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SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 29th November, 2023

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

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(Chalkwell Ward)
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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, 18th October, 2023

Place: Committee Room 1 - Civic Suite

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

In Attendance: A Brown, C Galforg, A Greenwood, P Keyes, S Mouratidis, K Waters
and S Cox

Start/End Time: 2.00 - 3.10 pm

49 Apologies for Absence

Apologies for absence were received from Councillor Sadza (substitute: Councillor Cowan) and Councillor Beggs (substitute: Councillor Campbell).

50 Declarations of Interest

No interests were declared at the meeting.

51 Minutes of the meeting held on Wednesday, 13th September 2023

Resolved:-

That the Minutes of the Meeting held on Wednesday 13th September 2023 be confirmed as a correct record and signed.

52 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.

53 23/01216/BC4 - Cliffs Pavilion Station Road, Westcliff on Sea (Milton Ward)

Proposal: To 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.

Applicant: Mr Mark Murphy of Southend City Council
Agent: Mr Peter Reime of AL3D

Resolved:-

That planning permission be GRANTED 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 275m³ 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 to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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.

05 The applicant is advised that the detailed landscaping scheme should include more soft landscaping than currently shown on the indicative landscaping plan either as in ground planting or planters to improve the softening of the site and building, shading and biodiversity.

54 23/00946/FUL - Day Nursery, 43 Imperial Avenue, Westcliff-on-Sea (Chalkwell Ward)

Proposal: 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)

Applicant: Mrs Frances Hickling

Agent: Mrs Susan Jones of Susan Jones Consultancy

Resolved:-

That planning permission be REFUSED 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

Informative

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

55 23/00751/FUL - Brambles Care Home, 22 Cliff Road, Leigh-on-Sea (Chalkwell Ward)

Proposal: Erect two storey rear extension at lower ground and ground floor, increase height of existing rear extension, alter elevations

Applicant: Mr A Kandola

Agent: Mr Ian Stephenson of Stepsons

Resolved:-

That planning permission be GRANTED 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).

06 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).

07 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).

08 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 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.

56 **23/01226/FULH - 131 Beach Avenue, Leigh-on-Sea (Chalkwell Ward)**

Proposal: Erect first floor front extension with pitched roof, rooflight to side and alterations to front and side elevations (Amended Proposal)

Applicant: Mr Chambers

Agent: Knight Gratrix of Knight Gratrix Architects

Mr Willis, a local resident, spoke as an objector to the application. There was no response from the applicant or applicant's agent.

Resolved:-

That planning permission be REFUSED for the following reason:

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).

Chairman: _____

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st November, 2023

Place: Committee Room 1 - Civic Suite

4

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

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

Start/End Time: 2.00 pm - 2.50 pm

57 Apologies for Absence

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

58 Declarations of Interest

No interests were declared at the meeting.

59 Supplementary Report

There was no supplementary report for this meeting.

60 23/01544/DEM - Cricket Pavilion, Southchurch Park (Thorpe Ward) Proposal: Demolish cricket pavilion (Application for Prior Approval for Demolition) Applicant: Mr Stephen Harris Agent: Mr Liam Stubbings of Davies Burton Sweetlove Ltd

Resolved:-

That PRIOR APPROVAL is REQUIRED and PRIOR APPROVAL be GRANTED, subject to the following conditions:

01 The development hereby approved must be carried out within a period of 5 years from the date of this approval.

Reason: In accordance with Part B.2 (ix) (aa) of Class B, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

02 The development shall only be undertaken in accordance with the following approved details: DBS 230168-01, DBS 230168-02, Proposed Method of Demolition, Demolition Notice, Photographs of Demolition Notice dated 1st August 2023.

Reason: Required to be imposed pursuant to paragraph B.2 (viii) (aa) of Class B, Part 11, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

1. 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 construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

2. The applicant must ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

(a.) Hours of works: works should be undertaken between:-

(i.) 0800 hours and 1800 hours on weekdays

(ii.) 0800 hours and 1300 hours on Saturdays and

(iii.) Not at any time on Sundays and Public and Bank Holidays

(b.) No waste materials are to be burnt on the site, instead shall be removed by licensed waste contractors.

(c.) The applicant shall ensure that there are no emissions of dust and fumes beyond the boundary of the site and measures to control dust are in accordance with the Demolition of Concrete Silos and Conveyor System document by Havering Demolition and Recycling Ltd submitted with the application.

(d.) Consideration must be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.

If it is predicted that the construction works are likely to cause a nuisance the applicant should apply for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea City Council for details.

3. The applicant should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition" <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>

4. Asbestos (Demolition):

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

It is recommended that the Council's Building Control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

5. A demolition notice under Section 80 of the Building Act is required.

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

7. The applicant is reminded that tree protection measures may be required to prevent and damage during the works, in line with British Standards BS 5837. All tree works should be carried out in accordance with best practice, and outside of the bird nesting season, unless an ecological survey has determined there are no nesting birds present.

61 23/01330/FUL - 70 Westcliff Park Drive, Westcliff-on-Sea (Westborough Ward)

Proposal: Change of use from 6-bedroom HMO (class C4) to 10 bedroom HMO (Sui Generis), demolish existing garage to side, install dormer to rear to form habitable accommodation in the loftspace, erect single storey side extension, install bin and cycle stores to rear, form 1no. additional parking space to front, form canopy over front entrance and alter elevations

Applicant: Mr Bradley Watkins

Agent: N/A

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: Location Plan, 1009-01, 1009-02, 1009-03, 1009-04, 1009-05, 1009-006.

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

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

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

04 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation subject of this permission shall not at any time be adapted to enable formation of more than ten (10) bedrooms and the property shall not be occupied by more than ten (10) residents at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.

05 Prior to the first use of the building for the purposes hereby approved, secure and covered cycle storage facilities for no fewer than 10 bicycles, shall be installed and made available to its occupiers in accordance with approved plan 1009-04 or in accordance with any other details which have been previously submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition. The approved facilities shall be provided and made available for use prior to first occupation of the development hereby approved and shall be thereafter retained for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the approved plans, prior to the first use of the building for the purposes hereby approved a scheme for the means of appropriately sized and covered refuse and recyclable storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and made available for use prior to the first occupation of the development and retained for such purposes at all times thereafter.

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

07 Prior to the first use of the building for the purposes hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented

on site in accordance with the agreed details. The energy efficiency and other sustainability measures shall be maintained 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 contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

08 Prior to the first use of the building for the purposes hereby approved, the development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. The water efficient design measures shall be implemented 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 contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

09 Hours of works associated with this permission shall only be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank or Public Holidays.

Reason: In the interests of residential amenity 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).

10 Notwithstanding the details shown on the approved plans, prior to the first occupation of the HMO development hereby approved, full details of both hard and soft landscaping works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- (i.) means of enclosure of the site including any gates or boundary means of enclosure;
- (ii.) hard surfacing materials;
- (iii.) details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification;

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its

replacement, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

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) and Policy DM1 of the Development Management Document (2015).

11 Prior to the first occupation of the development hereby approved, no less than two (2) car parking spaces shall be provided and made available for use on site as shown on drawing no. 1009-04. One of the parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the development. The car parking spaces shall be retained solely for use by occupiers of the HMO and their visitors in perpetuity thereafter.

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

12 The development hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures and recommendations outlined at Section 14 of the approved MKA Ecology Badger Survey Ref 144323 dated August 2023.

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

Positive and Proactive Statement

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

Informatives

1. 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infra)

structure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

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

3. The applicant is reminded that the refuse and recycling storage as proposed is unacceptable as it is located too close to the opening for bedroom 3 and a revised siting must be approved under the terms of condition 6 of this planning permission.

4. The applicant is reminded that the landscaping at the front of the site (complete hardstanding) as proposed is unacceptable and a landscaped buffer and front wall is required, details of which must be submitted and agreed in accordance with condition 10 of this planning permission.

5. The applicant is reminded of the discussions with Essex Police Designing Out Crime Team regarding security measures and review any proposed changes to the built environment and physical design of the building. Contact: designingoutcrime@essex.pnn.police.uk

6. You are advised that future occupiers of the development will not be eligible for parking permits.

62 23/01325/FULH - 49 Dulverton Avenue, Westcliff-on-Sea (Prittlewell Ward)

Proposal: Demolish garage at rear, erect single storey and first floor side extensions, part single storey and part two storey rear extension, and alter elevations (amended proposal)

Applicant: Mr Craig Wingrove

Agent: BGA Architects

Resolved:-

That planning permission be GRANTED subject to the following conditions:-

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

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

02 The development shall only be undertaken in accordance with the following approved plans: TPA-0-001, TPA-0-002, TPA-0-300 (Rev A), TPA-1-001, TPA-1-300 (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).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. With the exception of roof materials, this applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission and in respect of roof materials, details that have previously been submitted to and approved in writing by the Local Planning Authority under the scope of this permission.

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

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

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

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

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

Informatives

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

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

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

Positive and Proactive Statement

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

Chair: _____

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DEVELOPMENT CONTROL COMMITTEE**29th November 2023**

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Victoria	23/00866/OUTM	165 Sutton Road Southend-on-Sea
St Laurence	23/01368/FUL	101 Rochford Road Southend-on-Sea
Chalkwell	23/01540/FULH	86 Chalkwell Avenue Westcliff-on-Sea

Enforcement Report		
Belfairs	23/00015/UNAU_B	54 - 56 Arterial Road Leigh-on-Sea
Chalkwell	22/00326/UNAU_B	Day Nursery 43 Imperial Avenue

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

DEVELOPMENT CONTROL COMMITTEE

Background Papers

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

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally in force from 1st September 2020)

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

Deleted Use Classes

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

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

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Reference:	23/00866/OUTM	5
Application Type:	Outline Major	
Ward:	Victoria	
Proposal:	Erect four storey building comprising of 22 self-contained flats with parking to lower ground level (outline application)	
Address:	165 Sutton Road, Southend-on-Sea, Essex, SS2 5PE	
Applicant:	Irving Brown Limited	
Agent:	Mr Sam Lees of Reeve Brown	
Consultation Expiry:	20.07.2023	
Expiry Date:	01.12.2023	
Case Officer:	Oliver Hart	
Plan Nos:	Location Plan; 010 Rev G; 011 Rev H; 012 Rev H; 013 Rev F; Tree Protection Plan Rev 1 by Andrew Day	
Supporting Documents:	Planning Statement (dated May 2023); Statement of Community Involvement (dated June 2023); Arboricultural Report Rev 1 by Andrew Day Consultancy (dated 10th October 2023); Outline Surface Water Drainage Strategy by Ashfield Solutions Group (Ref. 172723-F01 dated 10/05/2023); Transport Statement by Cottee Transport Planning (Ref. 2309/AF dated May 2023); Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment by Brown 2 Green Associates Ltd. (Ref. 2873/Rapt 1v1 dated July 2021); Viability Scoping Opinion by S106 Management dated 30/08/2023	
Recommendation:	DELEGATE to the Executive Director (Environment and Place), Director of Growth and Planning or Service Manager - Development Control to GRANT PLANNING PERMISSION subject to CONDITIONS following the completion of a LEGAL AGREEMENT under Section 106 of the Town and Country Planning Act 1990 (as amended)	



1 Site and Surroundings

- 1.1 The application site is a corner plot with frontages along Maldon Road (south) and Sutton Road (east). It is presently vacant and hoarded. There are remnants of old structures and boundary walls. It is understood that the former building at the site was used as a warehouse. Self-seeded trees have grown at the northern boundary of the site. A vehicular access serves the site from Maldon Road. Land levels within the site fall from east to west.
- 1.2 The application site is to the north of the Sutton Road Local Centre and on the edge of Southend Town Centre, within the Central Area as identified in the Southend Central Area Action Plan (SCAAP). The site is within the Sutton Gateway Neighbourhood as defined in the SCAAP and is within Flood Zone 1, the zone with the lowest risk of flooding.
- 1.3 This section of Sutton Road is mixed in character with mainly commercial uses at ground floor and residential above. The areas beyond to the east, west and south are mainly residential comprising terraced housing. Bordering the site to the north is the Greyhound Retail Park.
- 1.4 Excluding the bingo hall to the north, the street scene has a fine grain of mainly 2 storey traditional small scale shop units. Larger buildings with a positive presence in Sutton Road are the locally listed former Co-op bakery which is 3 storeys and the furniture store at Wimborne Road which is 2.5 storeys.
- 1.5 Further north in Sutton Road are a number of new flatted blocks which have been built on redundant former industrial sites. These range from three to five storeys. They are separated from the site by the Greyhound Retail Park. A four-storey flatted development has been recently granted planning permission at 245 Sutton Road (reference 19/02255/FULM) to the north of the Greyhound retail park.

2 The Proposal

- 2.1 Outline planning permission with all matters reserved, is sought to erect a four-storey building comprising 22 self-contained flats with parking at lower ground floor level. Whilst scale, appearance, layout and landscaping are reserved matters, indicative plans have

been submitted to demonstrate one way in which the site could be developed within the scope of the proposed decoration of development. Such indicative drawings are therefore not definitive and other approaches to form and design may be possible within the scope of the development's description. The indicative drawings illustrate a part two, part four-storey flatted block with basement and with an apex-style gabled frontage shown to both the southern and eastern elevations.

- 2.2 The indicative proposal spans the full width of the street block; some 33m along its Maldon Road frontage and 26m along its Sutton Road frontage. The maximum height of the indicative building would be approximately 12m. Whilst the indicative building line is shown as relatively consistent along the Maldon Road frontage, the building line to the Sutton Road frontage is shown to taper in line with the adjacent public highway.
- 2.3 Indicative unit layouts have also been provided, detailing the size, occupancy and broad position of windows and private amenity spaces (shown as balconies and terraces). The composition of units is as follows:
- 9No 1-bed units;
 - 8No 2-bed units; and
 - 5No 3-bed units
- 2.4 The Planning Statement also confirms that a communal external amenity space to the north-west corner of the site would be provided for future occupiers.
- 2.5 The indicative plans also show 22No parking spaces within the lower ground floor level, together with 22No cycle parking spaces and cycle storage facilities. At ground floor, a refuse storage area is shown.

3 Relevant Planning History

- 3.1 The most relevant planning history for this application is shown on the table below:

Table 1: Relevant planning history of the Site

Reference	Description	Outcome
12/01312/FUL	Demolish existing building, erect a three storey building with car parking at lower ground, commercial units at ground floor and 4 self-contained flats to the upper floors with terraces and erect three part two/three storey dwelling houses and lay out car parking and form vehicular access onto Maldon Road	Permission Refused
13/01628/FUL	Demolish existing building, erect a three storey building with car parking at lower ground, commercial units at ground floor and 4 self-contained flats to the upper floors with terraces and erect three part two/three storey dwelling houses and lay out car parking and form vehicular access onto Maldon Road (amended proposal)	Permission Granted
14/00412/AD	Application for approval of details pursuant to condition 03 (samples of materials), condition 04 (details of the loading bay) and condition 07 (details of renewable energy) of planning	Permission Granted

	permission 13/01628/FUL dated 02/01/2014	
Enforcement		
19/00263/UNBG_B	Untidy Development Site	Section 215 Notice served and complied with

4 Procedural matters

- 4.1 This application is presented to the Development Control Committee because it is a major development and upon consultation with the Chair of the Committee it was considered prudent to do so.

5 Representation Summary

Public Consultation

- 5.1 34No neighbouring properties were consulted, a site notice displayed and a press notice placed. No representations have been received.

Lead Local Flood Authority (LLFA)

- 5.2 No objections subject to conditions requiring submission of additional technical information regarding Sustainable Drainage Systems (SuDS).

Anglian Water

- 5.3 No objection subject to a condition requiring details of a surface water management strategy and informatives.

Environmental Health

- 5.4 No objections subject to conditions relating to land contamination, noise impact assessment and mitigation measures, construction management plan, refuse and recycling details, controls on external illumination and informatives.

Tree officer

- 5.5 No objections to the revised Arboricultural Impact Assessment and Tree Survey subject to the works being carried out in accordance with the recommendations for tree protection measures and appropriate arboricultural supervision.

London Southend Airport (LSA)

- 5.6 No objections.

Highways

- 5.7 No objections. Policy compliant access, car and bicycle parking would be provided.

Education

- 5.8 A financial contribution of £31,083.33 is required towards secondary education at Cecil Jones Academy.

[**Officer comment:** A planning obligation for a financial contribution towards secondary education is included in the recommended Heads of Terms from paragraph 8.68 onwards of this report.]

Health Care (NHS)

- 5.9 Financial contribution of £10,300 requested for the benefit of patients of the Primary Care Network operating in the immediate area.

[**Officer comment:** Funding for primary health care provision is achieved through CIL and as such a separate contribution has not been sought. See paragraphs 8.74 to 8.75 of this report.]

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023).
- 6.2 Planning Practice Guidance (PPG) (2023).
- 6.3 National Design Guide (NDG) (2021).
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015).
- 6.5 Core Strategy (2007) Policies: KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015) Policies: DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Seas Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 6.7 Southend Central Area Action Plan (SCAAP) (2015) Policies: DS5 (Transport, Access and Public Realm), PA9 (Sutton Gateway Neighbourhood).
- 6.8 Southend-on-Sea Design and Townscape Guide (2009).
- 6.9 Technical Housing Standards Policy Transition Statement (2015).
- 6.10 Waste Storage, Collection and Management Guide for New Developments (2019).
- 6.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020).
- 6.12 Community Infrastructure Levy (CIL) Charging Schedule (2015).
- 6.13 Guide to Section 106 & Developer Contributions (2015).
- 6.14 Interim Affordable Housing Policy (2016)
- 6.15 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

7 Planning Considerations

- 7.1 The main considerations in relation to and within the scope of this outline application are the principle of the development, design and impact on the character and appearance of the area, impacts on neighbours' residential amenity, living conditions of future occupiers, traffic and transportation matters, flood risk and drainage, sustainability, RAMS, equality and diversity considerations, CIL and developer contributions.

8 Appraisal

Principle of Development

Housing Provision and Loss of Employment Land

- 8.1 Paragraph 119 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 8.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 8.3 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist planning permission for proposals which would involve the loss of existing employment uses. Policy CP1 of the Core Strategy goes on to state that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 8.4 Policies DM10 and DM11 seek to support appropriate sites for employment opportunity in accordance with the spatial strategy. The site is not identified as a 'Priority Urban Area' or industrial estate/employment area in the Core Strategy.
- 8.5 Policy DM11 states that alternative uses on sites used or last used for employment purposes, outside the identified employment areas, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes, or the use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use will give greater potential benefit to the community and environment than continued employment use. The Appendix to the Policy sets out requirements for supporting information which include a qualitative appraisal referencing the advantages and limitations of the site set against alternative employment uses, general investment or improvements, or through competitive rental levels.

- 8.6 As noted, the former use of the building on this site had been for warehousing (storage) and as such, it is considered that the use of the site represented an employment generating facility. Demolition of the building took place some time ago (believed to be since 2015) and the site has been vacant since such that there is no such employment facility present on the land. It is considered that this significantly reduces the weight to be attached to the requirement for incorporation of such 'employment' floorspace.
- 8.7 Limited supporting information has been submitted with respect to the loss of employment land. The Planning Statement provides some quantitative and qualitative assessment and in summary states that:
- The site has sat vacant since 2015.
 - There is an abundance of commercial space available within Southend. As of submission, and as described in detail within their planning statement the applicant identifies that there were some 53 commercial premises available on Rightmove ranging in size from 8sqm all the way up to 1640sqm. The proposed development will result in a loss of approx.900sqm of potential commercial space and therefore, is modest in comparison with that available such that the loss of this employment land will not be detrimental to the vitality of the City Centre.
 - There is need in Southend for new housing;
- 8.8 Whilst this proposal would result in a loss of employment floorspace in relative proximity to the Town Centre which is a negative aspect of the scheme to be weighed in the overall balance, due regard is had to the length of time the site has been vacant, the significant amount of available commercial space within the Southend Central Area and the absence of an employment designation for the site, such that in the particular circumstances of this case, including because of the relative weight attached to the provision of housing, on balance, this loss is found to be acceptable in principle. The site is also in a poor condition visually. Only very limited weight is attached to this as justification for the proposed redevelopment as the site physical and visual condition is within the owner's control albeit efforts over recent years to secure site improvement have been protracted.
- 8.9 For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. This proposal would provide 22 new dwellings for which there is an identified need including, as indicated, potentially family sized, 3-bed units and wheelchair accessible, building regulations M4(3) compliant units. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise and is acceptable in principle.

Infill Development

- 8.10 Policy DM3 paragraph (2) of the Development Management Document requires that all development on land that constitutes backland or infill development will be resisted where the proposals will:
- “(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
(ii) Conflict with the character and grain of the local area; or
(iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
(iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”

- 8.11 This proposed development is considered to constitute an infill development site. The surrounding area is mixed in character and the development would add to the supply of dwellings in the city. On this basis, the acceptability or otherwise of the proposal is considered to be dependent on the detail of how the development would relate physically to its surroundings and assessed against the above criteria. This is considered in more detail below.
- 8.12 Given the location of the site and noting it is extensively hardsurfaced, it is not considered that the development would result in the loss of local ecological assets or any protected trees in accordance with criterion (iv) of Policy DM3.

Dwelling mix

- 8.13 Policy DM7 of the Development Management Document seeks that residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the City’s housing need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below. The dwelling mix indicated by Policy DM7 compared to the proposal is shown in Table 4 below.

Table 2: Proposed and preferred policy dwelling mix by size

Type of unit proposed	Number	Percentage	Policy (%)
One-bedroom flat	9	40.9%	9%
Two-bedroom flat	8	36.4%	22%
Three-bedroom flat	5	22.7%	49%
Four-bedroom flat	0	0%	9%
Total	22	100%	100%

- 8.14 The indicative plans received show that the scheme would be capable of incorporating a mix of dwelling sizes, including three bed units capable of family occupation. It is considered that the dwelling mix could accord reasonably with the higher density context of the site surroundings and the compact nature of the site. It would not unreasonably affect the character of the area in terms of flat sizes. The proposal would make a useful contribution to meeting the housing needs of the city and is considered to be acceptable and policy compliant in the above regards.

Affordable Housing

- 8.15 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10 - 49 dwellings which should be split 60:40 between affordable rented and shared ownership units. Were it to apply here, a policy compliant provision would be 5 dwellings, comprising 3 affordable rented units and 2 shared ownership units.
- 8.16 It is also noted that this is an outline application, and the final layout of the development including whether the site can viably accommodate affordable housing will be controlled and considered at Reserved Matters stage. However, a policy compliant provision of

affordable housing is proposed in principle and the independent viability review carried out by the Council's consultants reasonably demonstrates that this can be achieved.

Conclusion on principle of development

- 8.17 In the round, the principle of providing a residential led development on the site is considered acceptable.

Design and Impact on the Character of the Area

- 8.18 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.
- 8.19 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.20 Matters of detailed design including appearance, landscaping, layout and the scale of the proposed development are reserved matters and as such, cannot be subject of a detailed assessment by the Local Planning Authority at this stage. However, the indicative plans illustrate a development with dual frontage along both Maldon Road and Sutton Road with an apex-style gable roofed design a maximum 12m high. An area of flat roof is shown set in from the indicative gable roofed frontages.
- 8.21 As indicated the development could be articulated into two principal sections at the Sutton Road elevation, separated by the pedestrian entrance. Further articulation could be made by stepping-in along Maldon Road and the smaller apexes along both principal elevations.
- 8.22 The indicative plans also illustrate a slight variation in the scale of the development, from 2-storeys in height to its westernmost boundary next to No 89 Maldon Road (a 2 storey dwellinghouse) before increasing to a 4-storey scale and continuing around and onto the Sutton Road frontage.
- 8.23 Whilst the street scene southwards of this site along Sutton Road comprises mainly 2 - 2.5 storey traditional small scale shop units and dwellinghouses, larger buildings along Sutton Road are noted, including the former Co-op bakery which is 3 storeys. To the immediate north of the application site is the Greyhound retail park which comprises buildings of functional design and appearance of approx. 2 - 2.5 storeys in height found at a significantly lower level and within a retail park type layout. To this end, it is considered the application site occupies a transitional position in the streetscene.
- 8.24 Weighting of any significance should not be attached to such illustrative plans in the determination of the application, but it can reasonably be concluded that in terms of scale, there is variation in the wider surrounds so the site is reasonably capable of accommodating a flatted development that whilst noticeably taller than neighbours on both frontages, need not be of a scale or height that would dominate the streetscene.

8.25 With regards to the appearance, this is an outline application with all matters reserved for later consideration. Based on the indicative plans submitted, it is considered that a scheme of 22 flats of up to 4 storey height could be reasonably designed and accommodated within the general mix indicated on the site that would be of an acceptable overall design and design quality and that could suitably respect the character of the surrounding area. Conditions relating to design detailing such as materials can be imposed to ensure an appropriate, high-quality development. Subject to that plus conditions limiting the scope of any development to a maximum four storeys and specified height above ground level the development is considered acceptable in these regards.

Trees

8.26 The application has been submitted with an Arboricultural Impact Assessment (Rev 1) which identified seven trees within and next to the site (denoted as T1-T7). Trees T1-T5 are along the northern boundary of the site and T6 and T7 are street trees along Maldon Road on the public highway next to the junction with Sutton Road.

8.27 The arboricultural report's conclusions state that the overhanging canopies of trees T2 – T5 will need to be pruned back to the boundary and will be done in accordance with British Standard BS3998:2010 and take into account any relevant wildlife legislation. In relation to T6 and T7, it is likely that root development has developed in a more parallel fashion along the boundary line and pavement line, rather than extending into the site. Care will therefore be taken when works to remove hard surfacing on site and excavation of new foundations takes place. Any roots encountered under 25mm will be pruned clear and suitably covered. Any over this will be retained and protected if pruning is not permitted by the Council's tree officer.

8.28 It was noted in the report that the new buildings will sit on the outer edges of the Root Protection Area (RPA) of tree T2 – T7 and it is feasible that significant roots will not be impacted. Care and arboricultural supervision will be in place when works in the RPA is required. The trees can be adequately protected from construction pressures by implementing and adhering to the protection measures provided in the method statement in Appendix 3 of the Arboricultural Assessment as well as the Tree Protection Plan (Rev 1).

8.29 The Council's Tree Officer has raised no objections subject to adherence to the recommendations outlined in the report. Details for soft and hard landscaping (including additional planting) can be dealt with at reserved matters stage.

8.30 Overall, it is considered that subject to conditions, a development of up to 22 dwellings could be provided on the site which would provide an acceptable landscaped setting. The outline proposal is considered acceptable in this respect.

Standard of Accommodation and Living Conditions for Future Occupiers

8.31 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms

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

Table 3: THS – NDSS requirements

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings
1b	1p	39 (37) *
	2p	50
2b	3p	61
	4p	70
3b	4p	74
	5p	86
	6p	95

8.33 This application is in outline, with all matters reserved for later consideration. As such, the design, layout, scale and appearance of the dwellings is yet to be determined. It is considered that a scheme of up to 22 dwellings could be provided on the site that would satisfy the minimum requirements of the technical housing standards. It is also noted that the sizes shown on indicative plans indicates that the flats would be designed to meet the minimum size requirements of the technical housing standards. The development is acceptable and policy compliant in this regard.

8.34 Assessment of the receipt of Daylight/Sunlight to each flat can be satisfactorily addressed at reserved matters stage. Having regard to the site layout, it is considered that a development of up 22 flats could be provided on the site that could provide adequate and acceptable levels of light, outlook and ventilation for any future occupiers.

External Amenity Space

8.35 Policy DM8 of the Development Management Document states new dwellings should 'Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reason for which will need to be fully justified and clearly demonstrated.'

8.36 The indicative plans show that private balconies and terraces could be provided for the flats. The planning statement also refers to a potential communal amenity space to the north-west of the site. On this basis, it is judged that a scheme of up to 22 flats could be designed on the site that would provide acceptable amenity areas for the future occupiers. A relevant condition can be imposed.

M4(2) and M4(3) – Accessibility

8.37 Policy DM8, as amended by the Technical Housing Standards Policy Transition Statement, requires that 10% of dwellings in 'major applications' should be built to

comply with Building Regulation M4(3) with the rest of the units complying with Building Regulation M4(2).

- 8.38 The submitted planning statement makes it clear that this would be confirmed during the detailed design phase, but that it is anticipated that the development, which indicates suitable accommodation for a lift, could comply with this requirement. Subject to a condition requiring 10% of the units to comply with the Building Regulations M4(3) standard and the remaining units to be Building Regulations M4(2) compliant, the development is acceptable in this respect.

Noise and Disturbance

- 8.39 With regards to noise, Sutton Road is heavily trafficked and is a main route to the A13 and into the City centre. In view of this, Environmental Health advise that a Noise Impact Assessment (NIA) will be required at reserved matters stage to ensure that internal noise levels and noise levels in any external amenity spaces (balconies referred to) are in accordance with those laid down in British Standard BS8233. In addition, the NIA should investigate any noise sources (plant, extract systems etc.) associated with the adjacent retail park. The NIA should outline mitigation measures as appropriate and should include reference to means to prevent overheating should windows need to be kept closed to reduce internal noise levels. These matters can be addressed within any detailed reserved matter submission although it is not guaranteed that the Environmental Health expectations for noise conditions in the external amenity space(s) can reasonably controlled in planning terms within this urban location.

Land Contamination

- 8.40 The site falls within a wider area historically used for ceramics, cement and asphalt manufacturing. In addition, the application site itself was last used as a warehouse but no details of the nature of the storage use have been provided. A Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment has been submitted for review.
- 8.41 The report's methodology and findings advise that the risk has been assessed in terms of the end use being both non-residential and residential. The report advises that as the site is covered with concrete hardstanding, this will act as a break/barrier in the source-pathway-receptor link for any contamination existing in the made ground below the concrete (due to the former use as brickworks and later infilling). If the use is as flats with no gardens/extensive areas of soft landscaping, the risk is minimal but would rise to Low/Medium should there be gardens.
- 8.42 Environmental Health officers note that the plans do not show any private gardens, and soft landscaping is confined to small areas adjacent to the pavements which serves to minimise any risk. However, as a lower ground floor area is to be excavated and used for car parking, this needs to be investigated by appropriate intrusive sampling once the existing floor slab of the former building has been removed. In addition, due to the infilling, gas monitoring may be necessary.
- 8.43 In view of this, the recommendations contained in section 9 of the submitted Contamination report are agreed with. The phase 1 Desk Study should be reviewed to assess the risk based on the residential use and also the lower ground floor car park area, and a Phase 2 intrusive assessment, remediation plan, remediation and closure report (as appropriate) will be needed. This can be conditioned and addressed at the

appropriate later stage.

- 8.44 Overall, subject to the described conditions, it is considered that a development of up to 22 flats could be designed on the site that would provide acceptable living conditions for future occupiers. The outline proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 8.45 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.
- 8.46 The application site sits next to No 89 Maldon Road to the west and the Greyhound retail park to the north. It is separated from properties to the east and south by public highway.
- 8.47 On this basis, owing to the nature of the Greyhound retail park as commercial premises and noting the significant separations to neighbouring properties to the east and south (between 13m-18m) it is considered that a scheme to develop up to 22 flats on the site need not result in any significant residential amenity concerns in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking and loss of privacy.
- 8.48 No.89 Maldon Road is flats (Nos. 89 and 89A). Flank windows adjoin the site. These appear to serve either non-habitable rooms, in this instance the access hallway and bathroom at ground floor and a bathroom at first floor or, as secondary openings to habitable rooms (lounge/kitchen diners) at both floors. On this basis and noting that indicative plans show a two-storey scale of development next to No 89 Maldon Road, with the four storey elements illustrated a minimum of 7m from the shared boundary, it is considered that a scheme could be designed on the site that need not result in any significant residential amenity concerns in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking and loss of privacy.

Light Pollution

- 8.49 Limited details have been submitted with this application in respect to light pollution. Given that the application is outline in nature, it is considered that conditions can be imposed requiring full details of lighting proposed in the interests of residential amenity and highway safety. Subject to such a condition, no objection is raised on this basis.
- 8.50 A planning condition is also needed to require the submission of a construction management plan and to enable the Council to control the impact on neighbours' amenity arising from construction noise and other associated environmental considerations.
- 8.51 The outline proposal is acceptable and policy compliant in the above regards subject to the described conditions.

Traffic and Transportation Issues

- 8.52 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.”
- 8.53 Assessed against the parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit. Policy DM15 also states residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 8.54 The Planning Statement states that car parking will be provided in accordance with Policy DM15 (1 space per flat). Indicative details suggest that parking would be provided within a lower ground floor parking area. Subject to a condition requiring the necessary parking in accordance with policy, the development is acceptable and policy compliant in this respect. Electric vehicle parking charging infrastructure can also be required by condition.
- 8.55 The Planning Statement states that cycle parking will be provided in accordance with Policy DM15 (1 space per flat). Indicative details suggest that parking would be provided within a lower ground floor level. Subject to a condition requiring the necessary cycle parking in accordance with policy, including convenient access thereto, the outline proposal is acceptable and policy compliant in this respect.
- 8.56 The vehicular access arrangements will not differ from the existing situation. Vehicular access and egress will be achieved through the crossing point on Maldon Road. Highways colleagues have reviewed the available information and raise no objections.

Relationship with London Southend Airport (LSA)

- 8.57 The proposal would be the tallest structure in the immediate vicinity. LSA have been notified and raise no objections subject to an informative for the applicants to notify LSA of crane use prior to commencement of construction works.

Waste and Servicing

- 8.58 Indicative plans show an internal waste store at ground floor for use by future occupants. The requirement as outlined with the Council’s waste management document is for 7 1100L Eurobins (4 for general waste and 3 for recycling). An internal communal waste store some 21sqm in area is shown at ground floor with internal access for future occupants and external access out onto Maldon Road for collection. On this basis, it is considered that a development of up to 22 flats on the site could be designed to provide suitable refuse and recycling facilities and waste servicing. Subject to conditions in this respect no objection is raised on this basis.
- 8.59 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The outline proposal is acceptable and policy compliant in the above regards.

Energy and Water Sustainability

- 8.60 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), such as those set out in Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.” Policy DM2 of the Development Management Document also states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.”
- 8.61 No information is submitted for 10% renewable energy provision for this outline proposal. This would accompany a future detailed reserved matters submission and/or can be secured by condition.
- 8.62 Policy DM2 (iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. No information is submitted for water efficiency provision for this outline proposal.
- 8.63 This would accompany a future detailed reserved matters submission and/or can be secured by condition. No objections are raised on this basis.

Flood Risk and Drainage

- 8.64 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate Sustainable Drainage Systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 8.65 The site is within Flood Zone 1, the lowest risk zone, so is sequentially preferable for residential development. A drainage strategy has been submitted with the application which has been deemed sufficient by the LLFA for this stage of development. Additional detailed information is required, and this can be dealt with through a planning condition.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 8.66 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. Subject to this the proposal would be considered to be acceptable and policy compliant in this regard.

8.67 Overall, it is considered that, subject to securing the implementation of ecology mitigation and enhancement measures as proposed, and the securing of the RAMS payment via the S106 agreement, the proposal would be acceptable in terms of biodiversity and ecological impacts and is policy compliant in this regard.

Planning Obligations

8.68 Paragraph 57 of the NPPF states that: *“Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.”*

8.69 Paragraph 58 of the NPPF states *‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.’*

8.70 The Planning Practice Guide makes it clear that *‘Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.’*

8.71 Core Strategy Policy KP3 requires that: *“In order to help the delivery of the Plan’s provisions the Borough Council will:*

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as:

- a. roads, sewers, servicing facilities and car parking;*
- b. improvements to cycling, walking and passenger transport facilities and services;*
- c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);*
- d. affordable housing;*
- e. educational facilities;*
- f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate;*
- g. any other works, measures or actions required as a consequence of the proposed development; and*
- h. appropriate on-going maintenance requirements.”*

8.72 The planning obligations in the following table have been agreed with the applicant:

Table 4: Planning obligations agreed with the applicant.

	Proposed Head of Term	Details
1	Education	Secondary education contribution of £31,083.33
2	RAMS Ecology mitigation	£156.76 per unit (x 22) = £3,448.72
3	Highways	Travel plan and travel plan monitoring fee up to £5,000. Provision of Travel Information Packs to all residents.
4	Affordable Housing	5 units (Policy compliant 20%)
5	Monitoring Fee	Up to £10,000

8.73 The Section 106 contributions required above are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions that are set out above the development could not be considered acceptable. Unless the S106 agreement has been completed within an agreed timescale the application should be refused on this ground and the recommendation below includes wording to this effect. The Council's viability consultants have confirmed that the development can viably offer the above contributions.

NHS Contribution

8.74 The NHS requested a financial contribution of £10,300 to increase capacity for the benefit of patients in the Primary Care Network operating in the vicinity of the application.

8.75 The Council's Supplementary Planning Document 2: Planning Obligations, confirms that funding for potential primary healthcare care is addressed through the Council's Community Infrastructure Levy (CIL), so such funding for the NHS will be secured via CIL rather than planning obligations. The NHS has not made any case for exceptional circumstances which would justify any additional contribution to the NHS via the S106 process and beyond the provisions of CIL.

Summary

8.76 The contributions noted in Table 4 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee's approval subject to entering into and then the completion of this agreement.

Community Infrastructure Levy (CIL)

8.77 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. As this is an outline application, the CIL amount payable will be calculated on submission of a reserved matters application when the floorspace figures will be confirmed.

- 8.78 From the indicative plans, the proposed development will likely include a gross internal area of some 2722sqm of residential floorspace which may equate to a CIL charge of approximately £75,696.92 (subject to confirmation). This is an indicative amount only.

Equality and Diversity

- 8.79 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 which notes the potential inclusion of two Building Regulations M4(3) compliant wheelchair accessible units as indicated in the illustrative plans 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 accessible and adaptable dwellings, including dwellings compliant with Building Regulation M4(3), would be a positive aspect of the proposal in this regard.

9 Conclusion

- 9.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, this outline proposal would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development, including use of this land for housing, the indicative housing mix and flood risk would all be acceptable. The indicative design and scale of the development would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area demonstrating that an acceptable design can be achieved within the parameters of this outline proposal. Subject to conditions a proposal could have an acceptable impact on the amenities of neighbours as shown within the indicative scheme. Future proposals would provide an acceptable standard of accommodation for new occupiers in a similar way as indicated in the submitted plans. There would be no significant harmful traffic, parking or highways impacts caused by the proposed development and the proposal would have an acceptable impact on sustainability and ecology if developed in a manner as indicated.
- 9.2 The outline proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a S106 legal agreement and conditions. Should Members identify any areas of harm, should they reach a different conclusion from officers on those individual considerations then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. This proposal creates new housing, therefore, when assessing any harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh

the benefits when considered against the policies of the Framework taken as a whole.

10 Recommendation

Members are recommended to authorise:

- a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- i. Secondary education contribution of £31,083.33
 - ii. RAMS contribution – 22No x £156.76 = £3448.72
 - iii. Travel plan and travel plan monitoring fee up to £5,000, and Provision of Travel Information Packs to all residents.
 - iv. 5 affordable units (Policy compliant 20%)
 - v. Monitoring fee of up to £10,000.
- b) That the Executive Director (Environment and Place), Director of Growth and Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the Section 106 agreement referred to above and subject to the conditions set out below:

General Conditions

01 Details of the appearance, means of access, landscaping, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin no later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 The development hereby approved shall be carried out in accordance with the approved plan: Location Plan.

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

Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until full details, specifications and appropriately sized samples of the materials to be used for all external surfaces of the proposed development, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascias and balconies,

have been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition. The development must then be carried out in full accordance with the approved details before any dwellings hereby approved are first occupied.

Reason: In the interest of the character and appearance and visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not exceed 12m in height or 4 storeys in scale above ground level, plus a single basement level.

Reason: To safeguard character and appearance of the area, the amenities of neighbouring occupiers and to reflect the contamination and drainage information submitted for the proposal in accordance with Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM14 of the Development Management Document (2015) and advice in the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the development permitted by this permission, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: This pre-commencement condition is required in the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 06 The landscaping details submitted with any Reserved Matters application pursuant to this outline planning permission shall include, but not be limited to:-

- i. Full soft landscaping details (size, number, species together with a planting specification and management plan)
- ii. Details of means of enclosure of the site and within the site including any walls, gates or boundary fencing;
- iii. Details of all external hard surfacing including any ramps to the front and rear elevations, and details of exterior lighting;

- iv. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- v. Details of measures to enhance biodiversity within the site.

Hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season (October to March inclusive) following first occupation of the development hereby approved.

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 approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to 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).

- 07 The development hereby approved shall be carried out from its outset solely in accordance with the measures and recommendations outlined in the Arboricultural Report (Rev 1) and separate Tree Protection Plan (Rev 1) both by Andrew Day Consultancy (and dated 10th October 2023) hereby approved.

Reason: This condition is needed to safeguard existing trees and so protect their contribution to the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2023), 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).

Living conditions related conditions

- 08 All residential units within the development hereby approved shall be provided in accordance with the minimum overall, bedroom and storage space standards contained in the Technical Housing Standards - Nationally Described Space Standard.

Reason: This condition is needed to ensure an adequate living environment for future occupants of the development in accordance with Policy DM8 of the Development Management Document (2015) as amended by the Technical Housing Standards Policy Transition Statement (2015) and the guidance contained within the Technical Housing Standards (2015).

- 09 All residential units within the development hereby approved shall be provided with their own private external amenity space by way of either a balcony or terrace area.

Reason: This condition is needed to ensure an adequate living environment for future occupants of the development in accordance with Policy DM8 of the Development Management Document (2015) and the guidance contained within the Technical Housing Standards (2015).

- 10** No development shall take place, other than demolition and site preparation works, unless and until full details of vibration mitigation and noise mitigation measures, to ensure that all habitable rooms in the development hereby approved achieve the requirements of British Standard BS 8233:2014, or any subsequent applicable standards, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved mitigation measures shall be fully implemented as approved prior to the first occupation of any part of the development hereby approved and shall be retained as such for the lifetime of the development.

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

- 11** Notwithstanding the details shown in the plans submitted and otherwise hereby approved, no part of the development hereby granted planning permission shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by the Local Planning Authority, which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed development. Before any part of the development hereby approved is occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition unless an alternative timeframe for provision has previously been submitted to and approved in writing under the scope of this condition and shall be permanently retained as such for the lifetime of the development.

Reason: In the interests of residential amenity and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2023), 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).

- 12** No development above ground floor slab level shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

13 A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall be undertaken, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, unless and until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of the extent, scale and nature of the contamination;**
- (ii) an assessment of the potential risks to:**
 - Human health,**
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - Adjoining land,**
 - Groundwaters and surface waters,**
 - Ecological systems,**
 - Archaeological sites and ancient monuments;**
- (iii) an appraisal of remedial options, and proposal of the preferred option(s)**

B. Site Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after the remediation.

C. Remediation Implementation and Verification

No development shall take place other than that required to carry out the agreed remediation unless and until the measures set out in the approved Remediation scheme have been implemented in full. The Local Planning Authority must be given a minimum of two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and shall be submitted for approval in writing to the Local Planning Authority pursuant to this condition.

D. Reporting of Unexpected Contamination

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

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

Impact on neighbours and related conditions

- 14** No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of neighbouring residents and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 15** Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00

hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

16 No part of the development hereby approved shall take place, including any site preparation or clearance works, unless and until a Construction Environmental Management Plan, Strategy and Method Statement have been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition. The approved Construction Environmental Management Plan and Strategy shall be adhered to in full throughout the development's construction period. The Statement shall provide, amongst other things, for:

- **Construction Traffic Strategy**
- **Noise and Dust Mitigation Strategies and plans to include measures to control the emission of dust, dirt and noise during construction and boundary particulate monitoring during demolition and construction.**
- **The parking of vehicles of site operatives and visitors**
- **Loading and unloading of plant and materials**
- **Storage of plant and materials used in constructing the development**
- **The erection and maintenance of security hoardings**
- **Scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**
- **Details of the duration and location of any noisy activities and measures to mitigate this.**
- **A scheme to minimise the risk of off-site flooding and to prevent pollution caused by surface water run-off and groundwater during construction works.**
- **A scheme to minimise the impact of the construction on ecology and to protect habitats from impacts including accidental pollution or dust-settling.**

Reason: This pre-commencement condition is justified in the interest of highway safety, ecology and amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

Parking and Highways

17 Notwithstanding the information and plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until a minimum of 1 covered, secure, safe and conveniently located cycle parking space per dwelling has been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their

visitors.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 18** The development hereby approved shall not be first occupied unless and until at least one (1) off street parking space for each permitted flat has been provided on the site and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Every space shall be fitted with an active electric vehicle charging point. The parking spaces shall thereafter be permanently maintained solely for the parking of occupiers of and visitors to the development.

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 19** The residential dwellings hereby approved shall not be first occupied unless and until full details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling(s) to which they relate and shall be retained as such for the lifetime of the development.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

Flooding and Drainage

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

- 1.** The applicant to undertake infiltration testing in line with BRE 365 to identify whether any form of infiltration will be feasible.
- 2.** The applicant to consider the use of rainwater harvesting systems, green roofs, permeable pavements and other SuDS as a part of their

- drainage strategy.
3. The applicant to show the proposed exceedance and conveyance routes, ensuring critical areas are protected from flooding where possible.
 4. The applicant to confirm the invert level of the existing manhole to ensure that a gravity connection will be possible from lower ground floor level. The applicant also to confirm acceptance from Anglian Water that this proposed connection is acceptable.
 5. The applicant to provide details on the management of health and safety risks as part of the drainage strategy.
 6. The applicant to provide information on the pollution hazard levels of the surface water and propose methods to reduce this if necessary (preferably SuDS).
 7. The applicant to confirm the groundwater conditions and whether surface water from adjacent land will enter the development and assess the impact of this on the proposed drainage system.
 8. The applicant to consider the construction phase activities that may compromise the below ground surface water drainage infrastructure and take necessary precautions to prevent and/or repair damage.
 9. The applicant to provide details of the management company that will be responsible for the maintenance of the proposed drainage system.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

Energy and water sustainability

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

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

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

resources in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

- c) In the event that the planning obligation referred to in part (a) above has not been completed before 1st December 2023 or an extension of this time as may be agreed by the Director of Growth and Planning or Service Manager - Development Control, authority is delegated to the Director of Growth and Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for secondary education, biodiversity mitigation, the production of Travel Plan and securing the appropriate monitoring fee, the provision Travel Information Packs and affordable housing and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and proactive statement:

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

Informatives:

- 1 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the **Planning Portal** (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to education and RAMS, production of a Travel Plan and the associated monitoring fee, the provision of Travel Information Packs, provision of 5 affordable housing units and monitoring of the agreement.

- 4 The applicant is advised that development moving forward to Reserved Matter Stage should retain a suitable mix of units materially in line with the indicative dwelling mix as shown in this Outline Permission. Any significant deviation from the indicative mix would require robust justification to be considered acceptable.
- 5 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
- 6 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 7 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

8 Anglian Water

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

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

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

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

Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

9 Environmental Health

(1) Construction outside of normal hours

If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council's regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance are available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

(2) A UXO Preliminary Risk Assessment of the potential for unexploded ordnance at the site should be undertaken by competent person and any recommendations for further action reported to Southend-On-Sea City Council.

(3) Overheating and Noise Protection

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

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

(5) The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England)

Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

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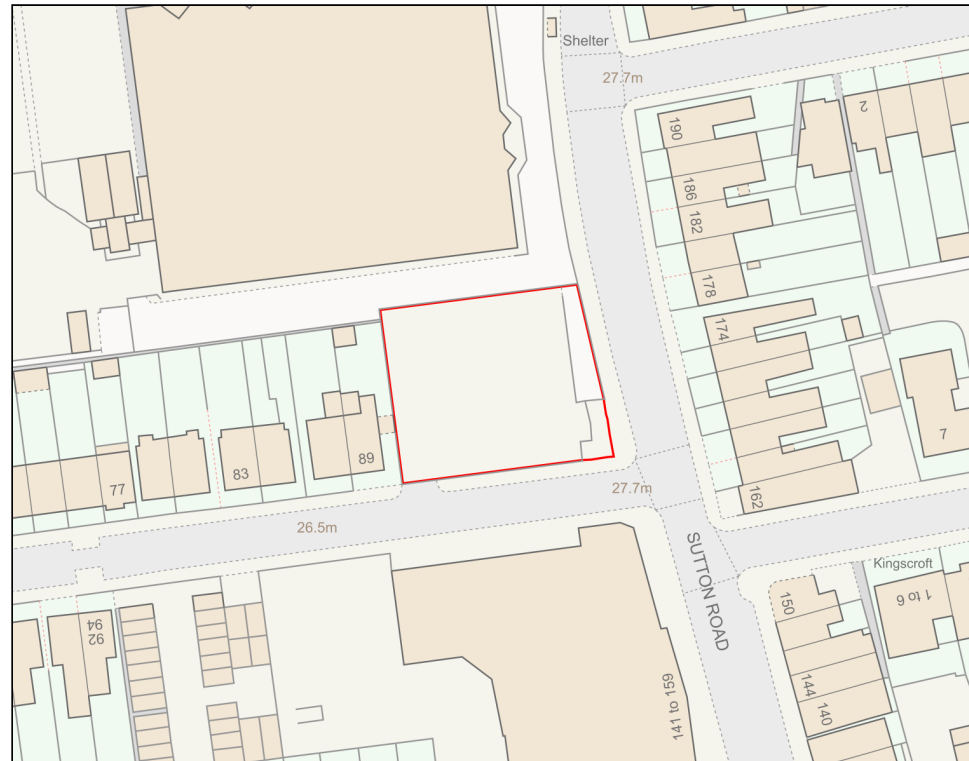
Location Plan

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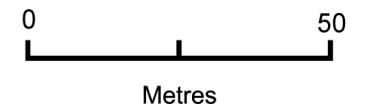
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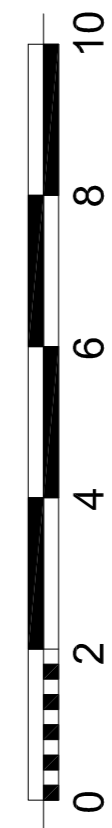
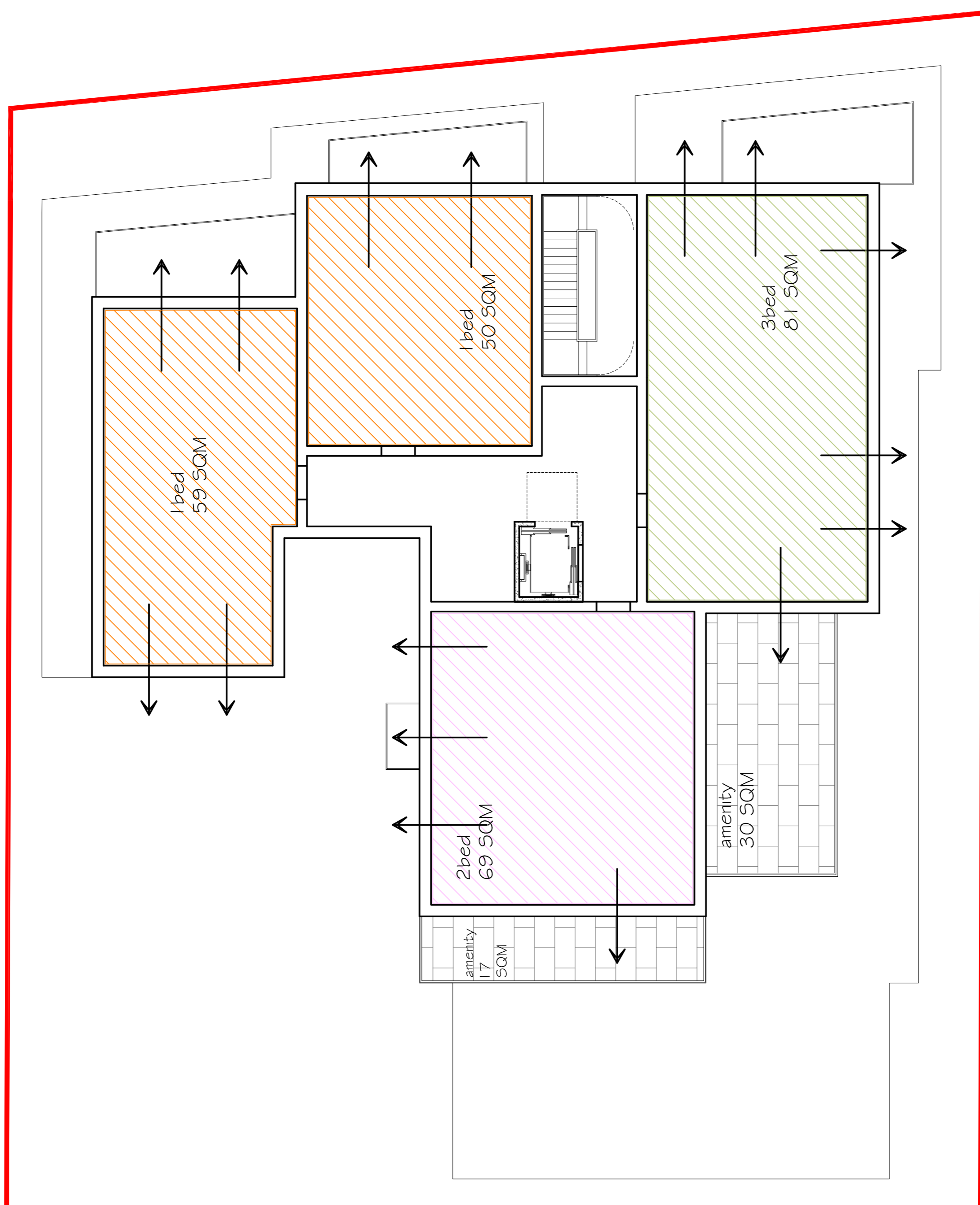
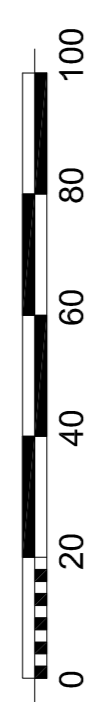
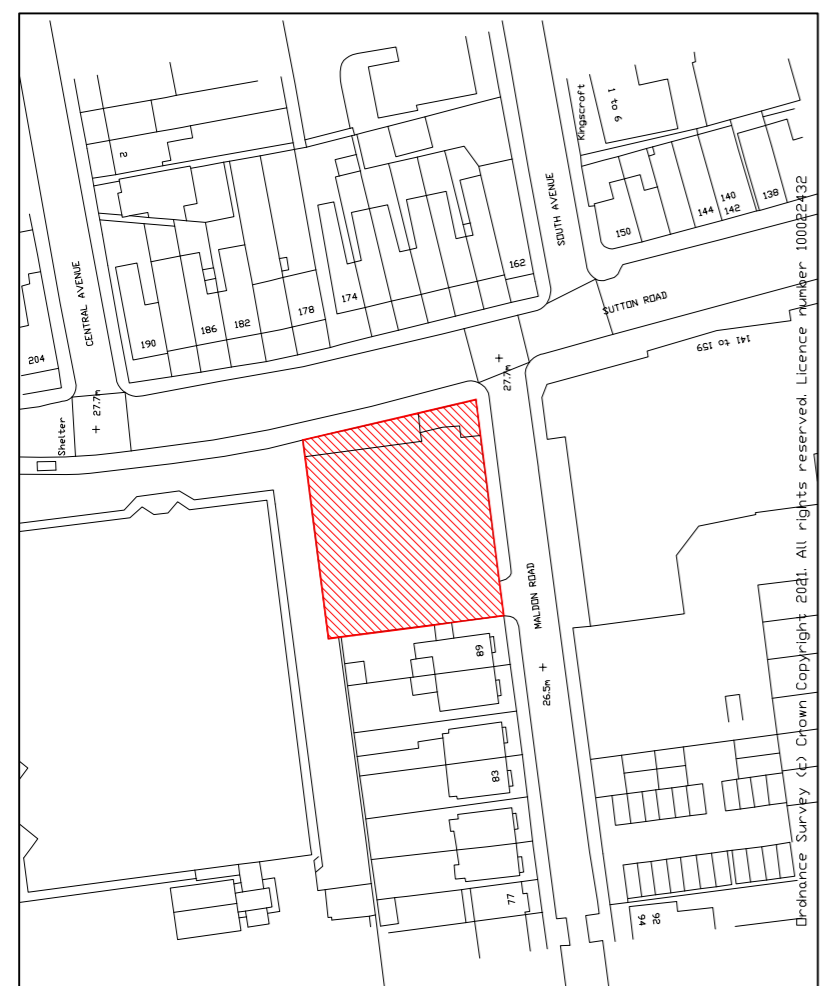
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Revision	Date
A	Amended following client meeting 22.11.21
B	Title block revisions 22.12.21
C	Amended following planners comments 16.06.22
D	Amended plans 08.07.22
E	Amended plans 21.07.22
F	Amended plans 15.02.23
G	Mix amended 22.02.23
H	Proposed block plan added 10.10.23

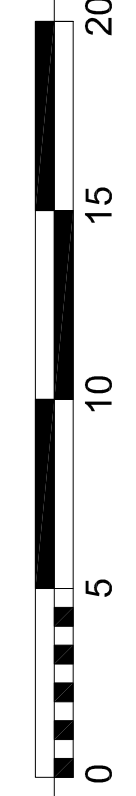


ACCOMMODATION SCHEDULE

	1 beds	2 beds	3 beds
Ground Floor	1	2	2
First Floor	3	3	1
Second Floor	3	2	1
Third Floor	2	1	1
Totals	9	8	5
			22



Proposed Block Plan 1:200



knight gratrix architects

suite 1 boxes
 630-634 Maldon road
 westcliff on sea
 essex
 s-s0 9hw

t 01702 715517
 e mail@knightgratrix.com
 w www.knightgratrix.com

Client
 Irving Brown Ltd.
Address
 165 Sulton Road
Description
 Site Redevelopment
 Proposed Plans

Scheme	Planning	Drawn	Date
Varies	nr	nr	18.11.21
Job number	1614	Drawing no.	012
Revision			H

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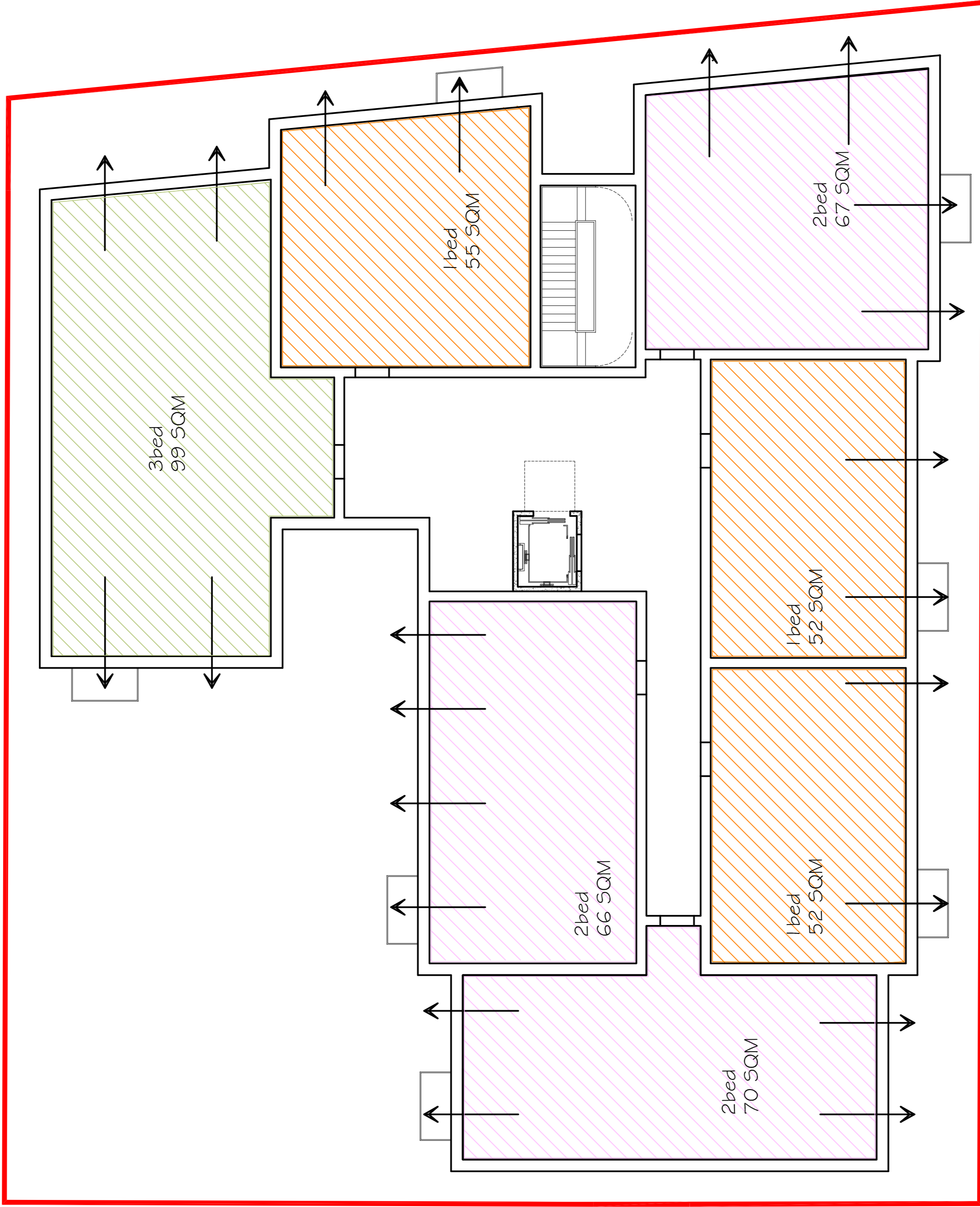
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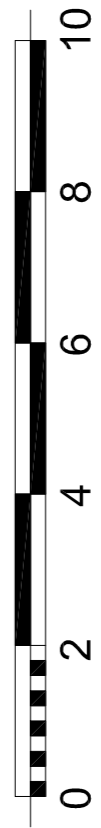
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Revision	Date
A	Amended following client meeting 18.11.21
B	Amended following client meeting 22.11.21
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D	Amended following planners comments 18.01.22
E	Amended plans 09.02.22
F	Amended plans 21.07.22
G	Amended plans 15.03.23
H	Amended plans 22.03.23

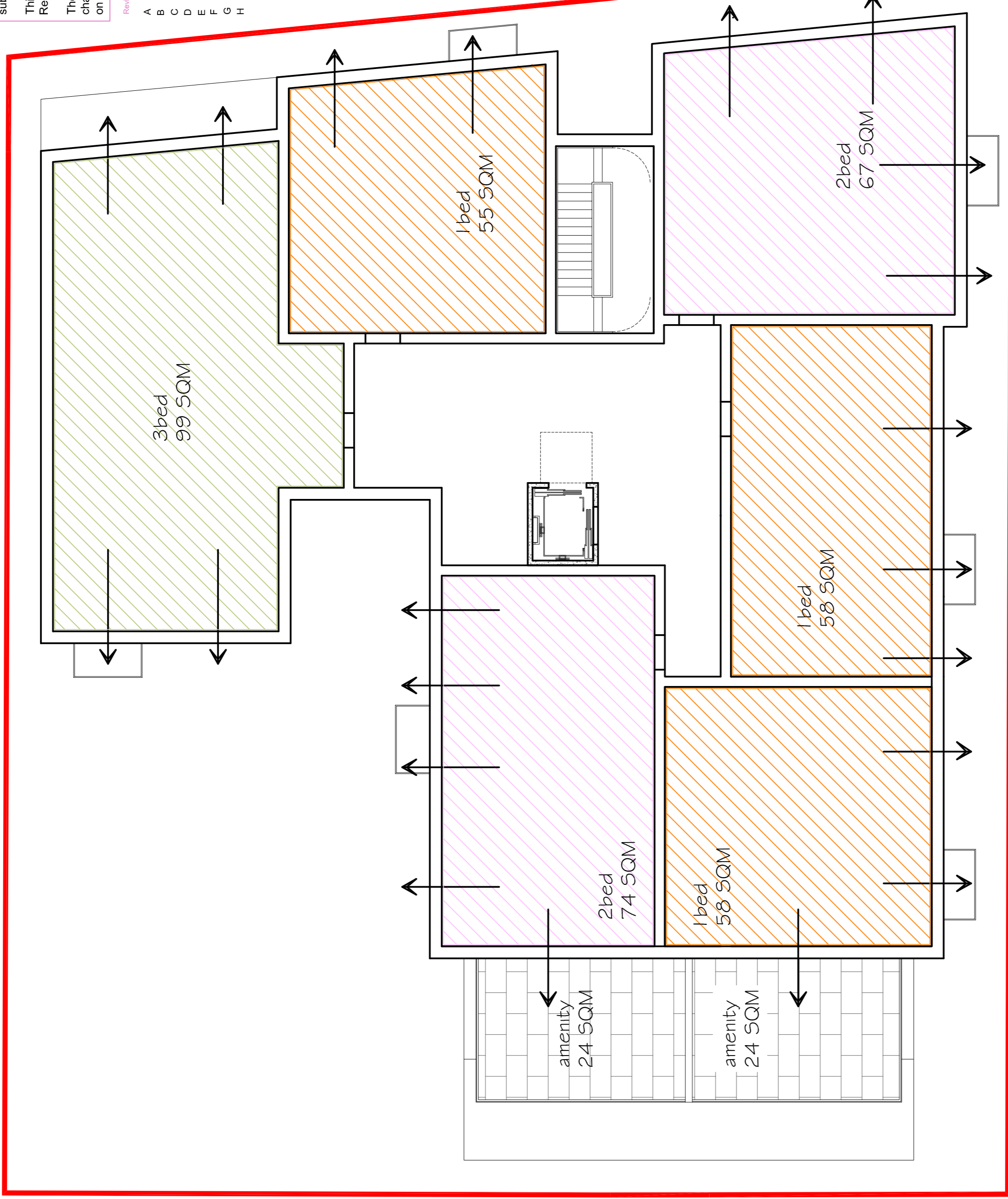


Proposed First Floor Plan

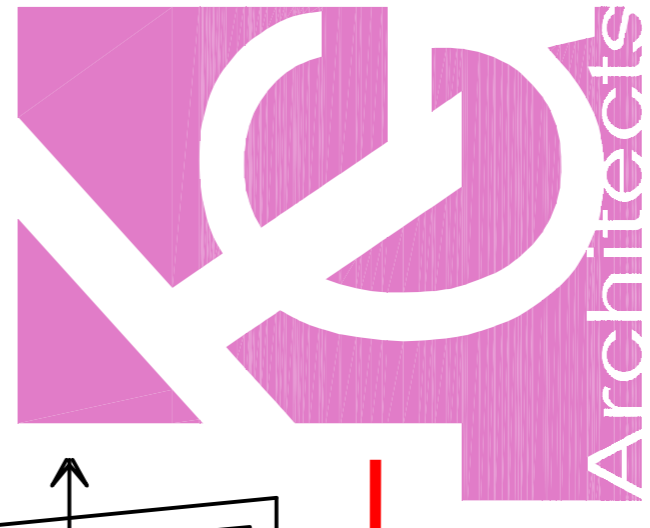


ACCOMMODATION SCHEDULE

	1 beds	2 beds	3 beds
Ground Floor	1	2	2
First Floor	3	3	1
Second Floor	3	2	1
Third Floor	2	1	1
Totals	9	8	5
			22



Proposed Second Floor Plan



knight gratrix architects

studio 1
royce house
630-634 london road
westcliff on sea
sso 9hw

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e mail@knightgratrix.com
w www.knightgratrix.com

Client: Irving Brown Ltd.
Project: 165 Sutton Road
Description: Site Redevelopment
Proposed Plans

Stage	Plan	Drawn	Date
Planning	nr	01	03.11.21
Scale	1:100		
Area	1614	011	H

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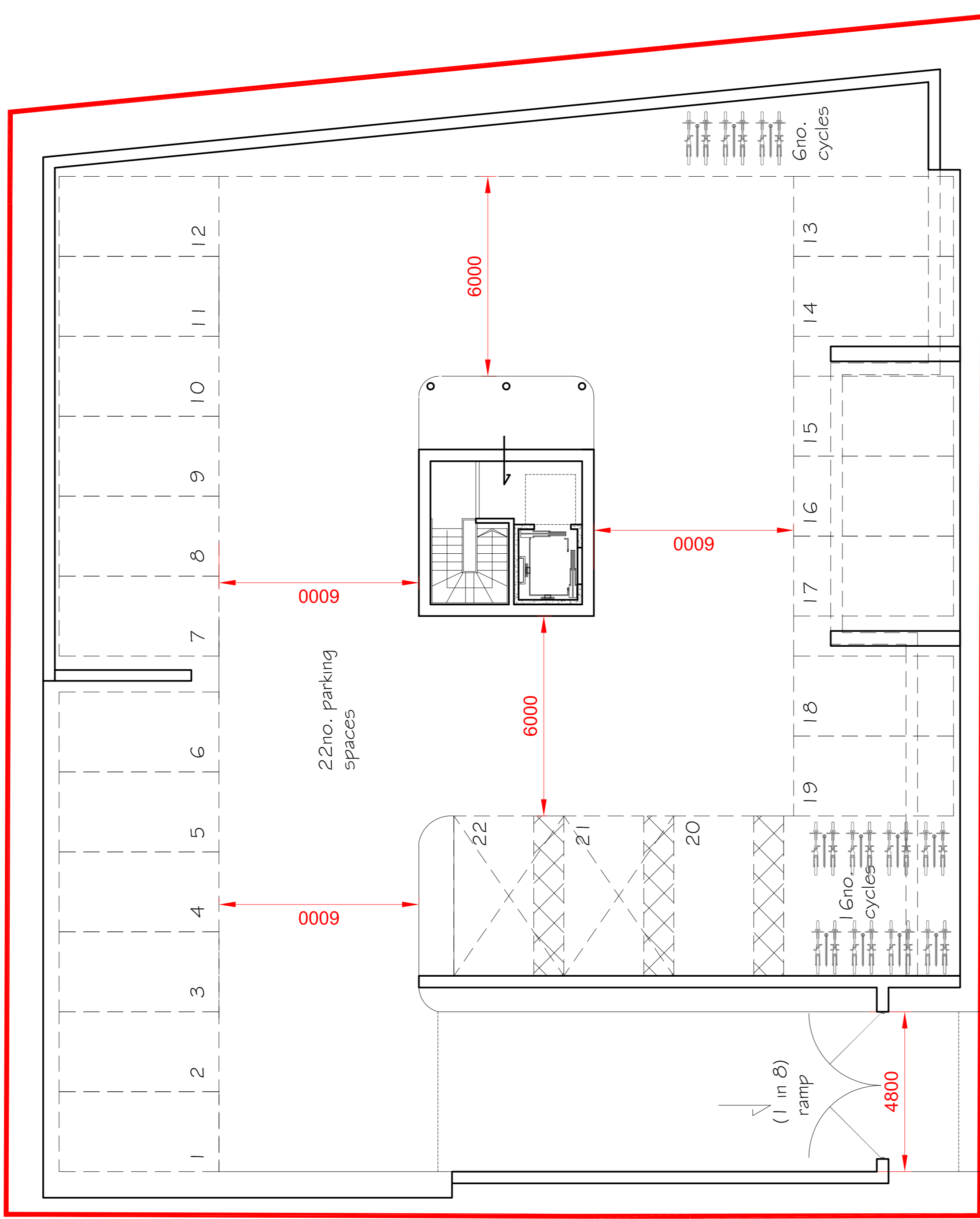
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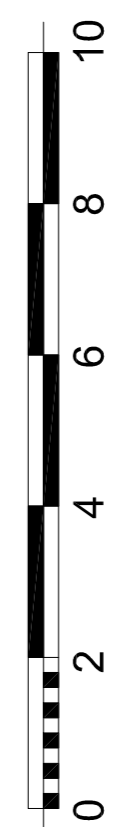
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Revision	Date
A	Amended following client meeting 18.11.21
B	Amended following client meeting 22.11.21
C	Amended following planners comments 16.06.22
D	Amended plans 07.07.22
E	Amended plans 21.07.22
F	Amended plans 15.03.23
G	Mkx amended 22.03.23

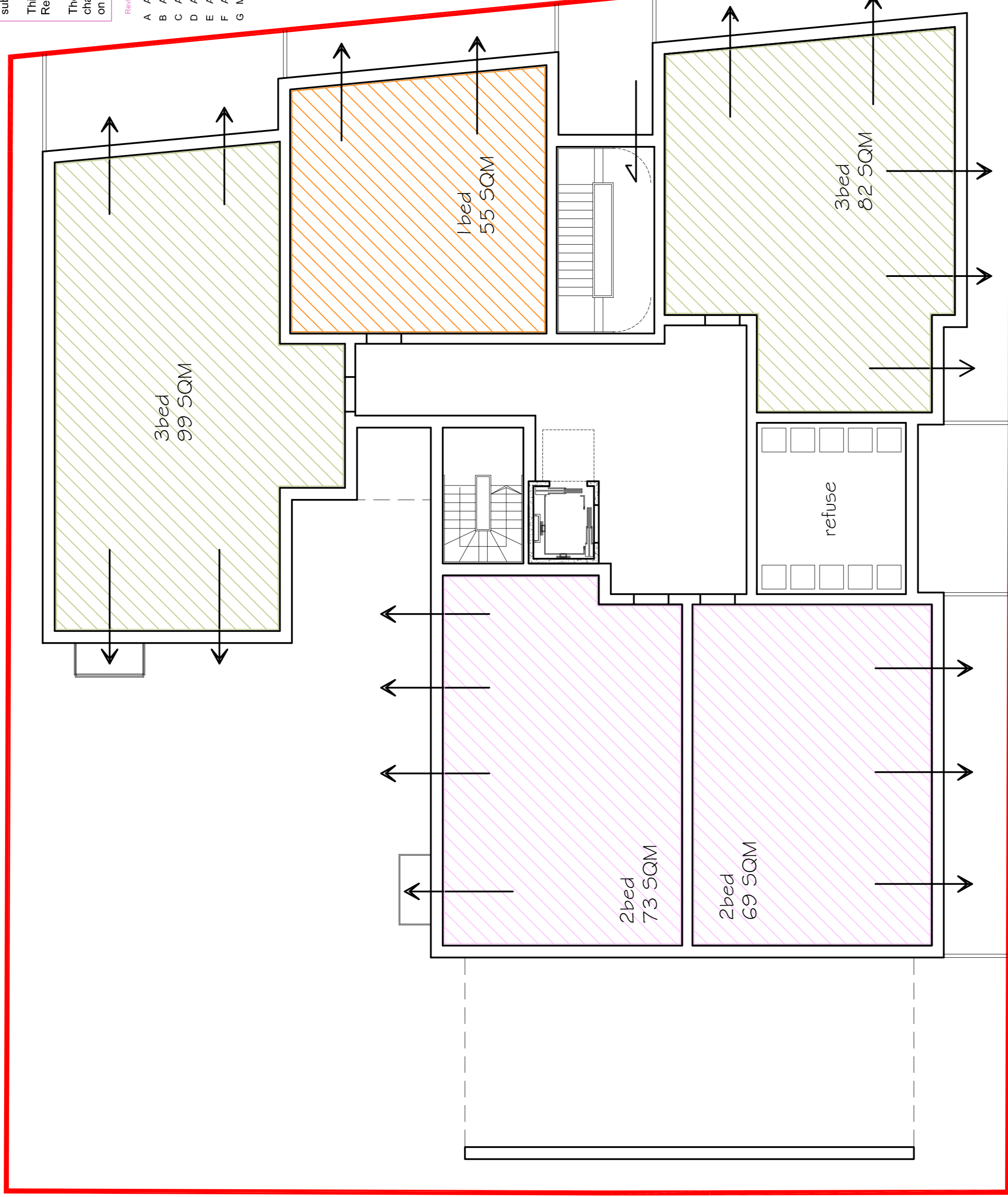


Proposed Lower Ground Plan

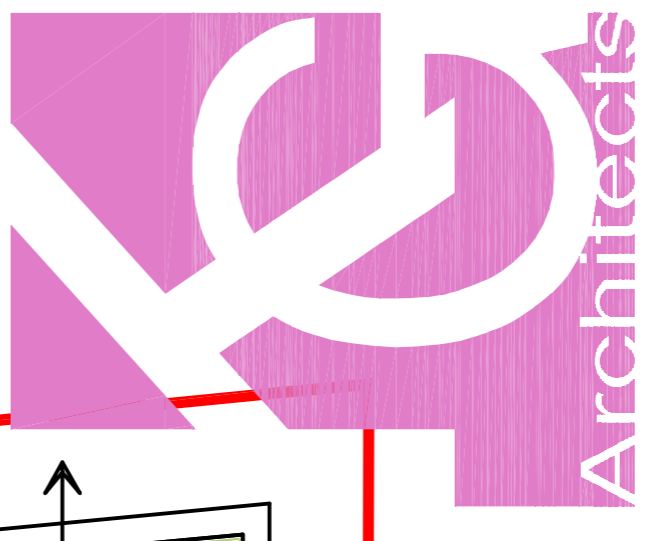


ACCOMMODATION SCHEDULE

	1 beds	2 beds	3 beds
Ground Floor	1	2	2
First Floor	3	3	1
Second Floor	3	2	1
Third Floor	2	1	1
Totals	9	8	5
			22



Proposed Ground Floor Plan



knight matrix architects

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Client: Irving Brown Ltd.
Project: 165 Sutton Road
Description: Site Redevelopment
Proposed Plans

Status: Draft Design
Scale: 1:100
Drawn: nr
Approved: 1614
Date: 03.11.21
Revision: 010
Author: G

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Revision	Date
A	Amended following client meeting 22.11.21
B	Title block revision 22.12.21
C	Amended following planners comments 16.06.22
D	Amended plans 07.07.22
E	Amended plans 21.07.22
F	Amended plans 15.03.23



**Proposed South Elevation
- Maldon Road**



**Proposed East Elevation
- Sutton Road**



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Client
 Irving Brown Ltd.
Address
 165 Sutton Road
Description
 Site Redevelopment
 Proposed Elevations

Status	Drawn	Date
Planning	nr	18.11.21
Job number	Drawings no.	Revision
1614	013	F

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View looking north along Sutton Road to Application Site



Application Site



View to junction and sites frontage along Maldon Road to the west



Maldon Road



large car
park at rear

BOUNCE

CARD
SHOP



View looking east from Maldon Road to Sutton Road

89/89A Maldon Road



Application Site



View to existing vehicle access from Maldon Road

89/89A Maldon Road



76

View to sites frontage along Sutton Road



View to relationship with Mecca Bingo Hall to the north and note the drop in levels





79

View to poor condition of application site



Reference:	23/01368/FUL	<h1>6</h1>
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Erect single storey front extension, single storey rear extension and first floor rear/side extension, form new external staircase and extend existing balcony to rear, relocate existing condenser units to rear	
Address:	101 Rochford Road, Southend-on-Sea, Essex, SS2 6SR	
Applicant:	Mrs T Patheepan	
Agent:	Mr Gary Fardell of More Space Architecture Ltd	
Consultation Expiry:	9 th November 2023	
Expiry Date:	15 th December 2023	
Case Officer:	Hayley Thompson	
Plan Nos:	200 Revision 01, 201 Revision 02	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 This application site is on the west side of Rochford Road, close to its junction with Feeches Road. The lawful use of the two-storey building is retail, within Class E, at ground floor (a convenience store). The first floor is a one-bedroom flat the sole access to which is from a rear external staircase. The surrounding area is predominantly residential in character with some commercial uses to the north of the site.
- 1.2 The site is within a Secondary Shopping Frontage Area. The site is not within a conservation area or subject to any other site-specific planning policies.

2 The Proposal

- 2.1 Planning permission is sought to erect a single storey extension to the front, a single storey extension to the rear and a first-floor part side, part rear extension. The single storey additions would enlarge the retail unit at ground floor and the first-floor extension is proposed to be used as an office and staff room. A new external staircase would be formed to the rear to allow access to the first floor flat and the office/staff room.
- 2.2 The building has an existing flat roofed single storey projection to the front elevation forming a shopfront. This would be enlarged by 0.5m in depth, projecting 1m beyond the main building and the width would be increased by 0.5m from 12.4m to 12.9m. The height would remain the same at 3.85m. The shopfront would be replaced and includes full width glazing.
- 2.3 The single storey addition is proposed to infill the plot to the rear. It would be flat roofed, between 2.7m and 2.9m high due to varying land levels within the site, a maximum depth of 8.05m and 8.7m wide.
- 2.4 The first floor extension would have a dummy pitched roof to the front and flat roof to the rear. The pitched roof would be 6.65m high and the flat roofed addition would be 5.85m high. The extension would have a total depth of 11.65m, projecting 6.25m beyond the rear of the main building. It would contain a window to the rear elevation.
- 2.5 An existing window serving the kitchen of the first floor flat would be replaced with a smaller window.
- 2.6 An existing first floor window on the northern flank of the development would be removed and the first floor extension would join this flank wall. The agent has advised that the room that the window serves contains a staircase which gives access to uninhabited roof space used for storage. An internal wall leading to this room would be removed.
- 2.7 Four existing condenser units would be relocated from the rear elevation of the building at ground floor level to the southern flank of the flat roofed first floor extension.
- 2.8 The extensions would be finished in render and brick.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Call-in

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

Lydia Hyde.

Public Consultation

4.2 30 neighbouring properties were consulted by letter and a site notice has been displayed. Representation from 1 interested party was received which raised the following objections:

- Loss of privacy from balcony relocation
- Concern about noise from the condensers

[**Officer Comment:** All relevant planning considerations have been assessed within the appraisal section of the report. Other than as reflected in the reason for refusal in Section 8 of this report, the remaining points of objection are not found to justify refusing planning permission in the circumstances of this case].

Highways

4.3 No objections raised.

Environmental Health

4.4 No objection subject to conditions regarding construction and development management, noise mitigation measures and informatives.

Essex Fire and Rescue

4.5 No objections raised.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2023)

5.2 Planning Practice Guidance (PPG) (2023)

5.3 National Design Guide (NDG) (2021)

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

5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management)

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

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

5.8 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of the development, the design and impact of the development on the character and appearance

of the area, the residential amenity for neighbouring occupiers, parking and highway implications, refuse and recycling storage and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Policy CP1 of the Core Strategy supports the retention of employment floor space in appropriate settings. Policy DM13 of the Development Management Document states that “Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced”.
- 7.2 Policy DM13 part 3 states “All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public”.
- 7.3 It is considered that the development would be complementary to the commercial function of the site, this secondary shopping frontage and the mixed uses of the surrounding area. The development would maintain an active frontage in line with the objectives of Policy DM13. The principle of providing extensions and alterations to the existing commercial and residential premises is considered acceptable. The material considerations below are the determining factors of the application.

Design and Impact on the Character of the Area

- 7.4 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.5 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council’s Design and Townscape Guide provide further details on how this can be achieved.
- 7.6 Policy DM3 (5) also advises that; ‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.7 The site is within a Secondary Shopping Frontage Area whereby it is important that the character and function of frontages, in terms of providing an active frontage, are maintained and enhanced as they provide a vital service, meeting the day-to-day needs of local communities.

- 7.8 The proposed ground floor front extension and altered shopfront would remain subservient in scale and would not project forward of the front of No.103 to the north so maintaining a stepped building line. They are considered to represent appropriate alterations that would suitably respect the character and appearance of the building, the street scene and the character of this secondary shopping frontage. No details of any changes to signage or advertising have been included but this is controlled by separate legislation. Details of materials can be controlled by a planning condition if the application were otherwise found to be acceptable.
- 7.9 The proposed single storey rear extension would represent a large scale addition to the building, infilling the site to the rear with built form. Although comparatively deep, the extension would have a limited impact on the Rochford Road streetscene due to its position to the rear and is largely screened from surrounding development as a result of its limited height and existing boundary treatment.
- 7.10 The proposed first floor side extension would have a pitched roof to the front and is considered to be of an acceptable form that would integrate suitably with the building itself. Its flat roof is a negative aspect of the proposal, however, there are examples of flat roofed buildings in the wider area and the extension would be located to the rear of the building and due to its size and position would be largely obscured from public view. It is not considered in this instance that the extension would form an unduly prominent or incongruous feature in the locality to the detriment of visual amenity.
- 7.11 The external staircase to access the first floor flat and staff room/office has a functional design, however, this aspect of the proposal, which has no material impact in the streetscene, is not considered to be visually harmful in the context of the wider surrounding area.
- 7.12 The condenser units would be relocated from ground floor to the first floor, within the rear of the site. No objection is raised to their position which has limited public impact.
- 7.13 The development is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

Amenity Impacts

- 7.14 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.
- 7.15 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*"
- 7.16 The site is neighboured by No.103 Rochford Road to the north, a two-storey building with a commercial use at ground floor level fronting Rochford Road and residential flats above, with their main outlook to Feeches Road. Inset balconies exist at the upper floor level, contained and screened by a south facing, solid brick parapet wall along the boundary with the application site. The ridge of the pitched roof of the proposed first floor side extension

would be in line with the top of the parapet wall of No.103 and the flat roof of the first floor extension would be at a position below the balconies of the flats within the building on Feeches Road. It is not considered that the proposed extensions would cause any material harm to the occupiers of No.103 Rochford Road with regards to any overbearing impacts or sense of enclosure.

- 7.17 No.20 Feeches Road to the site's west is a semi-detached bungalow. No.20 has a boundary fence with trellis above and a single storey detached outbuilding located along its flank boundary shared with the rear of the application site. The existing single storey flat roofed extension at the application site extends along the site's western boundary for some 3.7m, maintaining a separation distance of some 0.5m. The proposed extension would be the same height as the existing extension, some 2.7m on the western boundary and situated 0.1m from the boundary. Given the existing boundary treatment and outbuilding at No 20 Feeches Road, it is considered on balance that the impact of the proposal on No.20 Feeches Road would not be significantly greater than the existing situation and would not result in significant harm to the amenity of occupiers at No.20 in any relevant regard when the relationship is assessed in its own right.
- 7.18 The proposed first floor side extension, separated from the western boundary by 6m, is not considered to have any overbearing impacts on No.20 Feeches Road. The window contained in the rear elevation of the first-floor extension serving the staff room would overlook the rear garden of No.20. As this window serves a commercial unit and non-habitable room, it would be reasonable to secure by condition for obscure glazing in this window to mitigate privacy concerns if the application were otherwise found to be acceptable.
- 7.19 No 97-99 Rochford Road (Viscount House) to the site's south is a three-storey flatted building. A window in the ground floor flank elevation of Viscount House facing the application building is understood, based on available records, to serve a kitchen and for the purposes of this assessment serves a non-habitable room. Doors in the rear elevation at ground floor are understood to serve a living area. The irregularly shaped single storey rear extension would project a maximum of 7.9m beyond the rear of Viscount House. It is set 2.5m off the southern site boundary for the first 3.15m and along the site boundary for the final 3.55m. As a result of the modest height of the extension, between 2.7m to 2.9m, and as built form would not project the full depth along the southern boundary, it is not considered that the proposed extension would result in any dominant impacts or loss of light, or sense of enclosure that would be significantly harmful to the amenity of the occupiers of Viscount House. As the proposed first floor extension would be situated 6.75m from the southern boundary and 8m from Viscount House, it is sufficiently removed from occupiers within Viscount House as not to cause significant harm to their amenity in any relevant regards.
- 7.20 The first floor flat at the application site is accessed via an alleyway on the southern boundary and then by a single flight external staircase which rises in an easterly direction. The existing staircase is situated 0.85m from the southern boundary. The current staircase rises alongside Viscount House and users of the staircase would look primarily towards the flank of this neighbouring building. The proposed staircase would be situated closer to the southern boundary and is of a different arrangement whereby the staircase rises initially in a westerly direction then returns to form a half landing to rise in an easterly direction. The upper level is divided into separate walkways to the first floor flat and the staff room/office. As users of the staircase rise, the view is materially different from the existing staircase on site. The proposed staircase is significantly alongside the rear amenity area and beyond the nearest rear facing wall of Viscount House. This means that users will be able to look directly down into the rear private amenity space and to the rear of Viscount House which contains habitable room windows and doors. Views can also be achieved towards the north facing

outrigger of Viscount House which has oriel style habitable windows along this elevation. The proposed staircase would significantly harm the amenity of occupiers of Viscount House in these regards due to overlooking and invasion of privacy. Theoretically, a screen could be erected along the southern flank of the staircase to aim to mitigate the overlooking and invasion of privacy concerns, however, any such screen would be elevated in form and dominant in its position in close proximity to the boundary and would create a harmful sense of enclosure to neighbouring occupiers. As the existing staircase is differently configured and starts ascending from a less exposed part of the site in relation to Viscount House, it is not considered that its existence presents a materially comparable “fall back” position to be weighed against the identified harm.

- 7.21 Due to the position of the first floor extension, an existing flank window serving the first floor flat would be infilled impacting light and outlook to the first floor flat. Existing light and outlook through this window is already restricted by the built form of No.103 Rochford Road and by the internal staircase described in para 2.6. On balance, given the size, nature and usability of the room and the removal of an internal wall, the impact on the residential amenity of occupiers of the first floor flat is not considered to be significantly harmful to the extent that it would justify refusing planning permission in the circumstances of this case.
- 7.22 The proposed front extension would not extend forward of No.103 Rochford Road which is a commercial unit at ground floor level. The proposed extension would be situated 0.9m from the southern boundary and 2.2m from Viscount House. The extension would project 1m forward of the front building line of Viscount House. Given the separation distance and modest projection beyond Viscount House, it is not considered that the proposal would cause significant amenity harm in any relevant regards.
- 7.23 It is proposed to relocate four existing condenser units from the rear of the existing building at ground floor level to the southern flank wall of the flat roofed first floor extension. Were the proposal otherwise acceptable, a condition could be attached to require that prior to their relocation, a noise impact assessment is submitted and any necessary mitigation measures implemented.
- 7.24 It is considered that the design, size, siting and scale of the development proposed are such that it would significantly harm the amenities neighbouring occupiers at Viscount House. All other dwellings are sufficiently removed from the proposal to prevent any significant harm in any amenity regards. The proposal is therefore considered to be unacceptable and in conflict with policy compliant in terms of its amenity impacts.

Refuse and Recycling

- 7.25 Refuse and recycling management arrangements are already in place for the existing site. The submitted plans indicate that waste would be stored in a similar location to the rear in the courtyard area, however, this space for refuse storage would be restricted as a result of the development. In order to demonstrate that as a result of the proposed development, an adequate storage space would remain on site, a waste management plan could be agreed and implemented prior to the first use of the development. Were the proposal otherwise found to be acceptable, subject to a condition on the above basis, the proposal would be acceptable in this regard.

Traffic and Transportation Issues

- 7.26 The NPPF states at 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.”
- 7.27 The proposed development would result in increased floorspace to a commercial unit. The

application site currently has no off-street parking spaces. There is on street parking available around the site, including directly outside the site on Rochford Road, and this is a fairly sustainable location with regards to local bus routes, Given the limited increase in floorspace, it is not considered that the proposed development would result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.28 As the development does not create more than 100m² of floorspace and does not involve the creation of a new dwelling (Class C3), the proposal benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 7.29 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.
- 7.30 Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 7.31 For the reasons outlined above the proposal is found to be unacceptable and fails to comply 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 refused.

8 Recommendation

REFUSE PLANNING PERMISSION for following reason:

01 The proposed external staircase would by reason of its position and configuration significantly harm the amenities of neighbouring occupiers in Viscount House through overlooking and a loss of privacy. This is unacceptable and contrary to the National Planning Policy Framework (2023), 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).

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

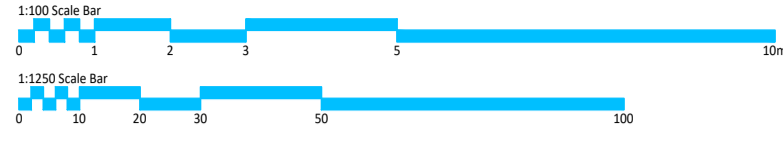
https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

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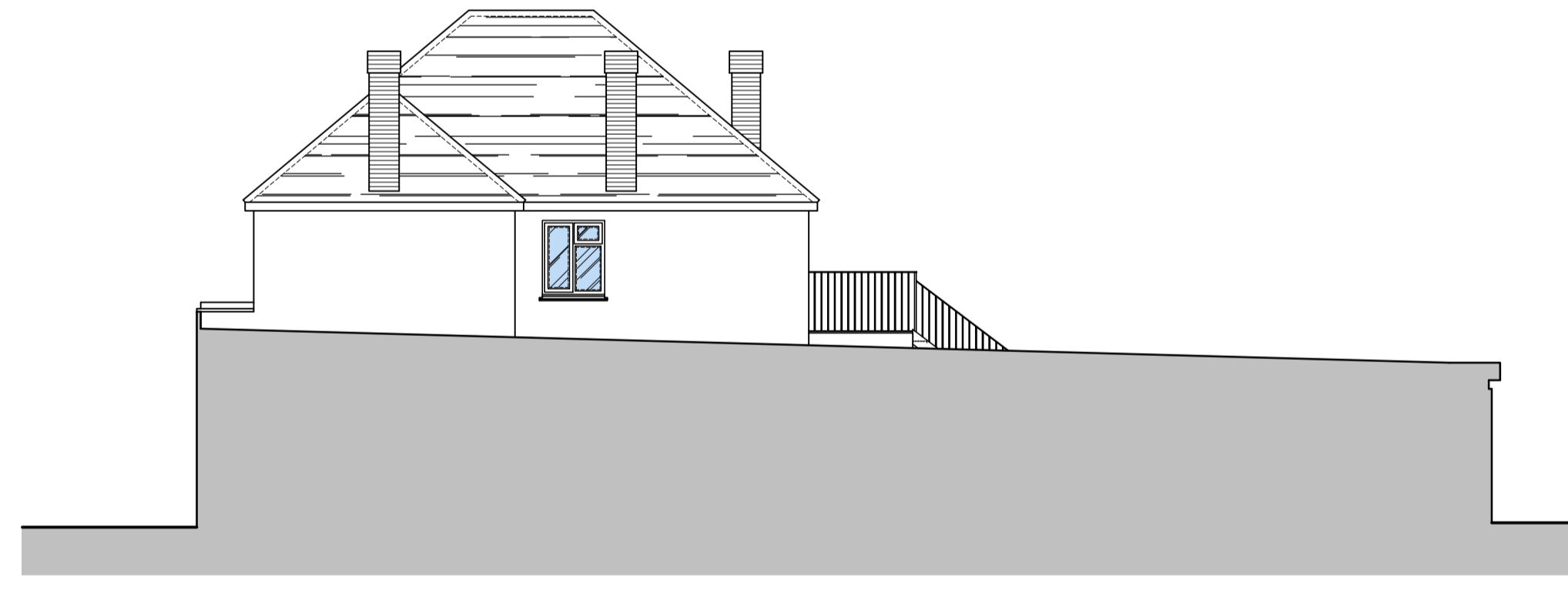
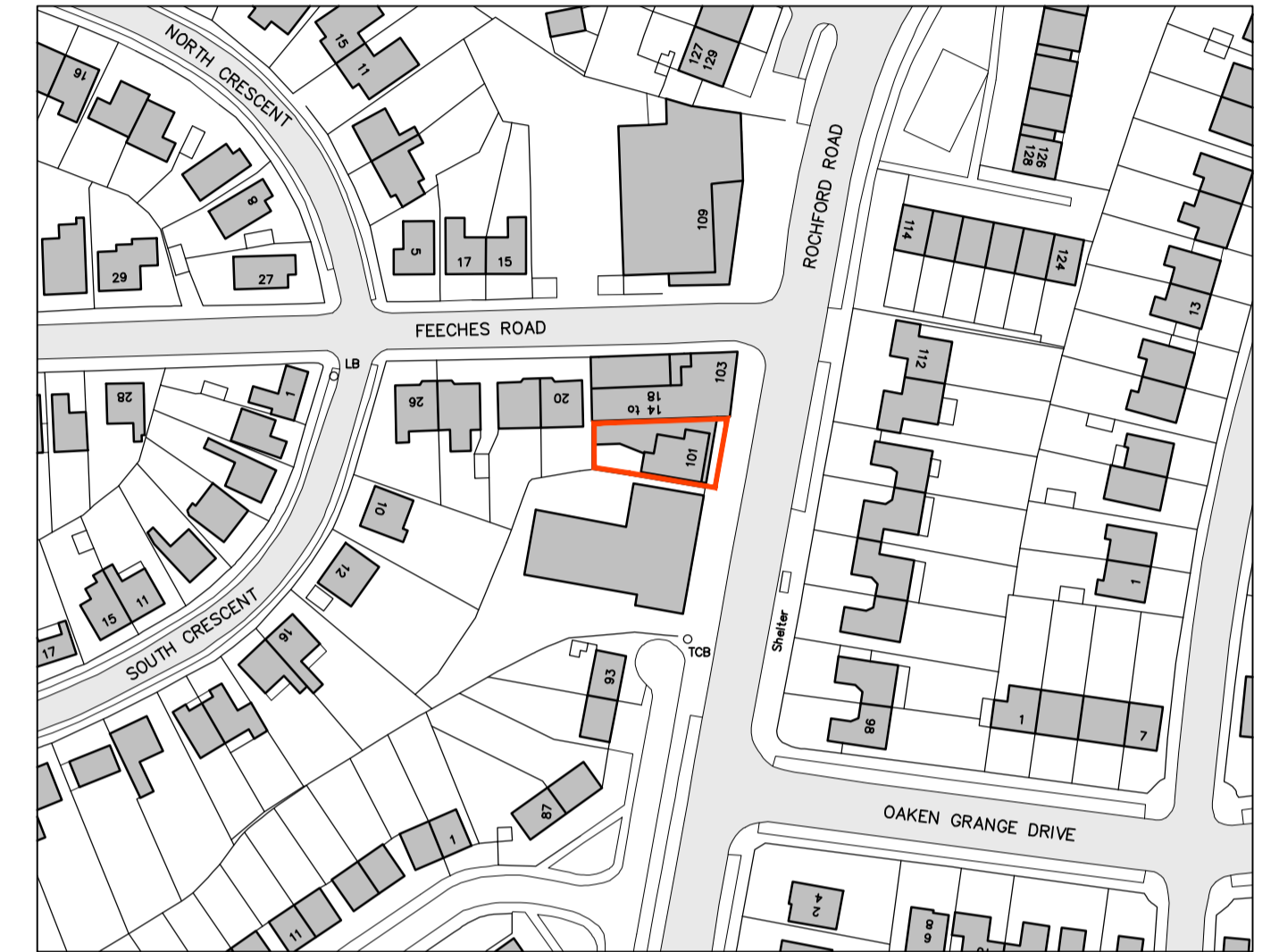
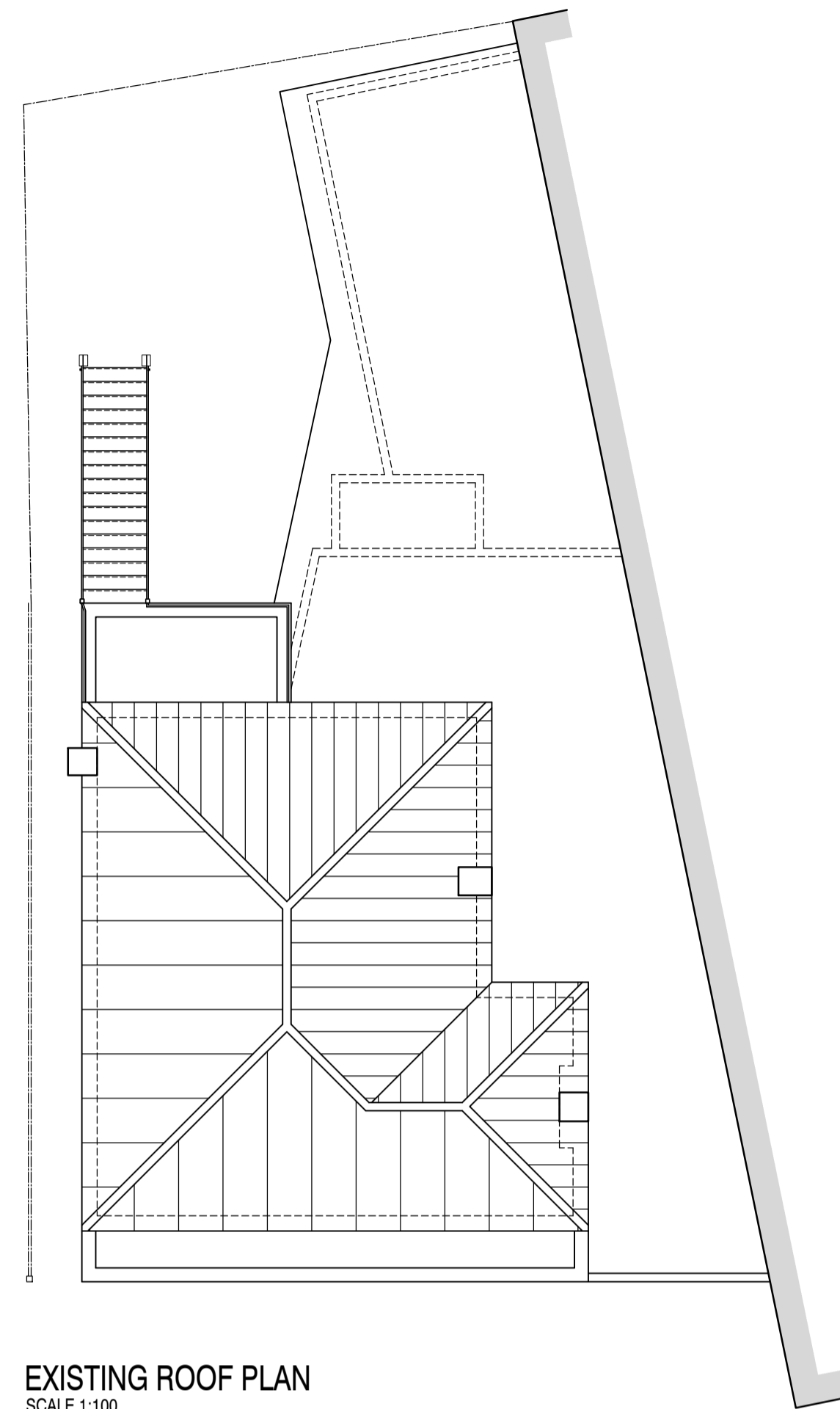
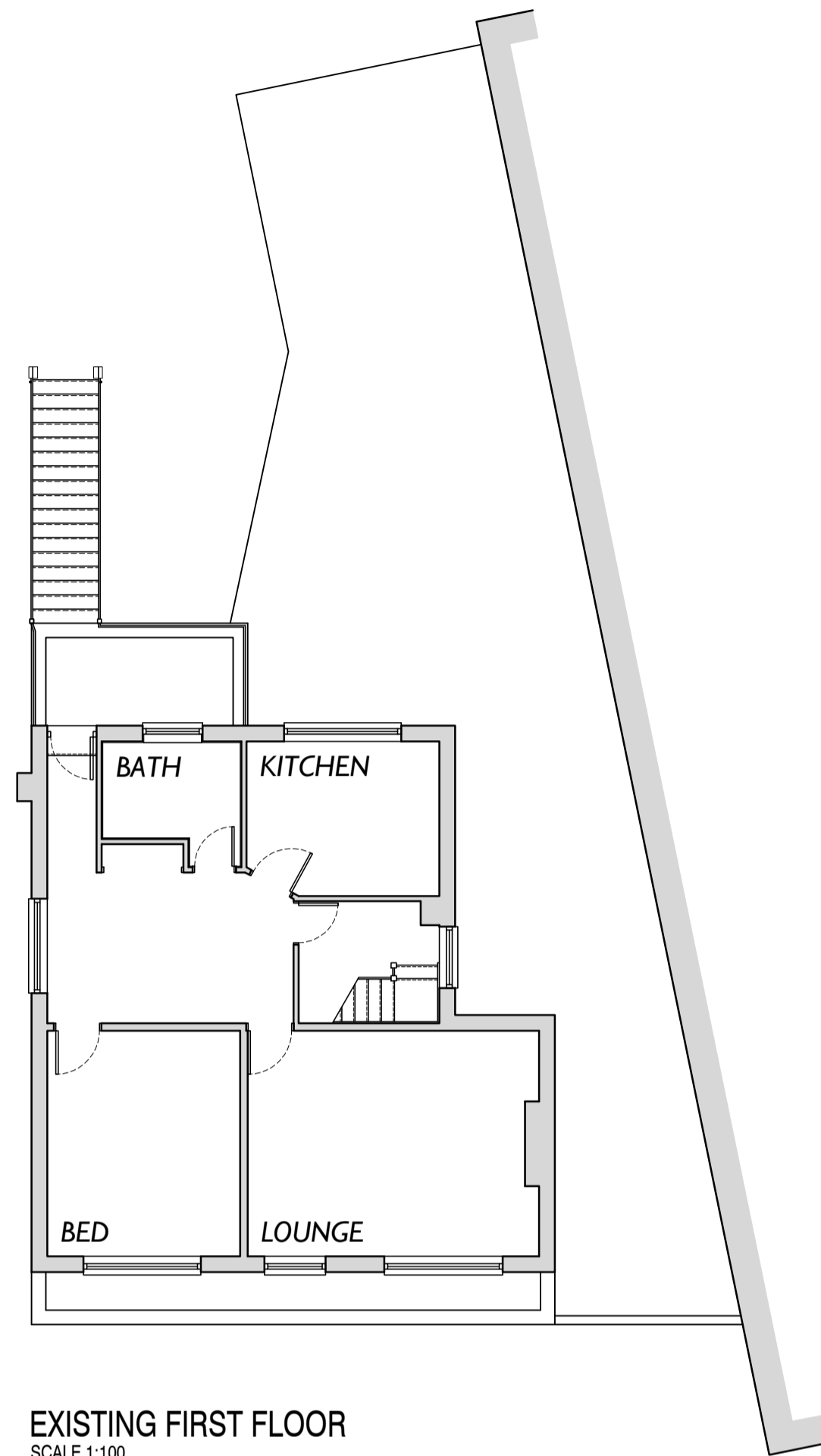
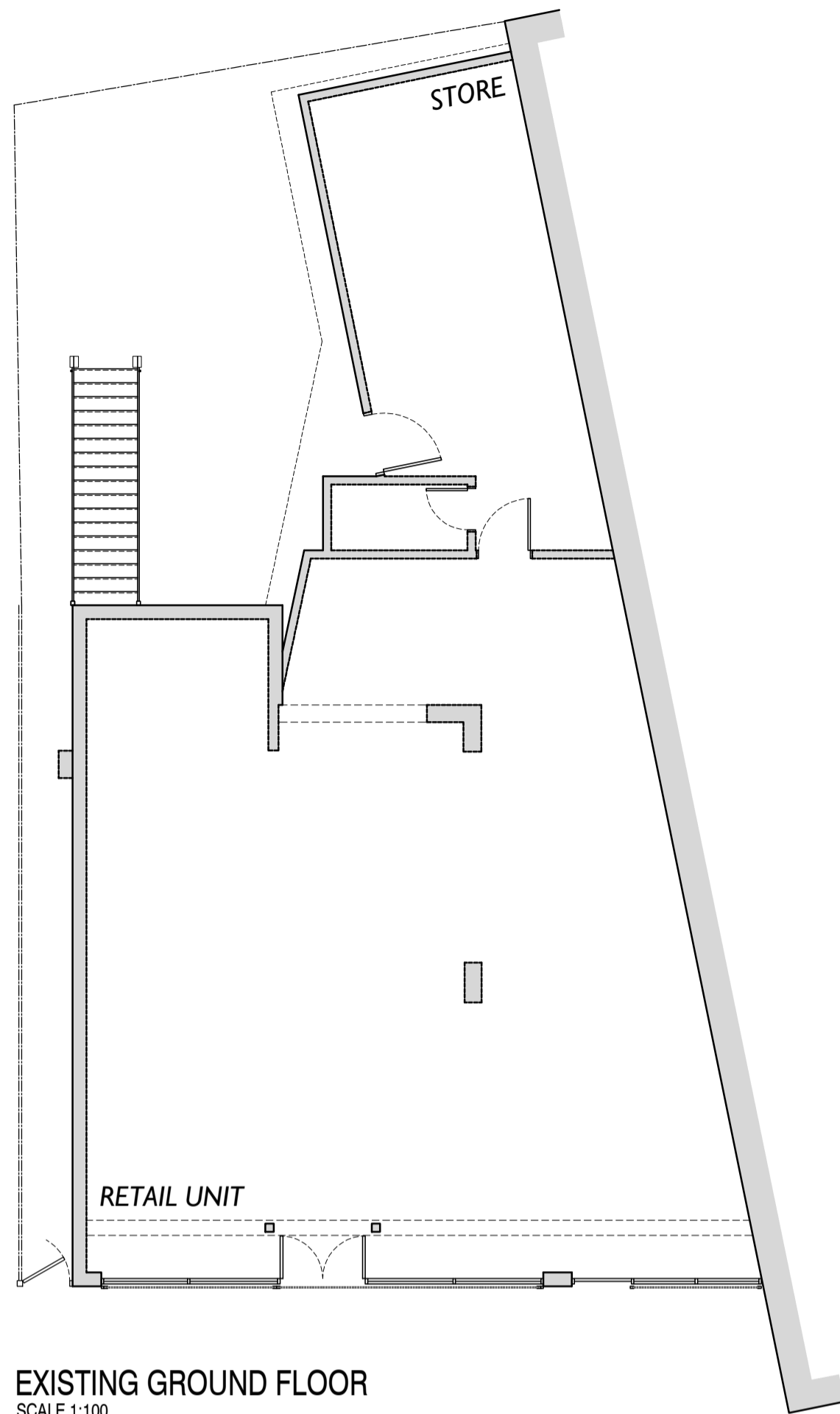
1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about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

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LONDIS, ROCHFORD ROAD.



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All discrepancies to be relayed back to More Space Architecture Ltd as soon as possible.
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.
IMPORTANT NOTE: Works to be fully compliant with the CDM 2015 Regulations.



REV	DATE	COMMENT



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CLIENT: LONDIS
PROJECT: 101 ROCHFORD ROAD
SOUTHEND-ON-SEA
ESSEX
SS2 6SR

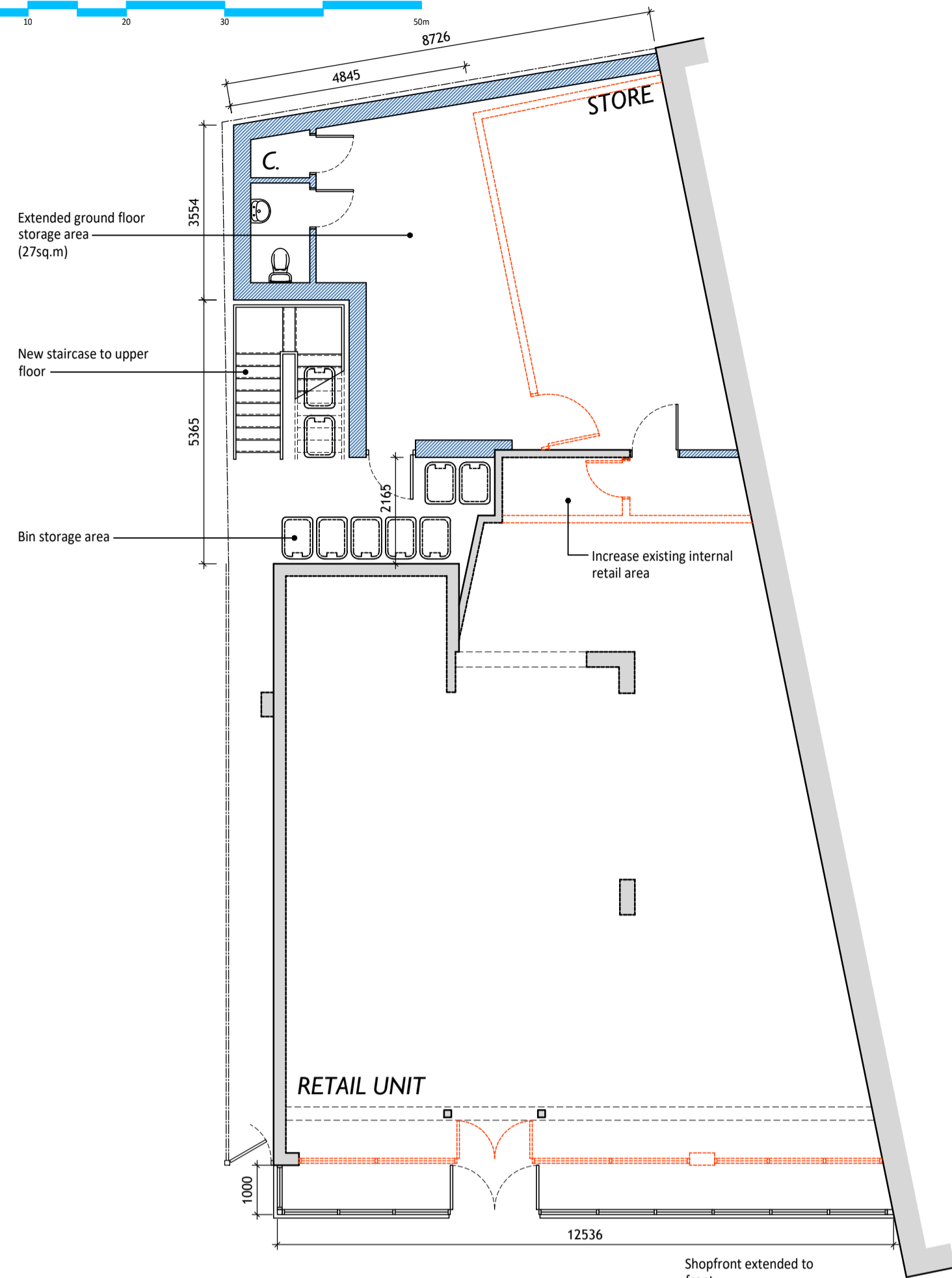
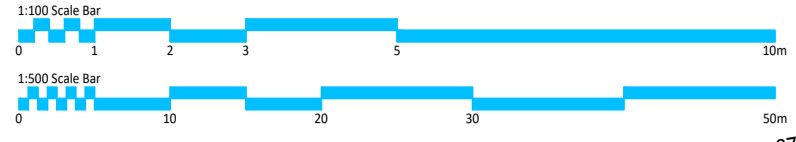
DRAWING: EXTG LAYOUT PLANS AND ELEVATIONS,
INCL. SITE LOCATION MAP

SCALE: 1:100 @ A1	DATE: 04.07.2023
PROJECT NO: 23-010	DRAWING NO: 200
REVISION: 01	

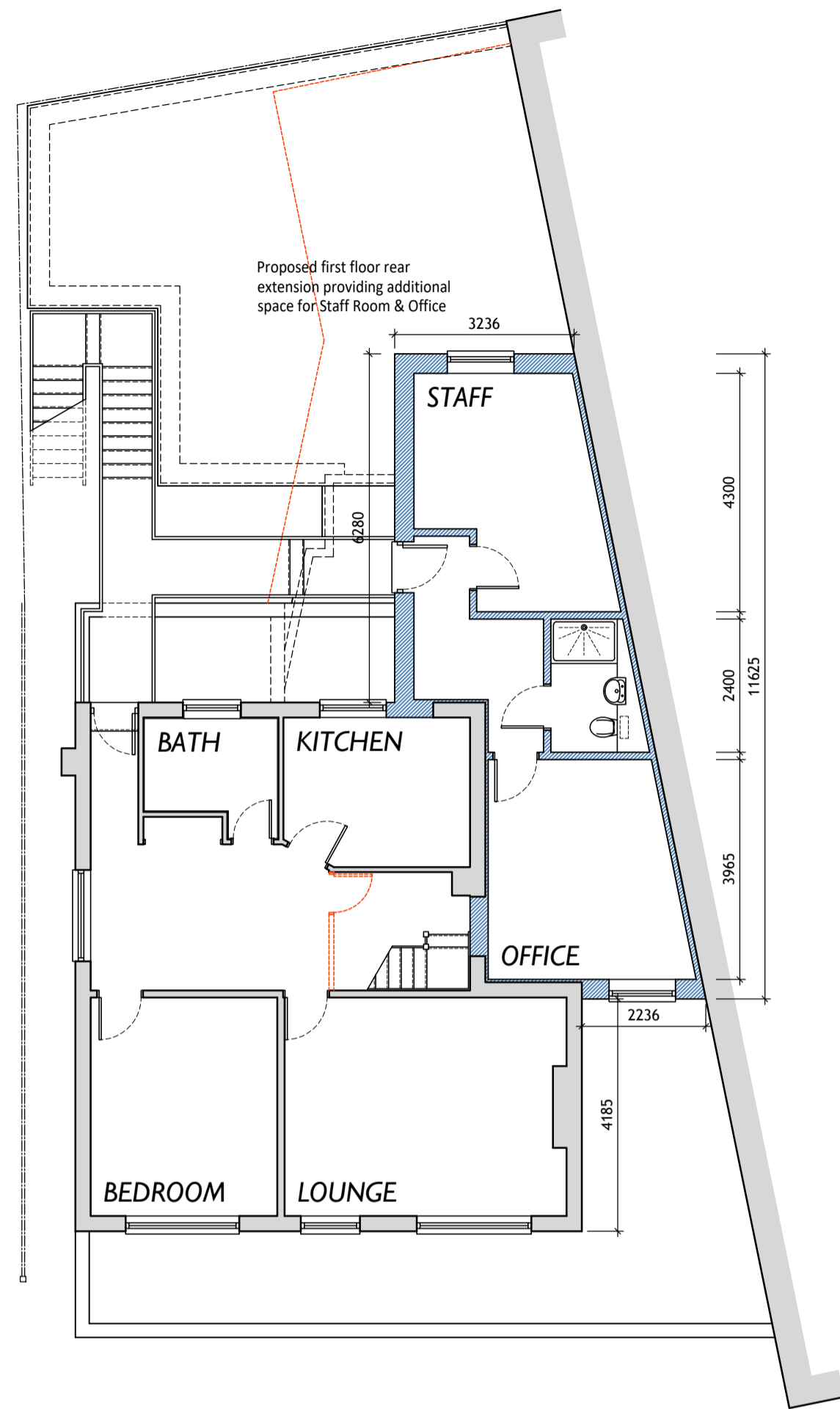
DESIGN - PLANNING - BUILDING REG'S

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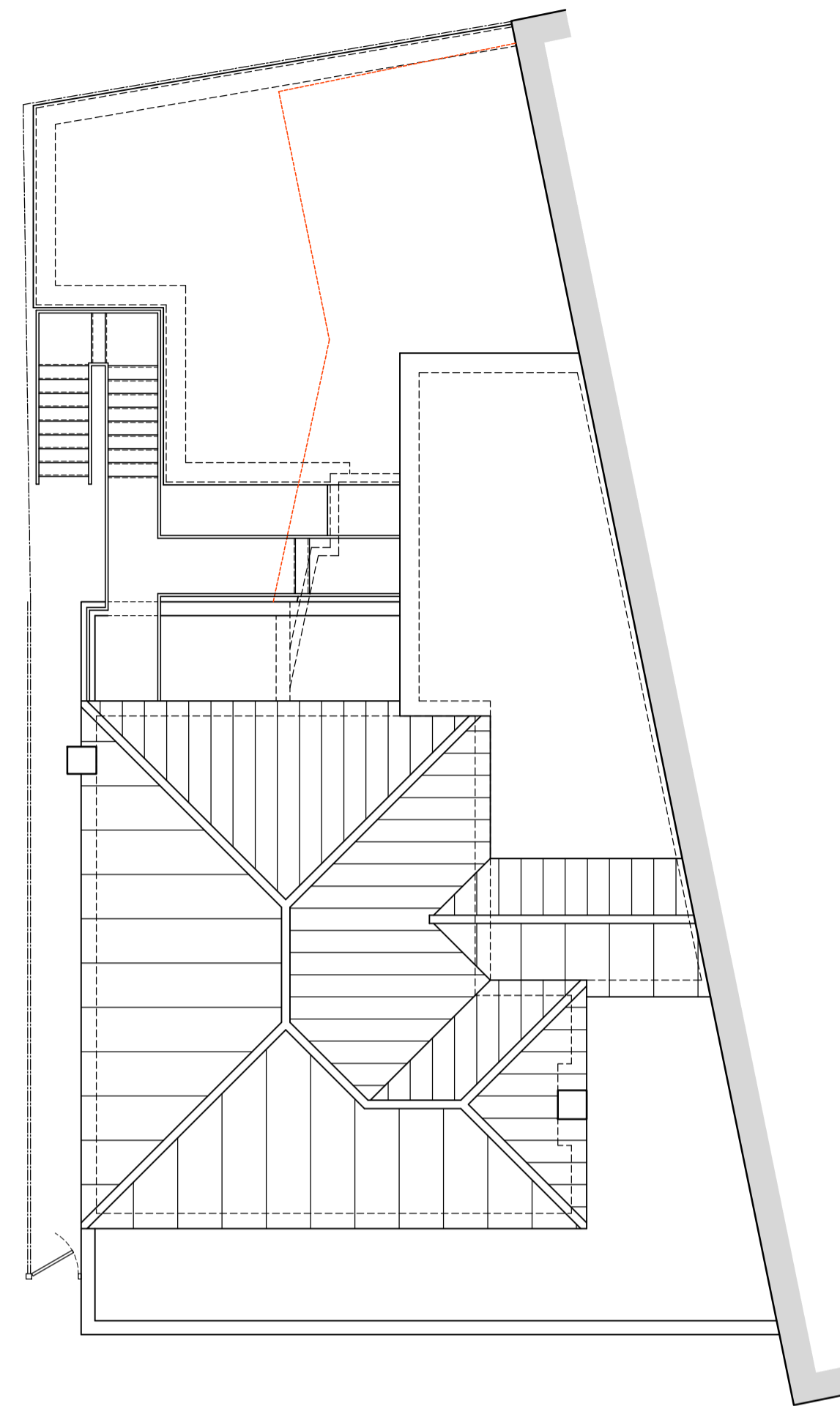
LONDIS, ROCHFORD ROAD.



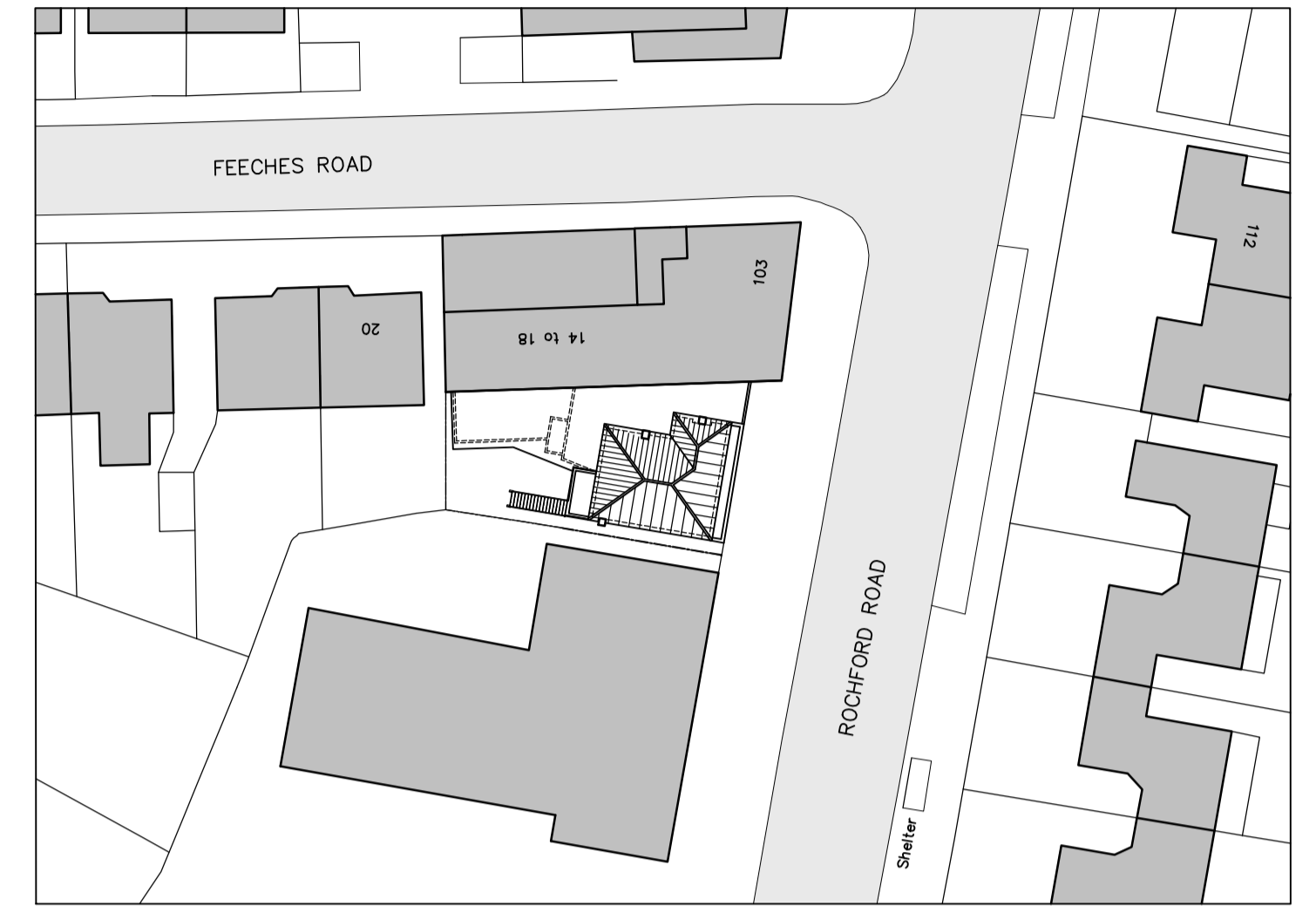
PROPOSED GROUND FLOOR
SCALE 1:100



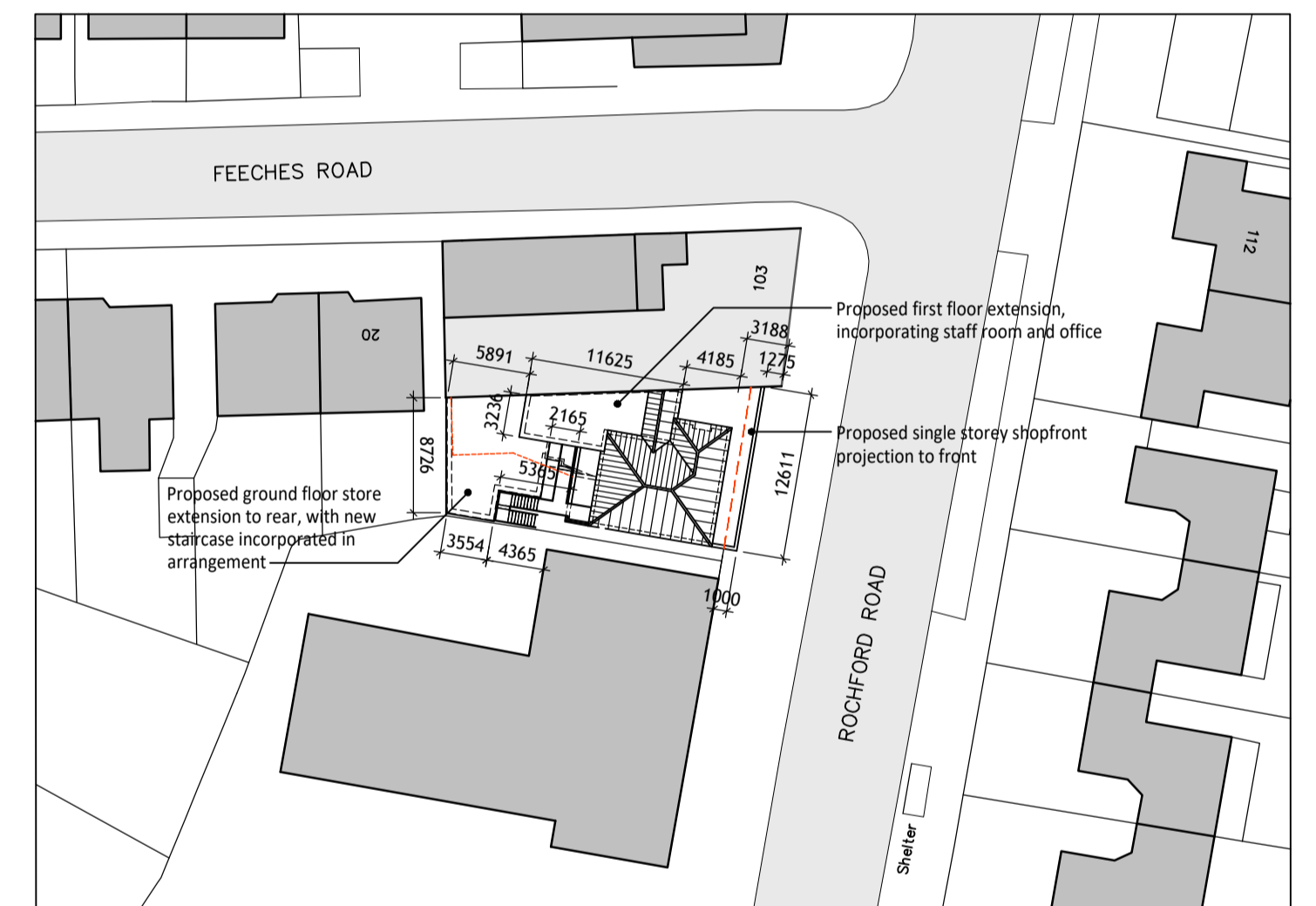
PROPOSED FIRST FLOOR
SCALE 1:100



PROPOSED ROOF PLAN
SCALE 1:100



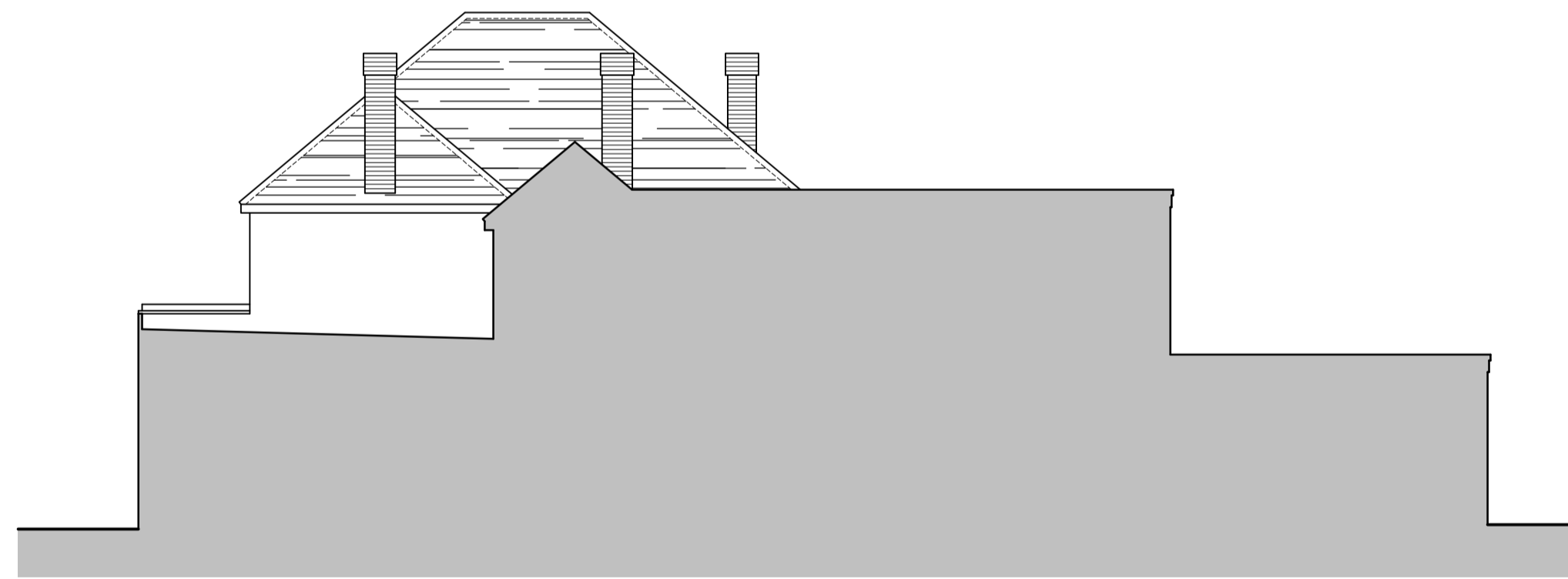
EXISTING BLOCK PLAN
SCALE 1:500



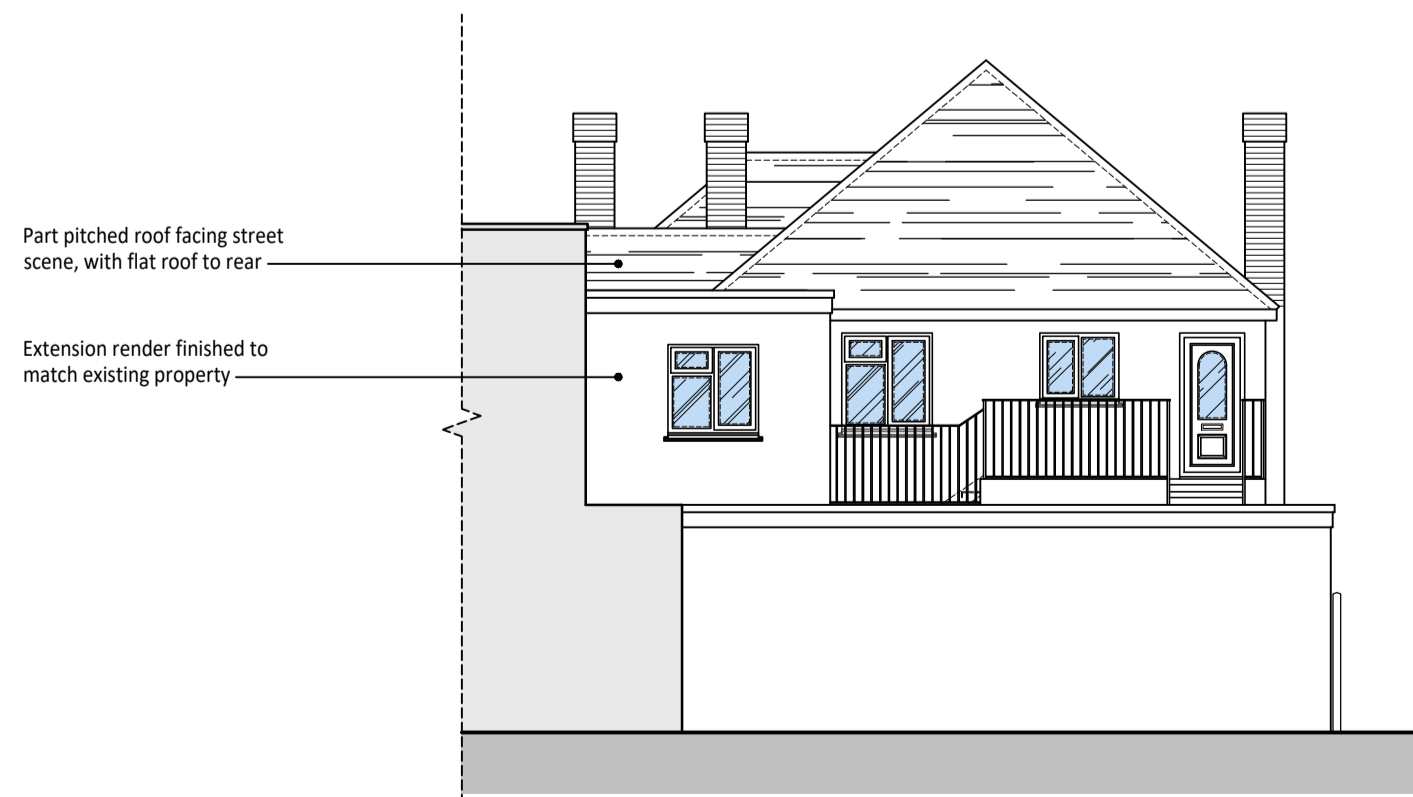
PROPOSED BLOCK PLAN
SCALE 1:500



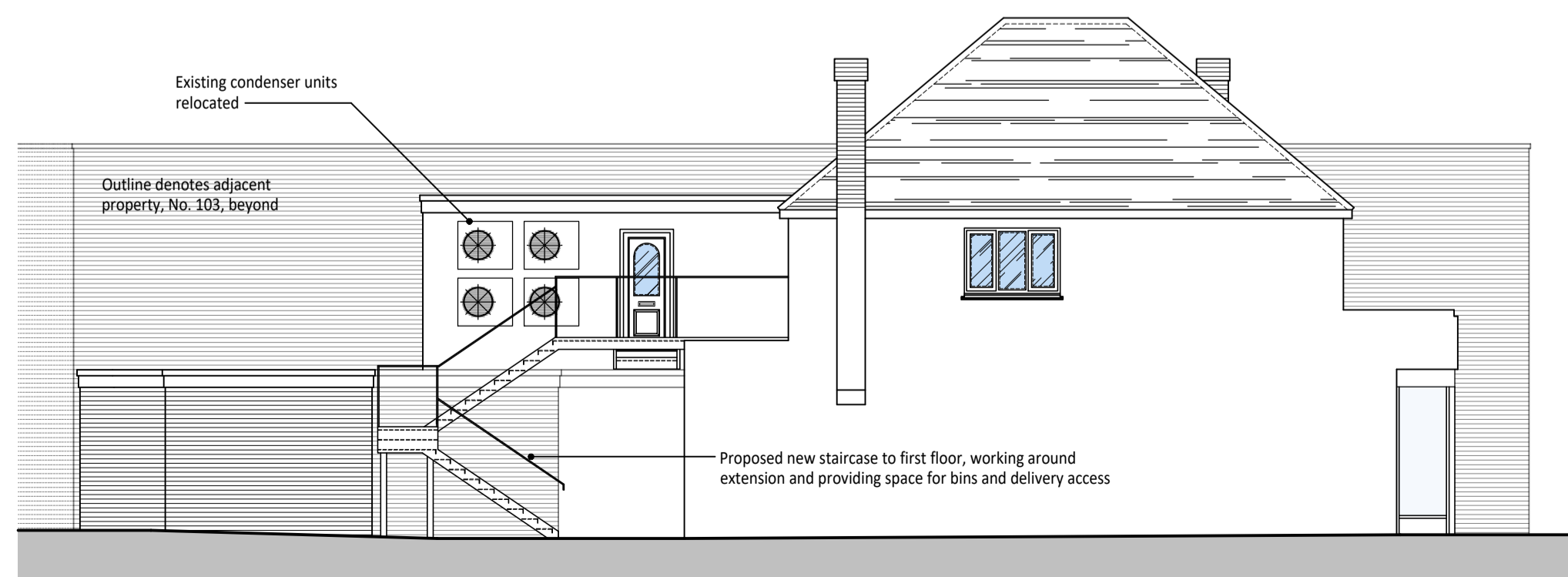
PROPOSED FRONT ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100



PROPOSED REAR ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100

General:
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The drawing is to be read in conjunction with all other drawings, schedules and specifications, and all other relevant consultants and/or specialists' information relating to the project.
All dimensions are in millimetres unless otherwise stated. Do not scale from this drawing, use figure dimensions only. All levels and dimensions to be checked on site prior to commencement of works.
All discrepancies to be relayed back to More Space Architecture Ltd as soon as possible.
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.
IMPORTANT NOTE: Works to be fully compliant with the CDM 2015 Regulations.

REV.	DATE:	COMMENT:



t: 01702 690745 m: 07500 300320
e: info@morespacearchitecture.co.uk
studio on the green, ballards gore golf club,
gore road, rochford, essex, ss4 2da

CLIENT:	LONDIS		
PROJECT:	101 ROCHFORD ROAD SOUTHEND-ON-SEA ESSEX SS2 6SR		
DRAWING:	PROPOSED LAYOUT PLANS AND ELEVATIONS, INCL. BLOCK PLANS		
SCALE:	1:100 @ A1	DATE:	04.07.2023
PROJECT NO:	23-010	DRAWING NO:	201
		REVISION:	02
DESIGN - PLANNING - BUILDING REG'S			

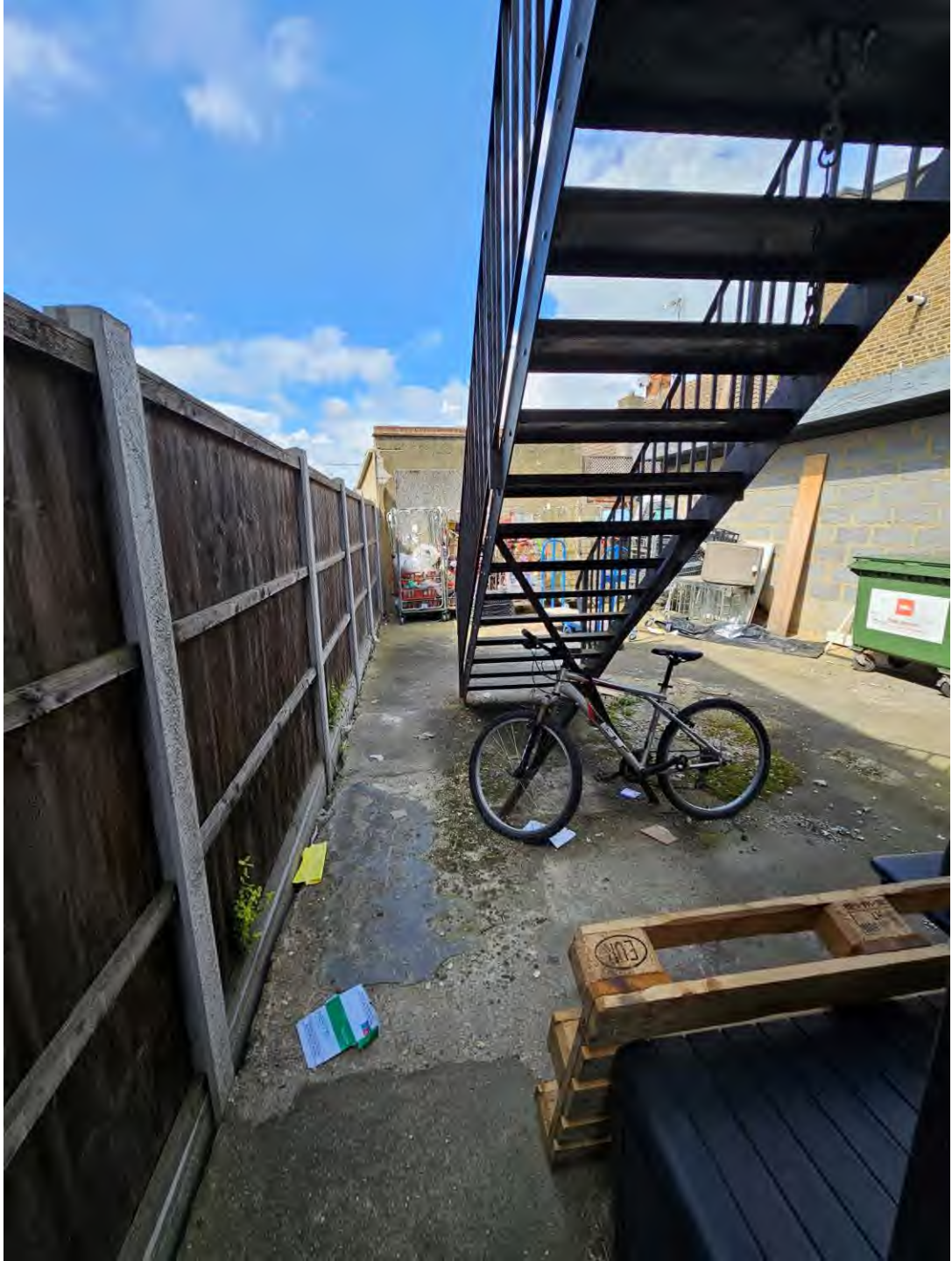
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101 Rochford Road



















View to Viscount House
to the south

104



Viscount House to the south



Viscount House to the south



Viscount House to the south



View to Viscount House
to the south



View to the west
towards dwellings in
Feeches Road

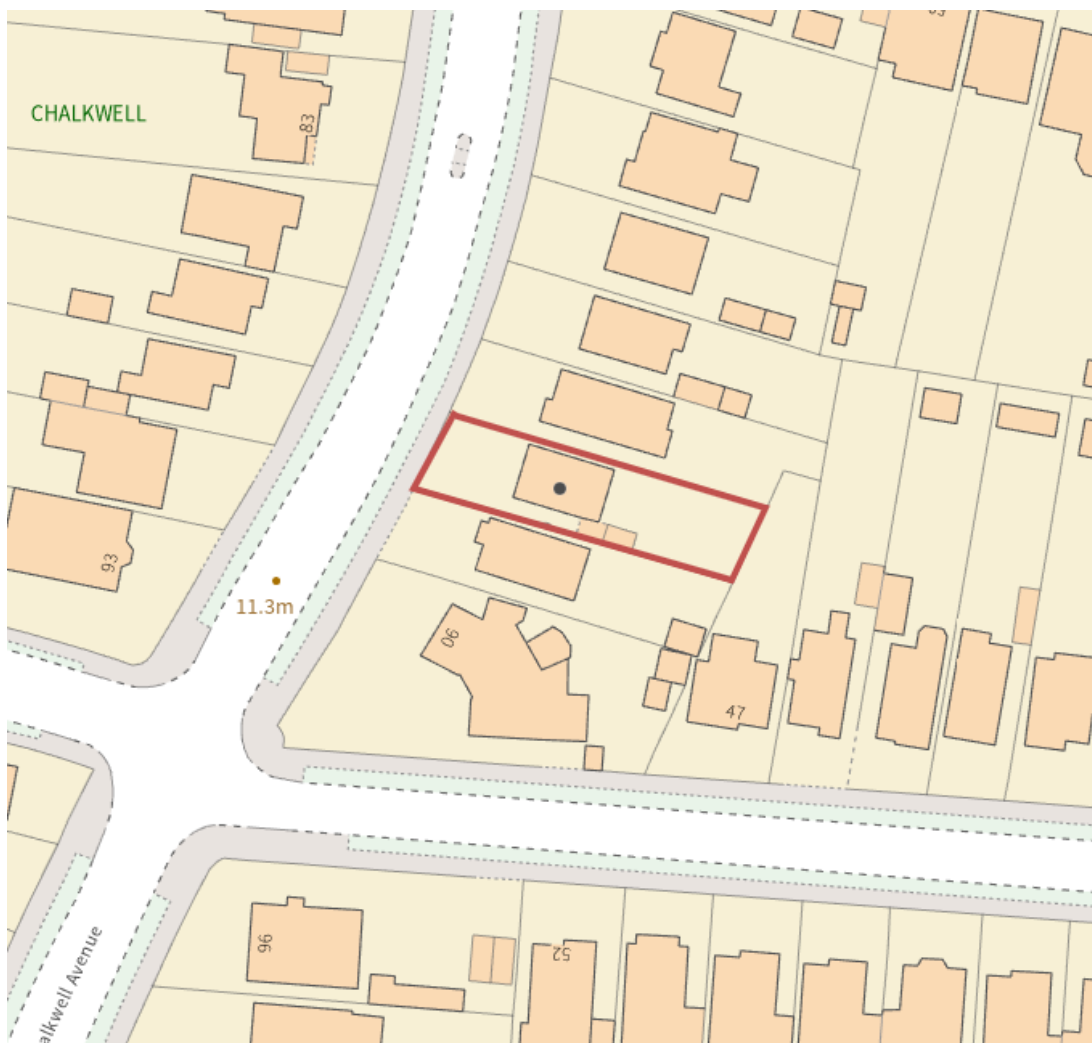




View north to 103
Rochford Road

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Reference:	23/01540/FULH	<h1>7</h1>
Application Type:	Full Application - Householder	
Ward:	Chalkwell	
Proposal:	Erect single storey side/rear extension, first floor side/rear extension, two storey front extension and canopy to front entrance with balcony over	
Address:	86 Chalkwell Avenue, Westcliff-on-Sea	
Applicant:	Mr Craig Davies	
Agent:	Mr James Collinson of Design Spec Ltd.	
Consultation Expiry:	26th October 2023	
Expiry Date:	1st December 2023	
Case Officer:	Kara Elliott	
Plan Nos:	Sheet 1 of 1 Rev 00 dated Sept 2023	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site contains a detached two storey dwelling on the east side of Chalkwell Avenue. The area is residential in character consisting of mainly detached, traditional style dwellings, most of similar style and design. The ground level slopes gently upwards from south to north.
- 1.2 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 for the remodelling of the existing dwelling with a two storey, pitched roof front extension, a first-floor balcony above a new ground floor open porch to the front of the dwelling, and extension of the existing hipped roof to the rear to form a gable end. A gabled first-floor rear extension is also proposed, and a parapet roofed, single storey rear and side extension. Fenestration changes are proposed, including a new ground floor window in the south side elevation of the proposed single-storey extension. The drawings also show solar panels proposed to the southern flank roof and an electric car charging point to the front. The proposed development would be finished in render with brickwork to the lower floors and red tiles to the roofs to match existing.
- 2.2 There is an extant planning permission at the application site for extensions and remodelling of the dwelling. That scheme differs from the current proposal in that it had a mono-pitched roof to a new southern flank extension whereas a similarly positioned side extension in the current proposal is flat roofed and some 150mm higher to the top of the flat roof at the rear (3.6m proposed and 3.45m approved). The front elevation also now includes an inset, secondary pitched roof front projection. The two-storey rear pitched roofed projections would also now extend flush with the main roof. In the approved 2022 scheme they were hipped inset projections.
- 2.3 The northern flank boundary to the front of the site is proposed to have a 1.2m high fence erected with existing evergreen trees to be replaced with silver birch.
- 2.4 The application site is subject of several previous refusals for larger scale development, mainly consisting of side dormers and roof extensions which were found to be unacceptable on character and appearance grounds. The planning history of the site is listed in the relevant section below.

3 Relevant Planning History

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

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
21/02288/FULH	Hipped to gable and hipped to half hipped roof extensions, install dormer to rear with juliette balcony to form habitable accommodation in the loftspace, erect single storey side and rear extension, erect two storey front bay and canopy over front entrance with balcony over	Refused 07.01.2022
22/00424/FULH	Hipped to gable and hipped to half hipped roof extensions, install dormer to rear with juliette balcony to form habitable accommodation in the loftspace, erect single storey side and rear extension, erect two	Refused 13.04.2022

	storey front bay and canopy over front entrance with balcony over (Amended Proposal)	
22/01139/FULH	Erect hip to gable roof extension with dormers to side and convert loft into habitable accommodation, first floor rear extension, single storey rear and side extension with bi-folding doors, erect two storey front extension to form bay windows with pitched roof and columned open front porch with balcony at first floor level and alter elevations (Amended proposal)	Refused 16.08.2022
22/01859/FULH	Erect hip to gable roof extension to rear, single storey rear and side extension with bi-folding doors, first floor rear/side extension, erect two storey front extension to form bay windows with pitched roof and columned open front porch with balcony at first floor level and alter elevations (Amended proposal)	Approved 22.11.2022 (Extant)
23/00497/FULH	Roof extension to rear with dormers to sides to form habitable accommodation in the loftspace, two storey front extension, single storey side and rear extension and first floor side/rear extension, erect porch canopy to front with balcony over and alter elevations	Refused 22.05.2023 Appeal Pending

4 Representation Summary

Call-in

4.1 The application has been called in to Development Control Committee by Cllr N Folkard.

Public

4.2 Six (6) neighbouring properties were notified of the application by letter. No representations were received.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2023)

5.2 Planning Practice Guidance (PPG) (2023)

5.3 National Design Guide (NDG) (2021)

5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure)

5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)

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

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

6 Appraisal

Principle of Development

6.1 Since the determination of the previous applications, there has been an update to the NPPF.

However, this has not altered the relevant material considerations of the proposal or the acceptability of the development in principle. The principle of extending and altering the dwelling in association with additional residential accommodation is considered acceptable. Other material planning considerations are discussed below.

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 Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 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.”
- 6.5 This section of Chalkwell Avenue contains two/three storey dwellings which almost exclusively have strongly defined hipped roofs some with gabled bays and detailing, creating a distinctive and regular pattern of built form in the streetscene as well as a sense of space between the roofs of the detached houses. The proposed development follows this general roof form so is acceptable in this regard.
- 6.6 The proposed two storey front projection is not typical of the prevailing streetscene and does not replicate timber detailing within the gable which is regrettable. However, the 2022 extant permission’s front extension also did not include timber detailing. The proposed gabled front extension is modest in depth, has a roof pitch complementary to the dwelling’s existing front gable and is cohesively designed when assessed on its own merits. It would not appear dominant or overscaled and is acceptable. No design-based objections are raised to the introduction of an open front porch with balcony above, which provides depth and articulation to the front elevation, similar to other properties in the immediate vicinity and which is also a feature of the 2022 scheme which has extant permission. The proposed side addition and rear additions would be proportionate in size and scale to the dwelling and set back from the front building line. They would not harm the character and appearance of the dwelling or streetscene, a finding which is consistent with the basis of decision on the approved 2022 scheme. The flat roofed form of the proposed side extension is not strong design but would align visually with the base of the new front balcony such that no significant harm to the character and appearance of the dwelling or streetscene is identified. It is considered that the proposed rear first floor, gabled roof projections would not appear visually dominant or overly bulky due to their stepped form and modest size and scale. Fenestration would be proportionate to the rear elevations.
- 6.7 The use of render and brickwork as finishing material for the external walls and matching roof tiles can be controlled by condition.
- 6.8 It is considered that the proposed development, on balance, is acceptable and policy compliant in the above regards subject to the described condition.

Amenity Impacts

- 6.9 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.10 The application property is neighboured by No 84 Chalkwell Avenue to the north and No.88 to the south. To the rear (east) of the site is No 47 Crosby Road, some 20m away from the rear boundary of the application site.
- 6.11 The proposed single storey side/rear addition to be located on the boundary shared with No 88 to the south would be 3.2m high, 6.5m deep and then rising to 3.6m high towards the rear. Giving due weight to local ground level differences this relationship is considered to be acceptable. For information, the comparative single storey rear extension within the development subject of the extant 2022 permission has a maximum height of 3.9m. The proposed single storey rear projection would project 3m deep along the boundary shared with No.84 which is acceptable and is the same depth as within the extant 2022 permission, but 15cm higher. It is considered that due to its size, scale, height and design the proposed rear/side extension would not result in any significant loss of amenity to either of the side or rear neighbours subject to a condition controlling any future use of the flat roof as a balcony or terrace.
- 6.12 The front balcony would provide a small sitting-out area off a first-floor bedroom facing the street, some 3.55m away from the nearest flank of No 88 to the south. The front balcony would not result in a significant loss of amenity to any neighbouring occupiers in any relevant regard. This finding is consistent with that for the extant permission.
- 6.13 In terms of the first floor rear extensions and the gabling of the existing rear hip, it is considered that these elements do not significantly project beyond the existing roofscape and are in a position and distance such that they would have no significantly harmful impact on the amenities of the occupiers of the neighbouring dwellings in any relevant regards. There are no new first floor flank openings which would overlook neighbouring properties either side. The rear outlook of the application dwelling does not look directly to the rear of any neighbouring properties.
- 6.14 All other dwellings are located such that there would be no significant harm in any relevant amenity regards.
- 6.15 It is considered that the design, size, siting and scale of the development are such that it would 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 subject to the described condition.

Other Matters

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

Equality and Diversity Issues

- 6.18 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.

7 Conclusion

- 7.1 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

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of the 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 only in accordance with the following approved plan: Sheet 1 of 1 Rev 00 dated Sept 2023.**

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

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

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

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

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

POSITIVE AND PROACTIVE STATEMENT

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

INFORMATIVES

- 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.**

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

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Design Spec
Architectural & Planning

PROJECT
86 Chalkwell Avenue, Westcliff-on-Sea,
Essex SS0 8NL

CLIENT
Craig & Antonia Davies

DATE: Sept 2023 SCALE: As indicated DRAWN BY: JS

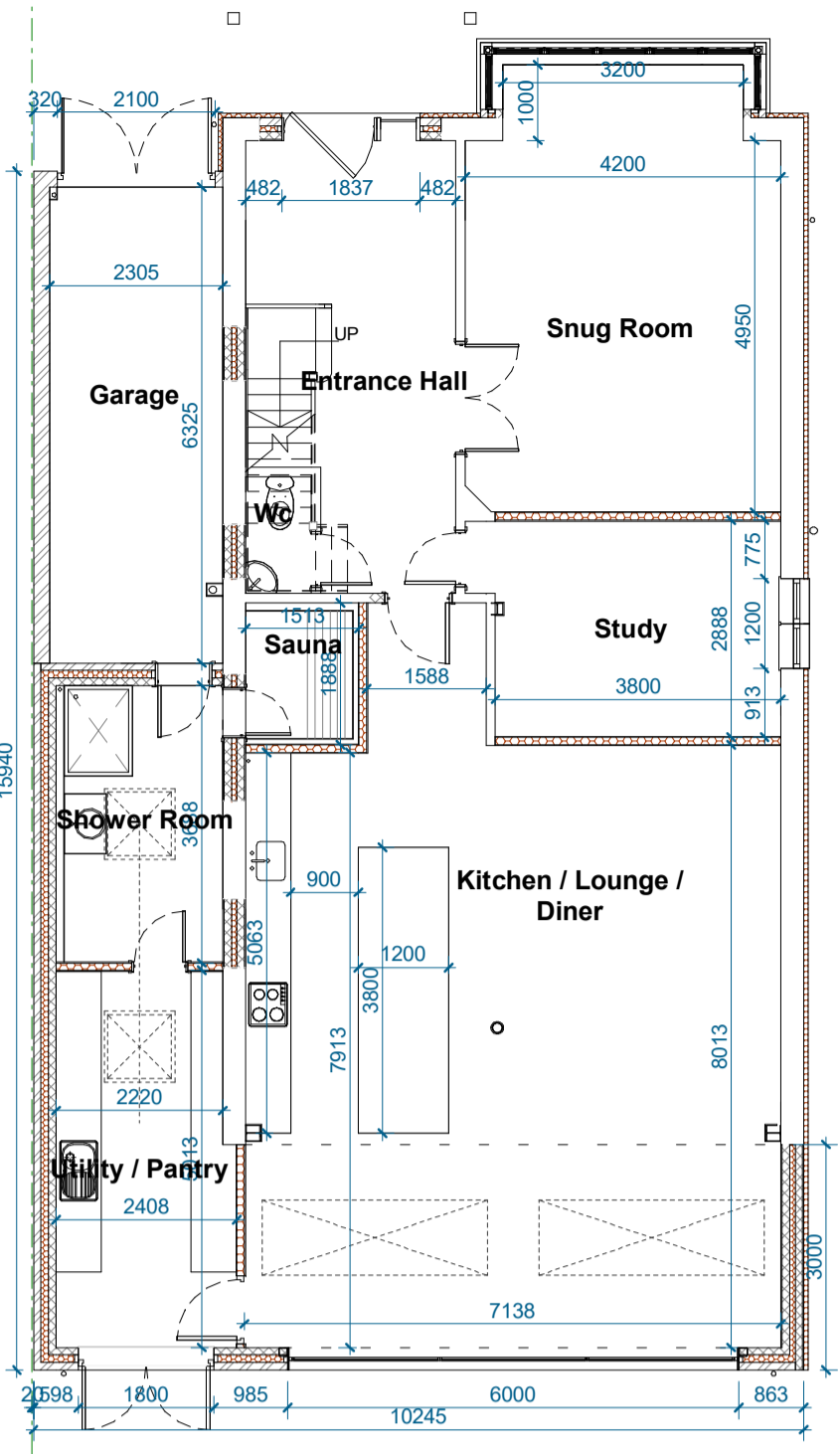
PROJECT NO: SHEET NO: 100
Sheet 1 of 1 @ A1

PROJECT STAGE
Planning Application

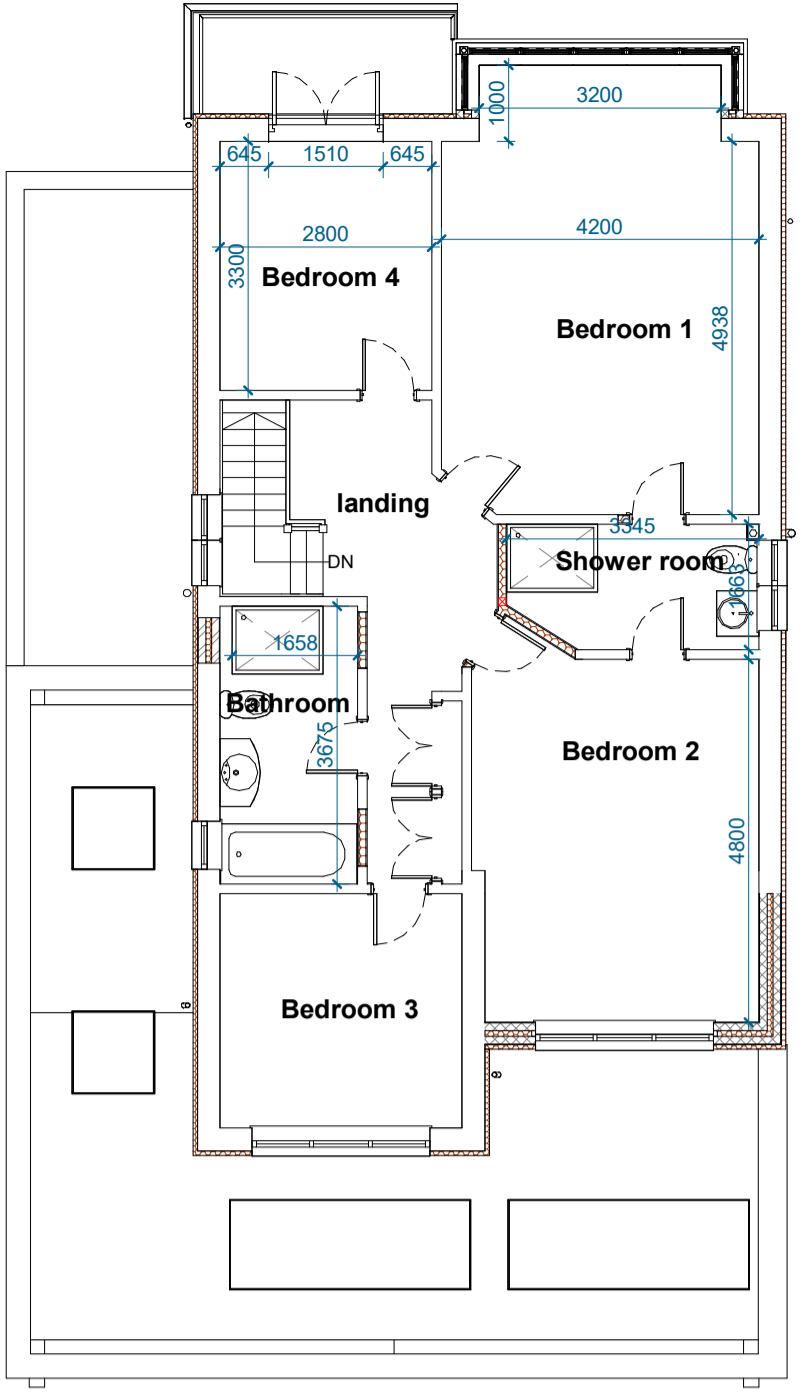
Scale: 1/50, Warren House, 10-20 Main Road, Hockley, Essex SS8 4DS
Telephone: +44 (0)1773 817883
Mobile: 075 (0)1461 81542
Website: www.designspec.co.uk

Facebook: Design Spec Ltd
Twitter: @Design_Spec_Ltd
Instagram: designspec_ltd
LinkedIn: Design Spec Ltd

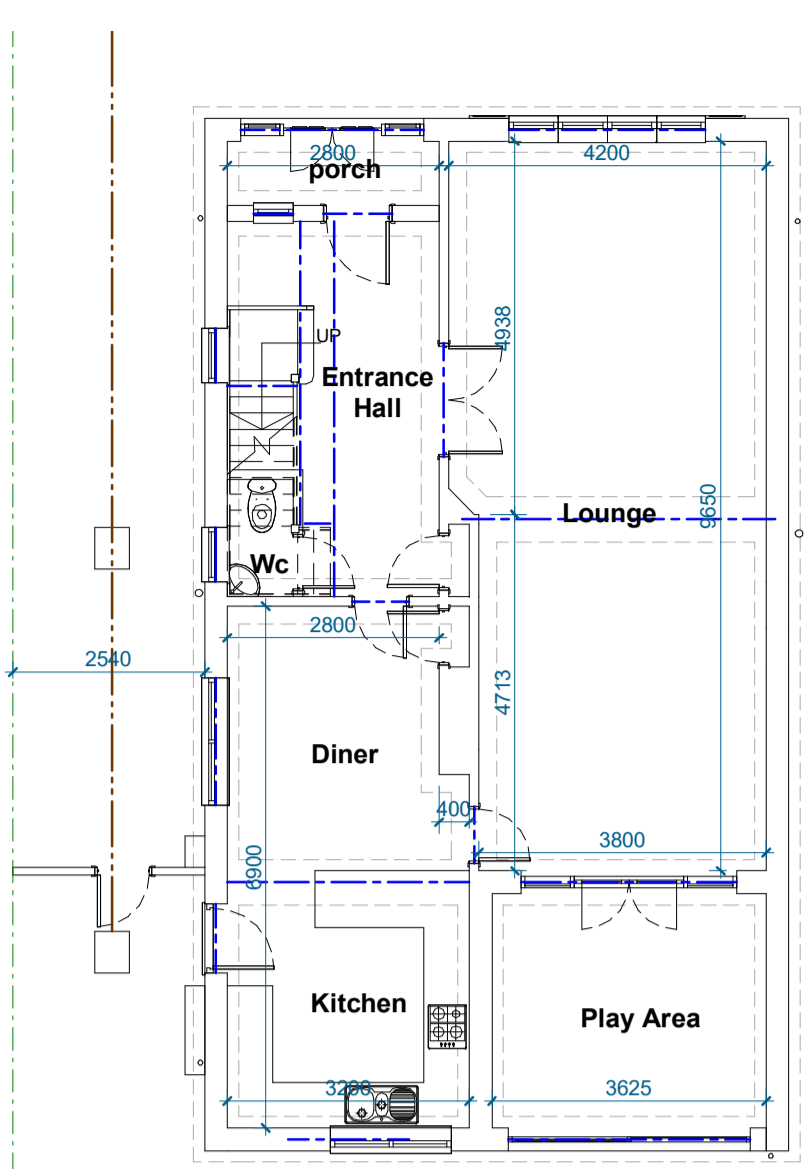
All dimensions and/or load bearing walls to be checked & agreed on site by contractor prior to commencement of works & ordering of materials. Any discrepancies to be reported to Design Spec Ltd. prior to commencement of works. Design Spec Ltd. will accept no responsibility for works commenced on site prior to building control approval.



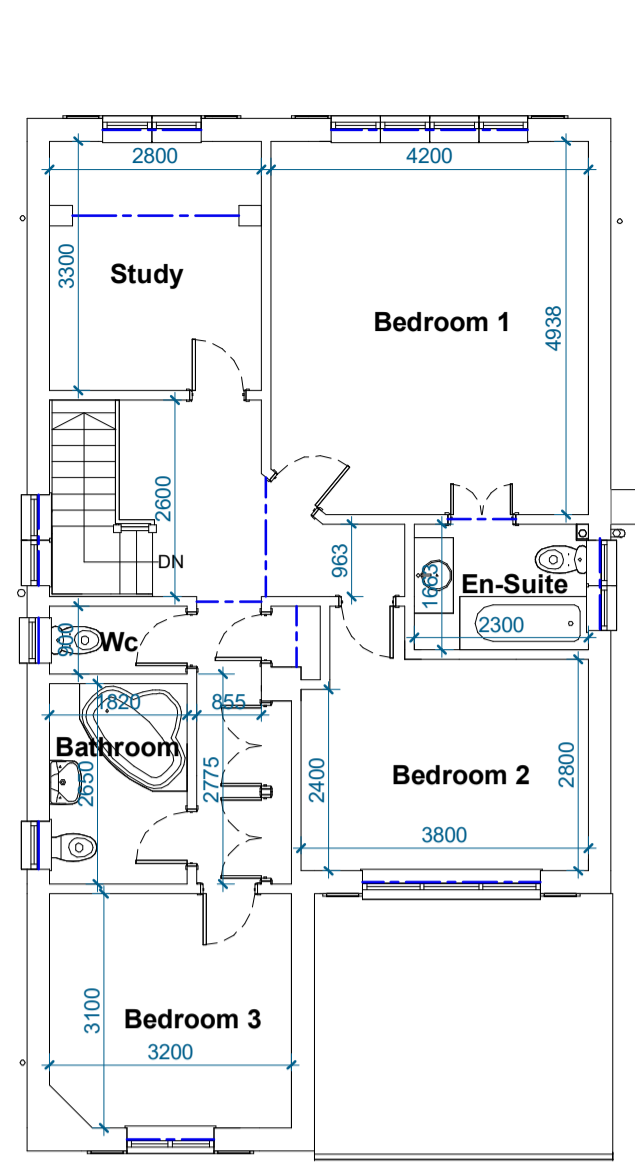
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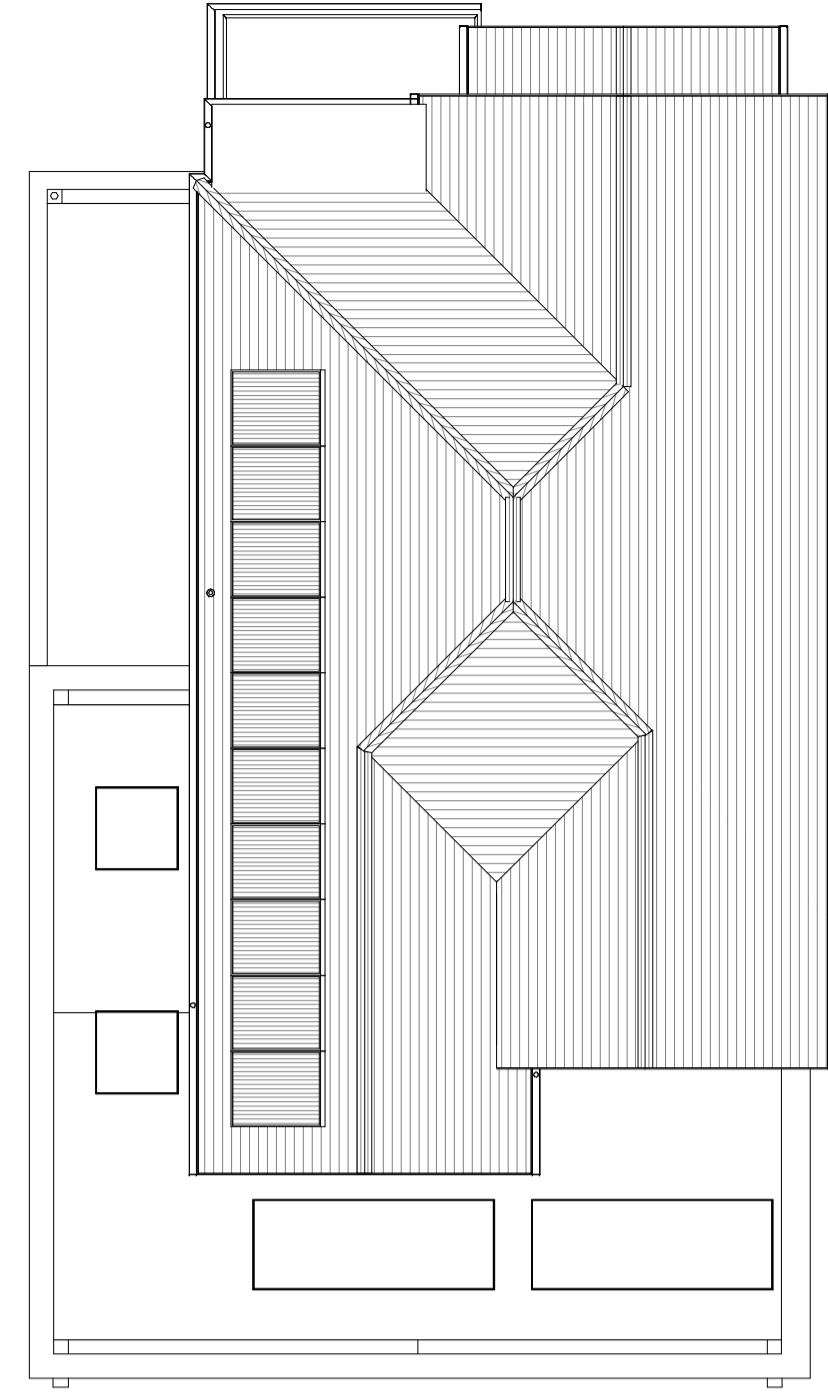
Proposed First Floor
1 : 100



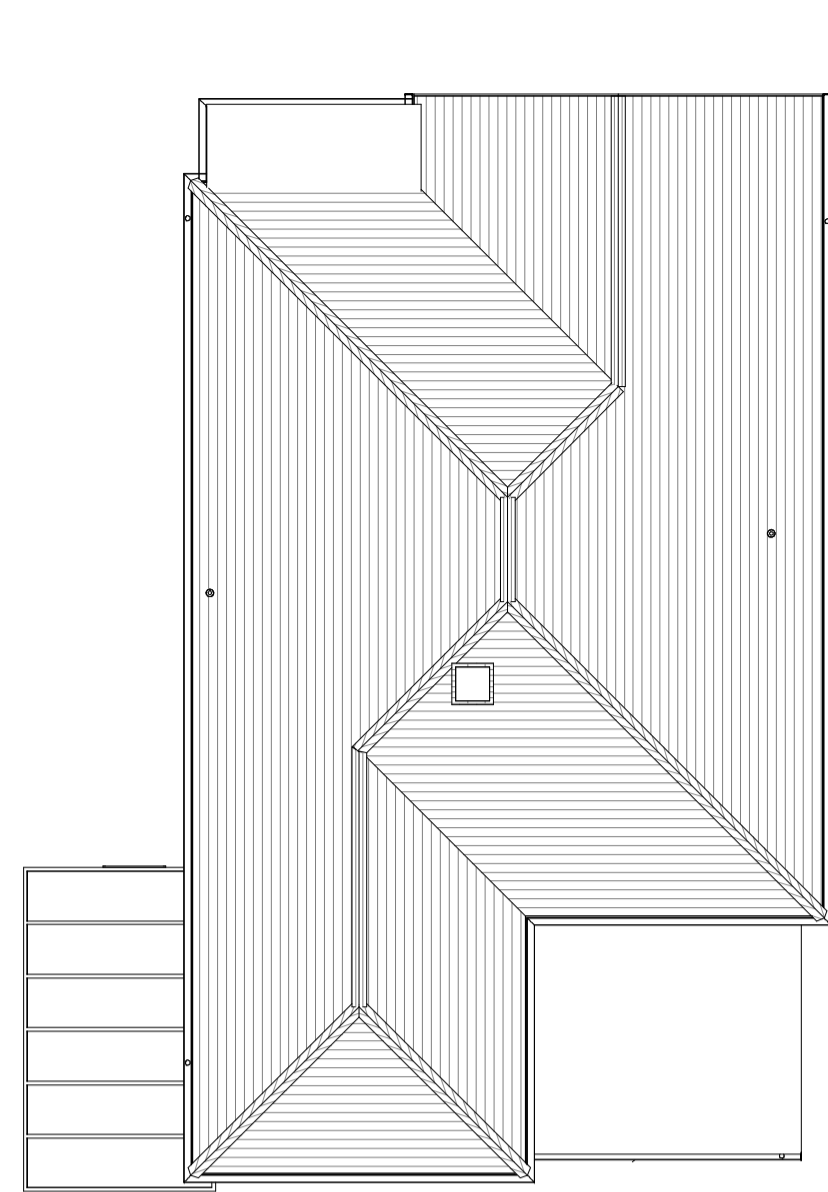
Existing Ground Floor
1 : 100



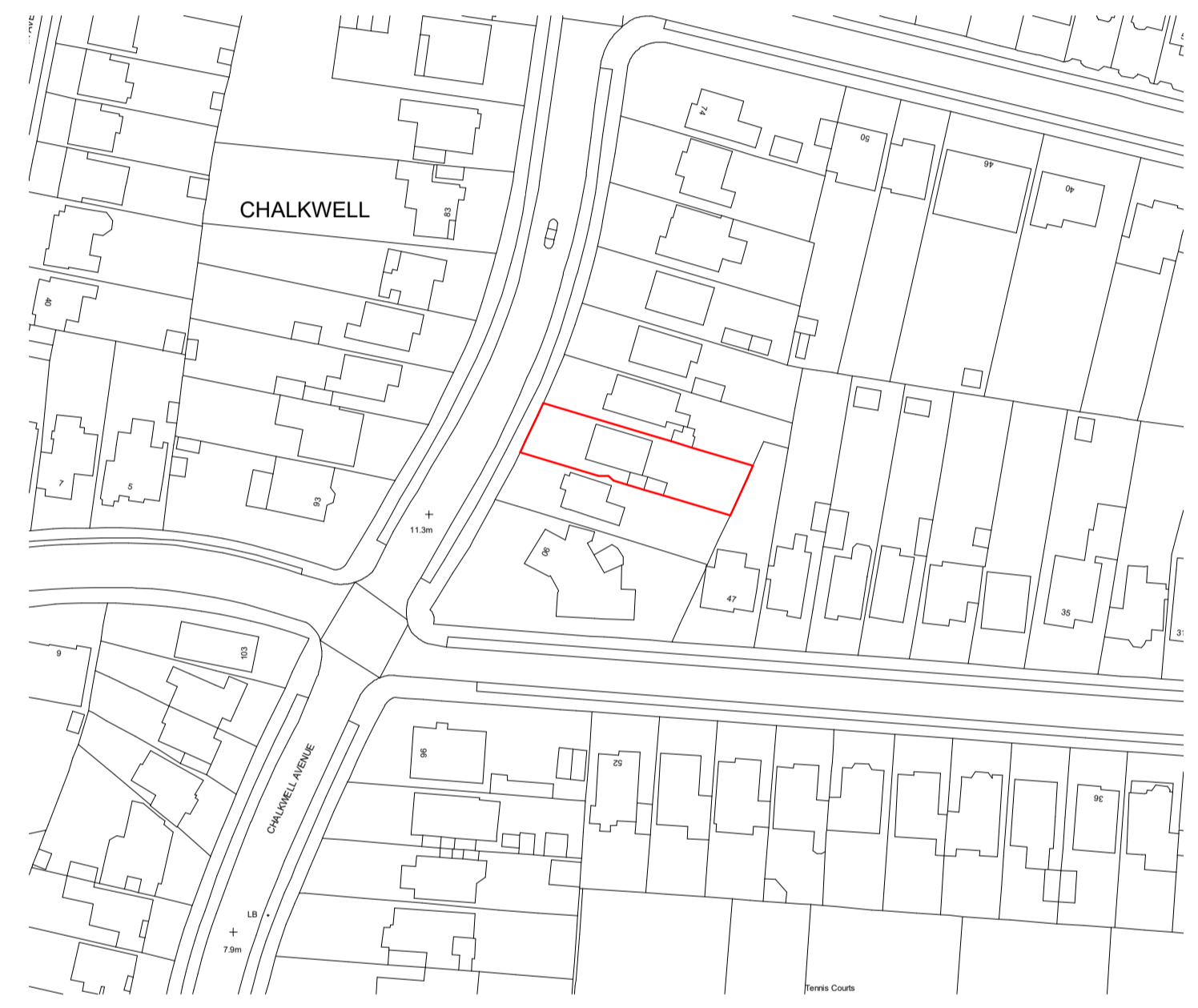
Existing First Floor
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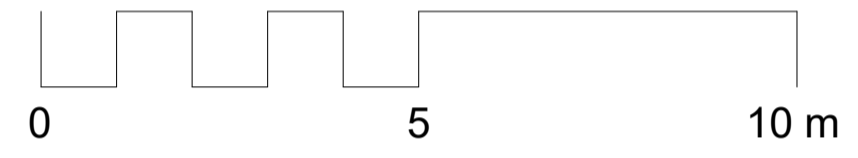
Proposed Roof Plan
1 : 100



Existing Roof Plan
1 : 100



Location Plan
1 : 1250



Proposed 3D View Front



Existing 3D View Front



Proposed 3D View Rear



Existing 3D View Rear



Proposed Front Elevation
1 : 100

All external materials & finishes to match existing
Electric Car Charger to be installed on front elevation



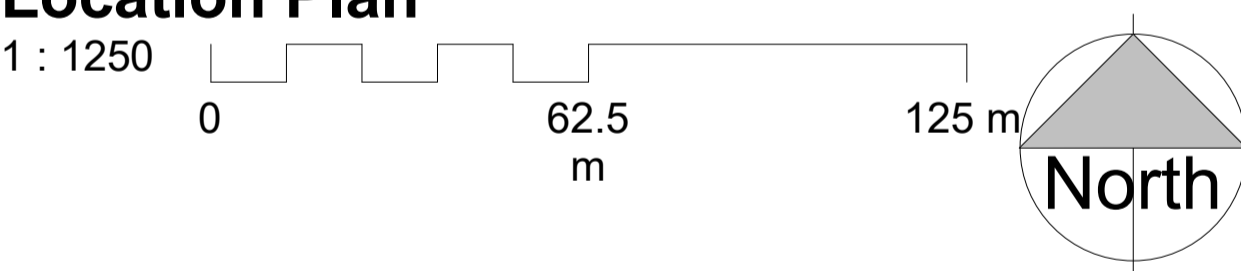
Proposed Left Side Elevation
1 : 100



Proposed Rear Elevation
1 : 100



Proposed Right Side Elevation
1 : 100



Existing Front Elevation
1 : 100



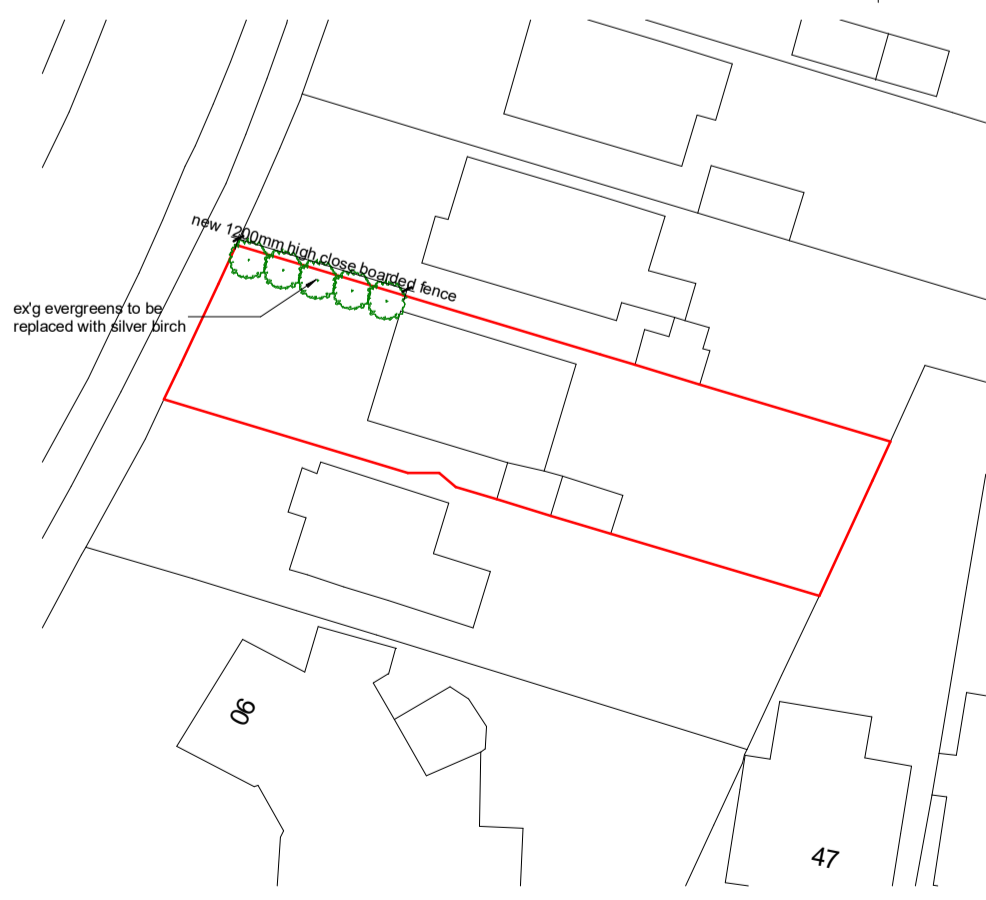
Existing Left Side Elevation
1 : 100



Existing Rear Elevation
1 : 100



Existing Right Side Elevation
1 : 100



Block Plan
1 : 500



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Reference:	23/00015/UNAU_B	<h1>8</h1>
Report Type:	Enforcement	
Ward:	Belfairs	
Breach of Planning Control:	Earthworks and formation of retaining wall, steps, walling and hard surfaces to front gardens	
Address:	54 - 56 Arterial Road, Leigh-on-Sea, Essex, SS9 9DA	
Case Opened Date:	07.02.2023	
Case Officer	Gabiella Fairley	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The site is occupied by two terraced buildings, one in use as a single dwelling and the other in use as two flats, on the south side of the A127 Arterial Road, close to the junction with Priory View Road. A service road, parallel to the main highway, to the front of the site, separates the dwellings from the A127 Arterial Road. The area is residential in nature.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations. The A127 is a classified road.

2 Lawful Planning Use

- 2.1 The lawful planning use of the site is for residential purposes as three units within Use Class C3 of the Town and Country Planning (Use Class Order) 1987 (as amended).

3 Relevant Planning History

- 3.1 22/02234/FUL (the "2022 Application") - Layout hardstanding to front with retaining wall and steps (retrospective). Refused (30.01.23).

Reasons for refusal:

- 01 *The hardstanding is not in keeping with and largely sticks out from the rest of the streetscene resulting in a conspicuously incongruent development exacerbated by the absence of any soft landscaping. The development has a detrimental impact on the character of the streetscene and the area more widely. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP4 of the Southend-on-Sea Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Plan (2015); and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).*
- 02 *The hardstanding is contrary to Southend City Council's Vehicle Crossing Policy & Application Guidance (2021). Due to the impermeable materials used in the construction of the hardstanding, and the angle at which the hardstanding is, there would be a significant increase in surface water run-off, which will discharge into the Highway, leading to a significant impact on Highway safety. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP3 of the Southend-on-Sea Strategy (2007); Policy DM15 of the Southend-on-Sea Development Management Plan (2015) and the Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021).*

- 3.2 23/00465/FUL (the "2023 Application") - Remove hardstanding to front, lay out hard and soft landscaping and erect boundary wall and steps to front access door. Refused (10.10.23).

Reasons for refusal:

- 01 *The proposed development by reason of the extent of hardsurface and detailed design, in particular the proposed terracing, would appear prominent and out of keeping with the existing streetscene resulting in a conspicuously incongruent development to the detriment of the character of the application dwellings, the streetscene and the area more widely. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP4 of the Southend-on-Sea Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Plan (2015); and the advice contained within*

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

02 *The application has failed to demonstrate that the proposal as a result of the proposed layout, including the slope of the land, construction details and materials would not result in a significant increase in surface water run-off, which will discharge into the Highway, leading to a significant impact on Highway safety. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP3 of the Southend-on-Sea Strategy (2007); Policy DM15 of the Southend-on-Sea Development Management Plan (2015).*

4 Planning Policy Summary

4.1 The National Planning Policy Framework (NPPF) (2023)

4.2 Planning Practice Guidance (PPG) (2023)

4.3 National Design Guide (NDG) (2021)

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

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

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

4.7 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)

5 The Alleged Planning Breach

5.1 This case is presented to the Development Control Committee because it is considered expedient to issue an enforcement notice and this action requires authorisation by the Committee.

5.2 The identified breach of planning control is:

Earthworks and formation of retaining wall, steps, walling and hard surfaces to these two properties' front gardens.

5.3 The hardsurfacing is some 21.7m wide, across both No. 54 and 56 Arterial Road and some 13.7m long. Engineering works have been undertaken to reduce the ground levels. Steps have been laid out to access the properties and a flat area of hardstanding laid out at the top in front of the dwellings. A new retaining wall has been erected to the edges of the hardstanding and the retaining wall at the highway boundary has been removed. The materials used for the hardstanding have not been demonstrated to be permeable or porous. The hardstanding slopes significantly towards the highway.

6 Efforts to Resolve the Breach to Date

6.1 In February 2023, subsequent to refusal of the 2022 Application, the enforcement case which is the subject of this report was opened. The development now on site is the same as that for which permission was sought and refused retrospectively under the 2022

Application. The development is considered not to be lawful under the provisions of permitted development. That finding has not been tested by way of any application for a Certificate of Lawful Development and is based on reasonable site inspection undertaken by staff for the assessment and determination of the unsuccessful 2022 and 2023 Applications.

- 6.2 The homeowner was advised the development at the site is unauthorised. The 2023 Application (reference 23/0000465/FUL) was received by the Local Planning Authority (LPA) on 16th March 2023. It proposed to remove the unauthorised hardstanding and to lay out hard and soft landscaping to the front. That application was refused in October 2023 for the reasons set out in the relevant section of this report.

7 Appraisal of the Harm Caused

- 7.1 Through the determination of the 2022 Application this LPA has found that the development on site is unacceptable and contrary to policy for the design and character and highway reasons stated in paragraph 4.1 above. These are expanded upon at paragraphs 6.6, 6.7, 6.9 and 6.10 of the 2022 Application report at Appendix 1.
- 7.2 The reports in Appendices 1 and 2 explain that there are no other dwellings along this section of Arterial Road which have fully hardsurfaced frontages. The surrounding dwellings generally have raised, gently-sloping, soft landscaped frontages, with retaining walls to the highway boundary. The unauthorised development that has taken place is materially out of keeping with and significantly harmful to the character and appearance of the host dwellings and the streetscene more widely.
- 7.3 It has not been demonstrated that the hardstanding is constructed from permeable or porous materials and this combined with the angle of the hardstanding, leads to a lack of infiltration and therefore has the potential to create substantial run off. As a result, the hardstanding presents a material risk of detrimental impacts on the safety of the highway, which it directly borders.
- 7.4 As detailed in the 2022 Application report in Appendix 1, the hardstanding conflicts with the Council's Vehicle Crossover Policy which is not an adopted planning document but is a material planning consideration for the assessment of the development's impacts. The proposal is unacceptable and conflicts with policy in these regards. The Council's Highways team raised an objection to the unauthorised development.
- 7.5 Within the assessment of the 2023 Application, it was noted that the boundary wall that was previously removed is on Council land. This matter will be dealt with under separate legislation available to the Council.

8 Enforcement and Legal Action

- 8.1 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this case will reasonably aim to secure the removal of the unauthorised hardstanding, steps and boundary walls in their entirety, to raise ground levels to the former levels prior to the unauthorised earthworks and to replace the hardstanding with soft landscaping and steps to access the dwellings, together with retaining walls of the same nature as in its previous state and to remove from site all materials resulting from compliance. It is considered that there are no lesser steps that could reasonably remedy the identified breach or associated

harm in this instance.

- 8.2 When serving Enforcement Notices the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for compliance with the above requirements.
- 8.3 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served on the responsible parties as this will bring further focus to the need for the breach to be regularised and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owners in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 8.4 Taking enforcement action in this case may amount to an interference with the owners'/occupiers' human rights. However, it is necessary for the Council to balance the rights of the owners/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

9 Equality and Diversity Issues

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

10 Recommendation

10.1 AUTHORISE ENFORCEMENT ACTION to:

- a) **Remove from the site the hardstanding, steps and boundary walls in their entirety;**

AND

- b) **Restore the land to its condition before the breach took place including by raising the ground levels, replacing the hard surface with soft landscaping, creating access steps and erecting retaining boundary walls as shown on the existing layout and site section details shown on drawing No P10 for planning application 22/02234/FUL;**

AND

- c) **Remove from site all materials resulting from compliance with both a) and b) above.**

- 10.2 **The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance six (6)**

months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

Appendix 1 – 2022 application ref 22/02234/FUL

Reference:	22/02234/FUL
Application Type:	Full Application
Ward:	Belfairs
Proposal:	Layout hardstanding to front with retaining wall and steps (retrospective)
Address:	54 - 56 Arterial Road, Leigh-on-Sea, Essex
Applicant:	Mr Francesco Sancarolo
Agent:	Mr Paul Aldridge
Consultation Expiry:	5th January 2023
Expiry Date:	31st January 2023
Case Officer:	Gabriella Farney
Plan Nos:	P10
Supporting Documents:	Design and Access Statement
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is occupied by two terraced buildings, one in use as a single dwelling and the other in use as two flats, located on the south side of Arterial Road. The dwellings along Arterial Road are set higher than the road, generally accessed via steps through retaining walls and soft landscaping. The site has the only frontage with a different treatment in the immediate locality. A strip of road parallel to the main highway is used to park vehicles, separating the dwellings from the A127. The area is residential in nature, whilst being situated on Arterial Road, which is a classified road. The site is not located within a conservation area or subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought retrospectively for the hardstanding to the front of the dwellings. Steps and retaining walls have also been installed to the front of the properties.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Public Consultation

- 4.1 Ten (10) neighbouring properties were notified of the application by letter and a site-

notice was displayed. No letters of representation have been received.

Parks

- 4.2 No objection

Highways

- 4.3 Object – Concerns regarding surface water run-off on to the highway and potential safety implications, including safe access and egress of vehicles, during adverse weather conditions.

5 Planning Policy Summary

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

6 Appraisal

Principle of Development

- 6.1 The principle of creating a hardstanding 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 Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 Paragraph 160 of the Council's Design and Townscape Guide regarding parking standards states, "all surfacing materials must be permeable to improve drainage and to prevent excess run off and flooding".

- 6.5 Paragraph 168 of the Councils' Design and Townscape Guide states, "All surfacing materials and construction of parking areas must be porous to allow free draining and minimise run off. All proposals must include provision for soft landscaping to screen and soften the vehicle(s) and to protect the visual amenity".
- 6.6 There are no other dwellings along this section of Arterial Road which have a hardstanding driveway, with parking. This development is not in keeping with the character of the streetscene and largely sticks out. The lack of soft landscaping has led to a visually conspicuous and demonstrably incongruent frontage when compared to the rest of the neighbouring dwellings, which mostly have grass and steps to their front. There is no fallback position to permitted development rights for this development.
- 6.7 It is therefore considered that the design, siting, and appearance of the development are such that it results in significant harm to the character and appearance of the site, the street scene, and the area more widely. The development is therefore considered to be unacceptable in the above regards.

Traffic and Transportation Issues

- 6.8 Policy DM15 of the Development Management Document states: "Development will be allowed where this is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner".
- 6.9 The hardstanding is not made up of permeable and porous materials and combined with the angle of the hardstanding, it would lead to a lack of infiltration and therefore substantial run off. As a result, the hardstanding would have potential safety implications on the busy highway, which it directly borders.
- 6.10 The hardstanding is not in accordance with the Council's vehicle crossover policy. That policy is not an adopted planning document but is nevertheless a consideration material relevant for the assessment of this application. The development is unacceptable and not policy compliant in regard to highway issues.

Other Matters

- 6.11 The development has not interfered with any street trees or grass verges. As a result, the works did not have any significant on the ecology and biodiversity of the area.
- 6.12 Due to the nature of the development and ambient traffic noise along this main road it is not considered that the development has resulted in significantly harmful noise and disturbance to the surrounding residential occupiers. The development's impact on residential amenity is therefore acceptable and policy compliant.
- 6.13 As the development has not involved new floorspace or the creation of a new dwelling (Class C3), it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 6.14 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

- 6.15 For the reasons outlined, the development is found to be unacceptable and contrary to 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 refused.

7 Recommendation

7.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 The hardstanding is not in keeping with and largely sticks out from the rest of the streetscene resulting in a conspicuously incongruent development exacerbated by the absence of any soft landscaping. The development has a detrimental impact on the character of the streetscene and the area more widely. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP4 of the Southend-on-Sea Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Plan (2015); and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).
- 02 The hardstanding is contrary to Southend City Council's Vehicle Crossing Policy & Application Guidance (2021). Due to the impermeable materials used in the construction of the hardstanding, and the angle at which the hardstanding is, there would be a significant increase in surface water run-off, which will discharge into the Highway, leading to a significant impact on Highway safety. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP3 of the Southend-on-Sea Strategy (2007); Policy DM15 of the Southend-on-Sea Development Management Plan (2015) and the Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021).

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/200135/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

Informatives:

1. 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 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) for further details about CIL.
2. The applicant is reminded that the development on site remains unauthorised. Failure to remedy this will result in the Council considering the expediency of enforcement action to seek to remedy the currently identified harm.

Case Officer Signature.....	GF.....	Date 30.01.2023
Senior Officer Signature.....	SM.....	Date 30.01.2023
Delegated Authority Signature.....	PK.....	Date 30.01.2023

Appendix 2 – 2023 application ref 23/00465/FUL

Reference:	23/00465/FUL
Application Type:	Full Application
Ward:	Belfairs
Proposal:	Remove hardstanding to front, layout hard and soft landscaping and erect boundary wall and steps to front access door
Address:	54 - 56 Arterial Road, Leigh-on-Sea, Essex
Applicant:	Mr Francesco Sancarlo
Agent:	Mr Paul Aldridge
Consultation Expiry:	5 th May 2023
Expiry Date:	10 th October 2023
Case Officer:	Gabriella Fairley
Plan Nos:	P10, P11, P12
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1** The application site is occupied by two terraced buildings, one in use as a single dwelling and the other in use as two flats, located on the south side of Arterial Road, close to the junction with Priory View Road. The dwellings along this part of Arterial Road are set at a higher level than the highway and are generally accessed via steps, with soft landscaping to the front with a retaining wall to the highway boundary. A service road parallel to the main highway to the front of the site, is used to park vehicles, separating the dwellings from the A127 Arterial Road. The area is residential in nature.
- 1.2** The application site is currently hardsurfaced and engineering works have also been carried out to alter the land levels, these works have been carried out without planning permission and are the subject of an ongoing enforcement investigation.
- 1.3** The site is not located within a conservation area or subject to any site-specific planning policy designations. The A127 Arterial Road is a classified road.

2 The Proposal

- 2.1** Planning permission is sought to replace an existing unauthorised hardstanding to the front of the site with a new landscaped area, incorporating a central path and steps, hard surfacing and stepped grassed areas and to erect a new boundary wall to the front.
- 2.2** There would be an area of hard surface immediately to the front of each dwelling, each some 8m wide, and 4.7m deep. To the front of the proposed hardstanding would be three areas of soft landscaping (grass), which are each stepped down to the

highway, giving a terracing effect. Each grassed area would be some 7.3m wide and 4.1m deep and would be enclosed by brick walls. The brick walls would step down with the grass areas and would vary in height, increasing to some 800mm at the highway boundary. Steps are proposed at the foot of the site, adjacent to the public footpath and at the top of the site, providing access to the dwellings.

- 2.1 The site is subject to an ongoing enforcement investigation reference 23/00015/UNAU_B. The front boundary wall that was previously removed is on Council land and that matter will be dealt with under separate legislation. This application relates to the planning matters only.

3 Relevant Planning History

- 3.1 22/02234/FUL - Layout hardstanding to front with retaining wall and steps (retrospective). Refused (30.01.23)

Reasons for refusal

B1 The hardstanding is not in keeping with and largely sticks out from the rest of the streetscene resulting in a conspicuously incongruent development exacerbated by the absence of any soft landscaping. The development has a detrimental impact on the character of the streetscene and the area more widely. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP4 of the Southend-on-Sea Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Plan (2015); and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2008).

D2 The hardstanding is contrary to Southend City Council's Vehicle Crossing Policy & Application Guidance (2021). Due to the impermeable materials used in the construction of the hardstanding, and the angle at which the hardstanding is, there would be a significant increase in surface water run-off, which will discharge into the Highway, leading to a significant impact on Highway safety. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP3 of the Southend-on-Sea Strategy (2007); Policy DM15 of the Southend-on-Sea Development Management Plan (2015) and the Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021).

- 3.2 23/00015/UNAU_B - Creation of hardstanding. Ongoing.

4 Representation Summary

Public Consultation

- 4.1 Fourteen (14) neighbouring properties were notified of the application by letter and a site notice was displayed. No letters of representation have been received.

Highways

- 4.2 Object - The Council takes no responsibility for any future ground movement or subsidence that may occur. The Council will be refusing the boundary wall at the front of the site as this is Council land.

5 Planning Policy Summary

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

6 Appraisal

Principle of Development

- 6.1 The principle of laying out hard surfacing, carrying out landscaping works and the erection of a boundary wall 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 Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 Dwellings along this section of Arterial Road mainly have a sloping grassed/soft landscaped area to the front, together with access steps and a low retaining wall to the front. In this context the proposed development would appear prominent and out of keeping. Although the proposal does incorporate soft landscaping in the form of grassed areas, the amount of hardsurfacing and the engineered stepped/terraced design is materially at odds with the gentle, typically informal soft landscaped, slope of neighbouring dwellings. The proposed increased height of the front retaining wall would exacerbate this impact and appear out of keeping, in itself. The proposal would be visually conspicuous and demonstrably incongruent when compared to neighbouring dwellings. This impact is exacerbated by the proposed wide double path, as neighbouring properties have narrow single width paths leading to the front access, which are characteristic in the area.
- 6.5 It is therefore considered that the design, siting, and appearance of the development

are such that it results in significant harm to the character and appearance of the site, the street scene, and the area more widely. The development is therefore considered to be unacceptable in the above regards. The character based reason for refusal of the 2022 application has not been overturned.

Traffic and Transportation Issues

- 6.6** Policy DM15 of the Development Management Document states: 'Development will be allowed where this is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner'.
- 6.7** The removal of the highway wall, which is Southern City Council property, is not a planning matter and will be considered under separate legislation. The development would retain pedestrian access to the dwellings.
- 6.8** No information has been submitted with the application to demonstrate how the proposal would address Reason 02 of application 22/02234/FUL. Whilst the application has been amended to include additional soft landscaping and to alter the slope of the land, there remain substantial areas of hard surfacing and furthermore, no construction details and very limited detail of materials have been submitted. The application has failed to demonstrate that surface water run-off from the site would not significantly impact highway safety. The highways based reason for refusal of the 2022 application has not been overturned.
- 6.9** The proposed development is not found to result in any significant parking or highways impacts other than as set out above.

Other Matters

- 6.10** As the development would not involve new floorspace or the creation of a new dwelling (Class C3), it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 6.11** 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 Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 6.12** For the reasons outlined, the proposed development is found to be unacceptable and contrary to 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 refused.

7 Recommendation

7.1 REFUSE PLANNING PERMISSION for the following reason:

- 01** The proposed development by reason of the extent of hardsurface and detailed design, in particular the proposed terracing, would appear prominent and out of keeping with the existing streetscene resulting in a conspicuously incongruent development to the detriment of the character of the application dwellings, the streetscene and the area more widely. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP4 of the Southend-on-Sea Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Plan (2015); and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 02** The application has failed to demonstrate that the proposal as a result of the proposed layout, including the slope of the land, construction details and materials would not result in a significant increase in surface water run-off, which will discharge into the Highway, leading to a significant impact on Highway safety. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policy CP3 of the Southend-on-Sea Strategy (2007); Policy DM15 of the Southend-on-Sea Development Management Plan (2015).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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

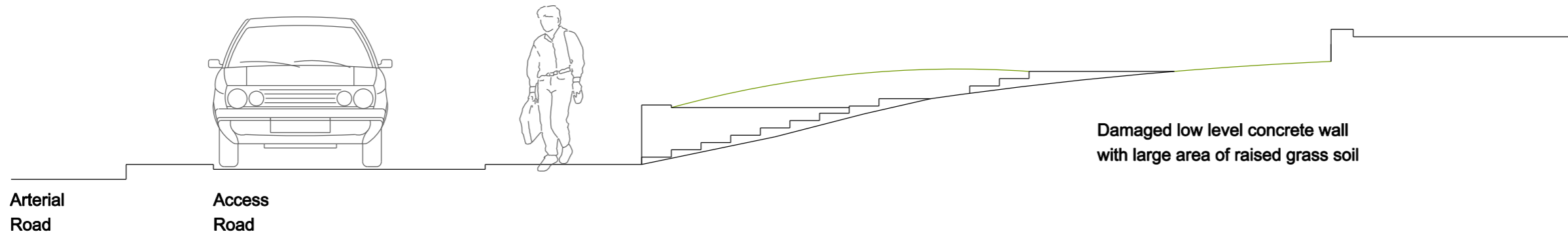
Informatives:

- 1.** 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 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) for further details about CIL.

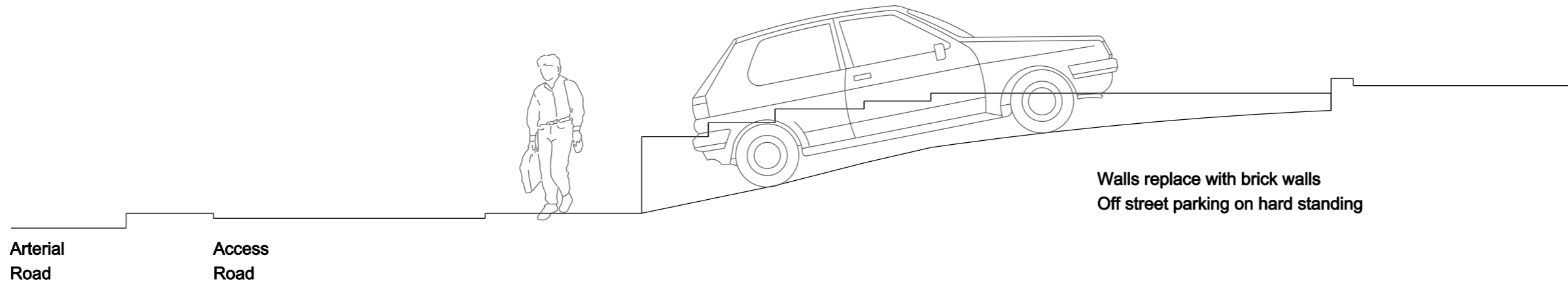
2. The applicant is reminded that the development on site remains unauthorised. Failure to remedy this will result in the Council considering the expediency of enforcement action to seek to remedy the currently identified harm.

Case Officer Signature.....	GF.....	Date	04.10.2023
Senior Officer Signature.....	CG.....	Date	09.10.2023
Delegated Authority Signature.....	PK.....	Date	10.10.2023

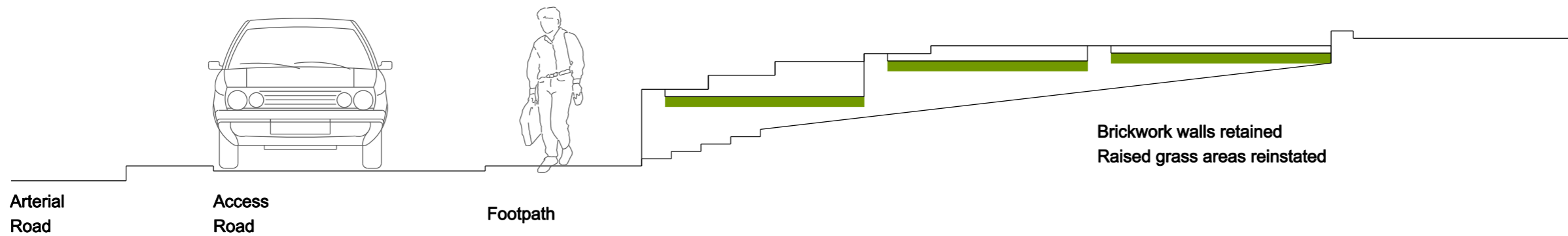
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Existing Front Garden Section



Current Front Garden Section



Proposed Front Garden Section

141

pa design
Independent architectural services
52 Bailey Road | Leigh on Sea | Essex | SS9 3PJ | M:07790 059158

Project: 54 & 56 Arterial Road Leigh on Sea SS9 4DA

Client: Mr F Sencarlo

Drawing title: Proposed Off Street Parking

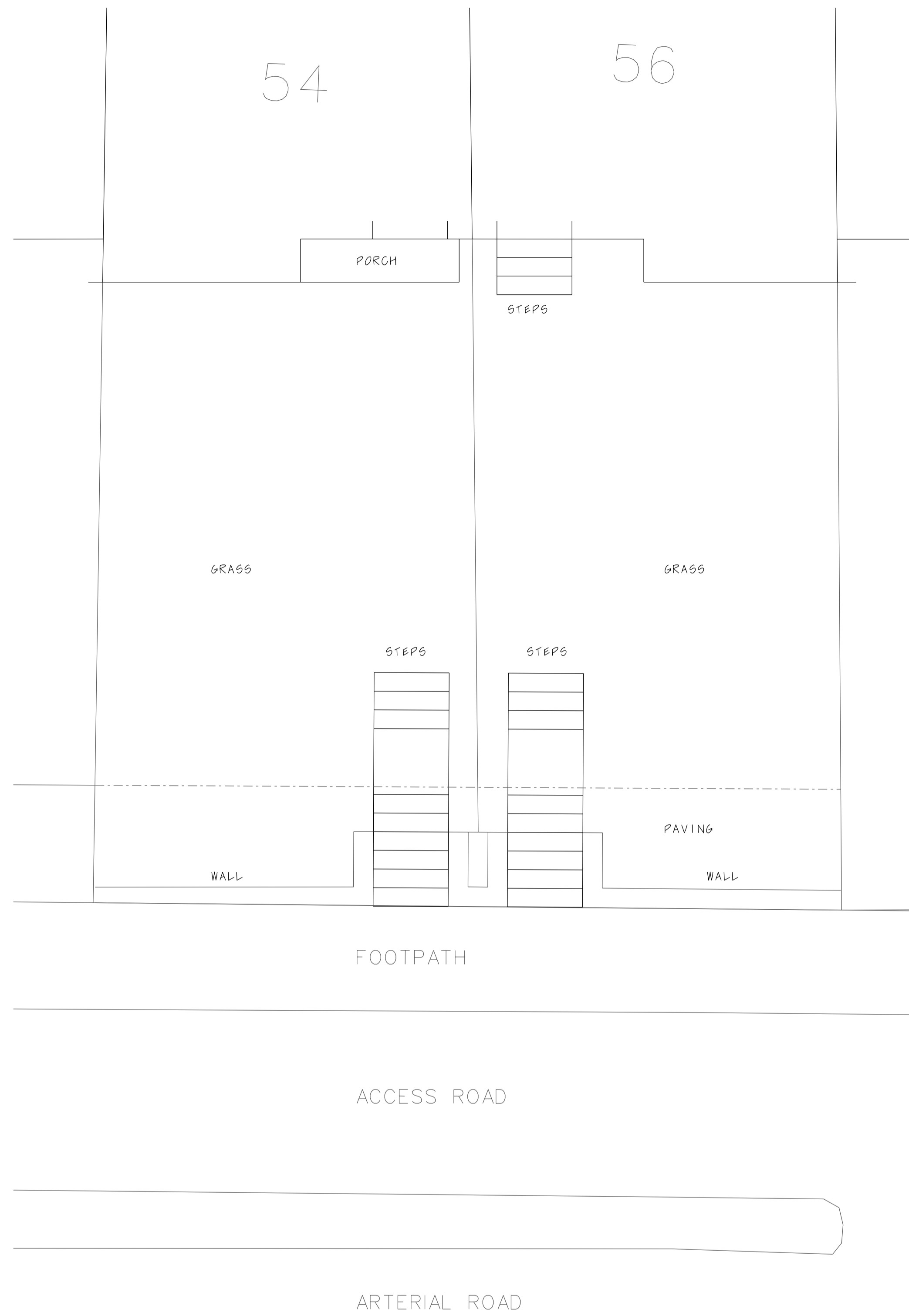
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Project number 21 507 Drawing number P12

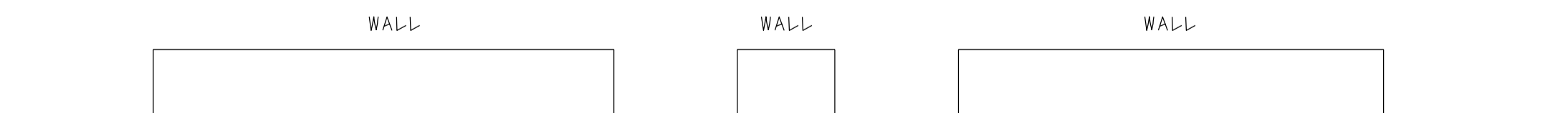
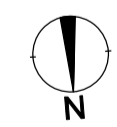
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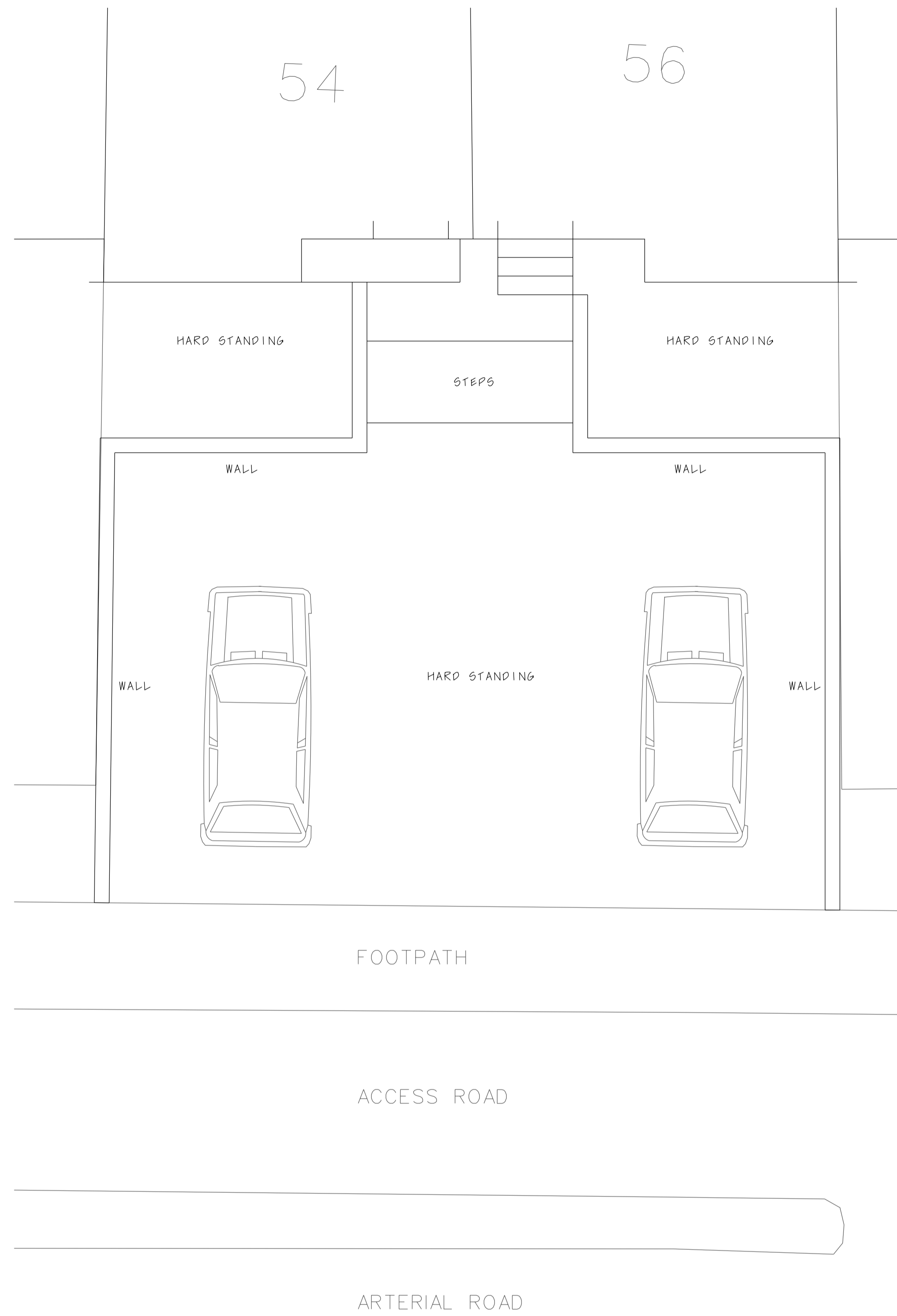
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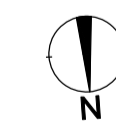
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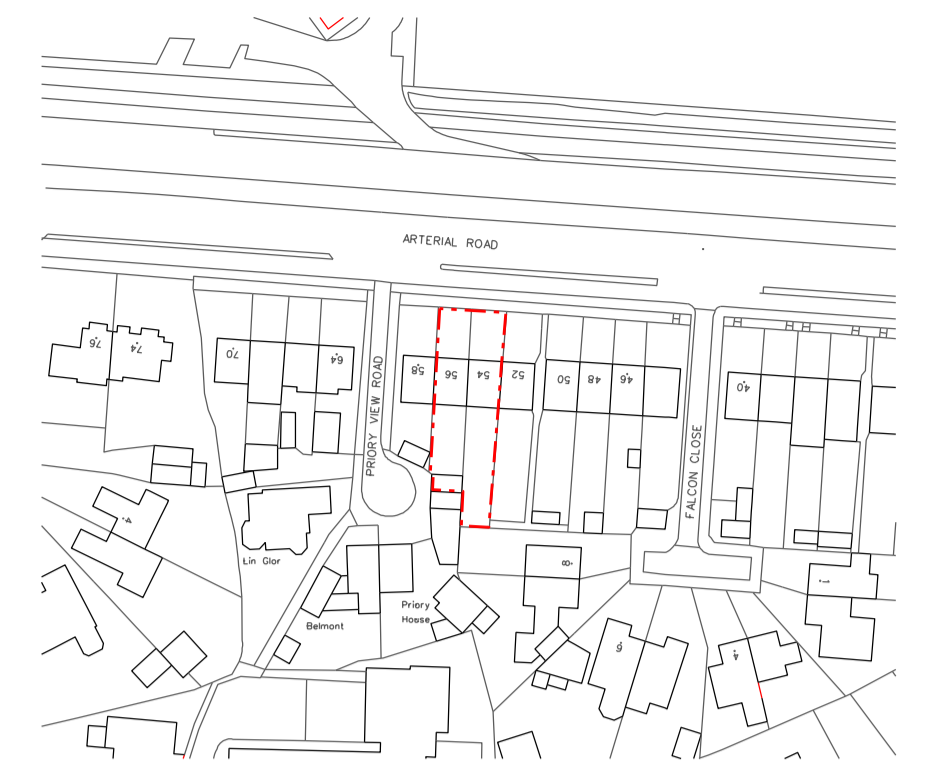
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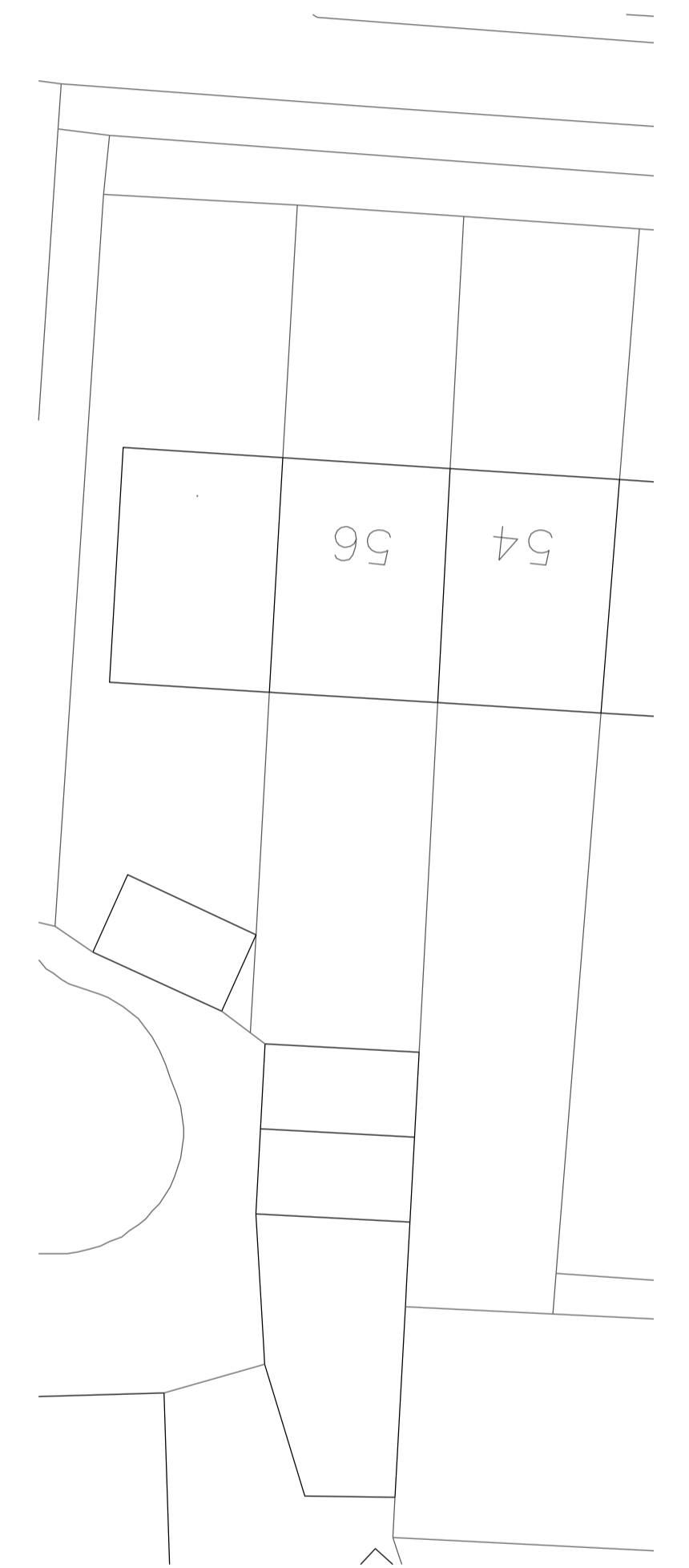
Current as Built Plan 1:100



Proposed Elevation 1:100



1:1250 Location Plan



1:200 Site Plan



pa design

Independent architectural services
52 Bailey Road | Leigh on Sea | Essex | SS9 3PJ | M:07790 069168

Project: 54 & 56 Arterial Road Leigh on Sea SS9 4DA

Client: Mr F Sancarlio

Drawing title: Proposed Off Street Parking

Scale 1: 50@A1 100@A3

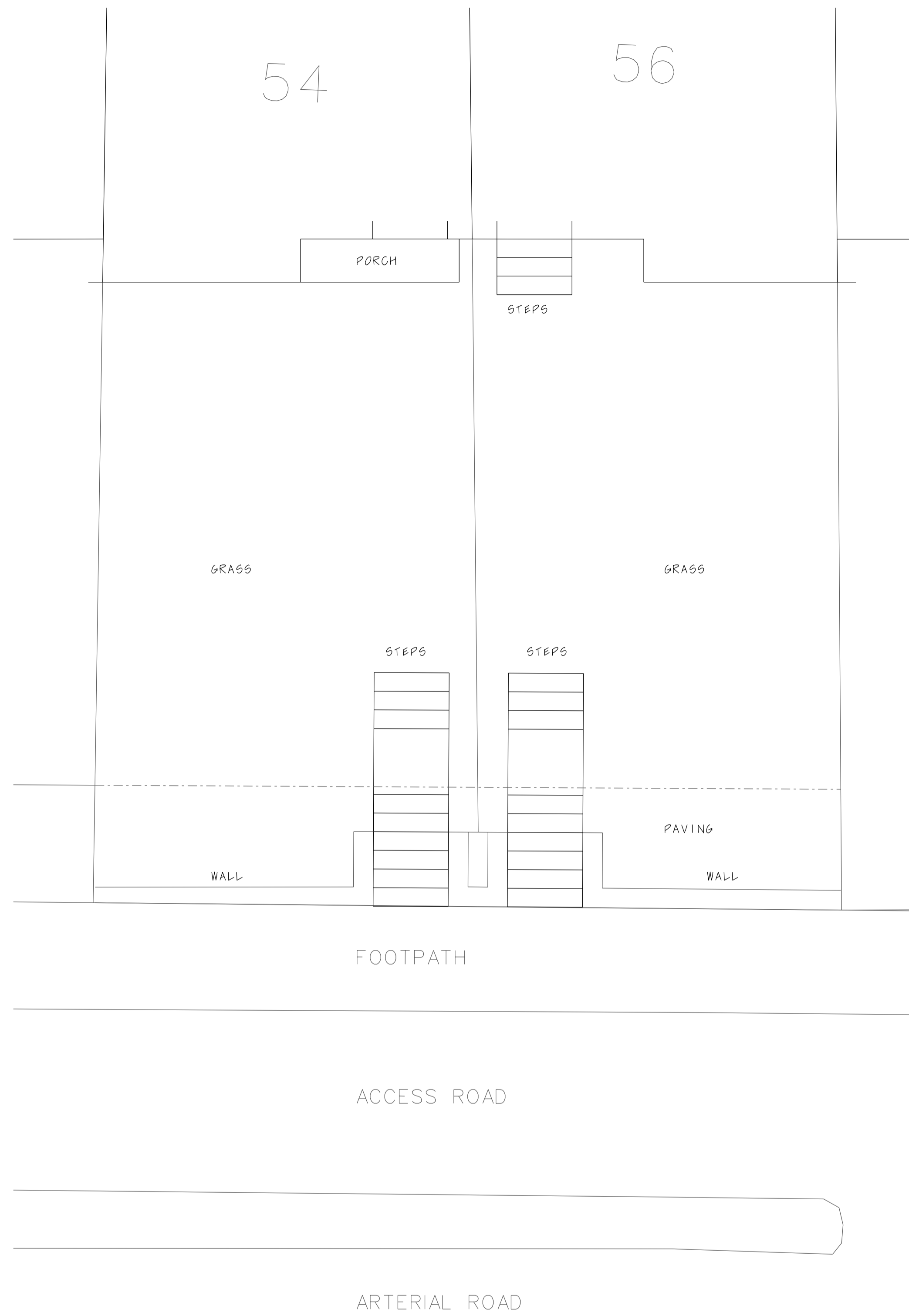
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Project number 21 507 Drawing number P10

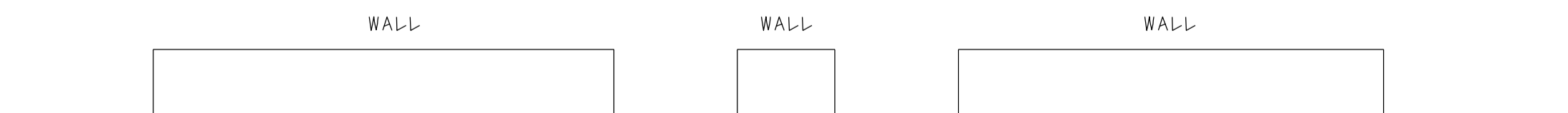
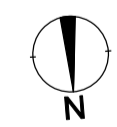
Status: Planning Approval - Joint Application

All dimensions must be checked on site and not scaled from this drawing.

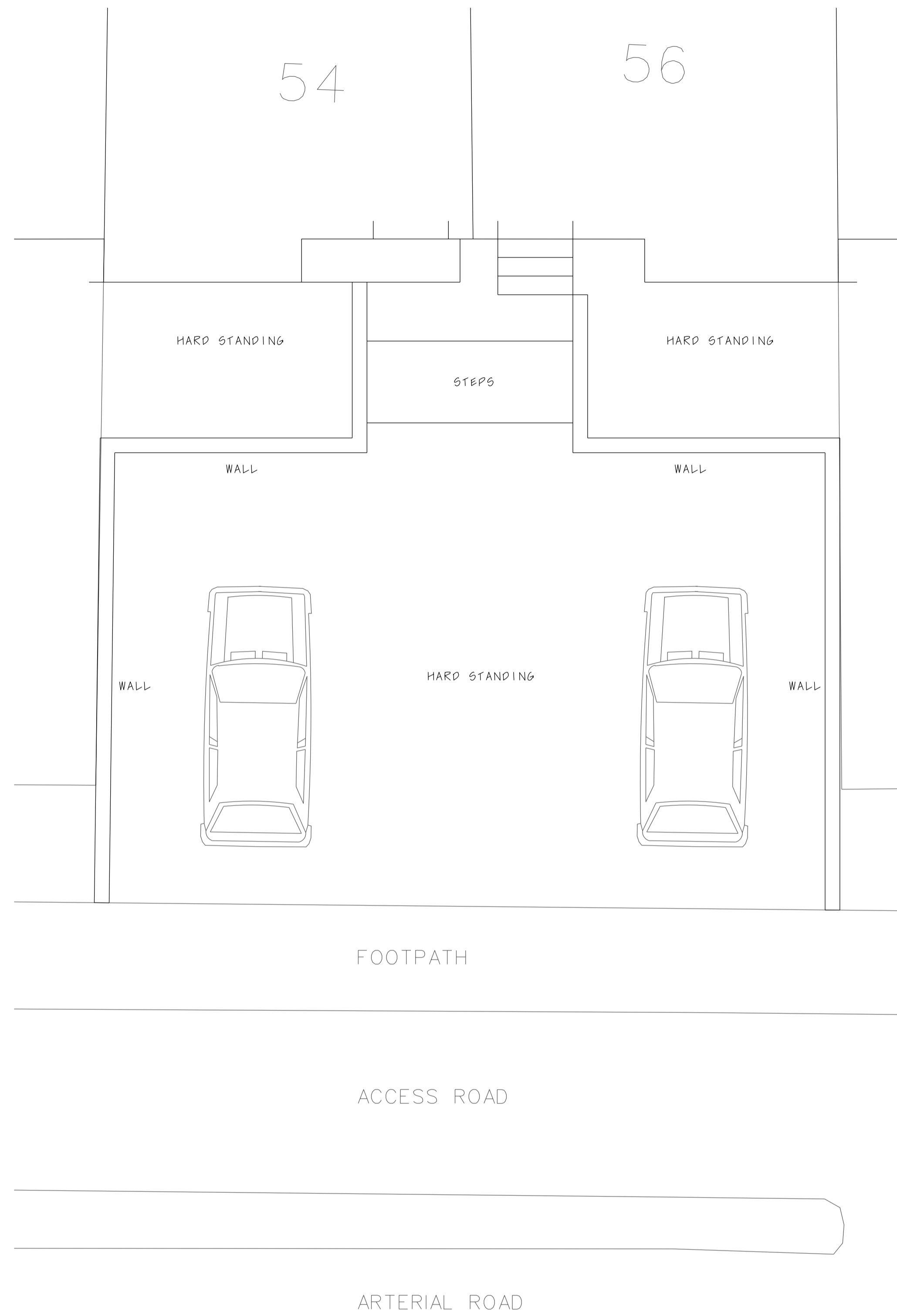
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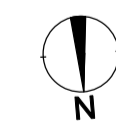
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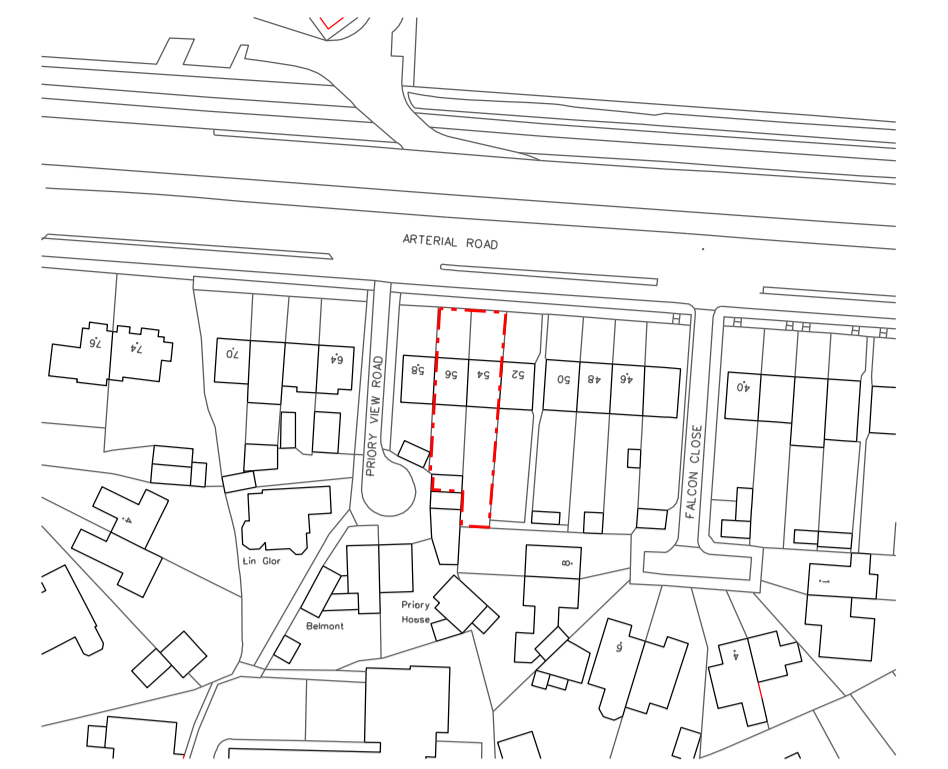
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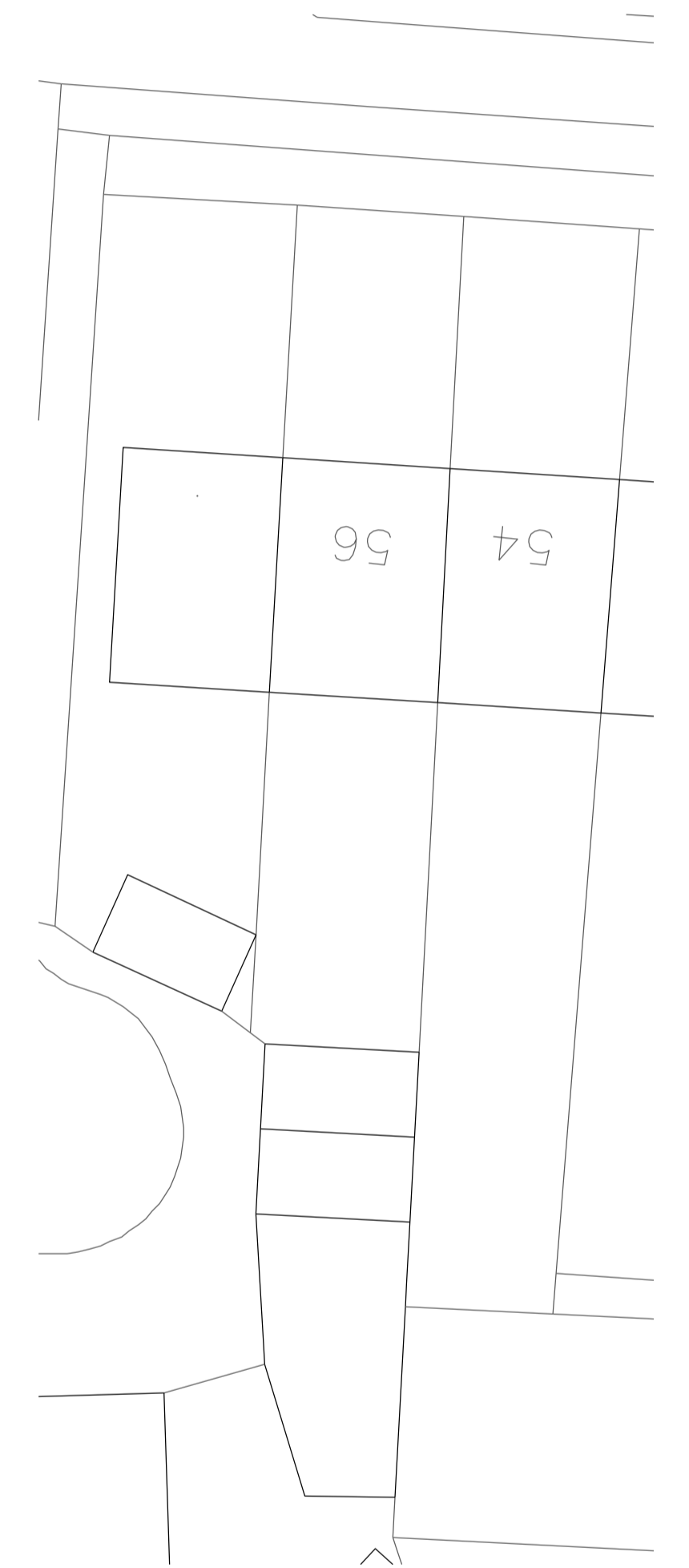
Proposed Plan 1:100



Proposed Elevation 1:100



1:1250 Location Plan



1:200 Site Plan



pa design

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52 Bailey Road | Leigh on Sea | Essex | SS9 3PJ | M:07790 069168

Project: 54 & 56 Arterial Road Leigh on Sea SS9 4DA

Client: Mr F Sancarilo

Drawing title: Proposed Off Street Parking

Scale 1: 50@A1 100@A3

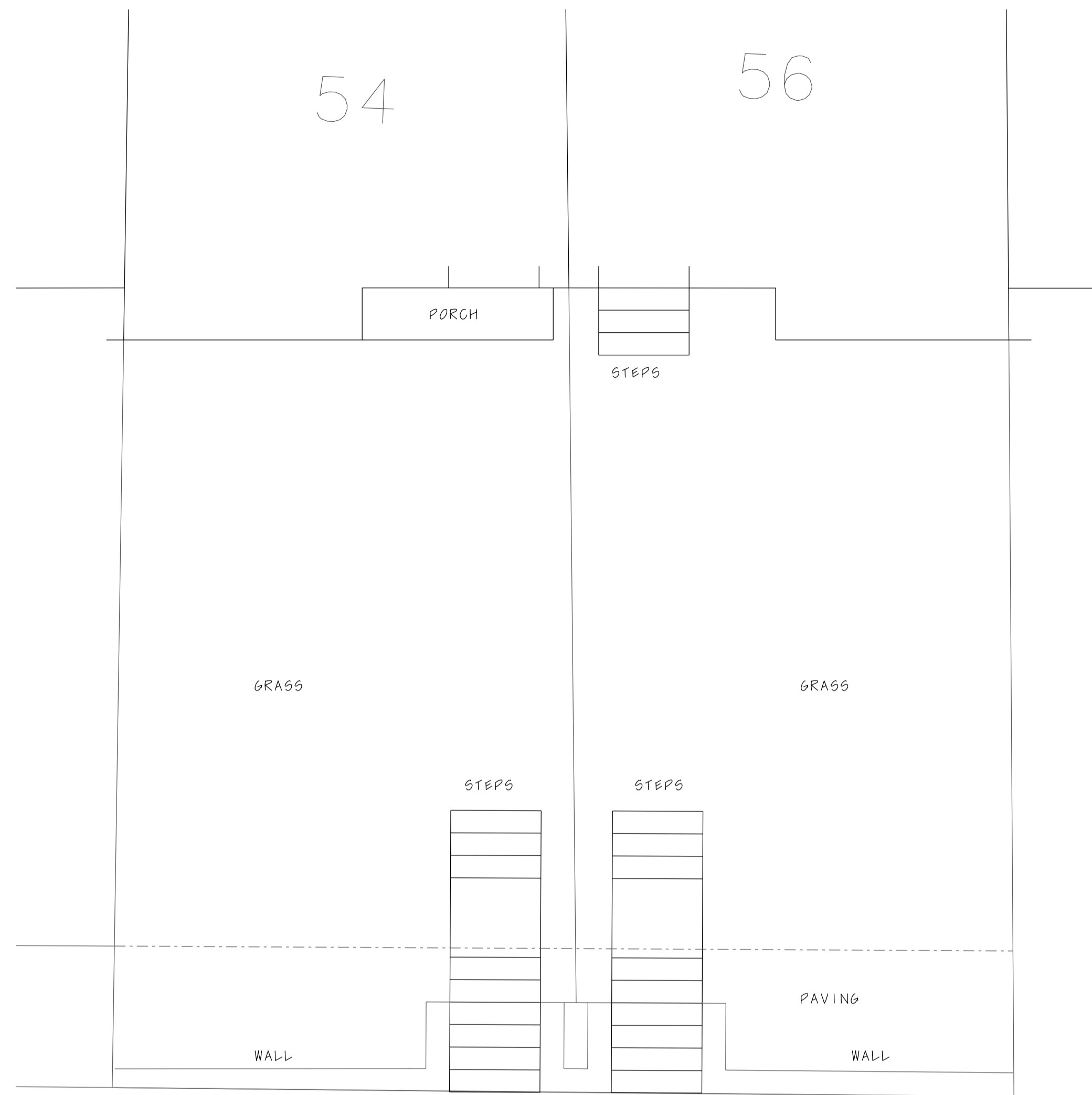
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Project number 21 507 Drawing number P10

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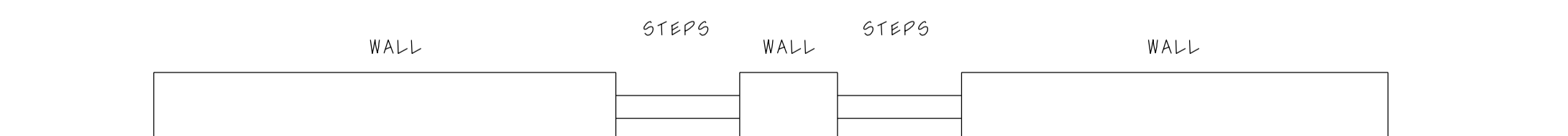
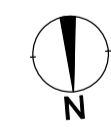
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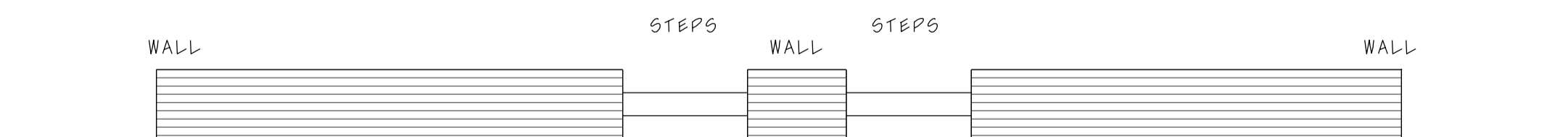
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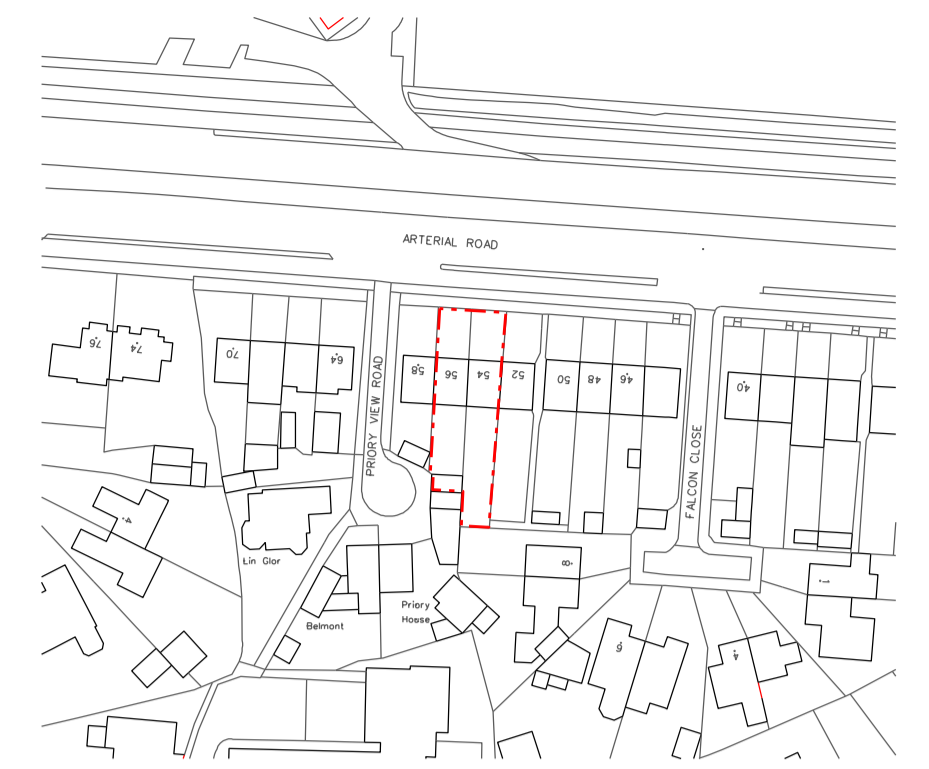
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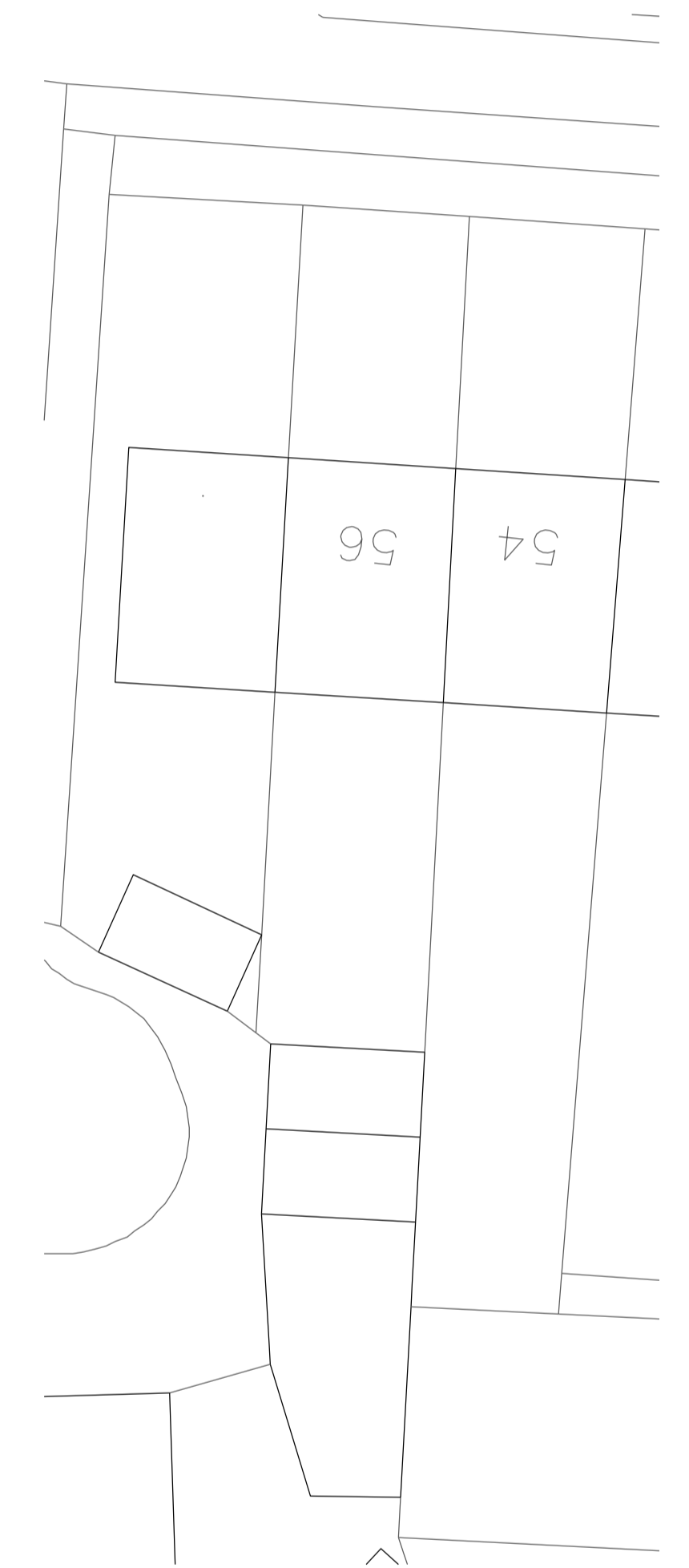
Proposed Plan to be Reinstated 1:100



Proposed Elevation 1:100



1:1250 Location Plan



1:200 Site Plan



pa design

Independent architectural services
52 Bailey Road | Leigh on Sea | Essex | SS9 3PJ | M:07790 069168

Project: 54 & 56 Arterial Road Leigh on Sea SS9 4DA

Client: Mr F Sancarlio

Drawing title: Proposed Off Street Parking

Scale 1: 50@A1 100@A3

Drawn by PSA

Project number 21 507 Drawing number P11

Status: Planning Approval - Joint Application

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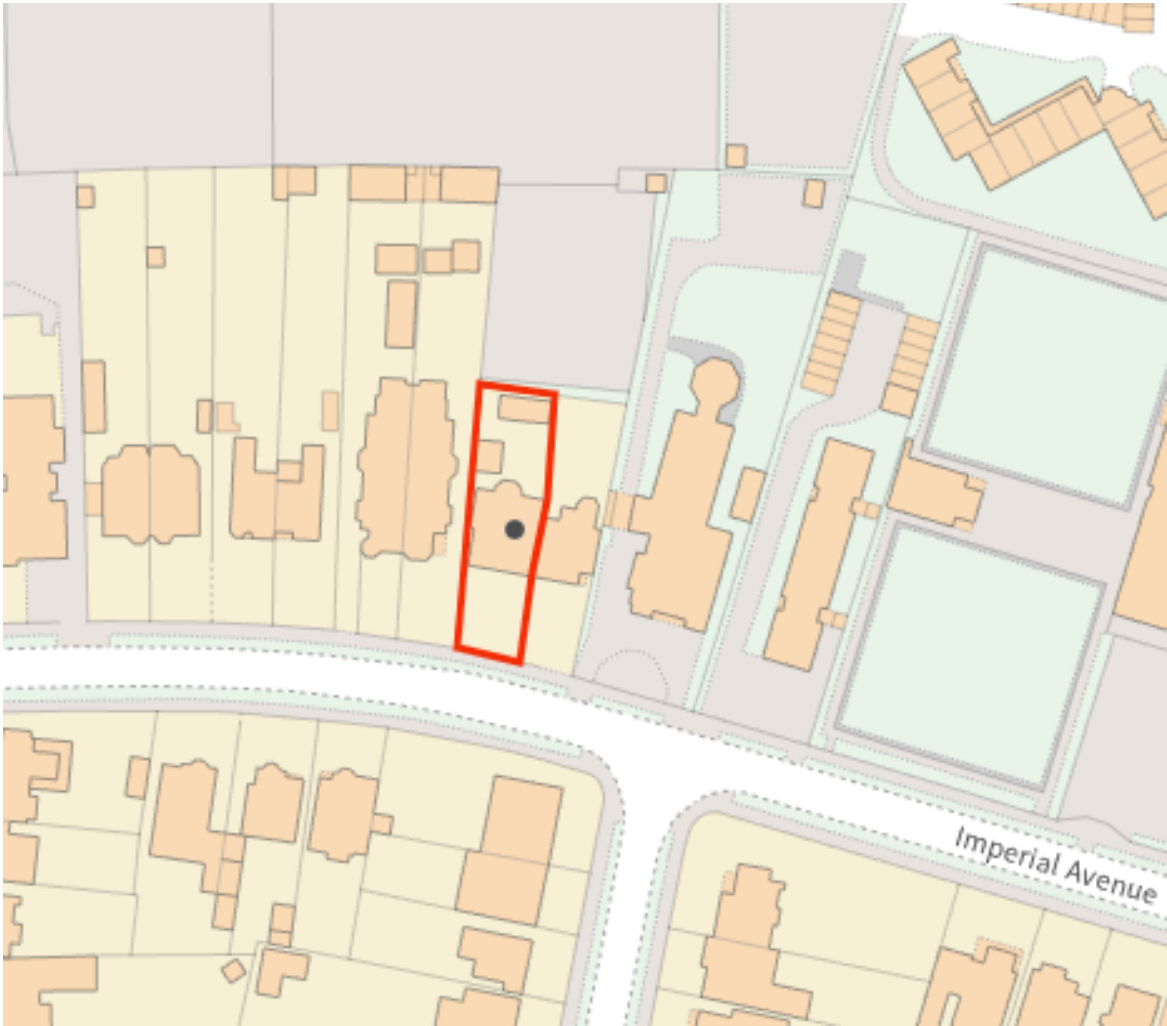








Reference:	22/00326/UNAU_B	<h1>9</h1>
Report Type:	Enforcement	
Ward:	Chalkwell	
Breach of Planning Control:	Erection of fences, sheds, stores and laying out of a hardstanding within the front garden	
Address:	Day Nursery, 43 Imperial Avenue, Westcliff-on-Sea, SS0 8NQ	
Case Opened:	25th November 2022	
Case Officer:	James Benn	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The 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 day nursery at ground floor level and a residential unit at the upper floors. The frontage of the site 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 this planning enforcement investigation. Three sheds were also installed within a secluded part of the frontage.
- 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 Lawful Planning Use

- 2.1 The lawful planning use of the site is mixed consisting of a day nursery at ground floor level considered to be within Use Class E and a dwelling at first floor level within Use Class C3 of the Town and Country Planning (Use Class Order) 1987 (as amended).

3 Relevant Planning History

- 3.1 There is extensive planning history for this site. The most relevant items for the determination of this case are listed below.

Planning Applications:

- 3.2 23/00946/FUL (the "2023 Application"): 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). Refused.

Reason for refusal:

"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)."

- 3.3 22/01619/FUL - Extend existing crossover onto Imperial Avenue – Refused

- 3.4 19/00091/FUL - Erect temporary portacabin to front (retrospective) (Amended Proposal) – Approved – Expired 31.03.2019
- 3.5 18/01583/FUL - Erect temporary portacabin to front (retrospective) (Amended Proposal) – Approved – Expired 31.01.2019
- 3.6 18/00819/FUL - Erect a temporary portacabin to front (retrospective) – Approved – Expired 22.09.2018

Enforcement cases:

- 3.7 18/00095/UNAU_B – Temporary portacabin to front – Temporary Permission Granted – Case Closed
- 3.8 21/00259/UNAU_B - Breach of access arrangements to Day Nursery – Arrangements are permitted development whilst construction is taking place – Case closed

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2023)
- 4.2 Planning Practice Guidance (PPG) (2023)
- 4.3 National Design Guide (NDG) (2021)
- 4.4 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance).
- 4.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land).
- 4.6 The Southend-on-Sea Design and Townscape Guide (2009)

5 The Alleged Planning Breach

- 5.1 This case is presented to the Development Control Committee because it is considered expedient to issue an enforcement notice and this action requires authorisation by the Committee.
- 5.2 The identified breach of planning control is:

The erection of a boundary fence on the western side boundary, fences and associated buggy, waste and other stores within the front garden and the laying out of a hardstanding to the frontage.

- 5.3 The western side boundary fence is some 2m-2.2m high. The fences and associated pushchair and waste stores within the front garden are between some 2.2m-2.5m high, apart from the front sections of the fences nearest the highway which slope down to some 1m-

1.2m high. The area of hardstanding is some 175 sqm.

- 5.4 It is understood from publicly available historic images that the eastern boundary fence which is some 1.8m-2m high was erected sometime between 2014-2017 prior to the development identified above and likely under permitted development.
- 5.5 The 3m high trellis structure erected next to the eastern side boundary is temporary and is associated with the shaping of the plants. As they are part of the soft landscaping, they not considered to be development as set out in Section 55 of the Town and Country Planning Act 1990.

6 Efforts to Resolve the Breach to Date

- 6.1 In November 2022, a complaint was received by the Council alleging that fences had been erected. The owner was advised the development including the fences, together with the hardstanding are unauthorised which resulted in the submission of a part-retrospective planning application for an alternative proposal to remodel the front garden. The 2023 Application (ref. 23/00946/FUL) for the alternative proposal was received by the Local Planning Authority (LPA) on 6th June 2023 and was refused at the Development Control Committee meeting on 18th October 2023.
- 6.2 The development at the site is considered not to be lawful under permitted development rights and in the absence of any planning permission, is considered to be unauthorised. That finding has not been tested by way of any application for a Certificate of Lawful Development and is based on reasonable site inspections undertaken by staff.

7 Appraisal of the Harm Caused

Design and Impact on the Character of the Area

- 7.1 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.
- 7.2 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.
- 7.3 The fences and hardstanding are visible from the public realm. 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. Where they exist, 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 extent, height and layout of the fences and associated pushchair, waste and other stores and sheds within the front

garden of the subject site together with their solid appearance, appears incongruous, stark, and significantly out of keeping with the spacious setting and overall character of the surrounding area. It is considered that they result in significant harm to the character and appearance of the site, the streetscene and the area more widely.

- 7.4 The hardstanding is generally consistent in appearance with some, albeit limited, examples of other such frontages elsewhere in Imperial Avenue. Therefore, no significant harm to the character and appearance of the site and surrounding area has been identified with respect to the hardstanding.
- 7.5 Due to the position of the western side boundary fence set back sufficiently from the public highway, and the soft landscaping to the front section of the western side boundary, it is not considered that this part of the unauthorised development results in any significant harm to the character and appearance of the site and surrounding area.

8 Enforcement and Legal Action

- 8.1 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this case will reasonably aim to secure the removal of the unauthorised fences within the site and the associated pushchair, waste and other stores and sheds in the front garden in their entirety and remove from site all materials resulting from compliance with the requirements of the notice. As an alternative to the removal of the fences the site owner could reduce them to no more than 1m in height to comply with permitted development limitations. It is considered that there are no lesser steps that could reasonably remedy the identified breach or associated harm in this instance.
- 8.2 By not enforcing against the installed hardstanding or the erected western side boundary fence, the LPA is underenforcing. The legal effect of underenforcement is that planning permission is automatically granted for these elements of the development. As discussed in the relevant paragraphs, these elements of the development are not considered to be harmful and there are no conditions that would have to be imposed if planning permission were to be granted. Therefore, the enforcement action does not need to include the hardstanding or the western side boundary fence.
- 8.3 When serving Enforcement Notices 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 compliance with the above requirements.
- 8.4 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to be regularised and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 8.5 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control

land within its area in the public interest.

9 Equality and Diversity Issues

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

10 Recommendation

10.1 AUTHORISE ENFORCEMENT ACTION to:

a) Remove from the site:

- i) The central fencing which runs from the public highway to the nursery front entrance (annotated as Fencing A in Figure 1 below).**
- ii) The central fencing which starts some 5.4m from the public highway and runs to the nursery front entrance (annotated as Fencing B in Figure 1 below).**
- iii) The fencing fronting the public highway set back some 6m from it (annotated as Fencing C in Figure 1 below).**
- iv) The fencing fronting the public highway set back some 5.4m from it (annotated as Fencing D in Figure 1 below).**

OR

b) Reduce the height of the fences stated in step a) above to no more than 1m.

AND

c) Remove from the site the 3no. sheds, pushchair store and bin store (annotated as such in Figure 1 below).

AND

d) Remove from site all materials resulting from compliance with a), b) and c).

10.2 **The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance three (3) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.**



Figure 1: Drawing no. CLA-23260/LP003 (Existing Site Plan) from refused planning application ref. 23/00946/FUL annotated by LPA officers.

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43 IMPERIAL AVENUE, WESTCLIFFE ON SEA

163



**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

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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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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.



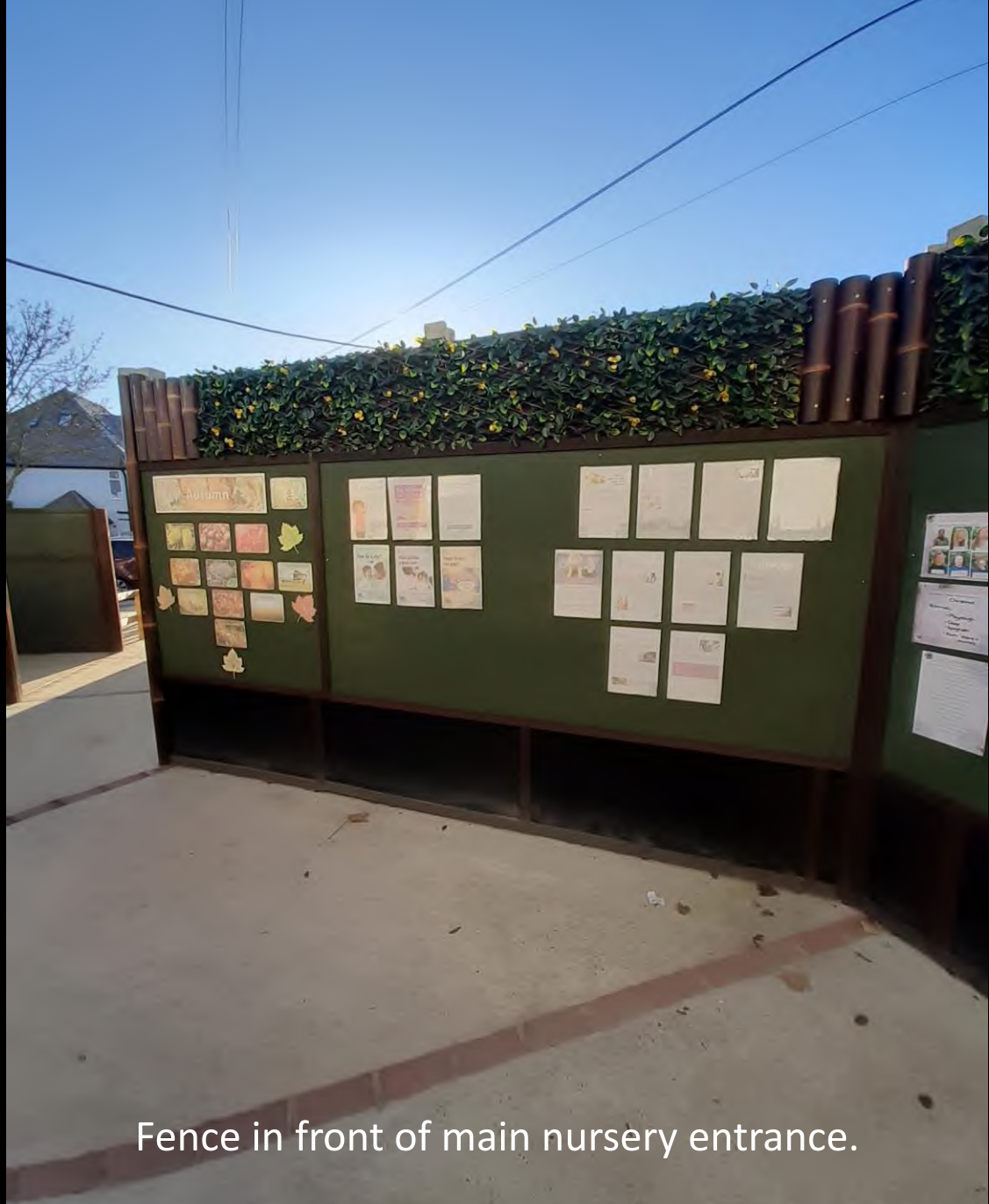
Side boundary fence slightly less than 2m in height. Structures supporting planting 3m high.

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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