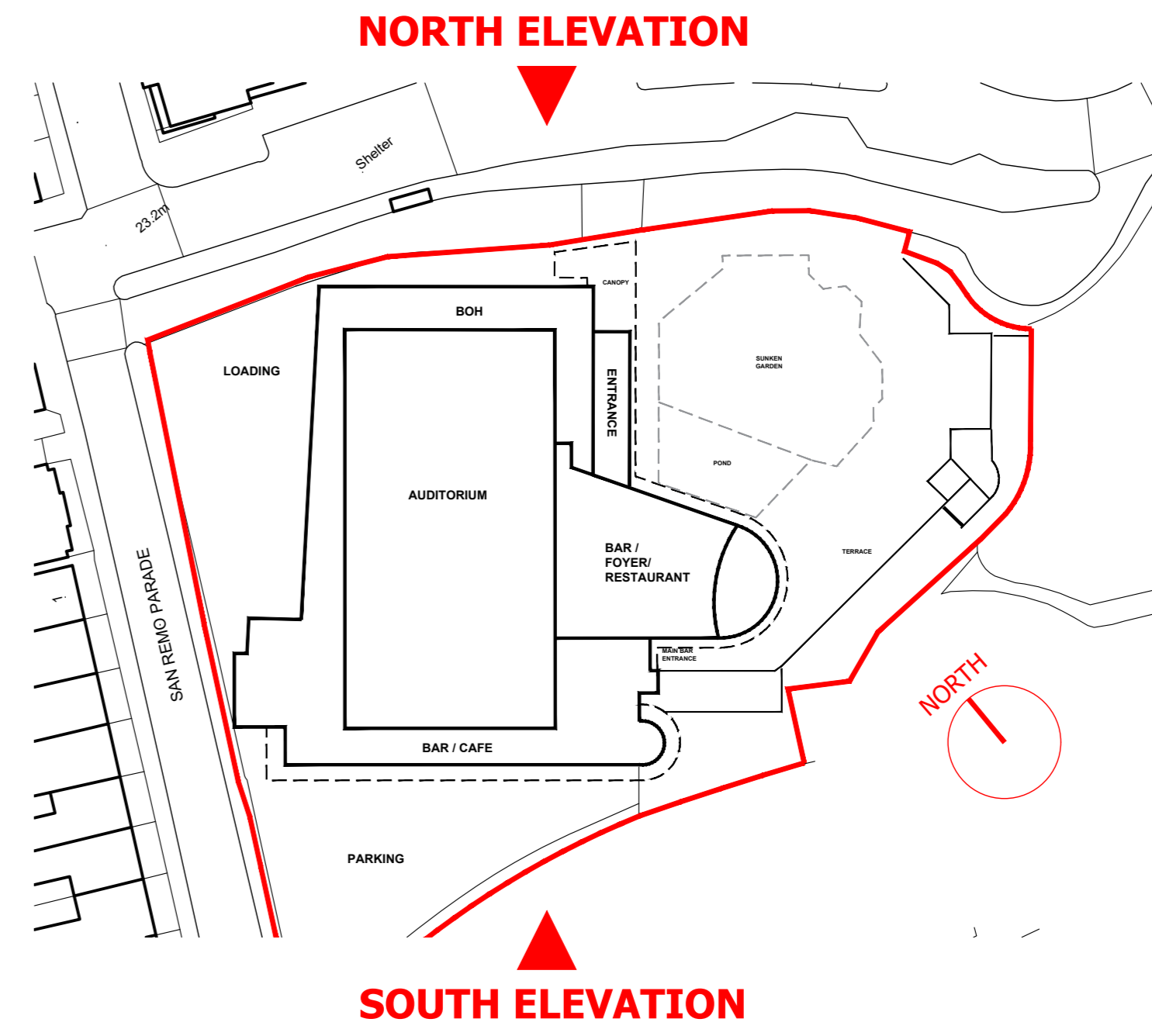
**NOTE:**

- Solar Panel layout indicative only and subject to specialist design
- Refer to Interior Design Package for details of interior finishes

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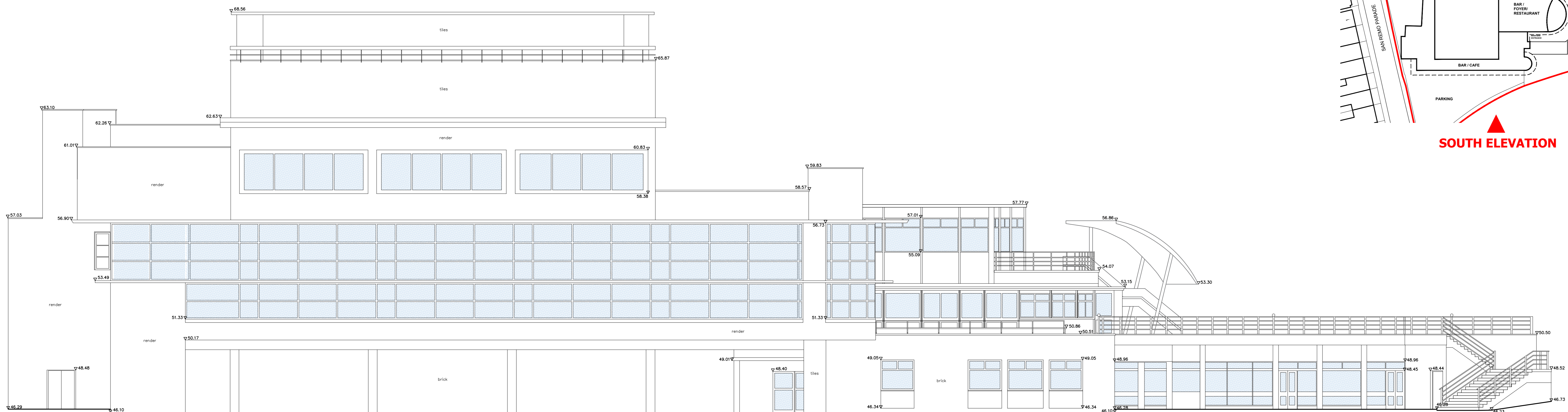


1 EXISTING NORTH ELEVATION



NORTH ELEVATION

SOUTH ELEVATION



2 EXISTING SOUTH ELEVATION



**NOTE:**

- Solar Panel layout indicative only and subject to specialist design
- Refer to Interior Design Package for details of interior finishes

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No	Date	Revisions
P01	17/07/2023	issued for planning

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Project Name and Address  
**Cliffs Pavilion**  
Southend-On-Sea

Drawing Title  
**EXISTING**  
North & South Elevation

Drawings No.  
CLIF-AL3-ZZ-ZZ-DR-A-090001

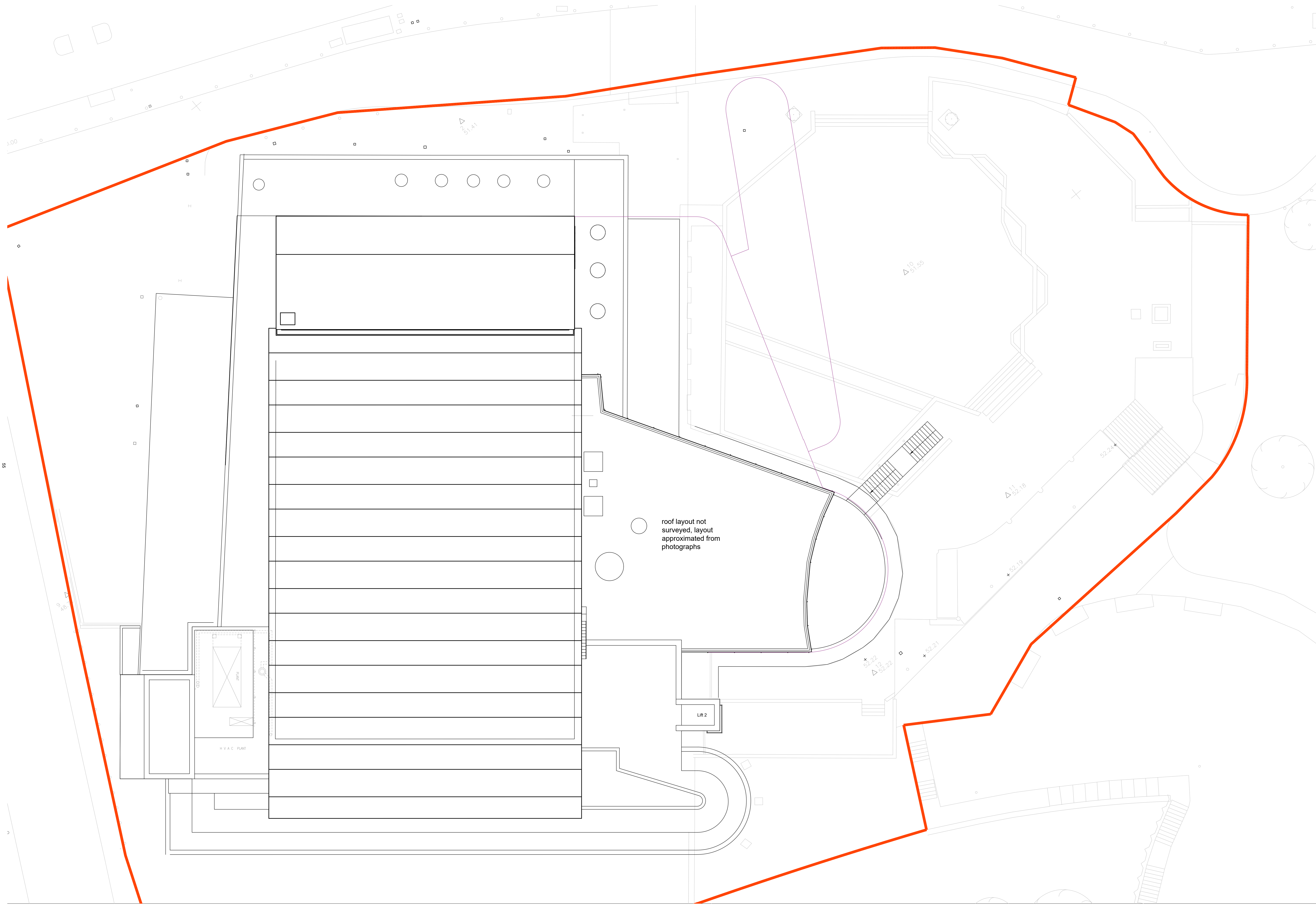
Date drawn  
July 23

Scale  
1:100@A0

Rev.  
P01

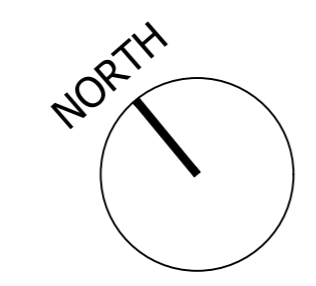
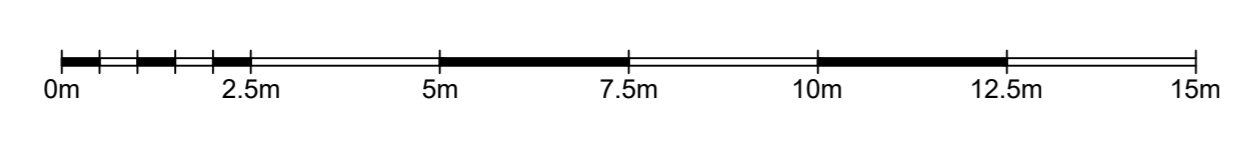
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roof layout not surveyed, layout approximated from photographs

Existing Roof GA Plan  
 1:100 at A0



- SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- OUTLINE OF PROPOSED EXTENSION

No	Date	Revisions
P01	17/07/2023	issued for planning

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**Cliffs Pavilion**  
 Southend-On-Sea

Drawing Title  
 Existing  
 GA Plan Roof  
 Planning Submission

Drawing No.  
**CLIF-AL3-ZZ-RF-DR-A-010005**

Date drawn  
 July 23

Scale  
 1:100@A0

Rev.  
**P01**

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6 No. secure Staff Bicycle parking spaces using 6 No. Asgard Metal Double Bike Storage Shelter

New Changing Places compliant WC room

new plasterboard wall lining

changing place

8 No. Guest Bicycle Parking spaces using 4 No. Sheffield Cycle Hoops (Stainless Steel) with additional horizontal cross bar

**NOTE:**

- ALL FURNITURE LAYOUT IS INDICATIVE AND SUBJECT TO DETAILED INTERIOR DESIGN
- Refer to Interior Design Package for details of interior finishes

No.	Date	Revisions
T02	09/10/2023	added correct number of existing parking spaces
T01	01/09/2023	issued for tender
P01	17/07/2023	issued for planning

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Project Name and Address  
**Cliffs Pavilion**  
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Drawing Title  
**GA Plan**  
 Lower Ground Floor  
 Planning Submission

Project No.  
 CLIF-AL3-ZZ-B1-DR-A-020001

Date drawn  
 July 23

Scale  
 1:100@A0

Rev  
 T02

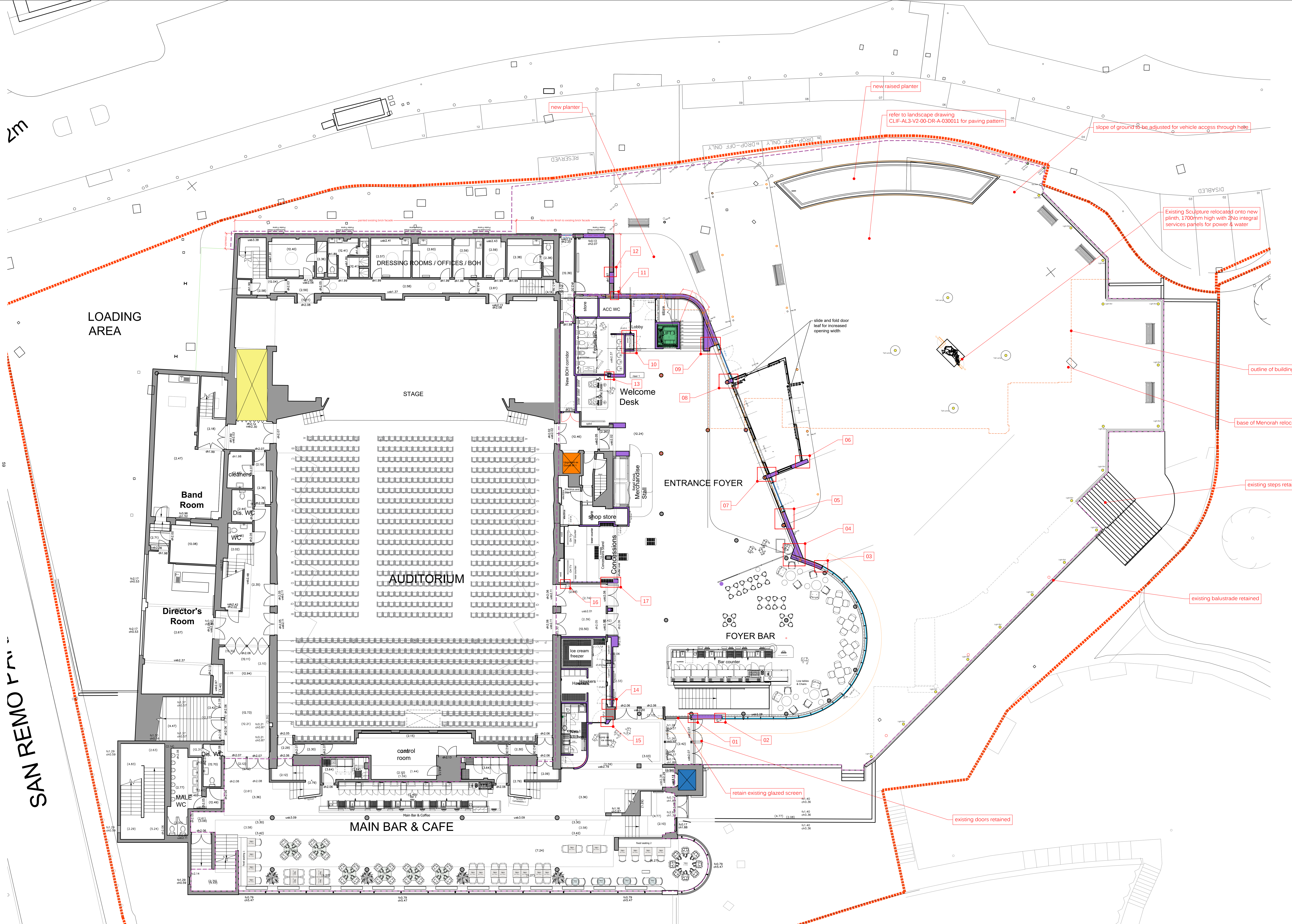
Lower Ground Floor GA Plan  
 1:100 at A0

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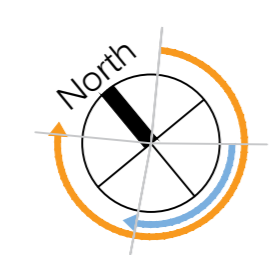
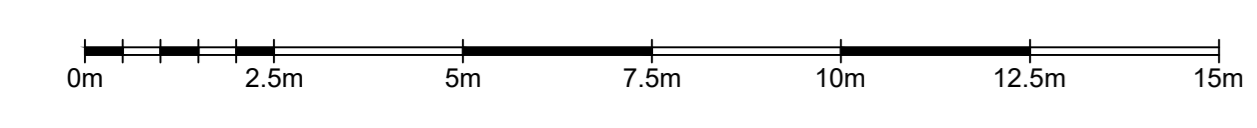
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LOADING AREA

SAN REMO FRI

Ground Floor GA Plan  
 1:100 at A0



- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- OUTLINE OF PROPOSED EXTENSION

Plan Detail location. Refer to drawing CLIF-AL3-ZZ-00-DR-A-020005 for details

- NOTE:**
- ALL FURNITURE LAYOUT IS INDICATIVE AND SUBJECT TO DETAILED INTERIOR DESIGN
  - EXTERNAL LIGHTING SCHEME SUBJECT TO DETAIL DESIGN DEVELOPMENT
  - Refer to Interior Design Package for details of interior finishes

No.	Date	Revisions
T02	15/09/2023	added planter along edge of road
T01	01/09/2023	issued for tender
P02	04/08/2023	minor update to WC walls
P01	17/07/2023	issued for planning

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Project Name and Address  
**Cliffs Pavilion**  
 Southend-On-Sea

Drawing Title  
**GA Plan**  
 Ground Floor  
 PLANNING SUBMISSION

Drawings No.  
 CLIF-AL3-ZZ-00-DR-A-020002

Date drawn  
 July 23

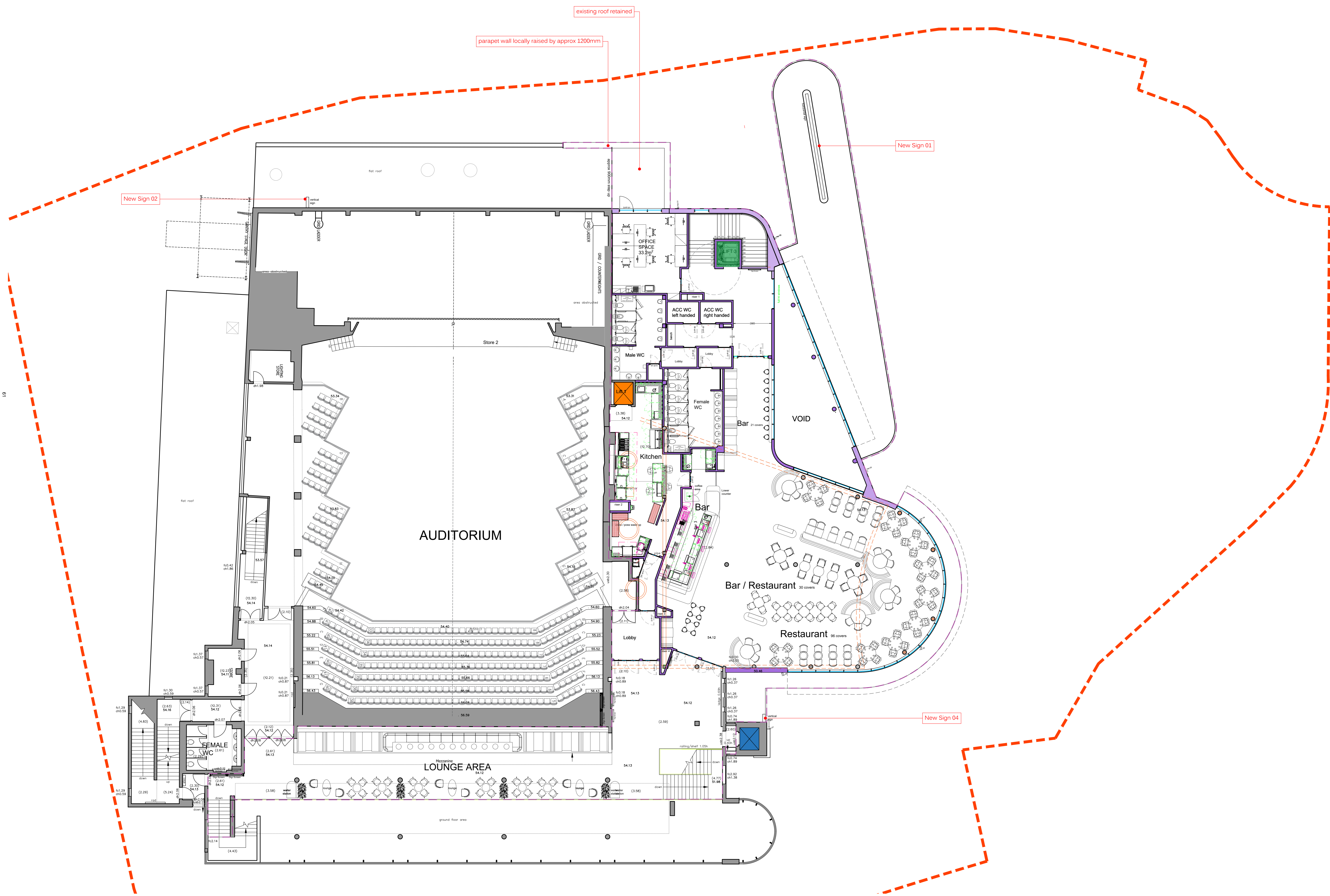
Scale  
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Rev  
 T02

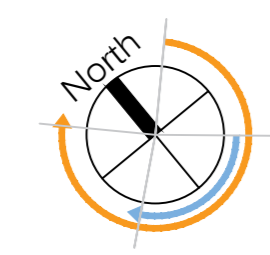
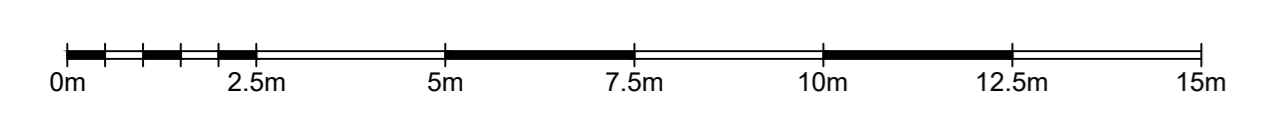
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First Floor GA Plan  
 1:100 at A0



- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- OUTLINE OF PROPOSED EXTENSION

**NOTE:**

- ALL FURNITURE LAYOUT IS INDICATIVE AND SUBJECT TO DETAILED INTERIOR DESIGN
- Refer to Interior Design Package for details of interior finishes

No	Date	Revisions
P01	17/07/2023	issued for planning

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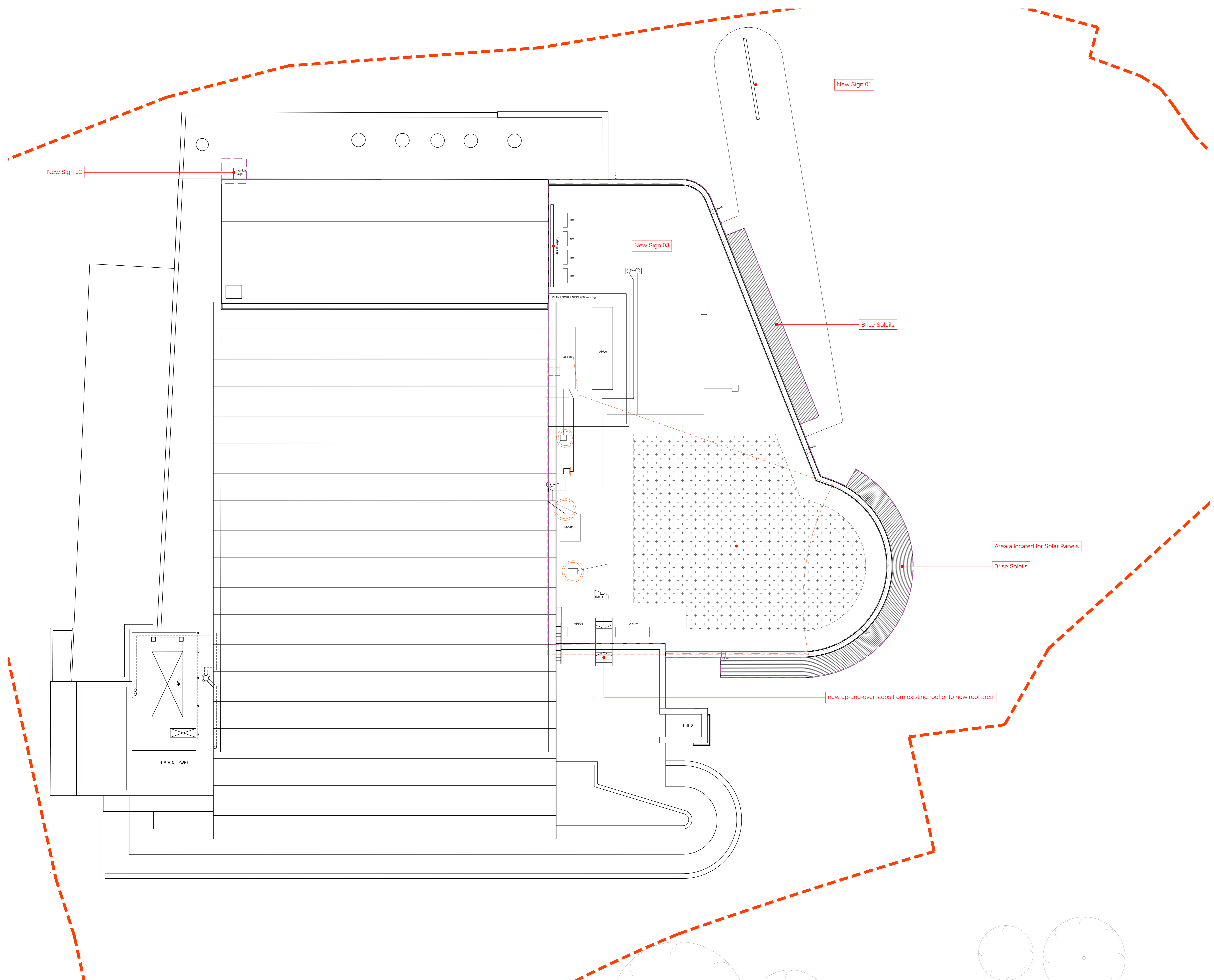
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**Cliffs Pavilion**  
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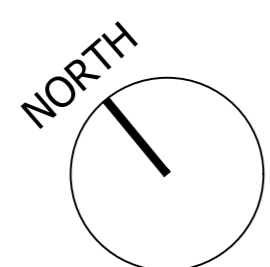
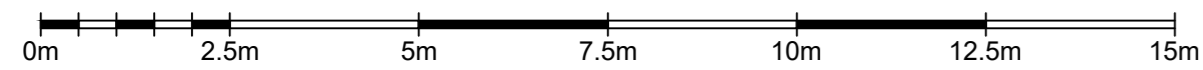
Drawing Title  
**GA Plan**  
 First Floor  
 PLANNING SUBMISSION

Drawn by  
 CLIF-AL3-ZZ-01-DR-A-020003  
 Date drawn July 23  
 Scale 1:100@A0  
 Rev P01

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Roof GA Plan  
1:100 at A0



- - - - - SITE CONSTRAINTS BOUNDARY
- COUNCIL OWNERSHIP BOUNDARY
- - - - - OUTLINE OF PROPOSED EXTENSION

**NOTE:**

- Roof Plant layout indicative only and subject to specialist design
- Refer to Interior Design Package for details of interior finishes

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No	Date	Revisions
P01	17/07/2022	issued for planning

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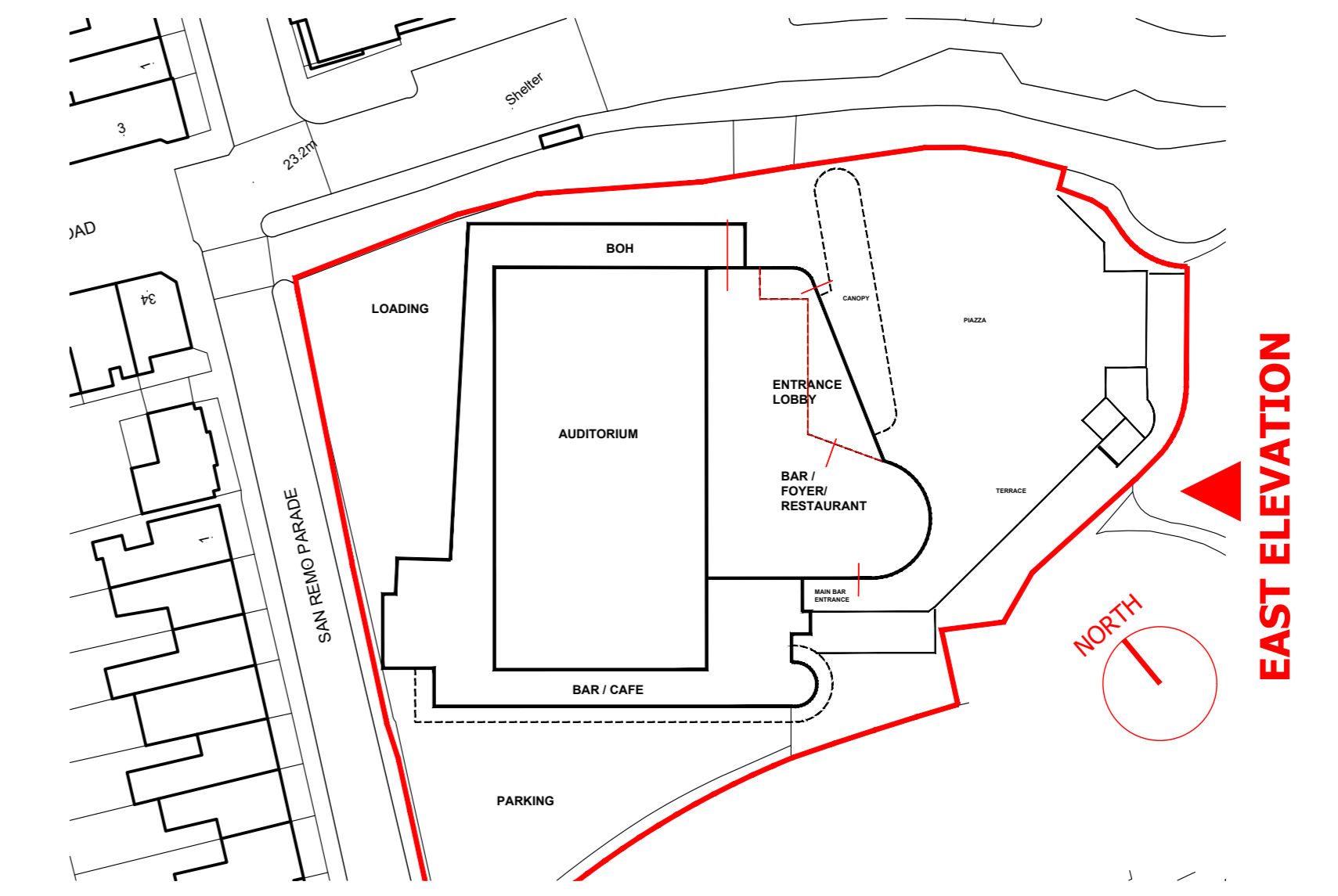
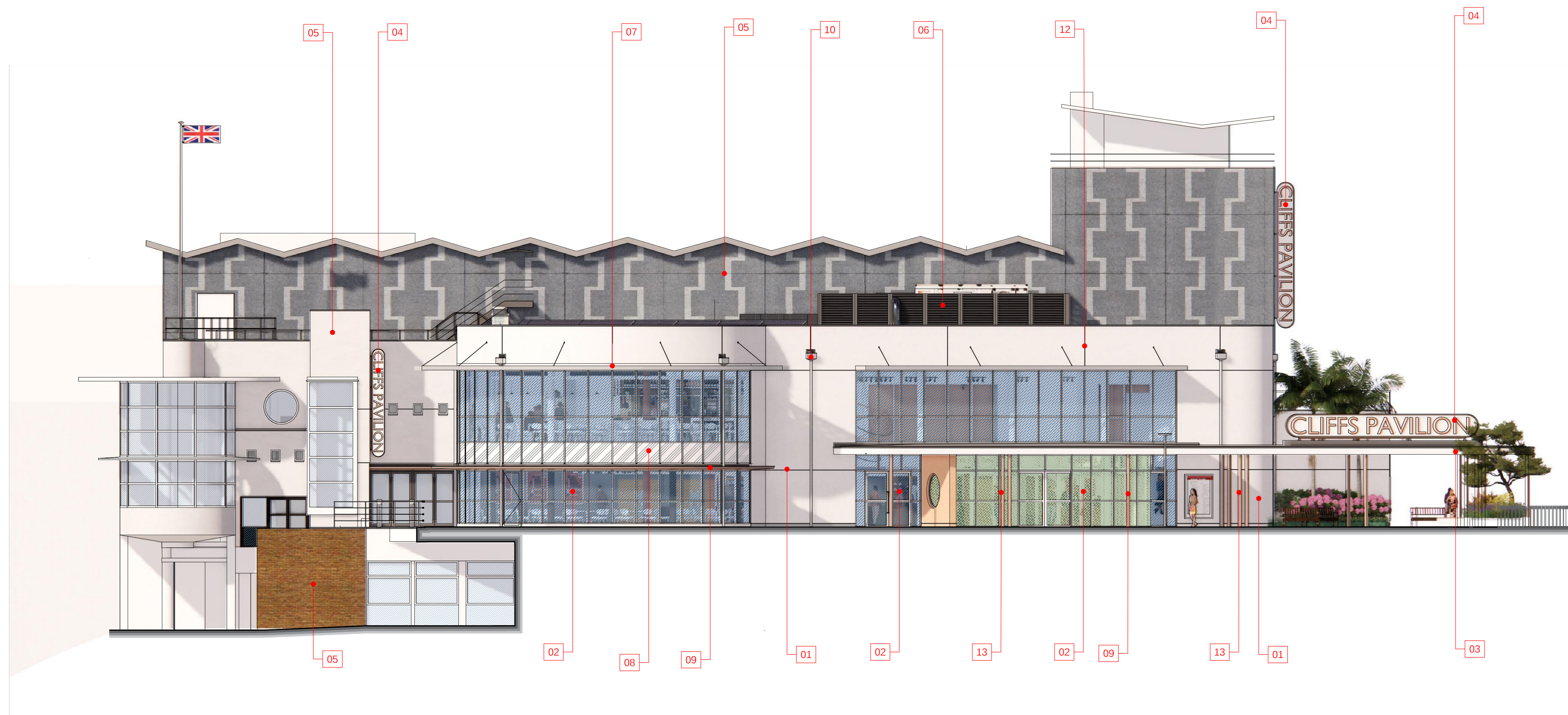
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1 PROPOSED EAST ELEVATION  
1:100@A0  
0m 2.5m 5m 7.5m 10m 12.5m 15m

**EXTERNAL MATERIALS DESCRIPTION**

- 01 - Monocouche Render in two tones, White (main area); and Teracotta (entrance lobby). Exact colour and spec of render TBC
- 02 - Schueco FW550 Aluminium or equiv glazing facade system in White. G-Values of Glazing TBC
- 03 - IKO Single ply membrane roof cover (dark grey) with white fascia and White Trespa Meteon panels to soffit
- 04 - Venue Signage, internally illuminated material TBC, colour Teracotta (RAL 050 60 30)
- 05 - Existing facade finishes such as render, mosaic tiles and brick
- 06 - Louvered Plant screen in dark grey, exact spec TBC subject to acoustic requirements
- 07 - Brise Soleil sun shading, colour to match glazed curtain walling in white
- 08 - glazing infill panel part of the glazing curtain wall system, colour to match the white frame
- 09 - painted finish in Terracotta (RAL 050 60 30)
- 10 - Aluminium rainwater down pipes and hoppers in natural mill finished colour (ALumasc Flushjoint or equivalent)
- 12 - movement joints in render colour matched to render finish (white)
- 13 - 120mm Dia Lindab Steel concealed rainwater pipes in Teracotta colour (RAL 050 60 30)

**NOTE:**  
Signage shown is indicative is sign and location only. Actual design of signage will be developed during detail design stage



2 PROPOSED EAST ELEVATION PERSPECTIVE  
NTS

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No	Date	Revisions
T02	11/09/2023	updated various elements
T01	01/09/2023	issued for tender
P01	06/07/2023	issued for planning

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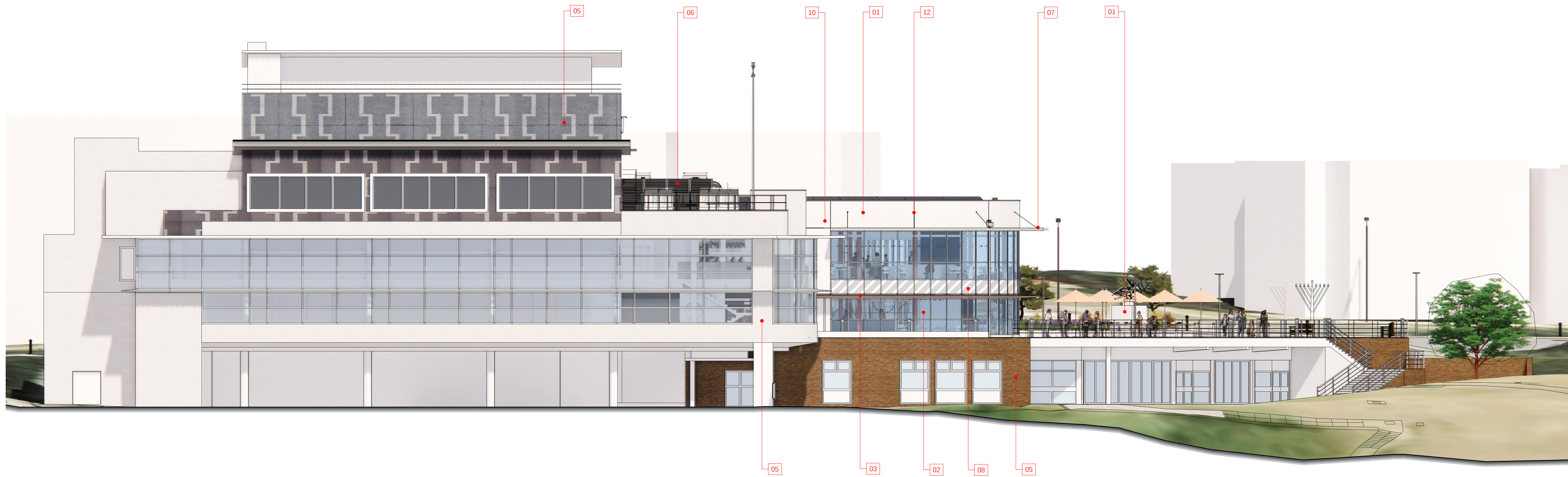
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Southend-On-Sea

Presenting Title  
**PROPOSED**  
East Elevation

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1 PROPOSED SOUTH ELEVATION

1:100@A0 0m 2.5m 5m 7.5m 10m 12.5m 15m

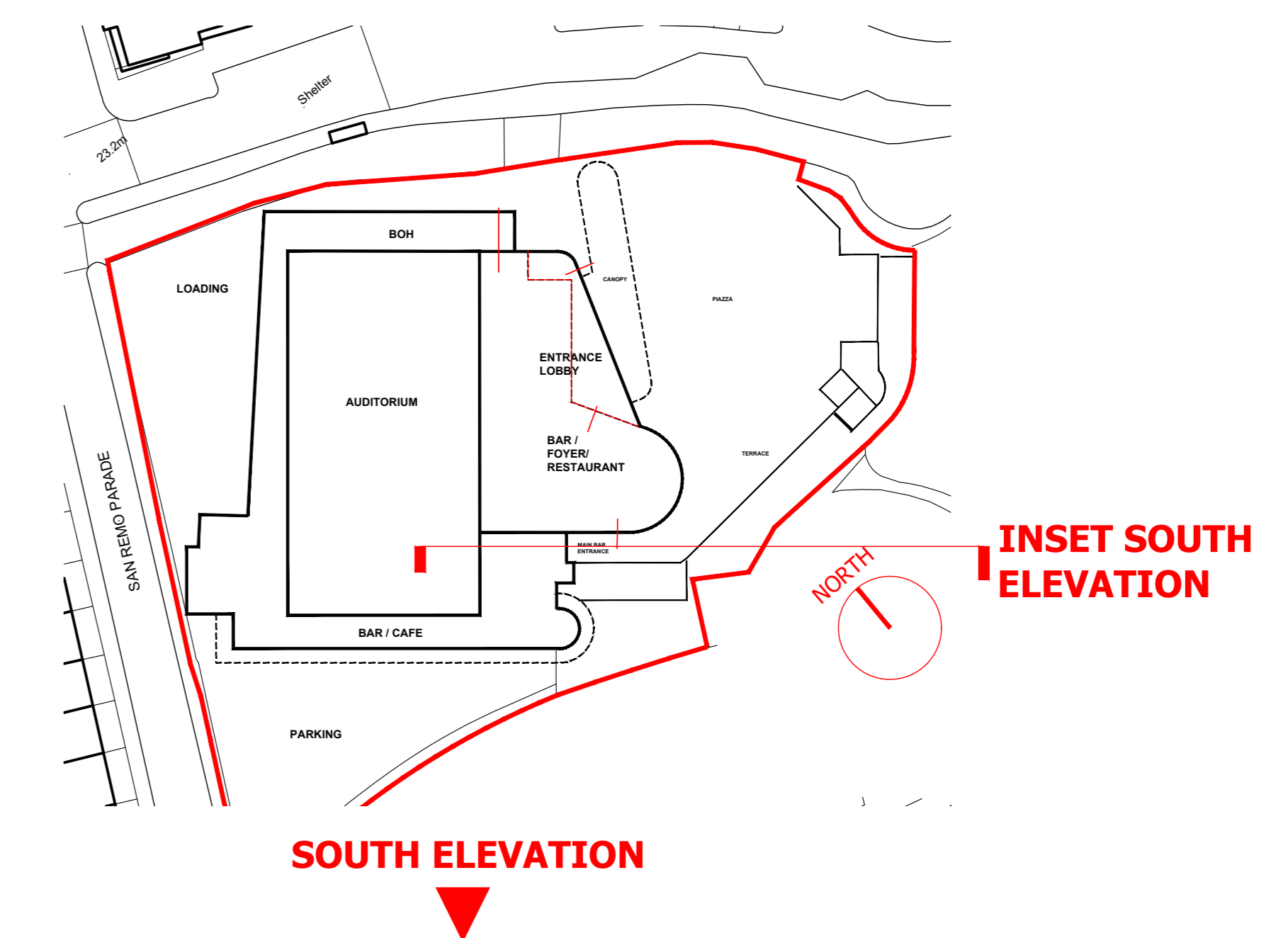
EXTERNAL MATERIALS DESCRIPTION

- 01 - Monocouche Render in two tones, White (main area), and Terracotta (entrance lobby). Exact colour and spec of render TBC
- 02 - Schueco FW550 Aluminium or equiv. glazing facade system in White. G-Values of Glazing TBC
- 03 - IKO Single ply membrane roof cover (dark grey) with white fascia and White Trespa Meteon panels to soffit
- 04 - Venue Signage, internally illuminated material TBC, colour Terracotta (RAL 050 60 30)
- 05 - Existing facade finishes such as render, mosaic tiles and brick
- 06 - Louvered Plant screen in dark grey, exact spec TBC subject to acoustic requirements
- 07 - Brise Soleil sun shading, colour to match glazed curtain walling in white
- 08 - glazing infill panel part of the glazing curtain wall system, colour to match the white frame
- 09 - painted finish in Terracotta (RAL 050 60 30)
- 10 - Aluminium rainwater down pipes and hoppers in natural mill finished colour (ALumasc Flushjoint or equivalent)
- 12 - movement joints in render colour matched to render finish (white)



2 PROPOSED INSET SOUTH ELEVATION

1:100@A0 0m 2.5m 5m 7.5m 10m 12.5m 15m



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No	Date	Revisions
T02	11/09/2023	various amendments
T01	01/09/2023	issued for tender
PD1	17/07/2023	issued for planning

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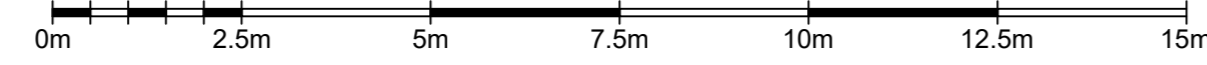
Drawing Title  
**PROPOSED**  
 South Elevation

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1 PROPOSED NORTH ELEVATION

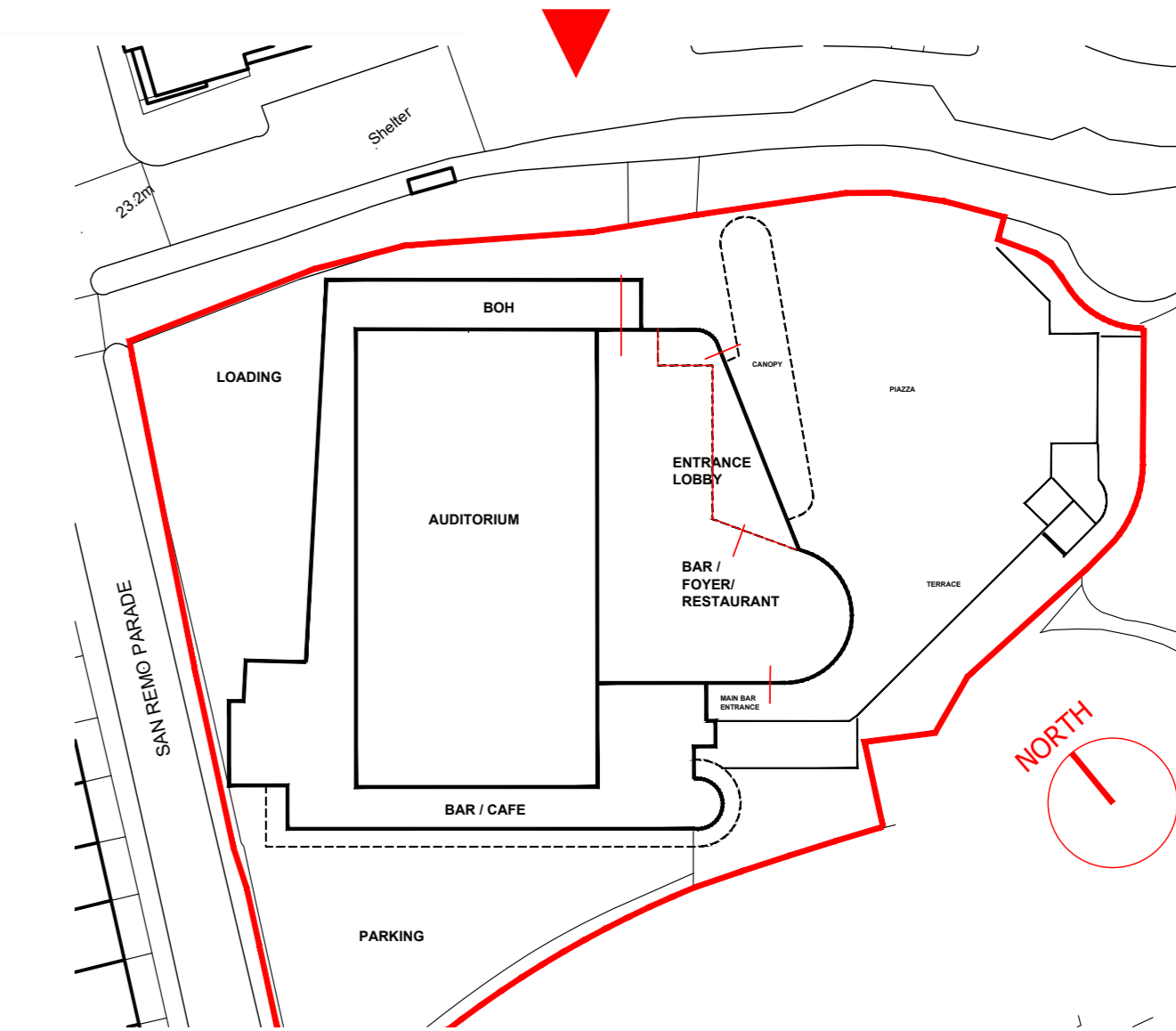
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EXTERNAL MATERIALS DESCRIPTION

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- 06 - Louvered Plant screen in dark grey, exact spec TBC subject to acoustic requirements
- 07 - Brise Soleil sun shading, colour to match glazed curtain walling in white
- 08 - glazing infill panel part of the glazing curtain wall system, colour to match the white frame
- 09 - painted finish in Terracotta (RAL 050 60 30)
- 11 - White painted existing brickwork
- 10 - Aluminium rainwater down pipes and hoppers in natural mill finished colour (ALumasc Flushjoint or equivalent)
- 12 - movement joints in render colour matched to render finish (white)
- 13 - 120mm Dia Lindab Steel concealed rainwater pipes in Terracotta colour (RAL 050 60 30)

NORTH ELEVATION



**NOTE:**  
Signage shown is indicative is sign and location only. Actual design of signage will be developed during detail design stage



2 PROPOSED NORTH ELEVATION PERSPECTIVE

NTS

General notes  
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No	Date	Revisions
T02	11/09/2023	updated various elements
T01	01/09/2023	issued for tender
P01	17/07/2023	issued for planning

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Project Name and Address  
**Cliffs Pavilion**  
Southend-On-Sea

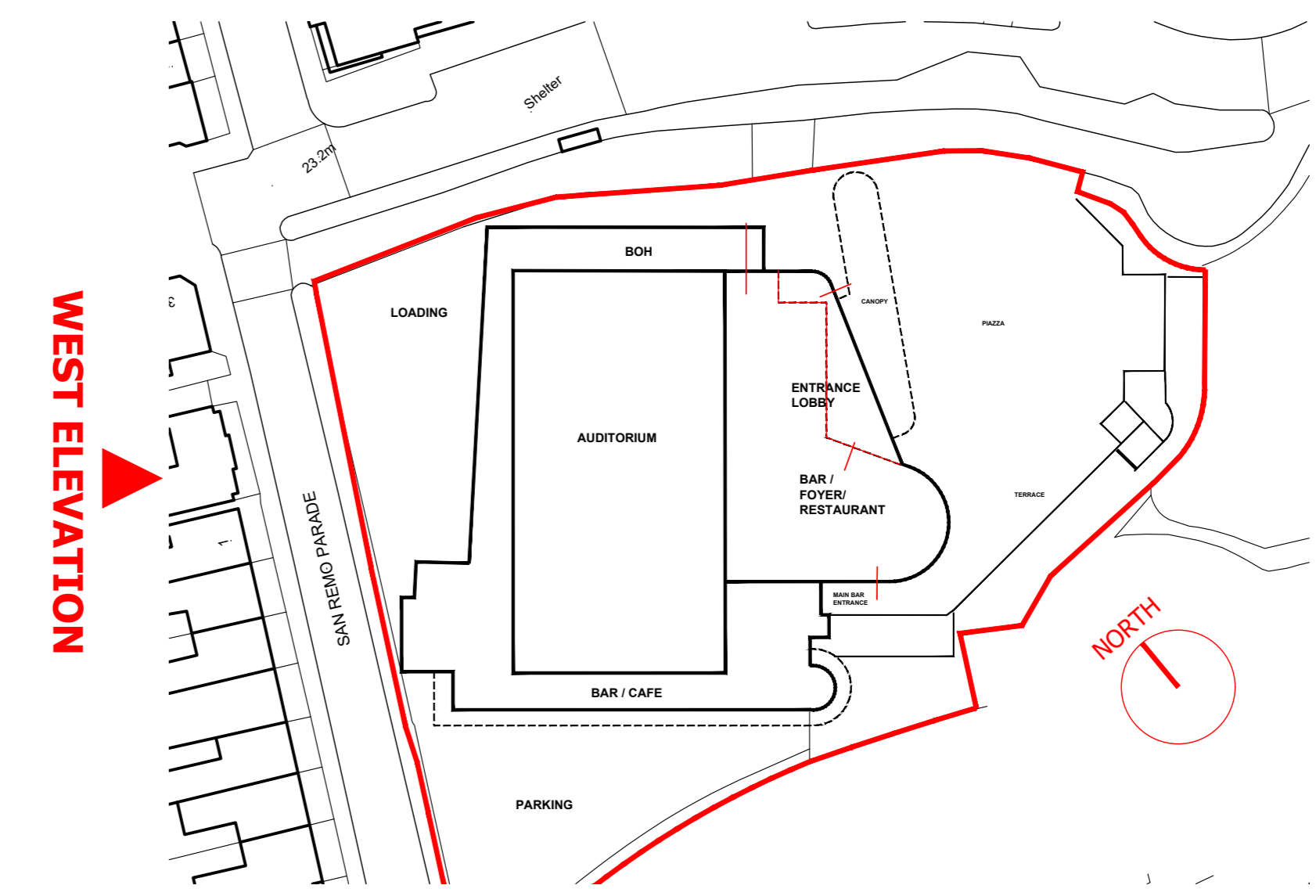
Presenting Title  
**PROPOSED**  
North Elevation

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1 PROPOSED WEST ELEVATION



**EXTERNAL MATERIALS DESCRIPTION**

- 01** - Monocouche Render in two tones, White (main area); and Terracotta (entrance lobby). Exact colour and spec of render TBC
- 03** - IKO Single ply membrane roof cover (dark grey) with white box gutter edge, white fascia and White Trespa Meteon panels to soffit
- 04** - Venue Signage, internally illuminated material TBC, colour Terracotta (RAL 050 60 30)
- 05** - Existing facade finishes such as render, mosaic tiles and brick
- 11** - White painted existing brickwork
- 13** - 120mm Dia Lindab Steel concealed rainwater pipes in Terracotta colour (RAL 050 60 30)

**NOTE:**  
 Signage shown is indicative of sign and location only. Actual design of signage will be developed during detail design stage

No	Date	Revisions
T02	11/09/2023	various amendments
T01	01/09/2023	issued for tender
P01	17/06/2023	issued for planning

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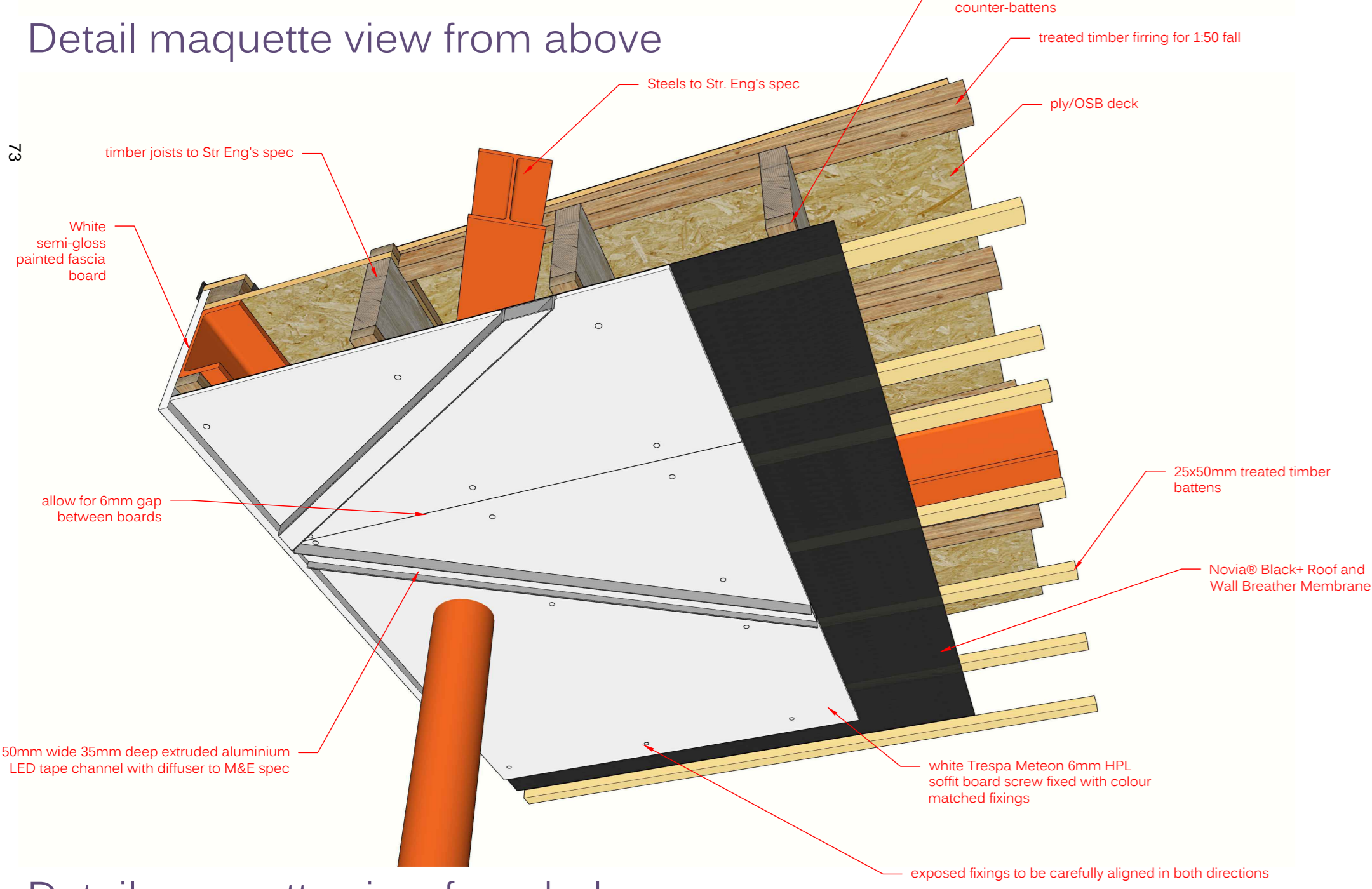
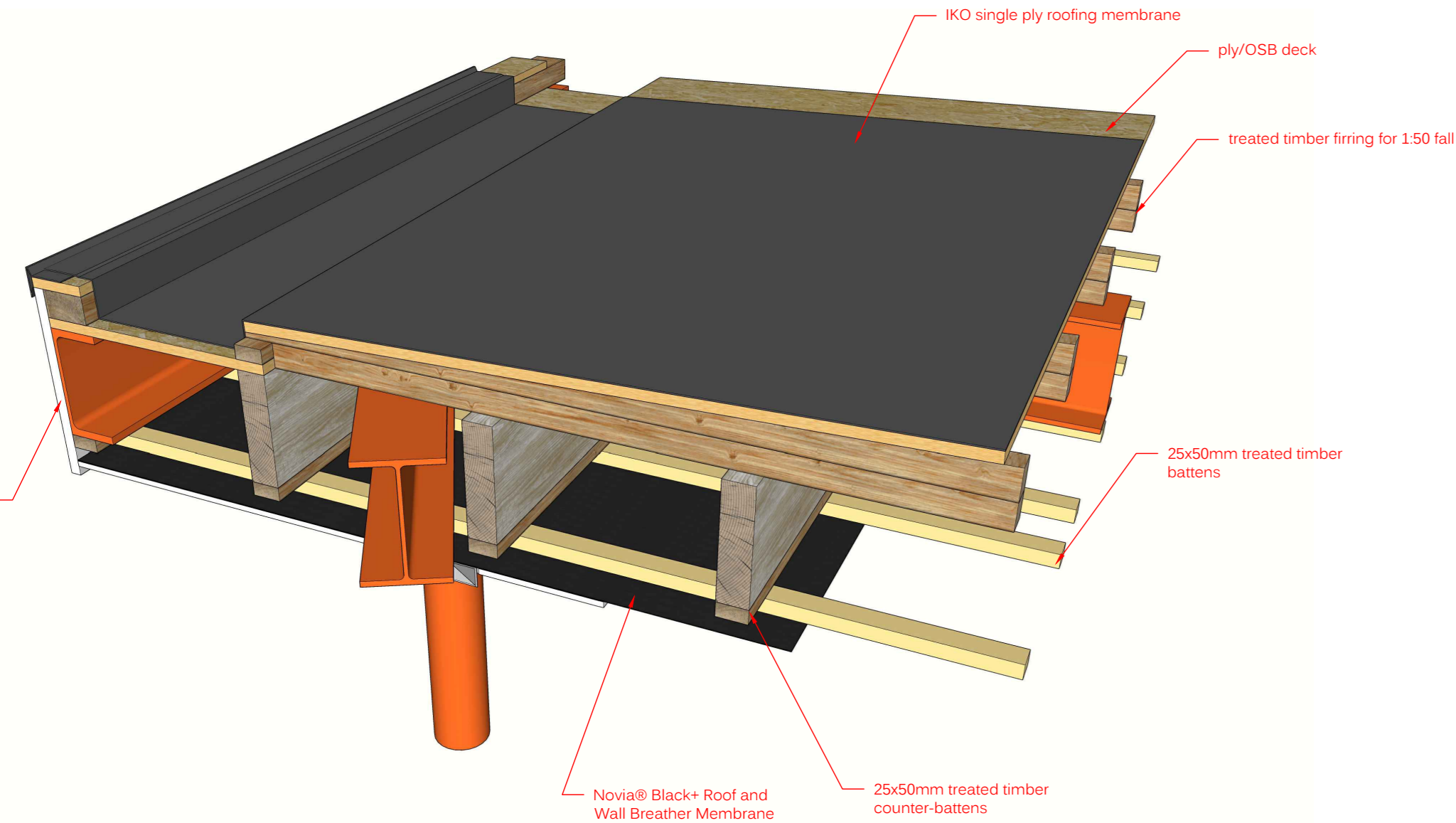
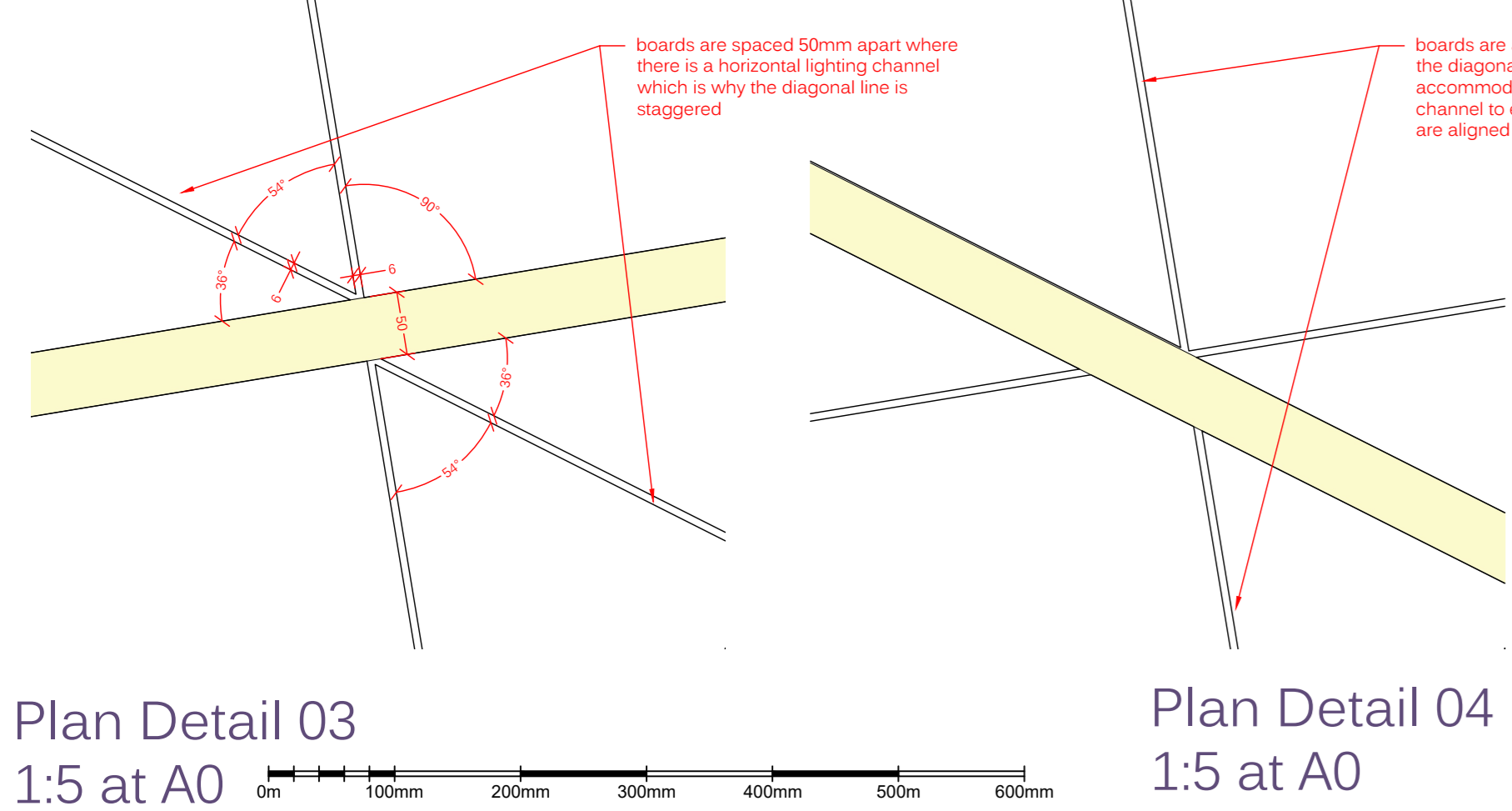
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Project Name and Address  
**Cliffs Pavilion**  
 Southend-On-Sea

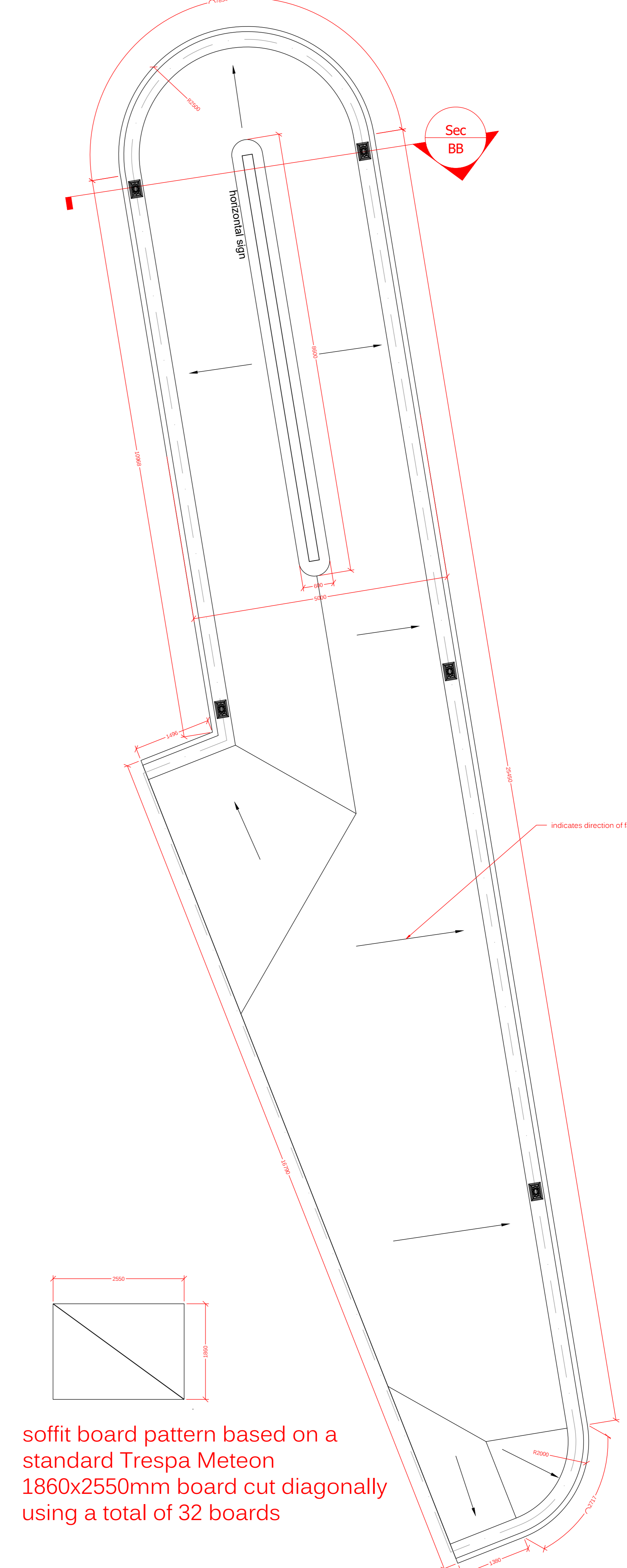
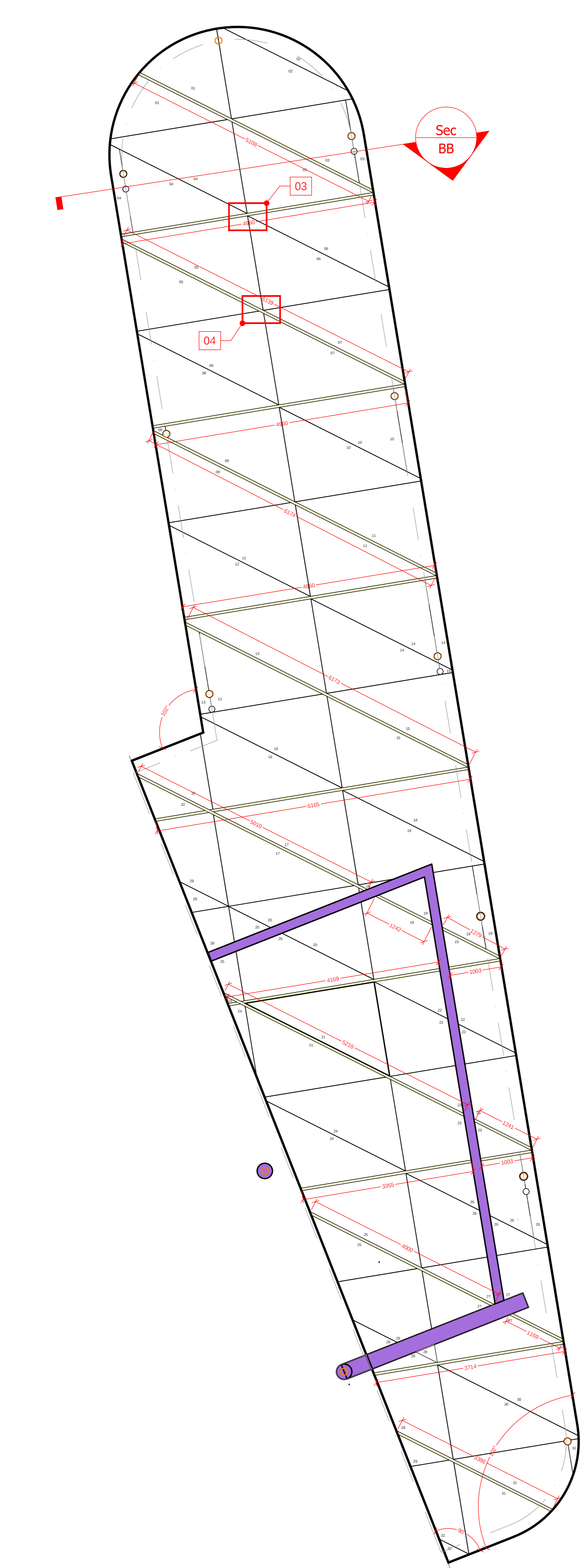
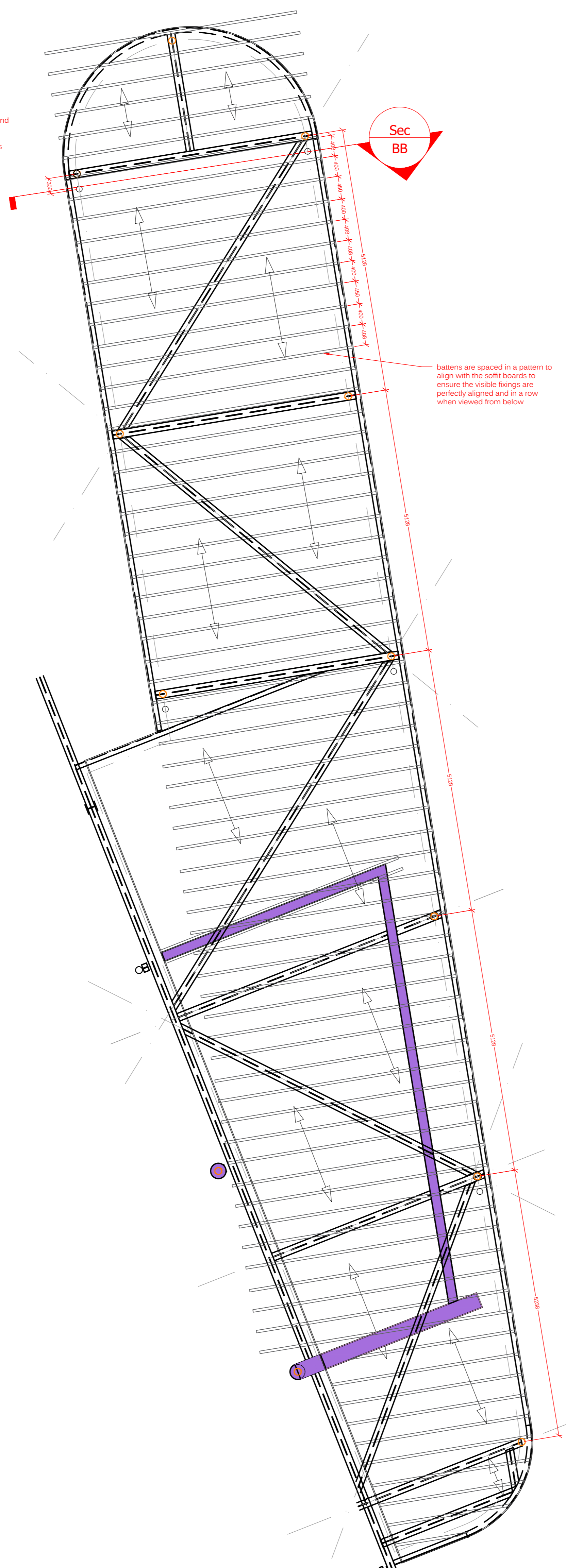
Drawing Title  
**PROPOSED**  
 West Elevation

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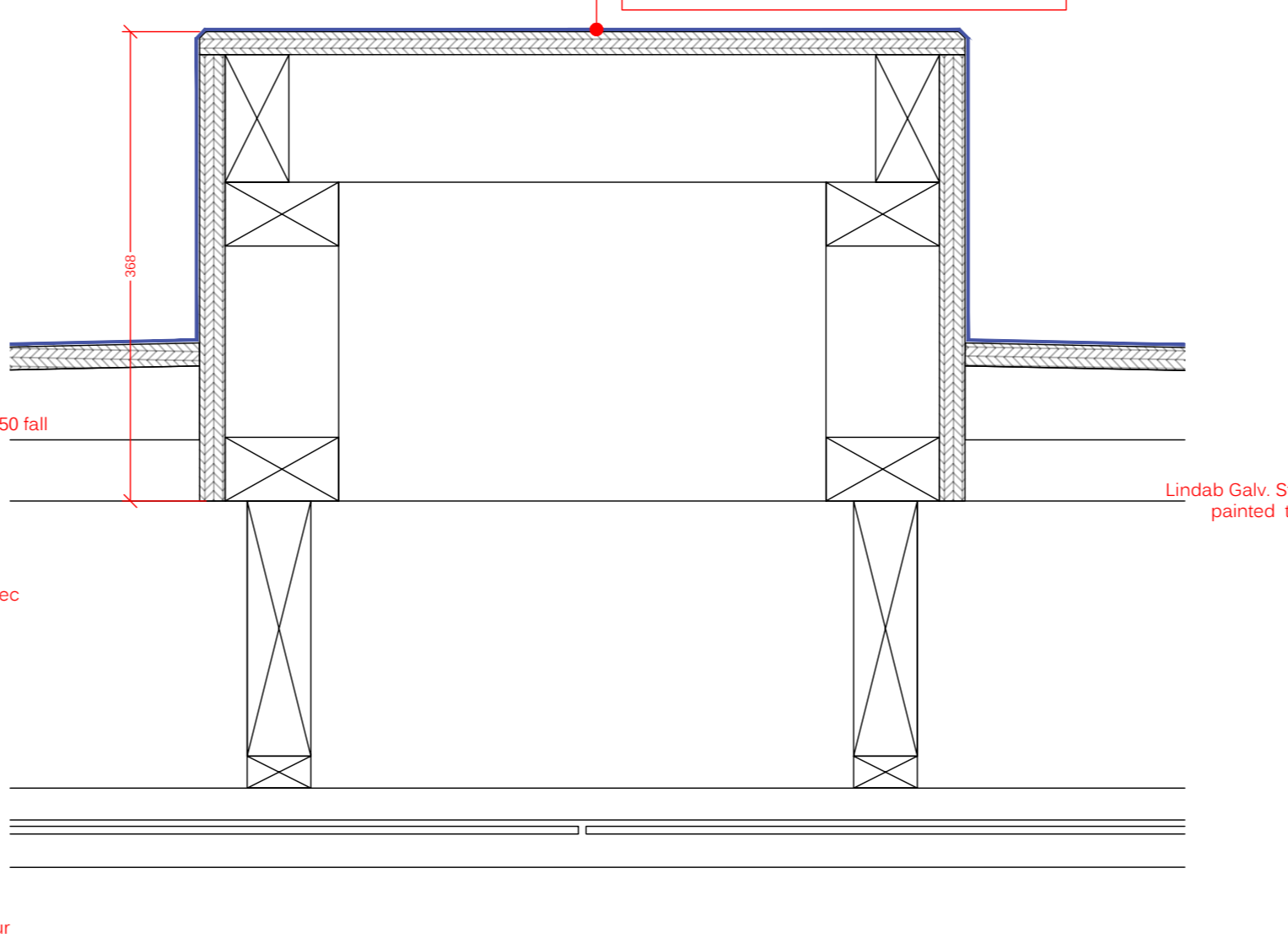
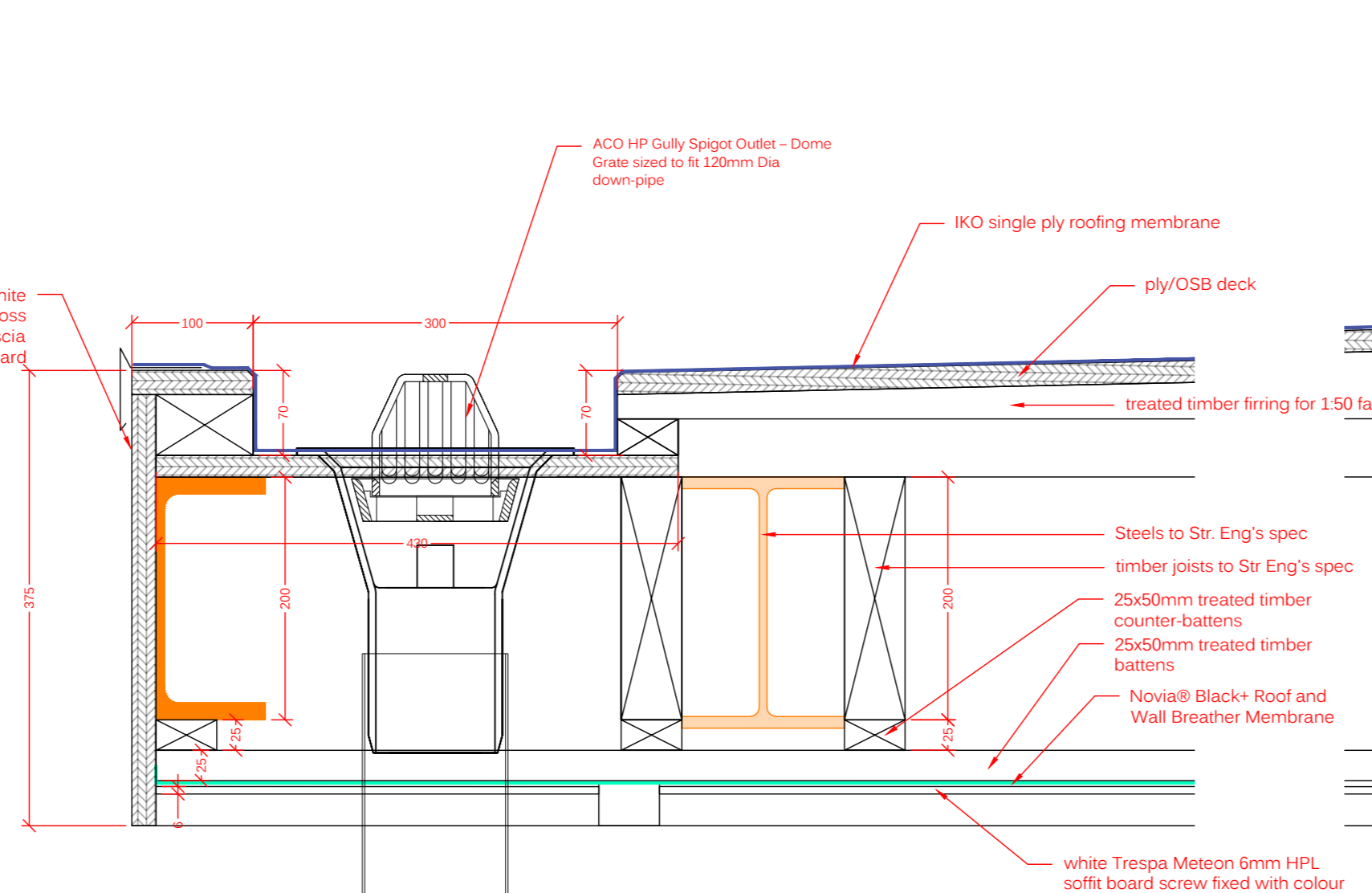
3D view From above and below



Plan - Structural frame and timber battens to soffit  
1:50 at A0

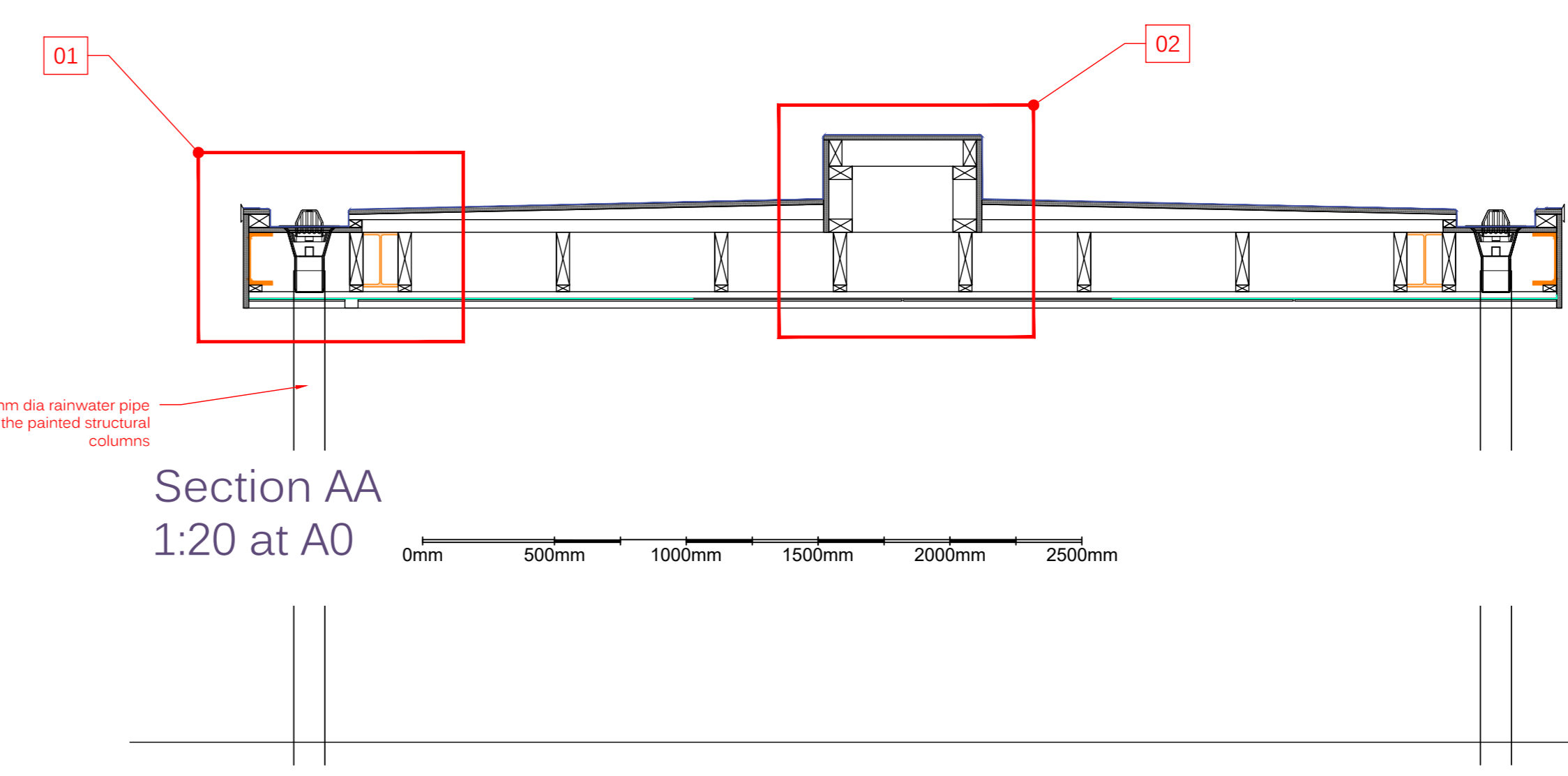
Plan - RCP  
1:50 at A0

Plan - Roof  
1:50 at A0



Section AA Detail 01  
1:5 at A0

Section AA Detail 02  
1:5 at A0



Section AA  
1:20 at A0

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No	Date	Revisions
PO1	28/06/2023	issued for costings

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Southend-On-Sea

Drawing Title  
**DETAILS:**  
Entrance canopy

Drawing No  
**CLIF-AL3-V2-00-DR-A-030008**

Date drawn  
Aug 23

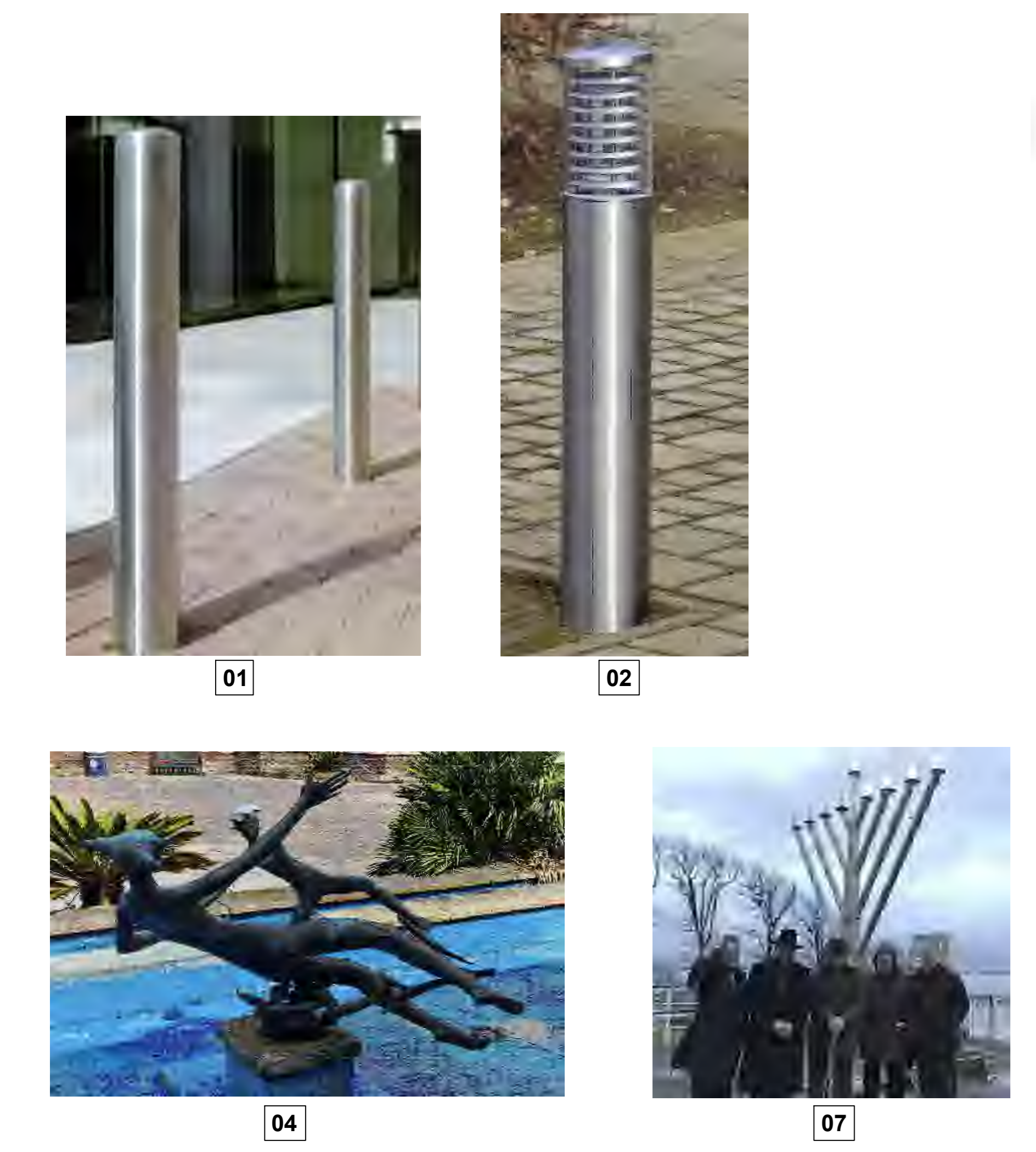
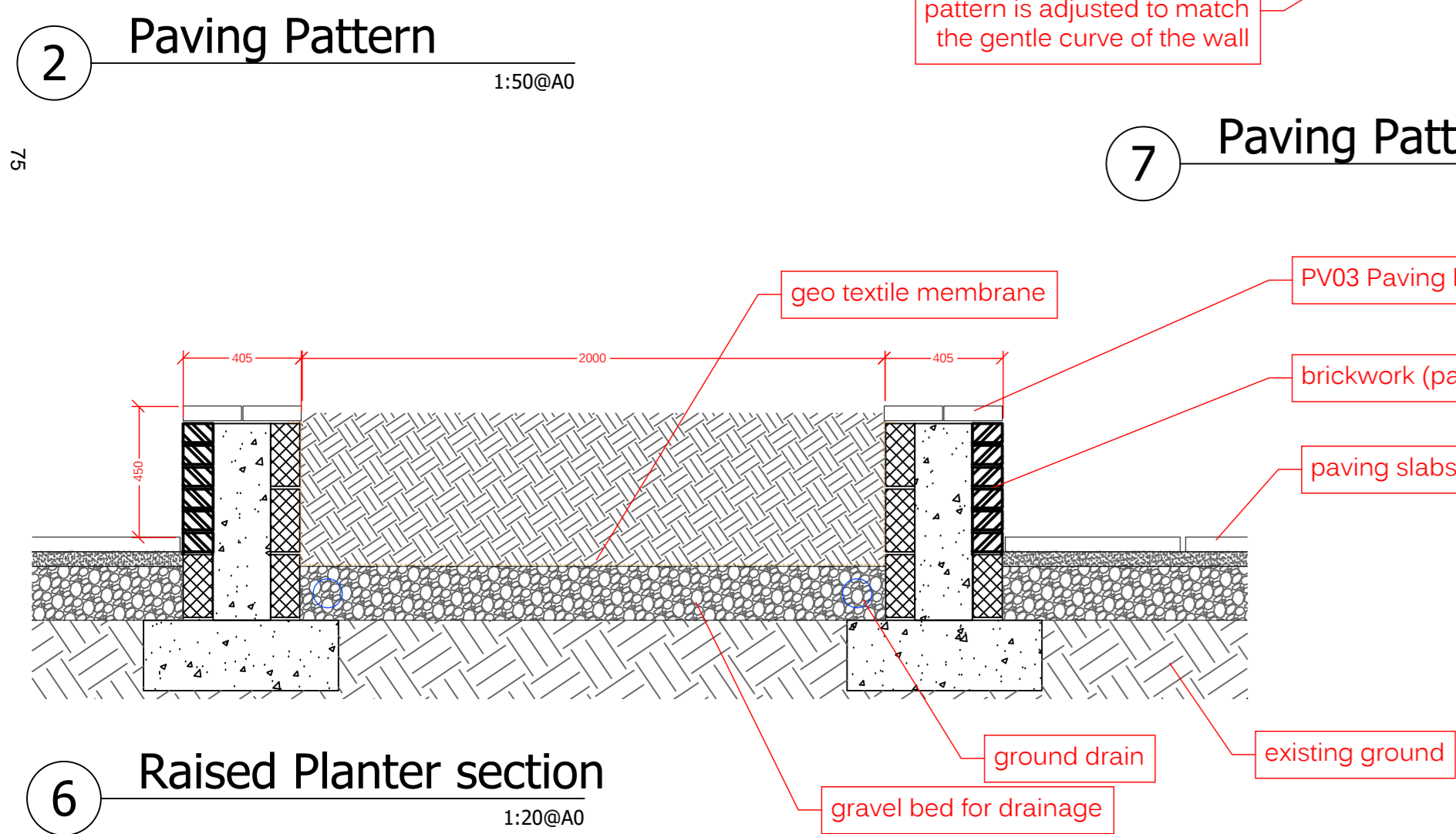
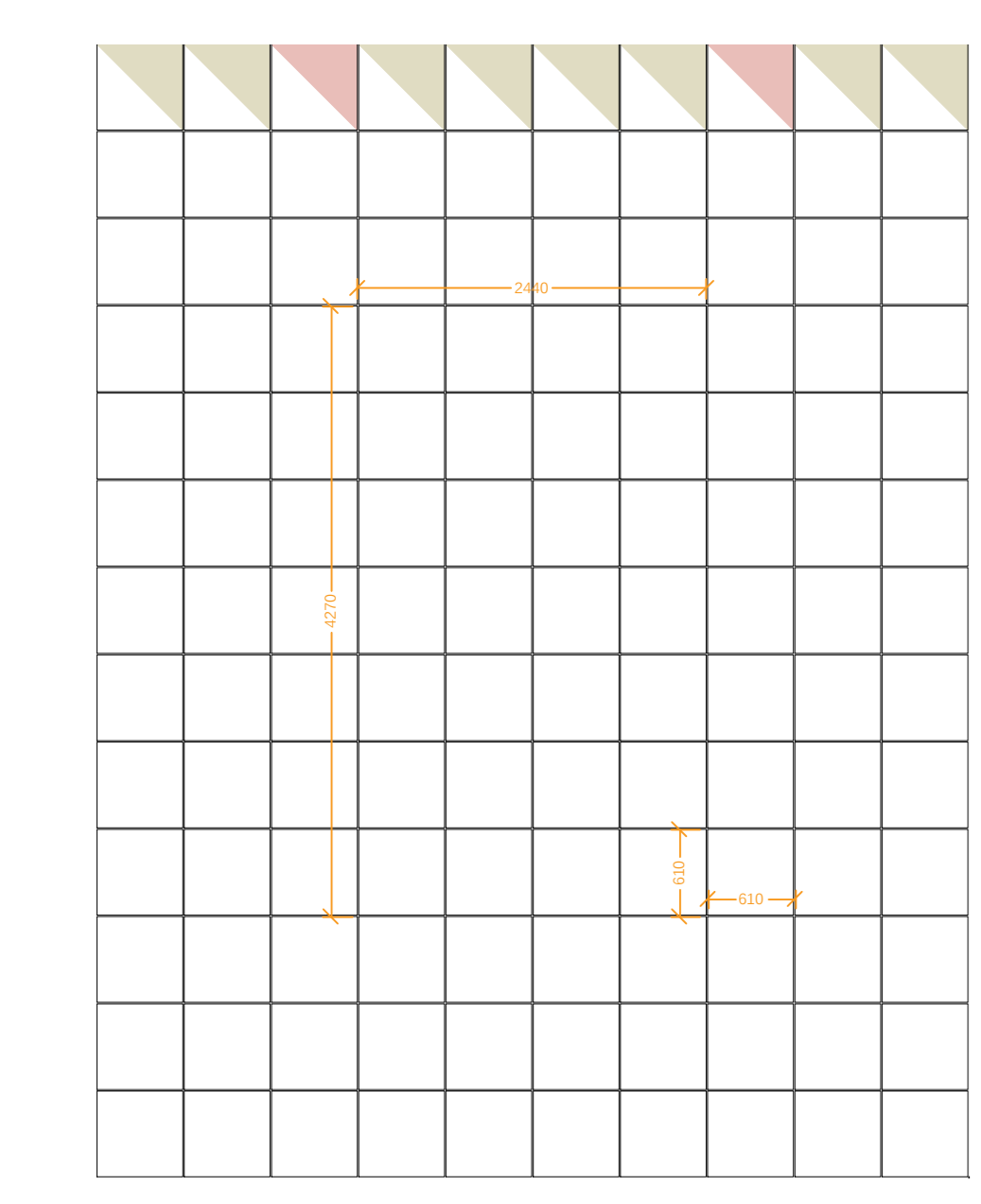
Scale  
varies@A0

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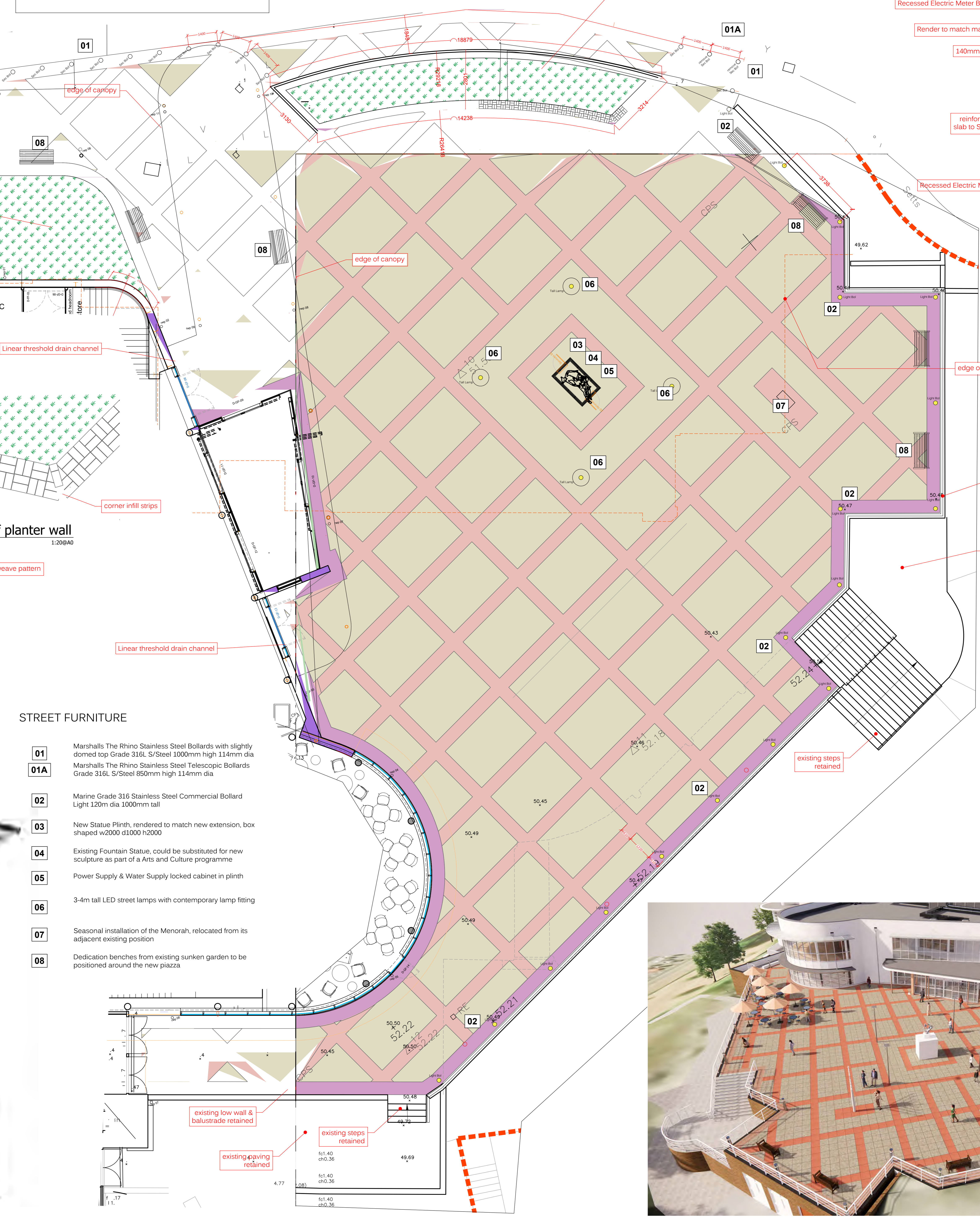
**PV01 - Marshalls URBEX Paving Slab**  
600x600x50mm with 10mm gaps  
Pattern: square grid  
Colour: Riven Natural  
APPROX: 802m<sup>2</sup>

**PV02 - Marshalls COLOURED PIMPLE**  
Paving Slab 600x600x50mm with 10mm gap between blocks  
Pattern: basket weave  
Colour: Brindle  
APPROX: 378m<sup>2</sup>

**PV03 - Marshalls KEYBLOK Paving block**  
200x100x60mm with 3mm gap between blocks  
Pattern: basket weave  
Colour: Brindle  
APPROX: 378m<sup>2</sup>

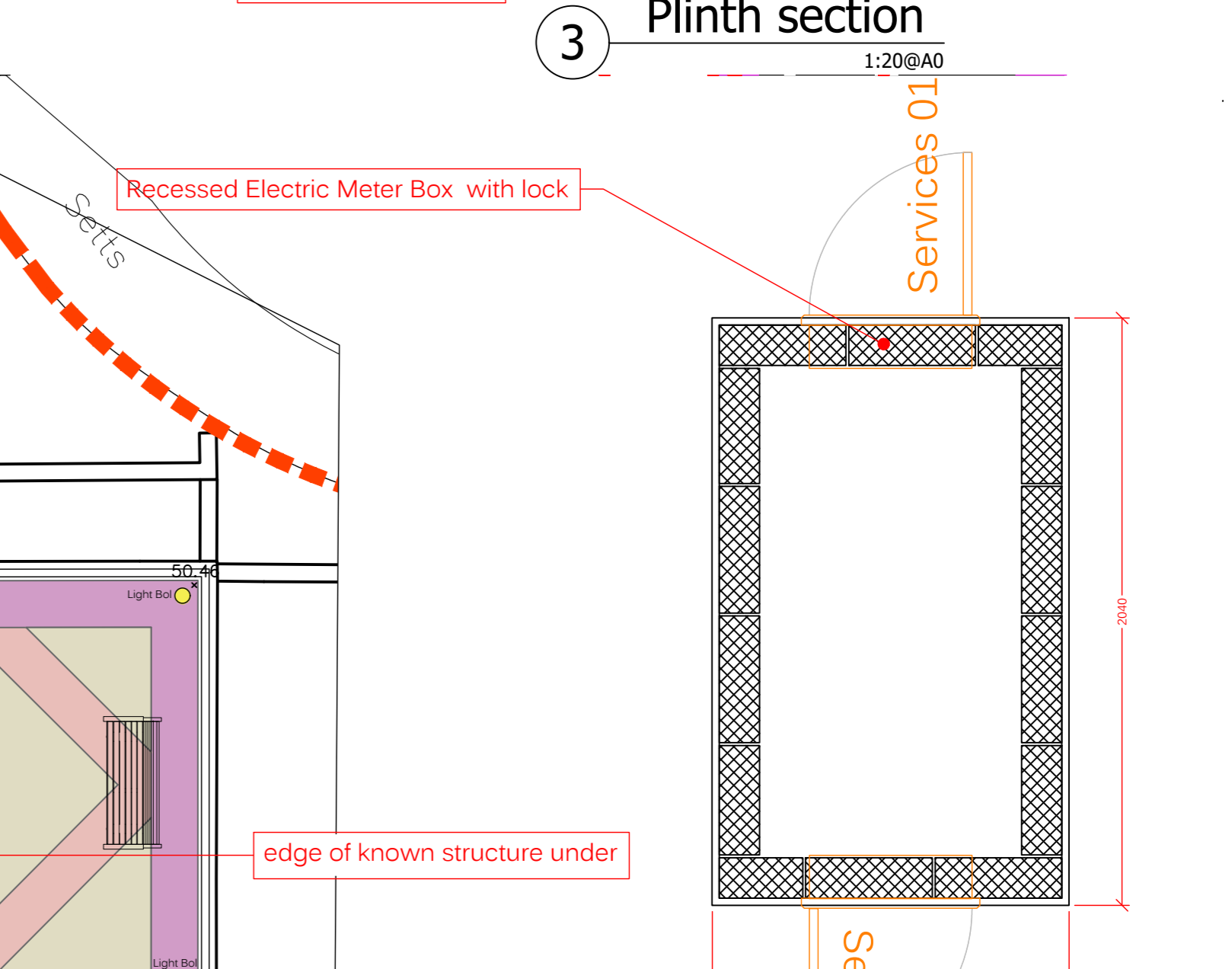
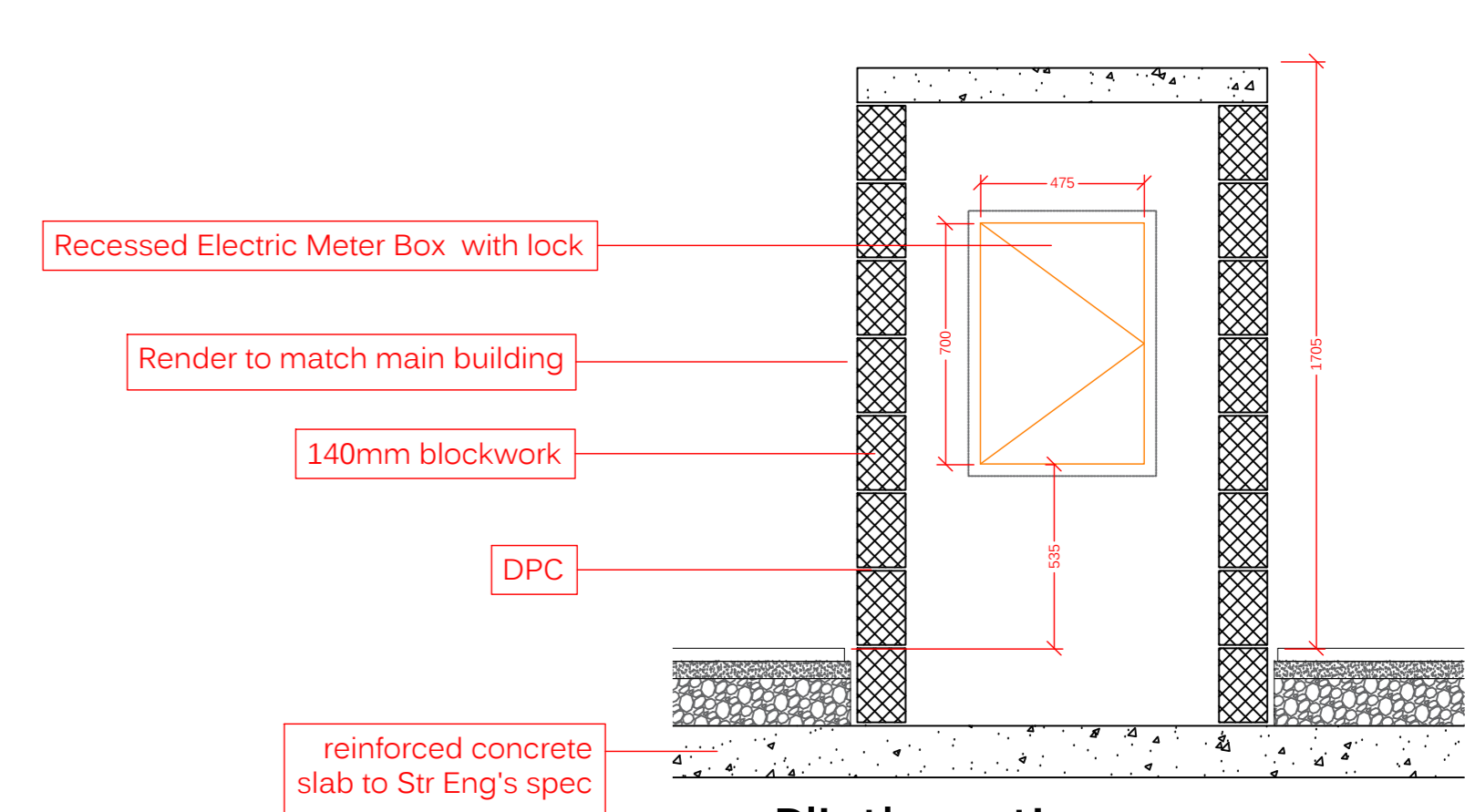


**1 Ground Floor Landscape Plan**  
1:75@A0



**STREET FURNITURE**

- 01** Marshalls The Rhino Stainless Steel Bollards with slightly domed top Grade 316L S/Steel 1000mm high 114mm dia
- 01A** Marshalls The Rhino Stainless Steel Telescopic Bollards Grade 316L S/Steel 850mm high 114mm dia
- 02** Marine Grade 316 Stainless Steel Commercial Bollard Light 120m dia 1000mm tall
- 03** New Statue Plinth, rendered to match new extension, box shaped w2000 d1000 h2000
- 04** Existing Fountain Statue, could be substituted for new sculpture as part of a Arts and Culture programme
- 05** Power Supply & Water Supply locked cabinet in plinth
- 06** 3-4m tall LED street lamps with contemporary lamp fitting
- 07** Seasonal installation of the Menorah, relocated from its adjacent existing position
- 08** Dedication benches from existing sunken garden to be positioned around the new piazza



**NOTE:**

- Design Intent to be developed in conjunction with specialist subcontractor
- Structural Design to Str Eng's spec
- pavement to be laid to falls respecting existing perimeter levels and drainage points
- External lighting subject to M&E lighting design

**NOTE:**  
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**5 3D Visualisation**  
NTS



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NO	Date	Revisions
T02	06/09/2023	updated plan following planning consultation
T01	01/09/2023	issued for tender
P01	17/07/2023	issued for Planning

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Drawing Title  
**DETAIL:**  
Ground Floor external hard landscaping design

Drawing No  
**CLIF-AL3-V2-00-DR-A-030011**

Date drawn  
Sept 23

Scale  
varies@A0

Rev  
T02

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# Cliffs Pavilion

Photos and CGIs





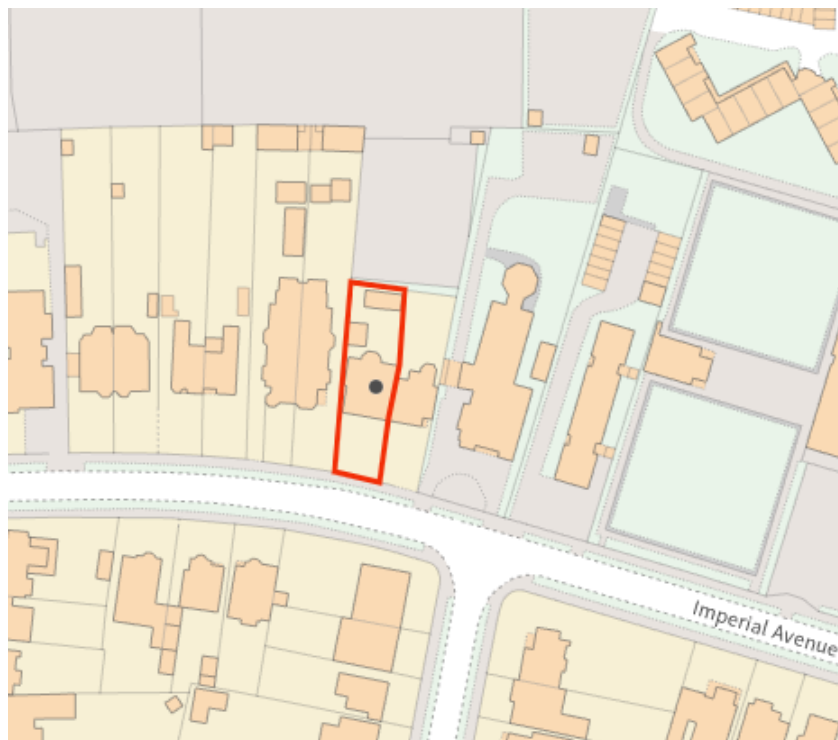






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<b>Reference:</b>	23/00946/FUL	<b>6</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Layout hard and soft landscaping to front, erect two storage sheds, pergola, bin store, covered store, cycle stand and boundary fencing to front (part retrospective)	
<b>Address:</b>	Day Nursery, 43 Imperial Avenue, Westcliff-on-Sea, SS0 8NQ	
<b>Applicant:</b>	Mrs Frances Hickling	
<b>Agent:</b>	Mrs Susan Jones of Susan Jones Consultancy	
<b>Consultation Expiry:</b>	18th August 2023	
<b>Expiry Date:</b>	20th October 2023	
<b>Case Officer:</b>	James Benn	
<b>Plan Nos:</b>	<b>Location Plan; CLA-23260/LP001 Rev B; CLA-23260/LP002 Rev A; CLA-23260/LP0003</b>	
<b>Supporting Documents:</b>	<b>Cover Letter ref. SAJ/SJ/AA626 dated 06.06.2023; Planning Statement dated June 2023</b>	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The application site contains a semi-detached two storey building with rooms in the roof on the northern side of Imperial Avenue. The building is in mixed use with a long-standing day nursery at ground floor level and a residential unit at the upper floors. The works relate to the frontage of the site which is accessed via two existing vehicle crossovers with pedestrian access from Imperial Avenue.
- 1.2 The arrangement of the site's frontage has been obscured in recent years by hoardings and storage of materials etc, which have been the subject of planning enforcement enquiries. More recently the frontage has been reconfigured with hardstanding and substantial fencing, the latter of which is the subject of a recent planning enforcement investigation.
- 1.3 The surrounding area is predominantly residential in character, comprising detached and semi-detached dwellinghouses typically set in generous plots as well as two and three storey high flatted blocks.
- 1.4 The site is not within a conservation area or subject to any site-specific planning policies.

## **2 The Proposal**

- 2.1 Planning permission is sought part-retrospectively to reconfigure the frontage of the site by laying out hard and soft landscaping and erecting two storage sheds, a pergola, a bin store, a covered store, a cycle stand and boundary fencing.
- 2.2 The proposal would subdivide the frontage between the residential unit and the nursery with 1.83m high close board fencing running south to north through the centre. Part of the proposed fencing next to the nursery front entrance door would have a trellis panel attached to the top with an overall height of some 2.13m. There would be three separate pedestrian accesses from Imperial Avenue, one associated with the residential unit and two associated with the nursery. Existing fencing some 1.8m-2.2m high on the eastern and western side boundaries would be retained. The fencing slopes down to some 1m-1.2m high to the front part of the eastern side boundary and it is proposed for the front part of the western side boundary to slope down to match the eastern boundary fencing. To the front part of the western side boundary is an existing hedge which would be retained.
- 2.3 The part of the frontage associated with the residential unit would be towards the western side boundary. It would have close board fencing some 1.8m high and 4.1m wide, an associated pedestrian gate which would front Imperial Avenue and would be set back some 5.8m from the front boundary. To the front of the proposed fencing would be a hardstanding for the off-street parking of 1no. vehicle. The hardstanding would be Charcon Europa (Burnt ker) block paving laid in a herringbone pattern. It would be accessed via an existing vehicle crossover from Imperial Avenue. To the rear of the proposed fencing would be the enclosed private amenity space for the residential unit. Tandur yellow antique limestone paving slabs would be laid in this space. The submitted plans show that some shrubs are proposed within the private amenity space and there are 5no. existing trees.
- 2.4 The part of the frontage associated with the nursery would be towards the eastern side boundary. The front boundary would have a central hedge some 1.6m high and 4.2m wide with low level planting to the front and pedestrian accesses either side which would front Imperial Avenue. Immediately to the rear of the hedge running its full 4.2m width would be close board fencing some 1.5m high. Immediately to the rear of this fencing there would be 2no. commercial bin stores separated by a close board fence some 1.5m high and 0.9m wide which would run south to north, adjacent to the front hedge. This fence would attach to the

front elevation of the proposed covered buggy store which would be timber framed and weather boarded with a felt clad marine ply roof. The buggy store would be some 1.6m high, 4.2m wide and 1m deep. To the flanks of the buggy store there would be two close board fence gates which would provide pedestrian access to and enclose the nursery's front garden area. They would be some 1.5m high and 0.8m-0.9m wide, would front Imperial Avenue when closed and would be set back some 2.9m-3.3m from the front boundary.

- 2.5 Within the nursery's enclosed front garden area set up to the eastern side boundary there would be a timber pergola some 2.2m high, 1m deep and 2.4m wide, 2no. timber clad storage sheds some 1.8m high, 1m deep and 2.7m wide and some soft landscaping consisting of 7no. pleached trees 'Photonia Red Robin' and associated ground cover. To the front elevation of the building there would be shrubs and bird bath and feeding stations enclosed by a white painted picket fence some 0.9m high and a white painted trellis panel some 1.8m high. To the front of the proposed picket fence a cycle stand for 1no. cycle is proposed and the existing semi-mature tree would be retained and its surround would be squared off with bullnose limestone coping stones.
- 2.6 The existing concrete hardstanding to the main nursery area would be infilled as necessary with areas of slab paving replaced with a concrete base and both the existing hardstanding and infilled areas would be finished with a tar spray and shingle dressing. The edges would have concrete black paving in a natural colour. A galvanised steel drainage channel some 0.1m deep would be installed across the width of the main nursery area to the rear of the proposed buggy store.
- 2.7 This application for planning permission has been made following a planning enforcement investigation at the site in relation to the unauthorised fencing and associated storage structures which has been erected. This application seeks an alternative proposal to the existing unauthorised development.
- 2.8 The application is part-retrospective as the existing western and eastern side boundary fencing, and some of the existing soft landscaping, has been undertaken and would be retained.

### 3 Relevant Planning History

- 3.1 The most relevant planning history of the application site is shown in Table 1 below:

**Table 1: Relevant Planning History of the Application Site under the Day Nursery, 43 Imperial Avenue**

Reference	Description	Outcome
22/01619/FUL	Extend existing crossover onto Imperial Avenue	Refused.

**Table 2: Relevant Planning History of the Application Site under 43 Imperial Avenue**

Reference	Description	Outcome
19/00091/FUL	Erect temporary portacabin to front (retrospective) (Amended Proposal)	Permission granted.
18/01583/FUL	Erect temporary portacabin to front (retrospective) (Amended Proposal)	Permission granted.
18/00819/FUL	Erect a temporary portacabin to front (retrospective)	Permission granted.
14/01436/FUL	Erect two storey side extension, roof terrace to rear (Amended Proposal)	Refused.
14/01435/FUL	Erect two storey side extension, roof terrace to rear and balcony to front (Amended Proposal)	Refused.

13/00907/FUL	Erect two storey side extension, roof terrace to rear and recessed balcony to front (Amended Proposal)	Refused.
10/01170/FUL	Erect two storey side extension with roof space accommodation, conservatory, roof terrace to rear and recessed balcony to front.	Refused. Appeal dismissed.
10/01169/FUL	Erect two storey side extension with roof space accommodation, conservatory and roof terrace to rear	Permission granted.
05/00474/FUL	Erect part single/part two storey side extension and conservatory at rear, use part of first floor extension to form office ancillary to ground floor day nursery	Permission granted.
93/0349	Continue use of front lounge by playgroup	Permission granted.
88/1875	Use front lounge by playgroup (25 children 0900-1500 hours)	Refused.

3.2 The most relevant planning enforcement history of the application site is shown in Table 2 below:

**Table 3: Relevant Planning Enforcement History of the Application Site**

Reference	Description	Outcome
22/00326/UNAU_B	Erection of fences	Under investigation.

## 4 Representation Summary

### Call-in

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

### Public

4.2 Thirteen (13) neighbouring properties were notified of the application by letter and a site notice was displayed. One representation objecting to the application has been received. Summary of comments:

- Querying whether the application is all retrospective as works have taken place.
- The design and scale of the construction seem to be significantly out of character with the existing architecture on the street. This has created an eyesore in the street.
- The space would be better utilised for parents using the nursery.
- Currently there is illegal parking and disruption to neighbours on the road daily.

**[Officer Comment:** The comments have been taken into consideration and those matters that are relevant to planning are discussed further in the relevant sections of the report. Other than those stated in the refusal reason of this report, the points of objection raised in the representations were not found to justify refusing planning permission in the circumstances of this case.]

### Highways

4.3 No objection.

### Environmental Health

4.4 No objection subject to a refuse and recycling condition.

**[Officer Comment:** If the application was found otherwise acceptable conditions would have

been imposed at the last section of this report which would have been considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case.]

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 5.5 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

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

## **7 Appraisal**

### **Principle of Development**

- 7.1 The proposal which seeks to provide additional ancillary facilities for the existing day nursery is broadly in line with the central principles of Policies KP2 and CP6 of the Core Strategy which seek that development supports improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 7.2 The principle of laying out landscaping and erecting outbuildings, stores and fencing within the curtilage of a building is therefore considered acceptable and policy compliant, subject to the development appropriately addressing the relevant detailed planning considerations.

### **Design and Impact on the Character of the 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 Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 7.5 Policy DM1 of the Development Management Document states that all development should; "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing,

density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”

- 7.6 Paragraph 155 of the Design and Townscape Guide states “Any form of enclosure must be high quality and complementary to the overall scheme design or existing building. Boundary treatment should clearly distinguish between public and private space.”
- 7.7 The streetscene in this part of Imperial Avenue has a strong open character with low front boundary treatments comprising low brick walls and low fences which typically do not exceed 1m high (apart from pillars associated with boundary walls) with some soft landscaping and buildings with relatively deep, spacious frontages. The higher boundary treatments in this part of Imperial Avenue are typically return frontages comprising 1.8m-2m high fences which enclose the private rear gardens of dwellings on corner plots. The proposal would include a substantial amount of close boarded fencing within the frontage varying between some 1.5m-1.8m high (up to 2.13m high where the proposed trellis would be attached to the top of the fencing), which would be solid in appearance and highly visible in the public realm from Imperial Avenue. Other structures proposed in the frontage, including the buggy store some 1.6m high, storage sheds some 1.8m high, trellis some 1.8m high and pergola some 2.2m high would all impact public views from Imperial Avenue to varying material extents due to their height and particularly when the proposed front gates are open. The proposed 2no. bins to the front of the site are poorly sited and without enclosures. Altogether it is considered that the totality of the proposed development, due to its height, layout and extent, and the solid appearance of the proposed fencing, would appear visually prominent, stark, and significantly out of keeping with the spacious setting and overall character of the surrounding area. It would therefore result in significant harm to the character and appearance of the site, the streetscene and the area more widely.
- 7.8 The existing eastern side boundary fencing slopes down towards the front boundary and it is proposed for the western boundary fencing to slope down to the front boundary and to retain the existing hedge to the front part of the western boundary. No objection is raised to these aspects of the proposal which are not considered to cause significant harm to the character and appearance of the site and the surrounding area.
- 7.9 No objection is raised to the proposed soft landscaping in terms of its impacts on the character and appearance of the site and the surrounding area. However, the proposed soft landscaping is relatively limited and it is not considered that it would sufficiently mitigate the harmfully stark and contrived appearance of the proposal.
- 7.10 The extent of the proposed hardstanding is considered a negative aspect of the proposal. However, as it would be generally consistent in appearance with some examples of other such frontages elsewhere in Imperial Avenue and given some soft landscaping is proposed, no objection is raised to it. It is considered that the proposed drainage channel would sufficiently limit any surface run-off during heavy rainfall.
- 7.11 The submitted planning statement claims the proposed fencing would fall under permitted development as it does not exceed 2m in height. Therefore consideration is given to whether the applicant has a realistic permitted development fall-back position. Officers do not consider that the applicant has a fall-back position due to the height and position of the fencing adjacent to the Highway and in the absence of a Certificate of Lawfulness, no material weight for a realistic fall-back position has been identified.
- 7.12 Within the wider streetscene there is a school to the east, Alleyn Court, which has a front boundary fence some 1.8m high. This is a school and not a nursery and as such it benefits from permitted development rights for boundary fences adjacent to the highway up to a maximum of 2m high. This fencing is materially different to the development hereby sought



and does not provide any justification for this development.

- 7.13 The submitted planning statement states that there is lack of space to the rear of the site for the provision of any additional storage. However, it is considered that more discretely located and designed ancillary storage, such as buggy parks and refuse and recycling storage, could potentially be provided at the front of the site in an way which would not result in the significant harm to the character and appearance of the site, or the wider surrounding area that results from this particular proposal. It is similarly noted that any necessary screening/obscurity of the nursery from the public domain, should that be required, could be reasonably achieved in a more sympathetic and appropriate manner than the fencing hereby proposed. No significant public benefits have been identified such as an increased early years provision or education improvement and the public benefits of the proposal are considered limited given its nature. They do not clearly outweigh the significant harm identified as a result of the current proposal.
- 7.14 Within the City there are other examples of nurseries with open frontages with appropriately scaled and sited ancillary storage (e.g. buggy parks and refuse and recycling storage) which has been accommodated and other means of privacy screening, such as opaque window films, which have an acceptable impact on the streetscene. Officers consider that a reasonable remodelling of the frontage including appropriately scaled and sited storage could be achieved within this site however the height, layout and extent of this proposal is unacceptable.
- 7.15 Overall, it is considered that cumulatively the proposed development, by reason of its height, layout and extent, and the solid appearance of the proposed fencing within the frontage, would appear visually prominent, stark, and materially out of keeping with the spacious setting of the surrounding area and would result in significant harm to the character and appearance of the site, the streetscene and the area more widely. Although it is not incumbent on the applicant to do so, no significant public benefits have been identified for consideration such as increased early years provision or education improvement and the public benefits of the proposal are considered limited given its nature. The significant harm identified is therefore not outweighed by the public benefits of the proposal. The proposal is therefore unacceptable and contrary to policy in terms of its impact on the character and appearance of the site, the streetscene, and the area more widely.

### **Amenity Impacts**

- 7.16 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.
- 7.17 The proposal would be separated by some 3.5m from the flank wall of No 45 Imperial Avenue to the west which is subdivided into flats. Noting the some 2m-2.2m height of the existing fencing on this boundary and the separation distance, it is not considered that the development would significantly harm the amenity of the occupiers of the flats at No 45 in any relevant regards.
- 7.18 The proposal would be set up to the shared boundary with No 41 Imperial Avenue to the east. There is an existing fence on this boundary which is some 1.8-2m high. The proposed pergola would be set up to this boundary and would rise marginally above it by some 0.2-0.4m for a length of some 2.4m. Other than the proposed pergola the other aspects of the proposal set up to the shared boundary would be level with or below the existing boundary fencing or would be sufficiently separated from it. Due to the existing boundary relationship and the

marginal height of the proposed pergola above the shared boundary for a length of 2.4m, it is not considered that the proposal would significantly harm the amenity of the occupiers of No 41 in any relevant regards.

- 7.19 All other dwellings are sufficiently removed from the development to prevent any significant harm in any relevant amenity regards.
- 7.20 It is considered that the design, size, siting and scale of the development are such that it does not result in any significant harm to the amenities of the site, the neighbouring occupiers or the wider area in any regard. The development is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

## **Highways**

- 7.21 Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.” Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 states that “Development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.”
- 7.22 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. A provision of a minimum of one parking space is required for a 2+ bedroom flat. A provision of a maximum of one parking space per full time equivalent staff and waiting facilities where appropriate are required for a nursery.
- 7.23 Inconsistent information has been submitted with regard to the existing parking provision within the submitted documents. The application form states that there is one existing parking space which would be retained. The submitted planning statement states that one parking space would be created for the residential unit. The submitted elevation drawings show a total of three existing parking spaces. The Council’s Highways Team has confirmed that the two existing single vehicle crossovers could accommodate two existing off-street parking spaces. On this basis it is considered that there are two existing off-street parking spaces and the proposal would result in the net loss of one off-street parking space. It is not expressly clear how these existing parking spaces are divided between the residential unit and the nursery.
- 7.24 The proposal would provide one off-street parking space on the frontage for the residential flat which is policy compliant. It would provide one cycle parking space and no off-street car parking for the nursery. The site is in a reasonably sustainable location with bus stops on London Road and Chalkwell Train Station within reasonable walking distance, some 8 minutes and 16 minutes respectively. The submitted planning statement states that most staff and customers live locally and mostly walk to the site. The Council’s Highways Team have raised no objections to the proposal. On this basis, the one cycle parking space provided for the nursery is considered acceptable and would not justify a reasonable reason for refusal of the application in the specific circumstances of this case.
- 7.25 The proposal would not have a harmful impact on parking or highway safety and therefore the proposal is acceptable and policy compliant in highways terms.

## **Community Infrastructure Levy**

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

## **Equality and Diversity Issues**

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

## **8 Conclusion**

- 8.1 For the reasons outlined above the development is found to be unacceptable and fails to comply with the relevant planning policies and guidance. It is considered that cumulatively and in totality that the proposed development, by reason of its height, layout and extent, and the solid appearance of the proposed fencing within the frontage, would appear visually prominent, stark, and materially out of keeping with the spacious setting of the surrounding area and would result in significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore unacceptable and contrary to the policy in terms of its impact on the character and appearance of the site, the streetscene, and the area more widely. No significant public benefits have been identified such as increased early years provision or education improvement and the public benefits of the proposal are considered limited given its nature. It is considered that the ancillary features sought from the proposed development and the privacy of the nursery sought from the fencing could be achieved in a more appropriate and sympathetic way to that hereby proposed and as such these matters do not provide any justification for the unacceptable development hereby sought. The significant harm identified is therefore not clearly outweighed by any public benefits of the proposal. Therefore, the application is recommended for refusal.

## **9 Recommendation**

**REFUSE PLANNING PERMISSION for the following reason:**

**01 Cumulatively the proposed development, by reason of its height, layout and extent, and the solid appearance of the proposed fencing within the frontage, would appear visually prominent, stark, and materially out of keeping with the typically spacious setting of the surrounding area and would result in significant harm to the character and appearance of the site, the streetscene and the area more widely. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

### **Positive and Proactive Statement**

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

allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at [https://www.southend.gov.uk/info/200155/make a planning application and planning advice/365/planning advice and guidance/2](https://www.southend.gov.uk/info/200155/make-a-planning-application-and-planning-advice/365/planning-advice-and-guidance/2)

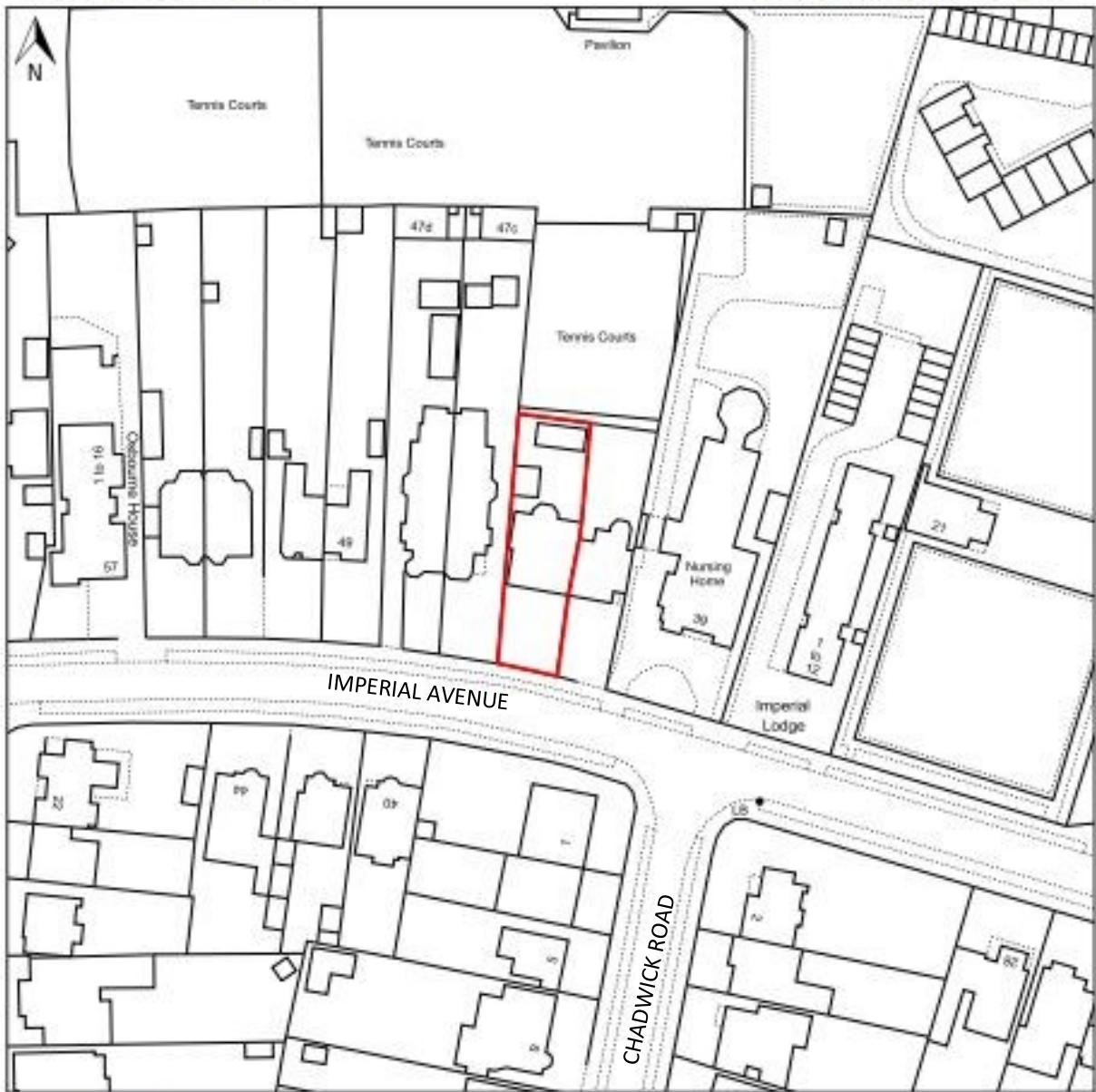
#### **Informative**

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

43, IMPERIAL AVENUE, WESTCLIFF-ON-SEA, SOUTHEND-ON-SEA, SS0 8NQ

UPRN: 100090710230

HMLR Title No: EX194571



© Crown copyright and database rights, 2023. Ordnance Survey  
0100031673 Created using Plans by Emapsite

0m 20m 40m 60m 80m 100m

 RED LINE BOUNDARY

Scale: 1:1250

Paper Size: A4

Notes:



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# 43 IMPERIAL AVENUE, WESTCLIFFE ON SEA



**TO BE READ IN CONJUNCTION WITH  
DWGS: CLA-23260/LP001 and LP002 HARD  
AND SOFT WORKS PLANS**

DO NOT SCALE FROM THIS DRAWING.  
ALL DIMENSIONS TO BE CHECKED ON SITE.  
TO BE READ WITH ALL CONTRACT DOCUMENTATION  
ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE CONTRACT ADMINISTRATOR.

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REV:	DATE:	INITIALS:	DETAILS:

**CLASSIC**  
CLASSICLANDSCAPEARCHITECTURE

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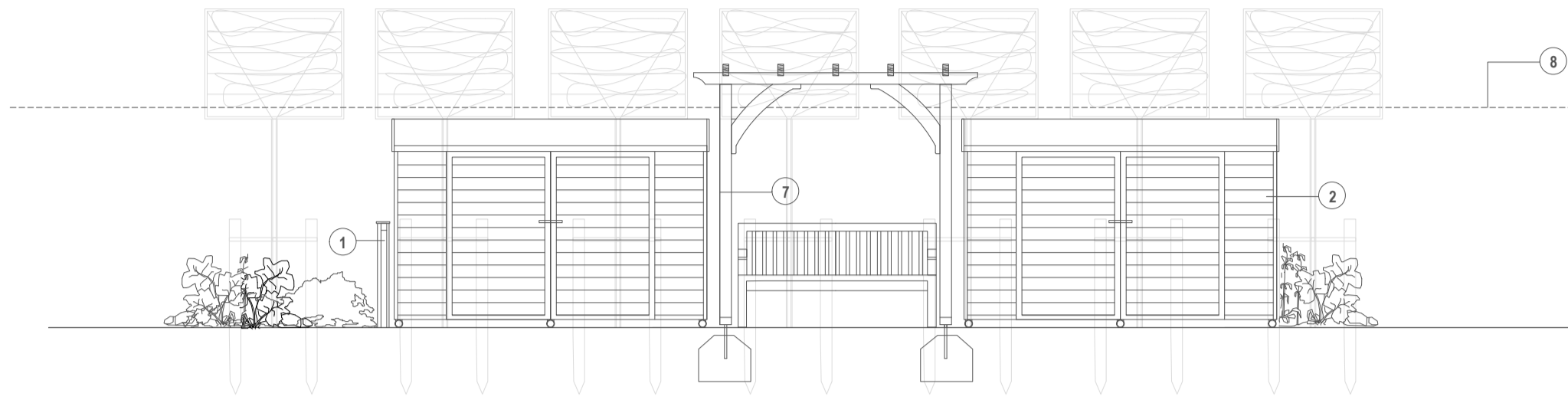
CLIENT: MRS FRANCES HICKLING		PROJECT: 43 IMPERIAL AVENUE, WESTCLIFFE ON SEA	
DWG TITLE: EXISTING SITE PLAN			
SCALE: 1:100 @A1		DATE: 19TH MAY 2023	
DRAWN BY: CLA	CHECKED: CLA	DWG NO. : CLA-23260/LP003	REV:

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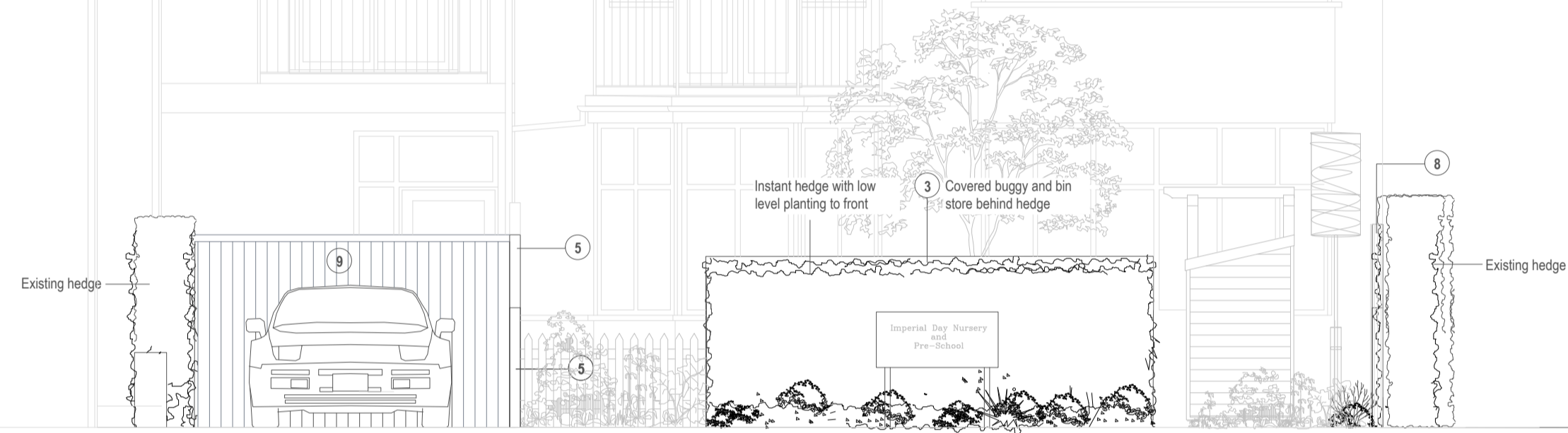


# 43 IMPERIAL AVENUE, WESTCLIFFE ON SEA

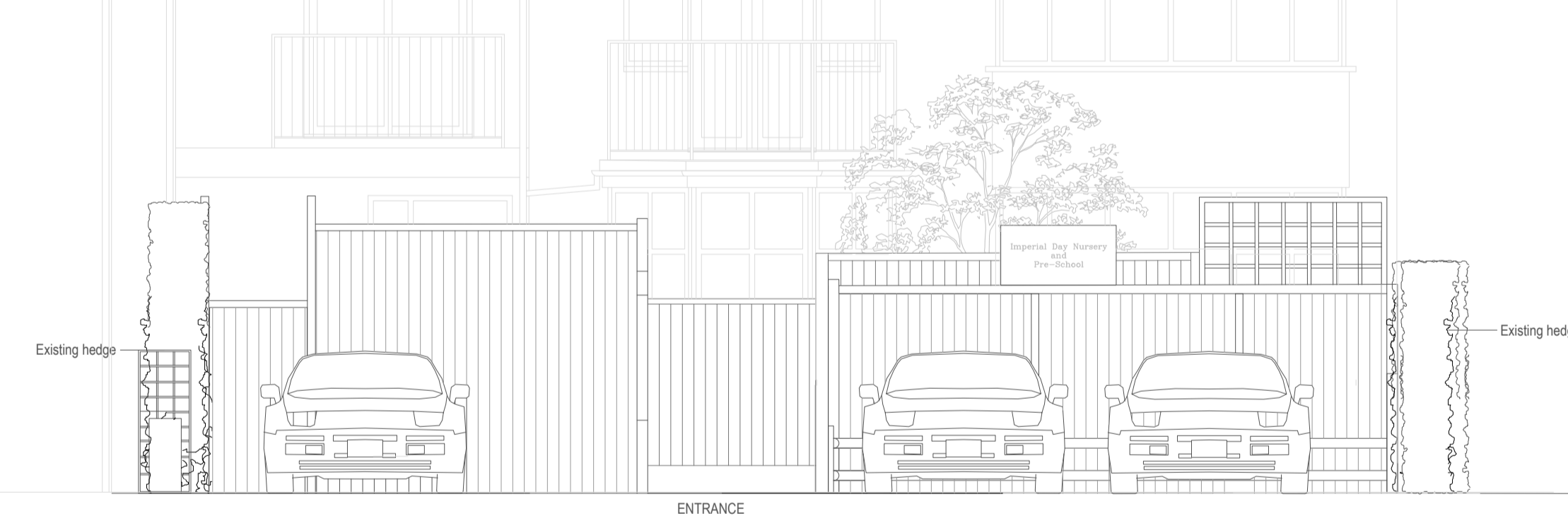
## ELEVATION - EASTERN BOUNDARY showing storage and pergola with pleached trees behind - B-B1



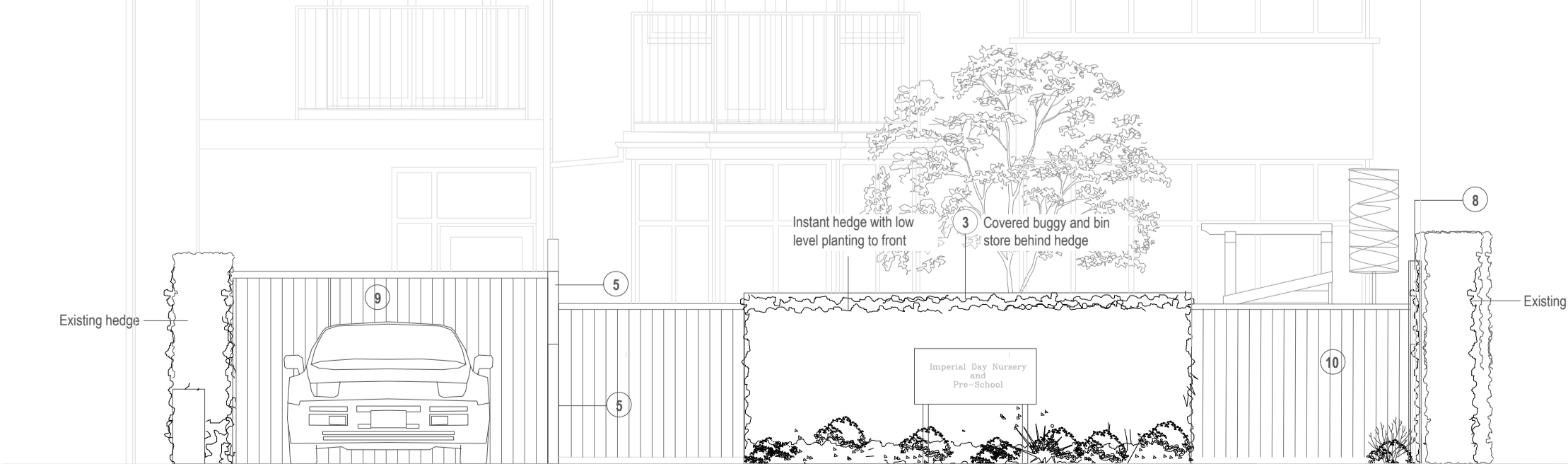
## Elevation showing streetscene along Imperial Avenue with gates open across nursery entrance (set back 3m from footpath) - A-A1



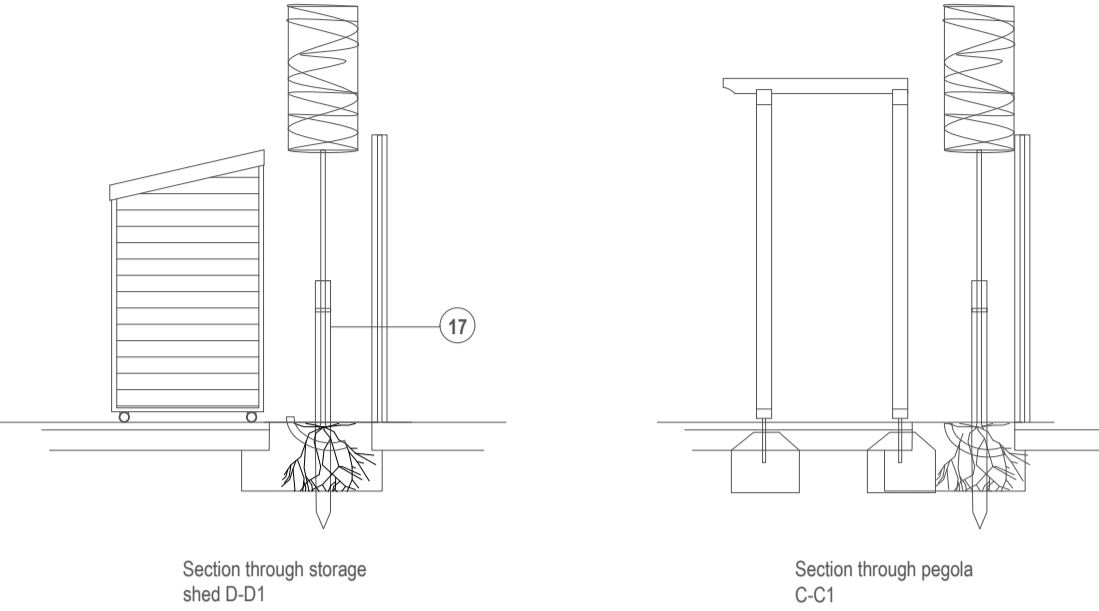
## Existing elevation showing streetscene along Imperial Avenue



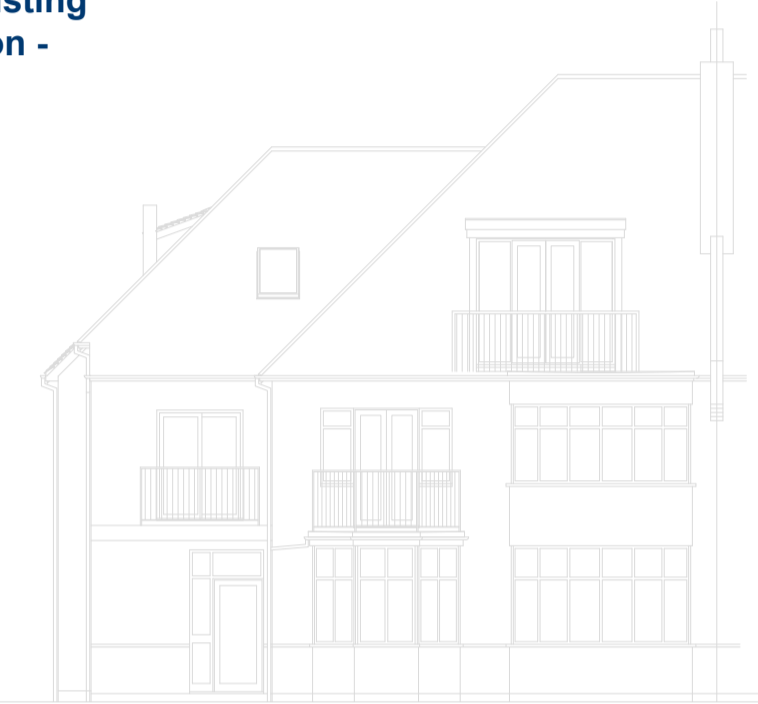
## Elevation showing streetscene along Imperial Avenue with gates closed across nursery entrance (set back 3m from footpath) - A-A1



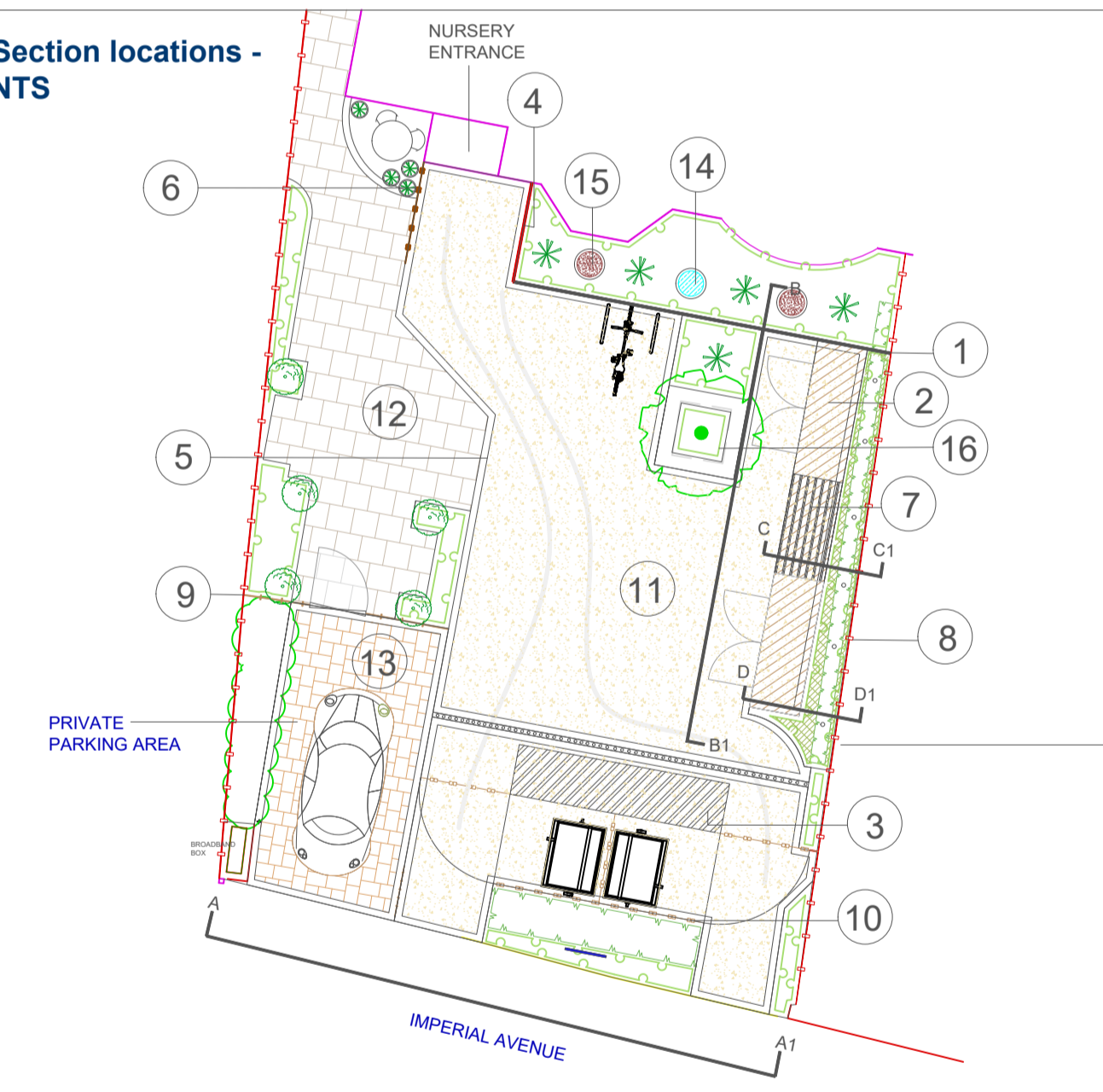
## SECTION through eastern boundary showing storage sheds, pergola and pleached trees - C-C1 and D-D1



## Elevation - existing south elevation - NTS

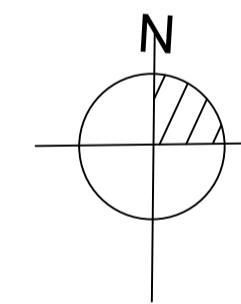


## Section locations - NTS



## KEY

- Existing tree to remain and be protected
- Existing hedge to remain and be protected
- Proposed shrub and herbaceous planting
- Proposed pleached trees
- Proposed evergreen instant hedge
- Proposed specimen shrub
- Proposed hardy ground cover planting under pleached trees
- Proposed nursery sign set into planting at height of 1.2m
- Proposed Tandur Yellow Antique Limestone Paving Slabs - Mix Size laid randomly in courses to garden area (P3 image) over a prepared base and sub-base
- Existing concrete/slab paving to nursery to be infilled with concrete base as necessary and top dressed with tar spray and shingle, colour buff, sample to be agreed to achieve cross fall across site to 1:50 towards eastern boundary, with regular block edging
- Proposed Charcon Europa (Burnt Oker) block paving laid in herringbone pattern to private driveway (P1 image)
- Existing timber fencing to remain
- Proposed 1.8m high close board fencing
- Proposed short length of trellis over fencing to a max height of 2.1m adjacent to front door to nursery
- 1.8m high close board fencing to reduce to 1.1m adjacent to footway to match existing eastern boundary in height, length and style
- 0.9m high palisade fence, painted white to protect planting and prevent access to nursery window
- 1.5m closeboard fencing to front and centre of bin store to allow access but provide screening. Gates to match, to open out, to enclose garden areas if necessary (to be hinged at buggy store corner)
- Existing tree planting bed to be capped with stone to match new planting bed and square off design
- Covered buggy store to be 1.6m high with felt roof
- Steel drainage channel to run to eastern boundary to be 100mm wide ACO channel with galvanised steel grating
- Short section of 1.8m high trellis fencing adjacent to nursery front door to prevent access to nursery window
- Commercial wheelite bins x 2 to be screened from road and garden with separate access
- Proposed 2.1m high timber pergola with bench under (see detail dwg. no. CLA 23260LP002)
- Proposed bespoke 1.8m high lean-to storage sheds on wheels for ease of maintenance (see detail dwg. no. CLA 23260LP002)
- General pedestrian flow to/from nursery
- Bird bath for ecological value in view of nursery window
- Bird feeding stations for ecological value in view of nursery windows



**TO BE READ IN CONJUNCTION WITH DWG: CLA-23260/LP001 HARD AND SOFT WORKS PLAN**

DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE. TO BE READ WITH ALL CONTRACT DOCUMENTATION ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE CONTRACT ADMINISTRATOR.

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A	17/7/23	CLA	EXISTING STREETSCENE ELEVATION ADDED
REV:	DATE:	INITIALS:	DETAILS:

# CLASSIC

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CLIENT: MRS FRANCES HICKLING	PROJECT: 43 IMPERIAL AVENUE, WESTCLIFFE ON SEA
DWG TITLE: HARD LANDSCAPE PROPOSALS -DETAIL	
SCALE: 1:50 @A1	DATE: 19TH MAY 2023
DRAWN BY: CLA	CHECKED: CLA
DWG NO.:	REV:
CLA-23260/LP002	A

## OUTLINE SPECIFICATION - HARD LANDSCAPE WORKS

- 900mm high palisade fence (colour white) with pedestrian gate to match for maintenance of flower bed and bird feeders as necessary from the Picket Fence Company. ThePicketFenceCompany.co.uk or similar approved.
- 2 x Bespoke lean-to storage sheds to be max 1.8m high to the rear with a felt clad marine ply pitched roof as shown, with 2 no. lockable doors to front elevations. To be timber clad and treated with 2 no. coats of Sadoin 'Classic' or similar approved. To have reinforced based set over 6no. heavy duty lockable wheels to allow for maintenance of adjacent fence and tree planting.
- Covered buggy store to be 1.6m high x 4.2m x 1.0m to be timber framed and weatherboarded with a felt clad marine ply roof to be fixed to existing concrete base using min. 70mm shield anchor bolts. To be treated with 2 no. coats of Sadoin 'Classic' or similar approved.
- Trellis panel to nursery entrance window to be 1.8m high x 2m (including 2 no. 100mm x 100mm x 2700mm hardwood posts with timber cappings as per photograph, set into concrete foundations) All to be painted white to match adjacent palisade fencing.
- Proposed Closeboard fencing to be maximum 1.83m high fixed to 100mm x 100mm concrete posts to be set into existing concrete paving to form internal boundary between nursery and adjacent first floor dwelling.
- Trellis panel over 1.83m high closeboard fence between nursery and upstairs accommodation to be maximum 300mm (to a maximum overall fence height of 2.13m adjacent to front door to a total length of 2m).
- Pergola to be 100x100x2.1 treated softwood timber posts set into steel shoes with min 28mm steel rod set into concrete foundation. Beams and cross beams to be 100mm x 50mm treated softwood set at 300mm centres with curved ends as shown to front and side elevations. Rear elevation to lie flush with rear beam as shown. All to be treated with 2no. coats of Sadoin 'Classic' or similar approved.
- Existing closeboard fencing to existing external boundaries (east and west) to be retained and protected. Proposed fencing to slope down towards road to match existing eastern boundary fencing.
- 1.8m high treated softwood closeboard fencing to private garden (beyond parking area) to be attached to 100mm x 100mm concrete posts set into existing concrete paving. To be treated with 2 no. coats of Sadoin 'Classic' with pedestrian gate.
- Fencing to bin store to be 1.5m high treated softwood timber closeboard fencing between bins and adjacent to proposed hedge to allow access from both sides to the road. 1.5m high gates to be hinged at buggy store to allow gates to either close off bin store or close off the nursery garden. To be latched to 125mm x 125mm treated timber posts and braced as necessary across gate.
- Paving to main nursery area to be existing concrete paving infilled as necessary ensuring a cross-fall towards the eastern boundary planting. Areas of slab paving to be replaced with a concrete base and all to be dressed with tar spray and shingle dressing, colour buff. Edging to all areas to be concrete block paving, colour natural.
- Paving to dwelling garden to be Tandur yellow antique limestone, mixed sizes laid over a prepared base, jointed and pointed.
- Driveway to dwelling garden to be block paved with Charcon Europa Burnt Oker laid on a prepared base, herringbone pattern with matching edging.
- Bird bath to be 'Sally' type from Wayfair.co.uk or similar approved.
- Bird feeding station to be Tom Chambers elegance bird feeding station or similar approved.
- Tree surround to be squared off with coping stones to be bullnosed limestone, colour buff from Nustone or similar approved.
- Pleached trees to be planted as per soft works specification ensuring sufficient space along the planting pit length to allow for good root health. Trees to be staked as set out and irrigation pipe provided along length of the run.

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# Imperial Avenue Day Nursery

Photos taken 16/12/2022 by Spyridon Mouratidis

Front of site. High fence at front. Hard standing at ground. Both need planning permission. For high fence unlikely to be supported. Middle part of the picture shows support for plants which applicant claims is temporary.





Access to maisonette. Construction manager advised that above the nursery there has always been a maisonette. Two pillars and gate are temporary as well as the CCTV on one of the pillars.

Waste storage area.  
Fences up to 2.22m







Pram storage area. Fences up to 2.22m



Fence in the middle of the site, 2.5m high.



Enclosed area. Sheds are used for storage of prams, maintenance equipment and paraphernalia associated with nursery. Constrc. Manager advised that outbuildings have been on the front part of the site historically.



Front part of nursery in enclosed area. Constrc. Manager advised that Early Years department asked for the high fences to prohibit visibility.



Additional shed and covered area with chattel cover. Used for storage similarly to the other two sheds.



Side boundary fence slightly less than 2m in height. Structures supporting planting 3m high.

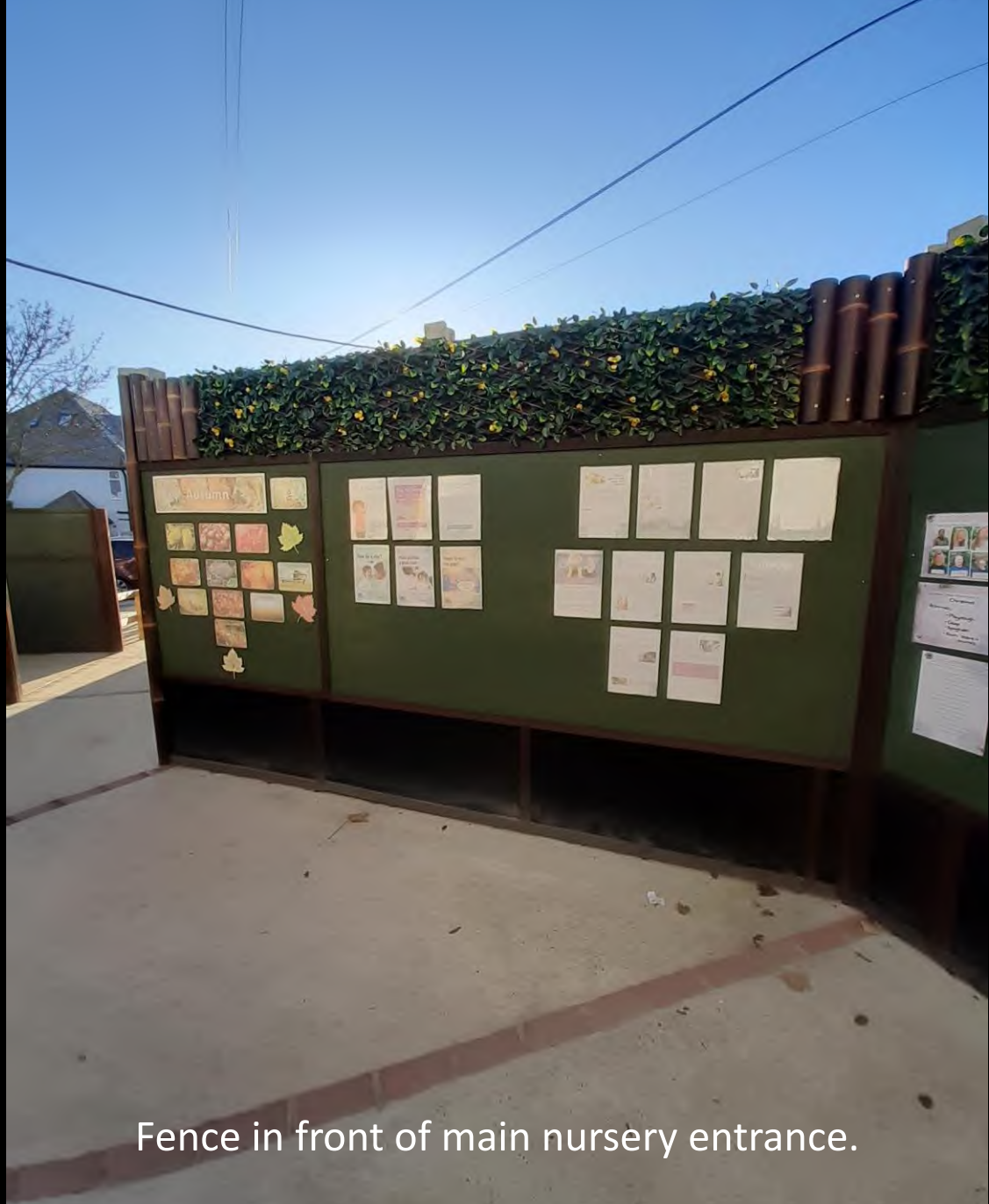
Closer view of structures supporting planting. Constr manager advises these need to be in place for 1 or 2 years to allow the vegetation to be established and then they can be removed. Claimed that there was an Oak tree that caused damage in that location and they are trying to re-establish the foliage with hedging.



Entrance to nursery. High fences either side are left 2.5m and right 2.3m high







Fence in front of main nursery entrance.



View of the site towards Imperial Ave



Area to the front of access for the maisonette. Hard standing here is the original surface. Below the fences it is visible by how much the ground was raised.



View of the area in front of the access point for the maisonette



View of the area in front of the access point for the maisonette



Access point for the maisonette



View of the site from across the road



View of the site and neighbouring sites to the east from across the road.





View of the area towards the east of the site



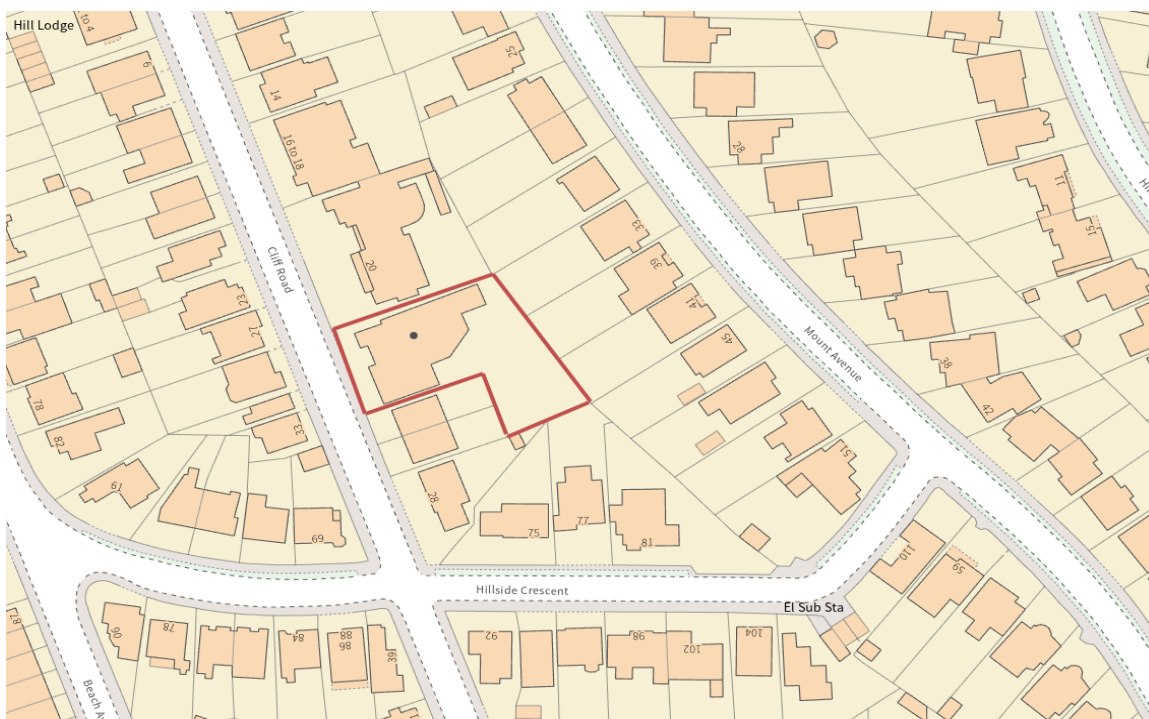
View of the area towards the west of the site



View of the site from frontage of neighbouring site to the west

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<b>Reference:</b>	23/00751/FUL	<b>7</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect two storey rear extension at lower ground and ground floor, increase height of existing rear extension, alter elevations	
<b>Address:</b>	Brambles Care Home, 22 Cliff Road, Leigh-on-Sea, Essex, SS9 1HJ	
<b>Applicant:</b>	Mr A Kandola	
<b>Agent:</b>	Mr Ian Stephenson of Stephenson	
<b>Consultation Expiry:</b>	16.06.2023	
<b>Expiry Date:</b>	20.10.2023	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>23_041/01 Location and Block Plan;</b> <b>23_041/03 Proposed Location and Block Plan;</b> <b>23_041/03 Rev P05 Existing and Proposed Plans and Elevations</b>	
<b>Supporting Documents:</b>	<b>Justification Statement; Tree Survey and Arboricultural Impact Assessment by ROAVR Group</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1. Site and Surroundings**

- 1.1. The application site is occupied by a four-storey detached property on the eastern side of Cliff Road. The building is used as a care home with 26 bedrooms, the majority of which benefit from an en-suite WC. The ground floor contains communal facilities. An internal lift serves the ground, first and second floors. The building's frontage is hard surfaced and used for parking for five vehicles. To the rear is a communal amenity space. Existing refuse storage is located to the northern flank of the application site. Land levels slope downwards from north to south across the site and also change in relation to gardens of houses to the east in Mount Avenue.
- 1.2. The wider surrounding area is residential in character. The site itself has no specific allocation within the Development Management Document's Proposals Map and is not subject to any planning policy designations. A group of TPO trees (TPO ref number: 2/1967) are noted to the site's eastern boundary.

## **2. The Proposal**

- 2.1. Planning permission is sought to erect a two-storey extension (at lower ground and ground floor level) to an existing two storey addition to the rear of the property. Other alterations include an enlargement of the roof form of that existing two storey addition, from a hipped roof 4.9m high (above ground level), to a parapet flat roof 5.8m high.
- 2.2. The existing rear addition is some 6m deep and 4.8m wide with accommodation at lower ground and ground floor level. The proposed development would be the same depth but would increase the width of the existing structure to 8m. The enlargements would enable the provision of one additional en-suite bedroom at lower ground level and an additional kitchen area at ground level.
- 2.3. Finishing exterior materials are render and fenestration to match the existing.
- 2.4. Other alterations include the provision of three new openings to the existing ground floor bedroom (room 3). No other alterations are proposed.
- 2.5. An Arboricultural Impact Assessment has been submitted in support of the application.

## **3. Relevant Planning History**

- 3.1. 22/00841/FUL- Convert existing residential home (Class C2) into 9no. self-contained residential units (Class C3) with associated parking- Granted. This approved development has not been commenced.
- 3.2. 22/01093/TPO- Reduce 2 Oak Trees (T1 and T2) to rear by 3m and general maintenance (Works to a tree covered by a Tree Preservation Order)- Granted
- 3.3. 16/00732/TPO- Prune one Oak tree to rear (Works to a tree covered by a tree preservation order)- Granted
- 3.4. 15/00444/FUL- Demolish existing conservatories and external staircase, erect replacement conservatory and external staircase to rear, dormers to front, side and rear elevations and alter roof to form additional accommodation, layout hardstanding at lower ground level rear- Granted

## **4. Representation Summary**

### **Call-in request**

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

### **Public Consultation**

- 4.2. Nineteen neighbours were notified and a site notice was displayed. Two letters of objection have been received. These are summarised below:

- Amenity concerns; loss of privacy and overlooking.
- Concerns about increasing capacity of care home.
- Design concerns; out of keeping in the area.
- Query whether the applicant will still be able to implement an earlier permission for Change of Use of the care home to flats.

*[Officer Comment: The applicant has 3 years to implement the previous permission from the date of issue of the decision notice (28.07.2022)]*

- Car parking concerns
- Noise and disturbance concerns from construction

**[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.

### **Highways**

- 4.3. No objection.

### **Environmental Health**

- 4.4. No objections subject to conditions relating to refuse and recycling details, and construction hours and declaration of any potential contamination.

*[Officer Comment: There is no previous use associated with the site that would render a contamination condition a reasonable requirement for this proposal]*

### **Adult Social Care**

- 4.5. No objection.

### **Arboricultural (Tree) Officer**

- 4.6. No objections. If the proposed plan is adhered to then it is considered that any damage to the roots of trees T1 and T2 (English Oak Trees) would be minimised.

## **5. Planning Policy Summary**

- 5.1. The National Planning Policy Framework (NPPF) (2021)
- 5.2. Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3. Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) 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), DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management).

- 5.5. Southend-on-Sea Design and Townscape Guide (2009)
- 5.6. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7. Waste Storage, Collection and Management Guide for New Developments (2019)

## **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 impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, trees and CIL liability.

## **7. Appraisal**

### **Principle of Development**

- 7.1. The proposed development enlarges an existing two-storey addition and results in the provision of an additional bedroom at the care home, increasing the total number of bedrooms from 26no. to 27no. Additional kitchen facilities would also be provided. The justification statement states the application has been submitted following a growing demand for the services.
- 7.2. The proposal represents an alteration and improvement related to the operation of an existing adult care home facility. Strategic support is given generally to such Community Infrastructure proposals by Policy CP6 of the Core Strategy. Policy DM9 of the Development Management Document similarly supports such specialist residential accommodation proposals subject to detailed impact considerations.
- 7.3. The net gain of 1 resident enabled by the proposal is not considered to conflict materially with the purpose or objectives of Policy DM9 in relation to identified need or existing capacity. Adult Social Care have not objected to the proposal.
- 7.4. On this basis, the proposal is considered to be acceptable in principle. Other material planning considerations are discussed in the following sections of the report.

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

- 7.5. Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.6. Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and 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.
- 7.7. The proposal would enlarge the existing two storey rear addition from 4.9m high (above ground level), 6m deep and 4.8m wide, to 5.8m high, 6m deep and 8m wide. The roof form would also be extended and enlarged from a hipped roof to a parapet flat roof.



- 7.8. Owing to the extensive changes in ground level across the site (levels fall significantly to the rear boundary and also fall to the south), the lower level of the extension would be partially subterranean and the upper level would align with the existing ground floor. Views of the structure would be possible from neighbouring rear gardens immediately to the east (Mount Avenue), from the neighbouring care home site to the north and from neighbouring properties to the south. There would be no publicly available views of the extension. Revisions were secured during the course of the application and amended plans were received which incorporated parapet wall detailing to the flat roof and a new complementary fenestration arrangement.
- 7.9. When viewed in the context of the application site, the proposed extension is considered to represent a modest addition that would remain subservient to surrounding built form having regard to its size and scale. The application building has had a series of extensions that, over time, have eroded the building's original character with a number of different roof forms and exterior materials within which context it is considered that the parapet roof form would not cause any significant visual harm.
- 7.10. On this basis, and subject to conditions, the development is considered to be acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.11. Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.12. The area of the proposed extension is bounded by Adalia Care Home within Cliff Road to the north and by No's 31, 33 and 39 Mount Avenue to the east. With regards to the elevation facing Adalia Care Home, only the overall height of the existing projection would be enlarged by some 0.9m. Built form would not project any closer to this shared boundary. On this basis, it is not considered that the proposed enlargement would result in a dominant or overbearing impact or result in unacceptable overshadowing or a significantly harmful loss of light and outlook to neighbouring occupants.
- 7.13. Two new openings are proposed to the northern elevation facing Adalia Care Home. These openings would provide a new outlook to the existing bedroom 3 and are considered to provide potential for overlooking of the garden area belonging to Adalia Care Home. In weighing up the impact from overlooking, regard is had to the communal nature of that adjoining care home garden and to the presence of dormer windows within Bramble Care Home that overlook that garden area at present and in addition, to the significant number of windows within Adalia Care Home looking out onto the rear garden area such that it is reasonably considered that a mutual degree of overlooking for residents exists at present. Therefore, the addition of windows to the northern elevation of the extension would not introduce a significantly harmful degree of overlooking, such that the impact in these circumstances is considered acceptable.
- 7.14. With regard to the impact on properties along Mount Avenue, No.33 is positioned directly to the rear of the existing two storey hipped roof rear addition. At present, the existing hipped roof extends some 1m above the line of the fencing on the boundary with No.33. The proposal would see this increased to approx.2m. Although it would increase in extent, the built form would not project any closer to No.33's rear boundary fencing, a

distance of some 4.5m. A separation in excess of 25m to the rear of the No.33 would be maintained. Given both these factors and how the development would be viewed against the backdrop of the existing built form, it is not considered that the proposed enlargement would result in a dominant or overbearing impact or result in unacceptable overshadowing or a significantly harmful loss of light and outlook to those neighbouring occupants.

- 7.15. One new opening is proposed to the eastern elevation facing towards No.33's rear boundary which would provide an additional outlook to the existing bedroom 3. This has the potential to give rise to overlooking of the garden area at No.33 Mount Avenue where currently there is none. To mitigate the potential harm, a condition is recommended requiring this window be obscure glazed. As the two new north facing windows would be clear glazed as explained in paragraph 6.13 above, the internal environment and outlook for future occupiers of room 3 would be satisfactory.
- 7.16. The proposed extension is sufficiently removed from any other neighbouring properties so as to not give rise to any harmful amenity impacts. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard.
- 7.17. Noting the historic care home use of the site, it is not considered the modest increase in room capacity would result in significantly different noise and disturbance impacts. No plant or other external equipment is proposed as part of the development. In the interests of neighbours' amenity a condition is recommended to prevent the flat roof areas of the proposed development being used in future as balconies, terraces etc without planning permission having first been obtained.
- 7.18. Subject to conditions, the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Traffic and Transportation Issues**

- 7.19. 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."
- 7.20. The existing site has five off street parking spaces to the front of the building. The space standards for C2 uses including care homes are a maximum of 1 space per resident staff + 1 space per 3 bed spaces/dwelling units. The proposal includes an additional room at the site and would generate a notional maximum parking requirement of 9 car parking spaces (27 bed capacity divided by 3). The existing arrangement is less than this.
- 7.21. The site is in a sustainable location with regard to public transport including Chalkwell Rail station. On this basis and noting that the development results in a single net additional room, it is not considered that the proposal will have a significantly detrimental impact on the local highway network.
- 7.22. No objection is raised by Highways.
- 7.23. The proposal is therefore acceptable and compliant with the relevant policies in these regards.

### **Other Matters**

## *Trees*

- 7.24. The proposal would be constructed in close proximity to the group of trees to the eastern flank boundary of the site covered by TPO 2/1967.
- 7.25. An Arboricultural Impact Assessment has been submitted with the proposal which identifies that the only trees potentially affected by the development are English Oak trees denoted as T1 and T2. The Arboricultural Impact Assessment contains tree protection measures to ensure the health of these trees is maintained. The Council's tree officers have reviewed the report and state that the measures proposed cover all of the areas for tree protection. They state that if the proposed tree protection measures are adhered to then any damage to the roots of trees T1 and T2 would be adequately minimised. They state further that the area of the root protection zone that is being eaten in to is near to hard surfacing and so there is less likelihood of finding any active roots.
- 7.26. On this basis, and subject to conditions including adherence to the tree protection measures identified, the development is considered to be acceptable and policy compliant in the above regards.

## *Equality and Diversity*

- 7.27. The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). 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 dwelling is a positive aspect of the proposal in this regard.

## *Community Infrastructure Levy (CIL)*

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

## **Conclusion**

- 7.29. 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. GRANT PLANNING PERMISSION subject to the following conditions:**

**01 The development hereby permitted shall begin no later than three years of 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: 23\_041/01 Location and Block Plan; 23\_041/03 Proposed Location and Block Plan; 23\_041/03 Rev 05 Existing and Proposed Plans and Elevations**

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

**03 Before the development hereby approved is first used the materials used on the external surfaces of the development must match those used on the external surfaces of the existing building. Parapet coping shall only be installed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.**

**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 in the Southend-on Sea Design and Townscape Guide (2009).**

**04 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the Local Planning Authority. 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), 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)**

**05 The development hereby approved shall be carried out from its outset solely in accordance with the Arboricultural Method Statement contained within the Tree Survey and Arboricultural Impact Assessment by ROAVR Group issued 07.09.23 hereby approved.**

**Reason: This condition is needed to safeguard the preserved trees and so protect their contribution to 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 Hours of construction works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.**

**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).**

**06 No external plant equipment or machinery associated with the development hereby approved shall be installed or operated at the site unless a noise impact assessment (conducted out by a competent person) has previously been carried out, submitted to and approved in writing by the Local Planning Authority. The assessment must be made using the appropriate standards and methodology for the noise sources and the relevant best practice. The plant equipment shall thereafter be implemented in full accordance with the details and mitigation provided in the approved Noise Impact Assessment before it is first brought into use and shall be maintained as such in perpetuity thereafter.**

**Reason: In the interest of the residential amenity of neighbouring and 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).**

**07 The proposed window in the ground floor east facing elevation of the development hereby approved to serve bedroom 3 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).**

#### **Positive and Proactive Statement**

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

#### **Informatives:**

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

**02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when**

**implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.**

# T1 & T2 - OAK TREE

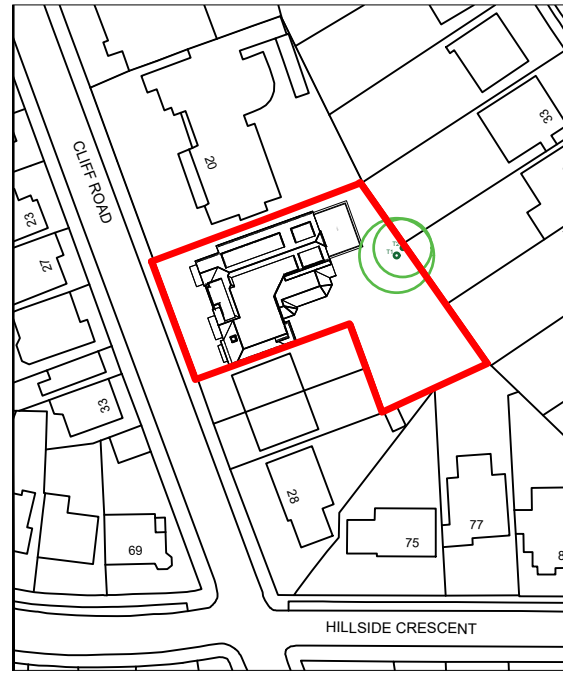
## General Notes

Dimensions shall not be scaled from these drawings in preference to figured dimensions.

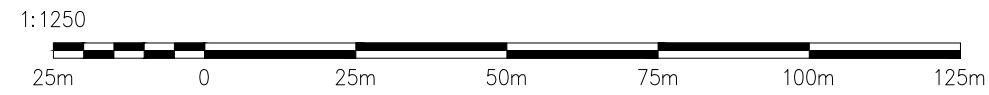
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Figured dimensions and levels should be verified by the Contractor on site before construction or manufacture and any discrepancies brought to the attention of the Surveyors.

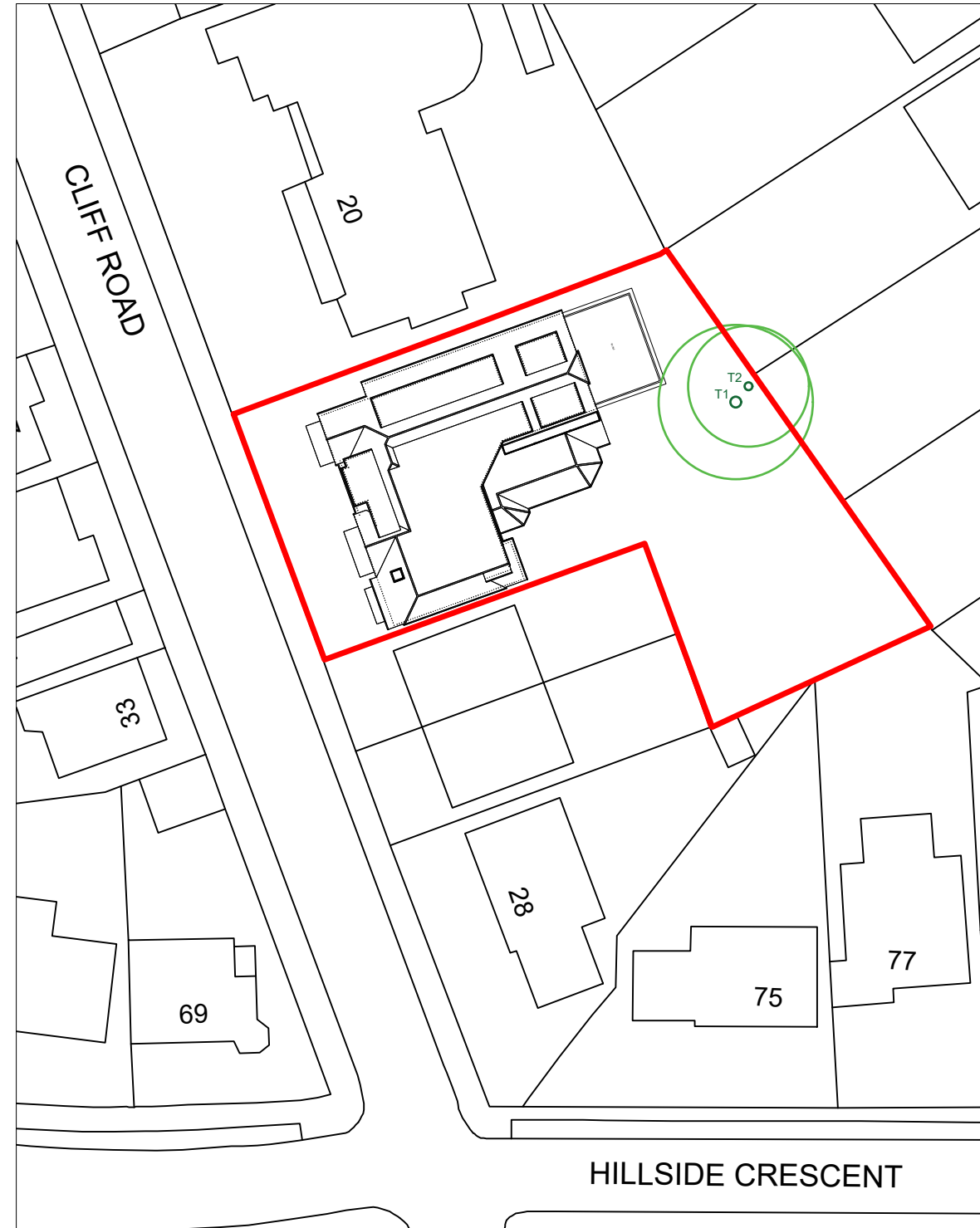
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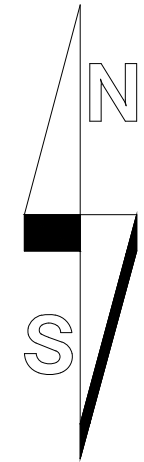
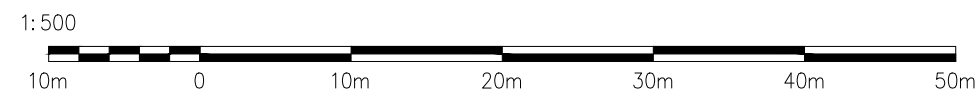
BLOCK PLAN - SCALE 1:1250



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LOCATION PLAN - SCALE 1:500



## Revisions



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CHARTERED SURVEYORS ●  
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## Client

Mr A Kandola

## Project

Brambles Care Home  
22 Cliff Road, Leigh-on-Sea  
SS9 1HJ

## Issue Status

PLANNING

## Title

PROPOSED LOCATION AND BLOCK PLAN

Date	Scale @A3	Drawn By	Checked By
MAY 2023	1:500 & 1250	JE	IRS

Drawing No.	Revision
23_041/03	P03

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**General Notes**

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Scale 1:200



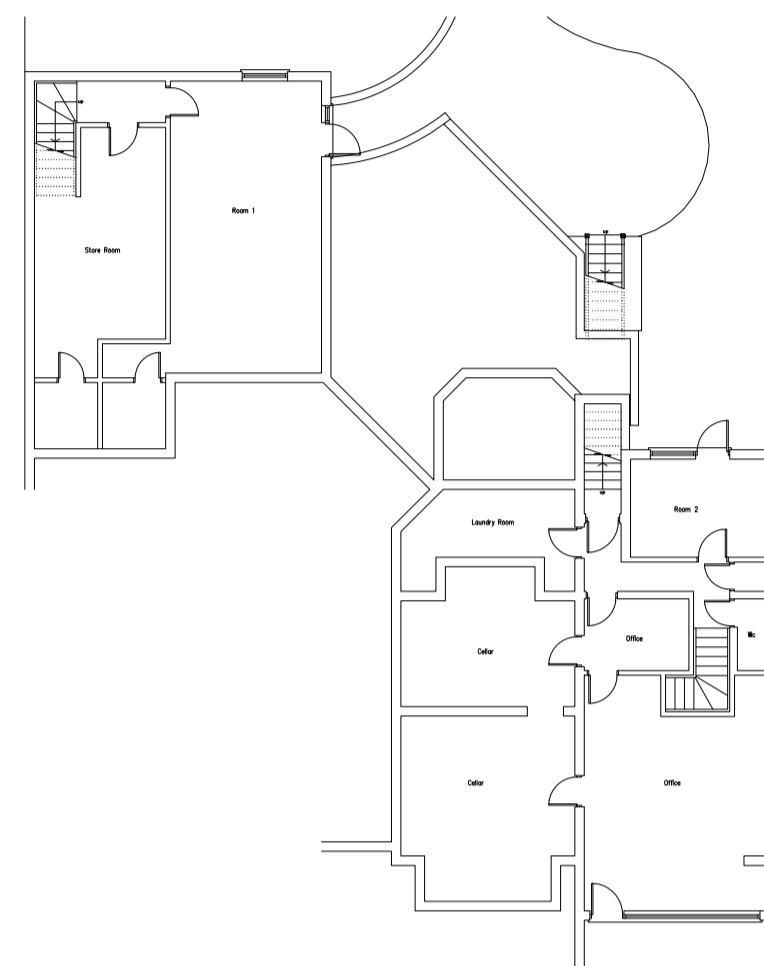
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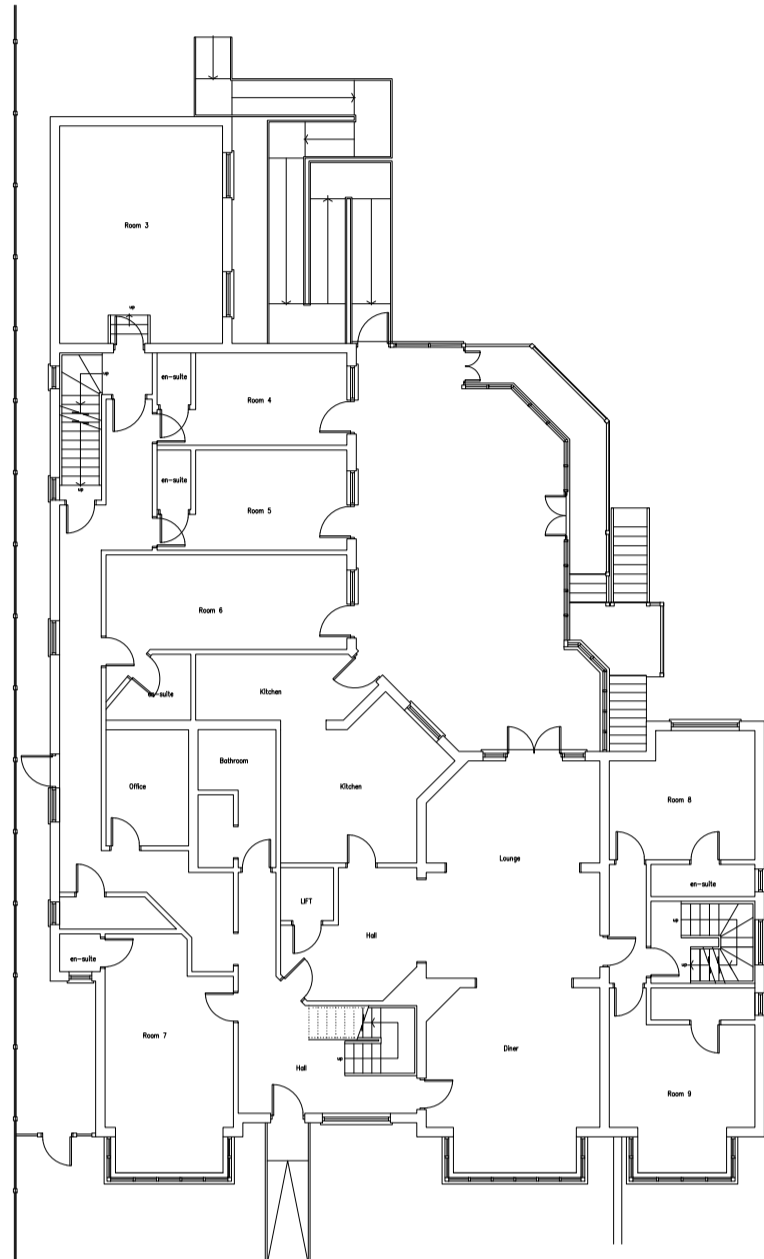
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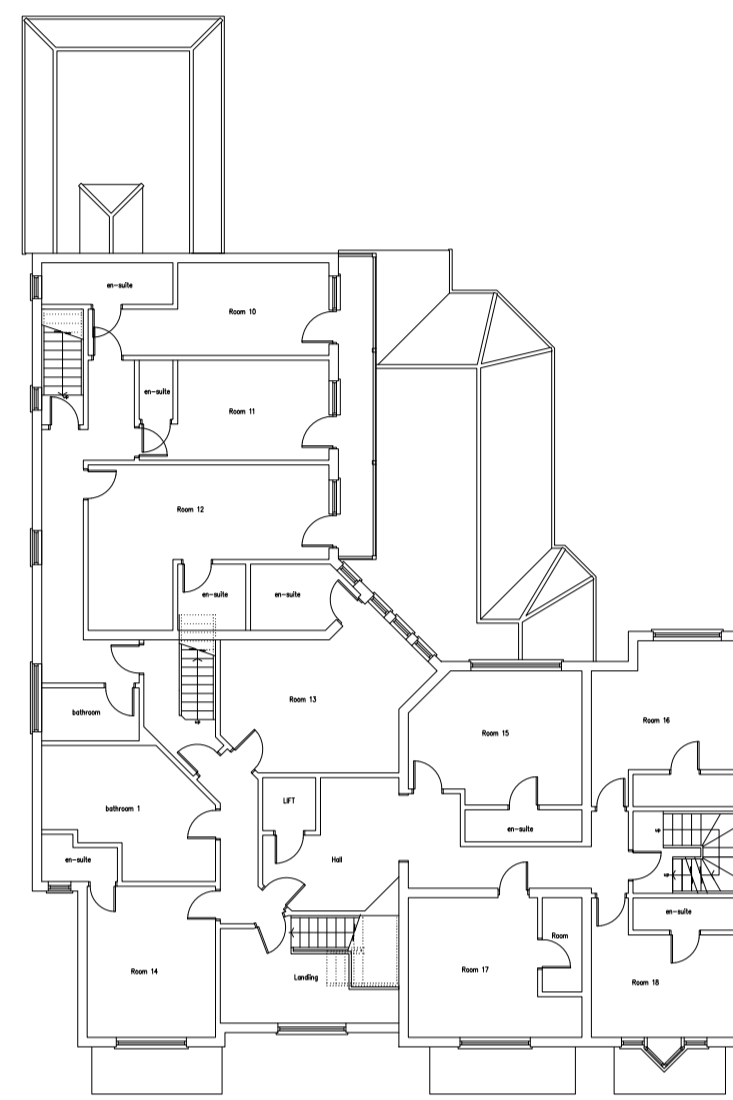
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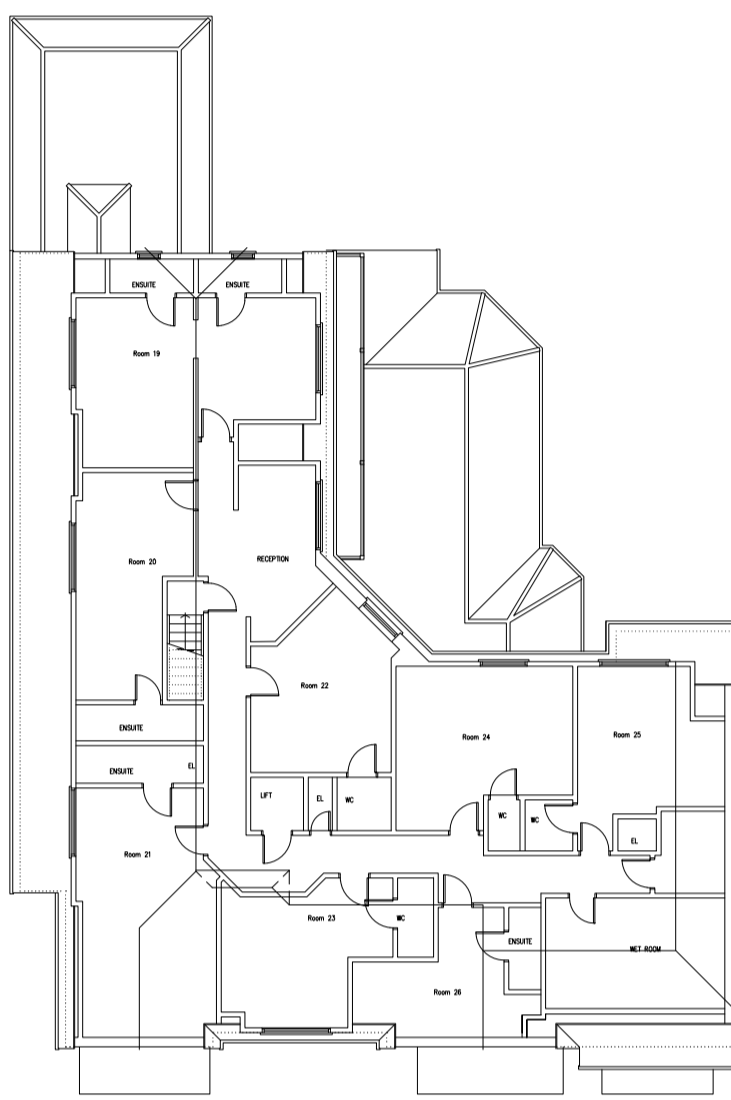
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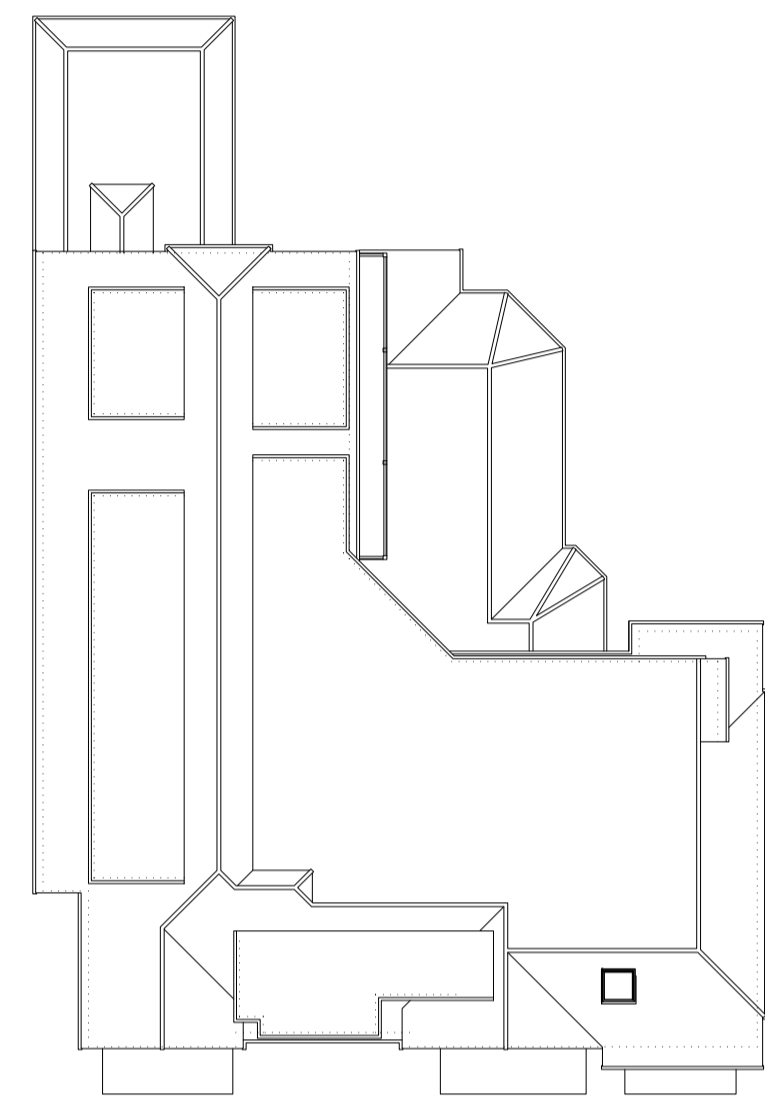
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Existing First Floor  
Scale 1:200



Existing Second Floor  
Scale 1:200



Existing Roof Plan  
Scale 1:200



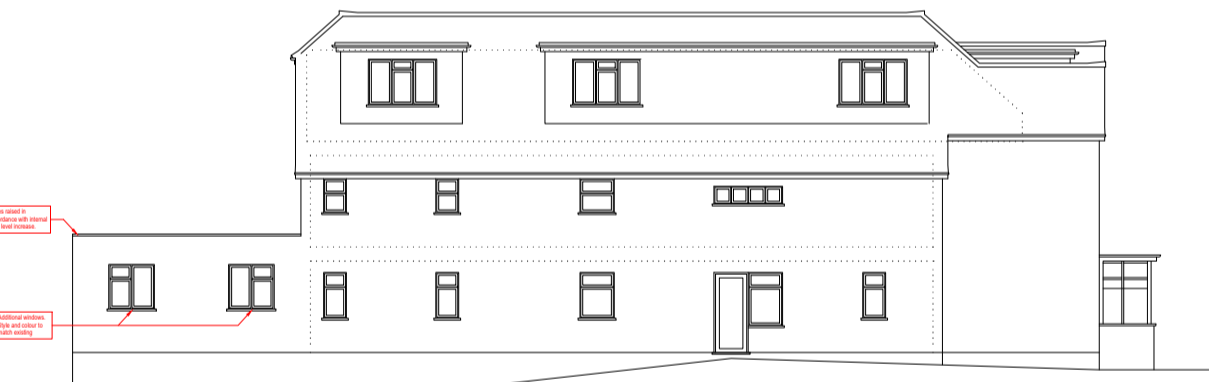
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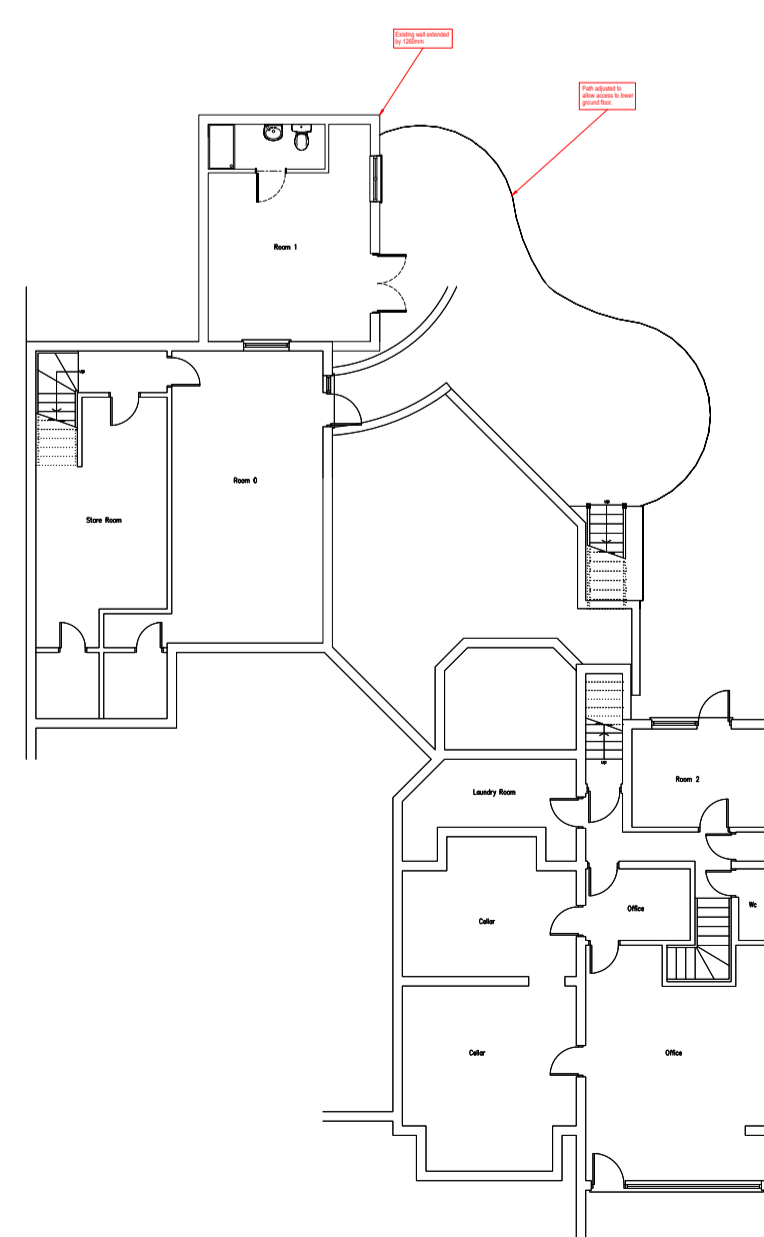
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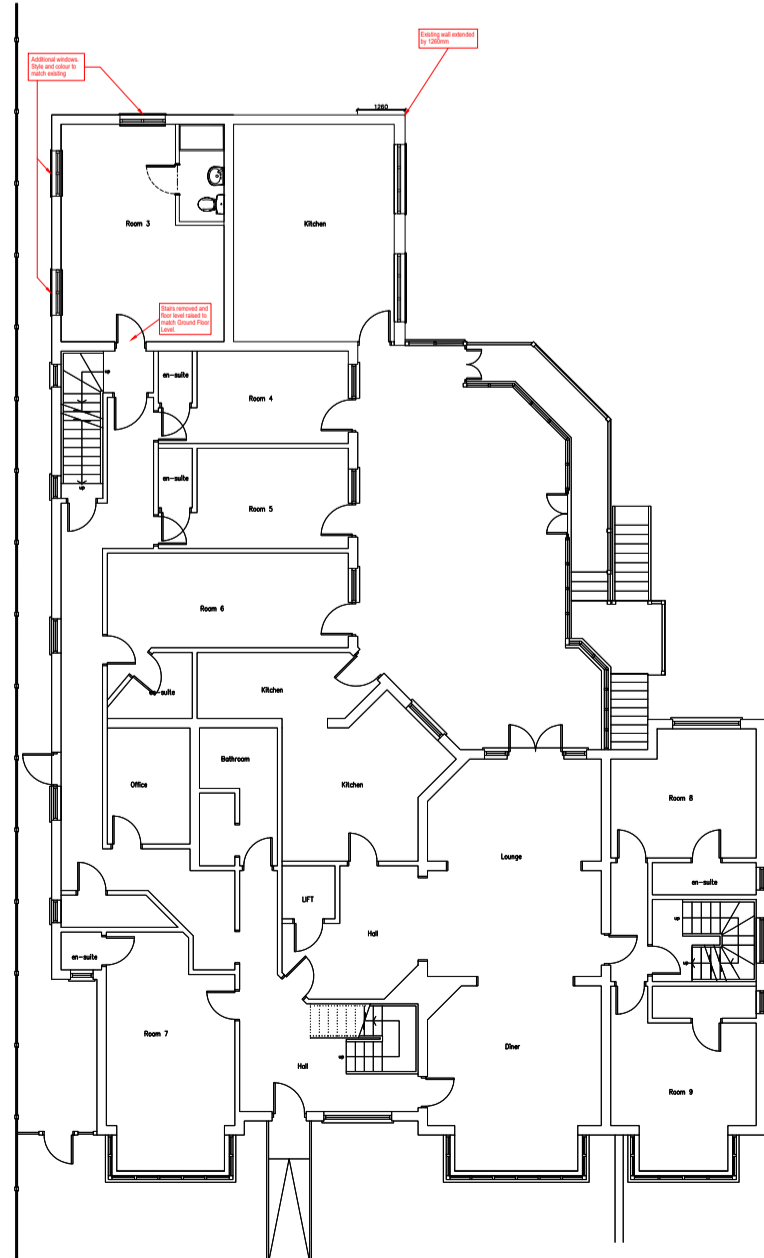
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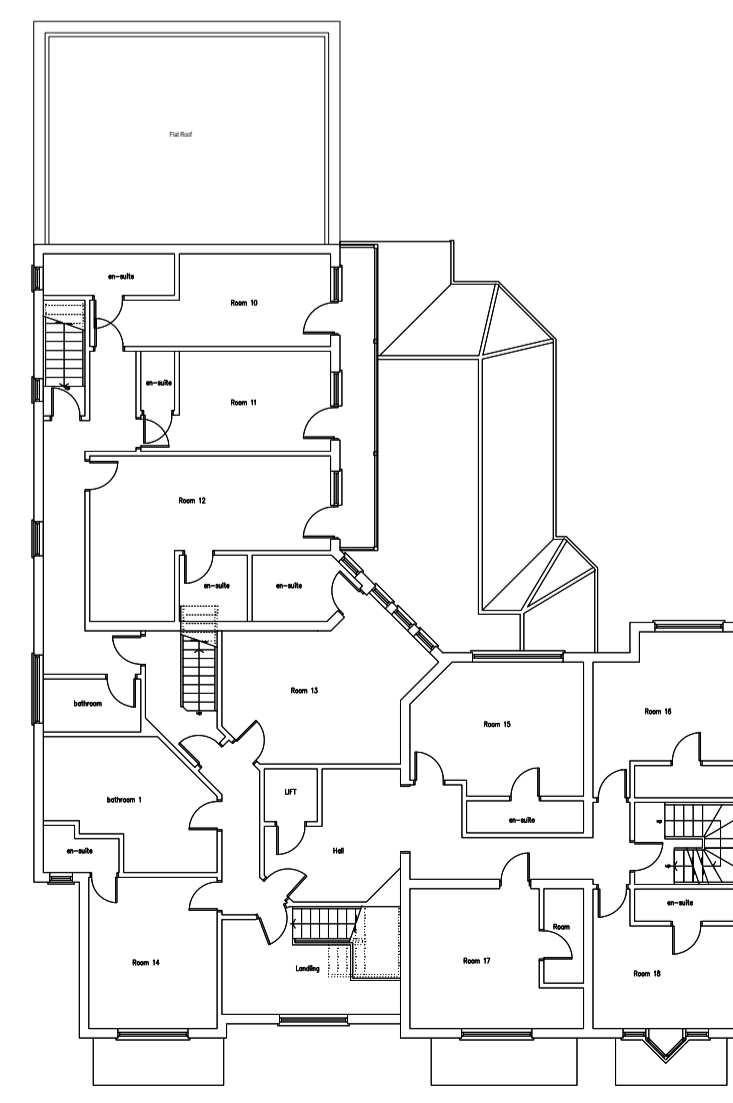
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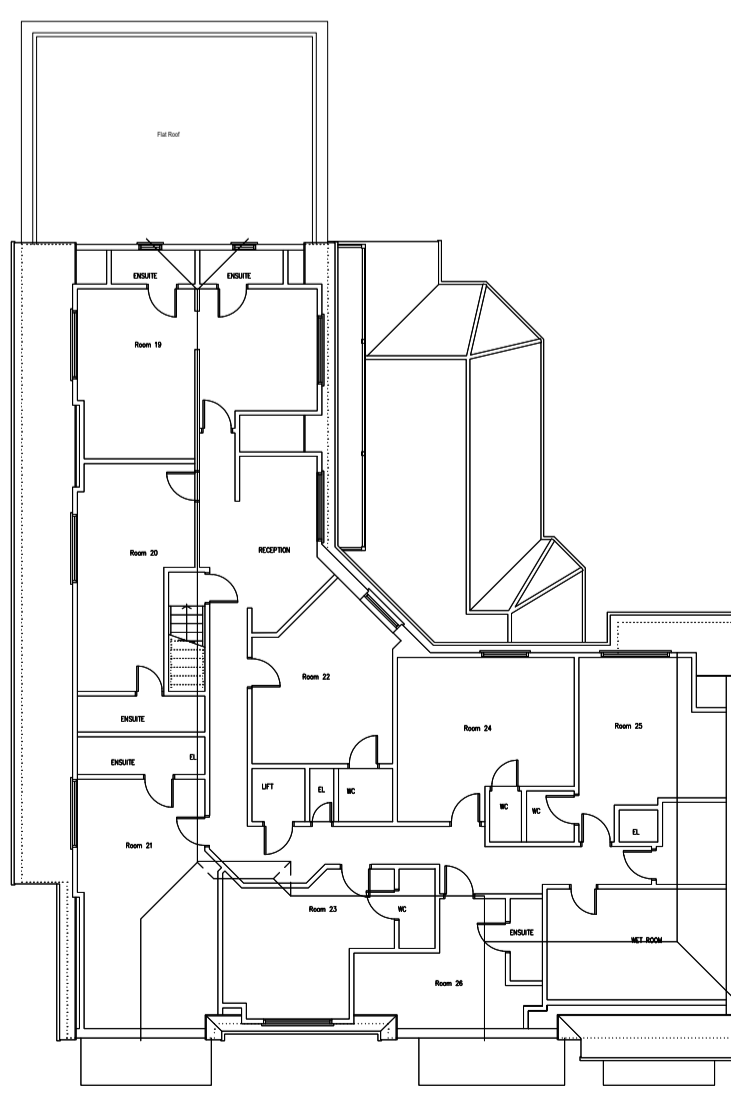
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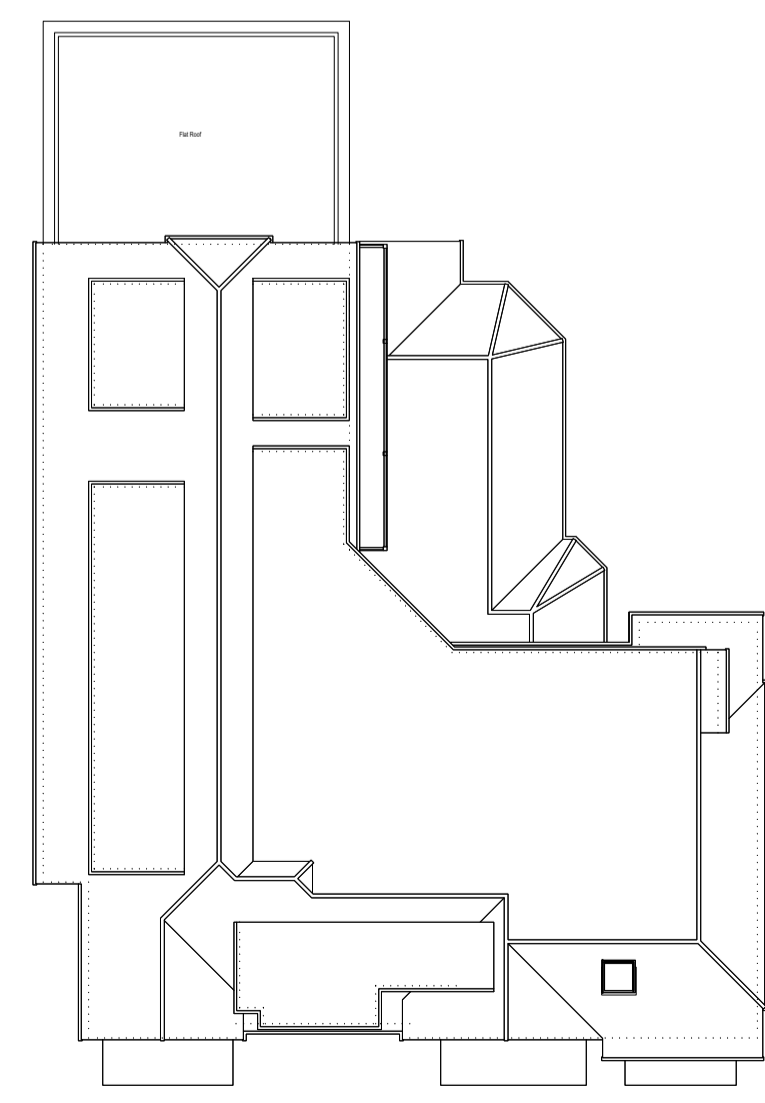
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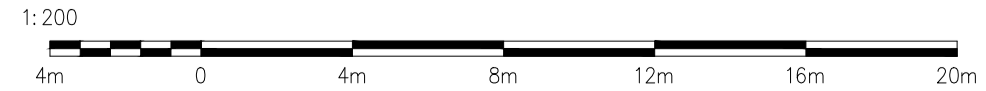
Proposed First Floor  
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Proposed Second Floor  
Scale 1:200



Proposed Roof  
Scale 1:200



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Revisions

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**CIAT** **RICS**

Client  
Mr A Kandola

Project  
Brambles Residential Home  
22 Cliff Road, Leigh-on-Sea  
SS9 1HJ

Issue Status  
PLANNING

Title  
EXISTING AND PROPOSED  
PLANS AND ELEVATIONS

Date	Scale	Drawn By	Checked By
MAR 2023	1:200	JJE	IRS
23_041/03			P05

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BRAMBLES

EN21 TKQ

BK14 RAY

RH415

EAB5 ELN



Existing extension to be enlarged





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View east to 33 Mount Avenue





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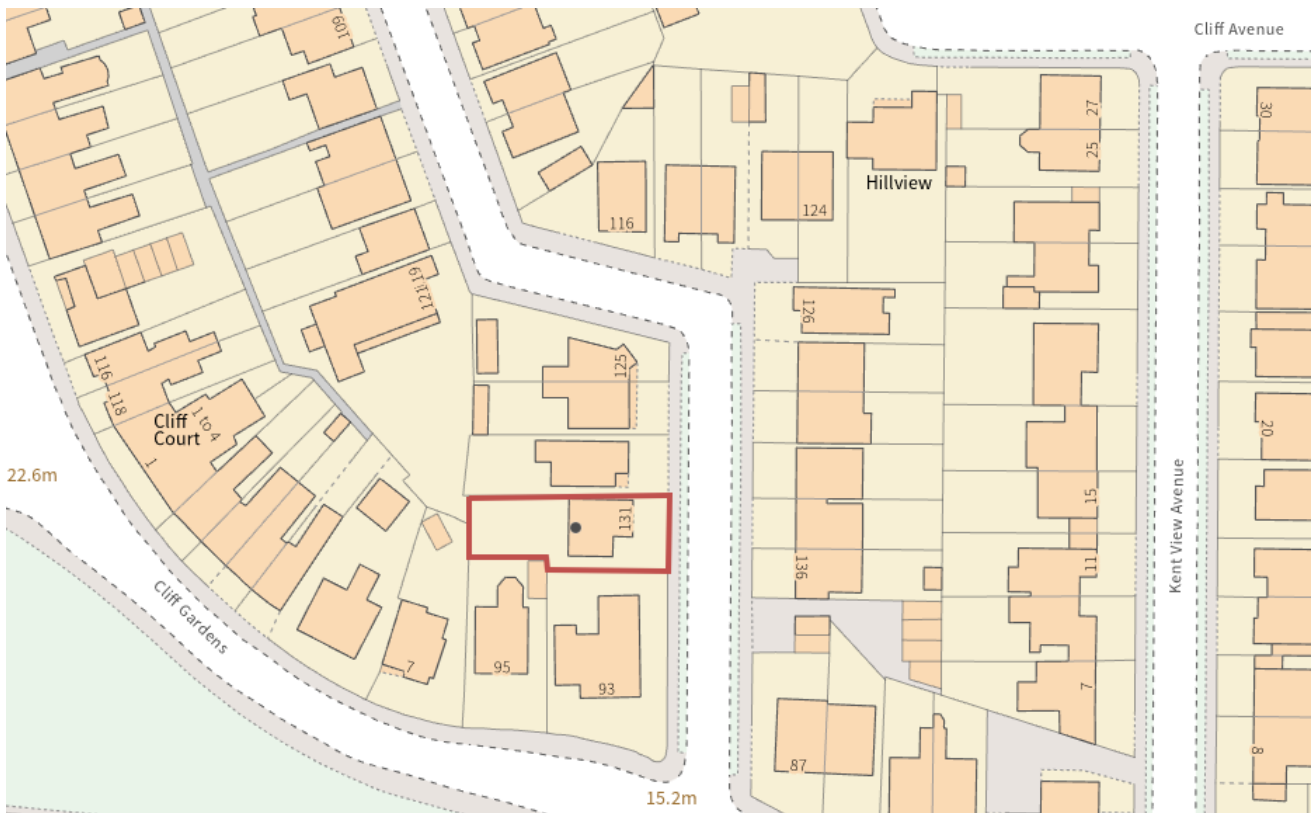




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<b>Reference:</b>	23/01226/FULH	<h1>8</h1>
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect first floor front extension with pitched roof, rooflight to side and alterations to front and side elevations (Amended Proposal)	
<b>Address:</b>	131 Beach Avenue, Leigh-on-Sea, Essex, SS9 1HD	
<b>Applicant:</b>	Mr Chambers	
<b>Agent:</b>	Knight Gratrix of Knight Gratrix Architects	
<b>Consultation Expiry:</b>	31st August 2023	
<b>Expiry Date:</b>	20 <sup>th</sup> October 2023	
<b>Case Officer:</b>	Gabriella Fairley	
<b>Plan Nos:</b>	<b>010 (Rev B)</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1. Site and Surroundings**

- 1.1. The site contains a detached dwelling, which has a gabled roof to the sides, a catslide roof and dormer to the front and is on the west side of Beach Avenue. The site's frontage is a mixture of paving and landscaping with a low brick wall fronting the public highway.
- 1.2. The area is residential in nature comprising detached, semi-detached and terraced two-storey dwellings, most of which are traditional in design. Gabled and pitched roof designs are common in the immediate streetscene. There are some examples of more contemporary architecture having been incorporated in the vicinity of the site.
- 1.3. The site is not within a conservation area or subject to any site-specific planning policy designations. Ground levels at the site slope down from north to south. Land levels vary between plots due to local topography.

## **2. The Proposal**

- 2.1. The application seeks planning permission to erect a first-floor front extension with pitched roof, install a rooflight to the side elevation and alter the front and side elevations.
- 2.2. The proposed front extension would be pitched roof and above an existing front outrigger to the same width and depth at 6.4m and projecting 3.3m beyond the front elevation of the main dwelling. The extension would be some 7.3m high to the ridge and some 4.6m high to the eaves. It would be set down 0.9m below the existing roof ridge. The extension would contain two windows at first floor and two windows at ground floor level, which mirror each other.
- 2.3. A window on the southern flank elevation would be installed at first floor level serving a landing and a window on the southern ground floor flank elevation, which would serve a W/C. A door is also proposed to the southern flank elevation. The existing dwelling is brick built with some render to a small section to the front elevation. A rooflight is also proposed to the roofslope of the proposed first floor front extension on the southern side. It is proposed to finish the extension in render with timber cladding to the front elevation of the proposed extension.
- 2.4. This proposal is a resubmission following the refusal of planning application 22/01252/FULH (the "2022 Application"). The proposed front extension has the same depth as the previously refused 2022 application. The proposal differs from the 2022 Application as follows:
  - the maximum height of the proposed front extension has been reduced by some 0.6m;
  - the proposed front extension is set further below the ridge of the main dwelling;
  - the use of timber cladding has been introduced; and
  - a rooflight at roof level and a window at ground floor southern flank elevation are proposed.
- 2.5. Amended plans were submitted during the course of the application. The amendments included alterations to the design of the front elevation of the proposal.

## **3. Relevant Planning History**

- 3.1. 01/00185/FUL - Convert garage into habitable room (Relaxation of Condition 03 imposed on planning consent P4698 approved 4.7.66 which permanently reserved the garage for the use of one car) (Retrospective) – Granted.

- 3.2. 22/01252/FULH - Erect first floor front extension with pitched roof. Refused (10.08.2022). Reason for refusal:

01 "The proposed development would, by reason of its forward siting, form, scale and detailed design represent a dominant, visually incongruous and poorly designed addition to the dwelling. This would be detrimental to the character and appearance of the host property, the streetscene and the area more widely. The proposal 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 DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009)".

#### **4. Representation Summary**

##### **Call In**

- 4.1. The application was called in to Development Control Committee by Councillor Courtenay.

##### **Public Consultation**

- 4.2. Eighteen (18) neighbouring properties were notified of the application by letter. Two letters of representation have been received and the following comments have been summarised:
- Roof height will be significantly increased close to the boundary, which would result in loss of light and a sense of enclosure.
  - Neighbouring properties have experienced uninterrupted light for over 20 years.
  - The proposal extends the property beyond the property's own building line and beyond the front of neighbouring properties.
  - The proposal is not in keeping with the Seafront Character Zone.
- 4.3. (**Officer comment:** All relevant planning considerations have been assessed within the appraisal section of the report. The concerns within the representations that are planning considerations are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the circumstances of this case.)

#### **5. Planning Policy Summary**

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

#### **6. Appraisal**

## Principle of Development

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

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

- 6.2. Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.3. Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 6.4. The neighbouring properties in the surrounding area have a traditional design with predominantly gabled and pitched roofs. The application property too, is of a traditional design although dating from the 1960s is of a more recent era than most of the nearby dwellings. The neighbouring dwelling immediately to the north, No.129 Beach Avenue, is a detached dwelling with a two-storey front gabled projection. The proposal would extend some 0.9m forward of No. 129. No. 93 Cliff Gardens, directly to the south projects some 0.4m forward of the proposed front extension. The streetscene is made up of a mix of materials, including brick and render. Timber cladding is not evident within the surrounding streetscene. The proposed use of the timber cladding does not cover the entire frontage of the site and consists of a small section of the front elevation to provide architectural interest. It is considered that its limited use would not significantly harm the character and appearance of the host dwelling or the streetscene more widely. The forward siting of the proposed front extension has not been altered when compared to the 2022 application, but as explained in the following paragraph, the three other key component factors of form, scale and detailed design have been resolved resulting in the remaining consideration of the forward siting of the proposed front extension no longer leading to a dominant and incongruous addition.
- 6.5. The altered roof form, increased set down from the ridge of the main dwelling and design has resulted in a more subservient addition to the original dwelling when compared to the previously refused scheme. The proposed windows on the front elevation of the proposal create a sense of hierarchy and contribute to the overall design of the proposal. The form and scale of the proposed pitched roof front extension would reflect pitched roof elements seen within the streetscene and with a contemporary appearance due to the use of timber cladding would result in the character and appearance of the dwelling being cohesive and suitably resolved. Provided the character and appearance of a streetscene and wider surroundings is not harmed, national planning guidance would not discourage the identity of non-protected buildings such as this being given a different architectural style including a contemporary theme. In this instance there are no designations offering specific protection for the current traditional style and form of the dwelling. More widely, there are some examples of contemporary themed dwellings, such as 116 Beach Avenue. Therefore, it is considered that the amended proposal has overcome the previous reason for refusal of the 2022 Application and is therefore acceptable in design terms.
- 6.6. It is considered that the design, including the proposed siting, form, scale, appearance and

materials of the development proposed are such that it would not result in significant harm to the character and appearance of the existing dwelling, the streetscene and the area more widely. Therefore, the proposal is acceptable and policy compliant in these regards.

### **Amenity Impacts**

- 6.7. Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.8. There would be some 10m between the southern flank of the dwelling and the rear elevation of No 93 Cliff Gardens to the south (some 6m from the closest rear elevation, which contains a garage) and some 15m from the southern flank of the proposed first floor front extension and the rear elevation at No. 93, which is considered to be an acceptable relationship. The proposal would not result in an increase in depth at ground floor and the proposed first floor side window serves a non-habitable room (a landing). Taking these factors into consideration, it is not considered that the additional bulk to the roof and front elevation and additional window would have a significantly harmful impact on the light, outlook, privacy and sense of enclosure of this neighbouring dwelling.
- 6.9. The application dwelling sits 0.9m forward of No 129 Beach Avenue to the north and the proposed roof enlargement would be separated from this neighbouring dwelling by 1.9m. Due to the position and orientation of the proposed roof enlargement, the development would have some increased impact on the receipt of light to the habitable windows in the front and flank elevations of No.129 as a result of the applicant dwelling's proposed front projection. However, due to the modest 0.9m projection beyond the front elevation of No. 129, it not considered that the additional bulk to the roof would have a significantly harmful impact on the light, outlook, privacy and sense of enclosure of this neighbouring dwelling.
- 6.10. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts. This is not considered to overcome the harm outlined in the above sections of this report.

### **Other Matters**

- 6.11. Consistent with the basis of decision on the 2022 application, the proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 6.12. The development equates to less than 100sqm of new floorspace and therefore benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **Equality and Diversity**

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

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

## **Conclusion**

- 6.14. For the reasons outlined above, it is considered that the proposal has overcome the previous reason for refusal and the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

## **7. Recommendation**

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

- 1. 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.**

- 2. The development shall only be undertaken in accordance with the following approved plan: 010 (Rev B).**

**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).**

- 3. 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).**

### **Informatives**

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



**take care when carrying out works on or near the public highways and footpaths in the city.**

#### **Positive and Proactive Statement**

**The Local Planning Authority has acted positively and proactively in determining this application by 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.**

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Do not scale from this drawing, use figured dimensions only.

The drawing must be read in conjunction with all other drawings and specifications 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.

Revisions

A	No. 129 added to elevation drawing	09.06.23
B	Amendments following planners comments	21.09.23

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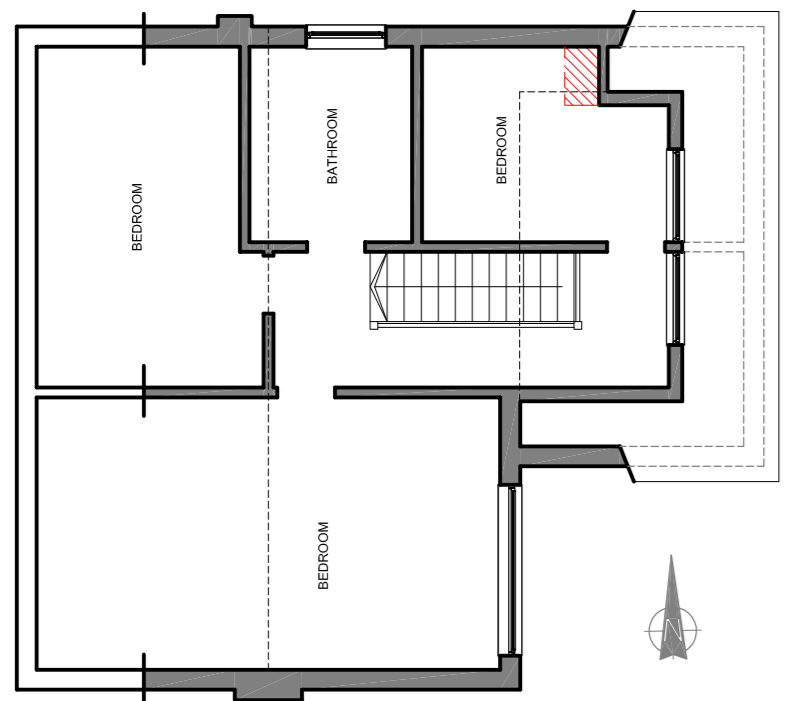
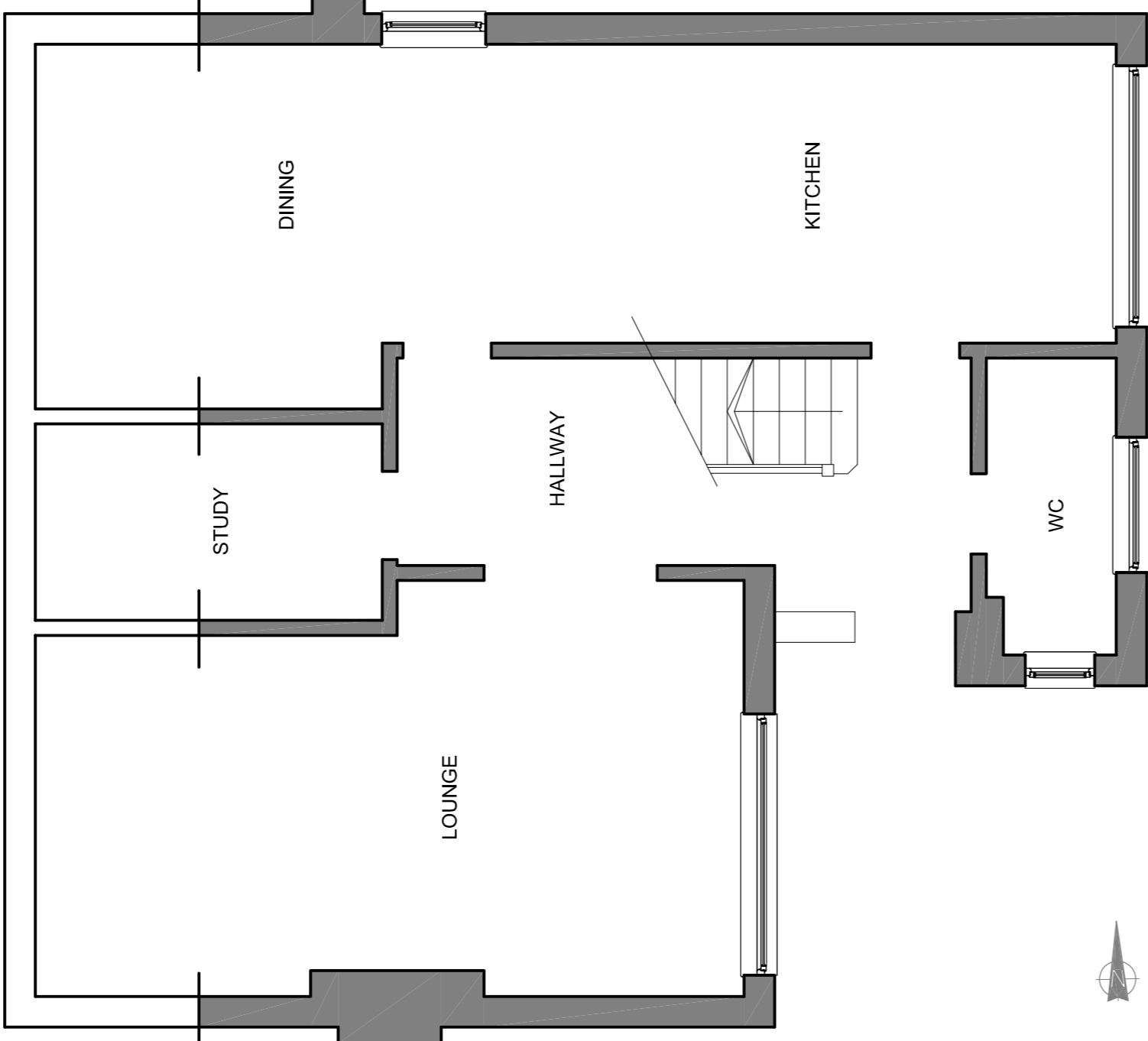
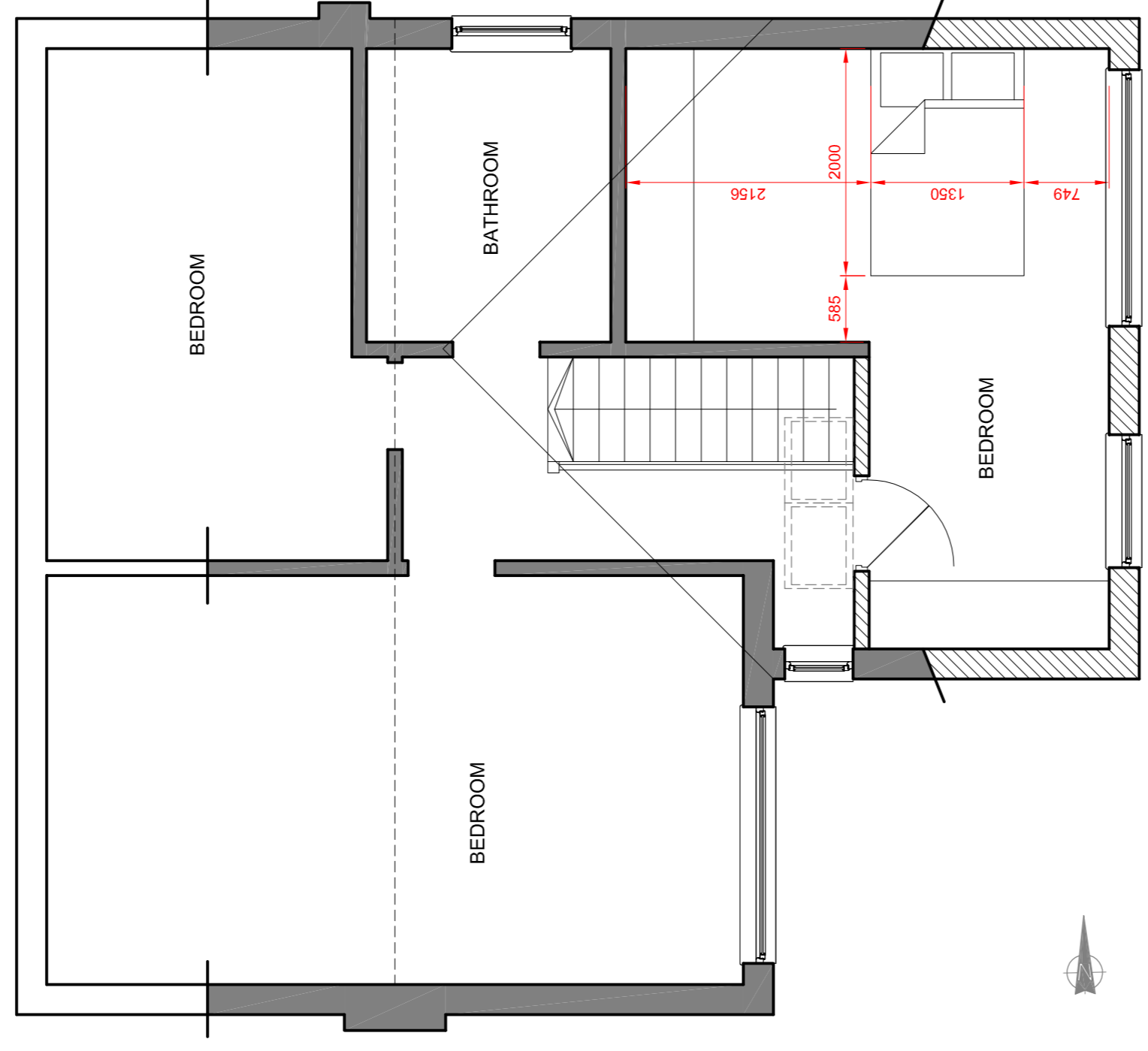
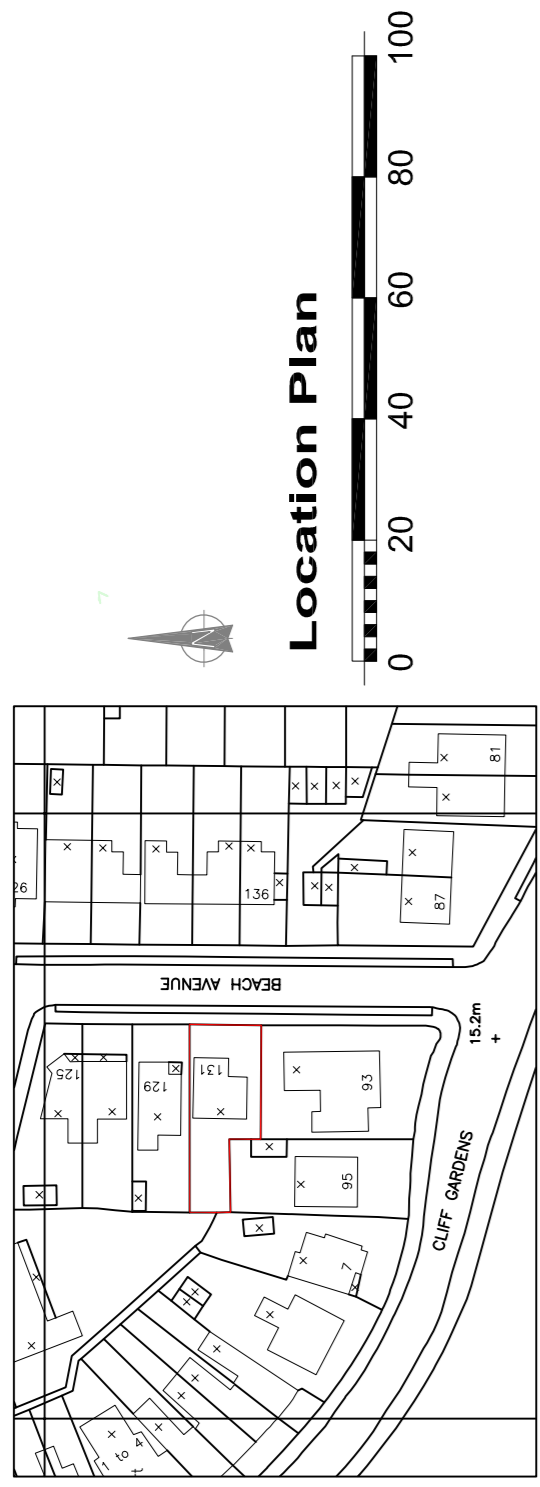
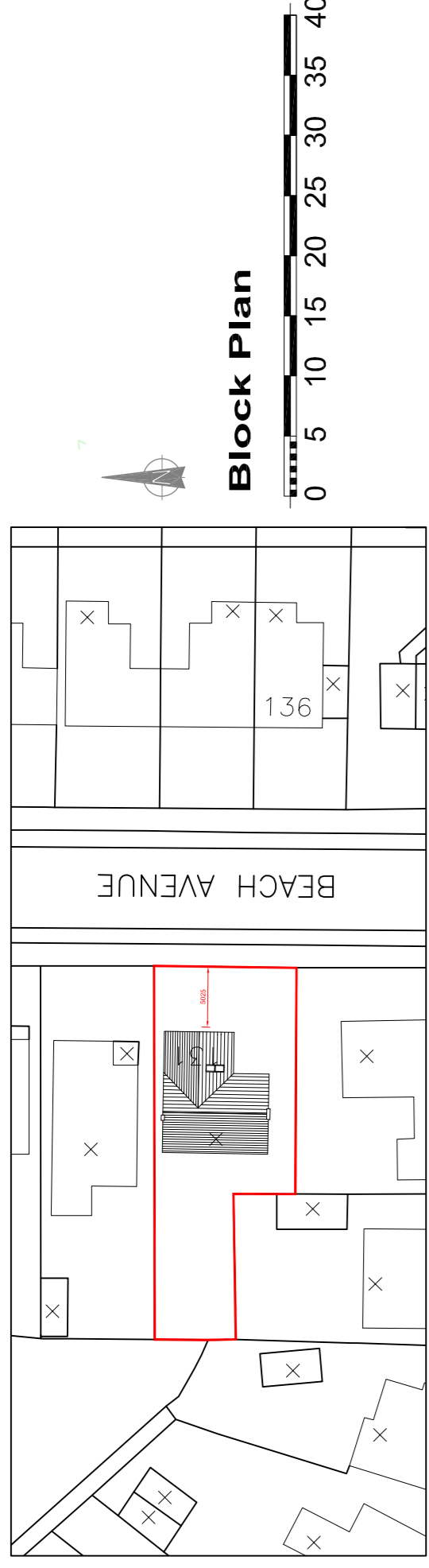
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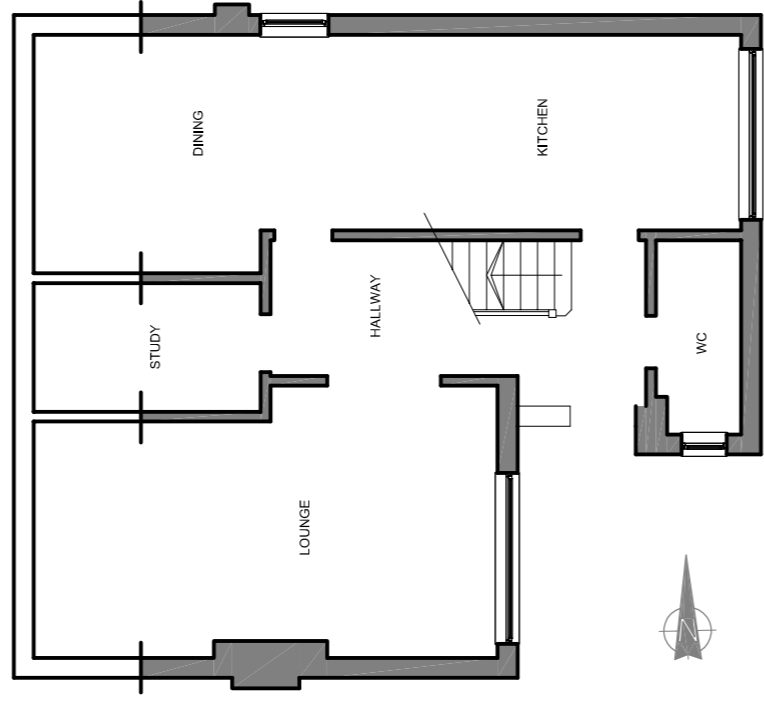
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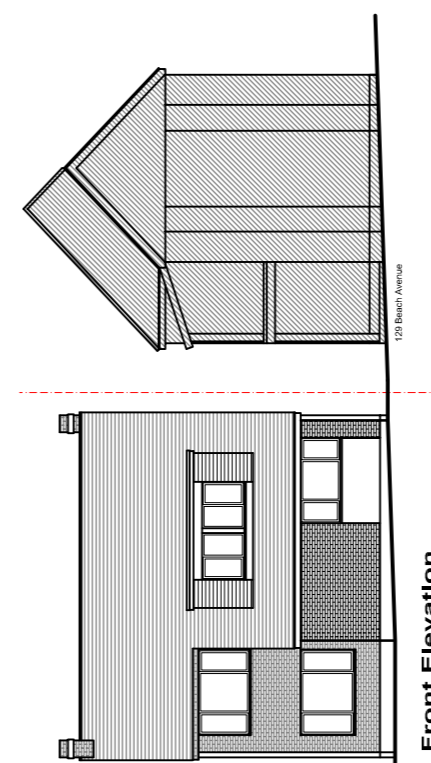
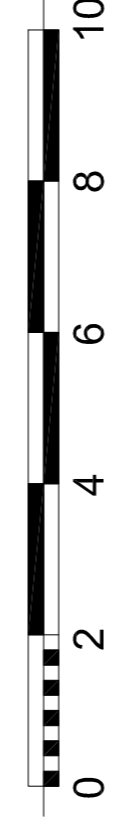
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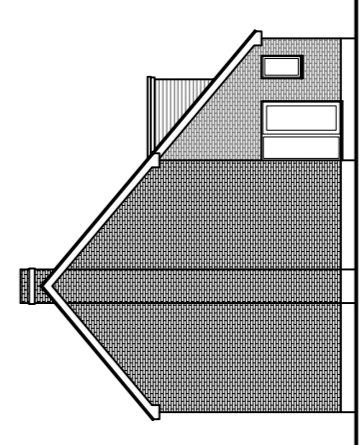
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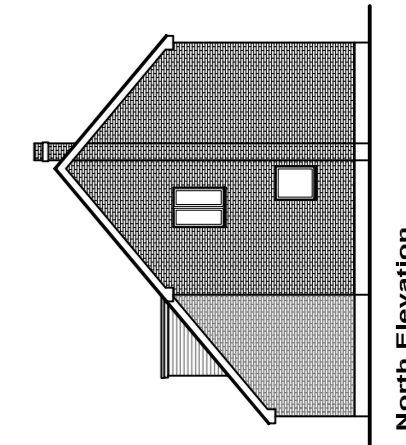
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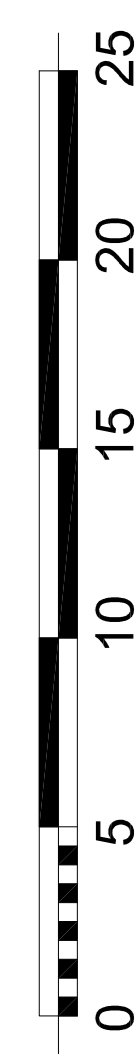
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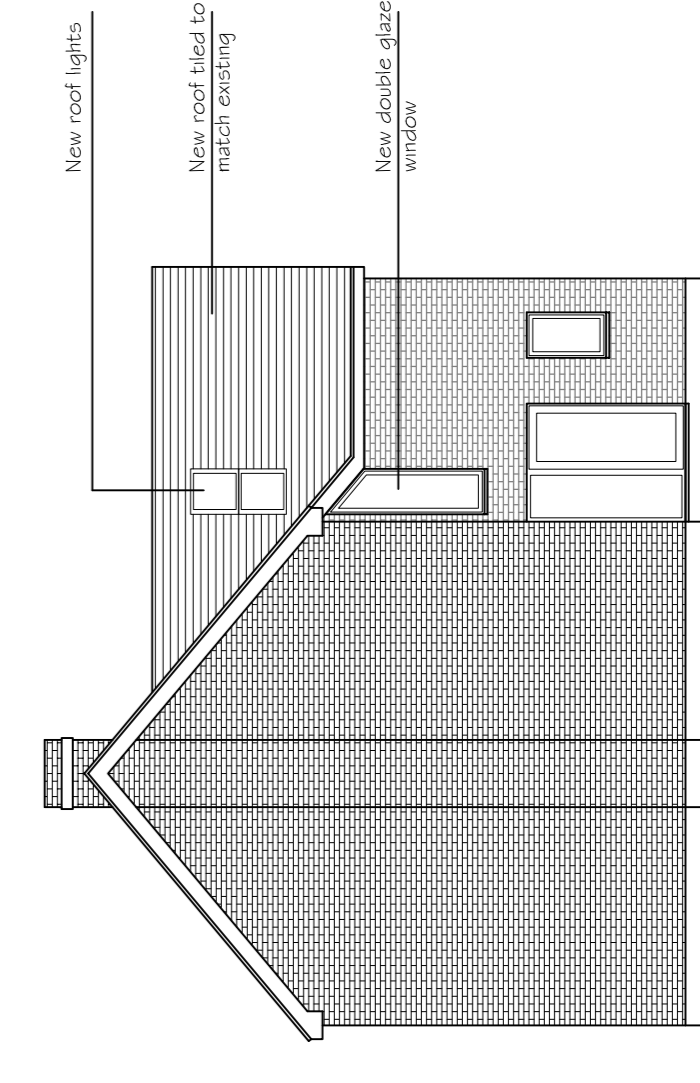
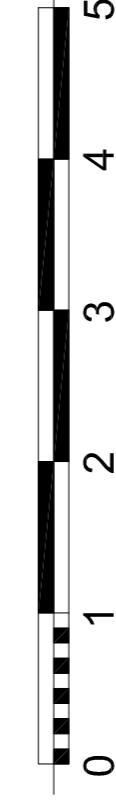
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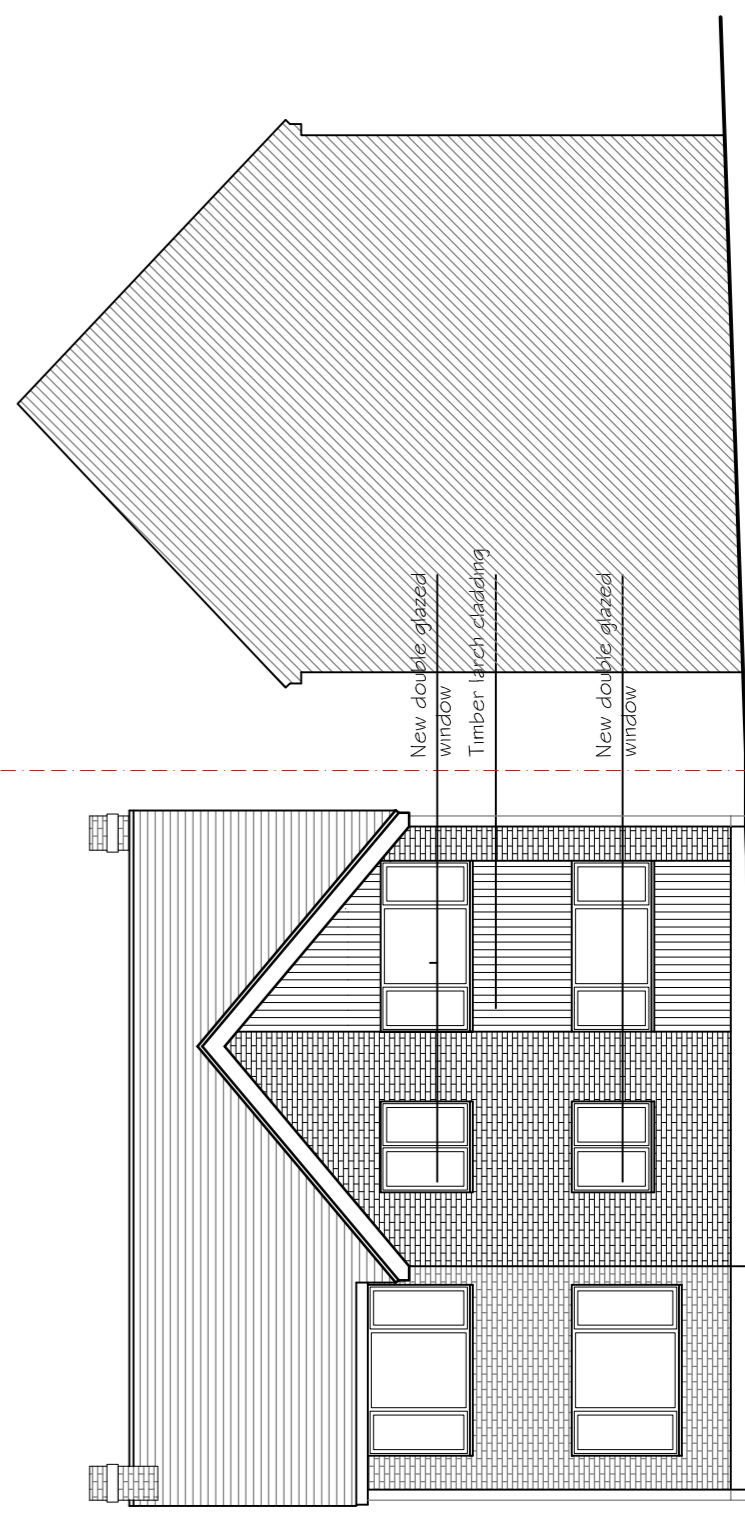
North Elevation



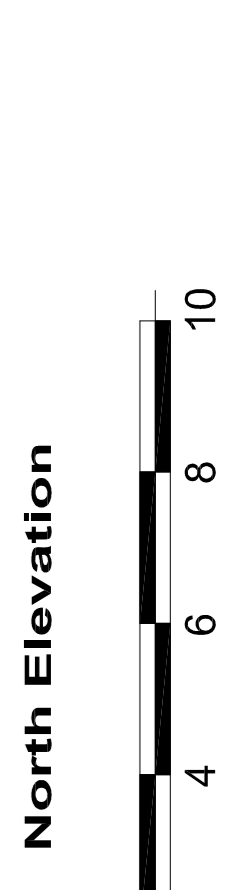
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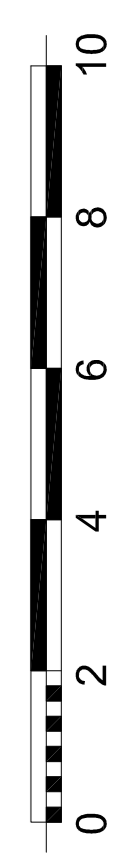
South Elevation



Front Elevation



North Elevation



**EXISTING PLANS**

**PROPOSED PLANS**

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The front of the site and the front elevation of No. 129



Front of the application site



Front of the site from opposite the site and the wider streetscene.



The front of the site and No. 129 next to the site.





Front elevation of the site and No. 129 adjacent to the site.



Existing relationship of the application site and No. 129 from the front elevation.